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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.

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 documents such as state issued identification (ID), driver license, or vehicle registration, despite laws necessitating these documents to function in U.S. society.

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; Brabec & 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).

Procedure
A purposeful and snowball sampling was used.

Findings
Data were analyzed using the open coding technique.

Analysis
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.

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.

Interpretation
Findings support 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 Grewcock (2011) and Cervantes et al. (2013) pertaining to the hardship and psychological trauma that undocumented immigrants face while battling deportation in court.

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