



April 14, 2026

Office of the General Counsel  
Attn: FOIA Service Center  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2150  
Falls Church, VA 22041

***RE: Freedom of Information Act Request on Immigration Judge Training***

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and its implementing regulations, 6 C.F.R. § 5.1 *et seq.*, the American Immigration Council (“AIC”) seeks records from the Department of Justice’s Executive Office of Immigration Review (“EOIR”) on training materials of newly invested permanent and temporary immigration judges.

Requester seeks a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k).

**I. Background**

Shortly after President Trump took office in January 2025, media outlets across the country began reporting that the Department of Justice (“DOJ”) Executive Office of Immigration Review (“EOIR”) had begun firing dozens of immigration judges without an explanation.<sup>1</sup>

On August 28, 2025, EOIR submitted a Final Rule “Designation of Temporary Immigration Judges”<sup>2</sup> granting the Director of EOIR authority to appoint a broader range of individuals to serve as Temporary Immigration Judges (“TIJs”). By this time, over 100 immigration judges had

---

<sup>1</sup> Alia Zehra, “Justice Department fires 20 immigration judges: Report,” *The Hill*, February 15, 2025, <https://thehill.com/homenews/administration/5147744-justice-department-fires-20-immigration-judges-report/>; Myah Ward, “Trump administration fires new immigration judges,” February 15, 2025, <https://www.politico.com/news/2025/02/15/trump-immigration-judges-fired-019634>; Elliot Spagat, “Justice Department fires 20 immigration judges from backlogged courts amid major government cuts,” *AP News*, February 15, 2025, <https://apnews.com/article/trump-immigration-court-judges-fired-firings-d35eed0f685739c4a19d4c8baf39113a>.

<sup>2</sup> <https://www.federalregister.gov/documents/2025/08/28/2025-16573/designation-of-temporary-immigration-judges> Designation of Temporary Immigration Judges, 90 Fed. Reg. 41,883 (August 28, 2025).

either been fired by the administration or departed from their roles<sup>3</sup> bringing the total number of judges from 735 at the end of FY 2024 to about 600.<sup>4</sup> The Final Rule marked an unprecedented change in immigration court history as preceding the rule, temporary judges were rare, only drawn from experienced adjudicators or senior DOJ attorneys.<sup>5</sup> Furthermore, previous law allowed the Director of EOIR to appoint attorneys currently employed by the DOJ who (1) served as former immigration judges or appellate immigration judges, (2) served as administrative judges within another executive branch agency,<sup>6</sup> or (3) have at least ten years of legal experience in immigration law to act as TIJs for renewable six-month terms.<sup>7</sup> The new rule removed these requirements allowing virtually any “well-qualified attorney”<sup>8</sup> without immigration expertise to serve as TIJs.

Shortly after, media reports indicated that on August 27, 2025, Department of Defense (“DOD”) Secretary Pete Hegseth had approved sending up to 600 military lawyers to the DOJ to serve as TIJs.<sup>9</sup> The new rule, in combination with appointments of military judges to serve as TIJs, immediately sparked concern among immigration experts who questioned whether attorneys without immigration experience are qualified for their new roles. Immigration law is complex, and given the short-term TIJs serve, they likely do not have enough time to become experts in immigration law.<sup>10</sup>

---

<sup>3</sup> Luke Barr, Laura Romero, and Armando Garcia, “To replenish their ranks, DOJ loosens requirements for temporary immigration judges,” *ABC News*, August 27, 2025, <https://abcnews.com/US/replenish-ranks-doj-loosens-requirements-temporary-immigration-judges/story?id=125038974>.

<sup>4</sup> Adriel Orozco, “Trump Administration Appoints Hundreds of Unqualified Military Lawyers to Serve as Immigration Judges,” *American Immigration Council*, September 5, 2025, <https://www.americanimmigrationcouncil.org/blog/trump-appoints-military-lawyers-to-serve-as-immigration-judges/>.

<sup>5</sup> <https://www.lawfirm4immigrants.com/trump-purge-immigration-judges-2025/> Debra Cassens Weiss, “Wanted: Temporary immigration judges, no experience necessary,” *ABA Journal*, September 4, 2025, <https://www.abajournal.com/news/article/wanted-temporary-immigration-judges-no-experience-necessary>.

