

**AMENDMENT TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE TO H.R. _____
OFFERED BY MS. LOFGREN OF CALIFORNIA**

Add at the end the following:

**1 TITLE VII—REAL COURTS, RULE
2 OF LAW ACT OF 2026**

**3 SEC. 701. ESTABLISHMENT AND STRUCTURE OF THE
4 UNITED STATES IMMIGRATION COURTS.**

5 (a) UNITED STATES IMMIGRATION COURTS.—The
6 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)
7 is amended by adding at the end the following:

**8 “TITLE VI—UNITED STATES
9 IMMIGRATION COURTS
10 “Subtitle A—Organization and
11 Jurisdiction**

12 “SEC. 601. ESTABLISHMENT AND STRUCTURE.

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—There is established, under
15 article I of the Constitution of the United States, a
16 system of courts of record to be known as the
17 United States Immigration Courts (referred to in
18 this Act as the ‘Immigration Courts’). Each such
19 court of record may be referred to as an ‘immigra-

1 tion court'. The Immigration Courts is not an agen-
2 cy of, and shall be independent of, the executive
3 branch of the Government.

4 “(2) DIVISIONS.—The Immigration Courts shall
5 consist of an appellate division, a trial division, and
6 an administrative division.

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

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

13 “(b) APPELLATE DIVISION.—

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

18 “(2) APPOINTMENT OF IMMIGRATION APPEALS
19 JUDGES.—

20 “(A) IN GENERAL.—Each immigration ap-
21 peals judge shall be appointed by the President,
22 by and with the advice and consent of the Sen-
23 ate, consistent with the requirements described
24 in section 602.

1 “(B) TERM OF OFFICE.—Each immigra-
2 tion appeals judge shall be appointed for a term
3 of 15 years and may be reappointed for addi-
4 tional 15-year terms. An immigration appeals
5 judge who is not reappointed for an additional
6 term may continue to serve after the expiration
7 of the prior term until the earlier of—

8 “(i) the date that a successor is ap-
9 pointed; or

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

12 “(C) SPECIAL RULE.—If an immigration
13 appeals judge does not serve the entirety of an
14 appointed term, the resulting vacancy shall be
15 filled by a successor appointed for the remain-
16 der of the term in accordance with this para-
17 graph. At the conclusion of the term, such suc-
18 cessor may be reappointed in accordance with
19 subparagraph (B).

20 “(3) CHIEF JUDGE.—

21 “(A) DESIGNATION.—

22 “(i) IN GENERAL.—The chief judge
23 shall be the immigration appeals judge who
24 is most senior in appointment among the
25 immigration appeals judges who, at that

1 time of appointment to the appellate divi-
2 sion—

3 “(I) have served for 1 or more
4 years;

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

8 “(III) have not previously served
9 as chief judge.

10 “(ii) ACTING CHIEF JUDGE.—If no
11 immigration appeals judge in regular ac-
12 tive service satisfies all of the requirements
13 in clause (i), the immigration appeals
14 judge who is most senior in commission
15 and who has not previously served as chief
16 judge shall serve as acting chief judge until
17 an immigration appeals judge becomes eli-
18 gible under such clause.

19 “(iii) PRECEDENCE.—Immigration
20 appeals judges who have the same seniority
21 in commission shall be eligible for service
22 as chief judge according to seniority in
23 age.

24 “(B) TERM OF OFFICE.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), the chief judge shall
3 serve a term that shall end on the earliest
4 of—

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

7 “(II) the date that the judge is
8 removed from service for cause in ac-
9 cordance with section 602(f);

10 “(III) the date that the judge
11 leaves regular active service as an im-
12 migration appeals judge; and

13 “(IV) the date that the judge
14 provides written notice to the other
15 immigration appeals judges that such
16 judge is resigning from service as
17 chief judge.

18 “(ii) CONTINUATION OF SERVICE.—If,
19 upon conclusion of the chief judge’s term
20 of office described in clause (i)(I), no other
21 immigration appeals judge is eligible to as-
22 sume the role of chief judge as provided in
23 subparagraph (A), the incumbent shall
24 continue to serve as chief judge until an-

1 other immigration appeals judge becomes
2 eligible.

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

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

8 “(i) appoint immigration trial judges
9 to the trial division;

10 “(ii) remove immigration trial judges
11 in accordance with section 602(f);

12 “(iii) appoint a chief administrative
13 officer to the administrative division;

14 “(iv) promulgate rules and set policies
15 and procedures of the Immigration Courts;
16 and

17 “(v) address other non-adjudicative
18 matters that require en banc consideration,
19 as determined by the chief judge.

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

24 “(C) QUORUM.—For purposes of this
25 paragraph, not less than three immigration ap-

1 peals judges in regular active service or $\frac{2}{3}$ of
2 all immigration appeals judges in regular active
3 service, whichever is greater, shall constitute a
4 quorum.

5 “(c) TRIAL DIVISION.—

6 “(1) IN GENERAL.—The trial division of the
7 Immigration Courts shall be composed of immigra-
8 tion trial courts, the number and geographical loca-
9 tion of which shall be determined by the administra-
10 tive council, in accordance with the procedures de-
11 scribed in subsection (d)(3)(B). Each immigration
12 trial court shall be overseen by a chief trial judge.

13 “(2) APPOINTMENT OF IMMIGRATION TRIAL
14 JUDGES.—

15 “(A) IN GENERAL.—Except as provided in
16 section 603, each immigration trial judge shall
17 be appointed by the appellate division consistent
18 with the requirements described in section 602.

19 “(B) TERM OF OFFICE.—Each immigra-
20 tion trial judge shall be appointed for a term of
21 15 years and may be reappointed for additional
22 15-year terms. An immigration trial judge who
23 is not reappointed for an additional term may
24 continue to serve after the expiration of the

1 prior term for not more than 1 year or until a
2 successor is appointed, whichever occurs first.

3 “(3) CHIEF TRIAL JUDGES.—

4 “(A) DESIGNATION.—The chief judge shall
5 designate one immigration trial judge to serve
6 as the chief trial judge for each geographical
7 area. If only one immigration trial judge pre-
8 sides over a geographical area, that judge shall
9 be designated the chief trial judge.

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

15 “(C) RESPONSIBILITIES.—In addition to
16 fulfilling regular judicial duties, chief trial
17 judges shall be responsible for—

18 “(i) overseeing the administrative op-
19 erations of the trial division in the geo-
20 graphical area in which they are located;
21 and

22 “(ii) fulfilling all other duties and re-
23 sponsibilities articulated in this Act or del-
24 egated to the chief trial judges by the chief
25 judge.

