

Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the human rights of migrants

Ref.: AL USA 16/2026

(Please use this reference in your reply)

29 June 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 53/12 and 61/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning actions taken by the Executive Branch aimed at transforming the functioning of the U.S. Immigration Courts from an institution devoted to conducting individualized merits review of immigration cases to an enforcement agency carrying out the policy aims of the Executive. As a cornerstone of this effort, the Executive Branch has reportedly taken sweeping measures to undermine immigration judges' independence, including by: 1) fostering a climate of fear through a large number of arbitrary terminations, threats of possible disciplinary action based on adjudicatory records, and placing Immigrations and Customs Enforcement officers in and around courts; 2) interfering with judicial decision making through EOIR's procedural guidance issued by the Executive Office for Immigration Review ("EOIR"), which encouraged the specific adjudication outcome of deportation, and through the administrative manipulation of judges' dockets; and subsequently 3) replacing terminated judges with newly hired "deportation judges" as well as assigning U.S. military lawyers as temporary immigration judges.

Former Judge **Carmen Maria Rey Caldas** was appointed as an immigration judge in March 2022. She served on the bench at the Stewart Immigration Court in Georgia between April 2022 and October 2024, and at Federal Plaza Immigration Court in New York between November 2024 and August 2025. Judge Rey Caldas was terminated on 21 August 2025.

Former Judge **George D. Pappas** was appointed as an immigration judge in July 2023. He served on the bench at the Boston Immigration Court in Massachusetts between August 2023 and April 2024, and at the Chelmsford Immigration Court in Massachusetts between April 2024 and July 2025. Judge Pappas was put on administrative leave between 11 July 2025, and 22 July 2025, and was terminated on 22 July 2025, when his probationary employment was not converted to a permanent position despite strong performance reviews.

Former Judge **Jeremiah Johnson** was appointed as an immigration judge in September 2017. He served on the bench at the San Francisco Immigration Court in California between September 2017 and November 2025. Judge Johnson has been serving as the Vice President of the National Association of Immigration Judges ("NAIJ"), the union that represents immigration judges, since July 2025. Judge Johnson was terminated on 21 November 2025.

Former Judge **Olivia L. Cassin** was appointed as an immigration judge in June 2015. She served on the bench at the Federal Plaza Immigration Court in New York between June 2015 and November 2021, and at the Broadway Immigration Court in New York between November 2021 and November 2025. Judge Cassin was terminated on 21 November 2025.

Former Judge **Samuel B. Cole** was appointed as an immigration judge in August 2015. He served on the bench at the Chicago Immigration Court between July 2016 and February 2025. Judge Cole also served in leadership roles at NAIJ, first as Director of Communications from January 2020 to August 2021, and then as Executive Vice President from August 2021 to August 2025. On 28 February 2025, Judge Cole left the bench and entered the deferred resignation program, in part due to the political pressure described in this letter and remained on administrative leave until 30 September 2025 when he retired under the program.

Special Procedures mandate-holders have expressed their concern to your Excellency's Government on 20 February 2025 ([AL USA 7/2025](#)), 6 May 2025 ([AL U.S.A 15/2025](#)), and 12 December 2025 ([AL USA 39/2025](#)) over what appears to be an organized, deliberate effort to harass and punish legal professionals, law firms, legal organizations, and associations of lawyers in retaliation for their legal work involving immigration law. Recalling that international law and standards protect the independent functioning of the legal profession, we regret that we have not received any reply to these letters yet.

We remain gravely concerned about threats to the independence of immigration judges, which have been exacerbated in light of the developments referred to below:

According to the information received:

Context

While still a candidate, U.S. President Donald Trump made one of his core campaign promises to: "Carry out the largest deportation operation in American history."¹ Following his electoral victory, President Trump and Executive Branch officials under his authority have issued several executive orders, press releases, and other communications demonstrating his intention to implement this promise. For instance, on the day of his inauguration, President Trump issued an Executive Order entitled "Protecting the American People Against Invasion," which established the administration's policy to "faithfully execute the immigration laws against all inadmissible and removable aliens" and to achieve the "total and efficient enforcement" of those laws.² In May 2025, White House Deputy Chief of Staff Stephen Miller said in a Fox News interview that "[u]nder President Trump's leadership, we are looking to set a goal of a minimum of 3,000 arrests for [U.S. Immigration and Customs Enforcement ("ICE")] every day." Similarly, one year later Tom Homan, then serving as President Trump's designated "White House border czar," when asked about how many deportations were needed to carry out the President's policy

¹ <https://rncplatform.donaldjtrump.com/>; <https://www.whitehouse.gov/releases/2025/07/president-trump-has-kept-his-promises-and-then-some/>

² <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

objectives, said that it would take “millions... well over 20 million. So, we’re going to do everything we can to arrest as many people as we can.”

In this context of mass deportation efforts, reports suggest that President Trump and his officials have framed individualized hearings, courts and judges as obstacles to the administration’s deportation objectives. For example, on 21 April 2025, President Trump wrote on Truth Social, “I’m doing what I was elected to do, remove criminals from our Country, but the Courts don’t seem to want me to do that... If we don’t get these criminals out of our Country, we are not going to have a Country any longer. We cannot give everyone a trial, because to do so would take, without exaggeration, 200 years. We would need hundreds of thousands of trials for the hundreds of thousands of Illegals [sic] we are sending out of the Country. Such a thing is not possible to do....”³

The administration made similar comments specifically about immigration courts and judges. In April 2026, the White House issued a press release entitled “Era of Amnesty Is Over,” stating that the administration had launched its “most aggressive ... immigration enforcement overhaul in modern history,” a reform effort that “extends to immigration courts.”⁴ This overhaul would involve “decisive action” to replace so-called “activist judges,” ensuring “[n]o more activist judges shielding criminal illegals [sic],” “[n]o more endless delays,” and “[o]nly results.”⁵

According to the information received, President Trump and the Executive Branch officials under his authority have interfered with the independence of immigration judges and appellate immigration judges who serve respectively at the trial-level immigration courts and their appellate court, the Board of Immigration Appeals (“BIA”). Both courts are housed within the EOIR, an agency within the Department of Justice (“DOJ”).

