U.S. Department of Justice

Executive Office for Immigration Review

FY 2003
Statistical Year Book

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

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U.S. Department of Justice

Executive Office for Immigration Review

Office of the Director

Director

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April 28, 2004

MESSAGE FROM THE DIRECTOR

I am pleased to provide the FY 2003 Statistical Year Book which summarizes the work of the Executive Office for Immigration Review (EOIR) for the past five years. EOIR, an agency of the Department of Justice, carries out its mission through three main organizational components: the Office of the Chief Immigration Judge (OCIJ), the Board of Immigration Appeals (BIA), and the Office of the Chief Administrative Hearing Officer (OCAHO).

In FY 2003, OCIJ supervised 212 immigration judges located in 52 courts throughout the United States. Nineteen of the 52 immigration courts are located in either detention centers or prisons. Additionally, immigration judges travel to more than 100 other hearing locations to conduct proceedings. At each proceeding, a Department of Homeland Security (DHS)[1] trial attorney represents the United States Government, while the respondent alien appears on his or her own behalf or retains an attorney at no expense to the Government.

The BIA, located in Falls Church, VA, conducts appellate review of decisions rendered by immigration judges. All decisions of the BIA, published or unpublished, are binding on immigration judges and on DHS unless overruled or modified by the Attorney General or a Federal court. In September 2002, DOJ published a final rule to revise the structure and procedures of the BIA. The BIA has successfully implemented all the requirements of the regulation, and is in compliance with the adjudicatory time frames which it established.

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

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[1]These functions were previously performed by the Immigration and Naturalization Service (INS). On November 25, 2002, President George W. Bush signed the Homeland Security Act of 2002, creating the new Department of Homeland Security (DHS). In the legislation, the Attorney General continues to retain authority over EOIR, within DOJ, but INS was transferred to the new DHS as of March 1, 2003.

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

The following report is intended to provide an introduction to the types of immigration matters processed by EOIR on a daily basis. Included in this report are data from FY 1999 - FY 2003. Data in this report have been updated, and thus may be slightly different from previously published Statistical Year Book data.

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

Kevin D. Rooney
Director

FY 2003 HIGHLIGHTS

- Receipts by the immigration courts increased by 3 percent between FY 2002 (290,628) and FY 2003 (299,733). (Figure 1, Page B2)

- Immigration judge decisions increased by 16 percent between FY 2002 (170,225) and FY 2003 (197,920). (Figure 4, Page D1)

- Mexico, El Salvador, Honduras, China and Guatemala represent the predominant nationalities of immigration court case completions during FY 2003. (Figure 6, Page E1)

- Spanish was the most frequently spoken language for immigration court case completions during FY 2003. (Figure 8, Page F1). The number of different languages used in court proceedings has increased by 13 percent over FY 1999.

- Forty-eight (48) percent of aliens whose cases were completed in immigration courts during FY 2003 were represented. (Figure 9, Page G1)

- Overall failure to appear rates (Figure 10, Page H1) as well as failure to appear rates for non-detained (Figure 11, Page H2) and released aliens (Figure 12, Page H3) decreased in FY 2003.

- Asylum filings at the immigration courts decreased by nearly 9,000 applications in FY 2003. Most of this decrease was in affirmative receipts. (Figure 13, Page I1)

- In FY 2003, the Los Angeles, CA; Miami, FL; New York City, NY; and San Francisco, CA immigration courts received 58 percent of the asylum filings. (Table 6, Page 13)

- Five nationalities were among the top ten nationalities granted asylum each year during the five-year period: China, India, Russia, Albania, and Haiti. (Table 7, Page J2)

- The grant rate for asylum applications remained steady at 37 percent. (Figure 16, Page K1). The grant rate was 44 percent for affirmative applications (Figure 17, Page K2), and 26 percent for defensive applications. (Figure 18, Page K2)

- In FY 2003, 36 percent of proceedings completed at the immigration courts had applications for relief. (Figure 22, Page N1)

- Thirty-four (34) percent of FY 2003 immigration court completions involved detained aliens. (Figure 23, Page O1)

- BIA receipts increased by 20 percent between FY 2002 (34,815) and FY 2003 (41,907). (Figure 25, Page S2)

- Mexico, China, Haiti, Guatemala, and India represent the predominant nationalities of BIA cases (completions) during FY 2003. (Figure 25)

- The BIA has successfully implemented reform regulation. Legacy cases have been completed, and all post-legacy cases decided in FY 2003 were adjudicated within established time frames. (Tab U)

- For the first time in five years, Mexico is not the top nationality for BIA completions; it was outpaced by China. (Figure 29, Page V1)

- Seventy-two (72) percent of the cases completed by the BIA in FY 2003 were for represented aliens. (Figure 30, Page W1)

- In FY 2003, 14 percent of IJ decisions were appealed to the BIA. (Figure 32, Page Y1)

Immigration Courts:
Total Matters Received and Completed

An alien charged by the Department of Homeland Security (DHS) with a violation of immigration law is issued a charging document. The most common charging documents are the Notice to Appear (NTA) and the Notice of Referral to Immigration Judge. When the charging document is filed by DHS with the immigration court, jurisdiction over the case transfers from DHS to the Executive Office for Immigration Review (EOIR), which has oversight over the 52 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.

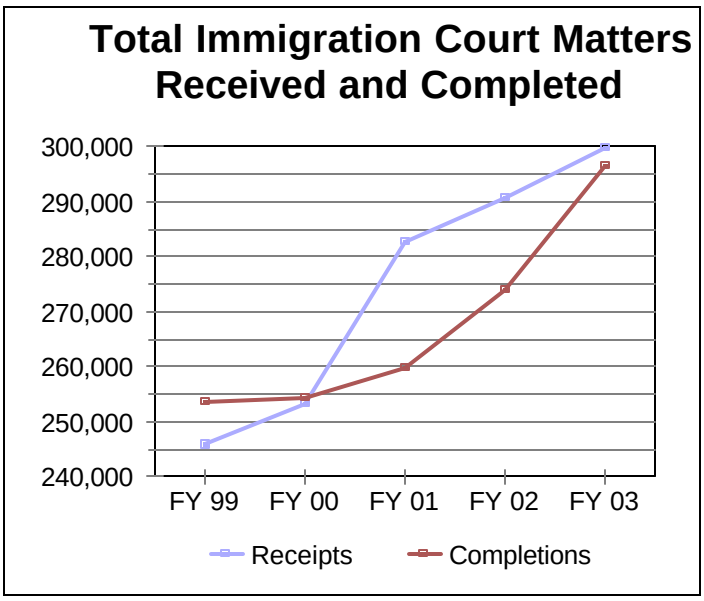
During court proceedings, aliens appear before an immigration judge, and either contest or concede the charges against them. In some instances, the immigration judge adjourns the case and sets a continuance date; for example, the judge may allow the alien time to obtain representation or to file an application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

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

- Bond redetermination hearings are held when an alien in custody seeks release on his or her own recognizance, or seeks a reduction in the amount of bond. In some cases, bond redetermination hearings are held before EOIR receives the charging document from DHS. During bond redetermination hearings, the judge may decide to lower, raise, maintain, or eliminate altogether the bond amount set by DHS, or to change bond conditions.

- Additionally, either the alien or DHS may request by motion that a case previously heard by an immigration judge be reopened or reconsidered. Generally, aliens or DHS file motions to reopen or reconsider because of changed circumstances.

For the purposes of this Year Book, the term immigration court matters includes proceedings (deportation, exclusion, removal, credible fear, claimed status, asylum only, and rescission), bond redeterminations, and motions. Receipts are defined as the total number of proceedings, bond redeterminations, and motions received by the immigration courts during the reporting period. Completions include immigration judge decisions on proceedings, bond redeterminations, and motions; other completions such as administrative closings, changes of venue, etc.; and terminations.



Total Immigration Court Matters		
	Receipts	Completions
FY 99	245,791	253,458
FY 00	253,242	254,402
FY 01	282,554	259,584
FY 02	290,628	273,926
FY 03	299,733	296,494

Figure 1

As shown in Figure 1 above, the number of immigration matters received and completed by the immigration courts increased each year between FY 1999 and FY 2003. The increase in receipts from the five-year low in FY 1999 to the high in FY 2003 was 22 percent. The increase in completions from FY 1999 to FY 2003 was 17 percent.

The FY 2003 growth in court receipts was not consistent among all immigration courts. While some courts showed significant increases in workload over FY 2002 levels, others showed decreases. In some instances, e.g., East Mesa, the dramatic change in workload was due to a jurisdictional change. In Table 1, shown on page B3, courts with increases of 25 percent or more are shown in blue, and those with decreases of more than 25 percent are shown in red. Immigration courts in East/Otay Mesa, CA and Elizabeth, NJ showed increases of 50 percent or more in receipts from FY 2002 to FY 2003. The court in San Diego, California showed the largest decrease in receipts with a rate of change of 42 percent. This decrease in receipts was caused by a change in workload due to jurisdictional changes.

Table 2 on page B4 provides a comparison of FY 2002 and FY 2003 completions. Courts with increases in completions of greater than 25 percent are shown in blue, and those with decreases 25 percent or more are shown in red. Some of the courts with increases in completions of more than 25 percent had experienced a similar increase in receipts. The most significant change in completions is seen in the San Francisco, CA court. The court's rate of completions rose by 75 percent due both to an increase in court productivity and an increase in detailed Immigration Judges to that court.

Table 1 - Total Immigration Court Matters Received by Court for FY 2002 and FY 2003

Immigration Court	FY 2002	FY 2003	Rate of Change
ARLINGTON, VIRGINIA	6,613	7,464	13%
ATLANTA, GEORGIA	4,035	5,172	28%
BALTIMORE, MARYLAND	3,880	4,906	26%
BATAVIA SPC, NEW YORK	1,439	1,512	5%
BLOOMINGTON (ST. PAUL), MINNESOTA	2,452	2,835	16%
BOSTON, MASSACHUSETTS	5,891	6,537	11%
BRADENTON COUNTY JAIL, FLORIDA	3,121	3,660	17%
BUFFALO, NEW YORK	2,433	2,248	-8%
CHICAGO, ILLINOIS	9,811	11,609	18%
DALLAS, TEXAS	5,853	7,365	26%
DENVER, COLORADO	6,503	7,366	13%
DETROIT, MICHIGAN	2,770	3,268	18%
EAST MESA, CALIFORNIA	3,138	7,368	135%
EL CENTRO SPC, CALIFORNIA	4,448	4,020	-10%
EL PASO SPC, TEXAS	7,187	6,551	-9%
EL PASO, TEXAS	3,908	3,212	-18%
ELIZABETH SPC, NEW JERSEY	505	768	52%
ELOY, ARIZONA	9,917	10,877	10%
FISHKILL - NEW YORK STATE DOC, NEW YORK	588	544	-7%
FLORENCE SPC, ARIZONA	6,131	4,818	-21%
GUAYNABO (SAN JUAN), PUERTO RICO	2,498	2,617	5%
HARLINGEN, TEXAS	8,606	10,737	25%
HARTFORD, CONNECTICUT	1,923	2,628	37%
HONOLULU, HAWAII	897	1,142	27%
HOUSTON SPC, TEXAS	3,968	3,775	-5%
HOUSTON, TEXAS	4,955	6,743	36%
IMPERIAL, CALIFORNIA	1,920	1,227	-36%
JAMAICA QUEENS FACILITY, NEW YORK	533	376	-29%
KROME NORTH SPC, FLORIDA	4,669	5,085	9%
LANCASTER, CALIFORNIA	7,326	7,066	-4%
LAS VEGAS, NEVADA	4,076	3,627	-11%
LOS ANGELES, CALIFORNIA	28,302	23,224	-18%
LOS FRENOS (PORT ISABEL SPC), TEXAS	9,398	10,132	8%
MEMPHIS, TENNESSEE	2,222	2,835	28%
MIAMI, FLORIDA	21,671	18,481	-15%
NEW ORLEANS, LOUISIANA	2,305	2,552	11%
NEW YORK CITY, NEW YORK	19,339	17,916	-7%
NEWARK, NEW JERSEY	8,511	7,442	-13%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	3,771	3,633	-4%
ORLANDO, FLORIDA	4,314	5,214	21%
PHILADELPHIA, PENNSYLVANIA	2,856	4,106	44%
PHOENIX, ARIZONA	2,718	3,901	44%
PORTLAND, OREGON	1,971	2,163	10%
SAN ANTONIO, TEXAS	11,071	14,738	33%
SAN DIEGO, CALIFORNIA	8,199	4,777	-42%
SAN FRANCISCO, CALIFORNIA	10,914	12,498	15%
SAN PEDRO SPC, CALIFORNIA	3,895	3,426	-12%
SEATTLE, WASHINGTON	5,843	5,460	-7%
TUCSON, ARIZONA	3,765	3,923	4%
ULSTER - NEW YORK STATE DOC, NEW YORK	852	747	-12%
VARICK SPC, NEW YORK	1,428	1,146	-20%
YORK, PENNSYLVANIA	5,289	4,296	-19%
Total	290,628	299,733	3%

Courts with decreases in receipts of more than 25%

Courts with increases in receipts of more than 25%

Table 2 - Total Immigration Court Matters Completed by Court for FY 2002 and FY 2003

Immigration Court	FY 2002	FY 2003	Rate of Change
ARLINGTON, VIRGINIA	6,009	7,096	18%
ATLANTA, GEORGIA	4,076	4,379	7%
BALTIMORE, MARYLAND	3,657	3,993	9%
BATAVIA SPC, NEW YORK	1,443	1,474	2%
BLOOMINGTON (ST. PAUL), MINNESOTA	2,411	2,849	18%
BOSTON, MASSACHUSETTS	5,106	5,542	9%
BRADENTON COUNTY JAIL, FLORIDA	3,194	3,522	10%
BUFFALO, NEW YORK	2,441	2,627	8%
CHICAGO, ILLINOIS	10,830	10,558	-3%
DALLAS, TEXAS	6,272	7,010	12%
DENVER, COLORADO	6,136	6,486	6%
DETROIT, MICHIGAN	2,626	2,761	5%
EAST MESA, CALIFORNIA	3,028	7,503	148%
EL CENTRO SPC, CALIFORNIA	4,512	4,041	-10%
EL PASO SPC, TEXAS	7,327	6,608	-10%
EL PASO, TEXAS	4,024	3,804	-5%
ELIZABETH SPC, NEW JERSEY	582	705	21%
ELOY, ARIZONA	10,063	10,987	9%
FISHKILL - NEW YORK STATE DOC, NEW YORK	695	657	-5%
FLORENCE SPC, ARIZONA	6,324	4,858	-23%
GUAYNABO (SAN JUAN), PUERTO RICO	2,935	2,486	-15%
HARLINGEN, TEXAS	10,283	10,385	1%
HARTFORD, CONNECTICUT	1,998	2,707	35%
HONOLULU, HAWAII	1,070	1,142	7%
HOUSTON SPC, TEXAS	3,927	3,919	-0%
HOUSTON, TEXAS	4,716	6,061	29%
IMPERIAL, CALIFORNIA	1,947	1,359	-30%
JAMAICA QUEENS FACILITY, NEW YORK	603	397	-34%
KROME NORTH SPC, FLORIDA	4,581	5,025	10%
LANCASTER, CALIFORNIA	7,349	7,243	-1%
LAS VEGAS, NEVADA	3,896	3,345	-14%
LOS ANGELES, CALIFORNIA	19,362	24,371	26%
LOS FRENOS (PORT ISABEL SPC), TEXAS	9,715	10,138	4%
MEMPHIS, TENNESSEE	2,135	2,404	13%
MIAMI, FLORIDA	14,183	18,479	30%
NEW ORLEANS, LOUISIANA	2,238	2,585	16%
NEW YORK CITY, NEW YORK	18,935	19,608	4%
NEWARK, NEW JERSEY	7,806	7,307	-6%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	3,775	3,516	-7%
ORLANDO, FLORIDA	2,733	3,680	35%
PHILADELPHIA, PENNSYLVANIA	2,145	2,515	17%
PHOENIX, ARIZONA	2,291	2,571	12%
PORTLAND, OREGON	1,904	2,113	11%
SAN ANTONIO, TEXAS	14,314	15,786	10%
SAN DIEGO, CALIFORNIA	8,175	5,030	-38%
SAN FRANCISCO, CALIFORNIA	8,790	15,397	75%
SAN PEDRO SPC, CALIFORNIA	4,002	3,382	-15%
SEATTLE, WASHINGTON	5,870	5,680	-3%
TUCSON, ARIZONA	3,736	3,959	6%
ULSTER - NEW YORK STATE DOC, NEW YORK	918	699	-24%
VARICK SPC, NEW YORK	1,448	1,445	-0%
YORK, PENNSYLVANIA	5,390	4,300	-20%
Total	273,926	296,494	8%

Courts with decreases in completions of more than 25%

Courts with increases in completions of more than 25%

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.

