



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the General Counsel*

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5107 Leesburg Pike, Suite 2150  
Falls Church, Virginia 22041

June 19, 2019

Michelle Mendez  
CLINIC  
8757 Georgia Ave., Suite 850  
Silver Springs, MD 20910

Re: FOIA 2019-11392

Dear Ms. Mendez,

This letter is a partial response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek information regarding the Office of Policy and various Attorney General's decisions.

Additional documents responsive to parts 1 and 2 of your request are enclosed. There will be no charge for the enclosed documents.

EOIR continues to process your request and will issue a final response when all documents have been received and reviewed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "J. Schaaf", written over a horizontal line.

Joseph R. Schaaf

Senior Counsel for Administrative Law

**Schaaf, Joseph R. (EOIR)**

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**From:** Ward, Lisa (EOIR)  
**Sent:** Tuesday, June 05, 2018 9:56 AM  
**To:** McHenry, James (EOIR)  
**Cc:** Santoro, Christopher A (EOIR); Alder Reid, Lauren (EOIR)  
**Subject:** PD for ILD attorney  
**Attachments:** ILD- Attorney Advisor GS-14\_LAR 06052018.docx

Here's the draft PD for the Attorney Advisor position in ILD. It is with HR to classify now.

Lisa

**Executive Office for Immigration Review**  
**Office of Policy/Immigration Law Division**  
**Attorney Advisor- GS-905-14**

## **INTRODUCTION**

The Attorney General of the United States, through the Department of Justice (DOJ) has delegated to the Executive Office for Immigration Review (EOIR) those aspects of his/her authority that involve the administration and interpretation of the immigration laws of the United States, to include the review of immigration hearings and allegations of employment discrimination, document fraud, and employer sanctions. The primary mission of the Executive Office for Immigration Review is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws.

EOIR is comprised of three major adjudicating components, the Office of the Chief Immigration Judge (OCIJ), which includes a headquarters staff and all Immigration Courts located throughout the country; the Board of Immigration Appeals (BIA); and the Office of the Chief Administrative Hearing Officer (OCAHO). The agency also has several supporting components and programs including: the Office of the General Counsel (OGC); the Office of Administration (OA); the Office of Information Technology (OIT); and the Office of Policy

The Office of Policy will: (1) identify, develop, draft and standardize agency priorities and policies; (2) oversee and standardize the agency's regulatory process in consultation with OGC; (3) oversee and coordinate the agency's internal dissemination of policy guidance and legal updates; (4) provide for overall planning, management, and direction of all internal and external communications; and (5) coordinate all legal and related education and training efforts: determines legal training needs, defines and provides programming to meet those needs, manages the agency law library and all its functions, and provides for significant legal research and writing assistance to all components throughout the agency.

The Attorney Advisor, Immigration Law Division (ILD) provides technical legal advice on the development and implementation of agency-wide standards for legal proceedings for both immigration courts and appellate levels of the immigration process.

## **Major Duties and Responsibilities**

- Provides assistance to the Chief, Immigration Law Division, with the day-to-day functions of the legal operations of the Division, the development, documentation, and operation of both internal processes and administrative/technical controls. Ensures compliance with applicable laws..
- Conducts comprehensive legal reviews of draft regulations, policy directives, operational concepts and operational activities in order to provide substantive and procedural advice that will resolve impediments to the agency's ability to lawfully execute its mission. Advises the Chief, Immigration Law Division, on the extent to which statutes, legislation, and regulations impact operational activities.

Researches, analyzes and provides legal interpretation of federal immigration statutes. Evaluates newly enacted statutes, proposed Federal legislation and regulations, DOJ regulations and policy statements governing EOIR's activities and operations.

- Assists with the management of the Agency's Legislative Program in coordination with the Office of the General Counsel. Provides sound recommendations in response to a wide range of questions of immigration law and policy involved in the operations of the Agency and the effect of such operations on other activities, Government agencies, industry, and the general public.
- Proposes the development of policies and procedures in response to legal cases or problems that have the effect of substantially broadening or restricting the activities of the agency. May assist in addressing confidential and sensitive immigration law problems that cut across organizational lines and affect the administration and resources of the agency.

### **CONTROLS OVER WORK**

The Attorney Advisor operates within areas of responsibility with moderate instruction. When making an assignment, the Chief, Immigration Law Division, may discuss unusual circumstances surrounding the case or problem, and/or background information or important policy considerations, which must be considered.

