



Policy Brief: Why President Biden Needs to Make Immediate Changes to Rehabilitate the Immigration Courts

February 12, 2021

In just four years, President Trump implemented radical changes that fundamentally compromised the integrity of the immigration courts and their ability to ensure fairness and impartiality in immigration cases. Because of his administration's frighteningly effective campaign, the courts are now little more than a slide to deportation with only the thinnest veneer of process. It is imperative that the Biden administration makes immediate reforms to ensure a functioning court system and due process. Recognizing the critical role that the immigration courts play in the immigration system, their reform is also vital to the success of the enforcement system and the legal immigration system.

The following are some of the most critical and urgent changes that President Biden should make to the immigration court system, including an appendix of select Trump administration policies that must be rescinded and/or rewritten. For more information, contact Kate Voigt, AILA Senior Associate Director of Government Relations, at kvoigt@aila.org.

Install Personnel Committed to Fairness and the Impartial Application of the Law

The Trump Administration installed deeply problematic personnel in positions of power throughout EOIR, from Immigration Judges to the Board of Immigration Appeals (BIA) members to Executive Office for Immigration Review (EOIR) headquarters staff. For example, the former ICE Principal Legal Advisor for the Trump Administration is now the [Chief Immigration Judge](#) at EOIR. A former employee of the Federation for American Immigration Reform (FAIR) - an organization designated as a [hate group](#) by the Southern Poverty Law Center (SPLC) - was appointed as an [immigration judge](#). Meanwhile, several immigration trial judges with troubling records of bias and/or abusive behavior were promoted to serve as [appellate judges](#). President Trump's Department of Justice (DOJ) also [faced allegations](#) of politicized hiring based on perceived political or ideological views. In 2020, in response to these allegations, members of Congress [called for an investigation](#) by the DOJ Inspector General. The Government Accountability Office (GAO) has [launched an investigation](#) into the politicization of the immigration courts under the Trump administration.

- **Action Item:** The AG should immediately install new leadership in all key posts and conduct a review of all personnel decisions made by the previous administration.

Restore Fundamental Court Powers Stripped During the Trump Administration

The Biden administration needs to restore essential docketing tools like administrative closure, termination, and continuances that were stripped from immigration judges under the Trump administration. Each of these tools is [necessary](#) to the efficient and fair operation of the courts. For example, administrative closure allows judges to remove from the docket cases that are not ripe for adjudication because they are waiting on another court or agency to decide whether the person is eligible

for relief. Without it, precious docket time is taken up by cases that could be resolved outside of court. Without each of these docketing tools, judges are also forced to proceed in cases in which the respondent has not had adequate time to find an attorney or in which the person is eligible for some kind of relief.

- **Action Item:** Restore immigration judge docketing tools – including administrative closure, termination, and continuances. This should be done through rescission of relevant AG certifications, regulations, and policy memorandums, including those referenced in the appendix under the section “Policies Relating to Court Powers,” starting with *Matter of Castro-Tum*; *Matter of L-A-B-R-*, and the final rule titled *Appellate Procedures and Decisional Finality in Immigration Proceedings*; *Administrative Closure*.

Reduce the Court Backlog and Reprioritize Cases

The extraordinary and unprecedented backlog of cases in the nation’s immigration courts is making it [impossible](#) for the courts to deliver fair and consistent results. Under President Trump, that [backlog](#) has ballooned from around 500,000 to nearly 1.3 million cases. As a result, cases now take on average over 800 days to complete and the average wait time for a hearing [exceeds](#) four years. Notably, many of the 1.3 million cases should not even be taking up precious time on the courts’ docket because they [should not be priorities](#) for enforcement. DOJ and EOIR should take an active role in reducing the backlog and in implementing fair enforcement priorities, utilizing all available mechanisms to immediately and systematically set aside non-priority cases on the court’s docket.

- **Action Item:** Review the 1.3 million cases in the immigration court backlog and remove from the docket all matters that are not priorities, such as older cases, cases that may be eligible for relief that can be granted by USCIS, and other cases with strong equities.
- **Action Item:** Issue new Department of Justice immigration enforcement priorities that will ensure the fair, humane and effective enforcement of immigration laws and that are aligned with guidance issued by the Department of Homeland Security (DHS) on January 20, 2021.

Rescind the Rule Imposing Unfair and Exorbitant Fees on People Facing Removal

Individuals in proceedings before EOIR have the right to pursue relief from removal, administrative appeals to the BIA, and other procedural protections. However, on December 18, 2020, DOJ [published](#) a final rule that so significantly increased the fees for EOIR applications, appeals, and motions, many respondents would be essentially [priced out of due process](#). Among other changes, the rule called for 300% increases for applications for cancellation of removal and suspension of deportation, and nearly 900% increases for notices of appeals, motions to reopen, and motions to reconsider to the BIA. The rule is currently [enjoined](#) by a federal court.

- **Action Item:** Reverse the EOIR fee rule and implementing guidance.

Restore Judicial Independence by Eliminating Quotas and Protecting the Judges’ Union

Beginning Monday, October 1, 2018, the Attorney General [subjected](#) all immigration judges to individual case completion quotas and time-based deadlines as a basis for their performance reviews through a newly-finalized a collective bargaining agreement. This [unprecedented](#) policy requires judges to adjudicate a certain number of cases or face discipline which may result in termination of employment. The policy was described by the National Association of Immigration Judges (NAIJ) as a “[death knell for](#)

[judicial independence](#).” Following NAIJ’s outspoken opposition to this and other policies, the Trump Administration petitioned to strip immigration judges of their right to unionize.

- **Action Item:** Eliminate case completion quotas imposed on immigration judges.
- **Action Item:** Halt efforts to decertify the National Association of Immigration Judges.

Rescind Policies Restricting Access to Asylum and Other Forms of Relief

The Trump administration used the DOJ and EOIR to put in place numerous policies that unduly, and in some cases illegally, restrict access to relief that individuals would otherwise be entitled to. Many of the policies took aim at asylum seekers. Several Attorney General decisions were aimed at excluding nearly all “particular social group” claims, including claims based on [domestic violence](#), [gang violence](#), [familial ties](#), [gender](#), sexual orientation, and gender identification. Others made the bar for protection under the Convention Against Torture (CAT) – already an extremely hard to reach standard – [unduly high](#). Several regulations narrowed who qualified for asylum, including one [regulation](#) that rewrote the definitions of persecution, particular social group, and political opinion. Another [regulation](#) established a 15-day filing deadline for asylum applications and stated that those applications would be rejected unless filers met newly imposed and arbitrary requirements about how to complete the application.

- **Action Item:** Rescind and/or rewrite all AG opinions, regulations, and policies that restrict access to asylum and other forms of relief, including those referenced in the appendix under the section “Policies Restricting Access to Asylum and Other Forms of Relief,” starting with *Matter of A-B-*, *Matter of L-E-A-*, *Matter of A-C-A-A-*, and the final rule titled *Procedures for Asylum and Withholding of Removal: Credible Fear and Reasonable Fear Review*.

Roll Back Fast Track Policies that Compromise Due Process

President Trump’s EOIR also issued policies that strike at the heart of a person’s ability to have a full and fair hearing – emphasizing quantity over quality. Each of these policies appear to be designed to expedite the removal of as many people as possible. Under his administration, EOIR categorically [eliminated master calendar hearings](#) for entire groups of respondents. It issued a “[no dark court room](#)” policy directing IJs to reschedule and advance hearings whenever there is an open slot, regardless of whether there was adequate time for the attorney or judge to prep for the case. It established categorial and arbitrary [filing deadlines](#) without regard to individual case circumstances, and drastically [shortened deadlines](#) in appeals cases. The Trump administration also built several [Immigration Adjudication Centers](#) (IACs) - remote-only facilities that are closed to the public.

- **Action Item:** Close all IACs and reassign judges to traditional courtroom settings with proper transparency and due process protections in place.
- **Action Item:** Rescind policies and regulations that set arbitrary deadlines and rush cases through the courts at the expense of due process, including those referenced in the appendix under section “Fast Tracking Policies,” starting with PM 19-11: *No Dark Courtrooms*; PM 21-05: *Enhanced Case Flow Processing in Removal Proceedings*; PM 21-06: *Asylum Processing*; and the final rule titled *Appellate Procedures and Decisional Finality in Immigration Proceedings; Administrative Closure*.

Implement Robust Programs to Guarantee Access to Counsel

Federal law guarantees individuals facing removal the right to counsel but does not guarantee counsel paid for by the government for people who are unable to afford counsel. EOIR’s own study has

[recognized](#) that having respondents represented benefits court efficiency and fairness. Unrepresented people face nearly [insurmountable hurdles](#) barriers to receiving a fair hearing and review of their cases. According to a 2016 study by the American Immigration Council, people were [five times](#) more likely to obtain legal relief if they were represented by counsel. People who were detained were [ten-and-a-half times](#) more likely to succeed. In the absence of a universal right to counsel, a significant portion of people in removal proceedings—at least [40 percent](#)—are unrepresented by counsel. The representation rate is even [lower](#) for people held in detention. Despite the well-documented benefits of counsel, the Trump administration routinely attacked lawyers and restricted access to legal information and counsel.

- **Action Item:** Dramatically expand legal representation programs with the goal of ensuring every indigent person facing removal is represented by counsel if they cannot afford it. Until such a program is implemented, EOIR should establish a policy to suspend proceedings or grant continuances to individuals who are unrepresented.
- **Action Item:** Expand legal access programs including the Legal Orientation Program, the Legal Orientation Program for Custodians of Unaccompanied Minors, and the Immigration Court Help Desk which provide critical information about the immigration court process.
- **Action Item:** In consultation with DHS, implement policies to ensure people who are detained have meaningful access to their counsel to ensure zealous representation.

Conclusion

In just one term, the Trump administration has revealed and reveled in the foundational flaw built into the immigration court system – the fact that EOIR is housed under DOJ and thus our immigration courts answer to its chief prosecutor. Only legislation can ensure lasting reform, which is why AILA – along with organizations like the American Bar Association, the Federal Bar Association, and the National Association of Immigration Judges – have called upon Congress to pass legislation creating an Article I immigration court system that is independent of DOJ. Until Congress can deliver such a bill for President Biden’s signature, however, he must do everything in his power to reestablish fairness, consistency, and efficiency in our nation’s immigration court system.

Appendix of Select Trump Administration Policies Affecting Immigration Courts¹

POLICIES RELATED TO PERSONNEL

Regulations

- Executive Office for Immigration Review, Department of Justice, *Final Rule: Expanding the Size of the Board of Immigration Appeals*, 83 Fed. Reg. 8321 (February 27, 2018) at <https://www.govinfo.gov/content/pkg/FR-2018-02-27/pdf/2018-03980.pdf>. Expands BIA from 17 judges to 21 judges.
- Executive Office for Immigration Review, Department of Justice, *Interim Rule: Organization of the Executive Office for Immigration Review*, 84 Fed. Reg. 44537 (August 26, 2019), at <https://www.govinfo.gov/content/pkg/FR-2019-08-26/pdf/2019-18196.pdf>. Codified the new Office of Policy, which now manages all agency policy and regulatory review and development, internal and external communications, and the provision of legal and policy trainings, among other responsibilities. Authorizes EOIR director to adjudicate BIA cases.
- Executive Office for Immigration Review, Department of Justice, *Interim Rule: Expanding the Size of the Board of Immigration Appeals*, 85 Fed. Reg. 18105 (April 1, 2020) at <https://www.govinfo.gov/content/pkg/FR-2020-04-01/pdf/2020-06846.pdf>. Expands BIA to 23 judges.

