

United States Department of Justice Executive Office for Immigration Review



**FY 2022 Performance Budget
Congressional Budget Submission
May 2021**

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I. Overview for Executive Office for Immigration Review

Introduction

To support the mission of the agency, the Department of Justice's (DOJ or "the Department") Executive Office for Immigration Review (EOIR) requests a total of \$891,190,000; 4,361 permanent positions, and 2,921 full-time equivalent (FTE). This request includes a \$4,000,000 transfer from the Department of Homeland Security's (DHS) Immigration Examination Fee Account.

EOIR is responsible for conducting immigration court proceedings, appellate reviews, and administrative hearings to fairly, expeditiously, and uniformly administer and interpret U.S. immigration laws. As the Department's primary office for applying and adjudicating immigration law, EOIR plays an essential role in the Nation's larger immigration system. As one of several major actors within the immigration space, it is crucial that EOIR be prepared to meet current and future challenges.

Immigration cases typically begin when DHS files a Notice to Appear (NTA), which charges a potential undocumented noncitizen with a violation of federal immigration law and seeks the removal of that individual from the United States. Due to recent changes in immigration enforcement priorities and policies, DHS agencies such as the Immigration and Customs Enforcement (ICE), the Customs and Border Protection (CBP), and the United States Citizenship and Immigration Services (CIS) have significantly increased their enforcement and processing and will likely continue to do so in the coming years. As a result, it remains critically important that EOIR has sufficient resources to keep pace with DHS enforcement efforts.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <https://www.justice.gov/doj/budget-and-performance>.

Budget Summary

EOIR's primary strategic focus is increasing adjudicatory and case processing capacity in a fair, expeditious, and uniform manner. Although EOIR is examining all potential avenues to increase efficiency and adjudicative capacity through existing means, additional resources are necessary. EOIR's Fiscal Year (FY) 2022 budget request includes program increases totaling over \$162.5 million to provide funding for: additional immigration judges (IJs) and the necessary support staff and backlog reduction efficiencies. This request is essential to enable EOIR to advance initiatives that fulfill presidential and Attorney General priority areas while also fulfilling EOIR's mission and continuing to improve court business processes and record keeping infrastructure and processes.

EOIR continues to face a myriad of internal and external challenges to increasing adjudicative and case processing capacity needed to reduce the pending caseload. The additional IJs and funding for efficiency efforts provided through these program increases will help EOIR better address these challenges and ensure the efficient administration of immigration law.

Program Overview

Organization of EOIR

EOIR administers the Nation's immigration court system. EOIR primarily decides whether foreign-born individuals charged by DHS with violating immigration law should be a) ordered removed from the United States or b) granted relief or protection from removal and allowed to remain in the country. To make these critical determinations, EOIR operates 70 immigration courts and adjudication centers throughout the country and has a centralized Board of Immigration Appeals (BIA) located at EOIR Headquarters.

EOIR also adjudicates cases involving illegal hiring and employment eligibility verification violations, document fraud, and immigration-related employment discrimination. EOIR Headquarters, located in Falls Church, Virginia, provides centralized operational, policy, and administrative support to EOIR immigration proceedings and programs conducted throughout the United States.

EOIR's FY 2022 Budget Strategy

EOIR's program increase of \$162.5 million supports EOIR's current strategic initiatives of increasing adjudicatory and case processing capacity, which help advance EOIR's mission¹. Increasing adjudicatory and case processing capacity is particularly important given the growing pending caseload and the increase in the rate of new NTAs filed.

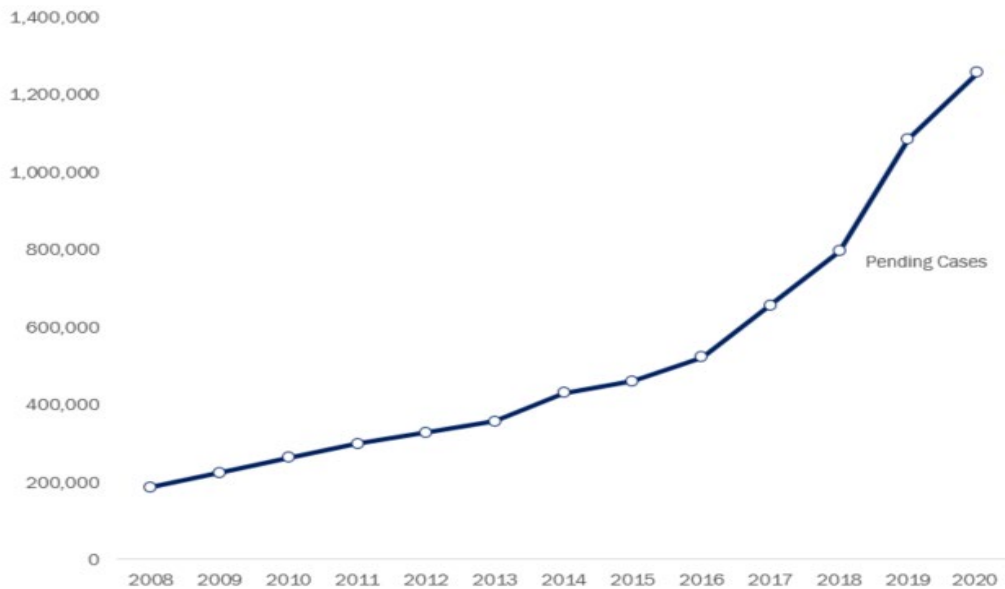
Challenges

EOIR continues to face both internal and external challenges to increasing adjudicative and case processing capacity needed to help reduce the pending caseload. Internal challenges include the IJ hiring process and the geographic disbursement of courtrooms. Externally, the most significant factor is the recent shift in DHS enforcement priorities and resulting rapid rise in the number of new immigration cases.

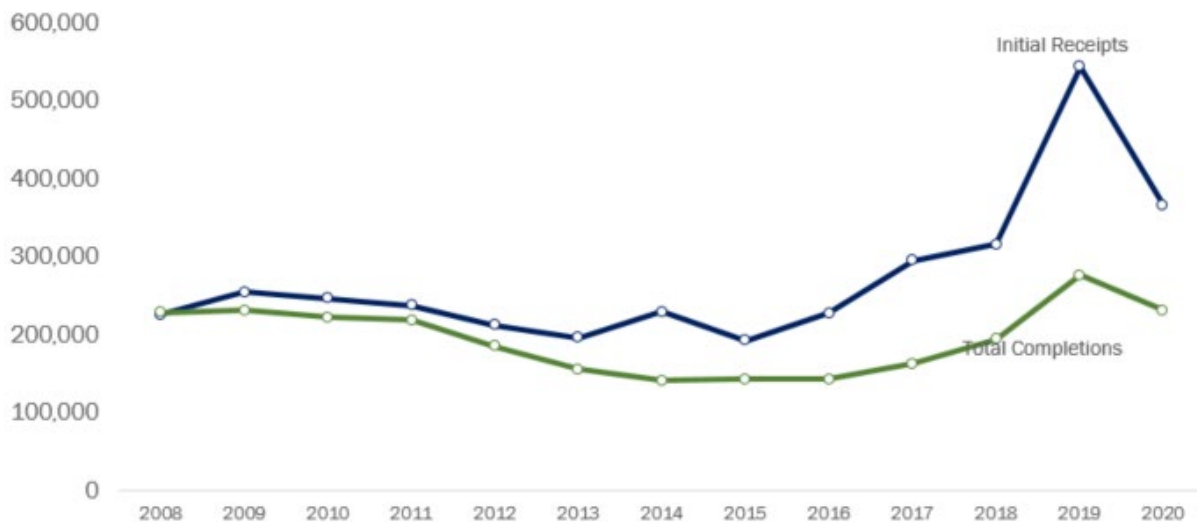
At the end of FY 2020, there were approximately 1.3 million active cases pending in immigration courts nationwide, by far the largest ever pending caseload before the agency, continuing the fourteenth consecutive year of increased pending caseloads. Additionally, at the end of FY 2020, DHS had filed approximately 370,000 NTAs. While the final number of NTAs filed in FY 2020 was lower than the over 545,000 NTAs filed in FY 2019, this reduction is due to issues surrounding the COVID-19 pandemic and, despite the pandemic, it still represents a notable increase from the approximately 316,000 filed in FY 2018.

¹ EOIR's primary mission is to, "adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws."

Office of the Chief Immigration Judge Historic Caseload Through FY 2020



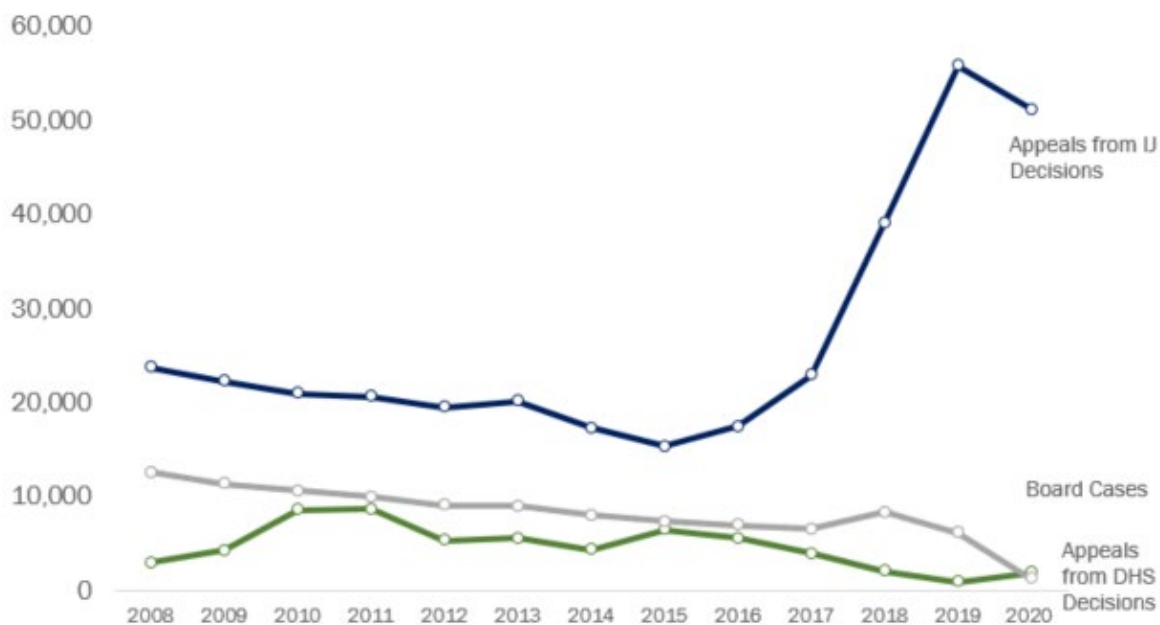
New Cases and Total Completions Through FY 2020



While the challenges noted below are specific to Office of the Chief Immigration Judge (OCIJ), EOIR remains cognizant that the large and growing pending caseload will also affect the BIA. From FY 2014-2016, the BIA received on average about 30,000 appeals per year. However, in FY 2017, over 33,500 appeals were filed with the BIA, and in FY 2018, nearly 50,000 case appeals were filed, surpassing FY 2017 by nearly 50 percent. In FY 2019, the BIA received over 63,000 case appeals, which is an increase of 27 percent over FY 2018 and nearly double what was filed in FY 2017. Despite issues surrounding the COVID-19 pandemic, nearly 59,000

appeals were filed in FY 2020. The BIA completed 40,391 appeals, an increase of 14,000 completions over FY 2019. Even though the BIA completed 53 percent more cases, the overall increase in filings still led to the backlog growing by over 18,000. This work is shared across 23 permanent Board Members, an extremely large volume for any appellate body. As NTAs and the number of immigration judges' increase, the BIA will likely continue to face a resultant increase in the number of appeals filed.