The Attorney Advisor has significant latitude in conducting the assignment, including as appropriate: research and analysis.

The supervisor may be briefed on the overall approach to be taken and rationale to be utilized, especially where important precedential effect is anticipated or there is widespread public interest in the outcome.

Completed work is reviewed for soundness of approach and argument, application of legal principles and consistency with law, organizational policy, and overall effectiveness.

### **OTHER SIGNIFICANT FACTS:**

A high degree of legal skill and competence is essential to interpret statutes, Executive Orders, regulations, court decisions, opinions of the Comptroller General, Appeals decisions and decisions of other Federal tribunals and rulings of various regulatory agencies in order to evaluate sensitive situations involving immigration and naturalization law and procedure, and be cognizant of the latest legal decisions in the immigration field.

Advanced writing skill in order to draft clear and concise legal materials, including regulations,

involving complex legal questions or factual issues pertaining to laws and regulations of the Immigration and Nationality Act and related statutes.

Effective oral communication and negotiation skills in order to build effective working relationships with all levels of EOIR personnel, as well as the ability to persuade individuals, attorneys, government officials and others to accept changes in policy, procedures, laws and regulations. The Attorney Advisor must also be able to understand and act upon detailed oral instructions and demonstrate a commitment to personal and organizational success.

The Attorney Advisor must be a member of the bar of the highest court of a state, territory, or the District of Columbia.

DRAFT

**POSITION EVALUATION:**

REFERENCE: OPM PCS for General Attorney Series, GS-0905, May 74.

**SERIES AND TITLE DETERMINATION:**

This position involves providing professional legal support and advice on the requirements of the law; interpreting and implementing regulations and policy; and drafting, negotiating, and examining legal documents/decisions involving immigration law and administrative law for the Office of Policy and other offices throughout EOIR. The work requires admission to the bar. The work of this position falls within the scope of cited reference; therefore, position is allocated to the GS-0905 series. Based on titling guidance, this position is titled Attorney-Adviser (General).

**GRADE DETERMINATION**

Two separate factors are considered in the GS-0905 standard in the determination of the proper grade level for attorney positions. These factors are (a) Nature of the cases or legal problems; and (b) Level of responsibility. Grade level conversion is made by combining the highest factor levels that are representative of the position to a significant extent.

**a. Nature of Cases or Legal Problems**

The Attorney, ILD, provides legal support and advice to the supported organizations and activities. The legal work involves the interpretation and application of legislation, preparing and conducting reviews of immigration law practices, obtaining and evaluating expert testimony or information. The incumbent performs extensive research; determines implications of novel and complex law issues; Legal issues are often extremely complex, difficult and novel, requiring a high order of legal endeavor and originality to obtain a reasonable balance of potentially conflicting interests.

Type III is assigned.

**b. Level of Responsibility**

The Attorney, ILD works independently as legal adviser to the Chief, Immigration Law Division. Develops factual information, including regulations, related to immigration law and administrative law. Is responsible for ensuring that policies, procedures, and regulations are consistent with the intent of the law. Confers with top officials in the agency, state, local and Federal government. Assignments are carried out with some preliminary instruction in terms of the provision of policy considerations. The incumbent recommendations are given heavy consideration and usually accepted.

**(1) Level of Functions:** Characteristics of both Level E and Level C are present in this position. At Level E, incumbent performs independent review and analysis regarding decisions/proposed

regulations for all assigned programs. In particular cases, independently reviews and drafts proposed agency decisions, without technical review, for agency officials who exercise final authority over the matter. However, at Level C, incumbent also reviews program material from the operating organization for legal soundness. Between Levels C and E, assignment of Level D is considered appropriate for this element.

**(2) Supervision and Guidance:** This position works under the general supervision of the Chief, Immigration Law Division, who sets the overall objectives of EOIR's ILD programs. The employee carries out assignments without preliminary instructions except perhaps as to the significance of the issue and provision of background information. Thereafter, the employee independently conducts analysis, plans approaches, and develops the necessary findings, reports, regulations, etc. Incumbent independently conducts reviews, plans the approach, and develops completed results. Completed work in the advisory and regulatory areas is reviewed for consistency with agency policy, possible precedential impact, and overall effectiveness. Work is considered technically correct.

