



# Immigration Judge Performance Measures Overview

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2018 Executive Office for Immigration Review  
Legal Training Program

## PERFORMANCE GOALS

- 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.

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## JUDICIAL 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.

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## *What is a "Case Completion"?*

- A **dispositive** IJ decision on the following types of cases: removal (RMV), deportation (DEP), exclusion (EXC), asylum only (AOC), withholding only (WHO), or rescission (REC).
- Dispositive immigration judge decisions include the following: Relief Granted, Grant, Conditional Grant, Final Grant of EOIR 42B/SUSP, Deny, Abandonment, Remove, Terminate/Terminated, Voluntary Departure, Admit, Withdraw, Exclude, and Deport.
- Subsequent completions are counted.
- Lead and riders are each counted as a completion.

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### *What a “Case Completion” is **NOT***

- change of venue, transfer, decision on a bond or “zero bond,” administrative closure, or other administrative decision.

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### **Remand Rate**

Remands to the Immigration Judge

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Total Appeals\*

\* Total appeals includes appeals to the Board and Circuit Court. Interlocutory appeals, appeals on motions, and appeals on bonds are included.

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## ***Benchmark 1***

- In 85% of non-status detained removal cases, no more than three days elapse from merits hearing to immigration judge case completion.
- “Status Case” = (1) one in which an immigration judge is required to continue the case pursuant to binding authority in order to await the adjudication of an application or petition by U.S. Citizenship and Immigration Services, (2) one in which the immigration judge is required to reserve a decision rather than completing the case pursuant to law or policy, or (3) one which is subject to a deadline established by a federal court order.
  - A status case: (1) has a 42B application with a reserved decision or an “RD” case identifier, (2) has a Franco Litigation (“FL”) or Status Docket (“DS”) case identifier, and/or (3) has a hearing with an accurately-used “7A” or “7B” adjournment code.

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## ***Benchmark 2***

- 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.
  - Excluded if final hearing had an adjournment code of “24” (DHS to provide records/fingerprint check) or “36” (records check/fingerprints/overseas investigation).

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### ***Benchmark 3***

- In 85% of motions matters, no more than 20 days elapse from immigration judge receipt of the motion to adjudication of the motion.
- Because CASE does not track the date the judge receives the motion, the dashboard currently allows 35 days for the completion of the motion.

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### ***Benchmark 4***

- 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.
  - Hearings with adjournment code of “09” (alien in DHS custody not presented for hearing) or “59” (court closure) are not counted.

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### ***Benchmark 5***

- 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.
  - Hearings with an adjournment code of "09" (alien in DHS custody not presented for hearing) or "59" (court closure) are not counted.

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### ***Benchmark 6***

- 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.

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## ***Article 22***

- 22.3.e. All aspects of each performance standard, including, if requested, specific examples of what is required to meet each element of each performance standard will be communicated preferably through a face-to-face meeting or tele-video conference with the affected Judge at the time the Judge receives the PWP.

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## ***Article 22***

- 22.4.a. The Agency shall appraise performance on a continuing basis, keep Judges informed of how they are measuring up to performance standards, and provide regular feedback that is constructive and meaningful, including identifying performance strengths and areas for improvement.

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## ***Article 22***

- 22.4.d. In the event the supervisor has concerns about Judge performance, the supervisor should counsel the Judge in relation to his/her performance. The Agency will provide assistance to any employee whose work is below the Satisfactory level to improve his/her performance, including providing advice, identifying and providing supplemental training, and providing additional coaching, monitoring, mentoring, and other developmental activities, as appropriate, to help improve Judge performance. Such counselling and assistance will normally take place when a supervisor notices a decrease in performance.

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## ***Article 22***

- 22.5.d. Prior to rating a Judge below Satisfactory in any element, the rating official will give the Judge an opportunity to provide input regarding his/her performance, including any relevant factors that should be considered as described in subsection 22.3.h. of this Article.

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## ***Article 22***

- 22.3.h. When evaluating individual Judge performance with respect to numerical-based performance standards, the Agency will take into account relevant factors that may affect the Judge's ability to meet such performance standards, including:
  - availability of resources;
  - approved leave;
  - changes in the law that substantially increase the time required for adjudication of cases;
  - official duties that do not involve the adjudication of cases;
  - approved official time in accordance with Article 5;
  - that the Judge has been on the bench 24 months or less; and
  - other factors not in the control of the Judge (including, but not limited to, the availability of interpreters, respondents in detained settings, and security).

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## ***Article 22***

- 22.4.c. At the request of the Judge, the Agency will 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.

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## ***The IJ Performance Dashboard***

- The dashboard is data, NOT your performance rating.
- Data is pulled from CASE.
- Certain reports are available to show cases, by A number, that did or did not meet the goal.
- Dashboard demonstration.

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# QUESTIONS?

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