



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

### FY 2010 Budget Request At A Glance

FY 2009 Enacted:	\$267.6 million(1,386 positions; 456 attorneys)
Current Services Adjustments:	+\$4.1 million (1.5% above FY 2009 Enacted)
Program Changes:	+\$26.3 million
FY 2010 Budget Request:	\$298.0 million (1,558 positions; 500 attorneys)
Change from FY 2009 Enacted:	+\$30.3 (+11.3%) (+172 positions;+44 attorneys)

#### Mission:

The mission of the 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.

#### Resources:

The budget request for FY 2010 totals \$298.0 million, for direct salaries and expenses, which is an 11.3 percent increase from the FY 2009 enacted level.

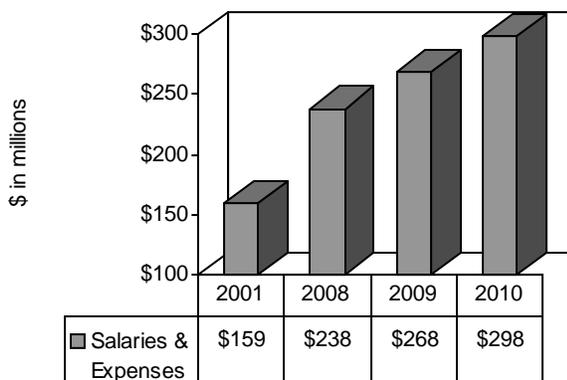
#### Organization:

The 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 57 Immigration Courts nationwide, as well as BIA and the headquarters organization located in Falls Church, VA.

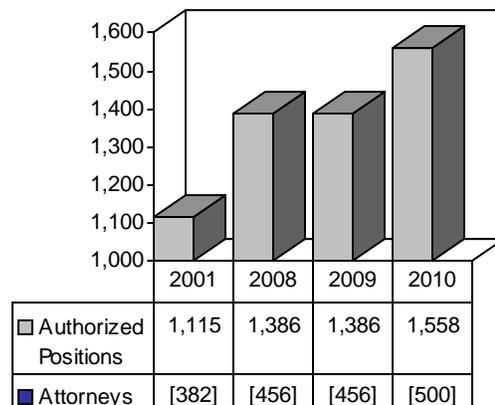
#### Personnel:

The EOIR's direct authorized positions for FY 2010 total 1,558 positions, including 500 attorneys. All the authorized positions are located in domestic offices. EOIR's FY 2010 request includes an increase of 172 positions including 44 attorneys, over the FY 2009 level of 1,386 direct authorized positions.

**Funding (FY 2001 - 2010)**



**Personnel (FY 2001 - 2010)**



\* Includes reimbursable attorneys

## FY 2010 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 enforcement personnel. As such, the coordination of resource allocation between DOJ/EOIR and the DHS is a critical issue.

EOIR strategies to respond to this issue are twofold. On an on-going basis, EOIR's Office of the Chief Immigration Judge monitors caseload volume, trends and geographic concentration and adjusts resource allocations accordingly. This is done by modifying local dockets, adjusting detail assignments and permanently reassigning judge and staff positions to higher volume courts. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

EOIR's second strategy involves coordinating initiatives and program increases with DHS. Within DHS, Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) bring together the majority of immigration enforcement programs that generate immigration case load.

DHS received \$500 million in enforcement-related increases through the Emergency Wartime Supplemental Appropriations Act of 2003; additional resources in FY 2004 and FY 2005; over \$600 million through the 2005 supplemental; \$1.2 billion through the 2006 Wartime Supplemental; and hundreds of millions more through the regular appropriations process. In 2007, DHS received unprecedented increases for the programs that generate EOIR caseload: 6,700 additional detention beds, 1,360 new positions in ICE alone and 2,500 additional Border Patrol Agents. In 2008, DHS received a significant increase to most enforcement programs for an additional 4,500 detention beds and \$200 million to begin Secure Communities and funding for an additional 1,400 detention beds. Similar increases were received by DHS in 2009.

EOIR's challenges are of an internal and external nature. Externally, budget proposals generally reflect collaboration with DHS to best address workload projections or, in the case of IT projects to establish systems that facilitate inter-agency effectiveness. Virtually all of EOIR's workload is generated by DHS.

EOIR has to plan and coordinate with DHS as enforcement programs increase. EOIR's immigration court cases continue to increase with DHS' heightened enforcement efforts. During 2008, the courts received 329,000 matters for adjudication. For 2009, based upon current receipts EOIR anticipates 358,000 matters.

