



Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 1903
Falls Church, Virginia 22041

September 21, 2018

Jacqueline Stevens
Northwestern University
Dept. of Political Science
601 University Place
Evanston, IL 60208

Re: FOIA 2015-27249

Dear Prof. Stevens,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek investigatory materials relating to certain complaints against immigration judges (IJs). We apologize for the delay in providing this response; the response was delayed both by the complexity of the request, and the litigation surrounding *AILA v. EOIR*.

Responsive documents are enclosed. Portions of the enclosed documents have been redacted in accordance with 5 U. S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy, and/or 5 U. S.C. § 552(b)(5) to protect privileged information. The reason for redaction is clearly marked on each redacted portion. Additionally, each complaint was evaluated for release in conformity with *AILA v. EOIR*, No. 13-840 (D.D.C. filed June 6, 2013). In each case, it was determined that the public interest in release did not outweigh the privacy interest of the immigration judge.

There will be no charge for the enclosed documents.

Please note that the following complaint numbers did not contain any responsive records: 253, 513, 678, 682, and 718. These complaints may have been combined with other complaints, or may have been expunged from the record pursuant to an agreement or order.

In the following cases, documents not created or maintained by EOIR were referred to other agencies for direct response to you:

#789: Report of Investigation (Office of the Inspector General)
#770: Memorandum of 6/4/2013 w/attachment (Office of the Inspector General)
#731: Report of Investigation (Office of the Inspector General)

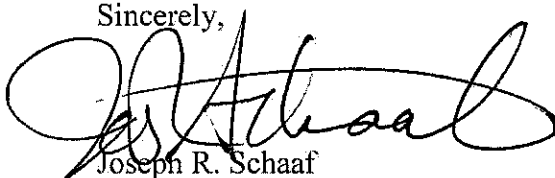
#762: E-mails and documents Oct 2012 (ICE)
E-mail of 2/11/2013 (Office of Professional Responsibility)
Letter of 8/8/2014 (Office of Professional Responsibility)
E-mail of 7/12/2012 (ICE)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "J. Schaaf", written over a horizontal line.

Joseph R. Schaaf

Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2015-27249



Single Complaint Detail

Complaint Number: 765

Immigration Judge: (b) (6)

Complaint Date: 06/05/13

Current ACIJ
Dufresne, Jill H.

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint concluded -- IJ retirement made
action unnecessary

Final Action Date
06/30/14

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
(b) (6)	In-court conduct	DHS (b) (6)

Complaint Narrative: Verbally abusive, insulting, defamatory & demeaning to Trial Attorney. Ignored warnings that DAR was not recording.

Complaint History	
06/05/13	Complaint referred to ACIJ
06/12/13	Database entry created
06/30/14	Complaint concluded -- IJ retirement made action unnecessary (b) (6)

Processing, FOIA (EOIR)

From: IJConduct, EOIR (EOIR)
Sent: Tuesday, January 06, 2015 11:25 AM
To: Dufresne, Jill (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Complaints Against Immigration Judge

From: (b) (6) [mailto:(b) (6)]
Sent: Tuesday, January 06, 2015 10:16 AM
To: IJConduct, EOIR (EOIR)
Subject: Re: Complaints Against Immigration Judge

Dear Jill,

I understand that the Immigration Judge (b) (6) has already retired from [REDACTED] bench, leaving behind my life in limbo for issuing a unjust order on my case. all I am asking if my case could be reopened and heard again, any department I can ask for a request to solve my issue.

I so appreciate your kind helping me.

Thank you

(b) (6)

Sent from my iPhone

On Jan 6, 2015, at 7:57 AM, "IJConduct, EOIR (EOIR)" <EOIR.IJConduct@usdoj.gov> wrote:

Dear (b) (6) :

I am in receipt of your email dated January 2, 2015 in which you submitted a complaint against Immigration Judge (b) (6) . Please be advised that Immigration Judge (b) (6) has retired from the bench.

