

# EOIR Policy Manual Part I, Chapter 1.5(d) - updated March 7, 2022

## (d) Inspection of the Record

**(1) Parties** - Parties to a proceeding, and their representatives, may inspect the official records of proceedings. Inspection by prior arrangement with the immigration court staff or the Board Clerk's Office, whichever has control over the record, is strongly recommended to ensure that the official record of proceedings is immediately available. Individual immigration courts can be reached by using the following email model "ROP Requests – [City]@usdoj.gov". (A request intended for the Baltimore court, would be "ROP Requests – Baltimore@usdoj.gov; similarly a request for the Chicago court would be "ROP Requests – Chicago@usdoj.gov and so on.) Parties to proceedings before the BIA may make arrangements by calling the Clerk's Office. Part II, [Chapter 1.5\(c\)](#) (Records), Part III, [Chapter 1.5\(d\)](#) (Records). Parties may review the entire record, except any classified information or documents under a protective order. EOIR prohibits the removal of records by parties or other persons. For information about obtaining copies of the records, see Part I, Chapter 1.5(d)(3)(C) (Copies of the Record) (below).

**(2) Non-parties** - Persons or entities who are not party to a proceeding must file a request for information pursuant to the Freedom of Information Act (FOIA) with the EOIR Office of General Counsel in order to inspect the record. See Part I, [Chapter 2](#) (Freedom of Information Act).

## (3) Copies of the Record

**(A) Parties** - Both the Board and the immigration courts will provide copies of the official records of proceedings to parties and their representatives of record upon request. Parties may obtain a copy of all portions of the record that are not prohibited (e.g., classified information, documents under a protective order). Requests for copies of the official record of proceedings may be made in person at the immigration courts or Board, by mail, or via email. See email address model at Part I, Chapter 1.5(d)(1). The BIA can be emailed at "ROP Requests - BIA@usdoj.gov". Neither the immigration courts nor the Board provide self-service copying. Alternatively, the parties can file a request for information pursuant to the Freedom of Information Act (FOIA) with the EOIR Office of the General Counsel. See Part I, [Chapter 2](#) (Freedom of Information Act).

Audio Recordings - Cassette Tape Recordings and Digital Audio Recordings- Immigration Judges previously recorded immigration court hearings on cassette tapes and now record immigration court hearings digitally. The court will provide a copy of the hearing recording in digital format at the request of a party.

**(B) Non-parties** - Neither the immigration courts nor the Board Clerk's Office will provide non-parties with copies of any official record, whether in whole or in part. Non-parties must file a request for information under FOIA. See Part I, [Chapter 2](#) (Freedom of Information Act).

**(C) Confidentiality** - EOIR must balance the public's need for information with the protection of persons who appear before the immigration courts and the Board. Both the immigration courts and the Board take special precautions to ensure the confidentiality of cases involving applicants for asylum, for withholding of removal under INA § 241(b)(3), and for relief under the Convention Against Torture; reasonable fear proceedings; battered alien spouses and children; exclusion proceedings; classified information; and information subject to a protective order. See, e.g., 8 C.F.R. § 1003.27(c); see also ICPM, [Chapter 4.9](#) (Public Access), Part III, [Chapter 8.5](#) (Public Access).

EOIR takes steps to identify records of proceedings involving battered spouses or children to prevent unauthorized disclosure. EOIR keeps all records of proceedings involving battered spouses closed to the public unless the battered spouse authorizes the disclosure, and all records of proceedings involving battered children are always excluded from disclosure. See 8 C.F.R. § 1003.27(c).

<sup>[1]</sup> Department of Justice employees who, without authorization, willfully use or disclose information related to proceedings involving a battered spouse or child to anyone (other than a sworn officer or employee of the Department of Justice for legitimate Department purposes) may be subject to disciplinary action and a civil money penalty of up to \$5,000. INA § 384(c), 8 U.S.C. § 1367(c).

## **EOIR Policy Manual Part I, Chapter 2.2(b) - Updated March 7, 2022**

### **(b) Who May File**

#### **(1) Parties**

**(A) Inspecting the Record** - A FOIA request is not required. Parties to a proceeding and their legal representatives may inspect the official record of proceedings. Prior arrangements with court staff is strongly recommended to ensure a record is immediately available. Parties to proceedings before the immigration courts may make arrangements with the relevant immigration court staff, while parties to proceedings before the BIA may make arrangements by calling the Clerk's Office. Individual immigration courts can be reached by using the following email model "ROP Requests – [City]@usdoj.gov". (A request intended for the Baltimore court, would be "ROP Requests – Baltimore@usdoj.gov; similarly a request for the Chicago court would be "ROP Requests – Chicago@usdoj.gov and so on.) .

