



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

May 16, 2005

MEMORANDUM

TO: All Immigration Judges
All Court Administrators
All Judicial Law Clerks
All Immigration Court Staff

FROM: The Office of the Chief Immigration Judge

SUBJECT: Operating Policies and Procedures Memorandum 05-06:
Rescinding OPJM 99-01 (Asylum Grants Based on Coercive Population Control Methods)

I. INTRODUCTION

This OPJM is issued in light of the elimination of the numerical limitation on asylum grants relating to persecution for resistance to coercive population control methods.

II. RESCISSION OF OPJM 99-01

On May 11, 2005, the President signed into law H.R. 1268, the "Emergency Supplemental Appropriations Act for Defense, the Global War On Terror, and Tsunami Relief, 2005." Division B contains the Real ID Act. The Real ID Act eliminates the numerical limitation on asylum grants relating to persecution for resistance to coercive population control methods. This amendment takes effect on the date of enactment. Accordingly, OPJM 99-01 (Asylum Grants Based on Coercive Population Control Methods) is hereby rescinded.

III. IDENTIFYING CPC CASES FOR REPORTING PURPOSES

EOIR will continue to track asylum grants based on resistance to coercive population control measures. Thus, the following provisions must be followed for reporting purposes.

A. Immigration Judge Role

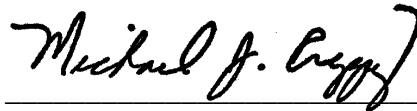
Upon the filing of an application for asylum at the Master Calendar or reviewing an application referred from the DHS asylum office, the Immigration Judge must determine whether

the application involves a coercive population control claim (“CPC claim”). If the respondent is a citizen of China, the Immigration Judge should ask the respondent or his or her representative whether the asylum application involves a CPC claim. Upon review of the application, if the Immigration Judge determines that the asylum application involves a CPC claim, he or she must note that on the Immigration Judge worksheet.

B. Support Staff Role

Once the Immigration Judge determines that the asylum application involves a CPC claim, the support staff must enter the code “CPC” under “Other Applications.”

If you have any questions regarding this Interim OPPM, please contact Brenda O’Malley, Counsel to the Chief Immigration Judge, at (703) 305-1247, or your Assistant Chief Immigration Judge.



Michael J. Creppy
Chief Immigration Judge