

MEASURES TO IMPROVE THE IMMIGRATION COURTS AND THE BOARD OF IMMIGRATION APPEALS

On January 9, 2006, the Attorney General directed the Deputy Attorney General and the Associate Attorney General to undertake a comprehensive review of the Immigration Courts and the Board of Immigration Appeals. The review team they assembled traveled to nearly 20 Immigration Courts and the Board, conducted more than 200 interviews of stakeholders, administered an online survey to hundreds of participants, and analyzed thousands of pages of material in an effort to assess the strengths and weaknesses of the immigration court system. As a result of this review in 2006 the Attorney General directed the 22 measures listed below.

A status report follows each measure.

1. Performance Evaluations

With the assistance of the Director of the Executive Office for Immigration Review (EOIR), the Deputy Attorney General will develop and implement a process to enable EOIR leadership to review periodically the work and performance of each immigration judge and member of the Board of Immigration Appeals. Just as performance appraisal records are used elsewhere in the Department to assess the work of personnel at all levels, EOIR performance evaluations will allow for identification of areas where an immigration judge or Board member may need improvement while fully respecting his or her role as an adjudicator. Given the size and structure of the immigration court system, a formal process to allow supervisors within EOIR to evaluate and improve the work of its adjudicators is appropriate at this time.

Implementation by EOIR:

EOIR developed a three-level performance appraisal program to conduct annual performance evaluations of all immigration judges and Board members. The Board members were placed on their work plans on July 1, 2008. EOIR management and the National Association of Immigration Judges (NAIJ) reached agreement on performance work plans for immigration judges on December 12, 2008, and the agreement was ratified by the union on January 29, 2009. A review of the agreement by the Justice Management Division was completed on March 25, 2009, and EOIR will begin training Assistant Chief Immigration Judges (ACIJs) in May 2009 on administering the performance work plans. We anticipate implementation on July 1, 2009, so that the immigration judges will be on the same rating cycle as other lawyers within the Department.

2. Evaluation During Two-Year Trial Period

Like many other Department employees, newly appointed immigration judges and Board members have a two-year trial period of employment. The Director of EOIR will use that period both to assess whether a new appointee possesses the appropriate judicial temperament and skills for the job and to take steps to improve that performance if needed. In addition, the Director of EOIR will provide a short report to the Deputy Attorney General on the temperament and skills of each newly appointed immigration judge or Board member roughly four months prior to the

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expiration of the two-year trial period. The assessment will be done in a way that fully respects the adjudicator's role.

Implementation by EOIR:

EOIR created and implemented a tracking system to report at regular intervals to the Chief Immigration Judge, Chairman of the Board, and – for immigration judges – the Director of EOIR on the performance of new immigration judges and BIA members. As part of this assessment program, newly-appointed immigration judges and Board members are assigned experienced adjudicators to act as mentors and provide input regarding performance. Individualized training plans are designed for immigration judges needing further assistance and training. In addition, the Chairman of the BIA reviews the progress of each new Board member on a weekly basis, and conducts in-person progress reviews on a quarterly basis. In February of 2009, the Chairman provided each new Board Member with a comprehensive mid-year evaluation.

3. Examination on Immigration Law

Immigration judges and Board members should be proficient in the principles of immigration law. To ensure that is true, all immigration judges and Board members appointed after December 31, 2006, will have to pass a written examination demonstrating familiarity with key principles of immigration law before they begin to adjudicate matters. The Director of EOIR will develop such an immigration law exam and submit it to the Deputy Attorney General. The Director may consider the appropriateness of a training course prior to the administration of the examination.

Implementation by EOIR:

EOIR created an examination for newly-appointed immigration judges and Board members, with input from the Federal Judicial Center. The online exam is maintained on the website for the National Judicial College, and is accessible to EOIR based upon exam needs. EOIR began testing newly-appointed immigration judges in April 2008, and newly-appointed Board members in August 2008.

4. Improved Training for Immigration Judges and Board Members

It is important that training for immigration judges and Board members be comprehensive and up to date. The Director of EOIR will conduct a review of EOIR's current training programs for immigration judges and Board members, develop a plan based on that review to strengthen training, and submit the plan to the Deputy Attorney General. The plan will address, among other things, (i) whether expansion of the training program for new immigration judges and Board members is warranted, (ii) ways to ensure that immigration judges and Board members receive continuing education that is appropriate to their level of experience and instructive about current

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developments in the field of immigration law, and (iii) ways to ensure that immigration judges are trained on properly crafting and dictating oral decisions. The Director will consult the Director of the Federal Judicial Center with respect to this and other training-related measures.

