EXHIBIT A

U.S. Department of Justice

Executive Office for Immigration Review

Office of the Director

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

January 12, 2018

Immigration Judge A. Ashley Tabaddor
President
National Association of Immigration Judges

Immigration Judge Amiena Khan
Executive Vice President
National Association of Immigration Judges

RE: Press Contacts and Use of Agency Resources

Dear Judges Tabaddor and Khan,

Congratulations on your recent election to officer positions within the National Association of Immigration Judges (NAIJ). The Agency looks forward to continuing to work with you in your NAIJ representational capacities. Below is a summary of some of the Agency's expectations with regard to your representational activities.

A. Contacts with the Press

The Agency acknowledges that, as officers of NAIJ, you have certain freedoms with respect to representing the interests of NAIJ to the public and press. However, such representational freedoms are not unlimited. You must take into consideration the following factors, particularly when communicating with the press/media regarding matters related to the Department of Justice.

1. Appropriate Representatives

It is incumbent upon NAIJ to keep the Agency informed regarding which immigration judges have representative roles in the union. Please ensure that your list of NAIJ representatives is kept up to date and includes an explanation of each immigration judge's representative role. Immigration judges who are not acting as representatives of NAIJ are not afforded the same protections to present the views of NAIJ to the press and public.

2. Notice to EOIR Regarding Press/Media Contacts

On September 1, 2017, EOIR issued a Speaking Engagement Policy that clarified the roles and responsibilities of various EOIR personnel involved in the speaking engagement process. In the interest of not inappropriately interfering in the right of NAIJ representatives to speak on behalf of NAIJ, immigration judges who speak to the public or press/media in their capacities as NAIJ representatives historically have not been required to seek ethics advice or other permission from the Agency prior to speaking. The Agency will continue to exclude immigration judges who speak to the public or press/media in their capacities as NAIJ representatives from following the speaking engagement approval procedures outlined in the Speaking Engagement Policy.[1] Please note that immigration judges who speak to the public or press in their capacities as NAIJ representatives are always speaking in their personal capacities,[2] and not officially on behalf of EOIR.

Although EOIR will not require NAIJ to receive approval for speaking engagements involving the press/media, EOIR will require NAIJ representatives to report all media contacts pursuant to Deputy Attorney General Rod J. Rosenstein's November 6, 2017 memorandum entitled "Confidentiality and Media Contacts Policy," (Attachment 1). Mr. Rosenstein's memorandum, which added language to the United States Attorney Manual (USAM) at 1-7.000, *et seq.*, states that the policy contained therein apples to all DOJ personnel. Section 1-7.210 of the USAM now requires all DOJ personnel to report to their designated media representative any contacts with members of the media about DOJ matters. Pursuant to this requirement, NAIJ representatives must report all media contacts regarding DOJ matters to EOIR's designated media representative, Nathan Berkeley, within two business days of the media contact. NAIJ representatives must report to whom the contact was made, the date of the contact, and the general nature of the contact with the media.

3. Subject Matter

As discussed in Mr. Rosenstein's memorandum, much of DOJ's work involves non-public, sensitive matters. As such, USAM section 1-7.100 now states that "DOJ personnel should presume that non-public, sensitive information obtained in connection with work is protected from disclosure, except as needed to fulfill official duties of DOJ personnel, and as allowed by court order, statutory or regulatory prescription, or case law and rules governing criminal and civil discovery."

The Department's interest in protecting non-public information exists alongside the union's right to present its views to "appropriate authorities," as prescribed in the Federal Service Labor-Management Relations Statute, at 5 U.S.C. § 7102:

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[1] Please be aware that NAIJ representatives who would like to speak in their capacities as immigration judges (e.g. at a pro bono model hearing program) must follow the Agency's Speaking Engagement Policy to gain approval prior to the speaking engagement.

[2] Although NAIJ representatives are not required to seek ethics advice from the Agency's ethics office prior to speaking on behalf of NAIJ, NAIJ representatives, like all federal employees, are required to follow the Standards of Ethical Conduct for Employees of the Executive Branch. As new NAIJ representatives, you are encouraged to seek ethics guidance in advance of speaking engagements to ensure that you are familiar with ethics guidelines on speaking in your personal capacities.

> Each employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right. Except as otherwise provided under this chapter, such right includes the right—
>
> (1) to act for a labor organization in the capacity of a representative and the right, in that capacity, to present the views of the labor organization to heads of agencies and other officials of the executive branch of the Government, the Congress, or other appropriate authorities . . . .

The Federal Labor Relations Authority (FLRA) interprets "appropriate authorities" to include the press, and unions may publicize labor disputes or issues that have a direct bearing on conditions of employment. *See, e.g., Bureau of Prisons Fed. Corr. Inst. and Am. Fed'n of Gov't Emps.*, 17 F.L.R.A. 696, 710-11 (1985); *U.S. Dep't of Veterans Affairs Med. Ctr. Jamaica Plain, Mass. and Fraternal Order of Police*, 50 F.L.R.A. 583, 586 (1994) (citing *Dep't of the Navy, Naval Facilities Eng'g Command, W. Div. San Bruno, Cal. and Nat'l Fed'n of Fed. Emps.*, 45 F.L.R.A. 138, 148-49, 155 (1992)). However, a union's right to present its views is not absolute. *Camp Smedley D. Butler*, 29 F.L.R.A. at 1081 (citing *Bureau of Prisons*, 17 F.L.R.A. at 697). For example, statements to the media are not protected if the statements are disloyal or disruptive of discipline. *See U.S. Forces Korea/Eighth U.S. Army and Nat'l Fed'n of Fed. Emps.*, 17 F.L.R.A. 718, 728 (1985) (citing *NLRB v. Local 1229, Int'l Bhd. of Elec. Workers*, 346 U.S. 464 (1953); *Southwestern Bell Tel. Co. and Commc'ns Workers of America*, 200 N.L.R.B. 667 (1972)). Importantly, § 7102 does not protect communications to outside parties that jeopardize the institution's mission or safety. *U.S. Penitentiary Admin. Maximum Florence, Colorado and AFGE*, DE-CA-90530, F.L.R.A. Rep. No. 16, 6 (2000) (citing *Bureau of Prisons*, 17 F.L.R.A. at 696-97). Moreover, the Statute does not protect comments that constitute flagrant misconduct or are of "an outrageous or insubordinate nature . . . ." *Naval Facilities Engineering Command*, 45 F.L.R.A. at 156. To determine whether conduct constitutes protected activity or flagrant misconduct, "the Authority balances the employee's right to engage in protected activity, which 'permits leeway for impulsive behavior, . . . against the employer's right to maintain order and respect for its supervisory staff on the jobsite.'" *AFGE v. SSA Valrico, Fla.*, 59 F.L.R.A. 767, 770 (2004) (citing *Dep't of Def. Def. Mapping Agency Aerospace Ctr. St. Louis Mo. and Nat'l Fed'n of Fed. Emps.*, 17 F.L.R.A. 71, 80 (1985)).

While it is fairly clear that, subject to the caveats discussed above regarding disloyal and disruptive statements and statements that jeopardize safety or the Agency's mission, the union may express its *views* to the media, there is no case law to suggest that the union may publicize non-public agency *information* that representatives only know in their capacity as Agency employees. For example, publicizing a labor dispute that union officials are aware of due to their status as union officials is different from union officials publicizing non-public, sensitive Agency information that they are privy to because of their status as Agency employees. Due to the sensitive nature of the work of the Department in general, and EOIR in particular, NAIJ representatives must be cognizant of this distinction and take care not to release non-public, sensitive Agency information to the public or press.

4. Use of Disclaimers

When NAIJ representatives interact with the media, they must follow the procedures outlined in the April 7, 2015 Memorandum of Understanding (MOU) between the Agency and NAIJ regarding the issuance of appropriate disclaimers (Attachment 2).[3] Pursuant to this MOU, NAIJ representatives must give the following disclaimer when speaking on behalf of NAIJ:

> "I am speaking as [relevant position with NAIJ] of the National Association of Immigration Judges and not as an official of the United States Department of Justice."

When providing written statements, NAIJ representatives must provide the following written disclaimer:

> "The author is the [relevant position with NAIJ] of the National Association of Immigration Judges. The views expressed here do not necessarily represent the official position of the United States Department of Justice, the Attorney General, or the Executive Office for Immigration Review. The views represent the author's personal opinions, which were formed after extensive consultation with the membership of NAIJ."

Please familiarize yourselves with the MOU in order to ensure that NAIJ representatives provide the appropriate disclaimers when interacting with the press/media.

B. Use of Agency Resources for Representational Activities

In general, NAIJ's rights and limitations on the use of Agency time and resources to engage in representational activities are outlined in the collective bargaining agreement, particularly in Articles 4, 5, and 6. However, the following information should also be noted.

1. Use of Government E-mail/iPhones

Pursuant to Article 6.1.e., NAIJ representatives will have "access to the electronic mail system to facilities communications between the Association and Immigration Judges regarding representational matters." Moreover, the Agency has agreed to provide Agency iPhones to the President and Vice President of NAIJ. However, please be aware that there is no expectation of privacy in the use of government computers or computer systems, including iPhones, and the use of departmental computer systems constitutes consent to monitoring and disclosure of information stored on or transiting the departmental computer system. *See, e.g.,* Section 3.e-f. DOJ Order 2740.1A, Use and Monitoring of DOJ Computers and Computer Systems. (Attachment 3). While EOIR has no objective to intercept communications between NAIJ and the bargaining unit (or NAIJ and its counsel), such communications may be captured incidental

[3] The MOU is also available on the EOIR Intranet at https://eoirnet/sites/eoir/OCIJ/AdministrationandPolicy/Union/executed%20MOU_naij.pdf

to searches related to discovery and/or Freedom of Information Act (FOIA) requests, or for other authorized purposes as described in Section 3.f of DOJ Order 2740.1A.

2. Use of Government Employee Time

NAIJ cannot solicit EOIR employees to perform duties, such as legal research, for NAIJ on government time. The Standards of Ethical Conduct for Employees of the Executive Branch state that "an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation." 5 C.F.R. § 2635.705(b). Even though law clerks and legal assistants are not in a superior-subordinate relationship with immigration judges, immigration judges are in a position of power and authority over these employees. To ask such employees to use official time or government resources (such as government-provided computers and legal research databases) to do work on behalf of NAIJ would be inappropriate and may constitute a violation of 5 C.F.R. § 2635.702(a), use of public office for private gain. ("An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.")

* * *

Please do not hesitate to reach out to the appropriate Agency authorities (*e.g.*, the Ethics Office, the Communication and Legislative Affairs Division, and/or OCIJ management) if you have any questions or concerns regarding your responsibilities with respect to this memorandum.

Sincerely,

Katherine H. Reilly

Katherine H. Reilly
Acting Deputy Director

Cc: MaryBeth Keller
Chief Immigration Judge

EXHIBIT B

U.S. Department of Justice

Executive Office for Immigration Review

Office of the Director

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

Director

September 1, 2017

MEMORANDUM TO: All of EOIR

FROM: James R. McHenry III
Acting Director

SUBJECT: Speaking Engagement Policy for EOIR Employees

Introduction

Interest in immigration law has grown exponentially over the past ten years. As a result, the public has become increasingly interested in hearing about, and understanding, what the agency does and specifically how Immigration Courts operate. Our Immigration Judges (IJs), along with senior EOIR officials and other staff, are frequently invited to speak on immigration law and policy at different events across the country. Depending on who is invited, who has issued the invitation, the forum and the topic of the discussion or presentation, a management determination must be made as to which capacity is most appropriate for the employee's participation on that specific occasion.

This Speaking Engagement Policy (Policy) and its attachment are intended to clarify the approval process an EOIR employee must follow to speak at an event, when a request or invitation for an appearance has been received by the employee or the Agency, including the proper determination of speaking engagement capacity. To that end, the following sets forth EOIR's policy on speaking engagements and the procedures employees must follow when requesting approval to speak at an event.

Approval Process

There are only two capacities in which an employee may participate in a speaking engagement: (1) official capacity; or (2) personal capacity. The agency will no longer use the status of "personal capacity with use of title and disclaimer," otherwise known as "PTD." An employee must first request and receive supervisory approval before participating in a speaking engagement. Supervisors will determine the capacity in which an employee is speaking.

After obtaining supervisory approval, all requests to speak in official capacity, and/or to speak about immigration-related topics must be reviewed by the Office of General Counsel (OGC) and the Office of Communications and Legislative Affairs (OCLA) via the headquarters speaking engagement team (SET). EOIR personnel should submit requests to the SET by completing the Speaking Engagement Form (see Appendix) and sending the completed form to EOIRspeakers@usdoj.gov. The form should be submitted no later than seven days before the scheduled event. For official capacity speaking engagements, submissions include presentation slides, hand out materials and talking points. This process not only ensures compliance with agency policies, but also allows OCLA to ensure that EOIR's messaging is consistent across official engagements.

I. Speaking in an Official Capacity

When an EOIR employee is assigned to participate as a speaker or panel participant or otherwise present information on behalf of the agency at a conference or other event, they are doing so in their official capacity. Any EOIR employee speaking at an event hosted by a Federal Department, Office, or Agency must speak in an official capacity. This includes speaking at naturalization ceremonies even when not administering the naturalization oath. Certain EOIR personnel may only speak in their official capacity. Those personnel include component heads and other senior EOIR officials, members of the Board of Immigration Appeals ("Board Members"), Deputy Chief Immigration Judges ("DCIJs") and Assistant Chief Immigration Judges ("ACIJs"). In contrast, some Immigration Judges may or may not be expected to speak in their official capacity, depending on the particulars of the speaking engagement. For IJs, they shall only engage in a speaking engagement in their official capacity if it involves a certain activity (See Attachment A) or if another Department of Justice or EOIR employee or official is appearing at the same event in an official capacity. Other employees may appear, and speak, at an event in their official capacity if it is part of their official duties or they have been assigned to do so by their supervisor.

