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## **IMPLEMENTING CASE COMPLETION GOALS AT THE U.S. DEPARTMENT OF JUSTICE, BOARD OF IMMIGRATION APPEALS**

The U.S. Department of Justice, Board of Immigration Appeals represents the highest administrative tribunal for the interpretation and adjudication of this country's immigration laws. Receiving over 30,000 filings annually, the Board has struggled to eliminate a backlog of cases estimated at 35,000 awaiting a decision while maintaining adequate productivity to deter additional backlogging of cases.

In 2000, the Board initiated a pilot project designed to process certain cases in a shortened time frame, 180 calendar days. The Board expanded the use of case completion goals beyond its docket of detained cases to its docket of the non-detained cases for the processing of motions to reopen/reconsider before the Board (BIA-MTR) and appeals of an Immigration Judge's denial of a motion to reopen (IJ-MTR).

This analysis examined whether the Board's expansion of its case completion goals impacted its ability to increase its productivity and eliminate its case

backlog. Using a comparative analysis, this study reviewed the Board's ability to adjudicate BIA-MTRs and IJ-MTRs over a five-year period, 1997-2001 within the 180 day goal. Data was collected in December 2001.

This study found that while the median time of adjudication (95 days) for MTRs-BIA met the goal, the Board could not meet the goal for all IJ-MTRs (187 days). This latter situation is offset somewhat as the completion rate for BIA-MTRs and IJ-MTRs filed in January 2001 with the Board improved over the completion rates for 1999 and 2000. For those motions where the Board rendered a decision, the Board's performance in 2001 showed a vast improvement. For decisions rendered in 2001, the Board completed 77.1% of the cases within 180 days for BIA-MTRs and 45.9% for IJ-MTRs. By comparison, the best performance that the Board achieved for BIA-MTRs was in 2000 when it completed 51.1% while for IJ-MTRs it was in 1999 with 30.9%.

While the implementation of case completion goals has aided the Board's effort to improve its production rate, the study documented that the Board will continue to experience an expanding backlog of cases. Accordingly, this study recommends that the Board:

- 1) modify its case preparation and adjudicative processes, which enable it to review cases and render decisions as quickly as possible while utilizing judicial resources prudently and protecting the right of due process for all parties and

2) reevaluate its case completion goals in an effort to adopt those that can be met consistently and yet fulfill the Attorney General's mandate.

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