

Executive Office for Immigration Review (EOIR): Institutional Overview and Procedural Framework for Immigration Practitioners

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FINDINGS

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR): COMPREHENSIVE INSTITUTIONAL OVERVIEW AND PROCEDURAL FRAMEWORK FOR IMMIGRATION PRACTITIONERS

Executive Summary

The Executive Office for Immigration Review (EOIR) represents the federal government's primary administrative adjudicatory apparatus for immigration matters, operating as a component of the United States Department of Justice since its establishment on January 9, 1983.[1][42] As a legal research matter, understanding EOIR's institutional structure, jurisdictional scope, and operational procedures is essential for immigration practitioners representing clients before immigration courts nationwide and before the Board of Immigration Appeals. The agency maintains authority over removal proceedings, appellate review of immigration judge decisions, and employment-related immigration violations through three distinct adjudicative components. As of February 2026, EOIR has achieved significant operational milestones following administrative restructuring, completing more than 722,000 cases during fiscal year 2025 and reducing the pending caseload by over 447,000 cases since January 20, 2025.[27] This represents the highest single-fiscal-year completion total in the agency's history and the sharpest decrease in caseload recorded since EOIR's creation. For practitioners working in Northern California, understanding EOIR's structure is particularly important given the concentration of immigration court dockets in the San Francisco Immigration Court system, the significant asylum caseload from Central America, and the interaction between state criminal law modifications and immigration consequences that occur within EOIR's jurisdiction.

Historical Development and Statutory Authority

The Executive Office for Immigration Review emerged through a deliberate administrative reorganization designed to address long-standing concerns about due process and judicial independence in immigration adjudication. Prior to EOIR's creation, immigration judges operated under the administrative authority of the Immigration and Naturalization Service, which was simultaneously responsible for enforcing immigration laws through the border patrol and interior enforcement operations.[1][42][49] This structural arrangement created inherent conflicts of interest, as immigration judges were administratively supervised by the agency that was prosecuting the cases before them. The Board of Immigration Appeals, which had existed since 1940 when it was reconstituted from an earlier Board of Review established in 1921, similarly operated within the INS framework.[49]

The Attorney General established EOIR on January 9, 1983, through an internal Department of Justice reorganization that formally separated the immigration courts and the Board of Immigration Appeals from the enforcement functions of the INS.[1][42][49] This reorganization responded to constitutional and administrative law concerns regarding the appearance of impartiality and the separation of prosecutorial and adjudicatory functions. The critical reform transferred the Office of the Chief Immigration Judge function from the INS to the newly created EOIR, making immigration courts administratively independent from immigration enforcement. The Board of Immigration Appeals simultaneously moved to EOIR, where it could exercise appellate authority without institutional pressure from the enforcement agency prosecuting cases.[49] The Office of the Chief Administrative Hearing Officer was added to EOIR in 1987 following enactment of the Immigration Reform and Control Act of 1986, which created a new administrative apparatus for employer sanctions and unfair immigration-related employment practices cases.[52]

The statutory authority under which EOIR operates derives from multiple sources in the immigration law framework. The foundational statute is the Immigration and Nationality Act of 1952 (INA), codified at 8 U.S.C. § 1101 et seq., which established the procedural framework for immigration adjudication and granted the Attorney General authority to delegate functions to administrative tribunals.[14] The Immigration Reform and Control Act of 1986 (IRCA), codified at 8 U.S.C. § 1324a-1324c, established employer sanctions provisions and vested administrative hearing authority in the OCAHO component.[22] The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), enacted as Division C of the Omnibus Consolidated Appropriations Act of 1997 and becoming effective April 1, 1997, fundamentally restructured immigration proceedings by consolidating the separate "deportation" and "exclusion" proceedings into unified "removal" proceedings and extensively revised procedural requirements for immigration court practice.[5][14][52]

Regulatory authority for EOIR is primarily codified in Title 8 of the Code of Federal Regulations, particularly in 8 C.F.R. Part 1003, which establishes EOIR's organizational structure and operational procedures.[34] The Director of EOIR and the heads of EOIR's three adjudicatory components possess delegated authority to issue operating instructions and policy guidance, as reflected in 8 C.F.R. §§ 1003.0 and 1003.1(a)(2)(i).[33] This regulatory framework grants EOIR adjudicators substantial discretion within the bounds of applicable statutory and regulatory requirements, and EOIR has issued numerous policy manuals consolidating internal operating procedures and practice guidance. The EOIR Policy Manual, the Immigration Court Practice Manual, and the Board Practice Manual collectively establish the procedural framework for all litigation before EOIR components.[31][33]