Immigration judges are required by federal regulation to exercise independent judgment.⁶ However, reportedly in President Trump’s second term, this institutional placement was leveraged and politicized through the DOJ and EOIR leadership to advance the Executive Branch’s deportation objectives by interfering with the independence of immigration judges and appellate immigration judges. The DOJ and EOIR leadership include officials selected by the Attorney General (“AG”), the chief law enforcement officer, or by his delegates. For example, EOIR leadership includes the EOIR Director, who is appointed by the AG, and deputy chief immigration judges and assistant chief immigration judges (“ACIJ’s”), who are selected by the EOIR Director.

Pursuant to its deportation objectives, the DOJ and EOIR leadership has reportedly interfered with the independence of these judges through three principal mechanisms: (1) creating an environment of fear through widespread arbitrary terminations of sitting judges, communications threatening

³ <https://truthsocial.com/@realDonaldTrump/posts/114377993807616549>

⁴ <https://www.whitehouse.gov/releases/2026/04/era-of-amnesty-is-over-president-trump-restores-rule-of-law-to-immigration-courts/>

⁵ <https://www.whitehouse.gov/releases/2026/04/era-of-amnesty-is-over-president-trump-restores-rule-of-law-to-immigration-courts/>

⁶ 8 C.F.R. § 1003.10.

disciplinary action based on adjudicatory records, and the presence of ICE officers at immigration courts; 2) restricting the decisional independence of remaining judges through procedural guidance to facilitate deportations and the administrative manipulation of judges' dockets; and 3) recruiting "deportation judges" as well as using U.S. military lawyers as temporary immigration judges.

Creating an Environment of Fear

According to the information received, the Executive Branch, including President Trump and DOJ and EOIR leadership, has fostered an environment of fear among immigration judges to pressure them to align their adjudicatory decisions with the White House and DHS deportation objectives. This pressure has reportedly operated through three interrelated mechanisms: (1) widespread arbitrary terminations of both probationary and permanent immigration judges; (2) formal and informal communications that signaled impending personnel changes and threatened disciplinary action for perceived "bias" against the government; and (3) interference with immigration judges' daily working conditions, specifically the presence of ICE officers in immigration courts.

Widespread Arbitrary Terminations

According to the information received, large numbers of immigration judges and numerous appellate immigration judges have faced arbitrary removals. Data received demonstrates that, since President Trump entered office in 2025, at least 113 immigration judges and nine appellate immigration judges have been reportedly removed without cause or were effectively terminated when their probationary appointments were not converted to permanent positions.

Information suggests that those fired typically received an email with a letter from the EOIR Director on a Friday, stating that "pursuant to article II of the Constitution, the Attorney General has decided to remove you from your position as an excepted service Immigration Judge with the United States Department of Justice, Executive Office for Immigration Review." The information indicates that those terminated were typically removed "without cause," with no rationale provided for their removal or lack of conversion to a permanent role. The lack of rationale for terminations and the startling frequency of terminations reportedly kept immigration judges consistently concerned about their job security.

Chronology

Terminations reportedly began on the day of President Trump's inauguration. On 20 January 2025, four senior career officials at EOIR were summarily dismissed.⁷ These dismissals included the Chief Immigration Judge, the Acting Director of EOIR, the General Counsel of EOIR, and the Head of Policy.

In February 2025, 31 immigration judges, including seven ACIJs, were reportedly terminated. Nine of those were reportedly appellate immigration who

⁷ [AL USA 7/2025](#)

served on the BIA. Many of these immigration judges were removed on the same day, Friday, 14 February 2025.⁸

In April 2025, nine immigration judges were reportedly terminated, all of whom were part of a cohort of immigration judges hired in April 2023. They were terminated just before completing their probationary periods, on Friday, 18 April 2025. Reportedly, many of the judges had immigrant defense experience prior to serving as immigration judges.

In May 2025, one immigration judge was reportedly terminated.

In June 2025, one ACIJ was reportedly terminated.

In July 2025, 21 immigration judges, including two ACIJs, were reportedly terminated, 17 of whom were part of the July 2023 cohort of immigration judges. The 17 judges were terminated just before completing their probationary periods. Many of the judges had immigrant defense experience prior to serving as immigration judges. In addition to the 19 immigration judges who were terminated, six immigration judges reportedly resigned in July 2025.

In August 2025, two immigration judges were reportedly terminated.

In September 2025, 26 immigration judges were reportedly terminated, one of whom was an ACIJ.

In November 2025, eight immigration judges were reportedly terminated.

In December 2025, 12 immigration judges were reportedly terminated, two of whom were ACIJs.

In January 2026, one immigration judge was reportedly terminated.

In February 2026, one immigration judge was reportedly terminated.

In April 2026, six immigration judges were reportedly terminated.

In May 2026, three immigration judges were reportedly terminated.

In sum, according to the data, 100 immigration judges and 13 ACIJs were terminated between January 2025 and the time of writing of this letter; nine appellate immigration judges were terminated; and at least 43 immigration judges and three ACIJs took early retirement under the Executive Branch's deferred resignation program, under which federal workers could resign effective 30 September 2025 in exchange for continued pay, benefits, and other exemptions during the interim period.⁹ Altogether, 122 judges were reportedly terminated and 46 judges reportedly retired since President Trump took office. Data received did not include information on temporary immigration judges.

