

From: Pasierb, Mark (EOIR)
To: All of Court Administrators (EOIR); Wiggs, Nicole (EOIR); Santoro, Christopher A (EOIR); Cannetti, Francesca P. (EOIR); Jackson, Cynthia (EOIR); Lawrence, Tanya (EOIR); Bartolomei, Jr. Rico (EOIR); Cheng, Mary (EOIR); Daugherty, Daniel J. (EOIR); Dufresne, Jill (EOIR); Feldman, Irene (EOIR); Grim, James (EOIR); Griswold, Stephen (EOIR); Hoogasian, Amy C. (EOIR); Keller, Mary Beth (EOIR); Laurent, Scott (EOIR); Lee-Sullivan, Marcia L. (EOIR); Loprest, Jr., F. James (EOIR); Maggard, Print (EOIR); Manna, Karen (EOIR); Mart, H. Kevin (EOIR); Martin, Clay N. (EOIR); McNulty, Sheila (EOIR); Murry, Anthony (EOIR); Nadkarni, Deepali (EOIR); Ortiz-Ang, Susana (EOIR); Paul, Nancy J. (EOIR); Perron, Raymond (EOIR); Roldan, Martin (EOIR); Rooyani, Rodin (EOIR); Rosen, Scott (EOIR); Scala, Theresa M. (EOIR); Sukkar, Elisa (EOIR); Weil, Jack (EOIR); Weiss, Daniel H. (EOIR)
Subject: Notices to Appear: Amended Procedures
Date: Thursday, June 28, 2018 3:26:28 PM

Court Administrators,

The Interactive Scheduling System will be ready on July 2 for use, however, EOIR must complete an Interagency Agreement in order for all elements of DHS to use the system. At present only CIS Asylum has completed this agreement. Once this agreement is in place, all components of DHS will be able to use ISS.

As with detained cases, it will be necessary to provide a date for the NTAs for non-detained cases for the period without an agreement. Immigration Courts should provide the following date for non-detained cases to DHS:

August 31, 2018

Upon receipt, Immigration Courts should schedule the case to this date in order to track the case; courts may use any Visiting Judge code. To summarize the procedures, note the following:

1. A Notice to Appear MUST contain Date and Time of Hearing or it must be rejected;
2. Court Administrators should provide and track blocks of time for detained hearings and track via spreadsheets;
3. Court Administrators should advise DHS that they should use August 31, 2018 until ISS is available for non-detained cases;
4. Once ISS is available, OCIJ will advise the Court Administrators and all components of DHS must use ISS.
5. CIS Asylum will be able to use ISS; Immigration Courts will begin to see NTAs scheduled by CIS and courts should make MA time available for Expedited Asylum.

Please let me know if you have any questions.

Cc: OCIJ Senior Staff

From: McHenry, James (EOIR)
To: So, Edward (EOIR)
Cc: Santoro, Christopher A (EOIR); Keller, Mary Beth (EOIR); Sheehey, Kate (EOIR); Reilly, Katherine (EOIR); King, Jean (EOIR); Ahn, Kate (EOIR)
Subject: Re: CASE-ISS Modifications Schedule
Date: Tuesday, June 26, 2018 4:22:59 PM

Thanks Ed!

On Jun 26, 2018, at 4:10 PM, So, Edward (EOIR) (b)(6) wrote:

Colleagues,

After Kate worked with the SD team this afternoon, they provided me with the following schedule for the development of the requested CASE-ISS modifications:

- <!--[if !supportLists]-->1. <!--[endif]--> July 2, 2018
 - <!--[if !supportLists]-->a. <!--[endif]-->We will open up the scheduling function for DHS users for non-detained cases.
 - <!--[if !supportLists]-->b. <!--[endif]-->The logic will be modified to fill in all available slots for the judges for the hearing location and when all sessions are filled, we will "park" them to the "IAD" judges for the court to assign/transfer the cases to available judges.
 - <!--[if !supportLists]-->c. <!--[endif]-->Will lock down the search dates to 90 days for non-detained cases.
 - <!--[if !supportLists]-->d. <!--[endif]-->Will write the program to create the "IAD" judge for all hearing locations and their sessions.
- <!--[if !supportLists]-->2. <!--[endif]--> July 16, 2018
 - <!--[if !supportLists]-->a. <!--[endif]-->DHS will be able to enter "custody" (detained/non-detained) via CASE-ISS.
 - <!--[if !supportLists]-->b. <!--[endif]-->For detained cases, CASE-ISS will search for "MD" sessions available within 10 days.

Please let me know if you require additional information.

Thanks,
Ed

Edward So
Chief Information Officer
U.S. Department of Justice
Executive Office for Immigration Review
Office of Information Technology (OIT)

(b)(6)

(Email) (b)(6) 2023-01854 00000028235 "UNCLASSIFIED" 12/30/2022

From: Santoro, Christopher A (EOIR)
To: So, Edward (EOIR)
Subject: RE: ISS
Date: Wednesday, September 12, 2018 11:18:00 AM

I'm not sure whether you and James are talking about the same issue... if all DHS users really can get into ISS, our next move will be to force them to use it for all new filings. We need to be confident they can access, though, before we issue that edict.

Christopher A. Santoro

Deputy Chief Immigration Judge

From: So, Edward (EOIR)
Sent: Wednesday, September 12, 2018 11:15 AM
To: McHenry, James (EOIR) (b)(6)
Cc: Santoro, Christopher A (EOIR) (b)(6); Keller, Mary Beth (EOIR) (b)(6); Sheehey, Kate (EOIR) (b)(6); Reilly, Katherine (EOIR) (b)(6)
Subject: Re: ISS

James

It looks like the issue has been resolved from the information that I received below:

From: Lavu, Teena (EOIR) (CTR)
Sent: Wednesday, September 12, 2018 9:52 AM
To: Leftwich, Andrew (EOIR) (b)(6); Myatt, Howard (EOIR) (b)(6); Fruehwald, David (EOIR) (b)(6); Saleem, Kashif (EOIR) (CTR)
Subject: RE: ISS

Andrew,
 This issue is fixed, we got a modified certificate to handle the updated changes JMD made to the network. We called up a few folks that reported the issue initially and they have said they are able to get in. If you have any other names, we can give them as call as well to confirm.

Thanks,
 Teena

Please let me know if you need additional information.

Thanks
 Ed

Edward So

Chief Information Officer
Office of Information Technology
Executive Office for Immigration Review

(b)(6)

On Sep 12, 2018, at 7:06 AM, McHenry, James (EOIR) <(b)(6)> wrote:

Thanks.

I appreciate the updates on USCIS access, but I need to know where we stand on ICE access as well.

From: Santoro, Christopher A (EOIR)

Sent: Tuesday, September 11, 2018 4:06 PM

To: So, Edward (EOIR) <(b)(6)>; McHenry, James (EOIR)

<(b)(6)>; Keller, Mary Beth (EOIR)

Cc: Sheehey, Kate (EOIR) <(b)(6)>; Reilly, Katherine (EOIR)

<(b)(6)>

Subject: RE: ISS

The message Ed refers to in #6 has been sent.

Christopher A. Santoro

Deputy Chief Immigration Judge

From: So, Edward (EOIR)

Sent: Tuesday, September 11, 2018 4:02 PM

To: McHenry, James (EOIR) <(b)(6)>; Santoro, Christopher A (EOIR) <(b)(6)>; Keller, Mary Beth (EOIR)

<(b)(6)>

Cc: Sheehey, Kate (EOIR) <(b)(6)>; Reilly, Katherine (EOIR)

<(b)(6)>

Subject: RE: ISS

James,

Here is the status of the items raised in last week's conference call:

1. Provide USCIS with weekly spreadsheet update.
Spreadsheet will be sent every Friday
2. Can we give them an electronically fillable PDF form instead of the current forms that are completed manually?
 - a. We have provided USCIS with a fillable PDF form. Service Desk notified

USCIS not to scan the form prior to filling it out

3. Request that we prioritize the initial batch of 50-100 that have not been completed.

a. The initial batch of 50-100 prioritized requests were previously completed.

The Service Desk has transmitted the list to USCIS POCs to verify.

4. They cannot print to local printers

- CASE ISS displays EOIR default printers for CASE. Plan to deploy fix on 9/15 for DHS users to print the worksheet to their local printer

5. Can we provide them a list of all of their locations

A spreadsheet of the current list of DHS locations was sent to both Kathy Nuebel Kovarik and Nicole Rosich on 07 Sep

6. Are initial appearance docket (IAD) dockets created in Salt Lake City, Houston and Dallas?

- IAD sessions are manually deleted by court users.

Judge Santoro will notify courts not to delete IAD sessions created by the system.

IAD sessions were created in the following locations

BDC
CHI
ELC
ELO
LAN
HOD
MEM
NEW
SFR
SPD

- We have noticed that CASE-ISS intermittently fails to schedule the expedite asylum cases to "MA" sessions; The CASE team is trying to replicate this issue and will keep you posted

7. Once case is entered in ISS, they receive a hearing date and time but they don't have a case yet

- Received Clarification from Judge Santoro to modify 1-800 number so that it shouldn't release the information until case has EOIR-Received-Date. Will create a SCR and schedule.

