



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

FY 2009 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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FY 2009 HIGHLIGHTS

- Immigration court receipts increased by six percent between FY 2005 (370,007) and FY 2009 (391,829). Receipts in FY 2009 increased by 11 percent from FY 2008. (Figure 1, Page B2)
- Immigration court completions decreased by less than one percent between FY 2005 (353,082) and FY 2009 (352,233). However, completions in FY 2009 increased by four percent from FY 2008. (Figure 1, Page B2)
- Immigration judge decisions decreased by 12 percent between FY 2005 (264,785) and FY 2009 (232,212). (Figure 4, Page D1)
- Mexico, Guatemala, El Salvador, Honduras, and China were the leading nationalities of immigration court completions during FY 2009, representing 69 percent of the total caseload. (Figure 6, page E1)
- Spanish was the most frequently spoken language for immigration court case completions during FY 2009 at over 68 percent. (Figure 8, page F1)
- Thirty-nine percent of aliens whose cases were completed in immigration courts during FY 2009 were represented. The representation rate for FY 2005 and FY 2006 would be 48 percent if failure to appear completions were removed from the data. (Figure 9, page G1)
- The failure to appear rate decreased to 11 percent in FY 2009. (Figure 10, page H1)
- Asylum applications filed with the immigration courts decreased by 27 percent from FY 2005 to FY 2009. Affirmative receipts decreased by 19 percent while defensive receipts decreased by 45 percent. (Figure 13, page I1)
- In FY 2009, the New York, NY; Los Angeles, CA; San Francisco, CA; Miami, FL; and Atlanta, GA, immigration courts received 54 percent of the total asylum applications filed with the courts. (Table 6, page I3)
- Six nationalities were among the top 10 nationalities granted asylum each year during the five-year period FY 2005-09: China, Ethiopia, Haiti, Colombia, India, and Albania. (Table 7, page J2)
- The grant rate for asylum applications was 47 percent in FY 2009. The grant rate was 55 percent for affirmative applications and 36 percent for defensive applications. (Figures 16, 17, and 18, pages K1 and K2)

- In FY 2009, the percentage of cases in which either asylum or withholding of removal was granted was 56 percent. (Figure 19-B, page K5)
- In FY 2009, 24 percent of proceedings completed at the immigration courts had an application for relief. (Figure 22, page N1)
- Fifty percent of FY 2009 immigration court completions involved detained aliens. (Figure 23, page O1)
- BIA had a 23 percent decrease in receipts between FY 2005 (42,725) and FY 2009 (32,859) and a 29 percent decrease in completions during the same period. (Table 17, page T2)
- Mexico, China, Haiti, El Salvador, and Guatemala accounted for 55 percent of BIA immigration judge decision appeals completed in FY 2009. (Figure 29, page V1)
- Seventy-seven percent of BIA appeals completed in FY 2009 were for represented aliens. (Figure 30, page W1)
- In FY 2009, eight percent of immigration judge decisions were appealed to the BIA. (Figure 32, page Y1)

Immigration Courts: Total Matters Received and Completed

An alien charged by the Department of Homeland Security (DHS) with a violation of immigration law is issued a charging document. The most common charging documents are the Notice to Appear (NTA) and the Notice of Referral to immigration judge. When the charging document is filed by DHS with the immigration court, jurisdiction over the case transfers from DHS to the Executive Office for Immigration Review (EOIR), which has oversight over the 57 immigration courts located throughout the United States. Once an alien has been ordered removed by EOIR, DHS carries out the removal; EOIR does not maintain statistics on alien removals from the United States.

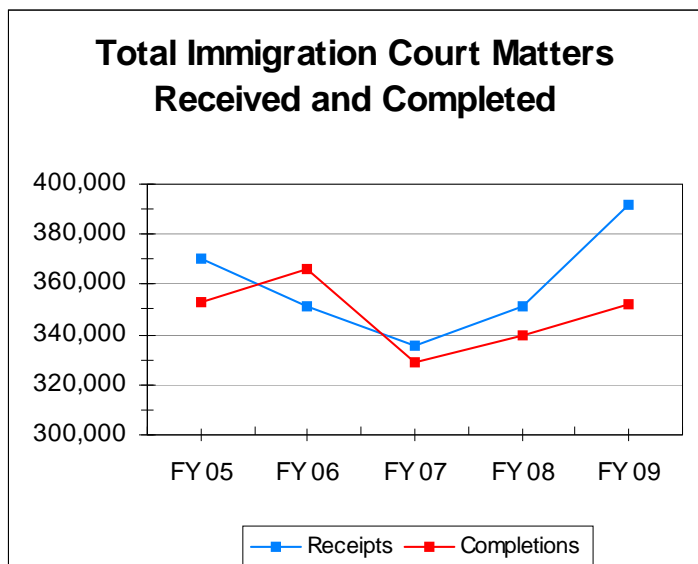
During court proceedings, aliens appear before an immigration judge and either contest or concede the charges against them. In some instances, the immigration judge adjourns the case and sets a continuance date; for example, the judge may allow the alien time to obtain representation or to file an application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

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

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

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

Figure 1



	Receipts	Completions
FY 05	370,007	353,082
FY 06	351,313	366,042
FY 07	335,898	329,159
FY 08	351,606	339,440
FY 09	391,829	352,233

As shown in Figure 1 above, the number of immigration matters received by the immigration courts decreased between FY 2005 and FY 2007 by nine percent. The increase in receipts from FY 2007 to FY 2009 was 17 percent. Immigration court matters completed increased by four percent from FY 2005 to FY 2006 followed by a decrease of 10 percent from FY 2006 to FY 2007 and an increase of seven percent from FY 2007 to FY 2009.

While some courts showed increases in receipts over FY 2008 levels, others showed decreases. In Table 1, on the following page, courts with increases of 25 percent or more are highlighted in blue. If there were any courts with a decrease of 25 percent or more, they would be highlighted in red. However, the rate of change between FY 2008 and FY 2009 did not decrease by 25 percent or more for any court. The immigration court in Tucson, AZ, showed the largest percentage increase in receipts, up 279 percent (Charlotte is not considered because its increase is due to becoming a new court in FY 2008). The immigration court in Batavia, NY, showed the largest percentage decrease, down 24 percent. Table 1A identifies receipts for FY 2009 by type of matter.

Table 2 provides a comparison of FY 2008 and FY 2009 completions by immigration court. Courts with increases in completions of 25 percent or more are highlighted in blue, and those with decreases of 25 percent or more are highlighted in red. Some courts, such as the Tucson, AZ, and El Paso, TX, had significant increases in both receipts and completions.

Table 1 - Total Immigration Court Matters Received by Court for FY 2008 and FY 2009

Immigration Court	FY 2008	FY 2009	Rate of Change
ARLINGTON, VIRGINIA	7,650	7,034	-8%
ATLANTA, GEORGIA	15,669	14,618	-7%
BALTIMORE, MARYLAND	5,688	5,176	-9%
BATAVIA SPC, NEW YORK	2,848	2,152	-24%
BLOOMINGTON (ST. PAUL), MINNESOTA	4,905	5,251	7%
BOSTON, MASSACHUSETTS	7,121	8,527	20%
BUFFALO, NEW YORK	2,866	2,622	-9%
CHARLOTTE, NORTH CAROLINA	1,125	5,272	New Court
CHICAGO, ILLINOIS	11,223	12,754	14%
CLEVELAND, OHIO	4,990	7,438	49%
DALLAS, TEXAS	7,909	8,866	12%
DENVER, COLORADO	8,971	12,895	44%
DETROIT, MICHIGAN	5,346	5,946	11%
EAST MESA, CALIFORNIA	2,945	2,484	-16%
EL CENTRO SPC, CALIFORNIA	3,046	2,605	-14%
EL PASO SPC, TEXAS	7,703	6,228	-19%
EL PASO, TEXAS	3,902	7,682	97%
ELIZABETH SPC, NEW JERSEY	2,780	2,234	-20%
ELOY, ARIZONA	12,361	13,069	6%
FISHKILL - NEW YORK STATE DOC, NEW YORK	387	353	-9%
FLORENCE SPC, ARIZONA	8,570	8,352	-3%
GUAYNABO (SAN JUAN), PUERTO RICO	3,395	2,842	-16%
HARLINGEN, TEXAS	13,051	13,401	3%
HARTFORD, CONNECTICUT	2,803	2,485	-11%
HONOLULU, HAWAII	1,822	1,486	-18%
HOUSTON SPC, TEXAS	6,078	7,690	27%
HOUSTON, TEXAS	7,969	13,315	67%
IMPERIAL, CALIFORNIA	1,104	1,294	17%
KANSAS CITY, MISSOURI	4,450	3,910	-12%
KROME NORTH SPC, FLORIDA	10,622	12,468	17%
LANCASTER, CALIFORNIA	7,422	8,620	16%
LAS VEGAS, NEVADA	3,493	4,397	26%
LOS ANGELES, CALIFORNIA	21,938	20,387	-7%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	4,017	3,500	-13%
MEMPHIS, TENNESSEE	3,412	3,826	12%
MIAMI, FLORIDA	13,631	13,925	2%
NEW ORLEANS, LOUISIANA	696	1,010	45%
NEW YORK CITY, NEW YORK	20,349	23,386	15%
NEWARK, NEW JERSEY	8,118	10,067	24%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	13,519	15,204	12%
OMAHA, NEBRASKA	4,428	5,874	33%
ORLANDO, FLORIDA	5,698	4,375	-23%
PHILADELPHIA, PENNSYLVANIA	2,697	3,335	24%
PHOENIX, ARIZONA	4,331	4,867	12%
PORTLAND, OREGON	1,215	1,648	36%
SALT LAKE CITY, UTAH	2,654	3,428	29%
SAN ANTONIO, TEXAS	13,990	17,173	23%
SAN DIEGO, CALIFORNIA	5,418	4,868	-10%
SAN FRANCISCO, CALIFORNIA	11,994	11,364	-5%
SEATTLE, WASHINGTON	3,120	3,658	17%
TACOMA, WASHINGTON	9,472	9,760	3%
TUCSON, ARIZONA	1,440	5,464	279%
ULSTER - NEW YORK STATE DOC, NEW YORK	689	615	-11%
VARICK SPC, NEW YORK	2,664	3,026	14%
YORK, PENNSYLVANIA	5,902	7,603	29%
TOTAL	351,606	391,829	11%



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



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

Table 1A - Total Immigration Court Receipts by Court and Type of Matter for FY 2009

Immigration Court	Proceedings	Bonds	Motions	Total Matters
ARLINGTON, VIRGINIA	6,311	390	333	7,034
ATLANTA, GEORGIA	13,433	836	349	14,618
BALTIMORE, MARYLAND	4,514	335	327	5,176
BATAVIA SPC, NEW YORK	1,252	887	13	2,152
BLOOMINGTON (ST. PAUL), MINNESOTA	4,326	860	65	5,251
BOSTON, MASSACHUSETTS	6,408	1,521	598	8,527
BUFFALO, NEW YORK	2,443	120	59	2,622
CHARLOTTE, NORTH CAROLINA	4,885	315	72	5,272
CHICAGO, ILLINOIS	11,190	1,283	281	12,754
CLEVELAND, OHIO	6,961	328	149	7,438
DALLAS, TEXAS	8,015	547	304	8,866
DENVER, COLORADO	9,557	3,172	166	12,895
DETROIT, MICHIGAN	4,481	1,300	165	5,946
EAST MESA, CALIFORNIA	1,661	808	15	2,484
EL CENTRO SPC, CALIFORNIA	1,779	800	26	2,605
EL PASO SPC, TEXAS	5,141	1,045	42	6,228
EL PASO, TEXAS	7,044	524	114	7,682
ELIZABETH SPC, NEW JERSEY	1,641	560	33	2,234
ELOY, ARIZONA	10,275	2,753	41	13,069
FISHKILL - NEW YORK STATE DOC, NEW YORK	338	0	15	353
FLORENCE SPC, ARIZONA	5,946	2,369	37	8,352
GUAYNABO (SAN JUAN), PUERTO RICO	2,337	389	116	2,842
HARLINGEN, TEXAS	10,331	2,784	286	13,401
HARTFORD, CONNECTICUT	2,057	331	97	2,485
HONOLULU, HAWAII	1,113	321	52	1,486
HOUSTON SPC, TEXAS	6,125	1,533	32	7,690
HOUSTON, TEXAS	11,841	1,054	420	13,315
IMPERIAL, CALIFORNIA	1,268	3	23	1,294
KANSAS CITY, MISSOURI	3,639	218	53	3,910
KROME NORTH SPC, FLORIDA	9,475	2,916	77	12,468
LANCASTER, CALIFORNIA	5,736	2,861	23	8,620
LAS VEGAS, NEVADA	4,070	220	107	4,397
LOS ANGELES, CALIFORNIA	18,329	305	1,753	20,387
LOS FRESNOS (PORT ISABEL SPC), TEXAS	2,344	1,117	39	3,500
MEMPHIS, TENNESSEE	3,628	89	109	3,826
MIAMI, FLORIDA	12,803	1	1,121	13,925
NEW ORLEANS, LOUISIANA	987	0	23	1,010
NEW YORK CITY, NEW YORK	21,703	0	1,683	23,386
NEWARK, NEW JERSEY	7,749	1,620	698	10,067
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	10,933	4,193	78	15,204
OMAHA, NEBRASKA	4,305	1,474	95	5,874
ORLANDO, FLORIDA	3,983	1	391	4,375
PHILADELPHIA, PENNSYLVANIA	3,093	0	242	3,335
PHOENIX, ARIZONA	4,696	5	166	4,867
PORTLAND, OREGON	1,508	65	75	1,648
SALT LAKE CITY, UTAH	3,170	205	53	3,428
SAN ANTONIO, TEXAS	13,910	2,806	457	17,173
SAN DIEGO, CALIFORNIA	4,643	29	196	4,868
SAN FRANCISCO, CALIFORNIA	10,430	572	362	11,364
SEATTLE, WASHINGTON	3,501	1	156	3,658
TACOMA, WASHINGTON	7,325	2,379	56	9,760
TUCSON, ARIZONA	5,447	0	17	5,464
ULSTER - NEW YORK STATE DOC, NEW YORK	595	0	20	615
VARICK SPC, NEW YORK	1,717	1,260	49	3,026
YORK, PENNSYLVANIA	5,343	2,199	61	7,603
TOTAL	327,735	51,704	12,390	391,829

Table 2 - Total Immigration Court Matters Completed by Court for FY 2008 and FY 2009

Immigration Court	FY 2008	FY 2009	Rate of Change
ARLINGTON, VIRGINIA	6,503	6,649	2%
ATLANTA, GEORGIA	14,612	13,838	-5%
BALTIMORE, MARYLAND	5,682	4,713	-17%
BATAVIA SPC, NEW YORK	2,815	2,131	-24%
BLOOMINGTON (ST. PAUL), MINNESOTA	4,644	4,715	2%
BOSTON, MASSACHUSETTS	7,537	7,595	1%
BUFFALO, NEW YORK	2,700	2,525	-6%
CHARLOTTE, NORTH CAROLINA	3	2,883	New Court
CHICAGO, ILLINOIS	10,570	10,138	-4%
CLEVELAND, OHIO	5,307	7,409	40%
DALLAS, TEXAS	7,708	7,671	0%
DENVER, COLORADO	8,046	11,482	43%
DETROIT, MICHIGAN	5,885	5,892	0%
EAST MESA, CALIFORNIA	2,934	2,480	-15%
EL CENTRO SPC, CALIFORNIA	2,995	2,573	-14%
EL PASO SPC, TEXAS	7,577	6,080	-20%
EL PASO, TEXAS	3,111	6,602	112%
ELIZABETH SPC, NEW JERSEY	2,730	2,283	-16%
ELOY, ARIZONA	12,303	12,939	5%
FISHKILL - NEW YORK STATE DOC, NEW YORK	373	368	-1%
FLORENCE SPC, ARIZONA	8,260	7,853	-5%
GUAYNABO (SAN JUAN), PUERTO RICO	3,519	2,405	-32%
HARLINGEN, TEXAS	12,537	13,363	7%
HARTFORD, CONNECTICUT	2,991	2,163	-28%
HONOLULU, HAWAII	1,621	1,373	-15%
HOUSTON SPC, TEXAS	6,018	7,564	26%
HOUSTON, TEXAS	7,515	11,518	53%
IMPERIAL, CALIFORNIA	1,030	1,236	20%
KANSAS CITY, MISSOURI	4,077	3,139	-23%
KROME NORTH SPC, FLORIDA	10,536	12,041	14%
LANCASTER, CALIFORNIA	7,324	8,086	10%
LAS VEGAS, NEVADA	3,519	4,256	21%
LOS ANGELES, CALIFORNIA	19,090	17,181	-10%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	4,281	3,102	-28%
MEMPHIS, TENNESSEE	2,845	2,572	-10%
MIAMI, FLORIDA	18,644	12,862	-31%
NEW ORLEANS, LOUISIANA	738	607	-18%
NEW YORK CITY, NEW YORK	17,088	16,184	-5%
NEWARK, NEW JERSEY	7,484	7,834	5%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	13,304	14,645	10%
OMAHA, NEBRASKA	3,810	5,289	39%
ORLANDO, FLORIDA	7,204	6,265	-13%
PHILADELPHIA, PENNSYLVANIA	2,285	2,565	12%
PHOENIX, ARIZONA	3,216	3,514	9%
PORTLAND, OREGON	1,017	1,031	1%
SALT LAKE CITY, UTAH	2,653	3,328	25%
SAN ANTONIO, TEXAS	13,807	15,881	15%
SAN DIEGO, CALIFORNIA	5,617	4,673	-17%
SAN FRANCISCO, CALIFORNIA	10,890	9,214	-15%
SEATTLE, WASHINGTON	2,588	3,280	27%
TACOMA, WASHINGTON	9,269	9,788	6%
TUCSON, ARIZONA	1,453	5,345	268%
ULSTER - NEW YORK STATE DOC, NEW YORK	738	671	-9%
VARICK SPC, NEW YORK	2,459	3,003	22%
YORK, PENNSYLVANIA	5,978	7,436	24%
TOTAL	339,440	352,233	4%

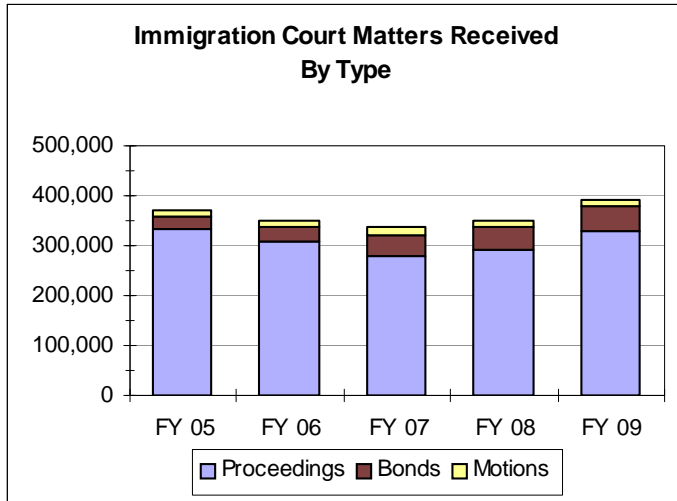
 Courts with decreases in completions equal to or more than 25%  Courts with increases in completions equal to or more than 25%

Table 2A - Total Immigration Court Completions by Court and Type of Matter for FY 2009

Immigration Court	Proceedings	Bonds	Motions	Total Matters
ARLINGTON, VIRGINIA	5,925	383	341	6,649
ATLANTA, GEORGIA	12,678	798	362	13,838
BALTIMORE, MARYLAND	4,070	305	338	4,713
BATAVIA SPC, NEW YORK	1,250	863	18	2,131
BLOOMINGTON (ST. PAUL), MINNESOTA	3,816	834	65	4,715
BOSTON, MASSACHUSETTS	5,573	1,448	574	7,595
BUFFALO, NEW YORK	2,353	114	58	2,525
CHARLOTTE, NORTH CAROLINA	2,506	309	68	2,883
CHICAGO, ILLINOIS	8,666	1,153	319	10,138
CLEVELAND, OHIO	6,955	318	136	7,409
DALLAS, TEXAS	6,859	542	270	7,671
DENVER, COLORADO	8,246	3,074	162	11,482
DETROIT, MICHIGAN	4,449	1,273	170	5,892
EAST MESA, CALIFORNIA	1,668	799	13	2,480
EL CENTRO SPC, CALIFORNIA	1,754	796	23	2,573
EL PASO SPC, TEXAS	5,028	1,013	39	6,080
EL PASO, TEXAS	5,981	523	98	6,602
ELIZABETH SPC, NEW JERSEY	1,697	559	27	2,283
ELOY, ARIZONA	10,225	2,680	34	12,939
FISHKILL - NEW YORK STATE DOC, NEW YORK	353	0	15	368
FLORENCE SPC, ARIZONA	5,548	2,271	34	7,853
GUAYNABO (SAN JUAN), PUERTO RICO	1,898	396	111	2,405
HARLINGEN, TEXAS	10,379	2,733	251	13,363
HARTFORD, CONNECTICUT	1,731	345	87	2,163
HONOLULU, HAWAII	1,010	311	52	1,373
HOUSTON SPC, TEXAS	6,054	1,479	31	7,564
HOUSTON, TEXAS	10,092	1,023	403	11,518
IMPERIAL, CALIFORNIA	1,214	2	20	1,236
KANSAS CITY, MISSOURI	2,919	164	56	3,139
KROME NORTH SPC, FLORIDA	9,176	2,787	78	12,041
LANCASTER, CALIFORNIA	5,323	2,742	21	8,086
LAS VEGAS, NEVADA	3,954	219	83	4,256
LOS ANGELES, CALIFORNIA	15,193	298	1,690	17,181
LOS FRESNOS (PORT ISABEL SPC), TEXAS	2,030	1,036	36	3,102
MEMPHIS, TENNESSEE	2,388	86	98	2,572
MIAMI, FLORIDA	11,800	0	1,062	12,862
NEW ORLEANS, LOUISIANA	586	0	21	607
NEW YORK CITY, NEW YORK	14,549	0	1,635	16,184
NEWARK, NEW JERSEY	5,642	1,561	631	7,834
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	10,512	4,057	76	14,645
OMAHA, NEBRASKA	3,880	1,301	108	5,289
ORLANDO, FLORIDA	5,861	1	403	6,265
PHILADELPHIA, PENNSYLVANIA	2,328	0	237	2,565
PHOENIX, ARIZONA	3,359	4	151	3,514
PORTLAND, OREGON	898	65	68	1,031
SALT LAKE CITY, UTAH	3,077	203	48	3,328
SAN ANTONIO, TEXAS	12,637	2,800	444	15,881
SAN DIEGO, CALIFORNIA	4,442	30	201	4,673
SAN FRANCISCO, CALIFORNIA	8,259	608	347	9,214
SEATTLE, WASHINGTON	3,131	1	148	3,280
TACOMA, WASHINGTON	7,363	2,373	52	9,788
TUCSON, ARIZONA	5,328	0	17	5,345
ULSTER - NEW YORK STATE DOC, NEW YORK	651	0	20	671
VARICK SPC, NEW YORK	1,701	1,251	51	3,003
YORK, PENNSYLVANIA	5,268	2,108	60	7,436
TOTAL	290,233	50,039	11,961	352,233

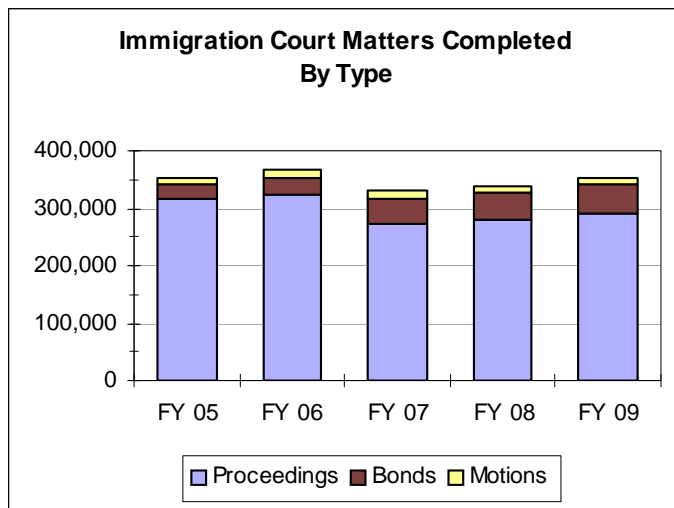
Figures 2 and 3 below provide information on the types of matters received and completed by the immigration courts. Proceedings make up the bulk of the courts' work, but the courts also process significant numbers of bonds and motions.

