



OOD
PM 26-03
Effective: March 20, 2026

To: All of EOIR
From: Daren Margolin, Director
Date: March 20, 2026

JUDICIAL CONDUCT AND PROFESSIONALISM

PURPOSE:	To clarify EOIR’s Judicial Complaint Process for all adjudicators
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Judicial Complaint Process (last updated November 2023)

I. Introduction

This Policy Memorandum (PM) clarifies EOIR’s process for addressing complaints of judicial misconduct by its adjudicators and supersedes all prior guidance on the judicial complaint process, though it alters little, if any, of the structure of those prior processes.

EOIR is responsible for adjudicating immigration cases by conducting immigration court proceedings, appellate reviews of those proceedings and other administrative actions, administrative hearings and reviews of those hearings within the jurisdiction of the Office of the Chief Administrative Hearing Officer (OCAHO), and other types of administrative proceedings, such as requests for recognition and accreditation. EOIR regularly monitors the performance and conduct of its adjudicators,¹ though it recognizes that there may be situations where an adjudicator’s conduct falls short of the adjudicator’s professional obligations and EOIR’s professional expectations of its adjudicators. In those situations, EOIR has established a process for reviewing complaints of adjudicator misconduct—commonly called the “Judicial Complaint

¹ For purposes of this Policy Memorandum (PM), the term “adjudicator” includes all Immigration Judges (IJs), Appellate Immigration Judges (AIJs), and Administrative Law Judges (ALJs), as well as the Chief Administrative Hearing Officer (CAHO), the Assistant Director for Policy (ADP) (or the ADP’s delegate), and the EOIR Director. The CAHO exercises adjudicatory authority most commonly, though not exclusively, under 28 C.F.R. § 68.54. The ADP, or the ADP’s delegate, exercises adjudicatory authority under 8 C.F.R. §§ 1292.13, 1292.16, and 1292.17. The EOIR Director exercises limited adjudicatory authority under 8 C.F.R. § 1292.18 and 28 C.F.R. § 68.30(e). However, adjudicators who also exercise management or supervisory authority—*e.g.* the EOIR Director, the ADP (or delegate), the CAHO, the many supervisory IJs, the three supervisory AIJs, and the Chief ALJ (collectively, “supervisory adjudicators”)—are only subject to this PM based on complaints related to an adjudication in which they presided. Complaints against supervisory adjudicators related to management or supervision issues or to policy disagreements will not be considered through the JCP.

Process” (JCP)—and responding appropriately. EOIR maintains a well-established Judicial Conduct and Professionalism Unit (JCPU) to manage the JCP.

EOIR takes all credible, substantive complaints against adjudicators seriously, investigates them thoroughly, and takes corrective or disciplinary action if appropriate. However, EOIR does not tolerate baseless or frivolous claims, nor does it consider disagreements with the merits of a decision to be a valid complaint of adjudicator misconduct. It also does not tolerate the weaponization of the JCP.²

EOIR expects both its adjudicators and the parties who appear before them to comport themselves with professionalism and integrity. It expects adjudicators to act in a neutral and detached manner, to be faithful to the law and to maintain professional competence in it, to treat both parties fairly, and to refrain from giving preferential treatment to any organization or individual when adjudicating cases. It also expects parties and stakeholders to raise legitimate concerns about conduct, rather than simply make *ad hominem* attacks against adjudicators or express disagreement with the outcomes of particular cases. Mutual respect and professionalism between adjudicators and parties is vital for ensuring that EOIR continues to successfully fulfill its mission.

II. Complaints

Complaints concerning EOIR adjudicators may originate in one of three ways and are categorized accordingly:

1. *Formal Written Complaint (FWC)*. An individual or group may file a formal written complaint directly with EOIR, including the JCPU.³
2. *Governmental Referral (GR)*. An EOIR component, another Department of Justice (DOJ) component, or another United States government agency, such as the Department of Homeland Security, may refer information to EOIR, including the JCPU, that suggests an adjudicator may have engaged in judicial misconduct.
3. *Information from Any Source (IAS)*. When information suggesting that an adjudicator may have engaged in genuine judicial misconduct comes to the attention of any EOIR supervisor or management official, that official, after consultation with the EOIR Director, may bring the information to the attention of the JCPU. Such information may arise through

² Between 2021 and 2024, based on credible allegations, EOIR appears to have approved the weaponization of the JCP in order to establish a questionable pretextual basis to remove certain adjudicators with whom it had personal or policy disagreements, rather than due to genuine misconduct. It also appears to have deliberately overlooked evidence of pervasive bias by certain adjudicators against one party in many EOIR proceedings, rather than having that evidence investigated. EOIR categorically no longer tolerates such behavior.

³ The contact information for the Judicial Conduct and Professionalism Unit is as follows:

Executive Office for Immigration Review
attn.: Judicial Conduct and Professionalism Unit
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
judicial.conduct@usdoj.gov

Complaints filed directly with EOIR management or an adjudicating component, including those filed with an adjudicator’s supervisor, will be forwarded to the JCPU for review, if otherwise appropriate.

a variety of channels including, but not limited to, news reports, federal court decisions, routine reviews of agency proceedings and decisions, or normal supervisory duties.

All complaints, regardless of source, are considered unverified and unsubstantiated until reviewed. EOIR will take no action against an adjudicator based solely on the filing of a complaint without further review or investigation, nor will it take action against an adjudicator based solely on the volume of complaints filed against that adjudicator without regard to the merits of those complaints.

Information received by the JCPU that is not a complaint—*e.g.* spam⁴ or misdirected communications⁵—will not be reviewed further. Information received by the JCPU that is not a complaint of judicial misconduct but contains sufficient, credible evidence of another type of misconduct may be referred to other EOIR or DOJ components, as appropriate.

III. Complaint Format and Intake

A. Formal Written Complaints and Governmental Referrals

Any group or individual may file an FWC. The complaint may be sent by email or postal mail to EOIR, including the JCPU. An EOIR component,⁶ another DOJ component, or another United States government agency may refer information to EOIR, including the JCPU, that suggests an adjudicator may have engaged in judicial misconduct.

An FWC or GR should include the following information:

1. The name of the adjudicator;
2. A statement describing the conduct at issue;
3. The time and place of the conduct, if known;
4. Any associated case numbers—*e.g.* an A-number—or other information sufficient to permit identification of the proceedings in question; and,
5. The names—and, if available, contact information—of any witnesses to the conduct in question.

FWCs should also contain adequate contact information for the complainant, such as name, address, telephone number, and email address. GRs should identify the referring individual and agency.

FWCs or GRs without sufficient information to review the credibility or sufficiency of the allegations or without sufficient information to identify the complainant will not be docketed for investigation and will be dismissed with no further action.

⁴ Email accounts sending spam may be blocked by the JCPU.

⁵ As circumstances warrant, the JCPU will forward misdirected communications to an appropriate component within EOIR or DOJ for review or response.

⁶A GR by one EOIR component about an adjudicator in a different EOIR component must be made by the referring component's head.

FWCs and GRs involving individuals who are no longer EOIR employees or who are no longer adjudicating cases will not be docketed but may be considered for other, quality-control purposes by EOIR management in order to improve EOIR operations.

An FWC or GR is *not* a means to:

1. Challenge an unfavorable decision;
2. Challenge general misconduct unrelated to an adjudicator's judicial role;
3. Request that an adjudicator withdraw from hearing a case;
4. Express disapproval of or disagreement with the outcome of an adjudicator's decision, unless that outcome reflects alleged judicial misconduct;
5. Threaten, harass, coerce, intimidate, or retaliate against (or attempt any of these actions) an adjudicator;⁷ or,
6. Criticize or express political disagreement with established law or policy or an adjudicator's adherence to such law or policy.

