



OOD
PM 25-24
Effective: February 28, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: February 28, 2025

ADJUDICATOR PERSONNEL MATTERS

PURPOSE:	Re-establish consistent and lawful practices regarding EOIR adjudicator personnel matters
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

Beginning in 2021, EOIR engaged in a number of questionable and problematic personnel practices concerning adjudicators¹ that called its integrity, credibility, and impartiality into serious question. At best these practices were unexplained, unwarranted, and unprofessional departures from past practices or policies; at worst, they may have constituted unlawful prohibited personnel practices (PPPs).² In either case, this PM resets EOIR's policies regarding adjudicator personnel actions in order to ensure EOIR's hiring of adjudicators is based solely on merit (and any applicable preference granted by law), that all hiring actions comply with appropriate and consistent procedures, that allegations of similar misconduct by adjudicators are treated consistently in a similar manner, and that any disciplinary or corrective action is consistent with the seriousness of the misconduct.

I. Hiring Practices³

A. Geographic Scope of Vacancy Announcements

Prior to 2019, all adjudicator positions were assigned to either EOIR Headquarters (EOIR HQ) in Falls Church, Virginia, or, for certain Immigration Judge positions, to a specific immigration court or adjudication center in the field. However, there was little to no reason for many of the

¹ For purposes of this Policy Memorandum (PM), an adjudicator is any Immigration Judge, Appellate Immigration Judge, or Administrative Law Judge—including all supervisory or management positions in each category—plus the Chief Administrative Hearing Officer, the Assistant Director for Policy, and the Director, plus the respective deputies for those three positions.

² Whether any specific action or practice noted herein definitively constituted a PPP is beyond the scope of this PM. However, any action that EOIR determines to be a PPP will not be defended by the agency if challenged.

³ This PM applies only to hiring practices for permanent adjudicator positions and not necessarily to the selection processes for temporary or detail positions.

adjudicator positions to be limited to EOIR HQ in light of EOIR’s nationwide office footprint and transition to greater reliance on electronic files and communications regarding case adjudications. Moreover, opening adjudicator positions to multiple potential locations nationwide necessarily attracts a deeper, wider, and stronger applicant pool than artificially and needlessly limiting those positions to a single location. Consequently, beginning in 2019, EOIR opened up adjudicator positions at the Board of Immigration Appeals (BIA) and the Office of the Chief Administrative Hearing Officer (OCAHO) to field locations across the country. This change was a resounding success, and EOIR successfully hired several talented Appellate Immigration Judges (AIJs) and Administrative Law Judges (ALJs) who might otherwise have never considered applying for a position if it were solely limited to EOIR HQ. In 2021, however, EOIR reversed course without any public explanation, and began restricting AIJ positions solely to EOIR HQ.⁴ This move, which had no operational or legitimate justification then or now, necessarily constricted the applicant pool and contributed to a perception that EOIR was attempting to manipulate the geographic scope of the vacancy announcement to either target certain “preferred” candidates or exclude certain “undesirable” candidates.

This change in practice looked even more puzzling (and problematic) when EOIR, in 2021 and 2022, advertised for two other senior-level adjudicator vacancies, which had traditionally been located at EOIR HQ, but were now allowed to be located at one of a handful of select field locations. Although the increased geographic scope for these two positions seemed laudable on the surface, it, too, was also problematic. Not only did it contradict what EOIR was doing contemporaneously with the AIJ positions,⁵ but the geographic limitations imposed in the vacancy announcements—including the oddly specific limitation on available cities for each location—raised serious and credible concerns that the announcements were, in fact, being manipulated to target one specific applicant for each position and that the agency was engaging in the prohibited pre-selection of candidates.

EOIR is committed to attracting the most robust applicant pool as possible for each of its vacancy announcements—and that is especially true for adjudicator vacancy announcements—and casting the widest possible geographic scope for those announcements will help fulfil that commitment. Moreover, manipulating the geographic scope for some vacancies, but not others, and doing so in curious or unusual ways, undermines EOIR’s overall credibility and integrity. Accordingly, for all future AIJ and ALJ vacancies, the geographic scope of any vacancy announcement will be open to any field location where EOIR operates a permanent immigration court, except for the following locations: (1) Saipan, (2) Honolulu, (3) San Juan, and (4) any immigration court located within a Department of Homeland Security (DHS) detention facility.⁶ Similarly, for all EOIR Senior

⁴ EOIR has not hired an ALJ since 2020, though if it had advertised for an ALJ vacancy after 2021, such a vacancy likely would have been restricted to EOIR HQ as well.

