

Rep. Myrick's
NC Immigration
Court Request
Letters Sent to
DOJ and DOJ's
Responses

SUE MYRICK

9TH DISTRICT, NORTH CAROLINA

COMMITTEES:
ENERGY AND COMMERCE

SUBCOMMITTEES ON:
HEALTH

COMMERCE, TRADE, AND CONSUMER PROTECTION
ENVIRONMENT AND HAZARDOUS MATERIALS

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Congress of the United States
House of Representatives

Washington, DC 20515

November 1, 2005

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Kevin D. Rooney
Director
Office of the Director
Executive Office of Immigration Review
United States Department of Justice
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

Dear Director Rooney:

Thank you for all the effort you are putting into the Executive Office of Immigration Review (EOIR) at the U.S. Department of Justice.

My concerns are critical. I'm making you aware so that you can do some checking to see if our requests can be granted.

First, I am requesting that the North Carolina Office of Detention and Removal Operations (DRO) be given autonomous decision making authority without the interference of management in Atlanta. The current management structure is outdated and does not serve the Department's customers or the citizens of North Carolina. To alleviate this dire situation, the Charlotte DRO office needs to be granted full independence in making its own management and personnel decisions. According to the U.S. Department of Homeland Security (DHS), the immigration-related activities within the EOIR affect this decision. I welcome your assistance in seeing this comes to fruition.

As you know, the Pew Hispanic Center's *Estimates of the Size and Characteristics of the Undocumented Population* report ranks North Carolina as having the eighth largest estimated population of illegal aliens in the nation; an estimated 300,000. Since the mid-1990's, the most rapid growth in the number of illegal aliens has been in states, like North Carolina, that previously had relatively small foreign-born populations. The foreign-born population, both legal and illegal, is now less concentrated than it was before the population increases of the 1990's. North Carolina is bearing the brunt of this rapid influx and changes in population patterns. In fact, we have the fastest growing illegal alien population of any state. The current management structure at the DRO does not reflect these realities.

The pressures exerted by immigrant population increases will worsen as the birth rate among immigrant mothers continues to increase. The Center for Immigration Studies' *Births to Immigrants in America, 1970 to 2002* report notes that from 1990 to 2002, births among immigrant mothers in North Carolina increased 318%. The strain this puts on North Carolina is exacerbated by the DRO's outdated management structure.

My concern is that the current methods used to allocate Department of Homeland Security and DRO resources are not compatible with today's realities. DRO's current management structure does not reflect the changes in population trends, workloads and enforcement assessments. The Atlanta Special Agent in Charge (SAC) Office's negligent management of district resources and irresponsible oversight of North Carolina operations are hampering the abilities of the DHS and DRO to fulfill their vital missions. Every time Congress appropriates money to help North Carolina, the Atlanta office keeps it.

Five years ago, before we reached critical mass, I led a community effort for more help in North Carolina. It was rejected by the Atlanta office.

This is a turf battle situation. Atlanta is afraid they will lose control. They have told us we have more illegal aliens than Georgia, yet they keep the resources in Atlanta.

Second, I ask for your full support in petitioning the Attorney General to have an immigration court and accompanying staff based in Charlotte, North Carolina. Currently, there is no immigration court between Atlanta and Arlington, Virginia. The alien population in North Carolina is rapidly increasing and so are the immigration court cases originating from the state. Right now, thousands of Notice to Appear (NTAs) are filed in Atlanta for aliens from North Carolina. It is estimated that at least 40% of the immigration cases heard in Atlanta are from North Carolina. As a general rule, the NTA is filed and the immigration proceedings take place in the area in which the alien is, or will be, living. Clearly, this is not the case for aliens in North Carolina as they are required to travel to Atlanta.

A Charlotte immigration court will eliminate the distance, logistical, cost and other encumbrances affecting DHS personnel and aliens who must travel to Atlanta for immigration proceedings. Due to these difficulties many aliens simply do not show up for their proceedings in Atlanta. This does not serve the aliens seeking assistance nor the taxpayers demanding enforcement. Additionally, reducing the costs of traveling to Atlanta, a local immigration court in Charlotte will result in few in absentia (no show order of removals) because it will be easier for aliens to attend the proceedings.

