

Request for Records Disposition Authority

Records Schedule Number **DAA-0582-2016-0001**
Schedule Status **Approved**

Agency or Establishment **Executive Office for Immigration Review**
Record Group / Scheduling Group **Records of the Executive Office for Immigration Review**
Records Schedule applies to **Agency-wide**
Schedule Subject **Pro Bono Representative Files**
Internal agency concurrences will be provided **No**

Background Information **The Executive Office for Immigration Review (EOIR) was created on January 9, 1983, through an internal Department of Justice (DOJ) reorganization which combined the Board of Immigration Appeals (BIA or Board) with the Immigration Judge function previously performed by the former Immigration and Naturalization Service (INS). The reorganization made the Immigration Courts independent from the agency charged with enforcement of Federal immigration laws. The 2003 creation of the Department of Homeland Security (DHS) removed INS from DOJ, further separating DHS and EOIR functions.**

The primary mission of EOIR is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings. EOIR is accorded bureau level status for the administration of information and records management under Record Group 582.

EOIR's Director created the Office of Legal Access Programs (OLAP) in April of 2000. The office currently reports to the Director's Office and has delegated responsibility to administer the List of Pro Bono Legal Service Providers. OLAP works to improve access to legal information and counseling and increase rates of representation for immigrants appearing before the Immigration Courts and BIA.

Immigrants in removal proceedings are not entitled to publicly-funded legal assistance, and thus, many appear before the Immigration Courts and BIA without legal counsel. However, EOIR has statutory obligations to provide a list of legal resources to individuals who are placed in removal proceedings pursuant to section 240 of the

Immigration and Nationality Act (Act), or when they seek asylum under section 208 of the Act (whether or not in removal proceedings, such as affirmative applications before the Department of Homeland Security (DHS)).

To improve the amount and quality of representation before its adjudicators, and the functionality of this process, EOIR amended the regulation providing for a "List of Free Legal Services Providers" to the "List of Pro Bono Legal Service Providers" (the "List"). The amended rule revised the eligibility requirements and procedures for placement on the List, including replacing bar associations with pro bono referral services, requiring at least 50 hours of pro bono legal services per year by a nonprofit organization or attorney, instituting a public notice and comment and three -year re-certification period, and providing procedures for removal of entities from the List. See List of Pro Bono Legal Service Providers for Aliens in Immigration Proceedings, 8 C.F.R. 1003.61 et seq.

To further support this new process EOIR uses an electronic application that will create, maintain, and disseminate the List.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
3	0	3	0

GAO Approval

Outline of Records Schedule Items for DAA-0582-2016-0001

Sequence Number	
1	The List of Pro Bono Legal Service Providers Disposition Authority Number: DAA-0582-2016-0001-0001
2	Pro Bono List Applicant Files
2.1	Files Supporting Applicants Placed on the List Disposition Authority Number: DAA-0582-2016-0001-0002
2.2	Files of Applicants Rejected from Placement on the List Disposition Authority Number: DAA-0582-2016-0001-0003

Records Schedule Items

Sequence Number	
1	<p>The List of Pro Bono Legal Service Providers</p> <p>Disposition Authority Number DAA-0582-2016-0001-0001</p> <p>Records consist of quarterly Lists of approved organizations, referral services, and attorneys that are distributed to the EOIR immigration courts and posted on the EOIR public webpage. The List contains the names, contact information, and limitations on providing pro bono legal services in immigration proceedings.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? No</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Cutoff each quarter. Maintain until the end of the calendar year.</p> <p>Retention Period Destroy 4 year(s) after the end of the calendar year.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>Pro Bono List Applicant Files</p>
2.1	<p>Files Supporting Applicants Placed on the List</p> <p>Disposition Authority Number DAA-0582-2016-0001-0002</p> <p>Records consist of files supporting the initial application and re-certification to the List including the paper and electronic documentation submitted to support inclusion on the List of Pro Bono Legal Service Providers as well as decision(s) to approve, re-certify, or remove the applicants from the List.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p>

2.2

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	Yes
Disposition Instruction	
Cutoff Instruction	Cutoff at the end of the calendar year in which the applicant or provider was removed from the List.
Transfer to Inactive Storage	Records will be transferred to inactive status one year after the cutoff date.
Retention Period	Destroy 3 year(s) after cutoff.
Additional Information	
GAO Approval	Not Required
Files of Applicants Rejected from Placement on the List	
Disposition Authority Number	DAA-0582-2016-0001-0003
Records of rejected files contain application packages with documents as well as the decision(s) supporting rejection from the List.	
Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	Yes
Disposition Instruction	
Cutoff Instruction	Cutoff at end of calendar year in which the application was rejected or disapproved.
Transfer to Inactive Storage	Records will be transferred to inactive status one year after the cutoff date.
Retention Period	Destroy 3 year(s) after cutoff.
Additional Information	
GAO Approval	Not Required

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
08/17/2016	Return to Submitter	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
08/17/2016	Return to Submitter	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
08/19/2016	Certify	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
08/25/2016	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
09/02/2016	Submit For Certification	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
09/02/2016	Certify	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
09/23/2016	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
10/20/2016	Submit For Certification	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
11/28/2016	Certify	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel

12/05/2016	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
12/14/2016	Submit For Certification	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
12/14/2016	Certify	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
01/25/2017	Submit for Concurrence	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
01/27/2017	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
01/27/2017	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
01/30/2017	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist