



Homeland Security

FREEDOM OF INFORMATION ACT ANNUAL REPORT REQUIREMENTS FOR FISCAL YEAR 2005 FOR U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

- I. Introduction:** **Component basic and clarifying information** or any particular points the component wishes to make. A brief description of the component mission, organization, and resources to place in context the FOIA workload generated by component activities, responsibilities, and regulatory requirements.>

See attached.

II. FISCAL YEAR 2005 FREEDOM OF INFORMATION AND PRIVACY ACT PROCESSING ORGANIZATION

“Optional” – Did not supply.

- III.** Direct questions regarding this report or to request a paper copy of the report to:

Magda S. Ortiz or Robin N. Moss at 202-272-8269.

- IV.** Internet address to download this report from the USCIS FOIA website:

<http://uscis.gov/graphics/aboutus/foia/ereadm/erranrpt.htm>.

- V.** Information on how to make a FOIA Request is available from the DHS FOIA website:

http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0316.xml

- VI.** DHS FOIA/PA Implementing Regulations:

The Department of Homeland Security FOIA Implementing Regulations can be found at 68 Fed. Reg. 4056 (January 27, 2003) and at: http://www.dhs.gov/interweb/assetlibrary/FOIA_FedReg_Notice.pdf.

- VII.** Names, Addresses, and Contact Numbers for USCIS

See attached list.

- VIII.** Agency efforts to improve timeliness of FOIA responses:

<As applicable, update previous years efforts and include any new efforts initiated during the fiscal year.>

See attached document.

- IX. Component FOIA/PA Statistical Charts:** **<DDD indicates the value will be calculated by the Director of Departmental Disclosure.>**

The following charts contain statistics and averages for processing a myriad of documents that may or may not be easily obtained, reviewed, and provided. Due to the enormous number of requests and the fact a multi-track processing system is used, adhering as best as possible to the “first-in-first-out” processing priority, averages are used as a predictor of performance and resources. Some columns or rows may not add up exactly due to rounding.

a. Comparisons with Previous Years: <Optional for components to duplicate chart in their reports.>

	FY 2003	FY 2004	FY 2005	=/- % Difference
Requests Received + FY carryover	189,860	197,837	DDD	DDD
Requests Processed	160,902	152,034	DDD	DDD
Simple Requests Processed		116,944	DDD	DDD
Complex Requests Processed		34,391	DDD	DDD
Expedited Requests Processed		692	DDD	DDD
End of Year Pending Requests	29,007	45,652	DDD	DDD
Staffing Levels (full time)	334	341	DDD	DDD
Processing Costs (total)	\$21,924,851	\$21,148,318	DDD	DDD

b. Number of Requests:

FOIA/PA Components	Pending End of FY 2004	Received FY 2005	Processed FY 2005	Processing Workload Rate	Pending End of FY 2005
DHS TOTAL	45,810			100%	
Office of the Secretary/Privacy Office	245			DDD	
Office of the Inspector General	43			DDD	
Office of the General Counsel	- ¹			DDD	
Information Analysis & Infrastructure Protection	12			DDD	
Emergency Preparedness & Response	354			DDD	
U.S. Coast Guard	1,271			DDD	
U.S. Secret Service	744			DDD	
U.S. Citizenship & Immigration Services	41,197	138,678	104,934	DDD	74,941
Border & Transportation Security					
<i>CBP</i>	812			DDD	
<i>TSA</i>	7			DDD	
<i>ICE</i>	1,122			DDD	
<i>FLETC</i>	3			DDD	
US-VISIT				DDD	
Science & Technology					

¹ In FY 2004, OGC FOIA actions were included in Office of the Secretary/Privacy Office statistics.

c. Fee Category of Requesters: <Component row total equals number in “Processed FY 2005” row in Chart “b”>

