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Description of document: Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) Freedom of Information Act (FOIA) Standard Operating Procedure (SOP) 2022

Requested date: 23-May-2022

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Source of document: FOIA request  
Office of the General Counsel  
Attn: FOIA Service Center  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2150  
Falls Church, VA 22041  
[EOIR FOIA Public Access Link \(PAL\)](#)

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From: "joseph.r.schaaf@usdoj.gov" <joseph.r.schaaf@usdoj.gov>  
Sent: Monday, November 28, 2022 at 01:59:46 PM EST  
Subject: DOJ-EOIR FOIA Request # 2022-54730

This correspondence is in final response to your Freedom of Information Act (FOIA) request dated 05/23/2022 to the Executive Office for Immigration Review (EOIR) in which you seek FOIA Standard Operating Procedures.

A search was conducted and one or more records responsive to your request were located. We are granting partial access to the responsive record(s).

Portions of the enclosed records have been redacted in accordance with FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

Finally, portions of the enclosed records have been redacted in accordance with FOIA Exemption 7E, 5 U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions. FOIA Exemption 7E extends protection of information related to agency technology systems. See *Levinthal v. FEC*, 219 F.Supp.3d 1, 9 (D.D.C. 2016).

Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. See <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact the EOIR FOIA Public Liaison by e-mail at [EOIR.FOIARequests@USDOJ.GOV](mailto:EOIR.FOIARequests@USDOJ.GOV) or by telephone number (703) 605-1297 for any further assistance and to discuss any aspect of your request. Please reference the FOIA control number. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the Executive Office for Immigration Review's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request. If you submit your appeal by mail, both the correspondence and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Joseph Schaaf  
Supervisory Attorney Advisor (FOIA)

### **THE LAW: -2022-42310**

- (1) Requests and appeals shall be processed on an expedited basis whenever it is determined that they involve:
  - (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose **an imminent threat to the life or physical safety** of an individual;
  - (ii) An **urgency to inform the public about an actual or alleged Federal Government activity**, if made by a person who is primarily engaged in disseminating information;
  - (iii) The loss of **substantial due process rights**; or
  - (iv) A matter of **widespread and exceptional media interest** in which there exist possible questions about the government's integrity that affect public confidence.

28 C.F.R. 16.5(e).

### **TIMING:**

1. Requests under subsections (i)(ii) or (iii)—we must: (1) make the **determination** and (2) **convey the determination to the requester** within **10 calendar days** of the receipt of a request for expedited processing
2. Requests under subsection (iv)—see OPA process below

### **POSSIBLE DETERMINATIONS:**

**Note: All determinations are made on a case-by-case basis.**

1. **Granted**
  - a. The request shall be given **priority**, placed in the processing **track** for expedited requests, and shall be processed **as soon as practicable**. **Inform FOIA Intake** of this expedited request, or process yourself.
  - b. The processing period may be extended for an **additional 10 working days** whenever any of three statutorily defined "**unusual circumstances**." *See* 5 U.S.C. § 552(a)(6)(B). We always claim "unusual circumstances."
2. **Denied**
  - a. The request will be processed within 20 working days by FOIA Intake.
  - b. On requests where unusual circumstances have been claimed, it will be processed within 30 working days by FOIA Intake.

### **GENERAL REQUIREMENTS (subsections (i), (ii), or (iii)):**

1. Requester must submit a **statement**, certified to be true and correct, explaining in detail the basis for making the request for expedited processing based on one of the sections above.
  - a. As a matter of discretion, we (the component) **may waive** this certification requirement.
2. **Valid Justifications Based on Case Law:**
  - a. Plaintiff obtained expedited treatment after leak of information exposed her to harm by organized crime figures *Exner v. FBI*, 443 F. Supp. 1349, 1353 (S.D. Cal. 1978) *aff'd*, 612 F.2d 1202 (9th Cir. 1980) (relying on 28 C.F.R. 16.5(e)(1)(i))
  - b. Plaintiff faced multiple criminal charges carrying possible death penalty in state court *Cleaver v. Kelley*, 427 F. Supp. 80, 81 (D.D.C. 1976) (relying on 28 C.F.R. 16.5(e)(1)(i))
  - c. A requester who is not a full-time member of the news media must establish that the requester is a person whose primary professional activity or occupation is information dissemination, though it need not be the requester's sole occupation. Also, it must establish a **particular urgency to inform the public about the government activity involved in the request**—one that extends beyond the public's right to know about government activity generally.

- i. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an “urgency to inform” the public on the topic. (relying on 28 C.F.R. 16.5(e)(1)(ii)).
3. **Invalid Justification Based on Case Law:**
- a. It is not sufficient merely to allege that requested records are "needed" in connection with some judicial or administrative proceeding; rather, the immediate use of the FOIA must be shown to be critical to the preservation of a substantial right. *Rivera v. DEA*, 2 GDS 81,365 at 81,953 (D.D.C. 1981) (relying on 8 C.F.R. 16.5(e)(1)(iii)).
    - i. Hearing or event date alone will not satisfy requirement, except per part 2 below.

**GENERAL PROCESS (subsections i-iii):**

1. **Paralegal** will pull expedited request in FOIAX.
  - a. If a Complex request, assign to an **attorney** as usual. Assigned **attorney** will make expedited decision as part of normal processing.
  - b. If a ROP request, follow instructions below.
2. Absent unusual circumstances detailed in the request, **Paralegal** may take following actions on the request:
  - a. Requester fails to provide a prima facie reason for expedited treatment IAW regulation (see 3(a) above): Deny using template Intake-General-Letter-Expedited-Deny.
  - b. Requester is AoR in an active ECAS case: Deny expedited request using template Intake-General-Letter-Expedited-Deny but grant and close ROP request using template Simple-Response-Full Grant-ECAS.
  - c. Requester is pro se detainee with hearing or event date <90 days: Grant using template Intake-General-Letter-Expedite-Grant.
  - d. All other requests with hearing or event date <90 days: reassign to **Attorney** per part 3 below.
3. All other requests: in FOIAX, reassign to an **attorney** for resolution:
  - a. Requests with *odd* FOIA number go to Atty Gardner, with Atty Perez Santiago as backup if Atty Gardner is out.
  - b. Requests with *even* FOIA number go to Atty Perez Santiago, with Atty Gardner as backup if Atty Perez Santiago is out.
4. **Attorney** will make a determination same day, or as soon as practicable. **Attorney** will reassign to **paralegal**, noting the determination in Assignment Notes.
5. **Paralegal** will perform the following actions in FOIAX:
  - a. Record the determination and date made under Request Information. Save result.
  - b. Send appropriate correspondence to requester. Use the default e-mail address. Correspondence should be signed “FOIA Intake.”

**OPA PROCESS (subsection iv):**

1. The requester must submit to the  
Director of Public Affairs at the Office of Public Affairs (OPA)  
Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001
2. If the request for expedited processing under this section is misdirected, email a copy of the original request to OPA for its determination. Our current POC is: (b) (6)
3. Complete the following in **FOIAXpress**:
  - a. Upload the **email** sent to OPA

- b. Upload OPA's **determination** on expedited processing
  - c. Add a **note** to those effects, including the date of the determination and outcome.
4. The **time period** for making the determination on the request for expedited processing under paragraph (e)(1)(iv) of this section shall commence on the date that the Office of Public Affairs **receives** the request, provided that it is routed **within 10 working days**.

1. **First- and third-party** requests for an individual's records require an acceptable Certificate of Identity (CID). All CID must be **signed and dated with at least the month and year.**<sup>1</sup>
  - a. **Signatures must be written by hand (pen or trackpad) or through a valid digital signature** (i.e., Adobe digital signature). Typed signatures are **not** acceptable.<sup>2</sup>
  - b. (b) (7)(E)
  - c.
  - d.
2. The following **Government** forms **may be accepted** as CID for both **first- and third-party** requests:
  - a. Properly executed **EOIR-59**<sup>3,4</sup>
  - b. Properly executed **DOJ-361**
3. The following **Government** forms **may not be accepted** as CID:
  - a. EOIR-28 or EOIR-27 when attorney is **not** listed in CASE as the AOR
  - b. DHS G-28 or G-639
  - c. Other forms from outside agencies
4. **Alternate Certification: no attorney**—when the **requester** is the **subject of the records** sought (i.e., first-party request **and** not from an attorney/law firm/other third-party requester), he/she may provide verification of identity using his/her: **(1) full name; (2) current address; (3) date and place of birth; and** either:
  - a. A **notarized** signature; **or**
  - b. This **statement** immediately above his/her signature: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on [date]."
  - c. Other attestations similar to the above: consult with Supervisor.

(b) (7)(E)


<sup>2</sup> An email request that merely contains the /s/ typed signature from the AOR may be accepted where the email originates from the email address of the AOR (this does **not** apply to respondents). If the request with the AOR's /s/ typed signature does not originate from the email address of the AOR, the CID would be improper, and the requester should be directed to resubmit the request from the AOR's email address or provide an E-28 or E-27. If the requester is from the same law office as the AOR, a copy of the E-28 or E-27 is sufficient for CID requirements. An electronic copy of the E-28 or E-27 attached to the email request is acceptable.

<sup>3</sup> The EOIR-59 specifically asks for **U.S. addresses**. If the person does not have a U.S. address, marking "N/A" in the "Current Address in the United States" fields is acceptable, but leaving the address completely blank is **not** acceptable.

<sup>4</sup> "**Current address**" is not specifically defined in DOJ regulations. Therefore, a domicile, law firm, P.O. Box, or any other legal place where mail could be sent can serve as the current address. A complete **U.S.** address contains at least the **street, city, and state/zip**. A complete **international** address varies depending on the country and should be accepted if the totality of the circumstances allow you to determine where the person currently lives. This could include a **street, description of the location of the home, city, municipality**, etc. The information in this paragraph applies to the EOIR-59, DOJ-361, or any other form of verification of identity.

5. **Alternate Certification: with an Attorney/Law Firm**—Attorney may provide verification of non-citizen’s identity using his/her: **(1) full name; (2) current address; (3) date and place of birth; and** either:
- A **notarized** signature of non-citizen; **or**
  - This **statement** immediately above non-citizen’s signature: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on [date].”
  - Other attestations similar to the above: consult with Supervisor.
6. **Alternate Certification: pro se Detainee**—Where the requester is a pro se detained individual, and:

(b) (7)(E)

A large black rectangular redaction box covers the text of item 6, starting from the word 'and:' and extending to the left margin.

7. **Minors**—attorneys, parents, and guardians may **not** sign the child’s name. Rather, he/she must sign his/her **own name on behalf of the child**.
- Attorney signing for minor** (not AOR in CASE)
    - Attorney must provide **proof** of court appointment, court order, appointment by a federal agency, or other proof of attorney-client relationship.
  - Parent signing for minor** (not lead in CASE)
    - CID is **not required** if requester is a parent listed as the **lead** in CASE and requesting the **rider’s** record.<sup>6</sup>
    - Parent must provide **proof of present status of parentage**, such as a birth certificate, an adoption decree, or other legal document.
      - Note:** A birth certificate creates a **presumption** of parentage unless additional documentation exists showing that parental rights have been terminated. Consider searching the child’s name in FOIAXpress to see if another parent/guardian/attorney has made a FOIA request and submitted such documentation.
      - Note:** Even if the documentation reflects an **ongoing custody proceeding**, a parent is considered to have legal custody unless and until parental rights are terminated. A document that references a **past** proceeding is **not** acceptable as it does not show the **current** status of parentage (e.g., document shows that a court date was set to determine custody but that date is now in the past).
    - Parent must also **verify his/her identity** by providing his/her: **(1) full name; (2) current address; (3) date and place of birth; and** either:
      - A **notarized** signature; **or**
      - This **statement** immediately above his/her signature: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on [date].”

<sup>5</sup> For a listing of detention facilities and their locations, see <https://www.ice.gov/detention-facilities>.

<sup>6</sup> If the parent is **not** the lead in CASE and is **not** the requester (e.g., attorney is the requester), the parent must still verify his/her identity in order to sign on behalf of their child.



- c. **Guardian signing for minor**
  - i. Guardian must provide **proof of legal guardianship**, such as a court order or other legal document.
  - ii. Guardian must also **verify his/her identity** by providing his/her: **(1) full name; (2) current address; (3) date and place of birth; and** either:
    - 1. A **notarized** signature; **or**
    - 2. This **statement** immediately above his/her signature: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on [date]."
- d. **Rider requesting lead's records**—CID is **not required** if requester is a **rider** in **CASE** and requesting the **lead's** record.
- e. **Minor signing for himself/herself**
  - i. A minor **may** sign for himself/herself using the options for first- and third-party requests above. However, children who are **very young** (e.g., less than 12 years of age) and/or could be deemed **incompetent** to sign must have a parent, guardian, or attorney sign on the minor's behalf.
  - ii. The **competency** of the child **under the age of 12 signing for him/herself** will be determined at a **FOIA attorney's discretion**. **Therefore, forward to the Complex Team.**

# SAMPLE EOIR-59

U.S. Department of Justice  
 Executive Office for Immigration Review

OMB# 1125-0017  
 Certification and Release of Records

Part A. Information Regarding the Alien or Subject of the Records Sought			
1. Alien Registration Number(s) (if any) 011-111-111 <b>REQUIRED</b>		2. Current Legal Name (Last, First, Middle) Doe, Jane, Sue <b>REQUIRED</b>	
3. Other Names You Have Been Known By Since Birth:			
4. Current Address in the United States			
Street Number and Name 1111 Main Street <b>REQUIRED</b>		Apartment Number or Unit Number (if any)	
City Great City <b>REQUIRED</b>	State Great State <b>REQUIRED</b>	Zip Code 11111	Telephone Number (111) 111-1111
5. Previous Address in the United States (if applicable)			
Street Number and Name		Apartment Number or Unit Number (if any)	
City	State	Zip Code	Telephone Number
6. Date of Birth (mm/dd/yyyy) 01/01/1981 <b>REQUIRED</b>	7. Country of Nationality or Citizenship Great Country	8. Place of Birth Great Country <b>REQUIRED</b>	
9. (Check One) <input checked="" type="radio"/> Release all of my records <input type="radio"/> Only release the following records: (specify exact records you wish to be released)			

Part B. Recipient's Information			
1. Recipient's Full Name (Last, First, Middle) Lincoln, Abraham <b>REQUIRED</b>		2. Recipient's Organization (if applicable) The Honest Abe Law Firm	
3. Recipient's Mailing Address			
In Care of Name (if any) _____			
Street Number and Name 2222 Main Street <b>REQUIRED</b>		Apartment Number or Unit Number (if any)	
City Great City <b>REQUIRED</b>	State Great State <b>REQUIRED</b>	Zip Code 11111	Telephone Number (222) 222-2222
4. Recipient's Email Address Abraham@HonestAbeLawFirm.com			
5. Recipient's relationship to subject Attorney		6. Recipient's EOIR-ID Number (if any) AA001122	

By my signature below, unless otherwise specified above, I consent to EOIR releasing any and all information relating to me to the above-named Recipient. This consent will allow the Recipient to receive and/or examine potentially sensitive information and documents. If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to \$25.

I further declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named in Part A above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. § 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both.

**REQUIRED**  
 Subject of Record's Signature James Doe no typed signatures Date 02/24/2022 **REQUIRED**

# SAMPLE DOJ-361

U.S. Department of Justice

## Certification of Identity



FORM APPROVED OMB NO. 1103-0016  
EXPIRES 05/31/2023

**Privacy Act Statement.** In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester <sup>1</sup> Jane Sue Doe REQUIRED

Citizenship Status <sup>2</sup> None Social Security Number <sup>3</sup> None

Current Address 1111 Main Street Great City, GS 11111 REQUIRED

Date of Birth 01/01/1981 REQUIRED Place of Birth Great City, Great Country REQUIRED

### OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Abraham Lincoln REQUIRED  
Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(3) by a fine of not more than \$5,000.

