



**Justice
Immigration Review**

STATISTICAL YEAR BOOK 2000



Prepared by the Office of Planning and Analysis

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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 will be available electronically through the EOIR Web Site at www.usdoj.gov/eoir.

JANUARY 2001

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Summary of Highlights

- , Receipts by the immigration courts increased by 10 percent between FY 1999 (232,389) and 2000 (254,515). Previously, receipts had declined by 14 percent between FY 1998 and 1999. This decline may have been influenced by the passage of the Illegal Immigration and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA granted the Immigration and Naturalization Service (INS) authority to deny admission to individuals arriving in the United States by fraudulent means or without proper entry documents.
- , Case appeal receipts by the Board of Immigration Appeals (BIA) increased 16 percent between FY 1999 and 2000.
- , Mexico, China and Central American countries represent the predominant nationalities of immigration court cases (completions) during FY 2000.
- , Mexico and China represent the predominant nationalities of BIA cases (completions) during FY 2000.
- , Spanish language cases represent the most frequently-spoken language for immigration court cases (completions) during FY 2000.
- , More than half (based on completed cases) of the aliens who appeared in immigration court were unrepresented during FY 2000. Forty-four percent of aliens were represented by private or other authorized representatives.
- , Sixty-six percent of the aliens who appealed to the BIA in FY 2000 were represented (based on completed cases).
- , Asylum filings at the immigration courts decreased 6 percent from FY1999 (54,266 filings) to 2000 (50,861 filings).
- , In 2000, the top nationality granted asylum in the immigration courts was Chinese.
- , Immigration courts adjudicated 12,432 Convention Against Torture (CAT) applications in FY 2000. Out of 12,432 completions, 41 percent involved a detained or previously detained alien. Based on the decisions rendered, over 94 percent of CAT applications were denied.
- , Thirty-three percent of FY 2000 immigration court completions involved detained aliens.

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Introduction

The Executive Office for Immigration Review (EOIR) was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization that combined the Board of Immigration Appeals (BIA) with the Immigration Judge function previously performed by the Immigration and Naturalization Service (INS). 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.

EOIR's Office of the Chief Immigration Judge supervises 219 immigration judges located in 52 courts throughout the United States. Eighteen of the 52 immigration courts are located in either detention centers or prisons. Additionally, immigration judges travel to over 100 other hearing locations to conduct proceedings. At each proceeding, an INS trial attorney represents the U.S. government, while the respondent alien appears on his or her own behalf or retains an attorney at no expense to the government. An immigration judge decides if the alien is removable as charged. A judge's decision is administratively final, unless appealed or certified to the BIA.

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

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

The following report is intended to provide an introduction to the types of immigration matters processed by EOIR on a daily basis. Included in this report is case data from FY 1996 to the present.

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Total Matters Received and Completed by the Immigration Courts

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

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

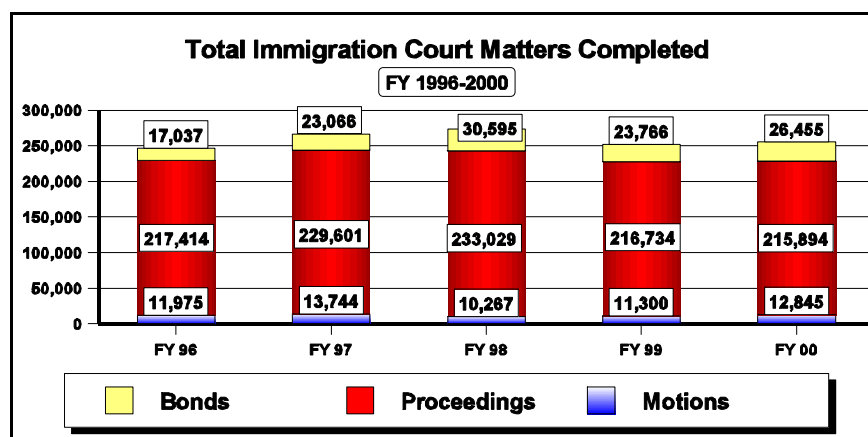


Figure 1

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

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As shown above in Figure 1, the number of matters received by the immigration courts increased 10 percent between FY 1996 and 1997, decreased by 7 percent between FY 1997 and 1998, and by 14 percent between FY 1998 and 1999. Between FY 1999 and FY 2000, the number of matters received by the immigration courts increased by 10 percent. The decline in FY 1998 and 1999 may have been influenced by the passage of the Illegal Immigration and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA granted INS authority to deny admission to individuals arriving in the United States by fraudulent means or without proper entry documents. Previously, such individuals were issued a *Notice to Applicant for Admission Detained for Hearing Before Immigration Judge* (Form I-122), and placed in exclusion proceedings.

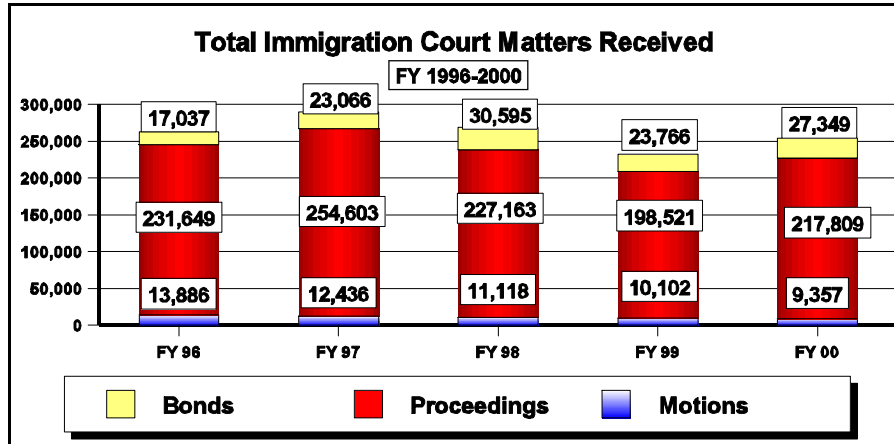


Figure 2

Similarly, the number of matters completed by the immigration courts increased between FY 1996 and 1997, decreased from FY 1997 to 1999 and increased slightly from FY 1999 to FY 2000. Figures 1 and 2 reflect that in FY 1996 and 1997, receipts exceeded completions at the immigration courts for all matters. Starting in FY 1998 and continuing through FY 2000, completions have exceeded receipts.

Following in Table 1, we compared matters received by the immigration courts from FY 1999 to FY 2000. Overall, receipts increased by 10 percent from FY 1999. Immigration courts located in Bradenton, FL; San Antonio, TX; Portland, OR; and Tucson, AZ showed increases of 50 percent or more in receipts from FY 1999 to FY 2000.

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Table 1 - Total Immigration Court Matters Received for FY 1999 and 2000

| FY 1999 | Immigration Court | FY 2000 | Rate of Change |
|----------------|-----------------------------------|----------------|-----------------------|
| 3,417 | ARLINGTON, VIRGINIA | 3,267 | -4% |
| 5,393 | ATLANTA, GEORGIA | 4,445 | -18% |
| 3,066 | BALTIMORE, MARYLAND | 3,109 | 1% |
| 1,135 | BATAVIA SPC | 1,023 | -10% |
| 4,702 | BOSTON, MASSACHUSETTS | 5,520 | 17% |
| 1,239 | BRADENTON COUNTY JAIL | 1,995 | 61% |
| 2,741 | BUFFALO, NEW YORK | 3,108 | 13% |
| 7,888 | CHICAGO, ILLINOIS | 11,618 | 47% |
| 6,807 | DALLAS, TEXAS | 7,907 | 16% |
| 4,566 | DENVER, COLORADO | 5,591 | 22% |
| 3,181 | DETROIT, MICHIGAN | 3,934 | 24% |
| 3,565 | EL CENTRO, CALIFORNIA | 5,253 | 47% |
| 9,595 | EL PASO, TEXAS | 9,699 | 1% |
| 873 | ELIZABETH SPC | 614 | -30% |
| 7,708 | ELOY BUREAU OF PRISONS FACILITY | 7,645 | -1% |
| 5,967 | FLORENCE, ARIZONA | 7,140 | 20% |
| 10,719 | HARLINGEN, TEXAS | 10,326 | -4% |
| 1,336 | HARTFORD, CONNECTICUT | 1,557 | 17% |
| 552 | HONOLULU, HAWAII | 541 | -2% |
| 3,570 | HOUSTON SERVICE PROCESSING CENTER | 3,895 | 9% |
| 4,661 | HOUSTON, TEXAS | 4,393 | -6% |
| 1,994 | IMPERIAL, CALIFORNIA | 967 | -52% |
| 2,959 | KROME NORTH SPC | 4,208 | 42% |
| 2,070 | LAS VEGAS, NEVADA | 2,281 | 10% |
| 17,677 | LOS ANGELES, CALIFORNIA | 17,771 | 1% |
| 1,087 | MEMPHIS, TENNESSEE | 1,212 | 11% |
| 17,910 | MIAMI, FLORIDA | 14,425 | -19% |
| 3,700 | MIRA LOMA DETENTION FACILITY | 5,206 | 41% |
| 1,599 | NEW ORLEANS, LOUISIANA | 1,875 | 17% |
| 16,132 | NEW YORK CITY, NEW YORK | 19,683 | 22% |
| 1,402 | NEW YORK STATE DOC- FISHKILL | 1,047 | -25% |
| 1,502 | NEW YORK STATE DOC - ULSTER | 1,085 | -28% |
| 1,980 | NEW YORK VARICK SPC | 2,342 | 18% |
| 4,429 | NEWARK, NEW JERSEY | 5,490 | 24% |
| 3,671 | OAKDALE FEDERAL DETENTION CENTER | 3,422 | -7% |
| 2,031 | ORLANDO, FLORIDA | 1,951 | -4% |
| 1,884 | OTAY MESA, CALIFORNIA | 1,593 | -15% |
| 1,909 | PHILADELPHIA, PENNSYLVANIA | 2,384 | 25% |
| 2,181 | PHOENIX, ARIZONA | 2,064 | -5% |
| 8,165 | PORT ISABEL SPC | 10,826 | 33% |
| 556 | PORTLAND, OREGON | 1,098 | 97% |
| 731 | QUEENS WACKENHUT FACILITY | 759 | 4% |
| 9,116 | SAN ANTONIO, TEXAS | 13,708 | 50% |
| 5,619 | SAN DIEGO, CALIFORNIA | 6,489 | 15% |
| 11,789 | SAN FRANCISCO, CALIFORNIA | 9,064 | -23% |
| 1,936 | SAN JUAN, PUERTO RICO | 2,338 | 21% |
| 3,339 | SAN PEDRO, CALIFORNIA | 4,298 | 29% |
| 5,500 | SEATTLE, WASHINGTON | 5,951 | 8% |
| 1,852 | ST. PAUL, MINNESOTA | 2,312 | 25% |
| 1,610 | TEXAS DOC- HUNTSVILLE | 1,310 | -19% |
| 958 | TUCSON, ARIZONA | 2,097 | 119% |
| 2,420 | YORK COUNTY PRISON | 2,679 | 11% |
| 232,389 | Total | 254,515 | 10% |

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Total Cases Received and Completed by the Board of Immigration Appeals

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

Before July 1, 1996, all IJ appeals to the BIA were filed with the immigration courts. In FY 1996, new regulations streamlined the filing process by requiring that all appeals be filed directly with the BIA in Falls Church, Virginia. The new regulations also established a 30-day period, from the date of an IJ decision, for filing an appeal. Figure 3 depicts the 16 percent increase in IJ appeal receipts that occurred between FY 1996 and 2000. Although, receipts of DD appeals fluctuated during the same time period, FY 2000 receipts increased by 61 percent when compared to FY 1996.

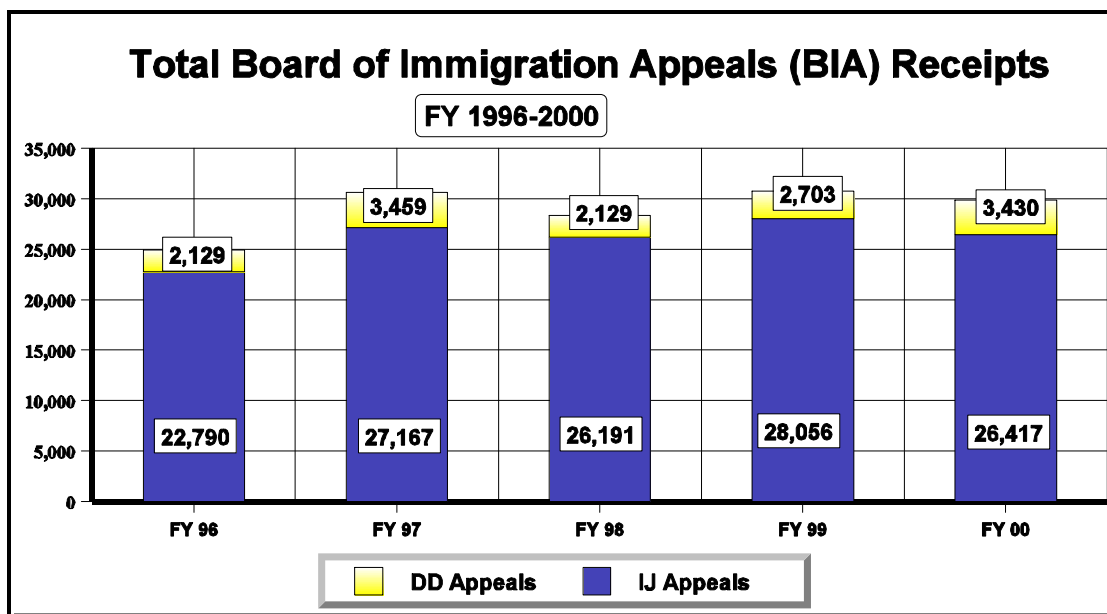


Figure 3

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The data in Figure 4 shows that between FY 1996 and 1998, the number of BIA completions increased significantly. Most notably, the dramatic increase in completions that occurred in FY 1998 is attributable to the Nicaraguan Adjustment and Central American Relief Act and the Haitian Refugee Immigration Fairness Act. As a result of key provisions in both Acts, the BIA remanded or administratively closed nearly 6,000 appeals. After the FY 1998 surge, FY 2000 completions decreased.

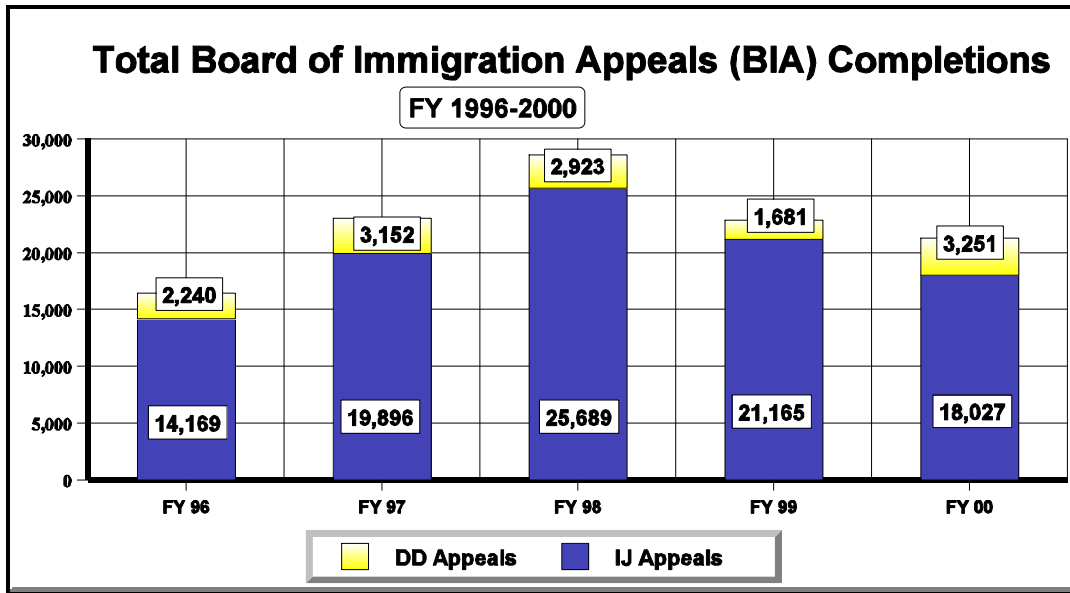


Figure 4

The BIA receipts and completions depicted above in Figures 3 and 4 represent cases. One case involves one lead alien and may also include other family members. EOIR is able to provide a total count of aliens whose cases were received and completed by the BIA. Table 2 contains data on the number of aliens whose cases were received or completed by the BIA between FY 1996 and 2000.

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

| | FY 1996 | FY 1997 | FY 1998 | FY 1999 | FY 2000 |
|-------------------------------|---------------|---------------|---------------|---------------|---------------|
| Receipts-IJ Appeals | 26,609 | 31,544 | 30,068 | 32,339 | 31,931 |
| Receipts-DD Appeals | 2,129 | 3,459 | 2,129 | 2,703 | 3,430 |
| Total Number of Aliens | 28,738 | 35,003 | 32,197 | 35,042 | 35,361 |
| Completions-IJ Appeals | 16,064 | 21,946 | 30,362 | 23,367 | 19,933 |
| Completions-DD Appeals | 2,240 | 3,152 | 2,923 | 1,681 | 3,251 |
| Total Number of Aliens | 18,304 | 25,098 | 33,285 | 25,048 | 23,184 |

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Immigration Court Matters Received and Completed by Type

Under the immigration laws in effect in FY 1996, individuals charged by the INS as inadmissible or deportable were placed in either deportation or exclusion proceedings. At that time, EOIR's jurisdiction began when INS filed either an *Order to Show Cause* (OSC) or a *Notice to Applicant for Admission Detained for Hearing Before Immigration Judge* (Form I-122). As depicted in Table 3, the immigration courts primarily received OSCs in FY 1996 and the judges mostly heard deportation cases. Rescissions, a less common type of case, were also received by the immigration courts. In a rescission case, INS issues a *Notice of Intent to Rescind* an individual's permanent resident status, and the individual has the right to contest the charge before an immigration judge.

Under IIRIRA reform in FY 1996, INS must file a *Notice to Appear* (NTA) to initiate removal (formerly deportation) proceedings. Immigration courts began receiving removal cases in FY 1997. Besides removal cases, IIRIRA established three new types of cases. In credible fear cases, an immigration judge conducts a hearing for an alien who has already been found not to have a "credible fear" by INS, and based on that finding, is subject to expedited removal. If the immigration judge determines there is "credible fear," the judge will vacate the INS order of expedited removal. In a claimed status review, an immigration judge determines if an individual's claim to be a citizen or lawful permanent resident of the United States is valid. An asylum only case is initiated when an arriving "crewman or stowaway" is not eligible to apply for admission into the United States, but wants to request asylum. Table 3 includes all types of matters received by the immigration courts between FY 1996 and 2000 including bonds and motions.

Table 3 - FY1996-2000 Immigration Court Matters Received by Type

| Type of Matter | FY 1996 | FY 1997 | FY 1998 | FY 1999 | FY 2000 |
|----------------|----------------|----------------|----------------|----------------|----------------|
| Deportation | 197,678 | 142,433 | 19,387 | 12,497 | 10,268 |
| Exclusion | 33,824 | 22,767 | 1,575 | 1,551 | 1,217 |
| Removal | 0 | 89,071 | 205,771 | 183,653 | 203,497 |
| Credible Fear | 0 | 163 | 90 | 127 | 199 |
| Claimed Status | 0 | 49 | 129 | 117 | 162 |
| Asylum Only | 0 | 27 | 167 | 536 | 2,424 |
| Rescission | 147 | 93 | 44 | 40 | 42 |
| Bonds | 17,037 | 23,066 | 30,595 | 23,766 | 27,349 |
| Motions | 13,886 | 12,436 | 11,118 | 10,102 | 9,357 |
| Total | 262,572 | 290,105 | 268,876 | 232,389 | 254,515 |

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Table 4 includes the number of immigration court matters completed between FY 1996 and 2000. In addition to the new proceedings mandated under IIRIRA, immigration judges continue to rule on pre-IIRIRA deportation and exclusion cases. As a result, the FY 2000 immigration court caseload is more varied than in FY 1996.

Table 4- FY1996-2000 Immigration Court Matters Completed by Type

| Type of Matter | FY 1996 | FY 1997 | FY 1998 | FY 1999 | FY 2000 |
|----------------|----------------|----------------|----------------|----------------|----------------|
| Deportation | 179,493 | 156,691 | 56,666 | 34,058 | 16,773 |
| Exclusion | 37,806 | 26,195 | 4,540 | 1,990 | 1,423 |
| Removal | 0 | 46,354 | 171,405 | 180,088 | 195,570 |
| Credible Fear | 0 | 160 | 91 | 124 | 196 |
| Claimed Status | 0 | 44 | 131 | 115 | 159 |
| Asylum Only | 0 | 15 | 123 | 305 | 1,714 |
| Rescission | 115 | 142 | 73 | 54 | 59 |
| Bonds | 17,037 | 23,066 | 30,595 | 23,766 | 26,455 |
| Motions | 11,975 | 13,744 | 10,267 | 11,300 | 12,845 |
| Total | 246,426 | 266,411 | 273,891 | 251,800 | 255,194 |

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Board of Immigration Appeals Cases Received and Completed by Type

The Board of Immigration Appeals (BIA) reviews the following: (1) appeals filed from the decisions of immigration judges on motions to reopen proceedings; (2) appeals pertaining to bond, parole, or detention; (3) case appeals from the decisions of immigration judges in removal, deportation, and exclusion proceedings; (4) interlocutory appeals relating to important jurisdictional questions regarding the administration of the immigration laws or recurring problems in the handling of cases by immigration judges; and (5) motions to reopen cases already decided by the BIA. Types of appeals from INS decisions reviewed by the BIA include (1) waivers of inadmissibility for non-immigrants under the Immigration and Nationality Act 212(d)(3); (2) bonds set subsequent to an immigration judge ruling; (3) fines and penalties imposed upon air carriers for violations of immigration laws; and (4) family-based visa petitions adjudicated by INS DDs or Regional Service Center directors. Table 5 includes a breakdown of the types of cases received by the BIA between FY 1996 and 2000.

Table 5 - FY1996-2000 BIA Cases Received by Type

| Type of IJ Appeal | FY 1996 | FY 1997 | FY 1998 | FY 1999 | FY 2000 |
|--------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Appeal of IJ Motion To Reopen | 1,261 | 2,433 | 1,634 | 1,579 | 1,929 |
| Bond Appeal | 951 | 853 | 812 | 845 | 617 |
| Case Appeal | 17,630 | 20,661 | 21,017 | 22,130 | 21,335 |
| Interlocutory Appeal | 39 | 198 | 202 | 141 | 112 |
| Motion To Reopen-BIA | 2,909 | 3,022 | 2,526 | 3,361 | 2,424 |
| IJ Appeal Total | 22,790 | 27,167 | 26,191 | 28,056 | 26,417 |
| Type of DD Appeal | | | | | |
| INS 212 Waiver Decisions | 80 | 70 | 67 | 31 | 45 |
| INS Bond Decisions | 3 | 9 | 8 | 73 | 109 |
| INS Decisions on Fines and Penalties | 1 | 26 | 52 | 1,309 | 2,059 |
| INS Decisions on Visa Petitions | 2,045 | 3,354 | 2,002 | 1,290 | 1,217 |
| DD Appeal Total | 2,129 | 3,459 | 2,129 | 2,703 | 3,430 |
| Grand Total | 24,919 | 30,626 | 28,320 | 30,759 | 29,847 |

Table 6 includes a breakdown of cases completed by the BIA between FY 1996 and 2000. A stay prevents the INS from executing an order of removal, deportation, or exclusion. The BIA is authorized to consider certain stay requests. Table 6 includes the number of stay requests considered by the BIA between FY 1996 and 2000.

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Table 6 - FY1996-2000 BIA Cases Completed² by Type

| Type of IJ Appeal | FY 1996 | FY 1997 | FY 1998 | FY 1999 | FY 2000 |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| Appeal of IJ Motion To Reopen | 1,201 | 1,242 | 1,308 | 1,667 | 1,019 |
| Bond Appeal | 450 | 886 | 823 | 898 | 759 |
| Case Appeal | 10,494 | 14,812 | 20,173 | 15,865 | 12,907 |
| Interlocutory Appeal | 1 | 89 | 224 | 169 | 102 |
| Motion To Reopen-BIA | 2,023 | 2,867 | 3,161 | 2,566 | 3,240 |
| IJ Appeal Total | 14,169 | 19,896 | 25,689 | 21,165 | 18,027 |
| Type of DD Appeal | | | | | |
| INS 212 Waiver Decisions | 70 | 94 | 87 | 24 | 38 |
| INS Bond Decisions | 2 | 5 | 6 | 13 | 169 |
| INS Decisions on Fines and Penalties | 0 | 20 | 11 | 347 | 1,789 |
| INS Decisions on Visa Petitions | 2,168 | 3,033 | 2,819 | 1,297 | 1,255 |
| DD Appeal Total | 2,240 | 3,152 | 2,923 | 1,681 | 3,251 |
| Other Type of BIA Case | | | | | |
| Stays | 170 | 229 | 222 | 172 | 229 |
| Other Total | 170 | 229 | 222 | 172 | 229 |
| Grand Total | 16,579 | 23,277 | 28,834 | 23,018 | 21,507 |

²The BIA is authorized to consider stay requests for matters within its jurisdiction.

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Immigration Court Cases by Nationality (Completions Only)

Immigration court staff record the nationality of aliens scheduled to appear before immigration judges in EOIR’s data system. Figure 5 shows a breakdown of FY 1996 immigration court cases by nationality and by the percent of total completions. Table 7 lists the same percent and includes the corresponding number of actual cases. Overall, Mexico and Central American countries represent the predominant nationalities of immigration court completions during FY 1996. The largest group by nationality was from Mexico and accounted for 38 percent of total completions. Guatemala represented the second largest group with 9 percent. El Salvador had 7 percent, while Honduras represented 5 percent and Nicaragua represented 4 percent.

