
FW: [EXTERNAL] RE: Freedom of Information Act Request: The "Secret" EOIR Adjudications Policies

From Schaaf, Joseph R. (EOIR) <Joseph.R.Schaaf@usdoj.gov>

Date Wed 2/5/2025 10:38 AM

To Matthew Hoppock <matthew.hoppock@hoppocklawfirm.com>

Matthew, thank you for bringing this to our attention. I've asked OP to update the Policy Manual.

Joseph Schaaf
Supervisory Attorney (FOIA)
Executive Office for Immigration Review

From: Souza, Crystal (EOIR)

Sent: Wednesday, February 5, 2025 8:05 AM

To: '180643-59661439@requests.muckrock.com' <180643-59661439@requests.muckrock.com>

Subject: RE: [EXTERNAL] RE: Freedom of Information Act Request: The "Secret" EOIR Adjudications Policies

Please be advised that under the Freedom of Information Act (FOIA) a proper request must be made in accordance with the agency's rules stating the place and procedures to be followed.

As indicated on Executive Office for Immigration Review (EOIR) website under where may I submit a request instructions are listed on the web link [Executive Office for Immigration Review | How to Submit a FOIA Request](#) or you may submit a request online using <https://link.edgepilot.com/s/3ec82113/L2e375M8l0GktUUXF8upzA?u=http://www.foia.gov/>

There you must file a proper FOIA at the place designated on EOIR's website to be considered received as indicated on EOIR's website. My email box is not the proper place to file a FOIA.

From: 180643-59661439@requests.muckrock.com <180643-59661439@requests.muckrock.com>

Sent: Tuesday, February 4, 2025 10:34 PM

To: Souza, Crystal (EOIR) <Crystal.Souza@usdoj.gov>

Subject: [EXTERNAL] RE: Freedom of Information Act Request: The "Secret" EOIR Adjudications Policies

Department of Justice, Executive Office for Immigration Review
FOIA Office
Suite 2150
5107 Leesburg Pike
Falls Church, VA 20530

February 4, 2025

This is a follow up to a previous request:

Respectfully, EOIR has issued new guidance reinstating the FOIA inbox for FOIA requests. The most recent guidance available is here: https://link.edgepilot.com/s/3cc3c961/uCF8wz59x0_txo8yQR--7g?u=https://www.justice.gov/eoir/eoir-policy-manual/introduction/chapter2-3. It says the following:

"Individuals may submit FOIA requests in writing or via email. Individuals should submit written requests to the following address:

Office of the General Counsel
Attn: FOIA Service Center
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1903
Falls Church, VA 22041

Individuals should submit requests via email to the following email address:
EOIR.FOIARequests@usdoj.gov"

I have submitted my FOIA request in the manner the agency's guidance says to submit it, so please produce the responsive documents promptly. Thank you.

Matthew Hoppock

View request history, upload responsive documents, and report problems here:
https://link.edgepilot.com/s/d1aa2e30/liN0zGpbhUG_PbLDjkVwIA?u=https://accounts.muckrock.com/accounts/login/?next=https%253A%252F%252Fwww.muckrock.com%252Faccounts%252Flogin%252F%253Fnext%253D%25252Faccounts%25252Fagency_login%25252Fdepartment-justice-executive-office-immigration-review-4122%25252Fthe-secret-eoir-adjudications-policies-180643%25252F%25253Femail%25253DCrystal.Souza%25252540usdoj.gov%26url_auth_token=AAAerkfRWOB2j0D0AC21SEYgFqE%253A1tfWAb%253A-V3JiEg-7fk7d8MJog5rnc0LsGzo2vfeTiYToKPEk84

If prompted for a passcode, please enter:
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Filed via MuckRock.com
E-mail (Preferred): 180643-59661439@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS

For mailed responses, please address (see note):

MuckRock News
DEPT MR 180643
263 Huntington Ave
Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Feb. 3, 2025:

Subject: RE: [EXTERNAL] Freedom of Information Act Request: The "Secret" EOIR Adjudications Policies

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There you must file a proper FOIA to be considered received as indicated on EOIR's website.

On Jan. 29, 2025:

Subject: Freedom of Information Act Request: The "Secret" EOIR Adjudications Policies
To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

EOIR Policy Memo PM25-02 references says that despite prohibiting "secret" adjudications policies in 2021, the EOIR in the last five years has been "issuing secret operational policies related to case adjudications." That memo states that "As a result, any operational policy related to case adjudications issued in secret between February 1, 2021, and January 21, 2025, is no longer in effect." That memo is found here: <https://link.edgepilot.com/s/0e5756e6/sfehb6-Dn0CB9K2e0AVyGA?u=https://www.justice.gov/eoir/media/1386541/dl?inline>

As I am sure you are aware, an understanding of what rules an adjudicator is following and is bound to follow is a cornerstone of due process. If the EOIR in the last four years has been operating based on an untold number of "secret" policies that have guided its case adjudications, that information is absolutely critical for the public to know. It may inform every decision the agency has issued in the last four years. So, pursuant to the FOIA, I am asking for two things.

1. Please produce all of the "secret" adjudications policies that Acting Director Owen references in PM25-02. And
2. Expedite the processing of this FOIA request. Expedited treatment is critical, because until these secret policies are known, individuals will be unable to determine if they were unlawfully removed or ordered removed as a result of such secret, unfair, and according to Acting Director Own likely illegal policies are known.

Please promptly confirm receipt of this request, confirm that you have agreed to expedite it, and produce the records immediately.

Thank you.

Matthew Hoppock

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Matthew Hoppock

View request history, upload responsive documents, and report problems here:

https://link.edgepilot.com/s/e393578c/cHbMPj5kHkiyUh-1tbw_1g?

[u=https://accounts.muckrock.com/accounts/login/?](https://accounts.muckrock.com/accounts/login/?)

[next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-justice-executive-office-immigration-review-4122%252Fthe-secret-eoir-adjudications-policies-180643%252F%253Femail%253DCrystal.Souza%252540usdoj.gov&url_auth_token=AAAerkfRWOB2j0D0AC21SEYgFqE%3A1tfWAb%3A-V3JiEg-7fk7d8MJog5rnc0LsGzo2vfeTiYToKPEk84](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-justice-executive-office-immigration-review-4122%252Fthe-secret-eoir-adjudications-policies-180643%252F%253Femail%253DCrystal.Souza%252540usdoj.gov&url_auth_token=AAAerkfRWOB2j0D0AC21SEYgFqE%3A1tfWAb%3A-V3JiEg-7fk7d8MJog5rnc0LsGzo2vfeTiYToKPEk84)

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