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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | [customerservice@law360.com](mailto:customerservice@law360.com)

## Sessions Pushes Immigration Courts To Handle Cases Quickly

By Tiffany Hu

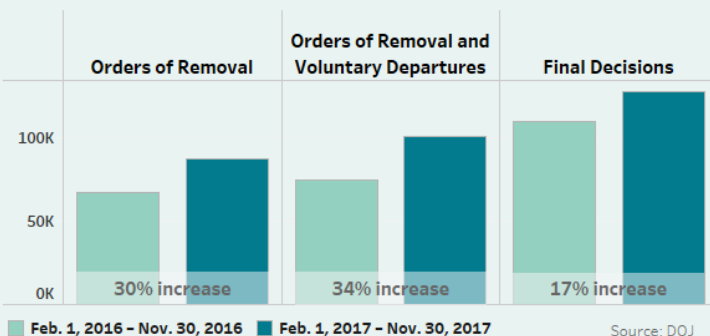
Law360, New York (December 8, 2017, 2:02 PM EST) -- Attorney General Jeff Sessions called for a "concerted effort" to address the increased backlog of pending immigration cases, pushing immigration courts to work more efficiently to adjudicate approximately 650,000 cases — a number that has almost doubled since 2011 and continues to mount under the Trump administration.

In a memo to the Executive Office for Immigration Review, Sessions on Wednesday identified recent efforts, including the hiring of 60 additional judges in the next six months, to realign the agency towards completing cases fairly in accordance with its mission of "fairly, expeditiously, and uniformly administering the immigration laws."

"We must all work to identify and adopt — consistent with the law — additional procedures and techniques that will increase productivity, enhance efficiencies, and ensure the timely and proper administration of justice," Sessions wrote.

### Immigrant Departures On The Rise

Executive Office for Immigration Review data shows an increase in orders of removal, voluntary departures, and final decisions for the first 10 months of the Trump administration.



Sessions noted that the courts had completed approximately 2,800 more cases than the agency was projected to have otherwise completed, and that initial case completion rose this year to the highest level since 2012. In the memo, Sessions said that the agency was also working on transitioning to a "long overdue" e-filing system by mid-next year.

The EOIR stated that productivity of immigration judges had decreased by 31 percent between FY 2006 and FY 2015. Sessions in his memo pointed to the hiring of 50 immigration judges since Jan. 20, and “surged” resources to the border, as part of its plan to reduce the pending caseload by prioritizing the completion of cases. He urged on Wednesday that the “timely and efficient conclusion of cases serves the national interest [while] unwarranted delays and delayed decision making do not.”

Last month, the EOIR **had suggested** adding metrics on the duration and quantity of cases resolved by immigration judges to their performance reviews. In a hearing addressing the growing backlog, the House subcommittee chairman, Raul Labrador, R-Idaho, blamed the large caseload on mismanagement present during the Obama administration, saying they were a “distraction” for the EOIR to focus on “much needed improvements.”

Obama took office after more than a decade of a stable pending caseload below 200,000, and during his eight years that number grew about 42,000 per year, according to data from Transactional Records Access Clearinghouse, a Syracuse University data organization. The pending caseload has already grown more than 100,000 in fiscal year 2017, or since Sept. 30, 2016, while average case duration has lengthened to 677 days from 670 **since May**.

The EOIR has been addressing the problem with a hiring spree since the fall of 2015, adding seven more immigration judges **last month**, bringing the nationwide total to 336. The hiring can continue as the agency currently has authorization for 384 immigration judges.

Sessions highlighted five “principles” in the memo, including the “timely and efficient conclusion” of cases with either a removal order or grant of relief and protection. He also encouraged documenting and reporting any suspected instances of fraud, as well as promptly resolving “meritless cases and motions” as consistent with applicable law.

“We serve the national interest by applying those laws as enacted, irrespective of our personal policy preferences,” he wrote Wednesday.

--Additional reporting by Kevin Penton, Kyle Jahner, and Adam Rhodes. Edited by Ben Guilfooy.