



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the General Counsel*

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5107 Leesburg Pike, Suite 2150  
Falls Church, Virginia 22041

September 20, 2019

Michelle Mendez  
CLINIC  
8757 Georgia Ave., Suite 850  
Silver Springs, MD 20910

Re: FOIA 2019-11392

Dear Ms. Mendez,

This letter is a partial response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek information regarding the Office of Policy and various Attorney General's decisions.

Additional documents responsive to parts 3 and 4 of your request are enclosed. There will be no charge for the enclosed documents. Some information was withheld pursuant to 5 USC 552(b)(6) to avoid an unwarranted invasion of personal privacy, and/or 5 USC 552(b)(7)(e) to protect law enforcement information. The withheld portions are clearly marked within the documents.

EOIR continues to process your request and will issue a final response when all documents have been received and reviewed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "J. Schaaf", written over a large, stylized circular flourish.

Joseph R. Schaaf

Senior Counsel for Administrative Law

**From:** McHenry, James (EOIR)  
**To:** [Reilly, Katherine - OGC \(EOIR\)](#); [Neal, David L. \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Ward, Lisa \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#)  
**Subject:** Matter of E-F-H-L-  
**Date:** Monday, March 05, 2018 10:36:00 AM  
**Attachments:** [AG Order 4122-2018.pdf](#)

---

The AG has certified the case to himself in Matter of E-F-H-L- , vacated the Board's decision at 26 I&N Dec. 319, and directed that the case be recalendared.

The order is attached.

Pending the resolution of any current IT issues:

--The Board should send out notice of the order to the parties today.

--The Board and OP should coordinate formatting the order as a published decision.

-- OP should have the published decision posted to the public VLL today and then distributed within EOIR. It should also annotate the first Matter of E-F-H-L- in the public VLL to reflect that it has been vacated.

--Any media inquiries to OP/CLAD should be referred to OPA.

--Admin: once the order is posted on the public VLL, you can give JMD a heads-up.

Thanks.



Office of the Attorney General  
Washington, D.C. 20530

ORDER NO. 4122-2018

In re: Matter of E-F-H-L- (EOIR (b)(6)) (BIA 2014)

IN REMOVAL PROCEEDINGS

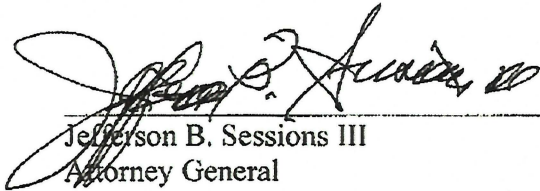
Pursuant to 8 C.F.R. § 1003.1(h)(1)(i), I direct the Board of Immigration Appeals (“Board”) to refer to me its decision in *Matter of E-F-H-L-*, 26 I&N Dec. 319 (BIA 2014), and I vacate that decision.

In this matter, the respondent conceded removability at the outset of removal proceedings and requested relief from removal pursuant to an application for asylum and withholding of removal. The presiding Immigration Judge determined, without holding an evidentiary hearing, that the respondent’s application failed as a matter of law to make a prima facie case that he was eligible for asylum and withholding of removal, and denied the application. The respondent appealed on the merits to the Board. The Board remanded, holding that a respondent applying for asylum and withholding of removal was ordinarily entitled to a full evidentiary hearing. The respondent subsequently withdrew his application for asylum and withholding of removal with prejudice. On the parties’ motion, the Immigration Judge administratively closed removal proceedings to allow the adjudication of an I-130 petition on behalf of the respondent.

Because the application for relief which served as the predicate for the evidentiary hearing required by the Board has been withdrawn with prejudice, the Board’s decision is effectively mooted. I accordingly vacate the decision of the Board in this matter, and I also direct that this matter be recalendared and restored to the active docket of the Immigration Court.

Date

3-1-18

  
Jefferson B. Sessions III  
Attorney General

**From:** [Santoro, Christopher A \(EOIR\)](#)  
**To:** [McHenry, James \(EOIR\)](#)  
**Cc:** [Reilly, Katherine \(EOIR\)](#); [King, Jean \(EOIR\)](#)  
**Subject:** Memo for AG certification of Matter of E-F-H-L-  
**Date:** Tuesday, December 05, 2017 3:52:09 PM  
**Attachments:** [Memo OAG certification E-F-H-L- clean 12.5.17+CAS.docx](#)

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James,

The revised version, with my edits, is attached.

Chris

Christopher A. Santoro

Chief of Staff

**From:** [Ferris, Brittany \(EOIR\)](#)  
**To:** [All of Court Administrators \(EOIR\)](#); [All of Judges \(EOIR\)](#); [All of OCIJ HDQ \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [EOIR Library \(EOIR\)](#); [BIA SUPPORT \(EOIR\)](#); [BIA TEAM P \(EOIR\)](#); [Butler, Vicki A. \(EOIR\)](#); [Carr, Donna \(EOIR\)](#); [King, Jean \(EOIR\)](#); [OGC \(EOIR\)](#); [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Adams, Amanda \(EOIR\)](#); [Pease, Jeffrey \(EOIR\)](#)  
**Cc:** [Rose, Karen \(EOIR\)](#); [Atkinson, Pamela \(EOIR\)](#)  
**Subject:** Matter of E-F-H-L-, 27 I&N Dec. 226 (A.G. 2018)  
**Date:** Monday, March 05, 2018 2:47:22 PM

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The above precedent decision can be found in Volume 27 at page 226. The link to the decision is:

Intranet:

(b)(7)(E)

The Attorney General referred the decision of the Board of Immigration Appeals in Matter of E-F-H-L-, 26 I&N Dec. 319 (BIA 2014), to himself for review and vacated that decision.

