

SUPPORTING STATEMENT

Form EOIR-59, Certification and Release of Records OMB Control No. 1125-0017

Part A. Justification

1. Necessity of Information –

Background. Regulations prescribe how to make a request for access to Department of Justice (DOJ) records under the Privacy Act of 1974, 5 U.S.C. § 552a. Generally, an individual may make a request for access to his or her own records by appearing in-person or by writing to the Privacy Act Office of the DOJ component that maintains the records. 28 C.F.R. § 16.41(a). The regulations require that the requestor describe the records in sufficient detail to enable DOJ personnel to locate the applicable system of records containing the information with a reasonable amount of effort. 28 C.F.R. § 16.41(b). The request should include, whenever possible, a description of the records sought, the time periods they were compiled, and the name or identifying number of each system of records where they are kept. *Id.* Privacy Act requests are subject to applicable fees. 28 C.F.R. § 16.41(c). Furthermore, the request must contain a verification of identity, including the requestor's full name, current address, and date and place of birth, and be signed under penalty of perjury or notarized. 28 C.F.R. § 16.41(d). Finally, parents and guardians making a request on behalf of a minor or of someone determined by a court to be incompetent must also provide proof of their relationship to the minor or individual determined to be incompetent. 28 C.F.R. § 16.41(e).

Information Collection. The Executive Office for Immigration Review (EOIR) has created the Form EOIR-59, Certification and Release of Records, to standardize and streamline Privacy Act and Freedom of Information Act (FOIA) requests for records related to cases or proceedings before EOIR. The form allows parties who are, or were, in immigration proceedings before EOIR to disclose or release their records to an attorney, accredited representative, qualified organization, or other third party. To prevent the unauthorized disclosure of records of individuals maintained by the DOJ as required under the Privacy Act of 1974, 5 U.S.C. § 552a, the Form EOIR-59 collects personal, identifying information about the subject of the records sought, the recipient of the records sought, and a parent or guardian completing the form on behalf of a minor or individual determined to be incompetent by a court.

With respect to the subject of the record, Part A of the form prompts the respondent¹ to provide the following information: alien registration number (A-number) (if any), the record subject's current legal name, other names by which the subject of the records has been known, the current address and telephone number, the previous address and telephone number (if applicable), date of birth, country of nationality or citizenship, and place of birth. Importantly, the respondent must identify whether EOIR is permitted to release all of the records pertaining to the respondent or to release particular records as specified by the respondent.

With respect to the records recipient information, Part B of the form prompts the

¹ In the context of this supporting statement, "respondent" refers to the individual completing the Form EOIR-59 and does not necessarily refer to the individual who is the subject of EOIR immigration proceedings.

respondent to provide the recipient's full name, the organization associated with the recipient (if applicable), the recipient's contact information (mailing address, telephone number, and email address), the recipient's relationship to the subject of the records sought, and the recipient's EOIR ID number (if any). If the respondent identifies the recipient as the subject's parent or guardian, the instruction under the check box directs the respondent to Part C to provide further identity and guardianship verification.

Part C of Form EOIR-59 collects information relating to the parent or guardian completing the form on behalf of the record's subject, including the date of birth, place of birth, current address, relation to the record's subject, and acknowledgement by the parent or guardian that they must submit proof of their relationship to the record's subject. Finally, Part D collects the respondent's signature and date to declare under penalty of perjury that the information provided in the form is true and correct.

EOIR is making one substantive change to Part C to include a field to collect the name of the parent or guardian. The printed name of the parent or guardian will assist EOIR personnel processing the form to verify the parent or guardian's identity, as the name of the parent or guardian is not always legible in the signature field in Part D. EOIR is making some non-substantive edits to the instructions for the form to improve clarity and readability, update links to EOIR web pages referenced in the instructions, and update the Privacy Act Statement. EOIR also removed references to "noncitizen" in form fields and headings.

2. Needs and Uses - The certification and release of records form (Form EOIR-59) is

optional and voluntary. Careful review of the information provided in the form is necessary to prevent wrongful disclosure of DOJ records.

3. Use of Technology - The use of this form will provide the most efficient means for collecting and processing the required data. The Form EOIR-59 will be available as a fillable pdf on EOIR's website. Information can be typed into the online form, which is then printed out for submission to EOIR either by electronic or physical mail, where appropriate. The completed pdf may be uploaded and submitted with FOIA requests in EOIR's online FOIA Public Access Link. In addition, an applicant may print the form in its entirety for completion by typing or printing legibly.

4. Efforts to Identify Duplication – There is no other EOIR form that may be used by a record subject to authorize EOIR to release the subject's records. The only other method for an individual to request release of their own records is by submitting a DOJ-361 Form, Certification of Identity. The DOJ-361 includes a field for social security numbers, which EOIR does not need to collect to locate and identify a requestor's records. Rather, EOIR makes the EOIR-59 available to requestors to avoid unnecessary and inadvertent collection of social security numbers. The EOIR-59 provides a field for the alien registration number (a field the DOJ-361 does not have), which in turn enables EOIR to accurately and efficiently locate requested records in its immigration case record systems, without having to unnecessarily collect social security numbers. A review of EOIR's forms revealed no duplication of effort, and there is no other similar information

currently available that can be used for this purpose.

