

**FY 2015**  
**Congressional Budget**  
**Submission**

**Administrative**  
**Review and Appeals**

## Table of Contents

	Page No.
<b>I. Overview .....</b>	<b>2</b>
<b>II. Summary of Program Change.....</b>	<b>8</b>
<b>III. Appropriations Language and Analysis of Appropriation Language ....</b>	<b>10</b>
<b>IV. Program Activity Justification.....</b>	<b>11</b>
A. Executive Office for Immigration Review	
1. Program Description	
2. Performance Tables	
3. Performance, Resources, and Strategies	
B. Office of the Pardon Attorney	
1. Program Description	
2. Performance Tables	
3. Performance, Resources, and Strategies	
<b>V. Program Increase by Item.....</b>	<b>22</b>
A. Coordination with DHS Enforcement Initiatives (EOIR)	
B. Legal Orientation Program (EOIR)	
C. Pilot – Innovative Ideas (EOIR)	
D. Pardons and Commutations (OPA)	
<b>VI. Program Offsets by Item .....</b>	<b>26</b>
A. Coordination with DHS Enforcement Initiatives (EOIR)	
B. Legal Orientation Program (EOIR)	
C. Pilot – Innovative Ideas (EOIR)	
D. Pardons and Commutations (OPA)	
<b>VII. Exhibits .....</b>	
A. Organizational Chart	
B. Summary of Requirements	
C. FY 2015 Program Changes by Decision Unit	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Technical and Base Adjustments	
F. Crosswalk of 2013 Availability	
G. Crosswalk of 2014 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Changes	
K. Summary of Requirements by Object Class	
L. Status of Congressionally Requested Studies, Reports, and Evaluations	

## I. Overview of the Executive Office for Immigration Review

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

### 1. Introduction

On March 1, 2003, the Immigration and Naturalization Service was abolished, and most of its functions transferred to the new Department of Homeland Security (DHS). 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 primary 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 2015 request is \$347,154,000, 1,793 positions and 1,460 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 \$22,648,000 tied to priority initiatives, as detailed below:

**Coordination with DHS Enforcement Initiatives: \$17,000,000, including 211 positions (53 attorneys)** to add 35 Immigration Judge Teams and 18 Board of Immigration Appeals attorneys. This will allow EOIR to better coordinate with DHS enforcement efforts and adjudicate more cases annually.

**Legal Orientation Program (LOP): \$2,824,000** 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 31 sites we expect to be operating by the end of FY 2014, 29 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: \$2,824,000** 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 is comprised of 59 immigration courts located nationwide; the Board of Immigration Appeals (BIA), which hears appeals of immigration judge decisions and certain decisions of officers of the DHS; and the Office of the Chief Administrative Hearing Officer (OCAHO), which adjudicates cases involving illegal hiring and employment eligibility verification violations (“employer sanctions”) and employment discrimination under the Immigration and Nationality Act (INA).

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 is directly affected by government-wide immigration enforcement efforts. The coordination of resource allocation with DHS remains a top challenge and 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 shortened 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 BIA. DAR is now available in all courtrooms nationwide.

The third action item, which involved expanded training for immigration judges and BIA legal staff, began in FY 2007 with the revision of numerous legal reference materials. In 2008, EOIR expanded training for new immigration judges and BIA members to include intensive classroom training on law and procedures; at that time, new immigration judges also began receiving 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 BIA members. In 2010, the agency also implemented a one-year training program for new BIA attorneys, aimed at ensuring knowledge of agency process and BIA appellate procedure, as well as proficiency in relevant immigration law. Since 2007, EOIR has also developed an expanded continuing education training program for immigration judges and BIA legal staff, including the provision of comprehensive reference materials, ongoing substantive law and procedural training, and regular updates on legal developments. These efforts continued into 2013 and help to ensure that immigration judges and BIA legal staffs receive continuing education and remain up to date on relevant immigration issues. The agency’s efforts in this regard have continued through 2013 and now include an additional week of advanced training for new immigration judges, generally taking place a year after their entry-on-duty as resources permit.

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 has 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 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 assigning or reassigning judge and staff positions to the highest priority dockets. 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 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. The activities of these programs directly affect DOJ/EOIR adjudications. As a key player in the government's immigration initiatives, EOIR's ability to adjudicate increasing caseloads in a timely fashion allows the larger system to operate more efficiently, including the effective utilization of 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 249 as of the end of January 2014. Over 100 Immigration Judges are eligible to retire in FY 2014 alone, which is more than a 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 pending caseload has continued to increase as a result of DHS' enforcement efforts and the hiring freeze for the last two years which has recently been lifted. This remains the key challenge for EOIR as courts continue to receive hundreds of thousands of matters for adjudication per year. The number of matters pending adjudication rose from 229,000 at the end of FY 2009 to approximately 359,000 by the end of FY 2013, an increase of 130,000 matters. This represents a 57% increase in matters pending adjudication from the beginning of FY 2010 to the end of FY 2013. Additionally, BIA's sustained level of over 30,000 appeals per year is an extremely large volume for any appellate body.

In September 2011, EOIR convened a Data Working Group to assess how EOIR collects, tracks and disseminates data. In October 2012, the Department of Justice, Office of the Inspector General (OIG) released a report<sup>1</sup> finding "flaws in EOIR's performance reporting." EOIR did not agree with all of the OIG findings as we believed that there was a difference between internal performance measurement and external performance reporting; however, several recommendations dovetailed with EOIR's plans for an overhaul of its statistical methodology. To address concerns raised by the OIG report, as well as to incorporate changes EOIR developed through its own analysis of its data, EOIR has revised the methodology for its FY 2013 Statistical Year Book.

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 far into the future. There are many courts scheduling cases through calendar year 2015 and beyond. EOIR continues to set cases further out on its dockets as the pending caseload continues to grow.

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.

---

<sup>1</sup> The OIG report can be found at the following link: <http://www.justice.gov/oig/reports/2012/e1301.pdf>

## **I. Overview for the Office of the Pardon Attorney**

For FY 2015, the Office of the Pardon Attorney (OPA) requests a total of \$3,918,000, 18 FTE, and 22 positions, of which 11 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 7 positions, of which 4 are attorneys.

### **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 Department officials 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**

OPA's workload has increased significantly over the last two decades and in particular since FY 2008, while its current authorized staffing level – 15 positions, of which 7 are attorneys – has remained the same since the mid-1990s. 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; since FY 2008, new filings have amounted to

approximately 2,000 cases annually. In FYs 2008, 2009, and 2013, 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. These historic levels of case filings were exceeded in FY 2013, when OPA received 303 pardon applications and 2,370 commutation applications, for a total of 2,673 clemency petitions, which is a 40% increase in clemency applications in just one fiscal year. In all, between FY 2008 and FY 2013, OPA received more than 13,600 clemency petitions for processing; the average number of petitions submitted per fiscal year during this period was 2,272.

