



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 6, 2016

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed please find responses to Questions for the Record arising from the appearance of Juan Osuna before the House Committee on the Judiciary on December 3, 2015, at a hearing entitled "Oversight of the Executive Office for Immigration Review." We apologize for our delay and hope that this information is of assistance to the Committee.

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter. The Office of Management and Budget has advised us that there is no objection to the submission of this letter from the perspective of the Administration's program.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. J. Kadzik".

Peter J. Kadzik
Assistant Attorney General

Enclosure

cc: The Honorable John Conyers, Jr.
Ranking Member

Questions for the Record from Chairman Goodlatte (VA-06):

1. **Are immigration judges instructed by anyone within EOIR by any mode of communication, including oral, on how many continuances they should grant in cases involving unaccompanied minors?**

Immigration judges adjudicate cases on a case-by-case basis, according to U.S. immigration law, regulations, and precedent decisions, consistent with due process. Immigration judges are independent in deciding the matters before them, including whether to grant continuances. The Chief Immigration Judge has issued general guidance on the law applicable to continuances in Operating Policies and Procedures Memorandum (OPPM) 13-01 ("Continuances and Administrative Closure").

2. **Are immigration judges instructed by anyone within EOIR by any mode of communication, including oral, to not enter in absentia removal orders against minors when the minors fail to appear for their hearings and the immigration judge is satisfied that service of the charging document and notice of the hearing on the minor was proper?**

No. Immigration judges remain independent in deciding the matters before them, including whether to issue removal orders *in absentia*. Immigration judges adjudicate cases on a case-by-case basis, according to U.S. immigration law, regulations, and precedent decisions, consistent with due process.

3. **Are immigration judges instructed by anyone within EOIR by any mode of communication, including oral, to grant one or more continuances in the cases of minors, even if the judge is satisfied that the charging document and notice of the hearing were properly served on the minor, the minor's parent, or the minor's legal guardian and the issuance of a removal order in absentia is proper?**

No. Please refer to the responses to questions 1 and 2, above.

4. **According to an October 2012 report from the DOJ Office of Inspector General (OIG) (I-2013-001), frequent and lengthy continuances granted by immigration judges were found to be the primary factor contributing to excessive case processing times. In the 953 cases reviewed by the OIG, there were 4,091 continuances amounting to 375,047 days in the aggregate. Each case had an average of four continuances and the average amount of time granted for each continuance was 92 days, resulting in an average of 368 days per case. Please provide the following information for FY 2014 and FY 2015:**

- a. **How many continuances were granted?**

Fiscal Year	Number of Continuances
2014	275,659
2015	287,069

These data were calculated using continuances of master calendar hearings only.

b. How many continuances were granted in cases involving Unaccompanied Alien Children (UAC)?

Fiscal Year	UC
2014	29,448
2015	64,766

These data were calculated using master calendar hearings only.

c. How many continuances were granted in cases involving Adults with Children (AWC)?

Fiscal Year	AWC/D	AWC/ATD
2014	2,464	10,510
2015	3,885	22,344

These data were calculated using master calendar hearings only.

d. How long was the average continuance for unrepresented UACs in removal proceedings?

FY 2014*

Representation Status	Number of Hearings	Average Number of Days
Unrepresented	4,686	89

FY 2015*

Representation Status	Number of Hearings	Average Number of Days
Unrepresented	20,156	105

* These data only include cases with more than one master calendar hearing, and do not include individual merits hearings.

e. How long was the average continuance for represented UACs in removal proceedings?

FY 2014*

Representation Status	Number of Hearings	Average Number of Days
Represented	24,762	90

* These data only include cases with more than one master calendar hearing, and do not include individual hearings.

FY 2015*

Representation Status	Number of Hearings	Average Number of Days
Represented	44,610	94

* These data only include cases with more than one master calendar hearing, and do not include individual hearings.

f. What was the average number of continuances in cases involving UACs?

Fiscal Year	UAC Receipts	UAC Hearings	UAC Average Number of Hearings Per Receipt	Non-UAC Receipts	Non-UAC Hearings	Non-UAC Average Number of Hearings Per Receipt
2014	9,583	31,423	3	38,302	84,569	2
2015	26,224	70,434	3	131,191	276,981	2

These data only include cases with more than one master calendar hearing, and do not include individual hearings.

g. What was the average number of continuances in cases not involving UACs?

Please see the response to question f.

5. Please provide the following information for FY 2014 and FY 2015:

- a. The number of alien removal/deportation/exclusion cases administratively closed by the Board of Immigration Appeals *sua sponte*.
- b. The number of alien removal/deportation/exclusion cases terminated by the Board of Immigration Appeals *sua sponte*.
- c. The number of alien removal/deportation/exclusion cases reopened by the Board of Immigration Appeals *sua sponte*.
- d. The number of alien removal/deportation/exclusion cases administratively closed by an immigration judge *sua sponte*.
- e. The number of alien removal/deportation/exclusion cases terminated by an immigration judge *sua sponte*.
- f. The number of alien removal/deportation/exclusion cases reopened by an immigration judge *sua sponte*.

EOIR does not track information regarding whether a case was opened *sua sponte*, so the database does not have a searchable field to indicate that category of case for analysis.

6. Please provide the following information for FY 2014 and FY 2015:

a. The number of in absentia orders of removal issued by immigration judges.

- *In absentia* orders of removal (FY 2014) – 26,132
- *In absentia* orders of removal (FY 2015) – 38,229

b. The number of in absentia orders of removal issued by immigration judges in cases involving UACs.

On July 18, 2014, EOIR began capturing data for respondents whom the Department of Homeland Security (DHS) identified as unaccompanied children (UC), adults with children who are released on alternatives to detention (AWC/ATD), adults with children who are detained (AWC/D), and recent border crossers who are detained (RBC/D). EOIR, therefore, can provide UC statistics based upon data the agency began tracking on July 18, 2014.

- UC *in absentia* orders of removal: 1,035 (partial FY 2014)
- UC *in absentia* orders of removal: 7,205 (FY 2015)

c. The number of in absentia orders of removal issued by immigration judges in cases involving AWCs.

- AWC/D *in absentia* orders of removal: 75 (partial FY 2014)
- AWC/ATD *in absentia* orders of removal: 2,620 (partial FY 2014)
- AWC/D *in absentia* orders of removal: 842 (FY 2015)
- AWC/ATD *in absentia* orders of removal: 10,026 (FY 2015)

7. On or about April 12, 2014, EOIR experienced a computer system outage. Two days later, on April 14, 2014, EOIR announced that the agency had experienced a computer system outage caused by a “hardware failure,” affecting all immigration courts across the country and the Board. Over one month later, on May 19, 2014, EOIR issued the following press release:

“At midnight on April 12, 2014, the Executive Office for Immigration Review experienced a catastrophic hardware failure that rendered inaccessible many of its applications.”

According to media reports, five separate computer servers failed.

a. Please explain in detail why the EOIR system crashed.

EOIR’s computer system outage in April 2014 was due to a hardware and software failure within specific hard drives located in the enterprise storage array network (SAN), where EOIR’s systems and data resided. Within the SAN were

more than 400 virtual servers, which included the system backup servers allowing EOIR access to its backup systems. In response to the outage, we sought immediate assistance from the original equipment manufacturer (OEM) but were unable to repair the failed drives.

At the OEM's recommendation, EOIR procured data recovery services in an effort to regain the data and restore its applications. EOIR's IT staff worked tirelessly following the failure to rebuild critical servers for its data center and procure additional hardware and software as required in preparation for the return of EOIR's data.

The data recovery services team was able to recover the agency's data and create new drives for those which had failed. The first attempt to recover the failed hard drives upon their return from the data recovery services team was unsuccessful. EOIR then had to procure services to create new drives and restore the data. EOIR prioritized restoring the most mission-critical applications first for both internal and external parties.

b. When was Director Osuna or anyone else in EOIR leadership aware of the computer system outage?

Chief Information Officer Terryne Murphy was notified of the outage on April 13, 2014.

Director Juan Osuna and Deputy Director Ana Kocur were notified of the outage on April 14, 2014, following the discovery of the outage and after the IT team assessed the outage and performed the initial troubleshooting.

c. Was anyone in EOIR aware prior to April 12, 2014, that the EOIR computer system was susceptible to an imminent outage? If so, who?

EOIR personnel had a general understanding that the agency's infrastructure was aging and would need replacement. EOIR personnel did not know a catastrophic system failure was imminent.

d. What operating system (OS) was EOIR utilizing on its computer system on April 12, 2014?

i. What OS was being utilized on the EOIR system servers on that date?

The operating systems for the servers at that time were Windows Server 2003 and Windows Server 2008.

ii. What OS was being utilized in the immigration courts on that date?

The system server being utilized was Windows Server 2003. The operating systems for the servers at that time were Windows Server 2003 and Windows Server 2008.

e. What operating system (OS) is EOIR utilizing on its computer system currently?

EOIR immediately planned and began execution of a major infrastructure modernization effort following the SAN outage and is upgrading all of its computer, network, and storage capabilities. The data center, which resides in the DOJ Data Center in Rockville, Maryland, uses Windows 2008 and Windows 2012.

i. What OS is being utilized on the EOIR system servers currently?

1. When was that installed?

The data center uses Windows 2008 and Windows 2012. The immigration courts file and print servers have been upgraded. The upgrades will be complete by the end of the third quarter of FY 2016.

ii. What OS is being utilized in the immigration courts currently?

1. When was that installed?

The data center uses Windows 2008 and Windows 2012. The immigration courts file and print servers have been upgraded.

f. How many cases in immigration courts were affected by the computer system outage?

Immigration courts continued to operate during their normal business hours during the system outage. EOIR is unable to determine the number of cases that were continued as a result of the computer systems outage.

The Board of Immigration Appeals (BIA) continued to process cases each day, but prioritized its caseload to compensate for reliance on manual processes.

- g. How many cases before the Board of Immigration Appeals were affected by the computer system outage?**

Please see the response to question f.

- h. Did the computer system outage increase the number of backlogged cases before the immigration courts or the Board of Immigration Appeals? If so, please explain for each how many cases were added to the backlog.**

While there were individual cases that were continued as a result of the system outage, any such cases received new hearing dates. Moreover, the parties were able to make a motion to advance a case to an earlier date than the new provided date.

- i. Has the computer system outage on April 12, 2014, been corrected? Please explain in detail how the problem was corrected.**

Yes. Please see the response to question a.

- j. What was the cost to EOIR to bring back computer system functionality and to correct the problem of the computer system outage on April 12, 2014? Please explain in detail the costs for consulting, services, parts, etc.**

Protecting the system moving forward was a priority as soon as the outage occurred. EOIR upgraded the SAN and the virtual server architecture. EOIR also implemented a new IT infrastructure with offsite backup capabilities in place to prevent a failure similar to what EOIR experienced in April 2014.

EOIR spent approximately \$4 million to restore functionality and to upgrade systems to correct the problem and protect against a similar future outage. Of this amount, EOIR spent the following: approximately \$3.177 million on contract services; approximately \$618,000 on parts; approximately \$4,500 on shipping; and approximately \$221,000 on unexpected government labor costs (e.g. overtime etc.).

- k. What was the cost to EOIR to bring back computer system functionality and to correct the problem of the computer system outage on April 12, 2014? Please explain in detail the costs for consulting, services, parts, etc.**

Please see the response to question j.

- 1. Has EOIR experienced another computer system outage since April 12, 2014, which involved the outage of one or more EOIR servers and was not related to routine maintenance? If so, please state the date of the outage and the circumstances related to the outage.**

The nature of daily operations in an IT environment includes unplanned outages, which are service interruptions that may prevent customers from accessing their normal information technology systems. EOIR works to minimize the impact of these outages through system monitoring and process improvements in how we update and manage the systems and applications. Since the April 2014 outage, we have experienced brief outages of systems and worked to restore systems within hours, if not minutes. The reasons for the outages are numerous and include factors not controlled by EOIR or facility issues. However, since the date of the outage in April 2014, EOIR has not had any outages on the level of the outage that occurred in 2014.

- 8. Does EOIR count administrative closures as case “completions” for reporting purposes or otherwise?**

Yes. EOIR defines an initial case as the proceeding that begins when DHS files a charging document with an immigration court, and EOIR records an initial case completion when an immigration judge renders a determination in this proceeding. EOIR includes administrative closures, defined as the temporary removal of a case from an immigration judge’s calendar, among its initial case completions.

- 9. Are immigration judges evaluated, to any degree, on the number of cases they complete?**

Immigration judges are evaluated at their mid-year and annual performance reviews, which consider their legal ability, professionalism, and accountability for organizational results. The performance standards related to accountability for organizational results are: (1) acting consistently with the goals and priorities of the Chief Immigration Judge; (2) making rulings and decisions in a timely manner, consistent with available resources; (3) managing the immigration judge calendar efficiently, monitoring pending caseload, as needed; (4) cooperating to achieve a productive work environment with other judges, court administrators, and staff members; (5) as assigned, performing special assignments and details; and (6) demonstrating appropriate use of courtroom technology.

- 10. An October 2012 report from the DOJ Office of Inspector General (OIG) (I-2013-001) “found that immigration court performance reports are incomplete and overstate the actual accomplishments of the courts. These flaws in EOIR’s performance reporting preclude the Department from accurately assessing the court’s progress in processing immigration cases or identifying needed improvements.” The OIG made nine recommendations for improvement. In a letter from Director Osuna to the DOJ Office**

of Inspector General, dated September 14, 2012, EOIR concurred or partially concurred with all nine recommendations. Please explain the actions that EOIR took in response to each of the nine recommendations.

Before addressing specific OIG recommendations, it is important to note that in September 2011, Director Osuna convened a Data Working Group to assess how EOIR collects, tracks, and disseminates data. Through this process, EOIR determined that the agency needed to expand the way in which it evaluated its workload so that the public could more easily receive comprehensible answers to their statistics questions. To meet this need, EOIR developed a new methodology, which it continues to use for external statistical reports, including EOIR's Statistics Yearbooks (available at <http://www.justice.gov/eoir/statistical-year-book>). Beginning with the FY 2013 Statistics Yearbook, in an effort to clarify the agency's workload, EOIR changed its methodology for counting matters received and matters completed, which affected the appearance of those numbers from FY 2013 forward. The October 2012 OIG report recommendations are consistent with many changes EOIR implemented as a result of these Data Working Group efforts.

Recommendation 1: Improve reporting of immigration court data to distinguish decisions on the removal of aliens from other case activities and reflect actual case length even when more than one court is involved.

In December 2012, EOIR modified the Director's monthly reports, available to all employees within the agency, to reflect both "new Notice to Appear" and "all receipts" as well as "IJ decisions" and "all completions." For cases before the immigration courts, cases are not counted as complete when a change of venue and transfer is entered; instead, cases are counted from the date the Notice to Appear (NTA) is filed with EOIR to the date the case is completed. EOIR used the same methodology for counting immigration court cases in the FY 2013 Statistics Yearbook, which was published in 2014. Beginning in April 2013, EOIR added to its internal monthly report the average length of time to complete a case from the time the NTA is initially received at EOIR to the time an IJ makes a decision on the case. In addition, beginning in April 2013, EOIR added to its internal monthly report the average length of time to complete an appeal at the BIA from the time the appeal is filed at EOIR to the time the BIA makes a decision on the appeal.

Recommendation 2: Eliminate case exemptions from completion goals to reflect actual case length, but identify case delays that EOIR considers outside the control of immigration judges.

See response to Recommendation 1. In addition, EOIR revised its Case Completion Goals Report. This report also does not count changes of venue and transfers as completions. In addition, to comply with the second recommendation, the revised report does not include any exemptions, although each summary page notes what the percentage of cases completed within the goal would have been if cases beyond the control of the immigration judges were

excluded. EOIR began using these methods for compiling the case completion goals reports beginning with the first quarter of FY 2014. These are quarterly reports.

Recommendation 3: Develop immigration court case completion goals for non-detained cases.

EOIR analyzed its data to identify appropriate case completion goals for non-detained cases. EOIR instituted an immigration court non-detained performance measure to be reported with the case completion goals.

Recommendation 4: Analyze reasons for continuances and develop guidance that provides immigration judges with standards and guidelines for granting continuances to avoid unnecessary delays.

EOIR issued an Operating Policies and Procedures Memorandum (OPPM) 13-01 to all its judges that provided additional standards and guidance regarding adjournments and administrative closure.

