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SCHUMER UNVEILS NEW ANALYSIS SHOWING SOTOMAYOR'S MODERATE RECORD ON IMMIGRATION CASES; REVIEW OF CLOSE TO 850 CASES SHOWS SHE RULED AGAINST ASYLUM CLAIMS 83 PERCENT OF TIME

Sotomayor's Rate Matches The Overall Average Of the Second Circuit Court

Senator: 'This Puts To Rest Any Doubts About Sotomayor's Fidelity to Rule of Law'

WASHINGTON, D.C. – U.S. Senator Charles E. Schumer (D-NY), the chairman of the Senate Immigration Subcommittee, released a new analysis Tuesday of Judge Sonia Sotomayor’s judicial record on immigration-related cases, showing she ruled against asylum claims 83 percent of the time, a rate that places President Obama’s Supreme Court nominee squarely in the judicial mainstream. Schumer said the figures, which had not previously been compiled, undercut attempts by Sotomayor’s critics to paint her as a judge whose decision-making is influenced by factors other than the rule of law.

“These findings should put to rest any doubts about Judge Sotomayor’s fidelity to the rule of law,” Schumer said. “Even in immigration cases, which would most test the so-called ‘empathy factor,’ Judge Sotomayor’s record is well within the judicial mainstream.”

Schumer’s office examined 955 rulings from Sotomayor’s 17 years on the federal bench. Of those, 848 were asylum cases, 35 were criminal alien cases, and 72 fell under the category of “other” (technical cases). Sotomayor decided 83 percent of the asylum cases in favor of the government, and just 17 percent in favor of the alien.

Those figures put Sotomayor right in line with the 17.1-percent “remand” rate for the entire U.S. Second Circuit Court of Appeals, as calculated in a comprehensive Stanford Law Review study for the period of 2004-05. Sotomayor’s rate also trends very much in line for the national average for all the appeals court nationwide. The Stanford study pegged that average at 15.4 percent.

A by-the-numbers breakdown of Sotomayor’s record on immigration cases, compiled by Schumer’s office, appears below.

Total Immigration Opinions as a Circuit Court and District Court Judge 955

Total Number of Cases Where Judge Sotomayor Ruled Against the Petitioner 785

#TITLE#

Total Number of Cases Where Judge Sotomayor Ruled In Favor of the Petitioner	170
Percent of the time Judge Sotomayor Ruled in Favor of the Government	82%
Percent of the time Judge Sotomayor Ruled in Favor of the Petitioner	8%

Total number of Asylum, Withholding of Removal, and Convention Against Torture Cases **848**

Total number of Asylum, Withholding of Removal, and Convention Against Torture Cases	
Where Judge Sotomayor Ruled in Favor of the Government and Against the Petitioner	704
Total number of Asylum, Withholding of Removal, and Convention Against Torture Cases	
Where Judge Sotomayor Ruled in Favor of the Petitioner and Against the Government	144

Percent of the time Judge Sotomayor Ruled in Favor of the Government in Asylum,

Withholding of Removal, and Convention Against Torture Cases	83%
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Percent of the time Judge Sotomayor Ruled in Favor of the Petitioner in Asylum,

Withholding of Removal, and Convention Against Torture Cases	17%
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Total number of Criminal Alien Cases

35

Total number of Criminal Alien Cases Where Judge Sotomayor Ruled	
in Favor of the Government and Against the Petitioner	27

Total number of Criminal Alien Cases Where Judge Sotomayor Ruled	
in Favor of the Petitioner and Against the Government	8

Percent of the time Judge Sotomayor Ruled in Favor of the Government in Criminal Alien cases	77%
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Percent of the time Judge Sotomayor Ruled in Favor of the Petitioner in Criminal Alien Cases	23%
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Total "other" immigration cases

72

Total other immigration cases Judge Sotomayor Ruled in Favor of the Government	54
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Total other immigration cases Judge Sotomayor Ruled in Favor of the Petitioner	18
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Percent of other immigration cases Judge Sotomayor Ruled in Favor of the Government	75%
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Percent of other immigration cases Judge Sotomayor Ruled in	
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Favor of the Petitioner

25%

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