Sincerely,

Jill Dufresne
Assistant Chief Immigration Judge

From: (b) (6) [mailto:(b) (6)]
Sent: Friday, January 02, 2015 11:11 AM
To: IJConduct, EOIR (EOIR)
Subject: Complaints Against Immigration Judge

To,
Jill H. Dufresne
5107 Leesburg Pike,
Suite 2500
Falls Church, VA 20530
(b) (6)

Re: Immigration Judge Hon. (b) (6) in (b) (6)

Dear Honorable ACIJ Jill Dufresne,

(b) (6) I (b) (6), was represented by my Attorney (b) (6) to an Immigration Judge Hon. (b) (6) to decide my Immigration Case, at beginning of Court Hearing my Attorney asked the IJ to continue date due to my fingerprints gets done before this Hearing, which IJ denied, my attorney argued with IJ that your Honor my client's Identity must be recognized before we may proceed, on which D.H.S attorney was agreed but the IJ further proceeded without my fingerprints done and which is by the law is most important factor.

After that during the Hearing on which I was very upset for not granting my case further Hearing date, the IJ was asking me to give (b) (6) a reason that "WHY NOT I SHOULD BE DEPORTED FROM UNITED STATES

AND WHAT KIND OF HARDSHIP I COULD FACE IN MY PLACE OF BIRTH WHERE I COME FROM (b) (6)?"

I stated my situation that Your Honor, if I am forced to leave United States (AKA DEPORTED OR BE REMOVED) to (b) (6) and Moved to the United States to start up a Better and secured life, either with or without my Family (b) (6) can't survive in such a DANGEROUS part of the World, and my Family and I will be facing the Extreme Hardship in either country being separated from the Family, and I further mentioned I will only live with my Family wherever they might be, meaning here in the United States with the FAMILY without being apart, and at that time it was a recent Major Earthquake occurred in (b) (6) I also mentioned Your Honor most part of the country was devastated and it's very hard to live with U.S Children if I was to be deported, then IJ asked me why not I should leave (b) (6) here in FOSTER CARE ? and I absolutely rejected (b) (6) advise. Then IJ also asked me If I was to be REMOVED to (b) (6) where would I should live? I answered with Your Honor if I am forced to leave in (b) (6) have no house no source of income, and I have only my Parents who are elderly live in the Capital city of (b) (6) and then IJ argued with me that I mentioned on my application I was born in (b) (6) and will live in (b) (6) I stated Your Honor my Parents recently moved to this new City, and that is where I will go, If I am forced to leave United States. then IJ also argued what the EARTHQUAKE has to do with living in (b) (6) it's about 200 kilometer far from (b) (6)

Your Honor ACIJ, I had no Idea why would IJ asking these kind of questions even at beginning of the Hearing IJ already stressed me out of not to continue hearing date, and IJ brutally denied my Request to Stay with my Family here and Adjust my resident Status.

Your Honor ACIJ, I have to present you with a News from the U.S Attorney General of That time, Mr. Alberto Gonzales about this IJ Hon. (b) (6), Please refer to the following news which was on ABC channel:



(b) (6)

Your Honor ACIJ, now after 7 years I am still here with my Lovely Family, and just last week there

(b) (6)

[- Wikipedia, the free encyclopedia](#)

And I am glad to be here still surviving with my Family and now my 2 teenagers go to High School, but I am still seeking Justice from the Justice Department to let me Stay with Peace and as a honor U.S Citizen, I have been giving over 2 Beautiful Decades of my life Dedicated to my Family and to United States of America.

President Barack Obama's last month announced to give relief to the Parents of U.S Citizen is also allowing my Deportation to be cancelled and let me Adjustment to my Permanent Resident of United States.

Thank you Your Honor ACIJ Jill Dufresne for your attention and immediate action on my case, and looking forward to hear from you soon.

