

MESSAGE FROM CHIEF JUDGE JOAN N. ERICKSEN

In light of recent inquiries from the media and public about the Alien Terrorist Removal Court (the “ATRC”), this message is intended to answer some of those questions. This message is for informational purposes only.

What is this court?

The ATRC was created by Congress in 1996. The ATRC is a special court that has jurisdiction to conduct proceedings to remove people from the United States when the information presented to the Court establishes that they qualify as “alien terrorists” under the immigration statutes when the information that makes them removable is classified. It saw its first filing in July of 2026.

[Alien Terrorist Removal Court Establishment
Federal Judicial Center Court History Abstract](#)

Who qualifies as an alien terrorist?

The main immigration statute—the Immigration and Nationality Act—defines the legal term “alien terrorist.”

[Definition of “alien terrorist” set forth in the Immigration and Nationality Act](#)

What procedures govern the process by which a case is decided by the court?

The court has no authority to take action unless the government files an application that has been approved by the Attorney General of the United States. The application is filed with the Clerk. Once an application is filed, the Chief Judge of the court assigns the matter to one of the judges of the court. The application is then reviewed by that judge and either approved or denied.

If the application is denied, the government may appeal the denial to the Court of Appeals for the D.C. Circuit. If it is granted, the matter moves to a public hearing. After the hearing the removal is either granted or denied. If granted, the respondent may appeal to the D.C. Circuit. If denied, the government may appeal to the D.C. Circuit. Thus, a Respondent is entitled under the ATRC to review by at least four Article III judges: the ATRC judge and three judges on the appellate court.

[Alien Terrorist Removal Procedures](#) [Rules for the Alien Terrorist Removal Court](#)

Does the respondent get a lawyer?

Yes. The respondent may hire a lawyer and, if they are a lawful permanent resident (green card holder) they may be entitled to an attorney at public expense. That attorney must have a security clearance sufficient to review classified information.

Appointments are made from the Criminal Justice Panel for the United States District Court for the District of Columbia as provided in 18 U.S.C. § 3006A.

The Federal Public Defender for the District of Columbia maintains a panel of qualified attorneys with appropriate security clearances.

Is the respondent necessarily in custody during the removal process?

Not necessarily. The Attorney General may elect to arrest the person upon the filing of the application or may wait until an arrest warrant is signed by the judge. A respondent who is in custody has a right to a hearing to determine whether release is appropriate.

Does the court have a system for filing cases electronically, like the ECF system used by other federal courts?

Not yet. When the need for a filing system arose, the court undertook to institute a filing system. This takes time, but work is proceeding as expeditiously as possible.

Although the Clerk of Court for the ATRC is also the Clerk for the District Court for the District of Columbia the ATRC cannot use the District Court's electronic filing system because it is a separate court. Similarly, although the ATRC and the Foreign Intelligence Surveillance Court share similar missions in that they both review classified information submitted to them by the government, and there may be overlap between the judges on the FISC and the ATRC, the ATRC is a separate and independent court.

Without ECF, how can filings be made with the court and how can the public know when the court is being asked to take an action?

Filings are being submitted to the court in paper form. Because the ATRC is committed to making as much information public as possible, we have undertaken to place notices and electronic copies of public documents on the ATRC website until an electronic filing system can be implemented.

Where is the ATRC located?

For the time being, all proceedings take place at the E. Barrett Prettyman United States Courthouse in Washington, DC.

Which judges are on this court and how are they appointed?

The law requires that five United States federal district court judges—all from different federal circuits—sit on the court. Although the judges have lifetime appointments, their appointments to the ATRC are for five years. The responsibility for appointing the judges rests with the Chief Justice of the United States. The

Chief Justice also appoints one of the five judges to be the Chief Judge of the court. Over the life of the court a total of 20 judges have served on the court. Currently the judges on the court are:

Judge Joan N. Ericksen, District of Minnesota (Chief Judge)

Judge Kenneth M. Karas, Southern District of New York

Judge Timothy D. DeGiusti, Western District of Oklahoma

Judge Sara Lioi, Northern District of Ohio

Judge Karin J. Immergut, District of Oregon

How are judges assigned to a case?

The Chief Judge of the ATRC assigns a judge to the case using the procedures in 8 U.S.C. § 1532(c)(2)(B).

Is it a secret court?

No. Information submitted to the court that is classified cannot be made public, the existence, makeup, and procedures of the court are public.

Where can I go for more information and is there a media contact person?

Elsewhere on this website are links to the Federal Judicial Center's description of the court, the statute creating and governing the court, and the statute that defines what an alien terrorist is. The media point of contact for the court is:

Lisa Klem, who may be reached at 202-354-3320 or Lisa_Klem@dcd.uscourts.gov