



News and Information

Evolution of the U.S Immigration Court System: Pre-1983

The Attorney General established the Executive Office for Immigration Review (EOIR) on January 9, 1983, to administer the Nation's immigration court system. In removal proceedings, EOIR immigration judges determine whether an individual from a foreign country (an alien) should be allowed to enter or remain in the United States or should be removed. They also have jurisdiction to consider various forms of relief from removal. Immigration judges are responsible for matters before them. Their decisions are administratively final unless appealed or certified to the Board of Immigration Appeals. In addition, EOIR decides cases brought against employers for illegal hiring and discriminatory immigration-related employment practices. EOIR's creation was the culmination of a number of efforts and legislative initiatives that began more than a century ago, as indicated in the timeline below.

Information about EOIR's development from 1983 to present can be found [here](#).

1891 - The Immigration Act of 1891 was the first comprehensive law that placed immigration under federal control. It established:

- An Office of Immigration within the Department of Treasury (Treasury), headed by a Superintendent of Immigration;
- A process for inspection officers to examine and exclude individuals seeking to enter the United States;
- Authority for the Office of Immigration to deport individuals who had violated law; and
- An appeals process in which the Superintendent of Immigration decided case appeals and the Secretary of the Treasury could review those decisions.

1893 - The Immigration Act of 1893 created Boards of Special Inquiry, consisting of three immigration inspectors, to review and decide cases related to the "exclusion" of individuals seeking to enter the United States, and the "deportation" of individuals who had violated the law. Boards of Special Inquiry continued to evolve for nearly 60 years. The Boards of Special Inquiry system provided for multiple levels of administrative review, but eventually raised significant concerns about due process.

1903 - Immigration responsibilities moved from Treasury to the new Department of Commerce and Labor.

1913 - Immigration responsibilities moved to the Department of Labor (DOL), as Commerce and Labor split into two separate departments.

1917 - The Immigration Act of 1917 codified and expanded exclusion and deportation provisions.

1921 - The Immigration Act of 1921 introduced the National Origins Quota System, which limited the number of immigrants to the United States by assigning a quota to each nationality. The new quota system prompted a growing workload of increasingly complex case appeals. In response, the Secretary of Labor created a Board of Review to review case appeals and make recommendations to the Secretary of Labor.

1933 - The Immigration and Naturalization Service (INS) was created within DOL to handle all immigration matters.

1940 - INS moved from DOL to the Department of Justice (DOJ) and the Attorney General reconstituted the previous Board of Review as the newly-created Board of Immigration Appeals (BIA). While the previous Board of Review had authority to make recommendations regarding case appeals, the BIA had authority to decide case appeals. The BIA was and remains an independent adjudicatory body that is responsible solely to the Attorney General in reviewing and deciding immigration case appeals. [5 Fed. Reg. 3,502 \(Sept. 4, 1940\)](#).


1952 - Congress combined all previous immigration and naturalization law into one statute, the Immigration and Nationality Act (INA). The INA eliminated the Special Inquiry Boards and established special inquiry officers to review and decide deportation cases.


1973 - Special inquiry officers were authorized by regulation to use the title "immigration judge" and to wear judicial robes. [38 Fed. Reg. 8,590 \(Apr. 4, 1973\)](#).

1983 - [The Executive Office for Immigration Review is created.](#)

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