



U.S. Department of Justice
Executive Office for Immigration Review

FY 2005 Statistical Year Book

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The Statistical Year Book is updated annually. The legend at the bottom of each page reflects the last revision date for that page. Yearly updates are available electronically through the EOIR Web Site at www.usdoj.gov/eoir.

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U.S. Department of Justice

Executive Office for Immigration Review

Office of the Director

Director

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February 21, 2006

MESSAGE FROM THE DIRECTOR

I am pleased to provide the FY 2005 Statistical Year Book which summarizes the work of the Executive Office for Immigration Review (EOIR) for the past five years. EOIR, an agency of the Department of Justice, carries out its mission through three main organizational components: the Office of the Chief Immigration Judge (OCIJ); the Board of Immigration Appeals (BIA); and the Office of the Chief Administrative Hearing Officer (OCAHO).

In FY 2005, OCIJ supervised immigration judges located in 52 immigration courts throughout the United States. Immigration Judges travel to more than 100 other hearing locations to conduct proceedings. At each proceeding, a Department of Homeland Security (DHS) Assistant Chief Counsel represents the United States Government, while the respondent alien appears on his or her own behalf or retains an attorney at no expense to the Government.

The BIA, located in Falls Church, Virginia, conducts appellate reviews of decisions rendered by Immigration Judges. All published decisions of the Board are binding on Immigration Judges and on DHS, unless overruled or modified by the Attorney General or a Federal court. Unpublished decisions of the Board are binding on the Immigration Judge or the DHS with regard to the individual case at issue, unless overruled or modified by the Attorney General or a Federal court.

The third EOIR component, OCAHO, also is located in Falls Church. OCAHO resolves cases concerning employer sanctions, immigration-related employment discrimination, and document fraud.

EOIR collects information about aliens who appear in immigration courts and whose cases subsequently are appealed to the BIA. Both immigration court staff, located throughout the United States, and the BIA staff, record and update case information in EOIR's information processing systems.

The following report is intended to provide an introduction to the types of immigration matters processed by EOIR on a daily basis. Included in this report are data from FY 2001 - FY 2005. Data in this report have been updated, and thus may be slightly different from previously published Statistical Year Book data.

The accomplishments reported in the Statistical Year Book are the result of the effort and dedication demonstrated by EOIR staff members throughout the year.

Kevin D. Rooney
Director

FY 2005 HIGHLIGHTS

- Receipts by the immigration courts increased by 31 percent between FY 2001 (282,396) and FY 2005 (368,848). Receipts in FY 2005 increased by 23 percent from FY 2004. (Figure 1, Page B2)
- Completions by the immigration courts increased by 36 percent between FY 2001 (259,475) and FY 2005 (352,287). Completions in FY 2005 increased by 17 percent from FY 2004. (Figure 1, Page B2)
- Immigration Judge decisions increased by 66 percent between FY 2001 (159,778) and FY 2005 (264,723). (Figure 4, Page D1)
- Mexico, El Salvador, Honduras, Brazil, and Guatemala represent the predominant nationalities of immigration court completions during FY 2005. (Figure 6, page E1)
- Spanish was the most frequently spoken language for immigration court case completions during FY 2005. (Figure 8, page F1).
- Thirty -five (35) percent of aliens whose cases were completed in immigration courts during FY 2005 were represented. (Figure 9, page G1)
- Overall failure to appear rates increased in FY 2005 (39%) from a five year low in FY 2003 (22%). (Figure 10, page H1)
- Asylum filings at the immigration courts decreased by over 23,000 applications from FY 2002 to FY 2005. Over 20,000 of this decrease was in affirmative receipts. (Figure 13, page I1)
- In FY 2005, the Los Angeles, CA; Miami, FL; New York, NY; and San Francisco, CA immigration courts received 53 percent of the total asylum filings. (Table 6, page I3)
- Five nationalities were among the top ten nationalities granted asylum each year during the five-year period: China, India, Colombia, Albania, and Haiti. (Table 7, page J2)
- The grant rate for asylum applications remained 38 percent (Figure 16, page K2). The grant rate was 44 percent for affirmative applications (Figure 17, page K2), and 28 percent for defensive applications (Figure 18, page K2).