Organizational Structure and Governance

EOIR operates as a sub-agency of the Department of Justice, headed by a Director who reports directly to the Deputy Attorney General.[1][7][42] This direct reporting relationship ensures that EOIR maintains operational independence from the Office of the Attorney General's litigation divisions and reflects EOIR's role as a quasi-independent administrative adjudicatory body. The Director's authority extends to supervision of the Deputy Director, the Chairman of the Board of Immigration Appeals, the Chief Immigration Judge, the Chief Administrative Hearing Officer, and all EOIR personnel in execution of their duties.[7][41] The headquarters of EOIR are located in Falls Church, Virginia, approximately ten miles from downtown Washington, DC, though EOIR maintains operational presence across the United States through seventy-three immigration courts, numerous adjudication centers, and regional administrative offices.[1][7][41]

The organizational structure of EOIR reflects a separation of adjudicatory functions into trial-level, appellate-level, and employment-focused components. The Deputy Director, serving on behalf of the EOIR Director, provides supervisory oversight of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer, as well as EOIR's support offices including Administration, Equal Employment Opportunity, Information Technology, General Counsel, and Policy.[7][41] This hierarchical arrangement ensures coordination across EOIR while maintaining operational separation between the adjudicatory components and administrative support functions.

The Office of the General Counsel (OGC) provides legal advice on matters involving EOIR and its employees in the performance of official duties.[29] The OGC serves as agency counsel in federal court litigation, assists the Office of Policy in developing agency regulations, and responds to all Freedom of Information and Privacy Act requests.[29] The Office of Policy is responsible for all agency policy and regulatory review and development, internal and external communications, official data collection and reporting, strategic planning, and legal education and research.[7][41] The Office of Administration provides administrative and managerial

support in financial management, contracts and procurement, human resources, security, and facilities management.[7][41] The Office of Information Technology oversees EOIR's information technology infrastructure and supplies IT solutions and services required to meet the agency's technology needs.[7][41]

As of December 2025, Miguel R. Acosta was appointed as EOIR's General Counsel by Attorney General Pamela Bondi, bringing extensive federal litigation experience and prior service as an Assistant United States Attorney prosecuting immigration-related crimes.[29] The leadership structure ensures that legal expertise informs all EOIR policy development and regulatory implementation.

The Office of the Chief Immigration Judge

The Office of the Chief Immigration Judge (OCIJ) provides overall program direction, establishes policies and procedures, and sets priorities for immigration court operations nationwide.[1][7][38][41] The OCIJ supervises more than 600 immigration judges distributed across 73 immigration courts and three adjudication centers throughout the nation.[1][7][41] This massive adjudicatory apparatus operates under the supervision of the Chief Immigration Judge, who carries out responsibilities with the assistance of a Principal Deputy Chief Immigration Judge, Regional Deputy Chief Immigration Judges, Assistant Chief Immigration Judges, and a substantial legal staff including a Chief Counsel, attorneys at OCIJ headquarters, and permanent and term attorney advisors and judicial law clerks positioned at immigration courts nationwide.[38][41]

Immigration judges are appointed by the Attorney General to preside over immigration hearings and determine whether an alien may remain in the United States or must be removed.[50] The regulatory authority for immigration judge actions is codified in 8 C.F.R. §§ 1240.1 et seq., which specifies the scope of immigration judge authority and procedural requirements for removal proceedings.[5][34] Immigration judges possess broad jurisdiction over removal, deportation, and exclusion proceedings, and they adjudicate applications for various forms of relief from removal including asylum, withholding of removal, protection under the Convention Against Torture, cancellation of removal, adjustment of status, and registry.[57] Immigration judges also review credible fear and reasonable fear determinations made by the Department of Homeland Security, conduct claimed status review proceedings, hold custody hearings and bond redetermination proceedings, and conduct certain disciplinary proceedings pertaining to practitioners.[57]

However, immigration judges do not possess jurisdiction over certain immigration-related matters that remain within the authority of the Department of Homeland Security or specialized administrative bodies.[57] These excluded matters include visa petitions, employment authorization, certain waivers, naturalization applications and revocation of naturalization, parole determinations, applications for advance parole, employer sanctions determinations, and administrative fines and penalties under 8 C.F.R. Parts 280 and 1280.[57] Understanding these jurisdictional boundaries is critical for practitioners advising clients about the scope of relief available in immigration court proceedings.

Immigration judges must meet core qualifications to be appointed to the bench, including possession of an LL.B., J.D., or LL.M. degree, active bar membership, and seven years of post-bar admission legal experience.[50] EOIR seeks candidates with good temperament, appropriate demeanor, good courtroom management skills, and demonstrated ability to conduct proceedings in a courteous, fair, and impartial manner.[50] The application process for immigration judge positions involves screening for minimum requirements, review of applications, first and second round interviews, background investigation including references and bar complaint history, fingerprinting, drug testing, and ultimately approval by the Attorney General.[50] As of the time of this report, EOIR has brought on 50 new immigration judges since January 20, 2025, and expects to add over 60 more in the coming six months, reflecting a substantial expansion of judicial

capacity following administrative restructuring.[36]