Recommendation 5: Develop a process for tracking time that immigration judges spend on different types of cases and work activities;

EOIR determined that this study should be performed by an independent entity with expertise in this area. EOIR budgeted for this study and is in the procurement process to contract for the study.

Recommendation 6: Collect and track data on its use of staffing details of judges;

EOIR created additional travel authorization codes to be placed on travel authorization request forms to record details in the Office of the Chief Immigration Judge. The codes indicate the type of employee on detail and the primary purpose of the detail. EOIR routinely collects and records this data.

Recommendation 7: Develop an objective staffing model to assist in determining staffing requirements and the allocation of positions among immigration courts.

EOIR determined that this study should be performed by an independent entity with expertise in this area. EOIR is in the procurement process to contract for the study.

Recommendation 8: Consider seeking additional resources or reallocation resources to reduce delays in the processing of appeals for non-detained aliens.

EOIR is committed to improving its non-detained processing times and has successfully implemented improvements and initiatives to maximize existing resources. With respect to the budget and the most critical resource needed, EOIR has requested additional

authorization to backfill personnel. EOIR has hired attorneys, enhanced legal training, and used temporary BIA Members to address appeals.

Recommendation 9: Improve its collecting, tracking, and reporting of BIA appeal statistics to accurately reflect appeal processing times.

See the response to Recommendation 1. EOIR revised internal reports to reflect the information.

11. That same OIG report found that EOIR also abandoned case completion goals for non-detained cases (except asylum) beginning in FY 2010. Does EOIR have case completion goals for all non-detained cases? If not, please explain why.

The purpose of case completion goals are to communicate the agency's priorities and statutory requirements among its varied caseload. Thus, case completion goals do not include every category of immigration court case. EOIR's current case completion goals include detained cases, asylum claims, and review of negative credible fear determinations. Case completion goals change over time to communicate the agency's current priorities, statutory requirements, and the allocation of resources. It is important to note that while EOIR does not have case completion goals related to non-detained cases, EOIR routinely monitors the non-detained caseload through internal management reports.

12. The same OIG report recommended that EOIR "improve its collecting, tracking, and reporting of BIA appeal statistics to accurately reflect actual appeal processing times." In a letter from Director Osuna to the DOJ Office of Inspector General, dated September 14, 2012, EOIR concurred with that recommendation and stated that EOIR is willing to report the total appeal processing time by the end of FY 2013.

a. Did EOIR report the BIA's total appeal processing time at the end of FY 2013, FY 2014, and FY 2015? If so, where is this information reported?

Yes, these statistics can be extracted from internal monthly reports. Please see the data listed below.

Fiscal Year	Case Appeals	All Appeal Types
2013	414 days	308 days
2014	401 days	310 days
2015	435 days	323 days

The "All Appeal Types" column includes information that includes case appeals, as well as appeals of bonds and motions.

b. If not reported, please provide the information for FY 2013, FY 2014, and FY 2015.

Please see the response to question 12a.

13. Are immigration judges or Board members authorized or permitted to administratively close a case or reopen a case solely to allow an alien to request prosecutorial discretion from DHS, where there is no indication that DHS has or will agree to prosecutorial discretion?

The authority of an immigration judge to administratively close a case is described in OPPM 13-01 (*see also Matter of Avetisyan*, 25 I&N Dec. 688 (BIA 2012)). Immigration judges decide whether to administratively close a case based on the facts and circumstances involved in that individual case, which also includes consideration of the positions of the parties.

DHS decides when to exercise prosecutorial discretion, and EOIR is notified of these decisions by DHS/ICE trial attorneys who practice before the immigration courts. If DHS decides to exercise prosecutorial discretion in a particular case, DHS, the respondent, or both, will notify the immigration judge, generally by making a motion to administratively close or terminate the case.

It is also important to note that an immigration judge's authority to administratively close or terminate a case long predates DHS's recent memoranda on its prosecutorial discretion policies.

14. Has anyone in EOIR with first-line supervisory authority over an immigration judge or higher, instructed an immigration judge that he/she should not report conduct that the immigration judge reasonably believes is a violation of federal law, including fraud, to the EOIR Fraud and Abuse Prevention Program's antifraud officer or other designated person?

No.

15. Are immigration judges free to report conduct by the respondent or other person that an immigration judge reasonably believes is a violation of federal law to the EOIR Fraud and Abuse Prevention Program's antifraud officer or other designated person, when the immigration judge becomes aware of such conduct during the course of proceedings?

Yes. During initial and recurring training, immigration judges receive information about EOIR's programs to combat fraud and are provided related tools and contact information. EOIR's Fraud and Abuse Prevention Program makes referrals for investigation of immigration fraud complaints it receives from EOIR staff and adjudicators, respondents in

EOIR proceedings, and members of the public. EOIR's Fraud and Abuse Prevention Program also assists federal, state, and local law enforcement agencies and disciplinary authorities in their investigations and prosecutions of immigration-related fraud.

- 16. Are there any written or unwritten policies or procedures that relate to immigration judges and their ability to report conduct that they reasonably believe is a violation of federal law by the respondent or other person, of which the immigration judge becomes aware during the course of proceedings? If so, please provide them.**

As noted above in response to question 15, potentially fraudulent conduct can be reported to EOIR's Fraud and Abuse Prevention Coordinator, who supervises the Fraud and Abuse Prevention Program. EOIR has also provided immigration judges with information specific to identifying and reporting potential human trafficking. OPPM 00-02 ("Attorney Discipline") provides guidance for immigration judges if they suspect attorney misconduct. It is also important to note that in every proceeding conducted by an immigration judge, a representative of federal law enforcement is present, in the form of a trial attorney representing the DHS, who would be aware of the same information known to the immigration judge.

- 17. If an alien testified that he/she unlawfully obtained a Social Security card and/or number that belonged to another person and used the name and Social Security number when completing the alien's federal tax returns, submitted to the Internal Revenue Service, would it be appropriate for the immigration judge to report that information to the antifraud officer or other official for investigation or prosecution? If so, to whom should the immigration judge report it? If not, why not?**

Please see the responses to questions 15 and 16.

- 18. If an alien admits under oath that he/she entered the United States without inspection and concedes that he/she is removable from the United States, and further testifies that he/she unlawfully purchased a firearm from another individual one month prior to the hearing, should the immigration judge report that conduct? If so, to whom should the immigration judge report it? If not, why not?**

Please see the responses to questions 15 and 16.

- 19. Are the decisions of certain immigration judges subjected to a greater degree of review or scrutiny by anyone within EOIR, including anyone within the Board of Immigration Appeals?**

No. The BIA reviews all immigration judge decisions under the same standards of review. When the BIA observes specific instances of potential immigration judge misconduct or recurring procedural or administrative issues, those instances are referred to the Chief Immigration Judge for supervisory review and managerial action, as appropriate.

Additionally, some judges – such as those in their initial trial period or those identified as in need of additional training – may have their overall performance more closely reviewed. In all instances, the determination of the legal soundness of a decision rests solely within the purview of the BIA.

- 20. Are certain decisions by immigration judges, such as those involving domestic abuse or asylum claims involving certain particular social groups, reviewed by a particular EOIR employee that is not within the normal review process by a Board member or a Board staff attorney? If so, please explain.**

No. The BIA reviews all immigration judge decisions under the same standards of review and only BIA staff adjudicate cases within the BIA's jurisdiction.

- 21. Has anyone with first-line supervisory authority over an immigration judge or higher reassigned a juvenile docket from one immigration judge to another because the first immigration judge entered removal orders in absentia against minors or failed to grant one or more continuances in cases involving minors? If so, please explain.**

No. Docket assignment and reassignment decisions are made based on factors such as adjusting caseloads, bringing on new judges or detailing judges, requirements for video-conferencing, personnel issues, etc. Docket assignment/reassignment decisions are not based on the merits of a judge's decisions.

- 22. If a minor alien is classified as an unaccompanied alien child (UAC) by DHS and then the minor is released by DHS or other federal agency to the custody of a parent and subsequently appears before an immigration judge in removal proceedings with his/her parent, may an immigration judge independently determine whether the minor is an unaccompanied alien child, as that term is defined by statute, at the time the minor applies for relief? If not, please explain why.**

Immigration judges review cases individually consistent with all applicable law and regulations. Immigration judges consider all relevant factors in determining whether the child is unaccompanied, including DHS's determination whether a minor is an unaccompanied child as defined by statute.