(b) (6)

Alien Number A (b) (6)

USCIS Receipt Number (b) (6)

Address: (b) (6)

(b) (6)

Tel: (b) (6)

E-mail: (b) (6) [@yahoo.com](#)

Processing, FOIA (EOIR)

From: Dufresne, Jill (EOIR)
Sent: Monday, January 05, 2015 8:50 AM
To: Moutinho, Deborah (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Complaints Against Immigration Judge

Thanks – will give you the intake form so that you can close out today. Jill.

From: IJConduct, EOIR (EOIR)
Sent: Monday, January 05, 2015 8:47 AM
To: Dufresne, Jill (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Complaints Against Immigration Judge

Good Morning

Please see the below complaint.

Thank you
Deborah

From: (b) (6) [mailto:(b) (6)]
Sent: Friday, January 02, 2015 11:11 AM
To: IJConduct, EOIR (EOIR)
Subject: Complaints Against Immigration Judge

To,
Jill H. Dufresne
5107 Leesburg Pike,
Suite 2500
Falls Church, VA 20530
(b) (6)

Re: Immigration Judge Hon. (b) (6) in (b) (6)

Dear Honorable ACIJ Jill Dufresne,

On (b) (6) I (b) (6), was represented by my Attorney (b) (6) to an Immigration Judge Hon. (b) (6) to decide my Immigration Case, at beginning of Court Hearing my Attorney asked the IJ to continue date due to my fingerprints gets done before this Hearing, which IJ denied, my attorney argued with IJ that your Honor my client's Identity must be recognized before we may proceed, on which D.H.S attorney was agreed but the IJ further proceeded without my fingerprints done and which is by the law is most important factor.

After that during the Hearing on which I was very upset for not granting my case further Hearing date, the IJ was asking me to give (b) (6) a reason that "WHY NOT I SHOULD BE DEPORTED FROM UNITED STATES AND WHAT KIND OF HARDSHIP I COULD FACE IN MY PLACE OF BIRTH WHERE I COME FROM (b) (6)?"

I stated my situation that Your Honor, if I am forced to leave United States (AKA DEPORTED OR BE REMOVED) to (b) (6), (b) (6) and Moved to the United States to start up a Better and secured life, either with

or without my Family ((b) (6)) can't survive in such a DANGEROUS part of the World, and my Family and I will be facing the Extreme Hardship in either country being separated from the Family, and I further mentioned I will only live with my Family wherever they might be, meaning here in the United States with the FAMILY without being apart, and at that time it was a recent Major Earthquake occurred in (b) (6), I also mentioned Your Honor most part of the country was devastated and it's very hard to live with U.S Children if I was to be deported, then IJ asked me why not I should leave my (b) (6) here in FOSTER CARE ? and I absolutely rejected (b) (6) advise. Then IJ also asked me If I was to be REMOVED to (b) (6), where would I should live? I answered with Your Honor if I am forced to leave in (b) (6) I have no house no source of income, and I have only my Parents who are elderly live in the Capital city of (b) (6), and then IJ argued with me that I mentioned on my application I was born in (b) (6) and will live in (b) (6) ? I stated Your Honor my Parents recently moved to this new City, and that is where I will go, If I am forced to leave United States. then IJ also argued what the EARTHQUAKE has to do with living in (b) (6), it's about 200 kilometer far from (b) (6)

Your Honor ACIJ, I had no Idea why would IJ asking these kind of questions even at beginning of the Hearing IJ already stressed me out of not to continue hearing date, and IJ brutally denied my Request to Stay with my Family here and Adjust my resident Status.

Your Honor ACIJ, I have to present you with a News from the U.S Attorney General of That time, Mr. Alberto Gonzales about this IJ Hon. (b) (6), Please refer to the following news which was on ABC channel:

(b) (6)

Your Honor ACIJ, now after 7 years I am still here with my Lovely Family, and just last week there was a (b) (6)

[k - Wikipedia, the free encyclopedia](#)

And I am glad to be here still surviving with my Family and now my 2 teenagers go to High School, but I am still seeking Justice from the Justice Department to let me Stay with Peace and as a honor U.S Citizen, I have been giving over 2 Beautiful Decades of my life Dedicated to my Family and to United States of America.