1 “(d) ADMINISTRATIVE DIVISION.—

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

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

8 “(A) implementing and administering oper-
9 ational rules, policies, and procedures of the
10 Immigration Courts established by the appellate
11 division or the administrative council;

12 “(B) assisting the administrative council in
13 executing its responsibilities as described in
14 paragraph (3); and

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

18 “(3) ADMINISTRATIVE COUNCIL.—

19 “(A) IN GENERAL.—The chief judge of the
20 appellate division shall summon annually the
21 chief trial judge of each court of the trial divi-
22 sion to a meeting at such time and place in the
23 United States as the chief judge may designate.
24 The chief judge shall preside at such meeting
25 which shall be known as the administrative

1 council of the Immigration Courts. Special ses-
2 sions of the council may be called by the chief
3 judge at such times and places as the chief
4 judge may designate. If the chief trial judge of
5 any court of the trial division is unable to at-
6 tend, the chief judge may summon any other
7 judge from such court. Every judge summoned
8 shall attend and, unless excused by the chief
9 judge, shall remain throughout the sessions of
10 the council and advise as to the needs of that
11 judge's court and as to any matters in respect
12 of which the administration of justice in the
13 Immigration Courts may be improved.

14 “(B) DETERMINATION OF NUMBER OF RE-
15 QUIRED JUDGES AND GEOGRAPHICAL AREAS OF
16 SERVICE.—

17 “(i) SURVEY.—Not later than 1 year
18 after the application date described in sec-
19 tion 6 of the Real Courts, Rule of Law Act
20 of 2026, and every 4 years thereafter, the
21 administrative council shall conduct a sur-
22 vey, which shall include the solicitation of
23 information and recommendations from the
24 public, to determine the number of immi-
25 gration trial courts required to provide for

1 the expeditious and effective administra-
2 tion of justice, as well as the geographical
3 areas to be served by such courts. In con-
4 ducting the survey, the administrative
5 council shall—

6 “(I) assess the continuing need
7 for existing immigration trial court
8 positions and the need for additional
9 positions in each geographical loca-
10 tion;

11 “(II) evaluate local conditions in
12 each geographical location, including
13 the proximity to populations to be
14 served, the quality and availability of
15 infrastructure to support transpor-
16 tation and communication, and the
17 availability of legal services for indi-
18 gent and non-English speaking indi-
19 viduals;

20 “(III) consider proximity and ac-
21 cess to judicial and Department of
22 Homeland Security facilities; and

23 “(IV) consider the allocation of
24 immigration trial courts and judges
25 among existing geographical areas

1 and whether the administration of
2 justice would be better served by the
3 presence of immigration trial courts
4 and judges in new or different areas.

5 “(ii) PUBLICATION OF SURVEY RE-
6 SULTS.—The administrative council shall
7 publish the results of the survey described
8 in subparagraph (A).

9 “(iii) NOTICE OF VACANCIES.—The
10 administrative council shall publish notice
11 of any immigration judge vacancies or new
12 staff positions.

13 “(C) MERIT SELECTION PANEL.—

14 “(i) APPOINTMENT OF IMMIGRATION
15 JUDGES.—The administrative council shall
16 establish a merit selection panel to assist
17 in identifying and recommending individ-
18 uals who are best qualified to serve as im-
19 migration judges, consistent with sub-
20 sections (a), (b), and (c) of section 602.

21 “(ii) COMPOSITION.—The panel de-
22 scribed in paragraph (1) shall consist of
23 qualified individuals with experience in a
24 diverse range of settings, including aca-
25 demia, nongovernmental organizations, pri-

1 vate immigration practice, and government
2 service.

3 **“SEC. 602. IMMIGRATION APPEALS JUDGES AND TRIAL**
4 **JUDGES.**

5 “(a) QUALIFICATIONS OF IMMIGRATION JUDGES.—
6 Each immigration judge shall—

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

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

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

15 “(4) possess and have demonstrated out-
16 standing legal ability and competence, as evidenced
17 by substantial legal experience, ability to deal with
18 complex legal problems, aptitude for legal scholar-
19 ship and writing, and familiarity with courts and
20 court processes;

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

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

1 “(b) ADDITIONAL FACTORS FOR THE APPOINTMENT
2 OF IMMIGRATION JUDGES.—In appointing immigration
3 judges, the President and the appellate division shall en-
4 sure that—

5 “(1) qualified candidates are identified without
6 regard to race, color, sex, religion, national origin,
7 disability, age, or any other factor protected under
8 Federal law;

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

11 “(A) is comprised primarily of individuals
12 with prior legal experience in immigration law;
13 and

14 “(B) reflects a balance of individuals with
15 prior legal experience in the public sector and
16 private sector; and

17 “(3) candidates are selected without regard to
18 political party affiliation or perceived political ide-
19 ology.

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

1 “(d) CONTINUING EDUCATION.—In addition to the
2 training required under section 603(c) of the International
3 Religious Freedom Act of 1998 (22 U.S.C. 6473(c)), all
4 immigration judges shall be required to satisfy continuing
5 education requirements, as determined by the administra-
6 tive council.

7 “(e) SALARIES.—

8 “(1) IMMIGRATION APPEALS JUDGES.—Each
9 immigration appeals judge shall serve on a full-time
10 basis and shall receive as compensation for such
11 services, an annual salary that is equal to the salary
12 of a judge of the district court of the United States
13 as determined pursuant to section 135 of title 28,
14 United States Code.

15 “(2) IMMIGRATION TRIAL JUDGES.—Each im-
16 migration trial judge shall serve on a full-time basis
17 and shall receive as compensation for such services,
18 an annual salary that is equal to 92 percent of the
19 salary of a judge of the district court of the United
20 States as determined pursuant to section 135 of title
21 28, United States Code.

22 “(3) PROHIBITION ON THE PRACTICE OF
23 LAW.—No immigration judge may engage in the
24 practice of law or any other practice, business, occu-
25 pation, or employment that is inconsistent with the

1 expeditious, proper, and impartial performance of
2 such judge's duties.

3 “(f) REMOVAL.—

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

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

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

13 “(C) No immigration judge may be re-
14 moved from office unless such judge is provided
15 with notice of the allegations forming the basis
16 for removal and an opportunity to appear in
17 person at a hearing to rebut such allegations.

18 “(2) COMPLAINTS.—

19 “(A) IN GENERAL.—The appellate division
20 shall promulgate rules, consistent with chapter
21 16 of title 28, United States Code, for receiv-
22 ing, investigating, and resolving complaints re-
23 garding the conduct of immigration judges. In
24 investigating and acting upon any such com-
25 plaint, the appellate division shall have the pow-

1 ers granted to a judicial council under such
2 chapter.

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

17 “(g) RETIREMENT.—

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

20 “(2) Any immigration judge who meets the age
21 and service requirements set forth in the following
22 table may retire:

“The immigration judge has at-	And the years of service as an
tained age	immigration judge are at least:
65	15
66	14
67	13
68	12

“The immigration judge has attained age	And the years of service as an immigration judge are at least:
69	11
70	10.

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

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

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

14 “(4) Any immigration judge who becomes per-
15 manently disabled from performing his duties shall
16 retire.

