

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

**STATISTICAL YEAR BOOK  
2001**



**Prepared by the Office of Planning and Analysis**

**Contact Information**  
Public Affairs Office  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 22041  
(703) 305-0289  
(703) 605-0365 (fax)

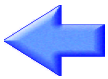
**DISCLAIMER**

The Statistical Year Book has been prepared as a public service by the Executive Office for Immigration Review (EOIR) and is strictly informational in nature. In no way should any information in the Year Book, in whole or in part, be regarded as legal advice or authority, or be understood in any way to enlarge upon, or otherwise modify or interpret, any existing legal authority, including, but not limited to, the Immigration and Nationality Act and Title 8 of the Code of Federal Regulations.

The Statistical Year Book is updated annually. The legend at the bottom of each page reflects the last revision date for that page. Data in this report have been updated, and thus may be slightly different from previously published data. Yearly updates will be available electronically through the EOIR Web Site at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).



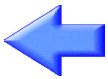
**March 2002**



**FY 2001 STATISTICAL YEAR BOOK  
TABLE OF CONTENTS**

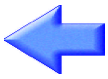
---

|  | <b><u>TAB</u></b> |
|--|-------------------|
| Summary of Highlights/Introduction   | A                 |
| Total Matters Received and Completed by the Immigration Courts                 | B                 |
| Total Cases Received and Completed by the Board of Immigration Appeals         | C                 |
| Immigration Court Matters Received and Completed by Type                       | D                 |
| Board of Immigration Appeals Cases Received and Completed by Type              | E                 |
| Immigration Court Cases by Nationality (Completions Only)                      | F                 |
| Board of Immigration Appeals IJ Case Appeals by Nationality (Completions Only) | G                 |
| Immigration Court Cases by Language (Completions Only)                         | H                 |
| Immigration Court Case Completions   | I                 |
| Immigration Court Completions by Representation Status                         | J                 |
| Board of Immigration Appeals Completions by Representation Status              | K                 |
| Failures to Appear (Immigration Courts)  | L                 |
| Asylum (Immigration Courts)  | M                 |
| Asylum Grants by Nationality (Immigration Courts)                              | N                 |
| Disposition of Asylum Cases (Immigration Courts)                               | O                 |
| Expedited Asylum (Immigration Courts)  | P                 |
| Suspension of Deportation/Cancellation of Removal                              | Q                 |
| Convention Against Torture   | R                 |
| Immigration Court Cases Completed With Applications for Relief                 | S                 |
| Processing of Detained Cases (Immigration Courts)                              | T                 |
| Processing of Institutional Hearing Program Cases by the Immigration Courts    | U                 |
| Processing of Detained Cases (Board of Immigration Appeals)                    | V                 |
| Office of the Chief Administrative Hearing Officer Cases                       | W                 |



## SUMMARY OF HIGHLIGHTS

- Receipts by the immigration courts increased by 12 percent between FY 2000 (255,420) and FY 2001 (285,090) (Table 1).
- BIA completions increased by 49 percent between FY 2000 and FY 2001 (Figure 4). This was due largely to BIA's Streamlining initiative which accounted for over 15,000 completions.
- Mexico, China and Central American countries represent the predominant nationalities of immigration court cases (completions) during FY 2001 (Table 7).
- Mexico and El Salvador represent the predominant nationalities of BIA cases (completions) during FY 2001. In FY 2001, Salvadoran nationals experienced the largest growth from seven percent to 17 percent (Table 11).
- Spanish was the most frequently spoken language for immigration court cases (completions) during FY 2001. The number of different languages used in court proceedings has increased by 29 percent since FY 1997. (Figure 10).
- More than half of the aliens whose cases were completed in immigration court during FY 2001 were unrepresented (Figure 13).
- Sixty-four percent of the aliens who appealed to the BIA in FY 2001 were represented (based on completed cases) (Figure 14).
- Asylum filings at the immigration courts increased 18 percent from FY 2000 (51,535 filings) to FY 2001 (60,705 filings) (Figure 18). In FY 2001, the New York City, San Francisco, Los Angeles, and Miami immigration courts received 66 percent of the asylum filings (Figure 18).
- In FY 2001, the top nationality granted asylum in immigration courts was Chinese (Table 14).
- Immigration courts adjudicated 17,660 Convention Against Torture (CAT) applications in FY 2001. In FY 2001, the grant rate for CAT applications completed was 4.4 percent (Table 20).
- Thirty-five percent of FY 2001 immigration court completions involved detained aliens (Figure 23).



## Introduction

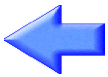
The Executive Office for Immigration Review (EOIR) was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization that combined the Board of Immigration Appeals (BIA) with the Immigration Judge function previously performed by the Immigration and Naturalization Service (INS). In addition to establishing EOIR as a separate agency within DOJ, this reorganization made the immigration courts independent of INS, the agency charged with enforcement of federal immigration laws.

EOIR's Office of the Chief Immigration Judge supervises 209 immigration judges located in 51 courts throughout the United States. Eighteen of the 51 immigration courts are located in either detention centers or prisons. Additionally, immigration judges travel to more than 100 other hearing locations to conduct proceedings. At each proceeding, an INS trial attorney 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. An immigration judge decides if the alien is removable as charged. A judge's decision is administratively final, unless appealed or certified to the BIA.

The BIA, located in Falls Church, VA, conducts appellate review of decisions rendered by immigration judges. Another EOIR component, the Office of the Chief Administrative Hearing Officer (OCAHO), resolves cases concerning employer sanctions, immigration-related employment discrimination and document fraud.

EOIR collects information about aliens who appear in immigration court and who appeal their cases to the BIA. Both immigration court staff, located throughout the United States, and BIA staff, record and update case information in EOIR's information processing system, the Automated Nationwide System for Immigration Review (ANSIR).

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 is data from FY 1997 to FY 2001. Data in this report have been updated, and thus may be slightly different from previously published data.



## Total Matters Received and Completed by the Immigration Courts

Aliens charged by the Immigration and Naturalization Service (INS) with violating the immigration laws are issued a *Notice to Appear* (NTA) at one of the immigration courts. During court proceedings, aliens appear before a judge and either contest or concede the charges. During some proceedings, the judge may adjourn and set a continuance date for various reasons, such as allowing the alien time to obtain representation or to file an application for relief. After hearing the case, the judge renders a decision. Proceedings may also be completed for other reasons, such as administrative closings, changes of venue, transfers, and grants of temporary protected status.

Additionally, other matters,<sup>1</sup> such as bonds and motions are considered by immigration judges. If detained, the alien may be required to post a bond with the INS before release. If the alien disagrees with the bond amount set by the INS, the alien has the right to ask an immigration judge to redetermine the bond amount. During bond redetermination hearings, judges may decide to either raise, lower, or maintain the original bond amount set by INS. In some cases, the judge will eliminate the bond completely, or change any of the bond conditions over which the immigration court has authority. Aliens may also request by motion the reopening or reconsideration of a case previously heard by an immigration judge. Generally, aliens file such motions because of changed circumstances. Denial of a motion may be appealed to the Board of Immigration Appeals or to the federal courts. INS may also file a motion to reopen a case.

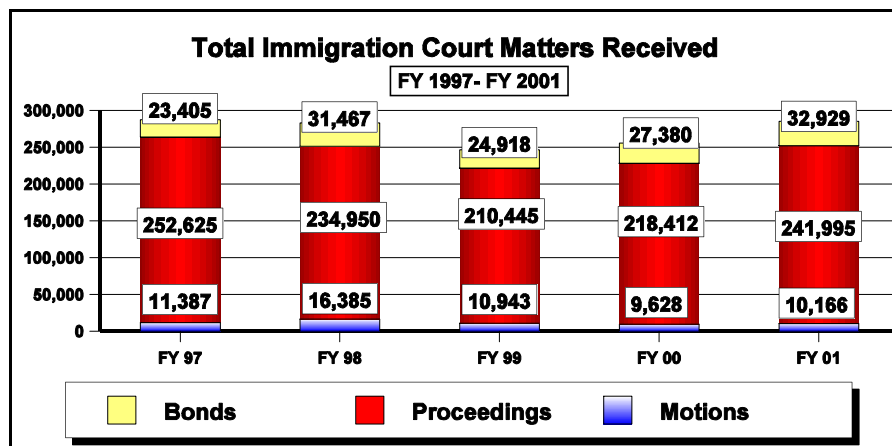


Figure 1

<sup>1</sup>For the purposes of this year book, matters include all proceedings, bonds, and motions. Types of proceedings include deportation, removal, exclusion, rescission, credible fear, etc.



As shown in Figure 1, the number of matters received by the immigration courts decreased by 2 percent between FY 1997 and FY 1998, and by 13 percent between FY 1998 and FY 1999. The decline in FY 1998 and FY 1999 may have been influenced by the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA granted INS authority to deny admission to individuals arriving in the United States by fraudulent means or without proper entry documents. Previously, such individuals were issued a *Notice to Applicant for Admission Detained for Hearing Before Immigration Judge* (Form I-122), and placed in exclusion proceedings. Between FY 1999 and FY 2000, the number of matters received by the immigration courts increased by 4 percent and another 12 percent between FY 2000 and FY 2001.

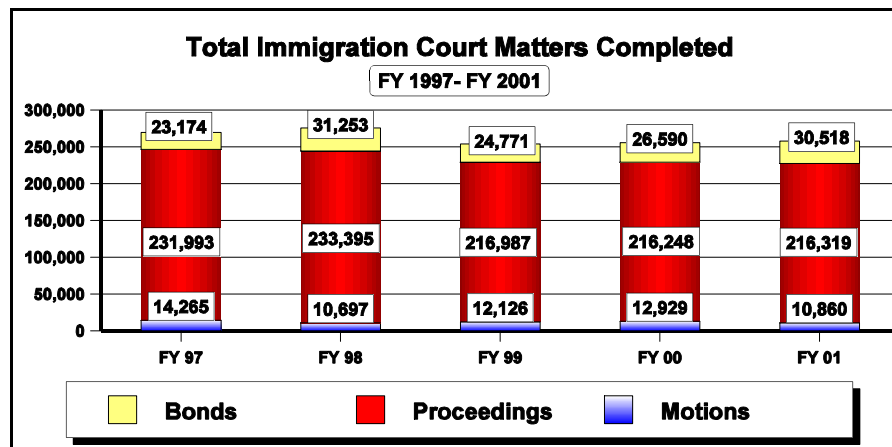
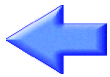


Figure 2

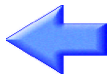
Similarly, the number of matters completed by the immigration courts increased between FY 1997 and FY 1998, decreased from FY 1998 to FY 1999 and increased slightly from FY 1999 to FY 2001. Figures 1 and 2 reflect that in FY 1997 and FY 1998, receipts exceeded completions at the immigration courts for all matters. Starting in FY 1998 and continuing through FY 2000, completions exceeded receipts. In FY 2001 receipts exceeded completions by more than 27,000 matters.

Table 1 compares matters received by the immigration courts from FY 2000 to FY 2001. Overall, receipts increased by 12 percent from FY 2000. Immigration courts located in Batavia, NY; Memphis, TN; Orlando, FL; and San Diego, CA, showed increases of 50 percent or more in receipts from FY 2000 to FY 2001.

Table 1 (a) provides a court-by-court comparison of immigration court completions between FY 2000 and FY 2001.

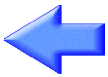
**Table 1 - Total Immigration Court Matters Received for FY 2000 and FY 2001**

| <b>Immigration Court</b>          | <b>FY 2000</b> | <b>FY 2001</b> | <b>Rate of Change</b> |
|-----------------------------------|----------------|----------------|-----------------------|
| ARLINGTON, VIRGINIA               | 3,280          | 4,174          | 27%                   |
| ATLANTA, GEORGIA                  | 4,780          | 4,317          | -10%                  |
| BALTIMORE, MARYLAND               | 3,121          | 3,320          | 6%                    |
| BATAVIA SPC                       | 1,040          | 1,736          | 67%                   |
| BOSTON, MASSACHUSETTS             | 5,519          | 5,628          | 2%                    |
| BRADENTON COUNTY JAIL             | 2,001          | 2,847          | 42%                   |
| BUFFALO, NEW YORK                 | 3,107          | 2,576          | -17%                  |
| CHICAGO, ILLINOIS                 | 11,542         | 10,709         | -7%                   |
| DALLAS, TEXAS                     | 7,916          | 7,909          | -0%                   |
| DENVER, COLORADO                  | 5,586          | 6,386          | 14%                   |
| DETROIT, MICHIGAN                 | 3,935          | 4,700          | 19%                   |
| EL CENTRO, CALIFORNIA             | 4,135          | 5,426          | 31%                   |
| EL PASO, TEXAS                    | 9,738          | 12,648         | 30%                   |
| ELIZABETH SPC                     | 611            | 581            | -5%                   |
| ELOY BUREAU OF PRISONS FACILITY   | 7,649          | 9,330          | 22%                   |
| FLORENCE, ARIZONA                 | 7,166          | 7,936          | 11%                   |
| HARLINGEN, TEXAS                  | 10,324         | 9,786          | -5%                   |
| HARTFORD, CONNECTICUT             | 1,569          | 1,805          | 15%                   |
| HONOLULU, HAWAII                  | 669            | 926            | 38%                   |
| HOUSTON SERVICE PROCESSING CENTER | 3,913          | 4,086          | 4%                    |
| HOUSTON, TEXAS                    | 5,706          | 5,470          | -4%                   |
| IMPERIAL, CALIFORNIA              | 2,083          | 1,879          | -10%                  |
| KROME NORTH SPC                   | 4,203          | 3,363          | -20%                  |
| LAS VEGAS, NEVADA                 | 2,271          | 3,158          | 39%                   |
| LOS ANGELES, CALIFORNIA           | 17,765         | 24,924         | 40%                   |
| MEMPHIS, TENNESSEE                | 1,215          | 2,003          | 65%                   |
| MIAMI, FLORIDA                    | 14,483         | 17,261         | 19%                   |
| MIRA LOMA DETENTION FACILITY      | 5,355          | 7,626          | 42%                   |
| NEW ORLEANS, LOUISIANA            | 1,878          | 1,388          | -26%                  |
| NEW YORK CITY, NEW YORK           | 19,714         | 20,631         | 5%                    |
| NEW YORK STATE DOC- FISHKILL      | 1,048          | 1,016          | -3%                   |
| NEW YORK STATE DOC - ULSTER       | 1,085          | 1,159          | 7%                    |
| NEW YORK VARICK SPC               | 2,340          | 2,151          | -8%                   |
| NEWARK, NEW JERSEY                | 5,492          | 5,622          | 2%                    |
| OAKDALE FEDERAL DETENTION CENTER  | 3,419          | 2,842          | -17%                  |
| ORLANDO, FLORIDA                  | 1,970          | 3,082          | 56%                   |
| OTAY MESA, CALIFORNIA             | 1,594          | 505            | -68%                  |
| PHILADELPHIA, PENNSYLVANIA        | 2,385          | 2,846          | 19%                   |
| PHOENIX, ARIZONA                  | 2,018          | 1,604          | -21%                  |
| PORT ISABEL SPC                   | 10,848         | 13,417         | 24%                   |
| PORTLAND, OREGON                  | 1,098          | 1,383          | 26%                   |
| QUEENS WACKENHUT FACILITY         | 758            | 776            | 2%                    |
| SAN ANTONIO, TEXAS                | 13,916         | 12,542         | -10%                  |
| SAN DIEGO, CALIFORNIA             | 6,520          | 11,073         | 70%                   |
| SAN FRANCISCO, CALIFORNIA         | 9,045          | 9,385          | 4%                    |
| SAN JUAN, PUERTO RICO             | 2,358          | 3,176          | 35%                   |
| SAN PEDRO, CALIFORNIA             | 4,300          | 4,076          | -5%                   |
| SEATTLE, WASHINGTON               | 5,818          | 5,954          | 2%                    |
| ST. PAUL, MINNESOTA               | 2,371          | 1,718          | -28%                  |
| TUCSON, ARIZONA                   | 2,097          | 2,681          | 28%                   |
| YORK COUNTY PRISON                | 2,666          | 3,553          | 33%                   |
| <b>Total</b>                      | <b>255,420</b> | <b>285,090</b> | <b>12%</b>            |