If travel is required for an employee to speak in an official capacity, generally the employee may not accept reimbursement for travel and related expenses from any source other than the government. However, 41 C.F.R. Chapter 304 authorizes the Department (or the employee on the Department's behalf) to accept payment of travel expenses from a non-Federal source," but only "when specifically authorized to do so" and "only for official travel to a meeting."[1] Please note that EOIR has determined, as a matter of policy, that it will not accept any payment for the official travel of its employees by a non-Federal source that is considered a prohibited source for EOIR. A prohibited source is considered a person or entity who seeks official action from the agency, does business with the agency, appears before the agency, or is

[1] 41 C.F.R. § 304-5.3 further provides that reimbursement for travel from outside sources must not be authorized if the approving official determines that acceptance of the payment under the circumstances would cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of agency programs or operations. An employee who accepts travel from a non-Federal source in violation of 41 C.F.R. § 304-1.2 may be required to repay the amount of payment accepted from the non-Federal source and could be subject to additional penalties.

an organization a majority of whose members are described in this section.[2] As an adjudicatory body, EOIR should expect to be under constant scrutiny. EOIR employees must avoid all improprieties and the appearance of impropriety to ensure complete public confidence in the integrity of our agency. The acceptance of travel reimbursement for official duties from prohibited sources could undermine the public's confidence in the impartiality of EOIR's adjudicators. Likewise, under no circumstances may an EOIR employee receive a supplementation of salary (i.e. honorarium) from a non-Federal source for a speaking activity that is done in their official capacity.[3]

II. Speaking in a Personal Capacity

When an EOIR employee participates in a speaking engagement in a personal capacity, they are not appearing at an event as part of their official duties or on behalf of the agency. Therefore, they may not imply that EOIR is endorsing or sanctioning the speaking engagement, as it is considered an outside speaking activity. An EOIR employee may not use or permit the use of their official title or position to identify themselves in connection with the speaking activity unless it is included as one of several biographical details when such information is given to identify the individual in connection with the activity, provided that their title or position is given no more prominence than other significant biographical details. When one's official title is used in this manner, as part of an overall biographical sketch, a disclaimer is not required. Alternatively, in limited circumstances where an introduction does not include an overall biographical sketch, an IJ may be introduced using their title so long as they use an appropriate disclaimer at the beginning of their remarks in order to avoid the perception that they are appearing on behalf of the agency. Additionally, they may not permit the sponsoring organization to use their official title in the promotion of the event in which they are invited to speak.

The Speaking Engagement Form is not required to be submitted for an EOIR employee who is invited to discuss, in their personal capacity, a topic that is unrelated to immigration law issues, their official EOIR duties or position, or any agency programs and policies. Additionally, the issuer of the invitation cannot be a prohibited source. The form is required, however, for an EOIR employee who has been invited to discuss immigration related issues. Additionally, the employee must obtain supervisory approval to engage in the outside speaking activity before the form is submitted. As a reminder, no EOIR employee may receive compensation for any outside speaking activity that relates to their official duties.

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[2] 5 C.F.R. § 2635.203(d).

[3] 18 U.S.C. § 209.

If an EOIR employee is traveling to speak at an event in a personal capacity, the employee is not entitled to travel reimbursement by the agency. However, when traveling in a personal capacity, an EOIR employee may accept reimbursements for travel expenses from the entity that is sponsoring the activity.[4] On the other hand, employees offered travel reimbursement for mere attendance (as opposed to speaking on a panel) at a conference in a personal capacity must contact the Office of the General Counsel for a determination as to whether accepting the reimbursement of travel expenses is appropriate. OGC will apply the gift rules in deciding whether such employee may accept payment of these expenses. Factors that must be taken into consideration when applying the gift rules include the source and value of the reimbursement.[5]

Conclusion

This policy does not necessarily address every situation that may arise related to speaking engagements. It is intended to create a standard by which events may be evaluated. If questions arise regarding the application of this policy or the proper determination of a speaking capacity, please contact the Ethics Office at EOIR.Ethics@usdoj.gov or (703) 305-0322.

[4] *Sanjour v. Environmental Protection Agency*, 56 F.3d 85 (D.C. Cir. 1995); 5 C.F.R. § 2635.807(a)(2)(iii)(D).
[5] 5 C.F.R. § 2635.201-205.

Attachment A

The Speaking Engagement Policy identifies the two capacities in which an EOIR employee may speak, when they are invited to participate in an event that involves immigration issues, relates to their official duties, or invited because of their official position at the agency. Because PTD will no longer be used, only Official and Personal Capacity are provided below with examples of appropriate events found within each category. Note that this is not an exclusive list, as some events, activities and forums may not be listed below.

Official Capacity

1. All senior EOIR officials, BIA Board Members, DCIJs and ACIJs shall only participate in speaking engagements in their official capacity.
2. For any event where at least one DOJ or EOIR official is participating officially, all EOIR participants must speak in their official capacity.
3. For any event where an inviter is a Federal government agency and the employee is asked to speak or present at a government event, the EOIR employee must speak in their official capacity.
4. National Conferences (e.g. AILA, FBA, etc.).
5. Regional Conferences.
6. Naturalization Ceremony, as guest speaker or to administer the oath.
7. Court Visit – when an outside group visits the Immigration Court and an IJ/EOIR official meets with the group at the court.
8. Any event where the topic of the discussion is the subject of pending litigation.
9. Pro Bono training – in association with EOIR's Office of Legal Access Programs.
10. EOIR Mock Hearing Program.
11. Recruiting for EOIR internship program.

Personal Capacity

1. Moot Court judge – not immigration related.
2. Commencement Speaker.
3. Career Day/Alumni Career Panel – to discuss full career path and experience.
4. Pro-bono training – not associated with EOIR's Office of Legal Access Programs.
5. Meeting with boy scouts or girl scouts.
6. Interview based on book written in personal capacity.
7. Teach university or law school immigration classes.

EXHIBIT C

Cole, Samuel B. (EOIR)

From: EOIR Director (EOIR)
Sent: Wednesday, September 13, 2017 7:42 AM
To: All of EOIR
Subject: Defining "Speaking Engagement"

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning.

Following the agency strategic communications plan and speaking engagement policy recently released, we have received some questions regarding what qualifies as a "speaking engagement." To answer some of those questions, please see the additional guidance below.

One-on-one meetings or phone calls with designated liaisons are not speaking engagements and do not require approval through the Speaking Engagement Team (SET). In addition, phone calls or brief in-person conversations about regular agency business do not require such approval.

Conversely, in any instance in which you will present formal remarks, participate in a panel discussion, or distribute agency information in your official capacity, the request should go through the SET. Similarly, meetings with local chapters of national organizations, meetings involving EOIR employees that are open to an organization or chapter's membership, or non-liaison meetings with general personnel of another agency are considered speaking engagements and should go through the SET. Any meeting that is advertised by the group hosting the meeting should go through the SET. In any instance in which you will meet with a liaison from more than one organization (e.g. DHS; AILA; CLINIC), the request should also go through the SET.

Participation in DOJ events, such as trainings or conferences at the National Advocacy Center, do not need to go through the SET, but do require supervisory approval.

In short, one-on-one meetings with designated liaisons and phone calls about regular agency business do not go into the SET, but most other types of meetings outside of DOJ will. In addition to the information provided through the SET forms, a good metric would be whether you will be speaking with more than one non-DOJ person about EOIR or whether a group external to DOJ is sending out notice of the event. If so, it likely needs to go through the SET.

If you are unsure whether to submit your event for SET review, please contact your supervisor. Beyond that, please contact the Office of Communications and Legislative Affairs (OCLA) at 703-305-0289. Of course, any phone calls, emails, or visits from the news media or Congress should be directed to OCLA at the number above or at PAO.EOIR@usdoj.gov.

For your easy reference, please see https://eoirnet/sites/eoir/Pages/AgencyCommPlan.aspx to access the previously emailed documents about the Communications Plan.

James McHenry
Acting Director

EXHIBIT D

MEMORANDUM OF UNDERSTANDING
REGARDING EOIR'S SPEAKING ENGAGEMENT POLICY

This Memorandum of Understanding (MOU) between the Executive Office for Immigration Review (hereinafter Agency or EOIR) and the National Association of Immigration Judges (NAIJ) (collectively, the Parties) sets forth the agreement between the Agency and NAIJ regarding specific procedures and considerations related to the implementation of EOIR's Speaking Engagement Policy, as it applies to Immigration Judges.

THE PARTIES AGREE THAT:

(1) Pursuant to 5 C.F.R. § 2635.807(b)(3), in connection with an Immigration Judge's teaching, speaking, or writing, an Immigration Judge may use or permit the use of a general term of address that is ordinarily used to address Immigration Judges.

(2) The supervising ACIJ will strive to notify the Immigration Judge within one (1) business day after he or she has sent the request to the SET. Following receipt of a timely, complete request, the SET will strive to respond to the request within five (5) business days. If the decision will be issued outside of the five (5)-day window, the requestor will be notified, when feasible.

(3) An Immigration Judge who does not receive a response to a speaking engagement request, or who has other questions or concerns about the status of a request, should contact the Immigration Judge's supervising ACIJ. NAIJ will establish a single point of contact to act as a liaison with a designated Agency representative concerning Immigration Judge speaking engagement requests. Any concerns not addressed by the supervising ACIJ will be brought to the Agency's attention through the NAIJ liaison.

(4) When the Agency denies a request of an Immigration Judge to participate in a speaking engagement, the Agency will provide the Immigration Judge with a reason for a denial.

(5) An Immigration Judge whose request to participate in a speaking engagement is denied can seek reconsideration of the denial of the request to an official designated by the Agency by resubmission of the request through the ACIJ. The Agency will strive to make a decision on the reconsideration within ten (10) business days of receipt.

(6) By June 30, 2018, the Agency will provide to NAIJ a list of factors that the Agency considers in assessing Immigration Judge speaking engagement requests and/or representative examples of types of speaking engagements that fall into each speaking capacity.

(7) The Agency will not consider protected bases in determining whether to grant or deny a speaking request.

(8) Every six (6) months, the Agency will provide to NAIJ a summary of Immigration Judge speaking engagement requests received by the SET. For each request, this summary will include the date the request was submitted, the requestor's supervisor, a description of the event, the date of the event, whether the request was approved or denied, and in which speaking capacity.

(9) Whenever a model hearing program is conducted in a local court, if a local Immigration Judge is not approved to participate in the program, the Agency will:

a. Allow Immigration Judges to submit input on topics and practices in the locality of the court.

b. Upon request by the local NAIJ representative to the supervisory ACIJ, the Agency will provide to NAIJ any materials provided to the public.

(10) The Parties agree that the terms of this Memorandum of Understanding are binding on both parties. The Parties maintain any applicable rights and obligations under labor law.

FOR THE AGENCY:

Katherine H. Reilly
Deputy Director

Date

Daniel L. Swanwick
Counsel to the Deputy Director

Date

FOR THE UNION:

Amiena Khan
Executive Vice President, NAIJ

5-10-2018.
Date

EXHIBIT E

Requestors Supervisor	Event Start Time	Request Submitted	Event Topic	Requesting Employee	Status: Approved, Denied, Incomplete Request	Capacity: Official or Personal
Simmons, Theresa (EOIR)	8/26/20 17:00	4/29/20 13:15	Immigration Law Class	Golparvar, Kuyomars Q. (EOIR)	Approved	Personal
Johnson-Papillo, Carrie (EOIR)	6/20/20 9:00	4/16/20 11:23	Trial Skills Class taught in condensed form	Harbeck, Dorothy (EOIR)	Approved	Personal
Johnson-Papillo, Carrie (EOIR)	9/14/20 18:00	4/16/20 11:10	Trial Skills	Harbeck, Dorothy (EOIR)	Approved	Personal
Scala, Theresa M. (EOIR)	5/2/20 12:00	4/9/20 12:46	IJ application process and asylum law	Phan, Christopher (EOIR)	Approved	Personal
Weil, Jack (EOIR)	8/24/20 0:00	4/7/20 10:10	Immigration Law	Morley, Steven A. (EOIR)	Approved	Personal
Owen, Sirce E. (EOIR)	4/21/20 12:00	3/11/20 7:30	Asylum Training - Mock Hearing	Baird, Michael P. (EOIR)	Denied	Official
Sanchez, Jose A. (EOIR)	4/4/20 9:00	3/4/20 16:38	Nature, scope and timing of immigration proceedings. Law and practice under the INA.	O'Sullivan, Maureen (EOIR)	Denied	Personal
Martinez, Hugo R. (EOIR)	3/20/20 10:00	3/2/20 15:11	Immigration Basic	Fowler, Kelley (EOIR)	Denied	Personal
Martinez, Hugo R. (EOIR)	3/18/20 7:30	2/28/20 12:57	Constitutional Law/Legal Profession	Schools, Shelly (EOIR)	Approved	Personal
Martin, Clay Nelson (EOIR)	4/3/20 14:00	2/25/20 17:05	Accomplishments of Alumna	Martinez, Elizabeth (EOIR)	Denied	Official
Martinez, Hugo R. (EOIR)	3/20/20 10:00	2/21/20 14:57	Immigration Law Basics	Fowler, Kelley (EOIR)	Denied	Official
Martin, Clay Nelson (EOIR)	4/3/20 14:00	2/21/20 12:31	Accomplishments of Alumna	Martinez, Elizabeth (EOIR)	Approved	Personal
Rooyani, Rodin (EOIR)	3/5/20 18:30	2/18/20 14:55	Immigration Court Process	Jasso, Jaime (EOIR)	Approved	Personal
Rooyani, Rodin (EOIR)	5/27/20 20:00	2/13/20 17:47	Teaching weekly course entitled "Immigration Law and Crimes"	Costa, Philip Joseph (EOIR)	Approved	Personal
McNulty, Sheila (EOIR)	3/11/20 18:30	2/12/20 18:05	Empowered Women Empower Women	Peyton, Jennifer I. (EOIR)	Approved	Personal
Paul, Nancy J. (EOIR)	2/21/20 13:00	2/10/20 16:54	Basics of Immigration	Kelly, Wynne P. (EOIR)	Approved	Personal
Jones, David M. (EOIR)	2/11/20 18:00	2/4/20 9:32	How are laws made	Vargas-Padilla, Nelson (EOIR)	Approved	Personal
Laurent, Scott (EOIR)	3/17/20 0:00	2/3/20 16:45	Tribal Court Management	Burke, Brian H. (EOIR)	Approved	Personal
Sanchez, Jose A. (EOIR)	4/4/20 10:00	1/17/20 10:05	Immigration Law Basics	O'Sullivan, Maureen (EOIR)	Approved	Official

