

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7836

To establish, under article I of the Constitution of the United States, a court of record to be known as the United States Immigration Courts.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2026

Ms. LOFGREN (for herself, Mr. RASKIN, Mr. JOHNSON of Georgia, and Mr. GOLDMAN of New York) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish, under article I of the Constitution of the United States, a court of record to 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 to be known as the  
 15 United States Immigration Courts (referred to in  
 16 this Act 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 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 DC, metropolitan area, but any immigration court  
7 may sit at any place within the United States.

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

10          “(b) APPELLATE DIVISION.—

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

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

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

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

1 judge who is not reappointed for an additional  
2 term may continue to serve after the expiration  
3 of the prior term until the earlier of—

4 “(i) the date that a successor is ap-  
5 pointed; or

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

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

16 “(3) CHIEF JUDGE.—

17 “(A) DESIGNATION.—

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

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

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

4           “(III) have not previously served  
5           as chief judge.

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

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

20          “(B) TERM OF OFFICE.—

21          “(i) IN GENERAL.—Except as pro-  
22          vided in clause (ii), the chief judge shall  
23          serve a term that shall end on the earliest  
24          of—

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

3                   “(II) the date that the judge is  
4                   removed from service for cause in ac-  
5                   cordance with section 602(f);

6                   “(III) the date that the judge  
7                   leaves regular active service as an im-  
8                   migration appeals judge; and

9                   “(IV) the date that the judge  
10                  provides written notice to the other  
11                  immigration appeals judges that such  
12                  judge is resigning from service as  
13                  chief judge.

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

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

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

3           “(i) appoint immigration trial judges  
4 to the trial division;

5           “(ii) remove immigration trial judges  
6 in accordance with section 602(f);

7           “(iii) appoint a chief administrative  
8 officer to the administrative division;

9           “(iv) promulgate rules and set policies  
10 and procedures of the Immigration Courts;  
11 and

12           “(v) address other non-adjudicative  
13 matters that require en banc consideration,  
14 as determined by the chief judge.

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

19           “(C) QUORUM.—For purposes of this  
20 paragraph, not less than three immigration ap-  
21 peals judges in regular active service or  $\frac{2}{3}$  of  
22 all immigration appeals judges in regular active  
23 service, whichever is greater, shall constitute a  
24 quorum.

25           “(c) TRIAL DIVISION.—

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

8           “(2) APPOINTMENT OF IMMIGRATION TRIAL  
9 JUDGES.—

10           “(A) IN GENERAL.—Except as provided in  
11 section 603, each immigration trial judge shall  
12 be appointed by the appellate division consistent  
13 with the requirements described in section 602.

14           “(B) TERM OF OFFICE.—Each immigra-  
15 tion trial judge shall be appointed for a term of  
16 15 years and may be reappointed for additional  
17 15-year terms. An immigration trial judge who  
18 is not reappointed for an additional term may  
19 continue to serve after the expiration of the  
20 prior term for not more than 1 year or until a  
21 successor is appointed, whichever occurs first.

22           “(3) CHIEF TRIAL JUDGES.—

23           “(A) DESIGNATION.—The chief judge shall  
24 designate one immigration trial judge to serve  
25 as the chief trial judge for each geographical

1 area. If only one immigration trial judge pre-  
2 sides over a geographical area, that judge shall  
3 be designated the chief trial judge.

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

9 “(C) RESPONSIBILITIES.—In addition to  
10 fulfilling regular judicial duties, chief trial  
11 judges shall be responsible for—

12 “(i) overseeing the administrative op-  
13 erations of the trial division in the geo-  
14 graphical area in which they are located;  
15 and

16 “(ii) fulfilling all other duties and re-  
17 sponsibilities articulated in this Act or del-  
18 egated to the chief trial judges by the chief  
19 judge.

20 “(d) ADMINISTRATIVE DIVISION.—

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

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

4                   “(A) implementing and administering oper-  
5                   ational rules, policies, and procedures of the  
6                   Immigration Courts established by the appellate  
7                   division or the administrative council;

8                   “(B) assisting the administrative council in  
9                   executing its responsibilities as described in  
10                  paragraph (3); and

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

14           “(3) ADMINISTRATIVE COUNCIL.—

15                   “(A) IN GENERAL.—The chief judge of the  
16                   appellate division shall summon annually the  
17                   chief trial judge of each court of the trial divi-  
18                   sion to a meeting at such time and place in the  
19                   United States as the chief judge may designate.  
20                   The chief judge shall preside at such meeting  
21                   which shall be known as the administrative  
22                   council of the Immigration Courts. Special ses-  
23                   sions of the council may be called by the chief  
24                   judge at such times and places as the chief  
25                   judge may designate. If the chief trial judge of

