ADOPTED

RESOLUTION

RESOLVED, That the American Bar Association urges the Executive Office for Immigration Review (EOIR) to expedite complete implementation of an integrated, system-wide electronic filing and case management system nationwide, with adequate funding from Congress;

FURTHER RESOLVED, That the Association urges Congress and the Department of Justice to create or restore docket management tools – including administrative closure, termination of proceedings, and reasonable continuances – that enable immigration judges to balance the need for prompt adjudications with the rights of respondents to achieve just outcomes. Such tools should be utilized particularly in cases involving vulnerable populations, including unaccompanied children and individuals experiencing mental illness, and otherwise as justice requires;

FURTHER RESOLVED, That the American Bar Association urges EOIR to increase its efforts to hire immigration judges and Board of Immigration Appeals members from diverse professional backgrounds, including practitioners with experience representing non-citizens and individuals reflecting a broad mix of racial, ethnic, gender and gender identity, sexual orientation, disability, religious and geographically diverse backgrounds;

FURTHER RESOLVED, That the American Bar Association urges the Department of Homeland Security to restore the use of prosecutorial discretion by both officers and attorneys to reduce the number of Notices to Appear served on and enforced against noncitizens who should not be priorities for removal, including those who: 1) are prima facie eligible for relief from removal; 2) veterans and members of the U.S. armed forces; 3) long-time lawful permanent residents; 4) minors and elderly individuals; 5) individuals present in the U.S. since childhood; 6) pregnant or nursing women; 7) victims of domestic violence, trafficking, or other serious crimes; 8) individuals who suffer from a serious mental or physical disability; and 9) individuals with serious health conditions; and

FURTHER RESOLVED, That the American Bar Association urges EOIR to amend 8 C.F.R. §1003 subpart G, the Professional Conduct Practitioners--Rules and Procedures, to authorize civil monetary contempt penalties to be imposed by immigration judges against both removal defense and government trial attorneys and establish criteria for when such penalties can be applied.