The placement of this court will also improve the effectiveness and efficiency of illegal immigration enforcement. The close proximity of the court to immigration enforcement, detention facilities and aliens will allow the deportation process to operate in a quicker, more cost – effective manner. The court would include ICE attorneys who could advise enforcement and investigative agents. It would also save the federal government money through the elimination of transportation costs and unnecessary labor hours used to transfer agents and aliens to a proceeding in Atlanta.

We already have the office space available for the court. It makes no sense that precious time and resources are wasted by requiring legal immigrants, illegal aliens, and DHS personnel to travel all the way to Atlanta for services that could be more efficiently provided in North Carolina. Due to these burdens, the hearings never happen, and the illegal aliens know this.

Third, I am asking that a federal immigration detention center be located in the area of Charlotte. I understand that money has been appropriated for additional detention beds. A new facility is needed in North Carolina, not in Atlanta. Currently, we pay over \$7,000 a night to house illegal aliens in Mecklenburg County alone. This cost is outrageous when you multiply that cost across all of the State and local facilities across the state. The federal government would save money by locating a facility in North Carolina. We need to put the detention facilities where the illegal aliens are. This is in North Carolina, not in Atlanta. Again, the current allocation of detention facilities is wasting money and must be changed. DHS says that access to immigration resources from ICE and EOIR are among the factors considered in placing detention facilities.

I look forward to working with you to solve these vexing problems so that we can provide the best level of service to your customers and the citizens of North Carolina. I hope you can see the soundness of my requests and not allow bureaucratic turf protection to once again rule the day. If you have any questions or requests, please feel free to contact me or my staffer, James Person, at (202) 225-1976.

Sincerely,

Sue Myrick
Member of Congress



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 29, 2005

RECEIVED

JAN 10 2006

Rep. Sue Myrick

The Honorable Sue Myrick
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Myrick:

This is in response to your letter of November 1, 2005, requesting the establishment of an immigration court in Charlotte, North Carolina, and assistance with the detention operations of the Department of Homeland Security (DHS).

Although the number of removal proceedings involving aliens from North Carolina has increased during recent years, other cities without immigration courts currently have larger caseloads. As limited resources become available, the Executive Office for Immigration Review (EOIR) allocates funding to those areas with the most cases. Please be assured that we will continue to evaluate the North Carolina caseload to determine whether an immigration court is needed in Charlotte sometime in the future.

With respect to the detention operations of DHS, EOIR works closely with DHS to ensure the most efficient possible arrangements for conducting proceedings with detained aliens. Beyond that, DHS controls detention issues and is the appropriate point of contact to address your concerns.

We hope this information is helpful to you. If we may be of further assistance on this or any other matter, please do not hesitate to contact this office.

Sincerely,

William E. Moschella
Assistant Attorney General

SUE MYRICK
9TH DISTRICT, NORTH CAROLINA

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January 26, 2006

William E. Moschella
Assistant Attorney General
United States Department of Justice
Office of Legislative Affairs
950 Pennsylvania Avenue, NW
Room 1145
Washington, DC 20530

Dear Assistant Attorney General Moschella:

Thank you for your response to the letter I sent to Director Kevin Rooney in the Executive Office for Immigration Review (EOIR).

As you may remember, my previous letter requested Director Rooney's support to petition the Attorney General to establish an immigration court based in Charlotte, North Carolina. Your letter stated that priority of EOIR resources is given to areas with the greatest number of cases. While I understand the reasoning behind the allocation of resources in this manner, it is my belief that distributing resources in this manner is both shortsighted and inconsistent with published EOIR strategic plans.

