

**From:** [Chief Immigration Judge, OCIJ \(EOIR\)](#)  
**To:** [All of OCIJ HDQ and Courts \(EOIR\)](#)  
**Subject:** Taking Cases Off Calendar Pursuant to 8 C.F.R. § 1003.9(b)  
**Date:** Tuesday, April 26, 2022 9:20:30 AM

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Colleagues,

Pursuant to the authority to “ensure the efficient disposition of all pending cases,” including “to set priorities” for the resolution of cases, “to direct that adjudication of certain cases be deferred,” and to “otherwise to manage the docket of matters to be decided by the immigration judges,” 8 C.F.R. § 1003.9(b), I have determined that certain cases should be taken off the court’s calendar. Cases may be selected to be taken off the court’s calendar for the following reason(s):

- The respondent has a pending application or petition with USCIS (e.g., an I-130 family based visa petition);
- The respondent has a collateral petition pending with another government agency or court which, if favorably adjudicated, would confer eligibility to seek immigration benefits before USCIS (e.g., petition for guardianship in family court as a prerequisite for a Special Immigrant Juvenile petition);
- The respondent is eligible to seek asylum before USCIS in the first instance (e.g., pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008);
- The respondent has an approved visa petition and is waiting for a visa number to become available (e.g., an I-140 employment-based visa petition);
- The respondent has temporary protected status (TPS) or is prima facie eligible for TPS; or
- The case involves a respondent who is prima facie eligible for adjustment of status under the Cuban Adjustment Act.

This list is not exhaustive and there may be other reasons.

Before a case is taken off calendar, the Chief Clerk’s Unit (CCU) will send a notice to parties notifying them that the case will be moved off calendar unless a party files a written request to keep the case on calendar with the designated immigration court within 60 days of the date of the notice. Courts should keep cases on calendar until the 60-day period has elapsed.

Assistant Chief Immigration Judges and Court Administrators will provide additional communication, instruction and training to immigration judges and court support staff concerning the following key elements of this initiative:

- Receipt and processing of requests to keep cases on calendar.

Minimally, these instructions will consist of advising the CCU of such requests by emailing EOIR-ocijchiefclerksunit@doj365.onmicrosoft.com. In turn, the CCU will develop an Excel tracker that resides on the CCU SharePoint. This tracker will retain the database of requests to keep cases on calendar, which will ensure that these specific cases remain on the court's calendar and are not mistakenly moved off calendar.

- OCIJ will develop a new "Notice" and work with OIT for it to be added to CASE.
- OCIJ will develop a new "Case ID" and work with OIT for it be added to CASE.
- OCIJ will develop a new "Adjournment Code" and work with OIT for it to be added to CASE.
- OCIJ will develop a new "Call Up" code and work with OIT for it to be added to CASE.
- The Office of Technology will work with the CCU to develop a tool that will automatically adjourn cases meeting the established criteria identified above using the new adjournment code.
- The CCU will begin sending notices on April 26, 2022.

I will remain in constant communication with the field on this matter, as this is a priority for OCIJ. You will receive weekly updates on our progress and I thank you in advance for your hard work and continued dedication. If you have any questions, please contact your ACIJ, RDCIJ, PDCIJ, or myself. I am here to assist and ensure we effectuate EOIR's mission.

Tracy Short  
Chief Immigration Judge