**(B) Copies of the Record** - A FOIA request is not required. Both the BIA and the immigration courts will provide copies of the official record of proceedings to parties and their representatives of record upon request. Parties may obtain a copy of all portions of the record that are not prohibited to the party (e.g., classified information, documents under a protective order). Requests for copies of the official records of proceedings may be made in person at the immigration courts, by mail, or via email. See email address model in Part I, Chapter 2.2(b)(1)(A) to contact a court or the BIA.

**(C) Non-Parties** - Persons who are not a party to a proceeding must file a FOIA request with the EOIR Office of the General Counsel if they wish to obtain copies of the record of proceeding.

## EOIR Policy Manual Part II, Chapter 1.5(c) - updated March 7, 2022

### (c) Records

**(1) Inspection by parties** - Parties to a proceeding, and their representatives, may inspect the official record, except for classified information, with the immigration court having control over the record. See [Chapters 3.1\(a\)\(1\)](#) (Administrative Control Court), [4.10\(c\)](#) (Record of Proceedings). Inspection by prior arrangement with court staff is strongly recommended to ensure that the official record is immediately available. Individual immigration courts can be reached by using the following email model “ROP Requests – [City]@usdoj.gov”. (A request intended for the Baltimore court, would be “ROP Requests – Baltimore@usdoj.gov; similarly a request for the Chicago court would be “ROP Requests – Chicago@usdoj.gov and so on.) Removal of records by parties or other unauthorized persons is prohibited.

**(2) Inspection by non-parties** - Persons or entities who are not a party to a proceeding must file a request for information pursuant to the Freedom of Information Act (FOIA) with the EOIR Office of the General Counsel to inspect the Record of Proceedings. See [Chapter 12](#) (Freedom of Information Act).

**(3) Copies for parties** - The immigration court will provide copies of the official record of proceedings to parties and their representatives of record upon request. Parties may obtain a copy of all portions of the record that are not prohibited to the party (e.g., classified information, documents under a protective order). Requests for copies of the official record of proceedings may be made in person at the immigration courts, by mail, or via email. See email address model in Part II, [Chapter 1.5\(C\)\(1\)](#). The immigration courts do not provide self-service copying. Alternatively, the parties may file a request for information pursuant to the Freedom of Information Act (FOIA). See [Chapter 12](#) (Freedom of Information Act).

**(4) Audio Recordings** - Cassette Tape Recordings and Digital Audio Recordings- Immigration Judges previously recorded immigration court hearings on cassette tapes and now record immigration court hearings digitally. The court will provide a copy of the hearing recording in digital format at the request of a party.

**(5) Copies for non-parties** - Persons who are not a party to a proceeding must file a FOIA request with the EOIR Office of General Counsel if they wish to see or obtain copies of the record of proceeding. See [Chapter 12](#) (Freedom of Information Act).

**(6) Confidentiality** - The immigration courts take special precautions to ensure the confidentiality of cases involving aliens in exclusion proceedings, asylum applicants, battered alien spouses and children, classified information, and information subject to a protective order.

**(7) Electronic records.** — For cases with electronic records of proceeding (eROPs), eligible parties may view and download the eROP through the EOIR Courts & Appeals System (ECAS).

## EOIR Policy Manual Part II, Chapter 12.2(a) - updated March 7, 2022

### 12.2 - REQUESTS

For detailed guidance on how to file a FOIA request, individuals requesting information under the Freedom of Information Act should consult the Executive Office for Immigration Review (EOIR) website at [www.justice.gov/eoir](http://www.justice.gov/eoir) or contact the EOIR FOIA unit. See [Appendix A](#) (EOIR Directory). General guidelines are as follows.

