U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Fiscal Years 2005-2010

STRATEGIC PLAN

September 2004

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Introduction

The Executive Office for Immigration Review (EOIR) Strategic Plan for Fiscal Years 2005-2010 provides a comprehensive, multi-year framework for carrying out EOIR's mission. It is oriented toward our vision to be the world's best administrative tribunals, guaranteeing fairness and due process for all. It provides the Department of Justice (DOJ), the Congress, the Department of Homeland Security (DHS), the federal courts, and the public with a report on the challenges we face over the next several years, and a blueprint for how we plan to address these challenges. It lays out the strategic goals and objectives we have set for ourselves, and will serve as a yardstick against which we will measure progress.

The Department of Justice Strategic Plan

EOIR's Strategic Plan is based on the DOJ Strategic Plan for Fiscal Years 2003-2008. The DOJ Strategic Plan was published in February 2004, and reflects the Department's renewed commitment to fight terrorism and crime. Three of the Department's strategic goals are of particular relevance to EOIR:

- *Goal I – Prevent terrorism and promote the nation's security.* Several of the September 11, 2001 terrorists were in the United States illegally. Efficient resolution of immigration cases by EOIR will improve the Government's capability to prevent, disrupt, and defeat terrorist operations before they occur.

- *Goal II – Enforce federal laws and represent the rights and interests of the American people.* A significant portion of the Nation's prison and jail population consists of illegal aliens. Efficient resolution of immigration cases by EOIR, a necessary step in the removal of many criminal aliens, will reduce the threat of crime.

- *Goal IV – Ensure the fair and efficient operation of the Federal justice system.* Objective 4.6 under this goal, "adjudicate all immigration cases promptly and impartially in accordance with due process," is especially pertinent to EOIR. This objective is the foundation for this agency's strategic planning effort.

All of the strategic goals outlined in the EOIR Strategic Plan are consistent with the Department's strategic goals and objectives.

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The Performance Mandate

The Government Performance and Results Act (GPRA) of 1993 (Pub.L. 103-62) requires Executive-level agencies (e.g., the Department of Justice) to develop strategic plans that identify goals and objectives for the major operations of the agency; annual performance plans that establish quantifiable goals and performance measures; and annual reports that describe the actual levels of performance achieved compared to the annual goal. EOIR provided input in the development of the DOJ Strategic Plan, and continues to provide input to the Annual Performance Report and Performance Plan.

EOIR's own Strategic Plan is consistent with the requirements of GPRA. It covers a period of six years forward from FY 2005 and will be updated and revised at least every three years. It provides EOIR's mission statement, general goals and objectives for the major functions and operations of the agency, and strategies for goal achievement.

The President's Management Agenda also stresses performance and notes that emphasis on process should be replaced by focus on results. Agencies are expected to identify outcome measures, monitor performance, and begin integrating performance with associated costs. EOIR's strategic objectives are consistent with several of the President's key government-wide initiatives: strategic management of human capital; expanded electronic government; and budget and performance integration.

Within the Department, and within EOIR, strategic planning is the first step in a planning and implementation cycle. This cycle involves:

- setting long-term goals and objectives;
- translating these goals and objectives into budgets and annual operating plans;
- implementing operating plans and monitoring their performance; and
- evaluating results.

Clearly, planning is an ongoing process, not just a one-time report on the future of the agency. EOIR's Strategic Plan will set the agenda for the agency. Additionally, it will guide the agency's direction, priorities, and resources. Funding requests developed by EOIR should be linked to the Strategic Plan. Evaluation and continuing review of the plan will allow it to keep pace with the changing environment in the immigration arena.

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Executive Office for Immigration Review

The Attorney General has delegated certain aspects of his authority under the Immigration and Nationality Act to EOIR.* EOIR's mission is:

> *To provide for the fair, expeditious and uniform interpretation and application of immigration law.*

Headed by a Director who reports to the Deputy Attorney General, EOIR carries out its mission through three main organizational components: the Board of Immigration Appeals (BIA); the Office of the Chief Immigration Judge (OCIJ); and the Office of the Chief Administrative Hearing Officer (OCAHO). Except for immigration courts located throughout the country, all component, management and support functions of EOIR are located at its headquarters in Falls Church, VA, just outside of Washington, D.C.

The BIA has nationwide jurisdiction to hear appeals of decisions made by immigration judges or certain officers of the DHS. The BIA's decisions are binding on all immigration judges and on DHS unless modified or overruled by the Attorney General or a Federal court. Central to the Board's role is the issuance of precedent decisions interpreting the often complex immigration laws and providing nationwide guidance to the immigration courts, DHS, and the private bar. A DOJ final rule, which became effective on September 25, 2002, established that the Board would include eleven Board members.