**Table 1(a) - Total Immigration Court Matters Completed for FY 2000 and 2001**

| <b>Immigration Court</b>          | <b>FY 2000</b> | <b>FY 2001</b> | <b>Rate of Change</b> |
|-----------------------------------|----------------|----------------|-----------------------|
| ARLINGTON, VIRGINIA               | 3,483          | 3,382          | -3%                   |
| ATLANTA, GEORGIA                  | 4,631          | 4,741          | 2%                    |
| BALTIMORE, MARYLAND               | 3,224          | 3,074          | -5%                   |
| BATAVIA SPC                       | 992            | 1,748          | 76%                   |
| BOSTON, MASSACHUSETTS             | 4,811          | 4,869          | 1%                    |
| BRADENTON COUNTY JAIL             | 1,908          | 2,719          | 43%                   |
| BUFFALO, NEW YORK                 | 3,057          | 2,899          | -5%                   |
| CHICAGO, ILLINOIS                 | 8,752          | 10,668         | 22%                   |
| DALLAS, TEXAS                     | 7,528          | 8,271          | 10%                   |
| DENVER, COLORADO                  | 5,564          | 5,916          | 6%                    |
| DETROIT, MICHIGAN                 | 4,097          | 3,510          | -14%                  |
| EL CENTRO, CALIFORNIA             | 4,097          | 5,296          | 29%                   |
| EL PASO, TEXAS                    | 9,667          | 11,814         | 22%                   |
| ELIZABETH SPC                     | 576            | 574            | -0%                   |
| ELOY BUREAU OF PRISONS FACILITY   | 7,731          | 9,008          | 17%                   |
| FLORENCE, ARIZONA                 | 6,859          | 8,046          | 17%                   |
| HARLINGEN, TEXAS                  | 10,669         | 9,225          | -14%                  |
| HARTFORD, CONNECTICUT             | 1,467          | 1,572          | 7%                    |
| HONOLULU, HAWAII                  | 936            | 718            | -23%                  |
| HOUSTON SERVICE PROCESSING CENTER | 3,761          | 4,187          | 11%                   |
| HOUSTON, TEXAS                    | 6,343          | 5,353          | -16%                  |
| IMPERIAL, CALIFORNIA              | 2,101          | 1,799          | -14%                  |
| KROME NORTH SPC                   | 4,209          | 3,338          | -21%                  |
| LAS VEGAS, NEVADA                 | 2,677          | 3,118          | 16%                   |
| LOS ANGELES, CALIFORNIA           | 17,479         | 15,601         | -11%                  |
| MEMPHIS, TENNESSEE                | 1,374          | 1,677          | 22%                   |
| MIAMI, FLORIDA                    | 16,512         | 13,531         | -18%                  |
| MIRA LOMA DETENTION FACILITY      | 5,123          | 7,391          | 44%                   |
| NEW ORLEANS, LOUISIANA            | 1,997          | 1,260          | -37%                  |
| NEW YORK CITY, NEW YORK           | 20,441         | 18,602         | -9%                   |
| NEW YORK STATE DOC- FISHKILL      | 1,430          | 947            | -34%                  |
| NEW YORK STATE DOC - ULSTER       | 1,398          | 1,097          | -22%                  |
| NEW YORK VARICK SPC               | 2,166          | 2,134          | -1%                   |
| NEWARK, NEW JERSEY                | 5,612          | 5,349          | -5%                   |
| OAKDALE FEDERAL DETENTION CENTER  | 3,449          | 2,854          | -17%                  |
| ORLANDO, FLORIDA                  | 1,729          | 2,210          | 28%                   |
| OTAY MESA, CALIFORNIA             | 1,485          | 589            | -60%                  |
| PHILADELPHIA, PENNSYLVANIA        | 2,176          | 2,333          | 7%                    |
| PHOENIX, ARIZONA                  | 2,304          | 1,767          | -23%                  |
| PORT ISABEL SPC                   | 10,952         | 12,444         | 14%                   |
| PORTLAND, OREGON                  | 1,040          | 1,353          | 30%                   |
| QUEENS WACKENHUT FACILITY         | 736            | 779            | 6%                    |
| SAN ANTONIO, TEXAS                | 13,293         | 12,434         | -6%                   |
| SAN DIEGO, CALIFORNIA             | 6,788          | 9,814          | 45%                   |
| SAN FRANCISCO, CALIFORNIA         | 9,809          | 7,623          | -22%                  |
| SAN JUAN, PUERTO RICO             | 2,159          | 2,948          | 37%                   |
| SAN PEDRO, CALIFORNIA             | 4,137          | 4,070          | -2%                   |
| SEATTLE, WASHINGTON               | 5,791          | 5,432          | -6%                   |
| ST. PAUL, MINNESOTA               | 2,421          | 1,764          | -27%                  |
| TUCSON, ARIZONA                   | 2,186          | 2,575          | 18%                   |
| YORK COUNTY PRISON                | 2,640          | 3,274          | 24%                   |
| <b>Total</b>                      | <b>255,767</b> | <b>257,697</b> | <b>1%</b>             |





## Total Cases Received and Completed by the Board of Immigration Appeals

The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges (IJ) or INS district directors (DD). BIA decisions are binding on all INS officers and immigration judges unless modified or overruled by the Attorney General or a federal court. The majority of cases reviewed by the BIA involve decisions made in removal, deportation, and exclusion proceedings, and for the purposes of this year book are referred to as IJ appeals. Other types of cases over which the BIA has jurisdiction include certain appeals of INS decisions involving (1) family-based visa petitions adjudicated by INS DDs or Regional Service Center directors; (2) fines and penalties imposed upon carriers for violations of immigration laws; and (3) bonds set subsequent to an immigration judge's ruling. For the purposes of this year book, appeals from these INS decisions are referred to as DD appeals.

Before July 1, 1996, all IJ appeals to the BIA were filed with the immigration courts. In FY 1996, new regulations streamlined the filing process by requiring that all appeals be filed directly with the BIA. The new regulations also established a 30-day period, from the date of an IJ decision, for filing an appeal. Figure 3 depicts a 9 percent decrease in IJ appeal receipts between FY 1997 and FY 2001.

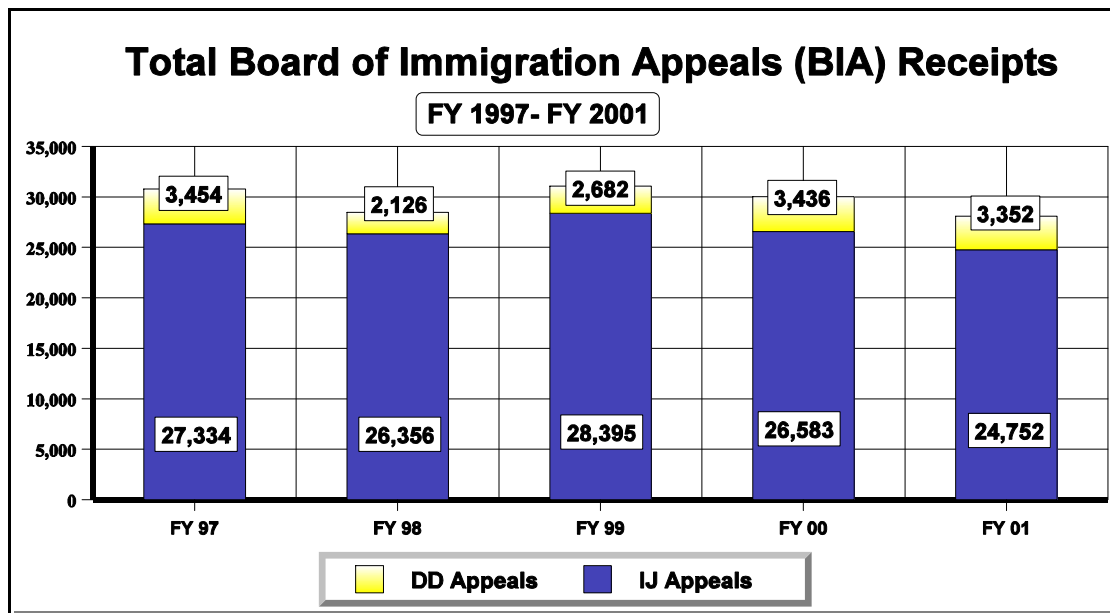
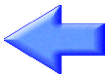


Figure 3



The data in Figure 4 shows that between FY 1997 and FY 1998, the number of BIA completions increased significantly. The increase in FY 1998 is largely attributable to the Nicaraguan Adjustment and Central American Relief Act and the Haitian Refugee Immigration Fairness Act. As a result of key provisions in these Acts, the BIA remanded or administratively closed nearly 6,000 appeals. Another significant surge occurred in FY 2001 with the Streamlining Pilot Project. Streamlining was able to quickly decide more than 15,000 cases in FY 2001.

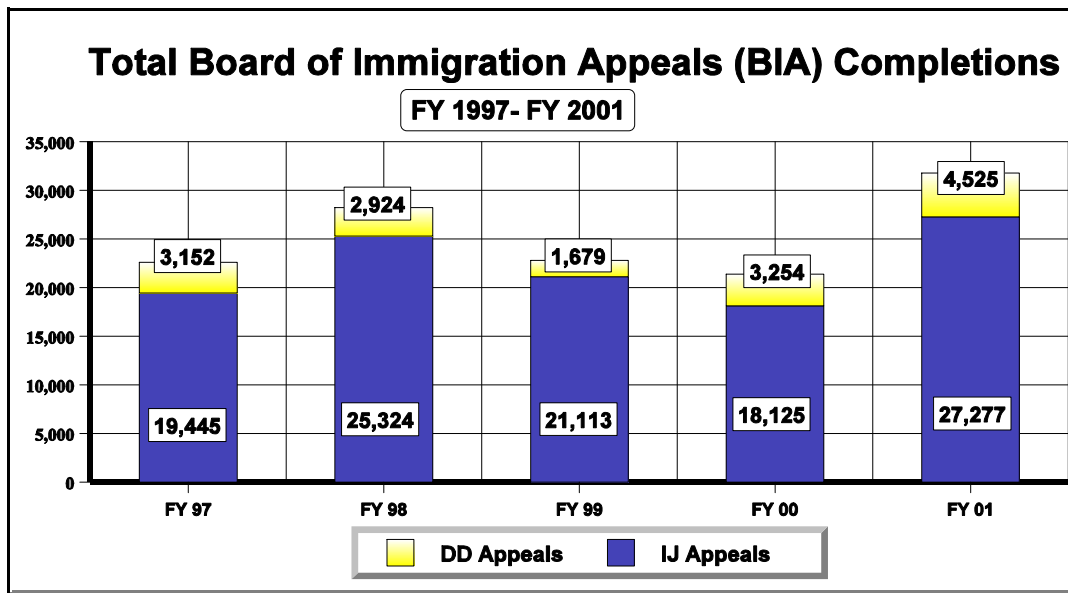
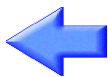


Figure 4

The BIA receipts and completions depicted above in Figures 3 and 4 represent cases. One case involves one lead alien and may also include other family members. EOIR is able to provide a total count of aliens whose cases were received and completed by the BIA. Table 2 contains data on the number of aliens whose cases were received or completed by the BIA between FY 1997 and FY 2001.

Table 2 - Total BIA Receipts and Completions (by Alien)

|                               | FY 1997       | FY 1998       | FY 1999       | FY 2000       | FY 2001       |
|-------------------------------|---------------|---------------|---------------|---------------|---------------|
| Receipts-IJ Appeals           | 31,566        | 30,123        | 32,489        | 30,530        | 28,118        |
| Receipts-DD Appeals           | 3,452         | 2,127         | 2,671         | 3,417         | 3,313         |
| <b>Total Number of Aliens</b> | <b>35,018</b> | <b>32,250</b> | <b>35,160</b> | <b>33,947</b> | <b>31,431</b> |
| Completions-IJ Appeals        | 21,408        | 29,722        | 23,458        | 20,039        | 30,526        |
| Completions-DD Appeals        | 3,158         | 2,927         | 1,679         | 3,254         | 4,525         |
| <b>Total Number of Aliens</b> | <b>24,566</b> | <b>32,649</b> | <b>25,137</b> | <b>23,293</b> | <b>35,051</b> |



## Immigration Court Matters Received and Completed by Type

Under the immigration laws in effect in FY 1996, individuals charged by the INS as inadmissible or deportable were placed in either deportation or exclusion proceedings. At that time, EOIR's jurisdiction began when INS filed either an *Order to Show Cause* (OSC) or a *Notice to Applicant for Admission Detained for Hearing Before Immigration Judge* (Form I-122). As depicted in Table 3, deportation cases were the most common type of matter heard in FY 1997.

Under the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, which became effective in 1997, INS files a *Notice to Appear* (NTA) to initiate removal (formerly deportation) proceedings. Immigration courts began receiving removal cases in FY 1997. Besides removal cases, IIRIRA established three new types of cases. In credible fear cases, an immigration judge conducts a hearing for an alien who appeared at a port of entry with no documents or fraudulent documents, claimed asylum and was found not to have a "credible fear" of persecution by INS. Based on that finding, the alien is subject to expedited removal. If the immigration judge determines there is "credible fear," the judge will vacate the INS order of expedited removal. In a claimed status review, an immigration judge determines if an individual's claim to be a citizen or lawful permanent resident of the United States is valid. An asylum only case is initiated when an arriving "crewman or stowaway" is not eligible to apply for admission into the United States, but wants to request asylum.

Rescissions, a less common type of case, are also received by the immigration courts. In a rescission case, INS issues a *Notice of Intent to Rescind* an individual's permanent resident status, and the individual has the right to contest the charge before an immigration judge.

Table 3 includes all types of matters received by the immigration courts between FY 1997 and FY 2001, including bonds and motions.

**Table 3 - FY1997- FY 2001 Immigration Court Matters Received by Type**

| Type of Matter | FY 1997        | FY 1998        | FY 1999        | FY 2000        | FY 2001        |
|----------------|----------------|----------------|----------------|----------------|----------------|
| Deportation    | 139,573        | 19,427         | 12,563         | 10,256         | 7,802          |
| Exclusion      | 22,468         | 1,512          | 1,557          | 1,217          | 1,065          |
| Removal        | 89,880         | 213,105        | 195,474        | 204,136        | 229,571        |
| Credible Fear  | 162            | 90             | 130            | 198            | 182            |
| Claimed Status | 48             | 129            | 118            | 161            | 118            |
| Asylum Only    | 32             | 168            | 561            | 2,399          | 3,217          |
| Rescission     | 99             | 42             | 40             | 44             | 40             |
| Unknown        | 363            | 477            | 2              | 1              | 0              |
| Bonds          | 23,405         | 31,467         | 24,918         | 27,380         | 32,929         |
| Motions        | 11,387         | 16,385         | 10,943         | 9,628          | 10,166         |
| <b>Total</b>   | <b>287,417</b> | <b>282,802</b> | <b>246,306</b> | <b>255,420</b> | <b>285,090</b> |

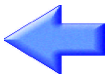
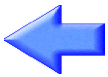


Table 4 includes the number of immigration court matters completed between FY 1997 and FY 2001. In addition to the new proceedings mandated under IIRIRA, immigration judges continue to rule on pre-IIRIRA deportation and exclusion cases.

