

# We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## Article I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and until such Enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When Vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years, and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Clases. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless he be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Profit or Trust under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

# Annual Report

2008 Annual  
Freedom of Information Act  
Report to the Attorney General of the United States

October 1, 2007 – September 30, 2008



Homeland  
Security



# Homeland Security

## **FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR FISCAL YEAR 2008**

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## I. Basic Information Regarding Report

1. Questions regarding this report may be directed to:

Catherine M. Papoi, J.D.  
Deputy Chief FOIA Officer  
Director, Disclosure & FOIA  
Privacy Office  
Department of Homeland Security  
Washington, DC 20528  
Phone: 703-235-0790; Fax: 703-235-0443

2. This report can be downloaded from the DHS FOIA website at <http://www.dhs.gov/FOIA>.
3. Requests for this report in paper form may also be directed to Catherine M. Papoi, as listed above.

## II. Making a FOIA Request

1. Names, addresses, and contact numbers for DHS FOIA Officers can be found on our website at <http://www.dhs.gov/FOIA>.
2. Brief description why requests are not granted:

The most frequent reason why requests are not granted is that the description of the request is not sufficient to allow the Agency to conduct an adequate search and/or no records are located responsive to the request.

The primary reason for not granting requests for which records are located is that the records or information are compiled for law enforcement purposes and the release of such information could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a third party/parties (in some instances by revealing an investigative interest in them). A detailed description of the categories of the agency's records to which the FOIA exemptions apply can be found on our website at [http://www.dhs.gov/xfoia/gc\\_1208265747435.shtm](http://www.dhs.gov/xfoia/gc_1208265747435.shtm).

## III. Acronyms, Definitions, and Exemptions

1. Agency-specific acronyms or other terms.
  - a. CBP United States Customs and Border Protection
  - b. CRCL Office of Civil Rights & Civil Liberties
  - c. FEMA Federal Emergency Management Agency
  - d. FLETC Federal Law Enforcement Training Center
  - e. FOIA/PA Freedom of Information Act / Privacy Act
  - f. I&A Office of Intelligence and Analysis
  - g. ICE Immigration and Customs Enforcement
  - h. MGMT Management Directorate
  - i. NPPD National Protection and Programs Directorate
  - j. OIG Office of the Inspector General
  - k. OGC Office of the General Counsel
  - l. OPS Office of Operations Coordination
  - m. PLCY Office of Policy
  - n. PREP Preparedness Directorate
  - o. PRIV Privacy Office
  - p. S&T Science and Technology Directorate
  - q. TSA Transportation and Security Administration
  - r. USCG United States Coast Guard
  - s. USCIS United States Citizenship and Immigration Services
  - t. USSS United States Secret Service



- u. **US-VISIT** – United States Visitor and Immigrant Status Indicator Technology

2. Basic terms, expressed in common terminology.

- a. **Administrative Appeal** – A request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **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.
- c. **Backlog** – The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year and are beyond the statutory time period for a response.
- d. **Component** – For agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in the Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – The procedure whereby the agency responding to a FOIA requests first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finished its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – A federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e. “first party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **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.

- i. **Expedited Processing** – An agency will process a FOIA requests on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
    - ii. **Simple Request** – A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
    - iii. **Complex Request** – A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
  - l. **Partial Grant/Partial Denial** – In response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
  - m. **Pending Request or Pending Administrative Appeal** – A request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfected 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.
  - o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
  - q. **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).
3. Concise Descriptions of FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices
  - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.
  - f. **Exemption 6:** information involving matters of personal privacy
  - g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.
  - h. **Exemption 8:** information relating to the supervision of financial institutions

i. **Exemption 9:** geological information on wells

**IV. Exemption 3 Statutes**

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
			Component	Count	
41 U.S.C. 253b(m)	Prohibition on release of Contractor Proposals	Hornbostel v. DOI, 305 F. Supp. 2d 21 (D.D.C. 2003)	USCIS	2	26
			FEMA	1	
			FLETC	2	
			I&A	0	
			ICE	10	
			MGMT	3	
			NPPD	3	
			OIG	1	
			PRIV	2	
S&T	2				
49 U.S.C. 114(s)	Nondisclosure of Security Activities	Electronic Privacy Information Center v. DHS 384 F. Supp. 2d 100 (D.D.C. 2006)	USCG	4	122
		OIG	1		
		PRIV	2		
		TSA	115		
49 C.F.R. 1520.5(b)	Sensitive Security Information		OIG	4	6
			PRIV	2	
42 U.S.C. 2168	Unclassified Controlled Nuclear Information		PRIV	1	1
49 U.S.C. 70103	Security Plans and other Information related to plans		USCG	3	3
41 U.S.C. 253b(k)(2)	Contractor proposal information not incorporated into a contract		USCG	1	1
Federal Rule of Criminal Procedure 6(e) Grand Jury	Grand Jury materials		USCIS	33	37
			ICE	3	
			OIG	1	
49 U.S.C. 40110, 49 USC 114(o)	Contract proposals, source selection documents	Electronic Privacy Information Center v. DHS 384 F. Supp. 2d 100 (D.D.C. 2006)	TSA	9	9
26 USC 6103	Tax returns and information therefrom	Church of Scientology v. IRS, 484 US 9; Long v IRS, 891 F.2d 222	USCIS	98	98
8 USC 1304(b)	DOS stamp	Argento v. Horn, 241 F.2d 258	USCIS	1	1

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8 USC 1202(f)	NIV Applicant Detail	Medina-Hincappie v. Dept of State, 700 F.2d 737; Perry-Torre v. Dept of State, 404 F. Supp.2d 140	USCIS	1	1
18 U.S.C. 2510	Wiretap		USSS	2	2

**V. FOIA Requests**

**A. Processed and Pending FOIA Requests**

Component	Number of Request Pending as of Start of Fiscal Year	Number of Request Received in Fiscal Year	Number of Request Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
USCIS	80,150	78,985	84,424	74,711
CBP	857*	13,943	8,639	6,161
CRCL	2*	36	32	6
USCG	1,143*	5,174	5,273	1,044
FEMA	329**	705	330	704
FLETC	7***	166	159	14
I&A	15	44	59	0*
ICE	305*	4,224	4,461	68
MGMT	6	192	194	4
NPPD	14	64	59	19
US-VISIT	1*	2,080	2,077	3
OIG	98*	186	249	35
OGC	0*	19	13	6
OPS	3*	36	39	0
PLCY	0	36	27	9
PRIV	34*	849	844	39
S&T	22*	77	88	11
USSS	553	1,378	1,427	504
TSA	280*	758	634	404
<b>AGENCY OVERALL</b>	<b>83,819</b>	<b>108,952</b>	<b>109,028</b>	<b>83,742</b>

\*Corrected amount from component reporting error in FY'07

\*\*Centralization of FEMA FOIA program resulted in the addition of cases from field offices