Implementation by EOIR:

EOIR expanded training for new immigration judges to include intensive one week classroom training on law and procedure, two weeks of field court mentoring, two weeks of home court mentoring, assignment of a permanent mentor, and a close review of initial transcripts of hearings conducted by new judges. EOIR has also expanded the educational resources provided to the judges, including items such as a continuously updated *Immigration Judge Benchbook*, the *Immigration Law Advisor*, along with other educational materials. New Board members receive Board-specific reference materials in addition to in-person training provided by one of the Board's Senior Legal Advisors. In addition, EOIR conducts periodic training on legal and procedural issues for immigration judges and Board members, including a two-day training program on asylum adjudication and other topics. Finally, EOIR formed a training committee which developed and implemented a comprehensive training program; the core of which is a joint BIA and OCIJ Legal Conference scheduled for August 2009.

5. Improved Training and Guidance for EOIR Staff

The Director of EOIR will conduct a review to assess how well Immigration Court and Board of Immigration Appeals staff are performing their functions and provide a plan for improvement, including any additional training the Director deems appropriate in areas such as case management. In particular, the Director's review will consider how well the Board's staff attorneys are performing their screening and drafting duties and develop a plan based on that review to strengthen these areas. The plan will address, among other things, ways to (i) improve the guidance and training provided to staff attorneys—especially on major recurring issues (*e.g.*, correct screening standards, proper standards of review, and how to craft effective draft opinions), and (ii) ensure that Board members provide staff attorneys with appropriate guidance in drafting decisions in individual cases, consistent with the policies and directives of the Director of EOIR and the Chairman of the Board of Immigration Appeals. The Director will submit the plan to the Deputy Attorney General.

Implementation by EOIR:

As mentioned in our response to initiative four, EOIR formed a training committee which developed and implemented a comprehensive training program for the agency. In 2009, EOIR will resume its annual Legal Conference which will be held jointly with OCIJ and the BIA. Also, In the late Summer and Fall of 2009, EOIR plans to hold training conferences for court administrators, staff interpreters, and judicial law clerks. In addition to the joint annual conference, the Board continues to host its well-received

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monthly legal training seminars on various substantive legal topics. In addition to training on substantive immigration-related legal topics, the Board provided numerous forms of training to its managers, including basic managerial classes at the National Advocacy Center, and classes on topics ranging from the Employee Assistance Program to compliance with the Americans With Disabilities Act.

EOIR also made improvements to its periodical and web-based training materials. For example, the agency began distributing a monthly newsletter, the *Immigration Law Advisor*, to disseminate judicial, administrative, regulatory, and legislative developments in immigration law. Agency managers also began distributing reference materials from external sources, such as circuit court summaries from OIL, on an ongoing basis. The Board continued to maintain and improve its internal BIA Web Page and Decision Bank. Finally, EOIR expanded its online Virtual Law Library, which includes up-to-date case decisions, immigration law resources, and guidance.

6. Improved On-Bench Reference Materials and Decision Templates

Immigration judges should have available to them up-to-date reference materials and standard decision templates that conform to the law of the circuits in which they sit. The Director of EOIR is encouraged promptly to form a committee composed of immigration judges and other EOIR personnel to undertake the task of developing these materials.

Implementation by EOIR:

EOIR launched a new online *Immigration Judge Benchbook* that contains a growing library of reference materials on immigration law topics. It was developed with input from the Federal Judicial Center, and it contains up-to-date decision templates with links to reference materials, including guidelines for refugee cases prepared by UNHCR. It also contains scripts, checklists, and practical guides for new immigration judges as to the various stages of a removal proceeding. In addition, the *Immigration Judge Benchbook* Committee developed new reference materials for all immigration judges, such as an explanation for how to create a decision using the templates, standard language for use in resolving issues within decisions, and circuit-specific legal outlines. The Committee uses the “Alerts” section to notify immigration judges of important developments in the law, such as the recent change to the voluntary departure regulations, in light of the Supreme Court’s decision in Dada v. Mukasey, 128 S.Ct. 2307 (2008). A search engine has also been added to the *Benchbook* to enable judges to search its contents. The Committee is now preparing for a publicly available version of the *Benchbook* to be made accessible via the internet.

