



FACT SHEET

Office of Policy
www.justice.gov/eoir

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Observing Immigration Court Hearings

The [Executive Office for Immigration Review](http://www.justice.gov/eoir) (EOIR) administers the nation's immigration court system. Immigration court hearings are civil administrative proceedings that involve alien respondents whom the Department of Homeland Security (DHS) has charged with violating U.S. immigration law. In these hearings, Immigration Judges determine whether respondents are removable from the United States and, if so, whether they should be ordered removed or granted a form of relief from removal or protection that would allow them to remain in the country. Such relief or protection may include adjustment of status, asylum, withholding of removal, cancellation of removal, or protection under the United Nations Convention Against Torture, among other forms of relief or protection.

Immigration courts are open Monday through Friday, except federal holidays. Immigration court hearings are generally open to the public with limited exceptions, as specified by law.

Immigration court hearings are closed when:

- Hearings are to be closed when the case involves an **abused child or abused spouse** or **includes information subject to a protective order, filed under seal, or is classified**. EOIR Policy Manual, Part II, Ch. 3.8(a)(1); 8 C.F.R. §§ 1003.27, 1003.31(d), 1003.46. In the case of an abused spouse, the hearing may be opened to the public with the abused spouse's consent. EOIR Policy Manual, Part II, Ch. 3.8(a)(1); 8 C.F.R. § 1003.27(c).
- **Evidentiary hearings on applications for asylum or withholding of removal** are open unless the respondent expressly requests that the hearing be closed. EOIR Policy Manual, Part II, Ch. 3.8(a)(1); 8 C.F.R. § 1240.11(c)(3)(i). The Immigration Judge shall inquire whether the respondent requests such closure. *Id.*
- Immigration Judges have discretion to limit attendance or close a hearing to **protect witnesses, parties, or the public interest, even if the hearing would normally be open to the public**. EOIR Policy Manual, Part II, Ch. 3.8(a)(2); 8 C.F.R. § 1003.27(b).

Observing Immigration Court Hearings

Page 2

- Depending upon **physical facilities**, the Immigration Judge may place reasonable limitations upon the number in attendance at any one time with priority given to the press over the general public. 8 C.F.R. § 1003.27(a).

When planning to observe a hearing, please note:

- Members of the general public do not need to notify the immigration court in advance of visiting. The immigration court publicly posts the docket information each morning. It is prohibited to take photos of the publicly posted docket.
- Access to observe immigration court hearings necessarily entails access to EOIR space, which includes courtrooms, interior entrances, exits, corridors, conference rooms, and the waiting areas that are in direct view or control of security, the immigration court, or are otherwise part of EOIR's daily operations. See Policy Memorandum 19-10 ("PM 19-10"), *EOIR Security Directive: Policy for Public Use of Electronic Devices in EOIR Space* (Mar. 20, 2019). EOIR spaces are marked by clear signage and are governed by agency policy, EOIR's Policy Manual, and applicable federal laws and EOIR regulations. See 8 C.F.R. §§ 1003.27, 1003.28, 1003.31(d), 1003.46, 1208.6 (2020), 1240.10(b), and 1240.11(c)(3)(i).
- Immigration courts are located in a variety of spaces, including federally owned and managed office buildings, DHS detention facilities, and federal, state, and local correctional facilities. Access to these locations is further subject to relevant rules and regulations particular to these locations, to include regulations promulgated by the U.S. General Services Administration and DHS. See, e.g., 40 U.S.C § 1315(c). Visitors to such locations are encouraged to check with the facility managers in advance as to any facility-specific visitation requirements.
- Visitors are not required to check in with court personnel before entering a courtroom to observe, although the presiding Immigration Judge may ask all visitors to identify themselves at the start of the hearing or at any point during the hearing.
- Whenever the Immigration Judge, respondent, or counsel appears for the hearing in a physical courtroom, visitors must observe in person at the courtroom in which the hearing is scheduled and held. Webex visitors will not be admitted in such cases. The Webex links posted on EOIR's website are for parties appearing remotely, except when there is no physical courtroom available. In instances where no physical courtroom is available, visitors are directed to follow the guidance below in the **Guidance for observing internet-based immigration hearings** section.

