



OOD
PM 21-23

Effective: May 28, 2021

To: All of EOIR
From: Jean C. King, Acting Director
Date: May 27, 2021

DEDICATED DOCKET

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| PURPOSE: | Establishes a dedicated docket for certain individuals in removal proceedings. |
| OWNER: | Office of the Director |
| AUTHORITY: | Executive Office for Immigration Review (EOIR) Memorandum, <i>Case Priorities and Immigration Court Performance Measures</i> (Jan. 2018); 8 C.F.R. § 1003.0(b) |
| CANCELLATION: | Policy Memorandum 19-04 |

EOIR is initiating a Dedicated Docket to focus on the adjudication of family cases as designated by the Department of Homeland Security (DHS). This docket will run alongside typical court operations in immigration courts in ten cities: Denver, Detroit, El Paso, Los Angeles, Miami, Newark, New York City, San Diego, San Francisco, and Seattle. DHS has indicated that it will be placing on the Dedicated Docket families who crossed the Southern border and whom DHS has placed on alternatives to detention. Cases will be identified for this docket as of the effective date of this memorandum.

EOIR's immigration judges will endeavor to issue a decision in each case on the Dedicated Docket within 300 days after the initial master calendar hearing. To facilitate such timeliness while providing due process, EOIR will only schedule these cases before immigration judges who generally have docket time available to manage a case on that timeline, but EOIR recognizes that unique circumstances of each case may impact the ability to issue a decision within that period. As needed, the Office of the Chief Immigration Judge will provide additional case management guidance to assist immigration judges in meeting this goal.

EOIR remains committed to the timely resolution of immigration court cases in a fair and impartial manner. Importantly, the adjudication timeframe established by this policy memorandum (PM) and any subsequent case management guidance is an internal goal. Respondents whose cases are on these dockets have the opportunity to request continuances, as do all respondents in removal proceedings, and immigration judges retain discretion to determine whether a continuance should be granted for good cause. *See* 8 C.F.R. § 1003.29. EOIR expects

that its immigration judges will make these determinations with full consideration for a respondent's statutory right to counsel and consistent with due process and fundamental fairness.

Respondents whose cases are placed on these dockets will be provided with a number of services, including access to information services and possible referral services to facilitate legal representation. Each city in which EOIR has established the Dedicated Docket has an established pro bono network.

EOIR previously tracked certain cases designated by DHS in select immigration court locations. *See* PM 19-04, *Tracking and Expedition of "Family Unit" Cases* (Nov. 16, 2018). This effort was discontinued during the COVID-19 pandemic and has not been resumed. Thus, PM 19-04 is rescinded.

EOIR is managing the hearings with full consideration for the safety of its employees and all parties who appear in court. EOIR will continue to implement practices and procedures consistent with information from public health officials and guidance from the Office of Personnel Management and the DOJ Justice Management Division. *See* PM 20-13, *EOIR Practices Related to the COVID-19 Outbreak* (June 11, 2020).

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 equities, its officers, employees, or agents, or any other person.

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