

From: [Keller, Mary Beth \(EOIR\)](#)
To: [Maggard, Print \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#)
Cc: [Cheng, Mary \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#)
Subject: RE: Pereira guidance
Date: Tuesday, June 26, 2018 12:02:00 PM
Attachments: [image001.png](#)

Yes, the Director said yesterday that we should send a message out today, but that before we advise CAs to start rejecting we need ISS available – hopefully all is in motion. Will let you know -

MaryBeth Keller

Not a responsive record



From: Keller, Mary Beth (EOIR)
Sent: Tuesday, June 26, 2018 8:52 AM
To: Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV <<mailto:Print.Maggard@EOIR.USDOJ.GOV>>>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV <<mailto:Christopher.Santoro@EOIR.USDOJ.GOV>>>
Cc: Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV <<mailto:Mary.Cheng@EOIR.USDOJ.GOV>>>; Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV <<mailto:Scott.Rosen@EOIR.USDOJ.GOV>>>
Subject: RE: Pereira guidance

Adding Scott.

We have a meeting at 12:30 which could be on this topic. (b)(5) DP
[REDACTED] - Meanwhile, OIT is working on turning on ISS, all of which we hope to hear about at 12:30. Though I don't see Jean on the invite. Will pass on whatever direction we get.

Mtk

MaryBeth Keller

Not a responsive record



From: [Keller, Mary Beth \(EOIR\)](#)
To: [Santoro, Christopher A \(EOIR\)](#); [Maggard, Print \(EOIR\)](#)
Cc: [Cheng, Mary \(EOIR\)](#); [Pasierb, Mark \(EOIR\)](#); [Rosen, Scott \(EOIR\)](#)
Subject: RE: Pereira guidance
Date: Tuesday, June 26, 2018 1:40:00 PM

Status Quo for now; (b)(5) DP [REDACTED].

Plan is to send out a message tomorrow if we are able to window reject, along with other instructions to CAs regarding ISS opening on Monday for non detained, if OIT can confirm that. (b)(5) DP [REDACTED]

[REDACTED] Chris and I will try and talk with Mark about that soon -

No direct guidance is coming on pending cases at this point; when we communicate the above, we will tell the judges that they should apply the law to the individual cases as they always do.

Will communicate all of this to the ACIJs at our meeting at 2.

Mtk

MaryBeth Keller

Not a responsive record



From: [Keller, Mary Beth \(EOIR\)](#)
To: [Santoro, Christopher A \(EOIR\)](#)
Cc: [Rosen, Scott \(EOIR\)](#); [Wilson, Donna L. \(EOIR\)](#)
Subject: RE: Pereira v. Sessions - Guidance
Date: Wednesday, June 27, 2018 12:46:00 PM

Ok, great.

Scott, just shoot me the revised draft as soon as you can and we'll get it out before the 2:30 meeting. Copying Donna to look for it.

Tx.

Mtk

MaryBeth Keller

Not a responsive record



From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 27, 2018 12:37 PM
To: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
Cc: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>
Subject: RE: Pereira v. Sessions - Guidance

Chris,

Also, Mark indicated this morning that they are going to need to schedule the agendas for everyday since the script needs to be uniform from here – but, once they do that, then the CAs can decide for their individual courts how many of these “days” for IAD they want to have available. They also went with 30 minute slots with 15 per slot – again, the CAs can change that.

Mtk

MaryBeth Keller

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 27, 2018 12:33 PM
To: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
Cc: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>
Subject: RE: Pereira v. Sessions - Guidance

We may need both. Scott please check with Mark on the level of instruction that will be required to the CAs – it probably will need to be in writing.

Mtk

MaryBeth Keller

Not a responsive record



From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 27, 2018 12:30 PM
To: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
Cc: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>
Subject: RE: Pereira v. Sessions - Guidance

I was just typing a message to Mark – think we should add a line noting that he will be sending follow up guidance to the CAs. Scott, could you please check with Mark asap and let us know?

I can have Donna send at any time after that if you return the draft with the changes.

Tx.

Mtk

MaryBeth Keller

Not a responsive record

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 27, 2018 11:52 AM
To: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
Cc: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>
Subject: RE: Pereira v. Sessions - Guidance

I agree, and would also suggest changing the language in the first bullet to track the exact language in the decision/statute at 1229(a). (b)(5) DP [REDACTED]
[REDACTED] “NTAs that do not specify the time and place of the hearing” should be rejected.

(b)(5) DP [REDACTED]
[REDACTED]

MaryBeth Keller

Not a responsive record

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) <Christopher.Santoro@EOIR.USDOJ.GOV>

Cc: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>

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) <MaryBeth.Keller@EOIR.USDOJ.GOV>

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).

(b)(5) DP



If you have any questions, please contact your ACIJ.

From: [Keller, Mary Beth \(EOIR\)](#)
To: [Rosen, Scott \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#)
Cc: [Wilson, Donna L. \(EOIR\)](#)
Subject: RE: Pereira v. Sessions - Guidance (on behalf of Chief Judge Keller)
Date: Wednesday, June 27, 2018 1:48:00 PM

And struck the last sentence...!

