

**II. How to Make a FOIA Request**

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

U.S. Citizenship and Immigration Services (USCIS) is decentralized. USCIS 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 40 days.

**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  |
|--|--|--|
| <b>(List Exemption 3 statutes relied on.)</b>          | <b>(Provide brief description of type of information withheld.)</b>        | <b>(Cite court case that has upheld the statute. If not upheld, write “None.”)</b> |
| 8 USC 1160(B)(6)                                       | Information on Special Agricultural Workers                                | INS has not been challenged on this issue.   |
| 8 USC 1186A(C)(4)(c)                                   | Admission Qualifications for Alien’s Travel Control of Citizens and Aliens | Aguila-Cisneros v. INS, C.A.6 2001, 5 Fed. Apprx 415                               |
| 8 USC 1304 (B)   | Registration of Aliens   | U.S. v. Ritter, C.A.9 (Cal.) 1985, 752 F2d 435                                     |
| Rule 6 (e) of the Federal Rules of Criminal Procedures | Grand Jury Information   | Aleman v. Shapiro, No. 85-3313 (DDC June 30, 1986)                                 |
| 41 USC 253 B (M)                                       | Prohibition on Release of Contractor Proposals                             | CIA v. Sims, 471 U.S. 159, 167, 105 S.Ct. 1881, 85 L. Ed2nd 173 (1985)             |

## 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 25,326
2. Number of requests received during current fiscal year 149,868
3. Number of requests processed during current fiscal year 133,997
4. Number of requests pending as of end of current fiscal year 41,197  
(Enter this number also in Line VII.B.1.)

### B. Disposition of initial requests.

1. Number of total grants 40,971
2. Number of partial grants 58,190
3. Number of denials 404

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

- (1) Exemption 1 3
- (2) Exemption 2 22,005
- (3) Exemption 3 230
- (4) Exemption 4 28
- (5) Exemption 5 28,776
- (6) Exemption 6 37,702
- (7) Exemption 7(A) 4,695
- (8) Exemption 7(B) 34
- (9) Exemption 7(C) 29,961
- (10) Exemption 7(D) 738
- (11) Exemption 7(E) 9,052
- (12) Exemption 7(F) 25

(13) Exemption 8 0

(14) Exemption 9 0

4. Other reasons for nondisclosure (total) 34,432

a. No records 12,456

b. Referrals 397

c. Request withdrawn 1,425

d. Fee-related reason 999

e. Records not reasonably described 172

f. Not a proper FOIA request for some other reason 8,101

g. Not an agency record 1,671

h. Duplicate request 8,521

i. Other (specify)

Unable to locate 349

Old Records 341

VI. Appeals of Initial Denials of FOIA/PA Requests

- This should include all access requests, whether first-party or third-party.
- Both large and small agencies should provide information in the format presented below.
- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Numbers of appeals.

1. Number of appeals received during fiscal year 1,932
2. Number of appeals processed during fiscal year 530

B. Disposition of appeals.

1. Number completely upheld 23
2. Number partially reversed 2
3. Number completely reversed 1

a. number of times each FOIA exemption used

(counting each exemption once per appeal)

|                     |           |
|---------------------|-----------|
| (1) Exemption 1     | <u>0</u>  |
| (2) Exemption 2     | <u>4</u>  |
| (3) Exemption 3     | <u>0</u>  |
| (4) Exemption 4     | <u>0</u>  |
| (5) Exemption 5     | <u>7</u>  |
| (6) Exemption 6     | <u>12</u> |
| (7) Exemption 7(A)  | <u>2</u>  |
| (8) Exemption 7(B)  | <u>0</u>  |
| (9) Exemption 7(C)  | <u>5</u>  |
| (10) Exemption 7(D) | <u>0</u>  |
| (11) Exemption 7(E) | <u>3</u>  |
| (12) Exemption 7(F) | <u>0</u>  |
| (13) Exemption 8    | <u>0</u>  |
| (14) Exemption 9    | <u>0</u>  |

4. Other reasons for nondisclosure (total) 504
- a. no records 0
  - b. referrals 0
  - c. request withdrawn 17
  - d. fee-related reason 0
  - e. records not reasonably described 0
  - f. not a proper FOIA request for some other reason 130
  - g. not an agency record 0
  - h. duplicate request 31
  - i. other (specify) 326 (Remands - Cases returned to the original processing office for reprocessing)

## 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 107,958

b. Median number of days to process 16

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

a. Number of requests processed 26,039

b. Median number of days to process 31

#### 3. Requests accorded expedited processing

a. Number of requests processed 580

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 26,960  
(Enter this number from Line V.A.4.) Track 2 14,237

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

Track 1 33

Track 2 92

#### 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. Received Requests** FY '03 – 144, 559; FY '04 - 149,868 ; 5,309 more cases received in FY'04 (4% increase).

**B. Processed Requests** –FY'03 – 144,748; FY '04 - 133,997; 10,751 less cases processed in FY'04

**C. Median Processing** –FY'03 – Track 1 – 40 days, Track 2 – 76 days; FY '04 Track 1 – 16 days; Track 2 – 31 days; 24-day decrease for processing Track 1 cases and 45 day decrease in Track 2 cases (i.e., 50% decrease in median processing).

**D. Other statistics significant to component \_\_\_\_\***

Expedited Requests 580 (NOTE: The median age for processing expedited requests is 8 days.)

Expedited Granted 75

**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.**

USCIS maintains its own backlog reduction plan. During FY '04, it was our goal to reduce the prior years' FOIA/PA backlog total by 25 percent. Each regional, district, and service center directors were provided their monthly targets for achieving the backlog. However, the fiscal year was especially challenging in achieving the backlog goals. With the uncertainty of the division of the legacy INS work between the three bureaus, delays in the implementation of the centralization of the workload within USCIS, coupled with the freeze on filling vacant positions, affected backlog efforts. Further, there was an unexpected increase in receipts. We attempted to decrease the backlog by having our National Records Center (NRC) FOIA/PA office assist other field offices with taking either all or a portion of the workload. The NRC received and completed nearly 50 percent of the cases. However, our efforts still were unable to make a significant decrease in the backlog. We expect that with certain initiatives implemented in fiscal year 2005, we will be able to turn the increase in the backlog around.

**\*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 253
2. Number of personnel with part-time or occasional FOIA duties (in total work-years)  
0
3. Total number of personnel (in work-years) 253

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

1. FOIA processing (including appeals) \$13,920,966.38
2. Litigation-related activities (estimated) \$97,020 (30 attorneys @ 2100 hours)
3. Total costs \$14,017,986.38
4. Comparison with previous year(s), including percentage of change (optional)

In FY' 03 costs totaled \$14,686,508. This costs shows a decrease of resources by \$668,521.62 (i.e., a 4.5 percent decrease).

### 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 \$81,671.11
- B. Percentage of total costs .05%

*\*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.*



Attachment F. Supplemental Guidance on Annual FOIA Reports.

<http://www.usdoj.gov/oip/foiapost/2001foiapost13.htm>