


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RESUL CAN,
A 
Petitioner,

v.

MCSHANE et al.,

Respondents.

Case No.: 2:26-cv-00135

STATUS REPORT

On January 21, 2026, The Petitioner had a Custody Redetermination Hearing at the Immigration Court in Elizabeth, New Jersey.¹ The Immigration Judge denied a bond, stating that he was a “Flight Risk.” *See* Exh. A.

In *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624 at *2 (3d. Cir. Feb 25, 2022), this Court lacks jurisdiction to review any discretionary determinations underlying the immigration judge’s bond decision, but it can review whether the bond hearing was fundamentally unfair. In a fundamentally fair bond hearing, due process has three essential elements. “An alien (1) is entitled to fact finding based on a record produced for the decision maker and disclosed to him or her; (2) must be allowed to make arguments on his or her own behalf and (3) has the right to an individualized determination of his [or her] interests.”

In this case, the Petitioner’s bond hearing was fundamentally unfair because there was no individualized determination of his interests. The Immigration Judge stated, incorrectly, that he was a recent arrival to the United States. This is untrue, as he entered the United States in 2022, almost **four** years ago. The immigration judge also stated he was a flight risk despite the fact that he had previously filed an application for asylum in 2022, was married to a United States citizen, had filed a green card application based on that marriage. *See* Exh. B (please note the exhibits for the bond hearing were labeled A – D). More importantly, upon being summoned to appear at a credible fear interview at the ICE office in Philadelphia 3 years after he arrived, Petitioner attended the interview, knowing the high risk of being detained by this administration.

Furthermore, the Immigration Judge could have found reasonable alternatives to mitigate that risk of flight, such as setting a higher bond or an ankle monitor. In *Hernandez v. Sessions*, No. 16-56829 (9th Cir. 2017), the 9th Circuit stated that when making a bond determination, ICE

¹ The first bond hearing was scheduled for January 16, 2026, however it was rescheduled due to an emergency in the building where the Immigration Judge presided.

and the Immigration Judge must (1) consider the person's financial ability to pay a bond; (2) not set a higher bond than that needed to ensure the respondent's appearance; and (3) consider whether the respondent may be released on alternative conditions of supervision that are sufficient to mitigate flight risk (either in lieu of a bond or in conjunction with a low bond). While this is not binding outside of the 9th circuit, it can serve as persuasive authority in other circuits. Here, even though there was sufficient evidence to prove that he was not a flight risk- including a. The Immigration Judge did not even consider this high bond amount or these alternatives to detention.

Finally, this case is factually indistinguishable from another case, *Rivas Rodriguez vs. Rokosky, et. al.*, 25-17419 (CPO) in which this court ordered the Petitioner released in lieu of a bond hearing before the Immigration Court. In *Rivas Rodriguez*, the Petitioner, an alien from Nicaragua, had been paroled from the border in 2021, timely filed an asylum application, and was detained four years later at his asylum interview. Similarly, in this case, the Petitioner was paroled from the border pursuant to INA 212(d)(5) in 2022. He timely filed an asylum application, married a United States citizen, and filed for permanent residency based on that marriage. He was then detained when he attended a credible fear interview. *See* Exh. B.


Petitioner appealed the decision to the Board of Immigration Appeals, which was then rejected because "this is a CFI." *See* Exh. C. This is in direct violation of this Federal Court's order to provide the Petitioner with the opportunity to appeal the bond decision to the Board of Immigration Appeals.

Since January 20, 2025, over 100 Immigration Judges have been fired by the Department of Justice. Every remaining Immigration Judge now adjudicates cases with one eye on their job security. *See* Exhibit D. The DOJ is currently recruiting to replace these fired Immigration Judges with what they are calling "Deportation Judges." *See* Exh. E. To any observer, it should be clear that today the Immigration Court is no longer a neutral arbiter of fact or law and due process violations such as this one are rife. *See* Exh. F.

Accordingly, for the reasons stated above, the Petitioner requests that this Court order him released or be given another Constitutionally compliant bond hearing before the Immigration Court.

Dated: February 27, 2026

/s/Mary Chicorelli
Mary Chicorelli
Equal Access Legal Services
6703 Germantown Ave.
Suite 200/210-4
Philadelphia, PA 19119
Attorney for the Petitioner

In the Matter of:
A Number: 
Habeas Case No.: 2:26-cv-00135

EVIDENCE APPENDIX

EXHIBIT LIST

Exhibit A – Bond Denial Order

Exhibit B – Custody Packet

Exhibit C – BIA Rejection Notice

Exhibit D – Hilda Gutierrez, Michael Bott & Son Vo, *'An all-out attack on immigration court: SF immigration judges speak out after firings*, NBC Bay Area (Nov. 25, 2025), <https://www.nbcbayarea.com/investigations/san-francisco-immigration-judges-speak-outfirings/3986850/>

Exhibit E – Eric Katz, *'Climate of Fear': Immigration Judges Say Functioning of Their Court System Is in Jeopardy Due to Trump's Firings*, Gov't Executive (Nov. 14, 2025), <https://www.govexec.com/management/2025/11/climate-fear-immigration-judges-sayfunctioning-their-court-system-jeopardy-due-trumps-firings/409544/>

Exhibit F – Mathur, Anusha, and Ximena Bustillo, *U.S. has a quarter fewer immigration judges than it did a year ago. Here's why*, NPR, Feb. 23, 2026 <https://www.npr.org/2026/02/23/g-s1-110911/trump-immigration-judges-dismissals-numbers>

Exhibit “A”



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent Name:

CAN, RESUL

To:

Chicorelli, Mary
6703 Germantown Ave.
Suite 200
Philadelphia, PA 19119

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/20/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
This bond hearing was conducted pursuant to a habeas order directing a bond hearing to be held.

