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Immigration Attorneys' Perceptions and Attitudes About Delays in Removal Proceeding Hearings

Awa C. Diawara
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Walden University

College of Social and Behavioral Sciences

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Awa Diawara

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Walden University
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Abstract

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by

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LLM, Case Western Reserve University School of Law, 2010

LLB, University of Morocco Rabat Souissi, 2005

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

Walden University

May 2018

Abstract

Immigration courts in the United States are struggling to resolve 610,524 removal proceedings cases with approximately 330 judges located in 58 immigration courts nationwide. Due to the limited number of judges, case backlogs have increased steadily, with the wait time being 854 days in 2017 for the first hearing and much longer for case resolution. The purpose of this case study was to explore the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in the southwest. Kettl's transformation of governance theory served as the theoretical foundation for this study, which explored immigration attorneys' perceptions about the effects of delays on the welfare of immigrant clients, the effects of delays on client-attorney relationships, and potential solutions to the delay crisis. Data were collected through semistructured interviews with a snowball sample of 10 participants as well as deportation hearing observations and court document reviews. Data were analyzed using the open coding technique. Findings indicated that 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. Findings also indicated 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. The implications for positive social change are directed at immigration policymakers and decision makers as a better understanding of the delay crisis may help them to focus attention and resources in helping to reduce the backlog and improve the judicial process.

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Dedication

I dedicated this dissertation to my wonderful parents, Mr. Djibrilla Cherif Diawara and Mrs. Aminata Coulibaly. I would like to thank my parents for their hard work, dedication, commitment, love, and support. I am very grateful for everything they have done for me and my sisters and for doing their best to make sure my sisters and I received the best education. There are no words to express my gratitude for their support, guidance, and encouragement while I was going through my divorce and pursuing my PhD at the same time. Thank you both for setting a good example for me and my daughter.

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Chapter 1: Introduction to the Study

Every organization needs adequate resources to function well and complete its mission (Bryson, 2011; Burke, 2011; Mikesell, 2011). However, within the United States immigration courts system, there appears to be an inherent and systemic problem with backlogged deportation cases and immigration hearings being delayed for years (Sol, 2016). According to U.S. Immigration and Customs Enforcement (ICE, 2016), more financial support is needed to optimize the agency's performance. Immigration courts are dealing with numerous caseloads and the priority of the courts is to handle the cases of unaccompanied children before solving the existing removal proceeding cases (Kaplan, 2014; Rodriguez, 2013a). Rodriguez (2013a) reported that the problem of immigration goes beyond border security, immigration scams, deportation, employment of undocumented immigrants by certain companies, and controversial laws.

The problems that exist in immigration courts are complex. Not only do the delays in court cases have the potential to cause operational issues affecting immigration judges, attorneys, and their clients, but society as a whole (Rodriguez, 2013a; Sol, 2016). Immigration courts currently do not have adequate staffing to handle the significant number of cases (ICE, 2016). There is a need to explore the effects of delay cases in immigration courts and the effects it may have, not only on the relationship between lawyers and their clients, but also between policymakers, court officials, and lawyers.

Delays in hearing cases are causing backlogs throughout the system without any potential remediation in sight. In addition, there has been a significant increase in the

number of pending immigration cases. According to the Transactional Records Access Clearinghouse (TRAC, 2017), a Syracuse University nonprofit, the overall number of pending cases in the United States for 2016 was 496,704 and 610,524 in 2017, thus, a 22.9% increase (p. 1). The State of Texas had the second highest pending cases, with 87,088 pending cases in 2016 and 100,510 pending cases in 2017; thus, a 15.4% increase (TRAC, 2017, p.1). The State of California had the highest number of pending cases, with 93,466 in 2016 and 114,974 in 2017, thus, as 23% increase (TRAC, 2017, p.1). The immigration court in the State of Texas, which was the focus of this study, had 39,968 pending cases in 2016 and 48,701 pending cases in 2017, thus, a 21.8% increase (TRAC, 2017, p.1). The number of immigration courts and judges vary by state, with Texas having 9 immigration courts and 45 immigration judges (United States Department of Justice [DOJ], 2017a). To handle the undocumented immigration cases in the immigration court in Texas that was the focus of this study, there is one immigration court with eight immigration judges and a processing center with three immigration judges (DOJ, 2017a). Based on TRAC 2017 statistics, undocumented immigrants, judges, and lawyers had to wait an average of 854 days for an immigration case to be resolved (p. 2). Cervantes, Mejia, and Mena (2010) highlighted that for the undocumented immigrants, the case proceedings can affect them psychologically, financially, and socially.

In this study, I focused on understanding the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration

court in Texas with one of the highest numbers of pending cases. Although there is an abundance of literature on immigration reform and deportation issues, research is lacking on the deportation and immigration caseload problem. In addition, policymakers have not put in place safeguards to prevent the current overloading of the immigration system. Therefore, understanding the caseload situation from the point of view of immigration lawyers will help to fill a gap in the literature. In addition, findings from this case study may help decision makers to better understand the effects of delays in removal proceeding hearings and to focus attention and resources in helping to reduce the backlog and improve the judicial process. In Chapter 1, I include the background of the study, problem statement, purpose of the study, research questions, theoretical foundation, nature of the study, definition of terms, assumptions, scope and delimitations, limitations, significance of the study, and a summary.

Background of the Study

Scholars have analyzed immigration policy issues from different viewpoints (see Brabeck & Xu, 2010; Cervantes et al., 2010; Rodriguez, 2013a). While some scholars focused on deficiencies in immigration laws and policies (Rodriguez, 2013a), others explored the psychological trauma of deportation on undocumented immigrants and their loved ones (Brabeck & Xu, 2010; Cervantes et al., 2010). Deportation is a difficult process that undocumented immigrants go through (Coutin, 2013). Findings from numerous studies have found different effects of immigration policy on individuals and

entities involved in removal proceeding cases (Aliverti, 2012; Das, 2008; Fekete, 2011; Gupta, 2013; Newstead & Frisso, 2013; Pope & Garrett, 2012).

Deficiencies in federal immigration policies have resulted in some states such as Alabama, Arizona, and Texas, enacting their own immigration rules (Rodriguez, 2013a). Rodriguez (2013a) related that conflicts can occur between states and the federal government when state regulations do not align with federal rules. Hidalgo (2014) addressed states' role in immigration regulation issues. The author noted that states such as Arizona created one of the harshest immigration laws known as Arizona's Senate Bill 1070 (Arizona S.B. 1070), which made it a crime to be an undocumented immigrant. Hidalgo reported that the bill sparked similar laws in Utah, Indiana, South Carolina, and Georgia. Hidalgo explained that Alabama's House Bill 56 (H.B. 56), the state's version of Arizona S.B. 1070, was considered more draconian. The author shared that Alabama's lower courts dismantled most of H.B. 56, and the U.S. Supreme Court (SCOTUS) refused to hear Alabama's appeal of the lower court ruling. Kennedy (2012) reported that the SCOTUS decided that many of the invasive elements in Arizona S.B. 1070 were unconstitutional.

Immigration reform remains one of the biggest issues the United States has faced in the past few decades (Rodriguez, 2013b). Many factors contribute to the complexity of the immigration policy reforms in the United States (Garcia, 2012), and the management of the 11.1 to 11.4 million undocumented immigrants residing in this country remains one of those factors (Gasson, 2017, para. 3; Krogstad, Passel, & Cohn, 2017, para. 2).

ICE officials, whose responsibilities include identification, apprehension, and removal of undocumented immigrants, especially those who pose a threat to homeland security, remove thousands of undocumented immigrants every year (ICE, 2016). At the removal proceedings hearing, individuals appear before an immigration judge who decides whether they should stay in the country or be deported (Herreria, 2017).

Immigration judges and attorneys remain the key players in removal proceeding hearings as they deal with deportation cases on a regular basis. Judges lead the deportation hearings procedure by monitoring courts cases, such as the *United States v. Arita-Campos* (2010). Herreria (2017) explained that the immigration judge listens to arguments from both the government's attorney and the undocumented immigrant's lawyer. Immigration attorneys represent undocumented immigrants by preparing deportation cases for their clients, providing legal advice, and serving as an intermediary between immigrants and the courts (DOJ, 2009). Sol (2016) noted that immigration court proceedings are civil processes; thus, respondents are not entitled to free legal representation even if they are poor. On the other hand, Sol explained that they are eligible for free representation in criminal proceedings. After hearing the arguments with supporting evidence, the immigration judge makes a decision to remove the undocumented immigrant or allow the individual to stay in the United States (DOJ, 2010).

However, an unprecedented number of immigration cases, along with a shortage of judges and interpreters, means that it can take years before some cases are heard (Sol,

2016). Sol (2016) explained that 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. In addition, Sol noted that migration from Central America continues to increase as refugees flee violence, poverty, and chaos. Sol described Dallas, Texas courtrooms as chaotic and crowded, with immigrants and their worried families. Sol noted that some undocumented immigrants as well as attorneys do not show up for the hearings. Sol reported that in Dallas, judges were forced to reschedule hearings due to the lack of interpreters for some languages, such as Mam or Quiche for Guatemalans. The author also discussed continuous delays, where some cases continued to drag on even when Dallas-based government attorneys agreed with clients' attorneys about what should happen next.

Unrepresented immigrants have a greater chance of losing the case and being removed from the United States (Sol, 2016). The TRAC (2015b) presented data on the status of 26,343 specially flagged adults with children proceedings. Although most cases were still pending, findings indicated that less than 30% of these families were able to find representation (para. 3). In addition, without representation, women with children almost never won their cases even after they were able to demonstrate credible fear of returning to their own country. Specifically, the TRAC data indicated that only 1.5% were allowed to stay (para. 3). Findings also indicated that although few decisions had occurred in represented cases, the win rate was 26.3% (para. 3).

Immigration policy is very complex as there are many critical elements to consider in resolving the delay crisis. Research is lacking on the deficiencies in court operations that create delays in deportation hearings, thus, further research is needed. In this case study, I addressed this gap in the literature by exploring immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas.

Problem Statement

Immigration courts in the United States are struggling to resolve 610,524 removal proceedings cases with approximately 330 judges located in 58 immigration courts nationwide (DOJ, 2017a, 2017b, p. 1; TRAC, 2017, p.1). Thus, immigration judges have to adjudicate a significant number of deportation cases with a very limited number of judges (Sol, 2016; TRAC, 2015a). The backlog in immigration courts for removal proceeding hearings has increased steadily for nearly a decade and has reach an all-time high (TRAC, 2015a, 2017). In 2015, the wait time was 635 calendar days compared to 854 days in 2017 (TRAC, 2015a, para. 2, 2017a, p. 2). However, it is important to note that the 854-day wait time only measures how long undocumented immigrants have already been waiting and not how much longer they will have to wait before their cases are resolved (TRAC, 2015a, 2017a).

The severity of the rapidly growing crisis was revealed in January 2015 when the court issued thousands of letters notifying individuals that their cases would be delayed for about 5 more years, until November 29, 2019 (TRAC, 2015a). The Executive Office

for Immigration Review (EOIR) that operates the immigration courts explained that the move was needed to make room in its hearing schedule for higher priority cases due to the increase of unaccompanied minors and mothers with children who crossed the border in 2014 (TRAC, 2015a). The case delay worsened as it went up 11.9% since the beginning of the 2015 fiscal year and it was about a third (32.7%) higher than it was at the beginning of fiscal year 2014 (TRAC, 2015a, para. 4). A total of 55,676 cases (13.2% of all hearings) were scheduled 1,551 days out, for November 29, 2019, the date set in that initial wave of court notices issued in January 2015 (TRAC, 2015a, para. 8). However, thousands of hearings will not begin until even later, where the wait time for 10% of the hearings ranged from 1,552 days to 1,766 days into the future (TRAC, 2015a, para. 8).

Both lawmakers and federal agencies have struggled with implementing new immigration policies due to the complication of the problem (Collinson, 2014; Meissner, Meyers, Papademetriou, & Fix, 2006). Meissner et al. (2006) noted widespread skepticism about the government's capacity to secure the southern border and manage immigration. According to ICE (2014), the number of undocumented immigrants living in the United States has been increasing, with Krogstad et al. (2017) reporting 11 million undocumented immigrants in 2015 and 11.3 million in 2016 (para. 1-2). Based on these statistics, there is an urgent need for policymakers to work together to resolve immigration issues, such as deportation policy issues as delays negatively affects all

parties involved in the deportation process including immigration attorneys and undocumented immigrants.

An enormous gap exists between the number of pending cases and the number of immigration judges (TRAC, 2015a, 2015b). Another problem is the operational and managerial functions of the immigration court system throughout the United States (U.S. Government Accountability Office [GAO], 2006). Although there is an abundance of literature about immigration policy issues in general and deportation problems, little is known about the overwhelming case backlogs in immigration courts and the effect of this backlog of cases on undocumented immigrants and their attorneys, as well as possible solutions to the delay crisis. Using Kettl's (2002, 2015) transformation of governance theory as the theoretical foundation, a case study was needed that explored immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas with one of the highest numbers of pending cases.

Purpose of the Study

The purpose of this qualitative case study was to explore the perceptions and attitudes of 10 immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas with one of the highest numbers of pending cases. Both the general public and political leaders are trying to understand immigration policy issues and caseload backlogs in immigration courts is one of these policy issues (Collinson, 2014; Meissner et al., 2006; Sol, 2016). Patton (2002) argued that a case study approach is a sound mechanism for researchers to have an in-depth comprehension of a complex

social phenomenon. The issue that was investigated in this study was the myriad of backlogged cases that an immigration court in Texas need to adjudicate. However, an assumption and a possible cause is that these courts lack sufficient manpower to operate effectively and efficiently. In this case study, I explored the opinions of immigration attorneys who play a relevant role in the deportation process in an immigration court in Texas because the state of Texas has the second largest number of deportation pending cases, with 100,510 pending cases in 2017 (TRAC, 2017, p.1). Kettl's (2015) transformation of governance theory served as a theoretical foundation for this study. I collected data through in-depth face-to-face interviews with a snowball sample of 10 immigration attorneys, deportation hearing observations, and court document reviews. Data were managed with NVivo and analyzed using the open coding technique.

Research Questions

In this qualitative case study, I addressed one central research question: What are the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas?

Three subquestions were considered:

1. How do immigration attorneys perceive the effects of delays on the welfare of immigrant clients?
2. How do immigration attorneys perceive the effects of delays on client-attorney relationships?

3. What are the perceptions of immigration attorneys about potential solutions to the delay crisis?

Theoretical Foundation

The study will aim at exploring delays in the deportation hearings process from the point of view of immigration lawyers. A common perception by some in the general public and various educational institutions has been that critical delays in court cases have had a detrimental effect on all parties (Fekete, 2011). As a result, the familiarity of immigration attorneys with deportation hearing process and practices will shape their perceptions about the hearings delays crisis. These perceptions will be a tool in this case study to have a deeper understanding about the delay phenomenon. The current administration of immigration courts falls under the jurisdiction and control of the Office of the Chief Immigration Judge (OCIJ), who reports to the EOIR. In addition, the EOIR is an office of the DOJ (DOJ, 2015).

Each of these administrations has the potential to play a relevant role in the success of immigration courts nationwide because they are connected. Kettl's (2002, 2015) transformation of governance theory was used as the theoretical foundation in this case study. Kettl indicated that the current hierarchical form of government needs upgrading to the 21st century, with many of the governmental agencies, including the courts, needing to adapt to change. Kettl's transformation of governance theory provided a theoretical lens in the study to interpret the means through which courts and attorneys can optimize their practices and resolve delay issues. The dysfunction in immigration

courts relates to issues of accountability, coordination, and control within the administrations. Kettl emphasized the relevance of capacity, coordination, and control in the effectiveness of contemporary public administration. The success and effectiveness of an organization stem from many factors such as organizational structure, culture, organizational leadership, vitality, and meaningfulness of the organization (Burke, 2011). Kettl's transformation of governance theory is further discussed in detailed in Chapter 2.

Nature of the Study

I used a qualitative case design to obtain the perceptions and attitudes of 10 immigration attorneys concerning delays in removal proceeding hearings in an immigration court in Texas. I focused a Texas immigration court system and the deportation cases that have been in the court for years and postponed by the court. The goal was to describe the opinions of immigration attorneys on those specific cases and why those cases were delayed, how the delays affected immigrant clients and client-attorney relationships, as well as potential solutions to the delay crisis.

The rationale behind the use of qualitative case design was to have a deeper understanding of the issues and to discover the answers (Patton, 2002). With this study, I garnered a complete comprehension of the issues at hand, thus, providing me with the ability to answer the research question. I used face-to-face semistructured interviews, deportation hearing observations, and court document reviews to collect the data. These three instruments allowed me to collect enough information to reach saturation. Although qualitative design does have multiple aspects, I choose to focus specifically on the case

study design because it allowed me to focus on a specific bounded system, which provided me with a more in-depth interpretation of the phenomenon.

Scholars such as Maxwell (2013) articulated the role of case study in qualitative inquiry. The unit of study included removal proceedings pending cases that have been delayed by the courts. An analysis of these cases through the viewpoint of immigration attorneys helped in understanding how long the cases have been in courts. The use of the case study design allowed me to examine the jurisdiction that has the largest number of removal proceedings cases in the state of Texas. Creswell (2013) pointed out that case study methodology usually fit the inquiry in which the researcher intends to explore “a real life, contemporary bounded system or multiple bounded systems” (p. 97). The bounded system involved in this study was an immigration court in Texas. I used snowball sampling to recruit immigration lawyers who practice throughout the immigration court in Texas.

I transcribed the interviews, deportation hearing observations, and data from court document reviews and managed the data with NVivo. I used the open coding technique to analyze the data and identify themes and patterns. I conducted the study in accordance with Walden University’s Institutional Review Board (IRB) guidelines to ensure the ethical protection of research participants. I discuss the nature of the study in further detail in Chapter 3.

Definition of Terms

Alien: “An individual who is not a U.S. citizen or U.S. national” (Internal Revenue Service, 2017, para. 2).

Amnesty: In relation to immigration, amnesty refers to granting legal status to a group of individuals unlawfully present in the United States (Spalding, 2007).

Asylum: Immigrants may be eligible for protection and immunity from removal if they can show that they are refugees (GAO, 2006).

Caseload: Cases that have not been completed and waiting adjudication (GAO, 2006).

Credible fear: Immigrant expresses a fear of persecution or torture, and the intention is to apply for asylum (GAO, 2006).

Decision: A immigration judge determination and order arrived after consideration of facts and law (GAO, 2006).

Detainees: Immigrants in the custody of DHS or other entities (GAO, 2006).

In absentia: This hearing occurs when the immigrant fails to attend the hearing “and the immigration judge conducts the hearing without the immigrant present and orders the immigrant removed from the United States” (GAO, 2006, p. 38).

Master calendar hearing: The first appearance of the immigrant before the immigration court (GAO, 2006).

Motion: A written or verbal request that an immigrant’s representative or the attorney of the government can file in court to accomplish a goal (GAO, 2006).

Notice to appear (NTA): DHS officials file Form I-862 in court to start the removal proceeding process (GAO, 2006).

Refugees: Individuals who are outside their country of nationality or, in the case of people having no nationality, are outside any county in which such individuals last habitually resided, and who are unable or unwilling to return to, and are unable or unwilling to avail themselves “of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion” (GAO, 2006, p. 34).

Relief: Immigrants in removal proceeding can claim relief from removal such as asylum, adjustment of status, cancellation of removal, or other remedies they might be entitled to under immigration laws (GAO, 2006).

Removal proceedings: A removal proceeding happens when the U.S. Department of Homeland Security (DHS) decides to remove an individual from the United States due to his illegal status or other legal reasons (GAO, 2006).

Transformation of governance theory: Kettl’s (2002, 2015) theory reconciles effective administration with the requirements of democratic government. Kettl (2002, 2015) suggested that administrators and theorists need to focus on governance, or the links between government and its broader environment, which includes political, social, and administrative, through which social action occurs.

Undocumented immigrants: Refers to foreign-born individuals who do not have a legal right to be or remain in the United States (Gasson, 2017).

Voluntary departure: An immigrant agrees to depart from the United States without an order of removal, which “may or may not have been preceded by a hearing before an immigration judge. An immigrant allowed to voluntarily depart concedes removability but is not barred from seeking admission at a port of entry in the future” (GAO, 2006, p. 40).

Assumptions

One of the assumptions in this study pertained to the extensive caseload backlog in immigration courts proceedings across the United States (TRAC, 2017). Considering the current delay crisis in immigration courts nationwide, it was assumed that extensive delays on removal proceedings cases might have a negative effect on the undocumented immigrants, as well as the operations of the courts and the activities of the attorneys. Therefore, the overall governance and administration of immigration courts in the United States might need an urgent transformation to achieve common goals. It was assumed that an immigration court in Texas is among the jurisdictions that will benefit from significant changes as it has the largest number of backlogged case in the State of Texas (see TRAC, 2017).

Creswell (2013) discussed the philosophical assumptions linked to qualitative studies, which include ontological assumptions, epistemological assumptions, axiological assumptions, and methodological assumptions. Each of these assumptions covered a relevant element in this study. The ontological assumption focuses on how the participants, specifically, immigration attorneys perceive extensive delays in deportation

hearings. It was assumed that participants may not have the same perspective about social issues because the case backlog issues may not affect them in the same way and this may influence their views. In addition, I assumed that immigration attorneys had extensive experience about removal proceeding hearings and were willing to participate due to the significance of the study.

The epistemological assumption centers on knowledge constructed through data and evidence (Creswell, 2013). In this study, data collection included in-depth face-to-face interviews with participants, deportation hearing observations, and court document reviews. The data that I gathered from my interviews with participants as well as the deportation hearing observations and court document reviews provided me with the knowledge necessary to answer the central research question and three subquestions. I assumed that the interview questions, deportation hearing observations, and court document reviews were sound data collection tools to answer the research questions.

The axiological assumption pertains to the role of the researcher in conducting the study and the value of the study in society. My several years of experience working in the immigration field as a senior immigration assistant contributed to my credibility and comprehension of challenges faced by undocumented immigrants as well as immigration attorneys. However, I used specific strategies such as reflexivity, which pertains to researchers' self-awareness and strategies for managing possible biasing factors within the study (Jootun, McGhee, & Marland, 2009; Porter, 1993); thus, revealing any experiences, biases, and values pertaining to the research topic. I assumed that the

interview questions were easy to understand, which allowed the participants to have a sound interpretation of the questions and provide honest answers.

Scholars, such as Patton (2002) and Maxwell (2013), pointed out the role of the researcher in a qualitative study as the primary data collection instrument. In applying the axiological assumptions in this qualitative study, my role as a researcher was to be the key data collection instrument. Thus, I ensured that the data collected was trustworthy, credible, and without bias. One aim of the study was to bring attention to the removal proceeding hearings backlog; thus, providing policymakers with concrete ideas, possible solutions, and a better understanding about the seriousness of this issue.

The methodological assumption lies in the inductive process (Creswell, 2013). This inductive process was based on my observations and the collaborative interactions with the participants. Doing so allowed me to assess potential patterns and regularities. These patterns and regularities were used to generate conclusions. While the findings in this study cannot be statistically generalized, the findings may be analytically generalized (Yin, 2010). This is discussed further in the limitations section.

Scope and Delimitations

The scope of this case study included perceptions and attitudes of 10 immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas, effects of delays on the welfare of immigrant clients and client-attorney relationships, and potential solutions to the delay crisis. Thus, data collection included in-depth face-to-face interviews with a snowball sample of 10 immigration attorneys who provided clients with

representation at an immigration court in Texas, and deportation hearing observations and court document reviews from the immigration court. Excluded from participating in this study were lawyers who were not immigration attorneys, attorneys who were retired, and attorneys who did not represent undocumented immigrants in an immigration court in Texas such as those in other cities, states, or countries. I did not include anyone with whom I have a personal relationship in my study, which included family members, friends, coworkers, or professional and personal associates. This prevented perceived coercion to participate due to any existing or expected relationship between the participants and me.

Limitations

The qualitative case study design has both strengths and limitations (Patton, 2002). A strength of the case study design is the ability of researchers to have a deeper exploration of the phenomenon being studied (Patton, 2002). In doing so, the researchers focus the research on a smaller sample. However, such a situation can affect the generalization of the findings since the results do not represent the general population (Patton, 2002). According to Yin (2012), case studies tend to generalize to other situations based on analytic claims. Yin noted a conceptual claim where researchers show how the findings from their study have informed the relationship among a particular set of concepts, theoretical constructs, or sequence of events. Yin reported that the second step refers to researchers applying the same theoretical propositions to implicate other situations outside the completed case study where similar concepts, constructs, or

sequences might be relevant. Although the findings from this case study cannot be statistically generalized, 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 population across cities and states to achieve a broader understanding of immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings experiences. A different sampling strategy could also be used, such as maximum variation sampling and purposeful random sampling.

Besides the issue of generalization, the bias of researchers remains a serious threat to the quality and credibility of the study (Maxwell, 2013). Therefore, I had a duty to ensure that the data represented the actual statements of the participants and the deportation hearing observations and court document reviews were transcribed correctly. Maxwell (2013) argued that researchers should refrain from modifying the meaning of statements or any data since the analysis is focused on the meanings. The modification of the meaning jeopardizes the quality, reliability, and trustworthiness of the data (Patton, 2002). Bias might push researchers to apply their own meanings to the data (Patton, 2002). In doing so, they ignore the principles of trustworthiness, which are critical for the overall success of the study (Patton, 2002). I used specific strategies such as reflexivity where I revealed any experiences, biases, and values pertaining to this study. Patton (2002) stated that qualitative researchers use their five senses in collecting relevant data that help answer the research questions. This principle implies good listening and observation skills, paying attention to details, and good note taking skills. Therefore, I

properly transcribed participants' actual accounts, organized and managed the data, and conducted data analysis.

Social desirability bias was also considered as the immigration attorneys may want to be perceived positively, so they may not respond honestly to the interview questions. However, it was assumed that participants honestly and openly answered the interview questions by sharing their perceptions about the questions asked. There are also limitations with self-report data for the interviews as participants may not accurately or fully self-evaluate themselves; however, it was assumed that participants accurately and fully self-evaluated themselves.

Significance of the Study

Immigration policy issues continue to divide political leaders and the general public in the United States (Rodriguez, 2013b). There are many elements to consider in conducting a comprehensive immigration reform. Most of the existing literature focuses on the issues of deportation, the border crisis, conflicts between state and federal government, and harsh treatment of immigrants in society (Das, 2008; Garcia, 2012; Rodriguez, 2013b).

The implications for positive social change are directed at immigration policymakers and decision makers as focusing on the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas could be used by policymakers to take a closer look at the current deportation hearings crisis. In doing so, decision makers might consider the perceptions

of immigration attorneys about the dysfunctional court system and take appropriate measures to reduce the removal proceeding hearings backlog and improve the judicial process. Therefore, unlike previous studies, the findings from this case study added new knowledge to the literature and could be used as a starting point in generating a dialogue about the overwhelming backlog cases in immigration courts. By better understanding the effects of delays in removal proceeding hearings, decision makers may focus attention and resources in helping to reduce the backlog. Immigration lawyers are experts in this matter and their input could be used to improve removal proceeding hearings policies and regulations.

Findings from the study may help policymakers, lawmakers, immigration officials and officers, and the general public understand that immigration problems go beyond the border crisis. There are other major issues that affect undocumented immigrants on a daily basis such as hearings delays. The implementation of new policies requires the cooperation and collaboration of all stakeholders. Therefore, it is important for decision makers to further understand the effects of the hearing delay crisis, which may encourage them to build a sound strategic plan to resolve the problem. In doing so, they can adopt new laws and policies, which may result in positive social change. Along with the public policy and administration field, a wide array of other fields might be interested in the study's findings, to include the fields of criminal justice, law, and homeland security. The findings from the study are also applicable to many agencies and organizations to include the immigration court in Texas that was the focus of this study, EOIR, DHS, and DOJ.

Summary

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.

In Chapter 1, I include the background of the study, problem statement, purpose of the study, research questions, theoretical foundation, nature of the study, definition of terms, assumptions, scope and delimitations, limitations, significance of the study, and a summary. In Chapter 2, I include the introduction, literature search strategy, theoretical foundation, complexity of immigration policy issues reform, immigration court structure and background of removal proceedings, immigration case rulings, recommendations to reduce the delay crisis, and a summary and conclusions. In Chapter 3, I include the research design and rationale, role of the researcher, methodology, issues of trustworthiness, and a summary. In Chapter 4, I include the setting, demographics, data collection, data analysis, evidence of trustworthiness, results, and a summary. In Chapter

5, I include the interpretation of the findings, limitations of the study, recommendations, implications, and a conclusion.

Chapter 2: Literature Review

The purpose of this qualitative case study was to explore the perceptions and attitudes of 10 immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas with one of the highest numbers of pending cases. Removal proceeding hearing delays have direct and indirect effects on people's lives. Officials at the legislative and executive branches work with different organizations in the public and private sectors to gather their inputs, which may help in making reasonable decisions (Kerwin & Furlong, 2010). In the public sector, there are many entities such as the DHS, EOIR, and ICE that are involved in the immigration policy implementation process (Reasoner, 2011). For example, the DHS plays a relevant role in border security and other issues related to illegal immigration (Reasoner, 2011).

The immigration courts in the United States are built to fail (Metcalf, 2011). Metcalf (2011), a former immigration judge in Miami, Florida, and who served in several posts at the DOJ, reported that immigration courts cannot perform their critical work due to deception and disorder. Metcalf discussed weaknesses and the pervasive effects in immigration courts. Metcalf noted that only a few immigrants who file lawsuits to remain in the United States are deported even though immigration judges, after years of litigation, had ordered them removed. The author further related that deportation orders are rarely enforced, even against immigrants who did not show up for court or ignored orders to leave the United States. Metcalf shared that 59% of immigrants who were released to await hearings flee from removal proceedings because they believed there was

little chance of relief (p. 7). The author noted that they are rarely caught as they try to stay under the radar for as long as possible, maybe until the next amnesty.

Immigration officials in the United States have used local law enforcement agencies to aide them in their deportation efforts, and there is an estimated 300,000 to 450,000 convicted criminal immigrants who are eligible for deportation and are currently residing in local jails and state and federal prisons across the country (Martinelli, 2017, para. 36). ICE shares responsibility for enforcing U.S. immigration laws with U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS; ICE, 2017). For instance, once an immigrant is convicted by any state or federal court of a felonious crime, they become a criminal alien, and are immediately reported to ICE and immediately deported; after serving time for the crimes they have been convicted of (*United States of America v. Turner*, 2010). Turner, who was originally from Jamaica, but a permanent resident of the United States, is an example of immigrants who have faced prosecution prior to deportation.

