

**FY 2008**

**Congressional  
Budget Submission**

**Administrative  
Review and Appeals**

January 30, 2007

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<http://www.usdoj.gov/jmd/2008justification/>.

## **I. Overview for Administrative Review and Appeals**

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

### **1. Introduction**

On March 1, 2003, the Immigration and Naturalization Service was abolished, its functions transferred to the new Department of Homeland Security (DHS). However, the Attorney General retained significant authority over the interpretation and application of the Nation's immigration laws. As such, the immigration adjudications and litigation functions remained within the Department of Justice.

The Department's adjudication of immigration cases is performed by EOIR.

*On behalf of the Attorney General and exercising his delegated authority, the mission of EOIR is to provide the timely and uniform interpretation and application of immigration law, ensuring due process and fair treatment for all parties involved.*

The Administrative Review and Appeals FY 2008 Request is \$251,512,000 offset by \$4,000,000 in fees collected by the Department of Homeland Security and deposited in the Immigration Examination account. The break down of this request is \$249,162,000 and 1,544 FTE for the Executive Office for Immigration Review (EOIR) and \$2,350,000 and 15 FTE for the Office of the Pardon Attorney (OPA).

The EOIR request continues a multi-year expansion required to adjudicate an unprecedented, and growing, immigration caseload. This request is \$12,000,000 (offset by \$4,000,000 in fees collected by DHS and deposited in the Immigration Examinations Fee Account), 120 positions, and 120 FTE (of which 20 are immigration judges and 10 are Board of Immigration Appeals (BIA) attorneys). This request seeks to make permanent the resources received by EOIR through the 2006 Wartime Supplemental and to meet additional caseload requirements of DHS' immigration enforcement program. The additional funding authority provided in the FY 2006 Supplemental will expire at the end of FY 2007.

The Administration's continuing commitment to the enforcement of our immigration laws has been exemplified most recently by the President's announcement of his new Secure Border Initiative, an initiative that will have profound implications for EOIR's adjudications programs.

EOIR includes 54 immigration courts located nationwide, the Board of Immigration Appeals, which hears appeals of immigration judge decisions and certain decisions of officers of the DHS, and an administrative law judge function, which adjudicates other immigration-related matters.

While due process and independent decision-making remain the bedrock of any judicial or quasi-judicial function, EOIR cannot and does not operate in a vacuum. The volume, nature, and geographic concentration of DOJ/EOIR immigration caseload relates to government-wide immigration enforcement efforts. The coordination with DHS of programmatic increases and resource allocation remains EOIR's top challenge and is a critical goal for the Administration, the Department of Justice and the DHS.

EOIR has been reviewed under the Program Assessment Rating Tool (PART) process in 2006 for budget year 2008. EOIR anticipates receiving a score of "Moderately Effective." An improvement plan has been put in place to undertake over the next several years.

## **2. Background**

### **Immigration Courts and Coordination with DHS Enforcement Increases**

EOIR's immigration courts represent the Department's front-line presence with respect to the application of immigration law. Cases are received on-site, across the Nation, directly from DHS enforcement personnel. As such, the coordination of resource allocation between DOJ/EOIR and DHS is a critical issue.

The strategies employed by EOIR to respond to this issue are twofold. 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 (most immigration judges "circuit ride" on both a regular and ad hoc basis), and permanently reassigning judge and staff positions to higher volume courts. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

EOIR's second strategy involves coordinating workload projections with DHS. Within DHS, Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) include the majority of immigration enforcement programs, which generate immigration court caseload.

ICE includes immigration detention and removal, intelligence, investigations, legal proceedings and criminal alien programs. CBP includes the Border Patrol and inspections programs. Increases to these DHS programs have had and will have an immediate and profound effect upon DOJ/EOIR adjudications. As a key player in the government's immigration initiatives, EOIR's ability to adjudicate increasing caseload in a timely fashion allows the larger system to operate more efficiently, including the effective utilization of increased detention bed spaces and the DHS resources devoted to criminal and non-criminal removal programs.

EOIR's top funding priority, as reflected in the budget requested for FY 2008, is to attain the ability to adjudicate the record numbers of cases already received as a result of DHS enforcement increases, and to begin to meet the adjudications challenges resulting from DHS increases already funded and those requested by DHS for 2008.

DHS received \$500 million in enforcement-related increases through the Emergency Wartime Supplemental Appropriations Act of 2003, additional resources in FY 2004 and FY 2005, over \$600 million through the Wartime Supplemental of 2005, \$1.2 billion through the 2006 Wartime Supplemental, and hundreds of millions more through the regular appropriations process. In addition, DHS received in 2007 unprecedented increases for precisely the enforcement programs, which generate EOIR caseload. These increases include:

- 6,700 additional detention beds (this is in addition to 2,300 new beds expected to be operational during FY 2006).
- 1,360 new positions in ICE alone, including hundreds of special agents to enhance worksite enforcement, fugitive operations and other enforcement programs.
- 2,500 additional Border Patrol Agents.

In addition to the above, the President's new Secure Border Initiative will expedite the expansion cited above, add an additional 3,500 Border Patrol agents by the end of CY 2008 (bringing the total increase from 2007 through 2008 to 6,000 new agents), and include force multipliers such as technology, infrastructure and thousands of National Guardsmen.

### **EOIR's Multi-Year Budget Strategy**

The 2008 request reflects the second phase of a multi-year plan to build EOIR's immigration adjudication program to the level required by the enforcement activities of DHS and the underlying goals of the Administration. (The first phase is included in the 2007 congressional budget submission.) The 2008 "second phase" was essentially "forward funded" through the 2006 Wartime Supplemental. As such, the 2008 request will fund the second phase in 2008 and beyond.

The need for this multi-year strategy must be understood within the context of EOIR's recent budget history, which is notably different than that of the DHS and the former INS.

The DHS enforcement increases received through 2005, cited above, had the predictable effect upon EOIR case receipts. Immigration court case receipts increased by over 50 percent from 1999 to 2005. Cases pending on immigration court dockets at the end of those years also rose by 50 percent. However, the number of immigration judges on-board at the end of 2005 (213) rose only two percent from the number on-board at the end of 1999 (209). By the end of 2006, an additional ten judges came on-board. But during the same period, 1999 through 2006, the number of board members decreased by six.

During 2005 alone, immigration court case receipts increased by over 75,000, a nearly 30 percent increase over the previous year. Case receipts in 2006 remain at historically high levels, a clear reflection of the impact of DHS enforcement increases.

In order to address this burgeoning caseload without commensurate staffing increases, EOIR implemented a number of management efficiencies. The success of the streamlining panel that was created at the BIA in 1999 led to further streamlining efforts such as the implementation of criteria for single Board Member and three-Board Member panel adjudication. This allowed the

Board to lower its pending caseload by more than 30,000 cases. In addition, the streamlining of the asylum program by EOIR and the former INS was so successful that Congress wrote such changes into law. Finally, EOIR's expanded use of videoteleconferencing shows that EOIR is on the cutting edge of using technology to enhance efficiency in the program. EOIR's continuing goal is to promote efficiencies and effectiveness in the process.