Board of Immigration Appeals Received Through FY 2020



Internal Challenges

Moving from the authorization of additional IJ positions to having those IJs in courtrooms ready to adjudicate is a lengthy process. The thorough vetting and hiring process for IJs historically took well over a year. However, due to changes implemented at EOIR and the Department, IJ hiring time improved dramatically across FYs 2018, 2019, and 2020, with EOIR hiring 81, 92, and 99 IJs respectively during each fiscal year, and recent hiring time has been reduced to generally six months or less. Although EOIR has hired more IJs in the past three fiscal years than it hired in the previous seven fiscal years combined, a concerted effort to hire rapidly needs to continue to improve the lower staffing levels resulting from years of relying on a complex and lengthy process. Additionally, IJ retirements and separations were higher in recent years than in prior years. The typical attrition rate for the previous seven fiscal years was roughly 12 IJs a year. This has now approximately doubled with 21 IJs separated from EOIR in FY 2017, 23 separated in FY 2018, 43 separated in FY 2019, and 23 separated in FY 2020. While, the initial impact of recent adjustments to the hiring process have been positive, EOIR and the Department continue to monitor the time to hire and ensure that each phase of the process moves as expeditiously as practicable.

Further, with having successfully improved the time to hire IJs, EOIR is now focusing on ensuring that courtrooms are available as soon as those adjudicators are trained. EOIR is prioritizing courtroom utilization and scheduling management, which allows EOIR to maximize its hearing blocks. Thus, a critical challenge in increasing adjudicatory capacity is not just time to hire, but also the associated time to obtain or build out space for those IJs and staff.

Throughout the initial growth of the Immigration Court program over the last few years, EOIR has successfully partnered with General Services Administration to reduce the traditional time frames to obtain and occupy space and have successfully sped up the space acquisition process.

Another challenge focuses around EOIR's current case management system (CASE), which is a fragmented, paper-based system. In FY 2017, EOIR began developing an EOIR Court and Appeals Systems (ECAS) to upgrade our current case management system to a single, electronic platform and deployed the ECAS pilot to five courts and the BIA in the late summer/early fall of 2018. EOIR began the nationwide rollout in FY 2020, but was temporarily paused due to travel restrictions associated with COVID-19, which affected training. As of January 31, 2021, ECAS has been rolled out to 41 immigration courts nationwide and the BIA. Although the ECAS system is doing much to address the process going forward, it does not speak to the existing paper records. Of EOIR's nearly 1.3 million pending cases, at least one million of them exist in a paper format. In order to improve efficiency, increase flexibility to adjudicate across the agency, and prepare for the future closure of the Federal Records Center, EOIR must work towards converting paper files to electronic, and move to a wholly electronic based system rather than a hybrid paper and electronic system.

External Challenges

EOIR faces four prominent external challenges: (1) increased immigration flows; (2) the continuing residual impact of prior policies and the 2014 and 2016 border surges and EOIR's responses to those surges; (3) court rulings on immigration matters which either temporarily or permanently impact government operations; and (4) exponential increase in the number of Freedom of Information Act (FOIA) requests since FY 2016.

Increased immigration flows, particularly of family units, unaccompanied noncitizen children, and putative asylum seekers from Central America, have led to a substantial increase in new case filings by DHS. Approximately 316,000 new NTAs were filed with EOIR during FY 2018, an average of about 26,000 cases per month. In FY 2019, over 545,000 new cases were filed, an average of over 44,000 per month and in FY 2020, with numbers reduced from expected levels due to the COVID-19 pandemic, EOIR still received approximately 370,000 new cases. The already large pending caseload has increased dramatically in this new enforcement environment, now reaching approximately 1.3 million pending cases as of the end of FY 2020.

The residual impact of cases generated by past and current border surges, and of prior EOIR policies, continues to impact EOIR's pending caseload. The surges included an increase in both unaccompanied children and adults with children. Cases involving children tend to take longer to resolve, as their cases often require continuances. Finally, the significant increase in immigration adjudications combined with the FOIA Amendments of 2016, plus increased media and public scrutiny of immigration operations, have resulted in an exponential increase in EOIR FOIA requests. EOIR has had difficulty dealing with this increase due to a paper-based file system, obsolete processing technology, as well as staffing issues.

II. Summary of Program Changes

Item Name	Description	Pos.	FTE	Dollars (\$000)	Page
Immigration Judges & Support	<ul style="list-style-type: none"> Enables EOIR to add 100 IJs and support Each IJ and related support staff cost approximately \$1.6 million and includes salaries and associated expenses (e.g., office space, furniture) for a full year. 	600	300	\$106,844	23
Backlog Reduction Efficiencies	<ul style="list-style-type: none"> Enables EOIR to fund a variety of projects that will enable EOIR to better address the pending caseload. Examples: <ul style="list-style-type: none"> Costs associated with the Board of Immigration Appeals (BIA) transcriptions processing. Funding to allow EOIR to begin scanning all existing pending paper files. Funding for staffing support 	0	0	\$55,628	27
Total		600	300	\$162,472	

The program requirements for increases in the number of immigration judges and support staff assumes that immigration adjudication trends in FY 2022 will be largely similar to non-pandemic recent years. Assuming current hiring trends and policies, even with these program increases EOIR expects the pending caseload will continue growing in the immediate future, with full effects of the staffing increase only being realized after several years.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language:

Executive Office for Immigration Review
(Including Transfer of Funds)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, [\$734,000,000] *\$891,190,000*, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the “Immigration Examinations Fee” account[, and of which not less than \$22,500,000 shall be available for services and activities provided by the Legal Orientation Program]: Provided, That not to exceed [\$35,000,000] *\$50,000,000* of the total amount made available under this heading shall remain available until expended.

Analysis of Appropriations Language

The FY 2022 budget removes language contained in the FY 2021 enacted appropriation providing not less than \$22,500,000 for the Legal Orientation Program. Although EOIR is requesting this language be removed, EOIR still plans to continue the Legal Orientation Program. Additionally, EOIR is requesting the “not to exceed” amount be increased to \$50 million for non-personnel funds such as courtrooms.

IV. Program Activity Justification

<i>Executive Office for Immigration Review</i>	Direct Pos.	Estimate FTE	Amount (\$000)
2020 Enacted	3,761	2,025	\$672,966
2021 Enacted	3,761	2,621	734,000
Adjustments to Base and Technical Adjustments	-	-	-5,282
2022 Current Services	3,761	2,621	728,718
2022 Program Increases	600	300	162,472
2022 Request	4,361	2,921	891,190
Total Change 2021-2022	600	300	\$157,190
<i>Executive Office for Immigration Review- Information Technology Breakout (of Decision Unit Total)</i>	Direct Pos.	Estimate FTE	Amount (\$000)
2020 Enacted	39	39	\$94,374
2021 Enacted	39	39	113,397
Adjustments to Base and Technical Adjustments	-	-	-
2022 Current Services	39	39	113,397
2022 Program Increases	0	0	0
2022 Request	39	39	113,397
Total Change 2021-2022	-	-	-

A. Program Description

Under the direction of the EOIR Director and Deputy Director, the following components conduct adjudicative proceedings:

Adjudicative Components

- Board of Immigration Appeals (BIA) – The BIA hears appeals of decisions of immigration judges (IJs) and certain decisions of officers of DHS in a wide variety of proceedings in which the Government of the United States is one party and the other party is a noncitizen, a citizen, permanent resident, or a transportation carrier. The BIA exercises independent judgment in hearing appeals for the Attorney General and provides a nationally uniform application of the immigration laws. The majority of cases before the BIA involve appeals from orders of EOIR’s immigration judges entered in immigration proceedings.

Appeals of decisions of DHS officers, reviewed by the BIA, principally involve appeals from familial visa petition denials and decisions involving administrative fines on transportation carriers. The BIA also issues decisions relating to the EOIR Attorney Discipline Program.

BIA decisions are binding on immigration judges and all DHS officers unless modified or overruled by the Attorney General or a Federal Court. Certain BIA decisions that the BIA designates as precedent decisions apply to immigration cases nationwide. Through

precedent decisions, the BIA provides guidance to immigration judges, DHS, and the general public on the proper interpretation and administration of the immigration laws and regulations. The BIA is the highest administrative tribunal for interpreting and applying U.S. immigration law.

The BIA plays the major role in interpreting the immigration laws of the country in an area of law the courts have characterized as uniquely complex. A challenge for the BIA is to maintain a high-volume administrative caseload while addressing the differing issues associated with the law of eleven different circuits and the Supreme Court.

- Office of the Chief Immigration Judge (OCIJ) – The OCIJ oversees the administration of 70 immigration courts and adjudication centers located throughout the United States and exercises administrative supervision over EOIR employees, including immigration judges, assigned to those courts. The OCIJ develops policies and procedures for immigration proceedings throughout the immigration court system. The IJs in OCIJ preside over administrative court proceedings, called removal proceedings, to determine whether foreign-born individuals, who are charged by 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. Generally, IJs determine removability and adjudicate applications for relief from removal such as cancellation of removal, adjustment of status, asylum, or waivers of removability. Custody redetermination hearings are held when a noncitizen in DHS custody seeks a reduction in the bond amount set by DHS, or a release on his or her own recognizance.