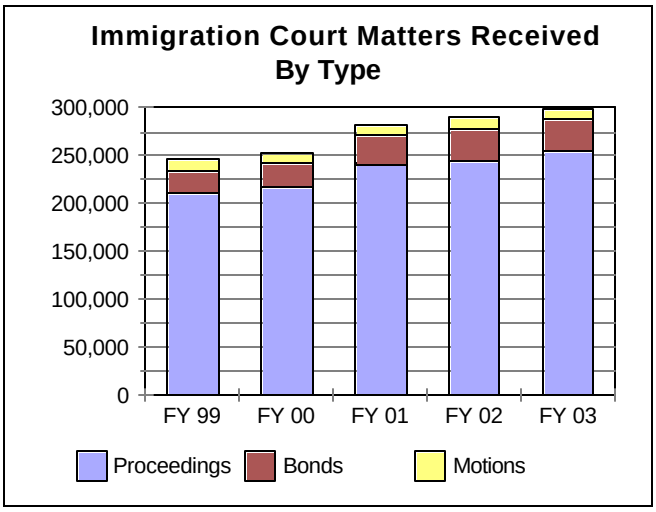


Figure 2

Immigration Court Matters Received				
	Proceedings	Bonds	Motions	Total
FY 99	210,474	24,426	10,891	245,791
FY 00	218,086	25,599	9,557	253,242
FY 01	241,894	30,295	10,365	282,554
FY 02	245,149	33,550	11,929	290,628
FY 03	254,370	33,641	11,722	299,733

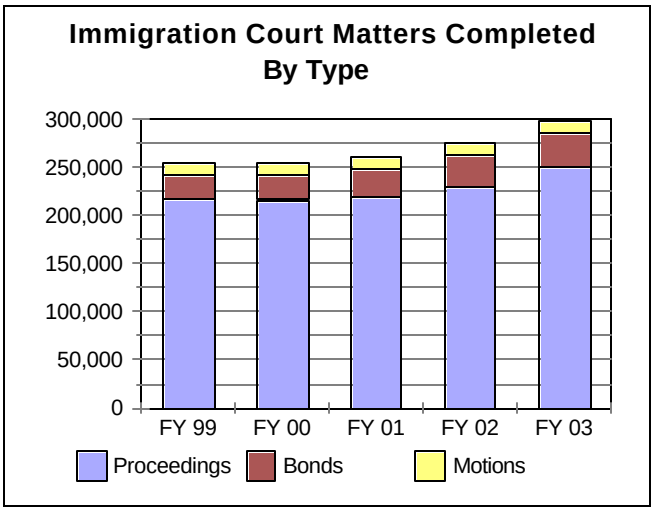


Figure 3

Immigration Court Matters Completed				
	Proceedings	Bonds	Motions	Total
FY 99	216,945	24,375	12,138	253,458
FY 00	215,421	25,676	13,305	254,402
FY 01	218,282	30,040	11,262	259,584
FY 02	228,412	33,557	11,957	273,926
FY 03	250,763	33,717	12,014	296,494

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 Immigration and Naturalization Service (INS) (now reorganized under the Department of Homeland Security (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.

- 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.

- 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.

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.

Table 3 shows all types of proceedings received by the immigration courts between FY 1999 and FY 2003. Receipts of deportation and exclusion cases have declined from FY 1999 levels because these types of proceedings were no longer initiated by INS (now DHS) after 1997.

Table 3 - Immigration Court Proceedings Received by Case Type

Type of Proceeding	FY1999	FY2000	FY 2001	FY 2002	FY 2003
Deportation	12,549	10,209	7,729	7,542	5,952
Exclusion	1,559	1,209	1,065	1,278	751
Removal	195,516	203,862	229,537	233,618	244,897
Credible Fear	45	126	78	85	43
Reasonable Fear*	85	74	104	85	103
Claimed Status	117	161	118	85	91
Asylum Only	563	2,400	3,223	2,409	2,503
Rescission	40	44	40	39	23
Continued Detention Review	0	0	0	0	5
Unknown	0	1	0	8	2
Total	**210,474**	**218,086**	**241,894**	**245,149**	**254,370**

*Previously reported under Credible Fear.

Table 4 shows all types of proceedings completed by the immigration courts for the period FY 1999 to FY 2003. Note that proceedings completed do not reflect only Immigration Judge decisions. These numbers also include other completions such as transfers, change of venue, etc. As shown in Tab D, "other completions" accounted for about 21 percent of the proceedings completed in FY 2003.

Table 4 - Immigration Court Proceedings Completed by Case Type

Type of Proceeding	FY 1999	FY2000	FY 2001	FY 2002	FY 2003
Deportation	34,130	16,778	10,755	8,646	8,954
Exclusion	1,992	1,430	1,213	1,087	1,235
Removal	180,217	195,082	203,558	215,985	238,018
Credible Fear	83	126	80	84	43
Reasonable Fear*	42	72	105	87	101
Claimed Status	116	159	123	84	88
Asylum Only	311	1,715	2,409	2,405	2,274
Rescission	54	59	39	33	47
Continued Detention Review	0	0	0	0	3
Unknown	0	0	0	1	0
Total	**216,945**	**215,421**	**218,282**	**228,412**	**250,763**

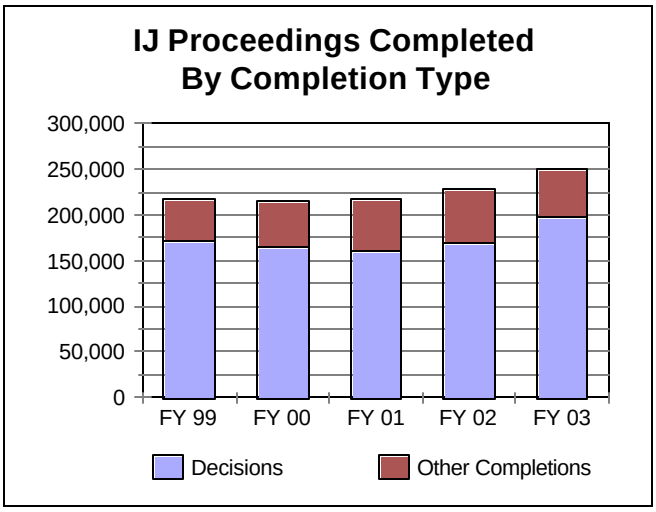
*Previously reported under Credible Fear.

Immigration Courts:
Proceedings Completed by Disposition

After a hearing, the immigration judge either renders an oral decision, or reserves the decision and issues it 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 the Department of Homeland Security (DHS) .

In addition to decisions, there are other possible proceedings 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. For example, in FY 1999, a significant number of cases were administratively closed because the Haitian Refugee and Immigration Fairness Act permitted certain aliens to adjust status to an alien lawfully admitted for permanent residence. 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 FY1999 to FY 2003 by type of completion – either through an immigration judge decision or through an "other" completion, such as an administrative closure or change of venue. Between FY 1999 and FY 2002, the number of cases counted as "other" completions rose gradually then decreased in FY 2003. In FY 2002, "other" completions accounted for approximately 25 percent of total completions and in FY 2003 they accounted for only 21 percent of total completions.



IJ Proceedings Completed			
	Decisions	Other Completions	Total
FY 99	172,232	44,713	216,945
FY 00	164,433	50,988	215,421
FY 01	159,788	58,494	218,282
FY 02	170,225	58,187	228,412
FY 03	197,920	52,843	250,763

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, the judge terminates the case. If the 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 here under removal. 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 admission.

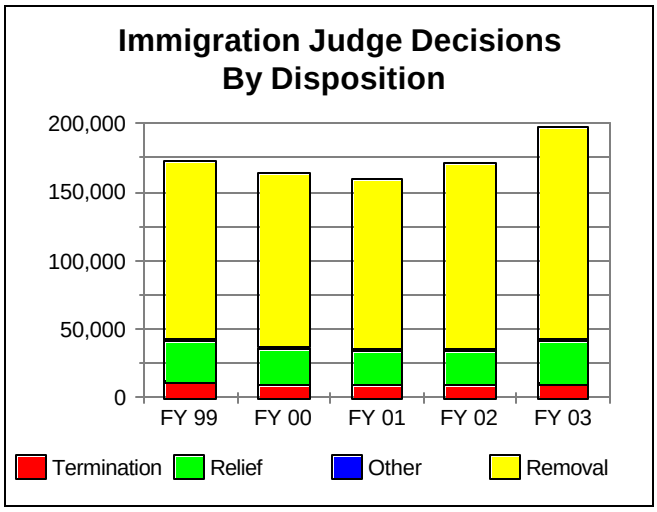


Figure 5

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 99	11,611	6.7	29,981	17.4	129,815	75.4	825	0.5	172,232	100.0
FY 00	9,718	5.9	25,351	15.4	128,401	78.1	963	0.6	164,433	100.0
FY 01	9,723	6.1	24,182	15.1	124,828	78.1	1,055	0.7	159,788	100.0
FY 02	9,366	5.5	24,558	14.4	135,247	79.5	1,054	0.6	170,225	100.0
FY 03	9,975	5.0	31,243	15.8	155,149	78.4	1,553	0.8	197,920	100.0

Between FY 1999 and FY 2002, the percentage of aliens ordered removed increased slightly, and the percentage of aliens granted relief decreased. This trend was reversed in FY 2003, when the percentage of removal orders decreased while the percentage of aliens granted relief increased.

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.

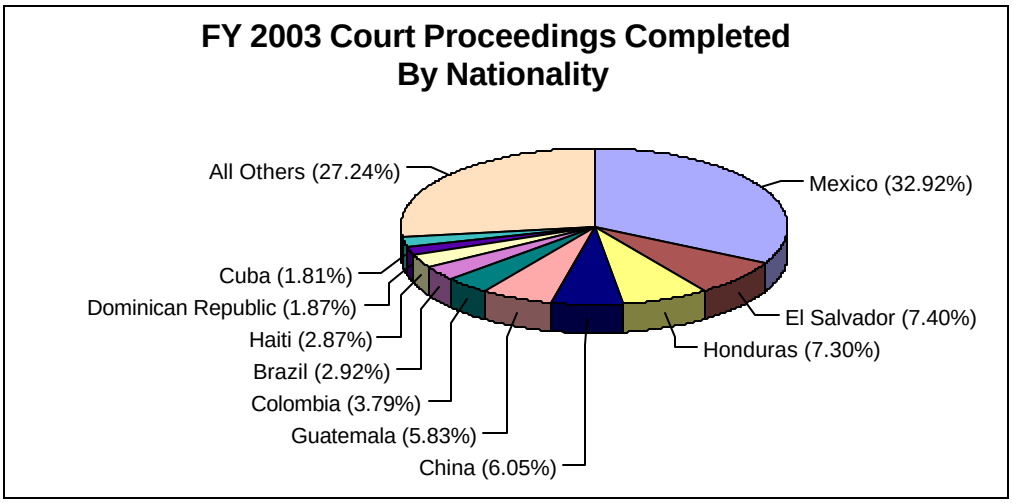


Figure 6

FY 2003 Court Proceedings Completed by Nationality		
Nationality	Cases	% of Total
Mexico	82,561	32.92%
El Salvador	18,562	7.40%
Honduras	18,295	7.30%
China	15,172	6.05%
Guatemala	14,627	5.83%
Colombia	9,513	3.79%
Brazil	7,332	2.92%
Haiti	7,184	2.87%
Dominican Republic	4,689	1.87%
Cuba	4,533	1.81%
All Others	68,295	27.24%
Total	250,763	100%

In FY 2003, the top 10 nationalities accounted for approximately 73 percent of all proceedings completed as shown in Figure 6. A total of 213 nationalities were represented in the FY 2003 Immigration Judge completions. Mexico and Central American countries are consistently among the predominant nationalities of immigration court completions. Table 5 provides information on the top 25 nationalities each year for the period FY 1999 through FY 2003. For the five-year period, eight nationalities ranked among the top ten nationalities each year: Mexico, El Salvador, Guatemala, Honduras, Haiti, Dominican Republic, Cuba, and China.

Table 5 - Court Proceedings Completed by Nationality
Top 25 Nationalities: FY 1999 - FY 2003

Rank	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	El Salvador	El Salvador	El Salvador	El Salvador	El Salvador
3	Guatemala	Honduras	China	Honduras	Honduras
4	Honduras	China	Honduras	China	China
5	Nicaragua	Guatemala	Guatemala	Guatemala	Guatemala
6	China	Cuba	Haiti	Colombia	Colombia
7	Haiti	Haiti	Cuba	Brazil	Brazil
8	Cuba	Dominican Republic	Brazil	Haiti	Haiti
9	Dominican Republic	India	Dominican Republic	Dominican Republic	Dominican Republic
10	India	Colombia	Colombia	Cuba	Cuba
11	Colombia	Ecuador	Ecuador	India	India
12	Jamaica	Jamaica	India	Ecuador	Pakistan
13	Peru	Nicaragua	Jamaica	Albania	Albania
14	Ecuador	Peru	Albania	Jamaica	Indonesia
15	Philippines	Brazil	Pakistan	Pakistan	Jamaica
16	Pakistan	Somalia	Nicaragua	Nicaragua	Philippines
17	Nigeria	Philippines	Sri Lanka	Peru	Nicaragua
18	Russia	Sri Lanka	Peru	Philippines	Ecuador
19	Bangladesh	Pakistan	Philippines	Armenia	Peru
20	Somalia	Russia	Russia	Indonesia	Armenia
21	Albania	Albania	Somalia	Russia	Russia
22	Canada	Nigeria	Nigeria	Nigeria	Egypt
23	Vietnam	Canada	Iran	Egypt	Nigeria
24	Yugoslavia	Vietnam	Canada	Iran	Iran
25	Sri Lanka	Yugoslavia	Armenia	Canada	Canada

Immigration Courts:
Proceedings Completed by Language

Figure 7 below shows a breakdown of FY 1999 immigration court proceedings completed by language. Of 190 languages spoken in court proceedings during FY 1999, 86 percent were in the following five languages: Spanish, English, Creole, Foo Chow, and Mandarin.

Figure 8 below shows comparable data for FY 2003. Although four of the top five languages were the same, there was more diversity in languages in FY 2003. A total of 214 different languages were spoken in court proceedings in the immigration courts during FY 2003. The top five languages accounted for only 83 percent of the proceedings compared to 86% in FY 1999. FY 2003 highlights include:

- Spanish language cases were 60 percent of the total caseload, down from 64 percent in FY 1999.
- In the "Other" category, Foo Chow, Albanian, and Arabic represented the three most frequently spoken languages.
- The number of different languages used in court proceedings has increased by 13 percent over FY 1999.

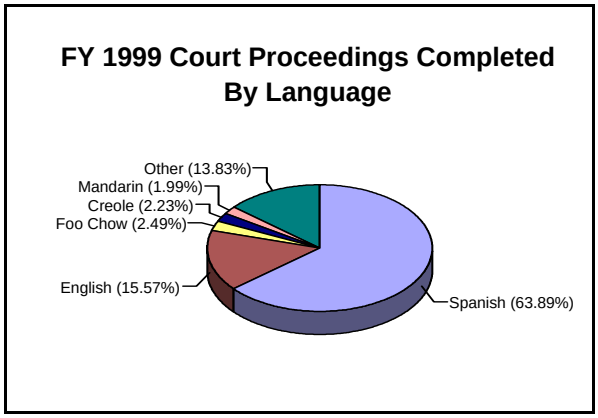


Figure 7

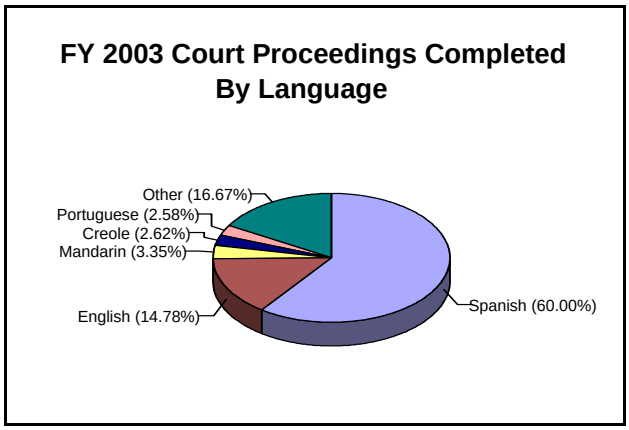


Figure 8

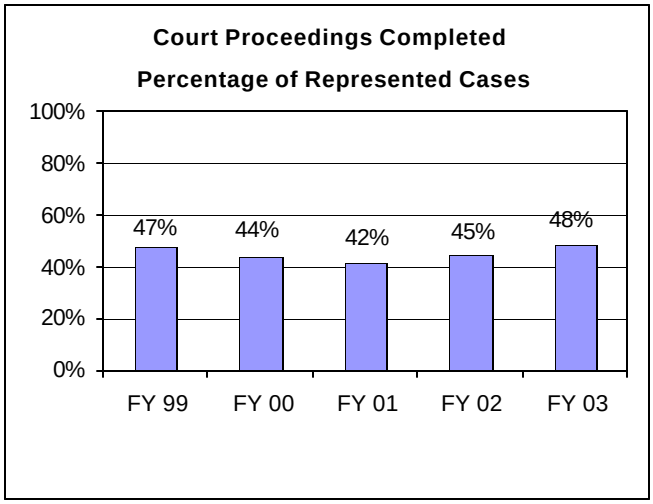
Immigration Courts:
Proceedings Completed by Representation Status

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 1999 – FY 2003 were represented. The percentage of represented aliens for FY 1999 to FY 2003 remained fairly steady, ranging from 42 percent to 48 percent.

More detailed information on the representation rates at some immigration courts is available at http://www.usdoj.gov/eoir/reports/icrepsummary.htm.



Representation in Immigration Courts			
	Represented	Unrepresented	Total
FY 99	102,426	114,519	216,945
FY 00	95,268	120,153	215,421
FY 01	91,938	126,344	218,282
FY 02	102,907	125,505	228,412
FY 03	120,033	130,730	250,763

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 Department of Homeland Security (DHS) trial attorney 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 below.

Figure 10 compares Immigration Judge decisions and administrative closures with failures to appear. Overall, of the immigration judge decisions rendered in FY 2003, 22 percent of them involved aliens who had failed to appear. Failure to appear rates have decreased each year since FY 1999.

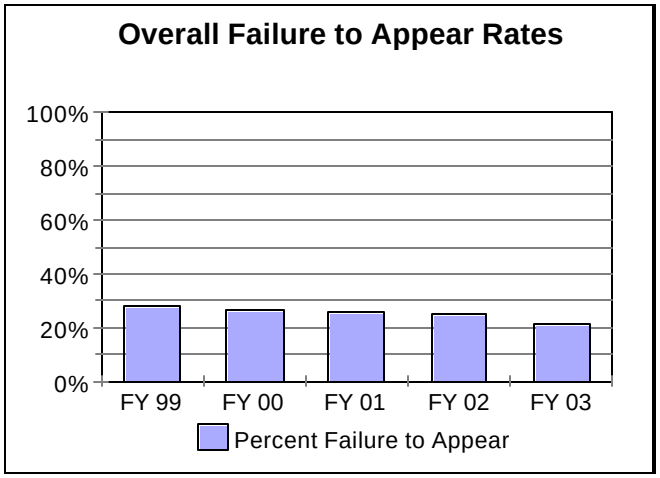


Figure 10

Overall Failure to Appear Rates					
	Failures to Appear			IJ Decisions/ Admin Closures	Failure to Appear Rate
	In Absentia Orders	Administrative Closures	Total Failure to Appear		
FY 99	40,729	10,582	51,311	182,814	28%
FY 00	39,719	5,943	45,662	170,376	27%
FY 01	36,761	6,534	43,295	166,322	26%
FY 02	37,313	7,796	45,109	178,021	25%
FY 03	36,934	7,292	44,226	205,212	22%

EOIR collects its data on failures to appear by detention status: non-detained aliens, aliens released on bond or recognizance, and detained aliens. Failures to appear for detained cases occur very 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. Like the overall failure to appear rate, the rate for this population has decreased each year since FY 1999.

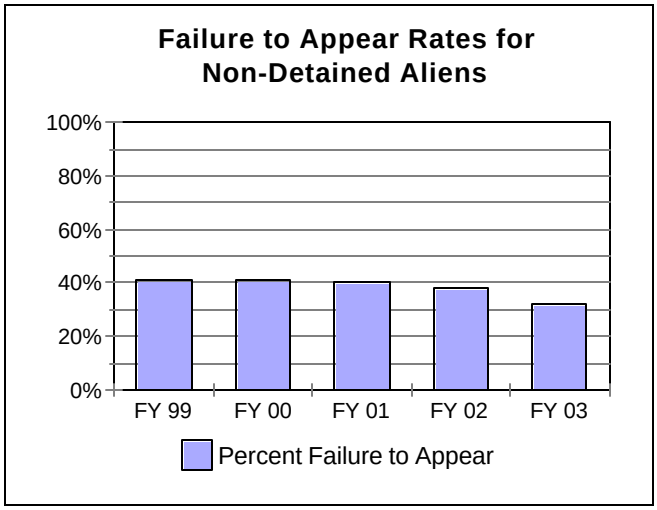


Figure 11

Failure to Appear Rates for Non-Detained Aliens			
	Failures to Appear		IJ Decisions/
	Number	% of Total	Admin Closures
FY 99	41,644	41%	101,182
FY 00	34,884	41%	84,909
FY 01	28,361	40%	70,339
FY 02	28,090	38%	74,074
FY 03	29,599	32%	91,735

Failures to appear for aliens released on bond or on their own recognizance are shown in Figure 12. For the five-year period, the failure to appear rate peaked in FY 2001, and has decreased annually since then. For each year shown here, the failure to appear rates for released aliens were higher than those for non-detained aliens.

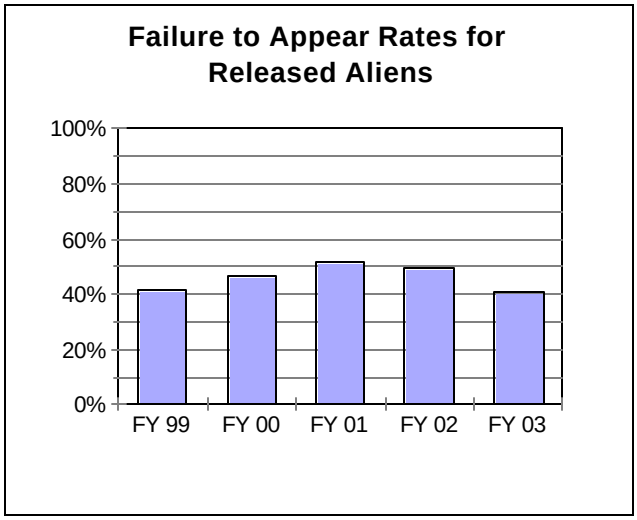


Figure 12

Failure to Appear Rates for Released Aliens			
	Failures to Appear		IJ Decisions/
	Number	% of Total	Admin Closures
FY 99	8,317	42%	20,036
FY 00	9,536	47%	20,445
FY 01	13,696	52%	26,427
FY 02	15,813	49%	32,079
FY 03	13,448	41%	33,012

Immigration Courts:
Asylum Cases Received and Completed

An important form of relief that aliens may request is political 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 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 Department of Homeland Security (DHS) Asylum Office; or "defensively" by requesting asylum before an Immigration Judge in removal proceedings. 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 further review of the case.

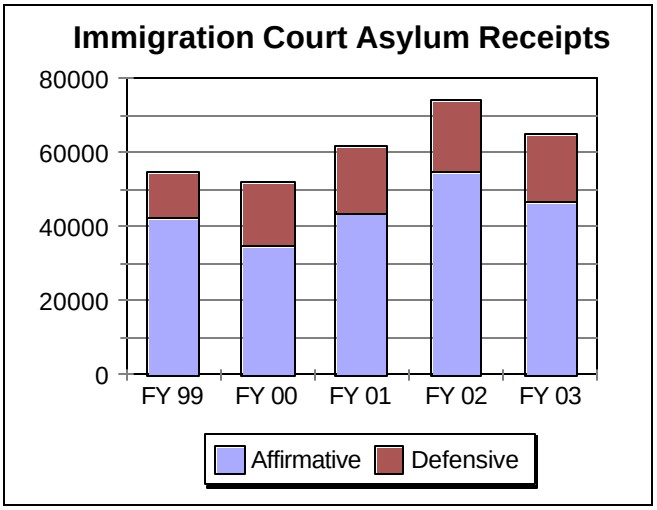


Figure 13

Immigration Court Asylum Receipts				
	Affirmative	Defensive	Unknown	Total
FY 99	42,416	12,404	96	54,916
FY 00	34,580	17,248	72	51,900
FY 01	43,816	17,954	62	61,832
FY 02	54,951	19,132	44	74,127
FY 03	46,441	18,642	70	65,153

As shown in Figure 14 below, asylum receipts declined from FY 1999 to FY 2000. This trend was reversed in FY 2001 when receipts increased by almost 19 percent over FY 2000 receipts. Receipts peaked in FY 2002, and decreased again this year to just over 65,000.

Asylum completions decreased from FY 1999 to FY 2001. In FY 2002, asylum completions increased by 17 percent compared to FY 2001. There was a 23 percent increase in asylum completions from FY 2002 to FY 2003. Completions outpaced receipts this year.

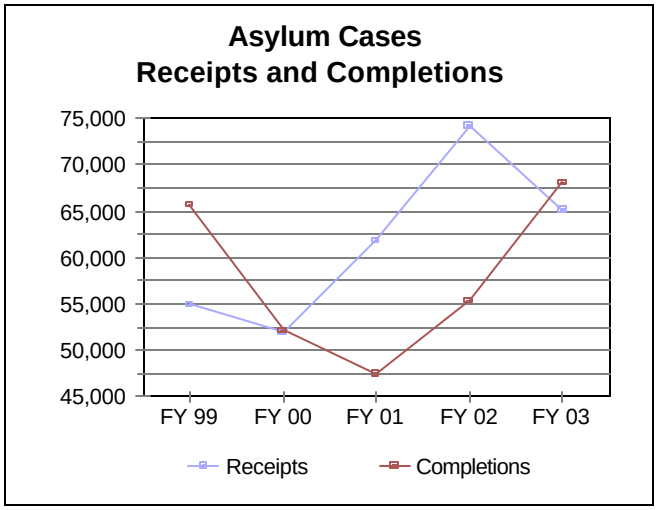


Figure 14

Asylum Receipts and Completions		
	Receipts	Completions
FY 99	54,916	65,657
FY 00	51,900	52,109
FY 01	61,832	47,432
FY 02	74,127	55,353
FY 03	65,153	68,093

Table 6, shown on page I3, provides information on FY 2003 asylum receipts and completions by immigration court. In FY 2003, the Los Angeles, CA; Miami, FL; New York, NY; and San Francisco, CA immigration courts received 58 percent of asylum filings. In FY 2003, 31 out of 52 immigration courts had more receipts than completions. However, three of the four largest courts completed more cases than they received.

Table 6 - Asylum Receipts and Completions by Court for FY 2003

Immigraton Court	Receipts	Completions
ARLINGTON, VIRGINIA	2,119	1,674
ATLANTA, GEORGIA	753	689
BALTIMORE, MARYLAND	1,704	1,391
BATAVIA SPC, NEW YORK	63	59
BLOOMINGTON (ST. PAUL), MINNESOTA	394	537
BOSTON, MASSACHUSETTS	1,279	1,025
BRADENTON COUNTY JAIL, FLORIDA	147	129
BUFFALO, NEW YORK	202	271
CHICAGO, ILLINOIS	1,903	1,578
DALLAS, TEXAS	753	793
DENVER, COLORADO	1,093	579
DETROIT, MICHIGAN	999	813
EAST MESA, CALIFORNIA	80	59
EL CENTRO SPC, CALIFORNIA	93	97
EL PASO SPC, TEXAS	104	94
EL PASO, TEXAS	115	126
ELIZABETH SPC, NEW JERSEY	396	368
ELOY, ARIZONA	140	148
FISHKILL - NEW YORK STATE DOC, NEW YORK	46	51
FLORENCE SPC, ARIZONA	49	39
GUAYNABO (SAN JUAN), PUERTO RICO	280	187
HARLINGEN, TEXAS	141	113
HARTFORD, CONNECTICUT	499	439
HONOLULU, HAWAII	157	173
HOUSTON SPC, TEXAS	108	95
HOUSTON, TEXAS	749	826
IMPERIAL, CALIFORNIA	18	21
JAMAICA QUEENS FACILITY, NEW YORK	198	199
KROME NORTH SPC, FLORIDA	992	922
LANCASTER, CALIFORNIA	233	300
LAS VEGAS, NEVADA	637	502
LOS ANGELES, CALIFORNIA	12,612	15,023
LOS FRENOS (PORT ISABEL SPC), TEXAS	45	46
MEMPHIS, TENNESSEE	1,388	1,034
MIAMI, FLORIDA	8,674	8,112
NEW ORLEANS, LOUISIANA	150	127
NEW YORK CITY, NEW YORK	9,821	12,259
NEWARK, NEW JERSEY	1,675	1,710
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	206	164
ORLANDO, FLORIDA	2,598	1,547
PHILADELPHIA, PENNSYLVANIA	1,667	1,116
PHOENIX, ARIZONA	469	241
PORTLAND, OREGON	264	204
SAN ANTONIO, TEXAS	164	185
SAN DIEGO, CALIFORNIA	722	826
SAN FRANCISCO, CALIFORNIA	6,676	9,789
SAN PEDRO SPC, CALIFORNIA	262	235
SEATTLE, WASHINGTON	677	597
TUCSON, ARIZONA	30	21
ULSTER - NEW YORK STATE DOC, NEW YORK	13	15
VARICK SPC, NEW YORK	347	293
YORK, PENNSYLVANIA	249	252
Total	65,153	68,093

Immigration Courts:
Asylum Grants by Nationality

This section provides information on asylum grants by nationality. In Figure 15, we have shown the top ten nationalities granted asylum (including conditional grants) in FY 2003. In FY 2003, the top 10 nationalities accounted for 65 percent of all asylum grants. A total of 142 nationalities were represented among cases granted asylum in FY 2003. Table 7 provides information for comparative purposes on the top nationalities granted asylum each fiscal year for the period FY 1999 to FY 2003. Five nationalities were among the top ten nationalities granted asylum each year during the five-year period: China, India, Russia, Albania, and Haiti. For more complete information on asylum data by nationality, see http://www.usdoj.gov/eoir/efoia/FY03AsyStats.pdf.

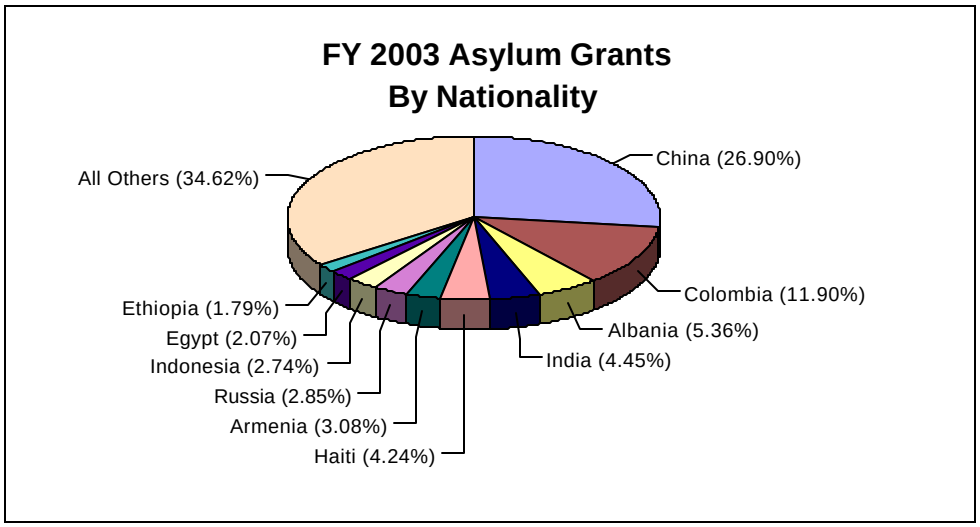


Figure 15

FY 2003 Asylum Grants by Nationality		
Nationality	Cases	% of Total
China	3,595	26.90%
Colombia	1,590	11.90%
Albania	717	5.36%
India	595	4.45%
Haiti	566	4.24%
Armenia	412	3.08%
Russia	381	2.85%
Indonesia	366	2.74%
Egypt	277	2.07%
Ethiopia	239	1.79%
All Others	4,627	34.62%
Total	13,365	100.00%

Table 7 - Asylum Grants by Nationality
Top 25 Nationalities: FY 1999 - FY 2003

Rank	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
1	China	China	China	China	China
2	India	India	Albania	Colombia	Colombia
3	Somalia	Russia	India	Albania	Albania
4	Albania	Somalia	Colombia	India	India
5	Russia	Albania	Haiti	Haiti	Haiti
6	Yugoslavia	Yugoslavia	Somalia	Armenia	Armenia
7	Peru	Peru	Russia	Russia	Russia
8	Iran	Ethiopia	Iran	Indonesia	Indonesia
9	Ethiopia	Egypt	Ethiopia	Iraq	Egypt
10	Haiti	Haiti	Sri Lanka	Somalia	Ethiopia
11	Guatemala	Guatemala	Armenia	Ethiopia	Pakistan
12	Mauritania	Colombia	Egypt	Egypt	Iran
13	Egypt	Pakistan	Iraq	Iran	Iraq
14	Sri Lanka	Bangladesh	Indonesia	Pakistan	Cameroon
15	Pakistan	Iran	Yugoslavia	Yugoslavia	Mauritania
16	Afghanistan	Sri Lanka	Pakistan	Liberia	Yugoslavia
17	Ukraine	Indonesia	Guatemala	Sri Lanka	Guatemala
18	Cuba	Afghanistan	Cameroon	Congo	Guinea
19	Bangladesh	El Salvador	Afghanistan	Burma	Somalia
20	El Salvador	Congo	Liberia	Mauritania	Liberia
21	Nigeria	Cuba	Peru	Cameroon	Congo
22	Liberia	Mauritania	Congo	Guatemala	Peru
23	Colombia	Ukraine	Burma (Myanmar)	Sierra Leone	Burma (Myanmar)
24	Armenia	Liberia	Bangladesh	Bangladesh	Sierra Leone
25	Iraq	Cameroon	Fiji	Ukraine	Bangladesh

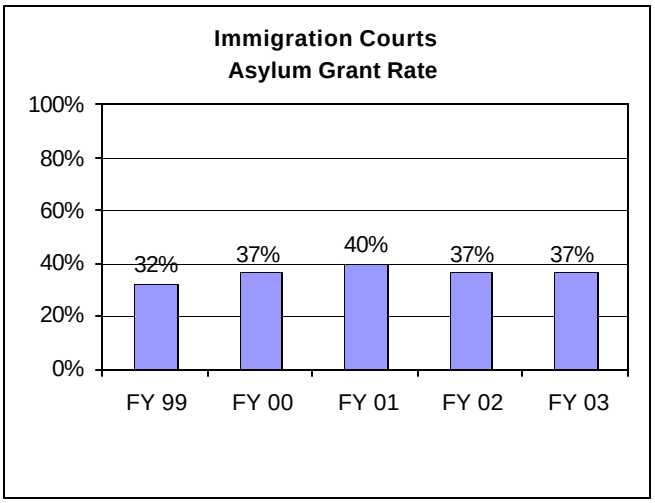
Immigration Courts:
Disposition of Asylum Cases

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 some other type of relief besides asylum, and this is also recorded as an "other" completion.

The Immigration Reform and Immigrant Responsibility Act of 1996 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). Immigration judges began granting asylum based on CPC in FY 1997. Grants of asylum based on CPC are conditional grants. At the end of each year, DHS and EOIR determine the number of grants based on CPC; the condition is removed for all cases within the annual cap.

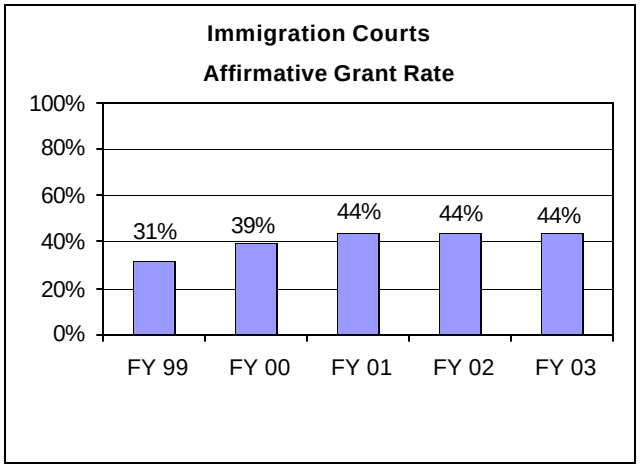
Figure 16 provides the asylum grant rate for the past five years. The grant rate is calculated as a percentage of asylum claims decided on the merits, i.e., grants (including conditional grants) and denials. The number and percent of aliens granted asylum increased from FY 1999 to FY 2001. In FY 2002, the number of grants continued to increase, but the grant rate fell slightly to 37 percent. If the grant rate were calculated as a percentage of all 68,093 asylum completions (as opposed to only the claims decided on the merits), it would be significantly lower, e.g., 20 percent for FY 2003 as opposed to 37 percent.



Asylum Grant Rate			
	Grants	Denials	Grant Rate
FY 99	8,421	18,169	32%
FY 00	9,237	16,030	37%
FY 01	9,999	15,035	40%
FY 02	10,976	18,391	37%
FY 03	13,365	22,410	37%

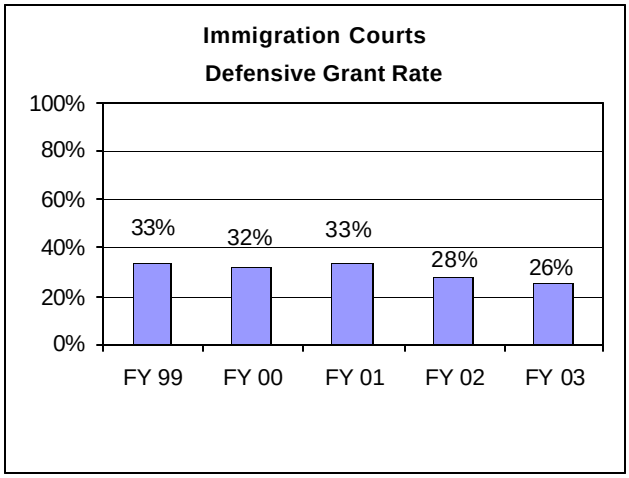
Figure 16

There is some difference in the grant rates depending on whether the asylum application was filed affirmatively or defensively. With the exception of FY 1999, 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, (179 grants and 88 denials) data were incomplete, and it was unclear whether the claim was affirmative or defensive.



Immigration Court Affirmative Grant Rate			
	Grants	Denials	Grant Rate
FY 99	6,492	14,241	31%
FY 00	6,703	10,569	39%
FY 01	6,781	8,559	44%
FY 02	7,665	9,906	44%
FY 03	9,904	12,790	44%

Figure 17



Immigration Court Defensive Grant Rate			
	Grants	Denials	Grant Rate
FY 99	1,890	3,897	33%
FY 00	2,508	5,449	32%
FY 01	3,186	6,464	33%
FY 02	3,287	8,464	28%
FY 03	3,403	9,608	26%

Figure 18

Figure 19 illustrates graphically all asylum case completions. The number of denials clearly decreased from FY 1999 through FY 2001, but increased substantially during FY 2002 and FY 2003. The number of asylum grants has increased each year over the five-year period. In FY 2003, the number of asylum grants was 59 percent higher than the number of grants in FY 1999.

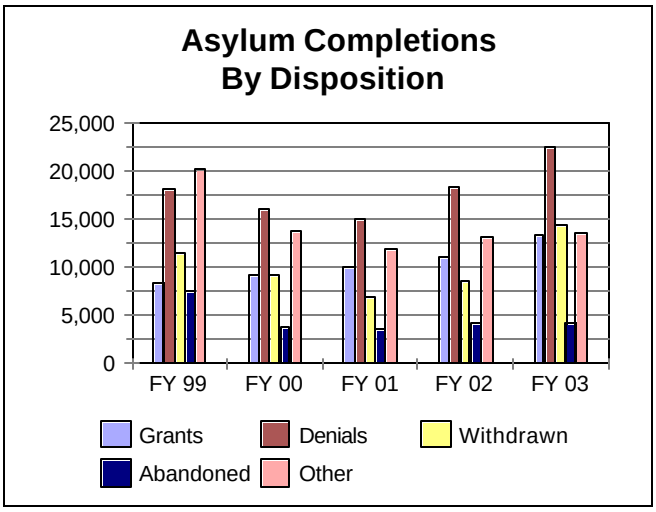


Figure 19

Asylum Completions by Disposition						
	Grants	Denials	Withdrawn	Abandoned	Other	Total
FY 99	8,421	18,169	11,401	7,524	20,142	65,657
FY 00	9,237	16,030	9,146	3,893	13,803	52,109
FY 01	9,999	15,035	6,847	3,675	11,876	47,432
FY 02	10,976	18,391	8,545	4,241	13,200	55,353
FY 03	13,365	22,410	14,482	4,308	13,528	68,093

Table 8, shown on page K4, provides information on the FY 2003 asylum grant rate for each individual immigration court.

Table 8 - FY 2003 Asylum Grant Rate by Immigration Court

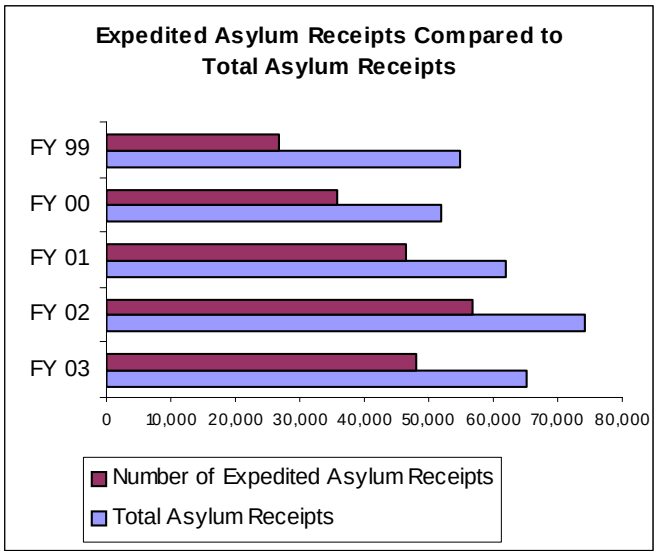
Immigration Court	Denials	Grants	Conditional Grants	Grant Rate
ARLINGTON, VIRGINIA	620	227	3	27%
ATLANTA, GEORGIA	266	47	1	15%
BALTIMORE, MARYLAND	626	361	5	37%
BATAVIA SPC, NEW YORK	35	4	0	10%
BLOOMINGTON (ST. PAUL), MINNESOTA	200	83	1	30%
BOSTON, MASSACHUSETTS	440	236	11	36%
BRADENTON COUNTY JAIL, FLORIDA	85	1	0	1%
BUFFALO, NEW YORK	143	18	5	14%
CHICAGO, ILLINOIS	623	260	15	31%
DALLAS, TEXAS	342	167	8	34%
DENVER, COLORADO	202	170	0	46%
DETROIT, MICHIGAN	391	170	3	31%
EAST MESA, CALIFORNIA	35	6	0	15%
EL CENTRO SPC, CALIFORNIA	44	0	0	0%
EL PASO SPC, TEXAS	35	17	0	33%
EL PASO, TEXAS	36	14	0	28%
ELIZABETH SPC, NEW JERSEY	190	34	5	17%
ELOY, ARIZONA	96	2	0	2%
FISHKILL - NEW YORK STATE DOC, NEW YORK	5	0	0	0%
FLORENCE SPC, ARIZONA	17	7	0	29%
GUAYNABO (SAN JUAN), PUERTO RICO	53	2	2	7%
HARLINGEN, TEXAS	12	28	0	70%
HARTFORD, CONNECTICUT	222	107	6	34%
HONOLULU, HAWAII	61	24	29	46%
HOUSTON SPC, TEXAS	32	4	1	14%
HOUSTON, TEXAS	350	118	1	25%
IMPERIAL, CALIFORNIA	10	0	0	0%
JAMAICA QUEENS FACILITY, NEW YORK	112	37	1	25%
KROME NORTH SPC, FLORIDA	451	79	2	15%
LANCASTER, CALIFORNIA	203	25	6	13%
LAS VEGAS, NEVADA	111	50	1	31%
LOS ANGELES, CALIFORNIA	2,388	1,197	43	34%
LOS FRENOS (PORT ISABEL SPC), TEXAS	18	4	0	18%
MEMPHIS, TENNESSEE	360	251	2	41%
MIAMI, FLORIDA	4,472	1,439	9	24%
NEW ORLEANS, LOUISIANA	72	18	0	20%
NEW YORK CITY, NEW YORK	4,239	2,790	2055	53%
NEWARK, NEW JERSEY	589	302	122	42%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	39	14	0	26%
ORLANDO, FLORIDA	356	495	13	59%
PHILADELPHIA, PENNSYLVANIA	516	195	37	31%
PHOENIX, ARIZONA	38	54	7	62%
PORTLAND, OREGON	76	17	1	19%
SAN ANTONIO, TEXAS	73	36	0	33%
SAN DIEGO, CALIFORNIA	384	179	3	32%
SAN FRANCISCO, CALIFORNIA	2,104	1,464	31	42%
SAN PEDRO SPC, CALIFORNIA	73	54	2	43%
SEATTLE, WASHINGTON	243	68	6	23%
TUCSON, ARIZONA	3	3	3	67%
ULSTER - NEW YORK STATE DOC, NEW YORK	2	0	0	0%
VARICK SPC, NEW YORK	194	15	4	9%
YORK, PENNSYLVANIA	123	25	3	19%
Total	**22,410**	**10,918**	**2447**	**37%**

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 Department of Homeland Security (DHS) Asylum Office; or "defensively" by requesting asylum before an Immigration Judge in removal proceedings. 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 further review of the case.

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. Consequently, expedited processing of asylum applications occurs when (1) an alien files "affirmatively" at an 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, the number of expedited asylum cases has increased from FY 1999 to FY 2002. From FY 2002 to FY 2003 both expedited asylum receipts and total asylum receipts decreased.



Expedited Asylum Receipts		
	Number of Expedite Asylum Receipts	Total Asylum Receipts
FY 99	26,779	54,916
FY 00	35,903	51,900
FY 01	46,319	61,832
FY 02	56,926	74,127
FY 03	48,019	65,153

Figure 20

Depicted in Figure 21 below are the number of receipts and completions for expedited asylum cases between FY 1999 and FY 2003.

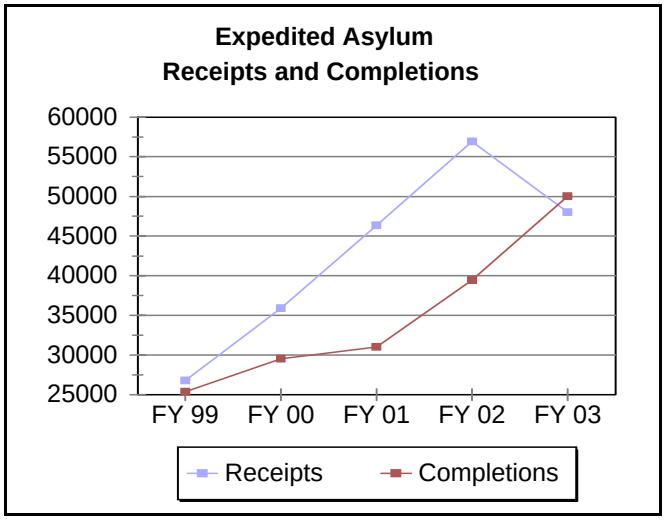


Figure 21

Expedited Asylum Receipts and Completions FY 1999 - FY 2003		
	Receipts	Completions
FY 99	26,779	25,339
FY 00	35,903	29,504
FY 01	46,319	31,019
FY 02	56,926	39,438
FY 03	48,019	50,017

One of EOIR's FY 2003 goals was to complete 90 percent of expedited asylum cases within 180 days. As shown in Table 9, this goal was met for FY 2003 (91%).

Table 9 - Completion Times for Expedited Asylum Cases

Days at Completions	# of Cases	% of Total
180 or Less	45,396	91%
181-260	1,647	3%
Over 260 days	2,974	6%
Total	50,017	100%

Immigration Courts:
Convention Against Torture

In 1999, the Department of Justice implemented regulations regarding the United Nations Convention Against Torture (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 in removal proceedings 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 less permanent form of protection than withholding of removal, and one that is more easily and quickly terminated if it becomes possible to remove the alien.

As shown in Table 10 below, the immigration courts adjudicated 32,929 CAT applications during FY 2003. Of those, 490 CAT cases were granted, the majority of which were granted withholding.

The grant rate for CAT cases was approximately 2 percent in FY 2003. This percentage is calculated based only on grants and denials, and does not consider abandoned applications, withdrawn applications, or other case closures.

Table 10
FY 2003 Convention Against Torture Cases by Disposition

Granted			Denied	Other	Withdrawn	Abandoned	Total
Withholding	Deferral	Total					
427	63	490	20,982	5,920	4,910	627	32,929

Table 11 on the following page shows a breakdown of CAT completions by immigration courts. The Los Angeles, CA; Miami, FL; New York City, NY; and San Francisco, CA immigration courts combined completed approximately 62 percent of the total FY 2003 CAT cases.

Table 11 - FY 2003 Convention Against Torture Completions by Court

Immigration Court	Completions
ARLINGTON, VIRGINIA	697
ATLANTA, GEORGIA	351
BALTIMORE, MARYLAND	772
BATAVIA SPC, NEW YORK	47
BLOOMINGTON (ST. PAUL), MINNESOTA	394
BOSTON, MASSACHUSETTS	530
BRADENTON COUNTY JAIL, FLORIDA	124
BUFFALO, NEW YORK	159
CHICAGO, ILLINOIS	623
DALLAS, TEXAS	454
DENVER, COLORADO	236
DETROIT, MICHIGAN	490
EAST MESA, CALIFORNIA	34
EL CENTRO SPC, CALIFORNIA	83
EL PASO SPC, TEXAS	28
EL PASO, TEXAS	24
ELIZABETH SPC, NEW JERSEY	354
ELOY, ARIZONA	135
FISHKILL - NEW YORK STATE DOC, NEW YORK	51
FLORENCE SPC, ARIZONA	33
GUAYNABO (SAN JUAN), PUERTO RICO	238
HARLINGEN, TEXAS	13
HARTFORD, CONNECTICUT	225
HONOLULU, HAWAII	132
HOUSTON SPC, TEXAS	29
HOUSTON, TEXAS	89
IMPERIAL, CALIFORNIA	13
JAMAICA QUEENS FACILITY, NEW YORK	170
KROME NORTH SPC, FLORIDA	519
LANCASTER, CALIFORNIA	273
LAS VEGAS, NEVADA	68
LOS ANGELES, CALIFORNIA	5,112
LOS FRENOS (PORT ISABEL SPC), TEXAS	9
MEMPHIS, TENNESSEE	669
MIAMI, FLORIDA	6,077
NEW ORLEANS, LOUISIANA	89
NEW YORK CITY, NEW YORK	6,688
NEWARK, NEW JERSEY	1,024
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	137
ORLANDO, FLORIDA	558
PHILADELPHIA, PENNSYLVANIA	846
PHOENIX, ARIZONA	12
PORTLAND, OREGON	64
SAN ANTONIO, TEXAS	60
SAN DIEGO, CALIFORNIA	528
SAN FRANCISCO, CALIFORNIA	2,561
SAN PEDRO SPC, CALIFORNIA	251
SEATTLE, WASHINGTON	363
TUCSON, ARIZONA	2
ULSTER - NEW YORK STATE DOC, NEW YORK	13
VARICK SPC, NEW YORK	239
YORK, PENNSYLVANIA	239
Total	**32,929**

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.

