



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

# **FY 2008 Statistical Year Book**

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

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## FY 2008 HIGHLIGHTS

- Immigration court receipts increased by 17 percent between FY 2004 (299,735) and FY 2008 (351,477). Receipts in FY 2008 increased by five percent from FY 2007. (Figure 1, Page B2)
- Immigration court completions increased by 12 percent between FY 2004 (302,079) and FY 2008 (339,071). Completions in FY 2008 increased by three percent from FY 2007. (Figure 1, Page B2)
- Immigration judge decisions increased by 10 percent between FY 2004 (209,288) and FY 2008 (229,316). (Figure 4, Page D1)
- Mexico, El Salvador, Guatemala, Honduras, and China were the leading nationalities of immigration court completions during FY 2008, representing 67 percent of the total caseload. (Figure 6, page E1)
- Spanish was the most frequently spoken language for immigration court case completions during FY 2008 at over 67 percent. (Figure 8, page F1).
- Forty percent of aliens whose cases were completed in immigration courts during FY 2008 were represented. The representation rate for FY 2005 and FY 2006 would be 48 percent if failure to appear completions were removed from the data. (Figure 9, page G1)
- The overall failure to appear rate decreased to 16 percent in FY 2008. (Figure 10, page H2)
- Asylum applications filed with the immigration courts decreased by 18 percent from FY 2004 to FY 2008. Affirmative receipts decreased by 15 percent while defensive receipts decreased by 24 percent. (Figure 13, page I1)
- In FY 2008, the Arlington, VA; Los Angeles, CA; Miami, FL; New York, NY; and San Francisco, CA, immigration courts received 57 percent of the total asylum applications filed with the courts. (Table 6, page I3)
- Five nationalities were among the top 10 nationalities granted asylum each year during the five-year period FY 2004-08: China, Colombia, Albania, India, and Haiti. (Table 7, page J2)
- The grant rate for asylum applications was 45 percent in FY 2008. The grant rate was 51 percent for affirmative applications and 36 percent for defensive applications. (Figures 16, 17, and 18, pages K2 and K3)

- In FY 2008, 24 percent of proceedings completed at the immigration courts had an application for relief. (Figure 22, page N1)
- Forty-eight percent of FY 2008 immigration court completions involved detained aliens. (Figure 23, page O1)
- BIA had a 25 percent decrease in receipts between FY 2004 (43,407) and FY 2008 (32,432) and a 21 percent decrease in completions during the same period. (Table 17, page T2)
- Mexico, China, Haiti, El Salvador, and Guatemala accounted for 55 percent of BIA immigration judge decision appeals completed in FY 2008. (Figure 29, page V1)
- Seventy-eight percent of BIA appeals completed in FY 2008 were for represented aliens. (Figure 30, page W1)
- In FY 2008, nine percent of immigration judge decisions were appealed to the BIA. (Figure 32, page Y1)

## **Immigration Courts: Total Matters Received and Completed**

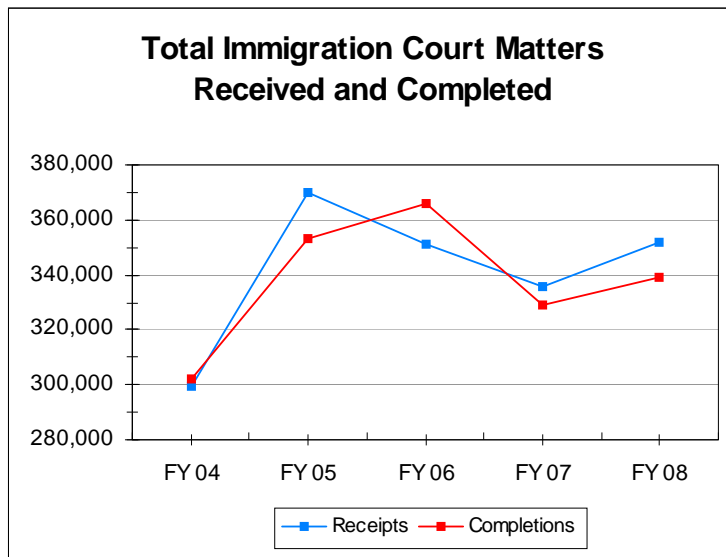
An alien charged by the Department of Homeland Security (DHS) with a violation of immigration law is issued a charging document. The most common charging documents are the Notice to Appear (NTA) and the Notice of Referral to immigration judge. When the charging document is filed by DHS with the immigration court, jurisdiction over the case transfers from DHS to the Executive Office for Immigration Review (EOIR), which has oversight over the 55 immigration courts located throughout the United States. Once an alien has been ordered removed by EOIR, DHS carries out the removal; EOIR does not maintain statistics on alien removals from the United States.

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

In addition to proceedings, immigration judges consider other matters such as bonds and motions.

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

For the purposes of this Year Book, the term “immigration court matters” includes proceedings (deportation, exclusion, removal, credible fear, reasonable fear, claimed status, asylum only, rescission, continued detention review, Nicaraguan Adjustment and Central American Relief Act (NACARA), and withholding only), bond redeterminations, and motions. Receipts are defined as the total number of proceedings, bond redeterminations, and motions received by the immigration courts during the reporting period. Completions include immigration judge decisions on proceedings, bond redeterminations, motions, and other completions such as administrative closings and changes of venue.



	Receipts	Completions
FY 04	299,735	302,079
FY 05	370,012	353,014
FY 06	351,271	366,028
FY 07	335,959	329,104
FY 08	351,477	339,071

Figure 1

As shown in Figure 1 above, the number of immigration matters received by the immigration courts increased between FY 2004 and FY 2005 by 23 percent. The decrease in receipts from FY 2005 to FY 2007 was nine percent followed by an increase of five percent from FY 2007 to FY 2008. Immigration court matters completed increased by 21 percent from FY 2004 to FY 2006 followed by a decrease of 10 percent from FY 2006 to FY 2007 and an increase of three percent from FY 2007 to FY 2008.

While some courts showed increases in receipts over FY 2007 levels, others showed decreases. In Table 1, on the following page, courts with increases of 25 percent or more are highlighted in blue, and those with decreases of 25 percent or more are highlighted in red. The immigration court in Honolulu, HI, showed the largest percentage increase in receipts, up 66 percent. The immigration court in San Pedro, CA, showed the largest percentage decrease, down 80 percent. This decrease was caused by the closure of the San Pedro immigration court in October of 2007. Table 1A identifies receipts for FY 2008 by type of matter.


Table 2 provides a comparison of FY 2007 and FY 2008 completions by immigration court. Courts with increases in completions of 25 percent or more are highlighted in blue, and those with decreases of 25 percent or more are highlighted in red. Some courts, such as the Honolulu, HI, and Florence, AZ, had significant increases in both receipts and completions.



**Table 1 - Total Immigration Court Matters Received by Court for FY 2007 and FY 2008**

Immigration Court	FY 2007	FY 2008	Rate of Change
ARLINGTON, VIRGINIA	7,879	8,345	6%
ATLANTA, GEORGIA	12,794	15,457	21%
BALTIMORE, MARYLAND	6,694	5,678	-15%
BATAVIA SPC, NEW YORK	2,678	2,851	6%
BLOOMINGTON (ST. PAUL), MINNESOTA	4,042	4,904	21%
BOSTON, MASSACHUSETTS	7,744	7,121	-8%
BRADENTON, FLORIDA	41	40	-2%
BUFFALO, NEW YORK	2,444	2,866	17%
CHARLOTTE, NORTH CAROLINA	0	1,123	New Court
CHICAGO, ILLINOIS	11,888	15,664	32%
CLEVELAND, OHIO	3,160	4,272	35%
DALLAS, TEXAS	7,084	7,908	12%
DENVER, COLORADO	6,938	8,971	29%
DETROIT, MICHIGAN	4,618	5,346	16%
EAST MESA, CALIFORNIA	4,687	2,946	-37%
EL CENTRO SPC, CALIFORNIA	3,380	3,049	-10%
EL PASO SPC, TEXAS	5,708	7,702	35%
EL PASO, TEXAS	3,849	3,898	1%
ELIZABETH SPC, NEW JERSEY	2,020	2,780	38%
ELOY, ARIZONA	13,806	12,360	-10%
FISHKILL - NEW YORK STATE DOC, NEW YORK	395	387	-2%
FLORENCE SPC, ARIZONA	5,179	8,569	65%
GUAYNABO (SAN JUAN), PUERTO RICO	3,572	3,395	-5%
HARLINGEN, TEXAS	12,164	13,054	7%
HARTFORD, CONNECTICUT	3,013	2,807	-7%
HONOLULU, HAWAII	1,099	1,822	66%
HOUSTON SPC, TEXAS	6,043	6,079	1%
HOUSTON, TEXAS	6,437	7,973	24%
IMPERIAL, CALIFORNIA	1,450	1,105	-24%
KANSAS CITY, MISSOURI	3,586	4,445	24%
KROME NORTH SPC, FLORIDA	7,015	10,634	52%
LANCASTER, CALIFORNIA	8,577	7,424	-13%
LAS VEGAS, NEVADA	3,207	3,493	9%
LOS ANGELES, CALIFORNIA	27,361	21,168	-23%
LOS FRESNOS (PORT ISABEL SPC), TEXAS*	6,106	4,017	-34%
MEMPHIS, TENNESSEE	2,735	3,411	25%
MIAMI, FLORIDA	16,601	13,650	-18%
NEW ORLEANS, LOUISIANA	858	693	-19%
NEW YORK CITY, NEW YORK	20,812	20,382	-2%
NEWARK, NEW JERSEY	6,796	8,127	20%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	9,158	13,522	48%
ORLANDO, FLORIDA	5,557	5,656	2%
PHILADELPHIA, PENNSYLVANIA	2,337	2,697	15%
PHOENIX, ARIZONA	3,263	4,333	33%
PORTLAND, OREGON	1,492	1,213	-19%
SALT LAKE CITY, UTAH	1,865	2,654	42%
SAN ANTONIO, TEXAS	14,497	14,001	-3%
SAN DIEGO, CALIFORNIA	5,596	5,416	-3%
SAN FRANCISCO, CALIFORNIA	11,382	11,999	5%
SAN PEDRO SPC, CALIFORNIA	3,859	769	-80%
SEATTLE, WASHINGTON	11,096	12,592	13%
TUCSON, ARIZONA	2,062	1,442	-30%
ULSTER - NEW YORK STATE DOC, NEW YORK	784	690	-12%
VARICK SPC, NEW YORK	2,062	2,674	30%
YORK, PENNSYLVANIA	6,489	5,903	-9%
<b>TOTAL</b>	<b>335,959</b>	<b>351,477</b>	<b>5%</b>

\*Los Fresnos (Port Isabel SPC) was closed from July 2008 until the end of the fiscal year due to hurricane damage.

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

**Table 1A - Total Immigration Court Receipts by Court and Type of Matter for FY 2008**

Immigration Court	Proceedings	Bonds	Motions	Total Matters
ARLINGTON, VIRGINIA	7,467	470	408	8,345
ATLANTA, GEORGIA	14,028	879	550	15,457
BALTIMORE, MARYLAND	4,807	373	498	5,678
BATAVIA SPC, NEW YORK	1,674	1,161	16	2,851
BLOOMINGTON (ST. PAUL), MINNESOTA	4,038	751	115	4,904
BOSTON, MASSACHUSETTS	4,935	1,573	613	7,121
BRADENTON, FLORIDA	26	0	14	40
BUFFALO, NEW YORK	2,654	157	55	2,866
CHARLOTTE, NORTH CAROLINA	1,123	0	0	1,123
CHICAGO, ILLINOIS	12,534	2,592	538	15,664
CLEVELAND, OHIO	4,026	126	120	4,272
DALLAS, TEXAS	7,050	599	259	7,908
DENVER, COLORADO	6,572	2,282	117	8,971
DETROIT, MICHIGAN	3,912	1,133	301	5,346
EAST MESA, CALIFORNIA	2,197	741	8	2,946
EL CENTRO SPC, CALIFORNIA	2,261	748	40	3,049
EL PASO SPC, TEXAS	6,655	1,012	35	7,702
EL PASO, TEXAS	3,653	114	131	3,898
ELIZABETH SPC, NEW JERSEY	1,993	755	32	2,780
ELOY, ARIZONA	9,635	2,701	24	12,360
FISHKILL - NEW YORK STATE DOC, NEW YORK	374	0	13	387
FLORENCE SPC, ARIZONA	6,876	1,649	44	8,569
GUAYNABO (SAN JUAN), PUERTO RICO	2,687	547	161	3,395
HARLINGEN, TEXAS	9,442	3,288	324	13,054
HARTFORD, CONNECTICUT	1,937	783	87	2,807
HONOLULU, HAWAII	1,395	349	78	1,822
HOUSTON SPC, TEXAS	4,611	1,437	31	6,079
HOUSTON, TEXAS	7,217	335	421	7,973
IMPERIAL, CALIFORNIA	1,088	0	17	1,105
KANSAS CITY, MISSOURI	4,118	265	62	4,445
KROME NORTH SPC, FLORIDA	8,084	2,477	73	10,634
LANCASTER, CALIFORNIA	5,223	2,178	23	7,424
LAS VEGAS, NEVADA	3,212	148	133	3,493
LOS ANGELES, CALIFORNIA	19,391	10	1,767	21,168
LOS FRESNOS (PORT ISABEL SPC), TEXAS	2,995	974	48	4,017
MEMPHIS, TENNESSEE	3,049	235	127	3,411
MIAMI, FLORIDA	12,202	0	1,448	13,650
NEW ORLEANS, LOUISIANA	650	14	29	693
NEW YORK CITY, NEW YORK	18,633	0	1,749	20,382
NEWARK, NEW JERSEY	6,158	1,279	690	8,127
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	9,904	3,547	71	13,522
ORLANDO, FLORIDA	5,295	6	355	5,656
PHILADELPHIA, PENNSYLVANIA	2,510	0	187	2,697
PHOENIX, ARIZONA	4,134	6	193	4,333
PORTLAND, OREGON	1,078	70	65	1,213
SALT LAKE CITY, UTAH	2,455	154	45	2,654
SAN ANTONIO, TEXAS	11,100	2,463	438	14,001
SAN DIEGO, CALIFORNIA	5,199	19	198	5,416
SAN FRANCISCO, CALIFORNIA	10,823	694	482	11,999
SAN PEDRO SPC, CALIFORNIA	509	250	10	769
SEATTLE, WASHINGTON	10,513	1,819	260	12,592
TUCSON, ARIZONA	1,415	0	27	1,442
ULSTER - NEW YORK STATE DOC, NEW YORK	665	0	25	690
VARICK SPC, NEW YORK	1,452	1,154	68	2,674
YORK, PENNSYLVANIA	4,147	1,695	61	5,903
<b>TOTAL</b>	<b>291,781</b>	<b>46,012</b>	<b>13,684</b>	<b>351,477</b>

**Table 2 - Total Immigration Court Matters Completed by Court for FY 2007 and FY 2008**

Immigration Court	FY 2007	FY 2008	Rate of Change
ARLINGTON, VIRGINIA	7,767	7,750	0%
ATLANTA, GEORGIA	13,129	14,633	11%
BALTIMORE, MARYLAND	5,896	5,652	-4%
BATAVIA SPC, NEW YORK	2,579	2,817	9%
BLOOMINGTON (ST. PAUL), MINNESOTA	3,608	4,635	28%
BOSTON, MASSACHUSETTS	7,952	7,522	-5%
BRADENTON, FLORIDA	52	37	-29%
BUFFALO, NEW YORK	2,473	2,690	9%
CHARLOTTE, NORTH CAROLINA	0	3	New Court
CHICAGO, ILLINOIS	11,347	14,341	26%
CLEVELAND, OHIO	3,036	4,040	33%
DALLAS, TEXAS	7,207	7,709	7%
DENVER, COLORADO	6,350	8,038	27%
DETROIT, MICHIGAN	4,872	5,875	21%
EAST MESA, CALIFORNIA	4,750	2,934	-38%
EL CENTRO SPC, CALIFORNIA	3,454	2,993	-13%
EL PASO SPC, TEXAS	5,751	7,574	32%
EL PASO, TEXAS	3,817	3,108	-19%
ELIZABETH SPC, NEW JERSEY	2,029	2,726	34%
ELOY, ARIZONA	13,362	12,294	-8%
FISHKILL - NEW YORK STATE DOC, NEW YORK	433	373	-14%
FLORENCE SPC, ARIZONA	5,235	8,260	58%
GUAYNABO (SAN JUAN), PUERTO RICO	3,929	3,520	-10%
HARLINGEN, TEXAS	12,815	12,516	-2%
HARTFORD, CONNECTICUT	2,851	2,986	5%
HONOLULU, HAWAII	856	1,620	89%
HOUSTON SPC, TEXAS	5,827	6,015	3%
HOUSTON, TEXAS	6,192	7,517	21%
IMPERIAL, CALIFORNIA	1,436	1,031	-28%
KANSAS CITY, MISSOURI	3,512	4,058	16%
KROME NORTH SPC, FLORIDA	6,828	10,523	54%
LANCASTER, CALIFORNIA	8,636	7,296	-16%
LAS VEGAS, NEVADA	3,062	3,516	15%
LOS ANGELES, CALIFORNIA	17,281	18,100	5%
LOS FRESNOS (PORT ISABEL SPC), TEXAS*	6,118	4,274	-30%
MEMPHIS, TENNESSEE	2,300	2,844	24%
MIAMI, FLORIDA	24,803	18,638	-25%
NEW ORLEANS, LOUISIANA	1,371	735	-46%
NEW YORK CITY, NEW YORK	18,105	17,092	-6%
NEWARK, NEW JERSEY	6,840	7,470	9%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	9,245	13,274	44%
ORLANDO, FLORIDA	5,991	7,145	19%
PHILADELPHIA, PENNSYLVANIA	2,533	2,285	-10%
PHOENIX, ARIZONA	2,957	3,217	9%
PORTLAND, OREGON	1,339	1,014	-24%
SALT LAKE CITY, UTAH	1,834	2,651	45%
SAN ANTONIO, TEXAS	15,145	13,799	-9%
SAN DIEGO, CALIFORNIA	5,332	5,613	5%
SAN FRANCISCO, CALIFORNIA	11,609	10,887	-6%
SAN PEDRO SPC, CALIFORNIA	3,747	962	-74%
SEATTLE, WASHINGTON	10,961	11,854	8%
TUCSON, ARIZONA	2,063	1,452	-30%
ULSTER - NEW YORK STATE DOC, NEW YORK	769	739	-4%
VARICK SPC, NEW YORK	1,723	2,457	43%
YORK, PENNSYLVANIA	5,995	5,967	0%
<b>TOTAL</b>	<b>329,104</b>	<b>339,071</b>	<b>3%</b>

\*Los Fresnos (Port Isabel SPC) was closed from July 2008 until the end of the fiscal year due to hurricane damage.

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

**Table 2A - Total Immigration Court Completions by Court and Type of Matter for FY 2008**

Immigration Court	Proceedings	Bonds	Motions	Total Matters
ARLINGTON, VIRGINIA	6,907	428	415	7,750
ATLANTA, GEORGIA	13,244	836	553	14,633
BALTIMORE, MARYLAND	4,776	368	508	5,652
BATAVIA SPC, NEW YORK	1,663	1,143	11	2,817
BLOOMINGTON (ST. PAUL), MINNESOTA	3,781	744	110	4,635
BOSTON, MASSACHUSETTS	5,425	1,500	597	7,522
BRADENTON, FLORIDA	27	1	9	37
BUFFALO, NEW YORK	2,484	150	56	2,690
CHARLOTTE, NORTH CAROLINA	3	0	0	3
CHICAGO, ILLINOIS	11,460	2,399	482	14,341
CLEVELAND, OHIO	3,785	128	127	4,040
DALLAS, TEXAS	6,854	590	265	7,709
DENVER, COLORADO	5,745	2,184	109	8,038
DETROIT, MICHIGAN	4,463	1,120	292	5,875
EAST MESA, CALIFORNIA	2,203	724	7	2,934
EL CENTRO SPC, CALIFORNIA	2,222	728	43	2,993
EL PASO SPC, TEXAS	6,536	1,002	36	7,574
EL PASO, TEXAS	2,868	105	135	3,108
ELIZABETH SPC, NEW JERSEY	1,944	753	29	2,726
ELOY, ARIZONA	9,632	2,637	25	12,294
FISHKILL - NEW YORK STATE DOC, NEW YORK	359	0	14	373
FLORENCE SPC, ARIZONA	6,594	1,626	40	8,260
GUAYNABO (SAN JUAN), PUERTO RICO	2,829	534	157	3,520
HARLINGEN, TEXAS	8,954	3,237	325	12,516
HARTFORD, CONNECTICUT	2,130	769	87	2,986
HONOLULU, HAWAII	1,217	328	75	1,620
HOUSTON SPC, TEXAS	4,573	1,411	31	6,015
HOUSTON, TEXAS	6,783	330	404	7,517
IMPERIAL, CALIFORNIA	1,013	0	18	1,031
KANSAS CITY, MISSOURI	3,781	222	55	4,058
KROME NORTH SPC, FLORIDA	8,024	2,434	65	10,523
LANCASTER, CALIFORNIA	5,208	2,070	18	7,296
LAS VEGAS, NEVADA	3,232	149	135	3,516
LOS ANGELES, CALIFORNIA	16,434	8	1,658	18,100
LOS FRESNOS (PORT ISABEL SPC), TEXAS	3,253	974	47	4,274
MEMPHIS, TENNESSEE	2,484	234	126	2,844
MIAMI, FLORIDA	17,216	0	1,422	18,638
NEW ORLEANS, LOUISIANA	695	14	26	735
NEW YORK CITY, NEW YORK	15,378	0	1,714	17,092
NEWARK, NEW JERSEY	5,602	1,222	646	7,470
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	9,738	3,476	60	13,274
OMAHA, NEBRASKA	0	0	0	0
ORLANDO, FLORIDA	6,808	9	328	7,145
PHILADELPHIA, PENNSYLVANIA	2,106	0	179	2,285
PHOENIX, ARIZONA	3,002	6	209	3,217
PORTLAND, OREGON	883	66	65	1,014
SALT LAKE CITY, UTAH	2,459	146	46	2,651
SAN ANTONIO, TEXAS	10,953	2,426	420	13,799
SAN DIEGO, CALIFORNIA	5,399	18	196	5,613
SAN FRANCISCO, CALIFORNIA	9,769	631	487	10,887
SAN PEDRO SPC, CALIFORNIA	710	243	9	962
SEATTLE, WASHINGTON	9,847	1,752	255	11,854
TUCSON, ARIZONA	1,424	0	28	1,452
ULSTER - NEW YORK STATE DOC, NEW YORK	717	0	22	739
VARICK SPC, NEW YORK	1,255	1,139	63	2,457
YORK, PENNSYLVANIA	4,190	1,722	55	5,967
<b>TOTAL</b>	<b>281,041</b>	<b>44,736</b>	<b>13,294</b>	<b>339,071</b>

Figures 2 and 3 below provide information on the types of matters received and completed by the immigration courts. Proceedings make up the bulk of the courts' work, but they also process significant numbers of bonds and motions.

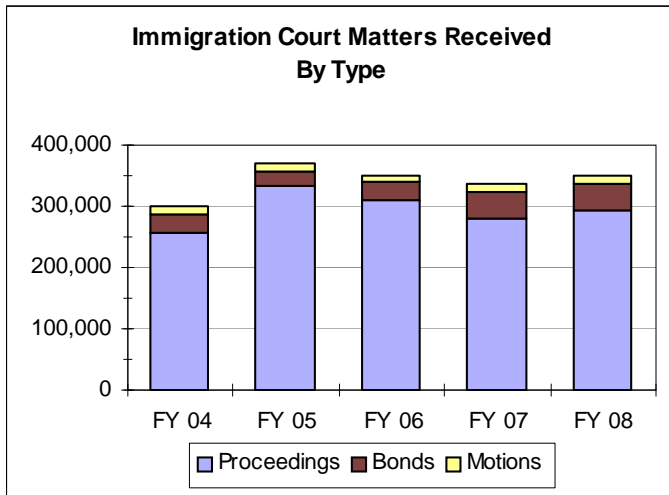


Figure 2

	Proceedings	Bonds	Motions	Total
FY 04	257,930	29,763	12,042	299,735
FY 05	331,672	26,063	12,277	370,012
FY 06	308,617	30,282	12,372	351,271
FY 07	279,456	42,846	13,657	335,959
FY 08	291,781	46,012	13,684	351,477

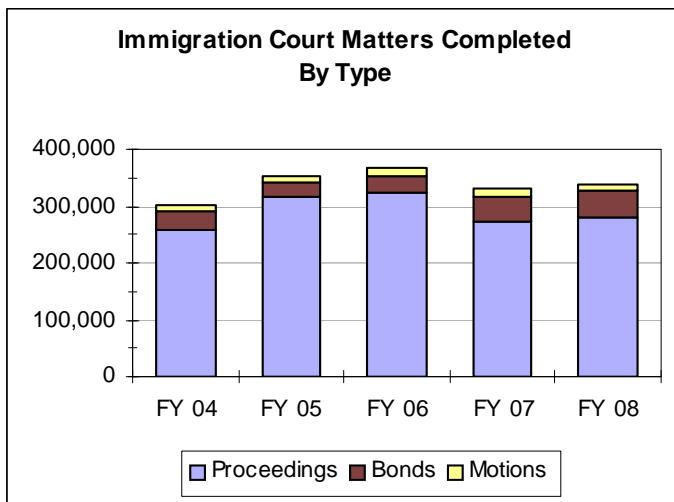


Figure 3

	Proceedings	Bonds	Motions	Total
FY 04	259,963	29,889	12,227	302,079
FY 05	314,890	25,939	12,185	353,014
FY 06	324,044	29,728	12,256	366,028
FY 07	273,448	42,224	13,432	329,104
FY 08	281,041	44,736	13,294	339,071

## **Immigration Courts: Proceedings Received and Completed by Type**

This section of the Statistical Year Book provides further details on proceedings by type. As noted previously in Tab B, proceedings, motions, and bond redeterminations make up the various types of matters considered by the immigration courts.

Until April 1, 1997, the two major types of proceedings conducted by immigration courts were exclusion proceedings and deportation proceedings. Individuals charged by the former Immigration and Naturalization Service (INS) (now reorganized under DHS) as excludable were placed in exclusion proceedings. Exclusion cases generally involved a person who tried to enter the United States, but was stopped at the point of entry because INS found the person to be inadmissible. Deportation cases usually arose when INS alleged that an alien had entered the country illegally, or had entered legally, but then violated one or more conditions of his or her visa.

Rescission cases, a less common type of case, were also received by the immigration courts prior to April 1, 1997, and continue to be received today. In a rescission case, DHS 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.

Provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which became effective on April 1, 1997, established five new types of proceedings:

- Removal Proceedings. Under removal proceedings (which replaced exclusion and deportation proceedings), DHS must file a Notice to Appear (NTA) to initiate the proceedings.
- Credible Fear Review. Arriving aliens with no documents or fraudulent documents are subject to expedited removal by DHS. If an arriving alien who has been ordered removed under the expedited removal provisions expresses a "credible fear" of persecution, the alien is referred for an interview by an asylum officer. Aliens found by the asylum officer not to have a credible fear of persecution may request a review by an immigration judge. If the judge determines there is "credible fear," the judge will vacate the DHS order of expedited removal, and the alien will be placed in removal proceedings.
- Reasonable Fear Review. DHS has the authority to order the administrative removal of certain aggravated felons, and to reinstate orders of removal for aliens previously removed. If an alien who has been ordered administratively removed, or whose prior order of removal has

been reinstated expresses a fear of returning to the country of removal, a DHS asylum officer makes a “reasonable fear” determination. Aliens found by the asylum officer not to have a reasonable fear of persecution may request a review by an immigration judge. If the judge determines there is “reasonable fear,” the alien will be placed in withholding only proceedings.

- Claimed Status Review. If an alien in expedited removal proceedings before DHS claims to be a U.S. citizen, to have been lawfully admitted for permanent residence, to have been admitted as a refugee, or to have been granted asylum, and DHS determines that the alien has no such claim, he or she can obtain a review of that claim by an immigration judge.
- Asylum-Only. 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. These proceedings also cover Visa Waiver Program beneficiaries and individuals ordered removed from the United States on security grounds.