Brittany R. Ferris

DOJ/EOIR/BIA

703.605.5265

**From:** [McHenry, James \(EOIR\)](#)  
**To:** [Reilly, Katherine \(EOIR\)](#); [Neal, David L. \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Ward, Lisa \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#)  
**Subject:** Matter of E-F-H-L-  
**Date:** Monday, March 05, 2018 10:36:45 AM  
**Attachments:** [AG Order 4122-2018.pdf](#)

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--Admin: once the order is posted on the public VLL, you can give JMD a heads-up.

Thanks.



Office of the Attorney General  
Washington, D.C. 20530

ORDER NO. 4122-2018

In re: Matter of E-F-H-L- (A (b)(6) (BIA 2014)

IN REMOVAL PROCEEDINGS

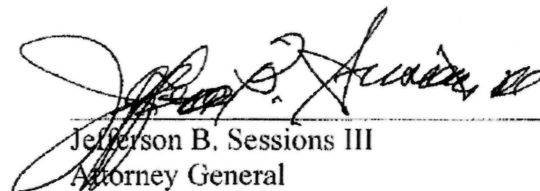
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Date

3-1-18

  
Jefferson B. Sessions III  
Attorney General



**From:** [McHenry, James \(EOIR\)](#)  
**To:** [Reilly, Katherine \(EOIR\)](#); [Neal, David L. \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Ward, Lisa \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#)  
**Subject:** Matter of E-F-H-L-  
**Date:** Monday, March 05, 2018 10:36:46 AM  
**Attachments:** [AG Order 4122-2018.pdf](#)

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Thanks.



# Office of the Attorney General

Washington, D.C. 20530

ORDER NO. 4122-2018

In re: Matter of E-F-H-L- (A <sup>(b)(6)</sup>) (BIA 2014)

## IN REMOVAL PROCEEDINGS

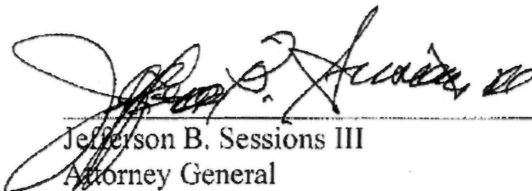
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Date

3-1-18

  
Jefferson B. Sessions III  
Attorney General

**From:** [Lyew, Samantha \(EOIR\)](#)  
**To:** [Ruffino, Lou \(EOIR\)](#)  
**Subject:** RE: 2018-09-17 Draft certification order for Matter of M-G-G- (v07).docx  
**Date:** Wednesday, September 19, 2018 10:25:00 AM

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Okay!

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**From:** Ruffino, Lou (EOIR)  
**Sent:** Wednesday, September 19, 2018 10:25 AM  
**To:** Lyew, Samantha (EOIR) <[Samantha.Lyew@EOIR.USDOJ.GOV](mailto:Samantha.Lyew@EOIR.USDOJ.GOV)>  
**Subject:** RE: 2018-09-17 Draft certification order for Matter of M-G-G- (v07).docx

Hi Sam:

Yes, but no worries. I am connected to the website now. I'll do it.

Thanks!

Lou

---

**From:** Lyew, Samantha (EOIR)  
**Sent:** Wednesday, September 19, 2018 9:58 AM  
**To:** Ruffino, Lou (EOIR) <[Lou.Ruffino@EOIR.USDOJ.GOV](mailto:Lou.Ruffino@EOIR.USDOJ.GOV)>  
**Subject:** RE: 2018-09-17 Draft certification order for Matter of M-G-G- (v07).docx

Sorry I've been in a meeting!

It's the draft with Matter of MGG at the top??

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**From:** Ruffino, Lou (EOIR)  
**Sent:** Wednesday, September 19, 2018 9:16 AM  
**To:** Lyew, Samantha (EOIR) <[Samantha.Lyew@EOIR.USDOJ.GOV](mailto:Samantha.Lyew@EOIR.USDOJ.GOV)>  
**Subject:** Fwd: 2018-09-17 Draft certification order for Matter of M-G-G- (v07).docx

GM Sam:

I can no longer connect from home. Will you please publish the main internet vll page for me?

Thanks!

Lou

Sent from my iPhone

Begin forwarded message:

**From:** "Berkeley, Nathan (EOIR)" <[Nathan.Berkeley@EOIR.USDOJ.GOV](mailto:Nathan.Berkeley@EOIR.USDOJ.GOV)>

**Date:** September 19, 2018 at 8:41:34 AM EDT  
**To:** "Ruffino, Lou (EOIR)" <[Lou.Ruffino@EOIR.USDOJ.GOV](mailto:Lou.Ruffino@EOIR.USDOJ.GOV)>  
**Cc:** "Alder Reid, Lauren (EOIR)" <[Lauren.AlderReid@EOIR.USDOJ.GOV](mailto:Lauren.AlderReid@EOIR.USDOJ.GOV)>  
**Subject:** Re: 2018-09-17 Draft certification order for Matter of M-G-G-(v07).docx

Go ahead with posting on the VLL page but not the Agency Decisions section for now.