President Barack Obama's last month announced to give relief to the Parents of U.S Citizen is also allowing my Deportation to be cancelled and let me Adjustment to my Permanent Resident of United States.

Thank you Your Honor ACIJ Jill Dufresne for your attention and immediate action on my case, and looking forward to hear from you soon.

(b) (6)

Alien Number A (b) (6)

USCIS Receipt Number (b) (6)

Address: (b) (6)

(b) (6)

Tel: (b) (6)

E-mail: (b) (6)

Processing, FOIA (EOIR)

From: Dufresne, Jill (EOIR)
Sent: Monday, June 30, 2014 8:04 AM
To: Keller, Mary Beth (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: (b) (6) db update: retirement

Yes.

From: Keller, Mary Beth (EOIR)
Sent: Friday, June 27, 2014 8:51 AM
To: Moutinho, Deborah (EOIR)
Cc: Dufresne, Jill (EOIR)
Subject: (b) (6) db update: retirement

D –
Judge Dufresne is closing out complaints 765 and (b) (6) with the IJ's retirement on (b) (6).
Thanks.
Mtk

MaryBeth Keller
Assistant Chief Immigration Judge

(b) (6)
(b) (6) @usdoj.gov

Processing, FOIA (EOIR)

From: IJConduct, EOIR (EOIR)
Sent: Wednesday, February 19, 2014 8:39 AM
To: (b) (6) IJConduct, EOIR (EOIR)
Subject: RE: Filing a Complaint Regarding an Immigration Judge's Conduct

Dear (b) (6) :

This is in response to your complaint against Immigration Judge (b) (6) dated January 22, 2014. Your case is scheduled for a hearing on (b) (6). It would be inappropriate for me to comment on a matter that is still pending before the Immigration Court. However, please be advised that I will look into your assertions and take any action deemed appropriate.

Sincerely,

Jill H. Dufresne
Assistant Chief Immigration Judge

From: (b) [mailto:(b) (6)]
Sent: Friday, January 24, 2014 12:59 PM
To: IJConduct, EOIR (EOIR)
Subject: RE: Filing a Complaint Regarding an Immigration Judge's Conduct

Good morning
My A number is (b) (6)

From: EOIR.IJConduct@usdoj.gov
(b) (6); EOIR.IJConduct@usdoj.gov
Subject: RE: Filing a Complaint Regarding an Immigration Judge's Conduct
Date: Fri, 24 Jan 2014 14:43:24 +0000

Good Morning

Please provide your Alien Number so your complaint can be reviewed.

Thank you

From: (b) (6) [mailto:(b) (6)]
Sent: Wednesday, January 22, 2014 10:00 PM
To: IJConduct, EOIR (EOIR)
Subject: Filing a Complaint Regarding an Immigration Judge's Conduct

Regarding Judge (b) (6)
(b) (6) Immigration court
(b) (6)

I have asylum case and my first day for me before Judge (b) (6) was in (b) (6) and I was hiring attorney from (b) (6) and his name is (b) (6).

And the Judge scheduled my next hearing date to be on (b) (6) (b) (6) can read my documents.

I thought it's better and easier for everyone to have attorney from the same city where I live and where the court is, so I hired another attorney from (b) (6) called (b) (6) to attend the hearing day with me. On the hearing day:

Judge (b) (6) said to me, "you created a huge mess and u confused me and u wasted my time because you changed the attorney I came today and thought (b) (6) will be your attorney, but u brought someone else now I can not continue with the hearing, also u say u from (b) (6) (b) (6) ! Well I don't believe in that and no any other European organization believe in that either and there is no proof that (b) (6), and if you wish to continue with ur (b) (6) I will give you a new date"

Me, " I said yes I wish to continue"

Later after almost 2 months (b) (6) gave me the new date on (b) (6)

I believe (b) (6) has no right to insult me and treat me like that, just because I choose to hire another attorney I believe (b) (6) should deal with me and with what happened to me and that the attorney IS NOT more important than me.

