



The U.S. Commission on Civil Rights Denounces Replacement of Interpreters with a Video at Immigrants' First Immigration Hearing

July 19, 2019

The U.S. Commission on Civil Rights, by majority vote, strongly objects to Department of Justice plans to replace in-person interpreters at immigrants' first immigration hearing with a video recorded in multiple languages.¹ The elimination of interpreters is a significant impediment to the fair administration of justice, and is a blatant violation of the due process and civil rights of immigrants with limited English proficiency (LEP), who are entitled to understand what is happening at their hearings.

Under the new policy, "master calendar" hearings, where immigration judges schedule future hearings and advise immigrants of their rights, will no longer have in-person interpreters.² Instead, interpreters will be replaced with a video recorded in multiple languages that would purport to inform immigrants of their rights and the course of the proceedings.³ If an LEP immigrant does not understand the video or has questions, or if the immigrant and judge need to communicate with each other, judges will have to rely on chance that someone in the building speaks the immigrant's language, which may be a less common indigenous language, or rely on a telephone service that judges say is inadequate or delayed.⁴ Or the judge may have to reschedule the hearing which will add costly delays rather than add any efficiency.

The Department of Justice claims this move is due to "limited resources."⁵ While the Commission acknowledges that all federal agencies have fiscal pressures, cost pressures do not exempt agencies from their responsibility to ensure due process and civil rights requirements are met, especially when the serious consequences of being deported are involved. Under Executive Order 13166 federal agencies must provide "meaningful access" to the programs and services they provide to LEP individuals under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, which include language access.⁶

¹ Tal Kopan, Trump Administration Ending In-Person Interpreters at Immigrants' First Hearings, *San Francisco Chronicle* (July 3, 2019), <https://www.sfchronicle.com/politics/article/Trump-administration-ending-in-person-14070403.php>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ LEP.gov, Frequently Asked Questions – What is Executive Order 13166, <https://www.lep.gov/faqs/faqs.html#OneQ3> (last accessed July 15, 2019).

Immigrants already face many barriers to a fair hearing in immigration court. They only have the right to counsel in immigration proceedings at their own expense, and most have no attorneys because of the remoteness of many of the detention centers, the expense, and the difficulty of being able to find representation while in detention.⁷ The immigration court system also faces a large backlog, and immigrants—including those seeking asylum or fighting deportation—often wait years for their cases to be decided.⁸ Immigration judges have already complained that not having in-person interpreters at these initial hearings will disrupt proceedings and waste time.⁹

Since the 1960s the Commission and its state advisory committees have chronicled the civil rights implications of our nation’s immigration laws and policies.¹⁰ We strongly urge the Department of Justice to reverse its decision and we urge Congress to require the Department to provide interpreters at all stages of immigration cases.

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. For information, visit www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).

⁷ See <http://trac.syr.edu/phptools/immigration/nta/> (select “represented” category).

⁸ See http://trac.syr.edu/phptools/immigration/court_backlog/.

⁹ Hamid Aleaziz, Immigration Judges are Railing Against a Plan to Replace Court Interpreters With Videos, *BuzzFeed News* (July 12, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/immigration-judges-court-interpreters-videos> (“It will be disruptive to my court and definitely will not be a time saver.”).

¹⁰ See USCCR, *The Mexican American; A Paper Prepared for the U.S. Commission on Civil Rights* (1968); USCCR, U.S. Commission on Civil Rights Commends President Obama on Issuance of Immigration Accountability Executive Action (Nov. 21, 2014), http://www.usccr.gov/press/2014/Immigration_letter.pdf (summarizing history of USCCR immigration investigations).