

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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CONCELY DEL CARMEN MENDEZ ROJAS, No. C16-1024 RSM

et al.,

Plaintiffs,

v.

JOHN F. KELLY, SECRETARY OF

HOMELAND SECURITY, et al.,

Defendants.

-----x

DEPOSITION OF 30(b)(6) DESIGNEE ELIZABETH E. MURA

Washington, D.C.

September 27, 2017 - 9:00 a.m.

Reported by:

Linda S. Kinkade RDR CRR RMR RPR CSR

Job no: 19693

TransPerfect Legal Solutions

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1 A P P E A R A N C E S :

2

3

4 On Behalf of Plaintiffs:

5 American Immigration Council

6 100 Summer Street

7 23rd Floor

8 Boston, Massachusetts 02110

9 T 202.507.7520

10 By: Trina Realmuto, Esq.

11 trealmuto@immcouncil.org

12

13 - and -

14

15 On Behalf of Plaintiffs:

16 American Immigration Council

17 1331 G. Street NW

18 Suite 200

19 Washington, DC 20005

20 T 202.507.7500

21 By: Mary A. Kenney, Esq.

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23 By: Karolina (Caroline) Walters, Esq.

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1 A P P E A R A N C E S (continued):

2

3 On Behalf of Defendants:

4 U.S. Department of Justice

5 Civil Division

6 450 Fifth Street, NW

7 Washington, DC 20530

8 T 202.305.7551

9 By: J. Max Weintraub, Esq.

10 jacob.weintraub@usdoj.gov

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19 Also present:

20 James Martin, USCIS

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1 P R O C E E D I N G S

2 THE REPORTER: Would counsel state their
3 appearances please, and then I'll swear in the
4 witness.

5 MS. REALMUTO: Trina Realmuto on behalf of
6 plaintiffs.

7 MS. KENNEY: Mary Kenney on behalf of
8 plaintiffs.

9 MS. WALTERS: Karolina Walters on behalf
10 of plaintiffs.

11 MR. WEINTRAUB: Max Weintraub on behalf of
12 defense.

13 MR. MARTIN: James Martin for USCIS.

14 ELIZABETH E. MURA,
15 having been first duly sworn, was
16 thereafter examined and testified as follows:

17 EXAMINATION

18 BY MS. REALMUTO:

19 Q. Good morning. My name is Trina Realmuto.
20 I'm one of the attorneys for the plaintiffs in the
21 lawsuit Mendez-Rojas versus Johnson.

22 Can you please state and spell your name for
23 the record?

24 A. Elizabeth Ellen Mura. E-L-I-Z-A-B-E-T-H,
25 E-L-L-E-N, M-U-R-A.

1 A. The Affirmative Asylum Procedures Manual
2 talks about filing, also credible fear and NACARA
3 procedures manuals.

4 Q. And what is the significance of filing the
5 NTA?

6 MR. WEINTRAUB: Objection, vague as to
7 "significance."

8 Q. Okay. Does filing the NTA strip USCIS of
9 jurisdiction over the application?

10 MR. WEINTRAUB: Objection, calls for legal
11 conclusion.

12 A. If the asylum office has completed the
13 processing of the -- of the case and the case in
14 front of -- in front of us, and it would vest
15 jurisdiction with the courts.

16 Q. So once the asylum -- sorry. Once the
17 notice to appear is filed with the immigration court,
18 USCIS could not adjudicate the asylum application?

19 MR. WEINTRAUB: Objection, calls for a
20 legal conclusion; vague as to "could not."

21 A. At that point we've already made a
22 determination on the application or decision.

23 Q. So if CIS rejects an asylum application
24 for any reason, any reason, lack of jurisdiction,
25 venue, whatever it is, is CIS obligated to provide

1 oral notice of the one-year filing deadline to the
2 applicant?

3 MR. WEINTRAUB: Objection, calls for legal
4 conclusion and vague as to "obligated."

5 A. I don't know if USCIS is required -- or
6 is -- is obligated.

7 Q. Is CIS required to provide oral notice of
8 the one-year filing deadline?

9 MR. WEINTRAUB: Objection, calls for legal
10 conclusion, vague as to "required."

11 A. I don't know. I'm not aware of a national
12 policy.

13 Q. Is CIS required to provide written notice
14 of the one-year filing deadline if they reject the
15 asylum application for any reason?

16 MR. WEINTRAUB: Objection, calls for legal
17 conclusion; objection, vague as to "required."

18 A. I don't know. I'm not aware of a national
19 policy.

20 Q. Is a CIS officer conducting a credible
21 fear interview obligated to orally tell someone that
22 he or she is interviewing about the one-year filing
23 deadline?

24 MR. WEINTRAUB: Objection, calls for legal
25 conclusion; objection, vague as to "obligated."

1 A. I don't know. I'm not aware of a national
2 policy.

3 Q. Is a CIS officer conducting a credible
4 fear interview obligated or required to give the
5 individual he or she is interviewing written notice
6 of the one-year filing deadline?

7 MR. WEINTRAUB: Objection, calls for legal
8 conclusion; objection, vague as to "obligated or
9 required."

10 A. Could you repeat the question?

11 Q. Is a CIS officer conducting a credible
12 fear interview obligated to give the individual he or
13 she is interviewing written notice of the one-year
14 filing deadline?

15 MR. WEINTRAUB: Renew my objection.

16 A. I don't know. I'm not aware of a national
17 policy.

18 Q. As a 30(b)(6) witness, you would be aware
19 of a national policy if there was one, correct?

20 A. Correct.

21 Q. Are you aware of any requirement that
22 asylum officers prior to, during, or after a credible
23 fear interview must inform a person about the
24 one-year filing deadline?

25 MR. WEINTRAUB: Objection, calls for legal

1 conclusion; objection, vague as to obligated and must
2 require.

3 A. No.

4 Q. Do you know what form CIS issues to a
5 person who will have a credible fear interview?

6 A. What forms does USCIS issue to a person
7 who will have a credible fear interview?

8 Q. Yes. Let's start with before the
9 interview, what forms would the person get?

10 A. They would get the M-444 orientation,
11 credible fear orientation form. USCIS would reissue
12 it if the applicant didn't understand. We would
13 confirm that one had been given to them by ICE or by
14 CBP previously or issue one if there was no M-444 in
15 the file.

16 Q. Only those forms before the interview?

17 A. Before the interview, I believe they also
18 would get a list of legal services providers, and
19 then, depending on the local jurisdiction, if there's
20 any other court orders or anything else they have to
21 be provided, but USCIS would not necessarily -- I
22 don't know if those would be required by USCIS or by
23 ICE or CPB.

24 Q. I'm only asking about what CIS officers
25 are required to provide or do provide during the

1 A. How much time after the interview, or how
2 much time --

3 Q. No, just to get the forms together to give
4 them before the interview, during and after.

5 A. It would take longer for them to do the
6 I-870 or the I-898. That's not -- because they have
7 to complete those in the system, and so those usually
8 aren't completed at the interview itself. So they
9 would be completed afterwards and given -- and the
10 NTA also. You don't know your decision before you
11 interview the person.

12 Q. Okay.

13 A. And they don't usually sit there and wait
14 for you to make the determination. So it would -- it
15 could range from one day to a few days depending on
16 the process for the case review by the supervisor and
17 updating the databases and preparing all the copies
18 and everything.

19 Q. Okay. So the forms that involve work to
20 prepare take possibly a few days.

21 A. Yes. Yes.

22 Q. What about forms like the M-444? How long
23 does it take the officer to --

24 A. The M-444 --

25 Q. -- gather?

1 A. -- often they have stacks of. They have
2 extras, and they can just give it to the applicant,
3 or they can print one out and have it taken to them
4 after a few minutes or --

5 Q. So they have --

6 A. Sorry.

7 Q. It's either preprinted or they can print
8 it. They pick up the form, and they hand it to the
9 person.

10 A. For the M-444, yes, and the legal service
11 provider list also.

12 Q. Okay. Are CIS officers, do they hand out
13 or are required to hand -- sorry. Scratch.

14 Are they required to hand out Form I-589 at
15 the conclusion of the credible fear interview?

16 MR. WEINTRAUB: Objection, calls for legal
17 conclusion; objection, vague as to "required."

18 A. I don't know if there's a national policy.
19 There may be a local procedure someplace.

20 Q. As the 30(b)(6) witness, you would be
21 aware if there was a policy by which CIS officers
22 were required to hand out I-589 applications?

23 A. Yes, I would be.

24 Q. And you're aware of no such policy.

25 A. I don't -- I don't believe so, but I can't

1 A. Yes.

2 Q. Do you have personal knowledge about what
3 is or is not available at detention facilities?

4 A. I have asked before if it was available,
5 and I received the answer that they were available.
6 So have I seen with my own eyes, no, not recently,
7 whether an I-589 is available, no.

8 Q. Your counsel asked if the I-589 and the
9 instructions are available at local offices. What
10 did you interpret "available" to mean?

11 A. If they -- I interpreted available to mean
12 there are copies of I-589s and instructions available
13 upon request or at the window or out for an
14 applicant.

15 Q. What do you mean "out"?

16 A. Or out in the -- in the waiting area.

17 Q. Is there a national policy requiring that
18 the I-589 and instructions are available in the way
19 you just defined that term?

20 A. I don't believe there's any national
21 standards or national policy on what is available --

22 Q. Thank you.

23 A. -- or what's required to be available. I
24 don't know.

25 Q. Do you know if there are applications,

1 I-589 applications, instructions in waiting rooms in
2 all offices, not local offices?

3 A. In all USCIS offices? I did not contact
4 all USCIS offices to ask if they had 589s and
5 instructions available.

6 MS. REALMUTO: Okay. No further
7 questions.

8 //

9 (The deposition of ELIZABETH E. MURA
10 adjourned at 4:04 p.m.)

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C E R T I F I C A T E

I, LINDA S. KINKADE, Registered Diplomate Reporter, Certified Realtime Reporter, Registered Merit Reporter, Certified Shorthand Reporter, and Notary Public, do hereby certify that prior to the commencement of examination the deponent herein was duly sworn by me to testify truthfully under penalty of perjury.

I FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceedings as reported by me stenographically to the best of my ability.

I FURTHER CERTIFY that I am neither counsel for nor related to nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of October 2017.

My commission expires: July 31, 2022

Linda Kinkade

NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

EXHIBIT B

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, et al.,

Case No. 2:16-cv-01024-RSM

Plaintiffs,

**DHS DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

v.

JOHN F. KELLY, Secretary of Homeland
Security, et al.,

Defendants.

**DHS DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

DHS Defendants hereby respond to Plaintiffs' First Set of Requests for Admissions as follows:

I.

PRELIMINARY STATEMENT

DHS Defendants have not, at this time, fully completed their discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is available and known to DHS Defendants upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning

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TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

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ANSWER No. 6

DHS Defendants lack information to respond to this interrogatory, as the LOPs are under the auspice of EOIR. To the extent that DHS Defendants can provide additional information, they will supplement this response.

INTERROGATORY NO. 7

Identify any documents provided by Legal Orientation Programs (LOPs) that inform detainees about the one year filing deadline for asylum found in INA § 208(a)(2)(B), including over what time period the documents were distributed and at what DHS facilities they were distributed.

ANSWER No. 7

DHS Defendants lack information to respond completely to this interrogatory, as the LOPs are under the auspice of EOIR. DHS Defendants further object on the basis that “immigration detention facilities” is not defined. ICE disseminates, to detainees who are housed in over-72 hour detention facilities, the ABA-produced “Know Your Rights” video and a Guidebook that provides detainees with information about the immigration removal process. ICE also disseminates, to detainees who are housed in over 72-hour detention facilities, in collaboration with EOIR, legal self-help materials. Each Ice detention facility has a law library with pro se legal materials. ICE also provides to detainees the National Detainee Handbook from April 2016 (this is not a document produced as part of a LOP, but it does discuss legal rights). See <https://www.ice.gov/sites/default/files/documents/Document/2017/detainee-handbook.PDF>; see also the following public websites:

<https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

<https://www.vera.org/projects/legal-orientation-program/legal-orientation-program-lop-facilities>.

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INTERROGATORY NO. 8

Identify all documents that DHS officials are required to give to an individual after apprehension, including over what time period the documents were distributed.

ANSWER No. 8

DHS Defendants object on the basis that “DHS Official,” “apprehension,” and “time period” are undefined and the request is otherwise vague, rendering the request overbroad and not proportionate to Plaintiffs’ need. DHS Defendants aver, however, that most aliens receive a Notice to Appear (NTA) and, if housed by ICE in over 72-hour detention facilities, a copy of the National Detainee Handbook from April 2016 and possibly the materials listed in response Interrogatory 7. With the NTA, individuals are also provided a list of free legal service providers in the appropriate region. If appropriate, CBP may provide a copy of the form I-848 and I-848A (Notice of Rights to Salvadorans).

INTERROGATORY NO. 9

Identify all documents that DHS officials are required to give to an individual in their custody who requests asylum or expresses a fear of return to the individual’s home country, including over what time period the documents were distributed.

ANSWER No. 9

DHS Defendants object on the basis that “time period” and “DHS officials” are undefined and “over what time period” is otherwise vague, rendering the request overbroad and not proportionate to Plaintiffs’ need.

DHS Defendants aver, however, that when an individual requests asylum or expresses a fear of return to the individual’s home country, the following regulations apply:

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1 See the following sections from the Code of Federal Regulations:

2 8 C.F.R. § 235.3(b)(2)(i) (identifying when to produce forms I-860, I-867B)

3 8 C.F.R. § 235.3(b)(4)(i) (identifying when to provide the Form M-444)

4 8 C.F.R. section 208.5(a) (stating that the Government is not required to give individuals
5 forms during the credible fear process).

6 **INTERROGATORY NO. 10**

7 Identify all documents that DHS officials are required to give to an individual during the credible
8 fear process, including over what time period the documents were distributed.

9 **ANSWER No. 10**

10
11 DHS Defendants object on the basis that “time period” and “DHS officials” are undefined
12 and “over what time period” is otherwise vague, rendering the request overbroad and not
13 proportionate to Plaintiffs’ need.

14
15 DHS Defendants aver, however, that during the credible fear process, DHS employees are
16 required to provide an individual with the following documents, as applicable:

- 17 • Form G-56, Credible Fear Interview Notice
- 18 • Form I-867A/B, Record of Sworn Statement in Proceedings under Section 235(b)(1) of
19 the Act and Jurat for Record of Sworn Statement
- 20 • Form M-444, Information About Credible Fear Interview
- 21 • Form to request a waiver of the 48-hour period to rest and consult with family members,
22 friends or other representatives before this interview takes place.

INTERROGATORY NO. 11

Identify all documents that DHS officials are required to give to an individual who receives a positive credible fear determination, including over what time period the documents were distributed.

ANSWER No. 11

DHS Defendants object on the basis that “time period” and “DHS officials” are undefined and “over what time period” is otherwise vague, rendering the request overbroad and not proportionate to Plaintiffs’ need.

DHS Defendants aver, however, that DHS employees are required to provide an individual who receives a positive credible fear determination with the following documents, as applicable:

- Form I-860, Notice and Order of Expedited Removal
- Form I-862, Notice to Appear
- Form I-863, DHS Notice of Referral to an Immigration Judge
- Form I-867A/B, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act and Jurat for Record of Sworn Statement
- Form I-870, Record of Determination/Credible Fear Worksheet
- Information about How to Seek Release from Detention: Parole Eligibility and Process for Certain Asylum Applicants.

INTERROGATORY NO. 12

Explain the basis for Defendants’ assertion, in ¶ 38 of their Answer, Dkt. 42: “Defendants . . . deny that they do not provide notice in any documentation of the requirement to file an asylum application within one year or instructions for how to file an asylum application.”

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1 **ANSWER No. 12**

2 Information regarding the one-year filing deadline is available in Section 208(a)(2)(B) of
3 the Immigration and Nationality Act, in 8 CFR 208.4(a)(2), and in the Instructions for the Form I-
4 589.. DHS regulations are publicly available. Additionally, DHS makes the Form I-589
5 Instructions available to the public on the USCIS website. The Form I-589 Instructions and the
6 USCIS website provide instructions on how to file an asylum application. The Form I-589
7 Instructions are also available at USCIS Asylum Offices. Further, individuals can also request
8 forms and instructions by calling the National Customer Service Center 1-800 number.
9 Individuals can also request forms to be mailed to them on the USCIS website at
10 <https://egov.uscis.gov/formbymail/>. In addition, the National Detainee Handbook dated April
11 2016, states that a detainee has the right to ask for asylum. The Handbook is publicly available
12 and is given to detainees who are housed in over-72 hour detention facilities. ICE’s national
13 detention standards require that a Detainee Handbook is made available to detainees.

14 **INTERROGATORY NO. 13**

15 Identify all documents, including over what time period the documents were distributed and
16 where they were distributed, that support Defendants’ assertion, in ¶ 38 of their Answer, Dkt. 42:
17 “Defendants . . . deny that they do not provide notice in any documentation of the requirement to
18 file an asylum application within one year or instructions for how to file an asylum application.”

19 **ANSWER No. 13**

20 DHS Defendants object on the basis that “time period” is undefined and the request is
21 otherwise vague, rendering the request overbroad and not proportionate to Plaintiffs’ need.

22 However, DHS Defendants aver that they provide notice of the one-year filing deadline in
23 the DHS regulations at 8 CFR § 208.4(a)(2), which are available to the public, and in the

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1 Instructions for the Form I-589, which DHS makes available as noted in the response to
2 Interrogatory No. 12. Further, DHS Defendants are continuing to review the time periods the
3 Instructions for the Form I-589 have been made available. Upon information and belief, the
4 Instructions were available on the Immigration and Naturalization Service website since at least
5 as early as August 24, 2000. See also DHS Defendants’ response to Plaintiffs’ Request for
6 Production No. 11.

7
8 **INTERROGATORY NO. 14**

9 Identify all DHS documents, guidance, training, or instructions for DHS officials that relate in
10 any way to a DHS official providing notice of the one-year filing deadline to an asylum seeker,
11 including but not limited to, any document that discusses how, when, or what notice is to be
12 provided, and also including over what time period the documents were distributed.

13
14 **ANSWER No. 14**

15 DHS Defendants object on the basis that it is overbroad and unduly burdensome, in that it
16 seeks information from DHS components that are not Defendants in this action and seeks
17 information that is not relevant to this action, rendering the request overbroad and not
18 proportionate to Plaintiffs’ need.

19 However, DHS Defendants aver that the documents noted in the response to Interrogatory
20 No. 13 are responsive. Additionally, DHS Defendants aver that ICE’s Performance Based
21 National Detention Standards (PBNDS), which are publicly available, state that facilities that
22 house ICE detainees shall show detainees a video during orientation that discusses the availability
23 of pro bono legal services. See 2000 PBNDS (“Admission and Release”); 2008 PBNDS
24 (“Admission and Release”); 2011 PBNDS (“Admission and Release”). Further, Section 6.4 of the
25 2011 PBNDS states that ICE/ERO “encourages” presentations by legal rights groups at detention
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DATED: August 9, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director

COLIN A. KISOR
Deputy Director

/s/ J. Max Weintraub
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VERIFICATION

I, Elizabeth E. Mura, declare, under penalty of perjury:

I am employed by U.S. Citizenship and Immigration Services (USCIS) in the Asylum Division of the Refugee, Asylum and International Operations Directorate as the Operations Branch Chief. As such, I am authorized to make this verification on behalf of USCIS, in the matter of *Mendez Rojas, et al. v Kelly, et al.*, No. 2:16-cv-01024-RSM (W.D. Wash. filed June 30, 2016).

I have read and know the contents of these responses. These responses were prepared after obtaining information available to USCIS through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. I certify the interrogatory answers for 4, 5, 10, 11, 12, 13, 14, 15, 16, 17, and 18 on behalf of USCIS are true and correct to the best of my knowledge, information, and belief.

Executed on August 9, 2017



VERIFICATION

I, Nathalie R. Asher, declare, under penalty of perjury:

I am employed by U.S. Immigration and Customs Enforcement (ICE) as the Acting Assistant Director for Field Operations, Headquarters Enforcement and Removal Operations. As such, I am authorized to make this verification on behalf of ICE, in the matter of *Mendez Rojas, et al. v Kelly, et al.*, No. 2:16-cv-01024-RSM (W.D. Wash. filed June 30, 2016).

I have read and know the contents of these responses. These responses were prepared after obtaining information available to ICE through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. I certify the interrogatory answers for 1-3, 7-9, 11-16, 18, and 19 on behalf of ICE are true and correct to the best of my knowledge, information, and belief.

Executed on August 9, 2017



VERIFICATION

I, M. Frank LeMaster II, declare, under penalty of perjury:

I am employed by the U.S. Border Patrol as the Acting Associate Chief, Policy. As such, I am authorized to make this verification on behalf of the U.S. Border Patrol, in the matter of *Mendez Rojas, et al. v Kelly, et al.*, No. 2:16-cv-01024-RSM (W.D. Wash. filed June 30, 2016).

I certify the interrogatory answers for Interrogatories 8 and 9 on behalf of the U.S. Border Patrol. These responses were prepared after obtaining information available to the U.S. Border Patrol through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. The responses regarding the U.S. Border Patrol are true and correct to the best of my knowledge, information, and belief.

Executed on August 9, 2017



M. Frank LeMaster II

VERIFICATION

I, Todd A. Hoffman, declare, under penalty of perjury:

I am employed by U.S. Customs and Border Protection, Office of Field Operations as the Executive Director, Admissibility and Passenger Programs. As such, I am authorized to make this verification on behalf of the Office of Field Operations, in the matter of *Mendez Rojas, et al. v Kelly, et al.*, No. 2:16-cv-01024-RSM (W.D. Wash. filed June 30, 2016).

I certify the interrogatory answers for Interrogatories 8 and 9 on behalf of the Office of Field Operations. These responses were prepared after obtaining information available to the Office of Field Operations through its officers and employees and through its documents and records.

These Interrogatories state as follows:

INTERROGATORY NO. 8

Identify all documents that DHS officials are required to give to an individual after apprehension, including over what time period the documents were distributed.

ANSWER No. 8

DHS Defendants object on the basis that “DHS Official,” “apprehension,” and “time period” are undefined and the request is otherwise vague, rendering the request overbroad and not proportionate to Plaintiffs’ need. DHS Defendants aver, however, that most aliens receive a Notice to Appear (NTA) and, if housed by ICE in over 72-hour detention facilities, a copy of the National Detainee Handbook from April 2016 and possibly the materials listed in response Interrogatory 7. With the NTA, individuals are also provided a list of free legal service providers in the appropriate region. If appropriate, CBP may provide a copy of the form I-848 and I-848A (Notice of Rights to Salvadorans).

INTERROGATORY NO. 9

Identify all documents that DHS officials are required to give to an individual in their custody who requests asylum or expresses a fear of return to the individual’s home country, including over what time period the documents were distributed.

ANSWER No. 9

DHS Defendants object on the basis that “time period” and “DHS officials” are undefined and “over what time period” is otherwise vague, rendering the request overbroad and not proportionate to Plaintiffs’ need. DHS Defendants aver, however, that when an individual requests asylum or expresses a fear of return to the individual’s home country, the following regulations apply: See the following sections from the Code of Federal Regulations:

8 C.F.R. § 235.3(b)(2)(i) (identifying when to produce forms I-860, I-867B)

8 C.F.R. § 235.3(b)(4)(i) (identifying when to provide the Form M-444)

8 C.F.R. section 208.5(a) (stating that the Government is not required to give individuals forms during the credible fear process).

These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. The responses regarding the Office of Field Operations are true and correct to the best of my knowledge, information, and belief.

Executed on August 10, 2017

A handwritten signature in black ink, appearing to read "Todd A. Hoffman", is written above a solid horizontal line.

Todd A. Hoffman

EXHIBIT C

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, et al.,

Case No. 2:16-cv-01024-RSM

Plaintiffs,

v.

**DHS DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

JOHN F. KELLY, Secretary of Homeland
Security, et al.,

Defendants.

**DHS DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

DHS Defendants hereby respond to Plaintiffs' First Set of Requests for Admissions as follows:

I.

PRELIMINARY STATEMENT

DHS Defendants have not, at this time, fully completed their discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is available and known to DHS Defendants upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning to currently known information. DHS Defendants reserve the right to amend any and all

No. CV 2:16-cv-01024-RSM
DHS DEFENDANTS' RESPONSES
TO PLAINTIFFS' FIRST SET REQUESTS FOR
PRODUCTION OF DOCUMENTS

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1 **REQUEST FOR PRODUCTION NO. 4**

2 Produce any and all documents that list or otherwise identify the immigration detention facilities
3 where Legal Orientation Programs (LOPs) are provided.

4 **ANSWER No. 4.**

5 Plaintiffs have withdrawn this Request (per telephone conference of August 7, 2017).

6 **REQUEST FOR PRODUCTION NO. 5**

7 Produce a copy of any documents provided by LOPs to detainees that inform detainees about the
8 one year filing deadline for asylum.

9 **ANSWER No. 5**

10 DHS Defendants object to this request – and, regardless, have no responsive documents at
11 this time – because LOPs are under the auspice of EOIR.

12 **REQUEST FOR PRODUCTION NO. 6**

13 Produce a copy of all documents that DHS requires its officials give to an individual after
14 apprehension.

15 **ANSWER No. 6**

16 DHS Defendants object on the basis that DHS “officials” and “apprehension” are
17 undefined and the request is otherwise vague, rendering the request overbroad and not
18 proportionate to Plaintiffs’ need.

19 However, pursuant to a telephone conference with Plaintiffs’ counsel on August 7, 2017,

20 DHS Defendants will provide a blank copy of each form related to the CF/NTA processes.

21 See, further, the following sections from the Code of Federal Regulations:

22 8 C.F.R. § 235.3(b)(2)(i) (identifying when to produce forms I-860, I-867B)

23 8 C.F.R. § 235.3(b)(4)(i) (identifying when to provide the Form M-444).

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25 DHS DEFENDANTS’ RESPONSES
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1 8 C.F.R. section 235.6(a)(1)(i) (identifying when to provide the I-862 form)

2 8 C.F.R. section 208.5(a) (stating that the Government is not required to give individuals forms
3 during the credible fear process)

4 **REQUEST FOR PRODUCTION NO. 7**

5 Produce a copy of all documents that DHS requires its officials give to an individual in DHS
6 custody who requests asylum or expresses a fear of return to the individual's home country.

7 **ANSWER No. 7**

8 DHS Defendants object on the basis that DHS "officials" and "DHS custody" are
9 undefined and the request is otherwise vague, rendering the request overbroad and not
10 proportionate to Plaintiffs' need. DHS Defendants further object that any documents responsive
11 to this request would fall within the scope of Request for Production No. 6.

12 However DHS Defendants will provide responsive documents as they are so able and will
13 supplement when appropriate.

14 **REQUEST FOR PRODUCTION NO. 8**

15 Produce a copy of all documents that DHS requires its officials give to an individual during the
16 credible fear process outlined in 8 C.F.R. §§ 208.30 and 235.3(b)(4).

17 **ANSWER No. 8**

18 DHS Defendants object on the basis that DHS "officials" is undefined and the request is
19 otherwise vague, rendering the request overbroad and not proportionate to Plaintiffs' need.

20 However, DHS Defendants have identified the following responsive documents:

- 21
- 22 • G-56, Credible Fear Interview Notice
 - 23 • Form I-867A/B, Record of Sworn Statement in Proceedings under Section 235(b)(1) of
24 the Act and Jurat for Record of Sworn Statement

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26 DHS DEFENDANTS' RESPONSES
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- 1 • Form M-444, Information About Credible Fear Interview
- 2 • Form to request a waiver of the 48-hour period

3 **REQUEST FOR PRODUCTION NO. 9**

4 Produce a copy of all documents that DHS requires its officials give to an individual who is
5 found to have a credible fear of persecution pursuant to 8 C.F.R. § 208.30(e).

6 **ANSWER No. 9**

7
8 DHS Defendants object on the basis that DHS “officials” is undefined and the request is
9 otherwise vague, rendering the request overbroad and not proportionate to Plaintiffs’ need.

10 However, DHS Defendants have identified the following responsive documents:

- 11 • Form I-860, Notice and Order of Expedited Removal
- 12 • Form I-862, Notice to Appear
- 13 • Form I-863, Notice of Referral to Immigration Judge
- 14 • Form I-867A/B, Record of Sworn Statement in Proceedings under Section 235(b)(1) of
15 the Act and Jurat for Record of Sworn Statement
- 16 • Form I-870, Record of Determination/Credible Fear Worksheet
- 17 • Information about How to Seek Release from Detention: Parole Eligibility and Process for
18 Certain Asylum Applicants

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21 **REQUEST FOR PRODUCTION NO. 10**

22 Produce all DHS documents, guidance, training, or instructions that relate in any way to a DHS
23 official providing notice to an asylum seeker of the one-year filing deadline found in INA §
24 208(a)(2)(B), including but not limited to, any document that discusses how, when, or what
25 notice is to be provided.

26
27 No. CV 2:16-cv-01024-RSM
28 DHS DEFENDANTS’ RESPONSES
TO PLAINTIFFS’ FIRST SET REQUESTS FOR
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ANSWER No. 17

DHS Defendants is endeavoring to obtain, review, and redact the A-files. DHS Defendants will produce the A-files when they have the ability to do so, but not until there is a Protective Order in place for this action.

DATED: August 9, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director

COLIN A. KISOR
Deputy Director

/s/ J. Max Weintraub
J. MAX WEINTRAUB
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GLADYS M. STEFFENS GUZMÁN
Trial Attorney
United States Department of Justice

Attorneys for Defendants

No. CV 2:16-cv-01024-RSM
DHS DEFENDANTS' RESPONSES
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EXHIBIT D

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, et al.,

Case No. 2:16-cv-01024-RSM

Plaintiffs,

**DHS DEFENDANTS' FIRST
SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' FIRST SET OF
REQUESTS FOR ADMISSIONS**

v.

JOHN F. KELLY, Secretary of Homeland
Security, et al.,

Defendants.

**DHS DEFENDANTS' SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSIONS**

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

DHS Defendants hereby respond to Plaintiffs' First Set of Requests for Admissions as follows:

I.

PRELIMINARY STATEMENT

DHS Defendants have not, at this time, fully completed their discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is available and known to DHS Defendants upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning

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DHS DEFENDANTS' SUPPLEMENTAL
RESPONSES TO PLAINTIFFS' FIRST SET OF RFAs

1

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1 to currently known information. DHS Defendants reserve the right to amend any and all
2 responses herein as additional facts are ascertained, legal research is completed, and analysis is
3 undertaken. The responses herein are made in a good faith effort to supply as much information
4 as is known to DHS Defendants at this time.

5 **II.**

6 **GENERAL OBJECTIONS**

7 1. DHS Defendants object to the requests that impose or seek to impose any
8 requirement or discovery obligation greater than or different from those under the Federal Rules
9 of Civil Procedure and the applicable Local Rules and Orders of the Court.

10 2. DHS Defendants object to the requests to the extent they seek disclosure of
11 information protected under the attorney-client privilege, deliberative process privilege, attorney
12 work-product doctrine, or any other applicable privilege or immunity. Should any such
13 disclosure by DHS Defendants occur, it is inadvertent and shall not constitute a waiver of any
14 privilege or immunity.

15 3. DHS Defendants object to the requests to the extent that they seek information
16 protected by the Privacy Act, 5 U.S.C. § 552a, *et seq.* Further, DHS Defendants object to the
17 extent that they seek information protected by a non-party's constitutional right to privacy.