Not because I choose to change the attorney then (b) (6) put me on hold for another 3 years plus the previous 2 years!!!!!! I'm asking why

Name: (b) (6)

Phone: (b) (6)

Address: (b) (6)

Processing, FOIA (EOIR)

From: Moutinho, Deborah (EOIR)
Sent: Tuesday, February 04, 2014 1:14 PM
To: Dufresne, Jill (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Filing a Complaint Regarding an Immigration Judge's Conduct

Good Afternoon

Just a reminder, please take a minute to complete the complaint intake sheet so that the complaint can accurately be added into the database.

Thank you
Deborah

From: IJConduct, EOIR (EOIR)
Sent: Thursday, January 23, 2014 3:07 PM
To: Dufresne, Jill (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Filing a Complaint Regarding an Immigration Judge's Conduct

From: (b) (6) [mailto:(b) (6)]
Sent: Wednesday, January 22, 2014 10:00 PM
To: IJConduct, EOIR (EOIR)
Subject: Filing a Complaint Regarding an Immigration Judge's Conduct

Regarding Judge (b) (6)
(b) (6) Immigration court
(b) (6)

I have asylum case and my first day for me before Judge (b) (6) was in (b) (6) and I was hiring attorney from (b) (6) and his name is (b) (6).
And the Judge scheduled my next hearing date to be on (b) (6) so (b) (6) can read my documents.

I thought it's better and easier for everyone to have attorney from the same city where I live and where the court is, so I hired another attorney from (b) (6) called (b) (6) to attend the hearing day with me.

On the hearing day:

Judge (b) (6) said to me, "you created a huge mess and u confused me and u wasted my time because you changed the attorney I came today and thought (b) (6) will be your attorney, but u brought someone else now I can not continue with the hearing, also u say u from (b) (6) and as (b) (6)!"
Well I don't believe in that and no any other European organization believe in that either and there is no proof that (b) (6) (b) (6), and if you wish to continue with ur (b) (6) I will give you a new date"

Me," I said yes I wish to continue"

Later after almost 2 months (b) (6) gave me the new date on (b) (6)

I believe (b) has no right to insult me and treat me like that, just because I choose to hire another attorney I believe (b) should deal with me and with what happened to me and that the attorney IS NOT more important than me.

Not because I choose to change the attorney then (b) put me on hold for another 3 years plus the previous 2 years!!!!!! I'm asking why

Name: (b) (6)

Phone: (b) (6)

Address: (b) (6)

Processing, FOIA (EOIR)

From: IJConduct, EOIR (EOIR)
Sent: Monday, November 04, 2013 4:03 PM
To: Dufresne, Jill (EOIR); Keller, Mary Beth (EOIR)
Subject: FW: Complaint against Immigration Judge (b) (6) Immigration Court

From: (b) (6) [mailto:(b) (6) .com]
Sent: Monday, November 04, 2013 3:28 PM
To: IJConduct, EOIR (EOIR)
Subject: RE: Complaint against Immigration Judge (b) (6) Immigration Court

Thank you so much for your attention to this matter. I really hate to file a complaint, however I am very concerned about my ability to receive a fair chance for my clients in (b) courtroom. Thank you.

From: IJConduct, EOIR (EOIR) [mailto:EOIR.IJConduct@usdoj.gov]
Sent: Monday, November 04, 2013 1:58 PM
To: (b) (6); IJConduct, EOIR (EOIR)
Subject: RE: Complaint against Immigration Judge (b) (6) Immigration Court

Good afternoon, (b) (6) ,

I am in receipt of your complaint against Immigration Judge (b) (6) . Please be advised that Judge (b) (6) has been out of the office on extended leave. I will investigate your complaint upon (b) (6) return.

