

FREQUENTLY ASKED QUESTIONS

Q: What rules govern proceedings before the Office of the Chief Administrative Hearing Officer?

The rules governing proceedings before the Office of the Chief Administrative Hearing Officer (we, our(s) or us) can be found at Part 68, Title 28 of the Code of Federal Regulations.

Q: May I be represented in proceedings before the Office of the Chief Administrative Hearing Officer?

Yes. You may represent yourself or be represented by an attorney or other authorized individual, as described in our rules at 28 C.F.R. § 68.33(c). Please note that advance approval or application is required for non-attorney representatives. *See* 28 C.F.R. § 68.33(c)(2)-(3).

Q: Where do I file my answer to the complaint?

You must file your answer to the complaint at the following address:

Executive Office for Immigration Review
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041

You should also familiarize yourself with our rules (Part 68, Title 28 of the Code of Federal Regulations). We provide the electronic link to a copy of these rules to each party at the time we issue the Notice of Case Assignment. The rules can be accessed at <https://www.govinfo.gov/content/pkg/CFR-2021-title28-vol2/pdf/CFR-2021-title28-vol2-part68.pdf>.

Q: How many copies of a filing do I need to send to the Office of the Chief Administrative Hearing Officer?

When filing the complaint, file with us one signed original and four copies. When filing any other document, file one signed original and two copies. *See* 28 C.F.R. § 68.6(a).

Q: Do all filings require a Certificate of Service?

Yes. We will refuse any filing that does not include a certificate of service stating that you sent a copy to the other party or parties. This rule applies to letters, motions, and all other pleadings and their attachments. *See* 28 C.F.R. § 68.6(a).

The Notice of Case Assignment that we issue includes the service list for your case.

Q: May I file by facsimile?

Under very limited circumstances, such as when you are at risk of missing a filing deadline, you may file by facsimile. Please read 28 C.F.R. § 68.6(c) carefully before attempting to file by facsimile.

Do not file more than twenty (20) pages by facsimile without obtaining prior approval from us. If you file by facsimile, you must also send a copy of your filing to the other party or parties by facsimile or by same-day hand delivery (or, if those are not possible, by overnight delivery). **Do not** send exhibits by facsimile; send them by mail or delivery. The regulations further require you to send all original signed pleadings and other documents to us by mail or delivery at the time those documents are transmitted by facsimile.

Q: Should I include confidential personal information in my filings?

No. Prior to filing any pleading or other document with us, remove all confidential personal information, about yourself or others, from your filings. In particular, do not include in any pleading, document, brief, or exhibit a whole Social Security number. Where a Social Security number must be referenced, whether it is yours or someone else's, use only the last four (4) digits (for example, XXX-XX-1234). If, for some reason, it becomes necessary for a whole Social Security number or alien registration number to be disclosed, you should contact us before disclosing this information.

Q: When may I begin discovery in my case?

Generally speaking, parties should not initiate discovery until the presiding Administrative Law Judge (ALJ) has set a discovery schedule or otherwise authorized the start of discovery. Should either party believe it is necessary to begin discovery prior to that time, a party may file a motion with the ALJ seeking leave to commence discovery. Parties should familiarize themselves with 28 C.F.R. §§ 68.18-68.23 before making any discovery requests to the other party or parties.

Q: How do I file an unfair immigration-related employment practice case with the Office of the Chief Administrative Hearing Officer?

Before filing an unfair immigration-related employment practices complaint with us, you must first file a charge with the Immigrant and Employee Rights Section (IER). Information on how to file a charge with IER can be found on their website at <https://www.justice.gov/crt/filing-charge>.

IER will then investigate your allegations. If, after 120 days, IER decides not to file a complaint with us based on your allegations, or decides to continue its investigation, IER will issue you a "120-day letter." This letter will notify you of your right to file a complaint directly with OCAHO. *See* 28 C.F.R. §§ 44.300-44.303. For more information, including special filing

instructions, you may contact IER at 1-800-255-7688 or visit their website at <https://www.justice.gov/crt/immigrant-and-employee-rights-section>.

Once you have received your “120-day letter” from IER, you may file a complaint directly with us. Please note: You must file your complaint within 90 days of receiving IER’s letter. For more information on how to file a complaint with us, see <https://www.justice.gov/eoir/how-to-file-274b-complaint>.

Q: Where may I find copies of the Office of the Chief Administrative Hearing Officer’s published decisions?

Our published decisions may be accessed in the Westlaw database “FIM-OCAHO” or in the LexisNexis database “OCAHO.” They are also available, at no charge, as PDF documents on our website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.