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 or more new cases per year is very likely to continue for the foreseeable future. The number of pardon applications filed remains steady, due in large part to the many civil disabilities that flow from felony convictions. However, the volume of commutation petitions submitted for the President's consideration has grown to be exceptionally high. In FY 2013, OPA received 2,370 commutation petitions, which was 88% of the total 2,673 petitions filed that year. This number of commutation petitions in FY 2013 alone exceeded the historically high number of all types of petitions filed in FY 2008 (2,325 petitions). Given the size of the federal prison population it is unlikely that the numbers of commutation submissions will decline to any significant degree in the near future.

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 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 website 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 1980s. These efficiencies, however, can only go so far. The additional staff and resources requested for FY 2015 are essential to enable OPA to keep pace with its significantly increased workload, and provide the President with timely and accurate information on which to base fair and just clemency decisions.



## II. Summary of Program Changes – Executive Office for Immigration Review

Item Name	Description				Page
	Executive Office for Immigration Review	Pos.	FTE	Dollars (\$000)	
<b>Coordination with DHS Enforcement Initiatives</b>	Addition of 35 Immigration Judge Teams	211	105	\$17,000	22
<b>Legal Orientation Program</b>	Expansion of twelve additional LOP sites to meet increased program demand	0	0	\$2,824	24
<b>Pilot – Innovative Ideas</b>	Improve the level and quality of legal representation for vulnerable populations.	0	0	\$2,824	25
<b>Miscellaneous Program and Administrative Reductions</b>	Program and administrative reductions to be identified once funds are appropriated.	0	0	-\$1,710	26
<b>Total</b>		<b>211</b>	<b>105</b>	<b>\$22,648</b>	

The EOIR request includes a total program increase of \$22,648,000 tied to priority initiatives, as detailed below:

**Coordination with DHS Enforcement Initiatives: \$17,000,000, including 211 positions (53 attorneys)** to add 35 Immigration Judge Teams and 18 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): \$2,824,000** 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 31 sites we expect to be operating by the end of FY 2014, 29 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: \$2,824,000** 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.

## II. Summary of Program Changes - Office of the Pardon Attorney

Item Name	Description				Page
	Office of the Pardon Attorney	Pos.	FTE	Dollars (\$000)	
<b>Pardons and Commutations</b>	To fund the hiring of additional staff, to help achieve OPA's mission of advising and assisting the President in the exercise of the executive clemency power	7	4	\$800	28
<b>Miscellaneous Program and Administrative Reductions</b>	Program and administrative reductions to be identified once funds are appropriated.	0	0	-\$85	30
<b>Total, OPA</b>		<b>7</b>	<b>4</b>	<b>\$715</b>	

### 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, [\$315,000,000], \$351,072,000, 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 amount provided:*

- (1) \$10,000,000 is for the Executive Office for Immigration Review for courthouse operations, language services and automated system requirements and shall remain available until expended.*
- (2) \$10,024,000 is for the Executive Office for Immigration Review’s Legal Orientation Program; and*
- (3) \$5,824,000 is for the Executive Office for Immigration Review to implement and evaluate a pilot program to provide counsel for unaccompanied alien children and shall remain available until expended: Provided further, 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.*

#### **Justification:**

New language is proposed to provide the Executive Office for Immigration Review with no-year carryover authority for courthouse operations, language services, and the eWorld document management system initiative, where contract performance periods cross fiscal years and more time is needed for development and/or obligations. Funding is also identified for the Legal Orientation Program and a pilot program for unaccompanied alien children.

## IV. Program Activity Justification

### A. Executive Office for Immigration Review (EOIR)

<i>Executive Office for Immigration Review</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2013 Enacted with Rescissions and Sequestration	1,582	1,355	289,079
2014 Enacted	1,582	1,355	312,200
Adjustments to Base and Technical Adjustments	0	0	14,016
2015 Current Services	1,582	1,355	326,216
2015 Program Increases	211	105	22,648
2015 Program Offsets	0	0	-1,710
2015 Request	1,793	1,460	347,154
<b>Total Change 2014-2015</b>	211	105	34,954

#### 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 and Control Act of 1986 (IRCA) (along with OCAHO adjudications in the employer sanctions and anti-discrimination areas); 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 amended.

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, 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 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 eligibility 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 equitable remedies. Section 274C provides civil penalties for immigration-related document fraud. Adjudicative proceedings are initiated by complaints filed with the OCAHO by DHS, the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) in the Civil Rights Division, and private parties and entities. Cases are assigned to ALJs by the Chief Administrative Hearing Officer (CAHO), who is also responsible for program management and policy development for the Office. Complaints are filed by the DHS in section 274A and Section 274C cases and by OSC or injured private individuals or entities in section 274B cases.

The CAHO may conduct administrative reviews of ALJ decisions and, unless the case is certified to the Attorney General, renders the final agency action with respect to cases decided by ALJs under INA Sections 274A and 274C. The CAHO also certifies that ALJs who hear Section 274B cases have received the training in employment discrimination matters required by statute.

2. Performance and Resources Tables

PERFORMANCE AND RESOURCES TABLE														
Decision Unit: Executive Office for Immigration Review														
RESOURCES			Target		Actual		Projected		Changes		Requested (Total)			
			FY 2013		FY 2013		FY 2014		Current Services Adjustments and FY 2015 Program Changes		FY 2015 Request			
Workload:			Immigration											
Court Matters Received <sup>1</sup>			Appeals Received at											
BIA			Immigration Court Matters Pending											
			430,000	31,854	271,946	34,791	272,000	35,000	5,000	500	277,000	35,500		
				319,365		359,092		350,000		34,000		384,000		
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	
			1,355	289,079	1,355	289,079	\$1,355	312,200	105	34,954	\$1,460	347,154		
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2013		FY 2013		FY 2014		Current Services Adjustments and FY 2015 Program Changes		FY 2015 Request			
Program Activity	3.7	3.7 Adjudicate Immigration Cases	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000		
			1,355	289,079	1,355	289,079	1,355	312,200	105	34,954	1,460	347,154		
Performance Measure: Output		Immigration Courts Total Matters Completed <sup>2</sup>	390,000		253,949		255,000		15,000		270,000			
		Cases Completed <sup>3</sup>	294,846		192,071		192,000		11,000		203,000			
		Completions IHP	3,678		4,611		4,600		270		4,870			
		Completions Detained	94,868		59,916		60,000		3,500		63,500			
Performance Measure: Efficiency		Board of Immigration Appeals Total Appeals Completed	35,000 4,646		36,690 4,467		37,000 4,500		1,500 260		38,500 4,7600			
		Completions Detained												
Performance Measure: Outcome		Immigration Courts IHP Cases within Time Goal %	85%		83%		85%				85%			
		Detained Cases with Time Goal %	85%		73%		85%				80%			
		Board of Immigration Appeals Detained Cases Adjudicated with Time Goal %	90%		97%		90%				90%			
<p><b>Definition:</b> The Executive Office for Immigration Review (EOIR) has identified two types of immigration court cases (Institutional Hearing Program (IHP) and detained cases) and one type of Board of Immigration Appeals (BIA) case (detained appeals) as its priority caseload. The IHP is a collaborative effort between EOIR, the Department of Homeland Security (DHS) and various federal, state, and local corrections agencies. The IHP permits immigration judges to hold removal hearings inside correctional institutions prior to the alien completing his or her criminal sentence.</p> <p><b>Data Validation, Verification, and Limitations:</b> Data are collected from the Case Access System for EOIR (CASE), a nationwide case-tracking system at the trial and appellate levels. Court staff nationwide enters data, which are electronically transmitted and stored at EOIR headquarters, allowing for timely and complete data collection. Data are verified by on-line edits of data fields. Headquarters and field office staff use routine daily, weekly, and monthly reports that verify data. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases. There are no data limitations known at this time.</p> <p>At the start of FY 2012 EOIR began analyzing the need to change its external statistical reporting methodology. In October 2012, the Office of the Inspector General (OIG) issued a report that dovetailed nicely with EOIR's internal findings regarding the agency's statistical reporting on the processing of immigration cases and appeals. At the start of FY 2014, EOIR changed the way it calculates the percent of its priority caseload completed within the designated timeframe. The data reported for FY 2009 – FY 2012 is the same as what had been previously reported. The data for FY 2013 is calculated differently to provide clearer data that parties external to EOIR can use more efficiently.</p>														

