

Equal Justice for Immigrants Act

Congressman Anthony G. Brown

The intent of this bill is to increase legal representation for certain aliens and asylum seekers.

SECTION BY SECTION:

Section 1. Short Title

Section 2. Vulnerable Populations Defined

- This section defines what aliens are part of a “vulnerable population.”
- This provision ensures that members of vulnerable populations are afforded fair and proper legal representation.
- “Vulnerable Populations” are defined as:
 1. An asylum seeker or victim of torture or trafficking;
 2. Has special religious, cultural, or spiritual considerations;
 3. Is pregnant or nursing;
 4. Is under 21 or older than 60;
 5. Identifies as gay, lesbian, bisexual, transgender, or intersex;
 6. Has a mental disorder or physical disability;
 7. Are incapable of filling out forms in English; or
 8. Has been determined by an immigration judge or Secretary to be experiencing severe trauma or a survivor of torture or gender-based violence.

Title I- Amendments to the Immigration and Nationality Act

Section 101. Migrant Protection Protocols

- (a) Permits aliens entering or seeking admission to the U.S. from a contiguous territory to stay inside the U.S. for the duration of the immigration proceedings, unless there is affirmative consent from the alien that they want to return to their home country.
- (b) The number of interviews “vulnerable population” applicants must undergo before being approved for admission as a refugee shall not be overly burdensome.
- (c) Adds to the definition of an asylum officer to mandate that the officer must be an employee of the U.S. Citizenship and Immigration Services.
 - This provision ensures that only properly trained employees at USCIS are administering credible fear interviews; not Customs and Border protection agents.

Title II- Immigration Proceedings

Section 201. Immigration Judge Requirements

- The Attorney General may not require an immigration judge to adhere to a case production quota or any other time-based metric.

- The Attorney General may not evaluate the performance of an immigration judge using any quota or time-based metric.

Section 202. Representation

- Eliminates the “no expense to the government” provision in The Immigration and Nationality Act and amends it so that any alien who cannot afford a lawyer has the right to counsel.
 - This includes unaccompanied alien children, an alien who is an individual with a disability, and all indigent aliens.
- No alien shall be deported before their court date.

Title III- Judicial Review

Section 301. Extension on Petition for Review

- Provides the petitioner 60 days for filing a petition for review, with the possibility of a 30-day extension if the petitioner can show good cause or excusable neglect.
- If a case is still pending, even if the review order of removal has been issued, the alien shall not be removed until the case is adjudicated.

Section 302. Notice of Opportunity to Appeal

- (a) No later than 30 days after the Board of Immigration Appeals affirms an order of removal, the Attorney General must provide written notice of the right to appeal to the immigrant specifying the deadline for seeking judicial review and the appropriate court of appeals.
- (b) Subsection (a) must take effect 120 days after the enactment of this Act.

Title IV- Miscellaneous

Section 401. Video Conference Technology

- No later than 120 days after the enactment of this Act, the Attorney General, acting through the Director of the Executive Office for Immigration Review, must submit to Congress a report of the effect of video conference hearings and the outcomes of these hearings.

Section 402. Authorization of Appropriations

- The Executive Office of Immigration Review will be funded at \$726,200,000 for fiscal years 2020 through 2021.