**Table 4- FY1997- FY 2001 Immigration Court Matters Completed by Type**

| Type of Matter | FY 1997        | FY 1998        | FY 1999        | FY 2000        | FY 2001        |
|----------------|----------------|----------------|----------------|----------------|----------------|
| Deportation    | 158,520        | 56,675         | 34,105         | 16,789         | 10,636         |
| Exclusion      | 26,351         | 4,538          | 1,988          | 1,430          | 1,198          |
| Removal        | 46,451         | 171,198        | 180,293        | 195,898        | 201,774        |
| Credible Fear  | 161            | 91             | 124            | 196            | 184            |
| Claimed Status | 44             | 131            | 115            | 159            | 122            |
| Asylum Only    | 16             | 122            | 308            | 1,716          | 2,369          |
| Rescission     | 143            | 73             | 54             | 59             | 36             |
| Unknown        | 307            | 567            | 0              | 1              | 0              |
| Bonds          | 23,174         | 31,253         | 24,771         | 26,590         | 30,518         |
| Motions        | 14,265         | 10,697         | 12,126         | 12,929         | 10,860         |
| <b>Total</b>   | <b>269,432</b> | <b>275,345</b> | <b>253,884</b> | <b>255,767</b> | <b>257,697</b> |



## Board of Immigration Appeals Cases Received and Completed by Type

The Board of Immigration Appeals (BIA) reviews the following: (1) appeals filed from the decisions of immigration judges on motions to reopen proceedings; (2) appeals pertaining to bond, parole, or detention; (3) case appeals from the decisions of immigration judges in removal, deportation, and exclusion proceedings; (4) interlocutory appeals relating to important jurisdictional questions regarding the administration of the immigration laws or recurring problems in the handling of cases by immigration judges; and (5) motions to reopen cases already decided by the BIA. Types of appeals from INS decisions reviewed by the BIA include (1) waivers of inadmissibility for non-immigrants under the Immigration and Nationality Act 212(d)(3); (2) bonds set subsequent to an immigration judge ruling; (3) fines and penalties imposed upon air carriers for violations of immigration laws; and (4) family-based visa petitions adjudicated by INS district directors or Regional Service Center directors.

Table 5 includes a breakdown of the types of cases received by the BIA between FY 1997 and FY 2001.

**Table 5 - FY 1997- FY 2001 BIA Cases Received by Type**

| Type of IJ Appeal                    | FY 1997       | FY 1998       | FY 1999       | FY 2000       | FY 2001       |
|--------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Appeal of IJ Motion To Reopen        | 2,440         | 1,648         | 1,609         | 1,956         | 1,802         |
| Bond Appeal                          | 854           | 822           | 882           | 632           | 528           |
| Case Appeal                          | 20,752        | 21,122        | 22,366        | 21,373        | 18,940        |
| Interlocutory Appeal                 | 206           | 217           | 139           | 115           | 101           |
| Motion To Reopen-BIA                 | 3,082         | 2,547         | 3,399         | 2,507         | 3,381         |
| <b>IJ Appeal Total</b>               | <b>27,334</b> | <b>26,356</b> | <b>28,395</b> | <b>26,583</b> | <b>24,752</b> |
| <b>Type of DD Appeal</b>             |               |               |               |               |               |
| INS 212 Waiver Decisions             | 75            | 67            | 33            | 45            | 20            |
| INS Bond Decisions                   | 9             | 8             | 73            | 110           | 9             |
| INS Decisions on Fines and Penalties | 26            | 52            | 1,276         | 2,053         | 2,193         |
| INS Decisions on Visa Petitions      | 3,344         | 1,999         | 1,300         | 1,228         | 1,130         |
| <b>DD Appeal Total</b>               | <b>3,454</b>  | <b>2,126</b>  | <b>2,682</b>  | <b>3,436</b>  | <b>3,352</b>  |
| <b>Grand Total</b>                   | <b>30,788</b> | <b>28,482</b> | <b>31,077</b> | <b>30,019</b> | <b>28,104</b> |

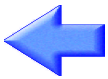


Table 6 includes a breakdown of cases completed by the BIA between FY 1997 and FY 2001. A stay prevents the INS from executing an order of removal, deportation, or exclusion. The BIA is authorized to consider certain stay requests. Table 6 includes the number of stay requests considered by the BIA between FY 1997 and FY 2001.

**Table 6 - FY 1997- FY 2001 BIA Cases Completed<sup>2</sup> by Type**

| <b>Type of IJ Appeal</b>             | <b>FY 1997</b> | <b>FY 1998</b> | <b>FY 1999</b> | <b>FY 2000</b> | <b>FY 2001</b> |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| Appeal of IJ Motion To Reopen        | 1,210          | 1,291          | 1,659          | 1,018          | 2,239          |
| Bond Appeal                          | 886            | 827            | 923            | 777            | 602            |
| Case Appeal                          | 14,496         | 19,915         | 15,791         | 12,936         | 20,569         |
| Interlocutory Appeal                 | 83             | 219            | 189            | 107            | 120            |
| Motion To Reopen-BIA                 | 2,770          | 3,072          | 2,551          | 3,287          | 3,747          |
| <b>IJ Appeal Total</b>               | <b>19,445</b>  | <b>25,324</b>  | <b>21,113</b>  | <b>18,125</b>  | <b>27,277</b>  |
| <b>Type of DD Appeal</b>             |                |                |                |                |                |
| INS 212 Waiver Decisions             | 96             | 87             | 25             | 38             | 25             |
| INS Bond Decisions                   | 5              | 6              | 14             | 169            | 12             |
| INS Decisions on Fines and Penalties | 18             | 13             | 329            | 1,791          | 3,218          |
| INS Decisions on Visa Petitions      | 3,033          | 2,818          | 1,311          | 1,256          | 1,270          |
| <b>DD Appeal Total</b>               | <b>3,152</b>   | <b>2,924</b>   | <b>1,679</b>   | <b>3,254</b>   | <b>4,525</b>   |
| <b>Other Type of BIA Case</b>        |                |                |                |                |                |
| Stays                                | 229            | 222            | 172            | 229            | 194            |
| <b>Other Total</b>                   | <b>229</b>     | <b>222</b>     | <b>172</b>     | <b>229</b>     | <b>194</b>     |
| <b>Grand Total</b>                   | <b>22,826</b>  | <b>28,470</b>  | <b>22,964</b>  | <b>21,608</b>  | <b>31,996</b>  |

<sup>2</sup>The BIA is authorized to consider stay requests for matters within its jurisdiction.



## Immigration Court Cases by Nationality (Completions Only)

Immigration court staff record the nationality of aliens scheduled to appear before immigration judges in EOIR's data system. Figure 5 shows a breakdown of FY 1997 immigration court proceedings completed by nationality. Overall, Mexico and Central American countries represent the predominant nationalities of immigration court completions during FY 1997. The largest group by nationality was from Mexico and accounted for 40 percent of total completions. El Salvador represented the second largest group with 9 percent. Guatemala had 7 percent, while Honduras represented 5 percent and Nicaragua represented 3 percent.

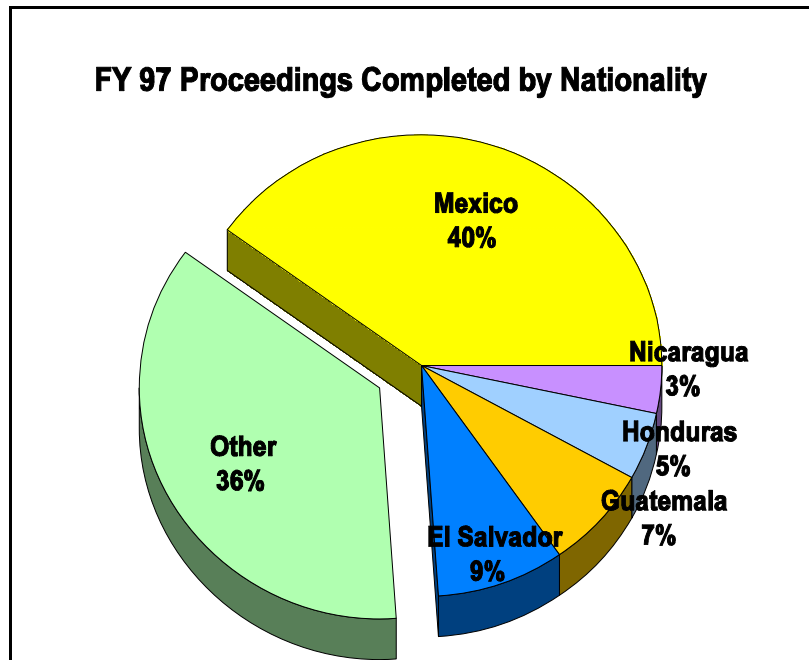
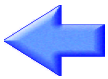


Figure 5

Table 7 - Top FY 1997 Nationalities

| Nationality | Total Cases | Percent of Total |
|-------------|-------------|------------------|
| Mexico      | 93,385      | 40%              |
| Other       | 83,769      | 36%              |
| El Salvador | 19,638      | 9%               |
| Guatemala   | 16,937      | 7%               |
| Honduras    | 10,921      | 5%               |
| Nicaragua   | 7,343       | 3%               |
| Total       | 231,993     | 100%             |

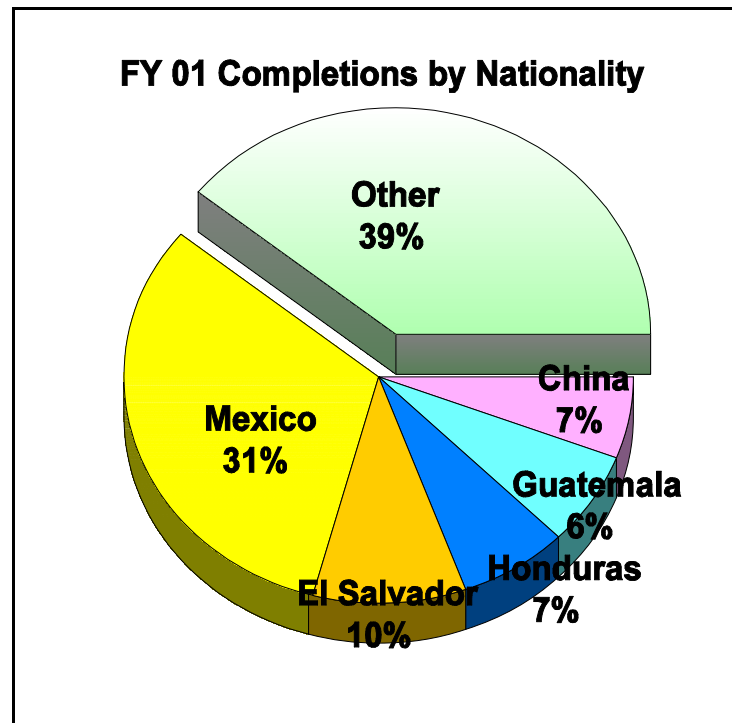


Since all other nationalities each comprised 3 percent or less, they are included in the “Other” category. A breakdown of the top five nationalities in the “Other” category is shown in Table 8.

**Table 8 - Top 5 “Other” FY 1997 Nationalities**

| Nationality   | Total Cases | Percent of Total |
|---------------|-------------|------------------|
| China         | 6,971       | 3%               |
| Haiti         | 6,316       | 3%               |
| Dom. Republic | 5,650       | 2%               |
| Cuba          | 4,248       | 2%               |
| India         | 4,117       | 2%               |

A similar breakdown of completed cases for FY 2001 is shown in Figure 6 and Table 9. The top nationality was Mexico (31 percent), followed by two Central American countries. El Salvador had the second largest representation at 10 percent, followed by Honduras and China at 7 percent each and Guatemala was at 6 percent. All other nationalities are included in the “Other” category in Figure 6. The top five “Other” nationalities are shown on Table 10.



**Figure 6**



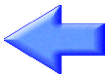


**Table 9 - Top FY 2001 Nationalities**

| <b>Nationality</b> | <b>Total Cases</b> | <b>Percent of Total</b> |
|--------------------|--------------------|-------------------------|
| Other              | 84,549             | 39%                     |
| Mexico             | 69,021             | 31%                     |
| El Salvador        | 21,107             | 10%                     |
| China              | 15,076             | 7%                      |
| Honduras           | 14,414             | 7%                      |
| Guatemala          | 12,152             | 6%                      |
| Total              | 216,319            | 100%                    |

**Table 10 - Top 5 "Other" FY 2001 Nationalities**

| <b>Nationality</b> | <b>Total Cases</b> | <b>Percent of Total</b> |
|--------------------|--------------------|-------------------------|
| Haiti              | 6,244              | 3%                      |
| Cuba               | 5,709              | 3%                      |
| Brazil             | 5,193              | 2%                      |
| Dom. Republic      | 5,113              | 2%                      |
| Colombia           | 5,055              | 2%                      |



## Board of Immigration Appeals IJ Case Appeals by Nationality (Completions Only)

A breakdown of the top five nationalities for BIA completed cases in FY 1997 and FY 2001 is shown in Table 11. We have only included appeals to the decisions of immigration judges and not appeals of INS district directors. Figures 7 and 8 provide a graphic representation of the percent of total completed IJ case appeals by nationality for FY 1997 and FY 2001. In FY 1997, Mexican nationals comprised 18 percent of total BIA cases completed. Between FY 1997 and FY 2001, cases involving El Salvadoran nationals experienced the largest growth from 7 percent to 17 percent in FY 2001

**Table 11 - Breakdown of BIA Cases By Nationality (Completions Only)**

| FY 1997       |               |             | FY 2001       |               |             |
|---------------|---------------|-------------|---------------|---------------|-------------|
| Total Cases   | Nationality   | % of Total  | Total Cases   | Nationality   | % of Total  |
| 3,516         | Mexico        | 18%         | 5,259         | Mexico        | 19%         |
| 1,449         | Nicaragua     | 7%          | 4,519         | El Salvador   | 17%         |
| 1,410         | El Salvador   | 7%          | 2,517         | China         | 9%          |
| 1,356         | Guatemala     | 7%          | 1,493         | Haiti         | 5%          |
| 1,309         | China         | 7%          | 1,347         | Guatemala     | 5%          |
| <b>10,405</b> | <b>Others</b> | <b>54%</b>  | <b>12,142</b> | <b>Others</b> | <b>45%</b>  |
| <b>19,445</b> | <b>Total</b>  | <b>100%</b> | <b>27,277</b> | <b>Total</b>  | <b>100%</b> |

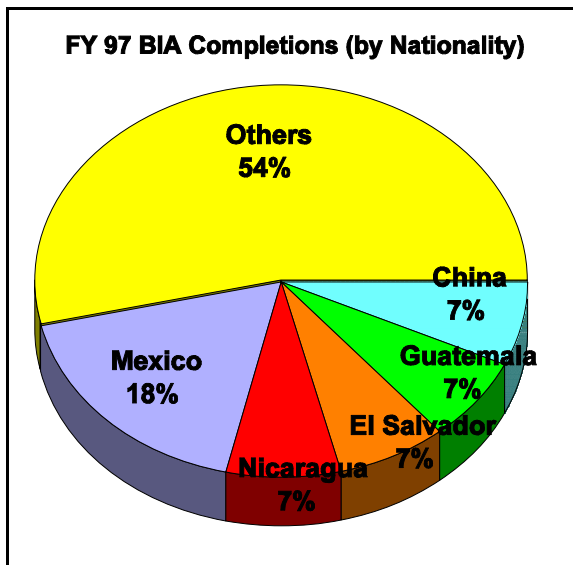


Figure 7

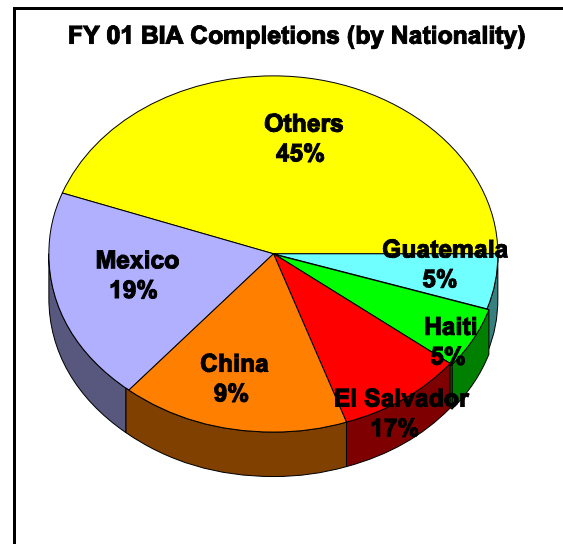


Figure 8



## Immigration Court Cases by Language (Completions Only)

Figure 9 shows a breakdown of FY 1997 immigration court completed cases by language. Of the 148 languages spoken in court proceedings during FY 1997, 86.2 percent were in the following four languages: Spanish, English, Creole, and Foo Chow. In 1.8 percent of completed cases, the language spoken by the respondent was unknown and therefore not reported.

