



Immigration Courts: Decline in New Cases at the End of FY2024

November 26, 2024

Immigration courts within the U.S. Department of Justice’s (DOJ’s) Executive Office for Immigration Review (EOIR) adjudicate immigration cases; most commonly, [formal removal proceedings](#) under Section 240 of the Immigration and Nationality Act. The number of pending cases (backlog) in immigration courts [has grown each year since FY2006](#) and [has ballooned in recent years](#). It exceeded 1 million for the first time in FY2019, reached nearly 2.5 million at the end of FY2023, and was approximately 3.6 million at the end of FY2024. [Several factors have contributed to the backlog](#), both internal and external to EOIR, including immigration court resources and staffing, increased immigration enforcement, changing migrant arrival patterns at the U.S.-Mexico border, and disruptions from the COVID-19 pandemic, among others.

In recent years, the backlog increased alongside unprecedented levels of migration across the U.S.-Mexico border by migrants—often seeking asylum—without authorization to enter the country. As a result, EOIR received record levels of new cases. In June 2024, the [Department of Homeland Security \(DHS\) initiated new policy changes at the Southwest border designed to limit access to asylum](#); since then, there has been a decline in new EOIR filings and growth in the court backlog has slowed.

At the Southwest border, DHS’s U.S. Customs and Border Protection (CBP) commences formal removal proceedings when it charges a foreign national with an immigration violation and files a [Notice to Appear](#) charging document with an immigration court. Some individuals are [detained](#) while they await proceedings; others may be released at DHS discretion. During removal proceedings, an immigration judge (IJ) considers DHS’s charges and any applications for relief or protection (e.g., [asylum](#)) that the person has filed.

Alternatively, CBP may process recent arrivals encountered at or near the border for [expedited removal](#), and remove them from the United States without a formal hearing. DHS generally has discretion to process an arriving migrant for formal or expedited removal. A person in expedited removal who expresses an intention to apply for asylum or a fear of persecution or torture if they were to be removed may undergo a [credible fear screening](#) with an asylum officer (within DHS’s U.S. Citizenship and Immigration Services). If the individual demonstrates that they may qualify for asylum or other protection, they may be placed in formal removal proceedings and file an application for such relief/protection; otherwise, they may be removed. Individuals awaiting credible fear screenings are

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generally held in DHS custody—during high levels of enforcement encounters at the border, this can create [operational constraints](#). In response, in recent years [CBP has processed a large proportion of individuals directly for formal removal](#) and released them to await a court date, contributing to record levels of new EOIR case receipts and the growing backlog.

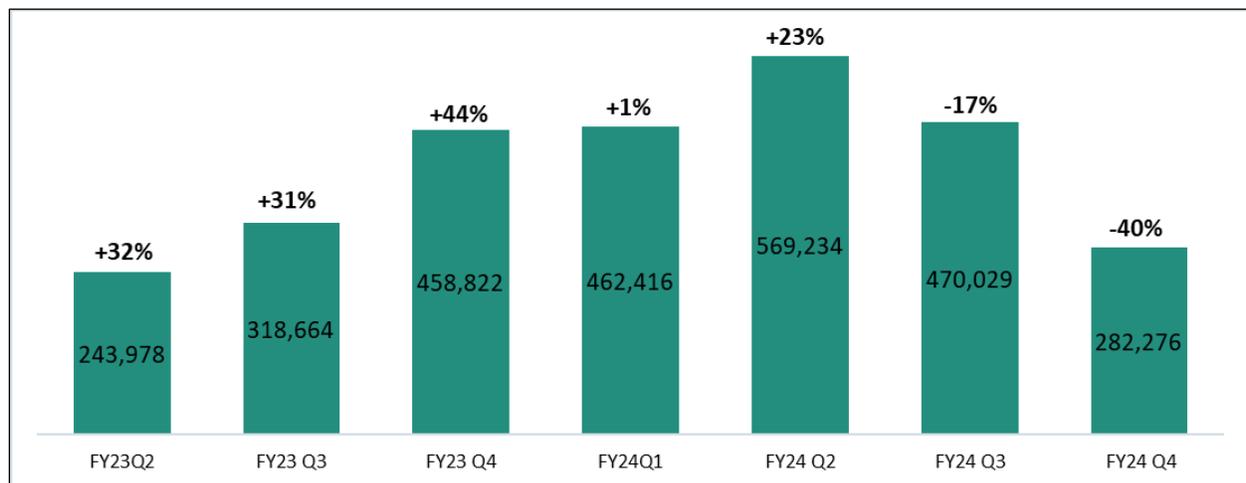
In June 2024, the Biden Administration issued a [proclamation](#) and DHS and DOJ issued an [interim final rule \(IFR\)](#), *Securing the Border*, which was [modified](#) and [finalized](#) in October 2024. The IFR [limits asylum eligibility](#) for migrants encountered at the Southwest border during “[emergency border circumstances](#),” with a goal to “quickly reduce unlawful and unauthorized entries at the border and to quickly impose decisions and consequences on those who cross our border unlawfully and lack a legal basis to remain.” [The IFR stated](#):

EOIR is underfunded, without sufficient resources to address the backlog of over 2.78 million cases that were pending in the immigration courts at the end of the first quarter of FY2024. This under-resourcing has contributed to the growth of this backlog; in FY2023, IJs completed more cases than they ever had before in a single year, but more than twice as many cases were received by the immigration courts as were completed.

