

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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September 11, 2024

Acting Director Mary Cheng
Executive Office for Immigration Review
5104 Leesburg Pike, 26th Floor
Falls Church, VA 22041

Dear Acting Director Cheng:

The Committee on the Judiciary continues to conduct oversight of the Biden-Harris Administration's enforcement of federal immigration law. We write about a new initiative of the Department of Justice's Executive Office for Immigration Review (EOIR), which oversees the nation's immigration courts, to use American taxpayer money to train immigration activists on how to obtain immigration relief and immigration benefits for illegal aliens in immigration courts.

Last month, EOIR "announced it ha[d] opened a training facility in Los Angeles, which will serve EOIR stakeholders, as well as agency adjudicators and staff."¹ EOIR launched the "no cost" training program, which it has named "EOIR University," because "EOIR recognizes the immense value of legal representation in immigration proceedings, both to the individuals who come before [its] courts and to the efficiency of [its] hearings."² Through EOIR University, EOIR plans to "maintain a curriculum available to individuals who seek to improve their understanding of immigration law and practice and who are interested in representing someone before EOIR at no or low cost."³ In other words, EOIR intends to train immigration activists on how best to obtain relief for illegal aliens in the very proceedings that EOIR oversees.

The right to effective counsel is a hallmark of the American judicial system; however, courts have explained that right does not extend to immigration proceedings.⁴ In addition, federal law is clear that an illegal alien's representation in immigration court proceedings should be "at

¹ Press Release, EOIR Announces EOIR University, Expands Access EOIR Initiative, EXEC. OFF. FOR IMMIGR. REV. (Aug. 19, 2024), <https://www.justice.gov/eoir/media/1364396/dl?inline>.

² *Id.*

³ *Id.*

⁴ See, e.g., *Black v. Decker*, 103 F.4th 133, 156 (2d Cir. 2024) ("First, [aliens]—detained or not—are not entitled to counsel in removal proceedings."); *Usubakunov v. Garland*, 16 F.4th 1299, 1303 (9th Cir. 2021) ("[Aliens] have the right to counsel in removal proceedings, albeit not the right to counsel paid for by the government.").

no expense to the Government.”⁵ Despite these clear restrictions in federal law, the Biden-Harris Administration appears intent on using taxpayer funds to aid in illegal aliens’ representation in immigration courts and, ultimately, to help as many illegal aliens take advantage of U.S. taxpayer dollars as possible.

The Biden-Harris border crisis has created an unprecedented surge of illegal immigration into the United States that has strained the country’s already overwhelmed immigration court system. In a transcribed interview with the Committee in June 2024, you testified that EOIR “need[s] more resources and more judges and more staff.”⁶ With additional border crisis-related expenses and an immigration court backlog of 3.7 million cases,⁷ it is disappointing that EOIR has chosen to use its scarce resources to train immigration activists on how to help more illegal aliens obtain immigration relief and remain in the country. Accordingly, to assist the Committee with its continued oversight of federal immigration policy and procedures, we ask that you provide the following documents and information from January 20, 2021, to the present:


1. All training materials used in EOIR University programs, trainings, and courses;
2. The amount of money used for EOIR University-related expenses, including the amount of money used to establish EOIR University, EOIR University’s budget, and the projected spending on EOIR University-related expenses for fiscal year 2025; and
3. All documents and communications referring or relating to EOIR University.

Please provide the material requested as soon as possible but no later than 5:00 p.m. on September 25, 2024. Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of federal immigration policy and procedures.⁸ If you have any questions, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Tom McClintock
Chairman
Subcommittee on Immigration
Integrity, Security, and Enforcement

⁵ See 8 U.S.C. § 1362.

⁶ Transcribed Interview of Acting Dir. Mary Cheng, Exec. Off. for Immigr. Rev., at 76 (June 20, 2024) (on file with Comm.).

⁷ Immigration Court Backlog, TRAC IMMIGR., <https://trac.syr.edu/phptools/immigration/backlog/> (last accessed Aug. 22, 2024).

⁸ Rules of the U.S. House of Representatives, R. X (2023).

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cc: The Honorable Jerrold L. Nadler, Ranking Member

The Honorable Pramila Jayapal, Ranking Member, Subcommittee on Immigration
Integrity, Security, and Enforcement