

Congress of the United States
Washington, DC 20510

March 28, 2025

The Honorable Pam Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Bondi:

We write with great concern regarding the Executive Office for Immigration Review's (EOIR) decision to fire numerous immigration judges as the immigration courts face a staggering backlog of cases and a likely influx of new cases pursuant to President Trump's mass-deportation agenda.

On February 14, 2025, EOIR abruptly terminated 20 immigration judges via email without prior notice or stated cause, including 13 judges who had not yet been sworn in and seven of EOIR's approximately 40 assistant chief immigration judges (ACIJJs).¹ Additionally, EOIR removed nine Board of Immigration Appeals (BIA) members, all of whom were appointed during the Biden Administration.² These removals followed the termination of four individuals in senior EOIR leadership positions.³

The termination of the ACIJJs left roughly 25 percent of immigration courts without appropriate or established leadership or additional judges to preside over immigration matters.⁴ The fired ACIJJs oversaw 18 of the 71 immigration courts and supervised 135 of approximately 700 immigration judges and over 400 staff members.⁵ They played key roles in ensuring immigration judges under their supervision adjudicated cases properly and efficiently. These changes will lessen the quality of immigration case decisions and the speed at which immigration cases are adjudicated.

¹ Elliot Spagat, *Trump Justice Department Fires 20 immigration judges from backlogged courts*, L.A. TIMES (Feb. 15, 2025), <https://www.latimes.com/world-nation/story/2025-02-15/trump-justice-department-fires-20-immigration-judges>; Terminated Assistant Chief Immigration Judge Briefing to Senate Judiciary Committee Staff (Mar. 4, 2025) ("ACIJ Briefing").

² Britain Eakin, *Trump Admin to Nearly Halve Immigration Appeals Board*, LAW360 (Feb. 20, 2025), <https://www.law360.com/articles/2300903/trump-admin-to-nearly-halve-immigration-appeals-board>.

³ Julia Ainsley, *Trump fired four top immigration court officials hours after taking office*, NBC News (Jan. 21, 2025), <https://www.nbcnews.com/politics/immigration/trump-fired-four-top-immigration-court-officials-hours-taking-office-rcna188637> (the chief immigration judge, the acting director, the general counsel, and the head of policy were terminated).

⁴ ACIJ Briefing.

⁵ ACIJ Briefing (the 18 courts now without ACIJ leadership are 1) New Orleans Court; 2) Baton Rouge Court (set to open in April 2025); 3) Annandale Court; 4) Falls Church Adjudication Center; 5) Richmond Adjudication Center; 6) Fort Worth, Texas Adjudication Center; 7) El Paso Immigration Court; 8) El Paso Detained Court; 9) Otero Detained Court; 10) Houston-Jefferson St. Court; 11) Houston-S. Gessner Road Court; 12) Batavia Court; 13) Buffalo Court; 14) Hartford Court; 15) Ulster Court; 16) San Diego Court; 17) Honolulu Court; and 18) Saipan Court).

There have been valid criticisms in the past regarding the politicized hiring of immigration judges. Under President George W. Bush's Administration, Attorney General Alberto Gonzales improperly considered political affiliations when selecting immigration judges.⁶ In addition, under the first Trump Administration, Attorney General Jeff Sessions changed the hiring process to quickly add six new BIA members who were immigration judges with among the highest asylum denial rates in the country.⁷ There is no indication, however, that the hiring process for the recently fired immigration judges and ACIJs was politicized. The immigration judges and ACIJs had varied backgrounds and had previously worked as ICE attorneys, prosecutors, DHS officials, and members of the private immigration bar.⁸ In addition, two of the fired ACIJs are veterans; one is a disabled veteran, and the other is a combat veteran with a pending disability claim.⁹