- ! Spanish language cases were 68.7 percent of the total caseload.
- ! In the “Other” category Punjabi, Mandarin, and Russian represented the three most frequently spoken languages.

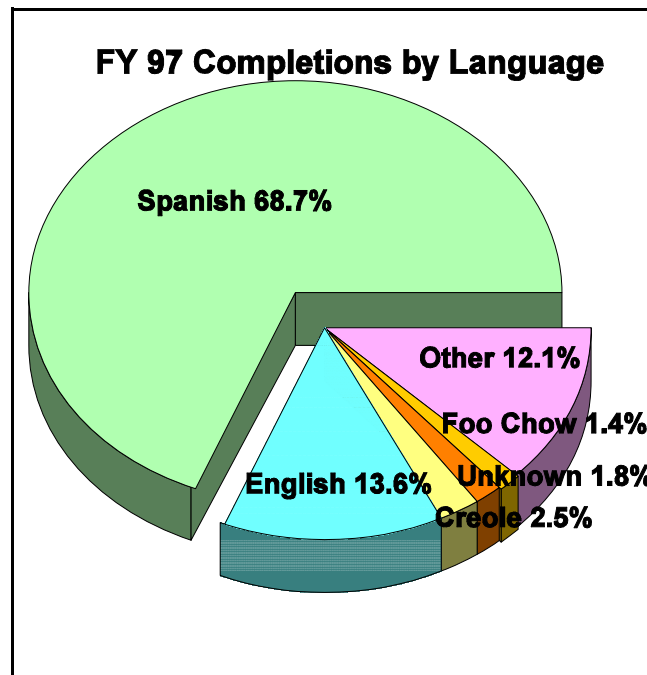
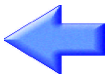


Figure 9



For comparison purposes, Figure 10 shows a breakdown of FY 2001 completions by language. Of 191 languages used in the immigration courts during FY 2001, 83.3 percent were in the following five languages: Spanish, English, Foo Chow, Mandarin, and Creole. Both Mandarin and Foo Chow have shown dramatic increases when compared to FY 1997.

- ! Spanish language cases were 61.8 percent of the total caseload.
- ! In the “Other” category Russian, Punjabi, and Albanian represented the three most frequently spoken languages.
- ! The number of different languages used in court proceedings has increased by 29 percent over FY 1997.

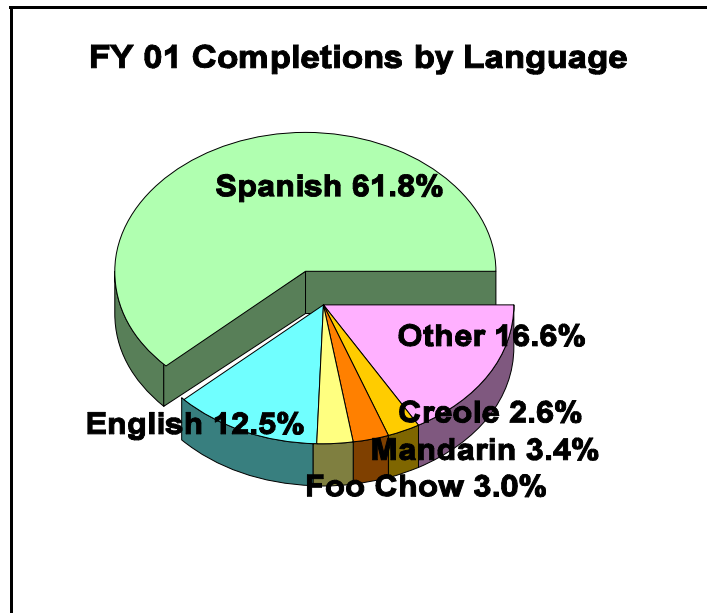
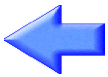
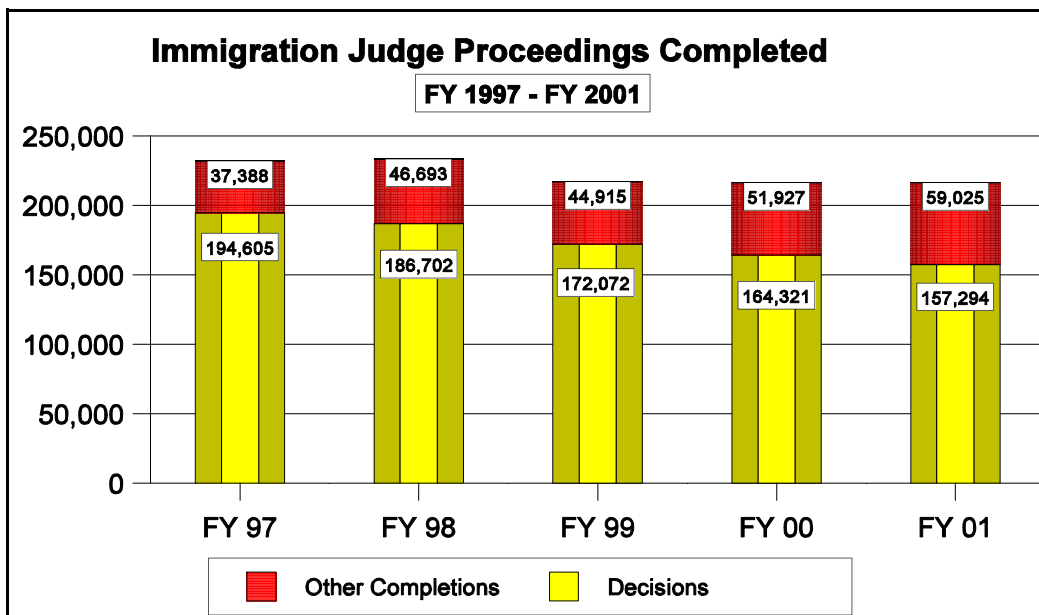


Figure 10



## Immigration Court Case Completions

After a hearing, the immigration judge will either render an oral decision or reserve the decision and issue it at a later date. Decisions may include a determination on whether INS should remove the alien from the United States or whether the alien is to be granted relief. Some cases are administratively closed and the immigration judge does not render a decision on the merits. In addition to administrative closures, cases may be completed when an alien is granted temporary protected status or when INS fails to prosecute the case. If the case is transferred to a different hearing location or if the immigration judge grants a change of venue, EOIR will also count it as an “Other” completion for statistical purposes. Depicted in Figure 11 is a breakdown of cases from FY 1997 to FY 2001 by type of completion --- either through an IJ decision or through an “Other” completion, such as administrative closure or change of venue.

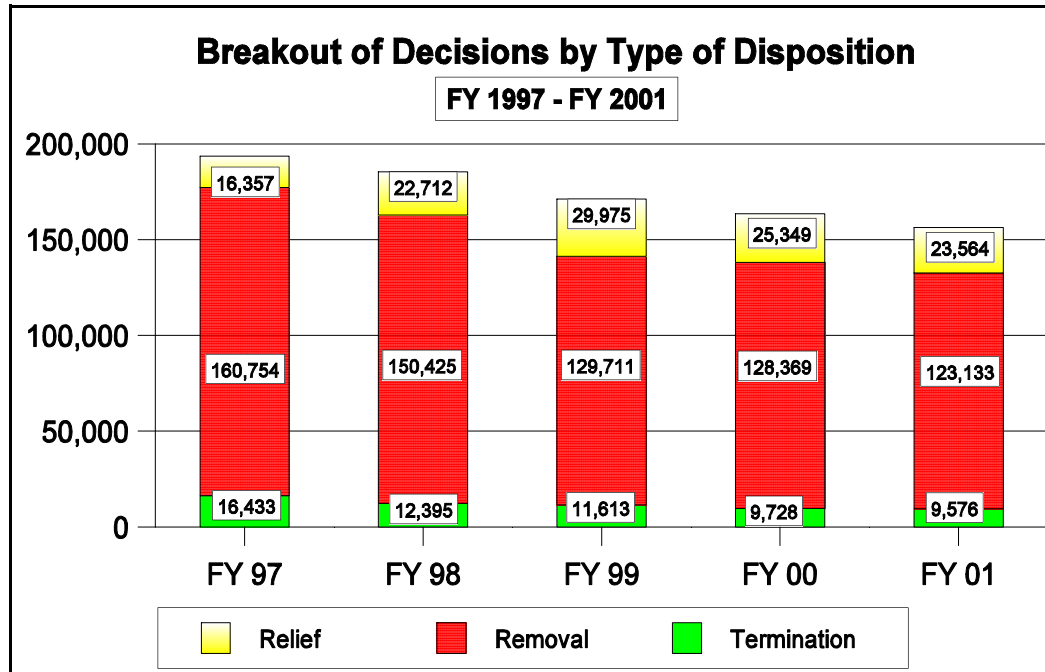


**Figure 11**

Between FY 1997 and FY 2001, the overall percentage of cases counted as “Other” completions rose gradually. During FY 1997, the percent of “Other” completions was 16 percent of overall case completions. In FY 1998, “Other” completions went up to 20 percent of overall completions. Some of the increase that occurred in FY 1998 is likely attributable to cases administratively closed because the Haitian Refugee and Immigration Fairness Act gave certain aliens status and prevented their removal. In FY 2000, “Other “ completions, when compared to “Decision” completions, comprised 24 percent of the overall number. In FY 2001 both the number and percentage of “Other” completions rose. “Other” completions accounted for 27 percent of all proceedings completed in FY 2001.

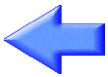


Figure 12 shows a breakout of decisions by disposition type. Immigration judges first decide whether or not the charges against an alien should be sustained. If the charges are sustained, the judge decides whether to order the alien removed from the United States or to grant relief. If the charges are not sustained, the judge will terminate the case. There are also a small number of “other” decisions (generally around 1,000 per year) not shown in Figure 12.



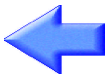
**Figure 12**

During the five-year period included in this report, the overall percent of aliens ordered removed has decreased, and the percent of aliens granted relief has increased. In 83 percent of the FY 1997 cases depicted in Figure 12, the immigration judge ordered the alien removed from the United States, and in 8 percent of the cases the judge granted relief. By comparison, in 78 percent of the FY 2001 cases depicted in Figure 12, the alien was ordered removed and in 15 percent of the cases the judge granted relief. A breakdown by disposition type is shown in Table 12.



**Table 12 - Immigration Court Case Completions by Type of Disposition  
FY 1997 - FY 2001**

|                                      | FY 97                 | FY 98                 | FY 99                 | FY 00                 | FY 01                 |
|--------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <b><u>DECISIONS IN ALL CASES</u></b> |                       |                       |                       |                       |                       |
| REMOVAL                              | 160,754               | 150,425               | 129,711               | 128,369               | 123,133               |
| TERMINATION                          | 16,433                | 12,395                | 11,613                | 9,728                 | 9,576                 |
| RELIEF                               | 16,357                | 22,712                | 29,975                | 25,349                | 23,564                |
| Other Decisions                      | 1,061                 | 1,170                 | 773                   | 875                   | 1,021                 |
| <b>TOTAL DECISIONS</b>               | <b>194,605</b>        | <b>186,702</b>        | <b>172,072</b>        | <b>164,321</b>        | <b>157,294</b>        |
| <b>"OTHER" COMPLETIONS</b>           | <b>37,388</b>         | <b>46,693</b>         | <b>44,915</b>         | <b>51,927</b>         | <b>59,025</b>         |
| <b><i>Grand Total</i></b>            | <b><i>231,993</i></b> | <b><i>233,395</i></b> | <b><i>216,987</i></b> | <b><i>216,248</i></b> | <b><i>216,319</i></b> |



## Immigration Court Completions by Representation Status

During immigration court proceedings, some aliens are represented by a private attorney or an authorized representative while others have no representation. Before representing an alien, representatives must file a *Notice of Appearance* (EOIR-28) with the immigration court. For those aliens without counsel, the immigration judge will explain their rights.

As shown in Figure 13, more than half of aliens who appear in immigration court are unrepresented. Aliens were represented in only 38 percent of FY 1997 completions. For FY 1998 completions, 42 percent of aliens were represented, and for FY 1999 completions, 48 percent were represented. However, in FY 2000, the percentage of representation decreased to 44 percent of immigration court completions; the percentage decreased further in FY 2001 to 42 percent.

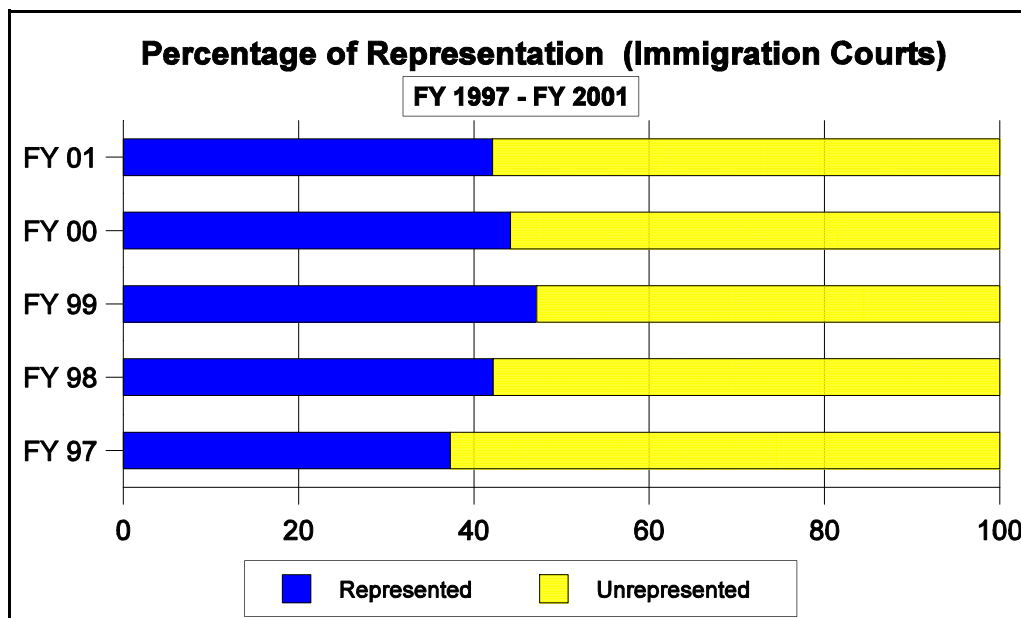
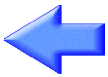


Figure 13





## Board of Immigration Appeals Completions By Representation Status

All representatives must file a *Notice of Entry of Appearance as Attorney or Representative with the BIA* (EOIR-27). As shown in Figure 14, 56 percent of appellate cases completed by the BIA in FY 1997 involved represented aliens. Representation has steadily increased and in FY 2001, 64 percent of appellate cases completed by the BIA involved a represented alien.

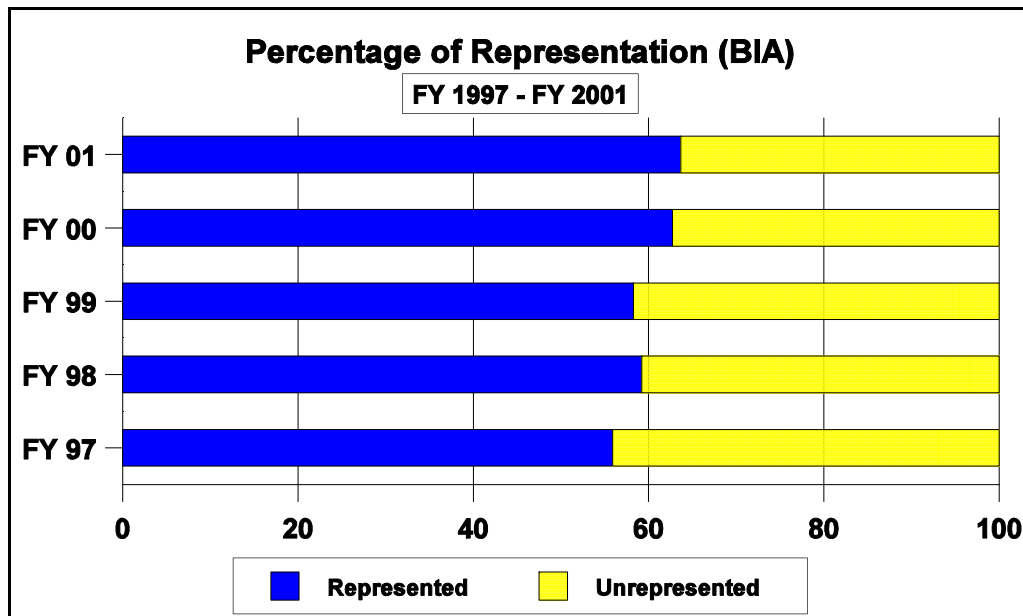
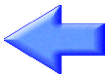


Figure 14



## Failures to Appear (Immigration Courts)

When an alien fails to appear (FTA) for a hearing, an immigration judge will usually conduct an *in absentia* (in absence of) hearing and order the alien removed from the United States. Before an immigration judge orders the alien removed *in absentia*, the INS trial attorney must establish by clear, unequivocal, and convincing evidence that the alien is removable. Additionally, the immigration judge must be satisfied that notice of time and place of the hearing were provided to the alien or the alien's representative.