<sup>6</sup> Adriel Orozco, “Trump Administration Appoints Hundreds of Unqualified Military Lawyers to Serve as Immigration Judges,” *American Immigration Council*, September 5, 2025, <https://www.americanimmigrationcouncil.org/blog/trump-appoints-military-lawyers-to-serve-as-immigration-judges/>.

<sup>7</sup> <https://www.federalregister.gov/documents/2014/07/11/2014-16279/designation-of-temporary-immigration-judges> Designation of Temporary Immigration Judges, 79 Fed. Reg. 39953 (July 11, 2014).

<sup>8</sup> Designation of Temporary Immigration Judges, 90 Fed. Reg. 41,883 (August 28, 2025).

<sup>9</sup> Konstantin Toropin, “Pentagon authorizes up to 600 military lawyers to serve as temporary immigration judges,” *AP News*, September 2, 2025, <https://apnews.com/article/pentagon-immigration-judges-trump-pete-hegseth-b07950833591270b926ad86ede8b961f>.

<sup>10</sup> Adriel Orozco, “Trump Administration Appoints Hundreds of Unqualified Military Lawyers to Serve as Immigration Judges,” *American Immigration Council*, September 5, 2025, <https://www.americanimmigrationcouncil.org/blog/trump-appoints-military-lawyers-to-serve-as-immigration-judges/>.

In 2022, EOIR published a fact sheet describing immigration judge’s training. This factsheet gives a brief outline of the six-week training judges receive.<sup>11</sup> However, media outlets have questioned whether EOIR is following this same training guide following the policy changes in 2025.<sup>12</sup> And because the new rule does not mention training TIJs receive, there is confusion among the public on what training attorneys without immigration experience who are appointed for a short period of time receive prior to making crucial decisions for vulnerable populations.<sup>13</sup>

## II. Records Requested

We request the following records:

1. EOIR’s most recent version of the Immigration Judge Training Fact Sheet;
2. Records from EOIR’s Office of Policy’s Legal Education and Research Services (LERS) Division, the Office of the Chief Immigration Judge (OCIJ), or any other EOIR component or subcomponent responsible for materials/scheduling/preparation for new immigration judge training related to:
  - a. Current copies of training materials provided to new immigration judges during the classroom-based training component, including, but not limited to, the packet of information received by potential judges and any additional materials, such as cases, memoranda, fact patterns, and checklists;
  - b. Current copies of training material provided to temporary immigration judges prior to their appointment or during their tenure;
  - c. Materials provided to immigration judges since March 30, 2025, as part of EOIR’s ongoing training, including training on legal and procedural issues, litigation, and implementation of new policies.
3. Records from EOIR’s Office of Policy’s Legal Education and Research Services (LERS) Division or the Office of the Chief Immigration Judge (OCIJ) related to:
  - a. Current copies of presentation materials provided to new immigration judges during the classroom-based training component, including, but not limited to, the packet of information received by potential judges and any additional materials,

---

<sup>11</sup> U.S. Department of Justice Executive Office of Immigration Review, “Executive Office for Immigration Review Immigration Judge Training,” June 2022, <https://www.justice.gov/eoir/page/file/1513996/dl?inline>.

<sup>12</sup> Celine Castronuovo, “Trump Immigration Judges Pushed to Deny Asylum in Swift Training,” *Bloomberg Law*, February 4, 2026, <https://news.bloomberglaw.com/us-law-week/trump-immigration-judges-pushed-to-deny-asylum-in-swift-training>.

<sup>13</sup> American Immigration Lawyers Association, “Policy Brief: Militarizing Immigration Courtrooms,” September 24, 2025, <https://www.aila.org/library/policy-brief-militarizing-immigration-courtrooms>.