With respect to criminal noncitizen adjudications, the Institutional Hearing Program (IHP)² provides the framework for hearings to determine the immigration status of noncitizens convicted of offenses who are incarcerated in federal, state, and local prisons across the United States. EOIR's IHP is designed to expedite the removal of criminal noncitizens and involves close coordination with DHS, the Bureau of Prisons, and state and local corrections authorities.

The Chief Immigration Judge provides overall program direction, articulates policy, and establishes priorities for the immigration judges located in courts throughout the United States. The Chief Immigration Judge carries out these responsibilities with the assistance of Deputy and Assistant Chief Immigration Judges; offices such as the Chief Clerk's Office and Language Services Unit assist with coordinating management and operation of the immigration courts.

- Office of the Chief Administrative Hearing Officer (OCAHO) – The OCAHO adjudicates cases involving illegal hiring and employment eligibility verification violations ("employer sanctions"), document fraud, and employment discrimination under the Immigration and Nationality Act (INA). The OCAHO is headed by a Chief Administrative Hearing Officer (CAHO) who provides overall program direction and management, articulates and develops policies and procedures, establishes priorities, assigns cases, and administers the hearing process presided over by Administrative Law Judges (ALJs). The CAHO also reviews decisions and orders issued by OCAHO ALJs in

² Note, DHS refers to this same program as the "Institutional Hearing and Removal Program."

employer sanctions and document fraud cases, and may modify, vacate, or remand those decisions and orders.

OCAHO employs ALJs appointed pursuant to 5 U.S.C. § 3105 to adjudicate cases arising under Sections 274A, 274B, and 274C of the INA. Section 274A provides for sanctions (civil penalties and injunctive relief) against employers or entities who: (1) knowingly hire, recruit, or refer for a fee, or continue to employ, unauthorized aliens; (2) fail to comply with employment eligibility verification requirements; or (3) require the execution of an indemnity bond by employees to protect the employer or entity from potential liability for unlawful employment practices. Section 274B prohibits employment discrimination based on national origin or citizenship status and provides for civil penalties and various equitable remedies. Section 274C provides civil penalties for immigration-related document fraud. Adjudicative proceedings are initiated by complaints filed with OCAHO by DHS (in Section 274A and Section 274C cases), or the Immigrant and Employee Rights (IER) section in the Civil Rights Division, and/or aggrieved private parties and entities (in section 274B cases).

Parties may seek administrative reviews of ALJ decisions in INA Sections 274A and 274C cases, or the CAHO may review such decisions on his or her own initiative, and may affirm, modify, vacate, and/or remand such decisions. Unless the case is certified to the Attorney General, the CAHO's decision on review constitutes the final agency action with respect to these cases. Appeals from final OCAHO decisions are brought before the U.S. circuit courts of appeal.

Map of the Immigration Courts and Adjudication Centers



Non-Adjudicative Components

A number of other Headquarters offices also provide EOIR-wide mission support:

- **Office of the Director** – In addition to the Director, Deputy Director, Chief Staff, and senior advisors, the Office of the Director includes the Equal Employment Opportunity Office, the Ombuds, and the Planning, Analysis, and Statistics Division. These offices provide mission support to the Office of the Director by (1) ensuring equality and diversity in the work place; (2) providing oversight of certain pilot programs and initiatives; (3) overseeing the strategic management process; (4) conducting research, evaluation, and statistical analysis; (5) expanding analytics capacity to meet the demand for advances and predictive analysis; and (6) enhancing data quality and governance to quickly and effectively mitigate any data quality issues in the field.
- **Office of the General Counsel (OGC)** – Provides legal advice on a wide variety of matters involving EOIR employees in the performance of their official duties. OGC staff handle employee labor relations issues, review and prosecute complaints involving attorney misconduct, and coordinate and respond to requests for assistance involving immigration fraud. OGC also coordinates development of agency regulations and forms; provides litigation support to U.S. Attorneys, the Civil Division's Office of Immigration Litigation, and the Solicitor General's Office; coordinates inter-agency activities; and responds to all EOIR Freedom of Information Act (FOIA) and Privacy Act requests.
- **Office of Policy (OP)** – Centralizes coordination between the components on a number of policy projects and issues, including policy development, communications, strategic planning, training, and legal updates. This office (1) identifies, develops, drafts, standardizes, and communicates agency priorities and policies; (2) oversees and standardizes the EOIR regulatory process; (3) coordinates all legal training and related resources; and (4) oversees legal access programs.
- **Office of Administration (OA)** – Provides administrative and managerial support in several areas concerning financial management or special emphasis and compliance programs. Specifically, OA supports the following areas: budget and financial management, contracts and procurement, human resources, space and facilities management, and security.
- **Office of Information Technology (OIT)** – Responsible for the design, development, operations, and maintenance of the complete range of information technology systems supporting EOIR's day-to-day operations. OIT manages programs such as EOIR's current multi-year effort to modernize the case management and related electronic systems that support EOIR's mission.

Adjudication of Immigration Cases

Immigration Court Proceedings Overview: DHS initiates all cases before the immigration courts by charging an individual with potential grounds of removability and issuing an NTA in Immigration Court under §240 of the INA (8 U.S.C. 1229a).

IJs are responsible for conducting formal immigration court proceedings. In removal proceedings, IJs determine whether an individual from a foreign country (a noncitizen) should be allowed to enter or remain in the United States or should be removed. IJs also have jurisdiction to consider various forms of relief or protection from removal. If the IJ finds the individual to be removable as charged, the individual can then request several different forms of relief or protection from removal such as asylum and withholding of removal (including protection under the Convention Against Torture), cancellation of removal, voluntary departure, or other forms of relief or protection from removal. IJ decisions are administratively final unless appealed or certified to the BIA.

Some removal proceedings are conducted in prisons and jails as part of the Institutional Hearing Program. In coordination with DHS and correctional authorities across the country, IJs conduct hearings to adjudicate the immigration status of noncitizen inmates while they are serving sentences for criminal convictions.

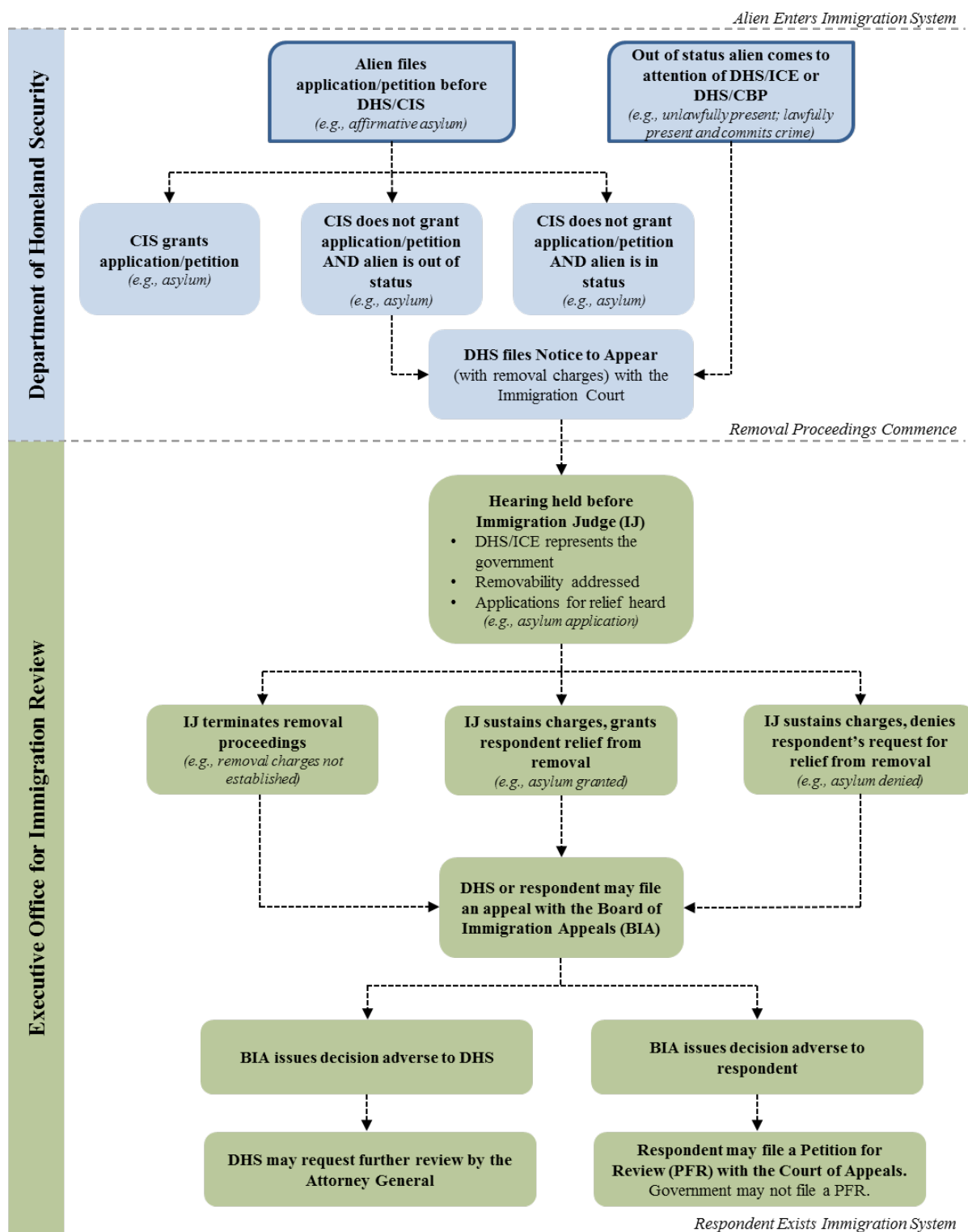
Appellate Review: In most appeals to the BIA, the process begins with filing a notice of appeal challenging an IJ decision. The appeal can be filed either by the noncitizen or the Government (represented by DHS's ICE).

When an appeal is filed by either party, the BIA acknowledges receipt of the appeal, transcribes the proceedings (where appropriate), and sets a briefing schedule to allow both parties to present their arguments. Once briefing concludes, the appeal is adjudicated by a panel of one, three, or all Board Members.

If the decision is not published, the decision is binding only on the parties. If the BIA elects to publish the decision, it becomes legal precedent and is binding nationwide. The BIA's decision will stand unless and until modified or overruled by the Attorney General, a Federal Court, or the BIA itself.

The following flow chart details examples of paths to and through removal proceedings.