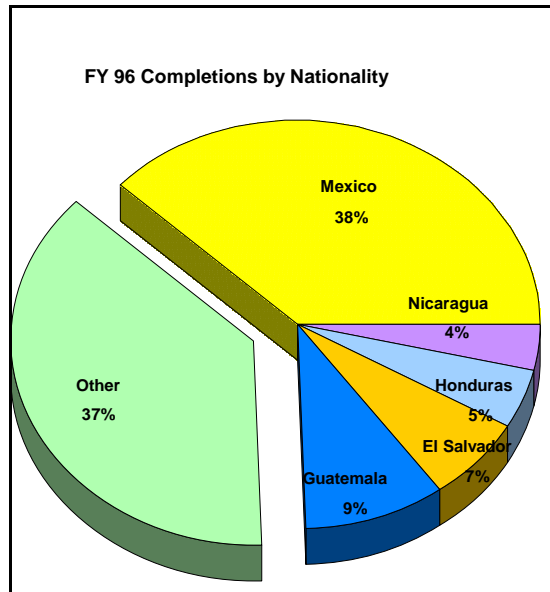


Figure 5

Table 7 - Top FY 1996 Nationalities

| Nationality | Total Cases | Percent of Total |
|--------------|---------------|------------------|
| Mexico | 84,025 | 38% |
| Other | 82,231 | 37% |
| Guatemala | 20,503 | 9% |
| El Salvador | 15,182 | 7% |
| Honduras | 9,911 | 5% |
| Nicaragua | 7,825 | 4% |

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Since all other nationalities each comprised 3 percent or less, we have included them in the "Other" category. A breakdown of the top five nationalities in the "Other" category is shown in Table 8.

Table 8 - Top 5 "Other" 1996 Nationalities

| Nationality | Total Cases | Percent of Total |
|-------------|-------------|------------------|
| China | 6,930 | 3% |
| Haiti | 5,643 | 3% |
| Cuba | 5,321 | 2% |
| India | 5,111 | 2% |
| D. Republic | 4,687 | 2% |

A similar breakdown of completed cases for FY 2000 is shown in Figure 6 and Table 9. The top nationality was Mexico (30%), followed by two Central American countries, --El Salvador had the second largest representation at 10 percent, followed by Honduras at 8 percent. China followed at 7 percent and Guatemala was at 6 percent. All other nationalities are included in the "Other" category in Figure 6. The top five "Other" nationalities are shown on Table 10.

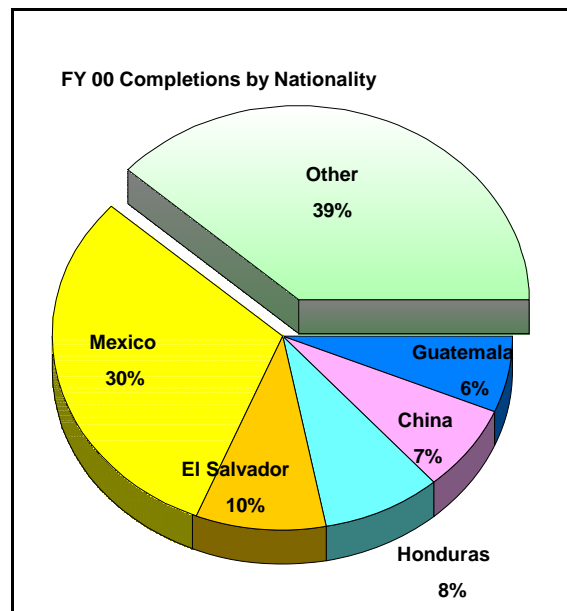


Figure 6

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Table 9 - Top FY 2000 Nationalities

| Nationality | Total Cases | Percent of Total |
|--------------------|--------------------|-------------------------|
| Other | 83,000 | 39% |
| Mexico | 65,010 | 30% |
| El Salvador | 20,372 | 10% |
| Honduras | 17,978 | 8% |
| China | 15,502 | 7% |
| Guatemala | 13,576 | 6% |

Table 10 - Top 5 "Other" 2000 Nationalities

| Nationality | Total Cases | Percent of Total |
|--------------------|--------------------|-------------------------|
| Cuba | 7,199 | 3% |
| Haiti | 6,508 | 3% |
| D. Republic | 5,026 | 2% |
| India | 3,420 | 2% |
| Columbia | 3,362 | 2% |

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Board of Immigration Appeals Cases by Nationality (Completions Only)

A breakdown of the top five nationalities for BIA completed cases in FY 1996 and 2000 is shown in Table 11. We have only included appeals to the decisions of immigration judges and not appeals of INS district directors. Figures 7 and 8 provide a graphic representation of the percent of total completed BIA cases by nationality for FY 1996 and 2000. In FY 1996, Chinese and Mexican nationals each comprised 14 percent of total BIA cases completed. In FY 2000, Mexico increased in ranking representing 22 percent of total appellate cases.

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

| FY 1996 | | | FY 2000 | | |
|--------------|---------------|------------|--------------|---------------|------------|
| Total Cases | Nationality | % of Total | Total Cases | Nationality | % of Total |
| 2,029 | China | 14% | 3,985 | Mexico | 22% |
| 2,022 | Mexico | 14% | 2,094 | China | 12% |
| 1,314 | Nicaragua | 9% | 1,225 | El Salvador | 7% |
| 1,005 | El Salvador | 7% | 849 | D. Republic | 5% |
| 970 | Guatemala | 6% | 802 | Guatemala | 4% |
| 7,040 | Others | 49% | 9,072 | Others | 50% |

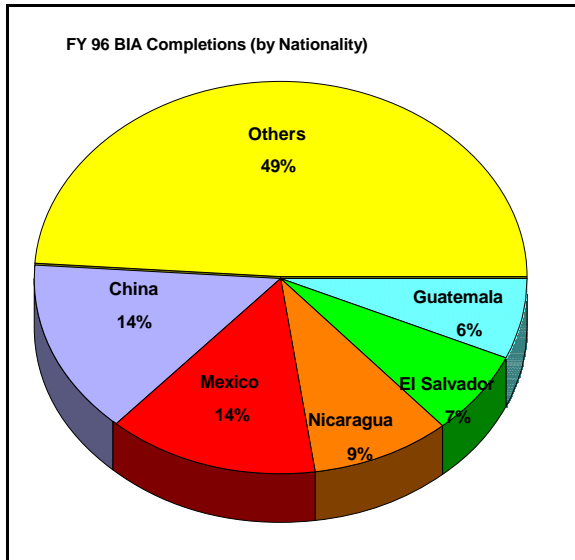


Figure 7

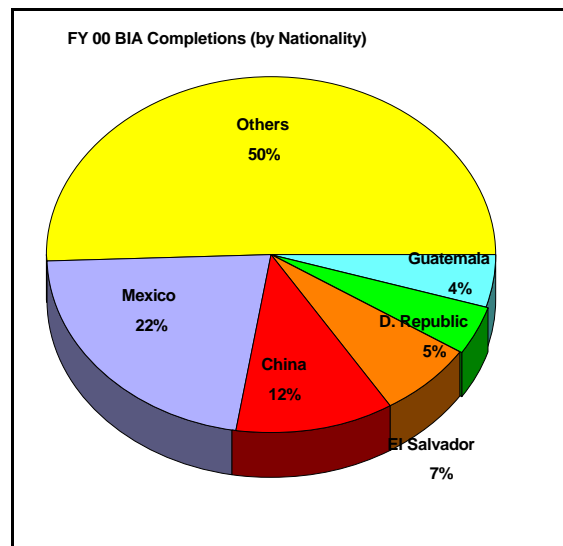


Figure 8

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Immigration Court Cases by Language (Completions Only)

Figure 9 shows a breakdown of FY 1996 immigration court completed cases by language. Of the 148 languages spoken during FY 1996 in court proceedings, 85.3 percent were in the following four languages: Spanish, English, Creole, and Punjabi. In 1.9 percent of completed cases, the language spoken by the respondent was unknown and therefore not reported.

- ! Spanish language cases were 68.2 percent of the total caseload.
- ! In the "Other" category—Foo Chow, Mandarin, and Russian represented the three most frequently spoken languages.

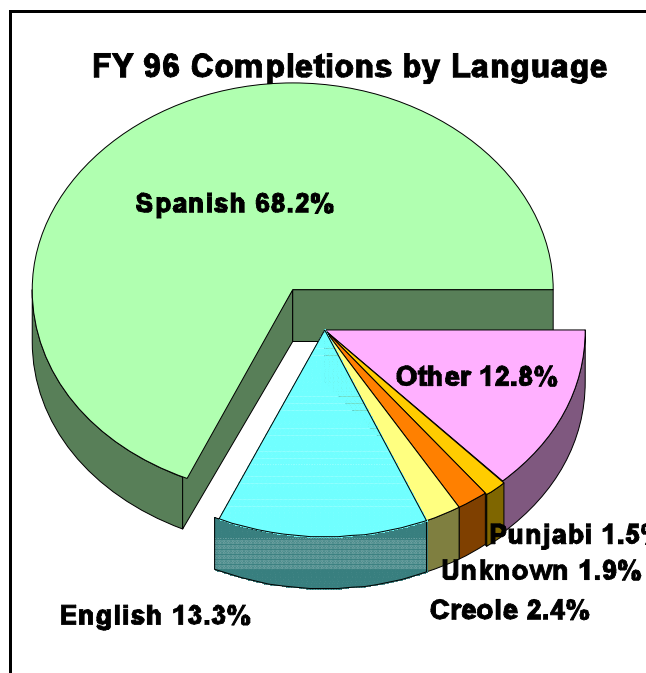


Figure 9

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Figure 10 shows a breakdown of FY 2000 completions by language. Of 191 languages used in the immigration courts during FY 2000, 84.7 percent were in the following five languages: Spanish, English, Foo Chow, Mandarin, and Creole. Both Mandarin and Foo Chow have showed dramatic increases when compared to FY 1996.

- ! Spanish language cases were 61.5 percent of the total caseload.
- ! In the "Other" category—Russian, Punjabi, and Albanian represented the three most frequently spoken languages.

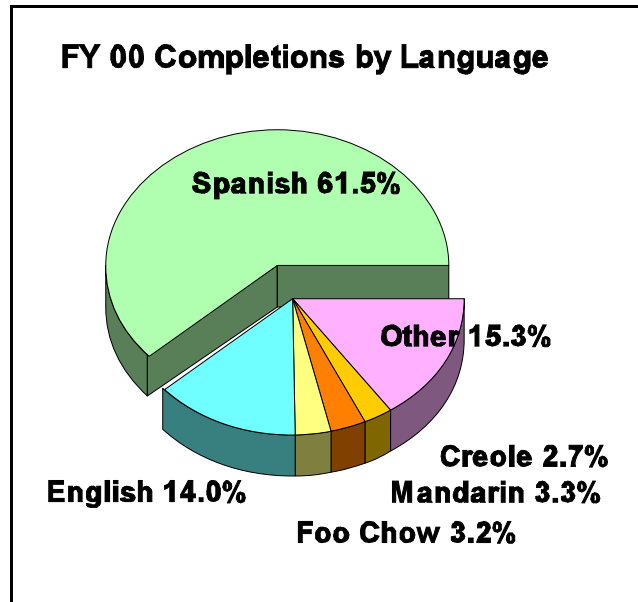


Figure 10

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Immigration Court Case Completions

After a hearing, the immigration judge will either render an oral decision or reserve the decision and issue it a later date. Decisions may include a determination on whether INS should remove the alien from the United States or whether the alien is to be granted relief. Some cases are administratively closed and the immigration judge does not render a decision on the merits. In addition to administrative closures, cases may be completed when an alien is granted temporary protective status or where INS fails to prosecute the case. If the case is transferred to a different hearing location or if the immigration judge grants a change of venue, EOIR will also count it as an "Other" completion for statistical purposes. Depicted in Figure 11 is a breakdown of cases from FY 1996 to 2000 by type of completion --- either through an IJ decision or through an "Other" completion, such as administrative closure or change of venue.

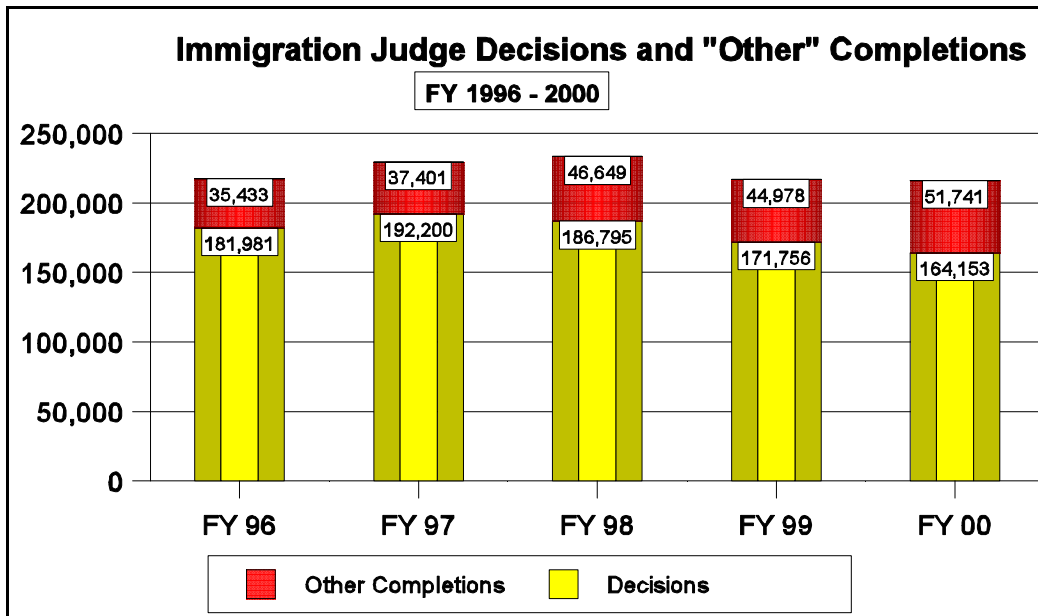


Figure 11

Between FY 1996 and 2000, the overall percentage of cases counted as "Other" completions rose gradually. During FY 1996 and 1997, the percent of "Other" completions remained constant at 16 percent of overall case completions. In FY 1998, "Other" completions went up to 20 percent of overall completions. Some of the 20 percent increase that occurred in FY 1998 is likely attributable to cases administratively closed because of the Haitian Refugee and Immigration Fairness Act. In FY 2000, "Other" completions, when compared to "Decision" completions, comprised 24 percent of the overall number.