OCIJ provides overall program direction, articulates policies and procedures, and establishes priorities for the immigration courts. The immigration courts conduct proceedings in individual cases. In most immigration proceedings, DHS has filed charges against the alien respondent and represents the Government in seeking the respondent's removal from the United States. Immigration judges assigned to the immigration courts decide the cases independently under uniform statutory and regulatory guidelines. Currently, there are 53 immigration courts and numerous other hearing locations served by more than 200 immigration judges.

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* Until March 1, 2003, there were two DOJ components with immigration responsibilities: EOIR and the Immigration and Naturalization Service (INS). Under the Homeland Security Act of 2002, signed into law on November 25, 2002, the Attorney General retains authority over EOIR, within DOJ, with no immediate changes to EOIR's components or jurisdiction. However, INS was transferred to the new Department of Homeland Security (DHS) as of March 1, 2003. At DHS, the INS enforcement functions became part of U.S. Immigration and Customs Enforcement (USICE) and U.S. Customs and Border Protection (USCBP). The immigration services function is housed in U.S. Citizenship and Immigration Services (USCIS).

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OCAHO conducts hearings in civil penalty cases arising from provisions of immigration law concerning the unlawful employment of aliens, unfair immigration-related employment practices, and civil document fraud. These cases are brought to OCAHO by DHS, the DOJ Office of Special Counsel for Immigration Related Unfair Employment Practices, or in some employment practices cases, by the individual charging party.

EOIR's Vision and Core Values

In beginning its strategic planning effort, EOIR executives considered how the "ideal" EOIR should look in the future. EOIR's Strategic Plan is a blueprint for how to achieve this vision:

> ***Through teamwork and innovation, to be the world's best administrative tribunals, guaranteeing fairness and due process for all.***

To achieve this vision, EOIR has established and is guided by core values. These core values represent principal themes for directing the agency toward the ideal expressed in its vision statement. These four core values are consistent with the DOJ Strategic Plan, and are echoed throughout EOIR's Plan:

- **Equal Justice Under the Law.** We must administer and interpret immigration laws and regulations efficiently and uniformly to ensure fairness and due process for all. We will treat everyone who appears before our tribunals with respect, dignity, and compassion.

- **Commitment to Excellence.** We are committed to excellence, and seek to provide the highest level of service to those who appear before our tribunals.

- **Honesty and Integrity.** EOIR adjudicators and staff are committed to upholding high standards of integrity and ethical behavior.

- **Teamwork.** We will work as members of a team to further the goals and objectives of the agency. While we value differences among individuals, and respect differing views among the components, we are one agency moving in a unified direction. We recognize that our employees are EOIR's most important resource and are committed to providing opportunities for individual growth and development.

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External Strategic Planning Challenges

The GPRA requires that agency strategic plans identify key factors external to the agency and beyond its control that could affect the achievement of the general goals and objectives. Identified below are several of the more significant challenges which originate with forces beyond EOIR's control.

- Like any court, **EOIR's workload depends on the number of matters filed before it. The agency has no control over the number of cases filed or their complexity.** DHS determines EOIR's initial caseload by filing charging documents alleging aliens' illegal presence in the United States. The nature and number of the proceedings and the number of appeals from immigration court decisions are determined by the parties themselves. In addition, changes to the immigration laws or regulations, and DHS policies and budgeting, can have a dramatic impact on EOIR's workload. Finally, the new DHS structure will likely affect EOIR's workload.

- **Funding constraints will likely continue to be imposed upon EOIR.** Although EOIR uses workload projections when it submits its annual budget request, the Attorney General, the Office of Management and Budget, and ultimately Congress, determine how much funding EOIR will receive.

- EOIR operates as part of a larger international community. **The increasing ease of worldwide transportation and communications, as well as the globalization of the economy, are adding to immigration pressures.** The lure of jobs in this country, as well as political unrest and economic turmoil in other countries, encourage migration. We expect that many persons will continue to attempt to enter the United States illegally.

- EOIR must be poised to handle not only its routine workload, but also **emergency or special situations**, such as a sudden influx of asylum seekers.

- **Technology is evolving more rapidly** than ever before. EOIR will need to make significant changes in its information technology and its business processes to provide our customers with the level of service that they expect. The Government Paperwork Elimination Act (GPEA), and the e-Government Act of 2002 require agencies to provide electronic alternatives where practicable and to promote the use of innovative technologies. While the advantages are obvious, the conversion to electronic processes will be a major effort. Some of EOIR's data is highly sensitive and must be protected accordingly.