Also, please send me the SOP so I can review it.

Thanks!

Nathan

On Sep 19, 2018, at 8:22 AM, Ruffino, Lou (EOIR) <[Lou.Ruffino@EOIR.USDOJ.GOV](mailto:Lou.Ruffino@EOIR.USDOJ.GOV)> wrote:

Hi Nathan:

I have M-G-G- up on the [VLL's main page](#) in draft (see below). I recommend *against* posting M-G-G- on the "Agency Decisions" pages ([Vol.27](#) and [alpha list](#)) because it is not really a decision (yet) in the way the items on those pages are. Also, I need to step away for about 20 minutes, but can post M-G-G- in those two places, if you'd like.

Just let me know.

Thanks!

Lou

<image001.png>

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**From:** Ruffino, Lou (EOIR)  
**Sent:** Tuesday, September 18, 2018 10:43 PM  
**To:** Berkeley, Nathan (EOIR) <[Nathan.Berkeley@EOIR.USDOJ.GOV](mailto:Nathan.Berkeley@EOIR.USDOJ.GOV)>  
**Cc:** Alder Reid, Lauren (EOIR) <[Lauren.AlderReid@EOIR.USDOJ.GOV](mailto:Lauren.AlderReid@EOIR.USDOJ.GOV)>  
**Subject:** Re: 2018-09-17 Draft certification order for Matter of M-G-G-(v07).docx

Hi Nathan:

M-G-G- is an amicus invitation, which we have not posted in the other two places. (Kathy did have it up there, but she didn't realize it was an amicus invitation and not a "decision." I, however, mentioned the difference to her and took it down.)

If you'd like, I can put M-G-G- up in the other two places before 8 a.m. or let James know why I took them down and ask him if he would prefer we post it as a "decision" and change the "sop" going forward.

Just let me know.

Thanks!

Lou

Sent from my iPhone

On Sep 18, 2018, at 9:32 PM, Berkeley, Nathan (EOIR)  
<[Nathan.Berkeley@EOIR.USDOJ.GOV](mailto:Nathan.Berkeley@EOIR.USDOJ.GOV)> wrote:

James – We will add M-G-G to the other two locations. As for the link LERS sent out, I think it does work. If you tried it on your phone, it will not work because it is an EOIR intranet link. Or was it also not working on your desktop or laptop?  
Thanks,  
Nathan

---

**From:** McHenry, James (EOIR)  
**Sent:** Tuesday, September 18, 2018 8:48 PM  
**To:** Berkeley, Nathan (EOIR)  
<[Nathan.Berkeley@EOIR.USDOJ.GOV](mailto:Nathan.Berkeley@EOIR.USDOJ.GOV)>  
**Cc:** Alder Reid, Lauren (EOIR)  
<[Lauren.AlderReid@EOIR.USDOJ.GOV](mailto:Lauren.AlderReid@EOIR.USDOJ.GOV)>; Ruffino, Lou (EOIR)  
<[Lou.Ruffino@EOIR.USDOJ.GOV](mailto:Lou.Ruffino@EOIR.USDOJ.GOV)>  
**Subject:** Re: 2018-09-17 Draft certification order for Matter of M-G-G- (v07).docx

Thanks. MGG needs to be on the VLL and Agency decisions.

I think it was up earlier but I don't see it now.

And the link LERS sent doesn't seem to be working.

On Sep 18, 2018, at 7:49 PM, Berkeley, Nathan (EOIR)  
<[Nathan.Berkeley@EOIR.USDOJ.GOV](mailto:Nathan.Berkeley@EOIR.USDOJ.GOV)> wrote:

James - The AG decision is posted at:  
<https://www.justice.gov/eoir/virtual-law-library>  
<https://www.justice.gov/eoir/volume-27>  
<https://www.justice.gov/eoir/precedent-decision-alpha-p-t#S>

The certification order for Matter of M-G-G-  
is posted at:  
<https://www.justice.gov/eoir/amicus-briefs>

On Sep 18, 2018, at 5:14 PM, McHenry,  
James (EOIR)  
<[James.McHenry@EOIR.USDOJ.GOV](mailto:James.McHenry@EOIR.USDOJ.GOV)>  
wrote:

Attached is an order from the  
AG certifying a case to himself  
and issuing a briefing schedule  
on one issue.

The Board should send out  
notice of the order to the parties  
today.

The Board and OP should  
coordinate formatting the order  
as a published decision to post  
today.

LERS should also distribute it  
once it is posted.

Admin-- once the decision is  
posted, you can give a heads up  
to JMD and OMB.

CLAD- any press inquiries  
should be referred to Devin and  
OPA.

Thanks.