⁸ <https://www.padilla.senate.gov/newsroom/press-releases/padilla-schiff-urge-attorney-general-bondi-to-reverse-course-on-unjustified-firings-of-immigration-judges/>

⁹ <https://www.congress.gov/crs-product/LSB11277>

The information suggests that immigration judges were given no reason for their terminations apart from the exercise of Article II power. However, the available data reveals four discernible trends: 1) judges with asylum grant rates above the national average were disproportionately removed; 2) judges with professional experience in immigrant defense or humanitarian advocacy were disproportionately removed; 3) appointees from the prior administration were disproportionately removed, including appellate immigration judges, with only one judge appointed by a democratic administration currently remaining on the BIA;¹⁰ and 4) probationary judges, all selected by the previous administration, were dismissed in significant numbers prior to the end of their probationary periods.

Analysis of the publicly available data concerning the April and July 2023 cohorts of probationary immigration judges confirm many of these trends:

- (1) Of 53 judges hired in these two cohorts, 26 have been terminated. Data concerning the asylum grant rate was available for 24 of the terminated judges. 14 of these judges had asylum grant rates above both the national grant rate and their own court's grant rate. This trend appeared across both April and July classes: 10 of 18 fired judges in the July 2023 class and four of eight fired judges in the April 2023 class exceeded both benchmarks. The trend is even stronger when considering judges who exceeded at least one benchmark: 18 of the 24 fired judges with data available granted asylum at rates above either the national rate, their court's rate, or both. By contrast, among the 20 judges from the same cohorts who remained on the bench, 15 had grant rates below both the national and court rates, and one additional judge had a grant rate below the national rate while only slightly exceeding her court's rate. These judges had asylum denial rates higher than the national and/or court rates. Only three judges remaining on the bench had grant rates above both benchmarks, and two of them reportedly had DHS experience. Altogether, this data supports the information provided concerning the Executive Branch's reportedly disproportionate termination of immigration judges whose asylum grant rates exceeded relevant benchmarks.
- (2) 16 of the 26 fired judges had experience in immigrant defense, legal aid or pro bono advocacy. In contrast, of the 20 judges who remain on the bench, only seven judges have immigrant defense backgrounds. Most of these seven judges had either higher than average asylum denial rates or had other DHS or prosecutorial experience.
- (3 & 4) Half the cohort members from April and July were terminated before the end of their two-year probationary period; all of these judges were hired during the previous administration.

¹⁰ <https://www.justice.gov/eoir/board-of-immigration-appeals#board>

Furthermore, according to the data, states experienced varying levels of terminations. California and New York had the highest numbers of removals: 31 and 23 terminations respectively. Massachusetts and Texas had 11 and 10 judges removed. According to the information received, this correlated with several immigration courts ceasing operations. For example, the San Francisco Immigration Court, which previously housed 21 judges, now holds only two judges; in January 2026, all court personnel received an email notice that the court will be shutting down by the end of the year. Instead of closing by the end of the year, the San Francisco Immigration Court was shut down in six months, June 2026. The Chelmsford Immigration Court in Massachusetts similarly faced a drastic reduction in the number of immigration judges; in September 2024, 18 immigration judges sat on the bench but by June 2025, only six judges reportedly remained.

The following accounts from five immigration judges who were either terminated or pressured into early retirement illustrate the broader climate of fear created by the Executive branch through the DOJ and EOIR leadership.

Case of Judge Carmen Maria Rey Caldas

Former Judge Carmen Maria Rey Caldas served on the bench at the Stewart Immigration Court in Georgia from April 2022 to October 2024, and at the Federal Plaza Immigration Court in New York from November 2024 to August 2025. After the large number of firings of New York immigration judges in June 2025, Judge Rey Caldas reportedly believed that she was likely to be fired.

On 21 August 2025, Judge Rey Caldas was notified of her termination through an email from then-acting EOIR Director Sirce Owen. Like other judges who were fired, Judge Rey Caldas was given no explanation for her dismissal apart from the citation of the Executive's Article II power.

According to the information received, Judge Rey Caldas believed that she may have been a primary target for removal because of her professional history as a registered lobbyist on immigration reform matters and her past media work, which had caused far right groups to label her as "anti-ICE" despite her years of professional cooperation with the agency.

Case of Judge George D. Pappas

Former Judge George D. Pappas served on the bench as an immigration judge in Massachusetts while still in his probationary period, first at the Boston Immigration Court from August 2023 to April 2024, and then at the Chelmsford Immigration Court from April 2024 to July 2025. On 11 July 2025, Judge Pappas received an email from then-acting EOIR Director Sirce Owen notifying him that the Attorney General had decided, pursuant to article II of the Constitution, not to extend Judge Pappas' term or to convert it into a permanent position. Between 11 July 2025 and 22 July 2025, Judge Pappas was put on administrative leave, until his position expired on 22 July 2025.

According to the information received, Judge Pappas's performance was not the basis for his removal. His performance reviews were reportedly consistently excellent. For instance, Judge Pappas was asked to close 700 cases per year, but he closed 2,400 cases within two years. The BIA upheld the great majority of appeals from his decisions, and only one remand was about the substantive nature of his order.

Despite his excellent performance reviews, Judge Pappas reportedly anticipated his termination in light of broader terminations of immigration judges. The Chelmsford Immigration Court had 18 judges as of September 2024, but by June 2025, only six judges remained.

While serving as an immigration judge, Judge Pappas reportedly received explicit instructions by his supervising ACIJ that interfered with his decisional independence. Around May and June 2025, ACIJ David Cheng sent an email to all immigration judges in Chelmsford Immigration Court, notifying them that ICE officers were entering the court building. The instructions were to "stay out of the way." When Judge Pappas emailed ACIJ Cheng to discuss the matter, ACIJ Cheng asked to speak by phone.

