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

FY 2005
Statistical Year Book

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

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U.S. Department of Justice

Executive Office for Immigration Review

Office of the Director

Director

5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

February 21, 2006

MESSAGE FROM THE DIRECTOR

I am pleased to provide the FY 2005 Statistical Year Book which summarizes the work of the Executive Office for Immigration Review (EOIR) for the past five years. EOIR, an agency of the Department of Justice, carries out its mission through three main organizational components: the Office of the Chief Immigration Judge (OCIJ); the Board of Immigration Appeals (BIA); and the Office of the Chief Administrative Hearing Officer (OCAHO).

In FY 2005, OCIJ supervised immigration judges located in 52 immigration courts throughout the United States. Immigration Judges travel to more than 100 other hearing locations to conduct proceedings. At each proceeding, a Department of Homeland Security (DHS) Assistant Chief Counsel represents the United States Government, while the respondent alien appears on his or her own behalf or retains an attorney at no expense to the Government.

The BIA, located in Falls Church, Virginia, conducts appellate reviews of decisions rendered by Immigration Judges. All published decisions of the Board are binding on Immigration Judges and on DHS, unless overruled or modified by the Attorney General or a Federal court. Unpublished decisions of the Board are binding on the Immigration Judge or the DHS with regard to the individual case at issue, unless overruled or modified by the Attorney General or a Federal court.

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

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

The following report is intended to provide an introduction to the types of immigration matters processed by EOIR on a daily basis. Included in this report are data from FY 2001 - FY 2005. Data in this report have been updated, and thus may be slightly different from previously published Statistical Year Book data.

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

Kevin D. Rooney
Director

FY 2005 HIGHLIGHTS

- Receipts by the immigration courts increased by 31 percent between FY 2001 (282,396) and FY 2005 (368,848). Receipts in FY 2005 increased by 23 percent from FY 2004. (Figure 1, Page B2)

- Completions by the immigration courts increased by 36 percent between FY 2001 (259,475) and FY 2005 (352,287). Completions in FY 2005 increased by 17 percent from FY 2004. (Figure 1, Page B2)

- Immigration Judge decisions increased by 66 percent between FY 2001 (159,778) and FY 2005 (264,723). (Figure 4, Page D1)

- Mexico, El Salvador, Honduras, Brazil, and Guatemala represent the predominant nationalities of immigration court completions during FY 2005. (Figure 6, page E1)

- Spanish was the most frequently spoken language for immigration court case completions during FY 2005. (Figure 8, page F1).

- Thirty -five (35) percent of aliens whose cases were completed in immigration courts during FY 2005 were represented. (Figure 9, page G1)

- Overall failure to appear rates increased in FY 2005 (39%) from a five year low in FY 2003 (22%). (Figure 10, page H1)

- Asylum filings at the immigration courts decreased by over 23,000 applications from FY 2002 to FY 2005. Over 20,000 of this decrease was in affirmative receipts. (Figure 13, page I1)

- In FY 2005, the Los Angeles, CA; Miami, FL; New York, NY; and San Francisco, CA immigration courts received 53 percent of the total asylum filings. (Table 6, page I3)

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

- The grant rate for asylum applications remained 38 percent (Figure 16, page K2). The grant rate was 44 percent for affirmative applications (Figure 17, page K2), and 28 percent for defensive applications (Figure 18, page K2).

- In FY 2005, 26 percent of proceedings completed at the immigration courts had applications for relief. (Figure 22, page N1)

- Twenty-nine (29) percent of FY 2005 immigration court completions involved detained aliens. (Figure 23, page O1)

- BIA had a 52 percent increase in receipts between FY 2001 (28,148) and FY 2005 (42,734) and a 46 percent increase in completions. (Table 17, page T2)

- Mexico, China, Haiti, Colombia, and India represent the predominant nationalities of BIA case completions. (Figure 29, page V1)

- Sixty-nine (69) percent of the cases completed by the BIA in FY 2005 were for represented aliens. (Figure 30, page W1)

- In FY 2005, 12 percent of IJ Decisions were appealed to the BIA. (Figure 32, page Y1)

Immigration Courts:
Total Matters Received and Completed

An alien charged by the Department of Homeland Security (DHS) with a violation of immigration law is issued a charging document. The most common charging documents are the Notice to Appear (NTA) and the Notice of Referral to Immigration Judge. When the charging document is filed by DHS with the Immigration Court, jurisdiction over the case transfers from DHS to the Executive Office for Immigration Review (EOIR), which has oversight over the 53[1] 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.

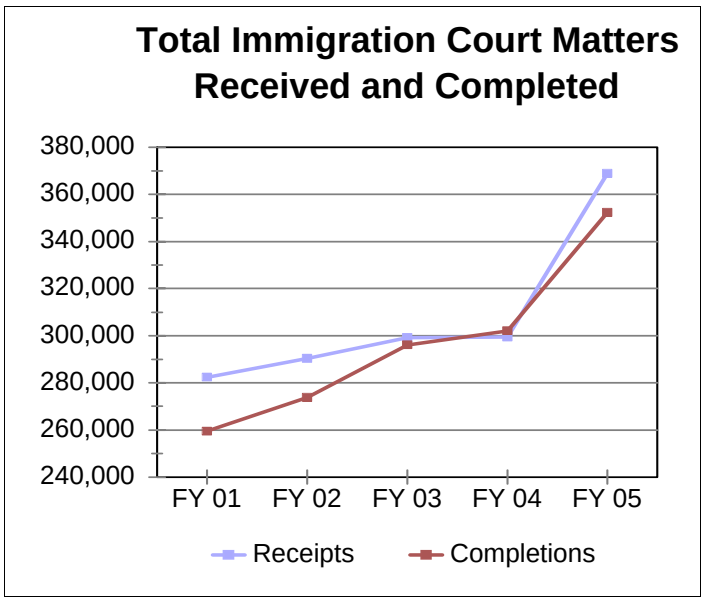
In addition to proceedings, Immigration Judges consider other matters such as bonds and motions.

- 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 altogether the bond amount set by DHS, or to change bond conditions.

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

For the purposes of this Year Book, the term Immigration Court matters includes proceedings (deportation, exclusion, removal, credible fear, reasonable fear, claimed status, asylum only, rescission, continued detention review, 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, and motions; other completions such as administrative closings and changes of venue.

[1]Data in the Year Book is based on 52 Immigration Courts. The court at Headquarters serves to assist many of the Immigration Courts in the processing of their cases but is not credited with case completions.



Total Immigration Court Matters		
	Receipts	Completions
FY 01	282,396	259,475
FY 02	290,389	273,784
FY 03	299,167	296,113
FY 04	299,474	302,030
FY 05	368,848	352,287

Figure 1

As shown in Figure 1 above, the number of immigration matters received by the Immigration Courts increased each year between FY 2001 and FY 2005. The increase in receipts from FY 2001 to FY 2005 was 31 percent. The increase in receipts from FY 2004 to FY 2005 was 23 percent. Immigration matters completed increased from FY 2001 to FY 2005. The five year increase in completions was 36 percent.

While some courts showed significant increases in receipts over FY 2004 levels, others showed decreases. In Table 1, shown on page B3, courts with increases of 25 percent or more are shown in blue, and those with decreases of 25 percent or more are shown in red. Immigration Courts in Boston, MA; Elizabeth, NJ; Harlingen, TX; Hartford, CT: and San Antonio, TX showed increases of 60 percent or more in receipts from FY 2004 to FY 2005. The court in Los Fresnos, TX showed the largest percentage decrease in receipts, down 69 percent.

Table 2 on page B4 provides a comparison of FY 2004 and FY 2005 completions. Courts with increases in completions of 25 percent or more are shown in blue, and those with decreases of 25 percent or more are shown in red. Some courts, such as Harlingen, TX: and San Antonio, TX, had significant increases in both receipts and completions.

Table 1 - Total Immigration Court Matters Received by Court for FY 2004 and FY 2005

Immigration Court	FY 2004	FY 2005	Rate of Change
ARLINGTON, VIRGINIA	7,583	7,375	-3%
ATLANTA, GEORGIA	6,105	7,814	28%
BALTIMORE, MARYLAND	5,320	5,915	11%
BATAVIA SPC, NEW YORK	1,531	1,111	-27%
BLOOMINGTON (ST. PAUL), MINNESOTA	2,905	2,637	-9%
BOSTON, MASSACHUSETTS	6,794	12,231	80%
BRADENTON, FLORIDA	3,122	4,246	36%
BUFFALO, NEW YORK	2,379	2,291	-4%
CHICAGO, ILLINOIS	12,336	13,040	6%
DALLAS, TEXAS	7,105	6,780	-5%
DENVER, COLORADO	6,233	5,808	-7%
DETROIT, MICHIGAN	4,030	3,949	-2%
EAST MESA, CALIFORNIA	6,025	7,782	29%
EL CENTRO SPC, CALIFORNIA	4,408	4,536	3%
EL PASO SPC, TEXAS	5,550	4,519	-19%
EL PASO, TEXAS	3,647	5,194	42%
ELIZABETH SPC, NEW JERSEY	1,011	1,673	65%
ELOY, ARIZONA	10,512	14,805	41%
FISHKILL - NEW YORK STATE DOC, NEW YORK	1,007	1,021	1%
FLORENCE SPC, ARIZONA	8,336	8,271	-1%
GUAYNABO (SAN JUAN), PUERTO RICO	2,342	2,699	15%
HARLINGEN, TEXAS	18,921	34,918	85%
HARTFORD, CONNECTICUT	2,389	4,161	74%
HONOLULU, HAWAII	940	647	-31%
HOUSTON SPC, TEXAS	5,018	4,264	-15%
HOUSTON, TEXAS	8,218	11,610	41%
IMPERIAL, CALIFORNIA	1,448	1,903	31%
JAMAICA QUEENS FACILITY, NEW YORK	464	283	-39%
KROME NORTH SPC, FLORIDA	2,786	3,628	30%
LANCASTER, CALIFORNIA	6,370	7,129	12%
LAS VEGAS, NEVADA	2,706	3,680	36%
LOS ANGELES, CALIFORNIA	15,281	17,182	12%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	8,175	2,533	-69%
MEMPHIS, TENNESSEE	2,193	2,405	10%
MIAMI, FLORIDA	20,359	23,001	13%
NEW ORLEANS, LOUISIANA	1,790	1,298	-27%
NEW YORK CITY, NEW YORK	14,448	20,122	39%
NEWARK, NEW JERSEY	5,954	8,096	36%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	4,678	3,702	-21%
ORLANDO, FLORIDA	5,456	5,500	1%
PHILADELPHIA, PENNSYLVANIA	3,086	4,030	31%
PHOENIX, ARIZONA	5,304	4,162	-22%
PORTLAND, OREGON	1,624	1,072	-34%
SAN ANTONIO, TEXAS	18,694	40,122	115%
SAN DIEGO, CALIFORNIA	4,871	5,238	8%
SAN FRANCISCO, CALIFORNIA	9,706	11,135	15%
SAN PEDRO SPC, CALIFORNIA	3,171	5,046	59%
SEATTLE, WASHINGTON	5,838	7,906	35%
TUCSON, ARIZONA	3,986	2,916	-27%
ULSTER - NEW YORK STATE DOC, NEW YORK	830	1,321	59%
VARICK SPC, NEW YORK	2,820	3,473	23%
YORK, PENNSYLVANIA	3,669	2,668	-27%
TOTAL	299,474	368,848	23%

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

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

Table 2 - Total Immigration Court Matters Completed by Court for FY 2004 and FY 2005

Immigration Court	FY 2004	FY 2005	Rate of Change
ARLINGTON, VIRGINIA	7,270	6,888	-5%
ATLANTA, GEORGIA	5,774	6,100	6%
BALTIMORE, MARYLAND	4,591	5,330	16%
BATAVIA SPC, NEW YORK	1,582	1,115	-30%
BLOOMINGTON (ST. PAUL), MINNESOTA	2,781	2,762	-1%
BOSTON, MASSACHUSETTS	6,324	8,586	36%
BRADENTON, FLORIDA	2,602	3,139	21%
BUFFALO, NEW YORK	2,330	2,311	-1%
CHICAGO, ILLINOIS	11,430	12,722	11%
DALLAS, TEXAS	7,472	6,357	-15%
DENVER, COLORADO	5,926	5,866	-1%
DETROIT, MICHIGAN	4,221	4,159	-1%
EAST MESA, CALIFORNIA	5,969	7,756	30%
EL CENTRO SPC, CALIFORNIA	4,407	4,495	2%
EL PASO SPC, TEXAS	5,612	4,504	-20%
EL PASO, TEXAS	3,062	4,561	49%
ELIZABETH SPC, NEW JERSEY	995	1,655	66%
ELOY, ARIZONA	10,393	14,812	43%
FISHKILL - NEW YORK STATE DOC, NEW YORK	1,003	834	-17%
FLORENCE SPC, ARIZONA	8,224	8,297	1%
GUAYNABO (SAN JUAN), PUERTO RICO	2,313	2,636	14%
HARLINGEN, TEXAS	15,478	34,321	122%
HARTFORD, CONNECTICUT	2,454	3,225	31%
HONOLULU, HAWAII	959	718	-25%
HOUSTON SPC, TEXAS	5,006	4,104	-18%
HOUSTON, TEXAS	7,022	10,512	50%
IMPERIAL, CALIFORNIA	1,447	1,902	31%
JAMAICA QUEENS FACILITY, NEW YORK	425	385	-9%
KROME NORTH SPC, FLORIDA	2,968	3,316	12%
LANCASTER, CALIFORNIA	6,205	7,127	15%
LAS VEGAS, NEVADA	3,063	3,599	17%
LOS ANGELES, CALIFORNIA	21,455	21,822	2%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	8,446	2,538	-70%
MEMPHIS, TENNESSEE	2,636	2,484	-6%
MIAMI, FLORIDA	18,804	20,173	7%
NEW ORLEANS, LOUISIANA	1,700	1,112	-35%
NEW YORK CITY, NEW YORK	16,690	18,613	12%
NEWARK, NEW JERSEY	6,577	7,314	11%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	4,439	3,760	-15%
ORLANDO, FLORIDA	4,318	4,828	12%
PHILADELPHIA, PENNSYLVANIA	3,446	4,092	19%
PHOENIX, ARIZONA	5,063	5,261	4%
PORTLAND, OREGON	1,695	870	-49%
SAN ANTONIO, TEXAS	17,404	34,932	101%
SAN DIEGO, CALIFORNIA	4,418	5,161	17%
SAN FRANCISCO, CALIFORNIA	15,096	12,227	-19%
SAN PEDRO SPC, CALIFORNIA	3,313	4,926	49%
SEATTLE, WASHINGTON	5,604	7,711	38%
TUCSON, ARIZONA	4,014	2,851	-29%
ULSTER - NEW YORK STATE DOC, NEW YORK	786	1,363	73%
VARICK SPC, NEW YORK	2,993	3,571	19%
YORK, PENNSYLVANIA	3,825	2,584	-32%
TOTAL	302,030	352,287	17%

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

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

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

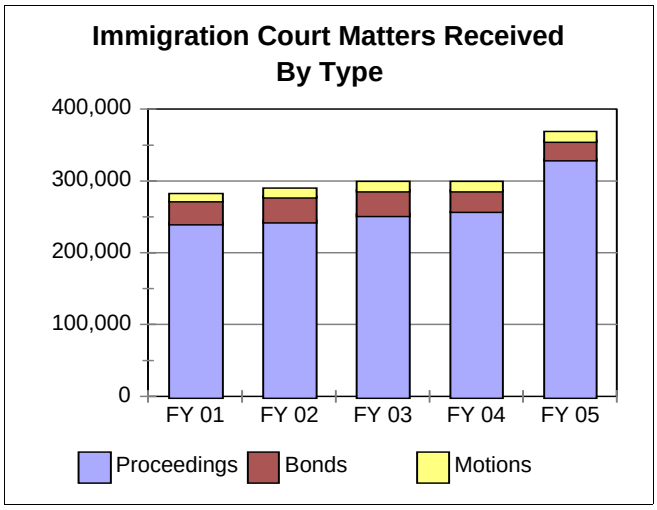


Figure 2

Immigration Court Matters Received				
	Proceedings	Bonds	Motions	Total
FY 01	241,883	30,178	10,335	282,396
FY 02	245,149	33,321	11,919	290,389
FY 03	254,343	33,102	11,722	299,167
FY 04	257,559	29,931	11,984	299,474
FY 05	330,396	26,333	12,119	368,848

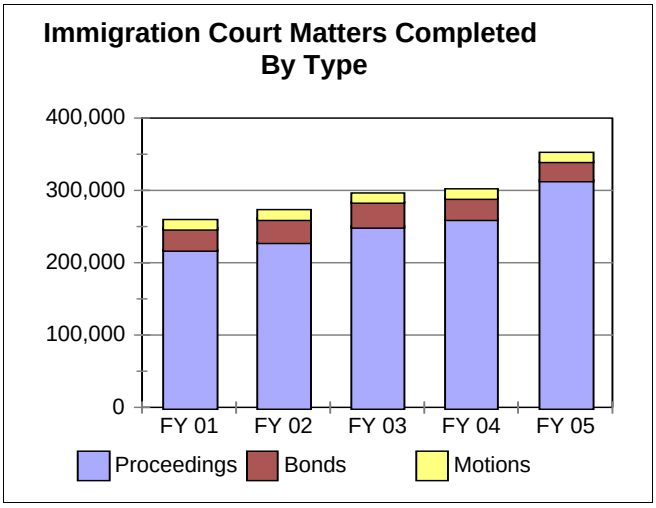


Figure 3

Immigration Court Matters Completed				
	Proceedings	Bonds	Motions	Total
FY 01	218,278	29,961	11,236	259,475
FY 02	228,422	33,409	11,953	273,784
FY 03	250,819	33,275	12,019	296,113
FY 04	259,832	30,038	12,160	302,030
FY 05	314,218	26,083	11,986	352,287

Immigration Courts:
Proceedings Received and Completed by Type

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

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

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

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

- Removal Proceedings. Under removal proceedings (which replaced exclusion and deportation proceedings), DHS must file a Notice to Appear (NTA) to initiate the proceedings.

