




OOD
PM 19-10

Effective: March 20, 2019

To: All of EOIR
From: James R. McHenry III, Director 
Date: March 20, 2019

**EOIR SECURITY DIRECTIVE: POLICY FOR PUBLIC USE OF ELECTRONIC
DEVICES IN EOIR SPACE**

PURPOSE:	Provides EOIR security directive and policy for public use of electronic devices in EOIR space
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

The Executive Office for Immigration Review (EOIR) is issuing this Security Directive to protect the integrity of its proceedings, and to safeguard the privacy of individuals in EOIR's public spaces. This directive replaces the previous EOIR Security Directive 01-2015.

In EOIR space in both federal and commercial facilities electronic recording and photography is prohibited, including audio, still photography, and video. 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) may not be used in recording mode. 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 (BIA), 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. Electronic devices may be used for non-recording purposes in EOIR space other than the courtrooms, where such devices must be turned off unless otherwise authorized as discussed below. However, usage of these devices should be limited and non-disruptive. Upon written request to the EOIR Communications and Legislative Affairs Division, EOIR can make available stock photographs and video of EOIR space.

Attorneys or representatives of record and attorneys from the Department of Homeland Security representing the government in proceedings before EOIR will be permitted to use electronic devices in EOIR courtrooms for the limited purpose of conducting immediately relevant court and

business related activities (e.g. scheduling). Electronic devices must be turned off in the courtroom when not in use for authorized purposes, and must be set to silent/vibrate mode when being used for authorized purposes in the courtroom. Again, these devices may not be used to make audio or video recordings, or capture still images/photographs of any kind, in any EOIR space, to include the courtrooms. Where the Immigration Judge (IJ), Board Member, or Administrative Law Judge (ALJ) may determine that business-related usage of an otherwise authorized electronic device poses a disruption to ongoing proceedings in the courtroom, continued usage of the device may be prohibited at the discretion of the IJ, 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 Communications and Legislative Affairs Division. Nothing in this directive shall 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 IJ has discretion to impose other remedial measures to maintain proper order in the courtroom, pursuant to an IJ'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 ALJs (see 28 C.F.R. §§ 68.28(a)(7) and (8)).