



Executive Office for Immigration Review (EOIR)

FY 2022 Budget Request At A Glance

FY 2021 Enacted:	\$734.0 million (3,761 positions; 1,611 attorneys)
Current Services Adjustments:	-\$5.3 million
Program Changes:	+\$162.5 million
FY 2022 Budget Request:	\$891.2 million (4,361 positions; 1,911 attorneys)
Change From FY 2021 Enacted:	+\$157.2 million (+21.4%) (+600 positions; +300 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:

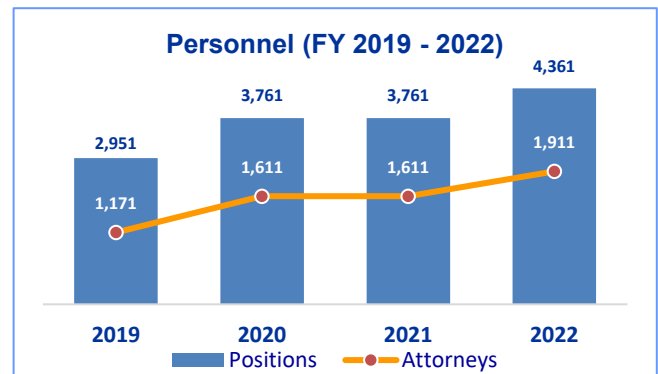
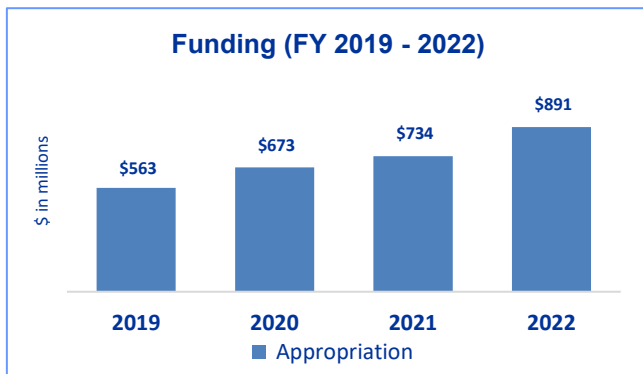
EOIR administers the Nation's immigration court system. EOIR primarily decides whether foreign-born individuals charged by the Department of Homeland Security (DHS) with violating immigration law should be either ordered removed from the United States or granted relief or protection from removal and allowed to remain in the country. To make these critical determinations, EOIR's Office of the Chief Immigration Judge conducts administrative court proceedings in 70 immigration courts and adjudication centers nationwide. EOIR's appellate component, the Board of Immigration Appeals (BIA), is the highest administrative body for interpreting and applying U.S. immigration law. EOIR's third adjudicative component, the Office of the Chief Administrative Hearing Officer, hears cases in employer sanctions and document fraud cases under the Immigration and Nationality Act of 1952. EOIR also has Headquarters offices that provide mission support functions.

Resources:

The FY 2022 budget request for EOIR totals \$891.2 million, which is a 21.4 percent increase over the FY 2021 Enacted.

Personnel:

EOIR's direct authorized positions for FY 2022 total 4,361 positions, including an increase of 600 positions over the FY 2021 Enacted of 3,761 direct authorized positions.



FY 2022 Strategy:

EOIR's immigration courts represent the Department's front-line presence in applying immigration law. Immigration cases typically begin when DHS files a Notice to Appear, which charges a potential undocumented noncitizen with a violation of Federal immigration law and seeks the removal of that individual from the United States. It remains critically important that EOIR have sufficient adjudicative resources to keep pace with DHS' enforcement efforts.

The largest challenge facing the immigration courts is the growing pending caseload. At the end of the FY 2020, there were over 1.3 million active cases pending in immigration courts nationwide. EOIR's FY 2022 strategic focus is to increase adjudicatory and case processing capacity in a fair, expeditious, and uniform manner to reduce the pending caseload. In addition to EOIR's continued focus on hiring all authorized positions to fill existing vacancies, EOIR is continuing ongoing efforts to maximize existing resources and eliminate agency inefficiencies. These ongoing efforts include making docket adjustments to reflect enforcement priorities, developing and implementing a workforce-staffing model, opening new courts, leveraging existing IT systems, emphasizing policy coordination and analysis, and making the Immigration Judge hiring process more efficient.

FY 2022 Program Changes:

Immigration Judges and Support: \$106.8 million and 600 positions (300 attorneys)

This increase will enable EOIR to add 100 additional immigration judges (IJs) and necessary support staff. This program increase includes funding for the necessary corresponding courtrooms, office space, and associated expenses (e.g. interpreter services, furniture, equipment, and funding for guard services). 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, or other EOIR mission support staff. Some support positions may also go to headquarters to support the growth of immigration courts. EOIR is also requesting 100 additional attorney advisor positions, to support IJs or appellate IJs. Due to the robust IJ hiring process and the six- to twelve-month timeline for new IJs to begin hearing cases at a rate as efficiently as experienced IJs, this program increase will not affect performance immediately but rather over the course of the next several years. However, with a sustained commitment to increasing the number of IJs and the number of IJ support staff including attorneys, EOIR will be able to decrease the pending caseload and reduce the amount of time respondents must wait until their case is heard. FY 2022 current services for this program are 3,761 positions (1,611 attorneys) and \$728.7 million.

Backlog Reduction Efficiencies: \$55.6 million and 0 positions

This increase provides several EOIR efficiency initiatives designed to help reduce the over one-million case backlog. Some examples include: funding for transcription services and contractor support at the Board of Immigration Appeals to enable it to address its pending appellate backlog; the start of a multi-year scanning project to begin scanning pending paper files into electronic Record of Proceeding providing for greater flexibility among IJs and support staff to adjudicate cases from any location; and other efficiency efforts designed to reduce the large and growing pending caseload. FY 2022 current services for this program are 3,761 positions (1,611 attorneys) and \$728.7 million.

Executive Office for Immigration Review

(Dollars in Thousands)

	Executive Office for Immigration Review		
	Pos	FTE	Amount
2020 Appropriation	3,761	2,025	672,966
2021 Enacted	3,761	2,621	734,000
2022 Request	4,361	2,921	891,190
Change 2022 from 2021 Enacted	600	300	157,190
Technical Adjustments			
DHS Immigration Examination Fees - EOIR	0	0	-4,000
Total Technical Adjustments	0	0	-4,000
Base Adjustments			
ATB Transfers	0	0	4,000
Pay & Benefits	0	0	20,472
Domestic Rent & Facilities	0	0	9,745
Non-Personnel Related Annualizations	0	0	-35,499
Total Base Adjustments	0	0	-1,282
2022 Current Services	3,761	2,621	728,718
Program Changes			
Increases:			
Immigration Judges and Support	600	300	106,844
Backlog Reduction Efficiencies	0	0	55,628
Subtotal, Program Increases	600	300	162,472
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	600	300	162,472
2022 Request	4,361	2,921	891,190

Executive Office for Immigration Review

(Dollars in Thousands)

Comparison by activity and program	2021 Enacted			2022 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	3,761	2,621	734,000	3,761	2,621	728,718
Total	3,761	2,621	734,000	3,761	2,621	728,718

Comparison by activity and program	2022 Total Program Changes			2022 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	600	300	162,472	4,361	2,921	891,190
Total	600	300	162,472	4,361	2,921	891,190