



**Homeland
Security**

May 29, 2020

VIA EMAIL

Mr. Kennji Kizuka
Human Rights First
75 Broad St. 31st Floor
New York, New York 10004

Dear Mr. Kizuka:

Thank you for your May 18, 2020 letter seeking clarification on my previous communication with Human Rights First (HRF) regarding the process which individuals enrolled in the Migrant Protection Protocols (MPP) should undergo to receive their reset removal hearing date during the COVID-19 pandemic. The Acting Secretary asked that I respond on his behalf.

Upon further review of your observation, I confirmed there was indeed an unintentional internal disconnect resulting in my response conflicting with the DHS Press Release. I want therefore to correct immediately via the below my previous description of how the most recently announced MPP hearing pause is being handled. It is very important that we preclude any future confusion regarding streamlining the process for those individuals subject to MPP.

Accordingly, the following update provides precise guidance of how those individuals subject to MPP will be able to obtain both new notices of hearing (NOHs) and tear sheets for their reset hearing date while removal hearings are paused during the COVID-19 pandemic:

- **Process:** As noted in the May 10, 2020 press release, “Individuals with a hearing date prior to June 22nd should present themselves at the port of entry identified on their tear sheet one month later than the date indicated.” Each individual in MPP with a hearing currently scheduled from May 11 through June 19, 2020 should therefore present at the designated port of entry (POE) one month after their currently scheduled hearing to obtain documents with their next hearing date. For example, an individual whose tear sheet indicate that they should return to the POE on May 12 should now appear at the POE on June 12.
- If the date indicated on the tear sheet or the NOH is on or after June 22, 2020, the MPP individuals will be processed into the United States and escorted to court for their hearings, in accordance with normal MPP processing procedures and consistent with processing and court capacity.

- **Weekend Service Dates:** The above guidance will remain true even when in-person document service dates fall on a weekend:
 - Individuals with hearings on May 13 and 14 should arrive at the POE on June 13 and 14, respectively, to get their new NOHs and tear sheets.
 - Individuals with hearings on May 20 and 21 should arrive at the POE on June 20 and 21, respectively, to get their new NOHs and tear sheets.
 - Individuals with hearings on May 27 and 28 should arrive at the POE on June 27 and 28, respectively, to get their new NOHs and tear sheets.
 - Individuals with hearings on June 4 and 5 should arrive at the POE on July 4 and 5, respectively, to get their new NOHs and tear sheets.
 - Individuals with hearings on June 11 and 12 should arrive at the POE on July 11 and 12, respectively, to get their new NOHs and tear sheets.
 - Individuals with hearings on June 18 and 19 should arrive at the POE on July 18 and 19, respectively, to get their new NOHs and tear sheets.
- **Appearance Location:** It is very important that the individuals enrolled in MPP appear at the POE designated on the tear sheet, as that is where the case is docketed and where the Executive Office for Immigration Review (EOIR) will generate the new NOH.
- **Case Information Access:** In addition, individuals can receive case status information in English or Spanish at: portal.eoir.justice.gov/infosystem or by calling EOIR's electronic phone system: 1-800-898-7180.
 - The individuals will need to know their alien numbers to ascertain their next hearing date, time and location.

For requirements surrounding the NOH service, DHS defers to the Department of Justice (DOJ). Regarding the tear sheets, their purpose is to advise individuals in MPP where and when to report for processing into the United States so that they can attend their removal hearings. Neither the NOH nor the tear sheet is required for entry to the United States.

Although these documents speed the entry process for the individual, CBP will process him/her into the United States to attend his/her removal hearing so long as CBP is able to confirm the individual's identity and validate that s/he is on the docket for a given day—as has always been the case. Of course, DHS continues to encourage individuals in removal hearings to maintain the most current hearing-related documents, to carefully protect these documents, and to bring these documents with them when they report for their hearings

With respect to other points raised in your letter, we have already advised Mexican officials and other interested stake holders that individuals enrolled in MPP who change residency from what was originally listed on their notices to appear (NTAs) can file an updated EOIR-33 to change their addresses with the court of jurisdiction, and if they move into a new court jurisdiction they have the ability to file a change of venue motion, which will be considered by EOIR.

Mr. Kennji Kizuka

Page 3

Thank you again for your initial and follow-up correspondence. DHS recognizes the important role that HRF and other non-governmental organizations play in providing information to migrants, and we appreciate your understanding.

Sincerely,

A handwritten signature in blue ink, appearing to read "James W. McCament". The signature is fluid and cursive, with a large initial "J" and a stylized "M".

James W. McCament

Senior Official Performing the Duties of Under Secretary