If an FWC or GR is filed directly with the JCPU, the JCPU will acknowledge receipt.

B. Information from Any Source

When information that may constitute an IAS complaint comes to the attention of any EOIR supervisor or management official, that official, after consultation with the EOIR Director, may bring the information to the attention of the JCPU. In considering such information, such officials should be mindful of any relevant bias, animus, or inappropriate motive underlying the presentation or source of the information, as well as the knowledge (or ignorance) of the source about EOIR proceedings.⁸

IV. JCPU Review and Docketing

When the JCPU receives a complaint, it will undertake an initial review to determine if the complaint states sufficient, credible information to be docketed for investigation. As appropriate, the JCPU may consult with subject-matter experts within EOIR or DOJ as part of their review in order to make the sufficiency and credibility determinations. Complaints that are frivolous, merits-related, not credible, or do not state a putatively viable claim of judicial misconduct on their face will not be docketed. If a complaint is not docketed, it will be dismissed, and no further action will be taken. An adjudicator will not be notified of an undocketed and dismissed complaint.

⁷ Coercing or attempting to coerce an adjudicator through a retaliatory complaint or willfully threatening an adjudicator may subject a practitioner to disciplinary sanction. Although EOIR takes very seriously claims of retaliation by its adjudicators against complainants and will not tolerate such retaliation, it takes equally seriously claims of retaliatory complaints against adjudicators based solely on the decisions of those adjudicators. Complaints based on retaliatory animus with no credible, substantive claims of judicial misconduct will not be docketed.

⁸ For example, many media reports are written by non-attorneys who are unfamiliar with the relevant law—*e.g.* the actual meaning of the legal term “due process”—and, instead, rely on a results-oriented narrative that rarely reflects the reality of adjudications accurately. Such reports also frequently rely on “experts” who agree with that narrative and ignore—or do not even talk to—experts who would disagree with it. Such reports also often ignore judicial misconduct that does not conform to their preferred narrative. These types of confirmation biases do not necessarily invalidate a potential IAS complaint, but they are all relevant considerations in assessing whether a potential IAS complaint would constitute genuine judicial misconduct.

If a complaint is docketed, the JCPU will assign a unique number to it and refer it for further investigation. As discussed in more detail in Section V, *infra*, because docketed complaints may potentially serve as a basis for corrective or disciplinary action against an adjudicator, such complaints may not necessarily be kept confidential.

V. Agency Investigation

Once a complaint is docketed, the JCPU will compile the complaint and any attachments, together with relevant agency records such as electronic records of proceeding, digital audio recordings, electronic docket entries, and electronic decisions. The JCPU will then forward the complaint and any attachments to the adjudicator's component head for further investigation.⁹

Unless notification would compromise an ongoing investigation or is contrary to law or agency-wide policy, the supervisor will notify the adjudicator in a timely fashion that a complaint has been docketed concerning the adjudicator, and the adjudicator will be given an opportunity to respond. For FWCs and GRs, unless a docketed complaint is able to be dismissed or concluded by the component head without the adjudicator's input and does not result in corrective or disciplinary action, the component head will also provide the adjudicator with the identity of the complainant and an identification of the conduct at issue. If a docketed complaint is able to be dismissed or concluded by the component head without the adjudicator's input and does not result in corrective or disciplinary action, the adjudicator will simply be informed of the existence of the docketed complaint at the same time he or she is notified that it has been resolved with no further action.

As necessary and appropriate, the component head will continue the investigation concerning the alleged judicial misconduct. In doing so, the component head may review agency records and solicit statements from the complainant and any witnesses. In cases of substantiated complaints, the component head, in consultation with the Director, will assess whether and what type of corrective or disciplinary action should be recommended. If disciplinary action in the form of a suspension of 30 days or greater, removal/termination, or demotion is recommended, then the Director will consult with DOJ leadership offices regarding procedures to effectuate that action.

