

FY 2014
Congressional Budget
Submission

Administrative
Review and Appeals

Table of Contents

	Page No.
I. Overview.....	2
II. Summary of Program Change.....	8
III. Appropriations Language and Analysis of Appropriation Language.....	9
IV. Program Activity Justification	10
A. Executive Office for Immigration Review.....	10
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	18
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 Increases by Item	22
A. Coordination with DHS Enforcement Initiatives.....	
B. Legal Orientation Program.....	
C. Pilot – Innovative Ideas.....	
D. Pardon and Commutations	
VI. Exhibits	
A. Organizational Chart	
B. Summary of Requirements	
C. FY 2014 Program Increases/Offsets by Decision Unit	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Base Adjustments	
F. Crosswalk of 2012 Availability	
G. Crosswalk of 2013 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Changes	
K. Summary of Requirements by Grade	
L. Summary of Requirements by Object Class	

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 Executive Office for Immigration Review's FY 2014 request is \$329,569,000, 1,793 positions and 1,464 FTE workyears. The request is offset by \$4,000,000 to be transferred to EOIR from Immigration Examination Fees collected by the DHS.

The EOIR request includes a total program increase of \$25,000,000 tied to priority initiatives, as detailed below:

Coordination with DHS Enforcement Initiatives: \$17,000,000, including 211 positions (45 attorneys) to add 30 Immigration Judge Teams and 15 Board of Immigration Appeals attorneys. This will allow EOIR to better coordinate with DHS enforcement efforts and adjudicate core cases annually.

Legal Orientation Program (LOP): \$4,000,000 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 12 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.

Pilot – Innovation Ideas: \$4,000,000 to promote innovation in immigration court efficiency by improving the level and quality of legal representation for vulnerable populations, and protecting children from mistreatment, exploitation and trafficking.

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. 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, 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 2012 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). This program improves efficiencies in immigration court proceedings for detained aliens by increasing awareness of their rights and the process. EOIR expanded the program to 26 sites in recent years.

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.

EOIR's strategies are two-fold. 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 that 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 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 space 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

Internal Challenges

Prior to the Department's FY 2011 managed hiring freeze, in an effort to address the rising caseload, EOIR was engaged in a critical Immigration Judge hiring effort, strongly supported by the Department, the Administration and Congress to increase the number of Immigration Judges to 305 by the end of FY 2011. EOIR managed to grow the corps of Immigration Judges from the 232 on-board at the start of FY 2010 (October 2009) to a high of 272 by mid-December, 2010. However, the 2011 managed hiring freeze reduced the number of judges on-board, after accounting for attrition. As a result of attrition, EOIR's Immigration Judges have been reduced to 258 as of the end of the third quarter in FY 2012. EOIR expects the number of Immigration Judges is likely to continue to decrease in 2012 and 2013. Over 95 Immigration Judges are eligible to retire in FY 2012 alone, which is one-third of the entire Immigration Judge corps.

External Challenges

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. In 2009, the number of matters the immigration courts received rose 394,000, which was an increase of 17 percent. The record number of court filings received by the immigration courts in 2009 was replicated in 2010 with 394,000 filings, and 2011, when filing rates exceeded 430,000 matters. As a consequence, the number of matters pending adjudication rose from 229,000 at the end of FY 2009 to approximately 330,000 by the end of the first quarter of FY 2013, an increase of over 101,000 matters. This represents a 44% increase in matters pending adjudication from the beginning of FY 2010 to the first quarter of FY 2013. Additionally, BIA's sustained level of over 30,000 appeals per year is an extremely large volume for any appellate body.

The priority necessarily placed upon the adjudication of detained cases has implications for the non-detained side of court dockets. Immigration court cases are now routinely scheduled unacceptably far into the future. There are 22 courts scheduling cases through calendar year 2014 and beyond. Three immigration courts are scheduling cases into 2016, 2017, and 2018 respectively. Unless EOIR receives the additional program increases, the agency can only conclude that matters pending adjudication will continue to rise and inevitable that court dockets will be established even further into the future.

In June 2010, DHS announced its civil immigration enforcement priorities pertaining to the apprehension, detention, and removal of aliens. Those priorities focus on national security, public safety, and border security. EOIR anticipates that this emphasis on the removal of criminal aliens and others who pose a threat to public safety will continue.

Overview for the Office of the Pardon Attorney

For FY 2014, the Office of the Pardon Attorney (OPA) requests a total of \$3,578,000, 18 FTE, and 22 positions, of which eleven are attorneys, to achieve its mission of advising and assisting the President in the exercise of the pardon power conferred on him by Article II, Section 2 of the Constitution. This request includes a total program increase of \$800,000, 4 FTE, and seven positions, of which four are attorneys. 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 by using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

1. Introduction

For over 100 years, the President has requested and received the assistance of the Attorney General and his designees in the Department of Justice in exercising his clemency power with regard to persons who have committed offenses against the United States. Within the Department, OPA is the component assigned to carry out this function under the direction of the Deputy Attorney General. The long-standing role of Departmental officials in advising the

President on clemency matters is reflected in various public record documents dating to the late 19th century. Moreover, since at least 1898, Presidents have adopted advisory rules to describe their programs for processing clemency applications and their directions to the Attorney General in carrying out the Department's clemency advisory functions. The rules, which govern OPA's work but do not bind the President, are approved by the President and published by the Attorney General. The current version of the administrative rules was promulgated in October 1993 and amended in August and September 2000. They are published in 28 C.F.R. §§ 1.1 to 1.11 and are also available on OPA's web site at <http://www.justice.gov/pardon/clemency.htm>.

