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## Judge David Kim FY 2020 - 2025\*, New York Immigration Court

\*data covers the first 11 months of fiscal year 2025

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David K. S. Kim was appointed as an Immigration Judge to begin hearing cases in October 2022. Judge Kim earned a Bachelor of Arts in 1990 from Emory University, a Master of Public Administration in 1997 from West Virginia University, and a Juris Doctor in 2001 from Brooklyn Law School. From 2011 to 2022, he was in private practice as the Founder and Principal Attorney of the Law Office of David K. S. Kim PC, in Flushing, NY, where his practice was exclusively devoted to immigration and nationality law. From 2006 to 2011, he was a senior associate at Bretz & Coven, LLP in New York City. From 2003 to 2006, he was an associate at Kurzban, Kurzban, Weinger, and Tetzeli P.A. in Miami. From 2001 to 2003, he served as a staff attorney law clerk for the U.S. Court of Appeals for the Second Circuit. Judge Kim is a member of the New York State Bar.

### Deciding Asylum Cases

Detailed data on decisions by Judge Kim were examined for the period covering fiscal years 2020 through the first 11 months of 2025. During this period, court records show that Judge Kim decided 441 asylum claims on their merits. Of these, he granted asylum for 397, granted 7 other types of relief, and denied relief to 37. Converted to percentage terms, Kim denied 8.4 percent and granted 91.6 percent of asylum cases (including forms of relief other than asylum).

Figure 1 provides a comparison of Judge Kim's denial rate each fiscal year over this recent period. (Rates for years with less than 25 decisions are not shown.)

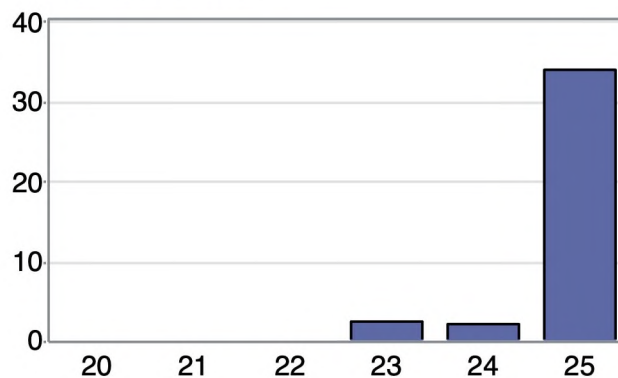


Figure 1: Percent of Asylum Matters Denied

### Nationwide Comparisons

Compared to Judge Kim's denial rate of 8.4 percent, Immigration Court judges across the country denied 58.9 percent of asylum claims during this same period. Judges at the New York Immigration Court where Judge Kim decided these cases denied asylum 39 percent of the time. See Figure 2.

Judge Kim's asylum grant and denial rates are compared with other judges serving on the same court in [this table](#). Note that when an Immigration Judge serves on more than one court during the same period, separate Immigration Judge reports are created for any Court in which the judge rendered at least 100 asylum decisions.

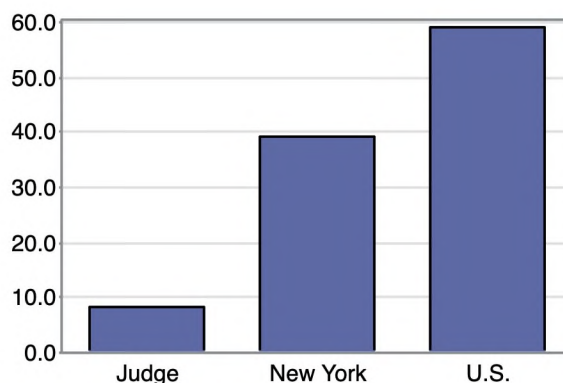


Figure 2: Comparing Denial Rates (percents)

## Why Do Denial Rates Vary Among Judges?

Although denial rates are shaped by each Judge's judicial philosophy, denial rates are also shaped by other factors, such as the types of cases on the Judge's docket, the detained status of immigrant respondents, current immigration policies, and other factors beyond an individual Judge's control. For example, TRAC has previously found that legal representation and the nationality of the asylum seeker are just two factors that appear to impact asylum decision outcomes.

The composition of cases may differ significantly between Immigration Courts in the country. Within a single Court when cases are randomly assigned to judges sitting on that Court, each Judge should have roughly a similar composition of cases given a sufficient number of asylum cases. Then variations in asylum decisions among Judges on the same Immigration Court would appear to reflect, at least in part, the judicial philosophy that the Judge brings to the bench. However, if judges within a Court are assigned to specialized dockets or hearing locations, then case compositions are likely to continue to differ and can contribute to differences in asylum denial rates.

## Representation

When asylum seekers are not represented by an attorney, almost all of them (77%) are denied asylum. In contrast, a significantly higher proportion of represented asylum seekers are successful. In the case of Judge Kim, 2.3% were not represented by an attorney. See Figure 3. For the nation as a whole, about 17.1% of asylum seekers are not represented.

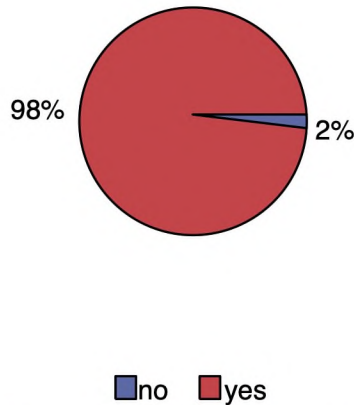


Figure 3: Asylum Seeker Had Representation

### Nationality

Asylum seekers are a diverse group. Over one hundred different nationalities had at least one hundred individuals claiming asylum decided during this period. As might be expected, immigration courts located in different parts of the country tend to have proportionately larger shares from some countries than from others. And, given the required legal grounds for a successful asylum claim, asylum seekers from some nations tend to be more successful than others.

The largest group of asylum seekers appearing before Judge Kim came from China. Individuals from this country made up 32.4% of his caseload. Other nationalities in descending order of frequency appearing before Judge Kim were: India (19.2%), Bangladesh (7.8%), Russia (7.8%), Nepal (6.2%). See Figure 4.

In the nation as a whole during this same period, major nationalities of asylum seekers, in descending order of frequency, were Honduras (11.2%), Guatemala (11.2%), El Salvador (10.9%), Mexico (8.2%), China (5.2%), Venezuela (5.2%), India (5.1%), Ecuador (4.5%), Nicaragua (4.4%), Colombia (4.4%), Brazil (3.1%), Russia (3.1%), Cuba (2.8%).

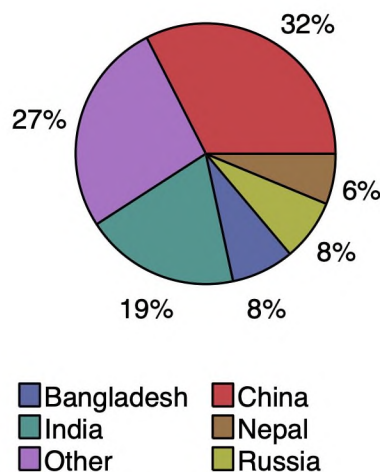


Figure 4: Asylum Decisions by Nationality

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