

The El Paso Immigration Court:
A Focus On Our Culturally Diverse Customers

Theresa N. Baeza
ICM Phase III Project

Executive Summary

For many years the Immigration and Naturalization Service (INS) was the only government agency responsible for enforcing and interpreting the immigration laws of the United States. On January 9, 1983, the Executive Office for Immigration Review (EOIR) was established through a United States Department of Justice reorganization. The Attorney General of the United States, who is responsible for administering and enforcing the immigration laws, has delegated to EOIR the responsibility of interpreting these laws and conducting hearings on a variety of immigration issues. Immigration Judges in Immigration Courts across the country adjudicate thousands of cases each day involving individuals who have been charged by the INS with violating U.S. immigration laws.

My paper examines the El Paso Immigration Court and the level of service it is providing the culturally diverse individuals who appear before it. The organizational goal of EOIR is to adjudicate immigration cases in a careful and timely manner and to ensure the standards of due process and fair treatment for all the parties involved. It is apparent from this statement that the Immigration Court is committed to providing fair and expeditious decisions, while facing the daily challenge of interacting with respondents from different cultural backgrounds and communication skills. Therefore, we must be aware that cultural diversity can influence an individual's ability to understand our system of justice and it becomes incumbent upon the court to ensure that due process and fairness is accorded each respondent.

The El Paso, Texas Immigration Court is located along the southern border of the United States contiguous with Juarez, Chihuahua, Mexico. Primarily because of its location along the border, El Paso is a major illegal entry point into the United States. All the world's nationalities are represented here at one time or another and almost all of these individuals are leaving their countries because of political strife or impoverished conditions; however, many of them are unable or unwilling to go through the legal immigration process and have decided to come to the United States illegally. Due to the court's location, along the southwestern border with Mexico, the majority of individuals who enter illegally are entering from a Latin American country, primarily from Mexico.

Many of these people are afraid of appearing in court because they realize their futures depend on the outcome of the hearing. Naturally, the fear they are feeling will probably affect their ability to communicate effectively. Additionally, a variety of factors affect communication and understanding among different cultures. The way a person speaks, makes eye contact, uses gestures, and speaks with a specific tone of voice are all components of communication that can be influenced by racial, regional, or socioeconomic backgrounds. Therefore, it is imperative that the judge explain to the

respondent what exactly is going to transpire during the proceedings. Once the individual feels informed, less fearful, and more at ease, better communication will naturally follow.

Cultural factors do seem to play a role in an individual's understanding of their court proceedings and the level of satisfaction they will derive from the outcome. As part of my research I surveyed individuals who had already received a hearing before the Immigration Judge and had a final decision entered in their cases. The survey's purpose was to evaluate the court's performance and measure whether or not the individuals who appeared before our court understood what occurred in their cases and whether or not they were satisfied with the manner in which the hearing was conducted and the service they had received. Response to the survey reveals that the El Paso Immigration Court is providing good service and fair decisions to the respondents who appear before it. An issue that has been problematic for the court, and was identified in the survey, is the perception that the Immigration Court is an agency under the jurisdiction of the Immigration and Naturalization Service. The survey confirms that the Immigration Court must vigorously inform the individuals who appear before it that the court is a separate entity from the Immigration Service.

To obtain a copy of this research paper, please contact:

Knowledge Information Services
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
Phone: (800) 616-6164

Visit the Institute for Court Management Web site at:

http://www.ncsconline.org/d_icm/icmindex.html

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.