

November 10, 2023

Statement of Former Immigration Judges and Appellate  
Immigration Judges regarding H.B. 4/S.B. 4

We are former Immigration Judges with decades of experience as experts in Immigration Law. We were appointed by and served under both Republican and Democratic administrations. Our personal politics may vary, but we dedicated our careers to the equal and fair administration of federal immigration law.

The proposed Texas legislation, which would allow a state court magistrate judge to issue a removal order, is not lawful. Immigration is plainly a federal function. State legislators cannot enact immigration laws for the same reasons that the United States Congress cannot enact Texas state legislation. State magistrate judges cannot conduct immigration proceedings for the same reason that federal Immigration Judges cannot adjudicate Texas state criminal cases. As the bill's sponsors must know this, the point of the exercise is unclear.

Furthermore, persons in the United States who entered unlawfully have rights and protections under federal law, including the right to apply for asylum. To the extent that the proposed state "law" conflicts with these rights, it is

unconstitutional and in violation of our nation's treaty obligations.

The proposed law should offend those who treasure our constitutional protections. It will undoubtedly lead to lawful permanent residents and United States citizens being deprived of their rights as well. And legislators should consider the long-term repercussions of their essentially proclaiming that the Constitution, federal law, and due process can simply be ignored.

Hon. Terry A. Bain, Immigration Judge, New York, 1994-2019

Hon. Dayna M. Beamer, Immigration Judge, Honolulu, 1997-2021

Hon. Sarah M. Burr, Assistant Chief Immigration Judge and Immigration Judge, New York, 1994-2012

Hon. Jeffrey S. Chase, Immigration Judge, New York, 1995-2007

Hon. Matthew D'Angelo, Immigration Judge, Boston, 2003-2018

Hon. Bruce J. Einhorn, Immigration Judge, Los Angeles, 1990-2007

Hon. Cecelia M. Espenosa, Appellate Immigration Judge, Board of Immigration Appeals, 2000-2003

Hon. James R. Fujimoto, Immigration Judge, Chicago, 1990-2019

Hon. Annie S. Garcy, Immigration Judge, Newark, NJ, and Philadelphia, 1990-2023

Hon. Gilbert Gembacz, Immigration Judge, Los Angeles, 1996-2008.

Hon. John F. Gossart, Jr., Immigration Judge, Baltimore, 1982-2013

Hon. Paul Grussendorf, Immigration Judge, Philadelphia and San Francisco, 1997-2000

Hon. Miriam Hayward, Immigration Judge, San Francisco, 1997-2018

Hon. Charles M. Honeyman, Immigration Judge, New York and Philadelphia, 1995-2020

Hon. Rebecca Jamil, Immigration Judge, San Francisco, 2016-2018

Hon. Carol King, Immigration Judge, San Francisco, 1995-2017

Hon. Eliza C. Klein, Immigration Judge, Miami, Boston, Chicago, 1994-2015; Senior Immigration Judge, Chicago, 2019-2023

Hon. Elizabeth A. Lamb, Immigration Judge, New York, 1995 - 2018

Hon. Dana Leigh Marks, Immigration Judge, San Francisco, 1987-2021

Hon. Margaret McManus, Immigration Judge, New York, 1991-2018

Hon. Steven Morley, Immigration Judge, Philadelphia, 2010-2022

Hon. Charles Pazar, Immigration Judge, Memphis, 1998-2017

Hon. Laura L. Ramirez, Immigration Judge, San Francisco, 1997-2018

Hon. Susan G. Roy, Immigration Judge, Newark, 2008-2010

Hon. Paul W. Schmidt, Chairperson and Appellate Immigration Judge, Board of Immigration Appeals, 1995-2003; Immigration Judge, Arlington, VA, 2003-2016

Hon. Ilyce S. Shugall, Immigration Judge, San Francisco, 2017-2019

Hon. Andrea Hawkins Sloan, Immigration Judge, Portland, 2010-2017

Hon. Gabriel C. Videla, Immigration Judge, New York and Miami, 1994-2022

Hon. Polly A. Webber, Immigration Judge, San Francisco, 1995-2016

Hon. Robert D. Weisel, Assistant Chief Immigration Judge,  
Immigration Judge, New York, 1989-2016