



OOD
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To: All of EOIR
From: Daren Margolin, Director
Date: July 15, 2026

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PUBLIC ACCESS TO EOIR HEARINGS

PURPOSE:	To Reemphasize the Open Nature and Rules for Observing Immigration Court Hearings
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

The purpose of this policy memorandum (PM) is to reemphasize the open nature of immigration court hearings and the rules for observing those hearings. Access to immigration court hearings necessarily entails access to publicly-accessible EOIR space, which includes courtrooms, interior entrances, exits, corridors, conference rooms, and the waiting areas in direct view or control of security, the immigration court, or which are otherwise part of EOIR's daily operations. *See* PM 19-10, *EOIR Security Directive: Policy for Public Use of Electronic Devices in EOIR Space* (Mar. 20, 2019) (PM 19-10). EOIR spaces are marked by clear signage and are governed by agency policy and applicable federal laws, including EOIR regulations. *See* 8 C.F.R. §§ 1003.27, 1003.28, 1003.31(d), 1003.46, 1208.6 (2020), 1240.10(b), and 1240.11(c)(3)(i).

Immigration courts hold hearings in a variety of spaces, including federally owned and managed office buildings, privately-managed commercial space, Department of Homeland Security (DHS) detention facilities, and federal, state, and local correctional facilities. Therefore, access to these locations is subject to location-specific rules and regulations, including those promulgated by the General Services Administration (GSA) and DHS. *See, e.g.*, 40 U.S.C § 1315(c). Visitors to such locations are encouraged to check with the facility managers in advance as to any facility-specific visitation requirements.

EOIR is fully committed to ensuring lawful, public access, as required by law and policy. Immigration courts are open daily to the public, and visitors do not need permission to visit or observe an open hearing. Because immigration hearings are generally open and accessible to the public, they should not be closed, and observation should not otherwise be restricted unless a specific exception applies. Hearings should generally be open, regardless of whether the hearing

is in-person or internet-based, as provided below.¹

In addition, members of the public are allowed to access immigration court waiting areas in order to facilitate their observation of hearings in immigration court. They do not need staff permission to use these waiting areas, and they should not be told they cannot stay in them because they are not parties or attorneys. However, this language should not be read to prohibit court staff or security from addressing disruptive behavior in the waiting areas. The waiting areas are subject to capacity restrictions, and if they are overcrowded, priority for their use should be given to respondents, their attorneys, and witnesses. EOIR does not prohibit members of the public from speaking with respondents in its waiting areas.²

The following limited exceptions to the open nature of immigration hearings apply, as noted in the EOIR Policy Manual, Part II, Ch. 3.8; 8 C.F.R. § 1003.27, 1240.10(b):

- Hearings are to be closed when the case involves an **abused child or abused spouse or includes information that is subject to a protective order, is filed under seal, or is classified**. EOIR Policy Manual, Part II, Ch. 3.8(a)(1); 8 C.F.R. §§ 1003.27, 1003.31(d), 1003.46. In the case of an abused spouse, the hearing may be opened to the public with the abused spouse's consent. EOIR Policy Manual, Part II, Ch. 3.8(a)(1); 8 C.F.R. § 1003.27(c).
- **Evidentiary hearings on applications for asylum or withholding of removal** are open unless the respondent expressly requests that the hearing be closed. EOIR Policy Manual, Part II, Ch. 3.8(a)(1); 8 C.F.R. § 1240.11(c)(3)(i). The Immigration Judge shall inquire whether the respondent requests such closure. *Id.*
- Immigration Judges have discretion to limit attendance or close a hearing to **protect witnesses, parties, or the public interest, even if the hearing would normally be open to the public**. EOIR Policy Manual, Part II, Ch. 3.8(a)(2); 8 C.F.R. § 1003.27(b).
- Depending upon **physical facilities**, the Immigration Judge may place reasonable limitations upon the number in attendance at any one time with priority given to the press over the general public. 8 C.F.R. § 1003.27(a).

Unless one of the above exceptions apply, immigration hearings should remain open to the public. When practicable, and to avoid confusion on the part of the visitor, EOIR should inform visitors as to why a courtroom is closed; however, EOIR should be mindful not to do so in a way that would violate any confidentiality laws related to the closing of the hearing.

Alleged violations of EOIR's regulations requiring open access to immigration hearings will be investigated by EOIR management. If the public access violation is substantiated, employees may be subject to corrective or disciplinary action.

¹ Similarly, nothing in this PM infringes upon an Immigration Judge's authority to temporarily exclude potential witnesses from a hearing due to the longstanding rule of sequestration.

² Under certain circumstances, in-person solicitations of prospective clients by attorneys in EOIR space may be prohibited. *See* 8 C.F.R. § 1003.102(d). Nothing in this PM infringes upon the General Services Administration's authority to require approval or a permit prior to allowing visitors to post or distribute materials, such as pamphlets, in publicly accessible areas of federal buildings. 6 C.F.R. § 139.60.

