



OOD
PM 25-18
Effective: February 4, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: February 4, 2025

**CANCELLATION OF DIRECTOR’S MEMORANDUM 22-06 AND REINSTATEMENT
OF POLICY MEMORANDUM 20-05**

PURPOSE:	Rescind and Cancel Director’s Memorandum 22-06 and Reinstate Policy Memorandum 20-05
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Director’s Memorandum 22-06

On May 5, 2022, the EOIR Director issued Director’s Memorandum (DM) 22-06, rescinding Policy Memorandum (PM) 20-05, *Legal Advocacy by Non-Representatives in Immigration Court*. No reason was given for the rescission, and none is readily apparent. Moreover, DM 22-06 purported to redefine a longstanding legal term of art, *amicus curiae* or “friend of the court,” into something more akin to a social worker or caretaker whose role is far beyond the authority of an immigration court to address. Indeed, the operationalization of DM 22-06 risked considerable confusion over both the meaning and purpose of an “*amicus curiae*” and the appropriate role of an individual tasked with multiple duties to aid a respondent but who is, ostensibly, not the respondent’s representative or advocate. Moreover, in contrast to the use of *amici* by the Board of Immigration Appeals and the Office of the Chief Administrative Hearing Officer which are explicitly established by regulation, DM 22-06 did not identify any legal basis for EOIR to recognize an *amicus curiae* in removal proceedings, particularly one with such expansive duties. Further, DM 22-06 overrode an Immigration Judge’s decisional independence by effectively requiring Immigration Judges to recognize an *amicus curiae* in all cases, which is beyond the authority of a DM or PM to do and contrary to well-established law and practice by courts at all levels that the recognition of an *amicus curiae* lies within the sound discretion of the presiding adjudicator. In the absence of any reasonable explanation for the rescission of PM 20-05, in light of current Executive Branch policies and DM 22-06’s inconsistency with EOIR’s core policy values, and due to its numerous, intrinsic flaws, retaining DM 22-06 is inappropriate.

Accordingly, DM 22-06 is rescinded and cancelled, and PM 20-05 is reinstated. Any references in PM 20-05 that have been subsequently superseded should be read to refer to current sources now in effect.

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.