

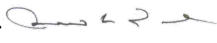


OOD
DM 22-04

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Effective: Immediately

FILING DEADLINES IN NON-DETAINED CASES

PURPOSE: Amends the filing deadlines in non-detained cases

OWNER: David L. Neal, Director 

AUTHORITY: 8 C.F.R. § 1003.0(b)

AMENDING: Policy Memorandum 21-18
Immigration Court Practice Manual

This memorandum addresses the default filing deadline in immigration court cases involving non-detained respondents. The Immigration Court Practice Manual, which was published in 2008, established a default filing deadline in non-detained cases of fifteen days before individual calendar hearings, unless the immigration judge specified otherwise. This remained the default filing deadline until 2020, when the Executive Office for Immigration Review (EOIR) began implementing a new case flow processing model. This model is described in Policy Memorandum (PM) 21-18, *Revised Case Flow Processing before the Immigration Courts* (Apr. 2, 2021).¹ Under this PM, immigration judges forego holding master calendar hearings in many cases involving non-detained, represented respondents. As stated in PM 21-18, in cases subject to the case flow processing model, filings have thus far been due thirty days before individual calendar hearings. In addition, in January 2021, EOIR included the Immigration Court Practice Manual as Part II of a new, broader EOIR Policy Manual.² The Practice Manual's default filing deadline for cases involving non-detained respondents was changed to thirty days before the individual calendar hearing.

EOIR has determined that the longstanding fifteen-day default filing deadline in cases involving non-detained respondents is appropriate. Accordingly, EOIR is amending PM 21-18 to state that amendments to applications, and other supplemental filings, can be submitted up to fifteen days before individual calendar hearings, unless the immigration judge specifies otherwise. EOIR is

¹ Available at <https://www.justice.gov/eoir/book/file/1382736/download>. PM 21-18 replaced the previously issued PM 21-05, *Enhanced Case Flow Processing in Removal Proceedings* (Nov. 30, 2020).

² Available at <https://www.justice.gov/eoir/eoir-policy-manual>.

also amending the Immigration Court Practice Manual to state that, in cases involving non-detained respondents, filings can be submitted up to fifteen days before individual calendar hearings, unless the immigration judge specifies otherwise.

Please contact your supervisor if you have any questions.³

³ Nothing in this memorandum shall be construed as mandating a particular outcome in a particular case. This memorandum is not intended to, does not, and may not be relied up on to, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States; its departments, agencies, or entities; its officers, employees, or agents; or any other person.