Observing Immigration Court Hearings

Page 3

- Visitors must respect the dignity of proceedings. Visitors must wear proper attire, and no food or drink may be brought into the courtrooms, except as specifically permitted by an Immigration Judge. Visitors should enter the courtroom prior to the start of proceedings and should wait until a hearing is in recess or has concluded to leave the courtroom.
- Immigration court administrative office space, to include an Immigration Judge's chambers, is private and access is restricted to immigration court personnel or individuals who have received proper authorization to enter.
- When courtroom space is limited, news media representatives have priority over the general public. 8 C.F.R. § 1003.27(a).
- While possession of personal electronic devices (including, but not limited to, cellphones, smartphones, and smartwatches) is generally permitted in EOIR space, use of recording functions on such devices is strictly prohibited. Devices may only be used in a non-disruptive manner, and devices must be turned off during immigration court hearings.
- All immigration court visitors shall adhere to all applicable federal laws and EOIR policies when visiting EOIR spaces, including [EOIR Policy Manual](#), Part II, Chapters [3.8](#) and [3.11](#).

Guidance for observing internet-based immigration hearings where no physical courtroom is available:

Similar to in-person immigration hearings, internet-based immigration hearings are open to the public, and visitors do not need permission to observe an open hearing. Internet-based immigration hearings are closed for the same exceptions that govern the closure of in person immigration hearings.

- Visitors may access the Webex links to any internet-based hearings before Immigration Judges through the EOIR website.
- Similar to in-person immigration hearings, any photography or recording to capture any part of the hearing is strictly prohibited and subject to possible penalties. See 8 C.F.R § 1003.28.
- Because of bandwidth limitations and the administrative necessity of admitting and sequestering witnesses, the maximum number of virtual visitors is limited to 20.

Observing Immigration Court Hearings

Page 4

- Visitors must enter the virtual hearing room under their full legal name, and their full legal name must be visible in the Webex name label at all times. Each individual visitor must log on separately and appropriately identify themselves. Using nicknames, device names (e.g., “iPhone”), or pseudonyms may result in being removed from the session or not being admitted from the waiting room.
- Visitors must respect the dignity of proceedings. Visitors attending an internet-based hearing shall keep their cameras off and microphones muted throughout the duration of the hearing, except to respond to any comments or questions from the Immigration Judge or other EOIR personnel. Visitors to all hearings should enter the hearing prior to the start of proceedings and should wait until a hearing is in recess or has concluded to depart the hearing.
- Visitors must not speak, use the “raise hand” feature, or use the chat box unless explicitly invited by the judge.
- Visitors are not required to check in with court personnel before entering an internet-based hearing to observe, although the presiding Immigration Judge may ask all visitors to identify themselves at the start of the hearing or at any point during the hearing.
- All internet-based immigration court visitors shall adhere to all applicable federal laws and EOIR policies when observing internet-based hearings. The Immigration Judge may remove a visitor from an internet-based immigration hearing if that visitor does not follow all applicable federal laws and EOIR policies.
- If the hearing is closed for the reasons outlined above, visitors will not be admitted into the proceeding and instead will be held in the virtual waiting room.

Additional guidance for news media visits:

- Members of the media are encouraged to contact the Office of Policy at PAO.EOIR@usdoj.gov to coordinate visits.
- All substantive media inquiries and requests for comment shall be directed to EOIR’s Office of Policy at PAO.EOIR@usdoj.gov.

Observing Immigration Court Hearings Page 5

- When observing an immigration court hearing, members of the media are encouraged to identify themselves to the immigration court front desk staff upon arrival. This facilitates prioritization of the press in accessing immigration court hearings with limited physical space.

Helpful Resources:

- [Immigration Court Information](#)
- [Immigration Court Online Resource](#) (ICOR)

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