

From: [Principal Legal Advisor](#)
To: [OPLA Field Personnel](#); [OPLA HQ Personnel](#)
Subject: Broadcast Announcement: Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion
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Disseminated on behalf of Principal Legal Advisor Kerry E. Doyle . . .

To All OPLA Personnel:

As you know, last year Secretary of Homeland Security Alejandro Mayorkas issued a memorandum titled, *Guidelines for the Enforcement of Civil Immigration Law* (Sept. 30, 2021), which took effect on November 29, 2021 and set forth the Department of Homeland Security's (DHS's) civil immigration enforcement priorities. In accordance with the Secretary's guidelines and guidance from [DHS General Counsel Jonathan Meyer](#), on April 3, 2022, I have signed and am issuing now a memorandum, titled *Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion*, which provides direction to OPLA attorneys on implementing the DHS civil immigration enforcement priorities and exercising prosecutorial discretion (PD). This new OPLA memorandum will take effect on April 25, 2022 and, at that time, will rescind the interim guidance issued by former Principal Legal Advisor John D. Trasviña, *Interim Guidance to OPLA Attorneys Regarding Civil Immigration Enforcement and Removal Policies and Priorities* (May 27, 2021).

Our new memorandum built upon your thoughtful feedback on prior guidance and incorporates many of your great recommendations, as well as those from our external stakeholders. This new guidance, among other things, streamlines OPLA's process for designating enforcement priorities and provides clearer parameters under which OPLA attorneys may exercise PD. It further expands the delegation of decision-making authority and recognizes the deserved position of trust that OPLA attorneys occupy as public servants.

As DHS's sole representative before the Executive Office for Immigration Review (EOIR) in exclusion, deportation, and removal proceedings, OPLA attorneys have a critical role in advancing DHS's enforcement priorities. In performing these duties, including through implementation of our new memorandum, OPLA attorneys should remain mindful that PD is an indispensable feature of any functioning legal system. The exercise of PD, where appropriate, can preserve limited government resources, achieve just and fair outcomes in individual cases, and advance DHS's mission of administering and enforcing the immigration laws of the United States in a smart and sensible manner that promotes public confidence. OPLA attorneys play an indispensable role in helping EOIR to ensure that immigration proceedings are fair, just, and achieve correct outcomes—particularly in cases involving unrepresented noncitizens. As indicated in the *Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion*, the exercise of prosecutorial discretion should be done consistent with any legal obligations.

I look forward to providing you an overview of the guidance during today's nationwide town hall. I also plan to have a more fulsome discussion about the guidance with you at a subsequent town hall to be held in the near future, during which you will have the opportunity to raise substantive questions and seek clarification of the new guidance.

Finally, please note that I am sending our new memorandum internally to the OPLA team

before ICE shares it publicly. Consistent with applicable OPLA guidance, I expect that you will keep this document within OPLA. A properly redacted version will be made available to the public shortly.

Thank you to those of you who were so instrumental in developing this guidance, and thank you to all of you who will contribute to making its implementation a success.

Kerry E. Doyle
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U.S. Immigration and Customs Enforcement