



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov

Sent Via Email. No Hard Copy to Follow.

December 2, 2019

Ms. Michelle C. Curry
Department of Justice
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
michelle.curry@usdoj.gov

Dear Ms. Curry:

The National Archives and Records Administration (NARA) has become aware of a potential unauthorized disposition of Executive Office for Immigration Review (EOIR) records. The potential unauthorized disposition is based on an allegation made by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University in the enclosed letter from TRAC Co-Directors, dated November 4, 2019, sent to EOIR Director James McHenry, and reported on by several media outlets.

Based on their data collection and analysis gathered via information released by EOIR under the FOIA, TRAC describes the potential deletion of records pertaining to Immigration Court cases. NARA's focus is not with data released or withheld from release based upon the appropriate application of the FOIA exemptions. Our focus is ensuring that the master file records are being properly maintained according to an approved records schedule and that no unauthorized disposition of federal records has occurred.

As the Records Officer for EOIR, NARA requests that you investigate this allegation of potential unauthorized disposition and submit a report to NARA within 30 calendar days. If an unauthorized disposition has occurred, please submit a report compliant with 36 CFR 1230.14. If no unauthorized disposition has occurred, please identify how the master file records are managed and accessible, including the applicable records control schedule item and a description of any electronic information system in which they are maintained.

Your attention to this matter is greatly appreciated.

Sincerely,

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

cc.jeanette.plante@usdoj.gov



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January 22, 2020

Ms. Michelle C. Curry
Department of Justice
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
michelle.curry@usdoj.gov

Dear Ms. Curry:

Thank you for your letter dated January 14, 2020 responding to our inquiry pertaining to an allegation of a potential unauthorized disposition of the Executive Office for Immigration Review (EOIR) records. The allegation was made by Co-Directors of the Transactional Records Access Clearinghouse (TRAC) at Syracuse University in a November 4, 2019 letter sent to EOIR Director James McHenry, appearing in several news outlets. The allegation, based on TRAC's comparison of CASE data public releases by EOIR, refers to a potential deletion of records pertaining to Immigration Court case data maintained within the Case Access System for EOIR (CASE), which tracks and manages caseload information, testimony and documents for cases before the Immigration Courts and the Board of Immigration Appeals (BIA). TRAC's analysis revealed what appeared to be the deletion of data.

In response to this matter, you explained that the data provided in the public release was extracted from the CASE database. The database is a system that is constantly updated. EOIR staff frequently enter and update information in the database, so periodic extracts are subject to change. Additionally, respondents fill out paper applications which are then used to enter data fields in CASE. If the respondent changes his or her mind about the type of application they would like to submit during the hearing, that change will be updated in CASE to reflect the most accurate information regarding the application. The paper application containing the original request remains in the paper Record of Proceedings (ROP). Further, EOIR's review determined that no records were removed, defaced, altered, or otherwise destroyed. The paper applications are intact and the CASE database audit log shows all alterations, deletions, modifications, and overwriting that are affected by CASE users. The CASE database is subject to a permanent disposition authority, N1-060-08-007, item 2A. The ROP is subject to a temporary disposition authority under NC1-060-84-07.

The National Archives and Records Administration accepts your report and considers this matter closed.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive style with a large initial 'L'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

cc

Jill Anderson, General Counsel, Office of General Counsel, EOIR
Jill.Anderson@usdoj.gov

Jeanette Plante, Records Officer, Office of Records Management Policy, JMD
Jeanette.Plante@usdoj.gov