

GAO Highlights

Highlights of [GAO-24-107046](#), a testimony before the Subcommittee on Immigration, Citizenship, and Border Safety, Committee on the Judiciary, U.S. Senate

Why GAO Did This Study

Each year, EOIR issues decisions for hundreds of thousands of cases regarding foreign nationals charged as removable under U.S. immigration law. EOIR is facing a substantial and growing backlog of pending cases. In July 2023, EOIR had nearly 2.2 million pending cases—more than four times the number of pending cases at the start of fiscal year 2017. In 2017 and 2023, GAO reported on EOIR's management practices, including how it oversees workforce planning and IT management.

This statement addresses EOIR's (1) workforce planning practices; (2) performance appraisal program for immigration and appellate immigration judges; and (3) implementation of its electronic filing system.

This statement is based on GAO's 2017 and 2023 reports on EOIR's management functions ([GAO-17-438](#) and [GAO-23-105431](#)). For those reports, GAO analyzed EOIR documents and data and interviewed EOIR officials at headquarters and at immigration courts. As of October 2023, GAO is awaiting updates from EOIR on its efforts to address prior GAO recommendations.

What GAO Recommends

GAO made 17 recommendations in the two reports covered by this statement. As of October 2023, EOIR has fully addressed nine of these recommendations. EOIR identified ongoing and planned steps to address the recommendations not yet implemented. GAO continues to coordinate with EOIR to obtain updates and monitor its actions.

View [GAO-24-107046](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

October 18, 2023

IMMIGRATION COURTS

Actions Needed to Address Workforce Planning and Other Management Challenges

What GAO Found

Within the Department of Justice, the Executive Office for Immigration Review (EOIR) is responsible for conducting immigration proceedings to fairly, expeditiously, and uniformly administer and interpret U.S. immigration laws and regulations. EOIR has taken several steps to improve its management practices since GAO's 2017 report. This includes revising its hiring process and increasing the number of immigration judges from 338 in fiscal year 2017 to 659 as of July 2023. However, EOIR also continues to face several challenges. Specifically:

- **Workforce planning.** In April 2023, GAO reported that EOIR had taken some steps to improve its workforce planning, which is the process of aligning human capital with mission needs and goals. However, GAO found that EOIR's practices did not fully align with key principles for strategic workforce planning.
 - In 2017, GAO recommended that EOIR develop a strategic workforce plan that addresses the key principles of workforce planning to better position EOIR to address staffing needs. These include identifying critical skills, developing strategies to address skills gaps, and monitoring progress. In 2023, GAO found that EOIR had not yet developed a strategic workforce plan or set workforce planning goals consistent with GAO's prior recommendation. Developing and implementing a strategic workforce plan would better position EOIR to address current and future staffing needs.
 - In 2023, GAO found that EOIR does not have a governance structure to guide its workforce planning efforts and hold leadership accountable for progress on workforce goals. Specifically, EOIR had not assigned and documented roles and responsibilities for workforce planning and implementation of a strategic workforce plan. Given its longstanding challenges in this area, establishing a documented governance structure for workforce planning would better position EOIR to institutionalize improvements moving forward.
- **Immigration judge performance appraisal program.** In 2023, GAO found that EOIR evaluated how immigration judges perform their duties but had not evaluated its overall judge performance appraisal program. EOIR revised the criteria against which it evaluates judges but it had not assessed judges' satisfaction with the program's equity, utility, and accuracy. Implementing a process to periodically evaluate its performance appraisal program for judges can better position EOIR to determine the program's effectiveness.
- **Electronic filing system.** As of November 2021, all immigration courts had access to an electronic filing system and, overall, court staff GAO interviewed expressed positive views of it. However, despite reporting benefits, staff stated they experience outages and delays while using one application within the system—Judicial Tools—that disrupt their work. Judges and court staff use Judicial Tools to access case information and create case orders and decisions. In 2023, GAO found that EOIR did not have a process to regularly assess whether Judicial Tools was meeting users' needs. Developing and implementing a process to regularly reassess whether Judicial Tools is meeting users' needs would help EOIR ensure that the application continues to serve the agency's needs.