- Credible Fear Review. Arriving aliens with no documents or fraudulent documents are subject to expedited removal by DHS. If an arriving alien who has been ordered removed under the expedited removal provisions expresses a "credible fear" of persecution, the alien is referred for an interview by an asylum officer. Aliens found by the asylum officer not to have a credible fear of persecution may request a review by an Immigration Judge. If the judge determines there is "credible fear," the judge will vacate the DHS order of expedited removal, 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.

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. Cases filed under section 203 NACARA (Nicaraguan Adjustment and Central American Relief Act). Aliens apply for suspension of deportation or cancellation of removal under section 203 of 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 IJ's Reasonable Fear findings automatically initiates a Withholding Only hearing.

Table 3 shows all types of proceedings received by the Immigration Courts between FY 2001 and FY 2005. Receipts of deportation and exclusion cases have declined from FY 2001 levels because these types of proceedings were no longer initiated by INS (now DHS) after 1997.

Table 3 - Immigration Court Proceedings Received by Case Type

Type of Proceeding	FY2001	FY 2002	FY 2003	FY 2004	FY 2005
Deportation	7,727	7,534	5,936	4,541	4,230
Exclusion	1,065	1,277	751	503	412
Removal	229,528	233,623	244,885	249,480	323,749
Credible Fear	78	85	42	41	113
Reasonable Fear*	104	85	103	92	55
Claimed Status	118	85	91	50	77
Asylum Only	3,039	2,236	2,297	2,616	1,547
Rescission	40	39	23	28	25
Continued Detention Review	0	0	5	8	3
NACARA	82	59	91	35	4
Withholding Only	102	118	117	162	181
Unknown	0	8	2	3	0
Total	**241,883**	**245,149**	**254,343**	**257,559**	**330,396**

*Prior to FY 2003 this was reported under Credible Fear.

Table 4 shows all types of proceedings completed by the Immigration Courts for the period FY 2001 to FY 2005. 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 16 percent of the proceedings completed in FY 2005.

Table 4 - Immigration Court Proceedings Completed by Case Type

Type of Proceeding	FY2001	FY 2002	FY 2003	FY 2004	FY 2005
Deportation	10,755	8,644	8,962	6,264	4,692
Exclusion	1,212	1,087	1,236	836	578
Removal	203,555	215,999	238,065	249,896	306,395
Credible Fear	80	84	42	37	114
Reasonable Fear*	105	87	101	92	57
Claimed Status	123	84	88	54	75
Asylum Only	2,257	2,227	2,049	2,405	2,060
Rescission	39	33	47	27	27
Continued Detention Review	0	0	3	10	3
NACARA	57	60	99	70	29
Withholding Only	95	116	125	138	187
Unknown	0	1	2	3	1
Total	**218,278**	**228,422**	**250,819**	**259,832**	**314,218**

*Prior to FY 2003 this was reported under Credible Fear.

Immigration Courts:
Proceedings Completed by Disposition

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

In addition to decisions, there are other possible proceedings outcomes which are reported here as "other" completions. Some cases are administratively closed and the Immigration Judge does not render a decision on the merits. 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 FY2001 to FY 2005 by type of completion – either through an Immigration Judge decision or through an "other" completion, such as an administrative closure or change of venue. Between FY 2001 and FY 2005, the number of cases counted as "other" completions have decreased each year. In FY 2001, "other" completions accounted for approximately 27 percent of total completions and in FY 2005 they accounted for only 16 percent of total completions.

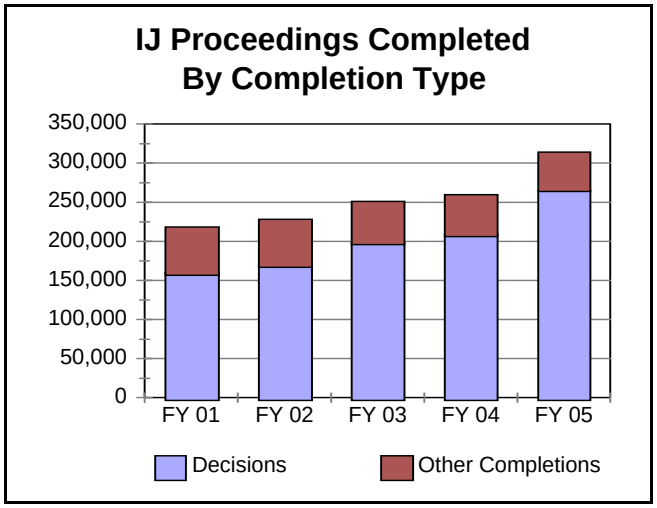


Figure 4

IJ Proceedings Completed			
	Decisions	Other Completions	Total
FY 01	159,778	58,500	218,278
FY 02	170,225	58,197	228,422
FY 03	197,943	52,876	250,819
FY 04	209,275	50,557	259,832
FY 05	264,723	49,495	314,218

Figure 5 provides a breakout of decisions by disposition type. Immigration Judges first decide whether or not the charges against an alien should be sustained. If the charges are not sustained, the judge terminates the case. If the charges are sustained, the judge decides whether to order the alien removed from the United States or to grant relief. In some cases, the Immigration Judge may permit the alien to depart the United States voluntarily. Orders of voluntary departure are included as removals. There are also a few Immigration Judge decisions classified as "other" decisions. For example, an Immigration Judge may permit an alien in proceedings to withdraw his or her application for admission.

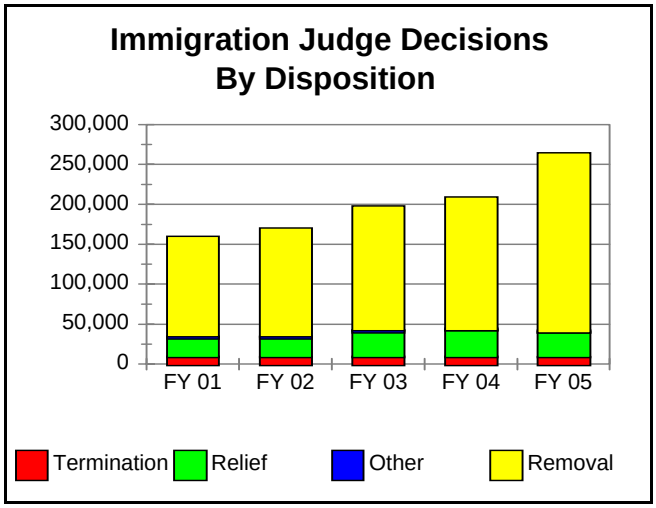


Figure 5

IJ Decisions by Disposition										
	Termination		Relief		Removal		Other		Total	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
FY 01	9,708	6.1	24,204	15.1	124,812	78.1	1,054	0.7	159,778	100.0
FY 02	9,347	5.5	24,588	14.4	135,236	79.4	1,054	0.6	170,225	100.0
FY 03	9,968	5.0	31,278	15.8	155,148	78.4	1,549	0.8	197,943	100.0
FY 04	9,952	4.8	33,435	16.0	164,452	78.6	1,436	0.7	209,275	100.0
FY 05	9,378	3.5	31,646	12.0	222,360	84.0	1,339	0.5	264,723	100.0

Between FY 2004 and FY 2005, the percentage of aliens ordered removed increased from 78 percent to 84 percent, and the percentage of aliens granted relief decreased from 16 percent to 12 percent.

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.

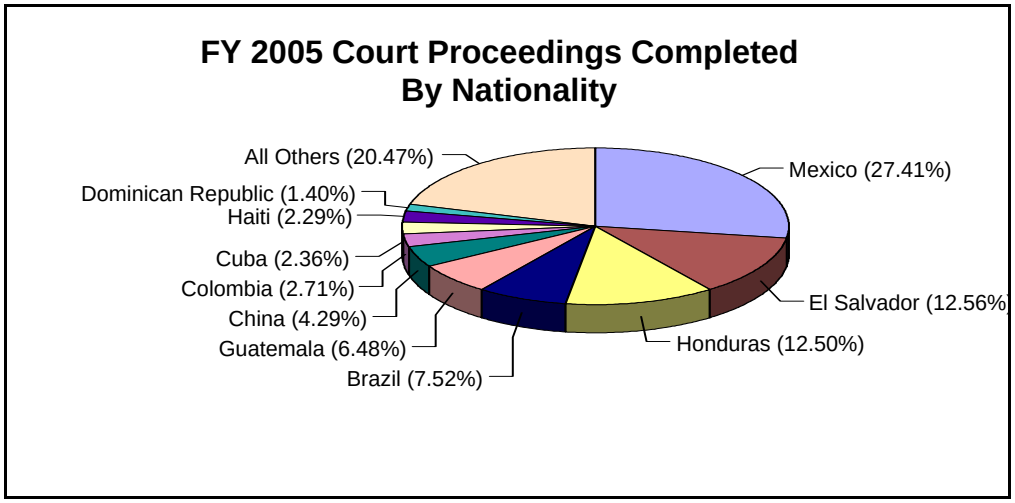


Figure 6

FY 2005 Court Proceedings Completed by Nationality		
Nationality	Cases	% of Total
Mexico	86,119	27.41%
El Salvador	39,460	12.56%
Honduras	39,283	12.50%
Brazil	23,640	7.52%
Guatemala	20,370	6.48%
China	13,474	4.29%
Colombia	8,518	2.71%
Cuba	7,425	2.36%
Haiti	7,185	2.29%
Dominican Republic	4,408	1.40%
All Others	64,336	20.47%
Total	314,218	100.00%

In FY 2005, the top 10 nationalities accounted for approximately 80 percent of all proceedings completed as shown in Figure 6. A total of 222 nationalities were represented in the FY 2005 Immigration Judge completions. Mexico and Central American countries are consistently among the predominant nationalities of immigration court completions. Table 5 provides information on the top 25 nationalities each year for the period FY 2001 through FY 2005. For the five-year period, the top ten were represented by the same nationalities: Mexico, El Salvador, Guatemala, Honduras, Haiti, Dominican Republic, Cuba, China, Colombia, and Brazil.

Table 5 - Court Proceedings Completed by Nationality
Top 25 Nationalities: FY 2001 - FY 2005

Rank	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	El Salvador	El Salvador	El Salvador	Honduras	El Salvador
3	China	Honduras	Honduras	El Salvador	Honduras
4	Honduras	China	China	Guatemala	Brazil
5	Guatemala	Guatemala	Guatemala	China	Guatemala
6	Haiti	Colombia	Colombia	Brazil	China
7	Cuba	Brazil	Brazil	Colombia	Colombia
8	Brazil	Haiti	Haiti	Haiti	Cuba
9	Dominican Republic	Dominican Republic	Dominican Republic	Cuba	Haiti
10	Colombia	Cuba	Cuba	Dominican Republic	Dominican Republic
11	Ecuador	India	India	India	Nicaragua
12	India	Ecuador	Pakistan	Indonesia	India
13	Jamaica	Albania	Albania	Pakistan	Indonesia
14	Albania	Jamaica	Indonesia	Jamaica	Pakistan
15	Pakistan	Pakistan	Jamaica	Albania	Ecuador
16	Nicaragua	Nicaragua	Philippines	Nicaragua	Jamaica
17	Sri Lanka	Peru	Nicaragua	Ecuador	Albania
18	Peru	Philippines	Ecuador	Philippines	Philippines
19	Philippines	Armenia	Peru	Peru	Peru
20	Russia	Indonesia	Armenia	Russia	Venezuela
21	Somalia	Russia	Russia	Egypt	Nigeria
22	Nigeria	Nigeria	Egypt	Armenia	Russia
23	Iran	Egypt	Nigeria	Nigeria	Canada
24	Canada	Iran	Iran	Iran	Armenia
25	Armenia	Canada	Canada	Canada	Egypt

Immigration Courts:
Proceedings Completed by Language

Figure 7 below shows a breakdown of FY 2001 Immigration Court proceedings completed by language. Of 203 languages spoken in court proceedings during FY 2001, 83 percent were in the following five languages: Spanish, English, Mandarin, Foo Chow, and Creole.

Figure 8 below shows comparable data for FY 2005. Although four of the top five languages were the same, there was more diversity in languages in FY 2005. A total of 227 different languages were spoken in court proceedings in the Immigration Courts during FY 2005. The top five languages accounted for 89 percent of the proceedings completed in FY 2005. FY 2005 highlights include:

- Spanish language cases were 65 percent of the total caseload.
- In the "Other" category, Foo Chow, Indonesian, and Russian represented the three most frequently spoken languages.
- The number of different languages used in court proceedings has increased by 12 percent over FY 2001.

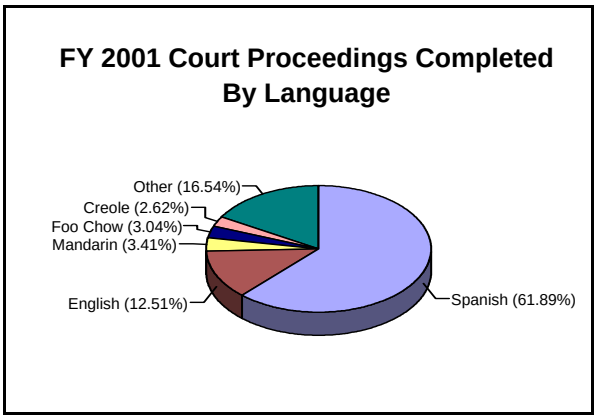


Figure 7

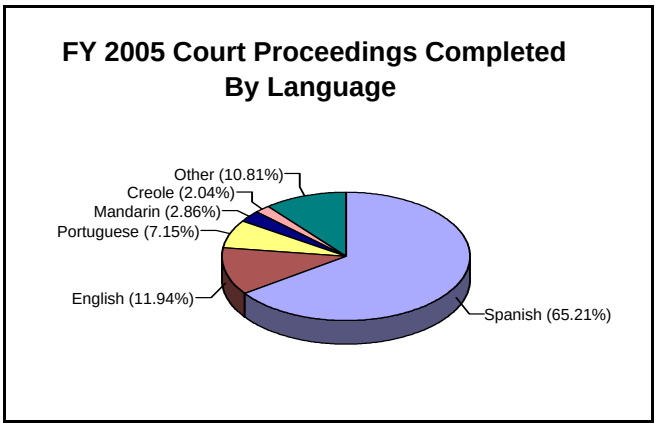


Figure 8

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 2001 – FY 2005 were represented. The percentage of represented aliens for FY 2001 to FY 2005 ranged from 35 percent to 48 percent.

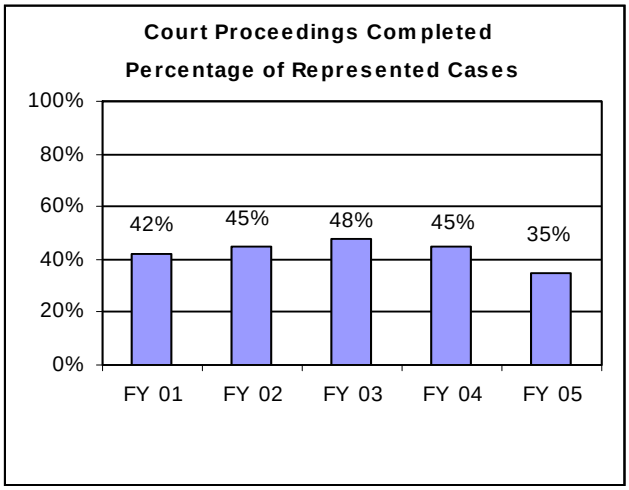


Figure 9

Representation in Immigration Courts			
	Represented	Unrepresented	Total
FY 01	91,983	126,295	218,278
FY 02	102,921	125,501	228,422
FY 03	120,077	130,742	250,819
FY 04	117,603	142,229	259,832
FY 05	109,626	204,592	314,218

Immigration Courts:
Failures to Appear

When an alien fails to appear for a hearing, the Immigration Judge may conduct an *in absentia* (in absence of) hearing and order the alien removed from the United States. Before the Immigration Judge orders the alien removed *in absentia*, the Department of Homeland Security (DHS) Assistant Chief Counsel must establish by clear, unequivocal, and convincing evidence that the alien is removable. Further, the Immigration Judge must be satisfied that notice of time and place of the hearing were provided to the alien or the alien's representative. A failure to appear does not always result in an *in absentia* order. In some instances, the Immigration Judge may administratively close the case without ordering the alien removed *in absentia.* Since most administrative closures relate to failures to appear, we have included those figures in calculating the failure to appear rates below.

Figure 10, on the following page, compares Immigration Judge decisions and administrative closures with failures to appear. Overall, of the Immigration Judge decisions rendered in FY 2005, 39 percent of them involved aliens who had failed to appear. Failure to appear rates were fairly consistent each year from FY 2001 to FY 2004. In FY 2005 they have increased. The large increase in the failure to appear rate in FY 2005 had a direct effect on the total completions for the fiscal year.

In FY 2005, 106,832 aliens failed to appear compared to the previous high in FY 2004 of 54, 263, this represents a 103 percent increase. It should also be noted that 52 percent (55,913) of the failure to appear completions in FY 2005 occurred in Harlingen and San Antonio, Texas.

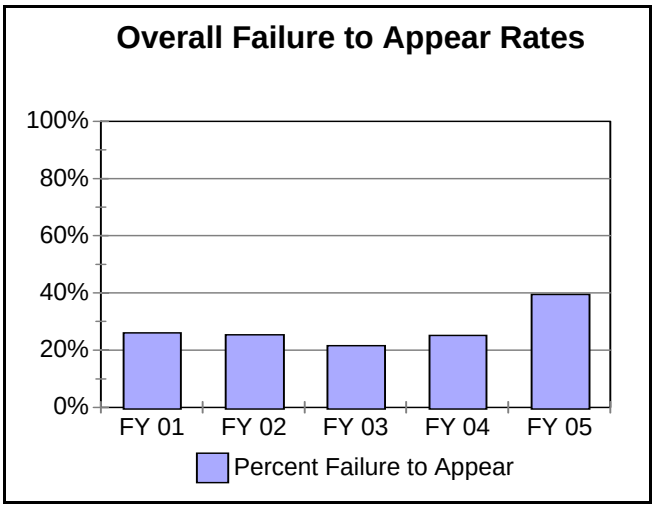


Figure 10

Overall Failure to Appear Rates					
	Failures to Appear			IJ Decisions/ Admin Closures	Failure to Appear Rate
	In Absentia Orders	Administrative Closures	Total Failure to Appear		
FY 01	36,762	6,535	43,297	166,316	26%
FY 02	37,316	7,800	45,116	178,025	25%
FY 03	36,952	7,295	44,247	205,238	22%
FY 04	47,408	6,855	54,263	216,130	25%
FY 05	100,994	5,838	106,832	270,561	39%

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

Figure 11 shows a comparison of the number of failures to appear with the number of Immigration Judge decisions for non-detained aliens. The non-detained category is made up of aliens who were never detained. The failure to appear rate for this population decreased from FY 2001 to FY 2003 then rose in FY 2004 and FY 2005.

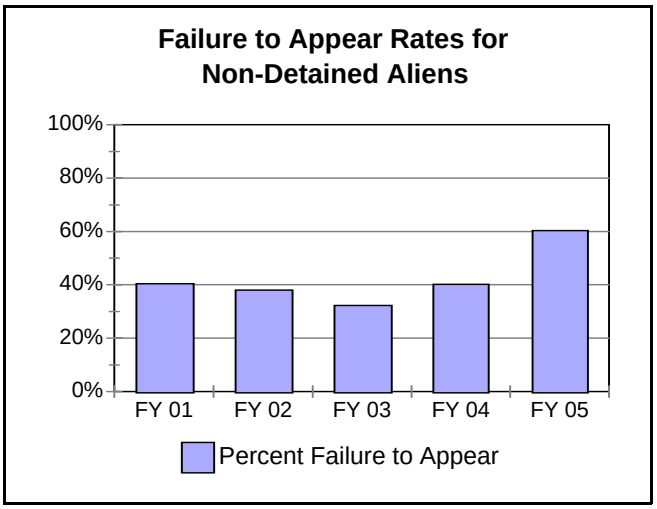


Figure 11

Failure to Appear Rates for Non-Detained Aliens			
	Failures to Appear		IJ Decisions/
	Number	% of Total	Admin Closures
FY 01	28,316	40%	70,218
FY 02	28,064	38%	73,971
FY 03	29,550	32%	91,576
FY 04	43,665	40%	108,733
FY 05	97,868	60%	162,312

Failures to appear for aliens released on bond or on their own recognizance are shown in Figure 12. For the five-year period, the failure to appear rate has decreased annually from FY 2001 to FY 2005. The failure to appear rates for released aliens have decreased over the last five years while the failure to appear rates for non-detained aliens have increased substantially in the last two years.

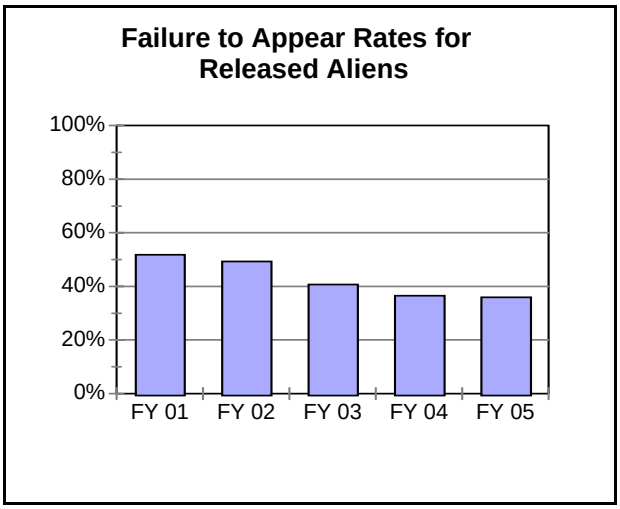


Figure 12

Failure to Appear Rates for Released Aliens			
	Failures to Appear		IJ Decisions/
	Number	% of Total	Admin Closures
FY 01	13,683	52%	26,437
FY 02	15,789	49%	32,077
FY 03	13,432	41%	33,038
FY 04	9,427	37%	25,788
FY 05	7,890	36%	21,929

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 Department of Homeland Security (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.

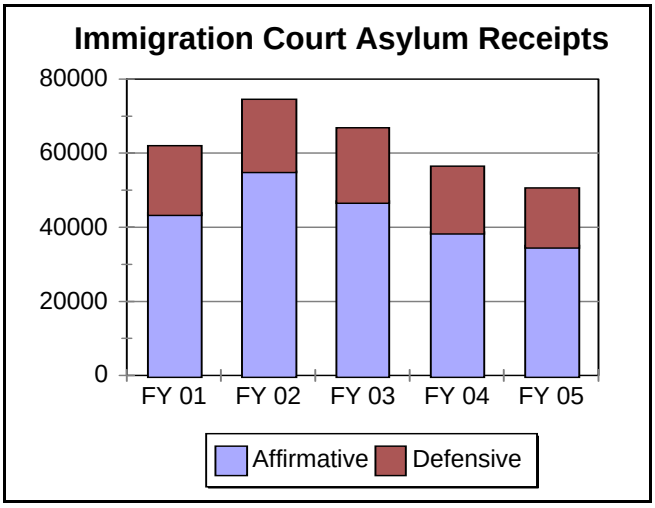


Figure 13

Immigration Court Asylum Receipts				
	Affirmative	Defensive	Unknown	Total
FY 01	43,878	18,099	61	62,038
FY 02	55,112	19,465	57	74,634
FY 03	47,050	19,789	99	66,938
FY 04	38,730	17,788	93	56,611
FY 05	35,049	15,551	153	50,753

As shown in Figure 14 below, asylum receipts increased from FY 2001 to FY 2002. From FY 2002 to FY 2005 receipts have declined by 47 percent. Receipts peaked in FY 2002.

Asylum completions increased by 44 percent from FY 2001 to FY 2003. From FY 2003 to FY 2005 completions have declined by 12 percent.

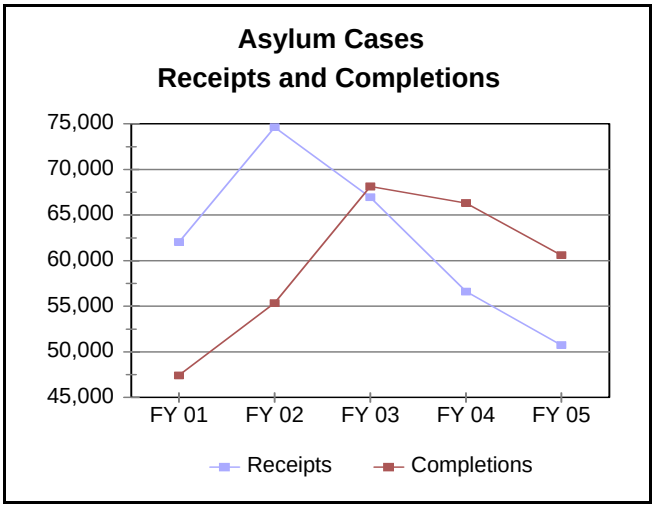


Figure 14

Asylum Receipts and Completions		
	Receipts	Completions
FY 01	62,038	47,432
FY 02	74,634	55,353
FY 03	66,938	68,118
FY 04	56,611	66,308
FY 05	50,753	60,602

Table 6, shown on page I3, provides information on FY 2005 asylum receipts and completions by Immigration Court. In FY 2005, the Los Angeles, CA; Miami, FL; New York, NY; and San Francisco, CA Immigration Courts received 53 percent of asylum filings. In FY 2005, 26 out of 52 Immigration Courts had more receipts than completions. However, all four of the largest courts completed more cases than they received.

Table 6 - Asylum Receipts and Completions by Court for FY 2005

Immigration Court	Receipts	Completions
ARLINGTON, VIRGINIA	2,176	1,792
ATLANTA, GEORGIA	1,573	1,224
BALTIMORE, MARYLAND	1,389	1,637
BATAVIA SPC, NEW YORK	76	82
BLOOMINGTON (ST. PAUL), MINNESOTA	458	550
BOSTON, MASSACHUSETTS	1,536	1,299
BRADENTON, FLORIDA	698	307
BUFFALO, NEW YORK	148	150
CHICAGO, ILLINOIS	1,918	1,952
DALLAS, TEXAS	547	548
DENVER, COLORADO	437	660
DETROIT, MICHIGAN	411	745
EAST MESA, CALIFORNIA	80	95
EL CENTRO SPC, CALIFORNIA	111	101
EL PASO SPC, TEXAS	119	112
EL PASO, TEXAS	80	69
ELIZABETH SPC, NEW JERSEY	267	237
ELOY, ARIZONA	167	157
FISHKILL - NEW YORK STATE DOC, NEW YORK	23	20
FLORENCE SPC, ARIZONA	129	130
GUAYNABO (SAN JUAN), PUERTO RICO	135	125
HARLINGEN, TEXAS	175	538
HARTFORD, CONNECTICUT	292	358
HONOLULU, HAWAII	138	191
HOUSTON SPC, TEXAS	44	41
HOUSTON, TEXAS	872	700
IMPERIAL, CALIFORNIA	20	17
JAMAICA QUEENS FACILITY, NEW YORK	107	138
KROME NORTH SPC, FLORIDA	409	349
LANCASTER, CALIFORNIA	235	185
LAS VEGAS, NEVADA	331	364
LOS ANGELES, CALIFORNIA	5,623	11,108
LOS FRESNOS (PORT ISABEL SPC), TEXAS	77	51
MEMPHIS, TENNESSEE	628	874
MIAMI, FLORIDA	7,923	9,756
NEW ORLEANS, LOUISIANA	103	101
NEW YORK CITY, NEW YORK	8,990	9,595
NEWARK, NEW JERSEY	1,332	1,404
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	227	231
ORLANDO, FLORIDA	2,447	2,330
PHILADELPHIA, PENNSYLVANIA	999	1,494
PHOENIX, ARIZONA	342	453
PORTLAND, OREGON	286	267
SAN ANTONIO, TEXAS	289	262
SAN DIEGO, CALIFORNIA	581	547
SAN FRANCISCO, CALIFORNIA	4,130	5,554
SAN PEDRO SPC, CALIFORNIA	210	209
SEATTLE, WASHINGTON	966	953
TUCSON, ARIZONA	77	53
ULSTER - NEW YORK STATE DOC, NEW YORK	27	30
VARICK SPC, NEW YORK	187	261
YORK, PENNSYLVANIA	208	196
TOTAL	50,753	60,602

Immigration Courts:
Asylum Grants by Nationality

This section provides information on asylum grants by nationality. In Figure 15, we have shown the top ten nationalities granted asylum (including conditional grants) in FY 2005. In FY 2005, the top 10 nationalities accounted for 61 percent of all asylum grants. A total of 151 nationalities were represented among cases granted asylum in FY 2005. Table 7 provides information for comparative purposes on the top nationalities granted asylum each fiscal year for the period FY 2001 to FY 2005. Five nationalities were represented among the top ten nationalities granted asylum each year during the five-year period: China, India, Colombia, Albania, and Haiti. For more complete information on asylum data by nationality, see http://www.usdoj.gov/eoir/efoia/FY05AsyStats.pdf.

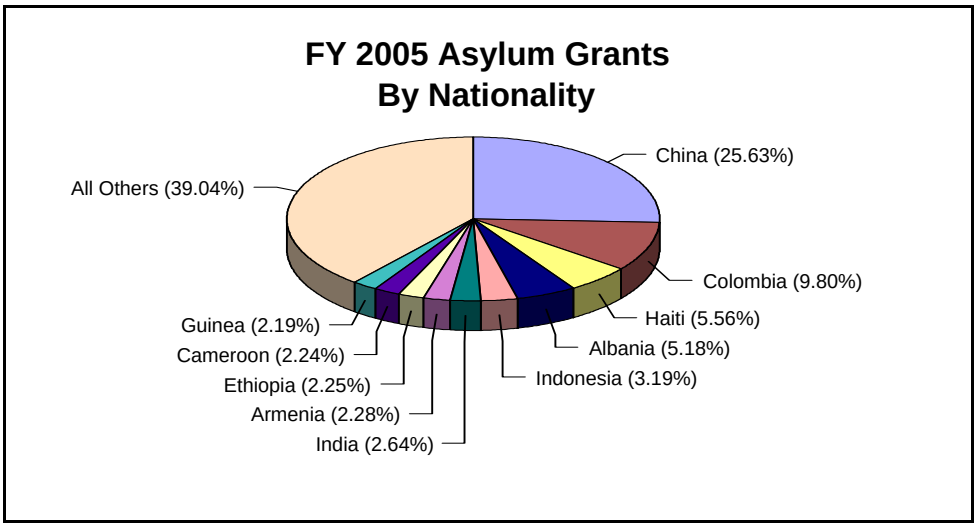


Figure 15

FY 2005 Asylum Grants by Nationality		
Nationality	Cases	% of Total
China	3,008	25.63%
Colombia	1,150	9.80%
Haiti	653	5.56%
Albania	608	5.18%
Indonesia	374	3.19%
India	310	2.64%
Armenia	268	2.28%
Ethiopia	264	2.25%
Cameroon	263	2.24%
Guinea	257	2.19%
All Others	4,582	39.04%
Total	11,737	100.00%

Table 7 - Asylum Grants by Nationality
Top 25 Nationalities: FY 2001 - FY 2005

Rank	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1	China	China	China	China	China
2	Albania	Colombia	Colombia	Colombia	Colombia
3	India	Albania	Albania	Albania	Haiti
4	Colombia	India	India	Haiti	Albania
5	Haiti	Haiti	Haiti	India	Indonesia
6	Somalia	Armenia	Armenia	Indonesia	India
7	Russia	Russia	Russia	Russia	Armenia
8	Iran	Indonesia	Indonesia	Armenia	Ethiopia
9	Sri Lanka	Iraq	Egypt	Cameroon	Cameroon
10	Ethiopia	Somalia	Ethiopia	Egypt	Guinea
11	Armenia	Ethiopia	Pakistan	Ethiopia	Russia
12	Egypt	Egypt	Iran	Guinea	Egypt
13	Iraq	Iran	Iraq	Mauritania	Mauritania
14	Indonesia	Pakistan	Cameroon	Iran	Yugoslavia
15	Yugoslavia	Yugoslavia	Mauritania	Yugoslavia	Soviet Union
16	Pakistan	Liberia	Yugoslavia	Guatemala	Burma (Myanmar)
17	Guatemala	Sri Lanka	Guatemala	Pakistan	Venezuela
18	Cameroon	Congo	Guinea	Bangladesh	Iran
19	Afghanistan	Burma (Myanmar)	Somalia	Burma (Myanmar)	Guatemala
20	Liberia	Mauritania	Liberia	Congo	Pakistan
21	Peru	Cameroon	Congo	Sierra Leone	Bangladesh
22	Congo	Guatemala	Burma (Myanmar)	Iraq	Ivory Coast (Cote D'Ivoire)
23	Burma (Myanmar)	Sierra Leone	Peru	Peru	Togo
24	Bangladesh	Bangladesh	Sierra leone	Fiji	Uzebekistan
25	Fiji	Ukraine	Bangladesh	Nepal	Iraq

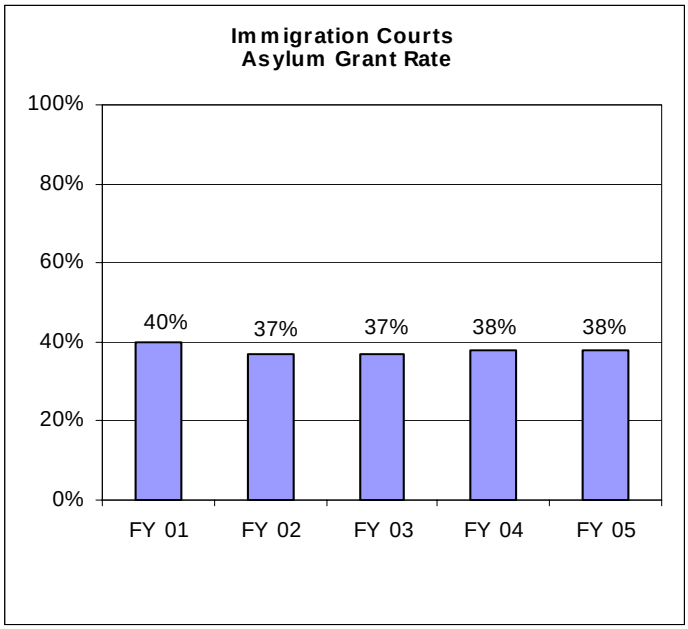
Immigration Courts:
Disposition of Asylum Cases

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

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

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

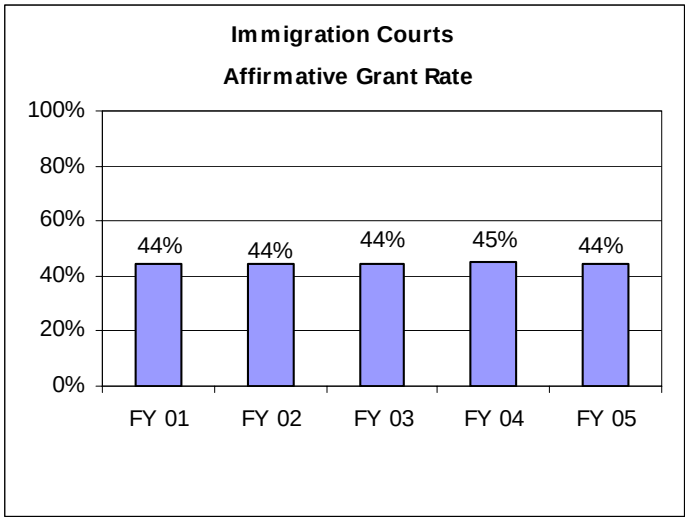
Figure 16 provides the asylum grant rate for the past five years. The grant rate is calculated as a percentage of asylum claims decided on the merits, i.e., grants (including conditional grants) and denials. The number of aliens granted asylum increased from FY 2001 to FY 2002 but the grant rate decreased from 40 percent to 37 percent. Since FY 2002 the grant rate has stayed fairly consistent . If the grant rate were calculated as a percentage of all 60,602 asylum completions (as opposed to only the claims decided on the merits), it would be significantly lower, e.g., 19 percent for FY 2005 as opposed to 38 percent.



Asylum Grant Rate			
	Grants	Denials	Grant Rate
FY 01	10,000	15,037	40%
FY 02	10,977	18,389	37%
FY 03	13,376	22,415	37%
FY 04	13,015	20,867	38%
FY 05	11,737	19,166	38%

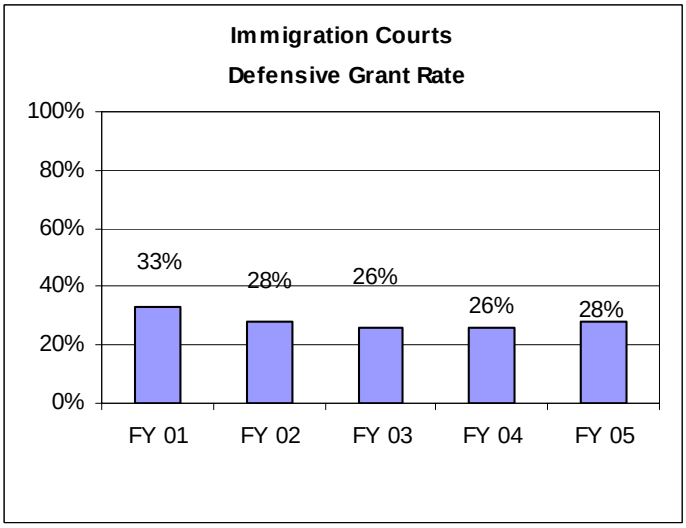
Figure 16

There is some difference in the grant rates depending on whether the asylum application was filed affirmatively or defensively. From FY 2001 to FY 2005, grant rates for affirmative asylum claims were higher than grant rates for defensive claims. Figures 17 and 18 show the grant rates for affirmative and defensive asylum claims. In a few instances, (180 grants and 119 denials) data were incomplete, and it was unclear whether the claim was affirmative or defensive.



Immigration Court Affirmative Grant Rate			
	Grants	Denials	Grant Rate
FY 01	6,781	8,560	44%
FY 02	7,666	9,906	44%
FY 03	9,912	12,796	44%
FY 04	9,846	12,098	45%
FY 05	8,696	11,207	44%

Figure 17



Immigration Court Defensive Grant Rate			
	Grants	Denials	Grant Rate
FY 01	3,189	6,466	33%
FY 02	3,289	8,465	28%
FY 03	3,405	9,607	26%
FY 04	3,132	8,732	26%
FY 05	3,009	7,918	28%

Figure 18

Figure 19 illustrates graphically all asylum case completions. The number of denials increased from FY 2001 through FY 2003, but have decreased since FY 2003. The number of asylum grants have increased each year from FY 2001 to FY 2003 then have declined since FY 2003. In FY 2004, the number of asylum grants was 30 percent higher than the number of grants in FY 2001 and in FY 2005 it was 17 percent higher.

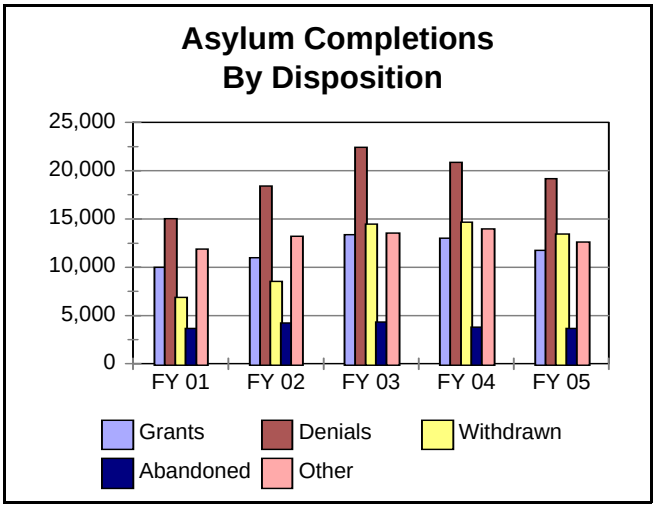


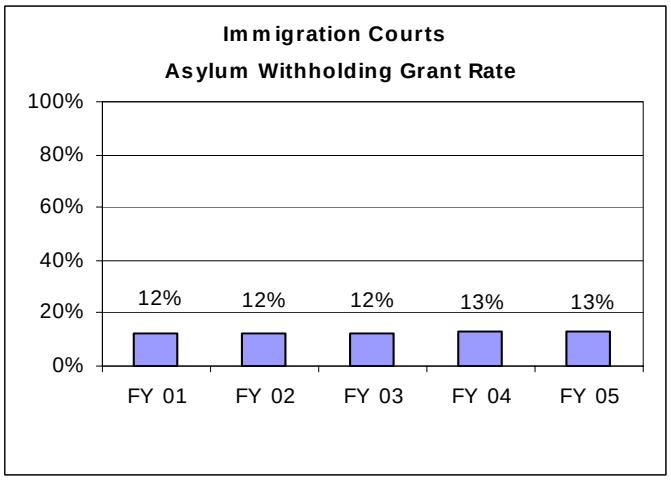
Figure 19

Asylum Completions by Disposition						
	Grants	Denials	Withdrawn	Abandoned	Other	Total
FY 01	10,000	15,037	6,846	3,675	11,874	47,432
FY 02	10,977	18,389	8,544	4,241	13,202	55,353
FY 03	13,376	22,415	14,483	4,307	13,537	68,118
FY 04	13,015	20,867	14,664	3,803	13,959	66,308
FY 05	11,737	19,166	13,435	3,649	12,615	60,602

An applicant for asylum also is an applicant for withholding or 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 relief 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 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 be 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 form of relief 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 for withholding because they have previously been counted as an asylum grant.



Immigration Court Asylum Withholding Grant Rate			
	Grants	Denials	Grant Rate
FY 01	2,056	15,412	12%
FY 02	2,513	18,820	12%
FY 03	3,151	22,937	12%
FY 04	3,323	21,310	13%
FY 05	2,978	19,486	13%

Figure 19-A

Table 8, on the following page, provides information on the FY 2005 asylum grant rate for each individual Immigration Court.

Table 8 - FY 2005 Asylum Grant Rate by Immigration Court

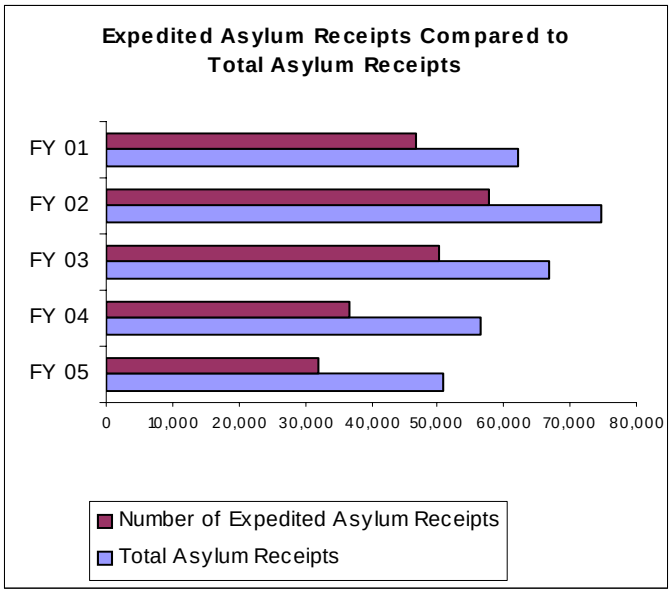
Immigration Court	Denials	Grants	Conditional Grants	Grant Rate
ARLINGTON, VIRGINIA	503	309	2	38%
ATLANTA, GEORGIA	176	24	0	12%
BALTIMORE, MARYLAND	623	444	12	42%
BATAVIA SPC, NEW YORK	50	6	0	11%
BLOOMINGTON (ST. PAUL), MINNESOTA	201	69	0	26%
BOSTON, MASSACHUSETTS	540	258	12	33%
BRADENTON COUNTY JAIL, FLORIDA	143	26	0	15%
BUFFALO, NEW YORK	71	13	1	16%
CHICAGO, ILLINOIS	523	318	19	39%
DALLAS, TEXAS	178	47	4	22%
DENVER, COLORADO	239	142	1	37%
DETROIT, MICHIGAN	416	83	6	18%
EAST MESA, CALIFORNIA	55	10	2	18%
EL CENTRO SPC, CALIFORNIA	47	4	1	10%
EL PASO SPC, TEXAS	39	40	1	51%
EL PASO, TEXAS	19	4	0	17%
ELIZABETH SPC, NEW JERSEY	141	22	2	15%
ELOY, ARIZONA	112	0	0	0%
FISHKILL - NEW YORK STATE DOC, NEW YORK	1	0	0	0%
FLORENCE SPC, ARIZONA	67	9	6	18%
GUAYNABO (SAN JUAN), PUERTO RICO	44	6	2	15%
HARLINGEN, TEXAS	16	20	3	59%
HARTFORD, CONNECTICUT	170	76	3	32%
HONOLULU, HAWAII	39	41	57	72%
HOUSTON SPC, TEXAS	12	9	0	43%
HOUSTON, TEXAS	293	71	6	21%
IMPERIAL, CALIFORNIA	13	0	0	0%
JAMAICA QUEENS FACILITY, NEW YORK	49	39	1	45%
KROME NORTH SPC, FLORIDA	205	12	2	6%
LANCASTER, CALIFORNIA	72	5	4	11%
LAS VEGAS, NEVADA	73	28	2	29%
LOS ANGELES, CALIFORNIA	1,765	1,054	56	39%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	18	4	0	18%
MEMPHIS, TENNESSEE	329	134	3	29%
MIAMI, FLORIDA	5,234	1,407	11	21%
NEW ORLEANS, LOUISIANA	44	28	0	39%
NEW YORK CITY, NEW YORK	2,760	3,285	1,191	62%
NEWARK, NEW JERSEY	546	192	66	32%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	64	14	2	20%
ORLANDO, FLORIDA	401	387	20	50%
PHILADELPHIA, PENNSYLVANIA	691	110	16	15%
PHOENIX, ARIZONA	48	121	12	73%
PORTLAND, OREGON	76	49	3	41%
SAN ANTONIO, TEXAS	79	47	1	38%
SAN DIEGO, CALIFORNIA	244	116	9	34%
SAN FRANCISCO, CALIFORNIA	1,166	897	24	44%
SAN PEDRO SPC, CALIFORNIA	41	10	5	27%
SEATTLE, WASHINGTON	286	126	1	31%
TUCSON, ARIZONA	6	34	1	85%
ULSTER - NEW YORK STATE DOC, NEW YORK	7	0	0	0%
VARICK SPC, NEW YORK	104	6	1	6%
YORK, PENNSYLVANIA	127	8	2	7%
TOTAL	19,166	10,164	1,573	38%

Immigration Courts:
Expedited Asylum Cases

There are two ways that aliens may request asylum: "affirmatively," by completing an asylum application and filing it with a Department of Homeland Security (DHS) Asylum Office; or "defensively" by requesting asylum before an Immigration Judge. 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, the number of expedited asylum cases increased from FY 2001 to FY 2002. Since FY 2002 both expedited asylum receipts and total asylum receipts have consistently decreased.



Expedited Asylum Receipts		
	Number of Expedited Asylum Receipts	Total Asylum Receipts
FY 01	46,733	62,038
FY 02	57,824	74,634
FY 03	50,188	66,938
FY 04	36,813	56,611
FY 05	31,953	50,753

Figure 20

Depicted in Figure 21 below are the number of receipts and completions for expedited asylum cases between FY 2001 and FY 2005.

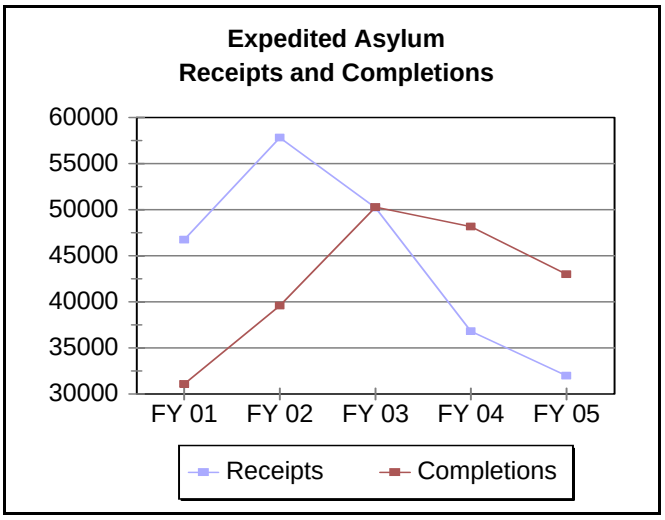


Figure 21

Expedited Asylum Receipts and Completions FY 2001 - 2005		
	Receipts	Completions
FY 01	46,733	31,075
FY 02	57,824	39,566
FY 03	50,188	50,262
FY 04	36,813	48,137
FY 05	31,953	42,986

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) (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 less permanent form of protection than withholding of removal, and one that is more easily and quickly terminated if it becomes possible to remove the alien.

As shown in Table 9 below, the Immigration Courts adjudicated 33,640 CAT applications during FY 2005. Of those, 458 CAT cases were granted, the majority of which were granted withholding.

The grant rate for CAT cases was approximately 2 percent in FY 2005. This percentage is calculated based only on grants and denials, and does not consider abandoned applications, withdrawn applications, or other case closures.

Table 9 - FY 2005 Convention Against Torture Cases by Disposition

Granted			Denied	Other	Withdrawn	Abandoned	Total
Withholding	Deferral	Total					
388	70	458	18,654	6,743	7,020	765	33,640

Table 10 on the following page shows a breakdown of CAT completions by Immigration Courts. The Los Angeles, CA; Miami, FL; New York City, NY; and San Francisco, CA Immigration Courts combined completed approximately 62 percent of the total FY 2005 CAT cases.

Table 10 - FY 2005 Convention Against Torture Completions by Court

Immigration Court	Completions
ARLINGTON, VIRGINIA	644
ATLANTA, GEORGIA	307
BALTIMORE, MARYLAND	806
BATAVIA SPC, NEW YORK	61
BLOOMINGTON (ST. PAUL), MINNESOTA	430
BOSTON, MASSACHUSETTS	825
BRADENTON COUNTY JAIL, FLORIDA	152
BUFFALO, NEW YORK	153
CHICAGO, ILLINOIS	612
DALLAS, TEXAS	269
DENVER, COLORADO	287
DETROIT, MICHIGAN	682
EAST MESA, CALIFORNIA	82
EL CENTRO SPC, CALIFORNIA	64
EL PASO SPC, TEXAS	35
EL PASO, TEXAS	17
ELIZABETH SPC, NEW JERSEY	253
ELOY, ARIZONA	136
FISHKILL - NEW YORK STATE DOC, NEW YORK	18
FLORENCE SPC, ARIZONA	82
GUAYNABO (SAN JUAN), PUERTO RICO	210
HARLINGEN, TEXAS	18
HARTFORD, CONNECTICUT	212
HONOLULU, HAWAII	156
HOUSTON SPC, TEXAS	43
HOUSTON, TEXAS	149
IMPERIAL, CALIFORNIA	14
JAMAICA QUEENS FACILITY, NEW YORK	104
KROME NORTH SPC, FLORIDA	251
LANCASTER, CALIFORNIA	151
LAS VEGAS, NEVADA	94
LOS ANGELES, CALIFORNIA	5,630
LOS FRESNOS (PORT ISABEL SPC), TEXAS	31
MEMPHIS, TENNESSEE	609
MIAMI, FLORIDA	7,592
NEW ORLEANS, LOUISIANA	76
NEW YORK CITY, NEW YORK	5,556
NEWARK, NEW JERSEY	956
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	209
ORLANDO, FLORIDA	798
PHILADELPHIA, PENNSYLVANIA	1,068
PHOENIX, ARIZONA	63
PORTLAND, OREGON	107
SAN ANTONIO, TEXAS	76
SAN DIEGO, CALIFORNIA	324
SAN FRANCISCO, CALIFORNIA	2,213
SAN PEDRO SPC, CALIFORNIA	201
SEATTLE, WASHINGTON	412
TUCSON, ARIZONA	2
ULSTER - NEW YORK STATE DOC, NEW YORK	26
VARICK SPC, NEW YORK	167
YORK, PENNSYLVANIA	207
TOTAL	33,640

Immigration Courts:
Proceedings Completed with Applications for Relief

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

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

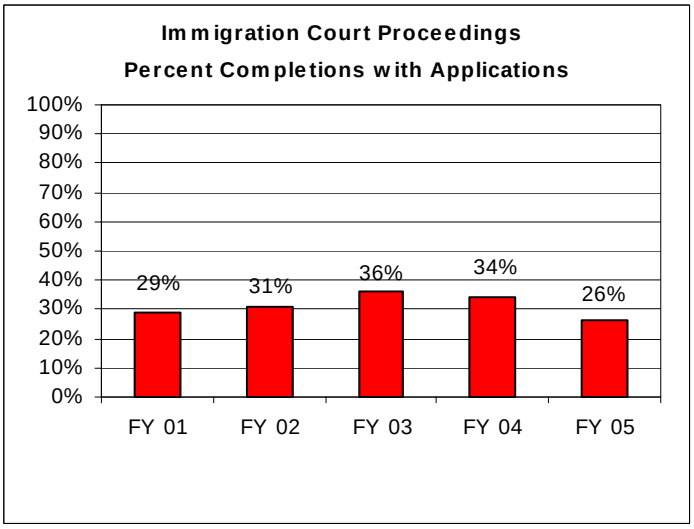


Figure 22

Court Completions (Proceedings) with Applications for Relief					
	With Applications	Percent with Applications	Without Applications	Percent Without Applications	Total
FY 01	62,809	29%	155,469	71%	218,278
FY 02	71,724	31%	156,698	69%	228,422
FY 03	89,555	36%	161,264	64%	250,819
FY 04	89,384	34%	170,448	66%	259,832
FY 05	82,993	26%	231,225	74%	314,218

Table 11 on page N2 shows the number and percentage of proceedings completed with applications for relief at each Immigration Court in FY 2005. Typically, courts along the United States border, courts co-located with the Department of Homeland Security (DHS) detention facilities, and courts which handle Institutional Hearing Program cases involving criminal aliens receive fewer applications for relief. Courts with a low percentage of applications for relief (10 percent or less) are shown in red. Courts where 65 percent or more of the completions involved applications for relief are shown in blue.

Table 11 - FY 2005 Immigration Court Completions (Proceedings) With Applications for Relief

Immigration Court	Total Completions	# of Completions With Applications	Precent With Applications
ARLINGTON, VIRGINIA	6,464	2,435	38%
ATLANTA, GEORGIA	5,602	1,416	25%
BALTIMORE, MARYLAND	4,591	2,151	47%
BATAVIA SPC, NEW YORK	658	115	17%
BLOOMINGTON (ST. PAUL), MINNESOTA	2,373	798	34%
BOSTON, MASSACHUSETTS	7,447	2,055	28%
BRADENTON COUNTY JAIL, FLORIDA	2,597	535	21%
BUFFALO, NEW YORK	2,136	407	19%
CHICAGO, ILLINOIS	11,142	2,811	25%
DALLAS, TEXAS	5,769	1,160	20%
DENVER, COLORADO	4,598	1,120	24%
DETROIT, MICHIGAN	3,293	1,175	36%
EAST MESA, CALIFORNIA	6,170	198	3%
EL CENTRO SPC, CALIFORNIA	3,795	221	6%
EL PASO SPC, TEXAS	3,932	207	5%
EL PASO, TEXAS	4,407	238	5%
ELIZABETH SPC, NEW JERSEY	1,239	287	23%
ELOY, ARIZONA	12,297	593	5%
FISHKILL - NEW YORK STATE DOC, NEW YORK	794	34	4%
FLORENCE SPC, ARIZONA	6,491	241	4%
GUAYNABO (SAN JUAN), PUERTO RICO	1,920	312	16%
HARLINGEN, TEXAS	34,052	731	2%
HARTFORD, CONNECTICUT	2,713	578	21%
HONOLULU, HAWAII	574	271	47%
HOUSTON SPC, TEXAS	2,648	126	5%
HOUSTON, TEXAS	10,177	1,606	16%
IMPERIAL, CALIFORNIA	1,861	280	15%
JAMAICA QUEENS FACILITY, NEW YORK	305	153	50%
KROME NORTH SPC, FLORIDA	2,578	428	17%
LANCASTER, CALIFORNIA	5,566	366	7%
LAS VEGAS, NEVADA	3,339	627	19%
LOS ANGELES, CALIFORNIA	19,968	13,736	69%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	1,970	147	7%
MEMPHIS, TENNESSEE	2,325	1,019	44%
MIAMI, FLORIDA	18,512	12,959	70%
NEW ORLEANS, LOUISIANA	920	175	19%
NEW YORK CITY, NEW YORK	17,142	11,226	65%
NEWARK, NEW JERSEY	6,366	1,928	30%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	2,564	450	18%
ORLANDO, FLORIDA	4,590	2,545	55%
PHILADELPHIA, PENNSYLVANIA	3,929	1,773	45%
PHOENIX, ARIZONA	5,061	800	16%
PORTLAND, OREGON	831	451	54%
SAN ANTONIO, TEXAS	33,554	612	2%
SAN DIEGO, CALIFORNIA	4,913	1,494	30%
SAN FRANCISCO, CALIFORNIA	11,465	7,176	63%
SAN PEDRO SPC, CALIFORNIA	3,442	368	11%
SEATTLE, WASHINGTON	6,771	1,489	22%
TUCSON, ARIZONA	2,803	113	4%
ULSTER - NEW YORK STATE DOC, NEW YORK	1,345	75	6%
VARICK SPC, NEW YORK	2,510	418	17%
YORK, PENNSYLVANIA	1,709	364	21%
TOTAL	314,218	82,993	26%

Courts with a low percentage of applications for relief

Courts with a high percentage of applications for relief

Immigration Courts:
Proceedings Completed for Detained Cases

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

Detention locations include DHS Service Processing Centers (SPCs), DHS contract detention facilities, state and local government jails, and Bureau of Prisons (BOP) institutions. For the purpose of this Year Book, Institutional Hearing Program (IHP) cases are considered detained cases (IHP is discussed further in Tab P). Figure 23 below provides a comparison of detained completions to total proceedings completed. For the period FY 2001 – FY 2005, detained completions ranged from 29 to 34 percent of total completions.

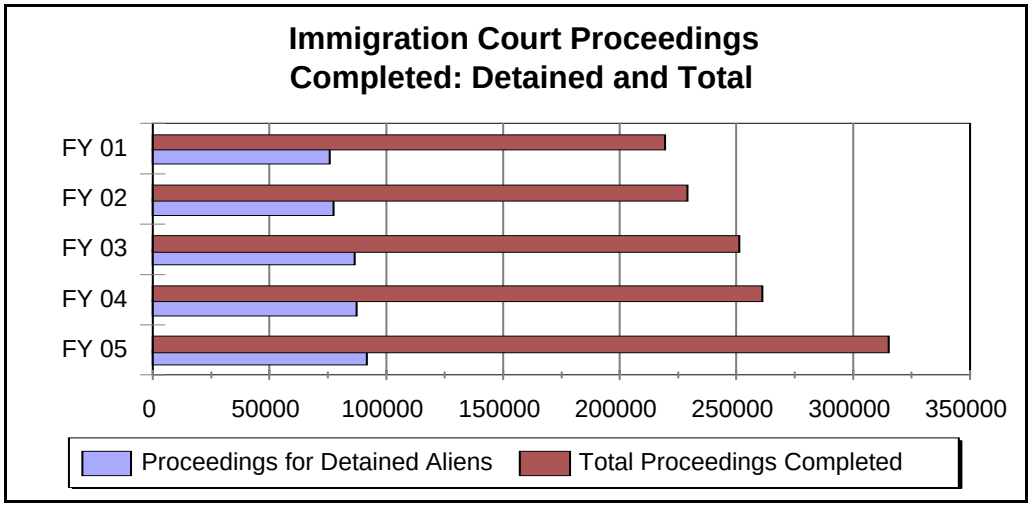


Figure 23

Immigration Court (Proceedings) Completions			
	Proceedings Completed for Detained Aliens (Including IHP)		
	Proceedings for Detained Aliens	Total Proceedings Completed	Percent Detained
FY 01	75,086	218,278	34%
FY 02	77,069	228,422	34%
FY 03	85,156	250,819	34%
FY 04	86,541	259,832	33%
FY 05	90,945	314,218	29%

Table 12 on the following page provides information, by Immigration Court, on FY 2005 detained completions. The Immigration Courts in Chicago, IL; East Mesa, CA; Eloy, AZ; Florence SPC, AZ; Lancaster, CA; and Seattle, WA each completed more than 4,000 proceedings in detained cases in FY 2005. Overall, Immigration Courts located in three border States – Texas, California, and Arizona – accounted for 61 percent of the detained completions in FY 2005. Courts in those three States are highlighted in blue in Table 13.