Immigration judge training consists of an initial six-week period involving classroom-based training and on-the-job training with mentors.[53] The classroom-based training component covers law and procedure, including asylum and other forms of relief and protection, with particular emphasis on interactive practical exercises.[53] New immigration judges must pass an immigration law examination at the end of their first week of classroom training before being sworn in as immigration judges.[53] The training program includes substantial mentoring by experienced immigration judges, both from the judge's assigned "home court" and from other courts with similar characteristics.[53] Ongoing training for all sitting immigration judges includes periodic training on legal and procedural issues, access to a mentor directory for expert consultation, training required by litigation developments, training facilitating implementation of new policies, and an annual multi-day training program on immigration law and related topics.[53]

The Language Services Unit within OCIJ oversees staff interpreters and contract interpreters at immigration courts nationwide and conducts quality assurance programs for all interpreters.[38][41] This unit ensures that alien respondents who lack sufficient command of English language can fully participate in proceedings through qualified interpreters, fulfilling the due process requirements established in immigration court practice.

The Board of Immigration Appeals

The Board of Immigration Appeals (BIA) represents the highest administrative tribunal for interpreting and applying immigration laws within the executive branch of the federal government.[3][37][60] Located at EOIR headquarters in Falls Church, Virginia, the BIA conducts appellate review of decisions rendered by immigration judges and certain decisions of Department of Homeland Security district directors through a "paper review" process in which written briefs substitute for oral argument in the vast majority of cases.[3][37][40][60] On rare occasions, the BIA hears oral arguments of appealed cases, predominately at headquarters in Falls Church.[3][37][40][60] The BIA has been granted nationwide jurisdiction to hear appeals from certain decisions rendered by immigration judges and by DHS district directors in a wide variety of proceedings in which the Government of the United States is one party and the other party is an alien, a citizen, or a business firm.[3][37][40]

The BIA's decision-making authority derives from delegated authority originally vested in the Attorney General under the Immigration and Nationality Act. Decisions of the BIA are binding on all DHS officers and immigration judges unless modified or overruled by the Attorney General or a federal court.[3][37][40][60] Most BIA decisions are subject to judicial review in the federal courts, and the BIA provides federal courts with a certified copy of the record before the Board when its decisions are reviewed.[3][37][40][60] The majority of appeals reaching the BIA involve orders of removal and applications for relief from removal, though the BIA also addresses exclusion cases for aliens applying for admission, petitions to classify the status of alien relatives for issuance of preference immigrant visas, fines imposed on carriers for violations of immigration laws, and motions for reopening and reconsideration of previously rendered decisions.[3][37][40][60]

The BIA is directed to exercise its independent judgment in hearing appeals for the Attorney General, a standard that reflects the Board's quasi-independent adjudicatory role despite its administrative location within the Department of Justice.[3][37][40][60] BIA decisions designated for publication are printed in bound volumes entitled "Administrative Decisions Under Immigration and Nationality Laws of the United States" and appear in the official "I&N Dec." reporter.[3][37][40][60] The vast majority of BIA decisions are

unpublished, though the Board periodically selects cases for publication as precedent decisions.[3][37][40][60] Published BIA decisions constitute binding precedent that applies to all immigration judges, DHS officers, the BIA itself, and immigration practitioners nationwide, while unpublished decisions are binding only on the parties to the specific case.[3][37][40][60]

The BIA's jurisdictional authority extends to appeals from immigration judge decisions in removal, deportation, and exclusion proceedings subject to some limitations on decisions involving voluntary departure, as well as decisions pertaining to asylum, withholding of deportation and removal, Temporary Protected Status, the Convention Against Torture, and other forms of relief.[23][40] The BIA reviews immigration judge decisions on motions to reopen where proceedings were conducted in absentia, decisions in rescission of adjustment of status cases, certain decisions pertaining to bond, parole, or detention, and decisions by DHS on family-based immigrant petitions, revocation of such petitions, and revalidation of such petitions (except orphan petitions).[23][40] However, the BIA generally does not have jurisdiction to review the length of a grant of voluntary departure, direct appeals from persons removed in absentia, credible fear determinations whether made by an asylum officer or immigration judge, reasonable fear determinations made by immigration judges, applications for advance parole, applications for adjustment of status denied by DHS, orphan petitions, or employment-based immigrant visa petitions.[23][40]

With respect to scope of review, the BIA applies a clearly erroneous standard to immigration judge findings of fact, including credibility findings, as established in 8 C.F.R. § 1003.1(d)(3)(i).[23][40] The BIA applies a de novo standard of review to questions of law, discretion, judgment, and other issues.[23][40] By contrast, when reviewing DHS officer decisions, the BIA applies a de novo standard to all aspects of the appeal, according greater scrutiny to government agency decision-making than to immigration judge factual determinations.[23][40] This differential standard reflects the regulatory policy that immigration judges, operating as neutral adjudicators, receive deference on factual determinations but not on legal conclusions or discretionary judgments.

