

INS FOIA ANNUAL REPORT FY 1999

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 days to process these requests. The varying time frames 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 days. Again the time frames 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.
2. Statement of whether a court has upheld the use of each statute. If so, then cite example. If not, write "None."

ATTACHMENT A (Continued)

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.")
8 U.S.C. 1304(B)	Fingerprint records (These records are confidential)	None
8 U.S.C. 1255A(c)(5)	Legalization Applicant information	None
8 U.S.C. 1160(B)(6)	Alien applications records under the Special Agricultural Worker Program	None
26 U.S.C. 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 12,615
2. Number of requests received during current fiscal year 168,944
3. Number of requests processed during current fiscal year 158,913
4. Number of requests pending as of end of current fiscal year 22,646 (Enter this number also in Line VII.B.1.)

B. Disposition of initial requests.

1. Number of total grants 66,201
2. Number of partial grants 22,167
3. Number of denials 638
 - a. number of times each FOIA exemption used (counting each exemption once per request)
 - (1) Exemption 1 12
 - (2) Exemption 2 1,508
 - (3) Exemption 3 30
 - (4) Exemption 4 12
 - (5) Exemption 5 7,687
 - (6) Exemption 6 8,683
 - (7) Exemption 7(A) 4,357
 - (8) Exemption 7(B) 6
 - (9) Exemption 7(C) 7,048

ATTACHMENT B (Continued)

(10) Exemption 7(D) 1,551

(11) Exemption 7(E) 2,348

(12) Exemption 7(F) 10

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 69,907

a. No records 7,840

b. Referrals 158

c. Request withdrawn 1,452

d. Fee-related reason 114

e. Records not reasonably described 446

f. Not a proper FOIA request for some other reason 4,439

g. Not an agency record 4,543

h. Duplicate request 3,374

i. Other (specify) (See below)

Old Record 1,040

Unable to Locate 5,034

Transfers 41,467

VII. Compliance with Time Limits/Status of Pending Requests

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 77,867
- b. Median number of days to process 10

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

- a. Number of requests processed 81,046
- b. Median number of days to process 21

3. Requests accorded expedited processing.

- a. Number of requests processed 27
- 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 22,646
(Enter this number from Line V.A.4.)
- 2. Median number of days that such requests were pending as of that date
25

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, so any comparison should begin with fiscal year 1998.)

- A. Comparison of numbers of requests received - 18% increase from FY'98
- B. Comparison of numbers of requests processed - 7% increase from FY' 98
- C. Comparison of median numbers of days requests were pending as of end of fiscal year - decrease in median days pending in FY'99
- D. Other statistics significant to component - 8,194 more grants in FY'99
- 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) (See below)

The Freedom of Information Act/Privacy Act (FOIA/PA) electronic case processing database (i.e. FIPS) has been deployed to 98% of our FOIA/PA field offices. Most of the deployment took place from July through September. Therefore, backlog reduction results could not be adequately determined.

Further, FOIA/PA offices were provided funding for overtime. The overtime funds were used for copying and processing records. Also, cases continued to be remoted to those field offices with no backlogs. Working overtime and remoting the cases assisted in obtaining the seven percent increase in processed requests in FY'99.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 175
2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 1.4 (7 collateral workers)
3. Total number of personnel (in work-years) 176

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

1. FOIA processing (including appeals) \$10,753,584
2. Litigation-related activities (estimated) None
3. Total costs \$10,753,584
4. Comparison with previous year(s)(including percentage of change) (optional) 18% increase in resources

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

Congress provided INS with 22 additional positions to staff a FOIA/PA Unit at our National Records Center in Kansas City, Missouri. Resources for salaries, equipment, and other costs requires an 18% increase in resources.

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 \$15,848.98
- B. Percentage of total costs .01%