



OOD  
PM 25-33  
Effective: June 27, 2025

To: All of EOIR  
From: Sirce E. Owen, Acting Director  
Date: June 27, 2025

## NEUTRALITY AND IMPARTIALITY IN IMMIGRATION COURT PROCEEDINGS

---

PURPOSE:	Remind Immigration Judges of their ethical and professional responsibility obligations to treat both parties in a neutral, unbiased, and impartial manner.
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

---

In light of multiple recent situations indicating that Immigration Judges are demonstrating bias or hostility toward one party in Immigration Court proceedings, this Policy Memorandum (PM) reminds Immigration Judges of their ethical and professional responsibility obligations to treat *both* parties in a neutral, unbiased, and impartial manner.

Both federal ethics regulations and EOIR’s Ethics and Professionalism Guide for Immigration Judges (Guide) require Immigration Judges to be impartial and remain free from bias in adjudicating cases. *See, e.g.*, 5 C.F.R. §§ 2635.101(b)(8), (14) (requiring Immigration Judges to “act impartially and not give preferential treatment to any private organization or individual” and to “endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards” applicable to individuals employed by the United States Government); Guide, Secs. V (requiring Immigration Judges to “act impartially and . . . not give preferential treatment to any organization or individual when adjudicating the merits of a particular case”), VI (requiring Immigration Judges to “endeavor to avoid any actions that, in the judgment of a reasonable person with knowledge of the relevant facts, would create the appearance that he or she is violating the law or applicable ethical standards”), VIII (prohibiting Immigration Judges from being “swayed by partisan interests or public clamor”), and X (prohibiting Immigration Judges from “in the performance of official duties, by words or conduct, manifest[ing] improper bias or prejudice”).

Although many Immigration Judges scrupulously maintain impartiality toward both parties in immigration proceedings, there are some Immigration Judges who appear to believe—based on their own personal policy preferences<sup>1</sup>—that exhibiting bias is justifiable in certain situations, as

---

<sup>1</sup> An Immigration Judge should adjudicate all cases in accordance with the applicable law based on the evidence and facts presented. An Immigration Judge’s personal beliefs or outcome preferences are not appropriate bases on which to decide cases, nor is personal disapproval of one party’s actions or the policies of the Government. Thus, an

long as that bias is in favor of an alien and against the Department of Homeland Security (DHS). However, nothing in the applicable ethics regulations or the Guide provides an exception for bias directed against DHS. Bias against DHS is just as corrosive to the integrity of EOIR as bias against aliens. Both parties in immigration court are entitled to a neutral, impartial adjudicator, and EOIR will not tolerate improper animus directed at either party.

Ethically, Immigration Judges cannot be both impartial adjudicators and advocates for one side or the other, and Judges who would prefer to be policy advocates favoring either aliens or DHS should consider transitioning to alternate career paths. Although many Immigration Judges carry out their important responsibilities in a professional and ethical manner, those who do not by demonstrating bias and hostility toward either party may be subject to corrective or disciplinary action.

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.

---

Immigration Judge who—pursuant to the Judge's own personal policy preferences or disagreements with the Government—would grant a motion filed by one party because the Judge perceives that doing so would benefit the alien, but conversely would deny an identical motion filed by the same party with the same legal basis because the Judge perceives that doing so would instead benefit the Government with whose policies the Judge disagrees, is not adjudicating cases in an appropriate manner. Such unexplained and unacknowledged deviations from past practice not only violate basic principles of administrative law, but may also be evidence of bias, particularly in situations where an Immigration Judge substitutes his or her personal policy preference for a particular outcome in lieu of an evenhanded application of the law.