

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

August 21, 2025

The Honorable Pam Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Bondi:

I write in response to your continued arbitrary firing of immigration judges, despite an unprecedented backlog of immigration cases and an acute need for impartial judges to adjudicate those cases in accordance with the law. The fired judges include former prosecutors and officials who faithfully served through both Republican and Democratic Administrations.

The Trump Administration has engaged in an unprecedented attack on due process and the rule of law,¹ and the only plausible explanation for firing immigration judges and placing additional strain on overburdened immigration courts is a political one. However, immigration judges have protections from politicized hiring and firing.² Though immigration judges are not part of the judiciary and are instead employees of the Department of Justice (DOJ), protections against unwarranted firing exist at all stages of their employment, including during their initial two-year probationary period.³ Your agency has cast aside these protections through unlawfully targeting judges for termination, making an inefficient mess of our immigration court system, and needlessly wasting taxpayer dollars.

You recently fired 17 immigration judges—judges working in states throughout the country, including California, Illinois, Louisiana, Maryland, Massachusetts, New York, Ohio, Texas, Utah, and Virginia.⁴ The International Federation of Professional and Technical Engineers (IFPTE), which represents immigration court judges, stated that 15 of the judges were fired without cause.⁵

¹ Press Release, *Durbin, Kelly, Padilla, Senate Democrats Press Trump Administration on Weaponizing Immigration Court Hearings to Trap, Arrest, Deport Immigrants* (July 14, 2025), <https://www.judiciary.senate.gov/press/releases/durbin-kelly-padilla-senate-democrats-press-trump-administration-on-weaponizing-immigration-court-hearings-to-trap-arrest-deport-immigrants>.

² See Pendleton Civil Service Act of 1883, Pub. L. No. 47-16, 22 Stat. 403 (1883); 5 U.S.C. § 7501, *et seq.* The Pendleton Act changed the federal civil service from a "spoils system" to a merit-based system. The Civil Service Reform Act of 1978 synthesized, expanded upon, and further codified the patchwork of processes that had developed over almost a century, to protect a broader group of civil servants and govern personnel actions. See *Upholding Civil Service Protections and Merit System Principles*, 89 Fed. Reg. 24982, 24985 (Apr. 9, 2024) (to be codified at 5 C.F.R. pts. 210, 212, 213, 302, 432, 451, 752).

³ See 5 U.S.C. §§ 2301-2302 (protecting even probationary employees from prohibited personnel practices).

⁴ See Rebecca Santana, *Trump Administration Fires Seventeen Immigration Court Judges Across Ten States, Union Says*, AP NEWS (July 15, 2025), <https://apnews.com/article/immigration-court-judges-trump-ice-229830c0779857164a832793c2a8f3e4>.

According to the IFPTE, since the start of the Trump Administration, 103 judges have either been fired or opted to take a deferred resignation offer (known as a “Fork in the Road” offer).⁶ Many of those who were fired without cause are pursuing legal actions and challenging their terminations,⁷ because the law is designed to protect judges under both Democratic and Republican Administrations from politicized firing.⁸ Even immigration judges in their two-year probationary period have protections based on merit system principles.⁹ Without these protections, immigration judges would fear retaliation for decisions they must make impartially and in accordance with the law, with little recourse.

This Administration is pursuing a mass deportation scheme and attempting to speed that process along, including by subjecting individuals to expedited removal to avoid court review.¹⁰ As part of that effort, Congress recently passed a partisan reconciliation bill that provides DOJ with more than \$3.3 billion, including for raising the number of immigration judges to 800 and hiring additional immigration court staff.¹¹ In light of this infusion of funds, concerns that Acting Director of the Executive Office for Immigration Review (EOIR) Sirce Owen expressed at one time about EOIR’s “budgetary needs” and hiring freezes¹² are no longer relevant. By firing judges, DOJ is wasting taxpayer dollars in an ill-timed vendetta against professionals who serve in a notoriously high-pressure job—one that requires technical expertise and demands long hours, and one where the stakes are high for the immigrant respondents.

There is no better example of the current efforts to erode judicial independence than the politicized firing of Assistant Chief Immigration Judge Peyton. Judge Peyton oversaw Chicago’s

⁵ See *Trump Administration Fires More Immigration Court Judges: Union*, FED AGENT (July 17, 2025), <https://www.fedagent.com/news/trump-administration-fires-more-immigration-court-judges-union>.

⁶ See Rebecca Santana, *Trump Administration Fires Seventeen Immigration Court Judges Across Ten States*, *Union Says*, AP NEWS (July 15, 2025), <https://apnews.com/article/immigration-court-judges-trump-ice-229830c0779857164a832793c2a8f3e4>.

⁷ See, e.g., *[Redacted] v. Dep’t of Justice*, (MSPB, Apr. 9, 2025), available at <https://democracyforward.org/wp-content/uploads/2025/04/Redacted-2025-04-09-Immigration-Judges-Amended-Appeal.pdf>; see also Megan De Mar, *Two Federal Immigration Judges Speak Out After Being Abruptly Fired by Trump Administration*, CBS NEWS CHICAGO (August 5, 2025), <https://www.cbsnews.com/chicago/news/immigration-judges-fired-trump-administration/>.

⁸ 5 U.S.C. § 3502; 5 C.F.R. Part 351 (governing reductions in force); 5 U.S.C. § 2302(b) (defining prohibited practices); Southern Poverty Law Center, *A History of Politicized Hiring in Immigration Courts*, SOUTHERN POVERTY LAW (June 24, 2019), <https://www.splcenter.org/resources/stories/history-politicized-hiring-immigration-courts/>; Ari Shapiro, *Justice Dept.’s Hiring Tactics Illegal, Report Says*, NPR (July 28, 2008), <https://www.npr.org/2008/07/28/92986301/justice-dept-s-hiring-tactics-illegal-report-says>.

⁹ See 5 U.S.C. §§ 2301-2302 (protecting even probationary employees from prohibited personnel practices).

¹⁰ See Suzanne Gamboa, *Immigration Arrests in Courthouses Have Become the New Deportation Tool, Stripping Migrants of a Legal Process*, NBC NEWS (May 30, 2025), <https://www.nbcnews.com/news/latino/immigrations-arrests-ice-deportations-courthouse-legal-process-ice-rcna209671>; Joshua Goodman & Gisela Salomonice, *Agents Wait in Hallways of Immigration Court as Trump Seeks to Deliver on Mass Arrest Pledge*, AP NEWS, May 22, 2025, <https://apnews.com/article/immigration-courts-arreststrump-ice-deportations-fa96435d4ec021cc8ff636b23d80d848>; Sarah Matusek, *New Phase of Trump Deportation Push: ICE Arrests at Immigration Court*, CHRISTIAN SCIENCE MONITOR, May 25, 2025, <https://www.csmonitor.com/USA/Politics/2025/0528/immigration-court-ice-deportation-trump>.

¹¹ See One Big Beautiful Bill Act, Pub. L. No. 119-21, H.R. 1, 119th Cong. § 100054(1)(a)-(b) (2025).

¹² See *[Redacted] v. Dep’t of Justice*, 1, 3 (Apr. 9, 2025, MSPB), available at <https://democracyforward.org/wp-content/uploads/2025/04/Redacted-2025-04-09-Immigration-Judges-Amended-Appeal.pdf>.

immigration court for nearly nine years, through Democratic and Republican Administrations.¹³ Judge Peyton, like many of the other judges fired, received outstanding performance reviews and accolades for her work. She received the Director's Award from the Executive Office for Immigration Review.¹⁴ Yet, her three-sentence termination letter provided no reason for her termination, citing only the Attorney General's Article II authority under the Constitution as the basis to remove Judge Peyton from her position.¹⁵

Her firing occurred less than two weeks after I visited the Chicago Immigration Court. I understand that immediately after my visit, all staff at the court received an email from EOIR's Office of Policy "reminding" them that they are not to engage directly with Members of Congress or their staff prior to congressional visits and that all requests need to be forwarded to EOIR's Office of Policy and DOJ's Office of Legislative Affairs for coordination.¹⁶ It does not appear that this email was sent out agency-wide, further suggesting it was directly linked to my visit. These intimidation tactics and Judge Peyton's subsequent firing are unacceptable. All federal employees have a fundamental right to directly engage with Congress, individually or collectively, without interference.¹⁷

You have not yet responded to my March 28 letter raising concerns regarding firings of immigration judges. Yet, I continue to hear from constituents regarding your unlawful, arbitrary, and wasteful efforts to cull the immigration judge corps.

I reiterate the questions from that letter and ask for a response no later than September 4, 2025:

1. Between January 20, 2025 and the date of the Department's response to this letter, please provide the number of people in the following positions who have been dismissed, fired, reassigned, or otherwise let go, including by resignation or accepting an early retirement:
 - a. Immigration judges;
 - b. Assistant Chief Immigration Judges (ACIJs);
 - c. Board of Immigration Appeals (BIA) members; and
 - d. Immigration court staff, including legal assistants, attorneys, and administrative staff.
2. What are the locations of the immigration courts where the departed personnel, including immigration judges, ACIJs, and immigration court staff, were employed?

¹³ See Paul Caine, *Former Chicago Immigration Judges Discuss Trump Administration Firings*, WTTW (July 17, 2025),

<https://news.wttw.com/2025/07/17/former-chicago-immigration-judges-discuss-trump-administration-firings>.

¹⁴ *Id.*

¹⁵ See Liz Nagy *et al.*, *DOJ Fires Assistant Chief Judge Overseeing Chicago's Immigration Court*, ABC 7 EYEWITNESS NEWS (July 15, 2025), <https://abc7chicago.com/post/us-immigration-news-donald-trumps-department-justice-fires-chicago-assistant-chief-judge-jennifer-peyton/17138067/>.

¹⁶ Megan De Mar, *Two Federal Immigration Judges Speak Out After Being Abruptly Fired by Trump Administration*, CBS NEWS CHICAGO (August 5, 2025), <https://www.cbsnews.com/chicago/news/immigration-judges-fired-trump-administration/>.

¹⁷ See 5 U.S.C. § 7211.

3. Please provide the individual justifications, including indications of bias or impropriety, for the removal of immigration judges, ACIJs, and BIA members between January 20, 2025 and the date of the Department's response to this letter.
4. What is your plan to hire immigration court staff, immigration judges, and ACIJs by the end of FY2025 and FY2026?
5. What is your plan to reduce the immigration court backlog? As part of that plan, have you conducted any assessment regarding how reducing immigration court staff and immigration judges will impact the backlog of cases?
6. What is your plan to apply expedited removal to people currently in removal proceedings under section 240 of the Immigration and Nationality Act (INA)? Have you provided any related instructions to immigration judges to block terminations of cases where the individual has demonstrated prima facie eligibility for a benefit and has an application pending for relief under the INA?
7. How do you plan to reduce the number of BIA members through regulation?
8. What, if any, plans do you have to convert IJs and/or ACIJs to "Special Inquiry Officers"?

Thank you for your attention to this matter.

Sincerely,



Richard J. Durbin
Ranking Member

cc: The Honorable Charles E. Grassley
Chairman, Senate Committee on the Judiciary