

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 6577  
OFFERED BY M. \_\_\_\_\_**

Strike all that follows after the enacting clause and  
insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Real Courts, Rule of Law Act of 2022”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Establishment and structure of the United States Immigration Courts.
- Sec. 3. Employees.
- Sec. 4. Budget and expenditures.
- Sec. 5. Annual report.
- Sec. 6. Application date; transitional provisions.
- Sec. 7. Institutional transfer; continuity of proceedings.
- Sec. 8. Review by the Judicial Conference; consultation requirements.
- Sec. 9. Technical and conforming provisions.

**6 SEC. 2. ESTABLISHMENT AND STRUCTURE OF THE UNITED  
7 STATES IMMIGRATION COURTS.**

8 The Immigration and Nationality Act is amended by  
9 adding at the end the following:

1           **“TITLE VI—UNITED STATES**  
2                   **IMMIGRATION COURTS**  
3           **“Subtitle A—Organization and**  
4                   **Jurisdiction**

5   **“SEC. 601. ESTABLISHMENT AND STRUCTURE.**

6           “(a) ESTABLISHMENT.—

7                   “(1) IN GENERAL.—There is established, under  
8           article I of the Constitution of the United States, a  
9           system of courts of record to be known as the  
10          United States Immigration Courts (referred to in  
11          this Act as the ‘Immigration Courts’). Each such  
12          court of record may be referred to as an ‘immigra-  
13          tion court’. The Immigration Courts is not an agen-  
14          cy of, and shall be independent of, the executive  
15          branch of the Government.

16                   “(2) DIVISIONS.—The Immigration Courts shall  
17          consist of an appellate division, a trial division, and  
18          an administrative division.

19                   “(3) COURT OFFICES.—The principal office of  
20          the Immigration Courts shall be in the Washington,  
21          DC, metropolitan area, but any immigration court  
22          may sit at any place within the United States.

23                   “(4) COURT SEAL.—The Immigration Courts  
24          shall have a seal which shall be judicially noticed.

25           “(b) APPELLATE DIVISION.—

1           “(1) IN GENERAL.—The appellate division of  
2 the Immigration Courts shall be composed of 21 im-  
3 migration appeals judges, one of whom shall serve as  
4 chief judge, in accordance with paragraph (3).

5           “(2) APPOINTMENT OF IMMIGRATION APPEALS  
6 JUDGES.—

7           “(A) IN GENERAL.—Each immigration ap-  
8 peals judge shall be appointed by the President,  
9 by and with the advice and consent of the Sen-  
10 ate, consistent with the requirements described  
11 in section 602.

12           “(B) TERM OF OFFICE.—Each immigra-  
13 tion appeals judge shall be appointed for a term  
14 of 15 years and may be reappointed for addi-  
15 tional 15-year terms. An immigration appeals  
16 judge who is not reappointed for an additional  
17 term may continue to serve after the expiration  
18 of the prior term until the earlier of—

19           “(i) the date that a successor is ap-  
20 pointed; or

21           “(ii) the date that is 1 year after the  
22 expiration of the prior term.

23           “(C) SPECIAL RULE.—If an immigration  
24 appeals judge does not serve the entirety of an  
25 appointed term, the resulting vacancy shall be

1 filled by a successor appointed for the remain-  
2 der of the term in accordance with this para-  
3 graph. At the conclusion of the term, such suc-  
4 cessor may be reappointed in accordance with  
5 subparagraph (B).

6 “(3) CHIEF JUDGE.—

7 “(A) DESIGNATION.—

8 “(i) IN GENERAL.—The chief judge  
9 shall be the immigration appeals judge who  
10 is most senior in appointment among the  
11 immigration appeals judges who, at that  
12 time of appointment to the appellate divi-  
13 sion—

14 “(I) have served for 1 or more  
15 years;

16 “(II) have at least 5 years re-  
17 maining in their term of office as an  
18 immigration appeals judge; and

19 “(III) have not previously served  
20 as chief judge.

21 “(ii) ACTING CHIEF JUDGE.—If no  
22 immigration appeals judge in regular ac-  
23 tive service satisfies all of the requirements  
24 in clause (i), the immigration appeals  
25 judge who is most senior in commission

1 and who has not previously served as chief  
2 judge shall serve as acting chief judge until  
3 an immigration appeals judge becomes eli-  
4 gible under such clause.

5 “(iii) PRECEDENCE.—Immigration  
6 appeals judges who have the same seniority  
7 in commission shall be eligible for service  
8 as chief judge according to seniority in  
9 age.

10 “(B) TERM OF OFFICE.—

11 “(i) IN GENERAL.—Except as pro-  
12 vided in clause (ii), the chief judge shall  
13 serve a term that shall end on the earliest  
14 of—

15 “(I) the date that is 5 years after  
16 the date that term begins;

17 “(II) the date that the judge is  
18 removed from service for cause in ac-  
19 cordance with section 602(f);

20 “(III) the date that the judge  
21 leaves regular active service as an im-  
22 migration appeals judge; and

23 “(IV) the date that the judge  
24 provides written notice to the other  
25 immigration appeals judges that such

1 judge is resigning from service as  
2 chief judge.

3 “(ii) CONTINUATION OF SERVICE.—If,  
4 upon conclusion of the chief judge’s term  
5 of office described in clause (i)(I), no other  
6 immigration appeals judge is eligible to as-  
7 sume the role of chief judge as provided in  
8 subparagraph (A), the incumbent shall  
9 continue to serve as chief judge until an-  
10 other immigration appeals judge becomes  
11 eligible.

12 “(4) EN BANC EXERCISE OF APPELLATE DIVI-  
13 SION AUTHORITY IN NON-ADJUDICATIVE MAT-  
14 TERS.—

15 “(A) IN GENERAL.—The appellate division  
16 shall exercise only en banc its authority to—

17 “(i) appoint immigration trial judges  
18 to the trial division;

19 “(ii) remove immigration trial judges  
20 in accordance with section 602(f);

21 “(iii) appoint a chief administrative  
22 officer to the administrative division;

23 “(iv) promulgate rules and set policies  
24 and procedures of the Immigration Courts;  
25 and

1           “(v) address other non-adjudicative  
2           matters that require en banc consideration,  
3           as determined by the chief judge.

4           “(B) MAJORITY VOTE.—The appellate divi-  
5           sion shall exercise its en banc authority as pro-  
6           vided in subparagraph (A) by a majority vote,  
7           a quorum being present.

8           “(C) QUORUM.—For purposes of this  
9           paragraph, not less than three immigration ap-  
10          peals judges in regular active service or  $\frac{2}{3}$  of  
11          all immigration appeals judges in regular active  
12          service, whichever is greater, shall constitute a  
13          quorum.

14          “(c) TRIAL DIVISION.—

15               “(1) IN GENERAL.—The trial division of the  
16          Immigration Courts shall be composed of immigra-  
17          tion trial courts, the number and geographical loca-  
18          tion of which shall be determined by the administra-  
19          tive council, in accordance with the procedures de-  
20          scribed in subsection (d)(3)(B). Each immigration  
21          trial court shall be overseen by a chief trial judge.

22               “(2) APPOINTMENT OF IMMIGRATION TRIAL  
23          JUDGES.—

24               “(A) IN GENERAL.—Except as provided in  
25          section 603, each immigration trial judge shall

1 be appointed by the appellate division consistent  
2 with the requirements described in section 602.

3 “(B) TERM OF OFFICE.—Each immigra-  
4 tion trial judge shall be appointed for a term of  
5 15 years and may be reappointed for additional  
6 15-year terms. An immigration trial judge who  
7 is not reappointed for an additional term may  
8 continue to serve after the expiration of the  
9 prior term for not more than 1 year or until a  
10 successor is appointed, whichever occurs first.

11 “(3) CHIEF TRIAL JUDGES.—

12 “(A) DESIGNATION.—The chief judge shall  
13 designate one immigration trial judge to serve  
14 as the chief trial judge for each geographical  
15 area. If only one immigration trial judge pre-  
16 sides over a geographical area, that judge shall  
17 be designated the chief trial judge.

18 “(B) TERM OF OFFICE.—Chief trial judges  
19 shall serve for an initial term of 5 years and  
20 may be reappointed for additional 5-year terms,  
21 or other periods of time that are less than 5  
22 years as determined by the appellate division.

23 “(C) RESPONSIBILITIES.—In addition to  
24 fulfilling regular judicial duties, chief trial  
25 judges shall be responsible for—



1                   “(i) overseeing the administrative op-  
2                   erations of the trial division in the geo-  
3                   graphical area in which they are located;  
4                   and

5                   “(ii) fulfilling all other duties and re-  
6                   sponsibilities articulated in this Act or del-  
7                   egated to the chief trial judges by the chief  
8                   judge.

9                   “(d) ADMINISTRATIVE DIVISION.—

10                   “(1) IN GENERAL.—The administrative division  
11                   of the Immigration Courts shall consist of an admin-  
12                   istrative office and an administrative council.

13                   “(2) ADMINISTRATIVE OFFICE.—The adminis-  
14                   trative office shall be managed by a chief adminis-  
15                   trative officer, who shall be responsible for—

16                   “(A) implementing and administering oper-  
17                   ational rules, policies, and procedures of the  
18                   Immigration Courts established by the appellate  
19                   division or the administrative council;

20                   “(B) assisting the administrative council in  
21                   executing its responsibilities as described in  
22                   paragraph (3); and

23                   “(C) fulfilling all other administrative du-  
24                   ties and responsibilities articulated in this Act  
25                   or delegated by the chief judge.