Signature Jane Doe REQUIRED Date 02/09/2022 REQUIRED

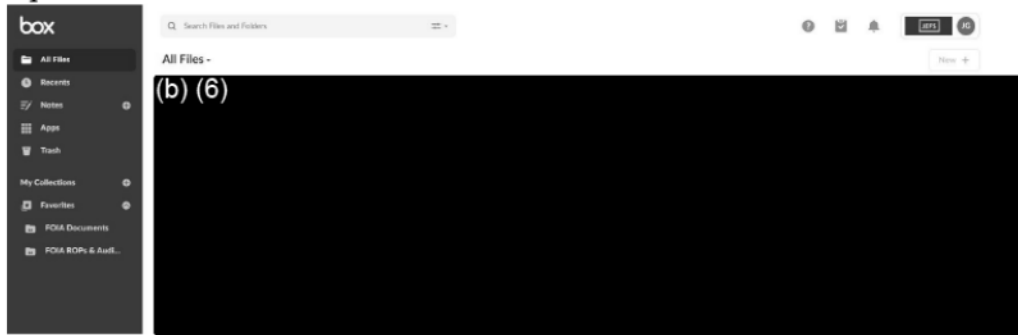
<sup>1</sup>Name of individual who is the subject of the record(s) sought.  
<sup>2</sup>Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.  
<sup>3</sup>Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.  
<sup>4</sup>Signature of individual who is the subject of the records sought.

## Review

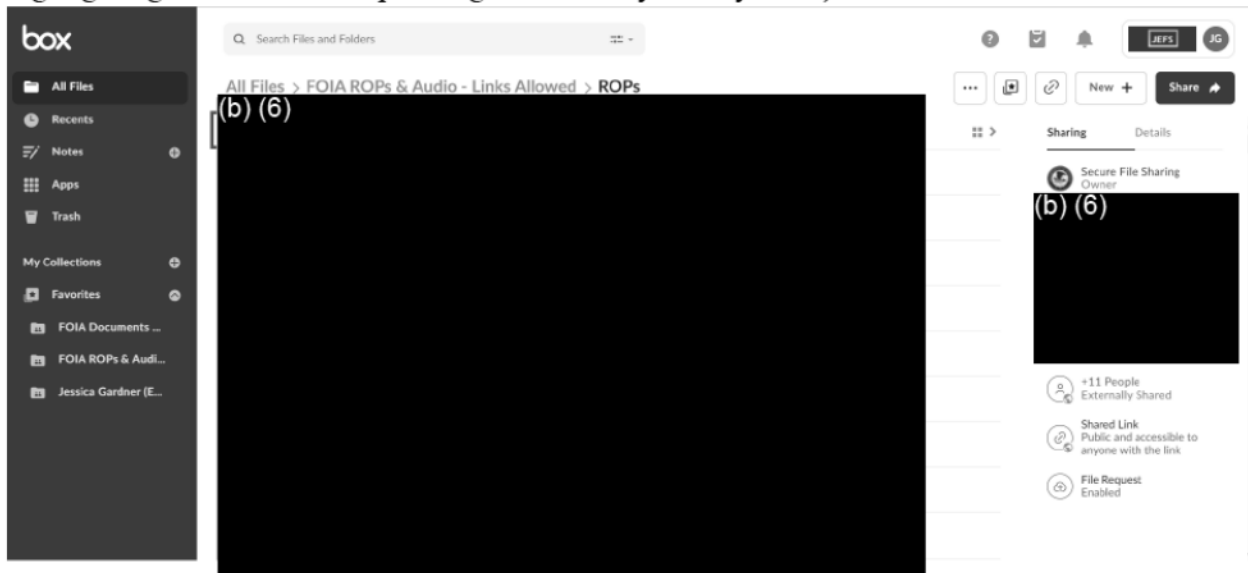
1. Log in to JEFS:

(b) (6)

2. Open the folder called “FOIA ROPs & Audio - Links Allowed.”



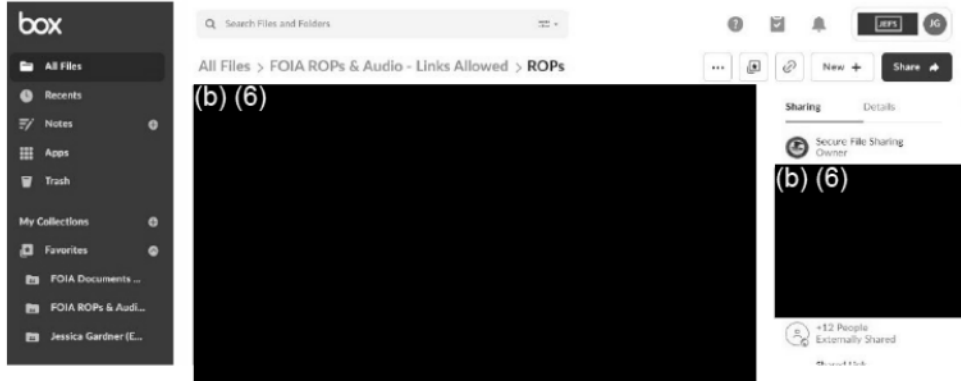
3. The folders within “FOIA ROPS & Audio – Links Allowed” are organized as follows:
  - a. **ROPs** - all ROPs that we received from offsite
  - b. **Audio** – all audio that we received from offsite
  - c. **DAR** - digital audio recordings that we have exported from CASE
  - d. **To be Mailed** – files pertaining to any FOIA request with “Mail” delivery mode
4. Open the **ROPs** folder, and scroll to the bottom of the folder list to find the **oldest** file or click **NAME** to resort. Note the **FOIA Request Number** in the file name (copy it by highlighting the number and pressing **ctrl + c** on your keyboard).



5. Open FOIAXpress: (b) (6) and search for the FOIA Request Number.



6. Compare the A# and FOIA# between FX and JEFS. If the file name in JEFS contains the wrong information, rename the file.



7. The status should be "Assigned."

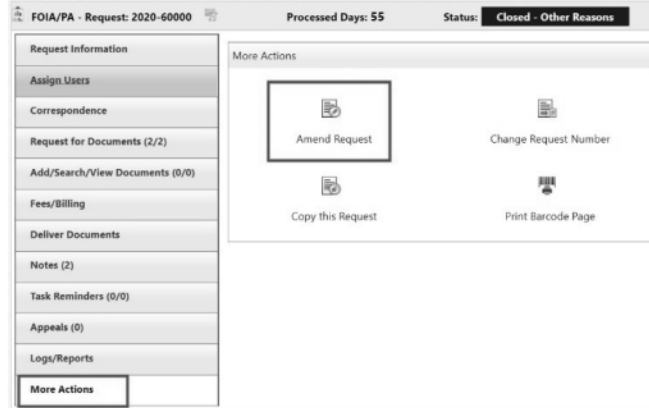


8. If it has already been closed:
  - a. Open the **Correspondence Log** to review the last letter and item sent (compare the ROP that was sent to the ROP in JEFS).

Request Information	Send Correspondence	Receive Correspondence	Correspondence Log
Request Information	Correspondence cannot be 'edited' from this log. To edit correspondence go to Correspondence > Send Correspondence.		
Assign Users	Correspondence Log		
Correspondence	Subject	File Name	User
Request for Documents (6/6)	(b) (6)		
Electronic Document Review (1/1)			
Add/Search/View Documents (2/3)			

- i. If the request was **closed prematurely**, verify what remains to be sent (ex., audio, DAR, additional proceeding).

- ii. **Amend** the request in order to adjust the **comment**, **deliver** the additional item, and **close** again with the correct closing date.



- iii. If **nothing** remains to be sent, go back to JEFS and **move** the ROP file to the **Delivered** folder (see the end of this SOP for instructions).

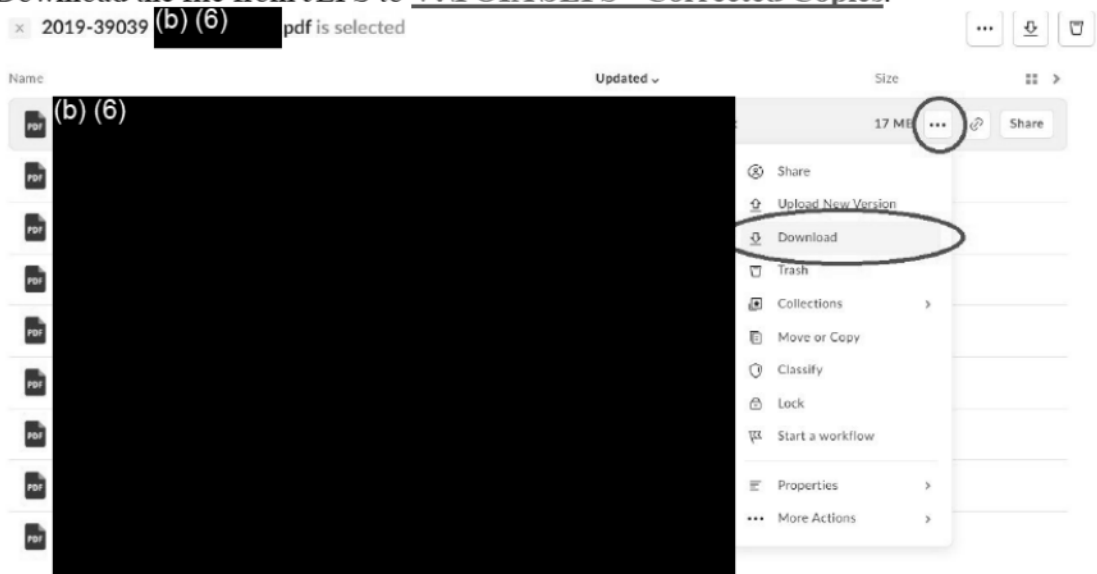
9. Go back to JEFS and **review the ROP** for items that do **not** belong in the ROP.

<b>Belongs in ROP (depending on proceedings)</b>	<b>Does not belong in ROP</b>
<b>Charging Document</b> <ul style="list-style-type: none"> <li>• <b>I-221</b>—Order to Show Cause</li> <li>• <b>I-122</b>—Notice for Admission Detained for Hearing</li> <li>• <b>I-862</b>—Notice to Appear</li> <li>• <b>I-863</b>—Notice of Referral to IJ</li> <li>• <b>I-851</b>—Notice of Intent to Issue Final Admin. Removal Order</li> </ul> Note: No charging doc. for BOND & FTP	<b>Administrative emails</b> (e.g., request to court for ROP, which usually contains other A-numbers)
<b>Orders</b> (check IJ App Dec column)	<b>Court checklists</b>
Hearing Notices (could appear at <b>Next Hearing Date</b> or under <b>Schedule</b> tab)	<b>Blank</b> pages; Blank IJ decision (not rendered); <b>Draft</b> IJ decisions; <b>Law Clerk</b> communications
<b>IJ and BIA Decisions</b>	<b>IJ</b> notes; <b>Board</b> notes and <b>voting</b> matrices for BIA cases; Bond <b>notes</b> ; <b>EOIR</b> staff notes; <b>DHS</b> officer notes
<b>Briefs, Motions, and other required documents</b> submitted to the court as part of the immigration proceedings	<b>Sealed</b> documents (unless it states “only to be opened by IJ—review to make sure not Classified); <b>Classified</b> documents (contact Security office immediately)
Documents with the A-number and name (or any aliases) that <b>matches</b> the record in CASE	Any documents with the wrong name and/or A-number that are <b>unrelated</b> to the ROP (be aware that the non-citizen may have one or more alias names)

### Removing Items from a ROP

1. If any of the items that should **not** be in the ROP are found, those items will need to be **removed** by following the steps below:

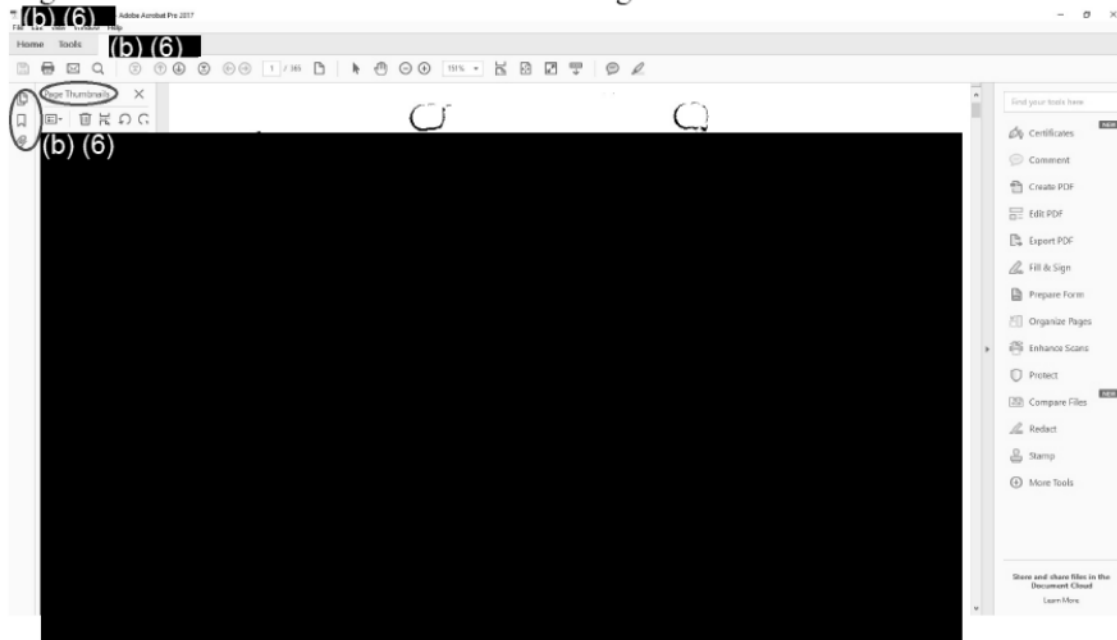
a. Download the file from JEFS to V:\FOIA\JEFS - Corrected Copies.



b. Open the file using Adobe Acrobat Pro, and delete the pages that should not be in the ROP.

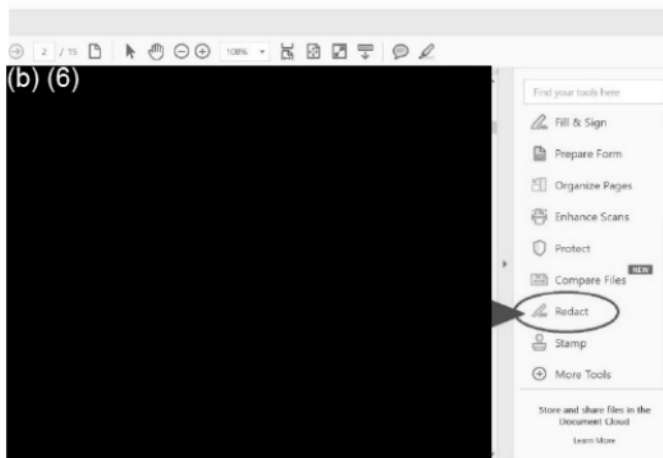
i. Open "Page Thumbnails" at the left.

ii. Right click the thumbnail and select "Delete Pages."

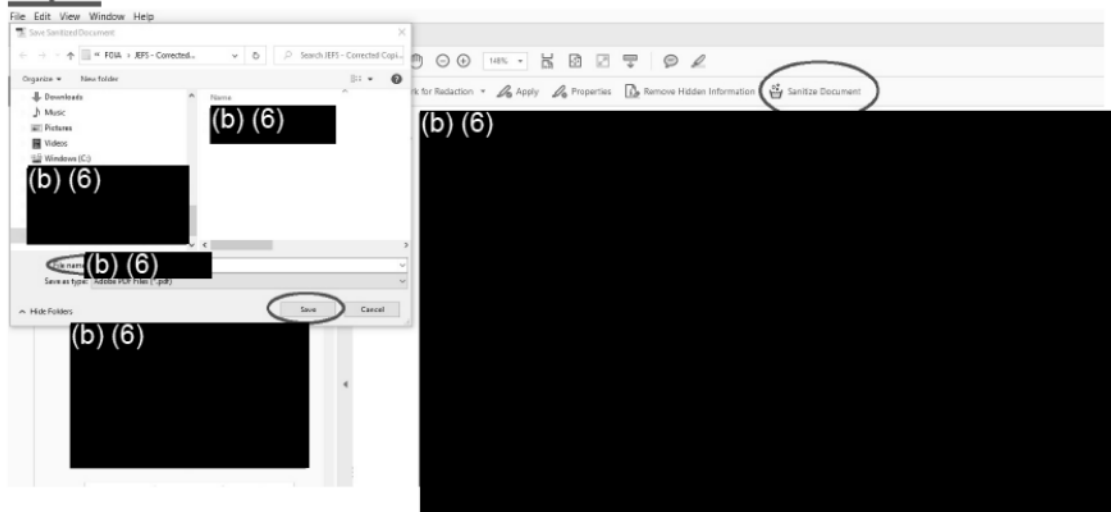




- c. Sanitize the file.
  - i. Open the **Redact** tool.



