

119TH CONGRESS
2D SESSION

S. _____

To establish, under Article I of the Constitution of the United States, a court of record, which shall be known as the United States Immigration Courts.

IN THE SENATE OF THE UNITED STATES

Mrs. GILLIBRAND (for herself, Mr. DURBIN, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. SCHATZ, Mr. SCHIFF, Mr. WYDEN, Ms. DUCKWORTH, Mr. MARKEY, and Mr. KIM) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish, under Article I of the Constitution of the United States, a court of record, which shall be known as the United States Immigration Courts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Real Courts, Rule of Law Act of 2026”.

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

Sec. 1. Short title; table of contents.

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

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

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

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

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

11 “(a) ESTABLISHMENT.—

12 “(1) IN GENERAL.—There is established, under
 13 Article I of the Constitution of the United States, a
 14 system of courts of record, which shall be known as
 15 the ‘United States Immigration Courts’ (referred to
 16 in this title as the ‘Immigration Courts’). Each such
 17 court of record may be referred to as an ‘immigra-
 18 tion court’. The Immigration Courts is not an agen-
 19 cy of, and shall be independent of, the executive
 20 branch of the United States Government.

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

4 “(3) COURT OFFICES.—The principal office of
5 the Immigration Courts shall be in the Washington,
6 District of Columbia metropolitan area, but each im-
7 migration court may sit at any place within the
8 United States.

9 “(4) COURT SEAL.—The Immigration Courts
10 shall have a seal, which shall be judicially noticed.

11 “(b) APPELLATE DIVISION.—

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

16 “(2) APPOINTMENT OF IMMIGRATION APPEALS
17 JUDGES.—

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

23 “(B) TERM OF OFFICE.—Each immigra-
24 tion appeals judge shall be appointed for a term
25 of 15 years and may be reappointed for addi-

1 tional 15-year terms. An immigration appeals
2 judge who is not reappointed for an additional
3 term may continue to serve after the expiration
4 of the prior term until the earlier of—

5 “(i) the date on which his or her suc-
6 cessor is appointed; or

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

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

17 “(3) CHIEF JUDGE.—

18 “(A) DESIGNATION.—

19 “(i) IN GENERAL.—The chief judge
20 shall be the immigration appeals judge who
21 is most senior in appointment among the
22 immigration appeals judges who, at that
23 time of appointment to the appellate divi-
24 sion—

5

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

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

6 “(III) have not previously served
7 as chief judge.

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

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

22 “(B) TERM OF OFFICE.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clause (ii), the chief judge shall

1 serve a term that shall end on the earliest
2 of—

3 “(I) the date that is 5 years after
4 the date such term begins;

5 “(II) the date on which the chief
6 judge is removed from service for
7 cause in accordance with section
8 602(f);

9 “(III) the date on which the chief
10 judge leaves regular active service as
11 an immigration appeals judge; and

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

17 “(ii) CONTINUATION OF SERVICE.—If,
18 upon conclusion of the chief judge’s term
19 of office, as described in clause (i)(I), no
20 other immigration appeals judge is eligible
21 to assume the role of chief judge, as pro-
22 vided under subparagraph (A), the incum-
23 bent shall continue to serve as chief judge
24 until another immigration appeals judge
25 becomes eligible.

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

4 “(A) IN GENERAL.—The appellate division
5 shall exercise its en banc authority—

6 “(i) to appoint immigration trial
7 judges to the trial division;

8 “(ii) to remove immigration trial
9 judges in accordance with section 602(f);

10 “(iii) to appoint a chief administrative
11 officer to the administrative division;

12 “(iv) to promulgate rules and set poli-
13 cies and procedures of the Immigration
14 Courts; and

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

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

22 “(C) QUORUM.—For purposes of this
23 paragraph, not fewer than 3 immigration ap-
24 peals judges in regular active service or $\frac{2}{3}$ of
25 all immigration appeals judges in regular active

1 service, whichever is greater, shall constitute a
2 quorum.

3 “(c) TRIAL DIVISION.—

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

11 “(2) APPOINTMENT OF IMMIGRATION TRIAL
12 JUDGES.—

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

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

1 “(i) the date on which a successor is
2 appointed; or

3 “(ii) the date that is 1 year after such
4 expiration date.

5 “(3) CHIEF TRIAL JUDGES.—

6 “(A) DESIGNATION.—The chief judge shall
7 designate 1 immigration trial judge to serve as
8 chief trial judge for each geographical area. If
9 only 1 immigration trial judge presides over a
10 geographical area, that judge shall be des-
11 ignated as the chief trial judge for such area.

12 “(B) TERM OF OFFICE.—Chief trial judges
13 shall serve in such capacity for an initial term
14 of 5 years and may be reappointed for addi-
15 tional 5-year terms, or a period shorter than 5
16 years, as determined by the appellate division.

17 “(C) RESPONSIBILITIES.—In addition to
18 fulfilling regular judicial duties, chief trial
19 judges shall—

20 “(i) oversee the administrative oper-
21 ations of the trial division in the geo-
22 graphical area in which they are located;
23 and

24 “(ii) fulfill all other duties and re-
25 sponsibilities assigned to trial judges under

1 this title or delegated to the chief trial
2 judges by the chief judge.

3 “(d) ADMINISTRATIVE DIVISION.—

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

7 “(2) ADMINISTRATIVE OFFICE.—The adminis-
8 trative office shall be managed by a chief adminis-
9 trative officer, who shall—

10 “(A) implement and administer operational
11 rules, policies, and procedures of the Immigra-
12 tion Courts established by the appellate division
13 or the administrative council;

14 “(B) assist the administrative council in
15 executing the responsibilities described in para-
16 graph (3); and

17 “(C) fulfill all other administrative duties
18 and responsibilities described in this title or del-
19 egated to the administrative office by the chief
20 judge.

21 “(3) ADMINISTRATIVE COUNCIL.—

22 “(A) MEETINGS.—

23 “(i) ANNUAL MEETING.—The chief
24 judge of the appellate division shall annu-
25 ally summon the chief trial judge of each

1 court of the trial division to a meeting at
2 such time and place in the United States
3 as the chief judge may designate. The chief
4 judge shall preside at each such meeting,
5 which shall be known as the administrative
6 council of the Immigration Courts.

7 “(ii) SPECIAL SESSIONS.—Special ses-
8 sions of the administrative council may be
9 called by the chief judge at such times and
10 places as the chief judge may designate.

11 “(iii) ATTENDANCE.—If the chief trial
12 judge of any court of the trial division is
13 unable to attend an administrative council
14 meeting, the chief judge may summon any
15 other judge from such court. Every judge
16 so summoned shall attend such meeting
17 and, unless excused by the chief judge,
18 shall remain in attendance throughout all
19 of the sessions.

20 “(iv) ADVISORY ROLE.—Every judge
21 in attendance at an administrative council
22 shall advise the council regarding the needs
23 of such judge’s court and any matters in
24 which the administration of justice in the
25 Immigration Courts may be improved.

1 “(B) DETERMINATION OF NUMBER OF RE-
2 QUIRED JUDGES AND GEOGRAPHICAL AREAS OF
3 SERVICE.—

4 “(i) QUADRENNIAL SURVEY.—Not
5 later than 1 year after the application date
6 (as defined in section 6(a) of the Real
7 Courts, Rule of Law Act of 2026), and
8 every 4 years thereafter, the administrative
9 council shall conduct a survey, which shall
10 include the solicitation of information and
11 recommendations from the public, to deter-
12 mine—

13 “(I) the number of immigration
14 trial courts required to provide for the
15 expeditious and effective administra-
16 tion of justice; and

17 “(II) the geographical areas to be
18 served by such courts.

