

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	
	)	OCAHO Case No. 2024A00052
SECURITAS SECURITY SERVICES	)	
USA, INC.,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Hazel L. Gauthier, Esq., for Complainant
Sean M. McCrory, Esq., for Respondent

ORDER GRANTING JOINT MOTION FOR REFERRAL TO THE OCAHO
SETTLEMENT PROGRAM, REFERRING CASE TO THE SETTLEMENT
OFFICER PROGRAM, DESIGNATING SETTLEMENT OFFICER,
AND STAYING CASE DEADLINES

I. PROCEDURAL HISTORY

On February 21, 2024, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Securitas Security Services USA, Inc. The complaint alleges Respondent violated the employer sanctions provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. Respondent then filed Respondent's Answer and Affirmative Defenses.

On May 6, 2025, the Court held an initial prehearing conference in this matter with both parties, pursuant to 28 C.F.R. § 68.13.¹ *See United States v. Securitas Sec.*

¹ OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024), generally govern these proceedings and are available on the United States Department of Justice's website at

Servs. USA, Inc., 21 OCAHO no. 1653a (2025).² During the prehearing conference, the Court discussed the OCAHO Settlement Officer Program and counsel for both parties affirmed that they understood the program’s policies and procedures. *Id.* at 3. The Court said that the case appeared to be appropriate for a referral to the program and encouraged the parties to discuss this option further. *Id.* If the parties wished to participate in the program, the Court explained that they should “file a jointly signed motion consenting to participate in the Settlement Officer Program, to abide by the program’s policies and procedures, and to engage in mediation in good faith.” *Id.*

On August 6, 2025, the parties filed a Joint Motion for Referral to the OCAHO Settlement Program. Through the motion, which was signed by counsel for both parties, the parties represented that they “have engaged in some discovery and . . . in initial settlement discussions,” but that they “believe the OCAHO settlement program would be beneficial to resolving this matter.” Joint Mot. Refer 1. As a result, the parties requested “a stay of all upcoming deadlines and hearings and a referral to the Settlement Program.” *Id.*

II. RULES GOVERNING THE OCAHO SETTLEMENT OFFICER PROGRAM

OCAHO announced its Settlement Officer Program in August 2020 through the Executive Office for Immigration Review (EOIR) Policy Memorandum (PM) 20-16.³ It is a voluntary program through which the parties use a Settlement Officer to mediate settlement negotiations as a means of alternative dispute resolution. The

<https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

² Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1 and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIM-OCAHO,” the LexisNexis database “OCAHO,” or on OCAHO’s homepage on the United States Department of Justice’s website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

³ EOIR Policy Memorandum 20-16 is available at <https://www.justice.gov/eoir/page/file/1300746/dl>. Chapter 4.7 of the OCAHO Practice Manual also discusses the OCAHO Settlement Officer Program and is available at <https://www.justice.gov/eoir-policy-manual/iv/4/7>.

Settlement Officer convenes and oversees settlement conferences and negotiations, confers with the parties jointly and/or individually, and seeks voluntary resolution of issues. The proceedings before the Settlement Officer are subject to the confidentiality provisions of 5 U.S.C. § 574. The presiding Administrative Law Judge (ALJ) may refer a case for up to sixty days for settlement negotiations before the Settlement Officer. However, with the consent of the parties, the Settlement Officer may seek the approval of the presiding ALJ to extend the period for negotiations for a reasonable period of time, not to exceed an additional thirty days. If the parties reach a settlement, the provisions of 28 C.F.R. § 68.14 apply. If the parties' settlement negotiations are unsuccessful, the case is returned to the presiding ALJ to set appropriate procedural deadlines.

The presiding ALJ may refer a case to a Settlement Officer upon: (1) receipt of written confirmation of consent to a referral from each party in the case and (2) subject to 5 U.S.C. § 572(b) and the eligibility provisions of the program, a determination by the presiding ALJ that the case is appropriate for referral. PM 20-16, Section II.A. The eligibility provisions include, as relevant, that an ALJ shall not refer a case if (a) either party objects to the referral, (b) one or more parties are proceeding pro se unless the pro se parties are fully informed regarding program's procedures and consent to their use, or (c) a case is not appropriate for referral. *Id.* Section I.C.

III. DISCUSSION AND ANALYSIS

Pending before the Court is the parties' Joint Motion for Referral to the OCAHO Settlement Program. The parties "request a stay of all upcoming deadlines and hearings and a referral to the Settlement Program." Joint Mot. Refer 1. Counsel for both parties signed the motion. *Id.* at 2. The Court finds that, through their Joint Motion for Referral to the OCAHO Settlement Program, the parties have satisfied the OCAHO Settlement Officer Program's requirement that no referral may be made without "receipt of written confirmation of consent to referral from each party in the case." PM 20-16, Section II.A.1. During the initial prehearing conference on May 6, 2025, the Court explained the program and counsel for both parties affirmed their understanding of the program's governing policies and procedures. *Securitas Sec. Servs. USA, Inc.*, 21 OCAHO no. 1653a, at 3.