#### (a) Who May File

##### (1) Parties

**(A) Inspecting the record** - A FOIA request is not required. Parties to an immigration court proceeding, and their legal representatives, may inspect the official record of proceedings. Inspection by prior arrangement with court staff is strongly recommended to ensure that the official record is immediately available. Individual immigration courts can be reached by using the following email model “ROP Requests – [City]@usdoj.gov”. (A request intended for the Baltimore court, would be “ROP Requests – Baltimore@usdoj.gov; similarly a request for the Chicago court would be “ROP Requests – Chicago@usdoj.gov and so on.) See [Chapter 1.5\(c\)](#) (Records).

**(B) Obtaining copies of the record** - A FOIA request is not required. The immigration courts will provide copies of the official record of proceedings to parties and their representatives of record upon request. Parties may obtain a copy of all portions of the record that are not prohibited to the party (e.g., classified information, documents under a protective order). Requests for copies of the official record of proceedings may be made in person at the immigration courts, by mail, or via email. See email model above in Part II, Chapter 12.2(a)(1)(A). See [Chapter 1.5\(c\)](#) (Records).

**(2) Non-parties** - Persons who are not a party to a proceeding before an immigration court must file a FOIA request with the EOIR Office of the General Counsel if they wish to obtain copies of the record of proceedings. See subsection (b), below.

## EOIR Policy Manual Part III, Chapter 1.5(d) - updated March 7, 2022

### (d) Records

**(1) Inspection by parties** - Parties to a proceeding, and their legal representatives, may inspect the official record of proceedings. Inspection by prior arrangement is strongly recommended to ensure that the official record of proceedings is immediately available. Parties to a proceeding before the BIA may make arrangements by calling the BIA Clerk's Office. Parties may review the entire record, except any portion of the record that is prohibited to the party (e.g., classified information, documents under a protective order). Removal of records by parties or other unauthorized persons is prohibited.

**(2) Inspection by non-parties** - Persons or entities who are not party to a proceeding must file a request for information pursuant to the Freedom of Information Act (FOIA) with the EOIR Office of the General Counsel. See [Chapter 13](#) (Freedom of Information Act). The Clerk's Office may not permit non-parties to inspect the record or any part thereof.

**(3) Copies for parties** -The BIA Clerk's Office will provide copies of the official record of proceedings to parties and their representatives of record upon request. Parties may obtain a copy of all portions of the record that are not prohibited (e.g., classified information, documents under a protective order). Requests for copies of the official record of proceedings may be made in person or by emailing the BIA at "ROP Requests - BIA@usdoj.gov". Alternatively, the parties may file a request for information pursuant to the Freedom of Information Act (FOIA). See [Chapter 13](#) (Freedom of Information Act).

**(4) Copies for non-parties** - The Clerk's Office will not provide non-parties with copies of any official record, whether in whole or in part. Non-parties must file a request for information pursuant to the Freedom of Information Act (FOIA) with EOIR's Office of the General Counsel. See [Chapter 13](#) (Freedom of Information Act).

**(5) Confidentiality** - The Board must balance the public's need for information with the protection of persons who appear before the Board. The Board takes special precautions to ensure the confidentiality of cases involving asylum applicants, battered alien spouses and children, exclusion proceedings, and classified information.

**(6) Electronic records.** - For cases with electronic records of proceeding (eROPs), eligible parties may view and download the eROP through ECAS, except any restricted portion of the record (e.g., classified information or information subject to a protective order).

# EOIR Policy Manual Part III, Chapter 13.2(a) - updated March 7, 2022

## 13.2 - REQUESTS

### (a) Who may file.

#### (1) Parties.

**(A) Inspecting the record.** A FOIA request is not required. Parties to a proceeding, and their legal representatives, may inspect the official record of proceedings. Inspection by prior arrangement is strongly recommended to ensure that the official record of proceedings is immediately available. See [Chapter 1.5\(d\)](#) (Records). Parties to a proceeding before the BIA may make arrangements by calling the Clerk's Office.

**(B) Obtaining copies of record.** A FOIA request is not required. The Clerk's Office will provide copies of the official record of proceedings to parties and their representatives of record upon request. Parties may obtain a copy of all portions of the record that are not prohibited (e.g., classified information, documents under a protective order). See [Chapter 1.5\(d\)](#) (Records). Contact the BIA by email at "ROP Requests - BIA@usdoj.gov".

**(2) Non-parties.** Persons who are not party to a proceeding before the Board must file a request with the EOIR Office of the General Counsel if they wish to see or obtain copies of the record of proceedings.