\*\*\*Reflects the removal of Privacy Act requests from FY 08 report

**B. (1) Disposition of FOIA Requests – All Processed Requests**

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	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	All Records Referred	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper FOIA Request	Not Agency Record	Duplicate Request	Other	
USCIS	7,158	49,459	110	5,210	582	1,341	5	0	13,416	1,761	5,253	129	84,424
CBP	1,550	1,856	461	1,132	764	81	75	28	2,382	200	93	17	8,639
CRCL	2	6	1	14	7	0	0	0	0	0	0	2	32
USCG	3,148	613	173	518	472	159	10	12	31	4	126	7	5,273
FEMA	72	23	7	24	20	65	6	2	109	1	0	1	330
FLETC	40	23	19	22	12	26	6	11	0	0	0	0	159
I&A	3	7	4	23	7	0	0	0	0	0	0	15	59
ICE	220	1,206	224	482	2,008	48	22	18	156	17	38	22	4,461
MGMT	16	62	6	39	51	1	0	15	2	0	1	1	194
NPPD	7	18	0	8	17	5	4	0	0	0	0	0	59
US-VISIT	1	2,027	2	40	1	4	0	0	2	0	0	0	2,077
OIG	12	143	31	37	1	10	1	0	3	2	0	9	249
OGC	2	1	1	4	3	1	0	0	1	0	0	0	13
OPS	8	9	1	12	5	0	0	0	0	0	2	2	39
PLCY	8	3	2	13	1	0	0	0	0	0	0	0	27
PRIV	10	58	7	32	596	7	1	34	63	12	10	14	844
S&T	20	23	8	20	5	10	1	1	0	0	0	0	88
USSS	35	224	54	916	4	17	11	0	153	9	2	2	1,427
TSA	93	202	79	70	25	33	5	17	73	7	4	26	634
<b>AGENCY OVERALL</b>	<b>12,405</b>	<b>55,963</b>	<b>1,190</b>	<b>8,616</b>	<b>4,581</b>	<b>1,808</b>	<b>147</b>	<b>138</b>	<b>16,391</b>	<b>2,013</b>	<b>5,529</b>	<b>247</b>	<b>109,028</b>

**B. (2) Disposition of FOIA Requests- "Other" Reasons for "Full Denials Based on Reasons Other than Exemptions" from Section V, B(1) Chart**

Component	Description	No. of Times Used	Total
USCIS	Unable to Locate Requester	127	129
	Certified Copy	2	
CBP	Unable to Locate Requester	13	17
	Records Publicly Available	3	
	Handled on Appeal Level	1	
CRCL	Administratively Closed	2	2
USCG	Administratively Closed	7	7
FEMA	Unable to Locate Requester	1	1
I&A	Administratively Closed	15	15
ICE	Fugitive	8	22
	Litigation	9	
	Administratively Closed	5	
MGMT	Records Publicly Available	1	1
OIG	Records Publicly Available	1	9
	Administratively Closed	2	



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	Unable to Locate Requester	6	
OPS	Administratively Closed	2	2
PRIV	Administratively Closed	5	14
	Redress	2	
	Records Publicly Available	5	
	Sent in error	1	
	Unable to Locate Requester	1	
USSS	Administratively Closed	2	2
TSA	Records Publicly Available	2	26
	Response to requester from program area	5	
	Subpoena	1	
	Administratively Closed	16	
	Litigation	2	

**B. (3) Disposition of FOIA Requests- Number of Times Exemptions Applied**

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
USCIS	104	37,079	135	39	34,123	33,402	137	50	39,936	87	34,625	27	0	0
CBP	4	1,920	0	59	45	1,831	47	6	1,834	11	470	0	0	0
CRCL	0	3	0	0	3	5	0	0	0	0	0	0	0	0
USCG	4	9	8	26	85	415	243	0	143	1	11	0	0	0
FEMA	0	7	1	5	12	20	0	0	1	0	0	0	0	0
FLETC	0	7	2	14	3	16	5	0	1	0	4	0	0	0
I&A	1	9	0	3	0	7	3	0	2	0	4	1	0	0
ICE	12	1,132	13	100	319	998	88	7	1,002	34	274	11	0	0
MGMT	1	52	3	35	8	27	0	0	3	0	0	0	0	0
NPPD	0	17	3	10	6	16	0	0	0	0	0	0	0	0
US-VISIT	0	2,022	0	4	1	1,884	210	0	394	0	261	0	0	0
OIG	2	111	7	6	25	137	16	0	144	8	19	1	0	0
OGC	0	0	0	0	1	2	0	0	0	0	0	0	0	0
OPS	0	8	0	2	0	4	1	0	0	0	0	1	0	0
PLCY	1	2	0	0	4	2	2	0	2	0	2	2	0	0
PRIV	7	46	7	29	25	49	2	1	9	1	8	2	0	0
S&T	1	4	2	8	17	3	0	0	1	0	3	0	0	0
USSS	1	189	2	2	27	152	4	0	218	20	119	1	0	0
TSA	0	149	124	29	41	114	14	3	38	0	0	42	0	0
<b>AGENCY OVERALL</b>	<b>138</b>	<b>42,766</b>	<b>307</b>	<b>371</b>	<b>34,745</b>	<b>39,084</b>	<b>772</b>	<b>67</b>	<b>43,728</b>	<b>162</b>	<b>35,800</b>	<b>88</b>	<b>0</b>	<b>0</b>

**VI. Administrative Appeals of Initial Determinations of FOIA Requests**

**A. Received, Processed and Pending Administrative Appeals**

	<b>No. of Appeals Pending as of Start of Fiscal Year</b>	<b>No. of Appeals Received in Fiscal Year</b>	<b>No. of Appeals Processed in Fiscal Year</b>	<b>No. of Appeals Pending as of End of Fiscal Year</b>
DHS/OGC	186	214	75	325
USCIS	2,950	1,180	2,146	1,984
CBP	196	132	209	119
FLETC	0	4	4	0
TSA	15	25	34	6
USCG	22	33	22	33
USSS	24	104	100	28
<b>AGENCY OVERALL</b>	<b>3,393*</b>	<b>1,692</b>	<b>2,590</b>	<b>2,495</b>

\*This figure reflects an update to the number of appeals pending, as previously reported in the Department's Backlog Reduction Goals for FY 08, FY 09, FY 10 In Furtherance of EO 13392, "Improving Agency Disclosure of Information," which included estimates reported prior to the end of the Fiscal Year.