1 “(3) ADMINISTRATIVE COUNCIL.—

2 “(A) IN GENERAL.—The chief judge of the  
3 appellate division shall summon annually the  
4 chief trial judge of each court of the trial divi-  
5 sion to a meeting at such time and place in the  
6 United States as the chief judge may designate.  
7 The chief judge shall preside at such meeting  
8 which shall be known as the administrative  
9 council of the Immigration Courts. Special ses-  
10 sions of the council may be called by the chief  
11 judge at such times and places as the chief  
12 judge may designate. If the chief trial judge of  
13 any court of the trial division is unable to at-  
14 tend, the chief judge may summon any other  
15 judge from such court. Every judge summoned  
16 shall attend and, unless excused by the chief  
17 judge, shall remain throughout the sessions of  
18 the council and advise as to the needs of that  
19 judge’s court and as to any matters in respect  
20 of which the administration of justice in the  
21 Immigration Courts may be improved.

22 “(B) DETERMINATION OF NUMBER OF RE-  
23 QUIRED JUDGES AND GEOGRAPHICAL AREAS OF  
24 SERVICE.—

1           “(i) SURVEY.—Not later than 1 year  
2           after the application date described in sec-  
3           tion 6 of the Real Courts, Rule of Law Act  
4           of 2022, and every 4 years thereafter, the  
5           administrative council shall conduct a sur-  
6           vey, which shall include the solicitation of  
7           information and recommendations from the  
8           public, to determine the number of immi-  
9           gration trial courts required to provide for  
10          the expeditious and effective administra-  
11          tion of justice, as well as the geographical  
12          areas to be served by such courts. In con-  
13          ducting the survey, the administrative  
14          council shall—

15                 “(I) assess the continuing need  
16                 for existing immigration trial court  
17                 positions and the need for additional  
18                 positions in each geographical loca-  
19                 tion;

20                 “(II) evaluate local conditions in  
21                 each geographical location, including  
22                 the proximity to populations to be  
23                 served, the quality and availability of  
24                 infrastructure to support transpor-  
25                 tation and communication, and the

1 availability of legal services for indi-  
2 gent and non-English speaking indi-  
3 viduals;

4 “(III) consider proximity and ac-  
5 cess to judicial and Department of  
6 Homeland Security facilities; and

7 “(IV) consider the allocation of  
8 immigration trial courts and judges  
9 among existing geographical areas  
10 and whether the administration of  
11 justice would be better served by the  
12 presence of immigration trial courts  
13 and judges in new or different areas.

14 “(ii) PUBLICATION OF SURVEY RE-  
15 SULTS.—The administrative council shall  
16 publish the results of the survey described  
17 in subparagraph (A).

18 “(iii) NOTICE OF VACANCIES.—The  
19 administrative council shall publish notice  
20 of any immigration judge vacancies or new  
21 staff positions.

22 “(C) MERIT SELECTION PANEL.—

23 “(i) APPOINTMENT OF IMMIGRATION  
24 JUDGES.—The administrative council shall  
25 establish a merit selection panel to assist

1 in identifying and recommending individ-  
2 uals who are best qualified to serve as im-  
3 migration judges, consistent with sub-  
4 sections (a), (b), and (c) of section 602.

5 “(ii) COMPOSITION.—The panel de-  
6 scribed in paragraph (1) shall consist of  
7 qualified individuals with experience in a  
8 diverse range of settings, including aca-  
9 demia, nongovernmental organizations, pri-  
10 vate immigration practice, and government  
11 service.

12 **“SEC. 602. IMMIGRATION APPEALS JUDGES AND TRIAL**  
13 **JUDGES.**

14 “(a) QUALIFICATIONS OF IMMIGRATION JUDGES.—  
15 Each immigration judge shall—

16 “(1) be a member in good standing of the bar  
17 of a Federal court or the highest court of a State,  
18 or any combination thereof, for not less than 10  
19 years;

20 “(2) possess, and have a reputation for, integ-  
21 rity and good character;

22 “(3) possess and have demonstrated a commit-  
23 ment to equal justice under the law;

24 “(4) possess and have demonstrated out-  
25 standing legal ability and competence, as evidenced

1 by substantial legal experience, ability to deal with  
2 complex legal problems, aptitude for legal scholar-  
3 ship and writing, and familiarity with courts and  
4 court processes;

5 “(5) exhibit demeanor, character, and person-  
6 ality that indicate a judicial temperament; and

7 “(6) be qualified to conduct fair and impartial  
8 hearings that are consistent with due process.

9 “(b) ADDITIONAL FACTORS FOR THE APPOINTMENT  
10 OF IMMIGRATION JUDGES.—In appointing immigration  
11 judges, the President and the appellate division shall en-  
12 sure that—

13 “(1) qualified candidates are identified without  
14 regard to race, color, sex, religion, national origin,  
15 disability, age, or any other factor protected under  
16 Federal law;

17 “(2) to the extent practicable, the corps of im-  
18 migration judges—

19 “(A) is comprised primarily of individuals  
20 with prior legal experience in immigration law;  
21 and

22 “(B) reflects a balance of individuals with  
23 prior legal experience in the public sector and  
24 private sector; and

1           “(3) candidates are selected without regard to  
2           political party affiliation or perceived political ide-  
3           ology.

4           “(c) PROHIBITED RELATIONSHIPS.—No individual  
5           may be appointed as an immigration trial judge if such  
6           individual is related by blood in the first-, second-, or  
7           third-degree, or by marriage to a immigration appeals  
8           judge in regular active service.

9           “(d) CONTINUING EDUCATION.—In addition to the  
10          training required under section 603(c) of the International  
11          Religious Freedom Act of 1998 (22 U.S.C. 6473(c)), all  
12          immigration judges shall be required to satisfy continuing  
13          education requirements, as determined by the administra-  
14          tive council.

15          “(e) SALARIES.—

16                 “(1) IMMIGRATION APPEALS JUDGES.—Each  
17                 immigration appeals judge shall serve on a full-time  
18                 basis and shall receive as compensation for such  
19                 services, an annual salary that is equal to the salary  
20                 of a judge of the district court of the United States  
21                 as determined pursuant to section 135 of title 28,  
22                 United States Code.

23                 “(2) IMMIGRATION TRIAL JUDGES.—Each im-  
24                 migration trial judge shall serve on a full-time basis  
25                 and shall receive as compensation for such services,

1 an annual salary that is equal to 92 percent of the  
2 salary of a judge of the district court of the United  
3 States as determined pursuant to section 135 of title  
4 28, United States Code.

5 “(3) PROHIBITION ON THE PRACTICE OF  
6 LAW.—No immigration judge may engage in the  
7 practice of law or any other practice, business, occu-  
8 pation, or employment that is inconsistent with the  
9 expeditious, proper, and impartial performance of  
10 such judge’s duties.

11 “(f) REMOVAL.—

12 “(1) IN GENERAL.—An immigration judge may  
13 be removed from office only on grounds of inca-  
14 pacity, misconduct, neglect of duty, or having en-  
15 gaged in the practice of law, and in accordance with  
16 the following:

17 “(A) An immigration appeals judge may be  
18 removed from office by the President.

19 “(B) An immigration trial judge may be  
20 removed from office by the appellate division.

21 “(C) No immigration judge may be re-  
22 moved from office unless such judge is provided  
23 with notice of the allegations forming the basis  
24 for removal and an opportunity to appear in  
25 person at a hearing to rebut such allegations.



1           “(2) COMPLAINTS.—

2                   “(A) IN GENERAL.—The appellate division  
3 shall promulgate rules, consistent with chapter  
4 16 of title 28, United States Code, for receiv-  
5 ing, investigating, and resolving complaints re-  
6 garding the conduct of immigration judges. In  
7 investigating and acting upon any such com-  
8 plaint, the appellate division shall have the pow-  
9 ers granted to a judicial council under such  
10 chapter.

11                   “(B) JUDICIAL CONFERENCE.—The provi-  
12 sions of sections 354(b) through 360 of title 28,  
13 United States Code, regarding referral or cer-  
14 tification to, and petition for review in the Judi-  
15 cial Conference of the United States, and action  
16 thereon, shall apply to the exercise of the pow-  
17 ers of a judicial council by the appellate divi-  
18 sion. The grounds for removal specified in para-  
19 graph (1) shall provide the basis for a deter-  
20 mination to refer a complaint to the Judicial  
21 Conference, for further action by the Con-  
22 ference, and for certification and transmittal by  
23 the Conference of any complaint to the Presi-  
24 dent.

25           “(g) RETIREMENT.—

1           “(1) Any immigration judge shall retire upon  
2           attaining the age of 80.

3           “(2) Any immigration judge who meets the age  
4           and service requirements set forth in the following  
5           table may retire:

<b>“The immigration judge has at- tained age</b>	<b>And the years of service as an immigration judge are at least:</b>
65 .....	15
66 .....	14
67 .....	13
68 .....	12
69 .....	11
70 .....	10.

6           “(3) Any immigration judge who is not re-  
7           appointed following the expiration of the term of his  
8           office may retire upon the completion of such term,  
9           if—

10           “(A) he has served as an immigration  
11           judge for 15 years or more; and

12           “(B) not earlier than 9 months preceding  
13           the date of the expiration of the term of his of-  
14           fice and not later than 6 months preceding such  
15           date, he advised the President or the appellate  
16           division, as appropriate, in writing that he was  
17           willing to accept reappointment as an immigra-  
18           tion judge.

1           “(4) Any immigration judge who becomes per-  
2           manently disabled from performing his duties shall  
3           retire.