The Office of the Chief Administrative Hearing Officer

The Office of the Chief Administrative Hearing Officer (OCAHO), the third major component of EOIR, was established in 1987 following enactment of the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990.[1][52][8] OCAHO is headed by a Chief Administrative Hearing Officer who supervises and manages administrative law judges who preside at hearings mandated by provisions of law enacted in IRCA and the Immigration Act of 1990, as these acts amended the Immigration and Nationality Act of 1952.[8]

The Administrative Law Judges within OCAHO hear cases and adjudicate issues arising under provisions of the INA relating to three distinct areas: employer sanctions violations under INA § 274A, including knowingly hiring, recruiting, or referring for a fee unauthorized aliens, continued employment of unauthorized aliens, failure to comply with employment eligibility verification requirements, and requiring indemnity bonds from employees in violation of law; immigration-related unfair employment practices under INA § 274B; and immigration-related document fraud under INA § 274C.[8] Complaints in these cases are brought by the Department of Homeland Security, the Immigrant and Employee Rights Section in the Civil Rights Division of the Department of Justice (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices), or private individuals or entities as prescribed by statute.[8]

Hearings are conducted under applicable laws and regulations, as well as the general requirements of the Administrative Procedure Act, 5 U.S.C. § 551 et seq.[8] Employer sanctions and document fraud cases are

subject to administrative review by the Chief Administrative Hearing Officer and/or the Attorney General, ensuring a two-tier appellate process for employment-related immigration cases.[8] All final agency decisions are subject to review in the federal circuit courts of appeal.[8] OCAHO has expanded its electronic filing capabilities through an ongoing pilot program testing electronic filing systems in cases filed under 8 U.S.C. § 1324a and § 1324b, with the pilot program subsequently extended indefinitely as OCAHO works toward implementation of a permanent e-filing system.[8]

Jurisdictional and Procedural Framework for Removal Proceedings

The contemporary jurisdictional and procedural framework for immigration court proceedings derives substantially from the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which fundamentally restructured the immigration adjudication system by consolidating the separate "deportation" and "exclusion" proceedings that had existed under prior law into a unified "removal" proceeding applicable to all aliens subject to deportation or exclusion.[5][14][52] Prior to IIRIRA, deportation proceedings applied to aliens who had "made an entry" into the United States, while exclusion proceedings applied to aliens who had not made entry.[14] This distinction created significant procedural complexity and litigative disputes about what constituted a sufficient "entry" to trigger deportation jurisdiction rather than exclusion jurisdiction. IIRIRA simplified this framework by subjecting all aliens who are "admitted to the United States, [aliens] applying for admission, and aliens present in the United States without being inspected and admitted" to removal proceedings under a unified procedural structure.[14]

Removal proceedings commence when the Department of Homeland Security files a Notice to Appear (Form I-862) with the immigration court after serving the notice on the alien.[2][10] The Notice to Appear sets forth detailed information required by 8 C.F.R. § 1003.13, including the nature of the proceedings, the legal authority under which the proceedings are conducted, the acts or conduct alleged to be in violation of law, the charge(s) against the alien and the statutory provision(s) alleged to have been violated, the opportunity to be represented by counsel at no expense to the government, the consequences of failing to appear at scheduled hearings, and the requirement that the alien immediately provide the Attorney General with a written record of an address and telephone number.[2] The Notice to Appear replaced two prior charging documents: the Order to Show Cause (Form I-221), which commenced deportation proceedings, and the Notice to Applicant for Admission Detained for Hearing before an Immigration Judge (Form I-122), which commenced exclusion proceedings.[2]

Removal proceedings follow a structured procedural sequence that begins with a master calendar hearing and may progress to an individual calendar hearing or merits hearing.[10][13][16][24] At the initial master calendar hearing, the immigration judge takes pleadings from the respondent or the respondent's representative, identifies and narrows legal and factual issues, schedules deadlines for filing applications for relief and supporting documentation, and estimates the amount of time needed for the merits hearing.[13][15][24] The respondent (or the respondent's representation) must appear on the record, verify their name, address, and telephone number, waive or admit the factual allegations in the Notice to Appear, and state what applications for relief from removal, if any, the respondent intends to file.[15] In master calendar proceedings involving unrepresented non-detained respondents, filings must be submitted at least fifteen days in advance of the master calendar hearing if requesting a ruling at or prior to the hearing.[21] For represented non-detained respondents, if a notice of appearance (Form EOIR-28) is filed at least fifteen days prior to the master calendar hearing, the hearing will be vacated and the immigration judge will issue a scheduling order establishing deadlines for written pleadings and evidence submission.[21]