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

10 “(B) DETERMINATION OF NUMBER OF RE-  
11 QUIRED JUDGES AND GEOGRAPHICAL AREAS OF  
12 SERVICE.—

13 “(i) SURVEY.—Not later than 1 year  
14 after the application date described in sec-  
15 tion 6 of the Real Courts, Rule of Law Act  
16 of 2026, and every 4 years thereafter, the  
17 administrative council shall conduct a sur-  
18 vey, which shall include the solicitation of  
19 information and recommendations from the  
20 public, to determine the number of immi-  
21 gration trial courts required to provide for  
22 the expeditious and effective administra-  
23 tion of justice, as well as the geographical  
24 areas to be served by such courts. In con-

1           ducting the survey, the administrative  
2           council shall—

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

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

17                  “(III) consider proximity and ac-  
18                  cess to judicial and Department of  
19                  Homeland Security facilities; and

20                  “(IV) consider the allocation of  
21                  immigration trial courts and judges  
22                  among existing geographical areas  
23                  and whether the administration of  
24                  justice would be better served by the

1 presence of immigration trial courts  
2 and judges in new or different areas.

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

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

11 “(C) MERIT SELECTION PANEL.—

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

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

1 **“SEC. 602. IMMIGRATION APPEALS JUDGES AND TRIAL**  
2 **JUDGES.**

3 “(a) **QUALIFICATIONS OF IMMIGRATION JUDGES.—**

4 Each immigration judge shall—

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

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

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

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

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

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

23 “(b) **ADDITIONAL FACTORS FOR THE APPOINTMENT**  
24 **OF IMMIGRATION JUDGES.—**In appointing immigration  
25 judges, the President and the appellate division shall en-  
26 sure that—

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

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

7           “(A) is comprised primarily of individuals  
8 with prior legal experience in immigration law;  
9 and

10           “(B) reflects a balance of individuals with  
11 prior legal experience in the public sector and  
12 private sector; and

13           “(3) candidates are selected without regard to  
14 political party affiliation or perceived political ide-  
15 ology.

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

21           “(d) CONTINUING EDUCATION.—In addition to the  
22 training required under section 603(c) of the International  
23 Religious Freedom Act of 1998 (22 U.S.C. 6473(c)), all  
24 immigration judges shall be required to satisfy continuing

1 education requirements, as determined by the administra-  
2 tive council.

3 “(e) SALARIES.—

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

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

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

24 “(f) REMOVAL.—

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

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

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

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

15           “(2) COMPLAINTS.—

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

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

15          “(g) RETIREMENT.—

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

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

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

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

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

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

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

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

18                   “(1) retires under paragraph (1), (2), or (3) of  
19          subsection (g) and elects under subsection (i) to re-  
20          ceive retired pay under this subsection shall receive  
21          retired pay during any period at a rate which bears  
22          the same ratio to the rate of the salary payable to  
23          an immigration judge during such period as the  
24          number of years he has served as immigration judge  
25          bears to 10; except that the rate of such retired pay

1 shall not be more than the rate of such salary for  
2 such period; or

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

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

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

15 Such retired pay shall begin to accrue on the day following  
16 the day on which his salary as immigration judge ceases  
17 to accrue, and shall continue to accrue during the remain-  
18 der of his life. Retired pay under this subsection shall be  
19 paid in the same manner as the salary of an immigration  
20 judge. In computing the rate of the retired pay under  
21 paragraph (1) of this subsection for any individual who  
22 is entitled thereto, that portion of the aggregate number  
23 of years he has served as an immigration judge which is  
24 a fractional part of 1 year shall be eliminated if it is less  
25 than 6 months, or shall be counted as a full year if it

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

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

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

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

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

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

23 The chief judge shall transmit to the Office of Personnel  
24 Management a copy of each notice filed with him under  
25 this subsection.

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

4           “(1) 1-YEAR FORFEITURE FOR FAILURE TO  
5 PERFORM JUDICIAL DUTIES.—If such individual  
6 during any calendar year fails to perform judicial  
7 duties required of him by section 603, such indi-  
8 vidual shall forfeit all rights to retired pay under  
9 subsection (d) for the 1-year period which begins on  
10 the first day on which he so fails to perform such  
11 duties.

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

20           “(3) FORFEITURES OF RETIRED PAY UNDER  
21 PARAGRAPH (1) NOT TO APPLY WHERE INDIVIDUAL  
22 ELECTS TO FREEZE AMOUNT OF RETIRED PAY.—

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

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

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

12          “(B) ELECTION.—An election under this  
13          paragraph—

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

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

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

24          Such an election, once it takes effect, shall be  
25          irrevocable.

1           “(C) WHEN ELECTION TAKES EFFECT.—

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

5           “(k) COORDINATION WITH CIVIL SERVICE RETIRE-  
6           MENT.—

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

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

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

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

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

13          “(1) RETIREMENT FOR DISABILITY.—

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

20               “(2) Whenever any immigration judge who be-  
21               comes permanently disabled from performing his du-  
22               ties does not retire or the appellate division, as ap-  
23               plicable, and the President finds that such immigra-  
24               tion judge is unable to discharge efficiently all the  
25               duties of his office by reason of permanent mental

1 or physical disability and that the appointment of an  
2 additional immigration judge is necessary for the ef-  
3 ficient dispatch of business, the President or the ap-  
4 pellate division, as applicable, shall declare such im-  
5 migration judge to be retired.

6 “(m) REVOCATION OF ELECTION TO RECEIVE RE-  
7 TIRED PAY.—

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

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

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

24 “(A) for purposes of this section, the indi-  
25 vidual shall be treated as not having filed an

1 election to receive retired pay under subsection  
2 (h),

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

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

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

21 “(n) THRIFT SAVINGS PLAN.—

22 “(1) ELECTION TO CONTRIBUTE.—

23 “(A) IN GENERAL.—An immigration judge  
24 may elect to contribute to the Thrift Savings

1 Fund established by section 8437 of title 5,  
2 United States Code.

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

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

14 “(3) SPECIAL RULES.—

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

23 “(B) CONTRIBUTIONS FOR BENEFIT OF  
24 IMMIGRATION JUDGE.—No contributions may  
25 be made for the benefit of an immigration judge

1 under section 8432(c) of title 5, United States  
2 Code.

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

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

10 “(ii) ceases to serve as an immigra-  
11 tion judge but does not retire under sub-  
12 section (g).

13 Retirement under subsection (b) is a separation  
14 from service for purposes of subchapters III  
15 and VII of chapter 84 of that title.

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

22 “(E) EXCEPTION.—Notwithstanding sub-  
23 paragraph (C), if any immigration judge retires  
24 under this section, or resigns without having  
25 met the age and service requirements set forth

1 under subsection (g)(2), and such immigration  
2 judge's nonforfeitable account balance is less  
3 than an amount that the Executive Director of  
4 the Federal Retirement Thrift Investment  
5 Board prescribes by regulation, the Executive  
6 Director shall pay the nonforfeitable account  
7 balance to the participant in a single payment.

8 **“SEC. 603. TEMPORARY IMMIGRATION JUDGES AND COURT**  
9 **FACILITIES.**

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

16 “(1) appoint temporary immigration trial  
17 judges, which appointment shall be undertaken in a  
18 manner consistent with the requirements of section  
19 602, to the extent practicable;

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

22 “(3) establish temporary court facilities in des-  
23 ignated geographic areas.

24 “(b) RECALL OF RETIRED JUDGES.—

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

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

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

20           “(4) EFFECT ON CIVIL SERVICE RETIRE-  
21 MENT.—Except as provided in subsection (d), an im-  
22 migration judge who is recalled for service who re-  
23 tired under chapter 83 or 84 of title 5, United  
24 States Code, shall be considered to be a reemployed  
25 annuitant under that chapter. Nothing in this sub-

1 section affects the right of an immigration judge  
2 who retired under chapter 83 or 84 of title 5, United  
3 States Code, to serve as a reemployed annuitant in  
4 accordance with the provisions of title 5, United  
5 States Code.

6 “(c) REPORTING REQUIREMENTS.—

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

13 “(A) the specific and credible facts that led  
14 to the determination that additional court re-  
15 sources are required;

16 “(B) an assessment as to the number of  
17 temporary immigration judges or court facilities  
18 that are required; and

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

23 “(2) ADDITIONAL REPORTING.—Not later than  
24 30 days after exercising the authority under sub-  
25 section (a) and every 30 days thereafter, the appel-

1 late division shall report to the Committees named  
2 in paragraph (1) on the current status of the Immi-  
3 gration Courts and the continuing need for the tem-  
4 porary immigration judges or court facilities.

5 “(3) REDUCTION IN RESOURCES AND TERMI-  
6 NATION.—

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

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

21 “(i) the date that the appellate divi-  
22 sion determines, in consultation with the  
23 administrative council, that regular court  
24 resources are sufficient to resume normal  
25 court operations;

1           “(ii) the date that Congress directs  
2           that such actions be taken by concurrent  
3           resolution; or

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

8 **“SEC. 604. JURISDICTION.**

9           “(a) APPELLATE DIVISION JURISDICTION.—

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

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

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

19           “(C) original proceedings and appeals in  
20           disciplinary matters concerning attorneys and  
21           practitioners before the Immigration Courts.