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Figure 12 shows a breakout of decisions by disposition type. Immigration judges first decide whether or not the charges against an alien should be sustained. If the charges are sustained, the judge decides whether to order the alien removed from the United States or to grant relief. If the charges are not sustained, the judge will terminate the case.

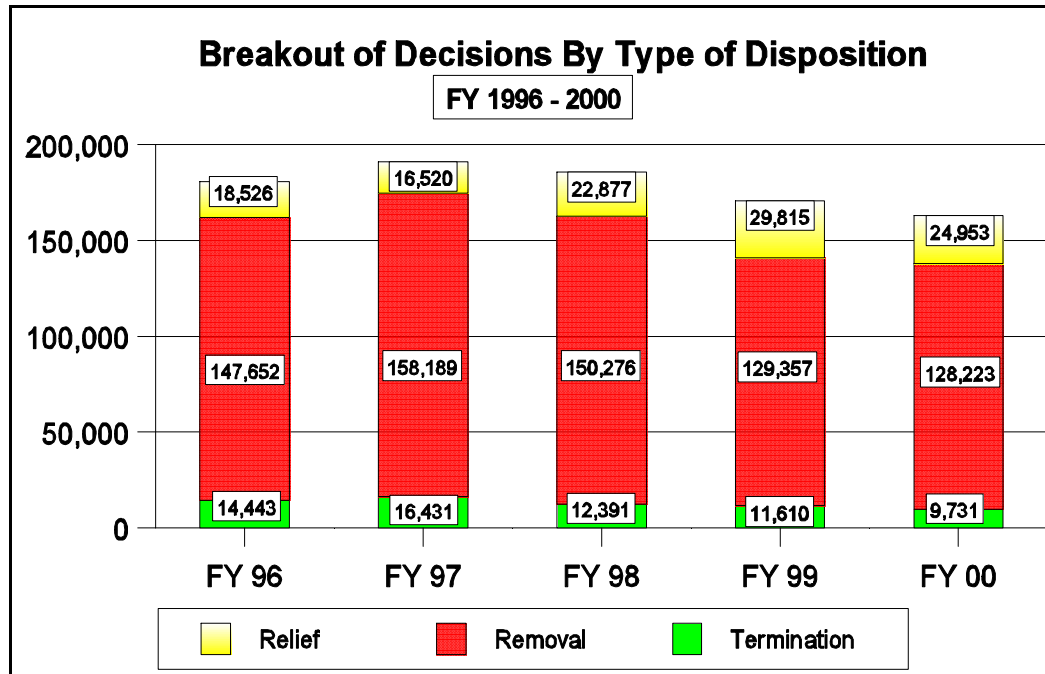


Figure 12

During the five-year period included in this report, the overall percent of aliens ordered removed has decreased, and the percent of aliens granted relief has increased. In 82 percent of the FY 1996 cases depicted in Figure 12, the immigration judge ordered the alien removed from the United States, and in 10 percent of the cases the judge granted relief. Terminations comprised the remaining percent of the cases. By comparison, in 79 percent of the FY 2000 cases depicted in Figure 12, the alien was ordered removed and in 15 percent of the cases the judge granted relief. Again, terminations comprised the remaining percent. We have included a breakdown by disposition type in Table 12.

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**Table 12 - Immigration Court Case Completions by Type of Disposition
FY 1996 - FY2000**

| | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|--------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <u>DECISIONS IN ALL CASES</u> | | | | | |
| REMOVAL | 147,652 | 158,189 | 150,276 | 129,357 | 128,223 |
| TERMINATION | 14,443 | 16,431 | 12,391 | 11,610 | 9,731 |
| RELIEF | 18,526 | 16,520 | 22,877 | 29,815 | 24,953 |
| Other Decisions | 1,360 | 1,060 | 1,251 | 974 | 1,246 |
| TOTAL DECISIONS | 181,981 | 192,200 | 186,795 | 171,756 | 164,153 |
| "OTHER" COMPLETIONS | 35,433 | 37,401 | 46,649 | 44,978 | 51,741 |
| <i>Grand Total</i> | <i>217,414</i> | <i>229,601</i> | <i>233,039</i> | <i>216,734</i> | <i>215,894</i> |

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Immigration Court Completions By Representation Status

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

As shown in Figure 13, more than half of aliens who appear in immigration court are unrepresented. Aliens were represented in only 37 percent of FY 1996 completions. Since FY 1996, the percentage of representation has gradually increased. For FY 1997 completions, 40 percent of aliens were represented, and for FY 1999 completions, 48 percent were represented. However, in FY 2000, the percentage of representation decreased to 44 percent of immigration court completions.

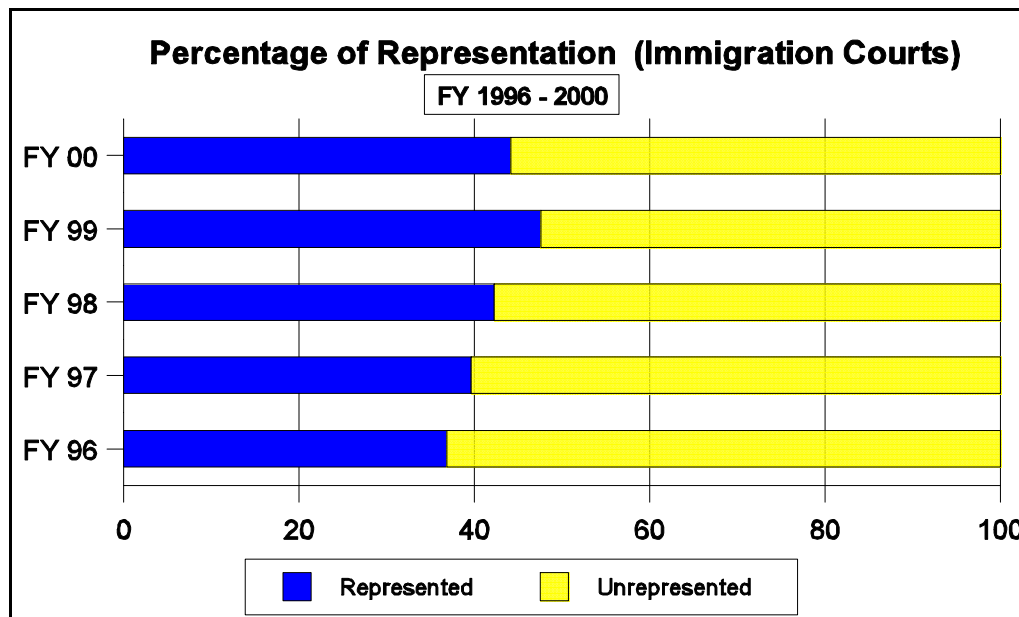


Figure 13

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Board of Immigration Appeals Completions By Representation Status

All representatives must file a *Notice of Entry of Appearance as Attorney or Representative with the BIA* (EOIR-27). As shown in Figure 14, 59 percent of appellate cases completed by the BIA in FY 1996 involved represented aliens. Representation increased to 66 percent in FY 1997, but decreased to 62 percent in FY 1998. In FY 2000, 66 percent of appellate cases completed by the BIA involved a represented alien.

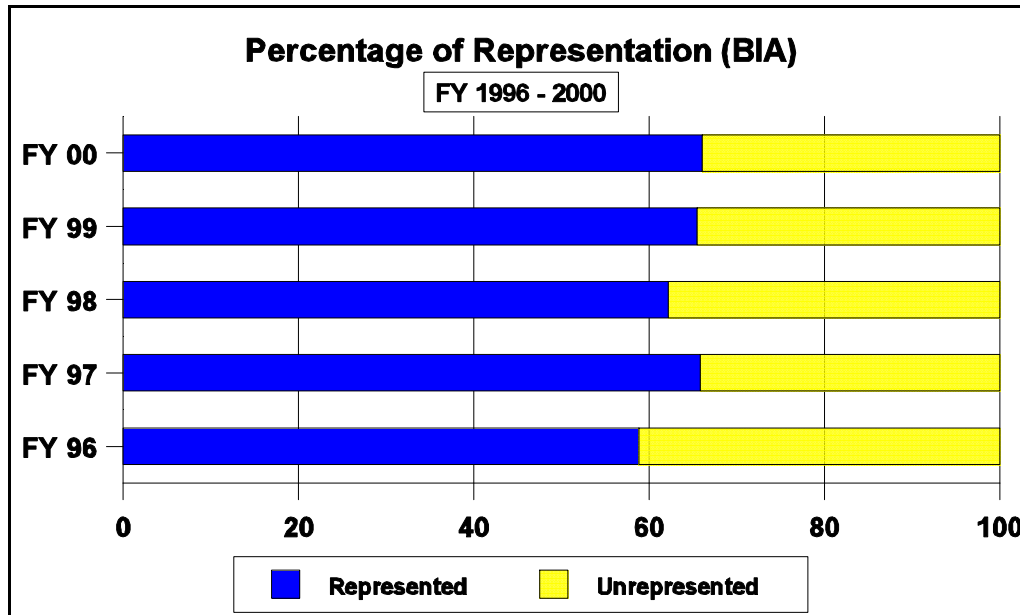


Figure 14

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Failures to Appear (Immigration Courts)

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

Besides "in absentia" orders, an FTA by an alien may result in an administrative closure. In most administrative closures, the alien fails to appear for a hearing but is not ordered removed *in absentia*. Depicted in Figure 15 is the overall failures to appear for FY 1996 to FY 2000 as compared to total immigration court completions for the same time period. Included in this overall figure is both the number of *in absentia* orders and administrative closures for all aliens regardless of custody status.

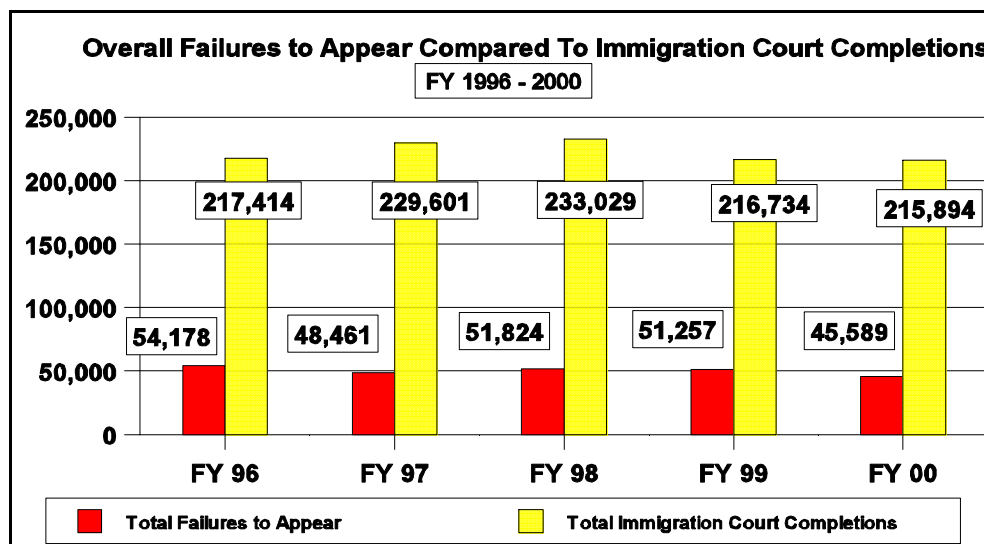


Figure 15

Overall, aliens failed to appear for 25 percent of hearings conducted in FY 1996. The overall FTA rate has decreased since FY 1996. In FY 1997, the FTA rate was 21 percent and increased to 24 percent in FY 1999. During FY 2000, the rate again decreased to 21 percent.

Figure 16 shows the number of failures to appear for non-detained aliens. In non-detained cases, an alien may have been previously detained by the INS but the immigration courts were never notified. In Figure 17, the number of failures to appear for released aliens is shown. A released alien was previously detained by the INS but subsequently released on bond. Non-appearance for detained aliens is not shown since this number has remained fairly consistent since FY 1996 and is less than 2 percent of total immigration court detained completions.