<sup>1</sup>Prior to FY 2014 EOIR captured the following information as part of “immigration matters received”: all proceeding receipts (if a case moved from one court to another court a receipt was counted at each court, also proceedings in which an appeal is remanded to the immigration court or the case is reopened were counted as proceeding receipts), all bond receipts, and all motion to reopen or motion to reconsider receipts. In FY 2014 EOIR will change the way it counts this workload measure. For the numbers reflected in the FY 2013 actuals in this table, and in FY 2014 and beyond, “immigration matters received” will include the initial Notice to Appear filed by DHS only (not subsequent proceeding receipts), all bond receipts, and all motion to reopen, motion to reconsider, and motion to recalendar receipts. In addition, prior to FY 2014, the number of appeals received and completed by the BIA counted joined family cases as a single appeal. For the numbers reflected in the FY 2013 actuals in this table and in FY 2014 and beyond, “appeals received” will count each appeal received (“leads” and “riders”) individually while “appeals completed” will count each appeal completed (“leads” and “riders”) individually.

<sup>2</sup> Prior to FY 2014 EOIR captured the following information as part of “total matters completed”: all proceeding completions (if a case moved from one court to another court a completion was counted at each court), all bond completions, and all motion to reopen or motion to reconsider completions. In FY 2014 EOIR will change the way it counts this workload measure. For the numbers reflected in the FY 2013 actuals in this table, and in FY 2014 and beyond, “total matters completed” will include all case completions, all bond completions, and motion to reopen, motion to reconsider, and motion to recalendar completions that were not granted. Changes of venue and transfers will no longer be counted.

<sup>3</sup> In FY 2012 and FY 2013 EOIR captured all proceeding completions. If an individual changed venue or was transferred, the court would count a completion. In FY 2014 EOIR will change the way it counts this workload measure. For the numbers reflected in the FY 2013 actuals in this table and in FY 2014 and beyond, EOIR will count initial proceeding completions as well as subsequent proceeding completions. Changes of venue and transfers will no longer be counted.

PERFORMANCE MEASURE TABLE										
Strategic Objective	Decision Unit:		Executive Office for Immigration Review							
	Performance Report and Performance Plan Targets		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013		FY 2014	FY 2015
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
3.7	Performance Measure	Total Matters Completed	351,234	352,676	393,387	382,062	390,000	253,949	255,000	270,000
	Performance Measure	Total Proceedings Completed	289,339	286,738	302,577	289,405	294,846	192,071	192,000	203,000
	Performance Measure	Expedited Asylum Completions (Discontinued)	7,603	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Performance Measure	IHP Completions <sup>4</sup>	4,311	3,950	3,782	3,670	3,678	4,611	4,600	4,870
	Performance Measure	Detained Completions without Applications (Discontinued)	107,391	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Performance Measure	Total Immigration Court priority cases completed (Discontinued)	119,305	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Performance Measure	Detained Completions <sup>5</sup>	144,763	111,264	112,154	89,350	94,868	59,916	60,000	63,500
	Performance Measure	Total Appeals Completed	33,030	33,234	35,271	36,381	36,000	36,690	37,000	38,500
	Performance Measure	Detained Completions <sup>6</sup>	3,243	3,261	4,212	4,659	4,646	4,467	4,500	4,760
	Efficiency Measure	The measures above also serve as EOIR's efficiency measures								
	OUTCOME Measure	% Expedited Asylum Cases within Time Goal (Discontinued)	82%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	OUTCOME Measure	% IHP Cases w/in Time Goal	90%	87%	88%	87%	85%	83%	85%	85%
	OUTCOME Measure	% Detained w/out Applications w/in Time Goal (Discontinued)	88%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	OUTCOME Measure	% Immigration Court priority cases completed (Discontinued)	88%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	OUTCOME Measure	% Backlog reduction (Discontinued)	50%		N/A	N/A	N/A	N/A	N/A	N/A
	OUTCOME Measure	Detained Completions		89%	88%	86%	85%	73%	85%	80%
	OUTCOME Measure	% Detained Appeals Adjudicated within Time Goal	96%	93%	94%	97%	90%	97%	90%	90%
	OUTCOME Measure	% Appeals priority cases completed (Discontinued)	96%	N/A	N/A	N/A	N/A	N/A	N/A	N/A

N/A = Data unavailable

4 All institutional Hearing Program cases completed during the time period.

5 All initial case completions for detained individuals. This does not include change of venue or transfers. In addition, it does not include cases that have been reopened or remanded from the Board of Immigration Appeals.

6 All appeals completed for detained individuals.



### **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 2013, the immigration courts did not meet these two priority targets but continued to reallocate resources to strive to complete these priority cases in a timely fashion. These performance measures will continue through FY 2014. The goal for the Institutional Hearing Program will continue in FY 2015, while the goal for detained cases will change to “80% of detained cases completed within 60 days.” This change is due in large part to the new way that EOIR will be counting cases.

The performance measure for the BIA is:

- 90% of detained appeals adjudicated within 150 days

In FY 2013, the BIA exceeded this target by 7%. This performance measure will continue through FY 2015.

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 2015 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. 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.