22           “(2) SAVINGS CLAUSE.—In addition to the mat-  
23           ters described in paragraph (1), the appellate divi-  
24           sion shall have jurisdiction to hear and decide all  
25           other matters over which the Board of Immigration

1 Appeals had authority on the day before the applica-  
2 tion date described in section 6(a) of the Real  
3 Courts, Rule of Law Act of 2026.

4 “(b) TRIAL DIVISION JURISDICTION.—

5 “(1) IN GENERAL.—The trial division of the  
6 Immigration Courts shall have original jurisdiction  
7 over—

8 “(A) removal proceedings as described in  
9 sections 238 and 240;

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

12 “(C) review of credible fear determinations  
13 under section 235 and reasonable fear deter-  
14 minations for aliens subject to reinstated orders  
15 of removal under section 241;

16 “(D) review of applications for asylum re-  
17 ferred by the Secretary of Homeland Security  
18 where the applicant is barred from being placed  
19 in removal proceedings under section 240, and  
20 referrals for protection under section 241(b)(3)  
21 or the United Nations Convention Against Tor-  
22 ture where the individual is not in removal pro-  
23 ceedings and is barred from asylum under this  
24 Act;

1           “(E) determinations relating to bond, cus-  
2           tody, or the detention of any alien in the cus-  
3           tody of the Department of Homeland Security;

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

11          “(G) disciplinary matters concerning attor-  
12          neys and practitioners before the Immigration  
13          Courts.

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

21           **“Subtitle B—Procedure and**  
22           **Appellate Review**

23   **“SEC. 621. PROCEEDINGS.**

24          “(a) TRIAL DIVISION PROCEEDINGS.—

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

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

11                 “(A) record and receive evidence, admin-  
12                 ister oaths, examine and cross-examine wit-  
13                 nesses, set deadlines, and render findings of  
14                 fact and conclusions of law;

15                 “(B) render decisions on respondents’  
16                 prima facie and discretionary eligibility for re-  
17                 lief from removal; and

18                 “(C) order and take depositions, issue sub-  
19                 poenas requiring the attendance and testimony  
20                 of witnesses and the production of documents  
21                 or other evidence, and order responses to writ-  
22                 ten interrogatories.

23          “(b) APPELLATE DIVISION PROCEEDINGS.—

24                 “(1) IN GENERAL.—Except as provided by rules  
25                 established by the appellate division, proceedings be-

1 fore the appellate division shall be heard and decided  
2 by immigration appeals judges sitting in panels of  
3 three such judges or en banc, and decisions shall be  
4 made by majority vote. Any decision of a panel may  
5 be reconsidered by the court sitting en banc.

6 “(2) PRECEDENCE IN APPELLATE DIVISION.—  
7 The chief judge of the Immigration Courts shall  
8 have precedence and preside at any session of the  
9 appellate division that such judge attends. Other im-  
10 migration appeals judges shall have precedence and  
11 preside in the appellate division according to the se-  
12 niority of their original commissions and, for judges  
13 whose commissions bear the same date, according to  
14 seniority in age.

15 “(c) CONTEMPT AUTHORITY.—

16 “(1) IN GENERAL.—Immigration judges shall  
17 have the authority, to sanction by civil money pen-  
18 alty, any individual whose action or inaction ob-  
19 structs the administration of justice or is otherwise  
20 in contempt of the lawful authority of such judge or  
21 the Immigration Courts.

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

1           “(d) ASSISTANCE TO THE COURT.—The Immigration  
2 Courts shall have such assistance in carrying out its lawful  
3 writ, process, order, rule, decree, or command, including  
4 nationwide service of a subpoena, as is available to a court  
5 of the United States, as that term is defined in section  
6 451 of title 28, United States Code. The United States  
7 marshal for a district in which the immigration trial judge  
8 is sitting shall, if requested by the presiding judge, attend  
9 any court proceeding in that district, and may otherwise  
10 provide, when requested by the chief trial judge of that  
11 immigration trial court, for the security of the immigra-  
12 tion trial court, including the personal protection of  
13 judges, court officers, witnesses, and other threatened per-  
14 sons in the interests of justice, where criminal intimidation  
15 impedes on the functioning of the judicial process or any  
16 other official proceeding. The United States Marshals  
17 Service retains final authority regarding security require-  
18 ments for the Immigration Courts.

19           “(e) OPINIONS AND ORDERS.—

20                 “(1) IN GENERAL.—Opinions and orders shall  
21 be issued in accordance with rules promulgated by  
22 the appellate division, except that decisions on the  
23 merits of an application or request for relief from re-  
24 moval rendered by the trial division or the appellate  
25 division shall, to the greatest extent practicable, be

1 issued in the form of a written opinion and shall in-  
2 clude an analysis of the facts of the case and the  
3 legal reasoning for the decision.