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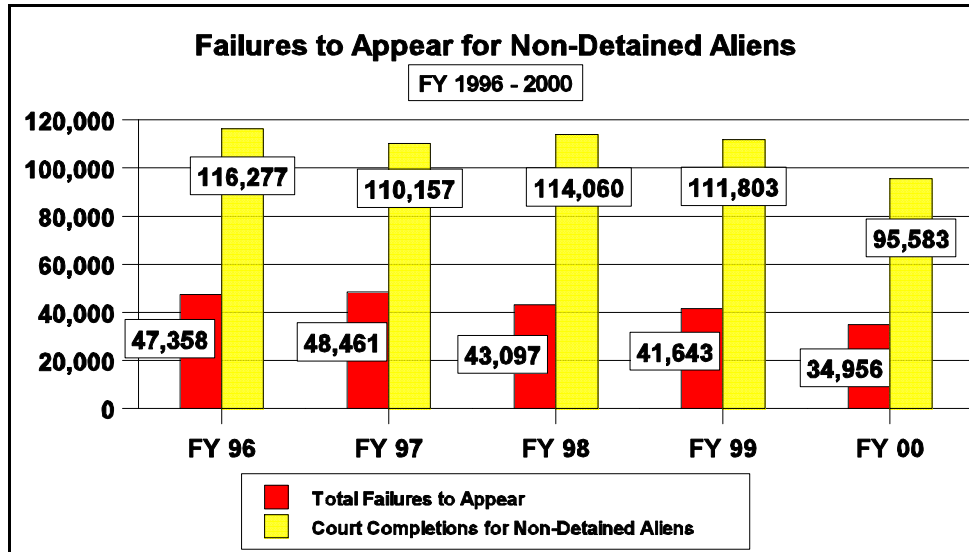


Figure 16

Figure 16 shows FTAs for non-detained aliens. In FY 1996, the FTA rate for non-detained alien was 41 percent. Between FY 1998 and 2000, this rate has decreased. In FY 2000, 37 percent of non-detained aliens scheduled in immigration court did not appear for the hearing.

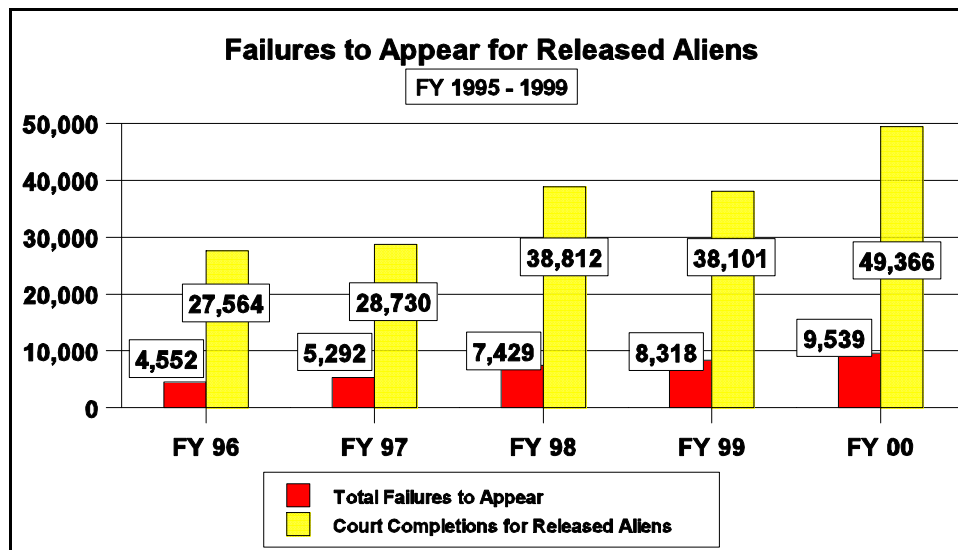


Figure 17

Figure 17 shows the number of failures to appear for released aliens. In FY 1996, the FTA rate for released aliens was 17 percent and has remained consistent. The FTA rate for released aliens in FY 2000 was 19 percent.

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Asylum (Immigration Courts)

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

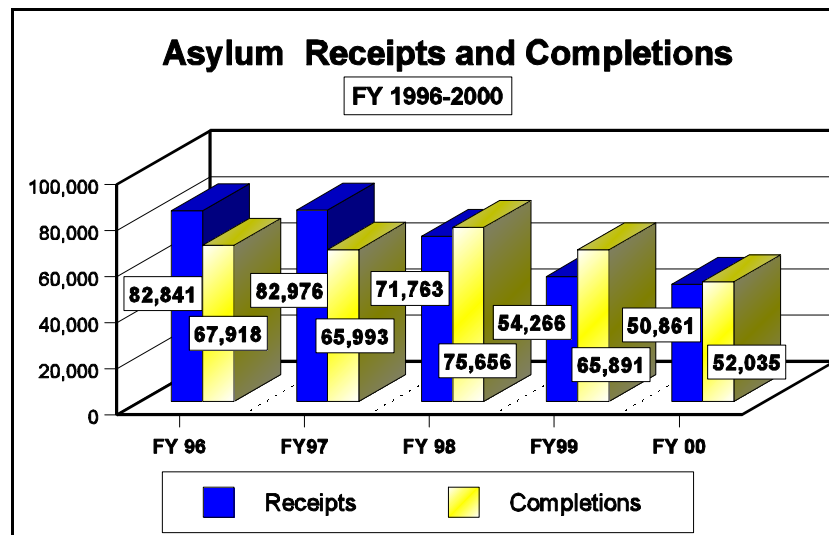


Figure 18

As shown in Figure 18, asylum filings in the immigration courts increased slightly from FY 1996 to 1997, decreased by 14 percent between FY 1997 and 1998, decreased by 24 percent between FY 1998 to 1999, and finally, from FY 1999 to 2000, asylum filings decreased by 6 percent. Asylum completions by the immigration courts decreased by 3 percent from FY 1996 to 1997, increased by 15 percent from FY 1997 to 1998, decreased by 13 percent from FY 1998 to 1999 and finally decreased by 21 percent from FY 1999 to 2000.

The following Table 13 shows FY 2000 asylum receipts and completions by immigration court. In FY 2000, the immigration courts located in New York City, NY; San Francisco, CA; Miami, FL and Los Angeles, CA received 60 percent of asylum filings.

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Table 13 - Asylum Receipts and Completions for FY 2000

| Receipts | Immigration Court | Completions |
|---------------|-----------------------------------|---------------|
| 1,176 | ARLINGTON, VIRGINIA | 1,232 |
| 843 | ATLANTA, GEORGIA | 829 |
| 1,102 | BALTIMORE, MARYLAND | 920 |
| 57 | BATAVIA SPC | 56 |
| 1,518 | BOSTON, MASSACHUSETTS | 1,288 |
| 82 | BRADENTON COUNTY JAIL | 84 |
| 163 | BUFFALO, NEW YORK | 158 |
| 2,055 | CHICAGO, ILLINOIS | 1,547 |
| 556 | DALLAS, TEXAS | 582 |
| 478 | DENVER, COLORADO | 476 |
| 862 | DETROIT, MICHIGAN | 1,092 |
| 143 | EL CENTRO, CALIFORNIA | 167 |
| 136 | EL PASO, TEXAS | 159 |
| 452 | ELIZABETH SPC | 421 |
| 143 | ELOY BUREAU OF PRISONS FACILITY | 163 |
| 98 | FLORENCE, ARIZONA | 92 |
| 98 | HARLINGEN, TEXAS | 88 |
| 252 | HARTFORD, CONNECTICUT | 247 |
| 61 | HONOLULU, HAWAII | 86 |
| 67 | HOUSTON SERVICE PROCESSING CENTER | 79 |
| 571 | HOUSTON, TEXAS | 850 |
| 26 | IMPERIAL, CALIFORNIA | 25 |
| 240 | KROME NORTH SPC | 247 |
| 357 | LAS VEGAS, NEVADA | 484 |
| 9,142 | LOS ANGELES, CALIFORNIA | 8,321 |
| 421 | MEMPHIS, TENNESSEE | 650 |
| 6,828 | MIAMI, FLORIDA | 7,053 |
| 286 | MIRA LOMA DETENTION FACILITY | 297 |
| 119 | NEW ORLEANS, LOUISIANA | 98 |
| 9,990 | NEW YORK CITY, NEW YORK | 11,216 |
| 92 | NEW YORK STATE DOC- FISHKILL | 88 |
| 41 | NEW YORK STATE DOC - ULSTER | 35 |
| 414 | NEW YORK VARICK SPC | 418 |
| 1,464 | NEWARK, NEW JERSEY | 1,559 |
| 191 | OAKDALE FEDERAL DETENTION CENTER | 206 |
| 1,068 | ORLANDO, FLORIDA | 717 |
| 36 | OTAY MESA, CALIFORNIA | 29 |
| 845 | PHILADELPHIA, PENNSYLVANIA | 806 |
| 274 | PHOENIX, ARIZONA | 388 |
| 98 | PORT ISABEL SPC | 100 |
| 155 | PORTLAND, OREGON | 139 |
| 474 | QUEENS WACKENHUT FACILITY | 456 |
| 106 | SAN ANTONIO, TEXAS | 116 |
| 847 | SAN DIEGO, CALIFORNIA | 993 |
| 4,461 | SAN FRANCISCO, CALIFORNIA | 4,938 |
| 139 | SAN JUAN, PUERTO RICO | 100 |
| 187 | SAN PEDRO, CALIFORNIA | 179 |
| 643 | SEATTLE, WASHINGTON | 873 |
| 663 | ST. PAUL, MINNESOTA | 548 |
| 104 | TEXAS DOC- HUNTSVILLE | 114 |
| 23 | TUCSON, ARIZONA | 20 |
| 214 | YORK COUNTY PRISON | 206 |
| 50,861 | Total | 52,035 |

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Asylum Grant by Nationality (Immigration Courts)

In Table 14, we have listed the top ten asylum grantees by nationality between FY 1996 and 2000. In FY 1996, Indian nationals comprised the top nationality granted asylum. Following closely behind were Chinese and Ethiopian nationals. Since FY 1997, the top nationality has been Chinese. Both Indian and Russian nationals are among the top three nationalities granted asylum during FY 2000.

Table 14 - Asylum Grants by Nationality for FY 1996-2000

| FY 1996 | | FY 1997 | | FY 1998 | |
|-------------|------------------|-------------|------------------|-------------|------------------|
| Nationality | Number of Grants | Nationality | Number of Grants | Nationality | Number of Grants |
| INDIA | 369 | CHINA | 809 | CHINA | 1,558 |
| CHINA | 272 | SOMALIA | 362 | SOMALIA | 360 |
| ETHIOPIA | 263 | INDIA | 293 | INDIA | 315 |
| CUBA | 262 | YUGOSLAVIA | 289 | RUSSIA | 304 |
| GUATEMALA | 261 | HAITI | 279 | HAITI | 241 |
| YUGOSLAVIA | 237 | MAURITANIA | 276 | ALBANIA | 233 |
| RUSSIA | 208 | ETHIOPIA | 275 | MAURITANIA | 233 |
| HAITI | 201 | RUSSIA | 269 | SRI LANKA | 224 |
| PERU | 190 | LIBERIA | 250 | YUGOSLAVIA | 211 |
| PAKISTAN | 182 | PAKISTAN | 194 | GUATEMALA | 202 |

| FY 1999 | | FY 2000 | |
|-------------|------------------|-------------|------------------|
| Nationality | Number of Grants | Nationality | Number of Grants |
| CHINA | 2,133 | CHINA | 2,440 |
| INDIA | 411 | INDIA | 515 |
| SOMALIA | 378 | RUSSIA | 417 |
| ALBANIA | 328 | SOMALIA | 413 |
| RUSSIA | 323 | ALBANIA | 391 |
| YUGOSLAVIA | 321 | PERU | 250 |
| PERU | 276 | YUGOSLAVIA | 250 |
| IRAN | 229 | ETHIOPIA | 233 |
| ETHIOPIA | 214 | EGYPT | 218 |
| HAITI | 203 | HAITI | 204 |

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Disposition of Asylum Cases (Immigration Courts)

Immigration judges may decide to either grant or deny an alien’s application for asylum. Asylum applicants may also choose to withdraw their application or they may fail to appear for a scheduled court hearing. If an applicant fails to appear, the application is considered abandoned. Within the past 5 years, EOIR has started to track both withdrawn and abandoned asylum applications. Additionally, IIRIRA provided that asylum could be conditionally granted to 1,000 asylum applicants per year from China who raise claims based on Coercive Population Control (CPC). Beginning in FY 1997, immigration judges began granting conditional asylum based on CPC. As a result, a new decision category was added.

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

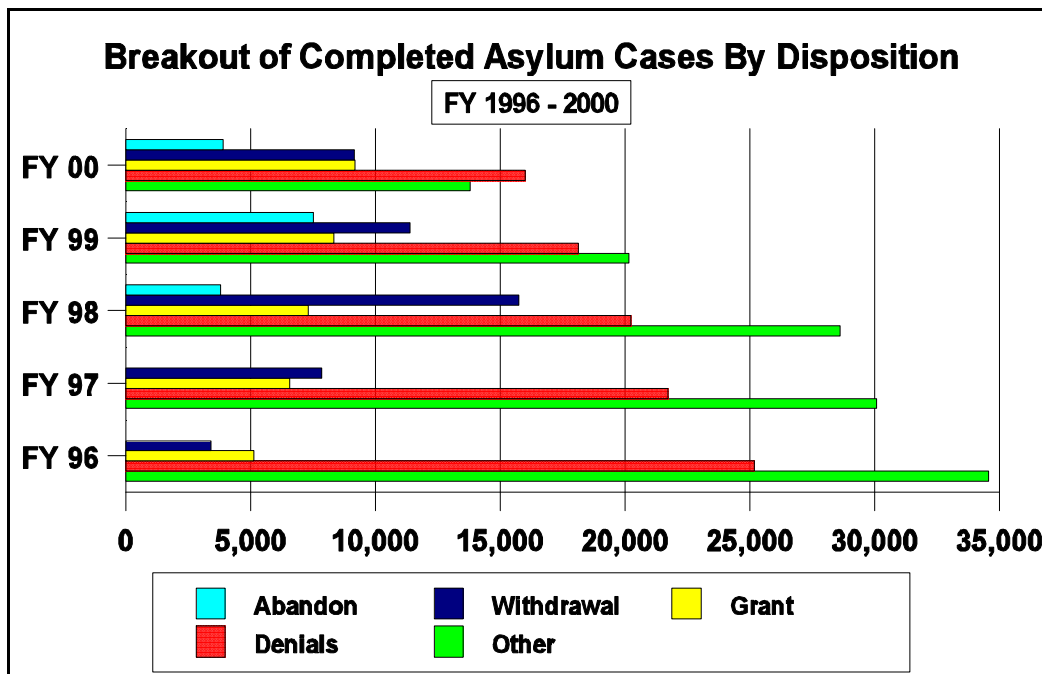


Figure 19

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Overall, the percent of aliens granted asylum has gradually increased since FY 1996. The grant rate was 17 percent in FY 1996, increased to 23 percent in FY 1997, to 27 percent in FY 1998, and climbed to 32 percent in FY 1999. Finally, in FY 2000, the grant rate was 36 percent. The percent of "Other" completions has dropped since FY 1996, but this decrease has been primarily due to the adoption by EOIR of separate categories for both withdrawn and abandoned applications.

