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# Linking Data from Immigration Court and the Federal Criminal Justice System

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# Introduction

- BJS would like to expand its collections and statistics to describe immigration law
- Immigration law touches
  - Department of Homeland Security (DHS) agencies
  - Department of Justice's (DOJ) Executive Office of Immigration Review (EOIR)
  - U.S. Marshals bookings at the border
- BJS has been interested in immigration court data for roughly 10 years
  - Early development of data series and replication of EOIR statistical tables
  - EOIR and BJS entered into a data use agreement in 2024



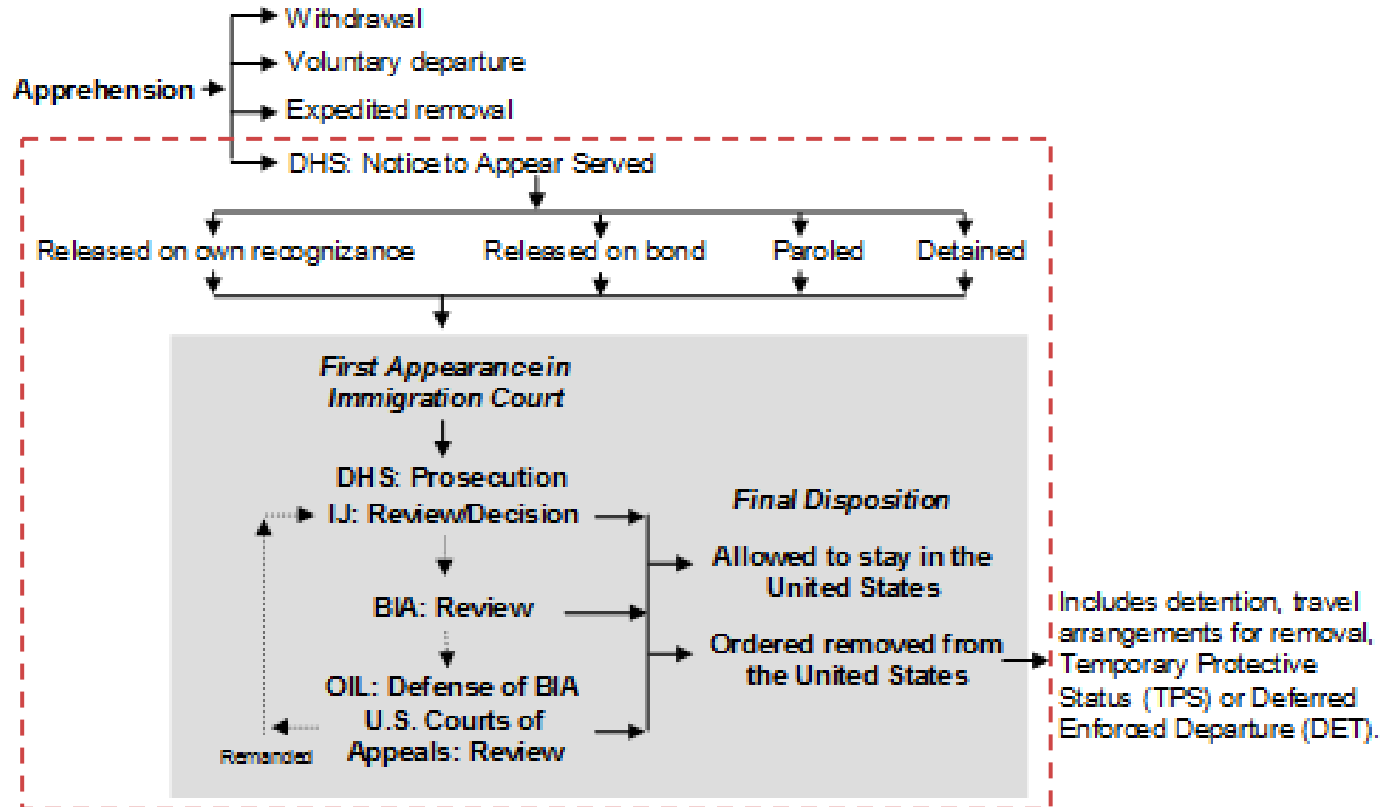
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# Immigration Law in the United States

- Immigration and Naturalization Act (INA)
- Department of Homeland Security (DHS) tasked with enforcing immigration law
- Immigration courts determine removability and adjudicate applications for relief from removal (Immigration Practice Manual, 2023)



Immigration court sits alongside other DHS agencies such as Customs and Border Patrol and Immigration and Customs Enforcement, but is independent of those agencies