Figure 2



	Proceedings	Bonds	Motions	Total
FY 05	331,667	26,059	12,281	370,007
FY 06	308,656	30,281	12,376	351,313
FY 07	279,436	42,836	13,626	335,898
FY 08	292,028	45,963	13,615	351,606
FY 09	327,735	51,704	12,390	391,829

Figure 3



	Proceedings	Bonds	Motions	Total
FY 05	314,954	25,940	12,188	353,082
FY 06	324,047	29,738	12,257	366,042
FY 07	273,470	42,268	13,421	329,159
FY 08	281,205	44,984	13,251	339,440
FY 09	290,233	50,039	11,961	352,233

Immigration Courts: Proceedings Received and Completed by Type

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

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

Rescission cases, a less common type of case, were also received by the immigration courts prior to April 1, 1997, and continue to be received today. In a rescission case, DHS issues a Notice of Intent to Rescind an individual's permanent resident status, and the individual has the right to contest the charge before an immigration judge.

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

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

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

- Claimed Status Review. If an alien in expedited removal proceedings before DHS claims to be a U.S. citizen, to have been lawfully admitted for permanent residence, to have been admitted as a refugee, or to have been granted asylum, and DHS determines that the alien has no such claim, he or she can obtain a review of that claim by an immigration judge.
- Asylum-Only. An asylum only case is initiated when an arriving crewman or stowaway is not eligible to apply for admission into the United States, but wants to request asylum. These proceedings also cover Visa Waiver Program beneficiaries and individuals ordered removed from the United States on security grounds.

Additional types of proceedings include:

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

Table 3 shows all types of proceedings received by the immigration courts between FY 2005 and FY 2009.

Table 3 - Immigration Court Proceedings Received by Case Type

Type of Proceeding	FY2005	FY 2006	FY 2007	FY 2008	FY 2009
Deportation	4,218	3,648	4,029	4,188	3,602
Exclusion	411	385	453	435	379
Removal	325,024	302,909	272,830	285,431	321,525
Credible Fear	114	411	825	702	887
Reasonable Fear	55	78	131	173	242
Claimed Status	77	69	77	53	43
Asylum Only	1,552	959	815	707	621
Rescission	24	30	33	30	57
Continued Detention Review	3	6	6	5	1
NACARA	5	28	42	14	20
Withholding Only	184	132	195	290	358
Unknown	0	1	0	0	0
Total	331,667	308,656	279,436	292,028	327,735

Table 4 shows all types of proceedings completed by the immigration courts for the period FY 2005 to FY 2009. Note that proceedings completed do not reflect only immigration judge decisions. These numbers include other completions such as transfers and changes of venue. As shown in Tab D, “other completions” accounted for 20 percent of the proceedings completed in FY 2009.

Table 4 - Immigration Court Proceedings Completed by Case Type

Type of Proceeding	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Deportation	4,703	4,148	4,088	3,972	3,722
Exclusion	582	462	427	501	397
Removal	307,110	317,247	266,713	274,623	283,969
Credible Fear	115	411	822	697	886
Reasonable Fear	57	77	127	171	232
Claimed Status	75	64	81	54	37
Asylum Only	2,064	1,456	993	842	647
Rescission	27	29	24	31	26
Continued Detention Review	3	6	5	6	1
NACARA	29	18	31	34	20
Withholding Only	187	129	158	274	295
Unknown	2	0	1	0	1
Total	314,954	324,047	273,470	281,205	290,233

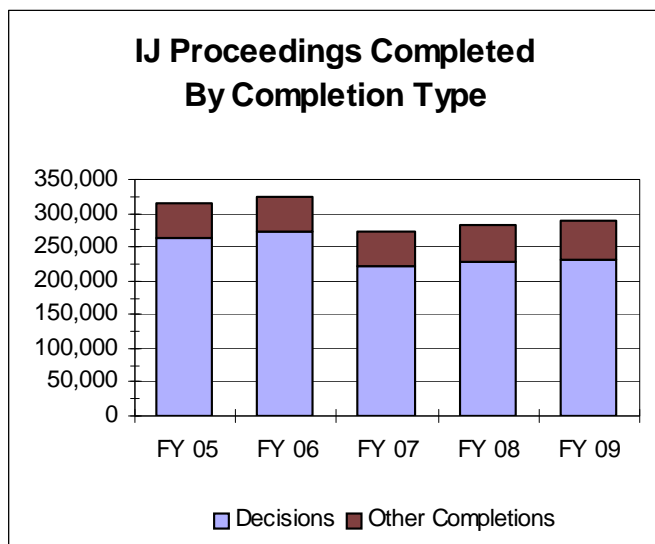
Immigration Courts: Proceedings Completed by Disposition

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

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

Figure 4 provides a breakdown of proceedings from FY 2005 to FY 2009 by type of completion – either through an immigration judge decision or through an “other” completion, such as an administrative closure or change of venue.

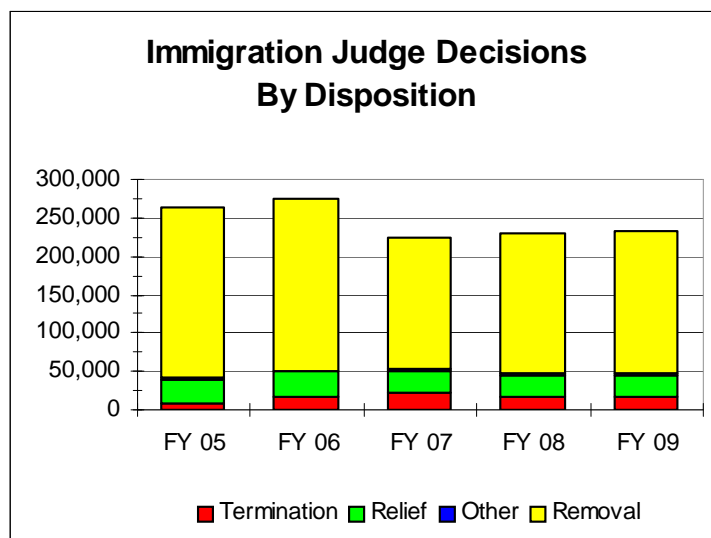
Figure 4



IJ Proceedings Completed			
	Decisions	Other Completions	Total
FY 05	264,785	50,169	314,954
FY 06	273,761	50,286	324,047
FY 07	223,089	50,381	273,470
FY 08	229,449	51,756	281,205
FY 09	232,212	58,021	290,233

Figure 5 provides a breakout of decisions by disposition type. Immigration judges first decide whether or not the charges against an alien should be sustained. If the charges are not sustained or if the alien has established eligibility for naturalization, the judge terminates the case. If charges are sustained, the judge decides whether to order the alien removed from the United States or to grant relief. In some cases, the immigration judge may permit the alien to depart the United States voluntarily. Orders of voluntary departure are included as removals. There are also a few immigration judge decisions classified as “other” decisions.

Figure 5

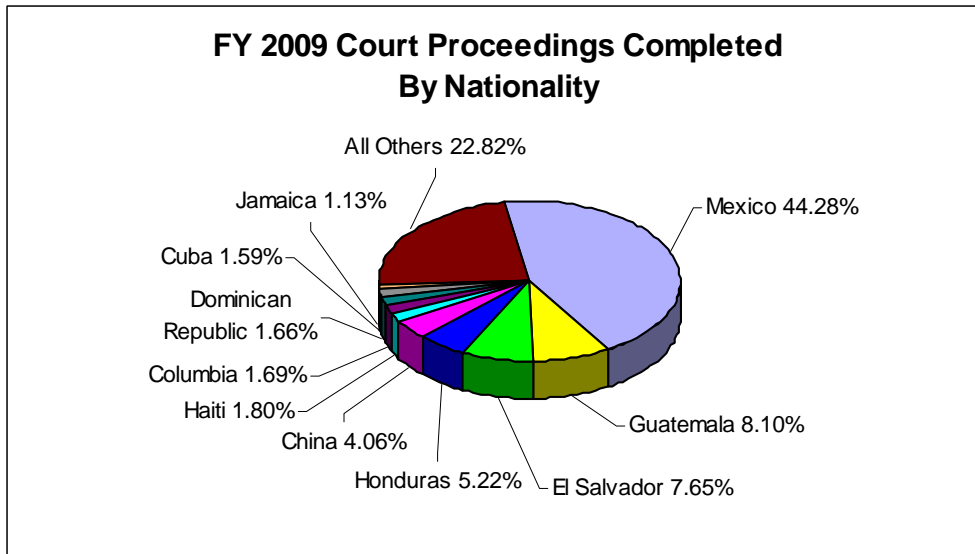


IJ Decisions by Disposition										
	Termination		Relief		Removal		Other		Total	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
FY 05	9,381	3.5	30,046	11.3	223,991	84.6	1,367	0.5	264,785	100.0
FY 06	15,985	5.8	34,410	12.6	222,208	81.2	1,158	0.4	273,761	100.0
FY 07	21,145	9.5	30,266	13.6	170,288	76.3	1,390	0.6	223,089	100.0
FY 08	17,032	7.4	28,367	12.4	182,709	79.6	1,341	0.6	229,449	100.0
FY 09	17,014	7.3	28,599	12.3	185,314	79.8	1,285	0.6	232,212	100.0

Immigration Courts: Proceedings Completed by Nationality

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

Figure 6



FY 2009 Court Proceedings Completed by Nationality		
Nationality	Cases	% of Total
Mexico	128,501	44.28%
Guatemala	23,509	8.10%
El Salvador	22,204	7.65%
Honduras	15,149	5.22%
China	11,797	4.06%
Haiti	5,210	1.80%
Columbia	4,919	1.69%
Dominican Republic	4,810	1.66%
Cuba	4,616	1.59%
Jamaica	3,292	1.13%
All Others	66,226	22.82%
Total	290,233	100.00%

In FY 2009, the top 10 nationalities accounted for approximately 77 percent of all proceedings completed as shown in Figure 6. A total of 224 nationalities were represented in the FY 2009 immigration judge completions. Mexico and Central American countries are consistently among the predominant nationalities of immigration court completions. Table 5, on the following page, provides information on the top 25 nationalities each year for the period FY 2005 through FY 2009. For the five-year period, eight of the top 10 nationalities remained the same: Mexico, Guatemala, El Salvador, Honduras, China, Haiti, Colombia, and Cuba.

**Table 5 - Court Proceedings Completed by Nationality
Top 25 Nationalities: FY 2005 - FY 2009**

Rank	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	El Salvador	El Salvador	El Salvador	El Salvador	Guatemala
3	Honduras	Honduras	Guatemala	Guatemala	El Salvador
4	Brazil	Guatemala	Honduras	Honduras	Honduras
5	Guatemala	China	China	China	China
6	China	Brazil	Cuba	Haiti	Haiti
7	Colombia	Cuba	Haiti	Cuba	Colombia
8	Cuba	Haiti	Colombia	Colombia	Dominican Republic
9	Haiti	Colombia	Dominican Republic	Dominican Republic	Cuba
10	Dominican Republic	Nicaragua	Nicaragua	Brazil	Jamaica
11	Nicaragua	Dominican Republic	Brazil	Jamaica	Ecuador
12	India	India	India	Ecuador	Brazil
13	Indonesia	Indonesia	Jamaica	India	India
14	Pakistan	Pakistan	Ecuador	Nicaragua	Peru
15	Ecuador	Jamaica	Pakistan	Philippines	Philippines
16	Jamaica	Ecuador	Indonesia	Peru	Nicaragua
17	Albania	Venezuela	Peru	Venezuela	Venezuela
18	Philippines	Peru	Venezuela	Pakistan	Pakistan
19	Peru	Philippines	Philippines	Indonesia	Russia
20	Venezuela	Albania	Nigeria	Canada	Nigeria
21	Nigeria	Nigeria	Russia	Nigeria	Indonesia
22	Russia	Costa Rica	Canada	Russia	Canada
23	Canada	Russia	Albania	Vietnam	Ethiopia
24	Armenia	Egypt	Egypt	Ghana	Ghana
25	Egypt	Canada	Ethiopia	Trinidad and Tobago	Vietnam

Immigration Courts: Proceedings Completed by Language

Figure 7 below shows a breakdown of FY 2005 immigration court proceedings completed by language. Of the 237 languages spoken in court proceedings during FY 2005, 89 percent were in the following five languages: Spanish, English, Portuguese, Mandarin, and Creole.

Figure 8 below shows comparable data for FY 2009. Although four of the top five languages were the same, there was more diversity in languages in FY 2009. A total of 275 different languages were spoken in court proceedings in the immigration courts during FY 2009. The top five languages accounted for 91 percent of the proceedings completed in FY 2009.

FY 2009 highlights include:

- Spanish language cases were 69 percent of the total caseload, an increase of 3 percent since FY 2005.
- In the “Other” category, Russian, Arabic, and Portuguese represented the three most frequently spoken languages.
- The number of different languages used in court proceedings has increased by 16 percent over FY 2005.

Figure 7

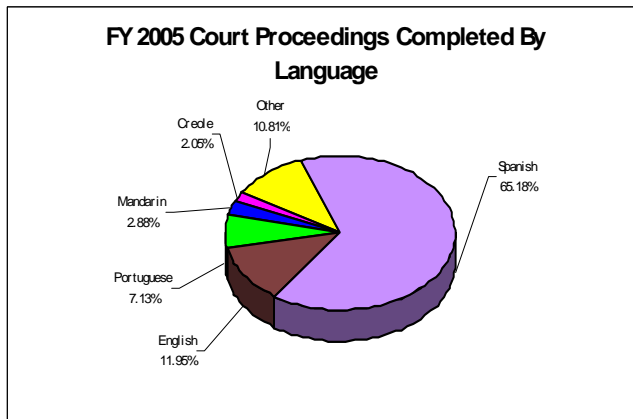
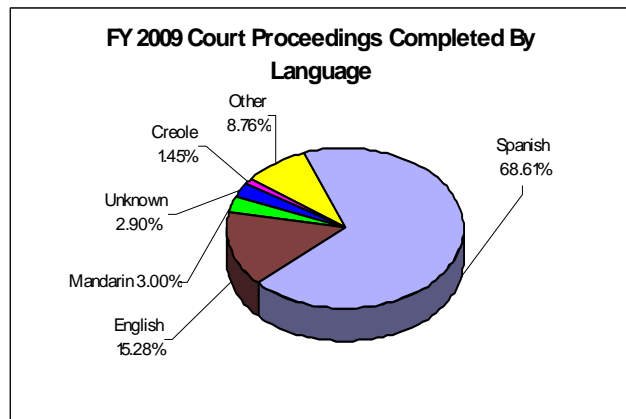


Figure 8



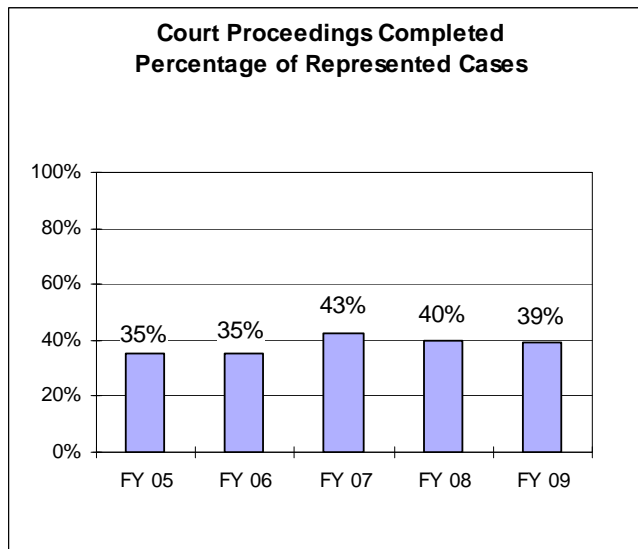
Immigration Courts: Proceedings Completed by Representation Status

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 2005 – FY 2009 were represented. The percentage of represented aliens for FY 2005 to FY 2009 ranged from 35 percent to 43 percent.

Figure 9



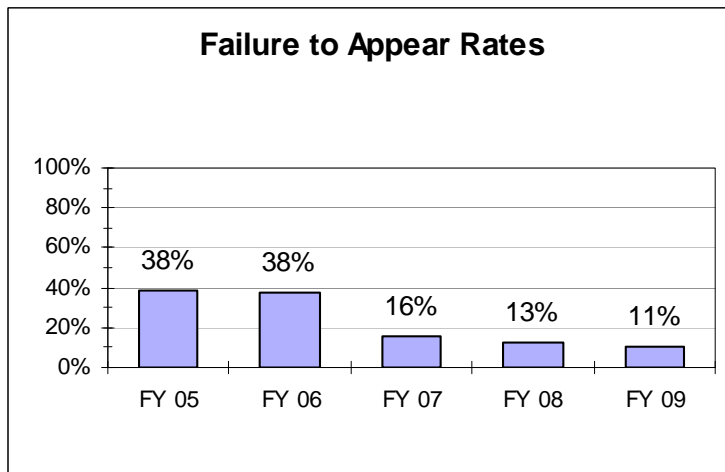
Representation in Immigration Courts			
	Represented	Unrepresented	Total
FY 05	110,911	204,043	314,954
FY 06	114,302	209,745	324,047
FY 07	116,965	156,505	273,470
FY 08	112,865	168,340	281,205
FY 09	114,087	176,146	290,233

Immigration Courts: Failures to Appear

When an alien fails to appear for a hearing, the immigration judge may conduct an *in absentia* (in absence of) hearing and order the alien removed from the United States. Before the immigration judge orders the alien removed *in absentia*, the DHS Assistant Chief Counsel must establish by clear, unequivocal, and convincing evidence that the alien is removable. Further, the immigration judge must be satisfied that notice of time and place of the hearing were provided to the alien or the alien's representative.

Figure 10 compares immigration judge decisions and failures to appear. Of the immigration judge decisions rendered in FY 2009, 11 percent involved aliens who failed to appear. The failure to appear rate remained unchanged from FY 2005 to FY 2006 and decreased 27 percent from FY 2006 to FY 2009. The number of aliens who failed to appear decreased by 75 percent over the same period. FY 2009 has the lowest failure to appear rate of the five years that are represented.

Figure 10



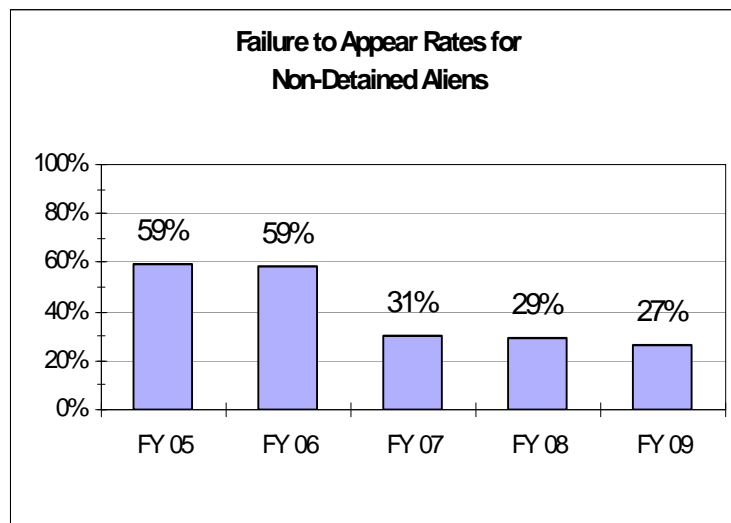
Failure to Appear Rates			
	In Absentia Orders	IJ Decisions	Failure to Appear Rate
FY 05	100,937	264,785	38%
FY 06	102,850	273,761	38%
FY 07	35,578	223,089	16%
FY 08	29,854	229,449	13%
FY 09	25,330	232,212	11%

*In previous years, administrative closures were included to calculate the failure to appear rate. However, due to a larger percentage of administrative closures not relating directly to failure to appear, the failure to appear rate is calculated using immigration judge decisions and in absentia orders only.

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

Figure 11 shows a comparison of the number of failures to appear with the number of immigration judge decisions for non-detained aliens. The non-detained category is made up of aliens who were never detained. From FY 2005 to FY 2006 the failure to appear rate stayed the same, then from FY 2006 to FY 2009 the failure to appear rate decreased.

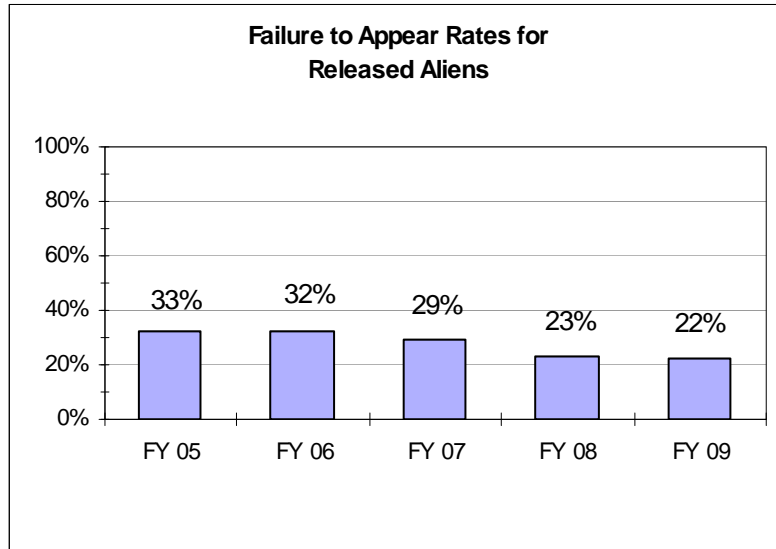
Figure 11



Failure to Appear Rates for Non-Detained Aliens			
	In Absentia Orders		IJ Decisions
	Number	% of Total	
FY 05	93,671	59%	157,769
FY 06	95,568	59%	163,065
FY 07	28,900	31%	94,276
FY 08	24,548	29%	83,304
FY 09	20,505	27%	76,492

Failures to appear for aliens released on bond or on their own recognizance are shown in Figure 12. From FY 2005 to FY 2009 the failure to appear rate decreased. This decrease is consistent with the overall rate depicted in Figure 10.

