



Executive Office for Immigration Review (EOIR)

FY 2021 Budget Request At A Glance

FY 2020 Enacted:	\$673.0 million (3,761 positions; 1,611 attorneys)
Current Services Adjustments:	+\$72.9 million
Program Changes:	+\$137.0 million
FY 2021 Budget Request:	\$882.9 million (3,761 positions; 1,911 attorneys)
Change From FY 2020 Enacted:	+\$209.9 million (+31.2%)

Mission:

The primary mission of the Executive Office for Immigration Review (EOIR) is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings.

Organization:

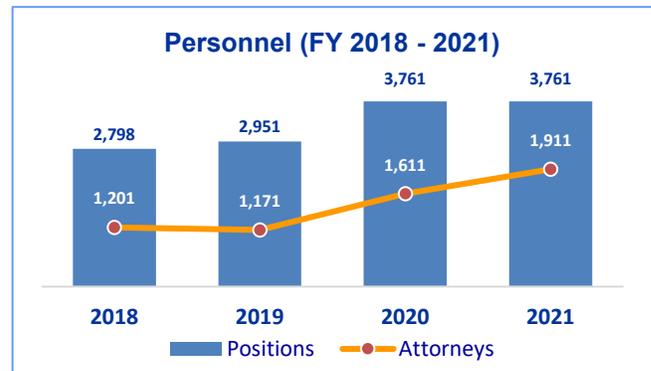
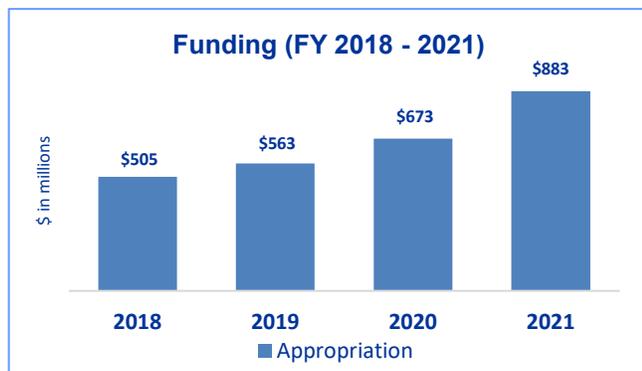
EOIR administers the Nation's immigration court system. EOIR primarily decides whether aliens, who are charged by the Department of Homeland Security (DHS) with violating immigration law, should be ordered removed from the United States or should be granted relief or protection from removal and be permitted to remain in this country. To make these critical determinations, EOIR's Office of the Chief Immigration Judge conducts administrative court proceedings, called removal proceedings, in 69 immigration courts nationwide. EOIR's appellate component, the Board of Immigration Appeals, is the highest administrative tribunal for interpreting and applying U.S. immigration law and primarily decides appeals of immigration judge decisions. EOIR's third adjudicative component, the Office of the Chief Administrative Hearing Officer, hears cases that relate to employer sanctions for illegal hiring of unauthorized workers, document fraud, and unfair immigration-related employment practices. In addition to the adjudicative components, EOIR has other administrative, technical, and advisory offices.

Resources:

The FY 2021 budget request for EOIR totals \$882.9 million, which is a 31.2 percent increase over the FY 2020 Enacted.

Personnel:

EOIR's direct authorized positions for FY 2021 total 3,761 positions, the same as FY 2020 Enacted.



FY 2021 Strategy:

EOIR's immigration courts represent the Department's front-line presence in applying immigration law. EOIR does not initiate any immigration cases. Rather, EOIR's cases start when DHS files with the immigration courts documents charging respondents with removability from the United States for violating immigration laws. It remains critically important that EOIR have sufficient adjudicative resources to keep pace with DHS enforcement efforts.

The largest challenge facing the immigration courts is the growing pending caseload. At the end of FY 2019, there were over one million active cases pending in immigration courts around the country. EOIR's FY 2021 strategic focus is to increase adjudicatory and case processing capacity in order to decrease the pending caseload and reduce the amount of time respondents must wait until their case is heard. EOIR is undertaking several efforts to meet these goals. In addition to EOIR's continued focus on hiring all authorized positions to fill existing vacancies, EOIR is maximizing existing resources and eliminating agency inefficiencies. These ongoing efforts focus on improving immigration court business processes by continuing to modernize EOIR Information Technology (IT) applications. EOIR is making docket adjustments to reflect enforcement priorities, leveraging IT systems, emphasizing policy coordination, and making the Immigration Judge (IJ) hiring process more efficient. Details on these strategies to increase capacity and reduce caseload are provided below.

Docket efficiency adjustments: EOIR continues to review its docketing and case processing practices in order to ensure cases are processed efficiently while maintaining due process. EOIR continually reviews its dockets to ensure resources are allocated appropriately.