Additional types of proceedings include:

- Continued Detention Review. In response to a United States Supreme Court decision in *Zadvydas v. Davis*, a new type of proceeding was established regarding the continued detention of aliens who are subject to final orders of removal. In these cases the alien has already been ordered removed, but DHS is unable to effect the removal (e.g., lack of a travel document, no diplomatic relations with the receiving country, etc.). The only issue for the immigration judge to decide in Continued Detention Review cases is whether or not the alien should remain in custody.
- NACARA. Certain aliens may apply for suspension of deportation or cancellation of removal under section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA).
- Withholding Only. A previous removal/deportation/exclusion order has been reinstated by DHS or the alien has been ordered removed (administratively) by DHS (based upon a conviction for an aggravated felony) and the alien expresses a fear of persecution or torture and that claim is reviewed by an asylum officer. The asylum officer has concluded that the alien has a reasonable fear of persecution or torture or an immigration judge conducted a Reasonable Fear proceeding and found that “reasonable fear of persecution or torture” exists. The immigration judge’s Reasonable Fear finding automatically initiates a Withholding Only hearing.

Table 3 shows all types of proceedings received by the immigration courts between FY 2004 and FY 2008. Credible Fear claims increased each year from FY 2004 to FY 2007 then decreased 15 percent from FY 2007 to FY 2008.

**Table 3 - Immigration Court Proceedings Received by Case Type**

Type of Proceeding	FY2004	FY 2005	FY 2006	FY 2007	FY 2008
Deportation	4,545	4,219	3,648	4,031	4,189
Exclusion	502	411	386	453	436
Removal	249,839	325,027	302,869	272,848	285,178
Credible Fear	41	114	411	825	703
Reasonable Fear	92	55	78	131	174
Claimed Status	50	77	69	78	53
Asylum Only	2,626	1,553	959	814	708
Rescission	28	24	30	33	32
Continued Detention Review	8	3	6	6	5
NACARA	36	5	28	42	14
Withholding Only	160	184	132	195	289
Unknown	3	0	1	0	0
<b>Total</b>	<b>257,930</b>	<b>331,672</b>	<b>308,617</b>	<b>279,456</b>	<b>291,781</b>



Table 4 shows all types of proceedings completed by the immigration courts for the period FY 2004 to FY 2008. Note that proceedings completed do not reflect only immigration judge decisions. These numbers include other completions such as transfers and changes of venue. As shown in Tab D, “other completions” accounted for 18 percent of the proceedings completed in FY 2008.

**Table 4 - Immigration Court Proceedings Completed by Case Type**

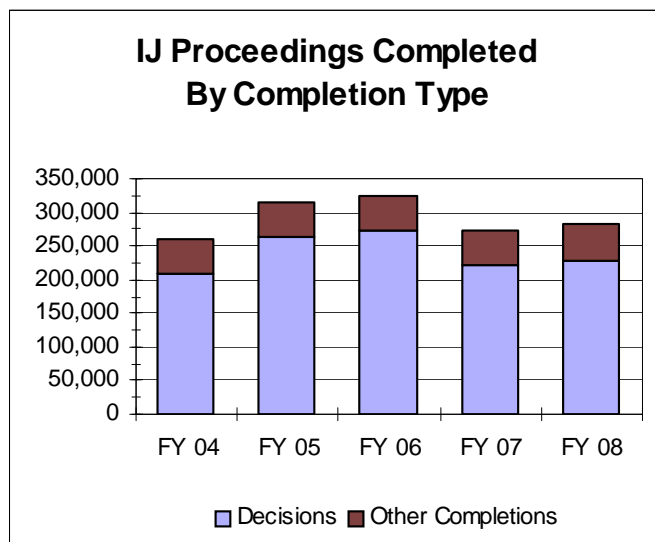
Type of Proceeding	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Deportation	6,270	4,700	4,146	4,086	3,970
Exclusion	838	582	462	428	500
Removal	250,023	307,049	317,246	266,693	274,469
Credible Fear	37	115	411	820	696
Reasonable Fear	92	57	77	127	170
Claimed Status	54	75	64	82	54
Asylum Only	2,400	2,064	1,456	993	837
Rescission	27	27	29	24	31
Continued Detention Review	10	3	6	5	6
NACARA	70	29	18	31	34
Withholding Only	138	187	129	158	274
Unknown	4	2	0	1	0
<b>Total</b>	<b>259,963</b>	<b>314,890</b>	<b>324,044</b>	<b>273,448</b>	<b>281,041</b>

## Immigration Courts: Proceedings Completed by Disposition

After a hearing, the immigration judge either renders an oral decision or reserves the decision and issues a decision at a later date. In rendering a decision, the immigration judge may order the alien removed from the United States, grant some form of relief, or terminate the proceedings if removability has not been established by DHS.

In addition to decisions, there are other possible proceeding outcomes which are reported here as “other” completions. Some cases are administratively closed and the immigration judge does not render a decision on the merits. Administrative closures are counted as “other” completions, as are cases transferred to a different hearing location or granted a change of venue.

Figure 4 provides a breakdown of proceedings from FY 2004 to FY 2008 by type of completion – either through an immigration judge decision or through an “other” completion, such as an administrative closure or change of venue. Other completions typically account for less than 20 percent of total completions.



	Decisions	Other Completions	Total
FY 04	209,288	50,675	259,963
FY 05	264,785	50,105	314,890
FY 06	273,764	50,280	324,044
FY 07	223,075	50,373	273,448
FY 08	229,316	51,725	281,041

Figure 4

Figure 5 provides 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 not sustained or if the alien has established eligibility for naturalization, the judge terminates the case. If charges are sustained, the judge decides whether to order the alien removed from the United States or to grant relief. In some cases, the immigration judge may permit the alien to depart the United States voluntarily. Orders of voluntary departure are included as removals. There are also a few immigration judge decisions classified as “other” decisions. For example, an immigration judge may permit an alien in proceedings to withdraw his or her application for relief.

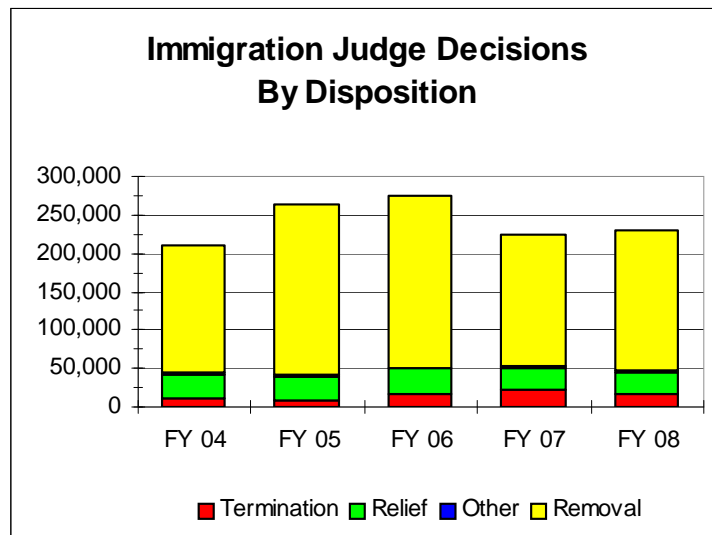


Figure 5

IJ Decisions by Disposition										
	Termination		Relief		Removal		Other		Total	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
FY 04	9,945	4.8	32,136	15.4	165,769	79.2	1,438	0.7	209,288	100.0
FY 05	9,382	3.5	30,043	11.3	224,000	84.6	1,360	0.5	264,785	100.0
FY 06	15,985	5.8	34,409	12.6	222,215	81.2	1,155	0.4	273,764	100.0
FY 07	21,148	9.5	30,260	13.6	170,273	76.3	1,394	0.6	223,075	100.0
FY 08	17,015	7.4	28,304	12.3	182,646	79.6	1,351	0.6	229,316	100.0

## Immigration Courts: Proceedings Completed by Nationality

Immigration court staff record in EOIR's data system the nationality of aliens who appear before immigration judges. Data in this section provide information on the predominant nationalities for completed proceedings.

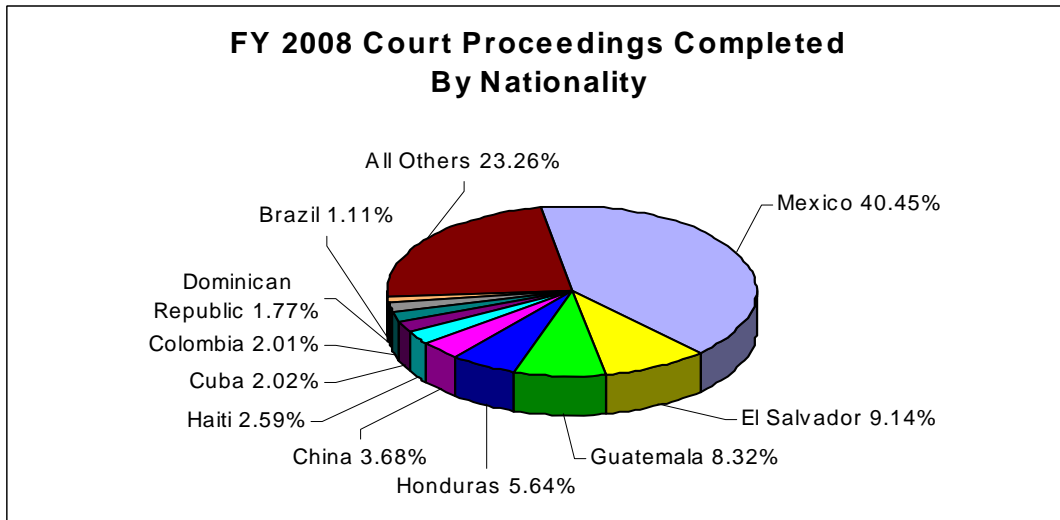


Figure 6

FY 2008 Court Proceedings Completed by Nationality		
Nationality	Cases	% of Total
Mexico	113,679	40.45%
El Salvador	25,687	9.14%
Guatemala	23,371	8.32%
Honduras	15,852	5.64%
China	10,342	3.68%
Haiti	7,284	2.59%
Cuba	5,686	2.02%
Colombia	5,661	2.01%
Dominican Republic	4,983	1.77%
Brazil	3,113	1.11%
All Others	65,383	23.26%
<b>Total</b>	<b>281,041</b>	<b>100.00%</b>

In FY 2008, the top 10 nationalities accounted for approximately 77 percent of all proceedings completed as shown in Figure 6. A total of 230 nationalities were represented in the FY 2008 immigration judge completions. Mexico and Central American countries are consistently among the predominant nationalities of immigration court completions. Table 5, on the following page, provides information on the top 25 nationalities each year for the period FY 2004 through FY 2008. For the five-year period, eight of the top 10 nationalities remained the same: Mexico, El Salvador, Guatemala, Honduras, China, Cuba, Haiti, and Colombia.

**Table 5 - Court Proceedings Completed by Nationality  
Top 25 Nationalities: FY 2004 - FY 2008**

Rank	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	Honduras	El Salvador	El Salvador	El Salvador	El Salvador
3	El Salvador	Honduras	Honduras	Guatemala	Guatemala
4	Guatemala	Brazil	Guatemala	Honduras	Honduras
5	China	Guatemala	China	China	China
6	Brazil	China	Brazil	Cuba	Haiti
7	Colombia	Colombia	Cuba	Haiti	Cuba
8	Haiti	Cuba	Haiti	Colombia	Colombia
9	Cuba	Haiti	Colombia	Dominican Republic	Dominican Republic
10	Dominican Republic	Dominican Republic	Nicaragua	Nicaragua	Brazil
11	India	Nicaragua	Dominican Republic	Brazil	Jamaica
12	Indonesia	India	India	India	Ecuador
13	Pakistan	Indonesia	Indonesia	Jamaica	India
14	Jamaica	Pakistan	Pakistan	Ecuador	Nicaragua
15	Albania	Ecuador	Jamaica	Pakistan	Philippines
16	Nicaragua	Jamaica	Ecuador	Indonesia	Peru
17	Ecuador	Albania	Venezuela	Peru	Venezuela
18	Philippines	Philippines	Peru	Venezuela	Pakistan
19	Peru	Peru	Philippines	Philippines	Indonesia
20	Russia	Venezuela	Albania	Nigeria	Canada
21	Egypt	Nigeria	Nigeria	Russia	Nigeria
22	Armenia	Russia	Costa Rica	Canada	Russia
23	Nigeria	Canada	Russia	Albania	Vietnam
24	Iran	Armenia	Egypt	Egypt	Ghana
25	Canada	Egypt	Canada	Ethiopia	Trinidad and Tobago

## Immigration Courts: Proceedings Completed by Language

Figure 7 below shows a breakdown of FY 2004 immigration court proceedings completed by language. Of 253 languages spoken in court proceedings during FY 2004, 85 percent were in the following five languages: Spanish, English, Portuguese, Mandarin, and Creole.

Figure 8 below shows comparable data for FY 2008. Although four of the top five languages were the same, there was more diversity in languages in FY 2008. A total of 277 different languages were spoken in court proceedings in the immigration courts during FY 2008. The top five languages accounted for 91 percent of the proceedings completed in FY 2008.

FY 2008 highlights include:

- Spanish language cases were 68 percent of the total caseload, an increase of 7 percent since FY 2004.
- In the “Other” category, Foo Chow, Russian, and Portuguese represented the three most frequently spoken languages.
- The number of different languages used in court proceedings has increased by 10 percent over FY 2004.

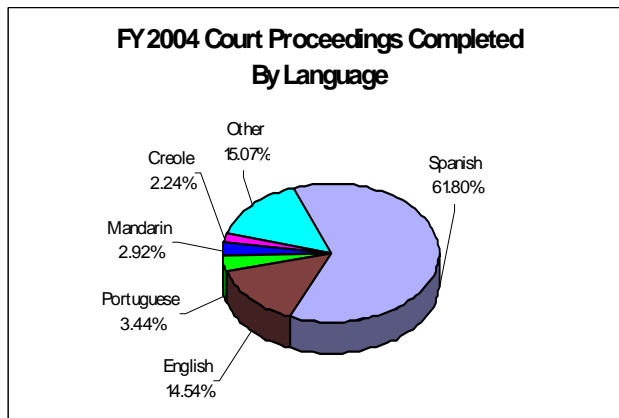


Figure 7

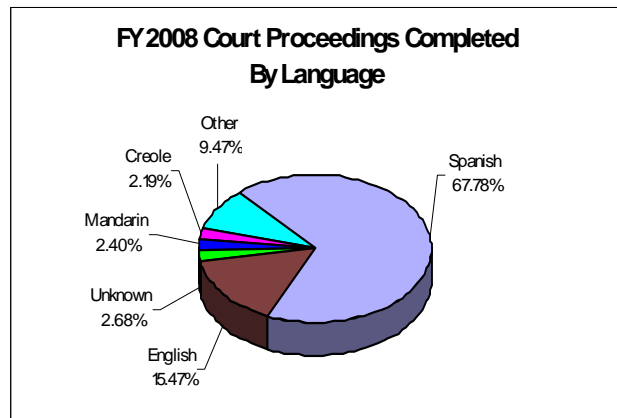


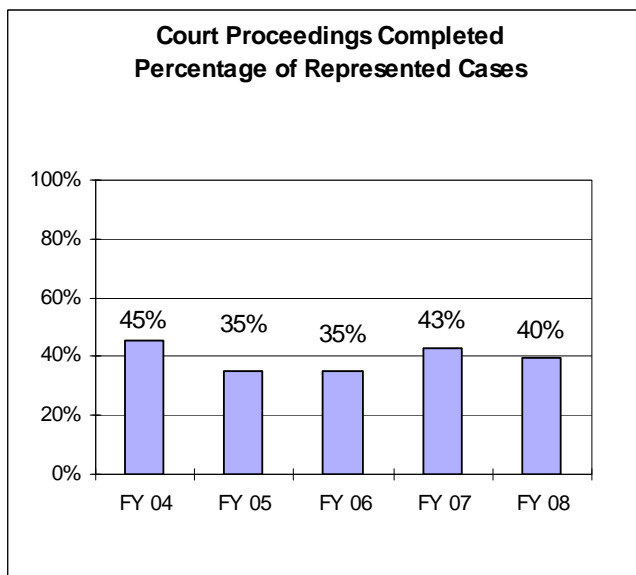
Figure 8

## Immigration Courts: Proceedings Completed by Representation Status

The Immigration and Nationality Act states that individuals in removal proceedings before an immigration judge may be represented by counsel, but at no expense to the government. Prior to representing an alien before the immigration court, representatives must file a Notice of Appearance with the court.

Many individuals in removal proceedings are indigent and cannot afford a private attorney. Some seek free or *pro bono* representation, while others proceed without counsel on their own, or *pro se*. Of great concern to EOIR is the large number of individuals appearing *pro se*. Immigration judges, in order to ensure that such individuals understand the nature of the proceedings, as well as their rights and responsibilities, must take extra care and spend additional time explaining this information. An individual may ask for a continuance of a proceeding to obtain counsel.

As shown in Figure 9, less than half of the aliens whose proceedings were completed during the period FY 2004 – FY 2008 were represented. The percentage of represented aliens for FY 2004 to FY 2008 ranged from 35 percent to 45 percent. However, the significant drop in representation rates in FY 2005 and FY 2006 is directly related to the increased failures to appear over this same period. This is due to the majority of failures to appear being unrepresented. The representation rate for FY 2005 and FY 2006 would be 48 percent if failure to appear completions were removed from the data.



	Represented	Unrepresented	Total
FY 04	117,974	141,989	259,963
FY 05	110,621	204,269	314,890
FY 06	113,982	210,062	324,044
FY 07	116,703	156,745	273,448
FY 08	112,231	168,810	281,041

Figure 9

## **Immigration Courts: Failures to Appear**

When an alien fails to appear for a hearing, the immigration judge may conduct an *in absentia* (in absence of) hearing and order the alien removed from the United States. Before the immigration judge orders the alien removed *in absentia*, the DHS Assistant Chief Counsel must establish by clear, unequivocal, and convincing evidence that the alien is removable. Further, 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. A failure to appear does not always result in an *in absentia* order. In some instances, the immigration judge may administratively close the case without ordering the alien removed *in absentia*. Since most administrative closures relate to failures to appear, we have included those figures in calculating the failure to appear rates on the following page.

Figure 10, on the following page, compares immigration judge decisions and administrative closures with failures to appear. Of the immigration judge decisions rendered in FY 2008, 16 percent involved aliens who failed to appear. In FY 2005, the failure to appear rate nearly doubled from the previous year and remained at this level in FY 2006. The large increase in the failure to appear rate had a direct effect on the total completions for those two fiscal years.

In FY 2005, 106,791 aliens failed to appear compared to the previous high in FY 2004 of 54,266, representing a 97 percent increase. From FY 2006 to FY 2007, the number of aliens who failed to appear decreased by 60 percent. FY 2008 has the lowest failure to appear rate of the five years that are represented.



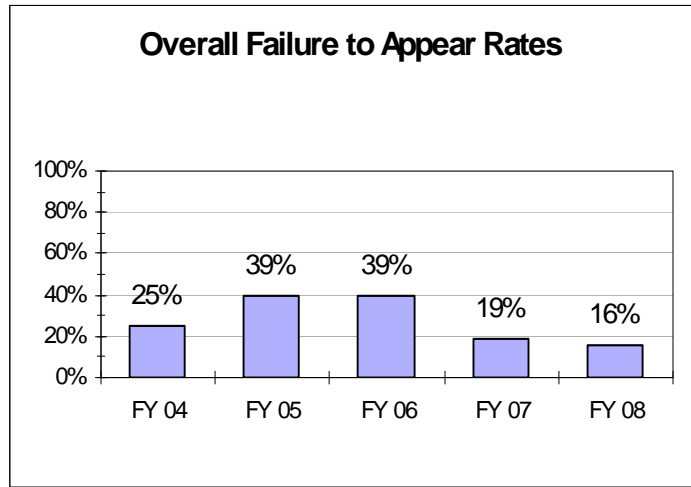


Figure 10

Overall Failure to Appear Rates					
	Failures to Appear			IJ Decisions & Admin Closures	Failure to Appear Rate
	In Absentia Orders	Administrative Closures	Total Failures to Appear		
FY 04	47,406	6,860	54,266	216,151	25%
FY 05	100,943	5,848	106,791	270,636	39%
FY 06	102,855	6,886	109,741	280,652	39%
FY 07	35,580	7,943	43,523	231,018	19%
FY 08	29,828	8,372	38,200	237,688	16%

The following figures show EOIR data on failures to appear by detention status: non-detained aliens and aliens released on bond or recognizance. Failures to appear for detained cases occur infrequently, generally only because of illness or transportation problems, and are not broken out in the following figures.

Figure 11 shows a comparison of the number of failures to appear with the number of immigration judge decisions for non-detained aliens. The non-detained category is made up of aliens who were never detained. The failure to appear rate for this population increased from FY 2004 to FY 2005. From FY 2005 to FY 2006 the rate stayed the same, then from FY 2006 to FY 2007 the failure to appear rate decreased. The failure to appear rate remained the same from FY 2007 to FY 2008.

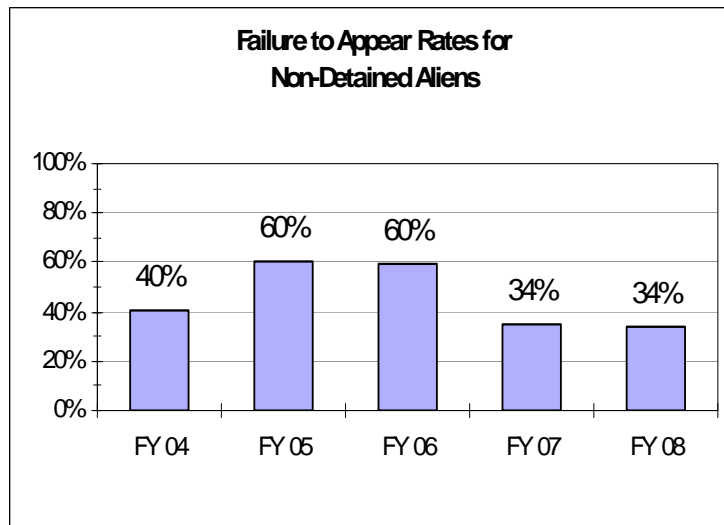


Figure 11

	Failures to Appear		IJ Decisions & Admin Closures
	Number	% of Total	
FY 04	43,605	40%	108,509
FY 05	97,729	60%	161,899
FY 06	100,440	60%	168,003
FY 07	34,404	34%	99,853
FY 08	30,601	34%	89,342

Failures to appear for aliens released on bond or on their own recognizance are shown in Figure 12. From FY 2007 to FY 2008 the failure to appear rate decreased. This decrease is consistent with the overall rate depicted in Figure 10.

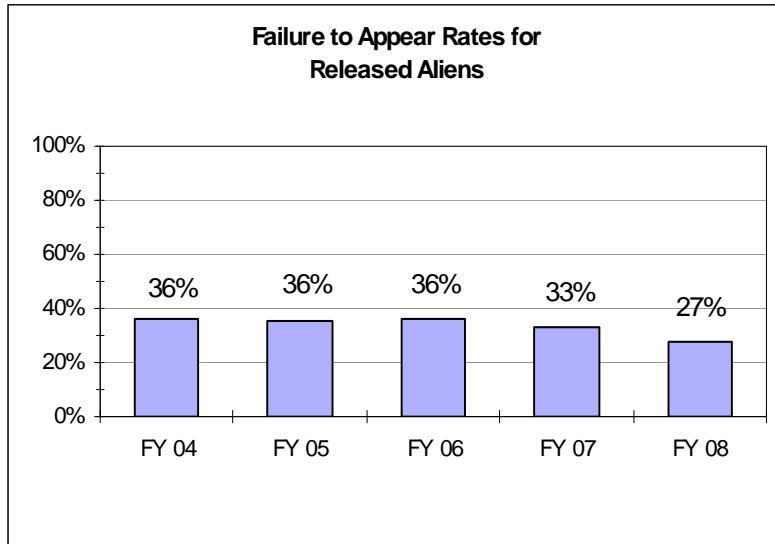


Figure 12

<b>Failure to Appear Rates for Released Aliens</b>			
	Failures to Appear		IJ Decisions & Admin Closures
	Number	% of Total	
FY 04	9,419	36%	25,826
FY 05	7,869	36%	22,085
FY 06	7,880	36%	21,983
FY 07	7,408	33%	22,445
FY 08	6,130	27%	22,420

## Immigration Courts: Asylum Cases Received and Completed

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

There are two ways that aliens may request asylum: “affirmatively,” by completing an asylum application and filing it with a DHS Asylum Office; or “defensively,” by requesting asylum before an immigration judge. Aliens who file affirmatively with DHS, but whose requests for asylum are not granted, may be placed in removal proceedings and referred to the appropriate immigration court for further review of the case.

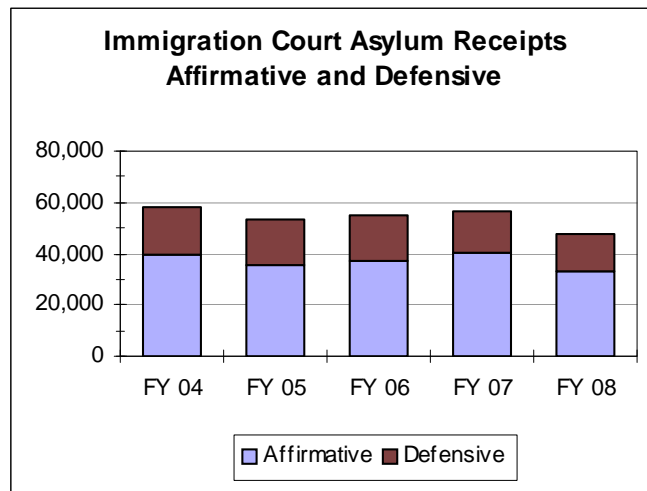


Figure 13

Immigration Court Asylum Receipts			
	Affirmative	Defensive	Total
FY 04	39,259	18,557	57,816
FY 05	35,869	17,083	52,952
FY 06	37,020	18,177	55,197
FY 07	40,126	16,478	56,604
FY 08	33,392	14,067	47,459

As shown in Figure 14 below, asylum receipts declined by 18 percent and asylum completions declined by 28 percent from FY 2004 to FY 2008.

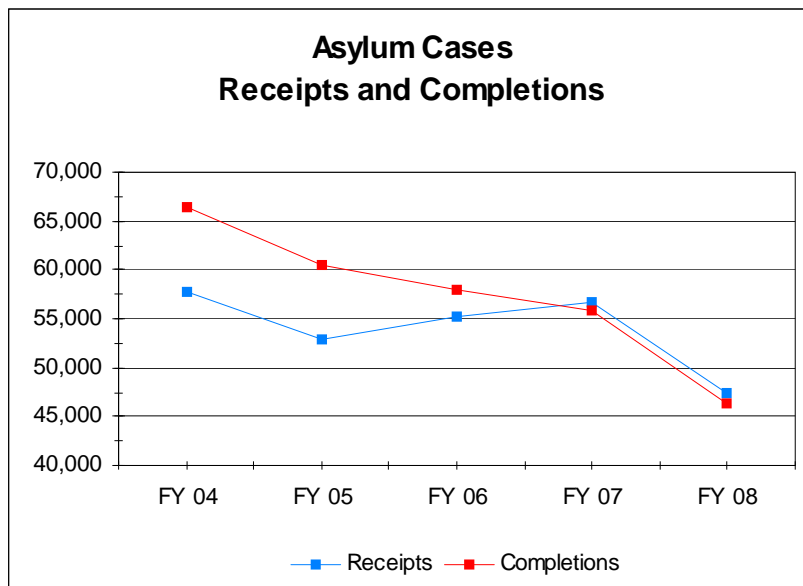


Figure 14

Asylum Receipts and Completions		
	Receipts	Completions
FY 04	57,816	66,310
FY 05	52,952	60,395
FY 06	55,197	57,868
FY 07	56,604	55,786
FY 08	47,459	46,237

Table 6, shown on page I3, provides information on FY 2008 asylum receipts and completions by immigration court. In FY 2008 the New York, NY; Los Angeles, CA; Miami, FL; San Francisco, CA; and Arlington, VA, immigration courts received 57 percent of asylum filings. In FY 2008, less than half of the immigration courts had more asylum receipts than completions.

