



**U.S. Department of Justice**  
Executive Office for Immigration Review  
*Office of the Chief Immigration Judge*

---

5107 Leesburg Pike, Suite 2400  
Falls Church, Virginia 22041

April 17, 2001

The Editor, *Los Angeles Times*  
202 1<sup>st</sup> Street  
Los Angeles, CA 90012

By Fax to (213) 237-7679

Dear Editor:

The feature articles on "Seeking Asylum," written by staff writer Lisa Getter and published on April 15, repeat a familiar but one-sided criticism of immigration judges whose decisions don't always match the wishes of individuals and groups whose mission is to win relief for their clients. I understand that the articles are "analysis," not *news*, but they did not mention that, during the 6-year period covered by the Times' analysis, immigration judges granted asylum to nearly 38,000 individuals and their so-called "grant rate" in asylum cases increased from 19.1 percent in 1995 to 36.5 percent in 2000. During that same period, we also have worked hard to address the kinds of problems Getter highlights, including the lack of adequate *pro bono* representation for respondents in proceedings.

Yes, there are differences among the judges but we take pride in our diversity and individuality. It's deliberate that we don't all think alike; I want our judges to reflect the broad, diverse cross-section of our society. But we are alike in our adherence to the uniform standard of asylum eligibility in deciding whether individuals have a "well-founded fear of persecution." And we give all asylum seekers, regardless of nationality or background, an equal opportunity to make their claims in a system that provides ample due process, including rights to appeal from the immigration court and the Board of Immigration Appeals all the way to the Supreme Court. Incidentally, I strongly disagree with Getter's innuendo that the appeals process is unfair. I would argue that the 3-percent reversal of decisions by the Board of Immigration Appeals is an indication that most immigration judges' decisions are correct.

Getter also asserts incorrectly that "Immigration judges work in relative obscurity with little oversight [and] are not subject to a written code of conduct" and that "There are no written standards for becoming an immigration judge." First, all immigration judges must comply with the standards of conduct and ethics spelled out in Title 5, Part 3801, of the Code of Federal Regulations. They are the same rules governing all Department of Justice attorneys, subject to oversight and enforcement by the Department's Office of Professional Responsibility (OPR).

—more—

Second, immigration judges go through a competitive hiring process which demands that they meet certain qualifications. We select the most qualified applicants, based on their experience as attorneys and their understanding of the law. Once hired, they must complete a training program on the proper conduct of court proceedings, including issues of human relations and cultural sensitivity. Additionally, all immigration judges attend an annual conference for continuing judicial education. The conference always covers issues relevant to asylum, such as cultural and ethnic diversity and other topics to make us more aware of cultural and societal differences in the people who appear before us.

As for her reference to the “relative obscurity” of immigration judges, Getter seems to imply that they operate in secret to avoid public scrutiny. She’s writing about asylum cases, whose hearings and records are closed to protect the applicants’ right to confidentiality. The applicant can waive that right and open the hearings and the records, as more than one did to allow Getter to report on their cases. The same right to confidentiality is given to individuals who file complaints against immigration judges and other public officials. The complainants, not OPR or EOIR, control access to the records of their complaints and the resulting investigations.

These are simply a few factual corrections, however, and do little to counter the unfair, negative portrayal of a large group of professionals whose primary job is to provide due process to individuals who are subject to immigration law enforcement. In some ways, the roles of the media and the courts are similar in their respective efforts to provide a fair analysis of facts in pursuit of the truth. It is unfortunate that, in these articles, Lisa Getter and the *Los Angeles Times* tried to represent the truth with only a one-sided analysis of the facts and a selective and minuscule sampling of actual cases.

Sincerely,

[signed]

Michael J. Creppy  
Chief Immigration Judge