



U. S. Department of Justice

Executive Office for Immigration Review

Office of the Director

Director

5107 Leesburg Pike, Suite 2600

Falls Church, Virginia 22041

March 12, 2010

Ms. Susan Long and Mr. David Burnham
Co-Directors
The Transactional Records Access Clearinghouse
Syracuse University
Syracuse, NY 13244

Dear Ms. Long and Mr. Burnham:

I am writing in response to Transactional Records Access Clearinghouse's (TRAC) latest report, "Backlog in Immigration Cases Continues to Climb." TRAC claims its purpose is "to provide the American people — and institutions of oversight such as Congress, news organizations, public interest groups, businesses, scholars and lawyers — with comprehensive information about staffing, spending, and enforcement activities of the federal government." If that is TRAC's purpose, this new report has let its constituents down. The report is unbalanced and fails to acknowledge the effort and progress that the Executive Office for Immigration Review (EOIR) has made, and continues to make, to address the immigration caseload.

Filling vacant immigration judge positions is the most important priority for EOIR. EOIR has undertaken a bold immigration judge hiring initiative with the emphasis on filling these important public service positions as expeditiously as possible and with the most highly qualified applicants. In fact, EOIR received 28 new immigration judge positions with the passage of the FY 2010 budget in December 2009. As a result, EOIR has already reviewed over 1,750 applications and completed 125 interviews of the most highly rated candidates. When the Attorney General makes his final selections, this initiative will bring the judge corps to 280 authorized positions.

The picture TRAC paints fails to reflect the positive trajectory the agency is on to dramatically increase the number of immigration judges by later this year, which will help mitigate our pending caseload. We have released to the media and our stakeholders a fact sheet that highlights our most recent hiring efforts to date. I attach it here for your reference.

Sincerely,

Thomas G. Snow
Acting Director



U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

FACT SHEET

Contact: Office of Legislative and Public Affairs
(703) 305-0289 Fax: (703) 605-0365
Internet: www.justice.gov/eoir

March 11, 2010

Executive Office for Immigration Review Immigration Judge Hiring Initiative

Filling the vacant immigration judge positions is the most important priority for EOIR. As such, we are filling these positions as quickly as possible, making certain that we select the most highly-qualified applicants for these critical public service positions. The agency is also making great effort and seeing great progress in addressing its growing immigration caseload nationwide.

1) Filling vacant immigration judge positions is the most important priority for EOIR.

- The agency is on a trajectory to dramatically increase the number of immigration judges by later this year, which will help mitigate the increasing caseload.
- EOIR has hired more than 60 immigration judges since the beginning of fiscal year 2006.
- EOIR is currently in the midst of a hiring initiative for 47 immigration judges. These 47 positions include 28 immigration judge positions newly allocated for FY 2010. The new allocations bring the total number of authorized positions from 252 to 280.
- The hiring process initiated in mid-fiscal year 2007 ensures that we select only the most highly-qualified applicants for these critical public service positions.

2) EOIR has undertaken a bold immigration judge hiring initiative.

- In December 2009, the FY 2010 budget allotted EOIR 28 new immigration judge positions.
- EOIR announced three groups of immigration judge job vacancies on Dec. 2, Dec. 9 and Dec. 16, 2009.

Office of Legislative and Public Affairs

- EOIR also announced an immigration judge job vacancy in January 2010.
- When the Attorney General makes his final selections, this initiative will bring the number of immigration judges up to the 280 authorized positions.

3) EOIR's hiring initiative is rapidly moving forward.

- As of March 8, 2010, 15 immigration judges are in the final stages of the selection and appointment process.
- Thirty-two additional positions, 28 of which represent the new positions allocated to EOIR in December 2009, are actively being filled.
- EOIR has already reviewed over 1,750 applications and conducted more than 120 initial interviews of the most highly rated candidates.

4) The requirements for becoming an immigration judge set high standards for the applicants and the screening process ensures that only the best candidates are selected.

- Immigration judges must be U.S. citizens and be registered in the selective service (where applicable).
- Immigration judges must have a law degree and be admitted to a bar in the U.S.
- Immigration judges must have a minimum of seven years post-bar legal experience.
- Applicants are evaluated on the following criteria: 1) ability to demonstrate the appropriate temperament to serve as a judge; 2) knowledge of immigration laws and procedures; 3) substantial litigation experience, preferably in a high volume context; 4) experience handling complex legal issues; 5) experience conducting administrative hearings; and 6) knowledge of judicial practices and procedures.

5) Even prior to the current hiring initiative, EOIR has always monitored the immigration caseload and made adjustments in the immigration judge staffing as appropriate and authorized.

- EOIR has brought on board more than 60 immigration judges since the beginning of fiscal year 2006.
- EOIR was under a hiring freeze for immigration judge positions during parts of fiscal years (FY) 2006 and 2007.

- In mid-FY 2007, the agency implemented a new immigration judge hiring process. Immigration judge positions advertised at that time entered on duty in FY 2008. Even considering attrition, the number of immigration judges has consistently risen since the new hiring process began. See the chart below for details.

Fiscal Year	IJs Employed
1999	209
2000	206
2001	208
2002	214
2003	217
2004	215
2005	213
2006	223
2007	216
2008	222
2009	232

- EOIR hired 17 immigration judges in FY 2008, 15 in FY 2009, and 6 thus far in FY 2010.