- 23. A report issued by the Government Accountability Office (GAO) titled, "Asylum: Additional Actions Needed to Assess and Address Fraud Risks," issued on December 2, 2015 (GAO-16-50), indicates that immigration judges granted 3,709 asylum applications for aliens who were connected with attorneys and document preparers who were investigated and convicted in "Operation Fiction Writer," a large-scale investigation into fraudulent asylum claims in New York.**

a. How many of the 3,709 cases has EOIR reviewed as of December 3, 2015?

EOIR provided substantial support during the investigation and prosecution of the cases involved in Operation Fiction Writer, including reviewing Records of Proceeding and providing case information and statistics.

EOIR is charged with the fair and unbiased adjudication of immigration cases brought by DHS. DHS is charged with prosecuting cases before EOIR. Thus, EOIR adjudicators entertain motions to reopen brought by DHS, which may include reopening a case based on allegations of fraud. DHS has the burden to provide evidence to demonstrate that fraud has occurred, and the EOIR adjudicator would impartially adjudicate the case. If DHS meets its burden to prove that fraud has occurred, the EOIR adjudicator may terminate an asylee's status pursuant to the Immigration and Nationality Act § 208(c)(2) and 8 CFR § 1208.24.

Aside from the assistance provided during the Operation Fiction Writer investigation and prosecution, and the process for reopening cases outlined herein, EOIR has not conducted additional, independent actions regarding these cases.

b. How many of those cases have been reopened as of December 3, 2015?

None of the cases involved in Operation Fiction Writer that were pending before EOIR has been reopened as of December 3, 2015.

c. What action has EOIR taken as of December 3, 2015, to determine if any of the 3,709 cases granted involved fraud? Please explain in detail.

Please see response to question 23a.

24. According to the same GAO report, EOIR's Fraud and Abuse Prevention Program consisted of: one full-time fraud officer, a part-time attorney, and several student interns.

a. On December 2, 2015, what was the employee composition of the EOIR Fraud and Abuse Prevention Program?

On December 2, 2015, EOIR's Fraud and Abuse Prevention Program consisted of one full-time attorney, one part-time attorney, and a part-time paralegal.

- b. Has the employee composition of the EOIR Fraud and Abuse Prevention Program changed since its inception? If so, how has it changed and when did it change?**

The Fraud and Abuse Prevention Program has grown from one full-time attorney at its inception to its current staffing level. On January 25, 2016, EOIR appointed a new Fraud and Abuse Prevention Coordinator, who is a full-time attorney staffed to the program.

The program currently has one full-time attorney, two part-time attorneys, one part-time paralegal, and three part-time interns. The interns primarily work on the Fraud and Abuse Prevention and Attorney Discipline Program, but also work on assignments from other divisions within the Office of the General Counsel. The program added the first part-time attorney in 2013, and added the second part time attorney in January 2016. The paralegal joined the team in October 2015.

- 25. According to the same GAO report, in FY 2013, there were 66 complaints of fraud submitted to EOIR's Fraud and Abuse Prevention Program. From those complaints, the Fraud and Abuse Prevention Program opened 16 fraud case files, of which only 3 were asylum-related fraud case files.**

- a. What actions were taken by EOIR regarding those 3 case files involving asylum fraud?**

Two of the cases were referred to ICE for further investigation. The third case was not referred to law enforcement as EOIR's Fraud Counsel determined that there was insufficient evidence to warrant further investigation.

- b. Have those 3 asylum fraud case file investigations been concluded?**

EOIR's investigations of those cases have concluded. EOIR had a supportive role in the investigation of the two cases that were referred to ICE. One of those cases has been accepted for prosecution by the Southern District of New York.

- c. What were the results of the investigations in those 3 case files involving asylum fraud?**

Please see response to question 25b.

- d. In how many of those 3 cases was fraud confirmed?**

Please see response to question 25b.

e. In how many of those 3 cases involving asylum fraud was asylum granted?

Since the investigations are ongoing, EOIR cannot confirm that these cases involved asylum fraud. The three cases EOIR investigated involved a pattern of boilerplate factual claims (or questionable supporting evidence) presented in asylum applications filed by numerous individuals represented by the same attorney or group of attorneys. As noted above, EOIR's Fraud Counsel referred two of three cases for further investigation after determining there was sufficient evidence to warrant referral. Before making this determination, EOIR's Fraud Counsel reviewed random sampling of asylum applications from respondents who were represented by the same attorney, which totaled more than 2,400, and reviewed them for similar language and patterns. In the first case, out of the sample asylum applications reviewed, none resulted in the granting of asylum. In the second case, out of the sample asylum applications pulled, two of the applications were granted.

26. According to the same GAO report, in FY 2014, there were 71 complaints of fraud submitted to EOIR's Fraud and Abuse Prevention Program. From those complaints, the Fraud and Abuse Prevention Program opened 25 fraud case files, of which only 7 were asylum-related fraud case files.

a. What actions were taken by EOIR regarding those 7 case files involving asylum fraud?

In the first case, the EOIR Fraud Counsel filed the consumer complaint in the Federal Trade Commission database (FTC Sentinel Network). This database provides both state and federal law enforcement members with access to complaints provided directly to the Federal Trade Commission by consumers, as well as providing law enforcement members with access to complaints.

In the second and third cases, the EOIR Fraud Counsel referred the cases to ICE for further investigation.

In the fourth case, as part of an investigation, U.S. Citizenship and Immigration Services (USCIS) and ICE requested the EOIR Fraud Counsel's assistance in identifying and tracking proceedings before the Immigration Courts that met certain criteria. EOIR ran the necessary reports and provided this information to USCIS and ICE.

In the fifth case, the EOIR Fraud Counsel referred the case to USCIS for further investigation.

In the sixth case, USCIS requested the EOIR Fraud Counsel's assistance in tracking and providing information regarding proceedings that met certain

criteria. EOIR ran the necessary reports and provided this information to USCIS.

In seventh case, the EOIR Fraud Counsel referred the case to USCIS for further investigation.

b. Have those 7 asylum fraud case file investigations been concluded?

EOIR's investigations of these cases have concluded. EOIR does not have complete and updated information regarding the status of the cases it referred to other federal agencies.

c. What were the results of the investigations in those 7 case files involving asylum fraud?

Please see response to question 26b.

d. In how many of those 7 cases was fraud confirmed?

Please see response to question 26b.

27. How many cases involving identified asylum fraud has the Fraud and Abuse Prevention Program referred for criminal prosecution since its inception?

The EOIR Fraud Counsel makes referrals and encourages the receiving agency or agencies to initiate an investigation or pursue criminal or civil prosecution. Since its inception the EOIR Fraud and Abuse Prevention Program has made approximately 40 such referrals in cases involving asylum fraud.

a. Of those referrals, how many have been prosecuted by any prosecuting agency?

The EOIR Fraud and Abuse Program is aware of ten cases that have been accepted for prosecution. Of those, four cases resulted in a conviction or deferred prosecution.

28. According to a Georgetown Immigration Law Journal article, *Inside the Judge's Chambers: Narrative Responses From the National Association of Immigration Judges Stress and Burnout Survey*, 23 Geo. Immigr. L.J. 57 (2008-2009), published on June 26, 2009, a group of research psychiatrists from the University of California San Francisco sent survey questions to 212 immigration judges, seeking responses on stress levels and burnout experienced by immigration judges. A total of 96 judges responded. Of those, 59 provided narrative responses to survey questions. The psychiatrists concluded that immigration judges "suffer from significant symptoms of secondary traumatic stress

and more burnout than has been reported by groups like prison wardens or physicians in busy hospitals.”

a. Are you aware of this report?

Yes.

b. Do you agree with its conclusions? If not, please explain why.

EOIR does not comment on the scientific validity of another organization's methods and conclusions.

c. Have you taken any action since the issuance of that article to improve the work conditions of immigration judges? Please explain.

EOIR works hard to maintain a highly motivated workforce, committed to the agency's mission to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. In the past several years, EOIR has taken several steps to continue to keep immigration judges engaged in their workplace and feeling satisfied with their jobs. Included in those actions are: providing annual training on relevant, current legal issues, as well as how to handle possible stressors and burnout; making significant efforts to address the size of immigration judge dockets by requesting additional funding and hiring more judges; reducing, to the greatest extent possible, mandatory details to other immigration courts; working with the National Association of Immigration Judges (pursuant to the collective bargaining agreement) to afford "official time" as appropriate, including for routine meetings with management; and facilitating immigration judge relocations, pursuant to the collective bargaining agreement.