- such as PowerPoint slides, training schedules with lists of speakers/trainers, cases, memoranda, fact patterns, and checklists;
- b. Current copies of presentation material provided to temporary immigration judges prior to their appointment or during their tenure;
4. Communications, such as emails (with attachments) letters, memoranda, or MS Teams messages from January 1, 2026 until the time the agency conducts a reasonable search, in the custody of the following ACIJs: Sherron Ashworth, John Burns, Craig Defoe, Eric Dillow, Irene Feldman, Ayodele Gansallo, Kuyomars Golparvar, Daniel Kinnicutt, Robert Lundberg, Tara Naselow-Nahas, and Elisa Sukar containing any of the following case-insensitive words or terms, or common variation thereof:
- a. “training”;
  - b. “observation”;
  - c. “guidance”;
  - d. “training modules”;
  - e. “New Immigration Judge Training Program”;
  - f. “Mandatory Immigration Judge Training”;
  - g. “Temporary Immigration Judge Training.”

### III. Requester

The American Immigration Council is a tax-exempt, not-for-profit education and charitable organization under Section 501(c)(3) of the Internal Revenue Code. The Council strives to strengthen the United States by shaping immigration policies and practices through innovative programs, cutting-edge research, and strategic legal and advocacy efforts grounded in evidence, compassion, justice, and fairness.

### IV. Request for Fee Waiver

The Requester seeks a waiver of processing (search and review) fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) (“fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by ... a representative of the news media . . .”); 5 U.S.C. § 552(a)(4)(A)(iii) (“Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”). *See also* 6 C.F.R. § 5.11(d)(1). That provision should be “liberally construed in favor of waivers for noncommercial requestors.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003).

## 1. Release of the Requested Records Is in the Public Interest

The records requested will contribute significantly to the public's understanding of government operations or activities. Under 6 C.F.R. § 5.11(k)(2), the following factors are to be considered in determining whether a disclosure is in the public interest.

a) *The records requested concern government operations and activities. 6 C.F.R. § 5.11(k)(2)(i).*

The records requested pertain directly to “operations or activities” of the federal government: specifically, what training the EOIR provides newly appointed immigration judges, some of whom lack immigration experience. It is important that the public have a clear understanding of how the agency trains attorneys who will serve as judges — particularly those without experience in immigration law.

b) *Disclosure of the requested records is “likely to contribute” to an understanding of government operations and activities. 6 C.F.R. § 5.11(k)(2)(ii).*

This request is “likely to contribute” to a public understanding of government operations or activities by answering questions for the public on how the EOIR trains newly appointed adjudicators as they decide highly complex immigration cases. Since the DOJ finalized the *Designation of Temporary Immigration Judges* rule on August 28, 2025, a wide variety of news outlets, former immigration judges, law firms, and lawmakers have expressed deep concern over hiring judges inexperienced with immigration law on grounds that it may exacerbate due process violations, worsen case backlogs, and a lack of transparency on training procedures after appointment.

EOIR released the 2021 immigration judge's training materials in response to a FOIA request.<sup>14</sup> Further, an EOIR Fact Sheet from 2022 outlines the training schedule the agency follows to ensure immigration judges receive proper instructions on case adjudications and other topics.<sup>15</sup> These records provided the public with some understanding of how the agency trained these judges.

However, since the Trump administration terminated dozens of immigration judges, implemented the regulation that decreased the levels of experience for temporary immigration judges, and appointed temporary immigration judges without immigration law experience, EOIR has not published the training materials used to instruct the new immigration judges. Media

---

<sup>14</sup> Matthew Hoppock, “Most Recent New Immigration Judge Training Materials,” *MuckRock*, October 12, 2021, <https://www.muckrock.com/foi/united-states-of-america-10/most-recent-new-immigration-judge-training-materials-120125/>.

<sup>15</sup> U.S. Department of Justice Executive Office of Immigration Review, “Executive Office for Immigration Review Immigration Judge Training,” June 2022, <https://www.justice.gov/eoir/page/file/1513996/dl?inline>.

reports have raised serious concerns about the level of instruction received by new immigration judges, whether permanent or temporary. Most notably, Bloomberg Law reported one person familiar with the training judges receive has expressed concern that the training process EOIR has published does not align with actual training procedures.<sup>16</sup> Some media outlets have noted new judges will receive the same continuous six-week training as permanent immigration judges,<sup>17</sup> while other media outlets have reported they will receive two weeks.<sup>18</sup> The inconsistencies in reporting come from the lack of direct mention of specified training in the new rule. While the 2014 EOIR Rule on *Designation of Temporary Immigration Judges*<sup>19</sup> delineates specific training requirements for TIJs,<sup>20</sup> the new rule does not disclose any information on training.