On an on-going basis, EOIR monitors caseload volume, trends, and geographic concentration and adjusts resource allocations accordingly. This is done by modifying local dockets, adjusting detail assignments (most immigration judges "circuit ride" on both a regular and ad hoc basis), and permanently reassigning judge and staff positions to higher volume courts. This strategy involves close national and local coordination with DHS immigration enforcement personnel.

These strategies have increased operational efficiency. However, even with these efficiencies, in the context of record-setting case receipts an untenable situation has been created which EOIR's multi-year strategy seeks to remedy.

### **EOIR and DOJ Strategic Goals**

EOIR has been included in the DOJ Strategic Plan for FY 2003 - FY 2008 under Strategic Goal 4: Ensure the fair and efficient operation of the Federal Justice System, Objective 4.6: Adjudicate all immigration cases promptly and impartially in accordance with due process.

While it is recognized that EOIR's primary mission is not counterterrorism, the immigration enforcement programs of DHS, the source of EOIR's caseload, represent a critical component of counterterrorism initiatives. Further, the Attorney General's authorities with respect to the application and interpretation of immigration laws clearly impact government-wide enforcement strategies. As such, EOIR remains an important function vis-à-vis DHS/DOJ enforcement efforts.

### **3. Full Program Costs**

EOIR's submission includes specific performance measures, including those identified in the Departmental Performance Plan and Report. The measures include performance targets related to criminal alien, detained alien and asylum caseloads. EOIR will continue to strive to meet the targets. However, EOIR will require the resources requested to process the additional immigration court workload presented by DHS enforcement activities and proposals. All costing methodologies, including modular costs, are reflected in the attached financial exhibits.

### **4. Performance Challenges**

EOIR's challenges are of an internal and external nature. Externally, this budget proposal reflects collaboration with DHS to best address workload projections. EOIR receives virtually all workload in the form of cases brought by DHS challenging the legal status and seeking the removal of aliens. The importance of acquiring the resources needed to respond to DHS enforcement increases cannot be overstated.

Perhaps the greatest challenge to the BIA's mission of providing timely guidance and interpretation of the immigration laws has been its increasing caseload. The BIA has received approximately 30,000 cases per year through FY 2001, an extremely large volume for any

appellate body. In FY 2002, receipts numbered approximately 35,000 cases and continued to rise (42,000 in FY 2003 and approximately 43,000 in FY 2004 and FY 2005).

The immigration court's caseload increases resulting from DHS' heightened enforcement efforts will remain the key challenge for EOIR. EOIR's courts continue to receive hundreds of thousands of matters for adjudication. DHS enforcement strategies, coupled with resource increases received in FY 2003 through FY 2007 and requested in FY 2008 have and will dramatically increase the immigration court's caseload. Immigration court caseload increased by approximately 75,000 cases in 2005 alone, a dramatic 30 percent increase in just one year. Caseload receipts in 2006 remain at historically high levels. Moreover, DHS increases in detention bed spaces, coupled with other enforcement increases, will increase immigration court filings by at least an additional 25,000 cases annually, by the start of FY 2008. Other DHS enforcement increases include those related to border control and the identification and removal of criminal aliens.

In FY 2008, DHS will permanently transfer \$2,000,000 into EOIR's base for the Legal Orientation Program.

## II. Summary of Program Changes

In FY 2008, EOIR requests a total of \$249,162,000, 1,506 positions, and 1,544 FTE, to respond to DHS enforcement increases received through FY 2007 and proposed for FY 2008. This request includes total increases of \$12,000,000 (offset by \$4,000,000 in fees collected by DHS and deposited in the Immigration Examinations Fee Account), 120 positions (of which 20 are immigration judges and 10 are BIA attorneys), and 120 FTE.

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Strategic Goal 4.6	Increased Immigration Caseload	120	120	\$12,000	20
Strategic Goal 4.6	Immigration Examinations Fee Program Offset			-4,000	23

This increase is required to support the 120 new positions approved by Congress in the 2006 Wartime Supplemental. The funding for these positions is set to expire at the end of 2007. As such, the funding is required to support the hiring directed by Congress in 2006.

The entire program increase relates to front line immigration judge and support staff positions located in EOIR immigration courts in the field and front line staff attorneys for EOIR's appellate body, the Board of Immigration Appeals (BIA).

This funding level is requested to adjudicate the increased immigration caseload resulting from DHS initiatives, which have and will greatly increase DOJ/EOIR caseload receipts, particularly in the areas of detained and criminal alien adjudications.

The 20 immigration judges and 10 BIA staff attorneys requested will adjudicate approximately 30,000 additional cases and appeals annually.



### **III. Appropriations Language and Analysis of Appropriations Language**

#### **Appropriations Language\***

For expenses necessary for the adjudication of pardon and clemency petitions and immigration-related activities, [\$229,212,000], *\$251,512,000\*\*, 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.*

\* The FY 2008 President's Budget uses the FY 2007 President's Budget language as a base so all language is presented as new.

\*\*The request amount in the FY 2008 President's Budget Appendix for Administrative Review and Appeals (ARA) is incorrect and could not be changed before the Appendix went to print. However, the Congressional Budget Justification reflects the accurate FY 2008 requested amount.

#### **Analysis of Appropriations Language**

The proposed language change "*\$251,512,000, 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*" would allow the Executive Office for Immigration Review to receive \$4,000,000 in transfer from fees collected for the processing of immigration documents, which are deposited into the Department of Homeland Security's Immigration Examinations Fee Account. This would result in a reduction of \$4,000,000 to EOIR's discretionary requirement.

#### IV. Decision Unit Justification

##### A. Executive Office for Immigration Review

<b>EOIR TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2006 Enacted w/Rescissions and Supplementals	1,266	1,304	219,721
2007 Estimate	1,386	1,364	224,614
Adjustments to Base and Technical Adjustments	0	60	12,548
2008 Current Services	1,386	1,424	237,162
2008 Program Increases	120	120	12,000
2008 Offsets	0	0	-4000
2008 Request	1,506	1,544	245,162
<b>Total Change 2007-2008</b>	<b>120</b>	<b>180</b>	<b>20,548</b>

<b>EOIR—Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2006 Enacted with Rescissions	22	22	22,997
2006 Supplementals	0	0	0
2006 Enacted w/Rescissions and Supplementals	22	22	22,997
2007 President's Budget	22	22	23,902
Adjustments to Base and Technical Adjustments	0	0	0
2008 Current Services	22	22	23,902
2008 Program Increases	0	0	0
2008 Offsets	0	0	0
2008 Request	22	22	23,902
<b>Total Change 2007-2008</b>	<b>0</b>	<b>0</b>	<b>0</b>

##### 1. Program Description

The 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 an increasing caseload has been a challenging task in a time of almost constant major legislative action in the immigration field. The BIA has provided the principal interpretation of the Immigration Reform Control Act of 1986 (IRCA), the Immigration Amendments of 1988, the Anti-Drug Abuse Act of 1988; the Immigration Act of 1990 (IMMACT 90); the Anti-terrorism and Effective Death Penalty Act of 1996 (AEDPA); the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); and the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA); the Legal Immigration Family Equity Act of 2000 (LIFE); and the LIFE Act Amendments of 2000. These laws have represented the most fundamental restructuring of the Immigration and Nationality Act since its enactment in 1952, and have presented a myriad of new issues of statutory construction. The BIA has issued interpretive decisions and has then reinterpreted the Act as the laws have been redrafted.

