



Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)

Legal Case Study

Summary Report

April 6, 2017

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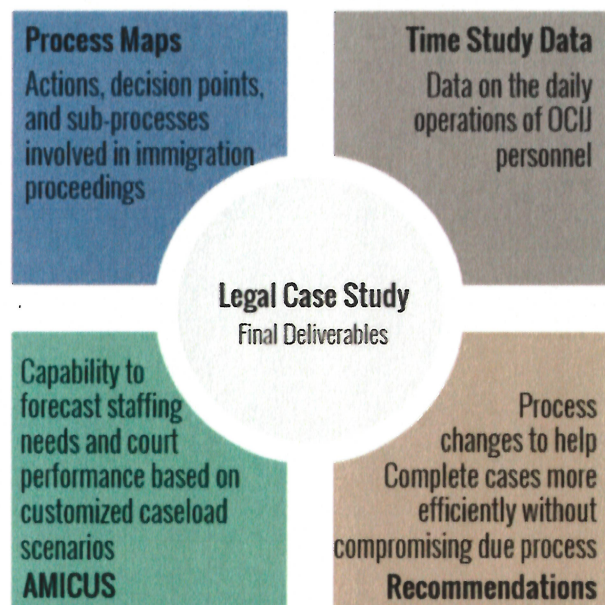
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I. INTRODUCTION

The Department of Justice's Executive Office for Immigration Review (DOJ EOIR) faces a growing number of pending cases due to the ever-changing nature of the United States immigration review system. As of March 20, 2017, EOIR had more than 564,000 pending cases, which is an increase of 89 percent since the end of Fiscal Year (FY) 2011. This document summarizes the process of the Legal Case Study, the key products developed in the study, and the resulting recommendations that can improve the organization for the staff and the process for respondents.

In response to DOJ EOIR's Request for Quotation (RFQ) 1030354, Booz Allen Hamilton with support from the National Center for State Courts ("the study team", or "the team") conducted a year-long Legal Case Study. The study team found that immigration courts struggle with inefficient practices and case processing due to understaffing, issues relating to workforce culture and careers, deficient or ineffective processes, and external dependencies. Although the agency has recently taken steps to increase its staffing and improve its operations, this was the first comprehensive study based on data analytics.

Figure 1. Legal Case Study Final Deliverables



Summarized in Figure 1, the team delivered the Allocation Model for Immigration Court Staffing (AMICUS), data collected during a time study of all EOIR staff, process maps, and the recommendations outlined in this document. In these deliverables, the team identified an objective and standard measure of judicial and court staff workload, created workforce staffing requirements, and provided recommendations to reengineer inefficient processes associated with immigration adjudication.

EOIR must make organizational changes to effectively meet its mission and address the large volume of pending cases. EOIR should create a staffing strategy using AMICUS and implement process optimization efforts informed by the recommendations

Table 1, on the following page, outlines how the study team has answered each item in Call #1 on the "Case Processing study for EOIR" Blanket Purchase Agreement (BPA).¹ The methodology to address each item in the BPA call is found in the column "Operational Definition." The "Deliverable" column denotes the section in this document (e.g., Section II) or the accompanying deliverable (e.g., AMICUS, Process Map) that addresses each BPA call specification.

¹ Roman Numerals in Table 1 denote section numbers in this document.




Table 1: Deliverables Mapping




BPA CALL SPECIFICATION	OPERATIONAL DEFINITION	DELIVERABLE
1. Objective and standardized measure of judicial workload	Determine an objective measure of judicial workload using the output from the time study, AMICUS, and EOIR's completion goals, and criteria to effectively manage the pending caseload	9
		AMICUS
2. Objective and standardized measure of court staff workload	Determine an objective measure of court staff workload using the output from the time study, AMICUS, and EOIR's completion goals, and criteria to effectively manage the pending caseload	9
		AMICUS
3. Method/formula to allow for an objective and standardized way to assess need for additional judicial and staff resources	1) Schedule-centric model utilizing EOIR historic data on receipts and completions; and 2) Workload-centric model determining staffing needs by time spent on activities	9
		AMICUS
4. Identify the "constants" in immigration adjudications at EOIR	Identify required processes involved in immigration adjudication	III
		Process Maps
5. Identify variables and a method for determining when variables overwhelm constants	Identify bottlenecks that could stymie the required processes involved in immigration adjudication	III
		Process Maps
6. Assess the judicial personnel needed to complete a case	Determine the appropriate number of Immigration Judge(s) (IJ) for each court location	9
		AMICUS
7. Assess the staff personnel needed to complete a case	Determine the appropriate number of Supervisory Legal Assistants (SLAs), Legal Assistants (LAs), IJs, and Judicial Law Clerks (JLCs) for each court location	9
		AMICUS
8. Assess the amount of time for court staff to process a case (including different times for cases of various types)	Time study data table that explicates the average amount of time it takes for court staff to process a typical case, accounting for differences in docket-type and court size	9
		AMICUS
9. Identify the volume of judicial and staff resources necessary to clear the backlog of pending immigration cases	Determine number of IJs and court staff needed to effectively manage EOIR's pending caseload, allowing for potential technological and policy changes	9
		AMICUS
10. Identify the volume of judicial and staff resources necessary to allow EOIR to better fulfill its mission of timely adjudication	AMICUS scenario tool that allows EOIR to determine number of IJs, court staff, and resources needed to fulfill EOIR's desired case completion goals (e.g. reducing pending caseload by 25 percent in two years, etc.)	9
		AMICUS
11. Identify process changes that would allow EOIR to complete cases more efficiently without compromising fairness	Identify non-adjudicatory processes that EOIR and other stakeholders could implement that would improve efficiency in case processing	IV
12. Produce a staffing model for the immigration court system under the guidance of which EOIR could introduce efficiencies in its case processing	AMICUS scenario tool and accompanying user guide that is flexible enough to account for potential technological and policy changes	9
		AMICUS