**B. Disposition of Administrative Appeals- All Processed Appeals**

	<b># Affirmed on Appeal</b>	<b># Partially Affirmed &amp; Partially Reversed/Remanded on Appeal</b>	<b># Completely Reversed/Remanded on Appeal</b>	<b># of Appeals Closed for Other Reasons</b>	<b>Total</b>
DHS/OGC	34	1	10	30	75
USCIS	155	191	375	1,425	2,146
CBP	62	55	15	77	209
FLETC	4	0	0	0	4
TSA	24	3	6	1	34
USCG	9	0	5	8	22
USSS	44	21	6	29	100
<b>AGENCY OVERALL</b>	<b>332</b>	<b>271</b>	<b>417</b>	<b>1,570</b>	<b>2,590</b>

**C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied**

	<b>Ex. 1</b>	<b>Ex. 2</b>	<b>Ex. 3</b>	<b>Ex. 4</b>	<b>Ex. 5</b>	<b>Ex. 6</b>	<b>Ex. 7(A)</b>	<b>Ex. 7(B)</b>	<b>Ex. 7(C)</b>	<b>Ex. 7(D)</b>	<b>Ex. 7(E)</b>	<b>Ex. 7(F)</b>	<b>Ex. 8</b>	<b>Ex. 9</b>
DHS/OGC	0	16	0	0	8	10	5	0	12	0	2	0	0	0
USCIS	1	1,059	0	3	1,189	1,018	45	2	1,188	14	769	1	0	0
CBP	0	97	0	5	14	78	3	0	89	6	54	0	0	0
FLETC	0	1	0	0	3	3	0	0	0	0	1	1	0	0
TSA	0	1	0	0	0	1	0	0	0	0	0	0	0	0
USCG	0	1	0	1	3	5	0	0	2	0	1	0	0	0
USSS	0	18	0	0	8	18	0	0	21	3	14	0	0	0
<b>AGENCY OVERALL</b>	<b>1</b>	<b>1,193</b>	<b>0</b>	<b>9</b>	<b>1,225</b>	<b>1,133</b>	<b>53</b>	<b>2</b>	<b>1,312</b>	<b>23</b>	<b>841</b>	<b>2</b>	<b>0</b>	<b>0</b>

**C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions**

Component	No Records	All Records Referred	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper FOIA Request	Not Agency Record	Duplicate Request	Request in Litigation	Appeal Based Solely on Denial of Expedited Processing	Other
DHS/OGC	0	3	8	0	1	6	0	0	5	0	7
USCIS	0	2	99	0	0	103	0	44	0	0	1,177
CBP	2	2	34	2	0	10	2	5	16	0	4
FLETC	0	0	0	0	0	0	0	0	0	0	0
TSA	0	0	0	0	0	0	0	0	0	0	1
USCG	1	5	6	0	0	0	0	0	2	0	0
USSS	34	0	0	9	0	0	0	0	0	0	1
<b>AGENCY OVERALL</b>	<b>37</b>	<b>12</b>	<b>147</b>	<b>11</b>	<b>1</b>	<b>119</b>	<b>2</b>	<b>49</b>	<b>23</b>	<b>0</b>	<b>1,190</b>

**C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart**

Component	Description	# of Times Used	Total
DHS/OGC	Moot, disclosure by initial office	6	7
	Moved-no forwarding address	1	
USCIS	Failure to Comply- Interim Interest project	286	1,177
	Failure to Comply- Attorney barred from immigration practice	891	
CBP	Moot, disclosure by initial office	4	4
TSA	Administratively Closed	1	1
USSS	Glomar	1	1
<b>AGENCY OVERALL</b>			<b>1,190</b>

**C. (4) Response Times for Administrative Appeals**

Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
DHS/OGC	174.00	217.00	7	1,086
USCIS	580.50	552.17	1	1,287
CBP	201.00	389.71	2	1,320
FLETC	18.50	20.50	16	29
TSA	70.00	136.15	7	1,103
USCG	295.00	661.00	6	2,250
USSS	54.00	88.00	9	507
<b>AGENCY OVERALL</b>	<b>539.00*</b>	<b>522.85*</b>	<b>1</b>	<b>2,250</b>

\*The Agency overall median and average numbers do not include USSS response times. At this time USSS is unable to extract the raw data from its tracking system needed to produce the Agency overall median. USSS will update its tracking system to meet this requirement for FY09.

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**C. (5) Ten Oldest Pending Administrative Appeals**

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
DHS/OGC	Date of Receipt	11/22/2005	11/19/2005	11/14/2005	10/17/2005	8/29/2005	5/2/2005	3/10/2005	3/3/2005	2/8/2005	2/8/2005
	Number of Days Pending	718	719	724	743	776	859	896	901	917	917
USCIS	Date of Receipt	4/27/2004	4/27/2004	4/27/2004	4/7/2004	4/7/2004	3/25/2004	3/15/2004	9/13/2003	7/17/2003	7/16/2003
	Number of Days Pending	1,119	1,119	1,119	1,133	1,133	1,142	1,150	1,280	1,322	1,323
CBP	Date of Receipt	6/30/2005	6/27/2005	12/23/2004	11/19/2004	5/3/2004	10/24/2003	8/27/2003	8/25/2003	7/24/2003	3/18/2003
	Number of Days Pending	817	820	947	971	1,115	1,251	1,293	1,295	1,317	1,409
FLETC	Date of Receipt	Not Applicable, No Pending Appeals									
	Number of Days Pending										
TSA	Date of Receipt					9/26/2008	9/5/2008	8/1/2008	7/23/2008	5/1/2008	10/29/2005
	Number of Days Pending					3	18	42	49	106	733
USCG	Date of Receipt	10/10/2007	9/12/2007	5/4/2007	3/1/2007	2/27/2007	10/31/2006	10/20/2006	10/5/2006	5/24/2006	2/3/2005
	Number of Days Pending	246	265	355	401	403	482	489	499	592	920
USSS	Date of Receipt	3/28/2008	3/28/2008	3/7/2008	8/17/2007	12/18/2006	3/14/2006	3/14/2006	3/14/2006	3/14/2006	3/14/2006
	Number of Days Pending	130	130	145	282	450	643	643	643	643	643
<b>AGENCY OVERALL</b>	Date of Receipt	<b>3/25/2004</b>	<b>3/15/2004</b>	<b>10/24/2003</b>	<b>9/13/2003</b>	<b>8/27/2003</b>	<b>8/25/2003</b>	<b>7/24/2003</b>	<b>7/17/2003</b>	<b>7/16/2003</b>	<b>3/18/2003</b>
	Number of Days Pending	<b>1,142</b>	<b>1,150</b>	<b>1,251</b>	<b>1,280</b>	<b>1,293</b>	<b>1,295</b>	<b>1,317</b>	<b>1,322</b>	<b>1,323</b>	<b>1,409</b>

\*This chart reflects data for those components that process appeals internally. Appeals concerning requests handled by all other components are processed by the DHS/OGC.