The respondent has failed to show that he is not a flight risk.

- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:

- Other:



Immigration Judge: Ryan, Dennis 01/20/2026

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 02/19/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : CAN, RESUL | A-Number : 

Riders:

Date: 01/20/2026 By: DESIR, JOANE, Court Staff

Exhibit “B”

Mary F. Chicorelli, Esq.
EOIR ID: YY939523
Equal Access Legal Services
6703 Germantown Ave.
Suite 200/210-4
Philadelphia, PA 19119
Tel: (267) 888-6703
Fax: (215) 689-1458

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
ELIZEBETH, NEW JERSEY**

_____)
In the Matter of,)
)
CAN, Resul,)
)
Respondent,)
)
In Removal Proceedings.)
_____)

File No.: A 

Immigration Judge Dennis Ryan

Custody/Bond Hearing
January 16, 2026, at 1:30 PM

RESPONDENT'S EXHIBITS A- C FOR BOND

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
ELIZEBETH, NEW JERSEY**

_____)
In the Matter of,)
)
CAN, Resul,)
)
Respondent,)
_____)

File No.: A 

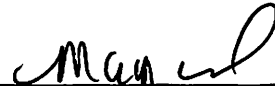
RESPONDENT'S EXHIBITS A- C FOR BOND

NOW COMES Resul Can by and through his undersigned counsel, Mary Chicorelli of Equal Access Legal Services, respectfully submits these documents in support of his Bond, to show Makha is not a flight risk, or a danger to the community. Respondent is represented by undersigned counsel *pro bono* in his custody/bond hearing.

EXHIBITS	DOCUMENT	PAGES
A	I-797 Receipt Notice for I-485 Adjustment of Status filed December 23, 2025	4-5
B	Copy of One Step I-130 Petition for Alien Relative and I-485 Adjustment of Status	6-137
C	Respondent's Proof of Employment	138-139

Respectfully Submitted,

1-14-2026
Date



Mary Chicorelli, Esq.
Equal Access Legal Services
6703 Germantown Ave., Suite 200/210-4
Philadelphia, PA 19119

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
ELIZEBETH, NEW JERSEY**

In the Matter of,)
)
CAN, Resul,)
)
Respondent,)
_____)

File No.: A 

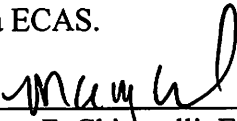
CERTIFICATE OF SERVICE

On January 16, 2026, I, Mary F. Chicorelli, served a copy of this **RESPONDENT'S**

EXHIBIT A-C FOR BOND to:

Office of the Principal Legal Advisor
Department of Homeland Security
Immigration and Customs Enforcement
2350 Freedom Way, Suite 254
York PA 17402

via ECAS.



Mary F. Chicorelli, Esq.
EOIR ID: YY939523
Equal Access Legal Services
6703 Germantown Ave.
Suite 200/210-4
Philadelphia, PA 19119
Tel: (267) 888-6703
Fax: (215) 689-1458



Date

Exhibit “A”



My Case

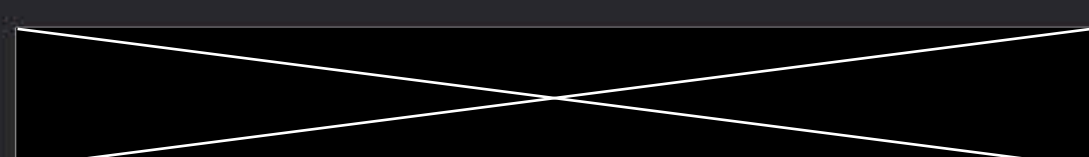


Kalshi: Trade the Future

Kalshi is America's #1 prediction market platform.

[Download Now](#)

Ad



I-485 USCIS Case

Application to Register Permanent Residence or Adjust Status

Case updated: Jan 02, 2026

■ Biometrics Appointment Was Scheduled

On January 3, 2026, we scheduled you for a biometrics appointment and sent you an appointment notice for Receipt Number Please follow the instructions in the notice. If you do not

[View Online](#)

History

[Share](#)

■ Dec 23, 2025

We received your Form I-485, Application to Register Permanent Residence or Adjust Status, and sent you a receipt notice.