Figure 12



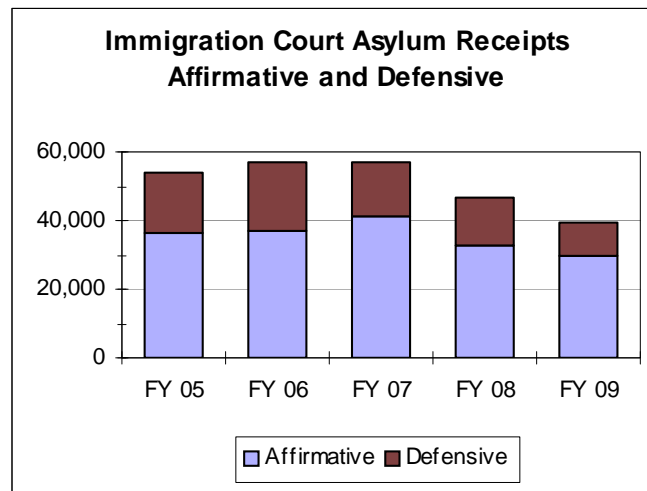
Failure to Appear Rates for Released Aliens			
	In Absentia Orders		IJ Decisions
	Number	% of Total	
FY 05	6,876	33%	21,130
FY 06	6,781	32%	20,900
FY 07	6,194	29%	21,244
FY 08	4,903	23%	21,227
FY 09	4,610	22%	20,683

Immigration Courts: Asylum Cases Received and Completed

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

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

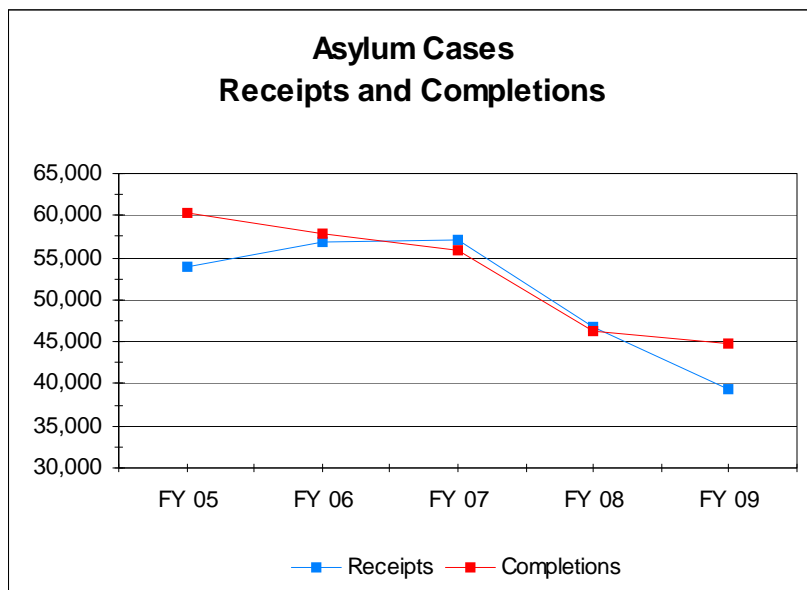
Figure 13



Immigration Court Asylum Receipts			
	Affirmative	Defensive	Total
FY 05	36,198	17,706	53,904
FY 06	37,249	19,515	56,764
FY 07	41,229	15,910	57,139
FY 08	32,946	13,731	46,677
FY 09	29,479	9,800	39,279

As shown in Figure 14 below, asylum receipts declined by 27 percent and asylum completions declined by 26 percent from FY 2005 to FY 2009.

Figure 14



Asylum Receipts and Completions		
	Receipts	Completions
FY 05	53,904	60,395
FY 06	56,764	57,868
FY 07	57,139	55,803
FY 08	46,677	46,302
FY 09	39,279	44,830

Table 6, shown on page I3, provides information on FY 2009 asylum receipts and completions by immigration court. In FY 2009 the New York, NY; Los Angeles, CA; San Francisco, CA; Miami, FL; and Atlanta, GA, immigration courts received 54 percent of asylum filings. In FY 2009, less than one-third of the immigration courts had more asylum receipts than completions.

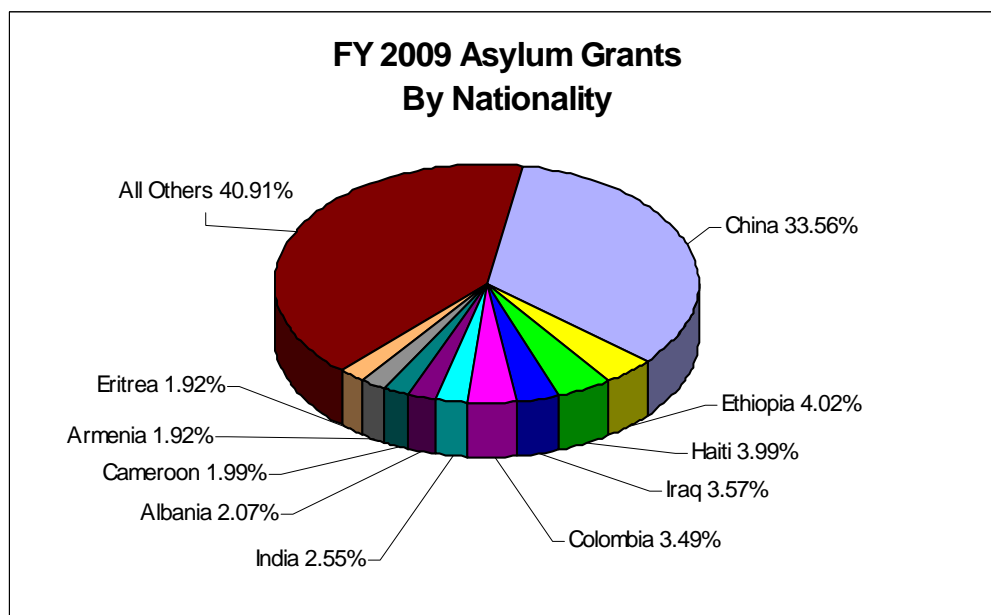
Table 6 - Asylum Receipts and Completions by Court for FY 2009

Immigration Court	Receipts	Completions
ARLINGTON, VIRGINIA	1,212	1,544
ATLANTA, GEORGIA	1,688	1,342
BALTIMORE, MARYLAND	1,031	1,229
BATAVIA SPC, NEW YORK	75	70
BLOOMINGTON (ST. PAUL), MINNESOTA	394	396
BOSTON, MASSACHUSETTS	923	1,361
BUFFALO, NEW YORK	89	164
CHARLOTTE, NORTH CAROLINA	869	299
CHICAGO, ILLINOIS	731	904
CLEVELAND, OHIO	1,397	1,490
DALLAS, TEXAS	258	312
DENVER, COLORADO	286	399
DETROIT, MICHIGAN	286	492
EAST MESA, CALIFORNIA	115	130
EL CENTRO SPC, CALIFORNIA	68	61
EL PASO SPC, TEXAS	62	83
EL PASO, TEXAS	135	82
ELIZABETH SPC, NEW JERSEY	174	155
ELOY, ARIZONA	109	162
FISHKILL - NEW YORK STATE DOC, NEW YORK	2	1
FLORENCE SPC, ARIZONA	143	148
GUAYNABO (SAN JUAN), PUERTO RICO	184	359
HARLINGEN, TEXAS	89	134
HARTFORD, CONNECTICUT	173	291
HONOLULU, HAWAII	265	254
HOUSTON SPC, TEXAS	51	45
HOUSTON, TEXAS	358	527
IMPERIAL, CALIFORNIA	28	24
KANSAS CITY, MISSOURI	188	328
KROME NORTH SPC, FLORIDA	369	403
LANCASTER, CALIFORNIA	125	121
LAS VEGAS, NEVADA	398	548
LOS ANGELES, CALIFORNIA	4,879	6,613
LOS FRESNOS (PORT ISABEL SPC), TEXAS	59	41
MEMPHIS, TENNESSEE	491	601
MIAMI, FLORIDA	2,224	3,780
NEW ORLEANS, LOUISIANA	96	77
NEW YORK CITY, NEW YORK	9,829	7,796
NEWARK, NEW JERSEY	978	1,197
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	92	71
OMAHA, NEBRASKA	743	816
ORLANDO, FLORIDA	1,392	3,223
PHILADELPHIA, PENNSYLVANIA	469	555
PHOENIX, ARIZONA	451	455
PORTLAND, OREGON	214	259
SALT LAKE CITY, UTAH	91	195
SAN ANTONIO, TEXAS	649	744
SAN DIEGO, CALIFORNIA	474	619
SAN FRANCISCO, CALIFORNIA	2,570	2,497
SEATTLE, WASHINGTON	798	807
TACOMA, WASHINGTON	162	145
TUCSON, ARIZONA	58	70
ULSTER - NEW YORK STATE DOC, NEW YORK	8	7
VARICK SPC, NEW YORK	126	234
YORK, PENNSYLVANIA	151	170
TOTAL	39,279	44,830

Immigration Courts: Asylum Grants by Nationality

This section provides information on asylum grants by nationality. Figure 15 displays the top 10 nationalities granted asylum in FY 2009. In FY 2009, the top 10 nationalities accounted for 59 percent of all asylum grants. China accounted for 34 percent of all asylum grants. A total of 144 nationalities were represented among cases granted asylum in FY 2009. Table 7, on the following page, provides information for comparative purposes on the top nationalities granted asylum for the period FY 2005 to FY 2009. Six nationalities were represented among the top 10 nationalities granted asylum each year during the five-year period: China, Ethiopia, Haiti, Colombia, India, and Albania. For more complete information on asylum data by nationality see: <http://www.usdoj.gov/eoir/efoia/FY09AsyStats.pdf>.

Figure 15



FY 2009 Asylum Grants by Nationality		
Nationality	Cases	% of Total
China	3,418	33.56%
Ethiopia	409	4.02%
Haiti	406	3.99%
Iraq	364	3.57%
Colombia	356	3.49%
India	260	2.55%
Albania	211	2.07%
Cameroon	203	1.99%
Armenia	196	1.92%
Eritrea	196	1.92%
All Others	4,167	40.91%
Total	10,186	100.00%

**Table 7 - Asylum Grants by Nationality
Top 25 Nationalities: FY 2005 - FY 2009**

Rank	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1	China	China	China	China	China
2	Colombia	Colombia	Colombia	Colombia	Ethiopia
3	Haiti	Haiti	Haiti	Haiti	Haiti
4	Albania	Albania	Albania	Iraq	Iraq
5	Indonesia	India	India	Albania	Colombia
6	India	Cameroon	Ethiopia	Ethiopia	India
7	Armenia	Guinea	Guinea	Venezuela	Albania
8	Ethiopia	Ethiopia	Venezuela	India	Cameroon
9	Cameroon	Indonesia	Iraq	Guinea	Armenia
10	Guinea	Armenia	Egypt	Russia	Eritrea
11	Russia	Venezuela	Indonesia	Indonesia	Guinea
12	Egypt	Egypt	Russia	Egypt	Venezuela
13	Mauritania	Mauritania	Cameroon	El Salvador	Egypt
14	Yugoslavia	Russia	Soviet Union	Soviet Union	Nepal
15	Soviet Union	Iraq	Armenia	Guatemala	Somalia
16	Burma (Myanmar)	Soviet Union	Mauritania	Cameroon	Indonesia
17	Venezuela	Pakistan	Pakistan	Nepal	Guatemala
18	Iran	Nepal	El Salvador	Pakistan	Soviet Union
19	Guatemala	Guatemala	Ivory Coast	Armenia	Russia
20	Pakistan	Ivory Coast	Guatemala	Yugoslavia	El Salvador
21	Bangladesh	Burma (Myanmar)	Nepal	Burma (Myanmar)	Sri Lanka
22	Ivory Coast	Yugoslavia	Burma (Myanmar)	Eritrea	Burma (Myanmar)
23	Togo	Togo	Yugoslavia	Somalia	Yugoslavia
24	Uzbekistan	Iran	Eritrea	Mauritania	Pakistan
25	Iraq	Somalia	Somalia	Ivory Coast	Ivory Coast

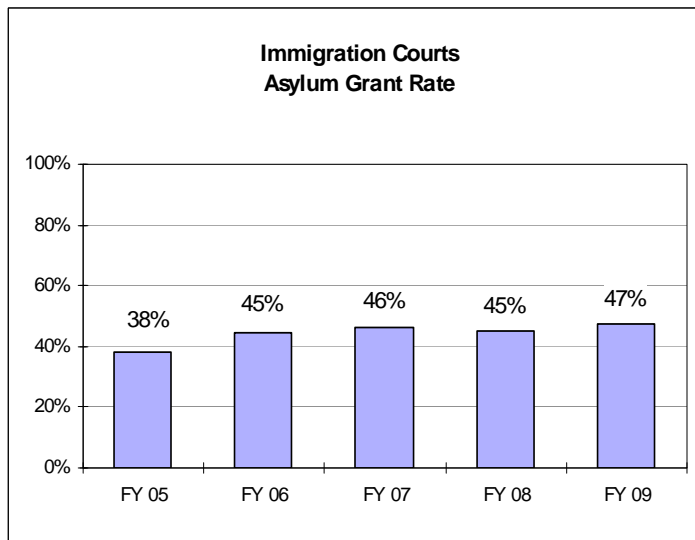
Immigration Courts: Disposition of Asylum Cases

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

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

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 and denials. The grant rate has significantly increased from FY 2005 (38%) to FY 2009 (47%).

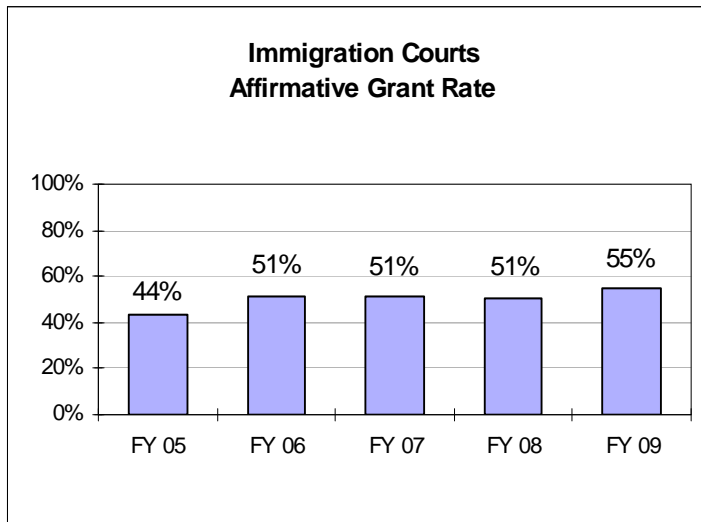
Figure 16



	Grants	Denials	Grant Rate
FY 05	11,707	19,029	38%
FY 06	13,300	16,477	45%
FY 07	12,836	14,889	46%
FY 08	10,757	13,202	45%
FY 09	10,186	11,358	47%

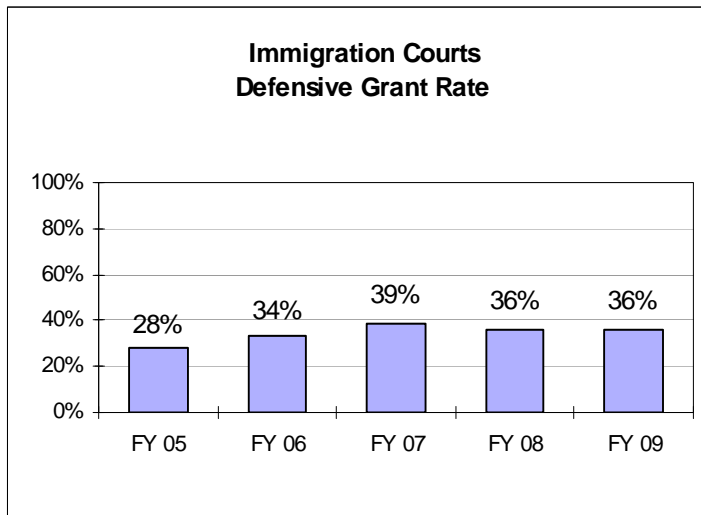
There is some difference in the grant rates depending on whether the asylum application was filed affirmatively or defensively. There are two ways that aliens may request asylum: “affirmatively,” by completing an asylum application and filing it with a DHS Asylum Office; or “defensively,” by requesting asylum before an immigration judge. From FY 2005 to FY 2009, 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.

Figure 17



	Grants	Denials	Grant Rate
FY 05	8,702	11,193	44%
FY 06	9,526	9,021	51%
FY 07	8,421	7,961	51%
FY 08	7,285	7,061	51%
FY 09	7,193	5,950	55%

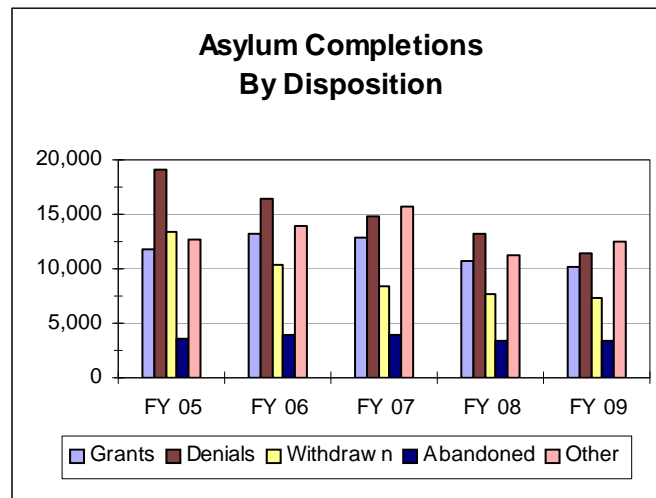
Figure 18



	Grants	Denials	Grant Rate
FY 05	3,005	7,836	28%
FY 06	3,774	7,456	34%
FY 07	4,415	6,928	39%
FY 08	3,472	6,141	36%
FY 09	2,993	5,408	36%

Figure 19 illustrates graphically all asylum case completions broken out by disposition. The number of denials decreased significantly from FY 2005 to FY 2009 (40%). The total number of asylum grants decreased from FY 2005 to FY 2009 (13%). However, because of the dramatic decrease in the number of total asylum completions, the overall grant rate increased from FY 2005 to FY 2009. There has been a 45 percent decrease in the number of cases withdrawn from FY 2005 to FY 2009.

Figure 19



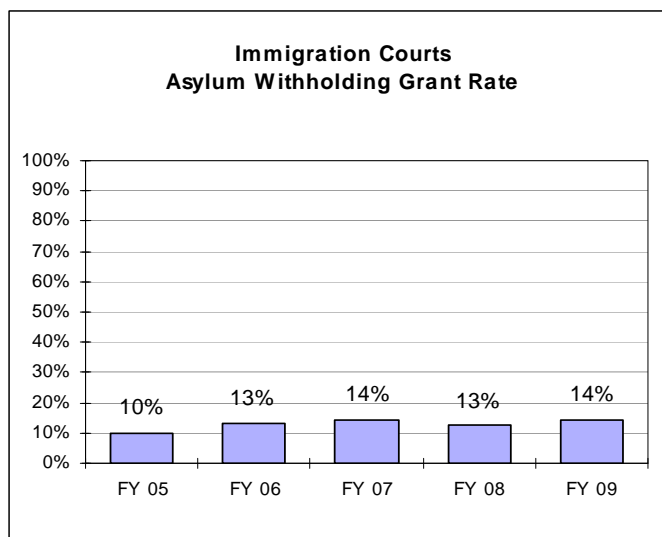
Asylum Completions by Disposition						
	Grants	Denials	Withdrawn	Abandoned	Other	Total
FY 05	11,707	19,029	13,347	3,650	12,662	60,395
FY 06	13,300	16,477	10,324	3,918	13,849	57,868
FY 07	12,836	14,889	8,410	3,986	15,682	55,803
FY 08	10,757	13,202	7,685	3,467	11,191	46,302
FY 09	10,186	11,358	7,293	3,459	12,534	44,830

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

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

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

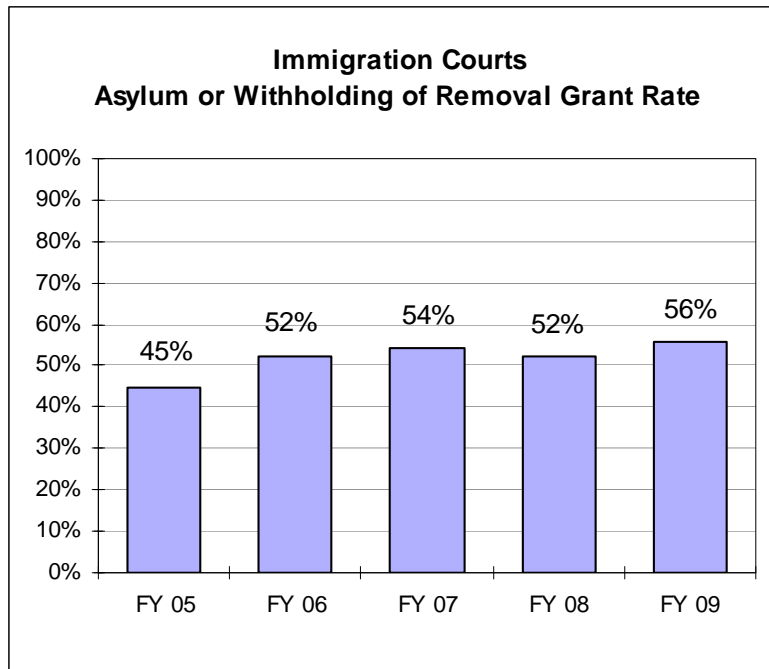
Figure 19-A



Immigration Court Asylum Withholding			
	Grants	Denials	Grant Rate
FY 05	2,106	19,459	10%
FY 06	2,569	16,779	13%
FY 07	2,550	15,364	14%
FY 08	2,019	14,056	13%
FY 09	1,959	11,703	14%

Figure 19-B shows the percentage of cases in which asylum or withholding of removal was granted. The grant rate increased nine percent from FY 2005 to FY 2007 followed by a decrease of two percent from FY 2007 to FY 2008 and an increase of four percent from FY 2008 to FY 2009.

Figure 19-B



Immigration Court Asylum or Withholding of Removal Grant Rate				
	Asylum Grants	Asylum Withholding Grants	Denials of Both Asylum and Asylum Withholding	Grant Rate
FY 05	11,707	2,106	17,019	45%
FY 06	13,300	2,569	14,451	52%
FY 07	12,836	2,550	13,046	54%
FY 08	10,757	2,019	11,630	52%
FY 09	10,186	1,959	9,620	56%

Table 8, on the following page, provides information on the FY 2009 asylum grant rate for each individual immigration court.

