

Processing Protective Order Cases by Board Legal Staff

The Office of the Clerk (Clerk's Office) will follow the procedures set forth in their Standard Operating Procedure (SOP) for Protective Order. When a case which involves a protective order is ready for adjudication, a Clerk's Office Program Analyst, who is responsible for protective order processing in the Clerk's Office will forward the case to a Senior Legal Advisor (SLA) or Federal Court Remand Coordinator, if involving a federal court remand. The SLA will consult the Chairman and/or Vice-Chairman regarding the assignment of the case to a Panel. The SLA and/or Federal Court Remand Coordinator will then coordinate with the Senior Panel Attorneys (SPA), regarding the assignment of the case to a staff attorney. The SLA will provide the SPA and/or Team Leader (TL) with the necessary processing paperwork for circulation of a proposed Board decision to the Board Member(s).

1. Assignment - The SPA and/or TL shall advise the staff attorney assigned to the case of the sensitive nature of the protective order related matter. Staff attorneys should be reminded of the following:
 - The record of proceedings (ROP) may not be removed from the Board.
 - "Special Processing Instructions" sheet to be attached to the front of the circulation sheet when proposed order circulated to Board Member(s).
 - Additional processing procedures that may be required for the particular case. For example, the Immigration Judge may have segregated portions of their decision or transcript. In such cases, if the Board's decision discusses the information subject to the protective order or information derived therefrom, the information shall be discussed in a separate attachment.
 - High Profile Memorandum - consult with SPA and/or TL.
2. Circulation - When the proposed decision is to be circulated to the Board Member(s), the staff attorney must attach the "Special Processing Instructions" sheet to the front of the circulation sheet.
3. Signed Decision - When the Board's decision has been signed, the designated Board Member Legal Assistant will notify (via e-mail) the appropriate SPA, Chief Clerk (Donna Carr), SLA (Amy Minton), and the Clerk's Office Program Analyst (Paulomi Dhokai) that the case has completed Board Member review and has been signed. The Legal Assistant will deliver the ROPs to the SLA after scanning their location in CASE.
4. SLA Review - A SLA will review the case for administrative purposes
 - Apprise the Chairman and/or Vice Chairman of the pending issuance of the decision.
 - If a High Profile Memorandum has been prepared, the SLA will collect the memorandum and forward it to the appropriate individual upon the issuance of the Board's signed decision
 - The SLA or Program Analyst will deliver the signed decision and ROPs to the Docket Team Leader or Acting Team Leader for issuance of the Board decision.