



OOD
PM 21-14

Effective: January 12, 2021

To: All of EOIR
From: James R. McHenry III, Director
Date: January 12, 2021

RULEMAKINGS AND FEDERAL COURT ORDERS

PURPOSE:	Provide Executive Office for Immigration Review guidance on the interplay between recent rulemakings and federal court orders
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

EOIR engaged in multiple rulemakings in 2020. No rulemaking by EOIR in 2020 was drafted to conflict with, supersede, or abrogate any federal court order binding on EOIR at the time of the rule's effective date, including any federal court order incorporating or reflecting a settlement agreement. Any changes to the regulations that have become or will become effective should not be construed to conflict with any federal court order applicable at the time the changes become effective. In short, there is no conflict between any rules issued by EOIR in 2020 and any applicable federal court order. Nevertheless, to the extent that an adjudicator perceives a conflict, the adjudicator should adhere to the terms of the federal court order.

This PM is intended solely to assist adjudicators in immigration proceedings. It 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.