U. S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2545
Falls Church, Virginia 22041

October 12, 2001

MEMORANDUM

TO: All Immigration Judges
All Court Administrators
All Judicial Law Clerks
All Immigration Court Staff

FROM: Office of the Chief Immigration Judge

RE: Special Filing Procedures in Light of September 11, 2001, Immigration Court Closings

Several Immigration Courts around the country closed early on September 11, 2001, because of the attacks in New York City and at the Pentagon. Except for the 26 Federal Plaza and Varick Street Immigration Courts, all of the Immigration Courts reopened the following day according to normal business hours. As of October 2, 2001, the 26 Federal Plaza and Varick Street Courts have returned to full operation.

Mail disruptions caused by suspension of airline and other transportation services occurred because of the attacks. Many individuals who intended on filing documents with the Immigration Courts on September 11, 2001, or shortly thereafter, were unable to do so in a timely manner.

In light of the abovementioned situation, Immigration Judges are reminded that they may exercise broad discretion when adjudicating time-sensitive filings, such as motions to reopen or reconsider, or when determining whether a party has filed applications and related documents and responses at a time set by the Court. As always, the Immigration Judge may request that parties seeking to submit any out-of-time filings include a brief explanation as to why the documents were not filed in a timely manner. Please note that the policy regarding filings by fax and other electronic transmissions has not been relaxed.

Immigration Judges and other Immigration Court staff should be aware that the Board of Immigration Appeals (Board) has permitted a temporary "grace period" for all time-sensitive filings, such as notices of appeals, motions, and briefs, if said filings were due between the dates of Sunday, September 9, 2001, and Saturday, September 29, 2001, and were received prior to October 1, 2001. The OCIJ has not established a grace period, but has left it to the discretion of each Immigration Judge to decide what appropriate action should be taken.

Michael J. Creppy
Chief Immigration Judge