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# EOIR Structure

- Located under the Department of Justice (DOJ)
- Immigration judges hear and rule on cases
  - Roughly 700 immigration judges across 71 courts
  - Cases may be held in person or remotely
- Cases involve two parties
  - DHS (plaintiff)
  - Alien (defendant)
- Appealed decisions heard by Board of Immigration Appeals (BIA)

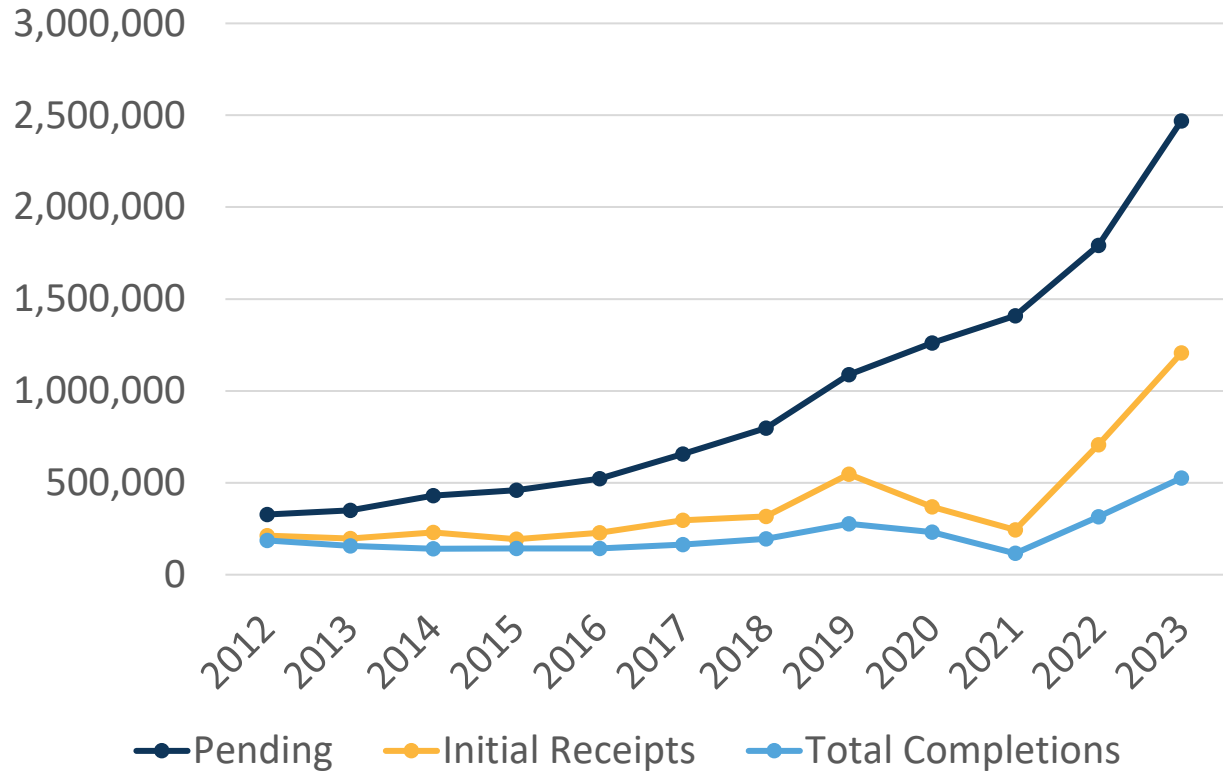


# Types of EOIR Cases

- Removal (alien charged with violating immigration law)
  - Removal case initiated with filing of a notice to appear
  - If alien found removable, removal procedure initiated
- Applications for relief from removal
  - Asylum only
  - Claimed status review
  - Credible fear review
  - Reasonable fear review
  - Withholding only



# EOIR Initial Receipts, Pending Cases, and Completed Cases, FY 2012 - 2023



Sources: Executive Office for Immigration Review Adjudication Statistics: Pending Cases, New Cases, and Total Completions, 2024 Q3; and FY 2013 Statistics Yearbook