Scholars such as Rodriguez (2013a) have researched deficiencies in immigration policies at both the federal and state levels. Kerwin and Furlong (2010) argued that one way to tackle immigration problems is to implement sound public laws and policies. The authors discussed the roles and responsibilities of both the federal and state governments in creating new immigrations rules. Moreover, the authors emphasized challenges that states might face in formulating new laws to solve immigration issues. Kerwin and

Furlong noted that it is important that state rules align with federal laws to avoid conflict between the two levels of government.

Many court cases demonstrate complexities in removal proceedings process such as in the *United States v. Flores* (2014), as some undocumented immigrants challenged deportation hearings by filing motions to dismiss their cases due to certain procedural errors conducted by the courts or their attorneys. Other undocumented immigrants choose voluntary departure while awaiting their hearings dates in court such as in the *United States v. Miguel Garcia* (2008). In *United States v. Miguel Garcia* (2008), Garcia challenged his deportation decision the court rendered in 1999. Garcia argued that both the immigration judge and his attorney failed to provide relevant information about his constitutional rights under the fifth amendment and 8 U.S. Code § 1229c, regarding voluntary departure. The court concurred with the defendant and granted his motion to dismiss for procedural failure. The court decision in *United States v. Jose Gomez-Hernandez* (2008) court case was similar to the *United States v. Miguel Garcia* (2008) verdict. Gomez-Hernandez was deported several times by ICE officials after illegally entering the United States. The defendant argued that his fourth deportation order was unfair because the judge did not inform him his rights about voluntary departure and waiver. The court agreed with the defendant and granted his motion to dismiss after analyzing the evidence.

Immigration enforcement is often cumbersome and dysfunctional (Metcalf, 2011; Reasoner, 2011). Bendix (2017) reported that ICE officials have arrested more than

41,300 undocumented immigrants in the first 100 days since President Trump signed two executive orders tightening border security and cracking down on sanctuary cities (para. 1). Bendix noted that this represents a 38% increase from the same time period in 2016, when ICE arrested slightly more than 30,000 undocumented immigrants (para. 1). Bendix shared that Homan, ICE's acting director, attributed the spike in arrests to agents and officers being given clear direction to focus on threats to public safety and national security. Bendix further noted that approximately 75% of undocumented immigrants arrested between January 22, 2017 and April 29, 2017, were convicted criminals, marking a 20% increase in criminal arrests since 2016 (para. 2). However, Bendix related that only 2,700 of these convictions were for violent crimes, including homicide, rape, kidnapping, and assault. On the other hand, Bendix explained that arrests of undocumented immigrants whose only crime is living illegally in the United States have risen by an even greater margin, where between January 22, 2017 and April 29, 2017, ICE officials conducted around 10,800 noncriminal arrests, compared to only 4,200 in 2016, thus, a 150% increase (para. 2).

Padilla, the president of the American Immigration Lawyers Association, called President Trump's plan "a blueprint for mass deportation," a claim both the White House and the DHS have denounced (Bendix, 2017, para. 5). Bendix (2017) reported that despite these new security measures, Homan told reporters that deportations have actually declined by 12% under the Trump administration because more undocumented immigrants are being arrested in the interior of the country rather than along the border.

As a result, they often face lengthy hearings in the U.S. immigration court system (Bendix, 2017).

Immigration attorneys are one of the most important stakeholders in removal proceedings. Therefore, it was essential to understand their perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas as findings may be used to encourage immigration policymakers to focus attention and resources in helping to reduce the backlog and improve the judicial process. In Chapter 2, I include the introduction, literature search strategy, theoretical foundation, complexity of immigration policy issues reform, immigration court structure and background of removal proceedings, immigration case rulings, recommendations to reduce the delay crisis, and a summary and conclusions.

Literature Search Strategy

The literature search strategies for this research included a comprehensive search in Walden University Library databases to include LexisNexis Academic, SAGE Premier, ProQuest Central, Thoreau Multi-Database Search, and Academic Search Complete. In addition, I also conducted searches through Google Scholar, the National Association of Immigration Judges, Transactional Records Access Clearinghouse, and government organizations such as the DOJ, ICE, GAO, and DHS.

The search terms included *undocumented immigrants, removal proceeding hearings, removal proceeding delays, immigration court proceedings, immigration courts and backlogs, immigration enforcement, deportations, immigration attorneys,*

immigration judges, federal and state cases and regulations, EOIR, immigration court, ICE, and Kettl and transformation of governance theory. In many of the articles found, the authors provided current and relevant information on delays in removal proceeding hearings. Furthermore, I discussed relevant court cases to provide in-depth understanding of the removal proceeding hearings.

Theoretical Foundation

Kettl's (2002, 2015) transformation of governance theory served as the theoretical foundation for this case study. In this section, I discuss the following subsections: transformation of governance theory and research application of transformation of governance theory.

Transformation of Governance Theory

The dysfunction in the immigration court system indicates a need for administration and governance transformation; thus, Kettl's (2002, 2015) transformation of governance theory was applicable to this study. Kettl (2015) defined the main 21st century management problem as one where no one agency is responsible to solve it as important problems often do not fall neatly in the purview of a single government department or agency, such as the issue of delays in removal proceeding hearings that were explored in this case study. Kettl noted that the government's response to a problem must involve teamwork between agencies who represent different jurisdictions, such as government and nongovernmental agencies and organizations. The author argued that the

problem for public administrators is that even though they can do their job by the book, they may not get their job done properly.

Scholars have addressed the concept of public administration and governance differently (Kettl, 2015). Kettl (2015) noted that the founding fathers did not perceive the concept of government and administration the same, but Alexander Hamilton and James Wilson embraced the notion of big and powerful government. On the other hand, Kettl related that Thomas Jefferson was an advocate for a smaller government, whereas James Madison believed in balance of powers between the key players.

Governments face several complex interwoven problems, such as new demands from citizens but also the demand for lower taxes, more complex programs but also the pressure to reduce the size of the bureaucracy, as well as the struggle to deal with the unforeseen effects in the effort to build more adequate management strategies (Kettl, 2015). In this case study, government officials face the problem of extreme case backlogs for removal proceeding hearings. According to Kettl (2015), one of the core issues that public administrators of the 21st century face is operational management. The current delay crisis could be attributed to poor management within court operations. Kettl argued that management problems stem from lack of responsibility and accountability when no one takes the lead to resolve issues. Kettl's argument is applicable to situations that immigration courts are facing nationwide, such as delays in the deportation hearing process. Case backlogs has been happening for years (GAO, 2006) and the delegation of authority among government and nongovernmental entities appear to be the problem.

Some nonprofit organizations provide undocumented immigrants with a lot of support by giving them shelter, food, education, and helping with other issues (Bernard, 2015). Therefore, it is reasonable to argue that all these agencies may contribute to the advancement of people in society, which goes hand in hand with democratic governance and principles. The participation of these entities in immigration procedures might strengthen the respect of fundamental rights that the founding fathers fought for. It is very difficult for one agency to handle a complex issue like this surrounded by controversies and intense arguments. However, it appears that a successful partnership and collaboration between public agencies and nongovernmental organizations (NGOs) require coordination, effective and efficient communication, management, and accountability (Bernard, 2015).

The case backlog problem in immigration courts is getting worse due to the inability of government entities to deliver quality services (Metcalf, 2011). Kettl (2015) noted that government agencies provide goods and services to the public on a regular basis and that these agencies and NGOs do not use adequate strategies, tactics, and tools in delivering effective and efficient services and goods to the public. Kettl discussed deficiencies in service delivery. Kerwin and Furlong (2010) related that both the legislative and executive branches delegate some powers to other agencies to deliver goods and services to the public, and execute and implement rules and regulations. However, Kettl claimed that delegation can create more problems than resolve issues due to lack of coordination, accountability, responsibility, and oversight.

The role of the immigration courts is to resolve legal disputes between government attorneys and undocumented immigrants in a timely fashion (TRAC, 2015a). However, with excessive wait times, undocumented immigrants have to wait an extremely long time before they appear before the immigration judge (TRAC, 2015a). Kettl (2015) discussed the inability for public administrators to get the job done. Such a situation is indicative of difficulties for government agencies, particularly immigration courts, to get the job completed effectively and efficiently.

Authority is not enough and the hierarchal approach that has been used by local and national government entities does not work anymore for 21st century public administrators (Kettl, 2015). According to Kettl (2015), in American politics, there are no clear-cut boundaries between policymaking and policy execution, which the author referred to as *fuzzy boundaries*, thus, the need for accountability in government. Social issues, needs, and demands of the 21st century might require public administrators to use the concepts of authority and hierarchy differently (Kettl, 2015). Such a principle is critical in transforming governance; for example, Kettl argued that interpersonal and interorganizational techniques would benefit public administrators more than the principle of authority.

Transparency, effective communication, and performance management play a significant role in the success of any organization, whether public, private, or nonprofit (Kettl, 2015). Kettl (2015) reported that these elements are adequate tools for public administrators to resolve policy issues that affect the general public. The author noted

that the advancement of technology has changed the organization, management, and circulation of information. In this study, I sought to understand whether there were flaws in the management of information in immigration courts and whether such flaws had played a role in the creation of extensive backlog cases and delays in immigration courts. Immigration attorneys are knowledgeable about issues pertaining to removal proceeding hearings. In addition, immigration courts need to recruit more judges to tackle the overwhelming number of deportation cases. President Trump's aggressive immigration enforcement has overwhelmed an already taxed court system as the Trump administration temporarily reassigned judges to detention centers in Southern California, Arizona, New Mexico, and Texas to handle cases primarily involving recent border-crossers (Times Editorial Board, 2017). However, the problem is that fewer people are getting caught at the border, so moving judges there makes little sense, and is only based on optics to look like a commitment to stronger and more serious enforcement, when in reality, this exacerbates backlogs in the courts from which the judges were transferred (Times Editorial Board, 2017). This situation highlights deficiencies of manpower and an urgent need for decision makers in immigration courts to hire immigration judges who can make a difference in the advancement of courts operations.

New Zealand and the United Kingdom prepared white papers to plan a revolution in governance, but the United States has worried less about preparing a master plan and focused on solving problems as they arise (Kettl, 2015). Kettl (2002, 2015) discussed 11 principles for building new public service:

1. Hierarchy and authority cannot and will not be replaced, but they must be fitted better to the transformation of governance.
2. Complex networks have been layered on top of hierarchical organizations and they must be managed differently.
3. Public managers need to rely more on interpersonal and interorganizational processes as complements to and sometimes as substitutes for authority.
4. Information is the most basic and necessary component for the transformation of governance.
5. Performance management can provide a valuable tool for spanning fuzzy boundaries.
6. Transparency is the foundation for trust and confidence in government operations.
7. Government needs to invest in human capital so that the skills of its workers match the jobs they must perform.
8. The transformation of governance requires new strategies and tactics for popular participation in public administration.
9. Civic responsibility has become the job of government's nongovernmental partners.
10. Americans need to devise new constitutional strategies for the management of conflict.

11. Governance in the United States and most other nations is a challenge of boundary crossing. The interpenetration of government into all sectors of society requires new strategies for accountability and performance as the network of tools expands and popular trust appears to decline. Kettl outlined five transformative strategies: (a) transform public law to ensure accountability across the boundaries, (b) enable public agencies to be instruments of leveraged action, (c) equip public servants to understand their missions and use methods to span the partnerships that cross governmental and private sector lines, (d) use information technology to bridge those boundaries, and (e) apply performance management tools to make better targeted decisions.

Research Application of Transformation of Governance Theory

Although no study was found where Kettl's (2002, 2015) transformation of governance theory was used as the theoretical foundation, scholars have used Kettl's theory to address different social problems (see Jones & Kettl, 2003; Roman, 2014; Rosenbloom, 2013; Wachhaus, 2014; Wheeland, 2014). Wachhaus (2014) discussed the effect of decentralization in today's governance and the change in the relationships between public, private, and nonprofit organizations. According to Wachhaus, interpersonal and interorganizational relationships need to accommodate today's realities to promote effective collaboration between all parties involved. In addition, Wachhaus pointed out that the traditional vertical relationships, from top to bottom, between

government agencies and outside organizations, do not suit current societal needs. The emergence of collaboration and partnerships between public, private, and nonprofit requires horizontal relationships, where all entities are at the same level. The researcher echoed many elements relevant to organizational changes that Kettl mentioned in his transformation of governance theory.

Wachhaus (2014) is not alone in addressing deficiencies in public administration and management structure in the United States. Roman (2014) conducted a case study to address efficiency in American bureaucracy. The purpose of the study was to determine whether bureaucracy has any effect on administrative efficiency. Roman used the open system theory, where he elaborated on how a system is a fruit of its environment. The author also referred to the theory of transformation of governance to stress the need for reforms within American bureaucracy. The transformation of governance theory applies to all levels of government, whether federal, state, or municipal.

While some scholars focused their studies on transformation within federal government, others based their research on states and cities that need to implement sound reforms to optimize their management, operations, and service delivery. Wheeland (2014) elaborated on different approaches that certain municipalities should use to create good government. Wheeland noted that these approaches include implementation of a model city charter that handles structural reform, and a city manager plan approach that addresses how the unification of power in city council might bring positive change. Wheeland argued that it is important for city managers to have some level of

professionalism so that they can constructively use their skills and knowledge while serving the community.

Furthermore, public administration embodies some elements involving management, politics, rules, and laws. Rosenbloom (2013) studied public administration from a management, political, and legal standpoint. Rosenbloom determined how these concepts shaped public administration organization and structure. The author also examined the effect of administrative decisions and actions on subjected individuals. Kettl's transformation of governance theory was relevant in this study.

Public, private, and nonprofit organizations engage in partnerships to provide services and goods to the public (Alexander & Nank, 2009). Alexander and Nank (2009) noted that such partnerships require collaboration between the entities as well as change. Mitchell (2014) conducted a qualitative exploratory study to assess the factors that push transnational NGOs registered in the United States to collaborate with other agencies. The researcher found that the leaders of interdependent transnational NGOs do not have the same perceptions about collaboration as leaders of independent transnational NGOs. Mitchell noted that interdependent transnational NGOs are more open to change than independent transnational NGOs. Scholars have discussed the transformation of governance theory and its relevance to the success of public administration. However, some organizations are reluctant to change for various reasons and Mitchell's article highlighted this point.

However, the United States is not the only country that needs transformation in public administration. Marra (2014) examined the techniques that the regional government in Italy used to create and maintain coordination and collaboration with local agencies that have economic issues and uncertainty. Marra found that interpersonal relationships play a significant role in the promotion of coordination and efficiency in public administration, which is in line with Kettl's (2002, 2015) transformation of governance theory. Similarly, Kettl (2015) discussed interpersonal relationship as one of the contributing factors of coordination within public agencies.

Often, government and nongovernmental agencies engage in partnerships to achieve a long-term goal. Unfortunately, sometimes the partnerships do not achieve the targeted goal due to poor management and lack of coordination and knowledge (Holman, 2013). Holman (2013) explored the reasons why knowledge acquired during partnership does not last long. Such a situation implies a need for change in the partnership operations and Holman discussed Kettl's (2002) transformation of governance theory to emphasize this point.

American bureaucracy focuses on hierarchy and authority, and indicates that the decision-making powers are centered at the top, where employees or subordinates barely participate in the decision-making process (Hassan, Wright, & Paul, 2016). Hassan et al. (2016) conducted a study to determine factors that public managers take into account when empowering employees to participate in the decision-making process. In this article, the researchers conducted a qualitative study to examine employees'

empowerment strategies in public management reforms. The concept of collaborative governance played a relevant role in Morse and Stephens' (2012) article. Morse and Stephens argued that there exists different forms of collaborative governance and each form has its related competencies. The authors also discussed how public administration has been changing from a bureaucratic hierarchy and authoritarian system to a more collaborative and networked system, which is similar to the premises in Kettl's (2002, 2015) transformation of governance theory. Morse and Stephens discussed Kettl's theory to illustrate their argument pertaining to the need for transformation in public administration.

Transformation of governance theory is significant to public administration. Jones and Kettl (2003) took the theory to an international level when examining both global public management reforms and the outcomes of the changes in both short- and long-term instances. Jones and Kettl (2003) studied the implementation of transformation models conducted in New Zealand and Australia, where leaders in both countries added some structural reforms in their management system. The authors tackled the question of how these public agencies incorporated the management model of the private sector to generate efficiency and effectiveness in service delivery. Jones and Kettl pointed out the roles and responsibilities of the government in these countries, and how these new roles and responsibilities have affected the governments' management in implementing sound, effective reform.

Similarly, Kettl (2002) discussed similar principles in his article that addressed the issue of transformation of governance with globalization, devolution, and the role of government. Kettl noted that both globalization and devolution are changing the way public agencies handle their operations; thus, today's global leaders face many common issues such as terrorism, economic instabilities, and immigration. Kettl's transformation of governance might not resolve all these issues, but it might help public leaders to take a closer look at issues that public administrators face on a regular basis and build potential solutions to the issues.

As society evolves, so do societal rules, needs, and governance (Kettl, 2015). Kettl (2015) reported that many government agencies continue to have the same structural problems despite making changes over the years. Kettl discussed how the implementation of policies and rules may not be sufficient to bring about effective change to get the job done. The author indicated that there is a need for government to have new programs and increase the quality and quantity of services without increasing cost. These needs discussed by Kettl are not being met throughout the current U.S. immigration court system.

The EOIR has the power to oversee and monitor the operations of immigration courts nationwide (DOJ, 2013). Questions still remain about whether decision makers understand the sources of the problems in immigration courts and whether they are implementing necessary changes to correct the issues and achieve common goals. The perception and attitudes of immigration attorneys will help to answer this question.

Although the articles discussed in this section addressed different societal issues pertaining to public administration, bureaucracy, and governance, they have some common elements. For instance, there is agreement that public administration in the United States need transformation and the use of Kettl's (2002, 2015) transformation of governance theory is helpful in the implementation of that change.

Literature Review

Scholars have explored immigration policy issues from different perspectives because there are many factors that contribute to the deficiencies of the current immigration system in the United States (e.g., Lewis, 2014; Rodriguez, 2013b; Webber, 2012). In addition, researchers have tried to understand the psychological effect of deportation on undocumented immigrants and their loved ones (e.g., White, 2014). Wu and D'Angelo (2014) reported that deficiencies in immigration policy might push certain decision makers to incorporate criminal law to immigration rules for enforcement purposes.

Removal proceedings cases can take years and the process involve several entities that work and interact on a regular basis. The success of the process might require coordination, effective communication, good organization, new technologies and a reliable programming system. Cooper (2012) discussed the relevance of accountability in public administration. Cooper explained that accountability involves oversight, checks and balances, and thoughtfulness in the decision-making process. Cooper related that the concepts of administration and governance aligns with the concepts of hierarchy and

authority; however, hierarchy and authority should accommodate societal needs and realities in order to be efficient and useful for society.

Immigration courts around the country are overwhelmed with backlog cases (DOJ, 2014). Research is lacking on flaws in immigration courts' operations to include hearings delays and the effects they have on undocumented immigrants and public administrators. The perception and attitudes of immigration attorneys helped in understanding the sources of delays in removal proceedings cases. Participants' perceptions contained strategies that policymakers can use to bring a positive social change. Unless positive changes occur throughout the immigration court system, systemic failures and delays throughout the immigration courts could be further detrimental to the entire court system.

In this section, I discuss research that is relevant to immigration policy issues and removal proceeding problems. This section is organized in the following subsections: complexity of immigration policy issues reform, immigration court structure and background of removal proceedings, immigration case rulings, and recommendations to reduce the delay crisis.

Complexity of Immigration Policy Reform

In this subsection, I address the complexity of immigration policy reform, including the perceptions of scholars about immigration problems and public policy in the United States. In this subsection, I also discuss the effect of deportation on immigrants and their families, deficiencies in federal rules and regulations, and the

relationship between immigration law and criminal law. This subsection is organized in the following areas: effect of deportation on immigrants and their families, deficiencies in immigration rules and regulations, the relationship between immigration law and criminal law, and immigration and public policy.

Effect of deportation on immigrants and their families. Current literature does not adequately address the overwhelming backlog cases that immigration courts in the United States need to resolve; however, the general perception is that delays in removal proceeding hearings might affect all stakeholders such as the EOIR, judges, attorneys, and immigrants (see Cervantes et al., 2010) . Cervantes et al. (2010) investigated the effect of deportation on undocumented Latino families. The researchers studied how serial migration can have a negative effect on the well-being of immigrants. Cervantes et al. noted that many undocumented immigrants might not know the legal, financial, and psychological ramifications of illegal immigration in the United States as many migrate to the United States without proper documentation. The researchers reported that some are deported by the ICE and many immigrants who faced deportation in court returned to their countries voluntarily but reentered the United States illegally, such as in *United States v. Bentancourt* (2001).

Thus, one of the realities that undocumented immigrants face once they enter the United States is legalization of status or deportation (Cervantes et al., 2010). Cervantes et al. (2010) explained that undocumented immigrants need proper documentation to move around, work, seek an education, obtain a driver's license, rent a home, and open a bank

account, which are basic societal living resources that U.S. residents enjoy on a daily basis. The researchers related that undocumented immigrants are deprived of these resources due to their illegal status, which affects them emotionally and psychologically. Although Cervantes et al. discussed the effect of migration on Latino families, they did not emphasize the hardship that undocumented immigrants go through when they face deportation in removal proceeding hearings in immigration courts.

People migrate into the United States for many reasons, to include the pursuit of happiness, economic stability, and political and religious asylum (White, 2014). Cervantes et al. (2010) defined serial migration as a journey in which one family member decides to migrate to a country and then assists other family members to do the same. The researchers shared that serial migration is a cycle that never stops since it involves multiple generations. Cervantes et al. discussed the psychological trauma that Latino immigrants go through when they migrate. Cervantes et al. explored the challenges that undocumented Latino immigrants such as Mexicans and migrants from Central America encounter when they move to the United States. The researchers noted that some individuals have a fallacy about migrating to the United States and do everything it takes to cross the U.S. border.

The immigration issue is very complex and it does not affect immigrants only, but local businesses who hire undocumented immigrants can be held accountable for such acts (Cervantes et al., 2010). Cervantes et al. (2010) explained the role of mental professionals, such as psychologists in determining the emotional effect of deportation on

the lives of individuals. The researchers noted that people who are involved in removal proceedings in immigration courts can seek asylum or relief by providing reasons and evidence that immigration judges might consider in deciding whether they stay in the country or be removed. Cervantes et al. explained that the removal proceeding hearing process can be burdensome for undocumented immigrants as it involves money, collecting evidence, hiring immigration attorneys, and being in good standing with the law. The researchers noted that one of the psychological effects that undocumented immigrants face is the possibility of being separated from their children who were born in the United States. The researchers explained that many undocumented immigrants have children who were born in the United States, thus, the children are U.S. citizens. Cervantes et al. further explained that in cases of deportation, the children would be separated from their parents, which affects the parents and children emotionally, socially, financially, and spiritually.

Deficiencies in immigration rules and regulations. Whereas Cervantes et al. (2010) focused their study on serial migration, others scholars centered their research on current immigration rules and policies (e.g., Rodriguez, 2013a, 2013b). Kerwin and Furlong (2010) discussed public laws and policies aimed at resolving societal problems. According to the authors, one way to tackle immigration problems is through the implementation of sound public laws and policy. Kerwin and Furlong noted the roles and responsibilities of both the federal and state governments in creating new immigration rules. The authors emphasized challenges that state officials might face in formulating

new laws to solve immigration issues. Kerwin and Furlong related that because the Constitution gives Congress the power to regulate foreigners' naturalization, state laws should not depart from federal regulations as federal rules preempt state laws.

Article I, Section 8 of the U.S. Constitution grants Congress the power to regulate the naturalization of foreigners. (Rodriguez, 2013a). Rodriguez (2013a) reported that Congress has the ultimate authority to enact laws and policies in resolving immigration problems. Rodriguez discussed the gravity of immigration issues in the United States and lawmakers' inability to find solutions. Rodriguez pointed out how the lack of comprehensive reform push certain states such as Alabama, Arizona, and Texas to intervene in the federal domain by creating laws that reduce illegal immigration and even force individuals to leave the country without the intervention of authorities. Rodriguez argued that certain states give law enforcement personnel the power to verify documentation of suspected individuals while conducting their activities.

Some states have enacted controversial laws aimed at resolving current immigration issues (Rodriguez, 2013a). Hidalgo (2014) discussed the strategy that certain states used to implement changes to their immigration rules. Hidalgo argued that the concept of self-determination that states rely on to make changes or restrictions to their immigration policy should have a double standard where states apply restrictions to immigration rules.

In addition, some laws make it a criminal offense for businesses to hire undocumented immigrants (Rodriguez, 2013a). Rodriguez (2013a) noted that states'

involvement in the immigration area demonstrates the seriousness of immigration problems and the urgency for Congress to do something about it. Moreover, the author discussed the concept of *good citizenship* that some states might use as a strategy to tackle illegal immigration. According to Rodriguez (2013a), good citizenship refers to respect of public laws. It could be argued that this strategy specifically targets undocumented immigrants since they violated the law by entering and staying in the United States without proper documentation. Rodriguez did not discuss caseload issues in immigration courts and policymakers' need to address immigration policy.

Even if managing immigration seems to be a standard operating procedure for public services, crises about immigration policies and administrative practices regularly occur and challenge public sector organizations (Christensen & Lægheid, 2009; Reichersdorfer, Christensen, & Vrangbaek, 2013). Reichersdorfer et al. (2013) analyzed the degree of accountability of immigration administrators in Norway, Denmark, and Germany. The researchers investigated different types of accountabilities including political, administrative, legal, professional, and social in immigration decision making in the three countries. Reichersdorfer et al. examined the concept of accountability as a technique that pushes public servants to inform the public about their operations, for example, the factors that administrators consider while making critical decisions. Findings indicated that accountability dynamics emphasize conventional norms and values regarding policy change and formal political responsibility does not always lead to political consequences as consequences greatly depend on how accountability dynamics

take place. Although findings from Reichersdorfer et al. study may help policymakers to better understand the urgency on immigration policy reforms in Norway, Denmark, and Germany, further research in this area is needed in the United States.

Public administration theorists such as Kettl (2002, 2015) and Cooper (2002) discussed the role of accountability in the efficiency of governance and public administration. Immigration judges are public administrators who take administration actions during removal proceedings. Reichersdorfer et al. (2013) did not focus on the effect of judges' accountability in immigration court policy reforms in the United States, therefore, further research in this area would be beneficial.

The deportation hearing delay problems might have an effect on undocumented immigrants whose cases have been rescheduled. For example, Coutin (2013) discussed the magnitude of the deportation policy issue in the United States and its effect on undocumented immigrants, particularly Salvadorans, who came into the United States when they were children. Coutin reported that many children did not choose to come to the United States and most of them were brought by their parents when they were little. However, the researcher noted that this situation did not prevent them from being deported by federal authorities, especially when they become adults. The issue with the policy is that these individuals have spent more time in the United States than their countries of origin. Therefore, they call the United States home and are accustomed to the culture, lifestyle, language, and the overall structure of the nation, consequently, their deportation can create serious hardship on them.

On June 15, 2012, President Obama created a new policy that called for deferred action for certain undocumented young people who came to the United States as children (Immigration Equality, 2015). Applications under the program called Deferred Action for Childhood Arrivals (DACA) began on August 15, 2012 (Immigration Equality, 2015). DACA provided administrative relief from deportation and the purpose is to protect eligible immigrant youth who came to the United States when they were children from deportation (University of California at Berkeley, 2017). Thus, DACA gives young undocumented immigrants protection from deportation and a work permit (University of California at Berkeley, 2017).

It is unclear whether the Trump administration will keep DACA and what they will do with the information collected through the program (University of California at Berkeley, 2017). Approximately 314,000 DACA recipients will lose their DACA employment authorization document (EAD) in 2017, which is about 38% of all DACA applicants (Bier, 2016, para. 17). Another 467,000 will lose authorization in 2018, about 115,000 of those will happen in the first quarter of 2018, meaning, that DACA will be half over by March 2018 (Bier, 2016, para. 17) if Congress does not take any action.

Gender plays a role in the criminalization of undocumented immigrants (Gupta, 2013). Gupta (2013) discussed the effect of deportation on undocumented immigrants and their loved ones. Gupta investigated how gender affects the criminalization and deportation of undocumented immigrants. Gupta analyzed Internet archive of 29 narratives from members representing 15 nationalities and interviews conducted in 2009

and 2010 with members of Families for Freedom (FFF) and the New York chapter of the New Sanctuary Movement. The author pointed out some of the challenges that undocumented male immigrants go through when they face deportation. Future research could further focus on whether gender plays a role in immigration courts' decision in delaying removal proceeding cases.

Many female immigrants are victims of domestic violence and to address this issue, Congress enacted the 2005 Reauthorization of the Violence Against Women Act (VAWA; Conyers, 2007). Conyers (2007) discussed the reasons Congress built a strategy in response to the violence that certain immigrants face on a daily basis. In addition, the author noted how the VAWA is used to protect women. Conyers related that many immigrants come from a culture where domestic violence is not considered a crime. The author noted that some women rely on their husband's support, which makes it very difficult for them to report any abuses. In addition, the author shared that many undocumented women battle deportation in court and in some cases their partners cannot help them when the issues get complicated. Thus, Conyers discussed domestic violence as one issue that some undocumented female immigrants face.

The DHS and the DOJ allows certain nonprofit organizations to represent undocumented immigrants before immigration officers and judges (DOJ, 2015). Humphries (2006) examined strategies that certain nonprofit organization use to help undocumented immigrations with their cases. The author discussed the immigration system in the United States and noted that immigrants experience various issues when

they arrive in the United States. Humphries noted that many organizations and social workers work with undocumented immigrants to resolve some of the issues by providing services and goods. In addition, the author used the transnationalism theory to describe the transitional style of immigrants based on how they lived in their native country and then in the United States. Therefore, Humphries focused on the cultural aspect of immigration problems instead of deportation and its related issues.

Some organizations employ fraudulent techniques to take advantage of undocumented immigrants (Longazel & Fleury-Steiner, 2013). Longazel and Fleury-Steinero (2013) examined the recent response in the United States to *notario fraud*, which is an unlawful act that is committed when a nonlawyer poses as an immigration attorney. The researchers discussed the high number of immigrants arriving in the United States and the demand for legal services far exceeding supply. Longazel and Fleury-Steinero explained that due to an increasingly complex system of immigration law, high attorney fees, and the unprecedented potential for immigrant punishment, deportation, and victimization, nonaccredited individuals offering legal services to immigrants are in high demand. The researchers noted that defrauding immigrants is a low-risk endeavor as immigrants vulnerable to deportation are less likely to pursue criminal charges. In addition, the researchers related that cultural ambiguity confounds matters even further because in Latin America, the word *notario* is commonly used to describe a group of highly specialized, elite attorneys who, much like licensed attorneys in the United States, are subject to rigorous examinations, regulations, and professional standards. Some

researchers have claimed that the scope of this problem is wide (e.g., Cisneros, 2001; Langford, 2004; Moore, 2004). Longazel and Fleury-Steinero noted that some disturbing cases have been publicized, many of which involve clients being deceived, losing large sums of money, and having their quest for citizenship jeopardized. Due to this, the researchers noted that there has been a significant governmental response, which led to the formation of an expansive public and private antinotario fraud apparatus.