The two principal forms of clemency sought by applicants are pardon after completion of sentence and commutation (reduction) of a sentence being served. The standards by which clemency applications are evaluated in connection with the preparation of the Department's letters of advice to the President have been utilized for decades and likewise are publicly available on OPA's web site at <http://www.justice.gov/pardon/petitions.htm>.

2. Program Description

The primary function of OPA is to receive, review, and investigate clemency applications and prepare the recommendation of the Department of Justice as to the appropriate disposition of each application for the signature of the Deputy Attorney General. 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 concerning 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.

3. Challenges

The office's workload has increased dramatically over the last two decades, and in particular over the last five fiscal years. Between FY 1990 and FY 1998, OPA averaged 572 new case filings per year. In every fiscal year since FY 1999, however, OPA has received at least 1,000 clemency applications for processing, and since FY 2008, new filings have amounted to approximately 2,000 cases annually. Indeed, in FYs 2008 and 2009, new filings substantially exceeded 2,000. In FY 2008, OPA received 555 pardon petitions and 1,770 petitions for commutation of sentence for a total of 2,325 new cases, a number that set a record at that time for the most petitions submitted in any fiscal year since FY 1900. That record was surpassed in FY 2009, when the office received 666 petitions for pardon and 1,955 petitions for commutation, for a total of 2,621 new cases. In FY 2012, OPA received 1,930 new petitions (383 pardon requests and 1,547 commutation requests). In the first five months of FY 2013, OPA has received 143 pardon applications and 866 commutation applications, for a total of 1,009 new petitions filed thus far in the fiscal year.

The large caseload of the last several fiscal years has presented a continuing challenge to OPA's small staff, and the trend of receiving approximately 2,000 new cases per year is very likely to continue for the foreseeable future. The number of pardon applications submitted remains steady, due in large part to the many civil disabilities that flow from felony convictions. Although the number of commutation filings has retreated somewhat from the historic levels of the immediate past, the volume of such petitions submitted for the President's consideration

remains very high. Given the size of the federal prison population, the elimination of other forms of release such as parole, and the variety of federal crimes subject to mandatory minimum sentences, it is very unlikely that the numbers of commutation submissions will decline in any significant degree in the near term.

OPA is obliged to process all applications it receives from persons who are eligible to seek executive clemency from the President, and thus has no control over the size of its caseload. Accordingly, the office has strived over the last several years to improve its case processing efficiency in order to keep pace with its substantially increased workload. To this end, OPA has greatly increased its use of electronic communication to streamline its contacts with other agencies inside and outside the Department of Justice for information, enhanced its web site to make readily available to the public a wealth of information about the clemency process, and in FY 2012 brought on-line a new, automated case tracking and processing system to replace a system that had been created in the late 1980's. These efficiencies, however, can only go so far. The additional staff and resources requested for FY 2014 are essential to enable OPA to timely provide the President with the best information on which to base fair and just decisions in the thousands of clemency cases that are filed each year.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Coordination with DHS Enforcement Initiatives	Addition of 30 new Immigration Judge Teams	211	105	\$17,000	
Legal Orientation Program	Expansion of twelve additional LOP sites to meet increased program demand	0	0	4,000	
Pilot – Innovative Ideas	Improve the level and quality of legal representation for vulnerable populations.	0	0	4,000	
Pardons and Commutations	To fund the hiring of additional staff, including four attorneys, to achieve OPA’s mission of timely advising and assisting the President in the exercise of the executive clemency power	7	4	800	
Total, ARA		218	109	25,800	

The EOIR request includes a total program increase of \$25,000,000 tied to priority initiatives, as detailed below:

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Legal Orientation Program (LOP): \$4,000,000 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 12 additional sites to the 26 currently operating, 24 of which are in detention settings and respond to increasing demand, as well as the expansion goals articulated by DHS, the Administration, and many members of congress.

Pilot – Innovation Ideas: \$4,000,000 to promote innovation in immigration court efficiency, improves the level and quality of legal representation for vulnerable populations, and protect children from mistreatment, exploitation and trafficking.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

Administrative Review and Appeals (Including Transfer of Funds)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$333,147,000, 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; Provided, That of the total amount appropriated:

- (1) \$5,000,000 is for Executive Office for Immigration Review information technology systems and shall remain available until expended;*
- (2) \$10,000,000 is for the Executive Office for Immigration Review’s Legal Orientation Program; and*
- (3) \$4,000,000 is for the Executive Office for Immigration Review to develop, implement and evaluate a pilot program to provide counsel for unaccompanied alien children; Provided, That such pilot program shall be carried out in consultation with the Department of Health and Human Services, the Department of Homeland Security and relevant non-governmental organizations and experts.*

Analysis of Appropriations Language

New language is proposed to provide the Executive Office for Immigration Review with no-year carryover authority of up to \$5 million for the eWorld document management system initiative, to specify funding for LOP, and to establish the pilot program as described above.

IV. Program Activity Justification

A. Executive Office for Immigration Review (EOIR)

EOIR TOTAL	Perm. Pos.	FTE	Amount
2012 Enacted	1,582	1,435	302,275
2013 Continuing Resolution (with 0.612% Increase)	0	0	304,125
Base and Technical Adjustments	0	0	444
2014 Current Services	1,582	1,359	304,569
2014 Program Increases	211	105	25,000
2014 Program Offsets	0	0	0
2014 Request	1,793	1,464	329,569
Total Change 2012-2014	211	29	27,294

EOIR - Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Amount
2012 Enacted	33	33	33,169
2013 Continuing Resolution	0	0	0
2013 Continuing Resolution 0.612% Increase	33	33	33,169
Base and Technical Adjustments	0	0	0
2014 Current Services	33	33	32,324
2014 Program Increases	0	0	0
2014 Program Offsets	0	0	0
2014 Request	33	33	32,324
Total Change 2012-2014	0	0	-155

1. Program Description

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.

