

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. INS uses a two-track system in its processing of requests (i.e., Track 1 – Simple requests - process in a brief time, 20 working days or less and Track 2 – Complex requests – require more than 20 working days to locate, review and prepare for disclosure). The overall average age for processing requests for the fiscal year was 35 days. Although INS is not in compliance with the 20-day requirement, more than 58 percent of the field offices do meet the 20-day timeframe for responding to 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 has upheld the statute. If not upheld, write "None.")
8 USC 1160(B)(6)	Information on Special Agricultural Workers	INS has not been challenged on this issue.
8 USC 1255A(c)(5)	Information concerning legalization applicants	INS has not been challenged on this issue.

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
28,372
2. Number of requests received during current fiscal year
130,511
3. Number of requests processed during current fiscal year
133,368
4. Number of requests pending as of end of current fiscal year
25,515
(Enter this number also in Line VII.B.1.)

B. Disposition of initial requests.

1. Number of total grants 65,094
2. Number of partial grants 33,971
3. Number of denials 517
 - a. number of times each FOIA exemption used
(counting each exemption once per request)
 - (1) Exemption 1 6
 - (2) Exemption 2 6,741
 - (3) Exemption 3 84
 - (4) Exemption 4 444
 - (5) Exemption 5 20,778
 - (6) Exemption 6 169,345
 - (7) Exemption 7(A) 10,901
 - (8) Exemption 7(B) 21
 - (9) Exemption 7(C) 175,276
 - (10) Exemption 7(D) 4,412
 - (11) Exemption 7(E) 13,015
 - (12) Exemption 7(F) 112

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Attachment B

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 33,786

a. No records 9,622

b. Referrals 109

c. Request withdrawn 856

d. Fee-related reason 1,363

e. Records not reasonably described 143

f. Not a proper FOIA request for some other reason
8,729

g. Not an agency record 1,496

h. Duplicate request 7,905

i. Other (specify)

Unable to locate 2,980

Old Records 583

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 93,165

b. Median number of days to process 21

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

a. Number of requests processed 40,203

b. Median number of days to process 46

3. Requests accorded expedited processing

a. Number of requests processed 56

b. Median number of days to process 8

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

Track 1 13,778

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

Track 2 11,737

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

Track 1 40

Track 2 68

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)

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 _____ *

Expedited Requests 2,207

Expedited Granted 56

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) Optional.

INS as of July 31, 2002, was exceeding the Department of Justice (DOJ) mandate for backlog reduction. (The backlog was under 10,000 cases.) However, due to technical enhancement problems in the automated system for processing requests (i.e., FIPS) during August and September, the INS did not meet its mandated goal of 11,000. Even though, INS did not meet its mandated goal, the agency continued to pursue its efforts to meet the mandate prior to system problems. INS did the following:

1. continued to coordinate the proposal to centralize the workload;
2. upgraded software and hardware for FIPS;
3. continued with the establishment of a Genealogy Unit that would establish a fee-for-service unit that would process this type of request; and
4. developed and deployed the first phase of a web-based FOIA and Privacy Act training course. (This course would provide users with on-line training and support to enable them to process more efficiently.)

*All components are asked to specify here the number of requests for expedited processing that were received, as well as 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 256
2. Number of personnel with part-time or occasional FOIA duties
(in total work-years)
0
3. Total number of personnel (in work-years) 256

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

1. FOIA processing (including appeals) \$12,177,143
2. Litigation-related activities (estimated) \$79,139
(33 attorneys @ 1765 hours)
3. Total costs \$12,256,282

4. Comparison with previous year(s), including percentage of change (optional)

In FY-01, INS reported total costs of \$9,624,620. INS reports in FY-02 a total cost of \$12,256,282. This costs shows an increase of resources by \$2,631,662 (i.e., a 27.3 percent increase). The increase is a result of additional hiring of employees at the National Records Center and more time spent on FOIA litigation due to the events of September 11, 2001.

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
\$107,472
- B. Percentage of total costs .08%

**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 FOIA operations.*

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