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Strategic Planning Assumptions

For the purposes of the Strategic Plan, we assume that EOIR will maintain at least a current service level of funding through FY 2010. EOIR assumes that controlling illegal immigration will remain a priority of the Department of Justice, the Department of Homeland Security, and the Congress for the next six years.

EOIR Today

Unprecedented changes over the past decade have dramatically altered EOIR's operating environment. Changes in immigration law and regulations have created new case types and new forms of relief. There have been increased receipts in some types of cases, and substantially decreased receipts in other types of cases. The BIA grew from 5 to 23 authorized members, and was subsequently reduced to 11 members after the FY 2002 implementation of procedural reforms. The authorized number of immigration judges has increased from 79 to 224 over this period. Changes in workload and a significant increase in the number of EOIR adjudicators and support staff have required a concerted hiring and training effort.

EOIR's legacy data systems, the Automated Nationwide System for Immigration Review (ANSIR) and BIA Processing (BIAP), are currently being overhauled and integrated. ANSIR was developed in the mid-1980's and BIAP was implemented in the mid-1990's. EOIR is currently integrating these two systems to create a unified case management system which will allow authorized EOIR users to track a case from the filing of a charging document all the way through the BIA appellate process. The agency is also in the planning stages for an electronic-government initiative which would allow parties in immigration proceedings to file documents electronically and to have electronic access to the Record of Proceedings in their case.

Because of these significant and rapid changes, EOIR faces a number of issues and challenges which will be addressed in this plan. These areas differ from the external strategic challenges listed above because they are within the span of control of EOIR and can be resolved, to a large extent, through a concerted in-house effort. These problems, which we will seek to address over the next six years, include:

- **Implementation of procedural reforms at the BIA.** Regulatory changes at the BIA were implemented in September 2002. The BIA has been very successful in meeting the requirements of the regulation while maintaining appropriate levels of productivity and balancing its other goals, such as those for cases involving detained aliens. The Board will continue to monitor progress in these areas to ensure that the

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new case management procedures are working as intended and that the time frames established by regulation continue to be met.

- EOIR is currently in the process of integrating its two databases as a first step toward **compliance with the GPEA and the e-Government Act of 2002.**

- **EOIR and the relevant components of DHS need to improve data sharing** to accomplish their respective missions better and to provide taxpayers with the highest return on their technology investment in these two agencies. The reorganization of INS into separate bureaus adds another challenge to this task because there are now developing infrastructures and distinct management chains directing information technology for immigration services and immigration enforcement.

- With increasing and new uses of technology, EOIR must take steps to ensure that its **staff training programs and skill development efforts** are appropriately focused. Section 209 of the e-Government Act requires agencies to set up information technology training programs covering a broad range of disciplines to meet the specific needs of the agency. Similarly, as world conditions change, it is crucial that EOIR's adjudicators have available the correct information on which to base decisions.

- A longstanding area of concern is the large number of unrepresented aliens in immigration proceedings. For the past five years, more than half of the aliens who appeared in immigration court were unrepresented. **EOIR will encourage pro bono representation, as effective representation can add value to the adjudicative process.**

- EOIR suffers from a misperception on the part of the public that we are part of the former INS, i.e., that prosecutors and judges are all part of the same agency. Our immigration judges, Board members, and administrative law judges (ALJs) are **uniquely qualified, independent adjudicators**, and EOIR tribunals provide a fair process through which both the Government and aliens can exercise their due process rights. This needs to be communicated to the public so that they have confidence in the independence of the system of immigration review.

Strategic Goals and Objectives

The strategic goals and objectives that EOIR has adopted for fiscal years 2005-2010 are based on EOIR's mission, and are designed to help EOIR meet the challenges and address the problems noted above. Each strategic goal and supporting objectives will be discussed in some detail. EOIR's goals are:

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***Goal 1**: Adjudicate all cases in a timely manner while ensuring due process and fair treatment for all parties.*

***Goal 2:** Deliver services to the public in a professional, courteous, and timely manner.*

***Goal 3:** Fully implement electronic filing to achieve excellence in management, administration, and customer service.*

***Goal 4:** Provide for a workforce that is skilled, diverse, committed to excellence, and exhibits the highest standards of integrity.*

Plan Implementation

Strategic planning is not a one-time effort; rather, it is a process. The process involves several steps: setting long-term goals and objectives; translating these goals and objectives into budgets and component initiatives; implementing the component initiatives; and monitoring their performance.

EOIR's Strategic Plan for FY 2005-2010 is the first step in this process. In it, EOIR's Director and Executive Staff have put forth long-term goals and objectives for the agency. EOIR's future budget requests and annual operating plans will reflect the themes and goals established in this plan. The Director and Executive Staff will make decisions on funding for component initiatives based on how well particular initiatives will move the agency in the direction established by the Strategic Plan.

