



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

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Falls Church, Virginia 22041

October 5, 2017

MEMORANDUM

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

FROM: MaryBeth Keller
Chief Immigration Judge

A handwritten signature in blue ink that reads "MaryBeth Keller".

SUBJECT: Operating Policies and Procedures Memorandum 17-02:
Definitions and Use of Adjournment, Call-up, and Case Identification Codes

A. Introduction

This Operating Policies and Procedures Memorandum (OPPM) rescinds OPPM 05-07, *Definitions and Use of Adjournment, Call-up and Case Identification Codes*, dated June 16, 2005, and sets forth updated adjournment, call-up, and case identification codes used to track the case hearing process. In order to enhance court efficiency, this OPPM reduces the number of codes by eliminating those that are no longer being used routinely, are duplicative of data captured elsewhere, or are no longer necessary.

B. Effective Date

The updated list of adjournment, call-up, and case identification codes contained in this OPPM is effective immediately.

C. Background

Adjournment, call-up, and case identification codes are used primarily for tracking case information in EOIR's Case Access System for EOIR (CASE) (or its successor, if any). More specifically, when an Immigration Judge adjourns a case or gives a call-up date, the judge is responsible for making the reason(s) for the adjournment or call-up date clear on the record. In all cases, the judge should annotate the case worksheet on the left side of the Record of Proceedings with the corresponding adjournment code or call-up code. The Court Administrators and court staff are responsible for ensuring that each adjournment code and call-up code is accurately entered into CASE.

D. Revised List of Adjournment Codes with Definitions

<u>Code</u>	<u>Reason</u>	<u>Definition</u>
*01	Alien to Seek Representation	Adjourned for alien to seek representation.
*02	Preparation - Alien/Attorney/Representative	Adjourned to allow alien/attorney/representative time to prepare the case. Includes allowing time to file an additional relief application not initially requested, or to take witness testimony outside corrections facility, e.g., at the Immigration Court for a witness in a 240A(b) hearing.
03	Preparation - DHS	Adjourned to allow DHS time for case preparation or to cover other DHS-requested continuances not included on this list.
04	DHS or DHS Administrative File Unavailable for Hearing	Adjourned because DHS does not have the A-File available, or does not appear at the hearing.
*05	Alien to File for Asylum	Adjourned to allow the alien to file an asylum application with the Immigration Court.
*06	Alien to File Other Application	Adjourned to allow the alien to file an application for relief (other than for asylum) with the Immigration Court.
*7A	DHS Application Process - Alien Initiated	Adjourned to allow the adjudication of an application pending with DHS.
7B	DHS Application Process - DHS Initiated	Adjourned to allow the adjudication of an application pending with DHS.
*8A	IJ Completion Prior to Hearing	Adjourned because IJ completed case prior to the scheduled hearing.

* These codes will stop the Asylum Clock until the next hearing.

D. Revised List of Adjournment Codes (continued)

09	Alien in DHS/Corrections Custody Not Presented for Hearing	Adjourned because DHS/Corrections did not bring the detainee/inmate to a scheduled hearing.
10	Notice Sent/Served Incorrectly	Attorney and/or alien does not appear at the scheduled hearing due to the notice of hearing containing inaccurate information, or, alien/attorney appears but has not received adequate notice of hearing of the proceedings.
*11	Other No-Show by Alien/Alien's Attorney or Rep.	Adjourned because an alien and/or his or her attorney/representative does not appear at a scheduled hearing for any reason except an incorrect notice or DHS oversight.
*12	Other Alien/Alien's Attorney/Representative Request	Adjourned at the request of an alien/alien's attorney/representative for a reason that is not covered in this OPPM.
13	Insufficient Time to Complete Hearing	Adjourned because the case could not be completed in the time allotted. Includes preparation of IJ oral decision (different from a "reserved decision") for delivery at scheduled hearing, IJ to hear testimony of additional witnesses, or to take and present a deposition.
16	Alien Released From DHS/Corrections Custody	Adjourned from a detained to a non-detained calendar due to alien release from custody/incarceration (except for transfer from IHP custody to DHS custody).

* These codes will stop the Asylum Clock until the next hearing.

D. Revised List of Adjournment Codes (continued)

17	MC to IC - Merits Hearing	Adjourned from a Master Calendar to an Individual Calendar for a merits hearing, usually allowing time to file and process applications for relief before the hearing on the merits.
*21	Supplement Asylum Application	Adjourned to file additional attachments or updates to a previously filed Form I-589.
*22	Alien or Representative Rejected Earliest Possible Asylum Hearing	Original hearing reset date was rejected and rescheduled to a later date.
*23	Asylum Application Withdrawn/Reset for Other Issue	Hearing adjourned because the Form I-589 was withdrawn or the hearing was reset for other issues.
24	DHS Delayed Records/Fingerprint Check	Adjourned to allow DHS to complete the biometrics checks including required database and fingerprint checks.
25	To Allow for Scheduling of Priority Case	Adjourned to allow for space to set a time-sensitive case.
*26	Alien Request for an In-Person Hearing	Telephonic/televideo hearing adjourned due to a request by alien for an in-person hearing.
27	DHS Request for an In-Person Hearing	Telephonic/televideo hearing adjourned due to a request by DHS for an in-person hearing.
28	IJ Determined an In-Person Hearing is Necessary	Adjourned because IJ determined that an in-person hearing is necessary.

