

**Houston Chronicle**

## **Immigration courts filled with cases, not judges**

**By Stewart Powell and Katie Brandenburg**

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The nation's immigration courts are choked by the largest backlog of pending deportation and asylum cases in history, more than 18,000 of them in Texas, a Syracuse University-based data research institute reported Thursday.

With a national backlog of 228,400 cases, the Lone Star State ranks fourth behind California, New York and Florida, the Transactional Records Access Clearinghouse said. Part of the problem is the slow pace of judicial hiring, which pushed immigrants' wait to an average of 439 days nationwide.

Texas does better than the national average, but it still takes about 218 days for a case to be heard among the state's 24 administrative immigration law judges.

Houston immigration experts were not surprised by the report after years of the government beefing up enforcement efforts but not hiring more judges.

“Some of this is simply pushing more cattle through the chutes,” said Michael Olivas, a University of Houston Law Center professor.

One Houston attorney, Fernando Alvares, is representing a Honduran client whose case is not expected to be heard until March 2011.

The courts handle immigration cases involving deportation, asylum requests, bond reduction and other legal issues affecting legal and illegal immigrants.

Some 28,000 immigrants have been detained as a result of enforcement actions by Immigration and Customs Enforcement (ICE).

‘Essentially in limbo’

Many other undocumented immigrants — charged with violating their immigration status — are released and monitored while they wait for court proceedings.

In California, immigrants are waiting an average of 619 days for their cases to be heard, the longest delay in the country, said TRAC, an independent organization that analyzes government data.

The organization blamed the high number on judicial vacancies. Of 239 judicial positions in the nation's 55 immigration courts, 48 remain vacant, contributing to a backlog that has ballooned by 23 percent in 18 months.

“The failure of the Justice Department to hire a sufficient number of new judges and the very recent growth in incoming matters have together been responsible for the backlog of pending cases reaching a record number,” the report said.

Even when cases are heard, it still can take weeks or months to get a decision.

Houston Immigration lawyer Steven Villarreal presented an immigration case in November. He has yet to hear from the judge.

“They're essentially in limbo,” he said of immigrants.

An effort launched by former Attorney General Alberto Gonzalez to fill 24 judicial vacancies during the Bush administration in 2006 “so far has had little impact on how many have been hired,” the report said. “Neither the Bush (administration) nor the Obama administration has been able to fill the vacancies that existed in 2006.”

The Justice Department's Executive Office for Immigration Review, which oversees the courts, did not dispute the backlog .

But the agency called the assessment of judicial hiring inaccurate because it failed to reflect the hiring of more than 60 immigration judges over the last four years.

The agency is “currently in the midst of a hiring initiative” to add 47 judges as part of an effort to boost the ranks to 280 by Sept. 30.

That represents a positive trajectory, “which will dramatically increase the number of immigration judges and help us address the growing caseload,” the agency said.

Brittney Nystrom, director of policy and legal affairs for the National Immigration Forum, said funding and staffing for immigration courts have not kept pace with the surge in enforcement.

“You have this ballooning practice of apprehension, detection and deportation while you have an immigration court system that is not experiencing similar growth,” Nystrom said. “This backlog took a long time to get to where it is now, and it's going to take a long time to get around this.”

People from Mexico accounted for 27 percent of the backlog, followed by 9 percent from China; roughly 8 percent from El Salvador; and 8 percent from Guatemala.