#### IV. Program Activity Justification

##### *Office of the Pardon Attorney*

<i>Office of the Pardon Attorney</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2013 Enacted with Rescissions and Sequestration	15	14	2,600
2014 Enacted	15	14	2,800
Adjustments to Base and Technical Adjustments	0	0	403
2015 Current Services	15	14	3,203
2015 Program Increases	7	4	800
2015 Program Offsets	0	0	-85
2015 Request	22	18	3,918
<b>Total Change 2014-2015</b>	7	4	1,118

## 2. Performance and Resources Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Office of the Pardon Attorney												
RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2013		FY 2013		FY 2014		Current Services Adjustments and FY 2015 Program Changes		FY 2015 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
			14	2,600	14	2,457	14	2,800	4	1,118	18	3,918
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2013		FY 2013		FY 2014		Current Services Adjustments and FY 2015 Program Changes		FY 2015 Request	
			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity												
	2.6	Processing clemency petitions	14	2,600	14	2,457	14	2,800	4	1,118	18	3,918
Performance Measure: Output		Number of petitions processed		1,500		1,962		1,500				1,700
Performance Measure: Efficiency		Output meas. is efficiency meas.										
Performance Measure: Outcome		Petitions pending at OPA		1,500		1,867		1,800				1,800
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 derived therefrom are cross-referenced with internal reports to ensure accuracy.												

PERFORMANCE MEASURE TABLE										
<b>Decision Unit:</b>		Office of the Pardon Attorney								
<b>Strategic Objective</b>	<b>Performance Report and Performance Plan Targets</b>		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013		FY 2014	FY 2015
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
2.6	<b>Performance Measure</b>	Clemency petitions processed	3,135	1,990	2,409	1,669	1,500	1,962	1,500	1,700
	<b>Performance Measure</b>	Correspondence processed	5,700	5,700	**	**	**	**	**	**
	<b>Performance Measure</b>									
	<b>Efficiency Measure</b>	Performance measure is efficiency measure								
	<b>OUTCOME Measure</b>	Petitions pending at OPA	1,214	1,388	895	1,156	1,500	1,867	1,800	1,800

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

### 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 power. 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 then-unprecedented filings (2,325 new petitions), OPA met its target of petitions processed, but missed the target for petitions pending at the end of the fiscal year. Given the vast increase in its caseload in FY 2008, OPA modified both its performance measure and outcome measure targets to 1,500 cases beginning in FY 2009. OPA managed to meet these targets in every fiscal year through FY 2012 despite its exceedingly high cumulative volume of new filings (8,631 total cases between FYs 2009 and 2012). However, in FY 2013, OPA once again set a new historical record for petitions filed – 2,673 cases – and as a result, it was unable to meet its outcome measure target for cases pending at the end of the fiscal year. In light of the significant increase in its workload and the continued small size of its staff, OPA has determined that it must again revise its outcome measure target for petitions pending at the end of the fiscal year to 1,800 petitions. With the additional resources requested for FY 2015, OPA expects to be able to increase its case processing efficiency and raise its annual case-processing target for FY 2015 to 1,700 cases, and thereafter to continue to increase its output as all new staff are brought on board and fully trained. The degree to which the office will be able to lower its annual cases-pending outcome target will depend significantly on the volume of new petitions filed in upcoming fiscal years and how quickly OPA can bring new staff on board to work through the high cumulative number of petitions filed in the last few fiscal years.

#### b. Strategies to Accomplish Outcomes

With the benefit of the resources funded by the FY 2015 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 and 2013. 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, as well as to the administration of the office. With these additional resources, OPA projects that it will 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: 3.7: Adjudicate all immigration cases promptly and impartially in accordance with due process.

Organizational Program: Immigration Adjudications

Program Increase: Positions 211 Agt/Atty 53 FTE 105 Dollars \$17,000,000

#### Description of Item

This increase of \$17,000,000 includes 211 positions (53 attorneys) to add 35 Immigration Judge Teams and 18 Board of Immigration Appeals (BIA) attorneys to help adjudicate rising caseloads resulting from DHS enforcement efforts. This increase will also enable EOIR to better address its highest priority cases that being the cases involving detained individuals.

#### Justification

The identification and removal of criminal aliens, and the determination of individuals eligible for relief from removal, are high priorities. EOIR's role in expediting the adjudication of removal proceedings involving criminal aliens will enable DHS to process those found removable immediately upon completion of their sentences. Similarly, EOIR's pilot projects, including docket efficiency pilots, mental competency assessment referrals, juvenile docket adjustments, and qualified representatives for mentally incompetent aliens make immigration proceedings at once more efficient and more responsive to the fundamental values of fairness and due process. EOIR's ability to provide timely adjudications will also assist greatly in the use of detention beds, as well as federal, state and local prison and jail space nationwide. In addition, EOIR's program increase is made in light of the need to achieve the goals articulated above.

Further, EOIR's pending caseload continues to grow. The number of matters pending adjudication rose from 229,000 at the beginning of FY 2010 to approximately 359,000 by the end of FY 2013, an increase of 130,000 matters. This represents a 57% increase in matters pending adjudication in just three years.

#### Impact on Performance (Relationship of Increase to Strategic Goals)

This initiative ties directly to Strategic Goal 3.7 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: 3.7: 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 \$2,824,000

Description and Justification 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 12 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 31 sites we expect to be operating by the end of FY 2014, 29 of which are in detention centers.

Impact on Performance (Relationship of Increase to Strategic Goals)

This initiative ties directly to Strategic Goal 3.7 and to the Congress' and Administration's immigration priorities. This program increase would enhance immigration court efficiencies, allowing EOIR to adjudicate cases in a more timely fashion, especially the high priority detained cases.

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

Budget Decision Unit: EOIR

Strategic Goal & Objective: 3.7: 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 \$2,824,000

Description of Item

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

Justification

Improving the level and quality of legal representation for vulnerable populations, such as children, assists the agency in effectively conducting immigration proceedings. Without counsel, cases may be extended for long periods of time so that the Immigration Judge can explain immigration procedures and gather necessary information from a child before making a decision in his or her case. Improved legal access will assist children in understanding and articulating the factual and legal aspects of their cases, improving the effectiveness of immigration proceedings before EOIR.

Impact on Performance (Relationship of Increase to Strategic Goals)

This initiative ties directly to Strategic Goal 3.7 and to the Congress' and Administration's immigration priorities. This program increase would enhance immigration court efficiencies, allowing EOIR's Immigration Judges to adjudicate cases in a more timely fashion.

## VI. Program Offsets by Item

**Item Name:** **Miscellaneous Program and Administrative Reductions**

Budget Decision Unit: EOIR

Strategic Goal & Objective: 3.7: Adjudicate all immigration cases promptly and impartially in accordance with due process.

Organizational Program: Immigration Adjudications

Program Offset: Positions 0 Agt/Atty 0 FTE 0 Dollars -\$1,710,000

### Description of Item

Program and administrative reductions to be identified once funds are appropriated.

