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Description of document: Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) Return to Work Plan, 2025

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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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DOJ-EOIR FOIA Request # 2026-09472

This correspondence is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) dated September 29, 2025 in which you seek JMD Referral A copy of the Department of Justice Return to Work Implementation Plan, dated February 2025. The Department of Justice was required to submit this Plan to OMB and OPM under the OMB/OPM CHCOC.gov posted memo: Agency Return to Office Implementation Plans, dated January 27, 2025. A copy of the Memo is attached. The Department of Justice provided this Plan to OMB and OPM between January 28, 2025 and February 8, 2025..

A search was conducted and records responsive to your request were located. You are granted full access to the records.

We have classified you as an "other" requester. Requesters under the "other" classification are entitled to two free hours of search time. In this instance, we have waived all fees related to the processing of your request.

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 at EOIR.FOIArequests@usdoj.gov for any further assistance and to discuss any aspect of your request. 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; 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 my 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." If possible, please provide a copy of your original request and this response letter with your appeal.

Sincerely,

Jeniffer Perez Santiago
Associate General Counsel

Implementation Plan for Full Compliance with the Presidential Memorandum on Returning to In-Person Work

I. Introduction

- Overview of agency's approach to returning eligible employees to in-person work
 - EOIR will utilize its multiple field locations across the country as well as other DOJ office locations as needed to return all eligible employees to in-person work. EOIR has already identified potential EOIR and DOJ locations.
 - EOIR will prioritize return to in-person work for current telework employees. The majority of these employees currently work in person 6 days per pay period. EOIR will modify their telework agreements to mandate full time in person work. No routine telework will be permitted. Rather, telework eligible employees will be permitted to telework on an ad hoc/situational basis only (e.g., telework necessitated by inclement weather, national emergencies, special work assignments, allowing closer proximity to polls to vote on election days, etc.).
 - EOIR will also prioritize terminating remote work agreements for employees who are within 50 miles from a current agency worksite. EOIR will instead initiate telework agreements permitting such workers to telework on an ad hoc/situational basis only (e.g., telework necessitated by inclement weather, national emergencies, special work assignments, allowing closer proximity to polls to vote on election days, etc.).
 - EOIR will phase in the return of remote workers who are more than 50 miles from an agency worksite.
- Agency objectives in compliance with the January 20, 2025, Presidential Memorandum
 - The objectives of EOIR to be in full compliance with the January 20, 2025, Presidential Memorandum are:
 1. By February 24, 2025, all eligible employees within 50 miles of an agency office, will return to in-person work full time (subject to any exceptions granted for reasonable accommodations or other compelling reasons).
 2. By May 1, 2025, EOIR will complete the return of all eligible remote workers who are more than 50 miles from a current agency office (subject to any exceptions granted for reasonable accommodations or other compelling reasons).

II. Plan Overview

- Summary of agency steps for compliance
 - Modify all telework agreements.
 - New telework agreements should clarify that routine telework will not be permitted. Rather, telework eligible employees will be permitted to telework on an ad hoc/situational basis only (e.g., telework necessitated by inclement

weather, national emergencies, special work assignments, allowing closer proximity to polls to vote on election days, etc.).

- Identify and work to resolve any office space limitations, also considering the need for private office space for certain employees.
- Ensure employees are provided instructions on current transit subsidy limits and how to request a modification to their transit subsidy if eligible.
- Remote Workers
 - Identify EOIR locations for remote workers within 50 miles from an agency worksite to have their duty location assigned to, and promptly assign new duty location and cancel their remote agreements.
 - Identify EOIR, DOJ, and other federal office locations for remote workers more than 50 miles from an agency office to have their duty location assigned to.
 - Cancel remote work agreements for workers more than 50 miles from an agency office and assign new duty locations.
 - Replace remote agreements with telework agreements clarifying that routine telework will not be permitted. Rather, telework eligible employees will be permitted to telework on an ad hoc/situational basis only (e.g., telework necessitated by inclement weather, national emergencies, special work assignments, allowing closer proximity to polls to vote on election days, etc.).

III. Telework Agreement Revisions

- Steps for revising telework agreements for all eligible employees
 - For employees within 50 miles of an agency office: All previous telework agreements will be revised by February 24th, 2025, and employees will return to their assigned duty location in person five days per week. Additionally, EOIR is currently evaluating whether the Compressed Work Schedule (CWS) and Flexible Work Schedule (FWS) are consistent with the January 20, 2025 Presidential Memorandum.
 - For employees who are more than 50 miles from an agency office: All previous telework agreements will be revised by May 1, 2025, and employees will be assigned a duty location and report to that duty location in person 5 days per week.
 - Revised telework agreements should reflect that employees will be permitted to telework on an ad hoc/situational basis only (e.g., telework necessitated by inclement weather, national emergencies, special work assignments, allowing closer proximity to polls to vote on election days, etc.).
- Major milestones and timelines for implementation

- Create new telework agreements permitting only ad hoc/situational telework for employees within 50 miles of an agency office by February 24th, 2025.
- Create new telework agreements permitting only ad hoc/situational telework for employees who are more than 50 miles from an agency office by May 1, 2025.
- All employees within 50 miles of an agency office return to the office in person, full time by February 24, 2025.
- All previous remote workers more than 50 miles from an agency office return to the office full time by May 1, 2025.