FOIA/PA Components	Individual	Media	Commercial	Academia	Other
DHS TOTAL	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/Privacy Office					
Office of the Inspector General					
Office of the General Counsel					
Information Analysis & Infrastructure Protection					
Emergency Preparedness & Response					
U.S. Coast Guard					
U.S. Secret Service					
U.S. Citizenship & Immigration Services	26,657	172	129	13	77,963
Border & Transportation Security					
<i>CBP</i>					
<i>TSA</i>					
<i>ICE</i>					
<i>FLETC</i>					
US-VISIT					
Science & Technology					

d. Responses to Requests: <Component row total equals number in “Processed FY 2005” row in Chart “b”>

FOIA/PA Components	Full Release	Partial Release	Denied	No Records	Duplicate Request	Fee Related	Request Withdrawn	Not Reasonably Described	Not a Proper Request	Not an Agency Record	Referred to Appropriate Agency	Other non-processing Reason ²
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DD D	DDD	DDD	DDD	DDD
% of Requests	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DD D	DDD	DDD	DDD	DDD
Office of the Secretary/Privacy Office												
Office of the Inspector General												
Office of the General Counsel												
Information Analysis & Infrastructure Protection												
Emergency Preparedness & Response												
U.S. Coast Guard												
U.S. Secret Service												
U.S. Citizenship & Immigration Services	19,851	43,921	221	9,908	7,387	525	1,292	99	10,267	978	10,282	203
Border & Transportation Security												
<i>CBP</i>												
<i>TSA</i>												
<i>ICE</i>												
<i>FLETC</i>												
US-VISIT												
Science & Technology												

² Additional information about “other” for non-response is provided in chart “c”

e. Other Non-processing Reasons: <Frequency number equals component number in Chart “b” column “Other”>

FOIA/PA Component	Frequency	Reason <number must equal “frequency” number
DHS TOTAL	DDD	
Office of the Secretary/Privacy Office*		
Office of the Inspector General		
Office of the General Counsel		
Information Analysis & Infrastructure Protection		
Emergency Preparedness & Response		
U.S. Coast Guard		
U.S. Secret Service		
U.S. Citizenship & Immigration Services	203	Old Records – 202 / Unable to Locate - 1
Border & Transportation Security		
<i>CBP</i>		
<i>TSA</i>		
<i>ICE</i>		
<i>FLETC</i>		
US-VISIT		
Science & Technology		

f. Number and rate of FOIA exemption use:³

FOIA/PA Components	b(1)	b(2)	b(3)	b(4)	b(5)	b(6)	b(7A)	b(7B)	b(7C)	b(7D)	b(7E)	b(7F)
DHS TOTAL	DDD	DDD	DDD	DD D	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
% of use	DDD	DDD	DDD	DD D	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office												
Office of the Inspector General												
Information Analysis & Infrastructure Protection												
Emergency Preparedness & Response												
U.S. Coast Guard												
U.S. Secret Service												
U.S. Citizenship & Immigration Services	22	30,321	107	28	32,535	23,797	2,189	20	20,990	355	15,174	16
Border & Transportation Security												
<i>CBP</i>												
<i>TSA</i>												
<i>ICE</i>												
<i>FLETC</i>												
US-VISIT												
Science & Technology												

³ FOIA exemptions b(8) and b(9) were not used by the DHS.

g. Number of Appeals of Release Determinations:

FOIA/PA Components	Received	Processed ⁴	Upheld	Partially Upheld	Reversed	Other ⁵	Pending End of FY 2005
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD
% of Requests	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office							
Office of the Inspector General							
Office of the General Counsel							
Information Analysis & Infrastructure Protection							
Emergency Preparedness & Response							
U.S. Coast Guard							
U.S. Secret Service							
U.S. Citizenship & Immigration Services	1,148	562	122	27	19	394	2,267
Border & Transportation Security							
<i>CBP</i>							
<i>TSA</i>							
<i>ICE</i>							
<i>FLETC</i>							
US-VISIT							
Science & Technology							

⁴ Number processed = number upheld, number partially reversed, number reversed, and other.

⁵ Refer to Chart "h" for other reasons. Component row total on "Other" column total equals component row total of Chart "h."

h. Number of times and rate of FOIA exemption use in appeals:⁶

FOIA/PA Components	b(1)	b(2)	b(3)	b(4)	B(5)	b(6)	b(7A)	b(7B)	b(7C)	b(7D)	b(7E)	B(7F)
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
% of use	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office												
Office of the Inspector General												
Office of the General Counsel												
Information Analysis & Infrastructure Protection												
Emergency Preparedness & Response												
U.S. Coast Guard												
U.S. Secret Service												
U.S. Citizenship & Immigration Services	0	36	1	0	43	128	19	0	79	8	29	0
Border & Transportation Security												
<i>CBP</i>												
<i>TSA</i>												
<i>ICE</i>												
<i>FLETC</i>												
US-VISIT												
Science & Technology												

⁶ FOIA exemptions b(8) and b(9) were not used by the DHS.

j. Median Response Times for Simple, Complex, and Expedited Processed Requests: <A single request cannot be in more than one of three tracks – simple, complex, or expedited. The component row total of simple+complex+expedited equals the component total of Chart “b” processed requests.>

FOIA/PA Components	Simple Requests		Complex Requests		Expedited Requests ⁷	
	Processed	Median Days to Process	Processed	Median Days to Process	Processed	Median Days to Process
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD
% of total requests	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office						
Office of the Inspector General						
Office of the General Counsel						
Information Analysis & Infrastructure Protection						
Emergency Preparedness & Response						
U.S. Coast Guard						
U.S. Secret Service						
U.S. Citizenship & Immigration Services	85,307	45	19,532	55	95	15
Border & Transportation Security						
<i>CBP</i>						
<i>TSA</i>						
<i>ICE</i>						
<i>FLETC</i>						
US-VISIT						
Science & Technology						

⁷ Expedited requests are those the component granted.

k. Fee Waiver and Expedited Processing Requests and Determinations:

FOIA/PA Components	Fee Waiver Requested	Fee Waiver Granted	Expedited Processing Requested	Expedited Processing Granted ⁸
DHS TOTAL	DDD	DDD	DDD	DDD
% of Requests	DDD	DDD	DDD	DDD
Office of the Secretary/ Privacy Office				
Office of the Inspector General				
Office of the General Counsel				
Information Analysis & Infrastructure Protection				
Emergency Preparedness & Response				
U.S. Coast Guard				
U.S. Secret Service				
U.S. Citizenship & Immigration Services	227	52	625	95
<i>CBP</i>				
<i>TSA</i>				
<i>ICE</i>				
<i>FLETC</i>				
US-VISIT				
Science & Technology				

l. Status of Pending FOIA/PA Requests:

FOIA/PA Components	Pending at the End of FY 2005 ⁹	Median Number of Days Pending
DHS TOTAL	DDD	DDD
Office of the Secretary/ Privacy Office		
Office of the Inspector General		
Office of the General Counsel		
Information Analysis & Infrastructure Protection		
Emergency Preparedness & Response		
U.S. Coast Guard		
U.S. Secret Service		
U.S. Citizenship & Immigration Services	74,941*	73
Border & Transportation Security		
<i>CBP</i>		
<i>TSA</i>		
<i>ICE</i>		
<i>FLETC</i>		
US-VISIT		
Science & Technology		

***Pending by Track**

Median Days Pending

Track 1 - 60,497	69
Track 2 - 14,444	89
Total - 74,941	

⁸ The number matches the Chart "i" component Expedited Requests Processed column.

⁹ This total matches the Chart "b" component number in the "Pending End of FY 2005" column.

m. DHS FOIA/PA Processing Costs, per/request Processing Costs, and Needed Additional Processing Resources:

FOIA/PA Components	Processing Costs			Processing Costs per/Request		Needed Additional Processing Funding	
	Processing (including Appeals)	Litigation-related Activities	Total Costs ¹⁰	Requests Processed ¹¹	Cost per Request ¹²	Requests pending end of FY05	Needed FOIA funding for zero FY05 pending ¹³
DHS TOTAL							
Office of the Secretary / Privacy Office							
Office of the Inspector General							
Office of the General Counsel							
Information Analysis & Infrastructure Protection							
Emergency Preparedness & Response							
U.S. Coast Guard							
U.S. Secret Service							
U.S. Citizenship & Immigration Services	11,352,633	67,755	11,352,633	104,934	107	74,941	8,018,687
Border & Transportation Security							
<i>CBP</i>							
<i>TSA</i>							
<i>ICE</i>							
<i>FLETC</i>							
US-VISIT							
Science & Technology							

¹⁰ Total Costs include salary of FTE and Administrative Support Staff work-years

¹¹ This number matches the Chart "b" component number in the "Processed FY 2005" column.

¹² Processing Costs per-Request/Average Cost per Request = Total Costs ÷ Requests processed

¹³ Needed Additional Processing Resources/Needed Funding for Zero Pending = Requests pending end of FY 2004 X Average Cost per Request

n. DHS FOIA/PA Fees:

FOIA/PA Components	FOIA Processing (Including Appeals & Litigation Costs) ¹⁴	FOIA Fees Generated	FOIA Fees Waived	FOIA Fees Collected	Fee Percentage of Total Costs
DHS TOTAL	DDD	DDD	DDD	DDD	DDD
Office of the Secretary / Privacy Office					
Office of the Inspector General					
Office of the General Counsel					
Information Analysis & Infrastructure Protection					
Emergency Preparedness & Response					
U.S. Coast Guard					
U.S. Secret Service					
U.S. Citizenship & Immigration Services	11,352,633	51,692.50	105,714.60*	33,443.10	0.02
Border Transportation & Security					
<i>CBP</i>					
<i>TSA</i>					
<i>ICE</i>					
<i>FLETC</i>					
US-VISIT					
Science & Technology					

* - 93 percent of fees waived derived from one field office (i.e., NRC). NRC waived fees because the requests were old and the file could not be located in a timely manner and secondly, the final response was placed on "CD" and no fees were charged for this service.

o. FOIA/PA Staffing Level, Staffing Workload, and Needed Additional Staff Resources:

FOIA/PA Components	FY 04 FOIA Staffing Levels			Staffing Workload		Needed Additional Staff	
	Full-Time Employee (federal & contractor)	Part-time FOIA/PA Admin Support ¹⁵	Total Work years	Total Requests Processed ¹⁶	Requests per FTE work-year ¹⁷	Total Requests pending end of FY04	Needed additional staff for zero FY04 pending ¹⁸
DHS TOTAL	DDD	DDD	DDD	DDD	DDD	DDD	DDD
Office of the Secretary / Privacy Office							
Office of the Inspector General							
Office of the General Counsel							
Information Analysis & Infrastructure Protection							
Emergency Preparedness & Response							
U.S. Coast Guard							
U.S. Secret Service							
U.S. Citizenship & Immigration Services	265	0	265	104,934	396	74,941	189.2
Border & Transportation Security							
<i>CBP</i>							
<i>TSA</i>							
<i>ICE</i>							
<i>FLETC</i>							

¹⁴ This amount retrieved from "Total Costs" column from Chart "1"

¹⁵ Part-time FOIA/PA Administrative Support Staff are involved in the clerical processing of FOIA/PA requests by assisting with searches for records or preparation of records for review and release. However, support staff are not FOIA Specialists with the qualifications to review, analyze, or make FOIA/PA release determinations.

¹⁶ This number is obtained from Chart "b" component number in processed column.

¹⁷ Staffing Workload/Requests per employee work year = Total Requests Processed ÷ Total Full Time Employee Work Years

¹⁸ Needed Staff Resources/Needed Staff for Zero Pending end of FY 2004 = Total Requests Pending end of FY 2004 ÷ Requests per employee work-year

US-VISIT							
Science & Technology							

X. Definition of Terms and Formulas Used in this Report:

a. Agency-Specific Terms or Other Acronyms

1. BTS Border and Transportation Security Directorate
2. CBP United States Customs and Border Protection
3. EP&R Emergency Preparedness and Response Directorate
4. FEMA Federal Emergency Management Agency
5. FLETC Federal Law Enforcement Training Center
6. FOIA/PA Freedom of Information Act / Privacy Act
7. IAIP Information Analysis and Infrastructure Protection Directorate
8. ICE Immigration and Customs Enforcement
9. OIG Office of the Inspector General
10. PO Privacy Office
11. S&T Science and Technology Directorate
12. TSA Transportation and Security Administration
13. USCG United States Coast Guard
14. USCIS United States Citizenship and Immigration Services
15. USSS United States Secret Service

b. Basic Terms Used in This Report:

1. **Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
2. **Average number** -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
3. **Complex request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
4. **Denial** -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
 - a. **No Records** -- After a thorough search of agency records, no records were found to be responsive to the FOIA request or within the scope of the FOIA request.
 - b. **Fee Related** -- Record/request was denied because there were fee issues. For example, the requester was not willing to pay assessable FOIA processing fees or the requester had delinquent fees from previous FOIA requests.
 - c. **Not an Agency Record** -- Documents requested in a FOIA request that are not maintained, or possibly originated, by the DHS or its components.
5. **Exemption 3 statute** -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. **FOIA/PA request** -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request or access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
8. **Glomar response** -- is when the existence or non-existence of responsive records to a request is neither confirmed nor denied in order to protect law enforcement, privacy, or other appropriate interests.
9. **Initial Denial Authority** -- agency official who is delegated the authority to make release determinations of documents and information contained in documents requested under the FOIA on behalf of the agency.
10. **Initial request** -- a request to a federal agency for access to records under the Freedom of Information Act.
11. **Median number** -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

12. **Multi-track processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing.
13. **Partial release** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions: or, in a multiple record response, a decision to disclose some records in their entirety but to withhold others in whole or in part. This is sometimes referred to as a "partial denial" or "partial grant."
14. **Perfect request** – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
15. **Perjury statement** – a signed statement executed under the penalty of law, usually associated with a request for the personal records of the requester, attesting that they are the individual who they say they are.
16. **Processed request or appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
17. **Proper request** – a request that fits the definition of a FOIA request: reasonably describes the agency records being sought and cites a willingness to pay assessable fees or justifies the granting of a fee waiver.
18. **Reasonably Described** – the request is reasonably described if it enables a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort.
19. **Referral** – transferring a FOIA request and/or document(s) which are under another agency's purview to another entity for processing. This also includes redirecting a requester to the appropriate agency instead of referring the request.
20. **Release** -- an agency decision to disclose all records in full in response to a FOIA request. This is sometimes referred to as a "grant."
21. **Simple Request** -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
22. **Time limits** – the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a perfected FOIA request).

XI. DHS Exemption b(3) statutes applied by DHS components throughout FY 2005: <Components should update below 2004 chart with 2005 information>

STATUTE	TYPE OF INFORMATION	CASE CITATION
8 U.S.C. 1160(B)(6)	Information on Special Agricultural workers	None
8 U.S.C. 1304(B)	Registration of Aliens	None
8 U.S.C.A. 1186a(C)(4)(C)	Admission qualifications for alien's travel control of citizens and aliens	None
41 U.S.C. 253b(m)	Prohibition on Release of Contractor Proposals	None
Rule 6(e) of the Federal Rules of Criminal Procedures	Grand Jury Information	Senate of P.R. v. United States Dep't of Justice, 823 F.2d 574 (D.C. Cir. 1987).

XII. Freedom of Information Act Exemptions:

The Freedom of Information Act sets out the nine exemptions that preclude the release of information contained in government documents. Some exemptions allow a government entity to exercise a degree of discretion regarding release while other exemptions do not allow for any discretion.

Exemption	Definition
1	Covers those documents properly classified as confidential, secret, and top secret in the interest of national security, defense, or foreign policy
2	Includes documents related solely to internal personnel rules and practices of a relatively trivial nature to those of more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement or endanger the lives of public and private individuals.
3	Provides for the withholding of documents specifically exempted by other federal statutes
4	Protects from release a trade secret or privileged or confidential commercial or financial information obtained from a person. The term person has been defined to include a business entity.
5	Precludes the release records that are privileged inter-agency or intra-agency documents
6	Prevents the release of personnel, medical, or similar file the release of which would constitute a clearly unwarranted invasion of personal privacy to anyone other than the individual
7	Protects from release records compiled for law enforcement purposes, the release of which
	(7A) could reasonably be expected to interfere with law enforcement proceedings
	(7B) would deprive a person of a right to a fair trial or an impartial adjudication
	(7C) could reasonably be expected to constitute an unwarranted invasion of personal privacy
	(7D) could reasonably be expected to disclose the identity of a confidential source
	(7E) would disclose techniques, procedures, or guidelines for investigations or prosecutions
	(7F) could reasonably be expected to endanger an individual's life or physical safety
8	Covers records that are contained in or related to examination, operating, or condition reports about financial institutions on behalf of, or for the use of, an agency responsible for the regulation or supervision of financial institutions
9	Prevents the release of geological and geophysical information and data, including maps, concerning wells

XIII. DHS Organizational Components and Sub-Program FOIA Responsibilities: <Components should make appropriate updates to the 2004 information published in the DHS FY 2004 Annual Report. This is a listing of programs or organizational components that the reporting component would like to highlight that are represented in the statistics provided for this report. This is not an exhaustive organizational chart or the components organization. Refer to the DHS FY 2004 FOIA Annual Report as a guideline>

ATTACHMENT

I. Introduction:

Mission: The Freedom of Information Act (FOIA), Privacy Act (PA) and Genealogy Program are responsible for providing access to agency records to the external customer in accordance with the applicable statutes (FOIA, 5 U.S.C. 552), (PA, 5 U.S.C. 552a), and (Family History Research, Public Law 106-553 (H.R. 4942)).

The USCIS FOIA/PA program has always been decentralized. In an effort to maximize the resources dedicated to the FOIA and PA workload, a decision was made to centralize the entire workload from forty-six offices to three (National Records Center (NRC), Washington, DC, and Burlington). The decision was made based on customer service, uniformity of processing, dedicated staff and IT capability.

In the spring of 2005, USCIS officially began implementing its FOIA/PA centralization process. The centralization project is almost complete. Currently, we have seven offices left to centralize. It is anticipated that by the end of calendar year 2005, we will complete this project.

With the movement of work to the three locations, positions from the closed FOIA/PA offices were shifted to the NRC where the bulk of the requests are processed. Although the work and positions were moved, the personnel did not move with the positions. The hiring of additional personnel at the NRC will in the long term improve, in the short term we are experiencing transition pains.

VII. Denial Authorities for USCIS

The overall authority for the FOIA/PA Program for USCIS rests with the Director, USCIS. This individual designates this function to the Director, Office of Records Services, who in turn designates this function to the Director, FOIA/PA Branch.

Currently the Director of the FOIA/PA Branch is:

Magda S. Ortiz
Director, FOIA/PA Branch
111 Massachusetts Avenue, NW (Second Floor)
Washington, DC 20529
Ph: 202-272-8283; Fax: 202-272-8331

The Director of the FOIA/PA Branch has designated the following denial authorities servicewide.