### Justification

Reductions to existing operations and services necessary to pay for increases in existing costs, including pay raises, FERS contributions, and GSA rent, among others. Program and administrative reductions to be identified once funds are appropriated

### Impact on Performance

Performance impact information is not yet available for this offset.

Base Funding

FY 2013 Enacted w/Resc. & Sequestration				FY 2014 Enacted				FY 2015 Current Services			
Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)
1,582	530	1,355	289,079	1,582	530	1,355	312,200	1,582	530	1,355	326,216

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2015 Request (\$000)	FY 2016 Net Annualization
Attorney (0905)	95	35	3,325	3,325
Information & Arts (1000-1099)	34	35	1,190	1,645
Clerical and Office Services (0300-0399)	28	70	1,960	2,380
Paralegal/Other Law (0900-0999)	41	35	1,435	1,995
Attorney (0905)	58	18	1,044	1,422
Paralegal/Other Law (0900-0999)	34	18	612	846
Total Personnel	290	211	9,566	11,613

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2015 Request (\$000)	FY 2016 Net Annualization
Attorney (0905)	160	35	5,600	-980
Information & Arts (1000-1099)	18	35	630	280
Clerical and Office Services (0300-0399)	18	70	1,260	560
Paralegal/Other Law (0900-0999)	21	35	735	175
Attorney (0905)	23	18	414	72
Paralegal/Other Law (0900-0999)	18	18	324	144
Legal Orientation Program			2,824	
Pilot – Innovative Ideas			2,824	
Total Non-Personnel	258	211	13,082	251

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total
Current Services	1,582	530	1,355	189,257	136,959	326,216
Increases	211	53	105	9,566	13,082	22,648
Decreases	0	0	0	0	-1,710	-1,710
Grand Total	1,793	583	1,464	198,823	148,331	347,154

**Item Name:** Pardons and Commutations Increase

Strategic Goal: Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

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

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

Organizational Program: Executive clemency advisory program

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

### Description of Item

This request to fund 7 additional positions, including 4 attorneys and 3 support personnel, is intended to enable OPA to manage its substantial caseload, which has more than tripled since its current staffing level was set in the mid-1990s. 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. The exceptionally high numbers of clemency applications filed with OPA in the last six fiscal years have presented a substantial challenge to the office's small staff, which has struggled to keep pace with its increasing workload. The addition of the new positions requested for FY 2015 would greatly assist OPA in handling this influx of cases and providing the President with timely and well-reasoned advice.

### Support of the Department's Strategic Goals

Strategic Goal 2.6 includes the Department's responsibility "to support the Attorney General in his role as legal adviser to the President," including "advising the President concerning the appropriate disposition of applications for executive clemency." Reviewing and investigating petitions for all forms of executive clemency and drafting the Department's recommendation in each case for the Deputy Attorney General's signature and submission for the President's consideration constitutes OPA's sole mission.

### Justification

OPA's workload has increased significantly over the last two decades and in particular since FY 2008, while its current authorized staffing level – 15 positions, of which 7 are attorneys – has remained the same since the mid-1990s. 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; since FY 2008, new filings have amounted to approximately 2,000 cases annually. In FYs 2008, 2009, and 2013, 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. These historic levels of case filings were exceeded in FY 2013, when OPA received 303 pardon applications and 2,370 commutation applications, for a total of 2,673 clemency petitions, which is a 40% increase in clemency applications in just one fiscal year. In all, between FY 2008 and FY 2013, OPA received more than 13,600 clemency petitions for processing; the average number of petitions submitted per fiscal year during this period was 2,272.

OPA is required to process all clemency petitions it receives from eligible applicants. Furthermore, the complexity of the issues presented by a given clemency petition can vary greatly from case to case. The requested program increase for FY 2015 to fund the hiring of additional staff would enable OPA to keep pace with the large volume of case filings, increase productivity, and provide the President with timely and accurate advice regarding each clemency petition.

#### Impact on Performance

With the benefit of the additional resources requested for FY 2015, OPA expects to be able to significantly increase its case processing productivity and efficiency. The addition of 4 new attorneys to the office would nearly double the number of staff attorneys available to review, investigate, and draft recommendations for clemency petitions. The hiring of 2 additional paralegals would provide the attorney staff with much needed assistance in managing the myriad processing tasks attendant to the office's large caseload and the high volume of inquiries the office routinely receives about executive clemency. Finally, the ability to hire an Office Administrator would greatly assist the Pardon Attorney and Deputy Pardon Attorney and improve overall productivity by reducing the number of administrative tasks they personally handle at present in addition to supervising the substantive work of the office. OPA projects that if it receives the program increase requested for FY 2015, it would be able to increase its annual petition-processing target to 1,700 cases and meet its annual cases-pending outcome target of 1,800 as it begins to bring new staff on board. Once all of the additional positions are filled and new personnel are fully trained in FY 2016, OPA expects that over succeeding fiscal years, it would be able to increase its case processing targets, first to 1,800 and then to 1,900 cases, and reduce its annual cases-pending outcome target, first to the FY 2013 level of 1,500 cases and then lower in succeeding years, depending on the volume of new case filings.

## VI. Program Offsets by Item

**Item Name:** **Miscellaneous Program and Administrative Reductions**

**Strategic Goal:** Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

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

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

**Organizational Program:** Executive clemency advisory program

Program Offset: Positions   0   Agt/Atty   0   FTE   0   Dollars  -\$85,000 

### Description of Item

Program and administrative reductions to be identified once funds are appropriated.

### Justification

Reductions to existing operations and services necessary to pay for increases in existing costs, including pay raises, FERS contributions, and GSA rent, among others. Program and administrative reductions to be identified once funds are appropriated.

### Impact on Performance

Performance impact information is not yet available for this offset.

## Funding

### Base Funding

FY 2013 Enacted w/ Resc. & Sequestration				FY 2014 Enacted				FY 2015 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
15	7	14	\$2,600	15	7	14	\$2,800	15	7	14	\$3,203

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2015 Request (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Clerical and Office Services (0300-0399) – Professional Support (GS-12)	\$98	1	\$98	\$38
Attorneys (0905) (GS-14)	\$156	1	\$156	\$78
Attorneys (0905) (GS-13)	\$145	3	\$435	\$217
Paralegals/ Other Law (0900-0999) (GS-7)	\$56	2	\$111	\$52
<b>Total Personnel</b>		<b>7</b>	<b>\$800</b>	<b>\$385</b>

