



OOD
PM 19-09

Effective: December 21, 2018

To: All of OCAHO
From: James R. McHenry III, Director *JM*
Date: December 21, 2018

OCAHO CASE COMPLETION GOALS

PURPOSE:	Memorialize longstanding case completion goals for the Office of the Chief Administrative Hearing Officer (OCAHO)
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. 1003.0(b); 28 C.F.R. §§ 68.1, 68.53 and 68.54
CANCELLATION:	None

Proceedings before the Office of the Chief Administrative Hearing Officer (OCAHO) “shall be conducted expeditiously, and the parties shall make every effort at each stage of a proceeding to avoid delay.” 28 C.F.R. § 68.1. Consistent with this regulatory directive, OCAHO has maintained case completion goals for its administrative law judges (ALJs) for many years.¹ More recently, former Attorney General Jeff Sessions further acknowledged the importance of such goals by noting that “[t]he efficient and timely completion of cases and motions before EOIR is aided by the use of performance measures to ensure that EOIR adjudicates cases fairly, expeditiously, and uniformly in accordance with its mission.” The full memorandum from the former Attorney General is available at <https://www.justice.gov/eoir/file/1041196/download>, and unless otherwise indicated, its policies apply to proceedings before OCAHO.

Accordingly, this PM memorializes and updates OCAHO’s adjudicatory performance measures to ensure that OCAHO continues to adjudicate cases fairly, expeditiously, and uniformly consistent with EOIR’s mission.

For cases filed on or after the effective date of this PM, the following OCAHO adjudicatory performance measures will be tracked by EOIR and audited periodically to ensure that cases are being adjudicated in an efficient manner:

¹ Drawing, in part, on OCAHO’s example, the EOIR Director established performance measures for immigration courts on January 17, 2018. Memorandum from James R. McHenry III, Director to the Office of the Chief Immigration Judge, All Immigration Judges, All Court Administrators, All Immigration Court Staff (Jan. 17, 2018), available at <https://www.justice.gov/eoir/page/file/1026721/download>. As discussed in that Memorandum, the establishment of court case processing time standards is a well-established tool to ensure efficiency and effective case management and to avoid unnecessary delays. *Id.* at 3-4.

1. Ninety percent (90%) of worksite enforcement/employer sanctions cases under INA § 274A should be completed within 430 days of filing.
2. Ninety percent (90%) of immigration-related unfair employment practice cases under INA § 274B should be completed within 500 days of filing.
3. Ninety percent (90%) of immigration-related document fraud cases under INA § 274C should be completed within 430 days of filing.

Adjudicatory timeframes for review of ALJ decisions by the Chief Administrative Hearing Officer (CAHO) in cases arising under INA 274A and 274C are set by regulation and, thus, are unaffected by this PM. 28 C.F.R. §§ 68.53 and 68.54. Nevertheless, EOIR will also track compliance with those timeframes to ensure that reviews are being conducted efficiently.

This guidance is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing in this memorandum should be construed as mandating a particular outcome in any specific case.

Please contact the CAHO if you have any questions concerning this memorandum.
