

United States Senate

WASHINGTON, DC 20510

May 7, 2024

The Honorable Patty Murray
Chair
Senate Appropriations Committee
S-128, The Capitol
Washington, DC 20510

The Honorable Susan Collins
Vice Chair
Senate Appropriations Committee
S-128, The Capitol
Washington, DC 20510

The Honorable Jeanne Shaheen
Chair
Senate Appropriations Committee
Commerce, Justice, & Science
Subcommittee
506 Hart Senate Office Building
Washington, DC 20510

The Honorable Jerry Moran
Ranking Member
Senate Appropriations Committee
Commerce, Justice, & Science
Subcommittee
521 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Murray, Vice Chair Collins, Chair Shaheen and Vice Chair Moran:

As you begin to craft the Fiscal Year (FY) 2025 Commerce, Justice, and Science (CJS) appropriations bill, we respectfully request that you direct the Department of Justice's Executive Office for Immigration Review (EOIR) to submit a report to Congress regarding the implementation of the Director's Memorandum on Children's Cases in Immigration Court issued in December 2023.¹

In its new Director's Memorandum, EOIR states that each immigration court will have a specialized juvenile docket for cases where the sole or principal respondent is under twenty-one years of age. These dockets will be held separately from adult cases and will be overseen by dedicated judges who receive specialized training. The Memorandum also outlines certain procedures and practices that immigration judges should follow in order to create an environment where children can better comprehend and participate in their proceedings and where judges can better administer justice. Ideally, the immigration courts will seek to engage legal service organizations that represent unaccompanied children in the juvenile dockets with the goal of maximizing legal representation.

Properly implemented, the Director's Memorandum could help children understand and participate in their court proceedings by creating accommodations that complement a child's developmental level. It could also relieve strain on the immigration courts by aggregating these similar cases and streamlining the handling of pending cases of children who have claims awaiting adjudication by U.S. Citizenship and Immigration Services (USCIS), thereby avoiding duplication of efforts by multiple government agencies.

¹ Operating Policies and Procedures Memorandum (U.S. Dep't of Justice, Exec. Office for Immigration Review) No. 24-01 (Dec. 21, 2023) https://www.justice.gov/d9/2023-12/dm-24-01_1.pdf.

Congress has an important oversight role in ensuring the Memorandum is executed in a robust and meaningful way in the immigration court system. This oversight requires information from the agency detailing their implementation efforts. We therefore request that you include the following language in the Committee’s FY 2025 report:

“The Committee commends the Executive Office for Immigration Review for the Director’s Memorandum on Children’s Cases in Immigration Court, which provides a strong framework on which to improve the fairness and efficiency of children’s immigration adjudications. The Committee encourages robust implementation of the Memorandum and directs the Department of Justice to submit to the Committee a report, posted on the Department’s website no later than 180 days after enactment of the Act, detailing implementation status. This report shall address at a minimum: the name and number of immigration courts implementing juvenile dockets; training that has been provided to juvenile docket judges; protocols for assessing individual court compliance with the memorandum as well as corrective actions taken in the event of noncompliance; methods that courts are using to facilitate legal representation for children; and any immigration court resources conserved by utilization of juvenile dockets.”

Thank you for your consideration of this request to ensure that Congress has the information necessary to oversee how this important Memorandum is put into practice.

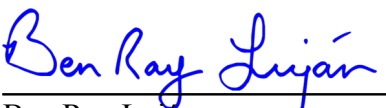
Sincerely,



Michael F. Bennet
United States Senator



Catherine Cortez Masto
United States Senator



Ben Ray Lujan
United States Senator



Tina Smith
United States Senator



Tammy Duckworth
United States Senator



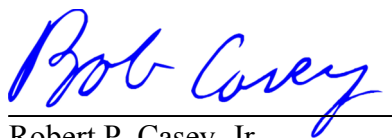
Elizabeth Warren
United States Senator



Peter Welch
United States Senator



Alex Padilla
United States Senator



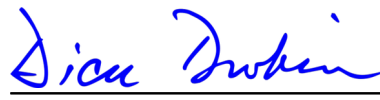
Robert P. Casey, Jr.
United States Senator



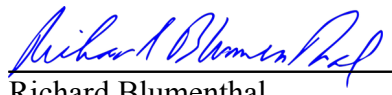
Raphael G. Warnock
United States Senator



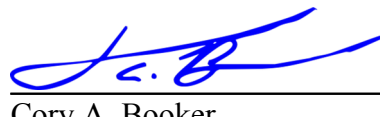
Amy Klobuchar
United States Senator



Richard J. Durbin
United States Senator



Richard Blumenthal
United States Senator



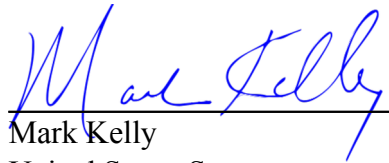
Cory A. Booker
United States Senator



Bernard Sanders
United States Senator



Jacky Rosen
United States Senator



Mark Kelly
United States Senator



Mazie K. Hirono
United States Senator