

July 23, 2012

***EOIR Notice Regarding Prosecutorial Discretion
and Administrative Closure***

In 2011, the Department of Homeland Security (DHS) announced a new process to ensure that its resources are focused on its highest enforcement priorities. This process is referred to as “prosecutorial discretion,” or “PD.” Under PD, DHS reviews pending cases to see whether they meet certain criteria for cases that are considered a low enforcement priority. If a case meets the criteria, DHS may request “administrative closure” of the case.

“Administrative closure” is an order by the court that removes the case from the court’s calendar of hearings. Administrative closure does not mean that your case is completed or that the court has granted any application for relief that you may have filed with the court. If the court orders your case administratively closed, it simply means you will have no further hearings unless you or DHS specifically ask the court to schedule a hearing.

DHS is currently reviewing cases already filed with and pending before the Immigration Court to see whether any cases should be administratively closed. If DHS agrees that your case meets the PD criteria, then DHS may file a motion asking the court to administratively close your case. Immigration judges are prepared to adjudicate these motions on a case-by-case basis as they are filed.

If you need further guidance regarding PD, you should contact an attorney or representative. If you have any questions, you may also contact the Office of the Chief Counsel (the attorney for DHS). Contact information for the Office of the Chief Counsel is available at the following website: <http://www.ice.gov/contact/opla/>