FREEDOM OF INFORMATION ACT
FISCAL YEAR 2011 ANNUAL REPORT

Department of Homeland Security
COMPONENT: USCIS

GENERAL GUIDANCE POINTS

-Do not include any requests processed exclusively under the Privacy Act

-Consultations should be tracked separately from initial requests

-Each FOIA request, both Processed (Closed) and Pending (Open), should be categorized into the following: Simple, Complex, Expedited, Non-Perfected.

-Any request received and closed on the same day, the Processing Time is "1". (Note: "<1" or "0" is not allowed in these calculations).

-Each processed <u>initial</u> request may have only 1 (one) disposition recorded.

Disposition Priorities: because each case can only have one disposition regardless of how many actions were taken, there are certain dispositions that take priority. The following is the order in which dispositions are prioritized:

1. Full Grant or Partial Grant/Partial Denial

2. Denied in Full based on exemptions

3. No Records

4. All other reasons

Example 1: A FOIA request was granted in part, while the rest was referred, the disposition recorded would be Partial Grant.

Example 2: An office responded to a FOIA request with a No Records response and referred the case to another office, the disposition would be recorded as No Records.

1. CONSULTATIONS

GUIDANCE
-Consultations are defined as: procedure whereby the agency responding to a FOIA requests first forwards a record to another agency (or component) for its review
-This is the only section in which Consultations should be counted, as they should be tracked separately from initial requests.
-1.a.1 is the number that was reported in last year's Annual Report.
-1.a.1 and 1.a.2 should be equal, as they are the same number (end of last year = beginning of this year). There could, however, be exceptions to this rule, such as a FOIA case being reopened, etc.
- Math Guidance: 1.a.2 + 1.a3 – 1.a4 = 1.a.5. If not, something has been miscalculated.
- For Section 1.c: the number of Days Pending is the number of business days from the date of receipt to the end of the Fiscal Year (9/30/2011).

1.a FY2011 Received, Processed and Pending

1.a.1: Number of Consultations Received from Other Agencies that were Pending at the End of the Last Fiscal Year, as Reported in Annual Report	1.a.2: Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Component as of <u>Start</u> of the Fiscal Year	1.a.3: Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	1.a.4: Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Component During the Fiscal Year	1.a.5: Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Component as of <u>End</u> of the Fiscal Year
1	3	60	63	0

1.b: If 1.a.1 and 1.a.2 are not the same, please explain why:
REQUESTS IMPROPERLY CODED IN SYSTEM

1.c TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT YOUR COMPONENT

	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Number of Days Pending	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

INITIAL REQUESTS

GUIDANCE
- Initial Requests are defined as: All "purported" FOIA requests. Do not count Privacy Act requests or Consultations.

2. ANNUAL PRODUCTION RATES

2.a Comparison of Numbers of Requests from Previous and Current Fiscal Years

2.b FY2011 Received, Processed and Pending

GUIDANCE
- While there should be no change, 2.a.1, 2.a.2, 2.a3 allow for any adjustments in calculations that result in numbers other than what was reported in last year's Annual Report. Please include an explanation if the numbers differ between FY 2010 Annual Report and Adjusted.

GUIDANCE
- 2.b.1 is the number that was reported in last year's Annual Report.
- 2.b.1 and 2.b.2 should be equal, as they are the same number (end of last year = beginning of this year). There could, however, be exceptions to this rule, such as a FOIA case being reopened, etc.
- Math Guidance: 2.b.2 + 2.b.3 – 2.b.4 = 2.b.5. If not, there is a miscalculation.
- 2.a.1 FY2011 is the same number as 2.b.3.
- 2.a.2 FY2011 is the same number as 2.b.4.

	Fiscal Year 2010		Fiscal Year 2011	2.b.1 Number of Requests Pending as of End of Fiscal Year 2010	2.b.2 Number of Requests Pending as of Start of Fiscal Year 2011	2.b.3 Number of Requests Received in Fiscal Year 2011	2.b.4 Number of Requests Processed in Fiscal Year 2011	2.b.5 Number of Requests Pending as of End of Fiscal Year 2011
	Annual Report	Adjusted						
2.a.1 Number of Requests Received	91,503		115,545	14,923	14,921	115,545	89,835	40,631
2.a.2 Number of Requests Processed	100,872		89,835					
2.a.3 Number of Requests Backlogged at end of FY	8,209		35,780	**2.c** If 2.b.1 and 2.b.2 are not the same, please explain why: REQUESTS IMPROPERLY CODED IN SYSTEM				

2.d: If the FY2010 Annual Report numbers differ from the FY2010 Adjusted numbers for 2.a.1, 2.a2 or 2.a3 please explain why:

3. Disposition of All Incoming Processed Requests

GUIDANCE
- Do not count Privacy Act requests or Consultations
- Only 1 Disposition may be recorded per request. Only choose a disposition from 3.b. if the request cannot be counted in one of the columns in 3.a.
- Improper Requests (3.b.6): if the requests is lacking a perjury statement, a 3rd party release statement, is asking questions rather than requesting records, etc (see Section 5.3 of FOIA Regulations for a full description of Improper Requests).
- 3.c is the sum of the categories in 3.a and 3.b and should equal the total amount of requests processed in FY 2011 (same number as 2.b.4)

3.a Dispositions based on Exemptions			3.b Dispositions for Reasons That Are Not Exemptions										3.c Total
			Number of Full Denials Based on Reasons Other than Exemptions										
No. of Full Grants	No. of Partial Grants/Partial Denials	No. of Full Denials Based on Exemptions	3.b.1 No Records	3.b.2 Referred	3.b.3 Request Withdrawn	3.b.4 Fee-Related Reason	3.b.5 Not Reasonably Described	3.b.6 Improper Request	3.b.7 Not Agency Record	3.b.8 Duplicate	3.b.9 Other	Total
9,723	48,285	71	8,117	2,832	157	69	0	13,656	4,564	2,297	64	89,835

3.d. Dispositions of "Other Reasons" (3.b.9)

GUIDANCE
- Include any case closed for reasons other than what is listed above. We have already listed the most common ones:
- 3.e is the same number as 3.b.9

Description of "Other Reason"	Number of Times "Other" Reasons Invoked
Coordinated by another office	
Unable to Locate Requestor	
Redress	

Sent in Error	
Records Publicly Available	
UNABLE TO LOCATE RECORDS	**64**
	3.e Total: 64

4. Exemptions Applied

4.a Number of Times Exemptions Applied

(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7)(A)	(b)(7)(B)	(b)(7)(C)	(b)(7)(D)	(b)(7)(E)	(b)(7)(F)	(b)(8)	(b)(9)
0	12,084	1,095	85	31,165	30,197	27	0	38,928	8	36,114	0	0	0

4.b (b)(3) Statutes

Statute	Type of Information Withheld	Case Citation	Number of Times Relied Upon
41 U.S.C. 253b(m)	Prohibition on Release of Contractor Proposals		**4**
49 U.S.C. 114(s)	Nondisclosure of Security Activities		
49 C.F.R. 1520.5(b)	Sensitive Security Information		
Federal Rule of Criminal Procedure 6(e) Grand Jury	Grand Jury Materials		**8**
26 U.S.C. 6103	Tax returns and information therefrom		**1,082**
8 U.S.C. 1202(f)	**Records pertaining to the issuance or refusal of visas to enter the U.S.**		**1**
		4.c TOTAL	**1,095**

PROCESSED PERFECTED REQUESTS

5. PROCESSED (CLOSED) SIMPLE REQUESTS

5.a Supply Raw Data of Processing Times (all Simple Processed Requests) in Separate File	5.b. Processing Times of All Simple Processed Requests				5.c Supply Raw Data of Processing Time (Simple Processed Requests in Which Information Was Granted (Full Grant or Partial Grant/Denial)) in Separate File	5.d Processing Time of Simple Processed Requests in Which Information Was Granted			
	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days		Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days
	1.00	737.06	55.49	61.41		1.00	636.37	73.98	77.19

5.e Processing Time in Day Increments for All Simple Processed Requests

<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
4,657	2,274	2,948	2,517	1,158	1,560	2,364	137	35	20	33	9	1,121	18,833

6. PROCESSED (CLOSED) COMPLEX REQUESTS

GUIDANCE
-6.c and 6.d (Complex requests in which information was granted) is a subsection of 6.a and 6.b.
-The data used to calculate 6.b should also be used to calculate 6.e.

6.a Supply Raw Data of Processing Times (all Complex Processed Requests) in Separate File	6.b Processing Times of All Complex Processed Requests				6.c Supply Raw Data of Processing Time (Complex Processed Requests in Which Information Was Granted (Full Grant or Partial Grant/Denial)) in Separate File	6.d Processing Time of Complex Processed Requests in Which Information Was Granted			
	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days		Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days
	1.00	873.38	69.19	74.32		1.00	873.38	81.52	90.10

6.e Processing Time in Day Increments for All Complex Processed Requests

<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
10,350	2,170	7,406	11,736	3,954	6,311	9,929	1,783	144	57	154	56	3,105	57,155

7. PROCESSED (CLOSED) EXPEDITED REQUESTS

GUIDANCE
-7.c and 7.d (Expedited requests in which information was granted) is a subsection of 7.a and 7.b.
-The data used to calculate 7.b should also be used to calculate 7.e.

7.a Supply Raw Data of Processing Times (all Expedited Processed Requests) in Separate File	7.b Processing Times of All Expedited Processed Requests				7.c Supply Raw Data of Processing Time (Expedited Processed Requests in Which Information Was Granted (Full Grant or Partial Grant/Denial)) in Separate File	7.d Processing Time of Expedited Processed Requests in Which Information Was Granted			
	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days		Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days
	6.17	187.01	17.13	44.59		6.17	187.01	17.13	44.59

7.e Processing Time in Day Increments for All Expedited Processed Requests

<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
6	0	1	2	0	0	0	0	0	1	0	0	0	10

8. PENDING (OPEN) REQUESTS

GUIDANCE SECTION
-This section should only include **Perfected** requests (categorized Simple, Complex and Expedited).
-Do not count Privacy Act requests, Consultations, or Non-Perfected requests.
-Days Pending is defined as the number of business days from the date of receipt to the end of the Fiscal Year (9/30/2011).
-The sum of Number Pending in 6.b, 6.d and 6.f should equal the total number pending as listed in 2.b.5. If it does not, please ensure that it is because there are open Non-Perfected requests (which should not be counted in this section).
-The sum of Number Pending in 6.b, 6.d and 6.f cannot under any circumstance be greater that the number listed in 2.b.5.

8.a Supply Raw Data of Days Pending for Simple Open Requests in Separate File	6.b Days Pending for Simple Open Requests			6.c Supply Raw Data of Days Pending for Complex Open Requests in Separate File	6.d Days Pending for COMPLEX Open Requests			6.e Supply Raw Data of Days Pending for EXPEDITED Open Requests in Separate File	6.f Days Pending for EXPEDITED Open Requests		
	Number Pending	Median No. of Days	Average No. of Days		Number Pending	Median No. of Days	Average No. of Days		Number Pending	Median No. of Days	Average No. of Days
6,734	6,734	69.87	68.35		32,949	77.41	77.96		4	99.33	114.91

6.g. TEN OLDEST PENDING UNDERLINE PERFECTED REQUESTS

	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
Date of Receipt	6-24-10	6-23-10	6-11-10	6-03-10	5-20-10	5-18-10	4-30-10	4-09-10	4-02-10	3-30-10
No. of Days Pending	317	318	326	332	341	343	355	369	374	376

9. ANNUAL PRODUCTION RATES

9.a Comparison of Numbers of Requests from Previous and Current Fiscal Years

9.b FY2011 Received, Processed and Pending

GUIDANCE
-While there should be no change, 9.a.1, 9.a.2, 9.a.3 allow for any adjustments in calculations that result in numbers other than what was reported in last year's Annual Report. Please include an explanation if the numbers differ between FY 2010 Annual Report and Adjusted.

GUIDANCE
-9.b.1 is the number that was reported in last year's Annual Report.
-9.b.1 and 9.b.2 should be equal, as they are the same number (end of last year = beginning of this year). There could, however, be exceptions to this rule, such as a case being reopened, etc.
-Math Guidance: 9.b.2 + 9.b.3 – 9.b.4 = 9.b.5. If not, there is a miscalculation.
-9.a.1 FY2011 is the same number as 9.b.3.
-9.a.2 FY2011 is the same number as 9.b.4.

	Fiscal Year 2010		Fiscal Year 2011	9.b.1 Number of Requests Pending as of End of Fiscal Year 2010	9.b.2 Number of Requests Pending as of Start of Fiscal Year 2011	9.b.3 Number of Requests Received in Fiscal Year 2011	9.b.4 Number of Requests Processed in Fiscal Year 2011	9.b.5 Number of Requests Pending as of End of Fiscal Year 2011
	Annual Report	Adjusted						
9.a.1 Number of Requests Received	2,004		1,079	89	89	1,079	1,049	119
9.a.2 Number of Requests Processed	3,924		1,049					
9.a.3 Number of Requests Backlogged at end of FY	3		105	**9.c** If 9.b.1 and 9.b.2 are not the same, please explain why:				

9.d: If the FY2010 Annual Report numbers differ from the FY2010 Adjusted numbers for 9.a.1, 9.a2 or 9.a.3 please explain why:

10. Disposition of All Administrative Appeals

GUIDANCE
-10.a and 10.b are separate charts.
-Improper Requests (10.b.6): if the requests is lacking a perjury statement, a 3rd party release statement, is asking questions rather than requesting records, etc.
-10.d is the sum of the categories in 10.a and 10.b and should equal the total amount of appeals processed in FY 2011 (same number as 9.b.4).

10.a Dispositions

10.b Appeals Closed for Other Reasons

No. Affirmed on Appeal	No. Partially Affirmed & Partially Reversed/ Remanded on Appeal	No. Completely Reversed/ Remanded on Appeal	Number of Full Denials Based on Reasons Other than Exemptions										
			10.b.1 No Records	10.b.2 Referred at Initial Request Level	10.b.3 Request Withdrawn	10.b.4 Fee-Related Reason	10.b.5 Not Reasonably Described	10.b.6 Improper Request	10.b.7 Not Agency Record	10.b.8 Duplicate	10.b.9 Request in Litigation	10.b.10 Appeal Based Solely Upon Denial of Exp. Processing	10.b.11 Other
253	479	217	0	0	0	0	0	100	0	0	0	0	0

10.c. Dispositions of "Other Reasons" (10.b.11)

GUIDANCE
-Include any case closed for Other Reasons (10.b.11). We have already listed the most common ones:
- 10.d is the same number as 10.b.11

Description of "Other Reason"	Number of Times "Other" Reasons Invoked
Unable to Locate Requestor	
Moot	

Failure to Comply	
	10.d Total: 0

11. EXEMPTIONS APPLIED

Number of Times Exemptions Applied

GUIDANCE

-For each request, report all exemptions applied; however count each exemption once per request.

(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7)(A)	(b)(7)(B)	(b)(7)(C)	(b)(7)(D)	(b)(7)(E)	(b)(7)(F)	(b)(8)	(b)(9)
0	266	18	1	487	416	0	0	574	1	540	0	0	0

12. Processing Times for Administrative Appeals

GUIDANCE SECTION

-Processing Time is defined as the number of business days from the date of receipt to the date the case was closed.

-If the requests was received and closed on the same day, the Processing Time is "1". "0" is not allowed in these calculations.

12.a Supply Raw Data of Processing Times (all Processed Appeals) in Separate File	12.b Processing Times for All Processed Administrative Appeals			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
	59.60	51.99	1.00	178.79

13. PENDING (OPEN) ADMINISTRATIVE APPEALS

GUIDANCE

-Days Pending is defined as the number of business days from the date of receipt to the end of the Fiscal Year (9/30/2011)

13.a TEN OLDEST PENDING ADMINISTRATIVE APPEALS

	10th Oldest	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
Date of Receipt	7/06/11	7/06/11	7/06/11	7/06/11	7/06/11	7/06/11	7/06/11	7/06/11	7/06/11	7/06/11
Number of Days Pending	59	59	59	59	59	59	59	59	59	59

SPECIAL PROCESSING REQUESTS MADE AT INITIAL AND APPELLATE LEVELS

14. REQUESTS FOR EXPEDITED PROCESSING

GUIDANCE
-Processing time for Requests for Expedited Processing is defined as the number of CALENDAR DAYS from the date of receipt to the date of adjudication.
-Adjudication is defined as any decision made (grant or deny) regarding a request for expedited processing.
-14.b and 14.c should calculate all cases in which a request for expedited processing was granted or denied
-Do not count a request for expedited processing that became moot (case closed within 10 calendar days)

14.a Adjudication of Requests for Expedited Processing		14.b Supply Raw Data of Processing Times for Adjudication of Requests for Expedited Processing in Separate File	14.c Processing Times for Adjudication of Requests for Expedited Processing		
Number Granted	Number Denied		Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
14	1,409		1.00	7.93	1,255

15. REQUESTS FOR FEE WAIVERS

GUIDANCE
-Processing time for Requests for Fee Waiver is defined as the number of BUSINESS DAYS from the commencement of adjudication to the date of adjudication. Do not include the additional days that may precede consideration of the fee waiver request, e.g. days the request waits in a processing queue, processing time which precedes commencement of adjudication of fee waiver request, etc.
-Adjudication is defined as any decision made (grant or deny) regarding a request for fee waiver.
-15.b and 15.c should calculate all cases in which a request for fee waiver was granted or denied.
-Do not count a request for a fee waiver that became moot (no fees were charged because it did not meet the threshold).

15.a Adjudication of Requests for Fee Waivers		15.b Supply Raw Data of Processing Times for Adjudication of Requests for Fee Waivers in Separate File	15.c Processing Times for Adjudication of Requests for Fee Waiver	
Number Granted	Number Denied		Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
29	93		1.00	1.00

FOIA ADMINISTRATION					
16. PERSONNEL			**17. COSTS**		
GUIDANCE -16.a is the number of staff that dedicated to processing FOIA requests full time. This should be a whole number. - 16.b is to account for any staff that spends part of their time processing FOIA requests. Person 1 (.25) + Person 2 (.5) = .75 -If your office responds to FOIA requests, it has some level of FOIA personnel. A "0" will be rejected.			**GUIDANCE** -See 17.d for a breakdown of the various costs that should be included.		
16.a Number of "Full-Time FOIA Employees"	**16.b Number of "Equivalent Full-Time FOIA Employees"**	**16.c Total Number of FOIA Staff (Sum of16.a and 16.b))**	**17.a Processing Costs (At initial request and appeal levels)**	**17.b Litigation-Related Costs**	**17.c Total Costs**
188	7.35	195.35	13,273,035.26	317,966.90	13,591,002.16

17.d OPTIONAL SECTIONS to calculate Section 17	
GUIDANCE -Your component's budget will often be a useful resource for this information.	
17.d.1 Processing Costs Worksheet	
Descriptions of Costs	Amount
FOIA Staff Salaries	**9,482,379.00**
Overhead Costs	**1,130,277.43**
FOIA-related expenses	**2,660,378.83**
	Total: 13,273,035.26
17.d.2 Litigation Costs Worksheet	
Descriptions of Costs	Amount
Salaries of personnel involved in litigating FOIA requests	**317,966.90**
Litigation Overhead Costs	
FOIA litigation-related expenses	
	Total: 13,591,002.16

18. FEES COLLECTED FOR PROCESSING REQUESTS	
GUIDANCE -Include fees received from a FOIA requestor for search, review, document duplication, and any other direct costs permitted by the DHS FOIA Regulations, 6 CFR Part 5.§ 5.11	
18.a Total Amount of Fees Collected	**18.b Percentage of Total Costs**
7,021.82	**0.05%**