**Table 6 - Asylum Receipts and Completions by Court for FY 2008**

Immigration Court	Receipts	Completions
ARLINGTON, VIRGINIA	2422	1901
ATLANTA, GEORGIA	1171	795
BALTIMORE, MARYLAND	1425	1101
BATAVIA SPC, NEW YORK	72	72
BLOOMINGTON (ST. PAUL), MINNESOTA	498	426
BOSTON, MASSACHUSETTS	1148	1400
BRADENTON, FLORIDA	1	1
BUFFALO, NEW YORK	144	115
CHARLOTTE, NORTH CAROLINA	80	1
CHICAGO, ILLINOIS	1553	1496
CLEVELAND, OHIO	301	328
DALLAS, TEXAS	235	325
DENVER, COLORADO	328	375
DETROIT, MICHIGAN	421	563
EAST MESA, CALIFORNIA	121	92
EL CENTRO SPC, CALIFORNIA	60	88
EL PASO SPC, TEXAS	98	75
EL PASO, TEXAS	63	38
ELIZABETH SPC, NEW JERSEY	196	233
ELOY, ARIZONA	120	98
FISHKILL - NEW YORK STATE DOC, NEW YORK	1	2
FLORENCE SPC, ARIZONA	115	95
GUAYNABO (SAN JUAN), PUERTO RICO	798	875
HARLINGEN, TEXAS	134	116
HARTFORD, CONNECTICUT	230	206
HONOLULU, HAWAII	308	212
HOUSTON SPC, TEXAS	59	62
HOUSTON, TEXAS	524	599
IMPERIAL, CALIFORNIA	27	25
KANSAS CITY, MISSOURI	245	268
KROME NORTH SPC, FLORIDA	359	360
LANCASTER, CALIFORNIA	172	188
LAS VEGAS, NEVADA	565	695
LOS ANGELES, CALIFORNIA	8120	5665
LOS FRESNOS (PORT ISABEL SPC), TEXAS	61	73
MEMPHIS, TENNESSEE	598	581
MIAMI, FLORIDA	3747	6648
NEW ORLEANS, LOUISIANA	85	94
NEW YORK CITY, NEW YORK	9776	8190
NEWARK, NEW JERSEY	1518	1441
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	98	63
ORLANDO, FLORIDA	2392	3104
PHILADELPHIA, PENNSYLVANIA	577	675
PHOENIX, ARIZONA	627	322
PORTLAND, OREGON	291	262
SALT LAKE CITY, UTAH	145	104
SAN ANTONIO, TEXAS	697	628
SAN DIEGO, CALIFORNIA	538	584
SAN FRANCISCO, CALIFORNIA	2791	2939
SAN PEDRO SPC, CALIFORNIA	50	53
SEATTLE, WASHINGTON	855	1062
TUCSON, ARIZONA	66	58
ULSTER - NEW YORK STATE DOC, NEW YORK	2	3
VARICK SPC, NEW YORK	192	217
YORK, PENNSYLVANIA	239	245
<b>TOTAL</b>	<b>47,459</b>	<b>46,237</b>

## Immigration Courts: Asylum Grants by Nationality

This section provides information on asylum grants by nationality. Figure 15 displays the top 10 nationalities granted asylum in FY 2008. In FY 2008, the top 10 nationalities accounted for 60 percent of all asylum grants. China accounted for 32 percent of all asylum grants. A total of 150 nationalities were represented among cases granted asylum in FY 2008. Table 7, on the following page, provides information for comparative purposes on the top nationalities granted asylum for the period FY 2004 to FY 2008. Five nationalities were represented among the top 10 nationalities granted asylum each year during the five-year period: China, Colombia, Albania, India, and Haiti. For more complete information on asylum data by nationality see: <http://www.usdoj.gov/eoir/eoia/FY08AsyStats.pdf>.

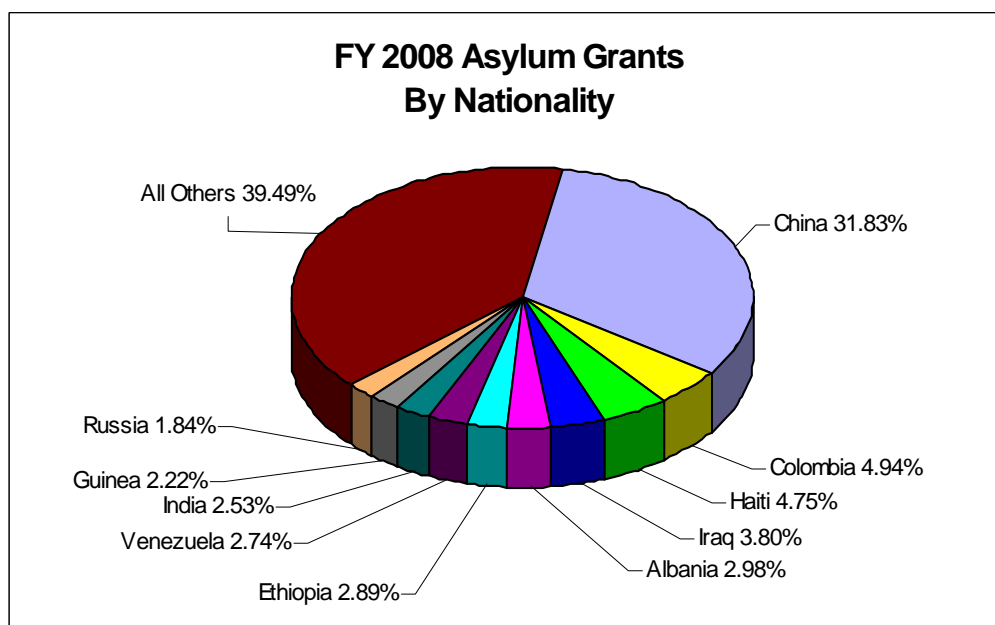


Figure 15

FY 2008 Asylum Grants by Nationality		
Nationality	Cases	% of Total
China	3,419	31.83%
Colombia	531	4.94%
Haiti	510	4.75%
Iraq	408	3.80%
Albania	320	2.98%
Ethiopia	311	2.89%
Venezuela	294	2.74%
India	272	2.53%
Guinea	238	2.22%
Russia	198	1.84%
All Others	4,242	39.49%
<b>Total</b>	<b>10,743</b>	<b>100.00%</b>

**Table 7 - Asylum Grants by Nationality  
Top 25 Nationalities: FY 2004 - FY 2008**

Rank	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1	China	China	China	China	China
2	Colombia	Colombia	Colombia	Colombia	Colombia
3	Albania	Haiti	Haiti	Haiti	Haiti
4	Haiti	Albania	Albania	Albania	Iraq
5	India	Indonesia	India	India	Albania
6	Indonesia	India	Cameroon	Ethiopia	Ethiopia
7	Russia	Armenia	Guinea	Guinea	Venezuela
8	Armenia	Ethiopia	Ethiopia	Venezuela	India
9	Cameroon	Cameroon	Indonesia	Iraq	Guinea
10	Egypt	Guinea	Armenia	Egypt	Russia
11	Ethiopia	Russia	Venezuela	Indonesia	Indonesia
12	Guinea	Egypt	Egypt	Russia	Egypt
13	Mauritania	Mauritania	Mauritania	Cameroon	El Salvador
14	Iran	Yugoslavia	Russia	Soviet Union	Soviet Union
15	Yugoslavia	Soviet Union	Iraq	Armenia	Guatemala
16	Guatemala	Burma (Myanmar)	Soviet Union	Mauritania	Cameroon
17	Pakistan	Venezuela	Pakistan	Pakistan	Nepal
18	Bangladesh	Iran	Nepal	El Salvador	Armenia
19	Burma (Myanmar)	Guatemala	Guatemala	Ivory Coast	Pakistan
20	Congo	Pakistan	Ivory Coast	Guatemala	Burma (Myanmar)
21	Sierra Leone	Bangladesh	Burma (Myanmar)	Nepal	Yugoslavia
22	Iraq	Ivory Coast	Yugoslavia	Burma (Myanmar)	Eritrea
23	Peru	Togo	Togo	Yugoslavia	Somalia
24	Fiji	Uzbekistan	Iran	Eritrea	Mauritania
25	Nepal	Iraq	Somalia	Somalia	Ivory Coast



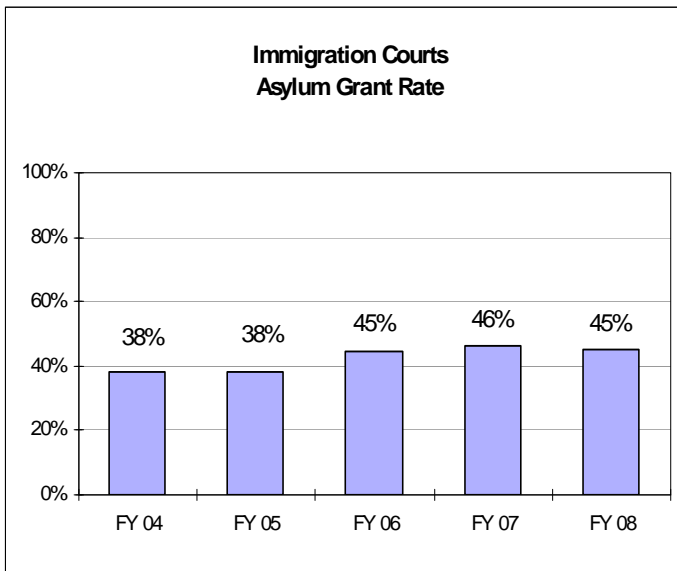
## **Immigration Courts: Disposition of Asylum Cases**

During removal proceedings an alien may request asylum as relief from removal. The immigration judge must then decide whether to deny or grant an alien's application for asylum. If the asylum applicant fails to appear for a scheduled court hearing, the application is considered abandoned. In other instances, the asylum applicant chooses to withdraw his or her application for asylum. EOIR tracks each of these possible outcomes as completed cases: grants, denials, withdrawals, and abandoned applications for asylum.

A substantial number of closed cases do not fall into one of the four categories listed above, and are counted as "other" asylum completions, e.g., change of venue to another court. Further, in some instances, an alien with a pending asylum claim may apply for and be granted another type of relief besides asylum, and this is also recorded as an "other" completion.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provided that refugee status or asylum could be granted to as many as 1,000 applicants annually whose claims were based on coercive population control (CPC). IIRIRA amended the Immigration and Nationality Act to include opposition to coercive population control methods to be considered as a political opinion. Immigration judges began granting asylum based on CPC in FY 1997. An alien who was eligible for a grant of asylum based on coercive population control methods received a grant conditioned on an administrative determination by the Department of Homeland Security that a number was available. Effective May 11, 2005, under the Real ID Act, the annual cap was lifted on asylum grants based on coercive population control methods.

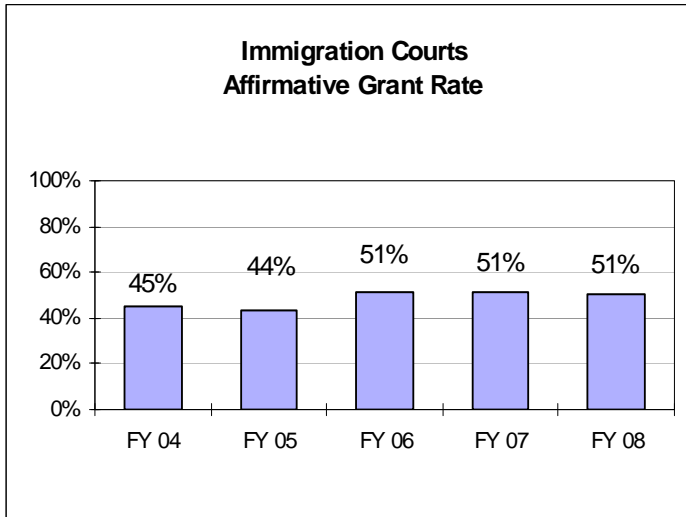
Figure 16 provides the asylum grant rate for the past five years. The grant rate is calculated as a percentage of asylum claims decided on the merits, i.e., grants (including conditional grants) and denials. The grant rate has significantly increased from FY 2004 (38%) to FY 2008 (45%).



Asylum Grant Rate			
	Grants	Denials	Grant Rate
FY 04	13,022	20,866	38%
FY 05	11,705	19,028	38%
FY 06	13,300	16,477	45%
FY 07	12,832	14,888	46%
FY 08	10,743	13,199	45%

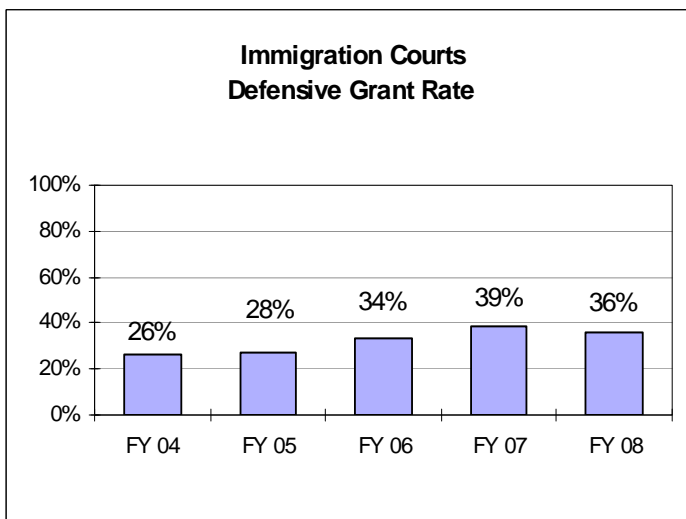
Figure 16

There is some difference in the grant rates depending on whether the asylum application was filed affirmatively or defensively. From FY 2004 to FY 2008, grant rates for affirmative asylum claims were higher than grant rates for defensive claims. Figures 17 and 18 show the grant rates for affirmative and defensive asylum claims. In a few instances, (3 grants and 18 denials) data was incomplete, and it was unclear whether the claim was affirmative or defensive.



Immigration Court Affirmative Grant Rate			
	Grants	Denials	Grant Rate
FY 04	9,849	12,082	45%
FY 05	8,701	11,191	44%
FY 06	9,526	9,025	51%
FY 07	8,421	7,967	51%
FY 08	7,279	7,066	51%

Figure 17



Immigration Court Defensive Grant Rate			
	Grants	Denials	Grant Rate
FY 04	3,137	8,742	26%
FY 05	2,966	7,796	28%
FY 06	3,742	7,398	34%
FY 07	4,379	6,895	39%
FY 08	3,461	6,115	36%

Figure 18

Figure 19 illustrates graphically all asylum case completions broken out by disposition. The number of denials decreased significantly from FY 2004 to FY 2008 (36%). The total number of asylum grants decreased from FY 2004 to FY 2008 (17%). However, because of the dramatic decrease in the number of denials compared to the decrease in the number of grants, the overall grant rate increased from FY 2004 to FY 2008. There has been a 39 percent decrease in the number of cases withdrawn from FY 2004 to FY 2008.

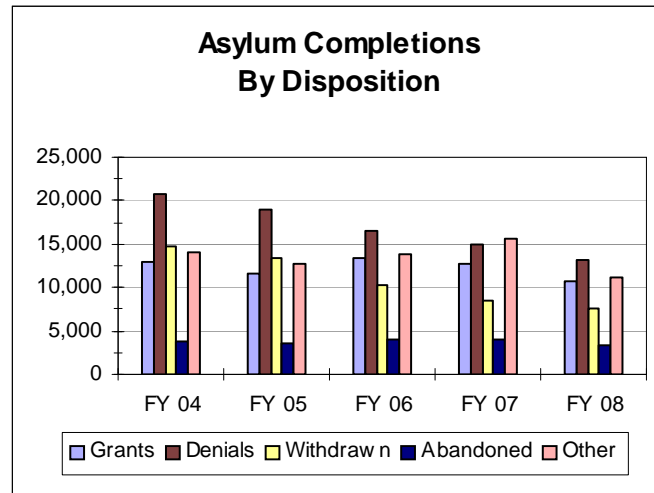


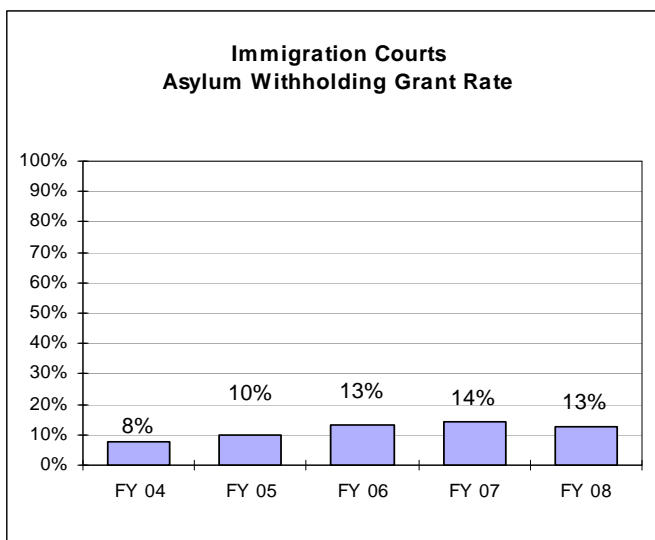
Figure 19

Asylum Completions by Disposition						
	Grants	Denials	Withdrawn	Abandoned	Other	Total
FY 04	13,022	20,866	14,664	3,805	13,953	66,310
FY 05	11,705	19,028	13,347	3,650	12,665	60,395
FY 06	13,300	16,477	10,325	3,919	13,847	57,868
FY 07	12,832	14,888	8,407	3,985	15,674	55,786
FY 08	10,743	13,199	7,670	3,453	11,172	46,237

An applicant for asylum also is an applicant for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act. Whereas asylum is a discretionary form of relief, withholding of removal is a mandatory form of protection that the immigration judge must grant if the applicant is found to have a clear probability of persecution in his or her country of origin, based on race, religion, nationality, membership in a particular social group, or political opinion, provided no mandatory bars apply. This form of protection fulfills the United States' treaty obligations as signatory to the 1967 United Nations Protocol Relating to the Status of Refugees (1967 Protocol). The 1951 United Nations Convention Relating to the Status of Refugees (Refugee Convention) and the 1967 Protocol require contracting states to ensure that no refugee is returned to a country where his or her life would be threatened due to one of the five protected grounds for refugee status.

Asylum seekers can only apply for withholding of removal in an immigration court. A determination regarding this form of protection is made only if the applicant is denied asylum. Applicants granted this protection may not be returned to the country of feared persecution. However, they may be sent to a third country provided that country will allow their entry.

Figure 19-A below depicts the asylum withholding grant rate. Cases that had grants for both asylum and withholding were omitted from withholding because they have previously been counted as an asylum grant.



Immigration Court Asylum Withholding			
	Grants	Denials	Grant Rate
FY 04	1,764	21,308	8%
FY 05	2,107	19,456	10%
FY 06	2,569	16,778	13%
FY 07	2,549	15,364	14%
FY 08	2,015	14,053	13%

Figure 19-A

Table 8, on the following page, provides information on the FY 2008 asylum grant rate for each individual immigration court.

**Table 8 - FY 2008 Asylum Grant Rate by Immigration Court**

Immigration Court	Grants	Denials	Grant Rate
ARLINGTON, VIRGINIA	418	391	52%
ATLANTA, GEORGIA	24	215	10%
BALTIMORE, MARYLAND	289	403	42%
BATAVIA SPC, NEW YORK	9	42	18%
BLOOMINGTON (ST. PAUL), MINNESOTA	68	145	32%
BOSTON, MASSACHUSETTS	283	393	42%
BRADENTON, FLORIDA	0	1	0%
BUFFALO, NEW YORK	21	31	40%
CHICAGO, ILLINOIS	299	306	49%
CLEVELAND, OHIO	36	126	22%
DALLAS, TEXAS	49	67	42%
DENVER, COLORADO	48	115	29%
DETROIT, MICHIGAN	156	202	44%
EAST MESA, CALIFORNIA	53	24	69%
EL CENTRO SPC, CALIFORNIA	25	48	34%
EL PASO SPC, TEXAS	12	39	24%
EL PASO, TEXAS	5	11	31%
ELIZABETH SPC, NEW JERSEY	51	116	31%
ELOY, ARIZONA	2	66	3%
FISHKILL - NEW YORK STATE DOC, NEW YORK	0	2	0%
FLORENCE SPC, ARIZONA	7	66	10%
GUAYNABO (SAN JUAN), PUERTO RICO	0	19	0%
HARLINGEN, TEXAS	50	29	63%
HARTFORD, CONNECTICUT	52	123	30%
HONOLULU, HAWAII	144	27	84%
HOUSTON SPC, TEXAS	3	37	8%
HOUSTON, TEXAS	40	258	13%
IMPERIAL, CALIFORNIA	5	18	22%
KANSAS CITY, MISSOURI	25	72	26%
KROME NORTH SPC, FLORIDA	11	253	4%
LANCASTER, CALIFORNIA	12	105	10%
LAS VEGAS, NEVADA	62	100	38%
LOS ANGELES, CALIFORNIA	621	1211	34%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	9	21	30%
MEMPHIS, TENNESSEE	186	129	59%
MIAMI, FLORIDA	741	2592	22%
NEW ORLEANS, LOUISIANA	22	56	28%
NEW YORK CITY, NEW YORK	4424	1787	71%
NEWARK, NEW JERSEY	295	469	39%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	7	38	16%
ORLANDO, FLORIDA	554	918	38%
PHILADELPHIA, PENNSYLVANIA	160	128	56%
PHOENIX, ARIZONA	84	69	55%
PORTLAND, OREGON	32	116	22%
SALT LAKE CITY, UTAH	22	31	42%
SAN ANTONIO, TEXAS	144	145	50%
SAN DIEGO, CALIFORNIA	270	127	68%
SAN FRANCISCO, CALIFORNIA	640	798	45%
SAN PEDRO SPC, CALIFORNIA	6	13	32%
SEATTLE, WASHINGTON	209	431	33%
TUCSON, ARIZONA	22	21	51%
ULSTER - NEW YORK STATE DOC, NEW YORK	1	0	100%
VARICK SPC, NEW YORK	10	107	9%
YORK, PENNSYLVANIA	25	142	15%
<b>TOTAL</b>	<b>10,743</b>	<b>13,199</b>	<b>45%</b>

## Immigration Courts: Expedited Asylum Cases

There are two ways that aliens may request asylum: “affirmatively,” by completing an asylum application and filing it with a DHS Asylum Office; or “defensively,” by requesting asylum before an immigration judge. Aliens who file affirmatively with DHS, but whose requests for asylum are not granted, are placed in removal proceedings and referred to the appropriate immigration court for a hearing.

Asylum regulations implemented in 1995 called for asylum applications to be processed within 180 days after filing. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 reiterated that time frame and calls for the administrative adjudication of an asylum application within 180 days of the application filing date, absent exceptional circumstances. This process is time sensitive because the asylum applicant may not apply for employment authorization until 150 days after filing, and DHS then has 30 days to grant or deny employment authorization. The applicant can only be granted employment authorization if the asylum application has not been decided within 180 days of filing, provided there are no delays caused by the alien. Consequently, expedited processing of asylum applications occurs when (1) an alien files “affirmatively” at a DHS Asylum Office and the application is referred to EOIR within 75 days of filing; or (2) an alien files an asylum application “defensively” with EOIR.

As shown in Figure 20 below, expedited asylum cases have decreased by 17 percent from FY 2006 to FY 2008. Total asylum receipts have decreased by 14 percent from FY 2006 to FY 2008.

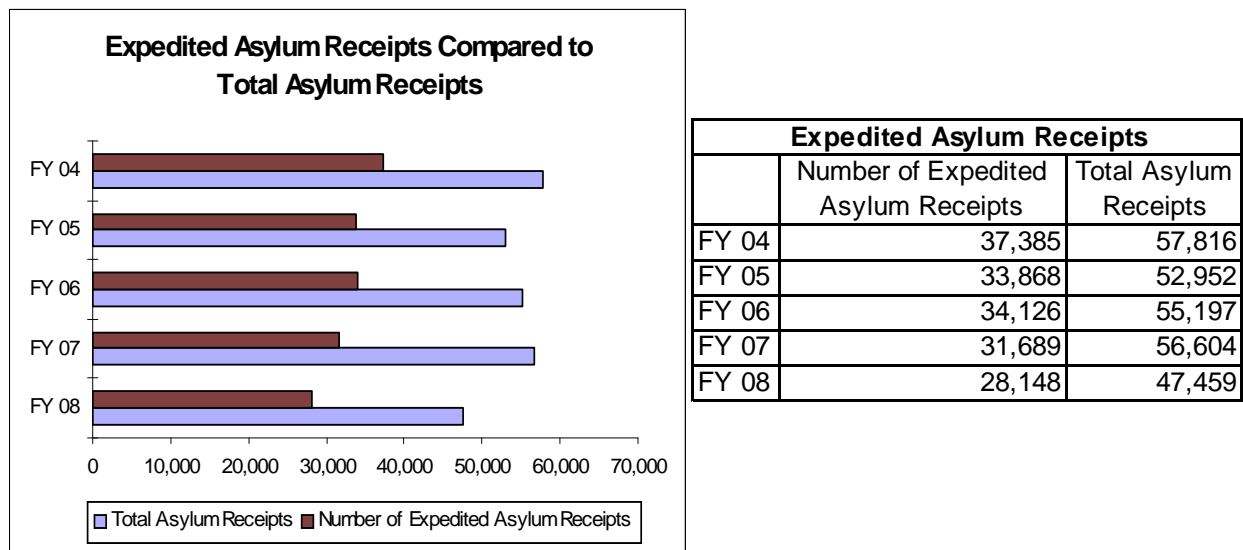


Figure 20

Depicted in Figure 21 below are the number of receipts and completions for expedited asylum cases between FY 2004 and FY 2008.

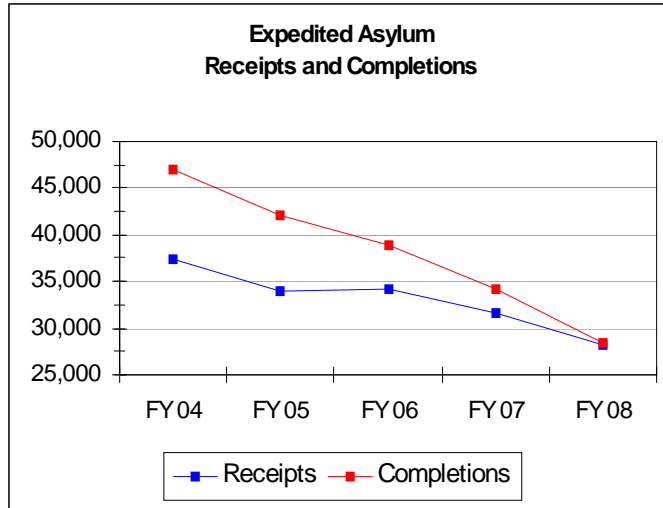


Figure 21

Expedited Asylum Receipts and Completions FY 2004 - FY 2008		
	Receipts	Completions
FY 04	37,385	46,959
FY 05	33,868	42,022
FY 06	34,126	38,795
FY 07	31,689	34,261
FY 08	28,148	28,399



## Immigration Courts: Convention Against Torture

In 1999, the Department of Justice implemented regulations regarding the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture or CAT). Under these regulations, aliens in removal, deportation, or exclusion proceedings may claim that they “more likely than not” will be tortured if removed from the United States. The regulation provides jurisdiction to the immigration courts to hear these claims, and provides jurisdiction to the BIA to hear appeals from the immigration courts’ decisions regarding CAT claims.

There are two forms of protection under the 1999 regulations:

- The regulation established a new form of withholding of removal which is granted to an alien who establishes that he or she would be tortured in the proposed country of removal.
- The second protection concerns aliens who would be tortured in the country of removal, but who are barred from withholding of removal. These aliens may be granted deferral of removal, a form of protection that is more easily and quickly terminated if it becomes possible to remove the alien.

As shown in Table 9 below, the immigration courts adjudicated 27,085 CAT applications during FY 2008. Of those, 502 CAT cases were granted, the majority of which were granted withholding.