Table 8 - FY 2009 Asylum Grant Rate by Immigration Court

Immigration Court	Grants	Denials	Grant Rate
ARLINGTON, VIRGINIA	372	133	74%
ATLANTA, GEORGIA	39	119	25%
BALTIMORE, MARYLAND	350	239	59%
BATAVIA SPC, NEW YORK	6	33	15%
BLOOMINGTON (ST. PAUL), MINNESOTA	42	127	25%
BOSTON, MASSACHUSETTS	263	335	44%
BUFFALO, NEW YORK	22	55	29%
CHARLOTTE, NORTH CAROLINA	49	38	56%
CHICAGO, ILLINOIS	259	221	54%
CLEVELAND, OHIO	132	227	37%
DALLAS, TEXAS	51	77	40%
DENVER, COLORADO	44	165	21%
DETROIT, MICHIGAN	144	174	45%
EAST MESA, CALIFORNIA	99	11	90%
EL CENTRO SPC, CALIFORNIA	7	38	16%
EL PASO SPC, TEXAS	9	50	15%
EL PASO, TEXAS	0	42	0%
ELIZABETH SPC, NEW JERSEY	31	69	31%
ELOY, ARIZONA	8	92	8%
FISHKILL - NEW YORK STATE DOC, NEW YORK	0	1	0%
FLORENCE SPC, ARIZONA	11	93	11%
GUAYNABO (SAN JUAN), PUERTO RICO	1	18	5%
HARLINGEN, TEXAS	33	37	47%
HARTFORD, CONNECTICUT	61	136	31%
HONOLULU, HAWAII	119	46	72%
HOUSTON SPC, TEXAS	3	26	10%
HOUSTON, TEXAS	86	242	26%
IMPERIAL, CALIFORNIA	4	11	27%
KANSAS CITY, MISSOURI	13	73	15%
KROME NORTH SPC, FLORIDA	18	221	8%
LANCASTER, CALIFORNIA	12	58	17%
LAS VEGAS, NEVADA	83	77	52%
LOS ANGELES, CALIFORNIA	782	1,294	38%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	6	23	21%
MEMPHIS, TENNESSEE	210	149	58%
MIAMI, FLORIDA	510	1,420	26%
NEW ORLEANS, LOUISIANA	14	37	27%
NEW YORK CITY, NEW YORK	4,076	1,532	73%
NEWARK, NEW JERSEY	265	433	38%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	13	29	31%
OMAHA, NEBRASKA	27	199	12%
ORLANDO, FLORIDA	452	1,166	28%
PHILADELPHIA, PENNSYLVANIA	106	129	45%
PHOENIX, ARIZONA	57	53	52%
PORTLAND, OREGON	29	91	24%
SALT LAKE CITY, UTAH	22	60	27%
SAN ANTONIO, TEXAS	167	211	44%
SAN DIEGO, CALIFORNIA	264	120	69%
SAN FRANCISCO, CALIFORNIA	579	640	47%
SEATTLE, WASHINGTON	186	241	44%
TACOMA, WASHINGTON	18	81	18%
TUCSON, ARIZONA	12	22	35%
ULSTER - NEW YORK STATE DOC, NEW YORK	0	4	0%
VARICK SPC, NEW YORK	15	61	20%
YORK, PENNSYLVANIA	5	79	6%
TOTAL	10,186	11,358	47%

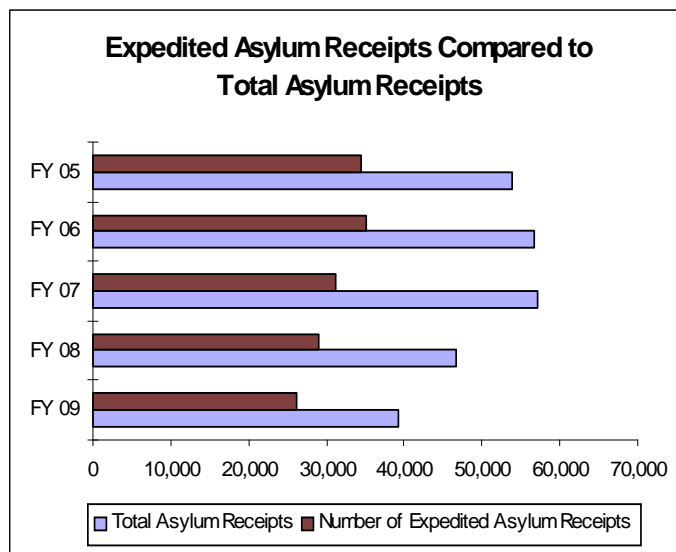
Immigration Courts: Expedited Asylum Cases

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

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

As shown in Figure 20 below, expedited asylum cases have decreased by 24 percent from FY 2005 to FY 2009. Total asylum receipts have decreased by 27 percent from FY 2005 to FY 2009.

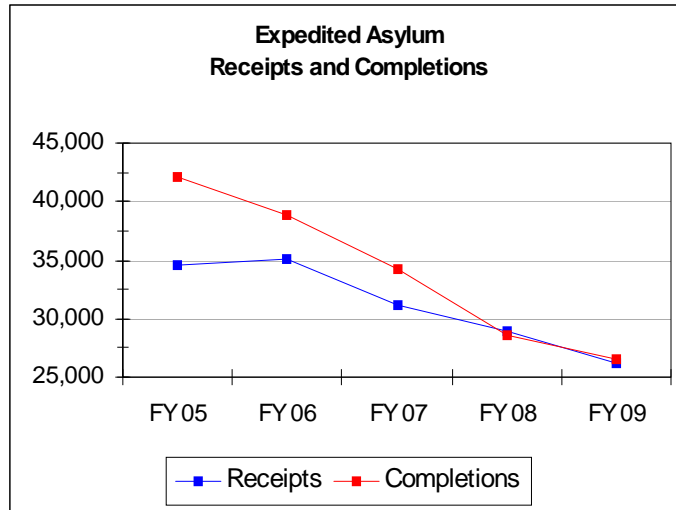
Figure 20



Expedited Asylum Receipts		
	Number of Expedited Asylum Receipts	Total Asylum Receipts
FY 05	34,551	53,904
FY 06	35,157	56,764
FY 07	31,189	57,139
FY 08	28,896	46,677
FY 09	26,172	39,279

Depicted in Figure 21 below are the number of receipts and completions for expedited asylum cases between FY 2005 and FY 2009.

Figure 21



Expedited Asylum Receipts and Completions		
FY 2005 - FY 2009		
	Receipts	Completions
FY 05	34,551	42,040
FY 06	35,157	38,819
FY 07	31,189	34,313
FY 08	28,896	28,529
FY 09	26,172	26,599

Immigration Courts: Convention Against Torture

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

There are two forms of protection under the 1999 regulations:

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

As shown in Table 9 below, the immigration courts adjudicated 25,665 CAT applications during FY 2009. Of those, 504 CAT cases were granted, the majority of which were granted withholding.

Table 9 - FY 2009 Convention Against Torture Cases by Disposition

Granted			Denied	Other	Withdrawn	Abandoned	Total
Withholding	Deferral	Total					
394	110	504	10,894	7,344	5,583	1,340	25,665

Table 10 on the following page shows a breakdown of CAT completions by immigration courts. The New York City, NY; Los Angeles, CA; Miami, FL; Orlando, FL; and San Francisco, CA, immigration courts combined completed approximately 60 percent of the total FY 2009 CAT cases.

Table 10 - FY 2009 Convention Against Torture Completions by Court

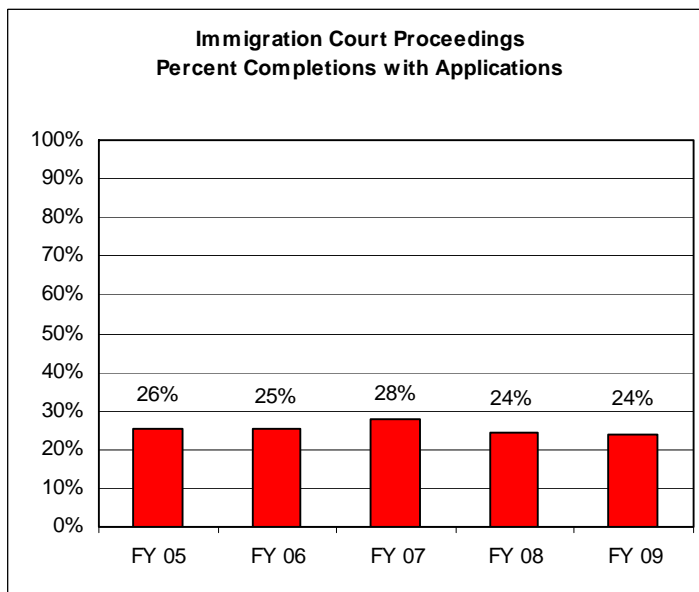
Immigration Court	Completions
ARLINGTON, VIRGINIA	266
ATLANTA, GEORGIA	105
BALTIMORE, MARYLAND	427
BATAVIA SPC, NEW YORK	71
BLOOMINGTON (ST. PAUL), MINNESOTA	265
BOSTON, MASSACHUSETTS	452
BUFFALO, NEW YORK	80
CHARLOTTE, NORTH CAROLINA	79
CHICAGO, ILLINOIS	429
CLEVELAND, OHIO	479
DALLAS, TEXAS	165
DENVER, COLORADO	172
DETROIT, MICHIGAN	487
EAST MESA, CALIFORNIA	134
EL CENTRO SPC, CALIFORNIA	50
EL PASO SPC, TEXAS	38
EL PASO, TEXAS	46
ELIZABETH SPC, NEW JERSEY	152
ELOY, ARIZONA	152
FISHKILL - NEW YORK STATE DOC, NEW YORK	33
FLORENCE SPC, ARIZONA	142
GUAYNABO (SAN JUAN), PUERTO RICO	133
HARLINGEN, TEXAS	174
HARTFORD, CONNECTICUT	133
HONOLULU, HAWAII	47
HOUSTON SPC, TEXAS	51
HOUSTON, TEXAS	242
IMPERIAL, CALIFORNIA	17
KANSAS CITY, MISSOURI	57
KROME NORTH SPC, FLORIDA	380
LANCASTER, CALIFORNIA	120
LAS VEGAS, NEVADA	245
LOS ANGELES, CALIFORNIA	3,606
LOS FRESNOS (PORT ISABEL SPC), TEXAS	71
MEMPHIS, TENNESSEE	324
MIAMI, FLORIDA	3,084
NEW ORLEANS, LOUISIANA	50
NEW YORK CITY, NEW YORK	4,393
NEWARK, NEW JERSEY	904
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	65
OMAHA, NEBRASKA	45
ORLANDO, FLORIDA	2,516
PHILADELPHIA, PENNSYLVANIA	371
PHOENIX, ARIZONA	48
PORTLAND, OREGON	111
SALT LAKE CITY, UTAH	45
SAN ANTONIO, TEXAS	553
SAN DIEGO, CALIFORNIA	429
SAN FRANCISCO, CALIFORNIA	1,720
SEATTLE, WASHINGTON	750
TACOMA, WASHINGTON	153
TUCSON, ARIZONA	18
ULSTER - NEW YORK STATE DOC, NEW YORK	58
VARICK SPC, NEW YORK	280
YORK, PENNSYLVANIA	248
TOTAL	25,665

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 and without Applications for Relief					
	With Applications	Percent with Applications	Without Applications	Percent Without Applications	Total
FY 05	80,526	26%	234,428	74%	314,954
FY 06	81,759	25%	242,288	75%	324,047
FY 07	76,749	28%	196,721	72%	273,470
FY 08	68,255	24%	212,950	76%	281,205
FY 09	69,442	24%	220,791	76%	290,233

Table 11 on page N2 shows the number and percentage of proceedings completed with applications for relief at each immigration court in FY 2009. Typically, courts along the United States border, courts co-located with DHS detention facilities, and courts which handle Institutional Hearing Program cases involving criminal aliens receive fewer applications for relief. Courts with a low percentage of applications for relief (10 percent or less) are shown in red. Courts where 50 percent or more of the completions involved applications for relief are shown in blue.

Table 11 - FY 2009 Immigration Court Completions (Proceedings) With Applications for Relief

Immigration Court	Total Completions	# of Completions With Applications	Percent With Applications
ARLINGTON, VIRGINIA	5,925	1,876	32%
ATLANTA, GEORGIA	12,678	1,596	13%
BALTIMORE, MARYLAND	4,070	1,965	48%
BATAVIA SPC, NEW YORK	1,250	123	10%
BLOOMINGTON (ST. PAUL), MINNESOTA	3,816	577	15%
BOSTON, MASSACHUSETTS	5,573	2,416	43%
BUFFALO, NEW YORK	2,353	295	13%
CHARLOTTE, NORTH CAROLINA	2,506	346	14%
CHICAGO, ILLINOIS	8,666	1,817	21%
CLEVELAND, OHIO	6,955	1,605	23%
DALLAS, TEXAS	6,859	929	14%
DENVER, COLORADO	8,246	1,005	12%
DETROIT, MICHIGAN	4,449	856	19%
EAST MESA, CALIFORNIA	1,668	201	12%
EL CENTRO SPC, CALIFORNIA	1,754	207	12%
EL PASO SPC, TEXAS	5,028	246	5%
EL PASO, TEXAS	5,981	421	7%
ELIZABETH SPC, NEW JERSEY	1,697	245	14%
ELOY, ARIZONA	10,225	1,883	18%
FISHKILL - NEW YORK STATE DOC, NEW YORK	353	49	14%
FLORENCE SPC, ARIZONA	5,548	664	12%
GUAYNABO (SAN JUAN), PUERTO RICO	1,898	628	33%
HARLINGEN, TEXAS	10,379	765	7%
HARTFORD, CONNECTICUT	1,731	600	35%
HONOLULU, HAWAII	1,010	330	33%
HOUSTON SPC, TEXAS	6,054	242	4%
HOUSTON, TEXAS	10,092	1,796	18%
IMPERIAL, CALIFORNIA	1,214	193	16%
KANSAS CITY, MISSOURI	2,919	495	17%
KROME NORTH SPC, FLORIDA	9,176	846	9%
LANCASTER, CALIFORNIA	5,323	442	8%
LAS VEGAS, NEVADA	3,954	916	23%
LOS ANGELES, CALIFORNIA	15,193	8,772	58%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	2,030	111	5%
MEMPHIS, TENNESSEE	2,388	830	35%
MIAMI, FLORIDA	11,800	5,274	45%
NEW ORLEANS, LOUISIANA	586	151	26%
NEW YORK CITY, NEW YORK	14,549	9,676	67%
NEWARK, NEW JERSEY	5,642	1,864	33%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	10,512	236	2%
OMAHA, NEBRASKA	3,880	928	24%
ORLANDO, FLORIDA	5,861	3,709	63%
PHILADELPHIA, PENNSYLVANIA	2,328	822	35%
PHOENIX, ARIZONA	3,359	918	27%
PORTLAND, OREGON	898	399	44%
SALT LAKE CITY, UTAH	3,077	345	11%
SAN ANTONIO, TEXAS	12,637	934	7%
SAN DIEGO, CALIFORNIA	4,442	1,452	33%
SAN FRANCISCO, CALIFORNIA	8,259	3,784	46%
SEATTLE, WASHINGTON	3,131	1,126	36%
TACOMA, WASHINGTON	7,363	370	5%
TUCSON, ARIZONA	5,328	149	3%
ULSTER - NEW YORK STATE DOC, NEW YORK	651	77	12%
VARICK SPC, NEW YORK	1,701	539	32%
YORK, PENNSYLVANIA	5,268	401	8%
TOTAL	290,233	69,442	24%



Courts with a low percentage of applications for relief



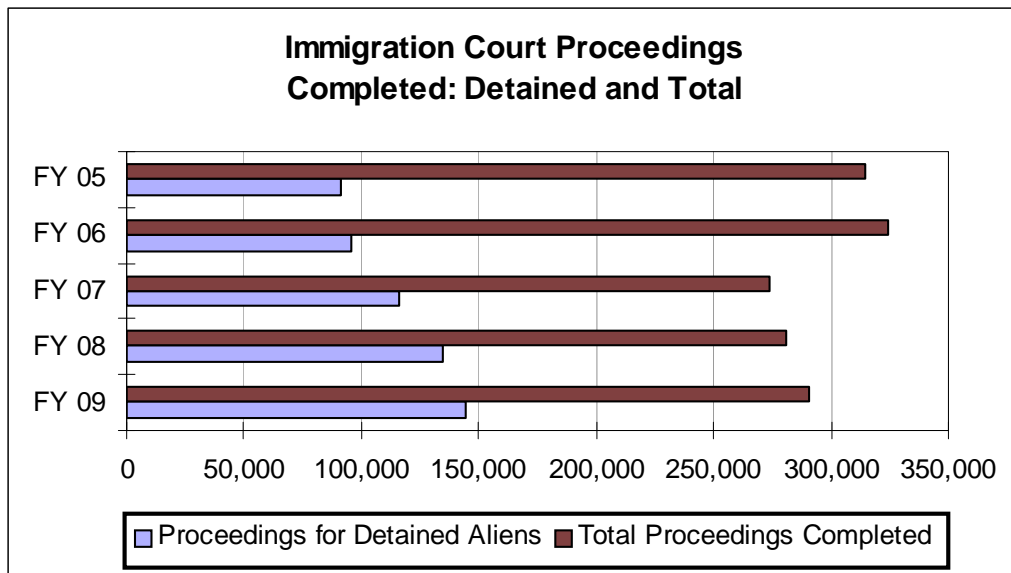
Courts with a high percentage of applications for relief

Immigration Courts: Proceedings Completed for Detained Cases

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

Detention locations include DHS Service Processing Centers, DHS contract detention facilities, state and local government jails, and Bureau of Prisons institutions. For the purpose of this Year Book, Institutional Hearing Program (IHP) cases are considered detained cases (IHP is discussed further in Tab P). Figure 23 below provides a comparison of detained completions to total proceedings completed. In FY 2009, the percent of detained completions increased by eight percent from FY 2008. Detained completions now account for close to half of all court proceedings.

Figure 23




Immigration Court (Proceedings) Completions			
	Proceedings Completed for Detained Aliens (Including IHP)		
	Proceedings for Detained Aliens	Total Proceedings Completed	Percent Detained
FY 05	91,392	314,954	29%
FY 06	95,663	324,047	30%
FY 07	115,736	273,470	42%
FY 08	134,305	281,205	48%
FY 09	144,763	290,233	50%

Table 12 on the following page provides information, by immigration court, on FY 2009 detained completions. The immigration courts in Eloy, AZ; Oakdale, LA; Krome, FL; Atlanta, GA; Harlingen, TX; San Antonio, TX; Tacoma, WA; Houston, TX; Houston SPC, TX; and Tucson, AZ, each completed more than 5,000 detained proceedings in FY 2009. Overall, immigration courts located in three border states – Texas, Arizona, and California – accounted for 49 percent of the detained completions in FY 2009. Courts in those three states are highlighted in blue in Table 12.

Table 12 - FY 2009 Immigration Court Completions (Proceedings) for Detained Cases

Immigration Court	Completions
ARLINGTON, VIRGINIA	1,425
ATLANTA, GEORGIA	7,677
BALTIMORE, MARYLAND	418
BATAVIA SPC, NEW YORK	883
BLOOMINGTON (ST. PAUL), MINNESOTA	2,326
BOSTON, MASSACHUSETTS	1,430
BUFFALO, NEW YORK	117
CHARLOTTE, NORTH CAROLINA	506
CHICAGO, ILLINOIS	4,471
CLEVELAND, OHIO	3,336
DALLAS, TEXAS	4,382
DENVER, COLORADO	4,983
DETROIT, MICHIGAN	2,208
EAST MESA, CALIFORNIA	1,546
EL CENTRO SPC, CALIFORNIA	1,559
EL PASO SPC, TEXAS	4,336
EL PASO, TEXAS	4,569
ELIZABETH SPC, NEW JERSEY	1,154
ELOY, ARIZONA	9,327
FISHKILL - NEW YORK STATE DOC, NEW YORK	353
FLORENCE SPC, ARIZONA	3,997
GUAYNABO (SAN JUAN), PUERTO RICO	608
HARLINGEN, TEXAS	6,352
HARTFORD, CONNECTICUT	707
HONOLULU, HAWAII	372
HOUSTON SPC, TEXAS	5,301
HOUSTON, TEXAS	5,533
IMPERIAL, CALIFORNIA	767
KANSAS CITY, MISSOURI	1,358
KROME NORTH SPC, FLORIDA	8,118
LANCASTER, CALIFORNIA	4,555
LAS VEGAS, NEVADA	2,422
LOS ANGELES, CALIFORNIA	909
LOS FRESNOS (PORT ISABEL SPC), TEXAS	1,879
MEMPHIS, TENNESSEE	25
MIAMI, FLORIDA	797
NEW ORLEANS, LOUISIANA	12
NEW YORK CITY, NEW YORK	136
NEWARK, NEW JERSEY	1,954
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	8,884
OMAHA, NEBRASKA	1,685
ORLANDO, FLORIDA	68
PHILADELPHIA, PENNSYLVANIA	42
PHOENIX, ARIZONA	553
PORTLAND, OREGON	79
SALT LAKE CITY, UTAH	2,423
SAN ANTONIO, TEXAS	6,195
SAN DIEGO, CALIFORNIA	2,212
SAN FRANCISCO, CALIFORNIA	2,309
SEATTLE, WASHINGTON	103
TACOMA, WASHINGTON	6,028
TUCSON, ARIZONA	5,047
ULSTER - NEW YORK STATE DOC, NEW YORK	648
VARICK SPC, NEW YORK	1,197
YORK, PENNSYLVANIA	4,482
TOTAL	144,763

 Immigration Courts in U.S./Mexico Border States

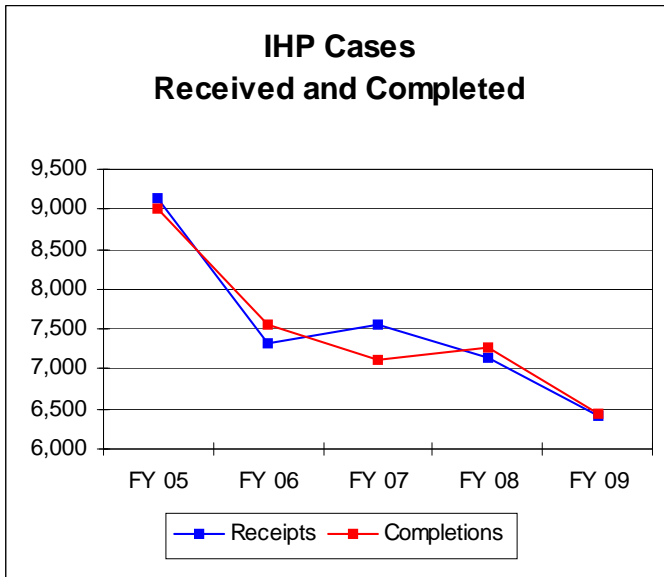
Immigration Courts: Institutional Hearing Program Case Processing

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

In FY 2009, DHS filed charging documents with the immigration courts for incarcerated aliens in 79 different institutions. Immigration judges and court staff traveled to these institutions to conduct IHP hearings.

Figure 24 provides information on IHP receipts and completions for FY 2005 - FY 2009. Both receipts and completions peaked in FY 2005. IHP receipts declined by 30 percent from FY 2005 to FY 2009. IHP completions decreased by 28 percent from FY 2005 to FY 2009.