⁵ There is no operational need to have AIJs work at EOIR HQ currently, nor was there such a need in 2021. Further, any alleged need appears to have been pretextual or disingenuous in light of EOIR’s decision, beginning in 2021, to allow other senior management positions to be filled at field locations. Consequently, if challenged, EOIR would likely be unable, in good faith, to defend the hiring of any AIJ whose vacancy announcement was restricted to an EOIR HQ position after 2020.

⁶ Operational and logistical issues—including, *inter alia*, costs, communication hurdles due to time zone differences and delivery service schedules, security protocols in DHS-operated detention space, and the sometimes-tenuous nature

Executive Service (SES) positions—except Director and the Regional Deputy Chief Immigration Judges (RDCIJs),⁷ but including the Chief Immigration Judge, the Chief and Deputy Appellate Immigration Judges, and the Chief Administrative Hearing Officer—the geographic scope of any vacancy announcement will be the same as for AIJ and ALJ vacancies unless limited to EOIR HQ by a permanent Director.⁸ The geographic scope of any vacancy announcement for Immigration Judge positions will be wherever there are both vacancies and sufficient courtroom and office space to accommodate new hires at a particular immigration court.

B. Recruiting and Interviewing

Between May 2017 and February 2021, EOIR established a commitment to a fair and meritorious adjudicator hiring process and attempted to expand the applicant pool for adjudicator vacancies as widely as possible. To those ends, in addition to expanding the geographic scope for certain vacancy announcements, EOIR also utilized a listserv containing over 600 organizations maintained by the DOJ Office of Attorney Recruitment & Management to distribute vacancy announcements. However, to maintain the integrity and impartiality of the hiring process and to ensure the process was not unlawfully discriminatory, EOIR did not single out any specific organization for special or targeted recruitment attention, and it certainly did not partner with any non-DOJ entity to attract or solicit applicants with particular backgrounds.

In October 2021, EOIR changed its position and indicated that it had formed a “partnership” with a single prominent non-government advocacy organization with a particular ideological valence in order to support the hiring of Immigration Judges. EOIR did not offer to “partner” with any other organizations, nor did it explain why it was “partnering” with one organization over others, particularly an organization with a specific ideological agenda. Moreover, many Immigration Judges expressed unease and discomfort at working with the organization on hiring matters because its members frequently appeared before Immigration Judges. The nature of the partnership raised serious—and still-unresolved⁹—questions of ethics, conflicts-of-interest, and possible discrimination because EOIR chose not to partner with non-government organizations with different ideological viewpoints.

Similarly, EOIR frequently receives applications for Immigration Judge vacancies from individuals with experience representing one party or the other in immigration proceedings, either

of DHS contracts or leases for detention space—prevent effective coordination and management for all of EOIR from these locations at the present time. Should those issues be resolved in the future, however, EOIR will consider including these locations in future announcements.

⁷ Unless otherwise authorized by the Department of Justice (DOJ), the Director position will be limited to EOIR HQ in order to facilitate responsiveness and communications with senior management at DOJ. The RDCIJ positions will continue to be limited to immigration court locations within each position’s defined geographic area—subject to the same exceptions applicable to AIJ and ALJ positions—but will not be restricted to a particular court within that region.

⁸ Other than the RDCIJ positions, a permanent Director may choose to limit the geographic scope of any SES vacancy announcement to EOIR HQ, but if the Director does that for one SES vacancy announcement, he or she must do it for all subsequent SES announcements while that person remains Director. In short, aside from the Director and RDCIJ positions, the geographic scope of all SES vacancy announcements issued under the same permanent Director should be consistent.

⁹ Again, if challenged, EOIR may not be able to defend, in good faith, any Immigration Judge hired through this partnership, and it is still investigating the extent of the involvement of non-government organizations in EOIR hiring decisions.

in federal court or immigration court. However, EOIR’s interview questions for such applicants materially differed depending on which party the applicant represented. For example, applicants who represented the government are asked about bias and whether individuals with a “prosecutorial pedigree” can be unbiased, whereas applicants who represented aliens are not asked about bias or whether individuals with a “defense pedigree” can be unbiased. Aside from the intrinsic problem of not subjecting all applicants to the same interview questions, this distinction evinces a clear and unfounded hostility toward applicants from one particular background without regard to merit while simultaneously evincing a clear and unfounded preference for applicants from an opposite background, also without regard to merit. Such a practice is unprofessional and illogical—any applicant may be at risk of bias, regardless of his or her background, and assuming that only one of two types of an adversarial background can be biased is not supported by law, fact, experience, or common sense—and may also have been unlawful.¹⁰

The policies and practices described above are antithetical to unbiased, impartial, non-discriminatory, merit-based hiring, and EOIR has ceased them. Going forward, all adjudicator hiring decisions will be made solely by professional EOIR and DOJ personnel without any discriminatory animus, and all adjudicator applicants for a particular position will be asked the same set of basic interview questions regardless of the applicant’s background. EOIR is re-establishing a commitment to a fair and meritorious adjudicator hiring process with the widest possible applicant pool.

C. Open, Public Competition for All Assistant Chief Immigration Judge (ACIJ) Vacancies

Prior to 2018, EOIR applied inconsistent procedures to fill vacant ACIJ positions. Some positions were filled solely through internal procedures without public announcement or competition and without complying with the general process for hiring immigration judges established by the Attorney General. Other vacancies, however, were subject to public competition and compliance with the established hiring process. There was little rhyme or reason to why certain ACIJ vacancies were treated differently and subjected to different procedures, and the differentiated treatment contributed to an understandable sense of unfairness and a perception of favoritism toward certain EOIR “insiders.”

Consequently, in 2018, EOIR established a policy that *all new*¹¹ ACIJ positions would be advertised publicly, subject to public competition rather than internal, EOIR-only competition, and required to comply with the established hiring process for non-supervisory immigration judges.

Sometime after 2021, however, EOIR reverted to a two-track process for hiring new ACIJs—some were filled through internal, EOIR-only procedures while others were advertised and filled after public competition. Again, there was no persuasive rationale given for this differentiated treatment,

¹⁰ EOIR has also received credible reports that certain interviewers involved in the hiring process for adjudicators also demonstrated unsupported hostility toward applicants with certain backgrounds and, in some cases, refused to recommend otherwise well-qualified applicants or move their applications forward due solely or primarily to those backgrounds and the ideological or partisan preferences of the interviewer. If confirmed, any EOIR employee who engaged in discrimination against applicants for improper reasons will be subject to disciplinary action.

¹¹ Existing vacant ACIJ positions could continue to be filled by the transfer of another ACIJ, but all new positions were required to adhere to the established hiring procedures, including open and public competition.

and none is readily apparent. To the contrary, the creation of two separate tracks to fill vacant ACIJ positions, one public and one internal, with no clear justification for the difference only feeds a perception that EOIR’s hiring practices for ACIJ are unfair—and potentially unlawful. Accordingly, EOIR is returning to its prior policy that any new ACIJ positions will be filled through public announcement and competition in accordance with established hiring procedures.¹²

D. Applicants with Prior Military Service

Federal law, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), generally prohibits discrimination in hiring based on, *inter alia*, an applicant’s performance of service in a uniformed service. 38 U.S.C. § 4311(a). Although EOIR has been criticized in the past for hiring “too many” adjudicators with experience serving in the military, EOIR made clear—at least between May 2017 and January 2021—that it does not violate federal law and does not discriminate against veterans or those with military experience in its hiring practices, particularly in its adjudicator hiring practices.

Between April 2017 and July 2021,¹³ EOIR hired approximately 360 Immigration Judges; of those, the backgrounds of approximately 100 reflected prior military service. In contrast, between October 2021 and December 2024, EOIR hired approximately 302 Immigration Judges; of those, the backgrounds of only approximately 35 reflected prior military experience.¹⁴ Combined among OCIJ, BIA, and OCAHO, between April 2017 and January 2021, EOIR hired over 100 adjudicators with prior military service; in the subsequent four years, it hired approximately 35.

It appears that beginning sometime in 2021, there was some internal change in EOIR’s policies or approach to hiring applicants with prior military experience for adjudicator positions. The starkness in the drop in hiring of applicants with prior military experience has also raised credible questions as to whether EOIR discriminated against applicants with prior military experience between 2021 and 2024. Although any such speculation is beyond the scope of this PM,¹⁵ EOIR is compelled to now state, clearly and unequivocally, that as of January 20, 2025, it does not discriminate against any applicant based on prior military service in accordance with applicable law.

E. Miscellaneous

1. “Burrowing” of Political Appointees into Adjudicator Positions

¹² Any existing ACIJ position vacancies not filled through a transfer will also be filled through public announcement and competition in accordance with established hiring procedures.

