

Arizona Republic

Government shutdown closes immigration courts, adding to huge backlogs

Daniel Gonzalez, January 4, 2019

Rene Chavez, a 42-year-old immigrant from Durango, Mexico, was scheduled to show up on Friday at the Phoenix Immigration Court for an 8:30 a.m. hearing on his deportation case.

But when he arrived early, Chavez was surprised to find the glass doors at the immigration courts locked.

Like many immigrants with cases pending in immigration courts, Chavez hadn't heard that most immigration courts have been closed due to the ongoing partial government shutdown.

As the shutdown enters its third week, immigration courts in Phoenix and across the country are turning away thousands of immigrants daily, adding to already long immigration court backlogs because the canceled cases will now have to be rescheduled, experts say.

What's more, there is no resolution to the government shutdown in sight. On Friday, President Donald Trump [said he was prepared to let the government shutdown to go on for months](#), or even years, until Democrats agree to \$5 billion in government funding for a border wall.

Court delays cause 'mental and emotional' hardships for immigrants

For some immigrants, the added delays create additional hardships, said Jeremy McKinney, an immigration attorney in Greensboro, North Carolina, and executive committee member at the American Immigration Lawyers Association.

"One is mental and emotional. I can't even describe the anxiety that is created when one faces potential exile from this country. That anxiety is now being prolonged for no good reason," McKinney said.

In addition, evidence that could be useful in fighting deportation cases may change or "become less collectible over time," undermining immigrants' chances of fighting their deportation cases or gaining legal status to remain in the U.S., he said.

On the other hand, the government shutdown is also having the effect of buying more time in the U.S. for immigrants the government is trying to deport, which is welcome news for those immigrants who get to stay longer.

With the partial government shutdown stretching into 2019, here's what you need to know about the effects. USA TODAY

Shutdown buys time for immigrants facing deportation

But the added delays runs counter to the Trump administration's efforts to crack down on immigrants in the country illegally, or those the Trump administration believes are filing fraudulent asylum claims.

Under the Trump administration, the immigration court backlog has grown to [more than 809,000](#) cases as of the end of November, up from 629,000 at the end of fiscal year 2017, according to government data collected by Syracuse University's Transactional Records Access Clearinghouse.

"Which leads to the ultimate irony, which is that this administration has declared that its mission is to move removal cases faster through the system and yet every move that they have taken since this administration has taken since this administration came into power in January 2017 has frustrated that mission," McKinney said.

Trump's justification for allowing the government to partially shut down until Congress provides funding for a border wall is based in large part on the unprecedented number of migrant families, mostly from Central America, arriving at the southern border. They ask for

asylum either at official border crossings or after crossing illegally and turning themselves over to Border Patrol agents.

Under Trump, immigration court backlog has grown

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Immigration judges assigned to hear cases of detained immigrants have not been furloughed as part of the government shut down and continue to hear cases, according to a statement from the Department of Justice's Executive Office for Immigration Review, which oversees immigration courts.

That means the immigration court inside the Eloy Detention Center continues to operate as normal. Also, cases involving juveniles heard on Fridays at the Phoenix Immigration Court also continue to be held.

But the vast majority of immigration cases have been put on hold.

That's because of the 809,000 pending immigration cases, less than six percent, or about 44,000, involve immigrants currently in detention. The remaining 94 percent of immigration cases have been frozen, McKinney said.

"The vast, vast majority of pending removal cases are currently frozen at a precise time when we have an unprecedented backlog in our courts," McKinney said.

Trump says shutdown talks will go into weekend AP

In Phoenix, courts backlogged to 2021

On Oct. 1, the start of the new fiscal year, the Trump administration instituted [new quotas](#) on immigration judges aimed at clearing huge backlogs and deporting people more quickly.

But the government shutdown "seems very contradictory" to those goals "in terms of the Trump administration wanting to speed up the process and process as many people in the immigration court system and this shutdown is just increasing the backlog," said Alma Montes De Oca, a Phoenix immigration attorney.

In Phoenix, immigration courts are already backlogged into 2021, said Randall Rowberry, a Mesa immigration attorney.

That means cases that have to be rescheduled because of the government shutdown could buy some immigrants facing deportation several more years in the U.S., he said.

Some immigrants who might have been granted asylum or legal status during the shutdown will now have to wait six months or longer for their final hearings to be rescheduled, he said.

During that time, work permits granted while their immigration cases were pending could expire, or children who might have also qualified for legal status may turn 21, making them no longer eligible, he said.

Chavez, the immigrant from Mexico, said he was relieved when he found out the immigration courts had been closed during the shutdown.

He said he has lived in the United States illegally for 18 years. His deportation case has already dragged on for about three years, he said. In the meantime, he's been able to get a work permit.

During a previous hearing, an immigration judge had granted him more time to find a lawyer to help him fight the government's attempt to deport him back to Mexico.

But Chavez said he still hadn't come up with the money to hire a lawyer.

The delay meant he would have more time to raise money to hire a lawyer, he said.

"For me, it's good," Chavez said.

<https://www.azcentral.com/story/news/politics/immigration/2019/01/04/government-shutdown-closes-immigration-courts-adding-huge-backlogs/2478195002/>