<2018-09-17 Draft certification  
order for Matter of M-G-G-  
(v07).docx>

**From:** [Lyew, Samantha \(EOIR\)](#)  
**To:** [Edwards, Katherine \(EOIR\)](#); [Ruffino, Lou \(EOIR\)](#); [Camp, Kimberly \(EOIR\)](#); [Drumond, Karen \(EOIR\)](#)  
**Subject:** RE: Matter of Negusie, 27 I&N Dec. --- (BIA 2018) For approval  
**Date:** Thursday, June 28, 2018 2:47:00 PM

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Approved and published. Thanks!

**From:** Edwards, Katherine (EOIR)  
**Sent:** Thursday, June 28, 2018 2:43 PM  
**To:** Ruffino, Lou (EOIR) <Lou.Ruffino@EOIR.USDOJ.GOV>; Lyew, Samantha (EOIR) <Samantha.Lyew@EOIR.USDOJ.GOV>; Camp, Kimberly (EOIR) <Kimberly.Camp@EOIR.USDOJ.GOV>; Drumond, Karen (EOIR) <Karen.Drumond@EOIR.USDOJ.GOV>  
**Subject:** Matter of Negusie, 27 I&N Dec. --- (BIA 2018) For approval

For Approval.

Internet – <https://edit.justice.gov/eoir/volume-27/draft>

<https://edit.justice.gov/eoir/virtual-law-library/draft>

Alphabetical Listing by Name K – O

<https://edit.justice.gov/eoir/precedent-decision-alpha-k-o/draft>

Thanks  
Katherine

**From:** [Bauder, Melissa \(EOIR\)](#)  
**To:** [Lyew, Samantha \(EOIR\)](#)  
**Subject:** RE: Matter of M-S-, 27 I&N Dec. 476 (A.G. 2018)  
**Date:** Monday, October 15, 2018 8:08:00 AM

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Thanks!

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**From:** Lyew, Samantha (EOIR)  
**Sent:** Monday, October 15, 2018 7:39 AM  
**To:** Bauder, Melissa (EOIR) <[Melissa.Bauder@EOIR.USDOJ.GOV](mailto:Melissa.Bauder@EOIR.USDOJ.GOV)>  
**Subject:** RE: Matter of M-S-, 27 I&N Dec. 476 (A.G. 2018)

I don't get the A-numbers for the decisions- just the PDF of the decision itself!

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**From:** Bauder, Melissa (EOIR)  
**Sent:** Sunday, October 14, 2018 2:50 PM  
**To:** Lyew, Samantha (EOIR) <[Samantha.Lyew@EOIR.USDOJ.GOV](mailto:Samantha.Lyew@EOIR.USDOJ.GOV)>  
**Subject:** Fwd: Matter of M-S-, 27 I&N Dec. 476 (A.G. 2018)

Do you have the a number for this from this emails you get? Thanks!

Begin forwarded message:

**From:** "LERS, EOIR (EOIR)" <[EOIR.LERS@EOIR.USDOJ.GOV](mailto:EOIR.LERS@EOIR.USDOJ.GOV)>  
**Date:** October 12, 2018 at 8:08:28 PM EDT  
**To:** "All of Court Administrators (EOIR)"  
<[All\\_of\\_Court\\_Administrators@EOIR.USDOJ.GOV](mailto:All_of_Court_Administrators@EOIR.USDOJ.GOV)>, "All of Judges (EOIR)"  
<[All\\_of\\_Judges@EOIR.USDOJ.GOV](mailto:All_of_Judges@EOIR.USDOJ.GOV)>, "All of OCIJ HDQ (EOIR)"  
<[AllofOCIJHDQEOIR@EOIR.USDOJ.GOV](mailto:AllofOCIJHDQEOIR@EOIR.USDOJ.GOV)>, "All of OCIJ JLC (EOIR)"  
<[AllofOCIJLCEOIR@EOIR.USDOJ.GOV](mailto:AllofOCIJLCEOIR@EOIR.USDOJ.GOV)>, "BIA ATTORNEYS (EOIR)"  
<[BIA\\_ATTORNEYS@EOIR.USDOJ.GOV](mailto:BIA_ATTORNEYS@EOIR.USDOJ.GOV)>, "BIA BOARD MEMBERS (EOIR)"  
<[BIA\\_BOARD\\_MEMBERS@EOIR.USDOJ.GOV](mailto:BIA_BOARD_MEMBERS@EOIR.USDOJ.GOV)>, "EOIR Library (EOIR)"  
<[EOIR\\_Library@EOIR.USDOJ.GOV](mailto:EOIR_Library@EOIR.USDOJ.GOV)>, "BIA SUPPORT (EOIR)"  
<[BIA\\_SUPPORT@EOIR.USDOJ.GOV](mailto:BIA_SUPPORT@EOIR.USDOJ.GOV)>, "BIA TEAM P (EOIR)"  
<[BIA\\_TEAM\\_P@EOIR.USDOJ.GOV](mailto:BIA_TEAM_P@EOIR.USDOJ.GOV)>, "Butler, Vicki A. (EOIR)"  
<[Vicki.Butler@EOIR.USDOJ.GOV](mailto:Vicki.Butler@EOIR.USDOJ.GOV)>, "Carr, Donna (EOIR)"  
<[Donna.Carr@EOIR.USDOJ.GOV](mailto:Donna.Carr@EOIR.USDOJ.GOV)>, "King, Jean (EOIR)" <[Jean.King@EOIR.USDOJ.GOV](mailto:Jean.King@EOIR.USDOJ.GOV)>,  
"Aberra, Konjit (EOIR)" <[Konjit.Aberra@EOIR.USDOJ.GOV](mailto:Konjit.Aberra@EOIR.USDOJ.GOV)>, "Allen, Patricia M. (EOIR)"  
<[Patricia.Allen@EOIR.USDOJ.GOV](mailto:Patricia.Allen@EOIR.USDOJ.GOV)>, "Anderson, Jill (EOIR)"  
<[Jill.Anderson@EOIR.USDOJ.GOV](mailto:Jill.Anderson@EOIR.USDOJ.GOV)>, "Anderson, Rowena (EOIR) (CTR)"  
<[Rowena.Anderson@EOIR.USDOJ.GOV](mailto:Rowena.Anderson@EOIR.USDOJ.GOV)>, "Baptista, Christina (EOIR)"  
<[Christina.Baptista@EOIR.USDOJ.GOV](mailto:Christina.Baptista@EOIR.USDOJ.GOV)>, "Barnes, Jennifer (EOIR)"  
<[Jennifer.Barnes@EOIR.USDOJ.GOV](mailto:Jennifer.Barnes@EOIR.USDOJ.GOV)>, "Benton, Grace (EOIR)"  
<[Grace.Benton@EOIR.USDOJ.GOV](mailto:Grace.Benton@EOIR.USDOJ.GOV)>, "Billingsley, Kelly (EOIR)"  
<[Kelly.Billingsley@EOIR.USDOJ.GOV](mailto:Kelly.Billingsley@EOIR.USDOJ.GOV)>, "Blocker, Carlita (EOIR)"



<[Carlita.Blocker@EOIR.USDOJ.GOV](mailto:Carlita.Blocker@EOIR.USDOJ.GOV)>, "Brill, Adam W. (EOIR)"  
<[Adam.Brill@EOIR.USDOJ.GOV](mailto:Adam.Brill@EOIR.USDOJ.GOV)>, "Burgie, Brea (EOIR)"  
<[Brea.Burgie@EOIR.USDOJ.GOV](mailto:Brea.Burgie@EOIR.USDOJ.GOV)>, "Burgus, Elizabeth (EOIR)"  
<[Elizabeth.Burgus@EOIR.USDOJ.GOV](mailto:Elizabeth.Burgus@EOIR.USDOJ.GOV)>, "Cicchini, Daniel (EOIR)"  
<[Daniel.Cicchini@EOIR.USDOJ.GOV](mailto:Daniel.Cicchini@EOIR.USDOJ.GOV)>, "Coleman, Maria (EOIR)"  
<[Maria.Coleman@EOIR.USDOJ.GOV](mailto:Maria.Coleman@EOIR.USDOJ.GOV)>, "Cox, Chris (EOIR)"  
<[Chris.Cox@EOIR.USDOJ.GOV](mailto:Chris.Cox@EOIR.USDOJ.GOV)>, "Curry, Michelle (EOIR)"  
<[Michelle.Curry@EOIR.USDOJ.GOV](mailto:Michelle.Curry@EOIR.USDOJ.GOV)>, "Diallo, Aisatou (EOIR)"  
<[Aisatou.Diallo@EOIR.USDOJ.GOV](mailto:Aisatou.Diallo@EOIR.USDOJ.GOV)>, "Dickerson, Sonya (EOIR)"  
<[Sonya.Dickerson@EOIR.USDOJ.GOV](mailto:Sonya.Dickerson@EOIR.USDOJ.GOV)>, "Djuric, Ivana (EOIR)"  
<[Ivana.Djuric@EOIR.USDOJ.GOV](mailto:Ivana.Djuric@EOIR.USDOJ.GOV)>, "Evans, Brianna (EOIR)"  
<[Brianna.Evans@EOIR.USDOJ.GOV](mailto:Brianna.Evans@EOIR.USDOJ.GOV)>, "Finkel, Dina (EOIR)"  
<[Dina.Finkel@EOIR.USDOJ.GOV](mailto:Dina.Finkel@EOIR.USDOJ.GOV)>, "Gonzalez, Gina (EOIR)"  
<[Gina.Gonzalez@EOIR.USDOJ.GOV](mailto:Gina.Gonzalez@EOIR.USDOJ.GOV)>, "Gonzalez, Ivan (EOIR)"  
<[Ivan.Gonzalez@EOIR.USDOJ.GOV](mailto:Ivan.Gonzalez@EOIR.USDOJ.GOV)>, "Grodin, Edward (EOIR)"  
<[Edward.Grodin@EOIR.USDOJ.GOV](mailto:Edward.Grodin@EOIR.USDOJ.GOV)>, "Hamilton, Keri A. (EOIR)"  
<[Keri.Hamilton@EOIR.USDOJ.GOV](mailto:Keri.Hamilton@EOIR.USDOJ.GOV)>, "Hartman, Alexander (EOIR)"  
<[Alexander.Hartman@EOIR.USDOJ.GOV](mailto:Alexander.Hartman@EOIR.USDOJ.GOV)>, "Humady, Imelda (EOIR)"  
<[Imelda.Humady@EOIR.USDOJ.GOV](mailto:Imelda.Humady@EOIR.USDOJ.GOV)>, "Intachit, Alma (EOIR)"  
<[Alma.Intachit@EOIR.USDOJ.GOV](mailto:Alma.Intachit@EOIR.USDOJ.GOV)>, "Khalife, Lina (EOIR) (CTR)"  
<[Lina.Khalife@EOIR.USDOJ.GOV](mailto:Lina.Khalife@EOIR.USDOJ.GOV)>, "Kidd, Larry (EOIR)" <[Larry.Kidd@EOIR.USDOJ.GOV](mailto:Larry.Kidd@EOIR.USDOJ.GOV)>,  
"Kier, Diane (EOIR)" <[Diane.Kier@EOIR.USDOJ.GOV](mailto:Diane.Kier@EOIR.USDOJ.GOV)>, "King, Jean (EOIR)"  
