

**Selected Immigration-Related Excerpts from the Senate Appropriations Committee-  
Approved Committee Report Accompanying its Draft Fiscal Year 2011 Commerce, Justice,  
Science, and Related Agencies Appropriations Bill**

Prepared on July 22, 2010 at 9:45 pm EDT

ADMINISTRATIVE REVIEW AND APPEALS<sup>1</sup>

The Committee's recommendation provides \$315,420,000 for Administrative Review and Appeals. The recommendation is \$18,735,000 above the fiscal year 2010 enacted level and \$200,000 above the budget request. This account funds the Executive Office for Immigration Review [EOIR], including the Board of Immigration Appeals, immigration judges, and administrative law judges who decide through administrative hearings whether to admit or exclude aliens seeking to enter the country, and whether to deport or adjust the status of aliens whose status has been challenged. This account also funds the Office of the Pardon Attorney which receives, investigates, and considers petitions for all forms of executive clemency.

Immigration and Southwest Border Initiative.-The Committee's recommendation includes the requested increase of \$11,039,000 in the budget for EOIR's Immigration and Southwest Border Initiative to add 21 Immigration Judge Teams, 10 Board of Immigration Appeals [BIA] attorneys, and related immigration court and BIA support staff.

EOIR receives cases directly from Department of Homeland Security [DHS] enforcement personnel, in which the Government is seeking the removal of aliens who are in the United States without lawful status or who have committed some act, typically a criminal offense, that renders them removable. EOIR's immigration court caseload continues to increase to unsustainable levels as a result of heightened and border enforcement efforts. The caseload grew 30 percent between fiscal year 2004 and 2009, from 300,000 to 390,000 new matters coming to EOIR for resolution each year. The number of new cases is expected to exceed 400,000 annually by 2011. Increased funding will enhance EOIR's ability to provide timely adjudications, thus enabling DHS to process those found removable immediately upon completion of their sentences, and assisting greatly in the efficient use of detention beds.

Legal Orientation Program [LOP].-The Committee recommendation includes \$6,200,000, an increase of \$200,000, to cover the costs associated with the recent implementation and expansion of the LOP. The Committee encourages EOIR to dedicate additional funds to the LOP, as necessary and available, to ensure that there is no reduction in the level of support for LOP from year to year.

The Committee continues its strong support of the LOP, which provides guidance to detained aliens about their legal rights and responsibilities in the immigration court system. Apprehended individuals benefit from better information about immigration removal proceedings, and the U.S. taxpayer benefits from reduced detention costs through a more efficient legal process. The Committee expects EOIR to seek alien-specific detention costs and duration of detention data from Immigration and Customs Enforcement in order to develop a more accurate estimate of the cost savings to the Federal Government provided by participation in the LOP.

The Committee's recommendation includes \$2,000,000 for Legal Orientation Programs for custodians of unaccompanied alien children to address the custodian's responsibility for the child's appearance at all immigration proceedings, and to protect the child from mistreatment, exploitation, and trafficking.

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<sup>1</sup> Pages 57-58 of draft Committee Report Accompanying Senate Appropriations Committee-Approved FY '11 C-J-S Appropriations Bill

**Selected Immigration-Related Excerpts (continued)**  
**July 22, 2010**

UNITED STATES MARSHALS SERVICE<sup>2</sup>

Immigration Enforcement.-The Committee strongly supports the U.S. Marshals Service increase in funding for immigration enforcement. The flow of human trafficking and narcotics into the United States, along with smuggling of illegal firearms and criminal profits out of the United States has had a devastating effect on the country, as well as Canada and Mexico. In the past, the U.S. Marshals Service was forced to divert resources from fugitive apprehension to address this growing problem. The Committee hopes that these additional resources will alleviate pressure on other Marshals programs.

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STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

Border Prosecution Initiatives.-The Committee's recommendation provides \$25,000,000 for funding to assist State and local law enforcement, including prosecutors, probation officers, courts and detention facilities along both the Southern and Northern borders related to the investigation and prosecution of drug and immigration cases referred from Federal arrests.<sup>3</sup>

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<sup>2</sup> Page 68 of draft Committee Report Accompanying Senate Appropriations Committee-Approved FY '11 C-J-S Appropriations Bill

<sup>3</sup> Page 109 of draft Committee Report Accompanying Senate Appropriations Committee-Approved FY '11 C-J-S Appropriations Bill