

**From:** [OPLA Field Legal Operations]  
**Sent:** Tuesday, July 01, 2014 5:14 PM  
**To:** [OPLA Chief Counsel and Deputy Chief Counsel]  
**Subject:** Continuances and Briefing Extensions before EOIR  
**Importance:** High

*Disseminated at the Request of Jim Stolley...*

Dear Chief Counsel:

In order to prevent unnecessary delay in the administration of the removal process, and as a reminder, OPLA attorneys appearing before the Executive Office for Immigration Review should generally oppose serial adjournments and briefing extensions sought by detained aliens or their counsel. While it is understandable for aliens to seek one initial continuance to secure representation and prepare to plead to the allegations and charges against them, and an additional continuance to file any relief applications, repeated requests for these or other purposes unnecessarily delay proceedings. Such serial requests should be opposed unless aliens show genuine “good cause” for proceedings to be continued multiple times, 8 C.F.R. § 1003.29, which OPLA attorneys should argue includes a showing by the alien that he or she has been working diligently to be prepared for each of his or her hearings. And, if aliens are requesting continuances based upon pending adjudication of some collateral immigration benefit by USCIS, OPLA attorneys should continue to follow the memorandum from John Morton, [Guidance Regarding the Handling of Removal Proceedings of Aliens with Pending or Approved Applications or Petitions](#) (Aug. 20, 2010) (outlining a framework to request expedited adjudications of applications or petitions before USCIS if approval of such benefits would provide an immediate basis for relief). Finally, OPLA attorneys should continue to request continuances in detained cases only where absolutely necessary.

Thank you for your cooperation.

Jim Stolley  
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Office of the Principal Legal Advisor  
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