

IMMIGRATION JUSTICE CAMPAIGN



Overview of Obtaining Records from the Immigration Court

Prior to initiating filings for a respondent in immigration court, it is important to review any documents that have previously been submitted to or issued by the immigration court related to the case. The compiled history of documents, filings, and/or decisions the immigration court maintains for each case is called the “record of proceedings”. Many cases are eligible for electronic filing using ECAS and therefore have an electronic record of proceedings (eROP) associated with the case. If the case is ECAS eligible, the eROP will be made available to the attorney for immediate download once the appearance has been entered and accepted by the court. Alternatively, several routes are available to obtain records of proceedings, depending on the status of the attorney’s representation and the case’s eligibility for electronic filing.

Basic information about cases before the immigration court can be found using [EOIR’s Automated Case Information](#) online tool. This tool does not require registration to use and asks for only the respondent’s A-number to search for case information. The search results include any scheduled hearings, the specific immigration court where the case is venued, the immigration judge before which proceedings will occur, and limited details about decisions, motions, or case appeals. Alternatively, interested parties can [call the specific immigration court](#) or the EOIR Automated Case Information System at 800-898-7189 to also obtain information by entering the respondent’s A-number.

FOIA Requests with EOIR

Submitting a Freedom of Information Act (FOIA) request with EOIR is the best way to obtain a record of proceedings for a case where the requestor has not yet entered an appearance as the attorney of record. The subject of the records requested must give consent for the requestor to receive the records, or the subject of the records can individually submit the request.

EOIR is required by statute to issue an initial response to FOIA requests within 20-30 working days, but due to the pandemic has announced the possibility of processing delays.¹ Regardless, submitting the FOIA request electronically, rather than via mail, remains the most efficient way to obtain records.

¹ 5 U.S.C. § 552(a)(6)(A)(i).

To submit a FOIA request electronically:

1. Complete the [EOIR-59, Certification and Release of Records](#) and obtain the client's signature to allow you to receive the records.
2. Register with EOIR's [FOIA Public Access Link](#) (PAL) site: PAL is the most efficient way to submit the request and track its processing.
3. As a registered PAL user, attorneys can electronically submit the FOIA request either using the provided text box as part of the form or by uploading a letter. If you choose to upload a letter, make sure to include the client's full name, aliases, immigration court (or last known court), and A-number.
 - a. The request form will ask how you'd like to pay fees - note that the first 100 pages are free and there is a charge of 5 cents for each page after that. There will be no charge issued for any services under \$25.00.
 - b. Upload the EOIR-59 into the "Proof of Identity" section of the form.
4. Using the PAL site, attorneys can check on the progress of the request.
5. Helpful Resources:
 - a. [EOIR FOIA How-To-Page](#)
 - b. [EOIR FOIA Homepage](#)
 - c. [DOJ FOIA Reference Guide](#)

Although it is advisable to submit a FOIA request to EOIR electronically whenever possible, submitting via mail is also an option.

To submit a FOIA request by mail:

1. Complete the [EOIR-59, Certification and Release of Records](#) and obtain the client's signature to allow you to receive the records.
2. Write a letter requesting a copy of the client's record including the client's full name, aliases, immigration court (or last known court), and A-number.
3. Mail the EOIR-59 and letter to:

Office of the General Counsel Attn: FOIA Service Center
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2150
Falls Church, VA 22041

Requesting the Record of Proceedings Directly from EOIR

If an attorney's appearance has already entered in a case, a request for a copy of the record of proceedings can be sent directly to EOIR. This option is best for cases where an appearance has been filed, but an electronic record of proceedings (eROP) is unavailable for the case.² This process

² For ECAS eligible cases, attorneys will find the eROP on ECAS after entering their appearance with the immigration court.

differs from submitting a FOIA request as the response will come directly from the immigration court rather than the general counsel's FOIA service center.

To request the record of proceedings for a case where an appearance has already been entered:

- i. Complete the [EOIR-59, Certification and Release of Records](#) and obtain the client's signature to allow you to receive the records.
- ii. Write a letter indicating whether you are requesting the entire file or identify the specific portions of the ROP requested and state the preferred method of delivery once the copy is made:
 - a. If you want to pick up the copy in person, provide a telephone number.
 - b. If you want the copy emailed, provide an email address.
 - c. If you want the copy mailed to you, provide a mailing address.
- iii. *To submit the request via email:*
 - a. Be sure to direct the request to the immigration court where the last hearing was scheduled for the case.
 - b. Follow the additional instructions and locate the appropriate email address on [EOIR's ROP by Email page](#).
- iv. *To submit the request via mail:*
 - a. Submit the ROP request by mail to the immigration court where the last hearing was scheduled for the case. Use the [EOIR Immigration Court Listing](#) to find the specific court's address.

If the ROP is not fulfilled, make sure the information submitted is accurate and re-submit if necessary. Only file a new request once determining the original request contained an error. A duplicate request that does not address an error will not serve to receive the ROP more quickly.