



Administrative Review and Appeals Executive Office for Immigration Review (EOIR)

FY 2013 Budget Request At A Glance

FY 2012 Enacted:	\$302.3 million (1,582 positions; 506 attorneys)
Current Services Adjustments:	+\$7.0 million
Program Changes:	+\$1.4 million
FY 2013 Budget Request:	\$310.6 million (1,582 positions; 506 attorneys)
Change From FY 2012 Enacted:	+\$8.4 million (+2.8%)

Mission:

The mission of EOIR is to adjudicate immigration cases in a careful and timely manner, including cases involving detained aliens, criminal aliens, and aliens seeking asylum as a form of relief from removal, while ensuring the standards of due process and fair treatment for all. The Board of Immigration Appeals' mission is to provide timely guidance and interpretation of immigration law.

Organization:

EOIR was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization that combined the Board of Immigration Appeals (BIA or Board) with the Immigration Judge function. Besides establishing EOIR as a separate agency within DOJ, this reorganization made the Immigration Courts independent of the agency charged with enforcement of federal immigration laws. The Office of the Chief Administrative Hearing Officer was added in 1987. EOIR is headed by a Director, appointed by the Attorney General, who oversees 58 Immigration Courts nationwide, as well as BIA and the headquarters organization located in Falls Church, VA.

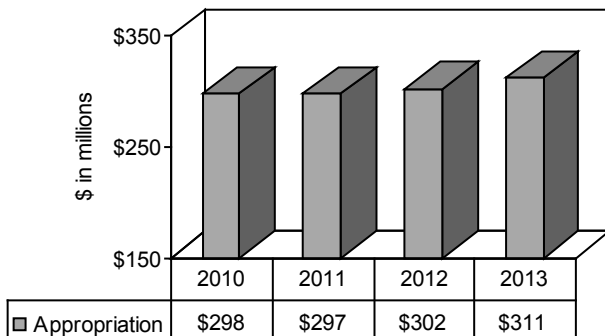
Resources:

The FY 2013 budget request for EOIR totals \$310.6 million, which is a 2.8% increase over the FY 2012 Enacted. The FY 2012 Enacted and FY 2013 Request include an annual \$4 million transfer from the DHS Immigration Fee Account to EOIR. The FY 2013 Request for DHS/ICE includes language that states ICE can transfer up to \$5 million to EOIR "to increase the efficiency of the immigration court process."

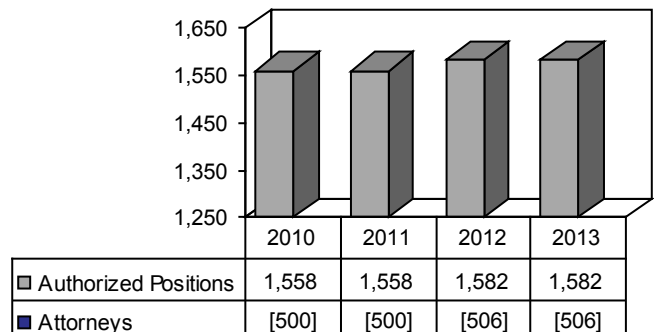
Personnel:

The EOIR's direct authorized positions for FY 2013 total 1,582 positions and is the same as FY 2012 Enacted. EOIR's FY 2012 enacted appropriation made permanent 24 positions that were originally funded in the FY 2010 Southwest Border Supplemental.

Funding (FY 2010 - 2013)



Personnel (FY 2010 - 2013)



FY 2013 Strategy:

EOIR represents the Department's front-line presence with respect to the application of immigration law. Cases are received on-site, across the Nation, directly from Department of Homeland Security (DHS) enforcement personnel. As such, the coordination of resource allocation between DOJ/EOIR and DHS is critical.

EOIR strategies to respond to this issue are two-fold. First, on a continuing basis, EOIR's Office of the Chief Immigration Judge monitors caseload volume, trends, and geographic concentration and adjusts resource allocations accordingly (modifying local dockets, adjusting detail assignments, and permanently reassigning judge and staff positions from lower to higher volume courts). This also includes the expansion of the use of video teleconferencing to hear cases from remote locations. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

EOIR's second strategy also involves coordinating initiatives and program increases with DHS. Within DHS, Immigration and Customs Enforcement and Customs and Border Protection bring together the majority of immigration enforcement programs that generate immigration caseload.

