



## Testimony

Before the Subcommittee on  
Immigration, Citizenship, and Border  
Safety, Committee on the Judiciary,  
U.S. Senate

---

For Release on Delivery  
Expected at 10:00 a.m. ET  
Wednesday, October 18, 2023

# IMMIGRATION COURTS

## Actions Needed to Address Workforce Planning and Other Management Challenges

Statement of Rebecca Gambler, Director,  
Homeland Security and Justice

# GAO Highlights

Highlights of [GAO-24-107046](#), a testimony before the Subcommittee on Immigration, Citizenship, and Border Safety, Committee on the Judiciary, U.S. Senate

## Why GAO Did This Study

Each year, EOIR issues decisions for hundreds of thousands of cases regarding foreign nationals charged as removable under U.S. immigration law. EOIR is facing a substantial and growing backlog of pending cases. In July 2023, EOIR had nearly 2.2 million pending cases—more than four times the number of pending cases at the start of fiscal year 2017. In 2017 and 2023, GAO reported on EOIR's management practices, including how it oversees workforce planning and IT management.

This statement addresses EOIR's (1) workforce planning practices; (2) performance appraisal program for immigration and appellate immigration judges; and (3) implementation of its electronic filing system.

This statement is based on GAO's 2017 and 2023 reports on EOIR's management functions ([GAO-17-438](#) and [GAO-23-105431](#)). For those reports, GAO analyzed EOIR documents and data and interviewed EOIR officials at headquarters and at immigration courts. As of October 2023, GAO is awaiting updates from EOIR on its efforts to address prior GAO recommendations.

## What GAO Recommends

GAO made 17 recommendations in the two reports covered by this statement. As of October 2023, EOIR has fully addressed nine of these recommendations. EOIR identified ongoing and planned steps to address the recommendations not yet implemented. GAO continues to coordinate with EOIR to obtain updates and monitor its actions.

View [GAO-24-107046](#). For more information, contact Rebecca Gambler at (202) 512-8777 or [gambler@gao.gov](mailto:gambler@gao.gov).

October 18, 2023

## IMMIGRATION COURTS

### Actions Needed to Address Workforce Planning and Other Management Challenges

## What GAO Found

Within the Department of Justice, the Executive Office for Immigration Review (EOIR) is responsible for conducting immigration proceedings to fairly, expeditiously, and uniformly administer and interpret U.S. immigration laws and regulations. EOIR has taken several steps to improve its management practices since GAO's 2017 report. This includes revising its hiring process and increasing the number of immigration judges from 338 in fiscal year 2017 to 659 as of July 2023. However, EOIR also continues to face several challenges. Specifically:

- **Workforce planning.** In April 2023, GAO reported that EOIR had taken some steps to improve its workforce planning, which is the process of aligning human capital with mission needs and goals. However, GAO found that EOIR's practices did not fully align with key principles for strategic workforce planning.
  - In 2017, GAO recommended that EOIR develop a strategic workforce plan that addresses the key principles of workforce planning to better position EOIR to address staffing needs. These include identifying critical skills, developing strategies to address skills gaps, and monitoring progress. In 2023, GAO found that EOIR had not yet developed a strategic workforce plan or set workforce planning goals consistent with GAO's prior recommendation. Developing and implementing a strategic workforce plan would better position EOIR to address current and future staffing needs.
  - In 2023, GAO found that EOIR does not have a governance structure to guide its workforce planning efforts and hold leadership accountable for progress on workforce goals. Specifically, EOIR had not assigned and documented roles and responsibilities for workforce planning and implementation of a strategic workforce plan. Given its longstanding challenges in this area, establishing a documented governance structure for workforce planning would better position EOIR to institutionalize improvements moving forward.
- **Immigration judge performance appraisal program.** In 2023, GAO found that EOIR evaluated how immigration judges perform their duties but had not evaluated its overall judge performance appraisal program. EOIR revised the criteria against which it evaluates judges but it had not assessed judges' satisfaction with the program's equity, utility, and accuracy. Implementing a process to periodically evaluate its performance appraisal program for judges can better position EOIR to determine the program's effectiveness.
- **Electronic filing system.** As of November 2021, all immigration courts had access to an electronic filing system and, overall, court staff GAO interviewed expressed positive views of it. However, despite reporting benefits, staff stated they experience outages and delays while using one application within the system—Judicial Tools—that disrupt their work. Judges and court staff use Judicial Tools to access case information and create case orders and decisions. In 2023, GAO found that EOIR did not have a process to regularly assess whether Judicial Tools was meeting users' needs. Developing and implementing a process to regularly reassess whether Judicial Tools is meeting users' needs would help EOIR ensure that the application continues to serve the agency's needs.

