



## Executive Office for Immigration Review (EOIR)

### FY 2020 Budget Request At A Glance

FY 2019 Continuing Resolution:	\$504.5 million (2,798 positions; 1,201 attorneys)
Current Services Adjustments:	+\$97.3 million
Program Changes:	+\$71.1 million
FY 2020 Budget Request:	\$673.0 million (3,761 positions; 1,641 attorneys)
Change From FY 2019 Continuing Resolution:	+\$168.5 million (+33.4%) (+963 positions; +440 attorneys)

### Mission:

The primary mission of the Executive Office for Immigration Review (EOIR) is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings.

### Organization:

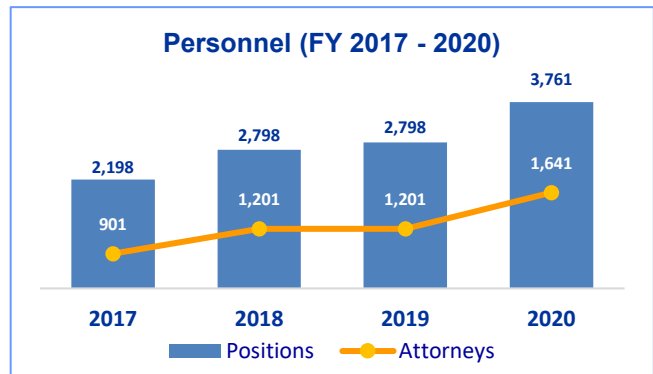
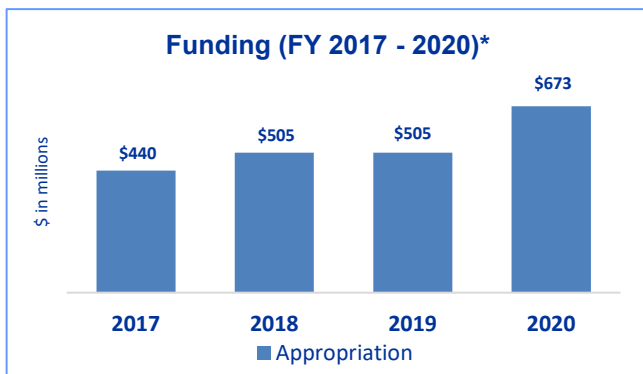
EOIR administers the nation's immigration court system. EOIR primarily decides whether aliens, who are charged by the Department of Homeland Security (DHS) with violating immigration law, should be ordered removed from the United States or should be granted relief or protection from removal and be permitted to remain in this country. To make these critical determinations, EOIR's Office of the Chief Immigration Judge conducts administrative court proceedings, called removal proceedings, in 61 immigration courts nationwide. EOIR's appellate component, the Board of Immigration Appeals (BIA), is the highest administrative tribunal for interpreting and applying U.S. immigration law and primarily decides appeals of immigration judge decisions. EOIR's third adjudicative component, the Office of the Chief Administrative Hearing Officer, hears cases that relate to employer sanctions for illegal hiring of unauthorized workers, document fraud, and unfair immigration-related employment practices. In addition to the adjudicative components, EOIR has other administrative, technical, and advisory offices.

### Resources:

The FY 2020 budget request for EOIR totals \$673.0 million, which is a 33.4% increase over the FY 2019 Continuing Resolution.

### Personnel:

EOIR's direct positions for FY 2020 total 3,761 positions. EOIR's FY 2020 request includes an increase of 963 positions over the FY 2019 Continuing Resolution of 2,798 direct positions.



\*FY 2019 annualized CR

## **FY 2020 Strategy:**

EOIR's immigration courts represent the Department's front-line presence in applying immigration law. EOIR does not initiate any immigration cases. Rather, EOIR's cases start when DHS files with the immigration courts documents charging respondents with removability from the United States for violating immigration laws. It remains critically important that EOIR have sufficient adjudicative resources to keep pace with DHS's enforcement efforts.

The largest challenge facing the immigration courts is the growing pending caseload. As of October 1, 2018, there were nearly 790,000 cases pending in immigration courts around the country. EOIR's FY 2020 strategic focus is to increase adjudicatory and case processing capacity in order to decrease the pending caseload and reduce the amount of time respondents must wait until their case is heard.

EOIR is undertaking several efforts to increase adjudicative capacity and help reduce the pending caseload. In addition to EOIR's continued focus on hiring all authorized positions to fill existing vacancies, ongoing efforts to maximize existing resources and eliminate agency inefficiencies include making docket adjustments to reflect enforcement priorities, developing and implementing a workforce staffing model, leveraging IT systems, emphasizing policy coordination and analysis, and making the immigration judge (IJ) hiring process more efficient. Details on these strategies to increase capacity and reduce caseload are below.

- 1) Docket efficiency adjustments: EOIR continues to review its docketing and case processing practices in order to ensure cases are processed efficiently while maintaining due process. EOIR also continually reviews its dockets to ensure its resources are allocated appropriately.
- 2) Creating a data-driven workforce strategy: During FY 2017, EOIR developed and began implementing a workforce staffing model to help determine immigration court staffing needs. The model enables EOIR to measure the impact of changes to operating procedures on the overall pending caseload.
- 3) Leveraging existing IT systems: To maximize the capacity of immigration courts nation-wide, EOIR has made greater use of video conferencing systems, enabling IJs to adjudicate cases in other parts of the country. This allows IJs in locations with a lower caseload to administer cases in higher-volume locations remotely and enables IJs to adjudicate certain detained and Institutional Hearing Program cases remotely, diminishing the challenges associated with reaching DHS and federal facilities that are not co-located with immigration courts.
- 4) Policy coordination and analysis: EOIR is finalizing its internal Strategic Plan which will include strategies to better meet short and long-term human capital needs, particularly as they relate to the IJ hiring process and immigration court staffing requirements and resources.
- 5) Improving the IJ hiring process: EOIR and DOJ continue to take steps to reduce the timeline to hire and on-board new IJs.

## **FY 2020 Program Changes:**

**Immigration Judges and Support (Discretionary):** \$71.1 million and 600 positions (300 attorneys)

This increase will enable EOIR to add 100 new immigration judges and associated support staff. Each IJ is supported by: one attorney position, one legal assistant; and up to two other FTE comprised of a combination of the following positions on an as-needed basis: additional legal assistant, interpreter, and/or other EOIR mission support staff. Some support positions may also go to support the growth of immigration courts at Headquarters. EOIR is also requesting 100 additional attorney positions, which will be judicial law clerks (JLC). EOIR intends to increase the use of JLCs as part of a broader effort to manage pending caseload more effectively. Although EOIR's current IJ team cost module includes one JLC for each IJ, historically the JLCs were not matched to IJs in a one-to-one ratio. The additional attorney positions requested this year for JLCs will move EOIR towards a one-to-one ratio. This program increase also includes funding for the necessary corresponding courtrooms, office space, and associated expenses (e.g. furniture, equipment).

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

	Executive Office for Immigration Review		
	Pos	FTE	Amount
<b>2018 Appropriation</b>	<b>2,798</b>	<b>1,698</b>	<b>\$504,500</b>
<b>2019 Continuing Resolution</b>	<b>2,798</b>	<b>1,698</b>	<b>\$504,500</b>
<b>2020 Request</b>	<b>3,761</b>	<b>2,899</b>	<b>\$672,966</b>
<b>Change 2020 from 2019 Continuing Resolution</b>	<b>963</b>	<b>1,201</b>	<b>\$168,466</b>
<b>Technical Adjustments</b>			
Expected Change from FY 2019 CR	363	901	108,495
DHS Immigration Examination Fees - EOIR	0	0	-4,000
<b>Total Technical Adjustments</b>	<b>363</b>	<b>901</b>	<b>\$104,495</b>
<b>Base Adjustments</b>			
ATB Transfers	0	0	4,000
Pay & Benefits	0	0	7,481
Domestic Rent & Facilities	0	0	-4,557
Non-Personnel Related Annualizations	0	0	-14,100
<b>Total Base Adjustments</b>	<b>0</b>	<b>0</b>	<b>-\$7,176</b>
<b>2020 Current Services</b>	<b>3,161</b>	<b>2,599</b>	<b>\$601,819</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Immigration Judges and Support	600	300	71,147
<b>Subtotal, Program Increases</b>	<b>600</b>	<b>300</b>	<b>\$71,147</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
<b>Total Program Changes</b>	<b>600</b>	<b>300</b>	<b>\$71,147</b>
<b>2020 Request</b>	<b>3,761</b>	<b>2,899</b>	<b>\$672,966</b>

**Executive Office for Immigration Review**

(Dollars in Thousands)

Comparison by activity and program	2019 Continuing Resolution			2020 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	2,798	1,698	\$504,500	3,161	2,599	\$601,819
<b>Total</b>	2,798	1,698	\$504,500	3,161	2,599	\$601,819
<b>Grand Total</b>	2,798	1,698	\$504,500	3,161	2,599	\$601,819

Comparison by activity and program	2020 Total Program Changes			2020 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	600	300	\$71,147	3,761	2,899	\$672,966
<b>Total</b>	600	300	\$71,147	3,761	2,899	\$672,966
<b>Grand Total</b>	600	300	\$71,147	3,761	2,899	\$672,966