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

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

19 “(a) IN GENERAL.—Exercising its en banc authority,  
20 the appellate division shall 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 described in subparagraph (B);

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

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

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

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

1       encing in proceedings where the alien’s eligibility for  
2       relief from removal is being evaluated, unless re-  
3       quested by the alien;

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

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

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

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

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

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

19       “(c) IMMIGRATION COURT FEES.—

20               “(1) IN GENERAL.—The appellate division shall  
21       prescribe rules which provide for the collection of  
22       reasonable filing fees and other fees, as appropriate.  
23       Each such fee may not exceed the fee charged and  
24       collected for the same or a substantially similar pur-

1 pose by the Federal district courts or 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 under this subsection.

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 Government) by such counsel, authorized to practice  
18 before the Immigration Courts, of their own choosing.

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

22 “(c) LEGAL ORIENTATION PROGRAM.—The Immi-  
23 gration Courts shall maintain, through agreements with  
24 legal services and other nonprofit organizations, a legal  
25 orientation program that explains the Court’s procedures

1 and provides basic legal information to individuals who are  
2 or may become parties to proceedings before the Immigra-  
3 tion Courts.

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

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

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

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

16           “(2) CONFIDENTIAL INFORMATION.—The Im-  
17 migration Courts shall preserve the confidentiality of  
18 information relating to matters involving national se-  
19 curity, asylum and other forms of protection, and  
20 claims under the Violence Against Women Act (Pub-  
21 lic Law 103–322, title IV, 108 Stat. 1902), as  
22 amended, or any other applicable law. The Immigra-  
23 tion Courts may make any provision necessary to  
24 prevent the disclosure of confidential information in  
25 its proceedings and records, including requiring that

1 such information be placed under seal to be opened  
2 only as directed by the Immigration Courts.

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

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

6 “(1) consider de novo all constitutional claims  
7 and questions of law; and

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

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

17 “(c) REVIEW BY APPELLATE DIVISION.—

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

24 “(2) FACT FINDING.—Aside from taking judi-  
25 cial notice of commonly known facts, the appellate

1 division shall not engage in fact finding in consid-  
2 ering an appeal of an immigration trial judge deci-  
3 sion, and shall defer to the factual findings of the  
4 immigration trial judge unless such findings are  
5 challenged and determined to be clearly erroneous.

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

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

“TITLE VI—UNITED STATES IMMIGRATION COURTS

“Subtitle A—Organization and Jurisdiction

“Sec. 601. Establishment and structure.

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

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

“Sec. 604. Jurisdiction.

“Subtitle B—Procedure and Appellate Review

“Sec. 621. Proceedings.

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

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

“Sec. 624. Availability of information.

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

1 **SEC. 3. EMPLOYEES.**

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

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

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

17 (d) STAFF SALARIES.—The appellate division may fix  
18 and adjust the rates of basic pay for the clerk, the chief  
19 administrative officer, and other employees of the Immi-  
20 gration Courts without regard to the provisions of chapter  
21 51, subchapter III of chapter 53, or section 5373 of title  
22 5, United States Code. To the maximum extent feasible,  
23 such employees shall be compensated at rates consistent

1 with those for employees holding comparable positions in  
2 the judicial branch.

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

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

12 **SEC. 4. BUDGET AND EXPENDITURES.**

13 (a) COURT BUDGET.—For each fiscal year, the budg-  
14 et of the Immigration Courts shall be established by the  
15 Immigration Courts, without review or modification by the  
16 executive branch, and shall be included in the budget of  
17 the President as submitted.

18 (b) PERMISSIBLE COURT EXPENDITURES.—

19 (1) The Immigration Courts may make such ex-  
20 penditures (including expenditures for personal serv-  
21 ices and rent at the seat of Government and else-  
22 where, and for law books, books of reference, and  
23 periodicals) as may be necessary to execute effi-  
24 ciently the judicial and administrative functions vest-  
25 ed in the Courts.

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

4                   (A) directly, or

5                   (B) by transfer to—

6                         (i) the Director of the Administrative  
7                         Office of the United States Courts,

8                         (ii) another court established under  
9                         article I of the Constitution, or

10                        (iii) an executive agency as defined in  
11                        section 105 of title 5, United States Code,  
12           to cover the expense of such administrative support  
13           and guidance (including budgetary and financial,  
14           payroll and personnel, protective and security, rec-  
15           ordkeeping and statistical, and information tech-  
16           nology services) as the Court may request and the  
17           Director, court, or agency may agree to provide from  
18           time to time.

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

23   **SEC. 5. ANNUAL REPORT.**

24           (a) IN GENERAL.—Not later than April 1 of each  
25           year, the chief judge shall submit to the Committee on

1 the Judiciary of the House of Representatives and the  
2 Committee on the Judiciary of the Senate, a report sum-  
3 marizing the workload of the Immigration Courts for the  
4 preceding fiscal year.