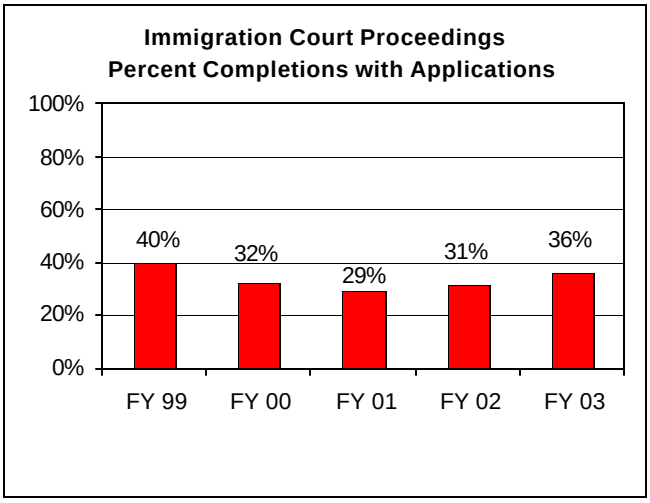


Figure 22

Court Completions (Proceedings) with Applications for Relief					
	With Applications	Percent with Applications	Without Applications	Percent Without Applications	Total
FY 99	85,864	40%	131,081	60%	216,945
FY 00	68,406	32%	147,015	68%	215,421
FY 01	62,806	29%	155,476	71%	218,282
FY 02	71,710	31%	156,702	69%	228,412
FY 03	89,360	36%	161,403	64%	250,763

Table 12 on page N2 shows the number and percentage of proceedings completed with applications for relief at each immigration court in FY 2003. Typically, courts along the United States border, courts co-located with the Department of Homeland Security (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 65 percent or more of the completions involved applications for relief are shown in blue.

Table 12 - FY 2003 Immigration Court Completions (Proceedings) With Applications for Relief

Immigration Court	Total Completions	#of Completions With Applications	Percent With Applications
ARLINGTON, VIRGINIA	6,465	2,333	36%
ATLANTA, GEORGIA	3,886	880	23%
BALTIMORE, MARYLAND	3,278	1,709	52%
BATAVIA SPC, NEW YORK	880	94	11%
BLOOMINGTON (ST. PAUL), MINNESOTA	2,285	741	32%
BOSTON, MASSACHUSETTS	4,572	1,635	36%
BRADENTON COUNTY JAIL, FLORIDA	2,599	246	9%
BUFFALO, NEW YORK	2,444	500	20%
CHICAGO, ILLINOIS	8,731	2,354	27%
DALLAS, TEXAS	6,232	1,440	23%
DENVER, COLORADO	5,014	983	20%
DETROIT, MICHIGAN	2,231	959	43%
EAST MESA, CALIFORNIA	5,556	126	2%
EL CENTRO SPC, CALIFORNIA	3,265	261	8%
EL PASO SPC, TEXAS	5,615	216	4%
EL PASO, TEXAS	3,582	458	13%
ELIZABETH SPC, NEW JERSEY	632	391	62%
ELOY, ARIZONA	8,336	599	7%
FISHKILL - NEW YORK STATE DOC, NEW YORK	639	81	13%
FLORENCE SPC, ARIZONA	3,212	133	4%
GUAYNABO (SAN JUAN), PUERTO RICO	1,859	394	21%
HARLINGEN, TEXAS	10,182	398	4%
HARTFORD, CONNECTICUT	1,918	649	34%
HONOLULU, HAWAII	843	294	35%
HOUSTON SPC, TEXAS	2,600	176	7%
HOUSTON, TEXAS	5,809	1,442	25%
IMPERIAL, CALIFORNIA	1,323	289	22%
JAMAICA QUEENS FACILITY, NEW YORK	377	218	58%
KROME NORTH SPC, FLORIDA	4,258	977	23%
LANCASTER, CALIFORNIA	5,192	472	9%
LAS VEGAS, NEVADA	2,663	784	29%
LOS ANGELES, CALIFORNIA	22,332	17,895	80%
LOS FRENOS (PORT ISABEL SPC), TEXAS	6,514	110	2%
MEMPHIS, TENNESSEE	2,141	1,171	55%
MIAMI, FLORIDA	16,769	10,781	64%
NEW ORLEANS, LOUISIANA	1,912	190	10%
NEW YORK CITY, NEW YORK	17,944	13,850	77%
NEWARK, NEW JERSEY	5,652	2,292	41%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	2,737	270	10%
ORLANDO, FLORIDA	3,466	1,732	50%
PHILADELPHIA, PENNSYLVANIA	2,405	1,338	56%
PHOENIX, ARIZONA	2,470	523	21%
PORTLAND, OREGON	1,724	466	27%
SAN ANTONIO, TEXAS	13,759	873	6%
SAN DIEGO, CALIFORNIA	4,652	1,721	37%
SAN FRANCISCO, CALIFORNIA	14,087	11,407	81%
SAN PEDRO SPC, CALIFORNIA	2,299	376	16%
SEATTLE, WASHINGTON	4,853	1,109	23%
TUCSON, ARIZONA	3,922	136	3%
ULSTER - NEW YORK STATE DOC, NEW YORK	674	34	5%
VARICK SPC, NEW YORK	1,385	468	34%
YORK, PENNSYLVANIA	2,588	386	15%
Total	**250,763**	**89,360**	**36%**

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, the Department of Homeland Security (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 (SPCs), DHS contract detention facilities, state and local government jails, and Bureau of Prisons (BOP) 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. For the period FY 1999 – FY 2003, detained completions ranged from 31 to 34 percent of total completions.

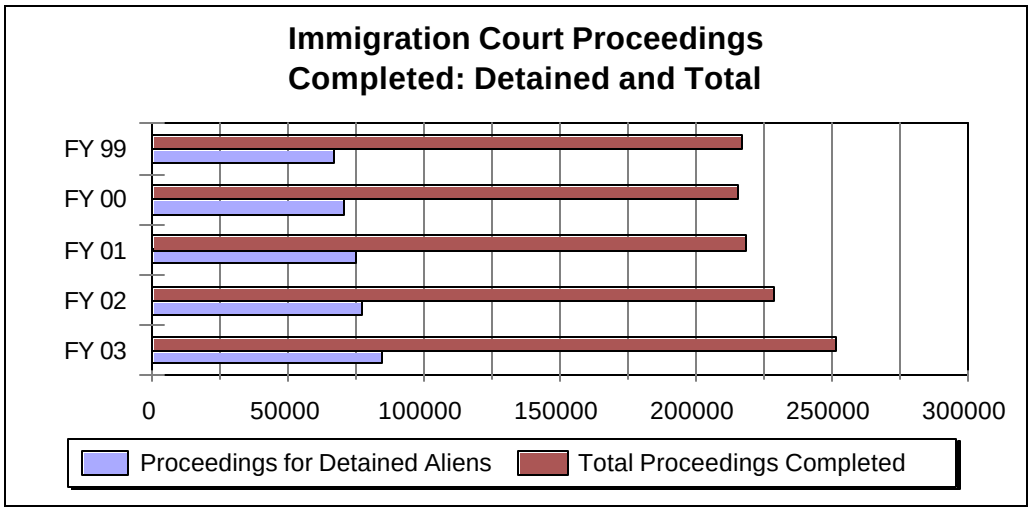


Figure 23

Immigration Court (Proceedings) Completions			
	Proceedings Completed for Detained Aliens (Including IHP)		
	Proceedings for Detained Aliens	Total Proceedings Completed	Percent Detained
FY 99	67,189	216,945	31%
FY 00	70,588	215,421	33%
FY 01	74,972	218,282	34%
FY 02	76,944	228,412	34%
FY 03	84,975	250,763	34%

Table 13 on the following page provides information, by immigration court, on FY 2003 detained completions. The immigration courts in East Mesa, CA; El Paso SPC, TX; Eloy, AZ; Lancaster, CA; and San Antonio, TX each completed more than 4,000 proceedings in detained cases in FY 2003. Overall, immigration courts located in three border States – Texas, California, and Arizona – accounted for 59 percent of the detained completions in FY 2003. Courts in those three States are highlighted in blue in Table 13.

Table 13 - FY 2003 Immigration Court Completions (Proceedings) for Detained Cases

Immigration Court	Completions
ARLINGTON, VIRGINIA	1,311
ATLANTA, GEORGIA	1,214
BALTIMORE, MARYLAND	439
BATAVIA SPC, NEW YORK	855
BLOOMINGTON (ST. PAUL), MINNESOTA	933
BOSTON, MASSACHUSETTS	708
BRADENTON COUNTY JAIL, FLORIDA	2,237
BUFFALO, NEW YORK	88
CHICAGO, ILLINOIS	3,964
DALLAS, TEXAS	3,212
DENVER, COLORADO	2,550
DETROIT, MICHIGAN	566
EAST MESA, CALIFORNIA	5,262
EL CENTRO SPC, CALIFORNIA	3,111
EL PASO SPC, TEXAS	4,247
EL PASO, TEXAS	527
ELIZABETH SPC, NEW JERSEY	479
ELOY, ARIZONA	7,787
FISHKILL - NEW YORK STATE DOC, NEW YORK	638
FLORENCE SPC, ARIZONA	1,955
GUAYNABO (SAN JUAN), PUERTO RICO	716
HARLINGEN, TEXAS	236
HARTFORD, CONNECTICUT	787
HONOLULU, HAWAII	370
HOUSTON SPC, TEXAS	1,870
HOUSTON, TEXAS	726
IMPERIAL, CALIFORNIA	847
JAMAICA QUEENS FACILITY, NEW YORK	322
KROME NORTH SPC, FLORIDA	1,813
LANCASTER, CALIFORNIA	4,656
LAS VEGAS, NEVADA	1,167
LOS ANGELES, CALIFORNIA	247
LOS FRENOS (PORT ISABEL SPC), TEXAS	3,067
MEMPHIS, TENNESSEE	372
MIAMI, FLORIDA	1,099
NEW ORLEANS, LOUISIANA	1,122
NEW YORK CITY, NEW YORK	92
NEWARK, NEW JERSEY	1,425
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	2,409
ORLANDO, FLORIDA	814
PHILADELPHIA, PENNSYLVANIA	289
PHOENIX, ARIZONA	345
PORTLAND, OREGON	942
SAN ANTONIO, TEXAS	4,584
SAN DIEGO, CALIFORNIA	1,380
SAN FRANCISCO, CALIFORNIA	1,131
SAN PEDRO SPC, CALIFORNIA	1,631
SEATTLE, WASHINGTON	2,209
TUCSON, ARIZONA	3,535
ULSTER - NEW YORK STATE DOC, NEW YORK	671
VARICK SPC, NEW YORK	57
YORK, PENNSYLVANIA	1,961
Total	**84,975**

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; the Department of Homeland Security (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 orders expeditiously after release from incarceration.

In FY 2003, DHS filed charging documents with the immigration courts for incarcerated aliens in 80 different institutions. Immigration judges and court staff traveled to these institutions to conduct IHP hearings.

Figure 24 provides information on IHP receipts and completions. IHP receipts have declined since FY 1999. This decline may have been the result of the 1997 implementation of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA authorized DHS to decide some cases that were previously handled by the immigration courts. Of particular relevance to the IHP are the IIRIRA provisions which allow DHS to reinstate prior orders of removal; and the provisions authorizing DHS to order the administrative removal of convicted aggravated felons who are not Lawful Permanent Residents and are not eligible for relief.

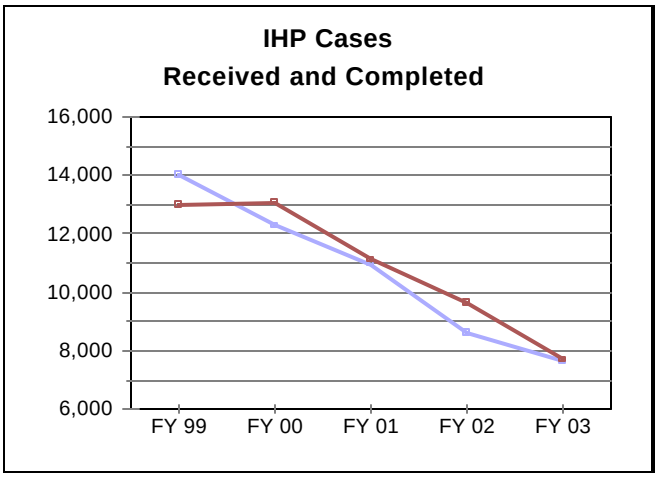


Figure 24

IHP Cases		
	Receipts	Completions
FY 99	14,014	12,983
FY 00	12,266	13,069
FY 01	10,960	11,107
FY 02	8,601	9,637
FY 03	7,639	7,696

Table 14 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 14
IHP Completions by Disposition

	FY 99	FY 00	FY 01	FY 02	FY 03
Total Decisions in IHP Cases	10,344	10,320	8,548	7,164	5,984
Removal	9,912	9,900	8,071	6,770	5,713
Termination	346	285	388	323	187
Relief	77	124	81	63	74
Other	9	11	8	8	10
Other Completions	2,639	2,749	2,559	2,473	1,712
Total Completions	12,983	13,069	11,107	9,637	7,696

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 15 shows the percentage of removal orders that are grants of voluntary departure.

Table 15 - IJ Removal Decisions Compared to Voluntary Departure Decisions

IJ Removal Decisions Compared to Voluntary Departure Decisions			
	Total Removal Decisions	Voluntary Departure Decisions	Percent Voluntary Departure Decisions
FY 99	129,815	23,149	18%
FY 00	128,401	19,422	15%
FY 01	124,828	15,758	13%
FY 02	135,247	20,163	15%
FY 03	155,149	28,243	18%

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 16 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 the Department of Homeland Security. 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 a another pre-IIRIRA form of discretionary relief. Certain non-lawful permanent resident 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.

  - Nonpermanent Residents. Under the second provision, applicants physically present in the United States for a continuous period of ten 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 16 reflects grants of relief under the various provisions described above during the period FY 1999 - FY 2003.

Table 16
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 1999	198	1,940	15,015	658	673	2,335	798
FY 2000	260	2,416	7,764	1,235	690	1,554	1,585
FY 2001	455	2,402	6,887	1,219	511	577	1,389
FY 2002	566	1,794	7,002	513	415	405	1,149
FY 2003	661	2,138	8,327	346	440	565	2,345

Board of Immigration Appeals:
Total Cases Received and Completed

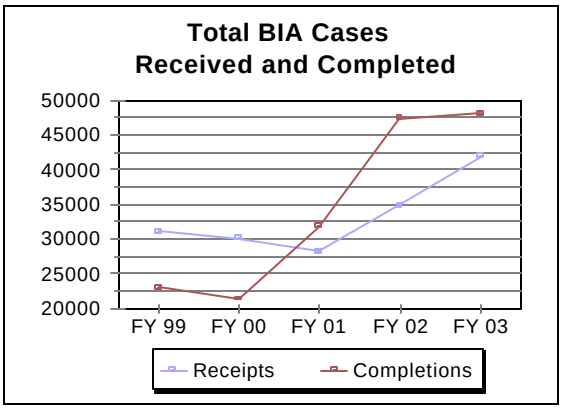
The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges or certain Department of Homeland Security (DHS) officials. BIA decisions are binding on all DHS officers and immigration judges unless modified or overruled by the Attorney General or a federal court.

The majority of cases reviewed by the BIA involve decisions made by Immigration Judges in removal, deportation, or exclusion proceedings, and for the purposes of this Statistical Year Book are referred to as Immigration Judge (IJ) appeals. These appeals are filed directly with the BIA in Falls Church, VA, and must be filed within 30 days of the IJ 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) bonds set subsequent to an immigration judge's ruling. 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 on page S2, BIA case receipts were fairly constant from FY 1999 to FY 2001. In FY 2002, there was a 24 percent increase in receipts over FY 2001. There was also a 20 percent increase in receipts from FY 2002 to FY 2003.

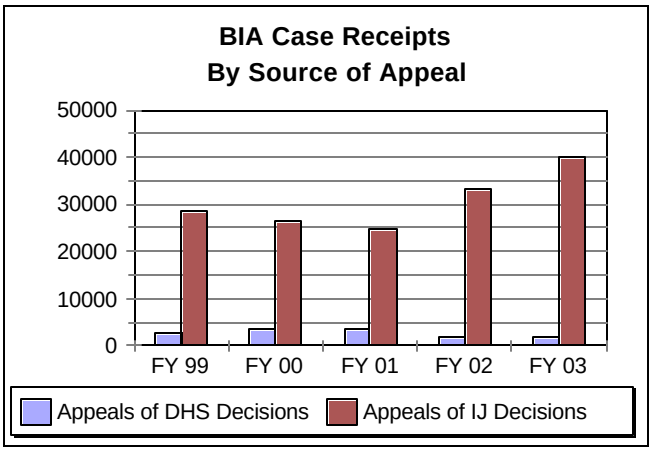
The data in Figure 25 indicate significant increases in case completions beginning in FY 2001. In response to a growing caseload, the BIA has initiated a variety of management and regulatory improvements to increase efficiency while maintaining due process guarantees. In late FY 2000, the BIA's Streamlining Initiative was launched. Published regulations allowed for noncontroversial cases that met specified criteria to be reviewed and adjudicated by a single Board Member. Streamlining helped the BIA increase its output in FY 2001 by almost 50 percent over FY 2000. In February 2002, the Department of Justice proposed a regulatory amendment to address additional procedural changes at the BIA. The regulation, which became final in September 2002, imposes time frames for the adjudicatory process at the BIA. In FY 2002, the BIA again increased completions by almost 50 percent over the prior year. FY 2003 completion figures were slightly higher than FY 2002.



