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Strategic Goal Five: Fairly and Effectively Administer the Immigration and Naturalization Laws of the United States

Strategic Objective & Annual Goal 5.7: Adjudication

Adjudicate all immigration cases promptly and impartially in accordance with due process

5.7A Adjudicate Immigration Cases in a Fair and Timely Manner

The mission of the Executive Office for Immigration Review (EOIR) is to provide separate and independent fora for the objective, unbiased adjudication of disputes between the Department of Homeland Security and aliens or other individuals regarding immigration status, removal, or the availability of relief under the law. In the conduct of this mission, EOIR and its components (the Board of Immigration Appeals, the Immigration Courts, and the Office of the Chief Administrative Hearing Officer) seek to render fair and proper decisions in a timely and efficient manner. EOIR's ability to meet its goal of fair and timely adjudication of immigration cases is critical to: the guarantee of justice and due process; the timely grant of relief from removal in meritorious cases; the timely removal of criminal and other inadmissible aliens; and the effective utilization of limited detention resources. EOIR has identified adjudication priorities and set specific time frames for each. These priorities include court cases involving criminal aliens, other detained aliens, those seeking asylum as a form of relief from removal, and appeals to the Board of Immigration Appeals by detained aliens.

Performance Measure: TITLE REFINED: Percent of EOIR Priority Cases Completed Within Target Time Frames [EOIR]

- **FY 2003 Target:**
 - 90% Expedited Asylum Cases within 180 days
 - 90% Institutional Hearing Program (Criminal) Cases before release
 - 90% Detained Cases Without Applications for Relief within 30 days
 - 90% Appeals for Detained Cases within 180 days

- **FY 2003 Actual:**
 - 91% Expedited Asylum Cases within 180 days
 - 86% Institutional Hearing Program (Criminal) Cases before release
 - 88% Detained Cases Without Applications for Relief within 30 days
 - 81% Appeals for Detained Cases within 180 days
- **Discussion:** EOIR met its goal for expedited asylum cases, and for the fourth consecutive year, is above 90%. These cases include cases filed affirmatively with DHS and referred to EOIR for a decision, and cases filed with EOIR by aliens in proceedings.

Completed Prior to Release from Incarceration, EOIR fell slightly short of its goal of 90 percent, but improved performance over the FY 2002 actual of 84 percent. EOIR will continue to work with other agencies, such as the Department of Homeland Security, the Bureau of Prisons, and state corrections agencies, to ensure that a high percentage of these cases are complete prior to the alien's release from incarceration.

EOIR came within 2% of meeting its goal for Immigration Court Detained Cases (Without

Applications for Relief). Although still short of the FY 2003 target of 90%, this year's performance reflects improvement over the FY 2002 actual of 84%. In some of these cases, the respondent contests the removability charge and/or indicates an intention to file an application for relief, which can slow the process. EOIR will continue to reallocate resources to ensure both due process and speedy adjudication of detained cases.

EOIR came within 9% of meeting its goal. During FY 2003, EOIR focused on meeting the Department's priority of eliminating the backlog of cases pending before the Board of Immigration Appeals. Now that the backlog has been eliminated, EOIR staff can concentrate resources on meeting this performance goal.

Finally, for Percent of Appeals for Detained Cases Completed Within 180 Days of Filing,

