



OOD
PM 25-17
Effective: February 3, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: February 3, 2025

SIRCE
OWEN

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**CANCELLATION OF DIRECTOR'S MEMORANDUM 22-05 AND REINSTATEMENT
OF POLICY MEMORANDA 19-05, 21-06, AND 21-13**

PURPOSE:	Rescind and cancel Director's Memorandum 22-05 and Reinstate Policy Memoranda 19-05, 21-06, and 21-13
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Director's Memorandum 22-05

On April 18, 2022, the EOIR Director issued Director's Memorandum (DM) 22-05, rescinding the following three Policy Memoranda (PM):

1. PM 19-05, *Guidance Regarding the Adjudication of Asylum Applications Consistent with INA § 208(d)(5)(A)(iii)*
2. PM 21-06, *Asylum Processing*
3. PM 21-13, *Continuances*

No reason was given for the rescissions, and none is readily apparent, either contemporaneously or currently. Moreover, PM 19-05 made clear that EOIR was required to abide by the statutory directives in INA § 208(d)(5)(A)(iii).¹ Consequently, its rescission left an improper impression that EOIR was not required to follow binding statutory law and could simply pick and choose which laws it wished to follow. That is not the case. *See* PM 25-12, *Cancellation of Policy Memorandum 21-24 and Reinstatement of Policy Memorandum 21-10*.

In the absence of a reasonable—or any—explanation for the rescission of these three PM and in light of the current policies of the Executive Branch, there is no reason to retain DM 22-05. Accordingly, DM 22-05 is rescinded and cancelled, and PM 19-05, 21-06,² and 21-13 are

¹ PM 21-06 and 21-13 similarly rested on well-established law expressed through statutes, regulations, and case law, and their rescission also conveyed the inappropriate message that EOIR adjudicators are not required to follow the law.

² The reinstatement of PM 21-06 has no bearing on, should not be construed as conflicting with, and does not alter any EOIR obligations pursuant to the settlement agreement in *Garcia Perez, et al. v. USCIS, et al.*, No. 2:22-cv-00806-JHC (W.D. Wash.). *See* Litigation Notices, *Garcia Perez, et al. v. USCIS, et al.*, No. 2:22-cv-00806-JHC (W.D.

reinstated. Any references in the reinstated PMs that have been subsequently superseded should be read to refer to current sources now in effect.

This PM is not intended to, does not, and may not be relied upon 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. Nothing herein should be construed as mandating a particular outcome in any specific case. Nothing in this PM limits an adjudicator's independent judgment and discretion in adjudicating cases or an adjudicator's authority under applicable law.

Please contact your supervisor if you have any questions.

Wash.), <https://www.justice.gov/eoir/litigation-notices>; *see also* Operating Policies and Procedures Memorandum 25-01, *Asylum EAD Clock in Immigration Court Proceedings* (Dec. 19, 2024); *cf.* PM 21-14, *Rulemakings and Federal Court Orders* (Jan. 14, 2021). Any parts of PM 21-6 superseded by the settlement agreement are no longer in effect.