The BIA's mission is to provide timely guidance and interpretation of Immigration law. BIA receives over 30,000 appeals per year which is an extremely large volume for an appellate body.

## FY 2010 Program Changes: Southwest Border

**Coordination with DHS' Secure Communities:** 172 positions (44 attorneys) and \$14.0 million to respond to the new DHS Secure Communities initiative, which represents a comprehensive plan to identify and remove criminal aliens. This program will build upon the existing DHS Criminal Alien Program, in which EOIR has played a key role by adjudicating cases involving aliens incarcerated in federal, state and local prisons and jails. The requested program increase will establish a baseline for this initiative.

**eWorld Management System:** \$10.2 million to tie all of EOIR's eWorld projects together, providing a single system in which to store, distribute and archive all documents filed with or created by EOIR. This system will greatly enhance EOIR's capacity to maximize the efficiency of case processing in support of priority enforcement and adjudication initiatives. FY 2010 current services resources for this initiative are \$5 million.

**Legal Orientation Program for Custodians of Unaccompanied Alien Children:** \$2.0 million to provide custodians of unaccompanied alien children with legal orientation programs to address the custodian's responsibility for the child's appearance at all immigration proceedings, and to protect the child from mistreatment, exploitation, and trafficking. The requested program increase will establish a baseline for this initiative.

## Financial Snapshot 2008

Clean Opinion on Financial Statements	Yes
Timely Financial Reporting	Yes
Material Weaknesses	None

**ADMINISTRATIVE REVIEW AND APPEALS**  
**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**  
(Dollars in Thousands)

	SALARIES AND EXPENSES		
	Pos.	FTE	Amount
<b>2008 Enacted</b>	<b>1,386</b>	<b>1,364</b>	<b>\$238,320</b>
<b>2009 Enacted</b>	<b>1,386</b>	<b>1,424</b>	<b>267,613</b>
<b>2010 Request</b>	<b>1,558</b>	<b>1,510</b>	<b>297,955</b>
<b>Change 2010 from 2009 Enacted</b>	<b>172</b>	<b>86</b>	<b>30,342</b>
<b>Technical Adjustments</b>			
DHS Immigration Examination Fee	0	0	-4,000
<b>Total Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>-4,000</b>
<b>Adjustments to Base</b>			
Transfers:			
Transfer from DHS Immigration Exam Fee Account	0	0	4,000
Subtotal Transfers	0	0	4,000
Increases:			
Pay and Benefits	0	0	4,288
Domestic Rent and Facilities	0	0	1,941
Other Adjustments	0	0	4,069
Subtotal Increases	0	0	10,298
Decreases:			
Non-Recrural of FY 2009 Legal Orientation Program (LOP)	0	0	-1,209
Non-Recrural of FY 2009 Non-Personnel Increases	0	0	-5,000
Subtotal Decreases	0	0	-6,209
<b>Total Adjustments to Base</b>	<b>0</b>	<b>0</b>	<b>8,089</b>
<b>Total Adjustments to Base and Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>4,089</b>
<b>2010 Current Services</b>	<b>1,386</b>	<b>1,424</b>	<b>271,702</b>
<b>Program Changes</b>			
Increases:			
Southwest Border DHS Secure Communities Initiative	172	86	14,003
eWorld Document Management System	0	0	10,250
Legal Orientation Program for Unaccompanied Alien Children	0	0	2,000
<b>Total Program Changes</b>	<b>172</b>	<b>86</b>	<b>26,253</b>
<b>2010 Request</b>	<b>1,558</b>	<b>1,510</b>	<b>297,955</b>
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**ADMINISTRATIVE REVIEW AND APPEALS  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
SALARIES AND EXPENSES**

(Dollars in thousands)

Comparison by activity and program	2009 Enacted			2010 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Executive Office for Immigration Review	1,386	1,424	\$267,613	1,386	1,424	\$271,702
<b>Total</b>	<b>1,386</b>	<b>1,424</b>	<b>\$267,613</b>	<b>1,386</b>	<b>1,424</b>	<b>\$271,702</b>

Comparison by activity and program	Total Program Changes			2010 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Executive Office for Immigration Review	172	86	\$26,253	1,558	1,510	\$297,955
<b>Total</b>	<b>172</b>	<b>86</b>	<b>\$26,253</b>	<b>1,558</b>	<b>1,510</b>	<b>\$297,955</b>