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This document contains ASISTA's notes from the ICE panel that took place during our virtual conference on June 9, 2022. These notes have not been reviewed by ICE, and all content is paraphrased.

ICE Questions and Answers

Speakers from ICE: Kerry Doyle (OPLA), Francey Youngberg (OPE), Valentina Seeley (Victim Services Line), Deborah Fleischaker (ORAP)

Other ICE attendees: Breanna Bock-Nielsen (DHS ICE ORAP), Geri Richardson (ICE ORAP), Dianna Ybarra (VESL)

Francey Lim Youngberg, Assistant Director, Office of Partnership and Engagement
Overview of Office of Partnership and Engagement

- Has community engagement officers that can facilitate communication among the different offices - <https://www.ice.gov/contact/field-offices>
- Email questions or requests to ICE OPE - iceope@ice.dhs.gov
- OPE CROs - community relations officers - <https://www.ice.gov/contact/field-offices?office=384>
- Victim engagement and services line - VESL (previously VOICE)
- Valentina Seeley oversees VESL - <https://www.ice.gov/vesl>
 - program established in June 2021, VESL a toll free hotline for victims of crime (833-383-1465)
 - Skilled victims liaisons, can connect to relevant information, information about process or seeking information about others

- Some victims want to know more about immigration process or someone harmed them who has nexus to immigration
- Victims can be of any immigration status, no questions asked.
 - Do not care about their status as it relates to assisting them. Won't ask for victim's status
- Victim does not have to call directly, can be a representative or a family member, so long as they attest that they are calling on behalf of a crime victim
- Can connect callers to subject matter experts or other resources in the community
- Shared in Chat:
 - Services
 - • Assistance signing-up to receive automated custody status information about a detainee in ICE custody (DHS-VINE) or an inmate in DOJ custody (DOJ-VNS).
 - • Access to local contacts to help with unique victims' requests and needs.
 - • Access to skilled social service professionals available to redirect the caller to appropriate resources.
 - • Access to information related to visas designated for victims of crime, or other forms of potential relief, in applicable situations.
 - • Access to a myriad of victim information, services, and resources available through ICE and DHS components.
- Francey: attendees can ask CROs in field offices for engagement meetings.
 - if opportunities on national level, reach out to headquarters,
 - Eager to engage with stakeholders re new policies, guidelines and to elicit feedback on new policies and implementation

Deborah Fleischaker - Assistant Director for regulatory policies and affairs at ICE

- 1367 protections
 - In Nov 2013, DHS issued guidance, later that month, DHS ordered components to establish guidance consistent with new protections
 - DHS issued directive which established a single DHS policy re implementation of 1367 protections & provided guidance
 - *Later same month, instruction ordering DHS components issue guidance consistent with recent amendments to 1367*
 - 1. *Included definitions of key terms, incl T, U, VAWA SP, sensitive locations, 1367 sensitive info*
 - 2. *Gen prohibited use by or disclosure to anyone other than sworn officer or employee of DHS or DOJ any info related to pending app for benefits*

- 3. *Detailed requirements for use of info from prohibited sources*
- *March 2022 – [ICE directive 10036.2](#) (AILA document) – implementation of 1367 provisions for noncitizen victims of crime which superseded interim guidance from 2007*
 - 1. *Aligns ICE policy with statutory provisions of 1367 & existing DHS policy*
 - a. *Applies to all ICE personnel, including OPLA attorneys*
 - b. *ICE personnel must not use/disclose protected 1367 info related to any noncitizen with pending approved application for relief (including U/T/VAWA/VAWA COR)*
 - i. *Ends when application for relief denied and all opportunities for appeal have been exhausted*
 - c. *Discussed the recognized exceptions to nondisclosure*
 - d. *Adopted several definitions pulled from DHS instruction for ICE*
 - e. *Elaborates on definition of prohibited sources as pertains to ICE*
 - i. *Must not act on info unless independent source of corroboration*
 - f. *Updates requirements for completing cert of compliance in cases enforcement actions taken at sensitive locations which lead to noncitizen being placed in removal*
 - g. *Creates initial & annual training reqs for ICE personnel who may come into contact with imm info/records maintained in ICE systems, including ICE personnel who may disclose info on noncitizen*
 - h. *Requires directorate & program offices to develop guidance consistent with this within 12mo and guidance on violations*
 - DHS employees prohibited from permitting use by employees of agencies of any info obtained from applicants for victim based relief
 - Notification process for unauthorized disclosures and a certification of compliance process for sensitive locations
 - Protections end upon denial and appeals exhausted
 - Prohibited sources expanded definition, ICE cannot act on it without corroboration
 - Updates requirements for certifications of compliance

