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Immigration Courts Have A Huge Backlog. The Shutdown's Making It Worse

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Hundreds of thousands of cases are awaiting hearings, but many are being canceled until the shutdown is resolved. For a Filipina mom in California, that means her seven-year-long wait will go on.

SCOTT SIMON, HOST:

The federal government shutdown is leading to thousands of people seeing their immigration court proceedings canceled. California has the most cancellations of any state - more than 9,000 - and the largest backlog of pending cases. From member station KQED, Farida Jhabvala Romero reports.

FARIDA JHABVALA ROMERO, BYLINE: It's the end of the school day at Oceana High, south of San Francisco. Hundreds of students blast out of classrooms and swarm the halls.

Navigating the crowd is Mario Guzman, a lanky 18-year-old from El Salvador. Like other seniors here, Guzman's waiting to hear whether colleges will let him in to pursue his passion.

MARIO GUZMAN: I want to major in either graphic design or animation.

ROMERO: But unlike his friends at school, Guzman's destiny doesn't just depend on college admissions. He's applying for asylum, and his fate lies with an immigration judge. But his final hearing was scheduled for January 3. It was canceled because most immigration judges are furloughed.

GUZMAN: It's really hard because I can plan to do things here, but, certainly, I don't know how much time I have here.

ROMERO: Guzman has been preparing for his hearing with his lawyer for months. And in that preparation, he's had to revisit some of the violence and terror that made him flee El Salvador. He says his cousin, who was like his brother, was shot by gang members.

GUZMAN: And seeing how the life of my cousin was destroyed, it was really hard for me.

HELEN LAWRENCE: So it's just pretty traumatic. And he's a high-schooler. And, you know, he's trying to go about his teenage life.

ROMERO: Helen Lawrence is Guzman's attorney.

LAWRENCE: I think, for him, it's just - he would like to get it over with, to move on.

ROMERO: Guzman has waited for about a year to get his day in court. But other people with canceled hearings have waited much longer. Jasmine Ngo is a single mother of two who lives in the Los Angeles area.

JASMINE NGO: My immigration case is going to be seven years in March.

ROMERO: She's had a green card for almost 30 years, but she was convicted of shoplifting, and now she's fighting deportation.

NGO: It's hard to move forward when you have something hanging over your head.

ROMERO: She doesn't know when she'll get her next court hearing.

NGO: It could be years. It could be months. We don't know.

ROMERO: The shutdown is a massive disruption to an already overburdened system, says Judge Dana Leigh Marks, a past president of the National Association of Immigration Judges.

DANA LEIGH MARKS: Because we are so backlogged and so short-staffed, the calendars are jam-packed and basically full for the next two to three years.

ROMERO: Marks is currently furloughed. But she says once she's back in court, she'll try to squeeze in as many canceled appointments as she can.

MARKS: But, by and large, they're going to go to the end of the line.

ROMERO: For some people, the shutdown may be a blessing. Marks says good, strong cases suffer by the delay, but weaker ones that are likely to lose may benefit by having more time to prepare. Every week the shutdown continues, an estimated 20,000 more cases are delayed nationwide.

For NPR News, I'm Farida Jhabvala Romero in San Francisco.

(SOUNDBITE OF ANI DIFRANCO SONG, "UNWORRY")

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