

FOR IMMEDIATE RELEASE

February 27, 2026

Contact:

Democracy Forward: press@democracyforward.org

Amica Center for Immigrant Rights: media@amicacenter.org

Legal Services Organizations Sue to Block Sweeping Immigration Appeals Rule That Eliminates Meaningful Judicial Review

Emergency Filing Seeks Court Order to Halt Implementation of Interim Final Rule that Dismantles Safeguards at the Board of Immigration Appeals

Washington, D.C. — Amica Center for Immigrant Rights, Brooklyn Defender Services, Florence Immigrant & Refugee Rights Project, HIAS, the American Immigration Council, and National Immigrant Justice Center filed a [lawsuit](#) and motion for [preliminary relief](#) today to block a new interim final rule issued by the Executive Office for Immigration Review (EOIR) that would effectively eliminate meaningful appellate review before the Board of Immigration Appeals (BIA).

The lawsuit, filed in the U.S. District Court for the District of Columbia, challenges the February 6, 2026, Interim Final Rule (IFR) titled *Appellate Procedures for the Board of Immigration Appeals*, which is set to take effect on March 9, 2026.

As detailed in the complaint, the IFR imposes sweeping changes that would eviscerate noncitizens' right to appeal decisions in their immigration cases, including:

- Reduce the time to file most appeals from 30 days to 10 days;
- Require summary dismissal of appeals unless a majority of permanent BIA members vote within 10 days to accept the case for review;
- Permit dismissal decisions before transcripts are created or records are transmitted;
- Impose simultaneous 20-day briefing schedules with extensions allowed only in narrow "exceptional circumstances";
- Eliminate reply briefs unless specifically invited; and
- Impose rigid case completion deadlines and concentrate decision-making authority in agency leadership.

"The BIA Interim Final Rule makes a mockery of due process. In addition to taking away virtually any benefit the BIA could provide immigrants, it will wreak havoc on people with cases in immigration court or federal appellate courts," said Emilie Raber, Senior Attorney at the **Amica Center for Immigrant Rights**. "Litigants who are children, are detained, do not have a lawyer, have disabilities, or speak rare languages will be disproportionately harmed by this Interim Final Rule."

“The Interim Final Rule creates a barrier to appellate review in removal proceedings and strikes at the heart of due process,” said **Lucas Marquez, Director of Civil Rights & Law Reform at Brooklyn Defender Services**. “The Rule will result in the deportation of people who are eligible for immigration relief — people who have valid legal claims that an immigration judge got it wrong — simply because the Board of Immigration Appeals will no longer be an avenue to fairly review their cases.”

"This interim final rule completely decimates the process to appeal a case in front of the BIA," said **Laura St. John, Legal Director at the Florence Immigrant & Refugee Rights Project**. “It will render the vast majority of immigrants unable to appeal their cases and will be particularly harmful to those who most need the recourse of an appeal process, including pro se litigants, vulnerable children, Indigenous language speakers, and people in immigration detention. It will be nearly impossible for most detained pro se individuals to submit a notice of appeal in just 10 days, and without the ability to appeal, many people will be unjustly deported back to dangerous or even life-threatening conditions.”

"Our clients deserve a fair chance in the immigration court system," said **Stephen Brown, Director of Immigration Legal Services at HIAS**. "Without access to a meaningful appeal process, people who have fled persecution and violence could face dangerous consequences, including the risk of being sent back to a place that is not safe for them. We are proud to join this legal challenge, and to take a stand against a policy change that will have seismic impact on the ability of legal service providers such as HIAS to support immigrants in navigating a complex and ever-changing legal system."

“It is hard to overstate the potential human toll of the changes proposed in this rule,” said **Lisa Koop, director of legal services at the National Immigrant Justice Center**, which is co-counsel and an organizational plaintiff in the lawsuit. “Curtailing due process in this manner guarantees that legal services providers like ours will be less able to help our clients defend against unjust deportation, and many people who would otherwise be eligible for asylum or other legal status in the United States will never have the opportunity to pursue protection under our laws.”

“The Trump-Vance administration is gaming the immigration appeals system in an unlawful effort to eliminate meaningful review and fast-track deportations,” said **Skye Perryman, President and CEO of Democracy Forward**. “What is this administration afraid of? Why are they working so hard to deny people their rights, whether it’s due process or rights to an appeal? The cases that come before the board are often matters of life or death. By cutting appeal deadlines, dismissing cases before transcripts even exist, and forcing rushed decisions under an artificial timeline, the administration is trying to deny justice. We are in court again to defend the rule of law and hold this administration accountable.”

“Immigration courts make life-and-death decisions. Stripping away the possibility to meaningfully appeal a court decision, while charging over \$1,000 for the privilege, transforms the appeals process into a sham. It puts people at risk of wrongful and even lethal deportation,” said **Michelle Lapointe, legal director at the American Immigration Council**.

According to the filings, the IFR was issued without the required notice-and-comment rulemaking period and fundamentally restructures appellate review in removal proceedings. Plaintiffs argue that by requiring summary dismissal unless the full Board acts within 10 days — before transcripts are created — the rule makes meaningful review functionally impossible in most cases.

Plaintiffs argue the rule violates the Administrative Procedure Act, the Immigration and Nationality Act, and the Fifth Amendment, which protects people from deprivation of liberty without due process of law. They are asking the court to block the rule's effective date and prevent implementation while the case proceeds.

The organizations are seeking a preliminary relief to prevent the rule from taking effect on March 9, 2026, and to keep it blocked while the litigation proceeds.

The case is *Amica Center for Immigrant Rights v. EOIR*