

Request for Records Disposition Authority (See Instructions on reverse)		Leave Blank (NARA use only)	
To National Archives and Records Administration (NIR) 8601 Adelphi Road, College Park, Md 20740-6001		Job Number	NI-567-10-3
1 From (Agency or establishment) U S Immigration and Customs Enforcement (ICE)		Date Received	2/23/2010
2 Major Subdivision Office of Principal Legal Advisor		Notification to Agency In accordance with the provisions of 44 U S C 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
3 Minor Subdivision			
4 Name of Person with whom to confer Joseph M Gerhart	5 Telephone (include area code) (202) 732-6337	Date	3/17/11 Archivist of the United States WITHDRAWN
6 Agency Certification I hereby certify that I am authorized to act for this agency in the matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>4</u> page(s) are not needed for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, <input checked="" type="checkbox"/> is not required, <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested			
Signature of Agency Representative <i>Joseph M. Gerhart</i>		Title Chief, Records Management Branch	Date (mm/dd/yyyy) 01/05/2010
7 Item Number	8 Description of Item and Proposed disposition	9 GRS OR Superseded Job Citation	10 Action taken (NARA Use Only)
1	Contractual Obligations - Memorandum of Agreement (MOA)/Memorandum of Understanding (MOU) An agreement between federal agencies, or divisions/units within an agency or department, or between federal and state agencies, which delineate tasks, jurisdiction, standard operating procedures or other matters which the agencies or units are duly authorized and directed to conduct. Includes signed amended or revised MOAs and MOUs, extensions thereto, applications for interoperability, evaluations of interoperability, and continued conformance with requirements DISPOSITION: a Abandoned or Rejected MOAs and MOUs TEMPORARY Cut off upon revision or re-issuance, or termination of the project Destroy 20 years and 6 months thereafter b Expired or Terminated MOAs and MOUs TEMPORARY Cut off upon revision or re-issuance, or termination of the project Destroy 20 years and 6 months thereafter		

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2	<p>Landmark Cases Precedent setting case files Criteria for determination to be made on a case by case basis, and will be broad enough to include all possible scenarios The Office of the Principal Legal Advisor (OPLA) to determine whether a case is an example of a significant extension of or restriction on ICE authority where the result has a substantial effect on ICE's power of regulation and enforcement</p> <p>DISPOSITION: PERMANENT Cutoff at end of calendar year case closes Transfer to FRC at cutoff Transfer to National Archives 10 years after cutoff</p>		
3	<p>Legislative Records – History Legislative history files on bills which are enacted into law Files primarily concerning statutes which change Federal immigration laws, but occasionally concern other statutes of interest to ICE Files contain correspondence, memoranda, and materials analyzing legislative proposals contained in the bill as it was considered by Congress May also contain copies of testimony prepared for presentation to Congressional committee and other forums Also contains a variety of externally produced materials (copies of hearings and committee reports, correspondence, articles, statistical reports, etc) relating to the legislative proposals contained in the bill</p> <p>DISPOSITION: TEMPORARY Destroy when no longer needed for reference</p>	N1-85-90-5, Item 7	

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4	<p>Legislative Records – Monitoring Files on individual Congressional bills relating to Federal immigration laws and certain other topics of interest to ICE. The files contain correspondence, memoranda, written analysis of individual legislative proposals, copies of testimony prepared for presentation to Congressional committees and other forums, external materials (copies of hearings and committee reports). If a bill is enacted into law, the individual file is transferred to the Legislative History file (see disposition). Otherwise, the file is kept with the set of bills from the Congress, and is closed upon final adjournment of the Congress.</p> <p>DISPOSITION: TEMPORARY Cutoff at the end of the calendar year of final adjournment of originating Congress in session for specific bill. Transfer to FRC 2 years after cutoff. Destroy 20 years after cutoff.</p>	N1-85-90-5, Item 5	
5	<p>Litigation Records - Equal Employment Opportunity Case files which represent interest of ICE in litigation involving challenges to ICE actions brought in Federal court under EEO statutes. Files consist of correspondence, memoranda, pleadings, transcripts, exhibits and other documents relating to individual EEO cases alleging discrimination by ICE or individual ICE employees. Files are individual personnel files of any parties to EEO litigation. Case files are considered open while litigation is active. They are considered closed one year after litigation is concluded and statute of limitation for appeal is passed.</p> <p>DISPOSITION: TEMPORARY Cutoff at end of calendar year case is closed. Transfer to FRC 1 year after cutoff. Destroy 10 years after cutoff.</p>	N1-85-90-5, Item 3	

