

INS FOIA ANNUAL REPORT FY 1998

ATTACHMENT A

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 that district offices receive, process, and disseminate information requested. INS has a multi-track system – simple (fast-track) and complex for processing requests.

Simple requests are basically for manuals, policy memorandums, and genealogy. It takes anywhere from 5 to 20 working days to process these requests. The varying timeframes are due to INS requiring other operating units and entities (Federal Records Center) to retrieve the information and/or record.

Complex requests consist of alien files, research data, contracts, and personnel related files. These requests are processed anywhere from 21 to 90 working days. Again the timeframes vary because only some of the field offices have direct access to the alien file. However, the major reasons for the processing delay are: 1) responsive records must be obtained from another operating unit; 2) a reduction in available staff due to vacant positions (especially in Headquarters); 3) the implementation of a new processing tool (i.e. the Freedom of Information Act and Privacy Act Information Processing System -FIPS); and 4) an increase in the new receipts.

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.

8 USC 1160(b)(6) - Special Agricultural Worker Applicants (limitation to access, only sworn officers and employees of the Department of Justice (DOJ) can examine these aliens applications).

8 USC 1186a(4)(c) - Abused Alien/Spouses/Children (information provided by an alien spouse or child seeking removal of the conditional basis of his/her permanent resident status on basis of a hardship waiver because of abuse.

8 USC 1202f - Confidential VISA information derived from the Department of State.

ATTACHMENT A (Continued)

8 USC 1255A(c)(5) - Legalization Applicants (limitation to access, information only to those officers and employees of DOJ making a determination on the applicant's application).

26 USC 6103 - Tax information received from the Internal Revenue Service.

50 USC 403(c) - Purchases and contracts for supplies from the Internal Revenue Service.

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

N/A

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 17,911
2. Number of requests received during current fiscal year 143,591
3. Number of requests processed during current fiscal year 148,887
4. Number of requests pending as of end of current fiscal year 12,615
(Enter this number also in Line VII.B.1.)

B. Disposition of initial requests.

1. Number of total grants 58,007
2. Number of partial grants 22,439
3. Number of denials 880

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

- (1) Exemption 1 9
- (2) Exemption 2 4820
- (3) Exemption 3 165
- (4) Exemption 4 33
- (5) Exemption 5 10,871
- (6) Exemption 6 8,311
- (7) Exemption 7(A) 3,437
- (8) Exemption 7(B) 8

ATTACHMENT B (Continued)

(9) Exemption 7(C) 6,960

(10) Exemption 7(D) 3,860

(11) Exemption 7(E) 2,502

(12) Exemption 7(F) 11

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 67,561

a. No records 10,025

b. Referrals 95

c. Request withdrawn 993

d. Fee-related reason 129

e. Records not reasonably described 785

f. Not a proper FOIA request for some other reason 3,840

g. Not an agency record 6,980

h. Duplicate request 3,130

i. Other (specify) Transfers to INS offices 37,023
Unable to Locate 4,561

ATTACHMENT C

For this reporting period this section was completed by the Department

VII. Compliance with Time Limits/Status of Pending Requests

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, and may report any other type of request at component option.

A. Median processing time for requests processed during the year.**1. Simple requests (if multiple tracks used).**

- a. Number of requests processed 55,088
- b. Median number of days to process 13

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

- a. Number of requests processed 93,799
- b. Median number of days to process 21

3. Requests accorded expedited processing.

- a. Number of requests processed 1,489
- b. Median number of days to process 5

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 12,615 (Enter this number from Line V.A.4.)
- 2. Median number of days that such requests were pending as of that date 42

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 component's report for 1997 covers a partial calendar year.)

- A. Comparison of numbers of requests received 43,097 more for FY'98
- B. Comparison of numbers of requests processed 35,497 more for FY'98
- C. Comparison of median numbers of days requests were pending as of end of fiscal year
N/A (Not reported in FY'97 report.)
- D. Other statistics significant to component N/A
- 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 developed an electronic on-screen tracking, review, and redaction process of FOIA/PA requests and responsive records (i.e. FIPS). The FIPS will provide a means to improving timelines of FOIA/PA performance. (FIPS is presently located in Headquarters and will be deployed to other FOIA/PA offices during fiscal year 1999.) Further, INS has worked to reduce the backlog by working on over-time, remoting cases for processing to field offices which have no backlogs, and obtaining contract workers to assist with copying, filing, mailings, and data entry.

ATTACHMENT F

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 167
2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 9 collateral personnel (3,920 man-hours = 1.9 work-years)
3. Total number of personnel (in work-years) 168.9 (169)

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

1. FOIA processing (excluding appeals) \$8,447,964
2. Litigation-related activities (estimated) None
3. Total costs \$8,447,964
4. Comparison with previous year(s) (including percentage of change) (optional)
25% increase in costs (\$6,706,077 in FY'97 to \$8,447,964 in FY'98).

C. Statement of additional resources needed for FOIA compliance (optional)

Additional funding (estimated 25%) for FIPS deployment to INS field offices is requested.

X. Fees

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

- A. Total amount of fees collected by component for processing requests \$7,078.25
- B. Percentage of total costs .08 % of fees collected.

**Addendum to Privacy Act Annual Statistical Report
(PA/AS Report)
Fiscal Year 1998**

The following applies only to requests which actually cited the Privacy Act as a statutory basis for the request.

Statistical Data

1. Total number of requests for access: 22,933
2. Number of requests granted in whole: 6,004
3. Number of requests granted in part: 1,863
4. Number of requests wholly denied: 8
5. Numbers of requests for which no record was found: 354

Numbers (6), (7), and (8) will be answered separately by the Office of Information and Privacy)

9. Number of requests to amend records in systems: 98
10. Number of amendment requests granted in whole: 7
11. Number of amendment requests granted in part: 0
12. Number of amendment requests wholly denied: 9

Note: We realize that requests are not necessarily processed in the year of receipt and that the number of access and amendment requests received, which cited the Privacy Act, may not necessarily be consistent with the total number reported as processed in items 2, 3, 4, and 5 above, for example. Where such is the case, please indicate this with an appropriate footnote.