



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

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September 6, 2001
REVISED

MEMORANDUM

TO: All Immigration Judges
All Court Administrators
All Support Staff

FROM: Office of the Chief Immigration Judge

SUBJECT: Operating Policies and Procedures Memorandum
Number 01-01: Immigration Court Evaluation Program

This memorandum supplants Operating Policies and Procedures Memorandum 96-2 (draft) and establishes the Immigration Court Evaluation Program.

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I. AUTHORITY

The Authority for the evaluation program is provided at 8 C.F.R. § 3.9 (b).

II. PURPOSE

The review program within the immigration courts previously focused on examining Records of Proceeding to determine whether they were being maintained in accordance with requirements contained in the Uniform Docketing System Manual and to assess the accuracy of entries into the Automated Nationwide System for Immigration Review (ANSIR).

The Immigration Court Evaluation Program described in this memorandum provides for the comprehensive evaluation of the operations of each immigration court. Each court will be evaluated by an Evaluation Team (Team) composed of employees selected from other immigration courts. The Team will evaluate a court's operations as they relate to objectives established by the Chief Immigration Judge and the agency. The Team will advise the Chief Immigration Judge on the status of the court's operations and include recommendations for any changes deemed appropriate. The Chief Immigration Judge will then direct actions necessary to improve the operations of the court. It is hoped that the evaluation program will also facilitate the exchange of information and practices between courts to foster additional improvements.

III. EVALUATION CYCLE

Each Immigration Court will be evaluated approximately once every three to four years. Additional review(s) of a court may be scheduled as determined by the Chief Immigration Judge.

IV. TEAM MEMBER NOMINATION AND SELECTION

A corps of evaluators will be established from all immigration court employees. Anyone interested in serving as an evaluator should notify his or her Court Administrator or Assistant Chief Immigration Judge. Court Administrators and Assistant Chief Immigration Judges may also nominate persons who they believe will serve well as evaluators. The number and experience level of nominees from any court will not be limited. Final selection to the evaluation corps will be made by the Chief Immigration Judge and the Chief Clerk of the Immigration Court. Persons selected as evaluators are expected to be available to participate on evaluation teams for a period not to exceed two years.

V. EVALUATION TEAM COMPOSITION

Reflecting the emphasis of evaluations being conducted by peers, Evaluation Teams will consist of appropriate members of the courts. Typically, they will include one or more individuals from each of the following categories: immigration judge, court administrator, interpreter and legal technician. The size and composition of the Evaluation Team may vary depending on the size of the immigration court being evaluated. No evaluator may serve on a team conducting an evaluation of any court supervised by their Assistant Chief Immigration Judge.

VI. EVALUATION SCOPE

Areas to be covered by Evaluation Teams within the scope of the Immigration Court Evaluation Program shall include, but not be limited to, the following areas:

Immigration Court Initiatives - The focus is set by the Chief Immigration Judge and will change as needs and priorities dictate.

Case Management and Case Processing - The Evaluation Team will review Immigration Judge calendar management responsibilities and related case processing support.

Data Base Management - As was done in the previous review program, the Evaluation Team will review a randomly selected sample of cases for assessment of ANSIR entry accuracy and compliance with Uniform Docketing System Manual requirements.

Security - This portion includes a review of all aspects related to the security of court employees and participants in proceedings.

External Relations - The Court Evaluation Unit will send written questionnaires to a sample of attorneys appearing before the court. In addition, the Team will interview appropriate INS officials, the designated AILA liaison to the court being evaluated, and any members of the private bar who wish to meet with the Team.

Administrative Operations - Focus will be directed toward Court Administrator responsibilities in the areas of personnel management, time and attendance, procurement, contract services (e.g., interpretation, express mail), office automation, liaison/communications, and file creation maintenance.

VII. EVALUATION PROGRAM COORDINATION

Under the overall supervision of the Chief Clerk of the Immigration Court, the Court Evaluation Unit (CEU) is responsible for coordination and operation of the Evaluation Program. The CEU will select courts to be evaluated, prepare an annual evaluation schedule, and notify the courts selected. This will be done in coordination with the Assistant Chief Immigration Judges and with the approval of the Chief Immigration Judge.

The CEU is responsible for training evaluators, assigning evaluators to specific Evaluation Teams, and for designating one team member to serve as the Team Leader for each evaluation.

VIII. PRE ON-SITE ACTIVITY

A. Court Evaluation Unit Responsibilities

The Court Evaluation Unit is responsible for obtaining, creating, and distributing a variety of evaluation materials including, but not limited to, interview guides, written questionnaires, reports, and caseload data. Materials specific to the court being evaluated will be assembled by CEU staff and distributed to team members in advance of each evaluation

B. Responsibilities of the Evaluated Court's Court Administrator

The court administrator of the court being evaluated is responsible for submitting a schedule of interview times for each employee and for communicating this information to the employees. The court administrator is also responsible for ensuring that meeting/interview space is provided for the team, and for providing access to the court's ANSIR database. In addition, the court administrator will provide any information as requested by the CEU in advance of the on-site visit.