18 4. DHS Defendants object to Plaintiffs' definition of "submit to an immigration
19 court" when used with reference to a Notice to Appear means to give the Notice to Appear to an
20 immigration court for purposes of filing it, in accord with 8 C.F.R. § 1003.14(a) as the regulation
21 speaks for itself.

22 5. DHS Defendants reserve all objections as to the competence, relevance,
23 materiality, admissibility, or privileged status of any information provided in response to these
24 requests, unless DHS Defendants specifically state otherwise.

25 Subject to and without waiving the foregoing objections, DHS Defendants provides the
26 following responses:

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28 DHS DEFENDANTS' SUPPLEMENTAL
RESPONSES TO PLAINTIFFS' FIRST SET OF RFAs

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III.

DHS DEFENDANTS’ SUPPLEMENTAL RESPONSES TO PLAINTIFFS’ FIRST SET OF REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 12

Admit that DHS does not require its officials to give the asylum application (Form I-589) to individuals in DHS custody who request asylum or express a fear of return to their home country.

ANSWER NO. 12

DHS Defendants object on the basis that this is a compound request that implicates different processes for aliens who request asylum or express fear. DHS Defendants further object on the basis of lack of definition of “DHS custody” and “officials.” To the extent a response is required, DHS Defendants admit that they comply with the INA and applicable regulations and therefore do not require the provision of the Form I-589 to individuals in DHS custody who request asylum or express a fear of return to their home country.

REQUEST FOR ADMISSION NO. 13

Admit that DHS does not have a practice of providing asylum applications (I-589 forms) to individuals in DHS custody who request asylum or express a fear of return to their home country.

ANSWER NO. 13

DHS Defendants object on the basis that this is a compound request that implicates different processes for aliens who request asylum or express fear. DHS Defendants further object on the basis of lack of definition of “practice” and “DHS custody.” To the extent a response is required, DHS Defendants admit that they comply with the INA and applicable regulations and therefore do not have a practice of providing the Form I-589 to individuals in DHS custody who

1 request asylum or express a fear of return to their home country. Forms are readily available in
2 every law library in ICE detention facilities that house aliens for over 72 hours. Additionally, in
3 such a facility, if an alien makes a specific request, a copy will be provided to them directly or
4 they will receive instructions on how to get a copy from the library.

5 **REQUEST FOR ADMISSION NO. 14**

6 Admit that DHS does not require its officials to give asylum applications (I-589 forms) to
7 individuals who request asylum or express a fear of return when they are released from DHS
8 custody.

9 **ANSWER NO. 14**

10 DHS Defendants object on the basis that this is a compound request that implicates
11 different processes for aliens who request asylum or express fear. DHS Defendants further object
12 on the basis of lack of definition of “DHS custody” and “officials.” To the extent a response is
13 required, DHS Defendants admit that they comply with the INA and applicable regulations and
14 therefore do not require the provision of the Form I-589 to individuals in DHS custody who
15 request asylum or express a fear of return when they are released from DHS custody.

16 **REQUEST FOR ADMISSION NO. 15**

17 Admit that DHS does not have a practice of providing asylum applications (I-589 forms) to
18 individuals who request asylum or express a fear of return when they are released from DHS
19 custody.

20 **ANSWER NO. 15**

21 DHS Defendants object on the basis that this is a compound request that implicates
22 different processes for aliens who request asylum or express fear. DHS Defendants further object
23 on the basis of lack of definition of “practice” and “DHS custody.” To the extent a response is

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25 DHS DEFENDANTS’ SUPPLEMENTAL
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1 required, DHS Defendants admit that they comply with the INA and applicable regulations and
2 therefore do not have a practice of providing the Form I-589 to individuals in DHS custody who
3 request asylum or express a fear of return when they are released from DHS custody.
4

5 DATED: August 28, 2017

Respectfully submitted,

6 CHAD A. READLER
7 Acting Assistant Attorney General
8 Civil Division

9 WILLIAM C. PEACHEY
10 Director

11 COLIN A. KISOR
12 Deputy Director

13 /s/ J. Max Weintraub
14 J. MAX WEINTRAUB
15 Senior Litigation Counsel
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26 Trial Attorney
27 United States Department of Justice

Attorneys for Defendants

28 No. CV 2:16-cv-01024-RSM
DHS DEFENDANTS' SUPPLEMENTAL
RESPONSES TO PLAINTIFFS' FIRST SET OF RFAs

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EXHIBIT E



U.S. Department of Justice
Executive Office for Immigration Review
Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

September 14, 2016

MEMORANDUM

TO: All Immigration Judges
All Court Administrators
All Attorney Advisors and Judicial Law Clerks
All Immigration Court Staff

FROM: Michael C. McGoings *mcg*
Chief Immigration Judge (Acting)

SUBJECT: Operating Policies and Procedures Memorandum 16-01: *Filing Applications for Asylum*



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III. Lodging Applications for Asylum 2

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V. One-year Filing Deadline 3

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I. Introduction

Effective immediately, applications for asylum (Application for Asylum and for Withholding of Removal, Form I-589) may be filed at the window or by mail. They are no longer required to be filed at a master calendar hearing. This applies to all Form I-589s, regardless of whether the application is for asylum, withholding of removal, or protection under the Convention Against Torture. Accordingly, those portions of prior policy memoranda that mandate that the application for asylum be filed at a hearing are hereby rescinded.

II. Processing Applications for Asylum

When receiving an application for asylum at the window or by mail, court staff should provide the 180-Day Asylum EAD Clock Notice to the respondent¹ and should process the filing in the same manner as any other application, date-stamping the application as usual.² If the application is filed at the window, court staff should hand the notice to the filer. If the application is filed by an attorney or representative by mail and includes a stamped self-addressed envelope, court staff should send the notice using that envelope. If the application is filed by a pro se respondent by mail, court staff should mail the notice to the respondent.

Immigration Judges and court staff are reminded that applications for asylum should only be rejected based upon the specific rejection criteria allowed in the June 17, 2008, memorandum by the Chief Clerk of the Immigration Court and the corresponding standardized rejection notices.³ A copy of the memorandum and rejection notices are provided as Attachments A and B, respectively. If an application for asylum is rejected, the 180-Day Asylum EAD Clock Notice need not be provided.

This memorandum does not affect how the receipt of an application for asylum is to be recorded in CASE. Accordingly, court staff should continue to enter Form I-589 data in CASE in the same way as has been done before this memorandum. When processing an application for asylum that is filed at the window or by mail, the "initial asylum received date" is the date the application is filed, and not the date of the upcoming hearing.

III. Lodging Applications for Asylum

The asylum application lodging procedures set forth in Operating Policies and Procedures Memorandum (OPPM) 13-03, *Guidelines for Implementation of the ABT Settlement Agreement*,

¹ Under the ABT Settlement Agreement, the Immigration Court is required to provide the 180-Day Asylum EAD Clock Notice at the time of filing.

² When an application for asylum is submitted in support of a motion, the application shall not be considered filed. For guidance on motions supported by an application for relief, see Immigration Court Practice Manual Chapter 5.2(g).

³ Please note that court staff should ensure that the Form I-589 includes the applicant's signature in Part D. By contrast, Part G need not be signed at the time of filing.

remain in effect.⁴ Accordingly, if a respondent or representative indicates to court staff at the window that a Form I-589 is being submitted for the purpose of lodging, or if a Form I-589 submitted by mail is clearly marked as being submitted for the purpose of lodging, court staff should process the application as directed in OPPM 13-03. However, if the Form I-589 is not clearly being submitted for the purpose of lodging, court staff should process the application as an ordinary filing as described above.

IV. Asylum Clock

The filing of an application for asylum at the window or by mail prior to an initial master calendar hearing will start the “asylum clock.” Furthermore, the filing of an application for asylum at the window or by mail between master calendar hearings will start the asylum clock regardless of whether a “clock-stopping” code was previously entered. The asylum clock will then continue to run or stop at the next master calendar hearing, depending on the adjournment code used at that hearing. *See* OPPM 13-02, *The Asylum Clock*.

V. One-year Filing Deadline

An application for asylum filed at the window or by mail will be considered filed on the date of receipt for the purpose of the one-year filing deadline. *See* 8 C.F.R. § 1208.4(a)(2)(ii).

VI. Frivolous Application Advisals

When an application for asylum is filed at the window or by mail, the frivolous filing advisals may be given at a master calendar hearing or at the beginning of the individual calendar hearing, at the discretion of the judge.

VII. Conclusion

This change will also impact the Immigration Court Practice Manual and other guidance documents. I have directed that those changes be made, and the process is underway. If you have any questions, please consult with your Court Administrator or your Assistant Chief Immigration Judge, as appropriate.

⁴ Please note that the grounds for rejecting a lodged application for asylum as set forth in OPPM 13-03, Part III.B.2 accordingly remain in effect.

ATTACHMENT A



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

June 17, 2008

MEMORANDUM

TO: All Immigration Judges
All Court Administrators
All Attorney Advisors and Judicial Law Clerks
All Immigration Court Staff

FROM: Mark Pasierb
Chief Clerk of the Immigration Court

SUBJECT: Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008

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MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 2

I. Introduction

In August 2006, the Attorney General instructed the Executive Office for Immigration Review (EOIR) to publish a Practice Manual to provide guidance to the public on immigration court practice and to establish uniform procedures nationwide. On February 28, 2008, the Immigration Court Practice Manual was officially launched when it became publicly available on the EOIR internet homepage. The Practice Manual goes into effect on July 1, 2008.

This memorandum provides guidance to court staff on how to process defective filings beginning on July 1, 2008. This guidance covers: (1) filings by an attorney or representative, including Department of Homeland Security attorneys; (2) filings by a non-detained *pro se* respondent; (3) filings by a detained *pro se* respondent; (4) submissions directly to the court by third parties or represented respondents; (5) failure to file an EOIR-33/IC when a respondent changes his or her address; and (6) entry of an EOIR-28 when another attorney has already entered an appearance. Citations to the Practice Manual have been included for you to refer to as you review this memorandum.

Please note that the public will need time to become familiar with the Practice Manual. While the parties who appear before the courts are becoming familiar with the Practice Manual, court staff should be flexible in applying the provisions of this memorandum and the Practice Manual. During this initial period, staff are also encouraged to be especially helpful to the public on how to comply with the Practice Manual.

II. Filings by an attorney, representative, or DHS

This section provides guidance on how to process filings that do not comply with the provisions of the Practice Manual if the filing was submitted by an attorney or representative (including Department of Homeland Security attorneys).

A. Reject upon receipt

In the following situations, court staff should reject filings upon receipt and return the filings to the party. To return a filing to an attorney, representative, or DHS, please use the new uniform rejection notice entitled *Rejected Filing: Notice to Attorney or Representative*.

- *No proof of service* – the filing does not contain a proof of service. See Chapter 3.2.
- *Improper proof of service* – the proof of service does not comply with the Practice Manual's provisions. See Chapter 3.2.
- *No fee receipt, other proof of payment, or fee waiver request* – the filing requires payment of a fee, but the filing does not include a fee receipt, fee waiver request, or interim evidence of fee payment. See Chapters 3.4(b) and 3.4(h).

MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 3

- Interim evidence of fee payment includes: (1) a respondent's notice from the Department of Homeland Security to appear for a biometrics appointment; (2) a printout from the website of DHS, U.S. Citizenship and Immigration Services, showing that the respondent's application has been received; (3) a photocopy of the check; (4) a photocopy of the money order receipt; or (5) an affidavit from the person who submitted the payment.
- Note: If interim evidence of fee payment is submitted, the judge may still require the fee receipt prior to adjudication at the hearing. Accordingly, court staff may advise the filing party to submit the fee receipt as soon as possible.
- *Fee incorrectly paid to court* – the respondent submitted a check or money order to the court, rather than the Department of Homeland Security. *See* Chapter 3.1(b).
- *No name* – the filing is missing the respondent's name. *See* Chapter 3.3(c)(vi).
- *No A-number* – the filing is missing the respondent's A-number. *See* Chapter 3.3(c)(vi).
- *No Notice of Entry of Appearance* – the attorney or representative has not yet entered an appearance by filing an EOIR-28, and the documents being submitted do not include an EOIR-28. *See* Chapter 2.1(b).
- *Other counsel entered* – if an attorney or representative files an EOIR-28, but another attorney or representative has already submitted an EOIR-28, please carefully review Section VII for instructions on how to handle.
- *Incorrect filing location (case at court)* – the respondent is in proceedings, but the filing was made at the wrong court. *See* Chapter 3.1(a).
- *Incorrect filing location (case at BIA)* – jurisdiction is with the BIA. *See* Chapter 6.3 and Appendix K.
- *Case not pending* – a Notice to Appear has not been filed. *See* Chapter 4.2(b).
- Exceptions:
 - EOIR-33/ICs are accepted even if no Notice to Appear has been filed.
 - Bond redetermination requests are accepted even if no Notice to Appear has been filed. *See* Chapter 9.3(b).
- *Missing or improper signature* – the filing is not signed or the signature is improper, under the guidelines below. *See* Chapter 3.3(b).

MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 4

- All signatures must be *original* signatures. Rubber-stamp signatures are not acceptable. Exception: do not reject Notices to Appear for signature defects. Determinations regarding signatures on Notices to Appear are made by the judge.
 - Signatures need not be legible, as long as the signature is accompanied by a printed name.
 - Signatures need not be dated.
 - Faxed signatures are only acceptable if the fax was authorized.
 - Photocopied signatures *are* acceptable on supporting documents only.
 - EOIR-28s without an original signature are rejected.
- *No translation or improper translation* – foreign language documents are rejected as outlined below. This applies whether the document was submitted by itself or as part of a larger package. If the document was submitted as part of a larger package, the entire package is rejected. *See* Chapter 3.3(a).
 - The document is untranslated.
 - The document is translated, but submitted without a certificate of translation.
 - The document is translated, but submitted with an improper certificate of translation.
- *No cover page* – the filing does not include a cover page. *See* Chapter 3.3(c)(vi).
- *Not two-hole punched* – the filing is not two hole-punched. *See* Chapter 3.3(c)(viii).
- *No pagination* – the filing does not contain page numbers. The filing is rejected only if it contains *no* page numbers. Do not reject merely because page numbers are not consecutive. *See* Chapter 3.3(c)(iii).
- *No proposed order* – for motions, no proposed order is included. *See* Chapter 5.2(b).
- *Other* – the filing is rejected for other unusual reasons not listed above. Please check with your supervisor before rejecting documents for any reasons not listed above. This space may also be used for any additional comments.

B. Give untimely filings to the judge

Untimely filings should be stamped and processed as usual and given to the judge, whether or not the filing was submitted with a motion to accept an untimely filing. *See* Chapter 3.1(d)(ii).

MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 5

III. Filings by a non-detained unrepresented respondent

This section provides guidance on how to process filings that do not comply with the provisions of the Practice Manual if the filing was submitted by a non-detained *pro se* respondent. Note that, for non-detained *pro se* respondents, there are fewer defects for which filings will be rejected than for represented respondents.

A. Reject upon receipt

In the following situations, court staff should reject filings upon receipt and return the filings to the non-detained *pro se* respondent. To return a filing to a non-detained *pro se* respondent, please use the new uniform rejection notice entitled *Rejected Filing: Notice to Non-Detained Unrepresented Respondent*.

- *No proof of service or improper proof of service* – the filing does not contain a proof of service. See Chapter 3.2.
 - Exceptions: court staff should use their judgement to decide whether to accept a filing from a non-detained *pro se* respondent if:
 - There is a proof of service, but it does not fully comply with the Practice Manual's provisions; or
 - There is no proof of service, but circumstances warrant accepting the filing (for example, the filing is simple, such as a letter to the court, or the hearing date is near). *However*, if accepting a filing even though it does not have a proof of service, take the following steps:
 - Stamp the filing using a stamp reading “Served on the Department of Homeland Security”;
 - Copy the filing;
 - Serve the filing on DHS; then
 - Place the filing in the ROP.
- *No name* – the filing does not contain the respondent's name. See Chapter 3.3(c)(vi).
- *No A-number* – the filing does not contain the respondent's A-number. See Chapter 3.3(c)(vi).
- *No fee receipt, fee waiver request, or interim evidence of payment* – the filing requires payment of a fee, but the filing does not include a fee receipt, fee waiver request, or interim evidence of fee payment. See Chapters 3.4(b) and 3.4(h).

MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 6

- Interim evidence of fee payment includes: (1) a respondent's notice from the Department of Homeland Security to appear for a biometrics appointment; (2) a printout from the website of DHS, U.S. Citizenship and Immigration Services, showing that the respondent's application has been received; (3) a photocopy of the check; (4) a photocopy of the money order receipt; or (5) an affidavit from the person who submitted the payment. The receipt should be submitted as soon as available.
- Note: If interim evidence of fee payment is submitted, the judge may still require the fee receipt prior to adjudication at the hearing. Accordingly, court staff may advise the filing party to submit the fee receipt as soon as possible.
- *Fee incorrectly paid to court* – the respondent submitted a check or money order to the court, rather than the Department of Homeland Security. *See* Chapter 3.1(b).
- *Incorrect filing location (case at court)* – the respondent is in proceedings, but the filing was made at the wrong court. *See* Chapter 3.1(a).
- *Incorrect jurisdiction (case at BIA)* – jurisdiction is with the BIA. *See* Chapter 6.3 and Appendix K.
- *Case not pending* – a Notice to Appear has not been filed. *See* Chapter 4.2(b).
 - Exceptions:
 - EOIR-33/ICs are accepted even if no Notice to Appear has been filed.
 - Bond redetermination requests are accepted even if no Notice to Appear has been filed. *See* Chapter 9.3(b).
- *No translation* – foreign language documents are rejected if untranslated. This applies whether the document was submitted by itself or as part of a larger package. If the document was submitted as part of a larger package, the entire package is rejected. *See* Chapter 3.3(a).
 - Note: unlike filings by attorneys or representatives, foreign language documents from non-detained *pro se* respondents are accepted if:
 - translated but submitted without a certificate of translation; or
 - translated but submitted with an improper certificate of translation.
- *Other* – the filing is rejected for other unusual reasons not listed above. Please check with your supervisor before rejecting documents for any reasons not listed above. This space may also be used for any additional comments.

MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 7

B. Give untimely filings to the judge

Untimely filings should be stamped and processed as usual and given to the judge, whether or not the filing was submitted with a motion to accept an untimely filing. *See* Chapter 3.1(d)(ii).

IV. Filings by a detained unrepresented respondent

This section provides guidance on how to process filings that do not comply with the provisions of the Practice Manual if the filing was submitted by a detained *pro se* respondent. Note that, for detained *pro se* respondents, the court only rejects filings in very limited circumstances.

A. Reject upon receipt

In the following situations, court staff should reject filings upon receipt and return the filings to the detained *pro se* respondent. To return a filing to a non-detained *pro se* respondent, please use the new uniform rejection notice entitled *Rejected Filing: Notice to Detained Unrepresented Respondent*.

- *No name* – the filing does not contain the respondent’s name. *See* Chapter 3.3(c)(vi).
- *No A-number* – the filing does not contain the respondent’s A-number. *See* Chapter 3.3(c)(vi).
- *Incorrect filing location (case at court)* – the respondent is in proceedings, but the filing was made at the wrong court. *See* Chapter 3.1(a).
- *Incorrect filing location (case at BIA)* – jurisdiction is with the BIA. *See* Chapter 6.3 and Appendix K.
- *Case not pending* – a Notice to Appear has not been filed. *See* Chapter 4.2(b).
 - Exceptions:
 - EOIR-33/ICs are accepted even if no Notice to Appear has been filed.
 - Bond redetermination requests are accepted even if no Notice to Appear has been filed. *See* Chapter 9.3(b).
- *Other* – the filing is rejected for other unusual reasons not listed above. Please check with your supervisor before rejecting documents for any reasons not listed above. This space may also be used for any additional comments.

MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 8

B. No proof of service

If a filing from a detained *pro se* alien does not include a proof of service, do not reject the filing. Rather, the filing should be served on DHS by following the steps below:

- Stamp the filing using a stamp reading “Served on the Department of Homeland Security”;
- Copy the filing;
- Serve the filing on DHS; then
- Place the filing in the ROP.

C. Give untimely filings to the judge

Untimely filings should be stamped and processed as usual and given to the judge, whether or not the filing was submitted with a motion to accept an untimely filing. *See* Chapter 3.1(d)(ii).

V. Filings submitted directly by a third party or a represented respondent

This section provides guidance on how to process a filing in two situations:

- the filing is submitted directly to the court by a third party (someone who is not the respondent, the attorney, or DHS); or
- the filing is submitted directly to the court by a respondent who is represented, rather than by the attorney or representative (filings by represented respondents are supposed to be filed by the attorney).

A. Filing is submitted by a third party

If a filing is submitted by a third party, court staff should reject the filing upon receipt and return the filing to the individual who submitted it. *See* Chapter 2.1(d). To return a filing to a third party, please use the new uniform rejection notice entitled *Rejected Filing: Filing Submitted Directly by Represented Respondent or by Third Party*. A copy of the rejection notice should be sent to the respondent (if unrepresented) or the respondent’s attorney (if represented), and to the Department of Homeland Security.

B. Filing is submitted by a represented respondent

If a filing is submitted to the court directly by a represented respondent, rather than by the attorney or representative, court staff should use their judgement to decide whether to reject the filing or whether to process it and give it to the judge. *See* Chapter 2.1(d). For example, if a

MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 9

respondent writes a letter to the court reporting that his or her attorney has acted improperly, it may well be appropriate to accept the letter and bring it to the attention of the judge.

If court staff elects to reject a filing because it was submitted directly to the court by a represented respondent, please use the new uniform rejection notice entitled *Rejected Filing: Filing Submitted Directly by Represented Respondent or by Third Party*. A copy of the rejection notice should be sent to the respondent's attorney and the Department of Homeland Security.

VI. Respondent changes address but fails to file an EOIR-33/IC

Sometimes the court will receive a letter from a respondent notifying the court that he or she has moved, but the respondent does not include an EOIR-33/IC. Likewise, a respondent will sometimes file documents with a return address that is different than the official address in CASE. In these situations, court staff should *not* change the address in CASE. See Chapter 2.2(c). Rather, court staff should follow the steps below:

- Issue the notice entitled *Notice and Warning: Form EOIR-33 Required for Any Change of Address*. Attach an EOIR-33 I/C to the notice and send it to the respondent's official address listed in CASE. Also send a copy of the notice and an EOIR-33/IC to the respondent's new, unofficial, address.
 - If the court receives a completed EOIR-33/IC from the respondent, change the respondent's address in CASE to the address provided on the EOIR-33/IC.
 - If the court does not receive a completed EOIR-33/IC, do not change the respondent's address in CASE.

VII. Processing an EOIR-28 where another attorney has entered an appearance

This section provides detailed guidance on how to process an EOIR-28 where another attorney or representative has already entered an appearance in the case. To determine how to process the EOIR-28, please follow the steps below.

A. EOIR-28 is filed *without* a motion to substitute

Where a respondent is already represented, and a new attorney or representative files an EOIR-28 *without* a motion to substitute:

- *Check whether annotated* – determine whether the EOIR-28 is annotated to reflect that the new attorney or representative is making an appearance “on behalf of” the previous attorney or is joining as “co-counsel.” See Chapters 2.3(e) and 2.3(j).

MEMORANDUM: *Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008* page 10

- *If "on behalf of"* – if the EOIR-28 is annotated to reflect an "on-behalf-of" appearance, place the EOIR-28 in the Record of Proceedings, and enter the appearance in CASE as a non-prime attorney or representative.
- *If "co-counsel"* – if the EOIR-28 is annotated to reflect that the attorney or representative is joining as "co-counsel," place the EOIR-28 in the Record of Proceedings, and enter the appearance in CASE as a non-prime attorney or representative.
- *If not annotated* – if the EOIR-28 is not annotated, it is rejected, using the new uniform rejection notice entitled Rejected Filing: Notice to Attorney or Representative.

B. EOIR-28 is filed *with* a motion to substitute

Where a respondent is already represented, and a new attorney files an EOIR-28 *with* a motion to substitute:

- *Enter motion in CASE* – enter the motion to substitute in CASE (do not enter the EOIR-28 in CASE), and forward the submission to the judge. *See* Chapter 2.3(i)(i).
- *If granted* – if the judge grants the motion to substitute, enter the attorney or representative in CASE.
- *If denied* – if the judge issues an order denying the motion to substitute, do not enter the attorney or representative in CASE. Stamp the EOIR-28 using a stamp reading "Motion to Substitute Denied" and place the EOIR-28 in the Record of Proceedings.

VIII. Conclusion

This memorandum provides guidance to court staff on how to process defective filings beginning on July 1, 2008. If you have questions regarding this memorandum or the attached uniform rejection notices, please contact your court administrator.

ATTACHMENT B



U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Name:

A

Date of Notice:

**REJECTED FILING
NOTICE TO ATTORNEY OR REPRESENTATIVE**

This notice is to inform you that the filing received by the Immigration Court on _____, is being rejected for the reasons given below. We have returned your filing and all attachments for correction of the defects. If you return the documents, you must return them promptly to the Immigration Court. See Practice Manual Chapter 3.1(d)(i). You must also attach this rejection notice to the documents. In addition, you must serve a copy of the corrected filing on the Department of Homeland Security.

Documents being rejected: _____.

- No Proof of Service** – The filing did not include a proof of service. An exact copy of your filing must be served on the opposing party. See *Practice Manual Chapter 3.2 and Appendix G.*
- Improper Proof of Service** – The Proof of Service does not comply with the applicable requirements. See *Practice Manual Chapter 3.2 and Appendix G.*
- No Fee Receipt, Other Proof of Payment, or Fee Waiver Request** – There is a fee required for this filing. The fee must be paid to the Department of Homeland Security. You did not provide a fee receipt, other proof of payment, or fee waiver request. See *Practice Manual Chapter 3.4.*
- Fee Incorrectly Paid to Court** – You have attached a check or money order to this filing. The Immigration Court does not accept fees. For filings that require fees, you must submit the fee to the Department of Homeland Security. See *Practice Manual Chapter 3.4.*
- No Name** – The filing is missing the respondent’s name. See *Practice Manual Chapter 3.3 and Appendix F.*
- No A-Number** – The filing is missing the respondent’s A-number. See *Practice Manual Chapter 3.3 and Appendix F.*

- No Notice of Entry of Appearance – No Notice of Entry of Appearance (Form EOIR-28)** has been filed indicating that you are the attorney or representative of record. Until you have filed a Form EOIR-28 with the court, you cannot represent this respondent before the court. *See Practice Manual Chapter 2.1.*
- Other Counsel Entered –** A properly filed Form EOIR-28 indicates that the respondent is presently being represented by another attorney or accredited representative. The court cannot accept your Form EOIR-28 until you either file a motion to substitute or annotate your Form EOIR-28 to reflect an “on-behalf-of” appearance or an appearance as co-counsel, as appropriate. *See Practice Manual Chapter 2.3.*
- Incorrect Filing Location (Case at Court)** This Immigration Court is not, at this time, the correct filing location. Our records indicate that the _____ Immigration Court is the correct filing location.
- Incorrect Filing Location (Case at BIA) –** This Immigration Court is not, at this time, the correct filing location. Our records indicate that the Board of Immigration Appeals is the correct filing location.
- Case not Pending –** According to our records, this case is not pending before this Immigration Court, nor does it appear in our national computer database as pending before any Immigration Court. Please check the A-number and name of the respondent and/or contact the Department of Homeland Security regarding the filing of a Notice to Appear. The Immigration Court cannot schedule a hearing or take any action unless the Department of Homeland Security has filed the charging document with the Immigration Court.
- Missing or Improper Signature –** The filing is not properly signed. Most filings require an original signature by the filing party. *See Practice Manual Chapter 3.3(b).*
- No Translation or Improper Translation –** You did not provide an English translation for a foreign language document, or you provided an improper translation. *See Practice Manual Chapter 3.3(a).*
- No Cover Page –** You did not provide a cover page. *See Practice Manual Chapter 3.3(c)(vi) and Appendix F.*
- Not Two-Hole Punched –** The filing was not two-hole punched. *See Practice Manual Chapters 3.3(c)(iv) and 3.3(c)(viii).*
- No Pagination –** The filing was not page-numbered. *See Practice Manual Chapter 3.3(c)(iii).*
- No Proposed Order –** You filed a motion seeking a ruling but did not provide a proposed order. *See Practice Manual Chapter 5.2(b) and Appendix Q.*
- Other:** _____

The Immigration Court Practice Manual may be found at www.usdoj.gov/eoir.

Certificate of Service

This document was served by: Mail Personal Service

To: Alien Alien c/o Custodial Officer Alien's Att/Rep DHS

Date: _____ By: Court Staff _____

Attachments: EOIR-33 EOIR-28 Legal Services List Other



U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Name:

A

Date of Notice:

**REJECTED FILING
NOTICE TO NON-DETAINED UNREPRESENTED RESPONDENT**

On _____, the Immigration Court received the attached documents from you. The Immigration Court is returning these documents to you. The documents are being returned to you because they were not correctly filed.

You can correct the mistake and return the documents to the Immigration Court. If you return the documents, you must return them promptly to the Immigration Court. You must also attach this rejection notice to the documents. In addition, you must give or mail a copy of your documents to the Department of Homeland Security, Office of the Chief Counsel. On your documents, you must state that you gave or mailed a copy to the Department of Homeland Security, Office of the Chief Counsel.

Documents being rejected: _____.

The Immigration Court is returning your documents because:

- No Proof of Service or Improper Proof of Service** – You must give or mail a copy of your document to the Department of Homeland Security. On your document, you must state that you gave or mailed a copy to the Department of Homeland Security. The address is:
- No Name** – Your document is missing your name.
- No A-Number** – Your document is missing your A-Number.

- No Fee Receipt, Other Proof of Payment, or Fee Waiver Request** – There is a fee required to file these documents. The fee must be paid to the Department of Homeland Security. You did not provide a fee receipt, other proof that you paid the fee, or a request not to pay the fee.
- Fee Incorrectly Paid to Court** – You have attached a check or money order to this filing. The Immigration Court does not accept fees. For filings that require fees, you must submit the fee to the Department of Homeland Security.
- Incorrect Filing Location (Case at Court)** – This Immigration Court is not, at this time, the correct location to file your document. You should file your submission at:
- Incorrect Filing Location (Case at BIA)** – This Immigration Court is not, at this time, the correct location to file your document. Our records indicate that the Board of Immigration Appeals is the correct location to file your document. The address is:

*Board of Immigration Appeals, Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041*

- Case not Pending** – The Immigration Court does not have a record of your case.
Please make sure that you have put your correct name and A-number on your documents.

If you did not put your correct name and A-number on your documents, you should correct the mistake and return the documents to the Immigration Court. Please read the instructions at the top of this notice.

If you did put your correct name and A-number on your documents, the Department of Homeland Security has not started your case with the Immigration Court. To start your case, the Department of Homeland Security must file a Notice to Appear with the Immigration Court. You cannot file documents with the Immigration Court until the Department of Homeland Security files a Notice to Appear with the Immigration Court.

- No Translation** – Part of this document is not in English. If you submit a document that is not in English, you must include a translation into English. You must also include a certification that the document was correctly translated.
- Other:** _____

If you have any questions about how to file documents with the Immigration Court, you can find information in the Immigration Court Practice Manual at www.usdoj.gov/eoir.

Certificate of Service

This document was served by: Mail Personal Service

To: Alien Alien c/o Custodial Officer Alien's Att/Rep DHS

Date: _____ By: Court Staff _____

Attachments: EOIR-33 EOIR-28 Legal Services List Other



U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Name:

A

Date of Notice:

**REJECTED FILING
NOTICE TO DETAINED UNREPRESENTED RESPONDENT**

On _____, the Immigration Court received the attached documents from you. The Immigration Court is returning these documents to you. The documents are being returned to you because they were not correctly filed.