2. Performance and Resources Tables

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		Target		Actual		Projected		Changes		Requested (Total)		
		FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request		
Workload: Immigration Court Matters Received		402,942		409,231		430,000		5,000		435,000		
Appeals Received at BIA		31,854		31,468		32,000		500		32,500		
Immigration Court Matters Pending		319,365		332,929		349,339		34,000		383,339		
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	
		1,620	302,275	1,435	302,275	1,359	304,125	105	27,294	1,464	329,569	
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE		FY 2012		FY 2012		FY 2013		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Program Activity	3.4 Adjudicate Immigration Cases	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
		1,620	302,275	1,435	302,275	1,359	304,125	105	27,294	1,464	329,569	
Performance Measure	Immigration Courts											
	Total Matters Completed		390,000		382,062		400,000		17,500		417,500	
	Total Proceedings Completed		294,846		289,405							
	IHP Completions		3,678		3,670							
	Detained Completions		94,868		89,350							
Performance Measure	Board of Immigration Appeals											
	Total Appeals Completed		35,000		36,381		36,000		500		36,500	
	Detained Completions		4,646		4,659							
Efficiency Measure	The measures above also serve as EOIR's efficiency measures											

OUTCOME	Immigration Courts					
	% IHP Cases within Time Goal	87%	87%	85%		85%
	% Detained Cases within Time Goal	89%	86%	85%		85%
	Board of Immigration Appeals					
	% Detained Cases Adjudicated within Time Goal	93%	97%	90%		90%

Performance Report and Performance Plan Targets		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
*Performance Measures	Total Matters Completed	327,300	338,341	351,234	352,676	393,387	390,000	382,062	400,000	417,500
	Total Proceedings Completed	272,000	280,382	289,339	286,738	302,577	294,846	289,405		
	Expedited Asylum Completions (Discontinued)	21,200	12,698	7,603	N/A		N/A	N/A	N/A	N/A
	IHP Completions	6,000	5,525	4,311	3,950	3,782	3,678	3,670		
	Detained Completions without Applications (Discontinued)	87,400	100,055	107,391	N/A	N/A	N/A	N/A	N/A	N/A
	Total immigration court priority cases completed (Discontinued)	114,600	118,278	119,305	N/A	N/A	N/A	N/A	N/A	N/A
	Detained Completions			144,763	111,264	112,154	94,868	89,350		
*Performance Measures	Total Appeals Completed	35,400	38,296	33,030	33,234	35,271	35,000	36,381	36,000	36,500
	Detained Completions	3,200	3,232	3,243	3,261	4,212	4,646	4,659		
Efficiency Measures	The measures above also serve as EOIR's efficiency measures									
***OUTCOME Measures	% Expedited Asylum Cases within Time Goal (Discontinued)	90%	80%	82%	N/A		N/A	N/A	N/A	N/A
	% IHP Cases w/in Time Goal	86%	91%	90%	87%	88%	85%	87%	85%	85%
	% Detained w/out Applications w/in Time Goal (Discontinued)	89%	90%	88%	N/A		N/A	N/A	N/A	N/A
	% Immigration Court priority cases completed (Discontinued)	89%	89%	88%	N/A		N/A	N/A	N/A	N/A
	% Backlog reduction (Discontinued)	43%	43%	50%	N/A		N/A	N/A	N/A	N/A
	Detained Completions				89%	88%	85%	86%	85%	85%
**OUTCOME Measures	% Detained Appeals Adjudicated within Time Goal	97%	97%	96%	93%	94%	90%	97%	90%	90%
	% Appeals priority cases completed (Discontinued)	97%	97%	96%	N/A		N/A		N/A	N/A

3. 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 2012, the immigration courts met these two priority targets. These performance measures will continue through FY 2014.

The performance measure for the BIA is:

- 90% of detained appeals adjudicated within 150 days

In FY 2012, the BIA exceeded this target by 7%. This performance measure will continue through FY 2014.

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 2014 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, 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.

Program Activity Justification

B. Office of the Pardon Attorney

<i>Office of the Pardon Attorney</i>	Direct Pos.	Estimate FTE	Amount
2012 Enacted	15	14	2,725
2013 Continuing Resolution	15	14	2,725
2013 Continuing Resolution 0.612% Increase	0	0	17
Base and Technical Adjustments	0	0	36
2014 Current Services	15	14	2,778
2014 Program Increases	7	4	800
2014 Program Offsets	0	0	0
2014 Request	22	18	3,578
Total Change 2012-2014	7	4	853

1. Program Description

The Office of the Pardon Attorney (OPA) receives, reviews, and 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 from applicants, the public, Members of Congress, and federal, state, and local agencies; prepares all necessary documents to effect the President's decision to grant clemency; and notifies each applicant of the President's decision concerning 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.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Office of the Pardon Attorney											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 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	2,436	14	2,742	4	836	18	3,578
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2012		FY 2012		FY 2013 CR		Current Services Adjustments and FY 2014 Program Changes		FY 2014 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	Processing clemency petitions	15	2,725	14	2,436	14	2,742	4	836	18	3,578
Performance Measure: Output	Number of petitions processed	1,500		1,669		1,500				1,700	
Performance Measure: Efficiency	Output measure is efficiency measure										
Performance Measure: Outcome	Number of petitions pending at OPA	1,500		1,156		1,500				1,300	
Data Definition, Validation, Verification, and Limitations: OPA's automated case tracking and processing system is updated daily and used extensively to track the status of clemency petitions. Performance data is derived therefrom 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 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012		FY 2013	FY 2014
		Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Clemency petitions processed	1,079	1,677	3,135	1,990	2,409	1,500	1,669	1,500	1,700
Performance Measure	Correspondence processed	5,400	5,700	5,700	5,700	**	**	**	**	**
Performance Measure										
Efficiency Measure	Performance measure is efficiency measure									
OUTCOME Measure	Clemency petitions pending at OPA	1,080	1,728	1,214	1,388	895	1,500	1,156	1,500	1,300

