

Request for Records Disposition Authority

Records Schedule Number DAA-0582-2014-0002
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 Bond Proceeding 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.

Item Count

| Number of Total Disposition Items | Number of Permanent Disposition Items | Number of Temporary Disposition Items | Number of Withdrawn Disposition Items |
|-----------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| 4 | 0 | 4 | 0 |

GAO Approval

0001

Outline of Records Schedule Items for DAA-0582-2014-0002

| Sequence Number | |
|-----------------|---|
| 1 | Bond Proceeding Files |
| 1.1 | Zero Charging Document Bond Files |
| | Disposition Authority Number: DAA-0582-2014-0002-0001 |
| 1.2 | Zero Charging Document Bond Files with an Appeal |
| | Disposition Authority Number: DAA-0582-2014-0002-0002 |
| 1.3 | Post Proceeding Bond Files |
| | Disposition Authority Number: DAA-0582-2014-0002-0003 |
| 1.4 | Charging Document Bond Files |
| | Disposition Authority Number: DAA-0582-2014-0002-0004 |

Records Schedule Items

| Sequence Number | |
|-----------------|---|
| 1 | <p>Bond Proceeding Files The DHS may condition an alien's release from custody upon the posting of a bond to ensure the respondent's subsequent appearance. When this occurs, the respondent has the right to ask an Immigration Court to redetermine the bond amount and/or conditions. 8 C.F.R. §§ 1003.19, 1236.1(d)(1). Bond redetermination requests from aliens who are being detained by the DHS are separate from the removal hearing process that begins with the filing of a Charging Document at the Immigration Court. An alien may request a bond redetermination hearing before or after the DHS files a Charging Document or after proceedings are complete. In a bond redetermination hearing, the Immigration Judge can raise, lower, or maintain the amount of the bond, eliminate it altogether, or change any of the conditions over which the Immigration Court has authority. Either party may appeal an immigration judge's redetermination decision to the BIA. 8 C.F.R. §§ 1003.19(f), 1236.1(d)(3). Bond redetermination files are maintained separate from removal or deportation hearing records of proceedings.</p> |
| 1.1 | <p>Zero Charging Document Bond Files Disposition Authority Number DAA-0582-2014-0002-0001</p> <p>Zero Charging Document Bond Files exist when an alien has an EOIR bond redetermination but no charging documents have been filed by DHS.</p> <p>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? No</p> <p>Disposition Instruction Cutoff Instruction Cutoff at end of calendar year. Retention Period Destroy 2 year(s) after cutoff</p> <p>Additional Information GAO Approval Required and Received</p> |
| 1.2 | <p>Zero Charging Document Bond Files with an Appeal Disposition Authority Number DAA-0582-2014-0002-0002</p> |

Zero Charging Document Bond Files with an Appeal exist when a party appeals the Immigration Judge's bond redetermination decision where no charging documents have been filed by DHS

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? No

Disposition Instruction

Cutoff Instruction Cutoff at end of calendar year.

Retention Period Destroy 6 year(s) after cutoff

Additional Information

GAO Approval Not Required

1.3

Post Proceeding Bond Files

Disposition Authority Number DAA-0582-2014-0002-0003

Post Proceeding Bond Files exist when an alien's bond redetermination request occurs subsequent to the completion of deportation/removal proceedings.

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? No

Disposition Instruction

Cutoff Instruction Cutoff at end of calendar year.

Retention Period Destroy 6 year(s) after cutoff.

Additional Information

1.4

GAO Approval Not Required

Charging Document Bond Files

Disposition Authority Number DAA-0582-2014-0002-0004

Charging Document Bond Files exist when the charging documents have been filed after the redetermination request and before the authorized destruction period listed in category one above. These bond files which may include an appeal on the redetermination decision, should be retained until the removal proceedings are completed.

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? No

Disposition Instruction

Cutoff Instruction Cutoff at end of calendar year.

Retention Period Destroy 20 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 |
|------------|------------------------|------------------|---|---|
| 07/08/2014 | Certify | Michelle Curry | Associate General Counsel | Executive Office of Immigration Review - Executive Office of Immigration Review |
| 02/12/2015 | Submit for Concurrence | Rania Mahmoud | Appraisal Archivist | National Archives and Records Administration - Records Management Services |
| 02/18/2015 | Return to Submitter | Margaret Hawkins | Director of Records Management Services | National Records Management Program - Records Management Services |
| 03/09/2016 | Submit for Concurrence | Rania Mahmoud | Appraisal Archivist | National Archives and Records Administration - Records Management Services |
| 03/10/2016 | Concur | Margaret Hawkins | Director of Records Management Services | National Records Management Program - ACNR Records Management Services |
| 03/15/2016 | Concur | Laurence Brewer | Director, National Records Management Program | National Archives and Records Administration - National Records Management Program |
| 03/24/2016 | Approve | David Ferriero | Archivist of the United States | Office of the Archivist - Office of the Archivist |