The relationship between immigration law and criminal law. Certain immigrants who battle deportation in courts are lawful permanent residents (Stellin, 2016). Stellin (2016) noted that they can lose their permanent resident status if they commit a felony offence under the Immigration and Naturalization Act (INA). Stellin discussed the case of a man who was brought to the United States as a baby from Northern Ireland. The author noted that he was a permanent U.S. resident, with three young sons who were U.S. citizens. Stellin related that the man got into a bar fight, which happened 11 years before immigration agents showed up at his home. The author noted that he was deported back to Northern Ireland because he plead guilty to an assault charge 11 years prior, but did not understand the consequences, and now was exiled from his loved ones. Thus, being a permanent resident does not prevent immigrants from being deported, especially when the person is accused of an immoral crime (Newstead & Frisso, 2013). Researchers have also explored the federal sentencing process to see if there was a difference in sentencing between citizens and noncitizens; however, they did not discuss whether deportation was part of harsher penalties for noncitizens (Newstead

& Frisso, 2013; Wu & D'Angelo, 2014).

Immigration and public policy. The September 11, 2001 terrorist attack (9/11) had a significant effect on the immigration policy in the United States (Hammon, 2001). Hammon (2001) analyzed the relationship between the war on terrorism and the war against illegal immigration. The author noted that both illegal immigration and terrorism remain serious societal problems in United States, which divides politicians across the country. Hammon reported that the INA grants ICE officials the ability to deport immigrants who pose a threat to the United States. The author noted that individuals who remain in ICE's custody must appear before immigration courts to respond to charges such as illegal entry, terrorism, and other security issues. The author explained that the federal government spent a significant amount of money to detain immigrants in prison before their hearings. Thus, critical delays in removal proceeding hearings can negatively affect the ICE budget, however, Hammon (2001) did not discuss this factor.

The actions of terrorist who carried out 9/11 pushed the legislative and executive branches to review immigration regulations, identify flaws, and take corrective measures (Pope & Garrett, 2012). Pope and Garrett (2012) explored strategies lawmakers used to implement new immigration policies after 9/11. According to the authors, decision makers based their immigration policy reform on two elements. The first factor was the concept of state of emergency, which pertained to the need for urgent change by either nullifying previous laws or adding new regulations aimed at filling the gaps in the system. In addition, the authors also discussed a second factor related to the challenges,

pain, and sufferings that undocumented immigrants faced on a daily basis due to their illegal status. The authors called the second factor *homo sacer*, which pertained to undocumented immigrants who fell under a certain societal class, where they do not enjoy basic fundamental rights. Pope and Garrett used the *homo sacer* theory and the state of exception theory when discussing the overall structure of immigration law and border control. Pope and Garrett focused on the relationship between 9/11 and the actions of decision makers in reforming immigration rules with the goal of protecting the American people. The authors discussed circumstances in which lawmakers apply exceptions to the rule to tackle critical societal matters. However, Pope and Garrett did not discuss the caseload crisis that immigration court officials face as part of immigration reform.

Immigration Court Structure and Background of Removal Proceedings

Figure 1 depicts the U.S. immigration court structure, Figure 2 show the immigration court operational structure, Figure 3 denotes the hearing process immigration courts must follow, and Figure 4 shows the options and reliefs available for undocumented immigrants and their attorneys. These figures are helpful when discussing the immigration court structure and background of removal proceedings.

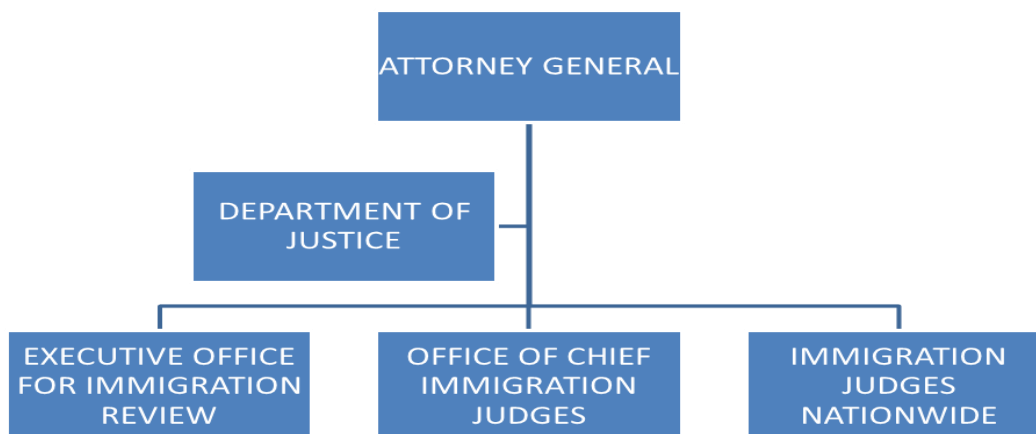


Figure 1. A brief overview of the U.S. immigration court structure.

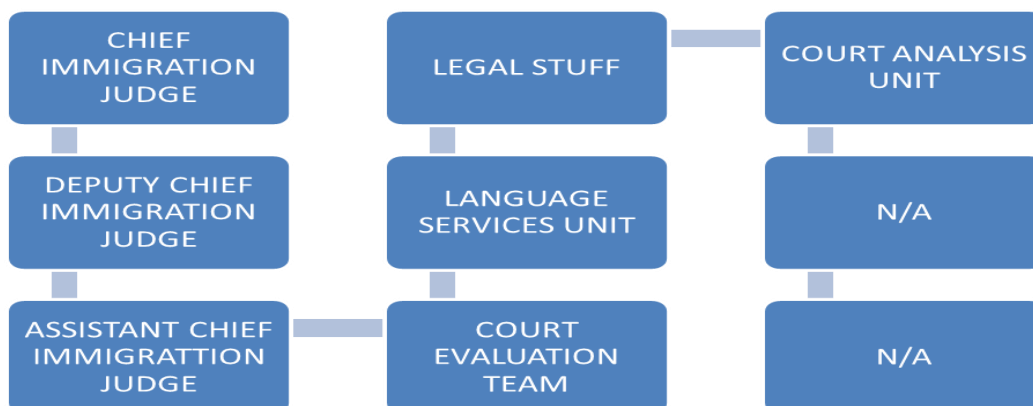


Figure 2. The immigration court operational structure.

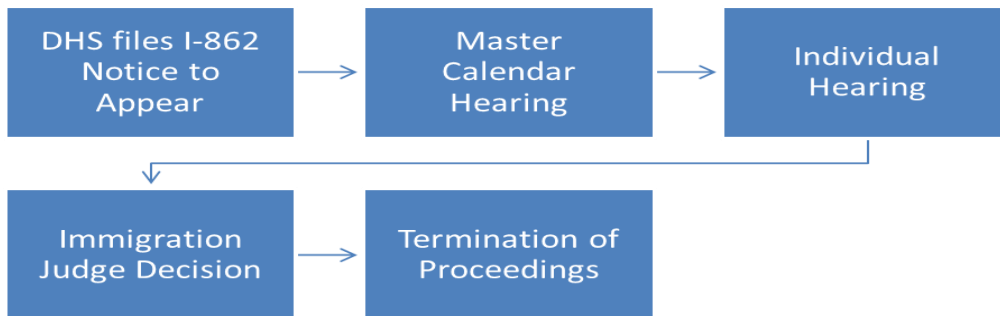


Figure 3. The hearing process immigration courts must follow.



Figure 4. The options and reliefs available for undocumented immigrants and their attorneys. BIA = Board of Immigration Appeals.

Immigration judges across the United States are struggling with resolving the removal proceeding cases in a timely manner due to the significant backlog of court cases (Sol, 2016). Thus, Sol (2016) related that many undocumented immigrants' cases have been critically delayed. Cannato (2012) reported that both the legislative and executive branches of government have offered different solutions for immigration policy reforms. Cannato noted that the issue is that democrats and republicans do not have the same strategies to tackle the immigration problem. A division between policymakers make it difficult for the implementation of effective and efficient immigration regulations. Scholars have studied various issues related to immigration and deportation (e.g., Das, 2008; Garcia, 2012). However, research is lacking on the delay crisis that immigration courts have been facing.

Many undocumented immigrants are not satisfied with the court ruling regarding their deportation orders (*Davis v. U.S*, 2007; *U.S. v. El Shami*, 2005). Under 8 C.F.R. §§ 1240.1(a), 1240.31, 1240.41, U.S. judges have the power in immigration courts to decide whether undocumented immigrants who face deportation need to be removed, deported, or excluded from the United States (DOJ, 2016). In addition, immigration courts have the power to examine reliefs and remedies that individuals might be entitled to under the INA (DOJ, 2016). Immigration courts have a lot of discretion on cases that they adjudicate; however, immigration judges do not have authority over certain immigration-related matters (DOJ, 2016). Federal rules 8 C.F.R. §§ 103.2, 1003.42(h), 28 C.F.R. § 68.26 reserve certain authorities to the USCIS, which is a different entity from the immigration

courts and the DOJ (DOJ, 2016). The USCIS handles visa petitions or relative petitions, work authorization for immigrants, naturalization processes, advance parole, and affirmative asylum (Kandel, 2015). The rulings of immigration courts are not final as they are subjected to appeals to the BIA (Kandel, 2015). The decisions of BIA can also be appealed in federal courts that handle such reviews (DOJ, 2016).

Moreover, immigration proceedings have changed over the years (DOJ, 2016). According to the DOJ (2016), immigration courts previously handled deportation and exclusion proceedings; however, based on the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) enacted in 1996, deportation and exclusion proceedings have been modified. The IIRIRA incorporated the removal proceedings, which became effective in 1997 (DOJ, 2016). Federal Regulations 8 C.F.R. §§ 1003.12-1003.41, 1240.26 covers the removal proceedings process (DOJ, 2016).

The removal proceedings hearing is initiated by the DHS (DOJ, 2016). When undocumented immigrants fall under deportation, the DHS notifies them by filing Form I-862, Notice to Appear (NTA), in immigration court under federal rule 8 C.F.R. §§ 1003.13, 1003.14 (DOJ, 2016). They are informed of their rights and responsibilities, such as their right to retain counsel (DOJ, 2016). However, in certain cases, the DHS might send the NTA to the undocumented immigrant without filing the notice in court (DOJ, 2016). In such a situation, the immigrant who is called a respondent bears no legal duty to appear before the immigration court in case of failure to prosecute (DOJ, 2016). The parties involved in removal proceedings include the undocumented immigrant and

the DHS (DOJ, 2016). The DOJ (2016) shared that the respondent has the option to have representation or counsel and the DHS is represented by the assistant chief counsel or government attorney. The respondent's representative has to have authorization or certification under 8 C.F.R. 1292 (DOJ, 2016). The primary role of the respondent's counsel is to handle filings on behalf of the respondent and interact with the immigration court and government attorney by exchanging relevant information (DOJ, 2016). In doing so, the respondent's counsel is required to file a notice of entry of appearance before the immigration court, Form EOIR-28 (DOJ, 2016).

Deportation is a complicated procedure and sometimes respondents and representatives might not agree on how to handle cases (DOJ, 2016). In case of disagreement, the respondent's counsel has the right to withdraw from the case by submitting a verbal or written request and the respondent has the right to retain a new representative; however, the new counsel who takes on the case has to file a notice of entry of appearance in court (DOJ, 2016). It is important that the NTA, Form I-862, indicates the date, time, and the location of the hearing (DOJ, 2016). According to the DOJ (2016), before the hearing, the respondent's counsel may ask the court to conduct the hearing by video conference or teleconference depending on the circumstances under the INA § 240(b)(2), 8 C.F.R. § 1003.25(c). However, the immigration judge has the discretion to request that the respondent appear in person. Moreover, the respondent and counsel has a legal duty to attend the hearing at the right date, time, and location (DOJ, 2016). The court has the authority to hold the hearing *in absentia* if the respondent is late

or fails to appear in court according to 8.C.F.R. 1003.26, which applies to both the master calendar hearing and individual calendar hearing (DOJ, 2016).

Thus, there are two types of hearings in removal proceedings: master calendar hearing and individual calendar hearing (DOJ, 2016). The master hearing is the first appearance of the respondent in court where the court verifies the personal information of the respondent; including the name, address, and alien registration number (DOJ, 2016). The court also provides the respondent with rights and responsibilities, including reliefs and remedies that the person might have under federal rules (DOJ, 2016). On the other hand, the individual hearing is similar to a trial in regular court (DOJ, 2016). During the individual hearing, the two parties present oral arguments and produce evidence to support those arguments, call witnesses if applicable, and make objections (DOJ, 2016). In addition, the general public can have access to deportation hearings unless the court decides otherwise; for example, an immigration court may decide to hold a closed hearing in cases that involve children, asylum, spousal abuse, or other sensitive matters such as torture (DOJ, 2016). Besides the court, the counsel of the respondent can request a closed hearing by filing a motion in court (DOJ, 2016). Many immigrants come from countries where English is not the official language; therefore, they can request an interpreter and the court will pay the cost (DOJ, 2016). Removal proceeding hearings are recorded only by court officials as no other entity is allowed to record hearings (DOJ, 2016). This allows the courts to have electronic records of removal proceedings cases and the appellate court might request transcripts in case of appeals (DOJ, 2016).

Immigration case backlogs has been an ongoing problem for immigration courts across the United States and the EOIR has been aware of the issue (GAO, 2006). The GAO (2006) conducted a performance review of the EOIR and immigration courts to investigate the overall operations of immigration courts in the United States. The GAO interviewed EOIR officials to examine the caseload and delays in court operations. Findings indicated major issues within immigration courts' coordination, organization, and proceedings. Some of the issues that were discovered included data entry problems, system programming failures, and other procedural errors. The GAO also found some irregularities in the EOIR's quarterly statement. In addition, EOIR officials were behind in removal proceeding schedule. EOIR officials indicated that they recognized the issues and would take appropriate measures to correct the problems, such as setting up quarterly goals to resolve and close old cases.

With approximately 330 judges nationwide, immigration courts in the United States are struggling to resolve 610,524 removal proceedings cases (DOJ, 2017a, 2017b, p. 1; TRAC, 2017, p.1). There are different wait times based on the location of the immigration court, with some courts focusing exclusively on priority cases such as unaccompanied minors, women with children, and people who are detained (TRAC, 2015a, 2015b). Thus, for some undocumented immigrants, wait times are much shorter, whereas wait time can be much longer in some locations where the court is understaffed with not enough immigration judges based on their caseload (TRAC, 2015a).

Immigration Case Rulings

The following cases shed more light on the need for a comprehensive immigration reform and transformation in immigration courts' operations. The cases indicate the effect of immigration policy issues on all stakeholders, such as the challenges that undocumented immigrants, immigration courts officials such as judges, DHS officials, and immigration attorneys encounter during the removal proceedings process. Due to federal rules, immigration judges have a lot of power and discretion over deportation hearings (DOJ, 2008). For example, an undocumented immigrant's attorney can file written motions in court and the immigration judge has discretions over those motions, which may include motion to waive representative's appearance, motion to waive the respondent's appearance, and motion to present telephonic testimony (DOJ, 2008).

A case that illustrates the complexities in immigration courts is the *United States of America v. Wilbert Turner* (2010). Based on the *United States of America v. Wilbert Turner* court case, Turner was a Jamaican citizen who became a permanent resident of the United States in 1984, and was convicted in 1986 for illegal possession of marijuana. As a result, he faced deportation and in 1991, Turner was deported from the United States to Jamaica after a long process. A year later, Turner reentered the United States illegally and was arrested and faced deportation for the second time under 8 U.S.C. § 1326(a). Turner was deported 5 times by the government, but reentered the United States illegally. Turner challenged the deportation order by claiming that the immigration court failed to inform him about his first deportation hearing, which he did not attend. Turner argued

that he never received the deportation hearing notice and he would have been able to seek remedies had been aware of the hearing. Turner filed a motion to dismiss his case for procedural error; however, the immigration judge denied his motion and requested an evidentiary hearing.

United States of America v. Armando Cazarez-Santos (2014) was another immigration case that highlights the need for reform in court proceedings. In *U.S. v. Cazarez-Santos*, the petitioner, Cazarez-Santos, was convicted of aggravated felony for illegally aiding and transporting undocumented immigrants into the United States. As a result, he was deported by the federal government after serving a prison term. Cazarez-Santos then tried to reenter the United States illegally, but ICE arrested him and placed him on the list for deportation. Cazarez-Santos challenged his deportation decision for ineffective counsel and representation. Cazarez-Santos argued that his counsel failed to inform him about the likelihood of deportation after being convicted of an aggravated felony offence. The court held that Casarez-Santos was aware of the consequences of the crime he committed and removal proceedings remained one of those consequences. Therefore, he had no standing by claiming such a defense as his counsel acted within legal procedures. According to the immigration judge, the defense counsel did what a reasonable person would do under the same circumstances, therefore, the court denied his motion to dismiss.

In *U.S. v. Betancourt* (2001), the defendant, Betancourt, a Mexican citizen, was a permanent resident who was arrested and convicted of aggravated assault, false

imprisonment, and battery under the criminal code of the State of Florida. Consequently, he faced deportation and the immigration court notified him about the removal proceedings hearing, which he failed to attend. ICE deported Betancourt, but he reentered the United States without proper documentation. Betancourt was charged with illegal reentry under U.S.C §1326. Betancourt claimed that his deportation conviction violated his constitutional right of due process; thus, he asked the court to dismiss his case. In addition, Betancourt argued that the court did not inform him of the rights and remedies that he had under the immigration regulations, such as 8 U.S.C.S. § 212(c), which provides some reliefs or remedies to certain undocumented immigrants who battle deportation in court under specific conditions and circumstances. The court concurred with Betancourt by stating that the deportation order was prejudicial as the defendant did not get the opportunity to dispute the charges brought against him.

In another immigration case, *United States of America v. Mario Arita-Campos* (2009), Arita-Campos was a Honduras citizen who was living illegally in the United States. ICE ordered his deportation and the court scheduled a deportation hearing. Arita-Campos stayed in the United States while waiting on his removal proceedings hearing; however, he did not show up on the hearing date and the judge ordered his removal in absentia since he was not present. Arita-Campos filed a motion to dismiss by arguing that the judge in absentia removal order was prejudicial and unfair. The court held that Arita-Campos lacked standing as he was unable to prove that the court's order was fundamentally unfair under §1326(d) of the INA. According to the USCIS (2017), the

INA allows undocumented immigrants to challenge the validity of the deportation order provided that challenge meets the following criteria: (a) The subjected individual must use all the legal reliefs or remedies that the person is entitled under INA, (b) the removal proceedings procedure is considered invalid for procedural failure, and (c) the deportation order itself is prejudicial and unfair. *United States of America v. Mario Arita-Campos* indicated that the immigration judge denied Arita-Campos motion to dismiss because the motion did not meet the three criteria.

In the *United States of America v. Jose De La Luz Felix-Maciel* (2011) court case, the defendant, Felix-Maciel, filed a motion to dismiss his deportation decision and claimed the immigration court committed a procedural error. The defendant was charged with entering the United States illegally and the defendant argued that the court's ruling violated his constitutional right of due process as the judge failed to inform him about his right to appeal during his prior deportation proceeding. However, the appeals court did not agree with that argument and noted that defendant failed to mention the procedural error in a timely manner as it was 25 years after the original ruling. In addition, the defendant was deported 3 times from the United States, but reentered the United States illegally. The appeals court even went further by stating that the defendant could have notified the government when he was arrested and faced removal proceeding hearing in court.

In the *Andre Paul Davis v. United States* (2007) case, the petitioner committed a felony offence. As a result, he faced deportation; however, the court changed the hearing

date and neither the petitioner or his attorney was present at the hearing. The court ruled in absentia and ordered the petitioner's removal from the United States. The petitioner claimed that he never received the hearing notice and that he notified his attorney when he moved to a new address, but his attorney failed to inform the court. Therefore, the petitioner stated a defense of ineffective counsel; thus, the circuit court placed a hold on the petitioner's motion to vacate while waiting for the final ruling on his removal proceedings.

In the *United States of America v. Essam Helmi Elshamie* (2005), the defendant claimed collateral attack regarding his removal proceedings decision and stated that the court failed to notify him about the hearing. The defendant was charged with illegal reentry. The court held the hearing in absentia and ordered the removal of the defendant. Under immigration rules, individuals who are ordered to be removed from the United States have 30 days to file an appeal of the deportation decision before the BIA, but the defendant did not file the appeal in a timely manner. The defendant argued that he was never aware of the hearing, therefore, he was unable to seek relief. The court concurred with the defendant and held that the failure of the USCIS to inform the defendant about the hearing prevented him to request remedies that he might have been entitled to under federal regulations.

Similarly, in the *United States of America v. Buenaventura Castillo Basa* (2007), Basa was convicted of illegal entry in the United States after being deported and stated that he was not informed about the deportation hearing. The defendant also claimed that

the government could not hold another hearing just to disprove his argument under the double jeopardy clause. The appellate court agreed with the defendant on the double jeopardy clause.

In the *United States of America v. Antonio Melendez-Castro* (2012), the defendant filed a motion to dismiss his conviction and argued that the immigration judge gave him erroneous advice regarding the possibility of getting voluntary departure during his 1997 deportation hearing. The issues before the court were whether the defendant had the right to seek voluntary departure and whether the immigration judge failed to inform him during the hearing. The defendant claimed collateral attack during his first deportation hearing and after reviewing all the evidence, the court denied the defendant's motion to dismiss because there was no prejudice by the judge.

Recommendations to Reduce the Delay Crisis

Problems affecting the immigration removal process requires further attention. The perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas is instrumental in addressing the case backlog crisis because they are an important stakeholder in the immigration process. In this subsection, I will discuss some of the recommendations found in the literature pertaining to the backlog crisis.

Due to the depth and breadth of the problem, Reasoner (2011) provided regulatory or policy amendment recommendations. Reasoner noted that statutory change was undesirable because such changes were unlikely based on the political climate.

Reasoner recommended the following: (a) restrict the use of voluntary return, (b) encourage the use of judicial orders of removal, (c) expand the use of regular expedited removal proceedings, (d) require the use of administrative expedited removal proceedings against aggravated felons, (e) resuscitate the use of stipulated orders of removal, and (f) strengthen sanctions against frivolous filings and representation abuse.

There are two reasons for restricting the use of voluntary return (Reasoner, 2011). First, Reasoner (2011) suggested that no immigrant convicted of a crime should be granted the privilege of voluntary return as it undermines the DHS and ICE priorities of focusing immigration enforcement efforts on immigrants who are criminals. Second, Reasoner noted that voluntary return encourages immigrants who have recidivated to illegally return to the United States without much fear of consequences because it takes away the possibility of criminal prosecution for reentry after removal. Reasoner explained that in 2010, DHS officers apprehended 516,992 immigrants for immigration violations and 476,405 (92%) were permitted to voluntarily return to their home country instead of proceedings (p. 12). Reasoner noted that most of these immigrants (463,382 or 89.6% of the total apprehensions) were taken into custody by border patrol agents in proximity to the United States physical frontiers and most could have been formally removed by use of expedited removal (p. 12).

In regard to encouraging the use of judicial orders of removal, Reasoner (2011) explained that when the EOIR is so overburdened, other parts of the DOJ should help in alleviating that burden. Reasoner argued that the DOJ's Executive Office of U.S.

Attorneys should revise the United States attorneys' manual so that prosecutors can seek judicial orders of removal from federal judges in all criminal cases in which the defendant is an alien. Reasoner noted that if the alien's presence is required as a witness or defendant in future trials, the order of removal can be accompanied by a directive to stay the removal until conclusion of all criminal proceedings.

In relation to expanding the use of regular expedited removal proceedings, Reasoner (2011) argued that through the use of the regulatory rulemaking process, the ICE should expand the cases in which nonjudicial expedited removal may be used against immigrants illegally in the United States. Reasoner emphasized that this recommendation should not deprive officers of their ability to use alternate due process procedures, but is intended only to ensure that lesser alien offenders are not given the opportunity to depart voluntarily without tying up finite court resources and detention space while trying to obtain a formal order of removal.

In regard to requiring the use of administrative expedited removal proceedings against aggravated felons, Reasoner (2011) noted that a lot of officer and judicial time is spent in the litigation of cases against immigrants convicted of, and serving time for, aggravated felonies. Thus, Reasoner recommended that the ICE director issue a policy directive that requires the use of nonjudicial administrative final orders in all cases involving aggravated felons who are not lawful permanent resident aliens. In relation to resuscitating the use of stipulated orders of removal, Reasoner argued that there appears to be adequate room to establish sufficient due process to satisfy appellate judges, if not

the private bar, that immigrants who sign stipulations have done so knowingly and of their own volition; thus, the Office of the Professional Legal Advisor should develop operating procedures to guide its attorneys and ICE staff in their appropriate use. In regard to strengthening sanctions against frivolous filings and representation abuse, Reasoner recommended that the EOIR should immediately complete regulatory amendments to disbar, sanction, and penalize fraud, contumelious behavior, or dilatory tactics on the part of attorney practitioners who abuse immigration proceedings at trial or at the appellate level.

The EOIR case backlog, which pertains to cases pending from previous years that remain open at the start of a new fiscal year, more than doubled from 2006 through 2015, and is attributed to declining cases completed each year (GAO, 2017). The GAO (2017) discussed actions that are needed to reduce case backlog and address long-standing management and operational challenges. To better address current and future staffing needs, the GAO recommended that the EOIR director develop and implement a strategic workforce plan that addresses key principles of effective strategic workforce planning, which should include (a) determining critical skills and competencies needed to achieve current and future programmatic results; (b) developing strategies that are tailored to address gaps in number, deployment, and alignment of human capital approaches for enabling and sustaining the contributions of all critical skills and competencies; and (c) monitoring and evaluating the agency's progress toward its human capital goals and the

contribution that human capital results have made toward achieving programmatic results.

To better address the EOIR's immigration judge staffing needs, the GAO (2017) recommended that the EOIR director (a) assess the immigration judge hiring process to identify opportunities for efficiency, (b) use the assessment results to develop a hiring strategy that targets short- and long-term human capital need, and (c) implement any corrective actions related to the hiring process resulting from this assessment. To help ensure that the EOIR meets its cost and schedule expectations for EOIR courts and appeals systems (ECAS), the GAO recommended that the EOIR director (a) identify and establish the appropriate entity for exercising oversight over ECAS through full implementation, and (b) document and implement an oversight plan that is consistent with best practices for overseeing information technology (IT) projects, including establishing how the oversight body is to monitor program performance and progress toward expected cost, schedule, and benefits; ensuring that corrective actions are identified and assigned to the appropriate parties at the first sign of cost, schedule, or performance slippages; and ensuring that corrective actions are tracked until the desired outcomes are achieved.

To provide further assurance that EOIR's use of video teleconference (VTC) in immigration hearings is outcome-neutral, the GAO (2017) recommended that the EOIR director (a) collect more complete and reliable data on the number and type of hearings it

conducts through VTC, (b) collect data on appeals in which the use of VTC formed some basis for the appeal and the number of in-person hearing motions filed, and (c) use these and other data to assess any effects of VTC on immigration hearings and address any issues identified through such an assessment. To further ensure that the EOIR's VTC hearings meet all user needs and help the EOIR in identifying and addressing technical issues with VTC hearings, the GAO recommended that the EOIR director develop and implement a mechanism to solicit and monitor feedback from respondents regarding their satisfaction and experiences with VTC hearings, including the audio and visual quality of the hearing. To better assess court performance and use data to identify potential management challenges, GAO recommended that the EOIR take the following actions: (a) establish and monitor comprehensive case completion goals, including a goal for completing nondetained cases not currently captured by performance measures, and goals for cases it considers a priority; (b) systematically analyze immigration court continuance data to identify and address any operational challenges faced by courts or areas for additional guidance or training; and (c) update policies and procedures to ensure the timely and accurate recording of NTA.

Summary and Conclusions

The DHS initiates hundreds of thousands of cases with the U.S. immigration court system each year to decide whether immigrants who are foreign nationals charged on statutory grounds of inadmissibility or deportability should be removed from the United States or granted any requested relief or protection from removal and permitted to

lawfully remain in the country (GAO, 2017). The EOIR's responsibilities include conducting immigration court proceedings, appellate reviews, and administrative hearings fairly, expeditiously, and uniformly administer and interpret U.S. immigration laws and regulations (GAO, 2017). Congress, immigration court experts, and stakeholders such as immigration attorneys and their clients are concerned about the growing case backlog, which are the number of cases pending at the start of each fiscal year before the immigration courts (GAO, 2017). In addition, the EOIR's director testified that the EOIR's growing pending caseload is its largest challenge where the number of pending cases before its immigration courts grew by 58% from fiscal years 2012 through 2016 to a backlog of more than 500,000 cases pending at the start of fiscal year 2017 (GAO, 2017, p. 2). TRAC (2017) reported that the overall number of pending cases in the United States for 2016 was 496,704 and 610,524 in 2017, thus, a 22.9% increase (p. 1). The State of Texas had the second highest pending cases, with 87,088 pending cases in 2016 and 100,510 pending cases in 2017; thus, a 15.4% increase (TRAC, 2017, p.1). As a result, some immigrant cases may take years to resolve (GAO, 2017).

EOIR officials have identified multiple factors, such as increases in immigration court caseloads, legal complexity, and resource shortages as contributing to case backlogs (GAO, 2017). However, immigration court experts and stakeholders have noted additional challenges such as the immigration court system's structure as adversely affecting the courts' efficiency and effectiveness (GAO, 2017). To address these

challenges, various organizations, such as the American Bar Association and the National Association for Immigration Judges have recommended management improvements; incremental reform of the immigration courts within the existing EOIR structure, and major structural changes, such as creating an immigration court system independent of any executive branch department or agency as restructuring could result in various benefits, such as enhanced credibility and organizational capacity (GAO, 2017). However, additional research is needed to better understand the removal proceeding hearing case backlog in order to find other possible solutions to the delay crisis. Therefore, this study addressed this gap by adding to the literature in exploring immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas. Immigration attorneys are important stakeholders who have expertise in the removal proceeding hearing process and the immigration court system.

