



U.S. Department of Justice FY 2022 Budget Request

Reducing the Immigration Court Backlog (Amount in \$000s)

Component/Initiative	Positions	Attorneys	IJs	Amount
Executive Office for Immigration Review				
Immigration Judge and Support Staff	600	200	100	\$106,844
Backlog Reduction Efficiencies	0	0	0	55,628
Subtotal, Executive Office for Immigration Review	600	200	100	\$162,472
Office of Justice Programs – Legal Representation for Immigrant Children and Families Pilot	0	0	0	15,000
Total Program Enhancements	600	200	100	\$177,472

The FY 2022 President’s Budget strengthens the ability of our Nation to apply its immigration laws justly, consistently, and in a timely fashion, while also ensuring due process under the law. The FY 2022 budget request includes an additional \$177.5 million in immigration- related program enhancements. These investments will enhance the Department’s ability to conduct immigration hearings by expanding adjudicatory capacity, improving efficiency, and removing impediments to the timely administration of justice.

Executive Office for Immigration Review (EOIR)

Immigration Judges and Support: \$106.8 million and 600 positions (300 attorneys) EOIR oversees the Nation’s immigration courts and the Board of Immigration Appeals. During FY 2020, EOIR received about 370,000 new case referrals. At the end of FY 2020, approximately 1.3 million cases were pending before immigration courts nationwide, a nearly 15.7 percent increase from FY 2019 and the largest ever pending caseload before the agency.

The historic backlog is not sustainable and requires additional resources so that justice may be done. The President’s Budget proposes two key initiatives. First, to continue to improve the expediency and efficiency of immigration adjudications, the Department requests \$106.8 million for 100 new Immigration Judges (IJs) and associated support staff, including an additional 200 attorneys. Support staff consists of judicial law clerks, legal assistants, and administrative support staff, including interpreters. This enhancement will bring EOIR’s total authorized IJ level to 734. *Current services: 3,761 positions (1,611 attorneys) and \$728.7 million.*

Backlog Reduction Efficiencies: \$55.6 million and 0 positions Additionally, the President’s Budget requests \$55.6 million to improve immigration court business processes to increase efficiencies in immigration proceedings, thus reducing the time and effort required to process cases. This will be accomplished through three key initiatives. This funding will provide first for transcription services and contractor support at the Board of Immigration Appeals, enabling it to address its pending appellate backlog (\$14.3 million); second, beginning a five-year project to scan pending paper files into electronic Records of Proceeding to provide greater flexibility among IJs and support staff to adjudicate cases from any location (\$10.0 million, total project \$50.0 million); and finally, supporting other

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efficiency efforts designed to reduce the large and growing pending caseload, such as new IT modernization capabilities and contractor support to aid in the hiring and clearance process (\$31.3 million). *Current services: \$728.7 million and 3,761 positions (1,611 attorneys).*

Office of Justice Programs (OJP)

Legal Representation for Immigrant Children and Families Pilot: \$15.0 million and 0 positions These resources will be used by the OJP to support the enhancement of legal representation of immigrant children and families who seek asylum and other forms of legal protection in the United States after entering at the borders, with a focus on communities where there is current or increasing needs. This will include engagement with the field to identify key partners, needs, and best practices; the development of a competitive grant pilot program to support legal representation and related services in the areas of greatest demand; and national training and technical assistance for the grantees and those providing immigrant legal services. This request will address a compelling need to ensure due process for children and families who seek asylum and who must navigate a complex legal system for processing of asylum claims. Many applicants cannot afford counsel and most immigrants do not have legal counsel in their removal proceedings; this pilot would address that deficiency. *There are no current services for this program.*