

From: EOIR.FOIARequests@usdoj.gov
Subject: DOJ-EOIR FOIA Request # 2023-80670
Date: September 22, 2023 at 8:25 AM
To: scott@americanvisas.net

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re: 2023-80670
Freedom of Information Act Request for NEGATMEHR, HABAN

Dear Scott Allenson Emerick,

This response acknowledges receipt of your Freedom of Information Act (FOIA) request by the Executive Office for Immigration Review (EOIR) dated 09/20/2023 and received 09/20/2023. Your request has been assigned control number 2023-80670.

Please be advised that the status of requests submitted through the Public Access Link (PAL) may be tracked at <https://foia.eoir.justice.gov/app/Home.aspx>, and you will receive an email response to your request upon completion of processing. The status of requests submitted by email or mail may not be trackable through the PAL, but you will still receive an email or mailed response to your request upon completion of processing. *Please ensure the email address you provided in PAL will be able to receive the messages we send you. Messages rejected by your email account will not be rerouted to you.*

Please be aware that EOIR is a component of the **Department of Justice** and the custodian of records for the “Record of Proceedings” (ROP), which is the compilation of documents and digital audio recordings produced in proceedings before the immigration courts and the BIA. The Department of Homeland Security (DHS) is the custodian of records for the “A-file,” which is a series of records of a person’s immigration history and is maintained and stored by DHS. **EOIR is not the custodian of records for DHS or its components, nor does EOIR have access to DHS’s A-files.** EOIR does not create an ROP until matters are initiated by DHS. Nevertheless, EOIR may create and maintain ROPs for proceedings other than removal proceedings (i.e., credible fear reviews, bond hearings). You may request a copy of your Notice to Appear (NTA) and full A-file from [DHS](#).

Note that parties to immigration cases (including respondents and their representatives of record) have the option to request their Record of Proceedings directly from the immigration court or Board of Immigration Appeals. Please see the instructions here: <https://www.justice.gov/eoir/ROPrequest>.

Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be significant delay in the processing of your request.

If you have filed a fee waiver request, EOIR will address the fee waiver in a separate letter. Most requests for records of proceedings do not require any fees; however, if the fees for processing the request are estimated to exceed \$25.00, EOIR will notify you before processing the request to determine whether you will commit to paying the fee or whether you wish to narrow the scope of your request to reduce the fee. Fees may be charged for searching records at the rate of \$4.75 (administrative)/\$10.00 (professional) per quarter hour, and for duplication of copies at the rate of \$.05 per copy. The first 100 copies and two hours of search time are not charged, and charges must exceed \$25.00 before we will charge a fee.

The FOIA requires an agency to respond within 20 working days after receipt of the request, and EOIR endeavors to meet this standard. The FOIA permits a ten-day extension of this time period, pursuant to 5 U.S.C. § 552(a)(6)(B), based on unusual circumstances. Your request involves “unusual circumstances,” and EOIR is extending the time period to respond by an additional 10 working days because your request requires the collection of records from field offices, or involves a search, collection, and review of voluminous records, or requires consultation with another agency or two or more agency components.

EOIR FOIA requests are placed in one of three tracks. Track one is for those requests that seek and receive expedited processing pursuant to subsection (a)(6)(E) of the FOIA. Track two is for simple requests that do not involve voluminous records or lengthy consultations with other entities. Track three is for complex requests that involve voluminous records and for which lengthy or numerous consultations are required, or those requests that may involve sensitive records. As a matter of default, your request has been placed in track two for simple requests. If you have requested expedited processing, EOIR will contact you in a separate letter.

If you have any questions regarding unusual circumstances, you may contact the EOIR FOIA Service Center or FOIA Public Liaison at EOIR.FOIArequests@usdoj.gov to discuss reformulation or an alternative time frame to process your request, or for any further assistance regarding any aspect of your request. Alternatively, 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.

Sincerely,

FOIA Intake