Other Policies

- Office of the Deputy Attorney General, Department of Justice, *Immigration Judge Hiring Process*, (April 4, 2017), at <https://www.humanrightsfirst.org/sites/default/files/DOJ-FOIA-Results-%20Memoranda.pdf>. Suggests procedures to expedite the IJ hiring process.
- Office of the Deputy Attorney General, Department of Justice, *Immigration Judge and Appellate Immigration Judge Hiring Process*, (February 19, 2019), at https://www.justice.gov/oip/foia-library/general_topics/eoir_hiring_procedures_for_ajj/download. Suggests procedures to further expedite the IJ hiring process and adds new suggestions on hiring BIA members.
- Executive Office for Immigration Review, Department of Justice, *Candidate for an Appellate Immigration Judge Position*, (July 18, 2019), at <https://assets.documentcloud.org/documents/6532258/W-Cassidy-Combine-Redacted-19-Pgs-15-18.pdf>. New hiring procedures for BIA members, allowing sitting immigration judges to bypass the typical two-year probationary period to be appointed immediately on a permanent basis.

POLICIES RELATING TO COURT POWERS

AG Certifications

- *Matter of CASTRO-TUM*, 27 I&N Dec. 271 (A.G. 2018) at [ID 3926](#). Holds that IJs and the BIA do not have the general authority to administratively close proceedings.

- *Matter of L-A-B-R- et al.*, 27 I&N Dec. 405 (A.G. 2018) at [ID 3933](#). Holds that continuances should be granted only for “good cause shown,” limits collateral review.
- *Matter of S-O-G- & F-D-B-*, 27 I&N Dec. 462 (A.G. 2018) at [ID 3937](#). Holds that IJs and the BIA do not have the general authority to terminate proceedings.

Regulations

- Executive Office for Immigration Review, Department of Justice, *Final Rule: Appellate Procedures and Decisional Finality in Immigration Proceedings; Administrative Closure*, 85 Fed. Reg. 81588 (December 16, 2020) at <https://www.govinfo.gov/content/pkg/FR-2020-12-16/pdf/2020-27008.pdf>. Limits IJ’s power to order administrative closures and changes the appeal procedure to the BIA. (See also “Fast Tracking Policies” section.)

Policy Memos/OPPMs

- OPPM 17-01: *Continuances* (July 31, 2017) at <https://www.justice.gov/eoir/file/oppm17-01/download>. Restricts IJ’s discretion to order continuances.
- OPPM 18-01: *Change of Venue Requests* (January 17, 2018), at <https://www.justice.gov/eoir/page/file/1026726/download>. Requires IJs must find “good cause” to grant a motion for change of venue.
- OPPM 17-03: *Guidelines for Immigration Court Cases Involving Juveniles, Including Unaccompanied Alien Children* (December 20, 2018), at <https://www.justice.gov/eoir/file/oppm17-03/download>. Limits the use of age-appropriate procedures for minors in immigration court.
- PM 19-13: *Use of Status Dockets* (August 16, 2019), at <https://www.justice.gov/eoir/eoir-policy-manual/OOD1913/download>. Provides instructions for those immigration courts using status docket.
- PM 20-07: *Case Management and Docketing Practices* (January 31, 2020), at <https://www.justice.gov/eoir/eoir-policy-manual/OOD2007/download>. “Consolidates and institutionalizes” guidance on accelerating cases.
- PM 21-13: *Continuances* (January 8, 2021) at <https://www.justice.gov/eoir/page/file/1351816/download>. Further limits IJ’s discretion to order continuances.