During a telephone conference, Judge Pappas asked ACIJ Cheng for guidance after ICE officers appeared in court hallways and DHS counsel began appearing in court to move for dismissal of cases. ACIJ Cheng reportedly responded: "Just grant the motions." When Judge Pappas asked whether that meant "rubber-stamp[ing]" the motions, ACIJ Cheng allegedly replied, "Unless it is defective—grant them."

Judge Pappas did not follow this instruction. He reportedly understood the directive as pressure to grant DHS motions to dismiss and that refusing to do so could lead to termination or discipline. In his view, these practices reflected a broader effort to turn immigration courts into a "deportation rubber-stamp production line."

Case of Judge Jeremiah Johnson

Former Judge Jeremiah Johnson served on the bench at the San Francisco Immigration Court in California between September 2017 and November 2025. Judge Johnson has been serving as the Executive Vice President of NAIJ since June 2025.

According to the information received, Judge Johnson was terminated on 21 November 2025. After conducting his morning and afternoon hearings, Judge Johnson went to speak with colleagues and his supervising ACIJ, who was in the court that day. While he was there, one colleague reportedly stated that two other judges had been fired that day. He then returned to his chambers to check his computer.

When Judge Johnson logged in, he saw an email containing his termination letter. The letter reportedly cited Article II of the Constitution as the basis for his removal and gave no other reason for his termination. As he opened the

letter, his printer access was cut off. He was unable to print the letter or access other materials. When another judge asked whether he had been fired, Judge Johnson responded that he believed he had, because he had been locked out of the system. Other judges in his court had reportedly packed their offices in advance and were working in nearly empty chambers, prepared to leave immediately if terminated.

Case of Judge Olivia L. Cassin

Former Judge Olivia L. Cassin served on the bench at the Federal Plaza Immigration Court in New York between June 2015 and November 2021, and at the Broadway Immigration Court in New York between November 2021 and November 2025. Judge Cassin was terminated on 21 November 2025. She was reportedly given only 45 minutes to pack her belongings and was immediately locked out of her computer system, which prevented her from printing her dismissal letter. Her termination notice cited article II of the Constitution as the basis for her removal but provided no specific cause for the dismissal.

Judge Cassin reportedly worked under extreme surveillance and a pervasive climate of fear, with ICE agents reportedly walking the hallways and entering the waiting rooms with weapons. In one incident, after masked and armed ICE agents positioned themselves outside the women's bathroom, Judge Cassin asked her supervisor to have them moved. The supervisor reportedly took no action. In a separate incident, a female ICE agent told her to "keep walking," despite acknowledging, "I know you're a judge." After Judge Cassin's termination, she returned to the court in her personal capacity. The same female agent reportedly pointed her out to other ICE agents, saying, "That's the chick that got fired."

Case of Judge Samuel B. Cole

Former Judge Samuel B. Cole served on the bench at the Chicago Immigration Court between July 2016 and February 2025. Judge Cole also served in leadership roles at NAIJ, first as Director of Communications from January 2020 to August 2021, and then as Executive Vice President from August 2021 to August 2025. On 28 February 2025, Judge Cole left the bench and entered the Executive Branch's deferred resignation program. As such, he remained on administrative leave until 30 September 2025.

According to the information received, Judge Cole observed the rapid termination of EOIR leadership, followed by a series of policy memoranda stating that immigration judges were at-will employees and that EOIR would not recognize their civil service protections. Judge Cole viewed these events as conveying a clear message: immigration judges had to either align themselves with the DHS or stand alone. This pressure reportedly contributed to Judge Cole's decision to "jump ship" and take early retirement.

Threat of Disciplinary Action Based on Adjudicatory Record

According to the information received, in the context of the widespread arbitrary termination of judges, EOIR leadership repeatedly warned that immigration judges' adjudicatory records, case-management decisions, and perceived "bias" against DHS positions could expose them to scrutiny, discipline or removal.

The EOIR leadership issued more than 50 policy memoranda ("PMs") during this period. Some PMs pertained to the civil service and tenure protections to which immigration judges are entitled, suggesting that some of these protections would no longer apply. Other PMs threatened disciplinary action in relation to judicial decisions. Some purported to reiterate existing or new EOIR policies but were perceived as threatening because they arrived amidst the widespread, arbitrary termination of judges.

The information indicates that even if the PMs did not directly influence judges' decisions, many judges understood that "slow" adjudication, "bias" against DHS, or other issues mentioned in the PMs could be the basis for removal. One judge reported that the PMs had effects similar to those of a panopticon, inducing a sense of being intensely surveilled, thus harming judges' decisional independence.

The PMs included:

- PM 25-02: "EOIR's Core Policy Values"¹¹ (issued 27 January 2025) set out a policy "to recommit to EOIR core values and the rule of law," including "integrity, impartiality, and the decisional independence of its adjudicators." However, the memo also stated that "all three of these values have been severely eroded in recent years," suggesting that the terms would be given a different interpretation by the new EOIR leadership. The memo also explained that individuals who do not fulfill EOIR's Core Policy Values "risk corrective or disciplinary action."
- PM 25-23: "EOIR Inferior Officers"¹² (issued 21 February 2025) indicated that the EOIR "may decline to recognize" and apply civil service protections to immigration judges in future personnel actions "if they are determined to be unconstitutional" pursuant to ongoing litigation. This apparent readiness to withhold protections suggested a new approach in which the security of tenure for immigration judges would be at risk.
- PM 25-24: "Adjudicator Personnel Matters"¹³ (issued 28 February 2025) stated that the previous administration "established a precedent by terminating numerous adjudicators in their term or trial periods" and that, having established those precedents, the "DOJ and EOIR will

¹¹ <https://www.justice.gov/eoir/media/1386541/dl?inline>

¹² <https://www.justice.gov/eoir/media/1390441/dl?inline>

¹³ <https://www.justice.gov/eoir/media/1391456/dl?inline>

continue to adhere to them.” This memo appears to be an effort to justify the widespread termination of immigration judges.

- PM 25-28: “Pretermission of Legally Insufficient Applications for Asylum” (issued 11 April 2025) stated that immigration judges “have a duty to efficiently manage their dockets,” and that they should take “all appropriate action to immediately resolve cases on their dockets that do not have viable legal paths for relief or protection from removal.” This memo was understood by numerous immigration judges to be a suggestion that they should deny asylum applications as early as possible instead of providing opportunities to applicants to cure problems on their applications.
- PM 25-33: “Neutrality and Impartiality in Immigration Court Proceedings”¹⁴ (issued 27 June 2025) stated that some judges were “demonstrating bias or hostility” against any one party, particularly DHS, and stated that such judges “may be subject to corrective or disciplinary action” or “should consider transitioning to alternate career paths.” This memo was understood by numerous judges as a threat to discipline or remove them if they ruled too often against DHS.
- PM 25-42: “Adjudicator Independence and Impartiality”¹⁵ (issued 22 August 2025) stated that “[a]djudicatory outliers or statistically improbable outcome metrics, particularly relative to EOIR’s overall adjudicatory corps ... may be indicative of a systematic bias or failure to adhere to applicable law that warrants close examination and potential action.” This memo appears to suggest that EOIR would treat “outliers,” or judges who made decisions outside the statistical norm, as demonstrating bias or failure to apply the law.
- PM 25-47: “Case Priorities and Immigration Court Performance Measures”¹⁶ (issued 12 September 2025) imposed new court-level performance metrics that were to be used to determine which courts “are operating in an appropriate manner” and “which may need more specialized attention” via “additional or new court management or personnel, creative thinking and planning, or other relevant action.” This memo explained that individual-level performance metrics had been withdrawn by the previous Administration following “general ‘pearl-clutching’” concerning the possible impact of such metrics on decisional independence and quality when they were introduced during the first Administration of President Trump. Rejecting that “absurd discourse,” the memo says that the new metrics will help “restore integrity to EOIR adjudications, which was eroded significantly between 2021 and 2025.”

¹⁴ <https://www.justice.gov/eoir/media/1404956/dl?inline>

¹⁵ <https://www.justice.gov/eoir/media/1411796/dl?inline>

¹⁶ <https://www.justice.gov/eoir/media/1413981/dl?inline>

ICE Officers in Courts

The information received indicates that the increased presence of ICE officers, both in and around immigration courts, has interfered with immigration judges' ability to conduct their hearings and introduced an atmosphere of intimidation in their workplace. On 21 January 2025, ICE issued new guidance, reversing its longstanding policy and practice of largely refraining from conducting civil immigration arrests at courthouses.¹⁷ Since then, ICE has permitted its officers to "conduct civil immigration enforcement actions in or near courthouses."¹⁸

The information indicates that the 21 January 2025 guidance altered conditions in and around immigration courts. Reportedly, one court was like "a war zone" with ICE, the Drug Enforcement Administration, and Secret Service agents in the hallways and waiting rooms with weapons, bulletproof vests, and masks. ICE officers reportedly "stalked" the halls of a court in New York, demanding paperwork from individuals they encountered.

Reportedly, the Executive initially provided immigration judges with some notice of when ICE officers would be in courtrooms or would send a list of specific individuals they sought to detain. However, those communications reportedly stopped, and immigration judges no longer knew when ICE officers would appear, how often they would appear or who they were seeking. Reports indicate that this uncertainty heightened fear and anxiety in the courtrooms and would interfere with judges' ability to hear cases, with some immigrants reportedly experiencing panic attacks during their hearings. In addition, one judge reportedly observed ICE agents sitting in an area designated for court interpreters. In a separate incident, ICE agents reportedly mistook a court interpreter for a respondent and attempted to apprehend the interpreter. The judge reportedly raised these incidents with their supervising judges, but no action was taken.

Reportedly, ACIJs were initially told by EOIR leadership to work with DHS to minimize disruption to court proceedings. Some judges reportedly directed ICE officers to wait outside their courtrooms during hearings.

However, immigration judges reportedly were later instructed later not to interfere with ICE operations. One ACIJ was reportedly told to ensure the judges they supervised "know that judges have absolute zero jurisdiction over enforcement actions." Many immigration judges reportedly stopped directing ICE officers to wait outside of the court during hearings as they had been explicitly told not to interfere with ICE operations. One judge reportedly observed ICE agents in front of her courtroom all the time. When she told her supervisor that she was uncomfortable and scared, the supervising judge told her to stay in her office or her courtroom.

¹⁷ https://www.ice.gov/doclib/foia/policy/11072.3_CivilImmEnfActionsCourthouses_01.21.2025.pdf

¹⁸ https://www.ice.gov/doclib/foia/policy/11072.3_CivilImmEnfActionsCourthouses_01.21.2025.pdf. This letter acknowledges the ongoing litigation on this specific policy. *See, e.g.,* <https://storage.courtlistener.com/recap/gov.uscourts.nysd.646893/gov.uscourts.nysd.646893.90.0.pdf>

Interfering with Decisional Independence

In addition to widespread terminations, disciplinary threats, and ICE presence in and around immigration courts, officials from the Executive Branch have reportedly engaged in a concerted effort to pressure immigration judges to authorize more deportations through removal orders. In particular, White House officials and EOIR leadership have reportedly used public statements and social media to signal to immigration judges that they should adjudicate quickly and pursue outcomes leading to deportation.

For instance, on 24 March 2025, White House Deputy Chief of Staff Stephen Miller wrote on X, “Dear Marxist judges: If an illegal criminal breaks into our country the only ‘process’ he is entitled to is deportation.”¹⁹

On 21 April 2025, President Trump wrote on Truth Social, “If we don’t get these criminals out of our Country, we are not going to have a Country any longer. We cannot give everyone a trial...We would need hundreds of thousands of trials for the hundreds of thousands of Illegals [sic] we are sending out of the Country. Such a thing is not possible to do....”²⁰

The next day, President Trump reiterated his social media message to reporters in the Oval Office, stating “[A] judge can't say, ‘No, you have to have a trial.’ ... We are going to have a very dangerous country if we are not allowed to do what we are entitled to do....”

As mentioned above, in April 2026, the White House issued a press release entitled “Era of Amnesty Is Over,” stating that the administration has been taking “decisive action” to replace so-called “activist judges,” ensuring “[n]o more activist judges shielding criminal illegals,” “[n]o more endless delays,” and “[o]nly results.”²¹

In May 2026, acting Attorney General Todd Blanche said that immigration judges who adjudicate too slowly will be replaced, stating specifically “If there’s judges that are just not applying the law in the way that it needs to be applied, delaying inappropriately, have backlogs that are just unacceptable, they’re the folks that we’re going to try to find somebody different to fill that spot.”

To achieve these stated objectives and increase removal orders that lead to deportations, EOIR leadership has issued guidance aimed at facilitating removal orders. Additionally, EOIR leadership reportedly implemented changes to docket management and case scheduling that have substantially increased the volume of cases and shortened the time judges have to hear and adjudicate them. When combined with the quantitative performance metrics imposed on immigration judges, these conditions appear aimed at influencing judicial behavior.

¹⁹ <https://x.com/StephenM/status/1904320253473026192>

²⁰ <https://truthsocial.com/@realDonaldTrump/posts/114377993807616549>

²¹ <https://www.whitehouse.gov/releases/2026/04/era-of-amnesty-is-over-president-trump-restores-rule-of-law-to-immigration-courts/>

Procedural Guidance that Facilitates Deportations

In this context of pressuring judges to adjudicate as quickly as possible, EOIR leadership provided guidance that would enable quicker disposition of cases. The guidance included: (a) instructions for pretermittting cases with incomplete asylum applications instead of following previous practice that would have allowed asylum applicants to amend and cure any errors or omissions and (b) instructions for issuing removal orders *in absentia*.

Pretermission of Incomplete Asylum Applications

According to the information received, EOIR leadership has pressured judges to pretermitt cases with incomplete asylum applications despite the longstanding practice of providing foreign nationals with an opportunity to cure deficiencies. On 11 April 2025, then-acting EOIR Director Sirce Owen issued PM 25-28, entitled “Pretermission of Legally Insufficient Applications for Asylum,”²² setting out EOIR’s interpretation of the law as permitting immigration judges to pretermitt legally deficient asylum applications without a hearing or an opportunity to cure any defects. This PM appears to conflict with relevant regulations, under which applicants have 30 days’ notice to correct an initial defective application.²³

Reports indicate that immigration judges understood this PM to suggest a method for them to increase removal orders and thus increase the rate of deportations.

In Absentia Policy

According to the information received, ACIJ’s have explicitly instructed immigration judges to order someone removed *in absentia*, i.e., deported for failure to appear for a scheduled court hearing, in the first instance. These orders are not appealable and may be reopened only by the immigration judge who entered them.

In 2025, the average monthly number of *in absentia* orders was 25,887, which is a 39 percent increase from the average monthly number in 2024.²⁴ According to the information received, this increase appears to be driven by several interrelated factors, including: ICE officers’ expanded presence on the streets, which deters immigrants from traveling away from home; ICE officers’ increased presence and arrests inside courts, which deters immigrants from appearing in court; and the administration’s policy encouraging *in absentia* orders after a first failure to appear.

Due to this policy and directives by ACIJ’s, numerous immigration judges reportedly felt pressured to increase *in absentia* removal orders and to abandon

²² <https://www.justice.gov/eoir/media/1396411/dl?inline=>

²³ See also 8 C.F.R. § 1208.3 (“If an applicant wishes to have his or her application for asylum considered, he or she shall correct the deficiencies in the incomplete application and refile it within 30 days of rejection.”).

²⁴ <https://www.justice.gov/eoir/media/1344881/dl?inline=>

their ordinary discretionary practices, including giving foreign nationals at least one opportunity to re-open their case by filing an appropriate motion after a non-appearance, prior to the issuance of a removal order.

Administrative Manipulation of Dockets

According to the information received, in the context of seeking methods to increase the number of deportations ordered by immigration judges, EOIR reportedly instrumentalized the management of case dockets. While immigration judges exercise discretion over individual case scheduling, EOIR leadership, specifically the Chief Immigration Judge who is appointed by the AG, retains regulatory authority to manage dockets, defer or set priorities and time frames, and regulate case assignments.²⁵

Mega master hearings

According to the information received, the EOIR directed immigration judges to hold “mega master hearings” where as many as 60 to 100 *pro se* (unrepresented) respondents had their cases listed to be heard in for a single session. Such “mega master hearings” reportedly were planned to occur at least twice a week and were aimed at facilitating mass adjudication and more specifically generating mass *in absentia* removal orders when foreign nationals did not appear for their hearing and rapid pretermission of cases with incomplete asylum applications. By piling hundreds of cases onto a judge’s weekly calendar, “mega master hearings” reportedly imposed a pace of adjudication that prevented deliberative, individualized legal analysis.

Creation of a “Somali docket”

While the grouping of cases into specialized dockets is not an uncommon practice at EOIR, there have been reported instances of docket creation that appear politically motivated. Specifically, EOIR leadership has reportedly established specialized dockets to expedite removal proceedings for particular nationalities or groups in a manner that tracked public statements from the White House.

