



**U.S. Department of Justice**  
**Executive Office for Immigration Review**  
*Office of the General Counsel*

5107 Leesburg Pike, Suite 2600  
Falls Church, Virginia 22041

February 18, 2010

Robert Deasy  
American Immigration Lawyers Assoc.  
1331 G St., N.W., Suite 300  
Washington, DC 20005

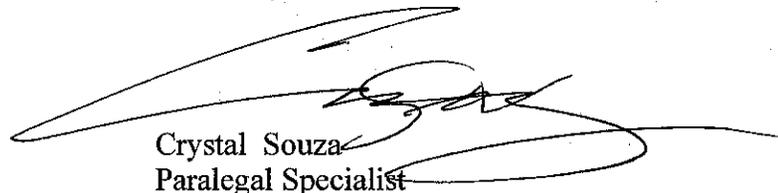
RE: Freedom of Information Act Request  
Immigration Judge Performance Work Plans

Dear Robert Deasy:

This is in response to your Freedom of Information Act (FOIA) request, which was received in this office on January 22, 2010. Your FOIA request seeks a copy of the Immigration Judge Performance Work Plan approved in 2009.

Enclosed is a copy of the document responsive to your request. There will be no charge for this information. If you have any questions, please contact me at (703) 605-1297.

Sincerely,



Crystal Souza  
Paralegal Specialist

Enclosure  
EOIR# 2010-4894

**DISCLOSURE STATEMENT:** This information is personal. It must be appropriately safeguarded from improper disclosure and it should only be made available for review by appropriate management levels having a need to know.

**PART A. EMPLOYEE INFORMATION**

Name of Employee:

Organizational Unit:

Position Title: Immigration Judge

Pay Plan, Series: IJ-905

Rating Period (from/to):

**PART B. ACKNOWLEDGEMENT OF DEVELOPMENT, DISCUSSION AND APPROVAL OF PERFORMANCE PLAN**

Rating Official's Signature	Reviewing Official's Signature	Employee's Signature
Date	Date	Date

**PART C. PROGRESS REVIEW**

Employee's Signature	Rating Official's Signature	Date
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**NOTE:** If the employee's performance falls below Satisfactory on one or more elements at any time during the rating cycle, the supervisor should contact EOIR's Office of General Counsel, Labor/Employee Relations Group.

**PART D. RATING OF RECORD OF INDIVIDUAL RATING ELEMENTS**

No	Job Elements	Critical or Non-Critical	Weight (of critical element, if weighted) Total must equal 100%	Rating or Point Value	Sub-Total / Total for weighted elements
1	Legal Ability	Critical	N/A		
2	Professionalism	Critical	N/A		
3	Accountability for Organizational Results	Critical	N/A		

**PART E. OVERALL RATING OF RECORD**

Satisfactory	Improvement Needed	Unsatisfactory
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**PART F. COMMENTS** Rating officials are encouraged to provide substantive comments about the performance of each adjudicative employee. Comments must accompany a rating of Unsatisfactory, and should document with concrete examples the reasons for a rating of Unsatisfactory. Additional sheets may be attached, if necessary.

Progress Review:

Final Evaluation:

**PART G. APPRAISAL TYPE:** SUMMARY \_\_\_ INTERIM \_\_\_

**PART H. HIGHER LEVEL REVIEW AND APPROVAL**

Rating Official's Signature	Reviewing Official's Signature	Employee's Signature
Date	Date	Date

**NOTE:** If you, as an employee, anticipate contesting any aspect of your rating, you are responsible for contacting EOIR's Office of General Counsel immediately for specific procedures to be followed. Your signature on this form is simply an acknowledgment of receipt, and does not remove your right to file a grievance.

**EOIR PERFORMANCE PLAN**  
**Adjudicative Employees**

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JOB ELEMENTS AND STANDARDS

1. Job Element: Legal Ability

X	Critical	Non-critical
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**Performance Standards:**

**Satisfactory:**

**Performance at this level is satisfactory when the applicable standards stated below are usually achieved in a timely and correct manner.**

- 1.1 Exhibits knowledge of substantive immigration law, the rules of procedure, and the rules of evidence.
- 1.2 Renders decisions that are clear and well-reasoned, that cite the applicable law, and that apply the law to the facts.
- 1.3 Demonstrates legal research skills necessary to make rulings to resolve issues and cases.

**Improvement Needed:**

**Performance at this level exists when most of the standards are achieved at the satisfactory level, but there is an important deficiency - in quality, timeliness, or manner of performance - in one or more factors of this element that requires correction.**

**Unsatisfactory:**

**Performance at this level shows a serious deficiency - in quality, timeliness of work, or manner of performance - in one or more of the factors of this element.**

**EOIR PERFORMANCE PLAN**  
**Adjudicative Employees**

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**2. Job Element: Professionalism**

X	Critical	Non-critical
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**Performance Standards:**

**Satisfactory:**

**Performance at this level is satisfactory when the applicable standards stated below are usually achieved in a timely and correct manner.**

- 2.1 Treats all people in both the courtroom and workplace with appropriate respect.
- 2.2 Acts in a dignified manner, exercising patience and self-control.
- 2.3 Is punctual and prepared for court.
- 2.4 Acts in a fair and impartial manner toward all parties and all others appearing in or before the court.
- 2.5 Appropriately controls the conduct of proceedings during hearings, giving each side a fair opportunity to present their respective cases, while maintaining proper decorum within the court.

**Improvement Needed:**

**Performance at this level exists when most of the factors of the standard are achieved at the satisfactory level, but an important deficiency - in terms of quality, timeliness of work, or manner of performance - is noted in one or more of the factors of this element that requires correction.**

**Unsatisfactory:**

**Performance at this level shows a serious deficiency - in quality, timeliness of work, or manner of performance - in one or more factors of this element.**

**EOIR PERFORMANCE PLAN**  
**Adjudicative Employees**

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**3. Job Element: Accountability for Organizational Results**

X	Critical		Non-critical
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**Performance Standards:**

**Satisfactory:**

**Performance at this level is satisfactory when the applicable standards stated below are usually achieved in a timely and correct manner.**

- 3.1 Acts consistently with the goals and priorities established by the Chief Immigration Judge.
- 3.2 Makes rulings and decisions in a timely manner, consistent with available resources.
- 3.3 Manages the immigration judge calendar efficiently, monitoring pending caseload, as needed.
- 3.4 Cooperates to achieve a productive work environment with other judges, court administrators, and staff members.
- 3.5 As assigned, performs special assignments and details, including conducting hearings of various types, at times on short notice, based on the needs of the agency.
- 3.6 Demonstrates appropriate use of courtroom technology.

**Improvement Needed:**

**Performance at this level exists when most of the standards of the Satisfactory level are achieved, but there is an important deficiency - in terms of quality, timeliness of work, or manner of performance - in one or more factors of this element that requires correction.**

**Unsatisfactory:**

**Performance at this level shows a serious deficiency - in terms of quality, timeliness of work, or manner of performance - in one or more factors of the element.**

**PERFORMANCE PLAN AND APPRAISAL FORM  
FOR EOIR ADJUDICATIVE POSITIONS**

**INSTRUCTIONS FOR DETERMINING THE FINAL SUMMARY RATING**

The summary rating is determined in one of two ways:

- A. When "weighting" is not applied to critical elements, a rating is determined according to the instructions in Block A, "Calculating the Summary Rating (When Critical Elements are not Weighted)," or
- B. When "weights" apply to critical elements, the rating will be derived using the instructions in Block B, "Calculating the Summary Rating When Using "Weighted" Critical Elements."