Office of the Chief Immigration Judge – The Chief Immigration Judge provides overall program direction, articulates policy, and establishes priorities for the immigration judges located in 54 courts throughout the United States. Generally, immigration judges may order aliens removed or grant relief such as cancellation of removal, suspension of deportation, adjustment of status, asylum or waivers of removability. If the immigration judges decide that removability has not been established, they may terminate the proceedings. Bond redetermination hearings are held when an alien in custody seeks release on his or her own recognizance, or a reduction in the amount of 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, now 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 and state and local corrections authorities.

Office of the Chief Administrative Hearing Officer – The Office of the Chief Administrative Hearing Officer (OCAHO) employs Administrative Law Judges (ALJs) appointed pursuant to 5 U.S.C. 3105 to adjudicate cases arising under Sections 274A, 274B and 274C of the Immigration and Naturalization Act (INA). Section 274A provides for sanctions against employers or entities who: (1) knowingly hire, recruit, or refer for a fee, or continue to employ unauthorized aliens; (2) fail to comply with the employment verification system; or (3) require the execution of an indemnity bond to protect themselves from potential liability for unlawful employment practices. Section 274 B prohibits employment discrimination based on national origin or citizenship status and provides for civil penalties and various remedies. Section 274C provides civil penalties for immigration-related document fraud. Adjudicative proceedings are initiated by complaints filed with the OCAHO and subsequently assigned to ALJs by the Chief Administrative Hearing Officer (CAHO). Complaints are filed by the DHS in section 274A and Section 274C cases and by the Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices in section 274B cases, or by the aggrieved party if OSC declines to file a complaint.

The CAHO may conduct administrative review and, unless the case is certified to the Attorney General, take the final agency action with respect to cases decided by ALJs under Sections 274A and 274C. The CAHO also certifies ALJs who hear Section 274B cases having received the training in employment discrimination matters as required by statute.

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Executive Office for Immigration Review											
DOJ Strategic Goal/Objective 4.6 Adjudicate all immigration cases promptly and impartially in accordance with due process											
WORKLOAD/ RESOURCES		Final Target		Actual		Estimated		Changes		Requested (Total)	
		FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Workload: Immigration Court Matters Received Appeals Received at BIA		369,000 45,200		348,216 39,700		381,500 47,200		37,500 8,000		419,000 55,200	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		1,304	219,721	1,304	210,947	1,364	224,614	180	20,548	1,544	245,162
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Program Activity	4.6 Adjudicate Immigration Cases	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	
<b>Performance Measure</b>	<b>Immigration Courts</b>										
	Total Matters Completed	352,000		365,851		364,500		25,000		389,500	
	Total Proceedings Completed	298,000		323,000		310,500		25,000		335,500	
	Expedited Asylum Completions	47,000		27,000		47,000		--		47,000	
	IHP Completions	7,900		5,600		7,900		--		7,900	
	Detained Completions w/out Apps.	60,000		64,000		70,000		--		70,000	
<b>Performance Measure</b>	<b>Board of Immigration Appeals</b>										
	Total Appeals Completed	46,300		41,400		48,300		4,000		52,300**	
	Detained Completions*	3,700		3,000		4,000		--		4,000	
<b>Efficiency Measure</b>	The measures above also serve as EOIR's efficiency measures										

\* This is a new measure. Previously single and three board member completions were reported.

\*\* This figure corrects a typographical error from the galleys.

<b>OUTCOME</b>	<b>Immigration Courts</b>					
	% Exp Asylum Cases within Time Goal	90%	95%	90%	90%	90%
	% IHP Cases within Time Goal	90%	92%	90%	90%	90%
	% Detained Cases within Time Goal	90%	92%	90%	90%	90%
	<b>Board of Immigration Appeals</b>					
% Detained Cases Adjudicated within Time Goal	90%	97%	90%	90%	90%	

**PERFORMANCE MEASURE TABLE**

Decision Unit: Executive Office for Immigration Review

Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006		FY 2007	FY 2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measures	Total Matters Completed	254,402	259,584	273,926	296,494	301,203	352,000	352,000	365,851	364,500	389,500
	Total Proceedings Completed	215,421	218,282	228,412	250,763	258,946	314,000	298,000	323,000	310,500	335,500
	Expedited Asylum Completions	29,504	31,019	39,438	50,017	47,078	43,000	47,000	27,000	47,000	47,000
	IHP Completions	13,069	11,107	9,637	7,696	7,835	9,000	7,900	5,600	7,900	7,900
	Detained Completions without Applications	41,946	48,085	50,312	58,734	58,849	59,000	60,000	64,000	70,000	70,000
Performance Measures	Total Appeals Completed	21,381	31,801	47,327	48,060	48,711	46,300 <sup>1</sup>	46,300	41,400	48,300	52,300 <sup>2</sup>
	Detained Completions*	N/A	N/A	N/A	3,694	4,089	3,425	3,700	3,000	4,000	4,000
Efficiency Measures	The measures above also serve as EOIR's efficiency measures										
**OUTCOME Measures	% Expedited Asylum Cases within Time Goal	90%	91%	91%	91%	89%	92%	90%	95%	90%	90%
	% IHP Cases w/in Time Goal	92%	89%	84%	86%	88%	89%	90%	92%	90%	90%
	% Detained w/out Applications w/in Time Goal	85%	83%	84%	88%	88%	91%	90%	92%	90%	90%
**OUTCOME Measures	% Detained Appeals Adjudicated within Time Goal	N/A	N/A	N/A	81%	91%	92%	90%	97%	90%	90%

N/A = Data unavailable. The performance measures and outcome measures for which data are unavailable are new measures implemented in FY 2004.

\*Completion figures (in the Performance Measures rows) are not targets, but rather projected completions for fiscal years 2004 – 2006. EOIR's targets are the percentages shown in the OUTCOME Measures row.

\*\*Denotes inclusion in the DOJ Performance and Accountability Report

<sup>1</sup>This figure corrects a typographical error from the 2007 Congressional.

<sup>2</sup>This figure corrects a typographical error from the Galleys.

## B. Office of the Pardon Attorney

<b>OPA TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2006 Enacted w/Rescissions and Supplementals	15	15	2,209
2007 Estimate	15	15	2,276
Adjustments to Base and Technical Adjustments	0	0	74
2008 Current Services	15	15	2,350
2008 Program Increases	0	0	0
2008 Offsets	0	0	0
2008 Request	15	15	2,350
<b>Total Change 2007-2008</b>			74

### 1. Program Description

The Office of the Pardon Attorney (OPA) receives and reviews all petitions for executive clemency, conducts the necessary investigations and prepares recommendations to the President for action. OPA provides guidance for the conduct of clemency proceedings and the standards for decisions. OPA confers with individual clemency applicants, their representatives, public groups, members of Congress, various federal, state, and local officials and others in connection with the disposition of clemency proceedings.

OPA participates in training and other conferences related to the field of criminal justice corrections, and clemency, and maintains a network of contacts required of OPA with Department officials, the counsel of the President, and other government officials. OPA's staff currently includes seven attorneys, three paralegals, and five office support positions.

OPA is requesting a total of 15 permanent positions, 15 FTE, and \$2,350,000 in its salaries and expenses appropriation. This request represents an increase of \$74,000 over the FY 2007 enacted appropriation of \$2,276,000.



PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Office of the Pardon Attorney											
DOJ Strategic Goal/Objective: Goal IV: Ensure the Fair and Efficient Operations of the Federal Justice System											
WORKLOAD/ RESOURCES		Final Target		Actual		Estimated		Changes		Requested (Total)	
		FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Petitions received/pending		2,651		2,651		2,225				2,000	
Correspondence received		5,500		5,400		5,700				5,700	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		12	2,209	12	2,136	13	2,276	...		15	2,350
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Program Activity	Clemency Petitions Processed	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		13	2,121	10	2,121	11	2,185	...	85	13	2,256
Performance Measure	# of clemency petitions processed by OPA	1,100		1,046		1,100				1,100	
Program Activity	Correspondence Processed	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		2	88	2	88	2	91	...	4	2	94
Performance Measure	Number of pieces of correspondence processed	5,250		5,250		5,550				5,550	
OUTCOME	Petitions Pending at OPA	1,200		904		1,000				1,100	

Data Definition, Validation, Verification, and Limitations: OPA's mission critical case and correspondence tracking system is updated daily and used extensively by the Pardon Attorney and staff to track the status of clemency petitions and correspondence. The data reflected under the "Actual Performance Measure" column is derived from this tracking system and cross-referenced with internal reports to ensure a high degree of accuracy.

**PERFORMANCE MEASURE TABLE**

Decision Unit: Office of the Pardon Attorney

Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006		FY 2007	FY 2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measures	Number of Clemency Petitions Processed at OPA	1,047	1,092	1,431	1,293	1,123	1,217	1,100	1,046	1,100	1,100
Performance Measures	Pieces of Correspondence Processed	8,838	7,000	5,600	5,250	5,250	5,250	5,250	5,250	5,250	5,250
Efficiency Measures											
OUTCOME Measures	Petitions Pending at OPA							1,200	904	1,000	1,100

N/A = Data unavailable

\* Denotes inclusion in the DOJ Annual Performance Plan

## **2. Performance, Resources, and Strategies**

Resources from both EOIR and OPA contribute to the achievement of the Department's Strategic Goal 4: Ensure the fair and efficient operation of the Federal Justice System. Within this Goal, EOIR's resources specifically address the Department's Strategic Objective 4.6: Adjudicate all immigration cases promptly and impartially in accordance with due process.

In addition, owing to the unique relationships between EOIR adjudications programs and DHS immigration enforcement programs, resources from EOIR contribute to Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security.

### **a. Performance Plan and Report for Outcomes**

As illustrated in the preceding Performance Measure Table, the performance outcome measure for EOIR is the percentage of high priority cases completed within established time frames. The FY 2008 targets for the five case types are 90% within the established time frames.

For the immigration courts, EOIR chose three priority case types as performance measures, and set the following goals:

- 90% of expedited asylum cases completed within 180 days
- 90% of Institutional Hearing Program (criminal alien cases) completed before release from incarceration
- 90% of detained cases without applications for relief completed within 30 days

In FY 2006, the immigration courts exceeded their targets for all categories. These three performance measures will be continued in FY 2007 and FY 2008.

Performance measures for the Board of Immigration Appeals (BIA) are:

- 90% of detained appeals adjudicated within 150 days

In FY 2006, the BIA exceeded this target by 7%. This performance measure will continue in FY 2007 and FY 2008.

EOIR's adjudication functions are part of the government's larger 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, including 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.

In summary, the FY 2008 target is to complete 90% of EOIR's priority adjudications with 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. The outcome measure for this indicator is the percentage of high priority cases that are completed within established time frames.

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 expedited asylum cases, and increasing the frequency of immigration judge details to federal, state and local correctional facilities as needed to adjudicate Institutional Hearing Program cases.

Finally, EOIR is moving ahead with its plans to transition from paper to electronic records. When fully implemented, this initiative will improve efficiency throughout the adjudication process, and a higher percentage of EOIR's cases will be adjudicated within target time frames. For example, data from electronically filed documents will be automatically uploaded to EOIR's database, thus decreasing data entry time; electronic Records of Proceedings (ROPs) will be available for simultaneous access by staff who need to use them, eliminating the time spent waiting for files; and digitally recorded hearings can be made available to transcribers instantly rather than mailing audio tapes back and forth.

## c. Results of Program Assessment Rating Tool (PART) Reviews

EOIR has been reviewed under the Program Assessment Rating Tool (PART) process in 2006 for budget year 2008. EOIR anticipates receiving a score of "Moderately Effective." An improvement plan has been put in place to undertake over the next several years.

## Program Increases

**Item Name:** **Adjudication of Increased Immigration Caseload**

Budget Decision Unit(s): Administrative Review and Appeals  
Strategic Goal(s) & Objective(s): 4.6 Adjudicate all immigration cases promptly and impartially in accordance with due process  
Organizational Program: EOIR's coordination with DHS initiatives

Component Ranking of Item: 1

Program Increase: Positions 120 Agt/Atty 30 FTE 120 Dollars \$12,000,000

### Description of Item

**EOIR's request includes an enhancement of 120 positions (20 immigration judges and 10 BIA attorneys), 120 FTE and \$12,000,000 (offset by \$4,000,000 in fees collected by DHS and deposited in the Immigration Examinations Fee Account).** This request ties to a variety of DHS immigration enforcement increases funded in FY 2003, FY 2004, FY 2005, the 2005 Wartime Supplemental, the 2006 Wartime Supplemental, FY 2007 and requested for FY 2008. These initiatives have and will increase immigration court caseload (75,000 additional cases in FY 2005 alone and a minimum of 25,000 additional receipts in FY 2008). In addition, appellate caseload receipts would be increased by approximately 4,000 cases annually.

This request seeks to make permanent the resources received by EOIR through the 2006 Wartime Supplemental. However, the additional funding provided in the FY 2006 Supplemental will expire at the end of FY 2007.

EOIR's FY 2008 request ties to four critical developments impacting EOIR caseload:

- (1) DHS resource increases and enforcement strategies have already resulted in caseload increases for EOIR. In FY 2004, EOIR immigration courts received 256,000 cases for adjudication. For FY 2005, actual case receipts were 331,000, an increase of nearly 30 percent. These caseload increases are the result of DHS enforcement resources and strategies already in place.
- (2) Congress passed and the President signed into law the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (the "Wartime Supplemental"). The bill contained significant increases for DHS immigration enforcement programs, which will have a direct impact upon EOIR caseload, including funding for 500 additional Border Patrol Agents, 168 Immigration Enforcement Agents and Detention Officers and, most importantly, 1,950 additional detention beds. Congress has required all of these DHS increases to be on-line by the end of FY 2006.

(3) For FY 2006, the DHS appropriation included dramatically more DHS enforcement increases. When added to the DHS resources funded in the 2005 Wartime Supplemental, by the end of FY 2006 DHS increases included, at a minimum,

- 1,500 additional Border Patrol Agents
- 568 new enforcement agents and officers
- 100 new agents for the Institutional Removal Program (EOIR criminal alien adjudications)
- 3,870 new detention beds
- funding for a variety of additional, force-multiplying border surveillance technologies and equipment.

(4) For FY 2007, DHS received: 6,700 additional detention beds; 1,360 new positions in ICE alone, including hundreds of special agents to enhance worksite enforcement, fugitive operations and other enforcement programs; and 2,500 additional Border Patrol agents.