Besides "*in absentia*" orders, an FTA by an alien may result in an administrative closure. In most administrative closures, the alien fails to appear for a hearing but is not ordered removed *in absentia* because the immigration judge was not satisfied that the alien or the alien's representative was adequately notified. Depicted in Figure 15 is the overall FTAs for FY 1997 to FY 2001 as compared to total immigration court proceedings completed for the same time period. Included in the FTA figure are both the number of *in absentia* orders and administrative closures for all aliens regardless of custody status. Most, but not all administrative closures result from a FTA.

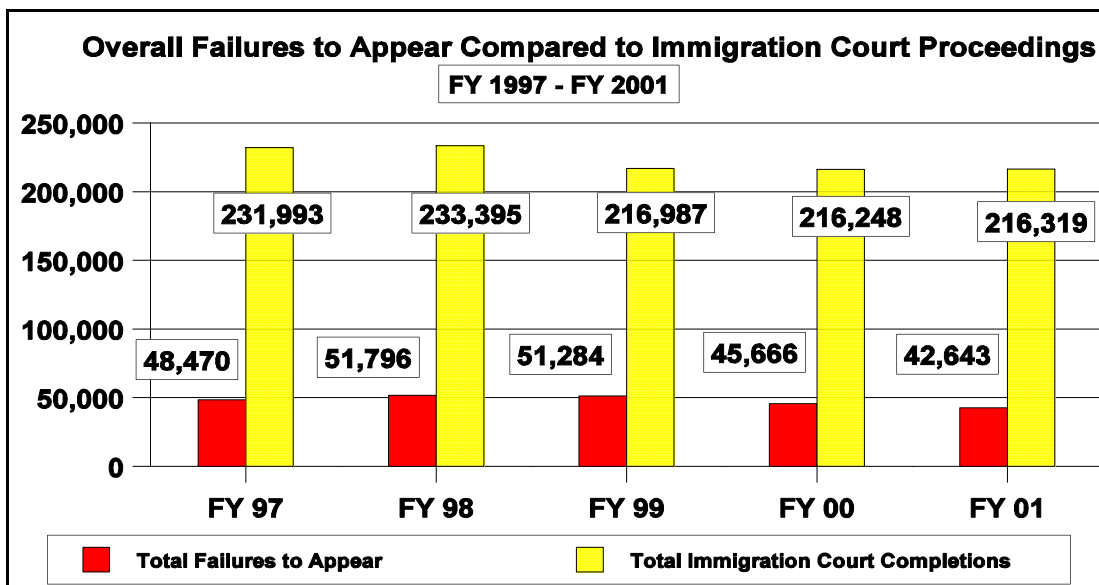


Figure 15

Overall, aliens failed to appear in 21 percent of proceedings completed in FY 1997. The overall FTA rate has decreased slightly since FY 1997. In FY 2001, the FTA rate was 20 percent.

Figure 16 shows the number of FTAs for non-detained aliens. The non-detained category includes aliens who were never detained as well as some aliens previously detained by the INS but whose custody status was not made known to the immigration courts. In Figure 17, the number of FTAs for released aliens is shown. A released alien was detained by the INS and subsequently released on bond. Non-appearance for detained aliens is not shown since this number has remained fairly consistent since FY 1997 and is less than 2 percent of total immigration court detained completions.

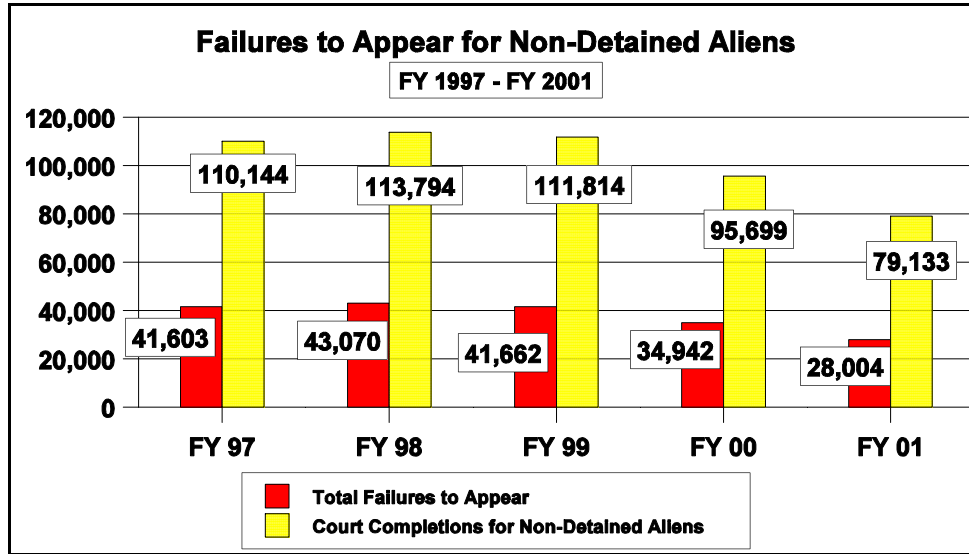
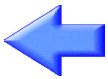


Figure 16

Figure 16 shows FTAs for non-detained aliens. In FY 1997, the FTA rate for non-detained aliens was 38 percent. Between FY 1998 and FY 2000, this rate decreased to 37 percent. In FY 2001, 35 percent of non-detained aliens scheduled in immigration court did not appear for the hearing.

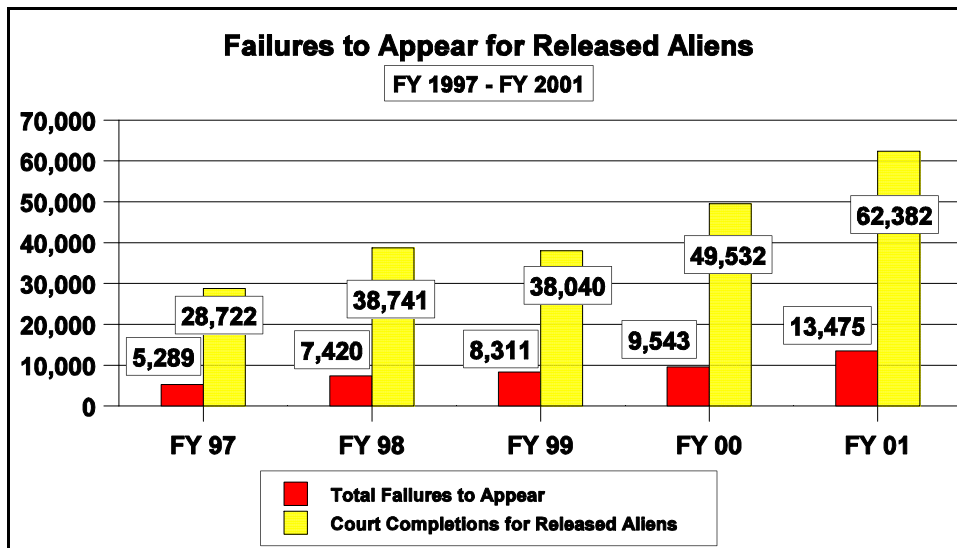
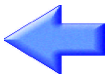


Figure 17

Figure 17 shows the number of failures to appear for released aliens. In FY 1997, the FTA rate for released aliens was 18 percent. The FTA rate for released aliens in FY 2001 increased to nearly 22 percent.



## Asylum (Immigration Courts)

Asylum is an important form of relief that aliens may request. Aliens request asylum if they fear harm if returned to their native country or if they suffered harm in the past. To be granted asylum, an alien must demonstrate a credible and well-founded threat or harm because of race, religion, nationality, political beliefs, and/or membership in a particular social group.

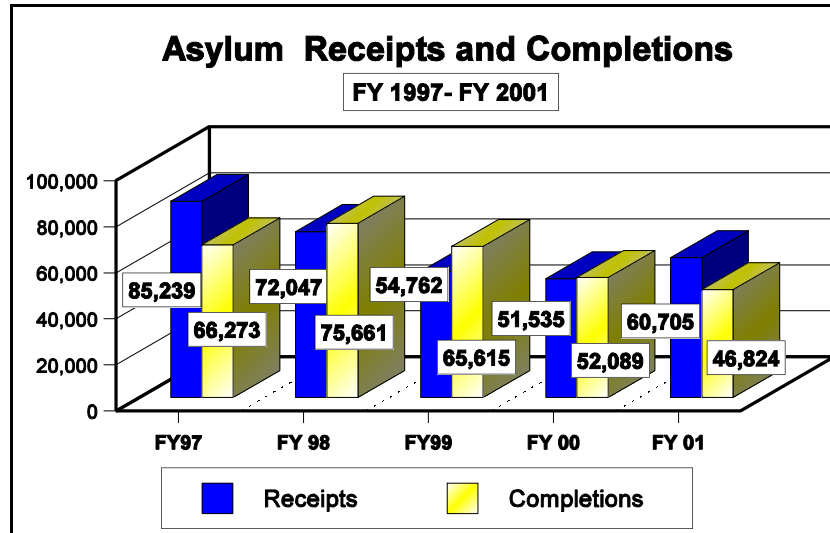
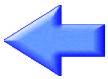


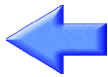
Figure 18

As shown in Figure 18, asylum filings in the immigration courts decreased 29 percent between FY 1997 and FY 2001. There was a corresponding 30 percent decrease in asylum completions by the immigration courts from FY 1997 to FY 2001.

Table 13 shows FY 2001 asylum receipts and completions by immigration court. In FY 2001, the Los Angeles, New York City, Miami and San Francisco immigration courts received 66 percent of asylum filings.

**Table 13 - Asylum Receipts and Completions for FY 2001**

| Immigration Court                 | Receipts      | Completions   |
|-----------------------------------|---------------|---------------|
| ARLINGTON, VIRGINIA               | 965           | 1,004         |
| ATLANTA, GEORGIA                  | 670           | 720           |
| BALTIMORE, MARYLAND               | 1,152         | 1,035         |
| BATAVIA SPC                       | 33            | 32            |
| BOSTON, MASSACHUSETTS             | 1,061         | 1,335         |
| BRADENTON COUNTY JAIL             | 158           | 152           |
| BUFFALO, NEW YORK                 | 119           | 139           |
| CHICAGO, ILLINOIS                 | 1,950         | 1,585         |
| DALLAS, TEXAS                     | 520           | 519           |
| DENVER, COLORADO                  | 547           | 478           |
| DETROIT, MICHIGAN                 | 1,447         | 1,033         |
| EL CENTRO, CALIFORNIA             | 120           | 112           |
| EL PASO, TEXAS                    | 116           | 96            |
| ELIZABETH SPC                     | 464           | 469           |
| ELOY BUREAU OF PRISONS FACILITY   | 143           | 127           |
| FLORENCE, ARIZONA                 | 76            | 79            |
| HARLINGEN, TEXAS                  | 90            | 97            |
| HARTFORD, CONNECTICUT             | 321           | 321           |
| HONOLULU, HAWAII                  | 369           | 234           |
| HOUSTON SERVICE PROCESSING CENTER | 101           | 96            |
| HOUSTON, TEXAS                    | 638           | 764           |
| IMPERIAL, CALIFORNIA              | 25            | 20            |
| KROME NORTH SPC                   | 192           | 186           |
| LAS VEGAS, NEVADA                 | 306           | 338           |
| LOS ANGELES, CALIFORNIA           | 16,213        | 8,113         |
| MEMPHIS, TENNESSEE                | 646           | 479           |
| MIAMI, FLORIDA                    | 7,846         | 5,615         |
| MIRA LOMA DETENTION FACILITY      | 144           | 152           |
| NEW ORLEANS, LOUISIANA            | 122           | 87            |
| NEW YORK CITY, NEW YORK           | 10,711        | 10,102        |
| NEW YORK STATE DOC- FISHKILL      | 57            | 64            |
| NEW YORK STATE DOC - ULSTER       | 28            | 34            |
| NEW YORK VARICK SPC               | 244           | 284           |
| NEWARK, NEW JERSEY                | 1,310         | 1,437         |
| OAKDALE FEDERAL DETENTION CENTER  | 131           | 131           |
| ORLANDO, FLORIDA                  | 1,539         | 1,020         |
| OTAY MESA, CALIFORNIA             | 18            | 19            |
| PHILADELPHIA, PENNSYLVANIA        | 1,294         | 903           |
| PHOENIX, ARIZONA                  | 189           | 237           |
| PORT ISABEL SPC                   | 38            | 38            |
| PORTLAND, OREGON                  | 123           | 130           |
| QUEENS WACKENHUT FACILITY         | 432           | 430           |
| SAN ANTONIO, TEXAS                | 119           | 110           |
| SAN DIEGO, CALIFORNIA             | 816           | 654           |
| SAN FRANCISCO, CALIFORNIA         | 5,530         | 4,267         |
| SAN JUAN, PUERTO RICO             | 138           | 163           |
| SAN PEDRO, CALIFORNIA             | 153           | 170           |
| SEATTLE, WASHINGTON               | 650           | 575           |
| ST. PAUL, MINNESOTA               | 361           | 395           |
| TUCSON, ARIZONA                   | 11            | 27            |
| YORK COUNTY PRISON                | 259           | 217           |
| <b>Total</b>                      | <b>60,705</b> | <b>46,824</b> |



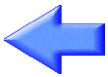
## Asylum Grant by Nationality (Immigration Courts)

Table 14 shows the top ten nationalities granted asylum between FY 1997 and FY 2001. Since FY 1997, the top nationality granted asylum has been Chinese. Somalia, India, Haiti and Russia also appear among the top ten nationalities each year. In FY 2001, Columbia appears among the top ten nationalities granted asylum for the first time during the FY 1997-2001 time period.

**Table 14 - Asylum Grants by Top Ten Nationalities for FY 1997- FY2001**

| FY 1997     |                  | FY 1998     |                  | FY 1999     |                  |
|-------------|------------------|-------------|------------------|-------------|------------------|
| Nationality | Number of Grants | Nationality | Number of Grants | Nationality | Number of Grants |
| CHINA       | 810              | CHINA       | 1,566            | CHINA       | 2,183            |
| SOMALIA     | 363              | SOMALIA     | 360              | INDIA       | 410              |
| INDIA       | 293              | INDIA       | 315              | SOMALIA     | 380              |
| YUGOSLAVIA  | 289              | RUSSIA      | 304              | ALBANIA     | 329              |
| HAITI       | 279              | HAITI       | 241              | RUSSIA      | 323              |
| MAURITANIA  | 276              | ALBANIA     | 233              | YUGOSLAVIA  | 321              |
| ETHIOPIA    | 275              | MAURITANIA  | 233              | PERU        | 276              |
| RUSSIA      | 269              | SRI LANKA   | 226              | IRAN        | 229              |
| LIBERIA     | 248              | YUGOSLAVIA  | 211              | ETHIOPIA    | 214              |
| PAKISTAN    | 195              | GUATEMALA   | 202              | HAITI       | 203              |

| FY 2000     |                  | FY 2001     |                  |
|-------------|------------------|-------------|------------------|
| Nationality | Number of Grants | Nationality | Number of Grants |
| CHINA       | 2,479            | CHINA       | 2,624            |
| INDIA       | 514              | ALBANIA     | 499              |
| RUSSIA      | 417              | INDIA       | 495              |
| SOMALIA     | 410              | COLOMBIA    | 379              |
| ALBANIA     | 393              | HAITI       | 357              |
| PERU        | 250              | SOMALIA     | 349              |
| YUGOSLAVIA  | 250              | RUSSIA      | 345              |
| ETHIOPIA    | 234              | IRAN        | 230              |
| EGYPT       | 218              | ETHIOPIA    | 215              |
| HAITI       | 205              | SRI LANKA   | 214              |



## Disposition of Asylum Cases (Immigration Courts)

Immigration judges may decide to either grant or deny an alien’s application for asylum. Asylum applicants may also choose to withdraw their application or they may fail to appear for a scheduled court hearing. If an applicant fails to appear, the application is considered abandoned. Within the past five years, EOIR has started to track both withdrawn and abandoned asylum applications.