In Chapter 2, I included the introduction, literature search strategy, theoretical foundation, complexity of immigration policy issues reform, immigration court structure and background of removal proceedings, immigration case rulings, recommendations to reduce the delay crisis, and a summary and conclusions. In Chapter 3, I include the research design and rationale, role of the researcher, methodology, issues of trustworthiness, and a summary. In Chapter 4, I include the setting, demographics, data collection, data analysis, evidence of trustworthiness, results, and a summary. In Chapter

5, I include the interpretation of the findings, limitations of the study, recommendations, implications, and a conclusion.

Chapter 3: Research Method

In this case study, I explored the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas with one of the highest numbers of pending cases. Using snowball sampling, data were collected for this study through in-depth face-to-face semistructured interviews with 10 immigration attorneys as well as deportation hearing observations and court document reviews. I transcribed the interviews, deportation hearing observations, and court document reviews and managed the data with NVivo. Data were analyzed using the open coding technique. I conducted the study in accordance with Walden University's IRB guidelines to ensure the ethical protection of research participants. The IRB approved the application for the study and the approval number is 11-08-16-0414347. In Chapter 3, I include the research design and rationale, role of the researcher, methodology, issues of trustworthiness, and a summary.

Research Design and Rationale

In this section, I present the research questions for this case study. I also discuss the case study design rationale. I organized this section in the following subsections: research questions and case study research design rationale.

Research Questions

In this qualitative case study, I addressed one central research question: What are the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas?

Three subquestions were considered:

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

Case Study Research Design Rationale

I used a qualitative case study research design to explore the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas. Snowball sampling was used to collect data through in-depth face-to-face semistructured interviews with 10 immigration attorneys in a specific city in Texas. In addition, I conducted deportation hearing observations and reviewed court documents. I used NVivo to manage the data and the open coding technique for analysis.

I considered a mixed method approach because it uses the strengths of both the qualitative and quantitative methodologies to provide a broader perspective on the overall issue (see Moss, 2017). However, a mixed methods approach was not needed in answering the central research question and three subquestions in this study. I also considered a quantitative research method because it allows the researcher to remain more objective while proving or disproving a hypothesis (see Sewell, 2017). However, a quantitative method was not used for this research study because participants'

perceptions or thoughts cannot be measured with standardized instruments. Thus, I used a qualitative research method in this study because data collection is based on participants' meanings and the researcher is able to become immersed in the research topic (see Sewell, 2017).

I considered five qualitative research designs for this study, which include case study, ethnography, grounded theory, narrative inquiry, and phenomenology (see Guetterman, 2015). I chose the case study research design after an in-depth review of the five qualitative designs. A case study research design allows researchers to conduct a deeper exploration of a phenomenon (Patton, 2002). The focus of the case study in this qualitative inquiry was to examine a societal problem within a bounded judicial system. There are two types of immigrants who battle deportation in court. The first category of immigrants are in ICE custody and are considered detainees. The second category of immigrants are not in ICE custody, but they remain in the United States as they wait for their removal proceeding hearings. In this study, I focused on the backlog cases of immigrants who are not detained by ICE. The immigration court in the State of Texas, which was the focus of this study, had 39,968 pending cases in 2016 and 48,701 pending cases in 2017, thus, a 21.8% increase (TRAC, 2017, p.1). The immigration court and the service processing center that were the focus of this study have 11 immigration judges (DOJ, 2017a). The State of Texas have 9 immigration courts and 45 immigration judges (DOJ, 2017a).

Maxwell (2013) and Patton (2002) related that the case study research design allows qualitative researchers to investigate a real, complex societal situation. The aim of this case study was to analyze the problem of deportation hearing delays from different angles using immigration attorney interviews, deportation hearing observations, and court document reviews. Thus, the case study design was used to understand this complex situation. Case study design varies depending on the research question and purpose (Patton, 2002). For example, a single case study may not be appropriate when the focus is on describing different individuals' perspectives about different social situations (Patton, 2002). However, the aim of this study was to understand delays regarding deportation hearings from immigration attorneys' standpoint within a specific location and bounded system, thus, a single case study design was used.

Role of the Researcher

My primary role in this study was to be a reliable data collection instrument; therefore, I served as an observer-participant during the in-depth face-to-face semistructured interviews, court observations, and court document reviews. Maxwell (2013) and Patton (2002) discussed the significance of the researcher's role in qualitative studies, where they argued that researchers remain the key data collection instrument. Maxwell and Patton noted that the researcher's behavior, knowledge, and experience play a relevant role in the success of the study. I had direct contact with participants as I recruited them by e-mail, telephone, and face-to-face conversations. I collected

semistructured interview data, and conducted court observations and court document reviews, which I transcribed, coded, analyzed, and interpreted.

I did not recruit family members, friends, coworkers, or professional and personal associates, to prevent perceived coercion to participate. However, I asked professional associates if they knew individuals who met the study's criteria to get snowball sampling started. Therefore, I did not have any personal or professional relationship with potential research participants. I had no power over potential participants; thus, they were able to participate without feeling coerced or obligated to take part in the study.

It is important that researchers demonstrate awareness of how biases may emerge; be thoughtful and attempt to minimize the effects of the researcher on data collection; and attempt to address bias through systematic and comprehensive analysis, and reflectiveness on the research methods, the decisions made, and the consequent limitations of the study (Spencer et al., 2003). I used specific strategies such as reflexivity, which pertains to self-examination where the researcher acknowledges values, assumptions, prejudice, and influence of the researcher in the study (Hand, 2003; Koch & Harrington, 1998; Whiting, 2008). Thus, I acknowledged any experiences, biases, and values relating to the research topic. I did not have any biases against the research participants and treated them respectfully. I considered participants' perceptions and there were no conflicts of interests in the study. After completion and approval of this study, I will e-mail each participant a summary report of the research findings.

Methodology

In this section, I discuss the methodology, where I provide enough depth so that other researchers can replicate the study. I organize the methodology section in the following subsections: participant selection logic; instrumentation; procedures for recruitment, participation, and data collection; and data analysis plan.

Participant Selection Logic

Snowball sampling, which is a subset of purposeful sampling and is a nonprobability sampling method (Chambliss & Schutt, 2016; Patton, 1990), was used to identify potential participants who met the selection criteria for inclusion in the case study. The selection criteria for being in this study included active immigration attorneys in a specific city in Texas who were licensed to practice law in an immigration court in Texas, thus, having expertise in removal proceeding hearings. Active immigration attorneys who were known to meet the selection criteria were initially contacted by e-mail, telephone, or face-to-face conversations. They were sent an invitation letter to participate in the study and were asked to recommend other active immigration attorneys who met the selection criteria for this study (see Appendix A).

Unlike quantitative studies, the sample size in qualitative studies tends to be smaller (Mason, 2010). Gustafsson (2017) discussed multiple and single case studies. For single case study research, if the researcher only wants to study one single thing such as a single group of people, a single case study is the best choice (Gustafsson, 2017; Yin, 2003). In this study, I used a single case study design to understand delays regarding

deportation hearings based on 10 immigration attorneys' perceptions. Gustafsson argued that when a single case study is used, the researcher can question old theoretical relationships and explore new ones, thus, conducting a more careful study.

Students face the dilemma of data saturation when they design a qualitative research study where they interview study participants (Fusch & Ness, 2015; O'Reilly & Parker, 2012; Walker, 2012). Specifically, students must figure out how many interviews are enough to reach data saturation (Guest, Bunce, & Johnson, 2006). Data saturation is reached when the researcher has provided enough information to replicate the study, when the researcher's ability to obtain additional new information has been achieved, and when further coding is no longer possible (Guest et al., 2006; O'Reilly & Parker, 2012; Walker, 2012). For this single case study, 10 participants were used to find trends in participants' removal proceeding hearing experiences. The relationship between saturation and sample size was sufficient in this study because through snowball sampling, the use of 10 immigration attorneys' interviews along with deportation hearing observations and court document reviews allowed me to obtain the richest data possible, thus reaching data saturation.

Instrumentation

Data collection instrumentation included the use of an interview guide, observation protocol, and an immigration court document review guide, which were sufficient to answer the central research question and three subquestions.

Semistructured interviews. I used a 45-minute researcher-developed interview questionnaire to conduct individual in-depth face-to-face semistructured interviews with 10 immigration attorneys in a specific city in Texas (see Appendix B for the interview guide). Raworth, Narayan, Sweetman, Rowlands, and Hopkins (2012) reported that semistructured interviews are widely used and unlike structured interviews that follow a rigid format, semistructured interviews focus on specific themes but cover them in a conversational style. Raworth et al. noted that semistructured interviews tend to be the best way to learn about the motivations behind people's choices, behaviors, attitudes, and beliefs, as well as the effects of specific policies and events on their lives. In addition, Raworth et al. explained that semistructured interviews often provide valuable information that the researcher did not anticipate.

Deportation hearing observations. I conducted deportation hearing observations, which included descriptions of the removal proceeding hearings and visual layout of the court, as well as provided my reflections on the hearings (see Appendix C for the observation protocol). Removal proceeding hearings are open to the public unless immigration judges decide to conduct close hearings. I attended removal proceeding hearings that were open to the public and used the observation protocol to obtain information about each case. The observations allowed me to analyze the delay phenomenon from another angle. During individual hearings, both parties presented their case before the immigration judge.

Court document reviews. I also reviewed public immigration court documents (see Appendix D for the immigration court document review guide). I collected public information on the ICE and prosecutorial discretion, the purpose of the 180-day asylum employment authorization document (EAD) clock notice, how undocumented immigrants protect themselves from immigration fraud, how to post bond, and steps they can take if they disagree with the judges' decision. In addition, I collected public information on what undocumented immigrants should do if they move to a new location; mechanisms for building their case up; qualification criteria for asylum relief and withholding of removal and the convention against torture; what they should do when they miss their hearings; qualification criteria for victims of trafficking and benefits and reliefs for these victims; special immigration juvenile status; and U visa eligibility.

Procedures for Recruitment, Participation, and Data Collection

I completed the National Institutes of Health (NIH) research protections training. I also complied with all federal and state regulations, such as abiding by the U.S. Department of Health and Human Services' (HHS', 2009) protection of human subjects code of federal regulations. After receiving Walden University's IRB approval to conduct the study, I contacted active immigration attorneys in a specific city in Texas who were licensed to practice law in an immigration court in Texas, individually by e-mail, telephone, and face-to-face conversations. Contact information for active immigration attorneys was obtained from personal contacts and public information available online. I did not include anyone with whom I had a personal relationship such as family members,

friends, coworkers, or professional and personal associates, to prevent perceived coercion to participate. I asked professional and personal associates if they knew immigration attorneys who met the study's criteria to get snowball sampling going. I also used public information available online, such as from attorney websites.

Potential participants were sent an invitation letter to participate in the study and were asked to recommend other active immigration attorneys who met the selection criteria for this study (see Appendix A). Participants were informed that they could ask questions about the study by e-mail, telephone, or face-to-face conversations. On the invitation letter to participate in the study, potential participants were instructed to complete the questions on the letter and e-mail them back to me if they were interested in participating in the study, which helped to ensure that they met the selection criteria for participation. As I received the e-mail responses to the questions asked on the invitation to participate letter from the potential participants who were interested in participating in the study and I ensured that they met the study's selection criteria, I contacted each participant by telephone or e-mail to set-up an appointment to conduct individual semistructured interviews at a time that was convenient for them. The interviews took place in a private meeting room at a public library.

Before taking part in the interview, I asked each participant to read and sign a hard copy consent form. The consent form outlined areas such as the voluntary nature of the study and that no compensation was offered to participants. I answered participants' questions while they reviewed the consent form. Interviews were audio-taped and took

approximately 45 minutes (see Appendix B for the interview guide). Before the interview session ended, I answered participants' questions and discussed the transcription review process that would take place by telephone or e-mail at a later date. I then concluded the interviews and thanked participants for their participation.

It was unlikely that participation would arouse any acute discomfort as the study only involved the risk of the minor discomforts that can be encountered in daily life such as fatigue. After I transcribed the interviews, I e-mailed each participant their transcript of the interview and asked that they review the transcript for accuracy, which helped to ensure that the transcriptions were accurate, credible, and valid (see Harper & Cole, 2012). I discussed the participants' feedback with them by telephone or e-mail. The transcription review process took approximately 25 minutes. I also conducted deportation hearing observations at hearings that were open to the public and used the observation protocol to obtain information about each case (see Appendix C). In addition, using the immigration court document review guide (see Appendix D), I conducted public immigration court document reviews.

I will e-mail a summary report of the research findings to all participants after the study is completed and approved. I am the only one with access to the research data in my private home office, which are kept secured in a locked file cabinet and password-protected computer. I will keep all data for at least 5 years based on Walden University guidelines and after that time period, I will use techniques such as shredding and demagnetizing to properly destroy the data.

Data Analysis Plan

I transcribed the interviews, deportation hearing observations, and court document reviews, and managed the data with NVivo. NVivo is a data management tool that helps the researcher to index segments of text to particular themes, link research notes to coding, carry out complex search and retrieve operations, and help the researcher in examining possible relationships between the themes (King, 2004). To analyze the interview questions against the central research question and three subquestions, I analyzed the data using the open code technique. First, data were organized and prepared for analysis. Interview transcripts were recorded, transcribed, and imported into NVivo. In the second step, data were read holistically and raw codes were created to gain a general sense of the information conveyed within the entire dataset. Raw codes were created from a preliminary analysis of the data to describe the narratives and determine possible themes and patterns that may be of significance. In the third step, raw codes were turned into axial codes. Codes were grouped together based on similarity. In the fourth step, data were coded and grouped into broader thematic categories. Data were interpreted to determine overarching descriptions to represent a collection of codes. In the fifth step, general case descriptions were conceptualized to reanalyze categories and codes as emerging themes and subthemes. Finally, in the sixth step, data were interpreted and triangulated with all data sources in the study by analyzing the frequencies of theme occurrences, significance of themes, and case contexts. During data analysis, I found no discrepant cases.

Issues of Trustworthiness

Qualitative researchers often seek a depth of information so that they can gain understanding and insight related to the meaning that individuals give to their experiences (Kaminski & Pitney, 2004). Kaminski and Pitney (2004) explained that unlike quantitative research that is objective and generalizable, qualitative research is subjective and contextual; thus, qualitative researchers often use interviews and observations to collect data. The researchers noted that similar to traditional forms of research, issues of quality are a concern for qualitative researchers and practitioners. In this section, I discuss strategies that I used to ensure trustworthiness in this case study. I organized this section in the following subsections: credibility, transferability, dependability, confirmability, and ethical considerations.

Credibility

Instead of internal validity, qualitative researchers tend to use the term *credibility* (Kaminski & Pitney, 2004). Kaminski and Pitney (2004) related that credibility pertains to whether the research findings capture what is really occurring in the context and whether researchers learned what they intended to learn. Strategies used to establish credibility include triangulation, member checks, peer review, saturation, reflexivity, prolonged engagement, negative case analysis, and persistent observation (Anney, 2014; Kaminski & Pitney, 2004). In this study, I established credibility through triangulation, transcription reviews, saturation, and reflexivity. Triangulation involves using multiple data sources in a study to produce understanding (Cohen & Crabtree, 2006). In this study,

I used three data sources: (a) semistructured interviews, (b) deportation hearing observations, and (c) court document reviews. I used transcription reviews where I e-mailed each participant the transcript of their interview, asked that they review the transcript for accuracy, and discussed participants' feedback with them by telephone or e-mail. I worked to achieve data saturation by using three sources and provided enough information to replicate the study. Through reflexivity, I disclosed all biases and experiences related to delays in removal proceeding hearings.

Transferability

Transferability is the qualitative counterpart to external validity and pertains to the degree to which the results of the study can be transferred to other contexts or settings with other participants, thus, the interpretative equivalent of generalizability (Anney, 2014; Bitsch, 2005; Tobin & Begley, 2004). Strategies used to establish transferability include thick description, purposive sampling, and variation in participant selection (Anney, 2014). I ensured transferability by providing rich, thick description of details pertaining to the methodology and the study's context and participants. In addition, I also used snowball sampling, which is a subset of purposive sampling, to recruit immigration attorneys with expertise in removal proceeding hearings.

Dependability

Dependability is the qualitative counterpart to reliability and pertains to "the stability of the findings over time" (Bitsch, 2005, p. 86). Dependability is established using strategies such as audit trail, code-recode strategy, stepwise replication and peer

examination, and triangulation (Anney, 2014; Chilisa & Preece, 2005; Kreftling, 1991; Schwandt, Lincoln, & Guba, 2007). I established dependability using audit trail and triangulation. The audit trail strategy involves examining the inquiry process and product to validate the data where the researcher accounts for all research decisions and activities to show how the data were collected, recorded, and analyzed (Anney, 2014; Bowen, 2009; Li, 2004). To ensure a thorough audit trail, I kept the following documents for cross-checking the inquiry process: notes and transcriptions of interviews, deportation hearing observations, and court document reviews; tape-recorded interviews, and transcription review documents. In addition, I used triangulation where the three sources of data were used to obtain corroborating evidence (see Anney, 2014; Onwuegbuzie & Leech, 2007).

Confirmability

Confirmability is the qualitative counterpart to objectivity and pertains to how much other researchers can confirm or corroborate the results of the study (Anney, 2014; Baxter & Eyles, 1997). Strategies used to achieve confirmability include audit trail, reflexive journal, and triangulation (Anney, 2014; Bowen, 2009; Koch, 2006; Lincoln & Guba, 1985). I established confirmability in this study through audit trails, reflexivity, and triangulation.

Ethical Procedures

I completed the NIH human research protections training and conducted the case study based on Walden University's IRB ethical guidelines. I followed all federal and

state regulations in a specific city in Texas to ensure the ethical protection of research participants. I began data collection only after receiving Walden University's IRB approval. The interview data collected presented no greater than minimal risk such as fatigue and becoming emotionally upset about delays in removal proceeding hearings. I only attended removal proceeding hearings that were open to the public and reviewed immigration court documents that were available to the public. I also followed Walden University's IRB guidelines to protect the data that were generated from the interview questions, deportation hearing observations, and court document reviews.

Before I began each interview, I obtained participants' permission to participate in the study. I gave each participant a consent form that had been approved by Walden University's IRB for them to review and sign. In the consent form, I outlined participants' protections and ethical guidelines that were followed during the research study such as keeping their identities and data confidential, the voluntary nature of the study, and their right to withdraw or stop at any time. In the consent form, I also outlined any physical or psychological risks that they might experience and indicated that they did not have to complete any part of the study with which they were not comfortable. It was unlikely that participation in this study would arouse any acute discomfort as the case study only involved the risk of the minor discomforts such as fatigue or becoming upset.

I respected all participants during the research process and data collection stage. Because I interviewed the participants, I knew their identity, which I kept confidential. I obtained participants' permission to audio-tape the interviews and participants were

informed that a verbatim transcription would be made, which they later reviewed for accuracy. The transcriptions were analyzed at a later time and I have kept all audio-recorded data secured. Only my supervising committee had access to the data.

After collecting the data, I eliminated all identifiable information; thus, the interviews were numbered or coded to match each participant, which protected participants' identities. All data are kept in a locked file cabinet and password protected computer in my personal home office. Based on Walden University guidelines, I will keep all data for at least 5 years and then properly destroy all data after that time period using methods such as shredding and demagnetizing. In the consent form, I provided participants with my contact information and the contact information for my chair in case they had any further questions or concerns about the case study. In addition, they were provided with the contact information of the Walden University representative with whom they could talk privately about their rights as participants. After the study is completed and approved, I will e-mail a summary report of the research findings to each participant.

Summary

I explored the perceptions and attitudes of 10 active immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas. I transcribed the in-depth face-to-face semistructured interviews, deportation hearing observations, and court document reviews. I managed the data through the use of NVivo and analyzed the data through open code technique. The data collected presented no greater than minimal

risk to the participants and I abided by Walden University's IRB guidelines to protect participants and the data.

In Chapter 3, I included the research design and rationale, role of the researcher, methodology, issues of trustworthiness, and a summary. In Chapter 4, I will include the setting, demographics, data collection, data analysis, evidence of trustworthiness, results, and a summary. In Chapter 5, I will include the interpretation of findings, limitations of the study, recommendations, implications, and a conclusion.

Chapter 4: Results

The purpose of this qualitative case study was to explore the perceptions and attitudes of 10 immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas with one of the highest numbers of pending cases. In-depth face-to-face semistructured interviews with 10 immigration attorneys, deportation hearing observations, and court document reviews were used to address the central research question about immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas. In addition, three subquestions were considered: (a) How do immigration attorneys perceive the effects of delays on the welfare of immigrant clients, (b) How do immigration attorneys perceive the effects of delays on client-attorney relationships, and (c) What are the perceptions of immigration attorneys about potential solutions to the delay crisis?

I analyzed the interviews, deportation hearing observations, and court document reviews using the open coding technique. Themes that emerged from the data are presented according to respective research questions. In Chapter 4, I include the setting, demographics, data collection, data analysis, evidence of trustworthiness, results, and a summary.

Setting

Snowball sampling was used to obtain a sample of 10 immigration attorneys who were licensed to practice law in an immigration court in Texas. Interviews were conducted from November 19, 2016 to January 19, 2017. Interviews were conducted at a

private meeting room at a public library in Texas. In addition, immigration deportation hearing observations and court document reviews were conducted at an immigration court in Texas. There were no organizational conditions that influenced participants or their experiences at the time of the study that may influence interpretation of the study results.

Demographics

Potential participants who met the selection criteria for inclusion in the case study were invited to take part in the study (see Appendix A). The selection criteria for being in this study included active immigration attorneys in a specific city in Texas who were licensed to practice law in an immigration court in Texas, thus, having expertise in removal proceeding hearings. From the 30 active immigration attorneys who were initially contacted, 10 participated in the study. In the sample, four participants (40%) were male and six participants (60%) were female. Table 1 displays the summary of participant demographics.

Table 1

Participants' Demographics

Participants	Demographics
1	Male
2	Male
3	Female
4	Female
5	Male
6	Female
7	Male
8	Female
9	Female
10	Female

Data Collection

The instrumentation included a 45-minute researcher-developed interview questionnaire to attain the perceptions of immigration attorneys (see Appendix B for the interview guide and Appendix E for the summative interview table), an observation protocol (see Appendix C), and an immigration court document review guide (see Appendix D). The interview questions obtained participants' perceptions about the (a) immigration crisis, (b) court delays, (c) types of cases being delayed, (d) relief, (e) client reactions, (f) client-attorney relationships, (g) dissatisfied clients, (h) financial aspects, (i) operations of attorneys, (j) work load, (k) consequences of delays, (l) impacting factors, (m) prioritization, (n) change implementation, (o) resolution, (p) policymaker strategies, (q) optimization of courts, and (r) bringing change to immigration courts.

Using the observation protocol, I attended public removal proceeding hearings in an immigration court in Texas and obtained information on the hearings and the visual

layout of the court. In addition, I provided my reflections on the hearings. Using the immigration court document review guide, I reviewed public court records and obtained information on the ICE and prosecutorial discretion, the purpose of the 180-day asylum employment authorization document (EAD) clock notice, how undocumented immigrants protect themselves from immigration fraud, how to post bond, and steps they can take if they disagree with the judges' decision. In addition, I collected public information on what undocumented immigrants should do if they move to a new location, mechanisms for building their case up, qualification criteria for asylum relief and withholding of removal and the convention against torture, what they should do when they miss their hearings, qualification criteria for victims of trafficking and benefits and reliefs for these victims, special immigration juvenile status, and U visa eligibility.

The interviews were audio-recorded and transcribed. Participants participated in transcription reviews, where I e-mailed each participant their transcript of the interview and asked that they review the transcript for accuracy. Their feedback was incorporated in the transcriptions. In addition, the court observations and document reviews were transcribed. I managed all three data sources with NVivo.

Data Analysis

I transcribed the interviews, deportation hearing observations, and court document reviews, and managed the data with NVivo. Appendix H shows six word trees of the subthemes from NVivo, Appendix I shows two cluster diagrams, Appendix J shows three mind maps, and Appendix K shows a word frequency table. NVivo is a data management

tool that helps the researcher to index segments of text to particular themes, link research notes to coding, carry out complex search and retrieve operations, and help the researcher in examining possible relationships between the themes (King, 2004). To analyze the interview questions against the central research question and three subquestions, I analyzed the data using the open code technique. First, data were organized and prepared for analysis. Interview transcripts were recorded, transcribed, and imported into NVivo. In the second step, data were read holistically and raw codes were created to gain a general sense of the information conveyed within the entire dataset. Raw codes were created from a preliminary analysis of the data to describe the narratives and determine possible themes and patterns that may be of significance. In the third step, raw codes were turned into axial codes. Codes were grouped together based on similarity. In the fourth step, data were coded and grouped into broader thematic categories. Data were interpreted to determine overarching descriptions to represent a collection of codes. In the fifth step, general case descriptions were conceptualized to reanalyze categories and codes as emerging themes and subthemes. Finally, in the sixth step, data were interpreted and triangulated with all data sources in the study by analyzing the frequencies of theme occurrences, significance of themes, and case contexts. Appendix G shows the coding table. During data analysis, I found no discrepant cases.

Evidence of Trustworthiness

In this qualitative case study, I established validity and reliability through credibility, transferability, dependability, and confirmability. I established credibility

through triangulation, transcription reviews, saturation, and reflexivity. I used three data sources: (a) semistructured interviews, (b) deportation hearing observations, and (c) court document reviews. I used transcription reviews where I e-mailed each participant the transcript of their interview, asked that they review the transcript for accuracy, and discussed participants' feedback with them by telephone or e-mail. I worked to achieve data saturation by using three sources and provided enough information to replicate the study. Through reflexivity, I disclosed all biases and experiences related to delays in removal proceeding hearings.

I ensured transferability by providing rich, thick description of details pertaining to the methodology and the study's context and participants. In addition, I also used snowball sampling, which is a subset of purposive sampling, to recruit immigration attorneys with expertise in removal proceeding hearings. I established dependability using audit trail and triangulation. To ensure a thorough audit trail, I kept the following documents for cross-checking the inquiry process: notes and transcriptions of interviews, deportation hearing observations, and court document reviews; tape-recorded interviews, and transcription review documents. In addition, I used triangulation where the three sources of data were used to obtain corroborating evidence. I established confirmability through audit trails, reflexivity, and triangulation.

Results

Based on all the analyzed data, a total of three major themes and six subthemes emerged. Number of occurrences refers to the number of times a theme occurred in the

interview, observation, or document analysis. Percent of occurrences is the total number of occurrences of the theme divided by the total number of occurrences of all themes in the interview, observation, or document analysis. In the results section, major themes and subthemes are discussed and include quotations and descriptive narrative data related to the themes in block quotation format or in quotation marks. In presenting the results, verbatim information from the three data collection sources were used sparingly, thus, the use of quotations. I used quotation marks when the information being quoted was less than 40 words; thus, the information was incorporated into the text and enclosed with double quotation marks. I used the block quotation format when the quotation consisted of 40 or more words; thus, displaying it in a freestanding block of text without the quotation marks. Citing the participants or the data collection instruments was not necessary as data gathered from research participants are not cited (see Lee & Hume-Pratuch, 2013). Thematic analysis Step 1 or categorization of text appear in Appendix F, which shows all the participants' responses that went with each theme and subtheme from the interview data. I organized this section as follows: Subquestion 1, Subquestion 2, Subquestion 3, central research question, and deportation hearing observations and court document reviews.

Subquestion 1

How do immigration attorneys perceive the effects of delays on the welfare of immigrant clients? In this question, perceptions associated with immigrant experiences, challenges, and need for support throughout the immigration court hearing process were

examined. As a result, service management major theme was prevalent during participant interviews as well as two subthemes: regulation and support.

Major Theme 1: Service management. In relation to the service management major theme, participants discussed perceptions associated with services, legislature, and administrative processes that immigration attorneys and clients face. Subthemes of regulation and support occurred in this theme. According to participants, legal representation was challenging as the lack of proper documents often dissuaded immigrants from seeking legal guidance. With many illegal immigrants, government agencies are overburdened with identifying, vetting, and processing deportations, putting a strain on the resources allocated. Participants also discussed social and legal support for immigrants and negative misconceptions that immigrants benefit from the social system but do not contribute. Table 2 displays the summary of findings for Major Theme 1, and Figure 5 contains the word cloud for Major Theme 1.

Subtheme 1: Regulation. The regulation subtheme includes perceptions about court processes and efficiency, regulation of resources, and legal regulations. Participants described the effect of executive orders from the Bush administration to the Trump administration on unauthorized immigrants regarding state resources and immigration court hearing processes. Participants indicated that even though immigrants may receive certain benefits while waiting for their court hearings, they still face substantial challenges in supporting themselves and acquiring needed documentation due to having undocumented status. Participants also remarked on the communication between government agencies and ICE, as the government requires certain agencies to report persons who access social services to authorities. Participant 3 discussed the backlog of court hearings and the resounding effects on immigrants and immigration attorneys:

From the lawyer's perspective, it forces you to keep that case on your list, on your case list; it forces you to keep track of the case because [of] the backlog. A case scheduled for 2019 doesn't really have a date yet, so you may be surprised with a date. So you may get maybe a month's notice, 2 months' notice when you have to resurrect that case and put it back on your case list to get that person ready. The other thing is, the backlog may mean that the evidence, the documentary evidence, that that person is going to create for their case may no longer be relevant. For instance, if you got somebody who is seeking asylum, the backlog may force the conditions to change and because that happens and all of a sudden you may find yourself moving from potential relief to a case of no relief. So it has

serious implications for people who are in the system. But like I said, it depends on what side of the fence you sit on; whether [you] have relief, potential relief, or you don't have relief.

Participant 6 shared that the backlog can create concerns for immigrants due to significant life changes including marriage, divorce, or relocation: Participant 7 described problems with court efficiency, noting significant administrative issues, where his paperwork, including his notice of appearance were either tossed, lost, or entered into the system for someone who was not his client. Participant 7 recommended the use of cloud, servers with backups, instead of actual files and decreasing the human element.

Participant 8 similarly discussed challenges in accommodating a high number of immigration cases, such as Haitians who immigrated due to atrocities. In addition, Participant 8 discussed President Reagan's 1988 amnesty, different law enforcement agencies communicating after 9/11, the possibility of another immigration amnesty, and the lack of judges to handle the large caseload. Furthermore, Participant 8 elaborated on administrative tasks that can be improved in the courts, modifying the immigration system, support or enforce what is already there, and having everyone on board.

Participant 8 noted that she does not believe the immigration backlog hurts her clients as attorneys can use the system to provide clients who have good cases with time to have their petitions granted by getting them out of court and having them go through the USCIS proceedings. Participant 8 shared that the clients who have more issues are the ones who need the time associated with the backlog.

