

**FREEDOM OF INFORMATION ACT  
FISCAL YEAR 2008 ANNUAL REPORT  
COMPONENT: USCIS**

Complete all fields, entering "0" if there is no data to report. If unable to comply with a specific reporting requirement herein, include an explanation in Section 9 below. In order to calculate days, count days from the time at which a perfected request is received, and count working/business days unless otherwise indicated.

**1. EXEMPTION (b)(3) STATUTES CITED**

| STATUTE  | TYPE OF INFORMATION WITHHELD          | CASE CITATION  | NUMBER OF TIMES RELIED UPON |
|--|---------------------------------------|--|-----------------------------|
| 26 U.S.C. 6103                                 | Tax returns and information therefrom | <i>Church of Scientology v. IRS</i> , 484 U.S. 9; <i>Long v. IRS</i> , 891 F.2d 222                              | 98                          |
| 41 U.S.C. 253B(m)                              | Release of contract proposals         | <i>Hornbostel v. Dept of Interior</i> , 305 F.Supp.2d 21   | 2                           |
| Rule 6(e), Federal Rules of Criminal Procedure | Grand Jury Information                | <i>Fugier v. Dept of Justice</i> , 257 F.3d 534; <i>Iglesias v. CIA</i> , 525 F.Supp. 547                        | 33                          |
| 8 U.S.C. 1304(b)                               | DOS stamp                             | <i>Argento v. Horn</i> , 241 F.2d 258  | 1                           |
| 8 U.S.C. 1202(f)                               | NIV Applicant Detail                  | <i>Medina-Hincappie v. Dept of State</i> , 700 F.2d 737; <i>Perry-Torre v. Dept of State</i> , 404 F.Supp.2d 140 | 1                           |
|  |                                       |  |                             |
|  |                                       |  |                             |
|  |                                       |  |                             |
|  |                                       |  |                             |

| 2. INITIAL REQUESTS (To include all "purported" requests)   |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
|---|---------------------------------------|--|---|---|-------------------|---|--------------------------|--|-------------------|--|-----------|--------|--------|
| 2. a. RECEIVED, PROCESSED, AND PENDING FOIA REQUESTS  |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
| Number of Requests Pending as of Start of Fiscal Year   |                                       | Number of Requests Received in Fiscal Year |   | Number of Requests Processed in Fiscal Year |                   | Number of Requests Pending as of End of Fiscal Year |                          | Number of Backlogged Requests as of End of Fiscal Year |                   |  |           |        |        |
| 80,150  |                                       | 78,985                                     |   | 84,424                                      |                   | 74,711  |                          | 67,545   |                   |  |           |        |        |
| 2.b. DISPOSITION OF INITIAL REQUESTS (To include all processed requests; Claim only 1 per request)  |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
| No. of Full Grants  | No. of Partial Grants/Partial Denials | No. of Full Denials Based on Exemptions    | Number of Full Denials Based on Reasons Other than Exemptions |   |                   |   |                          |  |                   |  |           | Total  |        |
|   |                                       |  | No Records  | Referred                                    | Request Withdrawn | Fee-Related Reason                                  | Not Reasonably Described | Improper Request                                       | Not Agency Record | Duplicate                                | Other     |        |        |
| 7,158   | 49,459                                | 110  | 5,210   | 582   | 1,341             | 5   | 0                        | 13,383   | 1,761             | 5,253                                    | 162       | 84,424 |        |
| 2.c. DISPOSITION OF FOIA REQUESTS – "OTHER" REASONS (Full denials based on reasons other than exemptions)   |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
| Description of "Other" Reasons for Denials (from Sect. 2.b. above)  |                                       |  |   |   |                   |   |                          |  |                   | Number of Times "Other" Reasons Invoked  |           |        |        |
| Not applicable (requests for return of original docs., status of applications or petitions, how to complete a doc or form)  |                                       |  |   |   |                   |   |                          |  |                   | 33                                       |           |        |        |
| Certified Copy  |                                       |  |   |   |                   |   |                          |  |                   | 2  |           |        |        |
| Unable to locate  |                                       |  |   |   |                   |   |                          |  |                   | 127                                      |           |        |        |
|   |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
|   |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
|   |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
| Total:  |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
| 2.d. DISPOSITION OF FOIA REQUESTS – NUMBER OF TIMES EXEMPTIONS APPLIED (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) |
| 104   | 37,079                                | 135  | 39  | 34,123                                      | 33,402            | 137   | 50                       | 39,936   | 87                | 34,625                                   | 27        | 0      | 0      |
| 2.e. COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT  |                                       |  |   |   |                   |   |                          |  |                   |  |           |        |        |
| Number of Requests <u>Received</u>  |                                       |  |   |   |                   | Number of Requests <u>Processed</u>                 |                          |  |                   |  |           |        |        |
| Number Received During Fiscal Year 2007   |                                       |  | Number Received During Fiscal Year 2008                       |   |                   | Number Processed During Fiscal Year 2007            |                          |  |                   | Number Processed During Fiscal Year 2008 |           |        |        |
| 81,317  |                                       |  | 78,985  |   |                   | 97,492  |                          |  |                   | 84,424                                   |           |        |        |

