

unauthorized users and use, and the protection of sensitive unclassified Information. The form also must notify the user that he or she has no reasonable expectation of privacy regarding any communications transmitted through or data stored on Contractor- owned laptops or other portable digital or electronic media.

(e) Contractor-owned removable media containing sensitive unclassified information shall not be removed from DOJ facilities without prior approval of the DOJ CO or COR.

(f) When no longer needed, all media must be processed (sanitized, degaussed, or destroyed) in accordance with DOJ security requirements.

(g) Contractor must keep an accurate inventory of digital or electronic media used in the performance of DOJ BPAs.

(h) Contractor must remove all DOJ Information from Contractor media and return all such information to the DOJ within 15 days of the expiration or termination of the BPA, unless otherwise extended by the CO, or waived (in part or whole) by the CO, and except where protected by Institutional Review Board (IRB) restrictions, attorney/client privilege and other applicable laws, or where the information is collected from an individual with his/her consent. All such information shall be returned to the DOJ in a format and form acceptable to the DOJ. The removal and return of all DOJ Information must be accomplished in accordance with DOJ IT Security Standard requirements, and an official of the Contractor shall provide a written certification certifying the removal and return of all such information to the CO within 15 days of the removal and return of all DOJ Information.

(i) DOJ, at its reasonable discretion, may suspend Contractor's access to any DOJ Information, or terminate the BPA, when DOJ reasonably suspects that Contractor has failed to comply with any security requirement in this BPA, or in the event of an Information System Security Incident (see Section 11.2.6(e)), where the Department determines that either event gives cause for such action. The suspension of access to DOJ Information may last until such time as DOJ, in its sole discretion, determines that the situation giving rise to such action has been corrected or no longer exists; provided that Contractor's obligations hereunder with respect to such information will be suspended until such access is restored. Contractor understands that any suspension or termination in accordance with this provision shall be at no cost to the DOJ, and that upon request by the CO, Contractor must immediately return all DOJ Information to DOJ, as well as any media upon which DOJ Information resides, at Contractor's expense, except where protected by Institutional Review Board (IRB) restrictions, attorney/client privilege and other applicable laws, or where the information is collected from an individual with his/her consent.

#### **11.2.5. Cloud Computing**

(a) Cloud Computing means an Information System having the essential characteristics described in NIST SP 800-145, *The NIST Definition of Cloud Computing*. For the sake of this provision and clause, Cloud Computing includes Software as a Service, Platform as a Service, and Infrastructure as a Service, and deployment in a Private Cloud, Community Cloud, Public Cloud, or Hybrid Cloud.

(b) Contractor may not utilize the Cloud system of any CSP unless:

(1) The Cloud system and CSP have been evaluated and approved by a 3PAO certified under FedRAMP ; or,

(2) If not certified under FedRAMP, the Cloud System and CSP have received an ATO signed by the Authorizing Official for the DOJ component responsible for maintaining the security, confidentiality, integrity, and availability of the DOJ Information under the BPA.

(c) Contractor must use reasonable efforts to ensure that the CSP allows DOJ to access and retrieve any DOJ Information processed, stored or transmitted in a Cloud system under this BPA within a reasonable time of any such request. To ensure that the DOJ can fully and appropriately search and retrieve DOJ Information from the Cloud system, access shall include any schemas, meta-data, and other associated data artifacts.

#### **11.2.6. Information System Security Breach or Incident**

##### **(a) Definitions**

(1) Confirmed Security Breach (hereinafter, "Confirmed Breach") means any confirmed unauthorized exposure, loss of control, compromise, exfiltration, manipulation, disclosure, acquisition, or accessing of any Covered Information System or any DOJ Information accessed by, retrievable from, processed by, stored on, or transmitted within, to or from any such system.

(2) Potential Security Breach (hereinafter, "Potential Breach") means any suspected, but unconfirmed, Covered Information System Security Breach.

(3) Security Incident means any Confirmed or Potential Covered Information System Security Breach.

(b) Confirmed Breach. Contractor shall immediately (and in no event later than within 1 hour of discovery) report any Confirmed Breach to the DOJ CO and the CO's Representative ("COR"). If the Confirmed Breach occurs outside of regular business hours and/or neither the DOJ CO nor the COR can be reached, Contractor must call DOJ-CERT at 1-866-US4-CERT (1-866-874-2378) immediately (and in no event later than within 1 hour of discovery of the Confirmed Breach), and shall notify the CO and COR as soon as practicable.

##### **(c) Potential Breach.**

(1) Contractor shall report any Potential Breach within 96 hours of detection to the DOJ CO and the COR, *unless* Contractor has (a) completed its investigation of the Potential Breach in accordance with its own internal policies and procedures for identification, investigation and mitigation of Security Incidents and (b) determined that there has been no Confirmed Breach.

(2) If Contractor has not made a determination within 96 hours of detection of the Potential Breach whether an Confirmed Breach has occurred, Contractor shall report the Potential Breach to the DOJ CO and COR within one-hour (i.e., 97 hours from detection of the Potential Breach). If the time by which to report the Potential Breach occurs outside of regular business hours and/or neither the DOJ CO nor the COR can be reached, Contractor must call the DOJ Computer Emergency Readiness Team (DOJ-CERT) at 1-866-US4-CERT (1-866-874-

2378) within one-hour (i.e., 73 hours from detection of the Potential Breach) and contact the DOJ CO and COR as soon as practicable.

(d) Any report submitted in accordance with paragraphs (B) and (C), above, shall identify (1) both the Information Systems and DOJ Information involved or at risk, including the type, amount, and level of sensitivity of the DOJ Information and, if the DOJ Information contains PII, the estimated number of unique instances of PII, (2) all steps and processes being undertaken by Contractor to minimize, remedy, and/or investigate the Security Incident, (3) any and all other information as required by the US-CERT Federal Incident Notification Guidelines, including the functional impact, information impact, impact to recoverability, threat vector, mitigation details, and all available incident details; and (4) any other information specifically requested by the DOJ. Contractor shall continue to provide written updates to the DOJ CO regarding the status of the Security Incident at least every seven (7) calendar days until informed otherwise by the DOJ CO.

(e) All determinations regarding whether and when to notify individuals and/or federal agencies potentially affected by a Security Incident will be made by DOJ senior officials or the DOJ Core Management Team at DOJ's discretion.

(f) Upon notification of a Confirmed Breach in accordance with this section, Contractor must provide to DOJ access to any affected or potentially affected facility and/or Information System as reasonably required to resolve the Confirmed Breach, including access by the DOJ OIG and Federal law enforcement organizations, and undertake any and all response actions DOJ reasonably determines are required to ensure the protection of DOJ Information, including providing all requested images, log files, and event information to facilitate rapid resolution of any Confirmed Breach.

(g) DOJ, at its sole discretion, may obtain, and Contractor will permit, the assistance of other federal agencies and/or third party contractors or firms to aid in response activities related to any Security Incident.

(h) Response activities related to any Security Incident undertaken by DOJ, including activities undertaken by Contractor, other federal agencies, and any third-party contractors or firms at the request or direction of DOJ, may include inspections, investigations, forensic reviews, data analyses and processing, and final determinations of responsibility for the Security Incident and/or liability for any additional response activities.

#### **11.2.7 Personally Identifiable Information Notification Requirement**

Contractor certifies that it has a security policy in place that contains procedures to promptly notify any individual whose Personally Identifiable Information ("PII") was, or is reasonably determined by DOJ to have been, compromised. Any notification shall be coordinated with the DOJ CO and shall not proceed until the DOJ has made a determination that notification would not impede a law enforcement investigation or jeopardize national security. The method and content of any notification by Contractor shall be coordinated with, and subject to the approval of, DOJ. Contractor shall be responsible for taking corrective action consistent with DOJ Data Breach Notification Procedures and as directed by the DOJ CO, including all

costs and expenses associated with such corrective action, which may include providing credit monitoring to any individuals whose PII was actually or potentially compromised.

### **11.2.8 Pass-through of Security Requirements to Subcontractors**

The requirements set forth in the preceding paragraphs of this clause apply to all subcontractors who perform work in connection with this BPA, and Contractor shall flow down this clause to all subcontractors performing under this BPA. Any breach by any subcontractor of any of the provisions set forth in this clause will be attributed to Contractor.

### **11.3 Confidentiality of Data**

(a) Duplication or disclosure of the data and other information to which the Contractor will have access as a result of this BPA is prohibited, unless authorized by the Contracting Officer or as required for performance of this BPA.. This provision does not apply to data or other information obtained from individuals served under the BPA for purposes of referral to potential pro bono counsel. The terms "Contractor" and "BPA employee" in this clause include all entities and individuals that will perform under this BPA requiring access to sensitive unclassified information, including the Contractor, team member, subcontractor, consultant, and/or independent contractor. It is understood that throughout performance of this BPA, the Contractor will have access to confidential data which is either the sole property of the Department of Justice or is the sole property of other than the contracting parties. The Contractor agrees to maintain the confidentiality of all data to which access may be gained throughout performance of this BPA, whether title thereto vests in the Department of Justice or otherwise. The Contractor agrees not to disclose or divulge any such information except to persons who:

- Have a DOJ security approval;
- Have signed the DOJ Non-Disclosure Agreement; and
- Have a need to know.

This limitation specifically applies to Contractor's management chain, or personnel who have access to sensitive unclassified information.

- (b) The Contractor agrees to not disclose said data, any interpretations and/or translations thereof, or data derivative there from, to unauthorized parties in contravention of these provisions, without the prior written approval of the Contracting Officer or the party in which title thereto is wholly vested. The Contractor may be held responsible for any violations of confidentiality.
- (c) The Contractor agrees that upon termination of the BPA, it has no property or possessory right to any of the correspondence, files or materials, of whatever kind and description, or any copies or duplicates of such, whether developed/prepared by him or furnished by the technical office in connection with the performance of this BPA; and that, upon demand, the Contractor will surrender immediately to the COR such items, matters, materials, and copies, except where protected by Institutional Review Board (IRB) restrictions, attorney/client privilege and other applicable laws, or where the information is collected from an individual with his/her consent or where made public pursuant to Clause 2.5.1(A)(5)(c) of this Agreement.
- (d) All BPA employees who will have access to sensitive unclassified information will be asked to sign a Confidentiality Agreement (Attachment (4)). It is the responsibility of the Contractor to assure that such Agreements have been signed before access to sensitive unclassified information is permitted.

### **11.4 Document Management**

(a) Upon request, all working documents in either electronic or printed form shall be provided to the COR at the time of BPA completion or termination except where protected by Institutional Review Board (IRB) restrictions, attorney/client privilege and other applicable laws, or where the information is collected from an individual with his/her consent. After the completion or termination of the BPA, the Contractor shall archive material relating to project management records such as accounting and billing reports, and time sheets. The Contractor may archive other project documents and materials, including the deliverables. However, these documents shall not be disclosed to other parties or be used for any other purpose without the written permission of the COR.

(b) The Contractor shall be responsible for protecting all project documents (including archived documents and materials), either in electronic or printed form, consistent with the overall sensitivity of their respective content.

## **12. PROPRIETARY RIGHTS – GOVERNMENT FURNISHED DATA AND MATERIALS**

The DOJ shall retain all rights and privileges, including those of patent and copyright, to all Government furnished data. The Contractor shall neither retain nor reproduce for private or commercial use any data or other materials furnished under this BPA other than as is necessary to perform its obligations under the BPA. The Contractor agrees not to assert any rights at common law or in equity or establish any claim to statutory copyright in such data. These rights are not exclusive and are in addition to any other rights and remedies to which the Government is otherwise entitled in the BPA.

## **13. RESTRICTIONS ON DATA PRODUCED UNDER THIS BPA**

(a) The Government shall have unlimited rights, as delineated in FAR Clause 52.227-14, “Rights in Data – General”, which is hereby incorporated by reference, in all computer software, documentation, and other data developed by the Contractor under this BPA.

(b) The Contractor shall not duplicate or disclose in any manner, for any purpose whatsoever, or have or permit others to do so, any of the computer software, documentation, and other data developed by the Contractor under this BPA, unless granted specific written permission to do so by the Contracting Officer or as required for performance of this BPA.

(c) The Government shall have restricted rights, as delineated in Alternate III of FAR Clause 52.227-14, Rights in Data - General, in all restricted computer software furnished by the Contractor under this BPA.

(d) The Contractor agrees that upon termination of this BPA, whether with or without cause, it may have no property or possessory right to any of the correspondence, files, or materials of whatever kind or description, or any copies or duplicates of such, whether developed or prepared by the Contractor or furnished to the Contractor by the Government in connection with the performance of this BPA; and that upon demand, the contractor shall surrender immediately to the Government such items, matters, materials, and copies.

## **14. OBSERVANCE OF LEGAL HOLIDAYS/FEDERAL NON-WORK DAYS**

(a) The Contractor must establish a standard holiday schedule that exactly coincides with the Government's schedule for employees working on Government site. Holidays observed are listed below. Holidays and other non-work days are not billable unless work is requested by the Government and performed on these days. The following is a list of Government holidays:

- (1) New Year's Day;
- (2) Martin Luther King's Birthday;
- (3) Presidents' Day
- (4) Memorial Day;

- (5) Independence Day;
- (6) Labor Day;
- (7) Columbus Day;
- (8) Veteran's Day;
- (9) Thanksgiving Day;
- (10) Christmas Day; and
- (11) Inauguration Day (every fourth year) in Washington DC metro area)

(b) No work shall be performed by Contractor personnel on Government facilities on Federal holidays or other non-work days without prior written approval of the COR. Work performed on holidays, weekends or other non-work days shall be billable at regular approved rates.

(c) There are certain types of irregularly occurring circumstances that prompt the Government to close its offices where Contractor personnel are working, either on a national or local basis (i.e., bomb threats, inclement weather, power outages, death of a national figure, or funding lapses). Contractor staff shall not work if the Government is closed, unless otherwise authorized by a fully executed Task Order or the Contracting Officer. Non-work due to the Government closing its facility(ies) is not an expense directly reimbursable to the Contractor. However, in those rare instances when the Government operations are curtailed for the balance of a workday that has already commenced, the Contractor may bill for the balance of the scheduled workday with the written acknowledgment of the COR and final approval of the Contracting Officer.

(d) Threat Management and Emergency Management functions are designated as Mission Critical requiring Contractor personnel availability to perform critical functions during office closures. These personnel will be provided the necessary means to perform the required functions from their Contractor office or residence. The COR will provide notification to the Senior Personnel Security Specialist when these services are required.

## **15. PROHIBITION AGAINST SOLICITING AND PERFORMING PERSONAL SERVICES**

(a) The performance of personal services under this BPA is strictly prohibited.

(b) Personal service contracting is described in Section 37.104 of the Federal Acquisition Regulations (FAR). There are a number of factors, when taken individually or collectively, which may constitute personal services. Each task order arrangement under the BPA must be judged in light of its own facts and circumstances, but the question relative to personal services is: Will the Government exercise relatively continuous supervision and control over the contractor personnel performing under this BPA?

(c) The Government and the Contractor understand and agree that the support services to be delivered under this BPA are non-personal services in nature; that is no employer-employee relationships exist or will exist under the BPA between the Government and the Contractor or between the Government and the Contractor's employees.

BPA personnel shall not:

- (1) Be placed in a position where they are appointed or employed by a Federal employee, or are under the supervision, direction, or evaluation of a Federal employee.
- (2) Be placed in a Federal staff or policy making position.
- (3) Be placed in a position of supervision, direction, or evaluation over DOJ personnel, or personnel of other contractors, or become a part of a government organization.

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(e) Employee Relationship

(1) The services to be performed under this BPA do not require the contractor or its employees to exercise personal judgment and discretion on behalf of the government.

(2) Rules, regulations, direction, and requirements which are issued by DOJ management under their responsibility for good order, administration, and security are applicable to all personnel who enter a Government installation. This is not to be construed or interpreted to establish any degree of Government control which is inconsistent with a non-personal services BPA.

(3) The Contractor shall immediately advise the Contracting Officer if the contractor or its employees are directed by any Government employee to perform work that the Contractor believes constitutes personal services.

## **16. SECTION 508 ACCESSIBILITY**

Section 508 of the Rehabilitation Act of 1973 requires that Federal agencies' electronic and information technology (EIT) is accessible to people with disabilities. The Federal Acquisition Regulations (FAR) Final Rule for Section 508 can be found at [www.section508.gov](http://www.section508.gov). The Federal Electronic and Information Technology Accessibility Standards (36 CFR 1194) are incorporated into and made a part of this BPA. These standards may be found at the Section 508 standards page within the website, above. The Contractor must comply with these standards in performing under this BPA.

## **17. CONTINUING BPA PERFORMANCE DURING A PANDEMIC INFLUENZA OR OTHER NATIONAL EMERGENCY**

(a) During a Pandemic or other emergency we understand that our contractor workforce will experience the same high levels of absenteeism as our federal employees. Although the Excusable Delays and Termination for Default clauses used in government contracts list epidemics and quarantine restrictions among the reasons to excuse delays in contract performance, we expect our contractors to make a reasonable effort to keep performance at an acceptable level during emergency periods.

(b) The Office of Personnel Management (OPM) has provided guidance to federal managers and employees on the kinds of actions to be taken to ensure the continuity of operations during emergency periods. This guidance is also applicable to our contract workforce. Contractors are expected to have reasonable policies in place for continuing work performance, particularly those performing mission critical services, during a pandemic influenza or other emergency situation.

(c) The types of actions a federal contractor should reasonably take to help ensure performance are:

- Encourage employees to get inoculations or follow other preventive measures as advised by the public health service.
- Contractors should cross-train workers as backup for all positions performing critical services. This is particularly important for work such as guard services where telework is not an option.
- Implement telework to the greatest extent possible in the workgroup so systems are in place to support successful remote work in an emergency.

- Communicate expectations to all employees regarding their roles and responsibilities in relation to remote work in the event of a pandemic health crisis or other emergency.
- Establish communication processes to notify employees of activation of this plan.
- Integrate pandemic health crisis response expectations into telework agreements.
- With the employee, assess requirements for working at home (supplies and equipment needed for an extended telework period). Security concerns should be considered in making equipment choices; agencies or contractors may wish to avoid use of employees' personal computers and provide them with PCs or laptops as appropriate.
- Determine how all employees who may telework will communicate with one another and with management to accomplish work.
- Practice telework regularly to ensure effectiveness.
- Make it clear that in emergency situations, employees must perform all duties assigned by management, even if they are outside usual or customary duties.
- Identify how time and attendance will be maintained.

(d) It is the contractor's responsibility to advise the government contracting officer if they anticipate not being able to perform and to work with the Department to fill gaps as necessary. This means direct communication with the contracting officer or in his/her absence, another responsible person in the contracting office via telephone or email messages acknowledging the contractor's notification. The incumbent contractor is responsible for assisting the Department in estimating the adverse impacts of nonperformance and to work diligently with the Department to develop a strategy for maintaining the continuity of operations.

(e) The Department does reserve the right in such emergency situations to use federal employees, employees of other agencies, support from other existing contractors, or to enter into new contracts for critical support services. Any new contracting efforts would be acquired following the guidance in the Office of Federal Procurement Policy issuance "Emergency Acquisitions", May, 2007 and Subpart 18.2, Emergency Acquisition Flexibilities, of the Federal Acquisition Regulations.

**18. REPRESENTATION REGARDING FELONY CONVICTION UNDER ANY FEDERAL LAW OR UNPAID DELINQUENT TAX LIABILITY (DEVIATION 2015-02) (MARCH 2015)**

(a) None of the funds made available by the Department's Appropriations Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with a corporation

(1) convicted of a felony criminal violation of any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension and debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government, or

(2) that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for



collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, *unless* an agency has considered suspension and debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

(b) By accepting this award or order, in writing or by performance, the offeror/contractor represents that –

- (1) the offeror is *not* a corporation convicted of a felony criminal violation under any Federal or State law within the preceding 24 months; and,
- (2) the offeror is *not* a corporation that has any unpaid Federal or State tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

#### **19. CONTRACTOR INTERNAL CONFIDENTIALITY AGREEMENTS OR STATEMENTS PROHIBITING OR RESTRICTING REPORTING OF WASTE, FRAUD, AND ABUSE**

By accepting this award or order, the Contractor certifies that it does *not* require employees or contractors of the contractor seeking to report fraud, waste, and abuse to sign internal confidentiality agreements or statement prohibiting or otherwise restricting such employees or contractors from lawfully reporting waste, fraud, and abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

#### **20. CONTRACTOR CERTIFICATION OF COMPLIANCE WITH FEDERAL TAX REQUIREMENTS**

By accepting this award or order, the Contractor certifies that, to the best of its knowledge, information and belief, the Contractor has (a) filed all Federal tax returns required during the three years preceding the certification, (b) not been convicted of a criminal offense under the Internal Revenue Code of 1986, and (c) not been notified, more than 90 days before the subject certification, of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

#### **21. DEPARTMENT POLICY ON DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING**

(a) It is the Department's policy to enhance workplace awareness of and safety for victims of domestic violence, sexual assault, and stalking. This policy is summarized in DOJ Policy Statement 1200.02 (Policy Statement), available in full for public viewing at <http://www.justice.gov/sites/default/files/ovw/legacy/2013/12/19/federal-workplace-responses-to-domestic-violence-sexual-assault-stalking.pdf>. The Contractor agrees, upon award of the BPA, to provide notice of this Policy Statement, including at a minimum the above-listed URL, to all contractor's employees and employees of subcontractors who will be assigned to work on Department premises.

(b) Upon BPA award, the Department will notify contractor of the name and contact information for the Point of Contact for Victims of domestic violence, sexual assault, and stalking for the component or components where contractor will be performing. The Contractor agrees to inform its employees and

employees of subcontractors who will be assigned to work on Department premises of the name and contact information for the Victim Point of Contact.

