

**AILA Chicago, Indiana, and Wisconsin Chapters and ICE Office of Chief Counsel Chicago
Official Liaison Meeting Notes
December 3, 2015**

Attendees:

Chief Counsel Karen Lundgren
Deputy Chief Counsel John Gountanis
AILA Chicago OCC liaison committee
AILA Indiana OCC liaison committee
AILA Wisconsin OCC liaison committee

Staffing

1. What hours is the receptionist available to answer calls? Members have reported calling during afternoon hours without being able to reach the receptionist.

The reception desk is staffed from 8:00am to 4:30pm. Please leave a message if the receptionist does not answer when you call. The receptionist reviews all messages and forwards them to the appropriate person to return the call. If you have a question for the receptionist (for example, you want to confirm that a specific attorney is assigned to an upcoming hearing), please specify this in your message and ask for the receptionist to call you back. If calls are not returned after leaving a message, please reach out to Supervisory Legal Assistant Roxanne Moss.

The OCC team emails are another manner of communicating with OCC and we encourage attorneys to use these emails. The response time to email inquiries is generally 2 business days

2. Does OCC maintain a staff list and if so, can this be provided to AILA?

Chief Counsel Karen Lundgren, Deputy Chief Counsels John Gountanis and Nelson Perez provide leadership to the office. John Gountanis oversees Teams A and B, and Nelson Perez oversees Team C.

All OCC assistant chief counsel attorneys are listed on the monthly schedule that is distributed to the AILA chapters monthly.

The OCC paralegal is Richard Blake and Roxanne Moss is the Supervisory Legal Assistant. OCC also has students who intern with the office.

3. AILA appreciates that the OCC provides us with the monthly schedule for the trial attorneys, as having this information facilitates some pre-trial discussions. AILA members have reported that when they appear in court, the OCC attorney is sometimes different than the attorney that was scheduled to appear. Can OCC email AILA an updated schedule when these changes occur to ensure that the attorney is reaching out to the appropriate TA to discuss pre-hearing issues?

The monthly schedule changes frequently. Some of the reasons include attorneys being sick and attorneys detailed to other offices. Given the frequency of the changes, OCC cannot email an updated schedule for each change.

If you leave a message for an Assistant Chief Counsel regarding an upcoming case and they are not still assigned to the case, the ACC should forward the message to the relevant attorney.

Attorneys are welcome to call the OCC receptionist to confirm the ACC who will be assigned for the upcoming hearing.

E-Service

4. What is the proper email for e-service on OCC?

OPLA-CHI-eService@ice.dhs.gov. E-mails sent to chicagooccfilings@ice.dhs.org will continue to be forwarded to the new address. An updated fact sheet for our electronic inquiry and submission policy is forthcoming.

5. For documents served via chicagooccfilings@ice.dhs.org, OCC previously sent 2 reply emails: the first email confirmed receipt of the email and the second email described the document that was filed and number of pages included in the filing. We are no longer receiving the second email with the confirmation of the number of pages filed. Is this a permanent change? Is it possible to return to the old system so that members can be assured that the filings sent to the OCC have been received in their entirety?

Currently, the OCC server emails an auto-reply email confirming receipt of the filing or submission. We will be going back to the system of sending a second e-mail confirming the document name and number of pages received. If you do not receive an auto-reply from our server, please contact our reception staff at 312-542-8200.

Prosecutorial Discretion

6. What is the average timeframe for OCC to respond to a request for prosecutorial discretion?

The average timeframe depends on several factors, including how far in the future the case is next scheduled for hearing.

Please keep requests for Prosecutorial Discretion concise and brief as this facilitates a timely adjudication. OCC strongly discourages prosecutorial discretion requests that exceed 50 pages. OCC would also like to remind attorneys that a physician's letter describing a person's illness or condition is more useful than volumes of hyper-technical medical records. OCC Chicago is currently working on a coversheet, similar to

AMPED, to provide clearer guidance to the private bar and to allow our office to more efficiently respond to requests.

OCC recommends filing a request for Prosecutorial Discretion as early as possible in the case.

- a. Who is the point person at OCC to follow up on cases pending longer than mentioned above?

Attorneys should follow up with the ACC assigned to respond to the request. If a response is not received after contacting the ACC, please reach out to a Deputy.

7. In previous meetings, OCC has indicated that every time an attorney touches a case, it is reviewed for prosecutorial discretion. Does this continue to be the procedure?

Yes.

8. Are there different considerations for prosecutorial discretion when a case is at the BIA or circuit court level than when it is before the IJ?

The same considerations apply for all cases, regardless of the procedural posture. The resources already spent on a case should not be a consideration when evaluating prosecutorial discretion at any stage.

9. Who makes the decision to grant or deny a request for prosecutorial discretion?

Assistant Chief Counsels make decision on whether to grant or deny prosecutorial discretion.

10. Previously, OCC indicated that we can follow up with John Gountanis if we receive a denial of prosecutorial discretion and request reconsideration. Is this still the appropriate follow up?