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7. Mechanisms To Detect Poor Conduct and Quality

While most immigration judges and Board members perform their difficult duties with skill and dedication, as in any large organization, instances of poor conduct and quality can occur from time to time. To ensure that those instances are promptly detected, the Director of EOIR will establish regular procedures (1) for Board members and the Civil Division's Office of Immigration Litigation (OIL) to report adjudications that reflect immigration judge temperament problems or poor Immigration Court or Board quality to him and to the Chief Immigration Judge and the Chairman of the Board of Immigration Appeals; and (2) for the Chief Immigration Judge and the Chairman of the Board to track and report to the Director statistics that may signal problems in temperament or quality (e.g., unusually high reversal rates, unusually frequent or serious complaints, and unusually significant backlogs).

Implementation by EOIR:

EOIR implemented procedures for the BIA and OIL to alert the Chief Immigration Judge about cases involving questionable immigration judge conduct. In addition, the agency established a new ACIJ position for conduct and professionalism to review and monitor all complaints and allegations of misconduct involving immigration judges. Finally, EOIR created a website link for the public to file complaints about immigration judges and a system to track such cases. The Chief Immigration Judge and the Chairman of the Board have developed several tracking mechanisms by which they report to the Director regarding complaints and other indicators of potential performance or temperament issues. We anticipate refining these tools in the context of administering the performance work plans for immigration judges.

8. Analysis and Recommendations Regarding Disparities in Asylum Grant Rates

A recent study has highlighted apparent disparities among immigration judges in asylum grant rates. The Director of EOIR, in consultation with the Acting Chief Immigration Judge, will review this study and provide an analysis and, if appropriate, recommendations to the Deputy Attorney General with respect to this issue.

Implementation by EOIR:

EOIR continues to monitor asylum grant rates and closely supervises immigration judges who have unusually high or low asylum grant rates. In addition, EOIR provides immigration judges with targeted training, mentoring, peer observation, and counseling, as appropriate.

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9. Pilot Program To Deploy Supervisors to Regional Offices

To test whether the Immigration Courts would benefit from having Assistant Chief Immigration Judges assigned regionally rather than at EOIR headquarters, the Acting Chief Immigration Judge will consider assigning one or more of the Assistant Chief Immigration Judges to serve regionally, near the Immigration Courts that he or she oversees, on a pilot basis. After the conclusion of this assignment, the Chief Immigration Judge will report to the Deputy Attorney General and the Director of EOIR on whether the assignment improved managerial contact and oversight in those courts. The Acting Chief Immigration Judge will also consider piloting other mechanisms for improving the management of the Immigration Courts.

Implementation by EOIR:

EOIR placed ACIJs in the New York, Los Angeles, Miami, San Francisco, San Diego, and San Antonio immigration courts to enhance both the supervision of immigration judges and access to EOIR management by practitioners and DHS. The deployment of supervisors to the field has enhanced supervision of Immigration Judges and has been well received by judges, staff, the private bar, and the government bar. The Acting Chief Immigration Judge is piloting other mechanisms for improving the management of the Immigration Courts, namely: the establishment of an Organizational Results Program, with an aim of ensuring that each immigration court receives a performance assessment every year; revising all Operating Policies and Procedures Memoranda and consolidating them into a comprehensive manual; and expansion of the field ACIJ program to include an additional field ACIJ in calendar year 2009.

10. Code of Conduct

The Director of EOIR will draft a Code of Conduct specifically applicable to immigration judges and Board members and, after consultation with the Counsel for Professional Responsibility and the Director of the Office of Attorney Recruitment and Management, submit it to the Deputy Attorney General. Thereafter, it will be available online to counsel and litigants who appear before the Immigration Courts and the Board.

Implementation by EOIR:

EOIR drafted a judicial code of conduct for immigration judges and Board members which was published in the *Federal Register* to obtain input from interested parties. Based on feedback received, the code was revised and has been incorporated into EOIR's existing *Ethics Manual*. The revised *Ethics Manual* was provided to the NAIJ on March 10, 2009, requesting any proposals the union wishes to submit by April 10, 2009. Following a review of any proposals, the Agency will determine and abide by any bargaining obligations that arise prior to putting the code into place.

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11. Complaint Procedures

The Department takes seriously complaints of inappropriate conduct by its adjudicators. Procedures already exist within EOIR, the Office of Professional Responsibility (OPR), and the Office of the Inspector General (OIG) to address them. In light of the serious and sometimes sensitive nature of these complaints, the following additional measures will be taken to improve the quality and speed of the Department's complaint-handling processes. The Director of EOIR, in consultation with the Counsel for Professional Responsibility and the Inspector General, will conduct a review of EOIR's current procedures for handling complaints against its adjudicators, and will develop a plan based on that review to (i) standardize complaint intake procedures; (ii) create a clearance process that will clearly define the roles of EOIR, OPR, and OIG in the handling of any particular complaint; and (iii) ensure a timely and proportionate response. The Director of EOIR will conduct the review and submit a plan to the Deputy Attorney General.

