



Executive Office for Immigration Review (EOIR)

FY 2023 Budget Request At A Glance

FY 2022 President's Budget:	\$891.2 million (4,361 positions; 1,911 attorneys)
Current Services Adjustments:	+\$85.9 million
Program Changes:	+\$377.8 million
FY 2023 Budget Request:	\$1,354.9 million (4,995 positions; 2,173 attorneys)
Change From FY 2022 President's Budget:	+\$463.7 million (+52.0%) (+634 positions; +262 attorneys)

Mission:

The primary mission of the Executive Office for Immigration Review (EOIR) is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings.

Organization:

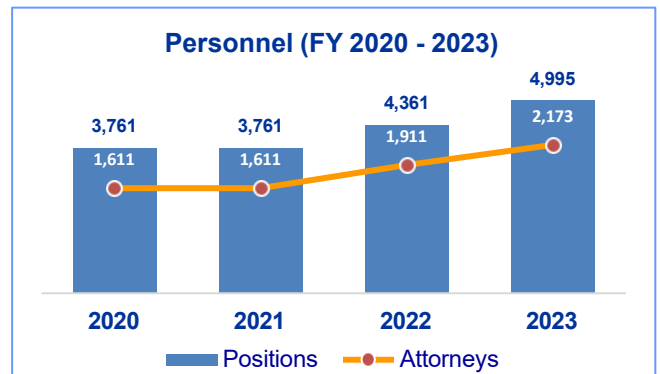
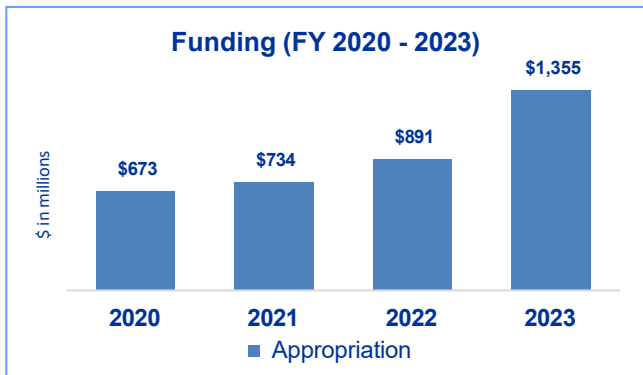
EOIR administers the Nation's immigration court system. EOIR primarily decides whether foreign-born individuals charged by the Department of Homeland Security (DHS) with violating immigration law should be a) ordered removed from the United States or b) granted relief or protection from removal and allowed to remain in the country. To make these critical determinations, EOIR's Office of the Chief Immigration Judge conducts administrative court proceedings in approximately 70 immigration courts and adjudication centers nationwide. EOIR's appellate component, the Board of Immigration Appeals (BIA), is the highest administrative body for interpreting and applying U.S. immigration law. EOIR's third adjudicative component, the Office of the Chief Administrative Hearing Officer, hears cases in employer sanctions and document fraud cases under the Immigration and Nationality Act of 1952. EOIR also has five Headquarters offices – Office of the Director, Office of the General Counsel, Office of Policy, Office of Administration, and Office of Information Technology – that provide mission support functions.

Resources:

The FY 2023 budget request for EOIR totals \$1.35 billion, which is a 52.0 percent increase over the FY 2022 President's Budget and a 78.3 percent increase over the FY 2022 Enacted.

Personnel:

EOIR's requested direct authorized positions for FY 2023 total 4,995 positions, including an increase of 634 positions over the FY 2022 President's Budget of 4,361 direct authorized positions.



FY 2023 Strategy:

EOIR's immigration courts represent the Department's front-line presence in applying immigration law. Immigration cases typically begin when the DHS files a Notice to Appear, which charges a potentially undocumented noncitizen with a violation of Federal immigration law and seeks the removal of that individual from the United States. It remains critically important that EOIR have sufficient adjudicative resources to keep pace with DHS enforcement efforts.

The largest challenge facing the immigration courts is the growing pending caseload. EOIR's FY 2023 strategic focus is to increase adjudicatory and case processing capacity in a fair, expeditious, and uniform manner to reduce the pending caseload. In addition to EOIR's continued focus on hiring all authorized positions to fill existing vacancies, EOIR continues to maximize existing resources and eliminate agency inefficiencies and is making a new effort to focus on increased representation and the efficiencies that representation can bring to the adjudicative process. These ongoing efforts include providing funding for grants, making docket adjustments to reflect enforcement priorities, developing and implementing a workforce-staffing model, opening new courts, leveraging existing IT systems to enhance virtual courts, emphasizing policy coordination and analysis, expanding legal access initiatives, and focusing on protecting the privacy of EOIR information.

FY 2023 Program Changes:

Legal Access Initiatives: \$188.6 million and 20 positions (8 attorneys)

This program increase will enable EOIR to increase and improve access to adjudications for individuals in proceedings before EOIR. The requested increase will develop a competitive \$150.0 million grant program to provide legal representation in the areas of greatest need for those adults and families appearing in immigration court. Additionally this requested increase will focus on programs associated with unaccompanied minors (\$4.7 million), specifically the continuation of a pilot program to provide representation for unaccompanied immigrant children and the Legal Orientation Program for the Custodians of Unaccompanied Alien Children National Call Center, as well as provide additional funding for current Legal Access Programs (\$19.5 million), including the expansion of the Immigration Court Helpdesk, increase pro bono representation, and the creation of a remote virtual or telephonic legal orientation program. EOIR is also requesting additional funds to initiate a new Nationwide Policy (\$14.4 million), in collaboration with the Department of Homeland Security to provide enhanced procedural protections. FY 2023 current services for this program are \$34.8 million and 4,361 positions (1,911 attorneys).

Adjudicatory Expansion Initiative: \$173.8 million and 600 positions (250 attorneys).

This program increase will enable EOIR to add 100 additional Immigration Judges (IJs), for a total of 834 authorized IJs, and necessary support staff. This model includes additional support staff to provide needed support to the individual IJs in the courts, as well as to

manage the workload in other EOIR components associated with increased immigration court adjudications. The program increase also includes \$104.2 million for the necessary corresponding courtrooms, office space, and associated expenses (e.g., interpreter services, furniture, equipment, and funding for guard services). FY 2023 current services for this program are \$977.1 million and 4,361 positions (1,911 attorneys).

Protecting the Privacy of EOIR Information: \$5.7 million and 11 positions (4 attorneys)

This program increase will protect the privacy of EOIR information by strengthening the existing privacy program, Freedom of Information Act program, as well as to protect the security of EOIR information and data. To ensure the EOIR compliance with privacy and civil liberties-related law, EOIR requires funding for attorneys and analysts to focus on the privacy and protection of personal identifying information and other critical personal information of citizens, lawful permanent residents, and non-citizens. FY 2023 current services for this program are \$977.1 million and 4,361 positions (1,911 attorneys).

Virtual Court Initiative: \$9.8 million and 3 positions

This program increase will further the digitization efforts currently being undertaken at EOIR such that: (1) EOIR adjudications will become paperless or near paperless; (2) all processes executed by adjudicatory personnel and support staff can be executed remotely and/or with automation; (3) all transactions external to EOIR will be capable of being conducted electronically; and (4) all stakeholders participating in EOIR led proceedings will be able to participate remotely. FY 2023 current services for this program are \$650,000 and no positions.

Executive Office for Immigration Review
(Dollars in Thousands)

	Executive Office for Immigration Review		
	Pos	FTE	Amount
2021 Appropriation	3,761	2,621	734,000
2022 Continuing Resolution	3,761	2,621	734,000
Expected Change from FY 2022 CR	600	300	157,190
2022 President's Budget	4,361	2,921	891,190
2023 Request	4,995	3,539	1,354,889
Change 2023 from 2022 President's Budget	634	618	463,699
Technical Adjustments			
DHS Immigration Examination Fees - EOIR	0	0	-4,000
Total Technical Adjustments	0	0	-4,000
Base Adjustments			
ATB Transfers	0	0	4,000
Pay & Benefits	0	300	68,435
Domestic Rent & Facilities	0	0	-892
Non-Personnel Related Annualizations	0	0	18,330
Total Base Adjustments	0	300	89,873
2023 Current Services	4,361	3,221	977,063
Program Changes			
Increases:			
Legal Access Initiatives	20	10	188,585
Adjudicatory Expansion Initiative	600	300	173,776
Protecting the Privacy of EOIR Information	11	6	5,673
Virtual Court Initiative	3	2	9,792
Subtotal, Program Increases	634	318	377,826
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	634	318	377,826
2023 Request	4,995	3,539	1,354,889

Executive Office for Immigration Review
(Dollars in Thousands)

Comparison by activity and program	2022 President's Budget			2023 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	4,361	2,921	891,190	4,361	3,221	977,063
Total	4,361	2,921	891,190	4,361	3,221	977,063

Comparison by activity and program	2023 Total Program Changes			2023 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	634	318	377,826	4,995	3,539	1,354,889
Total	634	318	377,826	4,995	3,539	1,354,889