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Editor's Picks

SF's immigration courts by the numbers



A woman kneels outside the gate to the U.S. Citizenship and Immigration Services offices on Friday morning in San Francisco during a demonstration protesting the inauguration of President Donald Trump. (Jessica Christian/S.F. Examiner)

By Jonah Owen Lamb on February 21, 2017 1:00 am

San Francisco's official stance as a bulwark against President Donald Trump's promised crackdown on illegal immigration here and across the country has little bearing on the work of the federal immigration court located in The City.

Nonetheless, the state's second busiest immigration court — out of four — is less likely to deport people than the far busier Los Angeles court, according to the latest court data from the Transactional Records Access Clearinghouse at Syracuse University.

"There's tremendous disparities in results depending on who the judge is," said Francisco Ugarte, the only lawyer with the Public Defender's Office tasked with defending people from deportation in San Francisco. Most cases in immigration court have no lawyers as there is no government requirement to provide defendants with legal representation, unlike in criminal courts.

This is the case for a number of reasons, but a major one is the vibrant group of advocates and lawyers here, said Ugarte. Just last week, city supervisors introduced a proposal to pay for a team of lawyers dedicated to such work, though the effort has since stalled.

This status quo for a court system that adjudicates immigration cases for nearly half the state probably won't remain.

Last week, the head of the Department of Homeland Security, John F. Kelly, expanded the pool of undocumented immigrants the government is prioritizing for removal.

In fiscal year 2016, which began in October 2015 (federal fiscal years begin then), there were 11,381 completed cases that went through the San Francisco courts, which have an average of two years per case and a current backlog of roughly 35,000 cases.

Those cases vary widely.

In the first four months of the 2017 fiscal year, there were 885 such orders in San Francisco, out of 3,698 statewide. In 2016, there were 3,131 removal orders in San Francisco, which resulted in deportation, and 48 voluntary departures. In 2015, there were 3,025 removal orders.

Most of the removals in past months involved Mexican citizens — 573 — followed by 74 Guatemalans and 65 Salvadorans.

California's immigration courts, among more than 15 across the nation, issue more removal orders than any other state but Texas. The state's immigration courts issued 11,851 such orders in 2016.

While removal orders from San Francisco increased in 2016 — it hadn't reached such numbers since 2010 — the courts were also the site of many of the successful cases of people fighting deportations, according to recently released data.

When it comes to cases that were terminated or had no grounds to proceed, San Francisco immigration courts had 2,152 in 2016 out of 6,957 across the state.

Such cases, said Ugarte, are often cases brought against green card holders and other permanent residents, and the charges were because of anything from petty crime to marriage fraud.

In 2016, there were 1,446 cases in which people were granted relief after petitioning a judge to have lawful status. Statewide, that number was only 3,006 last year. Since 2004, which had 4,307 cases of this type, such relief has been on the decline.

From October 2016 to the end of January, there were 579 such cases here. The top three nationalities in such cases over that period were Salvadoran, Guatemalan and Mexican.

A last category in which deportations have been avoided is administrative closure, which involves granting people status for humanitarian reasons. In 2016, there were 4,034 in San Francisco. Statewide, there were 14,752.

Since October, there have been 1,214 cases in San Francisco and 5,335 statewide. Most of the local cases have been from El Salvador, Guatemala and Mexico.

Under the administration of President Barack Obama, such cases were on the rise.

Still, these numbers represent a small part of deportations. For instance, in 2015, there were 235,413 deportations nationally, according to DHS data.

Ugarte warned that the “data only reflects the immigration court systems, and it doesn’t reflect any extra-judicial deportations.”

<http://www.sfexaminer.com/sfs-immigration-courts-numbers/>

