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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | [customerservice@law360.com](mailto:customerservice@law360.com)

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## EOIR Sets Metrics, Case Priorities For Immigration Judges

By Kevin Penton

Law360, New York (January 18, 2018, 4:24 PM EST) -- The Executive Office for Immigration Review on Wednesday adjusted the cases that immigration judges should handle as priorities and set court benchmarks and performance metrics by which the court system will be evaluated.

Cases tied to certain completion benchmarks or that are subject to statutory, regulatory or federal court-ordered deadlines are to be handled as priorities by the judges, who will be evaluated as a group based in part on whether they complete certain types of cases within specific deadlines, according to a memorandum the agency released Wednesday.

The cases of those held in detention will continue to be handled as priorities, keeping with guidelines that were last updated in January 2017, according to the documents. The last set of guidelines also prioritized cases involving unaccompanied children without an identified sponsor who were in the custody and care of the U.S. Department of Health and Human Services, and cases involving individuals released from custody on certain bonds, according to the documents.

The new benchmarks call for goals such as that 90 percent of all custody redeterminations should be completed within two weeks of the requests, that 95 percent of all hearings should be done on the initial merits hearing date, and that 85 percent of Institutional Hearing Program removal cases be wrapped before the immigrants are released from detention, according to Wednesday's memorandum.

"To address concerns and confusion, it is appropriate to clarify EOIR's priorities and goals to ensure that the adjudication of cases serves the national interest consistent with the principles outlined by the attorney general," the memorandum reads.

Attorney General Jeff Sessions in December called for a "**concerted effort**" to address the increased backlog of pending immigration cases, pushing immigration courts to work more efficiently to adjudicate its open cases, which he estimated stood at approximately 650,000.

Sessions highlighted five "principles" in the memo, including the "timely and efficient conclusion" of cases with either a removal order or grant of relief and protection. He also encouraged documenting and reporting any suspected instances of fraud, as well as promptly resolving "meritless cases and motions" as consistent with applicable law.

EOIR officials spoke publicly in November of their interest in **adding metrics** on the duration and quantity of cases resolved by immigration judges to their performance reviews. Following negotiations with the union representing the judges, the metrics included in Wednesday's memorandum are not to be applied to judges individually, but rather to the court system as a whole, according to the document.

"Although many of the policy considerations relevant for setting court performance goals are also relevant for setting performance metrics for individual immigration judges, especially regarding goals that have existed in some form at EOIR already for several years, the implementation of those metrics specifically for immigration judges is subject to an ongoing process and is beyond the scope of this memorandum," the document reads.

--Additional reporting by Tiffany Hu. Editing by Adam LoBelia.

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