

119TH CONGRESS
1ST SESSION

S. _____

To codify in statute the authorization of the Attorney General to appoint experienced immigration law experts as temporary immigration judges to reduce the number of pending cases in immigration courts.

IN THE SENATE OF THE UNITED STATES

Mr. SCHIFF (for himself, Mr. DURBIN, Mr. BENNET, Mr. BOOKER, Ms. DUCKWORTH, Ms. HIRONO, Mr. KELLY, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. SANDERS, Mr. VAN HOLLEN, Ms. WARREN, Mr. WELCH, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To codify in statute the authorization of the Attorney General to appoint experienced immigration law experts as temporary immigration judges to reduce the number of pending cases in 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.**

4 This Act may be cited as the “Temporary Immigra-
5 tion Judge Integrity Act”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the purpose of temporary immigration
4 judges is not to replace permanent immigration
5 judges or to serve in lieu of appointing permanent
6 immigration judges; and

7 (2) due to the complex nature and high-stakes
8 consequences of the adjudication of immigration
9 cases, immigration judges must have extensive
10 knowledge and application of United States immi-
11 gration laws.

12 **SEC. 3. TEMPORARY IMMIGRATION JUDGES.**

13 Section 240(b)(1) of the Immigration and Nationality
14 Act (8 U.S.C. 1229a(b)(1)) is amended—

15 (1) by striking “The immigration judge shall
16 administer” and inserting the following:

17 “(A) IN GENERAL.—The immigration
18 judge shall administer”; and

19 (2) by inserting after subparagraph (A), as re-
20 designated, the following:

21 “(B) TEMPORARY IMMIGRATION
22 JUDGES.—

23 “(i) APPOINTMENT.—The Attorney
24 General is authorized to appoint, as tem-
25 porary immigration judges for a renewable
26 term not to exceed 6 months—

1 “(I) former members of the
2 Board of Immigration Appeals or ap-
3 pellate immigration judges;

4 “(II) former immigration judges;

5 “(III) administrative law judges
6 who are employed within, or have re-
7 tired from, the Executive Office for
8 Immigration Review;

9 “(IV) administrative law judges
10 at another Federal agency who have
11 at least ten years of experience, after
12 being admitted to a State bar, in the
13 field of immigration law, subject to
14 the written consent of the head of
15 such agency; and

16 “(V) attorneys at the Depart-
17 ment of Justice who have at least 10
18 years of legal experience, after being
19 admitted to a State bar, in the field of
20 immigration law.

21 “(ii) SCOPE OF AUTHORITY.—Subject
22 to clause (iii), each temporary immigration
23 judge appointed pursuant to clause (i)
24 shall have the same authority as an immi-
25 gration judge to adjudicate assigned cases

1 and administer immigration court matters,
2 in accordance with the immigration laws.

3 “(iii) OVERSIGHT; TRAINING.—

4 “(I) IN GENERAL.—The Attorney
5 General, in collaboration with the
6 Chief Immigration Judge and Re-
7 gional Chief Immigration Judges,
8 shall establish management and train-
9 ing procedures that—

10 “(aa) assign caseloads to,
11 and oversee the performance of,
12 temporary immigration judges;

13 “(bb) evaluate the work
14 product produced by such judges;
15 and

16 “(cc) except as provided in
17 subclause (II), ensure that tem-
18 porary immigration judges re-
19 ceive—

20 “(AA) a minimum of 8
21 weeks of initial training; and

22 “(BB) ongoing training
23 for at least 1 day during
24 every 2 weeks of their tem-
25 porary service.

1 “(II) EXEMPTION.—Individuals
2 described in subclause (I) or (II) of
3 clause (i) shall be exempted from the
4 training described in subclause (I)(cc)
5 if their service as a temporary immi-
6 gration judge begins not later than 2
7 years after the last day of their serv-
8 ice as an immigration judge, an immi-
9 gration appellate judge, or a member
10 of the Board of Immigration Appeals.

11 “(iv) LENGTH OF SERVICE.—

12 “(I) IN GENERAL.—Temporary
13 immigration judges may serve for up
14 to 4 consecutive 6-month terms.

15 “(II) ADDITIONAL SERVICE.—
16 Temporary immigration judges who
17 have reached the 2-year service limit
18 described in subclause (I) shall not be
19 reappointed to this temporary position
20 until at least 3 years after the conclu-
21 sion of their temporary service.”.