<[Jean.King@EOIR.USDOJ.GOV](mailto:Jean.King@EOIR.USDOJ.GOV)>, "Latney, Latonya (EOIR)"  
<[Latonya.Latney@EOIR.USDOJ.GOV](mailto:Latonya.Latney@EOIR.USDOJ.GOV)>, "Lee, Jeanna (EOIR)"  
<[Jeanna.Lee@EOIR.USDOJ.GOV](mailto:Jeanna.Lee@EOIR.USDOJ.GOV)>, "Lu, Michael (EOIR)"  
<[Michael.Lu@EOIR.USDOJ.GOV](mailto:Michael.Lu@EOIR.USDOJ.GOV)>, "Martinez, Casey L. (EOIR)"  
<[Casey.Martinez@EOIR.USDOJ.GOV](mailto:Casey.Martinez@EOIR.USDOJ.GOV)>, "Metz, Matthew (EOIR)"  
<[Matthew.Metz@EOIR.USDOJ.GOV](mailto:Matthew.Metz@EOIR.USDOJ.GOV)>, "Minor, Lea (EOIR)"  
<[Lea.Minor@EOIR.USDOJ.GOV](mailto:Lea.Minor@EOIR.USDOJ.GOV)>, "Monsky, Paul (EOIR)"  
<[Paul.Monsky@EOIR.USDOJ.GOV](mailto:Paul.Monsky@EOIR.USDOJ.GOV)>, "Noferi, Mark (EOIR)"  
<[Mark.Noferi@EOIR.USDOJ.GOV](mailto:Mark.Noferi@EOIR.USDOJ.GOV)>, "Nunez, Steven (EOIR)"  
<[Steven.Nunez@EOIR.USDOJ.GOV](mailto:Steven.Nunez@EOIR.USDOJ.GOV)>, "O'Hara, Shelley M. (EOIR)"  
<[Shelley.O'Hara@EOIR.USDOJ.GOV](mailto:Shelley.O'Hara@EOIR.USDOJ.GOV)>, "Parappurath, George (EOIR)"  
<[George.Parappurath@EOIR.USDOJ.GOV](mailto:George.Parappurath@EOIR.USDOJ.GOV)>, "Park, Jeannie (EOIR)"  
<[Jeannie.Park@EOIR.USDOJ.GOV](mailto:Jeannie.Park@EOIR.USDOJ.GOV)>, "Phung, Mai (EOIR)"  
<[Mai.Phung@EOIR.USDOJ.GOV](mailto:Mai.Phung@EOIR.USDOJ.GOV)>, "Reilly, Katherine (EOIR)"  
<[Katherine.Reilly@EOIR.USDOJ.GOV](mailto:Katherine.Reilly@EOIR.USDOJ.GOV)>, "Reinfurt, Sandy (EOIR)"  
<[Sandy.Reinfurt@EOIR.USDOJ.GOV](mailto:Sandy.Reinfurt@EOIR.USDOJ.GOV)>, "Rich, John (EOIR)"  
<[John.Rich@EOIR.USDOJ.GOV](mailto:John.Rich@EOIR.USDOJ.GOV)>, "Rimmer, Phillip (EOIR)"  
<[Phillip.Rimmer@EOIR.USDOJ.GOV](mailto:Phillip.Rimmer@EOIR.USDOJ.GOV)>, "Rivera-Lorente, Lorraine (EOIR) (CTR)"  
<[Lorraine.Rivera-Lorente@EOIR.USDOJ.GOV](mailto:Lorraine.Rivera-Lorente@EOIR.USDOJ.GOV)>, "Rodrigues, Paul A. (EOIR)"  
<[Paul.Rodrigues@EOIR.USDOJ.GOV](mailto:Paul.Rodrigues@EOIR.USDOJ.GOV)>, "Rothwarf, Marta (EOIR)"  
<[Marta.Rothwarf@EOIR.USDOJ.GOV](mailto:Marta.Rothwarf@EOIR.USDOJ.GOV)>, "Rubin, David (EOIR) (CTR)"  
<[David.Rubin@EOIR.USDOJ.GOV](mailto:David.Rubin@EOIR.USDOJ.GOV)>, "Saeed, Anam (EOIR)"  
<[Anam.Saeed@EOIR.USDOJ.GOV](mailto:Anam.Saeed@EOIR.USDOJ.GOV)>, "Sanders, John W. (EOIR)"