- Additional training requirements for ICE personnel who will come into contact with protected information
- Within 12 months required to develop implementing policies
- Fleischaker previously at CRCL for a decade, worked on 1367 violations there

Kerry Doyle - Principal Legal Advisor, OPLA

- OPLA also required to comply with 1367
- Provide support and training role to ICE
 - a. *Also provide support & training role to ICE, ERO, HSI, etc & supporting mandatory annual trainings*
- Through current PD memo, there's a footnote that addresses victim beneficiaries
 - i. *Recognizing that in many cases will be treated as nonpriority unless other findings or extraordinary circumstance*
 - *ASISTA note: should be "exceptional circumstances", per Directive 11005.3, not extraordinary*
- Can reach out to CROs, but also chief counsels if seeing systematic issues with any of the OPLA field offices
- PD memo came into effect in April, still in the learning process, relying on practitioners to give us feedback as to how things are going
 - a. *Relying on practitioners to work with chief counsels to have meetings & stakeholder engagements & give them feedback on how things going to be sure that victims are protected in this process moving forward*

General

1. What guidance have ICE agents, officers, and trial attorneys been given about 8 USC 1367 and the prohibition against relying on abuser-provided information and on disclosing information about VAWA, U, and T visa petitioners?
 - a. *Deborah: The short answer is that ICE issued a directive recently that puts into ICE policy the "ICE-ified" version of DHS policy & follows through on instructions to have its own guidance in place. The policy has been distributed and the field knows about it - it's in place and they should be following it at this point.*
 - b. Practitioners typically report allegations of 8 USC 1367 violations to the Office of Civil Rights and Civil Liberties. Should practitioners also report violations to ICE itself? If so, how?
 - i. *Deborah: Short answer, they may. Recommendation is that folks go to the FOD or SAC, there are reporting requirements in place so that when ICE becomes aware of 1367 violations they're supposed to note*

and flag them and raise them up. CRCL is a great source, but folks should also feel that they can come to ICE.

- ii. Kerry: p13 of the ICE directive 10036.2, section 5.5 talks about reporting to the ICE privacy unit which can also accept and process 1367 violations as well
 - c. How does ICE investigate alleged violations of 8 USC 1367?
 - i. Deborah: don't want to get into too much detail but the office of professional responsibility (OPR) can and does investigate. ICE is required to report disclosure of confidential information so when that happens or thinks there's a spill, OPR is responsible for looking into those allegations.
2. Under what circumstances will OPLA request that pending U visa petitions and VAWA self-petitions be expedited by USCIS?
- a. Kerry: A standard expedite request would relate to someone with a victim based application pending who is also subject to mandatory detention under 236(c), those cases will always be automatically expedited
 - b. USCIS is not able to respond to requests for expedited handling of non-mandatory detention cases, so for the most part it will be focused on mandatory detainees; always 100% expedite requests. If there's a specific issue, petitioner can ask, but otherwise USCIS not able to be responsive. Under PD Doyle memo, can exercise forms of PD, so expedite might not be as important as in the past when cases were moving apace toward removal.
 - c. We will ask for expedited processing for detained individuals.

