POLICY

DOJ ‘reassigned’ career members of Board of Immigration Appeals

The nine BIA members, all appointed before Trump took office, had recently rejected buyout offers from DOJ

The Justice Department oversees the Executive Office of Immigration Review. (Bill Clark/CQ Roll Call file photo)

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Career members at the Board of Immigration Appeals appointed prior to the Trump administration have been "reassigned" to new roles after they rejected recent buyout offers by the Justice Department.

The step appears to be the latest administrative move that critics say dilutes the independence of an important appeals body by filling it with new hires more willing to carry out the Trump administration's restrictive immigration policies.

The change was announced in an internal email viewed by CQ Roll Call.

"This is to inform you that effective June 8, 2020, you will be reassigned from your current position as Board Member (Senior Level) to the Appellate Immigration Judge position," said an email that went out last week to nine career members.

The Board of Immigration Appeals, or BIA, is a 23-member body under the Executive Office of Immigration Review, the Justice Department agency overseeing the immigration court system. Three-member BIA panels review immigration court decisions and issue precedent-setting rulings that shape national immigration law.

[*DOJ memo offered to buy out immigration board members*]

The difference between "board member" and "appellate immigration judge" roles goes beyond title, extending to pay ranges and leave policy. Appellate immigration judges also hear cases at both the trial and appellate levels, creating potential conflicts of interests, critics say. Sources familiar with the agency's personnel matters, who declined to be identified for fear of retaliation, confirmed that all nine career members selected prior to the Trump administration received the email.

CQ Roll Call first reached out to EOIR for confirmation of the reassignments. Agency spokeswoman Kathryn Mattingly said via email that "board member roles and responsibilities are established by regulation and have not changed."

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