N/A = Data unavailable

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

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

OPA's sole mission is to assist the President in the exercise of the executive clemency function. Accordingly, its performance measure is the number of clemency petitions it processes during a given fiscal year. Its outcome measure is the number of clemency petitions that remain pending in OPA at the end of the fiscal year. In FY 2008, OPA's annual targets for clemency petitions processed and clemency petitions pending were both 1,100 cases. In that year of unprecedented filings (2,325 new petitions), OPA met its target for petitions processed, but missed the target for petitions pending at the end of the fiscal year. Beginning in FY 2009, given the vast increase in its caseload in the preceding fiscal year, OPA modified both its performance measure target and its outcome measure target to 1,500 cases. OPA has managed to meet these annual targets in every fiscal year since FY 2009 despite the exceedingly high cumulative volume of new cases filed during the period FY 2009-2012 (8,631 total cases). With the additional resources requested for FY 2014, OPA expects to be able to increase its case processing efficiency and plans for FY 2014 to increase its annual petition-processing performance target to 1,700 and decrease its annual case-pending outcome target to 1,300 as it begins to bring new staff on board.

b. Strategies to Accomplish Outcomes

With the benefit of the resources funded by the FY 2014 budget request, OPA will allocate most of the new attorney positions to its commutation caseload, which accounts for the majority of the petitions received between FYs 2008-2012. The remaining attorney resources will be assigned to the processing of the pardon caseload. The non-attorney positions will provide support to both aspects of the office's work. With these additional resources, OPA projects that it will be able to significantly increase its case processing efficiency.

V. Program Increases by Item

A. Item Name: **Coordination with DHS Enforcement Initiatives**

Budget Decision Unit: EOIR

Strategic Goal & Objective: 3.5: Adjudicate all immigration cases promptly and impartially in accordance with due process.

Organizational Program: Immigration Adjudications

Program Increase: Positions 211 Agt/Atty 45 FTE 105 Dollars \$17,000,000

Description of Item

This increase of \$17,000,000 includes 211 positions (45 attorneys) to add 30 Immigration Judge Teams and 15 Board of Immigration Appeals attorneys. This increase will enable EOIR to address the increasing caseload, including our highest priority, the cases of detained individuals .

Justification

ICE estimates that 300,000 to 450,000 criminal aliens, who are potentially removable, are detained each year in federal, state and local prisons and jails nationwide. By partnering with federal, state, county and local law enforcement, and adding technology to share information between agencies, DHS intends to dramatically increase criminal alien removals.

ICE has delineated four key strategic goals for Secure Communities:

- Strategic Goal 1 – Identify and process all criminal aliens amenable for removal while in federal, state and local custody;
- Strategic Goal 2 – Enhance current detention strategies to ensure no removable alien is released into the community due to a lack of detention space or an appropriate alternative to detention;
- Strategic Goal 3 – Implement removal initiatives that shorten the time aliens remain in ICE custody prior to removal, thereby maximizing the use of detention resources and reducing cost; and,
- Strategic Goal 4 – Maximize cost effectiveness and long-term success through deterrence and reduced recidivism.

The identification and removal of criminal aliens is a top priority. EOIR's role in expediting the adjudication of removal proceedings involving criminal aliens will play an integral role in the initiative, by enabling DHS to process those found removable immediately upon completion of their sentences. EOIR's ability to provide timely adjudications will also assist greatly in the efficient use of detention beds, as well as federal, state and local prison and jail space nationwide. As such, EOIR's program increase is made in light of the need to achieve the goals articulated above.

As DHS continues to implement Secure Communities in counties nationwide, and augments other immigration enforcement programs, EOIR's caseload continues to grow. In FY 2009, EOIR received 394,000 immigration court cases and received an additional 394,000 in 2010. In FY 2011, filing rates exceeded 430,000. As a consequence, the number of matters pending adjudication rose from 229,000 at the end of FY 2009 to approximately 330,000 by the end of the first quarter of FY 2013, and increase of over 101,000 matters.

Impact on Performance (Relationship of Increase to Strategic Goals)

This initiative ties directly to Strategic Goal 3.4 and to the Congress and Administration's immigration priorities. The volume and geographic concentration of the additional caseload will depend upon DHS' implementation strategies. However, the expanded DHS programs in federal, state and local prisons will undoubtedly add cases to EOIR's dockets. Because of their existence in detention and prison settings, these cases will have to be adjudicated expeditiously and as a top priority.

B. Item Name: Legal Orientation Program

Budget Decision Unit: EOIR

Strategic Goal & Objective: 3.5: Adjudicate all immigration cases promptly and impartially in accordance with due process.

Organizational Program: Immigration Adjudications

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$4,000,000

Description of Item

This requested increase will expand the successful Legal Orientation Program and improve efficiencies in immigration court proceedings for detained aliens. This 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. 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 additional funding will respond to elevated demand at existing DHS sites and enable LOP to add 12 additional sites to the 26 already operating, 24 of which are in detention centers.