**(3) Personal Work Contacts:** Incumbent confers with, negotiates with, and/or advises senior - level offices/officials throughout EOIR. The Attorney Advisor, Immigration Law Division, may also participate in frequent and recurring meetings with senior officials from outside EOIR, technical staff at bureau and major organizational levels of the agency or with comparable personnel in other Federal agencies, key staff of public interest groups (usually in formal briefings), persons with significant political influence or the media. Contacts may be to present, justify, defend, negotiate or settle significant or sensitive /controversial matters; attend meetings to accomplish such goals as influencing, motivating, or persuading others in the creation and communication of regulations and drafting of policy, which may have national implications due to congressional or Administration interest.

**(4) Nature and Scope of Recommendations and Decisions:** Legal advice on the interpretation of federal and immigration statutes, regulations, and policies. The Attorney Advisor, serves as a technical expert within the Office of Policy and performs a myriad of duties in support of the analysis, development, drafting, and promulgating of agency operating policies and procedures. The complex legal and policy analysis services provided directly impact EOIR operations in all components. The services and analysis provided ultimately impact large segments of the Nation's population and have continuing congressional and media scrutiny.

All four elements identified in the standard, are evaluated as Level D.

**Nature of Cases or Legal Problems - Type III**  
**Level of Responsibility - Level D**

**Final Classification:** Type III -Attorney-Advisor (General) work, level of responsibility Level D, Attorney-Advisor (General), GS-0905-14.



**Fair Labor Standards Act (FLSA) Determination = (EXEMPT)**

┌ **1. Availability Pay Exemption** - (e.g., Criminal Investigators, U.S. Customs and Border Protection pilots who are also Law Enforcement Officers).

┌ **2. Foreign Exemption** - (Note: Puerto Rico and certain other locations do not qualify for this exemption – [See 5 CFR 551.104](#) for a list of Nonexempt areas.)

┌ **3. Executive Exemption:**

- ┌ a. Exercises appropriate management responsibility (primary duty) over a recognized organizational unit with a continuing function, AND
- ┌ b. Customarily and regularly directs 2 or more employees, AND
- ┌ c. Has the authority to make or recommend hiring, firing, or other status-change decisions, when such recommendations have particular weight.  
Note: Shared supervision or “matrix management” responsibility for a project team does not meet the above criteria. Limited “assistant manager” functions or “acting in the absence” of the manager does not meet the above criteria.

┌ **4. Professional Exemption:**

- ┌ a. Professional work (primary duty)
- ┌ b. Learned Professional, ([See 5 CFR, 551.208](#) ) (Registered Nurses, Dental Hygienists, Physician’s Assistants, Medical Technologists, Teachers, Attorneys, Physicians, Dentists, Podiatrists, Optometrists, Engineers, Architects, and Accountants at the independent level as just some of the typical examples of exempt professionals). Or
- ┌ c. Creative Professional, ([See 5 CFR, 551.209](#) ) (The primary duty requires invention and originality in a recognized artistic field (music, writing, etc.) and does not typically include newspapers or other media or work subject to control by the organization are just some examples of Creative Professionals). Or
- ┌ d. Computer Employee, ([See 5 CFR, 551.210](#) ) ( must meet salary test and perform such duties as system analysis, program/system design, or program/system testing, documentation, and modification). Computer manufacture or repair is excluded (non-exempt work).

┌ **5. Administrative Exemption:**

- ┌ a. Primary duty consistent with [5 CFR 551](#) (e.g.; non-manual work directly related to the management or general business operations of the employer or its customers), AND job duties require exercise of discretion & independent judgment.

┌ **FLSA Conclusion:**

┌ **Exempt**

┌ **Non Exempt**

## Schaaf, Joseph R. (EOIR)

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**From:** Ward, Lisa (EOIR)  
**Sent:** Wednesday, June 07, 2017 11:11 AM  
**To:** McHenry, James (EOIR)  
**Cc:** Sheehey, Kate (EOIR)  
**Subject:** EOIR Reorg - OAG approval  
**Attachments:** 158980 (JRMcH signed memo dated 06.01.17).pdf; 158980 (Reorg Memo.rc.06.01.17).doc

James – I just talked to Mike Allen and we've got a new approach on this. The normal reorg process is that JMD sends a memo to the Attorney General requesting approval and his signature on the new org chart. The proposal is then forwarded to OMB and the Hill for review. The AG signed org chart is held until the Hill has approved the proposal.

