



Transactional Records Access Clearinghouse
Syracuse University

December 18, 2019

Director James McHenry
Executive Office for Immigration Review
5107 Leesburg Pike
P.O. Box 621506, Stop 211
Falls Church, VA 22041

Dear Director McHenry:

We previously wrote you on November 4, 2019 about the large number of missing records in the data your agency released to the public on Immigration Court proceedings. To illustrate the problem, we enclosed a listing of 1,507 applications for relief that were present in EOIR's August 2019 release but were missing from EOIR's September 2019 release. The missing cases included numerous asylum applications that had been filed, and some had already been adjudicated. We asked for an explanation of why these as well as countless other records discussed in our October 31, 2019 report had not been included in the updated data the public was provided about the Immigration Court's operations. We further asked for a public correction of a recent agency statement regarding this matter.

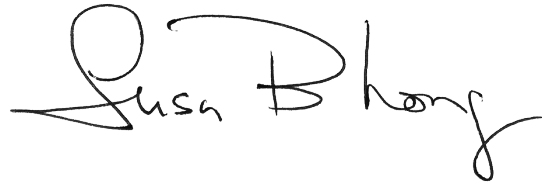
We have not received any response from you to our letter. We understand that the court's Office of Information Technology was asked to look into this matter and recently completed its review. However, its findings have not been released. We request that these findings be publicly released.

Late last Friday EOIR posted updated anonymized case-by-case data on Immigration Court proceedings. However, none of the 1,507 missing applications for relief had been restored in this release. It is troubling, especially after OIT's review, that every one of these relief applications would continue either to be withheld from the public or to have simply disappeared from Immigration Court files.

Equally disturbing was that the number of missing records grew even larger when TRAC conducted a detailed comparison of the latest data with the earlier August 2019 release. To illustrate, instead of 1,507 missing applications for relief in the September release, there are now 3,799 applications for relief that are missing. This includes 1,714 applications for asylum that have either been withheld from the public or have been deleted from your court files.

We ask that you address the public's concern about why official court records keep disappearing from the EOIR's public information releases. We would also appreciate being advised of the steps the agency plans to take to ensure that the public is provided with accurate and reliable data about the Immigration Court's operations in the future.

Sincerely,

A handwritten signature in black ink that reads "Susan B. Long". The signature is fluid and cursive, with the first name "Susan" and last name "Long" clearly legible.

Susan B. Long
Co-Director, TRAC and
Associate Professor
Martin J. Whitman School of Management
Syracuse University

A handwritten signature in black ink that reads "David Burnham". The signature is fluid and cursive, with the first name "David" and last name "Burnham" clearly legible.

David Burnham
Co-Director, TRAC and
Associate Research Professor
S.I. Newhouse School of Public Communications
Syracuse University