

EOIR Security Directive 01-2015: Public Use of Electronic Devices in EOIR Space

In Executive Office for Immigration Review (EOIR) space in both federal and commercial facilities, use of electronic devices (including but not limited to cellular phones, smart phones, cameras, laptops, tablets, personal digital assistants (PDAs), MP3 players, and all other audio or visual recording/recording-capable devices, or broadcasting/broadcasting capable devices) by the public is prohibited. EOIR space is defined to include courtrooms, as well as all interior entrances/exits, corridors, conference rooms and waiting areas that are in direct view or control of security, immigration court, Board of Immigration Appeals (Board) or Office of the Chief Administrative Hearing Office (OCAHO) personnel; and all interior entrances/exits, corridors, and waiting areas that are part of EOIR's daily operations. All electronic devices must be turned off within EOIR space. Upon written request to the EOIR Office of Legislative and Public Affairs, EOIR can make available stock photographs and video of EOIR space.

Attorneys or representatives of record, active members of a State Bar, and attorneys from the Department of Homeland Security representing the government in proceedings before EOIR will be permitted to use electronic devices in EOIR space for the limited purpose of conducting relevant court and business related activities (e.g. within the courtroom – scheduling; within pro bono rooms – client conferences). Electronic devices must be turned off in EOIR space when not in use, and must be set to silent/vibrate mode when in use in the courtroom; they may not be used to make audio or video recordings, or capture still images/photographs of any kind, in EOIR space. Where the Immigration Judge, Board Member, or Administrative Law Judge (ALJ) may determine that business-related usage poses a disruption to ongoing proceedings in the courtroom, continued usage may be prohibited at the discretion of the Immigration Judge, Board Member or ALJ.

The only recording equipment permitted in courtroom proceedings will be the equipment used to create the official record. No other photographic, video, audio, electronic, or similar recording device will be permitted to record any part of the proceeding, as per 8 C.F.R. § 1003.28. A sketch artist is permitted in the courtroom during proceedings provided he or she has properly coordinated in advance with EOIR's Office of Legislative and Public Affairs. Nothing in this directive should be construed to restrict or interfere with the reasonable use of adaptive technology by a person with a disability.

Violators of this security directive are subject to possible penalties by authority of the Federal Protective Service, as per 40 U.S.C. § 1315 (see also 41 C.F.R. Subpart C, §§ 102-74.365 thru 102-74.455). Furthermore, an Immigration Judge has discretion to impose other remedial measures to maintain proper order in the courtroom, pursuant to an Immigration Judge's general statutory and regulatory authority to take any action that is appropriate and necessary for the disposition of cases, as per 8 C.F.R. § 1003.10(b). Similar discretion lies with Board Members (see 8 C.F.R. § 1003.1(d)(1)(ii)) and the ALJ (see 28 C.F.R. §§ 68.28(a)(7) and (8)).