Communication

3. How many local engagements has ICE conducted since the Doyle memo was released?
- a. Kerry: 86 to date. They should be ongoing. When memo was released, all chief counsels (in conjunction with CROs) set up & held public engagements across all 24 AORs. Even in memo it talks about and expects chief counsels to be accessible for ongoing public engagements. If you want one, reach out to CRO who can coordinate with chief counsel to do ongoing public engagements. Expect this to be an ongoing process and appreciate your feedback
4. We understand that OPLA has installed a point person on VAWA/U/T/SIJS issues at each Area of Responsibility. What is the role of this point person?
- a. Kerry: They act as subject matter experts (SMEs). They are also available to ICE and they would be available to assess & respond to questions that come up or concerns that come up in T/U/VAWA cases regarding how to proceed with pending/approved victim-based applicants. ERO also has

victim-centered POCs (points of contact) in their offices too. Both ERO & OPLA will try to work together to provide guidance & consistency in how those cases are handled

- b. How can practitioners engage with the VAWA/U/T/SIJS point person at OPLA AORs?
 - i. Kerry: Each AOR's practice will be varied. Depending on their practice, practice, they may not be comfortable with sharing the contact information because of doxing concerns or letter writing campaigns
 - ii. What I would suggest is to contact the AOR, and try to set up engagements if possible, encourage practitioners to work with local AOR and CRO and set up meetings. If there are any specific, or systematic issues, reach out to chief counsels. Some AORs might be comfortable or willing to share contact info, but sometimes not; it's up to them. Overall, looking to set up systems and communication channels that will be helpful to everyone.
5. Will OPLA share the contact information of field location supervisors, Deputy Chief Counsels, and Chief Counsels for escalation purposes where practitioners believe trial attorneys are not following the Doyle memo/SOPs or other OPLA policies?
 - a. Kerry: It will vary by AOR. In every AOR, the chief counsel should be accessible to you. Open to sharing those contact info with all of you. First thing, if you think a case or PD request was not handled properly, try to work it locally - Chief Counsel as the first line of request. If there are ongoing systematic problems - such as no meetings or public engagements (within reason) - can escalate that up the chain. We are encouraging people to work with local chief counsels to create that local relationship. If it happens to come to headquarters, we will say to talk with local chief counsel, if that hasn't already happened.

ICE Policies

6. Could you confirm the status of the [September 24, 2009 Venturella memo](#) and the [September 25, 2009 Vincent memo](#), which addressed ICE's policies regarding noncitizens with pending U visa petitions? Directive 11005.2 (the Albence directive) superseded both memos, but then Directive 11005.3 on victim-centered enforcement superseded the Albence directive. Do the Venturella and Vincent memos remain superseded?
 - a. Deborah: Tboth memos were superseded by 11005.2 and remain superseded. ICE's current policies and procedures re stays etc., are in 11005.3, that's where you can find the info. When we issue new policies, we state up front what is superseded.

7. Could you confirm the status of the [August 20, 2010 Morton memo](#), which requires ICE to follow certain procedures, including requesting expedited processing of pending collateral applications with USCIS?
 - a. Deborah: The policy remains in effect. Can't speak to USCIS - to the timelines regarding how well USCIS is able to conform to the timelines due to their backlog situation. From ICE perspective - we are following the directive
 - b. Will ICE consider providing public notification when memoranda and directives are superseded or rescinded? ICE issues many guidance documents under every administration, and it is sometimes difficult to tell which policies remain in place.
 - i. Deborah: I think we try to do that through notification at the beginning of a memo, which memos have been superseded or rescinded. Doing so on a systematic basis would be challenging for us. I value transparency but there are some exceptions that would make a systematic approach challenging, but I am happy to take this back to see if we can make this clearer. We are trying.
8. Directive 11005.3 states that ICE will refrain from taking civil enforcement actions against crime survivors absent exceptional circumstances and states that exceptional circumstances exist only where the noncitizen poses national security concerns or poses an articulable risk of death, violence, or physical harm to any person. How does the definition of "exceptional circumstances" intersect with the enforcement priorities under the Mayorkas enforcement priorities memo? Would it be accurate to say that posing an "articulable risk of death, violence, or physical harm to any person" is narrower than the "public safety" priority as articulated in the Mayorkas memo?
 - a. Deborah: I would have to say the characterization is not entirely accurate. The Directive differentiates between applicants/beneficiaries for victim-based benefits and those who are otherwise victims of crime. The latter are mentioned simply as a positive equity to be considered on a case-by-case basis. Generally, view the directive as enforcing Secretary's enforcement guidelines. Attempting to further clarify both in definition & in process how they handle these populations. Enforcement priorities are the gold standard they are using to determine if/when/how ICE will conduct enforcement action.
9. Directive 11005.3 states that "exceptional circumstances" exist only where the noncitizen poses national security concerns or poses an "articulable risk of death, violence, or physical harm to any person." Could you confirm that posing a risk of harm to *oneself* does not meet the standard for exceptional circumstances, e.g., if a noncitizen has suicidal ideation as a result of the trauma from their victimization?

