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## CLOGGED IMMIGRATION COURTS SLOW HEARINGS

By: Ana Campoy  
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Francisco Uribe, a jeweler in San Antonio, has waited more than a year for a chance to tell an immigration judge why he shouldn't be deported.

He recently found out he will get his day in court—in December 2016.

Mr. Uribe's long wait got even longer because of an Obama administration push to accelerate deportation hearings for people caught illegally crossing into the country, with the hope of deterring a surge of Central American children and families.

Recently apprehended immigrants are going to the front of the line in the court system. Everyone else is getting moved further back, worsening a chronic U.S. immigration-court backlog that for many people means waiting years for a hearing.

"I felt like a bucket of cold water was poured over me," said Mr. Uribe, a 54-year-old native of Mexico who is married to a U.S. citizen and has been legally living in the country for some 25 years. He became subject to removal after he was convicted in January 2013 of a misdemeanor, melting gold jewelry purchased by his shop, before a mandatory wait period. The jewelry turned out to be stolen.

Underfunded and understaffed for years, the immigration courts are emerging as a major bottleneck for officials under pressure to quickly process and deport suspected illegal immigrants. The number of pending cases stood at more than 375,000 in June, with average processing times stretching for 520 days, according to the Transactional Records Access Clearinghouse, a project at Syracuse University that gathers and analyzes federal data.

Thousands of additional cases are expected to hit courts in coming months as people recently caught illegally crossing the border are funneled through the immigration system. From October to July, the U.S. Border Patrol apprehended more than 220,000 illegal immigrants from countries other than Mexico along the southwest border, according to agency statistics.

Courts across the country recently began prioritizing newcomers' proceedings, including unaccompanied children and families traveling together. It isn't clear, however, how much more the Obama administration will be able to do to shore up the country's 59 immigration courts—or how quickly, experts say.

President Barack Obama's request for \$3.7 billion in emergency funding to address the immigrant surge, which included \$45 million to hire more immigration judges, failed to pass Congress before lawmakers left for summer recess.

Even if federal officials had extra funds, it would take time to recruit and vet competent candidates, a task that likely would be complicated by the fact that more than a third of current immigration judges are eligible to retire in fiscal 2014.

Although they are being asked to process a growing number of cases faster, judges also have to ensure that the proceedings are fair.

In a letter to Senate and House leaders last month, the National Association of Immigration Judges warned that speeding up juvenile cases "creates an unacceptably high risk of legal errors which directly lead to higher rates of appeal," resulting in additional court delays.

"Due process is never efficient," said William Zimmer, a former immigration judge in Houston who left a docket of 2,400 cases when he retired in 2012. "If you want to do everything efficiently, just get rid of the courts altogether."

Part of the problem, former government officials and experts say, is that immigration court funding hasn't kept pace with sizeable spending increases at enforcement agencies.

While the U.S. Border Patrol's budget expanded by 30% to \$3.5 billion from fiscal 2009 to fiscal 2013, funding for immigration courts grew by only 8% to \$289 million, government data show. As the number of immigrants from countries other than Mexico caught at the border jumped by 229% to nearly 150,000 during that period, immigration courts added 21 judges. Citizens from non-contiguous countries are more commonly routed through the court system than Mexicans, who are often returned to their country without formal deportation proceedings.

As a result, the backlog of cases surged by almost 70% from 2009 through June, according to TRAC.

Politicians have proposed a variety of measures to stop the increase in illegal immigration including sending more law-enforcement agents to the border and changing a law that guarantees immigrant children from countries other than Mexico a hearing in court.

Critics say few of the proposals address the main challenge before the immigration system, which is to ensure that deserving immigrants get the right to stay while the rest are quickly deported.

The focus "shouldn't be at beefing up the border," said Muzaffar Chishti, director of the New York office of the Migration Policy Institute, a non-profit group that studies immigration policy. "It should be at improving our processing of asylum cases in a more efficient and smarter way."

The Executive Office for Immigration Review, the agency in charge of the courts, is working to add up to 32 judges, said spokeswoman Kathryn Mattingly.

The office has deployed seven additional judges to Texas, the current hotspot on the border. Three other judges in Arlington, Va., are conducting teleconference hearings with immigrants at an Artesia, N.M., facility designed to expedite deportations.

In Houston, one of the country's busiest immigration courts, judges were only hearing juvenile or detention cases last week, pushing back all other cases.

Samantha Del Bosque, a lawyer with Tahirih Justice Center, a non-profit that provides legal aid to immigrants, said many of her clients' hearings in August have been delayed, sometimes for years.

One 43-year-old Honduran woman was set to appear in court earlier this summer to request asylum due to domestic violence. Ms. Del Bosque prepared her to testify, and lined up a couple of expert witnesses to bolster her case.

But a few weeks before the hearing, Ms. Del Bosque got a notice saying it was postponed until May of 2015. A trial wouldn't be scheduled until later.

Ms. Del Bosque is concerned that her client's case may go stale, or that she may lose the pro bono lawyer currently working in the case.

"Justice delayed is justice denied," she said. "A lot of people might not be able to keep representation for this long while their case is being rescheduled."