Figure 24



IHP Cases		
	Receipts	Completions
FY 05	9,143	9,013
FY 06	7,315	7,556
FY 07	7,558	7,103
FY 08	7,149	7,260
FY 09	6,416	6,451

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

**Table 13
IHP Completions by Disposition**

	FY 05	FY 06	FY 07	FY 08	FY 09
Total Decisions in IHP Cases	7,360	6,021	5,483	5,611	4,928
<i>Removal</i>	7,109	5,762	5,235	5,373	4,713
<i>Termination</i>	208	192	208	179	137
<i>Relief</i>	34	54	24	33	31
<i>Other</i>	9	13	16	26	47
Other Completions	1,653	1,535	1,620	1,649	1,523
Total Completions	9,013	7,556	7,103	7,260	6,451

Immigration Courts: Immigration Judge Grants of Voluntary Departure

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

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

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

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

Table 14 - IJ Removal Decisions Compared to Voluntary Departure Decisions

	Total Removal Decisions	Voluntary Departure Decisions	Percent Voluntary Departure Decisions
FY 05	223,991	24,819	11%
FY 06	222,208	22,211	10%
FY 07	170,288	23,971	14%
FY 08	182,709	26,684	15%
FY 09	185,314	26,861	14%

Immigration Courts: Applications for Relief other than Asylum

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

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

- Adjustment of Status is a type of relief from deportation, removal, or exclusion, for an alien who is eligible for lawful permanent resident status based on a visa petition approved by DHS. Normally, the visa petition has been filed by a United States citizen spouse.

- Prior to the passage of IIRIRA, Section 212(c) of the Immigration and Nationality Act provided relief from deportation for long-term lawful permanent residents who had committed a crime. In order to be eligible to apply for 212(c) relief, an applicant had to show that he or she had been a lawful permanent resident for at least seven years, had served less than five years of a sentence if the underlying crime was classified as an aggravated felony, had been rehabilitated, and had no other criminal record. If an applicant in exclusion or deportation proceedings is able to establish these factors, the immigration judge has discretion to grant relief under 212(c).

- Suspension of Deportation is another pre-IIRIRA form of discretionary relief. Certain aliens in deportation proceedings who have maintained continuous physical presence in the United States for specific periods of time, and have met the other statutory requirements may be granted suspension of deportation and adjustment of status to that of lawful permanent resident. The total number of adjustments to lawful permanent resident status under suspension of deportation or cancellation of removal is limited to a 4,000 annual cap under IIRIRA. Applicants for suspension of deportation who applied for this relief prior to the implementation of IIRIRA, or who meet certain conditions of the Nicaraguan Adjustment and Central American Relief Act (NACARA) are not subject to the cap.

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

Table 15, on the following page, reflects grants of relief under the various provisions described above during the period FY 2005 - FY 2009.

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

	Relief Granted to Lawful Permanent Residents		Relief Granted to Non-Lawful Permanent Residents				
	Relief Granted Under Section 212(c)	Cancellation of Removal	Not Subject to Annual Cap of 4,000 Grants			Subject to Annual Cap of 4,000 Grants	
			Adjustment of Status to LPR	Suspension of Deportation	Cancellation of Removal	Suspension of Deportation	Cancellation of Removal
FY 2005	1,082	2,531	9,399	164	435	182	3,092
FY 2006	1,437	2,972	11,352	143	527	118	3,138
FY 2007	1,406	3,205	7,284	118	562	63	2,943
FY 2008	1,049	3,035	7,108	100	412	0	3,032
FY 2009	858	2,929	7,356	75	473	0	3,479

Board of Immigration Appeals: Total Cases Received and Completed

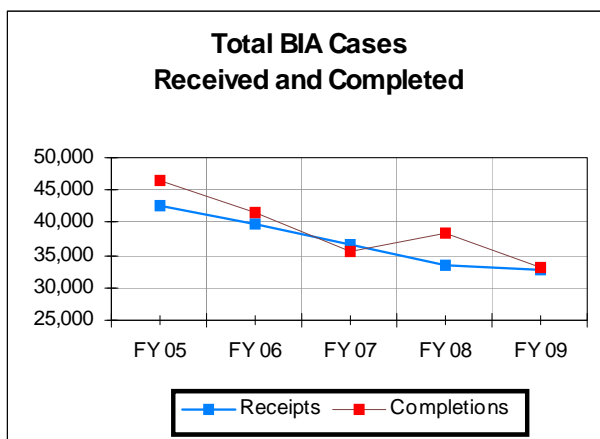
The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges or certain DHS officials. Published BIA decisions are binding on all DHS officers and immigration judges unless modified or overruled by the Attorney General or a federal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

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

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

As shown in Figure 25, BIA case receipts have decreased by 23 percent from FY 2005 to FY 2009. During this same period, case completions decreased by 29 percent. Completions outnumbered receipts in four of the five years from FY 2005 to FY 2009.

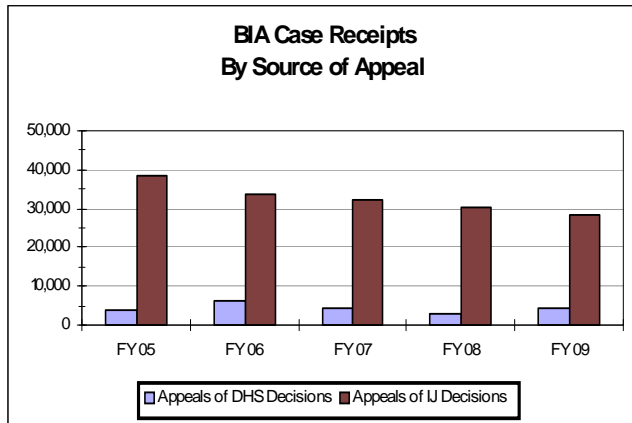
Figure 25



Total BIA Cases		
	Receipts	Completions
FY 05	42,725	46,339
FY 06	39,744	41,476
FY 07	36,607	35,394
FY 08	33,464	38,369
FY 09	32,859	33,103

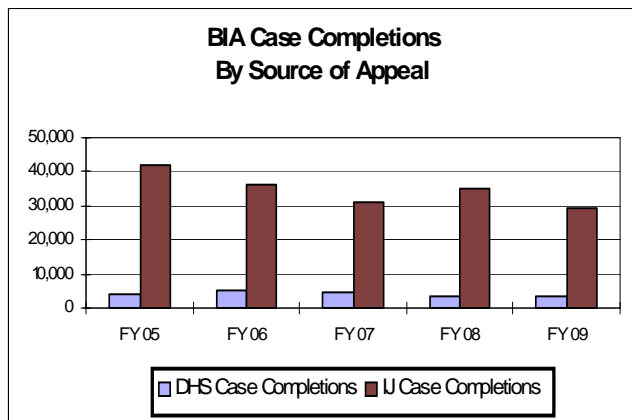
As noted earlier, BIA handles two types of cases: those generated from an immigration judge decision, and those generated from a DHS decision. Figures 26 and 27 below provide information on the types of cases received and completed by the BIA. Appeals of immigration judge decisions make up the bulk of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

Figure 26



	Appeals of DHS Decisions	Appeals of IJ Decisions	Total Appeals
FY 05	4,044	38,681	42,725
FY 06	6,144	33,600	39,744
FY 07	4,308	32,299	36,607
FY 08	3,019	30,445	33,464
FY 09	4,286	28,573	32,859

Figure 27



	DHS Case Completions	IJ Case Completions	Total Appeals
FY 05	4,155	42,184	46,339
FY 06	5,128	36,348	41,476
FY 07	4,643	30,751	35,394
FY 08	3,557	34,812	38,369
FY 09	3,707	29,396	33,103

Board of Immigration Appeals: Cases Received and Completed by Type

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

- Case appeals from the decisions of immigration judges in removal, deportation, and exclusion proceedings at the court level;
- Appeals filed from the decisions of immigration judges on motions to reopen proceedings;
- Motions to reopen cases already decided by the BIA;
- Appeals pertaining to bond, parole, or detention; and
- Interlocutory appeals relating to important jurisdictional questions regarding the administration of the immigration laws or recurring problems in the handling of cases by immigration judges.

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

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

As shown in Table 16, on the following page, appeals received from immigration judge decisions have declined each year from FY 2005 to FY 2009. Appeals received from DHS decisions have decreased each year from FY 2006 to FY 2008 then increased in FY 2009. The data in Table 17 shows an increase in appeals completed from immigration judge decisions from FY 2007 to FY 2008 then a decrease in FY 2009. Appeals completed from DHS decisions decreased each year from FY 2006 to FY 2008 then increased in FY 2009.

Table 16 provides a breakdown of the types of cases received by the BIA between FY 2005 and FY 2009.

Table 16 - BIA Receipts by Type

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Total Appeals from IJ Decisions	38,681	33,600	32,299	30,445	28,573
Case Appeal	24,333	20,282	18,343	17,757	16,641
Appeal of IJ Motion to Reopen	1,864	1,546	1,967	1,941	1,834
Motion to Reopen-BIA	10,334	9,266	8,965	8,376	7,823
Bond Appeal	715	613	722	747	1,101
Interlocutory Appeal	144	98	146	164	175
Circuit Court Remand*	1,290	1,792	2,155	1,457	997
Special Circumstance	1	3	1	3	2
Total Appeals from DHS Decisions	4,044	6,144	4,308	3,019	4,286
Decisions on Visa Petitions	3,955	5,919	3,979	2,849	3,958
212 Waiver Decisions	63	75	139	117	27
Decisions on Fines and Penalties	26	150	190	53	301
Grand Total	42,725	39,744	36,607	33,464	32,859

Table 17 provides a breakdown of the types of cases completed by the BIA between FY 2005 and FY 2009.

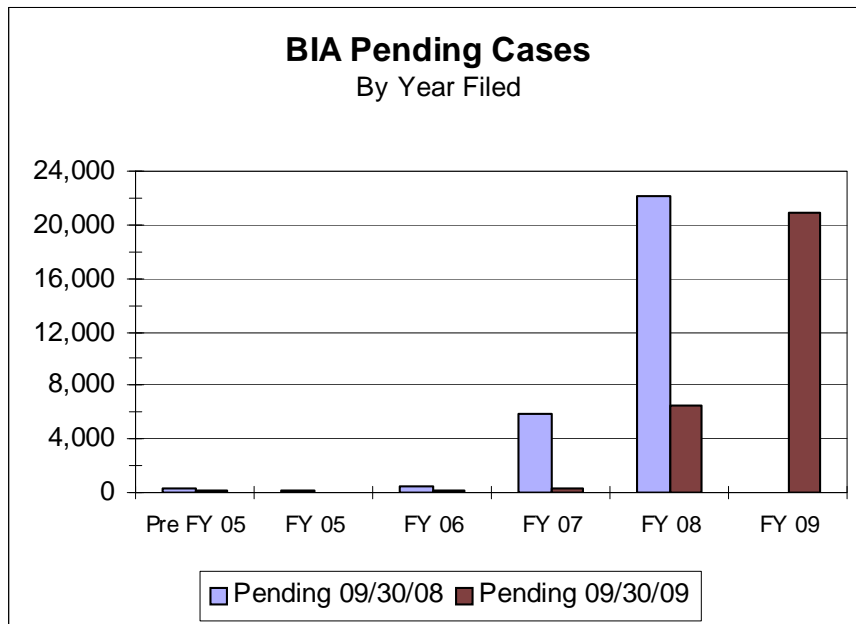
Table 17 - BIA Completions by Type

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Total Appeals from IJ Decisions	42,184	36,348	30,751	34,812	29,396
Case Appeal	27,364	23,544	17,802	21,928	17,886
Appeal of IJ Motion to Reopen	2,099	1,964	1,083	1,936	1,526
Motion to Reopen-BIA	10,994	8,839	8,717	8,315	7,622
Bond Appeal	754	610	710	740	1,072
Interlocutory Appeal	134	104	129	193	178
Circuit Court Remand*	837	1,284	2,309	1,696	1,110
Special Circumstance	2	3	1	4	2
Total Appeals from DHS	4,155	5,128	4,643	3,557	3,707
Decisions on Visa Petitions	4,054	4,994	4,410	3,199	3,377
212 Waiver Decisions	72	68	131	131	29
Decisions on Fines and Penalties	29	66	102	227	301
Grand Total	46,339	41,476	35,394	38,369	33,103

Board of Immigration Appeals: Pending Caseload

Figure 28 below depicts the age of the BIA's pending caseload. The number of BIA pending cases has decreased from the end of FY 2008 to the end of FY 2009. At the end of FY 2008, there were 28,889 cases pending at the BIA. By the end of FY 2009, the number of pending cases had been reduced to 27,969 cases. The age of pending cases has also decreased. At the beginning of FY 2009, cases filed before FY 2008 accounted for 24 percent of the pending caseload. At the end of FY 2009 they accounted for two percent of the pending caseload. The cases filed in FY 2008 decreased from 76 percent of total pending at the beginning of FY 2009 to 23 percent of total pending at the end of FY 2009.

Figure 28

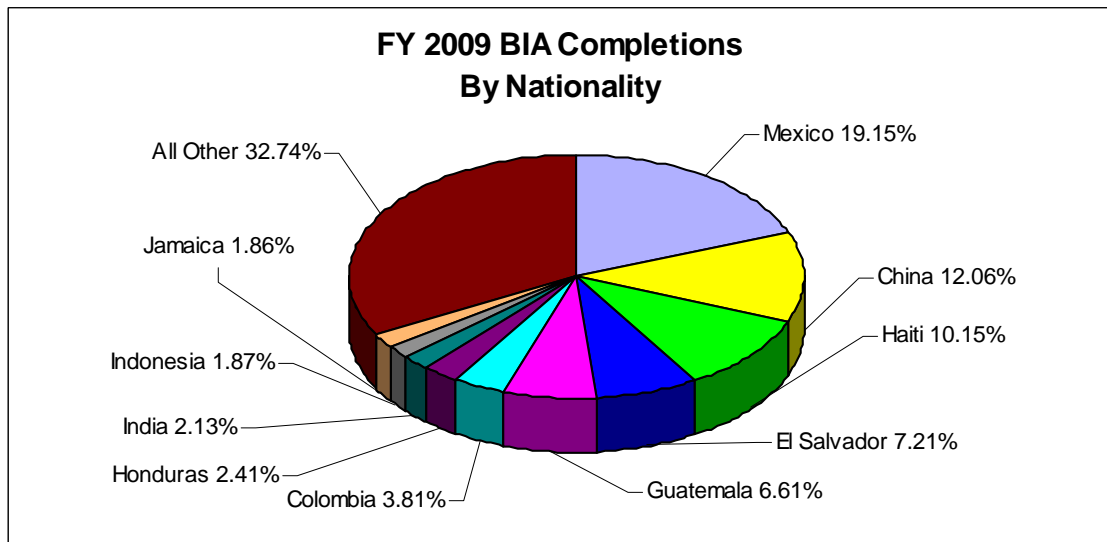


BIA Pending Cases		
Year Filed	Pending 09/30/08	Pending 09/30/09
Pre FY 05	369	80
FY 05	130	60
FY 06	441	168
FY 07	5,878	297
FY 08	22,071	6,431
FY 09		20,933
Total	28,889	27,969

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

This section provides information on appeal completions by nationality. Only completions of immigration judge decision appeals are included in these data; appeals of DHS decisions are not included. In FY 2009, the top 10 nationalities accounted for 67 percent of all completions as shown in Figure 29. A total of 190 nationalities were represented in the FY 2009 completions. Data in Table 18, on the following page, compares the predominant nationalities for completed immigration judge appeals in fiscal years 2005-2009. For the five-year period, eight nationalities ranked among the top 10 each year: Mexico, China, Haiti, El Salvador, Guatemala, Colombia, India, and Indonesia.

Figure 29



FY 2009 IJ Appeals Completed by Nationality		
Nationality	Cases	% of Total
Mexico	5,628	19.15%
China	3,544	12.06%
Haiti	2,984	10.15%
El Salvador	2,120	7.21%
Guatemala	1,944	6.61%
Colombia	1,121	3.81%
Honduras	708	2.41%
India	625	2.13%
Indonesia	549	1.87%
Jamaica	548	1.86%
All Other	9,625	32.74%
Total	29,396	100.00%

**Table 18 - BIA - IJ Decision Appeals Completed by Nationality
Top 25 Nationalities: FY 2005 - FY 2009**

Rank	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	China	China	China	China	China
3	Haiti	Haiti	Haiti	Haiti	Haiti
4	Colombia	Colombia	Colombia	El Salvador	El Salvador
5	India	Guatemala	El Salvador	Guatemala	Guatemala
6	Guatemala	El Salvador	Guatemala	Colombia	Colombia
7	Indonesia	Indonesia	Indonesia	India	Honduras
8	El Salvador	India	India	Indonesia	India
9	Pakistan	Pakistan	Dominican Republic	Honduras	Indonesia
10	Dominican Republic	Albania	Jamaica	Dominican Republic	Jamaica
11	Albania	Dominican Republic	Albania	Jamaica	Dominican Republic
12	Jamaica	Jamaica	Pakistan	Pakistan	Venezuela
13	Philippines	Honduras	Honduras	Venezuela	Pakistan
14	Nigeria	Nigeria	Venezuela	Albania	Nigeria
15	Armenia	Philippines	Nigeria	Nigeria	Albania
16	Honduras	Armenia	Philippines	Philippines	Philippines
17	Peru	Venezuela	Armenia	Peru	Peru
18	Bangladesh	Cameroon	Ethiopia	Armenia	Nicaragua
19	Ethiopia	Peru	Peru	Nicaragua	Ecuador
20	Cameroon	Bangladesh	Guinea	Cameroon	Cameroon
21	Iraq	Ethiopia	Cameroon	Bangladesh	Ethiopia
22	Russia	Russia	Bangladesh	Ethiopia	Guinea
23	Egypt	Guyana	Mauritania	Ecuador	Mauritania
24	Guyana	Egypt	Russia	Guinea	Armenia
25	Nicaragua	Mauritania	Iraq	Brazil	Russia

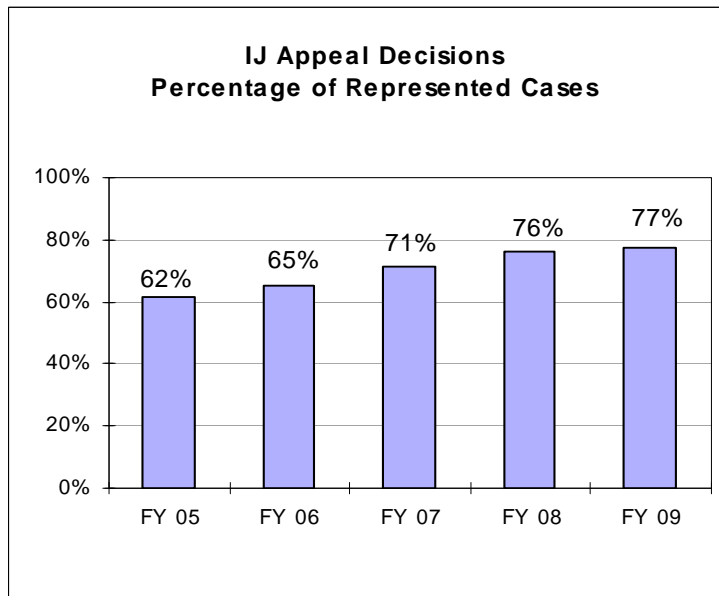
Board of Immigration Appeals: Immigration Judge Decision Appeals Completed by Representation Status

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

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

As shown in Figure 30, the representation rate increased from FY 2005 to FY 2009. FY 2008 and FY 2009 have the highest representation rate of the five years where 77 percent of appellate cases completed by the BIA involved a represented alien. Only appeals of immigration judge decisions are included in these data.

Figure 30



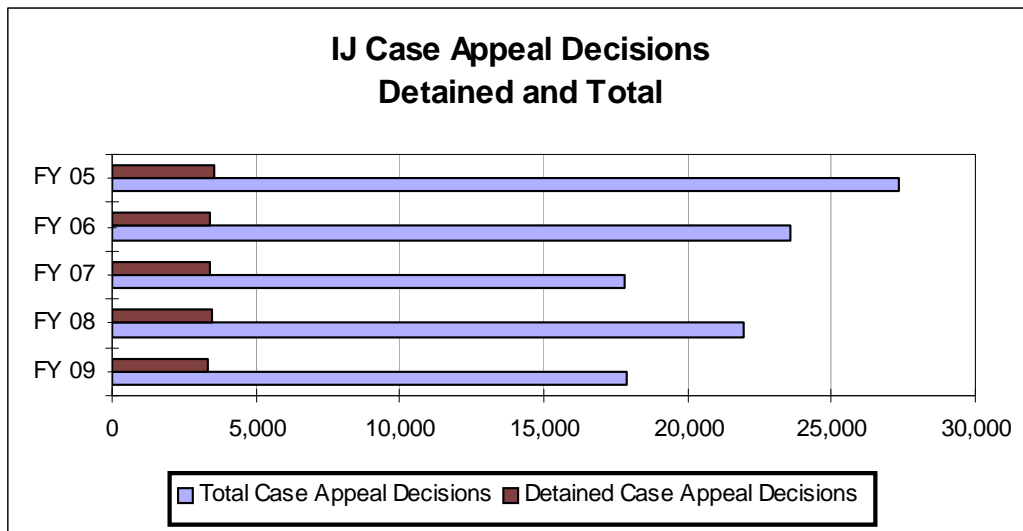
Represented Before the BIA			
	Represented	Unrepresented	Total
FY 05	26,067	16,117	42,184
FY 06	23,626	12,722	36,348
FY 07	21,925	8,826	30,751
FY 08	26,561	8,251	34,812
FY 09	22,770	6,626	29,396

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

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

Depicted in Figure 31 is the number of immigration judge case appeal decisions between FY 2005 and FY 2009 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 05	3,571	27,364	13%
FY 06	3,434	23,544	15%
FY 07	3,387	17,802	19%
FY 08	3,458	21,928	16%
FY 09	3,361	17,886	19%

Table 19 shows a breakdown of total detained case appeals completed by the BIA, and of those, the number who were serving sentences at an IHP location. In FY 2009, 13 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. The percentage of IHP completions declined from FY 2005 to FY 2009. This drop in the percentage of IHP completions is caused by a decrease in the number of IHP completions and the total detained completions staying fairly consistent.

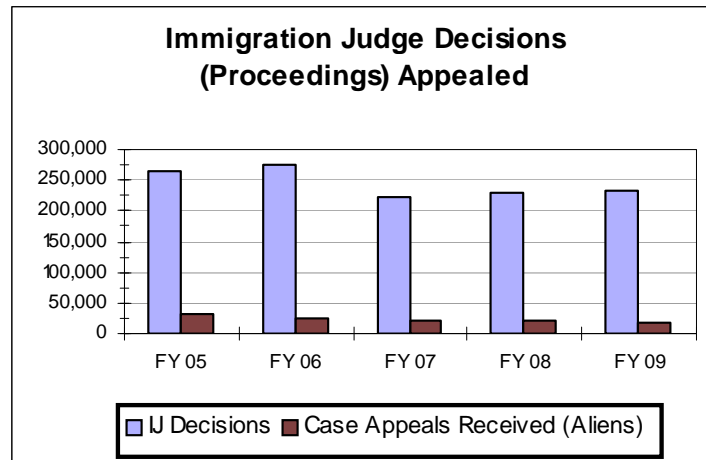
Table 19
Breakdown of BIA Detained Completions

	Total Detained Completions	IHP Completions	Percent IHP Completions
FY 2005	3,571	654	18%
FY 2006	3,434	602	18%
FY 2007	3,387	465	14%
FY 2008	3,458	471	14%
FY 2009	3,361	452	13%

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

The majority of cases reviewed by the BIA involve decisions made by immigration judges in removal, deportation, or exclusion proceedings. Either DHS or the alien may file an appeal. Appeals must be filed within 30 days of the immigration judge's decision. Only a relatively small percentage of immigration judge decisions are appealed to the BIA. Figure 32 below compares immigration judge decisions with the number of aliens who appealed their decisions to the BIA for fiscal years 2005 through 2009. All other figures and tables in Tabs S-X reflect cases (which can involve multiple aliens). In this instance, reporting on aliens who appealed is a more accurate representation of appeal rate.