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

18 “(1) retires under paragraph (1), (2), or (3) of
19 subsection (g) and elects under subsection (i) to re-
20 ceive retired pay under this subsection shall receive
21 retired pay during any period at a rate which bears
22 the same ratio to the rate of the salary payable to

1 an immigration judge during such period as the
2 number of years he has served as immigration judge
3 bears to 10; except that the rate of such retired pay
4 shall not be more than the rate of such salary for
5 such period; or

6 “(2) retires under paragraph (4) of subsection
7 (b) and elects under subsection (i) to receive retired
8 pay under this subsection shall receive retired pay
9 during any period at a rate—

10 “(A) equal to the rate of the salary pay-
11 able to an immigration judge during such pe-
12 riod if before he retired he had served as an im-
13 migration judge not less than 10 years; or

14 “(B) one-half of the rate of the salary pay-
15 able to an immigration judge during such pe-
16 riod if before he retired he had served as an im-
17 migration judge less than 10 years.

18 Such retired pay shall begin to accrue on the day following
19 the day on which his salary as immigration judge ceases
20 to accrue, and shall continue to accrue during the remain-
21 der of his life. Retired pay under this subsection shall be
22 paid in the same manner as the salary of an immigration
23 judge. In computing the rate of the retired pay under
24 paragraph (1) of this subsection for any individual who
25 is entitled thereto, that portion of the aggregate number

1 of years he has served as an immigration judge which is
2 a fractional part of 1 year shall be eliminated if it is less
3 than 6 months, or shall be counted as a full year if it
4 is 6 months or more. In computing the rate of the retired
5 pay under paragraph (1) of this subsection for any indi-
6 vidual who is entitled thereto, any period during which
7 such individual performs services under subsection (c) on
8 a substantially full-time basis shall be treated as a period
9 during which he has served as an immigration judge.

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

13 “(1) may be made only while an individual is an
14 immigration judge (except that in the case of an in-
15 dividual who fails to be reappointed as immigration
16 judge at the expiration of a term of office, it may
17 be made at any time before the day after the day
18 on which his successor takes office);

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

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

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

1 The chief judge shall transmit to the Office of Personnel
2 Management a copy of each notice filed with him under
3 this subsection.

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

7 “(1) 1-YEAR FORFEITURE FOR FAILURE TO
8 PERFORM JUDICIAL DUTIES.—If such individual
9 during any calendar year fails to perform judicial
10 duties required of him by section 603, such indi-
11 vidual shall forfeit all rights to retired pay under
12 subsection (d) for the 1-year period which begins on
13 the first day on which he so fails to perform such
14 duties.

15 “(2) SUSPENSION OF RETIRED PAY DURING PE-
16 RIOD OF COMPENSATED GOVERNMENT SERVICE.—If
17 such individual accepts compensation for civil office
18 or employment under the Government of the United
19 States (other than the performance of judicial duties
20 pursuant to section 603), such individual shall for-
21 feit all rights to retired pay under subsection (h) for
22 the period for which such compensation is received.

23 “(3) FORFEITURES OF RETIRED PAY UNDER
24 PARAGRAPH (1) NOT TO APPLY WHERE INDIVIDUAL
25 ELECTS TO FREEZE AMOUNT OF RETIRED PAY.—

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

3 “(i) paragraph (1) and section 603
4 shall not apply to such individual begin-
5 ning on the date such election takes effect,
6 and

7 “(ii) the retired pay under subsection
8 (h) payable to such individual for periods
9 beginning on or after the date such elec-
10 tion takes effect shall be equal to the re-
11 tired pay to which such individual would be
12 entitled without regard to this clause at
13 the time of such election.

14 “(B) ELECTION.—An election under this
15 paragraph—

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

20 “(ii) may be made only during the pe-
21 riod during which the individual may make
22 an election to receive retired pay or while
23 the individual is receiving retired pay, and

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

1 Such an election, once it takes effect, shall be
2 irrevocable.

3 “(C) WHEN ELECTION TAKES EFFECT.—

4 Any election under this paragraph shall take ef-
5 fect on the first day of the first month following
6 the month in which the election is made.

7 “(k) COORDINATION WITH CIVIL SERVICE RETIRE-
8 MENT.—

9 “(1) GENERAL RULE.—Except as otherwise
10 provided in this subsection, the provisions of the civil
11 service retirement laws (including the provisions re-
12 lating to the deduction and withholding of amounts
13 from basic pay, salary, and compensation) shall
14 apply in respect of service as an immigration judge
15 (together with other service as an officer or em-
16 ployee to whom such civil service retirement laws
17 apply) as if this section had not been enacted.

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

21 “(A) no annuity or other payment shall be
22 payable to any person under the civil service re-
23 tirement laws with respect to any service per-
24 formed by such individual (whether performed
25 before or after such election is filed and wheth-

1 er performed as immigration judge or other-
2 wise);

3 “(B) no deduction for purposes of the Civil
4 Service Retirement and Disability Fund shall be
5 made from retired pay payable to him under
6 subsection (h) or from any other salary, pay, or
7 compensation payable to him, for any period be-
8 ginning after the day on which such election is
9 filed; and

10 “(C) such individual shall be paid the
11 lump-sum credit computed under section
12 8331(8) of title 5, United States Code, upon
13 making application therefor with the Office of
14 Personnel Management.

15 “(I) RETIREMENT FOR DISABILITY.—

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

22 “(2) Whenever any immigration judge who be-
23 comes permanently disabled from performing his du-
24 ties does not retire or the appellate division, as ap-
25 plicable, and the President finds that such immigra-

1 tion judge is unable to discharge efficiently all the
2 duties of his office by reason of permanent mental
3 or physical disability and that the appointment of an
4 additional immigration judge is necessary for the ef-
5 ficient dispatch of business, the President or the ap-
6 pellate division, as applicable, shall declare such im-
7 migration judge to be retired.

8 “(m) REVOCATION OF ELECTION TO RECEIVE RE-
9 TIRED PAY.—

10 “(1) IN GENERAL.—Notwithstanding subsection
11 (e)(2), an individual who has filed an election to re-
12 ceive retired pay under subsection (h) may revoke
13 such election at any time before the first day on
14 which retired pay (or compensation under section
15 603 in lieu of retired pay) would (but for such rev-
16 ocation) begin to accrue with respect to such indi-
17 vidual.

18 “(2) MANNER OF REVOKING.—Any revocation
19 under this subsection shall be made by filing a no-
20 tice thereof in writing with the Director of the Office
21 of Personnel Management. The Office of Personnel
22 Management shall transmit to the chief judge a copy
23 of each notice filed under this subsection.

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

1 “(A) for purposes of this section, the indi-
2 vidual shall be treated as not having filed an
3 election to receive retired pay under subsection
4 (h),

5 “(B) no credit shall be allowed for any
6 service as an immigration judge unless with re-
7 spect to such service either there has been de-
8 ducted and withheld the amount required by
9 the civil service retirement laws or there has
10 been deposited in the Civil Service Retirement
11 and Disability Fund an amount equal to the
12 amount so required, with interest,

13 “(C) the Immigration Courts shall deposit
14 in the Civil Service Retirement and Disability
15 Fund an amount equal to the additional
16 amount it would have contributed to such Fund
17 but for the election under subsection (i), and

18 “(D) if subparagraph (C) is complied with,
19 service on the Immigration Courts shall be
20 treated as service with respect to which deduc-
21 tions and contributions had been made during
22 the period of service.

23 “(n) THRIFT SAVINGS PLAN.—

24 “(1) ELECTION TO CONTRIBUTE.—

1 “(A) IN GENERAL.—An immigration judge
2 may elect to contribute to the Thrift Savings
3 Fund established by section 8437 of title 5,
4 United States Code.

5 “(B) PERIOD OF ELECTION.—An election
6 may be made under this paragraph only during
7 a period provided under section 8432(b) of title
8 5, United States Code, for individuals subject to
9 chapter 84 of such title.

10 “(2) APPLICABILITY OF TITLE 5 PROVISIONS.—
11 Except as otherwise provided in this subsection, the
12 provisions of subchapters III and VII of chapter 84
13 of title 5, United States Code, shall apply with re-
14 spect to an immigration judge who makes an elec-
15 tion under paragraph (1).

16 “(3) SPECIAL RULES.—

17 “(A) AMOUNT CONTRIBUTED.—The
18 amount contributed by an immigration judge to
19 the Thrift Savings Fund in any pay period shall
20 not exceed the maximum percentage of such im-
21 migration judge’s basic pay for such period as
22 allowable under section 8440f of title 5, United
23 States Code. Basic pay does not include any re-
24 tired pay paid pursuant to this section.

1 “(B) CONTRIBUTIONS FOR BENEFIT OF
2 IMMIGRATION JUDGE.—No contributions may
3 be made for the benefit of an immigration judge
4 under section 8432(c) of title 5, United States
5 Code.

6 “(C) APPLICABILITY OF SECTION 8433(b)
7 OF TITLE 5 WHETHER OR NOT IMMIGRATION
8 JUDGE RETIRES.—Section 8433(b) of title 5,
9 United States Code, applies with respect to an
10 immigration judge who makes an election under
11 paragraph (1) and who either—

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

13 “(ii) ceases to serve as an immigra-
14 tion judge but does not retire under sub-
15 section (g).

16 Retirement under subsection (b) is a separation
17 from service for purposes of subchapters III
18 and VII of chapter 84 of that title.

19 “(D) APPLICABILITY OF SECTION
20 8351(b)(5) OF TITLE 5.—The provisions of sec-
21 tion 8351(b)(5) of title 5, United States Code,
22 shall apply with respect to an immigration
23 judge who makes an election under paragraph
24 (1).

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

12 **“SEC. 603. TEMPORARY IMMIGRATION JUDGES AND COURT**
13 **FACILITIES.**

14 “(a) IN GENERAL.—Subject to subsection (c), if the
15 administrative council determines, based on specific and
16 credible facts, that the current resources of the Immigra-
17 tion Courts are insufficient for the expeditious and effec-
18 tive administration of justice, the appellate division may
19 exercise its authority en banc to—

20 “(1) appoint temporary immigration trial
21 judges, which appointment shall be undertaken in a
22 manner consistent with the requirements of section
23 602, to the extent practicable;

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

1 “(3) establish temporary court facilities in des-
2 ignated geographic areas.

3 “(b) RECALL OF RETIRED JUDGES.—

4 “(1) ELIGIBILITY.—A retired immigration
5 judge may be recalled for service if the judge pro-
6 vides to the clerk of the Immigration Courts written
7 notice that the judge is willing to be recalled for
8 service in accordance with the terms of this sub-
9 section.

10 “(2) AUTHORITY OF RECALLED JUDGES.—An
11 immigration judge who is recalled to serve as an im-
12 migration appeals judge or immigration trial judge
13 may exercise all of the judicial powers and duties of
14 such judges in regular active service, except as spe-
15 cifically provided in this subtitle. Such judge shall
16 not be counted for purposes of section 601(b)(1) or
17 (c)(2).

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

23 “(4) EFFECT ON CIVIL SERVICE RETIRE-
24 MENT.—Except as provided in subsection (d), an im-
25 migration judge who is recalled for service who re-

1 tired under chapter 83 or 84 of title 5, United
2 States Code, shall be considered to be a reemployed
3 annuitant under that chapter. Nothing in this sub-
4 section affects the right of an immigration judge
5 who retired under chapter 83 or 84 of title 5, United
6 States Code, to serve as a reemployed annuitant in
7 accordance with the provisions of title 5, United
8 States Code.

9 “(c) REPORTING REQUIREMENTS.—

10 “(1) INITIAL REPORT.—Prior to exercising the
11 authority described in subsection (a), the appellate
12 division shall transmit a report to the Committee on
13 the Judiciary of the House of Representatives and
14 the Committee on the Judiciary of the Senate detail-
15 ing—

16 “(A) the specific and credible facts that led
17 to the determination that additional court re-
18 sources are required;

19 “(B) an assessment as to the number of
20 temporary immigration judges or court facilities
21 that are required; and

22 “(C) an estimate as to how long the appel-
23 late division expects the immigration judges or
24 court facilities described in subsection (a) to re-
25 main in place.

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

8 “(3) REDUCTION IN RESOURCES AND TERMI-
9 NATION.—

10 “(A) GRADUAL REDUCTION IN RE-
11 SOURCES.—The appellate division shall, exer-
12 cising its authority en banc in accordance with
13 section 601(b)(4), terminate the appointment of
14 individual temporary immigration judges and
15 close individual temporary court facilities as the
16 appellate division, in consultation with the ad-
17 ministrative council, determines they are no
18 longer required. For purposes of this subpara-
19 graph, section 602(g) does not apply.

20 “(B) TERMINATION.—All temporary immi-
21 gration judge appointments shall be rescinded
22 and all temporary court facilities closed upon
23 the earliest of—

24 “(i) the date that the appellate divi-
25 sion determines, in consultation with the

1 administrative council, that regular court
2 resources are sufficient to resume normal
3 court operations;

4 “(ii) the date that Congress directs
5 that such actions be taken by concurrent
6 resolution; or

7 “(iii) 210 days after the appellate di-
8 vision submits its initial report under para-
9 graph (1)(A), unless Congress extends
10 such 210-day period by law.

11 **“SEC. 604. JURISDICTION.**

12 “(a) APPELLATE DIVISION JURISDICTION.—

13 “(1) IN GENERAL.—The appellate division of
14 the Immigration Courts shall have jurisdiction
15 over—

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

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

22 “(C) original proceedings and appeals in
23 disciplinary matters concerning attorneys and
24 practitioners before the Immigration Courts.

1 “(2) SAVINGS CLAUSE.—In addition to the mat-
2 ters described in paragraph (1), the appellate divi-
3 sion shall have jurisdiction to hear and decide all
4 other matters over which the Board of Immigration
5 Appeals had authority on the day before the applica-
6 tion date described in section 6(a) of the Real
7 Courts, Rule of Law Act of 2026.

8 “(b) TRIAL DIVISION JURISDICTION.—

9 “(1) IN GENERAL.—The trial division of the
10 Immigration Courts shall have original jurisdiction
11 over—

12 “(A) removal proceedings as described in
13 sections 238 and 240;

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

16 “(C) review of credible fear determinations
17 under section 235 and reasonable fear deter-
18 minations for aliens subject to reinstated orders
19 of removal under section 241;

20 “(D) review of applications for asylum re-
21 ferred by the Secretary of Homeland Security
22 where the applicant is barred from being placed
23 in removal proceedings under section 240, and
24 referrals for protection under section 241(b)(3)
25 or the United Nations Convention Against Tor-

1 ture where the individual is not in removal pro-
2 ceedings and is barred from asylum under this
3 Act;

4 “(E) determinations relating to bond, cus-
5 tody, or the detention of any alien in the cus-
6 tody of the Department of Homeland Security;

7 “(F) determinations as to whether admin-
8 istrative actions arising from applications or pe-
9 titions filed by or on behalf of the alien and
10 that are pending during the course of the
11 alien’s removal proceedings under section 240
12 have been unlawfully withheld or unreasonably
13 delayed; and

14 “(G) disciplinary matters concerning attor-
15 neys and practitioners before the Immigration
16 Courts.

17 “(2) SAVINGS CLAUSE.—In addition to the mat-
18 ters described in paragraph (1), the trial division
19 shall have jurisdiction to hear and decide all other
20 matters over which immigration judges had author-
21 ity on the day before the application date described
22 in section 6(a) of the Real Courts, Rule of Law Act
23 of 2026.

1 **“Subtitle B—Procedure and**
2 **Appellate Review**

3 **“SEC. 621. PROCEEDINGS.**

4 “(a) TRIAL DIVISION PROCEEDINGS.—

5 “(1) IN GENERAL.—Except as provided in sec-
6 tion 604(a), all proceedings before the Immigration
7 Courts shall originate in the trial division. Pro-
8 ceedings before the trial division shall be heard and
9 decided by a single immigration trial judge, with
10 matters assigned to such judges in a manner deter-
11 mined by the appellate division.

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

15 “(A) record and receive evidence, admin-
16 ister oaths, examine and cross-examine wit-
17 nesses, set deadlines, and render findings of
18 fact and conclusions of law;

19 “(B) render decisions on respondents’
20 prima facie and discretionary eligibility for re-
21 lief from removal; and

22 “(C) order and take depositions, issue sub-
23 poenas requiring the attendance and testimony
24 of witnesses and the production of documents

1 or other evidence, and order responses to writ-
2 ten interrogatories.

3 “(b) APPELLATE DIVISION PROCEEDINGS.—

4 “(1) IN GENERAL.—Except as provided by rules
5 established by the appellate division, proceedings be-
6 fore the appellate division shall be heard and decided
7 by immigration appeals judges sitting in panels of
8 three such judges or en banc, and decisions shall be
9 made by majority vote. Any decision of a panel may
10 be reconsidered by the court sitting en banc.

11 “(2) PRECEDENCE IN APPELLATE DIVISION.—

12 The chief judge of the Immigration Courts shall
13 have precedence and preside at any session of the
14 appellate division that such judge attends. Other im-
15 migration appeals judges shall have precedence and
16 preside in the appellate division according to the se-
17 niority of their original commissions and, for judges
18 whose commissions bear the same date, according to
19 seniority in age.

20 “(c) CONTEMPT AUTHORITY.—

21 “(1) IN GENERAL.—Immigration judges shall
22 have the authority, to sanction by civil money pen-
23 alty, any individual whose action or inaction ob-
24 structs the administration of justice or is otherwise

1 in contempt of the lawful authority of such judge or
2 the Immigration Courts.

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

7 “(d) ASSISTANCE TO THE COURT.—The Immigration
8 Courts shall have such assistance in carrying out its lawful
9 writ, process, order, rule, decree, or command, including
10 nationwide service of a subpoena, as is available to a court
11 of the United States, as that term is defined in section
12 451 of title 28, United States Code. The United States
13 marshal for a district in which the immigration trial judge
14 is sitting shall, if requested by the presiding judge, attend
15 any court proceeding in that district, and may otherwise
16 provide, when requested by the chief trial judge of that
17 immigration trial court, for the security of the immigra-
18 tion trial court, including the personal protection of
19 judges, court officers, witnesses, and other threatened per-
20 sons in the interests of justice, where criminal intimidation
21 impedes on the functioning of the judicial process or any
22 other official proceeding. The United States Marshals
23 Service retains final authority regarding security require-
24 ments for the Immigration Courts.

25 “(e) OPINIONS AND ORDERS.—

1 “(1) IN GENERAL.—Opinions and orders shall
2 be issued in accordance with rules promulgated by
3 the appellate division, except that decisions on the
4 merits of an application or request for relief from re-
5 moval rendered by the trial division or the appellate
6 division shall, to the greatest extent practicable, be
7 issued in the form of a written opinion and shall in-
8 clude an analysis of the facts of the case and the
9 legal reasoning for the decision.

10 “(2) PRECEDENTS.—Unless subsequently modi-
11 fied or reversed by the appellate division, the court
12 of appeals for the respective judicial circuit, or the
13 Supreme Court, precedent decisions of the appellate
14 division shall be binding on all immigration judges
15 and all officers and employees of executive agencies
16 (as defined in section 105 of title 5, United States
17 Code) with powers, functions, and duties under this
18 Act and other laws relating to the immigration and
19 naturalization of aliens.

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

1 **“SEC. 622. IMMIGRATION COURTS RULES OF PRACTICE AND**
2 **PROCEDURE.**

3 “(a) IN GENERAL.—Exercising its en banc authority,
4 the appellate division shall promulgate rules of practice
5 and procedure before the trial division and the appellate
6 division, including—

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

9 “(A) provide for the admission of qualified
10 attorneys to practice before the Immigration
11 Courts and, as appropriate, for the admission of
12 qualified non-attorney representatives;

13 “(B) prescribe standards of practice and
14 professional conduct, which shall apply to all at-
15 torneys and practitioners that appear before the
16 Immigration Courts; and

17 “(C) provide for disciplinary proceedings
18 before the Immigration Courts for attorneys
19 and practitioners who do not comply with the
20 standards described in subparagraph (B);

21 “(2) rules governing the exercise of the appel-
22 late division’s en banc authority over adjudicative
23 matters, including decisions of an appellate division
24 panel;

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

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

7 “(5) rules governing the use of video teleconfer-
8 encing technology or other similar technologies, with
9 a presumption against the use of video teleconfer-
10 encing in proceedings where the alien’s eligibility for
11 relief from removal is being evaluated, unless re-
12 quested by the alien;

13 “(6) procedures, consistent with section
14 602(f)(2) for receiving, investigating, and resolving
15 complaints regarding the conduct of immigration
16 judges; and

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

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

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

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

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

5 “(c) IMMIGRATION COURT FEES.—

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

13 “(2) WAIVER.—Rules promulgated by the ap-
14 pellate division shall include procedures under which
15 any such fee may be waived in the case of financial
16 hardship.

