RESOLVED, That the American Bar Association supports the following measures regarding administrative review by the Board of Immigration Appeals:

(a) Increase resources available to the Board, including additional staff attorneys and additional Board members;

(b) Require three-member panel review in all non-frivolous merits cases that lack obvious controlling precedent, and allow single-member review for purely procedural motions and motions unopposed by DHS;

(c) Extend the deadline for issuance of single-member decisions from 90 to 180 days from receipt
of appeal (i.e., the same deadline as for panel review);

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

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

(f) Make non-precedential opinions available to noncitizens and their representatives;

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

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