



CHICAGO E-SERVICE FACT SHEET

The Office of the Chief Counsel (OCC), Chicago, has implemented use of Electronic Service (E-Service). Use of E-Service is voluntary, and is a substitute for service through regular mail. The E-Service Address is: chicagooccfilings@ice.dhs.gov

Terms and Conditions of Use

1. E-Service is limited to the following types of documents:
 - a. Motions, briefs, applications, and evidence filed with the Immigration Judge or the Board of Immigration Appeals
 - b. Joint Motions to Reopen
 - c. Requests for Prosecutorial Discretion

Note: General inquiries should be sent to the team mail boxes.

2. The subject line of the email **must** include only the Alien Registration Number (A-Number) and name of the type of document being served.
3. Documents being served must be in either Adobe Acrobat (PDF) or Microsoft Word format only, and must be attached to the e-mail correspondence. OCC will not access documents through hyperlinks to storage servers, file drop-boxes, “cloud” servers, or other non-attachment sources.
4. The body of the e-mail **must** include the following information:
 - b. Alien’s Name and A-Number
 - c. Detained / Non-detained status
 - d. Immigration Judge
 - e. Next Hearing Date (if applicable)
 - f. Attorney’s Name, Mailing Address, Telephone Number, E-mail Address

Note: Electronic correspondence containing *only* attachments and *without* the above text in the body of the e-mail will not be opened by OCC and deemed improperly served.

5. An e-mail reply will be forwarded within 24 hours of receipt confirming the title of the document received and the number of pages.
6. By serving documents electronically through this system, the alien and his representative consent to receipt of service of ICE submissions by electronic service in accordance with DHS policies.
7. By serving documents electronically through this system, the alien and his representative consent to the Terms and Conditions of Use.

Penalties

1. E-mails that do not comply with the Terms and Conditions of Use may be rejected.
2. Violations of the Terms and Conditions of Use will result in suspension of e-mail inquiry privileges.

E-Service



CHICAGO E-INQUIRY FACT SHEET

Effective April 1, 2015, attorneys may contact the Office of Chief Counsel in Chicago (OCC) via e-mail about cases pending before EOIR in order to more efficiently and effectively complete litigation. The OCC staff has been divided into three teams, each of which is assigned to specific Immigration Judges (IJs). Attorneys should direct their inquiries to the e-mail box that corresponds to the Immigration Judge to whom their client's case has been assigned. The Team E-Mail Addresses are:

OCC-CHI-TeamA@ice.dhs.gov for matters before IJs Vinikoor, McNulty

OCC-CHI-TeamB@ice.dhs.gov for matters before IJs Perez-Guzman, Fujimoto, DiMarzio

OCC-CHI-TeamC@ice.dhs.gov for matters before IJs Giambastiani, Cuevas

Please comply with the Terms and Conditions of Use below when e-mailing. The OCC will respond promptly, generally within two business days.

Terms and Conditions of Use

1. **EOIR-28:** The attorney must attach a completed EOIR-28 to the e-mail. The OCC will not respond to inquiries regarding specific cases where the attorney does not have a notice of appearance on file confirming the foreign national's consent to their representation.
2. **A-Number:** The relevant alien registration number must be in the subject line of the e-mail. Attorneys will not respond to an inquiry regarding a particular case where the attorney has failed to provide his or her client's alien registration number.
3. **Not to be used for Electronic Service:** The e-mail box should not be used for serving documents on ICE (*see* E-Service Fact Sheet). Please do not submit motions, briefs, applications, requests for prosecutorial discretion, or other filings through these team e-mail boxes. They will not be accepted. For electronic service, please continue to use the electronic service email box: chicagooccfilings@ice.dhs.gov
4. **Other Pertinent Information:** The body of the e-mail must include the following information:
 - a. Foreign National's Name and Alien Registration Number
 - b. Detained or Non-detained status
 - c. Immigration Judge
 - d. Next Hearing Date (if applicable)
 - e. Attorney's Name, Mailing Address, Telephone Number, E-mail Address
5. These team e-mail boxes should not be used as a means or substitute for legal research. The OCC will not respond to general immigration law questions. However, inquiries regarding ICE processes and procedures may be appropriately directed to the e-mail box.
6. Please restrict your inquiries to specific questions regarding individual cases.
7. In certain instances, responses to e-mails may be more appropriately handled by telephone. It is imperative that a phone number is included in the e-mail to allow for a timely response by OCC staff.

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E-
Inquiry



SERVICE INSTRUCTIONS FOR REQUESTS TO JOIN IN MOTIONS TO REOPEN AND PROSECUTORIAL DISCRETION

Requests to join in Motions to Reopen and Prosecutorial Discretion must be filed electronically with our office. Paper submissions will not be accepted. Paper submissions will be returned to sender with instructions to submit electronically. If an electronic submission is not feasible, please contact our Paralegal (312-542-8200) to receive permission to proceed with a paper submission prior to filing. Our office will continue to accept paper filings in all matters from unrepresented aliens. If you submit a Joint Motion to Reopen or Prosecutorial Discretion request, do not file a copy with EOIR. A Joint Motion to Reopen filed with EOIR will be treated as a regular motion to reopen.

