

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. The overall average age for processing requests for the fiscal year was 28 days. Although INS is not in compliance with the twenty-day requirement, more than 60 percent of the field offices do meet the twenty-day timeframe for completing requests.

IV. Exemption 3 Statutes

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

Please answer by listing the information in the following chart format.

Statute/Rule	Type of Information Withheld	Case Citation
(List Exemption 3 statutes relied on.)	(Provide brief description of type of information withheld.)	(Cite court case that upheld the statute. If not upheld, write "None.")
8 USC 1186a	Information supplied by abused Aliens/Spouses/Children	INS has not been challenged on this statute.
26 USC 6103(a)	Tax return information	Abernathy v. IRS, 909 F. Supp. 1562 (N.D. GA. 1995)
8 USC 1255A (c)(5)	Information concerning legalization applicants	INS has not been challenged on this statute.
8 USC 1160(b)(6)	Information on Special Agricultural Workers	INS has not been challenged on this statute.
Rule 6 (e) of the Federal Rules of Criminal Procedure	Grand jury information.	Aleman v. Shapiro, No. 85-3313 (D.D.C. June 30, 1986)

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 25,048
2. Number of requests received during current fiscal year 126,658
3. Number of requests processed during current fiscal year 123,334
4. Number of requests pending as of end of current fiscal year 28,372
(Enter this number also in Line VII.B.1.)

B. Disposition of initial requests.

1. Number of total grants 66,706
2. Number of partial grants 23,739
3. Number of denials 531
 - a. number of times each FOIA exemption used
(counting each exemption once per request)
 - (1) Exemption 1 10
 - (2) Exemption 2 5,427
 - (3) Exemption 3 26
 - (4) Exemption 4 424
 - (5) Exemption 5 11,747
 - (6) Exemption 6 75,319
 - (7) Exemption 7(A) 7,613
 - (8) Exemption 7(B) 9
 - (9) Exemption 7(C) 68,654
 - (10) Exemption 7(D) 2,987
 - (11) Exemption 7(E) 9,834
 - (12) Exemption 7(F) 101

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Attachment B

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 32,358

a. No records 11,384

b. Referrals 232

c. Request withdrawn 893

d. Fee-related reason 786

e. Records not reasonably described 138

f. Not a proper FOIA request for some other reason 7,447

g. Not an agency record 1,997

h. Duplicate request 6,322

i. Other (specify):

Unable to Locate 2,255

Old Records 904

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 81,192

b. Median number of days to process 15

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

a. Number of requests processed 42,142

b. Median number of days to process 37

3. Requests accorded expedited processing

a. Number of requests processed 84

b. Median number of days to process 16

B. Status of pending requests.

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

1. Number of requests pending as of end of current fiscal year 28,372 (Track 1 – 12,049 and Track 2 – 16,317)

(Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date 50

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)

- A. (Will be handled at Departmentwide level.)
- B. (Will be handled at Departmentwide level.)
- C. (Will be handled at Departmentwide level.)
- D. Other statistics significant to component.

INS received 722 requests for expedited treatment. Of these 722 requests, 84 were granted. INS granted eleven percent of the requests received. Fourteen percent of these requests were from the News Media and 30 percent from attorneys.

- 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 for the past three fiscal years has allocated funding for overtime. Further, the National Record Center FOIA/PA office has expanded and it processed 30 percent of the closed cases. Also, our electronic processing tool (FIPS) was enhanced, which allowed the staff to process more expeditiously.

*As of this year, to the extent practicable, all components are asked to specify the number of requests for expedited processing that were received, in addition to the number granted.

IX. Costs/FOIA Staffing

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

A. Staffing levels.

1. Number of full-time FOIA personnel 211
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)
0
3. Total number of personnel (in work-years) 211

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

1. FOIA processing (including appeals) \$9,568,355
2. Litigation-related activities (estimated \$56,265 (29 attorneys @ 1310 hours)
3. Total costs \$9,624,620
4. Comparison with previous year(s), including percentage of change (optional)
INS had a 4.5 percent decrease in resources compared to FY'00 (FY'00 – \$10,080,866 – FY'01 - \$9,624,620). The decrease was a result of fewer dollars spent on supplies and Appeals processing and funding for enhancements to FIPS.

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

Additional funding is not needed at this time.

X. Fees

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

- A. Total amount of fees collected for processing requests \$54,242.59
- B. Percentage of total costs .03

**In addition to personnel costs, this may include estimates for such items as photocopying, postage, data-processing services, and any items of overhead that are reasonably allocable to your FOIA operations.*

***Provide best estimate in accordance with supplemental annual report guidance (Attachment F). Also includes such litigation-related activities as writing declarations, Vaughn Indexes, briefs, and letters; and meetings, depositions, conferences, telephone calls, etc.*