

Report: Immigration courts falling behind despite more judges

By Jordy Yager - 11/01/12 03:30 PM ET

The Justice Department's immigration courts have become less productive despite hiring more judges to handle deportation cases, according to a report released Thursday.

The report, issued by the DOJ's inspector general (IG), found that the number of cases completed by the Executive Office of Immigration Review's (EOIR) courts has decreased since 2006 despite the hiring of 27 additional judges

The EOIR has 59 immigration courts and 238 judges who decide which immigrants should be removed from the United States after the Department of Homeland Security (DHS) recommends deportation.

In fiscal 2006, the EOIR's 211 judges completed 324,040 immigration cases. But in fiscal 2010, the courts' 238 judges were only able to complete 287,207 out of the 325,326 cases they received, or about 88 percent, according to the IG's investigation.

The IG's report found that the backlog in cases was mostly due to the courts' focus on processing violent or dangerous illegal immigrants whom the DHS has prioritized for removal in its immigration enforcement efforts. The courts anticipate their caseloads will continue to increase as a result of expanded DHS enforcement actions, according to the report.

As a result, many of the illegal immigrants referred to the courts who were not determined to be a violent or dangerous risk to the public, and had not been detained in the lead-up to their removal, have seen their cases significantly delayed.

"For example, cases in our sample for non-detained aliens took on average 17 ½ months to adjudicate, with some cases taking more than five years to complete," the investigation states.

The 59-page report, completed by DOJ Inspector General Michael Horowitz, made nine, mostly internal and managerial, recommendations for the immigration courts and their judges.

The report reveals that in some instances, a court will categorize the case of an illegal immigrant as "complete" just because it has been transferred out of that particular court and into a different court within EOIR. Similarly, continuances are granted to cases more often than they should be, allowing them to carry on for extended periods of time, the report says.

Horowitz suggests that the courts keep separate records that track a case to completion, even if it goes through other courts before being finalized. And in order to reduce delays, judges in the EOIR should craft guidelines that dictate when it's OK to grant a continuance in a case.

The IG suggests that the misleading reporting standards make it difficult for DOJ to manage the courts' resources.

“[It] precludes the Department of Justice from accurately assessing how well these bodies are processing immigration cases and appeals, or identifying needed improvements,” the report states.

EOIR Executive Director Juan Osuna, who was appointed by Attorney General Eric Holder, agrees that the court system should revamp its internal case tracking process, but rejected the IG’s assertion that the current system misleads the public in its efficiency rate.

“The OIG misunderstands the purpose of the management reports,” said Osuna in his response to the report.

“As an initial manner, case completion reports are intended to measure court workload so that the agency can more effectively balance resources among the immigration courts to accomplish its mission. These reports were never intended to promote the agency’s accomplishments to the public but instead were developed as internal tools to provide the courts and EOIR management with critical information about the processing of cases.

The IG also suggested that judges should better track the time they spend on each case, in order to provide a more accurate breakdown of resource allocation.

The EOIR’s fiscal 2012 budget was \$302.3 million, which authorized 1,582 staff positions.

<http://thehill.com/homenews/administration/265415-report-immigration-courts-falling-behind-despite-more-judges>