5 (b) CONTENTS.—The report described in subsection  
6 (a) shall contain—

7 (1) demographic information, including the age,  
8 gender, and nationality of respondents appearing be-  
9 fore the Immigration Courts, and rates at which  
10 such respondents are represented by counsel;

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

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

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

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

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

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

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

7 (1)(A) the first day of the first full fiscal year  
8 after the date of the enactment of this Act, if such  
9 date is 180 days or more after the date of enact-  
10 ment of this Act; or

11 (B) the first day of the second full fiscal year  
12 after the date of the enactment of this Act, if the  
13 first day of the first full fiscal year after the date  
14 of enactment of this Act is less than 180 days after  
15 the date of enactment of this Act; and

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

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

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

26 (2) INTERIM IMMIGRATION TRIAL JUDGES.—

1           (A) IN GENERAL.—Each individual serving  
2 as an immigration judge in the Executive Office  
3 for Immigration Review on the date that is the  
4 day before the application date of this Act shall  
5 become an interim immigration trial judge.

6           (B) AUTHORITY OF INTERIM IMMIGRATION  
7 TRIAL JUDGES.—Interim immigration judges  
8 shall have the authority to exercise all powers  
9 of an immigration trial judge as provided in  
10 title VI of the Immigration and Nationality Act  
11 (8 U.S.C. 601 et seq.).

12           (C) TERM OF SERVICE.—An interim immi-  
13 gration trial judge may serve until the transi-  
14 tion period has ended and a successor is ap-  
15 pointed, or for a period not to exceed 5 years,  
16 whichever is shorter. An otherwise qualified in-  
17 terim judge may be appointed as an immigra-  
18 tion trial judge.

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

1 (E) SEPARATION.—Nothing in this Act or  
2 the amendments made by this Act may be con-  
3 strued to—

4 (i) preclude an interim immigration  
5 trial judge who is not appointed for a term  
6 appointment by the appellate division  
7 under section 601(c)(2) of the Immigration  
8 and Nationality Act, as added by this Act,  
9 from eligibility for appointment as an ad-  
10 ministrative judge, administrative law  
11 judge, and for attorney positions in agen-  
12 cies throughout the Federal Government;  
13 or

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

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

21 (1) APPELLATE DIVISION.—

22 (A) IN GENERAL.—Notwithstanding sec-  
23 tion 601(b)(2)(B) of the Immigration and Na-  
24 tionality Act as added by this Act, the first 21

1 immigration appeals judges appointed shall  
2 serve for the following terms:

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

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

12 (iii) The terms of the next 7 immigra-  
13 tion appeals judges appointed after the  
14 judges referred to in clause (ii) shall termi-  
15 nate on the date that is 15 years after the  
16 date described in subsection (a).

17 (B) SUCCESSION.—Each immigration ap-  
18 peals judge described in subparagraph (A) may  
19 continue to serve after the expiration of the  
20 designated term if such judge is reappointed in  
21 accordance with section 601(b)(2)(B) of the Im-  
22 migration and Nationality Act as added by this  
23 Act.

24 (2) TRIAL DIVISION.—Not later than 180 days  
25 before the transition period has ended, the appellate

1 division shall establish procedures and requirements  
2 related to the appointment of immigration trial  
3 judges.

4 (3) CLARIFICATION.—Notwithstanding para-  
5 graphs (1) and (2) and section 601 of the Immigra-  
6 tion and Nationality Act, as added by this Act, any  
7 individual appointed to fill an immigration trial  
8 judge vacancy during the transition period described  
9 in subsection (b)(1) shall serve only until the transi-  
10 tion period has ended and until a successor is ap-  
11 pointed in accordance with section 602 of the Immi-  
12 gration and Nationality Act, but not more than 1  
13 year after the end of the transition period.

14 (d) PRIOR SERVICE CREDIT.—

15 (1) IN GENERAL.—The period that a covered  
16 immigration judge who elects to receive retired pay  
17 under section 602 of the Immigration and Nation-  
18 ality Act, as added by this Act, serves as a member  
19 of the Board of Immigration Appeals, an immigra-  
20 tion judge, or an administrative law judge in the Ex-  
21 ecutive Office for Immigration Review of the Depart-  
22 ment of Justice, shall be included, up to a maximum  
23 of 5 years, in the service of such individual on the  
24 Immigration Courts for purposes of computing the  
25 years of service as an immigration judge.

1           (2) COVERED IMMIGRATION JUDGE DEFINED.—

2           In this subsection, the term “covered immigration  
3           judge” means—

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

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

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

12 **SEC. 7. INSTITUTIONAL TRANSFER; CONTINUITY OF PRO-**  
13 **CEEDINGS.**

14           (a) EXISTING PRECEDENT.—

15                   (1) IN GENERAL.—Precedential decisions by the  
16                   Attorney General or the Board of Immigration Ap-  
17                   peals under title II of the Immigration and Nation-  
18                   ality Act (8 U.S.C. 1151 et seq.) that were issued  
19                   before the application date of this Act shall continue  
20                   to serve as precedent in proceedings before the Im-  
21                   migration Courts unless explicitly overruled by such  
22                   court.

