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New Analysis Finds Growing Backlog in Immigration Courts

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Washington, D.C.—Human Rights First today released a [new analysis \(http://www.humanrightsfirst.org/resource/us-immigration-court-ballooning-backlog-requires-action\)](http://www.humanrightsfirst.org/resource/us-immigration-court-ballooning-backlog-requires-action) detailing the immigration court backlog and outlining the effect it has on the fairness and integrity of the asylum and immigration systems. The [analysis \(http://www.humanrightsfirst.org/resource/us-immigration-court-ballooning-backlog-requires-action\)](http://www.humanrightsfirst.org/resource/us-immigration-court-ballooning-backlog-requires-action) comes as appropriators in Congress examine funding for the immigration court system. Human Rights First has urged members of Congress to support in Fiscal Year 2017 appropriations for 75 additional immigration judge teams.

“Year after year, the backlog in the immigration courts continues to grow, leaving those seeking protection in legal limbo for years, and undercutting the integrity of our nation’s immigration system,” said Human Rights First’s Eleanor Acer. “Unless Congress takes action now, the problem will only continue to get worse.”

Today’s [analysis \(http://www.humanrightsfirst.org/resource/us-immigration-court-ballooning-backlog-requires-action\)](http://www.humanrightsfirst.org/resource/us-immigration-court-ballooning-backlog-requires-action) is an excerpt from a comprehensive report to be released by Human Rights First in the coming weeks. It finds that the number of cases pending before the court will soon exceed 500,000. This is far too many for a court staffed with only 254 immigration judges—a fraction of the number needed to address removal cases in a timely manner.

Many states are particularly impacted by the immigration court backlogs. In Texas and California, for example, there are 89,000 and 81,000 pending cases respectively. The number of cases pending in the Houston court grew from 6,423 to 36,136 between 2010 and 2016. With only six immigration judges on the bench in Houston, that court could see its caseload double by FY 2019 without the addition of necessary judges and staff. If the corps of immigration judges remains at its current size, the number of pending cases would reach over 1 million nationally in FY 2022. In Texas, immigrants and asylum seekers must now wait for nearly five years to have their cases heard.

Many other states have growing backlogs, which mean that immigrants are waiting longer to have their cases resolved. On average, individuals currently before the immigration courts can expect to wait over three years in total to have their cases heard; in many courts, the wait time could be much longer. Immigrants in New York can expect to wait at least two and a half years for the court to consider their case. In Maryland, the wait is nearly two years, and in Georgia, Alabama, Arizona, and California, the wait ranges between three and three and a half years. Since 2014, wait times have grown by roughly 30 percent in Houston and Dallas, 20 percent in Newark, and 15 percent in Baltimore. The delays also prolong the separation of refugee families by years, leaving the children and spouses of some refugees stranded in difficult and dangerous situations abroad while they await a grant of asylum.

Disproportionate funding of the immigration system is a primary cause of the backlog. Over the past 14 years, Congress has increased immigration enforcement budgets, but has not proportionately increased the budget of the systems charged with handling the resulting cases. The prioritization of cases of children and families from Central America has led to the further escalation of wait times for the many immigration court cases that have not been prioritized.

Leaders from both parties, including Senators Richard Shelby (R-AL) and Barbara Mikulski (D-MD), as well as Congressmen John Culberson (R-TX) and Michael Honda (D-CA), undertook measures to increase the court's capacity by funding an additional 55 immigration judge teams in the FY 2016 budget. Experts [from across the political spectrum](http://www.chron.com/opinion/outlook/article/Wood-Courts-could-be-a-step-forward-in-6234283.php) (<http://www.chron.com/opinion/outlook/article/Wood-Courts-could-be-a-step-forward-in-6234283.php>) have called for an increase in immigration judges and staff, as well as the U.S. Catholic Conference of Bishops, Lutheran Immigration and Refugee Services, other faith-based and refugee assistance groups, and the [Association of Pro Bono Counsel](http://naij-usa.org/wp-content/uploads/2015/05/AssociationofProBonoCounsel-Support-for-Immigration-Appropriations-FY2016.pdf) (<http://naij-usa.org/wp-content/uploads/2015/05/AssociationofProBonoCounsel-Support-for-Immigration-Appropriations-FY2016.pdf>), which consists of the pro bono leaders of many of the nations leading law firms. Both the American Bar Association and the Administrative Conference of the United States (ACUS) have expressed concern that the immigration courts do not have the resources necessary to deal with their caseloads.

For more information or to speak with Acer, contact Corinne Duffy at DuffyC@humanrightsfirst.org (<mailto:DuffyC@humanrightsfirst.org>) or 202-370-3319.

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