Subtheme 2: Support. In relation to the support subtheme, participants discussed perceptions of support services, empathy, and client-attorney relationships. Participants emphasized the importance of providing effective communication and giving clients a clear understanding of court procedures. 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. When discussing how they interacted with difficult clients, the participants tended not to focus on the negative aspects of client interactions, but instead, the participants emphasized that the majority of immigrants that came to them for assistance were cooperative and responsive. Participant 1 elaborated on communication and client relationships:

Most clients, some of them understand, but the problem is that a lot of lawyers though are having conflicts because some lawyers tend not to sit down and take the time and talk with the client, so what I do, I have a different approach. I bring the client in my office not just over the phone. I sit them down and I go through a thorough explanation [because] if you don't, you are going [to] have a lot of problem and the client [will] keep calling you. What happens? When am I going to have my hearing? You got to sit down, you do a thorough explanation of the situation, explaining to them what I think because at the time I would just tell them over the phone and then they keep calling. It was frustrating for me as a lawyer, frustrating for the client, so what I did, I said okay, I need to bring them in the office, sit them down, and break down the entire case for them.

Participant 2 similarly discussed the importance of communication and showing support for clients. Participant 3 discussed the ways in which attorneys can best assist clients during court delays or difficult circumstances such as managing their expectations, showing they are productive community members, and making sure their taxes are up to date. Participant 6 discussed client-attorney relationships such as being empathetic to clients who may be scared and misinformed; thus, talking with them face-to-face to explain how the removal proceeding hearing process works and that delays are due to backlogs. Participant 6 also described problems with timing due to court delays, such as an undocumented immigrant may be a 15-year-old minor when the removal proceedings began and may have qualified for some juvenile applications, but due to the extensive case delay, may have turned 17 years old when the hearing actually takes place, thus, no longer qualifying for juvenile applications because the person is too old.

On the other hand, Participant 5 noted that court delays can be valuable to immigrants because this allows them more time to work on the case and gather necessary documents and materials such as employment authorization, driver license, and social security card. Similar to Participant 5, Participant 9 shared that clients are usually relieved as many are scared, but the delay gives them time to assess their situations and find their documents so they are more prepared

Subquestion 2

How do immigration attorneys perceive the effects of delays on client-attorney relationships? In this subquestion, perceptions associated with role relationships,

responsibilities, and attorney interactions with clients were analyzed. The major theme of boundaries was prevalent during participant interviews as well as two subthemes: transformation and hierarchy.

Major Theme 2: Boundaries. In relation to the boundaries major theme, participants described perceptions of individual circumstances, prioritization, role ambiguity, and social change. Subthemes of transformation and hierarchy were present in the dataset. Participants noted that immigrants must negotiate complex political issues as they seek to define their legal status in the United States. U.S. policy also makes it difficult for undocumented immigrants to navigate in workplaces and schools, as well as obtain their department of motor vehicle registration despite laws for functioning in society. Participants shared that social workers and attorneys are also not exempt from this responsibility when granting services or rights to applicants. Immigration attorneys indicated that they often find themselves navigating the legal system as well when communicating with their clients their understanding of legal status and how to access services. According to the participants, defining immigrant legal status gives rise to other arguments and challenges on immigration law due to issues such as marital status, minor status, and asylum concerns. Thus, different accounts arise when attempting to argue the legal situation of an immigrant. Participants also noted that attorneys are bound by legal regulations and may sometimes experience adversarial feelings in conflict with their goals. Table 3 displays the summary of findings for Major Theme 2, and Figure 6 shows the word cloud for Major Theme 2.

Table 3

Summary of Findings for Major Theme 2: Boundaries

Major themes and subthemes	No. of occurrences (n = 110)	% of occurrences (n = 110)
Boundaries	110	100%
Transformation	75	68.2%
Hierarchy	35	31.2%



Figure 6. Word cloud for Major Theme 2: Boundaries. The word cloud contains the most frequently occurring words from the data in the second major theme.

Subtheme 3: Transformation. The subtheme of transformation centers on participant perceptions of social change and the need to address immigrant social circumstances. Participants frequently discussed experiences with court backlogs and prioritization in the Obama administration. The Obama administration devised regulations in efforts to institute guidelines and initiatives that led to paradigm shifts in policy. DACA was a program that exempted certain young immigrants from deportation because they came to the United States as children, pursued education, posed no security threat, and had not committed grave crimes. As a result, participants noted that many immigrants felt unsure about how to proceed in their cases due to prioritization for hearings for individuals with particular circumstances. Participant 5 noted that strict legal definitions can have an effect on immigrant cases, causing anxiety and stress for both the client and the attorney:

Yeah, it's emotional, living with this every day. Like, I have a pending case but I can't do anything about it. It takes a toll on the family as well and if some of the cases are based upon you being married, well, that's it. Well, let's face it, sometimes those marriages fall apart. I've got one guy who calls all the time because he worried about his marriage being viable at the time of his hearing. His relief is dependent upon being married to his wife.

Participant 10 described immigrant fears, anxiety, and desperation when dealing with court delays, especially parents wanting to know what they can do about their children. Participant 10 also related that she is honest with her clients and informs them

of their rights whenever they are confronted with the FBI, ICE, or the police. Participant 10 further elaborated on changes that can be made to improve the immigration court system, such as providing undocumented immigrant children with the best tools to allow them to become the best in future endeavors as the probability is small that children will be removed once the removal order is issued. Participant 2 discussed immigrant clients' frustration over the delay as some do not go to school, are alone in the United States, and are unable to bring family members to join them. Similar to Participants 2 and 10, Participant 6 described client frustration and anxiety for not being able to support themselves and make living accommodations because they cannot get a work permit. In addition, Participant 6 noted that clients may move during the delay, but may not get their deportation notice because they had no way of updating their address with the court, so they are not at fault. Participant 6 noted that she brought this concern to the attention of a Texas congresswoman as there is nowhere to change the address. Participant 7 discussed the effects of backlogs on attorney workload and morale as he believes judges do not understand how challenging it is to get some of the documents they requested. Participant 7 further discussed a stressful working environment for immigration attorneys who have to balance their own obligation with that of their business, which includes meeting different professional standards. Participant 8 elaborated on changes in policy and communication between government agencies and the anti-immigrant sentiment in the United States due to the perception that undocumented immigrants are taking jobs from Americans. Participant 8 discussed the increase in communication between different

agencies on areas such as immigration, which highlights the number of immigrants in the United States. In addition, Participant 8 noted that clients who were on probation are now being picked up and certain states are now checking immigration status.

Subtheme 4: Hierarchy. In relation to the hierarchy subtheme, participants described perceptions regarding legal prioritization, status, power, and role ambiguities. Participants revealed that in some cases, immigrants may be concerned about fees or unable to support themselves due to undocumented status because they cannot access the free legal services offered by the state. Attorneys may also be subjected to negative feedback for not being able to assist a client. Attorneys sometimes must find ways of communicating with a reluctant client who is either too afraid to divulge necessary information or those who are unable to retrieve documents necessary for their cases. The participants indicated that effective communication is needed to make clients feel safe and ensure that they are not ostracized. Participants also noted that the attorney-client relationships can be seen as hierarchical and authoritative, and attorneys should attempt to assure clients of their rights and protections. Participant 10 discussed experiences with government policies and regulations:

What they don't understand, what this administration doesn't understand is that the resources simply are not there. I spoke to, this was some time ago, maybe like a year ago, I spoke to an ICE officer; privately, obviously this was a private conversation, and I asked him directly, I never looked it up if there was a way to look it up: How many ICE officers do we have allocated for the [city redacted]

area, people who actually go and knock on doors, to execute the deportation orders? The removal orders we call them now, and he said, actually on foot, they have around 40; 40 of these officers who physically go around and knock on doors. And the way that they decide on whose door they are going to go and knock is something that they don't have knowledge, those orders come from higher up above. And the list of people who they are going to go and knock on doors for comes from up above, and sometimes, most times, it's directed at more serious criminals. Those resources are directed at more serious criminals. Those people who have a conviction for sexual assault of a child or something like that. Those are typically the priority cases, but I think now, with the new executive order, it seems like everybody is a priority. And if everybody is a priority, we're talking about maybe a 16-year-old sophomore in high school is a priority just the same as a child molester because everybody is a priority now.

Participant 4 described the problems that occur due to difficulties in integrating different government sectors. Participant 4 noted that some officers at the border fail to do their paperwork, thus, some undocumented immigrants never receive their court notice. Due to this, Participant 4 related that this is a big concern because it is as if these undocumented immigrants do not exist, thus, affecting their ability to get a work permit. Participant 8 further elaborated on the difficulties in balancing government bureaucracy with social concerns. Participant 8 shared that 45,000 people crossed the U.S. borders, with many of them being children so that U.S. policy and decision makers would feel

empathetic. Due to the high number of undocumented immigrants, Participant 8 noted that some judges had to be trained for a juvenile docket and sent to border cities to conduct hearings, which further burdens an already taxing system. According to Participant 1, dealing with court prioritizations and judicial bureaucracy can also create challenges. Participant 1 discussed both lawyers and clients being frustrated due to the delays, but noted that the judges are the ones with the control as they decide when to schedule cases based on their schedules.

Subquestion 3

What are the perceptions of immigration attorneys about potential solutions to the delay crisis? This subquestion centers on participant perceptions regarding operational and social issues that must be addressed to improve immigration court functioning. The major theme of operational management was observed in the dataset. In addition, subthemes of responsibility and accountability were prevalent.

Major Theme 3: Operational management. In relation to the major theme of operational management, participants remarked on the effects of inadequate staffing, lack of accountability, and employee responsibilities on immigration court hearings. Subthemes of responsibility and accountability were observed in the dataset. Participants discussed concerns about not having enough judges to process cases and administrative issues due to the backlog. With the number of immigrants entering the United States every year, immigration courts cannot comprehensively process the workload and demands. Participants noted that while family unification and work opportunities should

be considered a priority, this is not always the case for clients. Participants also remarked that immigration has increased and will continue to increase considerably. To accommodate immigration changes, government policies should be focused on creating a workable and flexible system that takes into consideration areas of needed improvement in immigration courts. Table 4 displays the summary of findings for Major Theme 3, and Figure 7 presents the word cloud for Major Theme 3.

Table 4

Summary of Findings for Major Theme 3: Operational Management

Major themes and subthemes	No. of occurrences (<i>n</i> = 84)	% of occurrences (<i>n</i> = 84)
Operational Management	84	100%
Responsibility	65	77.4%
Accountability	19	22.3%



Figure 7. Word cloud for Major Theme 3: Operational management. The word cloud contains the most frequently occurring words from the data in the third major theme.

Subtheme 5: Responsibility. The subtheme of responsibility centers on perceptions of workload, inadequate training, role requirements, and challenges in mediating government policy concerns with immigrant concerns. Participants noted that immigration reforms would be more effective if immigrants were able to maintain more control over their legal status. Participants raised concerns over immigration policy but also recognized the need to maintain control over entry into the United States. Participants also discussed overburdened workloads on public employees and public perceptions of fear and insecurity about immigrants and asylum. Reform of the immigration system is needed, but the legal structure must be supportive and work in tandem with a reformed political paradigm on immigration. Participant 1 explained that Congress and faulty legislature is to blame for immigration court burdens:

It is a deficiency on the part of Congress, that is, you know. Yes, there is a deficiency on the part of the court, but the deficiency comes from Congress because Congress controls the fiscal budget. They are the one that funds these agency, they are underfunded, [and] understaffed. So when you don't have adequate number of judges, an adequate staff, [and] inadequate amount of funding and it leads to deficiency. So who do you blame? The court system who lacks funding, who is understaffed, and all that because funding controls the amount of staff you can hire. Because when the head of the agency submit their budget to Congress and Congress don't fund them adequately, I don't think you know within the system, the DHS, DOJ funding and it's all interrelated if you don't

have the proper funding, then you are going to be deficient. I think most of this is caused by Congress, not the court.

Similarly, Participant 2 indicated that staffing issues play a significant role in the inefficiency of immigration courts. Participant 2 discussed government bureaucracy, which includes employees not taking their work seriously and employees' incompetence in handling cases, such as requesting the same documentation more than five times, which is frustrating to lawyers and negatively affects clients as they are the ones dealing with immigration problems. Similar to Participants 1 and 2, Participant 3 discussed issues with staffing and administrative procedures such as clients requiring to take fingerprints but not given instructions about how to get it done as the fingerprint office does not take walk ins and the DHS staff members stating that they do not know how to start the fingerprint process. Participant 5 also found that inadequacies in immigration courts are often caused by a lack of funding and resources. According to Participant 6, role requirements differ between organizations and organization staff members do not always have the same understanding of immigration legal concerns. Participant 6 related that CBP, ICE, and immigration court staff members are separate offices, which creates confusion such as where clients should send their change of address. Participant 7 shared that antiquated and inefficient approaches to handling cases can contribute significantly to the backlog. Participant discussed the lack of prioritization of certain cases, the need for the judicial system as a whole to be restructured, very slow master dockets, and outdated submission for applications where most federal courts have gone paperless but

the immigration court still requiring hard copies, such as having to file 240 pages for a family of six.

Subtheme 6: Accountability. In relation to the accountability subtheme, participants discussed perceptions of willingness to accept responsibility and policy implementations to address public concerns. Participants noted that anti-immigration policies are not always an effective deterrent. Many immigrants have invested a substantial amount of time and money in the United States and fear returning to their home countries. Many have children who are U.S. citizens as well as homes, jobs, and established lives in American societies. Participants also found that a lack of concern for the backlog has created an unstable environment. Occasionally new judges are appointed to immigration courts, but participants remarked that few changes have ever been implemented in the court systems. Participant 2 discussed the lack of accountability and change in bureaucratic governments:

It goes back to what I said before about bureaucracy. The government is . . . I will say, typically governments are inundated with bureaucracy. The governments are . . . bureaucracy is a characteristic of government so, in approaching these issues, that became known as far back as 2006, this is about 10 years. The issues are still being dealt with. So, that means that somebody has not done something. Go back to what I said before. The government should relax their bureaucratic measures and actually take accountability and responsibility for problems and then solving problems. Not just problems because these problems have been there, but nobody

to take care of it, but they have not been solved. Not just identifying problem, but initiating measures to actually solving these problems.

Participant 4 noted that the political climate plays a role in how immigration courts are managed. Participant 4 noted that policymakers cannot be forced to come together, but have to decide to work together. In addition, Participant 4 noted that policymakers have to first recognize immigration issues and then take steps to deal with the issue as sending millions of undocumented immigrants back to their countries is not helpful as it is costly to hold them in detention centers and pay for flights. Participant 6 also discussed how a lack of accountability can cause unnecessary court delays. Participant 6 shared that human error from court staff members affect clients but staff members do not take responsibility, which result in clients having to deal with the consequences of those mistakes. Participant 6 recommended training court staff members and noted that they should make judges aware of their mistakes, such as taking clients' accounts into consideration when clients explain that they did not receive certain immigration paperwork.

Participant 7 discussed clients' frustrations with administrative inefficiencies, such as wrongly blaming attorneys for delays, however, the participant noted that he understands clients' anger. Participant 7 also noted that clients find it challenging to understand the government placing them into removal proceedings, which are not resolved quick and efficiently. Participant 8 shared that government priorities and anti-immigrant sentiments do not effectively address the situation and only create more issues.

Participant 8 related that contracts to build a wall would go to President Trumps “big cronies” and that middle-class Americans would have to pay for it. Participant 8 further related that Americans are being tricked “into thinking that a wall has some kind of effect” but is only symbolic and a waste of resources. Instead, Participant 8 recommended that the money for a wall be invested in the country.

Central Research Question

What are the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas? Based on the findings from the three subquestions, the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas indicated challenges with legal representation due to the lack of proper documents, which often deterred immigrants from seeking legal guidance. Participants shared that due to the high number of undocumented immigrants, government agencies are overburdened with identifying, vetting, and processing deportations, putting a strain on the resources allocated. Participants explained that even though immigrants may receive certain benefits while waiting for their court hearings, they still face substantial challenges in supporting themselves and acquiring needed documentation due to having undocumented status. Participants emphasized the importance of providing effective communication and giving clients a clear understanding of court procedures. 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.

Participants also noted that immigrants must negotiate complex political issues as they seek to define their legal status in the United States. Participants shared that U.S. policy also makes it difficult for undocumented immigrants to navigate in workplaces and schools, as well as 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. Immigration attorneys indicated that they often find themselves navigating the legal system as well when communicating with their clients their understanding of legal status and how to access services. Participants discussed DACA, a program that exempted certain young immigrants from deportation because they came to the United States as children, pursued education, posed no security threat, and had not committed grave crimes. As a result, participants noted that many immigrants felt unsure about how to proceed in their cases due to prioritization for hearings for individuals with particular circumstances.

Participants revealed that in some cases, immigrants may be concerned about fees or unable to support themselves due to undocumented status because they cannot access the free legal services offered by the state. The participants indicated that effective communication is needed to make clients feel safe and ensure that they are not ostracized. Participants also noted that the attorney-client relationships can be seen as hierarchical and authoritative, and attorneys should attempt to assure clients of their rights and protections. In addition, Participants discussed concerns about not having enough judges to process cases and administrative issues due to the backlog. With the number of

immigrants entering the United States every year, immigration courts cannot comprehensively process the workload and demands. Participants noted that while family unification and work opportunities should be considered a priority, this is not always the case for clients. Participants also remarked that immigration has increased and will continue to increase considerably. To accommodate immigration changes, government policies should be focused on creating a workable and flexible system that takes into consideration areas of needed improvement in immigration courts.

Participants noted that immigration reforms would be more effective if immigrants were able to maintain more control over their legal status. Participants raised concerns over immigration policy but also recognized the need to maintain control over entry into the United States. Participants also discussed overburdened workloads on public employees and public perceptions of fear and insecurity about immigrants and asylum. Participants noted that anti-immigration policies are not always an effective deterrent. Many immigrants have invested a substantial amount of time and money in the United States and fear returning to their home countries. Many have children who are U.S. citizens as well as homes, jobs, and established lives in American societies. Participants also found that a lack of concern for the backlog has created an unstable environment. Occasionally new judges are appointed to immigration courts, but participants remarked that few changes have ever been implemented in the court systems.

Deportation Hearing Observations and Court Document Reviews

Interview data were triangulated with deportation hearing observations and analysis of the immigration court in Texas documents. During observational analysis, service management was also the most significant major theme, when compared with interview analysis. However, the operational management major theme was more prevalent in observational analysis than in interview analysis. Furthermore, the boundaries major theme was the least significant in observational analysis, indicating that social concerns and emotional experiences are not discussed as often as legal procedures and regulations in court settings. A lack of emotion appeared to be prevalent in deportation hearings and in the document review to ensure that court hearings are unbiased and objective. However, participants in the study indicated that the immigration hearing process is a stressful and emotional process for immigrant clients.

Observational analysis indicated that immigrant clients facing deportation encounter many challenges in maintaining composure and understanding the court procedures. Several judges attempted to remedy the stressful atmosphere by producing a collaborative and open environment. Signs posted in the courtroom were used to explain procedures and provide advice for clients in immigration court. These attempts appeared to provide immigrant clients with a sense of emotional connection and understanding in judicial environments that are heavily dominated by objectivity and procedure. Tables 5, 6, and 7 displays a summary of themes present during observation and document analysis.

Table 5

Summary of Findings for Major Theme 1: Service Management From Observation and Document Analysis

Major themes and subthemes	No. of occurrences (<i>n</i> = 23)	% of occurrences (<i>n</i> = 23)
Service management	23	63.9%
Regulation	16	69.6%
Support	10	43.5%

Table 6

Summary of Findings for Major Theme 2: Boundaries From Observation and Document Analysis

Major themes and subthemes	No. of occurrences (<i>n</i> = 8)	% of occurrences (<i>n</i> = 8)
Boundaries	8	22.2%
Transformation	4	50%
Hierarchy	4	50%

Table 7

Summary of Findings for Major Theme 3: Operational Management From Observation and Document Analysis

Major themes and subthemes	No. of occurrences (<i>n</i> = 5)	% of occurrences (<i>n</i> = 5)
Operational Management	5	13.9%
Responsibility	4	80%
Accountability	1	20%

During observation, it was noted that deportation hearings can be stressful for undocumented immigrants, and even children are expected to undergo deportation hearing processes:

Deportation hearing can be a long and scary process for undocumented immigrants. Most of the undocumented immigrants look worried because they do not know their fate. You can see the fear that is stirring inside of them. But the immigration judges try to ease their fears as they appear in their respective master calendar hearings, which is the first time that undocumented immigrants appear before a judge. The judges try to make the immigrants comfortable by explaining to them why they are in court, verbally walking through the entire immigration process, the need for them to comply with all of the rules and regulations concerning their cases, and the subsequent consequences of not appearing in court. In addition, judges lay out the possible types of relief that they may be able to seek.

One of the things that surprised me during the proceedings were children who appeared to be as young as 6 and 7 years old appearing before the judge, some were represented by their own attorney, but most of them were only accompanied by family members. I asked myself why does a child that young have to appear before a judge to face deportation. I also wondered how could a child that young be held liable for any actions regarding their immigrant status or the choice of coming into this country.

Furthermore, other observations were made on protocols and procedures that occur during deportation hearings:

I believe that one of the reasons that there is a backlog is that there are so many undocumented immigrants and cases that appear before a judge in one day. From what I observed, it was not possible to resolve them all in one day. Each judge has their own way of conducting their courtroom and cases, even though they follow similar rules and protocols. For example, some judges begin court with those individuals who are represented by an attorney. This allows other immigrants who are not represented by legal counsel to sit in and observe the courts' operations. Unrepresented immigrants can then take the time to have a better grasp of the courts operation.

Similarly, situations where immigrants were not represented by an attorney were discussed:

Some undocumented immigrants were not represented by an attorney, I was asking myself whether they decided to represent themselves or could they even afford to hire an attorney. Were they aware of nonprofit agencies that provide attorney services to immigrants at little to no cost?

In one deportation hearing, lack of communication and effective coordination were noted:

There was a distinct lack of communication, coordination, and understanding between the lawyer and the client. Such a lack of communication can be very detrimental to an immigration case.

In one case I observed, the attorney wanted to withdraw from the case because of the client's failure to communicate properly. But the attorney failed to communicate properly to the courts, thus, the court's decision to refuse the attorney's motion to withdraw.

Even though the client was not cooperating, she still wanted the lawyer to represent her.

In another courtroom observation, the environmental context was described. It was evident that the court hearing can be an emotional process despite the lack of display of emotion during court proceedings:

The court opens at 7:45 a.m.; undocumented immigrants and their attorneys wait in the waiting room before the courtroom door opens for the hearing to begin. In addition, individuals may bring their family members including children. Most of them look nervous and anxious while waiting for the judge. Individuals who battle deportation in court need to locate their courtroom and judges when they arrive in court. To do that, they need to check the calendar posted outside of each courtroom to check their names and the name of the judge. One can hear a baby crying; people are walking from one hallway to another to locate their courtroom and the judge.

During document review, legal definitions and regulations were often discussed: ICE considers the following positive elements while using prosecutorial discretion on a case: when the subjected individual is a veteran and member of the U.S. Armed Forces, when the person has lived in the United States for a very long time, and individuals who are minors and elderly can also ask for a positive prosecutorial discretion. In addition, [this includes] individuals living in the United States since they were children, pregnant and nursing women, victims of domestic violence, human trafficking and other serious crimes, individuals with serious mental or physical disabilities, and individuals with serious health conditions.

ICE considers the following negative elements while prioritizing the removal of an individual: suspected terrorists, felons, recidivists, and individuals who have extensive criminal record including misdemeanors offenses, gang members, individuals who conduct human trafficking, and repeated offenders of immigration laws such as illegal reentry and immigration fraud.

Document review also indicated that legal reforms have been made in an attempt to address social concerns with immigration:

Asylum is a tool for undocumented immigrants to become permanent resident through a refugee status. Therefore, this tool allows an individual who faces deportation in court to fight the proceedings. It is important to note that most individuals who battle deportation in court seek asylum as reliefs. The concept of

asylum is based on well-founded fear. In order to be eligible for asylum and win the application, the applicant has the burden to prove that he or she has faced or would face a serious harm in their country of origin. The person needs to show some type of persecution because of race, religion, nationality, political views, or affiliation to a social group, etc., which they or a close relative suffer from. Such persecution might include killing, serious threat, kidnapping, or physical injuries. In addition, the person also has the burden to prove that such persecution is caused by the government or that government is not capable to stop the harm and protect you and your family. Another element of asylum is to prove that there is no other way out other than stay in the United States as the person can't even move to another location of the country of origin for safety purposes. To be eligible for asylum, the subjected individual needs to file the application within 1 year of entering the United States and the person must not be removed from the United States prior to applying for asylum. The person should not have a felony offense.

Summary

In this qualitative case study, I explored 10 immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas. One central research question and three subquestions guided the study. Using the open coding technique, I analyzed data from in-depth face-to-face semistructured interviews, deportation hearing observations, and court document reviews from an

immigration court in Texas. Based on the analyzed data, three major themes and six subthemes emerged.

First, in regard to the first subquestion about how immigration attorneys perceive the effects of delays on the welfare of immigrant clients, the service management major theme and regulation and support subthemes were found. Participants indicated that legal representation was challenging as the lack of proper documents often dissuaded immigrants from seeking legal guidance. With many illegal immigrants, government agencies are overburdened with identifying, vetting, and processing deportations, putting a strain on the resources allocated. Participants also discussed social and legal support for immigrants and negative misconceptions that immigrants benefit from the social system but do not contribute.

Second, in regard to how immigration attorneys perceive the effects of delays on client-attorney relationships, the boundaries major theme and transformation and hierarchy subthemes were found. Participants noted that immigrants must negotiate complex political issues as they seek to define their legal status in the United States. U.S. policy also makes it difficult for undocumented immigrants to navigate their daily life, such as in workplaces and schools. These challenges become even more detrimental for undocumented immigrants when they attempt to obtain a state issued ID, a driver's license, or register their vehicle with the department of motor vehicles. Participants shared that social workers and attorneys are also not exempt from this responsibility when granting services or rights to applicants. Immigration attorneys indicated that they

often find themselves navigating the legal system as well when communicating with their clients their understanding of legal status and how to access services. According to the participants, defining immigrant legal status gives rise to other arguments and challenges on immigration law due to issues such as marital status, minor status, and asylum concerns. Thus, different accounts arise when attempting to argue the legal situation of an immigrant. Participants also noted that attorneys are bound by legal regulations and may sometimes experience adversarial feelings in conflict with their goals.

Third, in regard to the perceptions of immigration attorneys about potential solutions to the delay crisis, the operational management major theme and responsibility and accountability subthemes were found. Participants discussed concerns about not having enough judges to process cases and administrative issues due to the backlog. With the number of immigrants entering the United States every year, immigration courts cannot comprehensively process the workload and demands. Participants noted that while family unification and work opportunities should be considered a priority, this is not always the case for clients. Participants also remarked that immigration has increased and will continue to increase considerably. To accommodate immigration changes, government policies should be focused on creating a workable and flexible system that takes into consideration areas of needed improvement in immigration courts.

The central research question was answered based on the findings from the three subquestions. In regard to the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas, participants

described the effect of executive orders from the Bush administration to the Trump administration on unauthorized immigrants regarding state resources and immigration court hearing processes. Participants indicated that even though immigrants may receive certain benefits while waiting for their court hearings, they still face substantial challenges in supporting themselves and acquiring needed documentation due to having undocumented status. Participants also remarked on the communication between government agencies and ICE, as the government requires certain agencies to report persons who access social services to authorities.

Participants discussed perceptions of support services, empathy, and client-attorney relationships. Participants frequently discussed experiences with court backlogs and prioritization in the Obama administration, such as the DACA program. Participants described perceptions regarding legal prioritization, status, power, and role ambiguities. Participants revealed that in some cases, immigrants may be concerned about fees or unable to support themselves due to undocumented status because they cannot access the free legal services offered by the state. Participants discussed workload, inadequate training, role requirements, and challenges in mediating government policy concerns with immigrant concerns. Participants discussed perceptions of willingness to accept responsibility and policy implementations to address public concerns. Participants noted that anti-immigration policies are not always an effective deterrent, immigrants investing a substantial amount of time and money in the United States, and the fear of returning to their home countries.

Interview data were triangulated with deportation hearing observations and analysis of the immigration court of Texas documents. During observational analysis, service management was also the most significant major theme, when compared with interview analysis. However, the operational management major theme was more prevalent in observational analysis than in interview analysis. Furthermore, the boundaries major theme was the least significant in observational analysis, indicating that social concerns and emotional experiences are not discussed as often as legal procedures and regulations in court settings. A lack of emotion appeared to be prevalent in deportation hearings and in the document review to ensure that court hearings are unbiased and objective. However, participants in the study indicated that the immigration hearing process is a stressful and emotional process for immigrant clients. Document review indicated that legal reforms have been made in an attempt to address social concerns with immigration, such as the use of asylum.

In Chapter 4, I included the setting, demographics, data collection, data analysis, evidence of trustworthiness, results, and a summary. In Chapter 5, I include the interpretation of the findings, limitations of the study, recommendations, implications, and a conclusion.

Chapter 5: Discussion, Conclusions, and Recommendations

In this qualitative case study, I explored the perceptions and attitudes of 10 immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas with one of the highest numbers of pending cases. I collected data through in-depth face-to-face semistructured interviews, deportation hearing observations, and public immigration court document reviews. This study was designed to answer one central research question about immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas. Three subquestions were also considered, which were (a) immigration attorneys' perceptions about the effects of delays on the welfare of immigrant clients, (b) their perceptions about the effects of delays on client-attorney relationships, and (c) their perceptions about potential solutions to the delay crisis.

Using the open coding technique, three major themes and six subthemes were found. The three major themes were service management, boundaries, and operational management. The six subthemes were regulation, support, transformation, hierarchy, responsibility, and accountability. The service management major theme and the regulation and support subthemes were related to the first subquestion about how immigration attorneys perceive the effects of delays on the welfare of immigrant clients. Participants indicated that legal representation was challenging as the lack of proper documents often dissuaded immigrants from seeking legal guidance. The boundaries major theme and the transformation and hierarchy subthemes were related to the second

subquestion about how immigration attorneys perceive the effects of delays on client-attorney relationships. Participants noted that immigrants must negotiate complex political issues as they seek to define their legal status in the United States.

The operational management major theme and the responsibility and accountability subthemes were related to the third subquestion regarding immigration attorneys' perceptions about potential solutions to the delay crisis. Participants discussed concerns about not having enough judges to process cases and administrative issues due to the backlog. The central research question was answered based on the findings from the three subquestions. Interview data were triangulated with deportation hearing observations and analysis of the immigration court of Texas documents. These findings are discussed in further detail in the interpretation of the findings section. In Chapter 5, I include the interpretation of the findings, limitations of the study, recommendations, implications, and a conclusion.