The Chief Counsel, in consultation with her Deputies, reviews all requests to join in Motions to Reopen. We will endeavor to respond to these requests within 90 days. If more than 90 days have elapsed and you have not received a response from our office, please contact our Paralegal for a status update.

Requests for joinder in Motions to Reopen must include (1) documentation establishing prima facie eligibility for the relief sought (approved visa petition, I-485, etc.) as well as documentation cataloging the positive factors that would establish that an exercise of favorable discretion is warranted; and (2) include a proposed joint motion (see sample attached).

***Note: Distinction between Joint Motions to Reopen,
and non-opposition to Motions to Reopen***

We request that attorneys only file requests to join in Motions to Reopen where the motion would otherwise be time or numerically barred. For example, if your client was ordered removed in absentia and you assert that your client failed to receive notice of the hearing, there are no time or numerical limitations to your motion, so joinder by our office is inappropriate. See 8 C.P.R. § 1003.2(c)(3)(iii) (if a motion is joined by the government, the time and numerical limitations of the motion are waived). In this scenario, you may file your motion directly with EOIR, follow up with the attorney assigned to respond to your motion, and seek that we not oppose your motion.



PROCEDURES FOR BACKGROUND CHECKS FOR ALIENS APPLYING FOR RELIEF OR PROTECTION FROM REMOVAL BEFORE THE EXECUTIVE OFFICE OF IMMIGRATION REVIEW (EOIR) - CHICAGO¹

I. Initial Process for Fingerprinting

At the Master Calendar hearing, the ICE Attorney provides the alien or alien's counsel with the *Instructions for Submitting Certain Applications in Immigration Court and for Providing Biometric and Biographic Information to US. Citizenship and Immigration Services*. These pre-order instructions are also available at

<http://www.uscis.gov/files/article/PreOrderinstr.pdf>

No Later Than 180 Days Prior to the Scheduled Hearing:

You must follow the instructions and submit copies of the specified applications to either the USCIS Texas or Nebraska Service Centers no later than 180 days before the scheduled hearing. You must also pay any relevant application and biometric fees, and attend an appointment at a USCIS Application Support Center (ASC) for biometrics collection. Within approximately three weeks, USCIS will send you an application receipt notice (a "fee notice" where fees are required), and an ASC biometrics appointment notice after receipt of the application. If you do not receive your application receipt notice or your ASC notice(s) after three weeks have elapsed, please call the USCIS National Customer Service Center at 1-800-375-5283. You should make copies of all application receipt notices and ASC scheduling notices and bring them to court with you. You will need to show your original ASC scheduling notice to the USCIS ASC when you attend your appointment for biometrics (e.g., fingerprints and photographs). It contains an important receipt number that the ASC must use to match your biometrics with the correct application in USCIS's systems.

Once you provide biometrics, USCIS will transmit the fingerprints to the Federal Bureau of Investigation (FBI) for criminal history checks. **You must have your fingerprints taken at least 60 days prior to the scheduled hearing date** in order for all the background clearances to be complete. Failure to provide biometrics, without good cause, may result in your application being deemed abandoned by the Immigration Judge. Prior to the hearing, you may inquire and confirm with the Office of the Chief Counsel ("OCC") as to the status of the background checks.

Important: Your fingerprints are valid only if they were taken and cleared within 15 months of the hearing. If, on your hearing date, 15 months will have elapsed from the date you were last fingerprinted, please see below.

II. Expired Fingerprints: Process for Re-Fingerprinting or Updating Existing Fingerprints

Expired Fingerprint Clearance ("Non-IDENT"):

If you were fingerprinted through the Initial Process and were cleared (no FBI record), but the clearance will have expired prior to the hearing, you must be re-fingerprinted. To ensure getting background clearances on these reprints, you are encouraged to contact USCIS not less than 14 days, but no sooner than 60 days prior to the scheduled hearing date, unless otherwise ordered by the Immigration Judge. You may make an Info Pass appointment at <http://www.infopass.uscis.gov>. If you do not have access to a computer, you may make an in-person appointment at your nearest USCIS office. Pursuant to the regulations, failure to provide current biometrics, without good cause, may result in your application being deemed abandoned by the Immigration Judge.

Existing Fingerprints (FBI Official RAP Sheet or "IDENT") Expired:

If you were fingerprinted through the Initial Process, and you have been identified to have an FBI record (FBI Official RAP sheet or "IDENT") that will have expired prior to the hearing, you must call our office to confirm that no further action on your part is required. In most cases, our office will request an updated FBI RAP sheet prior to the hearing without the need for you to be re-fingerprinted. All inquiries will be recorded so that the ICE Attorney can advise the court of the action you have taken to comply with the requirement to provide current biometrics.

