



OOD
PM 25-08
Effective: January 29, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: January 29, 2025

**CANCELLATION OF DIRECTOR’S MEMORANDUM 22-01 AND REINSTATEMENT
OF POLICY MEMORANDUM 21-08**

PURPOSE:	Rescind and Cancel Director’s Memorandum 22-01 and Reinstate Policy Memorandum 21-08
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Director’s Memorandum 22-01

On November 5, 2021, the EOIR Director issued Director’s Memorandum (DM) 22-01, rescinding Policy Memorandum (PM) 21-08, *Pro Bono Legal Services*. No reason was given for the rescission, and none is readily apparent; in fact, much of PM 21-08 was retained in DM 22-01 without acknowledgment. In the absence of any reasonable explanation for the change and in light of current Executive Branch policies, retaining DM 22-01 is inappropriate.

Accordingly, DM 22-01 is rescinded and cancelled, and PM 21-08 is reinstated. Any references in PM 21-08 that have been subsequently superseded—*e.g.* a reference to Operating Policies and Procedures Memoranda 09-01—should be read to refer to current sources now in effect. Additionally, while the focus of PM 21-08 was on the Office of the Chief Immigration Judge and the Board of Immigration Appeals, the availability of pro bono legal services is perhaps an even more acute concern for the Office of the Chief Administrative Hearing Officer (OCAHO). According to OCAHO, since the start of fiscal year 2016—and excluding a mass filing of cases by one organization with the same counsel—complainants in OCAHO proceedings under 8 U.S.C. § 1324b have had representation in only 28.5% of cases. Moreover, pro bono and advocacy organizations that are normally heavily involved in other immigration matters have been largely circumspect in not taking on OCAHO cases under 8 U.S.C. § 1324b pro bono. Thus, PM 21-08 should also be read to place a special emphasis on facilitating more pro bono services and representation for complainants in such OCAHO cases.

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.