- a. Deborah: I can't say with 100% certainty that it would never happen, but unlikely that any such case would fall within the "exceptional circumstances" standard, and I would be surprised to see that happen. Policy doesn't say that explicitly so can't say that would never happen, but the policy is written to extensively favor discretion.
10. When a survivor has a petition pending before USCIS and is also in removal proceedings, we find that ICE frequently fails to send the A file to USCIS, which causes further delays in the adjudication of the USCIS matter. What is ICE doing to ensure that A files are promptly returned to USCIS so that USCIS can adjudicate pending collateral survivor-based petitions for survivors in proceedings?
- a. Deborah: Directive 11005.3 requires that ICE create a T file and return A file to USCIS for adjudication. Can't speak to how that's happening operationally at this point, but did try to address this problem and ensure A files being returned to USCIS expeditiously
 - b. Kerry: We know this can happen with OPLA too. We encourage folks - if you have a contact in case, reach out to them. Will vary a little bit around the country but, for OPLA, practitioners are encouraged to reach out if the file has gotten stuck. OPLA is seeking to be efficient in getting file where it needs to be to get case adjudicated properly
11. Has OPLA instructed AORs that Directive 11005.3 applies to removal proceedings? If not, why not?
- a. Kerry: OPLA has not explicitly told AORs that the directive applies to them, but because we are part of ICE and represent ICE's interests, OPLA gets all of the directives and are aware that they are also subject to the directive. However, because we are not out there doing investigations, we are more often receiving information, so some bits are not fully applicable, but OPLA is fully aware of the privacy and requirements regarding information from a source and disclosure. Don't have to say specifically that ICE directives apply to them. Don't need separate instructions for that to be so.

Doyle Memo

12. Will ICE consider providing clearer guidance to AORs about considering alternative forms of prosecutorial discretion, such as stipulation, instead of dismissal? Noncitizen survivors have been waiting for individual hearings for many years, and some do not have viable relief outside of proceedings, such as some VAWA cancellation applicants. Unilateral motions to dismiss for survivors who wish to remain in proceedings are inconsistent with ICE's own policy to "facilitate access to justice and victim-based immigration benefits by noncitizen crime victims," as cited in Directive 11005.3.

- a. Kerry: First, if a case was referred from USCIS - for example, a DV-based 751 waiver - people have a statutory right to review in immigration court. As a general rule, in those types of cases, where USCIS issued NTA, those cases shouldn't be dismissed unilaterally - OPLA shouldn't be filing a unilateral MTD. We encourage you to reach out to admin law judges - judges are supposed to wait 10 days if OPLA files a unilateral MTD so that individual can respond and the judge can get their perspective. Know there's still been some circumstances of IJs dismissing before 10 days - template OPLA uses has footnote to remind IJ to wait 10 days. Not sure what else OPLA can do so asking practitioners to bring this message to judges to remind them to give folks a chance to respond.
 - i. If IJ dismisses - probably going to have to file an appeal. Reach out to ACC and chief counsel, maybe can agree to remand to try and fix the problem if dismissal was not appropriate in that particular case. Pushing to dismiss as much as can but let them know in instances where they should be doing otherwise. Also note - other forms PD are available, per memo
 - 1. Can use other forms of PD even in priority cases. Might still be able to stipulate to certain portions of case - maybe not whole case or dismissal because it's a priority case, but can look at other forms of PD. If have situation like this, make your case
 - b. Also in memo & rollout - reminding field to use some common sense too and if someone has a strong case and hearing come up - might make more sense to stipulate versus filing for MTD. Communication is very important for all of us. Pushing to get all nonpriority cases out of the way to focus on priority cases and ensure those with victim-based relief available don't get forgotten in the process. Want to work together with practitioners to have fair outcomes but understand that OPLA is really trying to get cases moved out as much as possible
 - c. The Doyle memo states that I-751 cases will generally be litigated through to completion unless the respondent requests or consents to dismissal. Will OPLA consider alternative forms of prosecutorial discretion, such as stipulations to relief?
 - i. Other kinds of PD for nonpriority cases is possible
13. Many survivors have old outstanding orders of removal that they wish to reopen once their U or T visa or VAWA self-petition has been granted. In some instances, such as for VAWA self-petitioners who wish to adjust status, or U nonimmigrants who need to file a nunc pro tunc I-539 to extend their status, reopening the order of removal is required for them to be eligible for relief before USCIS. In addition, any survivor who wishes to naturalize must reopen and terminate an unexecuted removal order.