Your estimated decision time

Pro



Available balance **\$4864.30** [CASH OUT](#)

Exhibit “C”



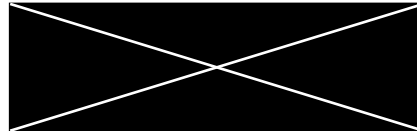
**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

Chicorelli Mary
Via Electronic Service

DHS/ICE OFFICE OF CHIEF
COUNSEL - MOS
2350 FREEDOM WAY, SUITE 254
YORK, PA 17402

Name:
CAN, RESUL

Riders:



Date of Notice: 02/24/2026

REJECTED FILING

This notice is to inform you that the filing received by the Board of Immigration Appeals (BIA) on 02/19/2026 is being rejected for the reasons given below. If you re-file a corrected document, please attach this rejection notice to the corrected document. You must also serve a copy of the corrected filing on the opposing party.

Document being rejected: Bond Appeal .pdf

Filed by: Respondent/Applicant

Document rejected for the following reasons:

1. Rejection Reason Not Listed (Other)

Additional Comments

This is a CFR

PLEASE NOTE – Applies only to rejection of an appeal, motion to reopen, or motion to reconsider.

We have rejected your appeal or motion for correction of the defect(s). If you correct and refile this appeal or motion, you must attach this notice of rejected filing to the corrected document. Rejection of this notice does not extend the original deadline for the filing for the appeal or motion unless otherwise noted above. Where a stay attached to the filing of an appeal, there is no automatic stay of removal beyond the 30-day limit unless an appeal is properly filed at the BIA. For more information on automatic stays and discretionary stays of removal, see the BIA's Practice Manual available on EOIR's website at www.justice.gov/eoir.

If you file your corrected appeal or motion after the original time limits, your corrected appeal or motion must be accompanied by a written motion entitled "MOTION TO ACCEPT UNTIMELY APPEAL OR MOTION" and comply generally with the rules and procedures for filings. Your request to accept your untimely appeal or motion must clearly establish both diligence in the filing of the notice of appeal or motion and that an extraordinary circumstance prevented timely filing. The motion should also be supported by affidavits, declarations, and other evidence.

FILING QUESTIONS – In General.

If you have any questions about how to file something at the BIA, please review the BIA's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Rejected by: GantT

Date: 02/24/2026

Exhibit “D”

‘An all-out attack on immigration court:’ SF immigration judges speak out after firings

Hilda Gutierrez, Michael Bott, Son Vo

San Francisco immigration judges Shuting Chen and Jeremiah Johnson weren’t expecting to be fired when they showed up to work last Friday. But they weren’t exactly surprised when it happened, either, given the fate of many of their colleagues this year.

Even so, the termination emails hit like a punch to the gut, they said.

“When I saw the email, I had a very emotional reaction,” said Chen, who was appointed under the Biden administration in 2022. “I started to cry in my courtroom in front of the parties, which I tried always not to do, despite the traumatic nature of our jobs.”

Johnson, who’s served as an immigration judge since 2017, said the emails provided no explanation for the firings.

“We are all public servants,” Johnson said. “We spent years of our lives serving the United States government in this role. And no explanation? No ‘thank you?’”

Chen and Johnson are among the latest casualties of the Trump administration’s ongoing purge of immigration judges across the country. San Francisco immigration judges Patrick Savage, Amber George, and Louis Gordon were also let go, according to multiple sources with direct knowledge of the firings.

The shockwaves of the firings were already being felt at San Francisco’s immigration court Monday.

“I’m saddened because the system lost great judges,” said immigration attorney Wahida Noorzad.

Noorzad had expected to attend the final hearing in her client’s asylum case before learning Judge Patrick Savage had been fired. The hearing was cancelled and pushed back another three years, she said.

“They wait five years to get a court hearing and then get thrown another three years,” Noorzad said. “These people are desperate to get their asylum.”

Chen said the remaining nine judges in San Francisco – already overwhelmed with thousands of cases each year – will now be hit with an avalanche of new cases they’re picking up from judges who have been terminated.

“I am deeply sorry that I cannot be there to hear their cases,” Chen said. “I think about a lot of the cases that I had to leave behind, which now, of course, creates more work for my colleagues.”

Across the country, the Department of Justice has terminated more than 90 immigration judges this year without cause, according to the National Association of Immigration Judges. San

Francisco's immigration court has been hit particularly hard, losing 12 of its 21 judges this year to firings,

Judges and attorneys have been searching for a common thread that might explain who's being fired, such as judges with high rates of granting asylum, or judges with previous experience representing immigrants.

But more and more, judges and attorneys tell NBC Bay Area they believe the administration is simply attempting to dismantle and completely reshape immigration courts.

"This is an all-out attack on the immigration court," Chen said. "We began the year with 21 judges, and now we have nine, I think, in San Francisco."

Beyond the firings, a wave of policy memos and new directives from the Department of Justice, which employs immigration judges through its Executive Office for Immigration Review (EOIR), have also left an imprint on the court, according to many judges and immigration attorneys who have spoken to NBC Bay Area in recent months.