19 “(ii) SURVEY ELEMENTS.—In con-
20 ducting each survey under clause (i), the
21 administrative council shall—

22 “(I) assess the continuing need
23 for existing immigration trial court
24 positions and the need for additional

1 positions in each geographical loca-
2 tion;

3 “(II) evaluate local conditions in
4 each geographical location, including
5 the proximity to populations to be
6 served, the quality and availability of
7 infrastructure to support transpor-
8 tation and communication, and the
9 availability of legal services for indi-
10 gent and non-English speaking indi-
11 viduals;

12 “(III) consider proximity and ac-
13 cess to judicial and Department of
14 Homeland Security facilities; and

15 “(IV) consider the allocation of
16 immigration trial courts and judges
17 among existing geographical areas
18 and whether the administration of
19 justice would be better served by the
20 presence of immigration trial courts
21 and judges in new or different areas.

22 “(iii) PUBLICATION OF SURVEY RE-
23 SULTS.—The administrative council shall
24 publish the results of the survey conducted
25 pursuant to clause (i).

1 “(iv) NOTICE OF VACANCIES.—The
2 administrative council shall publish notice
3 of any immigration judge vacancies or new
4 staff positions.

5 “(C) MERIT SELECTION PANEL.—

6 “(i) APPOINTMENT OF IMMIGRATION
7 JUDGES.—The administrative council shall
8 establish a merit selection panel to assist
9 in identifying and recommending individ-
10 uals who are best qualified to serve as im-
11 migration judges, in accordance with sub-
12 sections (a), (b), and (c) of section 602.

13 “(ii) COMPOSITION.—The panel estab-
14 lished pursuant to clause (i) shall consist
15 of qualified individuals with experience in a
16 diverse range of settings, including aca-
17 demia, nongovernmental organizations, pri-
18 vate immigration practice, and government
19 service.

20 **“SEC. 602. IMMIGRATION APPEALS JUDGES; TRIAL JUDGES.**

21 “(a) QUALIFICATIONS OF IMMIGRATION JUDGES.—

22 Each immigration judge shall—

23 “(1) be a member in good standing of the bar
24 of a Federal court or the highest court of a State,

1 or any combination of such courts, for not less than
2 10 years;

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

5 “(3) possess, and have demonstrated, a commit-
6 ment to equal justice under the law;

7 “(4) possess, and have demonstrated, out-
8 standing legal ability and competence, as evidenced
9 by substantial legal experience, ability to deal with
10 complex legal problems, aptitude for legal scholar-
11 ship and writing, and familiarity with courts and
12 court processes;

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

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

17 “(b) ADDITIONAL FACTORS FOR THE APPOINTMENT
18 OF IMMIGRATION JUDGES.—In appointing immigration
19 judges, the President and the appellate division shall en-
20 sure that—

21 “(1) qualified candidates are identified without
22 regard to race, color, sex, religion, national origin,
23 disability, age, or any other factor protected under
24 Federal law;

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

3 “(A) is comprised primarily of individuals
4 with prior legal experience in immigration law;
5 and

6 “(B) reflects a balance of individuals with
7 prior legal experience in the public sector and
8 private sector; and

9 “(3) candidates are selected without regard to
10 political party affiliation or perceived political ide-
11 ology.

12 “(c) PROHIBITED RELATIONSHIPS.—No individual
13 may be appointed as an immigration trial judge if such
14 individual is related by blood in the first-, second-, or
15 third-degree, or by marriage to an immigration appeals
16 judge in regular active service.

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

23 “(e) SALARIES.—

24 “(1) IMMIGRATION APPEALS JUDGES.—Each
25 immigration appeals judge shall serve on a full-time

1 basis and shall receive, as compensation for such
2 services, an annual salary that is equal to the salary
3 of a judge of the district court of the United States
4 as determined pursuant to section 135 of title 28,
5 United States Code.

6 “(2) IMMIGRATION TRIAL JUDGES.—Each im-
7 migration trial judge shall serve on a full-time basis
8 and shall receive as compensation for such services,
9 an annual salary that is equal to 92 percent of the
10 salary of a judge of the district court of the United
11 States, as determined pursuant to section 135 of
12 title 28, United States Code.

13 “(3) PROHIBITION ON THE PRACTICE OF
14 LAW.—No immigration judge may engage in the
15 practice of law or any other practice, business, occu-
16 pation, or employment that is inconsistent with the
17 expeditious, proper, and impartial performance of
18 such judge’s duties.

19 “(f) REMOVAL.—

20 “(1) IN GENERAL.—

21 “(A) GROUNDS.—An immigration judge
22 may be removed from office only on grounds of
23 incapacity, misconduct, neglect of duty, or hav-
24 ing engaged in the practice of law.

1 “(B) IMMIGRATION APPEALS JUDGE.—An
2 immigration appeals judge may be removed
3 from office by the President.

4 “(C) IMMIGRATION TRIAL JUDGE.—An im-
5 migration trial judge may be removed from of-
6 fice by the appellate division.

7 “(D) NOTICE; REBUTTAL.—No immigra-
8 tion judge may be removed from office unless
9 such judge is provided with—

10 “(i) notice of the allegations forming
11 the basis for such removal; and

12 “(ii) an opportunity to appear in per-
13 son at a hearing to rebut such allegations.

14 “(2) COMPLAINTS.—

15 “(A) IN GENERAL.—The appellate division
16 shall promulgate rules, consistent with chapter
17 16 of title 28, United States Code, for receiv-
18 ing, investigating, and resolving complaints re-
19 garding the conduct of immigration judges. In
20 investigating and acting upon any such com-
21 plaint, the appellate division shall have the pow-
22 ers granted to a judicial council under such
23 chapter.

24 “(B) JUDICIAL CONFERENCE.—The provi-
25 sions under sections 354(b) through 360 of title

1 28, United States Code, regarding referral or
 2 certification to, and petition for review in the
 3 Judicial Conference of the United States, and
 4 action thereon, shall apply to the exercise of the
 5 powers of a judicial council by the appellate di-
 6 vision. The grounds for removal specified in
 7 paragraph (1)(A) shall provide the basis for a
 8 determination to refer a complaint to the Judi-
 9 cial Conference, for further action by the Con-
 10 ference, and for certification and transmittal by
 11 the Conference of any complaint to the Presi-
 12 dent.

13 “(g) RETIREMENT.—

14 “(1) MANDATORY.—All immigration judges
 15 shall retire upon attaining 80 years of age.

16 “(2) PERMISSIVE.—Any immigration judge who
 17 meets the age and service requirements set forth in
 18 any line of the following table may retire.

“The immigration judge has at- tained the following years of age:	The years of service as an im- migration judge are at least the following:
65	15
66	14
67	13
68	12
69	11
70	10.

19 “(3) NOT REAPPOINTED.—Any immigration
 20 judge who is not reappointed following the expiration

1 of the term of his or her office may retire upon the
2 completion of such term if—

3 “(A) such individual has served as an im-
4 migration judge for 15 years or more; and

5 “(B) not earlier than 9 months preceding
6 the expiration of such term of office and not
7 later than 6 months preceding such expiration
8 date, such individual submitted written notice
9 to the President or the appellate division, as ap-
10 propriate, that such individual was willing to
11 accept reappointment as an immigration judge.

12 “(4) PERMANENT DISABILITY.—Any immigra-
13 tion judge who becomes permanently disabled to the
14 extent the judge is no longer capable of performing
15 his or her judicial duties shall retire.

16 “(h) RETIRED PAY.—

17 “(1) IN GENERAL.—Any individual who—

18 “(A) retires pursuant to paragraph (1),
19 (2), or (3) of subsection (g) and elects under
20 subsection (i) to receive retired pay under this
21 subsection shall receive retired pay during any
22 period at a rate which bears the same ratio to
23 the rate of the salary payable to an immigration
24 judge during such period as the number of
25 years he has served as immigration judge bears

21

1 to 10, except that the rate of such retired pay
2 shall not be more than the rate of such salary
3 for such period; or

4 “(B) retires pursuant to subsection (g)(4)
5 and elects under subsection (i) to receive retired
6 pay under this subsection shall receive retired
7 pay during any period at a rate equal to—

8 “(i) the rate of the salary payable to
9 an immigration judge during such period if
10 such individual served as an immigration
11 judge for not less than 10 years; or

12 “(ii) $\frac{1}{2}$ of the rate of the salary pay-
13 able to an immigration judge during such
14 period if such individual served as an im-
15 migration judge for less than 10 years.

