

Deportation by Design

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From January 2008 to 2018, the backlog of immigration court cases increased from 186,100 to over 760,000 cases. The steady growth of cases commonly draws media attention, leaving the government with the perpetual question of how to manage the court system and decrease the backlog. In 2018, the Trump administration implemented a controversial policy which, while nominally aimed at decreasing the number of pending cases, had the underlying goal of furthering the administration's efforts to increase immigrant removals. Elise N. Blasingame, Christina L. Boyd, Roberto F. Carlos, and Joseph T. Ornstein examine the consequences of this immigration policy on removal rates.

As the authors argue, immigration judges are unique actors within the US judicial system due to their place within the federal bureaucracy. Though immigration judges are expected to be independent judicial actors similar to other types of judges, the Executive Office for Immigration Review—home of the immigration judges—is under the purview of the executive branch. This means that courts and justices can be limited by the desires of the president. Until recently, however, presidents did not exert much influence over these judges due to the impracticality of alternative options and the importance ascribed to judicial independence.

With over 760,000 cases pending in 2018, the Trump administration sought a solution by mandating that immigration judges complete at least 700 cases a year, with the additional requirement that no more than 15% of their cases be overturned. If judges did not meet these requirements, they would be placed on performance improvement plans. Their jobs would be at stake. The policy placed many judges in a precarious position, especially those judges, such as Democratic leaning judges, whose pre-policy behavior was likely at odds



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with the goals of the Trump administration.

Using data on removal orders from the Executive Office of Immigration Review between 2012 and 2020, the authors find that this is the case. The authors analyze data across 335 immigration judges during this time and find that on average, around 19,000 more immigrants were ordered deported in the year following the quota implementation. As they suspect, the quota was most effective for immigration judges with specific backgrounds. Judges who were identified as being more politically liberal, those with legal aid experience, female judges, and



those of Latinx heritage issued more removals than their counterparts, among other factors. More conservative judges and those with military experience unsurprisingly issued a similar number of removals before and after the quota. In other words, the quota implementation was effective in achieving the Trump administration's goals, unfortunately at the expense of immigrants.

As the authors demonstrate, the quota implementation resulted in more removal orders, or plainly put, deportations. The consequential role of immigration judges' decisions cannot be understated. Many vulnerable immigrants—be it those arriving in the US or those already living in the US—rely on these decisions for immigration status. For many migrants, it is the only way they may be able to gain any sort of legal status. Moreover, once a judge issues a removal order, it can have severe legal consequences for years to come. In addition to mandating almost immediate removal from the country, removal orders make it difficult for immigrants to access other forms of legal status later in their lives, should the option become available. In many ways, the adverse consequences of Trump's Quota Policy reverberate far past the courtroom. ■

BLASINGAME, ELISE N., CHRISTINA L. BOYD, ROBERTO F. CARLOS and JOSEPH T. ORNSTEIN. 2023. "How the Trump Administration's Quota Policy Transformed Immigration Judging." *American Political Science Review*, 1–16. <https://doi.org/10.1017/S0003055423001028>.