Other Policies

- Office of the Secretary of Homeland Security, Department of Homeland Security, *Implementing the President’s Border Security and Immigration Enforcement Improvements Policies*, (February 20, 2017), at https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf. Changes court procedures for unaccompanied minors in immigration court.

POLICIES RELATING TO EXORBITANT FEES

Regulations

- Executive Office for Immigration Review, Department of Justice, Executive Office for Immigration Review; *Fee Review*, 85 Fed. Reg. 82750 (December 18, 2020), at <https://www.govinfo.gov/content/pkg/FR-2020-12-18/pdf/2020-27506.pdf>. Proposing up to eightfold fee increases on EOIR applications, motions and appeals in addition to adding a new fee on right to seek asylum.

POLICIES ATTACKING JUDICIAL INDEPENDENCE (QUOTAS AND JUDGES' UNION)

Other Policies

- Executive Office for Immigration Review, *Memorandum of Understanding Regarding the Implementation of New Performance Measures for Immigration Judges* (October 3, 2018), at https://fingfx.thomsonreuters.com/gfx/reuterscom/1/139/139/MOU_Fully_Executed_10.4.2018.pdf. MOU implementing IJ quotas.
- Federal Labor Relations Authority, *U.S. Department of Justice Executive Office For Immigration Review and National Association of Immigration Judges International Federal Federation of Professional and Technical Engineers Judicial Council 2 (Union)*, 71 FLRA No. 207 (November 2, 2020), at <https://www.aila.org/advo-media/issues/all/doj-move-decertify-immigration-judge-union>. Appellate decision overturning the regional determination and stripping IJs of their collective bargaining rights.
- Executive Office for Immigration Review, Department of Justice, *Submission and Processing of Requests for Speaking Engagements*, (January 2020) at <https://knightcolumbia.org/documents/eoir-revis>. Limits IJs ability to participate in speaking engagements in their personal capacity.

POLICIES RESTRICTING ACCESS TO ASYLUM AND OTHER FORMS OF RELIEF

AG Certifications

- *Matter of E-F-H-L-*, 27 I&N Dec. 226 (A.G. 2018) at [ID 3917](#). Made it easier for judges to pretermit cases, allowing them to be decided without a full individual hearing.
- *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018) at [ID 3929](#); *Matter of A-B-*, 28 I&N Dec. 199 (A.G. 2021) at [ID 4006](#). Holds that domestic abuse survivors are not defined independent of the harm they are defined by and do not usually qualify as a particular social group.
- *Matter of NEGUSIE*, 28 I&N Dec. 120 (A.G. 2020) at [ID 3943](#). Holds that there is no exception for coercion or duress to bars for asylum eligibility.
- *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019) at [3950](#). Limits opportunities for parole.
- *Matter of L-E-A-*, 27 I&N Dec. 581 (A.G. 2019) at [ID 3959](#). Holds that most nuclear families are not inherently socially distinct and thus do not qualify as a particular social group.
- *Matter of CASTILLO-PEREZ*, 27 I&N Dec. 664 (A.G. 2019) at [ID 3965](#). Holds that evidence of criminal activity is of probative value in determining “good moral character” under the INA.
- *Matter of THOMAS and THOMPSON*, 27 I&N Dec. 674 (A.G. 2019) at [ID 3966](#). Limits the effects of state criminal court orders on immigration proceedings and eligibility for relief.

- *Matter of R-A-F-*, 27 I&N Dec. 778 (A.G. 2020) at [ID 3977](#). Issues standards for defining torture under CAT and its implementing regulations.
- *Matter of A-M-R-C-*, 28 I&N Dec. 7 (A.G. 2020) at [ID 3986](#). Referral only; no decision issued.
- *Matter of O-F-A-S-*, 28 I&N Dec. 35 (A.G. 2020) at [ID 3990](#). Issues updated standards for defining when an official torture under color of law.
- *Matter of REYES*, 28 I&N Dec. 52 (A.G. 2020) at [ID 3992](#). Takes restrictive view of the categorical approach.
- *Matter of A-C-A-A-*, 28 I&N Dec. 84 (A.G. 2020) at [ID 3995](#). Reaffirms *Matter of A-B-* and finds that the nexus requirement for asylum is not fulfilled if the persecution results from personal animus or retribution.