<[John.Sanders@EOIR.USDOJ.GOV](mailto:John.Sanders@EOIR.USDOJ.GOV)>, "Schaaf, Joseph R. (EOIR)"  
<[Joseph.Schaaf@EOIR.USDOJ.GOV](mailto:Joseph.Schaaf@EOIR.USDOJ.GOV)>, "Scheinkman, Rena (EOIR)"  
<[Rena.Scheinkman@EOIR.USDOJ.GOV](mailto:Rena.Scheinkman@EOIR.USDOJ.GOV)>, "Souza, Crystal (EOIR)"  
<[Crystal.Souza@EOIR.USDOJ.GOV](mailto:Crystal.Souza@EOIR.USDOJ.GOV)>, "Turner, Savannah (EOIR)"  
<[Savannah.Turner@EOIR.USDOJ.GOV](mailto:Savannah.Turner@EOIR.USDOJ.GOV)>, "Wahowiak, Marlene (EOIR)"  
<[Marlene.Wahowiak@EOIR.USDOJ.GOV](mailto:Marlene.Wahowiak@EOIR.USDOJ.GOV)>, "Wallace, Myisha (EOIR)"  
<[Myisha.Wallace@EOIR.USDOJ.GOV](mailto:Myisha.Wallace@EOIR.USDOJ.GOV)>, "Williams, Sandra D. (EOIR)"  
<[Sandra.Williams@EOIR.USDOJ.GOV](mailto:Sandra.Williams@EOIR.USDOJ.GOV)>, "Williams, Shelia (EOIR)"  
<[Shelia.Williams@EOIR.USDOJ.GOV](mailto:Shelia.Williams@EOIR.USDOJ.GOV)>, "Yung, Trina Lau (EOIR)"  
<[TrinaLau.Yung@EOIR.USDOJ.GOV](mailto:TrinaLau.Yung@EOIR.USDOJ.GOV)>, "McHenry, James (EOIR)"  
<[James.McHenry@EOIR.USDOJ.GOV](mailto:James.McHenry@EOIR.USDOJ.GOV)>, "Reilly, Katherine (EOIR)"  
<[Katherine.Reilly@EOIR.USDOJ.GOV](mailto:Katherine.Reilly@EOIR.USDOJ.GOV)>, "Santoro, Christopher A (EOIR)"  
<[Christopher.Santoro@EOIR.USDOJ.GOV](mailto:Christopher.Santoro@EOIR.USDOJ.GOV)>, "Alder Reid, Lauren (EOIR)"  
<[Lauren.AlderReid@EOIR.USDOJ.GOV](mailto:Lauren.AlderReid@EOIR.USDOJ.GOV)>, "Berkeley, Nathan (EOIR)"  
<[Nathan.Berkeley@EOIR.USDOJ.GOV](mailto:Nathan.Berkeley@EOIR.USDOJ.GOV)>, "Cowles, Jon (EOIR)"  
<[Jon.Cowles@EOIR.USDOJ.GOV](mailto:Jon.Cowles@EOIR.USDOJ.GOV)>, "Bauder, Melissa (EOIR)"  
<[Melissa.Bauder@EOIR.USDOJ.GOV](mailto:Melissa.Bauder@EOIR.USDOJ.GOV)>, "Korniluk, Artur (EOIR)"  
<[Artur.Korniluk@EOIR.USDOJ.GOV](mailto:Artur.Korniluk@EOIR.USDOJ.GOV)>, "Adams, Amanda (EOIR)"  
<[Amanda.Adams@EOIR.USDOJ.GOV](mailto:Amanda.Adams@EOIR.USDOJ.GOV)>, "Pease, Jeffrey (EOIR)"  
<[Jeffrey.Pease@EOIR.USDOJ.GOV](mailto:Jeffrey.Pease@EOIR.USDOJ.GOV)>  
**Cc:** "Rose, Karen (EOIR)" <[Karen.Rose@EOIR.USDOJ.GOV](mailto:Karen.Rose@EOIR.USDOJ.GOV)>, "Atkinson, Pamela (EOIR)"  
<[Pamela.Atkinson@EOIR.USDOJ.GOV](mailto:Pamela.Atkinson@EOIR.USDOJ.GOV)>, "Brackett, Krystal (EOIR) (CTR)"  
<[Krystal.Brockett@EOIR.USDOJ.GOV](mailto:Krystal.Brockett@EOIR.USDOJ.GOV)>