5. Impact on Small Businesses - This collection does not have an impact on small businesses or other small entities. The form is optional and voluntary and may be used at the discretion of individuals who are, or have been, parties to immigration proceedings before EOIR or any other individual who is the subject of an EOIR record. EOIR estimates that it will take approximately ten (10) minutes to complete the form. When used, this collection does not impose an undue burden on the requesting individuals or the recipients of the records, as the requested information is necessary to identify the subject of the records, parents or guardians completing the form on behalf of the subject of the records, and the records' recipient, and to prevent wrongful disclosure of DOJ records. The use of this form should make it easier for individuals to request records and for EOIR to more efficiently process those requests, as it is intended to collect all of the information needed to process the request, and to avoid having to follow up with individuals to provide any missing information.

6. Consequences of Less Frequent Collection - Failure to collect this information would deprive an individual of an efficient method to request the release of their records specific to their case or immigration proceedings before EOIR.

7. Special Circumstances Influencing Collection - None of the eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation – A 60-day notice covering this collection was published in the Federal Register on July 1, 2026. *See* 91 Fed. Reg. 40032 EOIR did not receive any comments in response to the 60-day notice. A 30-day notice covering this collection was published in the Federal Register on September 11, 2026. *See* 91 Fed. Reg. 57930. If comments are received in response to the 30-day notice, they will be considered and incorporated where appropriate. Copies of the Federal Register notices are attached to this ICR.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties to cases or immigration proceedings, attorneys, accredited representatives, qualified organizations, or other third parties.

10. Assurance of Confidentiality – The EOIR component processing the request will maintain the original application. For example, requests received by the immigration court for records from an alien’s removal proceedings will maintain the request in the administrative portion of the file associated with that individual record of proceedings, whereas requests received by the EOIR FOIA Service Center will maintain the form in the agency’s FOIA file system. Those EOIR staff members processing the application may access the Form EOIR-59 in the respective files belonging to the subject of the records sought. EOIR protects the confidentiality of the contents of the Form EOIR-59, to the extent permitted by law, including the Privacy Act and the FOIA.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature.

12. Estimate of Hour Burden

a. Number of Respondents	87,080
b. Number of Responses per Respondent	1 each
c. Total Annual Responses	87,080
d. Hours per Response	10 minutes (0.17 hours)
e. Total Annual Hourly Reporting Burden	14,804 hours

87,080 respondents x 1 response per respondent x 10 minutes per response (0.17 hours) =
14,804 burden hours.

13. Estimate of Cost Burden – The minimum estimated public cost is zero, and the maximum estimated public cost is \$1,264,298.88. There are no capital or start-up costs associated with this information collection. There are no filing fees associated with the Form EOIR-59. Respondents may incur costs for printing and submitting the form by mail. EOIR estimates the printing cost per form at \$0.20 (\$0.10 per page x 2 pages). EOIR estimates the postage at \$0.78 per form. Printing and postage costs only apply to those forms submitted by mail. EOIR received on average 8,537 forms by mail each year in fiscal years 2023, 2024, and 2025. Therefore, the maximum estimated annual printing cost is \$1,707.40 (\$0.20 per form x 8,537 paper forms received), and the maximum

estimated postage cost is \$6,658.86 (\$0.78 per form x 8,537 paper forms received).

Respondents may also incur costs if they hire a practitioner to assist them with completing the form. The Bureau of Labor Statistics reports that the national average hourly wage for lawyers is \$84.84. Therefore, the estimated practitioner cost per form is \$14.42 (\$84.84 per hour x 10 minutes or 0.17 hours), and the total estimated practitioner cost for all forms received is \$1,255,932.62 (\$14.42 per form x 87,080 forms received). For those respondents who proceed without an attorney, there is an estimated cost of \$10 per hour for completing the form (the individuals' time and supplies) in lieu of the practitioner cost.

14. Estimated Cost to the Federal Government – It is estimated that the annual government cost for processing and maintaining the Form EOIR-59 is \$1,002,599.58. This amount includes estimated overhead costs of \$237,256.39.

15. Reasons for Changes in Cost or Burden Estimates – There was an observed increase in the average annual number of forms received by the agency which contributed to an increase in the annual hourly reporting burden, public costs, and government costs. EOIR previously excluded printing and postage estimates, whereas EOIR is now including printing and postage costs to estimate the maximum public cost; therefore, there is an observed increase in the maximum estimated public cost. The estimated public cost also increased due to a general increase in the average annual hourly wage for attorneys as estimated by the Bureau of Labor Statistics, which raised the estimated labor cost were a

practitioner to assist with completing the form. EOIR excluded printing cost from the total estimated costs to the government as EOIR now maintains all forms in electronic format. Although government printing costs were excluded, the total estimated costs to the government increased due to increases in the average annual number of forms received by the agency for processing and an increase in the average hourly wage for the employee position processing the forms.

16. Plans for Publication - The information from this collection will be used internally to locate and release records of individuals who are, or were, involved in cases or immigration proceedings before EOIR.

17. OMB Expiration Date – EOIR will display the expiration date for OMB approval of this information collection on the footer of the form.

18. Exceptions to the Certification Statement - EOIR does not request an exception to the certification of this information collection.

Part B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.

PAPERWORK CERTIFICATION

In submitting this request for Office of Management and Budget (OMB) approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. § 1320.

Justine Fuga
Associate General Counsel
Executive Office for Immigration Review
U.S. Department of Justice