Interpretation of the Findings

To explore immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas, this qualitative case study was designed to answer one central research question and three subquestions. The findings for this study are interpreted in the context of Kettl's (2002, 2015) transformation of governance theory and the literature review. This section is organized in the following subsections: central research question, Subquestion 1, Subquestion 2, Subquestion 3, and deportation hearing observations and court document reviews.

Central Research Question

What are the perceptions and attitudes of immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas? The central research question was answered based on the findings from the three subquestions. The findings for the central research question may be attributed to Kettl's (2002, 2015) transformation of governance theory and the literature review. The central research question results indicated participants' descriptions about the effect of executive orders from the Bush administration to the Trump administration on unauthorized immigrants regarding state resources and immigration court hearing processes. This finding relates to the literature on President Trump's aggressive immigration enforcement, which has overwhelmed an already taxed court system as the Trump administration temporarily reassigned judges to detention centers in Southern California, Arizona, New Mexico, and Texas to handle cases primarily involving recent border-crossers (Times Editorial Board, 2017). Bendix (2017) reported that ICE officials have arrested more than 41,300 undocumented immigrants in the first 100 days since President Trump signed two executive orders tightening border security and cracking down on sanctuary cities, which represents a 38% increase from the same time period in 2016 when ICE arrested slightly more than 30,000 undocumented immigrants (para. 1).

Participants indicated that even though immigrants may receive certain benefits while waiting for their court hearings, they still face substantial challenges in supporting themselves and acquiring needed documentation due to having undocumented status.

These finding may be interpreted using Kettl's (2002, 2015) transformation of governance theory. Kettl discussed deficiencies in service delivery. Kerwin and Furlong (2010) related that both the legislative and executive branches delegate some powers to other agencies to deliver goods and services to the public, and execute and implement rules and regulations. However, Kettl claimed that delegation can create more problems than resolve issues due to lack of coordination, accountability, responsibility, and oversight. In addition, participants also discussed communication between government agencies and ICE, as the government requires certain agencies to report persons who access social services to authorities. Pope and Garrett (2012) discussed challenges, pain, and sufferings that undocumented immigrants faced on a daily basis due to their illegal status. Cervantes et al. (2010) noted that many undocumented immigrants might not know the legal, financial, and psychological ramifications of illegal immigration in the United States as many migrate to the United States without proper documentation.

Participants discussed perceptions of support services, empathy, and client-attorney relationships. This finding can be interpreted in the context of Kettl's (2002, 2015) transformation of governance theory and the literature as some nonprofit organizations provide undocumented immigrants with a lot of support by giving them shelter, food, education, and helping with other issues (Bernard, 2015). Therefore, it is reasonable to argue that all these agencies may contribute to the advancement of people in society, which goes hand in hand with democratic governance and principles.

Participants also discussed experiences with court backlogs and prioritization in the Obama administration, such as the DACA program. These findings can be interpreted in relation to the DACA, which provided administrative relief from deportation and the purpose is to protect eligible immigrant youth who came to the United States when they were children from deportation (University of California at Berkeley, 2017). Thus, DACA gives young undocumented immigrants protection from deportation and a work permit (University of California at Berkeley, 2017). However, it is unclear whether the Trump administration will keep DACA and what they will do with the information collected through the program (University of California at Berkeley, 2017).

Approximately 314,000 DACA recipients will lose their DACA employment authorization document (EAD) in 2017, which is about 38% of all DACA applicants (Bier, 2016, para. 17). Another 467,000 will lose authorization in 2018, about 115,000 of those will happen in the first quarter of 2018, meaning, that DACA will be half over by March 2018 (Bier, 2016, para. 17). Sol (2016) explained that 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. Similarly, the EOIR explained making room in its hearing schedule for higher priority cases due to the increase of unaccompanied minors and mothers with children who crossed the border in 2014 (TRAC, 2015a). In addition, Sol noted that migration from Central America continues to increase as refugees flee violence, poverty, and chaos. Sol described Dallas, Texas courtrooms as chaotic and crowded, with

immigrants and their worried families. Sol pointed out that some undocumented immigrants as well as attorneys do not show up for the hearings. The author also discussed continuous delays, where some cases continued to drag on even when Dallas-based government attorneys agreed with clients' attorneys about what should happen next.

In addition, participants described perceptions regarding legal prioritization, status, power, and role ambiguities. As discussed in the literature, immigration courts are dealing with numerous caseloads and the priority of the courts is to handle the cases of unaccompanied children before solving the existing removal proceeding cases (Kaplan, 2014; Rodriguez, 2013a). In relation to role ambiguities, Bernard (2015) explained that successful partnership and collaboration between public agencies and NGOs require coordination, effective and efficient communication, management, and accountability.

Participants revealed that in some cases, immigrants may be concerned about fees or unable to support themselves due to undocumented status because they cannot access the free legal services offered by the state. This finding is consistent with the literature as some organizations employ fraudulent techniques to take advantage of undocumented immigrants (Longazel & Fleury-Steiner, 2013). Longazel and Fleury-Steiner discussed the high number of immigrants arriving in the United States and the demand for legal services far exceeding supply. The authors explained that due to an increasingly complex system of immigration law, high attorney fees, and the unprecedented potential for immigrant punishment, deportation, and victimization, nonaccredited individuals offering

legal services to immigrants are in high demand. The researchers noted that defrauding immigrants is a low-risk endeavor as immigrants vulnerable to deportation are less likely to pursue criminal charges.

Participants discussed workload, inadequate training, role requirements, and challenges in mediating government policy concerns with immigrant concerns. In addition, participants discussed perceptions of willingness to accept responsibility for clients' frustration and policy implementations to address public concerns. These findings are in line with the literature and Kettl's (2002, 2015) transformation of governance theory. The role of the immigration courts is to resolve legal disputes between government attorneys and undocumented immigrants in a timely fashion (TRAC, 2015a). However, with excessive wait times, undocumented immigrants have to wait an extremely long time before they appear before the immigration judge (TRAC, 2015a). Kettl (2015) discussed the inability for public administrators to get the job done. Such a situation is indicative of difficulties for government agencies, particularly immigration courts, to get the job completed effectively and efficiently.

Participants noted that anti-immigration policies are not always an effective deterrent, immigrants investing a substantial amount of time and money in the United States, and the fear of returning to their home countries. In relation to the finding that anti-immigration policies are not always an effective deterrent, Reasoner (2011) noted that voluntary return encourages immigrants who have recidivated to illegally return to the United States without much fear of consequences because it takes away the

possibility of criminal prosecution for reentry after removal. In relation to the finding about immigrants investing a substantial amount of time and money in the United States, Cervantes et al. (2010) explained that the removal proceeding hearing process can be burdensome for undocumented immigrants as it involves money, collecting evidence, hiring immigration attorneys, and being in good standing with the law. In addition, Longazel and Fleury-Steinero (2013) noted that some disturbing cases have been publicized, many of which involve clients being deceived, losing large sums of money, and having their quest for citizenship jeopardized by nonlawyers who pose as immigration attorneys.

In relation to the finding that immigrants are fearful to return to their home country, Sol (2016) noted that unrepresented immigrants have a greater chance of losing the case and being removed from the United States. The TRAC (2015b) presented data on the status of 26,343 specially flagged adults with children proceedings. While most cases were still pending, findings indicated that less than 30% of these families were able to find representation (para. 3). In addition, without representation, women with children almost never won their cases even after they were able to demonstrate credible fear of returning to their own country. Specifically, the TRAC data indicated that only 1.5% were allowed to stay (para. 3). Findings also indicated that although few decisions had occurred in represented cases, the win rate was 26.3% (para. 3).

Subquestion 1

How do immigration attorneys perceive the effects of delays on the welfare of immigrant clients? The findings for Subquestion 1 may be attributed to Kettl's (2002, 2015) transformation of governance theory and the literature review. Subquestion 1 results indicated that the service management major theme and regulation and support subthemes were found. Participants indicated that legal representation was challenging as the lack of proper documents often dissuaded immigrants from seeking legal guidance. This finding can be interpreted in the context of the literature as Cervantes et al. (2010) studied how serial migration can have a negative effect on the well-being of immigrants. Cervantes et al. noted that many undocumented immigrants might not know the legal, financial, and psychological ramifications of illegal immigration in the United States as many migrate to the United States without proper documentation. The researchers reported that some are deported by the ICE and many immigrants who faced deportation in court returned to their countries voluntarily but reentered the United States illegally. In addition, Cervantes et al. (2010) explained that undocumented immigrants need proper documentation to move around, work, seek an education, obtain a driver's license, rent a home, and open a bank account, which are basic societal living resources that U.S. residents enjoy on a daily basis. The researchers related that undocumented immigrants are deprived of these resources due to their illegal status, which affects them emotionally and psychologically.

Findings also indicated that with many illegal immigrants, government agencies are overburdened with identifying, vetting, and processing deportations, putting a strain on the resources allocated. This finding may be attributed to Kettl's (2002, 2015) transformation of governance theory. According to Kettl (2015), one of the core issues that public administrators of the 21st century face is operational management. The current delay crisis could be attributed to poor management within court operations. Kettl argued that management problems stem from lack of responsibility and accountability when no one takes the lead to resolve issues. Kettl's argument is applicable to situations that immigration courts are facing nationwide, such as delays in the deportation hearing process. Case backlogs has been happening for years (GAO, 2006) and the delegation of authority among government and nongovernmental entities appear to be the problem.

The finding is also consistent with the literature as every organization needs adequate resources to function well and complete its mission (Bryson, 2011; Burke, 2011; Mikesell, 2011). However, within the United States immigration courts system, there appears to be an inherent and systemic problem with backlogged deportation cases and immigration hearings being delayed for years (Sol, 2016). According to ICE (2014), more financial support is needed to optimize the agency's performance. In addition, there is a shortage of judges and interpreters, which means that it can take years before some cases are heard (Sol, 2016). EOIR officials have identified multiple factors, such as increases in immigration court caseloads, legal complexity, and resource shortages as contributing to case backlogs (GAO, 2017). However, immigration court experts and

stakeholders have noted additional challenges such as the immigration court system's structure as adversely affecting the courts' efficiency and effectiveness (GAO, 2017). To address these challenges, various organizations, such as the American Bar Association and the National Association for Immigration Judges have recommended management improvements; incremental reform of the immigration courts within the existing EOIR structure, and major structural changes, such as creating an immigration court system independent of any executive branch department or agency as restructuring could result in various benefits, such as enhanced credibility and organizational capacity (GAO, 2017).

Participants also discussed social and legal support for immigrants and negative misconceptions that immigrants benefit from the social system but do not contribute. This finding may be interpreted in the context of the literature as Bernard (2015) pointed out that some nonprofit organizations provide undocumented immigrants with a lot of support by giving them shelter, food, education, and helping with other issues. However, Sol (2016) noted that immigration court proceedings are civil processes; thus, undocumented immigrants are not entitled to free legal representation even if they are poor. On the other hand, Sol explained that they are eligible for free representation in criminal proceedings. After hearing the arguments with supporting evidence, the immigration judge makes a decision to remove the undocumented immigrant or allow the individual to stay in the United States (DOJ, 2010). In regard to the finding about the negative misconceptions that immigrants benefit from the social system but do not

contribute, the Institute on Taxation and Economic Policy (ITEP, 2017) reported that undocumented immigrants are taxpayers too and collectively contribute an estimated \$11.74 billion to state and local coffers each year through a combination of sales and excise, personal income, and property taxes (para. 1). The ITEP reported that on average, the estimated 11 million undocumented immigrants in the United States pay 8% of their incomes in state and local taxes every year. The ITEP noted that while it is unlikely to happen in the current political environment, undocumented immigrants' state and local tax contributions could increase by up to \$2.1 billion under comprehensive immigration reform, boosting their effective tax rate to 8.6% (para. 2).

Subquestion 2

How do immigration attorneys perceive the effects of delays on client-attorney relationships? The finding for Subquestion 2 may be attributed to Kettl's (2002, 2015) transformation of governance theory and the literature review. Subquestion 2 results indicated that the boundaries major theme and transformation and hierarchy subthemes were found. Participants noted that immigrants must negotiate complex political issues as they seek to define their legal status in the United States. In interpreting this finding in the context of the literature, Rodriguez (2013a) reported that Congress has the ultimate authority to enact laws and policies in resolving immigration problems. Rodriguez discussed the gravity of immigration issues in the United States and lawmakers' inability to find solutions. Rodriguez pointed out how the lack of comprehensive reform push certain states such as Alabama, Arizona, and Texas to intervene in the federal domain by

creating laws that reduce illegal immigration and even force individuals to leave the country without the intervention of authorities. Rodriguez argued that certain states give law enforcement personnel the power to verify documentation of suspected individuals while conducting their activities. Thus, some states enacted controversial laws aimed at resolving current immigration issues (Rodriguez, 2013a).

Findings indicated that U.S. immigration policy poses real challenges for undocumented immigrants when they try to conduct daily activities such as navigating in workplaces and schools. These challenges become even more detrimental for undocumented immigrants when they attempt to obtain a state issued ID, a driver's license, or register their vehicle with the department of motor vehicles. These findings are consistent with the literature as Cervantes et al. (2010) discussed the hardship that undocumented immigrants face with legalization or deportation once they enter the United States. Cervantes et al. explained that due to not having the documentation, undocumented immigrants have challenges in moving around, finding work, getting an education, obtaining a driver's license, renting a home, and opening a bank account, which affects them emotionally and psychologically. In addition, Rodriguez (2013a) related that some laws make it a criminal offense for businesses to hire undocumented immigrants.

Participants shared that social workers and attorneys are also not exempt from this responsibility when granting services or rights to applicants. Immigration attorneys indicated that they often find themselves navigating the legal system as well when

communicating with their clients their understanding of legal status and how to access services. These findings can be attributed to Kettl's (2002, 2015) first principle for building new public service, where hierarchy and authority cannot and will not be replaced, but they must be fitted better to the transformation of governance. Kettl noted the importance of teamwork between government and nongovernmental agencies and organizations in getting their job done properly.

According to the participants, defining immigrant legal status gives rise to other arguments and challenges on immigration law due to issues such as marital status, minor status, and asylum concerns. Participant 5 noted that for some clients, relief is dependent on being married. Thus, different accounts arise when attempting to argue the legal situation of an immigrant. These findings can be interpreted in the context of the literature. There are different wait times based on the location of the immigration court, with some courts focusing exclusively on priority cases such as unaccompanied minors, women with children, and people who are detained (TRAC, 2015a, 2015b). White (2014) related that people migrate into the United States for many reasons, to include the pursuit of happiness, economic stability, and political and religious asylum. Cervantes et al. (2010) noted that people who are involved in removal proceedings in immigration courts can seek asylum or relief by providing reasons and evidence that immigration judges might consider in deciding whether they stay in the country or be removed. However, Cervantes et al. explained that the removal proceeding hearing process can be burdensome for undocumented immigrants as it involves money, collecting evidence,

hiring immigration attorneys, and being in good standing with the law. Participants also noted that attorneys are bound by legal regulations and may sometimes experience adversarial feelings in conflict with their goals. This finding can be interpreted in relation to the literature as immigration policy issues continue to divide political leaders and the general public in the United States (Rodriguez, 2013b), which include attorneys.

Subquestion 3

What are the perceptions of immigration attorneys about potential solutions to the delay crisis? The findings for Subquestion 3 may be attributed to Kettl's (2002, 2015) transformation of governance theory and the literature review. Subquestion 3 results indicated that the operational management major theme and responsibility and accountability subthemes were found. Participants discussed concerns about not having enough judges to process cases and administrative issues due to the backlog. In addition, with the number of immigrants entering the United States every year, immigration courts cannot comprehensively process the workload and demands. These findings are consistent with the literature as the number of immigration courts and judges vary by state, with Texas having 9 immigration courts and 45 immigration judges (DOJ, 2017). To handle the undocumented immigration cases in the immigration court in Texas that was the focus of this study, there is one immigration court with eight immigration judges and a processing center with three immigration judges (DOJ, 2017a).

Immigration courts in the United States are struggling to resolve 610,524 removal proceedings cases with approximately 330 judges located in 58 immigration courts

nationwide (DOJ, 2017a, 2017b, p. 1; TRAC, 2017, p.1). Thus, immigration judges have to adjudicate a significant number of deportation cases with a very limited number of judges (Sol, 2016; TRAC, 2015a). The backlog in immigration courts for removal proceeding hearings has increased steadily for nearly a decade and has reach an all-time high (TRAC, 2015a, 2017a). Based on TRAC 2017 statistics, undocumented immigrants, judges, and lawyers had to wait an average of 854 days for an immigration case to be resolved (p. 2).

Similarly, Sol (2016) discussed an unprecedented number of immigration cases, along with a shortage of judges and interpreters, which means that it can take years before some cases are heard (Sol, 2016). Sol explained that 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. In addition, Sol noted that migration from Central America continues to increase as refugees flee violence, poverty, and chaos. Sol described Dallas, Texas courtrooms as chaotic and crowded, with immigrants and their worried families. Sol reported that in Dallas, judges were forced to reschedule hearings due to the lack of interpreters for some languages, such as Mam or Quiche for Guatemalans. The author also discussed continuous delays, where some cases continued to drag on even when Dallas-based government attorneys agreed with clients' attorneys about what should happen next.

Furthermore, President Trump's aggressive immigration enforcement has overwhelmed an already taxed court system. Cases primarily involving recent border-crossers in Southern California, Arizona, New Mexico, and Texas have increased; thus, the Trump Administration has temporarily reassigned judges to detention centers in those respective states to handle those cases (Times Editorial Board, 2017). However, the problem is that fewer people are getting caught at the border, so moving judges there makes little sense, and is only based on optics to look like a commitment to stronger and more serious enforcement, when in reality, this exacerbates backlogs in the courts from which the judges were transferred (Times Editorial Board, 2017). This situation highlights deficiencies of manpower and an urgent need for decision makers in immigration courts to hire immigration judges who can make a difference in the advancement of courts operations.

Participants noted that while family unification and work opportunities should be considered a priority, this is not always the case for clients. Participants discussed undocumented immigrants' frustrations over being unable to bring family members to join them. These findings are consistent with the literature as women with children almost never won their cases even after they were able to demonstrate credible fear of returning to their own country (TRAC, 2015b). Although the DACA program gives young undocumented immigrants protection from deportation and a work permit (University of California at Berkeley, 2017), there is uncertainty about whether the Trump administration will keep the DACA program and what they will do with the

information collected through the program (University of California at Berkeley, 2017). Approximately 314,000 DACA recipients will lose their DACA employment authorization document (EAD) in 2017, which is about 38% of all DACA applicants (Bier, 2016, para. 17). Another 467,000 will lose authorization in 2018, about 115,000 of those will happen in the first quarter of 2018, meaning, that DACA will be half over by March 2018 (Bier, 2016, para. 17). In addition, many undocumented immigrants do not have the proper documentation to obtain jobs (Cervantes et al., 2010). However, undocumented immigrants are taxpayers and contribute about \$11.74 billion to state and local taxes each year (ITEP, 2017, para. 1).

Participants also remarked that immigration has increased and will continue to increase considerably. This finding is consistent with what has been reported in the literature. Sol (2016) related that migration from Central America continues to increase as refugees flee violence, poverty, and chaos. The EOIR discussed the need to make room in its hearing schedule for higher priority cases due to the increase of unaccompanied minors and mothers with children who crossed the border in 2014 (TRAC, 2015a).

Participants shared that to accommodate immigration changes, government policies should be focused on creating a workable and flexible system that takes into consideration areas of needed improvement in immigration courts. This finding can be attributed to Kettl's (2002, 2015) transformation of governance theory. Kettl (2015) defined the main 21st century management problem as one where no one agency is

responsible to solve it as important problems often do not fall neatly in the purview of a single government department or agency, such as the issue of delays in removal proceeding hearings that were explored in this case study. Kettl noted that the government's response to a problem must involve teamwork between agencies who represent different jurisdictions, such as government and nongovernmental agencies and organizations. The author argued that the problem for public administrators is that even though they can do their job by the book, they may not get their job done properly. Kettl (2002, 2015) discussed principles for building new public service such as the need for the government to invest in human capital so that the skills of its workers match the jobs they must perform, the transformation of governance requiring new strategies and tactics for popular participation in public administration, devising new constitutional strategies for the management of conflict, and the need for transformative strategies. These transformation strategies include (a) transforming public law to ensure accountability across the boundaries, (b) enabling public agencies to be instruments of leveraged action, (c) equipping public servants to understand their missions and use methods to span the partnerships that cross governmental and private sector lines, (d) using information technology to bridge those boundaries, and (e) applying performance management tools to make better targeted decisions (Kettl, 2002, 2015).

The finding pertaining to accommodating immigration changes where government policies should be focused on creating a workable and flexible system that takes into consideration areas of needed improvement in immigration courts can also be

interpreted in the context of the literature. The GAO (2017) discussed actions that are needed to reduce case backlog and address long-standing management and operational challenges. To better address current and future staffing needs, the GAO recommended that the EOIR director develop and implement a strategic workforce plan that addresses key principles of effective strategic workforce planning, which should include (a) determining critical skills and competencies needed to achieve current and future programmatic results; (b) developing strategies that are tailored to address gaps in number, deployment, and alignment of human capital approaches for enabling and sustaining the contributions of all critical skills and competencies; and (c) monitoring and evaluating the agency's progress toward its human capital goals and the contribution that human capital results have made toward achieving programmatic results.

To better address the EOIR's immigration judge staffing needs, the GAO (2017) recommended that the EOIR director (a) assess the immigration judge hiring process to identify opportunities for efficiency, (b) use the assessment results to develop a hiring strategy that targets short- and long-term human capital need, and (c) implement any corrective actions related to the hiring process resulting from this assessment. To better assess court performance and use data to identify potential management challenges, GAO recommended that the EOIR take the following actions: (a) establish and monitor comprehensive case completion goals, including a goal for completing nondetained cases not currently captured by performance measures, and goals for cases it considers a priority; (b) systematically analyze immigration court continuance data to identify and

address any operational challenges faced by courts or areas for additional guidance or training; and (c) update policies and procedures to ensure the timely and accurate recording of NTA.

Deportation Hearing Observations and Court Document Reviews

Interview data were triangulated with deportation hearing observations and analysis of the immigration court of Texas documents. The findings for the observations and document reviews may be attributed to Kettl's (2002, 2015) transformation of governance theory and the literature review. During observational analysis, service management was also the most significant major theme, when compared with interview analysis. The service management major theme includes the regulation subtheme, which includes perceptions about court processes and efficiency, regulation of resources, and legal regulations. In addition, the service management major theme also includes the support subtheme, where participants discussed perceptions of support services, empathy, and client-attorney relationships. However, the operational management major theme was more prevalent in observational analysis than in interview analysis. The operational management major theme includes the responsibility subtheme, which focuses on perceptions of workload, inadequate training, role requirements, and challenges in mediating government policy concerns with immigrant concerns. In addition, the operational management major theme includes the accountability subtheme, where participants discussed perceptions of willingness to accept responsibility and policy implementations to address public concerns.

The boundaries major theme, which includes transformation and hierarchy subthemes, was the least significant in observational analysis, indicating that social concerns and emotional experiences are not discussed as often as legal procedures and regulations in court settings. A lack of emotion appeared to be prevalent in deportation hearings and in the document review to ensure that court hearings are unbiased and objective. These findings are consistent with the literature as women with children without representation almost never won their cases even after they were able to demonstrate credible fear of returning to their own country (TRAC, 2015b). Specifically, the TRAC (2015b) data indicated that only 1.5% were allowed to stay (para. 3). However, participants in the study indicated that the immigration hearing process is a stressful and emotional process for immigrant clients. Cervantes et al. (2010) discussed the emotional and psychological hardship that undocumented immigrants experienced due to not having proper documentation to move around, work, seek an education, obtain a driver's license, rent a home, or open a bank account, thus not having the basic societal living resources that U.S. residents enjoy on a daily basis.

Observational analysis indicated that immigrant clients facing deportation encounter many challenges in maintaining composure and understanding the court procedures. Several judges attempted to remedy the stressful atmosphere by producing a collaborative and open environment. Signs posted in the courtroom were used to explain procedures and provide advice for clients in immigration court. These attempts appeared to provide immigrant clients with a sense of emotional connection and understanding in

judicial environments that are heavily dominated by objectivity and procedure. These findings are in line with Bernard's (2015) discussion on the importance of coordination, effective and efficient communication, management, and accountability. On the other hand, the attempts made by the judges to remedy the stressful atmosphere is in contrast to Kettl's (2015) argument that agencies and NGOs do not use adequate strategies, tactics, and tools in delivering effective and efficient services and goods to the public, thus, resulting in deficiencies in service delivery.

During observation, it was noted that deportation hearings can be stressful for undocumented immigrants, and even children are expected to undergo deportation hearing processes. This finding is consistent with the literature as some undocumented immigrants do not show up for the hearings (Sol, 2016). Cervantes et al. (2010) explained that the removal proceeding hearing process can be burdensome for undocumented immigrants as it involves money, collecting evidence, hiring immigration attorneys, and being in good standing with the law. The researchers noted that one of the psychological effects that undocumented immigrants face is the possibility of being separated from their children who were born in the United States. The researchers explained that many undocumented immigrants have children who were born in the United States, thus, the children are U.S. citizens. Cervantes et al. further explained that in cases of deportation, the children would be separated from their parents, which affects the parents and children emotionally, socially, financially, and spiritually. In regard to the observation finding that children are expected to undergo deportation hearing processes, immigration courts are

dealing with numerous caseloads and the priority of the courts is to handle the cases of unaccompanied children before solving the existing removal proceeding cases (Kaplan, 2014; Rodriguez, 2013a). Sol (2016) also noted that mothers traveling with young children are also assigned high priority for court scheduling.

Furthermore, other observations were made on protocols and procedures that occur during deportation hearings. Similarly, situations where immigrants were not represented by an attorney were discussed. These findings can be interpreted in the context of the literature. Longazel, and Fleury-Steinero (2013) noted that some disturbing cases have been publicized, many of which involve clients being deceived, losing large sums of money, and having their quest for citizenship jeopardized by nonlawyers posing as immigration attorneys. Cervantes et al. (2010) discussed undocumented immigrants feeling burdened to find money to hire immigration attorneys. Based on the observation findings, in one deportation hearing, lack of communication and effective coordination were noted. This finding is in line with Holman's (2013) discussion of not achieving targeted goals due to poor management and lack of coordination and knowledge. Marra (2014) found that interpersonal relationships play a significant role in the promotion of coordination and efficiency in public administration, which is in line with Kettl's (2002, 2015) transformation of governance theory. Kettl (2015) discussed interpersonal relationship as one of the contributing factors of coordination within public agencies.

Document review findings indicated that legal definitions and regulations were often discussed and legal reforms have been made in an attempt to address social

concerns with immigration. These findings can be interpreted in the context of the literature. Rodriguez (2013a) discussed deficiencies in federal immigration policies that have resulted in some states such as Alabama, Arizona, and Texas, enacting their own immigration rules (Rodriguez, 2013a). Rodriguez (2013a) related that conflicts can occur between states and the federal government when state regulations do not align with federal rules. Hidalgo (2014) addressed states' role in immigration regulation issues. The author noted that states such as Arizona created one of the harshest immigration laws known as Arizona's Senate Bill 1070 (Arizona S.B. 1070), which made it a crime to be an undocumented immigrant. Hidalgo reported that the bill sparked similar laws in Utah, Indiana, South Carolina, and Georgia. Hidalgo explained that Alabama's House Bill 56 (H.B. 56), the state's version of Arizona S.B. 1070, was considered more draconian. The author shared that Alabama's lower courts dismantled most of H.B. 56, and the U.S. Supreme Court (SCOTUS) refused to hear Alabama's appeal of the lower court ruling. Kennedy (2012) reported that the SCOTUS decided that many of the invasive elements in Arizona S.B. 1070 were unconstitutional. Thus, immigration reform remains one of the biggest issues the United States has faced in the past few decades (Rodriguez, 2013b).

Furthermore, in relation to the document review findings, Reasoner (2011) provided regulatory or policy amendment recommendations. Reasoner noted that statutory change was undesirable because such changes were unlikely based on the political climate. Reasoner recommended the following: (a) restrict the use of voluntary return, (b) encourage the use of judicial orders of removal, (c) expand the use of regular

expedited removal proceedings, (d) require the use of administrative expedited removal proceedings against aggravated felons, (e) resuscitate the use of stipulated orders of removal, and (f) strengthen sanctions against frivolous filings and representation abuse. On the other hand, to better address current and future staffing needs, the GAO recommended that the EOIR director develop and implement a strategic workforce plan that addresses key principles of effective strategic workforce planning, which should include (a) determining critical skills and competencies needed to achieve current and future programmatic results; (b) developing strategies that are tailored to address gaps in number, deployment, and alignment of human capital approaches for enabling and sustaining the contributions of all critical skills and competencies; and (c) monitoring and evaluating the agency's progress toward its human capital goals and the contribution that human capital results have made toward achieving programmatic results.

Limitations of the Study

The qualitative case study design has both strengths and limitations (Patton, 2002). A strength of the case study design is the ability of researchers to have a deeper exploration of the phenomenon being studied (Patton, 2002). In doing so, the researchers focus the research on a smaller sample. However, such a situation can affect the generalization of the findings since the results do not represent the general population (Patton, 2002). According to Yin (2012), case studies tend to generalize to other situations based on analytic claims. Yin noted a conceptual claim where researchers show how the findings from their study have informed the relationship among a particular set

of concepts, theoretical constructs, or sequence of events. Yin reported that the second step refers to researchers applying the same theoretical propositions to implicate other situations outside the completed case study where similar concepts, constructs, or sequences might be relevant. Although the findings from this case study cannot be statistically generalized, 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 population across cities and states to achieve a broader understanding of immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings experiences. A different sampling strategy could also be used, such as maximum variation sampling and purposeful random sampling.

Besides the issue of generalization, the bias of researchers remains a serious threat to the quality and credibility of the study (Maxwell, 2013). Therefore, I had a duty to ensure that the data represented the actual statements of the participants and the deportation hearing observations and court document reviews were transcribed correctly. Maxwell (2013) argued that researchers should refrain from modifying the meaning of statements or any data since the analysis is focused on the meanings. The modification of the meaning jeopardizes the quality, reliability, and trustworthiness of the data (Patton, 2002). Bias might push researchers to apply their own meanings to the data (Patton, 2002). In doing so, they ignore the principles of trustworthiness, which are critical for the overall success of the study (Patton, 2002). I used specific strategies such as reflexivity where I revealed any experiences, biases, and values pertaining to this study. Patton

(2002) stated that qualitative researchers use their five senses in collecting relevant data that help answer the research questions. This principle implies good listening and observation skills, paying attention to details, and good note taking skills. Therefore, I properly transcribed participants' actual accounts, organized and managed the data, and conducted data analysis.