Requesting Supervisor	Requesting Employee	Submit Date	Event and Audience	Capacity: Official or Personal	Event Date	Status: Approved, Denied, Incomplete Request
ACIJ Sheila McNulty	IJ John Siemietkowski	1/4/20	Speak at the Texas Bar construction law conference	Personal	3/5/20	Approved
ACIJ James Grim	IJ Pedro Espinal	12/18/19	Address a group of local judges at the Puerto Rico Judicial Academy	Official	2/26/20	Approved
ACIJ Sheila McNulty	IJ Dorothy Harbeck	12/17/19	Teach a weekend law school class at UDC durig the summer	Personal	7/1/20	Approved
ACIJ Sheila McNulty	IJ Dorothy Harbeck	12/12/19	Teach a class at Rutgers University School of Law	Personal	Spring Semester 2020	Approved
ACIJ Sanchez	IJ Lincoln Jalelian	12/10/19	Participate in class at Boston University School of Law	Personal	Spring Semester 2020	Approved
ACIJ Theresa Scala	IJ Richard Zanfardino	12/9/19	Master calendar hearing observation	Official	2/12/20	Approved
ACIJ Daniel Weiss	IJ James Nugent	12/5/19	Teach a class at SMU Dedman School of Law	Personal	1/9/20	Approved
ACIJ Theresa Scala	IJ John Odell	11/8/19	Brown bag lunch with Pierce County Superior Court	Personal	One day in Spring 2020	Denied
ACIJ Sheila McNulty	IJ Dorothy Harbeck	11/5/19	Teach a class at Seton Hall during a winter session	Personal	1/1/20	Conditionally Approved
ACIJ Jose Sanchez	IJ Daniel Morris	10/31/19	AILA monthly meeting in Connecticut	Personal	11/14/19	Denied
ACIJ Jose Sanchez	IJ Philip Verrillo	10/31/19	AILA monthly meeting in Connecticut	Personal	11/14/19	Denied
ACIJ Rico Bartolomei	IJ Christine Bither	10/31/19	Discuss Basics of Immigration Law at San Diego State	Personal	11/14/19	Denied
ACIJ Jose Sanchez	IJ Michael Straus	10/31/19	AILA monthly meeting in Connecticut	Personal	11/14/19	Denied
ACIJ Irene Feldman	IJ Richard Phelps	10/16/19	Guest speak at a law class at University of Arizona	Official	11/6/19	Denied
ACIJ Philip Montante	IJ Steven Connelly	10/15/19	Guest teach a class at State University of New York at Buffalo	Personal	10/24/19	Approved
ACIJ Jose Sanchez	IJ Maureen O'Sullivan	10/10/19	Teach a class on asylum law at Suffolk University Law School	Personal	11/12/19	Denied
ACIJ Jose Sanchez	IJ Paul Gagnon	10/2/19	Mock bond hearing		10/22/19	Denied
ACIJ Sheila McNulty	IJ Dorothy Harbeck	10/1/19	Teach deposition skills in a weekend program for NITA	Personal	11/16-11/17	Approved

Requesting Supervisor	Requesting Employee	Submit Date	Event and Audience	Capacity: Official or Personal	Event Date	Status: Approved, Denied, Incomplete Request
ACIJ Sheila McNulty	IJ Dorothy Harbeck	10/1/19	Teach deposition skills in a weekend program for NITA	Personal	11/16-11/17	TBD
ACIJ Sheila McNulty	IJ Jennifer Peyton	9/17/19	Speak at Case Western Reserve University School of Law	Personal	10/2/19	Denied
ACIJ Daniel Weiss	IJ Emmett Soper	8/23/19	Speak at Judicial Clerkship and internship conference about EOIR clerkships	Official	10/5/19	Approved
ACIJ Joy Lampley	IJ Angela Munson	8/21/19	Speak about patriotism at a historic home	Personal	10/24/19	Approved
ACIJ Sheila McNulty	IJ Noel Brennan	7/31/19	Give lecture at Georgetown Law Center	Personal	10/7/19	Request withdrawn
ACIJ James Grim	IJ Victoria Ghartey	7/31/19	Participate in a local naturalization ceremony as a guest speaker	Official	9/5/19	Request withdrawn
ACIJ David Jones	IJ David Koelsch	7/31/19	Teach a class at Catholic University school of law	Personal	8/2019 - 12/2019	Approved
ACIJ Sheila McNulty	IJ Mimi Tsankov	7/30/19	Teach a class at Fordham law school	Personal	9/2019 - 5/2020	Approved
ACIJ Lisa Luis	IJ Richard Jamadar	7/3/19	Speak about the use of credible and reasonable fear materials in removal proceedings	Official	8/30/19	Denied
ACIJ McNulty	IJ Dorothy Harbeck	7/2/19	Teaching Immigration trial skills at Columbia University Law school	Personal	9/9 - 12/3/19	Incomplete Request
ACIJ Jose Sanchez	IJ Maureen O'Sullivan	7/1/19	Present Immigration Law Basics at the fall educational conference for the Probate and Family Court of Massachusetts	Personal	10/24/19	Denied
ACIJ Rico Bartolomei	IJ Catherine Halliday-R	6/11/19	Teach business law online at Santa Monica College	Personal	9/2019 - 8/2020	Approved
ACIJ Jack Weil	IJ Kuyomars Golparvar	6/6/19	Attend and give remarks at Naturalization Ceremony	Personal	6/27/19	Request withdrawn
ACIJ Daniel Daugherty	IJ Christopher Greer	6/5/19	Give presentation on mission of Immigration Court and the duties of an immigration judge at SJ Quinney School of Law LLM Program	Official	6/28 or 6/29	Denied
ACIJ Lisa Luis	IJ Samuel Brown	6/4/19	Give presentation on estate planning/wills/power of attorney for Church seniors	Personal	6/20/19	Approved
ACIJ Amy C. Hoogasian	IJ Riedthaler Williams	5/8/19	Grade and teach online course for Liberty University	Personal	multiple dates	Approved
ACIJ Sheila McNulty	IJ Franklin Loprest	5/2/19	Speak on panel at New York State Unified Court System's Franklin H. Williams Judicial Commission and discuss immigration consequences of New York State criminal activity	Official	6/13/19	Denied
ACIJ Rodin Rooyani	IJ Phil Costa	4/29/19	Adjunct teaching at Southwestern Law School	Personal	6/5-7/10	Approved
ACIJ Philip Montante	IJ Walter Ruehle	4/8/19	Speak about best practices for handling asylum claims in Immigration Court in front of Onondaga County Bar	Official	5/3/19	Denied
ACIJ Sheila McNulty	IJ Oshea Spencer	4/1/19	Talk at kindergarten career day about being a judge	Personal	5/10/19	Approved

Speaking Engagement Team (SET) Log
IJ Requests - May 2018 to October 2018

Requesting Supervisor	Requesting Employee	Submit Date	Event and Audience	Capacity: Official or Personal	Event Date	Status: Approved, Denied, Incomplete Request
ACIJ Rodin Rooyani	IJ Phil Costa	4/29/19	Adjunct teaching at Southwestern Law School	Personal	6/5-7/10	TBD
ACIJ Philip Montante	IJ Walter Ruehle	4/8/19	Speak about best practices for handling asylum claims in Immigration Court in front of Onondaga County Bar	Official	5/3/19	Denied
ACIJ Sheila McNulty	IJ Oshea Spencer	4/1/19	Talk at kindergarten career day about being a judge	Personal	5/10/19	Approved
ACIJ Jack Weil	IJ Steven Morley	3/18/19	Teach refugee and asylum law course at Drexel	Personal	Fall Semester 2019	Approved
ACIJ Scott Laurent	IJ Kevin Riley	3/13/19	Speak at LA County Bar about career path	Personal	3/30/19	Approved
ACIJ Amy C. Hoogasian	IJ Jeremiah Johnson	3/7/19	USF career panel - speaking about path as an asylum officer to IJ	Personal	3/28/19	Approved
ACIJ Irene Feldman	IJ Paul Habich	2/13/19	ACIJ not recommending that he receive authorization to attend/speak at a bar meeting	Official	2/22/19	No further action by SET needed
ACIJ Jack Weil	IJ Golparvar and IJ Hartye	2/13/19	Social event for law students and judges at various levels to interact in a professional setting; not specific to immigration law	Personal	2/19/18	Approved
Elisa Sukkar	IJ Denise Lane	2/7/19	Speak about career and accomplishments at Black History Month event sponsored by Florida International University	Personal	2/20/19	Approved
ACIJ Sheila McNulty	IJ Samuel Cole	2/6/19	Teach a class on immigration and asylum to 7th graders	Personal	TBD	Denied
ACIJ Daniel Weiss	IJ Dean Tuckman	2/1/19	Speak at a judicial conference about the interplay between judicial decisions in criminal cases and removal proceedings.	Official	9/11/19	
ACIJ Nancy Paul	IJ Dorothy Harbeck	2/1/19	Teach a course at UDC NEW on trial skills	Personal	7/1/19	Approved
ACIJ Daniel Weiss	IJ Brock Taylor	2/1/19	Speaking at a synagogue about immigration and types of applicants at 7 pm event	Personal (should be official?)	2/13/19	Denied
ACIJ Sheila McNulty	IJ Mark Jebson	1/29/19	Teach immigration law at University of Detroit, Mercy School of Law	Personal	6/1/19	Approved
ACIJ Kevin Mart	IJ Rebecca Holt	12/11/18	Participate in a panel about immigration and the courts with Inns of Court in Memphis; 6 pm event	Official	2/12/19	Approved
ACIJ Shelia McNulty	IJ Sam Cole	12/6/18	Teach trial advocacy class at Loyola Law School	Personal	1/9/18	Approved
ACIJ Weiss	IJ Jacinto Palomino	11/29/18	Participate in panel discussion about immigration court functions for a law firm-sponsored function in Santa Fe	Personal (should be official)	1/16/19	Denied
ACIJ Nancy Paul	IJ Dorothy Harbeck	11/21/18	Teach a class at Rutgers University School of Law	Personal	1/2/19	Approved
Chuck Adkins-Blanch	IJ Thomas Snow	11/14/18	Present an overview of immigration court procedures	Official	3/18/19	Denied
ACIJ Daniel Weiss	IJ Xiomara Davis Gumbs	11/2/18	To teach a course in immigration law as an adjunct faculty member at the SMU Dedman School of Law	Personal	1/14/19	Approved

Speaking Engagement Team (SET) Log
IJ Requests - May 2018 to October 2018

Requesting Supervisor	Requesting Employee	Submit Date	Event and Audience	Capacity: Official or Personal	Event Date	Status: Approved, Denied, Incomplete Request
ACIJ Kevin Mart	IJ Rebecca Holt	10/26/18	speak to a university class about career choices	Personal	10/29/18	Approved
ACIJ Kevin Mart	IJ Angela Munson	10/25/18	critique moot court participants at Tulane Law School	Personal	11/07/218	Approved
ACIJ Hoogasian	IJ Jeremiah Johnson	10/10/18	speak at the Human Rights Advocates educational event, 5:30 p.m., at the USF Law School	Personal	11/1/18	Approved
ACIJ Weil	IJ Lisa Dornell	10/10/18	speak about Practice and Procedure in U.S. Immigration Courts to University of Maryland law students; 2 p.m. event	Personal	11/6/18	Denied
ACIJ Weil	IJ David Crosland	10/2/18	speak about civil rights to a University of Alabama law school class	Personal	11/14/18	Approved
ACIJ Daugherty	any IJ	9/28/18	open request by the Legal Aid Society for an IJ to preside at mock removal hearing at Columbia Law School Externship class	Official	11/28/18	Denied
ACIJ Scott Laurent	IJ Jose Penalosa	9/28/18	speak to incoming 2019 law students as part of duties on alumni board of ASU Sandra Day O'Connor School of Law	Personal	10/19/18	Approved
ACIJ Daugherty	IJ Mimi Tsankov	9/21/18	blanket request to speak in president-elect role at FBA	Personal	TBD	Ethics determined SET guidance not needed
ACIJ Weil	IJ Golparvar	9/18/18	Speak about immigration law career at Widener law school	Official	10/23/18	Approved
ACIJ Mart	IJ Michael Baird	9/14/18	speak to law school class at Georgia State U about the role of an immigration judge at 6 pm (afterhours)	Official	10/23/18	Approved
ACIJ Nadkarni	IJ Emmett Soper	9/11/18	lunchtime panel discussion at Asian Pacific American Bar Association Educational Fund conference to give minority law students information on judicial clerkships and internships	Personal	10/13/18	Approved
ACIJ Loprest	IJ Brigitte LaForest	8/3/18	speaking at a college commencement personal life as an immigrant and commitment to public service. The goal is to inspire the graduates.	Personal	12/1/18	Approved
ACIJ Kevin Mart	IJ Randall Duncan	8/2/18	Speak at Rotary Club of Newnan, Ga. During a lunch meeting; giving an overview of personal career path	Personal	10/5/18	Approved
ACIJ McNulty	IJ Maureen O'Sullivan	8/1/18	Speak at pro bono training about representing asylum seekers at Portland, Maine law offices, during the morning on a Friday	Personal	9/21/18	Denied
ACIJ McNulty	IJ Fujimoto	8/1/18	appear at the DePaul Legal Clinic and discuss immigration court best practices. The event is scheduled after 5 p.m.	Official	8/22/18	Denied
ACIJ Loprest	IJ Tom Mulligan	7/30/18	Teach intro to immigration law at City University, New York	Personal	8/15/18	Approved
ACIJ Jack Weil	IJ David Koelsch	7/27/18	teach immigration law at Catholic U	Personal	8/30/18	Approved
ACIJ Jack Weil	IJ Lisa Dornell	7/27/18	a pro bono liaison meeting at the Baltimore Immigration Court	Official	10/25/18	Approved
ACIJ Nancy Paul	IJ Justin Howard	7/23/18	speak about general court issues at the Johnson County Bar Association's Executive Director (Kansas)	Official	9/28/18	Denied
ACIJ Loprest	IJ Mimi Tsankov	7/17/18	speak at a public forum at Fordham Law about law student opportunities in Immigration Court	Personal? (should be official)	8/1/18	Incomplete Request
ACIJ Loprest	IJ Mimi Tsankov	6/22/18	Practicing Law Institute event. IJ proposes to participate in teaching private attorneys how to represent respondents in court removal proceedings	Personal	7/26/18	Denied
ACIJ Loprest	IJ Mimi Tsankov	6/20/18	teach class on immigration law at Fordham University Law School	Personal	1/1/19	Approved
ACIJ Loprest	IJ Mimi Tsankov	6/20/18	conduct a speaking engagement at the New York Immigration Court - encourage attorneys to consider taking part in pro bono activities	Official	tbd	Approved
ACIJ Kevin Mart	IJ Joe LaRocca	6/20/18	speak before the Louisiana Immigration Working Group in New Orleans at 4 p.m.	Official	8/22/18	Denied
ACIJ Loprest	NY court staff	6/8/18	request for New York Immigration Court to host summer interns from Human Rights First	Official	6/25/18	Approved
ACIJ Bartolomei	IJ Catherine Halliday-Roberts	5/30/18	teach business law online at Santa Monica College	Personal	9/1/18	Approved
ACIJ Martin	IJ Anibal Martinez	5/25/18	provide general inforamtion about juvenile/detained UAC docket at a stakeholders meeting sponsored by HHS/ORR; other speakers from CBP, ICE, VERA, and LOP providers; 1 p.m. at ORR shelter in San Antonio	Official	6/22/18	Denied
ACIJ Weil	IJ Slavin	5/22/18	attend the Baltimore Pro Bono Stakeholders Meeting during lunch hour	Official	6/7/18	Approved
ACIJ Jack Weil	IJ Carle	5/15/18	Teach immigration law at Villanova	Personal	8/1/18	Approved

Speaking Engagement Team (SET) Log
IJ Requests - May 2018 to October 2018

Requesting Supervisor	Requesting Employee	Submit Date	Event and Audience	Capacity: Official or Personal	Event Date	Status: Approved, Denied, Incomplete Request
ACIJ Jack Weil	IJ Golparvar	5/15/18	teaching two immigration-related courses at George Washington University Law School in personal capacity	Personal	4/1/18	Approved
ACIJ Amy C. Hoogasian	IJ Ila Deiss	5/11/18	Speak at an immigration ceremony. IJ requested administrative leave and no cases are being reset	Official	7/12/18	Approved
ACIJ Hoogisan	IJ Ramirez	5/9/18	speak at a naturalization ceremony	Official	9/6/18	Approved
ACIJ Nancy Paul	IJ Justin Howard	5/1/18	basic presentation about immigration and removal proceedings at Missouri Catholic Conference in Jefferson City, MO on a Saturday	Personal	10/6/18	Approved

EXHIBIT F

Subject: Speaking Engagement Bargaining Follow-Up
Date: Thursday, June 28, 2018 at 5:31:42 PM Eastern Daylight Time
From: Reilly, Katherine (EOIR)
To: Khan, Amiena (EOIR), Slavin, Denise (EOIR), Morley, Steven A. (EOIR)
CC: Tabaddor, A. Ashley (EOIR), Scheinkman, Rena (EOIR), Swanwick, Daniel (EOIR)
Attachments: Guidelines for speaking engagement requests 6-28-18.pdf

Dear Judges,

On May 10, 2018, the Agency and Union entered into a Memorandum of Understanding Regarding EOIR's Speaking Engagement Policy ("MOU"). Paragraph (6) of the MOU states that, "By June 30, 2018, the Agency will provide to NAIJ a list of factors that the Agency considers in assessing Immigration Judge speaking engagement requests and/or representative examples of types of speaking engagement that fall into each speaking capacity."