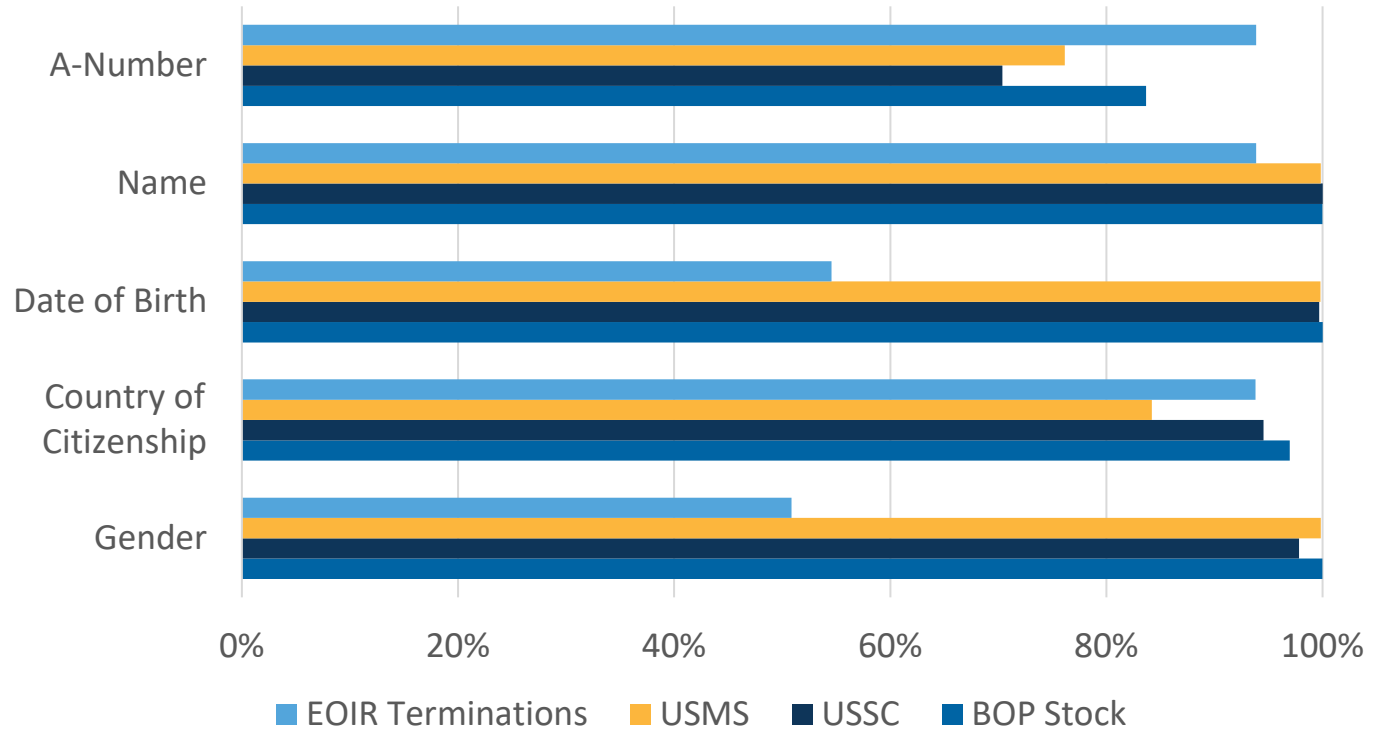
# Linking EOIR to the Federal Justice Statistics Program

- No direct links between immigration court and federal criminal justice system
- Common identifiers between the data
  - Direct: A-number, name, and date of birth
  - Supportive: Country of citizenship and gender
- Complications
  - Three FJSP agencies, the USMS, USSC, and BOP, report a large share of A-numbers
  - Linking on name made more difficult by differential recording of multiple last names





Presence of identifiers that may be used for linking





# Linking strategy

- Select first EOIR completion record (i.e., first proceeding) from FY2012 – 2022 (just over 2 million records)
- Link only to non-citizens in the USMS, USSC, and BOP data
- Link based on A-number, confirm with name and/or date of birth
  - Name can be an exact or fuzzy match
  - Date of birth exact
  - Do secondary identifiers match?
  - Create tiers of links to represent how well the link worked
- For unlinked EOIR records, link on name and date of birth
  - Confirm with fuzzy A-number match or match on secondary identifiers

