



OOD
PM 25-46
Effective: September 12, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: September 12, 2025

NOTICE OF HEARINGS

PURPOSE:	To cancel and replace Interim Operating Policies and Procedures Memorandum 97-2
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Interim Operating Procedures and Policies Memorandum 97-2

I. Introduction

Following the passage of the Illegal Immigration and Immigrant Responsibility Act of 1996 (IIRIRA), the Office of the Chief Immigration Judge (OCIJ) issued Interim Operating Policies and Procedures Memorandum (OPPM) 97-2: *Notices of Immigration Judge Hearings*, which set forth procedures for providing aliens notice of their Immigration Court hearings. However, given that much of the substance of OPPM 97-2 is either outdated or has become routinized after 28 years, it is largely unnecessary. Accordingly, this Policy Memorandum (PM) cancels and replaces OPPM 97-2. This PM sets forth current EOIR procedures for providing a notice of hearing (NOH) to an alien in removal proceedings after a Notice to Appear (NTA) has been issued. The procedures apply to all hearings, including those conducted by telephone or video teleconference.¹

II. NOHs in Removal Proceedings

Initial hearing dates for aliens in removal proceedings cannot be set earlier than 10 days after service of the NTA, unless that 10-day period has been waived by the alien. 8 U.S.C. § 1229(b)(1). This 10-day period allows an alien an opportunity to seek counsel before the initial hearing. *See id.* Adjudicators are reminded, however, that “[n]othing in [8 U.S.C. § 1229(b)] may be construed to prevent [an Immigration Judge] from proceeding against an alien pursuant to [8 U.S.C. § 1229a]

¹ Whether any particular NTA or NOH is sufficient to trigger the application of 8 U.S.C. § 1229a(b)(5) is beyond the scope of this PM. Nevertheless, adjudicators should be cognizant that the provisions of 8 U.S.C. § 1229a(b)(5) are mandatory. If an alien fails to appear for a hearing and both the sufficiency of the NTA or NOH and the alien’s removability are established “by clear, unequivocal, and convincing evidence,” then the alien “*shall* be ordered removed in absentia.” 8 U.S.C. § 1229a(b)(5) (emphasis added).

if the [10-day] time period. . . has elapsed and the alien has failed to secure counsel.” 8 U.S.C. § 1229(b)(3).

In the event of any change or postponement in the time and place of the alien’s removal proceedings, the alien shall be given a NOH specifying the new time or place of the alien’s removal proceedings, or if the NTA does not contain notice of the date, time, and location of the alien’s initial master calendar hearing, the alien will be mailed a NOH containing this information to the last address on record with the Immigration Court. 8 U.S.C. § 1229(a)(2)(A); EOIR Policy Manual, Part II, Ch. 4.15(c).

NOHs should generally be served on the alien in person, whenever practicable. 8 U.S.C. § 1229(a)(2)(B). If it is not practicable to serve the NOH to the alien in person, service shall be made by mail to the alien or to the alien’s counsel of record, if any. 8 U.S.C. § 1229(a)(2)(A). Proof of attempted delivery to the last address provided by the alien in accordance with 8 U.S.C. § 1229(a)(1)(F) “shall be sufficient” to establish service by mail. 8 U.S.C. § 1229(c). If a non-detained alien fails to comply with the requisite address obligations,² then there is no requirement to provide that alien with a NOH. 8 U.S.C. § 1229(a)(2)(B).

Generally, if aliens are represented, then the alien’s attorney or accredited representative receives an electronic service notification of the NOH in the EOIR Courts & Appeals System (ECAS) Case Portal.³ Unrepresented aliens enrolled with the Respondent Access Portal (RAP) must still be served with a physical copy of the NOH either in-person, if practicable, or by mail, if personal service is not practicable. In all cases, the Department of Homeland Security (DHS) will receive an electronic service of the NOH in the ECAS DHS Portal.

NOHs will be generated through the CASE system and will contain a certificate of service at the bottom of the page. The Immigration Court personnel serving the notification of hearing must sign the certificate of service and mark the appropriate box indicating how service was completed. A copy of all notifications must be placed in the Record of Proceedings (ROP). 8 C.F.R. § 1003.36 (“The Immigration Court shall create and control the Record of Proceeding.”).

III. Special Considerations for Detained Aliens

To ensure that an alien is afforded proper notice of his or her hearing, the following procedures will be used for notification of hearings in all detained settings.⁴

² All non-detained aliens in proceedings before an Immigration Judge, regardless of whether they are represented, must notify the Immigration Court of any change in address or phone number within five (5) days of any such changes using Form EOIR-33/IC, Change of Address/Contact Information Form (Form E-33). See 8 C.F.R. § 1003.15(d)(2); EOIR Policy Manual, Part II, Ch. 2.2(c). Aliens who are enrolled with the Respondent Access Portal (RAP) can file Form E-33 through RAP. Pursuant to 8 U.S.C. § 1360, an alien’s address shall be kept current in the CASE system. The alien’s address must be maintained and updated whenever a Form E-33 is filed. Note, however, that notification to DHS of a change in the alien’s address or contact information does not constitute notification to the Immigration Court.

³ All practitioners, as defined in 8 C.F.R. § 1001.1(ff), have an affirmative duty to inform the Immigration Court of any changes to their contact information. See EOIR Policy Manual, Part II, Ch. 2.1(b)(6).

⁴ Detained settings include all DHS detention facilities whether contracted to another entity or run by DHS itself; state, county, and municipal jails; all Institutional Hearing Program sites; and all sites where unaccompanied alien children are detained in the custody of the Department of Health and Human Services.

The notification of hearing shall state the alien's name, followed by a line addressing the notification of hearing in care of the person in charge of the facility or institution where the alien is being detained or incarcerated. *Cf.* 8 C.F.R. §§ 103.8(c)(2), 1236.2(a) (delineating requirements for the service of an NTA for a detained, competent alien upon both the alien and the individual in charge of the institution where the alien is detained). The Court Administrator (CA) or designee must ensure that the notification is provided to the custodial authority with sufficient time to permit the custodial authority to provide the notification to the alien and to make any necessary logistical arrangements for the hearing.

In addition to delivery of the notification of hearing, CAs shall also provide the custodial authority, or the person in charge of the facility where the alien is being detained, with the full hearing calendar.

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.