In addition to the steps described above, we have increased the number of field-based, supervisory immigration judges. These assistant chief immigration judges can serve as mentors and rapidly address concerns and issues at a local level. The Office of the Chief Immigration Judge (OCIJ) has also taken additional steps to engage with immigration judges individually, and the National Association of Immigration Judges collectively, on matters such as information technology improvements and working conditions in the courts. OCIJ expects that the headquarters-to-field communication and interaction will continue to increase and also contribute to improved immigration judge morale.

Questions for the record from Representative Steve King (IA-04):

Case backlog:

1. How many cases were pending at the end of each fiscal year since FY 2000?

Pending as of	Pending with an Asylum Application	Pending without an Asylum Application	Total Pending	Asylum Cases as % of Total Pending
Pending as of September 30, 2000	66,172	59,575	125,747	53%
Pending as of September 30, 2001	82,763	66,582	149,345	55%
Pending as of September 30, 2002	101,384	64,676	166,060	61%
Pending as of September 30, 2003	101,508	68,108	169,616	60%
Pending as of September 30, 2004	90,792	76,761	167,553	54%
Pending as of September 30, 2005	83,979	100,263	184,242	46%
Pending as of September 30, 2006	82,887	85,982	168,869	49%
Pending as of September 30, 2007	85,030	89,914	174,944	49%
Pending as of September 30, 2008	86,870	99,188	186,058	47%
Pending as of September 30, 2009	89,894	133,873	223,767	40%
Pending as of September 30, 2010	93,232	169,506	262,738	35%
Pending as of September 30, 2011	104,198	193,984	298,182	35%
Pending as of September 30, 2012	115,597	212,063	327,660	35%
Pending as of September 30, 2013	122,311	234,029	356,340	34%
Pending as of September 30, 2014	136,127	293,910	430,037	32%
Pending as of September 30, 2015	139,920	318,624	458,544	31%

2. How many additional cases have accrued in each fiscal year since FY 2000?

Fiscal Year	Total Initial Receipts*
2000	160,315
2001	176,508
2002	178,869
2003	193,299
2004	199,713
2005	271,872
2006	247,050
2007	214,320
2008	226,461
2009	255,972
2010	248,581
2011	239,301
2012	214,358
2013	199,401
2014	238,089
2015	201,340

*Initial receipts are the number of administrative filings that the Department of Homeland Security (DHS) or other entities file with EOIR.

Asylum cases:

1. As a percentage of total pending cases at the end of each fiscal year since FY 2000, how many cases were asylum cases?

See table under question 1 above.

2. What is the status of every asylum claim currently pending?

Pending asylum cases are awaiting adjudication and will be processed as quickly as possible in accordance with due process.

3. How many applicants for asylum came across the southern border in each fiscal year since FY 2000?

EOIR does not track the geographic area in which respondents in immigration proceedings came into the U.S. The data we are able to provide are broken down in the below chart by the agency's priority codes, because these codes consist of cases in which DHS has indicated that the associated respondent entered the United States at the southern border. On July 18, 2014, EOIR began capturing data for these respondents whom DHS coded as UC (unaccompanied children), AWC/ATD (adults with children who are released on alternatives to detention), AWC/D (adults with children who are detained), or RBC/D (recent border crossers who are

detained). EOIR cannot provide data broken down by these priority codes for cases filed prior to that date.

Fiscal Year	Initial Receipts with an Asylum Application Total	Unaccompanied Children with an Asylum Application	Adults with Children - Released on ATD with an Asylum Application	Adults with Children - Detained with an Asylum Application	Recent Border Crossers - Detained with an Asylum Application	% of Asylum Applicants Whom DHS Indicated Entered at the Southern Border
2000	37,915	N/A	N/A	N/A	N/A	N/A
2001	48,533	N/A	N/A	N/A	N/A	N/A
2002	57,803	N/A	N/A	N/A	N/A	N/A
2003	52,322	N/A	N/A	N/A	N/A	N/A
2004	40,764	N/A	N/A	N/A	N/A	N/A
2005	36,937	N/A	N/A	N/A	N/A	N/A
2006	38,752	N/A	N/A	N/A	N/A	N/A
2007	41,004	N/A	N/A	N/A	N/A	N/A
2008	34,345	N/A	N/A	N/A	N/A	N/A
2009	31,473	N/A	N/A	N/A	N/A	N/A
2010	28,790	N/A	N/A	N/A	N/A	N/A
2011	32,566	N/A	N/A	N/A	N/A	N/A
2012	34,186	N/A	N/A	N/A	N/A	N/A
2013	32,957	N/A	N/A	N/A	N/A	N/A
2014	39,944	1,197	1,752	415	320	9.2%
2015	43,332	1,706	3,392	456	706	14.4%

4. As a percentage of all asylum applicants, what percentage came coming across the southern border in each fiscal year since FY 2000?

See response to question 3 above.

Fiscal Year	Initial Case Completions with an Asylum Grant Total	Unaccompanied Children with an Asylum Grant	Adults with Children - Released on ATD with an Asylum Grant	Adults with Children - Detained with an Asylum Grant	Recent Border Crossers - Detained with an Asylum Grant	% of Asylum Grants Whom DHS Indicated Entered at the Southern Border
FY 2000	8,653	N/A	N/A	N/A	N/A	N/A
FY 2001	9,250	N/A	N/A	N/A	N/A	N/A
FY 2002	10,265	N/A	N/A	N/A	N/A	N/A
FY 2003	12,380	N/A	N/A	N/A	N/A	N/A
FY 2004	11,685	N/A	N/A	N/A	N/A	N/A
FY 2005	10,339	N/A	N/A	N/A	N/A	N/A
FY 2006	11,349	N/A	N/A	N/A	N/A	N/A
FY 2007	11,098	N/A	N/A	N/A	N/A	N/A
FY 2008	9,151	N/A	N/A	N/A	N/A	N/A
FY 2009	8,715	N/A	N/A	N/A	N/A	N/A
FY 2010	8,396	N/A	N/A	N/A	N/A	N/A
FY 2011	9,959	N/A	N/A	N/A	N/A	N/A
FY 2012	10,577	N/A	N/A	N/A	N/A	N/A
FY 2013	9,820	N/A	N/A	N/A	N/A	N/A
FY 2014	8,700	N/A	N/A	10	5	0.1%
FY 2015	8,180	16	304	162	159	7.8%

5. As a percentage of those granted asylum, what percentage came across the southern border in each fiscal year since FY 2000?

As noted in the response to Question 3, above, EOIR does not track the geographic area in which respondents in immigration proceedings entered the United States.

6. As a percentage of all asylum applicants, how many were minors in each fiscal year since FY 2000?

Fiscal Year	Initial Receipts with an Asylum Application	Unaccompanied Children (UC) Initial Receipts with an Asylum Application*	% of Total Initial Receipts with an Asylum Application Involving Respondents DHS Identified as UC
2000	37,915	0	0%
2001	48,533	0	0%
2002	57,803	2	0%
2003	52,322	2	0%
2004	40,764	19	0%
2005	36,937	54	0.1%
2006	38,753	86	0.2%
2007	41,003	105	0.3%
2008	34,345	49	0.1%
2009	31,468	22	0.1%
2010	28,777	22	0.1%
2011	32,543	17	0.1%
2012	34,134	15	0%
2013	32,779	34	0.1%
2014	38,761	1,124	2.9%
2015	38,887	1,277	3.3%

*On July 18, 2014, EOIR began capturing data for respondents whom DHS identified as UC, AWC/ATD, AWC/D, and RBC/D. To generate the data in this table prior to July 18, 2014, EOIR executed queries using two juvenile codes that existed in the case management system before that date. These two codes do not, however, yield the same high degree of reliability as does the UC code.

7. As a percentage of those granted asylum, how many were minors in each fiscal year since FY 2000?

Fiscal Year	Total Initial Case Completions with an Asylum Grant	Unaccompanied Children with an Asylum Grant*	UC with an Asylum Grant as a % of Total Asylum Grants
2000	8,653	0	0%
2001	9,250	0	0%
2002	10,265	1	0%
2003	12,380	0	0%
2004	11,685	1	0%

2005	10,339	10	0%
2006	11,349	28	.2%
2007	11,098	56	.5%
2008	9,151	69	.8%
2009	8,715	33	.3%
2010	8,396	25	.3%
2011	9,959	27	.4%
2012	10,578	43	.4%
2013	9,819	29	.3%
2014	8,696	29	.3%
2015	8,174	40	.5%

* On July 18, 2014, EOIR began capturing data for respondents whom DHS identified as UC, AWC/ATD, AWC/D, and RBC/D. To generate the data in this table prior to July 18, 2014, EOIR executed a query using two juvenile codes that existed in the case management system before that date. These two codes do not, however, yield the same high degree of reliability as does the UC code.

8. Of those seeking asylum who came across the southern border, please break down by country of origin – the raw number and by percentage per country – in each fiscal year since FY 2000.

As noted in the response to Question 3, EOIR does not track the geographic area in which respondents in immigration proceedings came into the United States. EOIR does not have available any information on these groups prior to July 18, 2014, the date on which the agency began tracking the data in this way.

FY 2014

Nationality	Unaccompanied Children with an Asylum Application	Adults with Children - Released on ATD with an Asylum Application	Adults with Children - Detained with an Asylum Application	Recent Border Crossers - Detained with an Asylum Application	Total Priority Code Asylum Applications	All Asylum Applications	% of Priority Code Asylum Application to Total
AFGHANIS TAN	0	0	0	0	0	13	0%
ALBANIA	0	0	0	0	0	47	0%
ALGERIA	0	0	0	0	0	*	0%
ANGOLA	0	0	0	0	0	7	0%

ANTIGUA AND BARBUDA	0	0	0	0	0	*	0%
ARGENTIN A	0	0	0	0	0	8	0%
ARMENIA	0	*	0	0	*	35	9%
AZERBAIJA N	0	0	0	0	0	6	0%
BAHAMAS	0	0	0	0	0	*	0%
BANGLADE SH	0	0	0	6	6	137	4%
BELARUS	0	0	0	0	0	13	0%
BELIZE	*	0	0	0	*	6	17%
BENIN	0	0	0	0	0	*	0%
BHUTAN	0	0	0	0	0	*	0%
BOLIVIA	0	0	0	0	0	8	0%
BOSNIA- HERZEGOV INA	0	0	0	0	0	*	0%
BRAZIL	0	*	*	0	*	36	6%
BULGARIA	0	0	0	0	0	6	0%
BURKINA FASO	0	0	0	0	0	38	0%
BURMA (MYANMA R)	0	0	0	0	0	14	0%
BURUNDI	0	0	0	0	0	10	0%
CAMEROO N	0	0	0	*	*	38	5%
CANADA	0	0	0	0	0	4	0%
CENTRAL AFRICAN REPUBLIC	0	0	0	0	0	*	0%
CHAD	0	0	0	0	0	*	0%
CHILE	0	0	0	0	0	7	0%
CHINA	5	0	0	*	6	1,334	0%
CHRISTMA S ISLANDS	0	0	0	0	0	*	0%
COLOMBIA	0	0	0	0	0	61	0%
CONGO	0	0	0	*	*	16	6%
COSTA RICA	0	0	0	0	0	5	0%

CUBA	0	0	0	*	*	19	11%
CZECH REPUBLIC	0	0	0	0	0	*	0%
DEMOCRA TIC REPUBLIC OF CONGO	0	0	0	0	0	6	0%
DJIBOUTI	0	0	0	0	0	4	0%
DOMINICA N REPUBLIC	0	0	0	0	0	22	0%
EAST GERMANY	*	*	*	0	5	9	56%
ECUADOR	10	4	0	9	23	336	7%
EGYPT	0	0	0	0	0	56	0%
EL SALVADOR	585	524	125	100	1,334	2,883	46%
EQUATORI AL GUINEA	0	0	0	0	0	*	0%
ERITREA	0	0	0	9	9	35	26%
ESTONIA	0	0	0	0	0	4	0%
ETHIOPIA	0	0	0	7	7	102	7%
FEDERATE D STATES OF MICRONESI A	0	0	0	0	0	*	0%
FIJI	0	0	0	0	0	*	0%
FRANCE	0	0	0	0	0	*	0%
GABON	0	0	0	0	0	*	0%
GAMBIA	0	0	0	0	0	14	0%
GEORGIA	0	0	0	0	0	*	0%
GERMANY	0	0	0	0	0	*	0%
GHANA	0	0	0	*	*	15	7%
GREECE	0	0	0	0	0	*	0%
GRENADA	0	0	0	0	0	*	0%
GUADELOU PE	0	*	0	0	*	*	100%
GUATEMA LA	245	385	111	49	790	1,894	42%
GUINEA	0	0	0	*	*	13	8%
GUYANA	0	0	0	0	0	9	0%

HAITI	0	0	0	0	0	168	0%
HOLLAND	0	7	0	0	7	18	39%
HONDURAS	331	696	174	71	1,272	2,832	45%
HONG KONG	0	0	0	0	0	*	0%
HUNGARY	0	0	0	0	0	*	0%
INDIA	*	0	0	6	8	136	6%
INDONESIA	0	0	0	0	0	8	0%
IRAN	0	0	0	0	0	38	0%
IRAQ	0	0	0	*	*	36	6%
ISRAEL	0	0	0	0	0	4	0%
ITALY	0	0	0	0	0	*	0%
IVORY COAST (COTE D'IVOIRE)	0	0	0	0	0	15	0%
JAMAICA	0	0	0	0	0	20	0%
JORDAN	0	0	0	0	0	9	0%
KAZAKHSTAN	0	0	0	*	*	11	9%
KENYA	0	0	0	0	0	17	0%
KIRGHIZIA (KYRGYZSTAN)	0	0	0	0	0	26	0%
KOSOVO	0	0	0	0	0	6	0%
KUWAIT	0	0	0	0	0	*	0%
LAOS	0	0	0	0	0	*	0%
LEBANON	0	0	0	0	0	10	0%
LIBERIA	0	0	0	0	0	*	0%
LIBYA	0	0	0	0	0	5	0%
MACAU	0	0	0	0	0	*	0%
MACEDONIA	0	0	0	0	0	*	0%
MALAWI	0	0	0	0	0	*	0%
MALAYSIA	0	0	0	0	0	10	0%
MALDIVES	0	0	0	0	0	*	0%
MALI	0	0	0	0	0	14	0%
MAURITANIA	0	0	0	0	0	16	0%
MEXICO	12	118	0	30	160	2,719	6%
MIDWAY	0	0	0	0	0	*	0%

ISLANDS							
MOLDAVIA (MOLDOVA)	0	0	0	0	0	20	0%
MONGOLIA	0	0	0	0	0	5	0%
MOROCCO	0	0	0	0	0	*	0%
NEPAL	0	0	0	7	7	84	8%
NICARAGU A	*	5	0	*	9	51	18%
NIGER	0	0	0	0	0	*	0%
NIGERIA	0	0	0	*	*	34	3%
PAKISTAN	0	0	0	*	*	49	4%
PALESTINE	0	0	0	0	0	*	0%
PARAGUAY	0	0	0	0	0	*	0%
PERU	*	*	*	*	6	41	15%
PHILIPPINE S	0	0	0	0	0	13	0%
POLAND	0	0	0	0	0	*	0%
ROMANIA	0	3	*	0	4	20	20%
RUSSIA	0	0	0	0	0	63	0%
RWANDA	0	0	0	0	0	*	0%
SAUDI ARABIA	0	0	0	0	0	4	0%
SENEGAL	0	0	0	0	0	11	0%
SERBIA MONTENE GRO	0	0	0	0	0	*	0%
SIERRA LEONE	0	0	0	0	0	*	0%
SLOVAK REPUBLIC	0	0	0	0	0	*	0%
SOMALIA	0	0	0	4	4	29	14%
SOUTH KOREA	0	0	0	0	0	*	0%
SOUTH SUDAN	0	0	0	0	0	*	0%
SOVIET UNION	0	0	0	0	0	69	0%
SPAIN	0	0	0	0	0	4	0%
SRI LANKA	0	0	0	*	*	29	7%
ST. KITTS, WEST	0	0	0	0	0	*	0%