17 “(d) PUBLICATION OF RULES AND FEES.—The ad-
18 ministrative division shall maintain a public website that
19 contains or consolidates current information on all rules
20 and fees of the Immigration Courts, including all local
21 rules established under this subsection.

22 **“SEC. 623. REPRESENTATION OF PARTIES AND OTHER AS-**
23 **SISTANCE.**

24 “(a) RIGHT TO COUNSEL.—In any proceeding before
25 the Immigration Courts, the person or party concerned

1 shall have the privilege of being represented (at no expense
2 to the Government) by such counsel, authorized to practice
3 before the Immigration Courts, of their own choosing.

4 “(b) INTERPRETERS.—The Immigration Courts shall
5 establish a program to ensure the use of qualified inter-
6 preters in proceedings before the Immigration Courts.

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

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

15 “(a) PUBLICATION OF PRECEDENT DECISIONS.—
16 Precedent decisions of the appellate division shall be pub-
17 lished in such form and manner as may be best adapted
18 for public information and use.

19 “(b) PUBLICATION OF NON-PRECEDENT DECISIONS
20 AND RECORDS.—

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

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

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

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

16 “(1) consider de novo all constitutional claims
17 and questions of law; and

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

21 “(b) TRIAL DIVISION PROCEEDINGS.—The decision
22 of an immigration trial judge shall be based only on the
23 evidence produced at the hearing and shall set forth the
24 judge’s findings of fact, reasoning to support discretionary

1 determinations, and conclusions of law. Immigration trial
2 judges may take judicial notice of commonly known facts.

3 “(c) REVIEW BY APPELLATE DIVISION.—

4 “(1) IN GENERAL.—In considering an appeal
5 from an immigration trial judge decision, the appel-
6 late division shall limit its review to the scope of
7 issues raised on appeal and shall conduct its review
8 of the decision based on the record of proceedings of
9 the trial division.

10 “(2) FACT FINDING.—Aside from taking judi-
11 cial notice of commonly known facts, the appellate
12 division shall not engage in fact finding in consid-
13 ering an appeal of an immigration trial judge deci-
14 sion, and shall defer to the factual findings of the
15 immigration trial judge unless such findings are
16 challenged and determined to be clearly erroneous.

17 “(d) REVIEW BY THE UNITED STATES COURTS OF
18 APPEALS.—A decision of the appellate division may be ap-
19 pealed by a party to such proceeding and reviewed by the
20 United States court of appeals for the judicial circuit
21 wherein venue lies, in accordance with section 242, as ap-
22 plicable. If the Government appeals a decision pursuant
23 to this subsection, and the court finds that the alien party
24 to such appeal is financially unable to obtain adequate rep-
25 resentation, representation for such alien shall be provided

1 through the plan for representation on appeal that is in
2 effect under section 3006A of title 18, United States
3 Code.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 at the beginning of the Immigration and Nationality Act
6 (8 U.S.C. 1101 et seq.) is amended by adding at the end
7 the following new items:

“TITLE VI—UNITED STATES IMMIGRATION COURTS

“Subtitle A—Organization and Jurisdiction

“Sec. 601. Establishment and structure.

“Sec. 602. Immigration appeals judges and trial judges.

“Sec. 603. Temporary immigration judges and court facilities.

“Sec. 604. Jurisdiction.

“Subtitle B—Procedure and Appellate Review

“Sec. 621. Proceedings.

“Sec. 622. Immigration courts rules of practice and procedure.

“Sec. 623. Representation of parties and other assistance.

“Sec. 624. Availability of information.

“Sec. 625. Scope of review and appeals.”.

8 **SEC. 2. EMPLOYEES.**

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

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

1 (c) OTHER COURT STAFF.—The clerk of the court
2 and the chief administrative officer may appoint deputies
3 and employees, in such numbers as the appellate division
4 approves, without regard to the provisions of title 5,
5 United States Code, governing appointments in the com-
6 petitive service.

7 (d) STAFF SALARIES.—The appellate division may fix
8 and adjust the rates of basic pay for the clerk, the chief
9 administrative officer, and other employees of the Immi-
10 gration Courts without regard to the provisions of chapter
11 51, subchapter III of chapter 53, or section 5373 of title
12 5, United States Code. To the maximum extent feasible,
13 such employees shall be compensated at rates consistent
14 with those for employees holding comparable positions in
15 the judicial branch.

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

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

1 **SEC. 3. BUDGET AND EXPENDITURES.**

2 (a) COURT BUDGET.—For each fiscal year, the budg-
3 et of the Immigration Courts shall be established by the
4 Immigration Courts, without review or modification by the
5 executive branch, and shall be included in the budget of
6 the President as submitted.

7 (b) PERMISSIBLE COURT EXPENDITURES.—

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

15 (2) The Immigration Courts may receive and
16 expend funds appropriated to the Courts for pur-
17 poses of paragraph (1) either—

18 (A) directly, or

19 (B) by transfer to—

20 (i) the Director of the Administrative
21 Office of the United States Courts,

22 (ii) another court established under
23 article I of the Constitution, or

24 (iii) an executive agency as defined in
25 section 105 of title 5, United States Code,

1 to cover the expense of such administrative support
2 and guidance (including budgetary and financial,
3 payroll and personnel, protective and security, rec-
4 ordkeeping and statistical, and information tech-
5 nology services) as the Court may request and the
6 Director, court, or agency may agree to provide from
7 time to time.

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

12 **SEC. 4. ANNUAL REPORT.**

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

19 (b) CONTENTS.—The report described in subsection
20 (a) shall contain—

21 (1) demographic information, including the age,
22 gender, and nationality of respondents appearing be-
23 fore the Immigration Courts, and rates at which
24 such respondents are represented by counsel;

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

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

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

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

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

16 **SEC. 5. APPLICATION DATE; TRANSITIONAL PROVISIONS.**

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

22 (1)(A) the first day of the first full fiscal year
23 after the date of the enactment of this Act, if such
24 date is 180 days or more after the date of enact-
25 ment of this Act; or

1 (B) the first day of the second full fiscal year
2 after the date of the enactment of this Act, if the
3 first day of the first full fiscal year after the date
4 of enactment of this Act is less than 180 days after
5 the date of enactment of this Act; and

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

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

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

16 (2) INTERIM IMMIGRATION TRIAL JUDGES.—

17 (A) IN GENERAL.—Each individual serving
18 as an immigration judge in the Executive Office
19 for Immigration Review on the date that is the
20 day before the application date of this Act shall
21 become an interim immigration trial judge.

