

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00080
)	
HARIKRISHNA CORPORATION)	
D/B/A PARK INN BY RADISSON,)	
Respondent.)	
)	

Appearances: Bruna Walls, Esq., for Complainant
Michael Palmer, Esq., for Respondent

ORDER OF DISMISSAL

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On July 23, 2023, Complainant, the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Harikrishna Corporation d/b/a Park Inn by Radisson, alleging violations of 8 U.S.C. § 1324a(a)(1)(B).

On September 13, 2023, Complainant filed a Motion to Withdraw Complaint and Dismiss. Complainant indicates that the parties executed a settlement agreement and agree to dismissal. C’s Mot. (citing in part 28 C.F.R. § 68.14). Complainant attached a copy of the executed settlement agreement, signed by Complainant on August 1, 2023, and by Respondent on August 2, 2023. Id. at Ex. D. The agreement states that “Respondent has a full and complete understanding of its right to a hearing before an Administrative Law Judge . . . waives its right to a hearing . . . [and] Respondent’s written request for a hearing dated October 31, 2022 is hereby withdrawn.” Id. at Ex. D ¶ 5. The agreement further states that it is full satisfaction of the claims set forth in DHS’ Notice of Intent to Fine. Id. at Ex. D ¶ 9.

The Court construes Complainant's motion as a motion to dismiss pursuant to 28 C.F.R. § 68.14a(a)(2). Pursuant to 28 C.F.R. § 68.14(a)(2), where parties have entered into a settlement agreement, they shall "[n]otify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement." After reviewing Complainant's motion and the attached settlement agreement, the Court finds dismissal appropriate.

Accordingly, Complainant's motion is GRANTED and the complaint is DISMISSED WITH PREJUDICE.

SO ORDERED.

Dated and entered on October 4, 2023.

Honorable John A. Henderson
Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.