In October, [CBP reported](#) a “continued, meaningful decrease in unlawful border crossings” since the IFR went into effect at the end of the third quarter (the [overall reduced number of enforcement encounters](#) at the Southwest border also may be associated with external factors, such as [immigration enforcement in Mexico](#)). Since the IFR went into effect, [the proportion of migrants processed for expedited removal, relative to formal removal, increased substantially](#).

In the year prior to issuing the IFR, EOIR’s quarterly case receipts increased for five consecutive quarters from FY2023 Q2 to FY2024 Q2. In FY2024, new EOIR case receipts increased 23% from Q1 to Q2, then declined 17% from Q2 to Q3 and approximately 40% from Q3 to Q4 ([Figure 1](#)), the lowest quarterly percentage decreases in case receipts during the last three fiscal years (case receipts were generally low during the COVID-19 pandemic).

Figure 1. EOIR FY2024 Quarterly Case Receipts
Number and percentage change from previous quarter

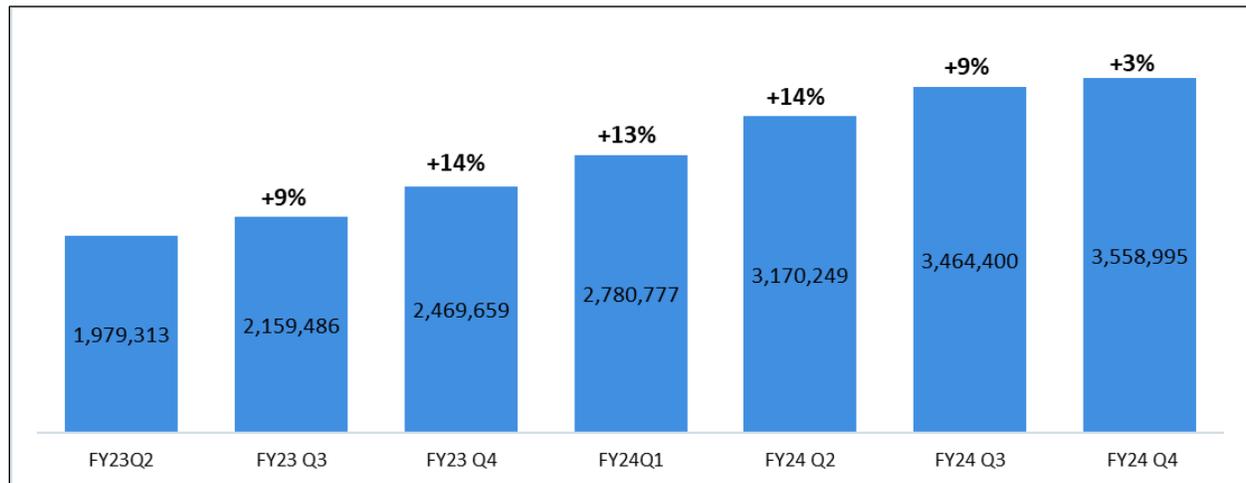


Source: CRS calculations based on EOIR, “Pending Cases, New Cases, and Total Completions,” Adjudication Statistics, multiple quarters.

Notes: EOIR’s quarterly data do not disaggregate by quarter; they contain a running total for the fiscal year. CRS calculated quarterly case receipts by subtracting from the total number of case receipts for each quarter the previous quarter’s total (e.g., Q2 quarterly case receipts = Q2 total receipts [1,031,650] – Q1 total receipts [462,416]).

The immigration court backlog increased approximately 44% between the end of FY2023 (2.5 million cases) and FY2024 (3.6 million cases). Although it increased each quarter of FY2024, that growth was lower during the last two quarters of the year compared with the first two as the number of case receipts declined (**Figure 2**).

Figure 2. EOIR FY2024 Total Pending Cases by Quarter
 Number and percentage change from previous quarter



Source: EOIR, “Pending Cases, New Cases, and Total Completions,” Adjudication Statistics, multiple quarters.

The immigration court backlog and annual case receipts remain the highest in EOIR’s history at the end of FY2024. However, lower levels of apprehensions and **CBP’s increased use of expedited removal** may be associated with reductions in filings in immigration court in the third and fourth quarters of the year and a smaller proportionate growth in the immigration court backlog

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