
AMERICAN BAR ASSOCIATION Administration of U.S. Immigration Laws

Immigrants and lawyers are often frustrated by a system that is at best unhelpful and at worst prejudicial to immigrants' cases. Timely and fair administration of our immigration laws is much more the exception than the rule in today's system. There is wide agreement that our country's immigration laws are extremely complex and have potentially grave consequences for immigrants, refugees, and asylum seekers who make mistakes in attempting to comply with the law. The ABA supports a practical approach to promoting justice and fairness and alleviating some of the most serious problems with immigration processing to ensure that immigrants are able to exercise their legal rights.

- **The ABA supports a transparent, user-friendly, accessible, fair, and efficient system for administering U.S. immigration laws**
 - Agencies responsible for administering immigration laws should have sufficient resources to carry out its functions in a timely manner
 - Agencies should take steps to reduce and/or eliminate backlogs to prevent delays in the processing of applications; time limits should be established for final adjudication of certain types of applications
- **The ABA supports the development of efficient interagency procedures**
 - The means for addressing and resolving issues that require action by more than one federal agency should be clearly identified
- **The ABA supports vigilant enforcement against the unauthorized practice of law and ineffective assistance of counsel in immigration matters**
 - Mechanisms should be developed to ensure that the substantive and procedural rights of applicants for immigration relief or benefits who have been victimized by the unauthorized practice of law or ineffective assistance of counsel are not prejudiced
- **The ABA supports free availability of user-friendly legal resources for participants in immigration matters**
 - There should be self-help assistance centers in all facilities where immigration matters are processed or adjudicated, since many immigrants cannot afford legal representation
- **The ABA supports adoption of reasonable discovery procedures for immigration proceedings**
- **The ABA supports the development of a standardized, efficient process for the timely handling of Freedom of Information Act requests for immigration matters**
 - The process should ensure compliance with statutory deadlines
- **The ABA supports appointment of Immigration Judges pursuant to the Administrative Procedure Act**
- **The ABA supports improvements to the naturalization process to:**
 - achieve a six-month processing goal
 - improve quality control in completing required criminal record checks and tests
 - provide reasonable accommodations for those with mental and physical disabilities
- **The ABA supports legislation to improve administration of the labor certification program**
 - The Department of Labor should not rely on inadequate, unrealistic, and/or erroneous procedures in adjudicating labor certification cases