

Real Courts Rule of Law Act
Senators Gillibrand (D-NY) and Durbin (D-IL)

The Real Courts Rule of Law Act would transition the nation's immigration court system into an independent judiciary to establish safeguards that protect it from outside political influence and ensure impartiality and independent decision-making.

A hallmark of our system of democracy and the rule of law is an independent judiciary. Immigration judges issue life-defining decisions – decisions that may result in separation from one's family and permanent banishment from the United States. In cases involving asylum or other humanitarian protections, the decisions of immigration judges are quite literally, a matter of life or death. Despite this, our nation's immigration court system, housed under the Department of Justice, lacks procedural and structural safeguards that protect it against political influence and ensure impartiality and independent decision-making.

Immigration judges are not independent judicial officers – they are lawyers, appointed by the nation's top prosecutor, the Attorney General. As employees of the Department of Justice, immigration judges are charged with adjudicating cases in accordance with the policies and priorities of the governing administration. Since January 2025, the Trump administration has mounted an unprecedented attack on the rule of law by [firing over 100 immigration judges](#) for political reasons, severely worsening the strain on overburdened courts. By firing experienced judges this administration has crippled court efficiency and severely compromised the public's trust in judicial neutrality.

To solve these problems, the immigration courts require a structural overhaul. An Article I immigration court system, like the U.S. Tax Court, the U.S. Court of Appeals for Veterans Claims, or the U.S. Bankruptcy Court system would ensure that immigration judges are free from political pressure and can deliver just decisions in accordance with the law.

The Real Courts Rule of Law Act will:

- Establish an independent immigration court—known as the United States Immigration Court— consistent with Article I of the Constitution and comprised of a trial division, an appellate division, and an administrative division.
- Ensure that qualified, impartial individuals are appointed to serve as immigration judges at both the trial and appellate levels.
- Ensure that the United States Immigration Court has adequate resources and support to operate efficiently while giving the Court authority to appoint temporary immigration judges and establish temporary court facilities to ensure the expeditious administration of justice.
- Improve transparency and accountability in Immigration Court proceedings by requiring publication of all court rules and procedures, as well as precedent decisions and pleadings while protecting confidential information.
- Improve efficiencies by allowing the Immigration Court to establish its own budget without review by the Executive Branch and empowering immigration judges to control

their own dockets and compel agency action that is unlawfully withheld or unreasonably delayed.

- Strengthen the integrity of immigration court proceedings by giving immigration judges authority to impose civil money penalties for contempt of court.

Endorsed by: American Immigration Lawyers Association, American Bar Association, American Immigration Council, #AfghanEvac, Ayuda, Center for Gender & Refugee Studies, Central American Resource Center - CARECEN of Northern California, Church World Service, Coalition for Humane Immigrant Rights (CHIRLA), Dream Project, Federal Bar Association, Hispanic Federation, Human Rights First, Immigrant Defenders Law Center (ImmDef), Kids in Need of Defense (KIND), Lawyers for Good Government, Lawyers For The Rule of Law, National Association of Women Lawyers, National Korean American Service and Education Consortium (NAKASEC), National Partnership for New Americans, NETWORK Lobby for Catholic Social Justice, Refugee Council USA, South Asian Bar Association on North America, Texas Immigration Law Council, The Advocates for Human Rights, The Rossman Firm, The Workers Circle, Uproar Utah, Vera Institute of Justice, Young Center for Immigrant Children's Act