- a. Some OPLA AORs have stated that motions to reopen are not a priority and that they will not review requests to join such motions until 2023 or 2024. What guidance have OPLA field locations been given regarding prioritizing motions to reopen for survivors?
- i. Kerry: So, unfortunately I only have a certain number of attorneys, and part of the PD memo was to try to focus resources on the most important cases - those are the master calendar and individual cases coming up in the next month. Right now, if ICE is not seeking their removal, there's not a huge impetus to resolve it right now. I understand your position, but unfortunately JMTRs are not going to be a priority right now. Hopefully when we get things moving and get into a cadence that will change. We are varying by AORs now too, as some are understaffed. Also some new ALJs are just starting now and need to have some OPLA assigned to them, so some AORs are drowning a little bit. I'm asking for your patience and indulgence, and I understand, but can only do so much. If there is an emergent or vital issue above and beyond, please reach out, make the request through the email process that's posted for MTRs and PD requests. Overall, we are not looking to reopen and put on docket; reopen and dismiss would be favorable - see also the PD memo, there are other competing demands re docket procedures. If something urgent please let us know through the portal or email, otherwise it may be a little while because of resources, again, this will vary by AOR. We're gonna do our best. We do understand that if eligible for a victim based relief that is a strong equity and we'll try to get to it, but it will take a while.
- b. We have noticed inconsistency across OPLA field locations regarding their positions on motions to reopen for survivors, especially approved U nonimmigrants. Some OPLA trial attorneys will join such motions or at least not oppose them, whereas others will file an opposition and take the position that under 8 CFR § 214.14(c)(5)(i), the approval of the U visa petition has canceled the *EOIR-issued* removal order by operation of law. What guidance have OPLA attorneys received regarding motions to reopen for U nonimmigrants? What is OPLA doing to ensure consistency in the positions taken by its trial attorneys?
- i. Kerry: We're not aware of a particular case where a denial cited that reg. If someone here has a case or if we're aware of a case where this has happened, ask to raise to chief counsel and they'll request it goes to headquarters for review. We are striving to be consistent. But, with PD, it is a case-by-case basis and inherent authority of each prosecutor to exercise their discretion. Can't order particular outcomes in every particular case. If there are trends - for example, an AOR where seeing consistent denials where another consistently granting,

bring to chief counsel first and headquarters can see. If a consistent problem we're not seeing addressed or chief counsel not being responsive (not that they're not saying what we don't want to hear) - headquarters would want to know that. Think it'll be an ongoing convo regarding how things are going.