BPA CALL SPECIFICATION	OPERATIONAL DEFINITION	DELIVERABLE
13. Identify types of employees best suited to accomplish the tasks that fall under the immigration court's responsibility	Identify employee types and roles for each immigration court	IV
14. Identify all tasks associated with completing immigration cases	Identify all tasks associated with completing immigration cases	IV Process Maps
15. Identify the time necessary to complete each task	Summary of time study data that quantifies the number of required processes for each case time associated with each of those tasks	9 AMICUS
16. Identify the employee grade necessary and/or best suited to complete each task	Identify employee grade best suited to complete each task	IV
CONTRACT MODIFICATION		
Requirements documentation to identify priority status EOIR cases according to DHS/ICE ERO priorities Methodology to identify priority status EOIR cases according to DHS/ICE/ERO priorities Standard operations procedures that enable EOIR to produce cases with priority status on a recurring basis	Research, interview, define, and document EOIR priorities. Develop ways to measure this population from both DHS/ICE/ERO and EOIR data sources. Identify and quantify discrepancies between previous methodologies and reiterations of prioritizations.	Case Processing SOP and After Action Report

The study team also created and delivered products outside the scope of the statement of work to exceed the capability requirements in a way beneficial to the Government, which are outlined in Table 2.

Table 2: Additional Work Products

PRODUCT	VALUE
 AMICUS Prototype Demonstration	<ul style="list-style-type: none"> The team demonstrated AMICUS use to OCIJ in planning for certain staffing-related scenarios, including but not limited to current and future anticipated executive orders The team received feedback on the interface and look of AMICUS from EOIR HQ stakeholders
 AMICUS User Guide	<ul style="list-style-type: none"> The guide explicates model usage so that appropriate parties in EOIR Headquarters (HQ) can easily create staffing plans The guide explains model engines and underlying data, so that a member of EOIR HQ with some knowledge of data management can make edits if necessary
 Austin Working Sessions	<ul style="list-style-type: none"> The team hosted EOIR at a Booz Allen Innovation Hub to receive feedback on the four key final deliverables from stakeholders with diverse backgrounds and from a spread of geographic locations The team addressed said feedback to enhance final deliverables

PRODUCT	VALUE
 Court Administrator (CA) and U Conference Presentations	<ul style="list-style-type: none"> The team answered questions from IJs and CAs, some of whom did not fully understand the objectives of the Legal Case Study The team presented the mechanism of the time study portal and worksheets to the CAs, who could then assist court staff back at their courts during the time study phase
 Court Site Visits and Trip Report	<ul style="list-style-type: none"> The team validated findings from the environmental scan and interviews with first-hand observations and qualitative data-gathering Data gathered from court site visits resulted in a more thorough and substantiated set of final recommendations Team members developed strong relationships with court staff around the country, resulting in crucial “buy-in” from court staff, some of whom were skeptical, for the time study and workforce staff modeling
 Courtroom of the Future	<ul style="list-style-type: none"> The Design Thinking exercise allowed members of EOIR HQ, Assistant Chief Immigration Judges (ACIJs), IJs, and court staff to cross-pollinate their expertise and insights in developing ideas for future agency strategy The Courtroom of the Future that the study team developed visualizes the final recommendations listed in this document
 Process Maps	<ul style="list-style-type: none"> The maps visualize the required processes, and potential bottlenecks, in immigration adjudication in a clear format that can be used to identify potential process improvements The process maps could be expanded with case processing and time study data to quantify the operational effects of changes to court procedures The maps can be used to create future training materials for judges and court staff The maps can be used to create graphics for distribution to non-EOIR stakeholders, to communicate the immigration lifecycle
 Staff Survey and Analysis	<ul style="list-style-type: none"> EOIR Time Study follow up survey, with 95 percent participation, quantified and confirmed anecdotal evidence collected during court visits from observations and interviews
 Staffing Committee Meeting	<ul style="list-style-type: none"> Stakeholders with expertise to shape strategic planning for staffing in the future shared insights with the study team The study team provided messaging and talking points to the committee to communicate clearly the purpose of the role that AMICUS plays in developing staffing plans
 Time Study Data Dashboard	<ul style="list-style-type: none"> The dashboard, built in Microsoft PowerBI,² allows the user to parse and analyze the time study information with ease A “Court Dashboard” tab in AMICUS allows the user to compare court data and easily identify trends

² PowerBI is a suite of business analytics tools from Microsoft used to analyze data through interactive dashboards.

I. DATA COLLECTION METHODOLOGY

The team completed a four-part data collection process for the project, outlined in Figure 2. The team 1) analyzed official literature through an environmental scan; 2) requested aggregated and analyzed DOJ data; 3) visited a deliberate sample of immigration courts; and 4) conducted a caseload-weighted time study.

Figure 2: Data Collection Phases



1. ENVIRONMENTAL SCAN

During the environmental scan, the study team conducted initial analyses that shaped subsequent phases' focus and activities. Members of the study team analyzed official documents provided by EOIR HQ, reviewed media reports and notable journal articles, and dissected publicly available information. The study team consistently verified findings with the EOIR team during working sessions to sharpen the data collection scope for the subsequent phases. The team corroborated all assumptions and findings by cross-referencing multiple environmental scan documents. During this stage, the team developed a perfunctory understanding of the following to inform the case study process and strategy: the immigration court system, the surge of immigrants across the southwest border, the impact of hiring freezes on EOIR's staffing initiatives, unique initiatives (or "pilot programs") implemented by individual courts to reduce pending caseload, and the public's perception of the agency.

2. DATA REQUEST

The team refined its initial hypotheses by analyzing data from the Fiscal Year (FY) 2000 to FY 2015 Statistics Yearbooks. After identifying data gaps from the publicly available data, the team requested data for relevant case processing data from the Office of Planning, Analysis and Statistics (OPAS).³ The OPAS dataset includes data from FY 2004, the year EOIR transitioned from the Automated Nationwide System for Immigration Review (ANSIR) to the Case Access System for EOIR (CASE), through FY 2016. With this data, the team discerned trends regarding caseload, case completion rates, case type, changes of venue, transfers, and bond hearings. The team based its selection of court site visit locations on this analysis. The OPAS data regarding case processing, judicial staffing levels, and case inflow also fed into the schedule-centric model used in the development of AMICUS (see "AMICUS – The Workforce Staffing Model" below).

³ Cohort data are data for any individual who had a case initiated within the requested time frame. Qualitative data includes other data that would inform the study (e.g., staffing counts, contractor information).

3. COURT VISITS

The team visited 18 immigration courts between June and September 2016 to 1) gain a qualitative understanding of the immigration court system that would be impossible to glean from numbers and narrative alone; and 2) ascertain and define data elements to be captured during the time study collection phase. The visited courts covered a wide range of characteristics and geography and included the following: Arlington, Baltimore, Batavia, Buffalo, Eloy, Florence, Hartford, Houston, Houston Special Processing Center (SPC), Los Angeles, New York City, Pearsall, Philadelphia, Phoenix, San Francisco, Tucson, Varick Street, and York.

During the court visits, the team conducted approximately 150 interviews with court personnel and external stakeholders (e.g. Department of Homeland Security (DHS) Office of Chief Counsel (OCC), Enforcement and Removal Operations (ERO) community-based organizations, American Immigration Lawyers Association (AILA), bar associations, etc.); toured EOIR, DHS OCC, DHS ERO facilities, and state prisons; and observed approximately 50 master calendars and individual calendar hearings. The team also observed and recorded the daily tasks of IJs and court staff to inform the time study design, documenting all activities associated with completing a case and administrative activities necessary in the maintenance of the court.

4. TIME STUDY

All Office of the Chief Immigration Judge (OCIJ) judicial and court staff participated in a five-week time study, which involved personnel recording specific daily activities in a web-based portal. The team gathered qualitative data during court site visits and created a list of daily activities to be recorded during the time study. Four working groups consisting of CAs, Legal Assistants (LAs), IJs, and interpreters (INTs) amended these activities to most accurately and comprehensively capture the daily activities of OCIJ staff. Staff also communicated with the study team via an e-mail-based help desk. Overall, 59 courts and 92 percent of the staff participated in the time study, with a total of 11,055,062 minutes (or 21 years) recorded. This exceeded the participation goal set by the study team (90 percent). The team merged the time study data with case processing data including expected completions and receipts, then harnessed this data in the development of AMICUS (see “AMICUS – The Workforce Staffing Model” below).

Next, the team deployed a full-staff survey to collect information to validate and quality-control the collected time study data. Specifically, the court staff indicated how much time they felt they had each day to complete their daily activities. The team used this data to amend the workforce staffing model accordingly, so that its output would not result in an “overworked” workforce. Other data points gathered about human resources, technology, hiring, onboarding, and training informed the final recommendations.

II. AMICUS – THE WORKFORCE STAFFING MODEL

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