22 (B) AUTHORITY OF INTERIM IMMIGRATION
23 TRIAL JUDGES.—Interim immigration judges
24 shall have the authority to exercise all powers
25 of an immigration trial judge as provided in

1 title VI of the Immigration and Nationality Act
2 (8 U.S.C. 601 et seq.).

3 (C) TERM OF SERVICE.—An interim immi-
4 gration trial judge may serve until the transi-
5 tion period has ended and a successor is ap-
6 pointed, or for a period not to exceed 5 years,
7 whichever is shorter. An otherwise qualified in-
8 terim judge may be appointed as an immigra-
9 tion trial judge.

10 (D) CREDIT AND ELIGIBILITY FOR BENE-
11 FITS.—Service as an interim immigration trial
12 judge shall be included in the same manner as
13 service as an immigration trial judge for pur-
14 poses of calculating service credit, retirement
15 eligibility, and disability.

16 (E) SEPARATION.—Nothing in this Act or
17 the amendments made by this Act may be con-
18 strued to—

19 (i) preclude an interim immigration
20 trial judge who is not appointed for a term
21 appointment by the appellate division
22 under section 601(c)(2) of the Immigration
23 and Nationality Act, as added by this Act,
24 from eligibility for appointment as an ad-
25 ministrative judge, administrative law

1 judge, and for attorney positions in agen-
2 cies throughout the Federal Government;
3 or

4 (ii) make an interim immigration
5 judge described in clause (i) ineligible for
6 early retirement pursuant to section
7 8336(d)(2)(D) or 8414(b)(1)(B) of title 5,
8 United States Code.

9 (c) FIRST APPOINTMENTS TO THE UNITED STATES
10 IMMIGRATION COURTS.—

11 (1) APPELLATE DIVISION.—

12 (A) IN GENERAL.—Notwithstanding sec-
13 tion 601(b)(2)(B) of the Immigration and Na-
14 tionality Act as added by this Act, the first 21
15 immigration appeals judges appointed shall
16 serve for the following terms:

17 (i) The terms of the first 7 immigra-
18 tion appeals judges appointed shall termi-
19 nate on the date that is 5 years after the
20 date described in subsection (a).

21 (ii) The terms of the next 7 immigra-
22 tion appeals judges appointed after the
23 judges referred to in clause (i) shall termi-
24 nate on the date that is 10 years after the
25 date described in subsection (a).

1 (iii) The terms of the next 7 immigra-
2 tion appeals judges appointed after the
3 judges referred to in clause (ii) shall termi-
4 nate on the date that is 15 years after the
5 date described in subsection (a).

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

13 (2) TRIAL DIVISION.—Not later than 180 days
14 before the transition period has ended, the appellate
15 division shall establish procedures and requirements
16 related to the appointment of immigration trial
17 judges.

18 (3) CLARIFICATION.—Notwithstanding para-
19 graphs (1) and (2) and section 601 of the Immigra-
20 tion and Nationality Act, as added by this Act, any
21 individual appointed to fill an immigration trial
22 judge vacancy during the transition period described
23 in subsection (b)(1) shall serve only until the transi-
24 tion period has ended and until a successor is ap-
25 pointed in accordance with section 602 of the Immi-

1 gration and Nationality Act, but not more than 1
2 year after the end of the transition period.

3 (d) PRIOR SERVICE CREDIT.—

4 (1) IN GENERAL.—The period that a covered
5 immigration judge who elects to receive retired pay
6 under section 602 of the Immigration and Nation-
7 ality Act, as added by this Act, serves as a member
8 of the Board of Immigration Appeals, an immigra-
9 tion judge, or an administrative law judge in the Ex-
10 ecutive Office for Immigration Review of the Depart-
11 ment of Justice, shall be included, up to a maximum
12 of 5 years, in the service of such individual on the
13 Immigration Courts for purposes of computing the
14 years of service as an immigration judge.

15 (2) COVERED IMMIGRATION JUDGE DEFINED.—
16 In this subsection, the term “covered immigration
17 judge” means—

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

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

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

1 **SEC. 6. INSTITUTIONAL TRANSFER; CONTINUITY OF PRO-**
2 **CEEDINGS.**

3 (a) EXISTING PRECEDENT.—

4 (1) IN GENERAL.—Precedential decisions by the
5 Attorney General or the Board of Immigration Ap-
6 peals under title II of the Immigration and Nation-
7 ality Act (8 U.S.C. 1151 et seq.) that were issued
8 before the application date of this Act shall continue
9 to serve as precedent in proceedings before the Im-
10 migration Courts unless explicitly overruled by such
11 court.

12 (2) RULES.—To the extent that such rules are
13 consistent with this Act, the rules of the Attorney
14 General that were in effect before the application
15 date of this Act, shall remain in effect until amend-
16 ed or revoked by the appellate division.

17 (b) INSTITUTIONAL TRANSFER.—

18 (1) EXECUTIVE OFFICE FOR IMMIGRATION RE-
19 VIEW.—

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

26 (B) EXCEPTIONS.—

1 (i) OCAHO.—The Office of the Chief
2 Administrative Hearing Officer and the
3 functions of the Executive Office for Immi-
4 gration Review that support such office
5 shall remain under the Department of Jus-
6 tice.

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

15 (2) TRANSFER AND ALLOCATION OF APPRO-
16 PRIATIONS AND PERSONNEL.—Except as provided in
17 this section, the personnel of the Executive Office
18 for Immigration Review employed in connection with
19 the functions transferred by this section, and the as-
20 sets, liabilities, contracts, property, records, and un-
21 expended balance of appropriations, authorizations,
22 allocations, and other funds employed, held, used,
23 arising from, available to, or to be made available to,
24 the Executive Office for Immigration Review, in con-
25 nection with the functions transferred by this sec-

1 tion, subject to section 202 of the Budget and Ac-
2 counting Procedures Act of 1950, shall be trans-
3 ferred to the Immigration Courts on the application
4 date of this Act. Unexpended funds transferred pur-
5 suant to this paragraph shall be used only for the
6 purposes for which the funds were originally author-
7 ized and appropriated.

8 (3) PENDING CASES.—

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

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

1 **SEC. 7. REVIEW BY THE JUDICIAL CONFERENCE; CON-**
2 **SULTATION REQUIREMENTS.**

3 The Judicial Conference of the United States shall
4 conduct a review of adjudications in the United States Im-
5 migration Courts at least once every 4 years, as part of
6 its comprehensive survey of business in the courts of the
7 United States conducted pursuant to title 28, section 331.
8 At the conclusion of its review, the Judicial Conference
9 shall submit a report of its findings to the appellate divi-
10 sion and the Committee on the Judiciary of the House
11 of Representatives and the Committee on the Judiciary
12 of the Senate. The Committees shall cause to have such
13 report printed in the Congressional Record.