16 “(2) ACCRUAL; PAYMENT.—Retired pay for an
17 individual described in paragraph (1)—

18 “(A) shall begin to accrue on the day fol-
19 lowing the day on which the salary of such indi-
20 vidual as an immigration judge ceases to ac-
21 crue;

22 “(B) shall continue to accrue during the
23 remainder of the life of such individual; and

24 “(C) shall be paid in the same manner as
25 the salary of an immigration judge.

1 “(3) RATE COMPUTATION.—In computing the
2 rate of retired pay for an individual described in
3 paragraph (1)(A)—

4 “(A) that portion of the aggregate number
5 of years such individual has served as an immi-
6 gration judge which is a fractional part of 1
7 year shall be eliminated if it is less than 6
8 months and shall be counted as a full year if
9 it is 6 months or more; and

10 “(B) any period during which such indi-
11 vidual performs services described in section
12 603 on a substantially full-time basis shall be
13 treated as a period during which such indi-
14 vidual has served as an immigration judge.

15 “(i) ELECTION TO RECEIVE RETIRED PAY.—

16 “(1) IN GENERAL.—An immigration judge may
17 elect to receive retired pay in accordance with sub-
18 section (h).

19 “(2) REQUIREMENTS.—An election under para-
20 graph (1)—

21 “(A) may be made only while an individual
22 is an immigration judge, except for the election
23 of an individual who is not reappointed as an
24 immigration judge at the expiration of the indi-
25 vidual’s term of office, which may be made on

23

1 or before the day on which the individual's suc-
2 cessor takes office;

3 “(B) once made, shall be irrevocable, ex-
4 cept as provided in subsection (m);

5 “(C) by any immigration judge other than
6 the chief judge shall be made by filing a written
7 notice with the chief judge; and

8 “(D) by the chief judge shall be made by
9 filing a written notice with the Office of Per-
10 sonnel Management.

11 “(3) TRANSMITTAL.—The chief judge shall
12 transmit a copy of each notice filed pursuant to
13 paragraph (2)(C) to the Office of Personnel Man-
14 agement.

15 “(j) RETIRED PAY AFFECTED IN CERTAIN CASES.—

16 “(1) 1-YEAR FORFEITURE FOR FAILURE TO
17 PERFORM JUDICIAL DUTIES.—Except as provided in
18 paragraph (3), if an individual for whom an election
19 to receive retired pay under subsection (h) is in ef-
20 fect fails to perform judicial duties required of such
21 individual under section 603 during any calendar
22 year, such individual shall forfeit all rights to retired
23 pay under subsection (h) for the 1-year period which
24 begins on the first day on which such individual ini-
25 tially failed to perform such duties.

24

1 “(2) SUSPENSION OF RETIRED PAY DURING PE-
2 RIOD OF COMPENSATED GOVERNMENT SERVICE.—
3 Any individual for whom an election to receive re-
4 tired pay under subsection (h) is in effect who ac-
5 cepts compensation for civil office or employment
6 with the Government of the United States (other
7 than the performance of judicial duties described in
8 section 603) shall forfeit all rights to retired pay
9 under subsection (h) for the period for which such
10 compensation is received.

11 “(3) FORFEITURES OF RETIRED PAY NOT AP-
12 PLICABLE IF INDIVIDUAL ELECTS TO FREEZE
13 AMOUNT OF RETIRED PAY.—

14 “(A) IN GENERAL.—If an individual makes
15 an election under this paragraph—

16 “(i) paragraph (1) and section 603
17 shall not apply to such individual begin-
18 ning on the date on which such election
19 takes effect; and

20 “(ii) the retired pay payable to such
21 individual under subsection (h) for periods
22 beginning on or after such effective date
23 shall be equal to the retired pay to which
24 such individual would be entitled without

25

1 regard to this clause at the time of such
2 election.

3 “(B) ELECTION.—An election under this
4 paragraph—

5 “(i) may only be made by an indi-
6 vidual who meets the age and service re-
7 quirements for retirement set forth in the
8 table under subsection (g)(2);

9 “(ii) may only be made during the pe-
10 riod when such individual—

11 “(I) may make an election to re-
12 ceive retired pay; or

13 “(II) is receiving retired pay; and

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

16 “(C) EFFECTIVE DATE.—An election made
17 pursuant to this paragraph shall take effect on
18 the first day of the first month following the
19 month in which such election is made.

20 “(k) COORDINATION WITH CIVIL SERVICE RETIRE-
21 MENT.—

22 “(1) GENERAL RULE.—Except as otherwise
23 provided in this subsection, the provisions of the civil
24 service retirement laws (including the provisions re-
25 lating to the deduction and withholding of amounts

1 from basic pay, salary, and compensation) shall
2 apply in respect of service as an immigration judge
3 (together with other service as an officer or em-
4 ployee to whom such civil service retirement laws
5 apply) as if this section had not been enacted.

6 “(2) EFFECT OF ELECTING RETIRED PAY.—If
7 an individual has filed an election to receive retired
8 pay under subsection (h)—

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

16 “(B) no deduction for purposes of the Civil
17 Service Retirement and Disability Fund shall be
18 made from retired pay payable to such indi-
19 vidual under subsection (h) or from any other
20 salary, pay, or compensation payable to such in-
21 dividual, for any period beginning after the day
22 on which such election is filed; and

23 “(C) such individual shall be paid the
24 lump-sum credit computed under section
25 8331(8) of title 5, United States Code, upon

1 making an application for such payment with
2 the Office of Personnel Management.

3 “(l) RETIREMENT FOR DISABILITY.—

4 “(1) CERTIFICATION.—An immigration judge
5 who becomes permanently disabled to the extent the
6 judge is no longer capable of performing his or her
7 judicial duties shall submit a written certification of
8 such disability to the President, or to the appellate
9 division, as applicable. If the chief judge retires as
10 a result of such disability, such retirement shall not
11 take effect until the President concurs with such re-
12 tirement.

13 “(2) DECLARATION.—If an immigration judge
14 who becomes permanently disabled, as described in
15 paragraph (1), does not retire and the President or
16 the appellate division, as applicable, determines that
17 such immigration judge is unable to efficiently per-
18 form all his or her judicial duties by reason of per-
19 manent mental or physical disability and the ap-
20 pointment of an additional immigration judge is nec-
21 essary for the efficient dispatch of business, the
22 President or the appellate division, as applicable,
23 shall declare such immigration judge to be retired.

24 “(m) REVOCATION OF ELECTION TO RECEIVE RE-
25 TIRED PAY.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (i)(2), an individual who has filed an election to re-
3 ceive retired pay under subsection (h) may revoke
4 such election at any time before the first day on
5 which retired pay (or compensation under section
6 603 in lieu of retired pay) would (but for such rev-
7 ocation) begin to accrue with respect to such indi-
8 vidual.

9 “(2) MANNER OF REVOKING.—Any revocation
10 under this subsection shall be made by filing a writ-
11 ten notice with the Director of the Office of Per-
12 sonnel Management, which shall transmit a copy of
13 each notice filed under this subsection to the chief
14 judge.

15 “(3) EFFECT OF REVOCATION.—If an indi-
16 vidual revokes an election pursuant to paragraph
17 (1)—

18 “(A) the individual shall be treated, for
19 purposes of this section, as not having filed an
20 election to receive retired pay under subsection
21 (h);

22 “(B) no credit shall be allowed for any
23 service as an immigration judge unless, with re-
24 spect to such service—

“(i) there has been deducted and withheld the amount required by the civil service retirement laws; or

4 “(ii) there has been deposited in the
5 Civil Service Retirement and Disability
6 Fund an amount equal to the amount so
7 required, with interest;

8 “(C) the Immigration Courts shall deposit
9 into the Civil Service Retirement and Disability
10 Fund an amount equal to the additional
11 amount that would have been contributed to
12 such Fund absent the election under subsection
13 (i); and

14 “(D) service on the Immigration Courts
15 shall be treated as service with respect to which
16 deductions and contributions had been made
17 during the period of service.