**22. LIST OF ATTACHMENTS**

- Attachment (1) Pricing Table
- Attachment (2) List of Program Sites
- Attachment (3) Program Goals for LOP and LOPC
- Attachment (4) Confidentiality Agreement

Pricing Table 1 - Legal Orientation Program																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimated Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	Esposito Detention Center, Edinboro, PA																(b)(4) per JMD	
	Bureau Contract Detention Facility, Aurora, CO																(b)(4) per JMD	
	Berks County Family Shelter, Leesport, PA																(b)(4) per JMD	
	Broward Transitional Center, Pompano Beach, FL																(b)(4) per JMD	
	Buffalo Federal Detention Facility, Batavia, NY																(b)(4) per JMD	
	Central Arkansas Detention Center, Fayetteville, AR																(b)(4) per JMD	
	East Hidalgo Detention Center, La Villa, TX																(b)(4) per JMD	

Pricing Table 1 - Legal Orientation Program																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimated Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	El Paso Service Processing Center, El Paso, TX		(b)(4) per JMD															
	Elizabeth Detention Center, Elizabeth, NJ		(b)(4) per JMD															
	Eloy Detention Center, Eloy, AZ		(b)(4) per JMD															
	Essex County Jail, Newark, NJ		(b)(4) per JMD															
	Florence Correctional Center, Florence, AZ		(b)(4) per JMD															
	Florence Service Processing Center, Florence, AZ		(b)(4) per JMD															
	Fredrick County Adult Detention Center, Fredrick, MD		(b)(4) per JMD															

Pricing Table 1 - Legal Orientation Program															
CL#	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Grand Total Estimated Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	Houston Contract Detention Facility, Houston, TX													(b)(4) per JMD	
	(b)(4) per JMD														
	Monroe County Detention Center, Monroe, LA													(b)(4) per JMD	
	(b)(4) per JMD														
	Hudson County Jail, Kearny, NJ													(b)(4) per JMD	
	(b)(4) per JMD														
	SCA Farmville, Farmville, VA													(b)(4) per JMD	
	(b)(4) per JMD														
	Irwin County Detention Center, Ocala, GA													(b)(4) per JMD	
	(b)(4) per JMD														
	Lee County Detention Facility, Leesville, FL													(b)(4) per JMD	
	(b)(4) per JMD														

Pricing Table 1 - Legal Orientation Program													
CJ#	Item Description	Unit	Base Period		Option Period 1		Option Period 2		Option Period 3		Option Period 4		Grand Total Estimated Cost All Periods
			09/01/17 through 07/31/18	09/01/18 through 07/31/19	09/01/19 through 07/31/20	09/01/20 through 07/31/21	09/01/21 through 07/31/22						
	Kansas County Residential Center, Kansas City, TX		(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	
	Kearns County Detention Center, Kenosha, WI		(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	
	Krome Service Processing Center, Miami, FL		(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	
	La Salle Detention Facility, Aveo, LA		(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	
	McIntosh County Jail, Woodstock, E		(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	
	Northwest Detention Center, Tacoma, WA		(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	
	Osaj Mesa Detention Center, San Diego, CA		(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	(b)(4) per JMD	

Pricing Table 1 - Legal Orientation Program																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimated Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	Otero County Processing Center, Alamogordo, NM		(b)(4) per JMD															
	Pine Prairie Detention Center, Pine Prairie, LA		(b)(4) per JMD															
	Polk County Detention Center, Livingston, TX		(b)(4) per JMD															
	Port Isabel Service Processing Center, Port Isabel, TX		(b)(4) per JMD															
	Rolling Plains Regional Jail, Haskell, TX		(b)(4) per JMD															
	South Texas Detention Center, Pharr, TX		(b)(4) per JMD															
	South Texas Family Residential Center, Dilley, TX		(b)(4) per JMD															

Pricing Table 1 - Legal Orientation Program																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimated Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	Stewart Detention Center, Lumpkin, GA		(b)(4) per JMD															
	Western Piedmont Regional Jail, Williamsburg, VA		(b)(4) per JMD															
	West Texas Detention Facility, Sierra Blanca, TX		(b)(4) per JMD															
	Worcester County Jail, Snow Hill, MD		(b)(4) per JMD															
	York County Prison, York, PA		(b)(4) per JMD															
	Other Direct Costs		(b)(4) per JMD															
Total Estimated Cost by Period																		

**Notes:**  
 For each CLIN -> delineate the period, eg Base period is 0-3000, Option Period 1 is 1-1000, Option Period 2 is 2-1000 etc.  
 For the OCC CLIN (e.g. 1119), the submitted quantity is the actual cost of the item. The unit price is the multiplier that will be applied to the actual cost of items that will be reimbursed under these CLIN (see RFP Section 1.6)(2).



Pricing Table 2 - Legal Orientation Program for Custodians			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total			
CLW	Item Description	Unit	08/01/17 through 07/31/18			08/01/18 through 07/31/19			08/01/19 through 07/31/20			08/01/20 through 07/31/21			08/01/21 through 07/31/22			Estimate Cost
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	All Periods
Atlanta, GA	(b)(4) per JMD																	(b)(4) per JMD
Baltimore, MD	(b)(4) per JMD																	
Boston, MA	(b)(4) per JMD																	
Chesapeake, VA	(b)(4) per JMD																	
Dallas, TX	(b)(4) per JMD																	
Harrisport, TX	(b)(4) per JMD																	
Houston, TX	(b)(4) per JMD																	

Pricing Table 2 - Legal Orientation Program for Custodians																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimate Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	Los Angeles, CA																(b)(4) per JMD	
	Murphy, TN																(b)(4) per JMD	
	Miami, FL																(b)(4) per JMD	
	New York, NY																(b)(4) per JMD	
	Newark, NJ																(b)(4) per JMD	
	Rockville Centre, NY																(b)(4) per JMD	
	San Francisco, CA																(b)(4) per JMD	

Pricing Table 2 - Legal Orientation Program for Custodians																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimate/ Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
Washington, DC																		
	(b)(4) per JMD		(b)(4) per JMD															
National / ODC Cell Center - New York, NY																		
	(b)(4) per JMD		(b)(4) per JMD															
Other Direct Costs																		
	(b)(4) per JMD		(b)(4) per JMD															
Total Estimated Cost by Period																		

**Notes:**  
 For each CLIN, it delineates the period.  
 eg. Items priced in Q-2017, Option Period 1 is 1-2017, Option Period 2 is 2-2017 etc.  
 For the ODC CLIN (8-2107), the estimated quantity is the actual cost of the item. The unit price is the multiplier that will be applied to the actual cost of items that will be reimbursed under these CLINs (see SPA Section 18.12).

Pricing Table 3 - Children Representation Site																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimated Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	Referrals/Representation Charge																	(b)(4) per JMD
	Monthly Immigration Caser																	(b)(4) per JMD
	Adoption/Placement Costs																	(b)(4) per JMD
Total Estimated Cost by Period																		

Pricing Table 4 - Adult Representation Sites																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimate Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	Adelanto Immigration Court																(b)(4) per JMD	
	Andover Immigration Court																(b)(4) per JMD	
	Atlanta Immigration Court																(b)(4) per JMD	
	Avondale Immigration Court																(b)(4) per JMD	
	Dallas Immigration Court																(b)(4) per JMD	
	El Paso Immigration Court																(b)(4) per JMD	
	Fort Worth Immigration Court																(b)(4) per JMD	
	Phoenix Immigration Court																(b)(4) per JMD	
	San Antonio Immigration Court																(b)(4) per JMD	
	San Diego Immigration Court																(b)(4) per JMD	
	San Jose Immigration Court																(b)(4) per JMD	
	Seattle Immigration Court																(b)(4) per JMD	
	Wichita Immigration Court																(b)(4) per JMD	

Pricing Table 4 - Adult Representation Sites																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimate Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	EJ Flaco Immigration Court		(b)(4) per JMD															
	Elizabeth Immigration Court		(b)(4) per JMD															
	Fluv Immigration Court		(b)(4) per JMD															
	Florence Immigration Court		(b)(4) per JMD															
	Hartington Immigration Court		(b)(4) per JMD															
	Houston Immigration Court		(b)(4) per JMD															
	Krome Immigration Court		(b)(4) per JMD															

Pricing Table 4 - Adult Representation Sites																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimate Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	Los Angeles Immigration Court																	(b)(4) per JMD
	Oakdale Immigration Court																	(b)(4) per JMD
	Orly Mesa Immigration Court																	(b)(4) per JMD
	Pearall Immigration Court																	(b)(4) per JMD
	Port Isabel Immigration Court																	(b)(4) per JMD
	San Antonio Immigration Court																	(b)(4) per JMD
	San Francisco Immigration Court																	(b)(4) per JMD
	Stewart Immigration Court																	(b)(4) per JMD

Attachment No. 1, Pricing Table

Pricing Table 4 - Adult Representation Sites																		
CLIN	Item Description	Unit	Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total Estimate Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
	(b)(4) per JMD																	(b)(4) per JMD
	Tacoma Immigration Court																	(b)(4) per JMD
	York Immigration Court																	(b)(4) per JMD
	Other Direct Costs																	(b)(4) per JMD
<b>Total Estimated Cost by Period</b>																		

**Notes:**

For each CLIN to determine the period, eg. Base period is 04-01-17, Option Period 1 is 1-01-18, Option Period 2 is 2-01-18 etc.

For the DDC CLIN (i.e. 4951), the estimated quantity is the actual cost of the item. The unit price is the multiplier that will be applied to the actual cost of items that will be reimbursed under these CLINs (see BPA Section 19.02).



Pricing Table 5 - Immigration Court Helpdesk Sites			Base Period			Option Period 1			Option Period 2			Option Period 3			Option Period 4			Grand Total
CLIN	Item Description	Unit	08/01/17 through 07/31/18			08/01/18 through 07/31/19			08/01/19 through 07/31/20			08/01/20 through 07/31/21			08/01/21 through 07/31/22			Estimated Cost All Periods
			Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	Est Qty	Unit Price	Total	
			(b)(4) per JMD															
	Phoenix Immigration Court		(b)(4) per JMD															
	Los Angeles Immigration Court		(b)(4) per JMD															
	Phoenix Immigration Court		(b)(4) per JMD															
	New York Immigration Court		(b)(4) per JMD															
	San Antonio Immigration Court		(b)(4) per JMD															
	San Diego Immigration Court		(b)(4) per JMD															
	Other Direct Costs		(b)(4) per JMD															
	Total Estimated Cost by Period																	

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**List of Program Sites (updated 2/23/2017)****Legal Orientation Program**

- 1) Adelanto Detention Center, Adelanto, California
- 2) Aurora Contract Detention Facility, Aurora, Colorado
- 3) Berks County Family Shelter, Leesport, Pennsylvania
- 4) Broward Transitional Center, Pompano Beach, Florida
- 5) Buffalo Federal Detention Facility, Batavia, New York
- 6) Central Arizona Detention Center, Florence, Arizona
- 7) East Hidalgo Detention Center, La Villa, Texas
- 8) El Paso Service Processing Center, El Paso, Texas
- 9) Elizabeth Detention Center, Elizabeth, New Jersey
- 10) Eloy Detention Center, Eloy, Arizona
- 11) Essex County Jail, Newark, New Jersey
- 12) Florence Correctional Center, Florence, Arizona
- 13) Florence Service Processing Center, Florence, Arizona
- 14) Frederick County Adult Detention Center, Frederick, MD
- 15) Houston Contract Detention Facility, Houston, Texas
- 16) Howard County Detention Center, Jessup, MD
- 17) Hudson County Jail, Kearny, New Jersey
- 18) ICA Farmville, Farmville, Virginia
- 19) Irwin County Detention Center, Ocilla, Georgia
- 20) Joe Corley Detention Facility, Conroe, Texas
- 21) Karnes County Residential Center, Karnes City, Texas
- 22) Kenosha County Detention Center, Kenosha, Wisconsin
- 23) Krome Service Processing Center, Miami, Florida
- 24) La Salle Detention Facility, Jena, Louisiana
- 25) McHenry County Jail, Woodstock, Illinois
- 26) Northwest Detention Center, Tacoma, Washington
- 27) Otay Mesa Detention Center, San Diego, California
- 28) Otero County Processing Center, Alamogordo, New Mexico
- 29) Pine Prairie Detention Center, Pine Prairie, Louisiana
- 30) Polk County Detention Center, Livingston, Texas
- 31) Port Isabel Service Processing Center, Port Isabel, Texas
- 32) Rolling Plains Regional Jail, Haskell, Texas
- 33) South Texas Detention Center, Pearsall, Texas
- 34) South Texas Family Residential Center, Dilley, Texas
- 35) Stewart Detention Center, Lumpkin, Georgia
- 36) Virginia Peninsula Regional Jail, Williamsburg, Virginia
- 37) West Texas Detention Facility, Sierra Blanca, Texas
- 38) Worcester County Jail, Snow Hill, MD
- 39) York County Prison, York, Pennsylvania

**Legal Orientation Program for Custodians (LOPC)**

- 1) Atlanta, Georgia
  - 2) Baltimore, Maryland
  - 3) Boston, Massachusetts
  - 4) Charlotte, North Carolina
  - 5) Dallas, Texas
  - 6) Harlingen, Texas
  - 7) Houston, Texas
-

- 8) Los Angeles, California
- 9) Memphis, TN
- 10) Miami, Florida
- 11) National LOPC Call Center in New York, New York
- 12) New York, New York
- 13) Newark, New Jersey
- 14) Rockville Centre, New York
- 15) San Francisco, California
- 16) Washington, DC

**Immigration Court Helpdesk Program (ICH)**

- 1) Chicago Immigration Court
- 2) Los Angeles Immigration Court
- 3) Miami Immigration Court
- 4) New York Immigration Court
- 5) San Antonio Immigration Court
- 6) San Diego Immigration Court

**Children Representation Sites**

- 1) Baltimore Immigration Court, Maryland
- 2) Memphis Immigration Court, Tennessee (for children located at least 100 miles away)

**Adult Representation Sites**

- 1) Adelanto Immigration Court, CA
- 2) Arlington Immigration Court, VA
- 3) Atlanta Immigration Court, GA
- 4) Aurora Immigration Court, CO
- 5) Baltimore Immigration Court, MD
- 6) Batavia Immigration Court, NY
- 7) Chicago Immigration Court, IL
- 8) El Paso Immigration Court, TX
- 9) Elizabeth Immigration Court, NJ
- 10) Eloy Immigration Court, AZ
- 11) Florence Immigration Court, AZ
- 12) Harlingen Immigration Court, TX
- 13) Houston Immigration Court, TX
- 14) Krome Immigration Court, FL
- 15) Los Angeles Immigration Court, CA
- 16) Oakdale Immigration Court, LA
- 17) Otay Mesa Immigration Court, CA
- 18) Pearsall Immigration Court, TX
- 19) Port Isabel Immigration Court, TX
- 20) San Antonio Immigration Court, TX
- 21) San Francisco Immigration Court, CA
- 22) Stewart Immigration Court, GA
- 23) Tacoma Immigration Court, WA
- 24) York Immigration Court, PA

## Program Goals for Legal Orientation Program – 1/27/2017

### LOP Goals

1. By the beginning of Q4, increase (by 10%) eligible respondents in facilities served by any LOP provider, using previous year's data.
  - Establish a baseline for facility (site-by-site) and nationally.
2. By the beginning of Q4, establish a minimum and maximum range of services provided to ensure consistency per FTE.
  - Increase, by 10%, number of served per FTE on low range and decrease by 10% on high range to bring all program sites closer to the mean average.
3. Decrease in average length of detained respondent proceedings.
  - a) By the end of Q4, decrease average number of days in detained immigration court proceedings for LOP participants compared to non-LOP participants.
  - b) By the end of Q4, decrease average number of detention days for LOP participants compared to non-LOP participants.

### LOPC Goals

1. By the beginning of Q4, increase (by 10%) eligible custodians served in program sites using previous year's data.
2. By the beginning of Q4, establish a minimum and maximum range of services provided to ensure consistency per FTE.
3. By the beginning of Q4, increase percentage of custodians who receives services provided related to mistreatment, exploitation, and trafficking to included services as such use of Vera Institute of Justice trafficking tool, school enrollment, referral to other social services, and matching with pro bono counsel, child advocates and friends of the court.
4. By the beginning of Q4, decrease orders of removal *in absentia* for UACs whose custodians are served by the program, compared to custodians not served by the LOPC.

**U.S. DEPARTMENT OF JUSTICE**  
**CONFIDENTIALITY AGREEMENT FOR**  
**CONTRACTOR EMPLOYEES**

- I. I, \_\_\_\_\_, do solemnly swear (or affirm) that I understand the high standards of trustworthiness and integrity required of me with regard to sensitive data which may come to my attention in connection with Government Blanket Purchase Agreement (BPA) DJJ-17- PSS-S-2757 (e.g., personally identifiable information "PII" as to which no waiver of confidentiality has been received from the individual) while I am an employee of \_\_\_\_\_.
- II. I understand that the provisions below do not apply to data or other information obtained from individuals served under the BPA who have signed a waiver of confidentiality. Except as necessary in the performance of my duties under this BPA, I will not:
- A. Reveal, divulge, or publicize any data received from the Government not otherwise available to the public.
  - B. Disseminate any oral or written information obtained as a result of execution of this BPA or performance of work hereunder without the prior written agreement of the Contracting Officer (CO) or the Contracting Officer's Representative (COR).
  - C. Remove any document from the place of performance of this BPA, except as approved in advance by the Contracting Officer's Representative.

In addition, I have read and will abide by the provisions of the Security Requirements clause of the above referenced BPA.

I further swear (or affirm) that I understand the provisions of Section II A, B, and C above are fully applicable during my employment with \_\_\_\_\_ on this BPA, and continue to apply without any time limitation, including the time after my employment on the BPA is terminated.

- III. As a contractor employee on this contract, I understand that the Government may remove any access to data received from the Government not otherwise available to the public for unauthorized, negligent, or willful actions.
- IV. As a contractor employee on this BPA, I understand that all materials provided by the Government not otherwise available to the public, including any copies, notes, or working papers derived or produced therefrom, are the property of the Government (except where protected by Institutional Review Board (IRB) restrictions, attorney/client privilege and other applicable laws, or where the information is collected from an individual who signed a waiver of confidentiality). If required to do so by the Contracting Officer or COR, I will promptly surrender such materials and derived copies, notes, or working papers that are in my custody or control. I understand that my failure to surrender such materials promptly, or my conversion of such materials to a use not called for by the BPA (e.g., delivery of a document, or a copy thereof, or notes containing information taken from the document, to someone not working on this BPA), may be a violation of 18 U.S.C. 641 (theft of government property) and may subject me to fines (up to \$10,000) and imprisonment (up to 10 years).
- V. In accordance with BPA provisions, the Government may formally modify or change this Agreement in those instances in which the courts (e.g., grand jury investigations), statutory requirements (e.g., civil or criminal investigative demands), or specific circumstances dictate such a modification or change.

**Attachment (4)**

- VI. These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**McHenry, James (EOIR)**

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**From:** McHenry, James (EOIR)  
**Sent:** Monday, July 16, 2018 9:03 AM  
**To:** O'Malley, Devin (OPA); Hamilton, Gene (OAG); Wetmore, David H. (ODAG)  
**Subject:** FW: Welcoming New Immigration Judges  
**Attachments:** ResumesJulyNewIJs.pdf; New IJ Training Agenda July-August.pdf

FYSA re: our new IJ class, beginning training today.



## NEW IMMIGRATION JUDGE TRAINING

Executive Office for Immigration Review, Office of Policy  
Legal Education and Research Services Division (LERS)

### TRAINING AGENDA

July 16 – August 10, 2018

*Unless otherwise indicated, all sessions will take place in the Kevin D. Rooney Training Center on the 18th floor of Skyline Tower, 5107 Leesburg Pike, Falls Church, Virginia.*

Monday, July 16		
8:30 a.m. 8:45 a.m.	<b>Welcome to EOIR and the New Immigration Judge Training Program</b>	<i>LERS Staff</i>
8:45 a.m. 9:00 a.m.	<b>Director's Opening Remarks</b>	James McHenry <i>Director, EOIR</i>
9:00 a.m. 9:50 a.m.	<b>Welcome by OCIJ Senior Leadership &amp; Overview of EOIR and the U.S. Immigration System</b>	Mary Beth Keller <i>Chief Immigration Judge</i>  Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
10:00 a.m. 10:50 a.m.	<b>Introduction to Immigration Proceedings, the INA, and its Implementing Regulations</b>	Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
11:00 a.m. 12:00 p.m.	<b>Introduction to the Role of the Immigration Judge and the Concepts of Removability, Alienage, and Relief from Removal</b>	Jack H. Weil <i>Assistant Chief Immigration Judge</i>
<i>LUNCH</i>		
1:30 p.m. 2:20 p.m.	<b>Commencement of Removal Proceedings and the Jurisdiction &amp; Authorities of an Immigration Judge</b>	Jack H. Weil <i>Assistant Chief Immigration Judge</i>
<i>BREAK</i>		



2:30 p.m. -3:20 p.m.	<b>The Role of the Immigration Judge in Identifying &amp; Resolving Disputes Before the Court</b>	Jack H. Weil <i>Assistant Chief Immigration Judge</i>
<i>BREAK</i>		
3:30 p.m. 4:20 p.m.	<b>The Role of the Immigration Judge in Assessing the Admissibility &amp; Reliability of Evidence</b>	Jack H. Weil <i>Assistant Chief Immigration Judge</i>
<i>BREAK</i>		
4:30 p.m. 5:00 p.m.	<b>Question &amp; Answer Period</b>	Jack H. Weil <i>Assistant Chief Immigration Judge</i>

Tuesday, July 17		
8:00 a.m. 9:20 a.m.	<b>Exam #1</b>	<i>Administered by LERS Staff</i>
<i>BREAK</i>		
9:30 a.m. 10:20 a.m.	<b>Understanding Admission to the U.S., Immigration Status, and Removability</b>	<i>Maureen O'Sullivan Immigration Judge</i>
<i>BREAK</i>		
10:30 a.m. 11:30 a.m.	<b>Cancellation of Removal: Introduction &amp; Non-Lawful Permanent Resident Cancellation of Removal</b>	<i>Maureen O'Sullivan Immigration Judge</i>
<i>LUNCH</i>		
1:00 p.m. 1:50 p.m.	<b>Lawful Permanent Resident Cancellation of Removal</b>	<i>Maureen O'Sullivan Immigration Judge</i>
<i>BREAK</i>		
2:00 p.m. 2:50 p.m.	<b>Adjustment of Status and Waivers of Inadmissibility – PART 1</b>	<i>Maureen O'Sullivan Immigration Judge</i>
<i>BREAK</i>		
3:00 p.m. - 3:50 p.m.	<b>Adjustment of Status and Waivers of Inadmissibility – PART 2</b>	<i>Maureen O'Sullivan Immigration Judge</i>
<i>BREAK</i>		
4:00 p.m. 5:00 p.m.	<b>Alienage and Claims of United States Citizenship</b>	<i>Maureen O'Sullivan Immigration Judge</i>

Wednesday, July 18		
8:00 a.m. 9:20 a.m.	<b>Exam #2</b>	<i>Administered by LERS Staff</i>
<i>BREAK</i>		
9:30 a.m. 10:40 a.m.	<b>Asylum, Withholding of Removal, and The Convention Against Torture – PART 1</b>	<p>Chuck Adkins-Blanch <i>Vice Chairman, Board of Immigration Appeals</i></p> <p>Karen Hope <i>Attorney Advisor, BIA</i></p> <p>Thomas Snow <i>Temporary Board Member</i></p>
<i>BREAK</i>		
10:50 a.m. - 12:00 p.m.	<b>Asylum, Withholding of Removal, and The Convention Against Torture – PART 2</b>	<p>Chuck Adkins-Blanch <i>Vice Chairman, Board of Immigration Appeals</i></p> <p>Karen Hope <i>Attorney Advisor, BIA</i></p> <p>Thomas Snow <i>Temporary Board Member</i></p>
<i>LUNCH</i>		
1:30 p.m. - 2:50 p.m.	<b>Asylum, Withholding of Removal, and The Convention Against Torture – PART 3 &amp; Practical Tips</b>	<p>Chuck Adkins-Blanch <i>Vice Chairman, Board of Immigration Appeals</i></p> <p>Karen Hope <i>Attorney Advisor, BIA</i></p> <p>Thomas Snow <i>Temporary Board Member</i></p>
<i>BREAK</i>		

3:00 p.m. 3:50 p.m.	<b>Credibility &amp; Corroboration</b>	Edward Kelly <i>Board Member</i>  Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
4:00 p.m. 5:00 p.m.	<b>CASE EXERCISE: Credibility &amp; Corroboration – Common Issues Arising in Applications for Cancellation, Adjustment, Asylum, Withholding of Removal, and CAT</b>	Edward Kelly <i>Board Member</i>  Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>

Thursday, July 19		
8:00 a.m. 9:20 a.m.	<b>Exam #3</b>	<i>Administered by LERS Staff</i>
<i>BREAK</i>		
9:30 a.m. 10:30 a.m.	<b>Criminal Immigration Issues – Crimes, Convictions, Sentences, and Vacaturs</b>	<i>John Crossett Temporary Board Member  Tammy Fitting Immigration Judge</i>
<i>BREAK</i>		
10:40 a.m. 11:30 a.m.	<b>Criminal Immigration Issues – The Categorical Approach and Divisibility</b>	<i>John Crossett Temporary Board Member  Tammy Fitting Immigration Judge</i>
<i>LUNCH</i>		
1:00 p.m. 1:50 p.m.	<b>CASE EXERCISE: Analyzing Crimes, Convictions, Sentences, and Vacaturs</b>	<i>Tammy Fitting Immigration Judge</i>
<i>BREAK</i>		
2:00 p.m. 2:50 p.m.	<b>CASE EXERCISE: Applying the Categorical Approach and Divisibility to Criminal Statutes and Records of Conviction</b>	<i>Tammy Fitting Immigration Judge</i>
<i>BREAK</i>		
3:00 p.m. 3:50 p.m.	<b>Discretionary Determinations – Weighing Relevant Factors</b>	<i>Michael Baird Immigration Judge</i>
<i>BREAK</i>		
4:00 p.m. 5:00 p.m.	<b>Voluntary Departure</b>	<i>Michael Baird Immigration Judge</i>

Friday, July 20		
8:00 a.m. 9:20 a.m.	<b>Exam #4</b>	<i>Administered by LERS Staff</i>
<i>BREAK</i>		
9:30 a.m. 10:20 a.m.	<b>Effectively Adjudicating Pre-Decision Motions</b>	<i>Lisa de Cardona Immigration Judge  Michael Baird Immigration Judge</i>
<i>BREAK</i>		
10:30 a.m. 11:30 a.m.	<b>Effectively Adjudicating Post-Decision Motions</b>	<i>Lisa de Cardona Immigration Judge  Michael Baird Immigration Judge</i>
<i>LUNCH</i>		
1:00 p.m. 1:50 p.m.	<b>Shifting Burdens in Immigration Proceedings</b>	<i>Jack H. Weil Assistant Chief Immigration Judge</i>
<i>BREAK</i>		
2:00 p.m. 2:50 p.m.	<b>Determining Mental Competence</b>	<i>Jack H. Weil Assistant Chief Immigration Judge</i>
<i>BREAK</i>		
3:00 p.m. 3:50 p.m.	<b>Implementing Court-Mandated Safeguards and Protections for Incompetent Respondents</b>	<i>Jack H. Weil Assistant Chief Immigration Judge</i>
<i>BREAK</i>		
4:00 p.m. 5:00 p.m.	<b>Domestic Violence and Human Trafficking (VTC)</b>	<i>Daniel Weiss Assistant Chief Immigration Judge</i>

Monday, July 23		
8:00 a.m. 8:30 a.m.	<i>National Association for Immigration Judges (NAIJ) Welcome and Orientation (optional)</i>	<i>NAIJ Representative</i>
8:30 a.m. 9:20 a.m.	<b>Case Management</b>	Keith Hunsucker <i>Temporary Board Member</i>
<i>BREAK</i>		
9:30 a.m. 10:20 a.m.	<b>Conducting a Master Calendar &amp; Docketing Cases for Hearing</b>	Keith Hunsucker <i>Temporary Board Member</i>
<i>BREAK</i>		
10:30 a.m. 11:30 a.m.	<b>CASE EXERCISE: Conducting a Master Calendar &amp; Docketing Cases for Hearing – PART 1</b>	Keith Hunsucker <i>Temporary Board Member</i>
<i>LUNCH</i>		
1:00 p.m. 1:50 p.m.	<b>CASE EXERCISE: Conducting a Master Calendar &amp; Docketing Cases for Hearing – PART 2</b>	Keith Hunsucker <i>Temporary Board Member</i>
<i>BREAK</i>		
2:00 p.m. 2:50 p.m.	<b>CASE EXERCISE: Conducting a Master Calendar &amp; Docketing Cases for Hearing – PART 3</b>	Keith Hunsucker <i>Temporary Board Member</i>
<i>BREAK</i>		
3:00 p.m. 3:50 p.m.	<b>Language Obligations and Working with Interpreters</b>	Karen Manna <i>Chief Language Services Unit</i>
<i>BREAK</i>		
4:00 p.m. 5:00 p.m.	<b>PRACTICAL EXERCISE: Language Obligations and Working with Interpreters</b>	Karen Manna <i>Chief Language Services Unit</i>

Tuesday, July 24		
8:30 a.m. 9:20 a.m.	<b>Receipt of Evidence – Building an Evidentiary Record</b>	Keith Hunsucker <i>Temporary Board Member</i>
<i>BREAK</i>		
9:30 a.m. 10:20 a.m.	<b>CASE EXERCISE: Receipt of Evidence – Building an Evidentiary Record – PART 1</b>	Keith Hunsucker <i>Temporary Board Member</i>
<i>BREAK</i>		
10:30 a.m. 11:30 a.m.	<b>CASE EXERCISE: Receipt of Evidence – Building an Evidentiary Record – PART 2</b>	Keith Hunsucker <i>Temporary Board Member</i>
<i>LUNCH</i>		
1:00 p.m. 1:50 p.m.	<b>Conducting an Individual Hearing</b>	Thomas Snow <i>Temporary Board Member</i>
<i>BREAK</i>		
2:00 p.m. 2:50 p.m.	<b>CASE EXERCISE: Conducting an Individual Hearing – PART 1</b>	Thomas Snow <i>Temporary Board Member</i>
<i>BREAK</i>		
3:00 p.m. 3:50 p.m.	<b>Engaging with Attorneys and Respondents</b>	Thomas Snow <i>Temporary Board Member</i>
<i>BREAK</i>		
4:00 p.m. 5:00 p.m.	<b>CASE EXERCISE: Conducting an Individual Hearing – PART 2</b>	Thomas Snow <i>Temporary Board Member</i>



Wednesday, July 25		
8:30 a.m. 9:20 a.m.	<b>CASE EXERCISE: Conducting an Individual Hearing – PART 3</b>	Thomas Snow <i>Temporary Board Member</i>
<i>BREAK</i>		
9:30 a.m. 10:20 a.m.	<b>Courtroom Control and Maintaining a Safe Environment</b>	Matt Reeves <i>Physical Security Specialist Office of Security</i>  Thomas Snow <i>Temporary Board Member</i>
9:30 a.m. 10:20 a.m.	<b>Professionalism: Immigration Judge Performance &amp; Conduct</b>	Adam Brill <i>Associate General Counsel ELR, Office of General Counsel</i>  Dan Swanwick <i>Attorney Advisor, OCIJ</i>
<i>BREAK</i>		
10:30 a.m. 12:00 p.m.	<b>Issuing a Decision: Components and Structure of a Decision</b>	Mary Cheng <i>Deputy Chief Immigration Judge</i>
<i>LUNCH</i>		
1:30 p.m. 2:30 p.m.	<b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – VIDEO</b>	Mary Cheng <i>Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
2:40 p.m. 3:10 p.m.	<b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – Decision Preparation</b>	Mary Cheng <i>Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
3:20 p.m. 5:00 p.m.	<b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – Delivery and Feedback – Round 1</b>	Mary Cheng <i>Deputy Chief Immigration Judge</i>

Thursday, July 26		
8:30 a.m. 10:30 a.m.	<p><b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – Delivery and Feedback – Round 1</b></p> <p><i>Meet in 18th Floor Elevator Lobby for Alternate Location Instructions</i></p>	<p>Mary Cheng <i>Deputy Chief Immigration Judge</i></p>
<i>BREAK</i>		
10:40 a.m. 12:30 p.m.	<p><b>Board of Immigration Appeals Oral Argument</b></p>	<p>Board Members <i>Board of Immigration Appeals</i></p>
<i>LUNCH</i>		
2:00 p.m. 3:20 p.m.	<p><b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – Delivery and Feedback – Round 2</b></p>	<p>Mary Cheng <i>Deputy Chief Immigration Judge</i></p>
<i>BREAK</i>		
3:30 p.m. 5:00 p.m.	<p><b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – Delivery and Feedback – Round 2</b></p>	<p>Mary Cheng <i>Deputy Chief Immigration Judge</i></p>

Friday, July 27		
8:30 a.m. 9:30 a.m.	<b>Professionalism: Government Standards of Conduct</b>	Christopher Cox <i>Associate General Counsel for Ethics</i>
<i>BREAK</i>		
9:40 a.m. 10:10 a.m.	<b>Media and the Immigration Courts</b>	Nathan Berkeley <i>Acting Chief, CLAD Office of Policy</i>
<i>BREAK</i>		
10:20 a.m. 11:30 a.m.	<b>Case Priorities and Immigration Court Performance Measures</b>	Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>  Mary Cheng <i>Deputy Chief Immigration Judge</i>  Print Maggard <i>Deputy Chief Immigration Judge</i>
<i>LUNCH</i>		
1:00 p.m. 1:50 p.m.	<b>Managing Juvenile Dockets</b>	Daniel Cicchini <i>Associate General Counsel Office of General Counsel</i>  Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
2:00 p.m. 2:50 p.m.	<b>Fraud and Abuse Prevention Program</b>	Brea Burgie <i>EOIR Fraud and Abuse Prevention Counsel</i>
<i>BREAK</i>		
3:00 p.m. 3:50 p.m.	<b>Attorney Discipline Program</b>	Paul Rodrigues <i>Acting EOIR Disciplinary Counsel</i>
<i>BREAK</i>		
4:00 p.m. 5:00 p.m.	<b>International Religious Freedom Act Binder Review</b>	<i>Administered by LERS Staff</i>

Monday, July 30		
8:30 a.m. 9:50 a.m.	<b>CASE EXERCISE: Refining and Issuing a Complex Judicial Decision – Introduction, Review, and Preparation</b>	Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
10:00 a.m. 11:30 a.m.	<b>CASE EXERCISE: Refining and Issuing a Complex Judicial Decision – Delivery and Feedback – Round 1</b>	Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>
<i>LUNCH</i>		
1:00 p.m. 2:30 p.m.	<b>CASE EXERCISE: Refining and Issuing a Complex Judicial Decision – Delivery and Feedback – Round 1</b>	Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
2:50 p.m. 3:20 p.m.	<b>CASE EXERCISE: Refining and Issuing a Complex Judicial Decision – Delivery and Feedback – Round 2</b>	Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>
<i>BREAK</i>		
3:30 p.m. 5:00 p.m.	<b>CASE EXERCISE: Refining and Issuing a Complex Judicial Decision – Delivery and Feedback – Round 2</b>	Christopher Santoro <i>Principal Deputy Chief Immigration Judge</i>

Tuesday, July 31		
8:30 a.m. 9:20 a.m.	<b>IJ Tools &amp; Resources</b>	<p>Jon Cowles <i>Attorney Advisor, ILD Office of Policy</i></p> <p>Melissa Bauder <i>Attorney Advisor, ILD Office of Policy</i></p> <p>Kimberly Camp <i>EOIR Law Library and Immigration Research Center</i></p>
<i>BREAK</i>		
9:30 a.m. 10:20 a.m.	<b>Immigration Court Practice Manual and EOIR Policy Manual</b>	<p>Scott Rosen <i>Chief Counsel, OCIJ</i></p> <p>Jon Cowles <i>Attorney Advisor, ILD Office of Policy</i></p> <p>Melissa Bauder <i>Attorney Advisor, ILD Office of Policy</i></p>
<i>BREAK</i>		
10:30 a.m. 12:00 p.m.	<b>Bond Proceedings and Custody Issues</b>	Elizabeth Kessler <i>Immigration Judge</i>
<i>LUNCH</i>		
1:30 p.m. 5:00 p.m.	<p><b>CASE EXERCISE: Bond Proceedings and Custody Issues – GROUP 1</b></p> <p style="text-align: center;">– or –</p> <p><b>Recording Proceedings Using Digital Audio Recording (DAR)</b> <i>Location – 18th Floor Courtroom #2</i></p>	<p>Elizabeth Kessler <i>Immigration Judge</i></p> <p><b>DAR Training Team</b> <i>Office of Information Technology</i></p>

**REQUIRED OUT OF CLASS TRAINING:**

- Immigration Court Practice Manual Online Orientation

Wednesday, August 1		
8:30 a.m. 9:20 a.m.	<b>Specialized Proceedings – PART 1</b> Credible Fear, Reasonable Fear, Withholding-Only, Asylum-Only, Claimed Status Review, Rescission Deportation, and Exclusion	Elizabeth Kessler <i>Immigration Judge</i>
<i>BREAK</i>		
9:30 a.m. 10:20 a.m.	<b>Specialized Proceedings – PART 2</b> Credible Fear, Reasonable Fear, Withholding-Only, Asylum-Only, Claimed Status Review, Rescission Deportation, and Exclusion	Elizabeth Kessler <i>Immigration Judge</i>
<i>BREAK</i>		
10:30 a.m. 12:00 p.m.	<b>CASE EXERCISE:            Conducting Specialized            Proceedings</b>	Elizabeth Kessler <i>Immigration Judge</i>
<i>LUNCH</i>		
1:30 p.m. 5:00 p.m.	<b>CASE EXERCISE:            Bond Proceedings and            Custody Issues – GROUP 2</b>  <b>– or –</b>  <b>Recording Proceedings Using            Digital Audio Recording (DAR)</b> <i>Location – 18th Floor Courtroom #2</i>	Elizabeth Kessler <i>Immigration Judge</i>   DAR Training Team <i>Office of Information            Technology</i>

Thursday, August 2		
All day	<b>Courtroom Orientation and Observation</b> <i>Arlington Immigration Court</i>	<i>OCIJ</i>

Friday, August 3		
8:30 a.m. 9:50 a.m.	<b>EEO/Sexual Harassment Video</b>	<i>Administered by LERS Staff</i>
<i>BREAK</i>		
10:00 a.m. 10:50 a.m.	<b>Appellate Review</b>	<b>David Neal</b> <i>Chairman, Board of Immigration Appeals</i>
<i>BREAK</i>		
11:00 a.m. 12:00 p.m.	<b>What I Wish I Knew My First Day On The Bench (VTC)</b>	<b>Richard Zanfardino</b> <i>Immigration Judge</i> <b>José Luis Peñalosa, Jr.</b> <i>Immigration Judge</i> <b>Mario J. Sturla</b> <i>Immigration Judge</i>
<i>LUNCH</i>		
1:30 p.m. 2:20 p.m.	<b>Courtroom Control and Maintaining a Safe Environment</b>	<b>Matt Reeves</b> <i>Physical Security Specialist Office of Security</i> <b>Thomas Snow</b> <i>Temporary Board Member</i>
<i>BREAK</i>		
2:30 p.m. 3:00 p.m.	<b>Offices of the Ombuds, EEO, and Diversity</b>	<b>Lisa Levine</b> <i>Ombuds</i> <b>Andrew Press</b> <i>EEO Director</i> <b>Kimberly Wilkins</b> <i>Diversity Coordinator</i>
<i>BREAK</i>		

3:10 p.m. 4:00 p.m.	<b>Human Resources Benefits Orientation – PART 1</b>	George Pittmon <i>Supervisory Human Resources Specialist</i>
<i>BREAK</i>		
4:10 p.m. 5:00 p.m.	<b>Human Resources Benefits Orientation – PART 2</b>	George Pittmon <i>Supervisory Human Resources Specialist</i>

**REQUIRED OUT OF CLASS TRAINING:**

- Professional Responsibility Video (2 hours)



Monday, August 6		
All day	<b>Live Courtroom Experiential Training and Instructor/Group Feedback</b> <i>Arlington Immigration Court</i>	OCIJ

Tuesday, August 7		
All day	<b>Live Courtroom Experiential Training and Instructor/Group Feedback</b> <i>Arlington Immigration Court</i>	OCIJ

Wednesday, August 8		
All day	<b>Live Courtroom Experiential Training and Instructor/Group Feedback</b> <i>Arlington Immigration Court</i>	OCIJ

Thursday, August 9		
All day	<b>Live Courtroom Experiential Training and Instructor/Group Feedback</b> <i>Arlington Immigration Court</i>	OCIJ

Friday, August 10		
All day	<b>Investiture</b> <i>Location: Great Hall, Main Justice</i>	OCIJ

**Wetmore, David H. (ODAG)**

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**From:** Wetmore, David H. (ODAG)  
**Sent:** Monday, July 16, 2018 9:25 AM  
**To:** Bolitho, Zachary (ODAG); Ellis, Corey F. (ODAG)  
**Subject:** New Immigration Judge Class  
**Attachments:** ResumesJulyNewIJs.pdf; New IJ Training Agenda July-August.pdf

EOIR just brought on its latest class of IJs.

Dave

DAVID H. WETMORE  
Senior Counsel  
Office of the Deputy Attorney General  
U.S. Department of Justice  
Office (b) (6)  
Mobil (b) (6)

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
PORT ISABEL IMMIGRATION COURT  
LOS FRESNOS, TEXAS**

<b>In the Matter of</b>	)	
(b)(6) per EOIR	)	
a/k/a (b)(6) per EOIR	)	
a/k/a	)	Case No. A (b)(6) per EOIR
<b>RESPONDENT</b>	)	
<b>In Removal Proceedings</b>	)	
	)	

**CHARGE:** Section 212(a)(6)(C)(ii) of the Immigration and Nationality Act ("the Act"), alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for a purpose or benefit under the Act or any other Federal or State law

Section 212(a)(7)(A)(i)(I) of the Act, an immigrant who, at the time of application for admission, is not in possession of a valid entry document required by the Act, and a valid suitable travel document or document of identity and nationality as required by regulation issued under the Act

**ON BEHALF OF THE RESPONDENT**

Tatiana P. Obando, Esq.,  
Qualified Representative  
YMCA International Services  
P.O. Box 740425  
Houston, Texas 77274-0425

**ON BEHALF OF THE GOVT.**

Lily Dideban, Assistant Chief Counsel  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
Port Isabel Detention Center  
27991 Buena Vista Blvd.  
Los Fresnos, Texas 78566

**WRITTEN DECISION OF THE IMMIGRATION JUDGE**

**PROCEDURAL BACKGROUND AND REMOVABILITY**

On April 3, 2017, the Department of Homeland Security served the Respondent with a Notice to Appear alleging that the Respondent is a citizen of Mexico who is subject to removal for violating the immigration laws of the United States. (See Exhibit 1.) On May 2, 2017, in Immigration Court, the Respondent denied the allegations contained in the Notice to Appear. On

June 28, 2017, the Court found that Respondent was not mentally competent and ordered that a qualified representative be assigned to Respondent. Counsel entered her appearance for Respondent on July 3, 2017.

On October 12, 2017, the Court held a hearing concerning the allegations in the Notice to Appear and found that the Respondent was subject to removal as charged on the basis of evidence submitted by the government contained in Exhibits 2, 4, 4A, and 5. Specifically, on April 3, 2017, Respondent presented himself at the Hidalgo, Texas Port of Entry seeking admission to the United States – claiming to be a United States citizen born in Phoenix, Arizona – but without any documents establishing his identity or permitting him to legally be or remain in the United States. However, on June 11, 2002, Respondent admitted to immigration officers in Laredo, Texas that he was a citizen of Mexico and had been previously removed from the United States. (Exhibit 5.) Furthermore, on November 3, 2016, Respondent told immigration officers that his name was (b)(6) per EOIR and provided officers with his purported Social Security number. Officers contacted the (b)(6) per EOIR with the claimed Social Security number along with his mother and brother. All three persons confirmed that Respondent was not the claimed (b)(6) per EOIR (See Exhibit 2, Tab A.) In addition, Respondent has been convicted in United States District Court of illegal entry and illegal reentry, under 8 U.S.C. §§ 1325 and 1326, respectively, on at least three occasions, resulting in prison sentences of 12 months (b)(6) per EOIR six months (b)(6) per (b)(6) and 72 months (b)(6) per EOIR (See Exhibit 2, Tab B.) Accordingly, the Court finds that removability has been established by clear and convincing evidence.

## APPLICATIONS

Respondent has applied for asylum, withholding of removal under section 241(b)(3) of the Act, and relief under the Convention Against Torture. The burden of proof is on the Respondent to establish that he is eligible for these forms of relief. The provisions of the “REAL ID Act of 2005” apply to the Respondent’s application as it was filed on or after May 11, 2005.

## EVIDENCE

### A. Documentary Evidence

The following documents were admitted into evidence:

- |             |   |
|-------------|---|
| Exhibit 1:  | Notice to Appear  |
| Exhibit 1A: | DHS Notice of Filing NTA Certificates of Service              |
| Exhibit 2:  | DHS Notice of Filing ICE Memo to File and Form I-213          |
| Exhibit 3:  | DHS Motion for Consideration of Medical/Mental Health Records |
| Exhibit 4:  | Form I-213  |

- Exhibit 4A: DHS Notice of Filing in Support of Removability with New Certificate of Service
- Exhibit 5: Form I-215B
- Group Exhibit 6: Respondent's Submission of Asylum Application and Supporting Documents
- Group Exhibit 7: Respondent's Submission of Memorandum in Support of Application for Asylum, Withholding of Removal and Protection Under the Convention Against Torture (CAT), Psychological Evaluation & Additional Supporting Documents
- Group Exhibit 8: DHS Notice of Filing (Four U.S. District Court Criminal Judgments)
- Exhibit 9: Closing Arguments in Support of Application for Asylum, Withholding of Removal and Deferral of Removal Under CAT
- Exhibit 10: DHS Closing Statement on Eligibility for Relief from Removal

#### **B. Testimonial Evidence**

On January 10, 2018, Norma Villanueva, Ph.D., a Texas-licensed Clinical Social Worker testified before the Court, in relevant part, as follows:

Dr. Villanueva is a specialist in forensic evaluations, particularly dealing with trauma victims, and has been recognized as an expert witness by courts in Texas, Arizona, and Oklahoma. She met with Respondent for two hours on December 12, 2017. (*See* Group Exhibit 7, Tab M.) She concluded that Respondent suffers from schizophrenia with psychosis. She testified that he could not communicate at a definitive level and was unable to process complex thought.

Dr. Villanueva opined that schizophrenia is incurable, but that it is manageable with medication, in an environment with a stable structure in life and routine. She further opined that Respondent's prognosis in a structured environment is moderate because he is afraid of medication, and that without a structured environment Respondent would be victimized. Dr. Villanueva explained that persons who did not know Respondent would not know how to interpret his behavior and would thus perceive it as aggressive. In return, such persons would harm Respondent.

#### **LEGAL ANALYSIS AND CONCLUSIONS**

The Court has considered all of the evidence and testimony in the record, even if not specifically discussed in this decision.

**A. Respondent's Condition**

After submission of all evidence and under query from the Court, the parties agreed that Respondent suffers from schizophrenia.

**B. Asylum**

**1. Legal Standard**

To qualify for a grant of asylum, an applicant bears the burden of demonstrating that he meets the statutory definition of a refugee. The INA defines the term "refugee" as any person who is outside his country of nationality who is unable or unwilling to return to, and is unable or unwilling to avail himself of the protection of, that country because of past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. *See* INA § 101(a)(42)(A); 8 C.F.R. § 1208.13(a). The harm or suffering must be inflicted by the government or by individuals or an organization the government is unwilling or unable to control. *Tesfamichael v. Gonzales*, 469 F.3d 109, 113 (5th Cir. 2006).

If applicants demonstrate that they have suffered past persecution, then they are entitled to a rebuttable presumption of a well-founded fear of future persecution. 8 C.F.R. § 1208.13(b)(1). The presumption may be rebutted if the government establishes by a preponderance of the evidence that the applicant's fear is no longer well-founded due to a fundamental change in circumstances or that the applicant could avoid future persecution by relocating to another part of the country and that it would be reasonable for the applicant to do so.

A well-founded fear of future persecution based on a protected ground must be objectively reasonable. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 430-31 (1987).

**2. Analysis**

Respondent has not alleged, let alone demonstrated, that *he* has ever suffered past persecution in Mexico. Rather, he claims that he has a well-founded fear of returning to Mexico due to his membership in the particular social group, "Mexican individuals with disorganized schizophrenia." Respondent's asylum claim fails. While it would have been preferable – and the evidence would have supported – a claim that Respondent's particular social group consisted of "Mexican individuals with schizophrenia who exhibit outwardly erratic behavior," the Court finds that the claimed particular social group is cognizable. *See Temu v. Holder*, 740 F.3d 887, 892-97 (4th Cir. 2014). Nevertheless, even assuming a properly-articulated and cognizable social group, Respondent has failed to demonstrate that members of this group have a well-founded fear of future persecution in Mexico.

As Respondent's own submission from Disability Rights International (DRI) states, "The government of Mexico is the world's leader in bringing about international recognition of the rights of people with disabilities under international law." (Group Exhibit 4 at 97.) According to DRI, "the government of Mexico has done an outstanding job of meeting its obligation to promote

openness and transparency in preparing its official report, as required by article 35 of the CRPD [Convention on the Rights of Persons with Disabilities]. We obtained nearly complete access to visit institutions and programs serving people with disabilities throughout Mexico from federal, state, and Mexico City authorities.” (Group Exhibit 4 at 99.) Consistent with the foregoing, Mexico’s official CRPD report<sup>1</sup> states:

26. Mexico has also made substantial efforts to promote the exercise by persons with disabilities of their social and economic rights, including through such initiatives as: building basic accessible social infrastructure in rural and urban communities; designing universally accessible public spaces; . . . creating infrastructure to help rehabilitate persons with disabilities living in marginalized communities; facilitating access for civil society organizations that work with and for persons with disabilities and run projects to create jobs and generate income; and conducting public awareness-raising campaigns aimed at promoting the social inclusion of this sector of the population.

(Mexico Report to CRPD at 7.)

92. Torture and injuries indicating cruel, inhuman or degrading treatment or punishment are criminalized at both federal and state levels, and various local laws establish that an aggravating circumstance arises if the victim is a person with disabilities.

(*Id.* at 17.)

95. The National Human Rights Commission, in its role as National Preventive Mechanism against Torture, has made initial monitoring visits to the eight psychiatric hospitals under the authority of the Federal Government, and to three private clinics in the Federal District that care for persons with mental disabilities. In the course of those visits, the Commission checked compliance with the provisions of official Mexican standard NOM-025-SSA2-1994, particularly in cases where the user had been admitted to a facility Involuntarily.

96. The Ministry of Health has trained the staff of those facilities in the prevention of the torture and degrading treatment of mental health service users. Three events have been held, attended by over 400 people from medical facilities from across the country, the National Human Rights Commission, the Pan American Health Organization/World Health Organization and the psychiatric care services of the Ministry of Health.

(*Id.* at 17-18.)

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<sup>1</sup> Neither party submitted the report itself (“Mexico Report to CRPD”), but the Court obtained it and takes administrative notice of it. It can be found, among other Internet locations, at [http://www.globaldisabilityrightsnow.org/sites/default/files/related-files/257/CRPD\\_State\\_Report\\_English.pdf](http://www.globaldisabilityrightsnow.org/sites/default/files/related-files/257/CRPD_State_Report_English.pdf)

169. The Federal Government's 2007–2012 Programme for Targeted Action for Comprehensive Health Care for Persons with Disabilities, aims to improve the standard of mental health of the population by promoting policies and programmes to ensure that people are treated with dignity, by removing the stigmas and discrimination affecting service users and by facilitating their social reintegration through comprehensive, ongoing and quality community care.

170. In 2010, with the joint support of professionals and civil society representatives, and based on the results of clinical and economic studies, work began on updating and authorizing targeted care programmes for priority mental disorders featured in the universal catalogue of the people's health insurance scheme. This has created an excellent precedent in terms of investment and spending on mental health. The care that persons requiring such support can now claim covers preventive, curative and rehabilitation measures and treatment, and includes, among other measures, the diagnosis and treatment of disorders such as . . . psychotic disorders (schizophrenia, delusions, psychotic and schizotypal disorders) . . .

171. Community mental health care has gradually expanded. Health-care coverage is provided by 330 specialized medical units providing care to addicts and 34 specialist medical units specializing in mental health care, distributed across the states.

172. In order to promote respect for human rights with regard to mental health and disability, training workshops on the human rights and fundamental liberties of persons with mental disabilities, for the benefit of mental health workers, have been organized jointly by the National Human Rights Commission, the Pan American Health Organization/World Health Organization and the Ministry of Health.

173. In order to bring the mental health regulatory framework into line with human rights standards, a legislative study is being carried out with a view to preparing a draft proposal to update legal provisions in the field of mental health and psychiatric care services in institutions within the health sector.

174. In the interest of developing an innovative strategy to ensure that neglected patients with mental or neurological disorders are provided with care that adequately meets their needs and fully respects their rights, a pilot project will be implemented, with the support of Disability Rights International, to remove patients who do not require hospital care from an institutional setting, and to provide them with care in the community.

175. The Ministry of Health will issue an official request to the Pan American Health Organization to conduct an assessment of the organization and functioning of mental health services in Mexico, within the framework of human rights standards.



(*Id.* at 27-28.)

For good measure, the U.S. State Department notes that Mexican “law prohibits discrimination against persons with . . . mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, and the provision of other services.” (Group Exhibit 4 at 24.) According to the State Department, Mexican law also “requires the Ministry of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Ministry of Social Development (SEDESOL) must establish specialized institutions to care for, protect, and house persons with disabilities in poverty, neglect, or marginalization.” (*Id.*)

Having failed to allege, let alone demonstrate, that he has suffered past persecution, Respondent is not afforded a presumption concerning future persecution. In this respect, and in light of the foregoing manifest concerns by the Mexican government for the treatment of mentally ill persons, the most that Respondent can muster is a claim that resources in Mexico are insufficient to adequately treat members of Respondent’s particular social group. This is insufficient to demonstrate a well-founded fear of future persecution. *See Mohammed Shuaib Khan v. AG of the United States*, 691 F.3d 488, 499 (3d Cir. 2012); *Raffington v. INS*, 340 F.3d 720, 723 (8th Cir. 2003).<sup>2</sup>

### **C. Withholding of Removal Under the Act**

#### **1. Legal Standard**

A claim of withholding of removal under INA Section 241(b)(3) is factually related to an asylum claim, but the applicant bears a heavier burden of proof. To qualify for withholding of removal under Section 241(b)(3) of the Act, the Respondent is required to demonstrate that his life or freedom would be threatened by persecution on account of . . . race, religion, nationality, membership in a particular social group, or political opinion. An applicant for withholding of removal under the Act may establish a future threat to his life or freedom in the proposed country of removal by demonstrating that he (1) suffered past persecution on account of an enumerated ground in that country, or (2) more likely than not would be persecuted on account of an enumerated ground upon removal to that country. 8 C.F.R. § 1208.16(b)(1)-(2).

Unlike asylum, withholding of removal may not be denied in the exercise of discretion. This is to say that if the applicant establishes statutory eligibility, withholding of removal must be granted subject to a few non-relevant exceptions.

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<sup>2</sup> While not necessary to this decision, the Court adds that as a matter of discretion it would also deny the claim. Stated simply, granting asylum on the basis proposed by Respondent would be tantamount to an invitation to all persons with schizophrenia in Mexico who outwardly exhibit erratic behavior to seek refuge in the United States. This Court would not countenance such a claim.

## 2. Analysis

Because Respondent has failed to satisfy the lower burden of proof required for asylum, it necessarily follows that he has failed to satisfy the more demanding “clear probability of persecution” standard required for withholding of removal under the Act. *See INS v. Stevic*, 467 U.S. 407, 425 (1984); *Dayo v. Holder*, 687 F.3d 653, 658–59 (5th Cir. 2012). Therefore his claim in this respect must also be denied.

### D. Withholding of Removal Under the Convention Against Torture

#### 1. Legal Standard

An applicant for withholding of removal under the Convention Against Torture bears the burden of proving, first, that it is more likely than not that he will be tortured upon return to his country; and, second, that sufficient state action is involved in that torture. *Iruegas-Valdez v. Yates*, 846 F.3d 806, 812 (5th Cir. 2017); 8 C.F.R. § 1208.16(c)(2). Torture is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person . . . when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” 8 C.F.R. § 1208.18(a)(1).

Claims based on the Convention Against Torture differ from those based on eligibility for withholding of removal because the claim need not be based on race, religion, nationality, membership in a particular social group, or political opinion. *Zhang v. Gonzalez*, 432 F.3d 339, 344 (5th Cir. 2005).

#### 2. Analysis

Respondent has not met his burden of proof to warrant withholding of removal under the Convention against Torture because, as set forth above concerning asylum, he has not shown with credible evidence that the Mexican government has harmed him or would acquiesce in harming him. *See Dayo*, 687 F.3d at 659.

**ORDERS**

Accordingly, it is therefore:

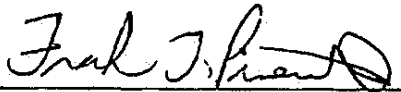
ORDERED that the Respondent's application for asylum is DENIED.

It is further ORDERED that the Respondent's application for withholding of removal under Section 241(b)(3) of the Act is DENIED.

It is further ORDERED that the Respondent's application for withholding of removal under the Convention Against Torture is DENIED.

It is further ORDERED that the Respondent be removed to Mexico.

Dated: February 14, 2018



Frank T. Pimentel  
United States Immigration Judge

**CERTIFICATE OF SERVICE**  
**THIS DOCUMENT WAS SERVED BY:**  
**(M) MAIL-(P) PERSONAL SERVICE**  
**TO: ( ) ALIEN (P) c/o CUSTODIAL OFFICER**  
**(M) ALIEN'S ATTY REP (P) DHS**  
**DATE: 2-15-18 BY: COURT STAFF**  
**Attachments: ( ) EOIR-33 ( ) EOIR-28 ( )**  
**( ) Legal Services List ( ) Other**

Falls Church, Virginia 22041

File: (b)(6) per EOIR - Los Fresnos, TX

Date: AUG 10 2018

In re: (b)(6) per EOIR a.k.a. (b)(6) per EOIR a.k.a. (b)(6) per EOIR

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Tatiana P. Obando, Esquire

ON BEHALF OF DHS: Lily Dideban  
Assistant Chief Counsel

APPLICATION: Asylum

The respondent, a native and citizen of Mexico, appeals from the Immigration Judge's decision dated February 14, 2018, denying the respondent's application for asylum under section 208 of the Immigration and Nationality Act.<sup>1</sup> See 8 U.S.C. § 1158. The Department of Homeland Security opposes the appeal. The record will be remanded to a different Immigration Judge.

We review the findings of fact made by the Immigration Judge, including the determination of credibility, for clear error. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including questions of judgment, discretion, and law, de novo. 8 C.F.R. § 1003.1(d)(3)(ii).

As a threshold matter, the Immigration Judge appropriately assessed the respondent's mental competency, determined that he was not competent to proceed without counsel, and instituted safeguards to ensure the fairness of these proceedings (IJ at 1-2; Tr. at 38-71). *Matter of M-A-M-*, 25 I&N Dec. 474 (BIA 2011). On appeal, the respondent does not challenge the Immigration Judge's competency determination or the adequacy of the safeguards provided, and we decline to disturb these determinations upon our review of the record. See *Matter of M-J-K-*, 26 I&N Dec. 773 (BIA 2016) (holding that cases involving issues of mental competency, an Immigration Judge has the discretion to select and implement appropriate safeguards, which this Board reviews de novo); *Matter of J-S-S-*, 26 I&N Dec. 679 (BIA 2015) (holding that an Immigration Judge's finding of competency is a finding of fact reviewed by the Board for clear error).

Turning to the respondent's applications for relief, the respondent fears that, due to his mental illness, he will be placed in a mental health institution in Mexico where he will be subjected to persecution and torture. He argues that the harm he would suffer would be on account of his membership in a particular social group consisting of "Mexican individuals with disorganized

<sup>1</sup> The Immigration Judge also denied the respondent's applications for withholding of removal under section 241(b)(3) of the Act, 8 U.S.C. § 1231(b)(3), and protection under the Convention Against Torture, 8 C.F.R. § 1208.16-18, but the respondent does not challenge these determinations on appeal.

schizophrenia” or “individuals who suffer from schizophrenia disorder in Mexico” (IJ at 4; Tr. at 107). While the Immigration Judge concluded that the respondent was a member of a legally cognizable particular social group, he denied the respondent’s application based on a failure to demonstrate a well-founded fear of persecution in Mexico on account of his membership in the group (IJ at 4-7).<sup>2</sup>

In determining that the respondent’s fear of persecution was not objectively reasonable, the Immigration Judge relied almost exclusively on the government of Mexico’s 2011 report to the United Nations on its implementation of the Convention on the Rights of Persons with Disabilities, which was not presented by the parties (IJ at 5-7). While an Immigration Judge may take administrative notice of known facts such as current events or the contents of official documents, 8 C.F.R. § 1003.18, he or she must also consider the totality of the evidence in making a determination whether the respondent has met his or her burden of proof. Here, the record contains numerous reports, including by the United States government, of systemic problems with Mexico’s mental health system (Group Exh. 6). The Immigration Judge made no findings regarding these reports, and both sides of the issue must be addressed.

Given our limited fact finding ability, we find it necessary to remand for additional fact finding regarding whether the respondent has met his burden of demonstrating a well-founded fear of persecution on his membership in his particular social group. On remand, the Immigration Judge should consider whether the respondent has shown a reasonable possibility that he will experience harm rising to the level of persecution if he is removed to Mexico. 8 C.F.R. § 1208.13(b)(2). Specifically, the Immigration Judge should consider whether there is a reasonable possibility that the respondent will be placed in a mental health facility in Mexico, and, if so, whether there is a reasonable possibility that he will suffer harm rising to the level of persecution in such an institution. In addition, the Immigration Judge should determine whether the respondent’s membership in a particular social group consisting of Mexican individuals suffering from schizophrenia would be at least one central reason for any harm he experiences. Section 208(b)(1)(B)(i) of the Act. Finally, the Immigration Judge should also determine whether the agent of any persecution would be the government of Mexico or, if not, whether the Mexican government would be unable or unwilling to protect him from harm. *Matter of A-B-*, 27 I&N Dec. 316, 337 (A.G. 2018). We express no opinion as to the ultimate outcome in this case.<sup>3</sup>

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<sup>2</sup> The DHS states in its appellate brief that the Immigration Judge determined that the respondent’s particular social group is not cognizable. To the contrary, the Immigration Judge found otherwise. In the absence of a meaningful challenge by the DHS, we find no basis to disturb this aspect of the Immigration Judge’s decision.

<sup>3</sup> The Immigration Judge also stated that, while not “necessary to this decision,” he would deny the respondent’s application in discretion because of his concern that other similarly situated individuals in Mexico would seek protection in the United States (IJ at 7 n.2). Based on this statement, the respondent requests that his case be remanded to a different Immigration Judge. We agree with the respondent that this factor would not be an appropriate factor in the discretionary analysis and therefore remand to a different Immigration Judge to proceed with the case.

(b)(6) per EOIR

Accordingly, the following order will be entered.

**ORDER:** The record is remanded to a different Immigration Judge for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

  
\_\_\_\_\_  
FOR THE BOARD



7301 Federal Blvd., Ste. 300  
Westminster, CO 80030

(303) 433-2812  
(303) 433-2823 FAX  
[www.rmian.org](http://www.rmian.org)

VIA ELECTRONIC MAIL

March 2, 2020

William P. Barr, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
Email: [AGCertification@usdoj.gov](mailto:AGCertification@usdoj.gov)

Re: Withdrawing *Matter of R-A-F-*, 27 I&N Dec. 778 (A.G. 2020)

Dear Attorney General Barr:

An immigration judge appointed me through the Executive Office for Immigration Review's (EOIR) National Qualified Representative Program to represent Mr. (b)(6) per EOIR in removal proceedings due to his mental incompetence, and I have done so since October 25, 2018. EOIR is well aware of my representation as I properly filed Notices of Entry of Appearance as Attorney before both the Immigration Court and the Board of Immigration Appeals. See Exhibit A (Form EOIR-28); Exhibit B (Form EOIR-27). Despite the agency's awareness of my representation, you certified Mr. (b)(6) per EOIR closed immigration case to yourself and then issued a precedent decision, *Matter of R-A-F-*, 27 I&N Dec. 778 (A.G. 2020). You did so without providing Mr. (b)(6) per EOIR with notice of either the certification or the decision and, thus, violated his statutory, regulatory, and constitutional rights to counsel and his due process rights to notice and an opportunity to be heard. See U.S. Const. Amend. V; 8 U.S.C. §§ 1229a(b)(4)(A), 1362; 5 U.S.C. § 555(b); 8 C.F.R. § 1292.5(b); cf. 8 C.F.R. § 1240.10(a)(2). This violation is particularly egregious where Mr. (b)(6) per EOIR is incompetent and unable to represent himself.

In order to remedy these grave violations, your office must vacate the decision and allow counsel the opportunity to provide briefing on all relevant legal issues.

Notably, I learned of the decision after your office posted the decision on the EOIR website on the afternoon of February 26, 2020. While Mr. (b)(6) per EOIR initials and immigration history

Letter to William F. Barr, Attorney General  
Re: *Matter of R-A-F-*  
Page 2

matched those in the decision, I was forced to take multiple steps to confirm the decision pertained to my client. On February 26, I called the EOIR hotline, which listed Mr. (b)(6) per EOIR case as pending. Early the next morning, I called the BIA Clerk's Office. I was told that the case was closed, but was referred to EOIR's Office of General Counsel, where I left a message. When I later spoke to a staff attorney at the Office of General Counsel, he again told me that the case was closed. Separately, I called and spoke to a clerk at the Aurora Immigration Court. She confirmed that the IJ's order was final and neither party appealed that decision. However, during that call, I learned for the first time that your office had requested Mr. (b)(6) per EOIR closed case file.

Absent a response from your office by the close of business on Wednesday, March 5, I will be forced to consider other options, including, but not limited to, litigation in federal court and media attention.

I look forward to hearing from you.

Sincerely,



Laura Lunn  
Detention Program Managing Attorney  
Rocky Mountain Immigrant Advocacy Network (RMIAN)  
7301 Federal Boulevard, Suite 300 (top floor of Chase Bank building)  
Westminster, Colorado 80030  
Phone: (b) (6)  
(b) (6)  
www.rmian.org

Encl: Exhibit A (Form EOIR-28, original)  
Exhibit B (Form EOIR-28, new attorney address)  
Exhibit C (Form EOIR-27, original)  
Exhibit D (Form EOIR-27, new attorney address)

cc: Office of Chief Counsel, Aurora, Colorado (via email)  
(b) (6)



(Type or Print) <b>NAME AND ADDRESS OF REPRESENTED PARTY</b> (b)(6) per EOIR	<b>ALIEN ("A") NUMBER</b> (Provide A-number of the party represented in this case.) (b)(6) per EOIR															
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; text-align: center;">(First)</td> <td style="width:33%; text-align: center;">(Middle Initial)</td> <td style="width:33%; text-align: center;">(Last)</td> </tr> <tr> <td colspan="3">c/o GEO/ICE 3130 North Oakland Street</td> </tr> <tr> <td style="text-align: center;">(Number and Street)</td> <td colspan="2" style="text-align: center;">(Apt. No.)</td> </tr> <tr> <td>Aurora</td> <td style="text-align: center;">CO</td> <td style="text-align: center;">80010</td> </tr> <tr> <td style="text-align: center;">(City)</td> <td style="text-align: center;">(State)</td> <td style="text-align: center;">(Zip Code)</td> </tr> </table>	(First)	(Middle Initial)	(Last)	c/o GEO/ICE 3130 North Oakland Street			(Number and Street)	(Apt. No.)		Aurora	CO	80010	(City)	(State)	(Zip Code)	<b>Entry of appearance for</b> (please check <u>one</u> of the following): <input checked="" type="checkbox"/> All proceedings <input type="checkbox"/> Custody and bond proceedings only <input type="checkbox"/> All proceedings other than custody and bond proceedings
(First)	(Middle Initial)	(Last)														
c/o GEO/ICE 3130 North Oakland Street																
(Number and Street)	(Apt. No.)															
Aurora	CO	80010														
(City)	(State)	(Zip Code)														

**Attorney or Representative (please check one of the following):**

I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).

Full Name of Court Oregon Supreme Court Bar Number (if applicable) 141480

I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:

I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).

I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).

I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from \_\_\_\_\_ (country).

I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

**Attorney or Representative (please check one of the following):**

I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.

EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 *et seq.* I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<b>SIGNATURE OF ATTORNEY OR REPRESENTATIVE</b>	<b>EOIR ID NUMBER</b>	<b>DATE</b>
<b>X</b>	CR907661	10/24/2018

**NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS**

Name: Laura P LUNN  
 (First) (Middle Initial) (Last)

Address: 3489 West 72nd Avenue, Suite 211  
 (Number and Street)

Westminster CO 80030  
 (City) (State) (Zip Code)

Telephone: (303) 433-2812 Facsimile: (303) 433-2823 Email: (b)(6)

Check here if new address

**Indicate Type of Appearance:**

Primary Attorney/Representative       Non-Primary Attorney/Representative

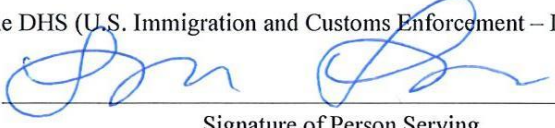
On behalf of \_\_\_\_\_ (Attorney's Name) for the following hearing: \_\_\_\_\_ (Date)

I am providing pro bono representation. Check one:  yes     no

**Proof of Service**

I (Name) Laura P. Lunn mailed or delivered a copy of this Form EOIR-28 on (Date) 10/24/2018  
to the DHS (U.S. Immigration and Customs Enforcement – ICE) at 12445 E. Caley Avenue Centennial, CO, 80111

**X**



Signature of Person Serving

**APPEARANCES** - An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at [www.justice.gov/eoir](http://www.justice.gov/eoir). An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at [www.justice.gov/eoir](http://www.justice.gov/eoir)). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. *See Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

**FREEDOM OF INFORMATION ACT** - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see *How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review*, available on EOIR's website at <http://www.justice.gov/eoir>.

**PRIVACY ACT NOTICE** - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101 *et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

**CASES BEFORE EOIR** - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

**FURTHER INFORMATION** - For further information, please see the *Immigration Court Practice Manual*, which is available on the EOIR website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

**ADDITIONAL INFORMATION:**

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

(Type or Print) <b>NAME AND ADDRESS OF REPRESENTED PARTY</b> <div style="background-color: black; color: white; text-align: center; padding: 2px;">(b)(6) per EOIR</div> <hr/> (First) (Middle Initial) (Last) c/o GEO/ICE 3130 North Oakland Street <hr/> (Number and Street) (Apt. No.) Aurora CO 80010 <hr/> (City) (State) (Zip Code)	<b>ALIEN ("A") NUMBER</b> (Provide A-number of the party represented in this case.) <div style="background-color: black; color: white; text-align: center; padding: 2px;">(b)(6) per EOIR</div> <hr/> <b>Entry of appearance for</b> (please check <u>one</u> of the following): <input checked="" type="checkbox"/> All proceedings <input type="checkbox"/> Custody and bond proceedings only <input type="checkbox"/> All proceedings other than custody and bond proceedings
---	--

**Attorney or Representative (please check one of the following):**

- I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).
- Full Name of Court Oregon Supreme Court Bar Number (if applicable) 141480
- I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:
- 
- I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).
- I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).
- I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from \_\_\_\_\_ (country).
- I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

**Attorney or Representative (please check one of the following):**

- I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.
- EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.
- I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 *et seq.* I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<b>SIGNATURE OF ATTORNEY OR REPRESENTATIVE</b>	<b>EOIR ID NUMBER</b>	<b>DATE</b>
<b>X</b>	CR907661	6/17/2019

**NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS**

Name: Laura P LUNN  
 (First) (Middle Initial) (Last)

Address: 7301 Federal Blvd Suite 300  
 (Number and Street)

Westminster CO 80030  
 (City) (State) (Zip Code)

Telephone: (303) 433-2812 Facsimile: (303) 433-2823 Email: (b) (6)

Check here if new address

**Indicate Type of Appearance:**

Primary Attorney/Representative       Non-Primary Attorney/Representative

On behalf of \_\_\_\_\_ (Attorney's Name) for the following hearing: \_\_\_\_\_ (Date)

I am providing pro bono representation. Check one:  yes     no

**Proof of Service**

I (Name) Laura P. Lunn mailed or delivered a copy of this Form EOIR-28 on (Date) 06/17/2019  
to the DHS (U.S. Immigration and Customs Enforcement – ICE) at 12445 East Caley Avenue Centennial, CO 80111

**X** 

Signature of Person Serving

**APPEARANCES** - An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at [www.justice.gov/eoir](http://www.justice.gov/eoir). An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at [www.justice.gov/eoir](http://www.justice.gov/eoir)). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

**FREEDOM OF INFORMATION ACT** - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see *How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review*, available on EOIR's website at <http://www.justice.gov/eoir>.

**PRIVACY ACT NOTICE** - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101*et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

**CASES BEFORE EOIR** - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

**FURTHER INFORMATION** - For further information, please see the *Immigration Court Practice Manual*, which is available on the EOIR website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

**ADDITIONAL INFORMATION:**

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**Notice of Entry of Appearance as Attorney or  
Representative Before the Board of Immigration Appeals**


<b>(Type or Print)</b> <b>NAME AND ADDRESS OF REPRESENTED PARTY</b>			<b>ALIEN ("A") NUMBER</b> (Provide A- number of the party represented or the visa beneficiary in this case.)
<b>(b)(6) per EOIR</b>			<b>(b)(6) per EOIR</b>
(First)	(Middle Initial)	(Last)	USCIS Visa Appeal (Provide beneficiary name)
c/o GEO/ICE 3130 North Oakland Street			Fine (Provide fine number)
(Number and Street)		(Apt. No.)	Disciplinary case (Provide docket number)
Aurora	CO	80010	
(City)	(State)	(Zip Code)	

**Attorney or Representative (please check one of the following):**

- I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).  
**Full Name of Court** Oregon Supreme Court **Bar Number (if applicable)** 141480
- I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:  
\_\_\_\_\_
- I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).
- I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).
- I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from \_\_\_\_\_ (country).
- I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

**Attorney or Representative (please check one of the following):**

- I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.
  - EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.
- I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<b>SIGNATURE OF ATTORNEY OR REPRESENTATIVE</b>	<b>EOIR ID NUMBER</b>	<b>DATE</b>
<b>X</b> 	CR907661	5/17/2019

**NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS**

Name: Laura P LUNN  
(First) (Middle Initial) (Last)

Address: 3489 W. 72nd Ave., Ste. 211  
(Number and Street)

Westminster CO 80030  
(City) (State) (Zip Code)

Telephone: (303) 433-2812 Facsimile: (303) 433-2823 Email: (b) (6)

Check here if new address

**Indicate Type of Appearance:**

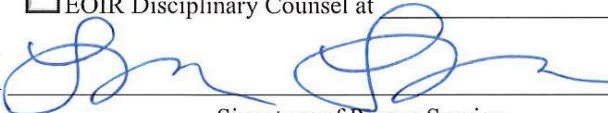
Primary Attorney/Representative       Non-Primary Attorney/Representative

I am providing pro bono representation. Check one:  yes    no

**Proof of Service**

I (Name) Laura P. Lunn mailed or delivered a copy of this Form EOIR-27 on (Date) 5/17/2019  
to the  DHS (U.S. Immigration and Customs Enforcement – ICE) at 12445 E. Caley Avenue Centennial, CO, 80111  
 DHS (U.S. Citizenship and Immigration Services – USCIS) at \_\_\_\_\_  
 EOIR Disciplinary Counsel at \_\_\_\_\_

X



Signature of Person Serving

**APPEARANCES** - An appearance for each represented party shall be filed on a separate Form EOIR-27 by the attorney or representative appearing in each appeal or motion to reopen or motion to reconsider before the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)), even though the attorney or representative may have appeared in the case before the Immigration Judge or the U.S. Citizenship and Immigration Services. If information is omitted from the Form EOIR-27 or it is not properly completed, the appearance may not be recognized and the accompanying filing may be rejected. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions in 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon approval by the Board of a request of the attorney or representative of record in accordance with *Matter of Rosales*, 19 I&N Dec. 655 (1988). Please note that appearances for limited purposes are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-27 that reflects a new address.

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Laura Lunn  
ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK  
7301 Federal Blvd., Ste. 300  
Westminster, CO 80030  
(b)(6) per EOIR  
Fax (303) 433-2823  
(b) (6)

Non-Detained  
\*\* NQRP \*\*

*Qualified Representative for Respondent*

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL**

\_\_\_\_\_  
In the Matter of: )  
(b)(6) per EOIR )  
*In Removal Proceedings* )  
\_\_\_\_\_ )

File No.: (b)(6) per EOIR

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**RESPONDENT'S MOTION TO RECONSIDER**

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## I. INTRODUCTION

(b)(6) per EOIR (“Respondent”) files this Motion to Reconsider the decision in *Matter of R-A-F-*, 27 I&N Dec. 778 (A.G. 2020) issued on February 26, 2020 where the Attorney General certified to himself given that there was no notice provided to Mr. (b)(6) per EOIR, or undersigned counsel of such certification nor was an opportunity provided for Mr. (b)(6) per EOIR to provide any supplemental briefing.

In order to remedy these grave violations, your office must reconsider and vacate the decision and allow counsel the opportunity to provide briefing on all relevant legal issues.

## II. LEGAL STANDARD FOR MOTIONS TO RECONSIDER

A motion to reconsider is based on legal grounds, and seeks a new determination based on alleged errors of fact or law. *See* 8 U.S.C. § 1229a(c)(6); 8 C.F.R. § 1003.2(b)(1).

## III. ARGUMENT

Undersigned counsel was appointed to this matter by an immigration judge through the Executive Office for Immigration Review’s (“EOIR”) National Qualified Representative Program (“NQRP”) to represent Mr. (b)(6) per EOIR in removal proceedings due to his mental incompetence, and I have done so since October 25, 2018. EOIR is well aware of my representation as I properly filed Notices of Entry of Appearance as Attorney before both the Immigration Court and the Board of Immigration Appeals. *See* Exhibit A (Form EOIR-28); Exhibit B (Form EOIR-27). Despite the agency’s awareness of my representation, you certified Mr. (b)(6) per EOIR closed immigration case to yourself and then issued a precedent decision, *Matter of R-A-F-*, 27 I&N Dec. 778 (A.G. 2020). You did so without providing Mr. (b)(6) per EOIR with notice of either the certification or the decision and, thus,



violated his statutory, regulatory, and constitutional rights to counsel and his due process rights to notice and an opportunity to be heard. *See* U.S. Const. Amend. V; 8 U.S.C. §§ 1229a(b)(4)(A), 1362; 5 U.S.C. § 555(b); 8 C.F.R. § 1292.5(b); *cf.* 8 C.F.R. § 1240.10(a)(2). This violation is particularly egregious where Mr. (b)(6) per EOIR is incompetent and unable to represent himself.

Notably, I learned of the decision after your office posted the decision on the EOIR website on the afternoon of February 26, 2020. While Mr. (b)(6) per EOIR initials and immigration history matched those in the decision, I was forced to take multiple steps to confirm the decision pertained to my client. On February 26, I called the EOIR hotline, which listed Mr. (b)(6) per EOIR case as pending. Early the next morning, I called the BIA Clerk's Office. I was told that the case was closed, but was referred to EOIR's Office of General Counsel, where I left a message. When I later spoke to a staff attorney at the Office of General Counsel, he again told me that the case was closed. Separately, I called and spoke to a clerk at the Aurora Immigration Court. She confirmed that the IJ's order was final and neither party appealed that decision.

However, during that call, I learned for the first time that your office had requested Mr. (b)(6) per EOIR (b)(6) per EOIR closed case file.

Based on the aforementioned, your office committed legal error by failing to adhere to Mr. (b)(6) per EOIR statutory, regulatory, and constitutional rights. *See* 8 U.S.C. § 1229a(c)(6); 8 C.F.R. § 1003.2(b)(1).

#### IV. CONCLUSION

Consequently, in order to uphold Mr. (b)(6) per EOIR due process and statutory rights, the Attorney General should reconsider its findings on removability.

Respectfully submitted on March 16, 2020,



Laura Lunn  
ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK  
7301 Federal Blvd., Ste. 300  
Westminster, CO 80030

**(b)(6) per EOIR**

Fax (303) 433-2823

**(b) (6)**

*Qualified Representative for Respondent*

---


**CERTIFICATE OF SERVICE**

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I, Laura Lunn, hereby certify that on March 16, 2020, I served a true and correct copy of the foregoing RESPONDENT'S MOTION TO RECONSIDER to the Department of Homeland Security Office of the Chief Counsel via USPS at:

DHS/ICE Office of Chief Counsel – AUR  
12445 East Caley Ave.  
Centennial, CO 80111-5663

Christopher S. Kelly, Chief  
Immigration Law and Practice Division  
DHS/ICE  
500 12<sup>th</sup> Street, SW, Mailstop 5900  
Washington, DC 20536-5900



---

Laura Lunn

(Type or Print) <b>NAME AND ADDRESS OF REPRESENTED PARTY</b> (b)(6) per EOIR			<b>ALIEN ("A") NUMBER</b> (Provide A- number of the party represented or the visa beneficiary in this case.) (b)(6) per EOIR
(First)	(Middle Initial)	(Last)	USCIS Visa Appeal (Provide beneficiary name)
c/o DHS/ICE 3130 N Oakland Street		(Apt. No.)	Fine (Provide fine number)
(Number and Street)		(Apt. No.)	Disciplinary case (Provide docket number)
Aurora	CO	80010	
(City)	(State)	(Zip Code)	

**Attorney or Representative (please check one of the following):**

I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).

Full Name of Court Oregon Supreme Court Bar Number (if applicable) 141480

I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:

I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).

I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).

I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from \_\_\_\_\_ (country).

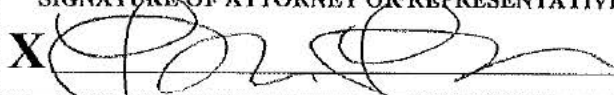
I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

**Attorney or Representative (please check one of the following):**

I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.

EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<b>SIGNATURE OF ATTORNEY OR REPRESENTATIVE</b>	<b>EOIR ID NUMBER</b>	<b>DATE</b>
	CR907661	5/23/2019

**NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS**

Name: Laura P Lunn  
 (First) (Middle Initial) (Last)

Address: 7301 Federal Blvd.  
 (Number and Street)

Westminster CO 80030  
 (City) (State) (Zip Code)

Telephone: 303-433-2812 Facsimile: 303-433-2823 Email: (b)(6) per EOIR

Check here if new address


**Indicate Type of Appearance:**

Primary Attorney/Representative       Non-Primary Attorney/Representative

I am providing pro bono representation. Check one:  yes    no

**Proof of Service**

I (Name) Laura P. Lunn mailed or delivered a copy of this Form EOIR-27 on (Date) 5/23/2019  
to the  DHS (U.S. Immigration and Customs Enforcement – ICE) at 12445 E Caley Avenue Centennial, CO 80111  
 DHS (U.S. Citizenship and Immigration Services – USCIS) at \_\_\_\_\_  
 EOIR Disciplinary Counsel at \_\_\_\_\_

**X**   
Signature of Person Serving

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---

**From:** Wetmore, David H. (ODAG)  
**Sent:** Friday, May 22, 2020 3:12 PM  
**To:** (b)(6) - David Wetmore Email Address  
**Subject:** Fwd: Welcome to EOIR and Training Information  
**Attachments:** New BIA Chairman Training Agenda - May 26-June 10.pdf; ATT00001.htm; Webinar Logistics - Attendees.pdf; ATT00002.htm; GoToWebinar Participant Demo.MP4; ATT00003.htm

**David H. Wetmore**  
**Associate Deputy Attorney General**  
**Office of the Deputy Attorney General**  
**U.S. Department of Justice**

**Office:** (b) (6)  
**Mobile:** (b) (6)

Begin forwarded message:

**From:** "LERS, EOIR (EOIR)" <EOIR.LERS@EOIR.USDOJ.GOV>  
**Date:** May 22, 2020 at 3:03:54 PM EDT  
**To:** "Wetmore, David (EOIR) (b) (6)" "Wetmore, David H. (ODAG) (b) (6)"  
**Cc:** "Adams Milam, Amanda J. (EOIR) (b) (6)"  
**Subject:** FW: Welcome to EOIR and Training Information



## NEW CHIEF ADJUDICATOR TRAINING FOR THE CHAIRMAN OF THE BOARD OF IMMIGRATION APPEALS

Executive Office for Immigration Review, Office of Policy  
Legal Education and Research Services Division (LERS)

Program Dates: May 26 – June 10, 2020

### TRAINING AGENDA

All sessions will take place using the GoToWebinar platform, unless otherwise indicated.  
All times are shown in Eastern Daylight Time.

**Points of contact:** Email [EOIR.LERS@usdoj.gov](mailto:EOIR.LERS@usdoj.gov) with questions, comments, or suggestions.  
If you need more immediate assistance, please contact a LERS team member.

Tuesday, May 26		
8:30 a.m. 8:40 a.m.	<b>Training Introduction and Technology Overview</b>	<i>LERS Staff</i>
8:40 a.m. 9:00 a.m.	<b>Introduction to the Structure and Operations of EOIR</b>	Kate Sheehey <i>Chief Management Officer, OOD</i>
9:00 a.m. 9:45 a.m.	<b>Admission, Immigration Status, and Removability</b>	Earle Wilson <i>Board Member, BIA</i>  S. Kathleen Pepper <i>Temporary Board Member, BIA</i>
9:45 a.m. 10:30 a.m.	<b>Alienage &amp; Claims of United States Citizenship</b>	Daniel Daugherty <i>Assistant Chief Immigration Judge, OCIJ</i>
10:30 a.m. 10:55 a.m.	<b>Burdens of Proof and Shifting Burdens under the Act</b>	Daniel Daugherty <i>Assistant Chief Immigration Judge, OCIJ</i>
11:00 a.m. 12:00 p.m.	<b>BIA Standards of Review</b>	Ellen Liebowitz <i>Board Member, BIA</i>

<i>OTHER WORK &amp; LUNCH</i>		
1:00 p.m. 1:30 p.m.	<b>Credibility &amp; Corroboration</b>	<b>Edward Kelly</b> <i>Board Member, BIA</i>
1:30 p.m. 2:15 p.m.	<b>CASE EXERCISE: Credibility &amp; Corroboration – Common Issues Arising in Applications for Relief</b>	<b>Edward Kelly</b> <i>Board Member, BIA</i>
2:15 p.m. 2:45 p.m.	<b>Discretionary Determinations – Weighing Relevant Factors</b>	<b>Michael Baird</b> <i>Immigration Judge, OCIJ</i>  <b>Keith Hunsucker</b> <i>Board Member, BIA</i>
2:50 p.m. 3:15 p.m.	<b>Voluntary Departure/Withdrawal of Application for Admission</b>	<b>Michael Baird</b> <i>Immigration Judge, OCIJ</i>
3:20 p.m. 4:00 p.m.	<b>Non-Lawful Permanent Resident Cancellation of Removal</b>	<b>Deborah Goodwin</b> <i>Board Member, BIA</i>  <b>Joan Geller</b> <i>Attorney Advisor, BIA</i>
4:00 p.m. 4:55 p.m.	<b>Lawful Permanent Resident Cancellation of Removal</b>	<b>Sirce Owen</b> <i>Assistant Chief Immigration Judge, OCIJ</i>  <b>Deborah Goodwin</b> <i>Board Member, BIA</i>

<b>Wednesday, May 27</b>		
8:10 a.m. 9:00 a.m.	<b>Adjustment of Status &amp; Waivers of Inadmissibility</b>	<b>Sirce Owen</b> <i>Assistant Chief Immigration Judge, OCIJ</i>  <b>Deborah Goodwin</b> <i>Board Member, BIA</i>



9:05 a.m. 10:00 a.m.	<p><b>Challenges Facing the BIA</b></p> <p><i>GoToMeeting</i></p>	<p>Charles Adkins-Blanch <i>Vice Chairman, BIA</i></p> <p>Jake Walker <i>Director of Operations, BIA</i></p> <p><i>Board Members, BIA</i></p>
10:00 a.m. 10:45 a.m.	<p><b>Conditional Lawful Permanent Resident Status and Waivers</b></p>	<p>Sirce Owen <i>Assistant Chief Immigration Judge, OCIJ</i></p> <p>Deborah Goodwin <i>Board Member, BIA</i></p>
10:50 a.m. 11:30 a.m.	<p><b>Asylum, Withholding of Removal, and the Convention Against Torture – PART 1</b></p>	<p>Charles Adkins-Blanch <i>Vice Chairman, BIA</i></p> <p>Karen Hope, <i>Attorney Advisor and Legal Staff Onboarding Coordinator, BIA</i></p>
<b>OTHER WORK &amp; LUNCH</b>		
12:30 p.m. 1:10 p.m.	<p><b>Asylum, Withholding of Removal, and the Convention Against Torture – PART 2</b></p>	<p>Charles Adkins-Blanch <i>Vice Chairman, BIA</i></p> <p>Karen Hope, <i>Attorney Advisor and Legal Staff Onboarding Coordinator, BIA</i></p>
1:10 p.m. 2:00 p.m.	<p><b>Asylum, Withholding of Removal, and the Convention Against Torture – PART 3</b></p>	<p>Charles Adkins-Blanch <i>Vice Chairman, BIA</i></p> <p>Karen Hope, <i>Attorney Advisor and Legal Staff Onboarding Coordinator, BIA</i></p>
2:05 p.m. 2:45 p.m.	<p><b>Specialized Proceedings – PART 1</b> <i>Credible Fear, Reasonable Fear, Asylum-Only, Withholding-Only</i></p>	<p>Sirce Owen <i>Assistant Chief Immigration Judge, OCIJ</i></p>
2:45 p.m. 3:15 p.m.	<p><b>Specialized Proceedings – PART 2</b> <i>Claimed Status Review, Rescission, Deportation, and Exclusion</i></p>	<p>Sirce Owen <i>Assistant Chief Immigration Judge, OCIJ</i></p>

3:20 p.m. 4:00 p.m.	<b>Criminal Immigration Issues – Crimes, Convictions, Sentences, and Vacatur</b>	<b>Hugh Mullane</b> <i>Board Member, BIA</i>  <b>John Crossett</b> <i>Attorney Advisor, BIA</i>
4:00 p.m. 5:00 p.m.	<b>CASE EXERCISE: Criminal Immigration Issues – Analyzing Crimes, Convictions, Sentences, and Vacatur</b>	<b>Hugh Mullane</b> <i>Board Member, BIA</i>  <b>John Crossett</b> <i>Attorney Advisor, BIA</i>

<b>Thursday, May 28</b>		
8:15 a.m. 9:10 a.m.	<b>Criminal Immigration Issues – The Categorical Approach and Divisibility</b>	<b>Hugh Mullane</b> <i>Board Member, BIA</i>  <b>John Crossett</b> <i>Attorney Advisor, BIA</i>
9:10 a.m. 10:00 a.m.	<b>CASE EXERCISE: Criminal Immigration Issues – Applying the Categorical Approach and Divisibility to Criminal Statutes and Records of Conviction</b>	<b>Hugh Mullane</b> <i>Board Member, BIA</i>  <b>John Crossett</b> <i>Attorney Advisor, BIA</i>
10:05 a.m. 10:55 a.m.	<b>Bond Proceedings &amp; Custody Issues – PART 1</b>	<b>Sirce Owen</b> <i>Assistant Chief Immigration Judge, OCIJ</i>
11:00 a.m. 11:45 a.m.	<b>Bond Proceedings &amp; Custody Issues – PART 2</b>	<b>Sirce Owen</b> <i>Assistant Chief Immigration Judge, OCIJ</i>
11:45 a.m. 12:15 p.m.	<b>Motions – PART 1</b>	<b>Beth Liebmann</b> <i>Senior Legal Advisor, BIA</i>  <b>Susan Berry</b> <i>Attorney Advisor, BIA</i>

<i>OTHER WORK &amp; LUNCH</i>		
1:15 p.m. 1:45 p.m.	<b>Motions – PART 2</b>	<p><b>Sirce Owen</b> <i>Assistant Chief</i> <i>Immigration Judge, OCIJ</i></p> <p><b>V. Stuart Couch</b> <i>Board Member, BIA</i></p>
1:45 p.m. 2:15 p.m.	<b>CASE EXERCISE: Reaching Decisions in Bond Proceedings</b>	<p><b>Sirce Owen</b> <i>Assistant Chief</i> <i>Immigration Judge, OCIJ</i></p> <p><b>Michael Baird</b> <i>Immigration Judge, OCIJ</i></p>
2:15 p.m. 3:00 p.m.	<b>Juvenile Cases</b>	<p><b>Sirce Owen</b> <i>Assistant Chief</i> <i>Immigration Judge, OCIJ</i></p> <p><b>Daniel Cicchini</b> <i>Associate General Counsel,</i> <i>OGC</i></p>
3:05 p.m. 3:50 p.m.	<b>Determining Mental Competence</b>	<p><b>Jack Weil</b> <i>Immigration Judge, OCIJ</i></p>
3:55 p.m. 4:50 p.m.	<b>Implementing Court-Mandated Safeguards and Protections for Incompetent Respondents</b>	<p><b>Jack Weil</b> <i>Immigration Judge, OCIJ</i></p>

<b>Friday, May 29</b>		
8:00 a.m. 9:00 a.m.	<b>Visa Petition Proceedings</b>	<p><b>Ana Mann</b> <i>Board Member, BIA</i></p> <p><b>Gabe Gonzalez</b> <i>Attorney Advisor, BIA</i></p>
9:00 a.m. 12:00 p.m.	<b>Exam</b>	<p><i>Administered by</i> <i>LERS Staff</i></p>

<i>OTHER WORK &amp; LUNCH</i>		
2:00 p.m. 3:25 p.m.	<b>Emergency Stay and Federal Court Remand Processes</b>	<p>S. Kathleen Pepper <i>Temporary Board Member, BIA</i></p> <p>Beth Liebmann <i>Senior Legal Advisors, BIA</i></p> <p>Christopher Gearin <i>Paralegal Team Leader, BIA</i></p>
3:30 p.m. 5:00 p.m.	<b>Oral Argument, Amicus, Supplemental Briefing, Publication, and Attorney General Certification and Decision Processes</b>	<p>Carolyn Elliot Veronica Rubi <i>Senior Legal Advisors, BIA</i></p> <p>Donna Carr <i>Chief Clerk, BIA</i></p> <p>Alexis Fooshé <i>Chief, Communications and Legislative Affairs Division, OP</i></p>

<b>Monday, June 1</b>		
8:30 a.m. 9:25 a.m.	<b>Introduction to the Board's Senior Legal Advisors</b>	<p>Carolyn Elliot Brooke Grandle Beth Liebmann Amy Minton Mark Noferi Veronica Rubi <i>Senior Legal Advisors, BIA</i></p>
9:30 a.m. 10:25 a.m.	<b>Introduction to Board Member Processes and Responsibilities</b>	<p>Charles Adkins-Blanch <i>Vice Chairman, BIA</i></p> <p>Ellen Liebowitz <i>Board Member, BIA</i></p>

<p>10:30 a.m. 11:30 a.m.</p>	<p><b>CAIJ: BIA Dashboard and CASE</b></p>	<p><b>Charles Adkins-Blanch</b> <i>Vice Chairman, BIA</i></p> <p><b>Donna Carr</b> <i>Chief Clerk, BIA</i></p> <p><b>William Robinson</b> <i>Senior Program Manager, BIA</i></p>
<p><i>OTHER WORK &amp; LUNCH</i></p>		
<p>1:30 p.m. 2:55 p.m.</p>	<p><b>Overview of Supervisory Structure and Responsibilities, Case Priorities, and Docket Management Matters</b></p>	<p><b>Charles Adkins-Blanch</b> <i>Vice Chairman, BIA</i></p> <p><b>Jake Walker</b> <i>Director of Operations, BIA</i></p> <p><b>Donna Carr</b> <i>Chief Clerk, BIA</i></p>
<p>3:00 p.m. 3:55 p.m.</p>	<p><b>Working with the Office of the Director, Office of Policy, Office of the General Counsel, Office of Administration, and Office of Information Technology</b></p>	<p><b>Kate Sheehey</b> <i>Chief Management Officer, OOD</i></p> <p><b>Lauren Alder Reid</b> <i>Assistant Director, OP</i></p> <p><b>Jill Anderson</b> <i>General Counsel, OGC</i></p> <p><b>Lisa Ward</b> <i>Assistant Director, Admin</i></p> <p><b>Edward So</b> <i>Assistant Director, OIT</i></p>

Tuesday, June 2		
8:30 a.m. 9:25 a.m.	<b>Case Management – PART 1 (Controlling the Courtroom)</b>	<b>Sirce Owen</b> <b>Daniel Daugherty</b> <i>Assistant Chief Immigration Judges, OCIJ</i>
9:30 a.m. 10:25 a.m.	<b>Case Management – PART 2 (Managing the Docket)</b>	<b>Sirce Owen</b> <i>Assistant Chief Immigration Judge, OCIJ</i>  <b>V. Stuart Couch</b> <i>Board Member, BIA</i>
10:30 a.m. 12:00 p.m.	<b>En Banc Board Meeting</b>	<i>Board Members, BIA</i>  <b>Jake Walker</b> <i>Director of Operations, BIA</i>
<b>OTHER WORK &amp; LUNCH</b>		
1:30 p.m. 3:00 p.m.	<b>Detailed Overview of the Structure and Operations of the BIA and the BIA’s Case Flow Process</b>	<b>Charles Adkins-Blanch</b> <i>Vice Chairman, BIA</i>  <b>Garry Malphrus</b> <i>Board Member, BIA</i>  <b>Jake Walker</b> <i>Director of Operations, BIA</i>  <b>Julia Egy</b> <i>Senior Panel Attorney, BIA</i>  <b>Karen Phillips-Savoy</b> <i>Senior Panel Attorney, BIA</i>  <b>Yasmin Elhady</b> <i>Attorney Team Leader, BIA</i>
3:05 p.m. 4:00 p.m.	<b>Leading and Managing the BIA’s Adjudication and Adjudication Support Teams</b>	<b>Jake Walker</b> <i>Director of Operations, BIA</i>

4:05 p.m. 5:00 p.m.	<p align="center"><b>Introduction to the BIA's Executive Office, Office of the Clerk, and Information Technology Office</b></p>	<p align="center"><b>Cynthia Crosby</b> <i>Executive Officer, BIA</i></p> <p align="center"><b>Donna Carr</b> <i>Chief Clerk, BIA</i></p> <p align="center"><b>William Robinson</b> <i>Senior Program Manager, BIA</i></p>
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<b>Wednesday, June 3</b>		
8:30 a.m. 9:25 a.m.	<p align="center"><b>Physical Security and Personnel Security in the Immigration Courts</b></p>	<p align="center"><b>James McDaniel</b> <i>Deputy Assistant Director, Admin</i></p>
9:30 a.m. 10:25 a.m.	<p align="center"><b>Introduction to the Employee Labor Relations Office and Key Management Principles for ACIJs</b></p>	<p align="center"><b>Sandy Reinfurt</b> <i>Acting Chief, Employee Labor Relations, OGC</i></p>
10:30 a.m. 11:25 a.m.	<p align="center"><b>Managing Performance and the Performance Appraisal Process</b></p>	<p align="center"><b>Maria Coleman</b> <i>Associate General Counsel, Employee Labor Relations, OGC</i></p>
11:30 a.m. 12:00 p.m.	<p align="center"><b>Board Member Performance Standards</b></p>	<p align="center"><b>Charles Adkins-Blanch</b> <i>Vice Chairman, BIA</i></p>

<i>OTHER WORK &amp; LUNCH</i>		
2:00 p.m. 2:55 p.m.	<b>Labor Issues</b>	<b>Charles Barksdale</b> <i>Associate General Counsel, Employee Labor Relations, OGC</i>
3:00 p.m. 3:55 p.m.	<b>Misconduct and Discipline</b>	<b>Adam Brill</b> <i>Associate General Counsel, Employee Labor Relations, OGC</i>
4:00 p.m. 5:00 p.m.	<b>EOIR's Judicial Conduct and Professionalism Unit</b>	<b>Adam Brill</b> <i>Associate General Counsel, Employee Labor Relations, OGC</i>  <b>Daniel Swanwick</b> <i>Temporary Board Member, BIA</i>

<b>Thursday, June 5</b>		
9:00 a.m. 10:00 a.m.	<b>Media, the BIA, and the Immigration Courts</b>	<b>Alexis Fooshé</b> <i>Chief, Communications and Legislative Affairs Division, OP</i>  <b>Kathryn Mattingly</b> <i>Assistant Press Secretary, Communications and Legislative Affairs Division, OP</i>
10:00 a.m. 10:25 a.m.	<b>Office of Legal Access Programs (OLAP)</b>	<b>Steven Lang</b> <i>Director of Legal Access Programs, OLAP, OP</i>



10:30 a.m. 11:25 a.m.	<b>Office of Equal Employment Opportunity (EEO), Office of the Ombuds, and Diversity Program</b>	<p><b>Andrew Press</b> <i>EEO Director, OOD</i></p> <p><b>Lisa Levine</b> <i>Ombuds, OOD</i></p> <p><b>Kimberly Wilkins</b> <i>Diversity Program Coordinator, Communications and Legislative Affairs Division, OP</i></p>
11:30 a.m. 12:00 p.m.	<b>Freedom of Information Act (FOIA)</b>	<p><b>Shelley M. O'Hara</b> <i>Attorney Advisor, OGC</i></p>
<b>OTHER WORK &amp; LUNCH</b>		
2:00 p.m. 2:55 p.m.	<b>Space &amp; Facilities Management and Office of Procurement Services</b>	<p><b>Mary Costa</b> <i>Chief, Space and Facilities Management Staff, Admin</i></p> <p><b>Gary Carsten</b> <i>Deputy Chief, Space and Facilities Management Staff, Admin</i></p> <p><b>Patricia Hoffman</b> <i>Deputy Chief, Office of Procurement Services, Admin</i></p>
3:00 p.m. 3:30 p.m.	<b>Fraud and Abuse Prevention Program</b>	<p><b>Paul Monsky</b> <i>Acting Fraud and Abuse Prevention Counsel, OGC</i></p>
3:30 p.m. 4:00 p.m.	<b>Attorney Discipline Program</b>	<p><b>Paul Rodrigues</b> <i>EOIR Disciplinary Counsel, OGC</i></p>
4:05 p.m. 5:00 p.m.	<b>Government Ethics for EOIR Adjudicators</b>	<p><b>Christopher Cox</b> <i>Associate General Counsel for Ethics, OGC</i></p>

Friday, June 6		
8:30 a.m. 9:25 a.m.	<p><b>EOIR Policies, Manuals, Guides, and Electronic Resources</b></p> <p><i>OPPMs, PMs, Chairman’s Memoranda, the Pending Policy Manual, BIA and Immigration Court Practice Manuals, the EOIR Style Guide, BIA Style Manual, and EOIR and Component Electronic Resources</i></p>	<p><b>Melissa Bauder</b> <i>Chief, Immigration Law Division, OP</i></p> <p><b>Scott Rosen</b> <i>Chief Counsel to the Chief Immigration Judge, OCIJ</i></p> <p><b>Austin Lin</b> <i>Counsel to the Deputy Chief Immigration Judge, OCIJ</i></p> <p><b>Mark Noferi</b> <i>Senior Legal Advisor, BIA</i></p> <p><b>Joseph Kassell</b> <i>Attorney Advisor, BIA</i></p>
9:30 a.m. 10:30 a.m.	<p><b>Engaging with Attorneys and Respondents &amp; Courtroom Management</b></p>	<p><b>Sirce Owen</b> <i>Assistant Chief Immigration Judge, OCIJ</i></p> <p><b>V. Stuart Couch</b> <i>Board Member, BIA</i></p>
<b>OTHER WORK &amp; LUNCH</b>		
2:00 p.m. 3:00 p.m.	<p><b>Introduction to the BIA’s Team Leaders (TLs) and Supervisory Case Management Specialists (SCMSs)</b></p>	<p><i>Team Leaders, BIA</i></p> <p><i>Supervisory Case Management Specialists, BIA</i></p>

Monday, June 8		
8:30 a.m. 9:25 a.m.	<p><b>Language Obligations &amp; Working with Interpreters</b></p>	<p><b>Sirce Owen</b> <i>Assistant Chief Immigration Judge, OCIJ</i></p> <p><b>Karen Manna</b> <i>Chief, Language Services Unit, OCIJ</i></p> <p><b>Ray Perron</b> <i>Deputy Chief, OCIJ</i></p>

9:30 a.m. 10:25 a.m.	<b>Recording Proceedings Using Digital Audio Recording (DAR) and ECAS Overview – PART 1</b>	Sirce Owen <i>Assistant Chief Immigration Judge, OCIJ</i>  <i>OIT Training Team</i>
10:30 a.m. 11:30 a.m.	<b>Recording Proceedings Using Digital Audio Recording (DAR) and ECAS Overview – PART 2</b>	Sirce Owen <i>Assistant Chief Immigration Judge, OCIJ</i>  <i>OIT Training Team</i>
<i>OTHER WORK &amp; LUNCH</i>		
12:30 p.m. 1:00 p.m.	<b>Domestic Violence, Human Trafficking &amp; Collateral Visas</b>	Sirce Owen <i>Assistant Chief Immigration Judge, OCIJ</i>
1:00 p.m. 1:55 p.m.	<b>Receipt of Evidence – Building an Evidentiary Record</b>	Ryan Wood <i>Assistant Chief Immigration Judge, OCIJ</i>
2:00 p.m. 2:55 p.m.	<b>Conducting Hearings by Video Teleconference – PART 1</b>	Ryan Wood Theresa Scala <i>Assistant Chief Immigration Judges, OCIJ</i>
3:00 p.m. 4:00 p.m.	<b>Using Courtroom Bench Technologies</b>	Theresa Scala <i>Assistant Chief Immigration Judge, OCIJ</i>  <i>OIT Training Team</i>

<b>Tuesday, June 9</b>		
8:30 a.m. 9:25 a.m.	<b>Conducting a Master Calendar Hearing &amp; Docketing Cases for Hearing</b>	Sirce Owen Renae Hansell <i>Assistant Chief Immigration Judges, OCIJ</i>
9:30 a.m. 10:25 a.m.	<b>CASE EXERCISE: Conducting a Master Calendar Hearing &amp; Docketing Cases for Hearing</b>	Sirce Owen Renae Hansell <i>Assistant Chief Immigration Judges, OCIJ</i>

10:30 a.m. 11:25 a.m.	<b>Conducting an Individual Hearing</b>	Sirce Owen Daniel Daugherty <i>Assistant Chief Immigration Judges, OCIJ</i>
11:30 a.m. 12:30 p.m.	<b>CASE EXERCISE: Conducting an Individual Hearing</b>	Sirce Owen Daniel Daugherty <i>Assistant Chief Immigration Judges, OCIJ</i>
<b>OTHER WORK &amp; LUNCH</b>		
2:00 p.m. 3:00 p.m.	<b>Issuing a Decision: Components and Structure of a Decision – Shortened IJ Decisions Video</b>	Irene Feldman Daniel Daugherty <i>Assistant Chief Immigration Judges, OCIJ</i>
3:00 p.m. 3:55 p.m.	<b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – Mock Hearing Video</b>	Irene Feldman Daniel Daugherty <i>Assistant Chief Immigration Judges, OCIJ</i>
4:00 p.m. 5:00 p.m.	<b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – ROP Review and Decision Preparation – PART 1</b>	Irene Feldman Daniel Daugherty <i>Assistant Chief Immigration Judges, OCIJ</i>

<b>Wednesday, June 10</b>		
8:30 a.m. 9:25 a.m.	<b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – ROP Review and Decision Preparation – PART 2</b>	Irene Feldman Daniel Daugherty <i>Assistant Chief Immigration Judges, OCIJ</i>
9:30 a.m. 10:25 a.m.	<b>CASE EXERCISE: Structuring and Issuing a Judicial Decision – Delivery &amp; Feedback</b>	Irene Feldman Daniel Daugherty <i>Assistant Chief Immigration Judges, OCIJ</i>
10:30 a.m. 11:25 a.m.	<b>CASE EXERCISE: Refining and Issuing a Complex Judicial Decision – Fact Pattern Review and Preparation of Decision – PART 1</b>	Irene Feldman Daniel Daugherty <i>Assistant Chief Immigration Judges, OCIJ</i>

11:30 a.m. 12:30 p.m.	<p style="text-align: center;"><b>CASE EXERCISE:</b>  <b>Refining and Issuing a  Complex Judicial Decision –  Fact Pattern Review and  Preparation of Decision – PART 2</b></p>	<p style="text-align: center;"><b>Irene Feldman  Daniel Daugherty</b>  <i>Assistant Chief  Immigration Judges, OCIJ</i></p>
<i>OTHER WORK &amp; LUNCH</i>		
2:00 p.m. 3:00 p.m.	<p style="text-align: center;"><b>CASE EXERCISE:</b>  <b>Refining and Issuing a  Complex Judicial Decision –  Delivery &amp; Feedback –</b></p>	<p style="text-align: center;"><b>Irene Feldman  Daniel Daugherty</b>  <i>Assistant Chief  Immigration Judges, OCIJ</i></p>
3:00 p.m. 3:55 p.m.	<p><b>Litigation Update</b></p>	<p style="text-align: center;"><b>Christina Baptista</b>  <i>Senior Counsel for Immigration,  OGC</i></p> <p style="text-align: center;"><b>Daniel Cicchini</b>  <i>Associate General Counsel,  OGC</i></p>
4:00 p.m. 5:00 p.m.	<p><b>Appellate Immigration Judge and  Immigration Judge Hiring Process</b></p>	<p style="text-align: center;"><b>Kate Sheehey</b>  <i>Chief Management Officer, OOD</i></p>



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**NOV 01 2019**

The Honorable Joaquin Castro  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Castro:

This responds to your letters to the Attorney General dated October 23, 2018, and August 15, 2019, regarding the use of video-teleconference (VTC) capabilities in immigration proceedings for unaccompanied alien children (UAC) in HHS custody. We apologize for the delay in responding to your letters. We are sending identical responses to the other Members who joined your letters.

As authorized by the Immigration and Nationality Act and associated regulations, the Executive Office for Immigration Review (EOIR) within the Department of Justice (Department) hears cases by video teleconferencing (VTC), primarily in situations where the respondent is detained. EOIR has utilized VTC since the 1990s, and it has been authorized by statute since 1996. Use of VTC enables coverage in locations where EOIR does not have an ongoing physical presence, creates greater flexibility in docket management, and reduces dark courtrooms allowing aliens to receive more timely adjudications. All EOIR courtrooms are outfitted with VTC equipment, and all immigration judges may hear cases by VTC as warranted. EOIR follows all applicable law in adjudicating cases, regardless of whether the case is heard in person, by telephone, or by VTC.