"I saw them as soft pressure," Johnson said. "It was giving judges the hint that they should be hearing cases a certain way, deciding cases a certain way. Move faster. Less due process, essentially."

The Department of Justice has said the new policies are aimed at enforcing the country's existing immigration laws, which it accused the Biden administration of abandoning.

The agency declined to comment on the firings but has said it evaluates judges on factors such as conduct, impartiality, adherence to the law, productivity, and professionalism.

As the Trump administration fires judges by the dozens, it's also recruiting new ones to serve at the same time, launching a recent hiring campaign that's already stirring up controversy by referring to immigration judges as "deportation judges."

"Help write the next chapter of America," the DOJ job posting states. "Apply today to become a deportation judge."

The Department of Homeland Security is also promoting the hiring effort on social media.

"Bring the hammer down on criminal illegal aliens," the agency wrote. "Defend your communities, your culture, your very way of life."

The language has caused an outcry among attorneys, judges, and immigrant rights advocates.

"It's meddling and interfering with real judges, our roles, our jobs, everything that we do," Johnson said.

Chen said she never viewed herself as a "deportation judge" and hopes new judges won't, either.

"I remain optimistic that people who are being brought on will not see themselves either as deportation judges, but as immigration judges, or just judges," Chen said. "People who are trying to understand the law, who are grappling with it and thinking about it, and trying to do the right thing."

In response to the criticism over the job postings, a Department of Justice spokesperson emailed a statement saying:

“After four years of the Biden Administration forcing Immigration Courts to implement a de facto amnesty for hundreds of thousands of aliens, this Department of Justice is restoring integrity to our immigration system and encourages talented legal professionals to join in our mission to protect national security and public safety.”

The administration has also authorized military attorneys to begin serving as temporary immigration judges, some of whom have already begun, according to an October EOIR press release.

Exhibit “E”

‘Climate of fear’: Immigration judges say functioning of their court system is in jeopardy due to Trump’s firings

Eric Katz

FBI Director Kash Patel granted waivers to Deputy Director Dan Bongino and two other newly hired senior FBI staff members, exempting them from passing polygraph exams normally required to gain access to America’s most sensitive classified information, according to a former senior FBI official and several other government officials.

Bongino’s role as the FBI’s second-highest-ranking official means he is responsible for day-to-day operations of the agency, including green-lighting surveillance missions, coordinating with intelligence agency partners and managing the bureau’s 56 field offices across the country. The deputy director receives some of the country’s most closely held secrets, including the President’s Daily Brief, which also contains intelligence from the CIA and the National Security Agency.

People familiar with the matter say his ascent to that position without passing a standard FBI background check was unprecedented. ProPublica spoke with four people familiar with the polygraph issues, who spoke on the condition of anonymity for fear of retaliation and because they were not authorized to publicly discuss the details of FBI background checks.

Bongino was selected for the role at the FBI although he, like Patel, had no prior experience at the bureau. Bongino had previously served in the Secret Service and worked as a New York City police officer. But he later gained millions of fans and followers in conservative circles for television and podcast appearances, having taken over Rush Limbaugh’s spot on numerous radio stations. Over the years, Bongino used those platforms to push [conspiracy theories](#) about the 2020 election and professed his allegiance to President Donald Trump while railing against the agency he now helps lead.

He’s had a rocky tenure so far, marked by public fights with senior Cabinet officials and accusations that he [leaked information](#) to the press, which Bongino denied. In August, Trump appointed Missouri Attorney General Andrew Bailey as co-deputy director at the FBI, setting off speculation that the White House had lost faith in Bongino. But he remains in the job.

ProPublica could not determine whether Bongino sat for a polygraph exam or what its results were. Though the existence of a polygraph waiver is an indication he may not have passed the test, it is possible Bongino received a preemptive exemption, a former senior FBI official with knowledge of the vetting program told ProPublica.

When ProPublica sought comment from the FBI, the agency denied that Bongino or the other senior staff members failed polygraph tests. “It is **false** that the individuals you referenced failed polygraphs,” wrote spokesperson Ben Williamson.

He added: “The FBI follows all laws and procedures on personnel security measures, and any implication otherwise is false. Furthermore, while the FBI does not comment on confidential security information, particularly in matters of personnel, this article is riddled with falsehoods — it misrepresents polygraph protocol, inaccurately portrays FBI security measures, and makes multiple false claims about FBI employees who have done nothing wrong.”

ProPublica asked the FBI to specify what it considered to be false. The agency did not reply.

A polygraph exam is not technically pass or fail, but a person is not cleared for approval if the examiner finds deception or is unable to reach a conclusion about the veracity of the answers given. Officials said that a person may not have technically failed the exams; the results could be deemed inconclusive, which would not meet the FBI’s standards for hiring or security clearances.

The FBI spokesperson initially said the three officials are so-called Schedule C — a category reserved for political appointees. He said the status would mean they were “not required” to undergo polygraphs. But Daniel Meyer, a former executive director for the Inspector General of the Intelligence Community External Review Panel, told ProPublica that an FBI employee wouldn’t be excluded from taking a polygraph exam simply because they’re a Schedule C employee. Three other lawyers, who specialize in national security matters, said the same.