Social desirability bias was also considered as the immigration attorneys may want to be perceived positively, so they may not respond honestly to the interview questions. However, it was assumed that participants honestly and openly answered the interview questions by sharing their perceptions about the questions asked. There are also limitations with self-report data for the interviews as participants may not accurately or fully self-evaluate themselves; however, it was assumed that participants accurately and fully self-evaluated themselves.

Recommendations

Four recommendations for future research arise as a result of this case study. First, as noted in the limitations of the study section, due to the small sample size of 10 immigration attorneys, future study could expand the sample population across cities and states to achieve a broader understanding of immigration attorneys' perceptions and attitudes about delays in removal proceeding hearings experiences. In doing this, different sampling strategies could also be used such as maximum variation sampling and purposeful random sampling.

Second, although it is not feasible to obtain the perception of immigration judges and those of officials who work in the EOIR based on my communications with various sources, including the EOIR spokesperson and their designee, the immigration court of Texas spokesperson, and the president of the National Association of Immigration Judges, 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, DOJ officials, Department of Labor (DOL) officials, HHS officials, and the United States Information Agency (USIA) officials; as these are the five major departments of the executive branch of the federal government involved in the immigration process (see National Paralegal College, 2017). For example, the USCIS, which handles visa petitions or relative petitions, work authorization for immigrants, naturalization processes, advance parole, and affirmative asylum (Kandel, 2015), are also backlogged with cases in the city that was the focus of this study, which has created case delays. In addition, future study could obtain the perceptions of undocumented immigrants about their personal experiences with delays in removal proceeding hearings.

Third, future studies could examine and explore the effectiveness of the GAO's (2017) recommendation on actions needed to reduce case backlog and address long-standing management and operational challenges as well as the effectiveness of Reasoner's (2011) regulatory or policy amendment recommendations. Thus, researchers could use different methodological approaches, such as qualitative, quantitative, or mixed methodologies to investigate whether these recommendations have been implemented

and their effectiveness in reducing case backlogs. Fourth, participants in this study shared concerns about various issues such as 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. Researchers could further explore these issues and findings could be compared to those found in this study.

Implications

Policymakers, political leaders, and the general public are divided over immigration policy issues in the United States (Rodriguez, 2013b). Participants in this study recommended that Congress consider many elements in conducting comprehensive immigration reform, such as increasing the immigration courts' budget nationwide so they can optimize their operations and render efficient and effective services to the public. At the organizational level, this includes the urgent need for more judges and other court personnel, proper training, and an upgraded and updated judicial system where immigration attorneys can file their applications and motions online to reduce data entry errors and other procedural errors that immigration lawyers face on a regular basis. As the findings indicated, with the number of immigrants entering the United States every year, such as from Central America, immigration courts cannot comprehensively process the workload and demands as immigration has increased and will continue to increase considerably (see Sol, 2016; TRAC, 2015a), thus, further resources and manpower are still needed. Burke (2011) and Kettl (2002, 2015) emphasized that success of an organization, whether public, private, or nonprofit, depends on many factors such as

competency of staff, skills, knowledge, adequate training, and effective communication and coordination between entities.

At the individual and family level, participants noted that while family unification and work opportunities should be considered a priority, this is not always the case for clients. For example, approximately 314,000 DACA recipients will lose their DACA employment authorization document (EAD) in 2017, which is about 38% of all DACA applicants (Bier, 2016, para. 17). Another 467,000 will lose authorization in 2018, about 115,000 of those will happen in the first quarter of 2018, meaning, that DACA will be half over by March 2018 (Bier, 2016, para. 17). In addition, it is unclear whether the Trump administration will keep DACA and what they will do with the information collected through the program (University of California at Berkeley, 2017). Furthermore, many undocumented immigrants do not have the proper documentation to work or obtain other basic societal living resources. However, some participants pointed out the delays in removal proceeding hearings can be beneficial to some clients as the situation gives them time to prepare their cases and gather relevant documents that might support their cases.

At the societal and policy level, participants indicated that to accommodate immigration changes, government policies should be focused on creating a workable and flexible system that takes into consideration areas of needed improvement in immigration courts. The implications for positive social change are directed at immigration policymakers and decision makers as focusing on the perceptions and attitudes of

immigration attorneys about delays in removal proceeding hearings in an immigration court in Texas could be used by policymakers to take a closer look at the current deportation hearings crisis. In doing so, decision makers might consider the perceptions of immigration attorneys about the dysfunctional court system and take appropriate measures to reduce the removal proceeding hearings backlog and improve the judicial process by working collaboratively.

Therefore, unlike previous studies, the findings from this case study added new knowledge to the literature and could be used as a starting point in generating a dialogue about the overwhelming backlog cases in immigration courts. By better understanding the effects of delays in removal proceeding hearings, decision makers may focus attention and resources in helping to reduce the backlog. Immigration lawyers are experts in this matter and their input could be used to improve removal proceeding hearings policies and regulations.

Findings from the study may help policymakers, lawmakers, immigration officials and officers, and the general public understand that immigration problems go beyond the border crisis as findings from this study are consistent with the literature regarding the current dysfunction that has become systematic in immigration courts, which includes deficiencies in immigration regulations. Thus, there are other major issues that affect undocumented immigrants on a daily basis such as hearings delays. The implementation of new policies requires the cooperation and collaboration of all stakeholders. Therefore, it is important for decision makers to further understand the effects of the hearing delay

crisis, which may encourage them to build a sound strategic plan to resolve the problem. In doing so, they can adopt new laws and policies, which may result in positive social change. Along with the public policy and administration field, a wide array of other fields might be interested in the study's findings, including the fields of criminal justice, law, and homeland security. The findings from the study are also applicable to many agencies and organizations such as the immigration court in Texas that was the focus of this study, EOIR, DHS, DOJ, HHS, Department of Labor (DOL), and the United States Information Agency (USIA).

Conclusion

To further understand and address the problem of delays in removal proceeding hearings in an immigration Court in Texas, it was important to obtain the perceptions and attitudes of immigration attorneys because they are one of the most important stakeholders in removal proceedings. Therefore, it was essential to understand their perceptions and attitudes about delays in removal proceeding hearings in an immigration court in Texas as findings may be used to encourage immigration policymakers and decision makers to focus attention and resources in helping to reduce the backlog and improve the judicial process. Findings found in this case study 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 from this study 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. The results of this study also align with the findings from Rodriguez (2013a, 2013b) who conducted different studies regarding deficiencies in immigration policies and the need for comprehensive immigration reform.

Immigration attorneys play a significant role in the removal proceedings process; therefore, it is important that policy makers and decision makers consider the findings from this study to further understand the effects of the hearing delay crisis. In doing so, policy makers and decision makers could work together and use the findings to help build a sound strategic plan to resolve the case backlog problem. More effective immigration laws and policies could lead to positive social change by improving and optimizing immigration court manpower, resources, and processes, thus, making a difference in the lives of all stakeholder involved in removal proceeding hearings, especially those of the undocumented immigrants.

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Appendix A: Invitation to Participate and Recommendation Request

Dear Sir/Madam;

My name is Awa Diawara and I am a doctoral candidate at Walden University. I am conducting a qualitative case study to explore the perceptions and attitudes of immigration attorneys concerning delays in removal proceeding hearings in the [city redacted] Immigration Court of Texas.

I would greatly appreciate your participation.

I would like to conduct a face-to-face interview with you, which might take approximately 45 minutes. The interview will take place in a private meeting room at the [city, library, and library address redacted]. You can choose the time of the interview at your convenience. Please note that your participation will play a significant role to the success of this study. You will also get the chance to review and sign a consent form prior to starting the interview. The information from the interviews will be kept strictly confidential and no one who participates will be identified in any of the study's report that I prepare.

If you have any questions about the study, please feel free to e-mail me at awa.diawara@waldenu.edu or give me a call at [phone number redacted].

If you are interested in participating in the study and/or would like to recommend other active immigration attorneys in the [city redacted] area, please do not hesitate to contact me.

Thank you in advance for your consideration in this matter.

Sincerely,

Awa Diawara

[Phone number redacted]

[E-Mail address redacted]

If you are interested in participating in the study and/or would like to recommend other active immigration attorneys in the [city redacted] area, please do not hesitate to contact me.

1. What is your name?
2. How long have you been working in the immigration field?
3. What is your contact information?

4. Are you an active member of the bar?
5. Are you licensed to practice in the [city] Immigration Court of Texas?
6. Have you experienced delays in processing immigration cases?
7. Would be willing to share your perceptions and attitudes about delayed and backlogged crisis in immigration courts, which will take approximately 45 minutes in a face-to-face interview?
8. If you participate in the study, would you be willing to verify the accuracy on your interview transcript that would be e-mailed to you at a later date after the interview has been completed and the interview has been transcribed, which will take approximately 25 minutes?
9. Are there other active immigration attorneys in [city redacted], Texas that you would like to recommend to be participants in this study? If so, what are their names and contact information?

Electronic signatures are regulated by the Uniform Electronic Transactions Act. Legally, an "electronic signature" can be the person's typed name, their e-mail address, or any other identifying marker. An electronic signature is just as valid as a written signature as long as both parties have agreed to conduct the transaction electronically.

Appendix B: Interview Guide

Introduction

- Welcome participant and introduce myself.
- Have participant review and sign consent form. Give participant a copy of the consent form to keep.
- Explain the general purpose of the interview and why the participant was chosen.
- Discuss the purpose and process of interview.
- Explain the presence and purpose of the recording equipment.
- Outline general ground rules and interview guidelines such as being prepared for the interviewer to interrupt to assure that all the topics can be covered.
- Address the assurance of confidentiality.
- Inform the participant that information discussed is going to be analyzed in aggregate form and participant's name will not be used in any analysis of the interview.

Discuss Purpose

The purpose of study is to explore the perceptions and attitudes of immigration attorneys concerning delays in removal proceedings hearing in the [city redacted] Immigration Court of Texas.

Discussion Guidelines

Interviewer will explain:

Please respond directly to the questions and if you don't understand the question, please let me know. I am here to ask questions, listen, and answer any questions you might have. If we seem to get stuck on a topic, I may interrupt you. I will keep your identity, participation, and remarks private. Please speak openly and honestly. This session will be tape recorded because I do not want to miss any comments.

General Instructions

When responding to questions that will be asked of you in the interview, please exclude all identifying information, such as your name and names of other parties. Your identity will be kept confidential and any information that will permit identification will be removed from the analysis.

Possible Probes

- Could you cite any specific examples?
- That was insightful, but could you shed more light?
- That was a great example, so what impact do you think this will have?

Interview Questions

A series of open-ended questions will be asked to garner unbiased and nonjudgmental data from the participants. The study will be based on the evidence gathered during the interviews, and not my personal opinion about the subject matter.

Central Question:

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

1a: Immigration courts nationwide are dealing with 496,704 pending cases with a very limited number of judges (253). The state of Texas comes in second with 87,088 pending cases, [city redacted] has 39,968 cases pending. How do you perceive such as a crisis and what is your explanation for these numbers?

1b: How long have immigration courts been dealing with the delay situation?

1c: What kinds of cases are being delayed?

2a: How do you inform your clients who may qualify for some reliefs under the Immigration and Naturalization Act about delays on their cases?

2b: What are the typical reactions of those clients?

2c: What are the effects of delays on client – attorney relationships?

3a: How do you handle difficult clients who are not happy with the delays?

3b: How many cases that you are working on are delayed by the courts?

3c: How many of those delayed cases have a greater chance to get a good outcome?

4a: Explain how you would handle the financial aspects with your clients whose cases have been delayed?

5a: How do the delays affect the operations of attorneys?

5b: Explain how the delays affect your work load and how both lawyers and their clients may benefit from this backlog phenomenon?

5c: What are the consequences of delays on the welfare of the immigrant from the viewpoint of the attorneys?

6a: What factors contribute to the deficiency of the court system?

6b: What factors have more of an impact than others?

6c: How does the decision of President Obama to prioritize the cases of accompanied children affect the courts' operation?

6d: What factors should the Dept. of Justice consider while implementing changes in the courts?

7a: In 2006, the Government Accountability Office (GAO) conducted a performance review on the Executive Office for Immigration Review (EOIR) and the report indicated some substantive issues within the court coordination, organization, and proceedings such as data entry issue, system programming failure and other procedural errors. What are some of the strategies that policymakers can use to resolve the delays crisis?

8a: How do policymakers perceive the delay crisis?

8b: What should lawmakers do to optimize the operations of the courts?

8c: What steps have the Chief Executive of Immigration Review and the US Attorney General's office taken to bring changes to the courts?

Conclusion

- Discuss the transcription review process with participant, ask and answer any questions, and thank the participant for his or her time.

Appendix C: Observational Protocol

Date: _____ Time: _____ Duration of Court Proceedings: ____ hours ____ minutes Site: _____ Participants: _____	
Overall Immigration Court tour question:	
Description of the Removal Proceeding Hearings	My reflections on the Removal Proceeding Hearings
Description of the Court Setting: visual layout <ul style="list-style-type: none"> • Description of immigration judges / attorneys. • Description of Court Activities. • Description of other individuals engaged in courtroom proceedings. • Description of Court Proceedings. • Interactions between relevant parties. • Comments of the participants with quotation marks. 	My Observations of the proceedings <ul style="list-style-type: none"> • Observation of body language. • My interpretations of the proceedings. • My internal analysis and questions.

Appendix D: Immigration Court Document Review Guide

ICE and Prosecutorial Discretion

1. What are the role and the mission of ICE?
2. What are the goals of ICE?
3. What are ICE priorities?
4. What is a prosecutorial discretion?
5. What factors does ICE consider when using the prosecutorial discretion of a case?
6. What factors does ICE consider when deciding which cases should prioritize over others?
7. What effect does the prosecutorial discretion have on asylum cases?

The 180-Day Asylum EAD Clock Notice

What is the purpose of the 180-Day Asylum EAD Clock notice and how does it affect the removal proceedings process?

Victim of Fraud

How do undocumented immigrants protect themselves against immigration fraud?

Posting Bond

How can undocumented immigrants post a bond?

Disagree with the Judge's Decision

What step should immigrants take when they disagree with the judge decision?

Move to a New Place

What should undocumented immigrants do when they move to a new location?

Building Your Case from the Group Up for 10 Year Cancellation

What are the mechanisms that might help undocumented immigrants to build their case up?

Asylum

What are the qualification criteria for asylum relief, withholding of removal and the convention against torture?

Missing Deportation Hearing

What should undocumented immigrants do when they missed their hearings?

Victim of Trafficking

What are the benefits/reliefs for victim of trafficking?

What are the qualification criteria for victim of trafficking?

Young Person Guide for Special Immigrant Juvenile Status

What is Special Immigrant Juvenile status?

How can an individual qualify for SIJS?

What steps should a young person take when applying for asylum, withholding of removal and protection under the convention against torture?

U Visa Status

What is a U visa?

What are the eligibility criteria?

Appendix E: Summative Interview Table

Table E1

Summative Interview Table

PA#	Category	Status	Source	Saturation	Format	Length	Recording	Transcript
PA1	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 3 pages
PA2	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 3 pages
PA3	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 17 pages
PA4	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 10 pages
PA5	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 15 pages
PA6	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 19 pages
PA7	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 22 pages
PA8	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 30 pages
PA9	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 21 pages
PA10	Immigration Attorney	Conducted in person–data	Sample frame	Yes	Semistructured interview	45 minutes	Audio-recording	Transcribed/ 3 pages

Appendix F: Thematic Analysis Step 1 or Categorization of Text

Subquestion 1

Subquestion 1: How do immigration attorneys perceive the effects of delays on the welfare of immigrant clients?

Subthematic Label 1: How do immigration attorneys perceive the effects of delays on the welfare of immigrant clients.

Major Theme 1. Service management.

Subtheme 1: Regulation:

Participant 3 discussed the backlog of court hearings and the resounding effects on immigrants and immigration attorneys:

From the lawyer's perspective, it forces you to keep that case on your list, on your case list; it forces you to keep track of the case because [of] the backlog. A case scheduled for 2019 doesn't really have a date yet, so you may be surprised with a date. So you may get maybe a month's notice, 2 months' notice when you have to resurrect that case and put it back on your case list to get that person ready. The other thing is, the backlog may mean that the evidence, the documentary evidence, that that person is going to create for their case may no longer be relevant. For instance, if you got somebody who is seeking asylum, the backlog may force the conditions to change and because that happens and all of a sudden you may find yourself moving from potential relief to a case of no relief. So it has serious implications for people who are in the system. But like I said, it depends on what side of the fence you sit on; whether have relief, potential relief, or you don't have relief.

According to Participant 6, the backlog can create concerns for immigrants due to significant life changes including marriage, divorce, or relocation:

We have a caseload ourselves of at least 500 active cases, I know, that's a lot. So like active, people who are actively in court. So, things change and all they have was asylum as I said, but in 2 years, they might have met someone, they are married, and that person is going to petition them now. Maybe that person is in the military that they met and they qualify for different stuff. It changes, it just changes all the time. All of them, you know, are being affected in some way by the backlog.

Participant 7 described problems with court efficiency, noting significant administrative issues:

Well I think especially if you're doing with data entry issues. . . . I've been practicing for almost 10 years, and I have seen very little changes throughout that entire period as to

how the court actually operates. They're still dealing with actual files, which is fine; that's the way we handle things too. We're in a different age now where I think that information can be more readily available through means, utilizations of [the] cloud, servers with backups. Data entry issues wouldn't exist if you take out the human element of me giving you an application, and then you taking the application and typing it into the system. This is an example: yesterday I was in immigration court. I had filed some paperwork back on December 16 including my notice of appearance, G-28, with the clerk at the window. So, I came to court yesterday on January 12th, almost a month later, and they have no record of me being his attorney on the case. So I had to completely redo my hand, my notice of appearance, and the judge was gracious enough to allow me to proceed with my case before having to complete the paperwork. But, whoever was it that took my documents at the window, either tossed them or lost them or entered them into the system for somebody else. I'm probably somebody else's A number. Again, I think that is a very outdated way of handling cases.

Participant 8 similarly discussed challenges in accommodating such a high number of immigration cases:

I think we need to go back in the history of immigration courts. The immigration courts were never initially set up to handle such a large number of people. Throughout the years, we've had an onslaught of different immigrants coming from different parts of the world. Namely, our last one, look at Haiti. Once the atrocity happened in Haiti, everyone in Haiti had to now come out of the wood works. We had the 1988 amnesty by Ronald Reagan. That brought a lot of people out of the wood works as well. And then of course after 2001, after 9/11, the agencies, the different types of agencies started to talk to each other. Whereby initially, the criminal justice system would not necessarily talk to immigration; family law would not, the IRS . . . all these agencies were not linked, and because they were not linked, immigrants fell through the cracks. And they could live here, they could commit crimes, all types of things that could occur without coming to the attention of immigration. Once 9/11 occurred and then the subsequent laws that required the agencies to talk to one another, then you have the onslaught of people hitting our borders because they're thinking that it's time for us to have another immigration amnesty.

You're having now all these people feeding into this system, okay, and then of course you have the general nutrition of an immigration judge. That means you know you're having somewhere around 100 and something judges or just 200 judges for a whole nation, then you're going to have some problems.

Participant 8 further elaborated on administrative tasks that can be improved in the courts:

I believe there are some administrative things that can be done. I don't think that is as big of an issue as people say it is. We have a system in place. The question is, how do we enforce even what we have? So you can say, we're going to do this, but how can you

enforce it if you don't have state and local enforcement. The state government says I don't want to ask people about their immigration status because that's federal government. And the federal says, we can't be everywhere all the time, so we need to all work together. So, if we're going to coordinate this thing, I'll be honest with you, it's going to be very difficult. For people to remain in the United States without papers, just as it is in Europe. Because kids will not be able to go to school unless they have sufficient documentation, but if the state says nope, nope, don't care, don't care, and the federal government says if they're under 16, that's all we care about. You see, the United States never had this influx of immigrants before; and I don't think we envisioned on having this many. So, you have to modify the system, to handle what you have. Or, if you are going to support or enforce what you have, then you need to make sure everyone is on board. It appears to me that you're coming from a point that the immigration backlog hurts clients and I don't really think it does. In my understanding, most of the clients, if they have good cases . . . that are pretty clean-cut. They can use the system that provides them with time to have their petitions granted. We can get them out of court and they can go through USCIS proceedings. It is the ones that have more issues that kind of need that time.

Subtheme 2: Support.

Participant 1 elaborated on communication and client relationships:

Most clients, some of them understand, but the problem is that a lot of lawyers though are having conflicts because some lawyers tend not to sit down and take the time and talk with the client, so what I do, I have a different approach. I bring the client in my office not just over the phone. I sit them down and I go through a thorough explanation [because] if you don't, you are going [to] have a lot of problem and the client [will] keep calling you. What happens? When am I going to have my hearing? You got to sit down, you do a thorough explanation of the situation, explaining to them what I think because at the time I would just tell them over the phone and then they keep calling. It was frustrating for me as a lawyer, frustrating for the client, so what I did, I said okay, I need to bring them in the office, sit them down, and break down the entire case for them.

Participant 2 similarly discussed the importance of communication and showing support for clients:

Well, as a lawyer you owe your client a duty of communication. You owe the duty to communicate with your client all the time on updates of his or her cases. So, as pathetic as the situation may be, there are some instances where these delays have really caused them not to go to school, have delayed their progress so much, they are stagnated to say the least. So, again as a lawyer you inform them. This is you . . . just . . . it is a professional responsibility you owe your client. As a lawyer to inform them as a matter of duty, so you have to inform them.

Participant 3 discussed the ways in which attorneys can best assist clients during court delays or difficult circumstances:

I encourage them to manage their expectations on their cases and to be proactive and inform yourself about your case, see why this is going this way and not going this way. What can we do, what can you work on while we wait. Do you have enough bona fides for your relationship? Do you have enough to show that you are an active productive community member; if you're filing taxes, are all your taxes up-to-date? So I try to rechannel that energy into doing something as productive as we possibly can for the cases.

According to Participant 5, court delays can be valuable to immigrants because this allows them more time to work on the case and gather necessary documents and materials:

It is a blessing for me and my clients who, while they are waiting for their cases to be heard, they can establish eligibility for employment authorization, get a driver license and social security card that allows them to have some semblance of legality and not be in the shadows. So as long as the cases are pending and we can arrange to have them get these documents that will allow them to be in the workforce with authority, that is a good thing.

However, Participant 6 described problems with timing due to court delays:

Yeah, so that is actually a big problem. So let's say a kid comes in and when he comes in he's 15, right. Because the courts are so backed up, that person might not even get a court date until a year, 2 years later. The first time they go to court may be in 2 years. So, by the time he comes to me, let's say he gets a notice in the mail and it says, go to go to court and by that time it's 2 years later. When he first comes to me, he's 15, by time he comes to see me now, he's 17. That person would, if they had certain facts to support them, might have qualified for some juvenile applications; but because they're taking so long to go to court, by the time they come look for help or talk to an attorney, they don't qualify anymore because they're too old.

Participant 6 further elaborated on client-attorney relationships and empathy:

It's not always that they are such a pain, it's just that you got to remember, we're talking about their children, were talking about somebody's wife. They don't know what's going to happen and they've heard all these stories from cousins and people at the store. And people talk and they're all like, I heard this is what happens and if you don't do this and that, you know, if you don't file it by this year, and did you ask your attorney. So, there's all these things that they hear, and it's all coming from being scared. I have one meeting with them, face-to-face, and I tell them you know, hey, this is what's going on, this is how long it's going to take. Don't be scared if it takes 2 years, that's just the backlog. It doesn't mean something is wrong with your case, it just means that's how long it takes. But I promise you that these are the steps that we're taking.

According to Participant 9, clients are usually relieved when they have more time to assess their situations:

When the clients come, they know for example, usually they know when it's their court date. Like most of them, they have court coming up, for example, next month. So, but the thing is, for example, asylum, because it can take a like a year or two, because the judge sets a different master calendar hearings. First, there is going to be a master [calendar hearing] where we address the allegations, we address the NTA. Then we have another master to turn in some applications, and then we have the individual hearing . . . that's for asylum. Like, sometimes clients are relieved when they noticed that their cases are going to take more time because you know they are usually afraid to go to court, they don't know what to expect. So whenever I tell them, oh, your next court [date] is going to be for example right now in December, 2017, they are all like okay, I have more time to prepare, I can find my documents from back home because I usually give them a list of documents that they would need, and they are like okay, so now I can have more time to actually get the documents.

Subquestion 2

Subquestion 2: How do immigration attorneys perceive the effects of delays on client-attorney relationships?

Subthematic Label 2: How do immigration attorneys perceive the effects of delays on client-attorney relationships.

Major Theme 2. Boundaries.

Subtheme 3: Transformation.

Participant 5 noted that strict legal definitions can have an effect on immigrant cases, causing anxiety and stress for both the client and the attorney:

Yeah, it's emotional, living with this every day. Like, I have a pending case but I can't do anything about it. It takes a toll on the family as well and if some of the cases are based upon you being married, well, that's it. Well, let's face it, sometimes those marriages fall apart. I've got one guy who calls all the time because he worried about his marriage being viable at the time of his hearing. His relief is dependent upon being married to his wife.

Participant 10 described immigrant fears and anxiety when dealing with court delays:

Some people, the ones that are little bit more affected are, it just depends. But what I have noticed, about the ones that I have noticed are affected by it, [they] have a lot of anxiety. They will come in here with this feeling that you can feel it; it's almost palpable, the

anxiety that they have. You can hear the desperation in their voice asking what can I do or what can we do about our child. It's always the children, they're worried about the children, and if it's a family unit, it's typically the father because they're the protector. They're looking for a way, they are desperate. And the way we handle those is, at least what I tell them is look, if you're looking for something to do with your case or if there's some avenue that you can take. Let's say it's someone with a previous removal order, maybe they didn't show up to court or maybe they were scared, maybe they didn't get the notice or whatever the case may be.

I don't know that's going to make them feel when they go to sleep at night, all I can do is be honest, I try to typically inform them of their rights whenever they're confronted with the FBI, ICE, or the police.

Participant 10 further elaborated on the changes that can be made to improve the immigration court system:

I think they should consider the overall community in a small way, not in a big picture. I think they should consider the impact of having these children in the community in a small way. Like, those children are going to share the school system and they are going to be in the same workforce as our children. So if that's the case, I think we should be considering what's the probability of children actually being removed once the removal order is issued. I think the probability of those children being removed is very, very small. You're not going to really execute the order, so if those children are going to be in this country, I think we should be providing those children with the best tools to allow them to become the best of whatever they're going to become because at the end of the day, they are going to be in the same community as my children and your children. So, I think they should be looking at the small picture and the everyday life.

Participant 2 similarly remarked on immigrant client frustrations:

Like I said before, they get very frustrated with not being able to move forward because to stay in a country illegally can be emotionally troubling, okay, [they] can be very tormented emotionally, to stay in a country illegally. It can be very emotionally troubling. Like I said before, some of them end of not going to school, some of them end up staying alone, their family members are overseas, [and] they are not able to bring them because of these delays. So these are some of the consequences of these delays. It is actually slow paced . . . it is kind of strangulates, chokes the rate of progress in almost everything.

Participant 6 also described client anxiety and frustration from not being able to support themselves and make living accommodations:

So, until you know, somebody files it, you can't do anything, you can't defend it, you just have to keep waiting for your court date. And so these people, they get really nervous, they have been waiting so long, think, did they send it to me and I didn't get it, what if they come looking for me? Am I supposed to be doing something? And there's nothing you can really do, it's just kind of lost in the stack . . . there's just so much coming in

right now. So that's one difficulty. And those people obviously are very worried; it's very stressful for them. Also, they're forced to figure out how to live without a way to work. They have no way to work because until it gets filed in court, you cannot get a work permit. So, the office lost your case . . . then you know they really, really suffer a lot. So we're seeing that as one thing. Or what happens sometimes is it might take 2 years to get filed; that person might've moved and guess what, when they do send it, they sent it to the old address. And we actually met with [Texas U.S. congresswoman's] office about this problem because those people end up getting deportations and they don't even know about it. And they had no way of updating their address and it's not that they don't want to, there was no way to do it. The court doesn't even know they exist. There's nowhere to change their address.

Participant 7 discussed the effects of backlogs on attorney workload and morale:

I question whether the courts, the judges themselves understand how hard it is to get some of these documents that they want sometimes. So, all of that creates an environment I think for a lot of attorneys that's very stressful because as a practitioner you have certain standards that you have to meet, not just bar requirements for representing your clients; but these elements that have to be met in order to qualify a client to get them approved. It's a difficult task trying to balance that with your obligation to yourself and to your business. How many clients do I take on this month? Do I overburden myself here because next month maybe nobody comes in or do I turn these people away because I really don't have the time to do it and then suffer the consequence next month when nobody refers because you turned these people away. It's hard, it's really hard to balance that out and . . . but, it's all part of being an attorney, especially in this environment.

Participant 8 elaborated on changes in policy and communication between government agencies and the anti-immigrant sentiment in the United States:

Now that more of the agencies are talking to each other and we now know that there are more aliens or foreigners in our country because now the agencies are talking to each other, so we can pull them from different places. Because now, you could probably receive a client from probation. A client that was on probation, they would never pick them up, but now they pick them up, okay. And now, certain states, they've always checked the immigration status of people, whereas before, they didn't. I think those are the major factors, the fact that everybody is communicating with one other, that there is an anti-immigrant sentiment here in the United States, and it has been for some time. Because there is the perception that they are coming in taking the jobs that Americans had.

Subtheme 4: Hierarchy.

Participant 10 discussed experiences with government policies and regulations:

What they don't understand, what this administration doesn't understand is that the resources simply are not there. I spoke to, this was some time ago, maybe like a year ago, I spoke to an ICE officer; privately, obviously this was a private conversation, and I asked him directly, I never looked it up if there was a way to look it up: How many ICE officers do we have allocated for the [city redacted] area. people who actually go and knock on doors, to execute the deportation orders? The removal orders we call them now and he said, actually on foot, they have around 40; 40 of these officers who physically go around and knock on doors. And the way that they decide on whose door they are going to go and knock is something that they don't have knowledge, those orders come from higher up above. And the list of people who they are going to go and knock on doors for comes from up above, and sometimes, most times, it's directed at more serious criminals. Those resources are directed at more serious criminals. Those people who have a conviction for sexual assault of a child or something like that. Those are typically the priority cases, but I think now, with the new executive order, it seems like everybody is a priority. And if everybody is a priority, we're talking about maybe a 16-year-old sophomore in high school, is a priority just the same as a child molester because everybody is a priority now.