* These codes will stop the Asylum Clock until the next hearing.

D. Revised List of Adjournment Codes (continued)

29	Concurrent Application	Alien/Attorney/Representative has filed an application for any other form of relief in addition to suspension of deportation or cancellation of removal. Typically used during the suspension/cancellation grant cut-off period.
*30	Consolidation with Family Members	Adjourned to allow Immigration Court to consolidate a family under one lead A#.
31	RC to SC Merits Hearing	Adjourned from a Reasonable Cause to a Special Circumstances Merits Hearing in a continued detention review case. Occurs after a final decision by the IJ or the BIA has determined that DHS met the burden to show reasonable cause to proceed with a merits hearing.
32	Interpreter Not Ordered	Adjourned because the case requires an interpreter but none was ordered.
33	Interpreter Ordered, but FTA	Case adjourned because the ordered interpreter failed to appear.
34	Unplanned IJ Leave - Sick/Annual	Adjourned because the presiding IJ is on unscheduled sick or annual leave.
35	Unplanned IJ Leave - Detail/Other Assignment	Adjourned because the presiding IJ is on detail assignment or other administrative assignment.
*36	Alien Delayed Records/Fingerprint Check	Adjourned to allow alien time to complete the required paperwork for a biometrics check or an overseas investigation.

* These codes will stop the Asylum Clock until the next hearing.

D. Revised List of Adjournment Codes (continued)

37	DHS Investigation	Adjourned to allow DHS time to complete investigations.
*38	Illness of Alien/Atty Rep/Witness	Adjourned due to severe and legitimate illness of alien, attorney or representative, or alien's witness.
*42	Alien Requested Forensic Analysis	Adjourned by request of alien for forensic analysis.
43	DHS Forensic Analysis	Adjourned by request of DHS for forensic analysis.
44	Cooperating Witness/Law Enforcement	Adjourned because alien is a cooperating witness or law enforcement has an interest in the alien.
*45	Joint Request of Both Parties	Adjourned at the request of alien/attorney/representative and government representative.
46	Video Malfunction	Adjourned due to malfunction of video equipment.
47	New Charge Filed by DHS	Adjourned because of newly filed charge by DHS.
48	Interpreter Appeared but Disqualified	Adjourned because contract interpreter appeared but disqualified by IJ; e.g., IJ previously disqualified interpreter from all future hearings, or it is determined during the hearing that the interpreter is not interpreting correctly and IJ disqualifies interpreter.
49	Juvenile Home Study	Adjourned due to required home study before final adjudication.

* These codes will stop the Asylum Clock until the next hearing.

D. Revised List of Adjournment Codes (continued)

4A	Technical Malfunction (not video)	Adjourned due to non-video technical malfunction.
4B	Interpreter Must Leave	Adjourned due to interpreter departure from hearing.
50	Quarantine - Detained Cases	Adjourned because alien is quarantined due to outbreak of illness in detention facility.
*51	Contested Charges	Adjourned because charges are contested by alien.
*52	Jurisdiction Rests with the BIA	Adjourned due to alien filing certain appeals or motions causing jurisdiction to shift from the court to the BIA.
*54	Alien Claim to U.S. Citizenship	Adjourned because alien claims to be a U.S. citizen.
55	Hearing Deliberately Advanced by Court	Adjourned because circumstances dictated that the hearing be moved forward; e.g., a non-detained alien is arrested and hearing must be placed on the detained docket, causing an earlier hearing date to be scheduled.
59	Court Closure	Adjourned due to unscheduled court closure (weather, safety, environmental factors, a federal government shutdown).
5A	Hearing Advanced by Motion	Adjourned because an earlier hearing has been scheduled following a motion.
60	EOIR Forensic Competency Evaluation	Adjourned to allow a forensic competency evaluation to be conducted.

* These codes will stop the Asylum Clock until the next hearing.

D. Revised List of Adjournment Codes (continued)

61	Appointment of Qualified Representative	Adjourned to allow for the appointment of a qualified representative for the alien.
62	Judicial Competency Inquiry	Adjourned and set for a judicial competency inquiry at a subsequent hearing.
63	Non- <i>Franco</i> Competency Inquiry	For non- <i>Franco</i> cases, adjourned and set for competency inquiry at a subsequent hearing.
64	IJ Reassignment	Adjourned because the IJ was reassigned due to recusal, transfer of case, separation from service, etc.
99	Data Entry Error	Hearing date entered in error and cannot be corrected. (CASE users only)

E. Call-up Codes

<u>Code</u>	<u>Description</u>
AB	Alien/Attorney/Representative to file brief (other than for appeal)
AS	Alien/Attorney/Representative to file an Asylum Application - Form I-589
CA	LPR Alien/Attorney/Representative to file application for Cancellation of Removal - Section 240A(a)
CB	Non-LPR Alien/Attorney/Representative to file application for Cancellation of Removal - Section 240A(b)
DD	Decision of the IJ is delayed due to extenuating circumstances during a continued detention review hearing

