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Editorial: The broken immigration courts

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The nation has demonstrated its ability to round up suspected illegal immigrants. What it can't do as effectively is determine who should stay and who should go — thanks to an underfunded and understaffed court system that is hopelessly backlogged with hundreds of thousands of cases. The system is unjust and a waste of public resources, and it doesn't serve either side of the immigration debate. Congress needs to spend more money before the impact on families and the states gets even worse.

The clogs in the system are frustrating judges, attorneys and advocates. According to recent federal data cited by the *Tampa Bay Times*, 637,000 cases are pending in the nation's immigration courts. Florida has about 42,000 of those cases, making it the fourth-busiest state behind California, Texas and New York. There are more than 2,100 cases pending in the Tampa Bay area, and as the logjam grows, the wait times for court hearings have climbed, with some cities setting court dates as far out as 2022. In Miami, one of Florida's main immigration jurisdictions, some immigrants won't get their day in court until November 2018. In Orlando, it's late 2019. That's ridiculous.

These delays benefit neither immigrants and their families nor hardliners appealing for the government to act. They deny due process for those who have valid claims to stay while forestalling deportation for those who really should be forced out of the country. And while President Donald Trump made a crackdown on immigration a top campaign issue and priority for his administration, the backlog in the immigration court system preceded Trump. As the *Times* reported, the number of pending cases grew from about 186,000 in 2008 to roughly 516,000 in 2016. Immigrants in Florida are waiting an average of more than 500 days for their cases to be placed one a docket of one of 35 judges in Orlando and Miami. The Trump administration's tougher approach to immigration has brought about 82,000 new cases to the system nationwide since January. That will only clog the system further by putting more immigrants with valid claims for residency before the courts.

Officials trace the problem back to the Sept. 11, 2001, terror attacks, when the nation began to spend more to enforce the immigration laws while keeping a lid on spending to hire judges. Funding for enforcement has far outpaced the budgets for the 58 immigration courts. Trump's order applying enforcement in a broader range of cases will only channel more people into an already dysfunctional system.

The smart and more efficient approach would be for federal authorities to prioritize their efforts on those suspected of being involved in gang activity or serious crimes. That still would not wholly compensate for the shortfall in court funding. A bill introduced in the House last year would have brought some parity to funding for enforcement and the courts; it went nowhere. The

administration's 2018 budget calls for additional judicial staff; the Justice Department said 50 more judges will be appointed this year and another 75 in 2018. But that's not nearly enough.

The backlog in the courts is only one symptom of a broken immigration system, which still needs broader reform. But the delays and uncertainty will continue to hurt states such as Florida where immigrants play an outsized role in civic and economic life.