The individual calendar hearing, or merits hearing, involves evidentiary proceedings on contested matters,

including challenges to removability and applications for relief.[16] Prior to the individual calendar hearing, parties must file all applications for relief, proposed exhibits, and motions, along with witness lists for any witnesses other than the respondent.[16] For individual calendar hearings involving represented non-detained aliens, amendments to applications for relief, additional supporting documents, and updates to witness lists must be submitted at least thirty days in advance of the individual calendar hearing.[21] At the opening of the individual calendar hearing, the immigration judge turns on the recording equipment, identifies the type of proceeding, the respondent's name and A-number, the date, time, and place of proceeding, and the presence of the parties.[16] The immigration judge verifies the respondent's name, address, and telephone number, and if the respondent's address or telephone number has changed, the respondent must submit a change of address form (Form EOIR-33/IC).[16]

If the respondent is requesting relief that requires background investigations and security checks, the immigration judge inquires on the record whether DHS completed such investigations.[16] If background investigations and security checks are incomplete due to the respondent's lack of compliance without good cause, the immigration judge may deem the application for the covered form of relief abandoned and enter an order dismissing the application.[16] If background investigations and security checks were not completed due to DHS, DHS may seek a continuance, and the immigration judge may proceed with the merits hearing but cannot render a decision granting covered relief until background investigations and security checks are complete.[16]

At the conclusion of the individual calendar hearing, the immigration judge issues a decision determining whether the respondent is removable from the United States and whether the respondent has been granted or denied relief from removal.[10] The immigration judge's decision is final unless a party timely appeals the decision to the Board of Immigration Appeals or the case is certified to the Board.[10][57] Respondent and DHS both have the right to appeal the immigration judge's decision to the BIA, and the immigration judge informs the parties of the deadline for filing an appeal unless the right to appeal is waived.[16]

Immigration court proceedings establish extensive rights for respondents, including the right to an attorney or other representative at no cost to the government, the right to present evidence, the right to examine and object to evidence and to cross-examine any witnesses presented by DHS, the right to designate which country of removal is preferred (except as otherwise required by law), and the right to appeal certain immigration judge decisions to the BIA.[10] These rights reflect the fundamental due process protections established in immigration court practice and ensure that respondents can present a full defense to charges of removability and applications for relief from removal.

Special Proceedings and Limited Review Procedures

Beyond standard removal proceedings, EOIR administers several specialized proceeding types that apply to specific categories of aliens or particular factual circumstances. These specialized proceedings reflect Congressional efforts to streamline immigration adjudication while addressing the distinct factual and legal circumstances of particular alien populations.

Expedited removal proceedings apply to aliens who are inadmissible for lacking valid entry documents or seeking admission through fraud, as well as aliens inadmissible on these grounds who are present in the United States without being admitted or paroled and have been in the country less than two years.[28][32][43] Aliens subject to expedited removal under INA § 235(b)(1) include those arriving at ports of entry with no valid inspection and admission, as well as those apprehended within the United States near the border who entered without inspection. Exceptions to expedited removal include lawful permanent residents, aliens

granted refugee or asylee status, aliens seeking asylum while applying for admission under the visa waiver program, and minors unless they have committed certain crimes.[28][32][43]

Within expedited removal procedures, certain aliens are afforded "credible fear" review if they express a fear of persecution or torture.[28][32][43][46] The credible fear standard requires that there be "a significant possibility that the alien can establish eligibility for asylum under INA § 208 or withholding of removal under INA § 241(b)(3)," with the credibility of the alien's statements and other facts known to the reviewing official taken into account.[28][32][43] A credible fear determination must be completed by an asylum officer or, upon review, by an immigration judge. The credible fear review must be concluded no later than 7 days after the date of the asylum officer's decision, though preferably within 24 hours.[43] If an asylum officer finds credible fear, a written record of the positive credible fear finding is deemed an application for asylum, withholding of removal, and protection under the Convention Against Torture, and USCIS schedules an asylum merits interview with an asylum officer.[28][43] If the asylum officer decides not to grant the asylum application following the merits interview, the alien is placed into "streamlined removal proceedings," a specialized proceeding with compressed timelines designed for aliens whose asylum applications have been adjudicated but denied.[35][55]

Aliens subject to expedited removal under INA § 238(b) include those who are not lawful permanent residents and who have been convicted of aggravated felonies. If such an alien expresses a fear of persecution or torture, the alien is placed into "reasonable fear proceedings" rather than immediate removal.[28][32][43] The reasonable fear standard means "a reasonable possibility that the alien would be persecuted on account of his or her race, religion, nationality, membership in a particular social group, or political opinion, or a reasonable possibility that the alien would be tortured if returned to the country of removal." [28][32][43] The bars to eligibility for withholding of removal are not considered in reasonable fear proceedings, creating a lower threshold than exists in full removal proceedings. If a USCIS asylum officer finds reasonable fear, the alien is placed in "withholding-only proceedings" before an immigration judge, in which the alien can apply for withholding of removal and protection under the Convention Against Torture but cannot raise other issues of admissibility, deportability, or eligibility for other relief.[28][32][43]

