




OOD  
DM 22-02

Issued: Nov. 8, 2021  
Effective: Immediately

## UPDATED GUIDANCE ON EOIR'S RESPONSE TO THE COVID-19 OUTBREAK

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**PURPOSE:** Provide updated guidance on EOIR's response to the COVID-19 outbreak

**OWNER:** David L. Neal, Director 

**AUTHORITY:** 8 C.F.R. § 1003.0(b)

**CANCELLATION:** Policy Memorandum 20-13, *EOIR Practices Related to the COVID-19 Outbreak* (June 11, 2020)

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The Executive Office for Immigration Review (EOIR) is committed to providing timely guidance to EOIR personnel, practitioners, and parties in proceedings before the agency. Given the evolving nature of the pandemic, updated guidance regarding EOIR's response to COVID-19 continues to be necessary and frequent. This Director's Memorandum (DM) supersedes and rescinds Policy Memorandum (PM) 20-13 as outdated.

In March 2020, EOIR issued a PM to provide guidance to staff and the public regarding EOIR's response to the COVID-19 pandemic.<sup>1</sup> That PM was superseded by a June 2020 PM.<sup>2</sup> EOIR has also disseminated information to the public in a variety of additional formats, including Frequently Asked Questions,<sup>3</sup> a Public Health Notice,<sup>4</sup> a dedicated "Public Health" section on each individual immigration court web page,<sup>5</sup> and an "Operational Status" web page.<sup>6</sup>

Recognizing that memoranda are not the optimal vehicle for reporting operational adjustments under these circumstances, EOIR will no longer issue these formal documents and encourages the public instead to monitor the agency's web pages for updates. Accordingly, EOIR's website

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<sup>1</sup> PM 20-10, *Immigration Court Practices During the Declared National Emergency Concerning the COVID-19 Outbreak* (Mar. 18, 2020); Addendum to PM 20-10 (Mar. 19, 2020).

<sup>2</sup> PM 20-13, *EOIR Practices Related to the COVID-19 Outbreak* (June 11, 2020), available at <https://www.justice.gov/eoir/eoir-policy-manual/OOD2013/download>.

<sup>3</sup> EOIR, *Frequently Asked Questions* (Oct. 26, 2021), available at <https://www.justice.gov/file/1444661/download>.

<sup>4</sup> EOIR, *Notice of Public Health Procedures* (July 2021), available at <https://www.justice.gov/file/1398881/download>.

<sup>5</sup> See, e.g., EOIR, *Arlington Immigration Court: Public Health* (Oct. 22, 2021), available at <https://www.justice.gov/eoir/arlington-immigration-court>.

<sup>6</sup> See generally EOIR, *EOIR Operational Status*, available at <https://www.justice.gov/eoir-operational-status>.

will be the principal method of communication with the public regarding updates to EOIR's protocols during the COVID-19 pandemic.<sup>7</sup>

This DM 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.

Please contact your supervisor if you have any questions.

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<sup>7</sup> For general information about COVID-19 apart from its impact on EOIR operations, individuals should consult the Centers for Disease Control and Prevention (CDC). *See generally* CDC, *COVID-19*, available at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.