EOIR has conducted approximately 80 hearings in UAC cases by VTC from an HHS facility since September 2018, though not all of those hearings have resulted in case completions. Different hearings in one case may be heard by different methods. For comparative reference, as of September 20, 2019, EOIR has 91,203 pending UAC cases, including cases of UAC in HHS custody. In FY 2018, EOIR completed 13,363 UAC cases. Of those, 231 were completed by VTC.

The number of UAC that appear before EOIR via VTC from an HHS facility varies from week to week. The average is approximately 1.5 per week since September 2018. EOIR has conducted approximately 80 hearings in UAC cases by VTC from an HHS facility since September 2018, broken down below.

Arlington	1
El Paso	4
Harlingen	25
Houston	1
Los Angeles	1
Philadelphia (including Pittsburgh)	11
Phoenix	33
San Antonio	4
<b>TOTAL</b>	<b>80</b>

Although VTC may be used for either master calendar or individual (merits) hearings, current VTC usage for UAC cases at an HHS facility typically consists of master calendar hearings. No immigration judge is conducting exclusively UAC hearings by VTC.

As the custodian of UAC, HHS determines which UAC respondents are brought to an immigration court in person and which appear by VTC from the HHS facility. HHS notifies the immigration court of HHS's decision as to whether a respondent will appear in-person or by VTC. Many of the respondents selected by HHS for a VTC appearance are either seeking voluntary departure or have cases classified by HHS as Category 4 cases (being in HHS custody for more than 75 days with no identified sponsor). Many of the cases selected by HHS for a VTC appearance have been screened by a legal services provider. EOIR provides notice of a hearing to the respondent or, if applicable, to the respondent's representative of record. The Department defers to HHS for further information regarding its process for determining which cases are amenable to VTC appearances.

New immigration judges receive training regarding the handling of juvenile dockets, as well as training on cases involving domestic violence and human trafficking. New immigration judges further receive training on determining mental competence and related safeguards and protections. Additionally, judges presiding over cases in any immigration court in California, Washington, or Arizona receive additional, detailed training specific to procedures and

protections required by the permanent injunction and implementation order issued in *Franco-Gonzalez v. Holder*.

EOIR presents an annual legal training program for all immigration judges. Although the topics of training may vary, the following topics were included in recent years:

- Mental health and competency issues in proceedings;
- Adjudicating juvenile cases and handling associated issues in those case related to juvenile respondents and witnesses in those cases; and
- Adjudicating asylum cases, which covered juvenile-related asylum issues and testimonial evidence in cases involving victims of trauma.

Immigration judges are expected to adhere to all applicable laws and policies in adjudicating cases to ensure that due process is preserved in all immigration court proceedings, including those of children. EOIR has not issued any policy memoranda or directives specifically regarding the types of hearings described in your letter. EOIR policies related to the handling of immigration cases, including cases heard by VTC and cases of children, are available online at <https://www.justice.gov/eoir/statistics-and-publications>.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,  


Stephen E. Boyd  
Assistant Attorney General





**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**OCT 03 2019**

The Honorable Zoe Lofgren  
U.S. House of Representatives  
Washington, DC 20515

Dear Congresswoman Lofgren:

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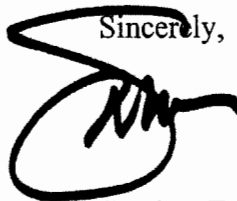
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The Honorable Zoe Lofgren  
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**U.S. Department of Justice**

Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**NOV 01 2019**

The Honorable Ruben Gallego  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Gallego:

This responds to your letters to the Attorney General dated October 23, 2018, and August 15, 2019, regarding the use of video-teleconference (VTC) capabilities in immigration proceedings for unaccompanied alien children (UAC) in HHS custody. We apologize for the delay in responding to your letters. We are sending identical responses to the other Members who joined your letters.

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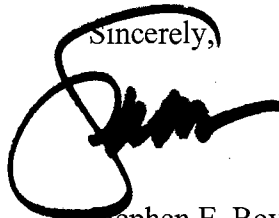
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**NOV 01 2019**

The Honorable Nanette Diaz Barragán  
U.S. House of Representatives  
Washington, DC 20515

Dear Congresswoman Barragán:

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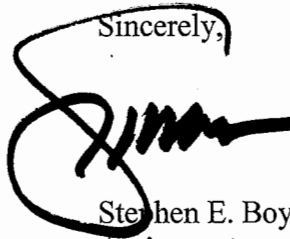
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**NOV 01 2019**

The Honorable Veronica Escobar  
U.S. House of Representatives  
Washington, DC 20515

Dear Congresswoman Escobar:

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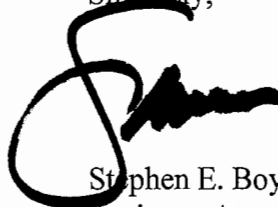
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**NOV 01 2019**

The Honorable Jerrold Nadler  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Nadler:

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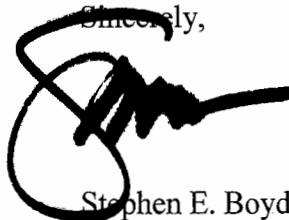
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**NOV 01 2019**

The Honorable Adriano Espaillat  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Espaillat:

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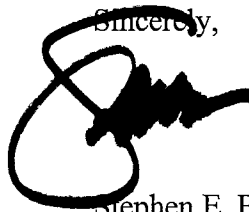
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**NOV 01 2019**

The Honorable Mark Pocan  
U.S. House of Representatives  
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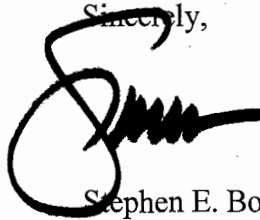
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- Mental health and competency issues in proceedings;
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Immigration judges are expected to adhere to all applicable laws and policies in adjudicating cases to ensure that due process is preserved in all immigration court proceedings, including those of children. EOIR has not issued any policy memoranda or directives specifically regarding the types of hearings described in your letter. EOIR policies related to the handling of immigration cases, including cases heard by VTC and cases of children, are available online at <https://www.justice.gov/eoir/statistics-and-publications>.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Boyd', with a large, stylized initial 'S'.

Stephen E. Boyd  
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

NOV 01 2019

The Honorable Pramila Jayapal  
U.S. House of Representatives  
Washington, DC 20515

Dear Congresswoman Jayapal:

This responds to your letters to the Attorney General dated October 23, 2018, and August 15, 2019, regarding the use of video-teleconference (VTC) capabilities in immigration proceedings for unaccompanied alien children (UAC) in HHS custody. We apologize for the delay in responding to your letters. We are sending identical responses to the other Members who joined your letters.

As authorized by the Immigration and Nationality Act and associated regulations, the Executive Office for Immigration Review (EOIR) within the Department of Justice (Department) hears cases by video teleconferencing (VTC), primarily in situations where the respondent is detained. EOIR has utilized VTC since the 1990s, and it has been authorized by statute since 1996. Use of VTC enables coverage in locations where EOIR does not have an ongoing physical presence, creates greater flexibility in docket management, and reduces dark courtrooms allowing aliens to receive more timely adjudications. All EOIR courtrooms are outfitted with VTC equipment, and all immigration judges may hear cases by VTC as warranted. EOIR follows all applicable law in adjudicating cases, regardless of whether the case is heard in person, by telephone, or by VTC.

EOIR has conducted approximately 80 hearings in UAC cases by VTC from an HHS facility since September 2018, though not all of those hearings have resulted in case completions. Different hearings in one case may be heard by different methods. For comparative reference, as of September 20, 2019, EOIR has 91,203 pending UAC cases, including cases of UAC in HHS custody. In FY 2018, EOIR completed 13,363 UAC cases. Of those, 231 were completed by VTC.

The number of UAC that appear before EOIR via VTC from an HHS facility varies from week to week. The average is approximately 1.5 per week since September 2018. EOIR has conducted approximately 80 hearings in UAC cases by VTC from an HHS facility since September 2018, broken down below.

Arlington	1
El Paso	4
Harlingen	25
Houston	1
Los Angeles	1
Philadelphia (including Pittsburgh)	11
Phoenix	33
San Antonio	4
<b>TOTAL</b>	<b>80</b>

Although VTC may be used for either master calendar or individual (merits) hearings, current VTC usage for UAC cases at an HHS facility typically consists of master calendar hearings. No immigration judge is conducting exclusively UAC hearings by VTC.

As the custodian of UAC, HHS determines which UAC respondents are brought to an immigration court in person and which appear by VTC from the HHS facility. HHS notifies the immigration court of HHS's decision as to whether a respondent will appear in-person or by VTC. Many of the respondents selected by HHS for a VTC appearance are either seeking voluntary departure or have cases classified by HHS as Category 4 cases (being in HHS custody for more than 75 days with no identified sponsor). Many of the cases selected by HHS for a VTC appearance have been screened by a legal services provider. EOIR provides notice of a hearing to the respondent or, if applicable, to the respondent's representative of record. The Department defers to HHS for further information regarding its process for determining which cases are amenable to VTC appearances.

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Sincerely,  


Stephen E. Boyd  
Assistant Attorney General





**U.S. Department of Justice**

Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**OCT 28 2019**

The Honorable Pete Aquilar  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Aquilar:

This responds to your letter to the Attorney General dated August 15, 2019, regarding the use of video-teleconference (VTC) capabilities in immigration proceedings for unaccompanied alien children (UAC) in HHS custody. We apologize for the delay in responding to your letters. We are sending identical responses to the other Members who joined your letters.

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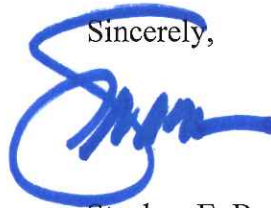
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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Stephen E. Boyd  
Assistant Attorney General

# United States Senate

WASHINGTON, DC 20510

September 13, 2018

The Honorable Kirstjen Nielsen  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

The Honorable Jeff Sessions  
Attorney General  
Department of Justice  
Washington, D.C. 20530

Dear Secretary Nielsen and Attorney General Sessions:

We write today to express our concerns about recent reports that Immigration & Customs Enforcement (ICE) intends to request the recalendaring of thousands of deportation cases that are currently administratively closed.<sup>1</sup> We are troubled by this initiative, following a decision by Attorney General Jeff Sessions that stripped immigration judges and the Board of Immigration Appeals (BIA) of their general authority to administratively close cases<sup>2</sup>, and its potential to further inundate the immigration court backlog.

On May 17<sup>th</sup>, Attorney General Sessions affirmed the BIA's decision in the *Matter of Castro-Tum* after instructing the BIA to refer the case for his review.<sup>3</sup> In the decision, Attorney General Sessions used his authority to unilaterally overrule decades of precedent by determining that immigration judges and the BIA "do not have the general authority to suspend indefinitely immigration proceedings by administrative closure."<sup>4</sup> Additionally, Attorney General Sessions refused to delegate to judges and the BIA the general authority of administrative closure, and spoke of the "need" for currently administratively closed cases to be returned to an active docket.<sup>5</sup>

In the past, immigration judges and the BIA have used administrative closure for a number of reasons. Administrative closure helped overburdened immigration judges control their caseloads by allowing them to temporarily take a case off of their docket and prioritize cases that were

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<sup>1</sup> AILA, *ICE Provides Guidance to OPLA Attorneys on Administrative Closure Following Matter of Castro-Tum* (June 15, 2018), <https://www.aila.org/infonet/ice-guidance-admin-closure-matter-of-castro-tum>; Hamed Aleaziz, *The Trump Administration is Seeking to Restart Thousands of Closed Deportation Cases*, BUZZFEED NEWS (August 15, 2018), <https://www.buzzfeednews.com/article/hamedaleaziz/trump-deportations-immigration-ice-dhs-courts>; Dara Lind, *Jeff Sessions just reopened the door to deporting 350,000 immigrants whose cases had been closed*, VOX (May 21, 2018), <https://www.vox.com/2018/5/21/17376398/jeff-sessions-immigration-ruling-courts>.

<sup>2</sup> *Matter of Castro-Tum*, 27 I&N Dec. 271 (A.G. 2018).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

ready for adjudication.<sup>6</sup> Many respondents whose cases are administratively closed have pending applications for some type of relief, such as a pending application with USCIS.<sup>7</sup> These cases include those of unaccompanied children that judges have found to have been abused, abandoned, or neglected; and whose deportation would be against their best interest. These cases also include victims of trafficking in persons who have pending applications for T visas, DACA beneficiaries, and vulnerable populations of immigrants who are too young or mentally incompetent to understand the proceedings against them.

Despite acknowledgement that requiring the entirety of administratively closed cases be reopened would likely overwhelm the immigration court system and undercut the efficient administration of immigration law, the Attorney General left ICE with the exclusive authority to decide when and how to recalendar the cases, stating that he expected the process would move forward in a “measured but deliberate fashion.”<sup>8</sup> According to recent reports, internal communications at ICE reveal a plan to restart the deportation cases of thousands of individuals whose cases are currently administratively closed.<sup>9</sup> These cases may include those in which ICE itself sought administrative closure under the 2011 memoranda, which established enforcement priorities and prosecutorial discretion criteria, but have now been superseded.<sup>10</sup> For cases that were administratively closed under these criteria, the individuals who will be placed back into proceedings have no serious criminal history and have demonstrated extensive connections and contributions to the United States.

Any plan to reopen and recalendar all of the currently administratively closed cases will undeniably overwhelm the already flooded immigration court backlog. Currently, there are over 730,000 pending cases in the courts.<sup>11</sup> The addition of all administratively closed cases – currently estimated at over 355,000 – would increase the backlog by nearly fifty percent, to over one million cases, which would presumably create a corresponding increase in the waiting times for immigration court hearings. Given the population of individuals whose cases were subject to administrative closure, this waste of resources cannot be justified.

Accordingly, we urge the administration to take heed of the recommendations made by an independent evaluator that the Department of Justice commissioned to study how to resolve the immense case backlog in the immigration court system. Those recommendations specifically included the continued use of practices like administrative closure, along with other measures that would emphasize fair process, judicial independence, and better access to legal

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<sup>6</sup> Lind, *supra* note 1.

<sup>7</sup> American Immigration Council, *Administrative Closure Post- Castro-Tum: Practice Advisory* (June 14, 2018), [https://www.americanimmigrationcouncil.org/sites/default/files/practice\\_advisory/administrative\\_closure\\_post-castro-tum.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/practice_advisory/administrative_closure_post-castro-tum.pdf).

<sup>8</sup> *Matter of Castro-Tum*, 27 I&N Dec. 271 (A.G. 2018).

<sup>9</sup> AILA, *supra* note 1.

<sup>10</sup> John Morton, Director, U.S. Immigration and Customs Enforcement, *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*, June 17, 2011. <https://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>.

<sup>11</sup> Immigration Court Backlog Tool, [http://trac.syr.edu/phptools/immigration/court\\_backlog/](http://trac.syr.edu/phptools/immigration/court_backlog/).

representation programs.<sup>12</sup> To date, the administration has blatantly ignored its own evaluator's recommendation of the continued use of administrative closure by immigration judges and the BIA.<sup>13</sup>

To aid our understanding on how EOIR and ICE will be handling administratively closed cases, we request that you respond to the following questions in writing before September 27<sup>th</sup>:

1. Does ICE plan to seek recalendaring of all currently administratively closed cases? If not, how many cases will ICE seek to recalendar?
2. Is ICE planning to prioritize particular cases for recalendaring ahead of others? If so, please describe in detail how ICE will prioritize cases and what criteria will be considered.
3. How quickly does ICE plan to seek recalendaring of administratively closed cases? What is ICE's timeline for moving to recalendar administratively closed cases?
4. What is the average age of the cases that ICE is seeking to recalendar? Specifically, how long ago, on average, was the most recent administrative closure order in the cases that ICE is seeking to recalendar?
5. Please provide all documents regarding ICE and EOIR plans to recalendar administratively closed cases, including but not limited to email communications, draft policy guidance, implementation directives, and instructions.
6. Does EOIR plan to recalendar all cases that are administratively closed cases in which ICE files a motion to recalendar? If so, how quickly will those cases be recalendarred and scheduled for a hearing? If not, what criteria will EOIR use to decide which motions to recalendar will be granted?
7. Has EOIR begun recalendaring administratively closed cases? If so, when and how many?
8. How will ICE and EOIR efforts to recalendar administratively closed cases assist in clearing the immigration court backlog?
9. What efforts will ICE and EOIR make to ensure that the recalendaring of cases does not increase the wait times for hearings on removability and applications for relief from removal?
10. How will individuals be notified that their case has been recalendarred? Will attorneys of record be notified of recalendaring?

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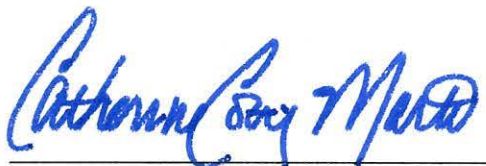
<sup>12</sup> Emily Creighton, *Department of Justice Ignores Its Own Evaluator's Recommendations on Immigration Courts*, AMERICAN IMMIGRATION COUNCIL (April 23, 2018), <http://immigrationimpact.com/2018/04/23/departments-justice-recommendations-immigration-courts/>.

<sup>13</sup> Booz Allen Hamilton, *Legal Case Study: Summary Report* (April 6, 2017).

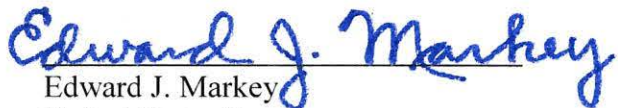
- a. In the case of vulnerable individuals whose cases were closed as an incompetency safeguard under *Matter of M-A-M-*, 25 I. & N. Dec. 474 (BIA 2011), what safeguards will ICE and EOIR put in place to ensure that these individuals understand the nature of the recalendared proceedings, along with any resulting requirements that they appear in immigration court?
  - b. Will ICE and EOIR communicate with these individuals regarding recalendaring through the Nationally Qualified Representative Program?
11. What safeguards will ICE and EOIR put in place to ensure that unaccompanied children understand the nature of the recalendared proceedings, along with any resulting requirements that they appear in immigration court?
  12. Does EOIR agree with independent evaluator's recommendation to administratively close cases awaiting adjudication in other agencies or courts?
  13. What policies is EOIR developing to ensure efficiency and fairness in each recalendared case?
  14. How does EOIR intend to handle cases in which ICE moves to recalendar where the individual received a grant of immigration relief – such as a T or U visa – from USCIS after the individual's case was administratively closed?
  15. How does EOIR intend to ensure that qualified applicants are not deprived of the opportunity to obtain immigration relief before USCIS, given that administrative closure is no longer available for pending benefits applications, and continuances of removal proceedings for such applications have been similarly restricted by *Matter of L-A-B-R-*, 27 I. & N. Dec. 405 (A.G. 2018)?

Thank you in advance for your cooperation with this request. We look forward to your responses to our questions.

Sincerely,



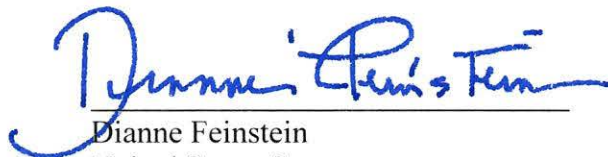
Catherine Cortez Masto  
United States Senator



Edward J. Markey  
United States Senator



Patty Murray  
United States Senator



Dianne Feinstein  
United States Senator

*Kirsten Gillibrand*

Kirsten Gillibrand  
United States Senator

*Tammy Duckworth*

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*Bernard Sanders*

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*Kamala D. Harris*

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*Richard Blumenthal*

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*Cory A. Booker*

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*Robert Menendez*

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United States Senator

*Ron Wyden*

Ron Wyden  
United States Senator

*Chris Van Hollen*

Chris Van Hollen  
United States Senator

*Brian Schatz*

Brian Schatz  
United States Senator

*Mazie Hirono*

Mazie Hirono  
United States Senator

*Tom Udall*

Tom Udall  
United States Senator

*Elizabeth Warren*

Elizabeth Warren  
United States Senator

*Michael F. Bennet*

Michael F. Bennet  
United States Senator



## 2018 EOIR LEGAL TRAINING PROGRAM

JUNE 11-14, 2018

**Monday, June 11, 2018**

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
8:00 a.m.-8:30 a.m.	<i>Registration (main lobby)</i>				
8:30 a.m.-9:00 a.m.	<b>Welcome</b> Jefferson B. Sessions III, <i>Attorney General</i> James R. McHenry III, <i>Director, EOIR</i>				
9:00 a.m.-10:00 a.m.	<b>Identifying and Combating Fraud/Updates from EOIR's Fraud and Abuse Prevention Program</b>				
10:00 a.m.-10:15 a.m.	<i>BREAK</i>				
10:15 a.m.-11:15 a.m.	<b>Advanced Criminal Immigration Issues I (Categorical Approach and Aggravated Felony &amp; Crimes Involving Moral Turpitude updates)</b>	<b>Terrorism-Related Inadmissibility Grounds (TRIG) and Exemptions</b>	<b>Resolving Claims to U.S. Citizenship</b>	<b>Non-Criminal Grounds of Inadmissibility &amp; Deportability; Waivers</b>	<b>Advanced Convention Against Torture Issues</b>

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
11:15 a.m.-11:45 a.m.	Updates from the Office of Policy	Overview of and Updates at the Office of the Chief Administrative Hearing Officer	EOIR's Attorney Discipline Program	Overview of the Office of the Ombuds	DAR/VTC Updates
11:45 a.m.-1:15 p.m.	<i>LUNCH (on your own)</i>				
1:15 p.m.-2:15 p.m.	Advanced Criminal Immigration Issues I <i>(Categorical Approach and Aggravated Felonies &amp; Crimes Involving Moral Turpitude updates)</i>	Non-Criminal Grounds of Inadmissibility & Deportability;	Resolving Claims to U.S. Citizenship	Advanced Legal Research: Using Courtlink	Motions Practice Review and Updates
2:15 p.m.-2:30 p.m.	<i>BREAK</i>				
2:30 p.m.-3:30 p.m.	Advanced Criminal Immigration Issues II <i>(2017 BIA precedent decisions re criminal statutes)</i>	Terrorism-Related Inadmissibility Grounds (TRIG) and Exemptions	Advanced Withholding of Removal Issues <i>(Barajas Romero v. Lynch)</i>	Waivers	Cases Involving Juveniles and UACs
3:30 p.m.-3:45 p.m.	<i>BREAK</i>				
3:45 p.m.-4:45 p.m.	Attorney General's Professionalism Policy: Professional Responsibility Part 1				

