



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

### FY 2012 Budget Request At A Glance

|                               |  |
|-------------------------------|--|
| FY 2011 CR:                   | \$298.0 million (1,558 positions; 500 attorneys)         |
| Current Services Adjustments: | +\$17.2 million  |
| Program Changes:              | +\$14.6 million  |
| FY 2012 Budget Request:       | \$329.8 million (1,707 positions; 537 attorneys)         |
| Change From FY 2011 CR:       | +\$31.9 million (+10.7%) (+149 positions; +37 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.

#### Resources:

The FY 2012 budget request for EOIR totals \$329.8 million, which is a 10.7 percent increase from the FY 2011 CR.

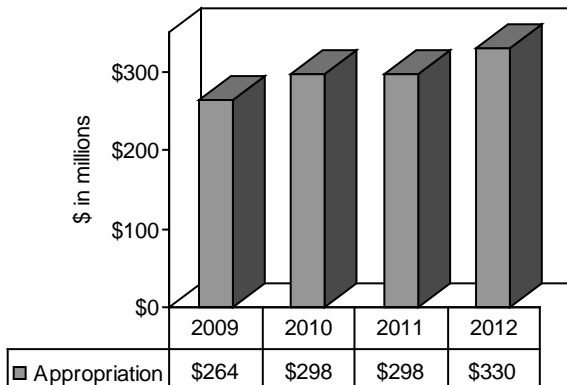
#### Organization:

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.

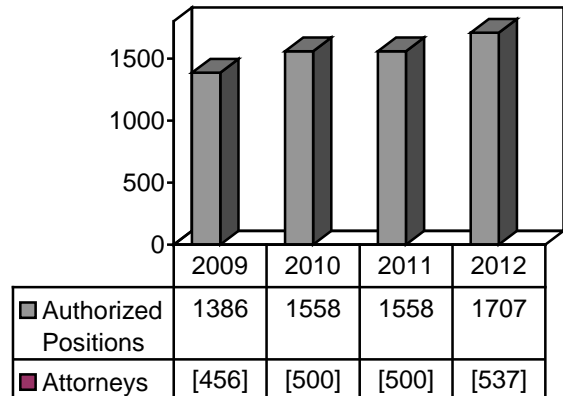
#### Personnel:

EOIR's direct authorized positions for FY 2012 total 1,707, of which 537 are attorneys. EOIR's FY 2012 request includes an increase of 149 positions over the FY 2011 CR of 1,558 direct authorized positions.

**Funding (FY 2009 - 2012)**



**Personnel (FY 2009 - 2012)**



## **FY 2012 Strategy:**

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

EOIR strategies to respond to this issue are twofold. On an on-going basis, EOIR's Office of the Chief Immigration Judge monitors caseload volume, trends and geographic concentration and adjusts resource allocations accordingly. This is done by modifying local dockets, adjusting detail assignments and permanently reassigning judge and staff positions to higher volume courts. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

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

EOIR's challenges are of an internal and external nature. Externally, budget proposals generally reflect collaboration with DHS to best address workload projections or, in the case of IT projects, to establish systems that facilitate interagency effectiveness. Virtually all of EOIR's workload is generated by DHS.

EOIR has to plan and coordinate with DHS as enforcement programs increase. EOIR's immigration court cases continue to increase with DHS' heightened enforcement efforts. In 2007, immigration courts received 336,000 matters for adjudication. During 2008, that number rose to 352,000 matters. For 2009, the courts received 393,000 matters and in 2010 received 393,000 as well. Case receipts are expected to top 400,000 by 2011. As a consequence, case backlogs have continued to increase, i. e., from 186,000 matters pending at the start of 2009 to over 268,000 matters pending at the end of the first quarter of 2011. Court dockets have been stretched unacceptably far into the future, e.g., most courts are scheduled at least a year into the future (many have cases scheduled well into 2012).

The BIA's mission is to provide timely guidance and interpretation of Immigration law. BIA receives over 30,000 appeals per year which is an extremely large volume for an appellate body.

## **FY 2012 Program Changes:**

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

To expand the successful Legal Orientation Program to improve efficiencies in immigration court proceedings for detained aliens by increasing their awareness of their rights and the overall process. FY 2012 current services for this initiative are \$6.0 million.

**Immigration & Southwest Border:** \$11.0 million and 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's 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.

**Program Offset - Administrative Efficiencies:** -\$277,000 and 0 positions

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2012, the Department is focusing on areas in which savings can be achieved, which includes: printing, publications, travel, conferences, supplies, and general equipment. For EOIR, these administrative efficiencies will result in an offset of \$277,000.

**Program Offset - Extend Tech Refresh:** -\$128,000 and 0 positions

As desktops and laptops are used primarily for basic office automation applications (e.g., spreadsheets and word processing), replacing this inventory at a slower rate is expected to have minimal impact on Department operations. In FY 2012, the Department is proposing to extend the refresh rate of all desktops and laptops by one year, resulting in an offset of \$128,000 for EOIR.