14. Footnote 8 of the Doyle memo says: "In general, if a noncitizen has a pending application or petition for any of the following victim-based immigration benefits and appears prima facie eligible for such relief, OPLA should treat the case as a nonpriority matter until U.S. Citizenship and Immigration Services (USCIS) adjudicates the application or petition...". In what circumstances, if any, will OPLA consider the case of a noncitizen with a pending application or petition for victim-based immigration benefits a priority matter?

a. Kerry: Back to what I was saying, all of this is a case by case determination, and a weighing process as set forth in the Mayorkas memo and other implementing memos. If someone has an application pending but also has their own criminal history/criminal record, they may be considered a priority depending on the severity of the record and the circumstances. Some have victim based relief available, but have serious convictions because the abuser got them into these situations, that would be considered. If human rights violations, serious criminal history, recent crim history - these issues - don't hide the ball or pretend no negative history; much better to bring the history forward and contextualize and explain it. If you can arrange for an evaluation, like a social worker evaluation, and talk about how things are different now, what has changed since they were committing these crimes, how connected to prior abuse. When PD is being denied often there are open questions regarding these issues. ICE is a law enforcement agency, but give us the information we need, confront it head on, give us the information we need about the negative factors to be weighed, that would be best for your clients.

15. How is OPLA tracking the numbers and types of cases in which it has exercised prosecutorial discretion under the Doyle memo? What type of information is being tracked, and will it be made public?

a. Kerry: working now on trying to figure out what info OPLA can put on the public-facing website. Goal is to put some info out there. Just trying to figure out what they can share. There will be some sharing going on soon, they hope.

i. Don't really have data systems or processing staff or that type of thing. Have attorneys & some support staff. Attorneys track their own cases so really are pulling information from the litigation record. Attorneys don't like doing data entry & OPLA attorneys are no different. Ask a lot of them to track info so have at least a general overview of how things are going. Not perfect because it's a bunch of trial attorneys and

asking them to do data entry so not always as accurate as would ideally like. If OPLA had extra money, would hire data processors, etc. but not possible. So will share what can gather but take with grain of salt because relying on TAs and their litigation tracking - usually have number of cases looked at, number dismissed or admin closed - as general overview for the time being. Have big picture things (how many cases looked at, granted, denied). No exact timeframe for having info available but will say "sooner rather than later." In the meantime, relying on practitioners to flag U Visa differences, what things are working, what things they need to discuss more & figure out a better approach on how to move forward with the memo. It's a new process & all are trying to figure it out as we go along. Won't always see eye to eye but helpful to know practitioners' perspective on things. Both OPLA & ICE very interested in protecting & supporting victims of crime

Attendee Q&A

1. What if someone who is subject to mandatory detention does not get their U-visa adjudication expedited, whom do we contact to prompt that mechanism?
 - a. Kerry: Suggest reach out to relevant ERO FOD to get more info about what's going on and why
 - b. Francey: please see in the chat contact info for CROs, other contacts to advise
 - c. ASISTA note: Link for CRO contact info is on page 1

2. Would you see agreement to admin closure as an appropriate exercise of PD for a case where a U applicant had an EAD based on a pending asylum case but was still a couple of years away from receiving an EAD based on the pending U (assuming they are not a priority) if the Respondent's counsel agreed that they would request agreement to recalendar and dismiss once the U based EAD was issued?
 - a. Kerry: as general rule, Doyle memo's goal is to dismiss nonpriority cases. Therefore, not seeking to put lots of cases on admin closure instead of dismissal. What I would say is, make your case to TA who is processing case thru PD portal/email. If MTD filed, make your case to IJ. But solely needing EAD not enough for OPLA to necessarily consider alternatives to dismissal because goal is to focus on priority cases. Will consider if there is an urgent issue in case - for example, if someone had EAD for getting health insurance and child or someone had significant health issues. Generally, just needing a work permit is not enough, but can make a case for why this case might be different. If victim-based application, can argue why different than general

rule. Also make your case to IJ - knowing it varies a lot by immigration court and IJ. Know in some jurisdictions they're granting admin closure instead of dismissal if that's what the Respondent prefers. Wouldn't be something as general rule - i.e., that U with EADs should only get admin closure. Trying to get to a place to focus on priority cases mainly and free up docket to be more efficient and fair.

3. Kerry, you mentioned that USCIS has not been able to respond to all expedite requests; USCIS has told us that they DO respond to requests from ICE; what kind of coordination exists?
 - a. Kerry: General message had been conveyed to us that they can't expedite every U/VAWA case, but I will take that back. Maybe there are fewer cases that need expedited processing aside from mandatory detention people, and I'm happy to check but I know that as a general rule USCIS has not been able to be as responsive to us as we would like. We will continue this conversation; now, instead of being removed, you might just get your case dismissed, so may not need the case to be expedited. With the file transfer issue, it does end up being AOR specific, so the different offices have a really site specific process for sharing files, but the service center issue should be different, so I will take this back. You should ASK, but it may not be required in a given case, if not mandatory detention. Will double back to you on that.