---

Chair Padilla, Ranking Member Cornyn, and Members of the Subcommittee:

I am pleased to be here today to discuss our work on the U.S. immigration court system. Each year, the Department of Homeland Security (DHS) initiates hundreds of thousands of removal cases with the U.S. immigration court system.<sup>1</sup> Within the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR) is responsible for conducting immigration proceedings to fairly, expeditiously, and uniformly administer and interpret U.S. immigration laws and regulations. As of July 2023, EOIR had 69 immigration courts, 597 courtrooms, and 659 immigration judges across the country.

EOIR is facing a substantial case backlog that continues to grow.<sup>2</sup> In July 2023, EOIR had a backlog of nearly 2.2 million pending cases—more than four times the number of pending cases at the start of fiscal year 2017. EOIR officials have identified resource shortages as contributing to the backlog, alongside increases in caseloads. EOIR completed a record high number of cases in the first three-quarters of fiscal year 2023 (about 376,000); however, DHS also initiated a record high number of new cases during that time (747,000). As a result, the backlog increased by about 371,000 cases in the first three-quarters of fiscal year 2023. As we previously reported, the effects of the case backlog are significant and wide-ranging from some respondents waiting years to have their cases heard, to immigration judges being able to spend less time considering cases.<sup>3</sup>

In recent years, EOIR has taken several steps to improve court operations and address management challenges we have previously

---

<sup>1</sup>DHS is responsible for identifying, detaining, initiating removal proceedings and litigating administrative immigration charges against, and executing removal orders for individuals who are suspected and determined to be in the U.S. in violation of U.S. immigration laws.

<sup>2</sup>The backlog refers to the number of cases pending before immigration courts at a given point in time.

<sup>3</sup>GAO, *Immigration Courts: Actions Needed to Reduce Case Backlog and Address Long-Standing Management and Operational Challenges*, [GAO-17-438](#) (Washington, D.C.: June 1, 2017).

---

identified.<sup>4</sup> For example, beginning in 2017, EOIR implemented a new hiring process for immigration judges in response to our recommendation. Specifically, EOIR assessed its process for hiring immigration judges; identified areas to increase efficiency; and began to track vacancies caused by retirements, separations, and transfers. As a result of these efforts, EOIR is better positioned to address its immigration judge staffing needs. In particular, EOIR increased the number of immigration judges on board from 338 in fiscal year 2017 to 659 as of July 2023. EOIR has also taken steps to address other management challenges we have previously identified, such as improving its workforce planning processes and implementing an electronic filing system at all immigration courts.<sup>5</sup>

My statement today addresses the extent to which: (1) EOIR's workforce planning practices align with key principles for workforce planning; (2) EOIR has evaluated the performance appraisal program for immigration and appellate immigration judges; and (3) EOIR has implemented an electronic filing system that meets the needs of court staff. This statement is based on two reports on EOIR's management of the immigration courts that we issued in April 2023 and June 2017.<sup>6</sup> For these reports, we analyzed EOIR documents and data and interviewed EOIR officials at headquarters and at immigration courts across the country. More detailed information on our objectives, scope, and methodology can be found in each of the reports. As of October 2023, we are awaiting updates from EOIR about the status of its actions in response to recommendations we made in these two reports. We will continue to coordinate with EOIR to obtain updates on its actions.

We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards

---

<sup>4</sup>GAO, *Immigration Courts: Actions Needed to Address Workforce, Performance, and Data Management Challenges*, [GAO-23-105431](#) (Washington, D.C.: Apr. 26, 2023); [GAO-17-438](#). In our 2017 and 2023 reports on EOIR's management challenges, we made a total of 17 recommendations to EOIR. Among other things, we recommended EOIR improve various practices such as workforce planning, performance management for judges, and IT management, as we discuss later in this statement. As of September 2023, EOIR has taken actions to fully implement nine of our recommendations. For further information on these recommendations and the status of EOIR's actions to address them, see <https://www.gao.gov/products/gao-23-105431> and <https://www.gao.gov/products/gao-17-438>.

<sup>5</sup>E-filing is a means of transmitting documents and other information to immigration courts through an electronic medium, rather than on paper. As of February 2022, e-filing is mandatory for all new cases.

<sup>6</sup>[GAO-23-105431](#) and [GAO-17-438](#).

---

require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

---

## EOIR Has Taken Some Steps to Improve Workforce Planning but its Practices Do Not Align with Key Principles

In April 2023, we found that EOIR had taken some steps to improve its workforce planning—a systematic process to align an agency’s human capital with its mission needs and goals. However, its practices did not fully align with key principles for strategic workforce planning.<sup>7</sup> In addition, we found that EOIR has been without an agency-wide strategic plan since 2013 and did not have a schedule with time frames to produce such a plan. Further, we found that EOIR had not established a governance structure—consisting of assigned and documented roles and responsibilities—to guide its workforce planning efforts and hold leadership accountable for progress on workforce goals.<sup>8</sup>

**Workforce planning.** In 2017, we found that EOIR did not have a strategic workforce plan that would help it better address staffing needs.<sup>9</sup> Specifically, we found that EOIR used an informal approach to estimate staffing needs, which did not account for needs beyond the next fiscal year, reflect EOIR’s performance goals, or systematically account for workforce risks such as impending retirements.

As a result, we recommended that EOIR develop and implement a strategic workforce plan that addresses key principles of effective strategic workforce planning, including:

- determining critical skills and competencies needed to achieve current and future programmatic results;
- developing strategies that are tailored to address gaps in number, deployment, and alignment of human capital approaches for enabling and sustaining the contributions of all critical skills and competencies; and

---

<sup>7</sup>GAO-23-105431. See also GAO, *Human Capital: Key Principles for Effective Strategic Workforce Planning*, GAO-04-39 (Washington, D.C.: Dec. 11, 2003).

<sup>8</sup>GAO-23-105431. In general terms, a governance structure refers to the framework of project management, especially regarding rules, procedures, roles, and the division of responsibilities within the decision-making process, which we discuss in more detail later in this statement.

<sup>9</sup>GAO-17-438.

- 
- monitoring and evaluating of the agency’s progress toward its human capital goals and the contribution that human capital results have made toward achieving programmatic results.

EOIR agreed with our recommendation and took some steps to improve its workforce planning, as we found in April 2023.<sup>10</sup> For example, EOIR:

- contracted with a private firm from 2016 to 2017 to assess EOIR’s workforce needs and create a staffing model;<sup>11</sup>
- filled its previously vacant Human Resource Officer position; and
- signed a contract with the Office of Personnel Management (OPM) in June 2022 for strategic workforce planning support.

However, we also found that EOIR’s workforce planning practices did not fully meet GAO’s key principles for strategic workforce planning, consistent with the intent of our 2017 recommendation. For example, EOIR had not developed a strategic workforce plan or set workforce planning goals.

As we reported in 2017, and reiterated in 2023, developing and implementing a strategic workforce plan that addresses key principles for effective strategic workforce planning, such as including a determination of critical skills and competencies, strategies to address skill and competency gaps, and monitoring and evaluating progress made, would better position EOIR to address current and future staffing needs. We will continue to monitor EOIR’s efforts to address our 2017 recommendation.

**Strategic planning.** In April 2023, we reported that setting an agency’s strategic direction is an important first step in establishing effective workforce planning practices.<sup>12</sup> According to key principles for workforce planning, agency leadership should set the agency’s strategic direction and ensure that its workforce goals, plans, and practices are aligned with that direction.<sup>13</sup> In addition, an agency’s strategic plan should articulate its

---

<sup>10</sup>[GAO-23-105431](#).

<sup>11</sup>[GAO-17-438](#). In 2017, we reported that EOIR had contracted with a private firm to determine the critical skills and competencies used in the immigration courts, particularly at the legal assistant level, and to then produce a workforce staffing model to achieve current and future operational and programmatic results.

<sup>12</sup>[GAO-23-105431](#).

<sup>13</sup>[GAO-04-39](#).

---

fundamental mission and lay out its long-term goals for implementing that mission, including resources needed to reach its long-term goals. However, we found that EOIR has not had an agency-wide strategic plan since 2013.<sup>14</sup>

In November 2021, EOIR officials told us that they had paused updates to the strategic plan to ensure it would align with the updated DOJ strategic plan under the new administration, which was not finalized at that time. In July 2022, DOJ issued its new strategic plan, covering fiscal years 2022 through 2026. In October 2022, EOIR officials stated that they were drafting an updated strategic plan to cover fiscal years 2023 through 2027, but they could not provide a schedule with time frames for when they would complete it. Therefore, we recommended that EOIR develop such a schedule with target time frames.

In commenting on a draft of our April 2023 report, EOIR noted that it recognized the importance of strategic planning and that it was continuing efforts to finalize an updated strategic plan. We will continue to monitor EOIR's efforts to address this recommendation. Without a strategic plan, EOIR cannot ensure its activities support its objectives or measure progress on agency goals. Further, in the context of its human capital systems and needs, without a strategic direction as set forth in a strategic plan, EOIR is not well positioned to create an effective strategic workforce plan or ensure its workforce planning and human capital processes will support its organizational goals.

**Governance structure to guide workforce planning.** In April 2023, we found that EOIR did not have a governance structure to guide its efforts and hold leadership accountable for progress on workforce-related

---

<sup>14</sup>EOIR's previous strategic plan covered fiscal years 2008 through 2013.

---

goals.<sup>15</sup> OPM's Human Capital Framework calls for agency and human capital leadership to engage key leadership and stakeholders to establish the necessary governance structure for implementation of any strategic plans, hold senior management accountable for organizational progress, and identify metrics to determine effectiveness in achieving goals, among other actions.<sup>16</sup>

We found that EOIR had signed a contract with OPM in June 2022 for strategic workforce planning support. The contract directed OPM to:

- assess EOIR's current workforce and develop a vision for the future of its workforce;
- conduct workshops with EOIR leadership on workforce principles and best practices; and
- work with EOIR to design policies and procedures for a regular and repeatable workforce planning process.

EOIR's June 2022 contract with OPM is a positive step and has the potential to address key workforce planning principles. However, we found that EOIR had not documented which officials will be responsible for workforce planning or be accountable for its implementation following the conclusion of the OPM contract. At the time of our April 2023 report, it was too soon to assess EOIR's ability to successfully implement results

---

<sup>15</sup>[GAO-23-105431](#). OPM does not specifically define a governance structure but states that senior leadership should establish a governance structure for workforce planning implementation. According to federal internal control standards, an agency's organizational structure provides management's framework for planning, directing, and controlling operations to achieve agency objectives. Management develops an organizational structure with the understanding of overall responsibilities and assigns these responsibilities to discrete units to enable the organization to operate in an efficient and effective manner. See: GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). For the purposes of our April 2023 report, we used the term "governance structure" as the framework that agency leaders should develop to implement a workforce plan. This framework should include at least two things: (1) assigned and documented roles and responsibilities for workforce planning, including implementation of the plan, across all levels at the agency; and (2) measurable and observable targets and metrics to determine effectiveness in achieving strategic or organizational goals.

<sup>16</sup>OPM's Human Capital Framework provides comprehensive guidance on strategic human capital management in the federal government. The framework consists of four interconnected and adaptive systems: strategic alignment and planning, talent management, performance culture, and evaluation. See: <https://www.opm.gov/policy-data-oversight/human-capital-framework/>.



---

from the OPM contract; however, we noted that EOIR had missed opportunities in past efforts to improve its workforce planning efforts.

Given its longstanding challenges in workforce planning, we recommended that the Director of EOIR involve key leadership and stakeholders in establishing a documented governance structure for workforce planning that includes:

- assigned and documented roles and responsibilities for workforce planning and implementation across all levels of EOIR, and
- measurable and observable targets and metrics to determine effectiveness in achieving strategic or organizational goals.

In commenting on a draft of our April 2023 report, EOIR noted efforts underway that it believed would help the agency address our recommendation. For example, EOIR noted that it had developed a new council within the human resources office to streamline hiring that included representatives from various EOIR offices. We will continue to monitor EOIR's efforts. Establishing a documented governance structure for workforce planning would better position EOIR to institutionalize improvements moving forward.

