

7-27-2018

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Awa C. Diawara

Walden University, awacdiawara@hotmail.com

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Recommended Citation

Diawara, Awa C., "Immigration Attorneys' Perceptions and Attitudes about Delays in Removal Proceedings Hearings" (2018). *2018 Program & Posters*. 25.

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Immigration Attorneys' Perceptions and Attitudes about Delays in Removal Proceedings Hearings

Awa C. Diawara, Ph.D.

Problem

The problem investigated in this study is the myriad of backlogged cases that immigration courts in the United States (U.S.) need to adjudicate.

Participants shared that due to the overwhelming number of undocumented immigrants, government agencies are overburdened with identifying, vetting, and processing deportations, putting a strain on the resources allocated.

The participants expressed genuine concern for the well-being of their clients and often discussed the ways in which they sought to help their clients.

Purpose

The purpose of this qualitative case study was to explore the perceptions and attitudes of 10 immigration attorneys concerning hearing delays of removal proceedings for undocumented immigrants.

Significance

With the **significant lack of immigration judges** to hear cases, staffing and funding for the immigration courts themselves, in addition to the added issue of postponement of removal proceedings, immigration courts have become **one of the most backlogged and reportedly broken systems in U.S. history** (Sol, 2016; TRAC, 2015a).

There is a gap in the literature that focuses on immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas and this study addressed that gap.

Findings may be used by immigration policymakers to better understand removal proceeding hearings backlogs and possible ways to alleviate the stalemate that permeates immigration courts.

Social Change Implications

The implications for positive social change would address the following:

- Immigrants must negotiate complex political issues as they seek to define their legal status in the United States.
- Participants shared that U.S. policy makes it difficult for undocumented immigrants to navigate in workplaces and schools, obtain basic documentations such as state issued identification (ID), driver license, or vehicle registration, despite laws necessitating these documents to function in U.S. society.

Theory or Framework

Transformation of governance theory (Kettl, 2015) provided a lens to analyze the means that attorneys need to optimize their practices and resolve the delays issues.

Deficiencies in the service delivery are due to lack of coordination, accountability, responsibility and oversight.

Participants

The participants were 10 immigration attorneys practicing in the Houston area.

Procedures

A purposeful and snowball sampling was used.

Data were collected through semi-structured interviews.

Observation of the deportation hearings and court documents were also utilized to collect data.

Supervisory Committee

Dr. Heather MBaye, Chairperson
Dr. Morris Bidjerano, Member
Dr. George Klay Kieh, Jr.,
University Research Reviewer

Research Question

Central Research Question

What are the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in the Houston Immigration Court of Texas?

Three sub-questions

- How do immigration attorneys perceive the effects of delays on the welfare of immigrant clients?
- How do immigration attorneys perceive the effects of delays on client-attorney relationships?
- What are the perceptions of immigration attorneys about potential solutions to the delay crisis?

Relevant Scholarship

Immigration policy issues have been studied from different angles, including deficiencies in immigration laws and policies (Rodriguez, 2013a) and the psychological trauma of deportation on immigrants and their loved ones (Cervantes, Mejia, & Mena, 2010; Brabeck & Xu, 2010).

Caseloads are increasing as there is a huge influx of refugees from El Salvador, Honduras, and Guatemala, which includes many mothers traveling with young children, and they are assigned high priority for court scheduling (Sol, 2016).

Analysis

Data were analyzed using the open coding technique.

Findings

Legal representation was challenging for undocumented immigrants as the lack of proper documents often dissuaded immigrants from seeking legal guidance and they experienced challenges in navigating workplaces, schools, and society.

Inadequacies in immigration courts and the **need for more funding** and resources such as judges, staff training, online application submission system, and judicial system restructuring.

Interpretation

Findings supports **previous research findings in the literature**, such as findings from Sol (2016) who explained that caseloads are increasing due to a huge influx of refugees.

In addition, findings are consistent with the literature pertaining to many **immigrant cases taking years to resolve** (GAO, 2017; TRAC, 2017).

Furthermore, the case study findings are consistent with the findings from Grewcok (2011) and Cervantes et al. (2013) pertaining to the hardship and psychological trauma that undocumented immigrants face while battling deportation in court.

Limitations

Although the findings from this case study cannot be generalizable, they could have **implications for other situations based on analytical claims**.

Due to small sample size of immigration attorneys, **future study could expand the sample** across cities and states to achieve a broader understanding of immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings experiences

Recommendations

Future research could focus on obtaining the perception of other stakeholders about delays in removal proceeding hearings, such as DHS officials including ICE officers and USCIS officials. Future studies could examine and explore the effectiveness of the GAO's (2017) recommendation.

Additional research could review the lack of coordination between federal agencies involved in the removal proceedings process such as between the immigration court and the USCIS, inadequate staffing, and an outdated filing system.