



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

FY 2012 Statistical Year Book

**Prepared by the Office of Planning, Analysis, & Technology
February 2013
(Revised March 2013)**

Contact Information

*Office of Legislative and Public Affairs
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041
(703) 305-0289
(703) 605-0365 (fax)*

DISCLAIMER

The Statistical Year Book has been prepared as a public service by the Executive Office for Immigration Review (EOIR) and is strictly informational in nature. In no way should any information in the Year Book, in whole or in part, be regarded as legal advice or authority, or be understood in any way to enlarge upon, or otherwise modify or interpret, any existing legal authority, including, but not limited to, the Immigration and Nationality Act and Title 8 of the Code of Federal Regulations.

**FY 2012 STATISTICAL YEAR BOOK
TABLE OF CONTENTS**

	<u>Tab</u>
FY 2012 Highlights	A
Immigration Courts:	
Total Matters Received and Completed	B
Proceedings Received and Completed by Type	C
Proceedings Completed by Disposition	D
Proceedings Completed by Country of Nationality	E
Proceedings Completed by Language	F
Proceedings Completed by Representation Status	G
Failures to Appear	H
Asylum Cases Received and Completed	I
Asylum Grants by Country of Nationality	J
Disposition of Asylum Cases	K
Expedited Asylum Cases	L
Convention Against Torture	M
Proceedings Completed with Applications for Relief	N
Proceedings Completed for Detained Cases	O
Institutional Hearing Program Case Processing	P
Immigration Judge Grants of Voluntary Departure	Q
Applications for Relief other than Asylum	R
Board of Immigration Appeals:	
Total Cases Received and Completed	S
Cases Received and Completed by Type	T
Immigration Judge Decision Appeals Completed by Country of Nationality	U
Immigration Judge Decision Appeals Completed by Representation Status	V
Immigration Judge Decision Appeals Completed for Detained Cases	W
Immigration Courts and Board of Immigration Appeals:	
Immigration Judge Decisions (Proceedings) Appealed	X
Pending Caseload	Y
Office of the Chief Administrative Hearing Officer:	
Total Cases Received and Completed	Z
Appendix: Glossary of Terms	

**FY 2012 STATISTICAL YEAR BOOK
LIST OF FIGURES AND TABLES**

	<u>Page</u>
List of Figures:	
Figure 1 - Total Immigration Court Matters Received and Completed	B2
Figure 2 - Immigration Court Matters Received by Type	B7
Figure 3 - Immigration Court Matters Completed by Type	B7
Figure 4 - Immigration Judge Proceedings Completed by Completion Type	D1
Figure 5 - Immigration Judge Decisions by Disposition	D2
Figure 6 - Other Completions by Disposition	D3
Figure 7 - FY 2012 Court Proceedings Completed by Country of Nationality	E1
Figure 8 - FY 2012 Court Proceedings Completed by Language	F1
Figure 9 - Court Proceedings Completed: Percentage of Represented Cases	G1
Figure 10 - Failure to Appear Rates	H1
Figure 11 - Failure to Appear Rates for Never Detained Aliens	H2
Figure 12 - Failure to Appear Rates for Released Aliens	H3
Figure 13 - Failure to Appear Rates for Non-Detained Aliens	H4
Figure 14 - Immigration Court Asylum Receipts: Affirmative and Defensive	I1
Figure 15 - Asylum Cases: Receipts and Completions	I2
Figure 16 - FY 2012 Asylum Grants by Country of Nationality	J1
Figure 17 - Immigration Courts: Asylum Grant Rate	K1
Figure 18 - Immigration Courts: Affirmative Grant Rate	K2
Figure 19 - Immigration Courts: Defensive Grant Rate	K2
Figure 20 - Asylum Completions by Disposition	K3
Figure 20A - Immigration Courts: Withholding of Removal Grant Rate	K4
Figure 20B - Immigration Courts: Asylum or Withholding of Removal Grant Rate	K5
Figure 21 - Expedited Asylum Receipts Compared to Total Asylum Receipts	L1
Figure 22 - Expedited Asylum Receipts and Completions	L2
Figure 23 - Immigration Court Proceedings: Percent Completions with Applications	N1
Figure 24 - Immigration Court Proceedings Completed: Detained and Total	O1
Figure 25 - IHP Cases Received and Completed	P1
Figure 26 - Total BIA Cases Received and Completed	S1
Figure 27 - BIA Receipts by Type of Appeal	S2
Figure 28 - BIA Completions by Type of Appeal	S2
Figure 29 - FY 2012 BIA Completions by Country of Nationality	U1
Figure 30 - IJ Decision Appeals: Percentage of Represented Cases	V1
Figure 31 - IJ Case Appeal Decisions: Detained and Total	W1
Figure 32 - Immigration Judge Decisions (Proceedings) Appealed	X1
Figure 33 - Immigration Court Pending Proceedings by Year Received	Y1
Figure 34 - BIA Pending Cases by Year Filed	Y3
Figure 35 - OCAHO Cases Received and Completed	Z1

**FY 2012 STATISTICAL YEAR BOOK
LIST OF FIGURES AND TABLES**

	<u>Page</u>
List of Tables:	
Table 1 - Total Immigration Court Matters Received by Court for FY 2011 and FY 2012	B3
Table 1A - Total Immigration Court Receipts by Court and Type of Matter for FY 2012	B4
Table 2 - Total Immigration Court Matters Completed by Court for FY 2011 and FY 2012	B5
Table 2A - Total Immigration Court Completions by Court and Type of Matter for FY 2012	B6
Table 3 - Immigration Court Proceedings Received by Case Type	C3
Table 4 - Immigration Court Proceedings Completed by Case Type	C4
Table 5 - Court Proceedings Completed by Country of Nationality: Top 25 Nationalities for FY 2008 – FY 2012	E2
Table 6 - Court Proceedings Completed by Language: Top 25 Languages for FY 2008 – FY 2012	F2
Table 7 - Asylum Receipts and Completions by Court for FY 2012	I3
Table 8 - Asylum Grants By Country of Nationality: Top 25 Nationalities for FY 2008 – FY 2012	J2
Table 9 - FY 2012 Asylum Grant Rate by Immigration Court	K6
Table 10 - FY 2012 Convention Against Torture Cases by Disposition	M1
Table 11 - FY 2012 Convention Against Torture Completions by Court	M2
Table 12 - FY 2012 Immigration Court Completions (Proceedings) With Applications for Relief	N2
Table 13 - FY 2012 Immigration Court Completions (Proceedings) for Detained Cases	O3
Table 14 - IHP Completions by Disposition	P2
Table 15 - IJ Removal Decisions Compared to Voluntary Departure Decisions	Q1
Table 16 - Grants of Relief	R3
Table 17 - BIA Receipts by Type	T2
Table 18 - BIA Completions by Type	T2
Table 19 - IJ Decision Appeals Completed by Country of Nationality: Top 25 Nationalities for FY 2008 – FY 2012	U2
Table 20 - Breakdown of BIA Detained Completions	W2
Table 21 - Immigration Court Pending Proceedings by Immigration Court	Y2

FY 2012 HIGHLIGHTS

- Immigration court receipts increased by 17 percent between FY 2008 (352,117) and FY 2012 (410,753). The FY 2012 number represents a five percent decrease in receipts from FY 2011 (431,231). (Figure 1, page B2)
- Immigration court completions increased by 12 percent between FY 2008 (340,793) and FY 2012 (382,675). The FY 2012 number represents a three percent decrease in completions from FY 2011 (394,737). (Figure 1, page B2)
- The leading countries of origin for immigration court completions during FY 2012 were Mexico, Guatemala, El Salvador, Honduras, and China, representing 70 percent of the total caseload. (Figure 7, page E1)
- Of the 276 different languages that were spoken in court proceedings in the immigration courts during FY 2012, Spanish was the most frequent at 68 percent. (Figure 8, page F1)
- Fifty-six percent of aliens whose cases were completed in immigration courts during FY 2012 were represented. (Figure 9, page G1)
- Asylum applications filed with the immigration courts decreased by 10 percent from FY 2008 to FY 2012. Affirmative receipts decreased by 11 percent while defensive receipts decreased by seven percent. (Figure 14, page I1)
- In FY 2012, the New York, NY; Los Angeles, CA; San Francisco, CA; Newark, NJ; and Miami, FL, immigration courts received 58 percent of asylum applications filed with the courts. (Table 7, page I3)
- Three countries were among the top 10 countries from which aliens were granted asylum each year during the five-year period FY 2008 to FY 2012: China, Ethiopia, and India. (Table 8, page J2)
- The grant rate for asylum applications was 56 percent in FY 2012. The grant rate was 72 percent for affirmative applications and 35 percent for defensive applications. (Figures 17, 18, and 19, pages K1 and K2)
- In FY 2012, the percentage of asylum cases in which either asylum or withholding of removal was granted was 64 percent. (Figure 20-B, page K5)
- In FY 2012, the New York, NY; Los Angeles, CA; San Francisco, CA; Miami, FL; and Orlando, FL, immigration courts combined received 52 percent of the total CAT cases. (Table 11, page M2)

- In FY 2012, 28 percent of proceedings completed at the immigration courts had an application for relief. (Figure 23, page N1)
- Thirty-six percent of FY 2012 immigration court completions involved detained aliens. (Figure 24, page O1)
- Voluntary Departure decisions decreased by less than one percent between FY 2008 (26,687) and FY 2012 (26,635). (Table 15, page Q1)
- Receipts of appeals of immigration judge decisions decreased by 15 percent from FY 2008 (30,543) to FY 2012 (26,099) while receipts of appeals from DHS decisions increased by 78 percent from FY 2008 (3,021) to FY 2012 (5,390). Completions of appeals of immigration judge decisions decreased by 20 percent from FY 2008 (34,879) to FY 2012 (28,074) while completions of appeals from DHS decisions increased by 134 percent from FY 2008 (3,557) to FY 2012 (8,322). (Figures 27 and 28, page S2)
- Aliens from Mexico, China, El Salvador, Guatemala, and Honduras accounted for 58 percent of BIA immigration judge decision appeals completed in FY 2012. (Figure 29, page U1)
- Seventy-nine percent of BIA appeals completed in FY 2012 were for represented aliens. (Figure 30, page V1)
- In FY 2012, eight percent of immigration judge decisions were appealed to the BIA. (Figure 32, page X1)
- There were 326,255 pending proceedings before the immigration courts at the end of FY 2012. There were 24,824 pending cases before the BIA at the end of FY 2012. (Figures 33 and 34, pages Y1 and Y3)
- Office of the Chief Administrative Hearing Officer (OCAHO) case receipts increased 100% from FY 2008 (48) to FY 2012 (96). During this time period, OCAHO case completions increased approximately 47%. (Figure 35, page Z1)

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 immigration courts located throughout the United States. Once an alien has been ordered removed by EOIR, DHS is responsible for his or her removal. EOIR does not maintain statistics on alien removals from the United States.

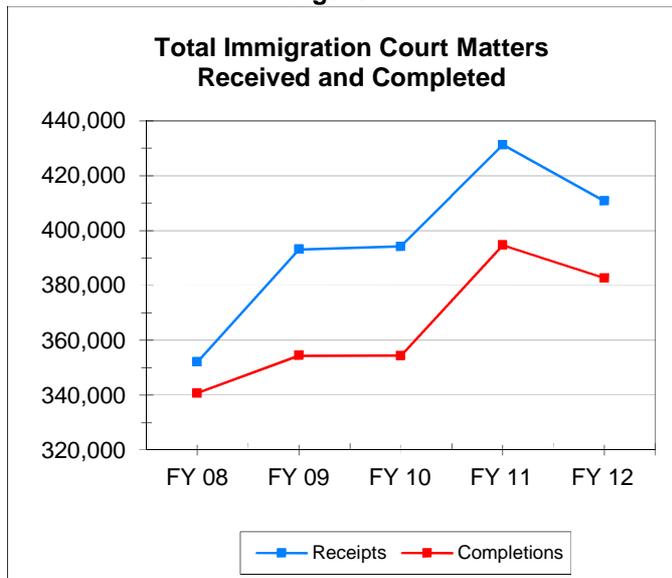
During court proceedings, aliens appear before an immigration judge and either contest or concede the charges against them. In some instances, the immigration judge adjourns the case and sets a continuance date; for example, the judge may allow the alien time to obtain representation or to file an application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

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

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

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

Figure 1



	Receipts	Completions
FY 08	352,117	340,793
FY 09	393,149	354,482
FY 10	394,229	354,363
FY 11	431,231	394,737
FY 12	410,753	382,675

As shown in Figure 1 above, the number of matters received by the immigration courts increased by 17 percent between FY 2008 and FY 2012. Immigration court matters completed increased by 12 percent from FY 2008 to FY 2012.

While some courts showed increases in receipts over FY 2011 levels, others showed decreases. In Table 1, on the following page, courts with increases of 25 percent or more are highlighted in blue and courts with decreases of 25 percent or more are highlighted in red. The immigration court in Elizabeth, NJ, showed the largest percentage increase in receipts at 61 percent. The immigration court in Tucson, AZ, showed the largest percentage decrease, down 43 percent. Table 1A identifies receipts for FY 2012 by type of matter.

Table 2 provides a comparison of FY 2011 and FY 2012 completions by immigration court. Courts with increases in completions of 25 percent or more are highlighted in blue, and those with decreases of 25 percent or more are highlighted in red. Elizabeth, NJ, showed the largest percentage increase at 90 percent. Tucson, AZ, showed the largest percentage decrease at 47 percent. Table 2A identifies completions for FY 2012 by type of matter.

Table 1 - Total Immigration Court Matters Received by Court for FY 2011 and FY 2012

Immigration Court	FY 2011	FY 2012	Rate of Change
ARLINGTON, VIRGINIA	10,000	10,744	7%
ATLANTA, GEORGIA	8,379	8,598	3%
BALTIMORE, MARYLAND	5,483	5,404	-1%
BATAVIA SPC, NEW YORK	3,182	2,418	-24%
BLOOMINGTON (ST. PAUL), MINNESOTA	5,422	5,020	-7%
BOSTON, MASSACHUSETTS	9,421	10,191	8%
BUFFALO, NEW YORK	2,981	2,072	-30%
CHARLOTTE, NORTH CAROLINA	4,856	5,242	8%
CHICAGO, ILLINOIS	17,659	17,153	-3%
CLEVELAND, OHIO	6,275	5,312	-15%
DALLAS, TEXAS	10,253	10,336	1%
DENVER, COLORADO	10,742	9,138	-15%
DETROIT, MICHIGAN	6,060	4,915	-19%
EAST MESA, CALIFORNIA	1,995	2,799	40%
EL CENTRO SPC, CALIFORNIA	2,252	1,604	-29%
EL PASO SPC, TEXAS	5,103	3,685	-28%
EL PASO, TEXAS	8,909	7,975	-10%
ELIZABETH DETENTION CENTER, NEW JERSEY	3,150	5,064	61%
ELOY, ARIZONA	12,194	9,825	-19%
FISHKILL - NEW YORK STATE DOC, NEW YORK	331	284	-14%
FLORENCE SPC, ARIZONA	8,369	7,507	-10%
GUAYNABO (SAN JUAN), PUERTO RICO	1,113	821	-26%
HARLINGEN, TEXAS	13,098	8,556	-35%
HARTFORD, CONNECTICUT	1,739	1,606	-8%
HONOLULU, HAWAII	1,082	846	-22%
HOUSTON SPC, TEXAS	14,391	15,237	6%
HOUSTON, TEXAS	7,177	8,259	15%
IMPERIAL, CALIFORNIA	1,208	765	-37%
KANSAS CITY, MISSOURI	5,383	4,880	-9%
KROME NORTH SPC, FLORIDA	12,245	12,031	-2%
LANCASTER, CALIFORNIA	9,811	7,527	-23%
LAS VEGAS, NEVADA	4,125	3,495	-15%
LOS ANGELES, CALIFORNIA	31,706	37,350	18%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	7,102	7,272	2%
MEMPHIS, TENNESSEE	4,081	3,476	-15%
MIAMI, FLORIDA	10,991	10,561	-4%
NEW ORLEANS, LOUISIANA	1,848	2,857	55%
NEW YORK CITY, NEW YORK	24,169	22,448	-7%
NEWARK, NEW JERSEY	9,499	10,097	6%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	18,013	12,040	-33%
OMAHA, NEBRASKA	7,010	6,169	-12%
ORLANDO, FLORIDA	5,258	4,902	-7%
PEARSALL, TEXAS	9,904	7,917	-20%
PHILADELPHIA, PENNSYLVANIA	3,031	2,847	-6%
PHOENIX, ARIZONA	6,102	6,290	3%
PORTLAND, OREGON	2,004	1,696	-15%
SAIPAN, NORTHERN MARIANAS ISLANDS	172	160	-7%
SALT LAKE CITY, UTAH	2,813	2,262	-20%
SAN ANTONIO, TEXAS	12,071	14,092	17%
SAN DIEGO, CALIFORNIA	4,183	4,090	-2%
SAN FRANCISCO, CALIFORNIA	13,505	15,012	11%
SEATTLE, WASHINGTON	4,003	3,465	-13%
STEWART DETENTION FACILITY, GEORGIA	13,024	11,352	-13%
TACOMA, WASHINGTON	10,261	9,715	-5%
TUCSON, ARIZONA	4,028	2,309	-43%
ULSTER - NEW YORK STATE DOC, NEW YORK	556	495	-11%
VARICK SPC, NEW YORK	3,559	4,006	13%
YORK, PENNSYLVANIA	7,950	8,564	8%
TOTAL	431,231	410,753	-5%

Table 1A - Total Immigration Court Receipts by Court and Type of Matter for FY 2012

Immigration Court	Proceedings	Bonds	Motions	Total Matters
ARLINGTON, VIRGINIA	8,717	1,505	522	10,744
ATLANTA, GEORGIA	6,987	1,147	464	8,598
BALTIMORE, MARYLAND	4,157	874	373	5,404
BATAVIA SPC, NEW YORK	1,395	1,013	10	2,418
BLOOMINGTON (ST. PAUL), MINNESOTA	3,744	1,156	120	5,020
BOSTON, MASSACHUSETTS	7,288	2,197	706	10,191
BUFFALO, NEW YORK	1,831	98	143	2,072
CHARLOTTE, NORTH CAROLINA	3,996	1,041	205	5,242
CHICAGO, ILLINOIS	13,584	3,118	451	17,153
CLEVELAND, OHIO	4,105	1,055	152	5,312
DALLAS, TEXAS	9,112	886	338	10,336
DENVER, COLORADO	6,424	2,469	245	9,138
DETROIT, MICHIGAN	3,270	1,492	153	4,915
EAST MESA, CALIFORNIA	1,995	779	25	2,799
EL CENTRO SPC, CALIFORNIA	1,059	521	24	1,604
EL PASO SPC, TEXAS	2,539	1,117	29	3,685
EL PASO, TEXAS	6,798	1,019	158	7,975
ELIZABETH DETENTION CENTER, NEW JERSEY	2,963	2,046	55	5,064
ELOY, ARIZONA	6,312	3,468	45	9,825
FISHKILL - NEW YORK STATE DOC, NEW YORK	272	0	12	284
FLORENCE SPC, ARIZONA	4,900	2,576	31	7,507
GUAYNABO (SAN JUAN), PUERTO RICO	639	80	102	821
HARLINGEN, TEXAS	7,783	2	771	8,556
HARTFORD, CONNECTICUT	1,430	54	122	1,606
HONOLULU, HAWAII	608	207	31	846
HOUSTON SPC, TEXAS	11,093	4,111	33	15,237
HOUSTON, TEXAS	7,907	2	350	8,259
IMPERIAL, CALIFORNIA	747	1	17	765
KANSAS CITY, MISSOURI	3,885	862	133	4,880
KROME NORTH SPC, FLORIDA	7,403	4,484	144	12,031
LANCASTER, CALIFORNIA	4,195	3,305	27	7,527
LAS VEGAS, NEVADA	2,999	370	126	3,495
LOS ANGELES, CALIFORNIA	28,997	6,641	1,712	37,350
LOS FRESNOS (PORT ISABEL SPC), TEXAS	3,983	3,245	44	7,272
MEMPHIS, TENNESSEE	3,262	20	194	3,476
MIAMI, FLORIDA	9,453	0	1,108	10,561
NEW ORLEANS, LOUISIANA	2,778	0	79	2,857
NEW YORK CITY, NEW YORK	20,704	0	1,744	22,448
NEWARK, NEW JERSEY	7,650	1,803	644	10,097
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	7,744	4,251	45	12,040
OMAHA, NEBRASKA	4,555	1,448	166	6,169
ORLANDO, FLORIDA	4,145	337	420	4,902
PEARSALL, TEXAS	5,179	2,723	15	7,917
PHILADELPHIA, PENNSYLVANIA	2,620	1	226	2,847
PHOENIX, ARIZONA	6,099	7	184	6,290
PORTLAND, OREGON	1,593	25	78	1,696
SAIPAN, NORTHERN MARIANAS ISLANDS	132	16	12	160
SALT LAKE CITY, UTAH	2,008	181	73	2,262
SAN ANTONIO, TEXAS	12,800	545	747	14,092
SAN DIEGO, CALIFORNIA	3,601	217	272	4,090
SAN FRANCISCO, CALIFORNIA	12,563	2,016	433	15,012
SEATTLE, WASHINGTON	3,271	1	193	3,465
STEWART DETENTION FACILITY, GEORGIA	9,169	2,154	29	11,352
TACOMA, WASHINGTON	5,440	4,219	56	9,715
TUCSON, ARIZONA	2,286	0	23	2,309
ULSTER - NEW YORK STATE DOC, NEW YORK	482	1	12	495
VARICK SPC, NEW YORK	2,150	1,796	60	4,006
YORK, PENNSYLVANIA	5,129	3,363	72	8,564
TOTAL	317,930	78,065	14,758	410,753

Table 2 - Total Immigration Court Matters Completed by Court for FY 2011 and FY 2012

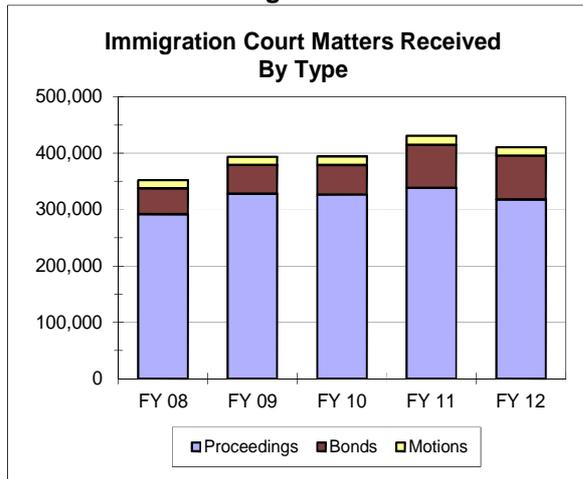
Immigration Court	FY 2011	FY 2012	Rate of Change
ARLINGTON, VIRGINIA	9,398	9,095	-3%
ATLANTA, GEORGIA	7,811	6,586	-16%
BALTIMORE, MARYLAND	5,960	5,668	-5%
BATAVIA SPC, NEW YORK	3,191	2,531	-21%
BLOOMINGTON (ST. PAUL), MINNESOTA	5,003	4,716	-6%
BOSTON, MASSACHUSETTS	8,873	9,892	11%
BUFFALO, NEW YORK	2,634	1,742	-34%
CHARLOTTE, NORTH CAROLINA	4,626	4,798	4%
CHICAGO, ILLINOIS	14,207	15,063	6%
CLEVELAND, OHIO	6,097	4,793	-21%
DALLAS, TEXAS	9,563	9,615	1%
DENVER, COLORADO	9,917	9,299	-6%
DETROIT, MICHIGAN	5,712	5,177	-9%
EAST MESA, CALIFORNIA	1,846	2,764	50%
EL CENTRO SPC, CALIFORNIA	2,310	1,574	-32%
EL PASO SPC, TEXAS	5,590	3,528	-37%
EL PASO, TEXAS	7,396	6,866	-7%
ELIZABETH SPC, NEW JERSEY	2,895	5,507	90%
ELOY, ARIZONA	11,988	10,139	-15%
FISHKILL - NEW YORK STATE DOC, NEW YORK	304	300	-1%
FLORENCE SPC, ARIZONA	8,175	7,544	-8%
GUAYNABO (SAN JUAN), PUERTO RICO	1,380	1,210	-12%
HARLINGEN, TEXAS	12,955	9,239	-29%
HARTFORD, CONNECTICUT	1,719	1,612	-6%
HONOLULU, HAWAII	1,283	1,042	-19%
HOUSTON SPC, TEXAS	14,421	14,994	4%
HOUSTON, TEXAS	4,502	4,928	9%
IMPERIAL, CALIFORNIA	961	685	-29%
KANSAS CITY, MISSOURI	5,343	4,892	-8%
KROME NORTH SPC, FLORIDA	11,937	12,210	2%
LANCASTER, CALIFORNIA	9,634	8,137	-16%
LAS VEGAS, NEVADA	3,310	2,896	-13%
LOS ANGELES, CALIFORNIA	26,458	33,112	25%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	6,750	7,609	13%
MEMPHIS, TENNESSEE	3,113	2,844	-9%
MIAMI, FLORIDA	11,242	9,746	-13%
NEW ORLEANS, LOUISIANA	956	1,282	34%
NEW YORK CITY, NEW YORK	20,305	21,295	5%
NEWARK, NEW JERSEY	7,873	7,853	0%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	18,030	12,632	-30%
OMAHA, NEBRASKA	5,815	5,434	-7%
ORLANDO, FLORIDA	5,294	4,766	-10%
PEARSALL, TEXAS	10,085	8,116	-20%
PHILADELPHIA, PENNSYLVANIA	2,861	2,916	2%
PHOENIX, ARIZONA	3,548	4,036	14%
PORTLAND, OREGON	1,348	1,885	40%
SAIPAN, NORTHERN MARIANAS ISLANDS	160	173	8%
SALT LAKE CITY, UTAH	2,877	2,137	-26%
SAN ANTONIO, TEXAS	9,757	11,782	21%
SAN DIEGO, CALIFORNIA	3,400	3,753	10%
SAN FRANCISCO, CALIFORNIA	11,592	12,501	8%
SEATTLE, WASHINGTON	3,259	3,483	7%
STEWART DETENTION FACILITY, GEORGIA	13,086	11,518	-12%
TACOMA, WASHINGTON	10,013	9,304	-7%
TUCSON, ARIZONA	3,708	1,978	-47%
ULSTER - NEW YORK STATE DOC, NEW YORK	540	514	-5%
VARICK SPC, NEW YORK	3,757	4,147	10%
YORK, PENNSYLVANIA	7,969	8,817	11%
TOTAL	394,737	382,675	-3%

