



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2545

Falls Church, Virginia 22041

MEMORANDUM TO: All Assistant Chief Immigration Judges
All Immigration Judges
All Management Officers

FROM: William R. Robie
Chief Immigration Judge

SUBJECT: Operating Policies and Procedures Memorandum
No. 90-5, (1) Applications Which Require
Establishing Good Moral Character; and,
(2) Filing Appeal Briefs in Detained Cases

A. Applications Which Require Establishing Good Moral Character

1. Pursuant to 8 C.F.R. §3.29, Filing Documents and Applications, all applications must be filed with the Office of the Immigration Judge (OIJ) having administrative control over the Record of Proceeding (ROP) and be accompanied by a fee receipt if applicable.
2. In addition to the Immigration Judge's authority contained in 8 C.F.R. §3.29 to set and extend time limits for filing applications, this Operating Policies and Procedures Memorandum provides that where an application is filed by a respondent/applicant that requires establishing good moral character, the Immigration Judge may set and extend time limits for the completion of background investigation(s) or processing of the G-325 by the government.
3. If such an investigation or processing of the G-325 is not completed and the results presented within the time set by the Immigration Judge, good moral character, if established by the respondent/applicant, shall be deemed unopposed.

B. Filing Appeal Briefs in Detained Cases

1. Pursuant to 8 C.F.R. §3.3(c), Notice of Appeal, and §3.36(c), Appeals, appeal briefs may be filed by both parties within a time period(s) set at the discretion of an Immigration Judge.

2. In an effort to expedite the processing of detained aliens, the Immigration Judge is encouraged to give the appellant in a detained case 15 days from the service of the transcript to file a brief with the OIJ having administrative control over the ROP. The appellee in a detained case would then be given 30 days from the service of the transcript to file a brief with the OIJ having administrative control over the ROP.
3. At the discretion of the Immigration Judge, one additional 7-day extension may be granted to either party or both parties.