



Highlights of [GAO-06-771](#), a report to the Chairman, Committee on Finance, United States Senate

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Caseload Performance Reporting Needs Improvement

Why GAO Did This Study

Within the Department of Justice’s (DOJ) Executive Office for Immigration Review (EOIR), the Office of the Chief Immigration Judge (OCIJ) is responsible for managing the 53 immigration courts located throughout the United States where over 200 immigration judges adjudicate individual cases involving alleged immigration law violations. This report addresses: (1) in recent years, what has been the trend in immigration courts’ caseload; (2) how does OCIJ assign and manage the immigration court caseload; and (3) how does EOIR/OCIJ evaluate the immigration courts’ performance? To address these issues, GAO interviewed EOIR officials; reviewed information on caseload trends, caseload management, and court evaluations; and analyzed caseload data, case completion goal data, and OCIJ court evaluation reports.

What GAO Recommends

To more accurately and consistently reflect immigration courts’ progress in the timely adjudication of immigration cases, GAO recommends that the Director of EOIR maintain appropriate documentation to demonstrate the accuracy of case completion goal reports; and clearly state what cases are being counted in the reports. EOIR agreed with GAO’s recommendations and provided technical comments, which were included as appropriate.

www.gao.gov/cgi-bin/getrpt?GAO-06-771.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Paul L. Jones at (202) 512-8777 or jonespl@gao.gov.

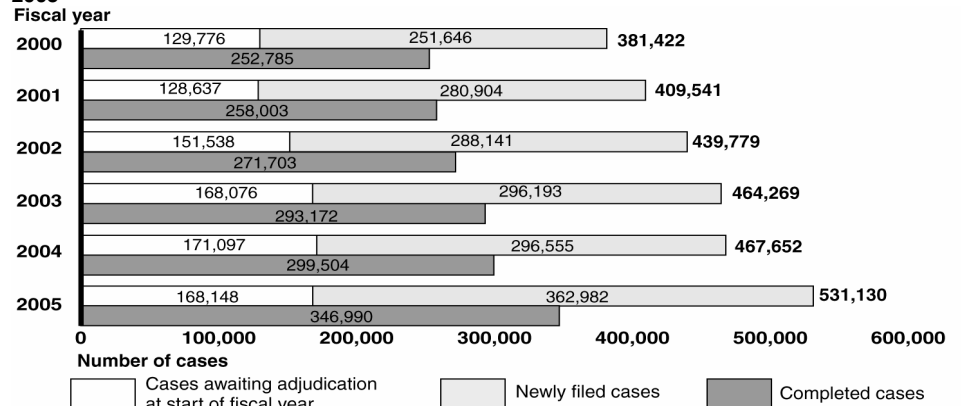
What GAO Found

From fiscal years 2000 to 2005, despite an increase in the number of immigration judges, the number of new cases filed in immigration courts outpaced cases completed. During this period, while the number of on-board judges increased about 3 percent, the courts’ caseload climbed about 39 percent from about 381,000 cases to about 531,000 cases. The number of completed cases increased about 37 percent while newly filed cases grew about 44 percent. EOIR attributes this growth in part to enhanced border enforcement activities. The courts reduced the number of proceedings awaiting adjudication for more than 4 years, but did not meet their goal to complete all proceedings more than 3 years old by December 31, 2005.

OCIJ relies primarily on an automated system to assign cases to immigration judges within a court. To balance the judges’ caseload, OCIJ considers the number of newly filed cases and cases awaiting adjudication from prior years, historical data, and the type and complexity of cases. To manage its growing caseload, OCIJ, among other means, details judges from their assigned court to a court in need of assistance and uses available technology such as video conferencing. According to OCIJ, if it recognizes a pattern of sustained need, it recommends that EOIR establish a court in a new location.

EOIR evaluates the performance of the immigration courts based on the immigration courts’ success in meeting case completion goals. GAO’s review of EOIR’s quarterly reports on these goals identified a recurring inconsistency between reports as well as other inconsistencies. EOIR explained that these inconsistencies were due to a variety of factors, including the exemption of different categories of cases from the goals in different quarters, delays in data entry, and programming errors in the calculation of the data. Because EOIR has changed its criteria for cases covered by these goals and only maintained the queries for its current reporting process, GAO could not replicate past case completion reports to determine their accuracy. The inconsistencies indicate that EOIR should maintain appropriate documentation to demonstrate the reports’ accuracy.

Immigration Court Caseload versus Completed Cases, All Courts, Fiscal Years 2000 through 2005



Source: GAO analysis of EOIR data.