You can correct the mistake and return the documents to the Immigration Court. If you return the documents, you must return them promptly to the Immigration Court. You must also attach this rejection notice to the documents. In addition, you must give or mail a copy of your documents to the Department of Homeland Security, Office of the Chief Counsel. On your documents, you must state that you gave or mailed a copy to the Department of Homeland Security, Office of the Chief Counsel

Documents being rejected: _____.

The Immigration Court is returning your documents because:

- No Name** – Your document is missing your name.
- No A-Number** – Your document is missing your A-Number.
- Incorrect Filing Location (Case at Court)** – This Immigration Court is not, at this time, the correct location to file your document. You should file your submission at:
- Incorrect Filing Location (Case at BIA)** – This Immigration Court is not, at this time, the correct location to file your document. Our records indicate that the Board of Immigration Appeals is the correct location to file your document. The address is:

***Board of Immigration Appeals, Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041***

Case not Pending – The Immigration Court does not have a record of your case.

Please make sure that you have put your correct name and A-number on your documents.

If you did not put your correct name and A-number on your documents, you should correct the mistake and return the documents to the Immigration Court. Please read the instructions at the top of this notice.

If you did put your correct name and A-number on your documents, the Department of Homeland Security has not started your case with the Immigration Court. To start your case, the Department of Homeland Security must file a Notice to Appear with the Immigration Court. You cannot file documents with the Immigration Court until the Department of Homeland Security files a Notice to Appear with the Immigration Court.

Other: _____

If you have any questions about how to file documents with the Immigration Court, you can find information in the Immigration Court Practice Manual at www.usdoj.gov/eoir.

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Att/Rep DHS
Date: _____ By: Court Staff _____
Attachments: EOIR-33 EOIR-28 Legal Services List Other



U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Sender's Name and Address:

Respondent's Name:

A

Date of Notice:

**REJECTED FILING
FILING SUBMITTED DIRECTLY BY REPRESENTED RESPONDENT
OR BY THIRD PARTY**

On _____, the Immigration Court received the attached documents from you.

The documents being rejected: _____.

These documents are being returned to you because:

You are not the respondent in this case. For these documents to be accepted, they must be submitted (1) by the respondent, if the respondent is not represented; (2) by the respondent's attorney or representative, if the respondent is represented; or (3) by the Department of Homeland Security. See *Practice Manual Chapters 2.1(d); 3.2(f)*.

Or

You are the respondent in this case, but you are represented by an attorney or representative. For these documents to be accepted, they must be submitted by your attorney or representative. See *Practice Manual Chapters 2.1(d); 3.2(f)*.

Other: _____

If you have any questions about how to file documents with the Immigration Court, you can find information in the Immigration Court Practice Manual at www.usdoj.gov/eoir.

Court Staff: _____

Date: _____

cc: Respondent (if unrepresented):

Or

Respondent's Representative:

and

Department of Homeland Security:



U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Name:

A

Date of Notice:

**NOTICE AND WARNING
FORM EOIR-33 REQUIRED FOR ANY CHANGE OF ADDRESS**

The Immigration Court's records indicate that you may have moved. The Court needs your correct address so that we can send you important hearing notices and decisions. In order to receive notices and decisions, you must tell the Court your correct address. To do so, fill out and mail to the Court the attached Change of Address Form (Form EOIR-33/IC).

Please complete the enclosed Form EOIR-33/IC and return it to the Court immediately. If the Court does not receive a completed Form EOIR-33/IC, all future correspondence, notices, and decisions will be sent to you at your currently registered address listed above.

WARNINGS:

Change of Address Form. By law, you must file a Change of Address Form (Form EOIR-33/IC), with the Immigration Court every time you change your mailing address. You must file this form even if you have an attorney or representative.

Deadline. You must file a Form EOIR-33/IC within 5 days of changing your address.

Failure to use the Change of Address Form. The Court will not change an address based on a letter or the return address on an envelope. If you do not use Form EOIR-33/IC, you might not receive important documents from the Court, including notices telling you when to appear in Court. You must use Form EOIR-33/IC to report your change of address.

Notifying the Department of Homeland Security. Each time you submit a Form EOIR-33/IC (or any other document to the Court), you must give or mail a copy of the item to the DHS Office of Chief Counsel listed above. You must also attach a Proof of Service showing that you did this. (See Appendix G of the Immigration Court Practice Manual for an example).

If you have any questions about how to file documents with the Immigration Court, you can find information in the Immigration Court Practice Manual at www.usdoj.gov/eoir.

cc: Unofficial Alien Address

EXHIBIT F

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The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, et al.,

Plaintiffs,

v.

JOHN F. KELLY, Secretary of Homeland
Security, et al.,

Defendants.

Case No. 2:16-cv-01024-RSM

**DEFENDANTS JEFFERSON B.
SESSIONS AND JAMES MCHENRY
RESPONSES TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES**

**DEFENDANT EXECUTIVE OFFICE FOR IMMIGRATION REVIEW'S RESPONSES
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant, the Department of Justice, through the Executive Office for Immigration Review (EOIR), hereby responds and objects to Plaintiff's first set of interrogatories.

General Objections

Defendant EOIR asserts and incorporates by reference the following general objections and qualifications to Plaintiffs' request as though they were set forth in full in each response:

DOJ DEFENDANTS' RESPONSES TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES
Case No. 2:16-cv-01024-RSM
Page 1 of 15

U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington DC 20044
(202)305-7551

1
2
3 **INTERACTIVE SCHEDULING SYSTEM (ISS)**

4 Interactive scheduling is a system that enables DHS components to access the CASE database
5 system (“EOIR’s System”) to enter data regarding an NTA, which allows EOIR’s System to
6 possibly schedule the initial master calendar hearing. However, ISS has not been active since
7 approximately May 2014. USCIS Asylum Offices nevertheless have access to EOIR’s System
8 through interactive scheduling in order to start the asylum employment authorization clock for
9 affirmative asylum applicants. When ISS is active, NTAs for which data has been entered
10 through ISS may contain the date and time of hearing or state “TBD.” Regarding such NTAs,
11 EOIR’s system’s data record will have already been created prior to the Immigration Court’s
12 receipt of the physical copy of the NTA. Once a DHS component files the physical copy of the
13 NTA with EOIR, EOIR’s court staff will enter the date EOIR received the physical copy of the
14 NTA into EOIR’s system, and verify that the information was entered correctly by the DHS
15 component. If a hearing needs to be scheduled where the NTA was marked “TBD,” court staff
16 will schedule the hearing.
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20 **INTERROGATORY NO.4**

21 Explain the basis for Defendants’ assertion, in ¶38 of their Answer, Dkt. 42: “Defendants . . .
22 deny that they do not provide notice in any documentation of the requirement to file an asylum
23 application within one year or instructions for how to file an asylum application.”
24
25

26 **Response:** Without waiving any objections, and subject thereto, Defendant EOIR states, on its
27 behalf, the following on information and belief:

28 DOJ DEFENDANTS’ RESPONSES TO PLAINTIFFS’
FIRST SET OF INTERROGATORIES
Case No. 2:16-cv-01024-RSM
Page 8 of 15

U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington DC 20044
(202)305-7551

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Through EOIR’s Office of Legal Access Program (OLAP), EOIR administers the Legal Orientation Program (LOP), the Immigration Court Helpdesk (ICH) program, and coordinates the placement of self-help legal materials for Self-Help Legal Centers in non-detained courts. Currently, OLAP administers thirty-nine LOPs and five ICH programs, and seventeen courts nationwide have Self-Help Legal Centers. Please see Table of Contents #3 for a complete list of sites. These programs have prepared, distributed, and/or made available materials that explain the one-year filing deadline. Please see Table of Contents #5 - 65.

In the LOP and ICH, it is standard practice for provider staff members to provide asylum-related self-help legal materials, including on such topics as asylum and the one-year deadline, to any aliens expressing interest in applying for asylum or any aliens identified by LOP or ICH provider staff members as potential asylum applicants. Please see Table of Contents #1 - 2, 5 – 65. When LOP and ICH self-help legal materials are approved by OLAP and made available to the LOP and ICH, LOP and ICH providers may utilize the materials for their program services and distribute them to any alien participating in the programs. Please see Table of Contents #2, 36 - 50

The Self-Help Legal Centers contain a self-help packet that covers asylum and discusses the one-year filing deadline. Self-Help Legal Centers are self-service and the self-help packets are available in public spaces in the courts that have Self-Help Legal Centers.

As well, on EOIR’s website there are multiple publicly-available guidance documents that provide notice of the one-year requirement and provide instructions on how to file for asylum: (1) [The Immigration Court Practice Manual](#), (2) [OPPM 16-01, Filing Applications for Asylum](#), (3) [OPPM 13-03, Guidelines for Implementation of the ABT Settlement Agreement](#), (4) [OPPM 13-02,](#)

1
2
3 [The Asylum Clock](#), (5) [OCLA Fact Sheet, Relief from Removal](#) (Aug. 3, 2004), and (6) [180-day](#)
4 [Asylum Clock Notice](#). All are available nationally and continually from the date of publication
5 online. *Please see attached Table of Contents #66 – 71.*

6
7 **INTERROGATORY NO. 5**

8 Identify all documents, including over what time period the documents were distributed and
9 where they were distributed, that support Defendants’ assertion, in ¶38 of their Answer, Dkt. 42:
10 “Defendants . . . deny that they do not provide notice in any documentation of the requirement to
11 file an asylum application within one year or instructions for how to file an asylum application.”
12

13
14 **Response:** Without waiving any objections, and subject thereto, Defendant EOIR states, on its
15 behalf, the following on information and belief:

16 *Please see answer to Interrogatory No. 4 above, Table of Contents #1-2, 5 – 65, and*
17 *attached list of publically available documents, Table of Contents #66 - 71.*
18

19
20 **INTERROGATORY NO. 6**

21 Explain the basis for the following assertion, in ¶3 of Defendants’ Answer, Dkt. 42: “Defendants
22 deny that they have unlawfully deprived Plaintiffs of notice of the one-year statutory deadline to
23 file an asylum application and that Defendants have failed to implement a mechanism that
24 ensures Plaintiffs an opportunity to comply with that deadline.”
25

1
2
3 Plaintiffs whose NTAs have been submitted to an immigration court but have not been entered
4 into the EOIR system.

5
6 **Response:** Without waiving any objections, and subject thereto, Defendant EOIR states, on its
7 behalf, the following on information and belief:

8 *Defendant EOIR objects to this Request for Admission as inapposite and vague. See*
9 *general objection 7. It answers this Request for Admission with the understanding that, and only*
10 *to the extent to, “submitted to” is interpreted to mean “filed with” under applicable immigration*
11 *regulations.*

12
13 Operating Policies and Procedures Memorandum 16-01: *Filing Applications for Asylum,*
14 please see publically available web link on Table of Contents at #67.

15
16 DATED August 9, 2017

Respectfully,

17
18 CHAD A. READLER
Acting Assistant Attorney General
Civil Division

19
20 WILLIAM C. PEACHEY
Director

21
22 COLIN A. KISOR
Deputy Director

23 /s/ J. Max Weintraub
24 J. MAX WEINTRAUB
Senior Litigation Counsel
25 United States Department of Justice
Civil Division
26 Office of Immigration Litigation
27 District Court Section

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Telephone: (202) 305-7551
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E-mail: jacob.weintraub@usdoj.gov

GLADYS M. STEFFENS GUZMÁN
Trial Attorney
United States Department of Justice

Attorneys for Defendants

VERIFICATION

I, Jean King, declare, under penalty of perjury:

I am employed by the Executive Office for Immigration Review as the General Counsel. As such, I am authorized to make this verification on behalf of the Executive Office for Immigration Review, in the matters of *Mendez-Rojas, et al. v Kelly, et al.*, No. 2:16-cv-01024-RSM (W.D. Wash. filed June 30, 2016).

I have read and know the contents of these responses. These responses were prepared after obtaining information available to the Executive Office for Immigration Review through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. The responses regarding the Executive Office for Immigration Review are true and correct to the best of my knowledge, information, and belief.

Executed on August 8, 2017

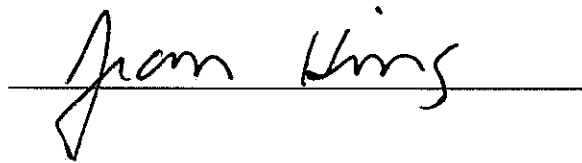


EXHIBIT G

Legal Orientation Program (LOP) sites (as of 7/21/17)

1. Adelanto Detention Facility, 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, to also include all detained women appearing before the Buffalo Immigration Court;
6. Central Arizona Detention Center, Florence, Arizona;
7. East Hidalgo Detention Facility, La Villa, Texas;
8. El Paso Service Processing Center, El Paso, Texas;
9. Elizabeth Detention Center, Elizabeth, New Jersey;
10. Eloy Contract Detention Facility, 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, Maryland;
15. Houston Contract Detention Facility, Houston, Texas;
16. Howard County Detention Center, Jessup, Maryland;
17. Hudson County Jail, Kearny, New Jersey;
18. IAH Secure Adult Detention Facility ("Polk"); Livingston, Texas;
19. ICA Farmville, Farmville, Virginia;
20. Irwin County Detention Center, Ocilla, Georgia;
21. Joe Corley Detention Facility, Conroe, Texas;
22. Karnes County Residential Center, Karnes City, Texas;
23. Kenosha County Detention Center, Kenosha, Wisconsin;
24. Krome Service Processing Center, Miami, Florida;
25. LaSalle Detention Facility, Jena, Louisiana;
26. McHenry County Jail, Woodstock, Illinois;
27. Northwest Detention Center, Tacoma, Washington;
28. Otay Detention Facility, San Diego, California;
29. Otero County Prison Facility, Chaparral, New Mexico;
30. Otero County Processing Center, Chaparral, New Mexico;
31. Pine Prairie Correctional Center, Pine Prairie, Louisiana;
32. Port Isabel Service Processing Center, Port Isabel, Texas;
33. Prairieland Detention Center, Alvarado, Texas;
34. South Texas Detention Complex, Pearsall, Texas;
35. South Texas Family Residential Center, Dilley, Texas;
36. Stewart Detention Center, Lumpkin, Georgia;
37. Virginia Peninsula Regional Jail, Williamsburg, Virginia;
38. Worcester County Jail, Snow Hill, Maryland;
39. York County Prison, York, Pennsylvania.

➤ SIERRA Blanca



Immigration Court Helpdesk (ICH) sites (as of 7/21/17)

1. Chicago Immigration Court
2. Los Angeles Immigration Court
3. New York Immigration Court
4. Miami Immigration Court
5. San Antonio Immigration Court

Self-Help Legal Center (SHLC) sites (as of 7/21/17)

1. Arlington Immigration Court
2. Baltimore Immigration Court
3. Bloomington Immigration Court
4. Chicago Immigration Court
5. Denver Immigration Court
6. Detroit Immigration Court
7. El Paso Immigration Court
8. Guaynabo (San Juan, Puerto Rico) Immigration Court
9. Houston Immigration Court
10. Las Vegas Immigration Court
11. Los Angeles Immigration Court
12. Miami Immigration Court
13. Newark Immigration Court
14. New York Immigration Court
15. San Antonio Immigration Court
16. San Francisco Immigration Court
17. Tucson Immigration Court

* which add 5 sites.

EXHIBIT H

ERO Custody Management Division

Authorized Facility List

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203 Authorized Facilities as of 08/21/2017

FY2017 data: IIDS as of 08/21/2017; EID data through 08/19/2017

General Facility Information						
Name	City	State	AOR	Type	Over/Under 72	
STEWART DETENTION CENTER	LUMPKIN	GA	ATL	IGSA	Over 72	
ADELANTO ICE PROCESSING CENTER	ADELANTO	CA	LOS	IGSA	Over 72	
SOUTH TEXAS DETENTION COMPLEX	PEARSALL	TX	SNA	CDF	Over 72	
NORTHWEST DETENTION CENTER	TACOMA	WA	SEA	CDF	Over 72	
ELOY FEDERAL CONTRACT FACILITY	ELOY	AZ	PHO	IGSA	Over 72	
JENA/LASALLE DETENTION FACILITY	JENA	LA	NOL	IGSA	Over 72	
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	SAN DIEGO	CA	SND	CDF	Over 72	
PORT ISABEL	LOS FRESNOS	TX	SNA	SPC	Over 72	
HOUSTON CONTRACT DETENTION FACILITY	HOUSTON	TX	HOU	CDF	Over 72	
JOE CORLEY DETENTION FACILITY	CONROE	TX	HOU	IGSA	Over 72	
EL PASO SERVICE PROCESSING CENTER	EL PASO	TX	ELP	SPC	Over 72	
CCA, FLORENCE CORRECTIONAL CENTER	FLORENCE	AZ	PHO	USMS IGA	Over 72	
OTERO COUNTY PROCESSING CENTER	CHAPARRAL	NM	ELP	IGSA	Over 72	
DENVER CONTRACT DETENTION FACILITY	AURORA	CO	DEN	CDF	Over 72	
IMMIGRATION CENTERS OF AMERICA FARMVILLE	FARMVILLE	VA	WAS	IGSA	Over 72	
IRWIN COUNTY DETENTION CENTER	OCILLA	GA	ATL	USMS IGA	Over 72	
PINE PRAIRIE CORRECTIONAL CENTER	PINE PRAIRIE	LA	NOL	IGSA	Over 72	
YORK COUNTY PRISON	YORK	PA	PHI	IGSA	Over 72	
ESSEX COUNTY CORRECTIONAL FACILITY	NEWARK	NJ	NEW	IGSA	Over 72	
IMPERIAL REGIONAL DETENTION FACILITY	CALEXICO	CA	SND	IGSA	Over 72	
BROWARD TRANSITIONAL CENTER	POMPANO BEACH	FL	MIA	CDF	Over 72	
HUDSON COUNTY CORRECTIONAL CENTER	KEARNY	NJ	NYC	USMS IGA	Over 72	
POLK COUNTY ADULT DETENTION FACILITY	LIVINGSTON	TX	HOU	IGSA	Over 72	
KROME NORTH SERVICE PROCESSING CENTER	MIAMI	FL	MIA	SPC	Over 72	
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER	BATAVIA	NY	BUF	SPC	Over 72	

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<u>RIO GRANDE DETENTION CENTER</u>	LAREDO	TX	SNA	USMS IGA	Over 72
<u>THEO LACY FACILITY</u>	ORANGE	CA	LOS	IGSA	Over 72
<u>MESA VERDE DETENTION FACILITY</u>	BAKERSFIELD	CA	SFR	IGSA	Over 72
<u>FLORENCE SERVICE PROCESSING CENTER</u>	FLORENCE	AZ	PHO	SPC	Over 72
<u>WEST TEXAS DETENTION FACILITY</u>	SIERRA BLANC	TX	ELP	USMS IGA	Over 72
<u>LAREDO PROCESSING CENTER</u>	LAREDO	TX	SNA	USMS IGA	Over 72
<u>GLADES COUNTY DETENTION CENTER</u>	MOORE HAVEN	FL	MIA	IGSA	Over 72
<u>ETOWAH COUNTY JAIL (ALABAMA)</u>	GADSDEN	AL	NOL	USMS IGA	Over 72
<u>JAMES A. MUSICK FACILITY</u>	IRVINE	CA	LOS	IGSA	Over 72
<u>ELIZABETH CONTRACT DETENTION FACILITY</u>	ELIZABETH	NJ	NEW	CDF	Over 72
<u>PRAIRIELAND DETENTION FACILITY</u>	ALVARADO	TX	DAL	IGSA	Over 72
<u>CIBOLA COUNTY CORRECTIONAL CENTER</u>	MILAN	NM	ELP	IGSA	Over 72
<u>BAKER COUNTY SHERIFF'S OFFICE</u>	MACCLENNY	FL	MIA	IGSA	Over 72
<u>JOHNSON COUNTY CORRECTIONS CENTER</u>	CLEBURNE	TX	DAL	IGSA	Over 72
<u>HENDERSON DETENTION CENTER</u>	HENDERSON	NV	SLC	USMS IGA	Over 72
<u>ATLANTA CITY DETENTION CENTER</u>	ATLANTA	GA	ATL	USMS IGA	Over 72
<u>FOLKSTON ICE PROCESSING CENTER (D. RAY JAMES)</u>	FOLKSTON	GA	ATL	IGSA	Over 72
<u>MCHENRY COUNTY CORRECTIONAL FACILITY</u>	WOODSTOCK	IL	CHI	USMS IGA	Over 72
<u>BERGEN COUNTY JAIL</u>	HACKENSACK	NJ	NYC	USMS IGA	Over 72
<u>CONTRA COSTA COUNTY JAIL WEST</u>	RICHMOND	CA	SFR	USMS IGA	Over 72
<u>ROLLING PLAINS DETENTION CENTER</u>	HASKELL	TX	DAL	IGSA	Over 72
<u>DODGE COUNTY JAIL</u>	JUNEAU	WI	CHI	USMS IGA	Over 72
<u>TORRANCE COUNTY DETENTION FACILITY</u>	ESTANCIA	NM	ELP	USMS IGA	Over 72
<u>PULASKI COUNTY JAIL</u>	ULLIN	IL	CHI	IGSA	Over 72
<u>COASTAL BEND DETENTION FACILITY</u>	ROBSTOWN	TX	HOU	USMS IGA	Over 72
<u>SHERBURNE COUNTY JAIL</u>	ELK RIVER	MN	SPM	USMS IGA	Over 72
<u>SUFFOLK COUNTY HOUSE OF CORRECTIONS</u>	BOSTON	MA	BOS	IGSA	Over 72
<u>PIKE COUNTY CORRECTIONAL FACILITY</u>	LORDS VALLEY	PA	PHI	IGSA	Over 72
<u>CAL HOUN COUNTY CORRECTIONAL CENTER</u>	BATTLE CREEK	MI	DET	IGSA	Over 72
<u>BRISTOL COUNTY DETENTION CENTER</u>	NORTH DARTM	MA	BOS	IGSA	Over 72
<u>NEVADA SOUTHERN DETENTION CENTER</u>	PAHRUMP	NV	SLC	USMS IGA	Over 72
<u>WORCESTER COUNTY JAIL</u>	SNOW HILL	MD	BAL	IGSA	Over 72
<u>KENOSHA COUNTY DETENTION CENTER</u>	KENOSHA	WI	CHI	USMS IGA	Over 72
<u>ORANGE COUNTY JAIL</u>	GOSHEN	NY	NYC	IGSA	Over 72

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<u>YUBA COUNTY JAIL</u>	MARYSVILLE	CA	SFR	IGSA	Over 72
<u>TULSA COUNTY JAIL (DAVID L. MOSS JUSTICE CTR)</u>	TULSA	OK	DAL	IGSA	Over 72
<u>SAN LUIS REGIONAL DETENTION CENTER</u>	SAN LUIS	AZ	PHO	USMS IGA	Over 72
<u>BOONE COUNTY JAIL</u>	BURLINGTON	KY	CHI	USMS IGA	Over 72
<u>NORTHEAST OHIO CORRECTIONAL CTR (YOUNGSTOWN</u>	YOUNGSTOWN	OH	DET	CDF	Over 72
<u>RIO COSUMNES CORR. CENTER</u>	ELK GROVE	CA	SFR	IGSA	Over 72
<u>BUTLER COUNTY JAIL</u>	HAMILTON	OH	DET	IGSA	Over 72
<u>PLYMOUTH COUNTY CORRECTIONAL FACILITY</u>	PLYMOUTH	MA	BOS	IGSA	Over 72
<u>WAKULLA COUNTY JAIL</u>	CRAWFORDVILLE	FL	MIA	IGSA	Over 72
<u>KANKAKEE COUNTY JAIL (JEROME COMBS DET CTR)</u>	KANKAKEE	IL	CHI	USMS IGA	Over 72
<u>STRAFFORD COUNTY CORRECTIONS</u>	DOVER	NH	BOS	IGSA	Over 72
<u>CHARLESTON COUNTY DETENTION CENTER</u>	NORTH CHARLE	SC	ATL	USMS IGA	Over 72
<u>WESTERN TENNESSEE DETENTION FACILITY</u>	MASON	TN	NOL	USMS IGA	Over 72
<u>OTERO COUNTY PRISON FACILITY</u>	CHAPARRAL	NM	ELP	USMS IGA	Over 72
<u>FREEBORN COUNTY ADULT DETENTION CENTER</u>	ALBERT LEA	MN	SPM	IGSA	Over 72
<u>FRANKLIN COUNTY HOUSE OF CORRECTION</u>	GREENFIELD	MA	BOS	USMS IGA	Over 72
<u>HOWARD COUNTY DETENTION CENTER</u>	JESSUP	MD	BAL	IGSA	Over 72
<u>HARDIN COUNTY JAIL</u>	ELDORA	IA	SPM	IGSA	Over 72
<u>SENECA COUNTY JAIL</u>	TIFFIN	OH	DET	IGSA	Over 72
<u>DOUGLAS COUNTY DEPARTMENT OF CORRECTIONS</u>	OMAHA	NE	SPM	IGSA	Over 72
<u>MONROE COUNTY DETENTION-DORM</u>	MONROE	MI	DET	IGSA	Over 72
<u>VIRGINIA PENINSULA REGIONAL JAIL</u>	WILLIAMSBURG	VA	WAS	USMS IGA	Over 72
<u>MONROE COUNTY DETENTION CENTER</u>	KEY WEST	FL	MIA	IGSA	Over 72
<u>SAINT CLAIR COUNTY JAIL</u>	PORT HURON	MI	DET	IGSA	Over 72
<u>CHASE COUNTY DETENTION FACILITY</u>	COTTONWOOD	KS	CHI	IGSA	Over 72
<u>MARSHALL COUNTY JAIL</u>	MARSHALLTOW	IA	SPM	USMS IGA	Over 72
<u>MORGAN COUNTY ADULT DETENTION CENTER</u>	VERSAILLES	MO	CHI	IGSA	Over 72
<u>HALL COUNTY DEPARTMENT OF CORRECTIONS</u>	GRAND ISLAND	NE	SPM	IGSA	Over 72
<u>CLAY COUNTY JAIL</u>	BRAZIL	IN	CHI	USMS IGA	Over 72
<u>CLINTON COUNTY CORRECTIONAL FACILITY</u>	LOCK HAVEN	PA	PHI	USMS IGA	Over 72
<u>ALLEN PARISH PUBLIC SAFETY COMPLEX</u>	OBERLIN	LA	NOL	IGSA	Over 72
<u>GEAUGA COUNTY JAIL</u>	CHARDON	OH	DET	USMS IGA	Over 72
<u>EAST HIDALGO DETENTION CENTER</u>	LA VILLA	TX	SNA	USMS IGA	Over 72
<u>KARNES COUNTY CORRECTIONAL CENTER</u>	KARNES CITY	TX	SNA	USMS IGA	Over 72

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<u>YORK COUNTY DETENTION CENTER</u>	YORK	SC	ATL	USMS IGA	Over 72
<u>FREDERICK COUNTY DETENTION CENTER</u>	FREDERICK	MD	BAL	IGSA	Over 72
<u>WEBB COUNTY DETENTION CENTER (CCA)</u>	LAREDO	TX	SNA	USMS IGA	Over 72
<u>LA SALLE COUNTY REGIONAL DETENTION CENTER</u>	ENCINAL	TX	SNA	USMS IGA	Over 72
<u>CARVER COUNTY JAIL</u>	CHASKA	MN	SPM	IGSA	Over 72
<u>WILLACY CO REGIONAL DETENTION FACILITY</u>	RAYMONDVILLE	TX	SNA	USMS IGA	Over 72
<u>MORROW COUNTY CORRECTIONAL FACILITY</u>	MOUNT GILEAD	OH	DET	IGSA	Over 72
<u>DEKALB COUNTY DETENTION CENTER</u>	FORT PAYNE	AL	NOL	USMS IGA	Over 72
<u>ALBANY COUNTY JAIL</u>	ALBANY	NY	BUF	USMS IGA	Over 72
<u>BROOKS COUNTY DETENTION CENTER</u>	FALFURRIAS	TX	SNA	USMS IGA	Over 72
<u>YAKIMA COUNTY DEPARTMENT OF CORRECTIONS</u>	YAKIMA	WA	SEA	USMS IGA	Under 72
<u>CHIPPEWA COUNTY SSM</u>	SAULT SAINTE IMI		DET	IGSA	Over 72
<u>CAMBRIA COUNTY JAIL</u>	EBENSBURG	PA	PHI	USMS IGA	Over 72
<u>NORTHERN OREGON CORRECTIONAL FACILITY</u>	THE DALLES	OR	SEA	IGSA	Over 72
<u>POLK COUNTY JAIL</u>	DES MOINES	IA	SPM	USMS IGA	Over 72
<u>MONTGOMERY COUNTY JAIL</u>	MONTGOMERY	MO	CHI	IGSA	Over 72
<u>CLINTON COUNTY JAIL</u>	PLATTSBURGH	NY	BUF	USMS IGA	Over 72
<u>CALDWELL COUNTY DETENTION CENTER</u>	KINGSTON	MO	CHI	IGSA	Over 72
<u>PLATTE COUNTY DETENTION CENTER</u>	PLATTE CITY	MO	CHI	IGSA	Over 72
<u>POTTAWATTAMIE COUNTY JAIL</u>	COUNCIL BLUFF	IA	SPM	USMS IGA	Over 72
<u>EULESS CITY JAIL</u>	EULESS	TX	DAL	IGSA	Under 72
<u>CHRISTIAN COUNTY JAIL</u>	OZARK	MO	CHI	IGSA	Over 72
<u>WASHOE COUNTY JAIL</u>	RENO	NV	SLC	USMS IGA	Over 72
<u>CASS COUNTY JAIL</u>	PLATTSMOUTH	NE	SPM	USMS IGA	Over 72
<u>BEDFORD MUNICIPAL DETENTION CENTER</u>	BEDFORD	TX	DAL	IGSA	Under 72
<u>ALLEGANY COUNTY JAIL</u>	BELMONT	NY	BUF	IGSA	Over 72
<u>GRAND FORKS COUNTY CORRECTIONAL FACILITY</u>	GRAND FORKS	ND	SPM	IGSA	Over 72
<u>NOBLES COUNTY JAIL</u>	WORTHINGTON	MN	SPM	IGSA	Over 72
<u>SAINT TAMMANY PARISH JAIL</u>	COVINGTON	LA	NOL	IGSA	Under 72
<u>ELMORE COUNTY JAIL</u>	MOUNTAIN HOME	ID	SLC	USMS IGA	Over 72
<u>BUTLER COUNTY JAIL</u>	EL DORADO	KS	CHI	USMS IGA	Over 72
<u>LINCOLN COUNTY DETENTION CENTER</u>	TROY	MO	CHI	IGSA	Over 72
<u>SHAWNEE COUNTY DEPARTMENT OF CORRECTIONS</u>	TOPEKA	KS	CHI	IGSA	Over 72
<u>VAL VERDE CORRECTIONAL FACILITY</u>	DEL RIO	TX	SNA	USMS IGA	Under 72

