OOD
PM 26-04
Effective: May 22, 2026

To: All of EOIR
From: Daren K. Margolin, Director
Date: May 22, 2026

DAREN MARGOLIN Digitally signed by DAREN MARGOLIN Date: 2026.05.22 09:48:25 -04'00'

CANCELLATION OF MEMORANDA

PURPOSE:	To cancel outdated or otherwise unnecessary memoranda
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	Policy Memoranda 20-16 and 20-06 and Director's Memorandum 22-08

EOIR is cancelling and rescinding the memoranda listed below that are either outdated or otherwise no longer necessary due to intervening events or the passage of time. The cancellation of these memoranda, however, does not affect the underlying authorities contained in those memoranda, and adjudicators must continue to apply the applicable statutory and regulatory law regardless of the existence of any policy memorandum.

The following memoranda are rescinded and cancelled:

(1) Policy Memorandum (PM) 20-16, *OCAHO Settlement Officer Program*. This PM established a settlement officer program for cases pending before the Office of the Chief Administrative hearing Officer (OCAHO). The tenets of the PM were subsequently included in the OCAHO Practice Manual which, in turn, was integrated into the EOIR Policy Manual in early 2021.[1] In March 2026, the principles governing settlement officer referrals in OCAHO cases were formally codified in the applicable regulations. *See* 28 C.F.R. § 68.13(d). Accordingly, PM 20-16 has been effectively superseded by regulation and is no longer necessary.

(2) PM 20-06, *Section 7611 of the National Defense Authorization Act of 2020, Public Law 116-92*. This PM provided guidance regarding a newly-enacted amnesty program for certain Liberian nationals in the United States. The application period for that program, after an extension, closed on December 20, 2021. Consequently, the information in PM 20-06 is now largely outdated, rendering it unnecessary. Nevertheless, the provisions of Public Law 116-92 creating the Liberian amnesty program remain in effect, and adjudicators remain bound by them should they encounter a case in which that law is implicated.

[1] The EOIR Policy Manual was subsequently broken up and segregated into discrete silos in 2022 and then reintegrated into a unified Policy Manual again in 2025. However, the procedures for the OCAHO Settlement Officer Program did not change substantively during the larger changes to the Policy Manual.

(3) Director's Memorandum (DM) 22-08, *The Asylum Procedures Rule*. This DM provided guidance on a newly-promulgated interim final rule (IFR) that provided, *inter alia*, new procedures for illegal aliens placed in expedited removal proceedings and express a fear of persecution or torture. In particular, the IFR gave United States Citizenship and Immigration Services (USCIS) the option to adjudicate, in the first instance, asylum claims made by such aliens found to have credible fears of persecution or torture and provided that, where USCIS declined to grant such an asylum claim, the alien would be placed in "streamlined removal proceedings" before an immigration judge. The IFR was effective May 31, 2022, and EOIR adjudicators have had approximately four years of experience to become familiar with its provisions, rendering DM 22-08 unnecessary at the present time. Moreover, the Department of Homeland Security (DHS) has represented that it intends to rescind the IFR, that it has not utilized USCIS for asylum adjudications under the IFR's provisions since June 2024, and that it has no intention of resuming the process. *See generally* Joint Status Report, *Texas v. Mullin*, Dkt. No. 2:22-cv-00094 (N.D. Tex. Mar. 31, 2026). Moreover, both parties in one case involving litigation[2] over the IFR have represented that the "portions of the IFR concerning EOIR—specifically the processes by which immigration judges review denials from the. . .process—have no present or foreseeable application." *Id.* at 2. For all of these reasons, there is no need to maintain the guidance in DM 22-08. Nevertheless, the IFR itself remains in effect as of the effective date of this PM, and adjudicators remain bound by its provisions should they encounter a case in which those provisions are implicated.

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.

[2] The IFR has been subject to multiple challenges in federal court, and despite participating in its promulgation, EOIR now has grave doubts about its lawfulness and would be unwilling to defend it if it arose as a matter of first impression. *See*, *e.g.*, *Arizona v. Garland*, 730 F.Supp. 3d 258, 272-74 (W.D.La. 2024) (concluding, *inter alia*, that DHS and EOIR acted unlawfully in issuing the IFR based on 8 U.S.C. § 1225, though ultimately dismissing challenges to the IFR on standing grounds). The lawfulness of the IFR, however, is beyond the scope of this PM. Moreover, the IFR presently remains in effect and should be followed by adjudicators if otherwise applicable to a particular case.