



OOD
PM 21-04

Effective: November 20, 2020

To: All of EOIR
From: James R. McHenry III, Director
Date: November 20, 2020

**CANCELLATION OF CERTAIN
OPERATING POLICIES AND PROCEDURES MEMORANDA**

PURPOSE:	Rescinds and cancels outdated Operating Policies and Procedures Memoranda
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Operating Policies and Procedures Memoranda 98-8, 98-7, 98-3, 96-5, 95-2, 94-10, 93-4, 90-04, 88-3, and 84-7.

As part of EOIR's ongoing efforts to improve operations, a review of existing policy memoranda resulted in a determination that the following Operating Policies and Procedures Memoranda (OPPM)— each issued at least twenty-two years ago—are outdated, involve procedures that are now well-established and clearly defined in applicable regulations, or are otherwise no longer necessary. Accordingly, the following OPPM are hereby rescinded:

1. OPPM 98-8, *Cancellation of Outdated Operating Policies and Procedures*
2. OPPM 98-7, *Management of Institutional Hearing Program*
3. OPPM 98-3, *Regulations Implementing Motions to Reopen for Suspension of Deportation/Cancellation of Removal under NACARA and other NACARA Cases*
4. OPPM 96-5, *Creation of Immigration Judge Advisory Committees*¹
5. OPPM 95-2, *Earliest Possible Release Dates on Institutional Hearing Program Cases*

¹Subject to the supervision of the Director, the Chief Immigration Judge retains authority to establish committees or working groups or other methods of receiving input regarding the functioning of immigration courts as he or she deems appropriate. 8 C.F.R. § 1003.9(b).

6. OPPM 94-10, *Wearing of the Robe During Immigration Judge Hearings*²
7. OPPM 93-4, *Cancellation of Outdated OPPM*
8. OPPM 90-04, *Handling Charging Document in Administratively Closed Cases*
9. OPPM 88-3, *Filing of Charging Documents in Cases Previously Administratively Closed*
10. OPPM 84-7, *Court Actions Against EOIR Employees*³

The rescissions of OPPM 98-8 and 93-4 do not revive the underlying the OPPM canceled by those two OPPM. All OPPM listed in former OPPM 98-8 and 93-4 remain canceled.

The adjudicating components, in consultation with the Office of the Director, the Office of the General Counsel, and the Office of Policy will determine if any future guidance becomes necessary regarding the topics covered in the rescinded OPPM.

The rescissions of these OPPM have no effect on the continued applicability of any underlying law cited in the OPPM.

Please contact your supervisor if you have any questions.

²Immigration Judges and Administrative Law Judges presiding over hearings and Appellate Immigration Judges sitting during oral argument all wear robes as an established practice and have done so for many years. EOIR expects its adjudicators will continue that tradition to maintain the solemnity of proceedings in which they preside or participate. Nevertheless, should an adjudicator believe that wearing a robe is inappropriate during a particular hearing or an oral argument, he or she may request an exception from the relevant component head; if the adjudicator is the component head—*i.e.* the Chief Immigration Judge or the Chief Appellate Immigration Judge—then he or she may request an exception from the Director. Nothing in this PM alters the established exception outlined in OPPM 17-03, *Guidelines for Immigration Court Cases Involving Juveniles, Including Unaccompanied Alien Children*, allowing Immigration Judges to not wear a robe in certain cases involving young children.

³All EOIR employees who are sued regarding a work-related matter remain obligated to contact the Office of General Counsel through established channels as soon as possible.