Figure 32



IJ Decisions (Proceedings) Appealed			
	IJ Decisions	Case Appeals Received (Aliens)	Percent Appealed
FY 05	264,785	30,468	12%
FY 06	273,761	24,580	9%
FY 07	223,089	21,900	10%
FY 08	229,449	20,683	9%
FY 09	232,212	19,047	8%

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

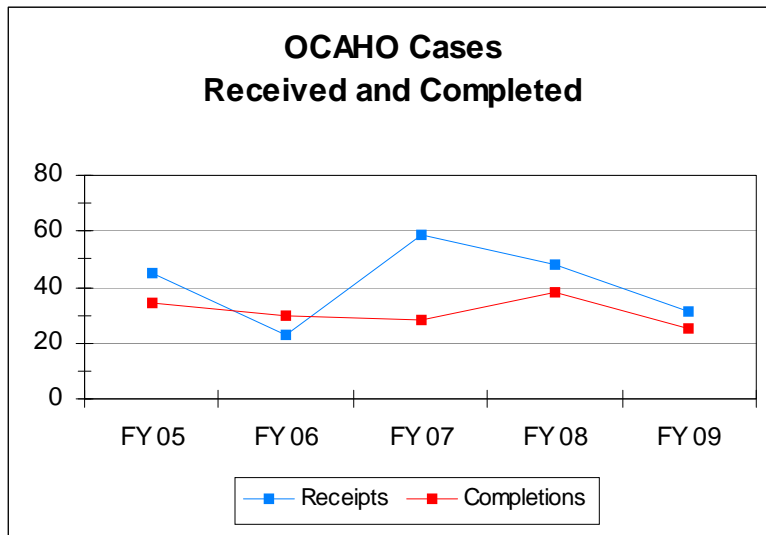
The Office of the Chief Administrative Hearing Officer (OCAHO) is headed by the Chief Administrative Hearing Officer, who is responsible for the general supervision of administrative law judges. OCAHO's administrative law judges hear cases and adjudicate issues arising under provisions of the Immigration and Nationality Act relating to:

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

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

Figure 33 provides information on the number of cases received and completed by OCAHO between FY 2005 and FY 2009. Completions may include cases received in a prior fiscal year.

Figure 33



OCAHO Cases		
	Receipts	Completions
FY 05	45	34
FY 06	23	30
FY 07	59	28
FY 08	48	38
FY 09	31	25

* OCAHO also will be delegated the Attorney General's authority to adjudicate certain violations contained in the International Marriage Broker Regulation Act of 2005, when final regulations implementing that law are published in the Federal Register.

GLOSSARY OF TERMS

Disclaimer

This Glossary has been compiled as an addendum to the FY 2009 Statistical Year Book of the Executive Office for Immigration Review (EOIR). Its intent is to define terms as they are used in the Year Book, and is strictly informational in nature. These terms may have further meaning in the context of other immigration matters. This Glossary is not intended, in any way, to be a substitute for a careful study of the pertinent laws and regulations. This Glossary does not carry the weight of law or regulation. This Glossary is not intended, nor should it be construed in any way, as legal advice, nor does it extend or limit the jurisdiction of EOIR as established by law and regulation.

A

Abandoned

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

Accredited Representative

A non-attorney who is authorized to practice before the immigration courts, the Board of Immigration Appeals (BIA), and/or the Department of Homeland Security. Accredited representatives are granted accreditation by the BIA. To be granted BIA accreditation, accredited representatives must be affiliated with an organization that has been recognized by the BIA. See *Recognized Organization*.

Adjustment of Status

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

Administrative Closure

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

Administrative Law Judges

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

Affirmative Asylum Application

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

Aggravated Felony

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

Appeal from Decision of an Immigration Judge

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

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

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

Application for Relief

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

Asylum

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

Asylum Grants

An asylum grant allows the alien to remain in the United States and provides certain benefits and derivative asylum status for any spouse or child. An asylee can apply to the Department of Homeland Security for lawful permanent resident status under

Immigration and Nationality Act section 209(b) after he or she has been physically present in the United States for a period of one year after the date of the asylum grant.

Asylum-only Proceedings

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

B

Board of Immigration Appeals

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

Bond

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

Bond Redetermination Hearing

When the Department of Homeland Security (DHS) has set a bond amount as a condition for release from custody, or has determined not to release the alien on bond, the respondent has the right to ask an immigration judge to redetermine the bond. In a

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

C

Cancellation of Removal

There are two different forms of cancellation of removal:

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

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

Case

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

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

In a proceeding before an Administrative Law Judge in the Office of the Chief Administrative Hearing Officer, a "case" involves a complainant and a respondent. In cases brought under Immigration and Nationality Act section 274A and section 274C, the complainant is the Department of Homeland Security, and the respondent is an employer. In Immigration and Nationality Act section 274B cases, the complainant is either the Office of Special Counsel for Immigration-Related Unfair Employment Practices or an individual employee, and the respondent is an employer. An employee is a U.S. citizen or an alien authorized to work in the United States.

Change of Venue

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

Claimed Status Review

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

Coercive Population Control

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

Completions

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

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

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

Conditional Asylum Grants

Section 207(a)(5) of the Immigration and Nationality Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, provided that for any fiscal year no more than 1,000 aliens could be admitted as refugees or granted asylum pursuant to a determination that the alien was or would be persecuted for resistance to coercive population control methods. An alien who was eligible for a grant of asylum based on coercive population control methods received a grant conditioned on an

administrative determination by the Department of Homeland Security that a number was available. Effective May 11, 2005, under the REAL ID Act, the annual cap was lifted on asylum grants based on coercive population control methods. See *Coercive Population Control*.

Continuance

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

Continued Detention Review

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

Convention Against Torture

On March 22, 1999, the Department of Justice implemented regulations regarding the United Nations' Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture or CAT). Under this regulation, aliens in removal, deportation, or exclusion proceedings may claim that they "more likely than not" will be tortured if removed from the United States. Among other things, the regulation provides jurisdiction to the immigration courts and the Board of Immigration Appeals for reviewing these claims. See *Deferral of Removal and Withholding-only Proceedings*.

Credible Fear Review

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

Custody Status

Whether an alien is in actual custody (detained) or is at liberty. This Year Book describes three custody categories: detained, non-detained (EOIR has no record of the alien having been detained), and released (detained, then released on bond, recognizance, or some other condition).

D

Decision

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

Defensive Asylum Application

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

Deferral of Removal

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

Denials

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

Department of Homeland Security (DHS)

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

Deportation Proceedings

Prior to April 1, 1997, a deportation case usually arose when the former Immigration and Naturalization Service (INS) (now Department of Homeland Security) alleged that a respondent entered the country illegally by crossing the border without being inspected by an immigration officer. Deportation cases also occurred when INS alleged that a

respondent entered the country legally with a visa but then violated one or more conditions of the visa. When INS became aware of a respondent believed to be deportable, they issued a charging document called an Order to Show Cause (OSC). An OSC is the charging document that was used prior to April 1, 1997. A deportation proceeding actually began when the OSC was filed with an immigration court. In such proceedings, the government, represented by INS, had to prove that a respondent was deportable for the reasons stated in the OSC. As of April 1, 1997, deportation and exclusion proceedings were replaced by removal proceedings. *Contrast Exclusion and Removal Proceedings.*

Detained

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

Detention of an Alien

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

Disposition

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

District Director (DD)

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

E

Exclusion Proceedings

Prior to April 1, 1997, an exclusion case involved a person who tried to enter the United States but was stopped at the port of entry because the former Immigration and Naturalization Service (INS) (now Department of Homeland Security) found the person to be inadmissible. The INS District Director could either detain the applicant or "parole" the applicant into the country; i.e., release from detention and allow to remain free until completion of the hearing. In either case, the applicant technically had not entered the country as a matter of law. Beginning April 1, 1997, deportation and exclusion

proceedings were replaced by removal proceedings. *Contrast Deportation and Removal Proceedings.*

Executive Office for Immigration Review (EOIR)

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

Expedited Asylum

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

F

Failure to Appear

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

Filing

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

Fines and Penalties

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

Fiscal Year

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

G

Grant of Relief

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

Grant of Motion

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

I

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

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

Immigration and Nationality Act

The Immigration and Nationality Act consolidated previous immigration laws into one coordinated statute. As amended, the Immigration and Nationality Act provides the foundation for immigration law in effect today. The Immigration and Nationality Act deals with the immigration, temporary admission, naturalization, and removal of aliens.

Immigration and Naturalization Service (INS)

Until its transition to the Department of Homeland Security (DHS) on March 1, 2003, INS was the agency responsible for administering immigration and nationality laws

relating to the temporary admission, immigration, naturalization, and removal of aliens. Specifically, INS inspected aliens to determine their admissibility into the United States, adjudicated requests of aliens for benefits under the law, guarded against illegal entry into the United States, removed aliens in this country who were in violation of the law, examined alien applicants seeking to become citizens, and enforced immigration-related employment verification and document fraud laws. See *Department of Homeland Security*.

Immigration Court

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

Immigration Judge

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

Immigration Reform and Control Act of 1986 (IRCA)

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

In Absentia

A Latin phrase meaning “in the absence of.” An *in absentia* hearing occurs when an alien fails to appear for a hearing and the immigration judge conducts the hearing without the alien present and orders the alien removed from the United States. An immigration judge shall order removed *in absentia* any alien who, after written notice of the time and place of proceedings and the consequences of failing to appear, fails to appear at his or her removal proceeding. The DHS must establish by clear, unequivocal, and convincing evidence that the written notice was provided and that the alien is removable. See *Failure to Appear*.

Inadmissible

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

Institutional Hearing Program (IHP)

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

Interlocutory Appeals

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

L**Lawful Permanent Resident (LPR)**

An alien who has been conferred permanent resident status.

M**Matters**

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

Motion

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

N

Nationality

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

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

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

Non-detained

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

Notice to Appear (NTA)

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

Notice of Intent To Rescind

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

O

Office of the Chief Administrative Hearing Officer (OCAHO)

OCAHO has jurisdiction over four types of cases arising under the Immigration and Nationality Act: (1) employer sanctions for the unlawful hiring or continued employment of unauthorized aliens; (2) immigration-related unfair employment practices; (3) immigration-related document fraud; and, (4) the prohibition against indemnity bonds. OCAHO also will be delegated the Attorney General's authority to adjudicate certain violations contained in the International Marriage Broker Regulation Act of 2005, when final regulations implementing that law are published in the Federal Register. OCAHO is headed by a Chief Administrative Hearing Officer who provides overall program direction, articulates policies and procedures, establishes priorities and administers the hearing process presided over by Administrative Law Judges (ALJs). OCAHO also conducts administrative review of ALJs' decisions in the areas of employer sanctions and document fraud, and may modify or vacate those ALJ decisions. Complaints are brought by the Department of Homeland Security, the Office of Special Counsel for

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

Office of the Chief Immigration Judge (OCIJ)

OCIJ provides overall program direction, articulates policies and procedures, and establishes priorities for immigration judges. The Chief Immigration Judge carries out these responsibilities with the assistance and support of a Deputy Chief Immigration Judge as well as numerous Assistant Chief Immigration Judges. *See Immigration Judge.*

P

Pro Bono

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

Pro Se

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

Proceeding

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

R

Reasonable Fear Review

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

Receipts

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

Recognized Organization

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

Reconsider, Motion to

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

Released

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

Relief from Removal

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

Removable

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

Removal Proceedings

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

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

Reopen, Motion to

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

Represented

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

Rescission Proceedings

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

Respondent

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

S

Suspension of Deportation

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

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

T

Termination

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

U

Unrepresented

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

V

Visa Petition

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

Voluntary Departure

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

W

Withdrawal of an Appeal

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

Withdrawal of an Application for Relief

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

Withholding of Removal

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

Withholding-only Proceedings

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

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	32	7	0	6	1	2	19
ALBANIA	281	211	0	121	12	36	74
ALGERIA	24	6	0	13	1	7	9
ANGOLA	27	6	0	7	2	2	10
ANTIGUA AND BARBUDA	1	0	0	0	0	0	0
ARGENTINA	42	10	0	13	8	19	20
ARMENIA	280	196	0	98	20	82	122
ARUBA	0	1	0	0	0	0	0
AUSTRALIA	2	0	0	0	0	1	0
AUSTRIA	1	1	0	1	0	0	0
AZERBAIJAN	37	13	0	7	3	7	12
BAHAMAS	7	0	0	7	0	2	0
BAHRAIN	7	0	0	0	0	0	0
BANGLADESH	208	47	0	52	8	43	60
BARBADOS	3	0	0	0	0	0	1
BE REMOVED FROM THE UNITED STATES	1	1	0	0	0	1	0
BELARUS	87	34	0	10	4	5	23
BELGIUM	22	7	0	7	2	0	6
BELIZE	16	2	0	7	2	2	1
BENIN	17	4	0	4	0	1	6
BHUTAN	6	5	0	0	0	1	2
BOLIVIA	19	1	0	10	2	8	4
BOSNIA-HERZEGOVINA	36	17	0	12	7	6	15

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
BOTSWANA	1	0	0	0	0	0	0
BRAZIL	178	22	0	65	16	38	41
BRUNEI	2	0	0	0	0	0	1
BULGARIA	75	42	0	21	14	10	35
BURKINA FASO	82	39	0	6	2	7	21
BURMA (MYANMAR)	145	108	0	23	5	7	30
BURUNDI	31	15	0	10	1	0	5
BYELORUSSIA (BELARUS)	81	39	0	8	4	6	19
CAMBODIA	38	11	0	25	1	6	11
CAMEROON	379	203	0	84	19	24	101
CANADA	22	11	0	5	0	2	9
CAPE VERDE	1	0	0	0	0	1	0
CENTRAL AFRICAN REPUBLIC	31	16	0	8	1	1	17
CHAD	56	40	0	10	2	13	15
CHILE	16	6	0	7	2	2	3
CHINA	9,336	3,418	0	1,658	196	238	1,657
COCOS ISLAND	0	0	0	1	0	0	0
COLOMBIA	885	356	0	506	134	252	328
CONGO	175	48	0	24	7	11	56
COSTA RICA	10	1	0	4	5	3	5
CROATIA	11	1	0	5	0	1	1
CUBA	189	15	0	99	10	77	139
CZECH REPUBLIC	7	2	0	1	2	3	1

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CZECHOSLOVAKIA	2	0	0	2	0	2	5
DEMOCRATIC REPUBLIC OF CONGO	41	11	0	12	2	0	8
DJIBOUTI	15	5	0	1	1	1	0
DOMINICA	2	0	0	1	1	0	1
DOMINICAN REPUBLIC	64	3	0	27	0	12	19
EAST GERMANY	0	0	0	4	0	0	0
ECUADOR	203	6	0	28	6	37	51
EGYPT	384	173	0	58	11	29	71
EL SALVADOR	3,458	117	0	1,236	574	1,100	2,752
EQUATORIAL GUINEA	0	0	0	1	0	0	0
ERITREA	296	196	0	23	5	5	47
ESTONIA	17	8	0	9	4	3	19
ETHIOPIA	731	409	0	112	20	26	125
FIJI	69	29	0	24	5	11	12
FINLAND	4	4	0	1	0	4	2
FRANCE	9	1	0	4	1	4	4
GABON	7	0	0	1	0	1	0
GAMBIA	198	49	0	53	6	33	56
GEORGIA	109	24	0	28	6	8	42
GERMANY	37	1	0	8	3	0	9
GHANA	71	8	0	28	3	9	20
GREECE	7	0	0	0	0	1	1
GRENADA	2	0	0	1	0	1	2

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GUATEMALA	3,250	155	0	1,156	645	1,340	1,432
GUINEA	448	193	0	98	7	49	96
GUINEA BISSAU	10	3	0	3	0	1	3
GUYANA	48	0	0	23	3	16	21
HAITI	1,809	406	0	1,589	282	259	721
HONDURAS	598	46	0	400	77	115	233
HONG KONG	3	1	0	4	0	0	0
HUNGARY	15	1	0	3	3	3	3
ICELAND	1	0	0	0	0	0	1
INDIA	1,047	260	0	232	45	100	227
INDONESIA	529	155	0	335	62	122	162
IRAN	198	91	0	48	9	48	79
IRAQ	309	364	0	49	5	28	60
ISRAEL	44	17	0	18	3	14	23
ITALY	14	0	0	9	0	6	5
IVORY COAST (COTE D'IVOIRE)	262	96	0	66	14	65	81
JAMAICA	135	2	0	80	6	19	38
JAPAN	6	2	0	4	0	7	1
JORDAN	77	20	0	38	4	21	36
KAMPUCHEA	4	1	0	5	0	3	1
KAZAKHSTAN	71	20	0	9	2	2	21
KENYA	332	94	0	94	20	36	69
KIRGHIZIA (KYRGYZSTAN)	63	7	0	5	1	6	14

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KIRIBATI	1	0	0	1	0	0	1
KOSOVO	26	7	0	1	0	2	1
KUWAIT	20	5	0	3	0	1	9
LAOS	61	13	0	26	4	3	31
LATVIA	13	2	0	2	2	6	5
LEBANON	97	9	0	46	10	20	37
LESOTHO	1	0	0	0	0	0	0
LIBERIA	187	31	0	55	13	20	77
LIBYA	6	5	0	2	0	1	2
LITHUANIA	13	1	0	6	1	2	15
MACAU	1	0	0	0	0	1	1
MACEDONIA	36	15	0	16	1	3	5
MADAGASCAR	4	2	0	2	0	0	1
MALAWI	11	2	0	4	1	6	4
MALAYSIA	15	1	0	12	2	2	9
MALDIVES	1	0	0	0	0	0	0
MALI	222	71	0	64	6	52	78
MALTA	1	1	0	0	0	0	1
MAURITANIA	271	94	0	44	21	14	207
MAURITIUS	1	0	0	0	0	0	0
MEXICO	2,816	62	0	366	657	1,750	567
MOLDAVIA (MOLDOVA)	277	22	0	17	14	11	56
MONACO	9	0	0	0	0	0	5

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MONGOLIA	265	28	0	43	3	7	45
MONTENEGRO	0	0	0	1	0	0	0
MOROCCO	43	4	0	13	5	6	12
NAMIBIA	6	0	0	5	0	0	0
NAURU	1	0	0	0	0	0	0
NEPAL	757	171	0	81	9	16	57
NETHERLANDS	6	0	0	4	0	0	2
NETHERLANDS ANTILLES	1	0	0	0	0	1	0
NEW CALEDONIA	1	0	0	1	1	2	0
NEW ZEALAND	1	0	0	0	0	3	0
NICARAGUA	216	19	0	135	34	79	83
NIGER	63	14	0	14	3	8	28
NIGERIA	149	29	0	73	9	32	51
NIUE	9	3	0	4	1	1	3
NORFOLK ISLAND	0	0	0	1	0	0	0
NORTH KOREA	5	1	0	3	1	2	2
NORWAY	2	0	0	0	0	0	0
OMAN	1	0	0	0	0	2	5
PAKISTAN	456	99	0	114	16	73	153
PALESTINE	11	0	0	5	1	6	2
PANAMA	6	1	0	5	2	3	1
PARAGUAY	6	2	0	1	0	4	1
PEOPLE'S REPUBLIC OF BENIN	1	0	0	0	0	0	0

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
PERU	142	39	0	82	7	48	39
PHILIPPINES	135	13	0	57	9	51	31
PITCAIRN ISLANDS	1	0	0	0	0	0	0
POLAND	33	5	0	17	7	13	28
PORTUGAL	2	1	0	1	0	0	4
QATAR	2	0	0	0	0	0	1
ROMANIA	63	30	0	31	17	12	28
RUSSIA	696	127	0	111	67	48	241
RWANDA	71	24	0	4	0	0	25
SAMOA	2	0	0	0	0	0	0
SAUDI ARABIA	5	3	0	1	0	0	2
SENEGAL	150	24	0	30	3	21	46
SERBIA MONTENEGRO	36	47	0	14	0	2	14
SEYCHELLES	0	0	0	1	0	0	0
SIERRA LEONE	132	29	0	38	3	25	75
SINGAPORE	2	4	0	1	0	0	1
SLOVAK REPUBLIC	9	1	0	0	0	2	10
SLOVENIA	8	0	0	0	1	0	3
SOLOMON ISLANDS	1	0	0	0	0	0	0
SOMALIA	301	167	0	40	12	6	76
SOUTH AFRICA	26	3	0	10	1	3	6
SOUTH KOREA	58	1	0	7	1	12	10
SOVIET UNION	464	153	0	39	15	32	99

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
SPAIN	3	3	0	0	1	2	1
SRI LANKA	352	112	0	61	12	22	64
ST. KITTS, WEST INDIES	4	0	0	0	0	1	1
ST. LUCIA	7	0	0	0	0	0	1
ST. VINCENT AND THE GRENADINES	1	0	0	3	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	270	82	0	20	7	11	56
SUDAN	115	40	0	33	2	10	41
SURINAME	8	0	0	1	0	0	0
SWAZILAND	1	0	0	0	0	0	0
SWEDEN	3	5	0	2	0	0	2
SWITZERLAND	5	0	0	0	0	0	0
SYRIA	46	15	0	12	4	23	17
TAIWAN	4	1	0	2	0	2	1
TAJIKISTAN (TADZHIK)	48	6	0	2	0	1	11
TANZANIA	27	6	0	9	2	5	12
THAILAND	14	1	0	8	0	7	5
THE REPUBLIC OF THE MARSHALL ISLANDS	0	0	0	0	0	0	1
TOGO	152	39	0	23	1	11	78
TONGA	9	0	0	2	0	4	1
TRINIDAD AND TOBAGO	34	0	0	18	0	7	11
TUNISIA	6	0	0	6	2	5	4
TURKEY	67	17	0	10	3	3	22
TURKMENISTAN	20	14	0	4	0	7	11

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
UGANDA	79	28	0	21	6	2	17
UKRAINE	277	26	0	56	14	30	82
UNITED ARAB EMIRATES	0	0	0	0	4	0	0
UNITED KINGDOM	37	5	0	15	3	7	7
UNKNOWN NATIONALITY	76	6	0	40	1	19	13
URUGUAY	14	0	0	0	4	4	1
UZEBEKISTAN	166	64	0	48	22	21	52
VENEZUELA	558	191	0	295	64	140	152
VIETNAM	64	10	0	31	0	16	23
WESTERN SAHARA	0	0	0	0	0	0	1
YEMEN	46	7	0	9	1	6	15
YUGOSLAVIA	174	101	0	40	5	12	27
ZAIRE	11	8	0	1	0	0	0
ZAMBIA	19	5	0	6	0	2	3
ZIMBABWE	221	69	0	51	12	25	53
TOTAL	39,279	10,186	0	11,358	3,459	7,293	12,534

