

Enhancing Immigration Court Efficiency
Through Streamlining Bond Proceedings And
Establishing A Uniform Change Of Venue Process

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EXECUTIVE SUMMARY

There are currently 52 immigration courts located throughout the United States. Immigration Judges conduct hearings in these courts through authority delegated by the Congress of the United States to the Attorney General. Immigration Judges have the authority under the Immigration & Nationality Act to "administer oaths, receive evidence and interrogate, examine and cross-examine the alien and any witnesses." See § 240 of the Immigration & Nationality Act (INA). Additionally, Immigration Judges may "issue subpoenas for the attendance of witnesses and presentation of evidence...." Id. Immigration Judges have the authority under 8 C.F.R. § 319 to review bond determinations issued by the INS District Director and to change venue of immigration cases (move a case from one court to another) pursuant to 8 C.F.R. § 3.20.

Conducting bond hearings is an essential part of the daily activity of an Immigration Judge handling detained cases. A bond hearing may be a routine matter of simply readjusting the bond amount set by the INS. More often than not, however, a bond hearing involves complex issues such as the nature of a criminal offense and/or an assessment of a lengthy criminal record. This often entails reviewing lengthy testimony from the alien and from numerous witnesses. Since the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Immigration Judges are faced more and more with the procedurally complex task of determining if the alien is even statutorily eligible for release on bond.

Typically, if bond is granted in a detained setting and the alien bonds out, a motion for change of venue follows. Change of venue is often decided at the same time the bond order is issued. Meanwhile, the Immigration Judge must also continue to conduct other classes of hearings including removal hearings (described herein) which generally entail reaching a determination on alien's status in the United States and adjudicating claims for relief from removal from this country. Thus, bond hearings and requests for a change of venue have a substantial impact on caseflow through Immigration Court. In this research paper, I suggest that streamlining bond proceedings and adhering to uniform procedures for change of venue will substantially enhance caseflow management in Immigration Court. I make numerous recommendations as to how this can be achieved. Additionally, I have gathered statistical data, drafted proposed changes to current immigration regulations and I have drafted a Bond Redetermination Worksheet which are attached to this research project.

This [research paper](#) is available in its entirety in portable document format. To access, you must 

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