IV. Return to In-Person Work

- Timeline for returning all eligible employees to in-person work
 - Assign new duty locations to previous remote workers and identify any exceptions to the policy based on reasonable accommodations or other compelling reasons by February 24, 2025.
- Date of full compliance with the Presidential Memorandum
 - EOIR will be in full compliance with the January 20, 2025 Presidential Memorandum by February 24, 2025 for return to in-person work for all employees who are within 50 miles of an agency office (subject to any exceptions granted for reasonable accommodations or other compelling reasons).
 - EOIR will be in full compliance by May 1, 2025 for return to in-person work for remote workers who are more than 50 miles from a current agency office (subject to any exceptions granted for reasonable accommodations or other compelling reasons).

V. Collective Bargaining Agreements (CBAs)

- Steps to ensure compliance with CBAs, including the review of recent CBAs
 - Consistent with OPM's February 3 *Guidance on Collective Bargaining Obligations in Connection with Return to In-Person Work*, EOIR will review all current CBA language on telework and remote work to determine if any provisions are unenforceable for conflicting with management's statutory rights under 5 U.S.C. § 7106(a) of the Federal Service Labor-Management Relations Statute (FSLMRS).
- Process for updating and negotiating any necessary adjustments
 - EOIR will conduct a review of all CBAs, in consultation with EOIR's Office of General Counsel, and, if appropriate, provide notice and an opportunity to bargain with unions over appropriate subjects consistent with 5 U.S.C. § 7106(b).

VI. Determining New Duty Stations

- Process for identifying and moving remote employees' duty stations

- Office of Administration, Human Resources will work with Space and Facilities as well as Office of the Chief Immigration Judge to identify seats in field locations that are available for the remote workers to report to, also considering the need for private office space for certain employees.
 - When determining duty stations for Immigration Judges who were previously on remote work agreements, a courtroom is not necessary if they can hear cases in a private office using an office DAR.
 - If field locations are unavailable due to space constraints, Office of Administration, Human Resources will work with Space and Facilities as well as consult with the Justice Management Division, General Services Administration, OMB, and local FEBs to identify alternative federal facilities with available space.
 - Once identified, HR will reach out to the remote worker to inform them of their new duty location.
- Estimated costs and resource implications for relocation (if applicable)

VII. Identifying Risks and Barriers

- Risks or resource constraints that could hinder full compliance
 - Lack of available office space at the approved worksite.
 - Lack of IT infrastructure at the approved worksite if it is a non-EOIR worksite.
 - The need to create an agreement if sharing space with a non-EOIR agency worksite, including any security clearances that may be required for access to such space.
 - Any agreements (i.e., settlements) between an employee and the agency that establishes an alternative duty location.
 - Collective bargaining agreements are in place that may prevent immediate compliance for certain employees.
 - Lack of available funding to address any costs associated with compliance with the Memorandum on Return-to-Work, including additional leasing or space acquisition costs, IT infrastructure costs, and relocation costs
- Plan to address and mitigate these barriers
 - Office of Administration, Human Resources will work with Space and Facilities as well as consult with the Justice Management Division, General Services Administration, OMB, and local Federal Executive Boards (FEBs) to identify alternative federal facilities with available space and to request additional funding as needed.

VIII. Exceptions Process

- Criteria for determining exceptions based on disability, medical conditions, or other compelling reasons
 - EOIR has rescinded its policy allowing de facto changes in duty stations as a reasonable accommodation. Thus, employees who have an approved reasonable accommodation for a disability or qualifying medical condition may telework or remote work pursuant to a reasonable accommodation agreement that exempts them from the in-person work requirement only if they cannot perform the work in any office setting with accommodations. EOIR has the ultimate discretion to choose among effective accommodations, and there is no expectation that working from home will be an appropriate reasonable accommodation for most employees.
 - A lack of physical space, as determined by management. If space subsequently becomes available, an employee exempted under this category shall return to the office full time immediately.
 - EOIR employees authorized for telework or remote work pursuant to the terms of a judicial or administrative settlement agreement with EOIR or the Department of Justice may continue to perform such work according to the terms of that agreement. Upon the expiration of the agreement, such employees will be expected to return to in-person work consistent with agency policy.
- Explanation of limited or categorical exemptions (e.g., military spouses)
 - EOIR retains the authority to grant exceptions to the full-time in-person work requirement to recruit and retain specialized workers or OPM & DOJ designated Mission Critical Occupations and adequately staff hard-to-fill positions, and to staff special work assignments and details as necessary.

IX. Conclusion

- Agency's commitment to ensuring full compliance and timely implementation
 - EOIR is fully committed to abiding by the President's EO.