Based on the Court's discussions with the parties' counsel during the initial prehearing conference and its review of the filings in this case, including the complaint, Respondent's answer, the parties' prehearing statements, and their Joint Motion for Referral to the OCAHO Settlement Program, the Court finds that this matter meets the eligibility requirements for the OCAHO Settlement Officer Program, as set out in Section I.C.1–2 of PM 20-16 and Chapter 4.7(a)(3)(A)–(B) of the OCAHO Practice Manual, and is appropriate for a referral. Moreover, the Court

does not find that any of the factors in 5 U.S.C. § 572(b), Section I.C.3 of PM 20-16, and Chapter 4.7(a)(3)(C) of the OCAHO Practice Manual counsel against a referral of this case to the program.

Given the Court's finding that this case is appropriate for referral to the OCAHO Settlement Officer Program, *see Securitas Sec. Servs. USA, Inc.*, 21 OCAHO no. 1653a, at 3, and having found that none of the eligibility factors counsel against a referral, the Court now grants the parties' Joint Motion for Referral to the OCAHO Settlement Program and refers this case to the program for settlement negotiations for a total of sixty days, pursuant to 28 C.F.R. § 68.28(a) and Sections II.C and II.D.2 of PM 20-16. The referral period shall begin on August 18, 2025, and continue through October 17, 2025. The Court designates Administrative Law Judge Andrea Carroll-Tipton as the Settlement Officer for this case.

Given that the deadlines for conducting discovery and filing dispositive motions would expire during the referral period, and the parties' joint request for a stay for all upcoming deadlines and hearings, *see* Joint Mot. Refer 1, the Court finds that it is appropriate to stay all case deadlines for the duration of the referral period. *See, e.g., Ehre v. HawaiiUSA Fed. Credit Union*, 17 OCAHO no. 1471d, 2 (2023) (staying proceedings during OCAHO Settlement Officer Program referral period). Should the referral period expire without the parties reaching a settlement agreement, the Court will issue an order setting new case deadlines.

During the referral period, the parties shall comply with the OCAHO Settlement Officer Program's confidentiality requirements, *see* PM 20-16, Section IV, and, as specified in the program, the statutory provisions of 5 U.S.C. § 574 "which generally prohibit disclosure of dispute resolution communications by parties and a settlement officer unless a specific enumerated exception applies." *Id.* Section IV.B.

If the parties reach a settlement agreement through the OCAHO Settlement Officer Program, they shall submit the appropriate filing seeking dismissal of the action pursuant to 28 C.F.R. § 68.14, which sets forth two avenues for leaving this forum upon settlement. Section 68.14(a)(2) provides that the parties may file a notice of settlement and a joint motion to dismiss signed by counsel for both parties. If the parties pursue this avenue, the Court may require the filing of the parties' settlement agreement. The parties should state in their joint motion whether they are seeking dismissal with or without prejudice.

If the parties do not reach a settlement during the referral to the OCAHO Settlement Officer Program, they may seek an extension of the referral period for up to an additional thirty days. PM 20-16, Section II.D.2. When the referral period ends, the Settlement Officer will terminate negotiations and return the case to the presiding ALJ. *Id.* Section V.B. Settlement negotiations before the Settlement Officer also will be terminated and the case will be returned to the presiding ALJ if

a party unambiguously indicates that it does not wish to participate or if the Settlement Officer determines that further negotiations would be unproductive or inappropriate. *Id.* Section V.C.

IV. ORDERS

IT IS SO ORDERED that the Joint Motion for Referral to the OCAHO Settlement Program filed by Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, and Respondent, Securitas Security Services USA, Inc., is GRANTED;

IT IS FURTHER ORDERED that, pursuant to 28 C.F.R. § 68.28(a) and EOIR Policy Memorandum 20-16, Sections II.C and II.D.2, this case is referred to the OCAHO Settlement Officer Program for settlement negotiations for a total of sixty days, from August 18, 2025, through October 17, 2025;

IT IS FURTHER ORDERED that OCAHO Administrative Law Judge Andrea Carroll-Tipton is designated as the Settlement Officer for this case;

IT IS FURTHER ORDERED that during the referral period, all case deadlines shall be STAYED; and

IT IS FURTHER ORDERED that, should the parties reach a settlement agreement, they shall proceed in accordance with 28 C.F.R. § 68.14.

SO ORDERED.

Dated and entered on August 13, 2025.

Honorable Carol A. Bell
Administrative Law Judge