

Immigration Court Proceedings: Process and Data

Non-U.S. nationals (“aliens” under law) may be removed from the United States for immigration violations. While an expedited removal process is often applied to aliens encountered at the border, those apprehended in the interior are usually placed in formal proceedings before an immigration judge (IJ) in the Department of Justice’s Executive Office for Immigration Review (EOIR). Aliens in these proceedings have the right to counsel at their own expense; to seek asylum or other relief from removal; to present testimony and evidence; to appeal an adverse decision to EOIR’s Board of Immigration Appeals (BIA); and, in many cases, to seek judicial review of a final order of removal.

How It Begins

The Department of Homeland Security (DHS) begins removal proceedings by filing with the immigration court a **Notice to Appear (NTA)**, a charging document against the alien.

- Bond Proceedings
- Formal Removal Proceedings

Bond Proceedings

If detained, the alien may request that an IJ review the custody determination, unless the alien belongs to a class subject to detention without bond under federal law. Either party may appeal to the BIA.

Master Calendar and Merits Hearings

A “Master Calendar” hearing is first held to address the charges of removability and any claims of relief from removal. Aliens who are not detained and have counsel may file written responses in lieu of the Master Calendar hearing. A merits hearing is scheduled to consider contested issues and applications for relief.

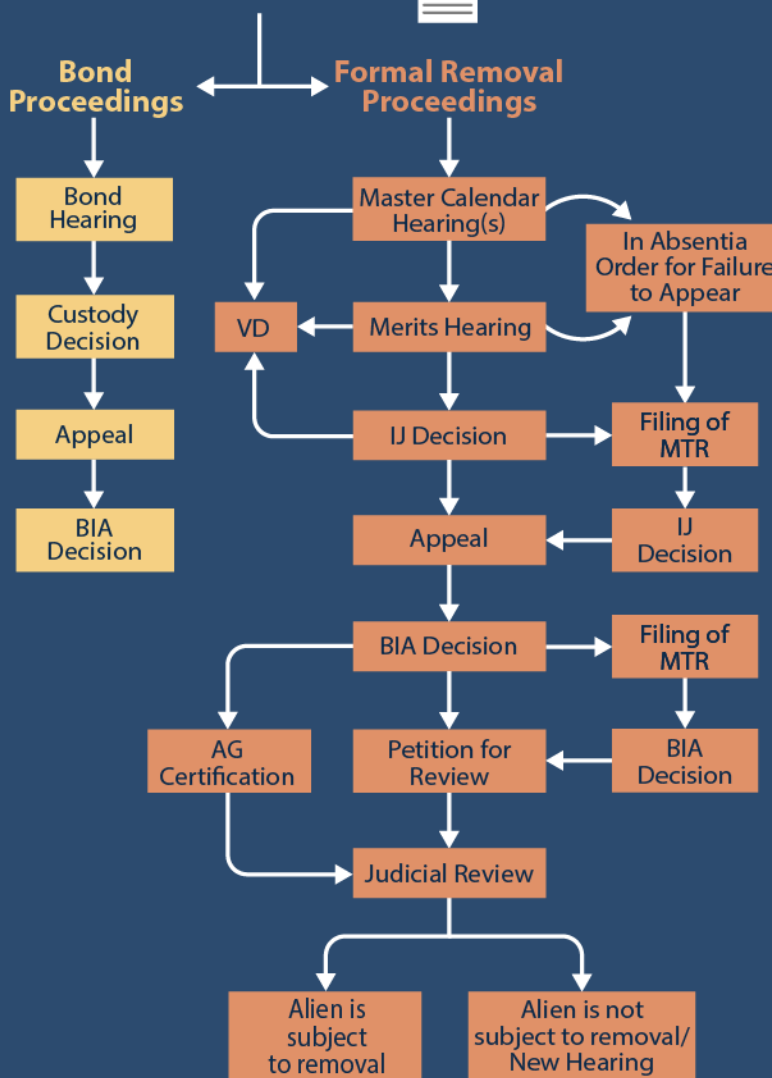
IJ’s Decision and Appeal

The IJ adjudicates the alien’s application for relief as well as any contested removability issues. The IJ may end the proceedings, e.g., if DHS fails to sustain the charges. The IJ’s decision is administratively final unless the IJ grants a motion to reopen or reconsider (MTR) or the decision is appealed to the BIA.