4           “(h) RETIRED PAY.—Any individual who—

5           “(1) retires under paragraph (1), (2), or (3) of  
6           subsection (g) and elects under subsection (i) to re-  
7           ceive retired pay under this subsection shall receive  
8           retired pay during any period at a rate which bears  
9           the same ratio to the rate of the salary payable to  
10          an immigration judge during such period as the  
11          number of years he has served as immigration judge  
12          bears to 10; except that the rate of such retired pay  
13          shall not be more than the rate of such salary for  
14          such period; or

15          “(2) retires under paragraph (4) of subsection  
16          (b) and elects under subsection (i) to receive retired  
17          pay under this subsection shall receive retired pay  
18          during any period at a rate—(A) equal to the rate  
19          of the salary payable to an immigration judge during  
20          such period if before he retired he had served as an  
21          immigration judge not less than 10 years; or (B)  
22          one-half of the rate of the salary payable to an im-  
23          migration judge during such period if before he re-  
24          tired he had served as an immigration judge less  
25          than 10 years.

1 Such retired pay shall begin to accrue on the day following  
2 the day on which his salary as immigration judge ceases  
3 to accrue, and shall continue to accrue during the remain-  
4 der of his life. Retired pay under this subsection shall be  
5 paid in the same manner as the salary of an immigration  
6 judge. In computing the rate of the retired pay under  
7 paragraph (1) of this subsection for any individual who  
8 is entitled thereto, that portion of the aggregate number  
9 of years he has served as an immigration judge which is  
10 a fractional part of 1 year shall be eliminated if it is less  
11 than 6 months, or shall be counted as a full year if it  
12 is 6 months or more. In computing the rate of the retired  
13 pay under paragraph (1) of this subsection for any indi-  
14 vidual who is entitled thereto, any period during which  
15 such individual performs services under subsection (c) on  
16 a substantially full-time basis shall be treated as a period  
17 during which he has served as an immigration judge.

18       “(i) ELECTION TO RECEIVE RETIRED PAY.—Any  
19 immigration judge may elect to receive retired pay under  
20 subsection (h). Such an election—

21               “(1) may be made only while an individual is an  
22 immigration judge (except that in the case of an in-  
23 dividual who fails to be reappointed as immigration  
24 judge at the expiration of a term of office, it may

1 be made at any time before the day after the day  
2 on which his successor takes office);

3 “(2) once made, shall be irrevocable;

4 “(3) in the case of any immigration judge other  
5 than the chief judge, shall be made by filing notice  
6 thereof in writing with the chief judge; and

7 “(4) in the case of the chief judge, shall be  
8 made by filing notice thereof in writing with the Of-  
9 fice of Personnel Management.

10 The chief judge shall transmit to the Office of Personnel  
11 Management a copy of each notice filed with him under  
12 this subsection.

13 “(j) RETIRED PAY AFFECTED IN CERTAIN CASES.—  
14 In the case of an individual for whom an election to receive  
15 retired pay under subsection (h) is in effect—

16 “(1) 1-YEAR FORFEITURE FOR FAILURE TO  
17 PERFORM JUDICIAL DUTIES.—If such individual  
18 during any calendar year fails to perform judicial  
19 duties required of him by section 603, such indi-  
20 vidual shall forfeit all rights to retired pay under  
21 subsection (d) for the 1-year period which begins on  
22 the first day on which he so fails to perform such  
23 duties.

24 “(2) SUSPENSION OF RETIRED PAY DURING PE-  
25 RIOD OF COMPENSATED GOVERNMENT SERVICE.—If

1 such individual accepts compensation for civil office  
2 or employment under the Government of the United  
3 States (other than the performance of judicial duties  
4 pursuant to section 603), such individual shall for-  
5 feit all rights to retired pay under subsection (h) for  
6 the period for which such compensation is received.

7 “(3) FORFEITURES OF RETIRED PAY UNDER  
8 PARAGRAPH (1) NOT TO APPLY WHERE INDIVIDUAL  
9 ELECTS TO FREEZE AMOUNT OF RETIRED PAY.—

10 “(A) IN GENERAL.—If any individual  
11 makes an election under this paragraph—

12 “(i) paragraph (1) and section 603  
13 shall not apply to such individual begin-  
14 ning on the date such election takes effect,  
15 and

16 “(ii) the retired pay under subsection  
17 (h) payable to such individual for periods  
18 beginning on or after the date such elec-  
19 tion takes effect shall be equal to the re-  
20 tired pay to which such individual would be  
21 entitled without regard to this clause at  
22 the time of such election.

23 “(B) ELECTION.—An election under this  
24 paragraph—

1                   “(i) may be made by an individual  
2                   only if such individual meets the age and  
3                   service requirements for retirement under  
4                   paragraph (2) of subsection (g),

5                   “(ii) may be made only during the pe-  
6                   riod during which the individual may make  
7                   an election to receive retired pay or while  
8                   the individual is receiving retired pay, and

9                   “(iii) shall be made in the same man-  
10                  ner as the election to receive retired pay.

11                  Such an election, once it takes effect, shall be  
12                  irrevocable.

13                  “(C) WHEN ELECTION TAKES EFFECT.—  
14                  Any election under this paragraph shall take ef-  
15                  fect on the first day of the first month following  
16                  the month in which the election is made.

17                  “(k) COORDINATION WITH CIVIL SERVICE RETIRE-  
18                  MENT.—

19                  “(1) GENERAL RULE.—Except as otherwise  
20                  provided in this subsection, the provisions of the civil  
21                  service retirement laws (including the provisions re-  
22                  lating to the deduction and withholding of amounts  
23                  from basic pay, salary, and compensation) shall  
24                  apply in respect of service as an immigration judge  
25                  (together with other service as an officer or em-

1 ployee to whom such civil service retirement laws  
2 apply) as if this section had not been enacted.

3 “(2) EFFECT OF ELECTING RETIRED PAY.—In  
4 the case of any individual who has filed an election  
5 to receive retired pay under subsection (h)—

6 “(A) no annuity or other payment shall be  
7 payable to any person under the civil service re-  
8 tirement laws with respect to any service per-  
9 formed by such individual (whether performed  
10 before or after such election is filed and wheth-  
11 er performed as immigration judge or other-  
12 wise);

13 “(B) no deduction for purposes of the Civil  
14 Service Retirement and Disability Fund shall be  
15 made from retired pay payable to him under  
16 subsection (h) or from any other salary, pay, or  
17 compensation payable to him, for any period be-  
18 ginning after the day on which such election is  
19 filed; and

20 “(C) such individual shall be paid the  
21 lump-sum credit computed under section  
22 8331(8) of title 5, United States Code, upon  
23 making application therefor with the Office of  
24 Personnel Management.

25 “(1) RETIREMENT FOR DISABILITY.—



1           “(1) Any immigration judge who becomes per-  
2           manently disabled from performing his duties shall  
3           certify to the President, or the appellate division, as  
4           applicable, his disability in writing. If the chief judge  
5           retires for disability, his retirement shall not take ef-  
6           fect until concurred in by the President.

7           “(2) Whenever any immigration judge who be-  
8           comes permanently disabled from performing his du-  
9           ties does not retire or the appellate division, as ap-  
10          plicable, and the President finds that such immigra-  
11          tion judge is unable to discharge efficiently all the  
12          duties of his office by reason of permanent mental  
13          or physical disability and that the appointment of an  
14          additional immigration judge is necessary for the ef-  
15          ficient dispatch of business, the President or the ap-  
16          pellate division, as applicable, shall declare such im-  
17          migration judge to be retired.

18          “(m) REVOCATION OF ELECTION TO RECEIVE RE-  
19          TIRED PAY.—

20                 “(1) IN GENERAL.—Notwithstanding subsection  
21                 (e)(2), an individual who has filed an election to re-  
22                 ceive retired pay under subsection (h) may revoke  
23                 such election at any time before the first day on  
24                 which retired pay (or compensation under section  
25                 603 in lieu of retired pay) would (but for such rev-

1       ocation) begin to accrue with respect to such indi-  
2       vidual.

3           “(2) MANNER OF REVOKING.—Any revocation  
4       under this subsection shall be made by filing a no-  
5       tice thereof in writing with the Civil Service Com-  
6       mission. The Civil Service Commission shall trans-  
7       mit to the chief judge a copy of each notice filed  
8       under this subsection.

9           “(3) EFFECT OF REVOCATION.—In the case of  
10       any revocation under this subsection—

11           “(A) for purposes of this section, the indi-  
12       vidual shall be treated as not having filed an  
13       election to receive retired pay under subsection  
14       (h),

15           “(B) no credit shall be allowed for any  
16       service as an immigration judge unless with re-  
17       spect to such service either there has been de-  
18       ducted and withheld the amount required by  
19       the civil service retirement laws or there has  
20       been deposited in the Civil Service Retirement  
21       and Disability Fund an amount equal to the  
22       amount so required, with interest,

23           “(C) the Immigration Courts shall deposit  
24       in the Civil Service Retirement and Disability  
25       Fund an amount equal to the additional

1 amount it would have contributed to such Fund  
2 but for the election under subsection (i), and

3 “(D) if subparagraph (C) is complied with,  
4 service on the Immigration Courts shall be  
5 treated as service with respect to which deduc-  
6 tions and contributions had been made during  
7 the period of service.

8 “(n) THRIFT SAVINGS PLAN.—

9 “(1) ELECTION TO CONTRIBUTE.—

10 “(A) IN GENERAL.—An immigration judge  
11 may elect to contribute to the Thrift Savings  
12 Fund established by section 8437 of title 5,  
13 United States Code.

