

**EOIR
INFORMATION QUALITY GUIDELINES
FOR INFORMATION DISSEMINATED TO THE PUBLIC**

INTRODUCTION

The Executive Office for Immigration Review (EOIR) is an agency in the Department of Justice (DOJ) whose primary mission is to adjudicate immigration cases and administrative law cases within its jurisdiction. The Office of the Chief Immigration Judge, the Board of Immigration Appeals, and the Office of the Chief Administrative Hearing Officer comprise the adjudicatory offices of EOIR.

These guidelines implement section 515 of the Treasury and General Government Appropriations Act for FY2001, Pub. L. No. 106-554, and government-wide guidelines issued by the Office of Management and Budget (OMB) for ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by Federal agencies that are subject to the Paperwork Reduction Act, 44 U.S.C. 3502(1). OMB issued subsequent guidance on February 22, 2002.

In response, the U. S. Department of Justice, Justice Management Division(JMD) posted its draft DOJ Information Quality Guidelines on the DOJ website on May 10, 2002 and placed notice of availability in the Federal Register on May 14, 2002 asking for public comment by June 10, 2002. These draft guidelines contained the scope and applicability of the guidelines, description of DOJ's information quality standards, an administrative mechanism by which the public can seek correction of information disseminated by DOJ, and the responsibilities of each of the component agencies and offices of DOJ. The final DOJ Guidelines can be accessed through the DOJ website, or at <http://www.usdoj.gov/iqpr/dojinformationqualityguidelines.htm>.

The EOIR Information Quality Guidelines are administered by the Director's designee. This guidance presents the EOIR Information Quality Guidelines, the complaint and reconsideration process and a yearly reporting mechanism to OMB of the complaint/reconsideration information.

EOIR INFORMATION QUALITY GUIDELINES

EOIR is committed to ensuring the quality of all information that it disseminates. EOIR policies and practices are designed to ensure that the agency establishes and maintains an appropriate level of quality appropriate to the nature and timeliness of the information. Consistent with applicable disclosure restrictions, EOIR seeks to disseminate information, including relevant supporting data or analyses, in as broad and prompt a manner as possible for the public to benefit from EOIR's efforts and expertise. This general commitment to quality extends to all information disseminated by EOIR, whether or not the activity constitutes the "dissemination" of "information" for purposes of these guidelines. EOIR will correct information that does not meet its guidelines, those of DOJ, or of OMB based on the significance and impact of the

correction. The EOIR Information Quality Guidelines are a general statement of agency policy and are not legally binding on the agency or on affected persons.

Except for those categories of information that are specifically exempted from coverage (see below), these guidelines apply to all information disseminated by EOIR and EOIR initiated or sponsored dissemination of information by EOIR grantees, contractors, or cooperators on or after October 1, 2002, regardless of when the information was first disseminated. These guidelines will apply not only to information that EOIR generates, but also to information that other parties provide to EOIR, if the other parties seek to have EOIR rely on or disseminate this information, or EOIR decides to do so. This includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms. It includes information that an agency disseminates from a web page, but does not include information disseminated by others and accessible through hyperlinks from an agency web page.

The remainder of these guidelines explains how EOIR strives to achieve information quality, objectivity, utility, and integrity, and outlines the administrative mechanism by which affected persons shall be able to seek and obtain appropriate correction of information maintained and disseminated by EOIR that does not comply with the OMB, DOJ, or EOIR guidelines.

CONTACT

Contact Gustavo D. Villageliu, EOIR Senior Associate General Counsel, at 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041, (703) 305-0470, with any questions regarding the EOIR Information Quality Guidelines.

SCOPE OF INFORMATION SUBJECT TO THESE GUIDELINES

- I. Definitions:** For purposes of these guidelines, the definitions set forth below shall apply, consistent with the DOJ Guidelines and the OMB Guidelines. Unless otherwise stated, information dissemination products and activities that fall outside the scope of these definitions are not subject to these guidelines.
 - A. “Information” means any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms. This definition includes information that the agency disseminates from a Web page, but does not include the provision of hyperlinks to information that others disseminate. This definition does not include opinions, where the agency’s presentation makes it clear that what is being offered is someone’s opinion rather than fact or the agency’s views (i.e., “views” officially approved or adopted by the agency in an agency-initiated or -sponsored “dissemination,” as defined below).