¹ These instructions supplement, but do not replace, the *Instructions for Submitting Certain Applications in Immigration Court and for Providing Biometric and Biographic Information to US. Citizenship and Immigration Services* or any EOIR instructions/orders.

Fingerprints



ADVANCING MERITS PROCEEDINGS FOR EFFICIENT DOCKETING (AMPED) REQUEST INSTRUCTIONS

Description: In 2014, a case docketing pilot program was implemented in Chicago with the goal of promoting docket efficiency. As part of the pilot, OCC Chicago identified appropriate cases and motioned the Chicago Immigration Court to advance the cases. In order to improve and expand the pilot program, OCC Chicago will now accept requests from respondents' representatives to consider a case for motioning by OCC Chicago to advance merits proceedings.

Types of cases: The AMPED requests should consist of cases OCC Chicago will agree can be conducted in an expedited fashion (an hour or less). At this time, the forms of relief that OCC Chicago will consider for an AMPED request are the following: Adjustment of Status (without a waiver), Cancellation of Removal under INA §§ 240A(a) and (b), TPS, NACARA, and stand-alone waivers under INA §§ 212(h) and (c). Only non-detained cases will be considered.

Requirements:

- **One Hour:** Presentation of all evidence and testimony will take no more than one hour.
- **Merits:** The case must be fully prepared for a final merits hearing on the application for relief. This means that pleadings have been taken, and all issues of removability have been resolved. The case must be documented showing that the respondent has clearly met his or her burden of proof. All biometric requirements must be current and complete prior to the case being advanced.
- **Docket:** The case must be scheduled before the Immigration Judge and docketed not more than 18 months from the date of request. No cases scheduled within 3 months of request will be considered.
- **One Request Only:** OCC Chicago will consider only one AMPED request to advance a merits hearing. Once OCC Chicago makes a determination on a request, additional requests will not be considered.

How to Request: AMPED requests must be filed electronically with OCC Chicago by submitting a completed AMPED Request and necessary attachments to chicagooccfilings@ice.dhs.gov. Requests filed directly with EOIR will not be considered by OCC Chicago. Applications and supporting documents must not exceed 100 pages. All submissions must be indexed and paginated in accordance with the Immigration Court Practice Manual. OCC Chicago will respond to each request within 90 days. If more than 90 days have elapsed since request, please contact the appropriate OCC Team Duty Attorney via email for a status update.

Disclaimer: The submission of this Request to OCC Chicago does not guarantee the case will be selected for motioning by OCC Chicago to advance the merits proceedings; nor does it guarantee that EOIR will grant the motion to advance. Also, please note that nothing in these procedures affect a respondent's ability to move to advance a case under the current Immigration Court Manual. Further, submission of the Request does not create any right or benefit, substantive or procedural, enforceable at law by a party against DHS or the United States.

AMPED



ADVANCING MERITS PROCEEDINGS FOR EFFICIENT DOCKETING (AMPED) REQUEST

1. Immigration Judge assigned to the non-detained case:
2. Alien registration number: A
3. Alien name:
4. Date of current hearing:
5. Form(s) of Relief Sought:
 - Adjustment of Status (no waiver needed) 212(h)
 - Cancellation of Removal 240(a) 212(c)
 - Cancellation of Removal 240(b) NACARA
 - Temporary Protected Status
6. Has removability been previously established? Yes No
7. Fingerprints taken? Yes, Date fingerprints were processed:
 No
8. Has the respondent ever been arrested? Yes No

Any requests must be accompanied by a packet containing a completed application for relief and all supporting documents; any request that does not contain a completed application will be immediately rejected. Requests are only accepted electronically via the Office of Chief Counsel electronic mailbox (CHICAGOCCFILINGS@ice.dhs.gov) and must include the following documents:

- [Signed DHS Form G-28, Notice of Entry of Appearance](http://www.uscis.gov/g-28) (www.uscis.gov/g-28)
- Complete application for relief with fee receipt
- Supporting documents, indexed and paginated. In conjunction with all documents showing eligibility for relief, the following documents **must** be included:
 - ✓ Birth Certificate(s).
 - ✓ Documents relating to medical conditions (in cancellation of removal cases where medical condition of qualifying relative is an issue). Letter from treating physician that includes diagnosis and prognosis is preferred.
 - ✓ Copies of income tax returns for the last three years and/or IRS transcripts.
- Criminal history chart including name of offense(s), arrest date, conviction date, sentence, time served, and immigration consequences
- Certified criminal complaint/indictment(s) & disposition(s)
- The respondent's affidavit detailing what the respondent would testify to regarding his eligibility for relief
- Witness list with affidavits from each potential witness