



Ousted immigration judge describes deepening court backlog

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Dozens of immigration judges have been fired by the Trump administration with no explanation. From coast to coast, nearly four dozen judges have lost their positions as the courts face a record backlog. Many had worked in immigrant defense, prompting questions about whether the firings are part of the administration's hardline approach. Geoff Bennett discussed more with former judge Emmett Soper.

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Geoff Bennett:

Dozens of immigration judges across the country have been fired by the Trump administration in recent months with no explanation for their dismissals.

From coast to coast, nearly four dozen judges have lost their positions as the immigration court system faces a record backlog of more than three million cases. Many of those dismissed had previously worked in immigrant defense, prompting questions about whether the firings are part of the administration's broader hard-line approach to immigration.

We're joined now by one of those former judges, Emmett Soper. He served as a judge in Virginia.

Thank you for being with us.

Emmett Soper, Former Immigration Judge:

Thank you for having me.

Geoff Bennett:

So let's start there. You were a longtime employee at the Justice Department, a career staffer, almost 20 years. Do you believe your termination was connected in any way to your prior work defending immigrants?

Emmett Soper:

I don't know exactly why I was terminated. I was terminated without any warning. The letter I received telling me that I was terminated did not give any reasons for my termination.

So I'm a little bit in the dark as to why I was terminated. I had been a Department of Justice employee for a long time, and I had also been an immigration judge for a long time. They fired me without any warning nor any explanation.

Geoff Bennett:

What does the wave of firings mean for the backlog of cases and for those immigrants who are waiting for their day in court?

Emmett Soper:

Well, the wave of unlawful firings of immigration judges is already exacerbating the backlog at the immigration courts.

As judge after judge after judge gets fired unlawfully, their cases — and each judge typically handles hundreds or thousands of cases — have to be redistributed to the judges who remain on the courts. As each judge gets fired, those cases are redistributed, the backlog gets longer, people have to wait longer for their hearings,

and after their hearings, they have to wait longer for their decisions.

Geoff Bennett:

The Trump administration, in the meantime, is approving military judges to work as temporary immigration judges. What does that shift signal to you?

Emmett Soper:

It's hard to know because the military judges, to my understanding, are just getting started.

We will have to see how it plays out. I have to assume that the military judges who come into the immigration courts are going to be people of integrity who try their best to do the job of being an immigration judge. But it's a very difficult job. Immigration law is very difficult to pick up.

It's complicated. You don't learn it overnight. When I started as an immigration judge, I was told it would take roughly two to three years to become really fully comfortable in being a judge in immigration court. And that proved accurate.

This is not something that these military judges, regardless of how hard they try, are going to be able to pick up overnight.

Geoff Bennett:

Do you believe the administration sees veteran judges like yourself as an obstacle to their mass deportation effort?

Emmett Soper:

They may. What I can say is that I always tried very hard to treat everybody fairly and to resolve cases as I thought was appropriate under the law.

I tried my best to block out all of the noise and all of the really political interference that has been going on really since the start of this administration. I think, as a veteran judge, you're probably in a better position to do that than, for example, a judge who has just started.

So it's a little bit hard to know what this administration thinks of veteran judges. And I was one. But they may see us as less controllable than some other judges, and this might be an issue for them. Overall, though, it's really hard to say, because we really don't know for the most part why we were fired because we weren't told.

Geoff Bennett:

What's fundamentally different about what's happening now compared to previous administrations?

Emmett Soper:

I think that previous administrations, the immigration courts have always had their flaws. Nobody would argue that it's a perfect system.

But the leadership of the immigration courts in previous administrations, I think, were people of integrity who saw the immigration courts as neutral arbiters, as neutral decision-makers, and tried their best to insulate the immigration courts from politics and the policies of whichever administration was in charge.

I think that that is out the window now. I think the current administration of the immigration courts does not fundamentally see the immigration courts as neutral decision-makers. I think that they see the immigration courts as a tool for this administration to advance its policy objectives.

Geoff Bennett:

You have said that, as shocking as your firing was, you felt a bit of relief because of what you had witnessed toward the end of your tenure with ICE arrests happening right outside your courtroom.

What did you see and what was it like?

Emmett Soper:

Well, it was unprecedented and it was disturbing, frankly.

ICE earlier this year at the court where ICE served, which is in the Washington, D.C., area, began on a regular basis arresting people who were showing up for their preliminary hearings in their case. These are people who typically did not have criminal records. These are people who were not doing anything wrong. They were trying to follow the law by showing up for their immigration court hearings, like they had been told they had to do.

In many of these cases, ICE was waiting for the hearing to be over. Then, when they left the courtroom, they were immediately arrested. And this wasn't just people showing up on their own. In some cases, these were people who came as part of a family. In some cases, following the hearing, ICE would arrest, let's say, the father and the family in front of the mother and the family and their children, who had all come to court together.

So, in other words, ICE, in the lobbies of the immigration courts, in some cases, were splitting up families. Regardless of how you feel about the law, and regardless of how you feel about immigration policy, I think that it is just impossible to defend that sort of policy on a moral or an ethical basis.

This was happening on a regular basis during the last few weeks that I was at the immigration court, and I found it extremely disturbing.

Geoff Bennett:

Emmett Soper, thank you again for your time this evening. We appreciate it.

Emmett Soper:

Thank you very much.

By — **Geoff Bennett**

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