As we are inserting this request into the DOJ spending plan, there is not enough time for a memo to the AG. Mike feels comfortable with the Spending Plan going forward with this if we get an email ok from the AG's office on the reorganization. Subsequently, JMD will go to the AG's office to get a signature on the official org chart.

We also submit that the most expeditious approach is for you (rather than JMD) approach ODAG & the AG to get the email ok.

I've attached your memo to Lee (both the PDF and the word version in case you wanted to cut and paste anything).

Please let me know if you'd like to discuss further or need anything else from me.

Thanks, lisa



U.S. Department of Justice

Executive Office for Immigration Review

*Office of the Director*


Director

5107 Leesburg Pike, Suite 2600

Falls Church, Virginia 22041

June 1, 2017

MEMORANDUM TO: Lee J. Lofthus  
Assistant Attorney General for Administration  
Justice Management Division

FROM: James R. McHenry III   
Acting Director  
Executive Office for Immigration Review

SUBJECT: The Executive Office for Immigration Review (EOIR) seeks to  
add a new Office of Policy

The Executive Office for Immigration Review (EOIR) is requesting that a reorganization, establishing a new Office of Policy, be included in the Department of Justice FY 2017 Spending Plan. The proposed reorganization reflects EOIR's need to identify, develop and effectively communicate EOIR's organizational priorities and policies to internal and external stakeholders.

The Office of Policy will include the previous Office of Planning, Analysis and Statistics, currently located in the Office of the Director. It will coordinate strategic policy initiatives on behalf of EOIR leadership that advance EOIR's priorities, including projects that require coordination with DOJ headquarters, and both intra-agency and inter-agency partners.

This office will:

- Identify, develop, draft, standardize, and communicate agency priorities and policies
- Oversee and standardize the EOIR regulatory process
- Oversee the strategic management process
- Conduct research, evaluation, and statistical analysis
- Expand analytics capacity to meet the demand for advanced and predictive analytics
- Enhance data quality and governance to quickly and effectively mitigate any data quality issues in the field

Memorandum to Lee J. Lofthus, Justice Management Division  
Subject: The EOIR seeks to add a new Office of Policy.

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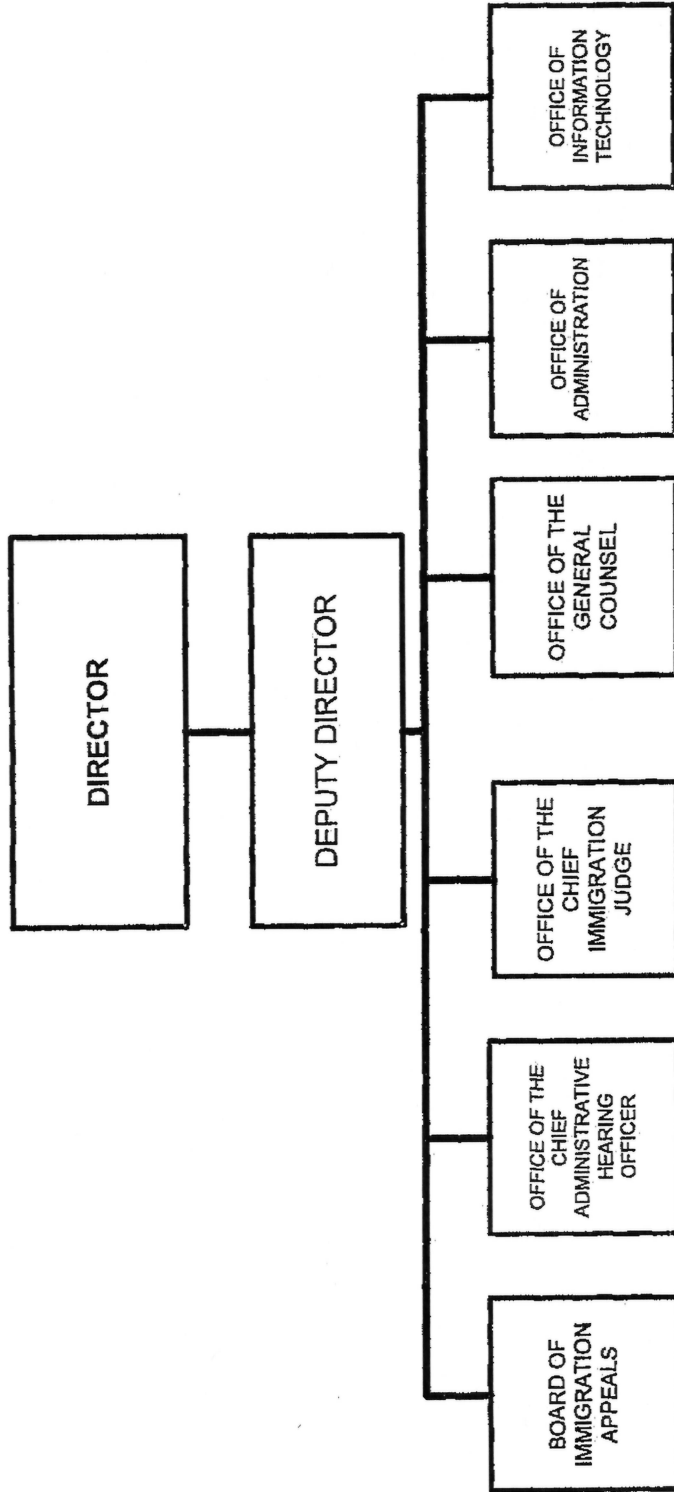
OP will be led by a GS-15, with the intention that EOIR will request an SES slot for this position in the future.