Each docketed complaint will be resolved through one of three final actions: dismissal (for complaints that are unsubstantiated or disproven); conclusion (for complaints where the adjudicator resigns or retires prior to the conclusion of the investigation or for complaints that are duplicative of ones for which corrective or disciplinary action has already been taken); or, corrective¹⁰ or disciplinary¹¹ action.

⁹ Docketed complaints concerning EOIR adjudicators are typically investigated by the adjudicator's component head. If appropriate—*e.g.* for operational reasons or to avoid a conflict of interest or when a docketed complaint implicates both an adjudicator and that adjudicator's direct supervisory adjudicator—the adjudicator's component head or the EOIR Director may assign investigation of a docketed complaint to a different supervisory adjudicator. A docketed complaint against the EOIR Director would be investigated by the DOJ Office of the Deputy Attorney General.

¹⁰ Corrective action may include oral or written counseling, training or other similar type of action short of discipline.

¹¹ Disciplinary action may include a written reprimand, demotion, suspension, or removal/termination.

VI. Conclusion of JCP

Once a docketed complaint is resolved via a final action, the final action will be recorded and the matter will be marked as closed by the JCPU. The component head will notify the adjudicator once the matter is closed. When an identifiable complainant files a docketed FWC or GR, the JCPU will notify the complainant in writing once the matter is concluded. However, such notification will contain only limited information and will not violate the privacy rights of the adjudicator.

To promote transparency and accountability, EOIR will periodically publish statistics on its website concerning the number of complaints received and their resolution. Such publication will be consistent with the Privacy Act, 5 U.S.C. § 552a.

VII. Additional Responsibilities Regarding the JCP

If an IJ and an AIJ raise reciprocal issues about each other concerning the same case or matter, the Deputy Director will coordinate with the relevant component heads and the JCPU to determine whether a complaint should be docketed and ensure that the allegations are resolved consistently.¹² Similarly, if an ALJ and the CAHO raise reciprocal issues about each other concerning the same case or matter, the Deputy Director will coordinate with the JCPU to determine whether a complaint should be docketed and ensure that the allegations are resolved consistently. The EOIR Director maintains full oversight over the JCP and the JCPU to ensure quality control and a fair and accurate process. Similarly, the Attorney General maintains full authority over every adjudicator subject to the JCP and retains full authority to take any action against any adjudicator consistent with her constitutional authority, regardless of the JCP and JCPU. Consequently, a docketed complaint is not a prerequisite for the Attorney General to take any disciplinary action against an adjudicator within her authority, including removal/termination.

VIII. Conclusion

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.

¹² Prior to approximately 2018, EOIR allowed AIJs to file complaints of judicial misconduct against IJs, but had no viable mechanism to allow IJs to file complaints against AIJs. As a result, many IJs credibly believed that they were targeted by certain AIJs—with the support of the leadership of the Board of Immigration Appeals (Board)—with complaints based solely on personal animus or political and policy disagreements, rather than on genuine misconduct. Further, many IJs believed that certain AIJs weaponized the JCP against IJs to force or coerce IJs into adopting legal positions preferred by the AIJs, which those AIJs could not otherwise mandate. Although the Board leadership at the time ignored or dismissed those concerns as mere “anecdotes,” the data suggested that they had merit. After EOIR instituted a reciprocal policy for allegations of judicial misconduct involving an IJ and an AIJ, complaints filed by an AIJ against an IJ fell from 43 in FY 2017 to 3 in FY 2018. Regardless of the past practice, no EOIR employee should attempt to utilize the JCP to harass, intimidate, threaten, coerce, or otherwise influence an adjudicator based on personal, policy, or political disagreements or animus.

Please contact your supervisor if you have any questions. The Office of the Director and the Office of Policy will update any relevant EOIR website information to reflect the contents of this PM.