In addition, the President's new Secure Border Initiative, in concert with the \$1.2 billion DHS received in the 2006 Wartime Supplemental, will expedite the expansion cited above, add an additional 3,500 Border Patrol agents by the end of CY 2008 (bringing the total increase in 2007 and 2008 to 6,000 new agents), and include force multipliers such as technology, infrastructure and thousands of National Guardsmen.

EOIR's requested increase ties to the above DHS increases. The 20 immigration judges and 10 BIA attorneys will adjudicate an estimated 25,000 additional cases and 4,000 additional appeals annually, the increased caseload anticipated to result from the enforcement initiatives cited above.

#### Justification

EOIR will require the resources requested to begin to process the additional immigration court workload presented by DHS enforcement activities already underway, funded for FY 2006 and FY 2007 and proposed for FY 2008.

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

Critical to the success of various DHS and DOJ initiatives will be the ability of EOIR to process the resulting immigration judge and appellate caseload within the timeframe goals established by EOIR and the Department. DHS removal goals are, in large measure, inextricably tied to EOIR's adjudication process. Similarly, the efficient utilization of detention bed spaces is dependent upon the expedited processing of the immigration judge and appellate caseload, thereby maximizing the number of aliens DHS is able to process through detention facilities. Further, goals tied to the DHS Institutional Removal Program and the DOJ/EOIR Institutional Hearing Program must consider EOIR's ability to process caseload within the timeframe goals established by EOIR and the Department. EOIR has published in the departmental Performance Plan and Report the following measures which are specific and tie directly to Attorney General

priorities: In FY 2006, EOIR's Immigration Judges completed 95% expedited asylum, 92% IHP, and 92% detained cases within target time frames. BIA completed 97% of detained cases within the time goal. The requested increase will allow EOIR to meet these time frames for the additional caseload expected in FY 2007 and FY 2008.

## Funding

### Base Funding

FY 2006 Enacted				FY 2007 Estimate				FY 2008 President's Budget Current Services			
Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)
1,281	432	1,319	221,930	1,401	462	1,379	226,890	1,401	462	1,439	239,512

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2008 Request (\$000)
Immigration Judge	187	20	3,737
Language Specialist	62	20	1,236
Legal Technician	51	20	1,014
Clerk	51	20	1,014
Law Clerk	75	20	1,490
Attorney	106	10	1,057
Paralegal	62	10	618
Total Personnel	1,148	120	10,166

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request (\$000)
Total Non-Personnel		120	1,834

### Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	1,401	462	1,439	148,145	91,367	239,512
Increases	120	30	120	10,166	1,834	12,000
Grand Total	1,521	492	1,559	158,311	93,201	251,512

\* Full year funding, in FY 2008, based on the 2006 Wartime Supplemental in the amount of \$9,000,000. The \$9,000,000 is two-year funding.



Program Offsets

**Item Name:** **Immigration Examinations Fee Account**

Budget Decision Unit(s): Administrative Review and Appeals  
Strategic Goal(s) & Objective(s): 4.6 Adjudicate all immigration cases promptly and impartially in accordance with due process  
Organizational Program: EOIR's coordination with DHS initiatives

Component Ranking of Item: 1

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

Description of Item

Fees collected for the processing of immigration documents are deposited into the Immigration Examinations Fee Account, which is collected by the Department of Homeland Security. In FY 2008, EOIR will receive \$4,000,000 as a transfer from the Immigration Examinations Fee Account. This results in a reduction of \$4,000,000 to EOIR's discretionary requirement.

**Funding**

Non-Personnel Reduction Cost Summary

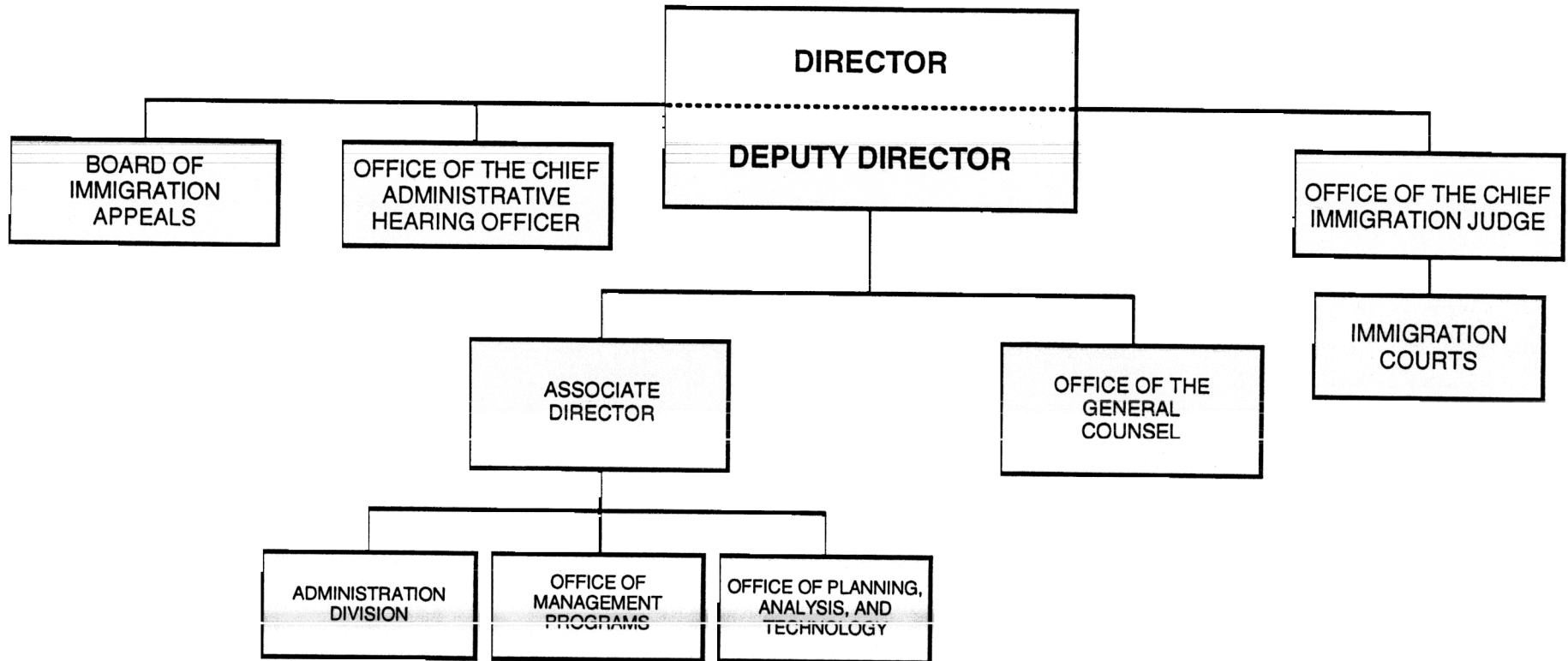
Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request (\$000)
Total Non-Personnel		120	-4,000

Grand Total

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Offset					-4,000	-4,000
Grand Total					-4,000	-4,000