Attorneys may follow up with the Deputy Chief Counsels to request reconsideration of a denied request for prosecutorial discretion. This only includes cases for which you are requesting reconsideration of the previously filed request. For cases in Team A or Team B, please follow up with John Gountanis. For cases in Team C, please follow up with Nelson Perez.

If you are submitting a new request for Prosecutorial Discretion or new evidence in support of a prior denied request, please serve this on our office using the eService address.

Requests to Join in Motion to Reopen

11. Who currently reviews requests to join in a motion to reopen?

Senior Attorney Seth Fitter and ACC Jessica Galassi, in consultation with the Deputy Chief Counsels and the Chief Counsel, currently review requests to join in a motion to reopen.

12. What is the average timeframe for OCC to respond to a request to join in a Motion to Reopen?

The goal is for OCC to respond within 90 days. While every effort will be made to provide a timely response, certain factors, including the location of the administrative file, may cause delay. Like requests for Prosecutorial Discretion, we are currently working on a coversheet for Joint Motions to Reopen, to provide clearer guidance to the private bar and to allow our office to more efficiently respond to requests.

13. Can you please provide us with the name of the paralegal with whom we can follow up when a joint motion request has been pending for more than 90 days?

If you have a request to join in a motion to reopen that is pending for longer than 90 days, you may call the OCC paralegal Richard Blake to check the status. Richard can tell you if there are preliminary steps being completed, such as ordering the file.

Expediting I-130

14. Members have reported difficulty in getting the CIS to expedite I-130 petitions when the beneficiary is in removal proceedings. Would the OCC be willing to provide a liaison to assist in facilitating these types of requests?

Paralegal specialist Richard Blake will be the OCC Chicago point of contact.

AMPED Docket

15. Members who submitted requests to advance merits proceedings for efficient docketing (AMPED requests) have had a positive experience in advancing cases that were ultimately successful. We are interested in learning more about the program and the possibility for expansion of cases that will qualify for AMPED requests.

- a. How many AMPED requests has OCC approved and how many were denied?

OCC has received approximately 20 AMPED docket requests and 14 of these requests were approved.

- b. What were the reasons for any OCC denial of AMPED requests?

AMPED requests have been denied due to derogatory information, including crimes and the proximity of scheduled merits hearing within the next month.

- c. The current docket at the Immigration Court has cases scheduled for merits in 2019 and 2020. Accordingly, many cases are not eligible for an AMPED request and instead, will wait 4-5 years for a merits hearing. Will OCC expand the cases eligible for AMPED requests, for example to cases that are scheduled within the next 3 years?

OCC will consider expanding the AMPED docket when the Immigration Court is fully staffed.

- d. Will OCC expand the AMPED requests to include adjustment with waivers, petitions to remove conditions on residence, and asylum cases? The goal of the AMPED docket is to move appropriate cases through the Immigration Court in a more efficient manner and excluding these forms of relief unnecessarily restricts the program.

OCC will consider expanding the AMPED docket when the Immigration Court is fully staffed

- 16. Is there any additional feedback that OCC would like to provide on the AMPED docket?

OCC asks that the private bar discontinue submitting AMPED requests until the Immigration Court is fully staffed.

Changes in Visa Bulletin

- 17. A recent change in the monthly visa bulletins issued by the Department of State includes a new chart listing “current for filing” priority dates that is separate from the “current for approval” priority dates. Applicants whose priority dates are “current for filing” can file their applications for adjustment of status, usually several months to years in advance of the date that the application can be approved. Will the OCC join in Motions to Reopen in situations where a respondent’s priority date is current for purposes of filing an application for adjustment of status but where the priority date is not yet current for approval purposes?

OCC will only join in motions to reopen where the respondent’s priority date is current and a visa is immediately available.

- 18. Non-LPR cancellation folks who are put in the queue for a number after their hearing, and therefore have no new hearing date or admin closure or other order are having difficulty proving to the USCIS that their cases are still pending for EAD renewal applications. Would OCC be willing to give respondent’s a letter to serve as confirmation to the USCIS that their cases are still pending with the Court?

This is an issue that should be raised with the EOIR liaison as the Immigration Court should provide proof that the case remains pending before the court.

Parole in Place

19. Where should a respondent file a request for Parole in Place for family members of U.S. military personnel if the respondent is currently in removal proceedings?

If a respondent in removal proceedings is requesting parole-in-place as the family member of someone in the military, USCIS does not have jurisdiction over the parole in place. OCC will attempt to work with Respondents' attorneys to terminate the case to provide USCIS jurisdiction and allow the agency to issue parole-in-place. In these cases, file an electronic Request to Terminate with the OPLA-CHI-eservice@ice.dhs.gov mailbox directed to the attention of a Deputy Chief Counsel.

20. Where should a respondent file a request for Parole in Place if the respondent has a final order of removal?

OCC will only review requests for respondents currently in removal proceedings.