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	38	28	0	13	0	4	13
ALBANIA	277	324	0	181	18	54	79
ALGERIA	34	5	0	12	4	3	6
ANGOLA	14	8	0	4	1	1	7
ANTIGUA AND BARBUDA	2	0	0	1	0	1	1
ARGENTINA	69	14	0	41	20	17	11
ARMENIA	345	141	0	101	19	76	78
AUSTRALIA	0	0	0	1	0	0	0
AUSTRIA	4	0	0	11	0	2	1
AZERBAIJAN	37	12	0	3	2	9	8
BAHAMAS	15	2	0	3	0	5	1
BAHRAIN	4	0	0	0	1	1	4
BANGLADESH	248	81	0	39	3	41	50
BARBADOS	2	0	0	1	0	0	0
BE REMOVED FROM THE UNITED STATES	3	0	0	1	1	0	0
BELARUS	67	39	0	12	0	3	17
BELGIUM	28	9	0	2	4	2	6
BELIZE	13	1	0	4	0	0	1
BENIN	21	2	0	0	1	2	3
BHUTAN	10	4	0	0	0	0	1
BOLIVIA	43	6	0	2	1	4	12
BOSNIA-HERZEGOVINA	55	6	0	24	5	8	4
BOTSWANA	1	0	0	0	0	0	0

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BRAZIL	187	31	0	58	37	57	33
BRITISH INDIAN OCEAN TERRITORY	1	0	0	0	0	0	1
BULGARIA	116	48	0	23	14	14	39
BURKINA FASO	91	23	0	12	3	12	10
BURMA (MYANMAR)	211	125	0	30	4	2	24
BURUNDI	23	12	0	15	1	3	2
BYELORUSSIA (BELARUS)	53	41	0	7	1	10	13
CAMBODIA	32	7	0	16	6	11	16
CAMEROON	482	161	0	100	17	24	102
CANADA	18	3	0	8	0	6	10
CAPE VERDE	2	0	0	2	0	4	0
CENTRAL AFRICAN REPUBLIC	24	13	0	6	1	0	4
CHAD	96	24	0	8	3	0	12
CHILE	20	2	0	2	2	7	9
CHINA	9,072	3,424	0	1,766	114	224	1,234
COCOS ISLAND	1	0	0	0	0	0	0
COLOMBIA	1,174	533	0	812	160	443	434
COMORO ISLANDS	3	0	0	0	0	0	2
CONGO	110	68	0	40	12	8	37
COSTA RICA	20	1	0	8	6	5	4
CROATIA	9	0	0	2	0	1	2
CUBA	358	21	0	79	28	112	152
CYPRUS	0	1	0	0	0	0	0

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CZECH REPUBLIC	20	3	0	5	5	3	8
CZECHOSLOVAKIA	7	3	0	1	5	8	11
DEMOCRATIC REPUBLIC OF CONGO	42	24	0	14	1	6	3
DENMARK	1	0	0	1	0	3	0
DJIBOUTI	7	1	0	1	0	0	2
DOMINICA	4	0	0	0	1	0	0
DOMINICAN REPUBLIC	66	1	0	24	6	8	14
EAST GERMANY	7	1	0	1	0	0	0
ECUADOR	127	13	0	39	10	31	19
EGYPT	414	182	0	56	5	29	62
EL SALVADOR	5,978	172	0	1,477	608	1,109	2,544
EQUATORIAL GUINEA	0	9	0	0	0	0	1
ERITREA	300	120	0	25	1	5	24
ESTONIA	14	3	0	12	6	6	3
ETHIOPIA	757	314	0	142	16	31	80
FEDERATED STATES OF MICRONESA	1	0	0	2	0	0	0
FIJI	85	24	0	19	5	20	28
FINLAND	1	0	0	1	0	0	3
FRANCE	13	0	0	5	0	8	5
GABON	6	0	0	4	1	1	2
GAMBIA	180	53	0	54	1	56	51
GAZA STRIP	1	0	0	0	0	0	0
GEORGIA	74	26	0	23	6	11	15

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GERMANY	34	4	0	13	0	3	1
GHANA	66	12	0	25	3	12	20
GIBRALTAR	1	0	0	1	0	0	1
GREECE	4	0	0	2	0	0	1
GRENADA	1	1	0	1	0	0	0
GUADELOUPE	1	0	0	0	0	0	0
GUATEMALA	4,945	162	0	1,278	625	1,208	1,168
GUINEA	501	238	0	168	9	71	74
GUINEA BISSAU	5	2	0	4	0	2	1
GUYANA	67	2	0	47	2	11	18
HAITI	3,303	510	0	2,045	491	436	1,379
HOLLAND	1	0	0	0	0	0	0
HONDURAS	841	73	0	379	94	127	253
HONG KONG	4	0	0	1	0	3	0
HUNGARY	33	1	0	1	8	1	2
ICELAND	1	0	0	0	0	0	0
INDIA	1,006	269	0	282	35	115	171
INDONESIA	984	195	0	440	42	108	159
IRAN	229	71	0	43	9	54	62
IRAQ	470	408	0	47	8	27	51
ISRAEL	61	16	0	32	1	4	13
ITALY	19	0	0	6	0	5	3
IVORY COAST (COTE D'IVOIRE)	289	91	0	92	8	63	47

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JAMAICA	134	3	0	73	2	26	25
JAPAN	10	1	0	3	1	8	3
JORDAN	98	19	0	38	5	25	27
KAMPUCHEA	4	5	0	1	1	2	4
KAZAKHSTAN	48	14	0	16	5	11	12
KENYA	349	60	0	75	10	41	68
KIRGHIZIA (KYRGYZSTAN)	41	6	0	3	1	2	9
KIRIBATI	1	1	0	0	0	0	0
KOSOVO	14	2	0	7	0	0	0
KUWAIT	10	2	0	7	1	2	3
LAOS	86	4	0	28	3	9	19
LATVIA	13	3	0	9	5	7	7
LEBANON	110	20	0	53	13	28	27
LESOTHO	1	0	0	0	0	0	1
LIBERIA	156	31	0	39	7	38	34
LIBYA	11	2	0	1	0	1	1
LITHUANIA	38	1	0	13	19	13	14
MACAU	1	0	0	3	0	1	1
MACEDONIA	28	11	0	18	0	6	8
MADAGASCAR	4	2	0	1	0	1	2
MALAWI	9	0	0	4	0	2	5
MALAYSIA	35	2	0	7	0	3	6
MALDIVES	4	0	0	0	0	0	4

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**Immigration Courts
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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
MALI	279	28	0	63	2	49	43
MALTA	1	0	0	0	0	0	0
MARTINIQUE	1	0	0	0	0	0	0
MAURITANIA	106	94	0	130	22	17	46
MAURITIUS	1	0	0	1	0	0	0
MEXICO	3,459	72	0	250	392	1,600	414
MOLDAVIA (MOLDOVA)	158	16	0	11	5	8	21
MONACO	0	2	0	1	1	2	0
MONGOLIA	187	42	0	29	7	7	34
MONTSERRAT	0	0	0	1	0	0	0
MOROCCO	40	23	0	21	5	12	13
MOZAMBIQUE	1	0	0	1	0	1	1
NAMIBIA	1	0	0	1	0	1	0
NEPAL	455	148	0	65	5	8	49
NETHERLANDS	9	1	0	2	2	1	1
NEW CALEDONIA	6	0	0	0	1	0	0
NEW ZEALAND	3	0	0	0	0	0	0
NICARAGUA	367	20	0	136	104	89	197
NIGER	46	8	0	11	2	3	10
NIGERIA	184	28	0	88	5	35	36
NIUE	15	11	0	2	0	2	2
NO NATIONALITY	3	1	0	1	0	0	3
NORTH KOREA	3	3	0	0	6	1	1

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
NORWAY	0	0	0	0	0	2	1
OMAN	2	1	0	0	0	0	0
PAKISTAN	472	142	0	142	19	79	101
PALESTINE	6	1	0	6	2	3	4
PANAMA	10	1	0	6	0	0	2
PAPUA NEW GUINEA	0	0	0	1	0	0	0
PARAGUAY	6	1	0	0	1	3	0
PEOPLE'S REPUBLIC OF BENIN	0	1	0	1	0	0	0
PERU	220	51	0	104	22	67	64
PHILIPPINES	204	15	0	31	3	42	43
POLAND	46	7	0	11	8	24	21
PORTUGAL	10	1	0	4	1	4	8
QATAR	4	3	0	1	0	0	0
ROMANIA	126	55	0	30	20	22	49
RUSSIA	509	198	0	113	45	81	138
RWANDA	33	19	0	11	0	0	6
SAMOA	1	0	0	1	0	2	0
SAN MARINO	1	1	0	0	0	0	0
SAUDI ARABIA	10	5	0	8	0	3	1
SENEGAL	131	18	0	40	3	16	16
SERBIA MONTENEGRO	61	24	0	19	1	6	9
SEYCHELLES	6	0	0	4	0	0	1
SIERRA LEONE	133	47	0	73	5	11	45

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
SINGAPORE	7	2	0	0	0	2	1
SLOVAK REPUBLIC	5	0	0	2	5	2	4
SLOVENIA	3	3	0	0	0	0	0
SOLOMON ISLANDS	0	0	0	1	0	0	0
SOMALIA	225	100	0	62	7	11	61
SOUTH AFRICA	30	1	0	18	0	5	7
SOUTH KOREA	20	1	0	7	2	5	3
SOVIET UNION	331	172	0	58	14	37	86
SPAIN	10	1	0	4	0	2	0
SRI LANKA	367	87	0	77	13	30	32
ST. KITTS, WEST INDIES	1	0	0	0	0	0	0
ST. LUCIA	1	1	0	1	0	0	0
ST. VINCENT AND THE GRENADINES	5	0	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	217	59	0	36	5	7	24
SUDAN	123	30	0	17	8	13	27
SURINAME	2	0	0	2	1	3	5
SWEDEN	14	2	0	4	0	1	0
SWITZERLAND	2	0	0	0	0	0	0
SYRIA	60	11	0	24	6	18	9
TAIWAN	13	0	0	6	0	7	4
TAJIKISTAN (TADZHIK)	17	1	0	3	0	2	2
TANZANIA	24	5	0	21	1	5	6
THAILAND	31	4	0	13	0	5	7

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
THE REPUBLIC OF THE MARSHALL ISLANDS	1	0	0	0	0	0	0
TOGO	80	63	0	31	3	10	25
TONGA	7	0	0	1	1	3	4
TRINIDAD AND TOBAGO	51	6	0	17	2	12	7
TUNISIA	9	1	0	6	0	6	4
TURKEY	83	11	0	17	1	10	19
TURKMENISTAN	31	15	0	2	3	4	3
TURKS AND CAICOS ISLANDS	0	0	0	0	0	0	1
UGANDA	83	34	0	11	8	8	19
UKRAINE	190	59	0	60	22	33	55
UNITED ARAB EMIRATES	2	0	0	0	0	0	1
UNITED KINGDOM	37	3	0	11	3	5	9
UNKNOWN NATIONALITY	88	5	0	28	0	6	17
URUGUAY	14	1	0	5	5	3	5
UZBEKISTAN	215	67	0	45	11	18	54
VANUATU	1	0	0	0	1	0	0
VENEZUELA	784	294	0	379	59	147	159
VIETNAM	95	7	0	45	2	16	27
WESTERN SAHARA	2	0	0	0	0	0	1
YEMEN	35	8	0	28	1	9	11
YUGOSLAVIA	198	127	0	32	6	24	49
ZAIRE	9	3	0	0	0	1	2
ZAMBIA	21	5	0	5	0	3	2

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
ZIMBABWE	208	67	0	40	14	24	37
TOTAL	46,677	10,757	0	13,202	3,467	7,685	11,191

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	60	22	0	14	8	10	18
ALBANIA	555	420	0	245	11	61	162
ALGERIA	31	6	0	9	3	5	12
ANDORRA	0	1	0	0	0	1	0
ANGOLA	24	7	0	7	1	4	4
ANTIGUA AND BARBUDA	3	0	0	0	0	0	1
ARGENTINA	106	15	0	52	20	33	24
ARMENIA	500	179	0	112	18	71	106
ARUBA	0	0	0	1	0	0	0
AUSTRALIA	5	0	0	1	0	1	0
AUSTRIA	2	0	0	0	0	0	1
AZERBAIJAN	35	23	0	11	1	4	14
BAHAMAS	8	1	0	5	1	4	3
BAHRAIN	5	0	0	6	0	0	3
BANGLADESH	227	100	0	95	12	58	81
BE REMOVED FROM THE UNITED STATES	0	0	0	0	0	0	1
BELARUS	68	32	0	23	5	9	19
BELGIUM	17	4	0	4	0	6	5
BELIZE	17	0	0	3	1	1	6
BENIN	12	2	0	3	0	0	3
BERMUDA	0	0	0	1	0	0	1
BHUTAN	7	0	0	1	0	0	2
BOLIVIA	35	3	0	12	0	5	5

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
BOSNIA-HERZEGOVINA	50	18	0	14	0	6	12
BOTSWANA	0	1	0	1	0	0	0
BRAZIL	245	33	0	85	36	44	44
BRITISH INDIAN OCEAN TERRITORY	1	0	0	1	0	0	0
BULGARIA	179	66	0	40	12	19	55
BURKINA FASO	108	20	0	20	0	6	11
BURMA (MYANMAR)	184	129	0	40	8	8	25
BURUNDI	47	13	0	20	2	2	11
BYELORUSSIA (BELARUS)	84	44	0	14	8	12	22
CAMBODIA	53	13	0	33	4	17	23
CAMEROON	420	204	0	135	9	35	84
CANADA	35	9	0	7	2	4	12
CAPE VERDE	6	0	0	1	1	1	2
CAYMAN ISLANDS	0	1	0	0	0	0	0
CENTRAL AFRICAN REPUBLIC	22	12	0	10	2	1	6
CHAD	45	21	0	8	2	3	8
CHILE	31	1	0	1	6	3	4
CHINA	8,599	4,545	0	1,663	153	307	1,342
COLOMBIA	1,708	682	0	1,242	173	601	683
COMORO ISLANDS	3	0	0	2	0	0	0
CONGO	137	73	0	40	7	19	37
COSTA RICA	23	5	0	3	3	2	8
CROATIA	8	2	0	7	0	6	4

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
CUBA	435	25	0	79	29	138	358
CYPRUS	1	0	0	0	0	0	0
CZECH REPUBLIC	18	0	0	0	11	2	3
CZECHOSLOVAKIA	18	2	0	8	7	2	17
DEMOCRATIC REPUBLIC OF CONGO	43	23	0	13	5	9	6
DENMARK	4	0	0	0	0	1	0
DJIBOUTI	5	1	0	2	0	0	0
DOMINICA	4	0	0	2	0	0	1
DOMINICAN REPUBLIC	60	5	0	24	6	23	28
ECUADOR	146	10	0	39	12	32	39
EGYPT	418	232	0	69	14	50	92
EL SALVADOR	9,955	139	0	1,610	539	964	2,901
EQUATORIAL GUINEA	2	0	0	0	0	0	0
ERITREA	202	119	0	28	3	8	37
ESTONIA	21	13	0	18	5	7	16
ETHIOPIA	683	352	0	145	16	48	86
FEDERATED STATES OF MICRONESA	1	0	0	0	0	0	0
FIJI	93	24	0	23	3	33	33
FINLAND	16	2	0	0	2	3	1
FRANCE	22	3	0	8	0	3	2
GABON	5	4	0	5	1	0	0
GAMBIA	317	59	0	53	9	65	80
GAZA STRIP	0	0	0	1	0	0	0

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
GEORGIA	79	27	0	36	11	12	35
GERMANY	25	4	0	13	2	5	5
GHANA	72	8	0	21	5	12	18
GIBRALTAR	1	0	0	0	0	0	0
GREECE	14	12	0	4	1	1	1
GRENADA	3	0	0	0	0	1	0
GUADELOUPE	0	0	0	0	0	0	1
GUATEMALA	8,485	134	0	1,245	788	977	1,383
GUINEA	645	325	0	158	22	58	84
GUINEA BISSAU	9	3	0	1	0	0	5
GUYANA	98	15	0	40	2	12	29
HAITI	4,486	586	0	2,361	565	356	2,368
HONDURAS	1,100	86	0	466	88	162	251
HONG KONG	6	2	0	0	1	0	1
HUNGARY	18	0	0	1	1	4	13
INDIA	938	358	0	375	70	130	257
INDONESIA	1,174	210	0	571	52	172	200
IRAN	243	108	0	70	14	44	59
IRAQ	512	279	0	61	10	20	85
IRELAND	1	0	0	1	1	0	1
ISRAEL	78	18	0	17	6	9	18
ITALY	22	0	0	8	0	6	4
IVORY COAST (COTE D'IVOIRE)	401	135	0	99	17	59	64

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
JAMAICA	113	4	0	46	6	34	45
JAPAN	11	2	0	4	0	2	7
JORDAN	98	16	0	40	6	28	23
KAMPUCHEA	4	0	0	0	0	3	1
KAZAKHSTAN	53	31	0	9	1	4	20
KENYA	254	50	0	82	10	45	72
KIRGHIZIA (KYRGYZSTAN)	21	7	0	1	1	8	12
KIRIBATI	0	0	0	0	0	1	0
KOSOVO	8	3	0	0	0	0	0
KUWAIT	18	3	0	7	1	2	2
LAOS	68	6	0	22	6	26	32
LATVIA	20	6	0	7	1	5	13
LEBANON	152	29	0	48	5	27	49
LESOTHO	2	0	0	2	0	0	1
LIBERIA	188	53	0	60	26	47	55
LIBYA	4	2	0	4	0	0	1
LITHUANIA	66	4	0	13	14	12	54
MACAU	4	0	0	0	0	0	0
MACEDONIA	47	27	0	17	3	8	10
MADAGASCAR	4	4	0	3	0	0	1
MALAWI	11	3	0	3	0	4	5
MALAYSIA	28	4	0	13	1	2	4
MALI	353	60	0	47	2	38	49

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
MALTA	1	0	0	0	0	0	2
MAURITANIA	204	173	0	154	68	27	101
MAURITIUS	2	0	0	1	1	0	0
MEXICO	3,042	49	0	293	252	2,165	488
MOLDAVIA (MOLDOVA)	64	7	0	12	6	1	7
MONACO	10	3	0	0	0	0	2
MONGOLIA	130	49	0	49	1	4	17
MONTENEGRO	2	0	0	0	0	0	1
MONTSERRAT	1	0	0	0	0	0	0
MOROCCO	54	4	0	5	2	11	10
MOZAMBIQUE	2	1	0	0	0	0	0
NAMIBIA	7	0	0	0	0	1	0
NEPAL	369	131	0	82	9	17	47
NETHERLANDS	6	2	0	4	0	0	2
NICARAGUA	770	23	0	165	350	66	1,104
NIGER	50	10	0	7	1	8	6
NIGERIA	197	39	0	63	7	35	67
NIUE	21	1	0	2	0	0	2
NO NATIONALITY	3	0	0	0	0	0	0
NORTH KOREA	11	2	0	0	0	1	2
NORWAY	3	0	0	0	0	1	0
OMAN	1	2	0	0	0	0	1
PAKISTAN	430	140	0	167	22	122	144

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
PALESTINE	17	3	0	7	0	0	1
PANAMA	14	1	0	6	3	2	4
PAPUA NEW GUINEA	1	0	0	0	0	0	0
PARAGUAY	2	0	0	3	0	5	2
PEOPLE'S REPUBLIC OF BENIN	3	0	0	0	0	0	0
PERU	302	54	0	144	30	68	74
PHILIPPINES	188	9	0	63	3	59	60
PITCAIRN ISLANDS	0	1	0	0	0	0	0
POLAND	70	7	0	13	13	39	67
PORTUGAL	14	0	0	4	1	3	7
QATAR	1	1	0	5	0	0	0
ROMANIA	230	31	0	39	27	28	161
RUSSIA	583	209	0	132	48	77	207
RWANDA	40	22	0	7	6	6	6
SAMOA	2	0	0	1	0	0	0
SAUDI ARABIA	17	5	0	6	0	10	7
SENEGAL	123	30	0	38	3	16	21
SERBIA MONTENEGRO	91	27	0	19	3	4	5
SEYCHELLES	5	1	0	0	0	1	1
SIERRA LEONE	192	48	0	65	7	19	66
SINGAPORE	7	1	0	1	1	1	0
SLOVAK REPUBLIC	17	2	0	5	4	5	11
SLOVENIA	8	0	0	1	0	2	5

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
SOLOMON ISLANDS	3	0	0	1	0	0	1
SOMALIA	241	109	0	53	19	16	64
SOUTH AFRICA	32	8	0	15	3	0	11
SOUTH KOREA	37	1	0	5	3	3	7
SOVIET UNION	479	191	0	62	39	29	118
SPAIN	6	0	0	1	0	4	7
SRI LANKA	234	89	0	51	6	14	39
ST. KITTS, WEST INDIES	1	0	0	1	0	0	1
ST. LUCIA	5	0	0	1	1	0	0
ST. VINCENT AND THE GRENADINES	0	0	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	171	79	0	34	3	6	30
SUDAN	83	19	0	20	0	9	33
SURINAME	9	1	0	3	3	4	4
SWEDEN	10	0	0	7	1	0	5
SWITZERLAND	0	4	0	0	0	0	0
SYRIA	73	23	0	33	3	16	22
TAIWAN	5	1	0	0	0	0	0
TAJIKISTAN (TADZHIK)	13	5	0	2	2	1	4
TANZANIA	40	16	0	16	2	9	12
THAILAND	34	3	0	7	1	4	11
TOGO	103	81	0	49	4	21	37
TONGA	16	0	0	2	0	2	1
TRINIDAD AND TOBAGO	43	1	0	15	2	5	18

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
TUNISIA	11	1	0	9	1	7	3
TURKEY	66	23	0	15	0	5	15
TURKMENISTAN	23	12	0	16	1	5	4
UGANDA	66	50	0	23	7	8	20
UKRAINE	231	40	0	49	15	29	93
UNITED ARAB EMIRATES	2	0	0	0	0	0	3
UNITED KINGDOM	23	3	0	4	1	7	6
UNKNOWN NATIONALITY	35	2	0	12	2	5	5
URUGUAY	28	0	0	13	7	5	13
UZEBEKISTAN	205	74	0	56	15	33	63
VENEZUELA	811	316	0	463	34	171	277
VIETNAM	97	10	0	32	1	23	38
YEMEN	48	8	0	28	6	10	11
YUGOSLAVIA	245	125	0	58	11	34	52
ZAIRE	12	5	0	4	1	0	1
ZAMBIA	16	7	0	8	2	5	12
ZIMBABWE	164	97	0	62	12	23	31
TOTAL	57,139	12,836	0	14,889	3,986	8,410	15,682