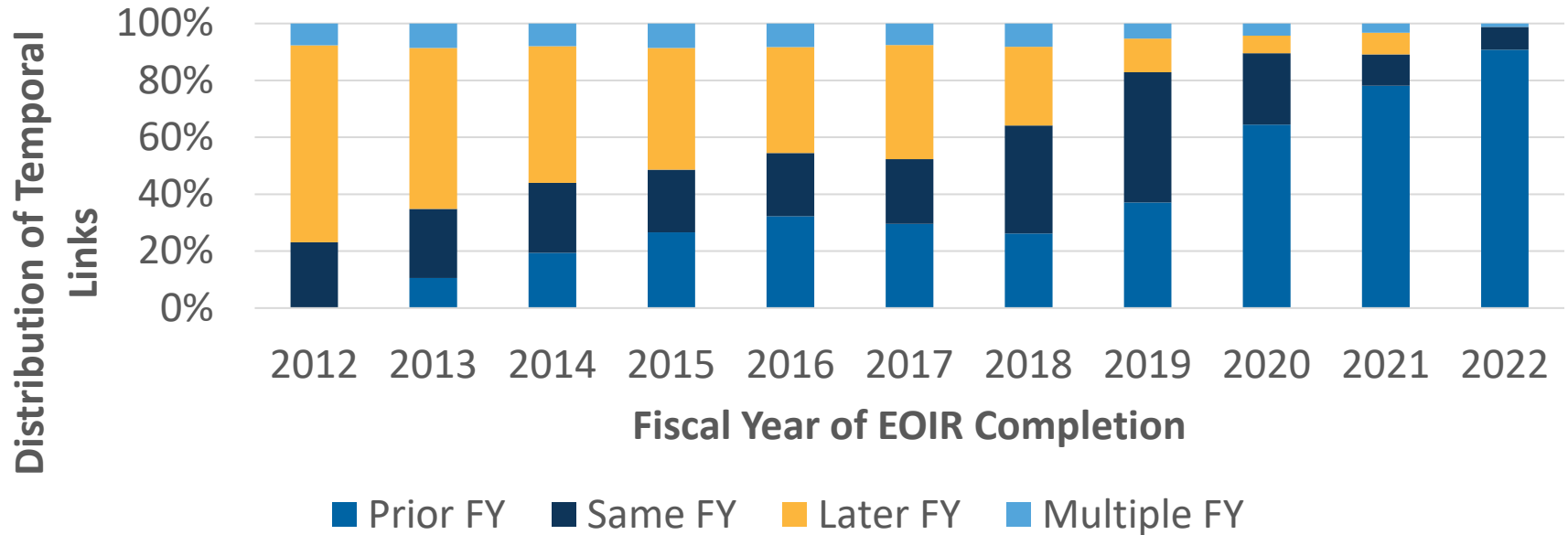


A-Number is important, and is frequently supported by other linking variables

	USMS	USSC	BOP
Exact A-Number			
And Exact Name, DOB, Sex, and Country of Citizenship	18%	16%	16%
And Fuzzy Name, DOB, Sex, and Country of Citizenship	10%	14%	14%
And Any Name, DOB	60%	49%	52%
And DOB, Country of Citizenship, or Sex	1%	3%	0%
Only A-Number	4%	11%	11%
Exact Name and DOB			
And Fuzzy A-Number	0%	0%	0%
No A-Number, And Country of Citizenship	0%	0%	2%
Name and DOB, possibly Sex	7%	7%	4%