Please let me know if you require additional information.

Thanks,

Ed

From: McHenry, James (EOIR)

Sent: Tuesday, September 11, 2018 11:06 AM

To: So, Edward (EOIR) (b)(6); Santoro, Christopher A (EOIR)

(b)(6)

; Keller, Mary Beth (EOIR)

Cc: Sheehey, Kate (EOIR) (b)(6)

Reilly, Katherine (EOIR)

(b)(6)

Subject: ISS

How do we stand on ICE access to the ISS for non-detained cases?

From: Wilson, Donna L. (EOIR)
To: Keller, Mary Beth (EOIR); Rosen, Scott (EOIR); Santoro, Christopher A (EOIR); All of Court Administrators (EOIR); All of Judges (EOIR); Pasierb, Mark (EOIR); Ortiz-Ang, Susana (EOIR); Manna, Karen (EOIR); Kuschel, Mark (EOIR)
Subject: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)
Date: Wednesday, June 27, 2018 1:48:18 PM

Judges and Court Administrators:

The purpose of this email is to provide guidance on the processing of NTAs following the Supreme Court's decision in *Pereira v. Sessions*, 585 U.S. ____ (2018).

- **NTAs.** Effective immediately, NTAs filed at the window that do not specify the time and place of the hearing should be rejected.
- **Non-detained Cases.** We anticipate that beginning Monday, July 2, 2018, the Interactive Scheduling System (ISS) will be available for the Department of Homeland Security to schedule hearings in non-detained cases.
- **Detained Cases.** We anticipate that beginning Monday, July 16, 2018, ISS will be available for DHS to schedule hearings in detained cases.
- **Pending Cases.** For pending cases, Immigration Judges should continue to address issues raised by the parties regarding the NTA on a case-by-case basis in accordance with controlling case law, statutes, and regulations.

Court Administrators are reminded that a conference call with Deputy Chief Immigration Judge Christopher Santoro is scheduled for 2:30 EDT this afternoon to provide further guidance regarding the processing of NTAs.

If you have any questions, please contact your Assistant Chief Immigration Judge.

MaryBeth Keller
Chief Immigration Judge
U. S. Department of Justice
Executive Office for Immigration Review
Mary.Beth.Keller@usdoj.gov
703-305-1247

From: Santoro, Christopher A (EOIR)
To: McHenry, James (EOIR)
Cc: Keller, Mary Beth (EOIR); Reilly, Katherine (EOIR); King, Jean (EOIR)
Subject: RE: NTAs with date mismatches
Date: Thursday, March 21, 2019 8:45:00 AM

(PM 19-08, not 19-06).

Christopher A. Santoro

Deputy Chief Immigration Judge

From: Santoro, Christopher A (EOIR)
Sent: Thursday, March 21, 2019 8:45 AM
To: McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>
Cc: Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; King, Jean (EOIR) <Jean.King@EOIR.USDOJ.GOV>
Subject: NTAs with date mismatches

James,

We are seeing an increasing number of NTAs served (and later filed) with different dates and times for initial hearings than we gave via ISS. This was one of the bullets in today's MPP update. We are writing separately to note that under our current guidance to the courts, they cannot reject NTAs that have facially valid dates/times even if they are the result of DHS inadvertently or intentionally making up their own date that is inconsistent with what ISS gave them. May we reject NTAs in those circumstances? If we don't, we are essentially back in the position of giving DHS carte blanche to make up fake dates – it's not realistic to expect respondents, especially those who are pro se, to follow the process in the penultimate paragraph of PM 19-06.

Christopher A. Santoro

Deputy Chief Immigration Judge

From: Santoro, Christopher A (EOIR)
To: Davis, J.Thomas (EOIR)
Subject: RE: NTAs/ISS
Date: Thursday, February 28, 2019 3:01:00 PM

I sent a nastygram over to DHS... hopefully they will address it. Again.

Christopher A. Santoro

Deputy Chief Immigration Judge

From: Davis, J.Thomas (EOIR) (b)(6)
Sent: Thursday, February 28, 2019 2:56 PM
To: Santoro, Christopher A (EOIR) (b)(6)
Subject: RE: NTAs/ISS

We will definitely reject them. I met with Brandon yesterday regarding how this type of situation will be handled (a new NTA will have to be issued and served on the Court) as well as the fact we will be rejecting any NTAs with the generic notification letter. I stressed we had to see our address on any NTA which was initially issued with another IC identified. I also had a couple of DHS officers stop by re: ISS and the fact we were rejecting any generic NTAs. I showed them examples of what we would accept and what we won't accept. We don't encounter many issues with NTAs having the proper notification if it comes through one of the TN offices. Most issues come out of Texas....guess that's true about a lot of things. ☺

