



Written by [R. Cort Kirkwood](#) on November 9, 2018

## Deportation Orders Hit Record High; Immigration Courts Clogged

If numbers are to be believed, the Trump administration is trying to keep its promise to deport illegal aliens, a report from Syracuse University says.

[Syracuse University's TRAC Immigration site](#) has crunched the data from fiscal 2018 and shown that the administration has issued orders to deport nearly 300,000 border jumpers.

The report also details how many cases are piled up in immigration court waiting for the ax to fall and which states will lose the most illegals and what countries they come from.

### Increase From Last Year

[The data show](#) that new deportation orders have increased about five percent from last year.

The number of deportation orders jumped from 274,133 to 287,741. And fiscal 2017 was better than 2016, when removal orders numbered 267,265.

The data also include the originating countries of those who received the orders. Tops on the list, not surprisingly, is Mexico, which accounted for 73,993, or 25.7 percent of the total.

Guatemala accounted for 64,045 orders, or 22.3 percent, with Honduras coming in third at 41,071, or 14.3 percent, and El Salvador fourth at 25,551, or 8.9 percent.

[The top 10 states](#) from which the immigrants will be deported are Texas (25,300), California (14,522), Florida (12,590), New York (8,824), Georgia (7,955), Louisiana (6,051), North Carolina (4,321), Arizona (4,140), Illinois (3,404), and Virginia (3,190).

The problem? The immigration courts [are backed up](#) with 1,098,468 cases, a 112.9 percent boost from 2017.

### Criminal Aliens?

Deportation orders because of "alleged criminal activity" [amounted to 4.4 percent of the total](#).

The report details 3,845 aggravated felonies, 29 national security charges, and eight terrorism charges. "Other criminal charges" numbered 8,924, which, added to the aggravated felonies, accounted for the 4.4 percent.

The data show an unexplained "other" category with 16,106 cases, or 5.6 percent of the total.

A little more than half the deportation orders, 136,663 were for "other immigration charge," and the rest, 122,166, or 42.5 percent, were for "entry without inspection."

[More than 10,000 illegals were convicted](#) of immigration-related offenses in September alone. The report did not appear to compile that figure for the year.





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CBS News, [which reported](#) some of the TRAC Immigration data, noted the orders are at a record high since the time Syracuse began tracking the data in 1992.

### **Court Decision**

Other immigration this week wasn't as good. The leftist United States Court of Appeals for 9th Circuit sided with challengers to the Trump administration's rescission of President Obama's DACA policy, or Deferred Action on Childhood Arrivals.

[The court ruled against](#) the administration, it said, not because the administration does not have the power to rescind Obama's illegal, unconstitutional order — which amounted to a unilaterally granted amnesty, or DREAM Act by fiat — but because the administration's legal reasoning was faulty.

The Trump administration, the court wrote, offered contradictory arguments for the rescission: "According to the Acting Secretary of Homeland Security, upon the legal advice of the Attorney General, DACA was illegal from its inception, and therefore could no longer continue in effect. And [when DACA recipients] challenged this conclusion in the federal courts, the government adopted the position that its ... determination that DACA is unlawful [and] is unreviewable by the judicial branch."

Not so, [the court said](#), citing *Marbury v. Madison*, the case in 1803 by which the court asserted its authority to interpret the Constitution: "The government may not simultaneously both assert that its actions are legally compelled, based on its interpretation of the law, and avoid review of that assertion by the judicial branch, whose 'province and duty' it is 'to say what the law is.'"

Thus, "government's decision to rescind DACA is subject to judicial review. And, upon review, we conclude that plaintiffs are likely to succeed on their claim that the rescission of DACA — at least as justified on this record — is arbitrary, capricious, or otherwise not in accordance with law. We therefore affirm the district court's grant of preliminary injunctive relief."

But the court did "not hold that DACA could not be rescinded."

The decision doesn't much matter. Multiple courts have decided differently.

In September, [a federal judge sided with the administration](#), ruling that DACA was illegal, i.e., that Obama did not have the authority to strike down immigration law and substitute his own. But the judge left the program in place and set up an appeal that will ultimately land in the U.S. Supreme Court.

A month before that, a different [federal judge upheld DACA](#) with similar reasoning to that of the 9th Circuit.

Image: [Screenshot from ICE.gov](#)



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