



OOD
PM 25-43
Effective: August 26, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: August 26, 2025

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EMPLOYEE FEEDBACK

PURPOSE:	Establishes EOIR policy regarding employee feedback
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

This Policy Memorandum (PM) establishes EOIR policy regarding employee¹ feedback, particularly in light of the recent announcement by the Office of Personnel Management (OPM) of the cancellation of the 2025 Federal Employee Viewpoint Survey (FEVS).² See Drew Friedman, Federal News Network, *After months of postponing, OPM opts to fully cancel 2025 FEVS* (Aug. 15, 2025), <https://federalnewsnetwork.com/workforce/2025/08/after-months-of-postponing-opm-opts-to-fully-cancel-2025-fevs/>.

EOIR encourages helpful and constructive employee feedback regarding its operations, regardless of whether that feedback is positive or negative. Such feedback can come in many forms—e.g. one-on-one employee engagement, dedicated email boxes, letters or emails from employee affinity groups or associations, town halls—but the form of the feedback is generally less important than the substance. Thoughtful, constructive observations or suggestions that are consistent with the law and Executive branch policies are helpful; *ad hominem* attacks, personal grievances, and suggestions that are unlawful or inconsistent with policy are much less so. To facilitate feedback, all EOIR managers and supervisors, including senior leaders, maintain an “open door” or “open email” policy and welcome comments or suggestions from employees, including constructive criticism.³

¹ Although EOIR has both employee and officer positions, for purposes of this PM, the term “employee” is used in its general, non-legal sense to mean any individual employed by EOIR who is not a contractor.

² OPM is updating FEVS and will resume administering it in 2026.

³ EOIR recognizes this constitutes a significant change in policy from the views of much of its leadership between 2021 and 2025, as well as Department of Justice leadership views during the same time period, when employees were discouraged from contacting leadership directly, employees who did so were rebuked and chastised, any criticism was filtered before it reached leadership (if it ever did), and public employee events were “stage-managed”—sometimes with planted or pre-screened questions—to avoid any suggestion of disagreement with leadership. This Soviet-style management philosophy not only did nothing to improve employee morale, but it contributed to the significant erosion of EOIR’s integrity as an agency.

Between 2021 and 2025, EOIR relied principally on FEVS as its primary source of employee feedback, albeit without acknowledging or controlling for its inherent limits for agencies like EOIR. Employees have been critical of FEVS for many years, and going forward, EOIR will be more sensitive to those criticisms. For example, FEVS does not control for policy polarization; thus, agencies involved in high-salience and highly polarized work, like immigration, typically receive average scores that say little about whether an agency is performing well or poorly. Similarly, because FEVS is inherently subjective and cannot control for an employee's subjective personal policy preferences, employees at agencies focused on polarizing subjects, like immigration, often judge the agency based on whether it is following that employee's preferred policies, rather than on objective metrics.⁴ In short, employees who support the agency's work and agree with its policy direction generally report favorable results, whereas employees who do not, report negative results—leading to an average score overall. However, that score says almost nothing about objective assessments of the agency, including whether it is being run well, its leadership is performing at a high level, or the actual employee experience on a day-to-day basis.

In recent years, EOIR's administration of FEVS has also raised questions about its utility as a measure of employee feedback. In 2023 and 2024, in particular, many employees felt they were inappropriately pressured to complete FEVS—and, implicitly, to complete it a certain way favorable to leadership. Employees noted discomfort at being “bribed” to take FEVS in exchange for 59 minutes of administrative leave or through other inducements.⁵ The relentless focus on achieving an arbitrary completion percentage—including the use of EOIR resources to produce a video reminding employees to complete FEVS—also served as a distraction to many employees from their important duties.⁶ Not only do these actions divert employee resources unnecessarily, but they potentially undermine the validity of the results by introducing potential bias from responders who complete the survey solely in order to receive an incentive.

For all of these reasons, although EOIR remains committed to implementing FEVS in accordance with OPM's directives, it will also be mindful of the limitations and context of FEVS. To that end it will not rely on FEVS as the exclusive source of employee feedback and will ensure that any consideration of FEVS data is fully considered in its appropriate context.

EOIR recognizes that its employees are its most valuable resource, and for employees who are dedicated to EOIR's mission, EOIR will continue to work to rebuild a productive and professional

⁴ For similar reasons, surveys purporting to reflect “employee engagement” in fields with strong policy polarization are often of little value. Employees whose personal policy preferences are enacted by an agency feel engaged; employees whose preferences are not enacted do not feel engaged, even if they participated fully in the policy process and were fully heard by leadership. No agency can crowdsource policy, especially one with over 2000 employees and many attorneys and adjudicators with differing interpretations of the law. Moreover, because of the polarized nature of immigration issues in particular, it is functionally almost impossible to adopt a policy that will please everyone, leaving a large segment of employees necessarily disappointed and feeling disengaged. Consequently, although EOIR will continue to evaluate information regarding “employee engagement,” it will also contextualize that information better to account for the inherent nature of immigration policymaking.

⁵ EOIR also received reports of other components scheduling what appeared to be mandatory meetings for employees, only to have those “meetings” turn out to be a dedicated time to complete FEVS. EOIR disagrees strongly with that practice, and when FEVS is resumed, it will not schedule “fake” meetings for employees solely to complete FEVS.

⁶ Due to significant discrepancies in rosters among its components and between known completion numbers and tabulated completions by the Office of Policy, many employees had concerns about the accuracy of the reported completion rate and whether all responses were properly being counted. Consequently, it is not even clear whether EOIR achieved its desired response rate, despite its efforts.

environment as it restores the integrity of the agency. Constructive employee feedback assists EOIR in improving its operations and its workforce. Consistent with applicable law and Executive Branch policies, EOIR is committed to taking all actions within its power to improve employee morale and the workplace experience.

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.