**VII. FOIA Requests: Response Times for Processed and Pending Requests**  
**A. Processed Requests- Response Time for All Processed Perfected Requests**

	Simple				Complex				Expedited			
	Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days	Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days	Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days
USCIS*	238.00	230.40	1	977	379.00	339.00	1	747	27.00	63.00	2	439
					17.00	37.00	1	428				
CBP	9.00	23.31	0	254	50.00	101.00	0	832	0.00	0.00	0	0
CRCL	23.00	41.00	8	165	72.00	97.00	11	283	0.00	0.00	0	0
USCG	5.00	17.00	1	1,064	139.00	343.00	1	2,860	8.00	8.00	1	14
FEMA	59.00	127.00	1	714	258.00	285.00	2	1,010	36.00	36.00	30	42
FLETC	12.00	22.00	0	98	0.00	0.00	0	0	0.00	0.00	0	0
I&A	14.50	14.59	1	35	42.00	43.41	1	109	0.00	0.00	0	0
ICE	1.00	17.00	1	807	10.00	39.90	1	1,023	15.00	44.00	2	180
MGMT	4.00	7.90	1	37	29.00	31.40	2	101	0.00	0.00	0	0
NPPD	19.00	42.52	1	175	154.00	215.50	40	650	0.00	0.00	0	0
US-VISIT	10.00	11.12	1	103	17.00	32.00	1	96	0.00	0.00	0	0
OIG	35.50	81.34	1	412	155.00	203.89	1	574	5.00	5.00	5	5
OGC	17.00	21.57	2	64	147.00	142.00	91	213	0.00	0.00	0	0
OPS	1.00	6.00	1	31	14.00	18.45	4	78	0.00	0.00	0	0
PLCY	21.50	18.00	1	30	91.00	124.50	42	314	0.00	0.00	0	0
PRIV	8.00	8.85	2	39	34.00	62.40	1	484	0.00	0.00	0	0
S&T	11.00	14.79	1	74	93.00	100.00	74	494	0.00	0.00	0	0
USSS	33.00	31.16	2	60	162.00	309.44	61	1,566	0.00	0.00	0	0
TSA	21.50	37.95	1	174	42.00	55.42	1	251	9.00	43.66	5	117
<b>AGENCY OVERALL</b>	<b>87.00</b>	<b>146.31</b>	<b>0</b>	<b>1,064</b>	<b>374.00</b>	<b>280.38</b>	<b>0</b>	<b>2,860</b>	<b>23.00</b>	<b>57.85</b>	<b>0</b>	<b>439</b>

\* In addition to simple and expedited tracks, USCIS has two separate complex tracks; the top row reflects complex cases, and the bottom row reflects A-file requests.

**B. Processed Requests- Response Time for Perfected requests in Which Information Was Granted**

	Simple				Complex				Expedited			
	Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days	Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days	Median # of Days	Average # of Days	Lowest # of Days	Highest # of Days
USCIS*	256.00	245.00	1	977	384.00	362.00	1	747	24.50	61.52	3	439
					17.00	37.00	1	428				
CBP	9.00	21.00	0	239	50.00	100.00	0	832	0.00	0.00	0	0
CRCL	13.50	15.50	12	23	63.50	91.60	22	283	0.00	0.00	0	0
USCG	4.00	14.00	1	780	209.00	419.00	1	2860	8.00	8.00	1	14
FEMA	48.00	118.00	1	712	251.00	268.00	2	646	42.00	42.00	42	42
FLETC	24.00	33.00	0	95	0.00	0.00	0	0	0.00	0.00	0	0
I&A	20.00	16.00	3	25	49.00	56.71	19	109	0.00	0.00	0	0
ICE	7.00	43.80	1	731	12.00	40.30	1	843	15.00	22.80	2	54
MGMT	9.00	10.32	1	23	30.00	32.90	8	101	0.00	0.00	0	0
NPPD	51.00	56.30	1	175	154.00	215.50	40	650	0.00	0.00	0	0
US-VISIT	10.00	11.17	1	37	31.00	36.25	1	96	0.00	0.00	0	0
OIG	69.50	99.16	3	368	143.00	196.46	11	574	0.00	0.00	0	0

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OGC	41.00	41.00	18	64	152.00	152.00	152	152	0.00	0.00	0	0
OPS	1.00	2.40	1	7	10.50	11.90	5	24	0.00	0.00	0	0
PLCY	21.50	18.00	1	30	89.00	127.00	42	314	0.00	0.00	0	0
PRIV	10.00	11.88	3	29	42.00	90.07	6	484	0.00	0.00	0	0
S&T	21.00	20.00	6	54	120.00	208.00	75	154	0.00	0.00	0	0
USSS	**	**	**	**	**	**	**	**	0.00	0.00	0	0
TSA	54.00	62.39	1	174	73.50	82.22	1	234	9.00	43.66	5	117
<b>AGENCY OVERALL</b>	<b>123.00</b>	<b>174.77</b>	<b>0</b>	<b>977</b>	<b>377.00</b>	<b>293.10</b>	<b>0</b>	<b>2,860</b>	<b>22.00</b>	<b>56.35</b>	<b>0</b>	<b>439</b>

\* In addition to simple and expedited tracks, USCIS has two separate complex tracks; the top row reflects complex cases, and the bottom row reflects A-file requests.

\*\* USSS is currently unable to extract this subset of information from its tracking system. USSS will update its tracking system to meet this requirement for FY09.

**C. Processed Requests- Response Time in Day Increments**

**Simple 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
USCIS	905	582	910	869	1,231	1,716	1,107	804	576	523	3,277	3,356	8,434	24,290
CBP	3,319	925	333	287	204	80	18	22	22	16	32	0	0	5,258
CRCL	8	8	0	1	0	1	0	1	1	0	0	0	0	20
USCG	3,438	491	67	28	17	12	5	9	2	2	12	8	37	4,128
FEMA	16	16	12	9	2	4	2	3	1	0	5	4	7	81
FLETC	96	26	10	7	9	0	0	0	0	0	0	0	0	148
I&A	22	10	0	0	0	0	0	0	0	0	0	0	0	32
ICE	2,205	114	29	19	14	5	8	4	3	1	14	21	26	2,463
MGMT	114	10	0	0	0	0	0	0	0	0	0	0	0	124
NPPD	26	4	5	4	3	3	3	1	1	0	0	0	0	50
US-VISIT	1,835	230	0	0	0	1	0	0	0	0	0	0	0	2,066
OIG	49	35	14	12	12	8	2	1	0	4	10	12	1	160
OGC	5	1	0	1	0	0	0	0	0	0	0	0	0	7
OPS	16	3	0	0	0	0	0	0	0	0	0	0	0	19
PLCY	4	6	0	0	0	0	0	0	0	0	0	0	0	10
PRIV	629	12	0	0	0	0	0	0	0	0	0	0	0	641
S&T	47	13	5	3	1	0	0	0	0	0	0	0	0	69
USSS	145	575	125	0	0	0	0	0	0	0	0	0	0	845
TSA	58	23	9	5	10	5	1	3	1	0	0	0	0	115
<b>AGENCY OVERALL</b>	<b>12,937</b>	<b>3,084</b>	<b>1,519</b>	<b>1,245</b>	<b>1,503</b>	<b>1,835</b>	<b>1,146</b>	<b>848</b>	<b>607</b>	<b>546</b>	<b>3,350</b>	<b>3,401</b>	<b>8,505</b>	<b>40,526</b>

