



U.S. Department of Justice

Executive Office for Immigration Review

Chief Immigration Judge

5201 Leesburg Pike  
Falls Church, Virginia 22041

May 11, 1988

MEMORANDUM FOR: All Immigration Judges  
All Management Officers

FROM: William R. Robie *WRR*  
Chief Immigration Judge

SUBJECT: Operating Policies and Procedures Memorandum  
88-3: Filing of Charging Documents in Cases  
Previously Administratively Closed

As has been previously indicated, the Office of the Immigration Judge retains jurisdiction over the original charging document and the underlying case when a case is administratively closed by an Immigration Judge. Therefore, pursuant to the provisions of 8 C.F.R. §§3.11 and 3.29, charging documents in cases which have been administratively closed must be refiled with the Office of the Immigration Judge that had administrative control over the Record of Proceeding at the time the case was administratively closed.

I. Actions by Office of the Immigration Judge Support Personnel.

A. Any charging document which is accompanied by a motion to recalendar and includes a new address for the respondent/applicant will be recalendared on the Master Calendar if the case was originally administratively closed in the Office receiving the charging document.

B. Any charging document which is determined to have been administratively closed by an Immigration Judge in any other Office of the Immigration Judge shall be returned to the party filing the charging document with an indication that "pursuant to 8 C.F.R. §§3.11 and 3.29, this charging document must be filed in the Office of the Immigration Judge which has administrative control over the Record of Proceeding" and that "the Record of Proceeding in this matter is not within the administrative control of this Office."

C. If an Immigration Judge returns an ROP to you as indicated in paragraph II. below, follow the procedure indicated in paragraph B. above. Delete from ANSIR only the information entered on this case by your Office. Do not

retain any Record of Proceeding created by your Office on this case.

D. Management Officers will monitor this process and keep OCIJ informed of any pattern or unusual circumstance that develops with regard to previously administratively closed cases.

## II. Actions by the Immigration Judge.

Although it is unlikely, if a case appears on your Master Calendar in which the case was originally administratively closed by an Immigration Judge in another Office of the Immigration Judge and there is no subsequent indication that an Immigration Judge in that Office of the Immigration Judge has granted a change of venue to your Office, you should indicate that you do not have jurisdiction over the charging document in this case and that the charging document will be returned by our support staff to the party that submitted the charging document with an indication that it should be filed in the Office of the Immigration Judge that has administrative control over the Record of Proceeding. Simply note "No jurisdiction. Admin. closed by an IJ in another OIJ." on the IJ Worksheet and return the ROP to your support staff.

It is critical that these procedures be followed in order to assure that the Rules of Procedure for Immigration Judge Proceedings are fully and fairly implemented in a consistent manner throughout the country.