EOIR has to plan and coordinate with DHS as enforcement programs increase. EOIR's immigration court cases continue to grow with DHS' heightened enforcement efforts. In FY 2009, EOIR received approximately 393,000 matters, a record volume which was replicated in FY 2010. Case receipts continue to rise and topped over 430,000 at the end of FY 2011. As a consequence, case backlogs have continued to increase, i. e., from 190,000 matters pending at the start of 2009 to over 295,000 matters pending by the start of FY 2012. Additionally, BIA receives over 30,000 appeals per year, which is an extremely large volume for an appellate body.

The current and planned expansion of DHS enforcement efforts will likely continue to increase immigration court case receipts well into the future. Most notably, EOIR is working closely with DHS as it expands the Secure Communities initiative, a program that has a direct impact on EOIR court operations. As a result, the FY 2013 request includes an increase of \$2 million for EOIR's Legal Orientation Program (LOP), which educates detained aliens on EOIR immigration proceedings, allowing them to make more informed decisions earlier in the adjudication process, thereby increasing efficiencies for both EOIR courts and DHS detention programs. This \$2 million program increase along with the remaining \$11 million in current services adjustments, is crucial in order to allow EOIR to keep pace with its increasing workload and the continued enforcement efforts of DHS.

FY 2013 Program Changes:

Legal Orientation Program: \$2.0 million and 0 positions
To expand the successful Legal Orientation Program to improve efficiencies in immigration court proceedings for detained aliens by increasing their awareness of their rights and the overall process. Evaluation reports have shown that LOP participants complete their immigration court cases in detention on an average of 13 days faster than detainees who do not participate in an LOP. The \$2 million requested program increase will respond to elevated demand at existing sites and allow LOP to expand to at least 6 additional sites. The FY 2013 current services for this initiative are \$6 million.

Program Offset - IT Savings: -\$545,000 and 0 positions
This offset represents savings that will be generated through greater inter-component collaboration in IT contracting. Funds will be redirected to support the Department's Cyber-security and IT transformation efforts as well as other high priority requests.

Executive Office for Immigration Review
(Dollars in Thousands)

	Executive Office for Immigration Review		
	Pos	FTE	Amount
2011 Enacted	1,558	1,596	297,359
2012 Enacted	1,582	1,620	302,275
2013 Request	1,582	1,620	310,643
Change 2013 from 2012 Enacted	0	0	8,368
Technical Adjustments			
Technical Adjustment	0	0	-4,000
Subtotal Technical Adjustments	0	0	-4,000
Total Technical Adjustments	0	0	-4,000
Adjustments to Base			
Increases:			
ATB Transfers	0	0	4,424
Pay & Benefits	0	0	2,481
Domestic Rent & Facilities	0	0	4,045
Subtotal Increases:	0	0	10,950
Decreases:	0	0	0
Total Adjustments to Base	0	0	10,950
Total Adjustments to Base and Technical Adjustments	0	0	6,950
2013 Current Services	1,582	1,620	309,225
Program Changes			
Increases:			
Legal Orientation Program	0	0	1,963
Subtotal, Program Increase	0	0	1,963
Decreases:			
Program Offset - IT Savings	0	0	-545
Subtotal, Program Decrease	0	0	-545
Total Program Changes	0	0	1,418
2013 Request	1,582	1,620	310,643
Change 2013 from 2012 Enacted	0	0	8,368

Executive Office for Immigration Review

(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2013 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Executive Office for Immigration Review	1,582	1,620	302,275	1,582	1,620	309,225
Total	1,582	1,620	302,275	1,582	1,620	309,225
Reimbursable FTE	0	0	0	0	0	0
Grand Total	1,582	1,620	302,275	1,582	1,620	309,225

Comparison by activity and program	2013 Total Program Changes			2013 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Executive Office for Immigration Review	0	0	1,418	1,582	1,620	310,643
Total	0	0	1,418	1,582	1,620	310,643
Reimbursable FTE	0	0	0	0	0	0
Grand Total	0	0	1,418	1,582	1,620	310,643