<p><b>A. Calculating the Summary Rating (When Critical Elements are not Weighted)</b></p> <p>Each element is given a rating (unless the employee has had insufficient opportunity to demonstrate performance on the element). The supervisor will assign individual element ratings as follows:</p> <p><b>Satisfactory.</b> Performance on an individual critical or other element of the job which completely meets the performance requirements of satisfactory, as established at the beginning of, or modified during, the rating period.</p> <p><b>Improvement Needed.</b> Performance on an individual critical or other element which falls short of the performance requirements for satisfactory. Performance at this level shows important deficiencies which require correction.</p> <p><b>Unsatisfactory.</b> Performance on an individual critical or other element which is substantially below the performance requirements for Satisfactory. Performance shows serious deficiencies.</p>
<p><b>DETERMINING THE SUMMARY RATING</b></p> <p>The overall rating level assigned may be Satisfactory, Improvement Needed, or Unsatisfactory when the applicable minimum requirements for the level selected are met:</p> <p><b>Satisfactory.</b> A majority of the critical elements must be rated Satisfactory, no more than one critical element can be rated Improvement Needed and no individual performance element may be rated Unsatisfactory.</p> <p><b>Improvement Needed.</b> More than one critical element is rated Improvement Needed, (and no critical element is rated Unsatisfactory). Performance is deficient in important aspects of the job and requires improvement.</p> <p><b>Unsatisfactory.</b> Overall performance is deemed unsatisfactory when performance in one or more critical elements is rated Unsatisfactory.</p>

Example (Critical elements are not weighted):

**PART D. RATING OF RECORD OF INDIVIDUAL RATING ELEMENTS**

No.	Job Elements	Critical or Non-Critical	Weight (of critical element, if weighted) Total must equal 100%	Rating or Point Value	Sub-total / Total for weighted elements
1	Legal Ability	C	N/A	IN	N/A
2	Professionalism	C	N/A	S	N/A
3	Accountability for Organizational Results	C	N/A	S	N/A
Example					

**PART E. OVERALL RATING OF RECORD**

<input checked="" type="checkbox"/> Satisfactory	<input type="checkbox"/> Improvement Needed	<input type="checkbox"/> Unsatisfactory
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**EOIR PERFORMANCE PLAN**  
**Adjudicative Employees**

**INSTRUCTIONS FOR DETERMINING THE FINAL SUMMARY RATING (continued)**

**B. Calculating the Summary Rating When Using "Weighted" Critical Elements.**

**THE WEIGHTED ELEMENT SYSTEM**

Each element is assigned a "weight." The sum of the "weights" assigned must equal 100. Use whole numbers only in increments of 5.

Performance on each element will be evaluated and assigned one of the following ratings and corresponding points:

"Satisfactory".....3  
 "Improvement Needed".....2  
 "Unsatisfactory".....0\*

**\*Any individual critical element with a rating of unsatisfactory automatically results in an Unsatisfactory Summary Rating.**

**CALCULATING THE SUMMARY RATING**

Calculate the sub-totals of each element by multiplying the weight of each element times the rating point value. (WEIGHT x Points)

Add the sub-totals for a TOTAL POINT SCORE.

On the summary Rating Conversion Chart, the total point score will fall within a point range. Use the Summary Rating Conversion Chart to derive the Summary Rating.

**SUMMARY RATING CONVERSION CHART**

Using the total point score, summary ratings are calculated as follows:

**Satisfactory**.....250-300 points  
**Improvement Needed**.....200-249 points  
**Unsatisfactory**.....0-199 points, OR,  
**Any critical element is rated Unsatisfactory**

Example (Critical Elements are Weighted):

**PART D. RATING OF RECORD OF INDIVIDUAL RATING ELEMENTS**

No.	Job Elements	Critical or Non-Critical	Weight (of critical element, if weighted) Total must equal 100%	Rating or Point Value	Sub-total / Total for weighted elements
1	Legal Ability	C	80	2	120
2	Professionalism	C	20	3	60
3	Accountability for Organizational Results	C	20	3	60
			100		240

**PART E. OVERALL RATING OF RECORD**

Satisfactory	x	Improvement Needed	Unsatisfactory
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