14 “(B) PERIOD OF ELECTION.—An election  
15 may be made under this paragraph only during  
16 a period provided under section 8432(b) of title  
17 5, United States Code, for individuals subject to  
18 chapter 84 of such title.

19 “(2) APPLICABILITY OF TITLE 5 PROVISIONS.—

20 Except as otherwise provided in this subsection, the  
21 provisions of subchapters III and VII of chapter 84  
22 of title 5, United States Code, shall apply with re-  
23 spect to an immigration judge who makes an elec-  
24 tion under paragraph (1).

25 “(3) SPECIAL RULES.—

1           “(A)     AMOUNT     CONTRIBUTED.—The  
2           amount contributed by an immigration judge to  
3           the Thrift Savings Fund in any pay period shall  
4           not exceed the maximum percentage of such im-  
5           migration judge’s basic pay for such period as  
6           allowable under section 8440f of title 5, United  
7           States Code. Basic pay does not include any re-  
8           tired pay paid pursuant to this section.

9           “(B)   CONTRIBUTIONS FOR BENEFIT OF  
10          IMMIGRATION JUDGE.—No contributions may  
11          be made for the benefit of an immigration judge  
12          under section 8432(c) of title 5, United States  
13          Code.

14          “(C)   APPLICABILITY OF SECTION 8433(b)  
15          OF TITLE 5 WHETHER OR NOT IMMIGRATION  
16          JUDGE RETIRES.—Section 8433(b) of title 5,  
17          United States Code, applies with respect to an  
18          immigration judge who makes an election under  
19          paragraph (1) and who either—

20                 “(i) retires under subsection (g), or

21                 “(ii) ceases to serve as an immigra-  
22                 tion judge but does not retire under sub-  
23                 section (g).

1 Retirement under subsection (b) is a separation  
2 from service for purposes of subchapters III  
3 and VII of chapter 84 of that title.

4 “(D) APPLICABILITY OF SECTION  
5 8351(b)(5) OF TITLE 5.—The provisions of sec-  
6 tion 8351(b)(5) of title 5, United States Code,  
7 shall apply with respect to an immigration  
8 judge who makes an election under paragraph  
9 (1).

10 “(E) EXCEPTION.—Notwithstanding sub-  
11 paragraph (C), if any immigration judge retires  
12 under this section, or resigns without having  
13 met the age and service requirements set forth  
14 under subsection (g)(2), and such immigration  
15 judge’s nonforfeitable account balance is less  
16 than an amount that the Executive Director of  
17 the Federal Retirement Thrift Investment  
18 Board prescribes by regulation, the Executive  
19 Director shall pay the nonforfeitable account  
20 balance to the participant in a single payment.

21 **“SEC. 603. TEMPORARY IMMIGRATION JUDGES AND COURT**  
22 **FACILITIES.**

23 “(a) IN GENERAL.—Subject to subsection (c), if the  
24 administrative council determines, based on specific and  
25 credible facts, that the current resources of the Immigra-

1 tion Courts are insufficient for the expeditious and effec-  
2 tive administration of justice, the appellate division may  
3 exercise its authority en banc to—

4 “(1) appoint temporary immigration trial  
5 judges, which appointment shall be undertaken in a  
6 manner consistent with the requirements of section  
7 602, to the extent practicable;

8 “(2) recall retired immigration trial or appeals  
9 judges, as described in subsection (b); and

10 “(3) establish temporary court facilities in des-  
11 ignated geographic areas.

12 “(b) RECALL OF RETIRED JUDGES.—

13 “(1) ELIGIBILITY.—A retired immigration  
14 judge may be recalled for service if the judge pro-  
15 vides to the clerk of the Immigration Courts written  
16 notice that the judge is willing to be recalled for  
17 service in accordance with the terms of this sub-  
18 section.

19 “(2) AUTHORITY OF RECALLED JUDGES.—An  
20 immigration judge who is recalled to serve as an im-  
21 migration appeals judge or immigration trial judge  
22 may exercise all of the judicial powers and duties of  
23 such judges in regular active service, except as spe-  
24 cifically provided in this subtitle. Such judge shall

1 not be counted for purposes of section 601(b)(1) or  
2 (c)(2).

3 “(3) COMPENSATION.—An immigration judge  
4 who is recalled for service shall be paid at the rate  
5 of pay in effect under section 602(e) for the position  
6 at the time of such recall, less the amount of the  
7 judge’s retirement annuity, if any.

8 “(4) EFFECT ON CIVIL SERVICE RETIRE-  
9 MENT.—Except as provided in subsection (d), an im-  
10 migration judge who is recalled for service who re-  
11 tired under chapter 83 or 84 of title 5, United  
12 States Code, shall be considered to be a reemployed  
13 annuitant under that chapter. Nothing in this sub-  
14 section affects the right of an immigration judge  
15 who retired under chapter 83 or 84 of title 5, United  
16 States Code, to serve as a reemployed annuitant in  
17 accordance with the provisions of title 5, United  
18 States Code.

19 “(c) REPORTING REQUIREMENTS.—

20 “(1) INITIAL REPORT.—Prior to exercising the  
21 authority described in subsection (a), the appellate  
22 division shall transmit a report to the Committee on  
23 the Judiciary of the House of Representatives and  
24 the Committee on the Judiciary of the Senate detail-  
25 ing—

1           “(A) the specific and credible facts that led  
2           to the determination that additional court re-  
3           sources are required;

4           “(B) an assessment as to the number of  
5           temporary immigration judges or court facilities  
6           that are required; and

7           “(C) an estimate as to how long the appel-  
8           late division expects the immigration judges or  
9           court facilities described in subsection (a) to re-  
10          main in place.

11          “(2) ADDITIONAL REPORTING.—Not later than  
12          30 days after exercising the authority under sub-  
13          section (a) and every 30 days thereafter, the appel-  
14          late division shall report to the Committees named  
15          in paragraph (1) on the current status of the Immi-  
16          gration Courts and the continuing need for the tem-  
17          porary immigration judges or court facilities.

18          “(3) REDUCTION IN RESOURCES AND TERMI-  
19          NATION.—

20                 “(A) GRADUAL REDUCTION IN RE-  
21                 SOURCES.—The appellate division shall, exer-  
22                 cising its authority en banc in accordance with  
23                 section 601(b)(4), terminate the appointment of  
24                 individual temporary immigration judges and  
25                 close individual temporary court facilities as the



1           appellate division, in consultation with the ad-  
2           ministrative council, determines they are no  
3           longer required. For purposes of this subpara-  
4           graph, section 602(g) does not apply.

5           “(B) TERMINATION.—All temporary immi-  
6           gration judge appointments shall be rescinded  
7           and all temporary court facilities closed upon  
8           the earliest of—

9                   “(i) the date that the appellate divi-  
10                  sion determines, in consultation with the  
11                  administrative council, that regular court  
12                  resources are sufficient to resume normal  
13                  court operations;

14                   “(ii) the date that Congress directs  
15                  that such actions be taken by concurrent  
16                  resolution; or

17                   “(iii) 210 days after the appellate di-  
18                  vision submits its initial report under para-  
19                  graph (1)(A), unless Congress extends  
20                  such 210-day period by law.

21   **“SEC. 604. JURISDICTION.**

22           “(a) APPELLATE DIVISION JURISDICTION.—

23                   “(1) IN GENERAL.—The appellate division of  
24                  the Immigration Courts shall have jurisdiction  
25                  over—

1           “(A) appeals of immigration trial judge de-  
2           cisions, as described in section 625(c);

3           “(B) appeals of decisions by the Secretary  
4           of Homeland Security on petitions filed under  
5           section 204 to classify an alien described in sec-  
6           tion 201(b)(2)(A)(i) or 203(a); and

7           “(C) original proceedings and appeals in  
8           disciplinary matters concerning attorneys and  
9           practitioners before the Immigration Courts.

10          “(2) SAVINGS CLAUSE.—In addition to the mat-  
11          ters described in paragraph (1), the appellate divi-  
12          sion shall have jurisdiction to hear and decide all  
13          other matters over which the Board of Immigration  
14          Appeals had authority on the day before the applica-  
15          tion date described in section 6(a) of the Real  
16          Courts, Rule of Law Act of 2022.

17          “(b) TRIAL DIVISION JURISDICTION.—

18                 “(1) IN GENERAL.—The trial division of the  
19          Immigration Courts shall have original jurisdiction  
20          over—

21                 “(A) removal proceedings as described in  
22          sections 238 and 240;

23                 “(B) review of rescissions of lawful perma-  
24          nent residence under section 246;

1           “(C) review of credible fear determinations  
2           under section 235 and reasonable fear deter-  
3           minations for aliens subject to reinstated orders  
4           of removal under section 241;

5           “(D) review of applications for asylum re-  
6           ferred by the Secretary of Homeland Security  
7           where the applicant is barred from being placed  
8           in removal proceedings under section 240, and  
9           referrals for protection under section 241(b)(3)  
10          or the United Nations Convention Against Tor-  
11          ture where the individual is not in removal pro-  
12          ceedings and is barred from asylum under this  
13          Act;

14          “(E) determinations relating to bond, cus-  
15          tody, or the detention of any alien in the cus-  
16          tody of the Department of Homeland Security;

17          “(F) determinations as to whether admin-  
18          istrative actions arising from applications or pe-  
19          titions filed by or on behalf of the alien and  
20          that are pending during the course of the  
21          alien’s removal proceedings under section 240  
22          have been unlawfully withheld or unreasonably  
23          delayed; and

1           “(G) disciplinary matters concerning attor-  
2           neys and practitioners before the Immigration  
3           Courts.

