



[Detail](#)

Complaint Number: 730 **Immigration Judge:** (b)(6) **Complaint Received Date:** 03/11/13

Current ACIJ **Status** **Final Action** **Final Action Date**
Santoro, Christopher A. CLOSED Written counseling 03/11/13

Past ACJUS:

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	In-court conduct	DHS (b)(6) and (b)(7) Chief Counsel

Complaint Narrative: IJ improperly commented on DHS regarding Prosecutorial Discretion

Complaint History		
03/11/13	ACIJ listens to hearing	
03/11/13	Written counseling	
03/12/13	Database entry created	

Immigration Judge Complaint Intake Form

HQ Use Only:
complaint #: _____
source: first / subsequent

Date Received at OCIJ: March 11, 2013

complaint source type	
<input type="checkbox"/> anonymous <input type="checkbox"/> respondent's attorney <input type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: _____	<input type="checkbox"/> BIA <input type="checkbox"/> respondent <input type="checkbox"/> OIL <input type="checkbox"/> Circuit <input type="checkbox"/> EOIR <input type="checkbox"/> OPR <input checked="" type="checkbox"/> DHS <input type="checkbox"/> Main Justice <input type="checkbox"/> media
complaint receipt method	
<input type="checkbox"/> letter <input type="checkbox"/> fax <input type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> unknown	<input checked="" type="checkbox"/> email <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person <input type="checkbox"/> other: _____
date of complaint source (i.e., date on letter, date of appellate body's decision)	complaint source contact information
3/5/2013 Additional complaint source details (i.e., DHS component, media outlet, third party details, A-number) <div style="background-color: black; color: white; padding: 10px; font-size: 2em; font-weight: bold;">(b) (6)</div>	name: (b)(6) & (b)(7)(C) Chief Counsel _____ address: ICE OCC (b)(6) & (b)(7)(C) _____ _____ _____ email: _____ phone: _____ fax: _____

IJ name	base city	ACIJ
(b) (6)		Santoro
relevant A-number(s)	date of incident	
(b) (6)	3/5/2013	
allegations		
IJ improperly commented on DHS's decision regarding prosecutorial discretion		
nature of complaint		
<input checked="" type="checkbox"/> in-court conduct <input type="checkbox"/> incapacity	<input type="checkbox"/> out-of-court conduct <input type="checkbox"/> other: _____	<input type="checkbox"/> due process <input type="checkbox"/> bias <input type="checkbox"/> legal <input type="checkbox"/> criminal

Keller, Mary Beth (EOIR)

From: Santoro, Christopher A (EOIR)
Sent: Monday, March 11, 2013 10:59 AM
To: Moutinho, Deborah (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: IJC: (b) (6)
Attachments: IJC - (b) (6).doc

Deborah,

Attached is an IJC for Judge (b) (6). Below is the written counseling resolving the complaint. Thanks,

Christopher A. Santoro
Assistant Chief Immigration Judge

From: Santoro, Christopher A (EOIR)
Sent: Monday, March 11, 2013 10:56 AM
To: (b) (6) (EOIR)
Subject: A(b) (6) (3/5/13)

(b) (6)

I was asked to review the 3/5/13 merits hearing you conducted in the above-captioned case. Specifically, a concern was raised about your commenting on DHS's decision regarding prosecutorial discretion. At approximately 2:19:55 into the hearing (which was recorded on A(b) (6) by mistake), you say the following to the DHS trial attorney:

"How could you decline PD?"

"What am I missing?"

"He hasn't done anything bad in the United States."

"How on earth could he not meet the PD criteria?"

"What's he missing?"

"I know it's within your purview, but it still seems to me it's inexplicable."

"This is what PD is all about."

"If the Morton Memo means anything, it would mean that somebody in this category would get it."

I know you know this, but you know I have to say it anyway: we should not be commenting on DHS's decision to exercise – or not to exercise – prosecutorial discretion in a particular case. Once we've ascertained that DHS has made a decision regarding PD, whatever that decision is, that should be the end of the discussion of PD. Thank you,

Chris

Christopher A. Santoro
Assistant Chief Immigration Judge