# **EXHIBITS**

# EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



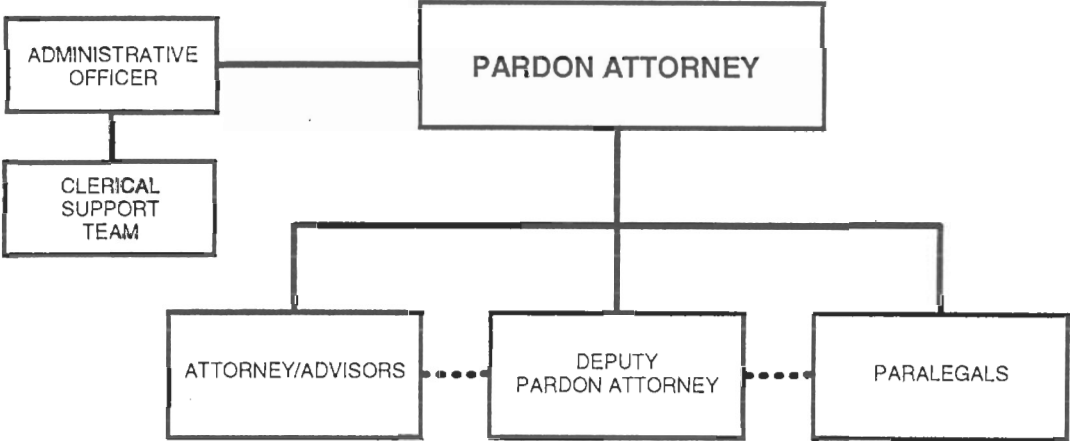
Approved by:



JOHN ASHCROFT  
Attorney General

Date: November 19, 2004

# OFFICE OF THE PARDON ATTORNEY



Approved by:  Date: May 15, 2001  
JOHN D. ASHCROFT  
Attorney General

**B: Summary of Requirements**

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

	FY 2008 Pres. Budget		
	Perm. Pos.	FTE	Amount
<b>2006 Enacted (with Rescissions, direct only)</b>	1,281	1,319	\$212,930
2006 Supplementals			\$9,000
<b>Total 2006 Enacted (with Rescissions and Supplementals)</b>	1,281	1,319	221,930
2007 President's Budget (Information Only)	1,401	1,379	229,212
2007 Continuing Resolution Level (as reflected in the 2008 President's Budget; Information Only)	1,401	1,379	212,930
<b>2007 Estimate (direct only)*</b>	1,401	1,379	226,890
<b>2007 Estimate (with Rescissions)</b>	1,401	1,379	226,890
Transfers:			
Transfer from DHS for EOIR's Legal Orientation Program (LOP)			2,000
DHS Immigration Examinations Fee to EOIR			(4000)
Sub-Total Transfers	....	....	2,000
Adjustments to Base			
Increases:			
2008 pay raise (3.0%)			3,090
2007 pay raise annualization (2.2%)			937
Annualization of additional positions approved in 2007		60	2,879
Change in Compensable Days			1,028
Retirement			273
Health Insurance Premiums			379
GSA Rent -- rate increase			876
Lease Expirations			1,012
DHS security charges			340
Security Investigations			8
Subtotal Increases	....	60	10,822
Decreases:			
Employee Compensation Fund			(200)
Subtotal Decreases	....	....	(200)
Total Adjustments to Base	....	60	10,622
Total Adjustments to Base and Transfers	....	60	12,622
<b>2008 Current Services</b>	<b>1,401</b>	<b>1,439</b>	<b>239,512</b>
Program Changes			
Increases			
Wartime Supplemental	120	120	12,000
Subtotal Increases	120	120	12,000
Offsets			
Immigration Application Fee			(4,000)
Subtotal Offsets	....	....	(4,000)
Total Program Changes	120	120	8,000
<b>2008 Total Request</b>	<b>1,521</b>	<b>1,559</b>	<b>247,512</b>
2007 - 2008 Total Change	120	180	20,622

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

	2006 Enacted w/Rescissions and Supplementals			2007 Estimate			2008 Adjustments to Base and Technical Adjustments			2008 Current Services			2008 Increases			2008 Offsets			2008 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
<b>Estimates by budget activity</b>																					
Executive Office for Immigration Review	1,266	1,304	\$219,721	1,386	1,364	\$224,614	....	60	\$12,548	1,386	1,424	237,162	120	120	\$12,000	....	....	-\$4,000	1,506	1,544	\$245,162
Office of the Pardon Attorney	15	15	2,209	15	15	2,276	....	....	74	15	15	2,350	....	....	....	....	....	....	15	15	2,350
										....	....	....									
<b>Total</b>	<b>1,281</b>	<b>1,319</b>	<b>221,930</b>	<b>1,401</b>	<b>1,379</b>	<b>226,890</b>	<b>....</b>	<b>60</b>	<b>12,622</b>	<b>1,401</b>	<b>1,439</b>	<b>239,512</b>	<b>120</b>	<b>120</b>	<b>12,000</b>	<b>....</b>	<b>....</b>	<b>(4,000)</b>	<b>1,521</b>	<b>1,559</b>	<b>247,512</b>
Reimbursable FTE										....											
Total FTE		1,319			1,379			60			1,439			120			....				1,559
Other FTE:																					
LEAP								....						....			....				
Overtime								....						....			....				
Total Comp. FTE		1,319			1,379			60			1,439			120			....				1,559

**C: Program Increases/Offsets By Decision Unit**

**FY 2008 Program Increases/Offsets By Decision Unit**

Administrative Review and Appeals

(Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	EOIR				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	
Increased Immigration Caseload	EOIR	120	30	120	12,000	<b>12,000</b>
<b>Total Program Increases</b>		<b>120</b>	<b>30</b>	<b>120</b>	<b>\$12,000</b>	<b>\$12,000</b>
Program Offsets	Location of Description by Decision Unit	Decision Unit 1				Total Offsets
		Pos.	Agt./Atty.	FTE	Amount	
Immigration Examinations Fee	EOIR	....	....	....	(4,000)	<b>(4,000)</b>
<b>Total Offsets</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(\$4,000)</b>	<b>(\$4,000)</b>

D: Resources by DOJ Strategic Goal and Strategic Objective

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

Strategic Goal and Strategic Objective	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Current Services		2008				2008 Request		
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s	
							Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s			
<b>Goal 1: Prevent Terrorism and Promote the Nation's Security</b> 1.1: Prevent, disrupt, and defeat terrorist operations before they occur 1.2: Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States													
<b>Subtotal, Goal 1</b>	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People</b> 2.1													
<b>Subtotal, Goal 2</b>	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Goal 3: Assist State, Local, and Tribal Efforts to Prevent or Reduce Crime and Violence</b> 3.1:													
<b>Subtotal, Goal 3</b>	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Goal 4: Ensure the Fair and Efficient Operation of the Federal Justice System</b> 4.6 Adjudicate all immigration cases promptly and impartially in accordance with due process.	1,319	221,930	1,379	226,890	1,439	239,512	120	12,000	-	(4,000)	1,559	247,512	
<b>Subtotal, Goal 4</b>	<b>1,319</b>	<b>221,930</b>	<b>1,379</b>	<b>226,890</b>	<b>1,439</b>	<b>239,512</b>	<b>120</b>	<b>12,000</b>	<b>-</b>	<b>(4,000)</b>	<b>1,559</b>	<b>247,512</b>	
<b>GRAND TOTAL</b>	<b>1,319</b>	<b>\$ 221,930</b>	<b>1,379</b>	<b>\$ 226,890</b>	<b>1,439</b>	<b>\$ 239,512</b>	<b>120</b>	<b>\$ 12,000</b>	<b>-</b>	<b>\$ (4,000)</b>	<b>1,559</b>	<b>\$ 247,512</b>	



## **E. Justification for Base Adjustments\***

### **Justification for Base Adjustments Administrative Review and Appeals**

#### Increases

2008 pay raise. This request provides for a proposed 3.0 percent pay raise to be effective in January of 2008. (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$3,090,000 represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$2,177,000 for pay and \$913,000 for benefits).