¹³ Many, if not all, of the Immigration Judges in the July 2021 class began the hiring process prior to February 2021 and any internal policy change at EOIR regarding the hiring of veterans would have likely only affected classes hired after July 2021.

¹⁴ Although the sample size is smaller, a similar trend occurred in the hiring of AIJs. Between April 2017 and January 2021, EOIR hired 13 AIJs, two of whom had backgrounds reflecting prior military service. In contrast, between October 2021 and December 2024, hired 11 AIJs, *none* of whom had prior military service. OCAHO hired four ALJs in 2019 and 2020, one of whom had prior military service; OCAHO has not hired any ALJs since 2020.

¹⁵ Disparate impact claims are not cognizable under USERRA. *Harrellson v. U.S. Postal Service*, 115 M.S.P.R. 378 (2011). EOIR will address any specific challenge to the hiring of a particular adjudicator on a case-by-case basis.

Concerns about current or former political appointees “burrowing” into career positions have existed for many years, and EOIR takes those concerns seriously, especially as applied to adjudicators. Before any current or former political appointee is hired as an EOIR adjudicator, the hiring decision must be reviewed and approved by the Office of Personnel Management (OPM). To ensure an unbiased and fair hiring process, EOIR’s practice prior to 2021 was to not seek appointment of any current or former political appointees to career adjudicator positions until *after* OPM had completed its review and approved the selection. EOIR changed that practice after 2021 without explanation to allow a current or former political appointee to be appointed by the Attorney General to a career adjudicator position—albeit with a delayed effective date—even though OPM had *not* yet approved the hire. Aside from the potential waste of resources associated with appointing an individual to an adjudicator position who has not yet received OPM approval and may ultimately be rejected, such an appointment, and the need to hold a position open for several months for that individual to await the decision from OPM, creates an appearance of inappropriate pre-selection, suggests the current or former political appointee is receiving special treatment (*i.e.* the holding open of a specific position) that other applicants do not receive, and increases the likelihood of ethical or conflict-of-interest issues for the current or former political appointee who may be continuing to work in a political position—and potentially interacting with EOIR or representing an interest in immigration proceedings—while simultaneously holding a delayed appointment order from the Attorney General as an adjudicator. Such a situation is untenable—if not also unethical and unlawful—and in the absence of any countervailing justification, EOIR is now reverting to its prior process. Accordingly, going forward, EOIR will not seek appointment of any current or former political appointees to career adjudicator positions until *after* OPM has completed its review and approved the selection.

2. Nepotism

Both multiple federal laws and DOJ and EOIR policies prohibit nepotism in hiring decisions. However, EOIR has an unfortunate history of violating various federal laws related to nepotism in its hiring practices. See [Report Regarding Investigation of Improper Hiring Practices by Senior Officials in the Executive Office for Immigration Review](#).¹⁶ In order to ensure compliance with those laws and policies, DOJ maintains an anti-nepotism Acknowledgment and Disclosure Form which requires the selecting or requesting official to make certain certifications that an applicant’s family relationship played no role in the applicant’s selection for the position. For all EOIR adjudicator positions except Director, the selecting or requesting official should generally be the Director,¹⁷ though the Attorney General would also qualify as the selecting official.

EOIR has been careless in the past regarding having the appropriate official sign the certification. Although that carelessness may not present concerns when the applicant has no relatives currently working at EOIR or DOJ, it raises significant problems when the applicant does have relatives working at EOIR or DOJ. It is absolutely imperative that the actual selecting or requesting

¹⁶ <https://oig.justice.gov/reports/2014/s1502.pdf>.

¹⁷ If the Director is recused because he or she has a relative who is an applicant for the position in question, the Deputy Director would be the selecting or requesting official. The Deputy Director serves as the “alter ego” of the Director and is fully and jointly responsible for any policies established by the Director or actions taken by the Director, except when the Director is recused from a matter. For the Director position itself, DOJ will designate someone in the Justice Management Division, the Office of the Deputy Attorney General, or the Office of the Attorney General as the selecting or requesting official.

official—*i.e.* the Director for most positions—signs the certification on the anti-nepotism Acknowledgment and Disclosure Form for adjudicator selections when the selectee has a relative working at EOIR or DOJ who is known to the selecting or requesting official. Moreover, misrepresenting the selecting or requesting official or having a non-selecting/non-requesting official sign the anti-nepotism Acknowledgment and Disclosure Form in such a circumstance—*i.e.* when the selectee has a relative working at EOIR or DOJ who is known to the actual selecting or requesting official—raises a strong inference that nepotism did play a role in the hiring decision, that the selection was improper or unlawful, and that the agency is trying to cover up an inappropriate or unlawful activity. Neither DOJ nor EOIR will tolerate nepotism in hiring decisions, and EOIR is committed to ensuring that procedures in place to combat nepotism are followed consistently, appropriately, and accurately.

