NATIONAL ASSOCIATION OF IMMIGRATION JUDGES

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January 11, 2012

Re: Ensuring Mental Competence in Immigration Proceedings Act

Dear Representative:

The National Association of Immigration Judges (NAIJ) was founded in 1971 as a voluntary organization with the objectives of promoting independence and enhancing professionalism, dignity, and efficiency in the Immigration Court. Today we are the recognized representative for collective bargaining, representing the corps of trial level Immigration Judges, which currently number approximately 260 judges in 59 courts throughout the United States and Puerto Rico.

The Immigration Court is facing the challenge of an unprecedented caseload with increasingly limited resources, all the while being tasked with applying a highly complex body of law in settings which involve emotionally charged questions and result in life altering determinations. Those who appear in Immigration Court unrepresented are often uneducated in our language, culture and law, but are nevertheless required to present their claims unaided, while the DHS is represented by skilled government attorneys. This challenge becomes much more difficult when a respondent has a mental health disability, exponentially so when he or she is detained.

Pro Bono service providers fill an invaluable role for our Court, by educating and guiding unrepresented individuals and providing direct representation when possible. Their efforts level the playing field in our proceedings and help us assure that justice is served in each and every matter that comes before us. Their important contribution to the process should not be underestimated and NAIJ endorses efforts to provide free legal services to those appearing before the Immigration Court, especially vulnerable populations such as the mentally impaired.

We are aware of the efforts of a coalition of groups who are supporting legislative changes to address this critical need by introduction of the Ensuring Mental

Competence in Immigration Proceedings Act. While we do not believe it is our role to advocate for specific substantive legislation, we feel it is important that we acknowledge the serious need for reform and resources in this area, and note that many of the highly skilled and knowledgeable *pro bono* service providers who have assisted the Immigration Court for years on this issue are involved in this effort.

The issues addressed in this proposed legislation are critical to the ability of the Immigration Courts to expeditiously provide just results with transparency and due process. We welcome your study of this issue and commitment to find a just solution to this serious problem. The Immigration Courts needs your help on this sensitive and pressing issue. We would be pleased to assist as we can, by providing you with our unique perspective, information or to discuss any concerns you may have.

Thank you for interest in this vital matter.

Very truly yours,

Dana L. Marks

Dana Leigh Marks
President, NAIJ