The decision to terminate these experienced ACIJs is particularly baffling, given the immense pressure the immigration courts are under to adjudicate roughly 3.6 million immigration cases.¹⁰ A recent analysis found that 700 additional immigration judges would be needed to clear the case backlog by FY2032.¹¹ The absence of experienced ACIJs will impact immigration court dockets, in particular by further contributing to backlogs at courts with priority dockets, such as the detained dockets, juvenile dockets, Family Expedited Removal Management (FERM) dockets, and credible fear dockets.¹² The firings also will directly impact the Migration Protection Protocols (MPP) docket, a purported priority of the Trump Administration, which has commenced at the San Diego and El Paso courts.¹³ The two ACIJs with the most experience managing the MPP docket were among those fired.¹⁴

EOIR terminated the ACIJs with no warning, and in at least one case, an ACIJ received the termination email during an asylum hearing and had to abruptly depart the hearing, leaving

⁶ *An Investigation of Allegations of Politicized Hiring by Monica Goodling and Other Staff in the Office of the Attorney General*, OFF. OF INSPECTOR GEN., U.S. DEP'T OF JUSTICE (Jul. 28, 2008), <https://oig.justice.gov/sites/default/files/legacy/special/s0807/final.pdf>; Tal Kopan, *AG William Barr Promotes Immigration Judges with High Asylum Denial Rates*, SAN FRANCISCO CHRON. (Aug. 23, 2019), <https://www.sfchronicle.com/politics/article/AG-William-Barr-promotes-immigration-judges-with-14373344.php>.

⁷ Tanvi Misra, *DOJ changed hiring to promote restrictive immigration judges*, ROLL CALL (Oct. 29, 2019), <https://rollcall.com/2019/10/29/doj-changed-hiring-to-promote-restrictive-immigration-judges/>; see also Letter from Rep. Elijah M. Cummings, *et al.*, to Attorney General Jeff Sessions (Apr. 17, 2018), <https://immpolicytracking.org/policies/reports-of-allegations-that-doj-blocks-hiring-of-ijs-based-on-ideological-and-political-considerations/#/tab-policy-documents> (highlighting whistleblower allegations that Attorney General Sessions blocked hiring of immigration judges based on political or ideological views).

⁸ See, e.g., *EOIR Announces 18 New Judges and 6 New Appellate Immigration Judges*, DEP'T OF JUSTICE, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (Nov. 6, 2024), <https://www.justice.gov/eoir/media/1376266/dl?inline>; ACIJ Briefing.

⁹ ACIJ Briefing.

¹⁰ *Executive Office for Immigration Review Statistics: Pending Cases, New Cases, and Total Completions*, DEP'T OF JUSTICE, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (Jan. 16, 2025), <https://www.justice.gov/eoir/media/1344791/dl?inline> (recording 3,599,819 active cases in first quarter of 2025); see also *FY2024 EOIR Immigration Court Data: Caseloads and the Pending Cases Backlog*, CONGRESSIONAL RESEARCH SERVICE (Jan. 24, 2025), <https://crsreports.congress.gov/product/pdf/IN/IN12492>.

¹¹ *Immigration Judge Hiring and Project Impact on the Immigration Courts Backlog*, CONGRESSIONAL RESEARCH SERVICE at 6 (July 28, 2023), <https://crsreports.congress.gov/product/pdf/R/R47637>.

¹² ACIJ Briefing.

¹³ *Id.*

¹⁴ *Id.* They helped manage the MPP docket by leading training, guidance, and implementation efforts, while assisting with hearings and ensuring proper monitoring and reporting of the MPP program.

the status of the case unclear.¹⁵ The termination emails did not cite any legal provision or basis for the removals, stating only that the ACIJ's "employment was no longer in the best interest of the agency."¹⁶ Like the EOIR leadership terminated shortly after President Trump took office,¹⁷ the ACIJ's who were fired apparently had no conduct or performance issues prior to their termination.¹⁸

EOIR also forced out every BIA member appointed during the Biden Administration through threats of demotion or reduction in force notices. This occurred despite the governing regulation stating the BIA shall consist of 28 members.¹⁹ Reducing the size of the BIA from 28 to 15 members will have practical repercussions on the Board's caseload and quality of decisions.²⁰

