

**ADOPTED****AMERICAN BAR ASSOCIATION****COMMISSION ON IMMIGRATION****REPORT TO THE HOUSE OF DELEGATES****RECOMMENDATION**

1 RESOLVED, That the American Bar Association  
2 supports the following measures regarding administrative  
3 review by the Board of Immigration Appeals:  
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5 (a) Increase resources available to the Board,  
6 including additional staff attorneys and additional  
7 Board members;  
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9 (b) Require three-member panel review in all non-  
10 frivolous merits cases that lack obvious controlling  
11 precedent, and allow single-member review for  
12 purely procedural motions and motions unopposed  
13 by DHS;  
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15 (c) Extend the deadline for issuance of single-  
16 member decisions from 90 to 180 days from receipt

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1 of appeal (i.e., the same deadline as for panel  
2 review);

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4 (d) Restore the Board's ability to conduct de novo  
5 review of immigration judge factual findings and  
6 credibility determinations;

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8 (e) Issue more precedential decisions and continue  
9 to require the full Board to authorize designation of  
10 an opinion as precedential;

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12 (f) Make non-precedential opinions available to  
13 noncitizens and their representatives;

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15 (g) Make Affirmance Without Opinion  
16 discretionary, and implement a rule that all written  
17 decisions include responses to all non-frivolous  
18 arguments raised by the parties; and

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20 (h) Apply a new code of conduct to Board Members  
21 based on the ABA Code of Judicial Conduct, tailored  
22 to the immigration adjudication system.