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WAKE COUNTY SHERIFF DEPARTMENT	RALEIGH	NC	ATL	IGSA	Under 72
COLLIER COUNTY NAPLES JAIL CENTER	NAPLES	FL	MIA	IGSA	Over 72
LINN COUNTY JAIL	CEDAR RAPIDS	IA	SPM	USMS IGA	Over 72
SOUTH CENTRAL REGIONAL JAIL	CHARLESTON	WV	PHI	USMS IGA	Over 72
WASHINGTON COUNTY JAIL (PURGATORY CORRECTION	HURRICANE	UT	SLC	USMS IGA	Over 72
PHELPS COUNTY JAIL	HOLDREGE	NE	SPM	USMS IGA	Over 72
DAVIDSON COUNTY SHERIFF	NASHVILLE	TN	NOL	IGSA	Over 72
JEFFERSON COUNTY JAIL	RIGBY	ID	SLC	IGSA	Over 72
CHAUTAUQUA COUNTY JAIL	MAYVILLE	NY	BUF	IGSA	Over 72
RAMSEY COUNTY ADULT DETENTION CENTER	ST. PAUL	MN	SPM	USMS IGA	Over 72
COBB COUNTY JAIL	MARIETTA	GA	ATL	IGSA	Under 72
DEARBORN POLICE DEPARTMENT	DEARBORN	MI	DET	IGSA	Under 72
BALDWIN COUNTY CORRECTIONAL CENTER	BAY MINETTE	AL	NOL	IGSA	Under 72
MINICASSIA DETENTION CENTER	BURLEY	ID	SLC	IGSA	Over 72
ERIE COUNTY JAIL	ERIE	PA	PHI	USMS IGA	Over 72
CUMBERLAND COUNTY JAIL	PORTLAND	ME	BOS	USMS IGA	Over 72
HALL COUNTY JAIL	GAINESVILLE	GA	ATL	USMS IGA	Under 72
RANDALL COUNTY JAIL	AMARILLO	TX	DAL	USMS IGA	Under 72
MECKLENBURG COUNTY DETENTION CENTER NORTH	CHARLOTTE	NC	ATL	USMS IGA	Under 72
DAKOTA COUNTY JAIL	DAKOTA CITY	NE	SPM	USMS IGA	Under 72
WAYNE COUNTY JAIL	LYONS	NY	BUF	USMS IGA	Over 72
SEBASTIAN COUNTY DETENTION CENTER	FORT SMITH	AR	NOL	USMS IGA	Under 72
LEXINGTON COUNTY JAIL	LEXINGTON	SC	ATL	USMS IGA	Under 72
ALEXANDRIA CITY JAIL	ALEXANDRIA	VA	WAS	USMS IGA	Under 72
DELAWARE CO JAIL (GEORGE W. HILL)	THORNTON	PA	PHI	USMS IGA	Under 72
WHITFIELD COUNTY JAIL	DALTON	GA	ATL	IGSA	Under 72
MARION COUNTY JAIL	INDIANAPOLIS	IN	CHI	USMS IGA	Under 72
JOSEPHINE COUNTY JAIL	GRANTS PASS	OR	SEA	USMS IGA	Over 72
CASCADE COUNTY JAIL (MONTANA)	GREAT FALLS	MT	SLC	USMS IGA	Over 72
FORSYTH COUNTY JAIL	WINSTON-SALE	NC	ATL	USMS IGA	Under 72
GRAYSON COUNTY JAIL	LEITCHFIELD	KY	CHI	USMS IGA	Under 72
PINELLAS COUNTY JAIL	CLEARWATER	FL	MIA	USMS IGA	Under 72
BURNET COUNTY JAIL	BURNET	TX	SNA	IGSA	Under 72
LONOKE POLICE DEPARTMENT	LONOKE	AR	NOL	IGSA	Under 72

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CONFIDENTIAL

ORANGE COUNTY JAIL	ORLANDO	FL	MIA	USMS IGA	Under 72
MONTGOMERY CITY JAIL	MONTGOMERY	AL	NOL	IGSA	Over 72
OLDHAM COUNTY JAIL	LA GRANGE	KY	CHI	IGSA	Over 72
ROCK ISLAND COUNTY CORRECTIONAL CENTER	ROCK ISLAND	IL	CHI	USMS IGA	Under 72
FAYETTE COUNTY DETENTION CENTER	LEXINGTON	KY	CHI	USMS IGA	Under 72
JACK HARWELL DETENTION CENTER	WACO	TX	SNA	USMS IGA	Over 72
NEW HANOVER COUNTY JAIL	CASTLE HAYNE	NC	ATL	IGSA	Under 72
LUBBOCK COUNTY DETENTION CENTER	LUBBOCK	TX	DAL	USMS IGA	Under 72
EL PASO COUNTY CRIMINAL JUSTICE CENTER	COLORADO SPFCO		DEN	IGSA	Over 72
ROANOKE CITY JAIL	ROANOKE	VA	WAS	IGSA	Over 72
MILLER COUNTY JAIL	TEXARKANA	AR	NOL	USMS IGA	Under 72
CENTRAL TEXAS DETENTION FACILITY	SAN ANTONIO	TX	SNA	USMS IGA	Under 72
LA PAZ COUNTY ADULT DETENTION FACILITY	PARKER	AZ	PHO	USMS IGA	Under 72
ROCKINGHAM COUNTY JAIL	HARRISONBURG	VA	WAS	USMS IGA	Under 72
ELGIN POLICE DEPARTMENT	ELGIN	IL	CHI	IGSA	Under 72
NATRONA COUNTY JAIL	CASPER	WY	DEN	USMS IGA	Under 72
NORTHWEST STATE CORRECTIONAL CENTER	SWANTON	VT	BOS	USMS IGA	Under 72
ANCHORAGE CORRECTIONAL COMPLEX	ANCHORAGE	AK	SEA	USMS IGA	Over 72
PENNINGTON COUNTY JAIL (SOUTH DAKOTA)	RAPID CITY	SD	SPM	USMS IGA	Over 72
TELLER COUNTY JAIL	DIVIDE	CO	DEN	IGSA	Over 72
MOFFAT COUNTY JAIL	CRAIG	CO	DEN	IGSA	Under 72
ORANGE COUNTY INTAKE RELEASE FACILITY	SANTA ANA	CA	LOS	IGSA	Under 72
KENT COUNTY JAIL	GRAND RAPIDS	MI	DET	IGSA	Under 72
GASTON COUNTY JAIL	GASTONIA	NC	ATL	IGSA	Under 72
CABARRUS COUNTY JAIL	CONCORD	NC	ATL	IGSA	Under 72
GLENDALE POLICE DEPARTMENT	GLENDALE	CA	LOS	IGSA	Under 72
SANGAMON COUNTY JAIL	SPRINGFIELD	IL	CHI	USMS IGA	Under 72
DALE G. HAILE DETENTION CENTER	CALDWELL	ID	SLC	IGSA	Over 72
TOM GREEN COUNTY JAIL	SAN ANGELO	TX	DAL	USMS IGA	Under 72
YAVAPAI COUNTY DETENTION CENTER	CAMP VERDE	AZ	PHO	IGSA	Under 72
PRINCE WILLIAM COUNTY CORRECTIONAL FACILITY	MANASSAS	VA	WAS	USMS IGA	Under 72
GARVIN COUNTY DETENTION CENTER	PAULS VALLEY	OK	DAL	IGSA	Under 72
NORTHERN REGIONAL JAIL	MOUNDSVILLE	WV	PHI	USMS IGA	Under 72
TITUS COUNTY JAIL	MT. PLEASANT	TX	DAL	USMS IGA	Under 72

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<u>TAYLOR COUNTY ADULT DETENTION FACILITY</u>	<u>ABILENE</u>	<u>TX</u>	<u>DAL</u>	<u>IGSA</u>	<u>Under 72</u>
<u>WASHINGTON COUNTY DETENTION CENTER</u>	<u>FAYETTEVILLE</u>	<u>AR</u>	<u>NOL</u>	<u>USMS IGA</u>	<u>Over 72</u>
<u>SANTA CRUZ COUNTY JAIL</u>	<u>NOGALES</u>	<u>AZ</u>	<u>PHO</u>	<u>USMS IGA</u>	<u>Under 72</u>
<u>BEAVER COUNTY JAIL</u>	<u>ALIQUIPPA</u>	<u>PA</u>	<u>PHI</u>	<u>USMS IGA</u>	<u>Over 72</u>
<u>NORFOLK COUNTY JAIL</u>	<u>DEDHAM</u>	<u>MA</u>	<u>BOS</u>	<u>USMS IGA</u>	<u>Over 72</u>
<u>FAIRFAX COUNTY ADULT DETENTION CENTER</u>	<u>FAIRFAX</u>	<u>VA</u>	<u>WAS</u>	<u>USMS IGA</u>	<u>Under 72</u>
<u>CCA CENTRAL ARIZONA DETENTION CENTER</u>	<u>FLORENCE</u>	<u>AZ</u>	<u>PHO</u>	<u>USMS IGA</u>	<u>Over 72</u>
<u>BENTON COUNTY DETENTION CENTER</u>	<u>BENTONVILLE</u>	<u>AR</u>	<u>NOL</u>	<u>USMS IGA</u>	<u>Over 72</u>

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EXHIBIT I

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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CONCELY DEL CARMEN MENDEZ) Case No. C16-1024 RSM
ROJAS, et al.,)
) Plaintiffs,)
) v.)
JOHN F. KELLY, SECRETARY OF)
HOMELAND SECURITY, et al.)
) Defendants.)
-----x

DEPOSITION OF STEVEN C. LANG

WASHINGTON, D.C.

THURSDAY, SEPTEMBER 28, 2017 - 9:05 A.M.

Reported by:

Leslie A. Todd

Job no: 19694

TransPerfect Legal Solutions

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS:

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1 P R O C E E D I N G S

2 -----

3 STEVEN C. LANG,

4 having first been duly sworn, was

5 examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR PLAINTIFFS

7 BY MS. WALTERS:

8 Q Okay, good morning. Would you please
9 state your name and spell it for the record.

10 A Steven Lang. S-T-E-V-E-N, L-A-N-G.

11 Q Wonderful. And my name is Karolina
12 Walters -- K-A-R-O-L-I-N-A, W-A-L-T-E-R-S -- counsel
13 for plaintiffs in this case, Mendez-Rojas v. Johnson.
14 With me today are two of my co-counsel.

15 MS. KENNEY: Mary Kenney for plaintiffs.

16 MS. REALMUTO: Trina Realmuto for
17 plaintiffs.

18 MR. WEINTRAUB: Max Weintraub, and I
19 represent defendants.

20 MS. CUTLIP-MASON: Rena Cutlip-Mason,
21 Counsel for the Defendant, counsel for the Defendant,
22 Executive Office for Immigration Review.

1 MR. NOFERI: Mark Noferi, counsel for
2 Defendant, Executive Office for Immigration.

3 MS. WALTERS: Thank you.

4 BY MS. WALTERS:

5 Q So although these may be familiar to you,
6 just to start, I'm going to go over some of the
7 ground rules for depositions.

8 A All right.

9 Q I'm going to be asking you a series of
10 questions. I will try to make my questions as clear
11 as possible. If you do not understand my question,
12 please let me know, and I'll try to rephrase it so
13 that it's clear. However, if you do answer my
14 question, I will assume that you've understood it.

15 Is that clear?

16 A Yes.

17 Q Great. The court reporter can only take
18 down verbal answers, not nods or shakes of the head
19 or shrugs, so please only provide verbal answers. Is
20 that okay?

21 A Yes.

22 Q Please wait until I finish asking a

1 The evaluation form contains a checklist.

2 Q Okay. Thank you for that clarification.

3 And how many items are on the checklist?

4 A Roughly a dozen, two dozen items, check
5 boxes.

6 Q And then -- so we've been talking in this
7 context, we started off this whole discussion stating
8 that we were going to be talking about detention
9 facilities that were run by Immigration and Customs
10 Enforcement, or ICE.

11 How does any of what you've described
12 regarding identifying individuals in detention who
13 should be provided LOP services differ, if we're
14 talking about Customs and Border Protection
15 facilities?

16 A The Legal Orientation Program is
17 currently only provided to detainees in ICE custody
18 at facilities of greater than 72 hours of detention.

19 So that does not include Customs and
20 Border patrol facilities or facilities that are
21 considered temporary where custody is less than 72
22 hours.

1 Q So individuals who may be placed into
2 removal proceedings and may be scheduled for master
3 calendar hearings who are not held at any time in ICE
4 facilities would not receive LOP programs; is that
5 correct?

6 A Well, the LOP is only provided at ICE
7 facilities of 72 hours duration or longer.

8 Q So individuals held in facilities of less
9 than 72 hours who are not subsequently placed into a
10 different facility but who, nonetheless, may
11 eventually be placed in removal proceedings or have a
12 master calendar hearing would not receive an LOP
13 program at this time; is that correct?

14 A Individuals who are never held at one of
15 the ICE detention facilities of 72 hours length or
16 longer would not receive the Legal Orientation
17 Program through our -- through the Agency, EOIR.

18 Q Okay. Thank you.

19 MS. WALTERS: I'm going to ask to take a
20 brief break at this time, so we'll go off the record.

21 (Recess.)

22 MS. WALTERS: So just one point from

1 CAT?"

2 Under the first bullet, it states --
3 well, in discussing the things that you should work
4 on or be ready to submit at the individual hearing,
5 there's a bullet -- a declaration telling the judge
6 about any past persecution you have suffered and/or
7 why you fear further persecution.

8 "If you are applying for more -- if you
9 are applying more than one year after entering the
10 United States, you should also include an explanation
11 of the changed circumstances that now make you
12 eligible for asylum or the extraordinary
13 circumstances that prevented you from filing within
14 the first year."

15 Q Okay. Thank you.

16 And how did you locate that final example
17 of the one-year filing deadline you mentioned in the
18 model curriculum?

19 A I was -- my memory was refreshed from my
20 counsel.

21 Q Excellent. And in these three instances
22 where you identified that the model curriculum for

1 LOP providers addresses the one-year filing deadline,
2 is there any information regarding how an application
3 can be filed to meet that deadline?

4 A No, not that I'm aware.

5 Q Is this model curriculum required to be
6 provided verbatim to all LOP attendees?

7 A No, it's not. It is a guide for what we
8 expect to be covered. However, every Legal
9 Orientation Program is -- every presenter is given
10 the option of focusing and explaining the material in
11 a way in which she or he feels is the most effective
12 to communicating the important information.

13 Q And how long is a typical LOP group
14 orientation session?

15 A Typically one hour.

16 Q And typically how long is a LOP
17 individual orientation session?

18 A They vary quite a bit. They can be as
19 short as five minutes -- or pardon me -- they can be
20 as short as one minute if the individual is only
21 interested in knowing what judge they have at their
22 upcoming hearing, for example, or they can be as long

1 Q So along that vein, EOIR does not ensure
2 that all LOP providers give notice of the one-year
3 filing deadline to everyone attending any of their
4 sessions.

5 A We ensure that any -- that individuals
6 are identified who have any potential claim for
7 asylum. If they do, then that information regarding
8 the one-year filing deadline we expect to be
9 provided. If there are no individuals with
10 identified fear-based claims, then that information
11 may not be provided.

12 Q Okay. And just to -- excuse me.
13 So just to summarize, there is no uniform
14 nationwide curriculum in use by all LOP providers; is
15 that correct?

16 A The curriculum as provided to the
17 plaintiffs is the model curriculum provided.
18 However, legal orientation providers, orientation
19 providers can modify their presentation to include
20 more information or less information, depending upon
21 the needs are of the individuals that they're
22 servicing.

1 Q Okay. Your previous testimony I believe
2 was that -- when I asked is the curriculum required
3 to be provided verbatim to all LOP attendees, you
4 responded no.

5 So there is -- is it correct to say there
6 is no uniform nationwide curriculum in use by all LOP
7 providers?

8 A Not -- there is no one script that every
9 LOP provider must follow at every Legal Orientation
10 Program session.

11 One of the differences between popping in
12 a "Know Your Rights" video, which does cover the
13 one-year filing deadline and which is provided at --
14 it is our understanding by all ICE facilities of
15 greater than 72 hours, the difference between that
16 and what we provide through the Legal Orientation
17 Program is that we have the ability to identify the
18 needs of the population that we're serving in order
19 to best address their needs and make it relevant to
20 their needs.

21 If they have no -- if once they've been
22 identified as not having an asylum claim, once that

1 happens, then we would not expect them to explain the
2 one-year filing deadline if these individuals have no
3 interest or potential interest in asylum.

4 Q Based upon the LOP providers'
5 identification?

6 A Based upon our trained LOP providers'
7 identification.

8 Q Okay. Thank you.

9 I would like to now focus on where LOPs
10 are offered. So I'm handing to the court reporter
11 who will hand to you what should be marked as
12 Exhibit 11.

13 (Exhibit No. 11 was marked for
14 identification.)

15 BY MS. WALTERS:

16 Q Mr. Lang, do you recognize this document?

17 A Yes, I do.

18 Q Describe this document to me.

19 A This is -- I'm looking at a list of Legal
20 Orientation Program sites as of July 21st, 2017, and
21 on the second page, I'm looking at a list of
22 Immigration Court Helpdesk program sites as of

1 court removal proceedings versus ER.

2 Does the percentage of people who would
3 likely be in -- excuse me -- ER or expedited removal
4 proceedings make it more or less likely that OLAP
5 would put an LOP in that facility?

6 A Less likely.

7 Q And why is that?

8 A Our program, as I mentioned before, is
9 designed to serve individuals -- the scope of our
10 program is to serve individuals who are or may be
11 placed in immigration removal proceedings.

12 We believe that the program has the
13 greatest impact for individuals who are in
14 Section 240 removal proceedings appearing before an
15 immigration judge. We believe that our program has
16 benefit to those individuals who are not in those
17 proceedings, who are in expedited removal, yet we
18 prioritize folks in Section 240 removal proceedings.

19 Q What is the basis of EOIR's determination
20 that the program has the greatest impact on 240 -- on
21 individuals in 240 proceedings?

22 A Well, as I mentioned earlier, one of the

1 orientation session at one time?

2 A It varies depending upon the site, the
3 staffing at each site, the size of the space where
4 the orientation is provided, and any other logistics
5 that are particular to the facility, such as the
6 capacity of the facility to move numbers of
7 individuals into the location.

8 However, that said, the average group
9 orientation ranges typically from 10 to 40. Not all
10 group orientations reach 10, and at times group
11 orientations can be larger than 40.

12 Q Okay. How soon after a person is
13 detained is the individual given the option to attend
14 an LOP session?

15 A That also varies depending upon the
16 program. Some programs are designed to reach people
17 the day after they enter into the facility, while
18 others are designed to serve individuals the very
19 morning of their master calendar hearing. Typically,
20 the program is provided between one and a few days
21 prior to the initial removal hearing.

22 Q So can a detainee be transferred or

1 released from a detention center prior to being able
2 to attend an LOP session?

3 A Yes, that happens.

4 Q I would like to draw your attention to
5 page 5. So page 5 of Exhibit 13, which is USA00179.

6 Do you see on that page where it states
7 "Catholic Charities of the Diocese of Baton Rouge,
8 LaSalle Detention Center"?

9 A Yes.

10 Q Please just briefly describe for the
11 record what is directly below those words.

12 A I'm looking at a four-week schedule that
13 shows me that on week 1, week 2, week 3 and week 4
14 there are group orientations and individual
15 orientations scheduled between the hours of 8:30 a.m.
16 and 4:00 p.m. every Monday. And that every Tuesday,
17 there are scheduled group orientations and individual
18 orientations starting at 8:30, and individual
19 orientations and pro se workshops starting every
20 Tuesday afternoon at 1:00 p.m.

21 Q Thank you.

22 And so the LaSalle Detention Center

1 currently, as of July 25th, 2017, does not provide
2 LOP programs on Wednesdays, Thursdays or Fridays; is
3 that correct?

4 A According to -- yes, that is correct, as
5 of the date of this schedule, July 25th, 2017.

6 Q And so is it possible that an individual
7 might arrive at the LaSalle Detention Center on
8 Wednesday and be transferred or released before the
9 next LOP session is offered on Monday at 8:30 a.m.?

10 A Yes, that is possible. However, we
11 design the program in order to reach folks before
12 their initial removal hearing. However, it is
13 possible that someone could be transferred or
14 released prior to that time.

15 Q Okay. And in what languages are LOPs
16 offered?

17 A The majority of LOPs are provided in the
18 Spanish language, and with English as the second most
19 used language, and to a lesser extent, other
20 languages.

21 But the group orientation, every -- all
22 group orientations -- pardon me, all presenters are

1 the immigration court waiting area, and those judges
2 can refer individuals to those Self-Help Legal
3 Centers as well.

4 Q So you mentioned that court staff and
5 immigration court judges are aware of the self-help
6 materials.

7 Is there any written guidance, procedure
8 or policy that instructs them to direct individuals
9 to the Self-Help Legal Centers?

10 A There is no written guidance to direct
11 them to the legal centers. However, the immigration
12 court staff is responsible for maintaining the
13 Self-Help Legal Centers, ensuring that they have
14 sufficient copies of each one of the materials.

15 Q And how is that responsibility monitored
16 by EOIR?

17 A The -- the assistant chief immigration
18 judge who's responsible for that court together with
19 the court administrator oversee the functions of the
20 court. Inasmuch as the court includes a Self-Help
21 Legal Center, that responsibility -- it is their
22 responsibility to maintain the Self-Help Legal

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC 1

2 I, Leslie Anne Todd, the officer before whom the 2
3 foregoing deposition was taken, do hereby certify 3
4 that the foregoing transcript is a true and correct 4
5 record of the testimony given; that said testimony 5
6 was taken by me stenographically and thereafter 6
7 reduced to typewriting under my direction; that 7
8 reading and signing of the transcript was not waived; 8
9 and that I am neither counsel for, related to, nor 9
10 employed by any of the parties to this case and have 10
11 no interest, financial or otherwise, in its outcome. 11
12

12 IN WITNESS WHEREOF, I have hereunto set my 13
13 hand and affixed my notarial seal this 2nd day of 14
14 October 2017. 15
15

16 My commission expires November 14, 2018. 16
17

17 *Leslie Anne Todd* 17
18 _____ 18
19

19 LESLIE ANNE TODD 19
20 NOTARY PUBLIC IN AND FOR 20
21 THE DISTRICT OF COLUMBIA 21
22

EXHIBIT J

LOP AND ICH SCHEDULES (as of 7/25/2017)

LEGEND

LOP

- GO Group Orientation
- IO Individual Orientation
- PSW Pro Se Workshop

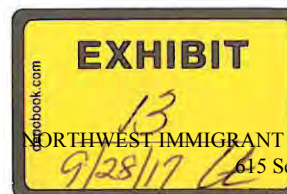
ICH

- GIS Group Information Session
- IIS Individual Information Session
- SHW Self-Help Workshop

ABA IMMIGRANT JUSTICE PROJECT:

Otay Mesa Detention Facility

	Mon	Tues	Wed	Thurs	Fri
Week 1	8:30 a.m. G, Segregated, and Medical Pods. GO and IOs for G, IO only for med/seg.	8:30 a.m. GO/IOs	8:30 a.m. GO/IOs	8:30 a.m. PSW	
Week 2		8:30 a.m. GO/IOs			8:30 a.m. GO/IOs
Week 3	8:30 a.m. G, Segregated, and Medical Pods. GO and IOs for G, IO only for med/seg.	8:30 a.m. GO/IOs		8:30 a.m. PSW	8:30 a.m. GO/IOs
Week 4		8:30 a.m. GO/IOs	8:30 a.m. GO/IOs		



1

ABA SOUTH TEXAS PRO BONO ASYLUM REPRESENTATION PROJECT:

Port Isabel Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	AM: GO/IOs, PSW PM: PSW, GO/IOs	AM: GO/IOs PM: GO/IOs, PSW	AM: GO/IOs, PSW PM: GO/IOs	AM: GO/IOs	AM: GOs/IOs, PSW
Week 2	Same as week 1				
Week 3	Same as week 1				
Week 4	Same as week 1				

East Hidalgo Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1				AM: GO/IOs	
Week 2	As needed				
Week 3	As needed				
Week 4	As needed				

AMERICAN GATEWAYS:

South Texas Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	9:30am: PSWs	9:30am: PSW	9:30am: GO/IOs	9:30am: GO/IOs/PSW	
Week 2		9:30am: PSW	9:30am: GO/IOs	9:30am: GO/IOs/PSW	
Week 3	9:30am: PSWs	9:30am: PSW	9:30am: GO/IOs	9:30am: GO/IOs/PSW	
Week 4		9:30am: PSW	9:30am: GO/IOs	9:30am: GO/IOs/PSW	

Karnes County Residential Center

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>		<u>9:30am:</u> <u>GO/IOs</u>		<u>9:30am:</u> <u>PSWs/IOs</u>	
<u>Week 2</u>		<u>9:30am:</u> <u>GO/IOs</u>		<u>9:30am:</u> <u>PSWs/IOs</u>	
<u>Week 3</u>		<u>9:30am:</u> <u>GO/IOs</u>		<u>9:30am:</u> <u>PSWs/IOs</u>	
<u>Week 4</u>		<u>9:30am:</u> <u>GO/IOs</u>		<u>9:30am:</u> <u>PSWs/IOs</u>	

South Texas Family Residential Center

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>	<u>9:30am:</u> <u>GO/IOs</u>				<u>9:30am:</u> <u>IOs/PSWs</u>
<u>Week 2</u>	<u>9:30am:</u> <u>GO/IOs</u>				<u>9:30am:</u> <u>IOs/PSWs</u>
<u>Week 3</u>	<u>9:30am:</u> <u>GO/IOs</u>				<u>9:30am:</u> <u>IOs/PSWs</u>
<u>Week 4</u>	<u>9:30am:</u> <u>GO/IOs</u>				<u>9:30am:</u> <u>IOs/PSWs</u>

San Antonio Immigration Court (ICH):

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>	<u>8:30am-12:30pm:</u> <u>GIS/IIS</u> <u>PM: SHW</u>		<u>8:30am-12:30pm:</u> <u>GIS/IIS</u>	<u>8:30am-12:30pm:</u> <u>GIS/IIS</u> <u>PM: SHW</u>	<u>9:30-11:30am:</u> <u>SHW (as needed)</u>
<u>Week 2</u>	<u>8:30am-12:30pm:</u> <u>GIS/IIS</u> <u>PM: SHW</u>		<u>8:30am-12:30pm:</u> <u>GIS/IIS</u>	<u>8:30am-12:30pm:</u> <u>GIS/IIS</u> <u>PM: SHW</u>	<u>9:30-11:30am:</u> <u>SHW (as needed)</u>
<u>Week 3</u>	<u>8:30am-12:30pm:</u> <u>GIS/IIS</u> <u>PM: SHW</u>		<u>8:30am-12:30pm:</u> <u>GIS/IIS</u>	<u>8:30am-12:30pm:</u> <u>GIS/IIS</u> <u>PM: SHW</u>	<u>9:30-11:30am:</u> <u>SHW (as needed)</u>
<u>Week 4</u>	<u>8:30am-12:30pm:</u> <u>GIS/IIS</u> <u>PM: SHW</u>		<u>8:30am-12:30pm:</u> <u>GIS/IIS</u>	<u>8:30am-12:30pm:</u> <u>GIS/IIS</u> <u>PM: SHW</u>	<u>9:30-11:30am:</u> <u>SHW (as needed)</u>

Note: SHWs are currently being conducted in American Gateways' office approximately twice per month.

CATHOLIC CHARITIES ATLANTA:

Stewart Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>		<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>PSWs</u>
<u>Week 2</u>		<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>PSWs</u>
<u>Week 3</u>		<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>PSWs</u>
<u>Week 4</u>		<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>GO/IOs</u> <u>11:00am:</u> <u>GO/IOs</u> <u>1:00pm:</u> <u>GO/IOs</u>	<u>9:00am:</u> <u>PSWs</u>

Irwin County Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>		<u>8:00am:</u> <u>GO/IOs</u>	<u>8:00am:</u> <u>GO/IOs</u>	<u>8:00am:</u> <u>IOs/PSWs</u>	
<u>Week 2</u>					
<u>Week 3</u>		<u>8:00am:</u> <u>GO/IOs</u>	<u>8:00am:</u> <u>GO/IOs</u>	<u>8:00am:</u> <u>IOs/PSWs</u>	
<u>Week 4</u>					

CATHOLIC CHARITIES OF DALLAS

Prairieland Detention Center

	Mon	Tues	Wed	Thurs	Fri
Week 1		AM & PM <u>GO</u>	AM & PM <u>GO</u>	AM & PM <u>IO</u>	AM & PM <u>Workshop</u>
Week 2		AM & PM <u>GO</u>	AM & PM <u>GO</u>	AM & PM <u>IO</u>	AM & PM <u>Workshop</u>
Week 3		AM & PM <u>GO</u>	AM & PM <u>GO</u>	AM & PM <u>IO</u>	AM & PM <u>Workshop</u>
Week 4		AM & PM <u>GO</u>	AM & PM <u>GO</u>	AM & PM <u>IO</u>	AM & PM <u>Workshop</u>

CATHOLIC CHARITIES of the DIOCESE OF BATON ROUGE:

LaSalle Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	8:30am-4:00pm: <u>GO/IOs</u>	8:30am: <u>GO/IOs</u> 1:00pm: <u>IOs/ PSWs</u>			
Week 2	8:30am-4:00pm: <u>GO/IOs</u>	8:30am: <u>GO/IOs</u> 1:00pm: <u>IOs/ PSWs</u>			
Week 3	8:30am-4:00pm: <u>GO/IOs</u>	8:30am: <u>GO/IOs</u> 1:00pm: <u>IOs/ PSWs</u>			
Week 4	8:30am-4:00pm: <u>GO/IOs</u>	8:30am: <u>GO/IOs</u> 1:00pm: <u>IOs/ PSWs</u>			

Pine Prairie Correctional Center

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>			<u>8:30am-4:30pm:</u> <u>GO/IOs/PSWs</u>		
<u>Week 2</u>			<u>8:30am-4:30pm:</u> <u>GO/IOs/PSWs</u>		
<u>Week 3</u>			<u>8:30am-4:30pm:</u> <u>GO/IOs/PSWs</u>		
<u>Week 4</u>			<u>8:30am-4:30pm:</u> <u>GO/IOs/PSWs</u>		

CATHOLIC CHARITIES LEGAL SERVICES OF MIAMI:

Broward Transitional Center

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>	<u>AM: GO/IOs</u> <u>PM: GO/IOs</u>				<u>AM: GO/IOs</u> <u>PM: GO/IOs</u>
<u>Week 2</u>	<u>AM: GO/IOs</u> <u>PM: GO/IOs</u>				<u>AM: GO/IOs</u> <u>PM: PSW</u>
<u>Week 3</u>	<u>AM: GO/IOs</u> <u>PM: GO/IOs</u>				<u>AM: GO/IOs</u> <u>PM: GO/IOs</u>
<u>Week 4</u>	<u>AM: GO/IOs</u> <u>PM: GO/IOs</u>				<u>AM: GO/IOs</u> <u>PM: PSW</u>

Krome Service Processing Center

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>		<u>PM: GO/IOs</u>	<u>PM: GO/IOs</u>	<u>PM: GO (if needed)/IOs</u>	
<u>Week 2</u>		<u>PM: GO/IOs</u>	<u>PM: GO/IOs</u>	<u>PM: GO (if needed)/IOs</u>	
<u>Week 3</u>		<u>PM: GO/IOs</u>	<u>PM: GO/IOs</u>	<u>PM: GO (if needed)/IOs</u>	
<u>Week 4</u>		<u>PM: GO/IOs</u>	<u>PM: GO/IOs</u>	<u>PM: GO (if needed)/IOs</u>	

Miami Immigration Court (ICH)

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening	9:00am-12:00pm/ 2:30- 4:00 pm: GIS/IISs By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening	By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening	9:00am-12:00pm/ 2:30- 4:00 pm: GIS/IISs By appointment at CLS: Follow-up IISs for <i>Pro se</i> assistance or IISs for screening	By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening
Week 2	By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening	9:00am-12:00pm/ 2:30- 4:00 pm: GIS/IISs By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening	1:00-4:00 pm: In-Office GIS and IIS screenings for Spanish-speakers By appointment at CLS: Follow-up IISs for <i>Pro se</i> assistance or IISs for screening	9:00am-12:00pm/ 2:30- 4:00 pm: GIS/IISs By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening 3:00- 5:00 pm: Pro bono roundtable mentoring and drop-in for pro bono attorneys taking CLS cases	By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening

<p>Week 3</p>	<p>By appointment at CLS: Follow-up IISs for <i>Pro se</i> assistance or IISs for screening</p>	<p>9:00am-12:00pm/ 2:30- 4:00 pm: GIS/IISs By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening</p>	<p>1:00-4:00 pm: In-Office GIS and IIS screenings for Creole-speakers By appointment at CLS: Follow-up IISs for <i>Pro se</i> assistance or IISs for screening</p>	<p>9:00am-12:00pm/ 2:30- 4:00 pm: GIS/IISs By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening</p>	<p>Monthly intake clinic at CLS: GIS and IIS consultations are provided on a walk-in basis</p>
<p>Week 4</p>	<p>By appointment at CLS: Follow-up IISs for <i>Pro se</i> assistance or IISs for screening</p>	<p>9:00am-12:00pm/ 2:30- 4:00 pm: GIS/IISs By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening</p>	<p>TBA: Quarterly SHW in-office or follow-up sessions on <i>pro se</i> IISs</p>	<p>9:00am-12:00pm/ 2:30- 4:00 pm: GIS/IISs By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening</p>	<p>By appointment at CLS: Follow-up IISs for <i>pro se</i> assistance or IISs for screening</p>

CATHOLIC CHARITIES COMMUNITY SERVICES, ARCHDIOCESE OF NEW YORK (CCCS):

New York Immigration Court (ICH)

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1			9:00am-12:00 pm: IISs; GIS if feasible <i>(will conduct at least 2 GISs per month)</i>	9:00am-12:00 pm: IISs; GIS if feasible	
Week 2		9:00am-12:00 pm: IISs; GIS if feasible	9:00am-12:00 pm: IISs; GIS if feasible	9:00am-12:00 pm: IISs; GIS if feasible	
Week 3			9:00am-12:00 pm: IISs; GIS if feasible	9:00am-12:00 pm: IISs; GIS if feasible	9:00am-12:00 pm: IISs; GIS if feasible
Week 4	9:00am-12:00 pm: IISs; GIS if feasible PM: SHW	9:00am-12:00 pm: IISs; GIS if feasible			

CAPITAL AREA IMMIGRANT RIGHTS COALITION:

ICA-Farmville Detention Center

Virginia Peninsula Regional Jail (VPRJ)

Worcester County Jail

Howard County Detention Center

Frederick County Adult Detention Center

	Mon	Tues	Wed	Thurs	Fri
Week 1		Frederick: GO (AM/PM) IOs (AM/PM)	VPRJ: GO (AM/PM) IOs (AM/PM)		Worcester: IOs primarily (AM/PM)
Week 2			Farmville: GO (AM/PM) IOs (AM/PM)	Farmville: GO (AM/PM) IOs (AM/PM) PSW (PM)	
Week 3			VPRJ: <i>As needed</i>		Worcester: GO (AM/PM) IOs (AM/PM)
Week 4			Farmville: GO (AM/PM) IOs (AM/PM) Howard: GO (AM/PM) IOs (AM/PM)	Farmville: GO (AM/PM) IOs (AM/PM) PSW (PM)	

DIOCESAN MIGRANT AND REFUGEE SERVICES:

El Paso Service Processing Center

	Mon	Tues	Wed	Thurs	Fri
Week 1	GOs in the AM, IOs to follow.	PSWs in the AM.	GOs in the AM, IOs to follow.		GOs in the AM, IOs to follow.
Week 2	GOs in the AM, IOs to follow.	PSWs in the AM.	GOs in the AM, IOs to follow.		GOs in the AM, IOs to follow.