Further jeopardizing the immigration courts' ability to address the case backlog are EOIR's efforts to reduce the overall size of the EOIR workforce. According to the union representing immigration judges, about 85 immigration court professionals, including 18 judges, accepted the Trump Administration's deferred resignation offer or early retirement.²¹

Despite the impact on adjudications and court efficiency, it appears EOIR leadership may continue to fire immigration judges. Acting Director Owen recently issued a memo stating that EOIR may decline in the future to recognize restrictions for removing "inferior officers," including the director, deputy director, all immigration judges, all appellate immigration judges, all administrative law judges, the chief administrative hearing officer, the general counsel, and the assistant director for policy.²² Another memo indicated that EOIR could not be "confident" that judges hired during the Biden Administration were hired in a "merit-based" and "appropriate" manner.²³ Alarming, the Trump Administration also has not indicated any plans to replace the recently fired judges—a process that requires intensive training that can take upwards of one year.²⁴

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Julia Ainsley, *Trump fired four top immigration court officials hours after taking office*, NBC News (Jan. 21, 2025), <https://www.nbcnews.com/politics/immigration/trump-fired-four-top-immigration-court-officials-hours-taking-office-rcna188637>.

¹⁸ ACIJ Briefing.

¹⁹ See 8 C.F.R. § 1003.1(a)(1).

²⁰ Britain Eakin, *Trump Admin to Nearly Halve Immigration Appeals Board*, LAW360 (Feb. 20, 2025), <https://www.law360.com/articles/2300903/trump-admin-to-nearly-halve-immigration-appeals-board> (When the George W. Bush Administration whittled down the BIA to twelve members, staff attorneys filled in to manage the case load and the quality of the decisions significantly declined.).

²¹ Russell Contreras, *Nearly 100 Immigration Court Staff Retiring, Resigning Amid Swelling Backlog*, AXIOS (Mar. 7, 2025), <https://www.axios.com/2025/03/07/immigration-court-staff-retire-resign-backlog>; Eileen Sullivan, *Immigration Judges and Court Staff Take Payout Offers to Leave*, N.Y. TIMES (Mar. 6, 2025), <https://www.nytimes.com/2025/03/06/us/politics/immigration-judges-payouts-trump.html>.

²² Dep't of Justice, Executive Office for Immigration Review Memorandum from Acting Director Sirce E. Owen to EOIR regarding "Clarify[ing] EOIR's position regarding removal restrictions on its inferior officer positions," at 1 (Feb. 21, 2025), <https://www.justice.gov/eoir/media/1390441/dl?inline> (citing Article II of the Constitution to define "interior officers" as those directed by "principal officers").

²³ Dep't of Justice, Executive Office for Immigration Review Memorandum from Acting Director Sirce E. Owen to EOIR regarding "Re-establish[ing] consistent and lawful practices regarding EOIR adjudicator personnel matters," at 9 (Feb. 28, 2025), <https://www.justice.gov/eoir/media/1391456/dl?inline>.

²⁴ *Immigration Judge Hiring and Project Impact on the Immigration Courts Backlog*, CONGRESSIONAL RESEARCH SERVICE at 4 (July 28, 2023), <https://crsreports.congress.gov/product/pdf/R/R47637>.

We call on you to respond to the following questions at your earliest possible convenience, and no later than April 11, 2025.

1. Between January 20, 2025 and the date of the Department's response to this letter, please provide the number of people in the following positions that have been dismissed, fired, reassigned, or otherwise let go, including by resignation or accepting an early retirement:
 - a. Immigration judges;
 - b. ACIJs;
 - c. BIA members; and
 - d. Immigration court staff, including legal assistants, attorneys, and administrative staff.
2. What are the locations of the immigration courts where the departed personnel, including immigration judges, ACIJs, and immigration court staff, were located?
3. Please provide the individual justifications, including indications of bias or impropriety, for the removal of immigration judges, ACIJs, and BIA members between January 21, 2025 and the date of the Department's response to this letter?
4. What is your plan to hire immigration court staff, immigration judges, and ACIJs by the end of FY 2025 and by the end of FY 2026?
5. What is your plan to reduce the immigration court backlog? As part of that plan, have you conducted any assessment regarding how reducing immigration court staff and immigration judges will impact the backlog of cases?
6. What is your plan to apply expedited removal to people currently in removal proceedings under section 240 of the Immigration and Nationality Act (INA)? Have you provided any related instructions to immigration judges to block terminations of cases where the individual has demonstrated prima facie eligibility for a benefit and has an application pending for relief under the INA?
7. How do you plan to reduce the number of BIA members through regulation?
8. What, if any, plans do you have to convert IJs and/or ACIJs to "Special Inquiry Officers"?