Depicted below in Table 15, is the number of asylum decisions by category along with the grant rate for FY 1996 to FY 2000.

Table 15- FY 1996-2000 IJ Asylum Grant Rate

| | Grants | Denials | Other | Withdrawals | Abandon | Total | Grant Rate |
|--------------|---------------|----------------|---------------|--------------------|----------------|---------------|-------------------|
| FY 96 | 5,131 | 25,181 | 34,196 | 3,410 | 1 | 67,919 | 17% |
| FY 97 | 6,586 | 21,729 | 29,832 | 7,843 | 3 | 65,993 | 23% |
| FY 98 | 7,309 | 20,217 | 28,613 | 15,739 | 3,805 | 75,683 | 27% |
| FY 99 | 8,351 | 18,137 | 20,273 | 11,376 | 7,510 | 65,647 | 32% |
| FY 00 | 9,170 | 16,016 | 13,801 | 9,154 | 3,892 | 52,033 | 36% |

The following Table 16 shows FY 2000 asylum completions by immigration court, disposition type, and grant rate.

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TABLE 16 - FY 2000 DISPOSITION OF ASYLUM CASES

| Immigration Court | Denials | Grant | Conditional Grants | Grant Rate |
|-----------------------------------|---------------|--------------|--------------------|------------|
| ARLINGTON, VIRGINIA | 461 | 165 | 4 | 27% |
| ATLANTA, GEORGIA | 528 | 19 | 0 | 3% |
| BALTIMORE, MARYLAND | 300 | 313 | 9 | 52% |
| BATAVIA SPC | 35 | 7 | 0 | 17% |
| BOSTON, MASSACHUSETTS | 443 | 268 | 2 | 38% |
| BRADENTON COUNTY JAIL | 55 | 8 | 0 | 13% |
| BUFFALO, NEW YORK | 74 | 13 | 11 | 24% |
| CHICAGO, ILLINOIS | 485 | 383 | 17 | 45% |
| DALLAS, TEXAS | 157 | 125 | 4 | 45% |
| DENVER, COLORADO | 177 | 105 | 2 | 38% |
| DETROIT, MICHIGAN | 450 | 143 | 1 | 24% |
| EL CENTRO, CALIFORNIA | 69 | 3 | 0 | 4% |
| EL PASO, TEXAS | 54 | 23 | 0 | 30% |
| ELIZABETH SPC | 88 | 166 | 7 | 66% |
| ELOY BUREAU OF PRISONS FACILITY | 84 | 4 | 0 | 5% |
| FLORENCE, ARIZONA | 51 | 12 | 2 | 22% |
| HARLINGEN, TEXAS | 4 | 18 | 1 | 83% |
| HARTFORD, CONNECTICUT | 63 | 40 | 3 | 41% |
| HONOLULU, HAWAII | 33 | 14 | 8 | 40% |
| HOUSTON SERVICE PROCESSING CENTER | 33 | 9 | 0 | 21% |
| HOUSTON, TEXAS | 299 | 86 | 5 | 23% |
| IMPERIAL, CALIFORNIA | 8 | 1 | 0 | 11% |
| KROME NORTH SPC | 92 | 8 | 2 | 10% |
| LAS VEGAS, NEVADA | 110 | 53 | 5 | 35% |
| LOS ANGELES, CALIFORNIA | 1,472 | 628 | 40 | 31% |
| MEMPHIS, TENNESSEE | 243 | 93 | 0 | 28% |
| MIAMI, FLORIDA | 2,678 | 725 | 0 | 21% |
| MIRA LOMA DETENTION FACILITY | 72 | 13 | 3 | 18% |
| NEW ORLEANS, LOUISIANA | 43 | 13 | 1 | 25% |
| NEW YORK CITY, NEW YORK | 3,683 | 1,750 | 1,507 | 47% |
| NEW YORK STATE DOC- FISHKILL | 31 | 0 | 0 | 0% |
| NEW YORK DOC - ULSTER | 3 | 0 | 0 | 0% |
| NEW YORK VARICK SPC | 264 | 36 | 10 | 15% |
| NEWARK, NEW JERSEY | 481 | 263 | 51 | 39% |
| OAKDALE FEDERAL DETENTION CENTER | 21 | 3 | 0 | 13% |
| ORLANDO, FLORIDA | 165 | 88 | 4 | 36% |
| OTAY MESA, CALIFORNIA | 24 | 0 | 0 | 0% |
| PHILADELPHIA, PENNSYLVANIA | 318 | 151 | 41 | 38% |
| PHOENIX, ARIZONA | 36 | 50 | 0 | 58% |
| PORT ISABEL SPC | 26 | 9 | 0 | 26% |
| PORTLAND, OREGON | 50 | 21 | 1 | 31% |
| QUEENS WACKENHUT FACILITY | 148 | 188 | 3 | 56% |
| SAN ANTONIO, TEXAS | 34 | 21 | 0 | 38% |
| SAN DIEGO, CALIFORNIA | 396 | 73 | 4 | 16% |
| SAN FRANCISCO, CALIFORNIA | 897 | 1,034 | 23 | 54% |
| SAN JUAN, PUERTO RICO | 9 | 12 | 1 | 59% |
| SAN PEDRO, CALIFORNIA | 8 | 7 | 0 | 47% |
| SEATTLE, WASHINGTON | 433 | 70 | 61 | 23% |
| ST. PAUL, MINNESOTA | 174 | 53 | 2 | 24% |
| TEXAS DOC- HUNTSVILLE | 70 | 6 | 0 | 8% |
| TUCSON, ARIZONA | 5 | 3 | 0 | 38% |
| YORK COUNTY PRISON | 79 | 38 | 1 | 33% |
| Total | 16,016 | 7,334 | 1,836 | 36% |

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Expedited Asylum (Immigration Courts)

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

In addition to the statutory requirement, EOIR considers the 180-day processing of asylum applications as a performance measure and this measure adheres to the Department of Justice’s goal of expediting the adjudication of immigration cases. Figure 20 shows the percent of expedited asylum cases compared with total asylum receipts since FY 1996.

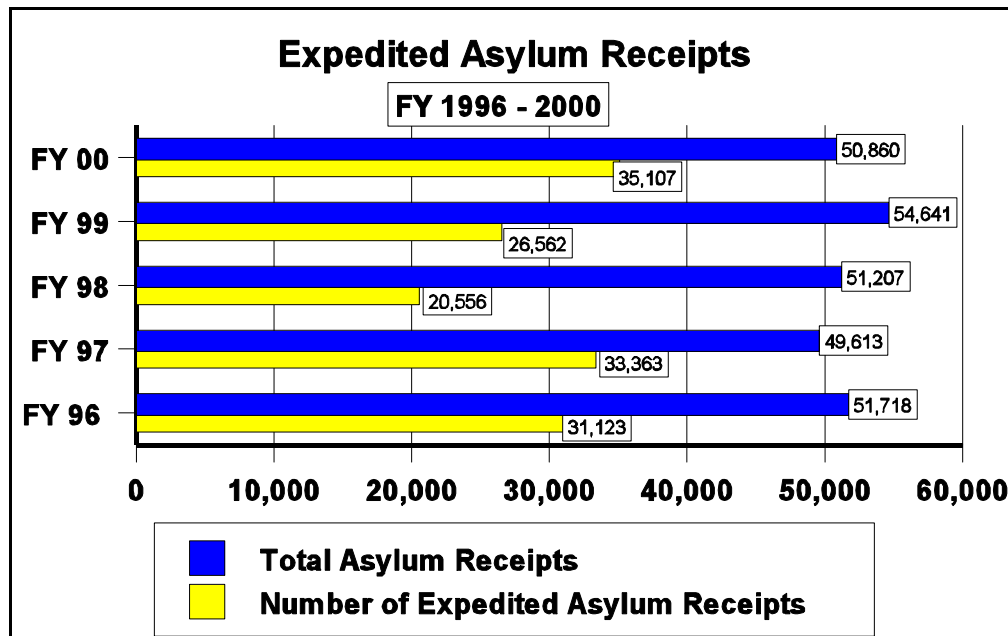
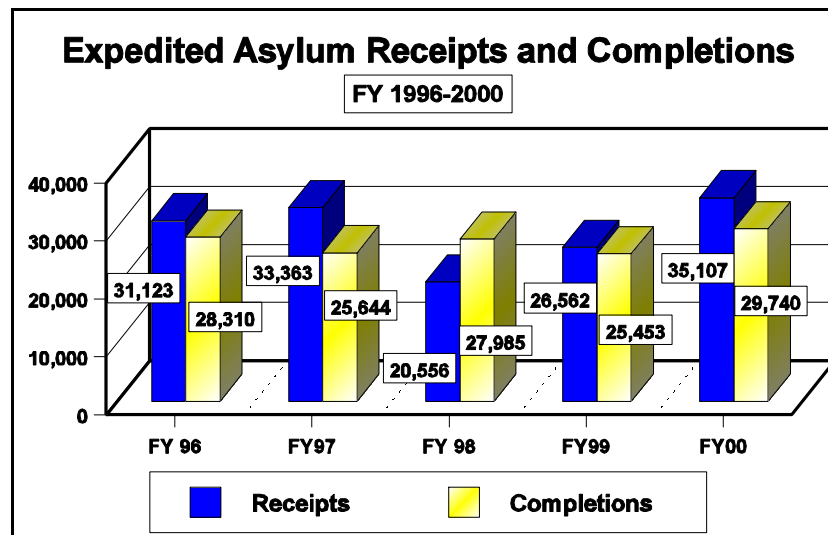


Figure 20

In FY 1996, expedited cases comprised 60 percent (31,123 of 51,718) of total asylum receipts. Between FY 1997 and FY 1998, this percent decreased to 40 percent (20,556 of 51,207). In FY 2000 the percent of expedited asylum case receipts increased, representing 69 percent (35,107 of 50,960) of total asylum receipts. Depicted in Figure 21 is the number of receipts and completions for expedited asylum cases between FY 1996 and 2000.

STATISTICAL YEAR BOOK**Figure 21**

From FY1996 to 1997, expedited asylum case receipts increased by 7 percent. However, between FY 1997 to 1998, receipts decreased by 28 percent. During FY 1999, expedited asylum receipts increased by 29 percent and during FY 2000, the increase was 32 percent.

EOIR has established a goal of processing 95 percent cases completed as expedited asylum cases within 180 days. As shown in Table 17 and 18, this goal was not met in either FY 1999 or 2000.

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Table 17 - FY 1999 Post Reform Affirmative and Defensive Completed as “ Expedited” Asylum Cases

| Days at Completion | # of Cases | % of Total |
|---------------------------|-------------------|-------------------|
| 180 or Less | 16,342 | 88.9% |
| 181 - 260 | 983 | 5.4% |
| Over 260 days | 1,037 | 5.6% |

Table 18 - FY 2000 Post Reform Affirmative and Defensive Completed as “ Expedited” Asylum Cases

| Days at Completion | # of Cases | % of Total |
|---------------------------|-------------------|-------------------|
| 180 or Less | 19,248 | 89.9% |
| 181 - 260 | 901 | 4.2% |
| Over 260 days | 1,261 | 5.9% |

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Suspension of Deportation/Cancellation of Removal

Under IIRIRA, aliens may seek cancellation of removal through new provisions in the law. Previously, there was no numerical limit to the number of applicants granted suspension of deportation, however IIRIRA established a limit (cap) of 4,000 grants per fiscal year. As depicted in Table 19, during FY 2000, approximately 3,076 applications for this type of relief were adjudicated and granted.

Table 19-Status of FY 2000 Suspension/Cancellation Cap

| FY 2000 | Immigration Court¹ | Board of Immigration Appeals | Monthly Total |
|----------------|--------------------------------------|-------------------------------------|----------------------|
| October | 631 | 37 | 668 |
| November | 324 | 9 | 333 |
| December | 241 | 11 | 252 |
| January | 208 | 3 | 211 |
| February | 195 | 32 | 227 |
| March | 236 | 7 | 243 |
| April | 182 | 8 | 190 |
| May | 217 | 4 | 221 |
| June | 144 | 34 | 178 |
| July | 171 | 9 | 180 |
| August | 183 | 13 | 196 |
| September | 161 | 16 | 177 |
| Total | 2,893 | 183 | 3,076 |

¹Excludes IJ Decisions Appealed to BIA

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Convention Against Torture

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

As shown on Table 20, the immigration courts completed 12,432 CAT cases during FY 2000. Trends detected from the FY 2000 completions include the following:

- ! Forty-one percent of the CAT cases completed in FY 2000 involved a detained or previously detained alien.
- ! Over 94 percent of the CAT applications completed in FY 2000 were denied.
- ! Out of 529 CAT cases granted, 60 percent were granted withholding of removal and 40 percent were granted deferral of removal.