Attached please find a guide that the Agency intends to publish on the intranet so that all employees (including IJs) will have a better understanding of the factors the Agency considers in assessing speaking engagement requests and the types of speaking engagements that fit into official and personal capacities. While this guide is marked "draft," it is near completion and significant changes are not anticipated prior to publication on the intranet.

Thank you,

Katherine

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Katherine H. Reilly
Deputy Director
U.S. Department of Justice
Executive Office for Immigration Review
703-605-1280

EXHIBIT G

OOD

Effective: January 2020

SUBMISSION AND PROCESSING OF REQUESTS FOR SPEAKING ENGAGEMENTS

PURPOSE:	To announce the establishment of a new automated speaking engagement request portal and to restate EOIR's established policy on speaking engagements and the procedures employees must follow when requesting approval to speak at outside engagements
OWNER:	Office of the Director
AUTHORITY:	18 U.S.C. § 209; 5 CFR § 2635.201-205, 2635.807(a)(2)(iii)(D); 8 CFR § 1003.0(b)(1); 41 CFR Chapter 304;
CANCELLATION:	None

In conjunction with the launch of an updated speaking engagement team (SET) webpage and automated request form, the Office of the Director is reissuing the September 1, 2017 memorandum outlining the speaking engagement process. The reissued memorandum does not substantively alter the original memorandum, though it does clarify some points that have occasionally caused confusion.[1]

I. Introduction

Our agency's stakeholders and other members of the public continue to be interested in hearing about, and understanding, what the agency does and specifically how immigration courts operate. Our immigration judges, members of the Board of Immigration Appeals, and administrative law judges, along with senior EOIR officials and other staff, are frequently invited to speak or write on immigration law and policy at different events across the country. Depending on who is invited, who has issued the invitation, the forum, and the topic of the

[1] The reissued memorandum also does not alter, or purport to alter, the Memorandum of Understanding between EOIR and the National Association of Immigration Judges executed in May 2018.

discussion or presentation, a determination must be made as to which capacity is most appropriate for the employee's participation on that specific occasion.

On September 1, 2017, a memorandum was issued to outline the speaking engagement[2] process and provide clarity regarding the decision-making process. Since that time, the Office of Policy has worked to implement an online process to provide for more certainty and clarity surrounding the submission, tracking, and delineation of responsibility of each request. This memorandum does not change the approval process; rather, the changes are only to the mechanism by which approval is sought. To that end, the following sets forth details of the revised mechanism to carry out EOIR's established policy on speaking engagements and the procedures employees must follow when requesting approval to speak.

II. Approval Process

There are only two capacities, which are further described below in sections III and IV, in which an employee may participate in a speaking engagement: (1) official capacity or (2) personal capacity. It is the nature of the engagement, based on the totality of the circumstances that determines the appropriate capacity—the label given by either the inviter or the invitee is not dispositive. An employee who has been invited to participate in a speaking engagement related to immigration law or policy issues, the employee's official EOIR duties or position, or any agency programs and policies, or who has been invited because of the employee's official duties or position, has been invited in an official capacity regardless of how the invitation is labeled. All such requests must be approved by EOIR or the Department of Justice, and invitees should submit a request to participate via the new speaking engagement portal located on EOIR's intranet page. The request should be submitted no later than two weeks before the scheduled event. Submissions should include presentation slides and hand out materials if applicable and complete talking points at a minimum (*i.e.*, an outline, overview, or set of abbreviated talking points is an insufficient submission).

Requests to speak in a personal capacity are also subject to review through the SET process to determine whether they involve genuinely personal capacity events, whether there are any ethics concerns with the engagement, and whether the engagement will disrupt EOIR operations by requiring the employee to miss work.[3] Requests that are for genuinely personal capacity engagements that raise no ethics concerns and occur outside of the requester's normal EOIR work schedule will ordinarily be approved.[4]

All requests, regardless of capacity, must comply with applicable law and agency policies, including all ethics laws, the Hatch Act, any applicable ethics and professionalism guides or rules, Department regulations in title 28 of the Code of Federal Regulations, the Justice Manual, and any

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[2] For purposes of this memorandum, "speaking engagement" includes written pieces intended for publication in any print or online media.

[3] Requests for annual leave to speak in a genuinely personal capacity at an event that does not raise any ethics concerns, like all requests for annual leave, remain subject to supervisory approval.

[4] Although most invitations to speaking engagements for senior executive managers at EOIR are necessarily invitations to speak in an official capacity, there is no blanket prohibition on senior executive managers speaking in a personal capacity if the engagement is a genuinely personal capacity event that does not implicate any ethics issues or disrupt EOIR operations.

other applicable EOIR or Department policies. Further, all employees, especially all non-supervisory adjudicators, seeking approval of a speaking engagement request in either capacity are reminded of the importance of maintaining impartiality and avoiding the appearance of impropriety, favoritism, or preferential treatment.

A. Supervisor Review

The new speaking engagement request form is housed on an internal portal that automates the speaking request process and allows an employee to easily upload information related to their proposed speaking engagement. Once submitted, the portal automatically sends the form to the employee's first-line supervisor for review. Supervisors will receive notification from the SET portal to review the form and related materials so the supervisors may determine whether the request should move forward in the review process. If the request is incomplete or the supervisor does not approve of the requested engagement, the supervisor will deny the request via the portal and provide an explanation for the denial. If the denial is made based on an incomplete or vague submission, the employee may resubmit a request including the necessary information. If the request passes the supervisor's review, the supervisor will approve the request in the portal and it will be routed to the headquarters speaking engagement team (SET) for further review.

B. SET Review

After initial supervisory review and approval, requests must be reviewed by the SET, which consists of the Office of Policy, the Office of the General Counsel (OGC), and the Office of the Director. This process ensures compliance with both the law and agency policy and consistency in EOIR's communications. If the SET determines that an employee's request to speak is inappropriate, a recommendation for a denial with an explanation will be sent to the employee's supervisor via the portal. If the SET determines that the request to speak is appropriate, a recommendation for approval will be sent to the employee's supervisor.

C. Ethics Review

The OGC Ethics Program (Ethics) will receive and review any SET requests that have been recommended for approval. Ethics neither approves nor denies requests to speak, but offers guidance to ensure that speakers do not experience an ethical dilemma. If Ethics reviews a request and has guidance to provide to an employee, Ethics will submit its comments to the employee and supervisor via the speaking engagement portal.

D. Final Review

After the SET and Ethics review the request, the employee's supervisor will make the final decision concerning approval or denial of the request and inform the employee of the supervisor's decision. The supervisor will also advise the employee of any guidance that has been offered by Ethics. If circumstances surrounding the speaking event change, the requesting employee should convey such changes to the supervisor, who should consult with the SET via EOIR.Speakers@EOIR.USDOJ.GOV to determine whether the employee's participation is still advisable. Note that communication via email should be only for approved requests or troubleshooting – all requests and resubmissions must be submitted through the portal.

III. Speaking in Official Capacity

When an EOIR employee is assigned to participate as a speaker or panel participant or otherwise present information on behalf of the agency at a conference or other event, the employee is doing so in an official capacity. Any EOIR employee speaking at an event hosted by a Federal Department, Office, or Agency, or at an event featuring representatives from other Departments, Offices, Agencies or members of Congress, must speak in an official capacity. This includes speaking at naturalization ceremonies even when not administering the naturalization oath.

If travel is required for an employee to speak in an official capacity, generally the employee may not accept reimbursement for travel and related expenses from any source other than the government. However, 41 C.F.R. Chapter 304 authorizes the Department (or the employee on the Department's behalf) to accept payment of travel expenses from a non-Federal source, but only "when specifically authorized to do so" and "only for official travel to a meeting."[5] Please note that EOIR has determined, as a matter of policy, that it will not accept any payment for the official travel of its employees by a non-Federal source that is considered a prohibited source for EOIR. A prohibited source is considered a person or entity who seeks official action from the agency, does business with the agency, appears before the agency, or is an organization a majority of whose members are described in this section.[6] As an adjudicatory body, EOIR should expect to be under constant scrutiny. EOIR employees must avoid all improprieties and the appearance of impropriety to ensure complete public confidence in the integrity of our agency. The acceptance of travel reimbursement for official duties from prohibited sources could undermine the public's confidence in the impartiality of EOIR's adjudicators. Likewise, under no circumstances may an EOIR employee receive a supplementation of salary (e.g., an honorarium) from a non-Federal source for a speaking activity that is done in an official capacity.[7]

IV. Speaking in a Personal Capacity

When an EOIR employee participates in a speaking engagement in a personal capacity, the employee is not appearing at an event as part of the employee's official duties or on behalf of the agency. Therefore, the employee may not imply that EOIR is endorsing or sanctioning the speaking engagement, as it is considered an outside speaking activity. EOIR employees may not use or permit the use of an official title or position to identify themselves in connection with the speaking activity unless it is included as one of several biographical details when such information is given to identify the individual in connection with the activity, provided that their title or position is given no more prominence than other significant biographical details. When one's official title is used in this manner, as part of an overall biographical sketch, a disclaimer is not required. Alternatively, in limited circumstances where an introduction does not include an overall biographical sketch, an employee may be introduced using a title so long as the employee indicates at the beginning of the remarks that the employee is not speaking on behalf of the agency.

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[5] *41 C.F.R. § 304-5.3 further provides that reimbursement for travel from outside sources must not be authorized if the approving official determines that acceptance of the payment under the circumstances would cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of agency programs or operations. An employee who accepts travel from a non-Federal source in violation of 41 C.F.R. § 304-1.2 may be required to repay the amount of payment accepted from the non-Federal source and could be subject to additional penalties*

[6] *5 C.F.R. § 2635.203(d).*

[7] *18 U.S.C. § 209.*

Additionally, the employee may not permit the sponsoring organization to use the employee's official title in the promotion of the event in which the employee is invited to speak.

If an EOIR employee is traveling to speak at an event in a personal capacity, the employee is not entitled to travel reimbursement by the agency. However, when traveling in a personal capacity, an EOIR employee may accept reimbursements for travel expenses from the entity that is sponsoring the activity.[8] On the other hand, employees offered travel reimbursement for mere attendance (as opposed to speaking on a panel) at a conference in a personal capacity must contact Ethics for a determination as to whether accepting the reimbursement of travel expenses is appropriate. Ethics will apply the gift rules in deciding whether such employee may accept payment of these expenses. Factors that must be taken into consideration when applying the gift rules include the source and value of the reimbursement.[9] In either circumstance, the agency highly encourages consulting their supervisor to ensure the employee's evaluation of the engagement is in line with the agency's.

Please remember that the issuer of the invitation cannot be a prohibited source, and no EOIR employee may receive compensation for any outside speaking activity that relates to their official duties.

V. Conclusion

This policy does not necessarily address every situation that may arise related to speaking engagements. It is intended to restate and clarify a standard by which events may be evaluated. If questions arise regarding the application of this policy or the proper determination of a speaking capacity, please contact the Speakers Inbox at EOIR.Speakers@EOIR.USDOJ.GOV.

[8] *Sanjour v. Environmental Protection Agency*, 56 F.3d 85 (D.C. Cir. 1995); 5 C.F.R. § 2635.807(a)(2)(iii)(D).
[9] 5 C.F.R. § 2635.201-205.

Attachment A

The Speaking Engagement Policy identifies the two capacities (Official and Personal) in which an EOIR employee may speak when the employee is invited to participate in an event that involves immigration issues, relates to the employee's official duties, or is invited because of the employee's official position at the agency. Official and Personal Capacity designations are provided below with examples of appropriate events found within each category. Note that this is not an exclusive list, as some events, activities and forums may not be listed below.

Official Capacity

1. For any event where at least one DOJ or EOIR official is participating officially, all EOIR participants must speak in their official capacity.
2. For any event where an inviter is a Federal government agency and the employee is asked to speak or present at a government event, the EOIR employee must speak in their official capacity.
3. Immigration Conferences or similar events where the subject is immigration (including litigation)
4. Meetings with Stakeholders
5. Naturalization Ceremony, as guest speaker or to administer the oath
6. Court Visits by Outside Groups
7. Pro Bono training related to immigration
8. EOIR Mock Hearing Program
9. Recruiting for EOIR internship program

Personal Capacity

1. Moot Court judge - not immigration related
2. Commencement Speaker
3. Career Day/Alumni Career Panel - to discuss full career path and experience
4. Meeting with Boy Scouts or Girl Scouts or similar organizations
5. Interview based on book written in personal capacity
6. Speaking at a book club or hobbyist meeting

EXHIBIT H

Subject: Fwd: FW: Speaking Engagement Request
Date: Monday, June 29, 2020 at 10:11:04 AM Eastern Daylight Time
From: Samuel Cole
To: Ramya Krishnan, Stephanie C Krent, Alexander A Abdo

Immigration Judge Samuel B. Cole
Director of Communications
National Association of Immigration Judges
312/399-6794 (personal cell)
Twitter: @Imm_Judges_NAIJ
www.naij-usa.org

---------- Forwarded message ---------
From: **Cole, Samuel B. (EOIR)** <Samuel.B.Cole@usdoj.gov>
Date: Mon, Jun 29, 2020 at 9:10 AM
Subject: FW: Speaking Engagement Request
To: samuel.cole.naij@gmail.com <samuel.cole.naij@gmail.com>

****

Samuel B. Cole

United States Immigration Judge

From: Travieso, Frank (EOIR) <Frank.Travieso@EOIR.USDOJ.GOV>
Sent: Sunday, June 28, 2020 8:27 PM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Subject: FW: Speaking Engagement Request

From: Speakers, EOIR (EOIR) <EOIR.Speakers@EOIR.USDOJ.GOV>
Sent: Tuesday, March 27, 2018 7:34 AM
To: Travieso, Frank (EOIR) <Frank.Travieso@EOIR.USDOJ.GOV>

Cc: Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>; Speakers, EOIR (EOIR) <EOIR.Speakers@EOIR.USDOJ.GOV>
Subject: RE: Speaking Engagement Request

Judge Travieso:

We are writing to clarify the decision to decline your March 12 request to give an educational presentation to the Loyola Immigrant Justice Clinic's law students with a focus on immigration court etiquette for attorneys and related matters. We certainly understand that this decision was unexpected as you have been providing the same presentation for a number of years.

