

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

December 12, 2023

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00052
)	
ALICE HOTEL GROUP LLC,)	
Respondent.)	
_____)	

Appearances: Ariel Chino, Esq., for Complainant
Ranjit Singh Lidhar, Esq., for Respondent

ORDER SUMMARIZING DECEMBER 7, 2023 PREHEARING CONFERENCE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), against Respondent, Alice Hotel Group LLC, on March 28, 2023. On May 16, 2023, Respondent, through counsel, filed an answer.

On December 7, 2023, the Court held a telephonic prehearing conference to discuss the status of the case following the parties’ participation in the Settlement Officer Program. Attorney Ariel Chino was on time. Attorney Ranjit Singh Lidhar was late to the conference. When Attorney Lidhar joined the conference, the Court informed him of the topics already covered, and impressed upon him the importance of attending conferences at the designated start time. Complainant’s counsel concurred with the Court’s summary. The Court gave Attorney Lidhar the opportunity to be heard on those topics identified, and then continued the conference.

The parties are presently finalizing their written settlement agreement. The Court offered the parties guidance on approvable settlement terms. *See* 28 C.F.R. § 68.14(a)(2).¹ First, the Court

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

discussed the use of the term “Final Order” in the draft settlement agreement, noting a recent, published OCAHO decision on this point.

Specifically, parties must bear in mind:

. . . DHS does not have the authority to issue any equivalent to an ALJ-issued Final Order prior to issuance of said Final Order by the ALJ. Once a case has left this forum, DHS can issue whatever documents or forms it chooses to in accordance with its own regulations and policies. Issuance of a “Final Order” (or its equivalent) by DHS “upon execution of the agreement” is not an approvable settlement term because when the settlement agreement is executed, the case is still in the forum. It leaves the forum if and when it is dismissed by the Court pursuant to a reason provided for in regulation or caselaw.

United States v. Koy Chinese & Sushi Rest., 16 OCAHO no. 1416f, 2 (2023) (citing *United States v. Enrique Silva*, 8 OCAHO no. 1014, 252, 253 (1998) (noting that the § 1324a “regimen obliges [DHS] to stay its hand in the issuance of final orders until a case is disposed of by the ALJ”); and then citing *United States v. Frimmel Mgmt., LLC*, 12 OCAHO no. 1271d, 2 n.3 (2017) (referring to an ICE Order issued after the ALJ’s Final Decision and Order as “merely cumulative or repetitive”)).²

Second, the Court encouraged the parties to ensure all terms contemplated by the parties were reduced to writing in the settlement agreement. For example, if the parties seek to agree on how the case might leave the forum, such an agreement should appear in the terms of their written settlement agreement (i.e. what motion may be filed and who will file such a motion). *See, e.g., id.* at 2 (explaining that a valid settlement agreement must have consideration) (citing *Heath v. Springshine Consulting*, 16 OCAHO no. 1421b, 4 (2023) (“The parties bargained on a lawful object—the release of claims by Complainant against Respondent in exchange for a sum of money.”)); *see generally* 28 C.F.R. § 68.14(a)(2).

² Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

The Court informed the parties that it would be amenable considering a motion to dismiss based on settlement either in writing prior to, or orally at, the next prehearing conference. Given the posture of the case, the Court was disinclined to set a case schedule.

The next prehearing conference will be January 24, 2024 at 8:30am PST (10:30am CST). Parties may attend the conference by calling ###-###-####, using conference room number ###-###-### and security code #####.

SO ORDERED.

Dated and entered on December 12, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge