

Immigration Court System Staggers Amidst Looming Backlog of Asylum Cases

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The Immigration Court System is heavily backlogged with 1.3 million asylum cases. With the historic increase in the influx of immigrants entering the United States, immigration judges fear the system will experience a further slowdown.

[Customs and Border Protection](#) reported that agents encountered more than 180,000 migrants at the southern border in May alone, the largest number in the last two decades. [Syracuse University](#) has estimated that [an average wait for a hearing date before the immigration court is 1642 days](#) (54 months).

Backlog of Cases in Immigration Court System

Currently in the immigration courts throughout the United States are about 500 immigration judges. These are the first-level judges who decide on asylum cases, cancellation of removal cases for both lawful permanent residents and undocumented immigrants, and immigrants who are facing removal proceedings.

When President Biden took office, the estimated backlog of immigration cases pending a hearing was at 1.3 million, with the number of immigrants entering the United States only adding to that number. In its budget, the administration has allotted funds for the appointment of 100 new immigration judges.

Immigration judges are appointed for life by the attorney general and are employees of the [Department of Justice](#). Immigration judges have often complained of the need for more judges to be appointed to ensure speedy adjudication; they have also expressed the need for more support staff.

Immigration Judges' Union Under Threat

Immigration judges have been represented by a union, The [National Association of Immigration Judges](#), since 1979. Former Attorney General William Barr petitioned to decertify the union. Then the [Federal Labor Regulations Authority](#) overturned years of precedent by ruling that immigration judges are management officials and must not be part of any collective bargaining unit.

The Association is opposing the ruling and waiting for the Federal Labor Relations Authority to rule on their motion to reconsider. Many Congressional Democrats have urged Attorney General Merrick Garland and Deputy Attorney General Lisa Monaco to rescind Barr's petition.

Attorney General Garland asserted that "immigration judges should be left alone to do their work." He further expressed that he had not considered the issue regarding structuring the immigration system differently. A Justice Department spokesperson said that Garland has not yet decided on the issue of decertification of The National Association of Immigration Judges.

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