In fact, the FBI’s [employment eligibility guidelines](#) say all employees must obtain a “Top Secret” clearance in order to work at the agency following a background check. “The preliminary employment requirements include a polygraph examination,” the guidelines say.

“How Did They Survive?”

Former FBI officials said they could not recall a single instance in which a senior official like Bongino received a waiver and was then given a top secret clearance. One said they were only aware of one waiver being issued in a seven-year period under Director Christopher Wray, for an outside subject matter expert whose polygraph results were inconclusive.

Two other officials, Marshall Yates, the agency’s liaison with Congress, and Nicole Rucker, Patel’s personal assistant, did not clear their polygraph exam and were granted waivers by Patel that allowed them to get a high-level security clearance, said officials with knowledge of the issue. Neither of their roles is as high-profile as Bongino’s, nor does either one have prior FBI experience.

Polygraph examiners ask a standard list of questions about drug use, criminal history, foreign contacts and mishandling of classified information. After the exam, an analyst scrutinizes the results and decides whether or not they indicate deception or are inconclusive. Those whose answers are determined to be inconclusive are given another chance to take the test the following day.

“I don’t know of anybody in my time that were in those senior roles that failed polygraphs, and most of us had taken multiple polygraphs,” said Bob Anderson, a former FBI executive who ran the counterintelligence division and retired in 2016. “If somebody would fail those polygraphs in my time, most likely they would be removed out of the classified environment until that could get cleared.”

This year, an employee within the FBI’s Security Division filed a formal complaint alleging the waivers violated agency policy. The Security Division conducts employee polygraph exams and evaluates their results. Its mission is to protect the FBI from leaks of classified information and infiltration by foreign spies. The employee filed the complaint with the division director, Robert Turner, a 22-year veteran of the bureau

who previously held roles in counterterrorism and counterespionage.

A complaint about the waivers was also shared with the Department of Justice's Office of the Inspector General, sources said.

According to her resume, Rucker, 40, has served as an assistant to Stephen Miller, the powerful architect of the administration's immigration crackdown, since January 2020.

Rucker would have detailed insight into day-to-day FBI operations and those meeting within the director's office. She also assists in planning Patel's travel, a former FBI official familiar with her job responsibilities said.

The White House said Rucker is not sharing information on the FBI's operations with Miller and referred further questions to the bureau and the Department of Justice.

Meanwhile Yates, 37, was [previously](#) the executive director of the Election Integrity Network, a group that worked to overturn the results of the 2020 election. [Yates](#), as the top liaison between the bureau and Congress, has wide visibility into the workforce, including some access to internal files about past investigations.

Historically, the job was staffed by a nonpartisan career FBI or Department of Justice official with deep knowledge of the bureau. Among other tasks, the official organizes closed-door briefings with lawmakers to discuss active, undisclosed threats to the country.

While an FBI spokesperson discussed the polygraph issues with ProPublica, Patel, Bongino, Yates, Rucker and Turner did not respond to direct requests for comment.

Sen. Dick Durbin, the Democratic ranking member of the Senate Judiciary Committee, raised the issue of senior FBI leadership not passing polygraphs — without identifying any individuals — when Patel testified before the committee in September.

“As I understand it from highly credible sources, key members of Director Patel's senior executive team and others on the seventh floor had disqualifying alerts on their initial polygraph exams,” Durbin said. “How did they survive? They survived because of a personal waiver by either the director or the attorney general to remain employed by the bureau.”

When Durbin asked Patel if anyone on his senior executive team received “disqualifying alerts on their polygraphs,” Patel refused to answer. And when the senator followed up by asking if he or Attorney General Pam Bondi granted a waiver, Patel replied, “I have to get back to you.”

The FBI did not respond to the committee on questions concerning polygraphs, according to a person familiar with the matter.

Durbin, in a statement to ProPublica, said, “Reports of disqualifying alerts on polygraphs by senior FBI officials — which require personal waivers from the highest levels of leadership to remain employed — are deeply alarming.”

Heart Rate Check

The polygraph exam uses a device strapped to a subject's body to measure physiological responses like heart rate, blood pressure and perspiration as the person answers yes-or-no questions. Though the device's efficacy is debated, it is routinely used in America's law enforcement and intelligence agencies to screen potential employees and conduct leak investigations. The FBI first began requiring the polygraph exam for all applicants in 1994, according to a [2006 report by the Department of Justice's Office of the Inspector General](#).

They are used as part of a broader background check conducted on all potential FBI employees to determine if the applicant triggers any national security or suitability concerns. Suitability refers to a candidate's criminal history, drug use or other issues that would prevent them from becoming employees of a federal law enforcement agency.

FBI security measures are designed to protect sensitive intelligence sources and information, and the screening is intended to ensure that officials given access to this information have cleared a thorough vetting process.

Staff who work in the director's office on the seventh floor of the J. Edgar Hoover Building in Washington must also obtain an additional clearance called SCI, or sensitive compartmented information.

