

From: [EOIR Director \(EOIR\)](#)
To: [All of Judges \(EOIR\)](#)
Subject: Immigration Judge Performance Metrics
Date: Friday, March 30, 2018
Attachments: [PWP Element 3 new.pdf](#)

Good afternoon,

As you have likely heard, EOIR has established new performance metrics for immigration judges. In advance of implementing these new metrics on October 1, 2018, I am happy to share them with you today (attached). The new metrics will be added to the current immigration judge Performance Work Plan at Job Element 3: Accountability for Organizational Results.

At the outset, I would like to encourage you to review the metrics in conjunction with Article 22 of the Collective Bargaining Agreement between EOIR and NAIJ. For example, Article 22.3.h. contains a number of relevant factors that will be taken into consideration when evaluating an immigration judge's performance against these metrics. Similarly, Article 22.5.d. requires the Agency to give an immigration judge the opportunity to provide input regarding his or her performance prior to rating the judge below Satisfactory in any element.

Article 22.4.c. requires the Agency to "make available on a routine basis reports necessary for the Judge to assess his or her performance based on any numerical standards imposed by the Agency." In an effort to ensure that you are able to track your performance against the metrics in real time, we are in the process of creating a performance dashboard that will enable each of you to see how you are performing in relation to the metrics. We anticipate that the dashboard will be available in April, and we will provide additional information about it at that time.

As for evaluating immigration judge performance, please note that we are changing the performance rating period to align with the fiscal year. This change is being made across the Agency for all employees. As a result of this realignment, the current rating period for immigration judges that began on July 1, 2017, will now end on September 30, 2019.

The purpose of announcing the metrics now is to give you an opportunity to become familiar with them and the performance dashboard, when it becomes available. On October 1, 2018, the Agency plans to begin reviewing immigration judge performance in accordance with the new metrics. Subject to the terms of Article 22, when appraising performance for the 2017-2019 rating period, rating officials will take into consideration immigration judge performance as compared to the metrics from October 1, 2018, through September 30, 2019.

The impact and implementation of the metrics are subject to bargaining with NAIJ, so further details regarding the application of the metrics may be forthcoming.

Using metrics to evaluate performance is neither novel nor unique to EOIR. The purpose of implementing these metrics is to encourage efficient and effective case management while preserving immigration judge discretion and due process. I am confident that you will meet and surpass our high expectations. As always, I thank you for your hard work and dedication to the

mission of EOIR.

Sincerely,

James McHenry
Director

**EOIR PERFORMANCE PLAN
Adjudicative Employees**

3. Job Element: Accountability for Organizational Results

X	Critical		Non-critical
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Definition: Exercises effort to ensure the integrity of the organization. Holds self accountable for organizational goals and objectives. Ensures cases are completed in a timely, efficient, and effective manner that meets objectives. Focuses on established organizational goals, results, and attainment of outcomes. Specific goals are attached.

Performance Standards:

Satisfactory:

Performance at this level is satisfactory when the applicable standards stated below are achieved in a timely and correct manner.

3.1 Acts consistently with the goals and priorities established by the Agency. (See attached goals)

3.2 Makes rulings and decisions in a timely manner, consistent with available resources.

3.3 Manages the immigration judge calendar efficiently, monitoring pending caseload, as needed.

3.4 Cooperates to achieve a productive work environment with other judges, court administrators, and staff members.

3.5 As assigned, performs special assignments and details, including conducting hearings of various types, at times on short notice, based on the needs of the agency.

3.6 Demonstrates appropriate use of courtroom technology.

Unsatisfactory:

Performance at this level shows a serious deficiency in one or more factors of this element.

Performance Goals
Immigration Judge

All goals are measured annually, from October 1 to September 30.

Satisfactory performance:

Case Completions: 700 cases per year.

and

Remand Rate (including BIA and Circuit Courts): less than 15%.

and

The immigration judge meets at least half of the following Benchmarks that are applicable to the judge's work during the rating period, as long as the judge's performance in each Benchmark is above the "Unsatisfactory" performance level.

Benchmarks:

- In 85% of non-status detained removal cases, no more than three days elapse from merits hearing to immigration judge case completion.
- In 85% of non-status, non-detained removal cases, no more than 10 days elapse from merits hearing to immigration judges case completion, unless completion is prohibited by statute (e.g. a cap on grants of relief) or completion is delayed due to a need for completion of background checks.
- In 85% of motions matters, no more than 20 days elapse from immigration judge receipt of the motion to adjudication of the motion.
- In 90% of custody redetermination cases, case is completed on the initial scheduled custody redetermination hearing date unless DHS does not produce the alien on the hearing date.
- In 95% of all cases, individual merits hearing is completed on the initial scheduled hearing date, unless, if applicable, DHS does not produce the alien on the hearing date.
- In 100% of credible fear and reasonable fear reviews, case is completed on the initial hearing date unless DHS does not produce the alien on the hearing date.

Needs improvement:

Case Completions: More than 560 but fewer than 700 cases per year.

or

Remand Rate (including BIA and Circuit Courts): between 15% and 20%.

or

The immigration judge fails to perform to the Satisfactory level in more than half of the applicable Benchmarks, as long as the judge's performance in each Benchmark is above the "Unsatisfactory" performance level.

Unsatisfactory performance:

Case Completions: fewer than 560 cases per year.

or

Remand Rate (including BIA and Circuit Courts): greater than 20%.

or

The immigration judge's performance in one or more of the following Benchmarks is Unsatisfactory.

Unsatisfactory Performance Benchmarks:

- In greater than 35% of non-status detained removal cases, more than three days elapse from merits hearing to immigration judge case completion.
- In greater than 35% of non-status, non-detained removal cases, more than 10 days elapse from merits hearing to immigration judge case completion, excepting cases where completion is prohibited by statute (e.g. a cap on grants of relief) or completion is delayed due to a need for completion of background checks.
- In greater than 35% of motions matters, more than 20 days elapse from immigration judge receipt of the motion to adjudication of the motion.
- In greater than 30% of custody redetermination cases, case is not completed on the initial scheduled custody redetermination hearing date excluding cases where DHS does not produce the alien on the hearing date.
- In greater than 25% of all cases, individual merits hearing is not completed on the initial scheduled hearing date, excluding cases where DHS does not produce the alien on the hearing date.
- In greater than 20% of credible fear and reasonable reviews, case is not completed on the initial hearing date, excluding cases where DHS does not produce the alien on the hearing date.