E. Call-up Codes (continued)

IA	Interlocutory appeal filed by DHS to appeal the denial of a motion for protective order
IB	DHS to file document(s) or brief (other than for appeal)
MR	Pending IJ response to motion or request - motion for change of venue; motion for termination; request for continuance, etc.
OT	Alien/Attorney/Representative to file other application/document
RC	DHS to provide records checks
RE	Alien/Attorney/Representative to file application for Registry - Section 249
RR	Reserved Decision
SR	Pending State Department response to Asylum Application
ST	Alien/Attorney/Representative to file application for Adjustment of Status - Section 245
SU	Alien/Attorney/Representative to file application for Suspension of Deportation - Section 244
WA	Alien/Attorney/Representative to file application for a waiver, e.g. Section 212(i)

F. Case Identification Codes

<u>Code</u>	<u>Description</u>
4M	NTA Not Filed Within 120 Days of EPRD
AD	ATD Pilot
CD	Civil Detention Hearing
EM	Electronic Monitoring

F. Case Identification Codes (continued)

FL	Franco Litigation
PB	EOIR Pro Bono Representation
PO	Protective Order
RD	Reserved Suspension/Cancellation Decision
SR	Stipulated Removal
SX	Stipulated Removal Order - Denied

G. Use of Adjournment, Call-Up, and Case Identification Codes

Court Administrators should review this OPPM with court staff to ensure that adjournment, call-up, and case identification codes are accurately entered into CASE.

Attachment

Adjournment Codes

October 5, 2017

ALIEN - RELATED ADJOURNMENTS

<u>Description</u>	<u>Code</u>	<u>Clock</u>
Alien to Seek Representation	01	S
Preparation – Alien/Attorney/Representative	02	S
Alien to File for Asylum	05	S
Alien to File Other Application	06	S
DHS Application Process – Alien Initiated	7A	S
Other No-Show by Alien/Alien's Attorney or Rep.	11	S
Other Alien/Alien's Attorney/Representative Request	12	S
Supplement Asylum Application	21	S
Alien or Rep. Rejected Earliest Possible Asylum Hearing	22	S
Asylum Application Withdrawn/Reset for Other Issue	23	X
Alien Request for an In-Person Hearing	26	S
Consolidation with Family Members	30	S
Alien Delayed Records/Fingerprint Check	36	S
Illness of Alien/Atty Rep/Witness	38	S
Alien Requested Forensic Analysis	42	S
Joint Request of Both Parties	45	S
Contested Charges	51	S
Jurisdiction Rests with the BIA	52	S
Alien Claim to U.S. Citizenship	54	S
Hearing Advanced by Motion	5A	N

COLOR KEY

RED = Alien-Related Delay

GREEN = DHS-Related

BLUE = EOIR-Related Delay (IJ)

ORANGE = EOIR-Related Delay (Operational)

CLOCK CODES

S = Stops

R = Runs

X = Eliminates

N = Neutral

DHS - RELATED ADJOURNMENTS

<u>Description</u>	<u>Code</u>	<u>Clock</u>
Preparation – DHS	03	R
DHS or DHS Administrative File Unavailable for Hearing	04	R
DHS Application Process – DHS Initiated	7B	R
Alien in DHS/Corrections Custody Not Presented for Hearing	09	R
Alien Released From DHS/Corrections Custody	16	R
DHS Delayed Records/Fingerprint Check	24	R
DHS Request for an In-Person Hearing	27	R
DHS Investigation	37	R
DHS Forensic Analysis	43	R
Cooperating Witness/Law Enforcement	44	R
New Charge Filed by DHS	47	R
Juvenile Home Study	49	R
Quarantine – Detained Cases	50	R
Hearing Advanced by Motion	5A	N

IJ - RELATED ADJOURNMENTS

Insufficient Time to Complete Hearing	13	R
MC to IC – Merits Hearing	17	R
IJ Determined an In-Person Hearing is Necessary	28	R
RC to SC Merits Hearing	31	R
Unplanned IJ Leave – Sick/Annual	34	R
Unplanned IJ Leave – Detail/Other Assignment	35	R
Interpreter Appeared but Disqualified	48	R
IJ Reassignment	64	R
Reserved Decision	RR	R

OPERATIONAL ADJOURNMENTS

IJ Completion Prior to Hearing	8A	S
Notice Sent/Served Incorrectly	10	R
To Allow for Scheduling of Priority Case	25	R
Concurrent Application	29	R
Interpreter Not Ordered	32	R
Interpreter Ordered, but FTA	33	R
Video Malfunction	46	R
Technical Malfunction (not video)	4A	R
Interpreter Must Leave	4B	R
Hearing Deliberately Advanced by Court	55	N
Court Closure	59	R
EOIR Forensic Competency Evaluation	60	R
Appointment of Qualified Representative	61	R
Judicial Competency Inquiry	62	R
Non-Franco Competency Inquiry	63	R
Data Entry Error	99	N

Call-up Codes

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Case Identification Codes

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