This new office will enable EOIR to make better data-informed decisions and quickly adapt to the changing environment. Information regarding this proposed reorganization has also been provide to the Budget Staff, Justice Management Division with the EOIR FY 2017 spending plan submission.

The existing and proposed organization charts are attached for reference.

Attachments

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



*Eric H. Holder, Jr.*

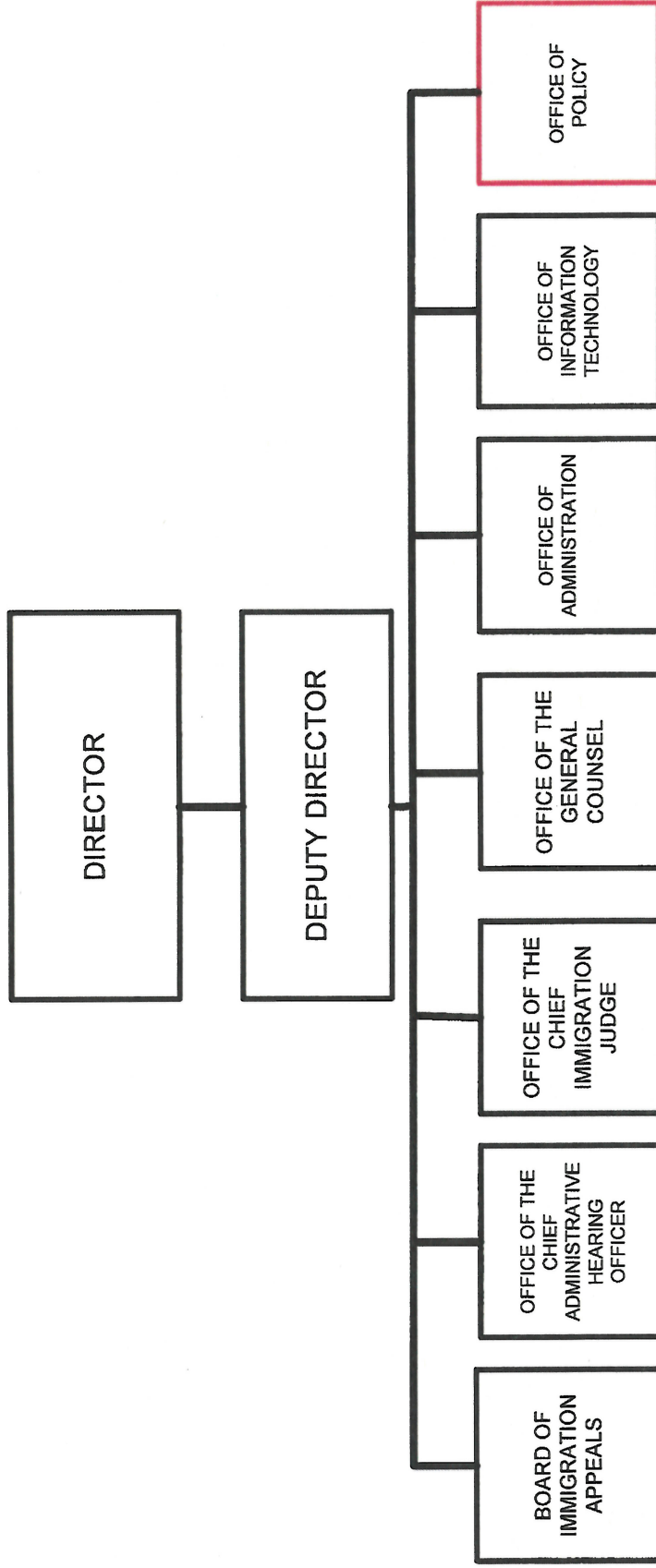
Approved by:

Date: January 28, 2015

ERIC H. HOLDER, JR.  
Attorney General

Explanation of Organization Chart Changes

# EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



KEY/NOTES:



Create a new Office of Policy

**Schaaf, Joseph R. (EOIR)**

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**From:** Ward, Lisa (EOIR)  
**Sent:** Monday, September 11, 2017 11:21 AM  
**To:** McHenry, James (EOIR)  
**Cc:** Reilly, Katherine (EOIR); Sheehey, Kate (EOIR)  
**Subject:** SES - Office of Policy  
**Attachments:** Office of Policy - Org Chart.xlsx

We are working on the documents to send in to make this request for a floater SES position. We'd been told that we needed a classified PD, so we thought "no way" (as it's all due tomorrow!). Now they are saying that we just need a summary and draft org chart. There will also be a form for you to sign.

However, prior to filling out the form, I wanted you to look at the attached org chart. The form includes the # of staff. Please let Kate and I know today, what you think of the attached and the following summary.

Thanks, lisa

(b) (5)



**EOIR - OFFICE OF POLICY**

**Assistant Director (SES)**

<b>Chief, Communications (GS-15)</b>	<b>Deputy Assistant Director (GS-15)</b>	<b>Staff Assistant - GS-12</b>
Deputy Chief (GS-15) Attorney Advisor (GS-15) Public Affairs Specialist (GS-14) Public Affairs Specialist (GS-14) Public Affairs Specialist (GS-14) Public Affairs Specialist (GS-14) Public Affairs Specialist (GS-14) Public Affairs Specialist (GS-13)	<b>Chief, Planning, Analysis &amp; Statistics (GS-15)</b>  Deputy Chief (GS-15) Program Analyst (GS-13) Program Analyst (GS-13) Program Analyst (GS-13)	<b>Chief, Regulations &amp; Policies</b>  Deputy Chief Attorney Advisor GS-14 Attorney Advisor GS-14 Attorney Advisor GS-14 Attorney Advisor GS-14 Program Analyst GS-13 Program Analyst GS-13

Deputy Chief (GS-15)  
Program Analyst (GS-14)  
Program Analyst (GS-11)

Contractors = 7

Contractors = 5



**From:** [Sheehey, Kate \(EOIR\)](#)  
**To:** [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#)  
**Cc:** [Ward, Lisa \(EOIR\)](#)  
**Subject:** Updated draft PD - AD for Office of Policy  
**Date:** Wednesday, September 20, 2017 11:41:54 AM  
**Attachments:** [2017 - Draft PD Assistant Director Policy.docx](#)

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James and Katherine – attached please find the HR-blessed PD for the Assistant Director for the Office of Policy. They’ve done some streamlining, formatting, and verbiage tweaks. Please let us know if you have any edits, comments, or concerns. As to next steps, the PD does not need review or approval from OPM, but we do need to write up a corresponding crediting plan and technical qualifications then forward the whole package to JMD. I am going to draft the crediting plan and technical quals (I’ll share them when I have a draft) and once you are comfortable with all of these things we will seek JMD approval.

Kate

**Assistant Director Policy**  
**ES-340**

**INTRODUCTION**

The Attorney General of the United States, through the Department of Justice (DOJ) has delegated to the Executive Office for Immigration Review (EOIR) those aspects of his/her authority that involve the administration and interpretation of the immigration laws of the United States, to include the review of immigration hearings and allegations of employment discrimination, document fraud, and employer sanctions. The primary mission of the Executive Office for Immigration Review is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws.