**3. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS (To include only PERFECTED requests)**

**3.a. MEDIAN PROCESSING TIME OF ALL PERFECTED REQUESTS**

| SIMPLE             |                     |                    |                     | COMPLEX                   |                           |                        |                            | EXPEDITED          |                     |                    |                     |
|--------------------|---------------------|--------------------|---------------------|---------------------------|---------------------------|------------------------|----------------------------|--------------------|---------------------|--------------------|---------------------|
| Median No. of Days | Average No. of Days | 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 | Lowest No. of Days | Highest No. of Days |
| 238                | 230                 | 1                  | 977                 | 379 Track 2<br>17 Track 3 | 339 Track 2<br>37 Track 3 | 1 Track 2<br>1 Track 3 | 747 Track 2<br>428 Track 3 | 27                 | 63                  | 2                  | 439                 |

**3.b. MEDIAN PROCESSING TIME OF REQUESTS GRANTED IN FULL OR IN PART**

| SIMPLE             |                     |                    |                     | COMPLEX                   |                           |                        |                            | EXPEDITED          |                     |                    |                     |
|--------------------|---------------------|--------------------|---------------------|---------------------------|---------------------------|------------------------|----------------------------|--------------------|---------------------|--------------------|---------------------|
| Median No. of Days | Average No. of Days | 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 | Lowest No. of Days | Highest No. of Days |
| 256                | 245                 | 1                  | 977                 | 384 Track 2<br>17 Track 3 | 362 Track 2<br>37 Track 3 | 1 Track 2<br>1 Track 3 | 747 Track 2<br>428 Track 3 | 25                 | 62                  | 3                  | 439                 |

**3.c. PROCESSED REQUESTS – RESPONSE TIMES FOR SIMPLE REQUESTS IN DAY INCREMENTS**

| 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  |
|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|--------|
| 905       | 582        | 910        | 869        | 1,231       | 1,716        | 1,107        | 804          | 576          | 523          | 3,277        | 3,356        | 8,434     | 24,290 |

**3.d. PROCESSED REQUESTS – RESPONSE TIMES FOR COMPLEX REQUESTS IN DAY INCREMENTS**

| 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                 |
|----------------------------|--------------------------|------------------------|------------------------|------------------------|------------------------|-----------------------|-----------------------|-----------------------|-----------------------|--------------------------|-------------------------|---------------------|-----------------------|
| 1,386 Trk 2<br>3,637 Trk 3 | 529 Trk 2<br>1,468 Trk 3 | 310 Trk 2<br>573 Trk 3 | 301 Trk 2<br>252 Trk 3 | 182 Trk 2<br>165 Trk 3 | 150 Trk 2<br>106 Trk 3 | 131 Trk 2<br>55 Trk 3 | 162 Trk 2<br>76 Trk 3 | 152 Trk 2<br>49 Trk 3 | 183 Trk 2<br>51 Trk 3 | 1,058 Trk 2<br>159 Trk 3 | 3,882 Trk 2<br>76 Trk 3 | 28,928 T2<br>252 T3 | 37,354 T2<br>6,919 T3 |

**3.e. PROCESSED REQUESTS – RESPONSE TIMES FOR EXPEDITED REQUESTS IN DAY INCREMENTS**

| 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 |
|-----------|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|-------|
| 44        | 26         | 8          | 6          | 5           | 2            | 1            | 0            | 0            | 0            | 2            | 2            | 9         | 105   |

**3.f. PENDING REQUESTS – ALL PENDING PERFECTED REQUESTS**

| SIMPLE         |                    |                     | COMPLEX                       |                           |                           | EXPEDITED      |                    |                     |
|----------------|--------------------|---------------------|-------------------------------|---------------------------|---------------------------|----------------|--------------------|---------------------|
| 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 |
| 6,113          | 92                 | 128                 | 63,657 Track 2<br>608 Track 3 | 308 Track 2<br>22 Track 3 | 302 Track 2<br>41 Track 3 | 8              | 70                 | 125                 |