Additionally, IIRIRA provided that up to a total of 1,000 refugee admissions and asylum grants could be made each year to applicants who raise claims based on Coercive Population Control (CPC). If applicants for asylum meet the criteria for a CPC grant, but more than 1,000 admissions/grants have already been made for that year, they are given conditional asylum. A decision category for conditional grants was added in FY 1997 for these CPC cases.

Depicted below in Figure 19 are asylum case decisions, either denied or granted, including CPC conditional grants. Immigration courts keep track of asylum applications that are closed for “Other” reasons, such as a change of venue to another court or termination. In some cases, aliens may have applied for asylum, but be granted some other type of relief besides asylum and this will also fall under “Other” decisions. Certain cases may have been terminated “en masse” because of changes in the law.

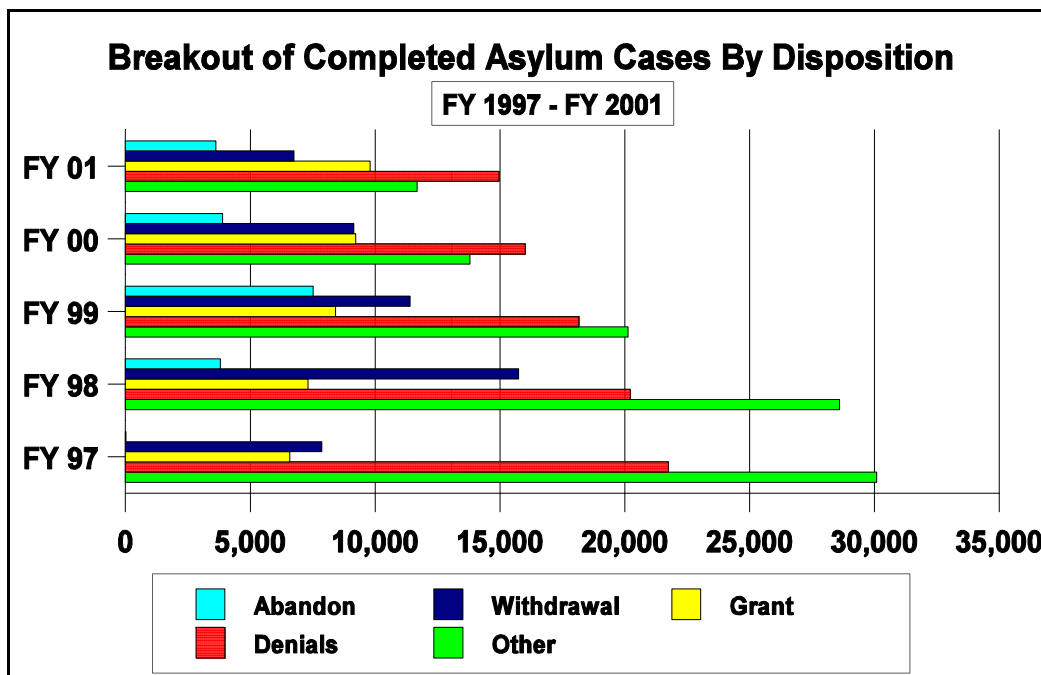


Figure 19

The percent of aliens granted asylum has increased each year since FY 1997. The grant rate was 23 percent in FY 1997, increased to 27 percent in FY 1998, and climbed to 32 percent in FY 1999 and 37 percent in FY 2000. Finally, in FY 2001, the grant rate reached 40 percent. The percent of “Other” completions has dropped each year since FY 1997, primarily due to the adoption by EOIR of separate categories for both withdrawn and abandoned applications.



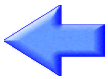
Depicted below in Table 15, is the number of asylum completions by category along with the grant rate for FY 1997 to FY 2001. Grant rate is computed based on grants and denials only. Grants also include conditional grants.

**Table 15- FY 1997- FY 2001 IJ Asylum Completions and Grant Rate**

|              | Grants       | Denials       | Other         | Withdrawals   | Abandon      | Total         | Grant Rate |
|--------------|--------------|---------------|---------------|---------------|--------------|---------------|------------|
| <b>FY 97</b> | <b>6,586</b> | <b>21,738</b> | <b>30,088</b> | <b>7,857</b>  | <b>4</b>     | <b>66,273</b> | <b>23%</b> |
| <b>FY 98</b> | <b>7,317</b> | <b>20,210</b> | <b>28,591</b> | <b>15,740</b> | <b>3,803</b> | <b>75,661</b> | <b>27%</b> |
| <b>FY 99</b> | <b>8,414</b> | <b>18,156</b> | <b>20,125</b> | <b>11,399</b> | <b>7,521</b> | <b>65,615</b> | <b>32%</b> |
| <b>FY 00</b> | <b>9,218</b> | <b>16,023</b> | <b>13,800</b> | <b>9,153</b>  | <b>3,895</b> | <b>52,089</b> | <b>37%</b> |
| <b>FY 01</b> | <b>9,802</b> | <b>14,958</b> | <b>11,684</b> | <b>6,751</b>  | <b>3,628</b> | <b>46,823</b> | <b>40%</b> |

The following Table 16 shows FY 2001 asylum decisions by immigration court, disposition type, and grant rate. In this table, the 9,802 asylum grants for FY 2001 are broken out into grants and conditional grants. Grant rate is computed by dividing total grants (grants and conditional grants) by total asylum decisions (grants, conditional grants and denials.)



**TABLE 16 - FY 2001 DISPOSITION OF ASYLUM CASES**

| Immigration Court                 | Denials       | Grant        | Conditional Grants | Grant Rate |
|-----------------------------------|---------------|--------------|--------------------|------------|
| ARLINGTON, VIRGINIA               | 346           | 158          | 12                 | 33%        |
| ATLANTA, GEORGIA                  | 287           | 35           | 0                  | 11%        |
| BALTIMORE, MARYLAND               | 421           | 287          | 4                  | 41%        |
| BATAVIA SPC                       | 24            | 0            | 0                  | 0%         |
| BOSTON, MASSACHUSETTS             | 420           | 278          | 6                  | 40%        |
| BRADENTON COUNTY JAIL             | 109           | 5            | 0                  | 4%         |
| BUFFALO, NEW YORK                 | 74            | 13           | 10                 | 24%        |
| CHICAGO, ILLINOIS                 | 525           | 307          | 20                 | 38%        |
| DALLAS, TEXAS                     | 167           | 138          | 10                 | 47%        |
| DENVER, COLORADO                  | 136           | 142          | 4                  | 52%        |
| DETROIT, MICHIGAN                 | 434           | 171          | 2                  | 29%        |
| EL CENTRO, CALIFORNIA             | 33            | 11           | 1                  | 27%        |
| EL PASO, TEXAS                    | 26            | 15           | 0                  | 37%        |
| ELIZABETH SPC                     | 150           | 171          | 8                  | 54%        |
| ELOY BUREAU OF PRISONS FACILITY   | 64            | 2            | 0                  | 3%         |
| FLORENCE, ARIZONA                 | 41            | 13           | 1                  | 25%        |
| HARLINGEN, TEXAS                  | 4             | 22           | 0                  | 85%        |
| HARTFORD, CONNECTICUT             | 166           | 61           | 3                  | 28%        |
| HONOLULU, HAWAII                  | 28            | 70           | 29                 | 78%        |
| HOUSTON SERVICE PROCESSING CENTER | 45            | 14           | 0                  | 24%        |
| HOUSTON, TEXAS                    | 271           | 105          | 3                  | 28%        |
| IMPERIAL, CALIFORNIA              | 7             | 4            | 0                  | 36%        |
| KROME NORTH SPC                   | 92            | 5            | 2                  | 7%         |
| LAS VEGAS, NEVADA                 | 87            | 43           | 0                  | 33%        |
| LOS ANGELES, CALIFORNIA           | 1,461         | 845          | 73                 | 39%        |
| MEMPHIS, TENNESSEE                | 152           | 103          | 5                  | 42%        |
| MIAMI, FLORIDA                    | 2,588         | 784          | 5                  | 23%        |
| MIRA LOMA DETENTION FACILITY      | 54            | 5            | 1                  | 10%        |
| NEW ORLEANS, LOUISIANA            | 35            | 15           | 2                  | 33%        |
| NEW YORK CITY, NEW YORK           | 3,567         | 1,688        | 1,539              | 47%        |
| NEW YORK STATE DOC- FISHKILL      | 6             | 0            | 0                  | 0%         |
| NEW YORK DOC - ULSTER             | 2             | 0            | 0                  | 0%         |
| NEW YORK VARICK SPC               | 175           | 6            | 4                  | 5%         |
| NEWARK, NEW JERSEY                | 381           | 283          | 77                 | 49%        |
| OAKDALE FEDERAL DETENTION CENTER  | 8             | 1            | 0                  | 11%        |
| ORLANDO, FLORIDA                  | 454           | 149          | 21                 | 27%        |
| OTAY MESA, CALIFORNIA             | 7             | 3            | 0                  | 30%        |
| PHILADELPHIA, PENNSYLVANIA        | 371           | 142          | 51                 | 34%        |
| PHOENIX, ARIZONA                  | 23            | 60           | 3                  | 73%        |
| PORT ISABEL SPC                   | 9             | 1            | 0                  | 10%        |
| PORTLAND, OREGON                  | 40            | 36           | 2                  | 49%        |
| QUEENS WACKENHUT FACILITY         | 155           | 130          | 2                  | 46%        |
| SAN ANTONIO, TEXAS                | 31            | 28           | 1                  | 48%        |
| SAN DIEGO, CALIFORNIA             | 299           | 119          | 0                  | 28%        |
| SAN FRANCISCO, CALIFORNIA         | 673           | 1,119        | 43                 | 63%        |
| SAN JUAN, PUERTO RICO             | 23            | 12           | 3                  | 39%        |
| SAN PEDRO, CALIFORNIA             | 14            | 8            | 3                  | 44%        |
| SEATTLE, WASHINGTON               | 252           | 74           | 15                 | 26%        |
| ST. PAUL, MINNESOTA               | 150           | 77           | 0                  | 34%        |
| TUCSON, ARIZONA                   | 9             | 2            | 2                  | 31%        |
| YORK COUNTY PRISON                | 62            | 70           | 5                  | 55%        |
| <b>Total</b>                      | <b>14,958</b> | <b>7,830</b> | <b>1,972</b>       | <b>40%</b> |



## Expedited Asylum (Immigration Courts)

Asylum regulations implemented in 1995 mandated that asylum applications be processed within 180 days after filing either at an INS Asylum Office or at an immigration court. IIRIRA reform reiterated the 180-day rule. Consequently, expedited processing of asylum applications occurs when (1) an alien files “affirmatively” at an INS Asylum Office on or after January 4, 1995 and the application is referred to EOIR by INS within 75 days of the filing; or (2) an alien files an application “defensively” with EOIR on or after January 4, 1995.

In addition to the statutory requirement, EOIR considers the 180-day processing of asylum applications as a performance measure and this measure adheres to the Department of Justice’s goal of expediting the adjudication of immigration cases. Figure 20 shows the percent of expedited asylum cases compared with total asylum receipts since FY 1997.

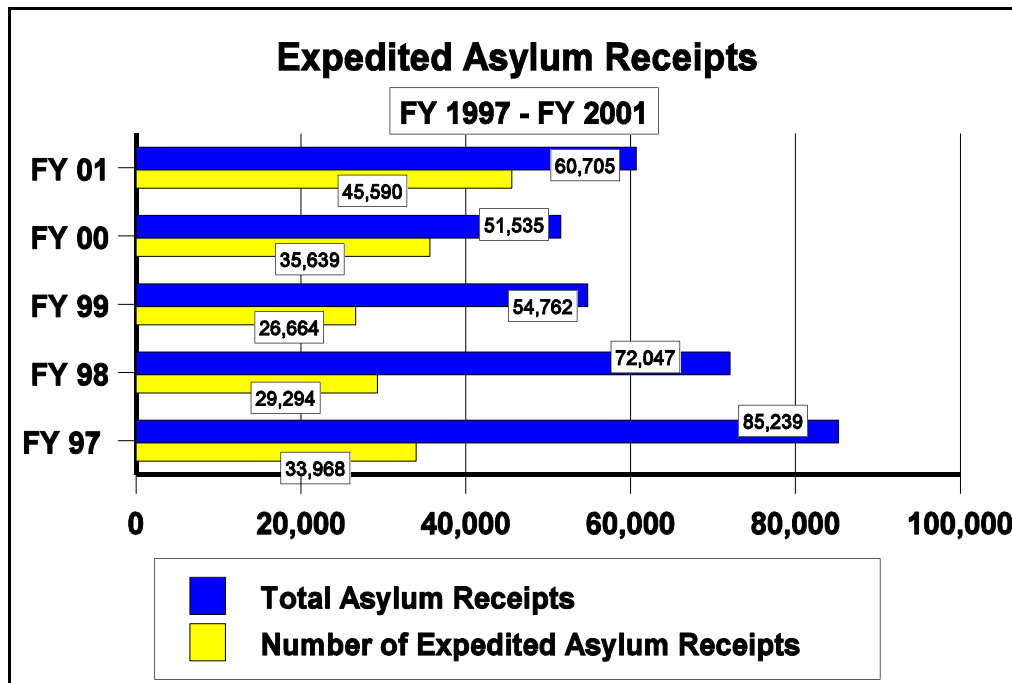
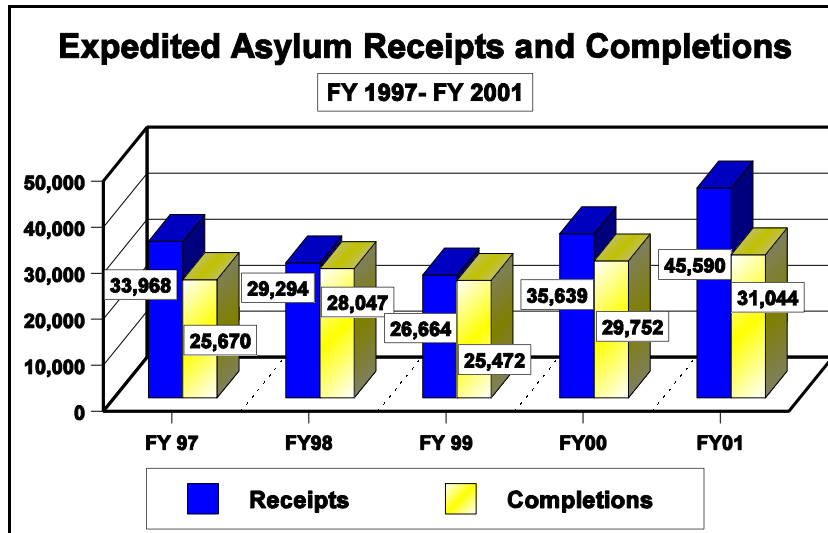


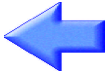
Figure 20

In FY 1997, expedited cases comprised 40 percent of total asylum receipts. In FY 2001 the percent of expedited asylum case receipts had increased, representing 75 percent of total asylum receipts. Depicted in Figure 21 is the number of receipts and completions for expedited asylum cases between FY 1997 and FY 2001.



**Figure 21**

One of EOIR's FY 2001 goals was to complete 95 percent of expedited asylum cases within 180 days. As shown in Tables 17 and 18, this goal was not met in either FY 2000 (90.6%) or FY 2001 (91.4%).