EOIR is comprised of three major adjudicating components, the Office of the Chief Immigration Judge (OCIJ), which includes a headquarters staff and all Immigration Courts located throughout the country; the Board of Immigration Appeals (BIA); and the Office of the Chief Administrative Hearing Officer (OCAHO). The agency also has several supporting components and programs including: the Office of the General Counsel (OGC); the Office of Administration (OA); the Office of Information Technology (OIT); the Office of Planning, Analysis, and Statistics (OPAS); the Office of Legal Access Programs (OLAP); the Office of Communications and Legislative Affairs (OCLA); and the Equal Employment Opportunity Program (EEO).

The Office of Policy (OP) provides for the establishment of EOIR-wide interrelated policy initiatives and projects integral to the mission of EOIR and its components and other Department of Justice (DOJ) bureaus. The Office of Policy will (1) identify, develop, draft and standardize agency policies; (2) oversee and standardize the agency's regulatory process in consultation with OGC; (3) oversee the strategic planning and management process; (4) conduct research, evaluation, and statistical analysis; (5) expand analytics capacity to provide trending analyses and predictive analytics for strategic planning purposes; (6) enhance data quality and governance; (7) oversee and coordinate the agency's internal dissemination of policy guidance and legal updates; and, (8) provide for overall planning, management, and direction of all internal and external communications.

The Assistant Director for Policy, will establish and direct the activities of the Office of Communication and Legislative Affairs and the Office of Policy Analysis and Statistics; and serve as the primary policy advisor to the Director and Deputy Director of EOIR in the review and coordinates of all regulations promulgated by EOIR and its components to facilitate EOIR's statutory and compliance requirements including preparation for non-budgetary congressional hearings and/or meetings.

**Responsibilities and Functions**

- Directs the communication and formulation of agency priorities and policies as the Assistant Director for Policy. Formulates strategic plans for the execution of integrated processes of communicating data, programs, and policies that effectively present statutory and regulatory goals. Establishes executive leadership, direction, and operational support to implement goals and to coordinate plans and programs with senior management to maximize continuity and consistency of communications. Coordinates and develops the agency position on legislation matters, working closely with the Office of General Counsel, EOIR officials, and Congressional staff. Identifies and provides policy guidance/direction in projects that implicate the interests of multiple EOIR components. Directs the clearance of policies, programs, letters, testimony and other documents with equities across EOIR.
- Leads management in the evaluation of existing EOIR policies to determine currency and relevance to agency operational programs, assessing the necessary resources required and the proper approach for revision and implementation. Proposes and directs the development of new policies and procedures that have nationwide impact and/or executes long-range goals, objectives, plans and requirements that impact agency initiatives on immigration. Provides executive level direction to program heads in planning long- and short- range program activities and program evaluation to enhance agency/department mission. Directs the work of the Office of Policy Analysis and Statistics in the identification of trends and strategic issues relevant to the adjudicative functions of EOIR; (2) analysis of emerging issues, conduct of trend analysis and predictions of future impact on program operations, costs, personnel, organization, management and mission. Directs the development of the design and performance of special studies related to changes in policy imposed by external developments including new legislation, regulatory changes, or procedural directives.
- Anticipates and advises on policy implications and issues. Defines problems, opportunities, and issues; determines and analyzes relevant facts; and supervises or forms task groups to facilitate the effective performance of those responsibilities. Represents the Director and Deputy Director in communications with principal officials of the Department, staff members, and high-ranking officials of other agencies; officials from private or public organizations, and the general public. Establishes and maintains contacts with counterparts in other agencies in order to exchange key information and further the interests of EOIR. Serves as the representative for the Director and Deputy Director in meetings and conferences concerning assigned projects, outlining policies and issues of personal interest. Advises the Director and Deputy Director of significant issues and outlines options and consequences.
- Formulates the direction and directs programs of the Office of Communications and Legislative Affairs. Manages staff activities involved with the preparation of congressional testimony and /or presentations for the Director and other EOIR senior officials at hearings, DOJ function, and other official occasions. Oversees the communication with and response to questions from members of the news media and Congress. Directs internal communication activities and the development of programs related to employee engagement, diversity, and inclusion. Directs and supervises an administrative and professional team which provides proactive, time-sensitive services and/or guidance to EOIR components, addresses the unique

needs of senior management within EOIR and is responsive to the Department and other government or regulatory agencies. Develops an infrastructure that maximizes continuity and promotes an inclusive work environment free of discrimination and which provides opportunities for all employees to work to their full potential.

