

HOUSTON CHRONICLE

Wood: Courts could be a step forward in immigration debate

Public agrees Congress needs to increase number of judges, help families get action in pending cases.

By Julie Myers Wood | April 30, 2015

The Obama administration's push for comprehensive immigration reform stalled out as the parties couldn't work out their differences. But this deadlock shouldn't stop Congress from acting on immigration issues where agreement is possible - and needed.

One such issue: the harmful and counterproductive backlog in our immigration courts. The buildup of immigration court cases, now exceeding 440,000, is larger than ever, leading many hearings to be delayed for years.

When I served as assistant secretary for Immigration and Customs Enforcement under President [George W. Bush](#), I saw how the backlog undermines both immigration enforcement and due process. People who have no legitimate claim for relief languish in the system - and in the country - at taxpayer expense.

At the same time, people with strong claims - including those fleeing persecution - now often wait years for their day in court. Those long wait times can endanger their families in their home countries. The United States can do little to protect them until their claims are adjudicated. For example, the wife and young children of a Christian missionary have been living in hiding from Boko Haram militants who targeted the family because of the missionary's religious activities in Nigeria, while the missionary is scheduled for an immigration court date several years down the road.

Members of Congress, regardless of their positions on immigration, should see this as a problem that can and should be fixed. And the public agrees. More than three-quarters of voters in 25 of the most competitive congressional districts, as well as voters in South Carolina and New Hampshire, agreed that Congress should increase the number of immigration court judges to help ensure fair and timely hearings, according to a recent poll by [Public Opinion Strategies for Human Rights First](#). As Congress considers appropriations for the [Department of Justice](#) for fiscal year 2016, it should provide funds to staff the immigration courts adequately.

The reason for the court backlog is no mystery. Congress has consistently increased resources for immigration enforcement without increasing resources for the courts to adjudicate removal cases at a proportional rate.

Understaffed and overwhelmed, the courts have not been able to handle the volume of removal cases, causing a bottleneck that has led the backlog to grow year by year. The impact is particularly acute in states with large numbers of cases, like Texas where there are over 75,000 pending cases.

Over the years, various leaders have called attention to the problem. In 2006, Attorney General [Alberto Gonzales](#) recommended budget increases for more judges and law clerks so that the courts could "execute their duties appropriately." That same year, [John Walker](#), then the chief judge of the 2nd [U.S. Court of Appeals](#), said the number of immigration judges - then 215 for some 170,000 cases - should be doubled. A 2010 [American Bar Association](#) report confirmed that there were "too few judges and insufficient support staff to competently handle the caseload."

Adequate immigration court staffing is an essential component of enforcement. With an appropriate number of judges and staff, cases will be decided in a timely and fair manner.

Those who are not granted relief will be deported, rather than continue to strain an overcrowded system. Those granted relief will be able to rebuild their lives in the U.S. sooner, instead of living in limbo for years.

[Myers Wood](#) served as the head of Immigration and Customs Enforcement for the [Department of Homeland Security](#) from January 2006 to November 2008.

<http://www.chron.com/opinion/outlook/article/Wood-Courts-could-be-a-step-forward-in-6234283.php>

© Copyright 2015 Hearst Newspapers, LLC