

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515–6216
One Hundred Sixteenth Congress

November 14, 2019

The Honorable Gene Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro:

We are writing to request that the Government Accountability Office (GAO) undertake an investigation into data management practices at the Executive Office for Immigration Review (EOIR).

In May 2018, EOIR announced that it would begin releasing certain immigration court statistics as a first step in an effort to increase transparency into the immigration court system. As part of this “Transparency Initiative,” EOIR’s Director stated that the agency would be releasing its “full database” on a recurring basis. However, concerns have been raised about the accuracy and reliability of data EOIR is releasing on its public website.

Further, in October 2019, the Transactional Records Access Clearinghouse (TRAC)—a nonpartisan, nonprofit research center at Syracuse University—discovered “gross irregularities” in EOIR’s data management practices, including millions of missing records in public data releases.¹ In accordance with the Freedom of Information Act (FOIA), TRAC makes regular requests to EOIR for anonymized immigration court case data and maintains a public repository of such data.²

In September 2019, TRAC reportedly received data from EOIR which was not only “garbled ... result[ing] in substantial confusion over the relationship between certain variables and values,” but also omitted 2.8 million records relating to scheduled hearings.³ TRAC soon discovered that since at least September 2018, EOIR has “delet[ed] swaths of records in their

¹ *Incomplete and Garbled Immigration Court Data Suggest Lack of Commitment to Accuracy*, Transactional Records Access Clearinghouse (TRAC), Syracuse University (Oct. 31, 2019) (hereinafter “TRAC Report”), <https://trac.syr.edu/immigration/reports/580/>.

² See e.g., *Backlog of Pending Cases in Immigration Courts as of September 2019*, TRAC, Syracuse University (2019), https://trac.syr.edu/phptools/immigration/court_backlog/apprep_backlog.php (pending case backlogs from FY 1998 onwards).

³ TRAC Report, *supra* note 1.

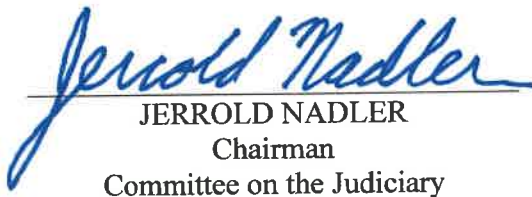
entirety from the data releases,” resulting in the deletion of nearly 900,000 case records.⁴ EOIR states that the deletion of such records is necessary to protect immigrants’ privacy.⁵

When TRAC previously raised data issues with EOIR, the research center found the agency to be “fairly responsive and committed to ensuring accurate reporting.”⁶ But according to TRAC, with respect to these latest irregularities, EOIR has refused to adopt quality control procedures and has not publicly responded to TRAC’s findings.⁷ Meanwhile, EOIR has continued to make public representations about annual case completions, announcing in October 2019 that the agency completed over 275,000 immigration court cases in fiscal year 2019.⁸ However, the accuracy of this claim is questionable, given TRAC’s findings.

For these reasons, we respectfully request that the GAO undertake a detailed audit of EOIR’s data management practices, including the extent to which EOIR has omitted and continues to omit records from data released to the public, and any policy justifications for doing so. Additionally, the review should identify what steps, if any, EOIR is taking to improve its data management practices and the quality control steps that EOIR takes before releasing data on its public website to ensure the data are accurate and reliable.

Thank you for your cooperation and attention to this request.

Sincerely,


JERROLD NADLER
Chairman
Committee on the Judiciary


ZOE LOFGREN
Chair
Subcommittee on Immigration and
Citizenship

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Executive Office for Immigration Review Announces Case Completion Numbers for Fiscal Year 2019*, Department of Justice (Oct. 10, 2019), <https://www.justice.gov/opa/pr/executive-office-immigration-review-announces-case-completion-numbers-fiscal-year-2019>.



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Member of Congress

cc: The Honorable Doug Collins, Ranking Member, Committee on the Judiciary
The Honorable Ken Buck, Ranking Member, Subcommittee on Immigration and
Citizenship