

The Immigration Removal Adjudication System

An Overview

Starting the Process: An Enforcement Action by DHS

- Filing of charging document (Notice to Appear)
- Filed in Immigration Court
- Can be filed by ICE, CIS or CBP
- 250,000 new NTAs in FY 2010

The Immigration Court System

- Two levels: trial and appellate
- 59 Immigration Courts around the country
- 262 Immigration Judges
- Adversarial process
- ICE attorney represents DHS
- Alien pro se or represented by counsel

The Immigration Court System (continued)

- Immigration Judges determine removability and relief from removal
- Master calendar hearings for pleadings
- Merits hearings for relief from removal
- 350,000 matters completed in FY 2010

The Immigration Court System (continued)

- Board of Immigration Appeals is appellate level
- Appeal rate to BIA is about 8 percent
- 15 appellate immigration judges (Board Members)
- 33,000 decisions in FY 2010
- Publishes immigration precedents

Technology

- Digital audio recording system in all Immigration Courts
- Televideo conferencing for some hearings

Federal Court Review

- Alien can seek review of BIA decision in federal court
- 70 percent of federal court cases in Second and Ninth Circuits
- About 7,000 cases in the federal courts
- Large increase beginning in 2002
- Large decreases beginning in 2007

Current issues

- Large caseloads
- High stakes
- Inadequate or non-existent counsel
- Language issues
- Complexity of the law
- Training and quality issues
- Immigration = Controversy