Total BIA Cases		
	Receipts	Completions
FY 99	31,087	23,011
FY 00	30,050	21,381
FY 01	28,140	31,801
FY 02	34,815	47,327
FY 03	41,907	48,060

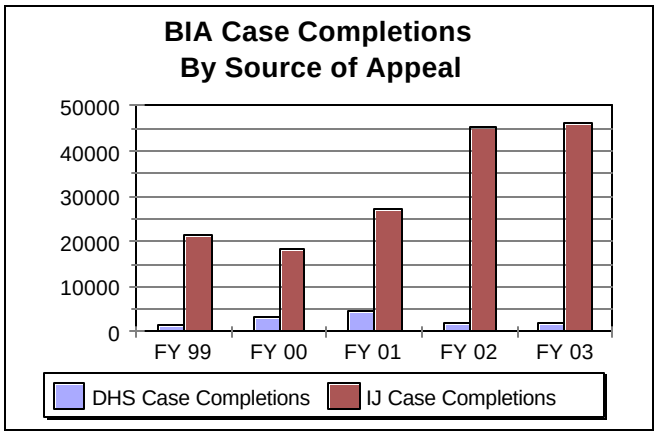
Figure 25

As noted earlier, BIA handles two types of cases: those generated from an IJ 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 IJ decisions make up the bulk of the BIA's work.



BIA Case Receipts			
	Appeals of DHS Decisions	Appeals of IJ Decisions	Total Appeals
FY 99	2,672	28,415	31,087
FY 00	3,431	26,619	30,050
FY 01	3,347	24,793	28,140
FY 02	1,666	33,149	34,815
FY 03	1,897	40,010	41,907

Figure 26



BIA Case Completions			
	DHS Case Completions	IJ Case Completions	Total Appeals
FY 99	1,680	21,331	23,011
FY 00	3,253	18,128	21,381
FY 01	4,528	27,273	31,801
FY 02	2,094	45,233	47,327
FY 03	1,944	46,116	48,060

Figure 27

Board of Immigration Appeals:
Cases Received and Completed by Type of Case

The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by Immigration Judges or the Department of Homeland Security (DHS) officials. The BIA has jurisdiction over the following types of cases arising from Immigration Judge (IJ) 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. Until FY 2000, when a revised regulation was published regarding detention of aliens with removal orders, BIA also had jurisdiction to review custody determinations (bonds) for aliens with final orders of removal.

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

As shown in Table 17, the largest increases in case receipts in FY 2003 were in IJ case appeals, and in motions to reopen or reconsider before the BIA. The data in Table 18 show a decrease in the completion of IJ case appeals, but significant increases in the completion of motions to reopen or reconsider before the BIA, and bond appeals.

Table 17 provides a breakdown of the types of cases received by the BIA between FY 1999 and FY 2003.

Table 17 - BIA Receipts by Type

	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
Total Appeals from IJ Decisions	**28,415**	**26,619**	**24,793**	**33,149**	**40,010**
Case Appeal	22,361	21,362	18,953	22,042	27,322
Appeal of IJ Motion to Reopen	1,611	1,975	1,815	2,079	2,166
Motion to Reopen-BIA	3,433	2,534	3,401	7,225	9,027
Bond Appeal	878	633	528	1,715	1,359
Interlocutory Appeal	132	115	96	88	136
Total Appeals from DHS Decisions	**2,672**	**3,431**	**3,347**	**1,666**	**1,897**
Decisions on Visa Petitions	1,299	1,227	1,129	1,126	1,765
212 Waiver Decisions	33	45	20	31	19
Decisions on Fines and Penalties	1,267	2,050	2,189	507	113
Bond Decisions	73	109	9	2	0
Grand Total	**31,087**	**30,050**	**28,140**	**34,815**	**41,907**

Table 18 provides a breakdown of the types of cases completed by the BIA between FY 1999 and FY 2003.

Table 18 - BIA Completions by Type

	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
Total Appeals from IJ Decisions	**21,331**	**18,128**	**27,273**	**45,233**	**46,116**
Case Appeal	15,942	12,935	20,566	34,258	32,314
Appeal of IJ Motion to Reopen	1,672	1,020	2,237	3,470	2,197
Motion to Reopen-BIA	2,603	3,288	3,748	6,376	9,633
Bond Appeal	923	778	602	1,032	1,839
Interlocutory Appeal	191	107	120	97	133
Total Appeals from DHS	**1,680**	**3,253**	**4,528**	**2,094**	**1,944**
Decisions on Visa Petitions	1,312	1,256	1,272	1,362	1,767
212 Waiver Decisions	25	38	25	52	23
Decisions on Fines and Penalties	329	1,790	3,219	676	154
Bond Decisions	14	169	12	4	0
Grand Total	**23,011**	**21,381**	**31,801**	**47,327**	**48,060**

Board of Immigration Appeals:
Update on Implementation of Reform Regulation

In February 2002, the Department of Justice proposed a regulatory amendment to address procedural changes at the Board of Immigration Appeals (BIA). The regulation, which became effective on September 25, 2002, imposed time frames for the adjudicatory process at the BIA, and reduced the number of Board Members from 21 to 11.

Cases that were ready for adjudication on the effective date of the regulation have been termed "legacy" cases. The regulation required these cases to be completed within established time frames: 90 days for single Board Member decisions, and 180 days from the date of referral for cases referred to a three Board Member panel. The regulation permitted a discretionary one-time extension of an additional 120 days for legacy cases. At the end of FY 2003, there were only 29 active legacy cases; all 29 were pending before a three Board Member panel, and all have since been completed. The BIA completed 18,887 of these legacy cases.

The regulation also established adjudicatory time frames for "post-legacy" cases. These are cases processed and made ready for adjudication after September 25, 2002. The time frames for post-legacy cases are similar to those established for legacy cases: 90 days for cases decided by a single Board Member, and 180 days from the date of referral for cases referred to a three Board Member panel. In exigent circumstances, post-legacy cases are eligible for a 60-day extension. Virtually every post-legacy case decided in FY 2003 met the 90- and 180-day time frames imposed by the regulation. Very few of these cases required the 60-day extension.

Table 19 below shows the breakout of the BIA's 48,060 FY 2003 completions by the categories specified in the regulation.

Table 19 - BIA FY 2003 Completions

Category	Number of Completions
Total Legacy Cases	**18,887**
Single Board Member	16,654
Three Board Member Panel	2,233
Total Post-Legacy Cases	**29,173**
Single Board Member	28,050
Three Board Member Panel	1,123
Grand Total	**48,060**

The number of BIA pending cases has also decreased substantially since implementation of the regulation. At the beginning of FY 2003, there were 46,350 cases pending at the BIA. By the end of FY 2003, the number of pending cases had been reduced to 39,574 cases. The age of pending cases has also lessened. At the beginning of the FY 2003, 29 percent of the cases were more than two years old (i.e., had been filed before FY 2001). By the end of the year, the percent of cases more than two years old (filed before 2002) had declined to less than 3 percent. Figure 28 below illustrates the age of BIA's pending caseload.

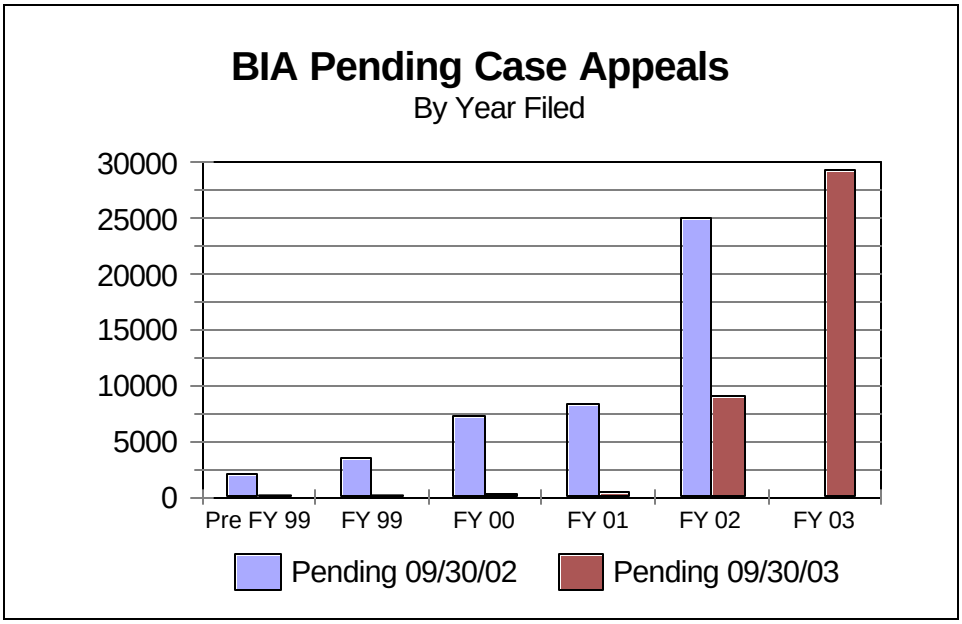


Figure 28

BIA Pending Appeal Cases		
Year Filed	Pending 09/30/02	Pending 09/30/03
Pre FY 99	2,153	102
FY 99	3,540	133
FY 00	7,260	320
FY 01	8,338	547
FY 02	25,059	9,036
FY 03		29,436
Total	46,350	39,574

Board of Immigration Appeals:
IJ Decision Appeals Completed by Nationality

This section provides information on appeal completions by nationality. Only completions of Immigration Judge (IJ) decision appeals are included in these data; we have not included appeals of Department of Homeland Security (DHS) decisions. In FY 2003, the top 10 nationalities accounted for 62 percent of all completions as shown in Figure 29. A total of 193 nationalities were represented in the FY 2003 completions. Data in Table 20 compare the predominant nationalities for completed Immigration Judge appeals in fiscal years 1999-2003. For the five-year period, eight nationalities ranked among the top ten each year: Mexico, El Salvador, Guatemala, Haiti, Dominican Republic, Jamaica, India, and China. For the first time in the five-year period, Mexico did not rank first in BIA IJ decision appeal completions. It was outpaced by China.

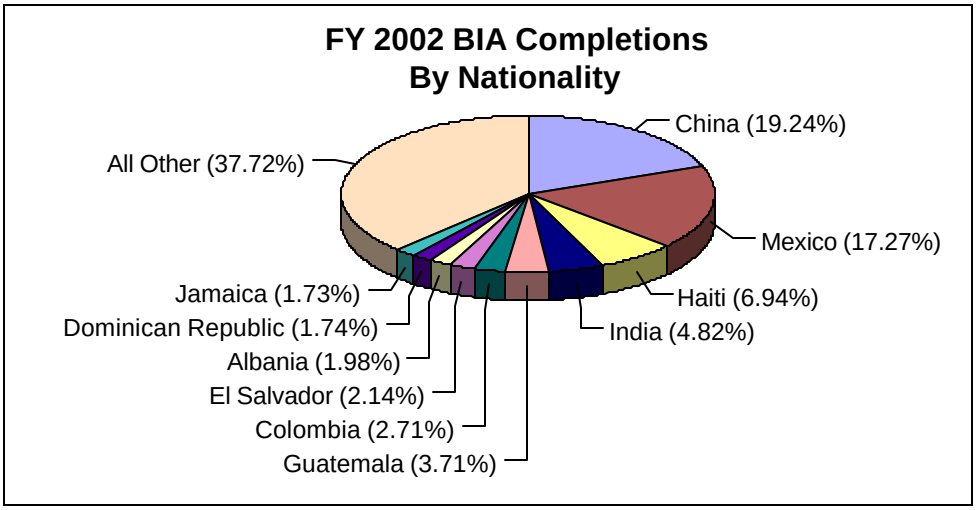


Figure 29

FY 2003 IJ Appeals Completed by Nationality		
Nationality	Cases	% of Total
China	8,873	19.24%
Mexico	7,964	17.27%
Haiti	3,203	6.94%
India	2,221	4.82%
Guatemala	1,711	3.71%
Colombia	1,251	2.71%
El Salvador	985	2.14%
Albania	914	1.98%
Dominican Republic	803	1.74%
Jamaica	798	1.73%
All Other	17,393	37.72%
Total	46,116	100.00%

Table 20 - BIA - IJ Decision Appeals Completed by Nationality
Top 25 Nationalities: FY 1999 - FY 2003

Rank	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
1	Mexico	Mexico	Mexico	Mexico	China
2	China	China	El Salvador	China	Mexico
3	El Salvador	El Salvador	China	Haiti	Haiti
4	Honduras	Dominican Republic	Haiti	Guatemala	India
5	Guatemala	Guatemala	Guatemala	India	Guatemala
6	Dominican Republic	Haiti	Cuba	El Salvador	Colombia
7	Nicaragua	Jamaica	Dominican Republic	Jamaica	El Salvador
8	Jamaica	India	India	Dominican Republic	Albania
9	Haiti	Philippines	Jamaica	Colombia	Dominican Republic
10	India	Nigeria	Philippines	Philippines	Jamaica
11	Nigeria	Cuba	Nigeria	Peru	Nigeria
12	Cuba	Colombia	Colombia	Nigeria	Ethiopia
13	Philippines	Peru	Peru	Mauritania	Pakistan
14	Colombia	Nicaragua	Honduras	Pakistan	Peru
15	Vietnam	Liberia	Pakistan	Bangladesh	Philippines
16	Peru	Pakistan	Nicaragua	Somalia	Bangladesh
17	Pakistan	Honduras	Ethiopia	Honduras	Somalia
18	Yugoslavia	Vietnam	Bangladesh	Cuba	Mauritania
19	Laos	Iran	Vietnam	Ethiopia	Russia
20	Trinidad and Tobago	Trinidad and Tobago	Yugoslavia	Albania	Honduras
21	Iran	Guyana	Iran	Nicaragua	Armenia
22	Bangladesh	Ethiopia	Guyana	Yugoslavia	Iran
23	Romania	Yugoslavia	Ecuador	Russia	Yugoslavia
24	Ethiopia	Bangladesh	Trinidad and Tobago	Iran	Indonesia
25	Guyana	Ecuador	Ghana	Ecuador	Ukraine

Board of Immigration Appeals:
IJ 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 Board of Immigration Appeals (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 has gradually increased and in FY 2003, 72 percent of appellate cases completed by the BIA involved a represented alien. Only appeals of IJ decisions are included in these data.

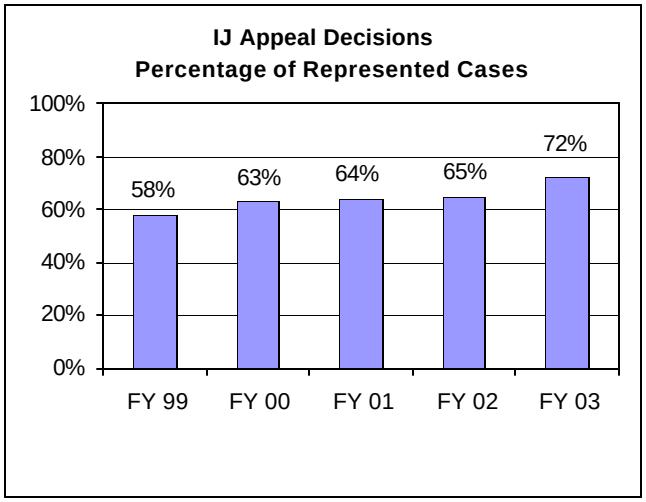


Figure 30

Represented Before the BIA			
	Represented	Unrepresented	Total
FY 99	12,337	8,994	21,331
FY 00	11,372	6,756	18,128
FY 01	17,373	9,900	27,273
FY 02	29,557	15,676	45,233
FY03	33,170	12,946	46,116

Board of Immigration Appeals:
IJ 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 Board of Immigration Appeals (BIA) handles detained cases (including aliens in the Institutional Hearing Program (IHP)) as priority cases.

Depicted in Figure 31 is the number of Immigration Judge (IJ) case appeal decisions between FY 1999 and FY 2003 along with the number of immigration judge case appeal decisions that involved detainees. The figures for detained appeal decisions also include IHP cases.