As to TIJs, media reports have expressed fear that these judges, appointed for a period of six months, will not be able to garner adequate expertise in immigration law before adjudicating cases.<sup>21</sup> According to information EOIR published a few years ago, permanent immigration judges must undergo a two-year probationary period after their six weeks of training before their positions became permanent,<sup>22</sup> allowing time and continuity to develop expertise and consistency.<sup>23</sup> Rotating temporary adjudicators with no immigration law expertise and without robust training in immigration law following their appointments may lead to inconsistent rulings, fundamental legal errors, and flawed decision-making, further exacerbating issues of due processes and the ever-growing backlog of cases.<sup>24</sup>

---

<sup>16</sup> Celine Castronuovo, “Trump Immigration Judges Pushed to Deny Asylum in Swift Training,” *Bloomberg Law*, February 4, 2026, <https://news.bloomberglaw.com/us-law-week/trump-immigration-judges-pushed-to-deny-asylum-in-swift-training>.

<sup>17</sup> Annie Knox, “Utah judge without immigration experience is among military lawyers picked for immigration court,” *Utah News Dispatch*, November 17, 2025, <https://utahnewsdispatch.com/2025/11/17/utah-immigration-judge-military-lawyers/>.

<sup>18</sup> Ximena Bustillo, “Military lawyers called up to relieve a shortfall in immigration judges,” *NPR*, September 2, 2025, <https://www.npr.org/2025/09/02/g-s1-86691/military-lawyers-immigration-judges-jag#:~:text=Inside%20one%20of%20the%20most%20understaffed%20immigration,judges%20judges%2C%20according%20to%20the%20U.S.%20official.>

<sup>19</sup> *Designation of Temporary Immigration Judges*, 79 Fed. Reg. 39953 (July 11, 2014).

<sup>20</sup> *Ibid.*

<sup>21</sup> Tracee Wilkins, Rick Yarborough, Steve Jones and Jeff Piper, “Immigration judge fired at end of probation period says she worries about due process,” *NBC Washington*, October 2, 2025, <https://www.nbcwashington.com/investigations/immigration-judge-fired-at-end-of-probation-period-says-she-worries-about-due-process/3997059/>.

<sup>22</sup> *Ibid.*

<sup>23</sup> American Immigration Lawyer’s Association, “Policy Brief: Militarizing Immigration Courtrooms,” September 24, 2025, <https://www.aila.org/library/policy-brief-militarizing-immigration-courtrooms>.

<sup>24</sup> New York City Bar, “Condemning the Use of Military Lawyers as Temporary Immigration Judges,” January 15, 2026, <https://www.nycbar.org/reports/condemning-the-use-of-military-lawyers-as-temporary-immigration-judges/>.

Thus, disclosure of the requested records is likely to contribute substantive answers to these inconsistencies.<sup>25</sup>

Immigration law is often described as one of the most complex forms of law<sup>26</sup> due to its evolving nature: rapid policy shifts due to new legislation; executive orders and court decisions; as well as unpredictable changes in forms, deadlines and eligibility standards.<sup>27</sup> Immigration judges preside over courtroom proceedings determining removability, eligibility for relief from removal and conduct credible and reasonable fear reviews.<sup>28</sup> They effectively make life-or-death decisions for refugees, asylees<sup>29</sup>, and other vulnerable populations.<sup>30</sup> To properly adjudicate cases, judges must not only be familiar with statutory and regulatory provisions, but also with the evolving Board of Immigration Appeals and federal court precedent. Prior to the new rule, the EOIR held several prerequisites for temporary judges, one being a requirement that newly appointed judges<sup>31</sup> have 10 years of legal experience in the field of immigration law,” ensuring attorneys tasked with understanding and adjudicating complex cases possess an appropriate level of expertise.

Further, immigration attorneys and former immigration judges have expressed fear that a lack of proper training for attorneys without immigration experience serving as immigration judges undermines due process.<sup>32</sup> They note that attorneys who lack immigration experience also lack training in complex asylum law, procedural safeguards, and international human rights obligations.<sup>33</sup> These concerns are well-founded. Military lawyers now being called upon to serve as immigration judges, for example, are primarily trained to support the boundaries of military

---

<sup>25</sup> American Immigration Lawyers Association, “Policy Brief: Militarizing Immigration Courtrooms,” September 24, 2025, <https://www.aila.org/library/policy-brief-militarizing-immigration-courtrooms>.

