

WITHDRAW – RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0582-2017-0003

Request for Records Disposition Authority

Records Schedule Number DAA-0582-2017-0003
Schedule Status Returned Without Action
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 Office of the General Counsel Records Schedules
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. EOIR is headed by the Director and the Office of the General Counsel (OGC) reports to the Office of the Director. EOIR is accorded bureau level status for the administration of information and records management under Record Group 582.

The OGC coordinates the development of agency regulations, reviews and comments on proposed legislation and is the agency point of contact in litigation. Additionally, the General Counsel is the Designated Deputy Agency Ethics Official (DDAEO). The GC manages the Attorney Discipline Program, Fraud and Abuse Prevention Program, Immigration Unit, Employee Labor and Relations Unit, Ethics Program, Records Information and Management Program, the Privacy Program and the Freedom of Information Service Center. OGC provides legal advice on agency-related legal matters and represents the agency position in litigation handled by the DOJ Civil Division Office of Immigration Litigation (OIL) or US Attorneys. OGC is also the EOIR contact to federal government agencies and the public including Non-Governmental Organizations (NGOs) and Advocacy groups.

Records which are scheduled under the General Records Schedule (GRS) or a separate agency records schedule are not included below.

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Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
0	0	0	19

GAO Approval

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Outline of Records Schedule Items for DAA-0582-2017-0003

Sequence Number	
1	Legal Opinions and Counsel Files
1.1	Formal Legal Opinions Disposition Authority Number: DAA-0582-2017-0003-0001
1.2	Formal Legal Opinion Work files Disposition Authority Number: DAA-0582-2017-0003-0002
1.3	Counsel Files Disposition Authority Number: DAA-0582-2017-0003-0003
2	Counsel Review Files
2.1	Review(s) of Material of and or Between EOIR and other DOJ component(s) Disposition Authority Number: DAA-0582-2017-0003-0004
2.2	Reviews of Material of and or Between Other Federal Agency(ies) and EOIR Disposition Authority Number: DAA-0582-2017-0003-0005
2.3	Reviews of Material by Non-Governmental Organizations (NGOs) Disposition Authority Number: DAA-0582-2017-0003-0006
2.4	EOIR Component Legal Reviews Disposition Authority Number: DAA-0582-2017-0003-0007
3	Litigation Files
3.1	Litigation Support Case Files Disposition Authority Number: DAA-0582-2017-0003-0008
3.2	Administrative Tort Claims Disposition Authority Number: DAA-0582-2017-0003-0009
3.3	Office of Immigration Litigation (OIL) Remand and Adverse Determination Files Disposition Authority Number: DAA-0582-2017-0003-0010
4	Labor Management Relations General and Case Files
4.1	Labor Management Relations General and Case Files Disposition Authority Number: DAA-0582-2017-0003-0011
5	Government Accountability Office (GAO) Investigations
5.1	Government Accountability Office (GAO) Investigations Disposition Authority Number: DAA-0582-2017-0003-0012
6	Legislative Files
6.1	Legislative Files Disposition Authority Number: DAA-0582-2017-0003-0013
7	Regulation Files
7.1	Published Regulations

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7.2	Disposition Authority Number: DAA-0582-2017-0003-0014 Regulation Background and Work Files Disposition Authority Number: DAA-0582-2017-0003-0015
7.3	Proposed Regulations - Withdrawn Disposition Authority Number: DAA-0582-2017-0003-0016
8	Interagency Agreements and Memoranda of Agreement or Understanding
8.1	Interagency Agreements (IAA) and Memoranda of Agreement or Understanding (MOU or MOA) Disposition Authority Number: DAA-0582-2017-0003-0017
8.2	IAA, MOA or MOU Background and Work files Disposition Authority Number: DAA-0582-2017-0003-0018
9	Asylum Clock Files
9.1	Asylum Clock Files Disposition Authority Number: DAA-0582-2017-0003-0019

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Records Schedule Items

Sequence Number

1

Legal Opinions and Counsel Files

Legal Opinions and Counsel Files contain OGC responses to requests for legal advice and opinions relating to a variety of issues including review and comments on proposed legislation, government contracts, appropriations, human resources, property management, records management, privacy, security, and information resources management.