Table 2A - Total Immigration Court Completions by Court and Type of Matter for FY 2012

Immigration Court	Proceedings	Bonds	Motions	Total Matters
ARLINGTON, VIRGINIA	7,186	1,376	533	9,095
ATLANTA, GEORGIA	4,962	1,154	470	6,586
BALTIMORE, MARYLAND	4,360	854	454	5,668
BATAVIA SPC, NEW YORK	1,474	1,048	9	2,531
BLOOMINGTON (ST. PAUL), MINNESOTA	3,489	1,112	115	4,716
BOSTON, MASSACHUSETTS	6,994	2,157	741	9,892
BUFFALO, NEW YORK	1,499	96	147	1,742
CHARLOTTE, NORTH CAROLINA	3,546	1,046	206	4,798
CHICAGO, ILLINOIS	11,499	3,101	463	15,063
CLEVELAND, OHIO	3,615	1,022	156	4,793
DALLAS, TEXAS	8,370	857	388	9,615
DENVER, COLORADO	6,596	2,464	239	9,299
DETROIT, MICHIGAN	3,494	1,527	156	5,177
EAST MESA, CALIFORNIA	1,962	780	22	2,764
EL CENTRO SPC, CALIFORNIA	1,025	522	27	1,574
EL PASO SPC, TEXAS	2,428	1,067	33	3,528
EL PASO, TEXAS	5,707	995	164	6,866
ELIZABETH DETENTION CENTER, NEW JERSEY	3,463	1,989	55	5,507
ELOY, ARIZONA	6,484	3,610	45	10,139
FISHKILL - NEW YORK STATE DOC, NEW YORK	288	0	12	300
FLORENCE SPC, ARIZONA	4,952	2,561	31	7,544
GUAYNABO (SAN JUAN), PUERTO RICO	1,021	78	111	1,210
HARLINGEN, TEXAS	8,541	2	696	9,239
HARTFORD, CONNECTICUT	1,450	48	114	1,612
HONOLULU, HAWAII	797	213	32	1,042
HOUSTON SPC, TEXAS	10,926	4,036	32	14,994
HOUSTON, TEXAS	4,602	1	325	4,928
IMPERIAL, CALIFORNIA	667	1	17	685
KANSAS CITY, MISSOURI	3,929	827	136	4,892
KROME NORTH SPC, FLORIDA	7,624	4,443	143	12,210
LANCASTER, CALIFORNIA	4,632	3,479	26	8,137
LAS VEGAS, NEVADA	2,393	381	122	2,896
LOS ANGELES, CALIFORNIA	24,747	6,628	1,737	33,112
LOS FRESNOS (PORT ISABEL SPC), TEXAS	4,241	3,326	42	7,609
MEMPHIS, TENNESSEE	2,615	20	209	2,844
MIAMI, FLORIDA	8,610	0	1,136	9,746
NEW ORLEANS, LOUISIANA	1,202	0	80	1,282
NEW YORK CITY, NEW YORK	19,506	0	1,789	21,295
NEWARK, NEW JERSEY	5,411	1,808	634	7,853
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	8,329	4,255	48	12,632
OMAHA, NEBRASKA	3,894	1,364	176	5,434
ORLANDO, FLORIDA	3,999	327	440	4,766
PEARSALL, TEXAS	5,378	2,724	14	8,116
PHILADELPHIA, PENNSYLVANIA	2,688	1	227	2,916
PHOENIX, ARIZONA	3,842	6	188	4,036
PORTLAND, OREGON	1,782	25	78	1,885
SAIPAN, NORTHERN MARIANAS ISLANDS	146	16	11	173
SALT LAKE CITY, UTAH	1,889	178	70	2,137
SAN ANTONIO, TEXAS	10,511	528	743	11,782
SAN DIEGO, CALIFORNIA	3,260	221	272	3,753
SAN FRANCISCO, CALIFORNIA	10,093	1,975	433	12,501
SEATTLE, WASHINGTON	3,293	1	189	3,483
STEWART DETENTION FACILITY, GEORGIA	9,348	2,142	28	11,518
TACOMA, WASHINGTON	5,216	4,030	58	9,304
TUCSON, ARIZONA	1,956	0	22	1,978
ULSTER - NEW YORK STATE DOC, NEW YORK	501	1	12	514
VARICK SPC, NEW YORK	2,253	1,831	63	4,147
YORK, PENNSYLVANIA	5,249	3,497	71	8,817
TOTAL	289,934	77,751	14,990	382,675

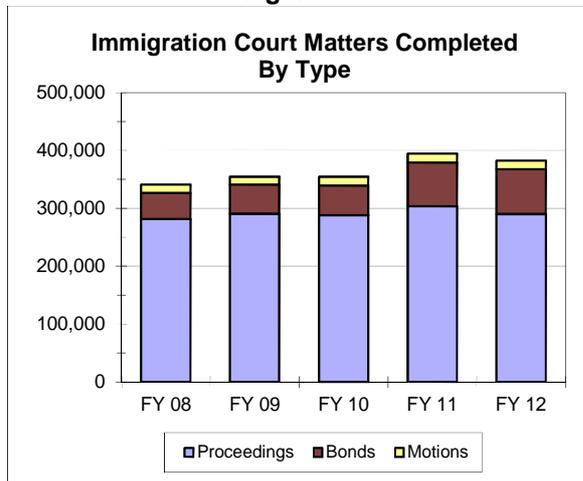
Figures 2 and 3 below provide information on the types of matters received and completed by the immigration courts. Proceedings make up the bulk of the courts' work, but the courts also process significant numbers of bonds and motions to reopen and reconsider. For both matters received and matters completed the number of bonds has increased by more than 70 percent from FY 2008 to FY 2012 while proceedings and motions to reopen and reconsider have gone up and down throughout the five-year time span.

Figure 2



Immigration Court Matters Received				
	Proceedings	Bonds	Motions	Total
FY 08	291,987	45,899	14,231	352,117
FY 09	327,932	51,599	13,618	393,149
FY 10	326,586	52,631	15,012	394,229
FY 11	338,664	76,845	15,722	431,231
FY 12	317,930	78,065	14,758	410,753

Figure 3



Immigration Court Matters Completed				
	Proceedings	Bonds	Motions	Total
FY 08	281,251	45,275	14,267	340,793
FY 09	290,476	50,615	13,391	354,482
FY 10	287,892	51,553	14,918	354,363
FY 11	303,514	75,443	15,780	394,737
FY 12	289,934	77,751	14,990	382,675

Immigration Courts: Proceedings Received and Completed by Type

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

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

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.** Removal proceedings replaced the formerly separate deportation and exclusion proceedings.
- **Credible Fear Review.** Arriving aliens with no documents or fraudulent documents are subject to expedited removal by DHS. If an arriving alien who is subject to the expedited removal provisions expresses either an intention to apply for asylum or a fear of returning to the country of removal, the alien is referred for a “credible fear” interview by a DHS asylum officer. Aliens found by the asylum officer not to have a credible fear of persecution may request a review by an immigration judge. If the judge determines there is “credible fear,” the judge will vacate the DHS order of expedited removal, and the alien will be placed in removal proceedings.
- **Reasonable Fear Review.** DHS has the authority to order the administrative removal of certain aggravated felons, and to reinstate orders of removal for aliens previously removed. If an alien who has been ordered administratively removed, or whose prior order of removal has been reinstated expresses a fear of returning to the country of removal, a DHS asylum officer makes a “reasonable fear” determination. Aliens found by the asylum officer not to have a reasonable fear of persecution may request a review by an immigration judge. If the judge determines there is “reasonable fear,” the alien will be placed in withholding only proceedings.

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

Additional types of proceedings include:

- Rescission. 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.
- Continued Detention Review. In response to a United States Supreme Court decision in *Zadvydas v. Davis*, a new type of proceeding was established regarding the continued detention of aliens who are subject to final orders of removal. In these cases the alien has already been ordered removed, but DHS is unable to effect the removal (e.g., lack of a travel document, no diplomatic relations with the receiving country, etc.). The only issue for the immigration judge to decide in continued detention review cases is whether or not the alien should remain in custody.
- NACARA. Certain aliens may apply for suspension of deportation or cancellation of removal under section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA).
- Withholding Only. A withholding only hearing is initiated when the following conditions have been met:
 - 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 if returned to the country of removal and that claim is reviewed by an asylum officer, and
 - An asylum officer has concluded that the alien has a reasonable fear of persecution or torture or an immigration judge conducted a reasonable fear review proceeding and found that reasonable fear of persecution or torture exists, or
 - An alien who is an applicant for admission to Guam or the Commonwealth of the Northern Mariana Islands (CNMI) under the

Guam-CNMI Visa Waiver Program under section 212(i) of the Immigration and Nationality Act or who was admitted to Guam or the CNMI under the Guam-CNMI Visa Waiver Program and has violated their conditions of admission is subject to withholding only proceedings prior to January 1, 2015.

Table 3 shows all types of proceedings received by the immigration courts between FY 2008 and FY 2012.

Table 3 - Immigration Court Proceedings Received by Case Type

Type of Proceeding	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Deportation	4,180	3,585	3,591	3,589	3,305
Exclusion	436	379	315	288	234
Removal	285,403	321,738	319,708	331,308	310,455
Credible Fear	702	885	1,160	900	750
Reasonable Fear	172	241	395	450	836
Claimed Status	53	43	51	29	38
Asylum Only	705	620	530	577	513
Rescission	30	56	57	58	29
Continued Detention Review	5	1	1	5	2
NACARA	14	25	7	6	5
Withholding Only	287	359	771	1,454	1,763
Total	291,987	327,932	326,586	338,664	317,930

Table 4 shows all types of proceedings completed by the immigration courts for the period FY 2008 to FY 2012. 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 35 percent of the proceedings completed in FY 2012.

Table 4 - Immigration Court Proceedings Completed by Case Type

Type of Proceeding	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Deportation	3,976	3,730	3,701	3,763	3,372
Exclusion	500	398	368	342	262
Removal	274,667	284,200	281,086	296,100	282,760
Credible Fear	696	885	1,142	908	723
Reasonable Fear	171	231	393	453	796
Claimed Status	54	37	54	32	36
Asylum Only	841	647	571	606	510
Rescission	31	26	50	53	39
Continued Detention Review	6	1	1	3	2
NACARA	34	23	19	10	2
Withholding Only	275	298	507	1,244	1,432
Total	281,251	290,476	287,892	303,514	289,934

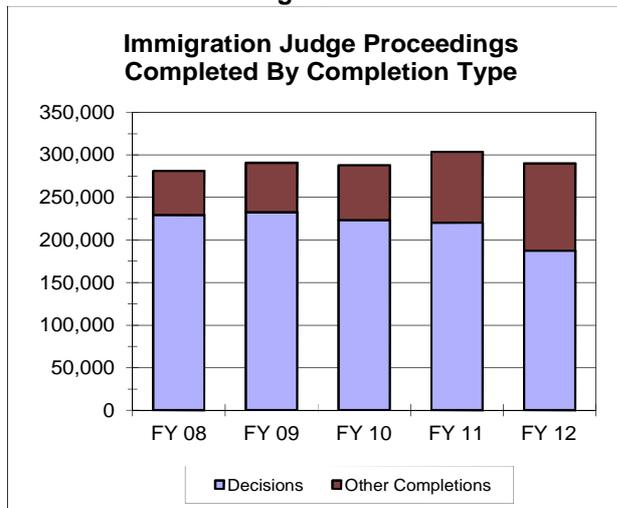
Immigration Courts: Proceedings Completed by Disposition

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

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

Figure 4 provides a breakdown of proceedings from FY 2008 to FY 2012 by type of completion – either through an immigration judge decision or through an “other completion.”

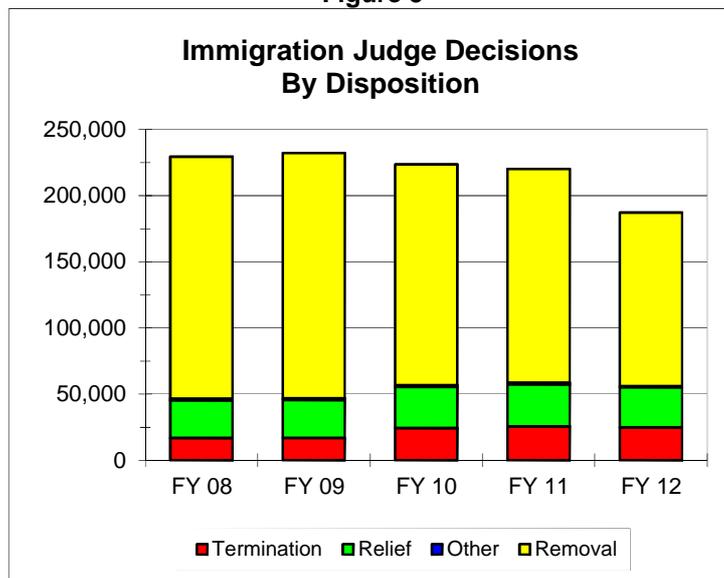
Figure 4



Immigration Judge Proceedings Completed			
	Decisions	Other Completions	Total
FY 08	229,488	51,763	281,251
FY 09	232,424	58,052	290,476
FY 10	223,528	64,364	287,892
FY 11	220,255	83,259	303,514
FY 12	187,270	102,664	289,934

Figure 5 provides a breakout of decisions by disposition. Immigration judges first decide whether or not the charges against an alien should be sustained. If the charges are not sustained or if the alien has established eligibility for naturalization, the judge terminates the case. If 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.

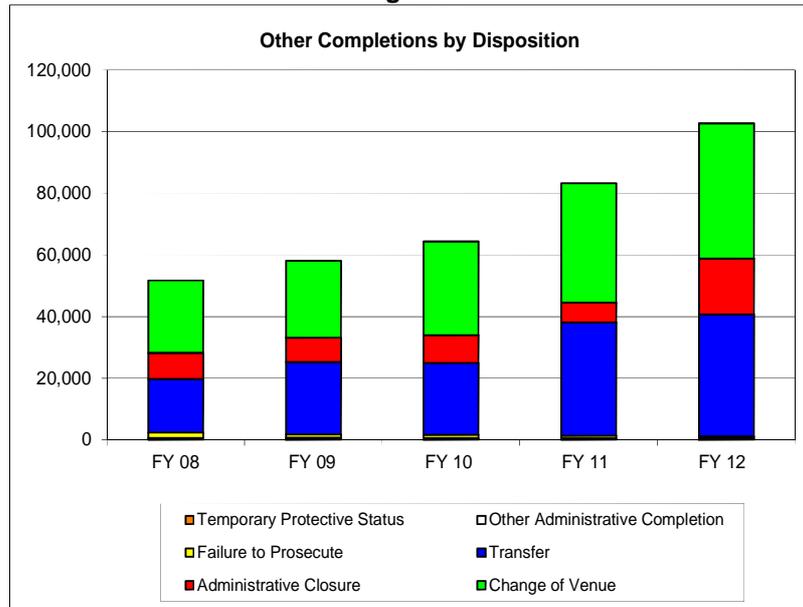
Figure 5



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 08	17,034	7.4	28,384	12.4	182,727	79.6	1,343	0.6	229,488	100.0
FY 09	17,037	7.3	28,681	12.3	185,423	79.8	1,283	0.6	232,424	100.0
FY 10	24,376	10.9	30,952	13.8	166,869	74.7	1,331	0.6	223,528	100.0
FY 11	25,601	11.6	31,817	14.4	161,489	73.3	1,348	0.6	220,255	100.0
FY 12	24,963	13.3	30,192	16.1	131,050	70.0	1,065	0.6	187,270	100.0

Figure 6 provides a breakout of “other completions” by disposition type. Proceedings that are not decided on their merits are classified as “other completions.” Most of the increase in the number of proceedings completed over the last five fiscal years has come from an increased number of changes of venue, which increased by 86 percent from FY 2008 to FY 2012, and transfers, which increased 128 percent over the same time period.

Figure 6

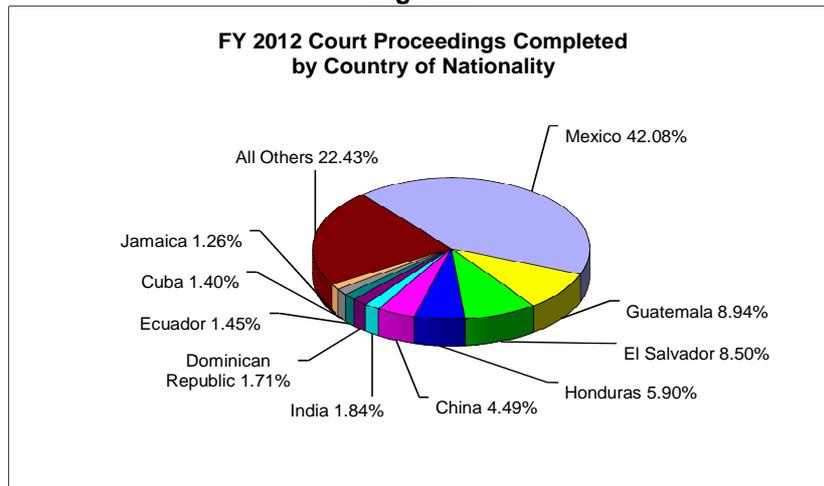


Other Completions by Disposition														
	Administrative Closure		Change of Venue		Failure to Prosecute		Other Administrative Completion		Temporary Protective Status		Transfer		Total	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
FY 08	8,413	16.3	23,550	45.5	1,738	3.4	359	0.7	317	0.6	17,386	33.6	51,763	100.0
FY 09	7,888	13.6	24,927	42.9	1,047	1.8	351	0.6	354	0.6	23,485	40.5	58,052	100.0
FY 10	8,941	13.9	30,398	47.2	1,060	1.6	265	0.4	383	0.6	23,317	36.2	64,364	100.0
FY 11	6,348	7.6	38,729	46.5	878	1.1	235	0.3	288	0.3	36,781	44.2	83,259	100.0
FY 12	18,043	17.6	43,867	42.7	662	0.6	194	0.2	280	0.3	39,618	38.6	102,664	100.0

Immigration Courts: Proceedings Completed by Country of 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 7



FY 2012 Court Proceedings Completed by Country of Nationality		
Country of Nationality	Completions	% of Total
Mexico	122,006	42.08%
Guatemala	25,907	8.94%
El Salvador	24,649	8.50%
Honduras	17,117	5.90%
China	13,009	4.49%
India	5,321	1.84%
Dominican Republic	4,972	1.71%
Ecuador	4,198	1.45%
Cuba	4,068	1.40%
Jamaica	3,664	1.26%
All Others	65,023	22.43%
Total	289,934	100.00%

In FY 2012, the top 10 nationalities accounted for approximately 77 percent of all proceedings completed as shown in Figure 7. A total of 224 nationalities were represented in the FY 2012 immigration judge completions. Mexico and Central American countries are consistently among the predominant nationalities of immigration court completions. Table 5, on the following page, provides information on the top 25 nationalities each year for the period FY 2008 through FY 2012. For the five-year period, seven of the top 10 nationalities remained the same: Mexico, Guatemala, El Salvador, Honduras, China, Dominican Republic, and Cuba.

**Table 5 - Court Proceedings Completed by Country of Nationality
Top 25 Nationalities: FY 2008 - FY 2012**

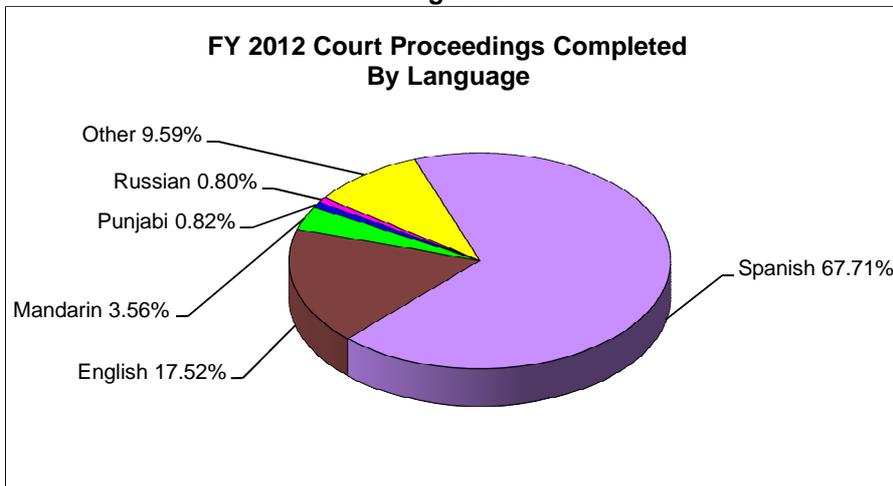
Rank	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	El Salvador	Guatemala	Guatemala	Guatemala	Guatemala
3	Guatemala	El Salvador	El Salvador	El Salvador	El Salvador
4	Honduras	Honduras	Honduras	Honduras	Honduras
5	China	China	China	China	China
6	Haiti	Haiti	Haiti	India	India
7	Cuba	Colombia	Dominican Republic	Dominican Republic	Dominican Republic
8	Colombia	Dominican Republic	Colombia	Cuba	Ecuador
9	Dominican Republic	Cuba	Cuba	Jamaica	Cuba
10	Brazil	Jamaica	Jamaica	Colombia	Jamaica
11	Jamaica	Ecuador	India	Haiti	Colombia
12	Ecuador	Brazil	Ecuador	Ecuador	Haiti
13	India	India	Brazil	Brazil	Brazil
14	Nicaragua	Peru	Philippines	Philippines	Peru
15	Philippines	Philippines	Peru	Peru	Philippines
16	Peru	Nicaragua	Nicaragua	Nicaragua	Nicaragua
17	Venezuela	Venezuela	Venezuela	Pakistan	Nigeria
18	Pakistan	Pakistan	Pakistan	Venezuela	Pakistan
19	Indonesia	Russia	Russia	Nigeria	Ghana
20	Canada	Nigeria	Canada	Russia	Russia
21	Nigeria	Indonesia	Nigeria	Ghana	Venezuela
22	Russia	Canada	Kenya	South Korea	Romania
23	Vietnam	Ethiopia	Ghana	Trinidad and Tobago	Kenya
24	Ghana	Ghana	Vietnam	Ethiopia	South Korea
25	Trinidad and Tobago	Vietnam	South Korea	Kenya	Trinidad and Tobago

Immigration Courts: Proceedings Completed by Language

Figure 8 below shows a breakdown of FY 2012 immigration court proceedings completed by language. A total of 276 different languages were spoken in court proceedings in the immigration courts during FY 2012. The top five languages, which were Spanish, English, Mandarin, Punjabi, and Russian, accounted for 90 percent of the proceedings completed in FY 2012.

Spanish language cases were 68 percent of the total caseload and represent no change since FY 2008. The number of different languages used in court proceedings also did not change from FY 2008.

Figure 8



FY 2012 Proceedings Completed by Language		
Language	Completions	% of Total
Spanish	196,306	67.71%
English	50,799	17.52%
Mandarin	10,332	3.56%
Punjabi	2,377	0.82%
Russian	2,308	0.80%
Other	27,812	9.59%
Total	289,934	100.00%

Table 6, on the following page, provides information on the top 25 languages each year for the period FY 2008 through FY 2012. For the five-year period, eight of the top 10 languages remained the same: Spanish, English, Mandarin, Russian, Creole, Arabic, Portuguese, and French.

**Table 6 – Court Proceedings Completed by Language
Top 25 Languages: FY 2008 – FY 2012**

Rank	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1	Spanish	Spanish	Spanish	Spanish	Spanish
2	English	English	English	English	English
3	Mandarin	Mandarin	Mandarin	Mandarin	Mandarin
4	Creole	Creole	Creole	Punjabi	Punjabi
5	Russian	Russian	Russian	Creole	Russian
6	Foo Chow	Arabic	Portuguese	Russian	Creole
7	Portuguese	Portuguese	Arabic	Portuguese	Arabic
8	Arabic	Foo Chow	Foo Chow	Arabic	Portuguese
9	French	French	Punjabi	Gujarati	Gujarati
10	Indonesian	Indonesian	French	French	French
11	Albanian	Punjabi	Korean	Foo Chow	Foo Chow
12	Punjabi	Albanian	Indonesian	Tigrina - Eritrean	Korean
13	Korean	Amharic	Tigrina - Eritrean	Korean	Nepali
14	Armenian	Korean	Armenian	Amharic	Romanian-Moldovan
15	Amharic	Armenian	Amharic	Nepali	Indonesian
16	Urdu	Tigrina - Eritrean	Albanian	Indonesian	Amharic
17	Vietnamese	Vietnamese	Vietnamese	Tamil	Tamil
18	Chaldean	Urdu	Somali	Armenian	Vietnamese
19	Tigrina - Eritrean	Tagalog	Tagalog	Vietnamese	Urdu
20	Polish	Polish	Nepali	Albanian	Tagalog
21	Tagalog	Chaldean	Urdu	Tagalog	Albanian
22	Somali	Somali	Polish	Polish	Tigrina - Eritrean
23	Bengali	Nepali	Bengali	Urdu	Armenian
24	Tibetan	Bengali	Gujarati	Somali	Bengali
25	Nepali	Fulani	Tamil	Bengali	Polish

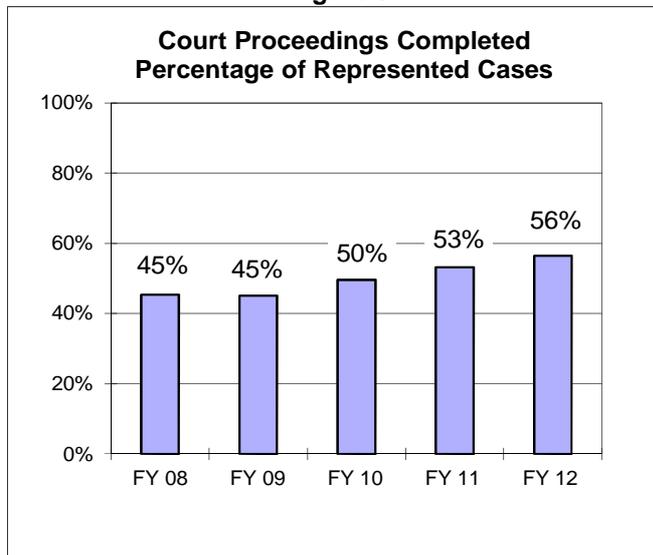
Immigration Courts: Proceedings Completed by Representation Status

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, a representative must file a Notice of Entry 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*. In order to ensure that *pro se* individuals understand the nature of the proceedings, as well as their rights and responsibilities, immigration judges 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, the percentage of represented aliens increased from FY 2008 (45%) to FY 2012 (56%).

Figure 9



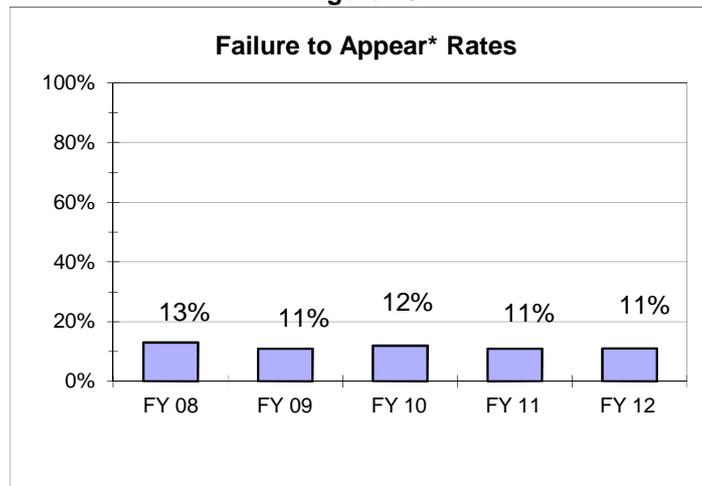
	Represented	Unrepresented	Total
FY 08	127,482	153,769	281,251
FY 09	131,034	159,442	290,476
FY 10	142,720	145,172	287,892
FY 11	161,396	142,118	303,514
FY 12	163,675	126,259	289,934

Immigration Courts: Failures to Appear

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

Figure 10 compares immigration judge decisions and failures to appear. Of the immigration judge decisions rendered in FY 2012, 11 percent involved aliens who failed to appear. The number of aliens who failed to appear decreased by 31 percent from FY 2008 to FY 2012 while the number of immigration judge decisions decreased by 18 percent in the same time period. The failure to appear rate has remained fairly consistent from FY 2009 to FY 2012.

Figure 10



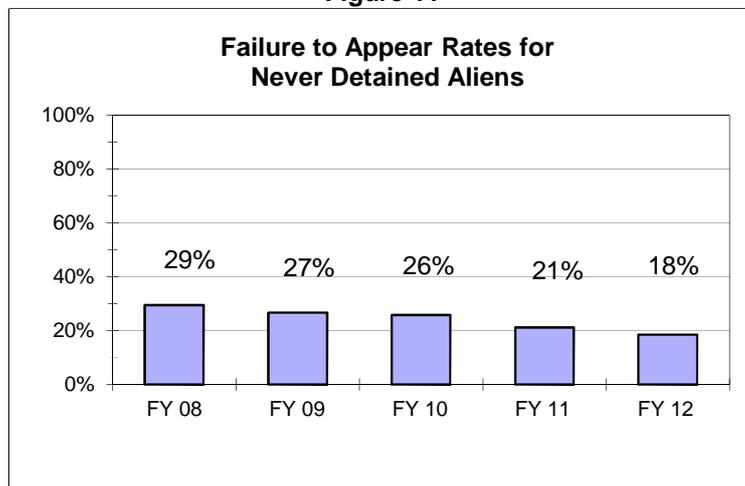
Failure to Appear* Rates			
	In Absentia Orders	IJ Decisions	Failure to Appear Rate
FY 08	29,854	229,488	13%
FY 09	25,336	232,424	11%
FY 10	26,827	223,528	12%
FY 11	24,031	220,255	11%
FY 12	20,691	187,270	11%

**Prior to FY 2009, administrative closures were included to calculate the failure to appear rate. However, due to a larger percentage of administrative closures not relating directly to failure to appear, the failure to appear rate is calculated using immigration judge decisions and in absentia orders only.*

The following figures show EOIR data on failures to appear by detention status: never detained aliens, aliens released on bond or recognizance, and aliens not currently detained. Failures to appear for detained cases occur infrequently, generally only because of illness or transportation problems, and are not broken out in the following figures.

Figure 11 shows a comparison of the number of failures to appear with the number of immigration judge decisions for aliens that have never been detained. From FY 2008 to FY 2012 the number of *in absentia* orders for never detained aliens decreased by 49 percent while the number of immigration judge decisions for those aliens decreased by 19 percent in the same time period. The failure to appear rate for aliens that have never been detained has decreased during this time period.

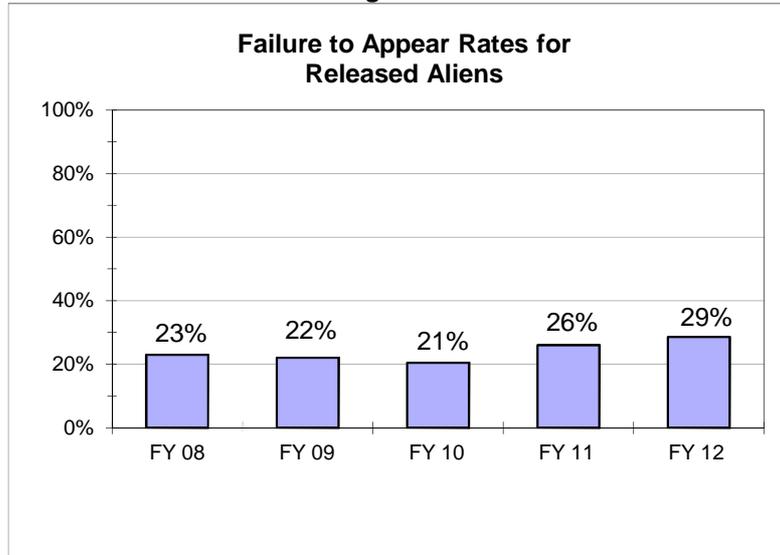
Figure 11



Failure to Appear Rates for Never Detained Aliens			
	In Absentia Orders	IJ Decisions	Failure to Appear Rate
FY 08	24,426	83,081	29%
FY 09	20,354	76,318	27%
FY 10	21,741	84,649	26%
FY 11	16,785	79,262	21%
FY 12	12,503	67,695	18%

Failures to appear for aliens released on bond or on their own recognizance are shown in Figure 12. From FY 2008 to FY 2012 the number of *in absentia* orders for aliens released on bond or on their own recognizance increased by 66 percent while the number of immigration judge decisions for those aliens increased by 33 percent. The failure to appear rate for released aliens was higher in FY 2012 than in FY 2011.

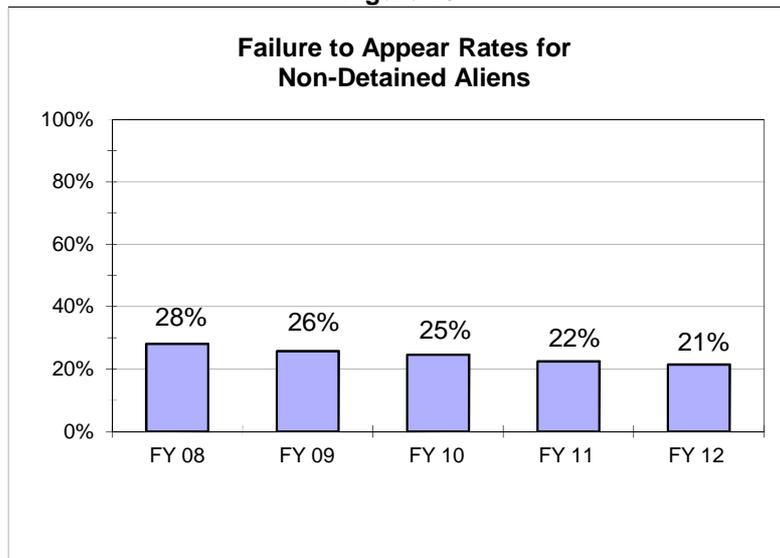
Figure 12



Failure to Appear Rates for Released Aliens			
	In Absentia Orders	IJ Decisions	Failure to Appear Rate
FY 08	4,892	21,290	23%
FY 09	4,578	20,731	22%
FY 10	4,644	22,646	21%
FY 11	6,927	26,594	26%
FY 12	8,103	28,367	29%

Failures to appear for non-detained aliens (both those who were never detained and those who were released) are shown in Figure 13. From FY 2008 to FY 2012 the number of *in absentia* orders for aliens that are not currently detained decreased by 30 percent while the number of immigration judge decisions for those aliens decreased by eight percent. The failure to appear rate for non-detained aliens has decreased during this time period.

Figure 13



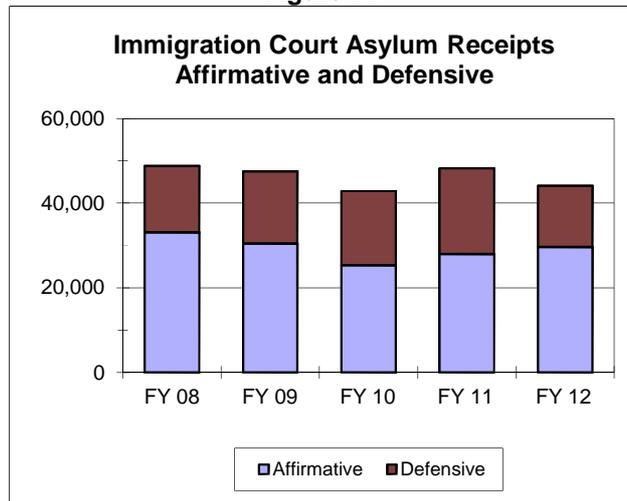
Failure to Appear Rates for Non-Detained Aliens			
	In Absentia Orders	IJ Decisions	Failure to Appear Rate
FY 08	29,318	104,371	28%
FY 09	24,932	97,049	26%
FY 10	26,385	107,295	25%
FY 11	23,712	105,856	22%
FY 12	20,606	96,062	21%

Immigration Courts: Asylum Cases Received and Completed

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

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

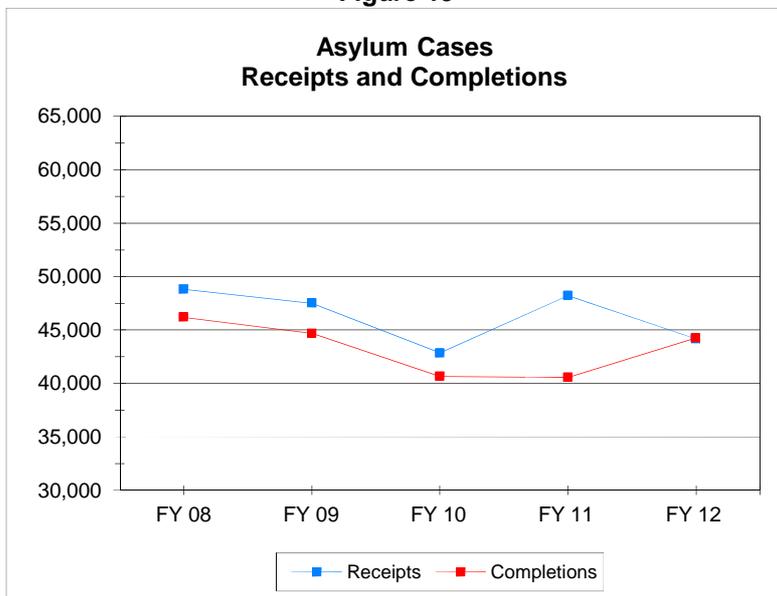
Figure 14



Immigration Court Asylum Receipts			
	Affirmative	Defensive	Total
FY 08	33,168	15,652	48,820
FY 09	30,507	17,001	47,508
FY 10	25,357	17,503	42,860
FY 11	28,007	20,219	48,226
FY 12	29,626	14,544	44,170

As shown in Figure 15 below, asylum receipts declined by 10 percent and asylum completions declined by four percent from FY 2008 to FY 2012.

Figure 15



Asylum Receipts and Completions		
	Receipts	Completions
FY 08	48,820	46,208
FY 09	47,508	44,677
FY 10	42,860	40,658
FY 11	48,226	40,564
FY 12	44,170	44,282

Table 7, shown on page I3, provides information on FY 2012 asylum receipts and completions by immigration court. In FY 2012, the New York, NY; Los Angeles, CA; San Francisco, CA; Newark, NJ; and Miami, FL, immigration courts received 58 percent of asylum filings. In FY 2012, 15 of the 58 immigration courts had more asylum receipts than completions.

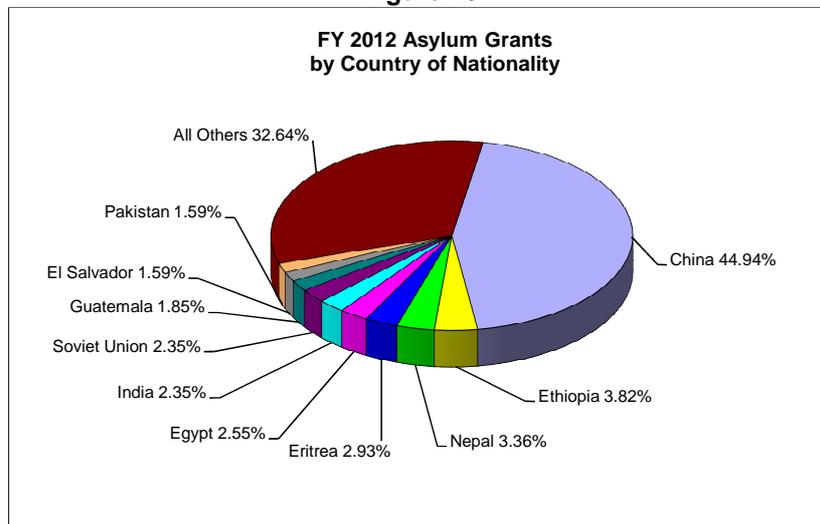
Table 7 - Asylum Receipts and Completions by Court for FY 2012

Immigration Court	Receipts	Completions
ARLINGTON, VIRGINIA	1,236	1,433
ATLANTA, GEORGIA	751	743
BALTIMORE, MARYLAND	784	1,040
BATAVIA SPC, NEW YORK	64	82
BLOOMINGTON (ST. PAUL), MINNESOTA	303	360
BOSTON, MASSACHUSETTS	1,252	1,266
BUFFALO, NEW YORK	64	112
CHARLOTTE, NORTH CAROLINA	385	524
CHICAGO, ILLINOIS	1,021	937
CLEVELAND, OHIO	543	554
DALLAS, TEXAS	478	364
DENVER, COLORADO	363	473
DETROIT, MICHIGAN	329	419
EAST MESA, CALIFORNIA	230	253
EL CENTRO SPC, CALIFORNIA	116	121
EL PASO SPC, TEXAS	35	60
EL PASO, TEXAS	77	91
ELIZABETH DETENTION CENTER, NEW JERSEY	226	278
ELOY, ARIZONA	160	206
FISHKILL - NEW YORK STATE DOC, NEW YORK	3	5
FLORENCE SPC, ARIZONA	121	161
GUAYNABO (SAN JUAN), PUERTO RICO	125	164
HARLINGEN, TEXAS	417	499
HARTFORD, CONNECTICUT	283	192
HONOLULU, HAWAII	125	209
HOUSTON SPC, TEXAS	166	193
HOUSTON, TEXAS	604	415
IMPERIAL, CALIFORNIA	43	24
KANSAS CITY, MISSOURI	246	283
KROME NORTH SPC, FLORIDA	574	658
LANCASTER, CALIFORNIA	151	176
LAS VEGAS, NEVADA	380	302
LOS ANGELES, CALIFORNIA	7,373	8,010
LOS FRESNOS (PORT ISABEL SPC), TEXAS	517	570
MEMPHIS, TENNESSEE	350	471
MIAMI, FLORIDA	1,584	1,558
NEW ORLEANS, LOUISIANA	122	129
NEW YORK CITY, NEW YORK	12,380	10,530
NEWARK, NEW JERSEY	1,634	947
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	46	66
OMAHA, NEBRASKA	815	718
ORLANDO, FLORIDA	1,128	1,310
PEARSALL, TEXAS	156	197
PHILADELPHIA, PENNSYLVANIA	618	634
PHOENIX, ARIZONA	438	322
PORTLAND, OREGON	379	459
SAIPAN, NORTHERN MARIANAS ISLANDS	3	5
SALT LAKE CITY, UTAH	104	134
SAN ANTONIO, TEXAS	638	494
SAN DIEGO, CALIFORNIA	265	409
SAN FRANCISCO, CALIFORNIA	2,718	2,903
SEATTLE, WASHINGTON	462	938
STEWART DETENTION FACILITY, GEORGIA	29	50
TACOMA, WASHINGTON	327	285
TUCSON, ARIZONA	58	50
ULSTER - NEW YORK STATE DOC, NEW YORK	9	14
VARICK SPC, NEW YORK	127	197
YORK, PENNSYLVANIA	235	285
TOTAL	44,170	44,282

Immigration Courts: Asylum Grants by Country of Nationality

This section provides information on asylum grants by nationality. Figure 16 displays the top 10 nationalities granted asylum in FY 2012. In FY 2012 the top 10 nationalities accounted for 67 percent of all asylum grants. China accounted for 45 percent of all asylum grants. A total of 149 nationalities were represented among individuals granted asylum in FY 2012. Table 8, on the following page, provides information for comparative purposes on the top nationalities granted asylum for the period FY 2008 to FY 2012. Three countries were represented among the top 10 countries from which aliens were granted asylum each year during the five-year period: China, Ethiopia, and India.

Figure 16



FY 2012 Asylum Grants by Country of Nationality		
Country of Nationality	Completions	% of Total
China	5,383	44.94%
Ethiopia	458	3.82%
Nepal	403	3.36%
Eritrea	351	2.93%
Egypt	306	2.55%
India	282	2.35%
Soviet Union	281	2.35%
Guatemala	222	1.85%
El Salvador	191	1.59%
Pakistan	191	1.59%
All Others	3,910	32.64%
Total	11,978	100.00%

**Table 8 - Asylum Grants by Country of Nationality
Top 25 Nationalities: FY 2008 - FY 2012**

Rank	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1	China	China	China	China	China
2	Colombia	Haiti	Ethiopia	Ethiopia	Ethiopia
3	Haiti	Ethiopia	India	Eritrea	Nepal
4	Iraq	Colombia	Colombia	Nepal	Eritrea
5	Albania	Iraq	Nepal	Egypt	Egypt
6	Ethiopia	India	Egypt	India	India
7	Venezuela	Albania	Somalia	Soviet Union	Soviet Union
8	India	Cameroon	Armenia	Colombia	Guatemala
9	Guinea	Armenia	Cameroon	Somalia	Pakistan
10	Russia	Eritrea	Guinea	Venezuela	El Salvador
11	Indonesia	Guinea	Venezuela	Guatemala	Cameroon
12	Egypt	Venezuela	Eritrea	Cameroon	Russia
13	Soviet Union	Egypt	Soviet Union	Russia	Guinea
14	El Salvador	Nepal	Haiti	Guinea	Colombia
15	Guatemala	Somalia	Guatemala	El Salvador	Venezuela
16	Cameroon	Guatemala	Russia	Pakistan	Indonesia
17	Nepal	Indonesia	Iraq	Armenia	Mexico
18	Armenia	Soviet Union	Albania	Albania	Iraq
19	Pakistan	Russia	El Salvador	Iraq	Iran
20	Yugoslavia	El Salvador	Indonesia	Indonesia	Sri Lanka
21	Burma (Myanmar)	Sri Lanka	Pakistan	Iran	Armenia
22	Eritrea	Burma (Myanmar)	Sri Lanka	Mexico	Somalia
23	Somalia	Pakistan	Kenya	Sri Lanka	Albania
24	Mauritania	Yugoslavia	Yugoslavia	Kenya	Moldavia (Moldova)
25	Ivory Coast	Kenya	Iran	Mali	Honduras

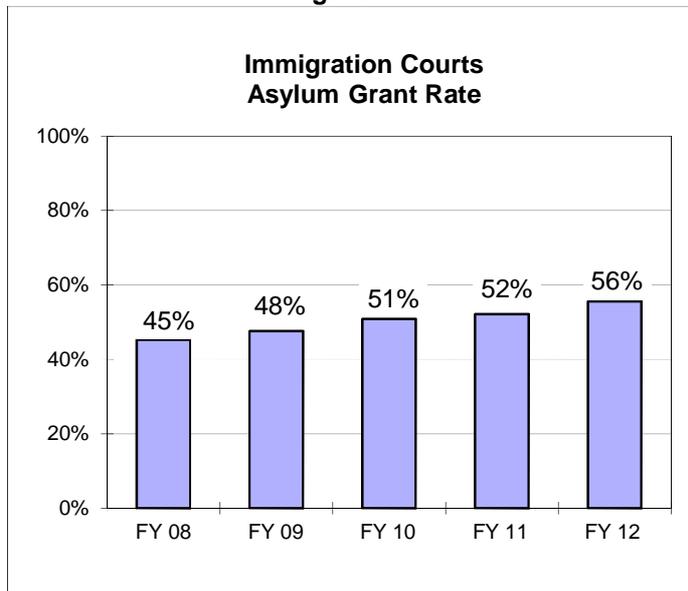
Immigration Courts: Disposition of Asylum Cases

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

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

Figure 17 provides the asylum grant rate for the past five years. The grant rate is calculated as a percentage of asylum claims decided on the merits, i.e., grants and denials. The grant rate has increased from FY 2008 (45%) to FY 2012 (56%).

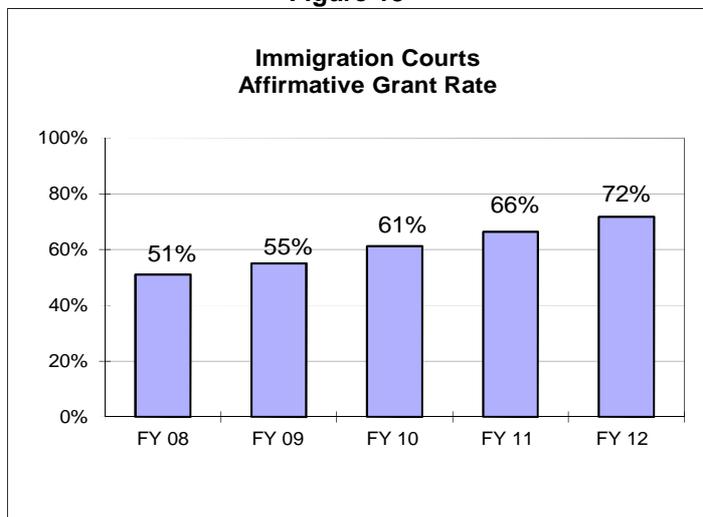
Figure 17



Asylum Grant Rate			
	Grants	Denials	Grant Rate
FY 08	10,892	13,169	45%
FY 09	10,300	11,337	48%
FY 10	9,904	9,574	51%
FY 11	11,528	10,573	52%
FY 12	11,978	9,574	56%

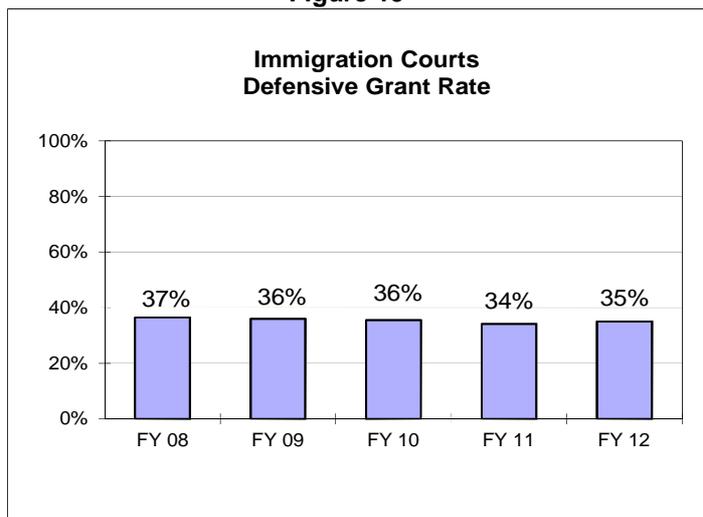
There are two ways that aliens may request asylum: “affirmatively,” by completing an asylum application and filing it with a DHS Asylum Office; or “defensively,” by requesting asylum before an immigration judge. There is some difference in the grant rates depending on whether the asylum application was filed affirmatively or defensively. From FY 2008 to FY 2012, grant rates for affirmative asylum claims were higher than grant rates for defensive claims. The grant rate for affirmative asylum claims has significantly increased from FY 2008 to FY 2012, where the grant rate for defensive claims has decreased over the same time period. The number of asylum claims decided on the merits has decreased from FY 2008 to FY 2012 for both types of claims. Figures 18 and 19 show the grant rates for affirmative and defensive asylum claims.

Figure 18



Immigration Court Affirmative Grant Rate			
	Grants	Denials	Grant Rate
FY 08	7,369	7,052	51%
FY 09	7,268	5,937	55%
FY 10	7,113	4,512	61%
FY 11	8,195	4,153	66%
FY 12	8,635	3,401	72%

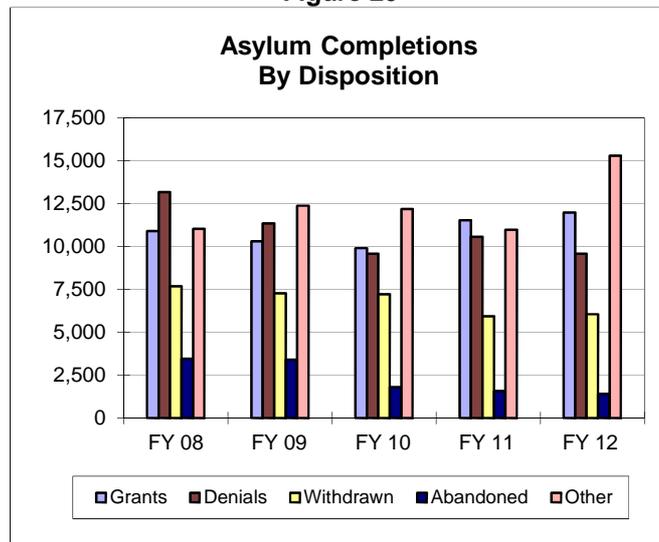
Figure 19



Immigration Court Defensive Grant Rate			
	Grants	Denials	Grant Rate
FY 08	3,523	6,117	37%
FY 09	3,032	5,400	36%
FY 10	2,791	5,062	36%
FY 11	3,333	6,420	34%
FY 12	3,343	6,173	35%

Figure 20 illustrates graphically all asylum case completions broken out by disposition. There has been a significant decrease in the number of denials from FY 2008 to FY 2012 (27%). The number of asylum grants increased from FY 2008 to FY 2012 (10%). The number of withdrawn decisions decreased by 21 percent from FY 2008 to FY 2012 while the number of abandoned decisions decreased by 59 percent in the same time period.

Figure 20



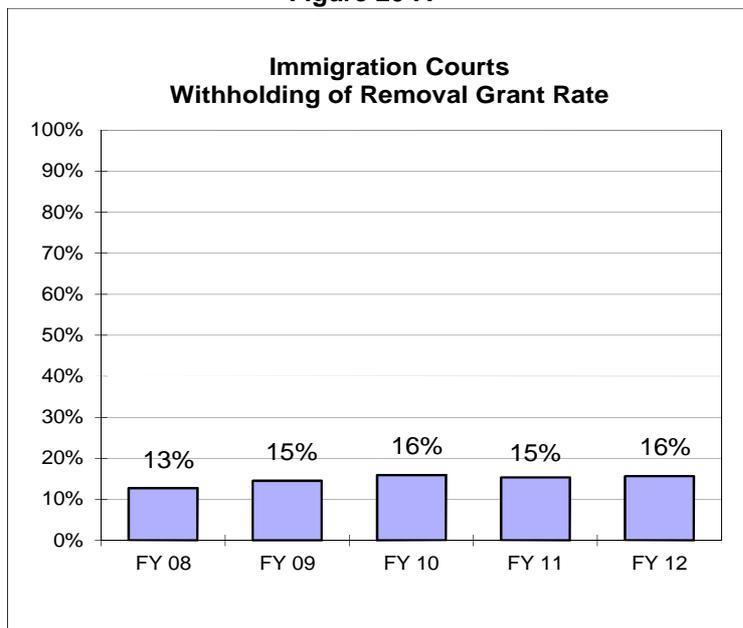
Asylum Completions by Disposition						
	Grants	Denials	Withdrawn	Abandoned	Other	Total
FY 08	10,892	13,169	7,675	3,451	11,021	46,208
FY 09	10,300	11,337	7,268	3,405	12,367	44,677
FY 10	9,904	9,574	7,215	1,798	12,167	40,658
FY 11	11,528	10,573	5,920	1,577	10,966	40,564
FY 12	11,978	9,574	6,053	1,402	15,275	44,282

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

Asylum seekers can only apply for withholding of removal in an immigration court. Applicants granted this protection may not be returned to the country of feared persecution. However, they may be sent to a third country provided that country will allow their entry.

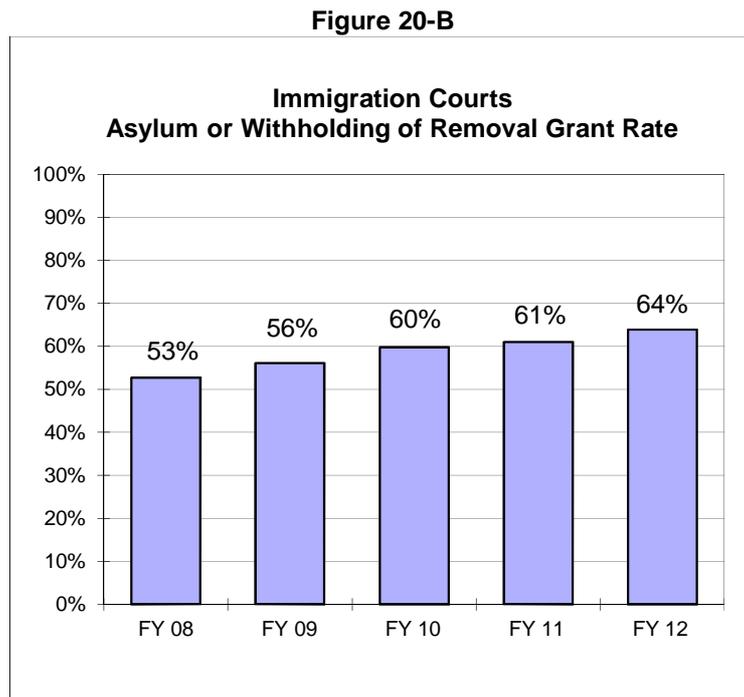
Figure 20-A below depicts the withholding of removal grant rate. Cases that had grants for both asylum and withholding were omitted from withholding of removal because they have previously been counted as an asylum grant.

Figure 20-A



	Grants	Denials	Grant Rate
FY 08	2,055	14,016	13%
FY 09	1,985	11,680	15%
FY 10	1,881	9,919	16%
FY 11	2,041	11,199	15%
FY 12	1,910	10,269	16%

Figure 20-B shows the percentage of cases in which asylum or withholding of removal was granted. The number of grants for these cases has decreased by 12 percent from FY 2008 to FY 2012, although the number of cases decided on their merits has decreased by 10 percent over the same time period. Due to the fact that the total number of asylum grants has increased and the number of denials of both asylum and withholding of removal applications has decreased significantly, the grant rate has increased during this period.



Immigration Court Asylum or Withholding of Removal Grant Rate				
	Asylum Grants	Withholding of Removal Grants	Denials of Both Asylum and Withholding of Removal	Grant Rate
FY 08	10,892	2,055	11,632	53%
FY 09	10,300	1,985	9,626	56%
FY 10	9,904	1,881	7,922	60%
FY 11	11,528	2,041	8,690	61%
FY 12	11,978	1,910	7,850	64%

Table 9 provides information on the FY 2012 asylum grant rate for each individual immigration court.

Table 9 – FY 2012 Asylum Grant Rate by Immigration Court

Immigration Court	Grants	Denials	Grant Rate
ARLINGTON, VIRGINIA	539	171	76%
ATLANTA, GEORGIA	52	227	19%
BALTIMORE, MARYLAND	363	243	60%
BATAVIA SPC, NEW YORK	4	50	7%
BLOOMINGTON (ST. PAUL), MINNESOTA	20	94	18%
BOSTON, MASSACHUSETTS	313	235	57%
BUFFALO, NEW YORK	9	33	21%
CHARLOTTE, NORTH CAROLINA	52	125	29%
CHICAGO, ILLINOIS	270	255	51%
CLEVELAND, OHIO	65	195	25%
DALLAS, TEXAS	64	115	36%
DENVER, COLORADO	82	156	34%
DETROIT, MICHIGAN	66	160	29%
EAST MESA, CALIFORNIA	50	117	30%
EL CENTRO SPC, CALIFORNIA	11	71	13%
EL PASO SPC, TEXAS	7	32	18%
EL PASO, TEXAS	3	26	10%
ELIZABETH DETENTION CENTER, NEW JERSEY	29	96	23%
ELOY, ARIZONA	7	128	5%
FISHKILL - NEW YORK STATE DOC, NEW YORK	0	4	0%
FLORENCE SPC, ARIZONA	5	96	5%
GUAYNABO (SAN JUAN), PUERTO RICO	2	7	22%
HARLINGEN, TEXAS	37	49	43%
HARTFORD, CONNECTICUT	56	54	51%
HONOLULU, HAWAII	73	78	48%
HOUSTON SPC, TEXAS	3	108	3%
HOUSTON, TEXAS	73	199	27%
IMPERIAL, CALIFORNIA	1	0	100%
KANSAS CITY, MISSOURI	57	84	40%
KROME NORTH SPC, FLORIDA	7	272	3%
LANCASTER, CALIFORNIA	24	78	24%
LAS VEGAS, NEVADA	21	85	20%
LOS ANGELES, CALIFORNIA	929	1,572	37%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	91	176	34%
MEMPHIS, TENNESSEE	147	133	53%
MIAMI, FLORIDA	218	352	38%
NEW ORLEANS, LOUISIANA	38	44	46%
NEW YORK CITY, NEW YORK	6,179	1,333	82%
NEWARK, NEW JERSEY	260	192	58%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	3	38	7%
OMAHA, NEBRASKA	35	184	16%
ORLANDO, FLORIDA	198	258	43%
PEARSALL, TEXAS	12	80	13%
PHILADELPHIA, PENNSYLVANIA	169	85	67%
PHOENIX, ARIZONA	39	50	44%
PORTLAND, OREGON	74	75	50%
SAIPAN, NORTHERN MARIANAS ISLANDS	0	0	0%
SALT LAKE CITY, UTAH	4	38	10%
SAN ANTONIO, TEXAS	116	109	52%
SAN DIEGO, CALIFORNIA	109	73	60%
SAN FRANCISCO, CALIFORNIA	679	514	57%
SEATTLE, WASHINGTON	225	320	41%
STEWART DETENTION FACILITY, GEORGIA	2	27	7%
TACOMA, WASHINGTON	18	101	15%
TUCSON, ARIZONA	26	9	74%
ULSTER - NEW YORK STATE DOC, NEW YORK	0	11	0%
VARICK SPC, NEW YORK	26	60	30%
YORK, PENNSYLVANIA	16	97	14%
TOTAL	11,978	9,574	56%

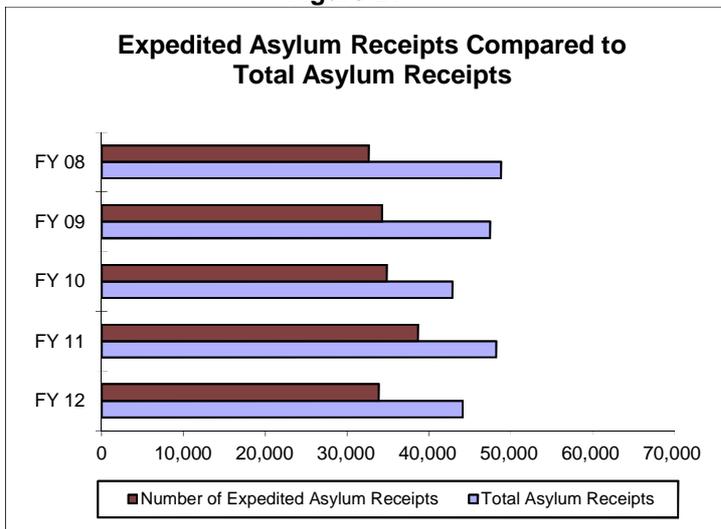
Immigration Courts: Expedited Asylum Cases

Aliens who file an affirmative asylum application 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 21 below, the number of expedited asylum cases that have been received is largely unchanged from FY 2008 to FY 2012, although total asylum receipts have decreased by 10 percent for the same time period.

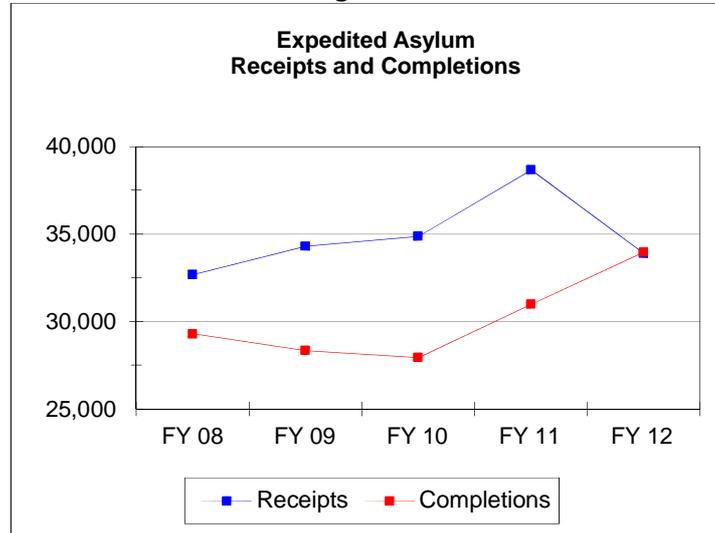
Figure 21



	Number of Expedited Asylum Receipts	Total Asylum Receipts
FY 08	32,676	48,820
FY 09	34,294	47,508
FY 10	34,868	42,860
FY 11	38,667	48,226
FY 12	33,881	44,170

Depicted in Figure 22 below are the number of receipts and completions for expedited asylum cases between FY 2008 and FY 2012.

Figure 22



Expedited Asylum Receipts and Completions		
	Receipts	Completions
FY 08	32,676	29,289
FY 09	34,294	28,335
FY 10	34,868	27,926
FY 11	38,667	30,978
FY 12	33,881	33,968

Immigration Courts: Convention Against Torture

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

There are two forms of protection under the 1999 regulations:

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

As shown in Table 10 below, the immigration courts adjudicated 29,796 CAT applications during FY 2012. Of those, 643 CAT cases were granted, the majority of which were granted withholding.

Table 10 - FY 2012 Convention Against Torture Cases by Disposition

Granted			Denied	Other	Withdrawn	Abandoned	Total
Withholding	Deferral	Total					
514	129	643	9,710	12,380	6,327	736	29,796

Table 11 on the following page shows a breakdown of CAT completions by immigration courts. The New York City, NY; Los Angeles, CA; San Francisco, CA; Miami, FL; and Orlando, FL, immigration courts combined completed approximately 52 percent of the total FY 2012 CAT cases.

Table 11 - FY 2012 Convention Against Torture Completions by Court

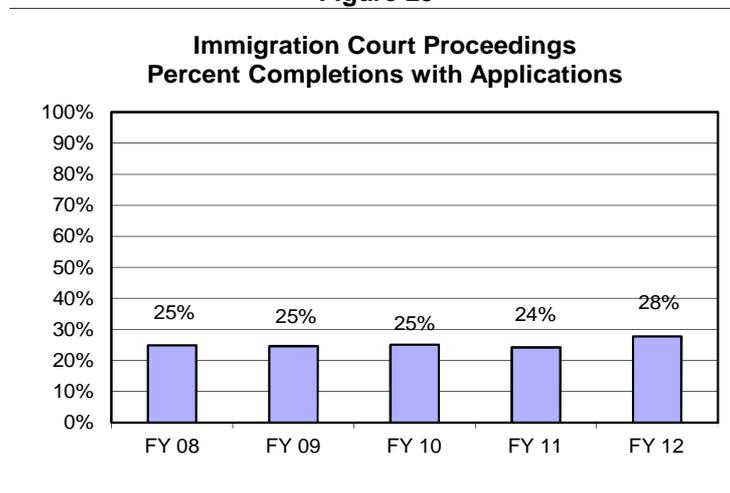
Immigration Court	Completions
ARLINGTON, VIRGINIA	502
ATLANTA, GEORGIA	302
BALTIMORE, MARYLAND	699
BATAVIA SPC, NEW YORK	100
BLOOMINGTON (ST. PAUL), MINNESOTA	285
BOSTON, MASSACHUSETTS	655
BUFFALO, NEW YORK	78
CHARLOTTE, NORTH CAROLINA	450
CHICAGO, ILLINOIS	502
CLEVELAND, OHIO	402
DALLAS, TEXAS	260
DENVER, COLORADO	168
DETROIT, MICHIGAN	518
EAST MESA, CALIFORNIA	278
EL CENTRO SPC, CALIFORNIA	119
EL PASO SPC, TEXAS	58
EL PASO, TEXAS	30
ELIZABETH DETENTION CENTER, NEW JERSEY	289
ELOY, ARIZONA	250
FISHKILL - NEW YORK STATE DOC, NEW YORK	35
FLORENCE SPC, ARIZONA	186
GUAYNABO (SAN JUAN), PUERTO RICO	169
HARLINGEN, TEXAS	368
HARTFORD, CONNECTICUT	120
HONOLULU, HAWAII	113
HOUSTON SPC, TEXAS	156
HOUSTON, TEXAS	272
IMPERIAL, CALIFORNIA	2
KANSAS CITY, MISSOURI	134
KROME NORTH SPC, FLORIDA	688
LANCASTER, CALIFORNIA	172
LAS VEGAS, NEVADA	182
LOS ANGELES, CALIFORNIA	4,573
LOS FRESNOS (PORT ISABEL SPC), TEXAS	570
MEMPHIS, TENNESSEE	306
MIAMI, FLORIDA	1,255
NEW ORLEANS, LOUISIANA	101
NEW YORK CITY, NEW YORK	6,440
NEWARK, NEW JERSEY	699
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	180
OMAHA, NEBRASKA	170
ORLANDO, FLORIDA	1,053
PEARSALL, TEXAS	220
PHILADELPHIA, PENNSYLVANIA	399
PHOENIX, ARIZONA	69
PORTLAND, OREGON	327
SAIPAN, NORTHERN MARIANAS ISLANDS	12
SALT LAKE CITY, UTAH	32
SAN ANTONIO, TEXAS	358
SAN DIEGO, CALIFORNIA	315
SAN FRANCISCO, CALIFORNIA	2,226
SEATTLE, WASHINGTON	852
STEWART DETENTION FACILITY, GEORGIA	33
TACOMA, WASHINGTON	312
TUCSON, ARIZONA	5
ULSTER - NEW YORK STATE DOC, NEW YORK	66
VARICK SPC, NEW YORK	334
YORK, PENNSYLVANIA	347
TOTAL	29,796

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 23 provides information on the percent of cases where the alien filed an application for relief.

Figure 23



Court Completions (Proceedings) with and without Applications for Relief					
	With Applications	Percent with Applications	Without Applications	Percent Without Applications	Total
FY 08	69,870	25%	211,381	75%	281,251
FY 09	71,446	25%	219,030	75%	290,476
FY 10	72,102	25%	215,790	75%	287,892
FY 11	73,553	24%	229,961	76%	303,514
FY 12	80,613	28%	209,321	72%	289,934

Table 12 on page N2 shows the number and percentage of proceedings completed with applications for relief at each immigration court in FY 2012. Typically, courts along the United States border, courts co-located with DHS detention facilities, and courts which handle Institutional Hearing Program cases involving criminal aliens receive fewer applications for relief. Courts with a low percentage of applications for relief (10 percent or less) are shown in red. Courts where 50 percent or more of the completions involved applications for relief are shown in blue.

Table 12 - FY 2012 Immigration Court Completions (Proceedings) With Applications for Relief

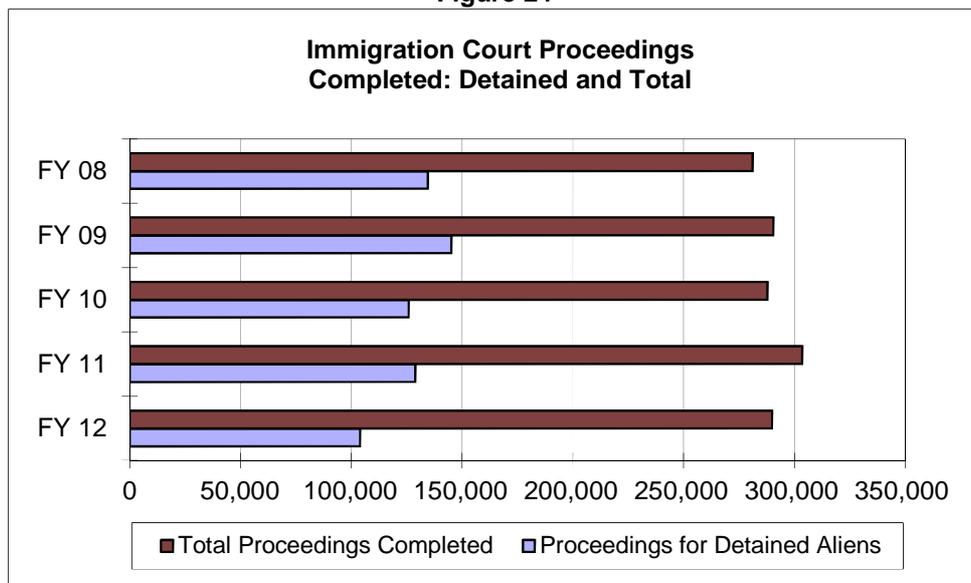
Immigration Court	Total Completions	# of Completions With Applications	Percent With Applications
ARLINGTON, VIRGINIA	7,186	2,228	31%
ATLANTA, GEORGIA	4,962	1,773	36%
BALTIMORE, MARYLAND	4,360	1,932	44%
BATAVIA SPC, NEW YORK	1,474	201	14%
BLOOMINGTON (ST. PAUL), MINNESOTA	3,489	763	22%
BOSTON, MASSACHUSETTS	6,994	3,062	44%
BUFFALO, NEW YORK	1,499	255	17%
CHARLOTTE, NORTH CAROLINA	3,546	1,339	38%
CHICAGO, ILLINOIS	11,499	2,314	20%
CLEVELAND, OHIO	3,615	893	25%
DALLAS, TEXAS	8,370	1,411	17%
DENVER, COLORADO	6,596	1,658	25%
DETROIT, MICHIGAN	3,494	1,127	32%
EAST MESA, CALIFORNIA	1,962	435	22%
EL CENTRO SPC, CALIFORNIA	1,025	227	22%
EL PASO SPC, TEXAS	2,428	256	11%
EL PASO, TEXAS	5,707	586	10%
ELIZABETH DETENTION CENTER, NEW JERSEY	3,463	537	16%
ELOY, ARIZONA	6,484	692	11%
FISHKILL - NEW YORK STATE DOC, NEW YORK	288	51	18%
FLORENCE SPC, ARIZONA	4,952	444	9%
GUAYNABO (SAN JUAN), PUERTO RICO	1,021	639	63%
HARLINGEN, TEXAS	8,541	980	11%
HARTFORD, CONNECTICUT	1,450	521	36%
HONOLULU, HAWAII	797	378	47%
HOUSTON SPC, TEXAS	10,926	865	8%
HOUSTON, TEXAS	4,602	1,671	36%
IMPERIAL, CALIFORNIA	667	56	8%
KANSAS CITY, MISSOURI	3,929	712	18%
KROME NORTH SPC, FLORIDA	7,624	1,542	20%
LANCASTER, CALIFORNIA	4,632	369	8%
LAS VEGAS, NEVADA	2,393	669	28%
LOS ANGELES, CALIFORNIA	24,747	11,318	46%
LOS FRESNOS (PORT ISABEL SPC), TEXAS	4,241	803	19%
MEMPHIS, TENNESSEE	2,615	888	34%
MIAMI, FLORIDA	8,610	3,447	40%
NEW ORLEANS, LOUISIANA	1,202	265	22%
NEW YORK CITY, NEW YORK	19,506	13,000	67%
NEWARK, NEW JERSEY	5,411	1,771	33%
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	8,329	433	5%
OMAHA, NEBRASKA	3,894	1,009	26%
ORLANDO, FLORIDA	3,999	2,098	52%
PEARSALL, TEXAS	5,378	483	9%
PHILADELPHIA, PENNSYLVANIA	2,688	1,184	44%
PHOENIX, ARIZONA	3,842	1,045	27%
PORTLAND, OREGON	1,782	848	48%
SAIPAN, NORTHERN MARIANAS ISLANDS	146	16	11%
SALT LAKE CITY, UTAH	1,889	415	22%
SAN ANTONIO, TEXAS	10,511	1,103	10%
SAN DIEGO, CALIFORNIA	3,260	981	30%
SAN FRANCISCO, CALIFORNIA	10,093	4,869	48%
SEATTLE, WASHINGTON	3,293	1,572	48%
STEWART DETENTION FACILITY, GEORGIA	9,348	321	3%
TACOMA, WASHINGTON	5,216	596	11%
TUCSON, ARIZONA	1,956	160	8%
ULSTER - NEW YORK STATE DOC, NEW YORK	501	104	21%
VARICK SPC, NEW YORK	2,253	669	30%
YORK, PENNSYLVANIA	5,249	629	12%
TOTAL	289,934	80,613	28%

Immigration Courts: Proceedings Completed for Detained Cases

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

Detention locations include DHS Service Processing Centers, DHS contract detention facilities, state and local government jails, and Bureau of Prisons institutions. For the purpose of this Year Book, Institutional Hearing Program (IHP) cases are considered detained cases (IHP is discussed further in Tab P). Figure 24 below provides a comparison of detained completions to total proceedings completed. The number of proceedings completed for detained aliens has decreased 23 percent from FY 2008 to FY 2012. In FY 2012, the percentage of detained completions was lower than any year in the reported five year period.

Figure 24



Immigration Court Proceedings Completed for Detained Aliens (Including IHP)			
	Proceedings Completed for Detained Aliens	Total Proceedings Completed	Percent Detained
FY 08	134,519	281,251	48%
FY 09	145,142	290,476	50%
FY 10	125,965	287,892	44%
FY 11	128,894	303,514	42%
FY 12	104,051	289,934	36%

Table 13 on the following page provides information, by immigration court, on FY 2012 detained completions. The following immigration courts each completed more than 5,000 detained proceedings in FY 2012: Stewart Detention Facility, Oakdale Federal Detention Center, Houston SPC, Los Angeles, and Krome North SPC. Overall, immigration courts located in three border states – Texas, Arizona, and California – accounted for 45 percent of the detained completions in FY 2012. Courts in those three states are highlighted in blue in Table 13.

Table 13 - FY 2012 Immigration Court Completions (Proceedings) for Detained Cases

Immigration Court	Completions
ARLINGTON, VIRGINIA	2,160
ATLANTA, GEORGIA	1,329
BALTIMORE, MARYLAND	764
BATAVIA SPC, NEW YORK	968
BLOOMINGTON (ST. PAUL), MINNESOTA	1,492
BOSTON, MASSACHUSETTS	1,875
BUFFALO, NEW YORK	113
CHARLOTTE, NORTH CAROLINA	3
CHICAGO, ILLINOIS	3,742
CLEVELAND, OHIO	2,058
DALLAS, TEXAS	4,845
DENVER, COLORADO	1,958
DETROIT, MICHIGAN	1,491
EAST MESA, CALIFORNIA	1,276
EL CENTRO SPC, CALIFORNIA	834
EL PASO SPC, TEXAS	1,460
EL PASO, TEXAS	2,626
ELIZABETH DETENTION CENTER, NEW JERSEY	1,661
ELOY, ARIZONA	3,807
FISHKILL - NEW YORK STATE DOC, NEW YORK	287
FLORENCE SPC, ARIZONA	2,670
GUAYNABO (SAN JUAN), PUERTO RICO	95
HARLINGEN, TEXAS	827
HARTFORD, CONNECTICUT	445
HONOLULU, HAWAII	252
HOUSTON SPC, TEXAS	8,110
HOUSTON, TEXAS	261
IMPERIAL, CALIFORNIA	427
KANSAS CITY, MISSOURI	1,203
KROME NORTH SPC, FLORIDA	5,202
LANCASTER, CALIFORNIA	2,832
LAS VEGAS, NEVADA	1,067
LOS ANGELES, CALIFORNIA	5,916
LOS FRESNOS (PORT ISABEL SPC), TEXAS	2,205
MIAMI, FLORIDA	624
NEW ORLEANS, LOUISIANA	46
NEW YORK CITY, NEW YORK	167
NEWARK, NEW JERSEY	1,611
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	6,542
OMAHA, NEBRASKA	1,292
ORLANDO, FLORIDA	488
PEARSALL, TEXAS	2,674
PHILADELPHIA, PENNSYLVANIA	69
PHOENIX, ARIZONA	471
PORTLAND, OREGON	118
SAIPAN, NORTHERN MARIANAS ISLANDS	26
SALT LAKE CITY, UTAH	1,314
SAN ANTONIO, TEXAS	1,564
SAN DIEGO, CALIFORNIA	364
SAN FRANCISCO, CALIFORNIA	1,834
SEATTLE, WASHINGTON	61
STEWART DETENTION FACILITY, GEORGIA	8,241
TACOMA, WASHINGTON	2,973
TUCSON, ARIZONA	1,585
ULSTER - NEW YORK STATE DOC, NEW YORK	498
VARICK SPC, NEW YORK	1,394
YORK, PENNSYLVANIA	3,834
TOTAL	104,051

 Immigration Courts in U.S./Mexico Border States

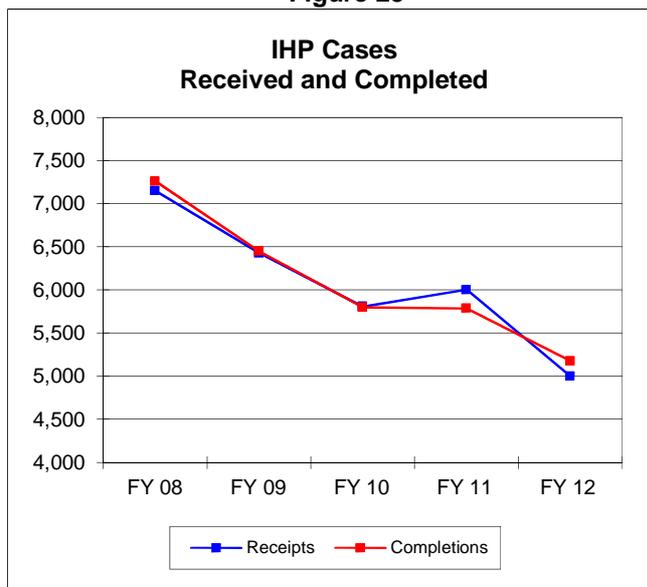
Immigration Courts: Institutional Hearing Program Case Processing

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

In FY 2012, DHS filed charging documents with the immigration courts for incarcerated aliens in 73 different institutions. Immigration judges and court staff traveled to these institutions to conduct IHP hearings.

Figure 25 provides information on IHP receipts and completions for FY 2008 - FY 2012. IHP receipts declined by 30 percent from FY 2008 to FY 2012. IHP completions decreased by 29 percent for the same time period.

Figure 25



IHP Cases		
	Receipts	Completions
FY 08	7,150	7,262
FY 09	6,428	6,451
FY 10	5,808	5,798
FY 11	6,004	5,786
FY 12	4,999	5,177

Table 14 provides a breakdown of IHP completions by disposition – either through an immigration judge decision or through an “other completion,” such as an administrative closure or change of venue.

Table 14 - IHP Completions by Disposition

	FY 08	FY 09	FY 10	FY 11	FY 12
Total Decisions in IHP Cases	5,612	4,929	4,419	4,424	3,945
<i>Removal</i>	5,373	4,713	4,289	4,266	3,796
<i>Termination</i>	180	138	102	115	101
<i>Relief</i>	33	31	16	31	37
<i>Other</i>	26	47	12	12	11
Other Completions	1,650	1,522	1,379	1,362	1,232
Total Completions	7,262	6,451	5,798	5,786	5,177

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 10-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, requests no other relief, concedes removability, waives appeal, and if he or she is not removable as an aggravated felon or under security and related grounds or terrorist activities.

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

Voluntary departure is considered a form of removal, not a type of relief. Immigration judge decisions on proceedings (as discussed in Tab D) include grants of voluntary departure under removal. Table 15 shows the percentage of removal orders that are grants of voluntary departure.

Table 15 - IJ Removal Decisions Compared to Voluntary Departure Decisions

	Total Removal Decisions	Voluntary Departure Decisions	Percent Voluntary Departure Decisions
FY 08	182,727	26,687	15%
FY 09	185,423	26,880	14%
FY 10	166,869	27,583	17%
FY 11	161,489	30,395	19%
FY 12	131,050	26,635	20%

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 of 1996 (IIRIRA) provided a new form of relief called cancellation of removal. Cancellation of removal was intended to replace the former Immigration and Nationality Act section 212(c) waiver and suspension of deportation. Table 15 on page R3 provides information on relief granted under the following provisions.

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

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

Table 16 reflects grants of relief under the various provisions described above during the period FY 2008 - FY 2012.

Table 16
Grants of Relief:
Adjustment of Status; 212(c) Waivers; Suspension of Deportation; and Cancellation of Removal

	Relief Granted to Lawful Permanent Residents		Relief Granted to Non-Lawful Permanent Residents				
	Relief Granted Under Section 212(c)	Cancellation of Removal	Not Subject to Annual Cap of 4,000 Grants			Subject to Annual Cap of 4,000 Grants	
			Adjustment of Status to LPR	Suspension of Deportation	Cancellation of Removal	Suspension of Deportation	Cancellation of Removal
FY 2008	1,049	3,029	7,107	100	412	0	3,027
FY 2009	857	2,928	7,374	75	471	0	3,480
FY 2010	859	3,722	8,495	86	509	0	3,982
FY 2011	894	4,002	7,812	73	362	2	3,937
FY 2012	794	3,919	6,050	61	346	0	3,993

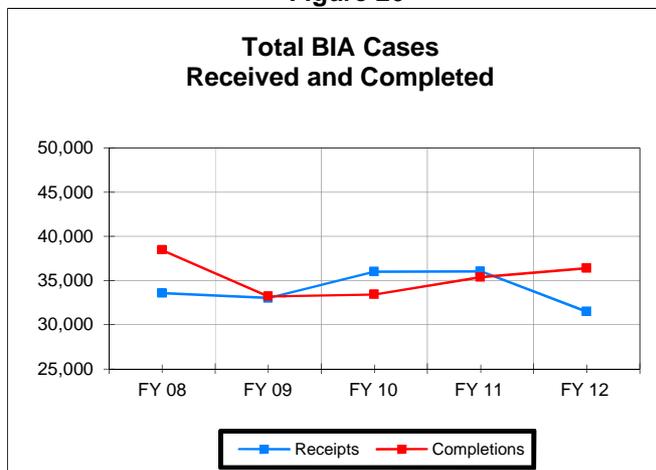
Board of Immigration Appeals: Total Cases Received and Completed

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

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

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

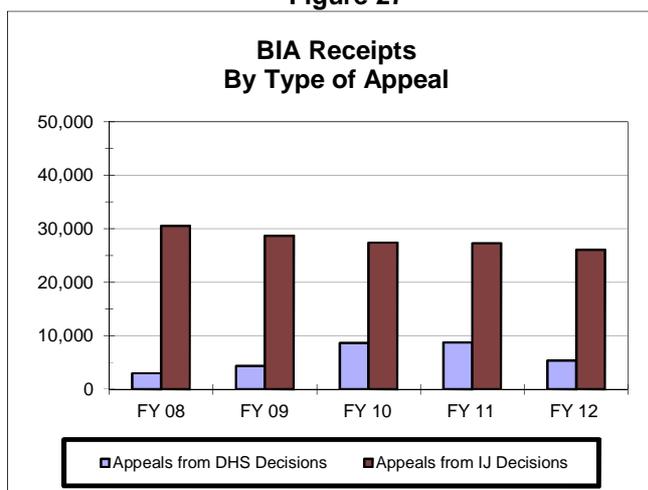
Figure 26



Total BIA Cases		
	Receipts	Completions
FY 08	33,564	38,436
FY 09	33,015	33,202
FY 10	35,985	33,418
FY 11	36,035	35,386
FY 12	31,489	36,396

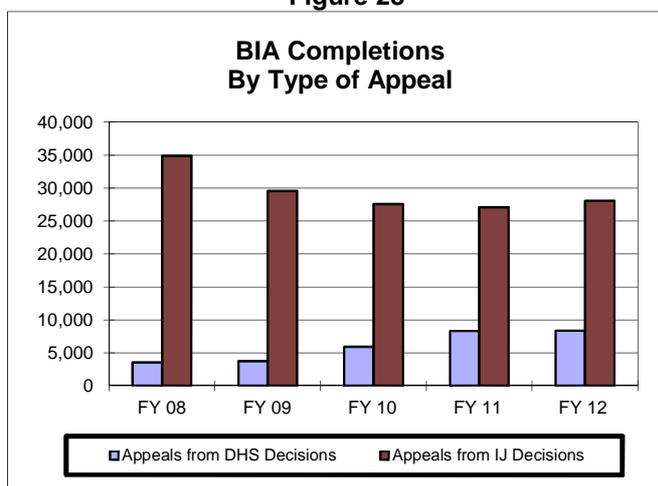
As noted earlier, the BIA handles two types of cases: those generated from an immigration judge decision, and those generated from a DHS decision. Figures 27 and 28 below provide information on the types of cases received and completed by the BIA. Appeals of immigration judge decisions make up the bulk of the BIA's work. Receipts of appeals of immigration judge decisions decreased by 15 percent from FY 2008 to FY 2012 while receipts of appeals from DHS decisions increased by 78 percent. Completions of appeals of immigration judge decisions decreased by 20 percent from FY 2008 to FY 2012 while completions of appeals from DHS decisions increased by 134 percent for the same time period.

Figure 27



	Appeals from DHS Decisions	Appeals from IJ Decisions	Total Appeals
FY 08	3,021	30,543	33,564
FY 09	4,314	28,701	33,015
FY 10	8,605	27,380	35,985
FY 11	8,721	27,314	36,035
FY 12	5,390	26,099	31,489

Figure 28



	Appeals from DHS Decisions	Appeals from IJ Decisions	Total Appeals
FY 08	3,557	34,879	38,436
FY 09	3,707	29,495	33,202
FY 10	5,877	27,541	33,418
FY 11	8,300	27,086	35,386
FY 12	8,322	28,074	36,396

Board of Immigration Appeals: Cases Received and Completed by Type

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

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

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

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

As shown in Table 17, on the following page, appeals received from immigration judge decisions have declined each year from FY 2008 to FY 2012. Appeals received from DHS decisions have increased by 78 percent from FY 2008 to FY 2012. The majority of appeals from DHS decisions, and the source of this increase in appeals received, is from decisions on visa petitions. The data in Table 18 shows that from FY 2008 to FY 2012 there has been an overall decrease in the number of completions of appeals from immigration judge decisions. The increase in completions of appeals from DHS decisions is coincidental to the increase of receipts of appeals on decisions on visa petitions.

Table 17 provides a breakdown of the types of cases received by the BIA between FY 2008 and FY 2012.

Table 17 - BIA Receipts by Type

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Total Appeals from IJ Decisions	30,543	28,701	27,380	27,314	26,099
Case Appeal	17,812	16,709	15,651	15,535	14,670
Appeal of IJ Motion to Reopen	1,947	1,834	1,904	1,934	1,829
Motion to Reopen/Reconsider-BIA	8,405	7,874	7,601	7,557	7,090
Bond Appeal	729	1,063	1,109	1,303	1,592
Bond Motion to Reopen/Reconsider	18	38	21	22	34
Interlocutory Appeal	165	179	205	183	187
Federal Court Remand	1,464	1,002	889	780	697
Continued Detention Review	3	2	0	0	0
Total Appeals from DHS Decisions	3,021	4,314	8,605	8,721	5,390
Decisions on Visa Petitions	2,851	3,986	8,583	8,701	5,347
212 Waiver Decisions	117	27	21	19	40
Decisions on Fines and Penalties	53	301	1	1	3
Grand Total	33,564	33,015	35,985	36,035	31,489

Table 18 provides a breakdown of the types of cases completed by the BIA between FY 2008 and FY 2012.

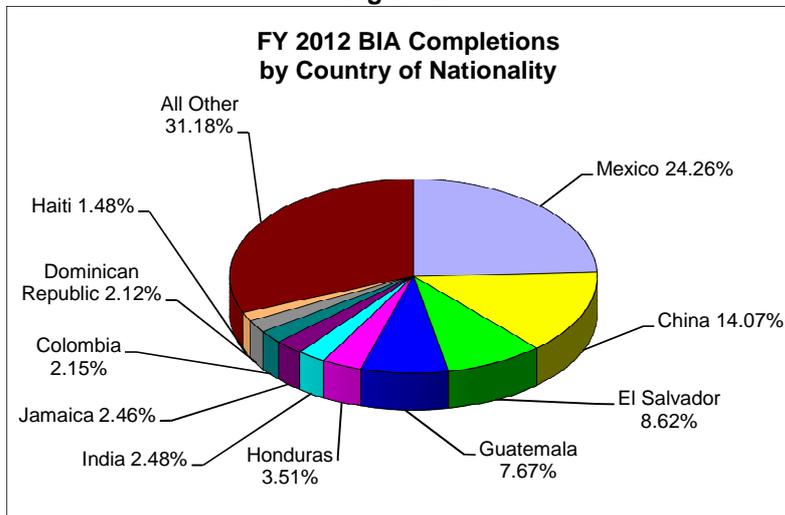
Table 18 - BIA Completions by Type

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Total Appeals from IJ Decisions	34,879	29,495	27,541	27,086	28,074
Case Appeal	21,969	17,935	16,122	14,977	15,882
Appeal of IJ Motion to Reopen	1,936	1,531	2,004	1,910	1,889
Motion to Reopen/Reconsider-BIA	8,336	7,661	7,414	7,776	7,864
Bond Appeal	725	1,040	1,024	1,239	1,554
Bond Motion to Reopen/Reconsider	15	32	25	27	35
Interlocutory Appeal	194	179	197	170	210
Federal Court Remand	1,700	1,115	755	987	640
Continued Detention Review	4	2	0	0	0
Total Appeals from DHS Decisions	3,557	3,707	5,877	8,300	8,322
Decisions on Visa Petitions	3,199	3,377	5,857	8,280	8,291
212 Waiver Decisions	131	29	20	18	29
Decisions on Fines and Penalties	227	301	0	2	2
Grand Total	38,436	33,202	33,418	35,386	36,396

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

This section provides information on appeal completions by nationality. Only completions of immigration judge decision appeals are included in these data; appeals of DHS decisions are not included. In FY 2012, the top 10 nationalities accounted for 69 percent of all completions as shown in Figure 29. A total of 189 nationalities were represented in the FY 2012 completions. Data in Table 19, on the following page, compares the predominant countries for completed immigration judge appeals in FY 2008 – FY 2012. For the five-year period, seven countries ranked among the top 10 each year: Mexico, China, El Salvador, Guatemala, Honduras, India, and Colombia.

Figure 29



FY 2012 IJ Appeals Completed by Country of Nationality		
Country of Nationality	Completions	% of Total
Mexico	6,810	24.26%
China	3,951	14.07%
El Salvador	2,419	8.62%
Guatemala	2,154	7.67%
Honduras	984	3.51%
India	697	2.48%
Jamaica	692	2.46%
Colombia	603	2.15%
Dominican Republic	596	2.12%
Haiti	415	1.48%
All Other	8,753	31.18%
Total	28,074	100.00%

**Table 19 - BIA - IJ Decision Appeals Completed by Country of Nationality
Top 25 Nationalities: FY 2008 - FY 2012**

Rank	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1	Mexico	Mexico	Mexico	Mexico	Mexico
2	China	China	China	China	China
3	Haiti	Haiti	El Salvador	El Salvador	El Salvador
4	El Salvador	El Salvador	Guatemala	Guatemala	Guatemala
5	Guatemala	Guatemala	Haiti	Honduras	Honduras
6	Colombia	Colombia	Honduras	Jamaica	India
7	India	Honduras	Colombia	India	Jamaica
8	Indonesia	India	India	Colombia	Colombia
9	Honduras	Indonesia	Jamaica	Dominican Republic	Dominican Republic
10	Dominican Republic	Jamaica	Indonesia	Indonesia	Haiti
11	Jamaica	Dominican Republic	Dominican Republic	Peru	Indonesia
12	Venezuela	Venezuela	Venezuela	Haiti	Nigeria
13	Pakistan	Pakistan	Nigeria	Venezuela	Ecuador
14	Albania	Nigeria	Pakistan	Nigeria	Peru
15	Nigeria	Philippines	Philippines	Pakistan	Philippines
16	Philippines	Albania	Nicaragua	Philippines	Pakistan
17	Peru	Peru	Peru	Ecuador	Brazil
18	Armenia	Nicaragua	Ecuador	Nicaragua	Nicaragua
19	Nicaragua	Ecuador	Albania	Brazil	Ghana
20	Cameroon	Cameroon	Brazil	Armenia	Kenya
21	Bangladesh	Ethiopia	Armenia	Cuba	Venezuela
22	Ethiopia	Guinea	Cameroon	Ghana	Albania
23	Ecuador	Mauritania	Russia	Albania	Ethiopia
24	Guinea	Armenia	Cuba	Kenya	Russia
25	Brazil	Russia	Ethiopia	Russia	Armenia

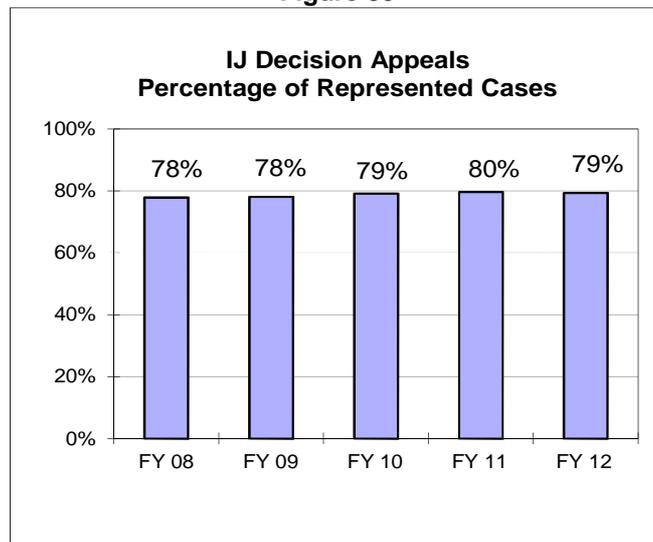
Board of Immigration Appeals: Immigration Judge Decision Appeals Completed by Representation Status

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

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

As shown in Figure 30, the representation rate increased from FY 2008 to FY 2012. FY 2011 had the highest representation rate of the five years where 80 percent of appellate cases completed by the BIA involved a represented alien. Only appeals of immigration judge decisions are included in these data.

Figure 30



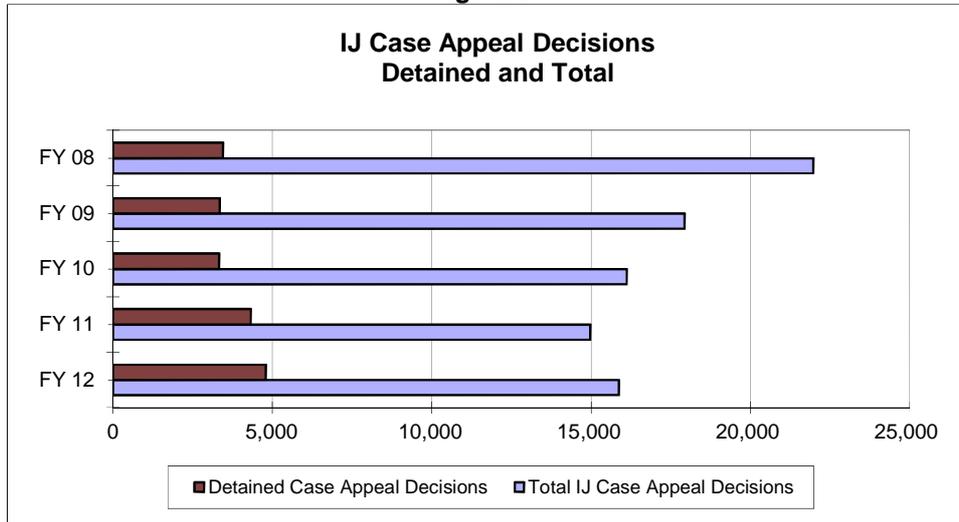
Represented Before the BIA			
	Represented	Unrepresented	Total
FY 08	27,152	7,727	34,879
FY 09	23,040	6,455	29,495
FY 10	21,794	5,747	27,541
FY 11	21,549	5,537	27,086
FY 12	22,275	5,799	28,074

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

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

Depicted in Figure 31 is the number of immigration judge case appeal decisions between FY 2008 and FY 2012 along with the number of immigration judge case appeal decisions that involved detainees. The figures for detained appeal decisions also include IHP cases. Detained case appeal decisions have increased by 39 percent from FY 2008 to FY 2012 while the number of IJ case appeal decisions has decreased by 27 percent for the same time period. The rate of detained IJ case appeal decisions has increased during this time period.

Figure 31



Detained IJ Case Appeal Decisions (Including IHP)			
	Detained Case Appeal Decisions (Including IHP)	Total IJ Case Appeal Decisions	Percent Detained
FY 08	3,458	21,969	16%
FY 09	3,360	17,935	19%
FY 10	3,336	16,122	21%
FY 11	4,333	14,977	29%
FY 12	4,801	15,882	30%

Table 20 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 2012, seven percent of detained BIA completions involved aliens whose removal orders had been issued prior to their release from a federal, state, or municipal corrections facility. The number of IHP completions declined by 26 percent from FY 2008 to FY 2012 while the number of detained completions has increased by 39 percent for the same time period.

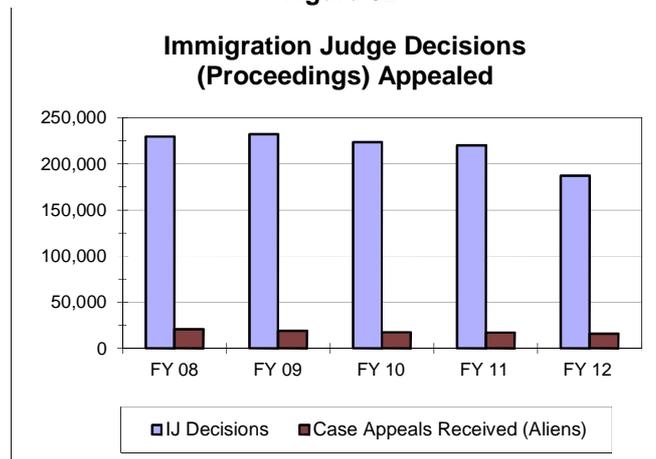
Table 20
Breakdown of BIA Detained Completions

	Total Detained Completions	IHP Completions	Percent IHP Completions
FY 2008	3,458	471	14%
FY 2009	3,360	448	13%
FY 2010	3,336	372	11%
FY 2011	4,333	374	9%
FY 2012	4,801	350	7%

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

The majority of cases reviewed by the BIA involve decisions made by immigration judges in removal, deportation, or exclusion proceedings. Either DHS or the alien may file an appeal. Appeals must be filed within 30 days of the immigration judge's decision. Only a relatively small percentage of immigration judge decisions are appealed to the BIA. Figure 32 below compares immigration judge decisions with the number of case appeals received (aliens) at the BIA for FY 2008 through FY 2012. All other figures and tables in Tabs S-W reflect cases (which can involve multiple aliens). In this instance, reporting on aliens who appealed is a more accurate representation of the appeal rate.