Streamlined removal proceedings apply to aliens who were found to have a credible fear of persecution or torture and a USCIS asylum officer adjudicated but did not grant the alien's application for asylum.[35][55] In streamlined removal proceedings, the respondent is not required to file a new Application for Asylum and for Withholding of Removal (Form I-589); instead, the written record of the positive credible fear determination is deemed an application for asylum, withholding of removal, and protection under the Convention Against Torture.[35][55] Streamlined removal proceedings follow a compressed timeline in which the initial master calendar hearing is held between 30 and 35 days after DHS serves the Notice to Appear, a status conference is held between 30 and 35 days after the master calendar hearing, and the merits hearing (if necessary) is held between 60 and 65 days after the master calendar hearing.[35][55]

Asylum-only proceedings are limited proceedings in which the immigration judge considers only applications for asylum, withholding of removal under INA § 241(b)(3), and protection under the Convention Against Torture, without raising any other issues including issues of admissibility, deportability, eligibility for waivers, and eligibility for any other form of relief.[28][32] These proceedings apply to certain aliens, including stowaways who have been found to have credible fear, and visa waiver program applicants seeking asylum while applying for admission.[28][32]

Current Operational Status and Recent Developments

As of the time of this report in early February 2026, EOIR has achieved unprecedented operational efficiency following administrative restructuring and policy reforms implemented since January 20, 2025. The agency completed more than 722,000 cases during fiscal year 2025, exceeding all of fiscal year 2024 case completions and constituting the highest single-fiscal-year completion total in the agency's history.[27] During the first eleven months of fiscal year 2025, EOIR reduced its pending caseload by over 447,000 cases, bringing the pending caseload down from more than 4.18 million to under 3.75 million, representing the sharpest decrease in caseload in EOIR's history.[27]

Acting Director Sirce E. Owen, who served as Acting Director of EOIR from January 2025 to September 2025 and returned to serve in senior leadership capacity in fall 2025, articulated that reducing the immigration court backlog remains one of the agency's highest priorities.[27] The Administration's commitment to utilizing all available resources to continue adjudicating immigration cases fairly, expeditiously, and uniformly has manifested in concrete operational improvements.[27] Since January 2025, EOIR has issued numerous policy memoranda that returned to adjudicators the ability to decide cases consistent with law and restore EOIR's integrity as a preeminent administrative adjudicatory agency.[27] EOIR accomplished operational improvements through implementing measures such as restoring adjudicator impartiality, expanding the Dedicated Docket, and rescinding over 20 policies that were unfounded in law or discouraged the timely completion of cases.[27]

The staffing expansion has been substantial, with EOIR bringing on 50 new immigration judges since January 20, 2025, and planning to add over 60 more in the next six months, representing a significant expansion of judicial capacity.[36] This expansion directly addresses the judicial resource constraints that have contributed to prolonged case backlogs, detention of respondents awaiting hearings, and delays in adjudication across the immigration court system.

The pending caseload distribution across the nation reflects significant geographic variation, with Miami-Dade County, Florida accounting for 146,554 active cases as of September 2025, Cook County, Illinois with 112,285 cases, Queens County, New York with 106,897 cases, Los Angeles County, California with 103,438 cases, and Kings County, New York with 84,327 cases.[30] These five counties account for a substantial portion of the national caseload, reflecting both the geographic distribution of immigration enforcement and variations in local labor market conditions and asylum grant rates. In September 2025, EOIR recorded case outcomes of 48,251 removal orders, 7,079 voluntary departures, 2,485 grants of relief, and 12,252 other decisions allowing respondents to stay, totaling 70,067 case dispositions in that month alone.[30]

From a procedural standpoint, EOIR has made significant progress in implementing electronic filing systems. The EOIR Courts & Appeals System (ECAS) became mandatory for all immigration courts and the Board of Immigration Appeals as of February 11, 2022, requiring attorneys and accredited representatives to utilize electronic filing methods for all filings eligible for electronic submission.[9] This technological advancement has streamlined case processing and enhanced the accessibility of court records for authorized parties.

Northern California Context and Regional Operations

The San Francisco Immigration Court system represents a significant adjudicatory hub within the Ninth Circuit region, encompassing the Northern District of California and portions of the Central District of California. Immigration court operations in Northern California include the San Francisco Immigration Court with two primary locations: 100 Montgomery Street, Suite 800, San Francisco, CA 94104, and 630 Sansome Street, 4th Floor, Room 475, San Francisco, CA 94111.[51] Additionally, EOIR maintains the San Francisco Immigration Court - Concord Hearing Location at 1855 Gateway Boulevard, Suite 850, Concord, CA 94520,

serving the East Bay region.[51] The Concord location has particular significance for cases arising in the Central Valley and East Bay areas, providing geographic accessibility to respondents and practitioners in those regions.

Northern California has historically experienced heavy asylum caseloads derived from Central American and Mexican nationals fleeing gang violence, gender-based persecution, and governmental indifference to private persecution.[51] The San Francisco Asylum Office, located at EOIR headquarters' coordinate facilities, conducts credible fear and reasonable fear interviews for aliens apprehended within its jurisdiction. The San Francisco Asylum Office has developed distinct interview procedures and patterns that practitioners should understand when representing clients through credible fear determination processes.

For Northern California practitioners, understanding the interaction between California state criminal law provisions and immigration consequences is particularly important. California Penal Code § 1473.7 permits defendants to challenge convictions based on ineffective assistance of counsel that failed to advise adequately about immigration consequences, allowing vacatur of convictions that carry immigration consequences even long after sentencing.[51] Similarly, California Penal Code § 1203.43 provides post-conviction relief for clients whose sentences can be modified to eliminate immigration-triggering consequences. These state law remedies can materially affect EOIR proceedings by eliminating or reducing the basis for removability charges, and practitioners must coordinate criminal case modification efforts with EOIR litigation strategy.

California's Values Act (Senate Bill 54) limits state and local law enforcement cooperation with federal immigration enforcement, though it does not restrict EOIR's authority to conduct removal proceedings.[51] This state-level protection creates a regional enforcement environment distinct from other regions where state cooperation with ICE is more extensive.

The Ninth Circuit Court of Appeals, which exercises appellate jurisdiction over immigration cases arising from Northern California, has developed a body of precedent that in certain areas provides more favorable treatment to respondents than precedents from other circuits. Understanding Ninth Circuit doctrine on issues such as asylum-related persecution standards, applications for withholding of removal, and Convention Against Torture protections is essential for practitioners representing clients before San Francisco immigration judges with the intention of appellate litigation if necessary.

Immigration Court Case Management and Filing Requirements

The immigration courts maintain rigorous case management procedures designed to ensure expeditious and fair adjudication while organizing the voluminous docket typical of high-volume immigration courts. The Automated Case Information System (ACIS) maintained by EOIR allows respondents, practitioners, and the public to access certain case status information online, though ACIS includes only limited information about cases and does not include information about all cases or all aspects of specific cases.[9][12] The ACIS system provides basic information about the status of cases before an immigration court or the Board of Immigration Appeals, and parties can access ACIS online at acis.eoir.justice.gov or by telephone at 800-898-7180 (TDD: 800-828-1120).[9]

Filing requirements vary depending on whether proceedings involve detained or non-detained respondents, represented or unrepresented respondents, and the type of hearing being conducted. For master calendar hearings involving represented non-detained respondents, filings must be submitted at least fifteen days in advance of the master calendar hearing if requesting a ruling at or prior to the hearing; otherwise, filings may be made either in advance or in open court during the hearing.[21] When a notice of appearance (Form EOIR-28) is filed at least fifteen days prior to a master calendar hearing, the hearing will be vacated and the

immigration judge will issue a scheduling order establishing specific deadlines for written pleadings and evidence submission.[21] For individual calendar hearings involving represented non-detained respondents, amendments to applications for relief, additional supporting documents, and updates to witness lists must be submitted at least thirty days in advance of the individual calendar hearing.[21] Responses to filings must be filed within ten days after the original filing with the immigration court.[21]

For master calendar hearings involving unrepresented, non-detained respondents, filings must be submitted at least fifteen days in advance of the hearing if requesting a ruling at or prior to the hearing; otherwise, filings may be made either in advance or in open court during the hearing.[21] When a filing is submitted at least fifteen days prior to a master calendar hearing, responses must be submitted within ten days after the original filing.[21] For individual calendar hearings involving unrepresented, non-detained respondents, filings must be submitted at least thirty days in advance of the hearing, with the exception of exhibits or witnesses offered solely to rebut and/or impeach.[21] Responses to advance filings must be filed within ten days after the original filing, with objections to evidence permissible at any time, including at the hearing.[21]

Filing deadlines prior to hearings are calculated using calendar days, with Saturdays, Sundays, and legal holidays counted, except when a deadline falls on a weekend or holiday, in which case the deadline is construed to fall on the next business day.[21] Understanding these technical filing requirements is essential for practitioners to ensure that applications, motions, and supporting documents receive proper consideration by the immigration judge without being deemed waived or forfeited due to untimely submission.

Representation and Pro Bono Legal Services

Immigration court regulations establish a fundamental right for respondents to be represented by an attorney or other qualified representative at no cost to the government, a protection reflecting due process considerations in removal proceedings.[45] The immigration court provides respondents with a list of pro bono legal service providers who may be willing to represent respondents at no cost, and bar associations and nonprofit agencies can also refer respondents to practitioners.[45] The List of Pro Bono Legal Service Providers maintained by EOIR's Public Resources Program contains information on non-profit organizations, referral services, and attorneys who may be able to assist in providing pro bono legal services in immigration proceedings.[56]

