

Department of Justice Retrospective Review Report - February 2015

Agency	Sub-agency	Title Of Initiative/Rule or ICR	RIN/OMB Control Number	Summary of Initiative	Status of Initiative -- New to this update, Ongoing, or Completed	Target Completion Date (if completed, please add the publication date and cite in Federal Register for example)	Does the Initiative include pilot projects, safe harbor exemptions, sunset provisions, trigger provisions, streamlined requirements, state flexibilities, or other similar strategies?	Does this initiative employ any type of experimental design y/n?	If so, please briefly describe	What methods will you engage in to Identify Improvements (public comment, analyses, third party assessments, etc). Please identify all that apply	If Available, anticipated or realized savings in costs &/or burdens and anticipated or realized changes in benefits
<b>Regulations under Retrospective Review</b>											
<i>New Rules Not Previously Reported</i>											
DOJ	DEA	Transporting Controlled Substances Away from a Registered Location for Dispensing on an As Needed and Random Basis	TBD	SUMMARY: The DEA proposes to amend its regulations governing registration, security, reporting, recordkeeping, and ordering requirements for controlled substances. This proposed rule would define the term "principal place" and clarify regulations regarding the requirement for separate registrations. This proposed rule would also modify regulations related to the handling of controlled substances by dispensers transporting controlled substances and attendant security, recordkeeping, and reporting requirements. The DEA also proposes to modify existing regulations to clarify how the handling of controlled substances by emergency response personnel and emergency preparedness operations may be conducted in accordance with the CSA.	New to this update	October (NPRM)	No	No	N/A	Public comments	TBD

DOJ	EOIR	Recognition of Organizations and Accreditations of Non-Attorney Representatives	1125-AA72	This rule proposes to amend the regulations governing the requirements and procedures for authorizing representatives of non-profit religious, charitable, social service, or similar organizations to represent persons in proceedings before the Executive Office for Immigration Review (EOIR) and the Department of Homeland Security (DHS).	New to this update	FY 2015	Streamlined requirements	No	N/A	Public comments	This proposed rule promotes the effective and efficient administration of justice before DHS and EOIR by increasing the availability of competent non-lawyer representation for underserved immigrant populations. It seeks to accomplish this goal by increasing the availability of qualified representation for primarily low-income and indigent persons while protecting the public from fraud and abuse by unscrupulous organizations and individuals.
DOJ	EOIR	List of Pro Bono Legal Service Providers for Aliens in Immigration Proceedings	1125-AA62	This rule proposes to amend 8 CFR part 1003 by changing the name of the "List of Free Legal Services Providers" to the "List of Pro Bono Legal Service Providers." The rule would also enhance the eligibility requirements for organizations, private attorneys, and referral services to be included on the List of Pro Bono Legal Service Providers. The proposed rule published on 09/17/14, at 79 FR 55662.	New to this update	FY 2015	Streamlined requirements	No	N/A	Public comments	This proposed rule will enhance the eligibility requirements for organizations, private attorneys, and referral services to be included on the List of Pro Bono Legal Service Providers (List). The List is central to EOIR's efforts to improve the amount and quality of representation before its adjudicators, and it is an essential tool to inform aliens in proceedings before EOIR of available pro bono legal services.
<i>Previously Reported Items</i>											
DOJ	DEA	Implementation of the International Trade Data System	TBD	The Drug Enforcement Administration (DEA) is proposing to update its regulations regarding the import and export of controlled substances and listed chemicals. The amendments will reflect current procedures and technological advancements and allow for the implementation, as applicable for controlled substances and listed chemicals, of the President's Executive Order on streamlining the export/import process as it pertains to government-wide utilization of the International Trade Data System (ITDS). The proposed changes would also revise the regulatory text to make it coherent and consistent with plain language principles.	Ongoing	July 2015 (NPRM)	Pilot Project	No	N/A	Public comments, analysis of pilot project	Pursuant to section 6 of E.O. 13659, DEA been consulting with CBP and is continuing to study possible modifications to its existing regulations, in order to reduce the burdens on importers and exporters while continuing to maintain effective controls against diversion.

DOJ	EOIR	Retrospective Regulatory Review Under E.O. 13563 of 8 CFR Parts 1003, 1103, 1211, 1212, 1215, 1216, 1235	1125-AA71	Advance notice of future rulemaking concerning appeals of DHS decisions (8 C.F.R. part 1103), documentary requirements for aliens (8 C.F.R. parts 1211 and 1212), control of aliens departing from the United States (8 C.F.R. part 1215), procedures governing conditional permanent resident status (8 C.F.R. part 1216), and inspection of individuals applying for admission to the United States (8 C.F.R. part 1235). The ANPRM was published on 9/28/2012. The comment period closed on 11/27/2012. EOIR is currently in the process of reviewing the comments received and drafting two follow-up NPRMs.	Ongoing	2015		No	N/A	Public comments.	TBD
DOJ	EOIR	Separate Representation for Custody and Bond Proceedings	1125- AA78	This rule would amend the Executive Office for Immigration Review (EOIR) regulations relating to the representation of aliens in custody and bond proceedings by allowing a representative to enter an appearance in custody and bond proceedings before EOIR without committing to appear on behalf of the alien for all proceedings before the Immigration Court. The proposed rule was published on 09/17/14, at 79 FR 55659. EOIR is developing a final rule in response to public comments.	Ongoing	2015		No	N/A	Public comments.	This rule will enhance representation of detained aliens by making it easier for aliens who may not be able to afford to hire an attorney for all of their proceedings before the Immigration Court to at least be able to be represented during their custody and bond proceedings. The Department anticipates that this rule will also have a positive economic effect because increasing the number of aliens who are represented in their custody and bond proceedings will enable immigration judges to adjudicate proceedings in a more effective and timely manner.