**Table 17 - FY 2000 Post Reform Affirmative and Defensive Completed as “ Expedited” Asylum Cases**

| <b>Days at Completion</b> | <b># of Cases</b> | <b>% of Total</b> |
|---------------------------|-------------------|-------------------|
| <b>180 or Less</b>        | <b>19,009</b>     | <b>90.6%</b>      |
| 181 - 260                 | 816               | <b>3.9%</b>       |
| Over 260 days             | 1,149             | <b>5.5%</b>       |
| Total                     | 20,974            | <b>100%</b>       |

**Table 18 - FY 2001 Post Reform Affirmative and Defensive Completed as “ Expedited” Asylum Cases**

| <b>Days at Completion</b> | <b># of Cases</b> | <b>% of Total</b> |
|---------------------------|-------------------|-------------------|
| <b>180 or Less</b>        | <b>21,491</b>     | <b>91.4%</b>      |
| 181 - 260                 | 844               | <b>3.6%</b>       |
| Over 260 days             | 1,166             | 5.0%              |
| Total                     | 23,501            | 100%              |



## Suspension of Deportation/Cancellation of Removal

Cancellation of removal is available to applicants through two new IIRIRA provisions, both intended to replace the former 212(c) waiver and suspension of deportation. Under the first provision, applicants facing removal on criminal grounds, who have been lawfully admitted for permanent residence for five years or more or have resided continuously in the United States for seven years (after a lawful admission), may request cancellation, provided they have no aggravated felony convictions. Under the second provision, applicants physically present in the United States for a continuous period of 10 years and who have not been convicted of a criminal offense may seek cancellation and adjustment of status. The applicant must demonstrate exceptional and extremely unusual hardship to a citizen or lawful permanent resident spouse, parent or child. However, IIRIRA limits this type of cancellation to no more than 4,000 grants in any fiscal year.

As depicted in Table 19, during FY 2001, approximately 2,000 applications for this type of relief were adjudicated and granted.

**Table 19-Status of FY 2001 Suspension/Cancellation Cap**

| <b>FY 2001</b> | <b>Immigration Court<sup>1</sup></b> | <b>Board of Immigration Appeals</b> | <b>Monthly Total</b> |
|----------------|--------------------------------------|-------------------------------------|----------------------|
| October        | 184                                  | 8                                   | <b>192</b>           |
| November       | 169                                  | 16                                  | <b>185</b>           |
| December       | 150                                  | 15                                  | <b>165</b>           |
| January        | 169                                  | 14                                  | <b>183</b>           |
| February       | 155                                  | 20                                  | <b>175</b>           |
| March          | 172                                  | 28                                  | <b>200</b>           |
| April          | 144                                  | 19                                  | <b>163</b>           |
| May            | 137                                  | 15                                  | <b>152</b>           |
| June           | 109                                  | 18                                  | <b>127</b>           |
| July           | 122                                  | 35                                  | <b>157</b>           |
| August         | 138                                  | 45                                  | <b>183</b>           |
| September      | 79                                   | 39                                  | <b>118</b>           |
| <b>Total</b>   | <b>1,728</b>                         | <b>272</b>                          | <b>2,000</b>         |

<sup>1</sup>Excludes IJ Decisions Appealed to BIA



## Convention Against Torture

On March 22, 1999, the Department of Justice implemented regulations regarding the United Nations' Convention Against Torture (CAT). Under this regulation, aliens in removal, deportation, or exclusion proceedings may claim that they "more likely than not" will be tortured if removed from the United States. Among other things, the regulation provides jurisdiction to the immigration courts and the BIA for review over these claims.

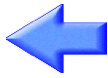
As shown on Table 20, the immigration courts completed 17,660 CAT cases during FY 2001. Trends detected from the FY 2001 completions include the following:

- ! Using grants and denials to calculate a grant rate, the grant rate for CAT applications completed in FY 2001 was 4.4 percent.
- ! Out of 544 CAT cases granted, 81 percent were granted withholding of removal and 19 percent were granted deferral of removal.

**Table 20- FY 2001 Breakout of CAT Cases Completed by Disposition**

| Granted     |          | Denied | Other | Withdrawn | Abandoned | Total  |
|-------------|----------|--------|-------|-----------|-----------|--------|
| Withholding | Deferral |        |       |           |           |        |
| 443         | 101      | 11,929 | 3,395 | 1,512     | 280       | 17,660 |

Table 21 shows a breakdown of CAT completions by immigration courts. The Los Angeles, CA; Miami, FL; San Francisco, CA; and New York City, NY, immigration courts combined completed over 54 percent of the total FY 2001 CAT applications.



**Table 21-Immigration Court Completions Under the  
Convention Against Torture for FY 2001**

| <b>Immigration Court</b>          | <b>Completions</b> |
|-----------------------------------|--------------------|
| ARLINGTON, VIRGINIA               | 345                |
| ATLANTA, GEORGIA                  | 97                 |
| BALTIMORE, MARYLAND               | 479                |
| BATAVIA SPC                       | 23                 |
| BOSTON, MASSACHUSETTS             | 441                |
| BRADENTON COUNTY JAIL             | 107                |
| BUFFALO, NEW YORK                 | 78                 |
| CHICAGO, ILLINOIS                 | 437                |
| DALLAS, TEXAS                     | 144                |
| DENVER, COLORADO                  | 113                |
| DETROIT, MICHIGAN                 | 540                |
| EL CENTRO, CALIFORNIA             | 55                 |
| EL PASO, TEXAS                    | 22                 |
| ELIZABETH SPC                     | 382                |
| ELOY BUREAU OF PRISONS FACILITY   | 87                 |
| FLORENCE, ARIZONA                 | 63                 |
| HARLINGEN, TEXAS                  | 12                 |
| HARTFORD, CONNECTICUT             | 195                |
| HONOLULU, HAWAII                  | 95                 |
| HOUSTON SERVICE PROCESSING CENTER | 18                 |
| HOUSTON, TEXAS                    | 84                 |
| IMPERIAL, CALIFORNIA              | 10                 |
| KROME NORTH SPC                   | 111                |
| LAS VEGAS, NEVADA                 | 86                 |
| LOS ANGELES, CALIFORNIA           | 1,963              |
| MEMPHIS, TENNESSEE                | 259                |
| MIAMI, FLORIDA                    | 2,989              |
| MIRA LOMA DETENTION FACILITY      | 89                 |
| NEW ORLEANS, LOUISIANA            | 53                 |
| NEW YORK CITY, NEW YORK           | 3,681              |
| NEW YORK STATE DOC- FISHKILL      | 57                 |
| NEW YORK DOC - ULSTER             | 38                 |
| NEW YORK VARICK SPC               | 226                |
| NEWARK, NEW JERSEY                | 552                |
| OAKDALE FEDERAL DETENTION CENTER  | 126                |
| ORLANDO, FLORIDA                  | 524                |
| OTAY MESA, CALIFORNIA             | 6                  |
| PHILADELPHIA, PENNSYLVANIA        | 545                |
| PHOENIX, ARIZONA                  | 18                 |
| PORT ISABEL SPC                   | 9                  |
| PORTLAND, OREGON                  | 7                  |
| QUEENS WACKENHUT FACILITY         | 257                |
| SAN ANTONIO, TEXAS                | 16                 |
| SAN DIEGO, CALIFORNIA             | 246                |
| SAN FRANCISCO, CALIFORNIA         | 833                |
| SAN JUAN, PUERTO RICO             | 150                |
| SAN PEDRO, CALIFORNIA             | 177                |
| SEATTLE, WASHINGTON               | 307                |
| ST. PAUL, MINNESOTA               | 298                |
| TUCSON, ARIZONA                   | 12                 |
| YORK COUNTY PRISON                | 198                |
| <b>Total</b>                      | <b>17,660</b>      |



## Immigration Court Cases Completed With Applications<sup>3</sup> For Relief

Aliens may request a number of forms of relief such as asylum, Convention Against Torture or cancellation of removal.

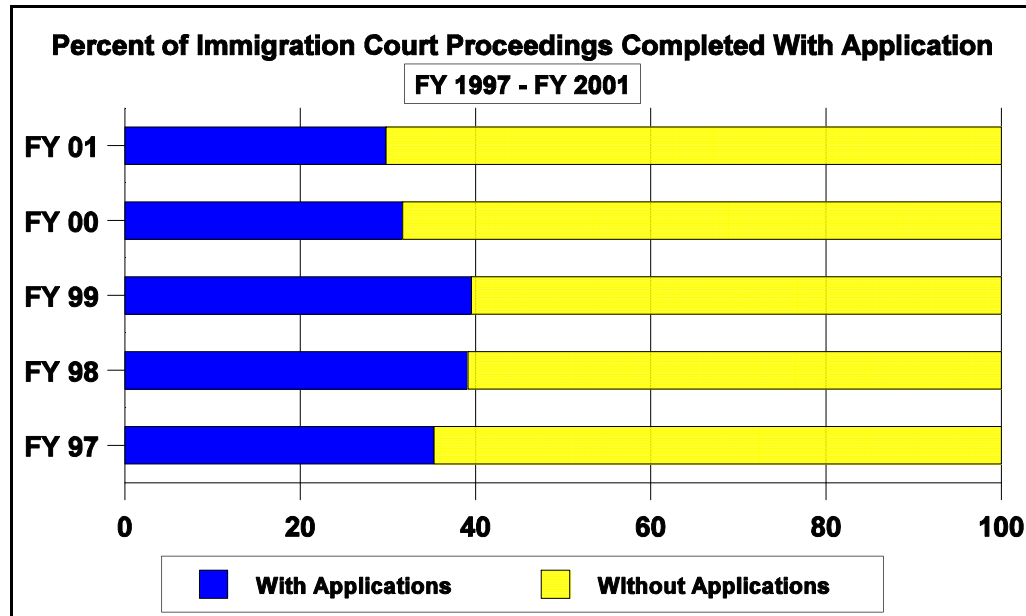


Figure 22

Shown in Figure 22 is the percent of proceedings where the alien filed any application for relief in FY 1997 through FY 2001. Generally, proceedings with no applications for relief are processed faster and expend fewer court resources. In FY 1997, the percent of proceedings with applications for relief was 35 percent of total immigration court cases. The percent of proceedings with applications for relief reached a high of almost 40 percent in FY 1999 but in FY 2001 has dropped to 30 percent.

---

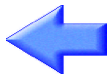
<sup>3</sup>For the purposes of this year book, voluntary departure is not considered an application for relief.





Table 22 shows the number of proceedings completed with applications for relief at each immigration court in FY 2001. Also included in Table 22 is the percentage of completed proceedings with applications for relief in comparison to total proceedings completed for each immigration court. Generally, the percentage of proceedings completed without applications for relief is higher at the following immigration courts: (1) those co-located with detention facilities such as Port Isabel, TX; and; (2) courts located near the United States border such as in El Paso, TX, and Buffalo, NY. Some of the Immigration courts with high workloads of cases with no applications (over 90 percent) include: San Antonio, TX; Tucson, AZ; El Paso, TX; El Centro, CA and Port Isabel, TX.

In contrast, the Elizabeth, NJ; New York, NY; Miami, FL; Los Angeles, CA; and San Francisco, CA immigration courts have the highest percent of completed proceedings with applications for relief in FY 2001. In each of these courts, more than 60 percent of the aliens filed some type of application for relief. The immigration court located in Elizabeth, NJ had the highest percentage of completed proceedings with applications for relief, despite the fact that it is a detained court. In Elizabeth, 85 percent of completed cases had applications for relief.

**Table 22 - FY 2001 Immigration Court Proceeding Completions With Applications**

| Immigration Court                 | Total Completions | #of Completions With Applications | Percent With Applications |
|-----------------------------------|-------------------|-----------------------------------|---------------------------|
| ARLINGTON, VIRGINIA               | 3,001             | 1,380                             | 46%                       |
| ATLANTA, GEORGIA                  | 4,393             | 820                               | 19%                       |
| BALTIMORE, MARYLAND               | 2,533             | 1,414                             | 56%                       |
| BATAVIA SPC                       | 1,080             | 62                                | 6%                        |
| BOSTON, MASSACHUSETTS             | 4,223             | 1,878                             | 44%                       |
| BRADENTON COUNTY JAIL             | 1,939             | 312                               | 16%                       |
| BUFFALO, NEW YORK                 | 2,774             | 302                               | 11%                       |
| CHICAGO, ILLINOIS                 | 9,394             | 2,502                             | 27%                       |
| DALLAS, TEXAS                     | 7,287             | 1,128                             | 15%                       |
| DENVER, COLORADO                  | 4,568             | 985                               | 22%                       |
| DETROIT, MICHIGAN                 | 3,092             | 1,296                             | 42%                       |
| EL CENTRO, CALIFORNIA             | 3,948             | 251                               | 6%                        |
| EL PASO, TEXAS                    | 9,460             | 406                               | 4%                        |
| ELIZABETH SPC                     | 570               | 485                               | 85%                       |
| ELOY BUREAU OF PRISONS FACILITY   | 6,255             | 669                               | 11%                       |
| FLORENCE, ARIZONA                 | 5,499             | 166                               | 3%                        |
| HARLINGEN, TEXAS                  | 8,949             | 232                               | 3%                        |
| HARTFORD, CONNECTICUT             | 1,325             | 550                               | 42%                       |
| HONOLULU, HAWAII                  | 549               | 300                               | 55%                       |
| HOUSTON SERVICE PROCESSING CENTER | 2,899             | 161                               | 6%                        |
| HOUSTON, TEXAS                    | 5,057             | 1,344                             | 27%                       |
| IMPERIAL, CALIFORNIA              | 1,694             | 274                               | 16%                       |
| KROME NORTH SPC                   | 3,032             | 257                               | 8%                        |
| LAS VEGAS, NEVADA                 | 2,444             | 645                               | 26%                       |
| LOS ANGELES, CALIFORNIA           | 13,615            | 10,086                            | 74%                       |
| MEMPHIS, TENNESSEE                | 1,588             | 597                               | 38%                       |
| MIAMI, FLORIDA                    | 11,982            | 7,362                             | 61%                       |
| MIRA LOMA DETENTION FACILITY      | 6,105             | 572                               | 9%                        |
| NEW ORLEANS, LOUISIANA            | 969               | 147                               | 15%                       |
| NEW YORK CITY, NEW YORK           | 16,876            | 11,134                            | 66%                       |
| NEW YORK STATE DOC- FISHKILL      | 915               | 103                               | 11%                       |
| NEW YORK STATE DOC - ULSTER       | 1,064             | 94                                | 9%                        |
| NEW YORK VARICK SPC               | 1,726             | 461                               | 27%                       |
| NEWARK, NEW JERSEY                | 4,776             | 1,908                             | 40%                       |
| OAKDALE FEDERAL DETENTION CENTER  | 2,069             | 249                               | 12%                       |
| ORLANDO, FLORIDA                  | 2,047             | 1,207                             | 59%                       |
| OTAY MESA, CALIFORNIA             | 533               | 147                               | 28%                       |
| PHILADELPHIA, PENNSYLVANIA        | 2,175             | 1,154                             | 53%                       |
| PHOENIX, ARIZONA                  | 1,683             | 462                               | 27%                       |
| PORT ISABEL SPC                   | 8,321             | 253                               | 3%                        |
| PORTLAND, OREGON                  | 1,088             | 307                               | 28%                       |
| QUEENS WACKENHUT FACILITY         | 772               | 445                               | 58%                       |
| SAN ANTONIO, TEXAS                | 10,687            | 559                               | 5%                        |
| SAN DIEGO, CALIFORNIA             | 8,480             | 1,462                             | 17%                       |
| SAN FRANCISCO, CALIFORNIA         | 6,925             | 5,023                             | 73%                       |
| SAN JUAN, PUERTO RICO             | 2,072             | 310                               | 15%                       |
| SAN PEDRO, CALIFORNIA             | 2,855             | 431                               | 15%                       |
| SEATTLE, WASHINGTON               | 4,676             | 1,112                             | 24%                       |
| ST. PAUL, MINNESOTA               | 1,433             | 521                               | 36%                       |
| TUCSON, ARIZONA                   | 2,553             | 183                               | 7%                        |
| YORK COUNTY PRISON                | 2,369             | 320                               | 14%                       |
| <b>Total</b>                      | <b>216,319</b>    | <b>64,428</b>                     | <b>30%</b>                |



## Processing of Detained Cases (Immigration Courts)

EOIR maintains data on the custody status of aliens in proceedings. Immigration court hearings are conducted in INS Service Processing Centers, contract detention facilities, local government jails, and Bureau of Prisons (BOP) institutions as well as in EOIR's courtrooms for non-detained cases.

