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## Want Asylum? Better Get a Lawyer

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A comprehensive analysis of nearly 300,000 asylum decisions by 208 immigration judges over the last five years shows wide disparities in granting asylum, from a low of 3 percent by Miami judge Mahlon F. Hanson to a high of 89 percent by New York's Terry A. Bain.



The findings, released last week, coincided with orders from Attorney General Alberto R. Gonzales that the Executive Office of Immigration Review overhaul its lax discipline system, institute annual quality reviews and require competency tests for the nation's immigration judge corps beginning next year.

Gonzales has been under pressure from appellate judges and immigration practitioners nationally to clean up a crumbling system that rarely disciplined the most abusive and bullying of immigration judges and did little to fix what appellate courts have complained is a pattern of bias and poor quality in decisions.

In recent weeks he demoted the chief immigration judge in a signal of the looming changes. The detailed Syracuse University study of asylum cases pointed up the vast disparity in rulings that could not be attributed to geography or the nationality of asylum applicants. For example, although New York's Bain granted about nine in 10 asylum requests, another New York judge, Alan A. Vomacka, denied 96 percent of the asylum requests he heard, according to the study by the university's Transactional Records Access Clearinghouse (TRAC).

### LAWYERING UP WORKS

The TRAC study looked at 300,000 cases heard from 1994 to 2005 and found that asylum seekers who had an attorney fared far better than those without. Those with no attorney were denied asylum 93 percent of the time, while applicants with lawyers were denied 64 percent of the time.

Examining decisions by nationality, the study found recently retired Judge William F. Jankun of New York denied asylum in nearly 95 percent of the Chinese cases, while another New York judge, Margaret McManus, only denied 7 percent of the Chinese asylum matters.

Although referred to as "judges" and "courts," the immigration review process is administrative and immigration judges are U.S. Department of Justice employees, not part of the judiciary.

In January, as critical appellate rulings mounted around the country and press accounts of bullying judges grew, Gonzales ordered a national review saying some immigration judges "can

aptly be described as intemperate or even abusive and [their] work must improve."

The team interviewed 200 people, many of them federal appellate judges, before making recommendations.

Gonzales presented his new marching orders during a national conference of immigration judges last week in a speech closed to the press. In prepared remarks released later, Gonzales said that immigration judges will get performance reviews and the Executive Office of Immigration Review must work with the Office of Inspector General to improve its complaint-handling procedures.

Despite the reform proposals, some immigration lawyers remain skeptical.

"The announcement recognizes that there are serious problems but fails to take sufficient measures to make real improvements," warned Lucas Guttentag, director of the ACLU Immigrants Rights Project in San Francisco.

<b>JUDGES AND ASYLUM</b>			
<i>Percentage of asylum requests denied, fiscal years 2000-2005</i>			
MOST DENIALS		LEAST DENIALS	
Mahlon F. Hanson, Miami	96.7	John. W. Richardson, Phoenix	27.1
Alan A. Vomacka, NY	95.9	Patricia A, Rohan, NY	25.4
Neale Foster, Miami	96.0	Dean A. Levay, Phoenix	26.6
William F. Jankun, NY	94.3	Miriam Hayward, San Francisco	24.5
Michael A. Kilroy, Lancaster	94.1	Vivienne Gordon, Uruakpa, NY	22.9
Michaelangelo Rocco, Buffalo	92.6	Sandra S. Coleman, Miami	22.4
Sandy K. Hom, NY	91.4	Stephen L. Sholomson, LA	29.1
		William	

John Opacinch, NY	90.6	Van Wyke, NY	18.1
R. Kevin McHugh, Bradenton	93.3	Terry A. Bain, NY	10.6
Keith C. Williams, Miami	88.2	Margaret McManus, NY	11.9

*Source: Syracuse University  
Transcontinental Records Access  
Clearinghouse*