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	61	25	0	10	2	10	14
ALBANIA	785	497	0	392	27	90	194
ALGERIA	21	13	0	22	3	7	11
ANDORRA	1	2	0	0	0	0	0
ANGOLA	21	16	0	19	0	1	6
ANGUILLA	0	0	0	0	0	0	1
ANTIGUA AND BARBUDA	0	0	0	0	0	0	1
ARGENTINA	114	9	0	112	7	45	51
ARMENIA	532	289	0	161	55	79	154
ARUBA	2	0	0	0	0	0	0
AUSTRALIA	5	0	0	0	0	1	1
AUSTRIA	13	0	0	0	1	1	1
AZERBAIJAN	34	27	0	15	3	2	17
BAHAMAS	9	0	0	4	0	1	4
BAHRAIN	9	0	0	8	1	4	0
BANGLADESH	301	113	0	84	23	71	99
BARBADOS	3	1	0	2	1	1	1
BE REMOVED FROM THE UNITED STATES	1	0	0	0	0	0	0
BELARUS	96	54	0	26	8	11	35
BELGIUM	32	5	0	2	0	4	10
BELIZE	14	1	0	3	3	6	7
BENIN	7	1	0	3	0	0	4
BERMUDA	0	0	0	0	0	0	1

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Office of Planning, Analysis, and Technology**

**Immigration Courts
FY 2006 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
BHUTAN	0	1	0	0	0	0	0
BOLIVIA	24	2	0	3	3	6	6
BOSNIA-HERZEGOVINA	45	7	0	17	1	6	13
BOTSWANA	1	0	0	0	0	0	0
BRAZIL	212	33	0	94	27	46	54
BRITISH INDIAN OCEAN TERRITORY	0	0	0	3	0	0	0
BRITISH VIRGIN ISLANDS	1	0	0	0	0	0	2
BULGARIA	159	72	0	40	10	14	44
BURKINA FASO	57	13	0	8	1	9	15
BURMA (MYANMAR)	237	157	0	44	7	15	47
BURUNDI	36	13	0	10	2	0	8
BYELORUSSIA (BELARUS)	93	52	0	21	4	8	30
CAMBODIA	51	9	0	49	3	10	14
CAMEROON	457	357	0	167	15	31	139
CANADA	43	9	0	3	1	3	7
CAPE VERDE	4	0	0	1	0	3	3
CAYMAN ISLANDS	1	0	0	0	0	0	0
CENTRAL AFRICAN REPUBLIC	30	10	0	21	1	5	11
CHAD	63	16	0	7	1	4	7
CHILE	14	2	0	6	2	1	7
CHINA	9,109	4,048	0	2,115	229	287	1,566
COLOMBIA	2,112	780	0	1,646	288	687	953
CONGO	125	89	0	46	6	16	52

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**Immigration Courts
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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
COSTA RICA	17	1	0	3	0	3	11
CROATIA	4	1	0	3	0	2	4
CUBA	595	26	0	79	47	203	287
CYPRUS	1	1	0	0	0	0	0
CZECH REPUBLIC	19	2	0	4	1	1	8
CZECHOSLOVAKIA	37	2	0	5	3	7	18
DEMOCRATIC REPUBLIC OF CONGO	50	24	0	26	7	10	16
DJIBOUTI	11	6	0	1	0	1	0
DOMINICA	3	0	0	2	1	1	0
DOMINICAN REPUBLIC	72	1	0	19	0	27	26
EAST GERMANY	1	0	0	0	0	0	1
ECUADOR	118	11	0	29	9	31	29
EGYPT	427	239	0	63	16	58	75
EL SALVADOR	8,045	95	0	1,007	464	610	1,860
EQUATORIAL GUINEA	9	1	0	0	0	0	0
ERITREA	226	96	0	29	2	6	78
ESTONIA	38	3	0	5	5	8	8
ETHIOPIA	734	341	0	167	6	53	100
FEDERATED STATES OF MICRONESA	0	0	0	1	0	0	0
FIJI	85	45	0	51	6	45	46
FINLAND	0	1	0	0	0	1	0
FRANCE	13	2	0	8	0	12	3
GABON	10	5	0	1	0	0	4

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**Immigration Courts
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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
GAMBIA	259	46	0	34	3	65	74
GAZA STRIP	1	0	0	0	0	1	0
GEORGIA	91	59	0	46	6	21	28
GERMANY	36	9	0	3	0	3	1
GHANA	65	6	0	23	4	7	18
GIBRALTAR	1	1	0	1	0	0	0
GREECE	9	3	0	1	1	1	1
GRENADA	2	0	0	0	0	2	1
GUATEMALA	5,295	161	0	886	555	615	1,015
GUINEA	551	356	0	203	33	54	75
GUINEA BISSAU	7	2	0	4	0	2	3
GUYANA	133	16	0	77	11	38	37
HAITI	6,056	569	0	2,520	576	355	1,325
HONDURAS	1,330	66	0	421	68	133	195
HONG KONG	1	0	0	2	0	0	1
HUNGARY	13	2	0	3	0	1	7
INDIA	1,041	450	0	457	60	153	278
INDONESIA	922	314	0	1,088	78	332	295
IRAN	347	117	0	85	17	63	95
IRAQ	392	192	0	126	6	24	59
IRELAND	2	0	0	0	0	0	0
ISRAEL	61	25	0	22	2	14	31
ITALY	16	2	0	9	0	7	1

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**Immigration Courts
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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
IVORY COAST (COTE D'IVOIRE)	313	159	0	81	8	34	58
JAMAICA	127	3	0	45	5	34	48
JAPAN	5	3	0	5	0	7	8
JORDAN	103	27	0	45	1	30	38
KAMPUCHEA	2	11	0	9	1	7	7
KAZAKHSTAN	65	25	0	14	3	10	12
KENYA	252	60	0	120	15	36	78
KIRGHIZIA (KYRGYZSTAN)	28	20	0	9	2	2	9
KIRIBATI	1	0	0	0	0	0	1
KOSOVO	7	4	0	2	0	1	1
KUWAIT	19	4	0	7	0	5	5
LAOS	75	11	0	37	0	29	27
LATVIA	33	12	0	8	3	8	9
LEBANON	105	26	0	48	4	49	58
LESOTHO	1	0	0	0	1	2	0
LIBERIA	216	59	0	65	14	33	97
LIBYA	6	1	0	4	1	0	0
LITHUANIA	91	18	0	19	10	10	34
MACAU	2	0	0	2	0	0	0
MACEDONIA	42	20	0	22	1	8	15
MADAGASCAR	8	1	0	1	0	2	3
MALAWI	13	0	0	0	0	0	3
MALAYSIA	20	4	0	8	0	7	2

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
MALI	253	62	0	37	6	32	38
MALTA	3	1	0	0	0	0	1
MAURITANIA	362	218	0	194	49	34	187
MAURITIUS	0	0	0	1	0	0	2
MEXICO	2,793	49	0	296	155	4,158	619
MOLDAVIA (MOLDOVA)	40	2	0	8	0	7	16
MONACO	2	0	0	0	0	0	0
MONGOLIA	137	39	0	31	4	4	18
MOROCCO	35	8	0	23	3	7	10
MOZAMBIQUE	1	0	0	0	0	1	0
NAMIBIA	0	0	0	2	0	0	0
NEPAL	317	165	0	70	8	19	46
NETHERLANDS	13	0	0	0	0	2	1
NEW CALEDONIA	0	0	0	0	1	0	1
NEW ZEALAND	0	0	0	0	0	1	0
NICARAGUA	2,085	15	0	120	361	57	622
NIGER	33	10	0	24	3	8	15
NIGERIA	220	30	0	90	3	43	58
NIUE	5	0	0	2	0	0	1
NO NATIONALITY	1	0	0	0	0	0	0
NORFOLK ISLAND	1	0	0	0	0	0	0
NORTH KOREA	14	6	0	0	0	0	0
OMAN	8	0	0	0	0	1	0

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**Immigration Courts
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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
PAKISTAN	573	178	0	251	17	168	184
PALESTINE	8	0	0	7	4	1	2
PANAMA	13	7	0	4	1	3	4
PAPUA NEW GUINEA	0	0	0	0	1	0	0
PARAGUAY	21	2	0	5	1	0	5
PERU	343	88	0	141	20	78	99
PHILIPPINES	180	17	0	68	8	102	61
PITCAIRN ISLANDS	1	0	0	0	0	0	0
POLAND	238	4	0	23	68	45	122
PORTUGAL	16	5	0	2	5	7	13
QATAR	0	0	0	2	0	1	1
ROMANIA	253	43	0	34	13	30	45
RUSSIA	558	203	0	133	46	83	186
RWANDA	48	26	0	9	1	2	5
SAMOA	2	0	0	0	0	0	0
SAN MARINO	2	0	0	2	0	0	0
SAUDI ARABIA	36	13	0	3	0	2	8
SENEGAL	97	15	0	43	9	10	16
SERBIA MONTENEGRO	59	21	0	14	4	4	12
SEYCHELLES	6	1	0	3	0	0	4
SIERRA LEONE	199	79	0	107	17	27	103
SINGAPORE	4	2	0	3	0	0	4
SLOVAK REPUBLIC	38	1	0	2	3	2	17

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
SLOVENIA	1	1	0	3	0	0	1
SOMALIA	269	116	0	63	54	18	102
SOUTH AFRICA	29	20	0	15	5	15	17
SOUTH KOREA	51	1	0	5	1	7	8
SOVIET UNION	463	188	0	65	41	37	113
SPAIN	9	0	0	8	0	1	2
SRI LANKA	209	85	0	47	15	35	32
ST. CHRISTOPHER-NEVIS	0	1	0	0	0	0	0
ST. KITTS, WEST INDIES	2	0	0	1	0	0	0
ST. LUCIA	1	0	0	1	0	1	0
ST. VINCENT AND THE GRENADINES	2	0	0	0	0	1	1
STATELESS - ALIEN UNABLE TO NAME A CO	112	86	0	26	8	9	33
SUDAN	97	45	0	28	3	15	37
SURINAME	14	2	0	1	0	2	4
SWAZILAND	0	0	0	1	0	0	1
SWEDEN	11	0	0	0	0	1	2
SWITZERLAND	5	0	0	0	0	1	0
SYRIA	81	20	0	33	3	16	15
TAIWAN	10	2	0	2	0	1	1
TAJIKISTAN (TADZHIK)	7	4	0	2	0	1	1
TANZANIA	38	17	0	15	2	6	11
THAILAND	34	0	0	6	1	15	3
THE REPUBLIC OF PALAU	1	0	0	0	0	0	0

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
TOGO	199	145	0	76	12	24	74
TONGA	14	0	0	1	1	2	1
TRINIDAD AND TOBAGO	52	3	0	8	3	11	19
TUNISIA	25	0	0	8	1	8	8
TURKEY	68	34	0	26	3	24	20
TURKMENISTAN	48	23	0	9	2	3	11
TURKS AND CAICOS ISLANDS	0	0	0	1	0	0	0
UGANDA	74	36	0	32	1	11	33
UKRAINE	264	45	0	98	29	35	72
UNITED ARAB EMIRATES	3	6	0	0	1	1	0
UNITED KINGDOM	21	2	0	8	0	7	17
UNKNOWN NATIONALITY	13	1	0	1	0	0	0
URUGUAY	16	0	0	15	2	1	10
UZEBEKISTAN	240	95	0	62	17	28	50
VENEZUELA	1,042	279	0	585	68	158	219
VIETNAM	105	10	0	45	3	28	28
YEMEN	60	10	0	29	3	23	27
YUGOSLAVIA	196	154	0	83	11	29	64
ZAIRE	13	5	0	11	1	3	4
ZAMBIA	32	8	0	4	6	3	16
ZIMBABWE	200	56	0	70	19	35	49
TOTAL	56,764	13,300	0	16,477	3,918	10,324	13,849

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**Immigration Courts
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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	64	33	0	30	4	19	16
ALBANIA	1,012	603	0	498	43	77	316
ALGERIA	31	23	0	34	4	9	12
ANDORRA	2	1	0	0	0	1	1
ANGOLA	41	6	0	22	1	5	22
ANGUILLA	1	0	0	0	0	0	0
ANTIGUA AND BARBUDA	1	0	0	0	0	0	0
ARGENTINA	123	10	0	172	15	91	45
ARMENIA	699	268	0	322	53	95	182
AUSTRALIA	1	0	0	1	0	1	1
AUSTRIA	2	4	0	0	0	1	0
AZERBAIJAN	69	30	0	25	5	7	26
BAHAMAS	15	5	0	11	0	1	4
BAHRAIN	3	0	0	6	0	0	0
BANGLADESH	306	121	0	119	20	75	101
BARBADOS	3	0	0	0	0	2	1
BE REMOVED FROM THE UNITED STATES	0	0	0	1	0	0	0
BELARUS	153	44	0	20	11	6	30
BELGIUM	25	5	0	1	1	0	9
BELIZE	13	0	0	4	0	5	2
BENIN	12	2	0	7	0	3	1
BERMUDA	1	0	0	1	0	0	0
BHUTAN	1	1	0	1	1	0	0

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
BOLIVIA	25	4	0	15	2	9	4
BOSNIA-HERZEGOVINA	37	8	0	12	3	5	13
BOTSWANA	0	1	0	0	0	0	0
BRAZIL	277	24	0	74	317	52	163
BRITISH INDIAN OCEAN TERRITORY	0	0	0	1	0	0	0
BRITISH VIRGIN ISLANDS	1	0	0	0	0	0	0
BULGARIA	176	75	0	39	16	16	51
BURKINA FASO	56	5	0	14	2	1	5
BURMA (MYANMAR)	226	157	0	45	10	15	41
BURUNDI	33	11	0	16	6	3	5
BYELORUSSIA (BELARUS)	121	45	0	12	10	8	28
CAMBODIA	134	10	0	47	6	11	21
CAMEROON	637	261	0	242	23	39	196
CANADA	31	4	0	6	0	6	7
CAPE VERDE	5	0	0	1	0	1	0
CAYMAN ISLANDS	1	0	0	0	0	1	1
CENTRAL AFRICAN REPUBLIC	44	18	0	14	3	6	10
CHAD	42	10	0	2	1	1	6
CHILE	21	3	0	17	0	13	4
CHINA	8,521	2,918	91	2,562	195	293	1,291
COLOMBIA	4,091	1,151	0	2,289	500	727	1,239
COMORO ISLANDS	3	1	0	1	0	0	0
CONGO	214	76	0	74	15	10	60

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**Immigration Courts
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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
COSTA RICA	19	1	0	4	1	2	4
CROATIA	15	2	0	9	1	3	3
CUBA	641	21	0	99	17	192	229
CYPRUS	0	0	0	1	0	0	0
CZECH REPUBLIC	14	0	0	2	2	3	4
CZECHOSLOVAKIA	28	3	0	7	4	3	12
DEMOCRATIC REPUBLIC OF CONGO	101	33	0	43	8	11	18
DENMARK	1	0	0	0	0	1	0
DJIBOUTI	2	0	0	0	0	0	1
DOMINICA	3	0	0	0	0	0	0
DOMINICAN REPUBLIC	93	1	0	37	4	24	22
ECUADOR	125	11	0	34	5	36	27
EGYPT	408	194	0	101	10	71	84
EL SALVADOR	3,989	65	0	696	200	417	1,014
EQUATORIAL GUINEA	1	1	0	0	0	0	0
ERITREA	156	67	0	35	4	8	34
ESTONIA	55	6	0	9	4	3	22
ETHIOPIA	577	264	0	187	13	51	113
FEDERATED STATES OF MICRONESA	1	0	0	2	0	1	0
FIJI	99	35	0	93	9	61	47
FINLAND	5	0	0	0	0	4	0
FRANCE	35	3	0	6	0	10	12
FRENCH POLYNESIA	5	0	0	0	0	0	5

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
GABON	22	0	0	7	0	0	6
GAMBIA	275	30	0	46	8	33	55
GAZA STRIP	0	0	0	1	0	0	0
GEORGIA	142	64	0	69	8	22	47
GERMANY	24	5	0	16	0	8	4
GHANA	68	4	0	24	3	15	14
GIBRALTAR	0	0	0	1	0	1	0
GREECE	14	8	0	4	0	0	2
GRENADA	3	0	0	2	0	0	0
GUADELOUPE	2	1	0	0	0	1	1
GUATEMALA	3,577	140	0	818	520	605	732
GUINEA	754	256	0	214	41	22	106
GUINEA BISSAU	10	4	0	7	0	0	1
GUYANA	133	30	0	104	13	27	40
HAITI	4,740	653	0	2,774	350	320	682
HONDURAS	973	67	0	329	49	140	164
HONG KONG	3	0	0	3	0	1	0
HUNGARY	12	0	0	4	0	3	1
ICELAND	0	1	0	0	0	0	1
INDIA	1,790	310	0	508	106	161	353
INDONESIA	1,000	375	0	1,276	75	278	427
IRAN	309	143	0	134	21	67	88
IRAQ	325	93	0	120	7	28	59

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
IRELAND	1	0	0	0	0	1	2
ISRAEL	70	17	0	36	0	29	17
ITALY	16	1	0	6	0	4	1
IVORY COAST (COTE D'IVOIRE)	402	111	0	82	21	16	54
JAMAICA	152	2	0	51	7	45	40
JAPAN	20	2	0	7	2	7	11
JORDAN	135	21	0	63	10	38	47
KAMPUCHEA	12	19	0	19	3	9	4
KAZAKHSTAN	44	13	0	11	0	3	9
KENYA	352	55	0	85	23	33	101
KIRGHIZIA (KYRGYZSTAN)	34	12	0	5	1	3	13
KOSOVO	6	3	0	7	0	1	1
KUWAIT	15	3	0	7	1	3	1
LAOS	118	19	0	43	3	25	54
LATVIA	28	4	0	9	5	10	10
LEBANON	152	22	0	66	11	43	39
LESOTHO	2	0	0	0	0	0	0
LIBERIA	301	69	0	68	20	32	142
LIBYA	10	0	0	1	0	0	5
LITHUANIA	66	5	0	22	5	9	22
MACAU	2	0	0	1	0	0	0
MACEDONIA	62	19	0	42	0	15	17
MADAGASCAR	6	1	0	2	0	0	2

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
MALAWI	5	0	0	6	1	0	0
MALAYSIA	24	4	0	8	2	5	5
MALDIVES	0	2	0	0	0	0	0
MALI	178	17	1	19	0	10	24
MALTA	0	1	0	0	1	0	0
MAURITANIA	651	192	0	305	81	43	300
MAURITIUS	2	0	0	0	0	0	1
MEXICO	2,947	34	0	356	156	7,465	668
MOLDAVIA (MOLDOVA)	39	6	0	10	3	4	9
MONACO	3	0	0	0	0	0	1
MONGOLIA	152	25	0	41	11	6	16
MOROCCO	54	4	0	17	1	6	19
NAMIBIA	0	0	0	0	0	1	0
NEPAL	277	85	0	60	10	18	49
NETHERLANDS	8	1	0	3	0	1	1
NETHERLANDS ANTILLES	2	0	0	4	0	1	0
NEW CALEDONIA	2	0	0	0	0	0	0
NEW ZEALAND	1	0	0	0	0	1	0
NICARAGUA	909	16	0	77	27	38	257
NIGER	42	3	0	13	3	12	13
NIGERIA	271	33	0	136	5	58	67
NIUE	2	1	0	1	0	0	0
NO NATIONALITY	0	1	0	0	1	0	0

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
NORTH KOREA	8	0	0	3	0	0	1
NORWAY	0	0	0	1	0	0	0
OMAN	2	0	0	0	1	0	2
PAKISTAN	652	139	0	328	17	161	175
PALESTINE	15	0	0	5	0	4	3
PANAMA	19	3	0	6	1	9	4
PARAGUAY	10	0	0	3	0	6	3
PERU	388	59	1	178	18	82	111
PHILIPPINES	212	26	0	62	4	115	96
POLAND	192	6	0	30	23	22	39
PORTUGAL	31	1	0	3	1	4	17
QATAR	5	0	0	0	0	0	1
ROMANIA	174	18	0	44	6	15	46
RUSSIA	696	251	0	193	59	73	255
RWANDA	51	18	0	18	0	4	9
SAMOA	5	0	0	0	0	2	4
SAUDI ARABIA	22	6	0	6	1	3	13
SENEGAL	115	26	0	41	4	8	32
SERBIA MONTENEGRO	88	37	0	28	1	8	4
SEYCHELLES	7	3	0	1	0	0	0
SIERRA LEONE	309	80	0	147	51	23	125
SINGAPORE	9	1	0	2	0	0	2
SLOVAK REPUBLIC	14	5	0	7	0	1	8

**U.S. Department of Justice
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**Immigration Courts
FY 2005 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
SLOVENIA	4	1	0	1	0	0	0
SOMALIA	406	87	0	71	76	20	180
SOUTH AFRICA	57	5	0	13	5	8	15
SOUTH KOREA	16	1	0	13	2	8	7
SOVIET UNION	595	169	0	95	43	24	143
SPAIN	22	2	0	7	1	8	4
SRI LANKA	297	75	0	65	22	27	85
ST. CHRISTOPHER-NEVIS	1	0	0	1	0	0	0
ST. HELENA	1	0	0	0	0	0	0
ST. KITTS, WEST INDIES	1	0	0	2	0	1	0
ST. LUCIA	3	0	0	1	0	0	0
ST. VINCENT AND THE GRENADINES	1	0	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	176	72	0	28	1	9	38
SUDAN	100	55	0	36	11	13	48
SURINAME	9	1	0	7	0	0	2
SWAZILAND	1	0	0	0	0	0	1
SWEDEN	4	0	0	1	0	2	3
SYRIA	74	11	0	42	5	15	32
TAIWAN	6	2	0	5	0	3	1
TAJIKISTAN (TADZHIK)	13	9	0	2	1	3	3
TANZANIA	69	7	0	14	3	8	18
THAILAND	22	1	0	9	1	11	6
THE REPUBLIC OF PALAU	0	0	0	1	0	0	1

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**Immigration Courts
FY 2005 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
TOGO	358	101	0	77	10	15	82
TONGA	6	1	0	1	0	5	2
TRINIDAD AND TOBAGO	57	3	0	9	6	10	14
TUNISIA	15	3	0	14	1	8	9
TURKEY	113	12	0	44	10	14	35
TURKMENISTAN	44	13	0	4	2	2	7
TURKS AND CAICOS ISLANDS	2	1	0	2	0	0	0
UGANDA	91	53	0	27	7	13	26
UKRAINE	256	69	0	102	7	41	66
UNITED ARAB EMIRATES	7	1	0	1	0	0	0
UNITED KINGDOM	38	7	0	17	1	4	7
UNKNOWN NATIONALITY	9	1	0	17	0	0	0
URUGUAY	23	2	0	6	0	5	9
UZEBEKISTAN	283	94	0	55	3	22	68
VENEZUELA	1,488	153	0	502	37	135	228
VIETNAM	134	8	0	56	4	34	46
YEMEN	59	10	0	41	5	8	9
YUGOSLAVIA	306	182	0	159	9	42	84
ZAIRE	19	4	0	6	1	6	2
ZAMBIA	23	9	0	10	1	4	4
ZIMBABWE	273	58	0	85	24	36	57
TOTAL	53,904	11,614	93	19,029	3,650	13,347	12,662