**Complex 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
USCIS*	1,386	529	310	301	182	150	131	162	152	183	1,058	3,882	28,928	37,354
	3,637	1,468	573	252	165	106	55	76	49	51	159	76	252	6,919
CBP	74	62	73	40	27	11	2	2	3	8	46	3	14	365
CRCL	2	3	1	1	0	2	0	1	0	1	1	0	0	12
USCG	58	126	110	90	75	52	38	23	27	32	103	78	282	1,094



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FEMA	13	11	7	5	4	3	0	6	2	3	27	19	38	138
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	3	3	4	0	0	2	0	0	0	0	0	0	0	12
ICE	1,411	225	84	57	41	24	29	11	8	6	29	22	44	1,991
MGMT	20	35	12	1	1	1	0	0	0	0	0	0	0	70
NPPD	0	1	0	0	0	1	1	2	0	1	2	0	1	9
US-VISIT	5	0	2	1	1	0	0	0	0	0	0	0	0	9
OIG	6	2	4	6	11	6	5	3	1	6	8	17	9	84
OGC	0	0	0	0	1	1	0	2	0	0	1	0	0	5
OPS	15	3	1	1	0	0	0	0	0	0	0	0	0	20
PLCY	0	0	4	1	4	1	4	0	0	0	2	1	0	17
PRIV	33	27	15	12	2	7	4	0	0	1	2	2	2	107
S&T	0	0	0	4	1	3	0	4	0	0	1	3	3	19
USSS	0	0	0	107	100	33	29	25	25	12	37	38	183	589
TSA	128	68	60	47	36	29	15	24	18	12	41	6	6	490
<b>AGENCY OVERALL</b>	<b>6,791</b>	<b>2,563</b>	<b>1,260</b>	<b>926</b>	<b>651</b>	<b>432</b>	<b>313</b>	<b>341</b>	<b>285</b>	<b>316</b>	<b>1,517</b>	<b>4,147</b>	<b>29,762</b>	<b>49,304</b>

\* In addition to simple and expedited tracks, USCIS has two separate complex tracks; the top row reflects complex cases, and the bottom row reflects A-file requests.

Requests Granted Expedited Processing

	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
USCIS	44	26	8	6	5	2	1	0	0	0	2	2	9	105
CBP	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CRCL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCG	8	0	0	0	0	0	0	0	0	0	0	0	0	8
FEMA	0	1	1	0	0	0	0	0	0	0	0	0	0	2
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ICE	4	1	1	0	0	0	0	0	1	0	0	0	0	7
MGMT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NPPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
US-VISIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	2	0	0	0	0	0	0	0	0	0	0	0	0	2
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLCY	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIV	0	0	0	0	0	0	0	0	0	0	0	0	0	0
S&T	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TSA	2	0	0	0	0	1	0	0	0	0	0	0	0	3
<b>AGENCY OVERALL</b>	<b>60</b>	<b>28</b>	<b>10</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>127</b>

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**D. Pending Requests- All Pending Perfected Requests**

	Simple			Complex			Expedited		
	Number Pending	Median # of Days	Average # of Days	Number Pending	Median # of Days	Average # of Days	Number Pending	Median # of Days	Average # of Days
USCIS*	6,113	92.00	128.00	63,657	308.00	302.00	8	69.50	125.00
				608	22.00	41.00			
CBP	5,478	0.00	13.48	683	118.00	151.00	0	0.00	0.00
CRCL	0	0.00	0.00	6	75.00	76.30	0	0.00	0.00
USCG	559	73.00	121.00	484	713.00	833.00	1	21.00	21.00
FEMA	154	151.00	232.00	493	237.00	283.00	4	811.00	837.00
FLETC	14	19.50	26.21	0	0.00	0.00	0	0.00	0.00
I&A	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
ICE	3	4.00	11.30	65	7.00	18.60	0	0.00	0.00
MGMT	0	0.00	0.00	4	12.50	18.00	0	0.00	0.00
NPPD	6	16.00	19.50	13	144.00	192.50	0	0.00	0.00
US-VISIT	2	84.50	84.50	1	138.00	138.00	0	0.00	0.00
OIG	14	24.00	23.07	21	41.00	66.57	0	0.00	0.00
OGC	2	16.50	16.50	4	178.00	167.00	0	0.00	0.00
OPS	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00
PLCY	3	22.00	30.00	6	207.50	229.17	0	0.00	0.00
PRIV	5	2.00	2.00	34	44.50	88.12	0	0.00	0.00
S&T	5	11.00	13.00	6	152.00	410.00	0	0.00	0.00
USSS**	*	*	*	*	*	*	*	*	*
TSA	52	44.00	76.19	349	172.00	206.58	0	0.00	0.00
<b>AGENCY OVERALL</b>	<b>12,410</b>	<b>38.00</b>	<b>77.77</b>	<b>66,434</b>	<b>305.00</b>	<b>300.46</b>	<b>13</b>	<b>76.00</b>	<b>335.92</b>

\* In addition to simple and expedited tracks, USCIS has two separate complex tracks; the top row reflects complex cases, and the bottom row reflects A-file requests.

\*\* USSS is currently unable to extract this subset of information from its tracking system. USSS will update its tracking system to meet this requirement for FY09.

**E. Pending Requests- Ten Oldest Pending Perfected Requests**

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USCIS	Date of Receipt	1/21/2006	1/12/2006	1/12/2006	1/11/2006	1/7/2006	12/5/2005	11/8/2005	10/20/2005	9/14/2005	7/7/2005
	Number of Days Pending	678	684	684	685	687	710	727	740	765	813
CBP	Date of Receipt	5/30/2006	3/9/2006	3/3/2006	12/19/2005	12/19/2005	11/22/2005	11/10/2005	9/25/2005	9/14/2005	12/15/2004
	Number of Days Pending	589	646	650	700	700	718	725	757	765	953
CRCL	Date of Receipt					9/25/2008	8/14/2008	7/23/2008	7/7/2008	5/29/2008	5/14/2008
	Number of Days Pending					4	33	49	61	87	97
USCG	Date of Receipt	10/4/2002	9/20/2002	9/17/2002	7/16/2002	4/19/2002	4/4/2002	1/11/2002	8/7/2001	4/4/2000	2/25/2000