Week 3	<u>GOs in the AM, IOs to follow.</u>	<u>PSWs in the AM.</u>	<u>GOs in the AM, IOs to follow.</u>		<u>GOs in the AM, IOs to follow.</u>
Week 4	<u>GOs in the AM, IOs to follow.</u>	<u>PSW in the AM.</u>	<u>GOs in the AM, IOs to follow.</u>		<u>GOs in the AM, IOs to follow.</u>

Otero Service Processing Center

Otero County Prison

	Mon	Tues	Wed	Thurs	Fri
Week 1	<u>Otero SPC: GO in the AM, IOs to follow</u>		<u>Otero SPC: GO in the AM, IOs and PSW done simultaneously following the GO.</u>		<u>Otero Prison: GO in the AM, IOs and PSW done simultaneously following the GO.</u>
Week 2	<u>Otero SPC: GO in the AM, IOs to follow</u>		<u>Otero SPC: GO in the AM, IOs and PSW done simultaneously following the GO.</u>		<u>Otero Prison: GO in the AM, IOs and PSW done simultaneously following the GO.</u>
Week 3	<u>Otero SPC: GO in the AM, IOs to follow</u>		<u>Otero SPC: GO in the AM, IOs and PSW done simultaneously following the GO.</u>		<u>Otero Prison: GO in the AM, IOs and PSW done simultaneously following the GO.</u>
Week 4	<u>Otero SPC: GO in the AM, IOs to follow</u>		<u>Otero SPC: GO in the AM, IOs and PSW done simultaneously following the GO.</u>		<u>Otero Prison: GO in the AM, IOs and PSW done simultaneously following the GO.</u>

Note: The Otero schedule may change pending discussions regarding current population trends.

ERIE COUNTY BAR ASSOCIATION VOLUNTEER LAWYERS PROJECT:

Buffalo Federal Detention Facility

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>	<u>AM/PM:</u> <u>GO/IOs/PSWs</u>			<u>AM/PM:</u> <u>GO/IOs/PSWs</u>	
<u>Week 2</u>	<u>AM/PM:</u> <u>GO/IOs</u>			<u>AM/PM:</u> <u>GO/IOs</u>	
<u>Week 3</u>	<u>AM/PM:</u> <u>GO/IOs/PSWs</u>			<u>AM/PM:</u> <u>GO/IOs/PSWs</u>	
<u>Week 4</u>	<u>AM/PM:</u> <u>GO/IOs</u>			<u>AM/PM:</u> <u>GO/IOs</u>	

ESPERANZA IMMIGRANT RIGHTS PROJECT:

Adelanto Detention Facility

	Mon	Tues	Wed	Thurs	Fri
<u>Week 1</u>	<u>WEST 2: A1 –</u> <u>8:30 am GO, IOs</u> <u>as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need). EAST 2:</u> <u>8:30 am GO IOs</u> <u>as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need).</u>		<u>WEST 3:</u> <u>8:30 am GO,</u> <u>IOs as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need). EAST 2:</u> <u>8:30 am GO,</u> <u>IOs as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need).</u>		<u>WEST 5: A2 –</u> <u>8:30 am GO,</u> <u>IOs as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need). EAST1:</u> <u>8:30 am GO,</u> <u>IOs as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need).</u>
<u>Week 2</u>	<u>WEST 2: A3 –</u> <u>8:30 am GO, IOs</u> <u>as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need). EAST 2:</u> <u>8:30 am GO, IOs</u> <u>as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need).</u>		<u>WEST 3: 8:30</u> <u>am GO, IOs as</u> <u>needed. PSWs</u> <u>(varied,</u> <u>depending on</u> <u>need). EAST 2:</u> <u>8:30 am GO,</u> <u>IOs as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need).</u>		<u>WEST 5: 8:30</u> <u>am GO, IOs as</u> <u>needed. PSWs</u> <u>(varied,</u> <u>depending on</u> <u>need). EAST1</u> <u>8:30 am GO,</u> <u>IOs as needed.</u> <u>PSWs (varied,</u> <u>depending on</u> <u>need).</u>

Week 3	WEST 2: A1 – 8:30 am GO, IOs as needed. PSWs (varied, depending on need). EAST 2: 8:30 am GO, IOs as needed. PSWs (varied, depending on need).		WEST 3: 8:30 am GO, IOs as needed. PSWs (varied, depending on need). EAST 2: 8:30 am GO, IOs as needed. PSWs (varied, depending on need).		WEST 5: A2 – 8:30 am GO, IOs as needed. PSWs (varied, depending on need). EAST1 (8:30 am GO, IOs as needed. PSWs (varied, depending on need).
Week 4	WEST 2: A3 – 8:30 am GO, IOs as needed. PSWs (varied, depending on need). EAST 2: 8:30 am GO, IOs as needed. PSWs (varied, depending on need).		WEST 3: 8:30 am GO, IOs as needed. PSWs (varied, depending on need). EAST 2: 8:30 am GO, IOs as needed. PSWs (varied, depending on need).		WEST 5: TBD 8:30 am GO, IOs as needed. PSWs (varied, depending on need). EAST1 (8:30 am GO, IOs as needed. PSWs (varied, depending on need).

Los Angeles Immigration Court (ICH):

	Mon	Tues	Wed	Thurs	Fri
Week 1	AM: Follow up IIS appts. PM: Workshop	IIS (walk ins) all day	AM: Follow up appts. PM: Workshop	IIS (walk ins) all day	AM: GIS
Week 2	AM: Follow up IIS appts. PM: Closed for admin work	IIS (walk ins) all day	AM: Follow up appts. PM: Workshop	IIS (walk ins) all day	AM: GIS
Week 3	Follow up IIS appts. PM: Closed for admin or workshop (as needed)	IIS (walk ins) all day	AM: Follow up appts. PM: Workshop	IIS (walk ins) all day	AM: GIS

Week 4	AM: Follow up appts. PM: Closed for admin or workshop (as needed)	IIS (walk ins) all day	AM: Follow up appts. PM: Workshop	IIS (walk ins) all day	AM: GIS
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NOTE: Esperanza has recently begun providing brief GIS services to participants waiting for IIS on Tuesdays and Thursdays in the Pro Bono lounge area.

FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT:

Eloy Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	Follow-up IOs	AM: 2 GOs/Bond PSW AM/PM: IOs		AM: 1-2 GOs/Bond PSW	Follow-up IOs; 1 PSW
Week 2	Follow-up IOs	AM: 2 GOs/Bond PSW AM/PM: IOs		AM: 1-2 GOs/Bond PSW	Follow-up IOs; 1 PSW
Week 3	Follow-up IOs	AM: 2 GOs/Bond PSW AM/PM: IOs		AM: 1-2 GOs/Bond PSW	Follow-up IOs; 1 PSW
Week 4	Follow-up IOs	AM: 2 GOs/Bond PSW AM/PM: IOs		AM: 1-2 GOs/Bond PSW	Follow-up IOs; 1 PSW

Florence Service Processing Center/Florence Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	Follow-up IOs		Follow-up IOs	AM: GO/PSW AM/PM: IOs	Follow-up IOs; 1 PSW
Week 2	Follow-up IOs		Follow-up IOs	AM: GO/PSW AM/PM: IOs	Follow-up IOs; 1 PSW

Week 3	Follow-up IOs		Follow-up IOs	AM: GO/PSW AM/PM: IOs	Follow-up IOs; 1 PSW
Week 4	Follow-up IOs		Follow-up IOs	AM: GO/PSW AM/PM: IOs	Follow-up IOs; 1 PSW

Florence Correctional Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	Follow-up IOs		AM: 1-2 GOs/1-2 Bond PSWs AM/PM: IOs Follow-up IOs		Follow-up IOs; 1 PSW
Week 2	Follow-up IOs		AM: 1-2 GOs/1-2 Bond PSWs AM/PM: IOs Follow-up IOs		Follow-up IOs; 1 PSW
Week 3	Follow-up IOs		AM: 1-2 GOs/1-2 Bond PSWs AM/PM: IOs Follow-up IOs		Follow-up IOs; 1 PSW
Week 4	Follow-up IOs		AM: 1-2 GOs/1-2 Bond PSWs AM/PM: IOs Follow-up IOs		Follow-up IOs; 1 PSW

NOTE: The Central Arizona Detention Center is not currently holding ICE detainees. FIRR has suspended LOP services there and the schedule for that facility was not included here.

LEGAL SERVICES OF NEW JERSEY:

Elizabeth Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	IOs (initial)		AM: GO/IOs AM/PM: IOs		

<u>Week 2</u>			<u>AM: GO/IOs</u> <u>AM/PM: IOs</u>		
<u>Week 3</u>	<u>IOs (initial)</u>		<u>AM: GO/IOs</u> <u>AM/PM: IOs</u>		
<u>Week 4</u>		<u>Pro Se Services</u>	<u>AM: GO/IOs</u> <u>AM/PM: IOs</u>		

Essex County Correctional Facility

	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
<u>Week 1</u>	<u>IOs (initial)</u>	<u>AM: GO/IOs</u>		<u>AM: GO/IOs</u>	<u>IOs/Pro Se Services</u>
<u>Week 2</u>		<u>AM: GO/IOs</u> <u>PS Services</u>		<u>AM: GO/IOs</u>	
<u>Week 3</u>	<u>IOs (initial)</u>	<u>AM: GO/IOs</u>		<u>AM: GO/IOs</u>	<u>IOs/Pro Se Services</u>
<u>Week 4</u>		<u>AM: GO/IOs</u>		<u>AM: GO/IOs</u>	

Hudson County Correctional Facility

	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
<u>Week 1</u>	<u>IOs</u>				
<u>Week 2</u>					<u>GO/IOs</u>
<u>Week 3</u>	<u>IOs</u>				
<u>Week 4</u>					<u>GO/IOs</u>

NATIONAL IMMIGRANT JUSTICE CENTER:

Kenosha County Detention Center

McHenry County Adult Correctional Facility

	<u>Mon</u>	<u>Tues</u>	<u>Wed</u>	<u>Thurs</u>	<u>Fri</u>
<u>Weekly schedule</u>	<u>McHenry – GOs (1-3) and IOs. At least</u>		<u>McHenry – IOs and PSWs (1-2).</u>		<u>Kenosha – IOs and PSWs (1-2).</u>

	<p><u>one GO takes place in the morning. If additional GOs are needed, they take place in the afternoon. Follow-up IOs occur in the morning concurrent with the GO, and initial IOs occur late morning following the GO and in the afternoon following lunch.</u></p> <p><u>Kenosha – GOs (1-3) and IOs. Follow-up IOs occur in the morning, and GOs occur in the afternoon.</u></p>			
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Chicago Immigration Court (ICH):

	Mon	Tues	Wed	Thurs	Fri	Sat
Week 1	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm		SHW at NIJC Office

Week 2	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm		
Week 3	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm		
Week 4	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm	GIS: 8:45am, 12:45pm IIS: 9:00am-11:45pm and 1:00-3:00pm		

NORTHWEST IMMIGRANT RIGHTS PROJECT:

Northwest Detention Center

	Mon	Tues	Wed	Thurs	Fri
Week 1	2:00p-3:00p Group PSW 12:45p-5:45p IO, PSW	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO
Week 2	12:45p-5:45p <u>IO, PSW</u>	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO 12:45p-5:45p IO, PSW	
Week 3	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO 12:45p-5:45p IO, PSW	2:00p-3:00p GO
Week 4	12:45p-5:45p <u>IO, PSW</u>	2:00-3:00p GO 12:45p-5:45p IO, PSW	2:00-3:00p GO 12:45p-5:45p IO, PSW	2:00-3:00p GO 12:45p-5:45p IO, PSW	

PENNSYLVANIA IMMIGRATION RESOURCE CENTER:Berks County Residential Center

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>		<u>AM: GO</u> <u>PM: PSWs</u>		<u>AM/PM: IOs</u>	
<u>Week 2</u>		<u>AM/PM: IOs</u>		<u>AM/PM: IOs</u>	
<u>Week 3</u>		<u>AM/PM: IOs</u>		<u>AM/PM: IOs</u>	
<u>Week 4</u>		<u>AM: GO</u> <u>PM: PSWs</u>		<u>AM/PM: IOs</u>	

York County Prison

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>	<u>AM/PM: IOs</u>	<u>PM: PSWs</u>		<u>PM: GOs</u>	<u>AM/PM:</u> <u>GO/IOs</u>
<u>Week 2</u>	<u>AM/PM: IOs</u>	<u>PM: PSWs</u>	<u>PM: GOs</u>	<u>PM: GOs</u>	<u>AM/PM:</u> <u>GO/IOs</u>
<u>Week 3</u>	<u>AM/PM: IOs</u>	<u>PM: PSWs</u>		<u>PM: GOs</u>	<u>AM/PM:</u> <u>GO/IOs</u>
<u>Week 4</u>	<u>AM/PM: IOs</u>	<u>PM: PSWs</u>	<u>PM: GOs</u>	<u>PM: GOs</u>	<u>AM/PM:</u> <u>GO/IOs</u>

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK:Denver Contract Detention Facility

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>	<u>1:00pm:</u> <u>GO/IOs/PSW</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>
<u>Week 2</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>
<u>Week 3</u>	<u>1:00pm:</u> <u>GO/IOs/PSW</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>
<u>Week 4</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>	<u>1:00pm:</u> <u>GO/IOs</u>

YMCA OF GREATER HOUSTON:

Houston Contract Detention Facility

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>	<u>PM: Follow-up IOs</u>	<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>		<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>	
<u>Week 2</u>	<u>PM: Follow-up IOs</u>	<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>		<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>	
<u>Week 3</u>	<u>PM: Follow-up IOs</u>	<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>		<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>	
<u>Week 4</u>	<u>PM: Follow-up IOs</u>	<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>		<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>	

Joe Corley Detention Facility

	Monday	Tuesday	Wednesday	Thursday	Friday
<u>Week 1</u>	<u>PM: Follow-up IOs</u>			<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>	<u>AM: GOs/IOs</u> <u>PM: GOs/IOs</u>
<u>Week 2</u>	<u>PM: Follow-up IOs</u>			<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>	<u>AM: GOs/IOs</u> <u>PM: GOs/IOs</u>
<u>Week 3</u>	<u>PM: Follow-up IOs</u>			<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>	<u>AM: GOs/IOs</u> <u>PM: GOs/IOs</u>
<u>Week 4</u>	<u>PM: Follow-up IOs</u>			<u>AM: GOs/IOs</u> <u>PM: PSW</u> <u>Follow-up IOs</u>	<u>AM: GOs/IOs</u> <u>PM: GOs/IOs</u>

Polk County Adult Detention Center

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	PM: Follow-up IOs	AM: GOs/IOs PM: PSW Follow-up IOs	AM: GOs/IOs PM: PSW Follow-up IOs		
Week 2	PM: Follow-up IOs	AM: GOs/IOs PM: PSW Follow-up IOs	AM: GOs/IOs PM: PSW Follow-up IOs		
Week 3	PM: Follow-up IOs	AM: GOs/IOs PM: PSW Follow-up IOs	AM: GOs/IOs PM: PSW Follow-up IOs		
Week 4	PM: Follow-up IOs	AM: GOs/IOs PM: PSW Follow-up IOs	AM: GOs/IOs PM: PSW Follow-up IOs		

EXHIBIT K

2015 Annual Report

Legal Orientation Program

Vera Institute of Justice

Vera Center on Immigration + Justice

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Table 3: In Court Not Served by LOP, 2014-2015

	2014	2015
<u>Total in LOP Courts</u>	<u>52,864</u>	<u>65,190</u>
<u>In Court Not Served by LOP</u>	<u>52%</u>	<u>59%</u>
Released*	38%	24%
Represented*	43%	36%
Other Reasons* ³	14%	22%
No Explanation	13%	9%

*These categories are not mutually exclusive. For example, a respondent who was released from detention and had counsel would be counted in both categories.

In 2015, 65,190 individuals appeared in LOP courts, which are mainly courts with detained dockets that serve LOP facilities. Fifty-nine percent of individuals who appeared in these courts were not served by LOP. However, it is important to note that some of these immigration courts have dockets that combine detained and non-detained cases. In addition, some LOP courts also hear the cases of individuals detained at facilities at which LOP services are not provided.

As Table 3 illustrates, approximately 9% of the entire population appearing in LOP courts in 2015 were not seen by LOP without explanation, a decrease from 2014 when 13% were served without an explanation. Throughout 2014 and 2015 Vera, EOIR, and LOP providers worked to identify why eligible detained individuals did not receive LOP services. A number of providers addressed these issues with stakeholders at their detention facilities; it appears that these efforts have been at least partially successful. For example, numerous providers modified their LOP schedules to decrease conflicts with other programs and lunchtime at the facilities they serve, so that more individuals could attend LOP. Other LOP providers worked closely with stakeholders to improve LOP participant lists and practices for calling individuals to LOP.

Detainees Not in Court

Although LOP is designed to provide services to detainees who are in EOIR §240 removal proceedings, a large proportion of the detention population consists of detainees who are in expedited removal, reinstatement of removal, and administrative removal. While many providers have in the past primarily

³ "Other reasons" include: non-removal proceedings, stipulated removal, unaccompanied children, and dependents of adults with children.

EXHIBIT L



Glenda Aldana Madrid <glenda@nwirp.org>

Mendez Rojas--remaining discovery due tomorrow

Weintraub, J. Max (CIV) <Jacob.Weintraub@usdoj.gov> Fri, Sep 29, 2017 at 11:22 AM
To: "Glenda M. Aldana Madrid" <glenda@nwirp.org>
Cc: "Steffens-Guzman, Gladys (CIV)" <Gladys.Steffens-Guzman@usdoj.gov>, Matt <matt@nwirp.org>, Karolina Walters <kwalters@immcouncil.org>, Vicky Dobrin <vicky@dobrin-han.com>, Trina Realmuto <TRrealmuto@immcouncil.org>, "Weintraub, J. Max (CIV)" <Jacob.Weintraub@usdoj.gov>

Folks,

We are doing our best, as we have been throughout this process, to meet all deadlines applicable in this case. As we have explained, however, the burden to produce some of the material has been much greater than anticipated. Defendants are producing what we have available by today's deadline, and we understand our continuing obligation hereafter.

Toward that end, I am attaching Defendant DHS's supplemental response to Plaintiff's first set of requests for production, along with documents (or links to publicly available documents) that Plaintiffs have requested either therein or at Ms. Mura's deposition.

Specifically, with regard to the one year filing deadline lesson plan, the Lesson Plan and the training powerpoint are produced. Similarly, with regard to the AAPM and CFPM sections regarding the one year filing deadline, we have produced AAPM sect. III.P.2 (One-Year Filing Deadline) and the AAPM, Appendix 54 (Referral Notice - 1 Year Deadline 10.17.13). To further assist you, I'll note that the AAPM is also available publicly at the following URL:

https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum/AAPM-2016.pdf. USCIS has reviewed the CFPM, and there is no reference to the one year filing deadline, so there is nothing to produce.

With regard to the Policy regarding the discrepancy between USCIS's use of the date stamped on the asylum application versus the postmark date, to the extent a policy is addressed in AAPM and OYFD LP, those materials are produced. In accordance with our discovery obligations, of course, we are reviewing agency material to determine if this is addressed anywhere else. I don't anticipate this will be completed today, however.

Additionally, we are attempting to produce the Key/Coding for the IIDs Report, but that is not likely to be produced today. In part, that has to do with the fact that the IIDs report doesn't come from a single entity, and, in part, it has to do with Yom Kippur starting today.

The A-file issues you raised - including providing a privilege log - will take some time to resolve, but I assure you Defendants are working on it.

Finally, EOIR is providing you with many of the requested documents in the attached USA-6 Production 2 (EOIR). Specifically, from EOIR's Office of Legal Access Programs (OLAP) you will find attached the Training Manuals for the Legal Orientation Program and the Immigration Court Help Desk. In addition, EOIR provided the Site Visit Evaluation forms for the Legal Orientation Program and the Immigration Court Help Desk. As well, EOIR has included the LOP Annual Report for 2015 and the FY2017 Quarter 3 reports for the Legal Orientation Program and the Immigration Court Help Desk. Regarding the specific question related to the average number of attendees at group orientations, EOIR is working with its contractor to provide you with that information as quickly as possible.

We know a question was raised regarding the Uniform Docking Manual that was referenced in Mr. Neifert's deposition. EOIR has removed the Uniform Docking Manual from its website, and it is now only posted internally. EOIR has provided a pdf version of the manual for your reference.

EOIR additionally has provided the relevant portions of Mr. Neifert's reports regarding the Cleveland, Houston, and Los Angeles report, along with the privilege log for those documents. Also, a question arose during Mr. Lang's depositions as to the additional Self-Help Legal Centers that have been added since July 2017. The SHLCs have been established at the Atlanta Immigration Court, the Harborside Immigration Court, the Kansas City Immigration Court, the Memphis Immigration Court, and the New Orleans Immigration Court.

As you are aware, EOIR is making every effort to provide any other documents in its possession. Throughout this process you have been apprised that there is not technology that readily provides the documents, so that effort has been exceptionally time-consuming. EOIR continues to work with all due haste to provide you any further responsive documents. These efforts, again, are partly hampered by today's start of Yom Kippur.

As I get additional documents – as has been the case all along – I will produce them.

I hope and trust this is sufficient, under the circumstances. I can't imagine you are prejudiced by any current delay. Defendants will certainly speculate to any extensions you might feel are necessary due to this situation.

Please note I will be completely unreachable when the clock strikes 4 pm Eastern Time today.

Thanks!

 J. Max Weintraub
 Senior Litigation Counsel
 United States Department of Justice
 Civil Division
 Office of Immigration Litigation - District Court Section
 P.O. Box 868, Ben Franklin Station
 Washington, D.C. 20044
 202-305-7551
 Fax: 202-305-7000

NORTHWEST IMMIGRANT RIGHTS PROJECT

615 Second Ave., Ste. 400

Seattle, WA 98104

Telephone (206) 957-8611

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From: Glenda M. Aldana Madrid [mailto:glenda@nwirp.org]

Sent: Thursday, September 28, 2017 5:17 PM

To: Weintraub, J. Max (CIV) <jaweintr@CIV.USDOJ.GOV>

Cc: Steffens-Guzman, Gladys (CIV) <gguzman@CIV.USDOJ.GOV>; Ma <matt@nwirp.org>; Karolina Walters <kwalters@immcouncil.org>; Vicky Dobrin <vicky@dobrin-han.com>; Trina Realmuto <TRealmuto@immcouncil.org>

Subject: Mendez Rojas--remaining discovery due tomorrow

[Quoted text hidden]

2 attachments

 DHS Supp Response and USA-6 Production vol 1 092917.pdf
1250K


 Privilege Log and USA-6 Production v2 (EOIR).pdf
19383K

EXHIBIT M

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, et al.,

Case No. 2:16-cv-01024-RSM

Plaintiffs,

v.

**DEFENDANTS JEFFERSON B.
SESSIONS AND JAMES MCHENRY
RESPONSES TO PLAINTIFFS' FIRST
SET OF REQUESTS FOR PRODCUTION**

JOHN F. KELLY, Secretary of Homeland
Security, et al.,

Defendants.

**DEFENDANT EOIR RESPONSES TO PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS**

GENERAL OBJECTIONS:

Defendant EOIR asserts and incorporates by reference the following general objections and qualifications to Plaintiffs' request as though they were set forth in full in each response:

1. Defendant EOIR objects to Plaintiffs' requests to the extent that Plaintiffs seek the discovery of information which is beyond the scope of this lawsuit, and therefore, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
2. Defendant EOIR objects to Plaintiffs' requests to the extent Plaintiffs seek information that is not relevant to the determination of the claims in this action.

DOJ DEFENDANTS' RESPONSES TO PLAINTIFFS'
FIRST SET OF REQUESTS FOR PRODUCTION
Case No. 2:16-cv-01024-RSM
Page 1 of 9

U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington DC 20044
(202)305-7551

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Defendant EOIR reserves the right to rely upon any facts, documents, or other evidence that may develop or come to its attention subsequent to this response.

9. Defendant EOIR construes these request for production to exclude individual cases and requests for records of proceeding because the no individual cases are specifically requested.

10. Defendant EOIR’s objections to Plaintiffs’ requests are based upon information presently known by Defendant EOIR, and are made without prejudice to Defendant EOIR’s right to assert additional objections in the event that additional grounds for objections should be discovered by Defendant EOIR subsequent to this response.

11. The general objections and qualifications set forth above apply to each request for production. For convenience, they are not repeated after each request, but rather are set forth here and are incorporated into each response.

SPECIFIC OBJECTIONS AND RESPONSES TO PLAINTIFFS’ FIRST SET OF REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1

Produce all documents that support Defendants’ assertion, in ¶ 38 of their Answer, Dkt. 42:

“Defendants . . . deny that they do not provide notice in any documentation of the requirement to file an asylum application within one year or instructions for how to file an asylum application.”

Response: Without waiving any objections, and subject thereto, Defendant EOIR states, on its behalf, the following on information and belief:

Please see Table of Contents #1 – 2, 5 - 65.

Also, EOIR’s website contains multiple publicly-available guidance documents that

1 provide notice of the one-year requirement and provide instructions on how to file for asylum: (1)
2 [The Immigration Court Practice Manual](#), (2) [OPPM 16-01, Filing Applications for Asylum](#), (3)
3 [OPPM 13-03, Guidelines for Implementation of the ABT Settlement Agreement](#), (4) [OPPM 13-02,](#)
4 [The Asylum Clock](#), (5) [The 180-Day EAD Asylum Clock Notice](#), and (6) [OCLA FACT SHEET,](#)
5 [Relief from Removal](#). All are available nationally and continually from the date of publication
6 online. *Please see attached Table of Contents #66 – 71.*

8 Immigration Judges also make available the I-589 application, which has instructions and
9 relevant information, in immigration court to respondents who express a fear of return. The
10 form’s instructions and application, which are publically available, explain how to file an asylum
11 application and reference the one-year requirement. Please see attached Table of Contents #72.

12
13 **REQUEST FOR PRODUCTION NO. 2**

14 Produce all documents that support Defendants’ denial, in ¶ 31 of their Answer, Dkt. 42, of the
15 allegation that: “None of the documentation provided by DHS to these applicants upon release
16 contains: (1) notice of the one-year deadline for filing an asylum application in 8 U.S.C. §
17 1158(a)(2)(B); or (2) instructions on how to timely file the application, even though they
18 expressed a fear of returning to their country of origin and/or a desire to apply for asylum, and
19 were permitted to remain in the country for the specific purpose of pursuing their asylum claims,”
20 Dkt. 1, ¶ 31.

22 **Response:** Without waiving any objections, and subject thereto, Defendant EOIR states, on its
23 behalf, the following on information and belief:

24 None. *See General Objection #4.*

1 Defendant EOIR is in a process of conducting an exhaustive search of all communications
2 that requires additional time.

3 In the interim, the following documents are responsive to the question:

4 Operating Policies and Procedures Memorandum 16-01: *Filing Applications for Asylum*,
5 please see publically available web link on Table of Contents at #67.

