



## Executive Office for Immigration Review (EOIR)

### FY 2019 Budget Request At A Glance

FY 2018 Continuing Resolution:	\$437.0 million (2,198 positions; 901 attorneys)
Current Services Adjustments:	+\$61.6 million
Program Changes:	+\$64.8 million
FY 2019 Budget Request:	\$563.4 million (2,951 positions; 1,171 attorneys)
Change From FY 2018 Continuing Resolution:	+\$126.4 million (+28.9%) (+753 positions; +270 attorneys)

### 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:

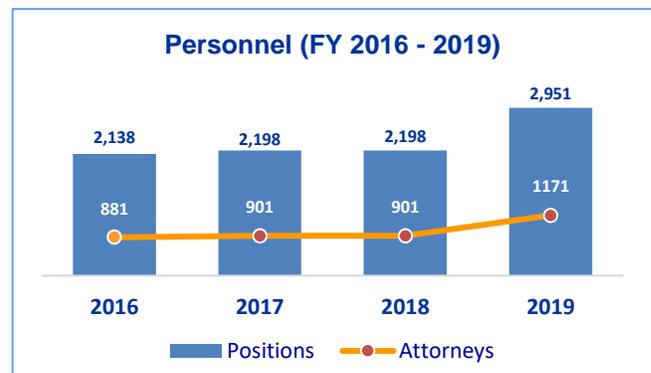
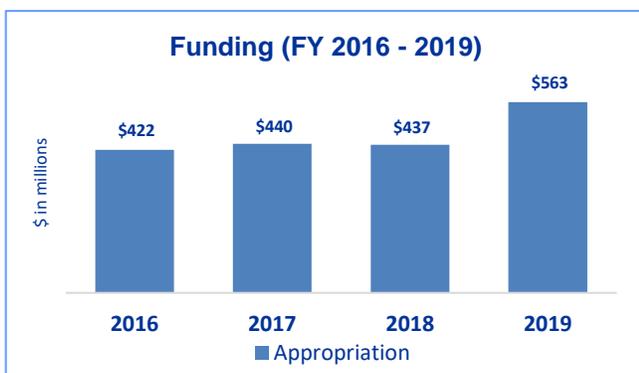
EOIR administers the nation's immigration court system. EOIR primarily decides whether aliens, who are charged by the Department of Homeland Security (DHS) with violating immigration law, should be ordered removed from the United States or should be granted relief or protection from removal and be permitted 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 59 immigration courts nationwide. EOIR's appellate component, the Board of Immigration Appeals (BIA), 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 2019 budget request for EOIR totals \$563.4 million, which is a 28.9% increase over the FY 2018 Continuing Resolution.

### Personnel:

EOIR's direct positions for FY 2019 total 2,951 positions. EOIR's FY 2019 request includes an increase of 753 positions over the FY 2018 Continuing Resolution of 2,198 direct positions.



\* FY 2018 annualized CR

## **FY 2019 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 documents with the immigration courts 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's enforcement efforts.

The largest challenge facing the immigration courts is the growing pending caseload. At the end of FY 2017, there were nearly 650,000 cases pending in immigration courts around the country. EOIR's FY 2019 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 increase adjudicative capacity and help reduce the pending caseload. In addition to EOIR's continued focus on hiring all authorized positions to fill existing vacancies, ongoing efforts to maximize existing resources and eliminate agency inefficiencies include making docket adjustments to reflect enforcement priorities, developing and implementing a workforce staffing model, leveraging IT systems, emphasizing policy coordination and analysis, and making the Immigration Judge (IJ) hiring process more efficient. Details on these strategies to increase capacity and reduce caseload are below.

- 1) 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 also continually reviews its dockets to ensure its resources are allocated appropriately.
- 2) Creating a data-driven workforce strategy: During FY 2017, EOIR developed and began implementing a workforce staffing model to help determine immigration court staffing needs. The model enables EOIR to measure the impact of changes to operating procedures on the overall pending caseload.
- 3) Leveraging existing IT systems: To maximize the capacity of immigration courts nationwide, EOIR has made greater use of video conferencing systems, enabling IJs to adjudicate cases in other parts of the country. This allows IJs in locations with a lower caseload to administer cases in higher-volume locations remotely and 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.
- 4) Policy coordination and analysis: EOIR is finalizing a new Strategic Plan, 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.
- 5) Improving the IJ hiring process: EOIR and DOJ continue to take steps to reduce the timeline to hire and on-board new IJs.

## **FY 2019 Program Changes:**

EOIR's budget proposal provides for current services, which includes the IJs and the IJ support staff requested in the FY 2018 President's Budget request.

**Immigration Judges and Support Staff:** \$39.8 million and 450 positions (150 attorneys)

This increase will enable EOIR to add 75 new immigration judges and necessary support staff, bringing the current authorized number of immigration judges to 524. Each IJ is supported by 1 attorney position, which is specifically designated as .5 full-time equivalent (FTE) for a Judicial Law Clerk (JLC), and 0.5 FTE for a BIA attorney; one legal assistant; and up to three other FTEs comprised of a combination of the following positions on an as-needed basis: additional legal assistant, interpreter, and/or other EOIR mission support staff. This program increase also includes funding for the necessary corresponding courtrooms, office space, and associated expenses (e.g., furniture, equipment).

**Technology Modernization:** \$25.0 million and 0 positions

The IT modernization program increase will enable EOIR to continue making improvements in the electronic filing, case management, document management, and schedule management systems. The goal of these programs and the overall IT modernization efforts is to provide for electronic submission of all case-related information, establish an electronic Record of Proceedings (eROP), establish electronic case adjudicatory aids for IJs, improve case management processes and end-to-end workflow, and eventually transition to a paperless courtroom. Ultimately, such modernizations will create efficiencies that should decrease case processing time.

**Executive Office for Immigration Review**

(Dollars in Thousands)

	Executive Office for Immigration Review		
	Pos	FTE	Amount
<b>2017 Appropriation</b>	<b>2,198</b>	<b>1,591</b>	<b>440,000</b>
<b>2018 Continuing Resolution</b>	<b>2,198</b>	<b>1,847</b>	<b>437,012</b>
<b>2019 Request</b>	<b>2,951</b>	<b>2,344</b>	<b>563,407</b>
<b>Change 2019 from 2018 Continuing Resolution</b>	<b>753</b>	<b>497</b>	<b>126,395</b>
<b>Technical Adjustments</b>			
DHS Immigration Examination Fees - EOIR	0	0	-4,000
CR Base Adjustment	390	210	63,395
<b>Total Technical Adjustments</b>	<b>390</b>	<b>210</b>	<b>59,395</b>
<b>Base Adjustments</b>			
ATB Transfers	0	0	4,000
Pay & Benefits	0	225	-5,031
Domestic Rent & Facilities	0	0	21,682
Other Adjustments	-87	-87	-18,490
<b>Total Base Adjustments</b>	<b>-87</b>	<b>138</b>	<b>2,161</b>
<b>2019 Current Services</b>	<b>2,501</b>	<b>2,195</b>	<b>498,568</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Immigration Judges and Support Staff	450	149	39,839
Technology Modernization	0	0	25,000
<b>Subtotal, Program Increases</b>	<b>450</b>	<b>149</b>	<b>64,839</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>450</b>	<b>149</b>	<b>64,839</b>
<b>2019 Request</b>	<b>2,951</b>	<b>2,344</b>	<b>563,407</b>

**Executive Office for Immigration Review**

(Dollars in Thousands)

Comparison by activity and program	2018 Continuing Resolution			2019 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	2,198	1,847	437,012	2,501	2,195	498,568
<b>Total</b>	2,198	1,847	437,012	2,501	2,195	498,568
<b>Grand Total</b>	2,198	1,847	437,012	2,501	2,195	498,568

Comparison by activity and program	2019 Total Program Changes			2019 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	450	149	64,839	2,951	2,344	563,407
<b>Total</b>	450	149	64,839	2,951	2,344	563,407
<b>Grand Total</b>	450	149	64,839	2,951	2,344	563,407