

# EOIR Lags On Open Cases And Hiring Judges, Report Says

By [Kevin Penton](#)

Law360, New York (June 1, 2017, 5:10 PM EDT) -- The number of unresolved immigration cases more than doubled to 437,000 between 2006 and 2015 as the [Executive Office for Immigration Review](#) fell behind on filling open judge slots and developing effective workforce plans, the U.S. [Government Accountability Office](#) said Thursday.

The large backlog of open cases at the beginning of the 2015 fiscal year points to the need for the EOIR to do a better job of developing more efficient hiring practices for new immigration judges, the GAO report said. It took EOIR, which oversees the nation's immigration courts, an average of 742 days to hire a new judge from 2011 through August 2016, according to the report.

The EOIR should develop and implement a plan that identifies the critical competencies and skills it needs to achieve its present and future goals, lays out how it will address staffing shortages and how best to deploy personnel, and monitors and evaluates its progress towards hiring goals and the impact additional hires have made on its program targets, the report said.

While the EOIR keeps track of court operations such as the issuance of continuances, it does not systematically assess the information, which could allow it to determine whether the 23 percent increase in temporary case adjournments from fiscal years 2006 to 2015 could be due to technical challenges, such as courtroom technology malfunctions, or because immigration judges may need additional guidance in certain areas, the GAO said.

“Taking steps to improve its workforce planning, hiring, technology utilization and performance assessment could better position EOIR to address its case backlog and help improve the agency’s overall effectiveness and efficiency in carrying out its important mission,” the report reads.

While other positions throughout the federal government fell under a hiring freeze earlier this year, the Trump administration made an [exception](#) for the federal immigration judges that fall within the EOIR. Agency officials have said they expect to continue advertising for and filling dozens of open slots, while President Donald Trump’s recent budget pitch proposed adding dozens more.

The [U.S. Department of Justice announced](#) Tuesday that it had shifted James McHenry from serving as an administrative law judge with the EOIR’s Office of the Chief Administrative Hearing Officer to acting director of the agency.

--Additional reporting by Kelcee Griffis. Editing by Jill Coffey

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