- ii. Click **Sanitize Document**.
  - iii. Re-save the file (replace existing file) in V:\FOIA\JEFS - Corrected Copies.



**Note:** If adding pages (not removing pages), there is **no need to sanitize**.

- d. **Upload** the corrected copy to the same JEFS folder as the original file. (Locate the file in V:\FOIA\JEFS - Corrected Copies.)



- e. The **new** version will **replace** the **old** version in JEFS. You can confirm this by finding the file and looking for **V2** at the end of the file name.



## Prepare for Delivery

1. In FX, verify the **Delivery Mode**.
  - a. If **E-Mail** or **Electronic Download**, you will deliver by emailing the JEFS link(s) through FX. See below for further instructions.

Requester Details

Requester\*: [ ] Organization: [ ]  
 Category\*: [ Select Category ] On Behalf Of: [ ]

Address Details

Other Address Details

Request Details

Action Office\*: EOIR  
 Request Type\*: FOIA/PA  
 Received Mode: [ Select Received Mode ]  
 Multi-Track Type: Simple  
 Requested Date\*: [ ]  
 Received Date\*: 10/15/2021

Primary Assigned\*: Gardner, Jessica  
 Link to File  
**Delivery Mode: E-mail**  
 Method of Payment: [ ]

- b. If **Mail**, the ROP and Audio will need to be downloaded to a CD to be delivered through the mail. See below for further instructions.

Request Details

Action Office\*: EOIR  
 Request Type\*: FOIA/PA  
 Received Mode: **Mail**  
 Multi-Track Type: Simple  
 Requested Date\*: 2/25/2022  
 Received Date\*: 2/25/2022  
 Target Date: 4/8/2022  
 Estimated Date of Completion: 4/8/2022  
 Extensions: -

Primary Assigned\*: Gardner, Jessica  
 High Profile: No  
**Delivery Mode: Mail**  
 Method of Payment: [ ]  
 Original Received Date\*: 2/25/2022  
 Original Target Date: 4/8/2022  
 Perfected: Yes

## Electronic or E-mail Delivery Modes

### ROPS

1. **Electronic or e-mail delivery modes**—when you believe the ROP is ready to be delivered, click the “**Share**” button. If you cannot see the link, toggle the “**Create shared link**” button.
2. Make sure the options read “**People with the link**” and “**Can view and download**” under the link.
3. Click **Copy**. **IMPORTANT**: Make sure you are sharing from within the **ROP file** (do not share the ROP folder).



4. Go back to **FX**. Paste the **JEFS link(s)** into the **Comments box** and click **Save**.
  - a. If **one proceeding**, just type **“ROP (page count):”** and paste the **link**.

Comments

ROP (01/01/2022 Proceeding - 450 pages): (b) (6)

Spell Check Save

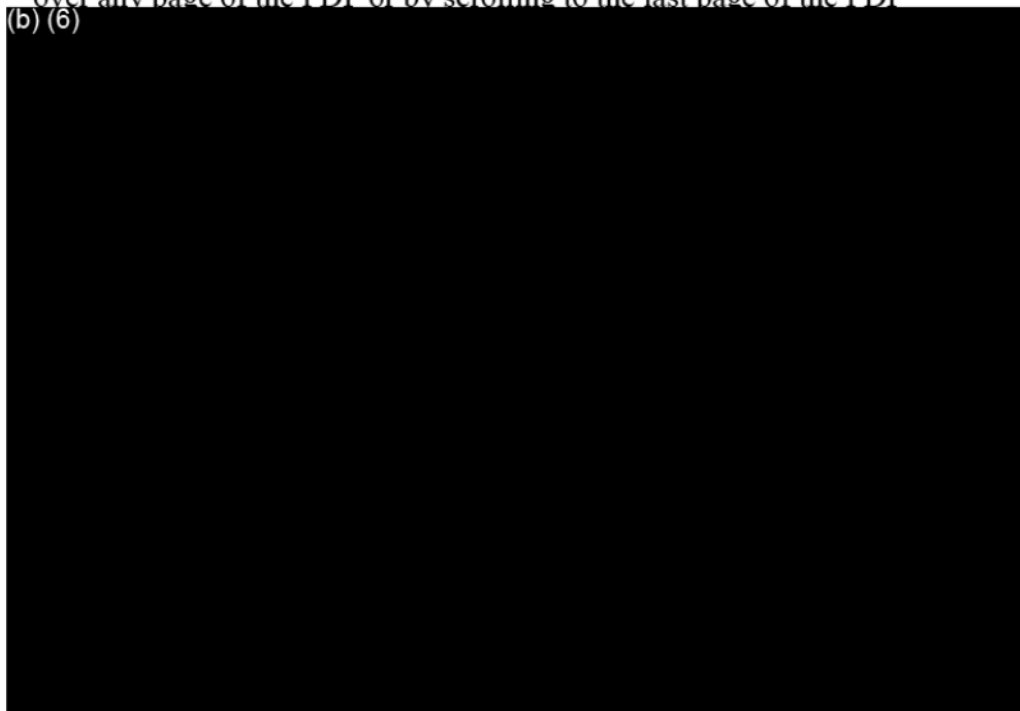
- b. If **multiple proceedings within the same FOIA request**, be sure to indicate the date of the proceeding that you are delivering. You can get the date from the NTA date listed above the Comments box or by searching the A-number in CASE. Type **“ROP (00/00/0000 Proceeding – page count):”** and paste the **link**.

Comments

ROP (450 pages): (b) (6)

Spell Check Save

**Note:** you can see the page count in the JEFS file either by hovering your mouse over any page of the PDF or by scrolling to the last page of the PDF



Audio

1. In FX, verify if **audio** was requested.

Description\*

Restricted  Modify Description [Show Description History \(1\)](#)

Date Range for Record Search: From  To

ROP and all audio recordings

Drag and Drop Zone

Incoming Request Letter(s):

Attach File

Print Barcode

PAL Created Letter.d...

Notes: Only Incoming Request Letters are Searchable Attachments

Selecting the 'Restricted' checkbox will replace the field content in all the reports with '<<Restricted>>'

\* Sub Requests

Subject Matter of Request

Subject Matter of Request\*: ROP/Audio

Other Details:

2. If **audio** was requested, check JEFS for audio files.
  - a. Copy the A-number from FX Paste the FOIA number into the **Search** box in JEFS and click “**See all results.**”

2021-53910

Search folders for '2021-53910'

Search files for '2021-53910'

(b) (6)

UPDATED (b) (6)

Only search inside of 'Audio'

See all results

2021-57896 (b) (6)

- b. Select and open the folder with the file path “All Files > FOIA ROPs & Audio – Links Allowed > Audio > xxxx-xxxx (xxx-xxx-xxx).”

Search Results for 2021-53910

Type | Date Modified | Folder Location | Search Within | Owner | Tags | Size | Metadata

Sort by Relevance

(b) (6)

(b) (6)

- c. Verify that all of the .wav files for that A number are inside the folder.
- d. Click **Share** and **copy each** JEFS audio link(s) individually—JEFS will show the .wav files as “1OF3,” “2OF3,” “3OF3,” etc.

(b) (6) wav is selected

NAME	UPDATED	SIZE
(b) (6)		42.5 M
		25.1 MB
		216.5 MB
		34.8 MB
		124.1 MB

Share (b) (6) wav

Invite People Shared with DA AL +13

Add names or email addresses

Invite as Editor

Share Link

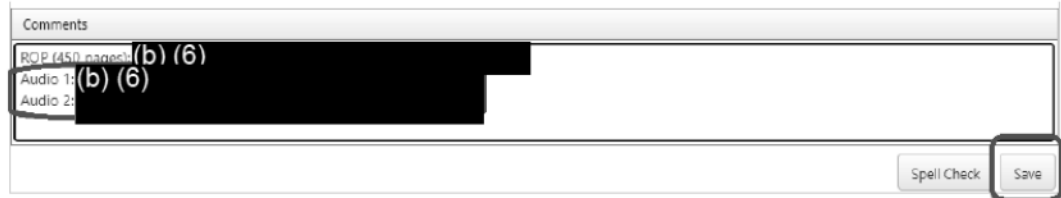
Shared link is created

(b) (6) Copy

People with the link Can view and download

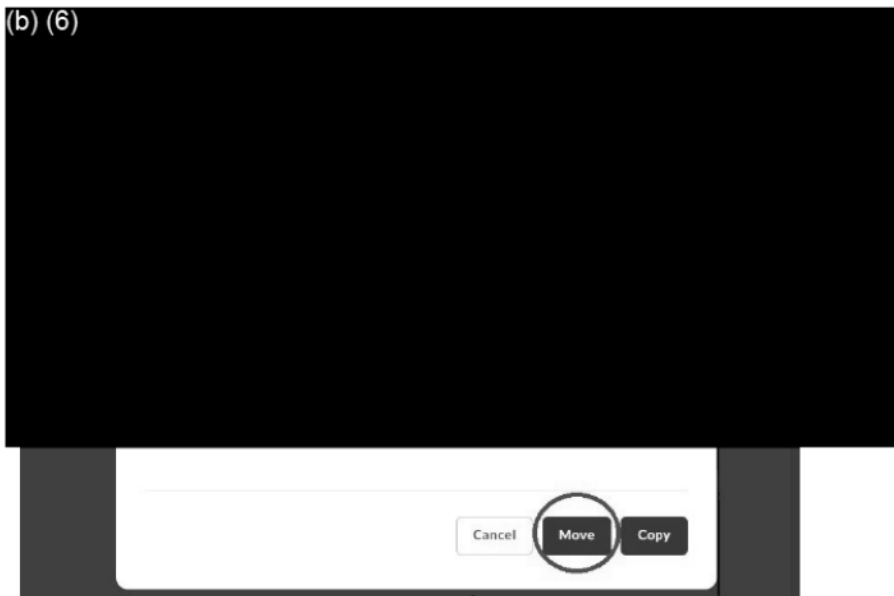
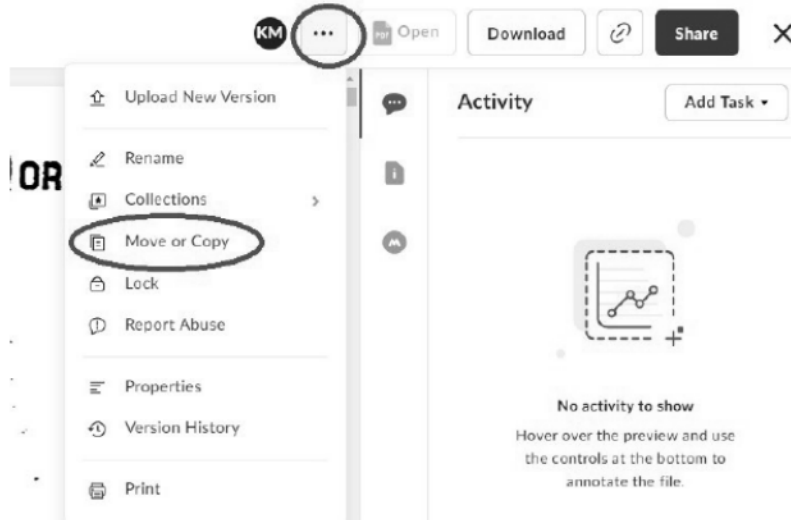
This content is publicly available to anyone with the link.

- e. Add the link(s) to the **Comments** (below the ROP comment). Label the links as **Audio 1**, **Audio 2**, etc. corresponding to the order in JEFS.



### Mail Delivery Mode

1. **Mail delivery mode**—you will not email links. Move the ROP (and audio, if applicable) file(s) to the **“To be Mailed”** folder. You can either drag the file to the folder or click the **More Options** button, select **Move or Copy**, and then choose the folder and **move** the file.



## Deliver

### Electronic or E-Mail Delivery Modes

1. In FX, copy all of the JEFS link(s) together from the **Comments** box. **Save** before exiting the page.

2. Go to **Correspondence**.

3. Under **Email Options**, select the appropriate correspondence from the Template drop-down list based on the table below.

Requested	Being Sent	Template
<b>ROP only</b>	ROP only	JEFS-SIMPLE-Response-Full Grant-ROP-No Audio
<b>ROP+Audio</b>	ROP+Audio	JEFS-SIMPLE-Response-Full Grant-ROP+Audio
<b>ROP+Audio</b>	ROP only (audio will be sent later)	JEFS-SIMPLE-Response-Interim-ROP-Audio to be sent
<b>ROP+Audio</b>	Audio only (ROP was already sent)	JEFS-SIMPLE-Response-Full Grant-Remaining Audio
<b>ROP+Audio</b>	No audio located (ROP was already sent)	SIMPLE-Response-Partial Grant-ROP-No Audio Located
<b>ROP – multiple proceedings under same FOIA #</b>	One of the ROP proceedings	JEFS-SIMPLE-Response-Interim-Multiple Proceedings
		<b>Note:</b> If audio was requested and you have the audio files from the same proceeding, add “including audio” verbiage and the links to the template.



SOP FSC-22-004 JEFS Delivery

- 4. Paste the JEFS link(s) into the highlighted section of the correspondence. Delete any unnecessary lines. If more lines are needed, simply hit enter to increase the numbered list.
  - a. If responding by **email**:
    - i. Under **Email Options**, at **From Email Type**, select the radio button for **User Action Office Email**.
    - ii. Select the appropriate letter template (see below).
    - iii. Paste the links into the highlighted area. You might need to reformat after pasting. If so, use the numbered list icon to reformat your links into a numbered list.
  - b. Click **Send Email**.

The screenshot shows an email composition interface. At the top, the 'Email Options' section is visible, with 'From Email Type' set to 'User Action Office Email'. The 'From' field is 'eoir.foiarequests@usdoj.gov', the 'Template' is 'JEFS-SIMPLE-Response-Full Grant-ROP+Audio', and the 'Subject' is 'DOJ-EOIR FOIA Request # 2022-25879'. There are checkboxes for 'Read Receipt' and 'Delivery Receipt', and radio buttons for 'Requester' (selected) and 'Other'. The 'To' field contains '(b) (6)'. Below this, a note states: 'Note: Email addresses should be separated by a semicolon ;'. The main body of the email is shown in a preview window with a rich text editor toolbar. The subject of the preview is 'Re: 2022-25879 Freedom of Information Act Request for'. The salutation is 'Dear (b) (6)'. The body text reads: 'This letter is in response to your Freedom of Information Act (FOIA) request in which you seek the record of proceeding regarding the above-referenced individual. We are providing the Executive Office for Immigration Review (EOIR) Record of Proceeding (ROP) as provided to us by the Immigration Court, Federal Records Center, or Board of Immigration Appeals for the above-referenced individual. You may access the ROP and audio recording(s) at these links:'. Below this text is a numbered list with three empty input fields, which is highlighted with a red box. Below the list, it says '\*Important: You must copy and paste the link into your browser.' and 'There will be no charge for this information.' At the bottom right of the preview window, there is a 'Send Email' button, also highlighted with a red box.

Mail Delivery Mode

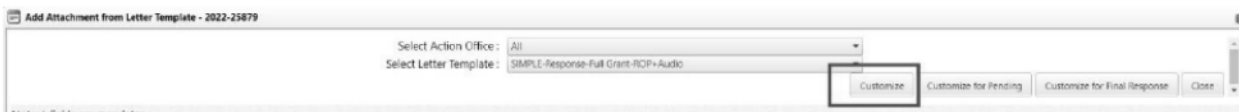
1. Click Letter Template.