SCI contains some of America's most sensitive intelligence secrets, and employees with that clearance are “read-in” to various compartments or programs. Bongino, Yates and Rucker all obtained SCI clearances after being granted the waivers, people familiar with their clearance level said.

In addition to bringing on loyalists, the administration has launched a purge of career FBI staff since January. More than 50 bureau officials have been fired or pushed out, a ProPublica analysis found. They include executives with decades of counterterrorism and intelligence experience, as well as line agents assigned to work on politically sensitive criminal probes, including investigations into Jan. 6 rioters and Trump.

Patel has justified these firings under Article II of the Constitution, which outlines the president's powers over government — a novel use of the statute that is being challenged in the courts. Publicly, the administration has suggested some fired agents were involved in misconduct while investigating Trump or his allies.

Former acting FBI Director Brian Driscoll [sued Patel, Bondi and the bureau](#) in September, saying he was subjected to political loyalty tests and illegally fired. The FBI declined to comment when the suit was filed and federal agencies have yet to respond in court.

The FBI has recently used the polygraph to ask senior employees if they have said anything negative about Patel or had spoken to the media, multiple former FBI employees said. The New York Times [earlier reported](#) the use of polygraphs to investigate negative comments about Patel.

Destined for Something Greater

A lawyer by training, Yates has been the point person in [responding to inquiries](#) from Senate Judiciary Chairman Chuck Grassley, a Republican who for months has been publishing internal FBI documents, which he contends show improper past investigations into Trump. According to a former senior FBI official, Yates called regional bureau field offices early this year to get lists of employees involved in cases against Trump; several of those agents were later fired by Patel.

Originally from Alabama, Yates previously worked as chief of staff for former Rep. Mo Brooks, R-Ala., and was counsel to Rep. Thomas Massie, R-Ky. A Democratic representative [accused Brooks of inciting rioters](#) on Jan. 6, which Brooks denied; the civil case was later dismissed. Brooks has described the FBI as “partisan hacks.” Massie wrote on social media this month, “Capitol Police turned CIA orchestrated the pipe bombs on January 6th, and the FBI has covered it up.”

Little is known about Nicole Rucker, who spells her name online as Nikole. Multiple sources have described Rucker as Patel’s personal assistant. She joined Patel on a recent foreign trip to London, where she sat in on a sensitive meeting with a Western intelligence ally, according to a knowledgeable source.

Rucker arrived at the FBI on Jan. 20 and began working in the director’s suite without a security clearance, according to a former FBI employee familiar with her work.

Due to her initial lack of clearance, Rucker was escorted from the FBI lobby to the secure director’s suite by Turner, who was then the deputy of the FBI’s Security Division. Rucker eventually obtained a security clearance and was no longer escorted, the person said.

Williamson, the FBI spokesperson, said “people are escorted in similar circumstances all the time.”

In May, Rucker’s husband posted a photo on LinkedIn with himself and Rucker alongside Patel, standing in front of the FBI logo.

On her resume, she also lists a job working as the executive assistant to the chief of public affairs at the National Museum of African American History and Culture from 2018 to 2019. After that, she was a congressional relations liaison at Ultra Electronics, a British defense contractor.

Rucker founded Cobblestone Concierge, which offers personal assistant services such as “home management, organization, errand service and so much more!” according to her LinkedIn profile. The company’s website says its services include “household management (including meeting the cable guy).”

ProPublica interviewed her ex-husband, Joseph Churchville, who said Rucker worked at a title insurance company while they were married but had always thought she was destined for something greater. “She’s tenacious. When she acquires something that she wants, she has the ability to make things happen,” Churchville said.

ProPublica is a nonprofit newsroom that investigates abuses of power. Sign up to receive [our biggest stories](#) as soon as they’re published.

Exhibit “F”

U.S. has a quarter fewer immigration judges than it did a year ago. Here's why

By



The front lobby of the Miami Immigration Court seen on Jan. 28 in Miami, Florida. **Joe Raedle/Getty Images hide caption**

toggle caption

Joe Raedle/Getty Images

Amiena Khan was supposed to have the day off that December. But, in a supervisory role at an [immigration court](#), "you never really are on leave," she said. So Khan was working — mostly on performance evaluations for the 36 immigration judges and dozens of staff members she oversaw at the court in Manhattan's 26 Federal Plaza.

At 11:29 a.m., while in the middle of a meeting, Khan received the email she had been dreading for months: she had been fired. As her phone began blowing up, she learned that [six of the judges she supervised](#) had been terminated as well.

"As I tried to reassure them, I was trying to explain, 'But I've been terminated too,'" said Khan, who had been an assistant chief immigration judge at the court. "It was chilling and — in how the terminations were effectuated — it was disrespectful. It was utter disregard of dedicated public servants."

While Khan's firing was upsetting, she said it wasn't altogether shocking. The Trump administration [fired nearly 100 judges](#) in 2025. The dismissals were part of a larger push by the Trump administration to reshape America's immigration courts.