Thank you for your attention to this matter.

Sincerely,



Richard J. Durbin
United States Senator



Jamie Raskin
Ranking Member
House Committee on the
Judiciary



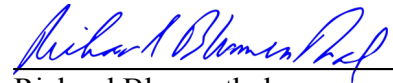
Alex Padilla
United States Senator



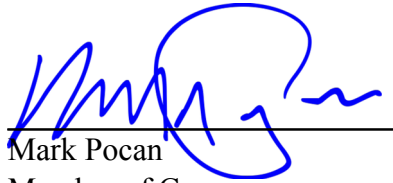
Pramila Jayapal
Ranking Member
Subcommittee on
Immigration Integrity,
Security, and Enforcement



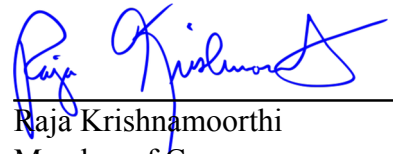
Eleanor Holmes Norton
Member of Congress



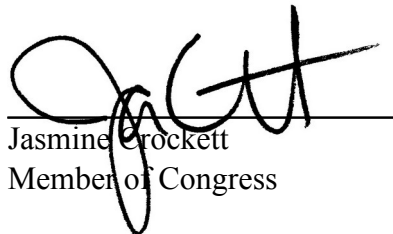
Richard Blumenthal
United States Senator




Mark Pocan
Member of Congress



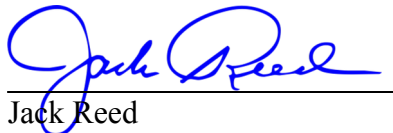
Raja Krishnamoorthi
Member of Congress



Jasmine Crockett
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Jack Reed
United States Senator



Andy Kim
United States Senator



James P. McGovern
Member of Congress



George Latimer
Member of Congress



Gerald E. Connolly
Member of Congress



Mary Gay Scanlon
Member of Congress



J. Luis Correa
Member of Congress



Catherine Cortez Masto
United States Senator



Chris Van Hollen
United States Senator



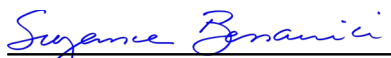
Dan Goldman
Member of Congress



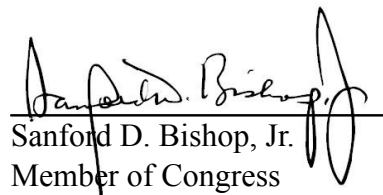
Adam B. Schiff
United States Senator



Nydia M. Velázquez
Member of Congress



Suzanne Bonamici
Member of Congress



Sanford D. Bishop, Jr.
Member of Congress



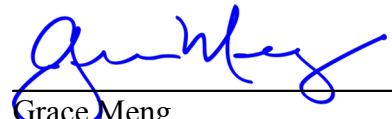
Betty McCollum
Member of Congress



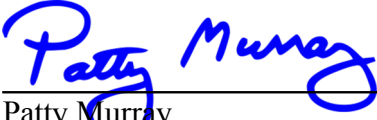
Frank Pallone, Jr.
Member of Congress



Ro Khanna
Member of Congress



Grace Meng
Member of Congress



Patty Murray
United States Senator



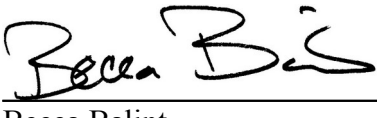
Elizabeth Warren
United States Senator



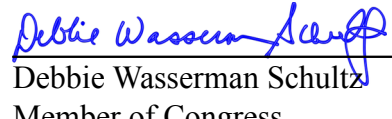
Jesús G. "Chuy" García
Member of Congress



