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NEWS RELEASE

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EOIR's BIA Grants Fewer Extensions of Briefing Deadlines for Detained Cases Extension Time Period Remains at 21 Days

FALLS CHURCH, Va. – In an effort to reduce detention time for aliens in removal proceedings who have filed case appeals with the Executive Office for Immigration Review's (EOIR's) Board of Immigration Appeals (BIA), beginning August 14, 2006, the BIA has been granting fewer extensions of initial briefing deadlines. However, the agency has **not** shortened briefing extension deadlines from 21 days to 15 days, as previously announced in a *Federal Register* notice (*Vol. 71, No. 135, p. 40151 / July 14, 2006*) and in a news release issued on July 26, 2006 (now obsolete). The time period granted for an **extension** of an initial briefing deadline **remains at the current 21 days**.

This revision to the previous notice and news release is the BIA's prompt response to input from stakeholders indicating that a shorter briefing schedule may make it more difficult for detained aliens to obtain legal representation.

The federal courts and aliens, through litigation, have expressed concerns about the amount of time detained aliens are in proceedings and, consequently, remain detained. As part of an EOIR-wide effort to respond to these concerns and reduce the amount of time a detained alien is in proceedings, the BIA has implemented, in general, the following new practice:

- The BIA is allowing only **one extension** to an initial briefing deadline **per case**. The one extension, if granted, applies to both parties.
 - The BIA continues to grant the current 21-day time period for an **extension** of an initial briefing deadline. (The initial deadline for filing briefs continues to remain at 21 days for both parties.)

This new practice applies only to cases involving **detained** aliens, and only for requests to **extend** the initial deadline by which both parties (the alien/alien's legal representative and the government/Department of Homeland Security) must file their briefs for a case appeal before the BIA. It will eliminate the unintended delays that often occur when both parties file requests to extend the briefing deadline within days of each other and, consequently, two separate extensions are granted.

The new procedure applies to extension requests filed on or after August 14, 2006, as indicated in the revised *Federal Register* notice that appears in *Vol. 71, No. 169, p. 51856, August 31, 2006*.

— EOIR —