

FY 2013
Congressional Budget
Submission

Administrative
Review and Appeals

Table of Contents

	Page No.
I. Overview.....	1
II. Summary of Program Change.....	8
III. Appropriations Language and Analysis of Appropriations Language.....	8
IV. Decision Unit Justification.....	9
A. Executive Office for Immigration Review.....	9
1. Program Description	
2. Performance Tables	
3. Performance, Resources, and Strategies	
a. Performance Plan and Report for Outcomes	
b. Strategies to Accomplish Outcomes	
B. Office of the Pardon Attorney.....	16
1. Program Description	
2. Performance Tables	
3. Performance, Resources, and Strategies	
c. Performance Plan and Report for Outcomes	
d. Strategies to Accomplish Outcomes	
V. Program Increase by Item.....	19
A. Executive Office for Immigration Review	
B. Office of the Pardon Attorney	
VI. Program Offsets by Item.....	24
VII. Exhibits	
A. Organizational Chart	
B. Summary of Requirements	
C. FY 2013 Program Increases/Offsets by Decision Unit	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Base Adjustments	
F. Crosswalk of 2011 Availability	
G. Crosswalk of 2012 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Increases/Offsets	
K. Summary of Requirements by Grade	
L. Summary of Requirements by Object Class	
M. Status of Congressionally Requested Studies, Reports, and Evaluations	

I. Overview of the Executive Office for Immigration Review

The fight against terrorism remains the top enforcement priority of the Department of Justice and the Administration. A key component of this effort is the securing of our Nation's borders. More than ever, protecting America requires a multifaceted strategy which must include the effective coordination of investigative, enforcement, legal and adjudicative resources, both within the Department and in concert with other agencies. The application and enforcement of our immigration laws remains a critical element of this national effort.

1. Introduction

On March 1, 2003, the Immigration and Naturalization Service was abolished, its functions transferred to the new Department of Homeland Security (DHS). However, the Attorney General retained significant authority over the interpretation and application of the Nation's immigration laws. As such, the immigration adjudications and litigation functions remained within the Department of Justice.

The Department's adjudication of immigration cases is performed by the Executive Office for Immigration Review (EOIR).

On behalf of the Attorney General and exercising his delegated authority, the mission of EOIR is to provide the timely and uniform interpretation and application of immigration law, ensuring due process and fair treatment for all parties involved.

The Administrative Review and Appeals FY 2013 request is \$313,438,000, 1,597 positions and 1,635 FTE workyears. The request is offset by \$4,000,000 to be transferred to EOIR from Immigration Examination Fees collected by the DHS. This request includes \$310,643,000, 1,582 positions and 1,620 FTE for EOIR and \$2,795,000, 15 positions and 15 FTE for the Office of the Pardon Attorney (OPA).

The EOIR request includes a total program increase of \$1,963,000 tied to a priority initiative, as detailed below:

Legal Orientation Program (LOP): \$1,963,000 to expand EOIR's highly successful LOP. The program educates detained aliens as to EOIR immigration proceedings, allowing them to make more informed decisions earlier in the adjudication process, thereby increasing efficiencies for both EOIR courts and DHS detention programs. The request will add 6 additional sites to the 26 currently operating, 24 of which are in detention settings and responds to increasing demand, as well as the expansion goals articulated by DHS, the Administration, and many members of congress.

EOIR includes 59 immigration courts located nationwide, the Board of Immigration Appeals (BIA or Board), which hears appeals of immigration judge decisions and certain decisions of

officers of the DHS, and an administrative law judge function which adjudicates other immigration-related matters.

While due process and independent decision-making remain the bedrock of any judicial or quasi-judicial function, EOIR cannot and does not operate in a vacuum. The volume, nature, and geographic concentration of DOJ/EOIR immigration caseload relates to government-wide immigration enforcement efforts. The coordination of resource allocation with DHS remains a top challenge and critical goal for EOIR.

An assessment of EOIR's program was conducted in 2006 and resulted in an improvement plan that was executed during the next several years. The improvement plan's first action item was completed when EOIR reassessed its targets to ensure that they were suitably ambitious. While most measures were determined to be suitably ambitious, the BIA did shorten the time frame for completion of detained cases from 180 days to 150 days. The second action item, which concerns the implementation of digital audio recording (DAR), was fully completed by September, 2010, ahead of schedule.

DAR continues to improve the quality of transcriptions and enhance efficiency in the flow of records between the immigration courts, transcription contractors, and the Board. DAR is now available in all courtrooms nationwide.

The third action item involves expanded training for immigration judges and Board legal staff, which began in FY 2007 with the revision of numerous legal references materials. In 2008, EOIR expanded training for new immigration judges and BIA members to include intensive classroom training on law and procedures; two weeks of observation; and, two weeks of on-the-job training in an immigration court. Periodic training was also conducted on legal and procedural issues for immigration judges and Board members. EOIR developed an expanded training program for immigration judges and Board legal staff, including the provision of comprehensive reference materials, to ensure that staffs receive continuing education on immigration issues. The agency's efforts in this regard have continued through 2011 and now include an additional week of advanced training for new immigration judges, generally taking place a year after their entry-on-duty. The fourth action item was to expand the Legal Orientation Program (LOP) by six sites, improving efficiencies in immigration court proceedings for detained aliens by increasing their awareness of their rights and the process. This action item was accomplished during 2008 and 2009. During 2010, EOIR expanded the program to four additional sites. The program increase of \$1,963,000 will expand the LOP by an additional six sites.

2. Background

Immigration Courts and Coordination with DHS Enforcement Increases

EOIR's immigration courts represent the Department's front-line presence with respect to the application of immigration law. Cases are received on-site, across the Nation, directly from DHS enforcement personnel. As such, the coordination of resource allocation between DOJ/EOIR and DHS is a critical issue.

The strategies employed by EOIR to respond to this issue are twofold. First, on an on-going basis, EOIR's Office of the Chief Immigration Judge monitors caseload volume, trends and

geographic concentration and adjusts resource allocation accordingly. This is done by modifying local dockets, adjusting detail assignments and permanently reassigning judge and staff positions to higher volume courts. This also includes the expansion of the use of video conferencing to hear cases from remote locations. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

EOIR's second strategy involves coordinating initiatives with DHS. Within DHS, Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) include the majority of immigration enforcement programs which generate immigration court caseload.

ICE includes immigration detention and removal, intelligence, investigations, legal proceedings and criminal alien programs. CBP includes the Border Patrol and inspections programs. Increases to these DHS programs have had, and will continue to have, an immediate and profound effect upon DOJ/EOIR adjudications. As a key player in the government's immigration initiatives, EOIR's ability to adjudicate increasing caseload in a timely fashion allows the larger system to operate more efficiently, including the effective utilization of increased detention bed spaces and the DHS resources devoted to criminal and non-criminal alien removal programs.

3. Full Program Costs

EOIR's submission contains specific performance measures. The measures are comprised of performance targets related to criminal aliens and detained aliens, EOIR's top priority cases. EOIR will continue to strive to meet the targets. All costing methodologies, including modular costs, are reflected in the attached financial exhibits.

4. Performance Challenges

EOIR's challenges are of an internal and external nature. Externally, EOIR receives virtually all of its workload in the form of cases brought forth by DHS, challenging the legal status and seeking the removal of aliens. It remains critically important to balance EOIR's adjudicative resources with DHS enforcement increases.