- B. “Dissemination” means agency-initiated or -sponsored distribution of information to the public. It does not include, for example:
1. Distribution limited to government employees or agency contractors or grantees;
 2. Government information intended merely for intra- or inter-agency use or sharing;
 3. Responses to requests for agency records made under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law;
 4. Other correspondence with individuals or persons, including, but not limited to, written agreements with particular entities or parties, responses to specific requests for advisory opinions or other advice, etc.;
 5. Press releases, unless they contain new substantive information not covered by a previous information dissemination subject to the guidelines;
 6. Archival records (e.g., library materials);
 7. Public filings, including, but not limited to, submissions in rulemakings or other EOIR proceedings or matters, requests, petitions, applications, supporting materials, etc., except to the extent the agency disseminates the data or information in a manner reasonably suggesting that the agency endorses or agrees with it, or adopts, endorses, or cites the data or information as support for an agency regulation, guidance, or other agency decision or position;
 8. Subpoenas, including, but not limited to, civil investigative demands and other administrative subpoenas or compulsory process, subpoenas or discovery orders issued in adjudicative proceedings or court litigation, etc.;
 9. Information dissemination products relating to or arising from adjudicatory processes, including, but not limited to, factual allegations made, evidence submitted, analyses prepared, findings and determinations made, and rulings or opinions issued in any administrative or judicial litigation or other adjudicatory matter;
 10. Disclosures, notices, or other information disseminated by persons or entities other than EOIR, where the text of such disclosures, notices, or information is not explicitly prescribed or specified by EOIR itself (e.g.,

statutorily or judicially mandated language to satisfy legal standards required under regulations, orders, or agreements); and which include an appropriate disclaimer that the views expressed are the individual's or entities' own and do not reflect the views of the EOIR;

11. Studies, statements, or other issuances or publications by EOIR employees, officials, contractors, consultants, or others who may be or have been paid, employed, or retained by the EOIR, where the issuance or publication is not represented as being an official position of the agency or used by the agency in support of its official position;
 12. Information presented to Congress that is not simultaneously disseminated to the public or had not previously been disseminated to the public, and procedural, operational, policy and internal manuals prepared for the management and operations of EOIR that are not primarily intended for public dissemination.
- C. "Information dissemination product" means any books, paper, map, machine readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, the agency disseminates to the public. This definition includes any electronic document, CD-ROM, or Web page.
- D. "Quality" is an encompassing term comprising utility, objectivity, and integrity.
- E. "Utility" refers to the usefulness of the information to its intended users, including the public. When transparency of information is relevant for assessing the information's usefulness from the public's perspective, transparency is addressed to the extent practicable and appropriate in the EOIR's review of the information. There may be legal limitations, however, on the EOIR's ability to make publicly available the data or methods underlying a particular information dissemination product, and persons seeking access to such data or methods must comply with certain EOIR and DOJ requirements and procedures for requesting such access.
- F. "Objectivity" involves two distinct elements, presentation and substance.
1. "Objectivity" includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner, including whether the information is presented within a proper context and identifying the source of the disseminated information to the extent possible in light of confidentiality protections, if any. Where appropriate, data should have full, accurate, transparent documentation, and error sources affecting data quality should be identified and disclosed to users,

subject to legal or other restrictions on disclosure.

2. “Objectivity” also involves ensuring accurate, reliable, and unbiased information. In a scientific, financial, or statistical context, original and supporting data are normally generated, and the analytic results are normally developed, using sound statistical and research methods. For EOIR, the primary source of this data is the adjudications, and there are legal restrictions and limitations on disclosure.
- G. “Integrity” is the security of information from unauthorized access or revision to ensure that the information is not compromised through corruption or falsification. To ensure information integrity, EOIR will adhere to agency policies for personnel security, computer security, information security, and records management.
- H. “Influential,” when used in the phrase “influential scientific, financial, or statistical information,” means that the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions. Whether particular information dissemination product is “influential” will depend on the nature and multiplicity of issues for which EOIR is responsible and the breadth and intensity of the impact, if any, that the information dissemination product is likely to have on those issues (e.g., its anticipated effect, if any, on compliance with laws administered or enforced by the EOIR or on the final outcome of a rulemaking proceeding).
- I. “Reproducibility” means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision. As provided in the OMB Guidelines, this standard does not apply to all agency information or data, but only to “influential scientific, financial, or statistical information,” if any, disseminated by the agency.
1. Original or supporting data. The EOIR may identify and/or limit the specific types of such data that can practicably be “reproduced,” given ethical, feasibility, or confidentiality constraints. The information under this section is primarily compilation of data and statistics of EOIR adjudications of cases. The agency shall assure reproducibility for such data according to commonly accepted scientific, financial, or statistical standards.
- J. “Affected persons” are people who may benefit from, be harmed by, or otherwise be affected by, the disseminated information.

II. Development and maintenance of Quality Information and Data:

Information quality is also integral to the development of information that will ultimately be disseminated, including its creation, collection, and maintenance. OMB Guidelines, para. III.1. EOIR is committed to develop quality information and data.

III. Waiver under certain situations:

EOIR's information quality standards may be temporarily waived for information that is disseminated under urgent situations. EOIR will consider "urgent situations" to include emergency conditions at licensed facilities, as well as imminent or credible threats to the public health and safety, the common defense and security, including homeland security, the environment, and other situations deemed to be urgent conditions on a case-by-case basis.

EOIR ADMINISTRATIVE PROCESS FOR THE PUBLIC TO SEEK CORRECTION OF INFORMATION

The correction process is designed to address the genuine and valid needs of affected persons without disrupting agency operations. You should be aware that the person requesting the correction bears the burden of proof with respect to both the need for correction and the type of correction requested. In determining whether to correct information, EOIR may reject claims made in bad faith or without justification. EOIR is required to undertake only the degree of correction that it concludes is appropriate for the nature and timeliness of the information involved.

It is EOIR's intent to make corrections within a reasonable time after the agency has made the determination that a correction is appropriate. However, budget, resources, and priorities, as well as the complexity of the correction itself, may affect the time required for the corrections to be made. Subject to applicable laws, EOIR's corrective measures may include, without limitation, personal contacts via letter or telephone, form letters, press releases, postings on the EOIR Website, correction in the next dissemination of comparable information, or other appropriate methods that would give affected persons reasonable notice of any corrective actions made. The nature of your request for correction and the agency response will be included in the annual fiscal-year report to the Director of the OMB. Copies of the reports will be made available to the public through the EOIR Website. Your personal privacy information will not be made public.

I. What You Must Do If You Are an Affected Person: Use the following procedure to seek correction, under Section 515(a), of information that does not meet EOIR, DOJ, or OMB Information Quality Guidelines:

- A. Submit your request for correction within 60 calendar days of the initial information dissemination by letter, fax, or e-mail to EOIR at the address below.

- B. State that your request for correction of information is submitted in accordance with the EOIR Information Quality Guidelines.
- C. Include your name, mailing address, fax number, e-mail address, telephone number, and organizational affiliation, if any. EOIR needs this information to respond to your request.
- D. Describe clearly the information you believe is in error and requires correction. Include the source of the information, the exact location of the error (for example, the Web page address), and a detailed description of the information to be corrected. A copy of the specific information that the request for correction covers would assist EOIR in its review of your request.
- E. State specifically why the information should be corrected and, if possible, recommend specifically how it should be corrected.
- F. Provide a copy of supporting documentary evidence, such as comparable data or research results on the same topic, or a specific authoritative source to help in the review of your request. If you supply the documentary evidence by means of a reference, the reference must be specific enough to allow EOIR to easily locate the information you identify as the basis for the correction request.
- G. State specifically how you are affected by the information for which you are seeking correction.
- H. As the requester, you bear the “burden of proof” to present the information necessary for EOIR to determine both the necessity for correction and the nature of any correction. If you fail to include any of the requested information, this omission may adversely affect the timely and complete review of your request.

II. What EOIR Will Do: Based on a review of the information you provide, EOIR will take the following actions:

- A. Perform an acceptance review to confirm that you have provided the necessary information regarding the correction requested for EOIR staff to review and make a decision.
- B. Submit your request for review to a management official who is knowledgeable of the subject matter related to your request. The designated management official may consult with EOIR component offices, Federal agencies or EOIR staff in responding to your request for correction, as appropriate.
- C. Determine whether a correction is warranted and, if so, what action will be taken.

- D. Respond to your request for correction of information within 60 calendar days of receipt by letter, e-mail, or fax. EOIR's response will explain the findings of the review and any actions that EOIR will take. If the request requires more than 60 calendar days to resolve, EOIR will tell you that more time is required, state the reason why, and include an estimated decision date.

III. How to Submit Your Request: You must submit your request for correction of information under these guidelines in writing by mail, fax, e-mail, as follows:

- A. Mail: General Counsel
Office of the General Counsel
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
- B. Fax: (703) 305-0443
- C. E-mail: john.blum@usdoj.gov

IV. How You May Request Reconsideration of the EOIR Decision in Regard to Your Initial Request: Use the following procedure if you wish to request reconsideration of the EOIR denial of your request for correction, or if you wish to request reconsideration of the decision on the corrective action:

- A. Submit your request for reconsideration to EOIR (postmarked or shipped by overnight delivery service) within 35 calendar days after EOIR transmitted the notification of denial or notification of the corrective action. (Only the original requester may request reconsideration of the decision.)
- B. Identify clearly the original request for correction, and specify the EOIR decision of which you request reconsideration.
- C. Describe clearly the basis for your request for reconsideration and how the response failed to resolve your initial request for correction.
- D. Submit your request for reconsideration in accordance with the directions in EOIR's response.

V. Evaluation of Request for Reconsideration: Your request for reconsideration will be evaluated by the Director (or designee). The reconsideration review will be limited to the basis of the request for reconsideration. You will be notified of the agency's final decision regarding your request for reconsideration within 45 calendar days. If the request requires more than 45 calendar days to resolve, EOIR will tell you that more time is required, state the reason why, and include an estimated decision date.

The agency's reconsideration official may consult with other Federal agencies or EOIR staff in responding to your request for reconsideration, as appropriate.

ANNUAL REPORT TO OMB

The EOIR will identify the number and nature of complaints received and their resolution, including an explanation of decisions to deny or limit corrective actions in its annual fiscal year reports to the OMB.

PRIVACY ACT STATEMENT

EOIR is authorized to collect the information you provide under section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554, codified at 44 U.S.C. § 3516, note). This information is needed to process your request and allow us to reply accordingly. You do not have to furnish the information, but failure to do so may prevent your request from being processed. The information you furnish is almost never used for any purpose other than to process and respond to your request. However, EOIR may disclose information you give it (e.g., to DOJ or a Congressional office) if authorized or required by Federal law.