

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted February 8, 2024*

Decided February 12, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 23-2585

MATHEW CHRISTOPHER WILLIAMS and
YOHANCE CHRISTIAN MILLINGTON,
Petitioners,

v.

MERRICK B. GARLAND, Attorney General,
Respondent.

Petition for Review of an Order of the Board of Immigration Appeals.

Nos. A210-085-136 & -137

ORDER

Petitioners, citizens of Trinidad and Tobago, concede that they lack authority to remain in the United States. They had been granted conditional permanent-residence status, which required them to depart at the end of 2013 unless Williams’s U.S.-citizen spouse certified an appropriate application on Form I-751. The spouse did so but abandoned the application process, before completion, in light of the couple’s divorce.

* The court granted the parties’ joint motion to waive oral argument.

Petitioners then asked for the application to be treated as a request for waiver of all conditions. That request was denied in 2015. Petitioners' permanent-residence status ended, and they were placed in removal proceedings.

Petitioners asked the Immigration Judge to waive the conditions on their (expired) permanent-residence status. The IJ set a deadline of July 27, 2018, for providing a copy of the I-751 application form. The IJ told petitioners how to obtain a copy if they had not retained one. That deadline came and went without a filing or a request for more time. Late in 2021, days before the removal hearing, petitioners sought a continuance to give them more time to file the form. The IJ denied this request, held the hearing, and ordered petitioners removed.

The Board of Immigration Appeals dismissed their appeal, observing that by doing nothing for more than three years after a clearly stated deadline (and more than six years after the removal proceeding began) petitioners had abandoned their request for a waiver. Petitioners concede that they knew of the need for a copy of the form yet had not obtained and filed it. The assertion that petitioners' original counsel retired at the end of 2020 and did not provide his successor with all necessary information hardly explains a failure to meet a 2018 deadline—and it cannot justify inaction throughout 2021. The BIA's decision therefore is not an abuse of discretion.

Petitioners' principal argument in this court is that the agency lacked jurisdiction to enter a removal order because the Notice to Appear did not include a date for a hearing. That date was provided in a later notice. We held in *Ortiz-Santiago v. Barr*, 924 F.3d 956 (7th Cir. 2019), that the need to put all information in a single document is a case-processing rule that does not affect the agency's jurisdiction. See also, e.g., *Chen v. Barr*, 960 F.3d 448 (7th Cir. 2020). The benefit of this rule must be timely asserted, we held. No other court of appeals has disagreed, and we do not see any good reason to revisit that subject. Petitioners let more than six years pass before contending that the Notice to Appear lacked a date, and they do not offer any explanation for that omission or tell us how the use of two documents rather than one caused prejudice. Accordingly, the petition for review is

DENIED.