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Goal 1: Adjudicate all cases in a timely manner while ensuring due process and fair treatment for all parties.

EOIR's primary mission is to provide for the fair, expeditious and uniform interpretation and application of immigration law. Hence, we have made timely and fair case adjudication our first goal. EOIR's Goal 1 mirrors the Department's Strategic Objective 4.6. Because EOIR's workload depends on the number of matters filed before it by the parties, the agency has no control over the number of cases filed or their complexity. Nonetheless, EOIR must take every action to anticipate and project its future workload and to position itself to process all cases efficiently.

➤ ***Objective 1.1: Eliminate case backlogs by the end of FY 2008.***

EOIR must eliminate case backlogs to reach its goal of timely adjudication for all cases. EOIR must render expeditious decisions in immigration proceedings to ensure the enforcement of immigration law and the appropriate adjudication of cases. Aliens should be afforded prompt disposition of their cases. Alternatively, they should not be encouraged by process delays to file frivolous applications for relief or unnecessary appeals so that they can remain in this country longer. There have been substantial reductions in the caseload pending longer than one year at the BIA and at OCIJ. We want to ensure that the Board continues to achieve its regulatory case processing goals, that OCIJ continues to reduce its number of cases pending longer than one year, and that OCAHO continues to meet expressed case completion goals.

- Strategies to achieve Objective 1.1:

  - Continue to ensure that all cases that meet the criteria to be decided by a single Board member are decided in that manner.

  - Continue to ensure that three Board member panels are provided the necessary resources to adjudicate the cases that meet the criteria for being decided in that manner.

  - Sustain processes to ensure BIA's success in meeting established time frames for adjudication of cases.

  - Systematically reduce the number of cases pending longer than one year in the immigration courts.

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➤ ***Objective 1.2: Implement improved caseload management practices.***

EOIR's caseload has changed significantly over the past several years. For example, OCAHO caseloads began to decline in FY 1997 when changes in immigration law were implemented, while the caseloads for OCIJ and BIA have increased in recent years. EOIR will consider these changes in workload, establish better methods to project future workload, and adjust resources accordingly. Additionally, EOIR will refine its current caseload management practices to ensure that cases move through the system as efficiently as possible.

- Strategies to achieve Objective 1.2:

  - Review current staffing and workload in each component to determine if resources are distributed appropriately and, based on this workforce analysis, redistribute resources among components as necessary to maximize output of all components. As part of this review, consider the use of various types of technology, e.g., knowledge management systems, as resource multipliers.

  - In conjunction with DHS, develop models to improve predictions of immigration court workload so that EOIR can make appropriate budget requests. The volume, nature, and geographic concentration of EOIR's caseload is, to a great extent, tied directly to the initiatives undertaken by DHS. It is therefore critical that EOIR work closely with DHS to coordinate new budget initiatives and to ensure that resources are allocated to achieve optimal results.

  - Develop better in-house workload models to predict BIA workload.

  - Ensure that the immigration courts manage calendars to allow the most effective use of the immigration judges' time.

  - Ensure that the court interpreter program (to include both staff interpreters and contract employees) operates efficiently and enhances the court's ability to adjudicate cases in a timely and fair manner.

  - Develop contingency plans to ensure that cases arising from a mass immigration emergency can be handled efficiently.

  - Study "failure-to-appear" rates and continue to schedule cases so that court time is used most efficiently.

  - Ensure that quarterly analyses of component workload are provided to the Executive Staff.

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➤ ***Objective 1.3: Adjudicate cases within specified time frames.***

In the Department of Justice Strategic Plan for FY 2003-2008, four EOIR adjudication priorities are identified, with specific processing time frames for each. EOIR has now identified processing time frames for each type of case that it adjudicates. Goals have been set out for each of EOIR's three adjudicative components. Some goals can be met immediately, while other goals will not be met until FY 2008. With the exception of statutorily mandated deadlines, EOIR has determined that completing 90% of a particular type of case within the established time frame is an acceptable long-term result.

- Strategies to achieve Objective 1.3:

  - OCIJ will monitor each immigration court to identify any that are unable to meet the established time frames, and take action (e.g., refined case management techniques, resource realignment, and/or technology enhancements, etc.) as necessary to assist courts in meeting their case completion goals.

  - For the BIA, strategies to achieve this objective are the same as those for Objectives 1.1 and 1.2.

  - OCAHO will monitor its caseload and take action as necessary to ensure that case completion goals are met.