Jill Dufresne
Assistant Chief Immigration

From: (b) (6) [mailto:(b) (6) .com]
Sent: Friday, August 16, 2013 6:21 PM
To: IJConduct, EOIR (EOIR)
Subject: RE: Complaint against Immigration Judge (b) (6) Immigration Court

Good afternoon,

I have an update on my complaint against Immigration Judge (b) (6) of the (b) (6) Immigration Court. As I previously stated, I am very concerned that Judge (b) (6) will be biased in any case of mine that comes before (b) (6) . Most recently [today] I received a denial decision of my motion to reopen an in absentia removal proceeding. The denial basis is factually flawed, and includes reasoning that was not given by the respondent. Please see the following:

1. The Denial Decision is based on the following:
 - a. The Respondent failed to properly change his address with Immigration Officials
 - b. The fact that the Respondent's ride was unable to bring him to court is irrelevant.
2. In actuality:
 - a. The Respondent's argument is that he gave DHS the correct address, he has not moved, and it was a DHS error in recording the address that was the cause of the Respondent not receiving his hearing notice.

- b. The Respondent never stated that him not having a ride was a reason for missing the hearing. Even though the court cites the respondent's affidavit as "proof" that he claims he does not have a ride, the Respondent's affidavit alleges no such thing.

I have attached a copy of the original Motion to Reopen an In absentia removal order, the Decision of Judge (b) (6), and my motion to reconsider which will be posted today. I am really concerned that this kind of bias will plague any client I represent in front of Immigration Judge (b) (6). Thank you for your consideration.

Very truly yours,
Attorney (b) (6)

From: (b) (6) [mailto:(b) (6) .com]
Sent: Thursday, August 15, 2013 1:12 PM
To: 'EOIR.IJConduct@usdoj.gov'
Subject: Complaint against Immigration Judge (b) (6) Immigration Court

Good afternoon my name is Attorney (b) (6) and wish to file a complaint against an immigration judge, please see below:

1. **The name of the judge about whose conduct you wish to complain:** Judge (b) (6) Immigration Court
2. **A statement of what occurred:** *Please see below.*
3. **The time and place of the occurrence(s):** (b) (6) at approximately 12:50pm, (b) (6) Immigration Court
4. **Any other information which may be helpful in investigating the complaint:** *Please see below*
5. **Your name, address, telephone number and any other contact information you wish to provide:**

(b) (6)
Work Phone (b) (6)
Work Fax (b) (6)
Work email (b) (6)

I have come before Immigration Judge (b) (6) on several occasions, and have been bothered by (b) courtroom conduct, however I understand that different judges have different styles, and I never felt (b) courtroom behavior rose to level of misconduct until August 11, 2011. I was retained by client (b) (6), A # (b) (6) less than two days prior to his first Master Hearing scheduled for (b) (6). Prior to the hearing, the client gave me information that lead me to believe he may qualify for immigration relief in the form of Cancellation of Removal. Since I take my duty of candor to the tribunal seriously, I do not represent that a client absolutely qualifies for any form of relief until he or she brings in actual proof of qualification [i.e., documents proving presence, relative documents in the form of birth/ marriage certificates etc.]. By the time of the March 30, 2011 hearing, the client was unable to produce sufficient documents to believe he absolutely qualified for any particular form of relief. So at the hearing I was very candid with Judge (b) (6) and informed the Judge that the client had represented he qualifies for relief, but requested additional time to ascertain documents to prove he actually qualified. Judge (b) (6) gave us a six week continuance and we were to return to the court (b) (6). Between (b) (6), my client did not produce any documents that prove to me that he qualified for Cancellation of Removal, so we attended the May 19, 2011 hearing fully prepared to accept a voluntary departure, however when we arrived at the hearing, Judge (b) (6) was not present, so we were given another date, (b) (6) to return to court. We had every intention of accepting a voluntary departure at the (b) (6) hearing.