3. Suitability Determinations

Generally, EOIR adjudicators are subject to suitability determinations as part of the hiring process before being able to enter on duty. That determination generally involves contacting an applicant's most recent supervisors, particularly if the applicant was recently a federal government employee and his or her former supervisor still works for the federal government—and even more so if the applicant previously worked for DOJ and his or her supervisor remains at DOJ. This supervisory contact is standard and routine for all adjudicator positions. However, in at least one instance, an adjudicator for EOIR was hired without contacting his most recent government supervisor as part of the suitability determination process even though that supervisor remained a federal employee. Considering all of the circumstances, it appears that the supervisor was not contacted because either the applicant misrepresented the identity of his former supervisor and failed to disclose his actual former supervisor, or the supervisor possessed derogatory information about the applicant that the hiring official did not want documented. Either explanation is unacceptable, and this deviation from standard operating procedures gives rise to an inference that the applicant's hiring was based on an improper pre-selection or was otherwise an unlawful PPP.

To be clear, the Office of the Deputy Attorney General or the Office of the Attorney General may waive the requirement to contact prior supervisors as part of a suitability determination—and one of the Offices may have done so for this particular adjudicator, though EOIR is unaware of any documentation of such a waiver—but, absent a waiver, EOIR will endeavor to contact all applicants' recent supervisors to aid in determining an applicant's suitability for an adjudicator position. EOIR is committed to hiring only the most qualified and suitable individuals for adjudicator positions and to ensuring that practices supporting that goal are consistently followed.

4. Other Irregular Hiring

Unless filled through a transfer or reassignment, including a direct reassignment of one SES adjudicator to another SES adjudicator position, or a settlement agreement, EOIR is generally required to publicly advertise all adjudicator vacancies, and its policy is to do so.

However, in 2023, an ACIJ, with the apparent approval of both the Deputy Director and the Chief Immigration Judge, contacted a specific individual and former EOIR employee to offer that individual a full-time Immigration Judge position without competition, a public vacancy

announcement, or otherwise going through the established hiring process. That individual was subsequently instructed to send a resume directly to EOIR. Approximately two weeks *after* the individual was solicited for an Immigration Judge position, EOIR requested that OARM waive the advertising requirement, proceed with hiring the individual as an Immigration Judge, and do so on an expedited basis. The only justification given was that EOIR was under a mandate from the Director and the then-Deputy Attorney General to fill every authorized Immigration Judge position prior to the end of the fiscal year, approximately two weeks away. Further, although the individual submitted a cover letter indicating that he was seeking a position as a part-time rehired annuitant, he was instead hired for a full-time permanent Immigration Judge position. Additionally, after onboarding, EOIR subsequently manipulated the individual's duty station and work schedule multiple times, contrary to the documentation surrounding his hiring. In short, EOIR hired a permanent, full-time Immigration Judge without any vacancy announcement or public competition and pursuant to a personal solicitation.

EOIR's actions in this matter—and the actions of the ACIJ involved and the Chief Immigration Judge and Deputy Director, who apparently knew of the ACIJ's actions—were unprofessional, appalling, and most likely constituted a PPP. *See* 5 U.S.C. § 2302(b)(6) (prohibiting a hiring official from “grant[ing] any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment”). They were also not consistent with EOIR's core policy values and its commitment to an open, public, and merit-based hiring process. Accordingly, EOIR will not engage in such behavior again and is committed to fill all adjudicator vacancies through open, public, and merit-based competition, unless the position is filled through a transfer, reassignment, or settlement.

II. Disciplinary or Corrective Action

It is a fundamental tenet of management and employee relations that similarly-situated employees accused of, or found to have engaged in similar misconduct, should be dealt with in a similar manner. However, it is not clear that EOIR consistently followed that principle between February 2021 and January 2025. For example, it appears that EOIR fired one adjudicator due to social media postings reflecting an alleged bias toward a party in immigration proceedings. Yet, when another adjudicator's social media postings evincing bias toward an opposite party in immigration proceedings were uncovered, EOIR took no disciplinary action and simply ignored them.