➤ ***Objective 1.4: Encourage pro bono representation.***

A longstanding area of concern within EOIR is the large number of unrepresented aliens in immigration proceedings. Effective representation can add value to the adjudicative process. Immigration judges, in order to ensure that unrepresented individuals understand the nature of the proceedings, as well as their rights and responsibilities, must continue to ensure that respondents understand that they may be represented. EOIR's Pro Bono Program, established in FY 2000, represents an important step forward in the agency's outreach to expand and improve representation for aliens in proceedings. We will continue to assess the areas of need for enhanced private sector pro bono representation throughout the country, with particular attention given to juveniles and detained aliens.

- Strategies to achieve Objective 1.4:

  - Work with existing non-governmental organizations to perform more efficiently and expand their services to assist greater numbers of individuals.

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- Work with national, state, and local bar associations to better educate their members on the need and opportunity for pro bono service to aliens appearing before EOIR's tribunals.

- Expand the use of rights presentations.

- Increase the use of video conference to allow counsel to appear by televideo, where practicable.

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Goal 2: Deliver services to the public in a professional, courteous, and timely manner.

The public sector is increasingly emphasizing the need to serve the customer. EOIR must make decisions which ensure that excellent customer service is provided throughout the entire process. Timely, consistent, professional, and courteous treatment are customer service priorities that are important to all who appear before EOIR's tribunals. Many persons who appear before EOIR's adjudicators have little familiarity with the process; this is further compounded in some cases by their difficulty with the English language. In dealing with these challenges, EOIR will treat all persons with respect, courtesy, and cultural sensitivity. We are committed to providing high quality customer service regardless of whether the alien or practitioner contacts us by phone or Internet, seeks information in person at one of our offices, or appears before one of our tribunals.

➤ ***Objective 2.1: Determine the informational needs of customers and ensure that those needs are addressed.***

Board members, immigration judges, court administrators, managers and support personnel should all be interested in what their customers expect of them. The demand for information is reflected in the number of calls to EOIR's 1-800 line, in the growing use of EOIR's website, and in the number of calls made to the Public Affairs office. EOIR will collect information from customers on the information they want and need and will periodically review the information that it provides to ensure that it meets our customers' needs. Well-informed customers can help to improve the efficiency of the adjudicative process.

- Strategies to achieve Objective 2.1:

  - Consistent with Executive Order 12862, Setting Customer Service Standards, survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services.

  - Use the Immigration Court Evaluation Program to ensure that customers' needs are being met by immigration courts.

  - Place suggestion boxes with opinion cards in each immigration court to invite the opinions and comments of people who use the courts. Add a "virtual suggestion box" to each court's web page to solicit feedback from the public. Evaluate suggestions and implement as appropriate.

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- Establish a mechanism to measure customers' satisfaction in their experiences with the BIA, and with OCAHO.

- Review FOIA requests for frequent inquiries. If certain types of requests recur frequently, EOIR can investigate ways to make such information available to the public, within federal privacy guidelines.

➤ ***Objective 2.2: Use technology to increase EOIR's ability to provide information to the public.***

EOIR recognizes the mutual benefits to the Government and the public of disseminating information electronically. Business conducted electronically can result in more efficient and accurate information dissemination. It also makes Government information more widely available and should improve responsiveness to public requests for specific information. EOIR is committed to utilizing the Internet as an avenue to communicate with the public. Other technologies should also be considered, such as information kiosks, videos, etc.

■ Strategies to achieve Objective 2.2:

- Analyze feedback on the utility of EOIR's Internet web site and 1-800 number and continue to add features as necessary to meet our customers' needs.

- Establish a mechanism to measure customer satisfaction with the Virtual Law Library.

- Advance EOIR's commitment to customer service through a variety of electronic and voice technologies that would (within the bounds of existing privacy norms) make case specific information more readily available.

➤ ***Objective 2.3: Create a culture of customer service as an integral, permanent component of EOIR programs.***

Customer service is a high priority for EOIR. EOIR will continue to move toward creating an organizational culture that supports customer service by providing employees with training and adequate tools and resources to provide high quality service to our customers. We need to recognize the diversity of the persons who appear before our tribunals and take actions as necessary to ensure that any special needs are met.

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- Strategies to achieve Objective 2.3:

  - Provide user-friendly materials (for example, the BIA Practice Manual, and the BIA Appellate Briefing Project) to assist immigration law practitioners before EOIR's tribunals.

  - To make the courts more accessible, expand the use of video and telephonic hearings in appropriate situations.

  - Anticipate special needs and ensure that technology and special services are used to the greatest extent possible to accommodate customers with special needs, e.g., "Language Lines" to assist in communication (other than in proceedings where interpreters are available) with non-English speaking customers; sign language interpreters or earphones for hearing impaired customers, etc.

  - Comply with statutory requirements and goals for timeliness and responsiveness, including a zero backlog of pending FOIA requests at the end of each fiscal year.