Figure 32



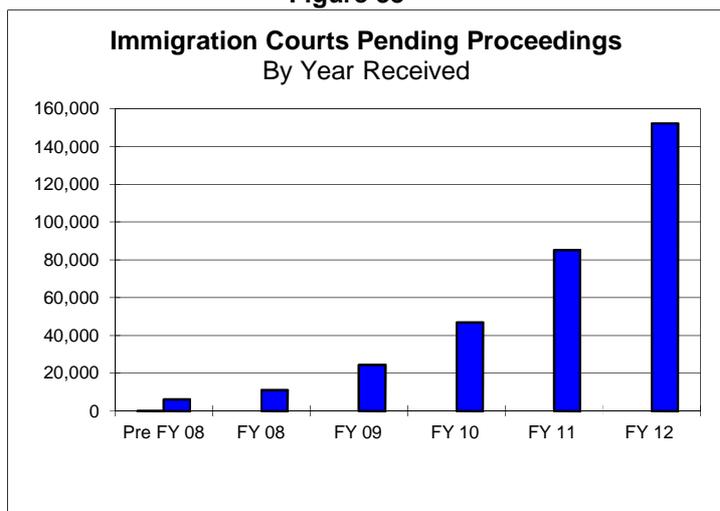
IJ Decisions (Proceedings) Appealed			
	IJ Decisions	Case Appeals Received (Aliens)	Percent Appealed
FY 08	229,488	20,691	9%
FY 09	232,424	19,052	8%
FY 10	223,528	17,604	8%
FY 11	220,255	17,094	8%
FY 12	187,270	15,841	8%

Immigration Courts and Board of Immigration Appeals: Pending Caseload

As in any court system, EOIR's workload depends on the number of matters filed before it. DHS determines EOIR's initial caseload by filing charging documents alleging aliens' illegal presence in the United States. The nature and number of the proceedings and the number of appeals from immigration court decisions are determined by the parties themselves. In addition, changes to the immigration laws or regulations, and DHS policies and budgeting, have a dramatic impact on EOIR's workload.

Figure 33 presents information on the pending proceedings at the immigration courts based on the year the proceeding was received at the court. Proceedings received prior to FY 2011 account for 27 percent of the total number of pending proceedings.

Figure 33



Year Received	Pending 09/30/12
Pre FY 08	6,230
FY 08	11,061
FY 09	24,389
FY 10	46,948
FY 11	85,312
FY 12	152,315
Total	326,255

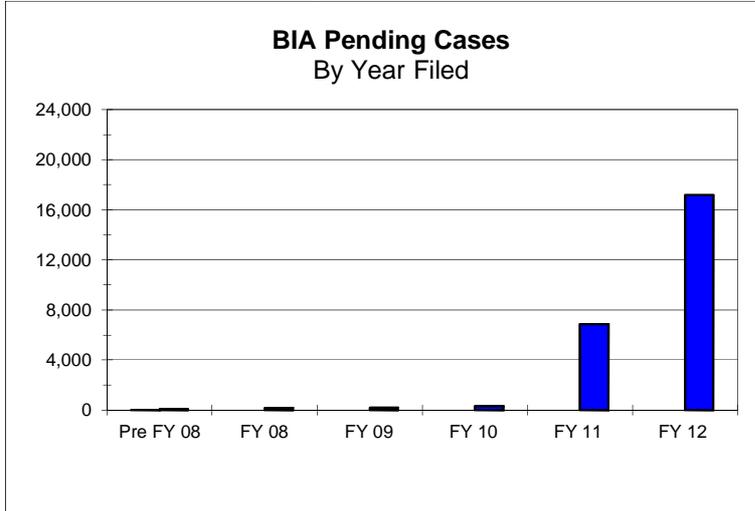
Table 21, on the following page, presents information on the number of pending proceedings as of the end of FY 2012 by immigration court.

Table 21 - Immigration Court Pending Proceedings by Immigration Court as of September 30, 2012

Immigration Court	Pending Proceedings as of 9/30/2012
ARLINGTON, VIRGINIA	10,006
ATLANTA, GEORGIA	8,714
BALTIMORE, MARYLAND	5,062
BATAVIA SPC, NEW YORK	123
BLOOMINGTON (ST. PAUL), MINNESOTA	3,190
BOSTON, MASSACHUSETTS	9,543
BUFFALO, NEW YORK	2,348
CHARLOTTE, NORTH CAROLINA	4,388
CHICAGO, ILLINOIS	18,261
CLEVELAND, OHIO	4,302
DALLAS, TEXAS	5,943
DENVER, COLORADO	7,679
DETROIT, MICHIGAN	2,729
EAST MESA, CALIFORNIA	307
EL CENTRO SPC, CALIFORNIA	213
EL PASO SPC, TEXAS	441
EL PASO, TEXAS	6,427
ELIZABETH DETENTION CENTER, NEW JERSEY	298
ELOY, ARIZONA	896
FISHKILL - NEW YORK STATE DOC, NEW YORK	154
FLORENCE SPC, ARIZONA	680
GUAYNABO (SAN JUAN), PUERTO RICO	416
HARLINGEN, TEXAS	3,575
HARTFORD, CONNECTICUT	1,417
HONOLULU, HAWAII	238
HOUSTON SPC, TEXAS	1,236
HOUSTON, TEXAS	12,397
IMPERIAL, CALIFORNIA	828
KANSAS CITY, MISSOURI	3,619
KROME NORTH SPC, FLORIDA	933
LANCASTER, CALIFORNIA	356
LAS VEGAS, NEVADA	3,475
LOS ANGELES, CALIFORNIA	52,865
LOS FRESNOS (PORT ISABEL SPC), TEXAS	287
MEMPHIS, TENNESSEE	5,883
MIAMI, FLORIDA	11,362
NEW ORLEANS, LOUISIANA	3,577
NEW YORK CITY, NEW YORK	44,415
NEWARK, NEW JERSEY	11,539
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	433
OMAHA, NEBRASKA	5,712
ORLANDO, FLORIDA	5,396
PEARSALL, TEXAS	319
PHILADELPHIA, PENNSYLVANIA	4,741
PHOENIX, ARIZONA	11,785
PORTLAND, OREGON	2,951
SAIPAN, NORTHERN MARIANAS ISLANDS	65
SALT LAKE CITY, UTAH	1,293
SAN ANTONIO, TEXAS	9,767
SAN DIEGO, CALIFORNIA	4,336
SAN FRANCISCO, CALIFORNIA	19,883
SEATTLE, WASHINGTON	5,205
STEWART DETENTION FACILITY, GEORGIA	715
TACOMA, WASHINGTON	832
TUCSON, ARIZONA	1,449
ULSTER - NEW YORK STATE DOC, NEW YORK	173
VARICK SPC, NEW YORK	675
YORK, PENNSYLVANIA	403
TOTAL	326,255

Figure 34 below depicts the age of the BIA's pending caseload. Cases received before FY 2011 account for three percent of the pending caseload.

Figure 34



BIA Pending Cases	
Year Filed	Pending 09/30/12
Pre FY 08	87
FY 08	168
FY 09	195
FY 10	320
FY 11	6,878
FY 12	17,176
Total	24,824

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

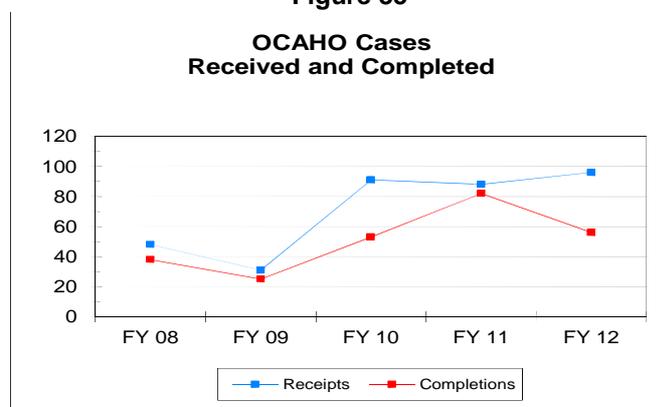
The Office of the Chief Administrative Hearing Officer (OCAHO) is headed by the Chief Administrative Hearing Officer, who is responsible for the general supervision of administrative law judges and review of administrative law judge decisions relating to illegal hiring and employment eligibility verification.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

- Knowingly hiring, recruiting or referring for a fee unauthorized aliens, or the continued employment of unauthorized aliens and failure to comply with employment eligibility verification requirements in violation of section 274A of the INA (employer sanctions);
- Unfair immigration-related employment practices in violation of section 274B of the INA;
- Immigration-related document fraud in violation of section 274C of the INA; and
- The Immigration Reform and Control Act's prohibition of indemnity bonds.

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

Figure 35 provides the case receipts and completions for the past five years. The number of case receipts increased by 100 percent from FY 2008 to FY 2012 and the number of case completions increased by 47 percent during the same time period. However, these numbers do not reflect cases OCAHO adjudicated for the Bureau of Prisons and the Bureau of Alcohol, Tobacco, Firearms and Explosives during this time period.

Figure 35
OCAHO Cases
Received and Completed



OCAHO Cases		
	Receipts	Completions
FY 08	48	38
FY 09	31	25
FY 10	91	53
FY 11	88	82
FY 12	96	56

GLOSSARY OF TERMS

Disclaimer

This Glossary has been compiled as an addendum to the FY 2012 Statistical Year Book of the Executive Office for Immigration Review (EOIR). Its intent is to define terms as they are used in the Year Book, and is strictly informational in nature. These terms may have further meaning in the context of other immigration matters. This Glossary is not intended, in any way, to be a substitute for a careful study of the pertinent laws and regulations. This Glossary does not carry the weight of law or regulation. This Glossary is not intended, nor should it be construed in any way, as legal advice, nor does it extend or limit the jurisdiction of EOIR as established by law and regulation.

A

Abandoned

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

Accredited Representative

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

Adjustment of Status

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

Administrative Closure

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

Administrative Law Judges

Administrative Law Judges (ALJs) in the Office of the Chief Administrative Hearing Officer (OCAHO) hear cases and adjudicate issues arising under the provisions of the Immigration and Nationality Act (INA) relating to: (1) knowingly hiring, recruiting or referring for a fee unauthorized aliens, or the continued employment of unauthorized aliens and failure to comply with employment eligibility verification requirements in violation of section 274A of the INA (employer sanctions); (2) unfair immigration-related employment practices in violation of section 274B of the INA; (3) immigration-related document fraud in violation of section 274C of the INA; and (4) Immigration Reform and Control Act's (IRCA) prohibition of indemnity bonds.

Affirmative Asylum Application

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

Aggravated Felony

As defined by section 101(a)(43) of the Immigration and Nationality Act, aggravated felony includes, but is not limited to, murder; rape or sexual abuse of a minor; drug trafficking; firearms or explosive materials trafficking or offenses; 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; racketeering or gambling; tax fraud or evasion; prostitution related offenses or human trafficking, slavery, peonage, or involuntary servitude; offenses involving the disclosure of classified information, sabotage, treason, or the disclosure of undercover or intelligence agents; 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 appellant states why he or she disagrees with a District Director's decision. By filing an appeal, the appellant 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, suspension of deportation or cancellation of removal. Many forms of relief require the alien to fill out an appropriate application.

Asylum

An alien, who is physically present in the United States or who arrives in the United States irrespective of such alien status, may be eligible for asylum if he or she can show that he or she is a "refugee" and is not subject to any statutory prohibitions. The Immigration and Nationality Act generally defines a refugee as any person who is outside his or her country of nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable

or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Aliens generally must apply for asylum within one year of arrival in the United States. In the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, must be completed within 180 days after the date the application is filed.

Asylum Grants

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

Asylum Only Proceedings

Certain aliens are not entitled to a removal hearing under section 240 of the Immigration and Nationality Act, yet these aliens are entitled to an asylum only hearing before an immigration judge. If an alien who is not entitled to a removal hearing under section 240 of the Immigration and Nationality Act requests asylum (and has not been granted asylum by the Department of Homeland Security (DHS), if eligible), DHS will file a Form I-863, Notice of Referral to an Immigration Judge, with the immigration court. The immigration judge may not consider forms of relief other than asylum, withholding of removal, and withholding of removal under the Convention Against Torture (CAT). 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. BIA decisions are binding on all DHS officers and

immigration judges unless modified or overruled by the Attorney General or a federal court.

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 also be set by an immigration judge as a condition for allowing a respondent to voluntarily leave the country.

Bond Redetermination Hearing

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

C

Cancellation of Removal

There are two different forms of cancellation of removal:

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

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

permanent resident aliens is adjusted to that of an alien lawfully admitted for permanent residence.

Case

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

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

In a proceeding before an Administrative Law Judge in the Office of the Chief Administrative Hearing Officer, a “case” involves a complainant and a respondent. In cases brought under Immigration and Nationality Act section 274A and section 274C, the complainant is the Department of Homeland Security, and the respondent is an employer. In Immigration and Nationality Act section 274B cases, the complainant is either the Office of Special Counsel for Immigration-Related Unfair Employment Practices or certain private individuals or entities, and the respondent is an employer, as prescribed by statute.

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

Government programs or policies that seek to forcibly limit the number of children born in the country and can include mandate abortions and involuntary sterilizations. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 changed the definition of “refugee” to include, as a form of political opinion, those who have a well-founded fear of persecution or have suffered persecution on account of Coercive Population Control (CPC) policies. 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.

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 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.

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

An international human rights agreement drafted by the United Nations to combat torture around the world. The United States signed the Convention Against Torture in 1988 and ratified it in 1994. 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 and may apply for withholding of removal under CAT. 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, Withholding 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

concurr, 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, never 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)

Agency created effective March 1, 2003, which 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, detention, and removal components of INS. U.S. Customs and Border Protection (CBP) absorbed the border patrol and inspections functions of the former INS. *See Immigration and Naturalization Service.*

Deportation Proceedings

Prior to April 1, 1997, a deportation case usually arose when the former Immigration and Naturalization Service (INS) (now Department of Homeland Security) alleged that a respondent entered the country illegally by crossing the border without being inspected by an immigration officer. Deportation cases also occurred when INS alleged that a respondent entered the country legally with a visa but then violated one or more conditions of the visa. Prior to April 1, 1997, when INS became aware of a respondent believed to be deportable, they issued a charging document called an Order to Show Cause (OSC). 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

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

Detention of an Alien

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

Disposition

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

District Director (DD)

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

E

Exclusion Proceedings

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

Executive Office for Immigration Review (EOIR)

The Executive Office for Immigration Review (EOIR) was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization which combined the Board of Immigration Appeals with the immigration judge function, which was previously performed by Special Inquiry Officers of the former Immigration and Naturalization Service (INS) (now Department of Homeland Security). The Office of the Chief Administrative Hearing Officer (OCAHO) was added in 1987. EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR includes three adjudicatory components that adjudicate immigration proceedings: 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 OCAHO, which adjudicates certain cases involving alleged immigration-related illegal hiring and employment eligibility verification violations, employment discrimination and document fraud. 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) 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 an *in absentia* order of removal. See *In Absentia*.

Failure to Prosecute

On occasion, an initial hearing is scheduled before the Department of Homeland Security (DHS) has filed a Notice to Appear (NTA) with the Immigration Court. For example, DHS may serve an NTA, which contains a hearing date, on an alien, but not file the NTA with the court until some time later. Where DHS has not filed the NTA with the court by the time of the first hearing, this is known as a “failure to prosecute.” If there is a failure to prosecute, the respondent and counsel may be excused until DHS files the NTA with the court, at which time a hearing is scheduled. Alternatively, at the discretion of the immigration judge, the hearing may go forward if both parties are present in court and DHS files the NTA in court at the hearing.

Filing

The official acceptance of a document submitted by a party 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 into the United States. Fines may be assessed by 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)**

A law passed by Congress, which among other things, focused on enforcement of immigration laws by streamlining the procedures that were previously required to remove aliens from the United States. IIRIRA made extensive and significant changes to the immigration laws of the United States.

Immigration and Nationality Act

The Immigration and Nationality Act (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 illegal hiring, employment eligibility verification and document fraud laws. See *Department of Homeland Security*.

Immigration Court

A tribunal that conducts immigration proceedings. The immigration courts are part of the Executive Office for Immigration Review's Office of the Chief Immigration Judge. 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, Office of the Chief Immigration Judge, 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 the Attorney General's delegates in deciding the matters before them and exercise the powers and duties delegated to them by the Immigration and Nationality Act and by the Attorney General through regulation. Immigration judge decisions are administratively final unless appealed or certified to the Board of Immigration Appeals.

Immigration Reform and Control Act of 1986 (IRCA)

Among other things, IRCA addressed the problem of undocumented aliens by imposing sanctions on employers who hired or continued to employ them, 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 authorized workers against discrimination based on citizenship status or 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. The DHS must establish by clear, unequivocal, and convincing evidence that the written notice was provided and that the alien is removable. 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. 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 Appeal

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, entitling the alien to remain in the United States indefinitely with certain rights and benefits.

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 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 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

A document in which the Department of Homeland Security notifies an individual that it intends to revoke his or her permanent resident status. An individual receiving such a notice has the right to contest the charge in rescission proceedings. *See Rescission Proceedings.*

O

Office of the Chief Administrative Hearing Officer (OCAHO)

An adjudicating component within the Executive Office for Immigration Review. OCAHO's jurisdiction includes cases involving allegations of: (1) knowingly hiring, recruiting or referring for a fee unauthorized aliens, or the continued employment of unauthorized aliens and failure to comply with employment eligibility verification requirements of section 274A of the INA (employer sanctions); (2) unfair immigration-related employment practices in violation of section 274B of the INA; (3) immigration-related document fraud in violation of section 274C of the INA; and (4) violating IRCA's prohibition of indemnity bonds. OCAHO is headed by a Chief Administrative Hearing Officer (CAHO) who provides overall program direction, articulates policies and procedures, establishes priorities and administers the hearing process presided over by

Administrative Law Judges (ALJs). The CAHO 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 or entities as prescribed by statute.

Office of the Chief Immigration Judge (OCIJ)

An adjudicating component within the Executive Office for Immigration Review, which includes the immigration courts and the immigration judges. OCIJ provides overall program direction, articulates policies and procedures, and establishes priorities for immigration judges. The Chief Immigration Judge carries out these responsibilities with the assistance and support of a Deputy Chief Immigration Judge, numerous Assistant Chief Immigration Judges, a Chief Clerk's Office, a Language Services Unit, and other personnel that coordinate the management and operation of the immigration courts. *See Immigration Judge.*

P

Pro Bono

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

Pro Se

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

Proceeding

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

R

Reasonable Fear Review

Reasonable Fear Review proceedings are available to aliens who have been ordered removed by the Department of Homeland Security (DHS) under section 238 of the Immigration and Nationality Act (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and under section 241(a)(5) of the Immigration and Nationality Act (covering aliens who are the subjects of previously issued final orders of removal). Under this process, an alien who has been ordered removed by DHS and expresses a fear of persecution or torture will have his or her claim screened by an asylum officer. If the asylum officer determines that the alien has

not established a reasonable fear of persecution or torture, the alien may request a review of that determination by an immigration judge. That review must be concluded within 10 days after the asylum officer refers the case to the immigration court, unless there are exceptional circumstances. No appeal to the Board of Immigration Appeals may be taken from the immigration judge's finding that an alien does not have a reasonable fear of persecution or torture. If an immigration judge determines that the alien has a reasonable fear of persecution or torture, the alien will be placed in withholding only proceedings.

Receipts

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

Recognized Organization

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

Reconsider, Motion to

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

Released

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

Relief from Removal

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

Removable

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) replaced the terms "excludable" and "deportable" with the umbrella term "removable."

An alien may be found to be removable from the United States by an immigration judge or the Board of Immigration Appeals. Additionally, some aliens are determined to be removable by the Department of Homeland Security, e.g., in expedited removal or administrative removal proceedings. Only aliens found removable by the Executive Office for Immigration Review are reported in this Year Book.

Removal Proceedings

An immigration court proceeding begun on or after April 1, 1997, seeking to either stop certain aliens from being admitted to the United States or to remove them from the United States. A removal case usually arises when the Department of Homeland Security (DHS) alleges that a respondent is inadmissible to the United States, has entered the country illegally by crossing the border without being inspected by an immigration officer, or has violated the terms of his or her admission. The DHS issues a charging document called a Notice to Appear (Form I-862) 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 that is related to revoking the lawful permanent resident status of an alien. If, within five years of granting adjustment of status, the Department of Homeland Security (DHS) discovers that the respondent/applicant was not entitled to lawful permanent resident (LPR) status when it was granted, DHS issues a Notice of Intent to Rescind. If the respondent/applicant requests a hearing before an immigration court, DHS will file the Notice with the immigration court, and the proceeding to rescind the individual's LPR status commences. As with deportation cases, the government has the burden of proof to show that rescission is warranted. If an individual loses LPR status, he or she then is usually subject to removal proceedings. Although rescission proceedings still exist after April 1, 1997, DHS may also place an LPR into removal proceedings. An order of removal is sufficient to rescind the alien's status. *See Notice of Intent to Rescind.*

Respondent

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

S

Suspension of Deportation

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

T

Temporary Protected Status (TPS)

Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of a country (or to persons without nationality who last habitually resided in the designated country) that the Secretary of Homeland Security has designated for TPS because the country is experiencing an ongoing armed conflict, an environmental disaster, or extraordinary and temporary conditions. During the period for which the Secretary has designated a country for TPS, TPS beneficiaries are eligible to remain in the United States and may obtain work authorization, so long as they continue to meet the terms and conditions of their TPS. The granting of TPS is available only to persons who were continuously physically present in the U.S. as of the effective date of that designation and does not lead to permanent resident status. When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status has since expired or terminated) or to any other status they may have obtained while registered for TPS.

Transfer

The Department of Homeland Security (DHS) sometimes moves detained aliens between detention facilities. DHS is obligated to notify the immigration court when an alien is moved between detention locations. *See* 8 C.F.R. § 1003.19(g). If an alien has been transferred while proceedings are pending, the immigration judge with original jurisdiction over the case retains jurisdiction until that immigration judge grants a motion to change venue. If DHS brings the alien before an immigration judge in another immigration court and a motion to change venue has not been granted, the second immigration judge does not have jurisdiction over the case, except for bond redeterminations.

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), United States Citizenship and Immigration Services (USCIS) 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 USCIS 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, USCIS 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 USCIS.

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. The decision made in the case is final to the same extent as if no appeal had been taken.

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

A form of relief from being removed from the United States. An alien in administrative removal proceedings under section 238 of the Immigration and Nationality Act (covering aliens who are not lawful permanent residents and have been convicted of an aggravated felony) and aliens subject to reinstatement of removal under section 241(a)(5) of the Immigration and Nationality Act are now able to apply for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act, as well as under Article 3 of the Convention Against Torture, after a screening process by a Department of Homeland Security asylum officer. In a withholding only proceeding, an immigration judge may only consider the alien's application for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act and the Convention Against Torture pursuant to 8 C.F.R. sections 1208.16 and 1208.17. 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 2012 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	65	36	16	2	5	23
ALBANIA	197	93	63	1	8	58
ALGERIA	18	7	9	1	1	8
ANDORRA	0	1	0	0	0	0
ANGOLA	13	1	8	0	1	5
ANGUILLA	1	0	0	0	0	0
ANTIGUA AND BARBUDA	6	0	3	0	0	0
ARGENTINA	29	5	7	3	15	25
ARMENIA	141	100	61	6	21	107
ARUBA	1	0	0	0	0	1
AUSTRALIA	2	0	4	0	1	0
AZERBAIJAN	37	17	5	1	5	17
BAHAMAS	9	5	9	1	2	4
BAHRAIN	9	0	1	0	0	1
BANGLADESH	306	80	56	12	42	127
BARBADOS	2	0	1	0	1	1
BELARUS	95	37	12	4	3	24
BELGIUM	12	4	2	1	1	2
BELIZE	27	3	7	0	4	6
BENIN	21	6	5	0	0	8
BERMUDA	2	0	0	0	0	0
BHUTAN	7	4	2	0	1	0
BOLIVIA	62	8	10	0	8	17
BOSNIA-HERZEGOVINA	32	1	17	1	8	12
BOTSWANA	3	1	0	0	0	1
BRAZIL	303	19	45	13	50	89
BRITISH VIRGIN ISLANDS	0	0	0	0	0	1
BRUNEI	1	0	0	0	0	1
BULGARIA	40	21	22	3	8	26
BURKINA FASO	140	57	14	1	8	13
BURMA (MYANMAR)	84	64	20	1	7	30

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

**Immigration Courts
FY 2012 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
BURUNDI	53	10	6	0	2	9
BYELORUSSIA (BELARUS)	55	50	4	2	7	11
CAMBODIA	17	11	9	0	3	7
CAMEROON	276	184	58	7	20	75
CANADA	20	7	11	6	3	5
CAPE VERDE	4	0	0	0	1	1
CAYMAN ISLANDS	3	0	1	0	0	0
CENTRAL AFRICAN REPUBLIC	19	5	3	1	1	8
CHAD	13	21	3	1	3	7
CHILE	28	0	5	1	1	5
CHINA	10,985	5,383	1,550	234	285	2,144
COCOS ISLAND	0	1	0	0	0	0
COLOMBIA	451	131	145	21	120	244
COMORO ISLANDS	2	1	0	0	0	2
CONGO	88	57	27	6	14	38
COSTA RICA	20	2	3	1	2	9
CROATIA	7	1	1	0	3	6
CUBA	99	5	67	6	39	79
CZECH REPUBLIC	15	0	7	0	4	5
CZECHOSLOVAKIA	6	0	2	0	0	1
DEMOCRATIC REPUBLIC OF CONGO	35	10	9	2	4	12
DENMARK	0	0	0	0	0	1
DJIBOUTI	15	6	3	0	0	1
DOMINICA	3	0	3	1	0	1
DOMINICAN REPUBLIC	203	8	59	16	23	85
EAST GERMANY	0	0	0	0	0	1
ECUADOR	847	16	38	8	101	117
EGYPT	537	306	40	7	24	100
EL SALVADOR	2,991	191	1,126	172	772	2,008
EQUATORIAL GUINEA	0	1	0	0	0	1
ERITREA	171	351	47	2	5	42

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

**Immigration Courts
FY 2012 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
ESTONIA	8	0	4	0	2	2
ETHIOPIA	372	458	72	7	19	86
FEDERATED STATES OF MICRONESA	2	0	0	0	0	0
FIJI	33	14	20	0	3	24
FRANCE	17	0	7	1	3	6
GABON	13	1	2	0	0	5
GAMBIA	241	81	30	5	40	44
GEORGIA	38	22	17	0	13	27
GERMANY	23	4	15	2	9	11
GHANA	82	10	38	3	14	31
GIBRALTAR	1	0	1	0	0	1
GREECE	9	1	3	0	0	1
GRENADA	15	1	1	0	0	2
GUADELOUPE	3	0	0	0	0	0
GUATEMALA	2,895	222	911	159	849	1,815
GUINEA	223	157	81	6	56	109
GUINEA BISSAU	3	0	1	0	0	4
GUYANA	40	5	19	1	10	28
HAITI	726	49	185	20	45	594
HOLLAND	1	0	1	0	1	0
HONDURAS	1,257	93	429	65	158	508
HONG KONG	4	0	1	0	2	3
HUNGARY	45	2	13	10	4	5
INDIA	1,703	282	329	88	116	578
INDONESIA	274	126	144	27	55	206
IRAN	167	109	44	10	26	73
IRAQ	154	111	64	5	32	32
IRELAND	1	0	0	0	1	5
ISRAEL	37	6	14	2	7	14
ITALY	12	1	3	0	2	2
IVORY COAST (COTE D'IVOIRE)	188	75	55	4	36	83

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

**Immigration Courts
FY 2012 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
JAMAICA	194	15	112	3	46	67
JAPAN	21	1	4	2	1	6
JORDAN	63	17	21	1	18	26
KAMPUCHEA	0	1	0	0	2	0
KAZAKHSTAN	74	14	10	4	7	26
KENYA	232	76	97	19	42	82
KIRGHIZIA (KYRGYZSTAN)	129	30	21	4	4	27
KOSOVO	37	27	7	1	2	6
KUWAIT	10	6	0	1	3	2
LAOS	29	2	29	0	8	10
LATVIA	14	3	4	1	1	3
LEBANON	57	19	28	1	17	40
LESOTHO	0	1	0	0	0	0
LIBERIA	129	20	26	5	35	71
LIBYA	38	6	1	5	11	31
LITHUANIA	7	0	3	1	1	5
MACAU	8	0	2	0	1	3
MACEDONIA	20	3	10	2	1	4
MADAGASCAR	2	0	0	0	0	1
MALAWI	4	3	3	0	0	2
MALAYSIA	36	4	6	0	6	7
MALDIVES	0	1	0	0	0	0
MALI	212	80	39	2	41	60
MALTA	1	0	0	0	0	0
MAURITANIA	74	44	40	5	9	43
MAURITIUS	4	0	0	0	0	2
MEXICO	9,206	126	1,395	138	1,906	2,335
MOLDAVIA (MOLDOVA)	194	93	46	6	16	68
MONACO	1	0	0	0	1	0
MONGOLIA	207	35	55	11	10	86
MONTENEGRO	4	0	1	0	0	1

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

**Immigration Courts
FY 2012 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
MOROCCO	36	10	7	1	11	8
MOZAMBIQUE	1	0	0	0	0	0
NAMIBIA	1	1	0	0	2	0
NEPAL	750	403	138	9	22	153
NETHERLANDS	8	1	0	0	3	1
NETHERLANDS ANTILLES	1	0	0	0	0	0
NEW CALEDONIA	1	0	0	0	0	0
NEW ZEALAND	7	0	0	0	0	6
NICARAGUA	205	14	87	12	40	113
NIGER	35	8	10	1	9	18
NIGERIA	208	35	101	4	29	85
NIUE	20	7	1	0	0	5
NO NATIONALITY	1	1	0	0	0	2
NORFOLK ISLAND	1	0	0	0	0	0
NORTH KOREA	5	3	3	2	0	4
NORWAY	8	0	1	0	1	2
PAKISTAN	368	191	101	15	67	171
PALESTINE	6	1	2	0	2	3
PANAMA	12	1	4	0	4	11
PARAGUAY	7	0	3	0	0	3
PEOPLE'S REPUBLIC OF BENIN	1	0	0	0	0	0
PERU	238	23	47	5	42	119
PHILIPPINES	199	8	33	8	31	124
POLAND	34	1	18	2	5	8
PORTUGAL	10	0	3	1	3	2
ROMANIA	158	12	11	11	13	46
RUSSIA	489	176	112	28	57	187
RWANDA	60	24	10	0	4	17
SAMOA	1	0	1	0	0	0
SAN MARINO	1	0	0	0	0	0
SAUDI ARABIA	19	12	6	1	1	6

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

**Immigration Courts
FY 2012 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
SENEGAL	152	31	18	3	42	48
SERBIA MONTENEGRO	21	5	12	0	0	8
SEYCHELLES	6	1	1	0	0	2
SIERRA LEONE	74	33	30	1	9	38
SINGAPORE	6	4	2	0	0	2
SLOVAK REPUBLIC	10	0	1	0	1	7
SLOVENIA	2	2	2	0	1	1
SOMALIA	185	99	57	2	21	107
SOUTH AFRICA	16	3	10	1	3	7
SOUTH KOREA	45	4	17	3	3	19
SOUTH SUDAN	1	0	1	0	0	0
SOVIET UNION	430	281	38	9	19	97
SPAIN	19	6	1	6	1	10
SRI LANKA	198	108	52	25	7	86
ST. KITTS, WEST INDIES	3	0	0	0	1	1
ST. LUCIA	2	2	0	1	2	3
ST. VINCENT AND THE GRENADINES	4	1	3	0	0	4
STATELESS - ALIEN UNABLE TO NAME A COUNTRY	87	102	19	4	8	40
SUDAN	88	50	29	0	7	34
SURINAME	8	0	4	0	1	8
SWAZILAND	2	0	0	0	0	1
SWEDEN	1	1	4	0	0	2
SYRIA	148	37	17	3	7	33
TAIWAN	3	0	1	1	1	2
TAJIKISTAN (TADZHIK)	42	8	8	4	3	13
TANZANIA	13	6	16	1	2	12
THAILAND	12	5	9	1	3	8
THE REPUBLIC OF THE MARSHALL ISLANDS	0	2	1	0	1	0
TOGO	38	21	14	3	7	26
TONGA	5	0	1	0	0	2
TRINIDAD AND TOBAGO	82	2	7	0	11	41

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

**Immigration Courts
FY 2012 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
TUNISIA	13	0	4	1	4	8
TURKEY	62	24	13	4	6	23
TURKMENISTAN	17	7	3	2	1	3
TURKS AND CAICOS ISLANDS	2	0	0	1	0	1
UGANDA	64	28	13	2	4	24
UKRAINE	229	55	55	12	25	79
UNITED ARAB EMIRATES	3	1	0	0	2	4
UNITED KINGDOM	26	7	9	1	3	6
UNKNOWN NATIONALITY	144	18	50	0	26	58
UPPER VOLTA	1	0	0	0	0	0
URUGUAY	13	0	2	1	0	9
UZBEKISTAN	114	42	31	10	16	55
VENEZUELA	360	130	130	18	75	154
VIETNAM	60	10	33	0	22	31
WESTERN SAHARA	1	0	0	0	0	0
YEMEN	58	16	10	1	9	16
YUGOSLAVIA	81	62	27	1	10	38
ZAIRE	14	3	2	5	2	8
ZAMBIA	7	2	7	0	1	3
ZIMBABWE	85	42	21	3	11	54
TOTAL	44,170	11,978	9,574	1,402	6,053	15,275

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

**Immigration Courts
FY 2011 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	74	19	28	1	4	25
ALBANIA	226	140	64	8	21	41
ALGERIA	20	5	10	0	4	7
ANGOLA	17	5	4	0	2	2
ANTIGUA AND BARBUDA	3	1	2	0	1	1
ARGENTINA	48	9	5	3	7	17
ARMENIA	237	143	73	19	27	107
AUSTRALIA	5	1	0	0	1	1
AUSTRIA	0	1	0	0	0	0
AZERBAIJAN	50	11	10	6	2	13
BAHAMAS	20	0	13	0	5	5
BAHRAIN	2	1	1	0	0	0
BANGLADESH	310	48	48	10	60	65
BARBADOS	4	0	2	0	2	0
BE REMOVED FROM THE UNITED STATES	1	0	0	0	0	0
BELARUS	85	38	4	1	11	20
BELGIUM	19	4	1	2	5	9
BELIZE	39	4	19	0	1	4
BENIN	20	3	4	0	2	4
BERMUDA	0	4	0	0	0	0
BHUTAN	13	3	1	0	3	3
BOLIVIA	57	4	12	2	8	12
BOSNIA-HERZEGOVINA	37	6	21	1	7	10
BOTSWANA	2	0	2	0	0	2
BRAZIL	269	20	62	9	40	78
BRITISH INDIAN OCEAN TERRITORY	0	0	1	0	0	0
BRITISH VIRGIN ISLANDS	1	0	0	0	0	0
BRUNEI	1	0	0	0	0	0
BULGARIA	49	23	11	4	15	17
BURKINA FASO	114	37	15	2	5	11
BURMA (MYANMAR)	104	71	21	5	1	22

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

**Immigration Courts
FY 2011 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
BURUNDI	45	8	7	1	2	2
BYELORUSSIA (BELARUS)	64	34	7	2	4	8
CAMBODIA	26	10	14	2	9	9
CAMEROON	307	198	50	14	31	82
CANADA	28	10	12	0	5	6
CAPE VERDE	0	0	1	0	0	0
CAYMAN ISLANDS	2	0	0	0	0	1
CENTRAL AFRICAN REPUBLIC	18	4	10	4	3	7
CHAD	10	23	5	2	2	8
CHILE	17	4	7	0	2	1
CHINA	11,197	4,705	1,786	228	265	1,605
COCOS ISLAND	1	0	0	0	0	0
COLOMBIA	633	213	222	49	132	218
COMORO ISLANDS	1	0	0	0	0	0
CONGO	126	57	26	6	7	24
COSTA RICA	19	0	7	0	6	2
CROATIA	10	6	6	0	2	1
CUBA	213	14	86	9	65	117
CYPRUS	1	0	1	0	0	0
CZECH REPUBLIC	10	0	5	0	2	4
CZECHOSLOVAKIA	9	0	1	0	3	3
DEMOCRATIC REPUBLIC OF CONGO	39	12	14	3	2	10
DENMARK	4	0	0	0	0	2
DJIBOUTI	30	4	2	1	0	11
DOMINICA	5	1	4	1	1	0
DOMINICAN REPUBLIC	190	8	48	5	19	48
EAST GERMANY	2	0	0	0	0	0
ECUADOR	614	20	61	10	57	49
EGYPT	479	275	50	5	20	90
EL SALVADOR	3,607	164	1,323	203	930	1,531
EQUATORIAL GUINEA	5	2	1	0	0	2

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

**Immigration Courts
FY 2011 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
ERITREA	654	483	58	4	4	112
ESTONIA	1	2	4	1	6	3
ETHIOPIA	629	507	103	13	32	113
FEDERATED STATES OF MICRONESA	1	0	1	0	0	1
FIJI	41	19	17	0	9	16
FRANCE	15	5	3	0	5	4
FRENCH GUIANA	0	0	1	0	0	0
GABON	13	5	9	1	2	4
GAMBIA	235	45	54	3	24	36
GAZA STRIP	0	0	1	0	0	0
GEORGIA	51	26	15	0	14	17
GERMANY	50	4	13	5	9	12
GHANA	103	7	26	3	12	23
GIBRALTAR	2	0	0	0	0	0
GREECE	3	2	5	0	1	2
GRENADA	4	0	3	0	0	0
GUADELOUPE	2	0	1	0	0	0
GUATEMALA	3,218	200	1,004	185	874	932
GUINEA	279	179	97	11	41	83
GUINEA BISSAU	9	1	3	1	1	2
GUYANA	50	4	32	2	9	13
HAITI	1,110	56	128	39	105	781
HOLLAND	1	0	0	0	0	0
HONDURAS	1,254	72	464	54	137	287
HONG KONG	2	0	0	0	1	2
HUNGARY	44	4	2	6	11	10
ICELAND	1	1	0	0	0	1
INDIA	2,622	262	324	104	98	715
INDONESIA	419	111	226	49	79	128
IRAN	227	108	45	14	29	78
IRAQ	206	117	44	2	19	39

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

**Immigration Courts
FY 2011 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
IRELAND	1	0	1	0	0	0
ISRAEL	31	13	9	4	13	13
ITALY	10	8	9	0	0	0
IVORY COAST (COTE D'IVOIRE)	273	72	67	7	40	65
JAMAICA	294	7	186	4	40	70
JAPAN	19	0	0	2	1	0
JORDAN	61	7	27	3	22	17
KAMPUCHEA	1	0	0	0	1	0
KAZAKHSTAN	61	15	13	4	6	14
KENYA	321	96	110	12	32	69
KIRGHIZIA (KYRGYZSTAN)	150	14	10	2	13	28
KOSOVO	62	13	10	1	3	11
KUWAIT	11	3	3	0	2	2
LAOS	33	1	14	5	4	12
LATVIA	15	6	7	5	2	2
LEBANON	45	24	28	6	18	26
LESOTHO	1	0	0	0	0	0
LIBERIA	133	23	45	3	28	81
LIBYA	43	2	0	0	2	5
LITHUANIA	18	6	3	0	1	3
MACAU	2	0	0	0	0	0
MACEDONIA	13	8	8	0	2	5
MADAGASCAR	5	1	1	0	1	0
MALAWI	4	2	2	0	2	0
MALAYSIA	34	1	2	1	4	10
MALI	283	79	44	7	29	43
MARTINIQUE	2	0	0	0	0	0
MAURITANIA	177	63	57	14	14	43
MAURITIUS	9	0	0	0	0	2
MEXICO	7,616	107	1,074	123	1,495	803
MIDWAY ISLANDS	1	0	0	0	0	0

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

**Immigration Courts
FY 2011 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
MOLDAVIA (MOLDOVA)	251	72	63	10	19	68
MONACO	1	2	0	0	0	3
MONGOLIA	279	48	86	5	13	70
MONTENEGRO	2	0	0	0	0	0
MOROCCO	47	2	11	1	5	22
NAMIBIA	6	0	1	0	1	1
NAURU	1	0	0	1	1	0
NEPAL	871	323	180	19	28	125
NETHERLANDS	2	0	4	0	0	0
NEW CALEDONIA	0	0	0	0	1	0
NEW ZEALAND	2	0	2	0	1	0
NICARAGUA	277	19	106	12	39	91
NIGER	41	6	20	3	11	11
NIGERIA	211	28	70	5	18	52
NIUE	15	5	3	1	1	2
NO NATIONALITY	1	0	0	0	0	1
NORTH KOREA	11	0	1	0	1	1
OMAN	3	0	1	0	1	0
PAKISTAN	527	149	130	12	58	159
PALESTINE	9	2	0	4	3	2
PANAMA	11	0	1	1	0	4
PAPUA NEW GUINEA	1	0	0	0	0	0
PARAGUAY	4	3	1	0	0	1
PERU	224	24	58	7	41	55
PHILIPPINES	204	7	56	12	31	45
POLAND	37	6	7	3	19	14
PORTUGAL	9	0	1	0	3	2
QATAR	0	3	0	0	0	0
ROMANIA	223	14	22	8	20	54
RUSSIA	574	195	108	40	62	167
RWANDA	92	16	15	1	2	11

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

**Immigration Courts
FY 2011 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
SAMOA	6	0	1	0	1	1
SAUDI ARABIA	17	2	8	1	0	2
SENEGAL	213	27	42	1	24	28
SERBIA MONTENEGRO	29	20	7	0	9	9
SEYCHELLES	5	2	0	0	0	0
SIERRA LEONE	80	24	36	4	14	40
SINGAPORE	6	1	5	0	0	1
SLOVAK REPUBLIC	6	0	3	2	3	1
SLOVENIA	5	1	1	0	2	2
SOLOMON ISLANDS	0	0	1	0	0	0
SOMALIA	266	213	98	5	15	77
SOUTH AFRICA	24	16	9	3	7	18
SOUTH KOREA	40	4	14	3	13	7
SOVIET UNION	478	248	35	13	24	88
SPAIN	28	0	2	1	2	14
SRI LANKA	304	105	74	10	13	67
ST. CHRISTOPHER-NEVIS	1	0	0	0	0	0
ST. KITTS, WEST INDIES	2	0	3	0	0	2
ST. LUCIA	3	0	2	1	2	1
ST. VINCENT AND THE GRENADINES	2	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A COUNTRY	141	114	36	9	18	22
SUDAN	132	35	41	5	8	29
SURINAME	9	1	2	0	3	2
SWAZILAND	1	1	0	0	0	0
SWEDEN	1	0	1	0	4	0
SWITZERLAND	0	1	1	0	2	0
SYRIA	92	14	17	1	8	13
TAIWAN	9	1	4	1	3	4
TAJIKISTAN (TADZHIK)	47	10	9	2	5	13
TANZANIA	43	12	8	1	4	17
THAILAND	16	3	10	0	4	7

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

**Immigration Courts
FY 2011 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
THE REPUBLIC OF PALAU	2	0	1	0	0	0
THE REPUBLIC OF THE MARSHALL ISLANDS	14	0	0	2	0	0
TOGO	54	30	20	1	8	25
TONGA	1	0	1	0	4	0
TRINIDAD AND TOBAGO	45	0	37	2	14	5
TUNISIA	20	0	5	1	1	5
TURKEY	59	13	18	3	8	17
TURKMENISTAN	20	8	6	1	3	5
TURKS AND CAICOS ISLANDS	0	0	1	0	0	0
UGANDA	69	27	17	1	7	13
UKRAINE	233	49	84	10	20	80
UNITED ARAB EMIRATES	13	0	2	0	0	1
UNITED KINGDOM	59	4	9	2	3	16
UNKNOWN NATIONALITY	141	11	52	2	21	44
URUGUAY	15	1	1	0	3	4
UZBEKISTAN	173	71	44	10	17	46
VENEZUELA	493	206	136	11	92	127
VIETNAM	78	13	39	0	13	25
WESTERN SAHARA	1	0	0	0	0	0
YEMEN	71	29	9	3	4	17
YUGOSLAVIA	90	69	22	1	17	16
ZAIRE	13	4	5	0	0	4
ZAMBIA	8	6	13	0	3	5
ZIMBABWE	98	44	30	1	15	30
TOTAL	48,226	11,528	10,573	1,577	5,920	10,966

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

**Immigration Courts
FY 2010 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	71	6	10	2	5	16
ALBANIA	213	149	106	10	26	58
ALGERIA	19	1	5	0	3	4
ANDORRA	1	0	0	0	0	0
ANGOLA	9	2	9	1	0	4
ANTIGUA AND BARBUDA	4	0	1	0	1	0
ARGENTINA	50	8	14	8	11	15
ARMENIA	281	206	99	28	57	144
AUSTRALIA	4	0	4	0	1	3
AUSTRIA	3	0	0	0	2	1
AZERBAIJAN	40	9	9	3	5	16
BAHAMAS	29	0	4	0	8	6
BAHRAIN	4	2	0	1	1	7
BANGLADESH	257	48	27	6	54	61
BARBADOS	5	0	1	0	0	1
BE REMOVED FROM THE UNITED STATES	0	0	0	0	1	0
BELARUS	78	40	16	3	8	21
BELGIUM	11	6	5	2	2	6
BELIZE	23	2	13	0	4	6
BENIN	16	2	3	0	2	4
BERMUDA	2	0	1	0	0	0
BHUTAN	14	2	1	0	0	3
BOLIVIA	30	8	8	0	7	10
BOSNIA-HERZEGOVINA	48	4	17	1	3	10
BOTSWANA	7	0	0	0	1	0
BRAZIL	227	17	58	21	36	37
BRITISH INDIAN OCEAN TERRITORY	1	0	0	0	0	0
BRITISH VIRGIN ISLANDS	1	0	0	0	0	0
BULGARIA	59	20	16	4	10	22
BURKINA FASO	92	49	15	0	13	15
BURMA (MYANMAR)	124	80	20	1	11	43

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

**Immigration Courts
FY 2010 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
BURUNDI	16	7	3	0	4	4
BYELORUSSIA (BELARUS)	64	27	11	4	6	16
CAMBODIA	31	13	14	1	10	18
CAMEROON	290	196	57	13	15	100
CANADA	19	5	4	1	3	9
CAPE VERDE	1	0	0	0	0	0
CAYMAN ISLANDS	1	1	0	0	0	0
CENTRAL AFRICAN REPUBLIC	19	10	4	0	2	4
CHAD	14	28	5	2	5	5
CHILE	29	1	7	0	2	10
CHINA	11,002	3,802	1,524	182	286	1,613
COCOS ISLAND	1	0	0	0	0	0
COLOMBIA	743	234	381	76	220	290
COMORO ISLANDS	3	1	2	0	0	0
CONGO	117	56	25	3	15	20
COSTA RICA	19	0	5	2	4	5
CROATIA	7	2	1	1	0	1
CUBA	251	9	106	18	65	138
CYPRUS	0	0	1	0	0	0
CZECH REPUBLIC	12	4	7	0	1	0
CZECHOSLOVAKIA	4	0	0	0	0	5
DEMOCRATIC REPUBLIC OF CONGO	38	12	22	3	4	14
DENMARK	1	0	0	0	1	0
DJIBOUTI	10	1	2	1	0	5
DOMINICA	8	0	2	1	1	2
DOMINICAN REPUBLIC	140	11	30	2	11	23
EAST GERMANY	5	0	1	0	0	0
ECUADOR	382	7	63	7	49	35
EGYPT	446	216	41	13	34	99
EL SALVADOR	3,390	146	1,105	284	1,087	1,777
EQUATORIAL GUINEA	5	0	0	0	2	0

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

**Immigration Courts
FY 2010 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
ERITREA	496	181	29	0	3	54
ESTONIA	8	2	7	0	1	2
ETHIOPIA	747	407	106	5	28	128
FALKLAND ISLANDS	1	0	0	1	0	0
FEDERATED STATES OF MICRONESA	2	0	1	0	0	0
FIJI	67	18	15	1	11	20
FINLAND	0	0	0	0	0	1
FRANCE	20	1	2	2	2	8
FRENCH GUIANA	1	0	0	0	0	0
GABON	14	2	1	0	0	3
GAMBIA	195	42	41	1	53	36
GAZA STRIP	0	1	0	0	0	0
GEORGIA	51	32	18	7	18	11
GERMANY	51	11	14	4	9	10
GHANA	90	8	31	1	11	18
GIBRALTAR	0	1	0	0	0	0
GREECE	5	1	4	1	1	1
GRENADA	13	0	1	1	0	0
GUADELOUPE	1	0	1	0	0	0
GUATEMALA	2,639	167	1,006	248	1,195	1,086
GUINEA	458	186	76	7	58	78
GUINEA BISSAU	5	1	2	0	0	0
GUYANA	62	4	13	1	17	25
HAITI	955	168	496	132	348	2,241
HOLLAND	1	0	1	0	0	0
HONDURAS	1,079	65	365	49	134	234
HONG KONG	8	0	1	0	1	0
HUNGARY	33	1	9	13	1	3
INDIA	1,245	244	224	33	120	232
INDONESIA	409	116	292	36	114	167
IRAN	259	83	47	5	44	79

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

**Immigration Courts
FY 2010 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
IRAQ	208	151	46	4	26	35
IRELAND	6	1	0	0	1	1
ISRAEL	51	10	18	2	5	12
ITALY	11	5	9	2	1	2
IVORY COAST (COTE D'IVOIRE)	243	66	44	11	39	42
JAMAICA	247	6	80	4	18	46
JAPAN	8	0	3	0	1	0
JORDAN	91	19	30	6	24	25
KAMPUCHEA	2	0	1	0	1	5
KAZAKHSTAN	78	17	12	5	7	16
KENYA	370	90	116	15	44	75
KIRGHIZIA (KYRGYZSTAN)	85	10	5	2	8	13
KOSOVO	36	6	2	0	0	3
KUWAIT	9	3	6	1	3	4
LAOS	55	7	17	1	13	23
LATVIA	16	0	4	0	1	2
LEBANON	66	26	41	7	21	27
LESOTHO	0	0	1	0	0	0
LIBERIA	142	25	45	5	29	61
LIBYA	11	5	1	0	1	1
LITHUANIA	13	2	8	2	11	5
MACAU	2	1	0	0	0	1
MACEDONIA	27	10	6	0	5	10
MADAGASCAR	1	0	0	0	2	0
MALAWI	14	2	0	0	0	0
MALAYSIA	26	8	6	0	5	3
MALI	259	74	50	0	42	56
MALTA	0	0	0	1	0	0
MAURITANIA	160	59	49	15	11	50
MAURITIUS	3	0	0	0	0	0
MEXICO	5,098	49	509	174	1,675	672

