

**AMICUS INVITATION No. 25-10-09**

**AMICUS INVITATION (Office of the Chief Administrative Hearing  
Officer – Penalties for Document Fraud)  
DUE October 10, 2025.**

**September 10, 2025**

Based on a statute of limitations (28 U.S.C. § 2462) issue presented in a case arising under 8 U.S.C. § 1324c(a)(5), Administrative Law Judge Andrea R. Carroll-Tipton welcomes interested members of the public to file amicus curiae briefs.

**BACKGROUND**

In a case arising under 8 U.S.C. § 1324c(a)(5), a Respondent timely raised a statute of limitations issue (i.e. arguing the Complaint is time-barred). As is noted in longstanding Office of the Chief Administrative Hearing Officer (OCAHO) precedent, the applicable statute of limitations is 28 U.S.C. § 2462.

Assume for the purposes of any amicus filing the following pre-Complaint procedural history:

On September 14, 2018, the Respondent filed an application for a benefit under the Immigration and Nationality Act.

On March 3, 2020, United States Citizenship and Immigration Services denied the Respondent's application for a benefit under the Immigration and Nationality Act.

On August 25, 2023, United States Immigration and Customs Enforcement served by certified mail a "Notice of Intent to Fine Under Section 274C of the Immigration and Nationality Act" on Respondent, citing a violation of 8 U.S.C. §1324c(a)(5).

On February 24, 2025, the United States filed a Complaint after receipt of a timely-lodged request for hearing.

Amici should note OCAHO precedent has held the statute of limitations in 28 U.S.C. § 2462 does apply in cases arising under 8 U.S.C. § 1324c. *See United States v. Davila*, 7 OCAHO no. 936, 16 (1997) (finding that the five-year statute of limitations in 28 U.S.C. § 2462 applied in the § 1324c context). *See also United States v. Corrales-Hernandez*, 17 OCAHO no. 1454e, 6 n.6 (2023).

Section 2462 of Title 28 provides that:

Except as otherwise provided by Act of Congress, ***an action***, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued if, within the same period, the offender or the property is found within the United States in order that proper service may be made thereon.

28 U.S.C. § 2462 (emphasis added).

**ISSUE PRESENTED**

What does the term "action" in 28 U.S.C. § 2462 mean in the context of 8 U.S.C. § 1324c(a)(5) proceedings?

**Filing a Brief:** Your filing should include a case caption containing the following information:

- The statutory provision under which the proceeding is instituted: 8 U.S.C. § 1324c;
- The docket number assigned by the Office of the Chief Administrative Hearing Officer (OCAHO): 2025C00032;
- The names of all parties to the case: United States of America, Complainant; Adibahon Jurayeva, Respondent; and
- A designation of the type of filing being submitted (e.g., Brief of Amicus Curiae).

Amici may wish to consult prior published decisions on the Office of the Chief Administrative Hearing Officer's website for examples of how this case caption typically appears.

Filings should also include Amicus Invitation No. 25-10-09 at the top of the first page. Your filing should be limited to a legal discussion of the issue presented. The ALJ will not consider a brief that exceeds the scope of the amicus invitation, and the decision whether to accept an amicus brief is within her sole discretion. Collaborating amici should submit a joint amicus brief rather than filing separate submissions.

**Page Limit:** Amicus curiae briefs are limited to 25 double-spaced, properly paginated pages.

**Deadline:** Amicus curiae briefs must be filed by **October 10, 2025**. Briefs must be received in OCAHO by the stated deadline.

**OCAHO Filing Address and Procedures:** All briefs related to this solicitation must be filed by mail or courier delivery, or electronically.

Electronic filing is available by sending briefs to [sctc.ocado@usdoj.gov](mailto:sctc.ocado@usdoj.gov) with a subject line identifying the official name of the filing person or organization, and the Amicus Invitation Number (25-10-09).

To send a hardcopy brief, please address your filing to:

Andrea R. Carroll-Tipton  
Administrative Law Judge  
Office of the Chief Administrative Hearing Officer  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2500  
Falls Church, VA 22041

**Service:** If the Administrative Law Judge accepts your brief, OCAHO will then serve a copy on the parties and provide the parties with time to respond.