



OOD
PM 25-21

Effective: February 14, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: February 14, 2025

CANCELLATION OF DIRECTOR'S MEMORANDUM 22-04

PURPOSE:	Rescind and cancel Director's Memorandum 22-04
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Director's Memorandum 22-04

On December 16, 2021, the EOIR Director issued Director's Memorandum (DM) 22-04, amending both Policy Memorandum (PM) 21-18, *Revised Case Flow Processing Before the Immigration Courts*, and the Immigration Court Practice Manual (ICPM) section of the EOIR Policy Manual to set a default filing deadline in non-detained cases of fifteen days before individual calendar hearings.¹ The new deadline replaced the prior thirty-day default deadline. No particular reason was given for the change—only that EOIR believed it was “appropriate”—and none is readily apparent, either contemporaneously or currently. In fact, many Immigration Judges preferred the thirty-day deadline because it gave them more time to prepare for the individual hearing and was not particularly burdensome for the parties given the significant amount of time for preparation—typically well over a year and not infrequently over two or three years, if not longer—already occurring between a master calendar hearing and an individual merits hearing.² Moreover, Immigration Judges retained the ability—and still do—to set their own deadlines, rendering the change otiose, at best. In short, there was no real reason for DM 22-04 at the time it was issued, and no real reason to retain it now.³ Accordingly, it is rescinded.

¹ Although DM 22-04 described the default fifteen-day deadline as “longstanding,” in reality, it was in place less than thirteen years. Moreover, prior to the issuance of the ICPM in 2008, many Immigration Judges used a thirty-day deadline, indicating that deadline may have actually been more “longstanding.”

² The thirty-day deadline in the Policy Manual was implemented, in part, due to the preferences of many Immigration Judges, particularly well-experienced Immigration Judges who had used such a deadline prior to the issuance of the ICPM.

³ The restored Policy Manual inadvertently restated the fifteen-day default deadline, but has been corrected to reflect a thirty-day default deadline. Any change in such a default deadline is, of course, purely prospective and would apply only to deadlines set after the change. See PM 25-02, *EOIR's Core Policy Values* (Jan. 27, 2025) (“EOIR employees should not read policies obtusely or ridiculously, and all policies should be read with a modicum of common sense.”).

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.