



OOD
PM 25-38
Effective: August 8, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: August 8, 2025

**SIRCE
OWEN** Digitally signed
by SIRCE OWEN
Date: 2025.08.08
11:45:53 -04'00'

CANCELLATION OF OPERATING POLICIES AND PROCEDURES MEMORANDA 84-9 AND 98-2

PURPOSE:	To cancel and replace Operating Policies and Procedures Memoranda 84-9 and 98-2
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Operating Policies and Procedures Memoranda 84-9 and 98-2

On October 17, 1984, EOIR issued Operating Policies and Procedures Memorandum (OPPM) 84-9: *Processing Hearing Transcriptions*, which provided guidance about transcription procedures for Immigration Court hearings. Decades have passed since EOIR issued this OPPM such that its contents are largely outdated and rendered obsolete by superseding regulations and policy. Because the guidance related to transcribing EOIR hearings in OPPM 84-9 is outdated and no longer reflects current practice, OPPM 84-9 is cancelled. Nothing in this Policy Memorandum (PM) alters EOIR's current transcription processes. *See* 8 C.F.R. §§ 1003.1(e)(3), 1003.5(a); *see also* EOIR Policy Manual, Part III, Ch. 4.2(d), (f). Moreover, to the extent that OPPM 84-9 contained some best practices relevant to recording hearings, those practices are carried over and summarized below.

On July 7, 1998, EOIR issued OPPM 98-2: *Guidelines for Recording Immigration Hearings*, which addressed protocol for tape-recorded immigration hearings. Advancements in technology have made much of the substance of OPPM 98-2 obsolete. Accordingly, this PM cancels and replaces OPPM 98-2 and provides an updated summary of best practices for the recording of Immigration Court hearings.

As an initial matter, this PM does not alter the Immigration Court's requirement to maintain the record of proceeding in individual cases, which includes the requirement to record all hearings verbatim. *See* 8 C.F.R. §§ 1003.36, 1240.9. Hearings are presently recorded utilizing the Digital Audio Recording (DAR) system. Immigration Court personnel must review the proper use of the DAR system and routinely ensure the proper functioning of the DAR equipment. In addition, Immigration Court personnel, particularly Immigration Judges, are reminded of the following procedures to guarantee that the DAR recordings preserve the record completely and with the

highest possible quality.

- Routinely test and ensure proper functioning of the DAR system, workstations, and related recording equipment prior to commencing a hearing.
- Eliminate background noise to the fullest extent possible.
- Check that the relevant hearing is listed and selected on the DAR case list.
- Remember to turn on the DAR, not only at the beginning of the hearing, but each time the court goes off and back on the record during the hearing.
- State the date and location of the current hearing and any continuances or call-up dates on the record.
- State the administrative file number (A#) of the respondent and any other A#s relevant to the proceedings, which may include, for example, those of family members or other aliens in consolidated cases.
- Clearly identify all the parties to the hearing on the record, as appropriate, by name and title or function. This will generally include the Immigration Judge, aliens, attorneys or representatives, and witnesses.
- Ensure that parties are appropriately distanced from their microphones and that the DAR senses a suitable audio volume through the respective channels. Direct participants to speak with sufficient volume and into the microphone.

This list is non-exhaustive. If a hearing is recorded to the wrong A#, a DAR data reconciliation request may be submitted to the Helpdesk via email. Progress toward case completion is significantly delayed when a case must be reheard because of issues with the DAR system. To preserve EOIR time and resources, court personnel are reminded to observe the foregoing practices and to take other measures as necessary to establish a clear, decipherable, and reliable record of proceeding.

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.