Table 20- FY 2000 Breakout of CAT Cases By Disposition

| Granted | | Denied | Other | Withdrawn | Abandoned | Total |
|-------------|----------|--------|-------|-----------|-----------|--------|
| Withholding | Deferral | | | | | |
| 316 | 213 | 8,580 | 2,262 | 900 | 161 | 12,432 |

Table 21 shows a breakdown of CAT completions by immigration courts. The Los Angeles, CA; Miami, FL; San Francisco, CA; and New York, NY immigration courts combined completed over 45 percent of the total FY 2000 CAT applications.

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**Table 21-Immigration Court Completions Under the
Convention Against Torture for FY 2000**

| Immigration Court | Completions |
|-----------------------------------|---------------|
| ARLINGTON, VIRGINIA | 372 |
| ATLANTA, GEORGIA | 234 |
| BALTIMORE, MARYLAND | 203 |
| BATAVIA SPC | 31 |
| BOSTON, MASSACHUSETTS | 324 |
| BRADENTON COUNTY JAIL | 53 |
| BUFFALO, NEW YORK | 55 |
| CHICAGO, ILLINOIS | 287 |
| DALLAS, TEXAS | 53 |
| DENVER, COLORADO | 131 |
| DETROIT, MICHIGAN | 404 |
| EL CENTRO, CALIFORNIA | 147 |
| EL PASO, TEXAS | 49 |
| ELIZABETH SPC | 219 |
| ELOY BUREAU OF PRISONS FACILITY | 139 |
| FLORENCE, ARIZONA | 20 |
| HARTFORD, CONNECTICUT | 91 |
| HONOLULU, HAWAII | 46 |
| HOUSTON SERVICE PROCESSING CENTER | 41 |
| HOUSTON, TEXAS | 7 |
| IMPERIAL, CALIFORNIA | 19 |
| KROME NORTH SPC | 104 |
| LAS VEGAS, NEVADA | 47 |
| LOS ANGELES, CALIFORNIA | 1,248 |
| MEMPHIS, TENNESSEE | 177 |
| MIAMI, FLORIDA | 1,981 |
| MIRA LOMA DETENTION FACILITY | 215 |
| NEW ORLEANS, LOUISIANA | 84 |
| NEW YORK CITY, NEW YORK | 1,870 |
| NEW YORK STATE DOC- FISHKILL | 88 |
| NEW YORK DOC - ULSTER | 35 |
| NEW YORK VARICK SPC | 261 |
| NEWARK, NEW JERSEY | 492 |
| OAKDALE FEDERAL DETENTION CENTER | 216 |
| ORLANDO, FLORIDA | 86 |
| OTAY MESA, CALIFORNIA | 15 |
| PHILADELPHIA, PENNSYLVANIA | 380 |
| PHOENIX, ARIZONA | 11 |
| PORT ISABEL SPC | 5 |
| PORTLAND, OREGON | 11 |
| QUEENS WACKENHUT FACILITY | 9 |
| SAN ANTONIO, TEXAS | 13 |
| SAN DIEGO, CALIFORNIA | 267 |
| SAN FRANCISCO, CALIFORNIA | 559 |
| SAN JUAN, PUERTO RICO | 93 |
| SAN PEDRO, CALIFORNIA | 204 |
| SEATTLE, WASHINGTON | 550 |
| ST. PAUL, MINNESOTA | 254 |
| TEXAS DOC- HUNTSVILLE | 99 |
| TUCSON, ARIZONA | 8 |
| YORK COUNTY PRISON | 125 |
| Total | 12,432 |

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Immigration Court Cases Completed With Applications³ For Relief

Aliens may request other forms of relief in addition to asylum. Aliens under removal proceedings may seek relief under the Convention Against Torture or apply for cancellation of removal. Cancellation of removal is available to applicants through two new IIRIRA provisions, both intended to replace the former 212(c) waiver and suspension of deportation. Under the first provision, applicants facing removal on criminal grounds, who have been lawfully admitted for permanent residence for 5 years or more or have resided continuously in the United States for 7 years (after a lawful admission), may request cancellation, provided they have no aggravated felony convictions. Under the second provision, applicants physically present in the United States for a continuous period of 10 years and who have not been convicted of a criminal offense may seek cancellation and adjustment of status. The applicant must demonstrate exceptional and extremely unusual hardship to a citizen or lawful permanent resident spouse, parent or child. However, IIRIRA limits this type of cancellation to no more than 4,000 grants in any fiscal year.

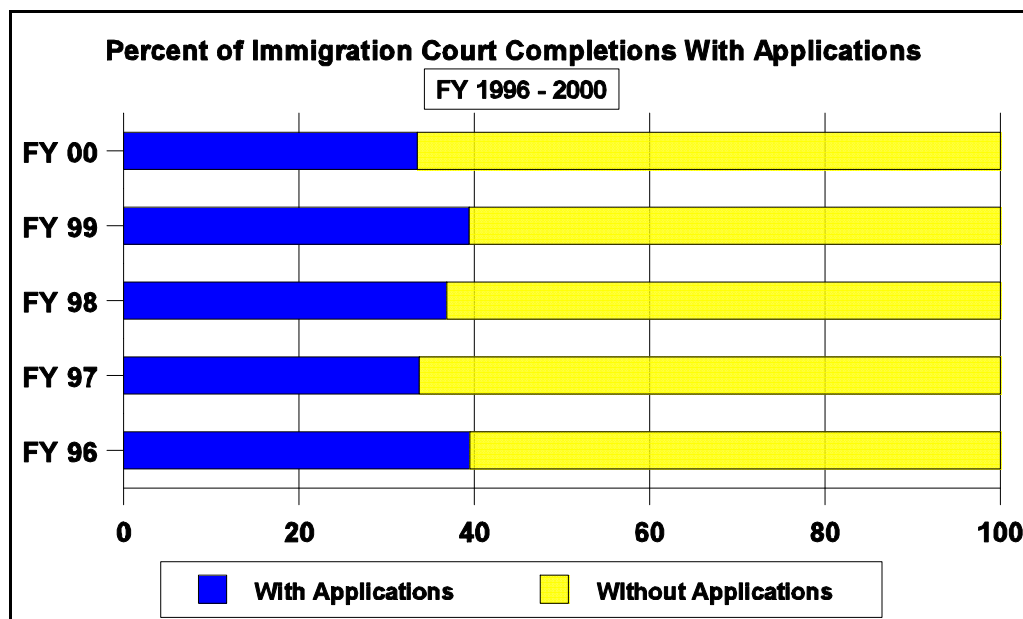


Figure 22

Shown in Figure 22 is the percent of cases where the alien filed any application for relief in FY 1996 through 2000. Generally, cases with no applications are processed faster and expend fewer court resources. In FY 1996, the percent of cases with applications was almost 40 percent of total immigration court cases. From FY 1997 to FY 1999, the percent of cases completed with applications for relief has remained level. In FY 2000, 33 percent of immigration court cases completed had some type of application for relief.

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

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Table 22 shows the number of cases completed with applications at each immigration court in FY 2000. Also included in Table 22 is the percentage of completed cases with applications in comparison to total completions for each immigration court. Generally, the percentage of cases completed without applications is higher at immigration courts: (1) co-located with detention facilities such as Port Isabel, TX; and; (2) courts located near the United States border such as in El Paso, TX, and Buffalo, NY. Some of the Immigration courts with high workloads of cases with no applications (over 90 percent) include: San Antonio, TX; Tucson, AZ; El Paso, TX; and Port Isabel, TX.

In contrast, the New York, NY; Miami, FL; Los Angeles, CA; and San Francisco, CA immigration courts have the highest percent of completed cases with applications in FY 2000. In these courts, more than 65 percent of the aliens filed some type of application for relief. The immigration court located in Elizabeth, NJ also had a high percentage of completed cases with applications for relief, comprising 78 percent of completions.

Table 22 - FY 2000 Immigration Court Case Completions With Applications

| Total Completions | Immigration Court | #of Completions With Applications | Percent With Applications |
|--------------------------|-----------------------------------|--|----------------------------------|
| 3,135 | ARLINGTON, VIRGINIA | 1,640 | 52% |
| 4,126 | ATLANTA, GEORGIA | 914 | 22% |
| 2,535 | BALTIMORE, MARYLAND | 1,500 | 59% |
| 676 | BATAVIA SPC | 86 | 13% |
| 3,973 | BOSTON, MASSACHUSETTS | 1,874 | 47% |
| 1,357 | BRADENTON COUNTY JAIL | 144 | 11% |
| 2,914 | BUFFALO, NEW YORK | 398 | 14% |
| 7,623 | CHICAGO, ILLINOIS | 2,238 | 29% |
| 6,518 | DALLAS, TEXAS | 1,160 | 18% |
| 4,369 | DENVER, COLORADO | 776 | 18% |
| 3,683 | DETROIT, MICHIGAN | 1,315 | 36% |
| 4,297 | EL CENTRO, CALIFORNIA | 292 | 7% |
| 8,061 | EL PASO, TEXAS | 501 | 6% |
| 565 | ELIZABETH SPC | 442 | 78% |
| 5,048 | ELOY BUREAU OF PRISONS FACILITY | 485 | 10% |
| 4,921 | FLORENCE, ARIZONA | 210 | 4% |
| 10,308 | HARLINGEN, TEXAS | 220 | 2% |
| 1,183 | HARTFORD, CONNECTICUT | 453 | 38% |
| 458 | HONOLULU, HAWAII | 226 | 49% |
| 2,508 | HOUSTON SERVICE PROCESSING CENTER | 179 | 7% |
| 4,386 | HOUSTON, TEXAS | 1,534 | 35% |
| 858 | IMPERIAL, CALIFORNIA | 304 | 35% |
| 3,868 | KROME NORTH SPC | 303 | 8% |
| 2,102 | LAS VEGAS, NEVADA | 880 | 42% |
| 14,485 | LOS ANGELES, CALIFORNIA | 12,168 | 84% |
| 1,267 | MEMPHIS, TENNESSEE | 718 | 57% |
| 15,049 | MIAMI, FLORIDA | 9,711 | 65% |
| 4,194 | MIRA LOMA DETENTION FACILITY | 541 | 13% |
| 1,436 | NEW ORLEANS, LOUISIANA | 182 | 13% |
| 18,295 | NEW YORK CITY, NEW YORK | 12,716 | 70% |
| 1,391 | NEW YORK STATE DOC- FISHKILL | 142 | 10% |
| 1,377 | NEW YORK STATE DOC - ULSTER | 93 | 7% |
| 1,698 | NEW YORK VARICK SPC | 553 | 33% |
| 4,884 | NEWARK, NEW JERSEY | 2,109 | 43% |
| 2,384 | OAKDALE FEDERAL DETENTION CENTER | 319 | 13% |
| 1,670 | ORLANDO, FLORIDA | 854 | 51% |
| 1,298 | OTAY MESA, CALIFORNIA | 177 | 14% |
| 2,043 | PHILADELPHIA, PENNSYLVANIA | 1,030 | 50% |
| 2,125 | PHOENIX, ARIZONA | 655 | 31% |
| 8,041 | PORT ISABEL SPC | 135 | 2% |
| 895 | PORTLAND, OREGON | 249 | 28% |
| 717 | QUEENS WACKENHUT FACILITY | 458 | 64% |
| 11,624 | SAN ANTONIO, TEXAS | 445 | 4% |
| 5,968 | SAN DIEGO, CALIFORNIA | 1,482 | 25% |
| 8,503 | SAN FRANCISCO, CALIFORNIA | 6,342 | 75% |
| 1,470 | SAN JUAN, PUERTO RICO | 177 | 12% |
| 2,886 | SAN PEDRO, CALIFORNIA | 378 | 13% |
| 5,418 | SEATTLE, WASHINGTON | 1,316 | 24% |
| 2,065 | ST. PAUL, MINNESOTA | 741 | 36% |
| 1,302 | TEXAS DOC- HUNTSVILLE | 147 | 11% |
| 2,163 | TUCSON, ARIZONA | 98 | 5% |
| 1,774 | YORK COUNTY PRISON | 286 | 16% |
| 215,894 | Total | 72,296 | 34% |

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Processing of Detained Cases (Immigration Courts)

Immigration court hearings are conducted in INS Service Processing Centers, contract detention facilities, local government jails, and Bureau of Prisons (BOP) institutions. EOIR maintains data on the custody status of aliens in proceedings. On average, during FY 2000, immigration judges ordered more than 1,300 detained aliens removed from the United States every week.

Under IIRIRA, virtually any alien subject to removal on the basis of a criminal conviction may be detained by INS. During FY 1999, INS changed its legal interpretation of the IIRIRA mandatory detention requirement, which permitted some criminally charged aliens to be considered for release from detention pending a removal hearing. As depicted in Figure 23, in FY 1996, 35 percent of immigration court completions involved detained aliens. In FY 2000, 33 percent of total completions involved detainees.