4           “(2) SAVINGS CLAUSE.—In addition to the mat-  
5           ters described in paragraph (1), the trial division  
6           shall have jurisdiction to hear and decide all other  
7           matters over which immigration judges had author-  
8           ity on the day before the application date described  
9           in section 6(a) of the Real Courts, Rule of Law Act  
10          of 2022.

11           **“Subtitle B—Procedure and**  
12           **Appellate Review**

13          **“SEC. 621. PROCEEDINGS.**

14          “(a) TRIAL DIVISION PROCEEDINGS.—

15           “(1) IN GENERAL.—Except as provided in sec-  
16           tion 604(a), all proceedings before the Immigration  
17           Courts shall originate in the trial division. Pro-  
18           ceedings before the trial division shall be heard and  
19           decided by a single immigration trial judge, with  
20           matters assigned to such judges in a manner deter-  
21           mined by the appellate division.

22           “(2) AUTHORITY OF TRIAL DIVISION.—In pre-  
23           siding over matters before the trial division, immi-  
24           gration trial judges may—

1           “(A) record and receive evidence, admin-  
2           ister oaths, examine and cross-examine wit-  
3           nesses, set deadlines, and render findings of  
4           fact and conclusions of law;

5           “(B) render decisions on respondents’  
6           prima facie and discretionary eligibility for re-  
7           lief from removal; and

8           “(C) order and take depositions, issue sub-  
9           poenas requiring the attendance and testimony  
10          of witnesses and the production of documents  
11          or other evidence, and order responses to writ-  
12          ten interrogatories.

13          “(b) APPELLATE DIVISION PROCEEDINGS.—

14               “(1) IN GENERAL.—Except as provided by rules  
15               established by the appellate division, proceedings be-  
16               fore the appellate division shall be heard and decided  
17               by immigration appeals judges sitting in panels of  
18               three such judges or en banc, and decisions shall be  
19               made by majority vote. Any decision of a panel may  
20               be reconsidered by the court sitting en banc.

21               “(2) PRECEDENCE IN APPELLATE DIVISION.—

22               The chief judge of the Immigration Courts shall  
23               have precedence and preside at any session of the  
24               appellate division that such judge attends. Other im-  
25               migration appeals judges shall have precedence and

1       preside in the appellate division according to the se-  
2       niority of their original commissions and, for judges  
3       whose commissions bear the same date, according to  
4       seniority in age.

5       “(c) CONTEMPT AUTHORITY.—

6               “(1) IN GENERAL.—Immigration judges shall  
7       have the authority, to sanction by civil money pen-  
8       alty, any individual whose action or inaction ob-  
9       structs the administration of justice or is otherwise  
10      in contempt of the lawful authority of such judge or  
11      the Immigration Courts.

12             “(2) NOTICE.—No individual may be sanc-  
13      tioned for contempt under paragraph (1) without  
14      first receiving notice of the charges and an oppor-  
15      tunity to rebut such charges.

16             “(d) ASSISTANCE TO THE COURT.—The Immigration  
17      Courts shall have such assistance in carrying out its lawful  
18      writ, process, order, rule, decree, or command, including  
19      nationwide service of a subpoena, as is available to a court  
20      of the United States, as that term is defined in section  
21      451 of title 28, United States Code. The United States  
22      marshal for a district in which the immigration trial judge  
23      is sitting shall, if requested by the presiding judge, attend  
24      any court proceeding in that district, and may otherwise  
25      provide, when requested by the chief trial judge of that

1 immigration trial court, for the security of the immigra-  
2 tion trial court, including the personal protection of  
3 judges, court officers, witnesses, and other threatened per-  
4 sons in the interests of justice, where criminal intimidation  
5 impedes on the functioning of the judicial process or any  
6 other official proceeding. The United States Marshals  
7 Service retains final authority regarding security require-  
8 ments for the Immigration Courts.

9 “(e) OPINIONS AND ORDERS.—

10 “(1) IN GENERAL.—Opinions and orders shall  
11 be issued in accordance with rules promulgated by  
12 the appellate division, except that decisions on the  
13 merits of an application or request for relief from re-  
14 moval rendered by the trial division or the appellate  
15 division shall, to the greatest extent practicable, be  
16 issued in the form of a written opinion and shall in-  
17 clude an analysis of the facts of the case and the  
18 legal reasoning for the decision.

19 “(2) PRECEDENTS.—Unless subsequently modi-  
20 fied or reversed by the appellate division, the court  
21 of appeals for the respective judicial circuit, or the  
22 Supreme Court, precedent decisions of the appellate  
23 division shall be binding on all immigration judges  
24 and all officers and employees of executive agencies  
25 (as defined in section 105 of title 5, United States

1 Code) with powers, functions, and duties under this  
2 Act and other laws relating to the immigration and  
3 naturalization of aliens.

4 “(f) RECUSAL OF JUDGES.—Section 455 of title 28,  
5 United States Code, shall apply to all immigration judges  
6 and proceedings of the Immigration Courts.

7 **“SEC. 622. IMMIGRATION COURTS RULES OF PRACTICE AND**  
8 **PROCEDURE.**

9 “(a) IN GENERAL.—Exercising its en banc authority,  
10 the appellate division shall promulgate rules of practice  
11 and procedure before the trial division and the appellate  
12 division, including—

13 “(1) rules governing the representation of par-  
14 ties, which shall—

15 “(A) provide for the admission of qualified  
16 attorneys to practice before the Immigration  
17 Courts and, as appropriate, for the admission of  
18 qualified non-attorney representatives;

19 “(B) prescribe standards of practice and  
20 professional conduct, which shall apply to all at-  
21 torneys and practitioners that appear before the  
22 Immigration Courts; and

23 “(C) provide for disciplinary proceedings  
24 before the Immigration Courts for attorneys



1           and practitioners who do not comply with the  
2           standards described in subparagraph (B);

3           “(2) rules governing the exercise of the appel-  
4           late division’s en banc authority over adjudicative  
5           matters, including decisions of an appellate division  
6           panel;

7           “(3) rules setting forth the types of matters  
8           that are appropriate for review by a single appellate  
9           judge;

10          “(4) subject to section 621(e), rules governing  
11          the issuance of opinions and written orders, and  
12          precedent decisions;

13          “(5) rules governing the use of video teleconfer-  
14          encing technology or other similar technologies, with  
15          a presumption against the use of video teleconfer-  
16          encing in proceedings where the alien’s eligibility for  
17          relief from removal is being evaluated, unless re-  
18          quested by the alien;

19          “(6) procedures, consistent with section  
20          602(f)(2) for receiving, investigating, and resolving  
21          complaints regarding the conduct of immigration  
22          judges; and

23          “(7) all other policies, and procedures assigned  
24          to the appellate division as described in this title.

1       “(b) LOCAL RULES.—Each chief trial judge may es-  
2       tablish local rules of practice and procedure, provided  
3       that—

4               “(1) such rules are consistent with the provi-  
5       sions of this title;

6               “(2) a majority of immigration trial judges on  
7       the immigration trial court of that chief judge con-  
8       cur to the local rules; and

9               “(3) the chief judge approves the local rules.

10       “(c) IMMIGRATION COURT FEES.—

11               “(1) IN GENERAL.—The appellate division shall  
12       prescribe rules which provide for the collection of  
13       reasonable filing fees and other fees, as appropriate.  
14       Each such fee may not exceed the fee charged and  
15       collected for the same or a substantially similar pur-  
16       pose by the Federal district courts or the Depart-  
17       ment of Homeland Security.

18               “(2) WAIVER.—Rules promulgated by the ap-  
19       pellate division shall include procedures under which  
20       any such fee may be waived in the case of financial  
21       hardship.

22       “(d) PUBLICATION OF RULES AND FEES.—The ad-  
23       ministrative division shall maintain a public website that  
24       contains or consolidates current information on all rules

1 and fees of the Immigration Courts, including all local  
2 rules established under this subsection.

3 **“SEC. 623. REPRESENTATION OF PARTIES AND OTHER AS-**  
4 **SISTANCE.**

5 “(a) **RIGHT TO COUNSEL.**—In any proceeding before  
6 the Immigration Courts, the person or party concerned  
7 shall have the privilege of being represented (at no expense  
8 to the Government) by such counsel, authorized to practice  
9 before the Immigration Courts, of their own choosing.

10 “(b) **INTERPRETERS.**—The Immigration Courts shall  
11 establish a program to ensure the use of qualified inter-  
12 preters in proceedings before the Immigration Courts.

13 “(c) **LEGAL ORIENTATION PROGRAM.**—The Immi-  
14 gration Courts shall maintain, through agreements with  
15 legal services and other nonprofit organizations, a legal  
16 orientation program that explains the Court’s procedures  
17 and provides basic legal information to individuals who are  
18 or may become parties to proceedings before the Immigra-  
19 tion Courts.

20 **“SEC. 624. AVAILABILITY OF INFORMATION.**

21 “(a) **PUBLICATION OF PRECEDENT DECISIONS.**—  
22 Precedent decisions of the appellate division shall be pub-  
23 lished in such form and manner as may be best adapted  
24 for public information and use.

1           “(b) PUBLICATION OF NON-PRECEDENT DECISIONS  
2 AND RECORDS.—

3           “(1) IN GENERAL.—Subject to paragraph (2),  
4 all non-precedent decisions of the Immigration  
5 Courts and all briefs, motions, documents, and ex-  
6 hibits received by such court (including hearing  
7 transcripts) shall be made available to the public.