EOIR's immigration court caseload has continued to increase as a result of DHS' heightened enforcement efforts. This remains the key challenge for EOIR as courts continue to receive hundreds of thousands of matters for adjudication per year. Immigration court receipts increased by 22 percent between FY 2008 and FY 2011. In FY 2011, immigration courts received a record 430,574 matters for adjudication. The number of cases pending adjudication has continued to increase, from approximately 190,000 pending at the start of 2009 to over 295,000 pending by the start of FY 2012. Case receipts topped 425,000 at the end of FY 2011. As a consequence, case backlogs have continued to increase, i. e., from 190,000 matters pending at the start of 2009 to over 295,000 matters pending by the start of FY 2012. In addition, court dockets have been stretched unacceptably far into the future, e.g., 31 courts are scheduled into 2013, and 17 courts are scheduled into 2014, 5 courts scheduled in 2015, 2 courts scheduled in 2016 and 2 courts scheduled in 2017.

It is anticipated that the current and planned expansion of DHS enforcement efforts will continue to increase immigration court case receipts well into the future. Most notably, EOIR is working

closely with DHS as they greatly expand their Secure Communities initiative, a program which has a direct impact on EOIR court operations.

BIA's mission is to provide timely guidance and interpretation of immigration law. The sustained level of over 35,000 appeals per year is an extremely large volume for any appellate body.

I. Overview for the Office of the Pardon Attorney (OPA)

1. Introduction

For FY 2013, OPA seeks a current services level of 15 FTE and 15 positions, including seven attorney positions, and total funding of \$2,795,000 to achieve its mission of advising and assisting the President in the exercise of the pardon power conferred upon him by Article II, Section 2 of the Constitution. This request includes total adjustment to base (ATB) increases for current services of \$25,000 and a program increase of \$45,000. The total additional resources of \$70,000 will enable OPA to continue to carry out efficiently its sole program, which provides the President with timely, accurate, and well-reasoned advice on matters of executive clemency. 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: <http://www.justice.gov/02organizations/bpp.htm>."

OPA is not requesting any enhancements for information technology for FY 2013. As a small component in leased space, OPA is not in a position to develop large-scale environmental accountability programs. The office does, however, conserve resources by utilizing double-sided printing, purchasing supplies made of recycled materials, and recycling materials used within the office.

2. Program Description

The Office of the Pardon Attorney, in consultation with the Deputy Attorney General, assists the President, through the Office of the Counsel to the President, in the responsible exercise of the executive clemency power. The primary function of OPA is to receive, review, and when appropriate, investigate clemency applications and prepare the recommendation of the Department of Justice to the President as to the appropriate disposition of each application. In addition, OPA responds to inquiries concerning clemency petitions and the clemency process from applicants, their representatives, members of the public, Members of Congress, and various federal, state, and local officials and agencies; prepares all necessary documents to effect the President's decision to grant clemency; and notifies each clemency applicant of the President's decision regarding his clemency request. When asked to do so, OPA also provides general advice to the White House concerning clemency procedures and the historical background of clemency matters. The procedures governing OPA's duties are described in regulations approved by the President and promulgated by the Attorney General in 28 C.F.R. §§ 1.1 to 1.11. OPA's work is performed under the direction of the Deputy Attorney General, and the information gathered during the clemency review process forms the basis for the report and recommendation that OPA prepares in each case for the signature of the Deputy Attorney General.

OPA's workload has increased dramatically over the last two decades. Between FY 1990 and FY 1998, OPA averaged 572 new filings per year. In every fiscal year since 1999, OPA has received over 1,000 new clemency applications for processing. Since FY 2008, however, OPA has received approximately 2,000 new filings annually. From FY 2008 through FY 2010, OPA's new filings exceeded 2,000 per year, and the receipts in two of those years broke annual records dating back to 1900. In FY 2008, OPA received 555 petitions for pardon and 1,770 petitions for commutation, for a total of 2,325 new applications. In FY 2009, OPA received 666 pardon

petitions and 1,955 commutation petitions, for a total of 2,621 new filings. In FY 2011, 331 pardon applications and 1,585 commutation applications were submitted to OPA, for a total of 1,916 new filings. Although this filing total was the lowest since 2008, it again exceeded the levels of new applications OPA received annually between FY 1999 and FY 2007 – in most instances by a substantial margin.

The large caseload of the last several years has presented a continuing challenge to OPA's small staff, whose size has not increased since the mid-1990's. Although the numbers of pardon applications filed during the last two fiscal years have reverted to more historically normal levels, the numbers of commutation applications submitted for the President's consideration have remained exceedingly high. The latter trend is likely to continue due to the burgeoning federal prison population, the elimination of other possibilities of release such as parole, and the variety of federal crimes subject to mandatory minimum sentences. OPA is obligated to process all petitions it receives from persons who are eligible to seek executive clemency, and thus it has no control over the size of its caseload. Accordingly, the office has strived over the last several fiscal years to improve its case processing efficiency in order to keep pace with its substantially increased workload.

Personnel expenses have always constituted the largest portion of OPA's budget. For example, in FY 2011, personnel costs amounted to 69.6% of the office's actual expenditures. OPA has little ability to control most of its non-personnel expenses because the majority of those, such as rent, are determined by outside entities. Aside from basic equipment and supplies, most of the office's other non-personnel expenses consist of reimbursable agreements with other Department of Justice entities for various required services. OPA's FY 2013 budget request of \$2,795,000 is intended to enhance the office's ability to timely provide the President with the best information on which to base a fair and just decision in each clemency case.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Legal Orientation Program	Legal Orientation Program	0	0	\$1,963	19
IT Savings	IT cost saving initiative and transformation of IT projects	0	0	\$(545)	24
Pardons and Commutations	Additional support to achieve OPA's mission of timely advising and assisting the President in the exercise of the executive clemency power	0	0	45	21
Total, ARA		0	0	\$1,463	

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, [\$305,000,000], \$313,438,000 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. (Department of Justice Appropriations Act, 2010.)

Analysis of Appropriations Language

No substantive changes.

IV. Decision Unit Justification

A. Executive Office for Immigration Review (EOIR)

EOIR TOTAL	Perm. Pos.	FTE	Amount
2011 Enacted	1,558	1,596	297,359
2012 Enacted	1,582	1,620	302,275
Adjustments to Base and Technical Adjustments	1,582	1,620	10,950
2013 Current Services	1,582	1,620	309,225
2013 Program Increases	0	0	1,963
2013 Program Offsets	0	0	-545
2013 Request	1,582	1,620	310,643
Total Change 2012-2013	0	0	8,368

1. Program Description

The EOIR is comprised of the Office of the Director and three adjudicative components.

Board of Immigration Appeals – Under the direction of the Chairman, the BIA hears appeals of decisions of immigration judges and certain decisions of officers of the DHS in a wide variety of proceedings in which the Government of the United States is one party and the other party is an alien, a citizen, or a transportation carrier. The BIA is directed to exercise its independent judgment in hearing appeals for the Attorney General, and provides a nationally uniform application of the immigration laws, both in terms of the interpretation of the law and the exercise of the significant discretion vested in the Attorney General. 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, involve principally appeals from familial visa petition denials and decisions involving administrative fines on transportation carriers. The BIA also renders decisions on applications by organizations that have requested permission to practice before the BIA, the immigration judges, and DHS, and renders decisions on individual applications by employees of such organizations.