As a threshold matter, let us address that your request (and undoubtedly your previous requests) indicated that you intended to speak in your personal capacity with title and disclaimer (PTD). It appears that an old version of the request form was used because PTD was eliminated when we announced the new speaking engagement process in September 2017. Personal capacity and official capacity are the only two categories available. Because your topic concerned immigration court matters, and you were invited to speak because of your position as an immigration judge, personal capacity is not allowable.

In general, official capacity speaking engagements should be handled by EOIR management officials when practicable. As you know, immigration is always a topic of great interest and debate, and many employees are understandably unprepared to present the Department's official view when presented with thorny questions and topics. Management officials, as part of their official duties, are routinely briefed on ongoing litigation and the Department's position on sensitive topics and, therefore, are in the best position to address the questions and topics that might arise in official capacity speaking engagements.

Another reason why the Agency sends management officials to official capacity speaking engagements is to present a consistent, nationwide message to all EOIR stakeholders and the public. As part of the management team, ACIJs and DCIJs have a nationwide perspective of immigration court procedures and overarching policy matters. To the extent we can convey information in a consistent manner, we reduce the possibility of perpetuating concepts such as "local rules" or judge-based procedures. As an Agency, we strive to ensure that policies, processes, and procedures are consistent across the immigration court system.

Moreover, you requested to speak at an immigration law clinic whose students presumably practice in immigration court. When a speaking request comes from a party who appears in immigration court, we prefer that management officials, who spend considerably less time hearing cases, are the approved speakers. In this way, we hope to minimize the appearance that any practitioner or group of practitioners has a close relationship with a sitting judge. For example, if you had asked to give a guest lecture at your alma mater to students who are not practicing in immigration court, this particular issue would have presented less of a concern.

Thank you.

Speaking Engagement Team

From: Travieso, Frank (EOIR)
Sent: Friday, March 23, 2018 10:24 AM
To: Speakers, EOIR (EOIR) <EOIR.Speakers@EOIR.USDOJ.GOV>
Cc: Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>
Subject: FW: Speaking Engagement Request

Respectfully, I would appreciate an explanation for the denial of my request to speak in my personal capacity. I have been addressing the law clinic at my alma mater since its inception, and my requests were always approved. My presentations were well-received, and promoted pro bono representation. I would gladly address any deficiencies in my request. Thank you.

From: Speakers, EOIR (EOIR)
Sent: Wednesday, March 21, 2018 8:08 AM
To: Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>
Cc: Speakers, EOIR (EOIR) <EOIR.Speakers@EOIR.USDOJ.GOV>
Subject: RE: Speaking Engagement Request

ACIJ Laurent – You or another ACIJ may attend (in official capacity). The Office of the Director does not approve IJ Travieso for this engagement. If you decide to attend, please seek DCIJ Maggard's approval and have him include your talking points in his submission to this mailbox for review.

Thank you,

Speaking Engagement Team

From: Laurent, Scott (EOIR) [mailto:Scott.Laurent@EOIR.USDOJ.GOV]
Sent: Monday, March 12, 2018 12:24 PM
To: EOIRspeakers@usdoj.gov; EOIR, Ethics (EOIR) <Ethics.EOIR@EOIR.USDOJ.GOV>
Subject: FW: Speaking Engagement Request

Please notify asap whether Judge Travieso can attend. While I am aware of our new policy discouraging judges from participating in these types of speaking engagements, I will note that Judge Travieso has conducted this seminar in the past and given his almost 12 years of experience on the bench, he is an outstanding candidate to conduct the speaking engagement.

Scott Laurent

ACI

From: Travieso, Frank (EOIR)
Sent: Monday, March 12, 2018 7:39 AM
To: Laurent, Scott (EOIR) <Scott.Laurent@EOIR.USDOJ.GOV>
Subject: Speaking Engagement Request

Judge Laurent,

Attached, please find a speaking engagement request. The professor of the Loyola immigration law clinic has asked me once again to speak to her students, just as I did last year. Thank you for your time and consideration.

Frank M. Travieso

Immigration Judge

Executive Office for Immigration Review

300 N. Los Angeles St., Room 4330

Los Angeles, CA 90012

(213) 576-4738

EXHIBIT I

From: Speakers, EOIR (EOIR)
To: McNulty, Sheila (EOIR)
Cc: Speakers, EOIR (EOIR); EOIR, Ethics (EOIR)
Subject: FW: Speaker Form April 2018.doc
Date: Wednesday, April 04, 2018 11:22:00 AM
Attachments: Speaker Form April 2018.doc
Supervisor"s Checklist [redacted] BOS (002).docx

Good morning, ACIJ McNulty.
Please decline this speaking engagement due to the nature of the topic (asylum claims involving children).
Thank you,
Speaking Engagement Team

From: McNulty, Sheila (EOIR)
Sent: Friday, March 23, 2018 5:46 PM
To: EOIR, Ethics (EOIR) <Ethics.EOIR@EOIR.USDOJ.GOV>; Speakers, EOIR (EOIR) <EOIR.Speakers@EOIR.USDOJ.GOV>
Subject: FW: Speaker Form April 2018.doc
Good afternoon,
Attached please find the request from Judge [redacted]. I approve of this request.
Thank you,
SMN

EOIR Ethics - Speaking Engagement/Event Request Form

INSTRUCTIONS:

1. You must obtain your supervisor's written (email) approval to participate in the event prior to submitting this form.
2. You must completely fill-out this request form and email it along with the supervisory approval and any supporting documents to the Ethics Office.
3. **Fax and hard copy submissions will no longer be accepted**. Email supervisory approval, this request form, and supporting documents to EOIR.Ethics@usdoj.gov .

The Ethics Office will respond to your request via email. If you have questions, you may contact the Ethics Office at EOIR.Ethics@usdoj.gov or by calling (703) 305-0322.

- Multiple events require separate request forms.
- The Ethics Program requires a minimum of seven days notice before the event.
- All EOIR attendees must attend the event in the same capacity.

Your name: [redacted]

Your title: Immigration Judge

Your component: Boston Immigration Court

Work phone: [redacted]

Work location: Boston Immigration Court

Supervisor's name: Assistant Chief Immigration Judge Sheila McNulty

Speaking capacity (Personal, Personal w/title and disclaimer (PTD), or Official): Personal

Event date(s)/time and location:
April 16, 2018, 5-7 pm, Harvard Law School, Cambridge Massachusetts

What is the nature of the event?
It is a small law school class of approximately 18 students. The class is about asylum cases for children.

What organization issued the invitation or is sponsoring the event?
Harvard Immigration and Refugee Clinical Program of the Harvard Law School

What is the topic of your presentation? Case law and issues in asylum claims which involve children

Will you distribute any written material incident to your speaking engagement? No

EOIR Ethics - Speaking Engagement/Event Request Form

If yes, describe the material and attach it to this submission.

Who is the anticipated audience? 18 students

Who are the other anticipated speakers? None

Will there be food or refreshments served as part of the event? Please give the estimated food cost and food description: No

Is there a fee to attend? Please give the amount of the fee: None

Are you planning to attend the event in addition to speaking? N/A

If so, were you offered a reduced or waived fee to attend? No

If so, what is the value of the savings?

Has the organization offered you any compensation for the event (i.e. CLE credit, speaker's fee, etc.)?
No

Has the organization offered to reimburse you for the costs of attendance (airfare, lodging, mileage, parking, etc.)?
No

Will there be any fundraising at the event?
No

Will the event have Press/Media coverage?
No

Please add any additional information:

Supervisor's Checklist	**YES**	**NO**
Is EOIR participation advantageous and practical?	☒	☐
Does the event's intended message align with EOIR messaging?	☒	☐
AND If not, will the event consider an EOIR-specific message?	☐	☐
Is the requesting speaker the correct speaker for the event and message (e.g. consider current demands of the immigration court; whether there is a notable performance or conduct issue; whether person is a SME)	☒	☐
If you answer "no" to any of the above, the SET is unlikely to recommend approval for this speaking engagement.		
Is the event open to the public?	☐	☒
Is the event open to the press?	☐	☒
If you answer "yes" to either of the above, please again consider whether the requestor is the appropriate speaker for the event and message.		
Has the SET approved other EOIR speakers for this event?	☐	☒
AND If so, would the already approved speaker(s) meet the need?	☐	☐
If you answer "yes" to both of the above, please again consider whether this request is appropriate.		
Is the message consistent with EOIR messaging?	☒	☐
AND If not, is the message able to be refined?	☐	☐
If you answer "no" to any of the above, the SET is unlikely to recommend approval for this speaking engagement.		

EXHIBIT J

Tsankov, Mimi (EOIR)

From: Tsankov, Mimi (EOIR)
Sent: Thursday, July 26, 2018 11:14 AM
To: Cheng, Mary (EOIR); Loprest, Jr., F. James (EOIR)
Cc: james.loprest@usdoj.gov
Subject: RE: Speaking engagement for IJ Tsankov for July 26th.

Dear Judge Cheng,

Thank you for the follow-up.

Mimi Tsankov
Immigration Judge
New York Immigration Court (Varick Street Detained)
201 Varick Street, Room 1140
New York, New York 10014
Mimi.Tsankov@usdoj.gov
(212) 620-6279 Main Line
(646) 638-5703 Chambers Line

From: Cheng, Mary (EOIR)
Sent: Wednesday, July 25, 2018 9:26 AM
To: Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>
Cc: Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
Subject: RE: Speaking engagement for IJ Tsankov for July 26th.

Dear Judge Tsankov,

I have been informed that your request for reconsideration has been denied.

Mary Cheng
Deputy Chief Immigration Judge

From: Tsankov, Mimi (EOIR)
Sent: Tuesday, July 24, 2018 11:23 AM
To: Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>
Subject: RE: Speaking engagement for IJ Tsankov for July 26th.

Dear Judge Cheng and Judge Loprest,

I request that the SET team reconsider this decision and designate me to speak in an official capacity. This request has been pending since April 24, 2018. Given the extraordinary delays in responding to my request, my notification of such a couple of days before the event, as well as the damage that will occur in failing to show up for a program that is scheduled for Thursday, I would appreciate reconsideration.

Sincerely,

Mimi Tsankov

Mimi Tsankov
Immigration Judge
New York Immigration Court (Varick Street Detained)
201 Varick Street, Room 1140
New York, New York 10014
Mimi.Tsankov@usdoj.gov
(212) 620-6279 Main Line
(646) 638-5703 Chambers Line

From: Cheng, Mary (EOIR)
Sent: Monday, July 23, 2018 5:33 PM
To: Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV>
Cc: Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>
Subject: Speaking engagement for IJ Tsankov for July 26th.

Judge Tsankov,

The SET has informed me that your request to speak in your personal capacity on July 26th at the PLI has not been approved. I have been informed that the nature of the event calls for official capacity and supervisory immigration judges should represent EOIR at events such as this one. Thank you.

Mary Cheng
Deputy Chief Immigration Judge

Tsankov, Mimi (EOIR)

From: Swanwick, Daniel (EOIR)
Sent: Monday, June 25, 2018 6:36 PM
To: Tsankov, Mimi (EOIR)
Subject: RE: speaking engagement requests without responses

It's my pleasure, Judge Tsankov.

Best,
Dan

Daniel L. Swanwick
Counsel to the Deputy Director, EOIR, DOJ
703-605-1381

From: Tsankov, Mimi (EOIR)
Sent: Monday, June 25, 2018 10:02 AM
To: Swanwick, Daniel (EOIR) <Daniel.Swanwick@EOIR.USDOJ.GOV>; Morley, Steven A. (EOIR) <Steven.Morley@EOIR.USDOJ.GOV>
Cc: Scheinkman, Rena (EOIR) <Rena.Scheinkman@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement requests without responses

Dear Daniel,

Thanks for the update and follow-through!

MET

Mimi Tsankov
Immigration Judge
New York Immigration Court (Varick Street Detained)
201 Varick Street, Room 1140
New York, New York 10014
Mimi.Tsankov@usdoj.gov
(212) 620-6279 Main Line
(646) 638-5703 Chambers Line

From: Swanwick, Daniel (EOIR)
Sent: Friday, June 22, 2018 12:50 PM
To: Morley, Steven A. (EOIR) <Steven.Morley@EOIR.USDOJ.GOV>; Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Cc: Scheinkman, Rena (EOIR) <Rena.Scheinkman@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement requests without responses

All the requests have now been submitted to the SET. Thank you again for your patience, and for raising these issues with us.

Daniel L. Swanwick

Counsel to the Deputy Director, EOIR, DOJ
703-605-1381

From: Morley, Steven A. (EOIR)
Sent: Thursday, June 21, 2018 4:41 PM
To: Swanwick, Daniel (EOIR) <Daniel.Swanwick@EOIR.USDOJ.GOV>; Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Cc: Scheinkman, Rena (EOIR) <Rena.Scheinkman@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement requests without responses

Thank you for the update on these matters and I am pleased that they have been located and will be resolved shortly.

SAM

Immigration Judge
Philadelphia Immigration Court
900 Market Street
Suite 504
Philadelphia, PA 19107
215-656-7000

From: Swanwick, Daniel (EOIR)
Sent: Thursday, June 21, 2018 4:36 PM
To: Morley, Steven A. (EOIR) <Steven.Morley@EOIR.USDOJ.GOV>; Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Cc: Scheinkman, Rena (EOIR) <Rena.Scheinkman@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement requests without responses

Good afternoon Judges Morley and Tsankov,

Thank you for your patience. Requests (2) and (3) below have been located and submitted to the SET. Request (1) will be submitted shortly. Please do not hesitate to contact me with any additional questions.