C. Item Name: **Pilot – Innovative Ideas**

Budget Decision Unit: EOIR

Strategic Goal & Objective: 3.5: Adjudicate all immigration cases promptly and impartially in accordance with due process.

Organizational Program: Immigration Adjudications

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$4,000,000

Description of Item

To promote innovation in immigration court efficiency, improve the level and quality of legal representation for vulnerable populations, and protect children from mistreatment, exploitation and trafficking.

Justification

Immigration law is extremely complex, and the capacity of children to understand their legal proceedings varies greatly. Without counsel, cases may be extended for long periods of time so that the immigration judge can gather necessary information from a child before making a decision in his or her case.

D. Item Name: Pardons and Commutations Increase

Budget Decision Unit(s): Office of the Pardon Attorney

Strategic Goal/Objective: 2.6 Protect the federal fisc and defend the interests of the United States

Organizational Program: Executive clemency advisory program

Component Ranking of Item: 1

Program Increase: Positions 7 Agt/Atty 4 FTE 4 Dollars \$800,000

Description of Item

This request to fund seven additional positions, including four attorneys and three support personnel, is intended to enable OPA to manage its substantial caseload that has approximately tripled since its current staffing level was set in the mid-1990's. The additional personnel are required to increase the office's efficiency in reviewing and processing applications for all types of executive clemency and its ability to provide thorough and timely advice to the President to assist his exercise of the constitutional clemency power.

Justification

In the mid-1990's, OPA was authorized 15 FTE and 15 full-time permanent positions, including seven attorneys, to carry out its mission of reviewing and investigating clemency applications and preparing for the Deputy Attorney General the Department of Justice's advice to the President in each clemency case. OPA's authorized staffing level has remained the same since then, but the office's caseload at that time was approximately one-third of the current level. In FY 1995, the office received 612 new petitions; in FY 1996, it received 512 new petitions; in FY 1997, it received 685 new petitions; and in FY 1998, it received 608 new petitions. In FY 1999, 1,009 new clemency petitions were submitted to OPA for processing, and in every fiscal year since that time, new filings have exceeded 1,000 cases. Since FY 2008, new filings have totaled approximately 2,000 per year; in three of the last five fiscal years -- FYs 2008, 2009, and 2010 -- new filings significantly exceeded that number, totaling 2,325, 2,621, and 2,164 new submissions, respectively.

OPA has no control over its caseload and is required to process all clemency petitions it receives from eligible applicants. Furthermore, the complexity of the issues raised by a given clemency petition can vary greatly from case to case. The cumulative effect of such a high volume of new case filings in successive fiscal years has presented a tremendous challenge to the office's staff, particularly since the Pardon Attorney and

Deputy Pardon Attorney also carry significant managerial responsibilities for the office. The four new attorney positions and three new support positions the requested program increase for FY 2014 would support are crucial to enable OPA to keep pace with the large volume of its new filings, increase its productivity, and provide the President with timely and accurate advice.

Funding - EOIR

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)
1,582	506	1,435	302,275	1,582	506	1,359	304,125	1,582	506	1,359	304,569

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2013)
Immigration Judge	93	35	3,255	
Language Specialist	34	35	1,190	
Legal Technician	28	35	980	
Clerk	28	35	980	
Law Clerk	41	35	1,435	
Attorney	58	18	1,044	
Paralegal	34	18	612	
Total Personnel	316	211	9,465	

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2013)
Immigration Judge	94	35	3,290	
Language Specialist	22	35	770	
Legal Technician	22	35	770	
Clerk	22	35	770	
Law Clerk	26	35	910	
Attorney	29	18	522	
Paralegal	22	18	396	
Legal Orientation Program			4,000	
Pilot – Innovative Ideas			4,000	
Total Non-Personnel	238	211	15,535	

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total	FY 2015 Net Annualization (change from 2013)
Current Services	1,582	506	1,359	192,504	112,065	304,569	
Increases	211	53	105	9,465	15,535	25,000	
Decreases	0	0	0	0	0	0	
Grand Total	1,793	559	1,464	201,969	127,600	329,569	

Funding - OPA

Base Funding

FY 2012 Enacted				FY 2013 CR				FY 2014 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
15	7	14	2,725	15	7	14	2,742	15	7	14	2,778

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)
Attorney (GS-14)	\$156	1	\$156	\$78
Attorney (GS-13)	\$145	3	\$435	\$217
Professional Support (GS-12)	\$98	1	\$98	\$38
Paralegal (GS-7)	\$56	2	\$111	\$52
Total Personnel	\$455	7	\$800	\$385

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)
Current Services	15	7	14	\$2,778	\$2,778	
Increases	7	4	4	\$800	\$800	
Grand Total	22	11	18	\$3,578	\$3,578	

VI. EXHIBITS

B. Summary of Requirements

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

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
2012 Enacted	1,597	1,449	305,000
2013 Continuing Resolution	1,597	1,373	305,000
2013 CR 0.612% Increase			1,867
Total 2013 Continuing Resolution	1,597	1,373	306,867
Technical Adjustments			
Adjustment - 2013 CR 0.612%			-1,867
DHS Immigration Examination Fee Account	0	0	-4,000
Total Technical Adjustments	0	0	-5,867
Base Adjustments			
Transfers:			
DHS Immigration Examination Fee Account			4,000
JCON and JCON S/TS			711
Office of Information Policy (OIP)			-128
Professional Responsibility Advisory Office (PRAO)			-174
Pay and Benefits	0	0	2,052
Domestic Rent and Facilities	0	0	-114
Total Base Adjustments	0	0	6,347
Total Technical and Base Adjustments	0	0	480
2014 Current Services	1,597	1,373	307,347
Program Changes			
Increases:			
Coordination with DHS Enforcement Initiatives - Immigration Judge Teams	211	105	17,000
Legal Orientation Program	0	0	4,000
Pilot - Innovative Ideas	0	0	4,000
Pardons and Commutations	7	4	800
Subtotal, Increases	218	109	25,800
Total Program Changes	218	109	25,800
2014 Total Request	1,815	1,482	333,147
2014 Total Request (with Balance Rescission)	1,815	1,482	333,147
2012 - 2014 Total Change	218	33	28,147

Note: The FTE for FY 2012 is actual and for FY 2013 and FY 2014 are estimates.