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

**Immigration Courts
FY 2010 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
MOLDAVIA (MOLDOVA)	330	46	34	16	22	81
MONACO	2	1	0	0	0	1
MONGOLIA	244	55	33	4	6	49
MONTENEGRO	4	0	0	0	0	0
MOROCCO	40	3	19	2	11	8
NAMIBIA	5	0	1	0	1	7
NEPAL	829	231	109	6	9	88
NETHERLANDS	4	4	3	2	1	0
NETHERLANDS ANTILLES	2	0	0	0	0	0
NEW ZEALAND	8	1	2	0	0	0
NICARAGUA	250	15	106	26	59	60
NIGER	49	4	14	4	5	12
NIGERIA	207	35	70	5	29	51
NIUE	15	1	2	1	0	1
NO NATIONALITY	1	2	0	0	0	0
NORTH KOREA	7	0	1	2	0	1
NORWAY	1	1	2	0	0	0
PAKISTAN	532	115	124	11	78	119
PALESTINE	7	1	3	0	0	2
PANAMA	10	1	1	0	3	0
PARAGUAY	2	2	3	0	3	0
PEOPLE'S REPUBLIC OF BENIN	0	1	0	0	0	0
PERU	194	25	93	10	52	62
PHILIPPINES	181	5	48	1	62	71
POLAND	42	2	20	0	25	8
PORTUGAL	9	0	2	0	4	2
QATAR	3	0	0	0	1	0
ROMANIA	131	31	20	4	10	33
RUSSIA	640	161	111	42	73	184
RWANDA	42	25	4	2	6	10
SAMOA	0	0	1	1	1	0

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

**Immigration Courts
FY 2010 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
SAN MARINO	0	0	0	0	0	1
SAUDI ARABIA	18	3	1	1	2	0
SENEGAL	200	18	28	2	29	31
SERBIA MONTENEGRO	22	23	14	0	2	6
SEYCHELLES	2	1	2	1	2	0
SIERRA LEONE	97	27	48	7	10	33
SINGAPORE	9	0	3	0	1	2
SLOVAK REPUBLIC	10	1	2	0	4	2
SLOVENIA	1	2	0	0	1	2
SOMALIA	536	208	57	12	12	91
SOUTH AFRICA	25	2	13	1	6	4
SOUTH KOREA	34	4	16	5	10	13
SOVIET UNION	525	176	36	13	28	83
SPAIN	7	0	2	0	1	5
SRI LANKA	257	112	51	9	14	42
ST. KITTS, WEST INDIES	10	0	3	2	0	2
ST. LUCIA	11	0	2	2	0	0
ST. VINCENT AND THE GRENADINES	4	0	1	0	1	2
STATELESS - ALIEN UNABLE TO NAME A COUNTRY	149	85	22	3	11	34
SUDAN	121	35	25	4	12	26
SURINAME	11	0	1	0	3	5
SWAZILAND	1	0	0	0	0	0
SWEDEN	8	1	0	1	1	1
SWITZERLAND	2	0	4	0	1	0
SYRIA	58	13	18	4	22	15
TAIWAN	14	1	1	0	5	2
TAJIKISTAN (TADZHIK)	52	9	7	1	5	6
TANZANIA	31	3	11	1	5	6
THAILAND	27	4	3	0	10	12
THE REPUBLIC OF THE MARSHALL ISLANDS	3	0	0	0	0	1
TOGO	57	45	20	2	9	37

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

**Immigration Courts
FY 2010 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
TONGA	6	0	3	0	12	8
TRINIDAD AND TOBAGO	49	1	9	5	4	19
TUNISIA	11	0	5	0	3	4
TURKEY	76	12	30	3	5	21
TURKMENISTAN	25	7	5	3	0	0
TURKS AND CAICOS ISLANDS	2	0	1	0	0	0
UGANDA	66	26	22	0	4	18
UKRAINE	237	62	64	9	33	75
UNITED ARAB EMIRATES	5	0	0	0	0	0
UNITED KINGDOM	34	3	3	0	6	14
UNKNOWN NATIONALITY	92	8	34	0	9	19
URUGUAY	19	0	2	6	7	2
UZBEKISTAN	196	54	54	14	30	57
VENEZUELA	480	181	208	26	108	156
VIETNAM	100	9	28	1	22	39
YEMEN	54	7	11	1	6	21
YUGOSLAVIA	122	85	23	1	14	31
ZAIRE	16	5	7	3	1	1
ZAMBIA	11	7	3	0	2	6
ZIMBABWE	122	52	48	6	19	29
TOTAL	42,860	9,904	9,574	1,798	7,215	12,167

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

**Immigration Courts
FY 2009 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	46	7	6	1	2	19
ALBANIA	345	213	122	12	36	71
ALGERIA	31	6	13	1	7	9
ANGOLA	31	6	7	2	2	10
ANTIGUA AND BARBUDA	1	0	0	0	0	0
ARGENTINA	54	10	13	8	19	20
ARMENIA	340	202	98	20	82	115
ARUBA	0	1	0	0	0	0
AUSTRALIA	3	0	0	0	1	0
AUSTRIA	1	1	1	0	0	0
AZERBAIJAN	45	14	7	3	7	11
BAHAMAS	10	0	7	0	2	0
BAHRAIN	9	0	0	0	0	0
BANGLADESH	279	50	52	8	45	56
BARBADOS	3	0	0	0	0	1
BE REMOVED FROM THE UNITED STATES	1	1	0	0	1	0
BELARUS	96	34	10	4	5	22
BELGIUM	23	7	8	1	0	6
BELIZE	25	2	7	2	2	1
BENIN	17	4	4	0	1	4
BERMUDA	4	0	0	0	0	0
BHUTAN	6	5	0	0	1	2
BOLIVIA	33	1	10	2	8	4
BOSNIA-HERZEGOVINA	45	17	12	7	6	15
BOTSWANA	1	0	0	0	0	0
BRAZIL	236	22	65	16	39	41
BRUNEI	2	0	0	0	0	1
BULGARIA	94	42	21	14	10	35
BURKINA FASO	98	39	6	2	7	21
BURMA (MYANMAR)	164	108	23	5	7	30
BURUNDI	31	15	10	1	0	4

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

**Immigration Courts
FY 2009 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
BYELORUSSIA (BELARUS)	84	39	8	4	6	19
CAMBODIA	46	11	25	1	6	11
CAMEROON	435	211	83	19	24	98
CANADA	23	11	5	0	2	9
CAPE VERDE	2	0	0	0	1	0
CENTRAL AFRICAN REPUBLIC	37	16	8	0	1	17
CHAD	66	40	9	2	13	15
CHILE	19	6	7	2	2	3
CHINA	10,300	3,449	1,649	196	238	1,624
COCOS ISLAND	0	0	1	0	0	0
COLOMBIA	1,063	368	504	133	253	319
CONGO	209	49	24	7	11	54
COSTA RICA	19	1	4	5	3	5
CROATIA	11	1	5	0	1	1
CUBA	276	15	100	10	77	140
CYPRUS	1	0	0	0	0	0
CZECH REPUBLIC	13	2	1	2	3	1
CZECHOSLOVAKIA	3	0	2	0	2	5
DEMOCRATIC REPUBLIC OF CONGO	53	10	12	2	0	8
DJIBOUTI	15	5	1	1	1	0
DOMINICA	3	0	1	1	0	1
DOMINICAN REPUBLIC	97	3	27	0	12	19
EAST GERMANY	2	0	3	0	0	0
ECUADOR	293	6	28	6	37	47
EGYPT	433	174	58	11	29	70
EL SALVADOR	4,594	120	1,235	566	1,091	2,734
EQUATORIAL GUINEA	2	0	1	0	0	0
ERITREA	335	198	23	5	5	48
ESTONIA	22	8	9	4	3	19
ETHIOPIA	840	410	112	19	26	123
FIJI	82	29	24	8	11	12

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

**Immigration Courts
FY 2009 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
FINLAND	4	4	1	0	4	2
FRANCE	12	1	4	1	4	4
GABON	12	0	1	0	1	0
GAMBIA	232	49	53	6	33	57
GEORGIA	146	24	28	5	8	41
GERMANY	40	1	8	3	0	9
GHANA	103	7	27	3	9	20
GIBRALTAR	1	0	0	0	0	0
GREECE	7	0	0	0	1	1
GRENADA	3	0	1	0	1	2
GUATEMALA	4,100	159	1,156	633	1,334	1,420
GUINEA	529	194	98	7	49	95
GUINEA BISSAU	12	3	3	0	1	3
GUYANA	80	0	23	3	16	21
HAITI	1,923	410	1,586	281	259	716
HOLLAND	1	0	0	0	0	0
HONDURAS	1,037	47	401	76	116	232
HONG KONG	3	1	4	0	0	0
HUNGARY	16	1	2	3	3	3
ICELAND	1	0	0	0	0	1
INDIA	1,187	263	231	44	100	224
INDONESIA	623	157	336	62	122	159
IRAN	243	92	48	9	48	79
IRAQ	395	364	49	6	26	59
IRELAND	1	0	0	0	0	0
ISRAEL	61	17	18	3	14	23
ITALY	17	0	9	0	6	5
IVORY COAST (COTE D'IVOIRE)	303	96	65	14	65	81
JAMAICA	194	2	80	6	19	38
JAPAN	7	2	4	0	7	1
JORDAN	103	20	38	4	21	35

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

**Immigration Courts
FY 2009 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
KAMPUCHEA	5	1	5	0	3	1
KAZAKHSTAN	88	20	9	2	2	21
KENYA	403	97	95	20	36	66
KIRGHIZIA (KYRGYZSTAN)	87	7	5	1	6	14
KIRIBATI	1	0	1	0	0	1
KOSOVO	42	7	1	0	2	1
KUWAIT	22	5	3	0	1	9
LAOS	68	13	26	4	3	31
LATVIA	13	2	2	1	6	4
LEBANON	125	9	46	10	20	36
LESOTHO	1	0	0	0	0	0
LIBERIA	227	31	55	13	20	75
LIBYA	6	5	2	0	1	2
LITHUANIA	16	1	6	1	2	15
MACAU	1	0	0	0	1	1
MACEDONIA	42	15	16	1	3	5
MADAGASCAR	4	2	2	0	0	1
MALAWI	12	2	4	1	6	4
MALAYSIA	21	1	12	2	2	9
MALDIVES	1	0	0	0	0	0
MALI	262	71	64	6	50	76
MALTA	1	1	0	0	0	1
MAURITANIA	353	95	44	20	14	207
MAURITIUS	2	0	0	0	0	0
MEXICO	3,855	65	364	639	1,745	559
MOLDAVIA (MOLDOVA)	294	22	17	14	11	55
MONACO	9	0	0	0	0	5
MONGOLIA	294	28	43	3	7	47
MONTENEGRO	0	0	1	0	0	0
MOROCCO	49	4	13	5	6	12
NAMIBIA	7	0	5	0	0	0

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

**Immigration Courts
FY 2009 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
NAURU	1	0	0	0	0	0
NEPAL	779	172	81	9	16	57
NETHERLANDS	6	0	4	0	0	2
NETHERLANDS ANTILLES	1	0	0	0	1	0
NEW CALEDONIA	0	0	1	1	2	0
NEW ZEALAND	1	0	0	0	3	0
NICARAGUA	304	19	135	34	81	83
NIGER	77	14	13	3	8	27
NIGERIA	224	29	73	9	32	51
NIUE	10	3	4	1	1	3
NORFOLK ISLAND	0	0	1	0	0	0
NORTH KOREA	6	1	2	1	2	2
NORWAY	2	0	0	0	0	0
OMAN	1	0	0	0	2	0
PAKISTAN	642	105	115	15	72	152
PALESTINE	15	0	5	1	6	2
PANAMA	15	1	5	2	3	1
PARAGUAY	9	2	1	0	4	1
PEOPLE'S REPUBLIC OF BENIN	1	0	0	0	0	0
PERU	232	39	82	7	48	39
PHILIPPINES	225	13	57	8	50	31
PITCAIRN ISLANDS	1	0	0	0	0	0
POLAND	42	5	16	7	13	27
PORTUGAL	2	1	1	0	0	4
QATAR	1	0	0	0	0	1
ROMANIA	100	31	31	17	12	27
RUSSIA	763	128	111	66	48	240
RWANDA	84	24	4	0	0	25
SAMOA	3	0	0	0	0	0
SAUDI ARABIA	7	3	1	0	0	2
SENEGAL	171	25	30	2	21	46

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

**Immigration Courts
FY 2009 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
SERBIA MONTENEGRO	46	47	14	0	2	14
SEYCHELLES	0	0	1	0	0	0
SIERRA LEONE	167	29	38	3	26	75
SINGAPORE	2	4	1	0	0	1
SLOVAK REPUBLIC	10	1	0	0	2	10
SLOVENIA	9	0	0	1	0	3
SOLOMON ISLANDS	1	0	0	0	0	0
SOMALIA	357	168	40	12	6	76
SOUTH AFRICA	33	3	10	1	3	6
SOUTH KOREA	76	1	6	1	12	10
SOVIET UNION	474	154	39	15	32	97
SPAIN	7	3	0	1	2	1
SRI LANKA	386	112	59	12	22	64
ST. KITTS, WEST INDIES	2	0	0	0	1	1
ST. LUCIA	7	0	0	0	0	1
ST. VINCENT AND THE GRENADINES	1	0	3	0	0	0
STATELESS - ALIEN UNABLE TO NAME A COUNTRY	280	82	20	7	11	56
SUDAN	131	40	33	2	10	41
SURINAME	10	0	1	0	0	0
SWAZILAND	1	0	0	0	0	0
SWEDEN	3	5	2	0	0	2
SWITZERLAND	5	0	0	0	0	0
SYRIA	67	18	12	4	23	12
TAIWAN	8	1	2	0	2	1
TAJIKISTAN (TADZHIK)	56	8	2	0	1	8
TANZANIA	36	6	9	2	5	12
THAILAND	19	1	8	0	7	5
THE REPUBLIC OF THE MARSHALL ISLANDS	0	0	0	0	0	1
TOGO	169	39	23	1	11	77
TONGA	9	0	1	0	4	1
TRINIDAD AND TOBAGO	49	0	18	0	7	10

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

**Immigration Courts
FY 2009 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
TUNISIA	8	0	6	2	5	4
TURKEY	101	18	10	3	3	23
TURKMENISTAN	25	14	4	0	7	11
TURKS AND CAICOS ISLANDS	1	0	0	0	0	0
UGANDA	90	28	21	5	2	16
UKRAINE	319	26	56	13	30	80
UNITED ARAB EMIRATES	2	0	0	4	0	0
UNITED KINGDOM	38	6	15	3	7	7
UNKNOWN NATIONALITY	105	7	40	1	19	11
URUGUAY	15	0	0	4	4	1
UZBEKISTAN	199	65	48	22	21	50
VENEZUELA	668	192	298	60	134	147
VIETNAM	91	10	31	0	16	23
WESTERN SAHARA	0	0	0	0	0	1
YEMEN	60	7	9	1	6	15
YUGOSLAVIA	204	101	40	5	12	25
ZAIRE	15	8	1	0	0	0
ZAMBIA	21	5	6	0	2	3
ZIMBABWE	241	69	51	12	24	53
TOTAL	47,508	10,300	11,337	3,405	7,268	12,367

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

**Immigration Courts
FY 2008 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
AFGHANISTAN	43	28	13	0	4	13
ALBANIA	322	324	180	18	54	79
ALGERIA	36	5	12	4	3	6
ANGOLA	14	8	4	1	1	7
ANTIGUA AND BARBUDA	2	0	1	0	1	1
ARGENTINA	77	14	41	20	17	11
ARMENIA	373	149	102	19	76	75
ARUBA	1	0	0	0	0	0
AUSTRALIA	0	0	1	0	0	0
AUSTRIA	5	0	11	0	2	1
AZERBAIJAN	37	12	3	2	9	8
BAHAMAS	12	2	3	0	5	1
BAHRAIN	4	0	0	1	1	4
BANGLADESH	274	81	39	3	41	50
BARBADOS	2	0	1	0	0	0
BE REMOVED FROM THE UNITED STATES	3	0	1	1	0	0
BELARUS	68	39	12	0	3	16
BELGIUM	26	9	2	4	2	6
BELIZE	18	1	4	0	0	1
BENIN	21	2	0	1	2	3
BERMUDA	1	0	0	0	0	0
BHUTAN	10	4	0	0	0	1
BOLIVIA	43	6	2	1	4	12
BOSNIA-HERZEGOVINA	58	6	24	5	8	4
BOTSWANA	1	0	0	0	0	0
BRAZIL	201	31	58	37	57	33
BRITISH INDIAN OCEAN TERRITORY	1	0	0	0	0	1
BULGARIA	132	48	23	13	14	38
BURKINA FASO	94	23	12	3	12	10
BURMA (MYANMAR)	211	126	30	4	2	23
BURUNDI	23	12	15	1	3	2

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

**Immigration Courts
FY 2008 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
BYELORUSSIA (BELARUS)	55	41	7	1	10	13
CAMBODIA	36	7	16	6	11	16
CAMEROON	502	161	99	17	24	101
CANADA	23	3	8	0	6	10
CAPE VERDE	2	0	2	0	4	0
CENTRAL AFRICAN REPUBLIC	26	13	6	1	0	4
CHAD	98	24	8	3	0	12
CHILE	20	1	2	2	7	9
CHINA	9,413	3,457	1,763	114	224	1,195
COCOS ISLAND	1	0	0	0	0	0
COLOMBIA	1,246	548	810	160	443	420
COMORO ISLANDS	4	0	0	0	0	2
CONGO	120	70	40	12	8	35
COSTA RICA	21	1	8	6	5	4
CROATIA	14	0	2	0	1	2
CUBA	390	23	79	28	112	150
CYPRUS	0	1	0	0	0	0
CZECH REPUBLIC	20	3	5	5	3	8
CZECHOSLOVAKIA	7	3	1	5	8	11
DEMOCRATIC REPUBLIC OF CONGO	46	24	14	1	6	3
DENMARK	1	0	1	0	3	0
DJIBOUTI	7	1	1	0	0	2
DOMINICA	5	0	0	1	0	0
DOMINICAN REPUBLIC	74	1	24	6	8	14
EAST GERMANY	6	1	1	0	0	0
ECUADOR	156	13	39	10	31	19
EGYPT	419	185	56	5	29	53
EL SALVADOR	6,273	172	1,475	605	1,106	2,534
EQUATORIAL GUINEA	0	9	0	0	0	1
ERITREA	301	120	25	1	5	24
ESTONIA	16	3	12	6	6	3

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

**Immigration Courts
FY 2008 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
ETHIOPIA	780	315	142	16	31	77
FEDERATED STATES OF MICRONESA	1	0	2	0	0	0
FIJI	82	24	19	5	20	28
FINLAND	1	0	1	0	0	3
FRANCE	13	0	5	0	8	5
GABON	6	0	4	1	1	2
GAMBIA	191	53	54	1	56	51
GAZA STRIP	2	0	0	0	0	0
GEORGIA	79	26	23	6	11	15
GERMANY	35	4	13	0	3	1
GHANA	81	12	25	3	12	20
GIBRALTAR	1	0	1	0	0	1
GREECE	5	0	2	0	0	1
GRENADA	1	1	1	0	0	0
GUADELOUPE	1	0	0	0	0	0
GUATEMALA	5,081	169	1,277	625	1,208	1,158
GUINEA	513	242	168	9	71	71
GUINEA BISSAU	5	2	4	0	2	1
GUYANA	71	2	44	2	11	18
HAITI	3,328	530	2,037	492	435	1,360
HOLLAND	1	0	0	0	0	0
HONDURAS	962	73	377	93	127	248
HONG KONG	4	0	1	0	3	0
HUNGARY	33	1	1	8	1	2
ICELAND	1	0	0	0	0	0
INDIA	1,040	272	282	34	114	168
INDONESIA	1,023	195	438	40	108	160
IRAN	252	71	43	9	54	60
IRAQ	498	410	47	8	27	49
IRELAND	1	0	0	0	0	0
ISRAEL	70	16	32	1	4	13

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

**Immigration Courts
FY 2008 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
ITALY	20	0	6	0	5	3
IVORY COAST (COTE D'IVOIRE)	297	92	92	8	63	47
JAMAICA	148	3	73	2	26	25
JAPAN	10	1	3	1	8	3
JORDAN	110	19	37	5	25	26
KAMPUCHEA	4	5	1	1	2	4
KAZAKHSTAN	48	14	16	5	11	12
KENYA	377	60	75	9	41	68
KIRGHIZIA (KYRGYZSTAN)	47	6	3	1	2	9
KIRIBATI	1	1	0	0	0	0
KOSOVO	17	2	7	0	0	0
KUWAIT	13	2	7	1	2	3
LAOS	86	4	28	3	9	19
LATVIA	14	3	9	5	7	7
LEBANON	128	20	53	13	28	27
LESOTHO	1	0	0	0	0	1
LIBERIA	167	32	39	7	38	33
LIBYA	11	2	1	0	1	1
LITHUANIA	37	1	13	19	13	14
MACAU	1	0	3	0	1	1
MACEDONIA	28	11	18	0	6	8
MADAGASCAR	4	2	1	0	1	2
MALAWI	9	0	4	0	2	5
MALAYSIA	40	2	7	0	3	6
MALDIVES	4	4	0	0	0	0
MALI	286	28	63	2	49	43
MALTA	1	0	0	0	0	0
MARTINIQUE	1	0	0	0	0	0
MAURITANIA	115	94	129	22	17	44
MAURITIUS	1	0	1	0	0	0
MEXICO	3,650	73	249	387	1,598	411

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

**Immigration Courts
FY 2008 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
MOLDAVIA (MOLDOVA)	162	16	11	5	7	21
MONACO	0	2	1	1	2	0
MONGOLIA	187	42	29	7	7	31
MONTSERRAT	0	0	1	0	0	0
MOROCCO	41	23	21	5	12	13
MOZAMBIQUE	1	0	1	0	1	1
NAMIBIA	1	0	1	0	1	0
NEPAL	459	152	65	5	8	45
NETHERLANDS	9	1	2	2	1	1
NEW CALEDONIA	6	0	0	1	0	0
NEW ZEALAND	3	0	0	0	0	0
NICARAGUA	386	23	135	103	89	194
NIGER	47	8	11	2	3	10
NIGERIA	203	28	88	5	35	35
NIUE	15	11	2	0	2	2
NO NATIONALITY	4	1	1	0	0	3
NORTH KOREA	3	3	0	6	1	1
NORWAY	0	0	0	0	2	1
OMAN	2	1	0	0	0	0
PAKISTAN	516	142	142	19	79	101
PALESTINE	7	1	5	2	3	4
PANAMA	10	1	6	0	0	2
PAPUA NEW GUINEA	0	0	1	0	0	0
PARAGUAY	6	1	0	1	3	0
PEOPLE'S REPUBLIC OF BENIN	0	1	1	0	0	0
PERU	238	52	104	22	67	62
PHILIPPINES	238	15	31	3	42	43
POLAND	47	7	11	8	24	21
PORTUGAL	10	1	4	1	4	8
QATAR	6	3	1	0	0	0
ROMANIA	135	56	30	20	22	49

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

**Immigration Courts
FY 2008 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
RUSSIA	519	201	113	44	81	136
RWANDA	37	20	11	0	0	5
SAMOA	1	0	1	0	2	0
SAN MARINO	1	1	0	0	0	0
SAUDI ARABIA	10	5	8	0	3	1
SENEGAL	133	18	40	3	16	16
SERBIA MONTENEGRO	69	24	19	1	6	9
SEYCHELLES	6	0	4	0	0	1
SIERRA LEONE	137	47	72	5	11	45
SINGAPORE	8	2	0	0	2	1
SLOVAK REPUBLIC	5	0	2	5	2	4
SLOVENIA	3	3	0	0	0	0
SOLOMON ISLANDS	0	0	1	0	0	0
SOMALIA	230	101	62	7	11	60
SOUTH AFRICA	30	1	18	0	5	7
SOUTH KOREA	25	1	7	2	5	3
SOVIET UNION	339	173	58	14	37	85
SPAIN	10	1	4	0	2	0
SRI LANKA	367	87	74	13	30	32
ST. KITTS, WEST INDIES	1	0	0	0	0	0
ST. LUCIA	1	1	1	0	0	0
ST. VINCENT AND THE GRENADINES	5	0	1	0	0	0
STATELESS - ALIEN UNABLE TO NAME A COUNTRY	216	59	36	5	7	24
SUDAN	127	30	17	7	12	28
SURINAME	2	0	2	1	3	5
SWEDEN	15	2	4	0	1	0
SWITZERLAND	2	0	0	0	0	0
SYRIA	72	11	24	6	18	9
TAIWAN	16	0	6	0	7	4
TAJIKISTAN (TADZHIK)	18	1	3	0	2	2
TANZANIA	29	5	21	1	5	6

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

**Immigration Courts
FY 2008 Asylum Statistics**

NATIONALITY	RECEIVED	GRANTED	DENIED	ABANDONED	WITHDRAWN	OTHER
THAILAND	34	4	13	0	5	7
THE REPUBLIC OF THE MARSHALL ISLANDS	1	0	0	0	0	0
TOGO	90	63	31	3	10	26
TONGA	7	0	1	1	3	4
TRINIDAD AND TOBAGO	57	6	17	2	12	7
TUNISIA	11	1	6	0	6	4
TURKEY	90	11	17	1	9	19
TURKMENISTAN	29	15	2	3	4	3
TURKS AND CAICOS ISLANDS	0	0	0	0	0	1
UGANDA	87	33	11	8	8	19
UKRAINE	204	59	60	21	33	56
UNITED ARAB EMIRATES	2	0	0	0	0	1
UNITED KINGDOM	37	3	11	3	5	9
UNKNOWN NATIONALITY	95	5	28	0	6	17
URUGUAY	13	1	5	5	3	5
UZBEKISTAN	224	67	44	12	18	54
VANUATU	1	0	0	1	0	0
VENEZUELA	808	306	379	59	147	150
VIETNAM	109	7	46	2	16	27
WESTERN SAHARA	2	0	0	0	0	1
YEMEN	41	8	28	1	9	11
YUGOSLAVIA	213	128	32	6	24	48
ZAIRE	10	3	0	0	1	2
ZAMBIA	24	5	5	0	3	2
ZIMBABWE	202	68	40	14	24	32
TOTAL	48,820	10,892	13,169	3,451	7,675	11,021