Sincerely,
Dan

Daniel L. Swanwick
Counsel to the Deputy Director, EOIR, DOJ
703-605-1381

From: Morley, Steven A. (EOIR)
Sent: Friday, June 15, 2018 4:08 PM
To: Swanwick, Daniel (EOIR) <Daniel.Swanwick@EOIR.USDOJ.GOV>
Cc: Scheinkman, Rena (EOIR) <Rena.Scheinkman@EOIR.USDOJ.GOV>; Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement requests without responses

Hello Mr. Swanwick

I am following up on your email. Have you been able to discern the status of Judge Tsankov's speaking requests? In particular, I note that one of them is a request for teaching pursuant to 5 CFR 2635.807(a)(3). The reason that teaching requests were not specifically addressed in the MOU is the agency's commitment to following all regulations. I am particularly concerned about the delay in this request.

I appreciate your response at you earliest convenience.

SAM

Steven A. Morley
Immigration Judge
Executive Office for Immigration Review
900 Market Street, Suite 504
Philadelphia, PA 19107
Tel. 215-656-7000

From: Swanwick, Daniel (EOIR)
Sent: Tuesday, June 05, 2018 3:23 PM
To: Morley, Steven A. (EOIR) <Steven.Morley@EOIR.USDOJ.GOV>
Cc: Scheinkman, Rena (EOIR) <Rena.Scheinkman@EOIR.USDOJ.GOV>; Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement requests without responses

Good afternoon Judge Morley,

Thank you for your message. I will look into this matter, and someone will be in touch with Judge Tsankov soon.

Sincerely,
Dan

Daniel L. Swanwick
Counsel to the Deputy Director, EOIR, DOJ
703-605-1381

From: Morley, Steven A. (EOIR)
Sent: Tuesday, June 05, 2018 2:12 PM
To: Scheinkman, Rena (EOIR) <Rena.Scheinkman@EOIR.USDOJ.GOV>; Swanwick, Daniel (EOIR) <Daniel.Swanwick@EOIR.USDOJ.GOV>
Cc: James.Loprest@eoir.usdoj.gov; Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Subject: speaking engagement requests without responses

Dear Ms. Scheinkman and Mr. Swanwick-

I am writing to you in my capacity as the single point of contact concerning a delayed response to a speaking request pursuant to Paragraph 3 of the MOU regarding speaking engagement requests. I understand that the Agency has yet to specifically identify a point of contact for this purpose, but I believe your familiarity with the

issues is a good basis to approach you with these concerns. There are 3 delayed responses, all from Judge Mimi Tsankov.

(1) PLI (Practicing Law Institute) – scheduled for July 26, 2018 – Request was initially sent on April 24, 2018 and resent on May 11, 2018. Given that this was after the MOU was executed by the parties on May 10, 2018, it is well beyond the five business days of paragraph 2 and without explanation of the delay. I understand that paragraph 2 is not a mandatory response time of 5 days, but this is about a month without any information. In keeping with the goal of transparency I hope that there will be a prompt resolution, and if denied, with a reason.
(2) A request to teach at Fordham Law School spring 2019 a course titled "International Law and Justice". This was sent to ACIJ Judge Loprest on March 20, 2018. SET could not find the request on reminder on April 13, 2018 and asked Judge Tsankov to fill out the form for submission to SET. It is still pending. As we discussed during negotiations, teaching a course is governed by a specific regulation and the agency reaffirmed its commitment to abide by all regulations.
(3) Federal Pro Bono Fair – Judge Tsankov was contacted by Laura Klein of PRAO to be part of the pro bono program. There does not seem to be a specific date set but this request has been pending since originally made on October 12, 2017. The hope was for Judge Tsankov to be part of this in May or early June 2018. Judge Khan contacted you – Ms. Scheinkman - on April 11, 2018 to which you responded that "We're looking into this matter and will be in touch as soon as we have something to share." It is now about seven weeks since that email.

I can furnish some email chains on these matters if that is helpful, but rather than inundating you all at once with that, I would appreciate your looking into these matters for Judge Tsankov and responding promptly to her.

Thank you.

SAM

Steven A. Morley
Immigration Judge
Executive Office for Immigration Review
900 Market Street, Suite 504
Philadelphia, PA 19107
Tel. 215-656-7000

Tsankov, Mimi (EOIR)

From: Tsankov, Mimi (EOIR)
Sent: Wednesday, June 20, 2018 4:05 PM
To: Khan, Amiena (EOIR)
Subject: FW: Ethics Request - PLI July 26, 2018
Attachments: FW: Ethics Request - PLI July 26, 2018

FYI – I just resent this one to Judge Loprest.

Mimi Tsankov
Immigration Judge
New York Immigration Court (Varick Street Detained)
201 Varick Street, Room 1140
New York, New York 10014
Mimi.Tsankov@usdoj.gov
(212) 620-6279 Main Line
(646) 638-5703 Chambers Line

From: Loprest, Jr., F. James (EOIR)
Sent: Wednesday, June 20, 2018 2:47 PM
To: Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Subject: RE: Ethics Request - PLI July 26, 2018

Aha! Thanks, Mimi!

This is the mysterious PLI request. I must admit, I do not recall ever seeing this. But that does not mean I did not squirrel it away somewhere and lost track of it. Let me get it to the SET ASAP.

Thanks again.

James

Tsankov, Mimi (EOIR)

From: Tsankov, Mimi (EOIR)
Sent: Wednesday, June 20, 2018 2:25 PM
To: Loprest, Jr., F. James (EOIR)
Subject: FW: Ethics Request - PLI July 26, 2018
Attachments: program schedule.Defending Immigration Removal Proceedings 2018.docx; Requestor form to supervisor.docx; Requestor's Checklist.docx

FYI: Please see attached.

Mimi Tsankov
Immigration Judge
New York Immigration Court (Varick Street Detained)
201 Varick Street, Room 1140
New York, New York 10014
Mimi.Tsankov@usdoj.gov
(212) 620-6279 Main Line
(646) 638-5703 Chambers Line

From: Tsankov, Mimi (EOIR)
Sent: Tuesday, June 19, 2018 10:18 AM
To: Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>
Cc: Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Subject: FW: Ethics Request - PLI July 26, 2018

Dear Judge Loprest,

Per your email of today, I am resubmitting this request for you to resent to the SET Team.

Thanks so much.

Mimi

Mimi Tsankov
Immigration Judge
New York Immigration Court (Varick Street Detained)
201 Varick Street, Room 1140
New York, New York 10014
Mimi.Tsankov@usdoj.gov
(212) 620-6279 Main Line
(646) 638-5703 Chambers Line

From: Tsankov, Mimi (EOIR)
Sent: Monday, May 14, 2018 1:08 PM
To: Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>
Subject: FW: Ethics Request - PLI July 26, 2018

Dear Judge Loprest,

Per your request of May 11, 2018, I am resubmitting this request for you to resend to the SET Team.

Thanks,

MET

Mimi Tsankov
Immigration Judge
New York Immigration Court (Varick Street Detained)
201 Varick Street, Room 1140
New York, New York 10014
Mimi.Tsankov@usdoj.gov
(212) 620-6279 Main Line
(646) 638-5703 Chambers Line

From: Tsankov, Mimi (EOIR)
Sent: Tuesday, April 24, 2018 6:11 PM
To: Loprest, Jr., F. James (EOIR) <F.James.LoprestJr@EOIR.USDOJ.GOV>
Cc: Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Subject: Ethics Request - PLI July 26, 2018

Dear Judge Loprest,

Attached and below, please find an ethics speaking request for a program at PLI on July 26, 2018.

Thank you for your time. I look forward to hearing from you.

Sincerely,

Mimi

Mimi Tsankov
Immigration Judge
New York Immigration Court (Varick Street Detained)
201 Varick Street, Room 1140
New York, New York 10014
Mimi.Tsankov@usdoj.gov
(212) 620-6279 Main Line
(646) 638-5703 Chambers Line

From: Ilizabeth Hempstead [mailto:ihempstead@pli.edu]
Sent: Tuesday, April 17, 2018 4:41 PM
To: Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Subject: RE: Requestor form to supervisor

Dear Judge Tsankov,
We actually now have an additional speaker for the segment: Dree Collopy, in addition to the two I listed below. The segment is 90 minutes long so this should be fine (and I hope you agree). I have attached the program schedule for your information.
If you have any questions, please do not hesitate to let me know.

Liz

Ilizabeth Gonchar Hempstead
Program Attorney
1177 Avenue of the Americas | New York, NY 10036
212-590-8867 | Fax: 212-221-1265
ihempstead@pli.edu

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On Tue, Mar 6, 2018 at 1:02 PM, Ilizabeth Hempstead <ihempstead@pli.edu> wrote:

Dear Judge Tsankov,

Attached is our PLI faculty form for this year's program and also the form you sent me, with portions filled out. Please note I did not fill out the introductory portions. In addition, I did not list all anticipated speakers because we are still sorting that out. We have invited Mark von Sternberg (so I listed him) and we anticipate inviting Lenni Benson but haven't yet and I can update you once I get replies. I also entered that you would not be attending the rest of the program because that is what you had on last year's form – but we would be glad to have you attend any of the program, so you may want to change that. And I see that the form has changed a bit from last year – so I tried to answer it even when the questions were different from last year's questions. Finally, I have not attached our full program schedule because we are still developing it. I hope to have it finalized in the next two weeks and will send it when it is done.

Please let me know if you have any questions.

Best regards,

Liz

Ilizabeth Gonchar Hempstead

Program Attorney

1177 Avenue of the Americas | New York, NY 10036

212-590-8867 | Fax: 212-221-1265

ihempstead@pli.edu

www.pli.edu | 800.260.4754

Defending Immigration Removal Proceedings 2018
July 26
New York City

AGENDA

Morning Session:

9:00
Opening Remarks
Parisa Karaahmet

9:15
Immigration and Recent Developments in Asylum Law

- Establishing the required elements of asylum and withholding of removal
- Pitfalls for applicants such as firm resettlement; the one-year filing deadline; obtaining supporting documentation
- Convention Against Torture (CAT): distinguishing it from asylum and withholding
- Recent adjudication trends in asylum case law, including the evolving definition of "social group"

Lori K. Adams, Dree Collopy, Thomas W. Vanasse, Additional Speaker Invited

10:45
Networking Break

11:00
Representing Children in Removal Proceedings and Immigration Relief for Victims of Crime or Abuse

- Special Immigrant Juvenile Status (SIJS)
  - state level issues
  - federal level issues
- U and T visas
- Violence Against Women Act (VAWA) claims

Deborah Lee, Cristina Romero, Wendy Wylegala

12:15
Ethical Issues and Immigration Law

- Duty of competence
- Duty of candor vs. protecting client confidences
- Conflicts of interest
- Filing meritorious claims

Robert E. Juceam, Eve Stotland, Additional Speaker Invited

1:15
Lunch

Afternoon Session:

2:15
Cancellation of Removal and Representing the Criminal Defendant in Immigration Removal Proceedings

- Cancellation of removal for non-lawful permanent residents, how to establish exceptional/extremely unusual hardship
- Definition of conviction under INA 101(a)(48)(A)
- Inadmissible vs. removable – what is the distinction and how does it impact your client's case?
- Cancellation of removal for lawful permanent residents, how to establish eligibility
- Definition of aggravated felony, is relief still available?
- How to pursue post-conviction remedies

Cheryl R. David, Linda Kenepaske, Joanne Macri

3:45
Networking Break

4:00
The Evolving Landscape for the Immigration Practitioner

- Latest regarding DACA individuals and status in the United States
- Developments regarding Temporary Protective Status (TPS)
- Developments in removal practice
- Government enforcement priorities

Barbara Camacho, Cyrus D. Mehta, Victoria Neilson

5:00
Adjourn

Faculty

Chair

Parisa Karaahmet
Fragomen, Del Rey, Bernsen & Loewy, LLP
New York City

Lori K. Adams
Managing Attorney, Refugee Representation Program
Human Rights First
New York City

Barbara Camacho
Pro Bono Counsel
Fragomen, Del Rey, Bernsen & Loewy, LLP
New York City

Dree Collopy
Benach Collopy LLP
Washington, DC

Cheryl R. David
The Law Office of Cheryl R. David, LLC
New York City

Robert E. Juceam
Fried Frank Harris Shriver & Jacobson LLP
New York City

Linda Kenepaske
Law Office of Linda Kenepaske PLLC
New York City

Deborah Lee
Senior Staff Attorney, Immigration Intervention Project
Sanctuary for Families
Brooklyn, NY

Joanne Macri
Chief Statewide Implementation Attorney
New York State Office of Indigent Legal Services
Albany, NY

Cyrus D. Mehta
Cyrus D. Mehta & Partners PLLC

New York City

Victoria Neilson
Training and Legal Support Senior Attorney
Catholic Legal Immigration Network, Inc. (CLINIC)
Silver Spring, MD

Cristina Romero
Staff Attorney, Immigration Law Unit
The Legal Aid Society
New York City

Eve Stotland
Director, Legal Services Center
The Door
New York City

Thomas W. Vanasse
Law Office of Thomas W. Vanasse, PLLC
New York City

Wendy Wylegala
Deputy Director for Legal Technical Assistance
Kids in Need of Defense (KIND)
New York City

Program Attorney: Ilizabeth Hempstead

EOIR Ethics - Speaking Engagement/Event Request Form

INSTRUCTIONS:

Please review the Speaking Engagement Team (SET) instructions prior to submitting this form to your supervisor. Upon providing preliminary approval, your supervisor should submit all relevant materials to EOIRspeakers@usdoj.gov.

The SET, which consists of staff from the Office of Communications and Legislative Affairs and the Office of the General Counsel, will review the submitted package and respond via email to the supervisor with a recommendation regarding your participation. If you have questions regarding the ethics regulations, you may contact the Ethics Office at EOIR.Ethics@usdoj.gov or by calling (703) 305-0322. If you have any questions regarding communications or EOIR messaging, you may contact the Office of Communications and Legislative Affairs at PAO.EOIR@usdoj.gov.

- Multiple events require separate request forms.
- Each speaker requires a separate form, even if multiple employees are participating in the same event.
- If multiple EOIR speakers request to speak at the same event, each must speak in the same capacity as the others.
- Official capacity requests requires the review of all statements the speaker wishes to make. Speakers may not deviate from or expand upon approved talking points. Submission for personal capacity does not necessarily exempt you from submitting talking points. The SET may ask to review your planned remarks.

Your name/title: Mimi Tsankov, Immigration Judge

Your component: EOIR/OCIJ

Work location/phone: New York, NY 646.638.5703

Supervisor's name: ACIJ James Loprest

Speaking capacity (Official or Personal): Personal

Event date(s)/time and location:
July 26, 2018; 9:15-10:45am

What organization issued the invitation or is sponsoring the event?

Practising Law Institute (PLI)

EOIR Ethics - Speaking Engagement/Event Request Form

What is the nature of the event (conference, seminar, lecture, etc.)?

