Department of Justice, Washington, DC

Comments to Mary Cahill, Management

by June 10, 2004. The public, OMB and

Therefore, please submit any comments

to conclude its review of the system.

Act, requires a 40-day period in which

period in which to comment on the

and (11), the public is given a 30-day

representatives, for purposes of secure

addresses, of these attorneys or

representatives, for purposes of secure

communications within an EOIR

electronic case access and filing system.

In addition, language changes have

been made to clarify and simplify

certain routine uses of the information

in the system. Also, the address listed

for EOIR is amended to reflect that the

new location of the EOIR headquarters

is 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041. Finally, the

Appendix, EOIR–999, which previously

listed EOIR field offices will be

eliminated on the effective date of this

notice. Instead, updated addresses for

EOIR field offices may be located on the


In accordance with 5 U.S.C. 552a(e)(4)

and (11), the public is given a 30-day

period in which to comment on the

system of records. The Office of

Management and Budget (OMB), which

has oversight responsibility under the

Act, requires a 40-day period in which
to conclude its review of the system.

Therefore, please submit any comments

by June 10, 2004. The public, OMB and

the Congress are invited to submit any

comments to Mary Cahill, Management

Analyst, Management and Planning

Staff, Justice Management Division,

Department of Justice, Washington, DC

20530 (Room 1400, National Place

Building).

In accordance with 5 U.S.C. 552a(r)

the Department has provided a report to

OMB and the Congress.


Paul R. Corts,

Assistant Attorney General for

Administration.

JUSTICE/EOIR–001

SYSTEM NAME:

Records and Management Information

System (JUSTICE/EOIR–001).

SECURITY CLASSIFICATION:

Not classified.

SYSTEM LOCATION:

Executive Office for Immigration

Review, Department of Justice, 5107

Leesburg Pike, Suite 2600, Falls Church,

Virginia 22041. The system is also

located in EOIR field offices. The EOIR


maintains a current address listing of all

EOIR field offices.

CATEGORY OF INDIVIDUALS COVERED BY THE

SYSTEM:

This system contains case-related

information pertaining to aliens and

alleged aliens brought into the

immigration hearing process, including

certain aliens previously or

subsequently admitted for lawful

permanent residence. The system also

includes information pertaining to

attorneys and representatives practicing

before Immigration Judges and the

Board of Immigration Appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the name, file

number, address and nationality of

aliens and alleged aliens, decision

memoranda, investigatory reports and

materials compiled for the purpose of

enforcing immigration laws, exhibits,

transcripts, and other case-related

papers concerning aliens, alleged aliens

or lawful permanent residents brought

into the administrative adjudication

process. The system also includes

electronic records of the names, birth

dates, last four (4) digits of social

security number, bar membership, and

addresses, including electronic

addresses, of attorneys and

representatives practicing before

Immigration Judges, and the Board of

Immigration Appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and

maintained under the authority granted

the Attorney General pursuant to 44

U.S.C. 3101 and 3103 and to fulfill the

legislative mandate under 8 U.S.C. 1103,

1226 and 1252. Such authority has been
delegated to EOIR by 8 CFR part 1003.

PURPOSE(S):

Information in this system serves as

the official record of immigration

proceedings. EOIR employees use the

information to prepare, process and

track the proceedings. The information

is further used to generate statistical

reports and various documents, i.e.,

hearing calendars and administrative

orders.

ROUTINE USES OF RECORDS MAINTAINED IN THE

SYSTEM, INCLUDING CATEGORIES OF USERS AND

THE PURPOSES OF SUCH USES:

Information may be disseminated as

follows:

(A) To the Department of State; the

Department of Homeland Security; the

Department of Health and Human

Services; federal courts; the alien or

alleged alien’s representative or attorney

of record; and, to federal, state and local

agencies. Information is disseminated to

the Department of State, pursuant to 8

CFR 208.11, to allow its preparation of

deliberations regarding applications for

political asylum; to the Federal courts to

enable their review of

EOIR administrative decisions on

appeal; and, to the representative or

attorney of record to ensure fair

representation. Information is

disseminated to the Department of

Homeland Security as one of the parties

affected by EOIR decisions, and as the

agency which enforces the EOIR

decision on a case. Information is

disseminated to the Department of

Health and Human Services as the

provider of benefits to qualified

immigrants, as well as the custodian of

some immigrants in immigration

proceedings.