- In FY 2005, 26 percent of proceedings completed at the immigration courts had applications for relief. (Figure 22, page N1)
- Twenty-nine (29) percent of FY 2005 immigration court completions involved detained aliens. (Figure 23, page O1)
- BIA had a 52 percent increase in receipts between FY 2001 (28,148) and FY 2005 (42,734) and a 46 percent increase in completions. (Table 17, page T2)
- Mexico, China, Haiti, Colombia, and India represent the predominant nationalities of BIA case completions. (Figure 29, page V1)
- Sixty-nine (69) percent of the cases completed by the BIA in FY 2005 were for represented aliens. (Figure 30, page W1)
- In FY 2005, 12 percent of IJ Decisions were appealed to the BIA. (Figure 32, page Y1)

Immigration Courts: Total Matters Received and Completed

An alien charged by the Department of Homeland Security (DHS) with a violation of immigration law is issued a charging document. The most common charging documents are the Notice to Appear (NTA) and the Notice of Referral to Immigration Judge. When the charging document is filed by DHS with the Immigration Court, jurisdiction over the case transfers from DHS to the Executive Office for Immigration Review (EOIR), which has oversight over the 53¹ Immigration Courts located throughout the United States. Once an alien has been ordered removed by EOIR, DHS carries out the removal; EOIR does not maintain statistics on alien removals from the United States.

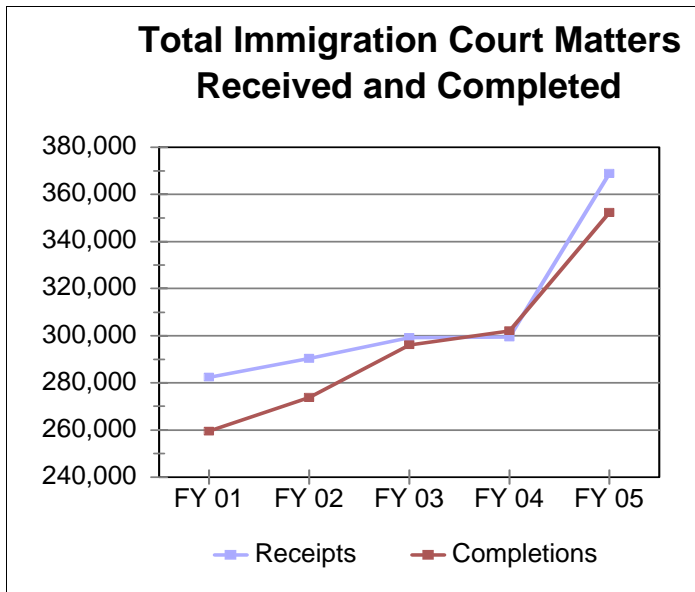
During court proceedings, aliens appear before an Immigration Judge, and either contest or concede the charges against them. In some instances, the Immigration Judge adjourns the case and sets a continuance date; for example, the judge may allow the alien time to obtain representation or to file an application for relief. After hearing a case, the Immigration Judge renders a decision. The Immigration Judge may order the alien removed, or may grant relief such as cancellation of removal, asylum, adjustment of status, etc. If the Immigration Judge decides that removability has not been established by DHS, he or she may terminate the proceedings.

In addition to proceedings, Immigration Judges consider other matters such as bonds and motions.

- Bond redetermination hearings are held when an alien in custody seeks release on his or her own recognizance, or seeks a reduction in the amount of bond. In some cases, bond redetermination hearings are held before EOIR receives the charging document from DHS. During bond redetermination hearings, the judge may decide to lower, raise, maintain, or eliminate altogether the bond amount set by DHS, or to change bond conditions.
- Additionally, either the alien or DHS may request by motion that a case previously heard by an Immigration Judge be reopened or reconsidered. Generally, aliens or DHS file motions to reopen or reconsider because of changed circumstances.

For the purposes of this Year Book, the term Immigration Court matters includes proceedings (deportation, exclusion, removal, credible fear, reasonable fear, claimed status, asylum only, rescission, continued detention review, NACARA, and withholding only), bond redeterminations, and motions. Receipts are defined as the total number of proceedings, bond redeterminations, and motions received by the Immigration Courts during the reporting period. Completions include Immigration Judge decisions on proceedings, bond redeterminations, and motions; other completions such as administrative closings and changes of venue.

¹Data in the Year Book is based on 52 Immigration Courts. The court at Headquarters serves to assist many of the Immigration Courts in the processing of their cases but is not credited with case completions.



	Receipts	Completions
FY 01	282,396	259,475
FY 02	290,389	273,784
FY 03	299,167	296,113
FY 04	299,474	302,030
FY 05	368,848	352,287

Figure 1

As shown in Figure 1 above, the number of immigration matters received by the Immigration Courts increased each year between FY 2001 and FY 2005. The increase in receipts from FY 2001 to FY 2005 was 31 percent. The increase in receipts from FY 2004 to FY 2005 was 23 percent. Immigration matters completed increased from FY 2001 to FY 2005. The five year increase in completions was 36 percent.