Regulations

- U.S. Citizenship and Immigration Services, Department of Homeland Security; Executive Office for Immigration Review, Department of Justice, *Interim Final Rule: Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims*, 83 Fed. Reg. 55934 (November 9, 2018) at <https://www.govinfo.gov/content/pkg/FR-2018-11-09/pdf/2018-24594.pdf>. Interim final rule categorically barring from asylum anyone who is in violation of suspension imposed by presidential proclamation/order.
- U.S. Citizenship and Immigration Services, Department of Homeland Security, *Final Rule: Inadmissibility on Public Charge Grounds*, 84 Fed. Reg. 49292 (August 14, 2019), at <https://www.govinfo.gov/content/pkg/FR-2019-08-14/pdf/2019-17142.pdf#page=1>. Designates certain noncitizens inadmissible on overbroad public charge grounds.
- Executive Office for Immigration Review, Department of Justice; U.S. Citizenship and Immigration Services, Department of Homeland Security, *Interim Final Rule: Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act*, 84 Fed. Reg. 63994 (November 19, 2019), at <https://www.govinfo.gov/content/pkg/FR-2019-11-19/pdf/2019-25137.pdf>. Allows for the removal of asylum seekers to Central America.
- Department of Homeland Security; Executive Office for Immigration Review, Department of Justice, *Final Rule: Procedures for Asylum and Withholding of Removal: Credible Fear and Reasonable Fear Review*, 85 Fed. Reg. 80274 (December 11, 2020), at <https://www.govinfo.gov/content/pkg/FR-2020-12-11/pdf/2020-26875.pdf>. Makes it more difficult to pass credible fear reviews and rewrites decades of precedent on legal standards to qualify for asylum, withholding of removal, and CAT protection.
- Executive Office for Immigration Review, Department of Justice, *Final Rule: Procedures for Asylum and Withholding of Removal*, 85 Fed. Reg. 81698 (December 16, 2020), at <https://www.federalregister.gov/documents/2020/12/16/2020-27210/procedures-for-asylum-and-withholding-of-removal>. Imposes a 15-day deadline to file an I-589, among other problematic changes.
- Executive Office for Immigration Review, Department of Justice; U.S. Citizenship and Immigration Services, Department of Homeland Security, *Final Rule: Asylum Eligibility and Procedural Modifications*, 85 Fed. Reg. 82260 (December 17, 2020), at

<https://www.federalregister.gov/documents/2020/12/17/2020-27856/asylum-eligibility-and-procedural-modifications>. Bar individuals transiting through a third country from asylum eligibility.

- U.S. Citizenship and Immigration Services, Department of Homeland Security; Executive Office for Immigration Review, Department of Justice, *Final Rule: Security Bars and Processing*, 85 Fed. Reg. 84160 (December 23, 2020), at <https://www.govinfo.gov/content/pkg/FR-2020-12-23/pdf/2020-28436.pdf>. Allows DHS and DOJ to consider “potential international threats from the spread of pandemics” when determining whether an individual is ineligible for asylum or withholding of removal on security grounds. (Effective Date Delayed until March 22, 2021).

Policy Memos/OPPMs

- PM 19-12: *Guidelines Regarding New Regulations Governing Asylum and Protection Claims* (July 15, 2019) at <https://www.justice.gov/eoir/eoir-policy-manual/OOD1912/download>. Policy implementing third country transit ban.
- PM 20-04: *Guidelines Regarding New Regulations Providing for the Implementation of Asylum Cooperative Agreements* (November 19, 2019), at <https://www.justice.gov/eoir/eoir-policy-manual/OOD2004/download>. Policy implementing Asylum Cooperative Agreements.