Implementation by EOIR:

EOIR created the position of ACIJ for conduct and professionalism who coordinates closely with the DOJ Office of Professional Responsibility and Office of the Inspector General regarding instances of inappropriate behavior. In addition, the agency launched a website link for the public to file complaints about immigration judges. A standard operating procedure which captures in full the currently followed process is being drafted, and discussions continue with OPR regarding the roles of each agency in handling complaints. The Agency has designated one additional staff assistant whose primary role is to help administer the complaint process, and has detailed one attorney to help handle particularly complex complaint and disciplinary matters, as well as to further develop the website and better ensure timely and proportionate responses.

12. Improvements to the Streamlining Reforms

Much commentary has been directed at the reforms that the Department instituted in 1999 and then expanded in 2002 to streamline the Board of Immigration Appeals' procedures for hearing appeals. Critics believe that these reforms have led the Board of Immigration Appeals to dedicate insufficient review to some matters and to produce too few published precedential decisions. Proponents of these reforms, on the other hand, have observed that streamlining brought much-needed efficiency to the review process, enabling the Board to eliminate a large backlog and to provide respondents with a final, reviewable administrative action in a reasonable amount of time. Having carefully considered the existing and predicted caseload, the existing resources, the need to review respondents' claims adequately, and the need to provide respondents with a final decision in a timely fashion, the Department has concluded that it is neither necessary nor feasible to return to three-member review of all cases without recreating unacceptable backlogs. Some adjustments to streamlining, however, are appropriate to allow the Board to improve and better explain its reasoning in certain cases. Accordingly, the following adjustments will be made to the Board's rules.

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- The Director of EOIR will draft a proposed rule that will adjust streamlining practices to (i) encourage the increased use of one-member written opinions to address poor or intemperate immigration judge decisions that reach the correct result but would benefit from discussion or clarification; and (ii) allow the limited use of three member written opinions—as opposed to one-member written opinions—to provide greater legal analysis in a small class of particularly complex cases. The Director of EOIR will submit a draft of the proposed rule to the Assistant Attorney General for Legal Policy.
- The Director of EOIR will draft a proposed rule that will revise processes for publishing opinions of three-member panels as precedential to provide for publication if a majority of panel members or a majority of permanent Board members votes to publish the opinion, or if the Attorney General directs publication. The Director of EOIR will submit a draft of the proposed rule to the Assistant Attorney General for Legal Policy.
- The Assistant Attorney General for Legal Policy, in consultation with EOIR and the Civil Division, will draft a proposed rule that would return cases to the Board for reconsideration when OIL identifies a case that has been filed in federal court and, in OIL's view, warrants reconsideration.

From time to time, the streamlining rules may need to be adjusted to meet the exigencies and needs of the Board and the parties who litigate before it. Accordingly, the Deputy Attorney General and the Director of EOIR will monitor the effect of these adjustments closely to ensure that they are appropriate in light of the Board's changing workload, and the Deputy Attorney General will reevaluate the effectiveness of these adjustments after they have been in effect for two years.

Implementation by EOIR:

Summary affirmances by the BIA, also known as AWOs, authorize a single Board member to affirm an immigration judge's decision without writing an opinion. EOIR decreased the issuance of summary affirmances from 30 percent in 2004 to less than 10 percent in FY 2008. By the beginning of calendar year 2009, AWOs accounted for approximately 4% of the Board's decisions. In addition, the agency published a proposed regulation in the *Federal Register* that makes AWOs discretionary rather than mandatory, mandates more three-member-panel reviews, and increases the number of precedent decisions published by the BIA. The BIA has published more precedent decisions in the past two years than in any similar period since the late 1990s.

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13. Practice Manual

The immigration judges, and the counsel and litigants who appear before them, would benefit from having a Practice Manual that describes a set of best practices for the Immigration Courts. Working with the immigration judges, the Director of EOIR will draft such a Manual and submit it to the Deputy Attorney General. It will be available online to counsel and litigants who appear before the Immigration Courts.