The BIA mission requires that national policies, as reflected in immigration laws, be identified, considered, and integrated into its decision process. The BIA plays the major role in interpreting the immigration laws of this country, an area of law the courts have characterized as uniquely complex. Processing a high-volume caseload has been a challenging task in a time of almost constant major legislative action in the immigration field. The BIA has provided the principal interpretation of the Immigration Reform Control Act of 1986 (IRCA); the Immigration Amendments of 1988; the Anti-Drug Abuse Act of 1988; the Immigration Act of 1990 (IMMACT 90); the Anti-terrorism and Effective Death Penalty Act of 1996 (AEDPA); the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA); the Legal Immigration Family Equity Act of 2000 (LIFE); and, the LIFE Act Amendments of 2000. These laws have represented the most fundamental restructuring of the Immigration and Nationality Act since its enactment in 1952, and have presented a myriad of new issues of statutory construction. The

BIA has issued interpretive decisions and has then reinterpreted the Act as the laws have been redrafted.

Office of the Chief Immigration Judge – The Chief Immigration Judge provides overall program direction, articulates policy, and establishes priorities for the immigration judges located in 59 courts throughout the United States. Generally, immigration judges may order aliens removed or grant relief such as cancellation of removal, suspension of deportation, adjustment of status, asylum or waivers of removability. If the immigration judges decide that removability has not been established, they may terminate the proceedings. Bond redetermination hearings are held when an alien in custody seeks release on his or her own recognizance, or a reduction in the amount of the bond.

With respect to criminal alien adjudications, the Institutional Hearing Program (IHP) provides the framework for hearings to determine the immigration status of aliens convicted of offenses who are incarcerated in federal, state and local prisons across the United States. EOIR's IHP is part of the larger Institutional Removal Program, also known as the Criminal Alien Program, operated by the DHS. This program is a central component of a variety of initiatives designed to expedite the removal of criminal aliens and involves close coordination with DHS, the Bureau of Prisons, state and local corrections authorities, and EOIR.

Office of the Chief Administrative Hearing Officer – The Office of the Chief Administrative Hearing Officer (OCAHO) employs Administrative Law Judges (ALJs) appointed pursuant to 5 U.S.C. 3105 to adjudicate cases arising under Sections 274A, 274B and 274C of the Immigration and Naturalization Act (INA). Section 274A provides for sanctions 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 the employment verification system; or (3) require the execution of an indemnity bond to protect themselves from potential liability for unlawful employment practices. Section 274 B prohibits employment discrimination based on national origin or citizenship status and provides for civil penalties and various remedies. Section 274C provides civil penalties for immigration-related document fraud. Adjudicative proceedings are initiated by complaints filed with the OCAHO and subsequently assigned to ALJs by the Chief Administrative Hearing Officer (CAHO). Complaints are filed by the DHS in section 274A and Section 274C cases and by the Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices in section 274B cases or by the aggrieved party if OSC declines to file a complaint.

The CAHO may conduct administrative review and, unless the case is certified to the Attorney General, take the final agency action with respect to cases decided by ALJs under Sections 274A and 274C. The CAHO also certifies ALJs who hear Section 274B cases having received the training in employment discrimination matters as required by statute.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Executive Office for Immigration Review

DOJ Strategic Goal/Objective 3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process

RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Workload: Immigration Court Matters Received		404,090		428,321		420,000		10,000		430,000	
Appeals Received at BIA		34,260		35,837		37,000		3,000		40,000	
Immigration Court Matters Pending		N/A		304,405		339,339		10,000		349,339	
Total Costs and FTE (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
		1,596	297,359	1,469	299,326	1,620	298,275	0	12,368	1,620	310,643
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Program Activity	3.4 Adjudicate Immigration Cases	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		1,596	297,359	1,469	299,326	1,620	298,275	0	12,368	1,620	310,643
Performance Measure	Immigration Courts										
	Total Matters Completed	385,156		393,387		390,000		10,000		400,000	
	Total Proceedings Completed	299,458		302,577							
	IHP Completions	3,640		3,782							
	Detained Completions	128,358		112,154							
Performance Measure	Board of Immigration Appeals										
	Total Appeals Completed	34,392		35,271		35,000		1,000		36,000	
	Detained Completions	3,458		4,212							
Efficiency Measure	The measures above also serve as EOIR's efficiency measures										

OUTCOME	Immigration Courts					
	% IHP Cases within Time Goal	87%	88%	85%		85%
	% Detained Cases within Time Goal	89%	88%	85%		85%
	Board of Immigration Appeals					
	% Detained Cases Adjudicated within Time Goal	93%	94%	90%		90%

Performance Report and Performance Plan Targets		FY 2004	FY 2005	FY2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011		FY 2012	FY 2013
		Actual	Target	Actual	Target							
*Performance Measures	Total Matters Completed	301,203	352,000	365,851	327,300	338,341	351,234	352,676	385,156	393,387	390,000	400,000
	Total Proceedings Completed	258,946	314,000	323,000	272,000	280,382	289,339	286,738	299,458	302,577		
	Expedited Asylum Completions (Discontinued)	47,078	43,000	27,000	21,200	12,698	7,603	N/A	N/A		N/A	N/A
	IHP Completions	7,835	9,000	5,600	6,000	5,525	4,311	3,950	3,640	3,782		
	Detained Completions without Applications (Discontinued)	58,849	59,000	64,000	87,400	100,055	107,391	N/A	N/A		N/A	N/A
	Total immigration court priority cases completed (Discontinued)	113,762	111,000	96,600	114,600	118,278	119,305	N/A	N/A		N/A	N/A
	Detained Completions						144,763	111,264	128,358	112,154		
*Performance Measures	Total Appeals Completed	48,711	46,300	41,400	35,400	38,296	33,030	33,234	34,392	35,271	35,000	36,000
	Detained Completions	4,089	3,425	3,000	3,200	3,232	3,243	3,261	3,458	4,212		
Efficiency Measures	The measures above also serve as EOIR's efficiency measures											
***OUTCOME Measures	% Expedited Asylum Cases within Time Goal (Discontinued)	89%	92%	95%	90%	80%	82%	N/A	N/A		N/A	N/A
	% IHP Cases w/in Time Goal	88%	89%	92%	86%	91%	90%	87%	85%	88%	85%	85%
	% Detained w/out Applications w/in Time Goal (Discontinued)	88%	91%	92%	89%	90%	88%	N/A	N/A		N/A	N/A
	% Immigration Court priority cases completed (Discontinued)	89%	91%	93%	89%	89%	88%	N/A	N/A		N/A	N/A
	% Backlog reduction (Discontinued)	59%	58%	68%	43%	43%	50%	N/A	85%		N/A	N/A
	Detained Completions							89%		88%	85%	85%
**OUTCOME Measures	% Detained Appeals Adjudicated within Time Goal	91%	92%	97%	97%	97%	96%	93%	90%	94%	90%	90%
	% Appeals priority cases completed (Discontinued)	91%	92%	97%	97%	97%	96%	N/A	N/A		N/A	N/A

2. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

For the immigration courts, EOIR chose two priority case types as performance measures and set the following goals:

- 85% of Institutional Hearing Program (criminal alien) cases completed before release from incarceration
- 85% of detained cases completed within 60 days

In FY 2011, the immigration courts met these two priority targets and expect to do so again in 2012 and 2013.

The performance measure for the BIA is:

- 90% of detained appeals adjudicated within 150 days

In FY 2011, the BIA exceeded this target by 4%. This performance measure will continue through FY 2013.

EOIR's adjudication functions are part of the government's broader immigration and border control programs. As such, EOIR's ability to adjudicate cases in a timely fashion allows the larger system to operate more efficiently. This includes the efficient utilization of DHS detention bed spaces. The guarantee of fairness and due process remains a cornerstone of our judicial system. EOIR's role in the provision of relief in meritorious cases, and in the denial of relief in others, helps assure the integrity of the overall process.

To summarize, the FY 2013 target is to complete EOIR's priority adjudications within established timeframes.

b. Strategies to Accomplish Outcomes

Case adjudication is the performance indicator for EOIR. Performance measures (the number of cases completed) have been established for several high priority case types.

EOIR has established case completion goals for the various types of cases that the immigration courts adjudicate, and will continue to reallocate existing resources to the adjudication of priority cases. This includes the adjustment of court dockets to increase the number of calendars devoted to detained cases and increasing the frequency of immigration judge details to federal, state, and local correctional facilities as needed to adjudicate Institutional Hearing Program cases.

Finally, subject to budgetary considerations, EOIR is moving ahead with its plans to transition from paper to electronic records. When fully implemented, this initiative will improve efficiency throughout the adjudication process, and a higher percentage of EOIR's cases will be adjudicated within target time frames. For example, data from electronically filed documents will be automatically uploaded to EOIR's database, thus decreasing data entry time; electronic Records of Proceedings (ROPs) will be available for simultaneous access by staff who need to use them, eliminating the time spent waiting for files; and digitally recorded hearings can be made available to transcribers instantly rather than mailing audio tapes back and forth.

3. Impact of the Department's Targeted Hiring Freeze

Prior to the FY 2011 targeted hiring freeze, EOIR was engaged in a critical hiring effort, strongly supported by the Department, the Administration and Congress. This effort included the receipt of 172 additional positions in the 2010 direct appropriation and 24 additional positions in the 2010 War Supplemental. The two appropriations included 28 and 4 additional judges, respectively. When added to the 21 judges originally requested in 2011 and re-requested in 2012, the number of immigration judges was expected to grow to 305 by the end of FY 2011. The 2011 and 2012 hiring freeze have negated most of these program increases. EOIR's challenge has been and will be to maintain the number of its immigration judges.

EOIR managed to grow the corps of immigration judges from the 232 on-board at the start of 2010 (October 2009) to a high of 272 by mid-December, 2010. The imposition of the 2011 hiring freeze reduced the number of judges on-board to 266 by the end of FY 2011. Through attrition, that number will continue to decrease as the freeze continues in 2012.

EOIR caseload continues to rise to record levels. From 2008 to 2011, matters received in immigration courts rose to 430,574, an increase of 22 percent. The record receipt levels experienced in 2009 were replicated in 2010. For 2011, current receipt rates topped at 425,000 matters. As a consequence, the number of matters pending adjudication rose from approximately 190,000 at the start of 2009, to over 295,000 by the start of FY 2012, an increase of over 50,000 since the start of FY 2010. In addition to this clearly troubling trend, immigration court cases are now routinely scheduled unacceptably far into the future. Fully 31 courts are scheduling cases into 2013, 17 courts are scheduling into 2014, 5 courts are scheduling into 2015, 2 courts scheduled in 2016 and 2 courts scheduled in 2017.

The highest priority cases for EOIR are those involving detained aliens. These individuals are often detained by DHS because they have criminal convictions that may make them deportable from the United States. Others are detained because they pose a danger to the community or are a flight risk. Therefore, the efficient and timely adjudication of these detained cases is a high priority for EOIR, as well as for other immigration agencies. In June 2010, DHS announced its civil immigration enforcement priorities as they pertain to the apprehension, detention, and removal of aliens. Those priorities focus on national security, public safety, and border security. As DHS enforcement programs reach their full potential, EOIR is planning ahead and shifting resources to meet the anticipated corresponding increase in the agency's detained caseload.

EOIR anticipates that this emphasis on the removal of criminal aliens and others who pose a threat to public safety will continue as DHS programs such as Secure Communities continue to expand. However, as noted above, the priority necessarily placed upon the adjudication of detained cases has implications for the non-detained side of court dockets, including cases initiated as a result of persons seeking asylum.

Given the continuing expansion of Secure Communities and other DHS enforcement initiatives, it is reasonable to assume a continuation of record numbers of case receipts through 2013, increasing pending caseloads to well over 300,000.

IV. Decision Unit Justification

B. Office of the Pardon Attorney (OPA)

<i>Office of the Pardon Attorney</i>	Perm. Pos.	FTE	Amount
2011 Enacted	15	15	\$2,725,000
2012 Enacted	15	15	\$2,725,000
Adjustments to Base and Technical Adjustments	0	0	\$25,000
2013 Current Services	15	15	\$2,750,000
2013 Program Increases	0	0	\$45,000
2013 Program Offsets	0	0	0
2013 Request	15	15	\$2,795,000
Total Change 2012-2013	0	0	\$70,000

1. Program Description

The Office of the Pardon Attorney (OPA) receives, reviews, and when appropriate, investigates applications to the President for executive clemency and prepares for the Deputy Attorney General the recommendation of the Department of Justice to the President as to the appropriate disposition of each application. In addition, OPA responds to inquiries concerning clemency applications and the clemency process from applicants, the public, Members of Congress, and federal, state, and local agencies, and prepares all necessary documents to effect the President's decision to grant clemency. When asked to do so, OPA also provides general advice to the White House concerning clemency procedures and the historical background of clemency matters.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Office of the Pardon Attorney											
DOJ Strategic Goal/Objective 2.6 Protect the federal fisc and defend the interests of the United States.											
RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Total Costs and FTE (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
		15	2,725	14	2,441	15	2,725	0	70	15	2,795
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	Executive clemency advisory program	15	2,725	14	2,441	15	2,725	0	70	15	2,795
Performance Measure: Output	Clemency petitions processed	1,800		2,409		1,600				1,800	
Performance Measure: Efficiency	Output measure is efficiency measure										
Performance Measure: Outcome	Clemency petitions pending at OPA	1,500		895		1,500				1,500	
Data Definition, Validation, Verification, and Limitations: OPA's case tracking system is updated daily and used to track the status of petitions. Performance data is derived from this tracking system and cross-referenced with internal reports to ensure accuracy.											

PERFORMANCE MEASURE TABLE

Decision Unit: Office of the Pardon Attorney

Performance Report and Performance Plan Targets		FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011		FY 2012	FY 2013
		Actual	Target	Actual	Target							
Performance Measure	Clemency petitions processed	1,123	1,217	1,046	1,079	1,677	3,135	1,990	1,500	2,409	1,500	1,500
Performance Measure	Correspondence processed**	5,250	5,250	5,250	5,400	5,700	5,700	5,700	**	**	**	**
Efficiency Measure	Output measure is efficiency measure											
OUTCOME Measure	Clemency petitions pending at OPA	N/A	N/A	904	1,080	1,728	1,214	1,388	1,500	895	1,500	1,500

N/A = Data unavailable

* Denotes inclusion in the DOJ Annual Performance Plan

** OPA ceased tracking correspondence processing as a separate program activity in FY 2011 since it is an auxiliary function in the clemency case processing mission.

V. Program Increase by Item

Item Name:	Legal Orientation Program
Budget Decision Unit(s):	Executive Office for Immigration Review
Strategic Goal(s) & Objectives:	3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process.
Organizational Program:	Executive Office for Immigration Review
Component Ranking of Item:	<u>N/A</u>
Program Increase:	Positions <u>0</u> FTE <u>0</u> Dollars <u>\$1,963,000</u>

Description and Justification of Item

This request is intended to expand EOIR's highly successful Legal Orientation Program (LOP), which educates detained aliens on EOIR immigration proceedings and increases their awareness of their rights, allowing them to make more informed decisions earlier in the adjudication process, thereby increasing efficiencies for both EOIR courts and DHS detention programs. This request will add 6 additional sites to the 26 currently operating, 24 of which are in detention settings, and responds to increasing demand, as well as the expansion goals articulated by DHS, the Administration, and many members of congress

Impact on Performance (Relationship of Increase to Strategic Goals and Priority)

Evaluation reports show 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. This program increase will improve efficiencies in immigration court proceedings, allowing for EOIR to more quickly adjudicate matters before the courts and better tackle its high caseload, which is in accordance with its strategic goal/objective.

Funding

Summary

FY 2011 Enacted				FY 2012 Enacted				FY 2013 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0	0	0	4,000	0	0	0	6,000	0	0	0	6,000

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2013 Request (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
Legal Orientation Program	0	1	\$1,963	0	0
Total Non-Personnel	0	1	\$1,963	0	0

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
Current Services	0	0	0	0	\$6,000	\$6,000	0	0
Increases	0	0	0	0	\$1,963	\$1,963	0	0
Grand Total	0	0	0	0	\$7,963	\$7,963	0	0

V. Program Increases by Item

Item Name:	Pardons and Commutations Increase
Budget Decision Unit(s):	Office of the Pardon Attorney
Strategic Goal & Objective: of the	2.6: Protect the federal fisc and defend the interests United States
Organizational Program:	Executive clemency advisory program
Component Ranking of Item:	1
Program Increase: Positions	<u>0</u> Agt/Atty <u>0</u> FTE <u>0</u> Dollars <u>\$45,000</u>

Description of Item

This request is intended to provide OPA with the resources to fill its remaining support vacancy. Doing so will support OPA's efforts to manage its substantial caseload and increase its efficiency in reviewing and processing applications for executive clemency and preparing timely advice for the President to assist his exercise of the clemency power.

Justification

In FY 1999, OPA was authorized 15 FTE and 15 full-time permanent positions, and its annual filings totaled 1,009 new clemency petitions, a number of submissions that exceeded every year's filings since FY 1946. While OPA's authorized staffing level has remained the same since FY 1999, the office's caseload has doubled over the last four fiscal years to approximately 2,000 new filings per year. From FY 2008 to FY 2010, the annual number of new filings significantly exceeded 2,000 applications, ranging from 2,164 to 2,621 new applications filed per year. Although OPA's new filings in FY 2011 totaled slightly under 2,000, the trend of approximately 2,000 new filings per year is likely to continue to be driven by high numbers of requests for commutation of sentence, which reflect the growth of the federal prison population, the lack of other possible means of release such as parole, and the variety of federal crimes subject to mandatory minimum sentences. Given the size of OPA's workload, it is critically important that the office achieve and maintain full staffing and maximize its operational efficiencies in order to render timely and accurate advice to the President for the disposition of executive clemency requests.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority)

Strategic Goal 2.6 includes the Department's important mission of "support[ing] the Attorney General in his role as legal adviser to the President" in such matters as the

“appropriate disposition of applications for executive clemency.” The requested program increase for the executive clemency advisory program will enhance OPA’s ability to carry out this important mission.

Funding

Summary

FY 2011 Enacted				FY 2012 Enacted				FY 2013 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
15	7	15	2,725	15	7	15	2,725	15	7	15	2,750

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
Current Services	15	7	15	\$1,612	\$1,138	\$2,750	0	0
Increases	0	0	0	\$45	0	\$45	0	0
Grand Total	15	7	15	\$1,657	\$1,138	\$2,795	0	0

VI. Program Offsets by Item

Item Name:	IT Savings
Budget Decision Unit(s):	Executive Office for Immigration Review
Strategic Goal(s) & Objectives:	3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process.
Organizational Program:	Executive Office for Immigration Review
Component Ranking of Item:	<u>N/A</u>
Program Reduction:	Positions <u> 0 </u> FTE <u> 0 </u> Dollars <u> (\$545,000)</u>

Description of Item

As part of its effort to increase IT management efficiency and comply with OMB's direction to reform IT management activities, the Department is implementing a cost saving initiative as well as IT transformation projects. To support cost savings, the Department is developing an infrastructure to enable DOJ components to better collaborate on IT contracting; which should result in lower IT expenditures. In FY 2013 the Department anticipates realizing savings on all direct non-personnel IT spending through IT contracting collaboration. These savings will not only support greater management efficiency within components but will also support OMB's IT Reform plan by providing resources to support major initiatives in Cybersecurity, data center consolidation, and enterprise e-mail systems. The savings will also support other Department priorities in the FY 2013 request. The offset to support these initiatives for EOIR is \$545,000.

Funding

Summary

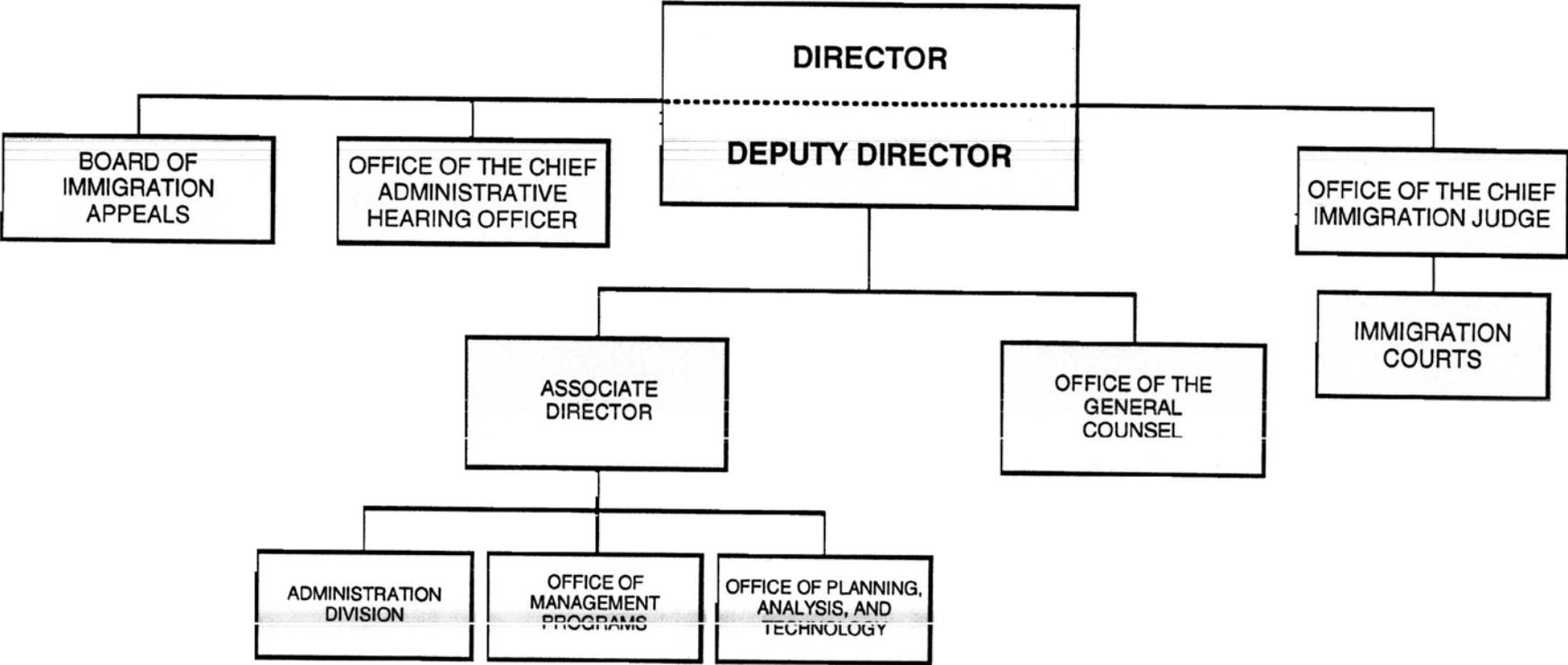
Non-Personnel Item	Unit	Quantity	FY 2013 Request (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
IT Savings Offset	0	1	(\$545)	0	0
Total Non-Personnel	0	1	(\$545)	0	0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2014 Net Annualization (change from 2012) (\$000)	FY 2015 Net Annualization (change from 2013) (\$000)
Decreases	0	0	0	0	(\$545)	(\$545)	0	0
Grand Total	0	0	0	0	(\$545)	(\$545)	0	0

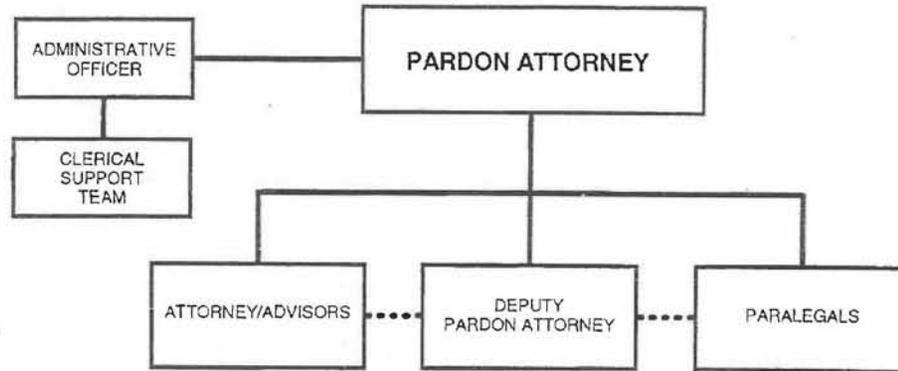
VII. EXHIBITS

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



Approved by:  Date: November 19, 2004
JOHN ASHCROFT
Attorney General

OFFICE OF THE PARDON ATTORNEY



Approved by:  Date: May 15, 2001
JOHN D. ASHCROFT
Attorney General

B: Summary of Requirements

Summary of Requirements
 Administrative Review and Appeals
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2013 Request		
	Perm. Pos.	FTE	Amount
2011 Enacted	1,573	1,611	300,084
2012 Enacted	1,582	1,620	305,000
Technical Adjustments			
DHS Immigration Examination Fee Account			(4,000)
Adjustments to Base			
Transfers:			
DHS Immigration Examination Fee Account			4,000
JCON and JCONS/TS - To Components			711
Office of Information Policy (OIP) - From Components			(106)
Professional Responsibility Advisory Office (PRAO) - From Components			(193)
Subtotal Transfers	0	0	4,412
Increases:			
Pay and Benefits			2,510
Domestic Rent and Facilities			4,053
Subtotal Increases	0	0	6,563
Total Adjustments to Base	0	0	10,975
Total Adjustments to Base and Technical Adjustments	0	0	6,975
2013 Current Services	1,582	1,620	311,975
Program Changes			
Increases:			
Legal Orientation Program			1,963
Pardons & Commutations			45
Subtotal Increases	0	0	2,008
Offsets:			
IT Savings			(545)
Subtotal Offsets	0	0	(545)
Total Program Changes	0	0	1,463
2013 Total Request	1,582	1,620	313,438
2012 - 2013 Total Change	0	0	8,438

NOTE: All FTE numbers in this table reflect authorized FTE, which is the total number of FTE available to a component. Because the FY 2013 President's Budget Appendix builds the FTE request using actual FTE rather than authorized, it may not match the FY 2012 FTE enacted and FY 2013 FTE request reflected in this table.

Summary of Requirements
Administrative Review and Appeals
Salaries and Expenses
(Dollars in Thousands)

Estimates by budget activity	2011 Appropriation Enacted			2012 Enacted			2013 Adjustments to Base and Technical Adjustments			2013 Current Services			2013 Increases			2013 Offsets			2013 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
EOIR	1,558	1,596	297,359	1,582	1,620	302,275	0	0	10,950	1,582	1,620	309,225	0	0	1,963	0	0	(545)	1,582	1,620	310,643
OPA	15	15	\$2,725	15	15	\$2,725	0	0	25	15	15	2,750	0	0	45	0	0	0	15	15	2,795
Total	1,573	1,611	\$300,084	1,597	1,635	\$305,000	0	0	\$10,975	1,597	1,635	\$311,975	0	0	\$2,008	0	0	-\$545	1,597	1,635	\$313,438
Reimbursable FTE	0						0			0			0			0			0		
Total FTE	1,611						0			1,635			0			0			1,635		
Other FTE:																					
LEAP																					
Overtime																					
Total Comp. FTE	1,611						0			1,635			0			0			1,635		

C: Program Increases/Offsets By Decision Unit

FY 2013 Program Increases/Offsets By Decision Unit
 Administrative Review and Appeals
 (Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	ARA				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	
Legal Orientation Program	EOIR				1,963	1,963
Pardons & Commutations	OPA				45	45
Total Program Increases		0	0	0	\$2,008	\$2,008
Program Offsets	Location of Description by Decision Unit	ARA				Total Offsets
		Pos.	Agt./Atty.	FTE	Amount	
IT Savings	EOIR				(545)	(545)
Total Offsets		0	0	0	(\$545)	(\$545)

D: Resources by DOJ Strategic Goal and Strategic Objective

**Resources by Department of Justice Strategic Goal/Objective
Administrative Review and Appeals
(Dollars in Thousands)**

Strategic Goal and Strategic Objective	2011 Appropriation Enacted		2012 Enacted		2013 Current Services		2013				2013 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s		
Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law												
1.1 Prevent, disrupt, and defeat terrorist operations before they occur					0	0					0	0
1.2 Prosecute those involved in terrorist acts					0	0					0	0
1.3 Combat espionage against the United States					0	0					0	0
Subtotal, Goal 1	0	0										
Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law												
2.1 Combat the threat, incidence, and prevalence of violent crime					0	0					0	0
2.2 Prevent and intervene in crimes against vulnerable populations, uphold the rights of, and improve services to, America's crime victims					0	0					0	0
2.3 Combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs					0	0					0	0
2.4 Combat corruption, economic crimes, and international organized crime					0	0					0	0
2.5 Promote and protect Americans' civil rights					0	0					0	0
2.6 Protect the federal fisc and defend the interests of the United States	15	2,725	15	2,725	15	2,750	0	45	0	0	15	2,795
Subtotal, Goal 2	15	2,725	15	2,725	15	2,750	0	45	0	0	15	2,795
Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels												
3.1 Promote and strengthen relationships and strategies for the administration of justice with state, local, tribal and international law enforcement					0	0					0	0
3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement					0	0					0	0
3.3 Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the Federal Prison System					0	0					0	0
3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process	1,558	297,359	1,620	302,275	1,620	309,225	0	1,963	0	(545)	1,620	310,643
Subtotal, Goal 3	1,558	297,359	1,620	302,275	1,620	309,225	0	1,963	0	(545)	1,620	310,643
GRAND TOTAL	1,573	\$300,084	1,635	\$305,000	1,635	\$311,975	0	\$2,008	0	(\$545)	1,635	\$313,438

E. Justification for Base Adjustments

Justification for Base Adjustments Administrative Review and Appeals

(Dollars in thousands)

<u>Technical Adjustments</u>	<u>POS</u>	<u>FTE</u>	<u>Amount</u>
Offset of fees that are collected by DHS and transferred to EOIR's base.			-4,000,000
 <u>Transfers</u> 			
<u>DHS Immigration Examinations Fee Account.</u> This transfer in the amount of \$4,000,000 is from DHS for Immigration Examination Fees annually.			4,000,000
<u>JCON and JCON S/TS.</u> A transfer of \$711,000 is included in support of the Department's Justice Consolidated Office Network (JCON) and JCON S/TS programs, which will be moved to the Working Capital Fund and provided as a billable service in FY 2013.			711,000
<u>Office of Information Policy.</u> The EOIR transfers for the Office of Information Policy (OIP) into the General Administration appropriation will centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.			-106,000
<u>Professional Responsibility Advisory Office.</u> ARA transfers \$193,000 into the General Administration appropriation for the Professional Responsibility Advisory Office (PRAO) to centralize appropriated funding and eliminate the current reimbursable financing process. The centralization of the funding is administratively advantageous because it eliminates the paper-intensive reimbursement process.			-193,000

Increases

<u>2013 Pay Raise.</u> This request provides for a proposed 0.5 percent pay raise to be effective in January of 2013. The increase only includes the general pay raise. The amount request, \$632,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$442,000 for pay and \$190,000 for benefits.)	632,000
<u>Retirement.</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 1.3 percent per year. The requested increase of <u>\$329,000</u> is necessary to meet our increased retirement obligations as a result of this conversion.	329,000
<u>Health Insurance:</u> Effective January 2013, this component's contribution to Federal employees' health insurance premiums increased by 9.9 percent. Applied against the 2012 estimate of \$444,000, the additional amount required is <u>\$684,000</u> .	684,000
<u>Changes in Compensable Days.</u> The increased cost for one compensable day in FY 2013 compared to FY 2012 is calculated by dividing the FY 2011 estimated personnel compensation \$142,546 and applicable benefits \$25,503 by 261 compensable days.	652,000
<u>Employees Compensation Fund:</u> The \$52,000 decrease reflects payments to the Department of Labor for injury benefits paid in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.	-52,000
<u>FERS Regular/Law Enforcement Retirement Contribution.</u> On June 11, 2010, the Board of Actuaries of the Civil Service Retirement System recommended a new set of economic assumptions for the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). In accordance with this change, effective October 1, 2011 (FY 2012), the normal cost of regular retirement under FERS will increase from the current level of 12.5% of pay to 12.7%, or a total of 0.2% increase. The FERS contribution for Law Enforcement retirement will increase from 27.0% to 27.6%, or a total of 0.6% increase. This will result in new agency contribution rates of 11.9% for regular personnel (up from the current 11.7%) and 26.3% for law enforcement personnel (up from the current 25.7%). The amount requested, <u>\$265,000</u> , represents the funds needed to cover this increase.	265,000
<u>General Services Administration (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 <u>\$4,017,000</u> 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 in FY 2013 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provided data	4,017,000
<u>Security Charges.</u> Guard Service includes those costs paid directly by DOJ and those paid to Department of Homeland Security (DHS). The requested increase of <u>\$36,000</u> is required to meet our commitment to DHS and other security costs.	36,000

Total Increase:	0	0	10,975,000
------------------------	---	---	------------

Total ATB and Technical Adjustments:	0	0	10,975,000
---	---	---	------------

F: Crosswalk of 2011 Availability

Crosswalk of 2011 Availability
 Administrative Review and Appeals
 Salaries and Expenses
 (Dollars in Thousands)

Decision Unit	FY 2011 Enacted Without Balance Rescissions			Balance Rescissions			Reprogrammings / Transfers			Carryover Amount	Recoveries Amount	2011 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount			Pos.	FTE	Amount
EOIR	1,558	1,596	297,359	0	0	0	0	0	0	0	0	1,558	1,596	297,359
OPA	15	15	2,725	0	0	0	0	0	0	0	0	15	15	2,725
TOTAL	1,573	1,611	\$300,084	0	0	\$0	0	0	\$0	\$0	\$0	1,573	1,611	\$300,084
Reimbursable FTE														0
Total FTE		1,611			0			0						1,611
Other FTE														
LEAP														0
Overtime														0
Total Compensable FTE		1,611			0			0						1,611

G: Crosswalk of 2012 Availability

Crosswalk of 2012 Availability
 Administrative Review and Appeals
 Salaries and Expenses
 (Dollars in Thousands)

Decision Unit	FY 2012 Enacted Without Rescissions			Rescissions			Reprogrammings / Transfers			Carryover Amount	Recoveries Amount	2012 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount			Pos.	FTE	Amount
EOIR	1,582	1,620	302,275									1,582	1,620	302,275
OPA	15	15	2,725									15	15	2,725
												0	0	0
TOTAL	1,597	1,635	\$305,000	0	0	\$0	0	0	\$0	\$0	\$0	1,597	1,635	\$305,000
Reimbursable FTE														0
Total FTE		1,635			0			0					1,635	
Other FTE														
LEAP		0			0			0					0	
Overtime		0			0			0					0	
Total Compensable FTE		1,635			0			0					1,635	

H: Summary of Reimbursable Resources

Summary of Reimbursable Resources

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2011 Enacted			2012 Planned			2013 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
EOIR			30			15			15	0	0	0
OPA			0			0			0	0	0	0
Budgetary Resources:	0	0	\$30	0	0	\$15	0	0	\$15	0	0	\$0

I: Detail of Permanent Positions by Category

Detail of Permanent Positions by Category
 Administrative Review and Appeals
 Salaries and Expenses

Category	2011 Enacted		2012 Enacted		2013 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	ATBs	Program Increases	Program Offset	Total Pr. Changes	Total Authorized	Total Reimbursable
Intelligence Series (132)									0	
Personnel Management (200-299)	22		22						22	
Clerical and Office Services (300-399)	410		420						420	
Clerical and Office Services (300-399) - OPA	3		3						3	
Accounting and Budget (500-599)	6		6						6	
Attorneys (905)	500		506						506	
Attorneys (905) - OPA	7		7						7	
Paralegals / Other Law (900-998)	484		488						488	
Paralegals / Other Law (900-998) - OPA	5		5						5	
Information & Arts (1000-1099)	97		101						101	
Business & Industry (1100-1199)	5		5						5	
Library (1400-1499)	1		1						1	
Equipment/Facilities Services (1600-1699)									0	
Miscellaneous Inspectors Series (1802)									0	
Criminal Investigative Series (1811)									0	
Supply Services (2000-2099)	1		1						1	
Motor Vehicle Operations (5703)									0	
Information Technology Mgmt (2210)	25		25						25	
Security Specialists (080)	7		7						7	
Miscellaneous Operations (010-099)										
Total	1,573	0	1,597		0	0	0	0	1,597	0
Headquarters (Washington, D.C.)	548		552						552	
U.S. Field	1,025		1,045						1,045	
Foreign Field								0	0	
Total	1,573	0	1,597		0	0	0	0	1,597	0

J: Financial Analysis of Program Changes

Financial Analysis of Program Changes

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

	Increases		Offset		Program Changes	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades:						
Personnel benefits		45		0	0	45
Travel and transportation of persons		0		0	0	0
Transportation of things		0		0	0	0
GSA rent		0		0	0	0
Communication, rents, and utilities		0		0	0	0
Printing		0		0	0	0
Advisory and assistance services		1,963		0	0	1,963
Other services		0		0	0	0
Purchases of goods & services from Government accounts		0		0	0	0
Research and development contracts		0		0	0	0
Operation and maintenance of equipment		0		0	0	0
Supplies and materials		0		0	0	0
Equipment		0		(545)	0	(545)
Total, 2013 Program Changes Requested	0	\$2,008	0	(\$545)	0	\$1,463

Exhibit J - Financial Analysis of Program Changes

K: Summary of Requirements by Grade

Summary of Requirements by Grade

Administrative Review and Appeals

Salaries and Expenses

	2011 Enacted w/Rescissions		2012 Enacted		2013 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades and Salary Ranges								
SES, \$119,554 - 179,700	6		6		6		0	
SES, \$119,554 - 179,700 (OPA)	1		1		1		0	
AL-3, \$179,700	1		1		1		0	
SL, \$179,700	15		15		15		0	
IJ 1-4, \$113,988 - 165,300	273		277		277		0	
GS-15, \$123,758 - 155,500	183		183		183		0	
GS-15, \$123,758 - 155,500 (OPA)	3		3		3		0	
GS-14, \$105,211 - 136,771	75		75		75		0	
GS-14, \$105,211 - 136,771 (OPA)	1		1		3		2	
GS-13, \$89,033 - 115,742	113		115		115		0	
GS-13, \$89,033 - 115,742 (OPA)	2		2		0		(2)	
GS-12, \$74,872 - 97,333	198		198		198		0	
GS-12, \$74,872 - 97,333 (OPA)	1		1		1		0	
GS-11, \$62,467 - 81,204	43		47		47		0	
GS-11, \$62,467 - 81,204 (OPA)	1		2		3		1	
GS-10, \$56,857 - 73,917	42		42		42		0	
GS-9, \$51,630 - 67,114	58		64		64		0	
GS-9, \$51,630 - 67,114 (OPA)	3		3		3		0	
GS-8, \$46,745 - 60,765	279		279		279		0	
GS-7, \$42,209 - 54,875	29		37		37		0	
GS-7, \$42,209 - 54,875 (OPA)	2		1		1		0	
GS-6, \$37,983 - 49,375	35		35		35		0	
GS-5, \$34,075 - 44,293	68		68		68		0	
GS-5, \$34,075 - 44,293 (OPA)	1		1		0		(1)	
GS-4, \$30,456 - 39,590	62		62		62		0	
GS-3, \$27,130 - 35,269	33		33		33		0	
GS-2, \$24,865 - 31,292	19		19		19		0	
GS-1, \$22,115 - 27,663	5		5		5		0	
Ungraded	21		21		21		0	
Total, Appropriated Positions	1,573		1,597		1,597		0	
Average SES Salary		\$172,276		\$172,276		\$172,276		
Average GS Salary		\$78,519		\$78,519		\$78,519		
Average GS Grade		12		12		12		

L: Summary of Requirements by Object Class

Summary of Requirements by Object Class

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Object Classes	2011 Actuals		FY 2012 Enacted		2013 Request		Change	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	1,481	\$128,825	1,633	\$131,891	1,635	\$132,764	2	\$873
11.3 Other than full-time permanent	2	14,533	2	13,998	0	13,798	(2)	(200)
11.5 Total, Other personnel compensation	0	1,634	0	1,707	0	1,707	0	0
<i>Overtime</i>		255		255		255	0	0
<i>Other Compensation</i>		1,335		1,300		1,433	0	133
11.8 Special personal services payments							0	0
Total	1,483	144,992	1,635	147,596	1,635	148,269	0	673
Other Object Classes:								
12.0 Personnel benefits		39,991		41,971		43,841		1,870
13.0 Unemployment Compensation		46		55		55		0
21.0 Travel and transportation of persons		2,697		2,798		2,798		0
22.0 Transportation of things		1,418		1,461		1,461		0
23.1 GSA rent		31,738		34,263		38,280		4,017
23.2 Moving/Lease Expirations/Contract Parking		13		13		13		0
23.3 Comm., util., & other misc. charges		5,992		6,166		6,877		711
24.0 Printing and reproduction		230		237		237		0
25.1 Advisory and assistance services		12,158		12,277		14,240		1,963
25.2 Other services		24,053		24,394		24,143		(251)
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc..)		9,377		9,008		9,008		0
25.4 Operation and maintenance of facilities		2,806		2,890		2,890		0
25.5 Research and development contracts		0		0		0		0
25.6 Medical Care		230		236		236		0
25.7 Operation and maintenance of equipment		19,375		18,134		18,134		0
26.0 Supplies and materials		2,524		2,598		2,598		0
31.0 Equipment		4,149		883		338		(545)
32.0 Buildout		0		0		0		0
42.0 Insurance Claims & Indem.		35		20		20		0
Total obligations		\$301,824		\$305,000		\$313,438		\$8,438
Unobligated balance, start of year								
Unobligated balance, end of year								
Recoveries of prior year obligations								
Total DIRECT requirements		301,824		305,000		313,438		
Reimbursable FTE:								
Full-time permanent								
23.1 GSA rent (Reimbursable)								
25.3 DHS Security (Reimbursable)								