

Twitter Thread by Matthew Hoppock



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One of the judges this story mentions is William Cassidy, who was promoted from an Atlanta IJ position to a BIA member position in 2019 by the Trump DOJ. Cassidy has an awful history that has been well-documented, but I'm still enraged reading this reporting.

\U0001f6a8New investigation: \U0001f6a8

How sexual harassment and misconduct has been allowed to flourish in the immigration courts, a system intended to give immigrants a fair chance to stay in the U.S.:<https://t.co/Lw8hpK5jSe>

— Tal Kopan (@TalKopan) January 22, 2021

The story notes that the EOIR Director served as an ICE attorney in Atlanta and practiced before Cassidy for years. And it points to FOIA records unearthed by Bryan Johnson showing they remain friendly.

A trove of complaints against Cassidy was published by AILA in 2019 after FOIA litigation. They generally show misconduct, substantiated in the record, followed by "written counseling" etc. <https://t.co/tkaspDbAAK>

One way Cassidy could avoid discipline is by turning off the recording device during the hearing. If he made a lewd or offensive comment off the record, all the EOIR would do is listen to the recording. If it's not there, the complaint is "unsubstantiated" <https://t.co/wUeBPeebpV>

In that case, Cassidy joked about a detained immigrant saying he missed his wife. The complaint was dismissed because the ACIJ found "no levity or joking" in the comment.

Here's a complaint from 2010 where Cassidy disclosed confidential information about an asylum applicant's case to a third party and had "prepared a complete written decision" denying the claim "before the hearing" had occurred. <https://t.co/O4Pbvlloup>

No discipline. Just "counseling" and eventually a promotion to be a BIA member.

In this complaint, the person said Judge Cassidy repeatedly turned off the recording device and had a third party removed from the court room by security. Dismissed for failure to state a claim.

In this one, Judge Cassidy went to another judge's courtroom dressed in his robe and "made a suggestion on how to handle the case." Resulted in "written counseling."

Cassidy encouraging a detained individual not to file an appeal. Resulted in "oral counseling."

One reason people have stopped making complaints about IJs is that they obviously go nowhere. The best evidence of this? The BIA seems to have largely stopped reporting IJ misconduct under the Trump Administration. You can see that in their annual statistics reports.

In 2016 and early 2017, the BIA itself was the source of nearly 1/3 of complaints about IJ misconduct (they learn of it when they're reviewing the transcript on appeal). <https://t.co/EMk9itZfXR>

Under Trump that dropped to 3%. <https://t.co/aBLGseggRW>

In 2019 the BIA made 0 complaints about IJ misconduct. None. From 30% of the complaints about IJs to 0. <https://t.co/yZgGS0nDdO>

The BIA made just 1 complaint about IJ misconduct in 2020. All of this points to the utter worthlessness of IJ complaints. Nobody does anything about the misconduct. and when private attorneys risk make a complaint, they risk retaliation. <https://t.co/6oOv6YwVDI>