EXAMPLE PATHS TO AND THROUGH REMOVAL PROCEEDINGS



OCAHO Administrative Hearings: OCAHO cases begin with the filing of a complaint, either by the DHS/ICE, in employer sanctions and document fraud cases under INA §§ 274A and 274C, respectively, or by private individuals or entities and/or the Civil Rights Division's IER Section in immigration-related employment discrimination cases under INA § 274B. After the complaint is filed, the respondent is given an opportunity to file an answer. Following the answer, the parties typically file prehearing statements, undertake discovery, and participate in one or more telephonic prehearing conferences with the ALJ. Parties may also engage in settlement negotiations and file dispositive motions with the ALJ. Cases that are not resolved or dismissed proceed to a formal evidentiary hearing, typically held near where the parties reside or the alleged violation(s) occurred. Final decisions and orders issued by the ALJ in employer sanctions and document fraud cases are reviewable by the CAHO and/or the Attorney General. Once a final agency decision has been issued, a party may file an appeal with the appropriate federal circuit court of appeals. Final ALJ decisions in immigration-related employment discrimination cases are not reviewable by the CAHO or the Attorney General; rather, these decisions may be appealed directly to the appropriate federal circuit court of appeals.

B. EOIR Metrics Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Executive Office for Immigration Review											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		2,321	672,966	2,025	672,966	2,621	734,000	300	157,190	2,921	891,190
TYPE	PERFORMANCE	FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	Adjudicate Immigration Cases	2,321	672,966	2,025	672,966	2,621	734,000	300	157,190	2,921	891,190
Performance Measure:	Office of the Chief Immigration Judge - Clearance Rate	55%		63%		55%		n/a		55%	
Performance Measure:	Office of the Chief Administrative Hearing Officer - 274A Cases completed within 430 days	90%		100%		90%		n/a		90%	
Performance Measure:	Office of the Chief Administrative Hearing Officer - 274B Cases completed within 500 days	90%		100%		90%		n/a		90%	
Performance Measure:	Office of the Chief Administrative Hearing Officer - 274C Cases completed within 750 days	90%		100%		90%		n/a		90%	
Data Definition, Validation, Verification, and Limitations: OCIJ and BIA data are collected from the Case Access System for EOIR (CASE), a nationwide case tracking system at the trial and appellate levels. Court and appellate staff enters data, which is electronically transmitted and stored at EOIR headquarters, allowing for timely and complete data collection. Data are verified by on-line edits of data fields. Headquarters and field staff use routine daily, weekly, and monthly reports that verify data. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases. There are no data limitations known at this time. * A case before the immigration courts is a proceeding that begins when DHS files a charging document. OCIJ case completions do not include administrative closures nor change of venue requests or transfers from one immigration court to another. In addition, initial case completions do not include cases that have been reopened or remanded from the BIA.											

EOIR METRICS TABLE									
Decision Unit: Executive Office for Immigration Review									
Report and Plan Targets		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Measure	Clearance Rate	N/A	N/A	N/A	61%	55%	63%	55%	55%
Measure	274A Cases Completed Within 430 Days	N/A	N/A	N/A	95%	90%	100%	90%	90%
Measure	274B Cases Completed Within 500 Days	N/A	N/A	N/A	100%	90%	100%	90%	90%
Measure	274C Cases Completed Within 750 Days	N/A	N/A	N/A	N/A (none received)	90%	100%	90%	90%

Please see below for information regarding component case completions, the measurement EOIR uses internally to track performance.

C. Performance, Resources, and Strategies

EOIR's adjudication functions are part of the Government's broader immigration and border control programs. As such, EOIR's ability to adjudicate cases involving individuals housed in DHS detention space in a timely fashion allows EOIR to aid in the efficient utilization of DHS detention space. The guarantee of fairness and due process, including for those individuals in detention, remains a cornerstone of our judicial system. EOIR's role in granting relief from removal in meritorious cases, and in the denial of relief from removal in others, helps assure the integrity of the overall process.

a. Performance Plan and Report for Outcomes

For the immigration courts, EOIR set the following goal:

A 55 percent clearance rate for I-862 case types (removal, exclusion, and deportation). EOIR established a baseline for this measure in FY 2018, such that out-year targets could be established. In order to develop these percentages, EOIR estimated the number of receipts that result from NTAs filed by DHS (denominator) and the number of completions it projects (numerator). EOIR has no control over the number of NTAs filed by DHS. EOIR controls only the numerator in calculating the clearance rate, and DHS controls the denominator. Thus, any projected clearance rate could be significantly different from the final actual number based on variations in new cases filed by DHS.

The performance measure for OCAHO is:

90 percent of employer sanctions (INA 274A), immigration-related unfair employment practices (INA 274B), and immigration-related document fraud (INA 274C) cases completed within the established timeframe for each case type (430 days, 500 days, and 750 days, respectively).

EOIR established these metrics for immigration courts and OCAHO during the development of the Department of Justice (DOJ) Strategic Plan for FY 2018 – FY 2022. As such, EOIR spent FY 2018 developing a methodology for appropriately measuring clearance rate and beginning to benchmark.

In addition to the above, internally, EOIR primarily tracks its performance by tracking components case completions. In FY 2019, EOIR results were as follows:

OCIJ Case Completions: 276,945
BIA Case Completions: 26,271
OCAHO Case Completions: 54

At the end of FY 2020, EOIR results were as follows:

OCIJ Case Completions: 231,435
BIA Case Completions: 40,391
OCAHO Case Completions: 79

OCIJ numbers include All Initial Case Completions (ICCs) and Subsequent Case Completions (SCCs) of IJ decisions in the time period. Administrative closures are not case completions. BIA cases include cases appealed from IJ decisions, DHS decisions on visas and fines, and cases reviewing previous BIA decisions.

All three of EOIR's adjudicatory components continue their impressive execution of EOIR's mission "to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws." For example, the BIA completed over 40,000 cases in FY 2020, its highest total since FY 2008. Despite serious disruptions to its operations in the second half of the FY due to the impact of COVID-19, OCIJ still completed almost 240,000 cases over the fiscal year. Although OCIJ's completion total fell from FY 2019 due to the impact of COVID-19, it still completed more cases than in any other FY since at least FY 2009.

OCAHO saw its case completions rise by at least 40 percent in FY 2020. OCAHO's Administrative Law Judges also issued 15 published decisions in the final quarter of the FY, including OCAHO's first substantive decision in a case arising under the document fraud provisions of INA 274C in over 20 years.

b. Strategies to Accomplish Outcomes

Ongoing Efforts to Achieve EOIR Success

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, EOIR is making ongoing efforts to maximize existing resources and eliminate agency inefficiencies. These ongoing efforts include making docket adjustments to reflect enforcement priorities, developing and implementing a workforce staffing model, opening new courts, leveraging existing IT systems, emphasizing policy coordination and analysis, and making the IJ hiring process more efficient.

Filling Existing Vacancies

EOIR's continued focus on filling existing vacancies has helped increase adjudicative capacity over the last several years. Despite this increase in adjudicative capacity and EOIR's continued efforts to hire new IJs, the pending caseload continues to grow. To successfully decrease the pending caseload to a manageable level, EOIR requires additional authorized IJs and support staff.

Docket Adjustments

EOIR continues to make docket adjustments and prioritize certain case types to reflect the shifts in enforcement priorities. EOIR will continue engaging with Federal partners to gauge the impact of enforcement activities, migratory patterns, and other factors that affect the immigration courts and adjust dockets and resource allocations accordingly.

New and Expanded Court Locations

Over the last several years EOIR has added space in some existing locations, and expanded its number of locations, going from a total of 337 courtrooms at the close of FY 2016 to 474 at the end of FY 2020. New court locations have opened in each of the last five fiscal years, including most recently courts in Van Nuys, CA, Sacramento, CA, and Houston, TX. By adding available court space as the IJ corps expands, EOIR will be able to hear a greater volume of cases, reducing the backlog more quickly.

In addition to expanding the number of courts, to better utilize courtroom space EOIR Policy 19-11 “No Dark Courtrooms” memorialized policies to reduce and minimize the impact of unused courtrooms and docket time. EOIR will continue to implement this policy which assigns cases to dockets and IJs in a manner to maximize courtroom usage.

Leveraging Existing IT Systems

To maximize the capacity of immigration courts nationwide, EOIR continues to make efficient use of VTC 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 (IHP) cases remotely, diminishing the challenges associated with reaching DHS and Federal facilities that are not co-located with immigration courts. All courtrooms and many conference rooms are now equipped with VTC capability.

Additionally, EOIR has successfully upgraded the Digital Audio Recording systems in all courtrooms. The touch panel and modernized audio-processing components have provided courtroom users with enhanced phone controls, video teleconference capabilities, and simultaneous interpretation controls. Looking forward, EOIR is using analytics to explore how VTC and other video technology use could minimize the number of underutilized courtrooms or expand access beyond a traditional courtroom.

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. A fully electronic system will improve case scheduling and adjudication efficiency, reduce time spent on administrative tasks related to paper files, and free additional space to be used for additional staff or court expansion. In 2018 EOIR piloted its new electronic filing system, ECAS, at five immigration courts and the BIA. It has now been launched to a total of 41 immigration court locations and the BIA as of January 2021. Within this timeframe, over 16,500 attorneys have registered to use ECAS, over 640,000 documents have been uploaded, over 100,000 electronic records of proceeding (eROP) have been created, and over 1,200 EOIR users have been trained.

Policy Coordination and Analysis

In addition to process improvement, technology, and communication strategies, EOIR strategies work to ensure that short- and long-term human capital needs are met, particularly as they relate to the IJ hiring process and immigration court staffing and resourcing requirements. OCIJ, BIA,

and agency leadership continually examine activities critical to case completion and the amount of time required for staff to complete these activities thoroughly.

EOIR works with DHS, DOJ Office of Legal Policy and others on immigration related policies and regulations to increase the adjudicatory capacity, as well as implemented many new internal policies which serve to enhance EOIR decision making by furthering consistency as well as enhancing fraud prevention and detection activities.

Improving the IJ Hiring Process

EOIR and DOJ continue to take steps to reduce the timeline to hire and on-board new IJs. The Department implemented a streamlined hiring plan in 2017 that EOIR has been using ever since. It retains the same degree of rigorous vetting as before, but aims to reduce the timeline an application is pending before the agency.

