



U.S. Department of Justice FY 2011 Budget Request

ENFORCE IMMIGRATION LAWS

+\$11.0 million in Program Increases

FY 2011 Overview

The Department maintains substantial responsibilities with respect to immigration, including enforcement, detention, judicial functions, administrative hearings and litigation, among others. The Department's Executive Office for Immigration Review (EOIR) serves as the front-line presence nationwide in immigration matters; overseeing the immigration court and appeals process. EOIR receives cases directly from the Department of Homeland Security (DHS) enforcement personnel, in which the government is generally seeking the removal of aliens who are in the country without lawful status or who have committed some act, typically a criminal offense, that renders them removable. In recent years, however, the Department's resource enhancements have not kept pace with those received by the various immigration components of DHS, thereby undermining the effectiveness and efficiency of immigration enforcement, adjudication and detention programs. EOIR's immigration court caseload continues to increase to unsustainable levels as a result of DHS' heightened enforcement efforts e.g., criminal alien programs and border enforcement. The caseload grew 30 percent between FY 2004 and FY 2009, from 300,000 to 390,000 new matters coming to EOIR for resolution each year. The number of new cases is expected to exceed 400,000 annually, by 2011.

The resources provided in the 2011 Budget are therefore needed to maintain and improve EOIR's vital functions. In order for EOIR to process this increasing workload and to improve the efficiency of the immigration program overall, the Department is requesting an \$11 million program increase, including 125 positions (31 attorneys) for EOIR which will support an additional 21 Immigration Judge Teams and 10 Board of Immigration Appeals attorneys. This will allow EOIR to address the caseload increases emanating from DHS programs, including the Secure Communities Initiative and the Criminal Alien Program. These resources are necessary to improve the current immigration system and to ensure that the nation's approach to immigration enforcement is reasonable, effective, and humane.

Similarly, the Civil Division's Office of Immigration Litigation (OIL) also plays a crucial role in upholding the enforcement actions of DHS and EOIR. OIL provides the government with the best possible defense in district court cases and challenges to removal orders filed in circuit courts by illegal aliens, many of whom are criminals. As DHS enforcement activities become more aggressive with the implementation of the Secure Communities Initiative, OIL can expect many more aliens to petition their removal decisions in circuit courts. The FY 2011 Budget maintains the current staffing levels for OIL.

Program Increases

Executive Office for Immigration Review (EOIR)

Immigration and Southwest Border Initiative: \$11.0 million, including 125 positions (31 Attorneys) to add 21 Immigration Judge Teams and 10 Board of Immigration Appeals attorneys. This increase is necessary to effectively respond to DHS' increased implementation of the Secure Communities Initiative. Secure Communities expands and revolutionizes the existing DHS Criminal Alien Program, in which EOIR has played a key role by adjudicating cases, including those of aliens incarcerated in federal, state and local prisons and jails. Using biometric identification capabilities, Secure Communities is deployed in over 100 jurisdictions, with DHS planning 190 additional jurisdictions in 2010, and 900 additional in 2011.

The FY 2011 current services for this initiative are 1,558 positions and \$305.5 million, including the additional 28 Immigration Judge Teams and 10 Board of Immigration Appeals attorneys received in the FY 2010 enacted budget.

FY 2011 Program Increases Summary
 (Amount in 000's)

Component/Initiative	Positions	Agents	Attorneys	FTEs	Amount
Executive Office for Immigration Review (EOIR)	125	...	31	63	\$11,039
Immigration and Southwest Border Initiative	125	...	31	63	11,039
Grand Total, Program Increases	125	0	31	63	11,039