6 Immigration Judges also make available the I-589 application, which has instructions and
7 relevant information, in immigration court to respondents who express a fear of return. The
8 form's instructions and application, which are publically available, explain how to file an asylum
9 application and reference the one-year requirement. *Please see attached Table of Contents #72.*
10
11
12

13 DATED this 9th of August, 2017

Respectfully Submitted,

14
15 CHAD A. READLER
16 Acting Assistant Attorney General
17 Civil Division

18 WILLIAM C. PEACHEY
19 Director

20 COLIN A. KISOR
21 Deputy Director

22 /s/ J. Max Weintraub
23 J. MAX WEINTRAUB
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GLADYS M. STEFFENS GUZMÁN
Trial Attorney
United States Department of Justice

Attorneys for Defendants

DOJ DEFENDANTS' RESPONSES TO FIRST SET OF
PLAINTIFFS REQUESTS FOR PRODUCTION
Case No. 2:16-cv-01024-RSM

U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington DC 20044
(202) 305-7551

EXHIBIT N

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: _____

In the Matter of:

Respondent: _____ currently residing at:

(Number, street, city and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

(Complete Address of Immigration Court, including Room Number, if any)

on _____ at _____ to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: _____

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office of Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the Department of Homeland Security immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act (the Act).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on _____, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # requested by regular mail
Attached is a credible fear worksheet.
Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of officer)

EXHIBIT O

_____	_____	_____	_____
District Office Code	Asylum Office Code	Alien's File Number	Alien's Last/ Family Name
_____	_____	_____	_____
Asylum Officer's Last Name	Asylum Officer's First Name	Alien's Nationality	

All statements in italics must be read to the applicant

SECTION I:

INTERVIEW PREPARATION

- 1.1 _____ / _____ / _____
Date of arrival [MM/DD/YY]
- 1.2 _____
Port of arrival
- 1.3 _____ / _____ / _____
Date of detention [MM/DD/YY]
- 1.4 _____
Place of detention
- 1.5 _____ / _____ / _____
Date of AO orientation [MM/DD/YY]
- 1.6 _____
If orientation more than one week from date of detention, explain delay
- 1.7 _____ / _____ / _____
Date of interview [MM/DD/YY]
- 1.8 _____
Interview site
- 1.9 Applicant received and signed **Form M-444** and relevant *pro bono* list on _____ / _____ / _____
Date signed [MM/DD/YY]
- 1.10 Does applicant have consultant(s)? Yes No
- 1.11 If yes, consultant(s) name, address, telephone number and relationship to applicant

- 1.12 Persons present at the interview (check which apply)
- 1.13 Consultant(s)
- 1.14 Other(s), list: _____
- 1.15 No one other than applicant and asylum officer
- 1.16 Language used by applicant in interview: _____
- 1.17 _____ Yes No
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.18 _____ Yes No
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.19 _____ Yes No
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.20 Interpreter **was not changed** during the interview
- 1.21 Interpreter **was changed** during the interview for the following reason(s):
- 1.22 Applicant requested a female interpreter replace a male interpreter, or *vice versa*
- 1.23 Applicant found interpreter was not competent
- 1.24 Applicant found interpreter was not neutral
- 1.25 Officer found interpreter was not competent
- 1.26 Officer found interpreter was not neutral
- 1.27 Bad telephone connection
- 1.28 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

Alien's File Number:

The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

SECTION II: BIOGRAPHIC INFORMATION

2.1 _____
Last Name/ Family Name [ALL CAPS]

2.2 _____ 2.3 _____
First Name Middle Name

2.4 ____/____/____ 2.5 Gender Male Female
Date of birth [MM/DD/YY]

2.6 _____
Other names and dates of birth used

2.7 _____ 2.8 _____
Country of birth Country (countries) of citizenship (list all)

2.9 _____
Address prior to coming to the U.S. (List Address, City/Town, Province, State, Department and Country).

2.10 _____ 2.11 _____ 2.12 _____
Applicant's race or ethnicity Applicant's religion All languages spoken by applicant

2.13 Marital status: Single Married Legally separated Divorced Widowed

2.14 Did spouse arrive with applicant? Yes No

2.15 Is spouse included in applicant's claim? Yes No

2.16 If currently married (including common law marriage) list spouse's name, citizenship, and present location (if with applicant, provide A-Number):

2.17 Children: Yes No

2.18 List any children (Use the continuation section to list any additional children):

Date of birth (MM/DD/YY)	Name	Citizenship	Present location (if w/PA, list A-Numbers)	Did child arrive with PA?	Is child included in PA's claim?
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Alien's File Number:

_____	_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Alien's File Number:

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication(s) that a medical condition exists? If YES, answer questions 2.20 and 2.21 and explain below. Yes No

2.20 Has applicant notified the facility of medical condition? Yes No

2.21 Does applicant claim that the medical condition relates to torture? Yes No

2.22 Does the applicant have a relative, sponsor or other community ties, including spouse or child already listed above? Yes No

2.23 If YES, provide information on relative or sponsor (use continuation section, if necessary):

Name

Relationship

Address

Telephone Number

Citizen Legal Permanent Resident Other

SECTION III:

CREDIBLE FEAR INTERVIEW

The following notes are not a verbatim transcript of this interview.

These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination.

There may be areas of the individual's claim that were not explored or documented for purposes of this threshold screening.

The asylum officer must elicit sufficient information related to both credible fear of persecution and credible fear of torture to determine whether the applicant meets the threshold screening. Even if the asylum officer determines in the course of the interview that the applicant has a credible fear of persecution, the asylum officer must still elicit any additional information relevant to a fear of torture. Asylum officers are to ask the following questions and may use the continuation sheet if additional space is required. If the applicant replies YES to any question, the asylum officer must ask follow-up questions to elicit sufficient details about the claim in order to make a credible fear determination.

3.1 a. *Have you or any member of your family ever been mistreated or threatened by anyone in any country to which you may be returned?* Yes No

b. *Do you have any reason to fear harm from anyone in any country to which you may be returned?*

Yes No

c. If YES to questions *a* and/or *b*, was it or is it because of any of the following reasons? (Check each of the following boxes that apply).

Race Religion Nationality Membership in a particular social group Political Opinion

Alien's File Number:

3.2 At the conclusion of the interview, the asylum officer must read the following to applicant:

If the Department of Homeland Security determines you have a credible fear of persecution or torture, your case will be referred to an immigration court, where you will be allowed to seek asylum or withholding of removal based on fear of persecution or withholding of removal under the Convention Against Torture. The Field Office Director in charge of this detention facility will also consider whether you may be released from detention while you are preparing for your hearing. *If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask an Immigration Judge to review the decision. If you are found not to have a credible fear of persecution or torture and you do not request review, you **may be removed** from the United States as soon as travel arrangements can be made. Do you have any questions?*

3.3 At the conclusion of the interview, the asylum officer must read a summary of the claim, consisting of the responses to Questions 3.1 a-c and information recorded in the Additional Information/Continuation section, to applicant.

****Typed Question and Answer (Q&A) interview notes and a summary and analysis of the claim must be attached to this form for all negative credible fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear.

SECTION IV: CREDIBLE FEAR FINDINGS

A. Credible Fear Determination:

Credibility

- 4.1 There is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing.
- 4.2 Applicant found **not** credible because (check boxes 4.3-4.5, which apply):
 - 4.3 Testimony was internally inconsistent on material issues.
 - 4.4 Testimony lacked sufficient detail on material issues.
 - 4.5 Testimony was not consistent with country conditions on material issues.

Nexus

- 4.6 Race 4.7 Religion 4.8 Nationality 4.9 Membership in a Particular Social Group
- (Define the social group): _____
- 4.10 Political Opinion 4.11 Coercive Family Planning [CFP] 4.12 No Nexus

Credible Fear Finding

- 4.13 Credible fear of **persecution** established.
- OR**
- 4.14 Credible fear of **torture** established.
- OR**
- 4.15 Credible fear of persecution NOT established and there is not a significant possibility that the applicant could establish eligibility for withholding of removal or deferral of removal under the Convention against Torture.

B. Possible Bars:

- 4.16 Applicant could be subject to a bar(s) to asylum or withholding of removal (check the box(es) that applies and explain on the continuation sheet):
 - 4.17 Particularly Serious Crime 4.18 Security Risk 4.19 Aggravated Felon
 - 4.20 Persecutor 4.21 Terrorist 4.22 Firmly Resettled
 - 4.23 Serious Non-Political Crime Outside the United States
- 4.24 Applicant does **not** appear to be subject to a bar(s) to asylum or withholding of removal.

EXHIBIT P

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, et al.,

Case No. 2:16-cv-01024-RSM

Plaintiffs,

v.

**DEFENDANTS JEFFERSON B.
SESSIONS AND JAMES MCHENRY
RESPONSES TO PLAINTIFFS' FIRST
SET OF REQUESTS FOR ADMISSION**

JOHN F. KELLY, Secretary of Homeland
Security, et al.,

Defendants.

**DEFENDANT EOIR RESPONSES TO PLAINTIFFS' FIRST SET OF
REQUESTS FOR ADMISSION**

GENERAL OBJECTIONS:

Defendant EOIR asserts and incorporates by reference the following general objections and qualifications to Plaintiffs' request as though they were set forth in full in each response:

1. Defendant EOIR objects to Plaintiffs' requests to the extent that Plaintiffs seek the discovery of information which is beyond the scope of this lawsuit, and therefore, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
2. Defendant EOIR objects to Plaintiffs' requests to the extent Plaintiffs seek information that is not relevant to the determination of the claims in this action.

DOJ DEFENDANTS' RESPONSE TO PLAINTIFFS'
FIRST SET OF REQUESTS FOR ADMISSION
Case No. 2:16-cv-01024-RSM

U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington DC 20044

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RESPONSE: Without waiving any objections, and subject thereto, Defendant EOIR states, on its behalf, the following information and belief:

Deny.

REQUEST FOR ADMISSION NO. 3

Admit that, within the last three years, EOIR has entered an NTA into the EOIR system more than 6 months after DHS submitted that NTA to an immigration court.

RESPONSE: Without waiving any objections, and subject thereto, Defendant EOIR states, on its behalf, the following information and belief:

Defendant EOIR objects to this Request for Admission as inapposite and vague. See general objection 7. It answers this Request for Admission with the understanding that, and only to the extent to, “submitted to” is interpreted to mean “filed with” under applicable immigration regulations.

Admit.

REQUEST FOR ADMISSION NO. 4

Admit that, within the last three years, EOIR has entered an NTA into the EOIR system more than 9 months after DHS submitted the NTA to an immigration court.

RESPONSE: Without waiving any objections, and subject thereto, Defendant EOIR states, on its behalf, the following information and belief:

1 *Defendant EOIR objects to this Request for Admission as inapposite and vague. See general*
2 *objection 7. It answers this Request for Admission with the understanding that, and only to the*
3 *extent to, “submitted to” is interpreted to mean “filed with” under applicable immigration*
4 *regulations.*

5 Admit.

6
7
8 **REQUEST FOR ADMISSION NO. 5**

9 Admit that, within the last three years, EOIR has entered an NTA into the EOIR system more
10 than one year after DHS submitted the NTA to an immigration court.

11
12 **RESPONSE:** Without waiving any objections, and subject thereto, Defendant EOIR states, on
13 its behalf, the following information and belief:

14
15 *Defendant EOIR objects to this Request for Admission as inapposite and vague. See general*
16 *objection 7. It answers this Request for Admission with the understanding that, and only to the*
17 *extent to, “submitted to” is interpreted to mean “filed with” under applicable immigration*
18 *regulations.*

19 Admit.

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DATED this 9th of August, 2017

Respectfully Submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director

COLIN A. KISOR
Deputy Director

/s/ J. Max Weintraub
J. MAX WEINTRAUB
Senior Litigation Counsel
United States Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-7551
Facsimile: (202) 305-7000
E-mail: jacob.weintraub@usdoj.gov

GLADYS M. STEFFENS GUZMÁN
Trial Attorney
United States Department of Justice

Attorneys for Defendants

EXHIBIT Q

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Refugee, Asylum and International
Operations Directorate
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

MAR 11 2016

HQRAIO 120/9

Memorandum

TO: Asylum Office Directors and Deputy Directors
Supervisory Asylum Officers
Training Officers
Asylum Officers

FROM: John Lafferty
Chief, Asylum Division

SUBJECT: Processing Affirmative Applications (Form I-589) Filed by Applicants in Expedited Removal and Processing Credible Fear Cases of Non-Detained Individuals

I. Purpose

The purpose of this memorandum is to issue procedures for processing affirmative asylum applications (Form I-589) filed by individuals who are in expedited removal. It is also to issue procedures for processing credible fear cases of individuals who are in expedited removal and who are not in immigration detention (non-detained).

The Asylum Division has identified at least 600 I-589s in our pending caseload that may have been filed by individuals in the expedited removal process. See the attached IIDS report. Each asylum office must conduct additional system checks to confirm that the individuals are in the expedited removal process.

After an asylum office confirms an I-589 has been filed by an individual in expedited removal, the office must close the applicable I-589 in RAPS by April 15, 2016.

Once these cases are closed in RAPS, the asylum office must process these individuals through the non-detained expedited removal/credible fear process indicated below.

II. Background

Individuals are in expedited removal proceedings if they have received a Notice and Order of Expedited Removal (Form I-860) that remains outstanding. If the individual is in expedited removal,

EXHIBIT	8
WIT:	Mura
DATE:	8-27-17

0105 1 1 2017

Handwritten signature or initials in black ink, appearing to be 'JMP' or similar, with a large flourish extending to the right.

Processing Credible Fear Cases of Non-Detained Individuals and Processing I-589 Applications
Filed by Applicants in Expedited Removal
Page 2

USCIS does not have jurisdiction over an I-589 filed by that individual, even if the individual is paroled out of immigration detention. The attached reference chart indicates when the Asylum Division has jurisdiction to adjudicate an I-589 filed by a non-detained individual for whom a Notice to Appear (Form I-862) or an I-860 has been issued.

III. Procedures

Identifying I-589s

Asylum offices should use the IIDS report to identify I-589s that may have been filed by individuals in expedited removal and may be closed after verifying that they are in expedited removal. This report was created by removing all special group codes and then bouncing A-numbers on the RAPS 5-Part Backlog Detail Report that have a "Y," "C," or blank entry in the EARM column against ICE records in EARM. The report also contains information from RAPS and APSS.

At issuance of this memo, the IIDS report contains approximately 2,000 A-numbers that have an EARM encounter and a pending I-589. At least 600 pending I-589s appear to have been filed by individuals in expedited removal. Headquarters will provide an updated IIDS report to the asylum offices on a regular basis. Beginning with the attached IIDS report, and then regularly, asylum offices must review the report, cross-check each A-number individually using EARM, EOIR, and US-VISIT to confirm that the individual is in expedited removal, and after confirmation close the applicable I-589 in RAPS.

The other pending I-589s on the report may have been filed by individuals who have NTAs or who are subject to a reinstatement of the prior order. See AAPM section III.L., *Jurisdiction*, and section III.S., *Reinstatement of the Prior Order*, for procedures to handle those I-589s.

Case Processing

Once asylum offices confirm an I-589 has been filed by an individual in expedited removal, asylum office personnel:

- Close the I-589 in RAPS using the Admin Close Update (CLOS) command with "No/IJ Jurisdiction" (C4) as the close reason and indicate on the CLOS screen that the asylum office will not issue an NTA/referral.
- Issue a *Notice of Lack of Jurisdiction (Expedited Removal)* letter (AAPM Appendix 94) to the individual.
- Write a memorandum to file that explains why the affirmative asylum case was closed and that the individual may be processed for credible fear (see attached *Sample Memo to File – No Jurisdiction*).
- Notify U.S. Immigration and Customs Enforcement (ICE) that the asylum office has all the required forms for the individual and will treat the case as a credible fear referral, or, if the asylum office does not have all the required forms for the individual, instruct the individual to contact ICE to make a proper credible fear referral.

Processing Credible Fear Cases of Non-Detained Individuals and Processing I-589 Applications
Filed by Applicants in Expedited Removal
Page 3

- Schedule the individual for a credible fear interview as the office would normally schedule non-detained cases using Form G-56, *Notice of Credible Fear Interview*. If the individual was already scheduled for an affirmative asylum interview or appears for an affirmative asylum interview, the credible fear interview may be conducted at that time.
- Enter the credible fear case in APSS following the procedures described in Section IV below.
- Conduct the credible fear interview, make a credible fear determination, and serve the credible fear decision following the procedures in new CFPM section IV.N., *Non-Detained Aliens*.

An asylum office may treat the case as a credible fear referral if the asylum office has Form I-860 and Form I-867 Parts A&B for the individual prior to conducting the interview. If the non-detained individual did not receive a Form M-444 and the attached list of free legal service providers from U.S. Customs and Border Protection (CBP) or ICE, then asylum offices may still process the individual for credible fear after providing and explaining the M-444 and providing the attached list of free legal service providers at the time of the credible fear interview. The asylum office should notify ICE that it has the required forms and will be processing the non-detained individual for credible fear. This supersedes past draft guidance that required an explicit referral from CBP or ICE documenting an individual's expression of fear even when USCIS had the required DHS documents, including the M-444. Pursuant to this new guidance, asylum offices may treat the filing of an I-589 as the individual's expression of fear. The guidance in CFPM section III.D.1.b., *Orientation*, has been revised to clarify that it does not apply to non-detained individuals. Orientation guidance for non-detained individuals is included in the new CFPM section IV.N., *Non-Detained Aliens*.

IV. APSS Data Entry

Asylum office personnel should enter the non-detained credible fear case on the Preliminary Record (PREC) screen when the asylum office has the Form I-860 and the Form I-867 Parts A&B for the individual. The detention facility should be entered as *NONDET. Asylum office personnel should complete as much information as possible on the PREC screen but not enter a clock-in date. The clock-in date is the date the asylum office interviews the individual and should be entered when the individual appears for the non-detained credible fear interview.

V. Conclusion

The new and updated procedures and notices are located in the following sections of the Credible Fear Procedures Manual (CFPM) and the Affirmative Asylum Procedures Manual (AAPM):

- New AAPM appendix 94, *Notice of Lack of Jurisdiction (Expedited Removal)*
- Revised CFPM appendix, *Form G-56, Interview Notice*
- Revised CFPM section III.D.1.b., *Orientation*
- New CFPM section IV.N., *Non-Detained Aliens*
- New CFPM appendix, *Notice of Failure to Appear (Credible Fear Interview)*
- New CFPM appendix, *Notice of Failure to Appear (Credible Fear Decision)*
- New CFPM appendix, *Credible Fear Decision Pick-Up Notice*

Processing Credible Fear Cases of Non-Detained Individuals and Processing I-589 Applications
Filed by Applicants in Expedited Removal
Page 4

- New AAPM section III.L.6., *Applicants in Expedited Removal*
- New AAPM section III.N.4., *Applicant Receives Parole and Form I-860*

AAPM section III.B.3, *Credible Fear-Screened Affirmative Asylum Applicants*, contains procedures on how to process affirmative asylum applications from individuals previously screened through the credible fear program. Those procedures remain unchanged.

These procedures are effective immediately and are incorporated into the AAPM and the CFPM on the ECN and the APSS User's Guide. If you have any questions regarding the guidance in the attached procedures, please contact the HQASM Operations Branch.

cc: ICE

Attachments (12) (excluding IIDS Report)

Asylum Jurisdiction Reference Chart

Scenario	Asylum Jurisdiction over I-589?	Asylum Jurisdiction over Credible Fear?
<u>Individual issued I-860 and files an I-589 with USCIS.</u>	<u>No. Individual is in expedited removal.</u>	<u>Yes. No explicit referral from CBP or ICE is required for non-detained cases if the asylum office has all the required forms. Notify ICE that the asylum office is treating the case as a credible fear referral, then process the case accordingly. If the asylum office does not have the required forms then instruct the individual to contact ICE to make a proper credible fear referral.</u>
<u>Individual issued I-860 and NTA. No evidence ICE filed the NTA with the immigration court. Files I-589 with USCIS.</u>	<u>No. Individual is in expedited removal.</u>	<u>Maybe. Contact ICE to determine whether ICE will file the NTA with the immigration court. If ICE does not file the NTA and the asylum office is treating the case as a credible fear referral, then process the case accordingly. If the asylum office does not have the required forms, instruct the individual to contact ICE to make a proper credible fear referral.</u>
<u>Individual issued NTA and files I-589 with USCIS.</u>	<u>Maybe. Contact ICE to determine whether ICE will file the NTA with the immigration court. If ICE does not file the NTA with the immigration court then process I-589.</u>	<u>No. Individual is not in expedited removal.</u>
<u>Individual issued I-860 and NTA. IJ terminated proceedings for technical flaws in the NTA. Files I-589 with USCIS.</u>	<u>No. Individual is in expedited removal.</u>	<u>Maybe. Contact ICE to determine whether ICE will refile the NTA with the immigration court. If ICE does not refile the NTA and the asylum office has all the required forms, notify ICE that the asylum office is treating the case as a credible fear referral, then process the case accordingly.</u>
<u>Individual issued I-860 and NTA. IJ terminated proceedings for substantive or nontechnical reasons. Files I-589 with USCIS.</u>	<u>Yes.</u>	<u>No. Expedited removal order was terminated by the filing of the NTA with the immigration court.</u>
<u>Individual issued I-860 and NTA. IJ terminated proceedings for unknown reasons. Files I-589 with USCIS.</u>	<u>Maybe. Contact ICE.</u>	<u>Maybe. Contact ICE.</u>
<u>Asylum office issues an NTA to the individual after positive credible fear determination but the NTA was not filed with EOIR or was terminated by the IJ due to a technical fault. Files I-589 with USCIS.</u>	<u>No. Individual is in expedited removal.</u>	<u>Yes. Reissue the NTA and file the NTA with the immigration court.</u>
<u>Asylum office issues negative credible fear determination. Individual is not removed and later files I-589 with USCIS.</u>	<u>No.</u>	<u>Yes. Asylum office may treat the I-589 as a request for IJ review of the negative credible fear determination, or may exercise discretion to reconsider the negative determination.</u>
<u>Individual issued NTA and is in EOIR proceedings. Files I-589 with USCIS.</u>	<u>No.</u>	<u>No.</u>

EXHIBIT R

CONFIDENTIAL - PROTECTIVE ORDER

[REDACTED]

From: [REDACTED]
Sent: Tuesday, September 06, 2016 10:06 AM
To: D [REDACTED]
Cc: Robinson, Laurie J; [REDACTED]
Subject: [REDACTED]

Thanks [REDACTED]

Deputy Director
San Francisco Asylum Office
U.S. Citizenship & Immigration Services, DHS
[REDACTED]

From: D [REDACTED]
Sent: Tuesday, September 06, 2016 10:03 AM
To: [REDACTED] M; H [REDACTED]
Cc: [REDACTED]
Subject: RE: Elmer Rodriguez Escobar, [REDACTED]

Hello All,

This is ZHN case. Credible fear established on 07/23/14. I checked PCQS/EOIR- no data.

EARM shows:

- 02/16/2016 01:07 PM [REDACTED] M Order file and send to SNA/TLU for Filing of NTA and reschedule ij hearing. sjl
- 11/11/2015 10:33 AM [REDACTED] M email sent to SNA/OCC for status update. no hearing after bonding out. sjl

NFTs shows file has been with NRC since 08/28/14. In this case, SNA/OCC did not get the A-file (as Earm is showing), or file the NTA on the Immigration court.

Since applicant is now living in Burien, WA, I will request A-file so we can generate another NTA and file it on the Immigration court.

From: [REDACTED] M
Sent: Friday, September 02, 2016 3:02 PM
To: H [REDACTED]
Cc: D [REDACTED], Peter Robinson, Laurie J Escobar, Cynthia M [REDACTED]
Subject: RE: Elmer R [REDACTED]

We don't exactly have a system.. I believe [REDACTED] and Chris M [REDACTED] have been working on some of these cases piecemeal as they come up with TECS checks. I worked on [REDACTED] project from HQ in March and April this year. I wasn't aware that this was my collateral, but I am happy to take it on as such.

CONFIDENTIAL - PROTECTIVE ORDER

From: H [REDACTED]
Sent: Friday, September 02, 2016 2:54 PM
To: [REDACTED]
Cc: D [REDACTED]
Subject: RE: Elmer Rodriguez Escobar, [REDACTED]

Thanks [REDACTED] What is our system for dealing with these cases? Remind me, is this your collateral?

[REDACTED]
Deputy Director
San Francisco Asylum Office
U.S. Citizenship & Immigration Services, DHS

From: [REDACTED]
Sent: Friday, September 02, 2016 2:17 PM
To: H [REDACTED]; [REDACTED]
Cc: D [REDACTED]
Subject: RE: Elmer Rodriguez Escobar [REDACTED]

Per the most recent guidance from HQ, we do not have jurisdiction over the I589 and we should reissue the NTA.

Scenario	Asylum Jurisdiction over I-589?	Asylum Jurisdiction over Credible Fear?
Asylum office issues an NTA to the individual after positive credible fear determination but the NTA was not filed with EOIR or was terminated by the IJ due to a technical fault. Files I-589 with USCIS.	No. Individual is in expedited removal.	Yes. Reissue the NTA and file the NTA with the immigration court.

From: [REDACTED]
Sent: Friday, September 02, 2016 1:56 PM
To: H [REDACTED]
Subject: RE: Elmer Rodriguez Escobar [REDACTED]

We do have a process, but what steps we take depend on a few variables. I'm checking our databases right now and will get back to you shortly.

FOUO/LES

From: [REDACTED]
Sent: Friday, September 02, 2016 12:43 PM
To: [REDACTED]
Subject: FW: Elmer Rodriguez Escoba [REDACTED]

SARSDs,
I understand we have a process to deal with these? Please let me know. Thanks. C [REDACTED]

[REDACTED]
Deputy Director
San Francisco Asylum Office
U.S. Citizenship & Immigration Services, DHS

CONFIDENTIAL - PROTECTIVE ORDER

From: B [REDACTED]
Sent: Friday, September 02, 2016 10:49 AM
To: H [REDACTED]
Subject: FW: Elmer Rodriguez Escobar, [REDACTED]

Can you look into this one?

From: Vicky Dobrin
Sent: Friday, September 02, 2016 10:39:58 AM
To: B [REDACTED]
Subject: RE: Elmer Rodriguez Escobar, [REDACTED]

Hi [REDACTED]
I hope you are doing well. I'm just checking back in about Mr. Rodriguez's case. It appears that for whatever reason, ICE/DHS never filed the NTA with the Immigration Court. There was an NTA issued, but it has never been filed, so it seems like technically USCIS would have jurisdiction over his I-589. We filed it affirmatively more than one year ago, and it was receipted but treated as a defensive application. Is there any chance at that the SFAO would take jurisdiction over his case? His wife and daughter are in removal proceedings, and the JJ has continued their cases pending the adjudication of Mr. Rodriguez's case, with the notion that he could be interviewed by the asylum office.

Is there any way you could look into this case and see if the asylum office might take jurisdiction?

Thanks for your time!

Vicky

Vicky Dobrin
Attorney at Law

DOBRIK & HAN, PC
705 Second Ave, Suite 610
Seattle, Washington 98104

206-448-3440
fax: 206-448-3466

From: B [REDACTED]
Sent: Tuesday, January 19, 2016 3:00 PM
To: Vicky Dobrin <vicky@dobrin-han.com>
Subject: RE: Elmer Rodriguez Escobar [REDACTED]

FOUO/LES

Hello Vicki,

We'll have to look at the file. It is possible and likely, that he was referred to the court but that the court is still behind in it's processing of filings.

E [REDACTED]

CONFIDENTIAL - PROTECTIVE ORDER

From: Vicky Dobrin
Sent: Tuesday, January 19, 2016 5:05:17 PM
To: E [REDACTED]
Subject: Elmer Rodriguez Escobar, [REDACTED]

Dear E [REDACTED]
I hope you are doing well. I represent Mr. Rodriguez, and my G-28 is on file with the USCIS. Mr. Rodriguez was apprehended by the DHS shortly after he arrived in the United States. Because he expressed a fear of returning to his home country of Honduras, he was scheduled for a credible fear IV. He was interviewed in July 2014, and found to have a credible fear. The DHS, however, never referred his case to the immigration court for removal proceedings. To ensure that he timely filed his I-589, we filed it affirmatively, and I believe the application was forwarded to the SF Asylum Office. I was wondering if your office will take jurisdiction over his case and ultimately interview him, since DHS elected not to place him in removal proceedings. Please let me know if you need any additional information from me about this case, and thanks as always for your time.
Vicky

Vicky Dobrin
Attorney at Law

DOBRIN & HAN, PC
705 Second Ave, Suite 610
Seattle, Washington 98104

206-448-3440
fax: 206-448-3466

FOUO/LES

EXHIBIT S

AFFIRMATIVE ASYLUM PROCEDURES MANUAL
OFFICE OF INTERNATIONAL AFFAIRS
ASYLUM DIVISION

FEBRUARY 2003



5. Credible Fear-Screened Affirmative Asylum Applicants

An asylum office may encounter an affirmative asylum application from an individual who was screened in through the credible fear program, but whose charging document was not filed or was terminated by the IJ due to a technical fault. RAPS will display a "Y" in the "APSS" field on the CSTA screen if there is a record of an individual in the APSS (Asylum Pre-Screening System), the system used for adjudicating credible fear cases. If the Y appears, asylum office personnel check the APSS system to determine the outcome and status of the credible fear adjudication, and whether a charging document was issued but not filed with EOIR. Because such individuals are subject to the expedited removal/credible fear screening process, which has begun but was not completed due to a technical error, the asylum office will not take jurisdiction to hear their affirmative asylum claims. Instead, if the asylum office encounters such an individual, the asylum office will correct the technical error by preparing and filing the appropriate charging document. Asylum office personnel take the following steps:

- If the A-file is not at the asylum office, order and wait for the A-file.
- Cancel or suspend the asylum interview, as appropriate.
- Notify the applicant that because he or she is subject to provisions of INA § 235, the asylum office does not hear the affirmative asylum application, and that the application will be forwarded to the immigration court with jurisdiction over the applicant's residence. Explain this to the applicant in person if s/he is in the office and in all cases, issue to the applicant a *Notice of Institution of Removal Proceedings following Positive Credible Fear Screening* (Appendix A 65)
- Prepare and serve the charging document, copying the I-589 for the IJ.
- Close the case in RAPS using close code C4, "IJ Jurisdiction."

6. Deferred Enforced Departure (DED)

Deferred Enforced Departure, referred to as DED, grants certain, qualified citizens and nationals of designated countries a temporary, discretionary, administrative protection from removal from the United States and eligibility for employment authorization for the period of time in which DED is authorized. The President determines which countries will be designated based upon issues that may include, but are not limited to, ongoing civil strife, environmental disaster or other extraordinary or temporary conditions. The decision to grant DED is issued as an Executive Order or Presidential Memorandum.

An alien does not need to apply for and be granted DED in order to benefit from its provisions. Although DED status is automatic for qualified citizens and nationals of designated countries, some exceptions exist to eligibility under this program, including persons who have committed certain crimes, persons who are persecutors, and persons who have previously been deported, excluded or removed.

Because the decision to extend DED protection is made by the President, it is not a statutory provision under the Immigration and Nationality Act and as such, it is not considered an immigration "status." DED is not considered to be a valid immigrant, nonimmigrant, or Temporary Protected Status under 8 CFR 208.14(c)(2). Therefore, individuals who are covered by DED and are not eligible for asylum must be referred to the immigration judge pursuant to 8 CFR 208.14(c)(1) unless they otherwise have valid status or parole as described in 8 CFR 208.14(c)(2) or (3). DED does not prevent the INS from obtaining a removal order. Rather, it prevents the INS from executing that order during the pendency of DED. Therefore, asylum offices should proceed with referrals of

Note:
Please see below at Section III(B)(8) for procedures governing GTMO/DED Haitians.