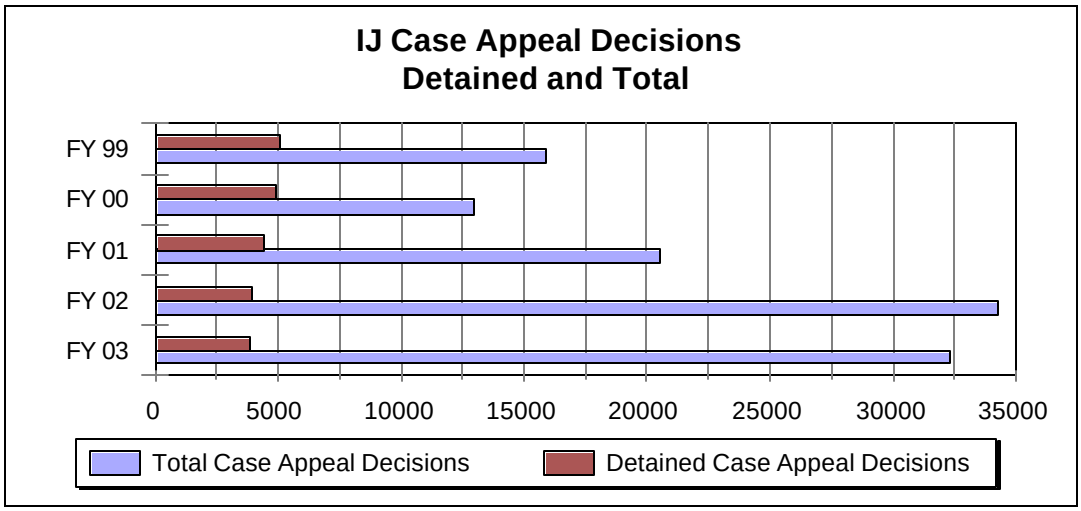


Figure 31

Detained IJ Case Appeal Decisions (Including IHP)			
	Detained Case Appeal Decisions (Including IHP)	Total IJ Case Appeal Decisions	Percent Detained
FY 99	5,030	15,942	32%
FY 00	4,884	12,935	38%
FY 01	4,438	20,566	22%
FY 02	3,962	34,258	12%
FY 03	3,845	32,314	12%

Table 21 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 2003, 27 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. This drop in the percentage of IHP completions is consistent with the decline in IHP receipts and completions at the court level as reported in Tab P.

Table 21
Breakdown of BIA Detained Completions

	Total Detained Completions	IHP Completions	Percent IHP Completions
FY 1999	5,030	2,362	47%
FY 2000	4,884	1,953	40%
FY 2001	4,438	1,676	38%
FY 2002	3,962	1,151	29%
FY 2003	3,845	1,047	27%

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

The majority of cases reviewed by the Board of Immigration Appeals (BIA) involve decisions made by Immigration Judges in removal, deportation, or exclusion proceedings. Either the Department of Homeland Security (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 1999 through 2003. 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. Because of this changed methodology, appeal rates are higher than those reported in the FY 2002 Statistical Year Book.

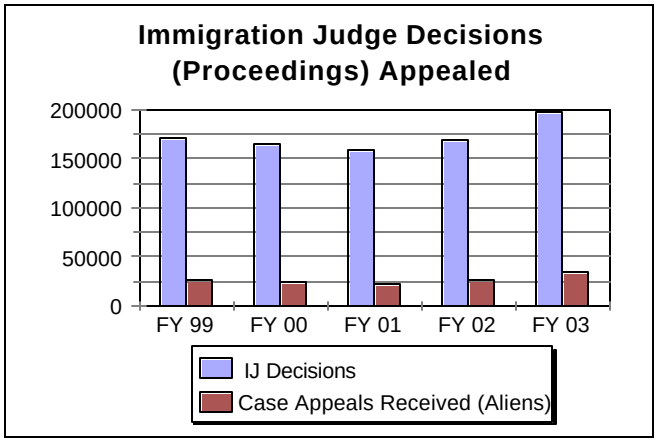


Figure 32

IJ Decisions (Proceedings) Appealed			
	IJ Decisions	Case Appeals Received (Aliens)	Percent Appealed
FY 99	172,232	25,769	15%
FY 00	164,433	24,711	15%
FY 01	159,788	21,783	14%
FY 02	170,225	26,098	15%
FY 03	197,920	33,545	17%

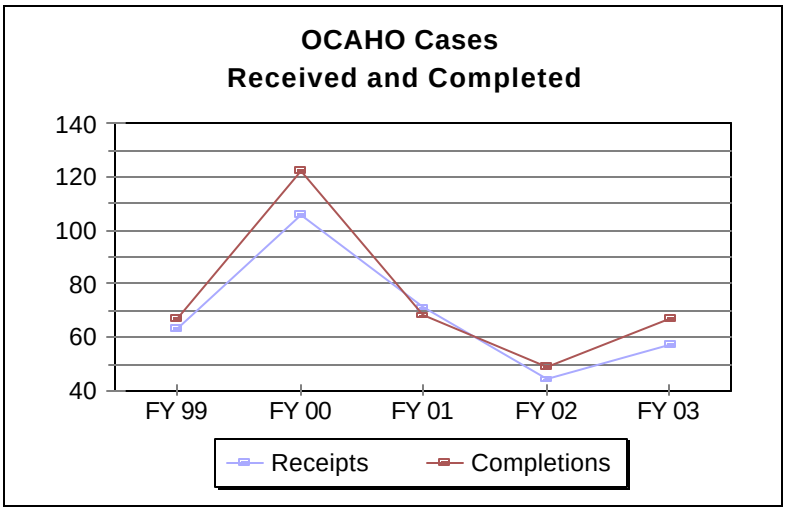
Office of the Chief Administrative Hearing Officer
Total Cases Received and Completed

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, and failure to comply with employment verification requirements;
- Immigration-related unfair employment practices; and
- Document fraud.

Complaints may be brought by the Department of Homeland Security (DHS), the Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices, or private litigants.

Figure 33 provides information on the number of cases received and completed by OCAHO between FY 1999 and FY 2003. Completions may include cases received in a prior fiscal year.



OCAHO Cases		
	Receipts	Completions
FY 99	63	67
FY 00	106	122
FY 01	71	68
FY 02	44	49
FY 03	57	67

Figure 33

GLOSSARY OF TERMS

Disclaimer

This Glossary has been compiled as an addendum to the FY 2003 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 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, the application is considered abandoned.

Accredited Representative
A non-attorney who is authorized to practice before the Immigration Courts, the Board of Immigration Appeals, and 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.

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. Normally, the visa petition has been filed by a U.S. citizen spouse.

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 Appeal's 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.

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 of 1952, as amended, 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 before the alien is placed in proceedings.

Aggravated Felony
As defined by the Immigration and Nationality Act, aggravated felony includes, but is not limited to, murder; rape or sexual abuse of a minor; drug trafficking; firearm 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; gambling; tax fraud; 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.

Anti-Drug Abuse Act of 1988
This Act established provisions for aggravated felons and expanded the §241(a)(14) (currently section 237(a)(2)(C))of the Immigration and Nationality Act of 1952, as amended, to provide for deportation for virtually all weapons offenses.

Anti-terrorism and Effective Death Penalty Act of 1996 (AEDPA)
This Act amended the Immigration and Nationality Act to provide for expedited removal of criminal and terrorist aliens.

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 decision of the Immigration Judge.

Appeal from Decision of a Department of Homeland Security (DHS) District Director
In an appeal from a decision of a DHS 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 decision of DHS.

Application for Relief
Aliens may request a number of forms of relief from removal such as asylum or cancellation of removal. Many forms of relief require the alien to fill out an appropriate application.

Asylum
A major form of relief from removal is asylum. To be granted this form of relief, the alien must prove he or she has a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a social group if returned to his or her country of origin, and he or she is not statutorily barred from such relief. Section 208(d)(5)(A)(iii) of the Immigration and Nationality Act of 1952, as amended, notes that in the absence of exceptional circumstances, asylum applications should be adjudicated within 180 days. Generally, aliens must apply for asylum within one year of arrival in the United States.

Asylum Grants
Immigration Judges may decide to either grant or deny an alien's application for asylum. An asylum grant allows the alien to remain in the United States and authorizes employment. One year after a grant of asylum, the asylee can apply for adjustment of status to become lawfully admitted for permanent residence.

Asylum-only
Certain aliens are not entitled to a removal hearing under § 240 of the Immigration and Nationality Act of 1952, as amended, (INA), 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 § 240 of the INA requests asylum, and has not been granted asylum by the Department of Homeland Security (DHS), DHS will file a Form I-863, Notice of Referral to Immigration Judge, with the Immigration Court. The Immigration Judge may not consider forms of relief other than asylum, withholding, and Convention Against Torture (CAT). Aliens eligible for asylum-only hearings include crewmen, stowaways, Visa Waiver Pilot Project 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.

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) 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 DHS, the Immigration Courts, and the BIA.

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 has set a bond amount as a condition for release from custody, 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; eliminate it; 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.

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 §240A(a) of the Immigration and Nationality Act of 1952, as amended. 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 nonpermanent 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 §240A(b) of the Immigration and Nationality Act of 1952, as amended. 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 nonpermanent resident aliens is adjusted to that of an alien lawfully admitted for permanent residence.

Case
In an immigration proceeding before an Immigration Judge, one case involves one alien.

In an immigration proceeding before the Board of Immigration Appeals, one 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 Office, one case involves a complainant and a respondent. In cases brought under Immigration and Nationality Act (INA) § 274A and § 274C, the complainant is the Department of Homeland Security, and the respondent is an employer. In INA § 247B 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
Responsibility (venue) for Immigration Court proceedings lies with the Immigration Court where the charging document is filed by the Department of Homeland Security. Immigration Judges may, upon a proper motion, change venue (move the proceeding to another Immigration Court) in those proceedings. The standard for granting a motion for change of venue (COV) is "good cause." The regulation provides authority to change venue only after one of the parties has filed a motion for COV 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 (IIRIRA) of 1996 provided that those who have suffered persecution on account of Coercive Population Control (CPC) policies can now qualify as refugees. Up to a total of 1,000 refugee admissions and asylum grants may be made each fiscal year to applicants who raise claims based on CPC. If applicants for asylum meet the criteria for a CPC grant, but more than 1,000 admissions/grants have already been made for that fiscal year, they are given conditional asylum and are granted permanent asylum when a number becomes available. 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, transfers, and grants of temporary protected status. 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. For matters before the Board of Immigration Appeals, a case is considered completed once the Board renders a final decision.

Conditional Asylum Grants
The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 provided that up to a total of 1,000 refugee admissions and asylum grants could be made each fiscal year to applicants who raise claims based on Coercive Population Control (CPC) policies. If applicants for asylum meet the criteria for a CPC grant, but more than 1,000 admissions/grants have already been made for that fiscal year, they are given conditional asylum. This conditional asylum places a person in line until their number becomes available. For example, if the person is number 1002, then that person would wait until the following fiscal year and would be number two in line to receive the grant of asylum.

Continuance
The adjournment of a proceeding to a subsequent day or time in order to allow either party additional time to prepare for the hearing.

Convention Against Torture
On March 22, 1999, the Department of Justice implemented regulations regarding the United Nations' Convention Against Torture (CAT). Under this regulation, aliens in removal, deportation, or exclusion proceedings may claim that they "more likely than not" will be tortured if removed from the United States. Among other things, the regulation provides jurisdiction to the Immigration Courts and the Board of Immigration Appeals for reviewing these claims. See also "deferral of removal" and "withholding-only."

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 an intention to apply for asylum, that alien will be referred to a Department of Homeland Security (DHS) officer for a credible fear determination. If the DHS officer determines that the alien has not established a credible fear of persecution and a DHS supervisor 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.

Custody Status
Whether an alien is in the actual custody (detained, physical detention) of the Department of Homeland Security, 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.

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, the Department of Homeland Security (DHS) absorbed the functions of the former Immigration and Naturalization Service (INS). Three major components of DHS have functions which relate closely to the Executive Office for Immigration Review. U.S. Citizenship and Immigration Services processes all immigrant and non-immigrant benefits, incorporating the adjudication and naturalization functions of the former INS. U.S. Immigration and Customs Enforcement 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 absorbed the border patrol and inspections functions of the former INS.

Deportation Proceedings
Prior to April 1, 1997, a deportation case usually arose when the Immigration and Naturalization Service (INS) (now Department of Homeland Security (DHS)) 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 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.

Detained
The Executive Office for Immigration Review (EOIR) maintains data on the custody status of aliens in proceedings. Detained aliens are those in the physical custody of the Department of Homeland Security (DHS). 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 also "custody status."

Detention of an Alien
The confinement of an alien by the Department of Homeland Security.

Disposition
In immigration proceedings, the latest ruling on removability.

District Director (DD)
Under the former Immigration and Naturalization Service, the District Director 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 District Directors 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

Employment Authorization
Employment authorization is permission given by the Department of Homeland Security (DHS) to certain aliens to work in the United States. Among others, asylum seekers, asylees and refugees, students, and persons in temporary protected status must apply to the DHS for employment authorization.

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 Immigration and Naturalization Service (INS) (now Department of Homeland Security (DHS)) found the person to be inadmissible. This situation occurred, for example, when an INS officer believed the applicant's entry papers were fraudulent.

To place an applicant for admission to the United States in exclusion proceedings, INS issued a charging document referred to as an "I-122" and filed it with an Immigration Court. 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.

In the course of the exclusion proceedings, the burden of proof was on the applicant to prove admissibility to the United States. All exclusion proceedings were closed to the public unless requested otherwise by the applicant. Beginning April 1, 1997, deportation and exclusion proceedings were replaced by 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 Immigration and Naturalization Service (INS) (now Department of Homeland Security (DHS)). Besides establishing EOIR as a separate agency within DOJ, this reorganization made the Immigration Courts independent of INS, the agency charged with enforcement of Federal immigration laws. The Office of the Chief

Administrative Hearing Officer (OCAHO) was added in 1987 to provide the administrative hearing process for employer sanctions and immigration-related unfair employment practices cases required by the Immigration Reform and Control Act of 1986 (IRCA). EOIR's primary mission is to adjudicate immigration cases in a careful and timely manner, including cases involving detained aliens, criminal aliens, and aliens seeking relief from removal, while ensuring the standards of due process and fair treatment for all parties involved.

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) 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 a DHS 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.

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 the 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 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 Board of Immigration Appeals allows a proceeding to be reopened because of new facts or evidence in a case.

H

Haitian Refugee and Immigration Fairness Act (HRIFA)
On October 21, 1998, the President signed into law a Fiscal Year 1999 Omnibus Appropriations Act, Public Law 105–277 (112 Stat. 2681). Division A, title IX of that statute, the Haitian Refugee and Immigration Fairness Act (HRIFA), contained a provision, § 902, that allows certain nationals of Haiti to adjust their status to that of lawful permanent resident.

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.

Immigration Act of 1990 (IMMACT)
In 1990, the Congress of the United States passed amendments to the Immigration and Nationality Act of 1952 (INA). The statute modified many of the INA's provisions. IMMACT reformed the rules pertaining to the legal entry of foreign nationals and expanded the regulations enacted by the Immigration Reform and Control Act of 1986 (IRCA). Among other things, IMMACT added two types of crimes to the INA's definition of "aggravated felony:" (1) Crimes of violence for which the alien is sentenced to or confined for a period of five years, and (2) money laundering.

Immigration and Nationality Act of 1952 (INA)
The Immigration and Nationality Act of 1952 consolidated previous immigration laws into one coordinated statute. As amended, the 1952 Act provides the foundation for

immigration law in effect today. The INA 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 are in violation of the law, examined alien applicants seeking to become citizens, and enforced immigration-related employment verification and document fraud laws.

Immigration Court
Each Immigration Court is staffed with Immigration Judges who conduct immigration hearings. They function in an independent decision-making capacity to determine the facts in each case, apply the law, and render a decision. Their decisions are final unless appealed to the Board of Immigration Appeals. Management functions of the Immigration Court are supervised by a Court Administrator.

Immigration Judge
The Immigration Judge is an administrative hearing officer designated by the Attorney General to conduct immigration proceedings. Immigration Judges preside over courtroom proceedings in removal, deportation, exclusion, and other proceedings authorized by 8 C.F.R. § 1003.10.

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) was also 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”. When an alien fails to appear (FTA) for a hearing, an Immigration Judge may conduct a hearing without the alien present and order the alien removed from the United States. In such a hearing, the Department of Homeland Security trial attorney must establish by clear, unequivocal, and convincing evidence that the alien is removable before an Immigration Judge orders the alien removed in absentia. The Immigration Judge must also be satisfied that notice of time and place of the hearing were provided to the alien or the alien’s representative.

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.

Individual Calendar
Cases in which the alien seeks relief from removal are set on the Immigration Judge's individual calendar. In an individual hearing on the merits of the case, the alien presents his case and applications for relief.

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 Institutional Hearing Program (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.

L

Lawful Permanent Resident (LPR)
An alien who has been conferred permanent resident status and has been issued an identification document, which is often referred to as a "green card."

M

Master Calendar
All new cases, motions to recalendar, granted motions to reopen/reconsider, and remanded cases are set for Master Calendar hearings. In Master Calendar hearings, the Immigration Judge rules on the charges that the Department of Homeland Security has filed against the alien on the charging document and establishes the type of relief (if any) the person is seeking from deportation, exclusion, or removal.

Matters
Matters before the Immigration Courts include all proceedings, bond redeterminations, and motions to reopen or reconsider. There may be multiple matters per case.

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
Citizenship derived from the place of birth or from naturalization.

Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)
Under § 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, § 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 has not been in the physical custody of the Department of Homeland Security or the Institutional Hearing Program. See also "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. The filing of an NTA transfers jurisdiction in the case from DHS to the Executive Office for Immigration Review.

Notice of Intent
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 before an Immigration Judge.