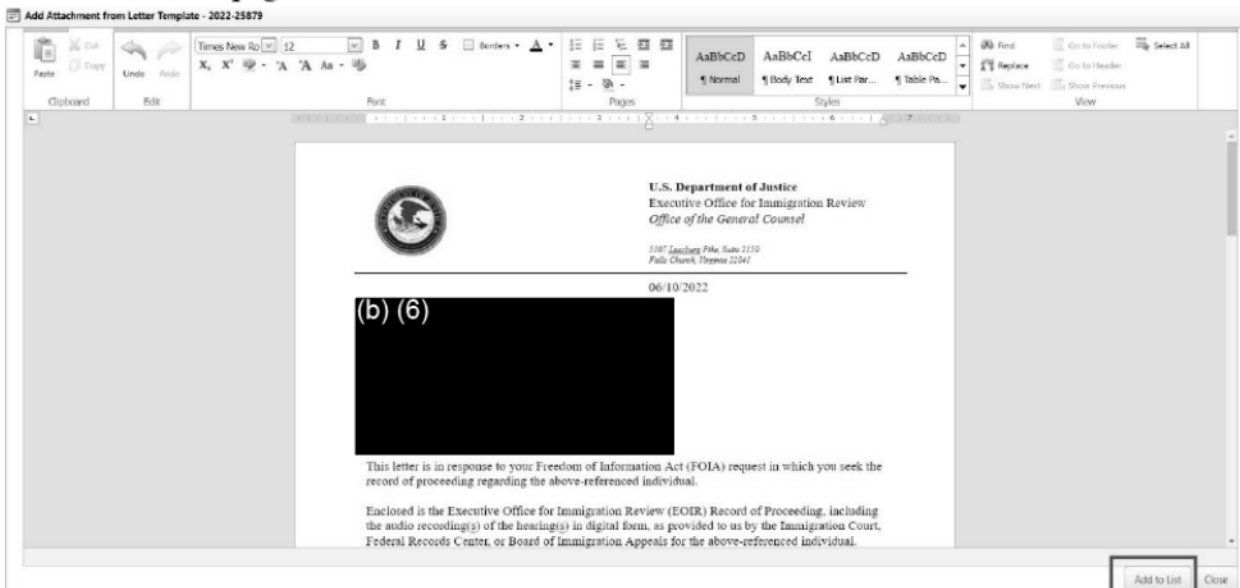
2. Choose appropriate template based on the chart below.

Requested	Being Sent	Template
<b>ROP only</b>	ROP only	SIMPLE-Response-Full Grant-ROP-No Audio
<b>ROP+Audio</b>	ROP+Audio	SIMPLE-Response-Full Grant-ROP+Audio
<b>ROP+Audio</b>	ROP only (audio will be sent later)	SIMPLE-Response-Interim-ROP-Audio to be sent
<b>ROP+Audio</b>	Audio only (ROP was already sent)	SIMPLE-Response-Full Grant-Remaining Audio
<b>ROP+Audio</b>	No audio located (ROP was already sent)	SIMPLE-Response-Partial Grant-ROP-No Audio Located
<b>ROP – multiple proceedings under same FOIA #</b>	One of the ROP proceedings	SIMPLE-Response-Interim-Multiple Proceedings  <b>Note:</b> if you can send the audio with the ROP in the same mailing, add “including audio” verbiage to the template.

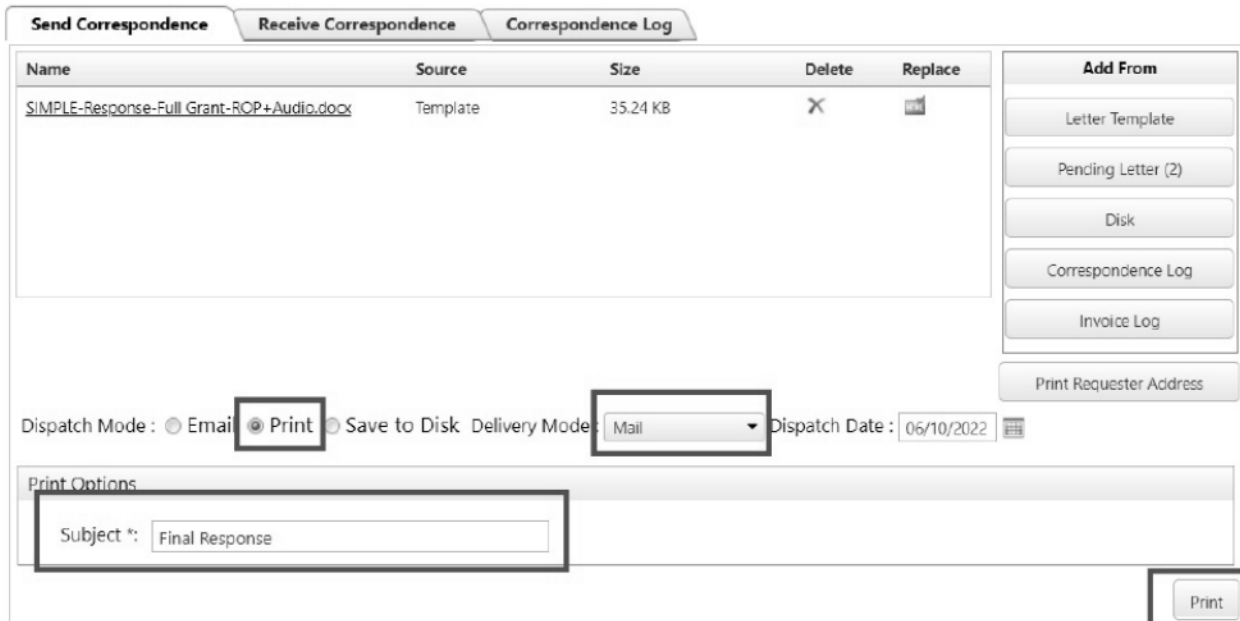
3. Click Customize.



4. Review the letter and make any necessary edits. When finished, click “Add to List” at the bottom of the page.



5. Make sure **Dispatch Mode** is “Print,” and **Delivery Mode** is “Mail.”
6. At **Print Options**, type a **Subject** into the box.
  - a. “**Final Response**” if sending everything requested
  - b. “**Interim Response**” if other proceedings or audio remains to be sent
7. Click **Print**.



- Your letter will appear in the **Correspondence Log** as “Printed.” You can click the **Subject** line of the letter to open a copy of the (and print again), if necessary.

Send Correspondence   Receive Correspondence   **Correspondence Log**

Correspondence cannot be 'Edited' from this log. To edit correspondence go to Correspondence > Send Correspondence.

Subject	File Name	User	Status	Mode	Email	Dispatched Date	Action Date
<a href="#">Final Response</a>	SIMPLE-Response-Full ...	(b) (6)	Printed	Mail		06/10/2022	6/10/2022 4:45:37 PM
<a href="#">Final Response</a>	SIMPLE-Response-Full ...		Printed	PAL		06/10/2022	6/10/2022 4:39:49 PM
<a href="#">INTAKE-Letter-SIMPLE-...</a>	INTAKE-Letter-SIMPLE-...		Pending			05/20/2022	5/20/2022 12:17:24 PM

- If you are **not able to print** the [redacted] mail the response, add **“Queue, GIS-Review”** (see below for assigning instructions).

If Audio Still Needs to be Delivered

- If **audio still needs to be delivered** (audio was requested but you could not locate it in JEFS), assign the relevant queue below, and **stop** at this step:
  - DAR – Add “Queue, ROP-DAR”** as a Secondary User
  - Cassette/Tape/No DAR – Assign “Queue, ROP-Tapes”** as a Secondary User
- After audio has been added to JEFS, **“Queue, GIS-Review”** should be added so that the audio can be delivered.

**Request Information**

- Assign Users** ←
- Correspondence
- Request for Documents (0/0)
- Electronic Document Review (1/1)
- Add/Search/View Documents (2/3)
- Fees/Billing
- Final Actions
- Deliver Documents
- Close Request
- Stop the Clock

**Primary User**

Current Primary User of this Request is (b) (6)

Change the Primary User for the request to: Queue, SIMPLE    Send Email Notification

**Secondary Users**   Add Users   Add Groups   Add Group Queues

Name	Type	Group Name	Office	Email	Send Email?	Action
Queue, ROP-DAR	Group Qu...	ROP-DAR	EOIR		<input type="checkbox"/>	X
Queue, SIMPLE	Group Qu...	SIMPLE	EOIR		<input type="checkbox"/>	

Assignment Note: (will be included in assignment email notification)   Spell Check

Attach Request Report (PDF) to the Email notification sent to the assignees

**Assign**

If All ROPs and Audio files were delivered

1. If all ROPs and audio files have been delivered for the request, navigate to **Final Actions**.

a. Double-click the grey line under **Request Descriptions**.

b. Select **Reportable Disposition** as **Granted in Full**. Then, click **Save**.

c. Wait for the **Status** to update to **Disposition Accepted**.

## Close

- 1) **To close a request that has been delivered in full:**
  - a) In FX, navigate to **Close Request**.
  - b) Select the **date** you are closing the request.
  - c) At **Number of Pages Released**, type the number of total pages that you see in JEFS.  
 (Note: If **multiple proceedings** were delivered at different times, add up the number of pages from each delivery from the **Comments** section. Some older deliveries would not have been done with a JEFS link and comment though. You could either find the old ROP to see the page count in the Request Folder or in the V drive. If you cannot figure out the page count for the previous deliveries, at least enter the number of pages from the final delivery that you just made using the JEFS link).
  - d) At **Number of Pages Reviewed**, type the same number.
  - e) At **Number of Records Posted for Public Inspection**, type **0**.

Home >> Requests View [Quick Search Keyword: 2021-40019] >> 2021-40019 - Request

Note: \* fields are mandatory

FOIA/PA - Request: 2021-40019 Remaining Days: **199** Status: **Disposition Accepted** **NEXT >**

Request Information  
 Assign Users  
 Correspondence  
 Request for Documents (0/0)  
 Electronic Document Review (0/0)  
 Add/Search/View Documents (0/0)  
 Fees/Billing  
 Final Actions  
 Deliver Documents  
**Close Request** ←  
 Stop the Clock  
 Notes (0)  
 Task Reminders (0/0)  
 Extensions (0/0)  
 Appeals (0)  
 Logs/Reports  
 More Actions

Closed Details

Requester: (b) (6)  
 Organization: [Redacted]  
 Fee Waiver: N/A  
 Balance Due: \$ 0.00  
 Received Date: 6/14/2021  
 Disposition Accepted Date: 5/13/2022  
 Closed Date\*: 5/13/2022  
 Final Disposition: Granted in Full  
 Review Status: Select Review Status  
 Multi-Track Type: Simple

Number of Pages Released\*: 7 Generated Count: 0  
 Number of Pages Reviewed\*: 7 Generated Count: 0  
 Number of Records Posted for Public Inspection\*: 0

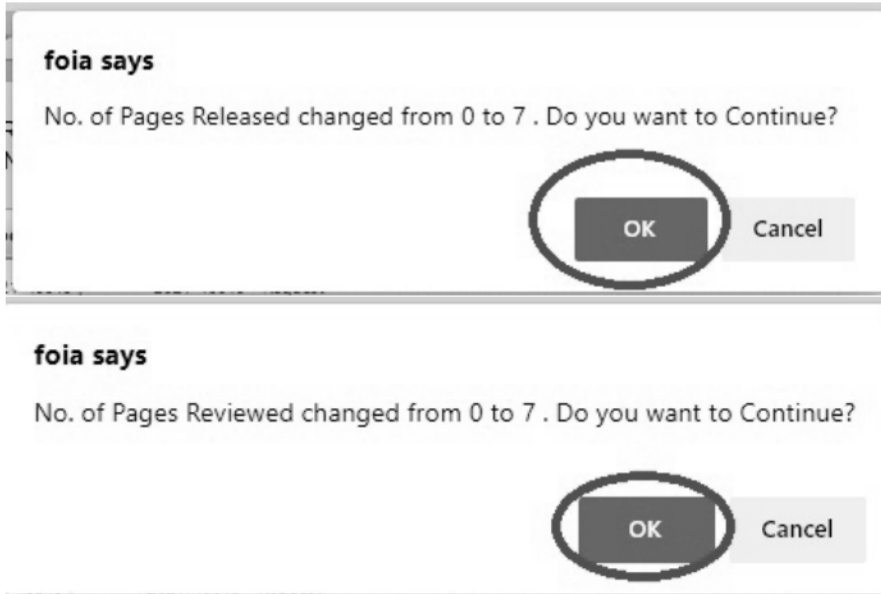
Notes

Notes: Balance Due value in red color implies balance amount to be received from the Requester.  
 Balance Due value in blue color implies balance amount to be paid to the Requester.  
 No. of Pages Released reflects the number of pages delivered using Document Delivery.  
 No. of Pages Reviewed reflects the total number of pages in the Request Folder.

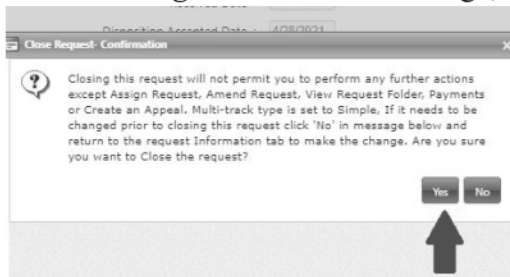
**Save**

- f) Click **Save**.

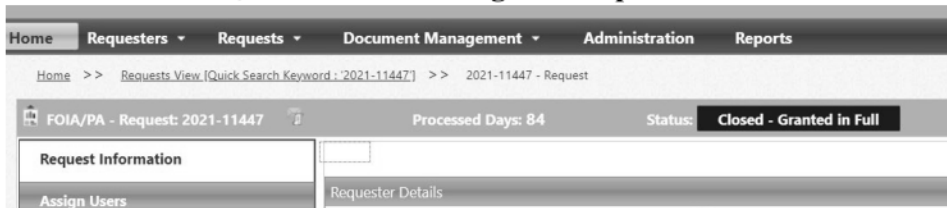
- g) At the “No. of Pages Released changed” and “No. of Pages Reviewed changed” messages, select **OK** to both.



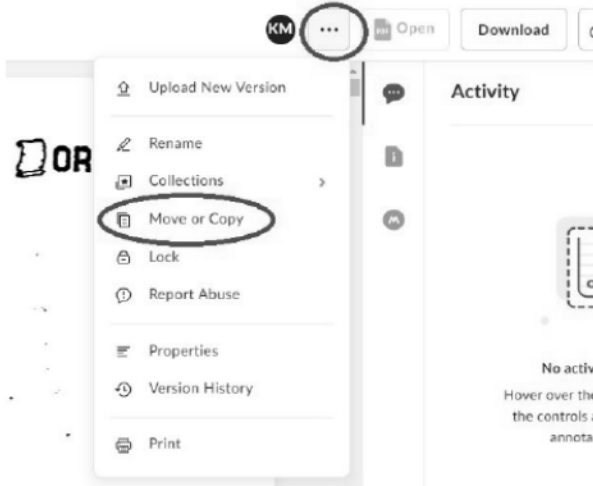
- h) At the **closing confirmation** message, select **Yes**.



- i) Make sure status changes to **Closed – Granted in Full**.  
j) If **lead** and **riders**, make sure to **change the disposition** and **close each** FOIA request.



- k) Go back to **JEFS** and move the folder containing the ROP and/or audio file(s) to the **Delivered** folder in the ROP and/or Audio folder(s). **You can also drag the file into the Delivered folder.**

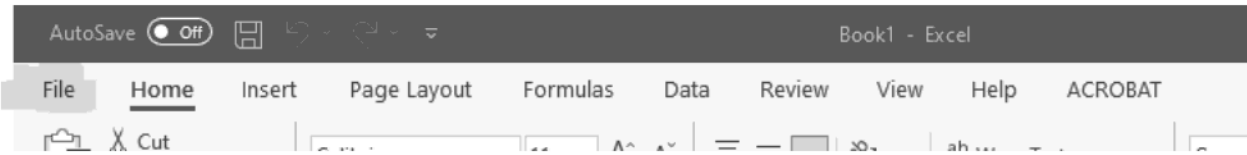


- l) **Verify** that you moved the file to the **correct** location.