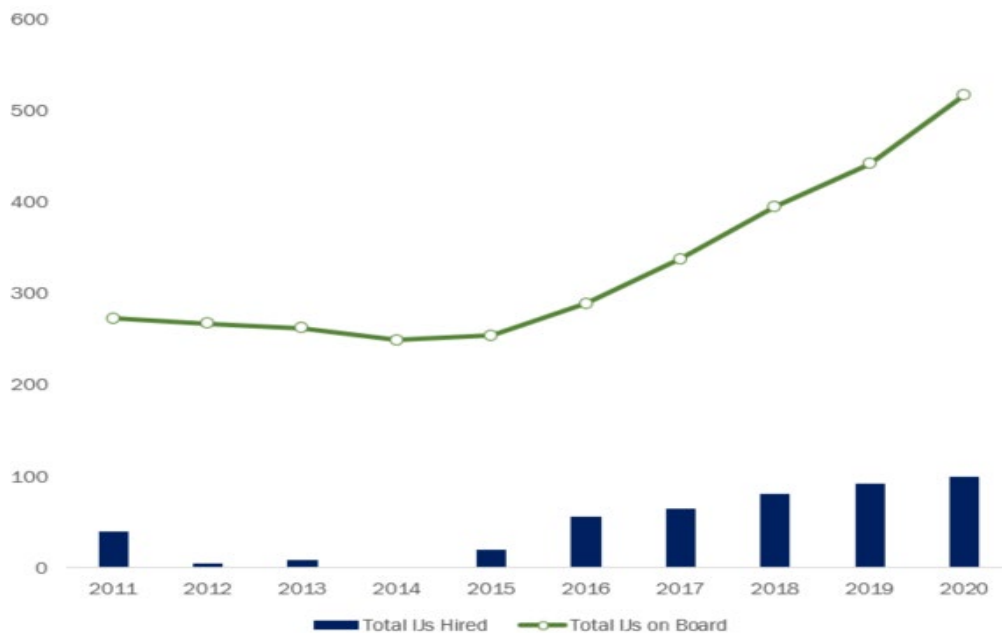
The revised process: 1) sets clear deadlines for assessing applicants at each stage of the process and for making decisions to move them to the next stage; 2) eliminates steps that did not aid or advance the selection process; and 3) allows for temporary appointments pending full background investigations, which can often take several months to a year to complete. The new process aims to reduce the amount of time that it takes to recommend applicants for appointment to six months or less.

Under the current process, hiring times have been reduced by approximately 50 percent and EOIR has been able to hire 81 new IJs in FY 2018, 92 new IJs in FY 2019 and 99 IJs in FY 2020. EOIR has been able to clear a new IJ to start in as little as 150 days and to on-board a new IJ in as little as 195 days, which is a 74 percent reduction in hiring time compared to the 742 days cited in a 2017 GAO report on the subject³. Moving forward, EOIR will continue to assess the hiring process and identify any areas for improvement.

FY	Total IJs Hired	Total IJs On-board
2010	17	245
2011	39	273
2012	4	267
2013	8	262
2014	0	249
2015	20	254
2016	56	289
2017	64	338
2018	81	395
2019	92	442
2020	99	517

³ Report GAO-17-438, *Actions Needed to Reduce Case Backlog and Address Long-Standing Management and Operational Challenges*

Immigration Judge (IJ) Hiring Through FY 2020



As of the end of FY 2020, there were 517 IJs on-board. However, the current caseload has more than quintupled since FY 2008 and more than tripled since FY 2012. In FY 2018, immigration judges completed almost 200,000 initial cases, a 20 percent increase over FY 2017 and the highest number of case completions since FY 2011, and by the end of FY 2019, EOIR completed more cases than at any time in recent history (over 276,000 cases). Despite the closures and challenges associated with the COVID-19 pandemic in FY 2020, EOIR was still able to complete over 231,000 cases. These results are a testament to the professionalism and dedication of EOIR's immigration judge corps.

V. Program Increases by Item

Item Name: **Immigration Judges and Support**

Budget Decision Unit: EOIR
Organizational Program: Immigration Adjudications

Program Increase: Positions 600 Agt/Atty 300 FTE 300 Dollars \$106,844,000

Description of Item

This request provides \$106.8 million, which will enable EOIR to add 100 new immigration judges (IJs), for a total of 734 authorized IJs, and necessary support staff. Each IJ is supported by: one attorney position, one legal assistant; and two 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. Some support positions may also go to headquarters to support the growth of immigration courts.

EOIR is also requesting 100 additional attorney positions, which will be attorney advisors to support immigration judges or appellate immigration judges. EOIR intends to increase the use of attorneys in the courts as part of a broader effort to manage pending caseload more effectively. With a higher ratio of attorneys to IJs, EOIR will be able to issue more written decisions rather than relying on oral decisions, which can require more time in court and can increase the time it takes to close a case. The additional attorney positions requested this year for the courts will move EOIR towards a much needed one-to-one ratio. Other attorneys in this request will go towards increasing attorney support at the Board of Immigration Appeals (BIA). In April 2020 the Board increased from 21 adjudicators to 23 adjudicators. Each adjudicator is supported by teams of attorneys that provide initial review and drafting assistance for the appeals that come to the Board.

This program increase also includes funding for the necessary corresponding courtrooms, office space, and associated expenses (e.g. interpreter services, furniture, equipment, and funding for guard services). Finally, the cost module used in the development of this program increase accounts for certain out-year costs stemming from IJ increases, as well as the changing immigration climate over recent fiscal years. These ancillary costs include the costs of processing FOIA requests, BIA transcriptions and certifications, and costs associated with the National Qualified Representative Program.

EOIR notes that this program increase would designate 300 positions as attorneys (100 as IJs, 100 attorneys in the IJ cost module, and 100 additional attorneys to increase the use of attorneys to support immigration judges or appellate immigration judges).

Justification

EOIR must increase the number of immigration judges as the pending caseload has been steadily increasing since FY 2006, hitting a new high of approximately 1.3 million pending cases at the end of FY 2020. As a result of the growth in the backlog, the time it takes to close a case has

increased. Recently, this caseload increase has been exacerbated by the rise in the number of new NTAs that DHS files before the immigration court. The number of NTAs filed by DHS has dramatically increased over the last four years, even with the reduction in filings over FY 2020 associated with the issues surrounding the COVID-19 pandemic. Without corresponding increases in resources, combined with process improvements, EOIR will not be able to successfully manage the incoming caseload.

As the caseload has grown, processing time has increased. Certain typically lengthy applications, like asylum, have also increased. Conversely, voluntary departure, a relatively speedier process, has decreased. These findings are also supported by the 2017 GAO report *Actions Needed to Reduce Case Backlog and Address Long-Standing Management and Operational Challenges*.

EOIR must also increase its number of attorneys to account for increases in caseload, processing time, change of venues (COV) and transfers, coupled with a decrease in the proportion of typically speedier cases. Attorneys are a vital component of the immigration court and Board system. Attorneys conduct research, assist with legal analysis, and conduct initial legal drafting in support of IJs and Appellate IJs as they adjudicate cases.

Impact on Performance

This program increase directly supports current EOIR strategic initiatives to increase adjudicatory and case processing capacity, and EOIR's overall mission. Through the second quarter of FY 2020, the last quarter with caseloads minimally affected by the COVID-19 pandemic, EOIR had completed approximately 200,000 cases with fewer than 430 IJs hearing full caseloads. The number of cases completed per IJ varies, due to docket size, NTA flow, attrition, and the differences and complexities of each individual case. However, EOIR projects an average of at least 500 cases per IJ, and with additional efficiencies (outlined in the following Backlog Reduction Efficiencies program increase) EOIR could increase that number substantially, to approximately 600 cases per IJ. EOIR's capability to reduce the pending caseload backlog is still predicated on the receipt of NTAs in a given year being less than EOIR's completion capacity. Due to the robust IJ hiring process and the six- to twelve-month timeline for new IJs to begin hearing cases at a rate as efficiently as experienced IJs, this program increase will not affect performance immediately but rather over the course of the next several years. However, with a sustained commitment to increasing the number of IJs and the number of IJ support staff including attorneys, EOIR will be able to decrease the pending caseload and reduce the amount of time respondents must wait until their case is heard.

Funding

1. Base Funding

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
3,761	1,611	2,025	\$672,966	3,761	1,611	2,621	\$734,000	3,761	1,611	2,621	\$728,718

2. Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2022 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Clerical and Office Svcs (0300-0399)	100	\$81	\$59	\$180	\$8,101	\$5,889	\$3,971
Immigration Judges (0905)	100	361	228	609	36,093	22,823	2,016
Attorneys (0905)	200	98	79	223	19,519	15,853	9,247
Paralegals / Other Law (0900-0999)	200	65	42	108	13,095	8,449	75
Total Personnel	600				\$76,808	\$53,014	\$15,309

*Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50% lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

3. Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Courtroom Buildout (leased)	\$19,055	\$381	100	\$19,626	-\$38,681
Furniture (courtroom and shared spaces*)	4,481	45	100	-4,033	7
Guard Services	6,500	65	100	2,737	139
Total Non-Personnel	\$30,036			\$18,330	-\$38,536

*Furniture shared between courtrooms is assumed to be shared among 5 courtrooms.

4. Justification for Non-Personnel Annualizations

The future costs contained in the above chart reflect funding needed to fully fund the associated costs with the hiring of 100 IJs. Buildout costs for the first year represent only 50 percent of the total funding requirement. The recurring out-year costs for guard services represent security equipment maintenance and federal protective service security guard contracts.

5. Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/ Atty	FTE	Personnel	Non- Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	3,761	1,611	2,621			\$728,718		
Increases	600	300	300	76,808	30,036	106,844	71,344	-23,227
Grand Total	4,361	1,911	2,921	\$76,808	\$30,036	\$835,562	\$71,344	-\$23,227

Affected Crosscuts

Immigration

Item Name: **Backlog Reduction Efficiencies**

Budget Decision Unit: EOIR
Organizational Program: Immigration Adjudications

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$55,628,000

Description of Item

This request provides \$55.6 million for a number of EOIR efficiency initiatives designed to help reduce the over one-million case backlog. These initiatives include: funding for transcription services and contractor support at the BIA to enable it to address its pending appellate caseload; the start of a multi-year scanning project to begin scanning pending paper files into electronic Record of Proceeding (eROP) providing for greater flexibility among IJs and support staff to adjudicate cases from any location; and other efficiency efforts designed to reduce the large and growing pending caseload.