While some courts showed significant increases in receipts over FY 2004 levels, others showed decreases. In Table 1, shown on page B3, courts with increases of 25 percent or more are shown in blue, and those with decreases of 25 percent or more are shown in red. Immigration Courts in Boston, MA; Elizabeth, NJ; Harlingen, TX; Hartford, CT; and San Antonio, TX showed increases of 60 percent or more in receipts from FY 2004 to FY 2005. The court in Los Fresnos, TX showed the largest percentage decrease in receipts, down 69 percent.

Table 2 on page B4 provides a comparison of FY 2004 and FY 2005 completions. Courts with increases in completions of 25 percent or more are shown in blue, and those with decreases of 25 percent or more are shown in red. Some courts, such as Harlingen, TX; and San Antonio, TX, had significant increases in both receipts and completions.

Table 1 - Total Immigration Court Matters Received by Court for FY 2004 and FY 2005

Immigration Court	FY 2004	FY 2005	Rate of Change
ARLINGTON, VIRGINIA	7,583	7,375	-3%
ATLANTA, GEORGIA	6,105	7,814	28%
BALTIMORE, MARYLAND	5,320	5,915	11%
BATAVIA SPC, NEW YORK	1,531	1,111	-27%
BLOOMINGTON (ST. PAUL), MINNESOTA	2,905	2,637	-9%
BOSTON, MASSACHUSETTS	6,794	12,231	80%
BRADENTON, FLORIDA	3,122	4,246	36%
BUFFALO, NEW YORK	2,379	2,291	-4%
CHICAGO, ILLINOIS	12,336	13,040	6%
DALLAS, TEXAS	7,105	6,780	-5%
DENVER, COLORADO	6,233	5,808	-7%
DETROIT, MICHIGAN	4,030	3,949	-2%
EAST MESA, CALIFORNIA	6,025	7,782	29%
EL CENTRO SPC, CALIFORNIA	4,408	4,536	3%
EL PASO SPC, TEXAS	5,550	4,519	-19%
EL PASO, TEXAS	3,647	5,194	42%
ELIZABETH SPC, NEW JERSEY	1,011	1,673	65%
ELOY, ARIZONA	10,512	14,805	41%
FISHKILL - NEW YORK STATE DOC, NEW YORK	1,007	1,021	1%
FLORENCE SPC, ARIZONA	8,336	8,271	-1%
GUAYNABO (SAN JUAN), PUERTO RICO	2,342	2,699	15%
HARLINGEN, TEXAS	18,921	34,918	85%
HARTFORD, CONNECTICUT	2,389	4,161	74%
HONOLULU, HAWAII	940	647	-31%
HOUSTON SPC, TEXAS	5,018	4,264	-15%
HOUSTON, TEXAS	8,218	11,610	41%
IMPERIAL, CALIFORNIA	1,448	1,903	31%
JAMAICA QUEENS FACILITY, NEW YORK	464	283	-39%
KROME NORTH SPC, FLORIDA	2,786	3,628	30%
LANCASTER, CALIFORNIA	6,370	7,129	12%
LAS VEGAS, NEVADA	2,706	3,680	36%
LOS ANGELES, CALIFORNIA	15,281	17,182	12%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	8,175	2,533	-69%
MEMPHIS, TENNESSEE	2,193	2,405	10%
MIAMI, FLORIDA	20,359	23,001	13%
NEW ORLEANS, LOUISIANA	1,790	1,298	-27%
NEW YORK CITY, NEW YORK	14,448	20,122	39%
NEWARK, NEW JERSEY	5,954	8,096	36%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	4,678	3,702	-21%
ORLANDO, FLORIDA	5,456	5,500	1%
PHILADELPHIA, PENNSYLVANIA	3,086	4,030	31%
PHOENIX, ARIZONA	5,304	4,162	-22%
PORTLAND, OREGON	1,624	1,072	-34%
SAN ANTONIO, TEXAS	18,694	40,122	115%
SAN DIEGO, CALIFORNIA	4,871	5,238	8%
SAN FRANCISCO, CALIFORNIA	9,706	11,135	15%
SAN PEDRO SPC, CALIFORNIA	3,171	5,046	59%
SEATTLE, WASHINGTON	5,838	7,906	35%
TUCSON, ARIZONA	3,986	2,916	-27%
ULSTER - NEW YORK STATE DOC, NEW YORK	830	1,321	59%
VARICK SPC, NEW YORK	2,820	3,473	23%
YORK, PENNSYLVANIA	3,669	2,668	-27%
TOTAL	299,474	368,848	23%

 Courts with decreases in receipts equal to or more than 25%  Courts with increases in receipts equal to or more than 25%