Continuing Legal Education (CLE) program for lawyers
Defending Immigration Removal Proceedings 2018 July 26, 9-5,
specifically, the Asylum Panel entitled: Immigration and Recent
Developments in Asylum Law 9:15-10:45am
PLI, 1177 6th Ave -- at the corner of 45th Street and Sixth Avenue,
New York, New York

What is the topic of your presentation?

The description of the segment is below.

9:15 Immigration and Recent Developments in Asylum Law

- Establishing the required elements of asylum and withholding of removal
- Pitfalls for applicants such as firm resettlement; the one-year filing deadline; obtaining supporting documentation
- Convention Against Torture (CAT): distinguishing it from asylum and withholding
- Recent adjudication trends in asylum case law, including the evolving definition of "social group"

Will you distribute any written material incident to your speaking engagement?

I will not be preparing materials. PLI offers a digital course book in conjunction with the program. PLI is likely to have a piece written by Mark von Sternberg.

If yes, describe the material and attach it to this submission.

Who is the anticipated audience?

Lawyers, those seeking CLE credit, those who practice immigration law, and those looking for pro bono immigration opportunities

Who are the other anticipated speakers?

Dree Collopy, Tom Vanasse, Lori Adams

Will there be food or refreshments served as part of the event?

Yes

If yes, please give the estimated food cost (per person) and food description:

EOIR Ethics - Speaking Engagement/Event Request Form

PLI offers snacks and coffee and soda to attendees (PLI estimates $8). It offers a faculty lunch to speakers if they would like to attend (PLI estimates $37.). There is no requirement to attend lunch but PLI offers it so that the speakers can discuss the program if they would like to.

Is there a fee to attend?

There is no fee to attend this program. It is offered for free.

If yes, please give the amount of the fee: N/A

Are you planning to attend the event in addition to speaking?

I plan to participate as a speaker only.

If so, were you offered a reduced or waived fee to attend? N/A

If so, what is the value of the savings? N/A

Has the organization offered you any compensation for the event (speaker fee)?

No. PLI does not offer compensation to the speakers. PLI offers CLE credit to both attendees and speakers.

Has the organization offered to reimburse you for travel expenses (airfare, lodging, mileage, parking, etc.)?

No

Will there be any fundraising at the event?

There will be no fundraising at this event.

Please add any additional information:

EXHIBIT K

Parr, Abigail (SF)

From: Tabaddor, A. Ashley (EOIR) <Ashley.Tabaddor@usdoj.gov>
Sent: Monday, December 16, 2019 12:34 PM
To: Tough, Margaret (SF)
Subject: FW: request to speak

From: Peyton, Jennifer I. (EOIR) <Jennifer.Peyton@EOIR.USDOJ.GOV>
Sent: Monday, December 16, 2019 12:32 PM
To: Tabaddor, A. Ashley (EOIR) <Ashley.Tabaddor@EOIR.USDOJ.GOV>
Subject: FW: request to speak

From: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Sent: Tuesday, October 1, 2019 3:30 PM
To: Peyton, Jennifer I. (EOIR) <Jennifer.Peyton@EOIR.USDOJ.GOV>
Subject: Fwd: request to speak

Well, I guess you were right....sorry.
Guess I couldn't persuade them...

Sent from my iPad

Begin forwarded message:

> **From:** "Speakers, EOIR (EOIR)" <EOIR.Speakers@EOIR.USDOJ.GOV>
> **Date:** October 1, 2019 at 3:26:11 PM CDT
> **To:** "McNulty, Sheila (EOIR)" <Sheila.McNulty@EOIR.USDOJ.GOV>, "Speakers, EOIR (EOIR)" <EOIR.Speakers@EOIR.USDOJ.GOV>, "EOIR, Ethics (EOIR)" <Ethics.EOIR@EOIR.USDOJ.GOV>
> **Subject: RE: request to speak**
>
> ACIJ McNulty,
>
> This request is denied. The topic is too closely related to Judge Peyton's official duties to permit participation in her personal capacity, and she does not qualify for the regulatory exception for teaching in a personal capacity because she is guest-lecturing, not teaching a semester-long course.
>
> Further, appearing in an official capacity is not appropriate because it is not clear that Judge Peyton is the right speaker for the event, or that her participation would advance the Agency's interests.
>
> However, based on this submission, it would be appropriate for a management official to participate in this engagement.
>
> Thank you,
>
> Speaking Engagement Team

From: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Sent: Tuesday, September 17, 2019 6:37 PM
To: Speakers, EOIR (EOIR) <EOIR.Speakers@EOIR.USDOJ.GOV>; EOIR, Ethics (EOIR) <Ethics.EOIR@EOIR.USDOJ.GOV>
Cc: Peyton, Jennifer I. (EOIR) <Jennifer.Peyton@EOIR.USDOJ.GOV>
Subject: FW: request to speak

Good afternoon,
Please find the attached request to speak from Judge Peyton at the law school she previously taught at.
Thank you,
ACIJ McNulty

From: McNulty, Sheila (EOIR)
Sent: Tuesday, September 17, 2019 6:25 PM
To: Peyton, Jennifer I. (EOIR) <Jennifer.Peyton@EOIR.USDOJ.GOV>
Subject: RE: request to speak

Judge –
I approve of this request.

From: Peyton, Jennifer I. (EOIR) <Jennifer.Peyton@EOIR.USDOJ.GOV>
Sent: Tuesday, September 17, 2019 5:14 PM
To: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Subject: request to speak

ACIJ:

A professor from my former law school has requested me to speak, over skype, to the immigration class of 21 students on 10/2. This is in a personal capacity.

I've attached the Speaking Request Form.

At your convenience, can you please review and provide your thoughts?

Thank you!

JP

EXHIBIT L

Wednesday, March 11, 2020 at 11:10:42 PM Eastern Daylight Time

Subject: Fwd: FW: SET request
Date: Wednesday, March 11, 2020 at 1:56:32 PM Eastern Daylight Time
From: Samuel Cole
To: Alexander A Abdo, Ashley Tabaddor, Ramya Krishnan, Stephanie C Krent

---

Immigration Judge Samuel B. Cole
Director of Communications
National Association of Immigration Judges
312/399-6794 (personal cell)
Twitter: @Imm_Judges_NAIJ
www.naij-usa.org

---------- Forwarded message ---------
From: **Cole, Samuel B. (EOIR)** <Samuel.B.Cole@usdoj.gov>
Date: Wed, Mar 11, 2020 at 12:55 PM
Subject: FW: SET request
To: samuel.cole.naij@gmail.com <samuel.cole.naij@gmail.com>

****

Samuel B. Cole

United States Immigration Judge

From: Cole, Samuel B. (EOIR)
Sent: Tuesday, May 21, 2019 3:45 PM
To: Ruffino, Lou (EOIR) <Lou.Ruffino@EOIR.USDOJ.GOV>
Subject: RE: SET request

Lou, I'm following up again on this.

SBC

Samuel B. Cole

Immigration Judge

Chicago Immigration Court

536 S. Clark St., Suite 340

Chicago, Illinois 60605

From: Ruffino, Lou (EOIR) <Lou.Ruffino@EOIR.USDOJ.GOV>
Sent: Monday, April 08, 2019 2:31 PM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Subject: RE: SET request

Hi Sam:

I did not see any communication back to you in all of the places I had expected to see it. I do know, however, that the "Speakers Mailbox" was down for a number of weeks. So, I am now checking with my colleagues to see whether SET communications may have been housed elsewhere during that time.

Thanks!

Lou

From: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Sent: Wednesday, April 03, 2019 3:59 PM
To: Ruffino, Lou (EOIR) <Lou.Ruffino@EOIR.USDOJ.GOV>
Subject: RE: SET request

Hello Lou! I heard from my ACIJ several weeks ago that the SET request referenced below was going to be denied. And so I canceled my talk to the 7th graders. But I never actually received a formal response denying my request. Honestly, I'm still hopeful to do the talk, even if it means changing my presentation to address whatever concerns exist.

What can you tell me?

SBC

From: Cole, Samuel B. (EOIR)
Sent: Wednesday, March 06, 2019 9:42 AM
To: Ruffino, Lou (EOIR) <Lou.Ruffino@EOIR.USDOJ.GOV>
Subject: RE: SET request

I'm supposed to talk to the 7th graders on Friday. Any decision yet?

From: Ruffino, Lou (EOIR) <Lou.Ruffino@EOIR.USDOJ.GOV>
Sent: Tuesday, February 26, 2019 4:25 PM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Subject: RE: SET request

YW!

From: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Sent: Tuesday, February 26, 2019 3:57 PM
To: Ruffino, Lou (EOIR) <Lou.Ruffino@EOIR.USDOJ.GOV>
Subject: RE: SET request

Thanks Lou!

SBC

Samuel B. Cole

Immigration Judge

Chicago Immigration Court

536 S. Clark St., Suite 340

Chicago, Illinois 60605

From: Ruffino, Lou (EOIR) <Lou.Ruffino@EOIR.USDOJ.GOV>
Sent: Tuesday, February 26, 2019 6:58 AM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Subject: SET request

Hi IJ Cole:

Please know that your request is being reviewed. Please also know that we expect to have a response this week.

Please call or email me if you have any questions or need additional information.

Thanks!

Lou Ruffino

Acting Chief

OP-Communications and Legislative Affairs Division

703/756-8382

Subject: Fwd: FW: speaking engagement 3/8
Date: Wednesday, March 11, 2020 at 2:04:44 PM Eastern Daylight Time
From: Samuel Cole
To: Ramya Krishnan, Stephanie C Krent, Alexander A Abdo, Ashley Tabaddor

---

Immigration Judge Samuel B. Cole
Director of Communications
National Association of Immigration Judges
312/399-6794 (personal cell)
Twitter: @Imm_Judges_NAIJ
www.naij-usa.org

---------- Forwarded message ---------
From: **Cole, Samuel B. (EOIR)** <Samuel.B.Cole@usdoj.gov>
Date: Wed, Mar 11, 2020 at 1:04 PM
Subject: FW: speaking engagement 3/8
To: samuel.cole.naij@gmail.com <samuel.cole.naij@gmail.com>

****

Samuel B. Cole

United States Immigration Judge

From: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Sent: Wednesday, March 6, 2019 4:47 PM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement 3/8

Sam,

According to Lou Ruffino, the request is going to be denied. He says the decision from the SET mailbox will be forthcoming but for some reason the mailbox functionality isn't working. As soon as it is functioning they'll get the message to you, but I wanted to let you know so you can let the school know.

Feel free to call me if you want…

Sorry,

Sheila

From: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Sent: Wednesday, March 06, 2019 4:31 PM
To: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement 3/8

No flu I don't think. Just an annoying virus.

_____

Samuel B. Cole

Immigration Judge

Chicago Immigration Court

536 S. Clark St., Suite 340

Chicago, Illinois 60605

From: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Sent: Wednesday, March 06, 2019 3:18 PM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement 3/8

No I haven't – I have a feeling they may be looking over your hypos or something b/c I don't know why it would take this long.

I'll send Katherine an email asking for an update.

Take it easy---did you get the flu?

Sheila

From: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Sent: Wednesday, March 06, 2019 3:11 PM
To: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Subject: RE: speaking engagement 3/8

Hey Sheila. I'm back today. Feeling so so, but have survived so far.

Have you heard anything about the speaking engagement? It's this Friday.

From: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Sent: Monday, February 25, 2019 5:15 PM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Subject: Re: speaking engagement 3/8

Hi Sam,

I checked and it is still pending- Dep Director K. Reilly says she will have an answer this week.

Thanks

Sheila

On Feb 25, 2019, at 3:39 PM, Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV> wrote:

> Hey Sheila! Glad you loved Colombia. Sounds like a wonderful trip. (I want to hear more about the cocktail tours.)
>
> Question about my speaking engagement request. Have you heard a response about my 7th grade speaking engagement? It's now set for 3/8/19 and I want to give warning to the folks at the middle school if there's going to be any issues.
>
> Gracias.
>
> Sam
>
> _____
>
> Samuel B. Cole
>
> Immigration Judge
>
> Chicago Immigration Court
>
> 536 S. Clark St., Suite 340

Chicago, Illinois 60605

From: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Sent: Friday, February 22, 2019 2:01 PM
To: Peyton, Jennifer I. (EOIR) <Jennifer.Peyton@EOIR.USDOJ.GOV>; Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>; DeAngelis, Kathryn L (EOIR) <Kathryn.DeAngelis@EOIR.USDOJ.GOV>; Fujimoto, James R. (EOIR) <James.Fujimoto@EOIR.USDOJ.GOV>; Giambastiani, Jennie (EOIR) <Jennie.Giambastiani@EOIR.USDOJ.GOV>; Lang, Elizabeth G. (EOIR) <Elizabeth.Lang@EOIR.USDOJ.GOV>; McKenna, Patrick M. (EOIR) <Patrick.McKenna@EOIR.USDOJ.GOV>; Rosche, Robin J. (EOIR) <Robin.Rosche@EOIR.USDOJ.GOV>; Salovaara, Kaarina (EOIR) <Kaarina.Salovaara@EOIR.USDOJ.GOV>; Saltzman, Eva S. (EOIR) <Eva.Saltzman@EOIR.USDOJ.GOV>
Cc: Defoe, Craig (EOIR) <Craig.Defoe@EOIR.USDOJ.GOV>
Subject: RE: Next week for IJ Defoe

Good afternoon all,

Back from the beautiful country of Colombia! Wow! Just gorgeous! I highly recommend it to anyone looking for wonderful warm weather, historic easy walking tours, cocktail tours, great people and beautiful ocean views!

I just want to take a moment to thank Jenna for planning the marathon 3 week court observations for our newest IJ Craig. Typically one week is it, and then the IJs are off for FC and more training. So this was an exceptionally long observation period, and I thank you all as well for participating with the observations and making time to demonstrate and discuss things with Craig.

We wish you well, Judge Defoe in the coming weeks at FC and in Boston- you'll do great!

March 15 will be here before you know it, and then it's official! 2 weeks in Boston will get you some great real time training, and we look forward to seeing you back here as a full-fledged member of the Chicago Immigration Court!

Safe travels, best of luck, and make sure you come back!

Sheila

From: Peyton, Jennifer I. (EOIR) <Jennifer.Peyton@EOIR.USDOJ.GOV>
Sent: Friday, February 15, 2019 7:47 AM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>; DeAngelis, Kathryn L (EOIR) <Kathryn.DeAngelis@EOIR.USDOJ.GOV>; Fujimoto, James R. (EOIR) <James.Fujimoto@EOIR.USDOJ.GOV>; Giambastiani, Jennie (EOIR)

<Jennie.Giambastiani@EOIR.USDOJ.GOV>; Lang, Elizabeth G. (EOIR) <Elizabeth.Lang@EOIR.USDOJ.GOV>; McKenna, Patrick M. (EOIR) <Patrick.McKenna@EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>; Peyton, Jennifer I. (EOIR) <Jennifer.Peyton@EOIR.USDOJ.GOV>; Rosche, Robin J. (EOIR) <Robin.Rosche@EOIR.USDOJ.GOV>; Salovaara, Kaarina (EOIR) <Kaarina.Salovaara@EOIR.USDOJ.GOV>; Saltzman, Eva S. (EOIR) <Eva.Saltzman@EOIR.USDOJ.GOV>
Cc: Defoe, Craig (EOIR) <Craig.Defoe@EOIR.USDOJ.GOV>
Subject: Next week for IJ Defoe

Good morning ---

I'm scheduling IJ Defoe for next week's observation week. Please let me know if you have any cases where you may dictate an oral decision at the conclusion of testimony.