Under IIRIRA, virtually any alien subject to removal on the basis of a criminal conviction may be detained by INS. During FY 1999, INS changed its legal interpretation of the IIRIRA mandatory detention requirement, which permitted some criminally charged aliens to be considered for release from detention pending a removal hearing. As depicted in Figure 23, in FY 1997, 40 percent of immigration court proceedings completed involved detained aliens. In FY 2001, 35 percent of total proceeding completions involved detainees.

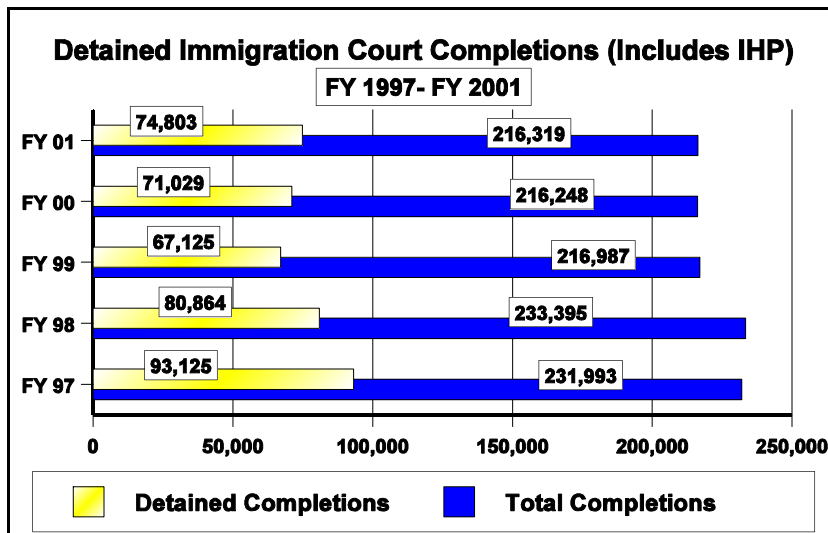


Figure 23

Table 23 shows FY 2001 detained completions, including those aliens who receive hearings while they are serving their sentence as part of the institutional hearing program (IHP). The immigration court in El Paso, TX; San Diego, CA and the BOP facility located in Eloy, AZ; had the most detained completions. Overall, immigration courts located in Texas, California, and Arizona had 57 percent of detained completions in FY 2001.



Table 23-Immigration Court Detained Completions for FY 2001

| <b>Immigration Court</b>          | <b>Completions</b> |
|-----------------------------------|--------------------|
| ARLINGTON, VIRGINIA               | 373                |
| ATLANTA, GEORGIA                  | 1,516              |
| BALTIMORE, MARYLAND               | 290                |
| BATAVIA SPC                       | 1,024              |
| BOSTON, MASSACHUSETTS             | 693                |
| BRADENTON COUNTY JAIL             | 1,593              |
| BUFFALO, NEW YORK                 | 97                 |
| CHICAGO, ILLINOIS                 | 3,974              |
| DALLAS, TEXAS                     | 3,437              |
| DENVER, COLORADO                  | 2,898              |
| DETROIT, MICHIGAN                 | 580                |
| EL CENTRO, CALIFORNIA             | 3,525              |
| EL PASO, TEXAS                    | 4,489              |
| ELIZABETH SPC                     | 494                |
| ELOY BUREAU OF PRISONS FACILITY   | 5,578              |
| FLORENCE, ARIZONA                 | 3,327              |
| HARLINGEN, TEXAS                  | 238                |
| HARTFORD, CONNECTICUT             | 410                |
| HONOLULU, HAWAII                  | 178                |
| HOUSTON SERVICE PROCESSING CENTER | 2,195              |
| HOUSTON, TEXAS                    | 1,501              |
| IMPERIAL, CALIFORNIA              | 1,101              |
| KROME NORTH SPC                   | 791                |
| LAS VEGAS, NEVADA                 | 1,202              |
| LOS ANGELES, CALIFORNIA           | 177                |
| MEMPHIS, TENNESSEE                | 597                |
| MIAMI, FLORIDA                    | 952                |
| MIRA LOMA DETENTION FACILITY      | 3,518              |
| NEW ORLEANS, LOUISIANA            | 366                |
| NEW YORK CITY, NEW YORK           | 72                 |
| NEW YORK STATE DOC - FISHKILL     | 914                |
| NEW YORK STATE DOC - ULSTER       | 1,055              |
| NEW YORK VARICK SPC               | 625                |
| NEWARK, NEW JERSEY                | 883                |
| OAKDALE FEDERAL DETENTION CENTER  | 1,925              |
| ORLANDO, FLORIDA                  | 60                 |
| OTAY MESA, CALIFORNIA             | 99                 |
| PHILADELPHIA, PENNSYLVANIA        | 308                |
| PHOENIX, ARIZONA                  | 381                |
| PORT ISABEL SPC                   | 1,523              |
| PORTLAND, OREGON                  | 644                |
| QUEENS WACKENHUT FACILITY         | 534                |
| SAN ANTONIO, TEXAS                | 3,142              |
| SAN DIEGO, CALIFORNIA             | 4,976              |
| SAN FRANCISCO, CALIFORNIA         | 993                |
| SAN JUAN, PUERTO RICO             | 913                |
| SAN PEDRO, CALIFORNIA             | 1,393              |
| SEATTLE, WASHINGTON               | 2,695              |
| ST. PAUL, MINNESOTA               | 519                |
| TUCSON, ARIZONA                   | 2,360              |
| YORK COUNTY PRISON                | 1,675              |
| <b>Total</b>                      | <b>74,803</b>      |



## Processing of Institutional Hearing Program Cases by the Immigration Courts

The Institutional Hearing Program (IHP) is a cooperative effort between EOIR; the Immigration and Naturalization Service (INS); and various Federal, State, and Municipal corrections agencies. The goal of the IHP is to complete proceedings for incarcerated criminal aliens prior to their release from prison or jail. Immigration judges and court staff often travel to remote IHP locations to conduct hearings. Depicted in Figure 24 is the number of IHP cases received and completed by the immigration courts between FY 1997 and FY 2001.

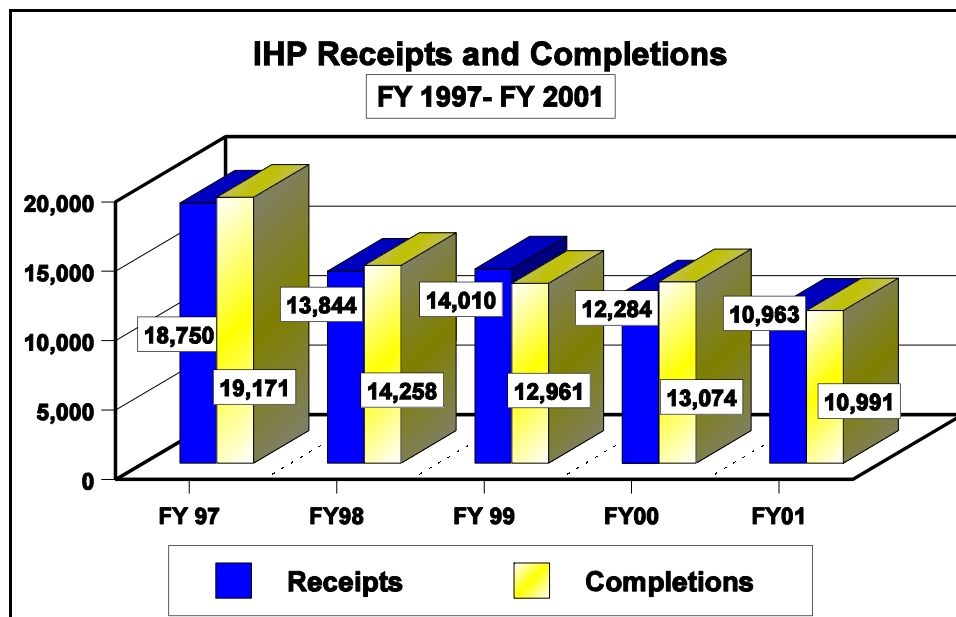


Figure 24

The number of IHP receipts has decreased by 42 percent since FY 1997. This decline may be the result of the implementation of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA authorized INS to decide some cases that previously would have been handled by immigration courts. Of particular relevance to the IHP is the IIRIRA provision authorizing INS to order the administrative removal of convicted aggravated felons who are not Lawful Permanent Residents and are not eligible for relief. Table 24 includes a breakdown of IHP completed cases by disposition for the immigration courts.



**Table 24 - IHP Immigration Court Case Completions by Type of Disposition  
FY 1997 - FY 2001**

|                                      | <b>FY 97</b>  | <b>FY 98</b>  | <b>FY 99</b>  | <b>FY 00</b>  | <b>FY01</b>   |
|--------------------------------------|---------------|---------------|---------------|---------------|---------------|
| <b><u>DECISIONS IN IHP CASES</u></b> |               |               |               |               |               |
| <b>REMOVAL</b>                       | 15,986        | 11,699        | 9,908         | 9,902         | 7,977         |
| <b>TERMINATION</b>                   | 280           | 398           | 346           | 285           | 387           |
| <b>RELIEF</b>                        | 33            | 38            | 77            | 123           | 81            |
| <b>Other Decisions</b>               | 21            | 12            | 9             | 10            | 9             |
|                                      |               |               |               |               |               |
| <b>TOTAL DECISIONS</b>               | 16,320        | 12,147        | 10,340        | 10,320        | 8,454         |
| <b><u>"OTHER" COMPLETIONS</u></b>    | 2,851         | 2,111         | 2,621         | 2,754         | 2,537         |
|                                      |               |               |               |               |               |
| <b><i>Grand Total</i></b>            | <b>19,171</b> | <b>14,258</b> | <b>12,961</b> | <b>13,074</b> | <b>10,991</b> |



## Processing of Detained Cases (Board of Immigration Appeals)

EOIR maintains data on the custody status of aliens whose cases were completed by the BIA. Depicted in Figure 25 is the number of IJ case appeals decided between FY 1997 and FY 2001 along with the number of case appeals that involved detainees. In FY 1997, 20 percent of BIA completed cases (2,963 out of 14,496) involved detainees. Between FY 1999 and FY 2000, the percentage of BIA completed cases involving detainees increased, reaching a high of 38 percent in FY 2000. In FY 2001, detained completions fell back to 22 percent.

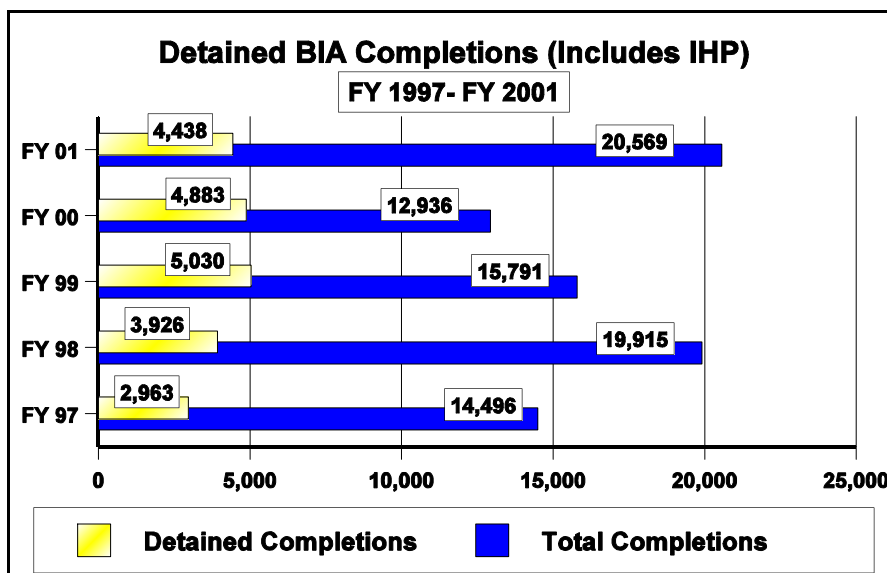


Figure 25

Table 25 shows a breakdown of total detained cases completed by the BIA and whether the alien was incarcerated at an IHP location. Between FY 1997 and FY 2001, more than 40 percent of detained BIA completions involved aliens who were served charging documents prior to their release from a federal, state, or municipal facility.

Table 25-Breakdown of BIA Detained Completions

|         | Total Detained Completions | IHP Completions | Percent IHP |
|---------|----------------------------|-----------------|-------------|
| FY 1997 | 2,963                      | 1,477           | 50%         |
| FY 1998 | 3,926                      | 2,156           | 55%         |
| FY 1999 | 5,030                      | 2,366           | 47%         |
| FY 2000 | 4,883                      | 1,956           | 40%         |
| FY 2001 | 4,438                      | 1,678           | 38%         |



## Office of the Chief Administrative Hearing Officer Cases

The Office of the Chief Administrative Hearing Officer (OCAHO) is headed by the Chief Administrative Hearing Officer who is responsible for the general supervision of four Administrative Law Judges (ALJ). The ALJs hear cases and adjudicate issues arising under provisions of the Immigration and Nationality Act of 1952 (INA) relating to (1) unlawful hiring, recruiting, or referring for a fee, or continued employment of unauthorized aliens, and failure to comply with employment verification requirements, (2) immigration-related unfair employment practices, and (3) document fraud. Complaints are brought by the INS, the Office of Special Counsel, or private litigants.

Depicted in Figure 26 is the number of cases received and completed by OCAHO between FY 1997 and FY 2001.

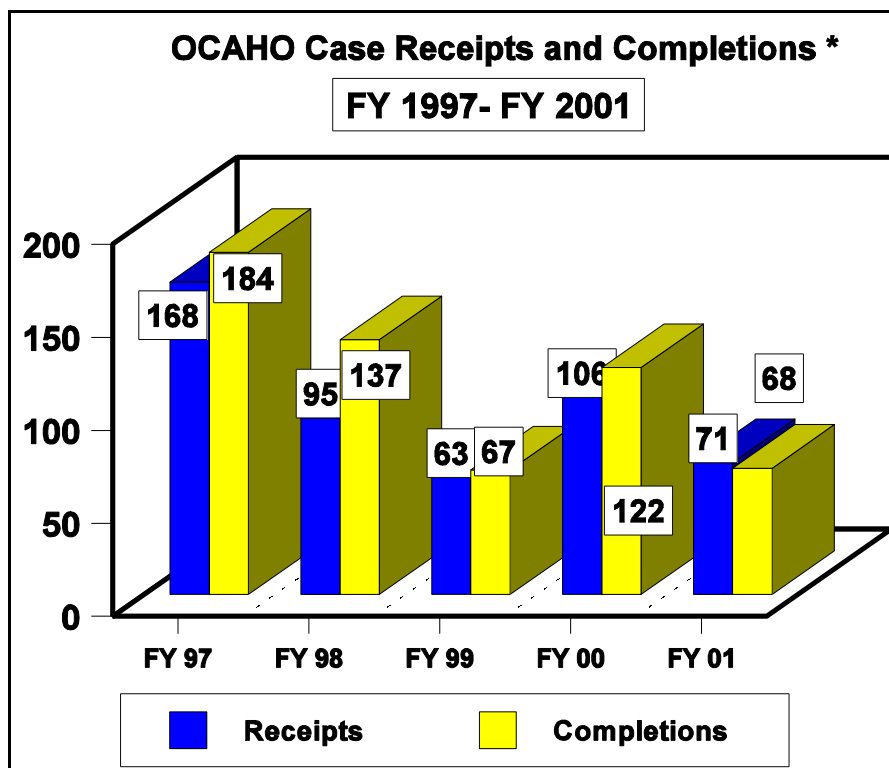


Figure 26

\* Completions may include case receipts from the fiscal year noted and from prior fiscal years.