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6	<p>Litigation Records - Freedom of Information Act (FOIA) Case files which represent the interest of ICE in litigation involving responses to FOIA requests filed by the public. Files consist of transcripts, exhibits, and other documents relating to individual FOIA cases challenging ICE actions. Cases are considered open while litigation is active. They are considered closed 1 year after litigation is concluded and the statute of limitation for appeal has passed.</p> <p>DISPOSITION: TEMPORARY Cutoff at end of calendar year case closes. Transfer to FRC 1 year after cutoff. Destroy 10 years after cutoff.</p>	N1-85-90-5, Item 2	
7	<p>Litigation Records - Immigration Case files which represent the interests of ICE in litigation involving immigration laws, that Agency itself, or individual ICE employees. They are considered closed 1 year after litigation is concluded and the statute of limitation for appeal has passed.</p> <p>DISPOSITION: TEMPORARY Cutoff at end of calendar year case closes. Transfer to FRC 1 year after cutoff. Destroy 10 years after cutoff.</p>	N1-85-90-5, Item 1	
8	<p>Litigation Records - Merit Systems Protection Board (MSPB) Case files which represent the interest of ICE in matters before the Merit Systems Protection Board. Files consist of correspondence, memoranda, pleadings, transcripts, exhibits, and other documents relating to individual MSPB cases. These files are not the official personnel files of individuals involved. These case files are considered open while the matter is pending before the Board. They are considered closed 1 year after the matter is concluded and the statute of limitation for appeal is passed.</p>	N1-85-90-5, Item 4	

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9	<p>DISPOSITION: TEMPORARY Cutoff at end of calendar year case closes Transfer to FRC 1 year after cutoff Destroy 10 years after cutoff</p> <p>Contract Appeals – Case Files Contract appeals case files arising under the Contracts Dispute Act, consisting of notices of appeal and acknowledgments thereof, correspondence between parties, copies of contracts, plans, specifications, exhibits, change orders, and amendments, transcripts of hearings, documents received from parties concerned, final decisions, and all other related papers These case files document the interest of ICE in protests of procurement actions filed with the General Accounting Office (GAO), and the General Services Administration Board of Contract Appeals (GSBCA)</p> <p>DISPOSITION: TEMPORARY GRS 3, Item 15</p> <p>a Records created prior to October 1, 1979 Destroy 6 years, 3 months after final action on decision</p> <p>b Records created after September 30, 1979 Destroy 1 year after final action on decision</p>	<p>N1-86-90-7, Item 1</p>	
10	<p>Record Court Hearing Cassettes Cassettes used as transcripts of deportation and exclusion hearing cases heard before Immigration Judges</p> <p>DISPOSITION: a Original Cassettes TEMPORARY Cutoff at end of calendar year of recording Destroy 8 years after cutoff</p> <p>b Cassettes Required for Legal Proceedings Beyond 8 Years TEMPORARY Cutoff at end of calendar year of re- recording Destroy 8 years after cutoff</p>	<p>NC1-85-81- 3, Item 1</p>	

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11.	<p>c. Cassettes Needed for Period Beyond Re-recorded Cassette Period TEMPORARY Re-record by end of 8th year of re- recorded cassette recording Destroy 8 years after re- recording Continue to re-record and destroy every 8 years on as needed basis</p> <p>Working Papers Documents used for reference purposes, or finding aids in completing reports, studies, etc</p> <p>DISPOSITION: TEMPORARY. Destroy when no longer needed for agency business.</p>		