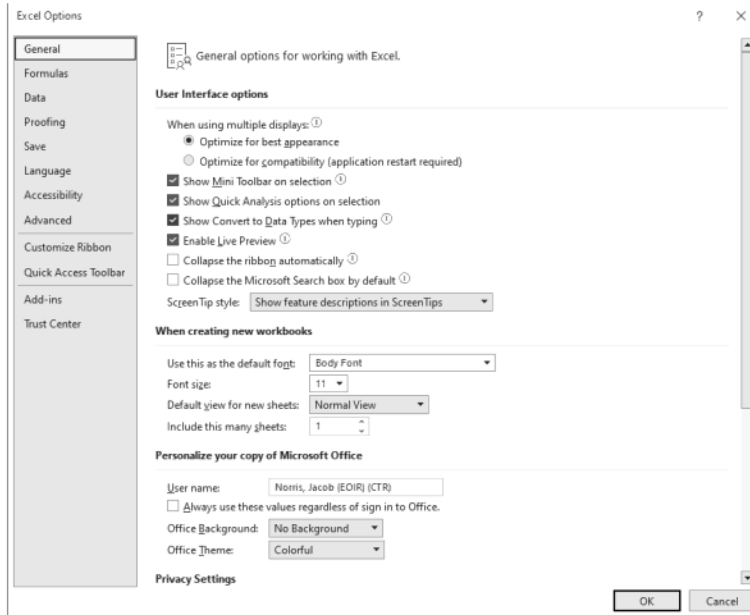




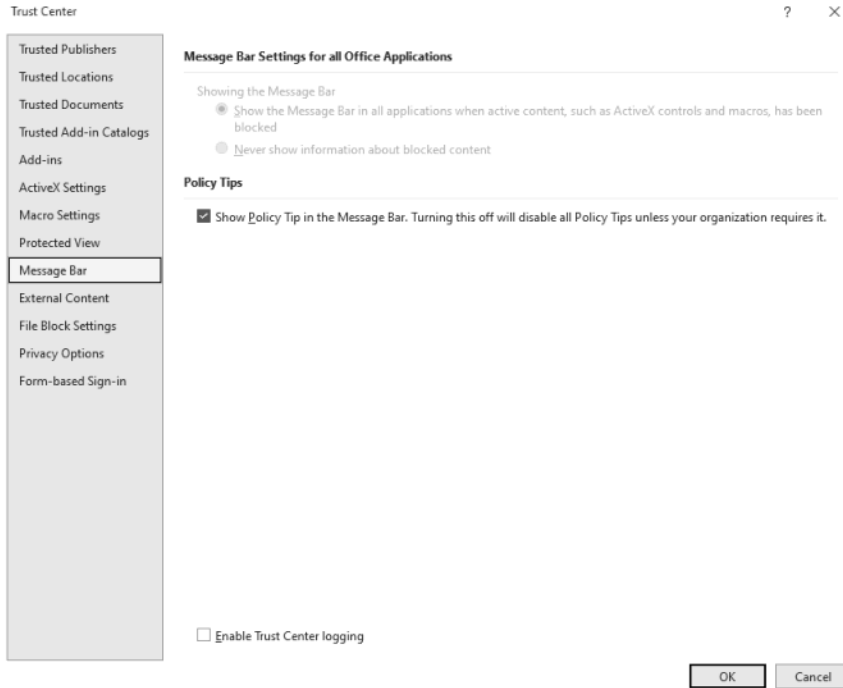
1. Open excel
2. Select **file**



3. Select **options** at the bottom of the left side navigation bar – the below screen will open

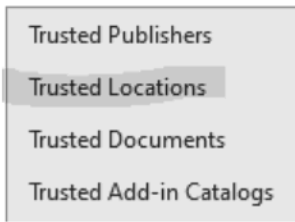


4. Select **Trust Center** then **Trust Center Settings** – the below screen will appear



5. At the very top select **Trusted Locations**

Trust Center



6. The below screen will open. Select **Add new Location**

**Trusted Locations**

Warning: All these locations are treated as trusted sources for opening files. If you change or add a location, make sure that the new location is secure.

Path	Description	Date Modified
<b>User Locations</b>		
C:\Users\ (b) (6) \Downloads\		10/13/2022 3:02 PM
\\EOIR-FILE-HDQ\EOIR-FILE-OCI\Users\ (b) (6)		10/13/2022 3:02 PM
C:\Users\NorrisJ\AppData\Roaming\Microsoft	Excel default location: User StartUp	
C:\Program Files (x86)\Microsoft Office\root\	Excel default location: Excel StartUp	
C:\Users\NorrisJ\AppData\Roaming\Microsoft	Excel default location: User Templates	
C:\Program Files (x86)\Microsoft Office\root\	Excel default location: Office StartUp	
C:\Program Files (x86)\Microsoft Office\root\T	Excel default location: Application Templates	
C:\Program Files (x86)\Microsoft Office\root\	Excel default location: Add-ins	
<b>Policy Locations</b>		
C:\Program Files\Common Files\Microsoft Sh	Team Foundation Server Add-In	

Path: C:\Users\ (b) (6) \Downloads\

Description:

Date Modified: 10/13/2022 3:02 PM

Sub Folders: Disabled

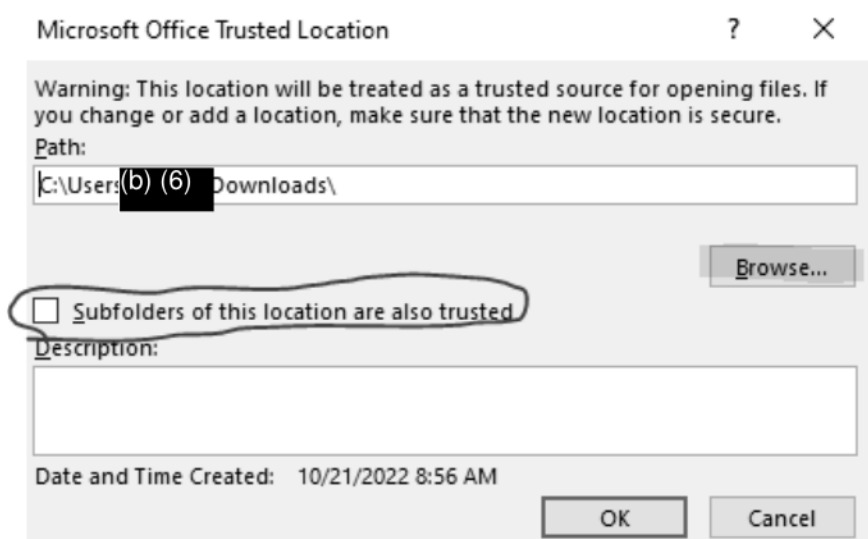
Add new location... Remove Modify...

Allow Trusted Locations on my network (not recommended)

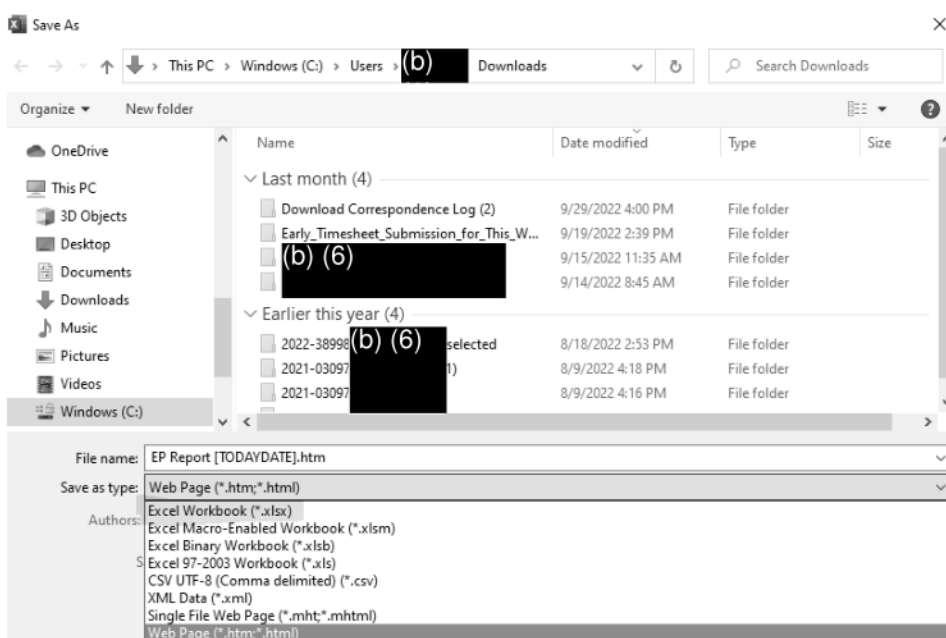
Disable all Trusted Locations

OK Cancel

7. From the pop-up screen select browse and chose the folder(s) you want to be able to open the downloads
  - a. Make sure to check the circled box so any future folders you create or move the downloads into you can access again.
    - i. Selecting your downloads + any admin folders you might download the EP report to is best to give trusted rights.



8. After choosing your folder select OK from the **trusted locations** section and OK from the **Excel Options** section. You'll now be able to access the excel version of the report.
9. When the Excel Version of the report comes in you'll need to save the file to one of your trusted locations.
10. If you want to save and share any of the downloaded Excel sheets with anyone who hasn't done the above, you'll need to save the file as an **XLXS** file extension and send that out.



To create a new folder in K Drive for a new litigation matter, follow these steps:

1. Go to K Drive \ FOIA \ LITIGATION
2. Create a new folder
3. Rename the folder using the following naming convention:
  - a. Case No., Case name, and the court location
  - b. Ex. 21-cv-11817 Hawkinson v. EOIR (D. Mass)

Name	Date modified	Type
21-cv-10486 Harvard v. DHS, et al. (D.Mass.)	4/20/2021 1:53 PM	File folder
21-cv-11817 Hawkinson v. EOIR (D. Mass.)	11/12/2021 10:56 AM	File folder
Other-AILA	11/10/2021 3:13 PM	File folder
Other-Contreras/Metalaka class action lawsuit	6/17/2020 2:12 PM	File folder

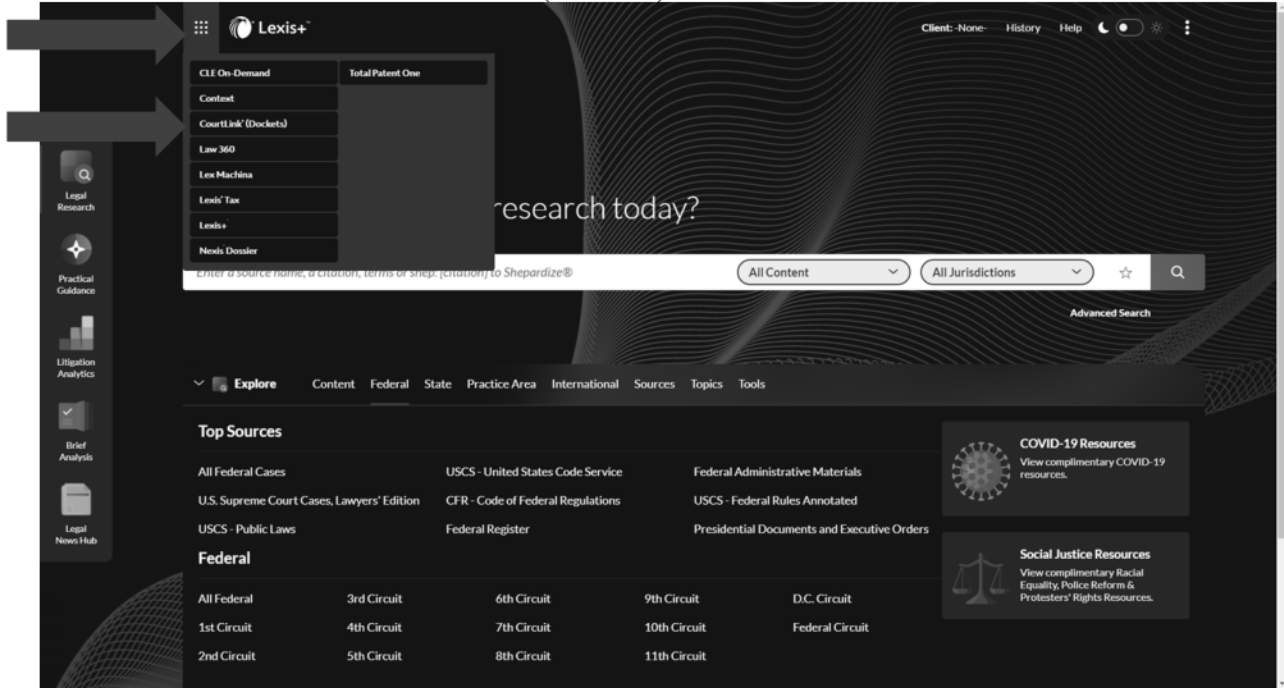
4. Open the newly created folder. Create three subfolders. Rename the subfolders using the following naming convention:
  - a. 1-FOIA Processing
  - b. 2-Docket
  - c. 3-Attorney Work Product

Name	Date modified	Type	Size
1-FOIA Processing	11/12/2021 9:57 AM	File folder	
2-Docket	11/12/2021 11:17 AM	File folder	
3-Attorney Work Product	11/12/2021 8:08 AM	File folder	

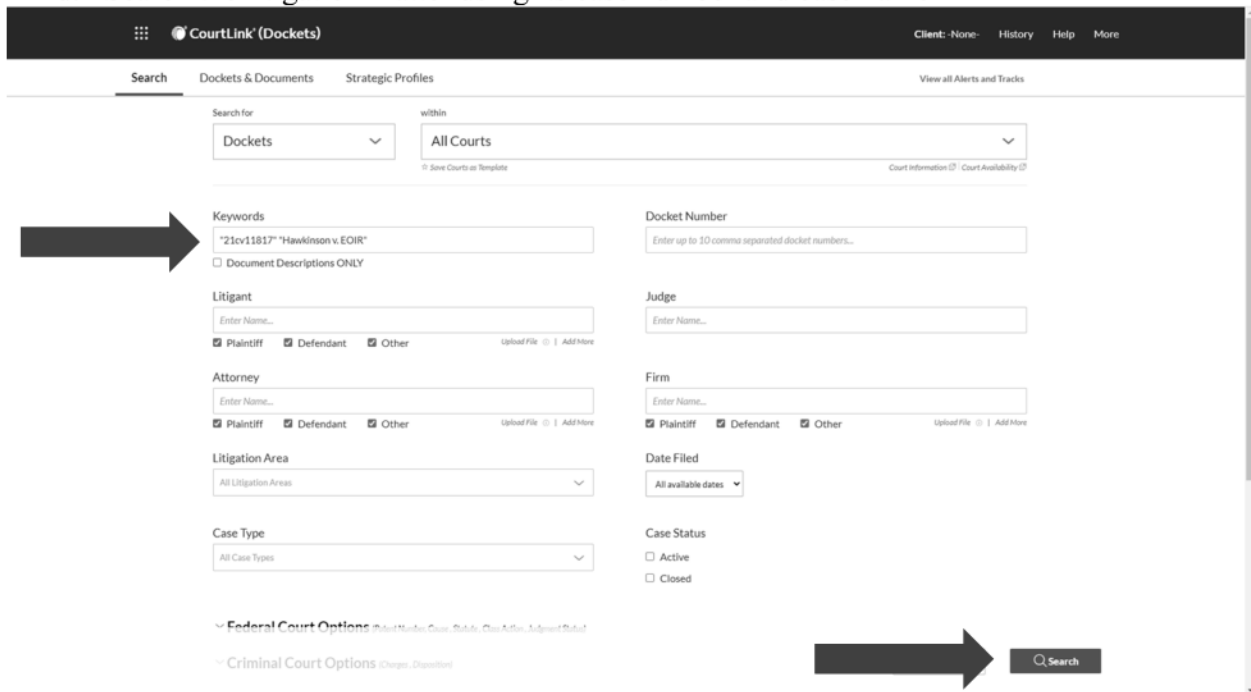
5. In 1-FOIA Processing subfolder, include a shortcut folder(s) of the underlying FOIA request folder(s)
  - a. Go to K Drive \ FOIA \ FOIA COMPLEX REQUESTS – CHRON. Locate the folder(s) of the underlying FOIA request(s). Create a shortcut folder(s) of the underlying FOIA request(s). Move the shortcut folder(s) to 1-FOIA Processing subfolder.
6. In the underlying FOIA request folder(s), ensure that all correspondence are saved in K Drive
  - a. If they are not, download them from FOIAXpress
    - i. In FOIAXpress, search the underlying request(s). Go to Correspondence \ Correspondence Log. Download the correspondence to K Drive.
  - b. Correspondence includes the following: the request description, an acknowledgement letter, EOIR’s response letter(s), and any response(s) from the requester
  - c. Number the correspondence so that it falls in chronological order