14 **SEC. 8. TECHNICAL AND CONFORMING PROVISIONS.**

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

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

19 “(4) The term ‘immigration judge’ means an immi-
20 gration appeals judge or immigration trial judge appointed
21 to serve in the United States Immigration Courts estab-
22 lished under title VI.”;

23 (2) in section 238(a)(1)—

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

1 (B) by striking “Service” and inserting
2 “Department of Homeland Security”;

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

6 (4) in section 238(a)(3)—

7 (A) by amending subparagraph (A) to read
8 as follows:

9 “(A) Notwithstanding any other provision of law, in
10 the case of any alien convicted of an aggravated felony,
11 removal proceedings, and any administrative appeals
12 thereof, shall be completed, to the extent possible, before
13 the alien’s release from incarceration for the underlying
14 aggravated felony.”; and

15 (B) in subparagraph (B), by striking “At-
16 torney General” and inserting “Secretary of
17 Homeland Security”;

18 (5) in section 238(a)(4)(A) by striking “Attor-
19 ney General” each place it appears and inserting
20 “administrative council of the Immigration Courts”;

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

23 (7) in section 238(b)(3)—

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

1 (B) by striking “apply for” and inserting
2 “seek”;

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

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

6 “(A) the alien shall—

7 “(i) be given reasonable notice of the
8 charges and of the opportunity described
9 in subparagraph (C);

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

15 “(iii) have a reasonable opportunity to
16 inspect the evidence and rebut the charges;
17 and

18 “(B) the immigration judge shall ensure
19 that—

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

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

3 (9) in section 238(b)(5)—

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

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

8 (10) by redesignating the second subsection (c)
9 of section 238 as subsection (d) and in the newly
10 designated subsection (d)—

11 (A) by striking “Commissioner” in each
12 place such term appears and inserting “Sec-
13 retary of Homeland Security”;

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

17 (C) by striking “Service” in paragraph
18 (2)(A) and inserting “Secretary of Homeland
19 Security”;

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

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

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

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

5 (15) in section 240(b)—

6 (A) by striking paragraphs (1) and (6);

7 (B) by redesignating paragraphs (2)
8 through (5) as paragraphs (1) through (4), re-
9 spectively;

10 (C) by redesignating paragraph (7) as
11 paragraph (5);

12 (D) by amending paragraph (1) as redesign-
13 ated by this paragraph to read as follows:

14 “(1) FORM OF PROCEEDING.—The proceeding
15 may take place—

16 “(A) in person; or

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

19 (E) in paragraph (2) as redesignated by
20 this paragraph, by striking “Attorney General”
21 and inserting “immigration judge”;

22 (F) in paragraph (3) as redesignated by
23 this paragraph—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “, under regulations
3 of the Attorney General”; and

4 (ii) in subparagraph (A) by striking “,
5 at no expense to the Government, by coun-
6 sel of the alien’s choosing who is author-
7 ized to practice in such proceedings” and
8 inserting “in accordance with section
9 623(a)”; and

10 (G) in paragraph (4)(A) as redesignated
11 by this paragraph—

12 (i) by striking “Service” and inserting
13 “Government”; and

14 (ii) by amending the last sentence to
15 read as follows: “Written notice shall be
16 considered sufficient for purposes of this
17 subparagraph if provided at the most re-
18 cent address provided under section
19 239(a)(1)(F).”;

20 (16) in section 240(c)(2), in the matter fol-
21 lowing subparagraph (B), by striking “Attorney
22 General” and inserting “Secretary of Homeland Se-
23 curity”;

24 (17) in section 240(c)(3)—

1 (A) by striking “SERVICE” in the heading
2 and inserting “GOVERNMENT”; and

3 (B) by striking “Service” in each place
4 such term appears and inserting “Govern-
5 ment”;

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

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

9 (B) by striking “Immigration and Natu-
10 ralization Service” and inserting “Secretary of
11 Homeland Security”;

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

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

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

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

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

1 (22) in section 242(a)(2)(B)(ii), by striking
2 “Attorney General” each place it appears and insert-
3 ing “the appellate division of the Immigration
4 Courts”;

5 (23) in section 242(a), by adding at the end the
6 following:

7 “(6) VENUE.—For purposes of judicial review
8 under this section and section 625(d), the venue of
9 a proceeding before the court of appeals is in the ju-
10 dicial circuit in which—

11 “(A) an immigration trial judge of the Im-
12 migration Court issued the original underlying
13 decision in the matter; or

14 “(B) the underlying administrative action
15 reviewed by the appellate division of the Court
16 occurred.”;

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

19 (25) in section 242(b)(3)(A)—

20 (A) by striking “Attorney General” in the
21 first sentence and inserting “United States”;
22 and

23 (B) by amending the second sentence to
24 read as follows: “The petition shall be served on
25 the Attorney General and on the officer or em-

1 ployee of the Department of Homeland Security
2 in charge of the district in which the final order
3 of removal under section 240 was entered.”;

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

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

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

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

14 (30) in section 242(g) by striking “Attorney
15 General” and inserting “Secretary of Homeland Se-
16 curity”; and

17 (31) in section 246(a)—

18 (A) by striking “Attorney General” each
19 place it appears and inserting “Secretary of
20 Homeland Security”; and

21 (B) by striking the second sentence and in-
22 serting the following: “Upon request of the indi-
23 vidual whose status has been rescinded, the
24 Secretary of Homeland Security shall refer such
25 rescission to the United States Immigration

1 Courts for review in accordance with section
2 604(b)(1)(B).”.

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

7 (1) to the Board of Immigration Appeals or an
8 immigration judge, or any administrative appeal,
9 hearing, review, or other proceeding before such
10 Board or judge, shall be deemed to refer, as appro-
11 priate, to the United States Immigration Courts es-
12 tablished under title VI of the Immigration and Na-
13 tionality Act, as added by this Act, to the appro-
14 priate division of the Court, or to the corresponding
15 proceedings under this Act before such Court; and

16 (2) to the authority of the Attorney General to
17 prescribe rules with respect to the Executive Office
18 for Immigration Review, the Board of Immigration
19 Appeals, immigration judges, or administrative ap-
20 peals, hearings, reviews, or other proceedings con-
21 ducted under the Immigration and Nationality Act,
22 by such Office, Board, or judges, shall be deemed to
23 confer rulemaking authority on the appellate division
24 of the United States Immigration Courts established

1 in title VI of the Immigration and Nationality Act,
2 as added by this Act.

3 (c) FINANCIAL DISCLOSURE REPORTING.—Section
4 109 of the Ethics in Government Act of 1978 (5 U.S.C.
5 App.) is amended—

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

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

