

Congress of the United States
Washington, DC 20515

September 15, 2025

Sirce Owen
Acting Director
Executive Office for Immigration Review
5107 Leesburg Pike, 18th Floor
Falls Church, VA 22041

Dear Acting Director Owen,

We write to express grave concern over the Administration's plan to double the number of immigration judges, using 600 military lawyers, with no indication that they have any experience as immigration lawyers or immigration judges.¹ This decision undermines our entire immigration system and due process, weakening individuals' ability to get a fair day in court. We urge you to immediately reverse this decision.

Last month, the Executive Office of Immigration Review (EOIR) published a rule allowing the agency to hire temporary immigration judges with no previous immigration experience. Before this change, temporary immigration judges had to be former appellate immigration judges, EOIR administrative law judges, or attorneys with more than 10 years of experience in immigration law.² This stark departure from past practice will severely undermine our nation's immigration courts and the ability for individuals to obtain due process.

Last month's rule change was quickly followed by the Department of Defense authorizing a total of 600 military lawyers to be temporary immigration judges.³ With a nearly 3.8 million case immigration court backlog we fully understand why EOIR needs additional judges.⁴ However, this is not the way to go about it. Unfortunately, the current shortage of immigration is in significant part of EOIR's own doing. Since the Trump Administration began in January, 100 immigration judges, or nearly 16 percent of the current workforce, have been fired or chosen retirement.⁵ Immigration hearings around the country are being delayed due to a shortage in judges at many courts.⁶

Bringing in hundreds of judges for potentially only six-month periods⁷ is a recipe for further chaos in the immigration courts. Immigration law is considered by many to be one of the

¹ Konstantin Toropin, *Pentagon Authorizes Up To 600 Military Lawyers to Serve as Temporary Immigration Judges*, ASSOC. PRESS (Sept 2, 2025), <https://apnews.com/article/pentagon-immigration-judges-trump-pete-hegseth-b07950833591270b926ad86ede8b961f?taid=68b72fb5e5e8b30001dd78b9&>.

² Designation of Temporary Immigration Judges, 90 Fed. Reg. 41883 (Aug. 28, 2025).

³ Toropin, *supra* note 1.

⁴ Executive Office For Immigration Review, Adjudication Statistics (Aug 4, 2025), <https://www.justice.gov/eoir/media/1344796/dl?inline>.

⁵ Lucien Bruggman and Laura Romero, *Mass Exodus of Immigration Officials Could Delay Millions of Deportations*, ABC NEWS (Mar. 6, 2025), <https://abcnews.go.com/US/mass-exodus-immigration-officials-delay-millions-deportations/story?id=119386541>

⁶ Ximena Bustillo, *Inside One of the Most Understaffed Immigration Courts in the Country*, NATIONAL PUBLIC RADIO (Aug. 13, 2025) <https://www.npr.org/2025/08/13/nx-s1-5482883/trump-immigration-court-firings-chelmsford>.

⁷ Executive Office For Immigration Review, *supra* note 4.

most complex areas of federal law, second only to the U.S. Tax code.⁸ As one former immigration judge said to ABC News, “Six months is barely enough time to start to figure out the firehose of information and training.”⁹ Given many of these new judges decisions will be appealed and in many cases reversed, this mass hiring decision will produce additional inefficiencies in the immigration court process. Further, there has been no indication by EOIR that additional translators, clerks, and administrative staff are also being hired to support these new, and untried judges.

As a result, we would also ask that you provide the following information no later than September 29, 2025:

1. What training will be given to the military attorneys being detailed over as temporary immigration judges?
 - a. How many hours of training will they receive?
 - b. Will temporary judges be paired with a more experienced judge as other new immigration judge hires are?
 - c. Please provide a copy of all training materials.
2. Will EOIR pay the salaries of these military attorneys while they are on detail?
3. Will these new temporary immigration judges be limited in any way?
 - a. Will these temporary judges handle cases related to unaccompanied children?
 - i. If so, will temporary judges receive additional training on best practices related to handling children’s cases?
 - ii. Please provide a copy of any additional training materials.
 - b. Will these temporary judges be assigned to detained and non-detained cases?
4. Secretary Hegseth noted that while these temporary judges will be assigned for six months it was possible the assignments would be extended. What is the maximum length of time these military attorneys would be permitted to be immigration judges?

Thank you for your prompt attention to this matter.

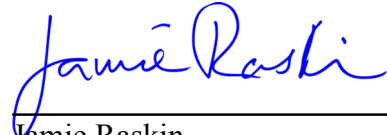
Sincerely,

⁸ Elizabeth Montano, *Think Immigration: What’s Changed in Immigration Law Over the Last Two Years? What Hasn’t!*, AM. IMMIGR. LAWYERS ASSOC. (Nov. 7, 2024), <https://www.aila.org/think-immigration-what-s-changed-in-immigration-law-over-the-last-two-years-what-hasn-t>.

⁹ Executive Office For Immigration Review, *supra* note 4.



Pramila Jayapal
Ranking Member
Immigration Integrity,
Security, and Enforcement
House Judiciary Committee



Jamie Raskin
Ranking Member
House Committee on the
Judiciary



Jasmine Crockett
Ranking Member
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