**Table 9 - FY 2008 Convention Against Torture Cases by Disposition**

Granted			Denied	Other	Withdrawn	Abandoned	Total
Withholding	Deferral	Total					
378	123	501	12,661	6,972	5,765	1,238	27,137

Table 10 on the following page shows a breakdown of CAT completions by immigration courts. The Miami, FL; New York City, NY; Los Angeles, CA; Orlando, FL; and San Francisco, CA, immigration courts combined completed approximately 61 percent of the total FY 2008 CAT cases.

**Table 10 - FY 2008 Convention Against Torture Completions by Court**

Immigration Court	Completions
ARLINGTON, VIRGINIA	565
ATLANTA, GEORGIA	141
BALTIMORE, MARYLAND	615
BATAVIA SPC, NEW YORK	75
BLOOMINGTON (ST. PAUL), MINNESOTA	365
BOSTON, MASSACHUSETTS	461
BRADENTON, FLORIDA	1
BUFFALO, NEW YORK	57
CHICAGO, ILLINOIS	414
CLEVELAND, OHIO	216
DALLAS, TEXAS	112
DENVER, COLORADO	173
DETROIT, MICHIGAN	560
EAST MESA, CALIFORNIA	93
EL CENTRO SPC, CALIFORNIA	79
EL PASO SPC, TEXAS	33
EL PASO, TEXAS	8
ELIZABETH SPC, NEW JERSEY	218
ELOY, ARIZONA	94
FISHKILL - NEW YORK STATE DOC, NEW YORK	33
FLORENCE SPC, ARIZONA	122
GUAYNABO (SAN JUAN), PUERTO RICO	245
HARLINGEN, TEXAS	98
HARTFORD, CONNECTICUT	121
HONOLULU, HAWAII	69
HOUSTON SPC, TEXAS	66
HOUSTON, TEXAS	229
IMPERIAL, CALIFORNIA	23
KANSAS CITY, MISSOURI	87
KROME NORTH SPC, FLORIDA	283
LANCASTER, CALIFORNIA	177
LAS VEGAS, NEVADA	239
LOS ANGELES, CALIFORNIA	2825
LOS FRESNOS (PORT ISABEL SPC), TEXAS	114
MEMPHIS, TENNESSEE	231
MIAMI, FLORIDA	4975
NEW ORLEANS, LOUISIANA	76
NEW YORK CITY, NEW YORK	4882
NEWARK, NEW JERSEY	1043
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	53
ORLANDO, FLORIDA	2057
PHILADELPHIA, PENNSYLVANIA	431
PHOENIX, ARIZONA	49
PORTLAND, OREGON	102
SALT LAKE CITY, UTAH	16
SAN ANTONIO, TEXAS	311
SAN DIEGO, CALIFORNIA	387
SAN FRANCISCO, CALIFORNIA	1845
SAN PEDRO SPC, CALIFORNIA	118
SEATTLE, WASHINGTON	965
TUCSON, ARIZONA	11
ULSTER - NEW YORK STATE DOC, NEW YORK	74
VARICK SPC, NEW YORK	224
YORK, PENNSYLVANIA	276
<b>TOTAL</b>	<b>27,137</b>

## Immigration Courts: Proceedings Completed with Applications for Relief

Some aliens who are found deportable may be eligible for relief from removal. Aliens apply for various forms of relief by completing the appropriate application. Specific types of relief for aliens in proceedings are discussed in other sections of this Year Book. Asylum is addressed in more detail in Tabs I, J, K, and L. Other applications for relief are addressed in Tab R. Tab M provides information about protection afforded certain aliens under the United Nations Convention Against Torture. For the purpose of this Year Book, voluntary departure (discussed in Tab Q) is not considered an application for relief.

Figure 22 provides information on the percent of cases where the alien filed an application for relief. Generally, cases with no applications for relief are processed faster and expend fewer court resources.

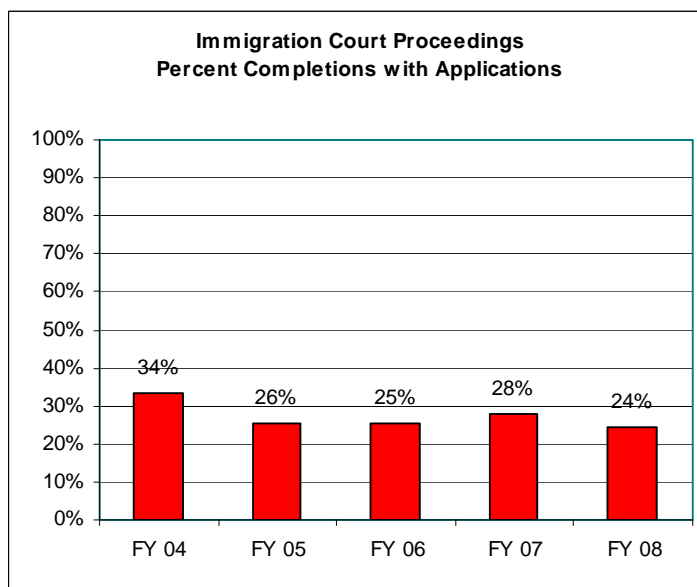


Figure 22

Court Completions (Proceedings) with Applications for Relief					
	With Applications	Percent with Applications	Without Applications	Percent Without Applications	Total
FY 04	87,271	34%	172,692	66%	259,963
FY 05	80,527	26%	234,363	74%	314,890
FY 06	81,761	25%	242,283	75%	324,044
FY 07	76,734	28%	196,714	72%	273,448
FY 08	68,149	24%	212,892	76%	281,041

Table 11 on page N2 shows the number and percentage of proceedings completed with applications for relief at each immigration court in FY 2008. Typically, courts along the United States border, courts co-located with DHS detention facilities, and courts which handle Institutional Hearing Program cases involving criminal aliens receive fewer applications for relief. Courts with a low percentage of applications for relief (10 percent or less) are shown in red. Courts where 50 percent or more of the completions involved applications for relief are shown in blue.

**Table 11 - FY 2008 Immigration Court Completions (Proceedings) With Applications for Relief**

Immigration Court	Total Completions	# of Completions With Applications	Percent With Applications
ARLINGTON, VIRGINIA	6,907	2,376	34%
ATLANTA, GEORGIA	13,244	1,057	8%
BALTIMORE, MARYLAND	4,776	2,011	42%
BATAVIA SPC, NEW YORK	1,663	100	6%
BLOOMINGTON (ST. PAUL), MINNESOTA	3,781	665	18%
BOSTON, MASSACHUSETTS	5,425	2,291	42%
BRADENTON, FLORIDA	27	1	4%
BUFFALO, NEW YORK	2,484	255	10%
CHARLOTTE, NORTH CAROLINA	3	0	New Court
CHICAGO, ILLINOIS	11,460	2,366	21%
CLEVELAND, OHIO	3,785	472	12%
DALLAS, TEXAS	6,854	872	13%
DENVER, COLORADO	5,745	882	15%
DETROIT, MICHIGAN	4,463	939	21%
EAST MESA, CALIFORNIA	2,203	211	10%
EL CENTRO SPC, CALIFORNIA	2,222	270	12%
EL PASO SPC, TEXAS	6,536	275	4%
EL PASO, TEXAS	2,868	229	8%
ELIZABETH SPC, NEW JERSEY	1,944	279	14%
ELOY, ARIZONA	9,632	583	6%
FISHKILL - NEW YORK STATE DOC, NEW YORK	359	52	14%
FLORENCE SPC, ARIZONA	6,594	406	6%
GUAYNABO (SAN JUAN), PUERTO RICO	2,829	1,096	39%
HARLINGEN, TEXAS	8,954	503	6%
HARTFORD, CONNECTICUT	2,130	515	24%
HONOLULU, HAWAII	1,217	293	24%
HOUSTON SPC, TEXAS	4,573	307	7%
HOUSTON, TEXAS	6,783	1,609	24%
IMPERIAL, CALIFORNIA	1,013	194	19%
KANSAS CITY, MISSOURI	3,781	381	10%
KROME NORTH SPC, FLORIDA	8,024	722	9%
LANCASTER, CALIFORNIA	5,208	562	11%
LAS VEGAS, NEVADA	3,232	1,011	31%
LOS ANGELES, CALIFORNIA	16,434	7,642	47%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	3,253	302	9%
MEMPHIS, TENNESSEE	2,484	704	28%
MIAMI, FLORIDA	17,216	8,409	49%
NEW ORLEANS, LOUISIANA	695	179	26%
NEW YORK CITY, NEW YORK	15,378	9,906	64%
NEWARK, NEW JERSEY	5,602	2,105	38%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	9,738	222	2%
ORLANDO, FLORIDA	6,808	3,353	49%
PHILADELPHIA, PENNSYLVANIA	2,106	883	42%
PHOENIX, ARIZONA	3,002	767	26%
PORTLAND, OREGON	883	390	44%
SALT LAKE CITY, UTAH	2,459	245	10%
SAN ANTONIO, TEXAS	10,953	922	8%
SAN DIEGO, CALIFORNIA	5,399	1,615	30%
SAN FRANCISCO, CALIFORNIA	9,769	4,080	42%
SAN PEDRO SPC, CALIFORNIA	710	91	13%
SEATTLE, WASHINGTON	9,847	1,490	15%
TUCSON, ARIZONA	1,424	114	8%
ULSTER - NEW YORK STATE DOC, NEW YORK	717	124	17%
VARICK SPC, NEW YORK	1,255	394	31%
YORK, PENNSYLVANIA	4,190	427	10%
<b>TOTAL</b>	<b>281,041</b>	<b>68,149</b>	<b>24%</b>



Courts with a low percentage of applications for relief



Courts with a high percentage of applications for relief

## Immigration Courts: Proceedings Completed for Detained Cases

Under the Immigration and Nationality Act, DHS has authority to detain an alien pending a decision on whether or not the alien is removable. Immigration courts conduct hearings for both detained and non-detained aliens, and EOIR maintains data on the custody status of aliens in proceedings.

Detention locations include DHS Service Processing Centers, DHS contract detention facilities, state and local government jails, and Bureau of Prisons institutions. For the purpose of this Year Book, Institutional Hearing Program (IHP) cases are considered detained cases (IHP is discussed further in Tab P). Figure 23 below provides a comparison of detained completions to total proceedings completed. In FY 2008, the percent of detained completions increased by 16 percent from FY 2007. Detained completions now account for close to half of all court proceedings.

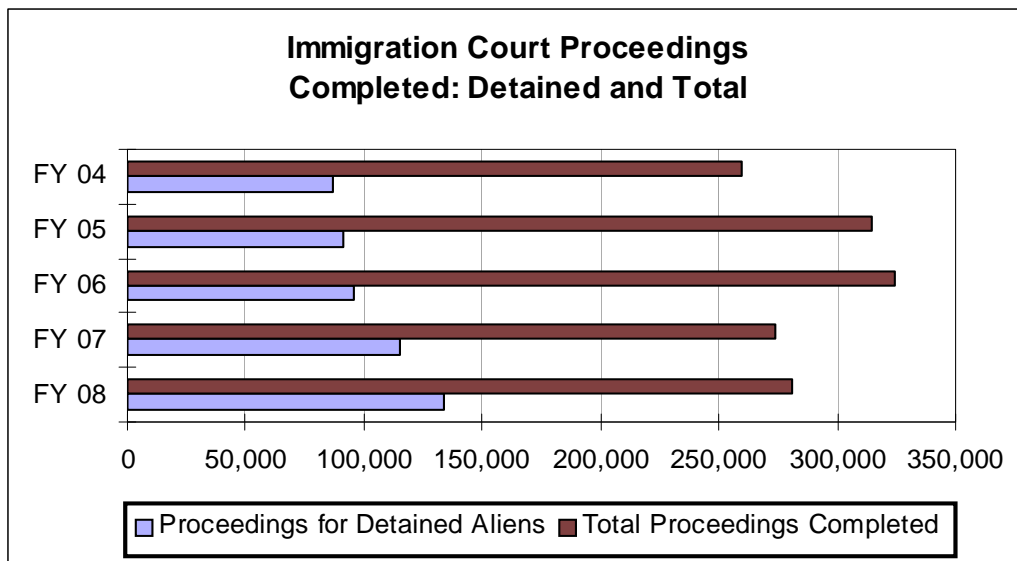


Figure 23

<b>Immigration Court (Proceedings) Completions</b>			
	Proceedings Completed for Detained Aliens (Including IHP)		
	Proceedings for Detained Aliens	Total Proceedings Completed	Percent Detained
FY 04	86,802	259,963	33%
FY 05	91,304	314,890	29%
FY 06	95,545	324,044	29%
FY 07	115,588	273,448	42%
FY 08	134,117	281,041	48%

Table 12 on the following page provides information, by immigration court, on FY 2008 detained completions. The immigration courts in Eloy, AZ; Oakdale, LA; Atlanta, GA; Krome, FL; Seattle, WA; Chicago, IL; El Paso, TX; San Antonio, TX; and Florence, AZ, each completed more than 5,000 detained proceedings in FY 2008. Overall, immigration courts located in three border states – Texas, California, and Arizona – accounted for 47 percent of the detained completions in FY 2008. Courts in those three states are highlighted in blue in Table 12.

**Table 12 - FY 2008 Immigration Court Completions (Proceedings) for Detained Cases**

Immigration Court	Completions
ARLINGTON, VIRGINIA	1,362
ATLANTA, GEORGIA	8,120
BALTIMORE, MARYLAND	447
BATAVIA SPC, NEW YORK	1,194
BLOOMINGTON (ST. PAUL), MINNESOTA	2,236
BOSTON, MASSACHUSETTS	1,432
BRADENTON, FLORIDA	13
BUFFALO, NEW YORK	151
CHARLOTTE, NORTH CAROLINA	1
CHICAGO, ILLINOIS	6,269
CLEVELAND, OHIO	2,600
DALLAS, TEXAS	4,376
DENVER, COLORADO	3,224
DETROIT, MICHIGAN	1,662
EAST MESA, CALIFORNIA	2,009
EL CENTRO SPC, CALIFORNIA	1,989
EL PASO SPC, TEXAS	6,099
EL PASO, TEXAS	1,434
ELIZABETH SPC, NEW JERSEY	1,440
ELOY, ARIZONA	8,677
FISHKILL - NEW YORK STATE DOC, NEW YORK	358
FLORENCE SPC, ARIZONA	5,543
GUAYNABO (SAN JUAN), PUERTO RICO	827
HARLINGEN, TEXAS	4,984
HARTFORD, CONNECTICUT	1,034
HONOLULU, HAWAII	607
HOUSTON SPC, TEXAS	3,838
HOUSTON, TEXAS	2,437
IMPERIAL, CALIFORNIA	600
KANSAS CITY, MISSOURI	2,775
KROME NORTH SPC, FLORIDA	7,232
LANCASTER, CALIFORNIA	4,546
LAS VEGAS, NEVADA	1,602
LOS ANGELES, CALIFORNIA	283
LOS FRESNOS (PORT ISABEL SPC), TEXAS	3,037
MEMPHIS, TENNESSEE	163
MIAMI, FLORIDA	1,377
NEW ORLEANS, LOUISIANA	11
NEW YORK CITY, NEW YORK	108
NEWARK, NEW JERSEY	1,670
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	8,591
ORLANDO, FLORIDA	60
PHILADELPHIA, PENNSYLVANIA	48
PHOENIX, ARIZONA	622
PORTLAND, OREGON	102
SALT LAKE CITY, UTAH	1,728
SAN ANTONIO, TEXAS	5,660
SAN DIEGO, CALIFORNIA	2,748
SAN FRANCISCO, CALIFORNIA	3,262
SAN PEDRO SPC, CALIFORNIA	588
SEATTLE, WASHINGTON	6,693
TUCSON, ARIZONA	895
ULSTER - NEW YORK STATE DOC, NEW YORK	716
VARICK SPC, NEW YORK	950
YORK, PENNSYLVANIA	3,687
<b>TOTAL</b>	<b>134,117</b>

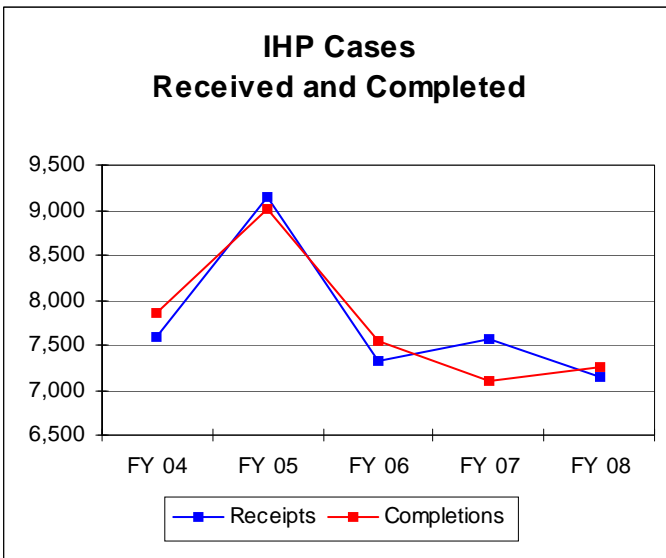
 Immigration Courts in U.S./Mexico Border States

## Immigration Courts: Institutional Hearing Program Case Processing

The Institutional Hearing Program (IHP) is a cooperative effort between EOIR; DHS; and various federal, state, and municipal corrections agencies. The goal of the IHP is to complete proceedings for incarcerated criminal aliens serving federal or state sentences prior to their release from prison or jail. This allows DHS to remove aliens with final removal orders expeditiously at the time of their release from incarceration.

In FY 2008, DHS filed charging documents with the immigration courts for incarcerated aliens in 88 different institutions. Immigration judges and court staff traveled to these institutions to conduct IHP hearings.

Figure 24 provides information on IHP receipts and completions for FY 2004 - FY 2008. Both receipts and completions peaked in FY 2005. IHP receipts declined by 22 percent from FY 2005 to FY 2008. IHP completions decreased by 19 percent from FY 2005 to FY 2008.



IHP Cases		
	Receipts	Completions
FY 04	7,592	7,860
FY 05	9,143	9,013
FY 06	7,315	7,555
FY 07	7,560	7,104
FY 08	7,140	7,261

Figure 24



Table 13 provides a breakdown of IHP completions by disposition – either through an immigration judge decision or through an “other” completion, such as an administrative closure or change of venue.

**Table 13  
IHP Completions by Disposition**

	FY 04	FY 05	FY 06	FY 07	FY 08
Total Decisions in IHP Cases	5,881	7,360	6,021	5,484	5,613
<i>Removal</i>	5,617	7,109	5,762	5,236	5,372
<i>Termination</i>	221	208	192	208	180
<i>Relief</i>	34	34	54	24	34
<i>Other</i>	9	9	13	16	27
Other Completions	1,979	1,653	1,534	1,620	1,648
Total Completions	7,860	9,013	7,555	7,104	7,261

## Immigration Courts: Immigration Judge Grants of Voluntary Departure

Under certain circumstances, an immigration judge may allow an alien to depart the United States voluntarily. An alien allowed to depart voluntarily concedes removability, but is not barred from future re-entry. Failure to depart within the time granted subjects the alien to a fine, and makes the alien ineligible for voluntary departure and several forms of relief for a ten-year period.

Prior to the completion of proceedings, aliens may request voluntary departure in lieu of removal. The immigration judge has discretion to grant up to 120 days for the alien to depart voluntarily if the alien is able to pay for his or her removal, and if he or she is not removable as an aggravated felon or a terrorist.

Immigration judges also have discretion in certain cases to grant voluntary departure in lieu of removal at the conclusion of proceedings. If the judge finds that the alien has been present in the United States for one year immediately preceding the issuance of the Notice to Appear, has been a person of good moral character for the past five years, is not removable under aggravated felony or terrorist grounds, and has the means to depart the United States and intends to do so, the immigration judge may grant up to 60 days for the alien to depart voluntarily. Aliens allowed to depart voluntarily are not barred from re-entry.

Voluntary departure is considered a form of removal, not a type of relief. Immigration judge decisions on proceedings (as discussed in Tab D) include grants of voluntary departure under removal. Table 14 shows the percentage of removal orders that are grants of voluntary departure.

**Table 14 - IJ Removal Decisions Compared to Voluntary Departure Decisions**

	Total Removal Decisions	Voluntary Departure Decisions	Percent Voluntary Departure Decisions
FY 04	165,769	27,404	17%
FY 05	224,000	24,819	11%
FY 06	222,215	22,211	10%
FY 07	170,273	23,970	14%
FY 08	182,646	26,656	15%

## **Immigration Courts: Applications for Relief other than Asylum**

Although asylum is the most common form of relief requested before an immigration judge, other forms of relief are also granted to eligible aliens. (See Tabs I-L for information on asylum, and Tab M for information on protection granted under the Convention Against Torture.)

This tab describes other forms of relief such as adjustment of status; suspension and cancellation; and Section 212(c) relief. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 provided a new form of relief called cancellation of removal. Cancellation of removal was intended to replace the former Immigration and Nationality Act Section 212(c) waiver and suspension of deportation. Table 15 on page R3 provides information on relief granted under the following provisions.

- Adjustment of Status is a type of relief from deportation, removal, or exclusion, for an alien who is eligible for lawful permanent resident status based on a visa petition approved by DHS. Normally, the visa petition has been filed by a United States citizen spouse.
  
- Prior to the passage of IIRIRA, Section 212(c) of the Immigration and Nationality Act provided relief from deportation for long-term lawful permanent residents who had committed a crime. In order to be eligible to apply for 212(c) relief, an applicant had to show that he or she had been a lawful permanent resident for at least seven years, had served less than five years of a sentence if the underlying crime was classified as an aggravated felony, had been rehabilitated, and had no other criminal record. If an applicant in exclusion or deportation proceedings is able to establish these factors, the immigration judge has discretion to grant relief under 212(c).
  
- Suspension of Deportation is another pre-IIRIRA form of discretionary relief. Certain aliens in deportation proceedings who have maintained continuous physical presence in the United States for specific periods of time, and have met the other statutory requirements may be granted suspension of deportation and adjustment of status to that of lawful permanent resident. The total number of adjustments to lawful permanent resident status under suspension of deportation or cancellation of removal is limited to a 4,000 annual cap under IIRIRA. Applicants for suspension of deportation who applied for this relief prior to the implementation of IIRIRA, or who meet certain conditions of the Nicaraguan Adjustment and Central American Relief Act (NACARA) are not subject to the cap.

- As noted above, Cancellation of Removal is a form of relief provided by IIRIRA. There are two IIRIRA provisions addressing cancellation of removal:
  - Permanent Residents. Under the first provision, a lawful permanent resident facing removal on criminal grounds who has been lawfully admitted for permanent residence for at least five years, and who has resided continuously in the United States for seven years after a lawful admission may request cancellation, provided he or she has no aggravated felony convictions.
  - Non-Permanent Residents. Under the second provision, applicants physically present in the United States for a continuous period of 10 years who have not been convicted of a criminal offense may seek cancellation of removal and adjustment of status to permanent resident alien. The applicant must demonstrate exceptional and extremely unusual hardship to a citizen or lawful permanent resident alien spouse, parent, or child. IIRIRA limits to 4,000 annually the total number of adjustments to lawful permanent resident status under suspension of deportation or cancellation of removal. Applicants for cancellation of removal who meet certain conditions are not subject to the cap.

Table 15, on the following page, reflects grants of relief under the various provisions described above during the period FY 2004 - FY 2008.

**Table 15**  
**Grants of Relief:**  
**Adjustment of Status; 212(c) Waivers; Suspension of Deportation; and Cancellation of Removal**

	Relief Granted to Lawful Permanent Residents		Relief Granted to Non-Lawful Permanent Residents				
	Relief Granted Under Section 212(c)	Cancellation of Removal	Not Subject to Annual Cap of 4,000 Grants			Subject to Annual Cap of 4,000 Grants	
			Adjustment of Status to LPR	Suspension of Deportation	Cancellation of Removal	Suspension of Deportation	Cancellation of Removal
FY 2004	1,905	2,306	9,417	242	527	257	3,579
FY 2005	1,082	2,531	9,400	164	435	182	3,092
FY 2006	1,437	2,970	11,353	143	527	118	3,138
FY 2007	1,406	3,205	7,285	118	562	63	2,943
FY 2008	1,049	3,034	7,088	100	411	0	3,025

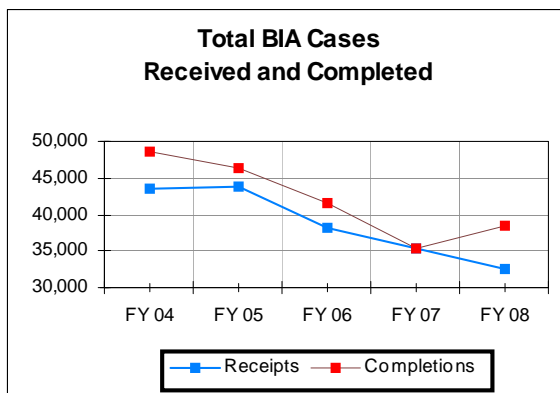
## Board of Immigration Appeals: Total Cases Received and Completed

The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges or certain DHS officials. Published BIA decisions are binding on all DHS officers and immigration judges unless modified or overruled by the Attorney General or a federal court. Unpublished decisions of the BIA are binding on the immigration judge or DHS with regard to the individual case at issue unless overruled or modified by the Attorney General or a federal court.

The majority of cases reviewed by the BIA involve decisions made by immigration judges in removal, deportation, or exclusion proceedings, and for the purposes of this Statistical Year Book are referred to as immigration judge appeals. These appeals are filed directly with the BIA in Falls Church, VA, and must be filed within 30 days of the immigration judge's decision.

Other types of cases over which the BIA has jurisdiction include appeals of certain DHS decisions involving (1) family-based visa petitions adjudicated by DHS officials; (2) fines and penalties imposed upon carriers for violations of immigration laws; and (3) waivers of inadmissibility for non-immigrants under §212(d)(3) of the Immigration and Nationality Act. For the purposes of this Statistical Year Book, appeals from these DHS decisions are referred to as DHS decision appeals.

As shown in Figure 25, BIA case receipts have decreased by 25 percent from FY 2004 to FY 2008. During this same period, case completions decreased by 21 percent. Completions outnumbered receipts each year from FY 2004 to FY 2008.



	Receipts	Completions
FY 04	43,407	48,698
FY 05	43,924	46,338
FY 06	38,284	41,475
FY 07	35,295	35,394
FY 08	32,432	38,369

Figure 25

As noted earlier, BIA handles two types of cases: those generated from an immigration judge decision, and those generated from a DHS decision. Figures 26 and 27 below provide information on the types of cases received and completed by the BIA. Appeals of immigration judge decisions make up the bulk of the BIA's work.

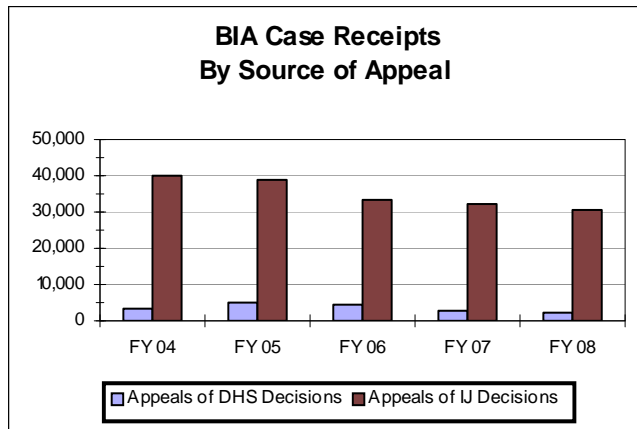


Figure 26

	Appeals of DHS Decisions	Appeals of IJ Decisions	Total Appeals
FY 04	3,275	40,132	43,407
FY 05	5,245	38,679	43,924
FY 06	4,687	33,597	38,284
FY 07	2,993	32,302	35,295
FY 08	1,997	30,435	32,432

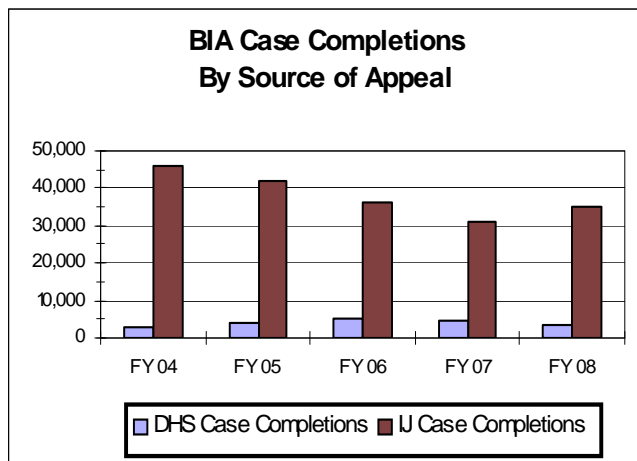


Figure 27

	DHS Case Completions	IJ Case Completions	Total Appeals
FY 04	2,652	46,046	48,698
FY 05	4,155	42,183	46,338
FY 06	5,128	36,347	41,475
FY 07	4,643	30,751	35,394
FY 08	3,557	34,812	38,369

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

The BIA has nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges or DHS officials. The BIA has jurisdiction over the following types of cases arising from immigration judge decisions:

- Case appeals from the decisions of immigration judges in removal, deportation, and exclusion proceedings at the court level;
- Appeals filed from the decisions of immigration judges on motions to reopen proceedings;
- Motions to reopen cases already decided by the BIA;
- Appeals pertaining to bond, parole, or detention; and
- 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.