  - Process all FOIA requests with an emphasis on customer service to the requesters and teamwork with other agencies' FOIA components.

  - Create a professional court environment, protect the public, and preserve the integrity of all immigration proceedings through an effective Attorney Discipline Program.

  - Coordinate with DOJ, EOIR components, and DHS to draft regulations; circulate all draft regulations to EOIR components with adequate time for review and comment; review and comment on all DHS regulations that affect EOIR.

  - Inform EOIR officials of current legislative initiatives as they develop and assess their impact on the agency.

  - Provide timely and accurate information to media representatives who contact EOIR.

➤ ***Objective 2.4: Improve communication with stakeholders.***

Ongoing and open communication with our customers and stakeholders is essential if we are to have a balanced and objective view of how well we are meeting their expectations. Occasional surveys and feedback from customers (as outlined in Objective 2.1) are one measure; in addition, we need to maintain a regular and ongoing dialogue with the immigration community at large. Communication will be two-way: we will elicit comments, constructive advice, and support from stakeholders, and we will provide information to them. Effective liaison with

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stakeholders can help us in our efforts to win public trust and legislative support for our initiatives.

- Strategies to achieve Objective 2.4:

  - Strengthen liaison with DHS, as well as with the private bar, the American Immigration Lawyers Association, interest groups, etc.

  - Through EOIR's Office of Management Programs, in coordination with the DOJ, reach out to Congress in a proactive way.

  - Use tools such as the Internet and the Virtual Law Library to make information widely available to immigration law practitioners, the public, and other stakeholders.

  - Produce new information products for use in liaison and community outreach programs, emphasizing that EOIR is an independent adjudicative body, which is not part of DHS.

  - Provide outstanding customer service to all DOJ, EOIR, and DHS components, as well as members of the public. Communicate regularly with the non-profit and private sector immigration community regarding issues arising in the immigration process.

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Goal 3: Fully implement electronic filing to achieve excellence in management, administration, and customer service.

In this era of rapid technological development, EOIR's adjudicators and other staff increasingly rely on a wide range of technologies to do their work. Integrating constantly evolving technologies to enhance EOIR's adjudicative and administrative functions will be an ongoing challenge. To meet this challenge, EOIR is engaged in a multi-year, multi-phased project, termed eWorld, to make the transition from paper to electronic documents for its official records. As eWorld implementation progresses, other government agencies, attorneys, parties to immigration cases, and interested persons will be able to submit materials to EOIR's adjudication components and to view EOIR public records through the Internet. Upon full implementation, most filings will be processed in electronic form. EOIR adjudicators and staff will use the electronic records in their work. Progress toward achievement of this goal will lead to success in EOIR's primary mission-oriented goal of adjudicating cases in a timely manner.

➤ ***Objective 3.1: In FY 2005, complete the rollout of a reliable and integrated case management system as the first phase of eWorld.***

EOIR presently has three separate case-based systems: BIA Processing (BIAP), which tracks cases at the BIA; the Automated Nationwide System for Immigration Review (ANSIR), which tracks cases before the immigration courts; and OCAHO's Access-based Automated Case Management System (ACMS). EOIR's new Case Access System for EOIR (CASE) is the single integrated case management system that will replace ANSIR and BIAP. The new system will include additional data elements, allowing EOIR to track more information about its processes. CASE will make extensive use of "pick lists" to reduce the incidence of data entry errors and to increase the ease of data entry.

- <u>Strategies to achieve Objective 3.1</u>:
  - Conduct structured user acceptance testing to ensure that CASE meets users' needs, and comports with the functional requirements developed for the new system.
  - Initiate pilot projects to test the integrated case management system.
  - Implement the system incrementally and conduct nationwide training for users before full system activation.

➤ ***Objective 3.2: Implement the provisions of the GPEA and establish a web-based means of access to EOIR data and documents for authorized users.***

The Government Paperwork Elimination Act (GPEA) requires Federal agencies to provide for (1) "the option of electronic maintenance, submission, or disclosure of information,

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when practicable, as a substitute for paper," and (2) "the use and acceptance of electronic signatures, when practicable." Courts, government agencies, and the private bar have already started to develop protocols and systems for the electronic exchange of documents in a legal environment. EOIR will continue to build on this body of knowledge as it implements the eAccess phase of its eWorld project.

- Strategies to achieve Objective 3.2:

  - Design and implement a practitioner registration mechanism to enroll immigration practitioners who may later wish to file documents electronically with EOIR.

  - Replace existing recording equipment in EOIR's courtrooms with digital recorders.

  - Develop guidelines and procedures governing access to CASE information and to electronic documents.

  - Develop and implement appropriate security mechanisms needed to protect electronic records from access or alteration by unauthorized persons.