18 “(n) THRIFT SAVINGS PLAN.—

19 “(1) ELECTION TO CONTRIBUTE.—

20 “(A) IN GENERAL.—An immigration judge
21 may elect to contribute to the Thrift Savings
22 Plan established under section 8437 of title 5,
23 United States Code.

24 “(B) PERIOD OF ELECTION.—An election
25 may be made pursuant to subparagraph (A)

1 only during a period provided under section
2 8432(b) of such title for individuals subject to
3 chapter 84 of such title.

4 “(2) APPLICABILITY OF TITLE 5 PROVISIONS.—
5 Except as otherwise provided under this subsection,
6 the provisions of subchapters III and VII of chapter
7 84 of title 5, United States Code, shall apply with
8 respect to an immigration judge who makes an elec-
9 tion pursuant to paragraph (1).

10 “(3) SPECIAL RULES.—

11 “(A) AMOUNT CONTRIBUTED.—The
12 amount contributed by an immigration judge to
13 the Thrift Savings Plan in any pay period may
14 not exceed the maximum percentage of such im-
15 migration judge’s basic pay for such period as
16 allowable under section 8440f of title 5, United
17 States Code. Basic pay does not include any re-
18 tired pay paid pursuant to this section.

19 “(B) CONTRIBUTIONS FOR BENEFIT OF
20 IMMIGRATION JUDGE.—No contributions may
21 be made for the benefit of an immigration judge
22 under section 8432(c) of title 5, United States
23 Code.

24 “(C) APPLICABILITY OF SECTION 8433(b)
25 OF TITLE 5 WHETHER OR NOT IMMIGRATION

31

1 JUDGE RETIRES.—Section 8433(b) of title 5,
2 United States Code, shall apply with respect to
3 an immigration judge who—

4 “(i) makes an election described in
5 paragraph (1); and

6 “(ii)(I) retires pursuant to subsection
7 (g); or

8 “(II) ceases to serve as an immigra-
9 tion judge without retiring pursuant to
10 subsection (g).

11 “(D) EFFECT OF RETIREMENT ON FED-
12 ERAL EMPLOYEES’ RETIREMENT SYSTEM.—Re-
13 tirement under subsection (g) shall be deemed
14 as a separation from service for purposes of
15 subchapters III and VII of chapter 84 of title
16 5, United States Code.

17 “(E) APPLICABILITY OF SECTION
18 8351(b)(5) OF TITLE 5.—The provisions of sec-
19 tion 8351(b)(5) of title 5, United States Code,
20 shall apply with respect to an immigration
21 judge who makes an election under paragraph
22 (1).

23 “(F) EXCEPTION.—Notwithstanding sub-
24 paragraphs (C) and (D), if any immigration
25 judge retires under this section, or resigns with-

1 out having met the age and service require-
2 ments set forth in subsection (g)(2), and such
3 immigration judge's nonforfeitable account bal-
4 ance is less than the amount that the Executive
5 Director of the Federal Retirement Thrift In-
6 vestment Board prescribes by regulation, the
7 Executive Director shall pay the nonforfeitable
8 account balance to the participant in a single
9 payment.

10 **“SEC. 603. TEMPORARY IMMIGRATION JUDGES AND COURT**
11 **FACILITIES.**

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

18 “(1) to appoint temporary immigration trial
19 judges, which appointments shall be undertaken in
20 accordance with section 602, to the extent prac-
21 ticable;

22 “(2) to recall retired immigration trial judges
23 or immigration appeals judges described in sub-
24 section (b); and

1 “(3) to establish temporary court facilities in
2 designated 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 this subsection.

9 “(2) AUTHORITY OF RECALLED JUDGES.—An
10 immigration judge who is recalled to serve as an im-
11 migration appeals judge or an immigration trial
12 judge—

13 “(A) may exercise all of the judicial powers
14 and duties of such judges in regular active serv-
15 ice, except as specifically provided in this sub-
16 title; and

17 “(B) shall not be counted for purposes of
18 subsection (b)(1) or (c)(2) of section 601.

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

1 “(4) EFFECT ON CIVIL SERVICE RETIRE-
2 MENT.—

3 “(A) IN GENERAL.—Except as provided in
4 subsection (d), an immigration judge who re-
5 tired under chapter 83 or 84 of title 5, United
6 States Code, and is recalled for service shall be
7 considered to be a reemployed annuitant under
8 such chapters.

9 “(B) SAVINGS PROVISION.—Nothing in
10 this subsection may be construed to affect the
11 right of an immigration judge who retired
12 under chapter 83 or 84 of title 5, United States
13 Code, to serve as a reemployed annuitant in ac-
14 cordance with the applicable provisions of title
15 5, United States Code.

16 “(c) REPORTING REQUIREMENTS.—

17 “(1) INITIAL REPORT.—Before exercising the
18 authority described in subsection (a), the appellate
19 division shall submit a report to the Committee on
20 the Judiciary of the Senate and the Committee on
21 the Judiciary of the House of Representatives that
22 includes—

23 “(A) the specific and credible facts that led
24 to the determination that additional court re-
25 sources are required;

1 “(B) an assessment regarding the number
2 of temporary immigration judges or court facili-
3 ties that are required; and

4 “(C) an estimate regarding the length of
5 the period during which the appellate division
6 expects the immigration judges or court facili-
7 ties described in subsection (a) to remain in
8 place.

9 “(2) ADDITIONAL REPORTING.—Not later than
10 30 days after exercising the authority under sub-
11 section (a) and every 30 days thereafter while such
12 additional judges or facilities are in place, the appel-
13 late division shall submit a report to the congres-
14 sional committees referred to in paragraph (1) re-
15 garding the current status of the Immigration
16 Courts and the continuing need for such temporary
17 immigration judges or court facilities.

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

20 “(A) GRADUAL REDUCTION IN RE-
21 SOURCES.—Notwithstanding section 602(g), the
22 appellate division, exercising its authority en
23 banc in accordance with section 601(b)(4), shall
24 terminate the appointment of any temporary
25 immigration judges and close any temporary

1 court facilities that the appellate division, in
2 consultation with the administrative council, de-
3 termines are no longer required.

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

8 “(i) the date on which the appellate
9 division determines, in consultation with
10 the administrative council, that regular
11 court resources are sufficient to resume
12 normal court operations;

13 “(ii) the date on which Congress
14 passes a concurrent resolution directing
15 that such actions be taken; or

16 “(iii) 210 days after the date on
17 which the appellate division submits its ini-
18 tial report pursuant to paragraph (1), un-
19 less Congress enacts a law that extends
20 such 210-day period.

21 **“SEC. 604. JURISDICTION.**

22 “(a) APPELLATE DIVISION JURISDICTION.—

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

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

3 “(B) appeals of decisions by the Secretary
4 of Homeland Security regarding petitions filed
5 pursuant to section 204 to classify an alien de-
6 scribed in section 201(b)(2)(A)(i) or 203(a);
7 and

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

11 “(2) SAVINGS PROVISION.—In addition to the
12 matters described in paragraph (1), the appellate di-
13 vision shall have jurisdiction to hear and decide all
14 other matters over which the Board of Immigration
15 Appeals had authority on the day before the applica-
16 tion date (as defined in section 6(a) of the Real
17 Courts, Rule of Law Act of 2026).

18 “(b) TRIAL DIVISION JURISDICTION.—

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

22 “(A) removal proceedings described in sec-
23 tions 238 and 240;

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

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

5 “(D) review of—

6 “(i) applications for asylum referred
7 by the Secretary of Homeland Security if
8 the applicant is barred from being placed
9 in removal proceedings under section 240;
10 and

11 “(ii) referrals for protection under
12 section 241(b)(3) or the Convention
13 against Torture and Other Cruel, Inhu-
14 man, or Degrading Treatment of Punish-
15 ment, done at New York December 10,
16 1984, if the individual is not in removal
17 proceedings and is barred from asylum
18 under title II;

19 “(E) determinations relating to bond, cus-
20 tody, or the detention of any alien in the cus-
21 tody of the Department of Homeland Security;

22 “(F) determinations regarding whether ad-
23 ministrative actions arising from applications or
24 petitions filed by or on behalf of the alien and
25 that are pending during the course of the

1 alien’s removal proceedings under section 240
2 have been unlawfully withheld or unreasonably
3 delayed; and

4 “(G) disciplinary matters concerning attor-
5 neys and practitioners before the Immigration
6 Courts.