Similarly, multiple adjudicators accused of similar types of misconduct received widely varying—and illogical—responses from EOIR management. For instance, the most egregious misconduct did not warrant termination or removal as an adjudicator, whereas significantly lesser misconduct led to an attempted removal as an adjudicator and, in effect, a constructive termination.¹⁸

¹⁸ The treatment of the latter adjudicator also raised other concerns. For example, there are credible allegations that the adjudicator was targeted for ideological or partisan reasons in an effort to force his removal from EOIR. Further, although Attorney General approval is required to demote an Immigration Judge or AIJ or to remove such an adjudicator from service for a lengthy period, EOIR has been unable to locate documentation of any such approval for the adjudicator in question who was effectively removed from adjudicating for over a year and subjected to an

This inconsistency is contrary to EOIR’s core values—and likely violated federal law—and undermines EOIR’s ability to function effectively as an impartial adjudicatory agency. EOIR certainly does not condone adjudicator misconduct; however, it recognizes that any disciplinary or corrective action must be commensurate with the nature of the misconduct and that adjudicators found to have engaged in similar misconduct should be treated similarly. Regardless of what may have happened previously, EOIR is re-establishing its commitment to those principles going forward.

III. Conclusion

It is an unfortunate fact that due to the actions described above, EOIR cannot be confident that all adjudicators it hired between February 2021 and January 2025 or all adjudicators who were subject to corrective or disciplinary action during that same time were hired or subjected to corrective or disciplinary action in accordance with ethical, unbiased, merit-based, non-discriminatory and lawful practices. The actions described above are anathema to EOIR’s core values and seriously eroded its integrity, credibility, and impartiality.

To be sure, many adjudicators hired during that time were undoubtedly hired in an appropriate manner; but it is clear now that some were not. Thus, it is incumbent on the agency to ensure both that any prior improper hirings are addressed, and that no improper hirings will be made going forward. Similarly, during that time, it is also clear that adjudicators accused of similar misconduct were not treated in a similar manner and that disciplinary action did not always correspond to the seriousness of the misconduct.

Although the appropriateness of any specific remedial procedures to correct these practices is beyond the scope of this PM, EOIR recognizes that it can and must do better. To that end, nothing in this PM should be construed to prohibit or prevent efforts by EOIR to correct, remediate, or ameliorate the effects of prior inappropriate actions taken by the agency, and EOIR will continue addressing those actions appropriately. EOIR’s integrity, credibility, and impartiality are paramount, and as an agency, it must do better to protect the public trust bestowed on it.

Finally, between May 2017 and January 2021, EOIR did not terminate any adjudicator in a term or trial period and only sought to terminate permanent adjudicators due to truly egregious misconduct. Beginning in 2021, however, EOIR established a precedent by terminating numerous adjudicators in their term or trial periods and constructively terminating other permanent adjudicators for reasons that do not entirely appear related to conduct.¹⁹

Similarly, prior to January 2021, EOIR had never in its history turned over its senior leadership coincident to a change in Presidential Administrations. However, starting in January 2021, through a combination of involuntary reassignments and pressured resignations, EOIR set another

attempted demotion. In short, it appears that EOIR engaged in several questionable, or unlawful, practices in its treatment of one particular adjudicator.

¹⁹ EOIR also attempted to constructively terminate at least one other adjudicator for reasons unrelated to conduct. See PM 25-13, *Office of the Chief Administrative Hearing Officer*.

precedent by purging four senior leaders and planting the seeds for the constructive termination of another in 2022.²⁰

Reasonable minds may differ as to the wisdom of these departures from past practice and the precedents set by these moves by DOJ and EOIR beginning in 2021. However, having established those precedents and following them since 2021 with little to no contemporaneous criticism,²¹ DOJ and EOIR will continue to adhere to them.

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.

²⁰ Still another senior leader left in 2023 after experiencing what appears to be best described as “bullying” by EOIR senior leadership and leadership in the Office of the Deputy Attorney General. Another senior leader was demoted the same year and eventually left the agency.

²¹ The general lack of contemporaneous criticism of these precedential moves, particularly by those who ostensibly claim to be concerned about EOIR's integrity and the decisional independence of its adjudicator corps, is telling. Indeed, the overall lack of stakeholder concern regarding any of the problematic practices contained in this PM suggests that any subsequent criticism of EOIR by previously-silent stakeholders is easily dismissed as hypocritical and appears more rooted in self-serving ideological or partisan interests than in any genuine concern for EOIR itself.