



U.S. Department of Justice

**Executive Office for Immigration Review
Board of Immigration Appeals**

Chairman

5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

December 16, 2004

Letters Editor
Newsday
235 Pinelawn Road
Melville, New York 11747-4250

We share the concern of the U.S. Courts of Appeals regarding the dramatic rise in the number of immigration cases they now receive each year. However, your article ["Burdened by Appeals," Dec. 15] may have left some misimpressions that need clarification.

Most important, it is inaccurate to state that affirmances by the Board are "rubber-stamped." Every case before the Board is reviewed fully and fairly, and provisions are available for motions to reconsider if an alien believes the Board has erred in its adjudication. The quality of the review remains standard -- each case is reviewed on a case-by-case basis and afforded the necessary time and consideration to ensure fairness.

It is also inaccurate to describe the Board's pending case load as an "administrative backlog." More than 90% of the pending cases at the Board were filed in FY 2004 or later. The cited figure of 33,000 cases is less than a year's total of new matters filed before the Board -- which numbered 42,000 in FY 2004. In addition, three panel member Board decisions have not been eliminated, but remain for certain categories of cases.

We very much appreciate the challenges facing the Federal courts and those who defend our decisions before them. We will continue working closely with both groups to alleviate some of the administrative burdens in the review process. Whatever the reasons for this unprecedented increase in the rate and number of appeals, it is important to ensure that facts of the situation are not overlooked.

Sincerely,

A handwritten signature in cursive script that reads "Lori Scialabba".

Lori Scialabba
Chairman