One reported instance concerns Somali migrants. In December 2025, President Trump made a series of public statements expressing hostility toward Somali migrants and Somali-American communities, including a statement to reporters on 2 December 2025 that Somali-Americans “contribute nothing” and that “[he doesn’t] want them in our country.” In February 2026, more than 100 cases involving Somali migrants were reportedly rescheduled and consolidated into a specialized docket, expediting the individuals’ removal proceedings.

Administrative changes

According to the information received, there also have been administrative changes that have reportedly interfered with immigration judges’ case

²⁵ 8 C.F.R. § 1003.9(b)

scheduling capabilities. For instance, some legal assistants were reportedly prohibited by the court's computer system from scheduling any hearing more than six months in advance, despite the longstanding discretion to do so. In addition, the information suggests that judges have been told that certain types of cases are considered "priority" as a matter of policy, and that in such cases, judges are not allowed to grant continuances beyond 14 - 21 days. These sudden changes, for which little or no explanation was provided, reportedly prevented some immigration judges from granting continuances or adjournments for dates that they determined were necessary to ensure a fair hearing.

Replacing terminated Immigration Judges with "Deportation Judges"

In the context of widespread arbitrary removals of immigration judges, the Executive Branch reportedly began to hire new personnel to fill the vacant positions, as well as assigning U.S. military lawyers as temporary immigration judges. The manner in which these positions were filled reportedly was aimed at increasing deportations.

Since November 2025, the DOJ and DHS have launched a new recruitment campaign, advertising that the government is hiring "Deportation Judges" rather than using the proper title, immigration judges.²⁶ Advertisements state that these positions come with special incentives, such as a possible 25% base pay recruitment increase for those located in New York, NY; Los Angeles, CA; San Francisco, CA; Chelmsford, MA; Boston, MA, Concord, CA; Santa Ana, CA; and Sacramento, CA. Reports suggest that many new hires have little to no experience in immigration law.

U.S. military lawyers also began to serve as temporary immigration judges. On 27 August 2025, the Department of Defense authorized up to 600 military lawyers, or judge advocates general ("JAG"), who are responsible for ensuring the U.S. military follows international and domestic law, to serve six-month renewable terms as immigration judges.²⁷

Reports indicate that the training provided to temporary immigration judges was significantly shorter than the training offered to regular immigration judges, and that its content differed as well. A former temporary immigration judge and JAG officer, Christopher Day, submitted a whistleblower complaint to Congress that reported that:

"military members [who] are being assigned to this program [receive] completely inadequate and highly biased training, being told to adjudicate cases in a manner that is not consistent with the law, and threatened with removal if they do not achieve the Trump Administration's stated goal of denying asylum or other relief in almost all cases."

In his whistleblower complaint, Mr. Day described several instances during his immigration judge training in which Executive Branch officials allegedly stated

²⁶ <https://join.justice.gov/>

²⁷ <https://www.federalregister.gov/documents/2025/08/28/2025-16573/designation-of-temporary-immigration-judges>

that they were “watching new judges very carefully” and warned that judges who failed to meet “expectations” would likely be “bid farewell.” The training also reportedly emphasized how rarely asylum should be granted, suggesting that relief should be reserved for cases such as “Alexei Navalny” or “[m]aybe if you were Jewish and escaping Nazi Germany in 1943.” Reports suggest that Mr. Day was removed after his asylum grant rate was deemed too high.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we are very concerned that the actions described, if true, would amount to interference by the Executive in the decision-making of immigration judges aimed at increasing deportations of foreign nationals.

Foreign nationals in the United States are entitled to numerous protections: the right to due process; the prohibition of arbitrary expulsion; the rule against arbitrary detention and removal; and the prohibition of *refoulement* to a risk of torture, arbitrary deprivation of life, persecution, or other grave human rights violations. These rights are established in customary international law and enshrined in articles 2, 6, 7, 9, 13, and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States in June 1992, as well as article 3 of the Convention Against Torture (CAT), ratified by the United States in October 1994, and article 33 of the Refugee Convention through ratification of the 1967 Protocol Relating to the Status of Refugees in November 1968.

International law has placed particular emphasis on these protections because their absence increases the risk of irreparable harm. The Human Rights Committee stated plainly that States, “must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or *refoulement*.” (general comment no. 20). As an inherent element of the prohibition of torture and other forms of ill-treatment, the prohibition of *refoulement* under international law applies to any form of removal or transfer of persons, regardless of their status or grounds for seeking protection, and is characterised by its absolute nature without any exception.

Under international law, any body or mechanism tasked with determining the legality of expulsions and deportations of foreign nationals must be independent and impartial, because such removals may entail transfer to a risk of irreparable harm. The Human Rights Committee emphasized in general comment no. 31 that, where empowered with the capacity to investigate human rights violations, “[a]dministrative mechanisms” must do so “through independent and impartial bodies.” In order to perform their role effectively and not merely act as a “rubber stamp,” immigration judges must interrogate, examine and determine issues related to the risk of irreparable harm, including *refoulement*, and matters of detention. In making determinations regarding these violations, they must be “independent and impartial.” This is especially true when, as here, the possibility of review of an immigration adjudicator’s decision by a court of law prior to removal is not effectively guaranteed. It is reinforced where immigration adjudicators also make detention-related determinations that directly affect the liberty of foreign nationals and must, under international law, be subject to prompt review by a court (ICCPR art. 9 & general comment no. 8).

While the full range of guarantees applicable to judges may not apply directly to administrative decision-makers such as immigration judges, the guarantee of independence requires that States apply, *mutatis mutandis*, guarantees concerning adjudicators' appointment, protections during their period in office, and due process concerning discipline and removal. As affirmed by the Human Rights Committee, I recall that the requirement of independence refers, in particular, to the procedure and qualifications for appointment and guarantees relating to security of tenure, as well as the conditions governing promotion, transfer, suspension and cessation of functions (general comment no. 32).