1.1

Formal Legal Opinions

Disposition Authority Number DAA-0582-2017-0003-0001

Formal legal opinions are official documents in which the General Counsel renders his or her understanding of the law as applied to a defined set of facts. Such documents may be addressed to the EOIR Director or a specific EOIR component or components.

Final Disposition Permanent

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Cutoff when Superseded

Transfer to the National Archives for Accessioning Transfer to the National Archives between 5 year(s) and 10 year(s) after cutoff

Additional Information

First year of records accumulation 2000

What will be the date span of the initial transfer of records to the National Archives? From 2000 To 2015

How frequently will your agency transfer these records to the National Archives? Every 5 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	1 GB	2 MB

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Paper	1 Cubic feet	
Microform		
Hardcopy or Analog Special Media		

1.2

Formal Legal Opinion Work files

Disposition Authority Number DAA-0582-2017-0003-0002

Formal Legal Opinion Work files consist of drafts and research material developed in the creation of formal legal opinions as described in item 1 above. Such files will contain, at a minimum, a copy of the final written opinion, supporting authorities, and background documentation.

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Close when Formal Legal Opinion Issued, cutoff annually at the end of the calendar year.

Retention Period Destroy 3 year(s) after cutoff.

Additional Information

GAO Approval Not Required

1.3

Counsel Files

Disposition Authority Number DAA-0582-2017-0003-0003

Counsel files include legal advice, opinions or memoranda that do not result in the creation of a formal legal opinion. The advice, opinions, or memoranda included in these files are non-precedential and do not have a major impact on how the Executive Office for Immigration Review operates.

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

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	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Close files when legal advice, opinions or memoranda is issued or requests are withdrawn. Cutoff files at the end of the calendar year.
	Retention Period	Destroy 3 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
2	Counsel Review Files	
	Counsel Review files consist of materials, not otherwise scheduled, pertaining to review and/or clearance of non-litigation documents prepared in or by: other Bureau(s), Divisions, and offices of the Department of Justice; and or other federal agencies; and or organizations external to the federal government.	
2.1	Review(s) of Material of and or Between EOIR and other DOJ component(s)	
	Disposition Authority Number	DAA-0582-2017-0003-0004
	Review(s) of Material of, and or, Between EOIR and other DOJ component(s) include OGC review of agency publications and submissions to Congress and/or other federal entities, including annual reports, legislation, manuals, handbooks, directives, and notices.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	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?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff files at the end of the calendar year.
	Retention Period	Destroy 6 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
2.2	Reviews of Material of and or Between Other Federal Agency(ies) and EOIR	
	Disposition Authority Number	DAA-0582-2017-0003-0005

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Reviews of Material of and or Between Other Federal Agency(ies) and EOIR including legal advice, review, or opinions relating to a variety of issues when requested by other Federal Agencies including: Administrative Office of the U. S. Courts (AOUSC); Department of Homeland Security (DHS); Department of Labor (DOL), Department of State (DOS) Health and Human Services (HHS) and the Social Security Administration (SSA).

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Cut off files after they are closed.

Retention Period Destroy 6 year(s) after cutoff.

Additional Information

GAO Approval Not Required

2.3

Reviews of Material by Non-Governmental Organizations (NGOs)

Disposition Authority Number DAA-0582-2017-0003-0006

Reviews of Material by Non-Governmental Organizations (NGOs) including legal advice, review, or opinions relating to a variety of issues.

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Close upon completion of review or project. Cutoff files at the end of the calendar year.

Retention Period Destroy 6 year(s) after cutoff

Additional Information

GAO Approval Not Required

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2.4

EOIR Component Legal Reviews

Disposition Authority Number DAA-0582-2017-0003-0007

EOIR Component Legal Review include legal advice, review, or opinions relating to a variety of issues regarding the internal operation of EOIR.

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Close upon completion of review or project. Cutoff files at the end of the calendar year.

