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NOTICE

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EOIR Statement on Erroneous Public Release of Immigration Judge Information

FALLS CHURCH, Va. – The Executive Office for Immigration Review is a party to litigation related to the release of information regarding its immigration judge conduct and professionalism program. EOIR is committed to ensuring that any allegation of an immigration judge's misconduct is investigated and resolved in a fair and expeditious manner, consistent with federal personnel and privacy laws and regulations that apply to non-supervisory, career civil servants.

During this still-active litigation, the plaintiff, the American Immigration Lawyers' Association, posted to the Internet the 16,000 documents that EOIR provided. These documents were released pursuant to a court order. A private attorney then took the time to manipulate some of the documents in order to uncover data not accessible on the face of the documents themselves, and post his personal assessment of the metadata contained therein.

EOIR believes the attorney, upon finding information was inadvertently provided, should have promptly notified the sender (EOIR) rather than taking steps to publish guesses. This unfortunate incident resulted in the attorney publishing a "key" to the documents. EOIR has determined that the "key" is inaccurate and does not correctly present the actual details associated with the documents. It is instead a representation of one person's assumptions based on his own manipulations of the text, which resulted in the errors.

Individuals who file complaints about immigration judges are not bound to keep private the details of their complaint. EOIR will continue to defend its case in the referenced FOIA litigation, and remains committed to protecting the identities of the immigration judges against whom complaints, some substantiated and some unsubstantiated, have been filed.

It is unfortunate that some members of the agency's highly talented and professional immigration judge corps have been negatively and falsely named in the private attorney's action, and that he chose to publish his erroneous findings without any way of verifying his information.

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