

DAILY CALLER
US

Immigration Courts In Obama Years: Backlog Skyrockets, While Odds Of Deportation Plummet



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Undocumented Mexican immigrants walk through the Sonoran Desert after illegally crossing the U.S.-Mexico border. (John Moore/Getty Images)

Since President Barack Obama has taken office, non-citizens in immigration court face a significantly lower chance of being deported while the backlog in immigration courts has more than doubled.

In Fiscal Year 2009, 76.2 percent of decisions by immigration judges resulted in deportations of non-citizens. In Fiscal Year 2015, that number had fallen to 46.4 percent, and so far in Fiscal Year 2016 the frequency of deportation orders from immigration judges is 42.8 percent. This [data](#) and much of the data following in the article is from Syracuse University's [Transactional Records Access Clearinghouse](#).

Immigration judges are not independent Article 3 federal judges. They are civil servants who report to the attorney general. "As such, they to different degrees come to understand what their supervisors want and expect in enforcing both the laws and the policies of the Department. The administration wants fewer deportations, except in the case of the most violent criminals, and that's more and more understood by immigration judges," Professor Jan Ting, a professor of immigration law at Temple University, told The Daily Caller.

The Obama administration in November 2014 enacted the Priority Enforcement Program (PEP), which prioritized deporting violent illegal aliens instead of ones who had committed immigration crimes only.

The number of immigrants that ICE has sought to deport and yet were allowed to stay has more than doubled since Obama took office. In FY 2009, 57,474 immigrants who ICE sought to deport were allowed to stay after immigration court proceedings. This number is **projected** to be 116,823 in FY 2016.



Immigrants who have been caught crossing the border illegally are housed inside the McAllen Border Patrol Station in McAllen, Texas, in this file photo taken July 15, 2014. REUTERS/ Rick Loomis/Pool/Files

While the PEP program is supposed to prioritize the deportation of public safety risks, **Syracuse University figures** show only 7.9 percent of removal filings in immigration courts so far in FY 2016 have been based on “alleged criminal activity.” This number was 16 percent in FY 2009. The Syracuse data also shows that the backlog of cases in immigration courts has increased from 223,809 cases in Fiscal Year 2009 to 496,704 cases in Fiscal Year 2016. Twenty-nine percent of these cases involve either illegal unaccompanied minor immigrants or “women with children.”

“Prosecutions are brought by the Department of Homeland Security, which tries to implement the same administration policies, but still has some residual understanding of their responsibilities as prosecutors. Not surprising that prosecutors have a slightly tougher interpretation of those policies than immigration judges,” Professor Ting told TheDC.

Ting told TheDC, “I think the rising backlogs are to some extent the function of high levels of illegal immigration, some portion of which engages in criminal activity attracting prosecutorial attention.”

There are currently 272 immigration judges facing over 490,000 cases.

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