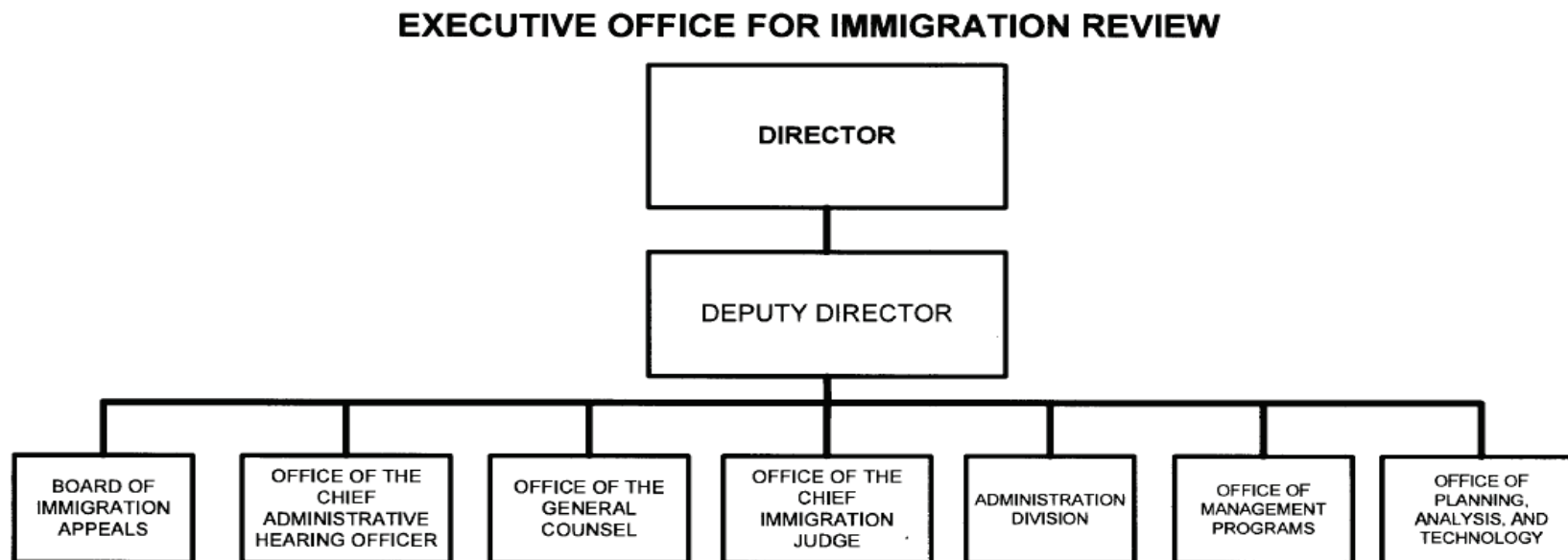
### Total Request for this Item


	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Current Services	15	7	14	\$3,203	\$0	\$3,203	
Increases	7	4	4	\$800	\$0	\$800	\$385
Decreases	0	0	0	0	-\$85	-\$85	
<b>Grand Total</b>	<b>22</b>	<b>11</b>	<b>18</b>	<b>\$4,003</b>	<b>-\$85</b>	<b>\$3,918</b>	



## **VI. EXHIBITS**

## A: Organizational Chart



Approved by:  Date: 5/16/13

ERIC H. HOLDER, JR.  
Attorney General

**B. Summary of Requirements**

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

	FY 2015 Request		
	Direct Pos.	Estimate FTE	Amount
<b>2013 Enacted</b>	<b>1,597</b>	<b>1,369</b>	<b>313,438</b>
2013 Rescissions (1.877% & 0.2%)			-6,416
2013 Sequester Cut			-15,343
<b>Total 2013 Enacted (with Rescissions, and Sequester)</b>	<b>1,597</b>	<b>1,369</b>	<b>291,679</b>
<b>2014 Enacted</b>	<b>1,597</b>	<b>1,369</b>	<b>315,000</b>
<b>Technical Adjustments</b>			
DHS Immigration Examination Fee Account	0	0	-4,000
<b>Total Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>-4,000</b>
<b>Base Adjustments</b>			
Transfers:			
DHS Immigration Examination Fee Account	0	0	4,000
Pay and Benefits	0	0	4,062
Domestic Rent and Facilities	0	0	10,357
<b>Total Base Adjustments</b>	<b>0</b>	<b>0</b>	<b>18,419</b>
<b>Total Technical and Base Adjustments</b>	<b>0</b>	<b>0</b>	<b>14,419</b>
<b>2015 Current Services</b>	<b>1,597</b>	<b>1,369</b>	<b>329,419</b>
<b>Program Changes</b>			
Increases:			
Immigration Judge Teams - Coordination with DHS Enforcement Initiatives	211	105	17,000
Legal Orientation Program	0	0	2,824
Pilot - Innovation Ideas	0	0	2,824
Pardons and Commutations	7	4	800
Subtotal, Increases	218	109	23,448
Offsets:			
Program Offset - Miscellaneous Program and Administrative Reduction	0	0	-1,795
Subtotal, Offsets	0	0	-1,795
<b>Total Program Changes</b>	<b>218</b>	<b>109</b>	<b>21,653</b>
<b>2015 Total Request</b>	<b>1,815</b>	<b>1,478</b>	<b>351,072</b>
2014 - 2015 Total Change	218	109	36,072

**B. Summary of Requirements**

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

Program Activity	2013 Enacted with Rescissions and Sequester			2014 Enacted			2015 Technical and Base Adjustments			2015 Current Services		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Executive Office for Immigration Review	1,582	1,355	289,079	1,582	1,355	312,200	0	0	14,016	1,582	1,355	326,216
Office of the Pardon Attorney	15	14	2,600	15	14	2,800	0	0	403	15	14	3,203
<b>Total Direct</b>	<b>1,597</b>	<b>1,369</b>	<b>291,679</b>	<b>1,597</b>	<b>1,369</b>	<b>315,000</b>	<b>0</b>	<b>0</b>	<b>14,419</b>	<b>1,597</b>	<b>1,369</b>	<b>329,419</b>
Total Direct with Rescission			291,679			315,000			14,419			329,419
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE		1,369			1,369			0			1,369	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		1,369			1,369			0			1,369	

Program Activity	2015 Increases			2015 Offsets			2015 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Executive Office for Immigration Review	211	105	22,648	0	0	-1,710	1,793	1,460	347,154
Office of the Pardon Attorney	7	4	800	0	0	-85	22	18	3,918
<b>Total Direct</b>	<b>218</b>	<b>109</b>	<b>23,448</b>	<b>0</b>	<b>0</b>	<b>-1,795</b>	<b>1,815</b>	<b>1,478</b>	<b>351,072</b>
Total Direct with Rescission			23,448			-1,795			351,072
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		109			0			1,478	
Other FTE:								0	
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		109			0			1,478	

C. Program Changes by Decision Unit

**FY 2015 Program Changes by Decision Unit**  
 Administrative Review and Appeals  
 Salaries and Expenses  
 (Dollars in Thousands)