---

## EOIR Assesses How Judges Perform but Has Not Evaluated its Overall Judge Performance Appraisal Program

In April 2023, we reported that EOIR has a performance appraisal program that evaluates how immigration judges perform their duties.<sup>17</sup> However, we found that EOIR had made changes to the program in recent years, but some EOIR judges raised concerns with the program and EOIR had not evaluated it consistent with OPM guidance.

Under its performance appraisal program, EOIR evaluates judge performance using different performance plans for each type of judge—immigration judge, assistant chief immigration judge, and appellate immigration judge (see table 1).

---

<sup>17</sup>[GAO-23-105431](#). According to OPM, an appraisal program establishes specific procedures for appraising individual employees and operates within the parameters established by an agency's appraisal system. An agency may have a single program to cover all of its non-Senior Executive Service employees, or it may have multiple programs, each covering a specific group of employees with no employee covered by more than one program.

**Table 1: Executive Office for Immigration Review (EOIR) Description of Judge Employee Performance Plans, as of Fiscal Year 2022**

Judge type	Performance cycle	Performance elements in the employee performance plan
Immigration judge	2 years	Legal ability; professionalism; and accountability for organizational results.
Assistant chief immigration judge <sup>a</sup>	1 year	Core competencies: communication; teamwork; accountability; and stakeholder relations. Job specific results elements: managing change and court management operations.
Appellate immigration judge <sup>b</sup>	1 year	Adjudicatory performance; professionalism/interpersonal leadership; and accountability for organizational results.

Source: GAO analysis of EOIR documentation. | GAO-24-107046

<sup>a</sup>Assistant chief immigration judges serve as liaisons between courts and EOIR headquarters. They also have supervisory authority over immigration judges, court administrators, and legal support staff.

<sup>b</sup>Appellate immigration judges sit on the Board of Immigration Appeals. They hear and issue decisions regarding appeals of decisions made by immigration judges and, in some cases, by the Department of Homeland Security.

Each performance cycle is to include a formal progress review for each judge, generally halfway through the appraisal cycle. This is a formal meeting with the judges and their supervisors about their performance compared to the performance elements. Finally, the performance cycle ends with a summary rating for each judge.<sup>18</sup>

In recent years, EOIR has revised its performance plans for two types of judges: assistant chief immigration judges and appellate immigration judges.<sup>19</sup> For example, in May 2022, EOIR made changes to performance elements for assistant chief immigration judges.<sup>20</sup> Additionally, EOIR

<sup>18</sup>According to OPM, a rating means evaluating employee performance against the performance elements in the employee performance plan and assigning a summary rating of record. The rating is based on work performed during the entire appraisal period.

<sup>19</sup>EOIR has used the same performance elements for immigration judges—legal ability, professionalism, and accountability for organizational results—since at least 2007. From 2018 through 2021, EOIR included other performance metrics. Specifically, during this time, EOIR included case completions (700 per year), remand rate (less than 15 percent), and various benchmark goals as performance metrics for immigration judges but suspended these in October 2021.

<sup>20</sup>Among other changes, EOIR officials told us the updated performance elements provided more specificity about the level of communication expected between assistant chief immigration judges and the immigration judges they supervise. Additionally, EOIR added court performance measures to the plan so that the assistant chief immigration judge’s rating includes an assessment of court performance. EOIR officials stated that the purpose of adding court performance measures to the performance work plan was to put the burden of court operations on the assistant chief immigration judges.

---

moved appellate immigration judges onto a new performance plan in fiscal year 2021.<sup>21</sup>

Some EOIR judges we interviewed raised concerns about the judge performance appraisal program. For example, three judges we spoke with in two immigration courts stated the performance elements in the immigration judge performance plan are not specific enough. However, one assistant chief immigration judge we spoke with stated that changes to the performance plan in 2022 resulted in the plan going from too general to too specific. The judge also stated that the changes are not easily applied to all courts. For example, the performance work plan states that assistant chief immigration judges should meet with every immigration judge in their court every 2 weeks. According to the judge, this can be done in a small court with a small number of judges, but it is difficult to do in a large court with many judges.

