INS FOIA ANNUAL REPORT FY 2000

II. How to Make a FOIA Request

Provide a brief description of the component's response-time ranges.

The Immigration and Naturalization Service (INS) is decentralized. In fiscal year 2000 (FY 2000), INS had 52 offices (i.e., Headquarters, Regional and District offices and the National Records Center) processing requests. The overall average timeframe for processing requests was 27 days. The delay in meeting the 20 day timeframe continues to be the same. In some cases the Freedom of Information Act and Privacy Act (FOIA/PA) offices experienced difficulties in obtaining the records from another operating unit or entity in a timely manner. Also, a new electronic FOIA/PA processing system was introduced to the FOIA/PA offices and the transition period impacted on productivity.   Although, the average processing timeframe was 27 days, more than 50 percent of the offices were in compliance with the 20 day response time requirement.

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by component during reporting fiscal year.

1. Brief description of type(s) of information withheld under each statute, with special attention to statutes that are particular to an individual component.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example. If not, write "None."

Please answer listing the information using the following chart format.

Statute/Rule	Type of Information Withheld	Case Citation
(List Exemption 3 statute relied on)	(Provide brief description of types of information withheld.)	(Cite court case which upheld the statute. If not upheld, write "None.")
26 USC 6103	Tax return information	None. (INS has not been challenged on this statute.)

V. Initial FOIA/PA Access Requests

A. Number of initial requests.

Total of the numbers in Lines 1 and 2, minus the number in Line 3, should equal the number in Line 4.   This should include all access requests, whether first-party or third-party.

    1. Number of requests pending as of end of preceding fiscal year 22,646

    2. Number of requests received during current fiscal year 166,283

    3. Number of requests processed during current fiscal year 163,881

    4. Number of requests pending as of end of current fiscal year 25,048
(Enter this number also in Line VII.B.1.)

B. Disposition of initial requests.

    1. Number of total grants 69,768

    2. Number of partial grants 22,331

    3. Number of denials 748

        a. number of times each FOIA exemption used
           (counting each exemption once per request)
               (1) Exemption 1   33

               (2) Exemption 2 3,396

               (3) Exemption 3   20

               (4) Exemption 4   264

               (5) Exemption 5 12,657

               (6) Exemption 6 42,996

               (7) Exemption 7(A) 9,486

               (8) Exemption 7(B)   9

               (9) Exemption 7(C) 28,458

               (10) Exemption 7(D) 2,533

               (11) Exemption 7(E) 5,352

               (12) Exemption 7(F) 176

               (13) Exemption 8   0

               (14) Exemption 9   0

4. Other reasons for nondisclosure (total) 71,034

      a. No records   8,732

      b. Referrals   275

      c. Request withdrawn 672

      d. Fee-related reason   396

      e. Records not reasonably described   159

      f. Not a proper FOIA request for some other reason 5,399

      g. Not an agency record   2,682

      h. Duplicate request 4,682

      i. Other (specify) :

          Old Record 1,245

          Unable to Locate 3,383

          Transfers 43,409

VII. Compliance with Time Limits/Status of Pending Requests

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Using "working days," count days from the time at which a request is "perfected."

Separately report each track of a multi-track system, as well as an "expedited processing" track. A component may report any other type of request at its option.

A. Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).

a. Number of requests processed   114,717

b. Median number of days to process   23

2. Complex requests (specify for any and all tracks used).

a. Number of requests processed   49,164

b. Median number of days to process   46

3. Requests accorded expedited processing.

a. Number of requests processed   157

b. Median number of days to process   2

B. Status of pending requests.

Components using multiple tracks may provide numbers for each track, as well as totals.

1. Number of requests pending as of end of current fiscal year 25,048
(Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date   40

Examples for calculation of median:

Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.

If there were 6 pending cases aged 10, 20, 30, 50, 120, and 200 days from date of perfection to date of completion, the total number of requests completed would be 6 and the median age would be 40 days (the average of the 2 middle numbers)

VIII. Comparisons with Previous Year(s) (Optional)

State comparisons both in total numbers and in percentage of change.

(Note that the annual report for 1997 covers a partial calendar year, so any comparison should begin with fiscal year 1998.)

A. Comparison of numbers of requests received. There was a 1.5% decrease in receipts for fiscal year 2000 (FY 2000). In FY 1999 INS received -168,944 requests and in FY 2000 - 166,283.

B. Comparison of numbers of requests processed. There was a 3% increase in processed requests in FY 2000. 5,041 requests were processed in FY 2000 than in FY 1999. (158,913 - FY 1999 and 163,881 - FY 2000).

C.   Comparison of median numbers of days.   Requests were pending at the end of this fiscal year. The median age for pending requests has increased 58%. In FY 2000, the median age was 40 days. The median age in FY 1999 was 25 days.

D. Other statistics significant to component. INS granted 3,567 more requests in FY 2000 than in FY 1999. That is a 5.3% increase in granted requests.

E. Other narrative statements describing component efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

INS has allocated in the last two fiscal years funding for overtime. Also, INS has continued to remote cases to other FOIA/PA field offices with no backlogs. In March, INS opened a FOIA/PA office at our National Records Center in Lee's Summit, Missouri. This office has been helpful in assisting other field offices with scanning and processing of requests.

Regardless of INS' efforts, the backlog has continued to increase. INS has been meeting with the staff of the Executive Associate Commissioner, Field Operations with the intention of developing a five-year strategic plan for centralizing the program in an effort to assist in eliminating the backlog. Eliminating the backlog is high priority for INS and we are working to meet the criteria..

IX. Costs/FOIA Staffing

Components such as EOUSA, Tax, and Civil should include attorneys who handle FOIA Litigation in court.

    A. Staffing levels.

        1. Number of full-time FOIA personnel <u>177</u>

        2. Number of personnel with part-time or occasional FOIA duties (in total work-years)
          <u>0.2</u>   (Note: INS only used collateral employees for three months)

        3. Total number of personnel (in work-years) <u>177.2</u>

    B. Total costs (including staff and all resources).

        <u>1.</u>   FOIA processing (including appeals) $<u>10,026,795.</u>

        2. Litigation-related activities (estimated) $<u>54,071</u>   (<u>29 attorneys @1,307 hours at GS 14/3)</u> *

        3. Total costs <u>10,080,866</u>

        4. Comparison with previous year(s) including percentage of change (optional) <u>6.2% decrease in</u>
        <u>resources compared to FY 1999 (FY1999 - 10753,584 and FY 2000 - 10,080,866).</u>

    C. Statement of additional resources needed for FOIA compliance (optional) <u>INS needs an additional 25</u>
<u>positions to assist in eliminating the backlog and to be in compliance with the FOIA.</u>

X. Fees

Includes charges for search, review, document duplication, and any other direct cost permitted under
agency regulations.

    A. Total amount of fees collected by component for processing requests <u>$27,711.02</u>

    B. Percentage of total costs <u>.02%</u>

    Includes such litigation-related activities as writing declarations, <u>Vaughn</u> indexes, briefs, and letters,
    and meetings, depositions, conferences, telephone calls, etc.