<sup>26</sup> Mark Nevitt and Margy O’Herron, “Soldiers in Robes: Why Military Lawyers Can Not and Should Not Serve as Immigration Judges,” *Just Security*, November 17, 2025, <https://www.justsecurity.org/124574/soldiers-in-robles-why-military-lawyers-can-not-and-should-not-serve-as-immigration-judges/>.

<sup>27</sup> Andrew T. Thomas, Esq., Nathan Lewis, Esq., Blake Allen, Esq., “Understanding Immigration Law and How it Affects Your Future,” *Andrew T. Thomas Attorneys at Law*, last accessed: March 31, 2026, <https://attlaw.com/understanding-immigration-law-and-how-it-affects-your-future/>.

<sup>28</sup> U.S. Department of Justice Executive Office of Immigration Review, “Learn About the Immigration Court,” last updated: December 14, 2025, <https://www.justice.gov/eoir/learn-about-immigration-court>.

<sup>29</sup> Richard T. Herman, “Trump Purge Immigration Judges: His Strategy of Removing Qualified Judges, and Then Hiring Hundreds of Inexperienced Judges,” *Herman Legal Group*, last accessed: March 31, 2026, <https://www.lawfirm4immigrants.com/trump-purge-immigration-judges-2025/>.

<sup>30</sup> American Immigration Lawyers Association, “Policy Brief: Militarizing Immigration Courtrooms,” September 24, 2025, <https://www.aila.org/library/policy-brief-militarizing-immigration-courtrooms>.

<sup>31</sup> Designation of Temporary Immigration Judges, 79 Fed. Reg. 39953 (July 11, 2014).

<sup>32</sup> Priscilla Alvarez, “Inside the Trump administration’s unprecedented purge of immigration judges,” *CNN*, October 6, 2025, <https://www.cnn.com/2025/10/06/politics/immigration-judges-fired-trump>.

<sup>33</sup> Richard T. Herman, “Trump Purge Immigration Judges: His Strategy of Removing Qualified Judges, and Then Hiring Hundreds of Inexperienced Judges,” *Herman Legal Group*, last accessed: March 31, 2026, <https://www.lawfirm4immigrants.com/trump-purge-immigration-judges-2025/>.

law. Most have received only 1 to 2 hours of immigration law training in Judge Advocate General (JAG) school. Immigration experts and military members question whether these attorneys would have the expertise to decide the fate of families seeking refuge.<sup>34</sup> The lack of training in immigration law inevitably increases the risk of procedural errors<sup>35</sup> and inconsistent or mistaken rulings:<sup>36</sup> inexperienced judges may misapply legal standards, overlook critical evidence, deny claims or issue removal orders without sufficient evidence review<sup>37</sup> -- the very opposite of a fair trial.<sup>38</sup> Furthermore, inconsistent precedent and procedural errors arising from inexperienced judges<sup>39</sup> have led to a surge in appeals to the Board of Immigration Appeals (BIA) furthering backlogs.<sup>40</sup> Dozens of Members of Congress have echoed such concerns.<sup>41</sup>

Obtaining records of training materials will provide clarity to the public on the specificities of training.

- c) *Disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons. 6 C.F.R. § 5.11(k)(2)(iii).*

Third, disclosure of the requested information will contribute to “the understanding of a reasonably broad audience of persons interested in the subject.” As mentioned, media interest in

---

<sup>34</sup> Alexandra Villarreal, “Hiring of military lawyers as immigration judges alarms law experts,” *The Guardian*, September 22, 2025, <https://www.theguardian.com/us-news/2025/sep/22/trump-administration-military-lawyers-immigration-judges>; Mark Rivera and Barb Markoff, Christine Tressel and Tom Jones, “Former judges concerned over Trump admin. plan to install military attorneys as immigration judges,” *ABC News*, <https://abc7chicago.com/post/former-immigration-judges-deeply-concerned-trump-admin-plan-install-military-attorneys/18182486/>.