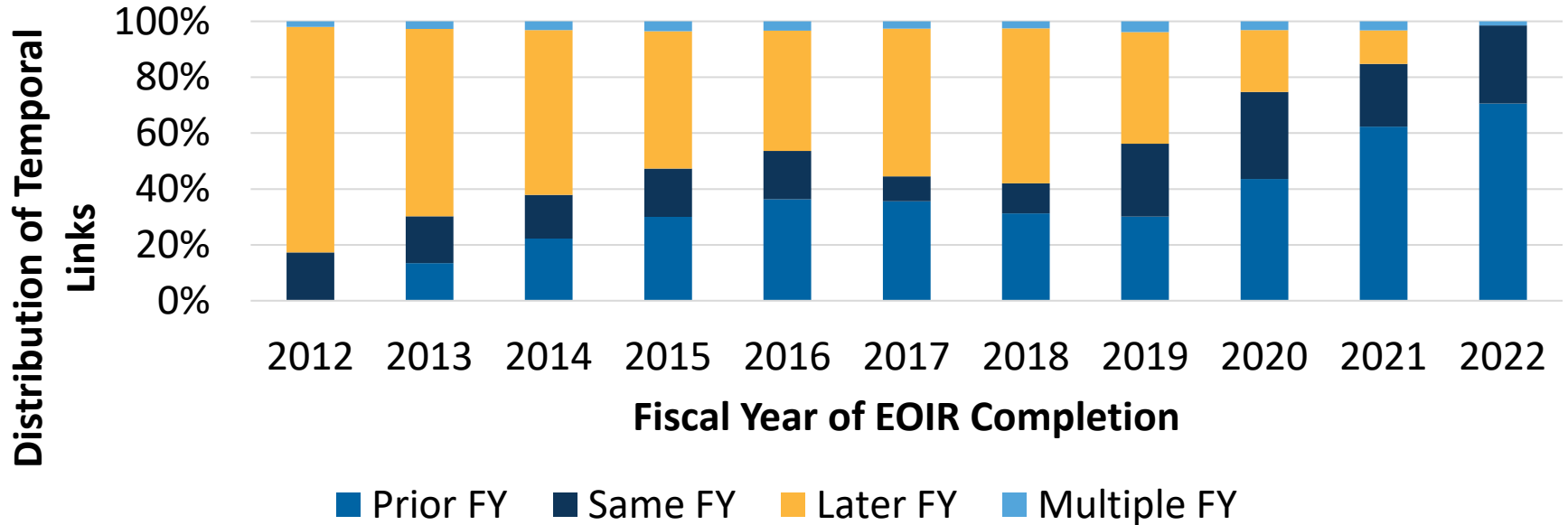


# Distribution of Temporal Relationship between Linked EOIR and USMS Records



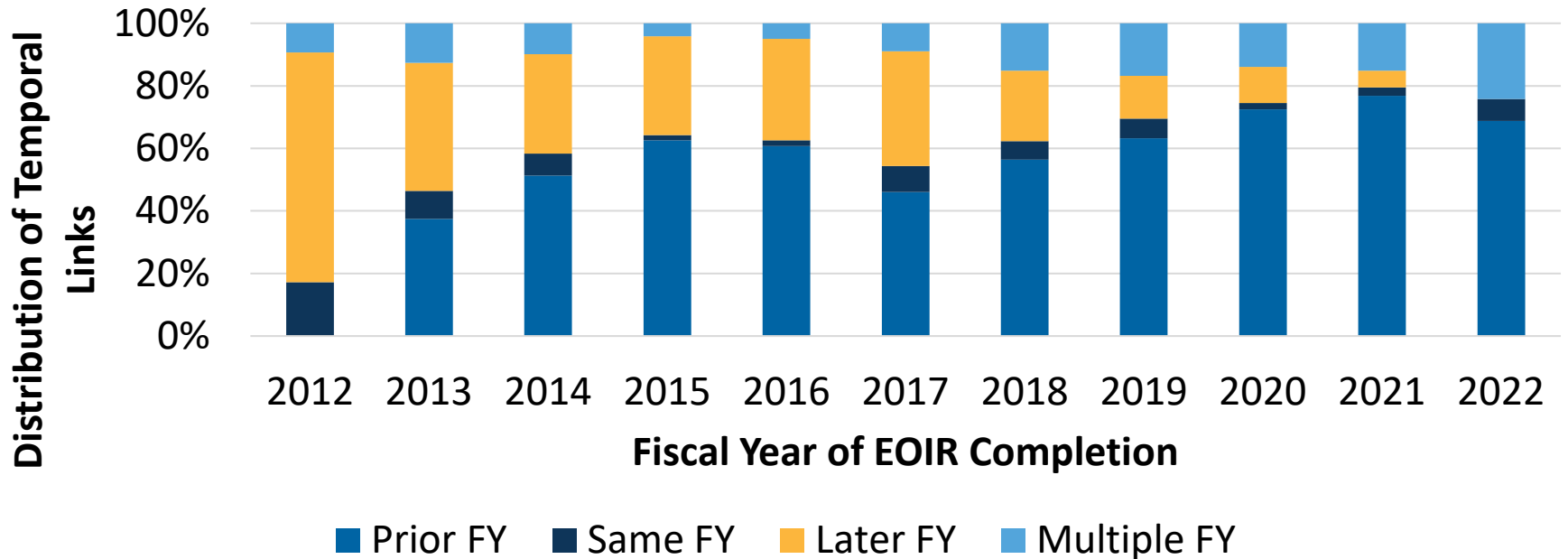


# Distribution of Temporal Relationship between Linked EOIR and USSC Records





# Distribution of Temporal Relationship between Linked EOIR and BOP Records





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# Discussion

- Significant overlap of identifiers between EOIR and the FJSP
- Links are frequently reinforcing
- Link rates are likely an underestimate
  - Used basic procedures to motivate discussion
  - Some data work needed in FJSP, as missing identifiers can come from multiple stages
  - Other linking software may improve results, though likely not by much



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# Next Steps for BJS

- EOIR data
  - Finalize basic EOIR data series and BJS reports
  - Routinize EOIR data and reporting
- Linking
  - Handle multiple names more intelligently
  - Improve A-numbers in FJSP
- Reporting
  - Investigate link rates by types of immigration charges from the EOIR, and types of offense charges from the FJSP
  - Seek opportunities to link to other agencies that deal with immigration law



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