7 “(2) SAVINGS PROVISION.—In addition to the
8 matters described in paragraph (1), the trial division
9 shall have jurisdiction to hear and decide all other
10 matters over which immigration judges had author-
11 ity on the day before the application date (as defined
12 in section 6(a) of the Real Courts, Rule of Law Act
13 of 2026).

14 **“Subtitle B—Procedure and**
15 **Appellate Review**

16 **“SEC. 621. PROCEEDINGS.**

17 “(a) TRIAL DIVISION PROCEEDINGS.—

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

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

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

8 “(B) render decisions on respondents’
9 prima facie and discretionary eligibility for re-
10 lief from removal; and

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

16 “(b) APPELLATE DIVISION PROCEEDINGS.—

17 “(1) IN GENERAL.—Except as provided by rules
18 established by the appellate division, proceedings be-
19 fore the appellate division shall be heard and decided
20 by immigration appeals judges sitting in panels of 3
21 such judges or en banc, and decisions shall be made
22 by majority vote. Any decision of a panel may be re-
23 considered by the court sitting en banc.

24 “(2) PRECEDENCE IN APPELLATE DIVISION.—

25 The chief judge of the Immigration Courts shall

1 have precedence and preside at any session of the
2 appellate division that such judge attends. Other im-
3 migration appeals judges shall have precedence and
4 preside in the appellate division according to the se-
5 niority of their original commissions and, for judges
6 whose commissions bear the same date, according to
7 seniority in age.

8 “(c) CONTEMPT AUTHORITY.—

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

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

19 “(d) ASSISTANCE TO THE COURT.—

20 “(1) IN GENERAL.—The Immigration Courts
21 shall have such assistance in carrying out its lawful
22 writ, process, order, rule, decree, or command, in-
23 cluding nationwide service of a subpoena, as is avail-
24 able to a court of the United States (as defined in
25 section 451 of title 28, United States Code).

1 “(2) ATTENDANCE BY MARSHAL.—The United
2 States marshal for a district in which the immigra-
3 tion trial judge is sitting, if requested by the pre-
4 siding judge, shall attend any court proceeding in
5 that district, and may otherwise provide, when re-
6 quested by the chief trial judge of that immigration
7 trial court, for the security of the immigration trial
8 court, including the personal protection of judges,
9 court officers, witnesses, and other threatened per-
10 sons in the interests of justice, where criminal in-
11 timidation impedes on the functioning of the judicial
12 process or any other official proceeding. The United
13 States Marshals Service retains final authority re-
14 garding security requirements for the Immigration
15 Courts.

16 “(e) OPINIONS AND ORDERS.—

17 “(1) IN GENERAL.—Opinions and orders of the
18 Immigration Courts shall be issued in accordance
19 with rules promulgated by the appellate division, ex-
20 cept that decisions on the merits of an application
21 or request for relief from removal rendered by the
22 trial division or the appellate division, to the greatest
23 extent practicable—

24 “(A) shall be issued in the form of a writ-
25 ten opinion; and

1 “(B) shall include an analysis of the facts
2 of the case and the legal reasoning for such de-
3 cision.

“(2) PRECEDENTS.—Unless subsequently modified or reversed by the appellate division, the court of appeals for the respective judicial circuit, or the Supreme Court, precedent decisions of the appellate division shall be binding on all immigration judges and all officers and employees of an Executive agency (as defined in section 105 of title 5, United States Code) with powers, functions, and duties under this Act and other laws relating to the immigration and naturalization of aliens.

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

17 **“SEC. 622. IMMIGRATION COURTS RULES OF PRACTICE AND**
18 **PROCEDURE.**

19 “(a) IN GENERAL.—The appellate division shall exer-
20 cise its en banc authority to promulgate rules of practice
21 and procedure before the trial division and the appellate
22 division, including—

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

1 “(A) provide for the admission of qualified
2 attorneys to practice before the Immigration
3 Courts and, as appropriate, for the admission of
4 qualified non-attorney representatives;

5 “(B) prescribe standards of practice and
6 professional conduct, which shall apply to all at-
7 torneys and practitioners that appear before the
8 Immigration Courts; and

9 “(C) provide for disciplinary proceedings
10 before the Immigration Courts for attorneys
11 and practitioners who do not comply with the
12 standards prescribed pursuant to subparagraph
13 (B);

14 “(2) rules governing the exercise of the appel-
15 late division’s en banc authority over adjudicative
16 matters, including decisions of an appellate division
17 panel;

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

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

24 “(5) rules governing the use of video teleconfer-
25 encing technology or other similar technologies, with

1 a presumption against the use of video teleconfer-
2 encing in proceedings where the alien's eligibility for
3 relief from removal is being evaluated, unless re-
4 quested by the alien;

5 “(6) procedures, consistent with section
6 602(f)(2), for receiving, investigating, and resolving
7 complaints regarding the conduct of immigration
8 judges; and

9 “(7) all other policies, and procedures assigned
10 to the appellate division under this title.

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

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

16 “(2) a majority of immigration trial judges on
17 the immigration trial court of such chief judge con-
18 cur to the local rules; and

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

20 “(c) IMMIGRATION COURT FEES.—

21 “(1) IN GENERAL.—The appellate division shall
22 prescribe rules providing for the collection of reason-
23 able filing fees and other fees, as appropriate. Each
24 such fee may not exceed the fee charged and col-
25 lected for the same or a substantially similar pur-

1 pose by the Federal district courts or by the Depart-
2 ment of Homeland Security.

3 “(2) WAIVER.—Rules promulgated by the ap-
4 pellate division shall include procedures under which
5 any such fee may be waived in the case of financial
6 hardship.

7 “(d) PUBLICATION OF RULES AND FEES.—The ad-
8 ministrative division shall maintain a public website that
9 contains or consolidates current information on all rules
10 and fees of the Immigration Courts, including all local
11 rules established pursuant to subsection (b).

12 **“SEC. 623. REPRESENTATION OF PARTIES AND OTHER AS-**
13 **SISTANCE.**

14 “(a) RIGHT TO COUNSEL.—In any proceeding before
15 the Immigration Courts, the person or party concerned
16 shall have the privilege of being represented (at no expense
17 to the Federal Government) by such counsel, authorized
18 to practice before the Immigration Courts, of his or her
19 choosing.

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

23 “(c) LEGAL ORIENTATION PROGRAM.—The Immi-
24 gration Courts shall maintain, through agreements with
25 legal services and other nonprofit organizations, a legal

1 orientation program that explains the Court’s procedures
2 and provides basic legal information to individuals who are
3 or may become parties to proceedings before the Immigra-
4 tion Courts.

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

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

10 “(b) PUBLICATION OF NON-PRECEDENT DECISIONS
11 AND RECORDS.—

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

17 “(2) CONFIDENTIAL INFORMATION.—The Im-
18 migration Courts shall preserve the confidentiality of
19 information relating to matters involving national se-
20 curity, asylum and other forms of protection, and
21 claims under the Violence Against Women Act of
22 1994 (title IV of Public Law 103–322; 108 Stat.
23 1902, et seq.) or under any other applicable law.
24 The Immigration Courts may take such action as
25 may be necessary to prevent the disclosure of con-

1 fidential information in its proceedings and records,
2 including requiring that such information be placed
3 under seal and opened only as directed by the Immi-
4 gration Courts.

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

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

8 “(1) consider de novo all constitutional claims
9 and questions of law; and

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

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

19 “(c) REVIEW BY APPELLATE DIVISION.—

20 “(1) IN GENERAL.—In considering an appeal
21 from an immigration trial judge decision, the appel-
22 late division shall limit its review to the scope of
23 issues raised on appeal and shall conduct its review
24 of the decision based on the record of proceedings of
25 the trial division.