Objective 1.2 of the September, 2004 *EOIR Strategic Plan for Fiscal Years 2005-2010* calls for implementing improved caseload management practices. The *Strategic Plan* states that "EOIR's caseload has changed significantly over the past several years" and "EOIR will consider these changes in workload, establish better methods to project future workload, and adjust resources accordingly". One strategy listed to achieve Objective 1.2 is "In conjunction with the Department of Homeland Security (DHS), develop models to improve predictions of immigration court workload so that EOIR can make appropriate budget requests. The volume, nature, and geographic concentration of EOIR's caseload is, to a great extent, tied directly to the initiatives undertaken by DHS. It is therefore critical that EOIR work closely with DHS to coordinate new budget initiatives to ensure that resources are allocated to achieve optimal results".

There is no doubt that your current allocation of resources takes into account the backlog of current cases in certain areas. However, I am greatly interested in knowing

what specific information EOIR uses in its strategy to improve predictions of immigration court workload. Furthermore, how is EOIR working with DHS to predict immigration court workload?

If EOIR were truly committed to improving predictions of immigration court workload, I would hope analysis of states' foreign-born population growth would play a key role in making these predictions. Looking at the exponential growth of both illegal and legal immigrants in the states of North Carolina, South Carolina, and Georgia provides ample evidence to expect continued growth in the Atlanta, Georgia immigration court's caseload.

The Atlanta, Georgia immigration court saw an increase of 18% in the number of cases it received between the years 2003 and 2004. This increase came despite a static number in overall cases for the entire United States immigration court system during the same period of time.

Using data from *The Foreign-Born Population: 2000*, the Congressional Budget office shows North Carolina had a 273.7% increase in foreign-born population between 1990 and 2000. Georgia's increase was 233.4%. These two states had the largest percentage increase. This trend of growth in foreign-born population is estimated to continue.

According to the Center for Immigration Studies' *Immigrants at Mid-Decade: A Snapshot of America's Foreign-Born Population in 2005*, North Carolina's immigrant population (both documented and undocumented) increased threefold – from 170,000 to 590,000 - between 1995 and 2005.

The same information shows that the following states have smaller numbers of foreign-born residents than North Carolina, yet still have immigration courts: Pennsylvania, Colorado, Nevada, Minnesota, Connecticut, Tennessee, and Louisiana.

Furthermore, according to the Pew Hispanic Center's *Estimates of the Size and Characteristics of the Undocumented Population*, North Carolina is the 8th largest state in terms of undocumented individuals, with an estimated 300,000 illegal immigrants. The study states that undocumented individuals are the principal reason for the rapid growth of foreign-born populations in non-traditional settlement areas such as North Carolina, Georgia, and South Carolina.

The disbursement of immigration courts among the states does not accurately reflect where undocumented individuals reside. Georgia, Colorado, Maryland, Massachusetts, Virginia, Washington, Colorado, Michigan, Nevada, Pennsylvania, Tennessee, Connecticut, Minnesota, Hawaii, and Louisiana all have smaller estimated illegal immigrant populations than North Carolina. However, these states all have at least one immigration court.

There is further evidence demonstrating similar growth in the number of foreign-born individuals in the states of Georgia and South Carolina, which gives further credence to the fact that an immigration court for North and South Carolina is necessary.

It is my hope that the Department of Justice and Executive Office for Immigration Review will reevaluate the merits of this request, and I look forward to your response.

Sincerely,

Sue Myrick
Member of Congress



U. S. Department of Justice

Office of Legislative Affairs

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MAR 08 2006

Rep. Sue Myrick

Office of the Assistant Attorney General

Washington, D.C. 20530

February 28, 2006

The Honorable Sue Myrick
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Myrick:

This is in response to your letter of January 26, 2006, requesting the establishment of an immigration court in Charlotte, North Carolina, and your continued interest in the immigration courts.

We appreciate your taking the time to examine the Executive Office for Immigration Review's (EOIR) *Fiscal Years 2005-2010 Strategic Plan*. EOIR works closely with the Department of Homeland Security to predict immigration court caseload, including the cases received, and to use its resources most effectively to meet challenges. As this fiscal year continues, EOIR will continue to monitor caseload and to evaluate needs of locales throughout the country, including North Carolina, to appropriately allocate available resources.

We hope this information is helpful to you. If we may be of further assistance on this or any other matter, please do not hesitate to contact this office.

Sincerely,

William E. Moschella
Assistant Attorney General