Table 12 - FY 2005 Immigration Court Completions (Proceedings) for Detained Cases

Immigration Court	Completions
ARLINGTON, VIRGINIA	1,490
ATLANTA, GEORGIA	1,421
BALTIMORE, MARYLAND	333
BATAVIA SPC, NEW YORK	615
BLOOMINGTON (ST. PAUL), MINNESOTA	965
BOSTON, MASSACHUSETTS	827
BRADENTON COUNTY JAIL, FLORIDA	1,375
BUFFALO, NEW YORK	39
CHICAGO, ILLINOIS	5,098
DALLAS, TEXAS	2,410
DENVER, COLORADO	1,902
DETROIT, MICHIGAN	732
EAST MESA, CALIFORNIA	5,944
EL CENTRO SPC, CALIFORNIA	3,584
EL PASO SPC, TEXAS	3,516
EL PASO, TEXAS	793
ELIZABETH SPC, NEW JERSEY	913
ELOY, ARIZONA	11,934
FISHKILL - NEW YORK STATE DOC, NEW YORK	793
FLORENCE SPC, ARIZONA	5,309
GUAYNABO (SAN JUAN), PUERTO RICO	725
HARLINGEN, TEXAS	335
HARTFORD, CONNECTICUT	623
HONOLULU, HAWAII	199
HOUSTON SPC, TEXAS	2,015
HOUSTON, TEXAS	625
IMPERIAL, CALIFORNIA	1,287
JAMAICA QUEENS FACILITY, NEW YORK	189
KROME NORTH SPC, FLORIDA	1,525
LANCASTER, CALIFORNIA	4,885
LAS VEGAS, NEVADA	2,109
LOS ANGELES, CALIFORNIA	217
LOS FRESNOS (PORT ISABEL SPC), TEXAS	1,559
MEMPHIS, TENNESSEE	194
MIAMI, FLORIDA	966
NEW ORLEANS, LOUISIANA	236
NEW YORK CITY, NEW YORK	82
NEWARK, NEW JERSEY	873
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	2,132
ORLANDO, FLORIDA	405
PHILADELPHIA, PENNSYLVANIA	311
PHOENIX, ARIZONA	640
PORTLAND, OREGON	110
SAN ANTONIO, TEXAS	1,320
SAN DIEGO, CALIFORNIA	1,951
SAN FRANCISCO, CALIFORNIA	2,183
SAN PEDRO SPC, CALIFORNIA	2,594
SEATTLE, WASHINGTON	4,202
TUCSON, ARIZONA	2,505
ULSTER - NEW YORK STATE DOC, NEW YORK	1,342
VARICK SPC, NEW YORK	1,087
YORK, PENNSYLVANIA	1,526
TOTAL	90,945

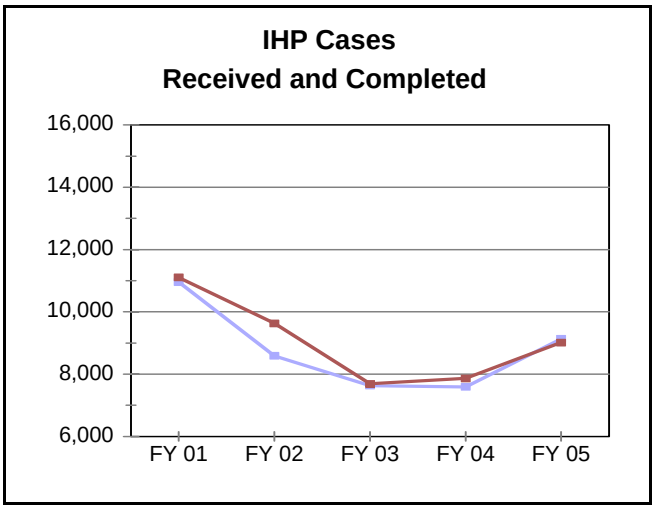
Immigration Courts in U.S./Mexico Border States

Immigration Courts:
Institutional Hearing Program Case Processing

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

In FY 2005, DHS filed charging documents with the Immigration Courts for incarcerated aliens in 81 different institutions. Immigration Judges and court staff traveled to these institutions to conduct IHP hearings.

Figure 24 provides information on IHP receipts and completions. IHP receipts declined by 44 percent from FY 2001 to FY 2004 then increased by 20 percent from FY 2004 to FY 2005. The decline from FY 2001 to FY 2004 may have been the result of the 1997 implementation of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA authorized DHS to decide some cases that were previously handled by the Immigration Courts. Of particular relevance to the IHP are the IIRIRA provisions which allow DHS to reinstate prior orders of removal; and the provisions authorizing DHS to order the administrative removal of convicted aggravated felons who are not Lawful Permanent Residents and are not eligible for relief.



IHP Cases		
	Receipts	Completions
FY 01	10,957	11,107
FY 02	8,590	9,632
FY 03	7,635	7,691
FY 04	7,593	7,859
FY 05	9,133	9,012

Figure 24

Table 13 provides a breakdown of IHP completions by disposition – either through an Immigration Judge decision, or through an "other" completion, such as an administrative closure or change of venue.

Table 13
IHP Completions by Disposition

	FY 01	FY 02	FY 03	FY 04	FY 05
Total Decisions in IHP Cases	8,548	7,161	5,978	5,880	7,362
Removal	8,071	6,769	5,714	5,612	7,105
Termination	388	322	187	221	208
Relief	81	62	67	39	40
Other	8	8	10	8	9
Other Completions	2,559	2,471	1,713	1,979	1,650
Total Completions	11,107	9,632	7,691	7,859	9,012

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

IJ Removal Decisions Compared to Voluntary Departure Decisions			
	Total Removal Decisions	Voluntary Departure Decisions	Percent Voluntary Departure Decisions
FY 01	124,812	15,756	13%
FY 02	135,236	20,170	15%
FY 03	155,148	28,249	18%
FY 04	164,452	27,414	17%
FY 05	222,360	24,810	11%

Immigration Courts:
Applications for Relief other than Asylum

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

This tab describes other forms of relief such as adjustment of status; suspension and cancellation; and Section 212(c) relief. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 provided a new form of relief called cancellation of removal. Cancellation of removal was intended to replace the former Immigration and Nationality Act Section 212(c) waiver and suspension of deportation. Table 16 on page R3 provides information on relief granted under the following provisions:

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

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

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

- As noted above, Cancellation of Removal is a form of relief provided by IIRIRA. There are two IIRIRA provisions addressing cancellation of removal:

  - Permanent Residents. Under the first provision, a lawful permanent resident facing removal on criminal grounds who has been lawfully admitted for permanent residence for at least five years, and who has resided continuously in the United States for seven years after a lawful admission may request cancellation, provided he or she has no aggravated felony convictions.

  - Nonpermanent Residents. Under the second provision, applicants physically present in the United States for a continuous period of ten years who have not been convicted of a criminal offense may seek cancellation of removal and adjustment of status to permanent resident alien. The applicant must demonstrate exceptional and extremely unusual hardship to a citizen or lawful permanent resident alien spouse, parent or child. IIRIRA limits to 4,000 annually the total number of adjustments to lawful permanent resident status under suspension of deportation or cancellation of removal. Applicants for cancellation of removal who meet certain conditions are not subject to the cap.

Table 15 reflects grants of relief under the various provisions described above during the period FY 2001 - FY 2005.

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 2001	455	2,402	6,888	1,219	511	577	1,387
FY 2002	567	1,793	7,001	513	420	405	1,144
FY 2003	644	2,138	8,325	346	438	566	2,346
FY 2004	403	2,306	9,417	231	528	257	3,580
FY 2005	238	2,533	9,420	156	434	182	3,093

Board of Immigration Appeals:
Total Cases Received and Completed

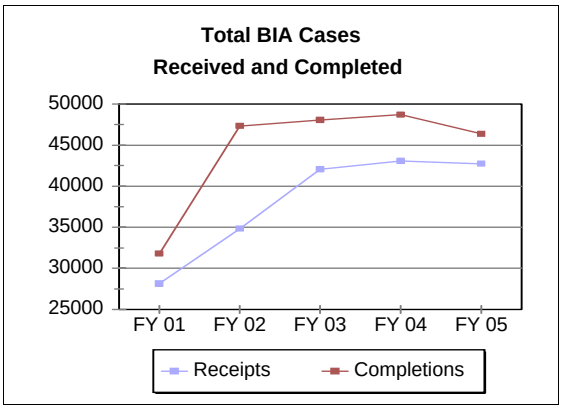
The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by Immigration Judges or certain Department of Homeland Security (DHS) officials. Published BIA decisions are binding on all DHS officers and Immigration Judges unless modified or overruled by the Attorney General or a federal court. Unpublished decisions of the Board are binding on the Immigration Judge or the 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 (IJ) appeals. These appeals are filed directly with the BIA in Falls Church, VA, and must be filed within 30 days of the IJ decision.

Other types of cases over which the BIA has jurisdiction include appeals of certain DHS decisions involving (1) family-based visa petitions adjudicated by DHS officials; (2) fines and penalties imposed upon carriers for violations of immigration laws; and (3) bonds set subsequent to an Immigration Judge's ruling. For the purposes of this Statistical Year Book, appeals from these DHS decisions are referred to as DHS decision appeals.

As shown in Figure 25 on page S2, BIA case receipts have increased by 52 percent from FY 2001 to FY 2005. BIA Case completions have also increased. There was a 46 percent increase in completions from FY 2001 to FY 2005.

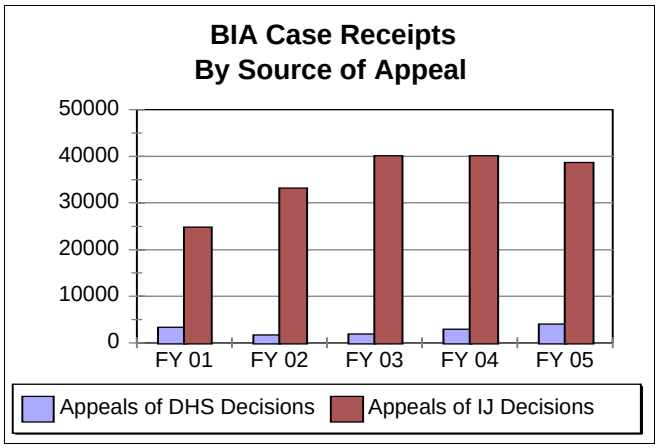
In response to a growing caseload, the BIA has initiated a variety of management and regulatory improvements to increase efficiency while maintaining due process guarantees. In late FY 2000, the BIA's Streamlining Initiative was launched. Published regulations allowed for noncontroversial cases that met specified criteria to be reviewed and adjudicated by a single Board Member. In February 2002, the Department of Justice proposed a regulatory amendment to address additional procedural changes at the BIA. The regulation, which became final in September 2002, imposes time frames for the adjudicatory process at the BIA. As a result of these regulation the BIA completions increased by 49 percent from FY 2001 to FY 2002.



Total BIA Cases		
	Receipts	Completions
FY 01	28,148	31,800
FY 02	34,834	47,326
FY 03	42,043	48,047
FY 04	43,075	48,707
FY 05	42,734	46,355

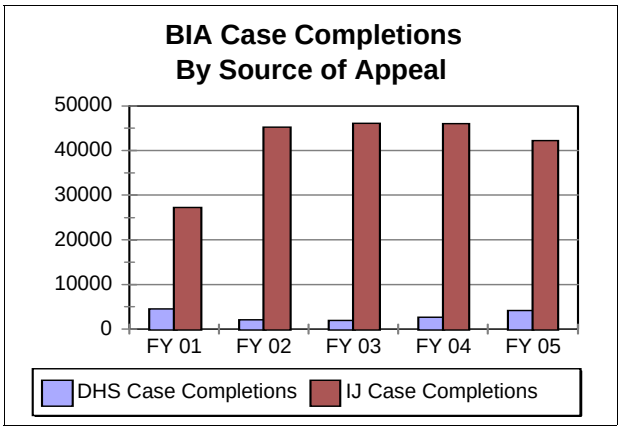
Figure 25

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



BIA Case Receipts			
	Appeals of DHS Decisions	Appeals of IJ Decisions	Total Appeals
FY 01	3,345	24,803	28,148
FY 02	1,658	33,176	34,834
FY 03	1,894	40,149	42,043
FY 04	2,929	40,146	43,075
FY 05	4,038	38,696	42,734

Figure 26



BIA Case Completions			
	DHS Case Completions	IJ Case Completions	Total Appeals
FY 01	4,528	27,272	31,800
FY 02	2,095	45,231	47,326
FY 03	1,943	46,104	48,047
FY 04	2,653	46,054	48,707
FY 05	4,155	42,200	46,355

Figure 27

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

The Board of Immigration Appeals (BIA) has nationwide jurisdiction to hear appeals from certain decisions rendered by Immigration Judges or the Department of Homeland Security (DHS) officials. The BIA has jurisdiction over the following types of cases arising from Immigration Judge (IJ) decisions:

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

The BIA also has jurisdiction to review appeals arising from certain decisions rendered by DHS officials. These types of appeals are listed below. Until FY 2000, when a revised regulation was published regarding detention of aliens with removal orders, BIA also had jurisdiction to review custody determinations (bonds) for aliens with final orders of removal.

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

As shown in Table 16, there was a large increase in IJ case appeals and in motions to reopen and reconsider before the BIA from FY 2001 to FY 2005. The data in Table 17 also shows a large increase in the completion of IJ case appeals and in the completion of motions to reopen or reconsider before the BIA. For both receipts and completions there was a significant increase from FY 2003 to FY 2005 in appeals from DHS.

Table 16 provides a breakdown of the types of cases received by the BIA between FY 2001 and FY 2005.

Table 16 - BIA Receipts by Type

	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Total Appeals from IJ Decisions	**24,803**	**33,176**	**40,149**	**40,146**	**38,696**
Case Appeal	18,956	22,049	27,436	27,323	24,349
Appeal of IJ Motion to Reopen	1,822	2,094	2,179	2,075	1,859
Motion to Reopen-BIA	3,402	7,222	9,034	9,637	10,319
Bond Appeal	530	1,722	1,371	975	713
Interlocutory Appeal	93	88	127	133	147
Circuit Court Remand*	0	0	0	0	1,308
Special Circumstance	0	1	2	3	1
Total Appeals from DHS Decisions	**3,345**	**1,658**	**1,894**	**2,929**	**4,038**
Decisions on Visa Petitions	1,129	1,121	1,764	2,853	3,950
212 Waiver Decisions	20	31	19	52	63
Decisions on Fines and Penalties	2,188	504	111	24	25
Bond Decisions	8	2	0	0	0
Grand Total	**28,148**	**34,834**	**42,043**	**43,075**	**42,734**

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

Table 17 provides a breakdown of the types of cases completed by the BIA between FY 2001 and FY 2005.

Table 17 - BIA Completions by Type

	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Total Appeals from IJ Decisions	**27,272**	**45,231**	**46,104**	**46,054**	**42,200**
Case Appeal	20,565	34,254	32,313	31,582	27,369
Appeal of IJ Motion to Reopen	2,237	3,470	2,195	2,828	2,101
Motion to Reopen-BIA	3,748	6,377	9,631	10,120	10,998
Bond Appeal	602	1,032	1,832	1,373	758
Interlocutory Appeal	120	97	133	148	134
Circuit Court Remand*	0	0	0	0	838
Special Circumstance	0	1	0	3	2
Total Appeals from DHS	**4,528**	**2,095**	**1,943**	**2,653**	**4,155**
Decisions on Visa Petitions	1,272	1,363	1,766	2,585	4,054
212 Waiver Decisions	25	52	23	37	72
Decisions on Fines and Penalties	3,219	676	154	31	29
Bond Decisions	12	4	0	0	0
Grand Total	**31,800**	**47,326**	**48,047**	**48,707**	**46,355**

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

Board of Immigration Appeals:
Pending Caseload

Figure 28 below depicts the age of the BIA's pending caseload. The number of BIA pending cases have decreased from the end of FY 2004 to the end of FY 2005. At the end of FY 2004, there were 35,264 cases pending at the BIA. By the end of FY 2005, the number of pending cases had been reduced to 29,494 cases. The age of pending cases has also lessened. At the beginning of FY 2005, cases filed before FY 2004 accounted for 18 percent of the pending caseload. At the end of FY 2005 they accounted for less than 1 percent of the pending caseload. The cases filed in FY 2004 decreased from 82 percent of total pending at the beginning of FY 2005 to 18 percent of total pending at the end of FY 2005.