1 “(2) FACT FINDING.—Aside from taking judi-
2 cial notice of commonly known facts, the appellate
3 division shall not engage in fact finding in consid-
4 ering an appeal of an immigration trial judge deci-
5 sion, and shall defer to the factual findings of the
6 immigration trial judge unless such findings are
7 challenged and determined to be clearly erroneous.

8 “(d) REVIEW BY THE UNITED STATES COURTS OF
9 APPEALS.—A decision of the appellate division may be ap-
10 pealed by a party to such proceeding and reviewed by the
11 United States court of appeals for the judicial circuit
12 wherein venue lies, in accordance with section 242, as ap-
13 plicable. If the Federal Government appeals a decision
14 pursuant to this subsection, and the court finds that the
15 alien party to such appeal is financially unable to obtain
16 adequate representation, representation for such alien
17 shall be provided through the plan for representation on
18 appeal that is in effect under section 3006A of title 18,
19 United States Code.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 at the beginning of the Immigration and Nationality Act
22 (8 U.S.C. 1101 et seq.) is amended by adding at the end
23 the following:

“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.”.

1 **SEC. 3. EMPLOYEES.**

2 (a) CLERK OF THE COURT.—The chief judge of the
3 United States Immigration Courts may appoint, and pre-
4 scribe the duties for, a clerk of the court without regard
5 to the provisions of title 5, United States Code, governing
6 appointments in the competitive service.

7 (b) CHAMBERS STAFF.—Immigration judges ap-
8 pointed pursuant to title VI of the Immigration and Na-
9 tionality Act, as added by section 2(a), may appoint law
10 clerks and secretaries, in such numbers as the appellate
11 division approves, without regard to the provisions of title
12 5, United States Code, governing appointments in the
13 competitive service.

14 (c) OTHER COURT STAFF.—The clerk of the court
15 appointed pursuant to subsection (a) and the chief admin-
16 istrative officer of the administrative division of the
17 United States Immigration Courts may appoint deputies
18 and employees, in such numbers as the appellate division
19 approves, without regard to the provisions of title 5,
20 United States Code, governing appointments in the com-
21 petitive service.

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

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

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

20 **SEC. 4. BUDGET AND EXPENDITURES.**

21 (a) COURT BUDGET.—The budget of the United
22 States Immigration Courts for each fiscal year shall be—
23 (1) established by the Immigration Courts,
24 without review or modification by the executive
25 branch; and

1 (2) included in the budget submitted to Con-
2 gress by the President pursuant to section 1105 of
3 title 31, United States Code.

4 (b) PERMISSIBLE COURT EXPENDITURES.—

5 (1) IN GENERAL.—The Immigration Courts
6 may make such expenditures as may be necessary to
7 execute efficiently the judicial and administrative
8 functions vested in the Courts, including expendi-
9 tures for personal services, rent at the seat of Gov-
10 ernment and elsewhere, law books, books of ref-
11 erence, and periodicals.

12 (2) MANNER OF EXPENDITURE.—The Immigra-
13 tion Courts may receive and expend funds appro-
14 priated to the Immigration Courts—

15 (A) directly; or

16 (B) by transferring such funds to—

17 (i) the Director of the Administrative
18 Office of the United States Courts;

19 (ii) another court established under
20 article I of the Constitution; or

21 (iii) an Executive agency (as defined
22 in section 105 of title 5, United States
23 Code).

24 (3) APPROVED EXPENSES.—Funds expended
25 pursuant to this subsection may be used for admin-

1 istrative support and guidance (including budgetary
2 and financial, payroll and personnel, protective and
3 security, recordkeeping and statistical, and informa-
4 tion technology services) requested by the Immigra-
5 tion Courts and approved by the Director, court, or
6 agency, respectively.

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

12 **SEC. 5. ANNUAL REPORT.**

13 (a) IN GENERAL.—Not later than April 1 of each
14 year, the chief judge of the United States Immigration
15 Courts shall submit a report to the Committee on the Ju-
16 diciary of the Senate and the Committee on the Judiciary
17 of the House of Representatives that summarizes the
18 workload of the Immigration Courts during the preceding
19 fiscal year.

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

22 (1) demographic information, including the age,
23 gender, and nationality of respondents appearing be-
24 fore the United States Immigration Courts, and

1 rates at which such respondents are represented by
2 counsel;

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

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

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

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

15 (6) any information requested by the congres-
16 sional committees referred to in subsection (a), pro-
17 vided that such request is timely and reasonable.

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

19 (a) APPLICATION DATE.—The United States Immi-
20 gration Courts may not begin to exercise the functions of
21 the courts under this Act and the amendments made by
22 section 2 until on or after the date (referred to in this
23 section and in section 7 as the “application date”)—

24 (1) that is—

1 (A) the first day of the first full fiscal year
2 after the date of the enactment of this Act, if
3 such date is 180 days or more after such date
4 of enactment; or

5 (B) the first day of the second full fiscal
6 year after the date of the enactment of this Act,
7 if the first day of the first full fiscal year after
8 such date of enactment is less than 180 days
9 after such date of enactment; and

10 (2) on which 3 or more immigration appeals
11 judges have been duly appointed by the President, in
12 accordance with procedures set forth in subsection
13 (c) and in section 601(b)(2) of the Immigration and
14 Nationality Act, as added by section 2(a).

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

17 (1) DEFINED TERM.—In this section, the term
18 “transition period” means the 4-year period begin-
19 ning on the application date.

20 (2) INTERIM IMMIGRATION TRIAL JUDGES.—

21 (A) IN GENERAL.—Each individual serving
22 as an immigration judge in the Executive Office
23 for Immigration Review on the day before the
24 application date shall be redesignated as an in-
25 terim immigration trial judge on such date.

1 (B) AUTHORITY OF INTERIM IMMIGRATION
2 TRIAL JUDGES.—Interim immigration trial
3 judges are authorized to exercise all of the pow-
4 ers of an immigration trial judge provided
5 under title VI of the Immigration and Nation-
6 ality Act, as added by section 2(a).

7 (C) TERM OF SERVICE.—An interim immi-
8 gration trial judge may serve until the earlier
9 of—

10 (i) the first date on which—

11 (I) the transition period has
12 ended; and

13 (II) a successor has been ap-
14 pointed; or

15 (ii) the date that is 5 years after the
16 application date.

17 (D) APPOINTMENT.—An otherwise quali-
18 fied interim immigration trial judge may be ap-
19 pointed as an immigration trial judge.

20 (E) CREDIT AND ELIGIBILITY FOR BENE-
21 FITS.—Service as an interim immigration trial
22 judge shall be included in the same manner as
23 service as an immigration trial judge for pur-
24 poses of calculating service credit, retirement
25 eligibility, and disability.

1 (F) SEPARATION.—Nothing in this Act or
2 in the amendments made by this Act may be
3 construed—

4 (i) to preclude an interim immigration
5 trial judge who is not appointed for a term
6 appointment by the appellate division pur-
7 suant to section 601(c)(2) of the Immigra-
8 tion and Nationality Act, as added by sec-
9 tion 2(a), from eligibility for appointment
10 as an administrative judge, an administra-
11 tive law judge, or an attorney position in
12 a Federal agency; or

13 (ii) to make a judge described in
14 clause (i) ineligible for early retirement
15 under section 8336(d)(2)(D) or
16 8414(b)(1)(B) of title 5, United States
17 Code.

18 (c) FIRST APPOINTMENTS TO THE UNITED STATES
19 IMMIGRATION COURTS.—

20 (1) APPELLATE DIVISION.—

21 (A) IN GENERAL.—Notwithstanding sec-
22 tion 601(b)(2)(B) of the Immigration and Na-
23 tionality Act, as added by section 2(a), of the
24 first 21 immigration appeals judges appointed
25 pursuant to section 601(b)(2)(A) of such Act—

1 (i) the terms of the first 7 such
2 judges so appointed shall terminate on the
3 date that is 5 years after the application
4 date;

5 (ii) the terms of the next 7 such
6 judges so appointed shall terminate on the
7 date that is 10 years after the application
8 date; and

9 (iii) the terms of the last 7 such
10 judges so appointed shall terminate on the
11 date that is 15 years after the application
12 date.