8           “(2) CONFIDENTIAL INFORMATION.—The Im-  
9 migration Courts shall preserve the confidentiality of  
10 information relating to matters involving national se-  
11 curity, asylum and other forms of protection, and  
12 claims under the Violence Against Women Act (Pub-  
13 lic Law 103–322, title IV, 108 Stat. 1902), as  
14 amended, or any other applicable law. The Immigra-  
15 tion Courts may make any provision necessary to  
16 prevent the disclosure of confidential information in  
17 its proceedings and records, including requiring that  
18 such information be placed under seal to be opened  
19 only as directed by the Immigration Courts.

20 **“SEC. 625. SCOPE OF REVIEW AND APPEALS.**

21           “(a) IN GENERAL.—In any proceeding before the Im-  
22 migration Courts, the immigration judge shall—

23           “(1) consider de novo all constitutional claims  
24 and questions of law; and

1           “(2) compel administrative action on an appli-  
2           cation or petition filed by or on behalf of the alien  
3           that is unlawfully withheld or unreasonably delayed.

4           “(b) TRIAL DIVISION PROCEEDINGS.—The decision  
5 of an immigration trial judge shall be based only on the  
6 evidence produced at the hearing and shall set forth the  
7 judge’s findings of fact, reasoning to support discretionary  
8 determinations, and conclusions of law. Immigration trial  
9 judges may take judicial notice of commonly known facts.

10          “(c) REVIEW BY APPELLATE DIVISION.—

11           “(1) IN GENERAL.—In considering an appeal  
12 from an immigration trial judge decision, the appel-  
13 late division shall limit its review to the scope of  
14 issues raised on appeal and shall conduct its review  
15 of the decision based on the record of proceedings of  
16 the trial division.

17           “(2) FACT FINDING.—Aside from taking judi-  
18 cial notice of commonly known facts, the appellate  
19 division shall not engage in fact finding in consid-  
20 ering an appeal of an immigration trial judge deci-  
21 sion, and shall defer to the factual findings of the  
22 immigration trial judge unless such findings are  
23 challenged and determined to be clearly erroneous.

24          “(d) REVIEW BY THE UNITED STATES COURTS OF  
25 APPEALS.—A decision of the appellate division may be ap-

1 pealed by a party to such proceeding and reviewed by the  
2 United States court of appeals for the judicial circuit  
3 wherein venue lies, in accordance with section 242, as ap-  
4 plicable. If the Government appeals a decision pursuant  
5 to this subsection, and the court finds that the alien party  
6 to such appeal is financially unable to obtain adequate rep-  
7 resentation, representation for such alien shall be provided  
8 through the plan for representation on appeal that is in  
9 effect under section 3006A of title 18, United States  
10 Code.”.

11 **SEC. 3. EMPLOYEES.**

12 (a) CLERK OF THE COURT.—The chief judge may ap-  
13 point, and prescribe the duties for, a clerk of the court  
14 without regard to the provisions of title 5, United States  
15 Code, governing appointments in the competitive service.

16 (b) CHAMBERS STAFF.—Immigration judges may ap-  
17 point law clerks and secretaries, in such numbers as the  
18 appellate division approves, without regard to the provi-  
19 sions of title 5, United States Code, governing appoint-  
20 ments in the competitive service.

21 (c) OTHER COURT STAFF.—The clerk of the court  
22 and the chief administrative officer may appoint deputies  
23 and employees, in such numbers as the appellate division  
24 approves, without regard to the provisions of title 5,

1 United States Code, governing appointments in the com-  
2 petitive service.

3 (d) STAFF SALARIES.—The appellate division may fix  
4 and adjust the rates of basic pay for the clerk, the chief  
5 administrative officer, and other employees of the Immi-  
6 gration Courts without regard to the provisions of chapter  
7 51, subchapter III of chapter 53, or section 5373 of title  
8 5, United States Code. To the maximum extent feasible,  
9 such employees shall be compensated at rates consistent  
10 with those for employees holding comparable positions in  
11 the judicial branch.

12 (e) PREFERENCE ELIGIBLES.—In making appoint-  
13 ments under subsections (a) through (c), preference shall  
14 be given, among equally qualified persons, to persons who  
15 are preference eligible (as defined in section 2108(3) of  
16 title 5, United States Code).

17 (f) EXPERTS AND CONSULTANTS.—The Immigration  
18 Courts may procure the services of experts and consult-  
19 ants as provided under section 3109 of title 5, United  
20 States Code.

21 **SEC. 4. BUDGET AND EXPENDITURES.**

22 (a) COURT BUDGET.—For each fiscal year, the budg-  
23 et of the Immigration Courts shall be established by the  
24 Immigration Courts, without review or modification by the

1 executive branch, and shall be included in the budget of  
2 the President as submitted.

3 (b) PERMISSIBLE COURT EXPENDITURES.—

4 (1) The Immigration Courts may make such ex-  
5 penditures (including expenditures for personal serv-  
6 ices and rent at the seat of Government and else-  
7 where, and for law books, books of reference, and  
8 periodicals) as may be necessary to execute effi-  
9 ciently the judicial and administrative functions vest-  
10 ed in the Courts.

11 (2) The Immigration Courts may receive and  
12 expend funds appropriated to the Courts for pur-  
13 poses of paragraph (1) either—

14 (A) directly, or

15 (B) by transfer to—

16 (i) the Director of the Administrative  
17 Office of the United States Courts,

18 (ii) another court established under  
19 article I of the Constitution, or

20 (iii) an executive agency as defined in  
21 section 105 of title 5, United States Code,  
22 to cover the expense of such administrative support  
23 and guidance (including budgetary and financial,  
24 payroll and personnel, protective and security, rec-  
25 ordkeeping and statistical, and information tech-



1 nology services) as the Court may request and the  
2 Director, court, or agency may agree to provide from  
3 time to time.

4 (c) METHOD AND SOURCE OF EXPENDITURES.—All  
5 expenditures of the Immigration Courts shall be allowed  
6 and paid upon presentation of itemized vouchers signed  
7 by the certifying officer designated by the chief judge.

8 **SEC. 5. ANNUAL REPORT.**

9 (a) IN GENERAL.—Not later than April 1 of each  
10 year, the chief judge shall submit to the Committee on  
11 the Judiciary of the House of Representatives and the  
12 Committee on the Judiciary of the Senate, a report sum-  
13 marizing the workload of the Immigration Courts for the  
14 preceding fiscal year.

15 (b) CONTENTS.—The report described in subsection  
16 (a) shall contain—

17 (1) demographic information, including the age,  
18 gender, and nationality of respondents appearing be-  
19 fore the Immigration Courts, and rates at which  
20 such respondents are represented by counsel;

21 (2) outcomes of removal proceedings, including  
22 grant rates for immigration relief, disaggregated by  
23 geographical area and immigration trial judge;

24 (3) outcomes of bond hearings, disaggregated  
25 by geographical area and immigration trial court;

1           (4) the number of cases currently pending be-  
2 fore the trial and appellate divisions of the Immigra-  
3 tion Courts, and the change in such number from  
4 the prior fiscal year;

5           (5) the average number of days for which a re-  
6 spondent waits to have their case heard,  
7 disaggregated by geographical area; and

8           (6) any information requested by the Commit-  
9 tees named in subsection (a), provided such request  
10 is timely and reasonable.

11 **SEC. 6. APPLICATION DATE; TRANSITIONAL PROVISIONS.**

12       (a) APPLICATION DATE.—The Immigration Courts  
13 may not begin to exercise the functions of the courts under  
14 this Act and the amendments made by this Act until the  
15 date (for purposes of this Act, referred to as the “applica-  
16 tion date”) that is—

17           (1)(A) the first day of the first full fiscal year  
18 after the date of the enactment of this Act, if such  
19 date is 180 days or more after the date of enact-  
20 ment of this Act; or

21           (B) the first day of the second full fiscal year  
22 after the date of the enactment of this Act, if the  
23 first day of the first full fiscal year after the date  
24 of enactment of this Act is less than 180 days after  
25 the date of enactment of this Act; and

1           (2) the date on which 3 or more immigration  
2 appeals judges have been duly appointed by the  
3 President, in accordance with procedures set forth in  
4 section 6(c) of this Act and 601(b)(2) of the Immi-  
5 gration and Nationality Act, as added by this Act.

6           (b) TRANSITION PERIOD AND APPOINTMENT OF IN-  
7 TERIM IMMIGRATION TRIAL JUDGES.—

8           (1) TRANSITION PERIOD.—The transition pe-  
9 riod described in this section shall be the 4-year pe-  
10 riod beginning on the application date of this Act.

11           (2) INTERIM IMMIGRATION TRIAL JUDGES.—

12           (A) IN GENERAL.—Each individual serving  
13 as an immigration judge in the Executive Office  
14 for Immigration Review on the date that is the  
15 day before the application date of this Act shall  
16 become an interim immigration trial judge.

17           (B) AUTHORITY OF INTERIM IMMIGRATION  
18 TRIAL JUDGES.—Interim immigration judges  
19 shall have the authority to exercise all powers  
20 of an immigration trial judge as provided in  
21 title VI of the Immigration and Nationality Act  
22 (8 U.S.C. 601 et seq.).

23           (C) TERM OF SERVICE.—An interim immi-  
24 gration trial judge may serve until the transi-  
25 tion period has ended and a successor is ap-

1 pointed, or for a period not to exceed 5 years,  
2 whichever is shorter. An otherwise qualified in-  
3 terim judge may be appointed as an immigra-  
4 tion trial judge.