O

Office of the Chief Administrative Hearing Officer (OCAHO)
The Office of the Chief Administrative Hearing Officer has jurisdiction over three types of cases arising under the Immigration and Nationality Act of 1952, as amended: (1) employer sanctions for the unlawful hiring or continued employment of unauthorized aliens; (2) immigration-related unfair employment practices; and, (3) immigration-related document

fraud. OCAHO is headed by a Chief Administrative Hearing Officer (CAHO) who provides overall program direction, articulates policies and procedures, establishes priorities and administers the hearing process presided over by Administrative Law Judges (ALJs). The CAHO 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
The Office of the Chief Immigration Judge (OCIJ) provides overall program direction, articulates policies and procedures, and establishes priorities for more than 220 Immigration Judges. In FY 2003, 214 of those Immigration Judges were located in 52 Immigration Courts throughout the nation, while the remainder served in supervisory roles in Headquarters. The Chief Immigration Judge carries out these responsibilities with the assistance and support of two Deputy Chief Immigration Judges and nine Assistant Chief Immigration Judges. Immigration Judges are responsible for conducting formal court proceedings, and act independently in deciding the matters before them. Their decisions are administratively final unless appealed or certified to the Board of Immigration Appeals.

P

Parole
An alien who is determined to be inadmissible by the Department of Homeland Security (DHS), but for “urgent humanitarian reasons” or “significant public benefit” is allowed to enter the United States, provided the alien is not a security or flight risk. Parole is granted by DHS.

Pro Bono
A Latin phrase meaning 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 § 238 of the Immigration and Nationality Act (INA) (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and under § 241(a)(5) of the INA (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.

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.

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. 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. Before an Immigration Judge, a motion to reconsider must be filed within 30 days after the date of entry of a final administrative decision; before the BIA a motion to reconsider must be filed with 30 days after the mailing of a BIA decision.

Released
A released alien is an individual who was detained at some point during proceedings and subsequently 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 discretionary relief may be sought, including asylum, cancellation of removal, or adjustment of status.

Removable
The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 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 (NTA) 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. Before the Immigration Judge, a motion to reopen must be filed within 90 days of the date of entry of a final administrative order of removal, deportation, or exclusion. Before the BIA, a motion to reopen must be filed within 90 days of the BIA’s final administrative decision.

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 Hearing
A less common type of proceeding that comes before the Immigration Court is a rescission case. 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 residence (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, the DHS may also place an LPR into removal proceedings. An order of removal is sufficient to rescind the alien's status.

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 is a discretionary form of relief for certain aliens in deportation proceedings who have maintained continuous physical presence in the United States for seven years and have met the other statutory requirements for such relief. See former §244 of the Immigration and Nationality Act of 1952, as amended. Application for this relief is made during the course of a hearing before an Immigration Judge. The status of an alien who is granted this relief is adjusted to that of an alien lawfully admitted for permanent residence. See also cancellation.

T

Temporary Protected Status
Temporary Protected Status (TPS) is a temporary immigration status granted to eligible individuals of designated countries. The Attorney General may designate countries for TPS when, for example, there is ongoing armed conflict, an environmental disaster, or other extraordinary temporary conditions.

Termination
A termination is a type of completion in which a case is closed by an Immigration Judge without a final order of removal or deportation. Normally, the Immigration Judge finds that the respondent is not removable.

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 also *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 are adjudicated by the Department of Homeland Security (DHS) and, once approved, may be revoked or revalidated by DHS under certain circumstances. If a visa petition 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) in some instances. 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 ten-year bar against the alien applying for several forms of relief from removal.

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Waiver of Inadmissibility
Nonimmigrant (temporary) Visa applicants who are inadmissible to the United States require a waiver from the Department of Homeland Security which, if granted, permits them to apply for temporary admission.

Waiver of Removability
Once an alien has been found removable, he or she may be able to apply for relief from expulsion from the United States in the form of a waiver. Eligibility for waivers of removability depend upon the alien's ability to establish hardship on himself or herself or on close family members if he or she were to be removed from the United States.

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, with or without the consent of the opposing party.

Withdrawal of an Application for Admission
Withdrawal of an application is an arriving alien's voluntary retraction of an application for admission to the United States in lieu of a removal hearing before an Immigration Judge or an expedited removal by the Department of Homeland Security.

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-Only
An alien in administrative removal proceedings under § 238 of the Immigration and Nationality Act (INA) (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and aliens subject to reinstatement of removal under § 241(a)(5) of the INA are now able to apply for withholding of removal under § 241(b)(3) of the INA, as well as under the Convention Against Torture, after a screening process by an asylum officer. In a withholding-only proceeding, an Immigration Judge may only consider the alien's application for withholding of removal under § 241(b)(3) of the INA and the Convention Against Torture. The process is similar to an asylum-only hearing pursuant to 8 C.F.R. §208(b).

U.S. Department of Justice
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Pro Bono Program

Reports

Immigration Court Representation Summaries

The following reports track the legal representation rates at various EOIR Immigration Courts throughout the country in order to assist non-profit legal agencies and *pro bono* attorneys in their efforts to assist indigent individuals in need of legal assistance. The reports include information regarding the custody status, nationalities, languages, and forms of relief requested by individuals in removal proceedings.

Arlington, VA
Atlanta, GA
Baltimore, MD
Batavia, NY
Bloomington, MN
Boston, MA
Bradenton, FL
Buffalo, NY
Chicago, IL
Dallas, TX
Denver, CO
Detroit, MI
El Centro, CA
El Paso, TX
Elizabeth, NJ
Eloy, AZ
Fishkill, NY
Florence, AZ
Guaynabo, PR
Hagatna, Guam
Harlingen, TX
Hartford, CT
Honolulu, HI
Houston, TX
Imperial, CA
Jamaica, NY
Miami (Krome), FL
Lancaster, CA
Las Vegas, NV
Los Angeles, CA
Memphis, TN
Miami, FL
Newark, NJ
New Orleans, LA
New York, NY
Oakdale, LA
Orlando, FL
Philadelphia, PA
Phoenix, AZ
Portland, OR
San Antonio, TX
San Diego, CA
San Fransicso, CA
San Pedro, CA
Seattle, WA
Tucson, AZ
Varick Street, NY
Napanoch (Ulster), NY
York, PA

U.S. Department of Justice
Executive Office for Immigration Review
Office of Planning and Analysis

Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
AFGHANISTAN	136	70	0	51	13	16	32
ALBANIA	1901	717	0	787	58	89	395
ALGERIA	101	15	0	34	2	4	16
ANDORRA	2	2	0	0	0	0	0
ANGOLA	43	3	0	23	1	4	8
ANTIGUA AND BARBUDA	0	0	0	0	0	1	0
ARGENTINA	358	10	0	56	15	42	38
ARMENIA	1102	412	0	575	125	114	323
AUSTRALIA	3	0	0	7	0	1	2
AUSTRIA	6	0	0	1	0	2	2
AZERBAIJAN	129	46	0	24	49	6	47
BAHAMAS	5	0	0	3	0	1	4
BAHRAIN	9	3	0	2	0	0	2
BANGLADESH	435	107	0	94	29	49	129
BARBADOS	1	0	0	0	0	0	2
BE REMOVED FROM THE UNITED S	0	0	0	1	0	0	0
BELARUS	33	13	0	3	0	1	7
BELGIUM	7	3	0	14	0	3	0
BELIZE	10	1	0	6	1	2	6
BENIN	8	0	0	2	0	1	2
BERMUDA	2	0	0	0	0	0	0
BHUTAN	6	2	0	0	1	0	0
BOLIVIA	41	6	0	10	5	20	11

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Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
BOSNIA-HERZEGOVINA	50	8	0	14	1	6	8
BRAZIL	281	19	0	61	16	49	111
BRITISH INDIAN OCEAN TERRITOR	1	0	0	0	0	0	0
BRITISH WEST INDIES	1	0	0	1	0	0	0
BUKINA FASO	26	4	0	11	0	1	3
BULGARIA	182	47	0	51	8	12	68
BURMA (MYANMAR)	290	118	0	70	26	13	55
BURUNDI	44	19	0	16	2	4	4
BYELORUSSIA (BELARUS)	136	34	0	21	11	14	36
CAMBODIA	81	5	0	41	5	14	17
CAMEROON	946	186	0	260	22	27	139
CANADA	19	4	0	8	0	2	3
CAPE VERDE	2	0	0	1	0	1	2
CAYMAN ISLANDS	1	0	0	0	0	1	0
CENTRAL AFRICAN REPUBLIC	70	9	0	14	5	2	7
CHAD	30	2	0	12	0	0	2
CHILE	25	3	0	10	1	17	6
CHINA	9320	1151	2444	4593	630	491	1767
COLOMBIA	6802	1589	1	3060	357	425	1006
CONGO	438	125	0	155	37	18	64
COSTA RICA	10	0	0	3	0	0	4
CROATIA	9	1	0	4	1	5	7
CUBA	645	37	0	167	14	188	260

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Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
CYPRUS	1	0	0	0	0	1	0
CZECH REPUBLIC	25	1	0	8	3	2	4
CZECHOSLOVAKIA	37	5	0	4	3	7	9
DEMOCRATIC REPUBLIC OF CONG	66	18	0	58	4	4	8
DENMARK	5	0	0	1	0	2	0
DJIBOUTI	2	0	0	1	0	0	2
DOMINICA	5	0	0	0	1	0	3
DOMINICAN REPUBLIC	91	2	0	46	1	16	22
ECUADOR	140	13	0	53	5	46	48
EGYPT	596	277	0	162	20	45	111
EL SALVADOR	2210	30	0	485	169	439	1016
ERITREA	123	66	0	65	4	5	27
ESTONIA	47	8	0	12	4	4	7
ETHIOPIA	589	239	0	269	11	41	135
FIJI	488	97	0	151	33	60	98
FINLAND	4	0	0	1	0	2	1
FRANCE	44	4	0	11	0	10	11
FRENCH POLYNESIA	1	0	0	0	0	0	0
GABON	17	0	0	1	0	0	6
GAMBIA	113	30	0	34	2	8	27
GAZA STRIP	1	1	0	0	0	0	0
GEORGIA	272	58	0	83	21	24	58
GERMANY	14	6	0	6	0	9	0

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Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
GHANA	66	10	0	36	4	14	25
GIBRALTAR	0	0	0	2	0	0	0
GREECE	10	1	0	2	0	0	3
GRENADA	2	1	0	0	0	0	0
GUADELOUPE	0	0	0	0	0	0	1
GUATEMALA	2367	162	0	762	320	411	582
GUINEA	719	155	0	234	65	23	67
GUINEA BISSAU	6	5	0	3	1	0	1
GUYANA	380	6	0	118	10	26	55
HAITI	4424	566	0	2438	252	191	679
HONDURAS	659	34	0	202	34	123	181
HONG KONG	5	1	0	2	0	3	1
HUNGARY	16	0	0	12	1	2	11
ICELAND	3	0	0	0	0	0	0
INDIA	1685	595	0	951	273	182	517
INDONESIA	3695	366	0	809	59	111	303
IRAN	727	212	0	187	67	87	160
IRAQ	554	197	0	206	8	42	74
IRELAND	6	0	0	1	0	1	1
ISRAEL	105	11	0	32	3	20	21
ITALY	8	2	0	9	0	3	2
IVORY COAST (COTE D'IVOIRE)	308	37	0	56	10	5	25
JAMAICA	116	4	0	51	2	31	29

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Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
JAPAN	20	1	0	4	0	8	4
JORDAN	196	33	0	74	9	34	57
KAMPUCHEA	130	22	0	47	7	13	17
KAZAKHSTAN	60	39	0	13	2	2	12
KENYA	310	47	0	95	15	13	42
KIRGHIZIA (KYRGYZSTAN)	30	13	0	4	1	2	6
KOSOVE	12	0	0	7	0	1	0
KUWAIT	28	1	0	7	0	2	10
LAOS	291	10	0	46	27	39	140
LATVIA	59	12	0	14	3	5	18
LEBANON	238	38	0	55	3	24	57
LESOTHO	2	0	0	4	0	0	0
LIBERIA	421	146	0	98	26	42	274
LIBYA	11	0	0	3	1	2	5
LITHUANIA	63	11	0	21	9	7	19
MACAU	1	0	0	6	0	0	0
MACEDONIA	111	22	0	51	1	10	31
MADAGASCAR	9	0	0	0	0	0	0
MALAWI	15	1	0	2	0	0	0
MALAYSIA	26	11	0	8	1	2	11
MALDIVES	2	0	0	0	0	0	1
MALI	56	3	0	10	3	11	13
MALTA	8	0	0	0	0	0	0

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Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
MAURITANIA	1179	180	0	237	142	11	136
MAURITIUS	2	0	0	0	0	0	1
MEXICO	7678	64	0	612	628	9518	1539
MOLDAVIA (MOLDOVA)	39	14	0	19	1	3	15
MONACO	2	0	0	0	0	0	1
MONGOLIA	45	7	0	0	0	1	11
MOROCCO	35	10	0	14	1	4	7
NAMIBIA	2	0	0	1	0	0	0
NEPAL	240	57	0	34	8	7	31
NETHERLANDS	5	1	0	1	0	0	0
NETHERLANDS ANTILLES	3	0	0	0	0	1	0
NEW ZEALAND	0	0	0	2	0	0	0
NICARAGUA	218	7	0	104	9	31	46
NIGER	56	13	0	15	1	7	6
NIGERIA	283	50	0	172	14	59	78
NIUE	5	0	0	3	0	0	0
NO NATIONALITY	0	0	0	3	0	0	0
NORTH KOREA	9	3	0	0	0	0	0
NORWAY	2	0	0	0	0	2	0
OMAN	1	0	0	0	0	0	1
PAKISTAN	1070	227	0	270	56	101	229
PALESTINIAN	9	1	0	6	0	0	3
PANAMA	9	0	0	9	1	6	5

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Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
PAPUA NEW GUINEA	2	0	0	1	0	0	0
PARAGUAY	18	1	0	9	1	0	0
PEOPLE'S REPUBLIC OF BENIN	1	0	0	2	0	1	0
PERU	474	117	1	221	13	119	114
PHILIPPINES	500	26	0	128	26	137	182
POLAND	81	10	0	23	5	18	25
PORTUGAL	19	0	0	10	0	2	5
QATAR	7	1	0	2	0	0	3
ROMANIA	197	79	0	71	20	34	68
RUSSIA	993	381	0	239	95	97	282
RWANDA	58	23	0	13	1	2	9
SAN MARINO	1	0	0	0	0	0	0
SAUDI ARABIA	37	2	0	7	0	5	5
SENEGAL	112	13	0	36	11	5	12
SERBIA MONTENEGRO	19	11	0	14	2	3	6
SEYCHELLES	5	1	0	4	0	2	0
SIERRA LEONE	340	116	1	189	57	25	74
SINGAPORE	11	2	0	2	0	1	0
SLOVAK REPUBLIC	8	0	0	6	0	4	1
SLOVENIA	11	4	0	9	0	0	1
SOMALIA	421	149	0	164	102	19	156
SOUTH AFRICA	107	7	0	32	8	17	8
SOUTH KOREA	25	0	0	11	3	3	9

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Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
SOVIET UNION	279	20	0	9	20	1	44
SPAIN	13	0	0	1	1	3	1
SRI LANKA	211	55	0	131	6	37	70
ST. CHRISTOPHER-NEVIS	0	0	0	1	0	0	0
ST. HELENA	1	0	0	0	0	0	0
ST. KITTS, WEST INDIES	1	0	0	1	0	0	0
ST. LUCIA	4	2	0	0	0	2	1
STATELESS - ALIEN UNABLE TO NA	181	30	0	25	11	9	34
SUDAN	200	96	0	114	10	13	46
SURINAME	5	0	0	4	2	6	2
SWAZILAND	3	0	0	0	0	0	0
SWEDEN	15	3	0	4	0	6	0
SYRIA	141	25	0	29	7	16	32
TAIWAN	7	1	0	5	0	2	3
TAJIKISTAN (TADZHIK)	20	7	0	1	0	0	5
TANZANIA	54	6	0	24	1	5	10
THAILAND	45	1	0	11	3	6	16
THE REPUBLIC OF THE MARSHALL	0	0	0	0	0	0	1
TOGO	313	62	0	58	4	3	36
TONGA	1	0	0	2	0	2	1
TRINIDAD AND TOBAGO	17	3	0	7	0	4	16
TUNISIA	55	5	0	15	1	4	10
TURKEY	114	36	0	60	5	14	22

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Immigration Courts
FY 2003 Asylum Statistics

Nationality	Received	Granted	Conditional	Denied	Abandoned	Withdrawn	Other
TURKMENISTAN	21	7	0	1	0	0	9
TURKS AND CAICOS ISLANDS	2	0	0	1	1	0	1
UGANDA	141	53	0	48	4	6	35
UKRAINE	320	106	0	110	32	33	89
UNITED ARAB EMIRATES	9	1	0	0	1	1	5
UNITED KINGDOM	48	10	0	14	1	12	12
UNKNOWN NATIONALITY	4	0	0	12	0	0	0
URUGUAY	25	1	0	1	0	7	4
UZEBEKISTAN	283	91	0	42	12	13	44
VENEZUELA	659	35	0	67	12	22	35
VIETNAM	185	10	0	82	5	66	53
WESTERN SAMOA	1	0	0	1	0	0	0
YEMEN	107	26	0	41	4	16	20
YUGOSLAVIA	436	168	0	295	23	44	123
ZAIRE	33	20	0	14	1	3	5
ZAMBIA	34	6	0	13	0	3	6
ZIMBABWE	228	54	0	72	3	15	24
Total	**65,153**	**10,918**	**2,447**	**22,410**	**4,308**	**14,482**	**13,527**