A practitioner of record must file a Notice of Entry of Appearance (Form EOIR-28) with the immigration court and serve it on the Department of Homeland Security, thereby establishing the practitioner as responsible for the representation and subject to ongoing obligations to prosecute or defend the case before the immigration judge and to maintain communication with the respondent regarding case developments.[45] Once a practitioner of record enters an appearance, the practitioner has an obligation to continue representation until the respondent terminates representation, another practitioner enters an appearance, or the immigration judge grants a motion to withdraw as counsel.[45]

Substitution of counsel requires filing a written or oral motion for substitution of counsel accompanied by a Form EOIR-28, and in adjudicating such motions, the immigration judge considers the time remaining before the next hearing and the reason(s) given for the substitution.[45] Extension requests based on substitution of counsel are not favored by immigration judges, reflecting the regulatory policy that substitution of counsel should not result in case delays.[45] Withdrawal of counsel requires filing a motion to withdraw that includes the respondent's last known address and a statement that the practitioner has notified the respondent of the request to withdraw or an explanation of efforts made to notify the respondent.[45]

Appeals and Board of Immigration Appeals Procedures

An appeal of an immigration judge decision must be filed directly with the Board of Immigration Appeals using the Notice of Appeal (Form EOIR-26), and the appeal must be filed properly and within the time allowed by regulation.[20][23] The appeal may not be filed with DHS or an immigration court; erroneous filing of an appeal with DHS or an immigration court does not constitute filing with the Board and will not excuse the filing party from the appeal deadline.[20] If an appeal is received by the Board but has not been properly filed (for example, if the filing fee is missing or Proof of Service has not been completed), the appeal may be rejected.[20] Rejection does not extend the filing deadline; instead, it can result in an untimely filing and ultimately dismissal of the appeal.[20]

Once an appeal is properly filed with the Board, a written receipt is sent to both the alien and DHS.[20] The Board then obtains the record of proceedings from the immigration court.[20] In appropriate cases, the Board provides a briefing schedule to both sides and prepares a transcript, with copies sent to parties along with the briefing schedule.[20] The parties must then submit briefs setting forth their arguments and legal authorities, and defects in the record of proceedings or transcript can be raised within the briefing process.[20]

The Board applies a clearly erroneous standard to immigration judge findings of fact, including credibility determinations, meaning that the immigration judge's factual findings are binding unless the Board determines that they are clearly erroneous.[23][40] By contrast, the Board applies a de novo standard to questions of law, discretion, judgment, and other issues not involving factual findings.[23][40] For DHS officer decisions, the Board applies a de novo standard to all appeals, meaning the Board reviews the entire decision without deference to the DHS officer's determination.[23][40]

Board decisions are issued in either published or unpublished form.[40] Published decisions are binding on the parties, constitute precedent binding the Board, immigration courts, and DHS, and are printed in bound volumes entitled "Administrative Decisions Under Immigration and Nationality Laws of the United States." [40] The vast majority of Board decisions are unpublished, but the Board periodically selects cases for publication as precedent decisions.[40] Unpublished decisions are binding on the parties to the specific case but do not constitute precedent for unrelated cases, though parties in unrelated matters may refer to unpublished Board decisions if a copy is attached to the brief or motion.[40]

Conclusion

The Executive Office for Immigration Review stands as the primary federal administrative adjudicatory apparatus for immigration matters, operating through a tripartite structure that separates trial-level immigration court adjudication, appellate review through the Board of Immigration Appeals, and employment-related administrative hearing functions. Understanding EOIR's institutional structure, jurisdictional scope, and operational procedures is essential for immigration practitioners representing clients in removal proceedings, administrative appeals, or employment-related immigration cases. The agency's recent achievement of record case completion rates and the sharpest reduction in case backlogs in its history demonstrate the capacity for administrative improvement when adequate judicial resources, policy clarity, and operational commitment align toward expeditious and uniform adjudication.

For practitioners in Northern California and nationwide, EOIR represents the forum in which the most consequential immigration decisions are made—determinations that affect respondents' ability to remain in the United States, obtain lawful status, and pursue long-term immigration benefits. The procedural complexity of EOIR practice, the technical requirements for proper filing and representation, and the substantive immigration law standards applied by immigration judges and the Board of Immigration Appeals require specialized knowledge and preparation. The interaction between EOIR's adjudicatory authority and other

immigration-affecting systems-including state criminal law, family law, employment law, and federal court judicial review-creates a multifaceted legal landscape in which practitioners must maintain sophisticated understanding of interrelated substantive and procedural rules.

As EOIR continues to expand judicial capacity, implement operational reforms, and maintain focus on fair, expeditious, and uniform adjudication of immigration cases, practitioners should monitor policy developments through EOIR's Policy Manual updates, Federal Register notices, and AILA publications to ensure that their practices reflect current procedural requirements and substantive legal standards. The agency's current leadership and operational trajectory suggest that EOIR will continue to prioritize efficient case resolution while maintaining due process protections for respondents-a balance that remains central to EOIR's mission and legitimacy as an administrative adjudicatory body.

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