**Executive Office for Immigration Review**

(Dollars in Thousands)

|  | Executive Office for Immigration Review |              |                |
|--|---|--------------|----------------|
|  | Pos                                     | FTE          | Amount         |
| <b>2010 Appropriation</b>                                  | <b>1,558</b>                            | <b>1,510</b> | <b>297,955</b> |
| <b>2010 Supplemental</b>                                   | <b>24</b>                               | <b>24</b>    | <b>2,118</b>   |
| <b>2010 Enacted with Supplemental</b>                      | <b>1,582</b>                            | <b>1,534</b> | <b>300,073</b> |
| <b>2011 Continuing Resolution</b>                          | <b>1,558</b>                            | <b>1,510</b> | <b>297,955</b> |
| <b>2012 Request</b>  | <b>1,707</b>                            | <b>1,683</b> | <b>329,813</b> |
| <b>Change 2012 from 2011 Continuing Resolution</b>         | <b>149</b>                              | <b>173</b>   | <b>31,858</b>  |
| <b>Technical Adjustments</b>                               |   |              |                |
| Technical Adjustment                                       | 0                                       | 0            | -4,000         |
| Subtotal Technical Adjustments                             | 0                                       | 0            | -4,000         |
| <b>Total Technical Adjustments</b>                         | <b>0</b>                                | <b>0</b>     | <b>-4,000</b>  |
| <b>Adjustments to Base</b>                                 |   |              |                |
| <b>Increases:</b>  |   |              |                |
| ATB Transfers  | 0                                       | 0            | 3,713          |
| Pay & Benefits   | 24                                      | 24           | 6,910          |
| Domestic Rent & Facilities                                 | 0                                       | 0            | 9,126          |
| Other Adjustments  | 0                                       | 86           | 1,475          |
| Subtotal Increases:  | 24                                      | 110          | 21,224         |
| <b>Total Adjustments to Base</b>                           | <b>24</b>                               | <b>110</b>   | <b>21,224</b>  |
| <b>Total Adjustments to Base and Technical Adjustments</b> | <b>24</b>                               | <b>110</b>   | <b>17,224</b>  |
| <b>2012 Current Services</b>                               | <b>1,582</b>                            | <b>1,620</b> | <b>315,179</b> |
| <b>Program Changes</b>                                     |   |              |                |
| <b>Increases:</b>  |   |              |                |
| Expand Legal Orientation Program                           | 125                                     | 63           | 4,000          |
| Immigration & Southwest Border                             | 0                                       | 0            | 11,039         |
| Subtotal, Program Increase                                 | 125                                     | 63           | 15,039         |
| <b>Decreases:</b>  |   |              |                |
| Program Offset - Administrative Efficiencies               | 0                                       | 0            | -277           |
| Program Offset - Extend Tech Refresh                       | 0                                       | 0            | -128           |
| Subtotal, Program Decrease                                 | 0                                       | 0            | -405           |
| <b>Total Program Changes</b>                               | <b>125</b>                              | <b>63</b>    | <b>14,634</b>  |
| <b>2012 Request</b>  | <b>1,707</b>                            | <b>1,683</b> | <b>329,813</b> |
| <b>Change 2012 from 2011 Continuing Resolution</b>         | <b>149</b>                              | <b>173</b>   | <b>31,858</b>  |

**Executive Office for Immigration Review**

(Dollars in Thousands)

| Comparison by activity and program      | 2011 Continuing Resolution |       |         | 2012 Current Services |       |         |
|---|----------------------------|-------|---------|-----------------------|-------|---------|
|   | Perm Pos.                  | FTE   | Amount  | Perm Pos.             | FTE   | Amount  |
| Executive Office for Immigration Review | 1,558                      | 1,510 | 297,955 | 1,582                 | 1,620 | 315,179 |
| <b>Total</b>                            | 1,558                      | 1,510 | 297,955 | 1,582                 | 1,620 | 315,179 |
| Reimbursable FTE                        | 0                          | 0     | 0       | 0                     | 0     | 0       |
| <b>GrandTotal</b>                       | 1,558                      | 1,510 | 297,955 | 1,582                 | 1,620 | 315,179 |

| Comparison by activity and program      | 2012 Total Program Changes |     |        | 2012 Request |       |         |
|---|----------------------------|-----|--------|--------------|-------|---------|
|   | Perm Pos.                  | FTE | Amount | Perm Pos.    | FTE   | Amount  |
| Executive Office for Immigration Review | 125                        | 63  | 14,634 | 1,707        | 1,683 | 329,813 |
| <b>Total</b>                            | 125                        | 63  | 14,634 | 1,707        | 1,683 | 329,813 |
| Reimbursable FTE                        | 0                          | 0   | 0      | 0            | 0     | 0       |
| <b>GrandTotal</b>                       | 125                        | 63  | 14,634 | 1,707        | 1,683 | 329,813 |