## Reducing Reporting and Paperwork Burdens

DOJ	EOIR	Electronic Submission of Application for Cancellation of Removal: Form EOIR-42A (Application for Cancellation of Removal for Certain Permanent Residents) and Form EOIR-42B (Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents)	1125-0001	This information collection is necessary to determine the statutory eligibility of individual aliens who have been determined to be removable from the United States for cancellation of their removal, as well as to provide information relevant to a favorable exercise of discretion.	Ongoing	FY 2017					29,881 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 25,627 annual submissions of this form; as this form requires submission of documentary evidence, EOIR estimates that the majority of respondents file this form in person at the immigration court. EOIR conservatively estimates that 20% of these annual respondents, or 5,125.4, would file this form electronically, resulting in aggregate cost savings to the public of \$2,306.43 savings in postage and \$6,663.02 savings in printing costs.
DOJ	EOIR	Electronic Submission of Notice of Appeal from a Decision of an Immigration Judge (Form EOIR-26)	1125-0002	A party affected by a decision of an Immigration Judge may appeal that decision to the Board, provided the Board has jurisdiction pursuant to 8 C.F.R. 1003.1(b). An appeal from an Immigration Judge's decision is taken by completing the Form EOIR-26 and submitting it to the Board	Ongoing	FY 2017					1,920 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 19,201 annual submissions of this form; as this form is a notice of appeal that must be filed with the Board of Immigration Appeals, located in Falls Church, VA, EOIR estimates that the majority of respondents file this form using the postal service. EOIR conservatively estimates that 90% of these annual respondents, or 17,280.9, would file this form electronically, resulting in aggregate cost savings to the public of \$7,776.41 savings in postage and \$10,368.54 savings in printing costs.

DOJ	EOIR	Electronic Submission of Fee Waiver Request Form (Form EOIR-26A)	1125-0003	The information on the fee waiver request form is used by the Board of Immigration Appeals to determine whether the requisite fee for a motion or appeal will be waived due to an individual's financial situation.	Ongoing	FY 2017					1,194 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 5,970 annual submissions of this form; as this form is a notice of appeal that must be filed with the Board of Immigration Appeals, located in Falls Church, VA, EOIR estimates that the majority of respondents file this form using the postal service. EOIR conservatively estimates that 90% of these annual respondents, or 5,373, would file this form electronically, resulting in aggregate cost savings to the public of \$2,417.85 savings in postage and \$537.30 savings in printing costs.
DOJ	EOIR	Electronic Submission of Request for Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR-31)	1125-0012	This information collection is necessary to determine whether the organization meets the regulatory and relevant case law requirements for recognition by the Board as a legal service provider, which then would allow its designated representative or representatives to seek full or partial accreditation to practice before EOIR and/or the Department of Homeland Security.	Ongoing	FY 2017					44 hours of paperwork/reporting eliminated. The projected savings to the government is not yet known. There are 105 annual submissions of this form; as this form is a request for recognition that must be filed with the Board of Immigration Appeals, located in Falls Church, VA, EOIR estimates that the majority of respondents file this form using the postal service. EOIR conservatively estimates that 90% of these annual respondents, or 94.5, would file this form electronically, resulting in aggregate cost savings to the public of \$42.53 savings in postage and \$28.35 savings in printing costs.

DOJ	EOIR	Request by Organization for Accreditation of Non-Attorney Representative (Form EOIR-31A)	1125-0013	EOIR recently developed a new voluntary information collection (Form EOIR-31A) to assist Nonprofit Religious, Charitable, Social Service, or Similar Organizations recognized to provide representation to individuals appearing before EOIR and the Department of Homeland Security (DHS).	Ongoing	FY 2017						This form was developed in order to assist recognized organizations in applying for the accreditation of their representatives to appear before EOIR and DHS. The new voluntary Form EOIR-31A makes it easier for an organization to submit a complete application for accreditation and for the Board to review an individual's credentials for eligibility and fitness to participate in the R&A program. As this is a new collection, the projected savings to the government and the public is not yet known.
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Executive Order 13659, "Streamlining the Export/Import Process for America's Businesses," provided new directives for agencies to improve the technologies, policies, and other controls governing the movement of goods across our national borders. This includes additional steps to implement the International Trade Data System as an electronic information exchange capability, or "single window," through which businesses will transmit data required by participating agencies for the importation or exportation of cargo.

At the Department of Justice, stakeholders must obtain pre-import and pre-export authorizations from the Drug Enforcement Administration (DEA) (relating to controlled substances and listed chemicals), or from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) (relating to firearms, ammunition, and explosives). The ITDS "single window" will work in conjunction with these pre-import and pre-export authorizations.

The pre-import/export requests for both agencies occur before the goods are at the border or port of entry, thus allowing adequate time for the respective agency to review the request and pertinent data relating to the request, and contact interested parties and/or foreign counterparts on the stakeholder's request. Stakeholders seeking to import or export commodities regulated by these agencies will continue to utilize the established application process at each agency. DEA has electronic filing systems for most import and export authorizations, and ATF allows optional electronic filing for import and export authorizations. DEA and ATF systems then supply, by batch, license and permit information to CBP to facilitate validation of licenses and permits for imported or exported goods at the border.