INDIES							
ST. LUCIA	0	0	0	0	0	*	0%
ST. VINCENT AND THE GRENADIN ES	0	0	0	0	0	*	0%
SUDAN	0	0	0	0	0	17	0%
SURINAME	0	0	0	0	0	*	0%
SYRIA	0	0	0	*	*	27	4%
TAIWAN	0	0	0	0	0	*	0%
TAJKISTA N (TADZHIK)	0	0	0	0	0	5	0%
TANZANIA	0	0	0	0	0	*	0%
THAILAND	0	0	0	0	0	*	0%
TOGO	0	0	0	0	0	*	0%
TRINIDAD AND TOBAGO	0	0	0	0	0	6	0%
TUNISIA	0	0	0	0	0	4	0%
TURKEY	0	0	0	0	0	6	0%
TURKMENI STAN	0	0	0	0	0	*	0%
UGANDA	0	0	0	0	0	4	0%
UKRAINE	0	0	0	0	0	45	0%
UNITED ARAB EMIRATES	0	0	0	0	0	3	0%
UNITED KINGDOM	0	0	0	0	0	*	0%
UNKNOWN NATIONALI TY	0	0	0	*	*	31	3%
URUGUAY	0	0	0	0	0	*	0%
UZEBEKIST AN	0	0	0	0	0	26	0%
VENEZUEL A	0	0	0	0	0	67	0%
VIETNAM	0	0	0	0	0	4	0%
YEMEN	0	0	0	0	0	8	0%
YUGOSLAV	0	0	0	0	0	9	0%

IA							
ZAMBIA	0	0	0	*	*	*	100%
ZIMBABWE	0	0	0	0	0	*	0%
TOTAL	1,197	1,752	415	320	3,684	14,269	26%

*Indicates a number fewer than 4.

FY 2015

Nationality	Unaccomp anied Children with an Asylum Applicatio n	Adults with Childre n - Release d on ATD with an Asylum Applica tion	Adults with Childre n - Detaine d with an Asylum Applica tion	Recent Border Crosser s - Detaine d with an Asylum Applica tion	Total Priority Code Asylum Applicat ions	All Asylum Applicat ions	% of Priority Code Asylum Applica tion to Total
AFGHANIST AN	0	0	0	*	*	61	3%
ALBANIA	0	*	0	4	5	119	4%
ALGERIA	0	0	0	0	0	8	0%
ANGOLA	0	0	0	0	0	43	0%
ARGENTINA	0	*	0	0	*	22	5%
ARMENIA	*	0	0	0	*	134	2%
AUSTRALIA	0	0	0	*	*	*	50%
AUSTRIA	0	0	0	0	0	*	0%
AZERBAIJAN	0	*	0	0	*	27	7%
BAHAMAS	0	0	0	0	0	5	0%
BAHRAIN	0	0	0	0	0	4	0%
BANGLADES H	0	0	0	54	54	799	7%
BARBADOS	0	0	0	0	0	*	0%
BELARUS	0	0	0	*	*	48	2%
BELGIUM	0	0	0	0	0	*	0%
BELIZE	0	0	0	0	0	16	0%
BENIN	0	0	0	0	0	8	0%
BHUTAN	0	0	0	0	0	14	0%
BOLIVIA	0	0	0	*	*	39	3%
BOSNIA- HERZEGOVI	0	0	0	0	0	26	0%

NA							
BOTSWANA	0	0	0	0	0	*	0%
BRAZIL	*	21	4	6	32	262	12%
BULGARIA	0	0	0	0	0	16	0%
BURKINA FASO	0	0	0	0	0	155	0%
BURMA (MYANMAR)	0	0	0	*	*	47	2%
BURUNDI	0	0	0	0	0	61	0%
CAMBODIA	0	0	0	0	0	13	0%
CAMEROON	0	*	0	*	*	157	2%
CANADA	0	0	0	0	0	5	0%
CAPE VERDE	0	0	0	0	0	*	0%
CENTRAL AFRICAN REPUBLIC	0	0	0	0	0	17	0%
CHAD	0	0	0	0	0	18	0%
CHILE	0	0	0	0	0	23	0%
CHINA	6	5	0	12	23	4,440	1%
CHRISTMAS ISLANDS	0	0	0	0	0	2	0%
COCOS ISLAND	0	0	0	0	0	*	0%
COLOMBIA	*	*	*	*	7	255	3%
CONGO	0	0	0	0	0	91	0%
COSTA RICA	0	*	0	*	*	29	10%
CROATIA	0	0	0	0	0	*	0%
CUBA	0	0	0	*	*	86	3%
CYPRUS	0	0	0	0	0	*	0%
CZECH REPUBLIC	0	0	0	0	0	*	0%
CZECHOSLO VAKIA	0	0	0	0	0	*	0%
DEMOCRATI C REPUBLIC OF CONGO	0	0	0	*	*	61	2%
DJIBOUTI	0	0	0	0	0	8	0%
DOMINICA	0	0	0	0	0	4	0%
DOMINICAN REPUBLIC	*	0	0	*	*	99	3%
EAST	0	*	0	*	*	4	50%

GERMANY							
ECUADOR	34	19	*	9	63	1,518	4%
EGYPT	0	7	0	*	10	347	3%
EL SALVADOR	780	1,093	164	127	2,164	6,110	35%
ERITREA	0	*	6	38	46	215	21%
ETHIOPIA	0	5	*	29	35	390	9%
FEDERATED STATES OF MICRONESIA	0	0	0	0	0	6	0%
FIJI	0	0	0	0	0	17	0%
FRANCE	0	0	0	0	0	*	0%
GABON	0	0	0	0	0	9	0%
GAMBIA	0	0	0	0	0	83	0%
GAZA STRIP	0	0	0	0	0	*	0%
GEORGIA	0	0	0	*	*	29	3%
GERMANY	0	0	0	0	0	10	0%
GHANA	0	0	0	9	9	266	3%
GREECE	0	0	0	0	0	5	0%
GRENADA	0	0	0	0	0	4	0%
GUADELOUP E	0	0	0	0	0	4	0%
GUATEMAL A	494	723	123	56	1,396	4,852	29%
GUINEA	0	0	0	0	0	80	0%
GUINEA BISSAU	0	0	0	*	*	4	25%
GUYANA	0	0	0	0	0	22	0%
HAITI	*	*	0	0	*	482	1%
HOLLAND	0	*	0	0	*	*	100%
HONDURAS	340	1,009	145	96	1,590	4,586	35%
HONG KONG	0	0	0	0	0	6	0%
HUNGARY	0	0	0	0	0	12	0%
INDIA	6	*	0	35	42	632	7%
INDONESIA	0	0	0	0	0	67	0%
IRAN	0	0	0	*	*	187	2%
IRAQ	0	5	0	*	8	198	4%
IRELAND	0	0	0	0	0	5	0%
ISRAEL	0	0	0	0	0	11	0%
ITALY	0	0	0	0	0	12	0%

IVORY COAST (COTE D'IVOIRE)	0	0	0	0	0	52	0%
JAMAICA	0	0	0	0	0	81	0%
JAPAN	0	0	0	0	0	7	0%
JORDAN	0	0	0	0	0	29	0%
KAZAKHSTA N	0	0	0	0	0	84	0%
KENYA	0	0	0	0	0	75	0%
KIRGHIZIA (KYRGYZST AN)	0	0	0	0	0	103	0%
KOSOVO	0	0	0	0	0	41	0%
KUWAIT	0	0	0	0	0	8	0%
LAOS	0	0	0	0	0	14	0%
LATVIA	0	0	0	0	0	11	0%
LEBANON	0	0	0	0	0	53	0%
LESOTHO	0	0	0	0	0	1	0%
LIBERIA	0	0	0	0	0	37	0%
LIBYA	0	0	0	0	0	16	0%
LITHUANIA	0	0	0	0	0	*	0%
MACAU	0	0	0	0	0	5	0%
MACEDONIA	0	0	0	0	0	9	0%
MADAGASC AR	0	0	0	0	0	*	0%
MALAWI	0	0	0	0	0	*	0%
MALAYSIA	0	0	0	0	0	29	0%
MALI	0	0	0	0	0	80	0%
MALTA	0	0	0	0	0	*	0%
MAURITANI A	0	0	0	0	0	54	0%
MAURITIUS	0	0	0	0	0	*	0%
MEXICO	36	451	*	74	562	10,406	5%
MOLDAVIA (MOLDOVA)	0	0	0	0	0	129	0%
MONGOLIA	0	0	0	0	0	64	0%
MONTENEGR O	0	0	0	0	0	5	0%
MOROCCO	0	0	0	0	0	17	0%
MOZAMBIQU	0	0	0	0	0	4	0%