RJR, I'd like to provide IJ Defoe with an opportunity to observe you, as you are the one remaining IJ he has not observed. Please let me know if that would work, and what days you prefer.

Finally, IJ Defoe's email is on this message.

Thanks!

JP

Subject: FW: Speaking engagement request
Date: Monday, May 11, 2020 at 9:27:53 AM Eastern Daylight Time
From: Ramya Krishnan
To: Stephanie C Krent, Alexander A Abdo

--
Ramya Krishnan
Pronouns: she, her
Staff Attorney
Knight First Amendment Institute at Columbia University
475 Riverside Dr. | New York, NY 10115
ramya.krishnan@knightcolumbia.org| (646) 745-8506

From: Samuel Cole <samuel.cole.naij@gmail.com>
Date: Monday, May 11, 2020 at 9:17 AM
To: Ramya Krishnan <ramya.krishnan@knightcolumbia.org>
Subject: Fwd: FW: Speaking engagement request

Here's my ACIJ's original response approving it.

_____
Immigration Judge Samuel B. Cole
Director of Communications
National Association of Immigration Judges
312/399-6794 (personal cell)
Twitter: @Imm_Judges_NAIJ
www.naij-usa.org

---------- Forwarded message ---------
From: **Cole, Samuel B. (EOIR)** <Samuel.B.Cole@usdoj.gov>
Date: Mon, May 11, 2020 at 8:15 AM
Subject: FW: Speaking engagement request
To: samuel.cole.naij@gmail.com <samuel.cole.naij@gmail.com>

From: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Sent: Wednesday, February 06, 2019 4:35 PM
To: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Subject: RE: Speaking engagement request

Sam,
I will approve this request and forward it to the SET with my approval.
Thanks,
Sheila

From: Cole, Samuel B. (EOIR) <Samuel.Cole@EOIR.USDOJ.GOV>
Sent: Wednesday, February 06, 2019 4:03 PM
To: McNulty, Sheila (EOIR) <Sheila.McNulty@EOIR.USDOJ.GOV>
Subject: Speaking engagement request

Sheila, Here's a request for a speaking engagement, almost identical to what was approved in December 2017. It's for the 7th graders at the Deerfield middle school.

_____

Samuel B. Cole
Immigration Judge
Chicago Immigration Court
536 S. Clark St., Suite 340
Chicago, Illinois 60605

EOIR Ethics - Speaking Engagement/Event Request Form

INSTRUCTIONS:

1. You must complete this Speaking Engagement Request form.
2. Your supervisor must complete the SET Supervisor's Checklist prior to submitting this form.
3. Per the new speaking policy, the **supervisor should forward the package in full** (the Speaking Engagement Request form, SET Supervisor Checklist, supervisor approval email and any supporting documents) to EOIR.Ethics@usdoj.gov **AND** EOIR.Speakers@usdoj.gov no later than two weeks prior to the desired response date.

The Speaking Engagement Team, which consists of staff from the Office of Communications and Legislative Affairs and the Office of the General Counsel, will review the package and respond via email to the supervisor with a recommendation regarding your participation. If you have questions regarding the ethics regulations, you may contact the Ethics Office at EOIR.Ethics@usdoj.gov or by calling (703) 305-0322. If you have any questions regarding communications or EOIR messaging, you may contact the Office of Communications and Legislative Affairs at EOIR.Speakers@usdoj.gov.

- Multiple events require separate request forms.
- Each speaker requires a separate form, even if multiple employees are participating in the same event.
- If multiple EOIR speakers request to speak at the same event, each must speak in the same capacity as the others.
- Official capacity requests requires the review of all statements the speaker wishes to make. Speakers may not deviate from or expand upon approved talking points.

Your name/title: Samuel B. Cole, Immigration Judge

Your component: EOIR, Chicago Immigration Court

Work location/phone: Chicago, Illinois 312-697-5784

Supervisor's name: ACIJ Sheila McNulty

Speaking capacity (Official or Personal): Personal

Event date(s)/time and location: TBD in February or March 2019

What organization issued the invitation or is sponsoring the event? It's teaching 7th graders at the Caruso Middle School in Deerfield, Illinois, which is a public school

What is the nature of the event (conference, seminar, lecture, etc.)? Teaching class for a day to 7th graders.

What is the topic of your presentation? Immigration and asylum law.

EOIR Ethics - Speaking Engagement/Event Request Form

Will you distribute any written material incident to your speaking engagement? Yes

If yes, describe the material and attach it to this submission. See attached

Who is the anticipated audience?

7th graders

Who are the other anticipated speakers?

No one

Will there be food or refreshments served as part of the event? No.

If yes, please give the estimated food cost (per person) and food description:

Is there a fee to attend? It's a public school.

If yes, please give the amount of the fee:

Are you planning to attend the event in addition to speaking? Not applicable.

If so, were you offered a reduced or waived fee to attend?

If so, what is the value of the savings?

Has the organization offered you any compensation for the event (speaker fee)? No.

Has the organization offered to reimburse you for travel expenses (airfare, lodging, mileage, parking, etc.)? No.

Will there be any fundraising at the event? No.

Please add any additional information: I'm going to give a very short talk about what asylum is and how visitors to the United States generally require a visa. Finally the class will be divided into asylum-seekers and government attorneys for an asylum exercise. The materials are attached below. I've invented a country and asylum scenario that the kids will use to conduct a mini-asylum hearing.

EOIR Ethics - Speaking Engagement/Event Request Form

Written Materials:

Asylum Exercise
Revised February 2019

Directions for Individual Seeking Asylum

Your name is Louis Touré. You are 19 years old. You were born in the **Republic of Granea** on the West coast of Africa. You speak French, the official language of Granea.

Your father Moussa was a major political figure in Granea. He was the regional head of the **opposition** political party and organized protests against the government. Because of this, he received numerous death threats and was frequently arrested by the government but released after a short detention. You were not politically active but did attend some rallies.

Four months ago, armed members of the Granean Special Security Services arrested your father and 17-year-old brother when they were having dinner at your family home in the nation's capital city. You were not at home because you were playing football (soccer) with your friends and lost track of time. When you returned home, your mother told you that your father and brother had been taken by the state security services. She said that the people who took them had also asked about you by name.

You hid in the basement of a neighbor's house that night. The following day, the official Granean state news agency reported that your father and brother had both been sentenced to death for treason. That night, your mother gave you all the cash the family had hidden in the house and told you to flee. You took only the clothes on your back. With the help of a smuggler, you left Granea and flew to Brazil. From there, you traveled by bus, boat, and foot through Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala, and Mexico. You paid the smuggler $7500 to get you to the United States.

Finally, after travelling through Mexico, you walked up to the San Ysidro Port of Entry in San Diego, California, and told the border officer that you were seeking asylum because you were afraid to return to Granea. You were then taken into immigration custody, where you have remained for the past three months. You have not spoken with any of your family members since you left Granea and still don't know whether your father and brother are dead or alive.

You have appeared before an Immigration Judge on two previous occasions. The last time, you filed your application for asylum. You speak only French, but the asylum application must be completed in English. So, a volunteer from a religious organization who visited you in detention and spoke some French helped you complete the form. You think (hope) that it is entirely accurate, but because you don't speak English, you had to rely on the volunteer and the French she remembered from middle school and high school.

Your next court appearance is your asylum hearing before the Immigration Judge, who will decide whether you qualify for political asylum. If you get asylum, you will be on a path to U.S. citizenship. You will be immediately released from detention. In addition, you will get work authorization and, one year later, a green card. After five years, you will be able to apply for U.S. citizenship. If you don't get asylum, the government will send you back to Granea. So, everything is riding on your asylum hearing. Although you are entitled to have an attorney represent you at the hearing, you have no money to pay one and also cannot find one to represent you for free. So, you are on your own. Good luck.

EOIR Ethics - Speaking Engagement/Event Request Form

Asylum Exercise
Revised February 2019

Directions for Government Attorney

You represent the United States Department of Homeland Security (DHS) in immigration cases. Your next assignment is a case involving an individual named Louis Touré from the **Republic of Granea**, on the West African coast. Touré is requesting political asylum, and you are opposing the request.

The alien respondent is seeking asylum based on political opinion. He claims his father was a political leader of the opposition political party in Granea and was jailed by the state security apparatus along with Touré's brother.

DHS first became aware of Touré when he walked up to the San Ysidro Port of Entry in San Diego, California, and told the border officer that he was seeking asylum because he was afraid to return to Granea. He was then taken into immigration custody, where he has remained for the past three months.

He has appeared before an Immigration Judge on two previous occasions. The last time, he filed an application for asylum. He speaks only French, but the asylum application must be completed in English. So, a volunteer from a religious organization who spoke some French helped him complete the form.

The next court appearance is the full asylum hearing before the Immigration Judge, who will decide whether Touré will qualify for political asylum. If he gets asylum, he will be on a path to U.S. citizenship. He will be immediately released from detention. In addition, he will get work authorization and eventually a green card. Several years later, he will be able to apply for U.S. citizenship. If he doesn't get asylum, the government will send him back to Granea. So, everything is riding on the asylum hearing.

As the DHS attorney, you have some information that Touré's father is an opposition political leader in Granea, but you have concerns about parts of his story. First, his asylum application states that his sister and father were taken into custody by the Granea authorities, but previously he told the asylum officer in an interview that it was his brother and father. Second, his asylum application states that he flew from Granea to Brazil and then traveled to the United States through many countries in Central America. In contrast, when Touré was first interviewed at the San Ysidro Port of Entry, he said that he flew directly from Granea to Mexico. This interview was conducted in English because no French interpreters were available, so you think it's possible that there was a miscommunication. Third, he does not have any identity documents to support his claim that he is the son of the jailed Granean opposition leader. Fourth, although his father may have been a political leader, Touré has never claimed to be politically active. So, you don't think he is entitled to asylum based on his political opinions.

You should question Touré on these inconsistencies and issues and oppose his asylum application.

EXHIBIT M

From: Sanchez, Jose A. (EOIR)
To: Tsankov, Mimi (EOIR)
Subject: Re: FBA Annual Meeting and Convention
Date: Tuesday, August 13, 2019 5:34:48 PM

Dear J. Tsankov:

Thank for your prompt response to my inquiry and the attached agenda. Pursuant to EOIR's policy, please be certain to submit your request to the Speaking Engagement Team together with your supervisor's checklist, speaking points, and supporting documentation prior to the event for their review.

José A. Sánchez
ACIJ
Boston/Hartford Immigration Courts
Sent from my iPhone

From: Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Sent: Tuesday, August 13, 2019 4:03 PM
To: Sanchez, Jose A. (EOIR) <Jose.Sanchez@EOIR.USDOJ.GOV>
Cc: Tabaddor, A. Ashley (EOIR) <Ashley.Tabaddor@EOIR.USDOJ.GOV>; Khan, Amiena (EOIR) <Amiena.Khan@EOIR.USDOJ.GOV>
Subject: RE: FBA Annual Meeting and Convention

Dear Judge Sanchez,

By way of follow-up, I confirmed that the title of the program is Advocacy Challenges in Immigration Proceedings, and my part of the presentation is on behalf of the NAIJ relating to working conditions for Immigration Judges, only. The FBA website and written materials are reflecting that information, as well.

Session 5C - **Advocacy Challenges in Immigration Proceedings**

- <!--[if !supportLists]--><!--[endif]-->Stephanie Moncada-Gomez, Attorney, Kozyak Tropin & Throckmorton (moderator)
- <!--[if !supportLists]--><!--[endif]-->Beth S. Persky, Attorney, Law Office of Beth S. Persky
- <!--[if !supportLists]--><!--[endif]-->Hon. Mimi Tsankov, Grievance Chair, National Association of Immigration Judges
- <!--[if !supportLists]--><!--[endif]-->Judith L. Wood, Attorney, Law Office of Judith Wood

Sincerely,

Mimi Tsankov

NAIJ

From: Tsankov, Mimi (EOIR)
Sent: Tuesday, August 13, 2019 11:09 AM
To: Sanchez, Jose A. (EOIR) <Jose.Sanchez@EOIR.USDOJ.GOV>
Cc: Ashley Tabaddor <Ashley.Tabaddor@EOIR.USDOJ.GOV>; Khan, Amiena (EOIR) <Amiena.Khan@EOIR.USDOJ.GOV>
Subject: RE: FBA Annual Meeting and Convention

Dear Judge Sanchez,

Thank you for this email. There must be a mistake in the FBA announcement. I have no intention of speaking on "Advocacy in Gender-Based Asylum Claims" and made that very clear when I was asked to speak on behalf of NAIJ at the FBA conference. I will work with the FBA to confirm that my presentation conforms to NAIJ discussion topics on working conditions for Immigration Judges.

Thank you.

Mimi Tsankov
NAIJ

From: Sanchez, Jose A. (EOIR) <Jose.Sanchez@EOIR.USDOJ.GOV>
Sent: Tuesday, August 13, 2019 10:07 AM
To: Tsankov, Mimi (EOIR) <Mimi.Tsankov@EOIR.USDOJ.GOV>
Subject: FBA Annual Meeting and Convention

Good morning J. Tsankov:

Please see the email below and advise me of your response.

> Judge Tsankov:
>
> The SET contacted me today raising concerns about your planned participation as a presenter at the FBA Annual Meeting and Convention. Specifically, you are listed as a presenter on a panel entitled "Advocacy in Gender-Based Asylum Cases," scheduled for 10;15-11:15 on Friday, September 6. You have not submitted a speaking engagement request regarding your participation on this panel. While I note that you are identified as Grievance Chair for NAIJ on the agenda, it does not seem apparent or likely that you are

participating in a representative function on behalf of NAIJ. Rather, it appears that you will be speaking from your experience as an immigration judge about advocacy before the immigration court, the topic relates to your official duties, and the audience is likely to include persons who appear in immigration court. These and other indicia indicate that you must speak in your official capacity as an immigration judge, and all such speaking engagements must go through the SET process. If you intend to participate, please submit a formal request to me to initiate the ordinary SET review process. I will note however, that based on the information available at this time about the program and your anticipated participation, it is unlikely that you will be approved to participate, given ethics concerns and the Agency's policies regarding immigration judges speaking in an official capacity.

Lauren Alder Reid

Assistant Director
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Executive Office for Immigration Review
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