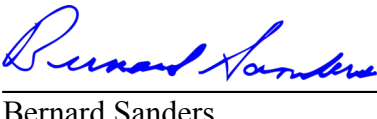
Jonathan L. Jackson
Member of Congress



Becca Balint
Member of Congress



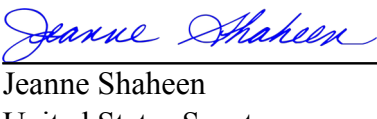
Debbie Wasserman Schultz
Member of Congress



Bernard Sanders
United States Senator



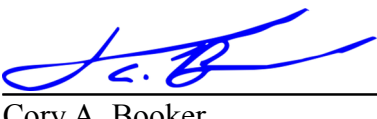
Melanie Stansbury
Member of Congress



Jeanne Shaheen
United States Senator



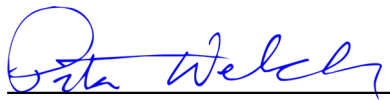
Lizzie Fletcher
Member of Congress



Cory A. Booker
United States Senator



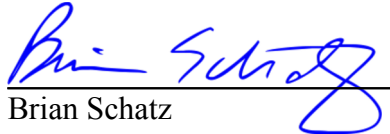
Sheldon Whitehouse
United States Senator



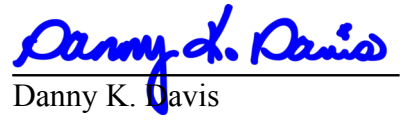
Peter Welch
United States Senator



Jeffrey A. Merkley
United States Senator



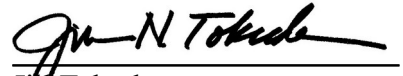
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United States Senator



Danny K. Davis
Member of Congress



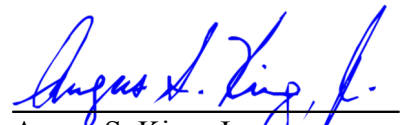
Jacky Rosen
United States Senator



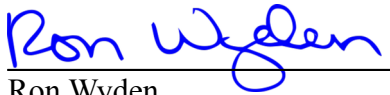
Jim Tokuda
Member of Congress



Jared Huffman
Member of Congress



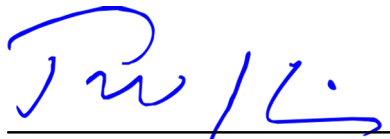
Angus S. King, Jr.
United States Senator



Ron Wyden
United States Senator



Zoe Lofgren
Member of Congress



Tim Kaine
United States Senator



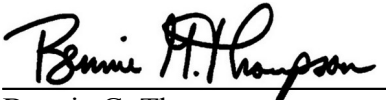
Michael F. Bennet
United States Senator



Shontel M. Brown
Member of Congress



Stephen F. Lynch
Member of Congress



Bennie G. Thompson
Member of Congress



John Hickenlooper
United States Senator



Maxine Waters
Member of Congress



Mark R. Warner
United States Senator



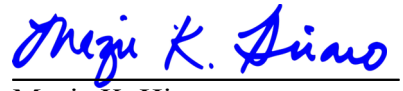
Yassamin Ansari
Member of Congress



Tammy Duckworth
United States Senator



Jahana Hayes
Member of Congress



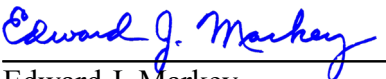
Mazie K. Hirono
United States Senator



Thomas R. Suozzi
Member of Congress



Sean Casten
Member of Congress



Edward J. Markey
United States Senator



Deborah K. Ross
Member of Congress

cc: The Honorable Charles E. Grassley
Chairman, Senate Committee on the Judiciary