**3.g. PENDING REQUESTS – TEN OLDEST PENDING PERFECTED REQUESTS**

|                     | 10 <sup>th</sup> Oldest | 9 <sup>th</sup> | 8 <sup>th</sup> | 7 <sup>th</sup> | 6 <sup>th</sup> | 5 <sup>th</sup> | 4 <sup>th</sup> | 3 <sup>rd</sup> | 2 <sup>nd</sup> | Oldest Request |
|---------------------|-------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|----------------|
| Date of Receipt     | 01-21-2006              | 01-12-2006      | 01-12-2006      | 01-11-2006      | 01-07-2006      | 12-05-2005      | 11-08-2005      | 10-20-2005      | 09-14-2005      | 07-07-2005     |
| No. of Days Pending | 691                     | 703             | 703             | 703             | 709             | 730             | 745             | 757             | 781             | 822            |

| 4. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS   |   |   |  |   |                       |  |                             |                        |   |  |           |        |        |
|--|---|---|--|---|-----------------------|--|-----------------------------|------------------------|---|--|-----------|--------|--------|
| 4.a. RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS   |   |   |  |   |                       |  |                             |                        |   |  |           |        |        |
| Number of Appeals Pending as of Start of Fiscal Year   | Number of Appeals Received in Fiscal Year                         | Number of Appeals Processed in Fiscal Year    | Number of Appeals Pending as of End of Fiscal Year | Number of Backlogged Appeals as of End of Fiscal Year |                       |  |                             |                        |   |  |           |        |        |
| 2,950  | 1,180   | 2,146   | 1,984  | 1,913   |                       |  |                             |                        |   |  |           |        |        |
| 4.b. DISPOSITION OF ADMINISTRATIVE APPEALS (To include all processed appeals; report disposition on ALL applicable charts)                 |   |   |  |   |                       |  |                             |                        |   |  |           |        |        |
| Number Affirmed on Appeal  | Number Partially Affirmed & Partially Reversed/Remanded on Appeal | Number Completely Reversed/Remanded on Appeal | Number of Appeals Closed for Other Reasons         | Total   |                       |  |                             |                        |   |  |           |        |        |
| 155  | 191   | 375   | DP 44<br>FC 1,177                                  | NA 105<br>WD 99                                       | 2,146                 |  |                             |                        |   |  |           |        |        |
| 4.c. REASONS FOR DENIAL ON APPEAL – 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) |
| 1  | 1,059   | 0   | 3  | 1,189   | 1,018                 | 45   | 2                           | 1,188                  | 14  | 769                                      | 1         | 0      | 0      |
| 4.d. REASONS FOR DENIAL ON APPEAL – REASONS OTHER THAN EXEMPTIONS  |   |   |  |   |                       |  |                             |                        |   |  |           |        |        |
| No Records   | Referred at Initial Request Level                                 | Request Withdrawn                             | Fee-Related Reason                                 | Not Reasonably Described                              | Improper Request      | Not Agency Record                              | Duplicate Request or Appeal | Request in Litigation  | Appeal Based Solely on Denial of Expedited Processing | Other                                    |           |        |        |
| 0  | 2   | 99  | 0  | 0   | 103                   | 0  | 44                          | 0                      | 0   | FC 1,177                                 |           |        |        |
| 4.e. REASONS FOR DENIAL ON APPEAL – “OTHER” REASONS  |   |   |  |   |                       | 4.f. RESPONSE TIMES FOR ADMINISTRATIVE APPEALS |                             |                        |   |  |           |        |        |
| Description of “Other” Reasons for Denials (from Sect. 3.d. above)   |   |   |  | No. of Times Invoked                                  | Median Number of Days | Average Number of Days                         | Lowest Number of Days       | Highest Number of Days |   |  |           |        |        |
| Failure to comply-Interim Interest Project   |   |   |  | 286   | 581                   | 552  | 1                           | 1,287                  |   |  |           |        |        |
| Failure to comply-Atty barred from immigration practice  |   |   |  | 891   |                       |  |                             |                        |   |  |           |        |        |
|  |   |   |  |   |                       |  |                             |                        |   |  |           |        |        |
| 4.g. TEN OLDEST PENDING ADMINISTRATIVE APPEALS   |   |   |  |   |                       |  |                             |                        |   |  |           |        |        |
|  | 10 <sup>th</sup> Oldest   | 9 <sup>th</sup>                               | 8 <sup>th</sup>                                    | 7 <sup>th</sup>                                       | 6 <sup>th</sup>       | 5 <sup>th</sup>                                | 4 <sup>th</sup>             | 3 <sup>rd</sup>        | 2 <sup>nd</sup>                                       | Oldest Appeal                            |           |        |        |
| Date of Receipt  | 04-27-2004  | 04-27-2004                                    | 04-27-2004   | 04-07-2004  | 04-07-2004            | 03-25-2004                                     | 03-15-2004                  | 09-13-2003             | 07-17-2003  | 07-16-2003                               |           |        |        |
| Number of Days Pending   | 1,156   | 1,156   | 1,156  | 1,170   | 1,170                 | 1,179  | 1,187                       | 1,317                  | 1,359   | 1,360                                    |           |        |        |
| 4.h. COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT – APPEALS RECEIVED, PROCESSED, AND BACKLOGGED |   |   |  |   |                       |  |                             |                        |   |  |           |        |        |
| Number of Appeals Received   |   |   |  |   |                       | Number of Appeals Processed                    |                             |                        |   |  |           |        |        |
| Number Received During Fiscal Year 2007  |   |   | Number Received During Fiscal Year 2008            |   |                       | Number Processed During Fiscal Year 2007       |                             |                        |   | Number Processed During Fiscal Year 2008 |           |        |        |
| 1,098  |   |   | 1,180  |   |                       | 787  |                             |                        |   | 2,146                                    |           |        |        |