<sup>35</sup> Richard T. Herman, “Trump Purge Immigration Judges: His Strategy of Removing Qualified Judges, and Then Hiring Hundreds of Inexperienced Judges,” Herman Legal Group, last accessed: March 31, 2026, <https://www.lawfirm4immigrants.com/trump-purge-immigration-judges-2025/>.

<sup>36</sup> Ogmen Law PLLC, “DOJ ALLOWS ANY ATTORNEY TO SERVE AS A TEMPORARY IMMIGRATION JUDGE,” November 5, 2025, <https://ogmenlaw.com/doj-allows-any-attorney-to-serve-as-a-temporary-immigration-judge/>.

<sup>37</sup> Richard T. Herman, “Trump Purge Immigration Judges: His Strategy of Removing Qualified Judges, and Then Hiring Hundreds of Inexperienced Judges,” Herman Legal Group, last accessed: March 31, 2026, <https://www.lawfirm4immigrants.com/trump-purge-immigration-judges-2025/>.

<sup>38</sup> American Immigration Lawyers Association, “Policy Brief: Militarizing Immigration Courtrooms,” September 24, 2025, <https://www.aila.org/library/policy-brief-militarizing-immigration-courtrooms>.

<sup>39</sup> Ogmen Law PLLC, “DOJ ALLOWS ANY ATTORNEY TO SERVE AS A TEMPORARY IMMIGRATION JUDGE,” November 5, 2025, <https://ogmenlaw.com/doj-allows-any-attorney-to-serve-as-a-temporary-immigration-judge/>.

<sup>40</sup> Richard T. Herman, “Trump Purge Immigration Judges: His Strategy of Removing Qualified Judges, and Then Hiring Hundreds of Inexperienced Judges,” Herman Legal Group, last accessed: March 31, 2026, <https://www.lawfirm4immigrants.com/trump-purge-immigration-judges-2025/>.

<sup>41</sup> Chris Van Hollen, “Van Hollen Joins Schiff, Vargas in Introducing Bill to Prevent Inexperienced Temporary Immigration Judge Appointments, Close Loopholes Exploited by Trump Administration,” *Van Hollen Senate*, December 3, 2025, <https://www.vanhollen.senate.gov/news/press-releases/van-hollen-joins-schiff-vargas-in-introducing-bill-to-prevent-inexperienced-temporary-immigration-judge-appointments-close-loopholes-exploited-by-trump-administration>.

this topic has been extensive. And, the American Immigration Council has experience disseminating the type of information requested to wide audiences, and intends to do so when the agency produces the requested records.

The Council's mission is to educate the public on the important and enduring contributions immigrants make to America and challenge the myths and misinformation that too often dominate the political and public debate around immigration. To accomplish this goal, the Council gathers data, records, and other information about immigration topics of interest to the public from FOIA requests and other sources, analyzes such information, and shares it with the public in blog posts, factsheets, reports, and interactive tools.<sup>42</sup> Between January 1 and September 25, 2025, the Council's website received 4.6 million visitors. Many Council publications have received tens—if not hundreds—of thousands of views within the past year. Additionally, the Council regularly provides information to media outlets. Several publications have reached the public at large by shaping immigration coverage in newspapers, television shows, and other traditional media outlets.

Thus, the Council is committed to sharing the records obtained in response to this FOIA request with the stakeholders and the public through its many methods of dissemination available to the public free of charge.

*d) The request's contribution to public understanding of government operations or activities will be "significant." 6 CFR § 5.11(k)(2)(iv).*

Disclosure will contribute "significantly" to the public understanding of how the EOIR trains newly appointed immigration judges — particularly those without experience in immigration law. The requested records will meaningfully inform the public debate over whether attorneys lacking expertise in immigration law can appropriately adjudicate immigration cases, and its impact on due process for vulnerable populations.

An essential component of due process is not only to have one's case heard by a judge, but also to have an impartial judge. The Trump administration has fired over 100 experienced immigration attorneys who were trained by EOIR in immigration court procedures, and has eliminated nearly half of the body responsible for reviewing appeals.<sup>43</sup> The administration has called to hire more "deportation judges" highlighting the administration's focus on ramping up

---

<sup>42</sup> American Immigration Council, "A Look Back at the Family Separation Policy," October 30, 2025, <https://www.americanimmigrationcouncil.org/report/family-separation-policy/>; American Immigration Council, "The Council Received Data on City-Level Refugee Resettlement From the Department of State," June 26, 2025, <https://www.americanimmigrationcouncil.org/foia-request/refugee-resettlement-data/>.

<sup>43</sup> Reducing the Size of the Board of Immigration Appeals, 90 F.R. 15525 (April 14, 2025).

immigrant arrests and deportations in a nationwide campaign to remove people in the United States without authorization.<sup>44</sup>

The lack of transparency around training immigration judges receive has generated much uncertainty among legal experts, former immigration judges, and the general public. Given this lack of transparency, the records requested will significantly contribute to the public's understanding of this issue.

## 2. Disclosure of the Information Requested Is Not in Requesters' Commercial Interest.

Disclosure of the information requested is not in the commercial interest of Requesters. 6 C.F.R. § 5.11(b). Requester is a nonprofit organization that intends to disseminate the information gathered by this request to the public at no cost, including through the Requester's websites, social media, newsletter, and other methods of information dissemination.

*a) The Requesters have no commercial interest in the disclosure. 6 CFR § 5.11(k)(1)(ii), (k)(3).*

Disclosure of the information requested is not in the commercial interest of Requester. 6 C.F.R. § 5.11(b). Requester is a nonprofit organization that intends to disseminate the information gathered by this request to the public at no cost, including through the Requester's website and social media. Requester satisfies the lack of commercial interest element because it is a tax-exempt, nonprofit educational, charitable, and/or legal services organization. As a nonprofit organization, which by definition have no commercial interest, Requester qualifies for a fee waiver. *See Am. Ctr. for Law & Justice v. U.S. Dep't of Homeland Sec.*, 573 F. Supp. 3d 78, 84 (D.D.C. 2021). Rather than furthering any commercial interest, the requested information is sought for the purpose of fulfilling Requester's missions. Congress intended the FOIA fee waiver provision to encourage "open and accountable government." *Citizens for Responsibility and Ethics in Washington v. U.S. Dep't. of Educ.*, 593 F. Supp. 2d 261, 271 (D.D.C. 2009). Therefore, agencies should "apply the public-interest waiver liberally." *Conklin v. United States*, 654 F. Supp. 1104, 1005 (D. Colo. 1987). The Council's mission is to promote the development of fair and rational immigration policies that reflect fundamental American values and uses transparency and analysis as key strategies to achieve this goal. This request furthers this mission.

---

<sup>44</sup> Ellen M. Gilmer, "Trump DOJ Recruits 'Deportation' Judges in Enforcement Push (1)," *Bloomberg Law*, November 21, 2025, <https://news.bloomberglaw.com/us-law-week/trump-doj-recruits-deportation-judges-in-enforcement-effort>.

*b) The public interest in the disclosure outweighs any identified commercial interest  
Requester may have in the records sought.*

Assuming *arguendo* that the agency identifies a commercial interest, such interest is miniscule in comparison to the public interest in disclosure. In other words, the public interest in disclosing the training immigration judges receive far outweighs any commercial interest the agency may ascribe to Requester. Disclosure of these records is the only way in which the public can assess whether EOIR has adopted standards that are contrary to the law and whether discretion is being applied correctly.

Requester, as an organization that regularly obtains FOIA records to educate the public, is well positioned to receive and analyze disclosures. For these reasons, this request for a full fee waiver should be granted. Alternatively, if the full fee waiver is not granted, Requester seeks all applicable reductions in fees. Further, if no fee waiver is granted and the anticipated costs associated with this request exceed \$25.00, please notify Requester to obtain consent and provide an estimate of the additional fees.

## **Conclusion**

Thank you for your consideration of this request. We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i). If the request is denied in whole or in part, we ask that you justify all withholdings by reference to specific exemptions to the FOIA. We also ask that you release all segregable portions of otherwise exempt material. We request that the records be made available electronically, by e-mail attachment. For any questions regarding this request, please contact Laila Khan at [lkhan@immcouncil.org](mailto:lkhan@immcouncil.org).

Sincerely,

Laila Khan

On behalf of Requester, American Immigration Council