



Transactional Records Access Clearinghouse  
Syracuse University

June 3, 2020

Director James McHenry  
Executive Office for Immigration Review  
5107 Leesburg Pike  
Falls Church, VA 22041

Dear Director McHenry:

We are writing to alert you to the growing crisis of records that month-after-month disappear without explanation from the agency's monthly release of data to TRAC, and which apparently disappear from EOIR's master database itself. We request that you take immediate action to prevent any possible further loss of data. TRAC is greatly concerned that failure to do so could irreparably harm the integrity of the Immigration Court's data.

On November 4th of last year, we sent you a letter alerting you to the troubling rise of disappearing records in the monthly release of EOIR database records we received. To illustrate the problem, we included in that letter a listing of the 1,507 records covering applications for relief that had been in the previous month's data release but were entirely missing from the then current release. We offered to work collaboratively with your agency to resolve this problem out of a mutual interest in ensuring that the EOIR's own data is accurate and complete. We have received no response from you regarding our letter.

On December 18, 2019, we again wrote you advising you that not only had the 1,507 missing relief applications not been restored in new monthly data release we had received, but that the number of disappearing relief applications had grown to 3,799. We asked you to address the public's concern about why official court records kept disappearing from EOIR's public information releases. We also asked to be advised of the steps the agency planned to take to ensure that the public was provided with accurate and reliable data about the Immigration Court's operations in the future. Again, we have received no response to our letter.

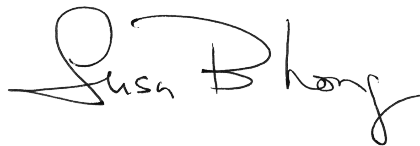
Due to the lack of meaningful interventions since we alerted your agency about disappearing data, the problem of disappearing records is approaching a crisis point. Month after month additional records disappear from EOIR's data release. The latest release covering records in EOIR's database as of the end of April 2020 was missing 68,282 relief applications that had been present as of the end of March 2020. That is, in just a single month, the number of new disappearing records jumped to 68,282. Indeed, more relief application records entirely disappeared in a single month than all of the asylum applications the agency reported receiving in FY 2015 or in any year prior. And this does not even include the month-by-month growing number of applications, which had previously gone missing.

Left unresolved, this data management problem could have dire consequences for your agency's ability to accurately assess the Immigration Court's workload, and to report to Congress or to the public. Moreover, the longer the agency waits to address its escalating apparent loss of data, the more expensive the solution will become for the agency and for the American taxpayer.

We urge you to immediately preserve—rather than destroy—all back-up tapes and other media containing copies of records from EOIR’s database in the hopes that data that appear to be improperly deleted from the Court’s master files might be restored. We further urge you to identify and resolve any underlying data management issues so that these problems can be permanently rectified and the public’s faith in the integrity of the Court’s data restored.

Should you desire any additional information, or if we can assist the agency in any way to resolve this matter, please do not hesitate to contact TRAC. We would be happy to work cooperatively with the agency to help ensure that going forward the public is provided with accurate and reliable data about the Immigration Court’s operations.

Sincerely,



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David Burnham  
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Cc: General Counsel, Office of the General Counsel, Executive Office for Immigration Review