Guidance for Observing In-person Immigration Hearings

All immigration court visitors shall adhere to all applicable federal laws and EOIR policies—including EOIR Policy Manual, Part II, Chapters 3.8 and 3.11—when visiting EOIR spaces. A visitor who wishes to observe an in-person immigration hearing must be physically present in the courtroom where the hearing is taking place. Webex visitors will not be admitted in such cases, as the hearing is scheduled and held in person. To the extent that Webex links are posted on EOIR’s website for in-person hearings, those links are only for parties who have received court approval to appear remotely for the hearing.

Visitors must respect the dignity of proceedings. Visitors must wear proper attire, and no food or drink may be brought into the courtrooms, except as specifically permitted by an Immigration Judge. Visitors may take written notes during a hearing. To minimize disruption, visitors should enter the courtroom prior to the start of proceedings and should wait until the hearing is in recess or has concluded to leave the courtroom. Immigration Judges may act to address noise, overcrowding, or disruptions that result from entering a courtroom after the beginning of a hearing.

Internal immigration court administrative office space, to include an Immigration Judge’s chambers, is private, and its access is restricted to immigration court personnel or individuals who have received proper authorization to enter.

While possession of personal electronic devices (including, but not limited to, cellphones, smartphones, smart glasses, and smartwatches) is generally permitted in EOIR space, devices may only be used in a non-disruptive manner, devices must be turned off during immigration court hearings, and use of cameras or recording functions on such devices is strictly prohibited in courtrooms or other EOIR space. *See* EOIR Policy Manual, Part I, Ch. 1.6, Part II, Ch. 3.12; PM 19-10. This prohibition on the use of cameras or recording devices applies equally in hallways, conference rooms, pro bono rooms, and areas that are part of EOIR’s daily operations. *Id.* In addition, the immigration court publicly posts the docket information each morning. Taking photos of the publicly posted docket is prohibited.

Guidance for Observing Internet-based Immigration Hearings Where No Physical Courtroom is Available

Similar to in-person immigration hearings, internet-based immigration hearings where no physical courtroom is available are open to the public, and visitors do not need permission to observe an open internet-based hearing. Internet-based immigration hearings are closed for the same exceptions that govern the closure of in-person immigration hearings. *See supra* (“limited exceptions to the open nature of immigration hearings apply”). Because of bandwidth limitations and the administrative necessity of admitting and sequestering witnesses, the maximum number of virtual visitors is 20.

Visitors may access the Webex links for any internet-based immigration hearings where no physical courtroom is available through the EOIR website. Similar to in-person immigration hearings, any photography or recording to capture any part of the internet-based immigration hearing is strictly prohibited and subject to possible penalties. *See* 8 C.F.R. § 1003.28.

Visitors must enter the virtual hearing room under their full legal name, and their full legal name must be visible in the Webex name label at all times. Each individual visitor must log on separately and appropriately identify themselves. Using nicknames, device names (e.g., “iPhone”), or pseudonyms may result in being removed from the session or not being admitted from the waiting room.

Visitors must respect the dignity of proceedings. To minimize disruption and given the nature of internet-based hearings, visitors to all hearings must enter the hearing prior to the start of proceedings and should wait until a hearing is in recess or has concluded to depart the hearing. Visitors must not speak, use the “raise hand” feature, or use the chat box unless explicitly invited by the judge.

Visitors are not required to check in with court personnel before entering an internet-based hearing to observe, although the presiding Immigration Judge may ask all visitors to identify themselves at the start of the hearing or at any point during the hearing.

All visitors to internet-based immigration hearings shall adhere to all applicable federal laws and EOIR policies. The Immigration Judge may remove a visitor from an internet-based immigration hearing if that visitor does not follow all applicable federal laws and EOIR policies. If the hearing is closed pursuant to the exceptions, visitors will not be admitted into the proceeding.

Oversight and Reporting Violations of Public Access to Hearings

Any visitor may report to EOIR any purported violations of public access to hearings by EOIR personnel, and EOIR will investigate those concerns accordingly. However, several different federal entities may operate within the same space that EOIR operates in, and EOIR can only investigate complaints against its employees.³ If the complaint involves an EOIR employee who is not an adjudicator, a written complaint should be submitted to the Court Administrator through the Clerk’s public window or by using the specific courthouse email address found at <https://www.justice.gov/eoir/find-immigration-court-and-access-internet-based-hearings>. The name of the Court Administrator can also be found using that same website.

If the complaint involves an adjudicator’s alleged violation of public access to hearings, the complaint should be sent by email or postal mail to EOIR’s Judicial Conduct and Professionalism Unit (JCPU). The contact information for the JCPU is as follows:

Executive Office for Immigration Review
Attn.: Judicial Conduct and Professionalism Unit
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
judicial.conduct@usdoj.gov

³ Complaints against employees of the General Services Administration, Department of Homeland Security (including the Federal Protective Service), or other federal entity should be filed in accordance with the reporting requirements for those agencies.

EOIR takes all credible, substantive complaints seriously. Complainants are reminded that they should provide as much detail as possible, including the name of the EOIR employee, a statement describing the conduct at issue; the date; time; and place any alleged violation occurred; any associated case numbers (e.g., an Alien or “A” number) or other information sufficient to permit identification of the proceedings in question; and any other information or witnesses to the conduct or violation, to permit EOIR to properly investigate any violation of public access and/or implement corrective action or discipline, if necessary.

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.