The BIA also has jurisdiction to review appeals arising from certain decisions rendered by DHS officials. These types of appeals are listed below.

- Family-based visa petitions adjudicated by DHS district directors or regional service center directors;
- Waivers of inadmissibility for non-immigrants under §212(d)(3) of the Immigration and Nationality Act; and
- Fines and penalties imposed upon air carriers for violations of immigration laws.

As shown in Table 16, on the following page, appeals received from immigration judge decisions have declined each year from FY 2004 to FY 2008. Appeals received from DHS decisions have decreased each year from FY 2005 to FY 2008. The data in Table 17 shows a decrease in appeals completed from immigration judge decisions from FY 2004 to FY 2007 then an increase in FY 2008. Appeals completed from DHS decisions increased each year from FY 2004 to FY 2006 then decreased from FY 2006 to FY 2008.



Table 16 provides a breakdown of the types of cases received by the BIA between FY 2004 and FY 2008.

**Table 16 - BIA Receipts by Type**

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
<b>Total Appeals from IJ Decisions</b>	<b>40,132</b>	<b>38,679</b>	<b>33,597</b>	<b>32,302</b>	<b>30,435</b>
Case Appeal	27,314	24,332	20,281	18,342	17,747
Appeal of IJ Motion to Reopen	2,073	1,864	1,546	1,966	1,939
Motion to Reopen-BIA	9,639	10,333	9,265	8,968	8,373
Bond Appeal	970	715	613	721	746
Interlocutory Appeal	133	144	98	147	164
Circuit Court Remand*	0	1,290	1,791	2,157	1,463
Special Circumstance	3	1	3	1	3
<b>Total Appeals from DHS Decisions</b>	<b>3,275</b>	<b>5,245</b>	<b>4,687</b>	<b>2,993</b>	<b>1,997</b>
Decisions on Visa Petitions	3,163	5,099	4,500	2,780	1,896
212 Waiver Decisions	35	72	100	136	74
Decisions on Fines and Penalties	77	74	87	77	27
<b>Grand Total</b>	<b>43,407</b>	<b>43,924</b>	<b>38,284</b>	<b>35,295</b>	<b>32,432</b>

\*Circuit Court Remands were added as an appeal type in FY 2005.

Table 17 provides a breakdown of the types of cases completed by the BIA between FY 2004 and FY 2008.

**Table 17 - BIA Completions by Type**

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
<b>Total Appeals from IJ Decisions</b>	<b>46,046</b>	<b>42,183</b>	<b>36,347</b>	<b>30,751</b>	<b>34,812</b>
Case Appeal	31,579	27,363	23,543	17,802	21,928
Appeal of IJ Motion to Reopen	2,828	2,099	1,964	1,083	1,936
Motion to Reopen-BIA	10,120	10,994	8,839	8,718	8,315
Bond Appeal	1,368	754	610	709	740
Interlocutory Appeal	148	134	104	129	193
Circuit Court Remand*	0	837	1,284	2,309	1,696
Special Circumstance	3	2	3	1	4
<b>Total Appeals from DHS</b>	<b>2,652</b>	<b>4,155</b>	<b>5,128</b>	<b>4,643</b>	<b>3,557</b>
Decisions on Visa Petitions	2,584	4,054	4,994	4,410	3,199
212 Waiver Decisions	37	72	68	131	131
Decisions on Fines and Penalties	31	29	66	102	227
<b>Grand Total</b>	<b>48,698</b>	<b>46,338</b>	<b>41,475</b>	<b>35,394</b>	<b>38,369</b>

\*Circuit Court Remands were added as an appeal type in FY 2005.

## Board of Immigration Appeals: Pending Caseload

Figure 28 below depicts the age of the BIA's pending caseload. The number of BIA pending cases has decreased from the end of FY 2007 to the end of FY 2008. At the end of FY 2007, there were 35,139 cases pending at the BIA. By the end of FY 2008, the number of pending cases had been reduced to 28,874 cases. The age of pending cases has also decreased. At the beginning of FY 2008, cases filed before FY 2007 accounted for 29 percent of the pending caseload. At the end of FY 2008 they accounted for three percent of the pending caseload. The cases filed in FY 2007 decreased from 71 percent of total pending at the beginning of FY 2008 to 20 percent of total pending at the end of FY 2008.

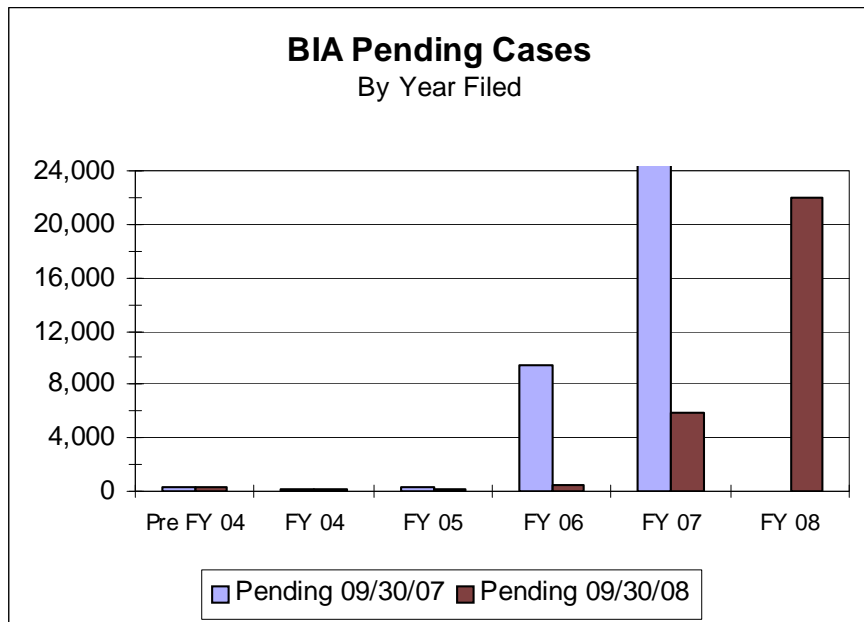


Figure 28

BIA Pending Cases		
Year Filed	Pending 09/30/07	Pending 09/30/08
Pre FY 04	254	235
FY 04	153	134
FY 05	300	129
FY 06	9,425	450
FY 07	25,007	5,882
FY 08		22,044
Total	35,139	28,874

## Board of Immigration Appeals: Immigration Judge Decision Appeals Completed by Nationality

This section provides information on appeal completions by nationality. Only completions of immigration judge decision appeals are included in these data; appeals of DHS decisions are not included. In FY 2008, the top 10 nationalities accounted for 69 percent of all completions as shown in Figure 29. A total of 193 nationalities were represented in the FY 2008 completions. Data in Table 18, on the following page, compares the predominant nationalities for completed immigration judge appeals in fiscal years 2004-2008. For the five-year period, eight nationalities ranked among the top 10 each year: Mexico, El Salvador, Guatemala, Haiti, Colombia, India, Indonesia, and China.

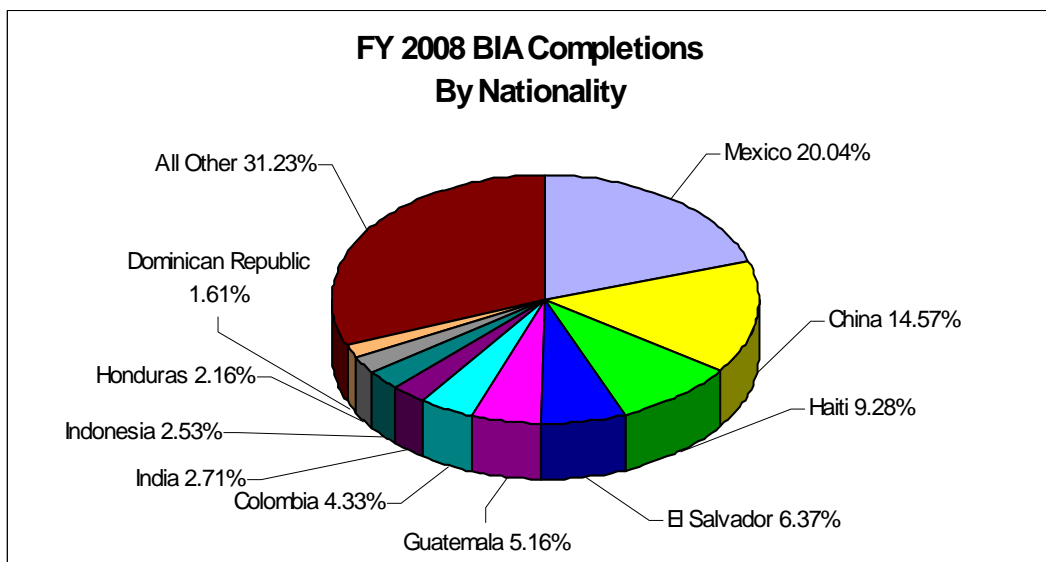


Figure 29

FY 2008 IJ Appeals Completed by Nationality		
Nationality	Cases	% of Total
Mexico	6,978	20.04%
China	5,071	14.57%
Haiti	3,230	9.28%
El Salvador	2,219	6.37%
Guatemala	1,797	5.16%
Colombia	1,507	4.33%
India	944	2.71%
Indonesia	880	2.53%
Honduras	752	2.16%
Dominican Republic	561	1.61%
All Other	10,873	31.23%
<b>Total</b>	<b>34,812</b>	<b>100.00%</b>

**Table 18 - BIA - IJ Decision Appeals Completed by Nationality  
Top 25 Nationalities: FY 2004 - FY 2008**

Rank	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	China	China	China	China	China
3	Haiti	Haiti	Haiti	Haiti	Haiti
4	Colombia	Colombia	Colombia	Colombia	El Salvador
5	India	India	Guatemala	El Salvador	Guatemala
6	Guatemala	Guatemala	El Salvador	Guatemala	Colombia
7	El Salvador	Indonesia	Indonesia	Indonesia	India
8	Albania	El Salvador	India	India	Indonesia
9	Dominican Republic	Pakistan	Pakistan	Dominican Republic	Honduras
10	Indonesia	Dominican Republic	Albania	Jamaica	Dominican Republic
11	Jamaica	Albania	Dominican Republic	Albania	Jamaica
12	Philippines	Jamaica	Jamaica	Pakistan	Pakistan
13	Pakistan	Philippines	Honduras	Honduras	Venezuela
14	Ethiopia	Nigeria	Nigeria	Venezuela	Albania
15	Nigeria	Armenia	Philippines	Nigeria	Nigeria
16	Honduras	Honduras	Armenia	Philippines	Philippines
17	Armenia	Peru	Venezuela	Armenia	Peru
18	Peru	Bangladesh	Cameroon	Ethiopia	Armenia
19	Yugoslavia	Ethiopia	Peru	Peru	Nicaragua
20	Cameroon	Cameroon	Bangladesh	Guinea	Cameroon
21	Mauritania	Iraq	Ethiopia	Cameroon	Bangladesh
22	Iran	Russia	Russia	Bangladesh	Ethiopia
23	Russia	Egypt	Guyana	Mauritania	Ecuador
24	Egypt	Guyana	Egypt	Russia	Guinea
25	Guinea	Nicaragua	Mauritania	Iraq	Brazil

## Board of Immigration Appeals: Immigration Judge Decision Appeals Completed by Representation Status

The Immigration and Nationality Act states that individuals who have appealed the decision in their removal proceedings may be represented by counsel, but at no expense to the government. Before representing an alien before the BIA, representatives must file a Notice of Appearance with the BIA.

Many individuals who file appeals with the BIA are indigent and cannot afford a private attorney. Some seek free or *pro bono* representation, while others proceed without counsel on their own, or *pro se*. The percentage of represented appellate cases completed is higher than the percentage of represented cases at the immigration court level.

As shown in Figure 30, the representation rate decreased slightly from FY 2004 to FY 2005 then increased from FY 2005 to FY 2008. FY 2008 has the highest representation rate of the five years where 78 percent of appellate cases completed by the BIA involved a represented alien. Only appeals of immigration judge decisions are included in these data.

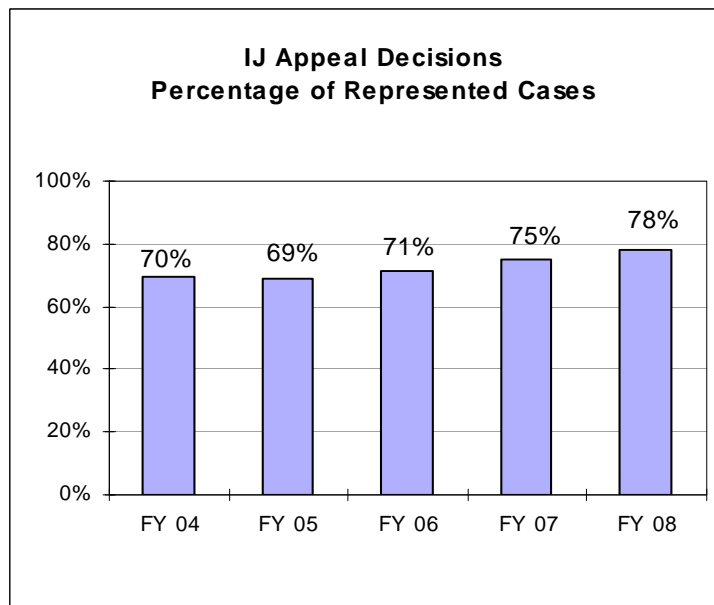


Figure 30

Represented Before the BIA			
	Represented	Unrepresented	Total
FY 04	32,039	14,007	46,046
FY 05	28,982	13,201	42,183
FY 06	25,883	10,464	36,347
FY 07	23,154	7,597	30,751
FY 08	27,078	7,734	34,812

## Board of Immigration Appeals: Immigration Judge Decision Appeals Completed for Detained Cases

Under the Immigration and Nationality Act, DHS has authority to detain an alien pending a decision on whether or not the alien is removable. EOIR maintains data on the custody status of aliens in proceedings. The BIA handles detained cases (including aliens in the Institutional Hearing Program) as priority cases.

Depicted in Figure 31 is the number of immigration judge case appeal decisions between FY 2004 and FY 2008 along with the number of immigration judge case appeal decisions that involved detainees. The figures for detained appeal decisions also include IHP cases.

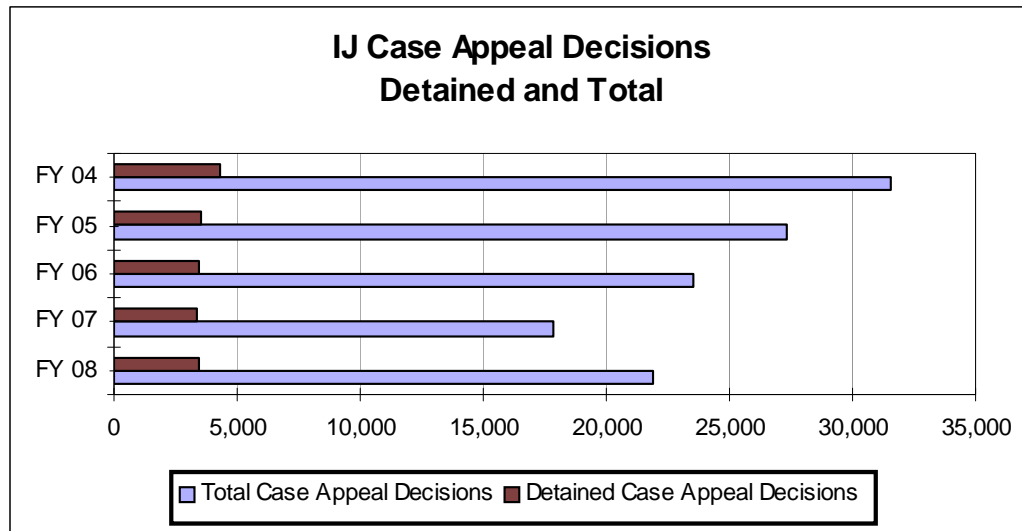


Figure 31

<b>Detained IJ Case Appeal Decisions (Including IHP)</b>			
	Detained Case Appeal Decisions (Including IHP)	Total IJ Case Appeal Decisions	Percent Detained
FY 04	4,317	31,579	14%
FY 05	3,571	27,363	13%
FY 06	3,434	23,543	15%
FY 07	3,387	17,802	19%
FY 08	3,458	21,928	16%

Table 19 shows a breakdown of total detained case appeals completed by the BIA, and of those, the number who were serving sentences at an IHP location. In FY 2008, 14 percent of detained BIA completions involved aliens whose removal orders had been issued prior to their release from a federal, state, or municipal corrections facility. From FY 2004 to FY 2007 the percentage of IHP completions declined each year. This drop in the percentage of IHP completions is caused by a decrease in the number of IHP completions and the total detained completions staying fairly consistent.

**Table 19  
Breakdown of BIA Detained Completions**

	Total Detained Completions	IHP Completions	Percent IHP Completions
FY 2004	4,317	821	19%
FY 2005	3,571	654	18%
FY 2006	3,434	602	18%
FY 2007	3,387	465	14%
FY 2008	3,458	476	14%

## Immigration Courts and Board of Immigration Appeals: Immigration Judge Decisions (Proceedings) Appealed

The majority of cases reviewed by the BIA involve decisions made by immigration judges in removal, deportation, or exclusion proceedings. Either DHS or the alien may file an appeal. Appeals must be filed within 30 days of the immigration judge's decision. Only a relatively small percentage of immigration judge decisions are appealed to the BIA. Figure 32 below compares immigration judge decisions with the number of aliens who appealed their decisions to the BIA for fiscal years 2004 through 2008. All other figures and tables in Tabs S-X reflect cases (which can involve multiple aliens). In this instance, reporting on aliens who appealed is a more accurate representation of appeal rate.

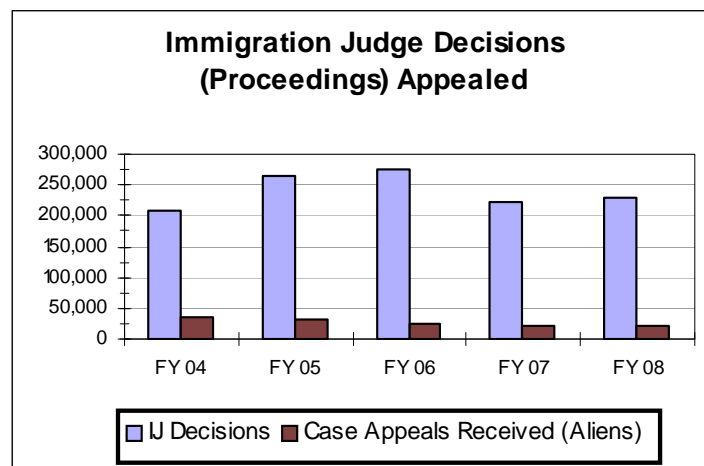


Figure 32

IJ Decisions (Proceedings) Appealed			
	IJ Decisions	Case Appeals Received (Aliens)	Percent Appealed
FY 04	209,291	34,162	16%
FY 05	264,787	30,470	12%
FY 06	273,764	24,591	9%
FY 07	223,075	21,898	10%
FY 08	229,316	20,670	9%



## Office of the Chief Administrative Hearing Officer: Total Cases Received and Completed

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 administrative law judges. OCAHO's administrative law judges hear cases and adjudicate issues arising under provisions of the Immigration and Nationality Act relating to:

- Unlawful hiring, recruiting, or referring for a fee, or continued employment of unauthorized aliens, the failure to comply with employment verification requirements, and the prohibition against indemnity bonds;
- Immigration-related unfair employment practices; and
- Document fraud.

Complaints may be brought by DHS, the Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices, or private litigants. All final decisions may be appealed to the appropriate circuit court of appeals.

Figure 33 provides information on the number of cases received and completed by OCAHO between FY 2004 and FY 2008. Completions may include cases received in a prior fiscal year.

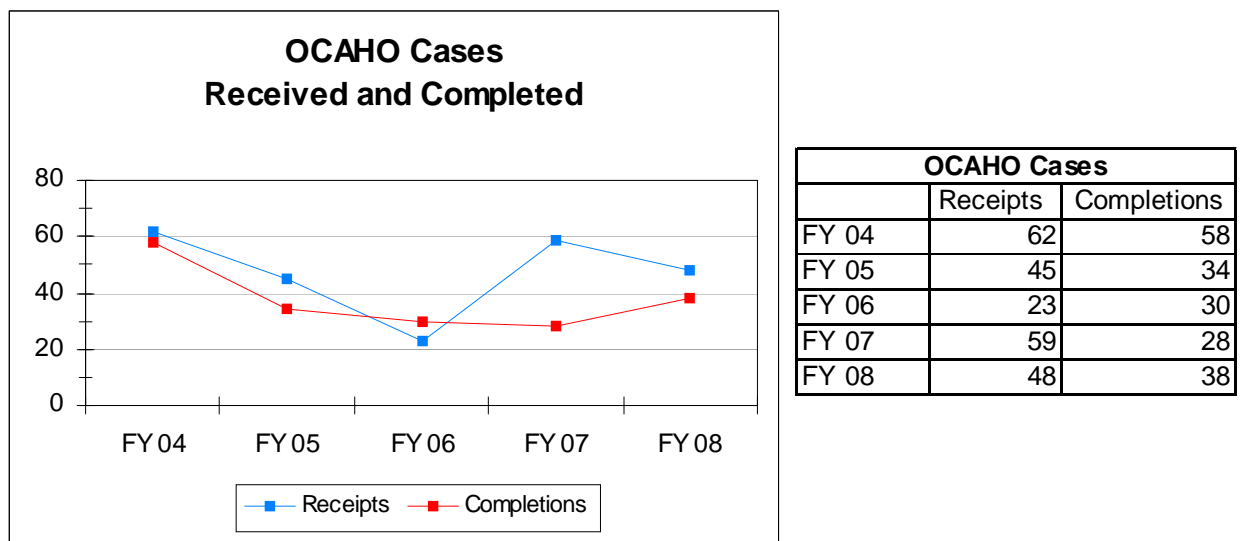


Figure 33

# GLOSSARY OF TERMS

## Disclaimer

This Glossary has been compiled as an addendum to the FY 2008 Statistical Year Book of the Executive Office for Immigration Review (EOIR). Its intent is to define terms as they are used in the Year Book, and is strictly informational in nature. These terms may have further meaning in the context of other immigration matters. This Glossary is not intended, in any way, to be a substitute for a careful study of the pertinent laws and regulations. This Glossary does not carry the weight of law or regulation. This Glossary is not intended, nor should it be construed in any way, as legal advice, nor does it extend or limit the jurisdiction of EOIR as established by law and regulation.

## A

### **Abandoned**

If an applicant for relief fails to appear for a court hearing, or fails to provide any required information within the time frame allowed without good cause, the application is considered abandoned. In addition, if an applicant fails to timely file an application for relief, the immigration judge may deem that application waived.

### **Accredited Representative**

A non-attorney who is authorized to practice before the immigration courts, the Board of Immigration Appeals, and/or the Department of Homeland Security. In order to be an accredited representative, one must be affiliated with a “recognized” non-profit, religious, charitable, or social service organization, and meet other qualifying criteria. See *Recognized Organization*.

### **Adjustment of Status**

A type of relief from deportation, removal, or exclusion for an alien who is eligible for lawful permanent resident status based on a visa petition approved by the Department of Homeland Security. The status of an alien may be adjusted by the Attorney General, in his discretion, to that of a lawful permanent resident if a visa petition on behalf of the alien has been approved, an immigrant visa is immediately available at the time of the alien’s application for adjustment of status, and the alien is not otherwise inadmissible to the United States.

### **Administrative Closure**

Administrative closure of a case is used to temporarily remove the case from an immigration judge’s calendar or from the Board of Immigration Appeals’ docket. Administrative closure of a case does not result in a final order. It is merely an administrative convenience which allows the removal of cases from the calendar in appropriate situations. A case may not be administratively closed if opposed by either of the parties.

### **Administrative Law Judges**

Administrative Law Judges (ALJs) in the Office of the Chief Administrative Hearing Officer (OCAHO) preside over hearings and adjudicate issues arising under provisions of the Immigration and Nationality Act relating to (1) employer sanctions for the unlawful hiring or continued employment of unauthorized aliens, or the failure to comply with employment eligibility verification requirements, (2) immigration-related document fraud, and (3) immigration-related unfair employment practices based on certain national origin or citizenship status discrimination. OCAHO ALJs are required by statute to have special training in employment discrimination issues.

### **Affirmative Asylum Application**

An asylum application initially filed with the Department of Homeland Security, U.S. Citizenship and Immigration Services. *Contrast Defensive Asylum Application.*

### **Aggravated Felony**

As defined by section 101(a)(43) of the Immigration and Nationality Act, aggravated felony includes, but is not limited to, murder; rape or sexual abuse of a minor; drug trafficking; firearms or explosive materials trafficking; money laundering; crimes of violence for which the term of imprisonment, even if suspended, is at least one year or more; theft or burglary; demands for ransom; child pornography; gambling; tax fraud; prostitution; transportation for prostitution purposes; commercial bribery; counterfeiting; forgery; stolen vehicle trafficking; obstruction of justice; perjury; bribery of a witness; and failure to appear to answer for a criminal offense.

### **Appeal from Decision of an Immigration Judge**

In an appeal from a decision of an immigration judge, the appealing party, which could be an alien, the Department of Homeland Security, or both, states why he or she disagrees with the immigration judge's decision. By filing an appeal, the appealing party asks the Board of Immigration Appeals to review the immigration judge's decision.

### **Appeal from Decision of a Department of Homeland Security (DHS) District Director**

In an appeal from a decision of a DHS U.S. Citizenship and Immigration Services' District Director, the respondent states why he or she disagrees with a District Director's decision. By filing an appeal, the respondent asks the Board of Immigration Appeals to review the District Director's decision.

### **Application for Relief**

Aliens may request a number of forms of relief or protection from removal such as asylum, withholding of removal, protection under the Convention Against Torture, adjustment of status, or cancellation of removal. Many forms of relief require the alien to fill out an appropriate application.

### **Asylum**

An alien may be eligible for asylum if he or she can show that he or she is a "refugee." The Immigration and Nationality Act defines a refugee as any person who is outside his or her country of nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Aliens generally must apply for asylum within one year of arrival in the United States. In the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, must be completed within 180 days after the date the application is filed.

## **Asylum Grants**

An asylum grant allows the alien to remain in the United States and provides certain benefits and derivative asylum status for any spouse or child. An asylee can apply to the Department of Homeland Security for lawful permanent resident status under Immigration and Nationality Act section 209(b) after he or she has been physically present in the United States for a period of one year after the date of the asylum grant.

