

U.S. loses nearly half of deportation cases

By Alicia A. Caldwell Associated Press Thu Feb 13, 2014 10:51 PM

WASHINGTON — A growing percentage of immigrants facing deportation in Arizona are now winning their cases, part of a national trend that has reached the highest success rate in more than 20 years, according to a new analysis of court data published Thursday.

In Phoenix Immigration Court, more than 78 percent of immigrants facing deportation have won their cases this fiscal year, up from 35.4 percent in fiscal 2010, according to the Transaction Records Clearinghouse at Syracuse University, which collects and studies federal prosecution records.

In all four Immigration Courts in Arizona, which includes courts in Phoenix, Tucson, Florence and Eloy, 47.9 percent of immigrants facing deportation have won their cases so far this year, meaning they are allowed to stay in the U.S.

Nationally, nearly half of immigrants facing deportation are now winning their cases before immigration judges.

The U.S. government has been losing more deportation cases each year since 2009, according to TRAC.

It does not say how many deportation cases Immigration and Customs Enforcement, whose lawyers represent the government in Immigration Courts, successfully appealed to the Board of Immigration Appeals. The government can appeal immigration rulings to the Board of Immigration Appeals, part of the Justice Department.

Since the start of the 2014 budget year in October, immigration judges have ruled in favor of immigrants in about half of the 42,816 cases heard, TRAC reported. In 2013, the government won about 52 percent of cases.

Immigrants in California, New York and Oregon have been most successful recently, while judges in Georgia, Louisiana and Utah have sided more often with the government, according to TRAC.

In the current fiscal year, 1,337 immigrants in Arizona have won their cases, up from the 38.4 percent in the previous year. That includes 848 in the Phoenix Immigration Court and 211 in Tucson, a 37.4 percent success rate in that city. The overall success rate has been steadily climbing in Arizona. In fiscal 2010, 11.9 percent of immigrants won their deportation cases.

Immigration supporters accuse the Obama administration of deporting too many people, but Republicans say the president is too lenient on immigrants living in the country illegally.

Nearly 2 million immigrants have been removed by ICE under President Barack Obama.

“ICE’s enforcement strategies and policies are designed to prioritize its resources on public safety, national-security and border-security threats,” ICE spokeswoman Gillian Christensen said. “ICE continues to focus on sensible, effective immigration enforcement.”

In recent years, the Obama administration has issued policy orders directing immigration authorities to exercise discretion when deciding which immigrants living in the country illegally should be deported. Then-Homeland Security Secretary Janet Napolitano said discretion should be used for immigrants who didn’t pose a threat to national security or public safety.

In 2011, the government reviewed hundreds of thousands of cases pending in Immigration Courts. The effort was designed to curtail the backlog of more than 300,000 pending cases.

Tens of thousands of cases were eventually dismissed, but there are now more than 360,000 cases pending, according to TRAC.

In 2012, Obama also created a program, called Deferred Action for Childhood Arrivals, to allow tens of thousands of young immigrants living in the United States illegally to apply to stay in the country for up to two years and get work permits.

Kathleen Campbell Walker, an El Paso immigration lawyer, said it may be too soon to know what the TRAC data mean for immigration enforcement. She said Immigration Court backlogs mean cases now being heard by immigration judges could be years old. And though immigration laws have not changed in recent years, some immigrants may be more successful in arguing that they should be allowed to stay in the country based on those discretion memos.

“The true implications of these numbers are murky and people shouldn’t jump to conclusions yet,” Walker said.

Obama pledged during both of his presidential campaigns to overhaul the country’s immigration laws.

The Democrat-led Senate passed a wide-ranging bill last year, but similar legislation has stalled in the Republican-controlled House.

Last month, House Republicans announced a plan that touched on both border security and the fate of the more than 11 million immigrants thought to be living in the United States illegally. A week later, House Speaker John Boehner said it would be difficult for an immigration bill to pass this year.

“The American people, including many of our members, don’t trust that the reform we’re talking about will be implemented as it was intended to be,” Boehner told reporters at his weekly news conference earlier this month.

The administration has made several immigration policy changes in recent years, and during his State of the Union address last month, Obama pledged to keep using his authority to address a variety of issues.