



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

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Falls Church, Virginia 22041

August 22, 1997

MEMORANDUM

TO: Deputy Chief Immigration Judges
All Assistant Chief Immigration Judges
All Immigration Judges
All Court Administrators
All Support Staff

FROM: Office of the Chief Immigration Judge

SUBJECT: Operating Policies and Procedures Memorandum (OPPM) 97-6: Definitions and Use of Adjournment and Call-up Codes

A. Rescinded OPPM:

This Operating Policies and Procedures Memorandum (OPPM) rescinds OPPM 89-5, ANSIR Call-up Codes, dated July 6, 1989, and OPPM 94-1, Reasons for Adjournment and Adjournment Codes, dated January 26, 1994, and outlines additions to the Adjournment, Call-up Codes and Case Identifiers used to track the case hearing process.

B. Effective Date:

The revised definitions for adjournment and call-up codes and corresponding ANSIR adjournment codes listed in this OPPM are effective immediately.

C. Background:

Adjournment and Call-up Codes are used primarily for case tracking information in the Automated Nationwide System for Immigration Review (ANSIR) System. More specifically, when a case is adjourned or a call up date given, the reason for that adjournment must be provided by an Immigration Judge and then entered into ANSIR by a support staff member using a two-digit adjournment code, or a two-letter call-up code. These codes were revised to include changes required by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

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D. List of Revised Adjournment Codes with their Definition:

| <u>Code</u> | <u>Reason</u> | <u>Definition</u> |
|-------------|---|--|
| 1 | Alien to Seek Representation | Adjourned to seek representation. |
| 2 | Preparation - Alien/Attorney/ Representative | Adjourned to allow alien/attorney/ representative time to prepare the case, includes: allowing time to file an additional relief application not initially requested; or, to allow alien/atty/rep a reasonable time to prepare for additional charges submitted by INS; to take witness testimony outside corrections facility, e.g., at the Immigration Court for a witness in 212(c) hearing. |
| 3 | Preparation - INS | Adjourned to allow the INS TA time to prepare the case, includes: time to obtain and/or verify certain information pertinent to the case (database checks in asylum cases covered by code 24), e.g., INS Form G-325, conviction record, or, to grant a request by INS for a reason(s) not covered in this list, or to allow INS to file the charging documents of all family members together, or when consolidation of similarly situated cases is deemed appropriate. |
| 4 | INS or INS Administrative File - Unavailable for Hearing | Adjourned because INS doesn't have the A-File available, or does not appear at the hearing. |

D. List of Revised Adjournment Codes with their Definition (continued):

| <u>Code</u> | <u>Reason</u> | <u>Definition</u> |
|-------------|--|--|
| 5 | Alien to File for Asylum | Adjourned to allow the alien to file an asylum application with the Immigration Court. |
| 6 | Alien to File Other Application | Adjourned to allow the alien to file an application for relief (other than for asylum) with the Immigration Court. |
| 7A | Alien Application Process | Adjourned to allow alien to establish the existence of a collateral application pending with INS. |
| 7B | INS Application Process | Any matter remanded to INS for Adjudication. |
| 8 | State Department Response Not In File | Adjournment used ONLY when the Immigration Judge requests a special case-specific opinion. |
| 9 | Alien in INS/Corrections Custody Not Presented for Hearing | Adjourned because INS/Corrections did not bring the detainee/inmate to a scheduled hearing. |
| 10 | Notice Sent/Served Incorrectly | Attorney and/or alien does not show up at the scheduled hearing due to the notice of hearing containing inaccurate information, or, attorney/alien appears but has not received adequate notice of hearing of the proceedings. |
| 11 | Other No-Show by Alien/ Alien's Attorney/ Representative | Adjourned because an alien and/or his or her attorney/ representative does not appear at a scheduled hearing due to any reason except an incorrect notice. |

D. List of Revised Adjournment Codes with their Definition (continued):

| <u>Code</u> | <u>Reason</u> | <u>Definition</u> |
|-------------|---|--|
| 12 | Other Alien/Alien's Attorney/ Representative Request | Adjourned at the request of an alien/ alien's attorney/representative for reason that is not covered in this OPPM, e.g., illness of alien/alien's attorney/representative. |
| 13 | Insufficient Time to Complete Hearing | Adjourned because the case could not be completed in the time allotted, including: preparation of IJ's oral decision (this is different from a "reserved decision") and delivery at scheduled hearing; or, IJ wants to hear the testimony of additional witnesses, i.e., arresting officer or some other key witness not present at the hearing or to take and present a deposition. |
| 14 | Other Operational/Security Factors | Adjourned because of "operational" problems not covered in this list; e.g., recorder inoperable; weather, or environmental factors; agendas changed by OCIJ, IJ replaced/ resigned or retired; and/or, security risk to anyone in the court, e.g., in detained or criminal alien cases where INS/the Corrections officials notify us that they believe the person is a security risk to take out of detention, or in the event of a bomb threat. |
| 16 | Alien Released From INS/Corrections Custody | Adjourned from a detained to a non- detained calendar due to the alien being released from custody/ incarceration, except for transfer from Corrections custody to INS custody. |

D. List of Revised Adjournment Codes with their Definition (continued):

| <u>Code</u> | <u>Reason</u> | <u>Definition</u> |
|-------------|---|--|
| 17 | MC to IC - Merits Hearing | Adjourned from a Master Calendar to an Individual Calendar for a merits hearing, usually allowing time to file and process applications for relief before the hearing on the merits. |
| 18 | Lack of Interpreter | Adjourned because of a lack of an EOIR or contract interpreter. |
| 19 | Unplanned IJ leave or Detail Assignment | Adjourned for IJ unplanned leave; or to accommodate a detail. |
| 21 | Supplement Asylum Application | Adjourned to file additional attachments or updates to a previously filed Form I-589. |
| 22 | Alien or Representative Rejected Earliest Possible Asylum Hearing | Original hearing reset date was rejected and rescheduled to a later date. |
| 23 | Asylum Application Withdrawn/Reset for Other Issues | Hearing adjourned because the Form I-589 was withdrawn for hearing on other issues. |
| 24 | INS to Provide Records Check | Adjournment to allow INS to complete the required data base and fingerprint checks in asylum cases filed on or after April 4, 1997. |
| 25 | To Allow for Scheduling of Priority Case | Adjournment to allow for space to set a time-sensitive case. |
| 26 | Alien Request for an In-Person Hearing | Adjourned due to a request by alien for an in-person hearing. |
| 27 | INS Request for an In-Person Hearing | Adjourned due to a request by INS for an in-person hearing. |

D. List of Revised Adjudgment Codes with their Definition (continued):

| <u>Code</u> | <u>Reason</u> | <u>Definition</u> |
|-------------|--|---|
| 28 | IJ Determined that an In-Person Hearing is Necessary | IJ determined that an in-person hearing is necessary. |

E. Call-up Codes:

The following list of fourteen (14) call-up codes will be used by all Immigration Judges, Court Administrators, and Support Staff. The call-up code is entered into ANSIR by a member of the support staff using a two-letter alphabetic code (an adjudgment code is a two-digit numerical code).

| <u>CODE</u> | <u>DESCRIPTION</u> |
|-------------|--|
| AB | Alien/Attorney/Representative to file brief (other than for appeal). |
| AS | Alien/Attorney/Representative to file an Asylum Application - Form I-589. |
| CA | LPR Alien/Attorney/Representative to file application for Cancellation of Removal - Section 240A(a). |
| CB | Non-LPR Alien/Attorney/Representative to file application for Cancellation of Removal - Section 240A(b). |
| IB | INS to file document(s) or brief (other than for appeal). |
| MR | Pending IJ response to motion or request - motion to reopen; motion for change of venue; motion for termination; request for continuance; etc. |
| OT | Alien/Attorney/Representative to file other application/document. |
| RC | INS to Provide Records Checks |
| RE | Alien/Attorney/Representative to file application for Registry -Section 249. |
| RR | Reserved Decision |

E. Call-up Codes (continued):

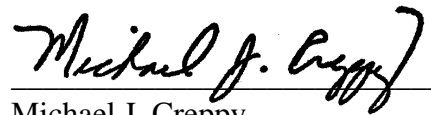
| <u>CODE</u> | <u>DESCRIPTION</u> |
|-------------|--|
| SR | Pending State Department Response to Asylum Application. |
| ST | Alien/Attorney/Representative to file application for Adjustment of Status - Section 245. |
| SU | Alien/Attorney/Representative to file application for Suspension of Deportation - Section 244. |
| WA | Alien/Attorney/Representative to file application for a waiver, e.g., Section 212(I). |

F. Use of Adjournment and Call-Up Codes:

All Court Administrators are requested to review this OPPM with their support staff to insure that the adjournment and call-up and case identification codes are properly entered. Adjournment codes should be monitored to identify any improper use of them in the ANSIR system.

G. Laminated Adjournment, Call-up and Case Identification Code Cards:

New laminated cards will be delivered to all Immigration Courts as soon as possible. Until then, your Court Administrator can print these new codes from your ANSIR Edit Table and provide them to you. Previous versions should be collected and destroyed to avoid confusion.



Michael J. Creppy
Chief Immigration Judge

Attachment