At some point in time between (b) (6) [I believe it was some time in (b) (6)] the respondent was the victim of a viscous attack that lead to the loss of his eye. So we began to mobilize in an attempt to get documents prepared to file for his U-Visa. My office is located in (b) (6) and both the client and the incident occurred in (b) (6), more than a one hour drive away from (b) (6), so logistically, our firm decided to allow me to continue

to handle the removal proceedings portion of the Respondent's case, and left the U-Visa portion of the case to an attorney in our (b) (6) Office. Since I was not assigned to the U-Visa part of the case, I attempted to follow up on several occasions to ensure the U-Visa get certified prior to the hearing, the attorney was unable to contact the District Attorney's office to get the U-Visa certified before the hearing. Although the U-Visa had not been certified prior to the hearing, I brought medical records, and police reports that detailed the incident, and proved that the respondent had been the victim of a viscous attack, and the police were seeking criminal charges in the matter. I requested another continuance based on the respondent's newly acquired eligibility for immigration relief. The Respondent stood before Judge (b) with an eye patch. At the hearing I attempted to explain the situation to Judge (b), every time I attempted to explain the situation Judge (b) cut me off and would not allow me to explain. (b) made us leave the courtroom and return on three separate occasions and we did not end up leaving the courthouse until almost 7:00pm. (b) refused to take documents proving the respondent qualifies for U-visa. (b) then went off the record without allowing us to say anything on the record in our favor, even after I pleaded with (b) repeatedly. (b) seemed very upset and angry that we would not accept a voluntary departure and instead accepted a removal order. I informed (b) that I refused to accept a voluntary departure and waive appeal rights for my client because I know he qualified for a U-Visa. Judge (b) (6) then reprimanded me for quite some time about not sending in documents ten days in advance. I have never been required to submit documents ten days in advance, only 15 days for an Individual hearing. I have sometimes submitted documents in advance of a hearing, but have routinely submitted documents at the hearing without issue, including to Judge (b) in the past. I felt the need to file a complaint then, but knew I had recourse by filing a BIA appeal.

We filed a BIA appeal, and the Immigration Court Responded [see attached] in which Judge (b) included transcripts of the hearing that support statements above. The BIA eventually decided in favor of my client, and remanded the case back to Immigration Court for further proceedings. On (b) (6), I received notice of Master Hearing on (b) (6) from Judge (b). (b) (6) office received notice of Approval of U-Visa from USCIS [attached], and on (b) (6) (b) (6) we sent a motion to terminate proceedings to the immigration court. [attached] Given my client had a U-Visa at the time, Judge (b) should have approved the motion to terminate proceedings, instead, on (b) (6) we received a response from the court indicating he would hear oral arguments on the motion [attached].

When we arrived in court on (b) (6), with proof of approval of U-visa and employment authorization in hand, the DHS counsel indicated she moves to terminate prior to even going on the record. Judge (b) opened the record, took appearances and immediately became very verbally abusive on the record. (b) insulted me, my ethic, and my decorum in (b) courtroom by indicating I lied to the court and said (b) wished (b) could sanction me for my behavior. (b) then said in a very condescending tone that I "ranted on and on" about my client qualifying for a U-Visa, and asked if I had ever even submitted a U-Visa petition. I informed Judge (b) that not only had my co-worker submitted a U-Visa petition, but it had also been approved, and I submitted proof of approval with my Motion in (b) (6). (b) then got very upset that the application had not been sent until (b) (6), I informed Judge (b) (6) that I was not responsible for the U-Visa and even on the approval notice another attorney's name appears. (b) told me in no uncertain terms that (b) did not care whether I did it or not, (b) is holding me responsible for sending it off so "late." (b) then said that sending off the application "late" and this is indicative of my poor performance. (b) then informed me that I have "no reputation" and "no credibility" in (b) courtroom. For fear of not being able to get my side on the record, similar to the (b) (6) hearing, I was forced to interrupt Judge (b) to explain that I did not represent that (b) absolutely qualifies for anything, otherwise I would have requested an Individual and not a Master Hearing. Judge (b) then reprimanded me for not accepting (b) Voluntary Departure offer at the (b) (6) hearing and seemed to be quite angry that we filed an appeal. I informed (b) that Voluntary Departure was improper given the circumstances and refused to waive my clients rights to appeal (b) determination. And in the transcripts included in the Immigration Court response to the BIA appeal, it is there in Black and White my candor to the tribunal. Judge (b) (6) begrudgingly signed the Motion to terminate, and actually stated on the record that (b) has no choice but to sign since the Respondent now has a U-Visa, and (b) wishes (b) could sanction me because of my dishonesty to the court. (b) indicated that I had abused the system and something should be able to be done about it.