Retention Period Destroy 6 year(s) after cutoff

Additional Information

GAO Approval Not Required

3

Litigation Files

Litigation files include all case-related materials including complaint documents, email and hard copy communications, evidentiary documents, referral memos, pleadings, decisions and other case-related documentation. include supporting reports, pictures, statements, and other documents as are necessary to properly adjudicate the cases.

3.1

Litigation Support Case Files

Disposition Authority Number DAA-0582-2017-0003-0008

Litigation Support Case Files consist of Case files created and maintained to support immigration and FOIA related litigation where EOIR is represented by U.S. Attorneys' offices or the DOJ Civil Division.

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

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3.2

Cutoff Instruction Close case file after resolution of case or after receipt of final correspondence. Cutoff files after case is closed.

Transfer to Inactive Storage Two Years after cutoff

Retention Period Absent intervening action, destroy/delete 6 years after cutoff.

Additional Information

GAO Approval Not Required

Administrative Tort Claims

Disposition Authority Number DAA-0582-2017-0003-0009

Administrative Tort Claims are legal claims against the EOIR under the Federal Tort Claims Act.

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Close case file after resolution of case or after receipt of final correspondence. Cutoff files after case is closed.

Transfer to Inactive Storage Transfer two years after cutoff.

Retention Period Absent intervening action, destroy/delete 6 years after cutoff.

Additional Information

GAO Approval Not Required

3.3

Office of Immigration Litigation (OIL) Remand and Adverse Determination Files

Disposition Authority Number DAA-0582-2017-0003-0010

OIL Remand files are used to determine EOIR's position on legal issues and challenges in federal courts. Adverse communications are specific to determinations where the courts have ruled against the agency position. Files include case-related descriptions, email and hard copy communications, evidentiary documents, referral memos, pleadings, and tracking logs to monitor requests for input.

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	Final Disposition	Temporary
	Item Status	Withdrawn
	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?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff annually at the end of the fiscal year.
	Retention Period	Absent intervening action, destroy/delete 6 years after cutoff.
	Additional Information	
	GAO Approval	Not Required
4	Labor Management Relations General and Case Files	
4.1	Labor Management Relations General and Case Files	
	Disposition Authority Number	DAA-0582-2017-0003-0011
	Labor Management Relations General and Case Files consist of correspondence, memoranda, reports, agreements, and other records relating to the relationship between management and employee unions or other administrative litigation groups.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	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?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff files at the end of the calendar year.
	Retention Period	Destroy 6 year(s) after cutoff.
	Additional Information	
	GAO Approval	Not Required
5	Government Accountability Office (GAO) Investigations	
5.1	Government Accountability Office (GAO) Investigations	

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Disposition Authority Number DAA-0582-2017-0003-0012

GAO documents accumulated in coordinating arrangements for GAO audits and distribution of, replies to, and follow-up actions on reports of audit. Included are notifications of forthcoming audits, draft and final audit reports, informal inquiries, comments on findings and recommendations, follow-up actions, replies to GAO, work plans, studies, corrective actions, position papers, responses, and any directly related papers provided by the OGC or any EOIR components.

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Close case file after final report or the resolution of recommendations. Cutoff closed files at the end of the fiscal year.

Retention Period Destroy 3 year(s) after cutoff.

Additional Information

GAO Approval Not Required

Legislative Files

Legislative Files

Disposition Authority Number DAA-0582-2017-0003-0013

Legislative Files include copies of bills or draft legislation, testimony, and congressionally mandated reports referred to the Department for comment, opinions, interpretations and advice on matters related to legislation as presented or intended for presentation to the Congress. The files may include comments, correspondence, drafts, notes, and other background materials supporting the Department's communications on proposed legislation. Also included is Congressional testimony given by EOIR officials and material initiated and generated by EOIR, providing evidence of decisions, functions, policies, procedures, operations or other activities of the government.

Final Disposition Temporary

Item Status Withdrawn

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? No

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6.1

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electronic format(s) other than e-mail and word processing?

Disposition Instruction

Cutoff Instruction

Cutoff files at the end of the calendar year.

Retention Period

Destroy 6 year(s) after cutoff.

