

§ 1532. Establishment of removal court**(a) Designation of judges**

The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court that shall have jurisdiction to conduct all removal proceedings. The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(b) Terms

Each judge designated under subsection (a) of this section shall serve for a term of 5 years and shall be eligible for redesignation, except that of the members first designated—

- (1) 1 member shall serve for a term of 1 year;
- (2) 1 member shall serve for a term of 2 years;
- (3) 1 member shall serve for a term of 3 years; and
- (4) 1 member shall serve for a term of 4 years.

(c) Chief judge**(1) Designation**

The Chief Justice shall publicly designate one of the judges of the removal court to be the chief judge of the removal court.

(2) Responsibilities

The chief judge shall—

- (A) promulgate rules to facilitate the functioning of the removal court; and
- (B) assign the consideration of cases to the various judges on the removal court.

(d) Expeditious and confidential nature of proceedings

The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to removal proceedings in the same manner as they apply to proceedings under that Act [50 U.S.C. 1801 et seq.].

(e) Establishment of panel of special attorneys

The removal court shall provide for the designation of a panel of attorneys each of whom—

- (1) has a security clearance which affords the attorney access to classified information, and
- (2) has agreed to represent permanent resident aliens with respect to classified information under section 1534(e)(3) of this title in accordance with (and subject to the penalties under) this subchapter.

(June 27, 1952, ch. 477, title V, § 502, as added Pub. L. 104-132, title IV, § 401(a), Apr. 24, 1996, 110 Stat. 1259; amended Pub. L. 104-208, div. C, title III, § 354(a)(4), Sept. 30, 1996, 110 Stat. 3009-643.)

REFERENCES IN TEXT

The Foreign Intelligence Surveillance Act of 1978, referred to in subsec. (d), is Pub. L. 95-511, Oct. 25, 1978, 92 Stat. 1783, as amended, which is classified principally to chapter 36 (§1801 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 50 and Tables.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-208 added subsec. (e).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective as if included in the enactment of subtitle A of title IV of the Antiterrorism and Effective Death Penalty Act of 1996. Pub. L. 104-132, see section 358 of Pub. L. 104-208, set out as a note under section 1182 of this title.

§ 1533. Removal court procedure**(a) Application****(1) In general**

In any case in which the Attorney General has classified information that an alien is an alien terrorist, the Attorney General may seek removal of the alien under this subchapter by filing an application with the removal court that contains—

- (A) the identity of the attorney in the Department of Justice making the application;
- (B) a certification by the Attorney General or the Deputy Attorney General that the application satisfies the criteria and requirements of this section;
- (C) the identity of the alien for whom authorization for the removal proceeding is sought; and
- (D) a statement of the facts and circumstances relied on by the Department of Justice to establish probable cause that—
 - (i) the alien is an alien terrorist;
 - (ii) the alien is physically present in the United States; and
 - (iii) with respect to such alien, removal under subchapter II would pose a risk to the national security of the United States.

(2) Filing

An application under this section shall be submitted ex parte and in camera, and shall be filed under seal with the removal court.

(b) Right to dismiss

The Attorney General may dismiss a removal action under this subchapter at any stage of the proceeding.

(c) Consideration of application**(1) Basis for decision**

In determining whether to grant an application under this section, a single judge of the removal court may consider, ex parte and in camera, in addition to the information contained in the application—

- (A) other information, including classified information, presented under oath or affirmation; and
- (B) testimony received in any hearing on the application, of which a verbatim record shall be kept.

(2) Approval of order

The judge shall issue an order granting the application, if the judge finds that there is probable cause to believe that—

- (A) the alien who is the subject of the application has been correctly identified and is an alien terrorist present in the United States; and
- (B) removal under subchapter II would pose a risk to the national security of the United States.

(3) Denial of order

If the judge denies the order requested in the application, the judge shall prepare a written