FAST TRACKING POLICIES

Regulations

- Executive Office for Immigration Review, Department of Justice, *Final Rule: Board of Immigration Appeals: Affirmance Without Opinion, Referral for Panel Review, and Publication of Decisions as Precedents*, 84 Fed. Reg. 31463 (July 2, 2019) at <https://www.govinfo.gov/content/pkg/FR-2019-07-02/pdf/2019-13933.pdf>. Gives the BIA discretion to issue an affirmance without opinion (AWO).
- Executive Office for Immigration Review, Department of Justice, *Final Rule: Appellate Procedures and Decisional Finality in Immigration Proceedings; Administrative Closure*, 85 Fed. Reg. 81588 (December 16, 2020) at <https://www.govinfo.gov/content/pkg/FR-2020-12-16/pdf/2020-27008.pdf>. Limits IJ power to order administrative closures and changes/shortens the BIA procedures and deadlines. (See also “Stripped Court Powers” section.)

Policy Memos/OPPMs

- PM 19-04: *Tracking and Expedition of “Family Unit” Cases* (November 16, 2018) at <https://www.justice.gov/eoir/eoir-policy-manual/OOD1904/download>. Expedites cases involving family units.
- PM 19-05: *Guidance Regarding the Adjudication of Asylum Applications Consistent with § INA 208(d)(5)(A)(iii)* (November 19, 2018) at <https://www.justice.gov/eoir/eoir-policy-manual/OOD1905/download>. Establishes that EOIR policy is to complete adjudications of asylum applicants within 180 days.
- PM 19-11: *No Dark Courtrooms* (March 29, 2019) at <https://www.justice.gov/eoir/file/1149286/download>. Creates a policy for OCIJ managers to ensure that immigration courts are always in use, regardless of attorney or IJ prep time.

- PM 20-01: *Case Processing at the Board of Immigration Appeals*, (October 1, 2019) at <https://www.justice.gov/eoir/eoir-policy-manual/OD2001/download>. Requires the BIA to use a status docket and sets internal deadlines for hearings.
- PM 21-03: *Immigration Court Hearings Conducted by Telephone and Video Teleconferencing* (November 6, 2020), at <https://www.justice.gov/eoir/eoir-policy-manual/OD2103/download>. Provides guidance on hearings conducted over telephone or video teleconferencing.
- PM 21-05: *Enhanced Case Flow Processing in Removal Proceedings* (November 30, 2020), at <https://www.justice.gov/eoir/eoir-policy-manual/OD2105/download>: Eliminates master calendar hearings for non-detained, represented individuals.
- PM 21-06: *Asylum Processing* (December 4, 2020), at <https://www.justice.gov/eoir/page/file/1343191/download>. Formally rescinds outdated policy on asylum, while reaffirming new rules. Sets new standards to expedite the asylum process, including implementing an asylum clock, a EAD clock, and changing deadlines.

Other

- Executive Office for Immigration Review, Department of Justice, *Executive Office for Immigration Review's Strategic Caseload Reduction Plan*, (October 23, 2017), at <https://www.aila.org/EOIRPlan>. An AILA FOIA revealed an internal policy to reduce caseloads.
- Office of the Attorney General, Department of Justice, *Renewing Our Commitment to the Timely and Efficient Adjudication of Immigration Cases to Serve the National Interest*, (December 5, 2017), at <https://www.aila.org/infonet/doj-memo-renewing-our-commitment-to-the-timely>. Orders EOIR to “ensure that the adjudication of immigration cases serves the national interest” by enforcing performance standards and stopping “fraudulent” cases.
- Executive Office for Immigration Review, Department of Justice, *Case Priorities and Immigration Court Performance Measures*, (January 17, 2018), at <https://www.aila.org/infonet/eoir-updates-its-case-priorities-and-immigration>. Clarifies EOIR priorities and goals for case prioritization.