Additional Information

GAO Approval

Not Required

7

Regulation Files

Regulation Files consist of final text and background information related to regulations proposed by EOIR that are published in the Federal Register for inclusion in the Code of Federal Regulations.

7.1

Published Regulations

Disposition Authority Number

DAA-0582-2017-0003-0014

Published Regulation files include the final regulation package consisting of the cover sheet; final documents, as well as comments and resolution of comments received in response to the regulation

Final Disposition

Temporary

Item Status

Withdrawn

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?

No

Disposition Instruction

Cutoff Instruction

Cut off files upon final publication.

Transfer to Inactive Storage

Transfer two years after cutoff.

Retention Period

Destroy 15 year(s) after cutoff.

Additional Information

GAO Approval

Not Required

7.2

Regulation Background and Work Files

Disposition Authority Number

DAA-0582-2017-0003-0015

Background and work files related to regulations include background papers related to the drafting, review and revision prior to the publication of regulations.

Final Disposition

Temporary

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	Item Status	Withdrawn
	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?	No
	Disposition Instruction	
	Cutoff Instruction	Cut off files upon publication of the regulation.
	Retention Period	Destroy 10 year(s) after cutoff.
	Additional Information	
	GAO Approval	Not Required
7.3	Proposed Regulations - Withdrawn	
	Disposition Authority Number	DAA-0582-2017-0003-0016
	Proposed regulations withdrawn consist of draft regulatory text, memoranda, testimonies, reports, hearing reports, and other materials prepared in connection with proposed regulations. Includes materials prepared by the OGC, other EOIR components, or by other Federal Agencies upon which EOIR is asked to comment.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	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?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff when regulation withdrawn or a determination that the regulation will not be pursued is made.
	Transfer to Inactive Storage	Two years after cutoff.
	Retention Period	Destroy 6 year(s) after cutoff.
	Additional Information	
	GAO Approval	Not Required
8	Interagency Agreements and Memoranda of Agreement or Understanding	
8.1	Interagency Agreements (IAA) and Memoranda of Agreement or Understanding (MOU or MOA)	
	Disposition Authority Number	DAA-0582-2017-0003-0017

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Interagency Agreements and Memoranda of Agreement or Understanding consist of negotiated agreements with other governmental agencies to cooperate in research, sharing electronic and paper data, sharing resources, and or exchange of agency information.

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Close at the end of agreement or when superseded. Cut-off closed files at the end of the fiscal year.

Transfer to Inactive Storage Transfer to FRC 2 years after cutoff.

Retention Period Destroy 10 year(s) after cutoff.

Additional Information

GAO Approval Not Required

IAA, MOA or MOU Background and Work files

Disposition Authority Number DAA-0582-2017-0003-0018

Background and work files related to the development of Interagency Agreements and Memoranda of Understanding include background papers related to the drafting, review and issuance of publication of Interagency Agreements and Memoranda of Understanding.

Final Disposition Temporary

Item Status Withdrawn

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? No

Disposition Instruction

Cutoff Instruction Cut off files after they are closed.

Retention Period Destroy 3 year(s) after cutoff.

Additional Information

8.2

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9	GAO Approval	Not Required
9.1	Asylum Clock Files	
	Asylum Clock Files	
	Disposition Authority Number	DAA-0582-2017-0003-0019
	Asylum Clock Files consist of requests relating to 180-day asylum clock and responses prepared by OGC or the Office of the Chief Immigration Judge.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	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?	No
	Disposition Instruction	
	Cutoff Instruction	Cut off files at the end of the fiscal year.
	Transfer to Inactive Storage	Transfer 2 years after cutoff.
	Retention Period	Destroy 20 year(s) after cutoff.
	Additional Information	
	GAO Approval	Not Required

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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
03/02/2017	Certify	Cecelia Espenoza	Records Officer - Sr Assoc General Counsel	Executive Office for Immigration Review - Office of the General Counsel
03/07/2017	Return for Revision	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA
02/14/2018	Return Without Action	Ashby Crowder	Archives Specialist	National Archives and Records Administration - ACRA

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