IX. ON-SITE ACTIVITY

A. Duration

The Evaluation Team will be at the court for approximately one week. Team members are typically expected to arrive at the hotel on the Sunday before the start of the evaluation in order to review the team assignments and schedule.

B. Entrance Meeting

The Evaluation Team Leader will commence the on-site portion of the evaluation by scheduling a meeting with the court administrator and local liaison immigration judge as the first item of business on the first day of the evaluation. Unless directed otherwise by the Team Leader, all members of the Evaluation Team will be present. No other court staff may be present.

C. Interviews and Fact Finding

On-site fact finding will occur by means of interviews, record reviews, and observations. Members of the Evaluation Team will interview local court personnel, officials from the Immigration and Naturalization Service, and members of the private bar. Members of the Team will review a randomly selected sample of Record of Proceeding files and administrative records maintained by the court. Team

members will also make observations concerning security, space and facilities, administrative operations, and other areas as appropriate.

D. Draft Evaluation Report

The team will prepare a written draft evaluation report for the Chief Immigration Judge. The report will include findings and recommendations, with discussion as appropriate. **The draft report is an internal management report. It is not for release to persons outside the evaluated court (e.g., persons other than Team members in other courts, members of the public, persons from INS). The draft report will be clearly identified to indicate that it is a “draft” and that it is “confidential - not to be distributed outside the court.”**

E. Exit Conference

The Evaluation Team Leader will schedule an exit conference with the host court administrator and the liaison immigration judge on the final day of the evaluation. The findings and recommendations will be presented orally at this meeting. Copies of the draft report will be provided to the court administrator and the liaison immigration judge.

F. **Reporting Team Findings to Other Personnel in the Evaluated Court**

Copies of the draft report must not be immediately distributed to the evaluated court staff. The court administrator and/or liaison judge of the evaluated court will orally inform the staff of the Team’s findings as reflected in the draft report. The court administrator may distribute the written draft report with the court’s response to the staff after the court’s response is submitted to the Chief Immigration Judge (See Section X. A.),

X. POST ON-SITE ACTIVITY

A. Court Response

The evaluated court will submit written comments on the draft report within ten business days after the exit conference. It is highly desirable that the response reflect joint input from the court administrator and the liaison immigration judge. The response is to be sent to the Chief Immigration Judge, through both the Chief Clerk of the Immigration Court and the Deputy Chief Immigration Judge. Failure to respond within the ten-day period will be deemed as concurrence in the draft report’s findings and recommendations.

B. Action Plan

After reviewing the draft evaluation report and the court's response, the Chief Immigration Judge will issue a written action plan. The action plan will indicate action(s) to be taken, the person(s) responsible for taking action, and the date by which action is expected to be completed. Persons responsible for implementing actions may include persons not in the court, including the Assistant Chief Immigration Judge, other staff within the Office of the Chief Immigration Judge, or staff from other EOIR offices.

A copy of the action plan will be sent to the court administrator and the liaison immigration judge of the evaluated court as well as to members of the Team.

C. Follow-up Visit

Approximately three months after the date of the Action Plan, the Team Leader will conduct an assessment of the progress made in completing actions required under the Plan. The follow-up may be conducted by means of one or more of the following: 1) on-site visit; 2) telephonic interview(s); and 3) review of written documentation. Determination of the need for an on-site visit will be made by the Chief Clerk of the Immigration Court and the Deputy Chief Immigration Judge. If an on-site visit is conducted, the Assistant Chief Immigration Judge having administrative responsibility over that court may also attend.

D. Follow-up Visit Report

Upon conclusion of the follow-up visit, the Team Leader will prepare a report of findings and forward it to the Deputy Chief Immigration Judge and the Chief Clerk of the Immigration Court. The report should reflect the status of action items contained in the action plan.

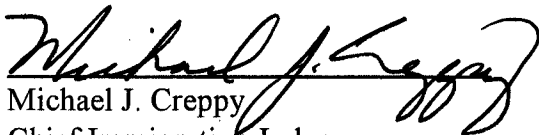
E. Final Report

The Deputy Chief Immigration Judge will prepare a final evaluation report for submission to the Chief Immigration Judge. Copies of the final report will be sent to the court administrator and the liaison immigration judge of the evaluated court as well as to members of the Evaluation Team.

XI. ETHICS AND SENSITIVE ISSUES

Members of the Team may not socialize with court personnel during the week of the evaluation. In particular, Team members may not socialize, have lunch or dine with the evaluated court personnel. Team members may not discuss their findings with anyone not on the Team during the evaluation process apart from designated OCIJ contacts. Team members shall be careful to refrain from discussing matters relating to the evaluation where they may be overheard by non-Team members, whether court personnel or other persons who are parties to court proceedings.

Any issues discovered during the course of the evaluation which are deemed to be of a sensitive nature will not be presented in the draft report. As appropriate, such issues may be forwarded by the Team Leader in a separate memorandum to the Chief Immigration Judge through the Chief Clerk of the Immigration Court for further investigation.


Michael J. Creppy
Chief Immigration Judge