13 (B) SUCCESSION.—Each immigration ap-
14 peals judge described in subparagraph (A) may
15 continue to serve after the expiration of his or
16 her initial designated term if such judge is re-
17 appointed in accordance with section
18 601(b)(2)(B) of the Immigration and Nation-
19 ality Act, as added by section 2(a).

20 (2) TRIAL DIVISION.—Not later than 180 days
21 before the last day of the transition period, the ap-
22 pellate division shall establish procedures and re-
23 quirements related to the appointment of immigra-
24 tion trial judges.

1 (3) CLARIFICATION.—Notwithstanding para-
2 graphs (1) and (2) and section 601 of the Immigra-
3 tion and Nationality Act, as added by section 2(a),
4 any individual appointed to fill an immigration trial
5 judge vacancy during the transition period shall
6 serve until the earlier of—

7 (A) the first date on which—

8 (i) the transition period has ended;
9 and

10 (ii) a successor has been appointed in
11 accordance with section 602 of the Immi-
12 gration and Nationality Act, as added by
13 section 2(a); or

14 (B) the date that is 1 year after the last
15 day of the transition period.

16 (d) PRIOR SERVICE CREDIT.—

17 (1) DEFINED TERM.—In this subsection, the
18 term “covered immigration judge” means—

19 (A) an immigration appeals judge ap-
20 pointed pursuant to section 601(b) of the Immi-
21 gration and Nationality Act, as added by sec-
22 tion 2(a);

23 (B) an immigration trial judge appointed
24 pursuant to section 601(c) of the Immigration

1 and Nationality Act, as added by section 2(a);
2 or

3 (C) an interim immigration trial judge re-
4 designated as such pursuant to subsection
5 (b)(2)(A).

6 (2) COMPUTATION OF YEARS OF SERVICE.—

7 The period during which a covered immigration
8 judge who elects to receive retired pay under section
9 602(i)(1) of the Immigration and Nationality Act, as
10 added by section 2(a), serves as a member of the
11 Board of Immigration Appeals, an immigration
12 judge, or an administrative law judge in the Execu-
13 tive Office for Immigration Review of the Depart-
14 ment of Justice, shall be included (up to a maximum
15 of 5 years) in the service of such individual on the
16 Immigration Courts for purposes of computing the
17 years of service as an immigration judge.

18 **SEC. 7. INSTITUTIONAL TRANSFER; CONTINUITY OF PRO-**
19 **CEEDINGS.**

20 (a) EXISTING PRECEDENT.—

21 (1) IN GENERAL.—Precedential decisions by the
22 Attorney General or the Board of Immigration Ap-
23 peals under title II of the Immigration and Nation-
24 ality Act (8 U.S.C. 1151 et seq.) that were issued
25 before the application date shall continue to serve as

1 precedent in proceedings before the Immigration
2 Courts unless explicitly overruled by the appellate di-
3 vision.

4 (2) RULES.—To the extent that such rules are
5 consistent with this Act and the amendments made
6 by this Act, the rules of the Attorney General that
7 were in effect before the application date shall re-
8 main in effect until amended or revoked by the ap-
9 pellate division.

10 (b) INSTITUTIONAL TRANSFER.—

11 (1) EXECUTIVE OFFICE FOR IMMIGRATION RE-
12 VIEW.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), all functions under the Ex-
15 ecutive Office for Immigration Review on the
16 day before the application date shall be trans-
17 ferred to the Immigration Courts on the appli-
18 cation date.

19 (B) EXCEPTIONS.—

20 (i) OCAHO.—The Office of the Chief
21 Administrative Hearing Officer and the
22 functions of the Executive Office for Immi-
23 gration Review that support such office
24 shall remain under the jurisdiction of the
25 Department of Justice.

1 (ii) OTHER FUNCTIONS.—The func-
2 tions of the Executive Office for Immigra-
3 tion Review that are not necessary or ap-
4 propriate to be transferred to the Immigra-
5 tion Courts shall be reassigned to other
6 agencies within the Department of Justice
7 or dissolved, at the discretion of the Attor-
8 ney General.

9 (2) TRANSFER AND ALLOCATION OF APPRO-
10 PRIATIONS AND PERSONNEL.—Except as otherwise
11 provided under this section, the personnel of the Ex-
12 ecutive Office for Immigration Review who are em-
13 ployed in connection with any functions transferred
14 pursuant to paragraph (1)(A), and the assets, liabil-
15 ities, contracts, property, records, and unexpended
16 balance of appropriations, authorizations, alloca-
17 tions, and other funds employed, held, used, arising
18 from, available to, or to be made available to, the
19 Executive Office for Immigration Review, in connec-
20 tion with such functions transferred pursuant to
21 paragraph (1)(A), subject to section 1531 of title
22 31, United States Code, shall be transferred to the
23 Immigration Courts on the application date. Unex-
24 pended funds transferred pursuant to this paragraph

1 shall be used only for the purposes for which the
2 funds were originally authorized and appropriated.

3 (3) PENDING CASES.—

4 (A) RULE OF CONSTRUCTION.—Nothing in
5 this Act may be construed to result in any loss
6 of rights or powers, interruption of jurisdiction,
7 or prejudice to matters under title II of the Im-
8 migration and Nationality Act (8 U.S.C. 1151
9 et seq.) that are pending before the Board of
10 Immigration Appeals or an immigration judge
11 on the application date.

12 (B) TRANSFER.—All proceedings under
13 title II of the Immigration and Nationality Act
14 (8 U.S.C. 1151 et seq.) that are pending before
15 the Board of Immigration Appeals or an immi-
16 gration judge on the application date shall be
17 transferred to the Immigration Courts to pro-
18 ceed before the trial division or the appellate di-
19 vision, as appropriate.

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

22 (a) QUADRENNIAL REVIEW.—The Judicial Con-
23 ference of the United States shall conduct a review of ad-
24 judications in the United States Immigration Courts not
25 less frequently than quadrennially as part of its com-

1 prehensive survey of business in the courts of the United
2 States conducted pursuant to section 331 of title 28,
3 United States Code.

4 (b) REPORT.—At the conclusion of each review con-
5 ducted pursuant to subsection (a)—

6 (1) the Judicial Conference shall submit a re-
7 port containing its findings from such review to—

8 (A) the appellate division;

9 (B) the Committee on the Judiciary of the
10 Senate; and

11 (C) the Committee on the Judiciary of the
12 House of Representatives; and

13 (2) the report submitted pursuant to paragraph

14 (1) shall be printed in the Congressional Record.

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

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

18 (1) in section 101(b), by amending paragraph

19 (4) to read as follows:

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

24 (2) in section 238—

25 (A) in subsection (a)—

1 (i) in paragraph (1)—

2 (I) by striking “Attorney Gen-
3 eral” and inserting “Immigration
4 Courts”; and

5 (II) by striking “Service” and in-
6 serting “Department of Homeland Se-
7 curity”;

8 (ii) in paragraph (2), by striking “At-
9 torney General” each place such term ap-
10 pears and inserting “Secretary of Home-
11 land Security”;

12 (iii) in paragraph (3)—

13 (I) by amending subparagraph
14 (A) to read as follows:

15 “(A) Notwithstanding any other provision of law, in
16 the case of any alien convicted of an aggravated felony,
17 removal proceedings, and any administrative appeals relat-
18 ing to such removal, shall be completed, to the extent pos-
19 sible, before the alien’s release from incarceration for the
20 underlying aggravated felony.”; and

21 (II) in subparagraph (B), by
22 striking “Attorney General” and in-
23 serting “Secretary of Homeland Secu-
24 rity”; and

1 (iv) in paragraph (4)(A), by striking
2 “Attorney General” each place such term
3 appears and inserting “administrative
4 council of the Immigration Courts”;
5 (B) in subsection (b)—

6 (i) in paragraph (1), by striking “At-
7 torney General” and inserting “immigra-
8 tion judge”;

9 (ii) in paragraph (3)—

10 (I) by striking “Attorney Gen-
11 eral” and inserting “Secretary of
12 Homeland Security”; and