23                   (2) RULES.—To the extent that such rules are  
24                   consistent with this Act, the rules of the Attorney  
25                   General that were in effect before the application

1 date of this Act, shall remain in effect until amend-  
2 ed or revoked by the appellate division.

3 (b) INSTITUTIONAL TRANSFER.—

4 (1) EXECUTIVE OFFICE FOR IMMIGRATION RE-  
5 VIEW.—

6 (A) IN GENERAL.—Except as provided in  
7 subparagraph (B), all functions under the Ex-  
8 ecutive Office for Immigration Review on the  
9 date that is the day before the application date  
10 of this Act are transferred to the Immigration  
11 Courts on the application date of this Act.

12 (B) EXCEPTIONS.—

13 (i) OCAHO.—The Office of the Chief  
14 Administrative Hearing Officer and the  
15 functions of the Executive Office for Immi-  
16 gration Review that support such office  
17 shall remain under the Department of Jus-  
18 tice.

19 (ii) OTHER FUNCTIONS.—The func-  
20 tions of the Executive Office for Immigra-  
21 tion Review that are not necessary or ap-  
22 propriate for transfer to the Immigration  
23 Courts shall be reassigned to other agen-  
24 cies within the Department of Justice or

1 dissolved at the discretion of the Attorney  
2 General.

3 (2) TRANSFER AND ALLOCATION OF APPRO-  
4 PRIATIONS AND PERSONNEL.—Except as provided in  
5 this section, the personnel of the Executive Office  
6 for Immigration Review employed in connection with  
7 the functions transferred by this section, and the as-  
8 sets, liabilities, contracts, property, records, and un-  
9 expended balance of appropriations, authorizations,  
10 allocations, and other funds employed, held, used,  
11 arising from, available to, or to be made available to,  
12 the Executive Office for Immigration Review, in con-  
13 nection with the functions transferred by this sec-  
14 tion, subject to section 202 of the Budget and Ac-  
15 counting Procedures Act of 1950, shall be trans-  
16 ferred to the Immigration Courts on the application  
17 date of this Act. Unexpended funds transferred pur-  
18 suant to this paragraph shall be used only for the  
19 purposes for which the funds were originally author-  
20 ized and appropriated.

21 (3) PENDING CASES.—

22 (A) IN GENERAL.—The enactment of this  
23 Act shall not result in any loss of rights or pow-  
24 ers, interruption of jurisdiction, or prejudice to  
25 matters under title II of the Immigration and

1           Nationality Act (8 U.S.C. 1151 et seq.) which  
2           are pending before the Board of Immigration  
3           Appeals or an immigration judge on the appli-  
4           cation date of this Act.

5           (B) TRANSFER.—All proceedings under  
6           title II of the Immigration and Nationality Act  
7           (8 U.S.C. 1151 et seq.) which are pending be-  
8           fore the Board of Immigration Appeals or an  
9           immigration judge on the application date of  
10          this Act shall be transferred to the Immigration  
11          Courts to proceed before the trial division or  
12          the appellate division as appropriate.

13 **SEC. 8. REVIEW BY THE JUDICIAL CONFERENCE; CON-**  
14 **SULTATION REQUIREMENTS.**

15          The Judicial Conference of the United States shall  
16          conduct a review of adjudications in the United States Im-  
17          migration Courts at least once every 4 years, as part of  
18          its comprehensive survey of business in the courts of the  
19          United States conducted pursuant to title 28, section 331.  
20          At the conclusion of its review, the Judicial Conference  
21          shall submit a report of its findings to the appellate divi-  
22          sion and the Committee on the Judiciary of the House  
23          of Representatives and the Committee on the Judiciary  
24          of the Senate. The Committees shall cause to have such  
25          report printed in the Congressional Record.

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

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

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

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

10 (2) in section 238(a)(1)—

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

13 (B) by striking “Service” and inserting  
14 “Department of Homeland Security”;

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

18 (4) in section 238(a)(3)—

19 (A) by amending subparagraph (A) to read  
20 as follows:

21 “(A) Notwithstanding any other provision of law, in  
22 the case of any alien convicted of an aggravated felony,  
23 removal proceedings, and any administrative appeals  
24 thereof, shall be completed, to the extent possible, before  
25 the alien’s release from incarceration for the underlying  
26 aggravated felony.”; and

1 (B) in subparagraph (B), by striking “At-  
2 torney General” and inserting “Secretary of  
3 Homeland Security”;

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

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

9 (7) in section 238(b)(3)—

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

12 (B) by striking “apply for” and inserting  
13 “seek”;

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

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

17 “(A) the alien shall—

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

21 “(ii) have the privilege of being rep-  
22 resented (at no expense to the government)  
23 by such counsel, authorized to practice in  
24 such proceedings, as the alien shall choose;  
25 and

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

4                   “(B) the immigration judge shall ensure  
5                   that—

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

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

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

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

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

18                  (10) by redesignating the second subsection (c)  
19                  of section 238 as subsection (d) and in the newly  
20                  designated subsection (d)—

21                  (A) by striking “Commissioner” in each  
22                  place such term appears and inserting “Sec-  
23                  retary of Homeland Security”;

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

4           (C) by striking “Service” in paragraph  
5           (2)(A) and inserting “Secretary of Homeland  
6           Security”;

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

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

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

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

16          (15) in section 240(b)—

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

18               (B) by redesignating paragraphs (2)  
19               through (5) as paragraphs (1) through (4), re-  
20               spectively;

21               (C) by redesignating paragraph (7) as  
22               paragraph (5);

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

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

3           “(A) in person; or

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

6           (E) in paragraph (2) as redesignated by  
7 this paragraph, by striking “Attorney General”  
8 and inserting “immigration judge”;

9           (F) in paragraph (3) as redesignated by  
10 this paragraph—

11           (i) in the matter preceding subpara-  
12 graph (A), by striking “, under regulations  
13 of the Attorney General”; and

14           (ii) in subparagraph (A) by striking “,  
15 at no expense to the Government, by coun-  
16 sel of the alien’s choosing who is author-  
17 ized to practice in such proceedings” and  
18 inserting “in accordance with section  
19 623(a)”; and

20           (G) in paragraph (4)(A) as redesignated  
21 by this paragraph—

22           (i) by striking “Service” and inserting  
23 “Government”; and

24           (ii) by amending the last sentence to  
25 read as follows: “Written notice shall be

1           considered sufficient for purposes of this  
2           subparagraph if provided at the most re-  
3           cent address provided under section  
4           239(a)(1)(F).”;

5           (16) in section 240(c)(2), in the matter fol-  
6           lowing subparagraph (B), by striking “Attorney  
7           General” and inserting “Secretary of Homeland Se-  
8           curity”;

9           (17) in section 240(c)(3)—

10           (A) by striking “SERVICE” in the heading  
11           and inserting “GOVERNMENT”; and

12           (B) by striking “Service” in each place  
13           such term appears and inserting “Govern-  
14           ment”;

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

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

18           (B) by striking “Immigration and Natu-  
19           ralization Service” and inserting “Secretary of  
20           Homeland Security”;

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

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

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

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

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

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

13           (23) in section 242(a), by adding at the end the  
14 following:

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

19                   “(A) an immigration trial judge of the Im-  
20 migration Court issued the original underlying  
21 decision in the matter; or

22                   “(B) the underlying administrative action  
23 reviewed by the appellate division of the Court  
24 occurred.”;

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

3           (25) in section 242(b)(3)(A)—

4                 (A) by striking “Attorney General” in the  
5 first sentence and inserting “United States”;  
6 and

7                 (B) by amending the second sentence to  
8 read as follows: “The petition shall be served on  
9 the Attorney General and on the officer or em-  
10 ployee of the Department of Homeland Security  
11 in charge of the district in which the final order  
12 of removal under section 240 was entered.”;

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

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

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

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

23           (30) in section 242(g) by striking “Attorney  
24 General” and inserting “Secretary of Homeland Se-  
25 curity”; and

1 (31) in section 246(a)—

2 (A) by striking “Attorney General” each  
3 place it appears and inserting “Secretary of  
4 Homeland Security”; and

5 (B) by striking the second sentence and in-  
6 serting the following: “Upon request of the indi-  
7 vidual whose status has been rescinded, the  
8 Secretary of Homeland Security shall refer such  
9 rescission to the United States Immigration  
10 Courts for review in accordance with section  
11 604(b)(1)(B).”.

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

16 (1) to the Board of Immigration Appeals or an  
17 immigration judge, or any administrative appeal,  
18 hearing, review, or other proceeding before such  
19 Board or judge, shall be deemed to refer, as appro-  
20 priate, to the United States Immigration Courts es-  
21 tablished under title VI of the Immigration and Na-  
22 tionality Act, as added by this Act, to the appro-  
23 priate division of the Court, or to the corresponding  
24 proceedings under this Act before such Court; and

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

12          (c) FINANCIAL DISCLOSURE REPORTING.—Section  
13 109 of the Ethics in Government Act of 1978 (5 U.S.C.  
14 App.) is amended—

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

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

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