5 (D) CREDIT AND ELIGIBILITY FOR BENE-  
6 FITS.—Service as an interim immigration trial  
7 judge shall be included in the same manner as  
8 service as an immigration trial judge for pur-  
9 poses of calculating service credit, retirement  
10 eligibility, and disability.

11 (E) SEPARATION.—Nothing in this Act or  
12 the amendments made by this Act may be con-  
13 strued to—

14 (i) preclude an interim immigration  
15 trial judge who is not appointed for a term  
16 appointment by the appellate division  
17 under section 601(c)(2) of the Immigration  
18 and Nationality Act, as added by this Act,  
19 from eligibility for appointment as an ad-  
20 ministrative judge, administrative law  
21 judge, and for attorney positions in agen-  
22 cies throughout the Federal Government;  
23 or

24 (ii) make an interim immigration  
25 judge described in clause (i) ineligible for

1 early retirement pursuant to section  
2 8336(d)(2)(D) or 8414(b)(1)(B) of title 5,  
3 United States Code.

4 (c) FIRST APPOINTMENTS TO THE UNITED STATES  
5 IMMIGRATION COURTS.—

6 (1) APPELLATE DIVISION.—

7 (A) IN GENERAL.—Notwithstanding sec-  
8 tion 601(b)(2)(B) of the Immigration and Na-  
9 tionality Act as added by this Act, the first 21  
10 immigration appeals judges appointed shall  
11 serve for the following terms:

12 (i) The terms of the first 7 immigra-  
13 tion appeals judges appointed shall termi-  
14 nate on the date that is 5 years after the  
15 date described in subsection (a).

16 (ii) The terms of the next 7 immigra-  
17 tion appeals judges appointed after the  
18 judges referred to in clause (i) shall termi-  
19 nate on the date that is 10 years after the  
20 date described in subsection (a).

21 (iii) The terms of the next 7 immigra-  
22 tion appeals judges appointed after the  
23 judges referred to in clause (ii) shall termi-  
24 nate on the date that is 15 years after the  
25 date described in subsection (a).

1           (B) SUCCESSION.—Each immigration ap-  
2 peals judge described in subparagraph (A) may  
3 continue to serve after the expiration of the  
4 designated term if such judge is reappointed in  
5 accordance with section 601(b)(2)(B) of the Im-  
6 migration and Nationality Act as added by this  
7 Act.

8           (2) TRIAL DIVISION.—Not later than 180 days  
9 before the transition period has ended, the appellate  
10 division shall establish procedures and requirements  
11 related to the appointment of immigration trial  
12 judges.

13           (3) CLARIFICATION.—Notwithstanding para-  
14 graphs (1) and (2) and section 601 of the Immigra-  
15 tion and Nationality Act, as added by this Act, any  
16 individual appointed to fill an immigration trial  
17 judge vacancy during the transition period described  
18 in subsection (b)(1) shall serve only until the transi-  
19 tion period has ended and until a successor is ap-  
20 pointed in accordance with section 602 of the Immi-  
21 gration and Nationality Act, but not more than 1  
22 year after the end of the transition period.

23           (d) PRIOR SERVICE CREDIT.—

24           (1) IN GENERAL.—The period that a covered  
25 immigration judge who elects to receive retired pay

1 under section 602 of the Immigration and Nation-  
2 ality Act, as added by this Act, serves as a member  
3 of the Board of Immigration Appeals, an immigra-  
4 tion judge, or an administrative law judge in the Ex-  
5 ecutive Office for Immigration Review of the Depart-  
6 ment of Justice, shall be included, up to a maximum  
7 of 5 years, in the service of such individual on the  
8 Immigration Courts for purposes of computing the  
9 years of service as an immigration judge.

10 (2) COVERED IMMIGRATION JUDGE DEFINED.—

11 In this subsection, the term “covered immigration  
12 judge” means—

13 (A) an immigration appeals judge ap-  
14 pointed under section 601(b) of the Immigra-  
15 tion and Nationality Act, as added by this Act;

16 (B) an immigration trial judge appointed  
17 under section 601(c) of the Immigration and  
18 Nationality Act, as added by this Act; or

19 (C) an interim immigration trial judge  
20 under subsection (b)(2) of this section.

21 **SEC. 7. INSTITUTIONAL TRANSFER; CONTINUITY OF PRO-**  
22 **CEEDINGS.**

23 (a) EXISTING PRECEDENT.—

24 (1) IN GENERAL.—Precedential decisions by the  
25 Attorney General or the Board of Immigration Ap-

1 peals under title II of the Immigration and Nation-  
2 ality Act (8 U.S.C. 1151 et seq.) that were issued  
3 before the application date of this Act shall continue  
4 to serve as precedent in proceedings before the Im-  
5 migration Courts unless explicitly overruled by such  
6 court.

7 (2) RULES.—To the extent that such rules are  
8 consistent with this Act, the rules of the Attorney  
9 General that were in effect before the application  
10 date of this Act, shall remain in effect until amend-  
11 ed or revoked by the appellate division.

12 (b) INSTITUTIONAL TRANSFER.—

13 (1) EXECUTIVE OFFICE FOR IMMIGRATION RE-  
14 VIEW.—

15 (A) IN GENERAL.—Except as provided in  
16 subparagraph (B), all functions under the Ex-  
17 ecutive Office for Immigration Review on the  
18 date that is the day before the application date  
19 of this Act are transferred to the Immigration  
20 Courts on the application date of this Act.

21 (B) EXCEPTIONS.—

22 (i) OCAHO.—The Office of the Chief  
23 Administrative Hearing Officer and the  
24 functions of the Executive Office for Immi-  
25 gration Review that support such office



1                   shall remain under the Department of Jus-  
2                   tice.

3                   (ii) OTHER FUNCTIONS.—The func-  
4                   tions of the Executive Office for Immigra-  
5                   tion Review that are not necessary or ap-  
6                   propriate for transfer to the Immigration  
7                   Courts shall be reassigned to other agen-  
8                   cies within the Department of Justice or  
9                   dissolved at the discretion of the Attorney  
10                  General.

11                  (2) TRANSFER AND ALLOCATION OF APPRO-  
12                  PRIATIONS AND PERSONNEL.—Except as provided in  
13                  this section, the personnel of the Executive Office  
14                  for Immigration Review employed in connection with  
15                  the functions transferred by this section, and the as-  
16                  sets, liabilities, contracts, property, records, and un-  
17                  expended balance of appropriations, authorizations,  
18                  allocations, and other funds employed, held, used,  
19                  arising from, available to, or to be made available to,  
20                  the Executive Office for Immigration Review, in con-  
21                  nection with the functions transferred by this sec-  
22                  tion, subject to section 202 of the Budget and Ac-  
23                  counting Procedures Act of 1950, shall be trans-  
24                  ferred to the Immigration Courts on the application  
25                  date of this Act. Unexpended funds transferred pur-

1 suant to this paragraph shall be used only for the  
2 purposes for which the funds were originally author-  
3 ized and appropriated.

4 (3) PENDING CASES.—

5 (A) IN GENERAL.—The enactment of this  
6 Act shall not result in any loss of rights or pow-  
7 ers, interruption of jurisdiction, or prejudice to  
8 matters under title II of the Immigration and  
9 Nationality Act (8 U.S.C. 1151 et seq.) which  
10 are pending before the Board of Immigration  
11 Appeals or an immigration judge on the appli-  
12 cation date of this Act.

13 (B) TRANSFER.—All proceedings under  
14 title II of the Immigration and Nationality Act  
15 (8 U.S.C. 1151 et seq.) which are pending be-  
16 fore the Board of Immigration Appeals or an  
17 immigration judge on the application date of  
18 this Act shall be transferred to the Immigration  
19 Courts to proceed before the trial division or  
20 the appellate division as appropriate.

21 **SEC. 8. REVIEW BY THE JUDICIAL CONFERENCE; CON-**  
22 **SULTATION REQUIREMENTS.**

23 The Judicial Conference of the United States shall  
24 conduct a review of adjudications in the United States Im-  
25 migration Courts at least once every 4 years, as part of

1 its comprehensive survey of business in the courts of the  
2 United States conducted pursuant to title 28, section 331.  
3 At the conclusion of its review, the Judicial Conference  
4 shall submit a report of its findings to the appellate divi-  
5 sion and the Committee on the Judiciary of the House  
6 of Representatives and the Committee on the Judiciary  
7 of the Senate. The Committees shall cause to have such  
8 report printed in the Congressional Record.

9 **SEC. 9. TECHNICAL AND CONFORMING PROVISIONS.**

10 (a) IN GENERAL.—The Immigration and Nationality  
11 Act (8 U.S.C. 1101 et seq.) is amended—

12 (1) in section 101(b), by amending paragraph  
13 (4) to read as follows:

14 “(4) The term ‘immigration judge’ means an  
15 immigration appeals judge or immigration trial  
16 judge appointed to serve in the United States Immi-  
17 gration Courts established under title VI.”;

18 (2) in section 238(a)(1)—

19 (A) by striking “Attorney General” and in-  
20 serting “Immigration Courts”; and

21 (B) by striking “Service” and inserting  
22 “Department of Homeland Security”;

23 (3) in section 238(a)(2), by striking “Attorney  
24 General” each place such term appears and inserting  
25 “Secretary of Homeland Security”;

1 (4) in section 238(a)(3)—

2 (A) by amending subparagraph (A) to read  
3 as follows:

4 “(A) Notwithstanding any other provision  
5 of law, in the case of any alien convicted of an  
6 aggravated felony, removal proceedings, and  
7 any administrative appeals thereof, shall be  
8 completed, to the extent possible, before the  
9 alien’s release from incarceration for the under-  
10 lying aggravated felony.”; and

11 (B) in subparagraph (B), by striking “At-  
12 torney General” and inserting “Secretary of  
13 Homeland Security”;

14 (5) in section 238(a)(4)(A) by striking “Attor-  
15 ney General” and inserting “administrative council  
16 of the Immigration Courts”;

17 (6) in section 238(b)(1) by striking “Attorney  
18 General” and inserting “immigration judge”;

19 (7) in section 238(b)(3)—

20 (A) by striking “Attorney General” and in-  
21 serting “Secretary of Homeland Security”; and

22 (B) by striking “apply for” and inserting  
23 “seek”;

24 (8) in section 238(b) by amending paragraph  
25 (4) to read as follows—

1           “(4) In any proceeding under this subsection—

2                   “(A) the alien shall—

3                           “(i) be given reasonable notice of the  
4 charges and of the opportunity described  
5 in subparagraph (C);

6                           “(ii) have the privilege of being rep-  
7 resented (at no expense to the government)  
8 by such counsel, authorized to practice in  
9 such proceedings, as the alien shall choose;  
10 and

11                           “(iii) have a reasonable opportunity to  
12 inspect the evidence and rebut the charges;  
13 and

14                   “(B) the immigration judge shall ensure  
15 that—

16                           “(i) a determination is made for the  
17 record that the individual upon whom the  
18 notice for the proceeding under this section  
19 is served (either in person or by mail) is,  
20 in fact, the alien named in such notice; and

21                           “(ii) a record is maintained for judi-  
22 cial review.”;

23           (9) in section 238(b)(5)—

24                   (A) by striking “Attorney General” and in-  
25 serting “immigration judge”; and

1 (B) by striking “Attorney General’s” and  
2 inserting “immigration judge’s”;

3 (10) by redesignating the second subsection (c)  
4 of section 238 as subsection (d) and in the newly  
5 designated subsection (d)—

6 (A) by striking “Commissioner” in each  
7 place such term appears and inserting “Sec-  
8 retary of Homeland Security”;

9 (B) by striking “Attorney General” in each  
10 place such term appears and inserting “Sec-  
11 retary of Homeland Security”; and

12 (C) by striking “Service” in paragraph  
13 (2)(B) and inserting “Secretary of Homeland  
14 Security”;

15 (11) in section 239(a) by striking “Attorney  
16 General” in each place such term appears and in-  
17 serting “Immigration Courts”;

18 (12) in section 239(b)(2) by striking “Attorney  
19 General” and inserting “Immigration Courts”;

20 (13) in section 239(b)(3) by striking “Attorney  
21 General” and inserting “immigration judge”;

22 (14) in section 239(d)(1) by striking “Attorney  
23 General” and inserting “immigration judge”;

24 (15) in section 240(b)—

1 (A) by striking paragraphs (1) and (6) and  
2 renumbering subsequent paragraphs accord-  
3 ingly;

4 (B) by amending paragraph (1) as redesign-  
5 nated by this paragraph to read as follows:

6 “(1) FORM OF PROCEEDING.—The proceeding  
7 may take place—

8 “(A) in person; or

9 “(B) through video conference, subject to  
10 rules promulgated under section 622(a)(5).”;

11 (C) in paragraph (2) as redesignated by  
12 this paragraph, by striking “Attorney General”  
13 and inserting “immigration judge”;

14 (D) in paragraph (3) as redesignated by  
15 this paragraph—

16 (i) in the matter preceding subpara-  
17 graph (A), by striking “, under regulations  
18 of the Attorney General”; and

19 (ii) in subparagraph (A) by striking “,  
20 at no expense to the government, by coun-  
21 sel of the alien’s choosing who is author-  
22 ized to practice in such proceedings” and  
23 inserting “in accordance with section  
24 623(a)”; and

1 (E) in paragraph (4)(A) as redesignated  
2 by this paragraph—

3 (i) by striking “Service” and inserting  
4 “Government”; and

5 (ii) by amending the last sentence to  
6 read as follows: “Written notice shall be  
7 considered sufficient for purposes of this  
8 subparagraph if provided at the most re-  
9 cent address provided under section  
10 239(a)(1)(F).”;

11 (16) in section 240(c)(2), in the matter fol-  
12 lowing subparagraph (B), by striking “Attorney  
13 General” and inserting “Secretary of Homeland Se-  
14 curity.”;

15 (17) in section 240(c)(3)—

16 (A) by striking “service” in the heading  
17 and inserting “Government”; and

18 (B) by striking “Service” in each place  
19 such term appears and inserting “Govern-  
20 ment”;

21 (18) in section 240(c)(7)(C)(iv)(II)—

22 (A) by striking “Attorney General” and in-  
23 serting “immigration judge”; and



1 (B) by striking “Immigration and Natu-  
2 ralization Service” and inserting “Secretary of  
3 Homeland Security”;

4 (19) in section 240(c)(7)(C)(iv)(III)—

5 (A) by striking “Attorney General” and in-  
6 serting “immigration judge”; and

7 (B) by striking “Attorney General’s” and  
8 inserting “immigration judge’s”;

9 (20) in section 240(d) by amending the first  
10 sentence to read as follows: “An immigration judge  
11 may enter an order of removal stipulated to by the  
12 alien (or the alien’s representative) and the Govern-  
13 ment.”;

14 (21) in section 242(a)(2)(A) by striking “Attor-  
15 ney General” in each place such term appears and  
16 inserting “Secretary of Homeland Security”;

17 (22) in section 242(a)(2)(B)(ii), by striking  
18 “Attorney General” and inserting “the appellate di-  
19 vision of the Immigration Courts” each place it ap-  
20 pears;

21 (23) in section 242(a), by adding at the end the  
22 following:

23 “(6) VENUE.—For purposes of judicial review  
24 under this section and section 625(d), the venue of

1 a proceeding before the court of appeals is in the ju-  
2 dicial circuit in which—

3 “(A) an immigration trial judge of the Im-  
4 migration Court issued the original underlying  
5 decision in the matter; or

6 “(B) the underlying administrative action  
7 reviewed by the appellate division of the Court  
8 occurred.”;

9 (24) in section 242(b)(2) by inserting “trial”  
10 after “immigration”;

11 (25) in section 242(b)(3)(A)—

12 (A) by striking “Attorney General” in the  
13 first sentence and inserting “United States”;  
14 and

15 (B) by amending the second sentence to  
16 read as follows: “The petition shall be served on  
17 the Attorney General and on the officer or em-  
18 ployee of the Department of Homeland Security  
19 in charge of the district in which the final order  
20 of removal under section 240 was entered.”;

21 (26) in section 242(b)(4)(D) by striking “Attor-  
22 ney General’s” and inserting “immigration judge’s”;

23 (27) in section 242(b)(8) by striking “Attorney  
24 General” in each place such term appears and in-  
25 serting “Secretary of Homeland Security”;

1 (28) in section 242(e)(2)(C) by striking “as  
2 prescribed by the Attorney General”;

3 (29) in section 242(e)(3)(A)(ii) by striking “At-  
4 torney General” and inserting “Secretary of Home-  
5 land Security”;

6 (30) in section 242(g) by striking “Attorney  
7 General” and inserting “Secretary of Homeland Se-  
8 curity”; and

9 (31) in section 246(a)—

10 (A) by striking “Attorney General” and in-  
11 serting “Secretary of Homeland Security” each  
12 place it appears; and

13 (B) by striking the second sentence, and  
14 adding: “Upon request of the individual whose  
15 status has been rescinded, the Secretary of  
16 Homeland Security shall refer such rescission to  
17 the United States Immigration Courts for re-  
18 view in accordance with section 604(b)(1)(B).”.

19 (b) CONSTRUCTION OF EXISTING REFERENCES.—To  
20 the extent consistent with this Act, each reference in the  
21 Immigration and Nationality Act (8 U.S.C. et seq.), or  
22 in any rule prescribed thereunder—

23 (1) to the Board of Immigration Appeals or an  
24 immigration judge, or any administrative appeal,  
25 hearing, review, or other proceeding before such

1 Board or judge, shall be deemed to refer, as appro-  
2 priate, to the United States Immigration Courts es-  
3 tablished under title VI of the Immigration and Na-  
4 tionality Act, as added by this Act, to the appro-  
5 priate division of the Court, or to the corresponding  
6 proceedings under this Act before such Court; and

7 (2) to the authority of the Attorney General to  
8 prescribe rules with respect to the Executive Office  
9 for Immigration Review, the Board of Immigration  
10 Appeals, immigration judges, or administrative ap-  
11 peals, hearings, reviews, or other proceedings con-  
12 ducted under the Immigration and Nationality Act,  
13 by such Office, Board, or judges, shall be deemed to  
14 confer rulemaking authority on the appellate division  
15 of the United States Immigration Courts established  
16 in title VI of the Immigration and Nationality Act,  
17 as added by this Act.

18 (c) FINANCIAL DISCLOSURE REPORTING.—Section  
19 109 of the Ethics in Government Act of 1978 (5 U.S.C.  
20 App.) is amended—

21 (1) in paragraph (8), by inserting “of the  
22 United States Immigration Courts,” after “Court of  
23 Appeals for Veterans Claims,”; and

1           (2) in paragraph (10), by inserting “United  
2           States Immigration Courts,” after “Court of Ap-  
3           peals for Veterans Claims”.

