

The Department of Justice Office of the Inspector General (OIG) today released a report examining allegations of improper hiring practices by senior officials in the DOJ Executive Office for Immigration Review (EOIR). The OIG's investigation focused on possible violations of the federal nepotism prohibition and other personnel rules arising from the hiring of four students who were relatives of the three most senior officials in the organization – EOIR Director Juan Osuna, Chairman of the Board of Immigration Appeals (BIA) David Neal, and Chief Immigration Judge Brian O'Leary. We also found that the practice of hiring relatives of employees into Student Temporary Employment Program (STEP) positions in EOIR generally was widespread, constituting 16% of hires into the program from 2007 through 2012.

The OIG's specific findings included:

- In April 2008, Juan Osuna, then Acting Chairman of the BIA, conveyed his niece's interest in a paid student position at EOIR to a direct subordinate, passed along his niece's resume to that subordinate, and then more likely than not participated in the decision to place his niece in a position at EOIR that put her below him in the chain of command. In January 2009, Osuna took steps to secure his niece's return to EOIR. We concluded that this involvement violated several statutes and regulations, including the federal nepotism statute and the Standards of Ethical Conduct for Employees of the Executive Branch.
- In 2010, David Neal, then Acting Chairman of the BIA, violated the nepotism statute in connection with conveying his son's qualifications for a summer internship to an EOIR employee. In 2007, Neal, then Chief Immigration Judge, approached other EOIR employees about his daughter's interest in internship positions at EOIR, and conveyed his daughter's resume to an EOIR employee, though there was insufficient evidence as to what he said to determine if he advocated for his daughter's appointment in violation of the federal nepotism statute or the Standards of Ethical Conduct. However, we found Neal exercised poor judgment with regard to his daughter's appointment because he should have known, given his status as a senior official in EOIR, that arranging to send her resume to subordinates would inevitably create pressure on them to take action on her behalf.
- In 2009, Brian O'Leary, then an Immigration Judge, intervened in the hiring process in an effort to ensure his daughter would be selected for an internship in one unit of EOIR rather than another. We found that O'Leary's involvement violated the Standards of Ethical Conduct, which prohibit an employee from using his public office for the private gain of relatives.

Although the OIG's investigation was focused on the conduct of Osuna, Neal, and O'Leary, we learned that the practice of hiring relatives of employees into STEP positions in EOIR was widespread. We found that, from 2007 to 2012, 32 of the 200 students hired into STEP positions had relatives working at EOIR. Multiple EOIR officials confirmed that hiring relatives for paid student positions was a standard practice or commonplace.

The OIG's review was initiated as a result of information voluntarily disclosed to the OIG by EOIR. In July 2012, the OIG issued a public report on improper hiring practices in the Justice Management Division. Shortly thereafter, EOIR Director Osuna ordered an internal review of the hiring practices at EOIR. Senior Officials in EOIR also put in place a new anti-nepotism policy consistent with the OIG's recommendations in the JMD report. EOIR subsequently informed the OIG that its internal review revealed that numerous students hired into EOIR through the STEP had relatives at EOIR when they were hired.

The OIG's report notes that EOIR and Department leadership have begun taking steps to eradicate improper hiring practices, including adopting policies requiring an applicant's relative to certify that he or she has not participated in any manner related to the component's consideration of the application, and requiring the hiring official to give a certification aimed at avoiding the granting of unauthorized preferences. EOIR has also informed the OIG that it intends to provide agency-wide training regarding nepotism. While these steps are commendable, the OIG's report recommends that EOIR take additional action to modify its training to focus not only on the need to avoid improper advocacy, but also to emphasize the broader provisions of the Merit Systems Principles and Prohibited Personnel Practices that prohibit the granting of unauthorized preferences to relatives.

The report released today can be found on the OIG's website at:
<http://www.justice.gov/oig/reports/2014/s1502.pdf>.