The number of judges in the nation's immigration courts shrunk by about a quarter in the last year due to firings and resignations — even when accounting for new hires. Twelve immigration courts have lost over half of their judges. Many courts are down to skeleton crews to handle thousands of cases; two courts have no judges at all.

In total, the Department of Justice's Executive Office for Immigration Review, or EOIR, lost over 400 legal assistants, attorney advisers and legal administrative specialists, according to data obtained and verified by NPR.

The continued drain of personnel and resources from the already strained immigration court system has contributed to depleted staff morale, mounting case backlogs — and a floundering due process system.

Some former judges call this a shrinkage of America's immigration courts that sends a clear message from the Trump administration: to green-light mass deportations, and get rid of the judges they think stand in the way.

"You are telling every other judge that is left that they better not be following the law or their conscience; that they need to apply the law as you are interpreting it," said Arwen Swink, a former immigration judge fired from a San Francisco court in December. "You lose a little piece of justice. You lose some fundamental fairness, and understandably, you undermine confidence in the proceedings."

The Trump administration has defended its personnel decisions, saying judges under the Biden administration were too lenient with granting asylum or other statuses to those seeking to stay in the U.S.

"After four years of the Biden Administration forcing Immigration Courts to implement a de facto amnesty for hundreds of thousands of aliens, this Department of Justice is restoring integrity to our immigration system by following the law, timely completing cases, and hiring the most talented legal professionals to join in our mission to protect national security and public safety," a DOJ spokesperson said in a statement to NPR in response to questions about the loss of personnel.

Cuts nationwide, with some courts hit worse than others

On Feb. 4, 2025 — the day before the first immigration judge firing under President Trump's second term — the corps of permanent immigration judges consisted of 726 people: 683 immigration judges and 43 assistant chief immigration judges. They were spread across 75 courts nationwide.

As of Monday, there are 520 permanent immigration judges and 33 assistant chief immigration judges, even after accounting for recent new hires.

Over the next several months, the Trump administration [fired nearly 100 of these judges](#), according to an independent tally kept by NPR. Dozens more judges retired or resigned, citing discomfort surrounding new policies about how they were supposed to adjudicate, according to interviews with current and former EOIR staff.

"I really wanted to retire from this job much, much later than I did," said Ana Partida, a judge who retired from the Otay Mesa court in San Diego in October. "I no longer felt that I had judicial independence to conduct my courtroom and to make decisions under the law as I interpreted it."

In total, 202 judges who were working in early 2025 are no longer there. Attrition has trickled down. About 75% of the attorney advisers have left EOIR. Fifty-four percent of court supervisors are also gone — which means that those who remain are managing multiple courts at once.

Five courts have more judges assigned to them than they did at the start of 2025. Separately, the Baton Rouge Immigration Court in Louisiana, [created during the Biden administration](#), officially [opened last year](#), but was staffed with existing judges who were previously assigned to other locations.

Firings "sent waves all across the United States"

For years, being an immigration judge was considered a stable job.

"When I was onboarded, there were all kinds of jokes in the agency that if you were a judge and you wanted to get fired, they'd have to catch you with a bloody axe," said Swink, the former San Francisco judge, who had been at the agency since December 2016. "It was very, very, very rare for judges to be fired."

The Trump administration began 2025 by wiping the slate clean by letting go of leadership at the highest levels of EOIR. Then it moved to terminating judges who were still within their two-year probationary period, a trial period for federal workers before they are "converted" to permanent employees.



U.S. Immigration and Customs Enforcement agents look over lists of names and their hearing times and locations inside the Federal Plaza courthouse before making arrests in June 2025 in New York. **Bryan R. Smith/AFP via Getty Images hide caption**

toggle caption

Bryan R. Smith/AFP via Getty Images

The first judge fired was Tania Nemer in the Cleveland Immigration Court. She was dismissed while in the middle of a hearing and escorted out of the building. (She has since sued [over her termination](#), arguing it violated civil rights law and her First Amendment rights.)

"Being walked off a bench like you're a criminal is just very shocking," Nemer said. "That shock sent waves all across the United States. Everyone heard that this judge from Cleveland got escorted out of the building."

But by the end of the year, the administration moved beyond probationary workers, with [tenured judges and DOJ employees being cut](#).

Khan, the courthouse supervisor at New York's 26 Federal Plaza immigration court, pushed back on the idea that dismissed judges weren't meeting work standards, as the administration has argued.

"The message and the mission of [EOIR] is to ensure fundamentally fair hearings and due process and efficiency. And that's what immigration judges strive to do," Khan said. "As a supervisor of the dismissed judges, each and every one of them was meeting their obligations."

EOIR has previously said that any staff reductions have not affected productivity. But the system still has a nearly [4 million case backlog](#).

Those who stay face push to be "deportation judges"

Judges and staff who are left in the immigration courts describe the past year as traumatizing and demoralizing. They say the current justice system is fundamentally different from one a year ago.

One visible change was to the work environment.

From [New York](#) to [Connecticut](#) to [San Francisco](#), people in otherwise bureaucratic roles like clerks, interpreters and judges were surrounded by the chaos of violent arrests by immigration and customs officers in the hallways of courtrooms and witnessed these agents clash with protestors outside, several told NPR.