- Provides oversight and continuity in the development, standardization and archiving of agency priorities and policies. Directs the analysis of EOIR or DOJ information materials and offers recommendations for improving the delivery of program information to affected individuals and groups, including information regarding policy and legal updates. Makes recommendations to the EOIR Director and Deputy Director on ways to enhance the mission and programs of EOIR through communication, programmatic, or policy change. Develops processes to coordinate regulation development and writing for the agency, such as implementation of major statutory changes, rules of court for immigration judge proceedings, rules of practice and procedure for administrative law judges and/or the BIA.

### **Supervision and Guidance**

The Assistant Director for Policy is under the administrative direction of the Director, EOIR.

The work involves addressing and responding to unusual, sensitive, and far-reaching legal and policy issues and problems on a wide variety of subjects of critical importance to the Director

The Assistant Director for Policy directs the work of the division and is held accountable for the success of its programs and projects. The Assistant Director for Policy is accountable for the success of strategic organizational and national goals, staff direction, policy determination and other executive functions

### **Supervision and Guidance Provided**

Directs professional and technical staff organized into specialized divisions. Ensures a viable planning structure and system of priorities and scheduling to meet requirements and objectives. Participates in recruitment and selection of key staff members, with full managerial, work planning and personnel management responsibilities. Evaluates organizational structure and determines management policies and direction and keeps employees informed of management goals and objectives. Develops budget and staffing requirements, keeping within the framework of budgetary limitations and guiding policies. Ensures consistent emphasis on EEO, affirmative action and avoidance of discrimination in all personnel management initiatives.

Provides expert advice and guidance to executive and senior leadership on complex regulatory or legal matters which may relate to EOIR programmatic or operational decisions. Identifies issues, proposes suggestions for resolution, constructs alternative arguments and solutions, and recommends alternative courses of action. The Assistant Director for Policy interacts with a range of persons through meetings, conferences, briefings, speeches, presentations and/or oversight hearings which may require extemporaneous response to unexpected or hostile questioning.

Preparation for these meetings typically includes briefing packages or similar presentation materials that require extensive analytical input by the staff in an interdisciplinary team approach. Responds to inquiries of EOIR staff, other federal/state agencies, Congressional staff, private counsel, and the public relating to the interpretation of immigration laws, employment laws or FOIA /PA regulations and other regulatory matters.

**Technical Qualifications- Knowledge, skills, and abilities essential to perform the duties and responsibilities of the position:**

1. Demonstrated expert knowledge to ensure that study/compliance/policy matters are sufficiently probed; comprise innovative analyses of critical, difficult, and unprecedented issues and matters, and provide authoritative answers to questions related to immigration law, regulations, rules, and practices.
2. Expert communication skills to establish continuing, productive working relationships, and demonstrate effective negotiation and conflict resolution skill to resolve differences in approaches to interpretation of policies and procedures with EOIR senior managers, top level officials from other Department of Justice components, and advocacy groups interested in or affected by programs of EOIR and to provide advice and guidance to the Director, EOIR.
3. Skill to conceive, implement, and successfully lead a wide range of divergent programs, including policy/advisory services, relating to technical aspects of immigration law, professional development, regulatory affairs and policy matters.

## Schaaf, Joseph R. (EOIR)

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**From:** Ward, Lisa (EOIR)  
**Sent:** Wednesday, October 25, 2017 2:19 PM  
**To:** McHenry, James (EOIR)  
**Subject:** RE: Policy XO PD

No. The classifier was working on the EOIR field structure for today's meeting. I heard it was a good meeting. In the meantime we've pulled the PDs for the XO for OCIJ and BIA. We are pen and inking some changes.

Does someone downtown need it asap?

**From:** McHenry, James (EOIR)  
**Sent:** Wednesday, October 25, 2017 12:20 PM  
**To:** Ward, Lisa (EOIR) <Lisa.Ward@EOIR.USDOJ.GOV>  
**Subject:** Policy XO PD

Do we have a draft version of a PD for an XO for the Policy Office?

**Schaaf, Joseph R. (EOIR)**

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**From:** Ward, Lisa (EOIR)  
**Sent:** Monday, November 27, 2017 12:52 PM  
**To:** McHenry, James (EOIR)  
**Cc:** Sheehey, Kate (EOIR)  
**Subject:** Status - Temporary SES Allocation

The float for the Office of Policy received AAG/A approval on 11/22. We are now just waiting on the DAG's approval. The package has been with ODAG since 11/22. .