## **Asylum-only Proceedings**

Certain aliens are not entitled to a removal hearing under section 240 of the Immigration and Nationality Act, yet these aliens are entitled to an asylum-only hearing before an immigration judge. If an alien who is not entitled to a removal hearing under section 240 of the Immigration and Nationality Act requests asylum (and has not been granted asylum by the Department of Homeland Security (DHS), if eligible), DHS will file a Form I-863, Notice of Referral to an Immigration Judge, with the immigration court. The immigration judge may not consider forms of relief other than asylum, withholding of removal, and Convention Against Torture. Aliens eligible for asylum-only hearings include crewmen, stowaways, Visa Waiver Program beneficiaries, and those ordered removed from the United States on security grounds. Asylum-only cases will be heard, to the maximum extent practical, within the same time frame as asylum claims in removal cases, i.e, within 180 days. The Board of Immigration Appeals has jurisdiction over appeals from immigration judge decisions in asylum-only cases. *See Withholding-only Proceedings.*

## **B**

### **Board of Immigration Appeals**

The Board of Immigration Appeals (BIA) is the highest administrative body for interpreting and applying immigration laws. The BIA has been given nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges and by Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services' District Directors in a wide variety of proceedings in which the U.S. government is one party and the other party is either an alien, a citizen, or a business firm. In addition, the BIA is responsible for the recognition of organizations and accreditation of representatives requesting permission to practice before the BIA, the immigration courts, and/or DHS.

### **Bond**

The Department of Homeland Security (DHS) may detain a respondent who is in removal or deportation proceedings and may condition his or her release from custody upon the posting of a bond to ensure the respondent's appearance at the hearing. The amount of money set by DHS as a condition of release is known as a bond. A bond may be also set by an immigration judge as a condition for allowing a respondent to voluntarily leave the country.

## **Bond Redetermination Hearing**

When the Department of Homeland Security (DHS) has set a bond amount as a condition for release from custody, or has determined not to release the alien on bond, the respondent has the right to ask an immigration judge to redetermine the bond. In a bond redetermination hearing, the judge can raise, lower, or maintain the amount of the bond, however, the Immigration and Nationality Act provides that bond of at least \$1,500 is required before an alien may be released. In addition, the immigration judge can eliminate the bond; or change any of the conditions over which the immigration court has authority. The bond redetermination hearing is completely separate from the removal or deportation hearing. It is not recorded and has no bearing on the subsequent removal or deportation proceeding. The respondent and/or DHS may appeal the immigration judge's bond redetermination decision to the Board of Immigration Appeals.

## **C**

### **Cancellation of Removal**

There are two different forms of cancellation of removal:

(A) Cancellation of removal for certain lawful permanent residents who were admitted more than five years ago, have resided in the United States for seven or more years, and have not been convicted of an aggravated felony. See section 240A(a) of the Immigration and Nationality Act. Application for this form of discretionary relief is made during the course of a hearing before an immigration judge.

(B) Cancellation of removal and adjustment of status for certain non-permanent resident aliens who have maintained continuous physical presence in the United States for 10 years and have met all the other statutory requirements for such relief. See section 240A(b) of the Immigration and Nationality Act. Application for this form of discretionary relief is made during the course of a hearing before an immigration judge. The status of an alien who is granted cancellation of removal for certain non-permanent resident aliens is adjusted to that of an alien lawfully admitted for permanent residence.

### **Case**

In an immigration proceeding before an immigration judge, a "case" involves one alien.

In an appeal before the Board of Immigration Appeals, a "case" involves one lead alien and may also include other family members.

In a proceeding before an Administrative Law Judge in the Office of the Chief Administrative Hearing Officer, a "case" involves a complainant and a respondent. In cases brought under Immigration and Nationality Act section 274A and section 274C, the complainant is the Department of Homeland Security, and the respondent is an employer. In Immigration and Nationality Act section 274B cases, the complainant is either the Office of Special Counsel for Immigration-Related Unfair Employment

Practices or an individual employee, and the respondent is an employer. An employee is a U.S. citizen or an alien authorized to work in the United States.

### **Change of Venue**

Immigration judges, for good cause shown, may change venue (move the proceeding to another immigration court) only upon motion by one of the parties, after the charging document has been filed with the immigration court. The regulation provides that venue may be changed only after one of the parties has filed a motion to change venue and the other party has been given notice and an opportunity to respond.

### **Claimed Status Review**

If an alien in expedited removal proceedings claims under oath to be a U.S. citizen, to have been lawfully admitted for permanent residence, to have been admitted as a refugee, or to have been granted asylum, and the Department of Homeland Security determines that the alien has no such claim, he or she can obtain a review of that claim by an immigration judge.

### **Coercive Population Control**

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provided that those who have a well-founded fear of persecution or have suffered persecution on account of Coercive Population Control (CPC) policies can now qualify as refugees. Previously, up to a total of 1,000 refugee admissions and asylum grants were made each fiscal year to applicants who raised claims based on CPC. If applicants for asylum met the criteria for a CPC grant, they were given conditional asylum and were given a final grant of asylum when a number became available. Effective May 11, 2005, under the REAL ID Act, the annual cap was lifted on asylum grants based on CPC. See *Conditional Asylum Grants*.

### **Completions**

Within the context of the Office of the Chief Immigration Judge, a matter is considered completed once an immigration judge renders a decision. Proceedings may also be completed for other reasons, such as administrative closures, changes of venue, and transfers.

For matters before the Board of Immigration Appeals, a case is considered completed once the Board renders a final decision.

For matters before the Office of the Chief Administrative Hearing Officer, a case is completed when the Administrative Law Judge issues a final decision disposing of all remaining issues and the time for appeal has ended.

### **Conditional Asylum Grants**

Section 207(a)(5) of the Immigration and Nationality Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, provided that for any fiscal year no more than 1,000 aliens could be admitted as refugees or granted asylum

pursuant to a determination that the alien was or would be persecuted for resistance to coercive population control methods. An alien who was eligible for a grant of asylum based on coercive population control methods received a grant conditioned on an administrative determination by the Department of Homeland Security that a number was available. Effective May 11, 2005, under the REAL ID Act, the annual cap was lifted on asylum grants based on coercive population control methods. See *Coercive Population Control*.

### **Continuance**

The adjournment of a proceeding to a subsequent day or time.

### **Continued Detention Review**

A proceeding established in response to the 2001 Supreme Court's decision in *Zadvydas v. Davis*, in which the immigration judge decides whether or not the alien should remain in custody.

### **Convention Against Torture**

On March 22, 1999, the Department of Justice implemented regulations regarding the United Nations' Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture or 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 Board of Immigration Appeals for reviewing these claims. See *Deferral of Removal and Withholding-only Proceedings*.

### **Credible Fear Review**

If an alien seeking to enter the United States has no documents or no valid documents to enter, but expresses a fear of persecution or torture, or an intention to apply for asylum, that alien will be referred to a Department of Homeland Security asylum officer for a credible fear determination. If the asylum officer determines that the alien has not established a credible fear of persecution or torture and a supervisory asylum officer concurs, the alien may request review of that determination by an immigration judge. That review must be concluded as expeditiously as possible, to the maximum extent practicable within 24 hours, but in no event later than seven days after the date of the determination by the supervisory asylum officer. No appeal to the Board of Immigration Appeals may be taken from the immigration judge's decision finding no credible fear of persecution or torture. If the immigration judge determines that the alien has a credible fear of persecution or torture, the alien will be placed in removal proceedings to apply for asylum.

### **Custody Status**

Whether an alien is in actual custody (detained) or is at liberty. This Year Book describes three custody categories: detained, non-detained (EOIR has no record of the



alien having been detained), and released (detained, then released on bond, recognizance, or some other condition).

## D

### **Decision**

A determination and order arrived at after consideration of facts and law, by either an immigration judge, the Board of Immigration Appeals, or the Office of the Chief Administrative Hearing Officer.

### **Defensive Asylum Application**

An asylum application initially filed with the immigration court after the alien has been put into proceedings to remove him or her from the United States. *Contrast Affirmative Asylum Application.*

### **Deferral of Removal**

If an immigration judge concludes that it is more likely than not that a removable alien will be tortured in a country, but the alien is ineligible for withholding of removal under the Convention Against Torture (CAT), the alien's removal will be deferred. The alien's removal is deferred only to the country in which it has been determined that the alien is likely to be tortured. However, the alien may be removed at any time to another country where he or she is not likely to be tortured. In addition, deferral of removal is effective only until it is terminated. The major difference between deferral of removal and withholding of removal is that there is a streamlined termination process for deferral of removal.

### **Denials**

When an immigration judge denies an alien's application for relief from removal.

### **Department of Homeland Security (DHS)**

On March 1, 2003, DHS absorbed the functions of the former Immigration and Naturalization Service (INS), among other agencies. Three major components of DHS have functions which relate closely to the Executive Office for Immigration Review. U.S. Citizenship and Immigration Services (USCIS) processes all immigrant and non-immigrant benefits, incorporating the adjudication and naturalization functions of the former INS. U.S. Immigration and Customs Enforcement (ICE) is charged with the enforcement of federal immigration laws, and includes functions of the former investigations and detention and removal components of INS. U.S. Customs and Border Protection (CBP) absorbed the border patrol and inspections functions of the former INS. *See Immigration and Naturalization Service.*

## **Deportation Proceedings**

Prior to April 1, 1997, a deportation case usually arose when the former Immigration and Naturalization Service (INS) (now Department of Homeland Security) alleged that a respondent entered the country illegally by crossing the border without being inspected by an immigration officer. Deportation cases also occurred when INS alleged that a respondent entered the country legally with a visa but then violated one or more conditions of the visa. When INS became aware of a respondent believed to be deportable, they issued a charging document called an Order to Show Cause (OSC). An OSC is the charging document that was used prior to April 1, 1997. A deportation proceeding actually began when the OSC was filed with an immigration court. In such proceedings, the government, represented by INS, had to prove that a respondent was deportable for the reasons stated in the OSC. As of April 1, 1997, deportation and exclusion proceedings were replaced by removal proceedings. *Contrast Exclusion and Removal Proceedings.*

## **Detained**

The Executive Office for Immigration Review (EOIR) maintains data on the custody status of aliens in proceedings. Detained aliens are those in the custody of the Department of Homeland Security (DHS) or other entities. For the purpose of this Year Book, EOIR also includes in its statistical data on detained aliens, the number of incarcerated aliens in the Institutional Hearing Program. Immigration court hearings for detained aliens are conducted in DHS Service Processing Centers, contract detention facilities, state and local government jails, and Bureau of Prisons institutions. See *Custody Status.*

## **Detention of an Alien**

The confinement of an alien by the Department of Homeland Security or other entities.

## **Disposition**

In immigration proceedings, the latest ruling on an alien's removability.

## **District Director (DD)**

Under the former Immigration and Naturalization Service (INS), the District Director (DD) was the highest ranking immigration official in each of the INS's 30+ districts. The INS was transferred out of the Department of Justice to the Department of Homeland Security on March 1, 2003. The DDs are located organizationally under the U.S. Citizenship and Immigration Services. The DD has the delegated authority to grant or deny most applications and petitions, except those that are specifically delegated to asylum officers.

## **E**

## **Exclusion Proceedings**

Prior to April 1, 1997, an exclusion case involved a person who tried to enter the United States but was stopped at the port of entry because the former Immigration and

Naturalization Service (INS) (now Department of Homeland Security) found the person to be inadmissible. The INS District Director could either detain the applicant or "parole" the applicant into the country; i.e., release from detention and allow to remain free until completion of the hearing. In either case, the applicant technically had not entered the country as a matter of law. Beginning April 1, 1997, deportation and exclusion proceedings were replaced by removal proceedings. *Contrast Deportation and Removal Proceedings.*

### **Executive Office for Immigration Review (EOIR)**

The Executive Office for Immigration Review (EOIR) was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization which combined the Board of Immigration Appeals with the immigration judge function, which was previously performed by Special Inquiry Officers of the former Immigration and Naturalization Service (INS) (now Department of Homeland Security). The Office of the Chief Administrative Hearing Officer (OCAHO) was added in 1987. EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous immigration courts located throughout the United States where immigration judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of immigration judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. EOIR is committed to providing fair, expeditious, and uniform application of the nation's immigration laws in all cases.

### **Expedited Asylum**

Asylum regulations implemented in 1995 mandated that asylum applications be processed within 180 days after filing either at a Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, Asylum Office or at an immigration court. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) reiterated the 180-day rule. Consequently, expedited processing of asylum applications occurs when (1) an alien files "affirmatively" at an Asylum Office on or after January 4, 1995, and the application is referred to the Executive Office for Immigration Review (EOIR) by DHS within 75 days of the filing; or (2) an alien files an application "defensively" with EOIR on or after January 4, 1995.

## **F**

### **Failure to Appear**

A failure to appear is when either party to a proceeding does not arrive or make an appearance at a court proceeding. Failure to appear by the respondent may result in either an *in absentia* order of removal or an administrative closure. See *In Absentia*.

**Filing**

A filing occurs with the actual receipt of a document by the appropriate immigration court, the Board of Immigration Appeals, or the Office of the Chief Administrative Hearing Officer.

**Fines and Penalties**

Certain provisions of the Immigration and Nationality Act render individuals and carriers liable for transporting unauthorized aliens in the United States. Fines may be assessed by certain Department of Homeland Security officials. The respondent is notified in writing of the decision and, if adverse, of the reasons for the decision. The respondent may appeal this decision to the Board of Immigration Appeals.

**Fiscal Year**

A 12-month period for which an organization plans the use of its funds. In the U.S. government, the fiscal year runs from October 1 through September 30.

**G****Grant of Relief**

When an immigration judge or the Board of Immigration Appeals awards a form of relief for which the alien has applied.

**Grant of Motion**

There are many types of motions in immigration proceedings. However, only two types are tracked in the Statistical Year Book: motions to reopen and motions to reconsider. A motion to reconsider is granted when an immigration judge or the Board of Immigration Appeals (BIA) allows a reconsideration of the decision based on a possible error in law or fact, or a change in the law. A motion to reopen is granted when an immigration judge or the BIA allows a proceeding to be reopened because of new facts or evidence in a case.

**I****Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)**

Among other things, IIRIRA focused on enforcement of immigration laws by streamlining the procedures that were previously required to remove aliens from the United States. To date, IIRIRA made the most extensive and significant changes to the immigration laws of the United States since the 1952 enactment of the Immigration and Nationality Act.

**Immigration and Nationality Act**

The Immigration and Nationality Act consolidated previous immigration laws into one coordinated statute. As amended, the Immigration and Nationality Act provides the

foundation for immigration law in effect today. The Immigration and Nationality Act deals with the immigration, temporary admission, naturalization, and removal of aliens.

### **Immigration and Naturalization Service (INS)**

Until its transition to the Department of Homeland Security (DHS) on March 1, 2003, INS was the agency responsible for administering immigration and nationality laws relating to the temporary admission, immigration, naturalization, and removal of aliens. Specifically, INS inspected aliens to determine their admissibility into the United States, adjudicated requests of aliens for benefits under the law, guarded against illegal entry into the United States, removed aliens in this country who were in violation of the law, examined alien applicants seeking to become citizens, and enforced immigration-related employment verification and document fraud laws. See *Department of Homeland Security*.

### **Immigration Court**

Each immigration court is staffed with one or more immigration judges who conduct immigration hearings. An administrative control immigration court is one that creates and maintains Records of Proceedings for immigration courts within an assigned geographical area. Management functions of the immigration court are supervised by a Court Administrator.

### **Immigration Judge**

The term immigration judge means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including exclusion, deportation, removal, asylum, bond redetermination, rescission, withholding, credible fear, reasonable fear, and claimed status review. Immigration judges act as independent decision-makers in deciding the matters before them. Immigration judge decisions are administratively final unless appealed or certified to the Board of Immigration Appeals, or if the period by which to file an appeal lapses.

### **Immigration Reform and Control Act of 1986 (IRCA)**

Among other things, IRCA addressed the problem of undocumented aliens by imposing sanctions on employers of illegal aliens, and legalizing the status of certain undocumented entrants who had arrived prior to January 1, 1982. The Immigration and Naturalization Service (now Department of Homeland Security) also was provided with significant new resources to enforce the immigration laws through IRCA. IRCA also created protections for workers against discrimination based on citizenship status and national origin.

### **In Absentia**

A Latin phrase meaning “in the absence of.” An *in absentia* hearing occurs when an alien fails to appear for a hearing and the immigration judge conducts the hearing without the alien present and orders the alien removed from the United States. An immigration judge shall order removed *in absentia* any alien who, after written notice of

the time and place of proceedings and the consequences of failing to appear, fails to appear at his or her removal proceeding. The DHS must establish by clear, unequivocal, and convincing evidence that the written notice was provided and that the alien is removable. *See Failure to Appear.*

### **Inadmissible**

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) replaced the term “excludable” with the term “inadmissible.” Section 212 of the Immigration and Nationality Act defines classes of aliens ineligible to receive visas and ineligible for admission. Aliens who, at the time of entry, are within one of these classes of inadmissible aliens are removable.

### **Institutional Hearing Program (IHP)**

The Immigration Reform and Control Act of 1986 requires the Attorney General to expeditiously commence immigration proceedings for alien inmates convicted of crimes in the United States. To meet this requirement, the Department of Justice established the IHP where removal hearings are held inside correctional institutions prior to the alien completing his or her criminal sentence. The IHP is a collaborative effort between the Executive Office for Immigration Review and the Department of Homeland Security and various federal, state, and local corrections agencies throughout the country.

### **Interlocutory Appeals**

An interlocutory appeal is an appeal taken to the Board of Immigration Appeals from a preliminary ruling of an immigration judge before the judge renders a final decision in the case. Common examples include rulings on the admissibility of evidence or requests to change venue.

## **L**

### **Lawful Permanent Resident (LPR)**

An alien who has been conferred permanent resident status.

## **M**

### **Matters**

Matters before the immigration courts and the Board of Immigration Appeals include all proceedings, bond redeterminations, and motions to reopen or reconsider.

### **Motion**

A motion is a formal request from either party (the alien or the Department of Homeland Security) in proceedings before the immigration court, or the Board of Immigration Appeals, to carry out an action or make a decision. Motions include, for example, motions for change of venue, motions for continuance, motions to terminate proceedings, etc. Only motions to reopen or reconsider are currently tracked and reported in this Statistical Year Book.

## N

### **Nationality**

For purposes of the EOIR Statistical Yearbook, nationality indicates the country that the alien is from.

### **Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)**

Under section 202 of NACARA, certain nationals of Nicaragua and Cuba in the United States were eligible to adjust their immigration status to become lawful permanent residents. In addition, section 203 of NACARA provides special rules regarding applications for suspension of deportation and cancellation of removal by certain Guatemalan, Salvadoran, and particular former Soviet bloc nationals.

### **Non-detained**

The status of an alien who is not in the custody of the Department of Homeland Security or the Institutional Hearing Program. *See Released.*

### **Notice to Appear (NTA)**

The document (Form I-862) used by the Department of Homeland Security (DHS) to charge an alien with being removable from the United States. Jurisdiction vests and proceedings commence when an NTA is filed with an immigration court by DHS. Prior to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the charging document was known as an Order to Show Cause.

### **Notice of Intent To Rescind**

In a rescission case, the Department of Homeland Security issues a Notice of Intent to Rescind an individual's permanent resident status, and the individual has the right to contest the charge in rescission proceedings. *See Rescission Proceedings.*

## O

### **Office of the Chief Administrative Hearing Officer (OCAHO)**

OCAHO has jurisdiction over four types of cases arising under the Immigration and Nationality Act: (1) employer sanctions for the unlawful hiring or continued employment of unauthorized aliens; (2) immigration-related unfair employment practices; (3) immigration-related document fraud; and, (4) the prohibition against indemnity bonds. OCAHO is headed by a Chief Administrative Hearing Officer who provides overall program direction, articulates policies and procedures, establishes priorities and administers the hearing process presided over by Administrative Law Judges (ALJs). OCAHO also conducts administrative review of ALJs' decisions in the areas of employer sanctions and document fraud, and may modify or vacate those ALJ decisions. Complaints are brought by the Department of Homeland Security, the Office of Special

Counsel for Immigration-Related Unfair Employment Practices, or private individuals as prescribed by statute.

### **Office of the Chief Immigration Judge (OCIJ)**

OCIJ provides overall program direction, articulates policies and procedures, and establishes priorities for immigration judges. The Chief Immigration Judge carries out these responsibilities with the assistance and support of a Deputy Chief Immigration Judge as well as numerous Assistant Chief Immigration Judges. In FY 2008, more than 200 immigration judges were located in 55 immigration courts throughout the nation. See *Immigration Judge*.

## **P**

### **Pro Bono**

A Latin phrase meaning “for the public good.” In a legal context, this phrase means legal representation done or performed free of charge. Because aliens in removal proceedings are not entitled to publicly-funded legal assistance, some attorneys offer their services on a *pro bono* basis.

### **Pro Se**

A Latin phrase meaning that the party represents him or herself in legal proceedings without an attorney or representative.

### **Proceeding**

The legal process conducted before the immigration court and Board of Immigration Appeals.

## **R**

### **Reasonable Fear Review**

Reasonable Fear Review proceedings are available to aliens who have been ordered removed by the Department of Homeland Security (DHS) under section 238 of the Immigration and Nationality Act (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and under section 241(a)(5) of the Immigration and Nationality Act (covering aliens who are the subjects of previously issued final orders of removal). Under this process, an alien who has been ordered removed by DHS and expresses a fear of persecution or torture will have his or her claim screened by an asylum officer. If the asylum officer determines that the alien has not established a reasonable fear of persecution or torture, the alien may request a review of that determination by an immigration judge. No appeal to the Board of Immigration Appeals may be taken from the immigration judge’s finding that an alien does not have a reasonable fear of persecution or torture. If an immigration judge determines that the alien has a reasonable fear of persecution or torture, the alien will be placed in withholding-only proceedings.



**Receipts**

The number of judicial filings received by the Executive Office for Immigration Review. For the immigration courts, receipts include bond redetermination hearings, proceedings, and motions. For the Board of Immigration Appeals, receipts include case, bond, motion, and interlocutory appeals, as well as certain appeals of Department of Homeland Security decisions. For the Office of the Chief Administrative Hearing Officer, receipts represent the number of new complaints filed.

**Recognized Organization**

A non-profit religious, charitable, social service, or similar organization formally recognized by the Board of Immigration Appeals as such under the provisions of 8 C.F.R. section 1292.2. *See Accredited Representative.*

**Reconsider, Motion to**

Aliens may request, by motion, the reconsideration of a case previously heard by an immigration judge or the Board of Immigration Appeals (BIA). A motion to reconsider either identifies an error in law or fact in a prior proceeding or identifies a change in law and asks the immigration judge or BIA to re-examine its ruling. A motion to reconsider is based on the existing record and does not seek to introduce new facts or evidence.

**Released**

A released alien is an individual who was detained at some point during proceedings and subsequently was released on bond or on their own recognizance.

**Relief from Removal**

In hearings before an immigration judge, an alien may be able to seek relief from removal. Various types of relief may be sought, including asylum, withholding of removal, protection under the Convention Against Torture, cancellation of removal, or adjustment of status. Many forms of relief require the alien to fill out an appropriate application.

**Removable**

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) replaced the terms “excludable” and “deportable” with the umbrella term “removable.” An alien may be found to be removable from the United States by an immigration judge or the Board of Immigration Appeals. Additionally, some aliens are determined to be removable by the Department of Homeland Security, e.g., in expedited removal or administrative removal proceedings. Only aliens found removable by the Executive Office for Immigration Review are reported in this Year Book.

**Removal Proceedings**

An immigration court proceeding begun on or after April 1, 1997, seeking to either stop certain aliens from being admitted to the United States or to remove them from the United States. A removal case usually arises when the Department of Homeland Security (DHS) alleges that a respondent is inadmissible to the United States, has

entered the country illegally by crossing the border without being inspected by an immigration officer, or has violated the terms of his or her admission. The DHS issues a charging document called a Notice to Appear and files it with an immigration court to begin a removal proceeding.

### **Reopen, Motion to**

Aliens may request, by motion, the reopening of a case previously heard by an immigration judge or the Board of Immigration Appeals (BIA). A motion to reopen asks an immigration judge or the BIA to consider new and previously unavailable facts or evidence in a case.

### **Represented**

A represented individual has an attorney or accredited representative act as his agent in proceedings before the immigration courts or the Board of Immigration Appeals.

### **Rescission Proceedings**

A less common type of proceeding is related to rescinding lawful permanent resident status. If, within five years of granting adjustment of status, the Department of Homeland Security (DHS) discovers that the respondent/applicant was not entitled to lawful permanent resident (LPR) status when it was granted, DHS issues a Notice of Intent to Rescind. If the respondent/applicant requests a hearing before an immigration court, DHS will file the Notice with the immigration court, and the proceeding to rescind the individual's LPR status commences. As with deportation cases, the government has the burden of proof to show that rescission is warranted. If an individual loses LPR status, he or she then is usually subject to removal proceedings. Although rescission proceedings still exist after April 1, 1997, DHS may also place an LPR into removal proceedings. An order of removal is sufficient to rescind the alien's status. *See Notice of Intent to Rescind.*

### **Respondent**

A party to an immigration proceeding against whom charges have been lodged and findings may be made.

## **S**

### **Suspension of Deportation**

Suspension of Deportation was a discretionary form of relief for certain aliens in deportation proceedings who had maintained continuous physical presence in the United States for seven years and had met the other statutory requirements for such relief. See former section 244 of the Immigration and Nationality Act. Application for this relief was made during the course of a hearing before an immigration judge. The status of an alien who was granted this relief was adjusted to that of an alien lawfully admitted for permanent residence. In 1997, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 replaced suspension of deportation with

cancellation of removal. See *Cancellation of Removal, Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)*.

## T

### **Termination**

A termination is a type of completion in which a case is closed by an immigration judge or the Board of Immigration Appeals without a final order of removal or deportation. A case is terminated when the respondent is found not removable as DHS charged.

## U

### **Unrepresented**

An individual in proceedings may represent himself or herself before an immigration court or the Board of Immigration Appeals instead of being represented by an attorney or accredited representative. See *Pro Se*.

## V

### **Visa Petition**

A visa petition is the first step toward obtaining lawful permanent residence for a foreign-born individual or family. It is usually filed by a U.S. citizen, lawful permanent resident, or employer on behalf of an alien. Visa petitions filed by individuals present in the United States are adjudicated by the Department of Homeland Security (DHS) and, once approved, may be revoked or revalidated by DHS under certain circumstances. (Visa petitions filed by individuals outside the United States are adjudicated by the Department of State.) In some instances, if a visa petition that was filed with DHS is denied or revoked, or the revalidation of a visa petition is denied, an appeal may be taken to the Board of Immigration Appeals (BIA). For visa petition appeals within the BIA's jurisdiction, DHS is initially responsible for management of the appeal, including the briefing process. The BIA's role in the appeal process does not begin until the completed record is received from DHS.

### **Voluntary Departure**

Voluntary departure is the departure of an alien from the United States without an order of removal. The departure may or may not have been preceded by a hearing before an immigration judge. An alien allowed to voluntarily depart concedes removability but is not barred from seeking admission at a port of entry in the future. Failure to depart within the time granted results in a fine and a 10-year bar against the alien applying for several forms of relief from removal.

## W

### **Withdrawal of an Appeal**

An appealing party may, at any time prior to the entry of a decision by the Board of Immigration Appeals, voluntarily withdraw his or her appeal.

### **Withdrawal of an Application for Relief**

An alien in proceedings may, at any time prior to a decision in his or her case, voluntarily withdraw any application for relief filed on his or her behalf.

### **Withholding of Removal**

Pursuant to section 241(b)(3) of the Immigration and Nationality Act, an alien may not be removed to a particular country if the alien can establish that his or her life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion. A request for asylum is deemed to include a request for withholding of removal under the applicable regulations.