Annualization of 2007 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2007 pay increase of 2.2 percent. The amount requested \$937,000 represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$ 660,000 for pay and \$277,000 for benefits).

\* ATBs must be recalculated following final FY 2007 action.

Annualization of additional positions approved in 2007. This provides for the annualization of 60 additional positions requested in the 2007 President's Budget. Annualization of new positions extends to 3 years to provide for entry level funding in the first year with a 2-year progression to the journeyman level. For 2007 increases, this request includes an increase of \$ 2,879,000 for full-year payroll costs associated with these additional positions.

	2006 Increases (\$000)	Annualization Required for 2008 (\$000)	2007 Increases (\$000)	Annualization Required for 2008 (\$000)
Annual salary rate of 60 new positions		0	7,016	4,464
Less lapse (50 %)		0	3,508	2,232
Net Compensation	0	0	3,508	2,232
Associated employee benefits		0	1,016	647
Travel		0	85	
Transportation of Things		0	107	
GSA Rent		0	0	
Communications/Utilities		0	296	
Printing/Reproduction		0	5	
Other Contractual Services:		0		
25.2 Other Services		0	1,103	
25.3 Purchase of Goods and Services from Government Accts.		0	341	
25.6 Medical Care		0	2	
25.7 Operation and Maintenance of Equipment		0	421	
Supplies and Materials		0	104	
Equipment		0	975	
Land and Structure		0	794	
<b>TOTAL COSTS SUBJECT TO ANNUALIZATION</b>	<b>0</b>	<b>0</b>	<b>8,757</b>	<b>2,879</b>

Changes in Compensable Days: The increase costs of two more compensable day in FY 2008 compared to FY 2007 is calculated by dividing the FY 2007 estimated personnel compensation \$428,000 by 260 compensable days. The cost increase of two compensable days is \$1,028,000.

Retirement. Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 3 percent per year. The requested increase of \$273,000 is necessary to meet our increased retirement obligations as a result of this conversion.

Health Insurance: Effective January 2006, this component's contribution to Federal employees' health insurance premiums increase by 6.3 percent. Applied against the 2007 estimate of \$5,900,000, the additional amount required is \$379,000.

General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$876,000 is required to meet our commitment to GSA.

Moves (Lease Expirations). 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 2008. Funding of \$1,012,000 is required for this account.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$340,000 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

Security Investigations: The \$8,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.

#### Decreases

Employee Compensation Fund: The \$200,000 represents a decrease in workers' compensation costs.

**F: Crosswalk of 2006 Availability**

**Crosswalk of 2006 Availability**  
 Administrative Review and Appeals  
 Salaries and Expenses  
 (Dollars in Thousands)

Decision Unit	FY 2006 Enacted Without Rescission			Rescissions			Supplementals			Reprogrammings / Transfers			Unobligated Balances Carried Forward /Recoveries			2006 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	1,296	1,334	213,448	(30)	(30)	(2,727)	....	....	9,000	....	....	....	....	....	96	1,266	1,304	219,817
Office of the Pardon Attorney	15	15	2,237			(28)	....	....	....	....	....	....	....	....	....	15	15	2,209
<b>TOTAL</b>	<b>1,311</b>	<b>1,349</b>	<b>215,685</b>	<b>(30)</b>	<b>(30)</b>	<b>(2,755)</b>	<b>....</b>	<b>....</b>	<b>9,000</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>96</b>	<b>1,281</b>	<b>1,319</b>	<b>222,026</b>
Reimbursable FTE																		....
Total FTE		1,349			(30)			....			....			....				1,319
Other FTE																		....
LEAP																		....
Overtime																		....
Total Compensable FTE		1,349			(30)			....			....			....				1,319

Enacted Rescissions. Funds rescinded as required by the Department of Justice Appropriations Act, 2006 (P.L. 109-108) and the Department of Defense Appropriations Act, 2006 (P.L. 10148).

Supplementals. Funds received in P.L. 109-234.

**G: Crosswalk of 2007 Availability**

**Crosswalk of 2007 Availability**

Name of Budget Account

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	2007 Estimate			Rescissions			Reprogrammings / Transfers			Unobligated Balances Carried Forward /Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Executive Office for Immigration Review	1,386	1,364	224,614	....	....	....	....	....	....	....	....	9,006	1,386	1,364	233,620
Office of the Pardon Attorney	15	15	2,276	....	....	....	....	....	....	....	....	....	15	15	2,276
Unobligated Balance Rescission													....	....	....
<b>TOTAL</b>	<b>1,401</b>	<b>1,379</b>	<b>226,890</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>....</b>	<b>....</b>	<b>\$9,006</b>	<b>1,401</b>	<b>1,379</b>	<b>\$235,896</b>
Reimbursable FTE															....
Total FTE		1,379			....			....			....			1,379	
Other FTE															
LEAP															....
Overtime															....
Total Compensable FTE		1,379			....			....			....			1,379	

**H: Summary of Reimbursable Resources**

**Summary of Reimbursable Resources**

Administrative Review and Appeals

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2006 Planned			2007 Planned			2008 Request			Increase/Decrease*		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Department of Homeland Security			2,000			2,000			....	....	....	(2,000)
Office of Immigration Litigation			50			....			....	....	....	....
Department of Treasury			....			....			....	....	....	....
WCF			....			....			....	....	....	....
<b>Budgetary Resources:</b>	....	....	<b>\$2,050</b>	....	....	<b>\$2,000</b>	....	....	<b>\$0</b>	....	....	<b>(\$2,000)</b>

\* In FY 2008 the \$2,000,000, from DHS, that has been administered by EOIR via a reimbursable agreement, will become a permanent transfer into EOIR's base.

**I: Detail of Permanent Positions by Category**

**Detail of Permanent Positions by Category**  
 Administrative Review and Appeals  
 Salaries and Expenses

Category	2006 Enacted w/Rescissions & Supps.		2007 Estimate		2008 Request							
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	Adj. To Base Increases	Adj. To Base Decreases	Total ATB	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Attorneys (905)	432		462					30		30	492	
Paralegals / Other Law (900-998)	398		426					30		30	456	
Personnel Management (200-299)	16		16							....	16	
Clerical and Office Services (300-399)	286		328					40		40	368	
Accounting and Budget (500-599)	6		6							....	6	
Information & Arts (1000-1099)	109		129					20		20	149	
Business & Industry (1100-1199)	4		4							....	4	
Library (1400-1499)										....	....	
Equipment/Facilities Services (1600-1699)										....	....	
Supply Services (2000-2099)										....	....	
Security Specialists (080)	7		7							....	7	
Motor Vehicle Operations (5703)										....	....	
Information Technology Mgmt (2210)	23		23							....	23	
Miscellaneous Operations (010-099)										....	....	
<b>Total</b>	<b>1,281</b>	<b>....</b>	<b>1,401</b>					<b>120</b>		<b>120</b>	<b>1,521</b>	<b>....</b>
Headquarters (Washington, D.C.)	465		485					20		20	505	
U.S. Field	816		916					100		100	1,016	
Foreign Field										....	....	
<b>Total</b>	<b>1,281</b>	<b>....</b>	<b>1,401</b>					<b>120</b>		<b>120</b>	<b>1,521</b>	<b>....</b>

**J: Financial Analysis of Program Changes**

**Financial Analysis of Program Changes**  
 Administrative Review and Appeals  
 Salaries and Expenses  
 (Dollars in Thousands)

Grades:	Office of the Chief Immigration Judge				Board of Immigration Appeals		Program Changes	
	Inc. 1		Offset		Inc. 1		Program Changes	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
IJ 1-4	20	2,868	....	....	....	....	20	2,868
GS-13	....	....	....	....	10	808	10	808
GS-11	20	1,134	....	....	....	....	20	1,134
GS-9	20	937	....	....	10	468	30	1,405
GS-7	40	1,532	....	....	....	....	40	1,532
GS-6	....	....	....	....	....	....	0	0
GS-5	....	....	....	....	....	....	0	0
Total positions & annual amount	100	6,471	0	0	20	1,276	120	7,747
Lapse (-)	0	0	0	0	0	0	0	0
Other personnel compensation	0	0	0	0	0	0	0	0
Total FTE & personnel compensation	100	6,471	0	0	20	1,276	120	7,747
Personnel benefits		1,900	....	....		389		2,289
Transit Subsidy		108	....	....		22		130
Travel and transportation of persons		60	....	....		12		72
Transportation of things		36	....	....		7		43
GSA rent		....	....	....		....		0
Communication, rents, and utilities		206	....	....		43		249
Printing		8	....	....		2		10
Advisory and assistance services		....	....	....		....		0
Other services		431		(4,000)		88		(3,481)
Purchases of goods & services from Government accounts		135	....	....		28		163
Medical Care		4	....	....		1		5
Operation and maintenance of equipment		106	....	....		22		128
Supplies and materials		73	....	....		15		88
Furniture		87	....	....		18		105
Equipment		220	....	....		45		265
Land and Stucture		155	....	....		32		187
<b>Total, 2008 program changes requested</b>	<b>100</b>	<b>\$10,000</b>	<b>0</b>	<b>(\$4,000)</b>	<b>20</b>	<b>\$2,000</b>	<b>120</b>	<b>\$8,000</b>



**K: Summary of Requirements by Grade**

**Summary of Requirements by Grade**  
 Administrative Review and Appeals  
 Salaries and Expenses

Grades and Salary Ranges	2006 Actuals w/Rescissions and Supplementals		2007 Estimate		2008 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES, \$148,000/ \$152,000/ \$157,000	8		9		9		....	
AL-3, \$152,000	1		1		1		....	
SL, \$152,000	14		14		14		....	
IJ 1-4, \$100,100 - 152,000	224		244		264		20	
GS-15, \$107,521 - 139,774	157		157		157		....	
GS-14, \$91,407 - 118,828	64		64		64		....	
GS-13, \$77,353 - 100,554	83		93		103		10	
GS-12, \$65,048 - 84,559	145		145		145		....	
GS-11, \$54,272 - 70,558	42		62		82		20	
GS-10, \$49,397 - 64,213	31		31		31		....	
GS-9, \$44,856 - 58,318	54		74		94		20	
GS-8, \$40,612 - 52,794	236		236		237		1	
GS-7, \$36,671 - 47,669	34		46		56		10	
GS-6, \$33,000 - 42,898	30		50		70		20	
GS-5, \$29,604 - 38,487	29		48		67		19	
GS-4, \$26,460 - 34,402	21		20		20		....	
GS-3, \$23,571 - 30,645	5		5		5		....	
GS-2, \$21,602 - 27,26,281	7		7		7		....	
GS-1, \$18,575 - 23,238	2		2		2		....	
Ungraded	94		93		93		....	
<b>Total, appropriated positions</b>	<b>1,281</b>		<b>1,401</b>		<b>1,521</b>		<b>120</b>	
<b>Average ES Salary</b>		\$ 153,177		\$ 156,547		\$ 159,991		
<b>Average GS Salary</b>		\$ 71,581		\$ 73,156		\$ 74,765		
<b>Average GS Grade</b>		12		12		12		

**L: Summary of Requirements by Object Class**

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

Object Classes	2006 Actuals w/Rescissions and Supplementals		2007 Estimate		2008 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Total FTE & personnel compensation	1,234	96,287	1,282	104,191	1,462	111,938	180	7,747
11.3 Other than full-time permanent	85	6,252	97	6,575	97	6,575	12	....
11.5 Total, Other personnel compensation	....	932	....	991	....	991	....	....
<i>Overtime</i>	....	100	....	100	....	100	....	....
<i>Other Compensation</i>	....	832	....	891	....	891	....	....
11.8 Special personal services payments	....	....	....	....	....	....	....	....
Total	1,319	103,471	1,379	111,757	1,559	119,504	192	7,747
Other Object Classes:								
12.0 Personnel benefits		26,716		28,042		31,572		3,530
12.0 Transit Subsidy		....		....		....		....
13.0 Unemployment Compensation		55		34		34		....
21.0 Travel and transportation of persons		2,592		2,299		2,371		72
22.0 Transportation of things		844		1,247		1,290		43
23.1 GSA rent		22,929		28,804		30,692		1,888
23.2 Rental Space		56		56		56		....
23.3 Comm., util., & other misc. charges		5,943		5,887		6,136		249
24.0 Printing and reproduction		255		105		115		10
25.1 Advisory and assistance services		8,863		6,552		6,552		....
25.2 Other services		20,071		23,620		29,762		6,142
25.3 Purchases of goods & services from Government accounts		2,351		1,595		1,758		163
25.4 Lease expirations		406		406		406		....
25.5 Research and development contracts		....		....		....		....
25.6 Medical Care		118		109		114		5
25.7 Operation and maintenance of equipment		12,401		9,034		9,162		128
26.0 Supplies and materials		2,238		2,134		2,222		88
31.0 Equipment		3,774		4,395		4,765		370
32.0 Land and Structure		....		794		981		187
42.0 Litigation Expenses		....		20		20		....
<b>Total obligations</b>		<b>213,083</b>		<b>226,890</b>		<b>247,512</b>		<b>20,622</b>
Unobligated balance, start of year		(52)		(9,006)		....		
Unobligated balance, end of year		9,006		9,006		....		
Recoveries of prior year obligations		(107)		....		....		
Cash Recoveries		....		....		....		
Total requirements		221,930		226,890		247,512		
Relation of Obligation to Outlays:								
Total obligations		213,083		226,890		247,512		
Obligated balance, start of year		26,000		31,193		51,089		
Obligated balance, end of year		(31,193)		(51,089)		(47,089)		
Recoveries of prior year obligations		(107)		....		....		
Outlays		207,783		206,994		251,512		

Exhibit L - Summary of Requirements by Object Class