



OOD
PM 25-27
Effective: March 21, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: March 21, 2025

**SIRCE
OWEN**
Digitally signed
by SIRCE OWEN
Date: 2025.03.21
11:47:08 -04'00'

CANCELLATION OF DIRECTOR'S MEMORANDUM 23-01 AND REINSTATEMENT OF POLICY MEMORANDUM 19-13

PURPOSE:	Rescind and Cancel Director's Memorandum 23-01 and Reinstate Policy Memorandum 19-13
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Director's Memorandum 23-01

On October 4, 2022, the EOIR Director issued Director's Memorandum (DM) 23-01, rescinding Policy Memorandum (PM) 19-13, *Use of Status Dockets*. No reason was given for the rescission, and none is readily apparent; in fact, parts of PM 19-13 are contained in DM 23-01 without acknowledgement or explanation. Moreover, DM 23-01 encouraged—if not tacitly directed—the placement of cases on the status docket in which a continuance was not legally required, which both overrode the decisional independence of Immigration Judges and directly contradicted one of DM 23-01's stated rationales, promoting efficiency. It also conspicuously failed to acknowledge longstanding caselaw that would have contradicted part of one of its categories directing placement on the status docket of cases continued to await visa availability. *See, e.g., Matter of Quintero*, 18 I&N Dec. 348, 350 (BIA 1982) ("In any case, the fact that the respondent has an approved visa petition does not entitle him to delay the completion of deportation proceedings pending availability of a visa number."), *aff'd sub nom. Quintero-Martinez v. INS*, 745 F.2d 67 (9th Cir. 1984) (unpublished); *see also Chacku v. U.S. Att'y Gen.*, 555 F.3d 1281, 1286 (11th Cir. 2008) (finding that no good cause was shown for a continuance where the alien's priority date was years in advance of current visa availability). DM 23-01 further failed to acknowledge that there is no entitlement or right to either a continuance or placement on the status docket. Finally, it undermined EOIR's ability to resolve cases in a timely manner, *see* 8 C.F.R. § 1003.10(b), made the Immigration Judge rather than the parties responsible for case progression, likely created mandamus liability pursuant to 28 U.S.C. § 1361, and established, in essence, a quasi-amnesty program by not scheduling future hearings for the cases placed on the status docket and placing the onus on the immigration court to seek updates from the parties, rather than requiring the party seeking the continuance and placement on the status docket to affirmatively appear in court, or present evidence to support a further continuance in the case.

In short, DM 23-01 represented a poor policy choice and no longer accurately represents the policy of the Executive Branch. Accordingly, DM 23-01 is rescinded and cancelled, and PM 19-13 is reinstated. Any references in PM 19-13 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.