  - Provide an electronic means for informing litigants and the public about EOIR processes and providing them with forms and instructions.

➤ ***Objective 3.3: Provide the capability for the government, practitioners, and unrepresented parties to file documents in electronic form and to view documents in the electronic case file.***

EOIR's system of records is currently a paper-based system. When the third eWorld module, eFiling, is implemented, electronic documents will (with some exceptions) become EOIR's official records. Electronic records will be accessible to persons within and outside EOIR according to guidelines developed during the eAccess phase. Electronically filed documents will come to EOIR with the information needed to create CASE docket entries, thus reducing data entry by staff.

- Strategies to achieve Objective 3.3:

  - To reduce the burden on practitioners and the public who are required to pay filing fees, often at DHS offices, begin to accept fees paid electronically.

  - Design an electronic system of records and archives.

  - Establish procedures to guarantee the integrity of official electronic records.

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- Introduce mechanisms for ensuring the authenticity of filers, as well as EOIR's adjudicators' own orders and decisions.

- In conjunction with the Department of Homeland Security and immigration practitioners, pilot test electronic filing in selected locations.

- Develop user manuals for electronic case file systems; conduct agency-wide training for EOIR users before system activation.

- Conduct training for immigration practitioners.

- Create instructions and templates that will make electronic filings as easy as possible – even for unrepresented persons.

- Implement appropriate mechanisms to ensure that there is no diminished access for persons without access to the Internet, consistent with the e-Government Act of 2002.

➤ ***Objective 3.4: In an effort to reduce the use of paper, automate EOIR's administrative support functions.***

Many federal agencies have begun to automate various administrative processes in an effort to increase productivity and decrease the amount of paper generated. Such automation will not result in job losses; it will simply result in more productive staff and less waste of natural resources (such as paper).

■ Strategies to achieve Objective 3.4:

- Fully automate EOIR's Human Resources functions.

➤ ***Objective 3.5: Develop an Information Technology (IT) strategic plan to ensure that other objectives within this goal are achieved.***

To have an effective Information Technology program, the agency needs an Information Technology strategic plan. Such a plan will lay out goals and objectives, similar to this Strategic Plan.

■ Strategies to achieve Objective 3.5:

- Review the Department of Justice's IT Strategic Plan to ensure that EOIR's plan will be consistent with it.

- Research other IT strategic plans.

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Goal 4: Provide for a workforce that is skilled, diverse, committed to excellence, and exhibits the highest standards of integrity.

The Department's Strategic Plan states that "[t]he Department of Justice's mission ... establishes an unequivocal mandate that requires a professional workforce... Our aim is to create an agency that is regarded by the public and by our stakeholders as an exemplar of integrity, efficient stewardship, and managerial excellence." Similarly, the Government Accountability Office Comptroller General recently noted that "the key competitive difference in the 21st century will be people. It will not be process. It will not be technology. It will be people." EOIR's largest expenditure each year is in the area of personnel services and benefits. Clearly, EOIR needs to view its employees as a resource to be managed carefully. We need to view training as an investment in the agency's future.

➤ ***Objective 4.1: Provide opportunities for training and career development for legal, management, and support staff.***

In the past several years, funding for training has been eliminated in order to meet operational needs. Although this objective can only be met if funding is specifically designated for training, EOIR will place a strong emphasis on training and career development. While there are some component-based training initiatives for particular occupational series (National Center for State Courts training for court administrators, National Judicial College for immigration judges, etc.), the agency as a whole must make a serious commitment to career and leadership development. EOIR has made efforts to find and create no-cost or low-cost training for its employees and will continue to do so. Some funding is made available for training, but training decisions are often left entirely to the employees themselves, requiring them to seek out opportunities that would give them the skills they need to do their jobs better. Particularly for the support staff, EOIR needs to view training and career and leadership development as a necessary and critical investment.

- Strategies to achieve Objective 4.1:

  - Continue to make training for EOIR adjudicators and other attorney staff a priority for the agency.

  - Through partnerships with the National Center for State Courts and others, provide high quality managerial training to court administrators and other managers.

  - Through partnership with the National Advocacy Center, provide high quality training to legal and support staff.

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- Establish career ladders for employees.

- Ensure that support staff (interpreters, legal assistants and technicians, and others) receive appropriate training.

- Determine annual training needs for all staff, by occupational series.

- Prior to implementation of electronic filing, provide technical training for all affected staff in the areas of electronic filing and electronic file maintenance.

- Ensure that EOIR meets the requirements for technical training set forth in Section 209 of the e-Government Act.

- Promote increased use of distance learning to increase the availability of training to field staff.

- Develop appropriate training tools, educational tools, and reference tools and update them routinely.