(B) To a Member of Congress or staff

acting upon the Member’s behalf when

the Member or staff requests the

information on behalf of and at the

request of the individual who is the

subject of the record.

(C) To the news media and the public

pursuant to 28 CFR 50.2 unless it is

determined that release of the specific

information in the context of a

particular case would constitute an

unwarranted invasion of personal

privacy.

(D) To the National Archives and

Records Administration in records

management inspections conducted

under the authority of 44 U.S.C. 2904

and 2906.

(E) Where a record either on its face

or in conjunction with other

information, indicates a violation or

potential violation of law—criminal,

civil, or regulatory in nature—the
relevant records may be referred to the appropriate federal, state, local, foreign, or tribal, law enforcement authority or other appropriate agency charged with the responsibility of investigating or prosecuting such a violation or enforcing or implementing such law.

(F) In an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator holds the records to be relevant to the proceeding.

(C) Relevant information contained in this system of records may also be released to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

(H) The Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person’s former area of responsibility.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders which are stored in file cabinets. A subset of the records is maintained on fixed disks or removable disk packs which are stored in file cabinets. All records are stored in secured EOIR office space.

RETRIEVABILITY:

Manual records are indexed by alien file number. Automated records are retrievable by a variety of identifying data elements including, but not limited to, alien file number, alien name and nationality, and attorney’s or representative’s name and UserId.

SAFEGUARDS:

Information maintained in the system is safeguarded in accordance with Department of Justice rules and procedures. Record files are maintained in file cabinets accessible only to EOIR employees. Automated information is stored on either fixed disks or removable disk packs which are stored in cabinets. Only EOIR employees in possession of specific access codes and passwords will be able to generally access automated information. In addition, attorneys or authorized representatives will be able to access information specifically related to their case through the use of a secure UserId and password. All manual and automated records and mediums are located in EOIR office space accessible only to EOIR employees and locked during off-duty hours.

RETENTION AND DISPOSAL:

Record files are retained for six months after the final disposition of the case, then forwarded to regional Federal Records Centers. Automated records are maintained in EOIR field office data bases for ninety days after final disposition, then transferred to the host computer at EOIR headquarters and retained in accordance with the General Record Schedule filed with the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESSES:

General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

NOTIFICATION PROCEDURE:

Address all inquiries to the system manager listed above.

RECORD ACCESS PROCEDURES:

Portions of this system are exempt from disclosure and contest by 5 U.S.C. 522a (k)(1) and (k)(2). Make all request for access to those portions not so exempted by writing to the system manager identified above. Clearly mark the envelope and letter “Privacy Access Requests”: provide the full name and notarized signature, or dated signature under penalty of perjury, of the individual who is the subject of the record, his/her date and place of birth, or any other identifying number or information which may assist in locating the record; and, a return address.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information maintained to the system manager listed above. Provide the information required under “Record Access Procedure.” State clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Department of Justice offices and employees, the Department of Homeland Security, the Department of State, the Department of Health and Human Services, and other federal, state and local agencies; and the parties to immigration proceedings, their attorneys or representatives, and their witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Attorney General has exempted certain records of this system from the access provisions of the Privacy Act (5 U.S.C. 552a(d)) pursuant to 5 U.S.C. 552a (k)(1) and (k)(2). Rules have promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register and are codified at 28 CFR 16.83 (a) and (b).

BILLING CODE 4410–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–53,901]

Delaine Worsted Mills, Inc., Gastonia, NC; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(c) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Delaine Worsted Mills, Inc., Gastonia, North Carolina. The application contained no new substantial information which would bear importantly on the Department’s determination. Therefore, dismissal of the application was issued.


Signed in Washington, DC this 3rd day of May 2004.

Timothy Sullivan,
Director, Division of Trade Adjustment Assistance.

[FR Doc. E4–1066 Filed 5–10–04; 8:45 am]

BILLING CODE 4510–13–P