I have several clients with pending cases in Judge (b) (6) courtroom. Judge (b) in no uncertain terms indicated that (b) does not like me, and I have no credibility in his courtroom which is improper because I have had nothing but candor in (b) and other courtrooms. I am concerned that my clients will be prejudiced and will not have a fair opportunity to have their immigration cases heard without bias in front of Judge (b). I have a case coming up with Judge (b) (b) (6) (b) (6) and my client qualifies for cancellation of removal, I am very concerned about how Judge (b) (6) will handle the situation. (b) seems to be extremely upset because I have exercised my client's due process rights to appeal, and continuance if (b) qualifies for some form of immigration relief. Thank you for reading, and if you need any additional information please do not hesitate to contact me.

Very truly yours,

Attorney (b) (6) [REDACTED]

Processing, FOIA (EOIR)

From: Dufresne, Jill (EOIR)
Sent: Tuesday, October 29, 2013 7:58 AM
To: Keller, Mary Beth (EOIR)
Subject: RE: (b) (6) complaint re (b) (6)

Can I speak to you briefly about this today. I am not aware of one from (b) (6) (at least I don't think I am). Let me follow up with Deborah.

Thanks, Jill.

From: Keller, Mary Beth (EOIR)
Sent: Monday, October 28, 2013 5:23 PM
To: Dufresne, Jill (EOIR)
Subject: FW: Young complaint re (b) (6)

Jill,
Any update on this complaint about Judge (b) (6) ? I also have another one from attorney (b) (6), rec'd on 8/16?
Thanks.
Mtk

From: Dufresne, Jill (EOIR)
Sent: Wednesday, September 11, 2013 10:24 AM
To: Keller, Mary Beth (EOIR)
Subject: RE: (b) (6) complaint re (b) (6)

Sorry too much info – just my frustration. Next week is perfect!

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, September 11, 2013 10:10 AM
To: Dufresne, Jill (EOIR)
Subject: RE: Young complaint re (b) (6)

Ok, all I needed to know was whether it has been resolved and if so how, in order to respond on this first foia volley – so, we can discuss how to proceed maybe next week?
Thanks.
Mtk

From: Dufresne, Jill (EOIR)
Sent: Wednesday, September 11, 2013 10:09 AM
To: Keller, Mary Beth (EOIR)
Subject: RE: (b) (6) complaint re (b) (6)

Ans – not resolved – although I did reach out to Judge (b) (6), the private atty and the interpreter. The problem is that the DAR malfunctioned and thus there is no recording and the interpreter and the private atty saw nothing, heard nothing, and basically did not want to get involved. This might turn into a he said/ she said with counseling to Judge (b) (6) that if you have any concerns that DAR is not working contact the helpdesk ASAP. The entire 4 hour hearing has to be re- heard. What do you think?

Thanks!

Jill.

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, September 11, 2013 10:02 AM
To: Dufresne, Jill (EOIR)
Subject: (b) (6) complaint re (b) (6)

Hi Jill,

Amid my FOIA production (!), I see that we do not have a resolution in the database for the complaint made by (b) (6) about Judge (b) (6) on June 15 – How was that one resolved, or was that one resolved yet?

Thanks.

Mtk

MaryBeth Keller

Assistant Chief Immigration Judge

(b) (6)

(b) (6) [@usdoj.gov](mailto:(b) (6)@usdoj.gov)