



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication Minutes March 12, 2012

Members Attending

Judge John Vittone (ret.)
(Chair)

Edward Kelly

Nadine Mancini

Judge Randall Frye, (by
telephone)

ACUS Staff Attending

Paul R. Verkuil
Chairman

Jeffrey Lubbers
Acting Director of Research &
Policy

Funmi E. Olorunnipa
Staff Counsel

Invited Guests Attending

Russell R. Wheeler,
Consultant, ACUS Immigration Adjudication Project

Lenni B. Benson,
Consultant, ACUS Immigration Adjudication Project

Members of the Public Attending

Stephen Legomsky, USCIS

Ted Kim, USCIS

Erica Simpson, USCIS

Jean King, EOIR

Judge Dana Marks, EOIR (by telephone)

Annie Sovick, Human Rights First

Liudmila Batista, Immigration Law Forum

Wendy Crompton, Human Rights First

Karen Grisez, ABA Commission on Immigration

The meeting commenced at 9:30 a.m. in the Conference Room of the Administrative Conference (“the Conference”). Judge Vittone began by welcoming the Committee members, special invited guests and public attendees. Judge Vittone then called for approval of the meeting minutes from the February 22, 2012 Committee meeting. The meeting minutes were approved by voice vote of the Committee members in attendance. Mr. Lubbers then provided a



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few administrative remarks. Judge Vittone then proceeded to introducing the project currently being considered by the Committee, the Immigration Adjudication Project. Judge Vittone then introduced the Project's consultants, Ms. Benson and Mr. Wheeler and called upon them to present updates on their research and research findings. Judge Vittone then recognized the special invited guests in attendance from the various agencies and informed the Committee that those guests would be allowed to contribute to the conversation as Ms. Benson and Mr. Wheeler made their presentation to the Committee. Ms. Benson began by discussing the updated draft report and noting that the focus of the meeting would be on the areas of the draft report and enclosed recommendations related to asylum.

Ms. Benson then proceeded to discuss in detail those recommendations contained in the draft report and the accompanying memorandum to the Committee of the recommendations to be discussed at the March 12, 2012 meeting. Ms. Benson began by discussing the current process used for asylum proceedings and she provided visual aid charts to help Committee members understand the current process and understand the proposed recommendations which would change that process. Ms. Benson then moved to discuss the recommendations contained in the memorandum to the Committee and to provide the Committee with an explanation of how the recommendations would change the current process used for asylum proceedings.

Ms. Benson began by discussing those recommendations concerning asylum seeking in the expedited removal context. Ms. Benson then discussed those recommendations concerning initial Asylum Office adjudication of defensive asylum claims. Ms. Benson then discussed those recommendations concerning the adjudication of closely related claims of "withholding of removal" or "eligibility for withholding due to the Convention Against Torture". Ms. Benson then discussed those recommendations concerning eliminating the Executive Office of Immigration Review's ("EOIR") role in maintaining the asylum work authorization check. Ms. Benson then discussed those recommendations concerning streamlining immigration court procedures concerning asylum applications. As Ms. Benson explained the various recommendations, Mr. Kelly, Ms. King, Judge Marks, Mr. Kim and Mr. Legomsky contributed to the discussion to provide answers to various questions asked by Committee members about the agencies' process for dealing with asylum proceedings.

Following the presentation by Ms. Benson and the discussion of the recommendations by those in attendance at the meeting, Judge Vittone called upon public attendees who wished to speak. Comments by Ms. Grisez, and Ms. Sovick were made. Ms. Olorunnipa noted that she would circulate a revised draft report and enclosed recommendations before the next Committee meeting on April 5, 2012. Ms. Olorunnipa also noted that the next meeting would focus on the issue of video hearings and their use in the immigration removal adjudication context. Judge Vittone then adjourned the meeting at 12:28 p.m.