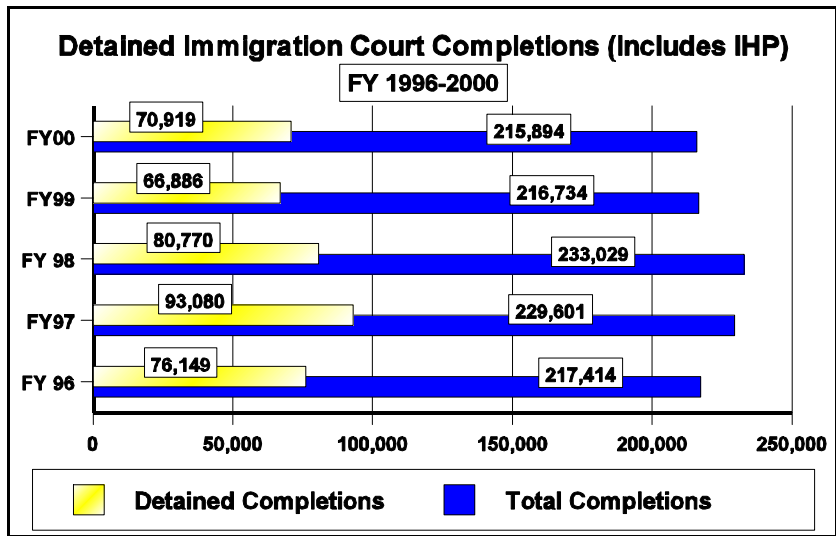


Figure 23

Table 23 shows FY 1999 detained completions, including institutional hearing program (IHP) cases. The immigration court in El Paso, TX; the BOP facility located in Eloy, AZ; and the INS Service Processing Center located in Florence, AZ had the most detained completions. Overall, immigration courts located in three states, Texas, California, and Arizona, had 60 percent of detained completions in FY 2000.

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Table 23-Immigration Court Detained Completions for FY 2000

| Immigration Court | Completions |
|-----------------------------------|---------------|
| ARLINGTON, VIRGINIA | 426 |
| ATLANTA, GEORGIA | 1,431 |
| BALTIMORE, MARYLAND | 330 |
| BATAVIA SPC | 641 |
| BOSTON, MASSACHUSETTS | 800 |
| BRADENTON COUNTY JAIL | 1,125 |
| BUFFALO, NEW YORK | 65 |
| CHICAGO, ILLINOIS | 2,689 |
| DALLAS, TEXAS | 3,414 |
| DENVER, COLORADO | 2,757 |
| DETROIT, MICHIGAN | 462 |
| EL CENTRO, CALIFORNIA | 4,075 |
| EL PASO, TEXAS | 4,420 |
| ELIZABETH SPC | 451 |
| ELOY BUREAU OF PRISONS FACILITY | 4,601 |
| FLORENCE, ARIZONA | 3,615 |
| HARLINGEN, TEXAS | 241 |
| HARTFORD, CONNECTICUT | 416 |
| HONOLULU, HAWAII | 82 |
| HOUSTON SERVICE PROCESSING CENTER | 1,946 |
| HOUSTON, TEXAS | 592 |
| IMPERIAL, CALIFORNIA | 259 |
| KROME NORTH SPC | 940 |
| LAS VEGAS, NEVADA | 713 |
| LOS ANGELES, CALIFORNIA | 432 |
| MEMPHIS, TENNESSEE | 222 |
| MIAMI, FLORIDA | 1,451 |
| MIRA LOMA DETENTION FACILITY | 2,368 |
| NEW ORLEANS, LOUISIANA | 496 |
| NEW YORK CITY, NEW YORK | 78 |
| NEW YORK STATE DOC - FISHKILL | 1,382 |
| NEW YORK STATE DOC - ULSTER | 1,368 |
| NEW YORK VARICK SPC | 509 |
| NEWARK, NEW JERSEY | 746 |
| OAKDALE FEDERAL DETENTION CENTER | 2,171 |
| ORLANDO, FLORIDA | 78 |
| OTAY MESA, CALIFORNIA | 605 |
| PHILADELPHIA, PENNSYLVANIA | 264 |
| PHOENIX, ARIZONA | 596 |
| PORT ISABEL SPC | 2,166 |
| PORTLAND, OREGON | 446 |
| QUEENS WACKENHUT FACILITY | 486 |
| SAN ANTONIO, TEXAS | 3,724 |
| SAN DIEGO, CALIFORNIA | 3,073 |
| SAN FRANCISCO, CALIFORNIA | 1,457 |
| SAN JUAN, PUERTO RICO | 736 |
| SAN PEDRO, CALIFORNIA | 1,394 |
| SEATTLE, WASHINGTON | 3,084 |
| ST. PAUL, MINNESOTA | 503 |
| TEXAS DOC - HUNTSVILLE | 1,298 |
| TUCSON, ARIZONA | 1,922 |
| YORK COUNTY PRISON | 1,373 |
| Total | 70,919 |

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Processing of Institutional Hearing Program Cases by the Immigration Courts

The goal of the Institutional Hearing Program (IHP) is to serve aliens with charging documents prior to their release from incarceration in a federal, state, or municipal facility. Immigration judges and court staff often travel to remote IHP locations to conduct hearings. Depicted in Figure 24 is the number of IHP cases received and completed by the immigration courts between FY 1996 and 2000.

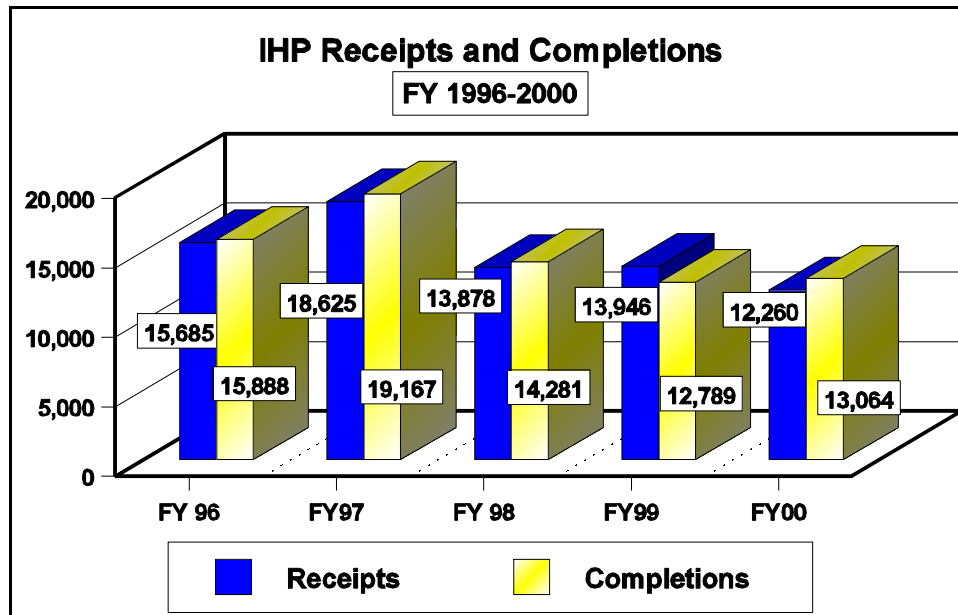


Figure 24

The number of IHP receipts has decreased by 22 percent since FY 1996. Between FY 1999 and 2000, IHP receipts decreased by 12 percent. IHP completions increased slightly by 2 percent between FY 1999 and 2000. Table 24 includes a breakdown of IHP completed cases by disposition for the immigration courts.

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**Table 24 - IHP Immigration Court Case Completions by Type of Disposition
FY 1996 - FY2000**

| | FY 96 | FY 97 | FY 98 | FY 99 | FY99 |
|--------------------------------------|---------------|---------------|---------------|---------------|---------------|
| <u>DECISIONS IN IHP CASES</u> | | | | | |
| REMOVAL | 12,570 | 15,990 | 11,701 | 9,865 | 9,904 |
| TERMINATION | 223 | 281 | 398 | 347 | 283 |
| RELIEF | 308 | 33 | 38 | 76 | 123 |
| Other Decisions | 4 | 21 | 12 | 9 | 10 |
| TOTAL DECISIONS | 13,105 | 16,325 | 12,149 | 10,297 | 10,320 |
| <u>"OTHER" COMPLETIONS</u> | 2,783 | 2,842 | 2,132 | 2,492 | 2,744 |
| <i>Grand Total</i> | 15,888 | 19,167 | 14,281 | 12,789 | 13,064 |

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Processing of Detained Cases (Board of Immigration Appeals)

EOIR maintains data on the custody status of aliens whose cases were completed by the BIA. Depicted in Figure 25, is the number of IJ case appeals decided between FY 1996 and 2000 along with the number of case appeals that involved detainees. In FY 1996, 23 percent of BIA completed cases (2,404 out of 10,494) involved detainees. Between FY 1997 and 1998, the number of BIA completed cases involving detainees increased. However, in FY 1999, detained completions increased to 42 percent and in FY 2000, detained completions decreased again to 38 percent.

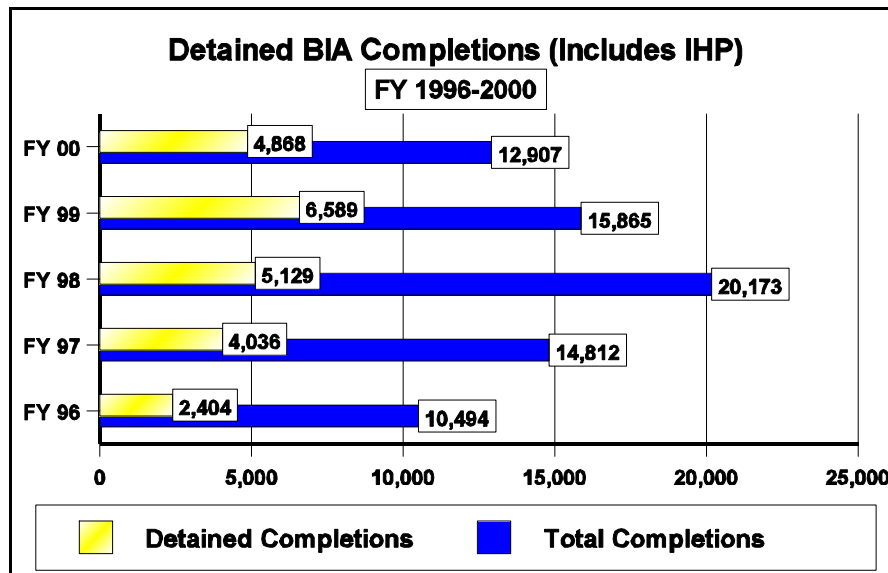


Figure 25

Table 25 shows a breakdown of total detained cases completed by the BIA and whether the alien was incarcerated at an IHP location. Between FY 1996 and 2000, over 40 percent of detained BIA completions involved aliens who were served charging documents prior to their release from a federal, state, or municipal facility.

Table 25-Breakdown of BIA Detained Completions

| | Total Detained Completions | IHP Completions | Percent IHP |
|---------|----------------------------|-----------------|-------------|
| FY 1996 | 2,404 | 991 | 41% |
| FY 1997 | 4,036 | 2,566 | 64% |
| FY 1998 | 5,129 | 2,426 | 47% |
| FY 1999 | 6,589 | 2,720 | 41% |
| FY 2000 | 4,868 | 1,936 | 40% |

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Office of the Chief Administrative Hearing Officer Cases

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

Depicted in Figure 26 is the number of cases received and completed by OCAHO between FY 1996 and 2000.

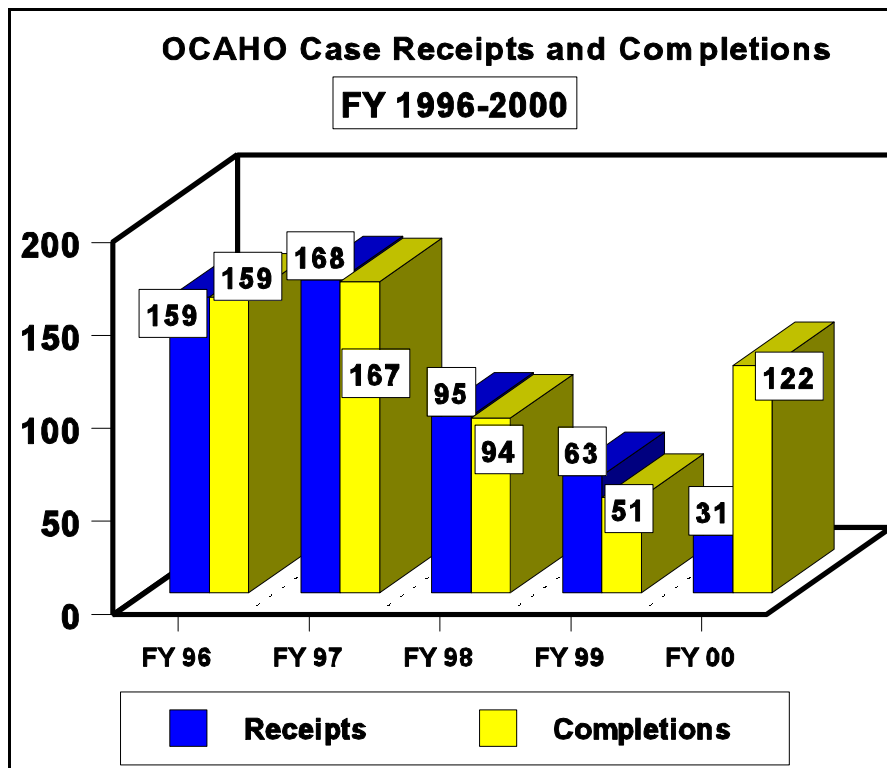


Figure 26