



Executive Office for Immigration Review Immigration Judge Staffing Issues

March 2, 2026

Immigration judge (IJ) staffing at the U.S. Department of Justice’s (DOJ’s) Executive Office for Immigration Review (EOIR; immigration courts) has long been insufficient to adjudicate its pending caseload and keep up with the receipt of new immigration cases, particularly removal proceedings, contributing to large [backlogs](#) in the immigration court system. These backlogs have been exacerbated by [record-high case receipts](#) in recent years.

IJs, career employees within the executive branch, are attorneys [appointed by the Attorney General](#). IJ hiring is largely contingent on congressional appropriations. EOIR had steadily increased IJ hiring and grown its IJ corps (i.e., total number of IJs on staff) in recent years ([Figure 1](#)). In FY2023, EOIR hired 133 IJs, its largest annual number of hires. The IJ corps reached a high of 735 at the end of FY2024.

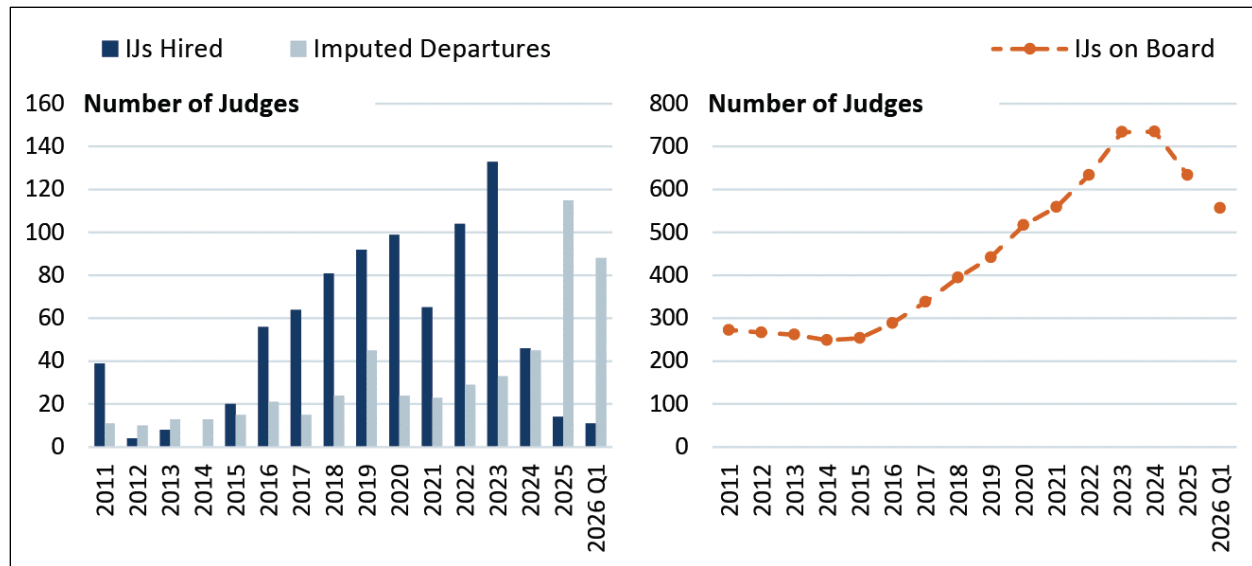
Since FY2025, the IJ corps has declined, with substantially higher than typical levels of departures. Reportedly, some IJs have left EOIR under [options for early retirement or deferred resignation](#) while others have been [fired](#). CRS estimates that 115 IJs separated from EOIR in FY2025, the highest annual number of separations since at least 2011 (see [Figure 1](#) note for estimation methodology). In the first quarter of FY2026, 88 IJs departed EOIR. EOIR has continued to hire IJs (14 in FY2025 and 11 FY2026 Q1), but not at a level to restore its staffing to the previous level.

By the end of FY2025, the IJ corps had declined to 634. At the end of the first quarter of FY2026, EOIR had 557 IJs on staff, down nearly one quarter (178 IJs) from the peak staffing level in FY2024. This number does not include temporary IJs (discussed below). The FY2025 reconciliation law (P.L. 119-21), appropriated \$3.33 billion to DOJ for several purposes, including to hire IJs and support staff. The law authorizes EOIR for a staffing level of “not more than 800” IJs, effective November 1, 2028.

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Figure I. Immigration Judges: Hired, Departed, and Total on Board, FY2011-FY2026 Q1

Source: EOIR analysis of “Immigration Judge (IJ) Hiring,” Adjudication Statistics, January 2026.

Notes: Figure does not include temporary IJs. CRS imputed departures as the sum of the number of IJs on board at the end of the previous fiscal year and hires in the given fiscal year minus the IJs on board at the end of the given fiscal year.

Under the current Trump Administration, EOIR has focused on hiring temporary IJs as a mechanism for reducing the backlog and widening the pool of potential applicants. In August 2025, EOIR published a final rule, “[Designation of Temporary Immigration Judges](#).” The rule amended 8 C.F.R. §1003.10(e), which, under a 2014 interim final rule (IFR), authorized the EOIR Director to hire as temporary IJs former IJs, former members of the Board of Immigration Appeals (EOIR’s appellate body), current or retired [EOIR administrative law judges](#), [administrative law judges from other executive branch agencies](#), and DOJ attorneys with 10 years of experience in immigration law, for renewable six-month terms. The 2014 IFR stated that hiring temporary IJs would “increase the number of matters EOIR could bring to a final disposition” by assigning temporary judges to “a discrete category of cases, such as motions and bond proceedings, freeing up permanent immigration judge time to adjudicate more complicated removal cases,” but noted that the rule would not “limit the assignment of temporary immigration judges in the type of cases they may adjudicate.”

As amended by the August 2025 rule, 8 C.F.R. §1003.10(e) now authorizes the Director to designate “any attorney” to serve as a temporary immigration judge for six-month renewable terms. In a [response to comments](#) on the proposed version of the rule, EOIR stated that the 2014 criteria for temporary IJs “were too narrow and impeded the Department’s ability to use the [temporary immigration judge] authority to the extent needed. Rather than adopt different benchmarks by regulation, the Department has decided to adopt the same approach that it has long taken for permanent IJs—that is, require by regulation that they be attorneys but leave the specific criteria to internal policy.” The rule also stated, “The Department does not view its authority to appoint TIJs as a substitute for hiring to fill permanent IJ positions and continues to recruit candidates to fill permanent IJ positions.”

Since then, EOIR has relied on hiring military attorneys as temporary IJs, [as authorized by the U.S. Department of Defense \(DOD\)](#). [EOIR requested](#) DOD detail up to 600 lawyers to serve as temporary IJs. In [October 2025](#), EOIR announced it had appointed 25 temporary IJs assigned to 19 courts; in [February 2026](#), EOIR announced it had appointed an additional 27 temporary IJs assigned to 18 immigration courts. EOIR’s change in criteria for temporary IJs and hiring military lawyers has been [condemned by some stakeholders](#), including over concerns that such temporary judges may

lack necessary immigration expertise. In contrast to that criticism, EOIR states in the rule, “Immigration law experience is not always a strong predictor of success as an IJ, and EOIR has hired individuals from other Federal agencies and Department components without prior immigration experience who have become successful and exemplary IJs.” It remains unclear how the departure of permanent IJs and addition of temporary IJs will impact the backlog.

In the 119th Congress, Members have introduced the Temporary Immigration Judge Integrity Act in the House and the Senate (H.R. 6497 and S. 3326). The measures would codify in statute the Attorney General’s authority to hire temporary IJs under the 2014 eligibility requirements and implement certain training requirements.

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