

**FREEDOM OF INFORMATION ACT
FY '07 ANNUAL REPORT INFORMATION FOR (component) USCIS**

| 1. EXEMPTION (b)(3) STATUTES CITED | | | | | | | | | | |
|--|---|--|--------------------|---|--|--|-------------------|---|--------------------------|--|
| EXEMPTION (b)(3) STATUTE CITED | | | | | DESCRIPTION OF MATERIAL WITHHELD | | | CASE CITATION, AS APPLICABLE | NUMBER OF INSTANCES | |
| 41 USC 253B(M) Rule 6(e), Federal Rules of Criminal Procedure 8 USC 1304(b) 8 USC 1160(b)(6) 8 USC 1255A(C)(5) 8 USC 1255A(C)(4)(c) | | | | | Prohibition on Release of Contract Proposals | | | None | 2 | |
| | | | | | Grand Jury Information | | | None | 108 | |
| | | | | | Registration of Aliens | | | None | 2 | |
| | | | | | Information on Special Agricultural Workers | | | None | 2 | |
| | | | | | Legalization Applications | | | None | 1 | |
| Hardship Waiver | | | None | 1 | | | | | | |
| 2. INITIAL REQUESTS | | | | | 3. APPEALS | | | | | |
| 2.a. NUMBER OF INITIAL REQUESTS | | | | | 3.a. NUMBER OF APPEALS | | | | | |
| Number of requests pending at end of previous fiscal year | | Number of requests received during current fiscal year | | Number of requests processed during current fiscal year | | Number of requests pending at end of current fiscal year | | Number of appeals received during fiscal year | | Number of appeals processed during fiscal year |
| 96,325 | | 81,317 | | 97,492 | | 80,150 | | 1,098 | | 787 |
| 2.b. DISPOSITION OF INITIAL REQUESTS | | | | | 3.b. DISPOSITION OF APPEALS | | | | | |
| Total Grants | | Partial Grants | | Denials | | Completely Upheld | | Partially Upheld | | Completely Reversed |
| 2,533 | | 54,769 | | 100 | | 158 | | 120 | | 0 |
| 2.c. OTHER REASONS CITED | | | | | 3.c. OTHER REASONS CITED | | | | | |
| No Records | Referrals | Request Withdrawn | Fee-related Reason | Not Reasonably Described | No Records | Referrals | Request Withdrawn | Fee-related Reason | Not Reasonably Described | |
| 4,714 | 456 | 1,742 | 36 | 6,432 | 0 | 1 | 88 | 0 | 48 | |
| Not a Proper Request | Not an Agency Record | Duplicate Request | Other | Total | Not a Proper Request | Not an Agency Record | Duplicate Request | Other | Total | |
| 66 | 1,300 | 7,283 | 18,061 | 97,492 | 240 | 0 | 51 | 81 | 787 | |
| "Other" reasons not listed above (include # of requests) | 37 Old Records 296 Unable to Locate 17,728 Results of Interim Interest Letter Project | | | | "Other" reasons not listed above (include # of requests) | 81 Remands | | | | |

| 2.d. FOIA EXEMPTIONS CITED | | | | | | | 3.d. FOIA EXEMPTIONS CITED | | | | | | |
|---|-----------|--|-----------------|---------------------------|-------------------|-----------|---|-----------|---|-----------|-----------------|--------|-----------|
| (b)(1) | (b)(2) | (b)(3) | (b)(4) | (b)(5) | (b)(6) | (b)(7)(A) | (b)(1) | (b)(2) | (b)(3) | (b)(4) | (b)(5) | (b)(6) | (b)(7)(A) |
| 114 | 41,598 | 201 | 57 | 43,737 | 34,050 | 194 | 0 | 137 | 0 | 0 | 188 | 219 | 25 |
| (b)(7)(B) | (b)(7)(C) | (b)(7)(D) | (b)(7)(E) | (b)(7)(F) | (b)(8) | (b)(9) | (b)(7)(B) | (b)(7)(C) | (b)(7)(D) | (b)(7)(E) | (b)(7)(F) | (b)(8) | (b)(9) |
| 114 | 53,324 | 175 | 36,543 | 24 | 0 | 0 | 0 | 230 | 7 | 112 | 1 | 0 | 0 |
| 4. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS | | | | | | | | | | | | | |
| 4.a. MEDIAN PROCESSING TIME (Note: count days from the time a request is perfected) | | | | | | | 4.b. STATUS OF PENDING REQUESTS | | | | | | |
| Types of Requests | | | Total # Granted | | Median Age (Days) | | Number of requests pending as of the end of the current fiscal year (Insert number from 2.a. box 4) | | | | 80,150 | | |
| SIMPLE | | | 58,107 | | 344 | | Median number of days that such requests were pending as of the end of the current fiscal year | | | | 170 | | |
| COMPLEX | | | 37,403 | | 62 | | | | | | | | |
| EXPEDITED (Total # requesting expedited processing 1,559) | | | Track 3 1,982 | | 13 | | | | | | | | |
| | | | 86 | | 55 | | | | | | | | |
| 5. COSTS/FOIA STAFFING | | | | | | | | | | | | | |
| 5.a. STAFFING LEVELS | | | | | | | 5.b. TOTAL COSTS | | | | | | |
| Number of Full Time Personnel | | Number of Part-Time or Collateral Duty Personnel | | Total Number of Personnel | | | FOIA Processing (Including Appeals) | | Litigation-Related Activities (Estimated) | | Total Costs | | |
| 118 | | 0 | | 118 | | | \$12,399,266.00 | | \$88,826.40 | | \$12,488,092.40 | | |
| 5.c. STATEMENT OF ADDITIONAL RESOURCES NEEDED FOR FOIA COMPLIANCE | | | | | | | | | | | | | |
| The anticipated addition and funding for 60 contractor FOIA processors and 8 term employees in FY08 is expected to provide USCIS with the additional resources necessary to eliminate the existing request backlog and to remain in compliance with required processing time standards. | | | | | | | | | | | | | |
| 6. FEES | | | | | | | | | | | | | |
| Total amount of fees collected for search, review, document duplication, and any other direct costs permitted under agency regulations. | | | | \$1,080 | | | Percentage (%) of Total Costs | | | | .0087% | | |

ADDITIONAL INFORMATION FOR EXECUTIVE ORDER 13,392 IMPLEMENTATION

1. IMPLEMENTATION OF IMPROVEMENT PLAN

Pursuant to the January 19, 2007 DHS E.O. FOIA Improvement Plan, components were required to meet certain milestones by June 30, 2007. Those milestones and the USCIS accomplishments in meeting those milestones are described below:

1. USCIS will implement the new final rules pertaining to processing genealogy and immigration litigation-related requests and initiate processing ICE A-file records in accordance with provided ICE guidance.
 - The final rule on processing genealogy cases has yet to be approved by the Secretary. Once it is approved, genealogy cases will be transferred to the newly formed genealogy group at USCIS HQ for processing and removed from processing as a FOIA request.
 - USCIS completed the creation and implementation of a new FOIA processing Track III in March 30, 2007, giving priority processing to litigation-related requests from individuals scheduled to appear before an immigration judge.
 - USCIS implemented ICE guidance in processing ICE A-file documents in April 2007.
2. USCIS is instituting a performance modification plan.
 - A performance modification and improvement plan has been drafted, a mutual collaboration of both DHS and USCIS FOIA representatives.
3. All components will evaluate disclosure operations, to include processing centralization, processing-track modifications and internal processing procedures and determine appropriate program modifications.
 - USCIS has completed processing centralization of all FOIA/PA offices at the National Records Center, Lee's Summit, MO.
 - Efforts have been made to organize and define cases according to processing track guidelines and to ensure all are properly categorized when created in the USCIS FOIA/PA processing system, FIPS. Reports are continually monitored to ensure guidelines are followed and to correct oversights as they occur. USCIS has completed processing-track modifications to include:
 - Limiting Track I to only non-complex requests such as specific documents and receipt files.
 - Track II is now all other types of FOIA requests, except those eligible for Track III status.
 - Track III has been created to give priority processing to FOIA requests from individuals scheduled to appear before an immigration judge.
 - USCIS has reviewed and made a number of revisions to internal processing procedures. A complete rewriting of the USCIS FOIA Processing Handbook has been accomplished.
 - USCIS has implemented procedures for contacting requesters whose FOIA requests have been pending for more than one year to ensure the requester is still interested in receiving a response. If the requester indicates no further need for the records requested or fails to respond within a reasonable amount of time, the case is closed and removed from the request backlog.
 - USCIS coordinated with ICE to develop and implement guidelines and processes regarding the proper treatment of FOIA requests received from fugitives from justice.
4. Senior component leaders will issue memos to all component employees regarding the importance of FOIA responsibilities.
 - The memo to all USCIS employees regarding the importance of FOIA responsibilities was signed by the USCIS Director and issued July 2, 2007.
5. Components will draft and implement the use of response letter templates. The draft templates will be forwarded to our office for review by April 27th.
 - Response letter templates were drafted and forwarded to DHS for review by the April 27, 2007 deadline.

6. Components will have a FOIA web site or a link to the DHS FOIA web page from their component's public web site.

- USCIS has had and continues to maintain a public FOIA web site. The site has been reviewed for content and refreshed with new information and links helpful to the public. USCIS has a link in its electronic reading room that connects to the DHS FOIA webpage.

7. Components will proactively disclose documents on its web site. When an agency has public information that does not fall into any subsection (a)(2) category, but nevertheless could be made readily available to the public, including through posting on the Web, such availability can reduce the need for the making of FOIA requests. See Exec. Order No. 13,392, Sec. 3(b)(ii) (calling for "increased reliance on the dissemination of records that can be made available to the public" without the necessity of a FOIA request).

- USCIS is in compliance with Executive Order No. 13,392, Sec. 3(b)(ii). The Track III Federal Register Notice and Fact Sheet on the implementation of Track III were added to the USCIS FOIA web site, as well as several frequently requested contracts. Additional material that meets the criteria for disclosure will be added to the web site on an ad hoc basis.

8. Components will be in full compliance with the statutorily mandated affirmative disclosure requirements under FOIA subsection (a)(2). The FOIA as amended in 1996 requires that agencies post on their web sites frequently requested records, policy statements, staff manuals and instructions to staff, and final agency opinions. This obligation is unique in that it is a continuing one, which requires constant attention to make sure that an agency does not fall out of statutory compliance. See Exec. Order No. 13,392, Sec. 3(a)(iv) (calling for attention to this statutory requirement in particular).

- USCIS is in compliance with Executive Order No. 13,392, Sec. 3(a)(iv), and continues to add frequently requested records, policy statements, staff manuals, instructions to staff, and final agency opinions to its web site in the electronic reading room.

2. DEFICIENCY IN MEETING MILESTONES (if applicable)

None

3. OTHER EXECUTIVE ORDER-RELATED ACTIVITIES (optional)

In addition to the accomplishments in meeting the Improvement Plan milestones as noted above, USCIS reduced its FOIA request backlog by 31% in FY07.

4. DATE RECEIVED TEN OLDEST PENDING FOIA REQUESTS

- 1) 2/1/2005
- 2) 2/17/2005
- 3) 2/17/2005
- 4) 2/24/2005
- 5) 2/28/2005
- 6) 4/1/2005
- 7) 4/1/2005
- 8) 4/1/2005
- 9) 4/1/2005
- 10) 4/1/2005

5. CONSULTATIONS

5.a. NUMBER OF CONSULTATIONS RECEIVED

5.b. DATE RECEIVED TEN OLDEST PENDING CONSULTATIONS

| | | |
|--|----|---------------|
| Number of consultations received from other agencies during the current fiscal year | 28 | 1) 5/31/2005 |
| Number of consultations received from other agencies that you processed | 27 | 2) 2/2/2006 |
| Number of consultations received from other agencies pending in your office as of the end of the current fiscal year | 17 | 3) 5/12/2006 |
| | | 4) 6/7/2006 |
| | | 5) 6/23/2006 |
| | | 6) 7/12/2006 |
| | | 7) 7/17/2006 |
| | | 8) 8/21/2006 |
| | | 9) 9/13/2006 |
| | | 10) 9/13/2006 |