4. How should OPLA attorneys be thinking about UACs with pending asylum applications at the asylum office, in terms of exercising PD? It surprised me a bit to not see this listed as one of the case types warranting dismissal under footnote 8.
 - a. Kerry: I think because they're not, essentially, victim-based applications for relief in the way U/T/VAWA would be. I will say that, as a general rule, I think UACs that have the right to apply with USCIS will likely be a case that would merit dismissal, as a general rule. Issue is many applied affirmatively with USCIS but have been referred back to court and they have statutory right to have their case reheard by IJ so OPLA wouldn't dismiss over their objection/input - would be different if they want dismissal. Other issue OPLA is running into - a number of UACs appearing in immigration court are told to file 589s and haven't yet filed with AO so don't want to dismiss before UAC has their rights explained to them & filing deadline concerns (especially once they turn 18 & 1 year bar issues). As general rule, unless criminal issues or something, this is group of folks where OPLA is eager to exercise PD and dismiss cases, but need to make sure they don't fall under the 2 groups (detailed above). Where they filed for asylum and have pending case with USCIS in the first instance & no negative factors, those are cases OPLA would be moving to dismiss and be happy to do so.

5. Regarding notifying people when a document has been superseded; USCIS will note that at the top of the page of the memo that has been superseded and you can see that online, this is not done for the ICE memos. Even if supersession is noted on new memo, there is no note on old memo.
 - i. Deborah - happy to take it back to the public affairs office, they are the ones who maintain the public documents, happy to take that back to them.

6. Is OPLA looking at or tracking any way to see whether any discrepancies across AORs regarding how cases dismissed/etc from one to another?
 - a. Kerry: A couple times, have seen AOR "way out of whack" - Doyle memo is new so not seeing a lot of data/trends yet so interim memo data. We discussed with that AOR and it was a data entry error. So we can see trends and how things are going. Types of cases we are seeing in different parts of country really do vary and it'll be that types of cases one AOR is seeing are very different and didn't fit into interim memo. Even under interim memo, data was pretty consistent. Not exact - because PD is inherently discretionary - and not in position to order people to grant PD in some cases and not in others because all is in power of the particular TA to review on case-by-case basis. We are aware as a general rule how things are going & keeping eye on that, but more just to see trends. Data can and does vary by AOR and types of cases that come in. Not totally sure why that happens. Think because new arrivals end up more in one particular part of the country or city so some might be more border priorities for an AOR than others. If we see certain things happening somewhere, please go to chief counsel as the first level of request/review. And then can go from there

7. Francey: During engagements chief counsels did with CROs - did pass along to OPLA the frequent questions by stakeholders. So can modify public-facing FAQs, which will also be modified along the way. So people should check that periodically in case Q you have in mind has already been posted there
 - i. Will post link in chat:
 1. OPLA in the field: Chief Counsels, <https://www.ice.gov/contact/field-offices?office=12>
 2. <https://www.ice.gov/doclib/news/releases/2021/11005.3.pdf>

8. If a PD request was denied before the Doyle memo went into effect, and the practitioner wants to request PD again under the Doyle memo, how should they do so? Should they contact the assigned trial attorney or the AoR's Chief Counsel?
 - a. Kerry: we are asking everyone to go through the public facing process. All info on on the public website, each AOR has set up a specific email for PD

requests, resubmit the official request there. Decision will probably be the same as under the interim memo, but maybe not. May have been different personnel doing PD now than when the interim PD request was submitted. Let them know you are resubmitting, since they already have the materials; under interim, people needed to be in certain categories to get PD, the new memo is more broad, so there may be more flexibility now. Flag that it's being resubmitted from before. You can flag a TA that was working on it before, but don't depend on them to respond, they may no longer be involved in deciding PD.