

Evaluation of the Differentiated Case Management Program For Detained Case Appeals at the Board of Immigration Appeals

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On July 1, 1996, the Executive Office for Immigration Review new motion and appeal regulation became effective. As noted in the Code of Federal Regulations, the regulation streamlined the motions and appeals practice before the Board of Immigration Appeals (Board) by requiring that appeals from Immigration Judge decisions to the Board and most motions before the Board be filed directly with the Board. Prior to the new regulation, notice of appeals and motions were filed among the 52 immigration courts located throughout the country.

The problem facing the Clerk's Office was that during the infant stages of the central (direct) appeals process system at the Board of Immigration Appeals, the Clerk's Office processed and the Board adjudicated non-detained case appeals and detained case appeals as they were received. Aside from receiving appeals from approximately 52 immigration courts throughout the county, the failure to immediately establish a separate case flow management system for detained case appeals and identify a standard of timeliness when the Clerk's Office was created resulted in a noticeable backlog of detained case appeals.

In 1997, the Board made a substantial decision to change its approach to processing appellate cases and decided to gain control of its caseload of detained appeals by implementing a Differentiated Case Management Program (DCM) in the Clerk's Office. The significance of the Differentiated Case Management Program was the establishment of "*priority*" cases at the Board and the creation of case flow management standards for the Clerk's Office. The Differentiated Case Management Program was evaluated to determine if the Clerk's Office was successful in meeting the cycle time goal for detained appeals and if the program helped the Clerk's Office be more efficient in meeting the Appellate Court Performance Standards of Timeliness.

The goal of the Differentiated Case Management Program was to recover from the initial influx of case appeals filed with the Board in 1997 and build an appellate processing program that met or exceeded the case processing cycle times that was acceptable to all who did business with the Board. The objective of the study was to determine for each calendar year (1997-201) how successful was the Clerk's Office in meeting the cycle time goal for detained appeals and did the implementation of a DCM program for detained appeals help the Clerk's Office be more efficient in meeting the Appellate Court Performance Standards of Timeliness.

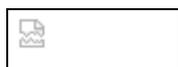
The data to conduct the research was obtained from the Board's automated processing system. The research design involved a comparative analysis of detained appeal case types processed within the past five years (1997 to 2001). Case types included, case appeals, bond appeals, Board's Motion to Reconsider (BIA-MTR), Appeal of an Immigration Judge's Motion (IJ-MTR) and interlocutory appeals. A comparison of the administrative cycle time, clearance rates, and case completed to cases

filed illustrated the impact case processing improvements had on the detained cycle time for each calendar year. The results also demonstrated the progress the Clerk's Office made toward the timely processing of cases ready for adjudication. In addition, to assess the opinion of the Clerk's Office managers regarding the DCM program and the Appellate Court Performance Standard of Timeliness, a survey consisting of 10 questions was created.

Overall, the research showed the majority of priority appeals are on track and moving quickly to the docket stage well within the cycle time standard of 140 days. Further research showed the implementation of various case processing initiatives within the past five years improved the cycle time for detained appeals. During a 5-year period (1997 - 2001), the Clerk's Office fulfilled the time requirement of 150 days to process a case from "*appeal filed*" to "*received at docket.*" In 1999, 2000 and 2001, the office exceeded the 150 day time requirement and the new 140 day requirements with a mean (in days) of 138 days, 128 days, and 116 days respectively. The DCM program clearly set expectations and challenged the office to improve the detained cycle time. The immediate impact was the global understanding throughout the Board that time standards applied to detained appeals and that compliance resulted in the timely disposition of detained cases.

Conclusions of this research revealed that the Clerk's Office is in a better position to handle today's extraordinarily high volume caseload with increasing numbers of detained cases requiring priority attention. The study validated the objectives that the Clerk's Office Differentiated Case Management Program for detained appeals aligned with the Appellate Court Performance Standard of Timeliness. The results of the data supported the conclusion that significant progress had been made over the past five years to reduce the cycle time of detained appeals. However, further research would be required to determine the cycle time requirements for each detained case type, the impact a backlog of detained cases would have on cycle time requirements and the cause and effect of staffing levels to cycle time requirements.

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