Implementation by EOIR:

EOIR developed a comprehensive online *Immigration Court Practice Manual* for internal and public use. It incorporates “best practices” nationwide in establishing uniform procedures, requirements, and recommendations for practice before the immigration courts. EOIR launched the manual on the agency’s website in February 2008 and it became effective on July 1, 2008. The manual is a “living document,” and the Office of the Chief Immigration Judges continues to update it in response to changes in law and policy, as well as in response to comments by the parties using it.

14. Updated and Well-Supervised Sanction Authorities for Immigration Judges for Frivolous or False Submissions and Egregious Misconduct

Immigration judges should have the tools necessary to control their courtrooms and to protect the adjudicatory system from fraud and abuse. The Director of EOIR will consider, and where appropriate, draft proposed revisions to the existing rules that provide sanction authority for false statements, frivolous behavior, and other gross misconduct, *see* 8 C.F.R. 1003.101–109, and will draft a new proposed rule that creates a strictly defined and clearly delineated authority to sanction by civil money penalty an action (or inaction) in contempt of an immigration judge’s proper exercise of authority. Because the authority to impose a civil monetary sanction exists only for conduct “in contempt of an immigration judge’s proper exercise of authority” (8 U.S.C. 1229a(b)(1)), its use will require substantial oversight (*e.g.*, approval by the Director of EOIR or another overseeing body), and one would anticipate it would be used sparingly. The Director, after consultation with the Counsel for Professional Responsibility, will submit proposed rules to the Assistant Attorney General for Legal Policy.

Implementation by EOIR:

EOIR published a final rule in the *Federal Register* on December 18, 2008, and it became effective on January 20, 2009. The regulation increases the grounds for disciplining attorneys and representatives who appear before immigration courts or the BIA, with a focus on attorney diligence, competence, negligence, and client communication. This regulation also gives EOIR the ability to discipline counsel for strictly defined categories of gross misconduct that have been occurring before the BIA. Additionally, the Office of Chief Immigration Judge developed a corps of Immigration Judges and Administrative

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Law Judges specifically trained to adjudicate attorney discipline cases under the new regulation.

15. Updated Sanctions Power for the Board

Likewise, the Board of Immigration Appeals should have the ability to sanction effectively litigants and counsel for strictly defined categories of gross misconduct. The Director of EOIR will consider, and where appropriate, draft proposed revisions to the existing rules that provide sanction authority to the Board. I ask the Director, after consultation with the Counsel for Professional Responsibility, to submit any proposed revisions to the Assistant Attorney General for Legal Policy.

Implementation by EOIR:

EOIR published a final rule in the *Federal Register* on December 18, 2008, and it became effective on January 20, 2009. The regulation increases the grounds for disciplining attorneys and representatives who appear before the BIA, with a focus on attorney diligence, competence, negligence, and client communication. This regulation also gives EOIR the ability to discipline counsel for strictly defined categories of gross misconduct that have been occurring before the BIA.

16. Seek Budget Increases

With its workload having increased significantly in recent years and still further increases in caseload being anticipated, EOIR has demonstrated a need for additional resources. The Deputy Attorney General and the Director of EOIR will prepare a plan as soon as possible to seek budget increases, starting in FY 2008, for (i) the hiring of more immigration judges and judicial law clerks, focusing on those Immigration Courts where the need is greatest; and (ii) the hiring of more staff attorneys to support the Board of Immigration Appeals.

Implementation by EOIR:

The agency received a 120-position increase, funded through the 2006 War Supplemental and FY 2007 budget appropriations, which included 20 immigration judge and 20 judicial law clerk positions. EOIR recently received the 2009 appropriation, which includes \$5.0 million to hire additional immigration judges and staff. This will assist in EOIR's ability to increase the number of judges from the 224 currently on-board to the target number of 253. The process is well underway. These new judges will be placed in

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the locations where the need is greatest, particularly in locations with a high volume of detained cases.

17. Increase in Size of the Board

The Director of EOIR will draft and submit to the Assistant Attorney General for Legal Policy a proposed rule to increase the size of the Board of Immigration Appeals from 11 to 15, by adding four permanent members. In addition, the Director is encouraged to continue the use of temporary Board members to fulfill the needs of the Board of Immigration Appeals. Recruitment for the final open Board member position is ongoing.

Implementation by EOIR:

EOIR published the final regulation in the *Federal Register* that expands the size of the BIA from 11 to 15 permanent members, and authorizes the appointment of temporary BIA members. During FY 2008, EOIR hired five new Board members and appointed a Chairman. A Vice Chairman was appointed in January 2009. The vacancy announcement for the remaining open Board Member position closes on April 9, 2009, and will be filled via a competitive selection process.

18. Updated Recording System and Other Technologies

For some time, EOIR has been considering the need to replace the Immigration Courts' tape recording system with a digital recording system. The Director will provide the Deputy Attorney General with a plan and timeline for accomplishing this project. The plan and timeline will include the steps necessary to begin piloting a digital audio recording system during the next fiscal year, and to begin nationwide implementation of that system as soon as feasible.

In general, it is important to ensure that EOIR's use of technology—from the digital recording system to an electronic docket management system—is efficient, innovative, and compatible with the information management systems of users of EOIR's systems.

Implementation by EOIR:

During FY 2008 EOIR piloted and began deploying its Digital Audio Recording (DAR) system. This state-of-the-art recording system was designed to achieve better quality recordings of immigration court hearings. As of March 20, 2009, EOIR had implemented DAR at 30 immigration courts (111 courtrooms). DAR remains on track to be fully implemented by the end of 2010.

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19. Improved Transcription Services

The Director of EOIR will conduct a review of EOIR's current transcription services and develop a plan based on that review to strengthen the transcription of oral decisions, including improving the timeliness of transcription to the extent feasible. The Director will submit the plan to the Deputy Attorney General.

Implementation by EOIR:

EOIR eliminated the backlog of immigration court hearing tapes awaiting transcription, thereby reducing the overall processing time for BIA appeals. EOIR now maintains a 5-day transcription turnaround for detained cases, promptly addresses quality control issues with contractors for correction, and meets regularly with contractors to discuss quality issues and remedial measures to continue ensuring quality transcriptions.

20. Improved Interpreter Selection

Likewise, the Director of EOIR will conduct a review of its current interpreter selection process and develop a plan based on that review to strengthen interpreter selection. The plan will address, among other things, (i) ways to improve the screening, hiring, certification, and evaluation of staff interpreters, and (ii) ways to ensure that contract interpreters meet similar standards of quality. The Director will submit the plan to the Deputy Attorney General.

Implementation by EOIR:

EOIR developed an orientation and mentor program for interpreters. New interpreters are now assessed on a quarterly basis during the one year probationary period and are provided targeted feedback to improve their skills. Those who successfully complete the probationary period and meet the required standards are deemed eligible for continued employment. In addition, the agency redesigned the performance review process to centralize, standardize, and enhance staff interpreter evaluations. EOIR designed a continuing education program to maintain and improve interpreters' skills and established an online Interpreter Resource page containing glossaries, reference materials and links to other interpreter resources. The agency will also update interpreter reference libraries in each court in FY2009. In addition, EOIR expanded full and complete interpretation of proceedings through the implementation of new digital audio recording technology. We also established a quality assurance team to monitor contract interpreter accountability and performance. Finally, EOIR created a website link for the public to report complaints regarding interpreter services.

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21. Referral of Immigration Fraud and Abuse

The Director of EOIR, in consultation with the Director of the Executive Office for United States Attorneys, will develop a procedure by which immigration judges and Board members may refer cases of immigration fraud and abuse to the appropriate investigative body for appropriate action, including possible future referral to and prosecution by the U.S. Attorney's Offices. The Director will notify the immigration judges and Board members of that procedure.

Implementation by EOIR:

EOIR established a Fraud Program and appointed an anti-fraud officer to identify fraud and coordinate interagency responses. The anti-fraud officer trained immigration court and BIA staff about EOIR's Fraud Program so that cases of immigration fraud and abuse can be properly referred to the appropriate investigative agencies for their action. The Fraud Program has also created a monthly publication for distribution within EOIR to educate EOIR employees about immigration fraud.

22. Expanded and Improved EOIR-sponsored Pro Bono Programs

The Director of EOIR will consider forming a committee to oversee the expansion and improvement of EOIR's *pro bono* programs. Such a committee will be composed of immigration judges, representatives of the Board, other EOIR personnel, representatives of the Department of Homeland Security and the private immigration bar, and any other participants whom the Director deems necessary.

Implementation by EOIR:

EOIR established a Committee on Pro Bono that regularly consults with federal and non-governmental agencies, as well as the private bar, to recommend and develop initiatives that expand and improve EOIR's pro bono programs. The agency expanded the Legal Orientation Program (LOP) this past year from 14 to 25 sites, and continues to expand the BIA Pro Bono Project to serve more aliens. The agency also designated Pro Bono Liaison Immigration Judges at each Immigration Court to facilitate local pro bono efforts.