Participant 4 described the problems that occur due to difficulties in integrating different government sectors:

Now one big problem that I've seen though, is because you have so many people coming in right now, that sometimes somebody will come in, and the officer at the border that does their paperwork, you know, they catch them, they do all the paperwork, they told him they're going to get a court notice, they're going to get sent home or with their moms or whatever, and they are told to just wait. So I'm seeing probably 5 to 10% of those people that the officer who does the paperwork at the border never turns it in to the court, like ever. I have one person that's been waiting a year and a half. And those people, I can't even get a work permit for, I can't do anything because they don't exist; there is no file for that person over there. Even if I show them like look, here's his picture, he was caught at the border, [and] they have to still file it. It's kind of like a police officer. Think about you getting a speeding ticket, right. That officer, you know, you have a speeding ticket, but if he doesn't file it with the court, they never know that you had a speeding ticket, only that officer and you know.

Participant 8 further elaborated on the difficulties in balancing government bureaucracy with social concerns:

A lot of people sent their kids to the borders . . . 45,000 hit the border. And that was another reason why there was a backlog. They had to pull some judges who didn't have a juvenile docket, train them for a juvenile docket, and then send them down to the border cities to conduct those hearings.

I think as a policymaker, you have to do what's going to be best. And you have to say to yourself, why all of a sudden did 45,000 people hit our borders? Kids, they sent

kids because they know we're going to feel really bad, right, we're going to feel bad. But they have homes. And again, I'm not going to speak to the validity of their cases, I can only say that it looks very different. It doesn't look good, right? It does not look like it's something that should be happening. So that makes it hard, so now you have to sift through all 45,000 to see which ones are real. Isn't that an added burden on an already taxing system? Again, the DHS, they have a budget. So when all of these things are happening, where is this money coming from? It's coming from middle-class Americans . . . the class of middle class is shrinking.

According to Participant 1, dealing with court prioritizations and judicial bureaucracy can also create challenges:

The client is going to be very frustrated because they know that the relief is immediately available to them so those clients who have benefits available to them will be very frustrated. They want us to push it. It is very frustrating for the lawyer to look at the client and say, look we don't control the schedule of the judges, we don't run the courts, they set their own schedule, you can encourage and talk and ask them to expedite, but at the end of the day, it is up to the judges you know, they make that decision. We don't like it and in [the] judicial system, you know, the lawyers are not really in control, but the judges, because the judge have to hear the case based on his or her schedule so that is work.

Subquestion 3

Subquestion 3: What are the perceptions of immigration attorneys about potential solutions to the delay crisis?

Subthematic Label 3: What are the perceptions of immigration attorneys about potential solutions to the delay crisis.

Major Theme 3. Operational management.

Subtheme 5: Responsibility.

Participant 1 explained that Congress and faulty legislature is to blame for immigration court burdens:

It is a deficiency on the part of Congress, that is, you know. Yes, there is a deficiency on the part of the court, but the deficiency comes from Congress because Congress controls the fiscal budget. They are the one that funds these agency, they are underfunded, [and] understaffed. So when you don't have adequate number of judges, an adequate staff, [and] inadequate amount of funding and it leads to deficiency. So who do you blame? The court system who lacks funding, who is understaffed, and all that because funding controls the amount of staff you can hire. Because when the head of the agency submit

their budget to Congress and Congress don't fund them adequately, I don't think you know within the system, the DHS, DOJ funding and it's all interrelated if you don't have the proper funding, then you are going to be deficient. I think most of this is caused by Congress, not the court.

Participant 2 indicated that staffing issues play a significant role in the inefficiency of immigration courts:

As I said before, government bureaucracy is always an obstacle. I say the government bureaucracy; people not taking their work very seriously. The ineptitude of both staffing requirements, also the ineptitude of the employees, okay, and also getting qualified employees to handle these cases. People who are professionally trained. Some of them are high school graduates.

Participant 2 further remarked on bureaucratic ineptitude:

So government bureaucracy, ineptitude of employees and careless handling of these cases, you can see a particular case, where an officer request for the same documentation more than five times. And the attorneys' send these same documentation more than five times. That is ridiculous. Yes, ridiculous. The same documentation to the same address, to the same government agency, to the same officer that handle this five times, and the officer keeps requesting for these same documents, what they call request for additional evidence. You do it. It is very frustrating to the lawyer and more so as more to administratively, you know to the lawyer. But the effect, you know, trickles down to the client, who actually is the person who is engaged in the problem, in the trouble, immigration wise.

Participant 3 similarly discussed issues with staffing and administrative procedures:

Yes, if you do [have] an appointment to try to figure the fingerprint out; they have no clue to what's supposed to happen with the fingerprint.

So the agencies need to find a way to coordinate on certain things. There are some applications in the court that . . . for you to generate a fingerprint they have everything [that] these agencies do, they have processes for it . . . almost everything, everything. Now, there are some applications that you . . . reliefs that you can get in court. Most reliefs require you to have a fingerprint. Some reliefs don't have any instructions attached to them, so you're left trying to figure out how to get the fingerprint done. The scheduling office has no way to accommodate you because it's not a typical relief. The fingerprint office won't take you when you walk in. DHS says I don't know how to start the fingerprint process, and so, you're going around in a circle like this.

Participant 5 found that inadequacies in immigration courts are often caused by a lack of funding and resources:

The explanation is that the taxpayer is unwilling and the minds of the legislature or Congress to fund additional judges in which attorneys and court personnel to deal with the backlog; so this is a matter of not having the resources dedicated to the problem.

According to Participant 6, role requirements differ between organizations and organizations do not always have the same understanding of immigration legal concerns:

Yeah, it's a big problem. You know the people at the border are CBP, the people in green that check your cars, that's one agency. And then ICE is like the police for immigration and then you have the court. But none of them have anything to do with the other; like the police officer doesn't have anything to do with the judge when you get a speeding ticket. They are two separate offices, they are two separate things. So yeah, they get caught at the border and they might give an address then, but what if that doesn't get turned in for a year? Who do I give my address to when I move? There's nowhere to do it.

For Participant 7, antiquated and inefficient approaches to handling cases can contribute significantly to the backlog:

There's no prioritization of certain cases, everything just goes as in the way that it should be. I do believe that the judicial system as a whole needs to be restructured in a way that allows a better approach to handling the cases. A lot of times we have these master dockets that are very slow, very tedious. We have, I guess, an outdated approach to submissions of applications. Most of the federal courts have gone to paperless, electronic filing. The immigration court still requires stacks and stacks of papers. I had a filing the other day for a family of four at 60 pages a piece for each family member. So, it was 240 pages that went to the court. It's just a ridiculous amount of paper and a complete waste of time.

Subtheme 6: Accountability.

Participant 2 discussed the lack of accountability and change in bureaucratic governments:

It goes back to what I said before about bureaucracy. The government is . . . I will say, typically governments are inundated with bureaucracy. The governments are . . . bureaucracy is a characteristic of government so, in approaching these issues, that became known as far back as 2006, this is about 10 years. The issues are still being dealt with. So, that means that somebody has not done something. Go back to what I said before. The government should relax their bureaucratic measures and actually take accountability and responsibility for problems and then solving problems. Not just problems, because these problems have been there, but nobody to take care of it, but they have not been solved. Not just identifying problem, but initiating measures to actually solving these problems.

Participant 4 noted that the political climate plays a role in how immigration courts are managed:

Well, the policymakers, you cannot force them to come together. It's going to continue like I said there are continue to be issues. Each person has their own reason why they will or they will not adhere to the opinions of the others. So it may never be resolved 100% but issues need to be tackled as they come, but you cannot force policymakers to come together. They have to, at one point, decide to work together, but each person has their own opinion, so I don't know how we can force it. Laws may be created, but at the same time those laws have to be voted for. And if the votes fail, then we're back to square one. So, nobody can really force anybody to do what they don't want to do unless they decide to work together and see the issue about immigration other than ignoring it completely. When the issue is noticed as a problem area and then they focus on that problem area; before they can talk about it; if you don't see a problem then you cannot resolve it. So right now it is really the last thing that somebody wants to deal with. Some people believe that the only way to resolve it is to send immigrants to their countries, does that help? I don't think so because it's going to cost money on the U.S. government to hold them in detention, to send them back, to pay for flights and we have millions of immigrants in that kind of position. So, it's a tough thing to do.

Participant 6 also discussed how a lack of accountability can cause unnecessary court delays:

Why are these things happening? Some of it can't be avoided, it's human error. I typed somebody's name in the last week on a motion and their name was like Leonard, and I typed Leonarda, I had typed an a at the end, my little finger hit the wrong key. And so, what I think is sometimes when I go to court and I tell them, she didn't know she had court, that's why she didn't come, it didn't get to her house. It's almost like that they can never make a mistake and that person always suffers the consequences. I think training them to understand that making the judges aware of stuff like this, these types of findings, makes things go faster. So instead of me fighting with the government for 6 months about did they send it to her or did they not send it to her. If the person has reasonable facts that they can show this is my address, this is my apartment lease, they just need to take some of this stuff into account. I don't know much about who does what job in the courts. I don't know on their side but I know that there are definitely mistakes from them.

Participant 7 discussed client frustrations with administrative inefficiencies:

Now, I can tell you just right off, a lot of those clients are upset. And they blame the attorney, because from their perspective, it's the attorney or you're too busy to do my case, oh, you're delaying it for this reason. I've heard that multiple times and as an attorney, you don't want to actually accept responsibility for something that's not necessarily your fault, but I can I can definitely see their anger on this. And it's really hard to understand that the governments could place you into removal proceedings in a

rather quick and efficient manner but now they can't settlement my case in a quick and efficient manner? Why am I in the court system if I'm not a priority and so I definitely understand that.

Participant 8 found that government priorities and anti-immigrant sentiments do not effectively address the situation and only create more issues:

You see, the story keeps changing. Who do you think is going to get the contracts for those walls but his big cronies, you can bet. And who's going to pay for it, middle class Americans. And they are going to dupe us into thinking that a wall has some kind of effect. I don't know if everyone knew, but Bush had already started with the fence. What's the difference between the fence and the wall? And isn't a wall just symbolic? Who can't jump over a wall, fly over a wall, dig ditches . . . this is what I'm saying, none of the things that he is saying . . . those are things that are not a good use of our resources. Why would you spend \$100 billion, \$50 billion on a wall that's going to go 2,000 miles, and then another 1,000 somewhere. Why would you do that? When you could invest that money in the country.

Appendix G: Coding Table

Table G1

Coding Table: Nodes and Thematic Codes

Nodes and thematic codes	No. of sources coded	No. of coding references
Theme 1: Service management	5	145
Regulation	2	90
Support	2	49
Theme 2: Boundaries	4	115
Transformation	2	76
Hierarchy	2	39
Theme 3: Operational Management	5	96
Responsibility	2	67
Accountability	2	23

Appendix H: Word Trees of the Subthemes from NVivo

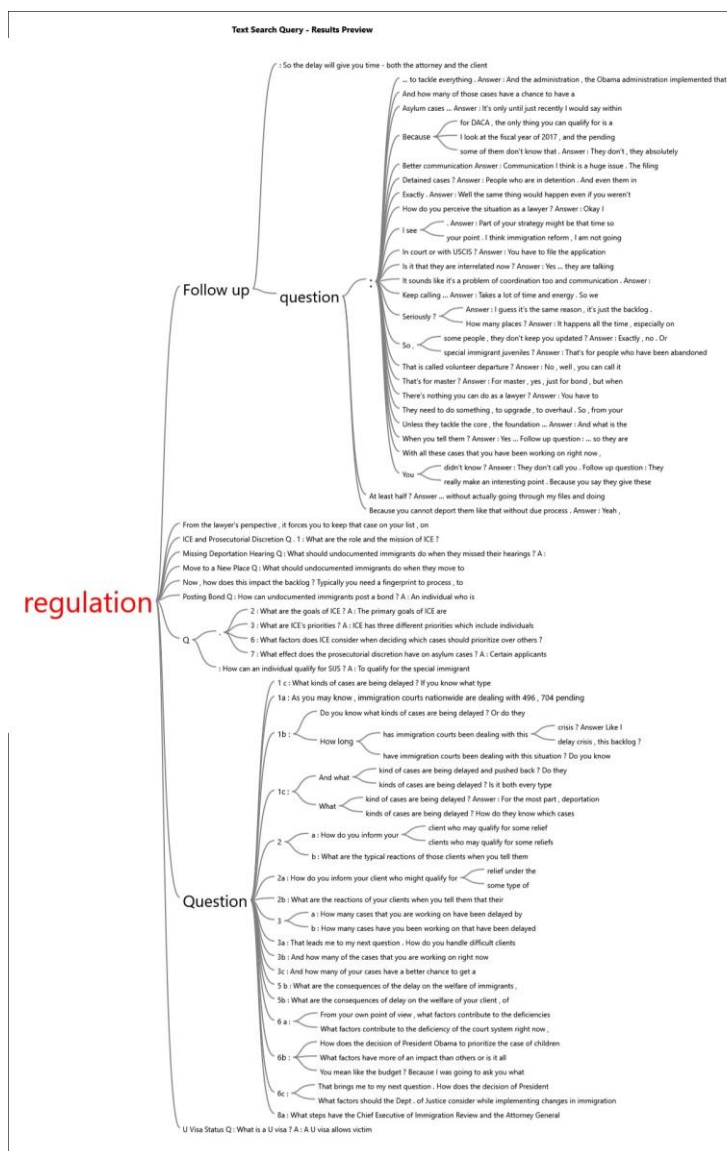


Figure H1. Word tree for regulation.

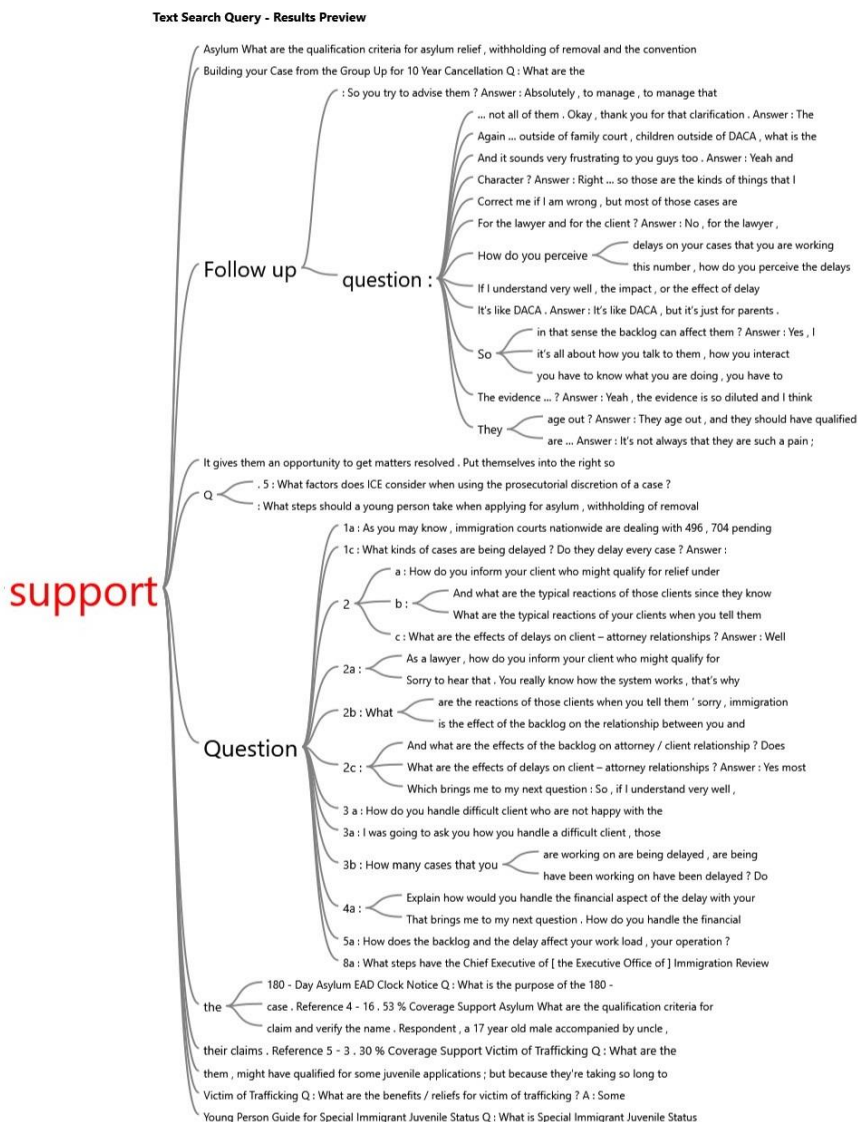


Figure H2: Word tree for support.

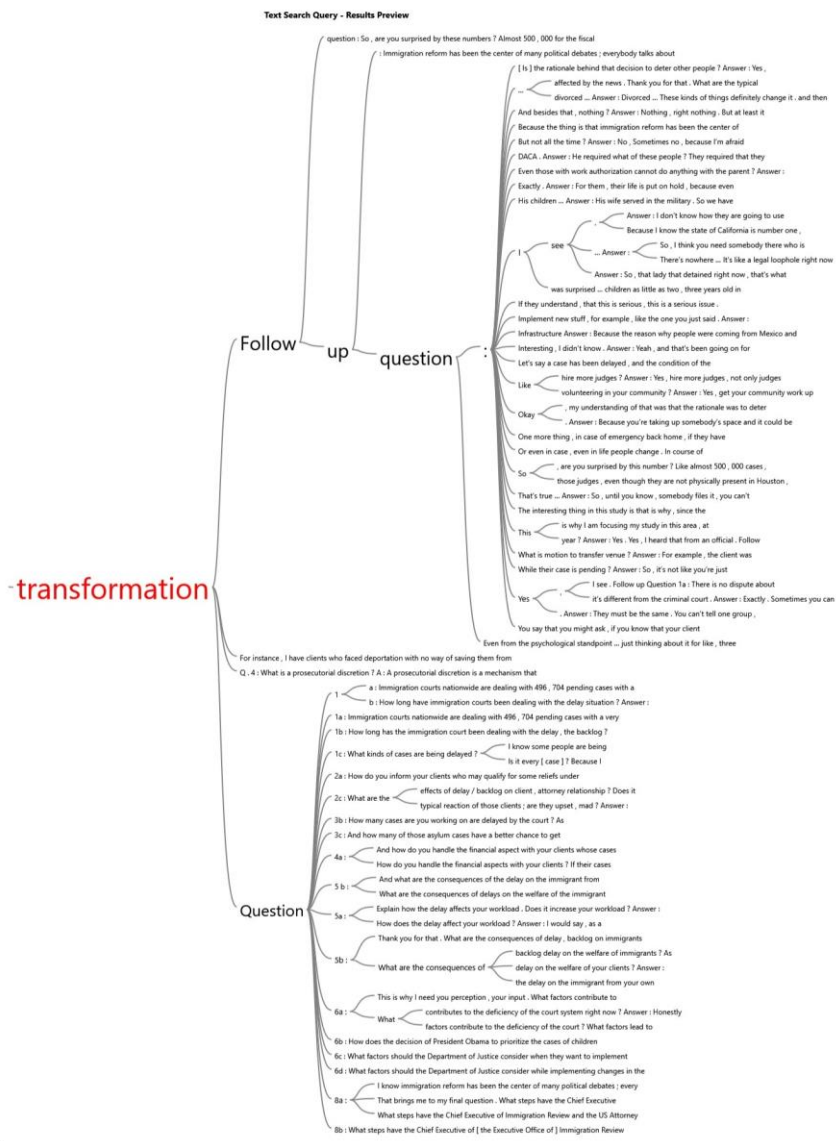


Figure H3. Word tree for transformation.

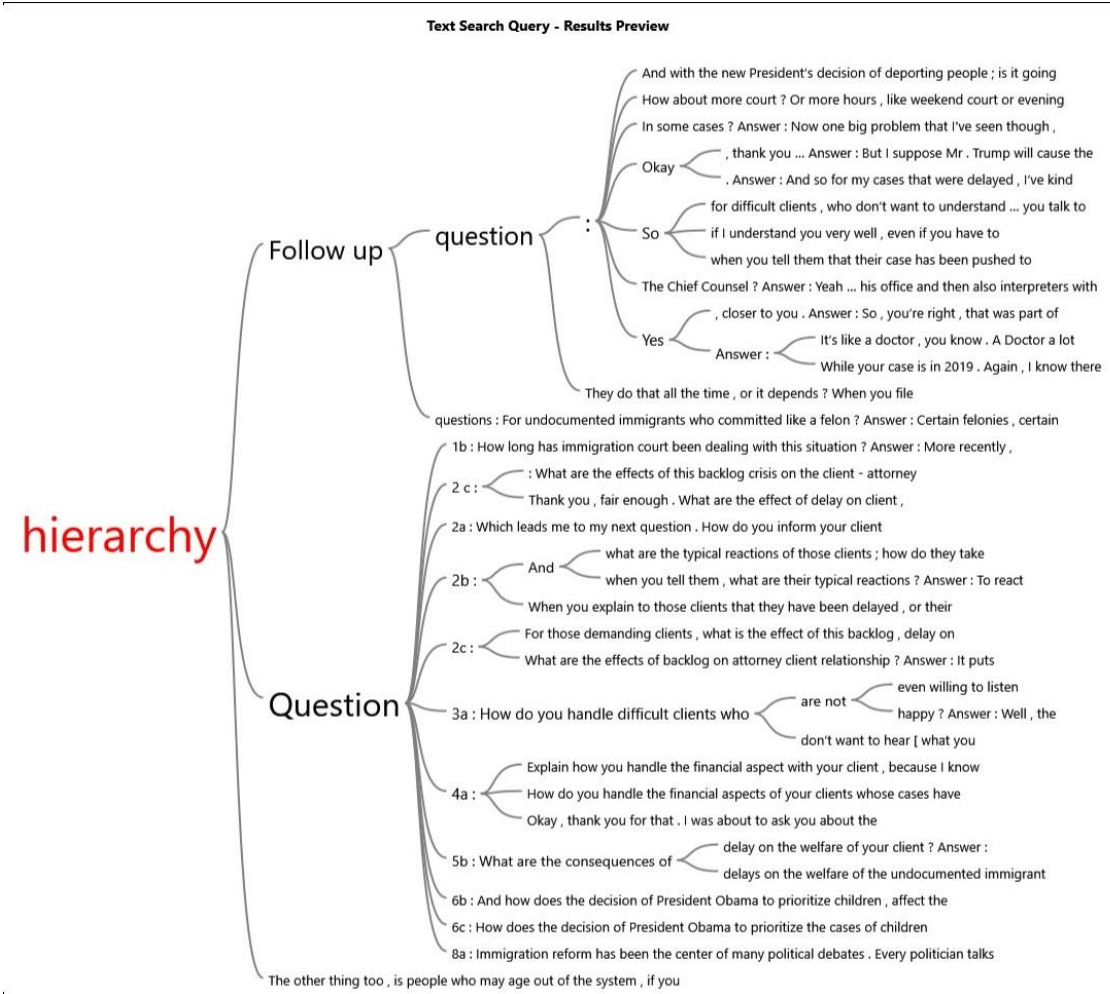


Figure H4. Word tree for hierarchy.



Figure H5. Word tree for responsibility.

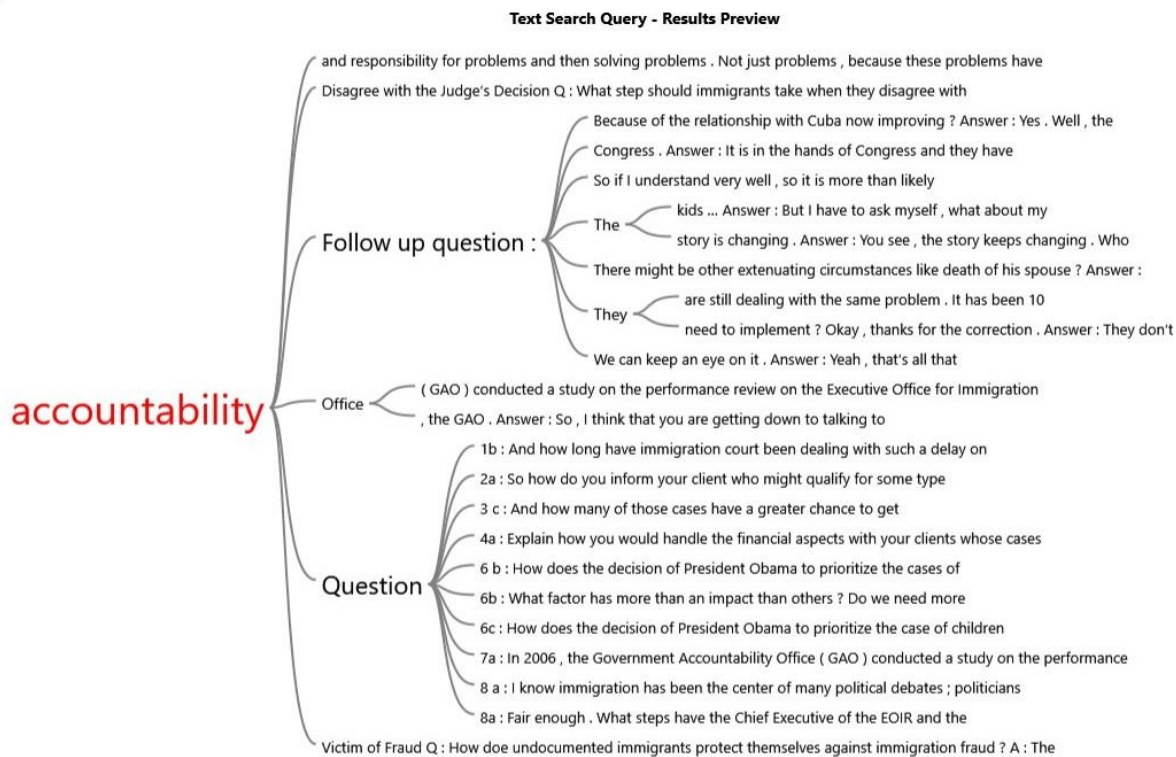


Figure H6. Word tree for accountability.

Appendix I: Cluster Diagrams

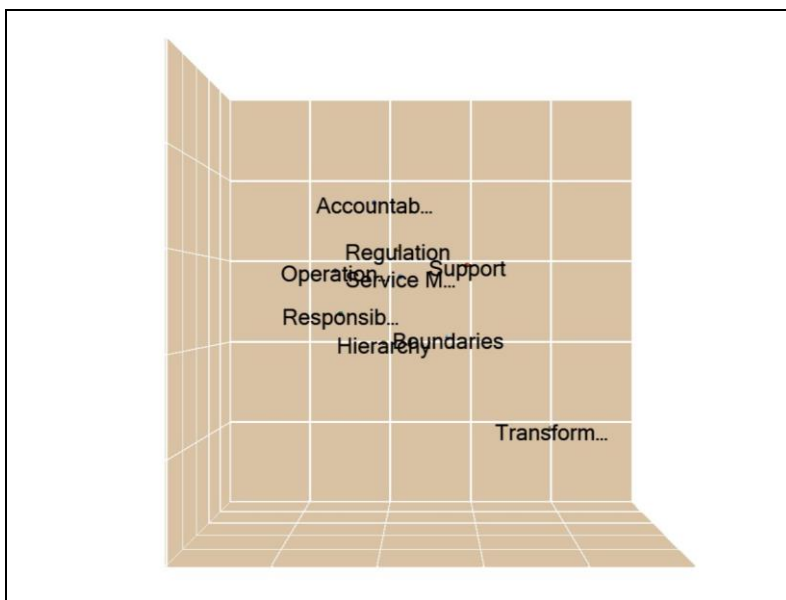


Figure 11. Themes clustered by word similarities. Themes with more similar content based on word occurrence and frequency were clustered together.

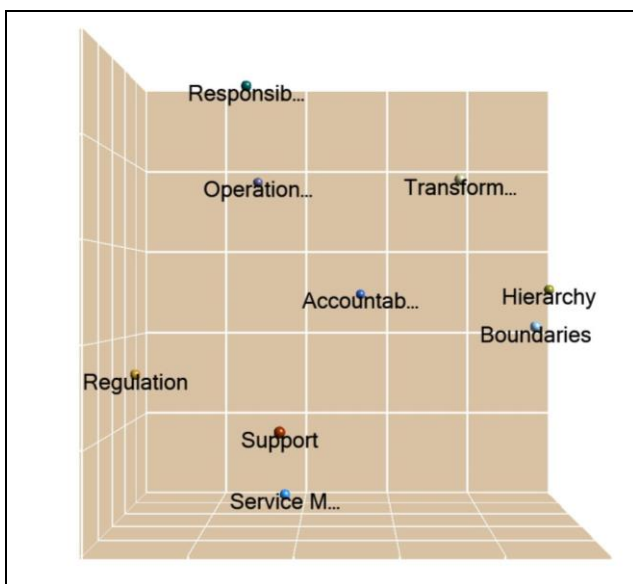


Figure 12. Themes clustered by coding similarities. Themes which have been coded similarly were clustered closer together.

Appendix J: Mind Maps

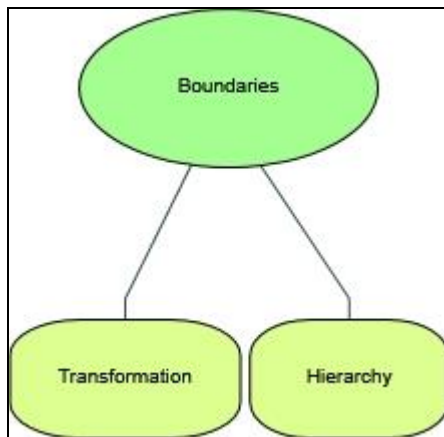


Figure J1. Mind map for the theme boundaries.

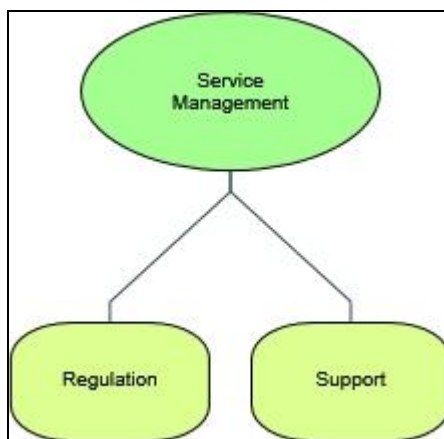


Figure J2. Mind map for the theme service management.



Figure J3. Mind map for the theme operational management.

Appendix K: Word Frequency Table

Table K1

Word Frequency

Word	Frequency
Judge	2,534
Respondent	1,853
Court	1,551
Counsel	999
People	709
Immigration	682
Answer	660
Cases	614