E							
NAMIBIA	0	0	0	0	0	*	0%
NEPAL	0	0	0	21	21	619	3%
NETHERLAN DS	0	0	0	0	0	*	0%
NETHERLAN DS ANTILLES	0	0	0	0	0	*	0%
NEW ZEALAND	0	0	0	0	0	*	0%
NICARAGUA	*	11	0	4	17	162	10%
NIGER	0	0	0	0	0	22	0%
NIGERIA	0	0	*	5	7	222	3%
OMAN	0	0	0	0	0	*	0%
PAKISTAN	0	*	0	6	8	341	2%
PALESTINE	0	0	0	0	0	5	0%
PANAMA	0	0	0	0	0	6	0%
PARAGUAY	0	0	0	0	0	*	0%
PEOPLE'S REPUBLIC OF BENIN	0	0	0	0	0	*	0%
PERU	0	5	*	0	7	141	5%
PHILIPPINES	0	0	0	0	0	63	0%
POLAND	0	0	0	0	0	43	0%
PORTUGAL	0	0	0	0	0	8	0%
QATAR	0	0	0	0	0	*	0%
ROMANIA	0	9	*	*	12	153	8%
RUSSIA	0	0	0	*	*	269	1%
RWANDA	0	0	0	*	*	55	2%
SAUDI ARABIA	0	0	0	0	0	27	0%
SENEGAL	0	0	0	0	0	59	0%
SERBIA MONTENEGR O	0	0	0	0	0	14	0%
SIERRA LEONE	0	0	0	0	0	19	0%
SINGAPORE	0	0	0	0	0	*	0%
SLOVAK REPUBLIC	0	0	0	0	0	4	0%
SOLOMON	0	0	0	*	*	*	33%

ISLANDS							
SOMALIA	*	0	0	77	78	642	12%
SOUTH AFRICA	0	0	0	0	0	15	0%
SOUTH KOREA	0	0	0	0	0	13	0%
SOUTH SUDAN	0	0	0	0	0	*	0%
SOVIET UNION	0	0	0	0	0	196	0%
SPAIN	0	0	0	0	0	10	0%
SRI LANKA	0	0	0	*	*	131	2%
ST. KITTS, WEST INDIES	0	0	0	0	0	*	0%
ST. LUCIA	0	0	0	0	0	4	0%
ST. VINCENT AND THE GRENADINE S	0	0	0	0	0	3	0%
STATELESS - ALIEN UNABLE TO NAME A COUNTRY	0	0	0	0	0	25	0%
SUDAN	0	0	0	*	*	43	5%
SURINAME	0	0	0	0	0	4	0%
SWAZILAND	0	0	0	0	0	2	0%
SWEDEN	0	0	0	0	0	3	0%
SWITZERLA ND	0	0	0	0	0	3	0%
SYRIA	0	5	*	*	8	210	4%
TAIWAN	0	0	0	0	0	5	0%
TAJKISTAN (TADZHIK)	0	0	0	0	0	19	0%
TANZANIA	0	0	0	0	0	13	0%
THAILAND	0	0	0	0	0	11	0%
THE REPUBLIC OF THE MARSHALL ISLANDS	0	0	0	0	0	*	0%
TOGO	0	0	0	0	0	20	0%

TRINIDAD AND TOBAGO	0	0	0	*	*	23	4%
TUNISIA	0	0	0	0	0	6	0%
TURKEY	0	0	0	*	*	27	7%
TURKMENISTAN	0	0	0	0	0	8	0%
UGANDA	0	0	0	0	0	29	0%
UKRAINE	0	*	0	0	*	286	1%
UNITED ARAB EMIRATES	0	0	0	0	0	4	0%
UNITED KINGDOM	0	0	0	0	0	12	0%
UNKNOWN NATIONALITY	0	0	*	0	*	116	2%
URUGUAY	0	0	0	0	0	6	0%
UZBEKISTAN	0	0	0	0	0	69	0%
VENEZUELA	0	0	0	*	*	171	1%
VIETNAM	0	0	0	0	0	32	0%
YEMEN	0	*	0	0	*	19	5%
YUGOSLAVIA	0	0	0	0	0	32	0%
ZAMBIA	0	0	0	0	0	4	0%
ZIMBABWE	0	0	0	0	0	20	0%
TOTAL	1,706	3,392	456	706	6,260	43,332	14%

*Indicates a number fewer than 4.

9. Of those granted asylum who came across the southern border, please break down by country of origin – the raw number and by percentage per country – in each fiscal year since FY 2000.

As noted in the response to Question 3, EOIR does not track the geographic area in which respondents in immigration proceedings came into the United States.

The tables below represent Initial Case Completions with an Asylum Grant by Nationality.

FY 2014

Nationality	Unaccompanied Children with an Asylum Application	Adults with Children - Released on ATD with an Asylum Application	Adults with Children - Detained with an Asylum Application	Recent Border Crossers - Detained with an Asylum Application
EL SALVADOR	0	0	*	*
ETHIOPIA	0	0	0	*
GUATEMALA	0	0	*	0
HONDURAS	0	0	6	0
TOTAL	0	0	10	5

*Indicates a number fewer than 4.

FY 2015

Nationality	Unaccompanied Children with an Asylum Application	Adults with Children - Released on ATD with an Asylum Application	Adults with Children - Detained with an Asylum Application	Recent Border Crossers - Detained with an Asylum Application
ARMENIA	0	*	0	0
AZERBAIJAN	0	*	0	0
BANGLADESH	0	0	0	21
CAMEROON	0	0	0	*
CHINA	*	0	0	4
EAST GERMANY	0	0	*	0
ECUADOR	*	0	0	*
EGYPT	0	*	0	*
EL SALVADOR	4	52	42	8
ERITREA	0	0	6	33
ETHIOPIA	0	*	*	21
GEORGIA	0	0	0	*
GHANA	0	0	0	8
GUATEMALA	5	100	52	5
HONDURAS	5	60	51	4
INDIA	0	0	0	*

IRAN	0	0	0	*
IRAQ	0	0	0	*
MEXICO	0	71	*	4
NEPAL	0	0	0	*
NICARAGUA	0	2	0	0
NIGERIA	0	0	*	*
PAKISTAN	0	0	0	*
PERU	0	*	*	0
SOLOMON ISLANDS	0	0	0	*
SOMALIA	0	0	0	35
SRI LANKA	0	0	0	*
SUDAN	0	0	0	*
SYRIA	0	5	*	0
UKRAINE	0	*	0	0
UNKNOWN NATIONALITY	0	0	*	*
ZAMBIA	0	0	0	*
TOTAL	16	304	162	159

*Indicates a number fewer than 4.

Effect of continuances:

1. How many continuances were granted in each fiscal year since FY 2000?

Fiscal Year	Number of Hearings
2000	363,881
2001	424,474
2002	446,918
2003	486,656
2004	433,271
2005	508,798
2006	477,099
2007	437,407
2008	371,214
2009	436,592
2010	430,516
2011	413,554
2012	377,317
2013	355,189
2014	401,595
2015	386,628

2. How many total days of continuances have been granted since FY 2000?

Fiscal Year	Number of Hearings	Total Number of Days	Average Number of Days
2000	277,922	23,084,232	83
2001	336,023	30,834,262	92
2002	363,912	34,568,456	95
2003	393,116	36,993,072	94
2004	319,423	27,260,262	85
2005	329,410	25,073,004	76
2006	333,053	25,294,690	76
2007	375,629	33,792,468	90
2008	338,620	34,406,426	102
2009	397,252	45,724,963	115
2010	388,185	50,930,442	131
2011	367,791	49,751,146	135
2012	331,470	47,466,608	143
2013	309,891	48,093,790	155
2014	339,827	40,300,311	119
2015	329,933	26,450,260	80

These data only include cases with more than one master calendar hearing, and do not include individual hearings.

3. What is the average length of a continuance in each fiscal year since FY 2000?

Please see table in question 2.