



## U.S. Department of Justice

Executive Office for Immigration  
Review

*Office of Director*

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Director

5107 Leesburg Pike, Suite 2600  
Falls Church, Virginia 22041

June 12, 2020

Susan B. Long  
Co-Director, TRAC and  
Associate Professor  
Martin J. Whitman School of Management  
Syracuse University  
721 University Avenue  
Syracuse, New York 13244

David Burnham  
Co-Director, TRAC and  
Associate Research Professor  
S.I. Newhouse School of Public Communications  
Syracuse University  
215 University Place  
Syracuse, New York 13244

Dear Professors Long and Burnham:

This letter responds to your letter dated June 3, 2020, and to your previous letters dated November 4, 2019, and December 18, 2019, respectively.

As you are aware, EOIR has committed to an unprecedented data transparency initiative over the past two years, including the monthly posting of data from its Case Access System for EOIR (CASE) database pursuant to the Freedom of Information Act (FOIA). As you are also aware, EOIR does not delete data from CASE in the sense that you have repeatedly alleged. As EOIR has explained to you previously, data that you allege has been “deleted” actually reflects either real-time updates to information in CASE, technological errors in the extraction and posting of the data which have been corrected, or data that was appropriately withheld from disclosure pursuant to FOIA.

Because you know that EOIR does not delete data, I can only speculate as to your motives for continuing to publicly accuse EOIR’s hardworking and conscientious career personnel in the Office of the Chief Immigration Judge (OCIJ), the Office of Information Technology (OIT), and the FOIA Unit of malfeasance. Moreover, your apparent desire to obtain all sensitive, identifying information in CASE related to specific cases of aliens in immigration proceedings—including aliens with particular types of

claims subject to protection from disclosure under FOIA—is perplexing. Nevertheless, regardless of your motivation, your inflammatory and inaccurate accusations do nothing to advance our mutual goals of improving the availability of reliable data to inform decision-making in the immigration sphere.

In light of your continued disparagement of the employees within OCIJ, OIT, and the FOIA Unit, I have asked Chief Management Officer Kate Sheehey to address any future issues that you raise with the monthly data release under FOIA. Please direct any future comments or inquiries to her.

Sincerely,

**JAMES  
MCHENRY**

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James R. McHenry III  
Director

cc: Kate Sheehey, Chief Management Officer