



RELATED PRACTICE AREAS

Immigration and Global Mobility Services
Labor and Employment

RELATED TOPICS

Immigration

Immigration Court Backlogs Continue Into 2024

January 12, 2024 | [Labor And Employment](#)



Tejas Shah
Partner

The New Year kicks off with an old problem: extreme backlogs burrowed in the U.S. immigration system. The number of immigration court [cases pending adjudication](#) as of November 2023 was the highest in U.S. history, with the total count exceeding 3 million, according to the Transactional Records Access Clearinghouse (TRAC) at Syracuse University.

While an old problem, the issue has been exacerbated in recent years. Notably, the volume of cases increased by 1 million in between November 2022 and November 2023. This leap has left the approximately 682 immigration judges that the Executive Office of Immigration Review (EOIR) employs ill-equipped to effectively manage all matters on the docket. Although the EOIR added more than 250 immigration judges to its roster in 2016, and these immigration judges close, on average, nearly 1,000 cases per year, the backlog remains. These efforts simply aren't enough; the EOIR is catching the flow of a waterfall with a spoon.

In practice, the backlog of cases ensnared in immigration court leads to a longer wait time for asylum seekers, among others. In 2022, the average length of time to adjudicate an asylum claim in a U.S. immigration court was three years. At the start of 2024, the average is five. In the meantime, individuals seeking asylum are forced to live in limbo, unable able to return to their country of origin for fear of persecution and unable to fully settle into life in the U.S. It also contributes to the often-toxic debate over immigration in the U.S., allowing partisans to adopt their preferred narrative about the

consequences of these delays.

These backlogs also affect employers seeking to hire certain non-citizens, creating an inability to conduct long-term planning for given the lack of permanency with respect to their work authorization. Further, the related issue of U.S. Citizenship and Immigration Services delays in processing applications for work authorization shrinks the labor pool, at least temporarily, from which U.S. employers may fill vacant roles.

This article was co-authored by Tieranny Cutler, independent contract attorney.