B. Summary of Requirements

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

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
EOIR	1,582	1,435	302,275	1,582	1,359	304,125	0	0	444	1,582	1,359	304,569
OPA	15	14	2,725	15	14	2,742	0	0	36	15	14	2,778
Total Direct	1,597	1,449	305,000	1,597	1,373	306,867	0	0	480	1,597	1,373	307,347
Balance Rescission			0			0			0			0
Total Direct with Rescission			305,000			306,867			480			307,347
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE		1,449			1,373			0			1,373	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		1,449			1,373			0			1,373	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
EOIR	211	105	25,000	0	0	0	1,793	1,464	329,569
OPA	7	4	800	0	0	0	22	18	3,578
Total Direct	218	109	25,800	0	0	0	1,815	1,482	333,147
Balance Rescission			0			0			0
Total Direct with Rescission			25,800			0			333,147
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		109			0			1,482	
Other FTE:								0	
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		109			0			1,482	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

C. Program Changes by Decision Unit

FY 2014 Program Increases/Offsets by Decision Unit

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Executive Office for Immigration Review				Total Increases			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Coordination with DHS Enforcement Initiatives	EOIR	211	45	105	17,000	211	45	105	17,000
Legal Orientation Program	EOIR	0	0	0	4,000	0	0	0	4,000
Pilot - Innovation Ideas	EOIR	0	0	0	4,000	0	0	0	4,000
Pardons and Commutations	OPA	7	4	4	800	7	4	4	800
Total Program Increases		218	49	109	25,800	218	49	109	25,800

D. Resources by DOJ Strategic Goal and Strategic Objective

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

Strategic Goal and Strategic Objective	2012 Appropriation Enacted		2013 Continuing Resolution *		2014 Current Services		2014 Increases		2014 Offsets		2014 Total Request	
	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount
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	0	0	0	0	0	0	0	0
2.2 Prevent and intervene in crimes against vulnerable of violent crime.	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0
2.4 Combat corruption, economic crimes, and international organized crime.	0	0	0	0	0	0	0	0	0	0	0	0
2.5 Promote and protect Americans' civil rights.	0	0	0	0	0	0	0	0	0	0	0	0
2.6 Protect the federal fisc and defend the interests of the United States.	14	2,725	14	2,742	14	2,778	4	800	0	0	18	3,578
Subtotal, Goal 2	14	2,725	14	2,742	14	2,778	4	800	0	0	18	3,578
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 relationship and strategies for the administration of justice with state, local, tribal and international law enforcement.	0	0	0	0	0	0	0	0	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	0	0	0	0	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 of the custody of the Federal Prison System.	0	0	0	0	0	0	0	0	0	0	0	0
3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process.	1,435	302,275	1,359	304,125	1,359	304,569	105	25,000	0	0	1,464	329,569
Subtotal, Goal 3	1,435	302,275	1,359	304,125	1,359	304,569	105	25,000	0	0	1,464	329,569
TOTAL	1,449	305,000	1,373	306,867	1,373	307,347	109	25,800	0	0	1,482	333,147

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Technical Adjustments			
1 <u>Adjustment - 2013 CR 0.612%:</u> PL 112-175 section 101 (c) provided 0.612% across the board increase above the current rate for the 2013 CR funding level. This adjustment reverses this increase.	0	0	-1,867
2 Transfer from Immigration Examination Fees collected by the DHS	0	0	-4,000
Subtotal, Technical Adjustments	0	0	-5,867
Transfers			
1 DHS Immigration Examination Fee Account	0	0	4,000
2 JCON and JCON S/TS			711
3 Office of Information Policy (OIP)			-128
4 Professional Responsibility Advisory Office (PRAO)	0	0	-174
Subtotal, Transfers	0	0	4,409
Pay and Benefits			
1 <u>2014 Pay Raise:</u> This request provides for a proposed 1 percent pay raise to be effective in January of 2014. The amount request, \$1,272,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$904,000 for pay and \$368,000 for benefits.)			1,287
2 <u>Annualization of 2013 Pay Raise:</u> This pay annualization represents first quarter amounts (October through December) of the 2013 pay increase of 0.5% included in the 2013 President's Budget. The amount requested \$225,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$160,000 for pay and \$65,000 for benefits).			228
3 <u>Employee Compensation Fund:</u> The (\$26,000) request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.			-26
4 <u>Health Insurance:</u> Effective January 2014, the component's contribution to Federal employees' health insurance increases by 44 percent. Applied against the 2013 estimate of \$676,000, the additional amount required is \$300,000.			304
5 <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 \$256,000 is necessary to meet our increased retirement obligations as a result of this conversion.			259
Subtotal, Pay and Benefits	0	0	2,052
Domestic Rent and Facilities			
1 <u>Guard Services:</u> This includes Department of Homeland Security (DHS) Federal Protective Service charges, Justice Protective Service charges and other security services across the country. The requested increase of \$470,000 is required to meet these commitments.			469
2 <u>Moves (Lease Expirations):</u> GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2014.			-583
Subtotal, Domestic Rent and Facilities	0	0	-114
TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS	0	0	480

