

From: PrincipalLegalAdvisor
Sent: Mon, 29 Nov 2021 14:24:15 +0000
To: OPLA Field Personnel;OPLA HQ Personnel
Subject: Interim Guidance on Impact of the Secretary’s Civil Immigration Enforcement Guidelines on OPLA Prosecutorial Discretion

Disseminated on behalf of Kerry E. Doyle...

To All OPLA Attorneys:

As you know, on September 30, 2021, Secretary Mayorkas issued a memorandum, Guidelines for the Enforcement of Civil Immigration Law, which is scheduled to take effect today, November 29, 2021. Upon the effective date, it will rescind the January 20, 2021 memorandum issued by then-Acting Secretary (b)(6); Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities, and the February 18, 2021 memorandum issued by U.S. Immigration and Customs Enforcement Acting Director Johnson, Interim Guidance: Civil Immigration Enforcement and Removal Priorities.

While the above referenced memoranda are superseded as of November 29, 2021, the May 27, 2021 memorandum issued by former Principal Legal Advisor Trasviña, Interim Guidance to OPLA Attorneys Regarding Civil Immigration Enforcement and Removal Policies and Priorities, remains in effect to the extent it does not conflict with the Secretary’s memorandum. (b)(5)

(b)(5)

In addition, OPLA’s May 27 memorandum authorized OPLA attorneys to find, in general, that “good cause” exists to support continuances for cases that fall outside the presumed priorities. *See* 8 C.F.R. § 1003.29. (b)(5)

(b)(5)

(b)(5)

Questions that arise should be directed to your supervisor or may be elevated to FLO.

This message includes internal guidance provided for OPLA use only and is neither intended to confer any legal rights nor meant to be publicly disclosed. Please ensure that it is treated consistent with applicable guidance.

Thank you for your ongoing efforts to promote justice and efficiency in our immigration system.

Kerry E. Doyle
Principal Legal Advisor
U.S. Immigration and Customs Enforcement