OOD
PM 19-04

Effective: 11/16/2018

To: All of EOIR
From: James R. McHenry III, Director KHR for JRM
Date: 11/16/2018

TRACKING AND EXPEDITION OF "FAMILY UNIT" CASES

PURPOSE:	Clarifies the agency's tracking and expedition of "family unit" cases, as identified by the Department of Homeland Security (DHS) at the time of filing with the immigration court.
OWNER:	Office of the Director
AUTHORITY:	Executive Office for Immigration Review (EOIR) Memorandum, "Case Priorities and Immigration Court Performance Measures" (January 2018); 8 C.F.R. § 1003.0(1)(ii)
CANCELLATION:	None

EOIR previously outlined its case adjudication priorities in January 2018, in a memorandum entitled "Case Priorities and Immigration Court Performance Measures" (Memorandum). In particular, the Memorandum stated that "[t]he designation of a category of cases as priority is an indication of an expectation that such cases should be completed expeditiously and without undue delay consistent with due process." It also noted that "categories of cases may be tracked regardless of whether they reflect a priority designation."

In line with the Memorandum, EOIR has begun tracking cases labeled as "family unit" [1] cases filed by DHS in ten immigration court locations: Atlanta, Baltimore, Chicago, Denver, Houston, Los Angeles, Miami, New Orleans, New York City, and San Francisco. In furtherance of EOIR's commitment to the timely completion of immigration court cases, these cases are being docketed in an expeditious manner with the expectation that they will be completed within one year or less, consistent with the Memorandum. The Memorandum further indicates that its designations apply prospectively. Consequently, the tracking and expeditious consideration of

[1] The term "family unit" is an apprehension classification used by the United States DHS and EOIR does not generally differentiate "family unit" cases from other cases unless they are identified as such by DHS. Non-status "family unit" cases fall within existing priority categories in the Memorandum, and the specific tracking of them at certain immigration court locations does not alter or diminish their prioritization status.

"family unit" cases in these ten locations should not require widespread rescheduling of existing cases prior to established hearing dates.

Many of you will recall that between 2014 and 2017, EOIR prioritized the adjudication of cases of, *inter alia*, aliens with children released on alternatives to detention, which are generally classified by DHS as "family unit" cases. That prioritization effort coincided with some of the lowest levels of case completion productivity in EOIR's history and, thus, did not produce significant results. Consequently, EOIR removed such cases as a priority in January 2017.

Although the prior effort was not fully successful, a more targeted and dedicated approach, consistent with EOIR's established priorities and supported by its unequivocal commitment to the timely completion of cases, appears viable. Accordingly, EOIR is again tracking "family unit" cases identified by DHS and will be monitoring their progression through the immigration court system. As needed, the Office of the Chief Immigration Judge will provide additional case management guidance to ensure that these cases are scheduled and completed consistent with the goals outlined in the Memorandum.

Finally, please note that the tracking of "family unit" cases does not diminish or reduce the significance of other cases and that EOIR remains committed to the timely completion of *all* cases consistent with due process as outlined in the Memorandum.

This Policy Memorandum 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.

Please contact your supervisor if you have any questions.