"There were a couple of times where we could hear respondents screaming when they were getting arrested. You have to pretend you're not hearing or seeing anything," said a court clerk at an immigration court who spoke on the condition of anonymity out of fear of reprisals for their position. "Because you're not really supposed to show emotion in court, you're supposed to be neutral."

Judges also feel pressure to decide cases in line with the administration's priorities.

A public hiring campaign to beef up the immigration court system with "[deportation judges](#)" is in full swing, as the Trump administration seeks to make up for the judges who were fired or left.

"Deliver justice to criminal illegal aliens. Become a deportation judge. Save your country," [the social media ads read](#).

Olivia Cassin saw an advertisement for deportation judges posted online by the [Department of Homeland Security on Nov. 21, 2025](#) — the same day that she was fired from the immigration court at 290 Broadway Court in New York.



Federal agents patrol the halls of immigration court at the Jacob K. Javits Federal Building in July 2025 in New York City. **Michael M. Santiago/Getty Images hide caption**

toggle caption

Michael M. Santiago/Getty Images

"We were like, that's a hoax, that can't be," Cassin said. "And then we looked at the [website for the Department of Justice](#), and there was the same. It's a clear message that what you're there to do — is not to carefully examine each case for people due process. The main point seems to be expedited deportation and resolution of cases."

Since launching the campaign in November, [DOJ has hired](#) 17 permanent judges, most who come from ICE and other DHS backgrounds, and 52 temporary judges. The temporary judges are military lawyers approved for [temporary assignments by the Pentagon](#).

New judges who don't comply with the administration's priorities may already be facing consequences. One JAG judge, Christopher Day, a U.S. Army Reserve lawyer, had granted asylum and relief from immediate deportation at a higher rate than his other JAG counterparts, according to EOIR data compiled by [Mobile Pathways](#).

Day has been removed from his post, per EOIR's website.

Courts squeezed, one will shutter as judges are fired

While the majority of courts across the country have lost judges, the impacts have not been spread evenly. Of the 17 new permanent judges onboarded by the Trump administration, only one has been assigned to work in a court that has lost the majority of its judges.

EOIR declined to specify how it allocates new judges, but noted that any immigration judge can hear any case at any time throughout the country to assist with caseloads.

It's been an especially tumultuous year for the San Francisco Immigration Court. The court was a visible point of conflict in 2025, as immigrant justice groups frequently rallied outside it to protest ICE arrests.

At the start of 2025, the judges in San Francisco were pushed to hear four cases per day — double their typical workload — and were told to grant asylum

more sparingly, according to multiple interviews with current and former judges. Then, the firings and resignations began.

In 2025, the court lost 16 judges — the most of any court in the country. NPR confirmed that at least 12 of these people were fired.

EOIR announced that the court would be closing its doors at 100 Montgomery St. at the end of the year. The caseload at San Francisco, which is currently sitting at around [120,000 immigration cases](#), will be transferred to the Concord Immigration Court in a neighboring city, which has 60,000 [cases of its own](#), according to December Transactional Records Access Clearinghouse data.

"If you're trying to promote access to justice, having the San Francisco court open is a big boon," Swink said. "But if the goals are the opposite, then a court like San Francisco would be first on the chopping block."

EOIR spokesperson Kathryn Mattingly told NPR the move to Concord "[would be more cost-effective](#)."

"Tremendous weight" on smaller courts

While losses have been spread across the country, some of the biggest impacts have been felt inside smaller courts, fourteen of which are now operating with two or fewer permanent judges.

"Even with a fully staffed court and wonderful people in your court, it is a very difficult job to do because you take so much of that secondary trauma home," said Partida, who retired from the Otay Mesa court in San Diego. Her two former colleagues now must oversee more than 1,000 active cases in total.

As the number of detentions surge and judge caseloads increase, "the stress of having no resources and no help, even as to other judges hearing cases, that is a tremendous weight," she added.

The Aurora Immigration Court in Colorado and the Oakdale Immigration Court in Louisiana, which started 2025 with two and three judges respectively, now have zero permanent judges. They both still have an ACLJ, or court supervisor, who may be handling dockets, although both of those people are also responsible for supervising other courts.

At the beginning of 2025, the Saipan Immigration Court in the Northern Mariana Islands, a U.S. territory, was the only court operating with one judge. Now, five courts — whose case loads range from several hundred to over 40,000 — have just one permanent judge.

Former immigration judge Ted Doolittle said the workload at the Hartford Immigration Court in Connecticut was overwhelming, topping 40,000 at the start of 2025, when there were five judges on the bench.

"I felt like they're asking me to be a judge and make these legal decisions, and meanwhile, I'm flying a small plane," Doolittle said.

Doolittle was terminated in September 2025. Three of his colleagues retired or took a "fork in the road" offer to leave their positions and retire early. The court is now down to one permanent judge.

"Those cases essentially are not being heard in any meaningful volume," he said. "One guy can only do so much."

— *With assistance from NPR's Rahul Mukherjee.*