Program Increases	Location of Description in Narrative	ARA				Total Increases			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Coordination with DHS Enforcement Initiatives	EOIR	211	53	105	17,000	211	53	105	17,000
Legal Orientation Program	EOIR	0	0	0	2,824	0	0	0	2,824
Pilot - Innovation Ideas	EOIR	0	0	0	2,824	0	0	0	2,824
Pardons and Commutations	OPA	7	4	4	800	7	4	4	800
<b>Total Program Increases</b>		<b>218</b>	<b>57</b>	<b>109</b>	<b>23,448</b>	<b>218</b>	<b>57</b>	<b>109</b>	<b>23,448</b>

Program Offsets	Location of Description in Narrative	ARA				Total Offsets			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Misc. Program and Administrative Reductions	EOIR	0	0	0	-1,710	0	0	0	-1,710
Misc. Program and Administrative Reductions	OPA	0	0	0	-85	0	0	0	-85
<b>Total Program Offsets</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>-1,795</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-1,795</b>

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	2013 Enacted with Rescissions and Sequester		2014 Enacted		2015 Current Services		2015 Increases		2015 Offsets		2015 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
<b>Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law</b>												
2.6 Protect the federal fisc and defend the interests of the United States.	14	2,600	14	2,800	14	3,203	4	800	0	-85	18	3,918
<b>Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.</b>												
3.7 Adjudicate all immigration cases promptly and impartially in accordance with due process.	1,355	289,079	1,355	312,200	1,355	326,216	105	22,648	0	-1,710	1,460	347,154
<b>Subtotal, Goal 3</b>	<b>1,355</b>	<b>289,079</b>	<b>1,355</b>	<b>312,200</b>	<b>1,355</b>	<b>326,216</b>	<b>105</b>	<b>22,648</b>	<b>0</b>	<b>-1,710</b>	<b>1,460</b>	<b>347,154</b>
<b>TOTAL</b>	<b>1,369</b>	<b>291,679</b>	<b>1,369</b>	<b>315,000</b>	<b>1,369</b>	<b>329,419</b>	<b>109</b>	<b>23,448</b>	<b>0</b>	<b>-1,795</b>	<b>1,478</b>	<b>351,072</b>

**Note:** Excludes Balance Rescission and/or Supplemental Appropriations.

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
<b>Technical Adjustments</b>			
1 Transfer from Immigration Examination Fees collected by the DHS	0	0	-4,000
<b>Subtotal, Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>-4,000</b>
<b>Transfers</b>			
2 DHS Immigration Examination Fee Account	0	0	4,000
<b>Subtotal, Transfers</b>	<b>0</b>	<b>0</b>	<b>4,000</b>
<b>Pay and Benefits</b>			
1 <u>2015 Pay Raise:</u> This request provides for a proposed 1 percent pay raise to be effective in January of 2015. The amount requested, \$1,357,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$1,104,500 for pay and \$252,500 for benefits).			1,357
2 <u>Annualization of 2014 Pay Raise:</u> This pay annualization represents first quarter amounts (October through December) of the 2014 pay increase of 1.0% included in the 2014 President's Budget. The amount requested \$428,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$329,000 for pay and \$99,000 for benefits).			428
3 <u>Employee Compensation Fund:</u> The \$29,000 request reflects anticipated changes in payments to the Department of Labor for injury benefits under the Federal Employee Compensation Act.			29
4 <u>FERS Regular/Law Enforcement Retirement Contribution:</u> Effective October 1, 2014 (FY 2015), the <b>new agency contribution rates of 13.2% (up from the current 11.9%, or an increase of 1.3%) and 28.8% for law enforcement personnel (up from the current 26.3%, or an increase of 2.5%)</b> . The amount requested, \$1,728,000, represents the funds needed to cover this increase.			1,728
5 <u>Health Insurance:</u> Effective January 2015, the component's, EOIR and OPA, contribution to Federal employees' health insurance increases by 4.2 and 2.8 percent respectively. Applied against the 2014 combined estimate of \$8,276,000 the additional amount required is \$343,000.			343
6 <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 \$177,000 is necessary to meet our increased retirement obligations as a result of this conversion.			177
<b>Subtotal, Pay and Benefits</b>	<b>0</b>	<b>0</b>	<b>4,062</b>
<b>Domestic Rent and Facilities</b>			
1 <u>General Services Administration (GSA) Rent:</u> GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$1,389,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2015 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			1,389
2 <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 \$178,000 is required to meet these commitments.			178
3 <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 2015.			8,790
<b>Subtotal, Domestic Rent and Facilities</b>	<b>0</b>	<b>0</b>	<b>10,357</b>
<b>TOTAL DIRECT TECHNICAL and BASE ADJUSTMENTS</b>	<b>0</b>	<b>0</b>	<b>14,419</b>

F. Crosswalk of 2013 Availability

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

Program Activity	2013 Appropriation Enacted w/o Balance Rescission			Supplementals			Balance Rescission			Sequester			Reprogramming/Transfers			Carryover	Recoveries /Refunds	2013 Actual		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount
EOIR	1,582	1,355	304,285	0	0	0	0	0	0	0	0	-15,206	0	0	2,153	0	0	1,582	1,355	291,232
Office of the Pardon Attorney	15	14	2,737	0	0	0	0	0	0	0	0	-137	0	0	0	0	0	15	14	2,600
<b>Total Direct</b>	<b>1,597</b>	<b>1,369</b>	<b>307,022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-15,343</b>	<b>0</b>	<b>0</b>	<b>2,153</b>	<b>0</b>	<b>0</b>	<b>1,597</b>	<b>1,369</b>	<b>293,832</b>
Reimbursable FTE		0						0			0			0						0
Total Direct and Reimb. FTE		1,369						0			0			0						1,369
Other FTE:																				
LEAP		0						0			0			0						0
Overtime		0						0			0			0						0
<b>Grand Total, FTE</b>		<b>1,369</b>						<b>0</b>			<b>0</b>			<b>0</b>						<b>1,369</b>

**Note:** The 2013 Enacted appropriation includes the two across-the-board rescissions of 1.877% and 0.2%



G. Crosswalk of 2014 Availability

**Crosswalk of 2014 Availability**  
 Administrative Review and Appeals  
 Salaries and Expenses  
 (Dollars in Thousands)

Program Activity	FY 2014 Enacted			Reprogramming/Transfers			Carryover	Recoveries/ Refunds	2014 Availability		
	Direct Pos.	Estim. FTE	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount
EOIR	1,582	1,355	312,200	0	0	0	0	0	1,582	1,355	312,200
Office of the Pardon Attorney	15	14	2,800	0	0	0	0	0	15	14	2,800
<b>Total Direct</b>	<b>1,597</b>	<b>1,369</b>	<b>315,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,597</b>	<b>1,369</b>	<b>315,000</b>
Balance Rescission			0								0
Total Direct with Rescission			315,000								315,000
Reimbursable FTE		0			0		0			0	
Total Direct and Reimb. FTE		1,369			0		0			1,369	
Other FTE:											
LEAP		0			0		0			0	
Overtime		0			0		0			0	
Grand Total, FTE		1,369			0		0			1,369	