13 (II) by striking “apply for” and
14 inserting “seek”;

15 (iii) by amending paragraph (4) to
16 read as follows:

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

18 “(A) the alien shall—

19 “(i) be given reasonable notice of the
20 charges and of the opportunity described
21 in subparagraph (C);

22 “(ii) have the privilege of being rep-
23 resented (at no expense to the Govern-
24 ment) by such counsel, authorized to prac-

1 tice in such proceedings, as the alien shall
2 choose; and

3 “(iii) have a reasonable opportunity to
4 inspect the evidence and rebut the charges;
5 and

6 “(B) the immigration judge shall ensure
7 that—

8 “(i) a determination is made for the
9 record that the individual upon whom the
10 notice for the proceeding under this section
11 is served (either in person or by mail) is,
12 in fact, the alien named in such notice; and

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

15 (iv) in paragraph (5)—

16 (I) by striking “Attorney General
17 may” and inserting “immigration
18 judge may”; and

19 (II) by striking “Attorney Gen-
20 eral’s” and inserting “immigration
21 judge’s”;

22 (C) by redesignating the second subsection
23 (c) (as previously redesignated by section
24 671(b)(13) of the Illegal Immigration Reform
25 and Immigrant Responsibility Act of 1996 (di-

1 vision C of Public Law 104–208))) as sub-
2 section (d); and

3 (D) in subsection (d), as redesignated—

4 (i) by striking “Commissioner” each
5 place such term appears and inserting
6 “Secretary of Homeland Security”;

7 (ii) in paragraph (2)(A), by striking
8 “Service” and inserting “Secretary of
9 Homeland Security”; and

10 (iii) in paragraphs (2)(D)(iv) and (4),
11 by striking “Attorney General” and insert-
12 ing “Secretary of Homeland Security”;

13 (3) in section 239—

14 (A) in subsection (a), by striking “Attor-
15 ney General” each place such term appears and
16 inserting “Immigration Courts”;

17 (B) in subsection (b)—

18 (i) in paragraph (2), by striking “At-
19 torney General” and inserting “Immigra-
20 tion Courts”;

21 (ii) in paragraph (3), by striking “At-
22 torney General” and inserting “immigra-
23 tion judge”; and

1 (C) in subsection (d)(1), by striking “At-
2 torney General” and inserting “immigration
3 judge”;

4 (4) in section 240—

5 (A) in subsection (b)—

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

7 (ii) by redesignating paragraphs (2)
8 through (5) as paragraphs (1) through (4),
9 respectively;

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

12 (iv) by amending paragraph (1), as
13 redesignated, 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 pursuant to section
19 622(a)(5).”;

20 (v) in paragraph (2), as redesignated,
21 by striking “Attorney General” and insert-
22 ing “immigration judge”;

23 (vi) in paragraph (3), as redesign-
24 nated—

1 (I) in the matter preceding sub-
2 paragraph (A), by striking “, under
3 regulations of the Attorney General”;
4 and

5 (II) in subparagraph (A), by
6 striking “, at no expense to the Gov-
7 ernment, by counsel of the alien’s
8 choosing who is authorized to practice
9 in such proceedings” and inserting
10 “in accordance with section 623(a)”;
11 and

12 (vii) in paragraph (4)(A), as redesign-
13 nated—

14 (I) by striking “Service” and in-
15 serting “Government”; and

16 (II) by amending the last sen-
17 tence to read as follows: “Written no-
18 tice shall be considered sufficient for
19 purposes of this subparagraph if pro-
20 vided at the most recent address pro-
21 vided under section 239(a)(1)(F).”;

22 (B) in subsection (c)—

23 (i) in paragraph (2), in the matter fol-
24 lowing subparagraph (B), by striking “At-

1 torney General” and inserting “Secretary
2 of Homeland Security”;

3 (ii) in paragraph (3)—

4 (I) by striking “SERVICE” in the
5 paragraph heading and inserting
6 “GOVERNMENT”; and

7 (II) by striking “Service” each
8 place such term appears and inserting
9 “Government”;

10 (iii) in paragraph (7)(C)(iv)—

11 (I) in subclause (II)—

12 (aa) by striking “Attorney
13 General” and inserting “immi-
14 gration judge”; and

15 (bb) by striking “Immigra-
16 tion and Naturalization Service”
17 and inserting “Secretary of
18 Homeland Security”; and

19 (II) in subclause (III)—

20 (aa) by striking “Attorney
21 General may” and inserting “im-
22 migration judge may”; and

23 (bb) by striking “Attorney
24 General’s” and inserting “immi-
25 gration judge’s”; and

1 (C) in subsection (d), by amending the
2 first sentence to read as follows: “An immigra-
3 tion judge may enter an order of removal stipu-
4 lated to by the alien (or the alien’s representa-
5 tive) and the Government.”;

6 (5) in section 242—

7 (A) in subsection (a)—

8 (i) in paragraph (2)—

9 (I) in subparagraph (A), by strik-
10 ing “Attorney General” each place
11 such term appears and inserting “Sec-
12 retary of Homeland Security”; and

13 (II) in subparagraph (B)(ii), by
14 striking “Attorney General” each
15 place such term appears and inserting
16 “the appellate division of the Immi-
17 gration Courts”; and

18 (ii) by adding at the end the fol-
19 lowing:

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

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

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

7 (B) in subsection (b)—

8 (i) in paragraph (2), by inserting
9 “trial” after “immigration”;

10 (ii) in paragraph (3)(A)—

11 (I) by striking “Attorney Gen-
12 eral” in the first sentence and insert-
13 ing “United States”; and

14 (II) by amending the second sen-
15 tence to read as follows: “The petition
16 shall be served on the Attorney Gen-
17 eral and on the officer or employee of
18 the Department of Homeland Security
19 in charge of the district in which the
20 final order of removal under section
21 240 was entered.”;

22 (iii) in paragraph (4)(D), by striking
23 “Attorney General’s” and inserting “immi-
24 gration judge’s”; and

1 (iv) in paragraph (8), by striking “At-
2 torney General” each place such term ap-
3 pears and inserting “Secretary of Home-
4 land Security”;

5 (C) in subsection (e)—

6 (i) in paragraph (2)(C), by striking
7 “as prescribed by the Attorney General”;
8 and

9 (ii) in paragraph (3)(A)(ii), by strik-
10 ing “Attorney General” and inserting
11 “Secretary of Homeland Security”; and

12 (D) in subsection (g), by striking “Attor-
13 ney General” and inserting “Secretary of
14 Homeland Security”; and

15 (6) in section 246(a)—

16 (A) by striking “Attorney General” each
17 place such term appears and inserting “Sec-
18 retary of Homeland Security”; and

19 (B) by striking the second sentence and in-
20 serting the following: “Upon request of the indi-
21 vidual whose status has been rescinded, the
22 Secretary of Homeland Security shall refer such
23 rescission to the United States Immigration
24 Courts for review in accordance with section
25 604(b)(1)(B).”.

1 (b) CONSTRUCTION OF EXISTING REFERENCES.—To
2 the extent consistent with this Act, each reference in the
3 Immigration and Nationality Act (8 U.S.C. 1101 et seq.),
4 or in any rule prescribed under such Act—

5 (1) to the Board of Immigration Appeals or an
6 immigration judge, or any administrative appeal,
7 hearing, review, or other proceeding before such
8 Board or judge, shall be deemed to refer, as appro-
9 priate, to the United States Immigration Courts es-
10 tablished under title VI of the Immigration and Na-
11 tionality Act, as added by section 2, to the appro-
12 priate division of the Immigration Courts, or to the
13 corresponding proceedings under this Act before the
14 Immigration Courts; and

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

24 (c) FINANCIAL DISCLOSURE REPORTING.—Section
25 13101 of title 5, United States Code, is amended—

- 1 (1) in paragraph (9), by inserting “of the
2 United States Immigration Courts,” after “Court of
3 Appeals for Veterans Claims,”; and
- 4 (2) in paragraph (10), by inserting “United
5 States Immigration Courts,” after “Court of Ap-
6 peals for Veterans Claims,”.