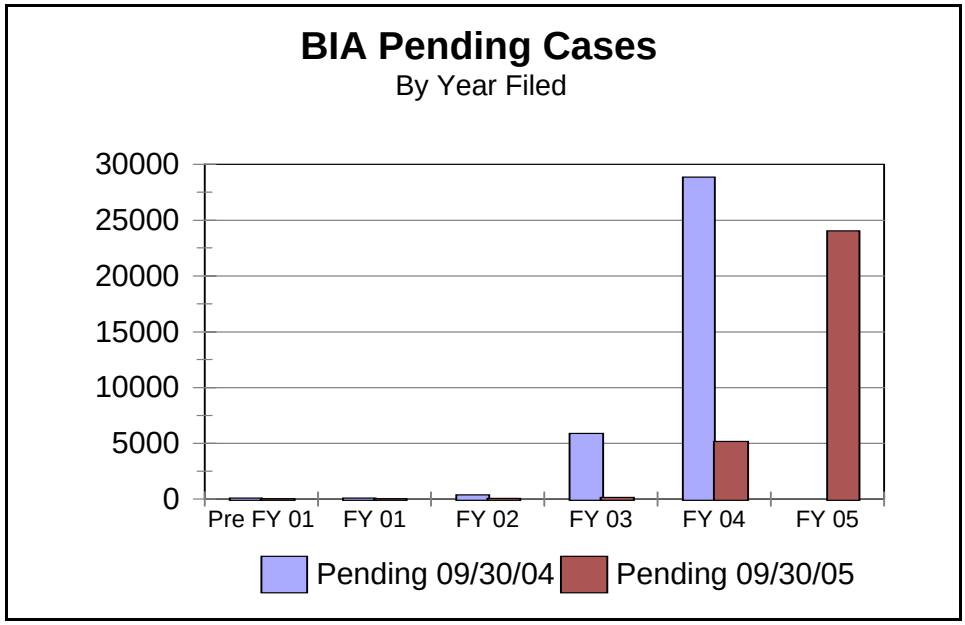


Figure 28

BIA Pending Cases		
Year Filed	Pending 09/30/04	Pending 09/30/05
Pre FY 01	89	36
FY 01	72	15
FY 02	379	62
FY 03	5,877	169
FY 04	28,847	5,189
FY 05		24,023
Total	35,264	29,494

Board of Immigration Appeals:
IJ Decision Appeals Completed by Nationality

This section provides information on appeal completions by nationality. Only completions of Immigration Judge (IJ) decision appeals are included in these data; we have not included appeals of Department of Homeland Security (DHS) decisions. In FY 2005, the top 10 nationalities accounted for 68 percent of all completions as shown in Figure 29. A total of 189 nationalities were represented in the FY 2005 completions. Data in Table 18 compares the predominant nationalities for completed Immigration Judge appeals in fiscal years 2001-2005. For the five-year period, seven nationalities ranked among the top ten each year: Mexico, El Salvador, Guatemala, Haiti, Dominican Republic, India, and China. FY 2003 was the only year where Mexico did not rank first in BIA IJ decision appeal completions, it was outranked by China.

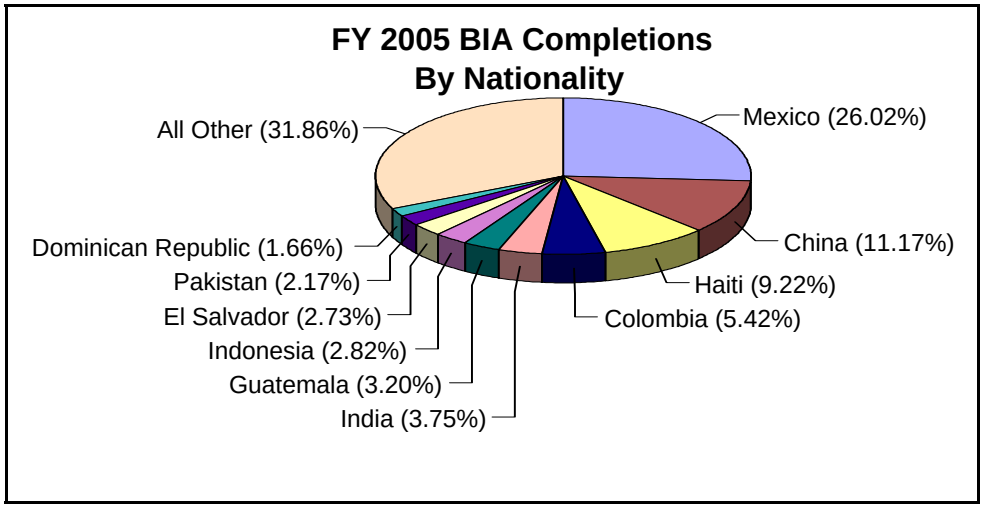


Figure 29

FY 2005 IJ Appeals Completed by Nationality		
Nationality	Cases	% of Total
Mexico	10,980	26.02%
China	4,712	11.17%
Haiti	3,890	9.22%
Colombia	2,286	5.42%
India	1,581	3.75%
Guatemala	1,349	3.20%
Indonesia	1,192	2.82%
El Salvador	1,150	2.73%
Pakistan	914	2.17%
Dominican Republic	700	1.66%
All Other	13,446	31.86%
Total	42,200	100.00%

Table 18 - BIA - IJ Decision Appeals Completed by Nationality
Top 25 Nationalities: FY 2001 - FY 2005

Rank	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1	Mexico	Mexico	China	Mexico	Mexico
2	El Salvador	China	Mexico	China	China
3	China	Haiti	Haiti	Haiti	Haiti
4	Haiti	Guatemala	India	Colombia	Colombia
5	Guatemala	India	Guatemala	India	India
6	Cuba	El Salvador	Colombia	Guatemala	Guatemala
7	Dominican Republic	Jamaica	El Salvador	El Salvador	Indonesia
8	India	Dominican Republic	Albania	Albania	El Salvador
9	Jamaica	Colombia	Dominican Republic	Dominican Republic	Pakistan
10	Philippines	Philippines	Jamaica	Indonesia	Dominican Republic
11	Nigeria	Peru	Nigeria	Jamaica	Albania
12	Colombia	Nigeria	Ethiopia	Philippines	Jamaica
13	Peru	Mauritania	Peru	Pakistan	Philippines
14	Honduras	Pakistan	Pakistan	Ethiopia	Nigeria
15	Pakistan	Bangladesh	Philippines	Nigeria	Armenia
16	Nicaragua	Somalia	Bangladesh	Honduras	Honduras
17	Ethiopia	Honduras	Somalia	Armenia	Peru
18	Bangladesh	Cuba	Mauritania	Peru	Bangladesh
19	Vietnam	Ethiopia	Russia	Yugoslavia	Ethiopia
20	Yugoslavia	Albania	Honduras	Cameroon	Cameroon
21	Iran	Nicaragua	Armenia	Mauritania	Russia
22	Guyana	Yugoslavia	Yugoslavia	Iran	Iraq
23	Ecuador	Russia	Iran	Russia	Egypt
24	Trinidad and Tobago	Iran	Indonesia	Egypt	Guyana
25	Ghana	Ecuador	Ukraine	Guinea	Nicaragua

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

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

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

As shown in Figure 30, the representation rate gradually increased from FY 2001 to FY 2003. A gradual decrease occurred from FY 2003 to FY 2005 where 69 percent of appellate cases completed by the BIA involved a represented alien. Only appeals of IJ decisions are included in these data.

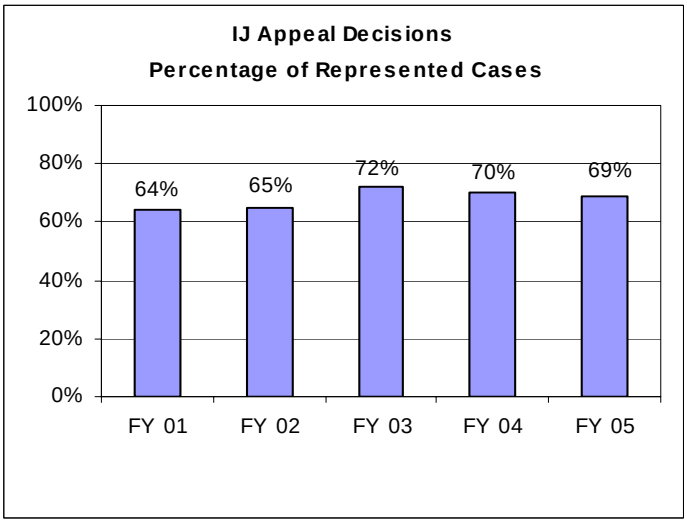


Figure 30

Represented Before the BIA			
	Represented	Unrepresented	Total
FY 01	17,357	9,915	27,272
FY 02	29,531	15,700	45,231
FY 03	33,106	12,998	46,104
FY 04	32,119	13,935	46,054
FY05	29,154	13,046	42,200

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

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

Depicted in Figure 31 is the number of Immigration Judge (IJ) case appeal decisions between FY 2001 and FY 2005 along with the number of Immigration Judge case appeal decisions that involved detainees. The figures for detained appeal decisions also include IHP cases.

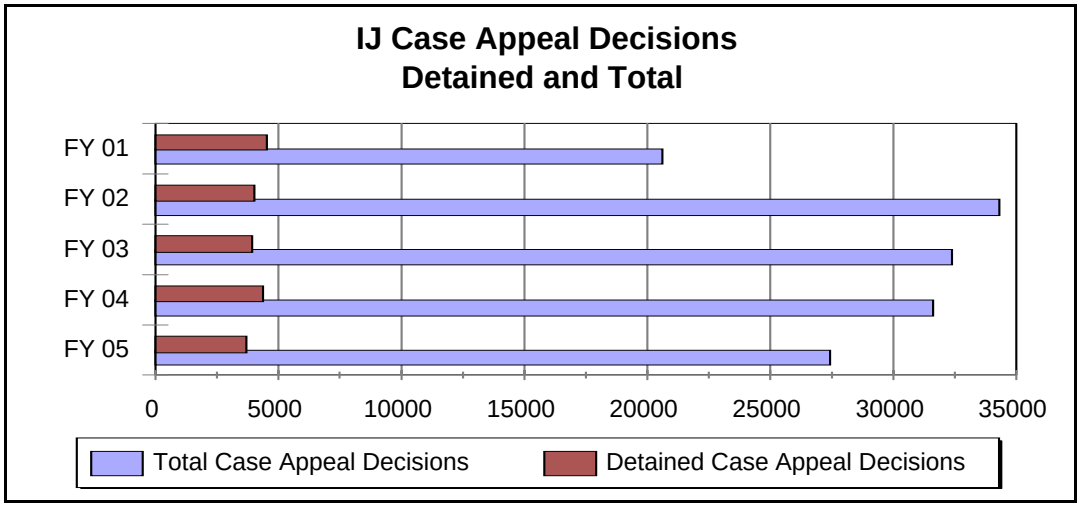


Figure 31

Detained IJ Case Appeal Decisions (Including IHP)			
	Detained Case Appeal Decisions (Including IHP)	Total IJ Case Appeal Decisions	Percent Detained
FY 01	4,438	20,565	22%
FY 02	3,961	34,254	12%
FY 03	3,844	32,313	12%
FY 04	4,317	31,582	14%
FY 05	3,572	27,369	13%

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 2005, 19

percent of detained BIA completions involved aliens whose removal orders had been issued prior to their release from a Federal, State, or municipal corrections facility. This drop in the percentage of IHP completions is caused by an increase in total detained completions and a drop in IHP completions, which consistently declined from FY 2001 to FY 2004.

Table 19
Breakdown of BIA Detained Completions

	Total Detained Completions	IHP Completions	Percent IHP Completions
FY 2001	4,438	1,670	38%
FY 2002	3,961	1,147	29%
FY 2003	3,844	1,046	27%
FY 2004	4,317	828	19%
FY 2005	3,572	663	19%

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

The majority of cases reviewed by the Board of Immigration Appeals (BIA) involve decisions made by Immigration Judges in removal, deportation, or exclusion proceedings. Either the Department of Homeland Security (DHS) or the alien may file an appeal. Appeals must be filed within 30 days of the Immigration Judge's decision. Only a relatively small percentage of Immigration Judge decisions are appealed to the BIA. Figure 32 below compares Immigration Judge decisions with the number of aliens who appealed their decisions to the BIA for fiscal years 2001 through 2005. 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.

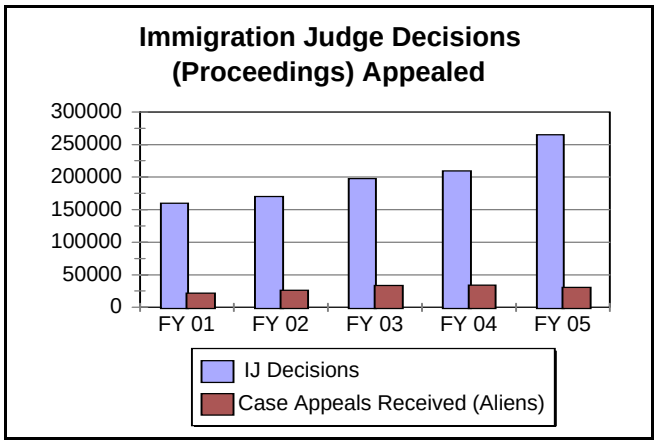


Figure 32

IJ Decisions (Proceedings) Appealed			
	IJ Decisions	Case Appeals Received (Aliens)	Percent Appealed
FY 01	159,778	21,777	14%
FY 02	170,225	26,077	15%
FY 03	197,943	33,655	17%
FY 04	209,275	34,182	16%
FY 05	264,723	30,474	12%

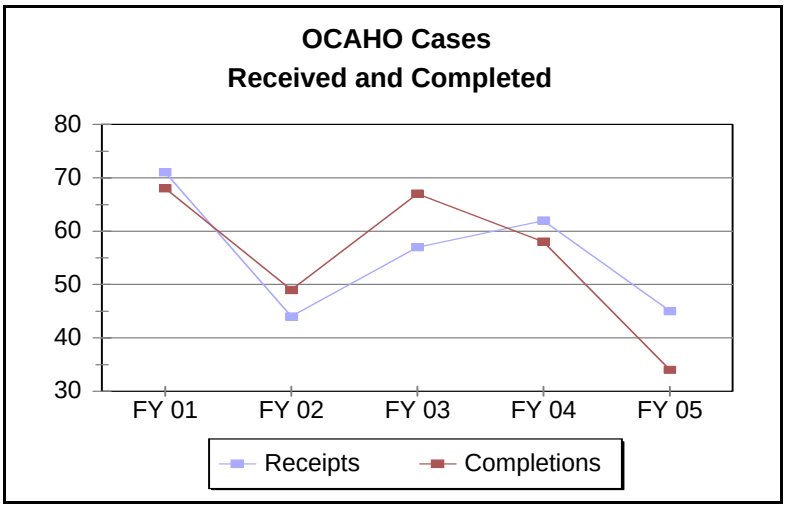
Office of the Chief Administrative Hearing Officer
Total Cases Received and Completed

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

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

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

Figure 33 provides information on the number of cases received and completed by OCAHO between FY 2001 and FY 2005. Completions may include cases received in a prior fiscal year.



OCAHO Cases		
	Receipts	Completions
FY 01	71	68
FY 02	44	49
FY 03	57	67
FY 04	62	58
FY 05	45	34

Figure 33

GLOSSARY OF TERMS

Disclaimer

This Glossary has been compiled as an addendum to the FY 2005 Statistical Year Book of the Executive Office for Immigration Review (EOIR). Its intent is to define terms as they are used in the Year Book, and is strictly informational in nature. These terms may have further meaning in the context of other immigration matters. This Glossary is not intended, in any way, to be a substitute for a careful study of the pertinent laws and regulations. This Glossary does not carry the weight of law or regulation. This Glossary is not intended, nor should it be construed in any way, as legal advice, nor does it extend or limit the jurisdiction of EOIR as established by law and regulation.

A

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

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

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

Administrative Closure
Administrative closure of a case is used to temporarily remove the case from an Immigration Judge's calendar or from the Board of Immigration Appeal's docket. Administrative closure of a case does not result in a final order. It is merely an administrative convenience which allows the removal of cases from the calendar in appropriate situations. 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 of 1952, as amended, relating to (1) employer sanctions for the unlawful hiring or continued employment of unauthorized aliens, or the failure to comply with employment eligibility verification requirements, (2) immigration-related document fraud, and (3) immigration-related unfair employment practices based on certain national origin or citizenship status discrimination. OCAHO ALJs are required by statute to have special training in employment discrimination issues.

