

DEPARTMENT OF JUSTICE
Executive Office for Immigration Review (EOIR)

OMB Number 1125-0016

Agency Information Collection Activities; Proposed Collection; Comments Requested; Reinstatement, with change, of a currently approved collection

AGENCY: Executive Office for Immigration Review, Department of Justice

ACTION: Notice.

SUMMARY: The Department of Justice, Executive Office for Immigration Review, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Chief, Immigration Law Division, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305-0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OVERVIEW OF THIS INFORMATION COLLECTION:

1. Type of Information Collection: Reinstatement, with change, of a currently approved collection.

2. The Title of the Form/Collection: Unfair Immigration-Related Employment Practices Complaint Form.

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form EOIR-58. The applicable component within the Department of Justice is the Office of the Chief Administrative Hearing Officer (OCAHO), Executive Office for Immigration Review.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Individuals who wish to file a complaint alleging unfair immigration-related employment practices under section 274B of the Immigration and Nationality Act (INA). Other: None. Abstract: Section 274B of the INA prohibits: employment discrimination on the basis of citizenship status or national origin; retaliation or intimidation by an employer against an individual seeking to exercise his or her right under this section; and “document abuse” or overdocumentation by the employer, which occurs when the employer asks an applicant or employee for more or different documents than required for employment eligibility verification under INA section 274A, with the intent of discriminating against the employee in violation of section 274B. Individuals who believe that they have suffered discrimination in violation of section 274B may file a charge with the Department of Justice, Immigrant and Employee Rights Section (IER). The IER then has 120 days to determine whether to file a complaint with OCAHO on behalf of the individual charging party. If the IER chooses not to file a complaint, the individual may then file his or her own complaint directly with OCAHO. This information collection may be used by an individual to file his or her own complaint with OCAHO. The Form EOIR-58 will elicit, in a uniform manner, all of the required information for OCAHO to assign a section 274B complaint to an Administrative Law Judge for adjudication.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that 23 respondents will complete the form annually; each response will be completed in approximately 30 minutes.

6. An estimate of the total public burden (in hours) associated with the collection: 11.5 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: [To be completed by Department Clearance Officer]

Melody Braswell,
Department Clearance Officer for PRA,
U.S. Department of Justice.

Billing Code: 4410-30