<u>Office</u>	<u>Responsible Party</u>	<u>Organizational Title</u>
ATL	Rosemary L. Melville	Director
BAL	Carol Ayers	FOIA/PA Officer
BOS	Karen-Anne Haydon	ADD/Examination
BUF	Linda L. Nordblum	Supv. Paralegal Specialist
BUR	Heather P. Vanslette	Regional FOIA/PA Officer
CLE	Mark B. Hansen	Director
CLT	Rosemary Melville	Interim Director
CNT	Heather P. Vanslette	Regional FOIA/PA Officer
COW	Ave M. Sloane	CHIEF, FOIA/PA Unit
DAL	Angela K. Barrows	District Director
DEN	Mario R. Ortiz	District Director
DET	Carol A. Jenifer	Director
DLS	Susie A. Hood	Asst. Dir. ACDISD
ELP	Raymond P. Adams	District Director
ESC	Paul E. Novak Jr.	SVC Center Director
HHW	David G. Gulick	Interim District Director
HLG	Alfonso R. De Leon	District Director
HOU	Sharon A. Hudson	District Director
HQS	Ave M. Sloane	Chief, FOIA/PA Section
KAN	Michael T. Jaromin	District Director
LNG	Erika Knasiak	FOIA/PA Officer
LOS	Shonna Wilson	Supv. Paralegal Specialist
LVG	Stephen L. Fickett	District Director
MEM	Diane M. Campbell	Supervisory Adjudications Officer
MIA	John M. Bulger	District Director
NEW	Andrea J. Quarantillo	Director

NOL
NRC

M. Stella Jarina
T. Diane Cejka

District Director
Director

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Office

NSC
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SAJ
SEA
SFR
SNA
SPM
SSC
TWC
WAS
WSC
ZLA
ZSF

Responsible Party

Evelyn M. Upchurch
Sarah M. Jones
Nancy L. Hooks
F. Gerard Heinauer
Kenneth John Elwood
Insert Name
Rodolfo Lara
Charles H. DeMore
Sonia Acosta
Robert J. Okin
David N. Still
Kenneth L. Pasquarell
Denise M. Frazier
Evelyn M. Upchurch
Richard J. Popovich
Phyllis Howard
Donald W. Neufeld
George S. Mihalko
Emilia M. Bardini

Organizational Title

Acting Director
FOIA/PA Officer
Officer In Charge
Director
Director
Director
District Director
Director
FOIA/PA Officer
(A) Director
(A) Director
District Director
District Director
Center Director
Chief, Mngmnt & Cntrl
District Director
Director
Director
Director

VIII. Agency Efforts to Improve Timeliness of FOIA responses

The stats for response time to requests - FY'04 - Simple - Median age to close was 16 days and Complex - 31. In FY'05 - Simple - Median age to close 45 days and Complex - 55.

Receipts - FY'04 - 149,868 FY'05 - 138,678 - We received 11,190 less requests in FY'05 (7.2% less)

Processed - FY'04 - 133,997 FY'05 - 104,934 - We processed 29,063 less cases in FY'05 (22% less)

Pending - FY'04 - 41,197 FY'05 - 74,941 - We have 33,744 more pending cases than in FY'04 (45% more pending).

The major contributors to the numbers cited in the annual report and also noted above are as follows:

- a. A confusion as to which agency was to process immigration requests--ICE, CBP or USCIS--led to double and triple filing of FOIA requests. The tri-bureau components of DHS are in the process of establishing a workable solution to satisfy each component's operational process and meet the needs of the public.
- b. Shortly thereafter, a hiring freeze was put in place that had a major impact in our inability to keep up with the new receipts.
- c. Movement of work from the field offices to the NRC, coupled with the above, resulted in the National Records Center (NRC) taking on the field offices' pending workload with an inability to fill the positions that came with the workload. This was further exacerbated by the field program offices' need to use all personnel to attack the adjudication of immigration applications backlog aggressively, thus displacing FOIA/PA personnel for the period of time before the workload and positions were moved to the NRC.
- d. The hiring process for new employees was encumbered by the shared services agreement with CBP. The hiring system they were using did not lend itself to USCIS therefore hampering our ability to hire.

Currently, we are working to finalize the genealogy unit. Secretary Chertoff has signed the Proposed Rule for USCIS to move family historical research requests from its FOIA/PA Program and establish a separate fee-for-service process. We are waiting for the posting of the rule in the Federal Register and the required comment period to begin and end.