| 5. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER (Includes requests made both at initial and appellate levels) |               |                                     |                                      |   |
|--|---------------|-------------------------------------|--------------------------------------|---|
| 5.a. REQUESTS FOR EXPEDITED PROCESSING (For this section only, count calendar days, not working days)                          |               |                                     |                                      |   |
| Number Granted   | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number Adjudicated Within Ten Calendar Days |
| 13   | 1,687         | 2                                   | 6                                    | 1480  |
| 5.b. REQUESTS FOR FEE WAIVER   |               |                                     |                                      |   |
| Number Granted   | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |   |
| 28   | 68            | 0                                   | 2                                    |   |

| 6. CONSULTATIONS  |   |                 |                 |                 |  |                 |                 |   |                 |                     |
|---|---|-----------------|-----------------|-----------------|--|-----------------|-----------------|---|-----------------|---------------------|
| 6.a. CONSULTATIONS ON FOIA REQUESTS – RECEIVED, PROCESSED, AND PENDING CONSULTATIONS  |   |                 |                 |                 |  |                 |                 |   |                 |                     |
| Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Component as of <u>Start</u> of the Fiscal Year | Number of Consultations Received from Other Agencies During the Fiscal Year |                 |                 |                 | Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Component During the Fiscal Year |                 |                 | Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Component as of <u>End</u> of the Fiscal Year |                 |                     |
| 18  | 45  |                 |                 |                 | 47   |                 |                 | 16  |                 |                     |
| 6.b. CONSULTATIONS ON FOIA REQUESTS – TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT YOUR COMPONENT             |   |                 |                 |                 |  |                 |                 |   |                 |                     |
|   | 10 <sup>th</sup> Oldest Consultation  | 9 <sup>th</sup> | 8 <sup>th</sup> | 7 <sup>th</sup> | 6 <sup>th</sup>  | 5 <sup>th</sup> | 4 <sup>th</sup> | 3 <sup>rd</sup>   | 2 <sup>nd</sup> | Oldest Consultation |
| Date of Receipt   | 08-11-2008  | 08-06-2008      | 08-06-2008      | 07-21-2008      | 07-16-2008   | 11-27-2007      | 11-30-2006      | 09-07-2006  | 09-07-2006      | 06-02-2006          |
| Number of Days Pending  | 37  | 40              | 40              | 52              | 55   | 221             | 479             | 539   | 539             | 608                 |

**7. FOIA PERSONNEL AND COSTS**

| 7.a. PERSONNEL                       |   |   | 7.b. COSTS  |                          |               |
|--------------------------------------|---|---|---|--------------------------|---------------|
| Number of "Full-Time FOIA Employees" | Number of "Equivalent Full-Time FOIA Employees" | Total Number of "Full-Time FOIA Staff" (Sum of columns 1 & 2) | Processing Costs (At initial request and appeal levels) | Litigation-Related Costs | Total Costs   |
| 175                                  | 10.1  | 185.1   | 12,304,294.00   | 104,641.00               | 12,408,935.00 |

**8. FEES COLLECTED FOR PROCESSING REQUESTS**

| Total Amount of Fees Collected | Percentage of Total Costs |
|--------------------------------|---------------------------|
| <b>4,880.10</b>                | <b>.0393%</b>             |

**9. COMMENTS**