

DOJ details plan to slash immigration court backlog



Activists supporting Deferred Action for Childhood Arrivals (DACA) and other efforts to avoid deportations protest outside Trump Tower in New York this summer. (Craig Ruttle/AP)

By [Maria Sacchetti](#)

Immigration

November 3

The Department of Justice said Friday it is aiming to slash the massive immigration court backlog in half by 2020 by adding judges, upgrading technology and refusing to tolerate repeated delays in deportation cases.

Officials, who briefed reporters on condition that they not be identified by name, said the effort is part of the Trump administration's broad plan to more efficiently handle cases of undocumented immigrants, who number 11 million nationwide.

The administration has reversed Obama-era policies that allowed prosecutors to indefinitely postpone low-priority cases, which the Justice Department officials said allowed some immigrants to delay "inevitable" deportations. In other cases, they said, immigrants who deserved to win their cases were delayed for years because of the backlog.

The immigration court backlog has tripled since 2009, the year former president Obama took office, to more than 630,000 cases in October.

“That is what this administration is committed to, getting this done right, ensuring that we’re never in this place again,” a Justice Department official said. “Really and truly, when you look at the numbers . . . it reflects the fact that the last administration likely wasn’t as committed to ensuring that the system worked the way that Congress intended it to.”

The agency, which oversees the administrative immigration courts, said it plans to hire new immigration judges, use technology such as videoconferencing, and increase judges’ productivity by setting case-completion guidelines, though officials would not give details.

The department also will have a “no dark courtrooms” policy, the officials said, explaining that there are at least 100 courtrooms nationwide that are empty every Friday because of judges’ alternate work schedules. The Justice Department is tapping retired judges to fill those courts.

The immigration court overhaul comes as the Trump administration is carrying out policies that could generate even more cases in coming months. [Arrests and deportations from the interior](#) of the United States are rising sharply, and the Trump administration has ended Obama-era protections for some undocumented immigrants, including [690,000 undocumented immigrants](#) who arrived in the United States as children.

By Monday, the Trump administration is also expected to say if it will [renew temporary protected status for thousands](#) of longtime immigrants from Honduras and Nicaragua whose permits expire next year.

The Justice Department officials said they are no longer widely using certain protections for undocumented immigrants, including a tool known as

prosecutorial discretion that allowed the government to set aside low-priority deportation cases.

DOJ officials criticized immigration lawyers, saying they “have purposely used tactics designed to delay” immigration cases. As of 2012, the officials said, there were an average of four continuances for each case before the court.

Gregory Chen, director of government relations for the American Immigration Lawyers Association, said the administration’s plan to cut the backlog would “undermine judicial independence” in the immigration courts.

“This administration has been extremely hostile toward the judiciary and the independence of immigration judges, as well as other judges,” Chen said.

Speeding up cases depends partly on congressional funding. It also rests partly on the actions of immigration judges, who have expressed concerns about due process for immigrants, many of whom are facing deportation to some of the world’s most violent countries. Immigrants are not entitled to a government-appointed lawyer in these courts and often handle cases on their own.

The Justice officials would not comment on [reports that they will impose case-completion quotas](#) on judges, which raised an outcry from the judges’ union. But the officials said they would give judges clear standards to complete cases and add more supervisors.

Officials say they are already seeing results from efforts this year to improve efficiency. From February to September, judges ordered 78,767 people to leave the country, a 33 percent jump over the same period in 2016. The total number of final decisions, which includes some immigrants who won their cases, is 100,921.

Maria Sacchetti is the Post immigration reporter. She previously reported for The Boston Globe.

https://www.washingtonpost.com/local/immigration/doj-details-plan-to-slash-immigration-court-backlog/2017/11/03/03fcef34-c0a0-11e7-959c-fe2b598d8c00_story.html?utm_term=.1e4d57fa139b