



OOD
PM 21-20

Effective: May 14, 2021

To: All of EOIR
From: Jean C. King, Acting Director
Date: May 14, 2021

CANCELLATION OF POLICY MEMORANDUM 19-12

PURPOSE:	Rescind and cancel Policy Memorandum 19-12
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Policy Memorandum 19-12

As part of EOIR’s ongoing efforts to improve operations and review existing policy memoranda, the following Policy Memorandum (PM) is rescinded:

1. PM 19-12, *Guidance Regarding New Regulations Governing Asylum and Protection Claims*

PM 19-12 was issued in relation to the publication of the interim final rule titled “Asylum Eligibility and Procedural Modifications,” 84 Fed. Reg. 33,829 (July 16, 2019), subsequently finalized, with some revisions, by the final rule titled “Asylum Eligibility and Procedural Modifications,” 85 Fed. Reg. 82,260 (Dec. 17, 2020). The Northern District of California enjoined the interim final rule and the final rule. *See East Bay Sanctuary Covenant v. Barr*, 385 F. Supp. 3d 922 (N.D. Cal. 2019) *order reinstated*, 391 F. Supp. 3d 974 (N.D. Cal. 2019), *aff’d*, 964 F.3d 832 (9th Cir. 2020); *East Bay Sanctuary Covenant v. Barr*, No. 19-cv-04073 (N.D. Cal. Feb. 16, 2021). The interim final rule was also vacated by the District Court of the District of Columbia. *See Capital Area Immigrants’ Rights Coalition v. Trump*, 471 F. Supp. 3d 25 (D.D.C. 2020). The revocation of PM 19-12 is consistent with the court orders and with section 4(a)(ii)(C) of Executive Order 14010 (Feb. 2, 2021), which instructed the Attorney General to review agency memoranda issued in reliance on the rule.

Please contact your supervisor if you have any questions regarding this PM.