



OOD  
PM 26-02  
Effective: March 13, 2026

To: All of EOIR  
From: Daren Margolin, Director  
Date: March 13, 2026

## DEADLINE FOR APPEALING AN IMMIGRATION JUDGE DECISION TO THE BOARD OF IMMIGRATION APPEALS

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PURPOSE:	To remind Immigration Judges of the current appellate deadline for appeals to the Board of Immigration Appeals (Board)
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

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EOIR has received unconfirmed<sup>1</sup> reports that some Immigration Judges (IJs) are informing parties<sup>2</sup> that the deadline to appeal a decision of the IJ is 10 days, rather than 30 days. Although EOIR published an interim final rule on February 6, 2026, making such a change, the change was not scheduled to become effective until March 9, 2026. *See* Appellate Procedures for the Board of Immigration Appeals, 91 Fed. Reg. 5267 (Feb. 6, 2026) (“IFR”). Furthermore, on March 8, 2026, that portion of the IFR changing the deadline from 30 days to 10 days for many categories<sup>3</sup> of appeals was vacated, *see generally Amica Ctr. for Immig. Rts. V. EOIR*, ---F.Supp.3d---, 2026 WL 662494 (Mar. 8, 2026), and, thus, is not in effect.<sup>4</sup> Consequently, no IJ should be informing either party that the appellate deadline for the Board is only 10 days, and all relevant IJ orders should reflect the correct deadline.<sup>5</sup>

Additionally, EOIR has received unconfirmed reports that its Automated Case Information System website (ACIS), <https://acis.eoir.justice.gov/en/>, also reflects a 10-day appellate deadline, rather

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<sup>1</sup> The individuals making the reports have declined to provide A-numbers or case identification characteristics, making it impossible for EOIR to verify their accuracy. Nevertheless, EOIR is issuing this Policy Memorandum out of an abundance of caution.

<sup>2</sup> Although appellate deadlines generally apply to both parties, only one party has reported a concern.

<sup>3</sup> The IFR did not alter the 30-day appellate deadline for most cases involving an asylum application.

<sup>4</sup> The vacatur does not affect similar administrative appellate deadlines within other components of EOIR, including OCAHO’s longstanding 10-day administrative appellate deadline, *see* 28 C.F.R. § 68.54(a).

<sup>5</sup> IJs are required to maintain “professional competence” in the law. Ethics and Professionalism Guide for Immigration Judges, sec. IV. Professional Competence (Jan. 26, 2011). Consequently, any IJ who continues to inform parties of an incorrect appellate deadline may be subject to corrective action or discipline.

than the correct 30-day deadline. Although a disclaimer<sup>6</sup> on that website, which requires acceptance in order to access it, makes clear that information on the website is not legally binding, EOIR nevertheless strives to present accurate information to the public. If the ACIS website does, in fact, reflect incorrect appellate deadlines, then EOIR's Office of Information Technology (OIT) should have updated it after the order vacating the relevant part of the IFR was issued. Nevertheless, OIT will update the ACIS website, if necessary, immediately.

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.

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<sup>6</sup> In full, the disclaimer reads:

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