Name	Date modified	Type
1-Originals	10/5/2021 4:34 PM	File folder
2-Working	10/5/2021 4:34 PM	File folder
3-RELEASE-FX	10/5/2021 4:34 PM	File folder
4-Appeal	10/8/2021 4:27 PM	File folder
1-2022-00208 Request Description.pdf	10/5/2021 4:22 PM	Adobe Acrobat Docum...
2-2022-00208 Acknowledgement Letter.pdf	11/12/2021 11:09 AM	Adobe Acrobat Docum...
3-2022-00208 Response-Other-Duplicate.pdf	11/12/2021 10:00 AM	Adobe Acrobat Docum...
4-2022-00208 [EXTERNAL] Re_ DOJ-EOIR FOIA Request # 2022-00208.pdf	11/12/2021 10:02 AM	Adobe Acrobat Docum...
2021-02706-APPEAL BIA decisions (BOS_HAR) - Shortcut	10/6/2021 1:12 PM	Shortcut

7. In 2-Docket subfolder, download all docket entries relating to the litigation matter from Courtlink.
  - a. Open Lexis on your browser
  - b. Sign in using your ID and password
  - c. Click Menu. Select Courtlink' (Dockets)



- d. Search the litigation matter using its case number and case name



- e. A list of dockets will appear
- f. Open the document relating to the litigation matter

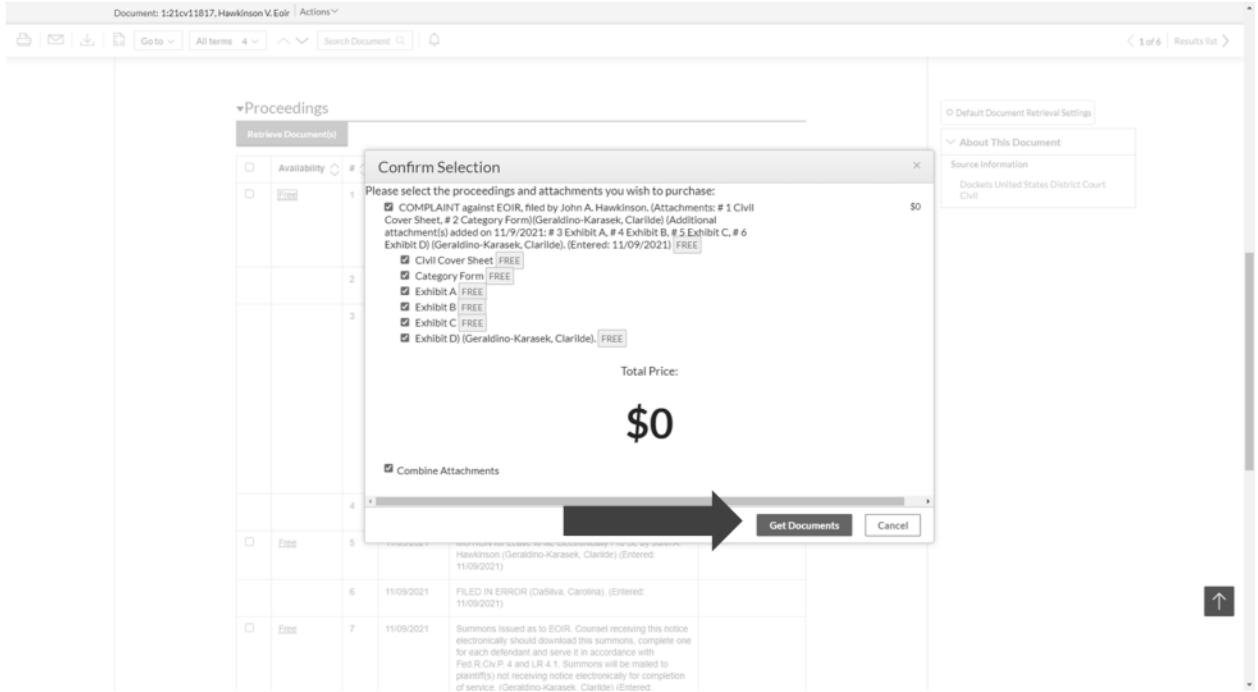
The screenshot shows the CourtLink (Dockets) interface for case 1:21cv11817, Hawkinson V. Eoir. The header includes the case name, court (US District Court Docket, United States District Court, Massachusetts (Boston)), and an 'Update Now' button. Below this, a note states 'This case was retrieved on 11/12/2021'. The main content area is divided into sections: 'Header' and 'Participants'. The 'Header' section lists case details such as Case Number (1:21cv11817), Date Filed (11/09/2021), Assigned To (Magistrate Judge M. Page Kelley), Nature of Suit (FOIA (B95)), Cause (Freedom of Information Act), Lead Docket (None), Other Docket (1:20cv12273), and Jurisdiction (U.S. Government Defendant). It also includes Class Code (Open), Statute (05:52), Jury Demand (None), Demand Amount (50), and NOS Description (FOIA). The 'Participants' section is currently empty, with columns for Litigants and Attorneys.

- g. Scroll down to the Proceedings
- h. Click either Free/Online in the Availability column

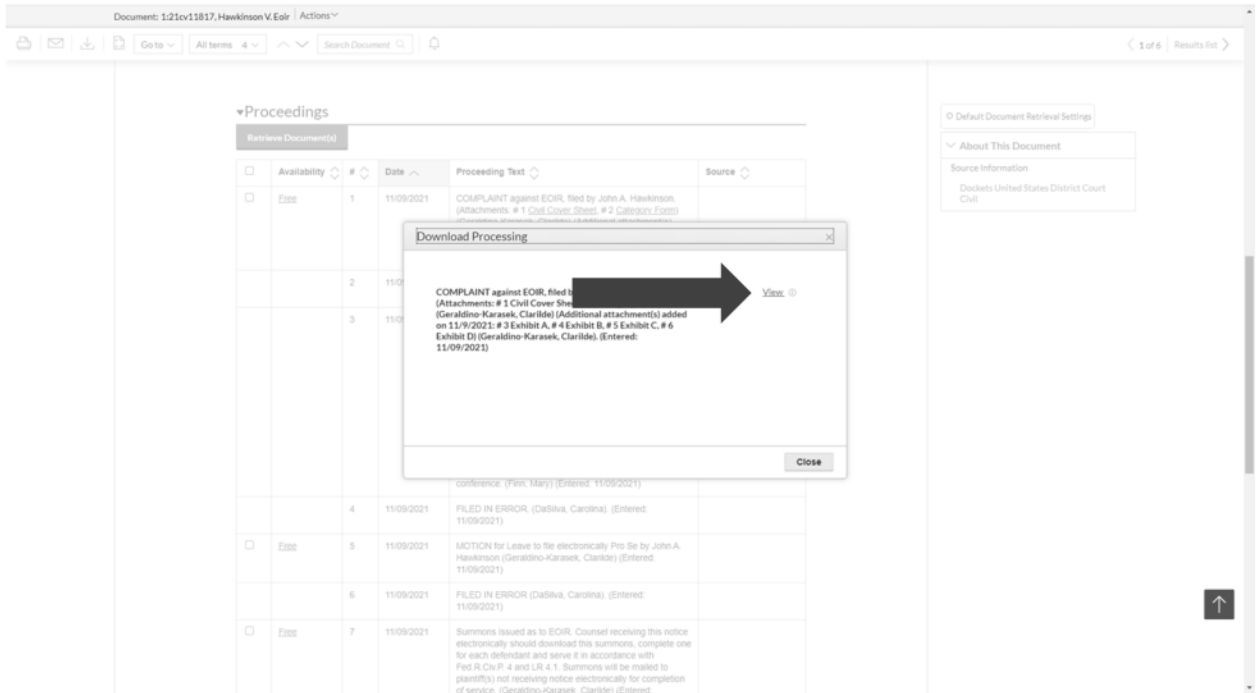
The screenshot shows the 'Proceedings' section of the CourtLink interface. A table lists seven proceedings, all with an availability of 'Free'. The table columns are Availability, Date, Proceeding Text, and Source. The first row is highlighted with a black box, indicating the document to be opened.

Availability	Date	Proceeding Text	Source
Free	11/09/2021	COMPLAINT against EOIR, filed by John A. Hawkinson (Attachments: # 1 Civil Cover Sheet, # 2 Category Form) (Geraldino-Karasek, Claride) (Additional attachments) added on 11/9/2021 # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D) (Geraldino-Karasek, Claride). (Entered: 11/09/2021)	
	11/09/2021	Filing fee payment: \$ 402.00, receipt number 1BS7087132 for 1 Complaint. (Phillips, Sophie) (Entered: 11/09/2021)	
	11/09/2021	NOTICE of Case Assignment. Magistrate Judge M. Page Kelley assigned to case. Plaintiff's counsel, or defendant's counsel if this case was initiated by the filing of a Notice of Removal, are directed to the Notice and Procedures regarding Consent to Proceed before the Magistrate Judge which can be downloaded here. These documents will be mailed to counsel not receiving notice electronically. Pursuant to General Order 09-3, until the Court receives for filing either a consent to the Magistrate Judge's jurisdiction or the reassignment of the case to a District Judge, the initial assignment of a civil case to the Magistrate Judge is a referral to the Magistrate Judge under 28 USC 636(b) for all pretrial non-dispositive matters and Report and Recommendations, but not for the Rule 16(b) scheduling conference. (Firm, Mary) (Entered: 11/09/2021)	
	11/09/2021	FILED IN ERROR (DaSilva, Carolina) (Entered: 11/09/2021)	
Free	11/09/2021	MOTION for Leave to file electronically Pro Se by John A. Hawkinson (Geraldino-Karasek, Claride) (Entered: 11/09/2021)	
	11/09/2021	FILED IN ERROR (DaSilva, Carolina) (Entered: 11/09/2021)	
Free	11/09/2021	Summons issued as to EOIR. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Geraldino-Karasek, Claride) (Entered: 11/09/2021)	

- i. A Confirm Selection window will appear
- i. Click Get Documents



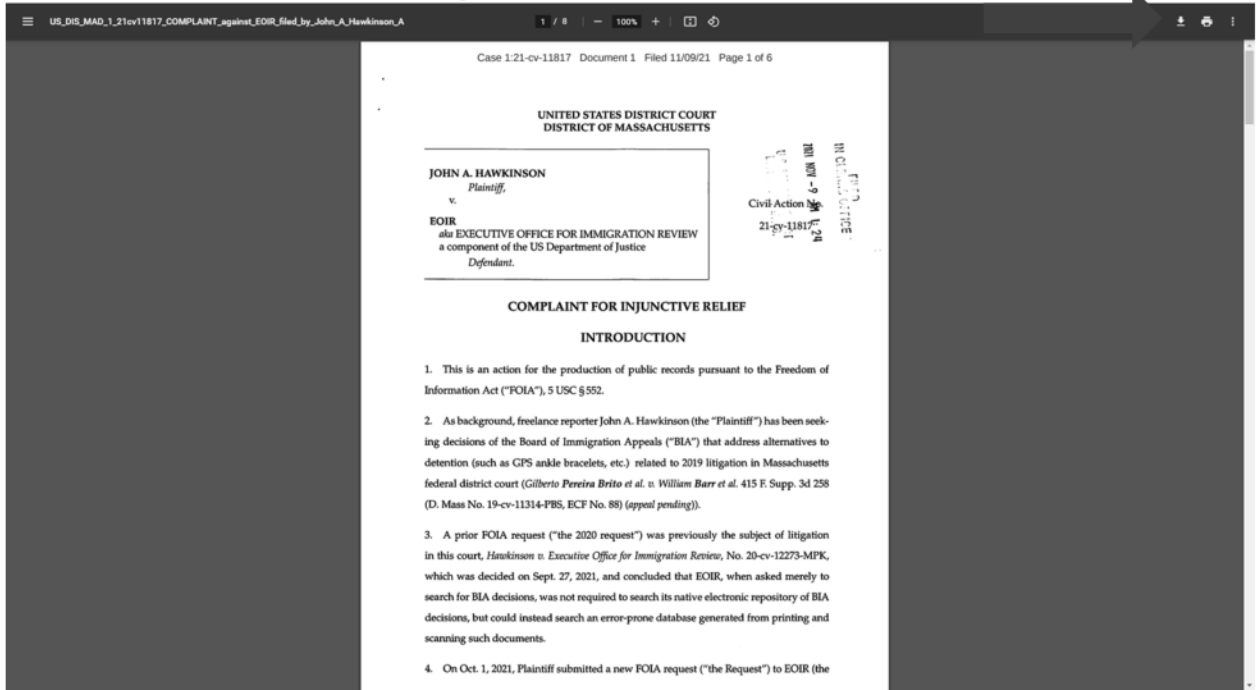
- j. A Download Processing window will appear
- i. Click View



- k. The document will appear in a new window



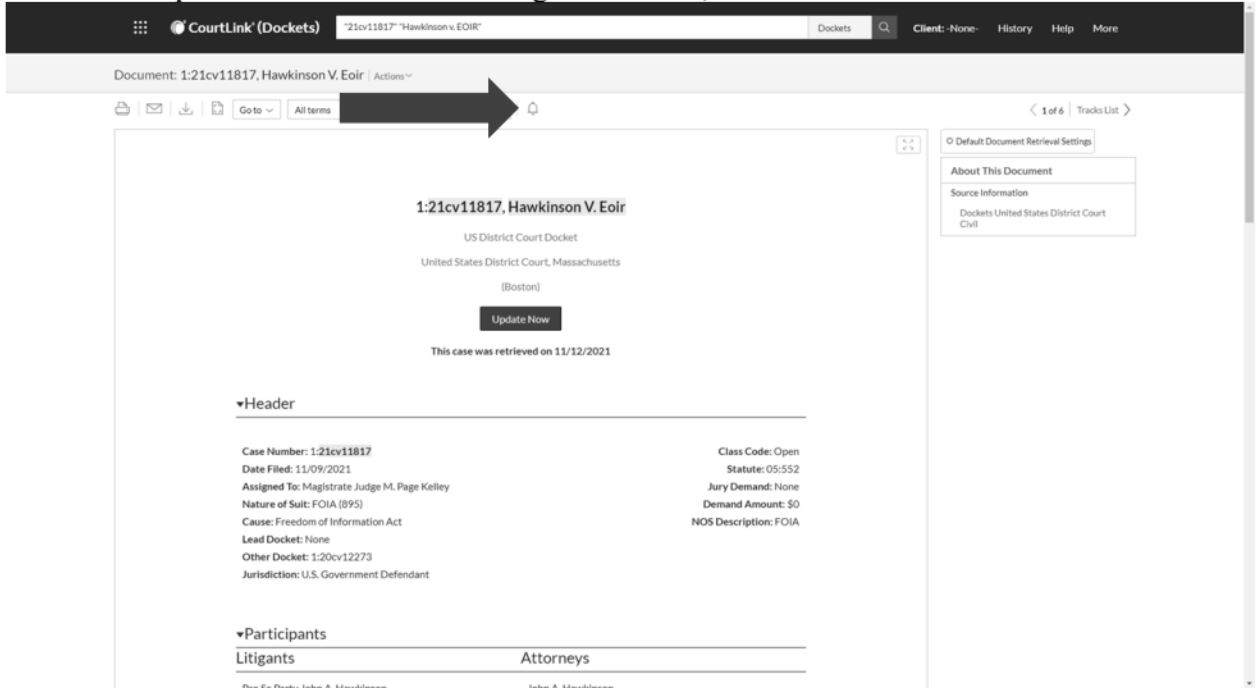
- i. Click download icon on the right-hand corner
- ii. Save the docket entry in 2-Docket subfolder