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	Number of Days Pending	1526	1536	1539	1584	1646	1657	1716	1829	2179	2206
FEMA	Date of Receipt	3/14/2006	3/3/2006	10/28/2005	10/27/2005	10/6/2005	10/3/2005	5/11/2005	5/4/2005	12/8/2004	11/9/2004
	Number of Days Pending	643	650	734	735	749	752	852	857	958	979
FLETC	Date of Receipt	9/15/2008	9/15/2008	9/11/2008	8/26/2008	8/25/2008	8/19/2008	8/7/2008	8/4/2008	8/1/2008	5/12/2008
	Number of Days Pending	12	12	14	25	26	30	38	41	42	99
I&A	Date of Receipt	Not Applicable, No Pending Requests									
	Number of Days Pending										
ICE	Date of Receipt	8/29/2008	8/21/2008	8/15/2008	8/13/2008	8/12/2008	8/8/2008	7/31/2008	5/21/2008	5/15/2008	3/29/2007
	Number of Days Pending	22	28	32	34	35	37	43	92	96	381
MGMT	Date of Receipt							9/25/2008	9/17/2008	9/10/2008	7/31/2008
	Number of Days Pending							4	10	15	43
NPPD	Date of Receipt	4/22/2008	4/9/2008	4/4/2008	3/13/2008	3/4/2008	1/3/2008	12/7/2007	9/27/2007	9/6/2007	2/16/2006
	Number of Days Pending	113	122	125	141	148	189	206	254	269	660
US-VISIT	Date of Receipt								9/26/2008	4/11/2008	4/7/2008
	Number of Days Pending								3	120	124
OIG	Date of Receipt	8/4/2008	7/16/2008	7/11/2008	7/7/2008	7/1/2008	6/10/2008	5/9/2008	2/12/2008	11/5/2007	7/12/2007
	Number of Days Pending	41	54	57	61	64	79	100	162	228	308
OGC	Date of Receipt					9/19/2008	8/22/2008	5/22/2008	2/25/2008	12/12/2007	11/1/2007
	Number of Days Pending					8	27	91	154	203	230
OPS	Date of Receipt	Not Applicable, No Pending Requests									
	Number of Days Pending										
PLCY	Date of Receipt		9/17/2008	9/8/2008	8/6/2008	5/20/2008	5/8/2008	5/5/2008	1/7/2008	11/15/2007	10/4/2007
	Number of Days Pending		10	17	39	93	101	104	187	221	249
PRIV	Date of Receipt	5/15/2008	5/6/2008	4/16/2008	3/27/2008	3/25/2008	2/5/2008	12/10/2007	6/13/2007	5/16/2007	2/22/2007
	Number of Days Pending	96	103	117	131	133	167	205	328	347	406
S&T	Date of Receipt	9/17/2008	9/16/2008	9/10/2008	9/2/2008	8/20/2008	7/14/2008	5/30/2008	12/4/2007	12/28/2004	7/26/2004
	Number of Days Pending	10	11	15	21	29	56	86	209	944	1055

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USSS	Date of Receipt	12/14/2004	12/14/2004	12/14/2004	12/14/2004	4/20/2004	4/20/2004	3/29/2002	3/29/2002	3/29/2002	3/29/2002
	Number of Days Pending	954	954	954	954	1124	1124	1661	1661	1661	1661
TSA	Date of Receipt	2/16/2006	2/10/2006	2/3/2006	1/31/2006	1/25/2006	11/15/2005	2/10/2005	1/12/2005	11/1/2004	10/27/2004
	Number of Days Pending	660	664	669	672	676	723	915	934	985	988
AGENCY OVERALL	Date of Receipt	4/19/2002	4/4/2002	3/29/2002	3/29/2002	3/29/2002	3/29/2002	1/11/2002	8/7/2001	4/4/2000	2/25/2000
	Number of Days Pending	1,646	1,657	1,661	1,661	1,661	1,661	1,716	1,829	2,179	2,206

**VIII. Requests for Expedited Processing and Requests for Fee Waivers**

**A. Requests for Expedited Processing**

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
USCIS	13	1,687	2.00	6.00	1,480
CBP	0	0	0.00	0.00	0
CRCL	0	0	0.00	0.00	0
USCG	8	1	8.00	7.56	7
FEMA	2	18	6.00	15.00	12
FLETC	0	0	0.00	0.00	0
I&A	0	0	0.00	0.00	0
ICE	7	24	1.00	4.23	28
MGMT	0	0	0.00	0.00	0
NPPD	0	0	0.00	0.00	0
US-VISIT	0	0	0.00	0.00	0
OIG	2	3	1.00	4.00	4
OGC	0	0	0.00	0.00	0
OPS	0	0	0.00	0.00	0
PLCY	0	0	0.00	0.00	0
PRIV	0	23	6.00	8.43	18
S&T	0	0	0.00	0.00	0
USSS	0	22	8.50	9.00	17
TSA	0	13	0.00	0.00	0
<b>AGENCY OVERALL</b>	<b>32</b>	<b>1,791</b>	<b>2.00*</b>	<b>6.32*</b>	<b>1,566</b>

\*The Agency overall median and average numbers do not include USSS response times. At this time USSS is unable to extract the raw data from its tracking system needed to produce the Agency overall median. USSS will update its tracking system to meet this requirement for FY09.

**B. Requests for Fee Waiver**

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>
USCIS	28	68	0.00	2.00
CBP	1	1	14.00	14.00
CRCL	0	0	0.00	0.00
USCG	0	0	0.00	0.00
FEMA	2	31	4.00	8.00
FLETC	0	8	1.00	1.00
I&A	0	0	0.00	0.00
ICE	12	32	1.00	5.14
MGMT	0	0	0.00	0.00
NPPD	0	0	0.00	0.00
US-VISIT	0	0	0.00	0.00
OIG	0	0	0.00	0.00
OGC	0	0	0.00	0.00
OPS	0	0	0.00	0.00
PLCY	0	0	0.00	0.00
PRIV	0	7	5.00	9.43
S&T	0	0	0.00	0.00
USSS	0	9	19	20.3
TSA	0	0	0.00	0.00
<b>AGENCY OVERALL</b>	<b>43</b>	<b>156</b>	<b>1.00*</b>	<b>5.21*</b>

\*The Agency overall median and average numbers do not include USSS response times. At this time USSS is unable to extract the raw data from its tracking system needed to produce the Agency overall median. USSS will update its tracking system to meet this requirement for FY09.

**IX. FOIA Personnel and Costs**

	<b>Personnel</b>			<b>Costs</b>		
	<b>Number of "Full Time FOIA Employees"</b>	<b>Number of "Equivalent Full-Time FOIA Employees"</b>	<b>Total Number of "Full- Time FOIA Staff"</b>	<b>Processing Costs</b>	<b>Litigation- Related Costs</b>	<b>Total Costs</b>
USCIS	175.00	10.10	185.10	\$12,304,294.00	\$ 104,641.00	\$12,408,935.00
CBP	24.00	3.65	27.65	\$ 2,013,005.73	\$ 170,227.82	\$ 2,183,233.55
CRCL	0.00	0.20	0.20	\$ 25,000.00	\$ -	\$ 25,000.00
USCG	11.00	22.90	33.90	\$ 1,532,646.30	\$ -	\$ 1,532,646.30
FEMA	3.50	1.50	5.00	\$ 558,000.00	\$ 109,669.00	\$ 667,669.00
FLETC	0.00	0.40	0.40	\$ 64,602.90	\$ -	\$ 64,602.90
I&A	0.00	1.00	1.00	\$ 74,209.00	\$ -	\$ 74,209.00
ICE	21.00	6.00	27.00	\$ 2,628,259.00	\$ 429,237.00	\$ 3,057,496.00
MGMT	1.00	0.00	1.00	\$ 82,390.00	\$ -	\$ 82,390.00
NPPD	1.00	0.00	1.00	\$ 85,727.00	\$ -	\$ 85,727.00

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US-VISIT	1.00	0.08	1.08	\$ 127,441.00	\$ -	\$ 127,441.00
OIG	1.00	3.00	4.00	\$ 162,499.00	\$ 48,593.00	\$ 211,092.00
OGC	0.00	0.25	0.25	\$ 11,564.00	\$ -	\$ 11,564.00
OPS	0.33	0.00	0.33	\$ 35,000.00	\$ -	\$ 35,000.00
PLCY	0.00	0.10	0.10	\$ 3,933.00	\$ -	\$ 3,933.00
PRIV	7.00	0.25	7.25	\$ 991,482.50	\$ -	\$ 991,482.50
S&T	0.00	0.50	0.50	\$ 39,882.00	\$ -	\$ 39,882.00
USSS	11.00	1.85	12.85	\$ 1,475,760.27	\$ 42,504.84	\$ 1,518,265.11
TSA	10.00	0.00	10.00	\$ 950,453.32	\$ 14,595.00	\$ 965,048.32
<b>AGENCY OVERALL</b>	<b>266.83</b>	<b>51.78</b>	<b>318.61</b>	<b>\$23,166,149.02</b>	<b>\$ 919,467.66</b>	<b>\$24,085,616.68</b>

**X. Fees Collected for Processing Requests**

	<b>Total Amount of Fees Collected</b>	<b>Percentage of Total Costs</b>
USCIS	\$ 4,880.10	0.039%
CBP	\$ 252,771.83	11.578%
CRCL	\$ -	0.000%
USCG	\$ 43,044.94	2.809%
FEMA	\$ 4,760.00	0.713%
FLETC	\$ 971.08	1.503%
I&A	\$ 853.50	1.150%
ICE	\$ 1,071.50	0.035%
MGMT	\$ 145.50	0.177%
NPPD	\$ 158.20	0.185%
US-VISIT	\$ -	0.000%
OIG	\$ 61.60	0.029%
OGC	\$ -	0.000%
OPS	\$ 12.20	0.035%
PLCY	\$ -	0.000%
PRIV	\$ 530.30	0.053%
S&T	\$ 99.50	0.249%
USSS	\$ -	0.000%
TSA	\$ 2,466.15	0.256%
<b>AGENCY OVERALL</b>	<b>\$ 311,826.40</b>	<b>1.295%</b>

**XI. FOIA Regulations**

The Department of Homeland Security FOIA Implementing Regulation is codified at 6 CFR § 5 and can be found at 68 Fed. Reg. 4056 (January 27, 2003) and at: <http://www.dhs.gov/FOIA>.



**XII. Backlogs, Consultations and Comparisons**

**A. Backlogs of FOIA Requests and Administrative Appeals**

	<b>Number of Backlogged Requests as of the End of Fiscal Year</b>	<b>Number of Backlogged Appeals as of End of Fiscal Year</b>
USCIS	67,545	1,913
CBP	4,794	100
CRCL	5	N/A
USCG	1,044	33
FEMA	544	N/A
FLETC	7	0
I&A	0	N/A
ICE	8	N/A
MGMT	1	N/A
NPPD	13	N/A
US-VISIT	2	N/A
OIG	23	N/A
OGC	5	323
OPS	0	N/A
PLCY	7	N/A
PRIV	22	N/A
S&T	6	N/A
USSS	504	28
TSA	349	4
<b>AGENCY OVERALL</b>	<b>74,879</b>	<b>2,401</b>

**B. Consultations on FOIA Requests- Received, Processed, and Pending Consultations**

	<b>Number of Consultations Received from other Agencies that were Pending at Your Agency as of Start of the Fiscal Year</b>	<b>Number of Consultations Received from other agencies During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that were Processed by your agency during the Fiscal Year</b>	<b>Number of Consultations received from other agencies that were pending at your agency at the end of the fiscal year</b>
USCIS	18	45	47	16
CBP	1	29	27	3
CRCL	1	3	2	2
USCG	3	11	7	7
FEMA	0	8	6	2
FLETC	0	1	1	0
I&A	0	1	1	0
ICE	0	118	116	2
MGMT	0	6	6	0

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NPPD	0	1	1	0
US-VISIT	0	0	0	0
OIG	0	1	1	0
OGC	1	2	0	0
OPS	1	6	7	0
PLCY	0	2	2	0
PRIV	0	14	12	2
S&T	0	2	2	0
USSS	0	0	0	0
TSA	1	13	13	1
<b>AGENCY OVERALL</b>	<b>26*</b>	<b>263</b>	<b>251</b>	<b>35</b>

\* Corrected amount from component reporting error in FY 07

**C. Consultations on FOIA Requests- Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency**

		10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
USCIS	Date of Receipt	8/11/2008	8/6/2008	8/6/2008	7/21/2008	7/16/2008	11/27/2007	11/30/2006	9/7/2006	9/7/2006	6/2/2006
	Number of Days Pending	36	39	39	51	54	214	462	519	519	586
CBP	Date of Receipt								9/3/2008	8/18/2008	4/11/2008
	Number of Days Pending								20	31	120
CRCL	Date of Receipt									7/23/2008	8/1/2007
	Number of Days Pending									49	294
USCG	Date of Receipt				9/16/2008	9/3/2008	8/26/2008	7/31/2008	12/1/2004	8/2/2004	7/1/2004
	Number of Days Pending				11	20	25	43	963	1050	1072
FEMA	Date of Receipt									8/14/2008	1/28/2008
	Number of Days Pending									33	173
FLETC	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending	Not Applicable, No Pending Consultations									
I&A	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending	Not Applicable, No Pending Consultations									
ICE	Date of Receipt									9/11/2008	9/11/2008
	Number of Days Pending									14	14
MGMT	Date of Receipt	Not Applicable, No Pending Consultations									

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	Number of Days Pending										
NPPD	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending										
US-VISIT	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending										
OIG	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending										
OGC	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending										
OPS	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending										
PLCY	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending										
PRIV	Date of Receipt									7/9/2008	7/8/2008
	Number of Days Pending									60	61
S&T	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending										
USSS	Date of Receipt	Not Applicable, No Pending Consultations									
	Number of Days Pending										
TSA	Date of Receipt										4/10/2008
	Number of Days Pending										121
<b>AGENCY OVERALL</b>	Date of Receipt	<b>1/28/2008</b>	<b>11/27/2007</b>	<b>8/1/2007</b>	<b>11/30/2006</b>	<b>9/7/2006</b>	<b>9/7/2006</b>	<b>6/2/2006</b>	<b>12/1/2004</b>	<b>8/2/2004</b>	<b>7/1/2004</b>
	Number of Days Pending	<b>173</b>	<b>214</b>	<b>294</b>	<b>462</b>	<b>519</b>	<b>519</b>	<b>586</b>	<b>963</b>	<b>1,050</b>	<b>1,072</b>