Justification

Beginning with the FY 2015 appropriation, EOIR's authorized number of IJs has increased dramatically each year, growing from the 284 authorized in FY 2014, to the 734 requested for FY 2022. This increase of 450 IJ positions over eight fiscal years marks growth by more than two and a half times the previously authorized level of IJs. Despite this growth in adjudicators, the backlog of pending caseload continues to rise as ever increasing numbers of cases are filed. In addition to increasing adjudicatory capacity, EOIR is requesting additional funding for technological and process efficiency efforts to reduce the backlog as described below. The premise of the backlog efficiency program increase is that it will provide EOIR the needed flexibility to adapt immediately and flex various processes up or down as the immigration climate demands. For example, the transcription services described below could take EOIR up to two years to catch up, scanning is a multi-year project and the general efficiency efforts will depend on the administration's immigration policies. This funding will allow EOIR to maximize contractual support for a number of functions as well as modernizing its processes as new technological products or licenses become available.

- Transcription Services and Contractor Support at the BIA – While the cost modules associated with IJs have included funding for a variety of direct needs (support staff, equipment, furniture, and space) some of the indirect out-year costs were either too far in the future to be appropriately projected, or were direct results of the changing immigration climate in recent years. In effect, as IJs complete more cases, the number of cases that are appealed to the BIA increases. Additional funding is required to address the emerging BIA transcription backlogs.

For most cases appealed, EOIR requires a written transcription of the audio record. From FY 2014 through FY 2017, the yearly cases transcribed remained fairly steady, just above 14,000. There was a spike in the fourth quarter of FY 2018, which increased in FY 2019 and FY 2020. With increasing numbers of immigration judges, increased case completions by those judges, and increased appeals by both parties, EOIR estimates that the rapid rate of

growth will only continue. Without the ability to transcribe audio recordings, the BIA will not be able to address its increased caseload.

- Scanning Record of Proceedings – Most EOIR files currently exist as paper records, referred to as a Record of Proceeding (ROP). The ROP contains all of the legal information for respondents in immigration court proceedings, including evidentiary materials and legal decisions. At the end of calendar year 2022, the Federal Records Center (FRC) will stop accepting paper files and EOIR will manage records after that point. Additionally, by scanning the existing paper records into an electronic format, EOIR will best be able to maximize the flexibilities offered by electronic case management, creating more efficient and nimble workforce.

The EOIR Court and Appeals System (ECAS) is a technology modernization initiative comprising of improvements to EOIR's technological infrastructure. The primary goal of ECAS is to eliminate paper files and retain all records and case related documents in an electronic format. As currently implemented, however, funding for ECAS only accounts for the scanning of newly initiated cases. Pending cases have not been scanned into an electronic format. The cost associated with beginning to scan all pending paper-based cases into ECAS in FY 2022 is comprised of: (1) scanning all pending cases that are not electronic and will not be completed prior to the end of FY 2022, (2) scanning all reopened or remanded cases that were not originally ECAS cases and (3) the opportunity costs and miscellaneous costs with reallocating employee work to this project. EOIR estimates that the total cost of the project is \$50 million and will take over 5 years to scan one million pending cases. This figure assumes that cases are scanned at a rate of \$50 per file.

It is essential that the retirement of paper files to the FRC occurs prior to its closure and EOIR will commit to focusing on such paper file retirements. These records ensure the fair administration of justice and the timely adjudication of cases. The scanning of ROPs allocated in the program increase will eliminate the need for the shipment of closed files to and from immigration court and the BIA. As a result, the program will yield an increase in case completions, long term cost savings, and a reduction in the amount of time it takes to complete a case.

This program increase will benefit the efficiency of immigration court operations and the flexibility of immigration judges. The scanning of cases into an electronic format would allow immigration judges ease of access to cases originating in different hearing locations. If an immigration judge faces an emergency or is otherwise unable to preside over a hearing another immigration judge would be able to access the ROP and ensure the hearing continued. This adaptability has a number of benefits, including flexibility in docket management and increased options for the telework of immigration judges and court staff. Additionally, the program increase would significantly reduce shipping costs in cases in which there has been a change of venue. Presently, when venue is changed in a case, an ROP must be physically shipped to the new immigration court location.

In addition to the benefits that the program increase would provide to EOIR, the American public has an interest in access to ROPs in an accessible format. Presently, EOIR receives the greatest number of FOIA requests of any component in the Department. Many of these

requests are for ROPs. These requests are frequently made by respondents and respondent attorneys. The conversion of ROPs from paper to electronic will likely expedite the time it takes to fulfill these requests in the long term, reducing shipping costs and employee labor.

- Other Efficiency Efforts Aimed at Reducing the Backlog – In addition to the initiatives described above, funding would be used for additional contractor and IT support where there are insufficient numbers of federal employees. This will aid in the hiring and clearance process, the purchase of needed equipment and licenses, continuation of modernizing systems to allow for increased adjudicatory flexibilities, and for other efforts. EOIR believes funding in this area could make a marked difference towards reducing the pending caseload.

As EOIR works to fill and backfill federal employees, adding surge contract support in the courts and headquarters will assist in speeding up processing times for cases and providing for greater efficiencies. In addition, EOIR would increase its contract with the Office of Personnel Management to enable the processing of more hiring actions and provide funding for surge contract support to manage portions of the background investigation and security clearance process, as well as ease bottlenecks with clearing new employees.

Additional data analyst surge contract support could be used to build better models for managing caseloads, predictive analytics, and strategic planning to improve EOIR's use of its existing resources.

Further, funding could be used to take advantage of new IT capabilities. For example, programs such as WebEx allows EOIR adjudicators and participants in proceedings to conduct a hearing regardless of physical location. This funding would go towards purchasing additional licenses, associated digital audio recording devices, and other related needs to offer this functionality to more adjudicators than is currently feasible.

In FY 2020, EOIR requested and was enacted an increase of 100 IJ Teams (600 positions). EOIR applies a 50 percent lapse to pay and benefits in the year of enactment. The 2nd year adjusted cost restores the other 50 percent of the pay and benefits. In the FY 2021 enacted bill, EOIR was able to fund a majority, but not all of the 2nd year adjusted costs for the FY 2020 enacted IJ teams. This additional funding would go toward restoring the remaining funding necessary for these positions.

The above examples are some ways in which EOIR could use increased funding to speed processes either directly related to adjudicating the pending caseload, the downstream effects of the increased caseload, or the pre-adjudication processes of ensuring adequate personnel.

Impact on Performance

Without the requested increase in funding for the proposed backlog reduction efficiencies, EOIR will not be able to respond as robustly to the increasing immigration caseload, and the current backlog will continue to grow.

Funding

1. Base Funding

FY 2020 Enacted				FY 2021 Enacted				FY 2022 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
3,761	1,611	2,025	\$672,966	3,761	1,611	2,621	\$734,000	3,761	1,611	2,621	\$728,718

2. Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2022 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Backlog Reduction Efficiencies	\$55,628	\$55,628	1	\$0	\$0
Total Non-Personnel	\$55,628	\$55,628		\$0	\$0

3. Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/ Atty	FTE	Personnel	Non- Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	3,761	1,611	2,621			\$728,718		
Increases	0	0	0	0	55,628	55,628	0	0
Grand Total	3,761	1,611	2,621	0	\$55,628	\$784,346	\$0	\$0

Affected Crosscuts

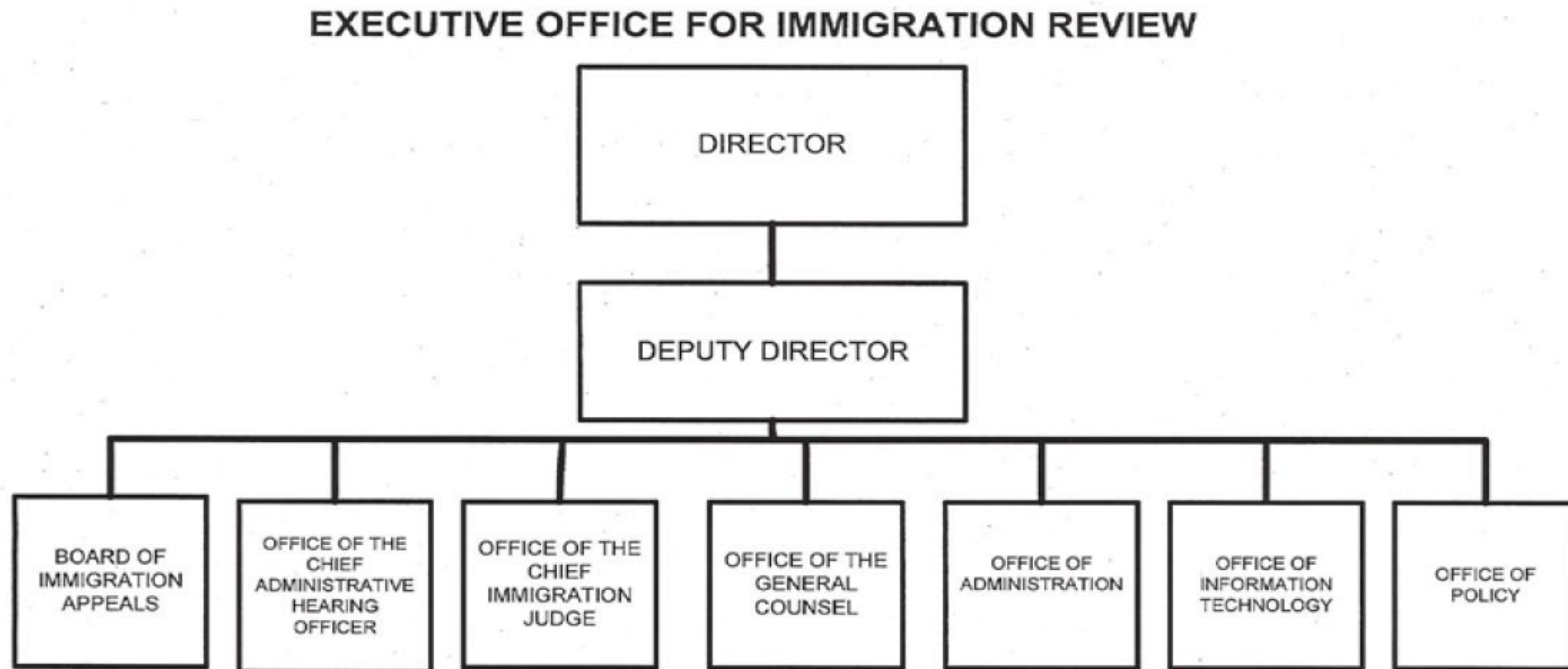
Immigration

VI. Program Offsets by Item

Not applicable.

VI. Exhibits

(Exhibits begin on the following page)



Approved by: *Jefferson B. Sessions III* Date: 7/26/17
Jefferson B. Sessions III
Attorney General

B. Summary of Requirements

Summary of Requirements
Executive Office for Immigration Review
Salaries and Expenses
(Dollars in Thousands)

	FY 2022 Request		
	Positions	Estimate FTE	Amount
2020 Enacted 1/	3,761	2,025	672,966
Total 2020 Enacted	3,761	2,025	672,966
2021 Enacted	3,761	2,621	734,000
Technical Adjustments			
DHS Immigration Examination Fees - EOIR	0	0	-4,000
Total Technical Adjustments	0	0	-4,000
Base Adjustments			
Transfers:			
Transfers - DHS Immigration Examination Fee Account	0	0	4,000
Pay and Benefits	0	0	20,472
Domestic Rent and Facilities	0	0	9,745
Non-Personnel Related Annualizations	0	0	-35,499
Total Base Adjustments	0	0	-1,282
Total Technical and Base Adjustments	0	0	-5,282
2022 Current Services	3,761	2,621	728,718
Program Changes			
Increases:			
Immigration Judges and Support	600	300	106,844
Backlog Reduction Efficiencies	0	0	55,628
Subtotal, Increases	600	300	162,472
Total Program Changes	600	300	162,472
2022 Total Request	4,361	2,921	891,190
2021 - 2022 Total Change	600	300	157,190

^{1/} FY 2020 FTE is actual

Summary of Requirements
Executive Office for Immigration Review
Salaries and Expenses
(Dollars in Thousands)

Program Activity	FY 2020 Enacted			FY 2021 Enacted			FY 2022 Technical and Base Adjustments			FY 2022 Current Services		
	Positions	Actual FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Executive Office for Immigration Review	3,761	2,025	672,966	3,761	2,621	734,000	0	0	-5,282	3,761	2,621	728,718
Total Direct	3,761	2,025	672,966	3,761	2,621	734,000	0	0	-5,282	3,761	2,621	728,718
Balance Rescission			0			0			0			0
Total Direct with Rescission			672,966			734,000			-5,282			728,718
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE		2,025			2,621			0			2,621	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		2,025			2,621			0			2,621	

Program Activity	2022 Increases			2022 Offsets			2022 Request		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount
Executive Office for Immigration Review	600	300	162,472	0	0	0	4,361	2,921	891,190
Total Direct	600	300	162,472	0	0	0	4,361	2,921	891,190
Balance Rescission			0			0			0
Total Direct with Rescission			162,472			0			891,190
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		300			0			2,921	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		300			0			2,921	

FY 2022 Program Increases/Offsets by Decision Unit

Executive Office for Immigration Review

Salaries and Expenses

(Dollars in Thousands)

Program Increases	Location of Description by	Executive Office for Immigration Review				Total Increases			
		Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE	Amount
Immigration Judges and Support	Page 23	600	300	300	106,844	600	300	300	106,844
Backlog Reduction Efficiencies	Page 27	0	0	0	55,628	0	0	0	55,628
Total Program Increases		600	300	300	162,472	600	300	300	162,472

Program Offsets	Location of Description by	Executive Office for Immigration Review				Total Offsets			
		Positions	Agt./Atty.	Est. FTE	Amount	Positions	Agt./Atty.	Est. FTE	Amount
No Program Offsets									
Total Program Offsets									

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal and Objective

Executive Office for Immigration Review

Salaries and Expenses

(Dollars in Thousands)

Strategic Goal and Strategic Objective	FY 2020 Enacted		FY 2021 Enacted	
	Direct & Reimb FTE	Direct Amount	Direct & Reimb FTE	Direct Amount
Goal 2 Secure the Borders and Enhance Immigration Enforcement and Adjudication				
2.2 Ensure an immigration system that respects the rule of law, protects the safety of U.S. Citizens and serves the national interest	2,025	672,966	2,621	734,000
Subtotal, Goal 2	2,025	672,966	2,621	734,000
TOTAL	2,025	672,966	2,621	734,000

Justifications for Technical and Base Adjustments

Executive Office for Immigration Review
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate FTE	Amount
Technical Adjustments			
1 DHS Immigration Examination Fees - EOIR DHS Immigration Examination Fees - EOIR	0	0	-4,000
Subtotal, Technical Adjustments	0	0	-4,000
Transfers			
1 Transfers - DHS Immigration Examination Fee Account Transfers - DHS Immigration Examination Fee Account	0	0	4,000
Subtotal, Transfers	0	0	4,000
Pay and Benefits			
1 <u>2022 Pay Raise - 2.7%</u> This request provides for a proposed 2.7 percent pay raise to be effective in January 2022. The amount requested, \$7,134, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$5,475 for pay and \$1,659 for benefits).	0	0	7,134
2 <u>Annualization of 2020 Approved Positions</u> Personnel: This provides for the annualization of 600 new positions appropriated in 2020. Annualization of new positions extends up to 3 years to provide entry level funding in the first year, with a 1 or 2-year progression to a journeyman level. For FY 2020 increases, this request includes an increase of \$8,909 for full-year payroll costs associated with these additional positions.	0	0	8,909
3 <u>Annualization of 2021 Pay Raise</u> This pay annualization represents first quarter amounts (October through December) of the 2021 pay increase of 1.0%. The amount requested, \$881, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$617 for pay and \$264 for benefits.)	0	0	881
4 <u>Employees Compensation Fund</u>	0	0	-21

Justifications for Technical and Base Adjustments

Executive Office for Immigration Review

Salaries and Expenses

(Dollars in Thousands)

	Positions	Estimate FTE	Amount
The request of a reduction of \$21 reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.			
5 <u>FERS Rate Increase</u> FERS Rate Increase: Effective October 1, 2021 (FY 2022), the new agency contribution rates of 18.4% (an increase of the prior rate of 17.3%) and 37.6% for law enforcement personnel (an increase of the prior rate of 35.8%), The amount requested, \$2,944, represents the funds needed to cover this increase.	0	0	2,944
6 <u>Health Insurance</u> Effective January 2022, the component's contribution to Federal employee's health insurance increases by 3.9 percent. Applied against the 2021 estimate of \$21,234, the additional amount required is \$826.	0	0	826
7 <u>Retirement - CSRS to FERS Conversion</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 0.8 percent per year, for both LEO and Non-LEO, based on the past 5 years of DOJ retirement data. The requested increase of \$9 is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	9
8 <u>Retirement - FERS/FRAE Conversion Savings</u> Agency retirement contributions will decrease as new FERS RAE employees are hired and replace CSRS and regular FERS employees. Based on OMB Circular A-11 FERS RAE withholding rates, we project agency savings from employees hired after December 31, 2012 of 1.8 percent of salaries for NON-LEO employees and 1.7 percent of salaries for LEO employees in FY 2021, for a savings of \$210.	0	0	-210
Subtotal, Pay and Benefits	0	0	20,472
Domestic Rent and Facilities			
1 <u>GSA Rent</u> GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$14,998 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2022 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied.	0	0	14,998

E. Justifications for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Executive Office for Immigration Review
Salaries and Expenses
(Dollars in Thousands)

	Positions	Estimate FTE	Amount
2 <u>Moves</u> GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2022.	0	0	4,156
3 <u>Moves - Non-Recur</u> GSA requires all agencies to pay relocation costs associated with lease expirations. This is the non-recurrence of the move costs associated with new office relocations provided in the FY 2021 President's Budget.	0	0	-9,409
Subtotal, Domestic Rent and Facilities	0	0	9,745
Non-Personnel Related Decreases			
1 Non-Recurral of FY 2020 Non-Personnel Non-Recurral of Non-Personnel (IJ & Support in FY 2020- Third Year)	0	0	-35,499
Subtotal, Non-Personnel Related Decreases	0	0	-35,499
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	0	0	-5,282

Crosswalk of 2020 Availability
 Executive Office for Immigration Review
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2020 Enacted			Reprogramming/Transfers			Carryover	Recoveries/ Refunds	FY 2020 Availability		
	Positions	Actual FTE	Amount	Positions	Actual FTE	Amount	Amount	Amount	Positions	Actual FTE	Amount
Executive Office for Immigration Review	3,761	2,025	672,966	0	0	29,917	2,260	0	3,761	2,025	705,143
Total Direct	3,761	2,025	672,966	0	0	29,917	2,260	0	3,761	2,025	705,143
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			672,966			29,917	2,260	0			705,143
Reimbursable FTE		0			0					0	
Total Direct and Reimb. FTE		2,025			0					2,025	
Other FTE:											
LEAP FTE		0			0					0	
Overtime		0			0					0	
Grand Total, FTE		2,025			0					2,025	

Reprogramming/Transfers:

Amount transferred to no-year account from FY 2017, FY 2018, and FY 2019 annual account

Carryover:

Actual carryover from FY 2019 to FY 2020

Crosswalk of 2021 Availability
 Executive Office for Immigration Review
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2021 Enacted			Reprogramming/Transfers			Carryover	Recoveries/ Refunds	FY 2021 Availability		
	Positions	Est. FTE	Amount	Positions	Est. FTE	Amount	Amount	Amount	Positions	Est. FTE	Amount
Executive Office for Immigration Review	3,761	2,621	734,000	0	0	17,602	18,750	0	3,761	2,621	770,352
Total Direct	3,761	2,621	734,000	0	0	17,602	18,750	0	3,761	2,621	770,352
Balance Rescission			0			0	0	0			0
Total Direct with Rescission			734,000			17,602	18,750	0			770,352
Reimbursable FTE		0			0					0	
Total Direct and Reimb. FTE		2,621			0					2,621	
Other FTE:											
LEAP FTE		0			0					0	
Overtime		0			0					0	
Grand Total, FTE		2,621			0					2,621	

Reprogramming/Transfers:

Amount transferred to no-year account from FY 2018, FY 2019, and FY 2020 annual account

Carryover:

Actual carryover from FY 2020 to FY 2021

Summary of Reimbursable Resources

Executive Office for Immigration Review

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2020 Actual			2021 Estimate			2022 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Office of Privacy and Civil Liberties	0	0	0	0	0	30	0	0	0	0	0	-30
Department of Homeland Security	0	0	407	0	0	500	0	0	500	0	0	0
Federal Bureau of Investigation	0	0	7	0	0	7	0	0	7	0	0	0
Office of Attorney Recruitment/Management	0	0	7	0	0	9	0	0	9	0	0	0
Budgetary Resources	0	0	421	0	0	546	0	0	516	0	0	-30

Obligations by Program Activity	2020 Actual			2021 Estimate			2022 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Executive Office for Immigration Review	0	0	421	0	0	546	0	0	516	0	0	-30
Budgetary Resources	0	0	421	0	0	546	0	0	516	0	0	-30

Detail of Permanent Positions by Category

Executive Office for Immigration Review

Salaries and Expenses

(Dollars in Thousands)

Category	FY 2020 Enacted		FY 2021 Enacted		FY 2022 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (001-099)	1	0	1	0	0	0	0	1	0
Security Specialists (080)	20	0	20	0	0	0	0	20	0
Personnel Management (0200-0260)	23	0	23	0	0	0	0	23	0
Clerical and Office Services (0300-0399)	864	0	864	0	0	100	0	964	0
Accounting and Budget (500-599)	13	0	13	0	0	0	0	13	0
Paralegals / Other Law (900-998)	1,011	0	1,011	0	0	200	0	1,211	0
Attorneys (905)	1,611	0	1,611	0	0	300	0	1,911	0
Information & Arts (1000-1099)	133	0	133	0	0	0	0	133	0
Business & Industry (1100-1199)	14	0	14	0	0	0	0	14	0
Library (1400-1499)	4	0	4	0	0	0	0	4	0
Statistician (1530)	1	0	1	0	0	0	0	1	0
Investigation (1800-1899)	2	0	2	0	0	0	0	2	0
Supply Services (2000-2099)	4	0	4	0	0	0	0	4	0
Information Technology Mgmt (2210-2299)	60	0	60	0	0	0	0	60	0
Total	3,761	0	3,761	0	0	600	0	4,361	0
Headquarters Washington D.C.	804	0	804	0	0	128	0	932	0
US Fields	2,957	0	2,957	0	0	472	0	3,429	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	3,761	0	3,761	0	0	600	0	4,361	0

Financial Analysis of Program Changes

Executive Office for Immigration Review

Salaries and Expenses

(Dollars in Thousands)

Grades	Executive Office for Immigration Review				Total Program Changes	
	Program Increases		Program Decreases		Positions	Amount
	Positions	Amount	Positions	Amount		
IJ 1-4	100	15,600	0	0	100	15,600
GS-12	200	17,267	0	0	200	17,267
GS-11	100	7,203	0	0	100	7,203
GS-7	200	9,734	0	0	200	9,734
Total Positions and Annual Amount	600	49,804	0	0	600	49,804
Lapse (-)	-300	-24,902	0	0	-300	-24,902
11.5 - Other personnel compensation		0		0		0
Total FTEs and Personnel Compensation	300	24,902	0	0	300	24,902
12.1 - Civilian personnel benefits		7,883		0		7,883
21.0 - Travel and transportation of persons		361		0		361
22.0 - Transportation of things		52		0		52
23.3 - Communications, utilities, and miscellaneous charges		3,374		0		3,374
24.0 - Printing and reproduction		50		0		50
25.1 - Advisory and assistance services		1,330		0		1,330
25.2 - Other services from non-federal sources		53,054		0		53,054
25.3 - Other goods and services from federal sources		17,227		0		17,227
25.4 - Operation and maintenance of facilities		8,336		0		8,336
25.7 - Operation and maintenance of equipment		69		0		69
26.0 - Supplies and materials		514		0		514
31.0 - Equipment		26,265		0		26,265
32.0 - Land and structures		19,055		0		19,055
Total Program Change Requests	300	162,472	0	0	300	162,472

Summary of Requirements by Object Class

Executive Office for Immigration Review

Salaries and Expenses

(Dollars in Thousands)

Object Class	FY 2020 Actual		FY 2021 Enacted		FY 2022 Request		Increase/Decrease	
	Act. FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 - Full-time permanent	2,025	179,618	2,621	212,980	2,921	254,356	300	41,376
11.3 - Other than full-time permanent	0	51,164	0	57,399	0	57,801	0	402
11.5 - Other personnel compensation	0	2,457	0	3,263	0	5,936	0	2,673
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 - Special personal services payments	0	-42	0	0	0	0	0	0
Total	2,025	233,197	2,621	273,642	2,921	318,093	300	44,451
Other Object Classes								
12.1 - Civilian personnel benefits		79,218		92,928		104,359	0	11,431
13.0 - Benefits for former personnel		0		6		6	0	0
21.0 - Travel and transportation of persons		2,257		5,644		6,005	0	361
22.0 - Transportation of things		614		1,265		1,317	0	52
23.1 - Rental payments to GSA		61,568		69,495		84,493	0	14,998
23.2 - Rental payments to others		312		694		694	0	0
23.3 - Communications, utilities, and miscellaneous charges		5,508		6,910		10,284	0	3,374
24.0 - Printing and reproduction		757		1,405		1,455	0	50
25.1 - Advisory and assistance services		65,391		96,265		84,935	0	-11,330
25.2 - Other services from non-federal sources		77,269		49,378		99,808	0	50,430
25.3 - Other goods and services from federal sources		9,663		9,019		26,246	0	17,227
25.4 - Operation and maintenance of facilities		19,296		25,555		31,123	0	5,568
25.7 - Operation and maintenance of equipment		67,091		81,002		72,298	0	-8,704
26.0 - Supplies and materials		4,179		5,676		6,190	0	514
31.0 - Equipment		14,542		36,623		42,828	0	6,205
32.0 - Land and structures		32,304		13,788		0	0	-13,788
42.0 - Insurance claims and indemnities		98		1,057		1,056	0	-1
Total Obligations		673,264		770,352		891,190	0	120,838
Net of:								
Unobligated Balance, Start-of-Year		-2,260		-18,750		0	0	18,750
Transfers/Reprogramming		-29,917		-17,602		0	0	17,602
Recoveries/Refunds		0		0		0	0	0
Balance Rescission		0		0		0	0	0
Unobligated End-of-Year, Available		18,750		0		0	0	0
Unobligated End-of-Year, Expiring		13,129		0		0	0	0
Total Direct Requirements		672,966		734,000		891,190		157,190
Reimbursable FTE								
Full-Time Permanent	0		0		0		0	0

¹ Non-SES/SL/ST Salary

189,266

218,510

² Non-SES/SL/ST Award (FY 2021 = 1.5%, FY 2022 = 2.5% of Salary)

2,839

5,463

Status of Congressionally Requested Studies, Reports, and Evaluations

Executive Office for Immigration Review

1. The House Report associated with the FY 2021 appropriations act directs EOIR to evaluate the funding required and timeline necessary to allow LOP and ICH expansion into all detention facilities and immigration courts. EOIR is directed to report the results of this evaluation to the Committee no later than 90 days after enactment of this Act.
2. The House Report associated with the FY 2021 appropriations act notes that the Committee eagerly awaits EOIR's quarterly reports highlighting any continuances or adjournments for reasons related to interpretation as well as EOIR's joint report with DHS on shared interpretation resources as directed in House Report 116–101.
3. The House Report associated with the FY 2021 appropriations act directs EOIR to report annually to the Committee on the number of cases referred to NGOs and pro bono legal representatives, the number of EOIR Form E–26 appeals filed against pro se respondents and filed by pro se respondents and make the information publicly available.
4. The House Report associated with the FY 2021 appropriations act directs EOIR to continue to submit monthly reports on performance and immigration judge hiring as directed in the fiscal year 2020 Explanatory Statement and is directed to include additional information on the status of hiring other positions that make up the immigration judge teams such as attorneys and paralegals
5. The House Report associated with the FY 2021 appropriations act directs EOIR to pursue cost efficient measures to ensure appropriate language access for all respondents, including indigenous language speakers, and further directs EOIR to submit a report to the Committee, no later than 90 days after enactment of this Act, outlining steps taken to reduce costs.
6. The House Report associated with the FY 2021 appropriations act directs EOIR, in coordination with ICE, to develop an analysis of alternatives to improve the timeliness of resolving cases before EOIR for individuals in the ATD program, and further to consider as one such alternative the classification of ATD enrollees as part of the detained docket for purposes of case prioritization. EOIR is directed to brief the Committee on their findings not later than 180 days after the date of enactment of this Act.
7. The Joint Explanatory Statement associated with the FY 2021 appropriations act directs EOIR to continue to include updates on its IT modernization projects in its quarterly reports to the Committees.
8. The Joint Explanatory Statement associated with the FY 2021 appropriations act recognizes EOIR is working in coordination with the Department of Homeland Security (OHS) on a unified immigration portal and directs the Department, in consultation with DHS, to provide an update on its implementation plan for this initiative within 90 days of the date of enactment of this Act. Should any fiscal year 2021 funds be used to support this effort, this report shall provide details thereon.
9. The Joint Explanatory Statement associated with the FY 2021 appropriations act directs EOIR to submit a cost break out for an IJ team, which should include salary, position, interpretation contract costs, and rent and facility costs, in its fiscal year 2021 spending plan and future budget request materials. There should be a standardized baseline for what constitutes an IJ team cost that is clearly understood by the Committees, and when there are significant deviations from the baseline, EOIR shall include this in its quarterly report by court location with justification for the variance. EOIR is further directed to continue to make its hiring processes for new immigration judges publicly available, and to update its website within 30 days of any changes to hiring processes or rules.
10. The Joint Explanatory Statement associated with the FY 2021 appropriations act directs EOIR to inform the Committees of specific resource needs related to interpretation services and should identify any possible opportunities for sharing of interpreter resources with other Federal agencies, including DHS. EOIR is further directed to continue to submit the quarterly reports required by the explanatory statement accompanying Public Law 116-93.

Status of Congressionally Requested Studies, Reports, and Evaluations

Executive Office for Immigration Review

11. The Joint Explanatory Statement associated with the FY 2021 appropriations act directs, in lieu of the briefing described in the House report, to provide details on the execution of LOP funds as part of the Department's fiscal year 2021 spending plan broken out by LOP program and promptly alert the Committees to any deviation of planned obligations.

12. The Joint Explanatory Statement associated with the FY 2021 appropriations act directs EOIR to develop a nationwide plan that details steps EOIR will take to ensure all respondents have access to a centralized mechanism to electronically file an EOIR Form-33 in order to change their address remotely, in addition to the current use of paper filings, and report on the status of this plan to the Committees no later than 90 days after the date of enactment of this Act.

13. The Joint Explanatory Statement associated with the FY 2021 appropriations act directs EOIR to update its policy memorandum on the use of VTC, so as to ensure clear and consistent guidelines are followed in all adjudication settings. This update further directs EOIR to make all policies and procedures related to EOIR's use of VTC, including policies for public and media access to each location using VTC publicly available on its website. EOIR shall continue to follow the directives regarding real-time data collection and quarterly reporting described in the explanatory statement accompanying Public Law 116-93.