See Langlois, Joseph E. Director, Asylum Division, *Clarification of Procedures for Processing Applicants Covered by Deferred Enforced Departure (DED) who are Ineligible for Asylum*, Memorandum to Asylum Office Directors, et al. (Washington, DC: I

Status	Decision Code	Deport Code
Out-of-Status	I7	A1 (NTA), or A5 (I-863), if applicable
In-Status	D7	A6

- Serve the applicant by mail and follow regular procedures for post-service processing in section II(R) of this Manual.

ii. *Principal Complied with Fingerprint Processing Requirements, but Dependent Failed to Comply*

These procedures apply when the principal applicant complied with fingerprint processing requirements, but one or more dependents failed to comply. Asylum office personnel:

- Prepare the *Cancellation of Recommended Approval (Fingerprint-Out-of-Status)* or *Cancellation of Recommended Approval (Fingerprint-In-Status)* letter addressed to the dependent, depending on whether or not the dependent is maintaining lawful status.
- Prepare the final asylum approval of the principal applicant and all eligible dependents for issuance at the same time as the cancellation letter for the dependent who failed to comply with fingerprint processing requirements.
- Update RAPS as follows:
 - On the DINT screen, enter "C" and the dependent's A-number to record the issuance of the cancellation of recommended approval letter.
 - Remove the PDEC of GR on the CORR screen for the dependent who failed to comply.
 - Enter an FDEC of G1 for the principal and all eligible dependents, and D7 (regardless of status) for the dependent whose application is being dismissed. The deportation code for the dismissed dependent is A6 (no deportation) if s/he is in-status. If out-of-status, enter A1 if an NTA will be issued or A5 if an I-863 will be issued.
- Serve the applicant by mail and follow regular procedures for post-service processing as described in section II(R) of this Manual.

8 CFR 208.2

M. JURISDICTION

1. INS Jurisdiction

INS Office of International Affairs has jurisdiction to adjudicate the asylum application filed by an alien physically present in the U.S., unless and until a charging document has been served on the applicant and filed with EOIR, placing the applicant under the jurisdiction of Immigration Court. For procedures governing cases in which the INS does not have jurisdiction because the applicant is not physically present in the United States, see section III(E), *Departing the U.S. Before a Final Decision*.

Special rules may apply to ABC/NACARA applicants. See the ABC/NACARA Procedures Manual.

The Asylum Program does not take jurisdiction over applicants described in 8 CFR 208.2(c)(1), who are directed to file their asylum applications with the District Director for issuance of an I-863 and forwarding to the Immigration Court for an “asylum-only” hearing (stowaways, VWPP overstays/violators, crewmembers). For guidance on handling cases described in 208.2(c)(1), please see this Manual, section III(B)(1), *Aliens Not Entitled to Proceedings Under INA Section 240*.

8 CFR 3.14(b),
208.2(b)

Once a charging document is served on an applicant and filed with EOIR, the asylum office no longer has jurisdiction to adjudicate the applicant’s I-589. Jurisdiction remains with EOIR until proceedings have been terminated. Administrative closure of EOIR proceedings is not sufficient to return jurisdiction to INS. If the asylum office discovers that an applicant is under the jurisdiction of EOIR, asylum office personnel take the following action:

a. EOIR Jurisdiction Discovered Prior to Service of Final Decision

Asylum office personnel:

- If discovered before the interview is completed, cancel or suspend the asylum interview.
- If discovered after the interview but prior to the Pick-Up date, send applicant *Notice of Change in Decision from Pick-Up to Mail-Out* (Appendix A 33) if there is sufficient time for notice to the applicant. If there is insufficient time, or the applicant appears for the pick-up, inform the applicant in person that INS does not have jurisdiction over the asylum application because the application is under the exclusive jurisdiction of EOIR. Remove any interview and decision data from RAPS using the Case Correction (CORR) and Remove Case from Interview Schedule (REMC) commands.
- Print the EOIR screen from RAPS and place in the file.
- Close the case in RAPS using the CLOS screen with close reason “IJ Jurisdiction” (C4).
- Indicate on the CLOS screen that the asylum office will NOT issue an NTA/referral (Place “N” in the “Send to IJ “ section).
- For a principal applicant, issue a *Notice of Lack of Jurisdiction* (Appendix A 59) letter. For a dependent, issue a *Denial of Derivative Status* (Appendix A 19) letter.
- Transfer the file to District Counsel if the applicant is currently in proceedings or to Investigations or Deportation (depending on local policy) if the applicant has a final order.

b. EOIR Jurisdiction Discovered After Service of Final Decision

i. Asylum office referred applicant to the IJ or issued final denial

Asylum office personnel:

- Remove decision data from RAPS using the Case Correction (CORR) command.
- Close the case in RAPS using the CLOS screen with close reason “IJ Jurisdiction” (C4).
- Indicate on the CLOS screen that the asylum office will NOT issue an NTA/referral (Place “N” in the “Send to IJ “ section).
- Issue a *Notice of Lack of Jurisdiction* (Appendix A 59) letter to the applicant.
- Transfer the file to District Counsel if the applicant is currently in proceedings or to Investigations or Deportation (depending on local policy) if the applicant has a final order.

ii. Asylum office issued recommended approval

Asylum office personnel:

- Prepare a short memo to the file that states why the record of the individual warrants a reversal of the decision to approve asylum status. Place the memo on the right-hand side of the A-file at the very top in order to alert a Trial Attorney to the processing before the asylum office.
- Update the Admin Close Update (CLOS) screen, indicating the case is under IJ jurisdiction (C4).
- Indicate on the CLOS screen that the asylum office will **NOT** issue an NTA/referral (Place "N" in the "Send to IJ" section).
- Prepare and issue a *Cancellation of Recommended Approval (Lack of INS Jurisdiction)* (Appendix A 22).
- Transfer the file to District Counsel if the applicant is currently in proceedings or to the District Director if the applicant has a final order.

iii. Asylum office issued final approval

Asylum office personnel follow procedures outlined in this Manual at Section III(W) for rescission of asylum based on lack of jurisdiction.

2. Asylum Office Geographical Jurisdiction

There are eight (8) asylum offices in the United States: Arlington, Chicago, Houston, Los Angeles, Miami, Newark (Lyndhurst, NJ), New York (Rosedale, NY), and San Francisco. Each asylum office has jurisdiction over all affirmative asylum applications filed by asylum applicants who reside within its geographical territory except for aliens described in the previous section, *INS Jurisdiction*.

See 8 CFR 100.4(f) for a list of asylum offices and their jurisdictions.

a. Residence of Applicant

8 CFR 208.4(b)(1) requires an applicant to file an I-589 with the Service Center servicing the asylum office having jurisdiction over an applicant's place of residence. "Residence" is defined in 101(a)(33) of the INA as "the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent."

A college student, for example, may move to another state during his/her summer vacation and submit an I-589. Although the individual may intend to return to college, which is located outside of the asylum office's jurisdiction, the student is, nevertheless, entitled to file for asylum with the asylum office having jurisdiction over his/her place of residence during the summer vacation.

An asylum office Director may, in his or her discretion, adjudicate an application for a college student when his or her permanent home address falls within the jurisdiction of the office, or make a similar accommodation for a migrant worker who frequently moves between jurisdictions.

EXHIBIT T

CONFIDENTIAL - PROTECTIVE ORDER

U.S. Department of Homeland Security
P.O. Box 77530
San Francisco, CA 94107-0000



**U.S. Citizenship
and Immigration
Services**

Date: March 18 2015

Conceley Del Carmen Mendez Rojas

RE: [REDACTED]

Notice of Lack of Jurisdiction

Dear Ms. Mendez,

This letter refers to your asylum application (Form I-589), filed on 11/03/2014.

Department of Homeland Security (DHS) records indicate that you were previously placed in deportation, exclusion, or removal proceedings. Asylum regulations provide that only an immigration judge may adjudicate the asylum application of an individual in proceedings before an immigration court. See 8 CFR 208.2(b). Therefore, the asylum office does not have jurisdiction to consider your asylum application

Your asylum application cannot be processed by the asylum office at this time and is being returned to you.

For further information please contact:

Executive Office for Immigration Review
1000 SECOND AVE., Suite 2500
SEATTLE, WA 98104-0000

Please include your full name, alien number listed above, and your current address on any correspondence with U.S. Citizenship and Immigration Services (USCIS) or the Immigration Court.

You are required to notify USCIS within 10 days of any change of address, on Form AR-11, *Alien Change of Address*. (Attached). You are also required to notify the Immigration Court within 5 days of any change of address, on Form EOIR-33 (Attached).

Attached is a list of low-cost legal service providers that may be able to assist you further.

Sincerely,

[REDACTED]
Asylum Office Director

Attach: Legal Service Provider List; Form AR-11, *Alien Change of Address*; Form EOIR-33

cc: Dobrin and Han PC Attorneys

Rev. 12/18/03

www.uscis.gov

EXHIBIT U

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ)	
ROJAS, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 2:16-cv-01024-RSM
)	
JOHN F. KELLY, Secretary of)	
Homeland Security, et al.,)	
)	
Defendants.)	

FRCP 30(b)(6) DEPOSITION OF
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
by
JOSEPH NEIFERT

Tuesday, September 26, 2017
10:03 a.m. to 3:20 P.M.

Held at the Office of
Northwest Immigration Rights Project
615 Second Avenue, Suite 400
Seattle, Washington



REPORTED BY:
Jeanne M. Gersten, RMR, CCR 2711

Appearances

A P P E A R A N C E S

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FOR THE PLAINTIFFS:

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and

GLENDALDANA MADRID
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NORTHWEST IMMIGRATION RIGHTS PROJECT
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Seattle, Washington 98104
(206) 957-8646
Glenda@NWIRP.org

FOR THE WITNESS and DEFENDANTS:

GLADYS STEFFENS-GUZMAN
Attorney at Law
U.S. DEPARTMENT OF JUSTICE
450 Fifth Street Northwest
Washington, D.C. 20001
(202) 305-7181
Gladys.Steffens-Guzman@USDOJ.gov

ALSO PRESENT:

MARK NOFERI
Senior Counsel for Immigration
Office of the General Counsel
5107 Leesburg Pike
Falls Church, Virginia 22041
(703) 756-8062
Mark.Noferi@USDOJ.gov

* * * * *



1 September 26, 2017, Seattle, Washington:
2 PROCEEDINGS: 10:03 a.m.
3 JOSEPH NEIFERT,
4 having been sworn/affirmed on oath to tell the truth, the
5 whole truth, and nothing but the truth, testified as
6 follows:

7 E X A M I N A T I O N

8 BY MS. DOBRIN:

9 Q My name is Vicky Dobrin, and I'm co-counsel in
10 Mendez Rojas v. Kelly.

11 Can you please state your name for the record?

12 A Joseph Neifert.

13 Q Okay. And what's your current position?

14 A I am the program manager for Court Administration
15 and Training within the Executive Office for Immigration
16 Review.

17 Q Okay.

18 A I also serve as a court administrator.

19 Q And have you ever been deposed before?

20 A I have not.

21 Q Okay. So I just want to point out some of the
22 basics.

23 A Sure.

24 Q So the court reporter today, she's going to be
25 preparing a transcript of my questions and your answers.

http://www.yes3law.net/help



1 A The NTA is two pages. The vast majority of the time
2 that is all that is filed with the court. If there is
3 ever a third attachment, a writ, a third page, it is an
4 I-830, which is a Notice of Change in Custody Status for
5 the respondent. Beyond those three pages, no.

6 Q Does DHS ever provide a document with the
7 respondent's address?

8 A Certainly the charging document would have that.
9 The I-830 would have that, but it would be those two
10 vehicles by which they communicate that to the court.

11 O Within the past three years has EOIR received for
12 filing a Notice to Appear that was issued more than one
13 year prior to the date that DHS files it with the court?

14 A From what I've read in the material that was
15 provided, yes.

16 Q In cases in which a Notice to Appear was issued and
17 served upon a respondent more than one year prior to it
18 being filed with the court, does EOIR have any practice or
19 policy with regard to how quickly it processes the NTA?

20 A I'll have you ask the question one more time to make
21 sure I understand it.

22 Q Sure.

23 (Question read back.)

24 A The protocol that is in place nationwide for all
25 courts is the minute a charging document is received, it



1 that that has occurred.

2 Q And is it also true that EOIR has taken more than
3 one year to enter an NTA into CASE?

4 A Based on the documents that have been provided, the
5 agency has already admitted to that.

6 Q Okay. What is done with data that must be entered
7 into CASE when there is a backlog in the system?

8 MS. STEFFENS-GUZMAN: Objection, vague.

9 MS. DOBRIN: Well, he just acknowledged
10 that there's a delay in entering --

11 MS. STEFFENS-GUZMAN: Yes. It's just it
12 seems like a very (indicating).

13 Q (By Ms. Dobrin) Can you answer the question?

14 A So there are many thousands of data points that we
15 would have to track, so I'm going to ask you to maybe be
16 more specific.

17 Q What is done with data between -- data from an NTA
18 between the time that the NTA is filed and the time that
19 it's entered into CASE?

20 A So court administrators are trained to keep the
21 charging documents in one location, in either a number
22 order or by receipt date; but until somebody actually
23 entered that information, it would reside in a paper
24 format in that pile of charging documents.

25 Q So there is no information that would reside in any



1 Jurisdiction attaches to that charging document and the
2 I-589 referred by the asylum office on the date that we
3 stamp it in as received.

4 Q (By Ms. Dobrin) When does EOIR have jurisdiction to
5 accept an asylum application, a Form I-589?

6 A You'll have to specify whether we're referring to a
7 referred asylum claim or a defensive claim.

8 Q A defensive claim.

9 A So we would have jurisdiction. The court EOIR would
10 have jurisdiction over a defensive claim when it was filed
11 with the immigration court by mail, in person, in a
12 courtroom setting, only after we have received the
13 charging document. So we would not have jurisdiction over
14 the I-589 until such time as we had received the NTA.

15 Q And what do you mean by received an NTA?

16 A So if, in fact, an NTA was filed with the court and
17 date stamped as received, whether it's entered into the
18 system or not that minute, that day or the next day, if an
19 I-589 was filed with the court, we would have jurisdiction
20 over that. It would attach because we had received in the
21 NTA.

22 Q Does EOIR -- Well, so are you saying that EOIR has
23 jurisdiction over an I-589 before the NTA is entered into
24 CASE?

25 A No, that's not what I'm saying.



1 and it has to do with unaccompanied children where ORR is
2 looking to find a place to put them, and there is an
3 agreement in place where it may not -- the charging
4 document may not include the address of where the court --
5 where the NTA is being filed.

6 Q Okay. If a Notice to Appear has not yet been
7 entered into CASE, how would a respondent know where to
8 file her I-589?

9 A Certainly. So again, the charging document would
10 have to state the court upon which DHS was going to serve
11 that NTA, and so that would be -- that would be how they
12 would know.

13 Q If an NTA is not entered into CASE, how would a
14 respondent know when she could file her I-589 at court?

15 A The only way to do that, it would be to call the
16 1-800 number on a regular basis and key in the A number.
17 And so when it was scheduled it would obviously pop up in
18 the 1-800 number, also called the telephony system.

19 Q So are you saying that -- Strike that.

20 If an NTA had been filed but not entered into the
21 system, are you saying that a respondent could call the
22 1-800 number and find out where, which immigration court
23 had jurisdiction over her case?

24 A No, I said the opposite. Until that charging
25 document is actually entered into the CASE system, there



1 would be no information about that case via the 1-800
2 number.

3 Q So in that scenario how would a respondent know --

4 MS. STEFFENS-GUZMAN: Objection, goes --

5 Q -- when she could file her application?

6 MS. STEFFENS-GUZMAN: Objection. Goes

7 outside the scope of the Notice of Deposition, and it

8 calls for his speculation as to respondent's behavior; and

9 it calls for his personal knowledge and opinion.

10 Q (By Ms. Dobrin) You can still answer the question.

11 A So I'm going to have you ask the question one more

12 time, please.

13 Q In the situation in which an NTA was filed but not

14 entered into EOIR's CASE system, how would a respondent

15 know when she could file an I-589 at a particular

16 immigration court?

17 A So previously you asked where --

18 Q Right.

19 A -- when you talked about the actual court. Now

20 you're asking when.

21 Q Yes.

22 A And the only way that I know of for them to ask for

23 that information is to call the 1-800 number. And once

24 the charging document was keyed into the system, there

25 would be information about the case, the next scheduled



1 hearing.

2 Q So before it was entered into EOIR's CASE system,
3 she would not be able to call the 1-800 number; is that
4 correct?

5 A She could call the 1-800 number.

6 Q To get the information about where her case was
7 pending?

8 A Information on the case would not be available via
9 the 1-800 number until it was actually keyed into the
10 system.

11 Q Does EOIR provide any mechanisms in which a
12 respondent could ascertain where to file her I-589 before
13 it enters an NTA into its EOIR CASE system?

14 MS. STEFFENS-GUZMAN: Objection, outside
15 the scope of the Notice of Deposition.

16 Q (By Ms. Dobrin) You can still answer the question.

17 A It was a complex question. I want to ask you to go
18 ahead and repeat it for me.

19 MS. DOBRIN: Do you mind?

20 (Question read back.)

21 MR. NEIFERT: Forgive me. I'm going to ask
22 you to repeat it one more time.

23 (Question read back.)

24 A So I'll go back to what I said earlier. The
25 charging document would not be received by a court if, in



1 the CASE system, and by doing that we're creating a case
2 record.

3 To complete a case record you need to create a
4 physical CASE record. You need to schedule the case for
5 hearing, so typically that's simultaneous. When you enter
6 it into the system, you will also schedule it for a
7 hearing. And then as part of that same process you then
8 send a hearing notice to the respondent.

9 At that point they would be aware that they had a
10 hearing before a particular immigration court. The
11 hearing notice clearly states where they need to appear
12 for their hearing.

13 Q Before EOIR sends a hearing notice to a respondent,
14 does it -- is that the -- Strike that question.

15 Is the hearing notice the first time that EOIR
16 notifies a respondent that her case is pending in the EOIR
17 court system?

18 MS. STEFFENS-GUZMAN: Objection. This is
19 outside the scope for his designation.

20 Q (By Ms. Dobrin) You can answer the question.

21 A It is the first time that we notify them in writing.

22 Again, the minute you actually enter it into the
23 CASE system, information about that system would be
24 available to the respondent via the 1-800 telephony
25 information, including the date of the hearing.



1 Q Does EOIR contact respondents -- Strike that.

2 You said this is the first time that EOIR
3 provides -- notifies respondents in writing --

4 A In writing.

5 Q -- of their hearing.

6 A Uhm-hm.

7 O Does EOIR notify respondents in some other way that
8 their case is pending before EOIR?

9 A Again, I go back to the 1-800 or telephony system.
10 That information is available to the respondent. We do
11 not reach out and say, "Please call the telephony system,"
12 but it is out there.

13 MS. STEFFENS-GUZMAN: I'm objecting to the
14 entire line of questioning regarding the telephone system
15 and the self-help guidance provided through the telephone
16 system.

17 MS. DOBRIN: I'm not asking questions about
18 the self-help guidance. I'm talking --

19 MS. STEFFENS-GUZMAN: No, you're talking
20 about whatever a person calls can get any idea of that --
21 of the information that's given there. I'm not talking
22 about the actual program. I'm talking about information
23 provided through the telephone system, the 800 number.

24 Q (By Ms. Dobrin) Just a moment ago you talked about
25 the steps that EOIR takes after an NTA is filed and then



1 entered into CASE, and you talked about a hearing notice
2 being generated.

3 A Uhm-hm.

4 Q Can you tell me how soon after a case is entered --
5 an NTA is entered into CASE that a hearing notice would
6 then be sent to a respondent?

7 A Certainly. Court administrators that I have trained
8 have been trained to process that charging document within
9 24 to 48 hours. As part of that process or processing the
10 charging document, that includes creating a record of
11 proceeding and sending notice.

12 Q Are you saying that courts schedule hearings within
13 24 hours of inputting the information into CASE?

14 A No. I'm saying that that is how I train court
15 administrators.

16 Q And is there any EOIR policy that requires courts to
17 schedule those hearings within any time frame?

18 A The question was asked previously, and the answer is
19 I know of no written policy.

20 Q Is there any informal policy?

21 A Again, as I was trained and as I now train every new
22 court administrator, they are trained on the policy, but
23 again, it's not in writing.

24 Q Does the time period vary per court between when
25 information is entered into CASE and when a hearing notice



1 has been designated. He has --

2 I reiterate my objection, stating that he has been
3 designated as to the functioning of the CASE system and
4 ISS and training policies and practices, not as to the
5 time that -- not as to anything regarding scheduling of
6 hearings, master calendars or any other form of hearing,
7 to be redundant.

8 Q (By Ms. Dobrin) Okay. And I just ask you to answer
9 the question.

10 A If I could have you repeat if for me, please.

11 Q Does EOIR have any requirement -- Are there any EOIR
12 requirements regarding when an initial hearing must be
13 scheduled or should be scheduled?

14 A And you're talking about the act of scheduling, not
15 the actual date of the hearing?

16 Q Yes.

17 A I'll go back to the answer I provided earlier. I
18 am -- I train court administrators to enter new charging
19 documents within 24 to 48 hours. As part of that process,
20 entering charging documents, it includes scheduling a
21 court hearing and sending notice.

22 Q And apart from the training you provide, does EOIR
23 have any other policies that require court staff to
24 schedule, to send out a hearing notice within any set
25 period of time?



1 A I am not aware of any policy, written policy.

2 Q Does EOIR keep track of cases, or does EOIR track
3 the time period in which an NTA is entered into CASE and
4 the time that an initial hearing is scheduled?

5 MS. STEFFENS-GUZMAN: I'm going to object
6 again. Outside the scope. Reiterate my prior objection.

7 A In my position I have no knowledge of that, so I
8 can't say yes or no. I don't know.

9 Q (By Ms. Dobrin) Earlier you talked about how you
10 train court administrators to shoot for sending a hearing
11 notice within 24 hours of entering --

12 A Twenty-four to 48 hours.

13 Q -- to 48 hours of entering the information into
14 CASE.

15 A Uhm-hm.

16 Q Can you tell me when the actual hearing, the time
17 frame in which the actual hearing may occur?

18 MS. STEFFENS-GUZMAN: Objection. He has
19 not -- It's outside the scope. He was not designated,
20 and, in fact, the Notice of Deposition doesn't refer to
21 hearings and a time frame involving hearings.

22 MS. DOBRIN: It's under the mechanism issue
23 that we've identified that we're asking the deponent to
24 speak about. It all relates to the LAP mechanism.

25 Q (By Ms. Dobrin) Can you answer the question?



Certificate of Court Reporter

C E R T I F I C A T E

STATE OF WASHINGTON)
) SS
County of King)

I, the undersigned Washington Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the annexed and foregoing deposition of the witness named herein was taken stenographically before me and reduced to typewritten form under my direction.

I further certify that the witness examined will be given an opportunity to review and sign their deposition after the same is transcribed, unless indicated in the record that the parties and witness waived the signing.

I further certify that all objections made at the time of said examination to my qualifications or the manner of taking the deposition or to the conduct of any party have been noted by me upon the deposition.

I further certify that I am not a relative or an employee or attorney or counsel of any of the parties to said action, or a relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or the outcome thereof.

I further certify that the witness before examination was by me duly sworn to testify the truth, the whole truth, and nothing but the truth.

I further certify that the deposition, as transcribed, is a full, true and correct transcript of the testimony, including questions and answers and all objections, motions and exceptions of counsel made and taken at the time of the foregoing examination and was prepared pursuant to Washington Administrative Code 308-14-135, the transcript preparation format guideline.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, 2017.

Jeanne M. Gersten, RMR, CCR
Washington State Certified court Reporter
WA CCR No. 2711
License effective until April 2, 2018
Residing at Seattle, Washington

Mendez Rojas, et al. v. Kelly, et al.

EXHIBIT V

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, et al.,

Case No. 2:16-cv-01024-RSM

Plaintiffs,

v.

**DHS DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF
REQUESTS FOR ADMISSIONS**

JOHN F. KELLY, Secretary of Homeland
Security, et al.,

Defendants.

**DHS DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSIONS**

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

DHS Defendants hereby respond to Plaintiffs' First Set of Requests for Admissions as follows:

I.

PRELIMINARY STATEMENT

DHS Defendants have not, at this time, fully completed their discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is available and known to DHS Defendants upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning

No. CV 2:16-cv-01024-RSM
DHS DEFENDANTS' RESPONSES
TO PLAINTIFFS' FIRST SET OF RFAs

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U.S. DEPARTMENT OF JUSTICE
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
(703) 305-7551

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III.

**DHS DEFENDANTS’ RESPONSES TO
PLAINTIFFS’ FIRST SET OF REQUESTS FOR ADMISSIONS**

REQUEST FOR ADMISSION NO. 1

Admit that there is no requirement that DHS submit to an immigration court a Notice to Appear (NTA) that it has issued.

ANSWER NO. 1

DHS Defendants object to this request as being overbroad and so vague as to being, generally, unanswerable. To the extent limited to whether there is a general lack of requirement, regardless of whether DHS Defendants wish to pursue removal, to exercise prosecutorial discretion, or to opt for some other alternative, DHS Defendants admit. DHS Defendants further admit that DHS and its components comply with the INA and the applicable regulations.

REQUEST FOR ADMISSION NO. 2

Admit that there is no mandatory timeframe within which DHS must submit to an immigration court an NTA that it has issued.

ANSWER NO. 2

DHS Defendants admit that there are no mandatory statutory or regulatory timeframes and that they comply with the INA and all applicable regulations.

REQUEST FOR ADMISSION NO. 3

Admit that, within the last three years, DHS has submitted an NTA to an immigration court more than 6 months after it originally issued that NTA.

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ANSWER NO. 3

DHS Defendants admit, but aver that that they comply with the INA and all applicable regulations.

REQUEST FOR ADMISSION NO. 4

Admit that, within the last three years, DHS has submitted an NTA to an immigration court more than 9 months after it originally issued that NTA.

ANSWER NO. 4

DHS Defendants admit, but aver that that they comply with the INA and all applicable regulations.

REQUEST FOR ADMISSION NO. 5

Admit that, within the last three years, DHS has submitted an NTA to an immigration court more than 1 year after it originally issued an NTA.

ANSWER NO. 5

DHS Defendants admit, but aver that that they comply with the INA and all applicable regulations.

REQUEST FOR ADMISSION NO. 6

Admit that USCIS has jurisdiction over an individual's asylum application if that individual was issued an NTA but that NTA has not been submitted to an immigration court.

ANSWER NO. 6

DHS Defendants deny that in all instances USCIS has jurisdiction in the above-described circumstance.

REQUEST FOR ADMISSION NO. 15

Admit that DHS does not have a practice of providing asylum applications (I-589 forms) to individuals who request asylum or express a fear of return when they are released from DHS custody.

ANSWER NO. 15

DHS Defendants object on the basis that this is a compound request that implicates different processes for aliens who request asylum or express fear. DHS Defendants further object on the basis of lack of definition of “practice” and “DHS custody.” To the extent a response is required, DHS Defendants admit that they comply with the INA and applicable regulations.

DATED: August 9, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director

COLIN A. KISOR
Deputy Director

/s/ J. Max Weintraub
J. MAX WEINTRAUB
Senior Litigation Counsel
United States Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-7551

No. CV 2:16-cv-01024-RSM
DHS DEFENDANTS’ RESPONSES
TO PLAINTIFFS’ FIRST SET OF RFAs

U.S. DEPARTMENT OF JUSTICE
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
(703) 305-7551

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Facsimile: (202) 305-7000
E-mail: jacob.weintraub@usdoj.gov

GLADYS M. STEFFENS GUZMÁN
Trial Attorney
United States Department of Justice

Attorneys for Defendants

No. CV 2:16-cv-01024-RSM
DHS DEFENDANTS' RESPONSES
TO PLAINTIFFS' FIRST SET OF RFAs

9

U.S. DEPARTMENT OF JUSTICE
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
(703) 305-7551

EXHIBIT W

PRIVILEGED AND CONFIDENTIAL

March 18, 2016

TO: Print Maggard
Chief Immigration Judge (acting)

Rodin Rooyani
Assistant Chief Immigration Judge
Los Angeles, California Immigration Court

FROM: Joseph Neifert
Court administrator

DP [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED]

DP [Redacted]

[Redacted]

[Redacted]

New charging documents are not being entered within 5 days of receipt due to the dismantling of the docketing unit and a general lack of resources. Currently, interpreters assist with inputting charging documents when they are available. We found charging documents from November of 2015 still waiting to be entered into CASE. We found numerous charging documents stacked on staging shelves.

A fundamental responsibility of every immigration court is to timely input and calendar new cases. To do otherwise may deprive respondents of a timely hearing.

DP [Redacted]

EXHIBIT X

CONFIDENTIAL

PRIVILEGE LOG (September 29, 2017)
 Mendez Rojas v. Johnson , 16-cv-1024 (W.D. Wa.)

BATES	DOC. DATE	AUTHOR(S)	COPIES SENT TO	DOC TYPE	DESCRIPTION	PRIVILEGE/COMMENTS
USA-6-000104-000142	5/12/2017	[REDACTED]	A [REDACTED]	.pdf	Report: Cleveland Immigration Court	DP
USA-6-000143-000179	Unknown	[REDACTED]	Judge N [REDACTED] and [REDACTED]	.pdf	Report: Houston Immigration Court	DP
USA-6-000180-000208	3/18/2016	[REDACTED]	[REDACTED]	.pdf	Report: Los Angeles Immigration Court	DP

LES-Law Enforcement-Sensitive
 DP-Deliberative Process
 AWP-Attorney Work Product
 PA-Privacy Act
 NA-Not Applicable
 AC-Attorney Client

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

May 12, 2017

TO: [redacted]
Assistant Chief Immigration Judge
[redacted]
Deputy Chief Immigration Judge

FROM: [redacted]
Court administrator

DP [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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[redacted]

[redacted]

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[redacted]

REPLACEMENT

USA 6 000104

DP
[Redacted text block containing approximately 15 lines of blacked-out content]

[Back Log – NTAs COVs and Transfers:](#)

Currently there are 377 NTAs that have yet to be entered into the CASE system. Four of the 377 cases are detained. Currently, there are 167 changes of venue where the file has been received, but the case has yet to be scheduled in CASE. There are four administrative transfers where the file is on-site but the case has yet to be scheduled in CASE ([Tab-10](#)).

EXHIBIT Y

Dufresne, Jill (EOIR)

From: Dufresne, Jill (EOIR)
Sent: Wednesday, April 29, 2015 4:25 PM
To: Cicolini, Pietro (EOIR); Lowe, Brian (EOIR)
Cc: Ortiz-Ang, Susana (EOIR); Halpin, Robert (EOIR)
Subject: RE: Overtime Evaluation

Thank you!

From: Cicolini, Pietro (EOIR)
Sent: Monday, April 27, 2015 9:29 AM
To: Lowe, Brian (EOIR)
Cc: Ortiz-Ang, Susana (EOIR); Halpin, Robert (EOIR); Dufresne, Jill (EOIR)
Subject: RE: Overtime Evaluation

Brian,

Thank you for the email. I apologize for not replying earlier, but I was out on Friday, and have been "putting out fires" this morning.

- 1) Yes – I have \$706.79 remaining in OT pay transferred from Boston's budget. That leaves me around 16 hours (at GS 8/10 level) of OT (transferred to me from Boston's budget). Today, we are expecting a large shipment of back logged NTAs from the Boston court to enter for them. I have at least one clerk ready to start working overtime once the NTAs arrive. I would expect to use the 16 remaining hours we have, potentially requesting 10 hours more if the NTA supply continues.
- 2) As we are currently being transferred money from Boston, I am not asking for additional monies to be budgeted directly to us. As stated above, the Boston Immigration Court transferred us their approved OT dollars. Hartford staff is helping Boston with their backlog of NTAs. Boston's current low staffing levels make it difficult to keep up with the consistent flow of newly filed NTAs. Boston employees are not able to work overtime hours, so Boston requested assistance from their sister court in Hartford to enter the NTAs, create the ROPs, schedule the initial masters, and serve the notices. I was personally in Boston this past Thursday, and saw around 250 NTAs waiting to be entered.

