UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS, *et al.*,

Plaintiffs,

v.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, *et al.*,

Defendants.

Civil Action No. 26-696 (RDM)

ORDER

For the reasons set forth in this Court's March 8, 2026 Memorandum Opinion (Dkt. 32) ("Opinion"), Plaintiffs' motion for partial summary judgment as to Count I, Dkt. 2, is hereby **GRANTED** in part and **DENIED** in part, and Plaintiffs' Emergency Motion for a Stay Under 5 U.S.C. § 705, Dkt. 2, is hereby **DENIED** in part as **MOOT** and **DENIED** in all other respects. It is, accordingly, **ORDERED** that the Interim Final Rule, *Appellate Procedures for the Board of Immigration Appeals*, 91 Fed. Reg. 5267 (Feb. 6, 2026) ("IFR"), is **VACATED** and **SET ASIDE** insofar as it:

(1) requires the Board of Immigration Appeals ("Board") to summarily dismiss all appeals of any decision issued on or after March 9, 2026 no later than 15 days after the Notice of Appeal (Form EOIR-26) is filed, unless a single Board member refers the appeal for consideration by the Board en banc, and a majority of the permanent Board members vote en banc to accept the appeal for adjudication on the merits, no later than 10 days after the appeal is filed;

(2) requires in all but the expressly exempted asylum cases that the Notice of Appeal from a decision of an Immigration Judge be filed with the Board within 10 calendar days of the Immigration Judge's decision; and

(3) deems any issue not raised in the Notice of Appeal from a decision of an Immigration Judge waived; and it is further

DECLARED that the above identified provisions of the IFR are **UNLAWFUL** and **UNENFORCEABLE** because they were promulgated "without observance of procedure required by law," in violation of 5 U.S.C. § 706(2)(D); it is further

ORDERED that this matter is remanded, in part, to the Executive Office for Immigration Review for further proceedings consistent with the Court's Opinion; and it is further

ORDERED that the Court shall retain jurisdiction over those claims (and the portions of Count I) not finally adjudicated by the Court's Opinion and this Order.

SO ORDERED.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: March 8, 2026