

Trump officials cut immigration court interpreters after misstating costs, report finds

By Nanette Asimov

WASHINGTON — The Trump administration grossly miscalculated budget projections before it cited funding problems to replace many immigration court interpreters in San Francisco and elsewhere with recorded videos, according to a new watchdog report.

The Justice Department began requiring [immigration judges to use videos](#) last year to explain the court system at immigrants' initial appearances instead of in-person interpreters, a move first reported by The Chronicle. The department said the move was necessary to save money.

But [an analysis](#) by the department's inspector general released Tuesday found that Justice Department officials were working off faulty numbers, part of an inaccurate portrayal of the agency's larger budget situation.

The department "erroneously estimated its yearly interpreter costs by extrapolating a single, unusually high monthly interpreter expense, which was not supported by invoices or other contemporaneous evidence," the watchdog wrote. "This erroneous estimate adversely affected (agency) leadership's communication of accurate budget needs to department and congressional decision makers."

In-person interpreters formerly were present at immigrants' first court appearances, where judges typically explain their rights and how the process will work, and hear from them for the first time about their cases. Many people fighting deportation do not speak English, and some speak only indigenous languages.

Instead of having interpreters on hand, the Justice Department last summer [recorded 15- to 20-minute videos](#) in English and Spanish to play for large groups of immigrants in courtrooms. When judges spoke to individual immigrants about their cases, they were told by the Justice Department to use a telephone service for interpreting services, a system many of them called inadequate. Lawyers and advocates who represent immigrants argued the cutback made it difficult to have a fair court process.

After a rocky rollout of the videos in courts in four cities, including San Francisco, the Justice Department abandoned plans to expand the videos nationwide, and adherence to the original policy has slowly subsided.

The department runs the immigration courts, with the attorney general wielding a great deal of control over their direction. As part of its hard-line immigration agenda, the Trump administration has paid particular attention to overhauling the courts in the name of efficiency and shaping policy.

Advocates for immigrants and the union that represents immigration judges say many of the moves under Attorneys General Jeff Sessions and William Barr have jeopardized the courts' fairness and made the system less efficient, citing the interpreter change as one prominent example.

The inspector general's report traces budget miscalculations that led to the change. At the beginning of 2019, it said, staffers told Justice Department officials that interpreter fees the previous month had cost \$9 million, which would mean spending \$110 million by the end of the year — far above what the agency had requested from Congress.

In March, the director of the courts sent an email to all staffers citing that figure as a budget problem. Two weeks later, however, Justice Department officials learned that estimate was inaccurate.



“Employees could neither explain to us how staff calculated the \$9 million nor provide to us invoices or other contemporaneous documentation to support the \$9 million figure,” the watchdog found.

But the director of the courts, James McHenry, did not send any updates to staffers “because he experienced what he considered a ‘backlash’ after sending the previous emails,” he told the inspector general’s office.

In the end, the agency spent \$74.4 million on interpretation, in line with original estimates at the beginning of the fiscal year. The watchdog also found that budget staffers advised McHenry not to send his March email, but he did so anyway to explain his cost-cutting decisions.

The miscalculations were part of a bigger failure of communication over the courts’

budget, the watchdog found. The agency did not accurately predict what it would need from Congress, the report said, but operating staffers concluded the department ended up with adequate funding.

The Justice Department had no comment on the report. In its response to the draft findings, the agency told the inspector general's office that it was committed to "accurate and robust" budget management and agreed with investigators' recommendations.

Tal Kopan is The San Francisco Chronicle's Washington correspondent. Email: tal.kopan@sfchronicle.com Twitter: [@talkopan](https://twitter.com/talkopan)