Leveraging existing IT systems: To maximize the capacity of immigration courts nationwide, EOIR has made greater use of video teleconferencing systems, which enable IJs to adjudicate cases in other parts of the country. This has multiple benefits. IJs in locations with a lower caseload can administer cases in higher-volume locations remotely. IJs are able to adjudicate certain detained and Institutional Hearing Program cases remotely, diminishing the challenges associated with reaching DHS and Federal facilities that are not co-located with immigration courts. In addition, EOIR continues to strive to modernize and digitize its critical information systems. The benefits of an electronic filing and case management system are undisputed. EOIR piloted its new electronic filing system, EOIR Courts and Appeals System (ECAS), at five immigration courts and the Board of Immigration Appeals with encouraging results.

Policy coordination: EOIR is finalizing its internal Strategic Framework which will include strategies to better meet short- and long-term human capital needs, particularly as they relate to the IJ hiring process and immigration court staffing requirements and resources. EOIR and DOJ continue to take steps to reduce the timeline to hire and on-board new IJs.

FY 2021 Program Changes:

Immigration Judges and Support: \$106.6 million and 0 positions

This increase will enable EOIR to add 100 additional IJs and necessary support staff. This program increase includes funding for the necessary corresponding courtrooms, office space, and associated expenses (e.g. interpreter services, furniture, equipment). EOIR has also updated the cost module to include additional funding for guard services – at this time, EOIR is opening new locations and, with new locations EOIR has larger initial and out-year costs for guard services. Finally, this increase includes adjustments to account for certain out-year costs stemming from IJ increases as well as the changing immigration climate over recent years. Note, EOIR is not requesting an increase of 600 positions and 300 FTE that would typically be concurrent with the request for a funding increase associated with 100 IJs, 400 supporting personnel and 100 additional attorneys. Despite not requesting additional positions, EOIR understands that this program increase would designate 300 of the existing positions as attorneys. FY 2021 current services for this program are 3,761 positions (1,911 attorneys) and \$745.8 million.

IT Modernization: \$28.4 million and 0 positions

This increase will be used to improve immigration court business processes in an effort to increase efficiencies in immigration proceedings, thus reducing the time and effort required to process cases. This will be accomplished by:

- Utilizing modernization applications, including those for the Electronic Record of Proceeding and Electronic Filing applications, improving the judicial tools suite, and improving the EOIR data connector;
- Developing ECAS to replace the current CASE application; and
- Undertaking a records digitization effort.

FY 2021 current services for this program are \$6.3 million.

Unified Immigration Portal: \$2.0 million and 0 positions

This increase will enable EOIR to participate in the multi-agency Unified Immigration Portal (UIP) initiative led by the DHS. The UIP initiative aims to ensure consistent government-wide immigration data standards, to give immigration data stakeholders access to relevant data from across the government. This will be accomplished, in this instance, by improving DHS-DOJ system to system communication. The objective of system to system communication is to provide comprehensive immigration data, as appropriate, to both DHS and DOJ instead of each agency retaining only a portion of the relevant data. There are no current services for this initiative.

Executive Office for Immigration Review
(Dollars in Thousands)

	Executive Office for Immigration Review		
	Pos	FTE	Amount
2019 Appropriation	2,951	1,820	563,407
Supplemental - Southern Border	0	0	65,000
2019 Enacted with Supplemental	2,951	1,820	628,407
2020 Enacted	3,761	2,321	672,966
2021 Request	3,761	2,621	882,872
Change 2021 from 2020 Enacted	0	300	209,906
Technical Adjustments			
DHS Immigration Examination Fees - EOIR	0	0	-4,000
Total Technical Adjustments	0	0	-4,000
Base Adjustments			
ATB Transfers	0	0	4,000
Pay & Benefits	0	300	57,062
Domestic Rent & Facilities	0	0	20,466
Non-Personnel Related Annualizations	0	0	-4,650
Total Base Adjustments	0	300	76,878
2021 Current Services	3,761	2,621	745,844
Program Changes			
Increases:			
Immigration Judges and Support	[600]	[300]	106,628
IT Modernization	0	0	28,400
Unified Immigration Portal	0	0	2,000
Subtotal, Program Increases	[600]	[300]	137,028
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	[600]	[300]	137,028
2021 Request	3,761	2,621	882,872

Executive Office for Immigration Review

(Dollars in Thousands)

Comparison by activity and program	2020 Enacted			2021 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	3,761	2,321	672,966	3,761	2,621	745,844
Total	3,761	2,321	672,966	3,761	2,621	745,844

Comparison by activity and program	2021 Total Program Changes			2021 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review			137,028	3,761	2,621	882,872
Total	0	0	137,028	3,761	2,621	882,872