MaryBeth Keller

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 27, 2018 1:44 PM
To: Rosen, Scott (EOIR) <Scott.Rosen@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
Cc: Wilson, Donna L. (EOIR) <Donna.Wilson@EOIR.USDOJ.GOV>
Subject: RE: Pereira v. Sessions - Guidance (on behalf of Chief Judge Keller)

First word should be "The" not "This". Also added the language in blue –

Otherwise, good to go.

MaryBeth Keller

From: Rosen, Scott (EOIR)
Sent: Wednesday, June 27, 2018 1:11 PM
To: Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>
<<mailto:MaryBeth.Keller@EOIR.USDOJ.GOV>> >; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
<<mailto:Christopher.Santoro@EOIR.USDOJ.GOV>> >
Subject: RE: Pereira v. Sessions - Guidance (on behalf of Chief Judge Keller)

Here it is again with a few more changes.

From: Rosen, Scott (EOIR)
Sent: Wednesday, June 27, 2018 1:04 PM
To: Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>
<<mailto:MaryBeth.Keller@EOIR.USDOJ.GOV>> >; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>
<<mailto:Christopher.Santoro@EOIR.USDOJ.GOV>> >
Subject: Pereira v. Sessions - Guidance

Here is the email with the changes.

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 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. Additional guidance will be provided at that time.

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

<mailto:Mary.Beth.Keller@usdoj.gov> Mary.Beth.Keller@usdoj.gov

703-305-1247

From: [Keller, Mary Beth \(EOIR\)](#)
To: [Santoro, Christopher A \(EOIR\)](#)
Subject: FW: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)
Date: Wednesday, June 27, 2018 1:50:00 PM

Sent it to James, Katherine, Kate and Jean.

MaryBeth Keller

Not a responsive record



From: [Keller, Mary Beth \(EOIR\)](#)
To: [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#)
Cc: [Sheehey, Kate \(EOIR\)](#); [King, Jean \(EOIR\)](#)
Subject: FW: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)
Date: Wednesday, June 27, 2018 1:50:00 PM

fyi

MaryBeth Keller

Not a responsive record



From: [Keller, Mary Beth \(EOIR\)](#)
To: [So, Edward \(EOIR\)](#)
Cc: [Ahn, Kate \(EOIR\)](#)
Subject: FW: Pereira v. Sessions - Guidance (on behalf of CIJ Keller)
Date: Wednesday, June 27, 2018 1:56:00 PM

Ed and Kate,

Fyi.

Mtk

MaryBeth Keller

Not a responsive record



Not a responsive record



From: Keller, Mary Beth (EOIR)

Sent: Thursday, June 28, 2018 3:27 PM

To: Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>; Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Maggard, Print (EOIR)

<Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>

Subject: FW: Notices to Appear: Amended Procedures

I think these might have to be 9As – thoughts? It's the CA only code. Or 9B if it get advanced (!). Thoughts?

9A

Docket Management (Postpone Hearing)

Hearing postponed by EOIR for docket management reasons.

MaryBeth Keller

Not a responsive record



Not a responsive record

From: Keller, Mary Beth (EOIR)
Sent: Thursday, June 28, 2018 12:16 PM
To: Bartolomei, Jr. Rico (EOIR) <Rico.Bartolomei@EOIR.USDOJ.GOV>; Daugherty, Daniel J. (EOIR) <Daniel.Daugherty@EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) <Irene.Feldman@EOIR.USDOJ.GOV>; Grim, James (EOIR) <James.Grim@EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) <Amy.Hoogasian@EOIR.USDOJ.GOV>; Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) <H.Kevin.Mart@EOIR.USDOJ.GOV>; Martin, Clay N. (EOIR) <Clay.Martin@EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) <Deepali.Nadkarni@EOIR.USDOJ.GOV>; Paul, Nancy J. (EOIR) <Nancy.Paul@EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) <Rodin.Rooyani@EOIR.USDOJ.GOV>; Scala, Theresa M. (EOIR) <Theresa.Scala@EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) <Elisa.Sukkar@EOIR.USDOJ.GOV>; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Weiss, Daniel H. (EOIR) <Daniel.Weiss@EOIR.USDOJ.GOV>
Cc: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
Subject: FW: Notices to Appear: Amended Procedures

ACIJs –

Please see the below email that will be going out to the CAs shortly from Mark Pasierb. We are hopeful that the necessary Interagency Agreement will be signed by DHS next week and they will be using ISS across the board at DHS.

One other minor (positive) tweak to what we told you on Tuesday: cases that need to be reset after the initial scheduling need not be reset every 10/90 days, into “rolling 10/90” day periods as we originally stated. That has been clarified and we are able to simply reset cases after the initial scheduling. Of course we are urged to reset cases as close to the 10/90 day time frames as possible, but there is no “rolling” reset requirement.

Thank you all – please send questions to Mark, or the Deputies.

Mtk

Not a responsive record



From: Keller, Mary Beth (EOIR)

Sent: Thursday, June 28, 2018 4:30 PM

To: Pasierb, Mark (EOIR) <Mark.Pasierb@EOIR.USDOJ.GOV>

Cc: Santoro, Christopher A (EOIR) <Christopher.Santoro@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>

Subject: FW: Notices to Appear: Amended Procedures

Mark,

Could you kindly let the ACIJs and CAs know to use the 9A and 9B codes for these resets?

Thanks.

Mkt

MaryBeth Keller

Not a responsive record