F. Crosswalk of 2012 Availability

Crosswalk of 2012 Availability

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover	Recoveries/ Refunds	2012 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount
EOIR	1,582	1,435	302,275	0	0	0	0	0	0	0	0	1,582	1,435	302,275
OPA	15	14	2,725	0	0	0	0	0	0	0	0	15	14	2,725
Total Direct	1,597	1,449	305,000	0	0	0	0	0	0	0	0	1,597	1,449	305,000
Reimbursable FTE		0			0			0					0	
Total Direct and Reimb. FTE		1,449			0			0					1,449	
Other FTE:														
LEAP		0			0			0					0	
Overtime		0			0			0					0	
Grand Total, FTE		1,449			0			0					1,449	

G. Crosswalk of 2013 Availability

Crosswalk of 2013 Availability
 Administrative Review and Appeals
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2013 Continuing Resolution			Supplemental Appropriation	Reprogramming/Transfers			Carryover	Recoveries/ Refunds	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Amount	Direct Pos.	Estim. FTE			Amount	Amount	Direct Pos.
EOIR	1,582	1,359	304,125	0	0	0	0	0	0	1,582	1,359	304,125
OPA	15	14	2,742	0	0	0	0	0	0	15	14	2,742
Total Direct	1,597	1,373	306,867	0	0	0	0	0	0	1,597	1,373	306,867
Balance Rescission			0									0
Total Direct with Rescission			306,867									306,867
Reimbursable FTE		0				0		0			0	
Total Direct and Reimb. FTE		1,373				0		0			1,373	
Other FTE:												
LEAP		0				0		0			0	
Overtime		0				0		0			0	
Grand Total, FTE		1,373				0		0			1,373	

*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

H. Summary of Reimbursable Resources

Summary of Reimbursable Resources

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2012 Actual			2013 Planned			2014 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
ATF	0	0	20	0	0	5	0	0	5	0	0	0
USArmy Legal Service Agency	0	0	1	0	0	0	0	0	0	0	0	0
BOP	0	0	11	0	0	0	0	0	0	0	0	0
Special Projects Fund	0	0	125	0	0	0	0	0	0	0	0	0
OARM	0	0	3	0	0	0	0	0	0	0	0	0
Budgetary Resources	0	0	160	0	0	5	0	0	5	0	0	0

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Category	2012 Appropriation Enacted		2013 Continuing Resolution		2014 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (010-099)	0	0	59	0	0	0	0	59	0
Security Specialists (080)	7	0	7	0	0	0	0	7	0
Intelligence Series (132)	0	0	0	0	0	0	0	0	0
Personnel Management (200-299)	22	0	15	0	0	0	0	15	0
Clerical and Office Services (300-399)	420	0	206	0	0	60	0	266	0
Clerical and Office Services (300-399) - OPA	3	0	3	0	0	1	0	4	0
Accounting and Budget (500-599)	6	0	6	0	0	0	0	6	0
Attorneys (905)	506	0	530	0	0	45	0	575	0
Attorneys (905) - OPA	7	0	7	0	0	4	0	11	0
Paralegals / Other Law (900-998)	488	0	459	0	0	45	0	504	0
Paralegals / Other Law (900-998) - OPA	5	0	5	0	0	2	0	7	0
Information & Arts (1000-1099)	101	0	86	0	0	30	0	116	0
Business & Industry (1100-1199)	5	0	4	0	0	0	0	4	0
Library (1400-1499)	1	0	1	0	0	0	0	1	0
Equipment/Facilities Services (1600-1699)	0	0	0	0	0	0	0	0	0
Miscellaneous Inspectors Series (1802)	0	0	0	0	0	0	0	0	0
Criminal Investigative Series (1811)	0	0	0	0	0	0	0	0	0
Supply Services (2000-2099)	1	0	2	0	0	0	0	2	0
Information Technology Mgmt (2210)	25	0	20	0	0	0	0	20	0
Ungraded	0	0	187	0	0	31	0	218	0
Total	1,597	0	1,597	0	0	218	0	1,815	0
Headquarters (Washington, D.C.)	552	0	552	0	0	61	0	613	0
U.S. Field	1,045	0	1,045	0	0	157	0	1,202	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	1,597	0	1,597	0	0	218	0	1,815	0

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Grades	ARA								Total Program Changes	
	Coordination with DHS Enforcement Initiatives		Legal Orientation Program		Pilot - Innovation Ideas		Pardon and Commutations			
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount			Direct Pos.	Amount
IJ 1-4	30	4,365	0	0	0	0	0	0	30	4,365
GS-15	0	0	0	0	0	0	0	0	0	0
GS-14	0	0	0	0	0	0	1	123	1	123
GS-13	15	1,342	0	0	0	0	3	360	18	1,702
GS-12	0	0	0	0	0	0	1	77	1	77
GS-11	30	1,883	0	0	0	0	0	0	30	1,883
GS-10	0	0	0	0	0	0	0	0	0	0
GS-9	45	2,335	0	0	0	0	0	0	45	2,335
GS-8	0	0	0	0	0	0	0	0	0	0
GS-7	60	2,545	0	0	0	0	2	88	62	2,633
GS-6	0	0	0	0	0	0	0	0	0	0
GS-5	0	0	0	0	0	0	0	0	0	0
Ungraded	31	2,150	0	0	0	0	0	0	31	2,150
Total Positions and Annual Amount	211	14,620	0	0	0	0	7	648	218	15,268
Lapse (-)	-106	-7,310	0	0	0	0	-4	-324	-109	-7,634
11.5 Other Personnel Compensation	0	0	0	0	0	0	0	0	0	0
Total FTEs and Personnel Compensation	106	7,310	0	0	0	0	4	324	109	7,634
12.0 Personnel Benefits		2,155		0		0		158		2,313
21.0 Travel and Transportation of Persons		237		0		0		0		237
22.0 Transportation of Things		124		0		0		4		128
23.1 Rental Payments to GSA		0		0		0		0		0
23.3 Communications, Utilities, and Miscellaneous Charges		511		0		0		46		557
24.0 Printing and Reproduction		20		0		0		0		20
25.1 Advisory and Assistance Services		0		0		0		0		0
25.2 Other Services from Non-Federal Sources		1,757		4,000		4,000		110		9,867
25.3 Other Goods and Services from Federal Sources		944		0		0		73		1,017
25.5 Research and Development Contracts		0		0		0		0		0
25.6 Medical Care		15		0		0		0		15
25.7 Operation and Maintenance of Equipment		1,312		0		0		0		1,312
26.0 Supplies and Materials		192		0		0		10		202
31.0 Equipment		2,423		0		0		75		2,498
Total Program Change Requests	106	17,000	0	4,000	0	4,000	4	800	109	25,800