### **Withholding-only Proceedings**

An alien in administrative removal proceedings under section 238 of the Immigration and Nationality Act (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and aliens subject to reinstatement of removal under section 241(a)(5) of the Immigration and Nationality Act are now able to apply for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act, as well as under Article 3 of the Convention Against Torture, after a screening process by a Department of Homeland Security asylum officer. In a withholding-only proceeding, an immigration judge may only consider the alien's application for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act and the Convention Against Torture pursuant to 8 C.F.R. section 1208.16. The Board of Immigration Appeals has jurisdiction over appeals from immigration judge decisions in withholding-only cases. *See Asylum-only Proceedings.*

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AFGHANISTAN	42	28	0	13	0	4	13
ALBANIA	360	320	0	181	15	53	79
ALGERIA	36	5	0	12	4	3	6
ANGOLA	11	8	0	4	1	1	7
ANTIGUA AND BARBUDA	3	0	0	1	0	1	1
ARGENTINA	75	14	0	41	20	17	11
ARMENIA	344	141	0	101	19	76	76
AUSTRALIA	0	0	0	1	0	0	0
AUSTRIA	3	0	0	11	0	2	1
AZERBAIJAN	36	12	0	3	2	8	8
BAHAMAS	15	2	0	3	0	5	1
BAHRAIN	4	0	0	0	1	1	4
BANGLADESH	281	81	0	40	3	41	49
BARBADOS	1	0	0	1	0	0	0
BE REMOVED FROM THE UNITED STATES	2	0	0	1	1	0	0
BELARUS	62	39	0	12	0	3	17
BELGIUM	26	9	0	2	4	2	6
BELIZE	8	1	0	4	0	0	1
BENIN	19	2	0	0	1	2	3
BHUTAN	11	4	0	0	0	0	1
BOLIVIA	40	6	0	2	1	4	12
BOSNIA-HERZEGOVINA	57	6	0	24	5	8	4
BRAZIL	205	31	0	58	37	57	33

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BRITISH INDIAN OCEAN TERRITORY	0	0	0	0	0	0	1
BULGARIA	102	48	0	23	14	14	39
BURKINA FASO	98	23	0	12	3	12	10
BURMA (MYANMAR)	222	125	0	30	4	2	24
BURUNDI	27	12	0	15	1	3	2
BYELORUSSIA (BELARUS)	50	41	0	7	1	10	11
CAMBODIA	28	7	0	16	6	11	16
CAMEROON	497	161	0	100	17	23	102
CANADA	21	3	0	8	0	6	10
CAPE VERDE	3	0	0	2	0	4	0
CENTRAL AFRICAN REPUBLIC	25	13	0	6	1	0	4
CHAD	94	24	0	8	3	0	12
CHILE	20	2	0	2	2	7	9
CHINA	9,250	3,419	0	1,765	114	224	1,235
COCOS ISLAND	1	0	0	0	0	0	0
COLOMBIA	1,140	531	0	812	157	443	431
COMORO ISLANDS	3	0	0	0	0	0	2
CONGO	118	68	0	39	12	8	39
COSTA RICA	17	1	0	8	6	5	4
CROATIA	9	0	0	2	0	1	2
CUBA	337	21	0	79	28	113	152
CYPRUS	0	1	0	0	0	0	0
CZECH REPUBLIC	20	3	0	5	5	3	8

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CZECHOSLOVAKIA	7	3	0	1	5	8	11
DEMOCRATIC REPUBLIC OF CONGO	47	24	0	14	1	6	3
DENMARK	1	0	0	1	0	3	0
DJIBOUTI	6	1	0	1	0	0	2
DOMINICA	2	0	0	0	1	0	0
DOMINICAN REPUBLIC	60	1	0	24	6	8	14
EAST GERMANY	4	1	0	1	0	0	0
ECUADOR	148	13	0	39	10	31	19
EGYPT	407	182	0	56	5	29	62
EL SALVADOR	6,424	172	0	1,477	603	1,106	2,539
EQUATORIAL GUINEA	0	9	0	0	0	0	1
ERITREA	271	120	0	25	1	5	24
ESTONIA	8	3	0	12	6	6	3
ETHIOPIA	769	311	0	142	16	31	80
FEDERATED STATES OF MICRONESA	2	0	0	2	0	0	0
FIJI	82	24	0	19	5	20	28
FINLAND	1	0	0	1	0	0	3
FRANCE	18	0	0	5	0	8	5
GABON	9	0	0	4	1	1	2
GAMBIA	197	52	0	54	1	56	51
GAZA STRIP	1	0	0	0	0	0	0
GEORGIA	57	26	0	23	6	11	15
GERMANY	34	4	0	13	0	3	1

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GHANA	70	12	0	25	3	12	20
GIBRALTAR	2	0	0	1	0	0	1
GREECE	5	0	0	2	0	0	1
GRENADA	1	1	0	1	0	0	0
GUATEMALA	5,058	163	0	1,278	623	1,203	1,168
GUINEA	532	238	0	167	9	70	73
GUINEA BISSAU	7	2	0	4	0	2	1
GUYANA	75	2	0	47	2	11	18
HAITI	3,326	510	0	2,047	491	435	1,377
HONDURAS	921	74	0	379	94	127	253
HONG KONG	6	0	0	1	0	3	0
HUNGARY	19	1	0	1	8	1	2
INDIA	974	272	0	282	35	115	171
INDONESIA	1,000	195	0	440	41	108	159
IRAN	258	70	0	43	9	54	62
IRAQ	441	408	0	47	8	27	50
ISRAEL	62	16	0	32	1	4	13
ITALY	12	0	0	6	0	5	3
IVORY COAST (COTE D'IVOIRE)	315	91	0	92	8	63	47
JAMAICA	130	3	0	73	2	26	25
JAPAN	11	1	0	3	1	8	3
JORDAN	102	19	0	38	5	25	27
KAMPUCHEA	3	5	0	1	1	2	4



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KAZAKHSTAN	50	14	0	16	5	11	12
KENYA	343	60	0	75	10	41	67
KIRGHIZIA (KYRGYZSTAN)	40	6	0	3	1	2	9
KIRIBATI	1	1	0	0	0	0	0
KOSOVO	7	2	0	7	0	0	0
KUWAIT	14	2	0	7	1	2	3
LAOS	88	4	0	28	3	9	19
LATVIA	8	3	0	9	5	7	7
LEBANON	102	20	0	53	13	28	27
LESOTHO	1	0	0	0	0	0	1
LIBERIA	158	31	0	39	7	38	34
LIBYA	8	2	0	1	0	1	1
LITHUANIA	30	1	0	13	19	13	14
MACAU	1	0	0	3	0	1	1
MACEDONIA	32	11	0	18	0	6	8
MADAGASCAR	6	2	0	1	0	1	2
MALAWI	8	0	0	4	0	2	5
MALAYSIA	42	2	0	7	0	3	6
MALDIVES	4	0	0	0	0	0	4
MALI	297	28	0	63	2	49	43
MALTA	1	0	0	0	0	0	0
MARTINIQUE	1	0	0	0	0	0	0
MAURITANIA	139	94	0	130	22	17	46

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MAURITIUS	1	0	0	1	0	0	0
MEXICO	3,229	71	0	250	392	1,597	414
MOLDAVIA (MOLDOVA)	163	16	0	11	5	8	21
MONACO	0	2	0	1	1	2	0
MONGOLIA	191	42	0	29	7	7	34
MONTSERRAT	1	0	0	1	0	0	0
MOROCCO	40	23	0	21	5	12	13
MOZAMBIQUE	0	0	0	1	0	1	1
NAMIBIA	7	0	0	1	0	1	0
NEPAL	443	147	0	65	5	8	49
NETHERLANDS	12	1	0	2	2	1	1
NEW CALEDONIA	5	0	0	0	1	0	0
NEW ZEALAND	3	0	0	0	0	0	0
NICARAGUA	399	20	0	136	104	89	197
NIGER	45	8	0	11	2	3	10
NIGERIA	207	28	0	88	5	35	36
NIUE	15	11	0	2	0	2	2
NO NATIONALITY	6	1	0	1	0	0	3
NORTH KOREA	4	3	0	0	6	1	1
NORWAY	0	0	0	0	0	2	1
OMAN	2	1	0	0	0	0	0
PAKISTAN	473	142	0	142	19	80	101
PALESTINE	13	1	0	6	2	3	4

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PANAMA	9	1	0	6	0	0	2
PAPUA NEW GUINEA	0	0	0	1	0	0	0
PARAGUAY	5	1	0	0	1	3	0
PEOPLE'S REPUBLIC OF BENIN	2	1	0	1	0	0	0
PERU	218	51	0	104	22	67	64
PHILIPPINES	172	15	0	31	3	42	43
POLAND	43	7	0	11	8	24	21
PORTUGAL	13	1	0	4	1	4	8
QATAR	4	3	0	1	0	0	0
ROMANIA	124	54	0	30	20	22	49
RUSSIA	519	198	0	113	45	81	138
RWANDA	37	19	0	11	0	0	6
SAMOA	1	0	0	1	0	2	0
SAN MARINO	1	1	0	0	0	0	0
SAUDI ARABIA	7	5	0	8	0	3	1
SENEGAL	139	19	0	39	3	16	16
SERBIA MONTENEGRO	64	24	0	19	1	6	9
SEYCHELLES	6	0	0	4	0	0	1
SIERRA LEONE	152	47	0	73	5	11	45
SINGAPORE	7	2	0	0	0	2	1
SLOVAK REPUBLIC	6	0	0	2	5	2	4
SLOVENIA	3	3	0	0	0	0	0
SOLOMON ISLANDS	0	0	0	1	0	0	0

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SOMALIA	234	100	0	62	7	11	61
SOUTH AFRICA	27	1	0	18	0	5	7
SOUTH KOREA	20	1	0	7	2	5	3
SOVIET UNION	342	172	0	58	14	37	86
SPAIN	8	1	0	4	0	2	0
SRI LANKA	357	87	0	77	13	30	32
ST. KITTS, WEST INDIES	2	0	0	0	0	0	0
ST. LUCIA	4	1	0	1	0	0	0
ST. VINCENT AND THE GRENADINES	3	0	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	201	59	0	36	5	7	24
SUDAN	111	30	0	17	8	13	27
SURINAME	4	0	0	2	1	3	5
SWEDEN	11	2	0	4	0	1	0
SWITZERLAND	2	0	0	0	0	0	0
SYRIA	82	11	0	24	6	18	9
TAIWAN	11	0	0	6	0	7	4
TAJIKISTAN (TADZHIK)	18	1	0	3	0	2	2
TANZANIA	27	5	0	21	1	5	6
THAILAND	32	4	0	13	0	5	7
THE REPUBLIC OF THE MARSHALL ISLANDS	1	0	0	0	0	0	0
TOGO	78	63	0	31	3	10	25
TONGA	14	0	0	1	1	3	4
TRINIDAD AND TOBAGO	51	6	0	17	2	12	7

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TUNISIA	11	1	0	6	0	6	4
TURKEY	82	11	0	17	1	10	19
TURKMENISTAN	25	15	0	2	3	4	3
TURKS AND CAICOS ISLANDS	0	0	0	0	0	0	1
UGANDA	74	34	0	11	8	8	19
UKRAINE	195	59	0	61	22	33	54
UNITED ARAB EMIRATES	2	0	0	0	0	0	1
UNITED KINGDOM	30	3	0	11	3	5	9
UNKNOWN NATIONALITY	92	5	0	28	0	6	17
URUGUAY	16	1	0	5	5	3	5
UZEBEKISTAN	203	67	0	45	11	18	52
VANUATU	1	0	0	0	1	0	0
VENEZUELA	744	294	0	376	59	146	159
VIETNAM	107	7	0	45	2	16	27
WESTERN SAHARA	2	0	0	0	0	0	1
YEMEN	42	8	0	28	1	9	11
YUGOSLAVIA	203	126	0	32	6	24	48
ZAIRE	8	3	0	0	0	1	2
ZAMBIA	15	5	0	5	0	3	2
ZIMBABWE	187	67	0	40	14	24	37
<b>TOTAL</b>	<b>47,459</b>	<b>10,743</b>	<b>0</b>	<b>13,199</b>	<b>3,453</b>	<b>7,670</b>	<b>11,172</b>

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AFGHANISTAN	63	22	0	14	8	10	18
ALBANIA	486	420	0	245	11	60	162
ALGERIA	27	6	0	9	3	5	12
ANDORRA	0	1	0	0	0	1	0
ANGOLA	27	7	0	7	1	4	4
ANTIGUA AND BARBUDA	2	0	0	0	0	0	1
ARGENTINA	121	15	0	50	20	33	24
ARMENIA	451	181	0	116	18	71	108
ARUBA	1	0	0	1	0	0	0
AUSTRALIA	7	0	0	1	0	1	0
AUSTRIA	3	0	0	0	0	0	1
AZERBAIJAN	36	21	0	11	1	4	14
BAHAMAS	9	1	0	5	1	4	3
BAHRAIN	5	0	0	6	0	0	3
BANGLADESH	233	100	0	96	12	58	81
BE REMOVED FROM THE UNITED STATES	0	0	0	0	0	0	1
BELARUS	69	34	0	25	5	9	25
BELGIUM	19	4	0	3	0	6	3
BELIZE	18	0	0	3	1	1	6
BENIN	11	2	0	4	0	0	3
BERMUDA	0	0	0	1	0	0	1
BHUTAN	6	0	0	1	0	0	2
BOLIVIA	39	3	0	13	0	5	5

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BOSNIA-HERZEGOVINA	48	18	0	15	0	7	12
BOTSWANA	0	1	0	1	0	0	0
BRAZIL	249	33	0	85	37	44	44
BRITISH INDIAN OCEAN TERRITORY	0	0	0	1	0	0	0
BULGARIA	182	65	0	39	12	18	53
BURKINA FASO	105	20	0	19	0	6	11
BURMA (MYANMAR)	186	130	0	41	8	8	26
BURUNDI	42	13	0	20	2	3	12
BYELORUSSIA (BELARUS)	90	44	0	13	7	12	22
CAMBODIA	58	13	0	34	4	17	23
CAMEROON	408	207	0	135	9	35	85
CANADA	28	5	0	7	2	4	10
CAPE VERDE	5	0	0	1	1	1	2
CAYMAN ISLANDS	0	1	0	0	0	0	0
CENTRAL AFRICAN REPUBLIC	19	12	0	9	1	1	6
CHAD	48	21	0	8	2	3	8
CHILE	27	1	0	1	6	3	5
CHINA	8,633	4,546	0	1,662	153	308	1,344
COLOMBIA	1,665	682	0	1,240	173	601	682
COMORO ISLANDS	5	0	0	2	0	0	0
CONGO	154	72	0	40	7	19	37
COSTA RICA	27	5	0	3	3	3	8
CROATIA	8	2	0	7	0	7	4

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CUBA	472	25	0	79	29	138	358
CYPRUS	1	0	0	0	0	0	0
CZECH REPUBLIC	17	0	0	0	11	2	4
CZECHOSLOVAKIA	19	2	0	8	7	2	16
DEMOCRATIC REPUBLIC OF CONGO	35	25	0	17	5	9	7
DENMARK	4	0	0	0	0	1	0
DJIBOUTI	5	1	0	2	0	0	0
DOMINICA	5	0	0	1	0	0	1
DOMINICAN REPUBLIC	65	5	0	24	6	23	28
EAST GERMANY	0	0	0	1	0	0	0
ECUADOR	128	10	0	39	12	32	39
EGYPT	420	232	0	69	14	50	92
EL SALVADOR	10,050	139	0	1,609	538	962	2,894
EQUATORIAL GUINEA	11	0	0	0	0	0	0
ERITREA	190	120	0	28	3	8	37
ESTONIA	22	13	0	19	6	7	16
ETHIOPIA	712	350	0	145	16	49	87
FIJI	81	24	0	24	4	33	34
FINLAND	16	2	0	0	1	3	0
FRANCE	21	3	0	7	0	3	2
GABON	3	4	0	4	1	0	0
GAMBIA	297	59	0	51	9	65	79
GAZA STRIP	0	0	0	1	0	0	0



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GEORGIA	64	27	0	36	11	12	35
GERMANY	23	4	0	13	2	5	5
GHANA	57	8	0	20	5	12	18
GREECE	14	12	0	4	1	1	1
GRENADA	3	0	0	0	0	3	0
GUADELOUPE	0	0	0	0	0	0	1
GUATEMALA	8,249	135	0	1,250	790	975	1,381
GUINEA	618	325	0	158	22	57	85
GUINEA BISSAU	8	3	0	1	0	0	5
GUYANA	95	15	0	40	2	12	29
HAITI	4,541	586	0	2,363	565	353	2,368
HONDURAS	1,240	86	0	466	88	163	251
HONG KONG	2	2	0	2	1	0	1
HUNGARY	20	0	0	1	1	4	13
INDIA	949	358	0	376	70	130	255
INDONESIA	1,111	209	0	570	52	172	202
IRAN	229	107	0	70	14	44	61
IRAQ	484	280	0	61	10	20	85
IRELAND	1	0	0	1	1	0	0
ISRAEL	80	18	0	16	6	10	19
ITALY	27	0	0	8	0	6	4
IVORY COAST (COTE D'IVOIRE)	366	135	0	101	17	59	64
JAMAICA	97	4	0	46	6	34	44

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JAPAN	10	2	0	4	0	2	7
JORDAN	106	16	0	40	6	28	23
KAMPUCHEA	2	0	0	0	0	3	1
KAZAKHSTAN	53	33	0	12	1	4	20
KENYA	219	50	0	82	10	45	72
KIRGHIZIA (KYRGYZSTAN)	23	7	0	1	1	8	14
KIRIBATI	0	0	0	0	0	1	0
KOSOVO	5	3	0	1	0	0	1
KUWAIT	21	3	0	7	1	2	2
LAOS	70	6	0	23	6	26	32
LATVIA	22	6	0	8	1	5	14
LEBANON	161	29	0	48	5	27	49
LESOTHO	2	0	0	2	0	0	0
LIBERIA	172	53	0	60	26	47	54
LIBYA	5	2	0	4	0	0	1
LITHUANIA	65	4	0	13	14	12	53
MACAU	5	0	0	0	0	0	0
MACEDONIA	37	27	0	17	3	8	9
MADAGASCAR	2	4	0	2	0	0	0
MALAWI	12	3	0	3	0	4	5
MALAYSIA	20	5	0	14	1	2	5
MALI	331	60	0	47	2	38	50
MALTA	0	0	0	0	0	0	1

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MAURITANIA	216	173	0	156	68	27	102
MAURITIUS	2	0	0	0	1	0	0
MEXICO	2,963	49	0	289	251	2,169	492
MOLDAVIA (MOLDOVA)	55	7	0	12	6	1	7
MONACO	13	1	0	0	0	0	1
MONGOLIA	123	49	0	49	1	4	18
MONTENEGRO	2	0	0	0	0	0	1
MOROCCO	58	4	0	5	2	11	10
MOZAMBIQUE	3	1	0	0	0	0	0
NAMIBIA	1	0	0	0	0	1	0
NAURU	0	0	0	3	0	0	0
NEPAL	369	130	0	82	9	17	47
NETHERLANDS	6	2	0	4	0	0	2
NICARAGUA	814	23	0	166	351	65	1,106
NIGER	46	10	0	8	1	8	6
NIGERIA	175	39	0	63	6	36	65
NIUE	20	1	0	2	0	0	2
NO NATIONALITY	2	0	0	0	0	0	0
NORTH KOREA	9	2	0	0	0	1	2
NORWAY	2	0	0	0	0	1	0
OMAN	1	1	0	0	0	0	0
PAKISTAN	484	141	0	168	22	122	144
PALESTINE	18	3	0	8	0	0	1

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PANAMA	14	1	0	6	3	2	6
PAPUA NEW GUINEA	1	0	0	0	0	0	0
PARAGUAY	4	0	0	2	0	5	0
PEOPLE'S REPUBLIC OF BENIN	1	0	0	0	0	0	0
PERU	277	54	0	144	29	68	75
PHILIPPINES	162	9	0	64	3	59	60
POLAND	67	7	0	15	13	39	71
PORTUGAL	13	0	0	2	1	3	3
QATAR	1	1	0	5	0	0	0
ROMANIA	260	31	0	39	27	28	161
RUSSIA	564	208	0	131	47	77	201
RWANDA	39	22	0	7	6	6	7
SAMOA	2	0	0	1	0	0	0
SAUDI ARABIA	25	5	0	5	0	10	7
SENEGAL	126	30	0	37	3	16	21
SERBIA MONTENEGRO	73	27	0	20	3	5	7
SEYCHELLES	4	1	0	0	0	1	1
SIERRA LEONE	174	48	0	64	8	19	67
SINGAPORE	7	1	0	2	1	1	0
SLOVAK REPUBLIC	13	0	0	4	4	3	11
SLOVENIA	8	0	0	1	0	2	5
SOLOMON ISLANDS	3	0	0	0	0	0	0
SOMALIA	211	109	0	54	19	16	65

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SOUTH AFRICA	35	8	0	16	3	0	11
SOUTH KOREA	33	1	0	7	3	3	7
SOVIET UNION	458	187	0	59	38	29	110
SPAIN	7	0	0	1	0	4	6
SRI LANKA	218	91	0	52	6	16	39
ST. KITTS, WEST INDIES	2	0	0	1	0	0	1
ST. LUCIA	2	0	0	1	1	0	0
ST. VINCENT AND THE GRENADINES	1	0	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	183	79	0	34	3	7	28
SUDAN	95	19	0	20	0	9	33
SURINAME	10	1	0	3	3	4	4
SWEDEN	9	0	0	7	1	0	5
SWITZERLAND	0	4	0	0	0	0	0
SYRIA	58	23	0	33	3	16	22
TAIWAN	7	1	0	0	0	0	0
TAJIKISTAN (TADZHIK)	12	5	0	2	2	1	5
TANZANIA	45	16	0	16	2	9	12
THAILAND	37	3	0	5	1	4	11
THE REPUBLIC OF PALAU	1	0	0	0	0	0	0
TOGO	96	81	0	50	4	21	37
TONGA	14	0	0	2	0	2	1
TRINIDAD AND TOBAGO	35	1	0	15	2	5	18
TUNISIA	14	1	0	9	1	7	3

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TURKEY	58	23	0	15	0	5	15
TURKMENISTAN	18	13	0	16	1	5	4
UGANDA	70	50	0	23	7	8	20
UKRAINE	238	40	0	50	15	29	98
UNITED ARAB EMIRATES	2	0	0	0	0	0	3
UNITED KINGDOM	28	3	0	1	1	6	5
UNKNOWN NATIONALITY	36	1	0	1	2	0	0
URUGUAY	27	0	0	13	7	5	13
UZBEKISTAN	202	73	0	53	16	33	64
VENEZUELA	756	316	0	463	34	171	278
VIETNAM	103	10	0	32	1	23	38
YEMEN	47	9	0	28	6	10	11
YUGOSLAVIA	216	125	0	56	11	31	49
ZAIRE	6	5	0	3	1	0	1
ZAMBIA	24	7	0	7	2	5	12
ZIMBABWE	155	97	0	62	12	23	31
<b>TOTAL</b>	<b>56,604</b>	<b>12,832</b>	<b>0</b>	<b>14,888</b>	<b>3,985</b>	<b>8,407</b>	<b>15,674</b>

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AFGHANISTAN	53	25	0	10	2	10	14
ALBANIA	818	497	0	392	27	90	194
ALGERIA	26	13	0	23	3	7	11
ANDORRA	1	2	0	0	0	0	0
ANGOLA	21	16	0	19	0	1	6
ANGUILLA	1	0	0	0	0	0	1
ANTIGUA AND BARBUDA	0	0	0	0	0	0	1
ARGENTINA	120	9	0	111	7	44	48
ARMENIA	528	288	0	162	56	80	160
ARUBA	1	0	0	0	0	0	0
AUSTRALIA	2	0	0	0	0	1	1
AUSTRIA	12	0	0	0	1	1	1
AZERBAIJAN	32	28	0	15	3	2	18
BAHAMAS	8	0	0	4	0	1	4
BAHRAIN	10	0	0	8	1	4	0
BANGLADESH	320	113	0	84	23	71	99
BARBADOS	3	1	0	2	1	1	1
BE REMOVED FROM THE UNITED STATES	1	0	0	0	0	0	0
BELARUS	99	57	0	27	7	11	36
BELGIUM	28	2	0	2	0	4	7
BELIZE	12	1	0	3	3	6	7
BENIN	7	1	0	3	0	0	4
BERMUDA	0	0	0	0	0	0	1

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BHUTAN	0	1	0	0	0	0	0
BOLIVIA	21	2	0	3	3	6	6
BOSNIA-HERZEGOVINA	46	7	0	17	1	6	13
BOTSWANA	1	0	0	0	0	0	0
BRAZIL	240	33	0	94	27	46	52
BRITISH INDIAN OCEAN TERRITORY	2	0	0	3	0	0	0
BRITISH VIRGIN ISLANDS	1	0	0	0	0	0	2
BULGARIA	161	72	0	39	10	14	44
BURKINA FASO	54	13	0	8	1	9	15
BURMA (MYANMAR)	234	157	0	45	7	15	49
BURUNDI	32	13	0	10	2	0	8
BYELORUSSIA (BELARUS)	89	52	0	21	4	8	31
CAMBODIA	48	9	0	49	3	10	15
CAMEROON	419	357	0	168	15	31	140
CANADA	36	9	0	2	1	3	6
CAPE VERDE	4	0	0	1	0	3	3
CAYMAN ISLANDS	1	0	0	0	0	0	0
CENTRAL AFRICAN REPUBLIC	29	10	0	20	1	5	11
CHAD	58	16	0	6	1	4	7
CHILE	16	2	0	5	2	1	7
CHINA	9,350	4,049	0	2,114	229	287	1,566
COLOMBIA	2,109	780	0	1,646	287	687	949
CONGO	122	89	0	46	7	16	52



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COSTA RICA	15	1	0	3	0	3	11
CROATIA	6	1	0	3	0	2	5
CUBA	622	26	0	79	47	203	288
CYPRUS	1	1	0	0	0	0	0
CZECH REPUBLIC	18	2	0	4	1	1	8
CZECHOSLOVAKIA	32	2	0	5	3	7	16
DEMOCRATIC REPUBLIC OF CONGO	55	24	0	27	7	10	17
DJIBOUTI	11	6	0	1	0	1	0
DOMINICA	2	0	0	2	1	1	0
DOMINICAN REPUBLIC	84	1	0	19	0	27	26
EAST GERMANY	1	0	0	0	0	0	0
ECUADOR	111	11	0	29	9	31	29
EGYPT	427	239	0	63	16	58	75
EL SALVADOR	7,017	95	0	1,008	464	610	1,860
EQUATORIAL GUINEA	0	1	0	0	0	0	0
ERITREA	207	101	0	29	2	6	83
ESTONIA	41	3	0	5	5	8	10
ETHIOPIA	655	340	0	166	6	53	99
FEDERATED STATES OF MICRONESA	0	0	0	1	0	0	0
FIJI	99	45	0	51	6	45	46
FINLAND	1	1	0	0	0	1	0
FRANCE	16	2	0	8	0	12	3
GABON	10	5	0	1	0	0	4

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GAMBIA	269	46	0	34	3	65	70
GAZA STRIP	1	0	0	0	0	1	0
GEORGIA	96	59	0	46	6	21	28
GERMANY	33	9	0	3	0	3	1
GHANA	67	6	0	23	4	7	18
GIBRALTAR	1	1	0	1	0	0	0
GREECE	8	3	0	1	1	1	1
GRENADA	2	0	0	0	0	2	1
GUATEMALA	5,042	160	0	889	557	614	1,019
GUINEA	542	357	0	203	32	54	76
GUINEA BISSAU	6	2	0	4	0	2	3
GUYANA	142	16	0	77	11	38	37
HAITI	6,156	570	0	2,520	576	355	1,330
HONDURAS	1,126	66	0	420	68	133	192
HONG KONG	1	0	0	2	0	0	1
HUNGARY	13	2	0	3	0	1	7
INDIA	1,036	450	0	456	60	153	278
INDONESIA	921	314	0	1,088	78	332	294
IRAN	346	117	0	85	17	63	94
IRAQ	342	192	0	127	6	24	60
IRELAND	2	0	0	0	0	0	0
ISRAEL	61	25	0	22	2	14	31
ITALY	16	2	0	9	0	7	1

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IVORY COAST (COTE D'IVOIRE)	304	160	0	81	8	34	58
JAMAICA	148	3	0	45	5	36	48
JAPAN	6	3	0	5	0	5	8
JORDAN	94	27	0	45	1	30	38
KAMPUCHEA	6	11	0	9	1	7	7
KAZAKHSTAN	60	25	0	14	3	10	11
KENYA	249	60	0	120	15	36	79
KIRGHIZIA (KYRGYZSTAN)	26	20	0	9	2	2	9
KIRIBATI	1	0	0	0	0	0	0
KOSOVO	8	4	0	2	1	1	1
KUWAIT	19	4	0	7	0	5	5
LAOS	81	11	0	37	0	29	27
LATVIA	30	12	0	8	3	8	9
LEBANON	125	26	0	48	4	49	58
LESOTHO	1	0	0	0	0	2	0
LIBERIA	207	59	0	65	14	33	95
LIBYA	5	1	0	4	1	0	0
LITHUANIA	99	18	0	19	12	10	37
MACAU	3	0	0	2	0	0	0
MACEDONIA	37	20	0	22	1	8	15
MADAGASCAR	8	1	0	0	0	2	2
MALAWI	14	0	0	0	0	0	3
MALAYSIA	21	4	0	8	0	7	2