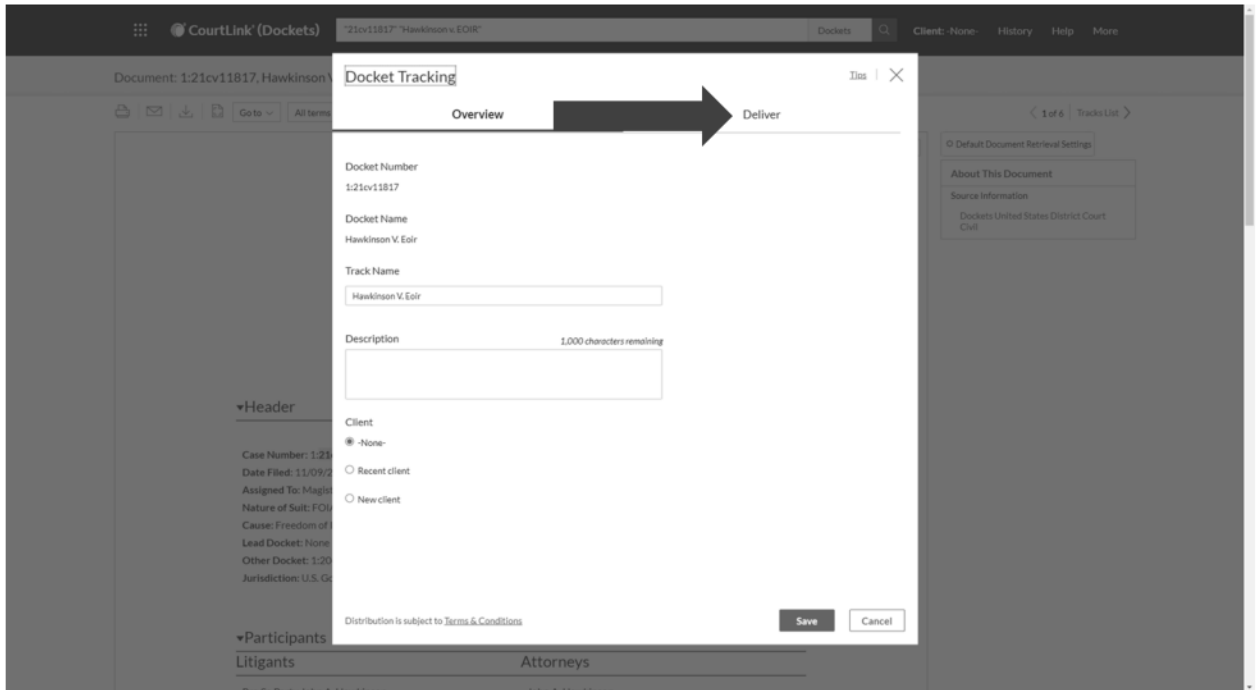
1. Number the docket entry using the Document # and name the docket entry with a brief description of the filing

Name	Date modified	Type	Size
01 - Complaint.pdf	11/12/2021 8:10 AM	Adobe Acrobat Docum...	1,052 KB
05 - Plaintiff's Motion for Leave to File Electronically P...	11/12/2021 8:12 AM	Adobe Acrobat Docum...	438 KB
07 - Summons.pdf	11/12/2021 8:12 AM	Adobe Acrobat Docum...	80 KB
10 - Summons.pdf	11/12/2021 8:23 AM	Adobe Acrobat Docum...	3,342 KB
11 - Summons.pdf	11/12/2021 8:24 AM	Adobe Acrobat Docum...	173 KB
12 - Summons.pdf	11/12/2021 8:24 AM	Adobe Acrobat Docum...	205 KB
2022-00208 Litigation Files.pdf	11/12/2021 8:30 AM	Adobe Acrobat Docum...	4,428 KB

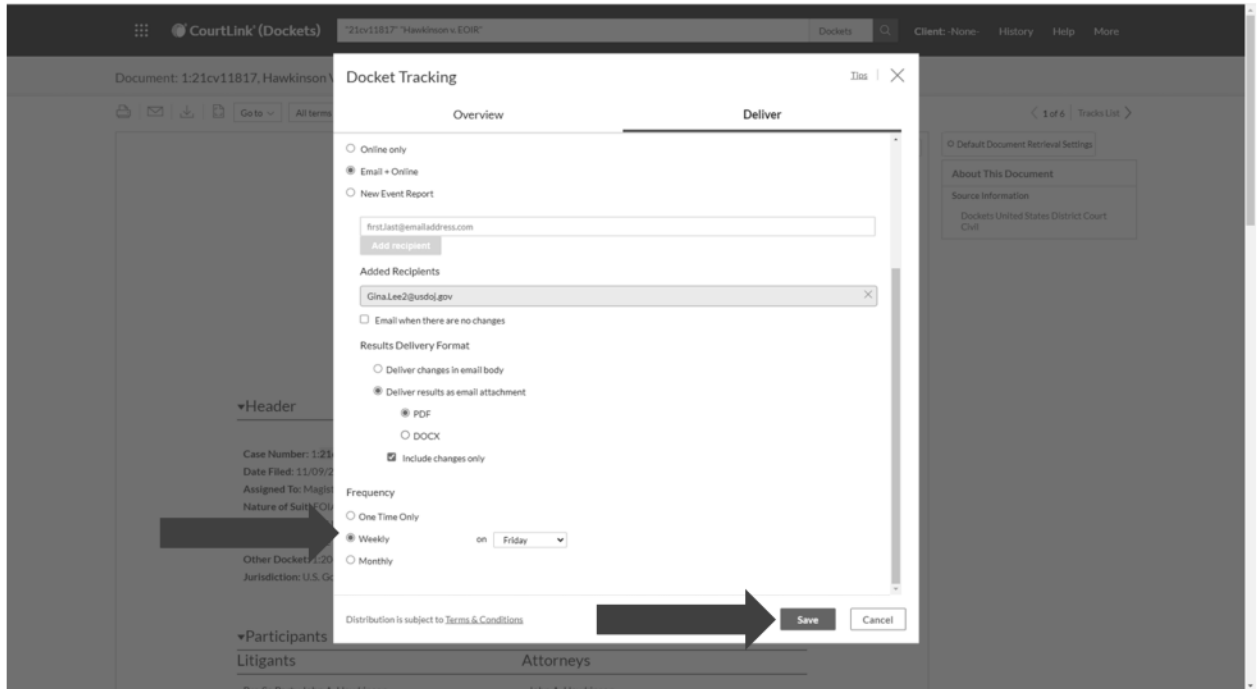
- 8. Create a track in Courtlink to receive alerts
  - a. On top of the document of the litigation matter, click a bell icon



- b. A Docket Tracking window will appear
  - i. Go to Deliver tab



- c. Select your preference for Duration and Delivery type. Enter your DOJ email address under Added Recipients. Under Frequency, select Weekly on Friday. Click Save.



9. Finally, update the Litigation Tracker
  - a. Go to K Drive \ FOIA \ LITIGATION
  - b. Open an excel spreadsheet, titled FOIA Litigation Tracker
  - c. Enter information relating to the litigation matter
  - d. And Save

To organize and track complex appeals, follow these steps:

1. Review the complex appeal correspondence from OIP and identify the underlying FOIA request.
2. Locate the folder for the FOIA request in K Drive
3. In the FOIA request folder, create a subfolder and rename it "4 Appeal" or "4-Appeal"
4. Download/save all of the attachments in the complex appeal correspondence from OIP in the "4-Appeal" subfolder
5. Rename the attachments using the following naming convention:
  - a. OIP Control No. (EOIR Control No.)\_DESCRIPTION OF CORRESPONDENCE
    - i. Ex. DOJ-AP-20-XXXXXX (2019-XXXXXX)\_Appeal – this means this is the basis of the requester appeal
    - ii. Ex. A-20-XXXXXX (2020-XXXXXX)\_OIP-EOIR\_REMAND – this means it is a memo from OIP to EOIR remanding an appeal
    - iii. Ex. A-20-XXXXXX (2020-XXXXXX)\_OIP-EOIR\_AFFIRM – this means it is a memo from OIP to EOIR affirming EOIR's response
    - iv. etc.
6. Rename the FOIA request folder, adding an "-A" or "-APPEAL" after the EOIR control no.
  - a. Ex. 2022-06406-APPEAL Vacancy Announcement
7. Create a Shortcut folder of the FOIA request folder and cut/paste the Shortcut folder in the FOIA APPEALS – COMPLEX in K Drive
8. Update the Appeal Logs FY2018 –FY2021 spreadsheet to include the complex appeal
  - a. Go to K Drive \ FOIA \ FOIA Appeal Logs
  - a. Open Appeals Logs FY2018-FY2021 spreadsheet
  - b. Enter a new entry for the complex appeal
    - i. Received – enter when you received the complex appeal correspondence from OIP
    - ii. OIP Appeal No. – enter the OIP Control No.
    - iii. EOIR FOIA No. – enter the EOIR Control No.
    - iv. Assigned – enter the name of the case manager of the underlying FOIA request
    - v. Type of Case – enter the basis of the requester's appeal
      1. Ex. "Adequacy of search"
      2. Ex. "Exemption (b)(6)"
      3. Ex. "Fee Waiver – Deny"
      4. etc.
  - c. Save
9. Inform the case manager of the complex appeal
  - a. Review request history and identify the case manager.
  - b. Email the case manager of the complex appeal

To close out complex appeals in K Drive, follow these steps:

1. Review the OIP adjudication/decision and identify the result of its decision
2. Update the Appeals Logs FY2018-FY2021 with the OIP decision
  - a. Go to K Drive \ FOIA \ FOIA Appeal Logs
  - b. Open Appeals Logs FY2018-FY2021 spreadsheet
  - c. Locate the corresponding complex appeal

- d. Log in the Date of OIP Decision in Column G
  - e. Log in the OIP Decision in Column H
    - i. Ex. "Remand"
    - ii. Ex. "Affirm"
    - iii. Ex. "Moot"
    - iv. etc.
  - f. Save
3. If the OIP decision is "Remand," forward the OIP correspondence to the case manager of the FOIA request, informing him/her that the appeal has been remanded.
  4. Close the complex appeal in K Drive
    - a. Go to K Drive \ FOIA \ FOIA APPEALS – COMPLEX
    - b. Locate the corresponding Shortcut folder
    - c. Move the Shortcut folder to the appropriate Closed folder.
      - i. Move complex appeals closed between October 1, 2019 – September 30, 2020 to FY2020
      - ii. Move complex appeals closed between October 1, 2020 – September 30, 2021 to FY2021
      - iii. Move complex appeals closed between October 1, 2021 – September 30, 2022 to FY2022
      - iv. etc.

A **non-targeted** request is one in which the requester does **not** identify the non-citizen's A# or name. Rather, the requester asks for something based on parameters other than PII (e.g., "all decisions by IJ so-and-so for 2018"). In general, the following redactions apply under exemption (b)(6) unless otherwise notated.

Redact	Do Not Redact
<p><b>Personal Names &amp; Numbers</b></p> <ul style="list-style-type: none"> <li>✓ <b>A-numbers</b></li> <li>✓ <b>Alien and third-party</b> (including expert witness) names, initials, and signatures</li> <li>✓ <b>DHS official</b> (e.g., asylum officer) names, signatures, and any other identifying items/numbers – use (b)(6) and (b)(7)(C) in accordance with DHS policy</li> <li>✓ <b>Third-party</b> names of persons in high positions but not necessarily famous (e.g., director of Liberian police)</li> <li>✓ <b>Alien and third-party</b> nicknames and their translations</li> <li>✓ <b>Transcriber</b> names and their signatures (transcribers are not Federal employees)</li> <li>✓ <b>Social Security Numbers</b></li> <li>✓ <b>Foreign document</b> info (e.g., foreign passport info, date of foreign-issued visa)</li> <li>✓ <b>Financial</b> account and credit card numbers</li> <li>✓ Any <b>tax</b> return info</li> <li>✓ <b>Vehicle</b> registration info (e.g., license plates)</li> <li>✓ Any other <b>personal identification numbers</b></li> </ul>	<p><b>Personal Names &amp; Numbers</b></p> <ul style="list-style-type: none"> <li>✗ The "A" before the A-number</li> <li>✗ <b>Prefixes</b> (e.g., Mr., Mrs., Ms., Dr.)</li> <li>✗ <b>Age</b></li> <li>✗ Names and signatures of <b>EOIR employees</b></li> <li>✗ Names and signatures of <b>Attorney of Record</b></li> <li>✗ <b>Amici Curiae</b> or "friend of the Court"</li> <li>✗ Third-party names of <b>historical/famous</b> figures (e.g., Charles Taylor, who headed the National Patriotic Front of Liberia (NPLF))</li> <li>✗ Names of <b>deceased</b> individuals (unless there is a heightened risk of exposing other parties)</li> <li>✗ <b>Public notary</b> names and signatures</li> </ul>
<p><b>Procedural Names &amp; Numbers</b></p> <ul style="list-style-type: none"> <li>✓ <b>Non-EOIR docket</b> or tracking numbers (e.g., criminal/civil complaint)</li> <li>✓ <b>Respondent's entire name + any parenthetical or explanatory statement in non-precedential decision citations</b></li> <li>✓ <b>Respondent's entire name</b> in Westlaw, Lexis, or other research database citations</li> <li>✓ <b>Respondent's entire name</b> in <b>Federal Appendix</b> (F. App'x.) citations appearing in vol. 715 or later</li> <li>✓ <b>A-numbers</b> appearing throughout any decision from any database, even if in the public domain</li> </ul>	<p><b>Procedural Names &amp; Numbers</b></p> <ul style="list-style-type: none"> <li>✗ <b>Precedential</b> decision citations</li> <li>✗ "v. US"; "v. Sessions"; "Matter of"; etc.</li> <li>✗ Respondent's entire name in <b>Federal Appendix</b> (F. App'x.) citations appearing in <b>volumes 1–714</b>—these decisions can be found in the public domain at <a href="https://cite.case.law/f-appx/">https://cite.case.law/f-appx/</a></li> </ul>
<p><b>Images or Person Descriptions</b></p> <ul style="list-style-type: none"> <li>✓ <b>Photographs</b> of persons</li> <li>✓ Detailed physical <b>descriptions</b> (e.g., specific scars/permanent physical injuries)</li> </ul>	<p><b>Images or Person Descriptions</b></p> <ul style="list-style-type: none"> <li>✗ <b>Gender</b>, including <b>pronouns</b> or <b>prefixes</b> (e.g., Mr., Ms.)</li> </ul>
<p><b>Locating Information</b></p> <ul style="list-style-type: none"> <li>✓ <b>Personal or business</b> phone numbers/e-mail, even for Federal employees, including EOIR employees, unless this information is already available to the public (<b>email name only, not domain</b>)</li> <li>✓ <b>DHS official</b> (e.g., asylum officer) email (<b>name only, not domain</b>), phone, and physical address – use (b)(6) and (b)(7)(C) in accordance with DHS policy</li> <li>✓ Personal or business street <b>address</b></li> <li>✓ Specific work or school <b>name/location</b> (e.g., "Walmart," "Nashville")</li> <li>✓ Specific <b>town</b> or <b>village</b> name, if small</li> <li>✓ Name of <b>tribe</b> or other group, if small</li> </ul>	<p><b>Locating Information</b></p> <ul style="list-style-type: none"> <li>✗ Government <b>email</b> domain (e.g., ice.dhs.gov; doj.gov)</li> <li>✗ Official <b>government</b> address (court, ICE, etc.)</li> <li>✗ <b>General location</b> (e.g., Texas)</li> <li>✗ <b>EOIR Immigration Court</b></li> <li>✗ <b>ICE Detention Facility</b></li> <li>✗ <b>Attorney of Record</b> email addresses, phone numbers, and physical addresses</li> </ul>
<p><b>Dates</b></p> <ul style="list-style-type: none"> <li>✓ Dates of <b>birth</b></li> <li>✓ Dates of <b>marriage</b></li> <li>✓ Dates of any <b>report not issued by EOIR</b></li> <li>✓ Dates related to <b>criminal</b> matters <ul style="list-style-type: none"> <li>○ Charge</li> <li>○ Arrest</li> <li>○ Conviction</li> </ul> </li> </ul>	<p><b>Dates</b></p> <ul style="list-style-type: none"> <li>✗ Years (rather than full dates) of <b>birth, marriage, or criminal</b> matters</li> <li>✗ <b>Administrative</b> dates (e.g., date of hearing, date of change of venue, date of motion to reopen filing, date of brief filing, etc.)</li> <li>✗ Date <b>non-citizen entered</b> country</li> </ul>

SOP OGC-22-006 Redacting Decisions - Non-targeted

o Sentencing	2022-54730	00000027993	"UNCLASSIFIED"	10/19/2022
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### Common FOIA exemptions applied to untargeted requests:

**Exemption (b)(6)**—“personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy”

- If the information that is left unredacted (i.e., it is disclosed) could lead to identification of an individual, redact under (b)(6).
- After you have redacted names, A#s, and other obvious PII, the individual is (for the most part) anonymous now to the requester reading this redacted decision. Therefore, for related information (e.g., a **medical condition**), since the requester does **not** know who this individual is, there is no reason to redact that information. You should ask yourself, “with the information that is redacted (i.e., obvious PII), would a reference to a medical condition identify any particular individual?” The answer is almost always “no,” so you should not redact that information.
- **“Small towns”**—depends on context. In general, redact names of secluded villages or boroughs where everyone knows each other. Falls Church would likely not qualify unless the request deals with a very small minority that lives there in a group.
- **“Small groups”** (e.g., tribe, political party)—only redact if it appears to be **associated with the alien who is the subject of that decision**. Ask yourself, “with the information that is redacted (i.e., obvious PII), would a reference to a tribe or political party identify any particular individual”? It is hard to tell sometimes, but, in any case and in general, a political party is frequently **not** a “small group.” You should **not** redact **political party names/acronyms** unless it appears that the alien is a **member** of the party. You should **never** redact **political party names/acronyms** when the discussion is in reference to a political party name/acronym that is **not** associated with the alien. The reason is because it does **not** identify the alien, it is information associated with someone else, so it cannot possibly be PII identifying the alien.
- **“Mosaic Approach”**—**detail about a specific event** related to the non-citizen in his/her country of origin, which, in **combination**, *could* identify the non-citizen should be redacted. It is usually information followed by **“respondent testified that . . .”** Flag it if you are unsure.