International standards also provide that, to assure independence, any provisional or temporary judicial appointments should be exceptional, time limited and based on necessity. Such appointments should be governed by the same guarantees of independence that apply to permanent appointments. They must not become a channel for executive or political leverage through unilateral designation, renewals or discretionary termination. In addition, judges should only be suspended or dismissed for confirmed serious reasons of misconduct or incompetence, and in accordance with fair procedures guaranteeing objectivity and impartiality provided for by the constitution or law.

To ensure the adequate independence of immigration judges, states should therefore take specific measures to establish clear procedures and objective criteria for their appointment, remuneration, tenure, promotion, suspension and dismissal and disciplinary sanctions taken against them.

Beyond independence guarantees, international law is also clear that other due process guarantees apply to expulsion and deportation procedures: impartiality, fairness, and equality of arms. The Human Rights Committee went so far as to state that all article 14 guarantees are applicable when deportations take the form of a "penal sanction" or where violations of expulsion orders are punished under criminal law (general comment no. 32).

Regional human rights treaties reinforce the holding that immigration adjudication must be done through an independent and impartial body. Article 8(1) of the American Convention on Human Rights, signed by the United States in June 1977, provides "Every person has the right to hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law ... for the determination of his rights and obligations of a civil, labor, fiscal or any other nature." The Inter-American Commission on Human Rights stated that deportation proceedings must have "as broad as possible" interpretation of due process requirements.²⁸

Finally, we recall that, according to international human rights standards, independence and impartiality entails the capacity to perform professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability.

²⁸ Inter American Commission on Human Rights, Report No. 49/99 Case 11.610, *Loren Laroye Riebe Star, Jorge Alberto Barón Guttlein and Rodolfo Izal Elorz v. Mexico*, April 13, 1999, ¶¶70–71.

The reported actions appear to violate the principle that adjudicators with the ability to decide on fundamental human rights issues such as detention and *refoulement* should enjoy core guarantees concerning independence and impartiality. If proven accurate, the allegations set out in this communication would constitute a serious breach of international human rights standards related to fair trial, the right to a remedy, and due process.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures taken to uphold the independence of Judge Carmen Maria Rey Caldas, Judge George D. Pappas, Judge Jeremiah Johnson, Judge Olivia Cassin, Judge Samuel Cole and all other immigration judges in this context.
3. Please explain how the aforementioned measures are compatible with international human rights standards, binding on the United States, that relate to the requirements of due process, judicial review and effective remedies, and that relate to ensuring the security of tenure for justice officials, and the prohibition against intimidation or improper interference with prosecutors in the performance of their professional functions.
4. Please explain how decisions on the selection and dismissal of immigration judges employed by the Department of Justice safeguard against discrimination on the basis of political or other opinions.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Gehad Madi

Special Rapporteur on the human rights of migrants

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, I would like to highlight the relevant provisions of the International Covenant on Civil and Political Rights (ICCPR), which the United States of America ratified on the 8 June 1992, as well as the Universal Declaration of Human Rights, which reflects customary international law.

We would like to remind your Excellency's Government of the due process guarantees for all foreign nationals facing deportation. Article 3 of the Universal Declaration of Human Rights, which states that "Everyone has the right to life, liberty and security of person," and articles 6(1), 7, 9 and 18 of the ICCPR, which guarantees the inherent right to life of every individual, the prohibition of torture, the right to liberty and security of the person as well as the right to freedom of religion or belief. In this regard, I would like to highlight that the enjoyment of the rights guaranteed in the ICCPR is not limited to citizens of State parties but "must also be available to all individuals, regardless of their nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party" (ICCPR/C/21/Rev.1/Add. 13 (2004), para. 10).

We wish to refer to article 14 of the Universal Declaration of Human Rights, which states that "everyone has the right to seek and enjoy in other countries asylum from persecution." We wish to stress that States should ensure that all border governance measures taken at international borders, including those aimed at addressing irregular migration, are in accordance with the principle of *non-refoulement* and the prohibition of arbitrary or collective expulsions.

We would also like to remind your Excellency's Government that even when third country nationals present in the United States do not claim to be at risk of refoulement, international law still requires non-arbitrariness and due process in the expulsion of any foreign national, including a decision in accordance with grounds specified under national law; notice of the reasons for expulsion, and an opportunity to challenge them (including through sufficient disclosure of evidence); review by a competent, independent and impartial authority; and a right to be represented on appeal (articles 2, 13 and 14 of the ICCPR; UN Human Rights Committee, general comment No 15; articles 4-5 and 26 of the ILC Draft Articles on the Expulsion of Aliens 2014). Even where individuals are lawfully expelled, the return and reception of persons must be carried out in full respect for international human rights law, and there should be independent monitoring of such processes (guideline 9 of the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders (2014)).

We would like to bring attention to articles 2 and 14 of the ICCPR and the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy),

26 August-6 September 1985). Together, they set out a number of standards as it relates to principles of independence and impartiality.

General comment No. 31 (2004) of the United Nations Human Rights Committee states that “[a]dministrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.”

General comment No. 32 (2007) of the United Nations Human Rights Committee emphasizes that the element of independence requires the body to be free from political interference by the executive branch, as well as the legislature.

The ICCPR and the Basic Principles on the Independence of the Judiciary also stipulate that judges must be able to carry out their functions “without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.”

Principle 4 of the Basic Principles on the Independence of the Judiciary states that there shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.

Principle 6 entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.

We would further like to refer your Excellency’s Government to the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990.

Principle 16 requires Governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 17 provides that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Principle 20 establishes that lawyers must enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.

Principle 23 provides that lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering

professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

Principle 27 provides that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice.