



FOR IMMEDIATE RELEASE

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DOJ OIG Releases Management Advisory Memorandum to the Deputy Attorney General and the Director of the Executive Office for Immigration Review Regarding the Immigration Judge and Board of Immigration Appeals Member Hiring Process

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a [Management Advisory Memorandum](#) to the Deputy Attorney General (DAG) and the Director of the Executive Office for Immigration Review (EOIR) regarding the Immigration Judge and Board of Immigration Appeals Member (Board Member) hiring process.

In May 2018, eight members of Congress asked the DOJ Office of the Inspector General (OIG) to investigate allegations that after January 2017, offers for Immigration Judge and Board Member positions were withdrawn or delayed for political or ideological reasons. While we were engaged in assessing these allegations, we received additional allegations that other candidates may have been favored in the hiring process because of their connections to the Trump administration, or perceived political affiliation or ideology. The DOJ OIG did not find sufficient evidence based on an assessment of the allegations to warrant opening a full investigation.

However, during the course of our assessment, we identified the following concerns about the Immigration Judge and Board Member hiring process:

- The hiring policy states that all “first-tier” candidates will be offered a first-round interview but does not provide criteria for determining who is a “first-tier” candidate.
 - We also identified concerns with the process by which the EOIR Director selects candidates for a second-round interview with “a DAG panel,” a panel that includes senior officials. We found that the policy (1) is unclear about what qualifies a candidate for a DAG-panel interview, and (2) does not require EOIR to maintain records that support the selection of a candidate for a DAG-panel interview. Our concerns were underscored by candidates who were given very poor evaluations by the Supervisory Immigration Judges who conducted the first-round interviews, including where the Supervisory Immigration Judges believed the candidates would not be capable of neutral decision making, yet were recommended for and received DAG-panel interviews and were ultimately appointed as Immigration Judges.
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- We also identified issues with how the DAG panel made recommendations after its second-round interview. We found that EOIR and the Department lacked records supporting DAG-panel recommendations of candidates. In addition, the hiring policy does not specify how the DAG-panel recommendation is to be determined, i.e., by vote or another method.

The DOJ OIG made three recommendations to the Department and EOIR to address the concerns we identified. EOIR and ODAG agreed with all three recommendations, and EOIR stated that it has already begun working in conjunction with the Office of the Deputy Attorney General to redesign the Immigration Judge and Board Member hiring process.

Memorandum: Today's memorandum is available on our website at the following link:

<https://oig.justice.gov/reports/management-advisory-memorandum-recommendations-regarding-immigration-judge-and-board>

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