From: Santoro, Christopher A (EOIR) (b)(6)
Sent: Thursday, February 28, 2019 12:25 PM
To: Davis, J.Thomas (EOIR) (b)(6); Mart, H. Kevin (EOIR)
 (b)(6)
Cc: Keller, Mary Beth (EOIR) (b)(6); Cheng, Mary (EOIR)
 (b)(6) Maggard, Print (EOIR) (b)(6)
 Pasierb, Mark (EOIR) (b)(6)
Subject: RE: NTAs/ISS

Tom,

Thank you for passing this up. We'll engage (again) with DHS. In the meantime, if these particular NTAs are eventually filed with you, please reject them since they will have been filed after the hearing date and time indicated. DHS is going to have to re-serve and re-file.

Christopher A. Santoro

Deputy Chief Immigration Judge

From: Davis, J.Thomas (EOIR) (b)(6)
Sent: Thursday, February 28, 2019 12:30 PM

2023-01854 00000028251 "UNCLASSIFIED" 12/30/2022
To: Mart, H. Kevin (EOIR) (b)(6)
Cc: Keller, Mary Beth (EOIR) (b)(6); Santoro, Christopher A (EOIR)
(b)(6) Cheng, Mary (EOIR) (b)(6)
Maggard, Print (EOIR) (b)(6) Pasierb, Mark (EOIR)
(b)(6)
Subject: NTAs/ISS

Judge Mart,

Good morning. Attached are seven copies of NTAs presented to us this morning. As you see the NTAs indicated their hearings were scheduled for today at 9:00. None of these cases are in CASE nor have been filed/referred by DHS. All of the NTAs were issued out of Laredo, TX. A family of three was turned away by the guards due to not appearing on any of the calendars for today. When I was informed the family had been turned away I instructed the guards to have anyone with a NTA indicating they had a hearing today but did not appear on any of the calendars to direct them to the window so we could explain the situation. You will see a copy of one of the NTAs which shows the attachment from DHS paroling the parties in for humanitarian reasons. All of the NTAs had this attachment. I explained to the parties their cases had not been filed with the Court and when we receive their cases we will send them a notice with a hearing date/time. Fortunately the individuals who appeared after the initial family of three are all from Memphis vs other parts of TN, AR or MS.

I am not sure what DHS/Laredo is doing in regards to the ISS settings, but clearly it isn't correct. I would not be surprised if this issue is happening at other courts as well, but hopefully that is not the case. If you have any questions re: this matter, please let me know.
Tom

J. Thomas Davis
Court Administrator
USDOJ/EOIR/Immigration Court
80 Monroe Ave, Suite 501
Memphis, TN 38103

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From: [Santoro, Christopher A \(EOIR\)](#)
To: [Keller, Mary Beth \(EOIR\)](#)
Cc: [Rosen, Scott \(EOIR\)](#)
Subject: RE: Pereira v. Sessions - Guidance
Date: Wednesday, June 27, 2018 11:40:00 AM

Only change I would recommend is to mirror the "we anticipate..." language about ISS from the detained section in the non-detained section.... Just in case it isn't turned on as we expect.

Christopher A. Santoro

Deputy Chief Immigration Judge

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 27, 2018 10:53 AM
To: Santoro, Christopher A (EOIR) (b)(6)
Cc: Rosen, Scott (EOIR) (b)(6)
Subject: FW: Pereira v. Sessions - Guidance

MaryBeth Keller

From: Rosen, Scott (EOIR)
Sent: Wednesday, June 27, 2018 10:34 AM
To: Keller, Mary Beth (EOIR) (b)(6)
Subject: Pereira v. Sessions - Guidance

Here is the basic outline for the *Pereira* guidance.

Judges and Court Administrators:

This purpose of this email is to provide guidance on the processing of NTAs following the Supreme Court's decision in *Pereira v. Sessions*, 585 U.S. ____ (2018).

- **NTAs.** Effective immediately, NTAs filed at the window that do not include the time, date and location of the hearing should be rejected.
- **Non-detained Cases.** On Monday, July 2, 2018, the Department of Homeland Security will begin scheduling non-detained cases using the Interactive Scheduling System (ISS).
- **Detained Cases.** We anticipate that beginning Monday, July 16, 2018, ISS will be available for DHS to schedule hearings for detained cases.

- **Pending Cases.** For pending cases, Immigration Judges should continue to address issues raised by the parties regarding the NTA on a case-by-case basis in accordance with controlling case law, statutes, and regulations.

If you have any questions, please contact your ACIJ.