Affirmative Asylum Application
An asylum application initially filed with the Department of Homeland Security, 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, as amended, 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 INA 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 county 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 INA 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 of 1952, as amended, (INA), yet these aliens are entitled to an asylum-only hearing before an Immigration Judge. If an alien who is not entitled to a removal hearing under section 240 of the INA 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 INA 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 of 1952, as amended. Application for this form of discretionary relief is made during the course of a hearing before an Immigration Judge.

(B) Cancellation of removal and adjustment of status for certain nonpermanent resident aliens who have maintained continuous physical presence in the United States for 10 years and have met all the other statutory requirements for such relief. See section 240A(b) of the Immigration and Nationality Act of 1952, as amended. Application for this form of discretionary relief is made during the course of a hearing before an Immigration Judge. The status of an alien who is granted cancellation of removal for certain nonpermanent resident aliens is adjusted to that of an alien lawfully admitted for permanent residence.

Case
In an immigration proceeding before an Immigration Judge, 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 Office, a "case" involves a complainant and a respondent. In cases brought under Immigration and Nationality Act (INA) section 274A and section 274C, the complainant is the Department of Homeland Security, and the respondent is an employer.

In INA 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 (IIRIRA) of 1996 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 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 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 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 of 1952 (INA)
The INA consolidated previous immigration laws into one coordinated statute. As amended, the INA provides the foundation for immigration law in effect today. The INA deals with the immigration, temporary admission, naturalization, and removal of aliens.

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

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

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

Immigration Reform and Control Act of 1986 (IRCA)
Among other things, IRCA addressed the problem of undocumented aliens by imposing sanctions on employers of illegal aliens, and legalizing the status of certain undocumented entrants who had arrived prior to January 1, 1982. The Immigration and Naturalization

Service (now Department of Homeland Security) also was provided with significant new resources to enforce the immigration laws through IRCA. IRCA also created protections for workers against discrimination based on citizenship status and national origin.

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

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

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

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

L

Lawful Permanent Resident (LPR)
An alien who has been conferred permanent resident status.

M

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

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

N

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

Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)
Under section 202 of NACARA, certain nationals of Nicaragua and Cuba in the United States were eligible to adjust their immigration status to become lawful permanent residents. In addition, section 203 of NACARA provides special rules regarding applications for suspension of deportation and cancellation of removal by certain Guatemalan, Salvadoran, and particular former Soviet bloc nationals.

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

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

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

O

Office of the Chief Administrative Hearing Officer (OCAHO)
OCAHO has jurisdiction over three types of cases arising under the Immigration and Nationality Act of 1952, as amended: (1) employer sanctions for the unlawful hiring or continued employment of unauthorized aliens; (2) immigration-related unfair employment practices; and, (3) immigration-related document fraud. OCAHO is headed by a Chief Administrative Hearing Officer 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. In FY 2005, 214 Immigration Judges were located in 53 Immigration Courts throughout the Nation. The Chief Immigration Judge carries out these responsibilities with the assistance and support of two Deputy Chief Immigration Judges and eight 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 (INA) (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and under section 241(a)(5) of the INA (covering aliens who are the subjects of previously issued final orders of removal). Under this process, an alien who has been ordered removed by DHS and expresses a fear of persecution or torture will have his or her claim screened by an asylum officer. If the asylum officer determines that the alien has not established a reasonable fear of persecution or torture, the alien may request a review of that determination by an Immigration Judge. 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 (IIRIRA) of 1996 replaced the terms "excludable" and "deportable" with the umbrella term "removable." An alien may be found to be removable from the United States by an Immigration Judge or the Board of Immigration Appeals. Additionally, some aliens are determined to be removable by the Department of Homeland Security, e.g., in expedited removal or administrative removal proceedings. Only aliens found removable by the Executive Office for Immigration Review are reported in this Year Book.

Removal Proceedings
An Immigration Court proceeding begun on or after April 1, 1997, seeking to either stop certain aliens from being admitted to the United States or to remove them from the United States.

A removal case usually arises when the Department of Homeland Security (DHS) alleges that a respondent is inadmissible to the United States, has entered the country illegally by crossing the border without being inspected by an immigration officer, or has violated the terms of his or her admission. The DHS issues a charging document called a Notice to Appear 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, the 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 of 1952, as amended. 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 (INA) (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and aliens subject to reinstatement of removal under section 241(a)(5) of the INA are now able to apply for withholding of removal under section 241(b)(3) of the INA, 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 INA 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.*

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

Immigration Courts

FY 2005 Asylum Statistics

NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	58	33	0	30	4	19	16
ALBANIA	818	608	0	511	43	80	315
ALGERIA	38	23	0	37	4	10	12
ANDORRA	2	1	0	0	0	1	1
ANGOLA	44	6	0	22	1	5	22
ANTIGUA AND BARBUDA	1	0	0	0	0	0	0
ARGENTINA	154	10	0	229	15	119	50
ARMENIA	627	268	0	323	53	95	181
AUSTRALIA	1	0	0	1	0	1	1
AUSTRIA	3	4	0	0	0	2	0
AZERBAIJAN	65	30	0	25	5	7	26
BAHAMAS	14	5	0	11	0	1	4
BAHRAIN	6	0	0	6	0	0	0
BANGLADESH	298	120	0	118	20	75	103
BARBADOS	3	0	0	0	0	2	1
BE REMOVED FROM THE UNITED STATES	2	0	0	1	0	0	0
BELARUS	133	44	0	19	11	6	30
BELGIUM	22	5	0	2	1	1	9
BELIZE	12	0	0	4	0	5	2
BENIN	11	2	0	7	0	3	1
BERMUDA	1	0	0	1	0	0	0
BHUTAN	1	1	0	1	1	0	0
BOLIVIA	20	4	0	15	2	9	4
BOSNIA-HERZEGOVINA	35	8	0	11	3	5	13

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BOTSWANA	2	1	0	0	0	0	0
BRAZIL	230	24	0	74	318	50	163
BRITISH INDIAN OCEAN TERRITORY	1	0	0	1	0	0	0
BRITISH VIRGIN ISLANDS	1	0	0	0	0	0	0
BUKINA FASO	52	5	0	14	2	1	5
BULGARIA	174	77	0	40	16	17	49
BURMA (MYANMAR)	235	165	0	47	10	15	42
BURUNDI	27	11	0	16	6	3	5
BYELORUSSIA (BELARUS)	118	44	0	13	10	8	28
CAMBODIA	133	10	0	47	6	11	21
CAMEROON	612	263	0	245	23	40	195
CANADA	35	4	0	6	0	7	7
CAPE VERDE	6	0	0	1	0	1	0
CAYMAN ISLANDS	1	0	0	0	0	1	1
CENTRAL AFRICAN REPUBLIC	40	18	0	14	3	6	10
CHAD	41	10	0	2	1	1	6
CHILE	22	3	0	17	0	13	4
CHINA	7,540	1,442	1,566	2,575	195	293	1,278
COLOMBIA	3,888	1,150	0	2,296	500	730	1,227
COMORO ISLANDS	4	1	1	1	0	0	0
CONGO	190	76	0	75	15	10	60
COSTA RICA	15	1	0	4	1	2	4
CROATIA	14	2	0	9	1	3	3
CUBA	695	21	0	98	17	192	229

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CYPRUS	0	0	0	1	0	0	0
CZECH REPUBLIC	11	0	0	2	2	3	4
CZECHOSLOVAKIA	28	3	0	7	4	3	12
DEMOCRATIC REPUBLIC OF CONGO	97	34	0	43	8	11	17
DENMARK	2	0	0	1	0	1	0
DJIBOUTI	2	0	0	0	0	0	1
DOMINICA	3	0	0	0	0	0	0
DOMINICAN REPUBLIC	75	1	0	37	4	24	22
ECUADOR	93	11	0	34	5	36	27
EGYPT	416	194	1	101	10	73	84
EL SALVADOR	3,630	64	0	696	200	417	1,013
EQUATORIAL GUINEA	1	1	0	0	0	0	0
ERITREA	149	68	0	34	4	8	34
ESTONIA	38	6	0	9	4	3	23
ETHIOPIA	550	264	0	189	13	51	115
FEDERATED STATES OF MICRONESA	1	0	0	2	0	1	0
FIJI	86	35	0	93	9	61	47
FINLAND	5	0	0	0	0	4	0
FRANCE	27	4	0	8	0	10	11
FRENCH POLYNESIA	5	0	0	0	0	0	5
GABON	19	0	0	7	0	0	6
GAMBIA	269	30	0	46	8	34	55
GAZA STRIP	0	0	0	1	0	0	0
GEORGIA	148	64	0	70	8	22	46

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GERMANY	31	5	0	18	0	9	4
GHANA	66	4	0	24	3	15	14
GIBRALTAR	0	0	0	1	0	1	0
GREECE	15	8	0	4	0	0	2
GRENADA	4	0	0	2	0	0	0
GUADELOUPE	2	1	0	0	0	1	1
GUATEMALA	3,366	140	0	817	520	605	728
GUINEA	710	257	0	215	41	22	106
GUINEA BISSAU	9	4	0	7	0	0	1
GUYANA	134	30	0	103	13	29	40
HAITI	4,550	653	0	2,778	350	320	677
HONDURAS	831	66	0	331	49	138	164
HONG KONG	4	0	0	3	0	1	0
HUNGARY	14	0	0	4	0	3	1
ICELAND	0	1	0	0	0	0	1
INDIA	1,730	310	0	508	106	161	353
INDONESIA	1,130	374	0	1,275	75	280	427
IRAN	316	143	0	133	21	71	87
IRAQ	272	93	0	121	7	29	59
IRELAND	1	0	0	0	0	1	2
ISRAEL	78	17	2	36	0	30	17
ITALY	15	1	0	7	0	8	1
IVORY COAST (COTE D'IVOIRE)	379	109	0	82	21	16	53
JAMAICA	132	2	0	51	7	47	41

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JAPAN	26	2	0	13	2	6	11
JORDAN	141	21	0	63	10	38	46
KAMPUCHEA	12	19	0	23	3	9	4
KAZAKHSTAN	43	13	0	11	0	3	9
KENYA	337	54	0	85	23	34	99
KIRGHIZIA (KYRGYZSTAN)	31	12	0	5	1	3	13
KIRIBATI	2	0	0	0	0	0	0
KOSOVE	7	3	0	8	0	2	1
KUWAIT	17	3	0	7	1	3	1
LAOS	113	19	0	43	3	25	54
LATVIA	26	4	0	9	5	10	10
LEBANON	150	23	0	66	11	43	39
LESOTHO	4	0	0	0	0	0	0
LIBERIA	301	70	0	68	20	32	143
LIBYA	11	0	0	1	0	0	0
LITHUANIA	60	5	0	22	5	9	22
MACAU	1	0	0	1	0	0	0
MACEDONIA	61	21	0	44	0	15	17
MADAGASCAR	6	1	0	2	0	0	2
MALAWI	5	0	0	6	1	0	0
MALAYSIA	19	5	0	8	2	6	5
MALDIVES	0	2	0	0	0	0	0
MALI	174	17	1	19	0	10	24
MALTA	0	1	0	0	1	0	0

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
MAURITANIA	678	190	1	306	80	43	302
MAURITIUS	5	0	0	0	0	0	1
MEXICO	2,670	34	0	355	156	7,481	666
MOLDAVIA (MOLDOVA)	35	6	0	10	3	4	9
MONACO	3	0	0	0	0	0	1
MONGOLIA	160	25	0	41	11	6	16
MOROCCO	67	4	0	17	1	6	19
NAMIBIA	1	0	0	0	0	1	0
NAURU	1	0	0	0	0	0	0
NEPAL	279	85	0	60	10	18	50
NETHERLANDS	8	2	0	3	0	1	1
NETHERLANDS ANTILLES	2	0	0	4	0	1	0
NEW CALEDONIA	7	0	0	0	0	0	0
NEW ZEALAND	1	0	0	0	0	1	0
NICARAGUA	850	16	0	78	27	39	257
NIGER	49	3	0	13	3	12	13
NIGERIA	281	33	0	138	5	59	67
NIUE	3	1	0	1	0	0	0
NO NATIONALITY	1	1	0	0	1	0	0
NORTH KOREA	7	0	0	3	0	0	1
NORWAY	0	0	0	1	0	0	0
OMAN	3	0	0	0	1	0	2
PAKISTAN	680	139	0	327	17	162	171
PALESTINIAN	14	0	0	4	0	4	3

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PANAMA	21	3	0	6	1	9	4
PARAGUAY	12	0	0	3	0	6	3
PERU	373	59	1	178	18	83	111
PHILIPPINES	175	26	0	62	4	115	96
POLAND	186	6	0	30	23	22	39
PORTUGAL	46	1	0	3	1	4	17
QATAR	5	0	0	0	0	0	1
ROMANIA	121	18	0	45	6	15	46
RUSSIA	650	252	0	193	59	73	253
RWANDA	56	19	0	18	0	4	9
SAN MARINO	2	0	0	0	0	0	0
SAUDI ARABIA	26	6	0	6	1	3	13
SENEGAL	118	26	0	40	4	9	32
SERBIA MONTENEGRO	79	38	0	28	1	8	4
SEYCHELLES	7	4	0	1	0	0	0
SIERRA LEONE	297	80	0	147	51	24	124
SINGAPORE	12	1	0	3	0	0	2
SLOVAK REPUBLIC	15	5	0	7	0	1	8
SLOVENIA	7	1	0	2	0	2	0
SOMALIA	399	88	0	68	76	21	179
SOUTH AFRICA	45	5	0	13	5	8	15
SOUTH KOREA	24	1	0	17	2	8	7
SOVIET UNION	614	169	0	97	42	24	144
SPAIN	20	2	0	8	1	8	4

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SRI LANKA	301	74	0	64	22	27	86
ST. CHRISTOPHER-NEVIS	1	0	0	1	0	0	0
ST. HELENA	1	0	0	0	0	0	0
ST. KITTS, WEST INDIES	3	0	0	2	0	1	0
ST. LUCIA	3	0	0	1	0	0	0
ST. VINCENT AND THE GRENADINES	0	0	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A CO	171	71	0	28	1	9	38
SUDAN	91	55	0	36	11	13	48
SURINAME	7	1	0	7	0	0	2
SWAZILAND	1	0	0	0	0	0	1
SWEDEN	3	0	0	2	0	1	3
SYRIA	70	11	0	42	5	15	32
TAIWAN	5	2	0	5	0	3	1
TAJIKISTAN (TADZHIK)	12	9	0	2	1	3	3
TANZANIA	62	7	0	14	3	8	18
THAILAND	24	1	0	9	1	11	6
THE REPUBLIC OF PALAU	1	0	0	1	0	0	1
TOGO	344	102	0	77	10	15	81
TONGA	7	1	0	1	0	5	2
TRINIDAD AND TOBAGO	48	3	0	9	6	10	14
TUNISIA	18	3	0	14	1	8	9
TURKEY	118	12	0	43	10	15	35
TURKMENISTAN	37	13	0	4	2	2	7
TURKS AND CAICOS ISLANDS	1	1	0	2	0	0	0

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NATIONALITY	RECEIVED	GRANTED	CONDITIONAL	DENIED	ABANDONED	WITHDRAWN	OTHER
UGANDA	93	53	0	28	7	13	25
UKRAINE	225	69	0	101	7	41	66
UNITED ARAB EMIRATES	7	1	0	1	0	0	0
UNITED KINGDOM	46	8	0	18	1	6	7
UNKNOWN NATIONALITY	1	1	0	12	0	0	0
URUGUAY	26	2	0	14	0	7	9
UZEBEKISTAN	256	94	0	55	3	22	69
VENEZUELA	1,407	153	0	503	37	136	226
VIETNAM	133	8	0	56	4	34	46
WESTERN SAMOA	4	0	0	0	0	2	4
YEMEN	59	10	0	41	5	8	9
YUGOSLAVIA	298	187	0	161	9	42	84
ZAIRE	16	4	0	6	1	6	2
ZAMBIA	27	9	0	10	1	4	4
ZIMBABWE	275	58	0	85	24	36	57
TOTAL	**50,753**	**10,164**	**1,573**	**19,166**	**3,649**	**13,435**	**12,614**