BIA Decision

The BIA may either summarily dismiss an appeal or issue a merits decision. If the BIA affirms an IJ’s order of removal, it becomes a final order. The BIA may reopen or reconsider a case either upon a party’s motion or *sua sponte* (on its own).

Notice to Appear



In Absentia Order of Removal

Failure of an alien to appear at a hearing will result in the IJ issuing an in absentia order of removal if DHS establishes removability.

Voluntary Departure (VD)

Eligible aliens may request to voluntarily depart the United States (at their own expense) as an alternative to removal.

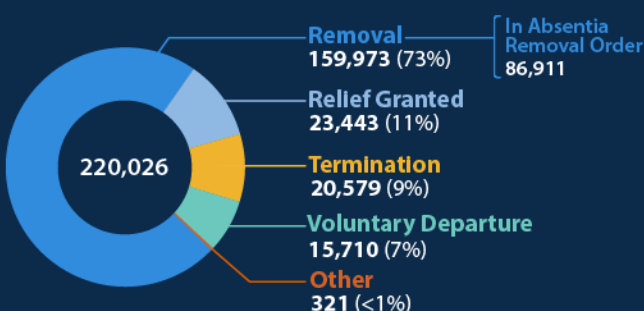
Attorney General (AG) Certification

Occasionally the Attorney General may review a BIA removal decision and issue a superseding opinion.

Judicial Review

An alien may seek judicial review of a removal order that becomes administratively final. Review may be unavailable for some persons (e.g., those who committed certain crimes) and to challenge denials of discretionary forms of relief. Courts may also review constitutional claims and questions of law.

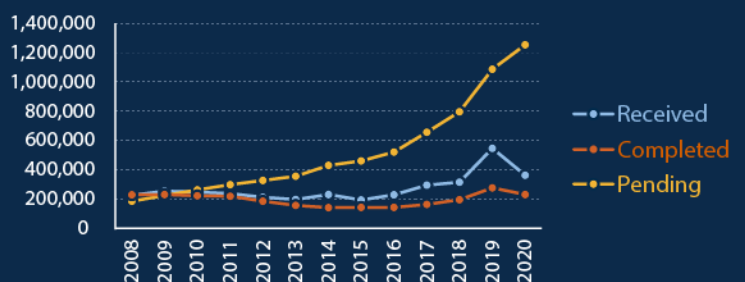
Initial IJ Case Decisions: FY2020



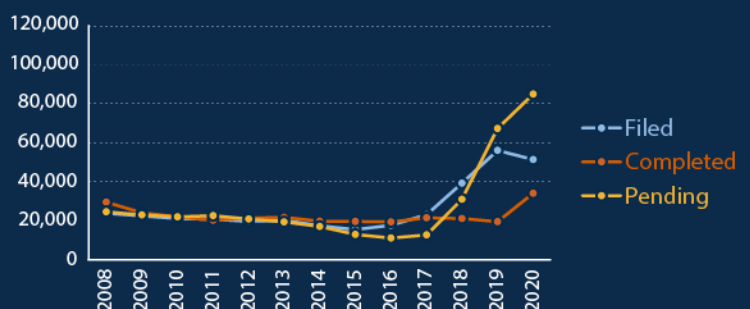
Total In Absentia Removal Orders: FY2008 - FY2020



Cases Pending, Completed, and Received: FY2008 - FY2020



Case Appeals with BIA: FY2008 - FY2020



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