**Tuesday, June 12, 2018**

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
8:00 a.m.-9:00 a.m.	<b>Attorney General's Professionalism Policy: Professional Responsibility Part 2</b>				
9:00 a.m.-9:15 a.m.	<i>BREAK</i>				
9:15 a.m.-10:15 a.m.		<b>Determining Mental Competency in Immigration Court Proceedings</b> <i>(IJs in Franco states—AZ, CA, WA—only)</i>	<b>Determining Mental Competency in Immigration Court Proceedings</b> <i>(IJs in non-Franco states only)</i>	<b>Determining Mental Competency</b> <i>(BIA only)</i>	
10:15 a.m.-10:30 a.m.	<i>BREAK</i>				
10:30 a.m.-11:45 a.m.	<b>Advanced Asylum Issues I</b> <i>(particular social group, mental competency)</i>				
11:45 a.m.-1:15 p.m.	<i>LUNCH (on your own)</i>				
1:15 p.m.-2:15 p.m.	<b>Advanced Asylum Issues II</b> <i>(one-year bar, persecutor bar)</i>				
2:15 p.m.-2:30 p.m.	<i>BREAK</i>				

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
2:30 p.m.-3:30 p.m.	<b>Evidentiary Determinations I</b> <i>(Admissibility, Authenticity, Weighing the Evidence)</i>	<b>Special Immigrant Juvenile Status (SIJs) Petitions and Immigration Court Proceedings</b>	<b>Advanced Cancellation of Removal Issues</b> <i>(including Dec. 2017 Final Rule on cancellation cap and stop-time rule before SCOTUS, Pereira v. Sessions, No. 17-459)</i>	<b>Motions Practice Review and Updates</b>	<b>Advanced Criminal Immigration Issues II</b> <i>(2017 BIA precedent decisions re criminal statutes)</i>
3:30 p.m.-3:45 p.m.	<i>BREAK</i>				
3:45 p.m.-4:45 p.m.	<b>Standards of Review &amp; Best Practices for Structuring Board Decisions</b> <i>(BIA only)</i>	<b>Best Practices for Structuring IJ Decisions &amp; Tips on Rendering Oral Decisions</b> <i>(OCIJ only)</i>			

Wednesday, June 13, 2018

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
8:00 a.m.-9:00 a.m.	<b>A Look at Recent SCOTUS Immigration Cases</b>				
9:00 a.m.-9:15 a.m.	<i>BREAK</i>				

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
9:15 a.m.-10:15 a.m.	<b>International Religious Freedom Act: Current Issues and Topics</b>				
10:15 a.m.-10:30 a.m.	<i>BREAK</i>				
10:30 a.m.-11:30 a.m.	<b>Evidentiary Determinations II</b> <i>(Credibility and Corroboration)</i>	<b>Advanced Cancellation of Removal Issues</b> <i>(including Dec. 2017 Final Rule on cancellation and suspension cap and stop-time rule case before SCOTUS, Pereira v. Sessions, No. 17-459)</i>	<b>Advanced Criminal Immigration Issues I</b> <i>(Categorical Approach and Aggravated Felony &amp; Crimes Involving Moral Turpitude updates)</i>	<b>Advanced Legal Research: Westlaw</b>	<b>Visa Proceedings: Frameworks for Analyzing Cases</b> <i>(BIA only)</i>
11:30 a.m.-1:00	<i>LUNCH (on your own)</i>				
1:00 p.m.-2:15 p.m.	<b>Conducting Efficient Custody &amp; Bond Proceedings</b>	<b>Gang-Based and Domestic Violence-Based Asylum Claims</b>	<b>Pattern or Practice and Disfavored Group Analyses</b>	<b>Special Immigrant Juvenile Status (SIJs) Petitions and Immigration Court Proceedings</b>	<b>Evidentiary Determinations I</b> <i>(Admissibility, Authenticity, Weighing the Evidence)</i>
2:15 p.m.-2:30 p.m.	<i>BREAK</i>				

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
2:30 p.m.-3:30 p.m.	<b>Evidentiary Determinations II</b> <i>(Credibility and Corroboration)</i>	<b>Advanced Withholding of Removal Issues</b> <i>(Barajas Romero v. Lynch)</i>	<b>Advanced Convention Against Torture Issues</b>	<b>Advanced Legal Research: Lexis Advance</b>	<b>USCIS Adjudicators and DOS Consular Processing</b>
3:30 p.m.-3:45 p.m.	<i>BREAK</i>				
3:45 p.m.-4:45 p.m.	<b>Attorney General's Professionalism Policy: EEO, Sexual Harassment, &amp; No Fear Act</b>				

**Thursday, June 14, 2018**

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
8:00 a.m.-9:00 a.m.	<b>Attorney General's Professionalism Policy: Ethics</b>				
9:00 a.m.-9:15 a.m.	<i>BREAK</i>				
9:15 a.m.-10:15 a.m.	<b>Docketing and Case Management</b> <i>(Group A)</i>	<b>Docketing and Case Management</b> <i>(Group B)</i>	<b>Docketing and Case Management</b> <i>(Group C)</i>	<b>Docketing and Case Management</b> <i>(Group D)</i>	<b>Docketing and Case Management</b> <i>(Group E)</i>
10:15 a.m.-10:30 a.m.	<i>BREAK</i>				

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
<b>10:30 a.m.-11:30 a.m.</b>	<b>Immigration Judge/Interpreter Joint Session</b>				
<b>11:30 a.m.-11:45 a.m.</b>	<b>Closing Remarks</b>				

**2018 EOIR LEGAL TRAINING PROGRAM**  
**JUNE 11-14, 2018**  
**WASHINGTON, D.C.**

**Monday, June 11, 2018**

<i>Time</i>	<i>Room A</i>	<i>Room B</i>	<i>Room C</i>	<i>Room D</i>	<i>Room E</i>
8:00 a.m.-8:30 a.m.	<i>Registration (main lobby)</i>				
8:30 a.m.-9:00 a.m.	<p align="center"><b>Welcome</b>                      Jefferson B. Sessions                      III, <i>Attorney General</i>                      James R. McHenry III,  <i>Director, EOIR</i></p>				
9:00 a.m.-10:00 a.m.	<p align="center"><b>Advanced Criminal                      Immigration Issues I</b>                      (Categorical                      Approach and                      Aggravated Felony &amp;                      Crimes Involving                      Moral Turpitude                      updates)</p>	<p align="center"><b>Advanced                      Cancellation of                      Removal Issues</b>  <i>(including Dec. 2017                      Final Rule on                      cancellation and                      suspension cap and                      stop-time rule case                      before SCOTUS,                      Pereira v. Sessions,                      No. 17-459)</i></p>			
10:00 a.m.-10:15 a.m.	<i>BREAK</i>				



<b>Time</b>	<b>Room A</b>	<b>Room B</b>	<b>Room C</b>	<b>Room D</b>	<b>Room E</b>
<b>10:15 a.m.-11:15 a.m.</b>	<b>Non-Criminal Grounds of Inadmissibility &amp; Deportability; Waivers</b>	<b>Terrorism-Related Inadmissibility Grounds (TRIG) and Exemptions</b>	<b>Resolving Claims to U.S. Citizenship</b>		
<b>11:15 a.m.-11:45 a.m.</b>	<b>DAR/VTC Updates</b>	<b>Overview of and Updates at the Office of the Chief Administrative Hearing Officer</b>	<b>EOIR's Attorney Discipline Program</b>		
<b>11:45 a.m.-1:15 p.m.</b>	<i>LUNCH (on your own)</i>				
<b>1:15 p.m.-2:15 p.m.</b>	<b>Motions Practice Review and Updates</b>	<b>Advanced Criminal Immigration Issues I</b> <i>(Categorical Approach and Aggravated Felonies &amp; Crimes Involving Moral Turpitude updates)</i>	<b>Resolving Claims to U.S. Citizenship</b>		
<b>2:15 p.m.-2:30 p.m.</b>	<i>BREAK</i>				
<b>2:30 p.m.-3:30 p.m.</b>	<b>Non-Criminal Grounds of Inadmissibility &amp; Deportability; Waivers</b>	<b>Terrorism-Related Inadmissibility Grounds (TRIG) and Exemptions</b>	<b>Advanced Criminal Immigration Issues II</b> <i>(2017 BIA precedent decisions re criminal statutes)</i>		
<b>3:30 p.m.-3:45 p.m.</b>	<i>BREAK</i>				

<b>Time</b>	<b>Room A</b>	<b>Room B</b>	<b>Room C</b>	<b>Room D</b>	<b>Room E</b>
<b>3:45 p.m.-4:45 p.m.</b>	<b>Attorney General’s Professionalism Policy: EEO, Sexual Harassment, &amp; No Fear Act</b>				

Tuesday, June 12, 2018

<b>Time</b>	<b>Room A</b>	<b>Room B</b>	<b>Room C</b>	<b>Room D</b>	<b>Room E</b>
<b>8:00 a.m.-9:00 a.m.</b>	<b>Cases Involving Juveniles and UACs (OCIJ only)</b>	<b>Visa Proceedings: Frameworks for Analyzing Cases (BIA only)</b>			
<b>9:00 a.m.-9:15 a.m.</b>	<i>BREAK</i>				
<b>9:15 a.m.-10:15 a.m.</b>	<b>Determining Mental Competency in Immigration Court Proceedings (IJs in Franco states—AZ, CA, WA—only)</b>	<b>Determining Mental Competency in Immigration Court Proceedings (IJs in non-Franco states only)</b>	<b>Determining Mental Competency (BIA only)</b>		
<b>10:15 a.m.-10:30 a.m.</b>	<i>BREAK</i>				

<b>Time</b>	<b>Room A</b>	<b>Room B</b>	<b>Room C</b>	<b>Room D</b>	<b>Room E</b>
<b>10:30 a.m.-11:45 a.m.</b>	<b>Advanced Asylum Issues I</b> <i>(particular social group, mental competency)</i>				
<b>11:45 a.m.-1:15</b>	<i>LUNCH (on your own)</i>				
<b>1:15 p.m.-2:15 p.m.</b>	<b>Advanced Asylum Issues II</b> <i>(one-year bar, persecutor bar)</i>				
<b>2:15 p.m.-2:30 p.m.</b>	<i>BREAK</i>				
<b>2:30 p.m.-3:30 p.m.</b>	<b>Advanced Cancellation of Removal Issues</b> <i>(including Dec. 2017 Final Rule on cancellation cap and stop-time rule before SCOTUS, Pereira v. Sessions, No. 17-459)</i>	<b>Special Immigrant Juvenile Status (SIJs) Petitions and Immigration Court Proceedings</b>	<b>Advanced Legal Research: Westlaw Next</b>	<b>Motions Practice Review and Updates</b>	<b>Advanced Criminal Immigration Issues II</b> <i>(2017 BIA precedent decisions re criminal statutes)</i>
<b>3:30 p.m.-3:45 p.m.</b>	<i>BREAK</i>				
<b>3:45 p.m.-4:45 p.m.</b>	<b>Standards of Review &amp; Best Practices for Structuring Board Decisions</b> <i>(BIA only)</i>	<b>Best Practices for Structuring IJ Decisions &amp; Tips on Rendering Oral Decisions</b> <i>(OCIJ only)</i>			

**Wednesday, June 13, 2018**

<b>Time</b>	<b>Room A</b>	<b>Room B</b>	<b>Room C</b>	<b>Room D</b>	<b>Room E</b>
<b>8:00 a.m.-9:00 a.m.</b>	<b>A Look at Recent SCOTUS Immigration Cases</b>				
<b>9:00 a.m.-9:15 a.m.</b>	<i>BREAK</i>				
<b>9:15 a.m.-10:15 a.m.</b>	<b>International Religious Freedom Act: Current Issues and Topics</b>				
<b>10:15 a.m.-10:30 a.m.</b>	<i>BREAK</i>				
<b>10:30 a.m.-11:30 a.m.</b>	<b>Identifying and Combating Fraud/Updates from EOIR's Fraud and Abuse Prevention Program</b>				
<b>11:30 a.m.-1:00</b>	<i>LUNCH (on your own)</i>				
<b>1:00 p.m.-2:15 p.m.</b>	<b>Conducting Efficient Custody &amp; Bond Proceedings</b>	<b>Gang-Based and Domestic Violence-Based Asylum Claims</b>	<b>Pattern or Practice and Disfavored Group Analyses</b>	<b>Special Immigrant Juvenile Status (SIJs) Petitions and Immigration Court Proceedings</b>	<b>Evidentiary Determinations I (Admissibility, Authenticity, Weighing the Evidence)</b>

<b>Time</b>	<b>Room A</b>	<b>Room B</b>	<b>Room C</b>	<b>Room D</b>	<b>Room E</b>
<b>2:15 p.m.-2:30 p.m.</b>	<i>BREAK</i>				
<b>2:30 p.m.-3:30 p.m.</b>	<b>Evidentiary Determinations II (Credibility and Corroboration)</b>	<b>Advanced Withholding of Removal Issues (Barajas Romero v. Lynch)</b>	<b>Advanced Convention Against Torture Issues</b>	<b>Advanced Legal Research: Lexis Advance</b>	<b>USCIS Adjudicators and DOS Consular Processing</b>
<b>3:30 p.m.-3:45 p.m.</b>	<i>BREAK</i>				
<b>3:45 p.m.-4:45 p.m.</b>	<b>Attorney General's Professionalism Policy: Ethics</b>				

Thursday, June 14, 2018

<b>Time</b>	<b>Room A</b>	<b>Room B</b>	<b>Room C</b>	<b>Room D</b>	<b>Room E</b>
<b>8:00 a.m.-9:00 a.m.</b>	<b>Attorney General's Professionalism Policy: Professional Responsibility Part 1</b>				
<b>9:00 a.m.-9:15 a.m.</b>	<i>BREAK</i>				
<b>9:15 a.m.-10:15 a.m.</b>	<b>Attorney General's Professionalism Policy: Professional Responsibility Part 2</b>				
<b>10:15 a.m.-10:30 a.m.</b>	<i>BREAK</i>				

<b>Time</b>	<b>Room A</b>	<b>Room B</b>	<b>Room C</b>	<b>Room D</b>	<b>Room E</b>
<b>10:30 a.m.-11:30 a.m.</b>	<b>IJ/Interpreter Joint Session</b>				
<b>11:30 a.m.-11:45 a.m.</b>	<b>Closing Remarks</b>				

<b>EOIR Legal Training Program [DRAFT 7/14/2015 12:06 PM] MONDAY, AUGUST 10</b>					
<i>Time</i>	<i>Ballroom I</i>	<i>Ballroom II</i>	<i>Break-out I</i>	<i>Break-out II</i>	<i>Break-out III</i>
8:00 - 8:30	<i>registration</i>				
8:30 - 9:00	<b>Welcome</b>	x	x	x	x
9:00 – 10:30	<b>Emerging Issues in the Categorical Approach: Divisibility &amp; Probability</b>	x	x	x	x
<i>break (15 minutes)</i>					
10:45 - 11:45	<b>International Religious Freedom Act: Current Issues &amp; Topics</b>	x	x	x	x
<i>lunch on your own (90 minutes)</i>			<i>Optional: Brown Bag - Criminal Issues in Immigration Proceedings 12:00 p.m. - 12:45 p.m.</i>		
1:15 - 2:15	<b>Developments in Particular Social Group Claims (session 1)</b>	<b>Navigating the Fault Lines: Circuit Splits in Immigration Law (session 1)</b>	<b>Weighing Evidence: Credibility &amp; Corroboration (session 1)</b>	<b>Terrorism-Related Inadmissibility Grounds (TRIG) &amp; Exemptions</b>	<b>Symposium: Legalization of Marijuana &amp; Immigration Law</b>
<i>break (15 minutes)</i>					
2:30 - 3:30	<b>On the Ground Perspective: Gangs, Cartels &amp; Immigration Law</b>	x	x	x	x
<i>break (15 minutes)</i>					
3:45 - 4:30	<b>Latest Updates: DAR &amp; VTC</b>	x	x	x	x
4:30	<i>Director's Reception</i>				

7/14/2015 EOIR Legal Training Program

**TUESDAY, AUGUST 11**

<i>Time</i>	<i>Ballroom I</i>	<i>Ballroom II</i>	<i>Break-out I</i>	<i>Break-out II</i>	<i>Break-out III</i>	<i>Break-out IV</i>
8:00 - 9:00	<b>Unaccompanied Children: The Journey, Custody &amp; Reunification</b>	x	x	x	x	x
<i>break (15 minutes)</i>						
9:15 - 10:15	<b>Child Development &amp; Eliciting Accurate Information from Child Witnesses</b>	<b>Life, Death &amp; Fear of Gangs: Overview of Gang-Based Asylum Claims (session 1)</b>	<b>What Constitutes an Admission for Immigration Purposes (session 1)</b>	<b>Developments in Particular Social Group Claims (session 2)</b>	<b>Strategies to Address Problematic Counsel: Practitioner Discipline Law &amp; Procedure</b>	x
<i>break (15 minutes)</i>						
10:30 - 11:30	<b>Children's Issues: Relief &amp; Repatriation</b>	<b>Waivers of Inadmissibility &amp; the INA (session 1)</b>	<b>Coming to a Court Near You? Expanding Bond Jurisdiction</b>	<b>All in the Family: Advanced Visa Petition Topics</b>	<b>Complex Issues in Adjustment of Status (session 1)</b>	<b>Advanced Legal Research: Westlaw Next</b>
<i>lunch on your own (90 minutes)</i>						<i>Exhibitors Regency Ballroom Foyer</i>
1:00 - 2:00	<b>Special Immigrant Juvenile (SIJ) Petitions &amp; Immigration Court Proceedings</b>	<b>The Other Reviewers: DHS Adjudicators</b>	<b>Waivers of Inadmissibility &amp; the INA (session 2)</b>	<b>Advanced Cancellation of Removal Issues (session 1)</b>	<b>Advanced Asylum &amp; Protection Topics (session 1)</b>	x
<i>break (15 minutes)</i>						
2:15 - 3:15	<b>Human Trafficking, Domestic Violence &amp; Crime Victims: Protections &amp; Confidentiality</b>	<b>Weighing Evidence: Credibility &amp; Corroboration (session 2)</b>	<b>Tying the Knot Post-Windsor: Immigration Issues for Same-Sex Couples (session 1)</b>	<b>Advanced Asylum &amp; Protection Topics (session 2)</b>	<b>Life, Death &amp; Fear of Gangs: Overview of Gang-Based Asylum Claims (session 2)</b>	x
<i>break (15 minutes)</i>						
3:30 - 4:30	<b>The Fear Factor: Credible &amp; Reasonable Fear Determinations</b>	<b>Complex Issues in Adjustment of Status (session 2)</b>	<b>Analyzing Evidence: Authentication of Documents, Assessing Evidentiary Weight, &amp; Other Issues (session 1)</b>	<b>Tying the Knot Post-Windsor: Immigration Issues for Same-Sex Couples (session 2)</b>	<b>Navigating the Fault Lines: Circuit Splits in Immigration Law (session 2)</b>	x
4:30	<i>NAIJ Membership Meeting</i>					



**WEDNESDAY, AUGUST 12**

<i>Time</i>	<i>Ballroom I</i>	<i>Ballroom II</i>	<i>Break-out I</i>	<i>Break-out II</i>	<i>Break-out III</i>	<i>Break-out IV</i>
8:00 – 9:00	<b>Mental Competency in Immigration Court Proceedings: Identifying &amp; Analyzing Competency Issues</b>  OCIJ only	<b>The Rocky Road to Reform: The Changing Landscape of Immigration Law</b>  BIA only	<b>Interpreting &amp; Implementing the Decision in <i>Franco v. Holder</i> Part I</b>  (CA/WA/AZ judges only)	x	x	x
<i>break (15 minutes)</i>						
9:15-10:15	<b>Mental Competency in Immigration Court Proceedings: Handling Competence Issues</b>  OCIJ only	<b>Government Standards of Conduct for Board Members &amp; Attorney Advisors</b>  BIA only	<b>Interpreting &amp; Implementing the Decision in <i>Franco v. Holder</i> Part II</b>  (CA/WA/AZ judges only)	x	x	x
<i>break (15 minutes)</i>						
10:30 - 11:30	<b>Home &amp; Away: Consular Waivers &amp; Processing</b>	<b>What Constitutes an Admission for Immigration Purposes (session 2)</b>	<b>Conducting Efficient Custody &amp; Bond Proceedings (including mock hearing)</b>	<b>Advanced Cancellation of Removal Issues (session 2)</b>	<b>Analyzing Evidence: Authentication of Documents, Assessing Evidentiary Weight, &amp; Other Issues (session 2)</b>	<b>Advanced Legal Research: LEXIS Advance</b>
<i>lunch on your own (90 minutes)</i>			<i>Exhibitors Regency Ballroom Foyer</i>			<b>LEXIS Advance (Q&amp;A)</b>
1:00 - 2:00	<b>Federal Anti-discrimination Laws: EEO, Sexual Harassment, and NO FEAR Act</b>	x	x	x	x	x
<i>break (15 minutes)</i>						
2:15 - 3:15	<b>Professionalism for EOIR Adjudicators: Principles of Civility, Integrity and Professionalism (Part I)</b>	x	x	x	x	x
<i>break (15 minutes)</i>						
3:30 – 4:30	<b>Professionalism for EOIR Adjudicators: Principles of Civility, Integrity and Professionalism (Part II)</b>	x	x	x	x	x

**THURSDAY, AUGUST 13**

<i>Time</i>	<i>Ballroom I</i>	<i>Ballroom II</i>	<i>Break-out I</i>	<i>Break-out II</i>	<i>Break-out III</i>
8:00 – 9:00	<b>Government Standards of Conduct for Immigration Judges &amp; Attorney Advisors (OCIJ closed session)</b>	x	x	x	x
<i>break (15 minutes)</i>					
9:15 – 10:15	<b>Discussion Groups: Docket Management</b> <i>[see registration packet for room assignment]</i>	<b>Discussion Groups: Docket Management</b> <i>[see registration packet for room assignment]</i>	<b>Discussion Groups: Docket Management</b> <i>[see registration packet for room assignment]</i>	<b>Discussion Groups: Docket Management</b> <i>[see registration packet for room assignment]</i>	<b>Discussion Groups: Docket Management</b> <i>[see registration packet for room assignment]</i>
<i>break (15 minutes)</i>					
10:30 – 11:30	<b>Working with Interpreters: A Team Approach</b>	x	x	x	x
11:30 - 11:50	<b>Closing Remarks</b>	x	x	x	x

7/14/2015 EOIR Legal Training Program