**Exemption (b)(5)**—“inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested.

To determine if (b)(5) is appropriate, ask the following questions:

- **Step 1:** Is the information covered by attorney-client privilege, attorney work-product privilege, or the deliberative process privilege, which could include pre-decisional records, such as drafts?
- **Step 2:** If it is deliberative in nature, could its release **foreseeably harm** the “free and uninhibited exchange . . . of opinions, ideas, and points of view” within an agency’s decision-making process? *Ackerly v. Ley*, 420 F.2d 1336, 1341 (D.C. Cir. 1969). In other words would redacting the information “prevent injury to the quality of agency decisions?” *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 151 (1975).
- **Examples:**
  - In case summaries sent to judges, look for **“gloss”** or places where the attorney included his/her own opinion or recommendation in addition to the factual summary.
  - In training slides, look for information added to restatements of law that references how the judge would **apply** that information to other types of cases.



**Other exemptions** may be needed—refer to The Freedom of Information Act, 5 U.S.C. § 552 ([justice.gov](https://www.justice.gov)).

- **(b)(3)**—Information that is prohibited from disclosure by another federal law. This **may not be used without OIP’s permission** unless it is because VAWA has been granted. If so, withhold in full under b(6) and b(3) and inform OIP that you are using it for that reason.
- **(b)(7)(C)**—Law enforcement purposes—could reasonably be expected to constitute an unwarranted invasion of privacy. Use for DHS officials (e.g., asylum officer) and Fraud & Abuse Prevention Investigators.
- **(b)(7)(E)**—Information that would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. Could be used for IT infrastructure information, like internal hyperlinks (a stretch but has not yet been challenged).
- **(b)(7)(F)**—Information that could reasonably be expected to endanger the life or physical safety of an individual.

**Do not include the following in your search results:**

- **VAWA (Violence Against Women Act)**—exempt under (b)(3) [must inform OIP] and (b)(6)
  - A red “tag” will appear to the right of the result in the BIA Decisions database that reads “Do not release” and “Battered spouse.”
- **U-visa (Victims of Criminal Activity)**—exempt under (b)(6) and (b)(7)(d) [could reasonably be expected to disclose the identity of a confidential source]
  - A red “tag” will appear to the right of the result in the BIA Decisions database that reads “Do not release”
- **T-visa (Victims of Human Trafficking)**—exempt under (b)(6)
  - A red “tag” will appear to the right of the result in the BIA Decisions database that reads “Do not release”

**Note:** The “Do Not Release” tag in CASE comes from a manual entry by the court (see CASE > Case Info > General Information > Release Info?). Any time a closed hearing is requested (e.g., in written filings, by oral request, or by oral response to IJ’s question), this question in CASE is marked “No,” which translates into the “Do Not Release” red tag in BIA Decisions.

If you have a need to know the reason for the tag, try using ctrl+f to find “U visa” or “T visa.” You could also try going to CASE > Schedule and listen to the hearings’ audio records. You can also check the eROP if it exists.

Sometimes the “Do Not Release” tag is entered by mistake in regards to an I-589 Application for Asylum and for Withholding of Removal.

## Requests from Federal Public Defenders (FPD)

1. Review the request forwarded by Intake
2. Determine whether the requester is a federal public defender:
  - a. Requester is a true FPD if:
    - i. Their email domain is @fd.org
    - ii. You may also check the Federal Public & Community Defender Directory at [https://fd.org/sites/default/files/cja\\_resources/defenderdir.pdf](https://fd.org/sites/default/files/cja_resources/defenderdir.pdf) to see if their office is listed
3. If the requester is a true FPD, it is NOT a FOIA request and must be closed as improper.
  - a. First, send correspondence to the requester
    - i. Go to Correspondence
    - ii. Select SIMPLE-Response-Other-(D)(6)-FPD
      1. Revise the template
        - a. For the name of the immigration court
          - i. Search A# in CASE
          - ii. Click on the A#
          - iii. Go to Case Info
          - iv. In the Case Location, the name of the immigration court will be displayed
        - b. For the name of the Court Administrator
          - i. Go to <https://www.justice.gov/eoir/eoir-immigration-court-listing>
          - ii. Search the Court Administrator
        - c. For the email address of the Court Administrator
          - i. Open a new email in Outlook
          - ii. Search the Court Administrator using their name
      - iii. Click Send Email
    - b. Second, conduct the Final Actions to close the request
      - i. Go to Final Actions
      - ii. Double-click the Description line
        1. Select Other Reasons from the drop-down menu
        2. Select (D)(6) Improper FOIA Request for Other Reason
        3. Click Save
    - c. Lastly, close the request
      - i. Go to Close Request
      - ii. Select the current date in Closed Date field
      - iii. Enter 0 (zero) in the Number of Records Posted for Public Inspection
      - iv. Click Yes when close request confirmation window pops up

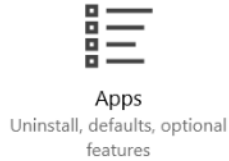
1. Go to Windows icon in the left-hand corner of your screen



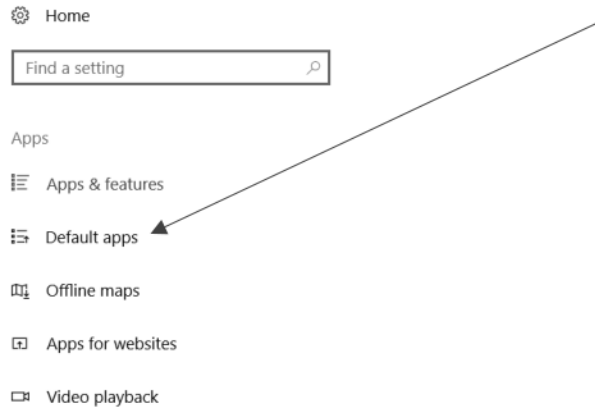
2. Click the settings icon



3. Go to Apps Uninstall, defaults, optional features



4. Go to Default Apps



5. Go to Choose default apps by file type

Reset to the Microsoft recommended defaults

Reset

Choose default apps by file type

Choose default apps by protocol

Set defaults by app

6. Scroll down to .pdf, hover over the Adobe Acrobat 2017 icon, left-click the icon, and select Adobe Acrobat 2017 under Choose an App

PDB File

.pdf

Adobe Acrobat Document

ndfvmi

Choose a default



Adobe Acrobat 2017

Choose a default



# Export Email to a PST/Archive File for FOIA

## Quick Reference Guide

### Introduction

Personal-storage-table (PST) files are used to store/archive Outlook message files outside of your Inbox. This document contains information about exporting email messages to a PST file for transfer to FOIA.

### Create a Mailbox Folder

Before conducting your search, create a new mailbox folder in Outlook to store transferred copies of emails associated to the FOIA request. Name the new folder using the FOIA Control Number + your name, or "TEMP" e.g., "2021-XXXXX YOUR NAME" or "TEMP"

1. In Outlook, right-click the Inbox or desired subfolder to create a new folder within it (Figure 1).

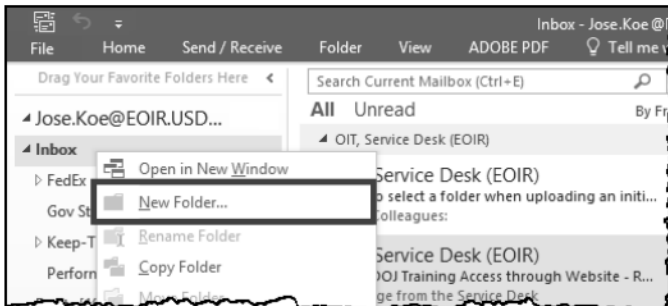


Figure 1

2. Select **New Folder** from the drop-down menu, and rename it appropriately, using the naming convention mentioned above.

### Copy Email to the New Folder

Conduct a search using the Search Current Mailbox (Ctrl E) search box and transfer potentially responsive emails to the new folder. Repeat the following two steps until all associated emails are copied to the new folder.

1. Select the email(s) to copy. (Press and hold the **Ctrl** key to select multiple emails.)

2. Right-click and hold the selected email(s), click Move, click Copy to Folder, and then select new folder to transfer copies of the e-mails from your search to the new folder.

### Export the New Folder to a PST File

Use the Import and Export Wizard to export the new folder to your H: drive (the default Outlook PST file location) as follows:

1. Click the **File** tab in Outlook.
2. Click **Open & Export** on the navigation menu, and then click **Import/Export** (Figure 2).

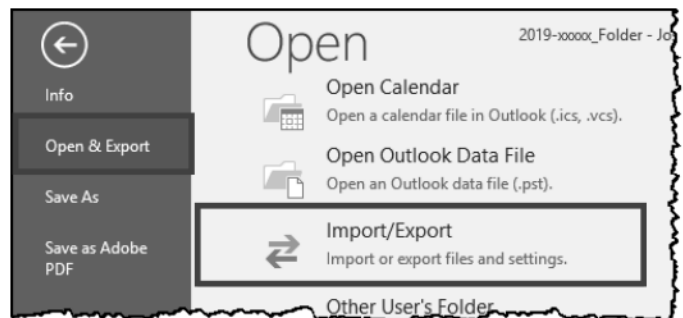


Figure 2

3. The Import and Export Wizard opens. Select **Export to a file** (Figure 3). Click **Next**.



# Export Email to a PST/Archive File for FOIA

## Quick Reference Guide

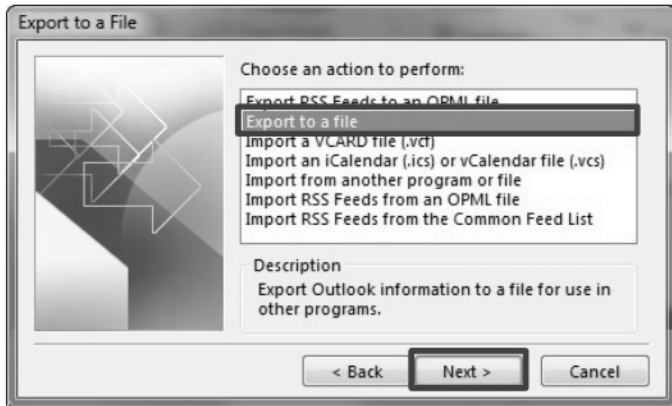


Figure 3

4. Select **Outlook Data File (.pst)** (Figure 4). Click **Next**.

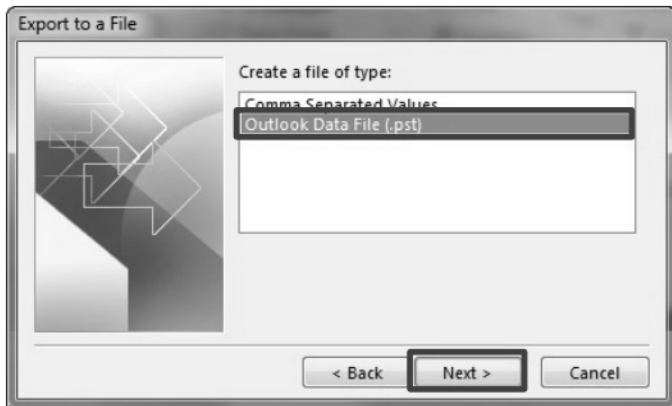


Figure 4

5. Select the folder to export from (the new folder) (Figure 5). Click **Next**.



Figure 5

6. Click **Browse** (Figure 6). The browser window opens (not shown) to a location and the file name will auto-populate in the File name field. Navigate to the location where you want to save the .pst and type in the File name: "2021-XXXXX." Click **OK** and the browser window closes.
7. Click **Finish** on the Export Outlook Data File window (Figure 6).

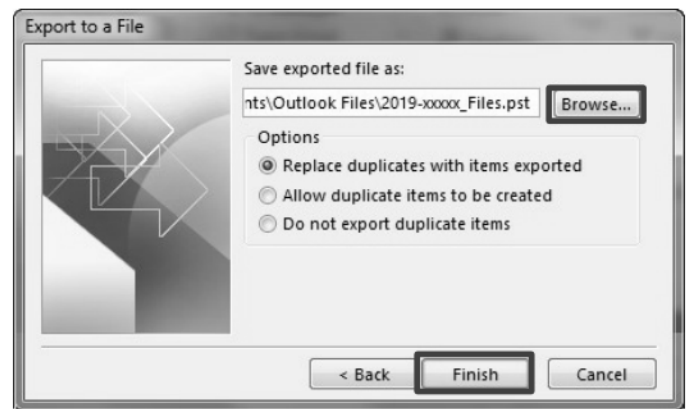


Figure 6

8. The Create Outlook Data File dialog box opens (Figure 7). Click **OK**.

**Note:** Do not enter a password; simply click **OK** to create/save the .pst

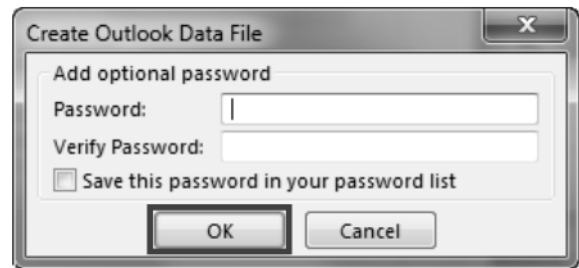


Figure 7

### Transfer the PST File to FOIA

Notify FOIA office once your search and .pst export is complete to set up a transfer to a Shared Drive (NOTE: a .pst file cannot be added as attachments in an email).

For additional help on PST files, contact OIT.

1. Upon receipt of the check, make a copy and any attached invoice and scan and send to the EOIR Finance mailbox below. EOIR Finance will confirm receipt.

EOIR.FinanceOperations@EOIR.USDOJ.GOV

2. After scanning and sending the copies of the check and applicable invoice, mail the check and applicable invoice to JMD:

Finance Staff\Operations and Reporting Staff-Cash Receipts Unit  
ATTN: Carolyn Jackson – Supervisor  
2CON Building  
145 N Street N.E. – Rm 7E.1002  
Washington, DC 20530

3. EOIR Finance will complete a JMD form and provide the form to JMD Operations and Reporting group for notification and verification. Note: this step by EOIR Finance does not impact or need to occur prior to step #2.