- Ensure that all new first line supervisors receive training in basic supervision.

- Enhance communication to staff about training and career development opportunities.

➤ ***Objective 4.2: Foster integrity and accountability to ensure public trust in EOIR's case adjudications and managerial practices.***

In order to be effective and to engender public trust and confidence in EOIR's decisions, employees need to be held accountable for their actions. EOIR managers will promote integrity, economy, efficiency, and effectiveness within the agency. It is important that those who appear before EOIR's tribunals have trust in the agency and in the work that we do. One of the most effective ways to earn the trust of the public is to provide general public information on what it is we do (see Goal 2). In cases where general information is not sufficient, we will be responsive to Freedom of Information Act (FOIA) requests to the greatest extent possible.

■ <u>Strategies to achieve Objective 4.2</u>:

- Ensure that all EOIR managers are cognizant of, and in compliance with, the principles of the Government Performance and Results Act; the Federal Managers' Financial Integrity Act; OMB Circular No. A-123, Management Accountability and Control; and the National Archives and Record Administration's General Records Schedule dispositions.

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- Ensure the prevention of waste, fraud, and abuse by continuing agency audits, checks and balances, evaluations, and monitoring.

- Use performance data to make decisions, reward achievement, and identify areas for improvement.

- Maintain a robust Ethics program by ensuring timely and current operation of the components of the program.

- Enhance public awareness of and confidence in EOIR's attorney discipline program.

- Provide outstanding service and accurate advice to EOIR's management officials regarding employee conduct, grievances, and management/labor relations.

- Notify managers, supervisors, and witnesses of pending litigation, decisions, or orders and applicable deadlines and significant dates within 48 hours of receiving notice.

- Provide representation to all EOIR components regarding all aspects of litigation that concern employee and labor relations cases; meet all litigation deadlines or promptly request enlargement of time for good cause; timely submit and respond to all pleadings and discovery requests.

- Continue EOIR's program of regular Equal Employment Opportunity (EEO) training for all employees.

- Maintain an effective EEO consultation, resolution, and complaint process.

➤ ***Objective 4.3: Where feasible, offer a variety of worklife options to improve recruitment and retention of highly qualified individuals.***

EOIR will emphasize being a "family friendly" workplace by providing a wide range of worklife options for its employees, where feasible, recognizing that different operational units within the agency have different staffing needs.

■ <u>Strategies to achieve Objective 4.3</u>:

- Promote initiatives that support employees in balancing the demands of their professional and personal lives.

- Enhance communication to staff about available worklife options.

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➤ ***Objective 4.4: Promote diversity in EOIR's workforce.***

EOIR will continue to support its efforts to promote diversity, ensuring that our management and staff reflect the diverse ethnic and racial cultures that make our nation great. Additionally, EOIR will reaffirm its commitment to the prevention and elimination of all forms of discrimination in the workplace, including sexual harassment.

- Strategies to achieve Objective 4.4:

  - EOIR will continue its efforts to make opportunities available to the fullest extent for women, minorities, and persons with disabilities.

  - Managers, supervisors, and employees will be held accountable for the successful implementation of EOIR's EEO policy, and for carrying out the Department's "zero tolerance" policy for sexual harassment in the work place.

➤ ***Objective 4.5: Institute a knowledge management system to help generate, capture, and disseminate knowledge and information relevant to EOIR's mission.***

As part of its effort to utilize automation and information technology to the most practical extent (Strategic Goal 3), EOIR will institute a knowledge management system. The knowledge management system will assist adjudicators by automatically identifying legal issues presented by a case or application for relief and then assembling legal and other information bearing on those issues. The system will provide links to statutory provisions, regulations, precedent decisions, country analyses and other information relevant to a case. Implementation of EOIR's knowledge management system will help to build a body of knowledge to enable new adjudicators to become fully productive more quickly. This will mitigate the impact of significant numbers of retirements as baby boomers reach retirement eligibility.

- Strategies to achieve Objective 4.5:

  - EOIR will develop functional requirements needed to create a knowledge management system.

  - EOIR will train adjudicators and other staff to use the knowledge management system.

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➤ ***Objective 4.6: Improve information available to employees at all levels of the organization.***

Employees need to be well informed so that they can participate with full knowledge of the agency's mission and the goals they are helping to achieve.

- Strategies to achieve Objective 4.6:

  - Review and add to Intranet content as necessary to meet the needs of EOIR's employees.

  - Provide training to staff on the content of EOIR's Intranet site.

  - Develop Standard Operating Procedures (SOP) Manuals as appropriate to memorialize best practices and provide for uniformity in processing.

  - Use video conferencing capabilities to promote regular "face to face" communication between the Director/Executive Staff and field locations.

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