

Feds spend \$300K on immigration court; hasn't had sitting judge in nearly 2 years

[Gustavo Solis](#), The Desert Sun 4:50 p.m. PDT October 11, 2016



A sign pointing to an immigration court in Imperial County, California. The federal government pays \$300,000 in annual rent for a court that does not have a sitting judge. (Photo: Desert Sun/Gustavo Solis)

The federal government is spending \$300,000 a year on an immigration court that hasn't had a sitting judge since January 2015.

Imperial Immigration Court is the [only immigration court in the country](#) without a sitting judge. It's been nearly two years since a hearing has taken place in any of the courthouse's three courtrooms, and until a new judge is appointed, they will sit empty.

As a temporary solution, detained immigrants in Calexico can video conference with immigration judges in San Diego. Non-detained immigrants don't have that option: whether facing deportation or trying to adjust their legal status, they try to move their cases to another court or wait for a judge to return to the Imperial courthouse. Their cases have been pushed years into the future, immigration lawyers say.

In the last four years, the court has seen its backlog increase from 786 cases in 2013 to 3,169 cases in 2016. The number of completed cases has shrunk from 408 in 2013 to 207 projected for 2016, according to [Syracuse University's Transactional Records Access Clearinghouse](#).

Because of the backlog, Indio-based immigration lawyer Gary Finn has cases scheduled years in advance. One court date is for August 14, 2020.

“If I’m alive I’ll be there,” he said.

For people with weak cases, the backlog can be a blessing. Many are able to bail out of a detention center and apply for a work permit while their case is adjudicated.

But for people with strong cases, the backlog means they cannot legitimize their legal status and therefore cannot travel outside the country until their case is complete. For those with relatives south of the border, it limits their ability to see family.

“A lot of times people come in and say, ‘My mom just called. They got cancer, they are sick, they want to see me one last time before they die,’” Finn said. “I have to tell them, ‘Look, if you go back, you have no legal basis to reenter the United States and if you get caught coming back you’re toast.’”

There are no plans to remove non-detained cases from the Imperial Immigration Court, but judges at the San Diego Immigration court can rule on motions to change the venue.

The case backlog isn't unique to the Imperial courthouse. There are about half a million backlogged immigration cases in the country. The number has steadily increased since 1998, when the backlog was 113,000, according to Syracuse University's TRAC.

To tackle the issue, the Department of Justice has been on a hiring spree. Fifteen were sworn into service in June, five in August and another fifteen in September, according to press releases available on the website of the branch of the DOJ that oversees immigration courts, the Executive Office for Immigration Review (EOIR).

“We welcome these 15 appointees to the immigration judge corps,” Acting Chief Immigration Judge Michael McGoings said in a statement after the latest announcement. The new appointments brought EOIR's total number of immigration judges to 291, an all-time high.

The agency is committed to hiring 100 more judges by the end of fiscal year 2017 but until those judges are sworn in EOIR cannot confirm where they will be placed.

The immigration court is in an industrial park comprised of small office buildings. Neighboring buildings house other federal agencies like the FBI and ICE.

[Publicly available records show](#) the government is paying an annual rent of \$307,622 to a private trust based in Patterson California. The lease expires in 2022.

The building itself is easy to miss from the side of the road because the entrance of the court is in the back of the building away from the street. A sun-bleached sign reads "IMMIGRATION COURT" with a black arrow pointing toward the back parking lot. From the back lot, the court's facade is lined with palm trees and an EOIR sign above the entrance.

Inside the building is a security guard with an airport-style screening. Behind the guard is a small lobby where empty chairs face a clerk's window where files are stored and lawyers can file

motions. Beyond the lobby is a hallway that leads to three courtrooms where immigration judges heard cases until the last judge retired in January 2015.

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