I. Detail of Permanent Positions by Category

**Detail of Permanent Positions by Category**

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Category	2013 Enacted with Rescissions & Sequestration		2014 Enacted		2015 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (010-099)	59	0	59	0	0	0	0	59	0
Security Specialists (080)	7	0	7	0	0	0	0	7	0
Personnel Management (200-299)	15	0	15	0	0	0	0	15	0
Clerical and Office Services (300-399)	206	0	206	0	0	70	0	276	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)	530	0	530	0	0	53	0	583	0
Attorneys (905) - OPA	7	0	7	0	0	4	0	11	0
Paralegals / Other Law (900-998)	459	0	459	0	0	53	0	512	0
Paralegals / Other Law (900-998) - OPA	5	0	5	0	0	2	0	7	0
Information & Arts (1000-1099)	86	0	86	0	0	35	0	121	0
Business & Industry (1100-1199)	4	0	4	0	0	0	0	4	0
Library (1400-1499)	1	0	1	0	0	0	0	1	0
Supply Services (2000-2099)	2	0	2	0	0	0	0	2	0
Information Technology Mgmt (2210)	20	0	20	0	0	0	0	20	0
Ungraded	187	0	187	0	0	0	0	187	0
<b>Total</b>	<b>1,597</b>	<b>0</b>	<b>1,597</b>	<b>0</b>	<b>0</b>	<b>218</b>	<b>0</b>	<b>1,815</b>	<b>0</b>
Headquarters (Washington, D.C.)	552	0	552	0	0	37	0	589	0
U.S. Field	1,045	0	1,045	0	0	181	0	1,226	0
Foreign Field	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1,597</b>	<b>0</b>	<b>1,597</b>	<b>0</b>	<b>0</b>	<b>218</b>	<b>0</b>	<b>1,815</b>	<b>0</b>

J. Financial Analysis of Program Changes

**Financial Analysis of Program Changes**

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Grades	EOIR						OPA		ARA Offset		Total Program Changes	
	Coordination with DHS Enforcement Initiatives		Legal Orientation Program		Pilot - Innovation Ideas		Pardons and Commutations		Miscellaneous Program and Administrative Reductions		Direct Pos.	Amount
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount		
IJ 1-4	35	5,118	0	0	0	0	0	0	0	0	35	5,118
GS-14	0	0	0	0	0	0	1	123	0	0	1	123
GS-13	18	1,619	0	0	0	0	3	360	0	0	21	1,979
GS-12	0	0	0	0	0	0	1	77	0	0	1	77
GS-11	35	2,208	0	0	0	0	0	0	0	0	35	2,208
GS-9	53	2,764	0	0	0	0	0	0	0	0	53	2,764
GS-7	70	2,984	0	0	0	0	2	88	0	0	72	3,072
Total Positions and Annual Amount	211	14,693	0	0	0	0	7	648	0	0	218	15,341
Lapse (-)	-106	-7,347	0	0	0	0	-4	-324	0	0	-109	-7,671
11.5 Other Personnel Compensation		0		0		0		0		0		0
Total FTEs and Personnel Compensation	105	7,347	0	0	0	0	4	324	0	0	109	7,671
12.0 Personnel Benefits		2,232		0		0		158		-35		2,355
21.0 Travel and Transportation of Persons		243		0		0		0		0		243
22.0 Transportation of Things		127		0		0		4		0		131
23.3 Communications, Utilities, and Miscellaneous Charges		524		0		0		46		-5		565
24.0 Printing and Reproduction		21		0		0		0		0		21
25.2 Other Services from Non-Federal Sources		1,746		2,824		2,824		73		-1,730		5,737
25.3 Other Goods and Services from Federal Sources		567		0		0		110		-10		667
25.6 Medical Care		15		0		0		0		0		15
25.7 Operation and Maintenance of Equipment		1,346		0		0		0		0		1,346
26.0 Supplies and Materials		197		0		0		10		0		207
31.0 Equipment		2,635		0		0		75		-15		2,695
<b>Total Program Change Requests</b>	<b>105</b>	<b>17,000</b>	<b>0</b>	<b>2,824</b>	<b>0</b>	<b>2,824</b>	<b>4</b>	<b>800</b>	<b>0</b>	<b>-1,795</b>	<b>109</b>	<b>21,653</b>

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Object Class	2013 Actual		2014 Availability		2015 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	1,224	128,514	1,224	132,960	1,333	142,891	109	9,931
11.3 Other than Full-Time Permanent	145	9,901	145	10,524	145	10,524	0	0
11.5 Other Personnel Compensation	0	175	0	1,856	0	1,856	0	0
<b>Total</b>	<b>1,369</b>	<b>138,590</b>	<b>1,369</b>	<b>145,340</b>	<b>1,478</b>	<b>155,271</b>	<b>109</b>	<b>9,931</b>
<b>Other Object Classes</b>								
12.0 Personnel Benefits		40,066		42,821		47,330		4,509
13.0 Benefits for former personnel		123		140		140		0
21.0 Travel and Transportation of Persons		1,174		2,745		2,988		243
22.0 Transportation of Things		2,006		1,655		1,782		127
23.1 Rental Payments to GSA		32,717		33,478		34,867		1,389
23.2 Rental Payments to Others		13		13		13		0
23.3 Communications, Utilities, and Miscellaneous Charges		5,607		5,678		6,202		524
24.0 Printing and Reproduction		259		250		271		21
25.1 Advisory and Assistance Services		5,545		5,945		5,945		0
25.2 Other Services from Non-Federal Sources		38,515		44,985		61,347		16,362
25.3 Other Goods and Services from Federal Sources		10,925		11,068		11,635		567
25.4 Operation and Maintenance of Facilities		2,007		2,007		2,007		0
25.6 Medical Care		183		184		199		15
25.7 Operation and Maintenance of Equipment		12,695		13,002		14,348		1,346
26.0 Supplies and Materials		1,829		1,824		2,021		197
31.0 Equipment		1,389		3,845		6,481		2,636
42.0 Insurance Claims and Indemnities		35		20		20		0
Other		0		0		-1,795		-1,795
<b>Total Obligations</b>		<b>293,678</b>		<b>315,000</b>		<b>351,072</b>		<b>36,072</b>
Subtract - Unobligated Balance, Start-of-Year		0		0		0		0
Subtract - Transfers/Reprogramming 1/		-2,153		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		154		0		0		0
<b>Total Direct Requirements</b>	<b>0</b>	<b>291,679</b>	<b>0</b>	<b>315,000</b>	<b>0</b>	<b>351,072</b>	<b>0</b>	<b>36,072</b>

1/ This amount excludes the \$4.0 million transfer from the DHS Immigration Examination Fees account. Instead, that \$4.0 million is included in the Total Direct Requirements amount.