K. Summary of Requirements by Grade

Summary of Requirements by Grade

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Grades and Salary Ranges				2012 Enacted		2013 Continuing Resolution		2014 Request		Increase/Decrease	
				Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
SES/SL	\$	119,554	- 179,700	22	0	22	0	22	0	0	0
IJ 1-4	\$	124,263	165,300	277	0	261	0	291	0	30	0
AL-03	\$	129,065	165,300	1	0	1	0	1	0	0	0
GS-15	\$	123,758	- 155,500	186	0	188	0	188	0	0	0
GS-14	\$	105,211	- 136,771	76	0	108	0	109	0	1	0
GS-13	\$	89,033	- 115,742	117	0	74	0	92	0	18	0
GS-12	\$	74,872	- 97,333	199	0	174	0	175	0	1	0
GS-11	\$	62,467	- 81,204	49	0	52	0	83	0	31	0
GS-10	\$	56,857	- 73,917	42	0	56	0	56	0	0	0
GS-9	\$	51,630	- 67,114	67	0	44	0	88	0	44	0
GS-8	\$	46,745	- 60,765	279	0	273	0	273	0	0	0
GS-7	\$	42,209	- 54,875	38	0	43	0	105	0	62	0
GS-6	\$	37,983	- 49,375	35	0	35	0	35	0	0	0
GS-5	\$	37,075	- 44,293	69	0	18	0	18	0	0	0
GS-4	\$	30,456	- 39,590	62	0	44	0	44	0	0	0
GS-3	\$	27,130	- 35,269	33	0	9	0	9	0	0	0
GS-2	\$	24,865	- 31,292	19	0	7	0	7	0	0	0
GS-1	\$	22,115	- 27,663	5	0	1	0	1	0	0	0
Ungraded				21	0	187	0	218	0	31	0
Total, Appropriated Positions				1,597	0	1,597	0	1,815	0	218	0
Average SES Salary					172,276		173,137		168,855		
Average IJ Salary					161,103		161,818		162,615		
Average GS Salary					78,519		78,912		83,349		
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 Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	1,259	129,369	1,224	134,952	1,333	144,084	109	9,132
11.3 Other than Full-Time Permanent	190	12,409	149	12,556	149	12,556	0	0
11.5 Other Personnel Compensation	0	1,740	0	1,745	0	1,745	0	0
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	0	0	0	0	0	0	0
Total	1,449	143,518	1,373	149,253	1,482	158,385	109	9,132
Other Object Classes								
12.0 Personnel Benefits		41,220		43,200		46,050		2,850
13.0 Benefits for former personnel		55		55		55		0
21.0 Travel and Transportation of Persons		2,132		2,591		2,828		237
22.0 Transportation of Things		1,834		1,849		1,977		128
23.1 Rental Payments to GSA		33,279		33,479		33,479		0
23.2 Rental Payments to Others		13		281		310		29
23.3 Communications, Utilities, and Miscellaneous Charges		6,242		6,363		6,920		557
24.0 Printing and Reproduction		263		243		262		19
25.1 Advisory and Assistance Services		4,011		4,011		4,011		0
25.2 Other Services from Non-Federal Sources		38,998		34,078		41,951		7,873
25.3 Other Goods and Services from Federal Sources		11,316		11,299		12,014		715
25.4 Operation and Maintenance of Facilities		2,540		2,540		2,540		0
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		183		183		199		16
25.7 Operation and Maintenance of Equipment		14,911		14,910		16,222		1,312
25.8 Subsistence and Support of Persons		0		0		0		0
26.0 Supplies and Materials		2,056		2,125		2,328		203
31.0 Equipment		1,793		387		3,596		3,209
32.0 Land and Structures		0		0		0		0
41.0 Grants, Subsidies, and Contributions		0		0		0		0
42.0 Insurance Claims and Indemnities		53		20		20		0
Total Obligations		304,417		306,867		333,147		26,280
Subtract - Unobligated Balance, Start-of-Year		0		0		0		0
Subtract - Transfers/Reprogramming		0		0		0		0
Subtract - Recoveries/Refunds		0		0		0		0
Add - Unobligated End-of-Year, Available		0		0		0		0
Add - Unobligated End-of-Year, Expiring		583		0		0		0
Total Direct Requirements	0	305,000	0	306,867	0	333,147	0	26,280
Reimbursable FTE								
Full-Time Permanent	0		0		0		0	
23.1 Rental Payments to GSA (Reimbursable)		0		0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0

*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).