We found that while EOIR evaluates how judges perform, it has not evaluated its overall judge performance appraisal program consistent with OPM guidance. For example, OPM's Human Capital Framework states that agencies should periodically evaluate their performance appraisal system and plan for ongoing evaluation.<sup>22</sup> EOIR officials stated that they do not have a process to periodically evaluate their overall judge performance appraisal program because they believed changes the agency made to some of the specific judge performance plans were sufficient for ensuring that the work plans are appropriate. According to OPM guidance on evaluating performance appraisal programs, agencies are to assess, for example, if employees and managers are satisfied with equity, utility, and accuracy of the program. However, in deciding whether to make changes to each of the judge performance plans in recent years, EOIR did so without such an assessment.

To better position EOIR to determine whether judge performance plans are effective, we recommended EOIR implement a process to evaluate, on a periodic basis, the performance appraisal program for adjudicative staff (immigration judges, assistant chief immigration judges, and appellate immigration judges), consistent with OPM guidance.

---

<sup>21</sup>The new performance plan for appellate immigration judges includes performance elements to assess the appellate workload, and in circumstances when a judge may be detailed to hear cases at an immigration court.

<sup>22</sup>See: <https://www.opm.gov/policy-data-oversight/human-capital-framework/>.

---

In commenting on a draft of our April 2023 report, EOIR noted that it appreciated the value of institutionalizing an ongoing, periodic review of the agency's performance appraisal program. EOIR further described plans to coordinate periodic reviews of the performance appraisal program. Among other things, EOIR stated this review would include an analysis of how performance plans promote the effectiveness of staff performance. We will continue to monitor the status of EOIR's planned actions. To fully address this recommendation, EOIR should implement a process to evaluate, on a periodic basis, the performance appraisal program for immigration judges, assistant chief immigration judges, and appellate immigration judges, consistent with OPM guidance.

---

## EOIR Implemented an Electronic Filing System but Court Staff Reported that Outages Disrupt Their Work

As we reported in 2017 and 2023, EOIR encountered delays and performance issues in meeting its goal to transition from a paper-based case management system to its e-filing system, known as the EOIR Courts and Appeals System (ECAS). EOIR historically relied upon a paper-based system for filing case documentation but has had a longstanding goal to phase out the paper-based system, in favor of retaining all records in electronic format. In addition, EOIR must convert its paper case files into digital records by June 2024 to comply with federal requirements for electronic recordkeeping. However, as of January 2023, EOIR officials reported that about 850,000 cases remained on paper.<sup>23</sup>

In 2017, we found that EOIR had begun developing ECAS but had missed its goals for implementation. For example, we reported that EOIR initially hoped to fully implement ECAS in 2003. As of 2016, EOIR had initiated ECAS, but we found that it had not designated an oversight entity or documented a plan for overseeing ECAS during critical stages of its development and implementation. As a result, it was unclear how EOIR would oversee the system's deployment. Therefore, we recommended that EOIR: (1) identify and establish the appropriate entity for exercising oversight over ECAS through full implementation, and (2) document and implement an oversight plan that is consistent with best practices for overseeing IT projects. EOIR agreed with these recommendations and, among other things, designated an oversight body through the lifecycle of ECAS implementation. EOIR also provided documents that, according to

---

<sup>23</sup>See Office of Management and Budget, *Transition to Electronic Records*, Memorandum M-19-21 (Washington, D.C.: June 28, 2019), and Office of Management and Budget, *Update to Transition to Electronic Records*, Memorandum M-23-07 (Washington, D.C.: Dec. 23, 2022).

---

EOIR, collectively served as its oversight plan for ECAS.<sup>24</sup> We determined that these actions addressed the intent of our recommendations.

In 2018, EOIR began implementing ECAS at immigration courts and, as of November 2021, all immigration courts had access to the system. ECAS consists of several web-based applications that are available to different types of stakeholders in the immigration court system. For example, as part of ECAS, immigration judges and court staff use the Judicial Tools application to access case information and documentation, such as motions and evidence filed by parties, and to create orders and decisions on cases. Judges and court staff also use the Electronic Record of Proceedings application to scan and upload paper documents to electronic case files.

In April 2023, we found that, overall, court staff we interviewed expressed positive views of ECAS. For example, eight out of 12 court staff we spoke with said the system makes information more accessible. One court administrator and one assistant chief immigration judge told us they found the system beneficial for allowing attorneys to instantly transmit documents to the court at any time of day. This eliminated delays associated with waiting for paper documents to arrive by mail. Another court administrator said the implementation of e-filing was timely because the court had paper files stacked to the ceiling and had run out of space to store additional files.

Despite reporting benefits associated with ECAS, staff from all four courts we interviewed also told us they experienced system performance issues—specifically outages and delays—while using the Judicial Tools application. Ten of the 12 court staff we interviewed cited outages and delays as a disadvantage of ECAS. For example, because of system outages, court staff were sometimes unable to access case information during the workday, including during hearings, they said. In addition, delays cause slowdowns in completing basic tasks, court staff told us. One assistant chief immigration judge told us that master calendar

---

<sup>24</sup>In particular, EOIR provided a copy of its Investment Review Guidance, a document that outlines the process, roles and responsibilities, and criteria it uses to assess selected IT investments, including ECAS. EOIR also provided documentation illustrating assessment of the ECAS investment performance towards expected schedule and benefits, and identification of areas where performance was not deemed very good or excellent.

---

hearings for electronic cases take roughly three times as long as they did when cases were on paper, due to slow response times in Judicial Tools.

Officials from EOIR's Office of Information Technology told us they were aware of the performance issues associated with Judicial Tools and had taken some steps to address them. For example, EOIR officials told us they had been working with the vendor to examine the infrastructure underlying Judicial Tools to determine how to improve its performance.

However, we found that EOIR did not have a process to regularly assess whether Judicial Tools was meeting the needs of its users using qualitative and quantitative methods, as called for in EOIR documentation. Specifically, EOIR's *Office of Information Technology Strategic Plan* for fiscal years 2019 through 2024 included a goal to establish formal evaluation mechanisms to monitor the performance of its products and services on an ongoing basis after they have launched. Though EOIR officials told us they take some steps to determine whether their IT resources, including Judicial Tools, meet agency needs, EOIR did not provide us with documentation on qualitative and quantitative methods it uses to gather user feedback on Judicial Tools, as called for in the strategic plan.

As we noted in our April 2023 report, Judicial Tools outages and delays created inefficiencies for court staff. We further noted that, if not resolved, these inefficiencies may adversely affect EOIR's ability to meet its case processing goals, such as reducing the backlog of pending cases. To ensure that the application continues to serve EOIR's needs moving forward, we recommended that EOIR develop and implement a process to regularly reassess, using quantitative and qualitative methods, whether Judicial Tools is meeting the needs of its users. In commenting on a draft of our report, EOIR stated that it would include assessing user experience as part of its ongoing efforts to evaluate its technology. We will continue to monitor EOIR's efforts. To fully implement this recommendation, EOIR should develop and implement a process to regularly reassess whether Judicial Tools is meeting the needs of its users.

---

Chair Padilla, Ranking Member Cornyn, and Members of the Subcommittee, this concludes my prepared remarks. I would be pleased to respond to any questions that you may have at this time.

---

---

## GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Rebecca Gambler at (202) 512-8777 or [gablerr@gao.gov](mailto:gablerr@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Kathryn Bernet (Assistant Director), Kathleen Donovan, Emily Hutz, Sasan J. “Jon” Najmi, and Amanda Miller. Key contributors for the previous reports on which this testimony is based are listed in each product.

---

---

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



---

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through our website. Each weekday afternoon, GAO posts on its [website](#) newly released reports, testimony, and correspondence. You can also [subscribe](#) to GAO's email updates to receive notification of newly posted products.

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <https://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#).  
Subscribe to our [RSS Feeds](#) or [Email Updates](#). Listen to our [Podcasts](#).  
Visit GAO on the web at <https://www.gao.gov>.

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact FraudNet:

Website: <https://www.gao.gov/about/what-gao-does/fraudnet>

Automated answering system: (800) 424-5454 or (202) 512-7700

---

## Congressional Relations

A. Nicole Clowers, Managing Director, [ClowersA@gao.gov](mailto:ClowersA@gao.gov), (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

---

## Strategic Planning and External Liaison

Stephen J. Sanford, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
Washington, DC 20548