**Subject: Matter of M-S-, 27 I&N Dec. 476 (A.G. 2018)**

The above precedent decision can be found in Volume 27 at page 476. The link to the decision is:

Internet:

<https://www.justice.gov/eoir/page/file/1100661/download>

The Attorney General referred the decision of the Board of Immigration Appeals to himself for review of issues relating to the authority to hold bond hearings for certain aliens screened for expedited removal proceedings, ordering that the case be stayed during the pendency of his review.

**From:** [Edwards, Katherine \(EOIR\)](#)  
**To:** [Ferris, Brittany \(EOIR\) \(CTR\)](#); [All of Court Administrators \(EOIR\)](#); [All of Judges \(EOIR\)](#); [All of OCIJ HDO \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [EOIR Library \(EOIR\)](#); [BIA SUPPORT \(EOIR\)](#); [BIA TEAM P \(EOIR\)](#); [Butler, Vicki A. \(EOIR\)](#); [Carr, Donna \(EOIR\)](#); [King, Jean \(EOIR\)](#); [OGC \(EOIR\)](#); [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Adams Milam, Amanda J. \(EOIR\)](#); [Pease, Jeffrey \(EOIR\)](#)  
**Cc:** [Rose, Karen \(EOIR\)](#); [Atkinson, Pamela \(EOIR\)](#); [Brackett, Krystal \(EOIR\) \(CTR\)](#)  
**Subject:** RE: Matter of S-O-G- & F-D-B-, 27 I&N Dec. 462 (A.G. 2018)  
**Date:** Tuesday, September 18, 2018 6:47:44 PM

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Hello,

Requested Text – BIA Publishes Decision – RE: Matter of S-O-G- & F-D-B-, 27 I&N Dec. 462 (A.G. 2018) - “<https://go.usa.gov/xP2DS>”

Requested Date – Sept. 18, 2018

Requested Time – ASAP

Contact – Katherine Edwards – (b) (6)

Thanks!  
Katherine

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**From:** Ferris, Brittany (EOIR)  
**Sent:** Tuesday, September 18, 2018 6:09 PM  
**To:** All of Court Administrators (EOIR) <All\_of\_Court\_Administrators@EOIR.USDOJ.GOV>; All of Judges (EOIR) <All\_of\_Judges@EOIR.USDOJ.GOV>; All of OCIJ HDQ (EOIR) <AllOfOCIJHDQEOIR@EOIR.USDOJ.GOV>; All of OCIJ JLC (EOIR) <AllOfOCIJLCEOIR@EOIR.USDOJ.GOV>; BIA ATTORNEYS (EOIR) <BIA\_ATTORNEYS@EOIR.USDOJ.GOV>; BIA BOARD MEMBERS (EOIR) <BIA\_BOARD\_MEMBERS@EOIR.USDOJ.GOV>; EOIR Library (EOIR) <EOIR\_Library@EOIR.USDOJ.GOV>; BIA SUPPORT (EOIR) <BIA\_SUPPORT@EOIR.USDOJ.GOV>; BIA TEAM P (EOIR) <BIA\_TEAM\_P@EOIR.USDOJ.GOV>; Butler, Vicki A. (EOIR) <Vicki.Butler@EOIR.USDOJ.GOV>; Carr, Donna (EOIR) <Donna.Carr@EOIR.USDOJ.GOV>; King, Jean (EOIR) <Jean.King@EOIR.USDOJ.GOV>; OGC (EOIR) <OGC@EOIR.USDOJ.GOV>; McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>; Reilly, Katherine (EOIR) <Katherine.Reilly@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Alder Reid, Lauren (EOIR) <Lauren.AlderReid@EOIR.USDOJ.GOV>; Berkeley, Nathan (EOIR) <Nathan.Berkeley@EOIR.USDOJ.GOV>; Cowles, Jon (EOIR) <Jon.Cowles@EOIR.USDOJ.GOV>; Bauder, Melissa (EOIR) <Melissa.Bauder@EOIR.USDOJ.GOV>; Korniluk, Artur (EOIR) <Artur.Korniluk@EOIR.USDOJ.GOV>; Adams, Amanda (EOIR) <Amanda.Adams@EOIR.USDOJ.GOV>; Pease, Jeffrey (EOIR) <Jeffrey.Pease@EOIR.USDOJ.GOV>  
**Cc:** Rose, Karen (EOIR) <Karen.Rose@EOIR.USDOJ.GOV>; Atkinson, Pamela (EOIR) <Pamela.Atkinson@EOIR.USDOJ.GOV>; Brackett, Krystal (EOIR) (CTR) <Krystal.Brackett@EOIR.USDOJ.GOV>; Ferris, Brittany (EOIR) <Brittany.Ferris@EOIR.USDOJ.GOV>  
**Subject:** Matter of S-O-G- & F-D-B-, 27 I&N Dec. 462 (A.G. 2018)

The above precedent decision can be found in Volume 27 at page 462. The link to the decision is:

Intranet:

(b) (7)(E)

(1) Consistent with *Matter of Castro-Tum*, 27 I&N Dec. 271 (A.G. 2018), immigration judges have no inherent authority to terminate or dismiss removal proceedings.

(2) Immigration judges may dismiss or terminate removal proceedings only under the circumstances expressly identified in the regulations, *see* 8 C.F.R. § 1239.2(c), (f), or where the Department of Homeland Security fails to sustain the charges of removability against a respondent, *see* 8 C.F.R. § 1240.12(c).

(3) An immigration judge's general authority to "take any other action consistent with applicable law and regulations as may be appropriate," 8 C.F.R. § 1240.1(a)(1)(iv), does not provide any additional authority to terminate or dismiss removal proceedings beyond those authorities expressly set out in the relevant regulations.

(4) To avoid confusion, immigration judges and the Board should recognize and maintain the distinction between a dismissal under 8 C.F.R. § 1239.2(c) and a termination under 8 C.F.R. § 1239.2(f).