

## Accessing records while reporting on immigration and deportation

The American immigration system is made up of a complex web of federal, state, and private entities. When requesting records from agencies, journalists must have an understanding of immigration enforcement and the different bodies that control this information to ensure they send the requests to the right source.

Many of the relevant federal agencies are contained within the U.S. Department of Homeland Security (DHS), which publishes policies and regulations related to its Freedom of Information Act (FOIA) compliance [here](#). The federal Office of Government Information Services has also synthesized information about using FOIA to access immigration records [here](#). Additional insight into how some of these agencies process immigration-related records requests has been published by the [International Refugee Assistance Project](#).

### 1 U.S. Immigration and Customs Enforcement (ICE)

- FOIA requests can be filed online through the [DHS FOIA portal](#).
- ICE [FOIA library](#).

### 2 U.S. Citizenship and Immigration Services (USCIS)

FOIA requests can be submitted [here](#). You can request:

- Your own immigration records.
- Someone else's immigration records if you have their written permission.
- Agency policies, data, communications, and other records.

### 3 U.S. Customs and Border Protection (CBP)

FOIA requests can be submitted [here](#). You can request:

- Your own records (or another person's records if you have signed consent) of international travel to/from the U.S., apprehensions/detentions by CBP, and secondary inspections at Ports of Entry.
- Agency information such as policies, data, communications, etc.

#### **4 Executive Office for Immigration Review (EOIR)**

- FOIA Requests can be submitted [here](#).
- EOIR has an online portal for use by respondents and their attorneys to access and file electronic records.
- EOIR also provides an [automated case information system](#) that can be accessed with an individual's A-Number.
- There is no public docket or records portal for the public.
- Journalists have to file FOIA requests for any individual case.
- Immigration courts have digital audio recording systems for most proceedings.
- Decisions by immigration judges are appealed to the Board of Immigration Appeals. Precedential decisions by the BIA are published [here](#).
- Records maintained by EOIR related to non-citizens can't be accessed through a Privacy Act request.
- As explained in the [U.S. Department of Justice's Immigration Court Practice Manual](#) and this [EOIR fact sheet](#), hearings in immigration removal proceedings should be "generally open to the public," with some exceptions such as asylum hearings and hearings involving an abused noncitizen child. If a hearing is open to the public, representatives of the news media may attend.

#### **5 Detention Facilities**

Private detention centers are not subject to FOIA, but the [DHS Office of Inspector General](#) handles inspections of detentions at private facilities that have contracted with ICE or CBP and is subject to FOIA. FOIA requests can be made by email at [foia.oig@oig.dhs.gov](mailto:foia.oig@oig.dhs.gov).

- DHS-OIG [FOIA Electronic Reading Room](#)
- FOIA and Privacy Act requests require the notarized signature of the detained individual.