



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

### FY 2014 Budget Request At A Glance

FY 2012 Enacted:	\$302.3 million (1,582 positions; 506 attorneys)
Current Services Adjustments:	+\$2.3 million
Program Changes:	+\$25.0 million
FY 2014 Budget Request:	\$329.6 million (1,793 positions; 559 attorneys)
Change From FY 2012 Enacted:	+\$27.3 million (+9.0%) (+211 positions; +53 attorneys)

#### Mission:

The mission of EOIR is to adjudicate immigration cases in a careful and timely manner, including cases involving detained aliens, criminal aliens, and aliens seeking asylum as a form of relief from removal, while ensuring the standards of due process and fair treatment for all. The Board of Immigration Appeals' mission is to provide timely guidance and interpretation of immigration law.

#### Organization:

EOIR was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization that combined the Board of Immigration Appeals (BIA or Board) with the Immigration Judge function. Besides establishing EOIR as a separate agency within DOJ, this reorganization made the Immigration Courts independent of the agency charged with enforcement of federal immigration laws. The Office of the Chief Administrative Hearing Officer was added in 1987. EOIR is headed by a Director, appointed by the Attorney General, who oversees 58 Immigration Courts nationwide, as well as BIA and the headquarters organization located in Falls Church, VA.

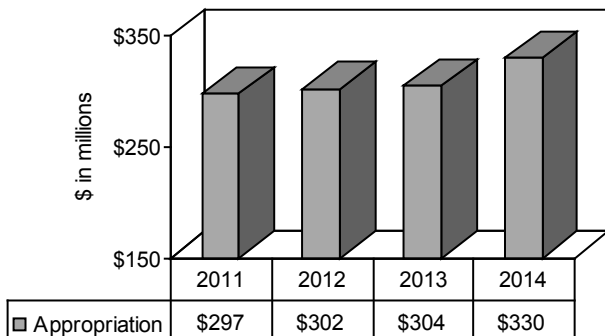
#### Resources:

The FY 2014 budget request for EOIR totals \$329.6 million, which is a 9.0% increase over the FY 2012 Enacted. The FY 2014 request includes an annual \$4 million transfer from the DHS Immigration Fee Account to EOIR.

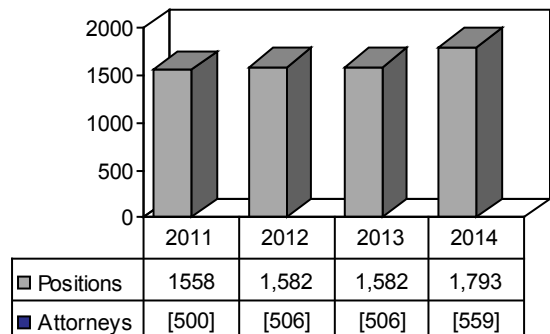
#### Personnel:

The EOIR's direct positions for FY 2014 total 1,793 positions. EOIR's FY 2014 request includes an increase of 211 positions over the FY 2012 Enacted of 1,582 direct positions.

**Funding (FY 2011 - 2014)**



**Personnel (FY 2011 - 2014)**



## **FY 2014 Strategy:**

EOIR represents the Department's front-line presence with respect to the application of immigration law. Cases are received, across the Nation, directly from Department of Homeland Security (DHS) enforcement personnel. As such, the coordination of resource allocation between DOJ/EOIR and DHS is critical.

EOIR strategies are two-fold. First, on a continuing basis, EOIR's Office of the Chief Immigration Judge monitors caseload volume, trends, and geographic concentration and adjusts resource allocations accordingly (modifying local dockets, adjusting detail assignments, and permanently reassigning judge and staff positions from lower to higher volume courts). This also includes the expansion of the use of video teleconferencing to hear cases from remote locations. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

EOIR's second strategy also involves coordinating initiatives and program increases with DHS. Within DHS, Immigration and Customs Enforcement and Customs and Border Protection bring together the majority of immigration enforcement programs that generate immigration caseload.

EOIR has to plan and coordinate with DHS as enforcement programs increase. EOIR's immigration court cases continue to grow with DHS' heightened enforcement efforts. In FY 2009, EOIR received 394,000 matters, a record volume which was replicated in FY 2010. Case receipts continue to rise and exceeded 430,000 at the end of FY 2011. As a consequence, the number of matters pending adjudication rose from 229,000 at the end of FY 2009 to approximately 275,000 by mid FY 2011 and 326,000 by the end of FY 2012, an increase of over 90,000 matters. This represents a 37% increase in matters pending adjudication from the beginning of FY2010 to the end of FY 2012. Additionally, BIA receives over 30,000 appeals per year, which is an extremely large volume for an appellate body.

DHS enforcement efforts will likely sustain a high level of immigration court case receipts well into the future. Most notably, EOIR is working closely with DHS as it expands the Secure Communities initiative, a program that has a direct impact on EOIR court operations and its detained docket caseload. To provide EOIR with resources to complement increases at DHS, the FY 2014 request includes a program increase of \$17 million for EOIR to add 30 new Immigration Judge teams, allowing it to better coordinate with DHS enforcement efforts and adjudicate more cases annually. While this additional staff will help EOIR keep pace with its increasing workload, particularly its detained cases, it is not enough to help EOIR tackle its backlog of non-detained cases.

To better help EOIR develop and implement its e-World system, which includes the automation of immigration documents and case files, its proposed FY 2014 Appropriations Language will grant the Office carryover authority "not to exceed \$5,000,000 for information technology systems to remain available until expended".

## **FY 2014 Program Changes:**

### **Immigration Judge Teams - Coordination with DHS Enforcement Initiatives: \$17.0 million and 211 positions (53 attorneys)**

This increase will enable EOIR to add 30 new Immigration Judge Teams to help adjudicate rising caseloads resulting from increased DHS enforcement efforts, most notably DHS's high priority Secure Communities Initiative. An IJ team consists of an Immigration Judge, Language Specialist, Legal Technician, Clerk and Law Clerk, as well as a BIA Attorney and Paralegal for every other team. EOIR currently has 254 IJ teams on-board. The addition of 30 new IJ teams in FY 2014 will bring the IJ total to 284. FY 2014 current services for this program are 1,582 positions (506 attorneys) and \$311.7 million.

### **Legal Orientation Program: \$4.0 million and 0 positions**

This increase will expand the successful Legal Orientation Program and improve efficiencies in immigration court proceedings for detained aliens by increasing their awareness of their rights and the overall process. Evaluation reports have shown that LOP participants complete their immigration court cases in detention on an average of 13 days faster than detainees who do not participate in an LOP. The requested program increase will respond to elevated demand at existing sites and enable LOP to add 12 additional sites to the 26 already operating, 24 of which are in detention centers. The FY 2013 President's Budget included this request; the FY 2014 President's Budget includes the same request but in a different amount. The current request is higher because the programmatic need has been re-examined and the amount requested adjusted accordingly. The FY 2014 current services for this program are \$6 million.

### **Pilot - Innovation Ideas: \$4.0 million and 0 positions**

This additional funding will enable EOIR to develop, implement, and evaluate a pilot program to provide counsel to vulnerable populations, such as unaccompanied alien children, thus increasing efficiencies within the immigration courts. There are no current services for this initiative.

**Executive Office for Immigration Review**  
(Dollars in Thousands)

	Executive Office for Immigration Review		
	Pos	FTE**	Amount
<b>2012 Enacted</b>	<b>1,582</b>	<b>1,435</b>	<b>302,275</b>
<b>2013 Continuing Resolution*</b>	<b>1,582</b>	<b>1,359</b>	<b>304,124</b>
<b>2014 Request</b>	<b>1,793</b>	<b>1,464</b>	<b>329,569</b>
<b>Change 2014 from 2012 Enacted</b>	<b>211</b>	<b>29</b>	<b>27,294</b>
<b>Technical Adjustments</b>			
DHS Immigration Examination Fee Account	0	0	-4,000
Adjustment - 2013 CR 0.612%	0	0	-1,849
<b>Total Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>-5,849</b>
<b>Base Adjustments</b>			
ATB Transfers	0	0	4,409
Pay & Benefits	0	0	2,027
Domestic Rent & Facilities	0	0	-142
<b>Total Base Adjustments</b>	<b>0</b>	<b>0</b>	<b>6,294</b>
<b>2014 Current Services</b>	<b>1,582</b>	<b>1,359</b>	<b>304,569</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Immigration Judge Teams - Coordination with DHS Enforcement Initiatives	211	105	17,000
Legal Orientation Program	0	0	4,000
Pilot - Innovation Ideas	0	0	4,000
<b>Subtotal, Program Increases</b>	<b>211</b>	<b>105</b>	<b>25,000</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>211</b>	<b>105</b>	<b>25,000</b>
<b>2014 Request</b>	<b>1,793</b>	<b>1,464</b>	<b>329,569</b>

\* The 2013 Continuing Resolution includes the 0.612% funding above current rate, provided by P.L. 112-175, sec. 101 (c).

\*\* The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

**Executive Office for Immigration Review**

(Dollars in Thousands)

Comparison by activity and program	2012 Enacted			2014 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Executive Office for Immigration Review	1,582	1,435	302,275	1,582	1,359	304,569
<b>Total</b>	1,582	1,435	302,275	1,582	1,359	304,569
Reimbursable FTE	0	0	0	0	0	0
<b>Grand Total</b>	1,582	1,435	302,275	1,582	1,359	304,569

Comparison by activity and program	2014 Total Program Changes			2014 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Executive Office for Immigration Review	211	105	25,000	1,793	1,464	329,569
<b>Total</b>	211	105	25,000	1,793	1,464	329,569
Reimbursable FTE	0	0	0	0	0	0
<b>Grand Total</b>	211	105	25,000	1,793	1,464	329,569