

AMICUS INVITATION No. 23-15-02

**AMICUS INVITATION (Office of the Chief Administrative Hearing Officer –
Immigration-related Document Fraud)
DUE FEBRUARY 27, 2023**

FEBRUARY 15, 2023

In connection with an administrative review of an Administrative Law Judge decision, the Chief Administrative Hearing Officer (CAHO) welcomes interested members of the public to file amicus curiae briefs discussing the below issue.

ISSUE PRESENTED:

Does a violation of 8 U.S.C. § 1324c(a)(2) for the knowing use of a forged, counterfeit, altered, or falsely made document in order to obtain employment and complete the employment eligibility verification Form I-9 constitute a “continuing violation” for the duration of employment at the employer to whom the document was presented? Or, does the knowing use occur only at the time the document is presented to obtain employment and complete the employment eligibility verification Form I-9?

Filing a Brief: Your filing should include a case caption containing the following information:

- The statutory provision under which the proceeding is instituted: 8 U.S.C. § 1324c;
- The docket number assigned by the Office of the Chief Administrative Hearing Officer (OCAHO): 2021C00033
- The names of all parties to the case: United States of America, Complainant; Brian de Jesus Corrales-Hernandez, Respondent; and
- A designation of the type of filing being submitted (e.g., Brief of Amicus Curiae).

Amici may wish to consult any of the prior published decisions in this case, 17 OCAHO no. 1454 (2022) *et seq.*, on the Office of the Chief Administrative Hearing Officer’s website for examples of how this case caption typically appears. <https://www.justice.gov/eoir/listing-volume-17-decisions>

Your filing should also include Amicus Invitation No. 23-15-02 at the top of the first page. Your filing should be limited to a legal discussion of the issue presented. The CAHO will not consider a brief that exceeds the scope of the amicus invitation, and the decision whether to accept an amicus brief is within his sole discretion. Collaborating amici should submit a joint amicus brief rather than filing separate submissions.

Request for Case Information: Additional information about the case may be found in the prior published decisions in this case, 17 OCAHO no. 1454 (2022) *et seq.*, on the Office of the Chief Administrative Hearing Officer’s website. <https://www.justice.gov/eoir/listing-volume-17-decisions> Additional information about the case beyond those decisions is not available.

Page Limit: Amicus curiae briefs are limited to 25 double-spaced, properly paginated pages.

Deadline: Amicus curiae briefs must be filed by February 27, 2023. Briefs must be received in OCAHO by the stated deadline. Due to the limited statutory timeframe in which an administrative review must be completed by the CAHO, 8 U.S.C. § 1324c(d)(4), and in order to provide the parties notice and an opportunity to respond to any amicus briefs, no extensions to this deadline will be granted.

OCAHO Filing Address and Procedures: All briefs related to administrative review must be filed by facsimile or same-day delivery, or if such filing or service cannot be made, by overnight delivery. If a brief is sent by facsimile, the filer must also concurrently send a hard copy of the brief to OCAHO.

To send a brief by same-day or overnight delivery, please address your filing to:

James McHenry
Chief Administrative Hearing Officer
Office of the Chief Administrative Hearing Officer
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2500
Falls Church, VA 22041

To send a brief by facsimile, please send the brief to the following fax number: 703-305-1212

Service: If the CAHO accepts your brief, OCAHO will then serve a copy on the parties and provide the parties time to respond.