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MALI	245	62	0	38	6	32	38
MALTA	3	0	0	0	0	0	0
MAURITANIA	347	219	0	195	50	34	190
MAURITIUS	0	0	0	1	0	0	2
MEXICO	2,714	48	0	294	155	4,159	618
MOLDAVIA (MOLDOVA)	39	2	0	5	0	7	16
MONACO	2	0	0	0	0	0	0
MONGOLIA	127	39	0	31	5	4	18
MONTENEGRO	0	0	0	1	0	0	0
MOROCCO	36	8	0	23	2	7	10
MOZAMBIQUE	1	0	0	0	0	1	0
NAMIBIA	0	0	0	2	0	0	0
NEPAL	315	165	0	70	8	19	47
NETHERLANDS	3	0	0	0	0	2	1
NEW CALEDONIA	0	0	0	0	1	0	1
NEW ZEALAND	1	0	0	0	0	1	0
NICARAGUA	2,002	15	0	120	361	57	622
NIGER	25	9	0	23	3	8	15
NIGERIA	213	31	0	91	3	43	58
NIUE	5	0	0	2	0	0	0
NORTH KOREA	15	6	0	0	0	0	0
OMAN	8	0	0	0	0	1	0
PAKISTAN	567	178	0	251	17	168	186

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PALESTINE	3	0	0	7	4	1	2
PANAMA	13	7	0	4	1	3	6
PAPUA NEW GUINEA	0	0	0	0	1	0	0
PARAGUAY	19	2	0	5	1	0	2
PERU	314	88	0	141	20	78	99
PHILIPPINES	184	17	0	68	8	102	61
PITCAIRN ISLANDS	1	0	0	0	0	0	0
POLAND	239	4	0	25	71	45	124
PORTUGAL	14	5	0	0	2	7	12
QATAR	1	0	0	2	0	1	1
ROMANIA	247	43	0	34	13	30	45
RUSSIA	557	202	0	134	47	84	182
RWANDA	43	26	0	10	1	2	5
SAMOA	1	0	0	0	0	0	0
SAN MARINO	2	0	0	1	0	0	0
SAUDI ARABIA	32	9	0	2	0	2	4
SENEGAL	87	15	0	44	9	10	15
SERBIA MONTENEGRO	58	21	0	14	4	4	12
SEYCHELLES	8	1	0	3	0	0	4
SIERRA LEONE	187	79	0	106	17	27	104
SINGAPORE	4	2	0	3	0	0	4
SLOVAK REPUBLIC	40	1	0	2	3	2	19
SLOVENIA	1	1	0	3	0	0	1

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SOMALIA	277	116	0	63	54	18	102
SOUTH AFRICA	28	20	0	15	5	15	17
SOUTH KOREA	39	1	0	5	1	7	8
SOVIET UNION	456	188	0	63	39	36	103
SPAIN	6	0	0	8	0	1	2
SRI LANKA	217	85	0	47	15	35	32
ST. CHRISTOPHER-NEVIS	0	1	0	0	0	0	0
ST. KITTS, WEST INDIES	1	0	0	1	0	0	0
ST. LUCIA	1	0	0	1	0	1	0
ST. VINCENT AND THE GRENADINES	2	0	0	0	0	1	1
STATELESS - ALIEN UNABLE TO NAME A CO	111	85	0	25	7	9	32
SUDAN	91	45	0	29	3	15	37
SURINAME	13	2	0	1	0	2	4
SWAZILAND	0	0	0	1	0	0	1
SWEDEN	17	0	0	0	0	1	2
SWITZERLAND	4	0	0	0	0	1	0
SYRIA	89	20	0	33	3	16	15
TAIWAN	11	2	0	3	0	1	1
TAJIKISTAN (TADZHIK)	6	4	0	2	0	1	1
TANZANIA	37	17	0	15	2	6	11
THAILAND	25	0	0	6	1	15	3
TOGO	196	145	0	76	12	24	74
TONGA	8	0	0	1	1	2	1

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TRINIDAD AND TOBAGO	59	3	0	8	3	11	19
TUNISIA	25	0	0	8	1	8	8
TURKEY	69	34	0	26	3	24	20
TURKMENISTAN	50	23	0	9	2	3	11
TURKS AND CAICOS ISLANDS	0	0	0	1	0	0	0
UGANDA	68	36	0	31	1	11	33
UKRAINE	269	44	0	102	29	35	76
UNITED ARAB EMIRATES	3	6	0	0	1	1	0
UNITED KINGDOM	17	2	0	8	0	7	16
UNKNOWN NATIONALITY	7	2	0	0	0	0	1
URUGUAY	16	0	0	16	2	1	10
UZEBEKISTAN	245	95	0	62	17	29	51
VENEZUELA	1,006	279	0	585	68	158	220
VIETNAM	119	10	0	45	3	28	28
YEMEN	60	10	0	29	3	23	27
YUGOSLAVIA	202	154	0	83	10	29	63
ZAIRE	13	5	0	11	1	3	4
ZAMBIA	25	8	0	4	6	3	16
ZIMBABWE	198	56	0	70	19	35	49
<b>TOTAL</b>	<b>55,197</b>	<b>13,300</b>	<b>0</b>	<b>16,477</b>	<b>3,919</b>	<b>10,325</b>	<b>13,847</b>

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AFGHANISTAN	64	33	0	29	4	19	16
ALBANIA	906	604	0	498	43	77	316
ALGERIA	34	23	0	34	4	9	12
ANDORRA	2	1	0	0	0	1	1
ANGOLA	45	6	0	22	1	5	22
ANTIGUA AND BARBUDA	1	0	0	0	0	0	0
ARGENTINA	133	10	0	173	15	91	37
ARMENIA	718	268	0	321	54	95	195
AUSTRALIA	1	0	0	1	0	1	1
AUSTRIA	2	4	0	0	0	1	0
AZERBAIJAN	69	30	0	25	5	7	27
BAHAMAS	18	5	0	11	0	1	4
BAHRAIN	4	0	0	6	0	0	0
BANGLADESH	313	121	0	120	20	75	102
BARBADOS	4	0	0	0	0	2	1
BELARUS	141	44	0	21	11	6	33
BELGIUM	22	5	0	1	1	0	8
BELIZE	12	0	0	4	0	5	2
BENIN	13	2	0	7	0	3	1
BERMUDA	1	0	0	0	0	0	0
BHUTAN	1	1	0	1	1	0	0
BOLIVIA	16	4	0	15	2	9	4
BOSNIA-HERZEGOVINA	37	8	0	12	3	5	14



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BOTSWANA	1	1	0	0	0	0	0
BRAZIL	239	24	0	74	316	52	163
BRITISH INDIAN OCEAN TERRITORY	0	0	0	1	0	0	0
BRITISH VIRGIN ISLANDS	1	0	0	0	0	0	0
BULGARIA	194	75	0	39	16	16	51
BURKINA FASO	52	5	0	14	2	1	5
BURMA (MYANMAR)	235	157	0	45	10	15	41
BURUNDI	32	11	0	15	6	3	5
BYELORUSSIA (BELARUS)	112	45	0	13	10	8	28
CAMBODIA	134	10	0	49	6	11	21
CAMEROON	629	262	0	242	23	40	196
CANADA	32	3	0	6	0	5	7
CAPE VERDE	6	0	0	1	0	1	0
CAYMAN ISLANDS	1	0	0	0	0	1	1
CENTRAL AFRICAN REPUBLIC	42	18	0	14	3	6	10
CHAD	42	10	0	2	1	1	6
CHILE	22	3	0	17	0	13	4
CHINA	8,053	2,911	97	2,561	194	293	1,290
COLOMBIA	4,083	1,151	0	2,289	500	727	1,237
COMORO ISLANDS	1	1	0	1	0	0	0
CONGO	197	76	0	72	15	10	61
COSTA RICA	18	1	0	4	1	2	4
CROATIA	14	2	0	9	1	3	3

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CUBA	722	21	0	99	17	191	229
CYPRUS	0	0	0	1	0	0	0
CZECH REPUBLIC	13	0	0	2	2	3	3
CZECHOSLOVAKIA	31	3	0	7	4	3	12
DEMOCRATIC REPUBLIC OF CONGO	103	33	0	45	9	11	18
DENMARK	1	0	0	0	0	1	0
DJIBOUTI	2	0	0	0	0	0	1
DOMINICA	3	0	0	0	0	0	0
DOMINICAN REPUBLIC	81	1	0	37	4	24	22
EAST GERMANY	0	0	0	1	0	0	0
ECUADOR	102	11	0	34	5	36	27
EGYPT	420	194	0	101	10	71	84
EL SALVADOR	3,662	65	0	696	200	418	1,014
EQUATORIAL GUINEA	1	1	0	0	0	0	0
ERITREA	158	67	0	35	4	8	34
ESTONIA	49	6	0	9	4	3	27
ETHIOPIA	575	264	0	187	13	51	113
FEDERATED STATES OF MICRONESA	1	0	0	2	0	1	0
FIJI	105	35	0	93	9	61	47
FINLAND	5	0	0	0	0	4	0
FRANCE	27	3	0	6	0	10	10
FRENCH POLYNESIA	5	0	0	0	0	0	5
GABON	21	0	0	7	0	0	6

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GAMBIA	273	30	0	46	8	33	55
GAZA STRIP	0	0	0	1	0	0	0
GEORGIA	147	64	0	69	8	22	45
GERMANY	29	5	0	16	0	8	4
GHANA	58	4	0	24	3	15	14
GIBRALTAR	0	0	0	1	0	1	0
GREECE	16	8	0	4	0	0	2
GRENADA	4	0	0	2	0	0	0
GUADELOUPE	2	1	0	0	0	1	1
GUATEMALA	3,456	140	0	817	520	605	731
GUINEA	725	256	0	214	40	22	106
GUINEA BISSAU	10	4	0	7	0	0	1
GUYANA	141	30	0	104	13	27	40
HAITI	4,827	653	0	2,774	350	320	684
HONDURAS	858	67	0	329	49	139	164
HONG KONG	4	0	0	3	1	1	1
HUNGARY	13	0	0	4	0	3	1
ICELAND	0	1	0	0	0	0	1
INDIA	1,815	310	0	508	106	161	351
INDONESIA	1,224	375	0	1,276	75	278	429
IRAN	329	142	0	133	21	67	89
IRAQ	315	93	0	121	7	28	59
IRELAND	1	0	0	0	0	1	2

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ISRAEL	77	17	0	36	0	28	21
ITALY	11	1	0	6	0	4	1
IVORY COAST (COTE D'IVOIRE)	387	110	0	82	21	16	54
JAMAICA	132	2	0	51	7	46	40
JAPAN	17	2	0	7	2	6	11
JORDAN	140	21	0	63	10	37	47
KAMPUCHEA	13	19	0	20	3	9	4
KAZAKHSTAN	46	13	0	11	0	3	9
KENYA	349	55	0	85	23	33	101
KIRGHIZIA (KYRGYZSTAN)	33	12	0	6	1	3	15
KOSOVO	8	4	0	7	0	1	1
KUWAIT	14	3	0	7	1	3	1
LAOS	123	19	0	43	3	25	56
LATVIA	32	5	0	9	5	10	10
LEBANON	170	22	0	66	11	43	39
LESOTHO	2	0	0	0	0	0	0
LIBERIA	315	69	0	68	20	32	141
LIBYA	12	0	0	1	0	0	5
LITHUANIA	66	5	0	22	5	9	24
MACAU	1	0	0	1	0	0	0
MACEDONIA	72	19	0	42	0	15	17
MADAGASCAR	6	1	0	2	0	0	0
MALAWI	5	0	0	6	1	0	0

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MALAYSIA	17	4	0	8	2	5	5
MALDIVES	0	2	0	0	0	0	0
MALI	168	17	1	19	1	10	25
MALTA	0	1	0	0	1	0	0
MAURITANIA	594	192	0	305	80	43	304
MAURITIUS	2	0	0	0	0	0	0
MEXICO	2,853	34	0	356	156	7,465	669
MOLDAVIA (MOLDOVA)	38	6	0	10	3	4	10
MONGOLIA	157	25	0	41	11	6	16
MOROCCO	65	4	0	17	1	6	19
NAMIBIA	1	0	0	0	0	1	0
NEPAL	283	85	0	60	10	18	50
NETHERLANDS	8	1	0	3	0	1	1
NETHERLANDS ANTILLES	2	0	0	4	0	1	0
NEW CALEDONIA	2	0	0	0	0	0	0
NEW ZEALAND	1	0	0	0	0	1	0
NICARAGUA	895	17	0	77	27	38	257
NIGER	41	3	0	13	3	12	12
NIGERIA	282	32	0	136	5	58	67
NIUE	2	1	0	1	0	0	0
NO NATIONALITY	1	1	0	0	0	0	0
NORTH KOREA	7	0	0	3	0	0	1
NORWAY	0	0	0	1	0	0	0

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OMAN	2	0	0	0	1	0	2
PAKISTAN	736	139	0	328	17	161	175
PALESTINE	14	0	0	5	0	4	3
PANAMA	20	3	0	6	1	9	4
PARAGUAY	11	0	0	3	0	6	3
PERU	390	59	1	178	18	82	111
PHILIPPINES	192	26	0	62	4	115	96
POLAND	195	6	0	32	23	22	46
PORTUGAL	34	1	0	1	1	4	10
QATAR	8	0	0	0	0	0	1
ROMANIA	132	18	0	44	6	15	46
RUSSIA	662	251	0	193	59	73	251
RWANDA	58	18	0	18	0	4	9
SAMOA	4	0	0	0	0	2	4
SAUDI ARABIA	24	6	0	6	1	3	12
SENEGAL	116	26	0	41	4	8	31
SERBIA MONTENEGRO	86	37	0	28	1	8	5
SEYCHELLES	6	3	0	1	0	0	0
SIERRA LEONE	292	80	0	147	52	23	124
SINGAPORE	11	1	0	2	0	0	2
SLOVAK REPUBLIC	15	5	0	7	0	1	8
SLOVENIA	4	1	0	1	0	0	0
SOMALIA	388	87	0	71	76	20	180

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SOUTH AFRICA	56	5	0	13	5	8	15
SOUTH KOREA	23	0	0	13	2	8	7
SOVIET UNION	593	168	0	93	41	24	123
SPAIN	23	2	0	7	1	8	4
SRI LANKA	309	75	0	65	22	27	85
ST. CHRISTOPHER-NEVIS	1	0	0	1	0	0	0
ST. HELENA	1	0	0	0	0	0	0
ST. KITTS, WEST INDIES	3	0	0	2	0	1	0
ST. LUCIA	3	0	0	1	0	0	0
ST. VINCENT AND THE GRENADINES	0	0	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	173	72	0	28	0	10	35
SUDAN	96	55	0	36	11	13	48
SURINAME	8	1	0	7	0	0	2
SWAZILAND	1	0	0	0	0	0	1
SWEDEN	3	0	0	1	0	2	3
SYRIA	76	11	0	42	5	15	32
TAIWAN	5	2	0	5	0	3	1
TAJIKISTAN (TADZHIK)	13	9	0	2	1	3	3
TANZANIA	66	7	0	14	3	8	18
THAILAND	25	1	0	9	1	11	6
THE REPUBLIC OF PALAU	1	0	0	1	0	0	1
TOGO	354	101	0	77	10	15	82
TONGA	7	1	0	1	0	5	2

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TRINIDAD AND TOBAGO	49	3	0	9	7	10	14
TUNISIA	18	3	0	14	1	8	9
TURKEY	121	12	0	44	10	14	35
TURKMENISTAN	44	13	0	5	1	2	8
TURKS AND CAICOS ISLANDS	2	1	0	2	0	0	0
UGANDA	98	53	0	27	7	13	26
UKRAINE	236	68	0	101	7	41	69
UNITED ARAB EMIRATES	7	1	0	1	0	0	0
UNITED KINGDOM	45	7	0	18	2	4	6
UNKNOWN NATIONALITY	5	2	0	16	1	2	2
URUGUAY	29	2	0	6	1	5	9
UZEBEKISTAN	267	94	0	55	3	22	74
VENEZUELA	1,465	153	0	502	37	135	228
VIETNAM	134	8	0	56	4	34	45
YEMEN	65	10	0	41	5	8	9
YUGOSLAVIA	315	182	0	159	9	42	83
ZAIRE	22	4	0	5	1	6	3
ZAMBIA	26	9	0	10	1	4	4
ZIMBABWE	283	58	0	85	24	36	56
<b>TOTAL</b>	<b>52,952</b>	<b>11,606</b>	<b>99</b>	<b>19,028</b>	<b>3,650</b>	<b>13,347</b>	<b>12,665</b>



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AFGHANISTAN	119	58	0	35	4	13	58
ALBANIA	1,317	724	0	623	31	87	330
ALGERIA	87	13	0	37	3	23	16
ANDORRA	2	0	0	1	0	0	0
ANGOLA	67	9	0	18	4	6	6
ANTIGUA AND BARBUDA	0	0	0	1	0	1	0
ARGENTINA	566	18	0	299	23	112	77
ARMENIA	848	305	0	392	82	112	267
AUSTRALIA	5	0	0	4	0	1	0
AUSTRIA	8	0	0	8	1	4	0
AZERBAIJAN	100	31	0	21	23	4	46
BAHAMAS	18	0	0	4	0	0	9
BAHRAIN	18	2	0	2	0	1	0
BANGLADESH	469	149	0	162	30	76	92
BARBADOS	3	0	0	1	0	0	2
BE REMOVED FROM THE UNITED STATES	2	0	0	0	0	0	0
BELARUS	165	10	0	6	7	5	33
BELGIUM	20	0	0	2	3	1	2
BELIZE	16	3	0	5	0	6	1
BENIN	11	4	0	5	0	0	0
BERMUDA	4	2	0	0	0	0	1
BHUTAN	2	2	0	2	0	0	3
BOLIVIA	38	7	0	20	0	5	9

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<b>NATIONALITY</b>	<b>RECEIVED</b>	<b>GRANTED</b>	<b>CONDITIONAL</b>	<b>DENIED</b>	<b>ABANDONED</b>	<b>WITHDRAW</b>	<b>OTHER</b>
BOSNIA-HERZEGOVINA	44	6	0	18	0	7	11
BOTSWANA	4	0	0	1	0	0	2
BRAZIL	829	33	0	80	78	36	200
BRITISH INDIAN OCEAN TERRITORY	3	0	0	0	0	0	0
BULGARIA	190	43	0	51	9	16	63
BURKINA FASO	20	3	0	13	1	3	6
BURMA (MYANMAR)	280	138	0	69	16	5	52
BURUNDI	60	12	0	19	4	1	14
BYELORUSSIA (BELARUS)	108	46	0	16	2	7	34
CAMBODIA	178	5	0	38	3	13	38
CAMEROON	1,058	273	0	298	20	40	169
CANADA	14	5	0	2	1	0	1
CAPE VERDE	5	0	0	0	0	2	1
CAYMAN ISLANDS	1	0	0	0	0	0	0
CENTRAL AFRICAN REPUBLIC	57	2	0	21	3	0	12
CHAD	28	5	0	9	1	2	3
CHILE	22	6	0	12	1	11	7
CHINA	6,631	3,140	279	3,059	311	306	1,428
COLOMBIA	5,312	1,474	0	3,065	344	620	1,103
COMORO ISLANDS	2	1	0	0	0	0	0
CONGO	275	129	0	120	19	17	72
COSTA RICA	15	6	0	11	0	3	2
CROATIA	15	4	0	3	0	2	1

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CUBA	471	33	0	105	8	178	235
CYPRUS	2	0	0	1	0	0	0
CZECH REPUBLIC	13	3	0	8	1	1	4
CZECHOSLOVAKIA	23	3	0	8	2	3	9
DEMOCRATIC REPUBLIC OF CONGO	123	17	0	24	10	5	30
DENMARK	2	0	0	4	0	0	1
DJIBOUTI	0	1	0	0	0	0	0
DOMINICA	1	0	0	1	0	2	1
DOMINICAN REPUBLIC	89	3	0	24	1	26	29
ECUADOR	147	4	0	35	6	38	37
EGYPT	484	268	0	166	9	42	106
EL SALVADOR	2,587	42	0	609	140	397	1,063
EQUATORIAL GUINEA	2	0	0	0	0	0	1
ERITREA	142	61	0	35	2	11	26
ESTONIA	50	8	0	4	4	5	15
ETHIOPIA	815	260	0	232	27	51	178
FEDERATED STATES OF MICRONESA	2	0	0	0	0	2	1
FIJI	213	95	0	139	36	61	230
FINLAND	0	0	0	1	0	0	0
FRANCE	38	4	0	4	0	14	17
FRENCH POLYNESIA	0	0	0	0	0	1	0
GABON	4	5	0	2	2	0	0
GAMBIA	147	16	0	37	5	13	20

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GAZA STRIP	2	0	0	0	0	0	0
GEORGIA	260	66	0	80	19	24	64
GERMANY	25	4	0	9	0	4	5
GHANA	76	5	0	32	4	13	13
GIBRALTAR	2	0	0	0	1	0	0
GREECE	10	3	0	7	0	1	3
GRENADA	2	0	0	2	0	1	1
GUADELOUPE	2	0	0	0	0	0	0
GUATEMALA	3,471	177	0	865	779	653	701
GUINEA	726	258	0	222	39	25	80
GUINEA BISSAU	17	4	0	3	1	1	4
GUYANA	181	32	0	152	11	33	42
HAITI	5,196	535	0	2,375	261	248	648
HONDURAS	719	47	0	237	55	100	190
HONG KONG	5	1	0	2	0	1	3
HUNGARY	17	3	0	5	1	3	10
ICELAND	4	1	0	1	0	0	1
INDIA	1,398	451	0	612	169	195	632
INDONESIA	2,610	428	0	1,231	91	217	427
IRAN	544	203	0	162	38	99	207
IRAQ	246	115	0	206	14	39	46
IRELAND	1	0	0	1	0	1	0
ISRAEL	102	9	0	42	9	9	13

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ITALY	15	1	0	9	1	2	2
IVORY COAST (COTE D'IVOIRE)	403	77	0	95	16	12	47
JAMAICA	181	3	0	46	7	26	30
JAPAN	55	1	0	10	2	5	5
JORDAN	199	28	0	48	16	19	56
KAMPUCHEA	23	26	0	23	6	7	8
KAZAKHSTAN	67	28	0	27	2	7	18
KENYA	350	62	0	86	16	26	79
KIRGHIZIA (KYRGYZSTAN)	32	16	0	8	0	4	10
KIRIBATI	2	0	0	0	0	0	0
KOSOVO	8	4	0	9	0	1	2
KUWAIT	25	8	0	9	2	4	13
LAOS	282	5	0	44	30	41	224
LATVIA	46	17	0	12	2	2	16
LEBANON	226	42	0	85	8	24	78
LESOTHO	2	0	0	0	0	0	2
LIBERIA	425	91	0	103	29	43	254
LIBYA	10	1	0	0	0	1	1
LITHUANIA	80	9	0	17	4	7	27
MACEDONIA	78	14	0	52	4	8	32
MADAGASCAR	2	0	0	0	1	2	3
MALAWI	8	8	0	1	0	2	0
MALAYSIA	33	4	0	9	2	5	7

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MALDIVES	1	0	0	0	0	1	0
MALI	58	10	0	16	3	10	9
MALTA	2	0	0	1	1	2	1
MAURITANIA	910	219	0	211	119	26	327
MAURITIUS	2	0	0	0	0	0	0
MEXICO	3,520	67	0	593	235	9,067	950
MOLDAVIA (MOLDOVA)	36	13	0	18	4	4	14
MONACO	2	0	0	1	0	0	0
MONGOLIA	81	13	0	28	5	0	8
MONTENEGRO	0	1	0	1	0	0	1
MONTSERRAT	1	0	0	1	0	0	0
MOROCCO	63	2	0	18	0	10	8
NAMIBIA	1	0	0	1	0	0	0
NEPAL	238	93	0	48	7	8	26
NETHERLANDS	9	1	0	8	0	0	2
NEW ZEALAND	5	0	0	0	0	5	2
NICARAGUA	186	7	0	94	15	32	45
NIGER	75	6	0	20	2	5	13
NIGERIA	331	50	0	131	4	47	92
NIUE	3	0	0	0	0	1	1
NO NATIONALITY	1	0	0	0	0	0	0
NORTH KOREA	5	1	0	0	4	1	0
NORWAY	5	0	0	1	0	0	1

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OMAN	1	1	0	0	0	0	0
PAKISTAN	1,071	164	0	366	39	190	222
PALESTINE	14	1	0	9	0	1	1
PANAMA	28	8	0	8	2	3	6
PARAGUAY	4	1	0	3	0	1	3
PERU	468	111	0	213	23	133	126
PHILIPPINES	291	29	0	118	15	162	170
POLAND	122	5	0	18	7	11	27
PORTUGAL	18	0	0	2	2	4	4
QATAR	0	1	0	0	0	0	3
ROMANIA	169	61	0	69	6	25	54
RUSSIA	827	320	0	212	55	85	299
RWANDA	42	28	0	9	2	1	14
SAMOA	3	0	0	0	0	1	2
SAN MARINO	1	0	0	2	0	0	0
SAUDI ARABIA	16	5	0	7	1	1	3
SENEGAL	98	17	0	34	8	6	16
SERBIA MONTENEGRO	44	5	0	11	1	1	10
SEYCHELLES	6	6	0	4	0	1	1
SIERRA LEONE	382	122	0	169	37	30	116
SINGAPORE	12	4	0	6	1	1	1
SLOVAK REPUBLIC	23	0	0	8	0	0	5
SLOVENIA	8	0	0	4	0	0	2

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SOMALIA	356	89	0	61	62	14	146
SOUTH AFRICA	61	5	0	23	3	6	14
SOUTH KOREA	23	4	0	5	0	3	7
SOVIET UNION	646	86	0	55	72	8	123
SPAIN	17	1	0	6	1	4	5
SRI LANKA	255	63	0	65	15	38	59
ST. HELENA	0	0	0	0	1	0	0
ST. KITTS, WEST INDIES	1	0	0	1	0	0	0
ST. LUCIA	3	0	0	1	0	0	1
ST. VINCENT AND THE GRENADINES	1	0	0	0	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	171	59	0	38	4	7	38
SUDAN	143	68	0	57	9	11	36
SURINAME	9	0	0	0	2	2	6
SWAZILAND	0	1	0	0	0	0	0
SWEDEN	7	0	0	1	0	1	0
SWITZERLAND	1	0	0	2	0	0	0
SYRIA	112	10	0	50	3	19	25
TAIWAN	6	0	0	2	0	3	1
TAJIKISTAN (TADZHIK)	13	6	0	1	0	1	2
TANZANIA	63	3	0	18	1	6	6
THAILAND	41	0	0	12	1	8	25
TOGO	399	66	0	128	7	6	73
TONGA	10	0	0	4	1	3	1



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TRINIDAD AND TOBAGO	32	1	0	8	2	9	13
TUNISIA	39	2	0	13	1	3	9
TURKEY	81	27	0	40	7	12	21
TURKMENISTAN	44	16	0	1	2	1	8
UGANDA	130	50	0	49	4	5	30
UKRAINE	289	90	0	101	14	41	94
UNITED ARAB EMIRATES	15	6	0	6	0	0	3
UNITED KINGDOM	41	7	0	14	0	8	16
UNKNOWN NATIONALITY	5	0	0	11	0	0	2
URUGUAY	40	4	0	20	1	16	11
UZEBEKISTAN	256	76	0	43	21	19	65
VENEZUELA	1,662	59	0	247	27	68	134
VIETNAM	189	5	0	95	2	51	57
YEMEN	87	9	0	43	3	16	24
YUGOSLAVIA	411	197	0	184	21	45	88
ZAIRE	15	7	0	5	1	6	1
ZAMBIA	54	5	0	14	2	5	5
ZIMBABWE	346	71	0	48	0	30	41
<b>TOTAL</b>	<b>57,816</b>	<b>12,743</b>	<b>279</b>	<b>20,866</b>	<b>3,805</b>	<b>14,664</b>	<b>13,953</b>