Boston originally transferred \$2519.80 in OT monies from their approved budget to us for NTA entry. As they continue to receive more NTAs, I would expect our staff to use the 16 hours of OT to enter the NTAs, create the ROPs, schedule the masters, and serve the notices. We have been able to help Boston with their NTA entry on overtime hours. Our staff is not able to enter NTAs during normal work hours, as our priority, detained, state custody, juvenile, and "normal" case dockets have all increased in activity these last few months.

- 3) Yes
- 4) N/A

Thank you for the table. It is accurate and matches my records as well.

Let me know if you need anything further,

Peter Cicolini
Court Administrator
U.S. Immigration Court
AA Ribicoff Federal Building
450 Main Street, Room 628

Hartford, CT 06103
860-240-3881

From: Lowe, Brian (EOIR)
Sent: Friday, April 24, 2015 4:38 PM
To: Cicolini, Pietro (EOIR)
Cc: Ortiz-Ang, Susana (EOIR)
Subject: Overtime Evaluation

Dear Mr. Cicolini,

On behalf of Ms. Ortiz-Ang I am requesting the following information:

- 1) Do you anticipate additional OT? YES/NO
- 2) If YES, please submit an OT request with a thorough and detailed justification.
- 3) Do you anticipate using the remainder of your balance? YES/NO
- 4) If NO, what is the amount you will not use that can be allocated to other courts in need of OT?

Please see table below for your court's actions for this fiscal year. Additionally I have attached the PP #6 OT report.

Thank you for your prompt responses. If you have any questions please do not hesitate to contact me.

Hartford						
Totals	58.00	41.50	\$2,519.80	\$1,708.30		
Date/Pay Period	Approved OT	OT Used	Amount	Usage	Balance	
2/25/2015	38.00		\$1,675.20		\$1,675.20	Transferred from Boston
3/23/2015	20.00		\$844.60		\$2,519.80	Transferred from Boston
#5		33.50		\$1,375.65	\$1,144.15	
#6		8.00		\$332.65	\$811.50	

Brian Lowe
Task Manager, Executive Officer's Unit
Office of the Chief Immigration Judge
Executive Office for Immigration Review
(703) 605-1385
brian.lowe@usdoj.gov

EXHIBIT Z

From: [McDaniel, Scott \(EOIR\)](#)
To: [Jauregui, Maria \(EOIR\)](#)
Subject: RE: NTAs
Date: Tuesday, March 07, 2017 11:55:00 AM

Yes, but I'm loathe to do so. Last time 8 people entered only 360 NTAs in an 8 hour period. Some were only able to do one docket in the entire 8 hours. If OCIJ has another solution I'd rather hear about that first.

From: Jauregui, Maria (EOIR)
Sent: Tuesday, March 07, 2017 8:44 AM
To: McDaniel, Scott (EOIR)
Subject: FW: NTAs

Do we need another OT project on this?

Maria Jauregui
Court Administrator
Department of Justice
Executive Office for Immigration Review
San Francisco Immigration Court
100 Montgomery Street, Suite 800
San Francisco, CA 94104
415.705.0164
Maria.Jauregui@usdoj.gov

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From: Fekete, John (EOIR)
Sent: Tuesday, March 07, 2017 8:30 AM
To: Jauregui, Maria (EOIR)
Cc: McDaniel, Scott (EOIR)
Subject: RE: NTAs

Maria and Scott, I estimate approximately 1,300 paperclips of NTAs awaiting entry and scheduling. The majority are AWCs with multiple family members. Thus, the total number of individual NTAs could easily be tripled. The total also includes UC's and single respondents.

All received dates have been identified, and the majority of them are stamped and ready for processing. NTA's are our priority, and Intake works on them daily, in addition to the Asylum Referrals and COVs and bond-outs.

The majority of them go back to January, and we are working on the oldest ones first, including some that are from December.

John Fekete
Supervisory Legal Assistant
Intake Unit
San Francisco Immigration Court
415-315-4606

From: Jauregui, Maria (EOIR)
Sent: Tuesday, March 07, 2017 7:58 AM
To: Fekete, John (EOIR)
Cc: McDaniel, Scott (EOIR)
Subject: Fwd: NTAs

John,

Please let us know where we are with NTA's? OCIJ wants to know if we have NTA's older than 1 week pending to enter. Please advise ASAP. Thanks!

Sent via my iPhone

Maria Jauregui
Court Administrator
San Francisco Immigration Court
100 Montgomery Street, Suite 800
San Francisco, Ca 94104
415.705.0164
maria.jauregui@usdoj.gov

Begin forwarded message:

From: "Carr, Donna (EOIR)" <Donna.Carr@EOIR.USDOJ.GOV>
Date: March 7, 2017 at 5:35:54 AM PST
To: "All of Court Administrators (EOIR)"
<All_of_Court_Administrators@EOIR.USDOJ.GOV>
Subject: NTAs

Hi, all. I understand that DHS has been dropping a lot of NTAs on us lately. If you have a backlog of NTAs to enter (older than a week), please tell me how many you have. If you have a backlog of NTAs from another court, please tell me how many you have and from which courts.

If I do not hear from you, I will assume you are current.

EXHIBIT AA

From: [McDaniel, Scott \(EOIR\)](#)
 To: [Murphy, Rebecca V. \(EOIR\)](#); [Bentley, Ridwana \(EOIR\)](#); [Berman-Vaporis, Rachel \(EOIR\)](#); [Bochicchio, Kristin \(EOIR\)](#); [Burch, Valerie A. \(EOIR\)](#); [Chin, Judy \(EOIR\)](#); [Clay, Michael \(EOIR\)](#); [Coleman, Shianne \(EOIR\)](#); [Coloma, Roman \(EOIR\)](#); [Conklin-Rauch, Amie \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Crombie, Nicole \(EOIR\)](#); [Cromwell, James \(EOIR\)](#); [Daw, Allison \(EOIR\)](#); [DeGuzman, Rod D \(EOIR\)](#); [Fassler, Judy \(EOIR\)](#); [Fekete, John \(EOIR\)](#); [Geisse, Loreto S. \(EOIR\)](#); [Globerson, Justin \(EOIR\)](#); [Gonzales, Marites \(EOIR\)](#); [Graves, Venus \(EOIR\)](#); [Greene, Charles S. \(EOIR\)](#); [Gumar, Alice \(EOIR\)](#); [Hartman, Jeffrey \(EOIR\)](#); [Hayward, Miriam \(EOIR\)](#); [Hiscox, Elsa \(EOIR\)](#); [Holyoak, Dalin R. \(EOIR\)](#); [Hom, Janey \(EOIR\)](#); [Hoogasian, Amy C. \(EOIR\)](#); [Hui, Doris \(EOIR\)](#); [Jamil, Rebecca \(EOIR\)](#); [Jauregui, Maria \(EOIR\)](#); [Kazim, Hannah \(EOIR\)](#); [Kim, Christine \(EOIR\)](#); [King, Carol \(EOIR\)](#); [Kolson, Theodore \(EOIR\)](#); [Kuchins, Olga \(EOIR\)](#); [Long, Amy \(EOIR\)](#); [Luk, Ceasar \(EOIR\)](#); [Lyons, Joren \(EOIR\)](#); [Malhi, Sundeep \(EOIR\) \(CTR\)](#); [Mansfield, Stephen \(EOIR\)](#); [Marks, Dana \(EOIR\)](#); [McDaniel, Scott \(EOIR\)](#); [McTavish, Michele \(EOIR\)](#); [Messidoro, Eduardo \(EOIR\)](#); [Moore, Mary \(EOIR\)](#); [Moskowitz, Andre \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Nicolassi, Maria \(EOIR\)](#); [Padilla, Violeta \(EOIR\)](#); [Paulino, Robin K. \(EOIR\)](#); [Pond, Judith \(EOIR\)](#); [Puhl, Emily \(EOIR\)](#); [Ramirez, Laura \(EOIR\)](#); [Rangel, Rebeca \(EOIR\)](#); [Rosal, Emmanuel \(EOIR\)](#); [Savage, Patrick S. \(EOIR\)](#); [Shevchenko, Lilian \(EOIR\)](#); [Simcovich, Debora \(EOIR\)](#); [Simpson, Scott \(EOIR\)](#); [Sisneros, Ida \(EOIR\)](#); [Stephens, Douglas \(EOIR\)](#); [Streff, Zachary \(EOIR\)](#); [Tai, Doumao \(EOIR\)](#); [Talley, Kaitlin \(EOIR\)](#); [Tran, Anna \(EOIR\)](#); [Valenzuela, Miguel \(EOIR\)](#); [Vasquez, Eliana C. \(EOIR\)](#); [Ventrudo, Scott \(EOIR\)](#); [Villanueva, Sandra \(EOIR\)](#); [von Herrmann, Anna \(EOIR\)](#); [Webber, Polly \(EOIR\)](#); [Williams, Dominique \(EOIR\)](#); [Young, Elizabeth L. \(EOIR\)](#); [Young, Mei \(EOIR\)](#)

Subject: FW: OPPM 16-01: Filing Applications for Asylum (On Behalf of Acting Chief Immigration Judge McGoings)
 Date: Wednesday, September 14, 2016 3:21:03 PM
 Attachments: [DOC006.pdf](#)

Good Afternoon:

Everyone has already received the attached OPPM that now allows asylum applications to be filed at the front window rather than at a master calendar hearing. It is imperative that everyone read the OPPM carefully as this is a dramatic shift in how we process cases. The purpose of this email is to provide further guidance for our local procedures here in San Francisco.

Intake/PHU Unit

The Intake and PHU Units that process in person filings and mail will face the initial brunt of this change. In person filings will be reviewed to ensure the NTA has been filed with San Francisco and that basic biographic information identifying the respondent is included in the application. Staff should apply the same review to filed applications as they do to lodged applications. It is the responsibility of the Intake staff to provide a copy of the 180 day asylum notice to the person performing the in person filing. The I-589 will be stamped and placed in the respective legal assistant's inbox. With regard to mailed filings, the staff person (whether Intake or PHU) will review CASE to ensure the NTA has been filed with San Francisco and that basic biographic information identifying the respondent is included. It will be the responsibility of the person processing the mailed filing to mail back a copy of the 180 asylum clock notice **ONLY IF** a self-addressed stamped envelope is included with the filing (it is likely almost all mailed filings will include this as the attorney will have sent a second copy of the asylum application

to be stamped as a conforming copy and sent back to them). The I-589 will be stamped and placed in the respective legal assistant's inbox.

Hearings Unit

The legal assistants in the Hearings Units will see a change to the way they process I-589s filed in person or by mail. In the past, legal assistants only entered the withholding and CAT application in CASE. Effective immediately, the asylum application must be entered as well using the EOIR date stamp information on the front page of the application as the filing date. This will cause the asylum clock to run. Do not, under any circumstances, attempt to stop or alter the asylum clock as a result of this entry. Applications filed for Withholding Only proceedings are the exception to this change as CASE does not recognize the asylum application for this proceeding. For W/O proceedings the legal assistants should continue to just enter the withholding and CAT applications.

Please let me know you have any questions or concerns. If you are overly inundated with these filings as I suspect we will be initially at least, please let your supervisor know so we may attempt to find additional resources to assist.

Thanks:
Scott

From: Boone-Fisher, Sabina (EOIR)

Sent: Wednesday, September 14, 2016 10:49 AM

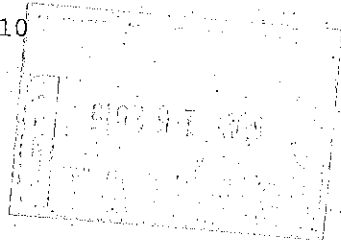
To: All of Adelanto (EOIR); All of Arlington (EOIR); All of Atlanta (EOIR); All of Aurora (EOIR); All of Baltimore (EOIR); All of Batavia (EOIR); All of Bloomington (EOIR); All of Boston (EOIR); All of Bradenton (EOIR); All of Buffalo (EOIR); All of Charlotte (EOIR); All of Chicago (EOIR); All of Cleveland (EOIR); All of Dallas (EOIR); All of Denver (EOIR); All of Detroit (EOIR); All of East Mesa (EOIR); All of El Centro (EOIR); All of El Paso (EOIR); All of El Paso Detention (EOIR); All of Elizabeth (EOIR); All of Eloy (EOIR); All of Fishkill (EOIR); All of Florence (EOIR); All of Harlingen (EOIR); All of Hartford (EOIR); All of Honolulu (EOIR); All of Houston (EOIR); All of Houston Detention (EOIR); All of Imperial (EOIR); All of Kansas City (EOIR); All of Krome (EOIR); All of Lancaster (EOIR); All of Las Vegas (EOIR); All of Los Angeles (EOIR); All of Memphis (EOIR); All of Miami (EOIR); All of New Orleans (EOIR); All of New York (EOIR); All of Newark (EOIR); All of Oakdale (EOIR); All of Omaha (EOIR); All of Orlando (EOIR); All of Pearsall (EOIR); All of Philadelphia (EOIR); All of Phoenix (EOIR); All of Port Isabel (EOIR); All of Portland (EOIR); All of Saipan (EOIR); All of Salt Lake City (EOIR); All of San Antonio (EOIR); All of San Diego (EOIR); All of San Francisco (EOIR); All of San Juan (EOIR); All of San Pedro (EOIR); All of Seattle (EOIR); All of Stewart (EOIR); All of Tacoma (EOIR); All of Tucson (EOIR); All of Ulster (EOIR); All of Varick (EOIR); All of York (EOIR)

Cc: Barnes, Corbin T. (EOIR); Bauder, Melissa (EOIR); Boone-Fisher, Sabina (EOIR); Bowser, Mario (EOIR); Brown-Coward, Heather (EOIR); Cannetti, Francesca P. (EOIR); Dufresne, Jill (EOIR); Hawkins, Kimberly (EOIR); Jackson, Cynthia (EOIR); Keller, Mary Beth (EOIR); Kelly, Ed (EOIR); Kuiken, Celia

EXHIBIT BB

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SAN ANTONIO, TX

Dobrin & Han, PC
Dobrin, Vicky Jane
705 Second Ave, Suite 610
Seattle, WA 98104



FILE: [REDACTED]
DATE: May 8, 2015

Notice of Hearing

RE: MENDEZ-ROJAS, CONCEL DEL CARMEN

This notice is to inform you that your case has been received by the Immigration Court in SAN ANTONIO. Your case has been scheduled for a hearing on November 29, 2019. This hearing date is set as an administrative measure to ensure the appropriate docketing and tracking of your case. Your hearing will most likely be rescheduled at a later time. If your hearing is rescheduled, you will receive notice of the new date and time of your hearing.

If you change your address or telephone number, you must notify the Immigration Court of your new address or telephone number within five days of the change. To change your address or telephone number, you must provide the Immigration Court in SAN ANTONIO the attached Form EOIR-33/IC with your current address and telephone number.

The Form EOIR-33/IC can also be obtained from the SAN ANTONIO Immigration Court and is available on the Executive Office for Immigration Review's website at www.justice.gov/eoir. Correspondence from the Immigration Court, including hearing notices, will be sent to the most recent address you have provided. If you do not appear at a hearing, you may be ordered deported in your absence.

If you are the attorney or representative of record, it is your responsibility to advise your client of this information.

For information regarding the status of your case, call toll free 1-800-898-7180.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN'S ATT/REP [] DHS
DATE: 5/8/15 BY: COURT STAFF
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

EXHIBIT CC

CONFIDENTIAL - PROTECTIVE ORDER

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: [REDACTED]

In the Matter of:

Respondent: MENDEZ-ROJAS, Concei Del Carmen currently residing at:

[REDACTED]

(Number, street, city and ZIP code)

(Area code and phone number)

- checkbox You are an arriving alien.
checkbox You are an alien present in the United States who has not been admitted or paroled.
checkbox You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1) You are not a citizen or national of the United States.
2) You are a native of Dominican Republic and a citizen of Dominican Republic.
3) You entered the United States at or near Laredo, TX on 09/23/2013.
4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.
5) You were not then admitted or paroled after inspection by an immigration officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act(Act), as amended, as immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

checkbox This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

checkbox Section 235(b)(1) order was vacated pursuant to: checkbox 8CFR 208.30 checkbox 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

SNA Immigration Court 800 Dolorosa St., Suite 300, San Antonio, TX 78207

(Complete Address of Immigration Court, including Room Number, if any)

on To Be Determined at To Be Determined to show why you should not be removed from the United States based on the (Date) (Time)

charge(s) set forth above.

Supervisory Asylum Officer

Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date: 10/16/2017

Houston, TX (City and State)

CONFIDENTIAL - PROTECTIVE ORDER

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the Immigration Judge.

You will be advised by the Immigration Judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the Immigration Judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the Department of Homeland Security immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the Immigration Judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act (the Act).

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 10/16/2017, in the following manner and in compliance with section 239(a)(1) of the Act.

in person by certified mail, returned receipt # _____ requested by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Concepcion Mendez Bolas
(Signature of Respondent if Personally Served)

(Signature and Title of officer)

EXHIBIT DD

CONFIDENTIAL - PROTECTIVE ORDER

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: [REDACTED]

In the Matter of:

Respondent: RODRIGUEZ-ESCOBAR, Elmer Geovanni currently residing at:

[REDACTED]

(Number, street, city and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of Honduras and a citizen of Honduras.
- 3) You entered the United States at or near Eagle Pass, TX on 7/9/2014.
- 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing card, or other valid entry document.
- 5) You were not then admitted or paroled after inspection by an immigration officer.

RECEIVED
DEPARTMENT OF JUSTICE
 SEP 20 2014
 EXECUTIVE OFFICE FOR
 IMMIGRATION REVIEW
 IMMIGRATION COURT
 SAN ANTONIO, TEXAS

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act(Act), as amended, as immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

SNA Immigration Court 800 Dolorosa St. Suite 300, San Antonio, TX 78207

(Complete Address of Immigration Court, including Room Number, if any)

on To Be Determined at To Be Determined you should not be removed from the United States based on the

charge(s) set forth above.

[REDACTED] Supervisory Asylum Officer

Date: JUL 23 2014

Houston, TX
(City and State)

Exh. 1

CONFIDENTIAL - PROTECTIVE ORDER

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the Department of Homeland Security immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act (the Act).

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 7.25.17, in the following manner and in compliance with section 239(a)(1) of the Act.

in person by certified mail, returned receipt # _____ requested by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Elmer
(Signature of Respondent if Personally Served)

Title of officer)

EXHIBIT EE

**INSTRUCTIONS FOR SUBMITTING CERTAIN APPLICATIONS IN
IMMIGRATION COURT AND FOR PROVIDING BIOMETRIC AND BIOGRAPHIC
INFORMATION TO U. S. CITIZENSHIP AND IMMIGRATION SERVICES**

A. Instructions for Form I-589 (Asylum and for Withholding of Removal)*

In addition to filing your application and supporting documents with the Immigration Court and serving a complete copy of your application on the appropriate Immigration and Customs Enforcement (ICE) Office of Chief Counsel, you must also complete the following requirements before the Immigration Judge can grant relief or protection in your case:

SEND these 3 items to the address below:

- (1) A clear copy of the **first three pages** of your completed Form I-589 (Application for Asylum and for Withholding of Removal) that you will be filing or have filed with the Immigration Court, which must include your **full name, your current mailing address, and your alien number (A-number)**. (Do Not submit any documents other than the first three pages of the completed I-589),
- (2) A copy of Form G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative) if you are represented, and
- (3) A copy of these instructions.

**USCIS Nebraska Service Center
Defensive Asylum Application With Immigration Court
P.O. Box 87589
Lincoln, NE 68501-7589**

Please note that there is **no filing fee required** for your asylum application.

After the 3 items are received at the USCIS Nebraska Service Center, **you will receive:**

- A **USCIS receipt notice** in the mail indicating that USCIS has received your asylum application, and
- An **ASC notice** for you, and separate Application Support Center (ASC) notices for each dependent included in your application. Each ASC notice will indicate the individual's unique receipt number and **will provide instructions for each person to appear** for an appointment **at a nearby ASC for collection of biometrics** (such as your photograph, fingerprints, and signature). If you do not receive this notice in 3 weeks, call (800) 375-5283. If you also mail applications under Instructions B, you will receive 2 notices with different receipt numbers. You must wait for and take both scheduling notices to your ASC appointment.

You (and your dependents) must then:

- **Attend** the biometrics appointment at the ASC, and obtain a **biometrics confirmation** document before leaving the ASC, and
- **Retain** your **ASC biometrics confirmation** as proof that your biometrics were taken, and bring it to your future Immigration Court hearings.

*** NOTE: IF YOU ARE FILING A FORM I-589 AND/OR ANOTHER APPLICATION, SEE THE REVERSE OF THIS FORM FOR ADDITIONAL INSTRUCTIONS.**

Important: Failure to complete these actions and to follow any additional instructions that the Immigration Judge has given you could result in delay in deciding your application or in your application being deemed abandoned and dismissed by the court. Revised 9/5/13

B. Instructions for Form(s) I-485, I-191, I-601, I-602, I-881, EOIR-40, EOIR-42A, or EOIR-42B

In addition to filing your application(s) with the Immigration Court and serving a complete copy of any such application(s) on the appropriate Immigration and Customs Enforcement (ICE) Office of Chief Counsel, you must also complete the following requirements before the Immigration Judge can grant relief in your case:

SEND these 5 items to the address below:

- (1) A clear copy of the entire application form(s) that you will be filing or have filed with the Immigration Court. (Do not submit any documents such as attachments – send only the completed form itself),
- (2) The appropriate application fee(s) or the Immigration Judge’s order granting your fee waiver. (The fee can be found in the instructions with the application, the regulations, and at www.uscis.gov or for the EOIR forms, at www.usdoj.gov/eoir),
- (3) The mandatory \$85 USCIS biometrics fee,
- (4) A copy of Form G–28 (Notice of Entry of Appearance as Attorney or Accredited Representative) if you are represented, and
- (5) A copy of these instructions.

**USCIS Texas Service Center
P.O. Box 852463
Mesquite, Texas 75185-2463**

All fees must be submitted in the form of a check or a money order (or separate checks/money orders) and be made out to: “Department of Homeland Security.”

After the 5 items are received at the USCIS Texas Service Center, **you will receive:**

- A **USCIS fee receipt notice** showing that you have paid the application fee (unless waived) and the mandatory biometrics fee. **Keep a copy for yourself.**
- A **USCIS notice with instructions to appear** for an appointment at a nearby **Application Support Center (ASC) for collection of your biometrics** (such as your photographs, fingerprints, and signature). This notice contains your important USCIS application receipt number which must be presented to the ASC. Your dependents will receive separate ASC notices if they are required to provide biometrics. If you do not receive this notice in 3 weeks, call (800) 375-5283. If you also apply for asylum, take both scheduling notices to your ASC appointment (*see* side A). **Keep copies of all ASC scheduling notices for your records.**

You (and your dependents) must then:

- **Attend** this ASC biometrics appointment and obtain a **biometrics confirmation** document from the ASC,
- **File** the following with the Immigration Court within the time period directed by the Immigration Judge: (1) the original **application Form**, (2) all **supporting documentation**, and (3) the **USCIS fee receipt notice** that serves as evidence that you paid the filing fees (unless the Immigration Judge granted you an application fee waiver), and
- **Retain** your **ASC biometrics confirmation** as proof that your biometrics were taken, and bring it to your future Immigration Court hearings.

DO NOT SUBMIT THE ORIGINAL APPLICATION TO USCIS. DO NOT SUBMIT ANY APPLICATIONS TO THIS POST OFFICE BOX OTHER THAN THOSE APPLICATIONS LISTED. ALL OTHER APPLICATIONS, INCLUDING APPLICATIONS FOR EMPLOYMENT AUTHORIZATION AND IMMIGRANT PETITIONS, WILL BE RETURNED TO YOU IF SENT TO THIS POST OFFICE BOX. FOR SUBMITTING APPLICATIONS NOT LISTED ON SIDE A OR SIDE B OF THIS PAPER, PLEASE FOLLOW THE INSTRUCTIONS THAT ACCOMPANY THE APPLICATION.

Important: Failure to complete these actions and to follow any additional instructions that the Immigration Judge has given you could result in delay in deciding your application or in your application being deemed abandoned and dismissed by the court. Revised 9/5/13

EXHIBIT FF



U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

800 DOLOROSA ST SUITE 300
SAN ANTONIO, TX 78207

VICKY DOBRIN, ESQ.
705 SECOND AVE, SUITE 610
SEATTLE, WA 98104

OFFICE OF CHIEF COUNSEL
8940 FOURWINDS DR., 5TH FLOOR
SAN ANTONIO, TX 78239

Name: ELMER G. RODRIGUEZ-ESCOBAR

A [REDACTED]

Date of Notice: June 24, 2015

**REJECTED FILING
NOTICE TO ATTORNEY OR REPRESENTATIVE**

This notice is to inform you that the filing received by the Immigration Court on June 24, 2015, is being rejected for the reasons given below. We have returned your filing and all attachments for correction of the defects. If you return the documents, you must return them promptly to the Immigration Court. See Practice Manual Chapter 3.1(d)(i). You must also attach this rejection notice to the documents. In addition, you must serve a copy of the corrected filing on the Department of Homeland Security.

Documents being rejected: EOIR 28 & 33, AND I-589 TO LODGED.

- No Proof of Service** – The filing did not include a proof of service. An exact copy of your filing must be served on the opposing party. See Practice Manual Chapter 3.2 and Appendix G.
- Improper Proof of Service** – The Proof of Service does not comply with the applicable requirements. See Practice Manual Chapter 3.2 and Appendix G.
- No Fee Receipt, Other Proof of Payment, or Fee Waiver Request** – There is a fee required for this filing. The fee must be paid to the Department of Homeland Security. You did not provide a fee receipt, other proof of payment, or fee waiver request. See Practice Manual Chapter 3.4.
- Fee Incorrectly Paid to Court** – You have attached a check or money order to this filing. The Immigration Court does not accept fees. For filings that require fees, you must submit the fee to the Department of Homeland Security. See Practice Manual Chapter 3.4.
- No Name** – The filing is missing the respondent's name. See Practice Manual Chapter 3.3 and Appendix F.
- No A-Number** – The filing is missing the respondent's A-number. See Practice Manual Chapter 3.3 and Appendix F.

- No Notice of Entry of Appearance** – No Notice of Entry of Appearance (Form EOIR-28) has been filed indicating that you are the attorney or representative of record. Until you have filed a Form EOIR-28 with the court, you cannot represent this respondent before the court. *See Practice Manual Chapter 2.1.*
- Other Counsel Entered** – A properly filed Form EOIR-28 indicates that the respondent is presently being represented by another attorney or accredited representative. The court cannot accept your Form EOIR-28 until you either file a motion to substitute or annotate your Form EOIR-28 to reflect an “on-behalf-of” appearance or an appearance as co-counsel, as appropriate. *See Practice Manual Chapter 2.3.*
- Incorrect Filing Location (Case at Court)** This Immigration Court is not, at this time, the correct filing location. Our records indicate that the Immigration Court is the correct filing location.
- Incorrect Filing Location (Case at BIA)** – This Immigration Court is not, at this time, the correct filing location. Our records indicate that the Board of Immigration Appeals is the correct filing location.
- Case not Pending** – According to our records, this case is not pending before this Immigration Court, nor does it appear in our national computer database as pending before any Immigration Court. Please check the A-number and name of the respondent and/or contact the Department of Homeland Security regarding the filing of a Notice to Appear. The Immigration Court cannot schedule a hearing or take any action unless the Department of Homeland Security has filed the charging document with the Immigration Court.
- Missing or Improper Signature** – The filing is not properly signed. Most filings require an original signature by the filing party. *See Practice Manual Chapter 3.3(b).*
- No Translation or Improper Translation** – You did not provide an English translation for a foreign language document, or you provided an improper translation. *See Practice Manual Chapter 3.3(a).*
- No Cover Page** – You did not provide a cover page. *See Practice Manual Chapter 3.3(c)(vi) and Appendix F.*
- Not Two-Hole Punched** – The filing was not two-hole punched. *See Practice Manual Chapters 3.3(c)(iv) and 3.3(c)(viii).*
- No Pagination** – The filing was not page-numbered. *See Practice Manual Chapter 3.3(c)(iii).*
- No Proposed Order** – You filed a motion seeking a ruling but did not provide a proposed order. *See Practice Manual Chapter 5.2(b) and Appendix Q.*
- Other: THERE MUST BE A CASE PENDING BEFORE THE COURT IN ORDER TO FILE ANY DOCUMENTATION TO INCLUDE LODGING AN I589. PLEASE CALL THE 800 TO CHECK IF THERE IS HEARING DATE PRIOR TO SUBMITTING DOCS.**

The Immigration Court Practice Manual may be found at www.usdoj.gov/eoir.

Certificate of Service

This document was served by: Mail Personal Service

To: Alien Alien c/o Custodial Officer Alien's Att/Rep DHS

Date: June 24, 2015 SUPP. By: Court Staff NORTHWEST IMMIGRANT RIGHTS PROJECT

Attachments: EOIR-33 EOIR-28 Legal Services List Other

Case No. 2:16-cv-01024-RSM - 231 615 Second Ave., Ste. 400
Seattle, WA 98104
Telephone (206) 957-8611

EXHIBIT GG

CONFIDENTIAL - PROTECTIVE ORDER

AWC/ATD

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

[Redacted]

File No. [Redacted]

DOB: 06/24/1979

[Redacted]

In the Matter of:

Respondent: LIDIA MARGARITA LOPSE ORELLANA

currently residing at:

[Redacted]

[Redacted]

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of GUATEMALA and a citizen of GUATEMALA;
3. On February 28, 2014, you applied for admission to enter the United States at the Eagle Pass, Texas Port of Entry;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

800 DOLOROSA STREET-SUITE 300 San Antonio TX 78207.

(Complete Address of Immigration Court, including Room Number, if any)

on To be set. at To be set. to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

SDDO

(Signature of Issuing Officer)

Date: September 30, 2015

San Antonio, Texas

This Notice to Appear Supersedes the Notice to Appear issued on February 23, 2015 (City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

CONFIDENTIAL - PROTECTIVE ORDER

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on September 30, 2015, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person by certified mail, return receipt requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Didia M Lopez
(Signature of Respondent if Personally Served)

(Signature and Title of officer)

Form I-862 Page 2 (Rev. 08/01/07)

CONFIDENTIAL - PROTECTIVE ORDER

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name LOPEZ ORELLANA, LIDIA MARGARITA	File Number [REDACTED]	Date 09/30/2015
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ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

COPY

Signature

[REDACTED SIGNATURE]

Title

gddo

3 of 3 Pages

Form I-831 Continuation Page (Rev. 08/01/07)

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CERTIFICATE OF SERVICE

1
2 I, Glenda M. Aldana Madrid, hereby certify that on October 30th, 2017, I electronically
3 filed the foregoing declaration and exhibits with the Clerk of the Court using the CM/ECF
4 system, which will send notification of such filing to all parties of record.
5

6 Executed in Seattle, Washington, on October 30, 2017.
7

8 s/ Glenda M. Aldana Madrid
9 Glenda M. Aldana Madrid, WSBA No. 46987
10 NORTHWEST IMMIGRANT RIGHTS PROJECT
11 615 2nd Avenue, Suite 400
12 Seattle, WA 98104
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