**D. Comparison of Numbers of Requests from Previous and Current Annual Report- Requests Received, Processed, and Backlogged**

	Number of Requests Received		Number of Requests Processed	
	Received During Fiscal Year of Last Year's Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year of Last Year's Report	Processed During Fiscal Year from Current Annual Report
USCIS	81,317	78,985	97,492	84,424
CBP	11,697	13,943	11,578	8,639
CRCL	13	36	12	32
USCG	6,156	5,174	7,571	5,273
FEMA	529	705	426	330
FLETC	82*	166	78*	159
I&A	48	44	33	59
ICE	2,845	4,224	12,166	4,461
MGMT	169	192	163	194
NPPD	106	64	172	59
US-VISIT	167**	2,080	173	2,077
OIG	281	186	287**	249
OGC	0**	19	0	13
OPS	34	36	34	39
PLCY	0	36	0	27
PRIV	1,118	849	1,164	844
S&T	45	77	45	88
USSS	730	1,378	930	1,427
TSA	878	758	819**	634
<b>AGENCY OVERALL</b>	<b>106,215</b>	<b>108,952</b>	<b>133,143</b>	<b>109,028</b>

\* Reflects the removal of Privacy Act requests from FY 08 report

\*\* Corrected amount from component reporting error in FY 07

**E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report- Appeals Received, Processed, and Backlogged**

	Number of Requests Received		Number of Requests Processed	
	Received During Fiscal Year of Last Year's Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year of Last Year's Report	Processed During Fiscal Year from Current Annual Report
DHS/OGC	263	214	85	75
USCIS	1,098	1,180	787	2,146
CBP	127	132	168	209
FLETC	3	4	3	4
TSA	42	25	32	34
USCG	16	33	41	22
USSS	68	104	55	100
<b>AGENCY OVERALL</b>	<b>1,617*</b>	<b>1,692</b>	<b>1,171*</b>	<b>2,590</b>

\* Corrected amount from component reporting error in FY'07

## **APPENDIX A: COMPOSITION OF THE DEPARTMENT OF HOMELAND SECURITY**

The Office of the Secretary oversees activities with other federal, state, local, and private entities as part of a collaborative effort to strengthen our borders, provide for intelligence analysis and infrastructure protection, improve the use of science and technology to counter weapons of mass destruction, and to create a comprehensive response and recovery system. The Office of the Secretary includes multiple offices that contribute to the overall Homeland Security mission. These are:

### Office of the Secretary

The Office of the Secretary oversees activities with other federal, state, local, and private entities as part of a collaborative effort to strengthen our borders, provide for intelligence analysis and infrastructure protection, improve the use of science and technology to counter weapons of mass destruction, and to create a comprehensive response and recovery system. The Office of the Secretary includes multiple offices that contribute to the overall Homeland Security mission.

The Privacy Office works to minimize the impact on the individual's privacy, particularly the individual's personal information and dignity, while achieving the mission of the Department of Homeland Security.

The office for Civil Rights and Civil Liberties provides legal and policy advice to Department leadership on civil rights and civil liberties issues, investigates and resolves complaints, and provides leadership to Equal Employment Opportunity Programs.

The Office of Inspector General is responsible for conducting and supervising audits, investigations, and inspections relating to the programs and operations of the Department, recommending ways for the Department to carry out its responsibilities in the most effective, efficient, and economical manner possible.

The Citizenship and Immigration Services Ombudsman provides recommendations for resolving individual and employer problems with the United States Citizenship and Immigration Services in order to ensure national security and the integrity of the legal immigration system, increase efficiencies in administering citizenship and immigration services, and improve customer service.

The Office of Legislative Affairs serves as primary liaison to members of Congress and their staffs, the White House and Executive Branch, and to other federal agencies and governmental entities that have roles in assuring national security.

The Office of the General Counsel integrates approximately 1700 lawyers from throughout the Department into an effective, client-oriented, full-service legal team



and comprises a headquarters office with subsidiary divisions and the legal programs for eight Department components.

The Office of Public Affairs coordinates the public affairs activities of all of the Department's components and offices, and serves as the federal government's lead public information office during a national emergency or disaster. Led by the Assistant Secretary for Public Affairs, it comprises the press office, incident and strategic communications, speechwriting, Web content management, employee communications, and the Department's Ready campaign.

The Office of Counternarcotics Enforcement (CNE) coordinates policy and operations to stop the entry of illegal drugs into the United States, and to track and sever the connections between illegal drug trafficking and terrorism.

The Office of the Executive Secretariat (ESEC) provides all manner of direct support to the Secretary and Deputy Secretary, as well as related support to leadership and management across the Department. This support takes many forms, the most well known being accurate and timely dissemination of information and written communications from throughout the Department and our homeland security partners to the Secretary and Deputy Secretary.

The Military Advisor's Office advises on facilitating, coordinating and executing policy, procedures, preparedness activities and operations between the Department and the Department of Defense.

#### Department Components:

The Directorate for National Protection and Programs works to advance the Department's risk-reduction mission. Reducing risk requires an integrated approach that encompasses both physical and virtual threats and their associated human elements.

The Directorate for Science and Technology is the primary research and development arm of the Department. It provides federal, state and local officials with the technology and capabilities to protect the homeland.

The Directorate for Management is responsible for Department budgets and appropriations, expenditure of funds, accounting and finance, procurement; human resources, information technology systems, facilities and equipment, and the identification and tracking of performance measurements.

The Office of Policy is the primary policy formulation and coordination component for the Department of Homeland Security. It provides a centralized, coordinated focus to the development of Department-wide, long-range planning to protect the United States.

The Office of Health Affairs coordinates all medical activities of the Department of Homeland Security to ensure appropriate preparation for and response to incidents having medical significance.

The Office of Intelligence and Analysis is responsible for using information and intelligence from multiple sources to identify and assess current and future threats to the United States.

The Office of Operations Coordination is responsible for monitoring the security of the United States on a daily basis and coordinating activities within the Department and with governors, Homeland Security Advisors, law enforcement partners, and critical infrastructure operators in all 50 states and more than 50 major urban areas nationwide.

The Federal Law Enforcement Training Center provides career-long training to law enforcement professionals to help them fulfill their responsibilities safely and proficiently.

The Domestic Nuclear Detection Office works to enhance the nuclear detection efforts of federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.

The Transportation Security Administration (TSA) protects the nation's transportation systems to ensure freedom of movement for people and commerce.

United States Customs and Border Protection (CBP) is responsible for protecting our nation's borders in order to prevent terrorists and terrorist weapons from entering the United States, while facilitating the flow of legitimate trade and travel.

United States Citizenship and Immigration Services is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities.

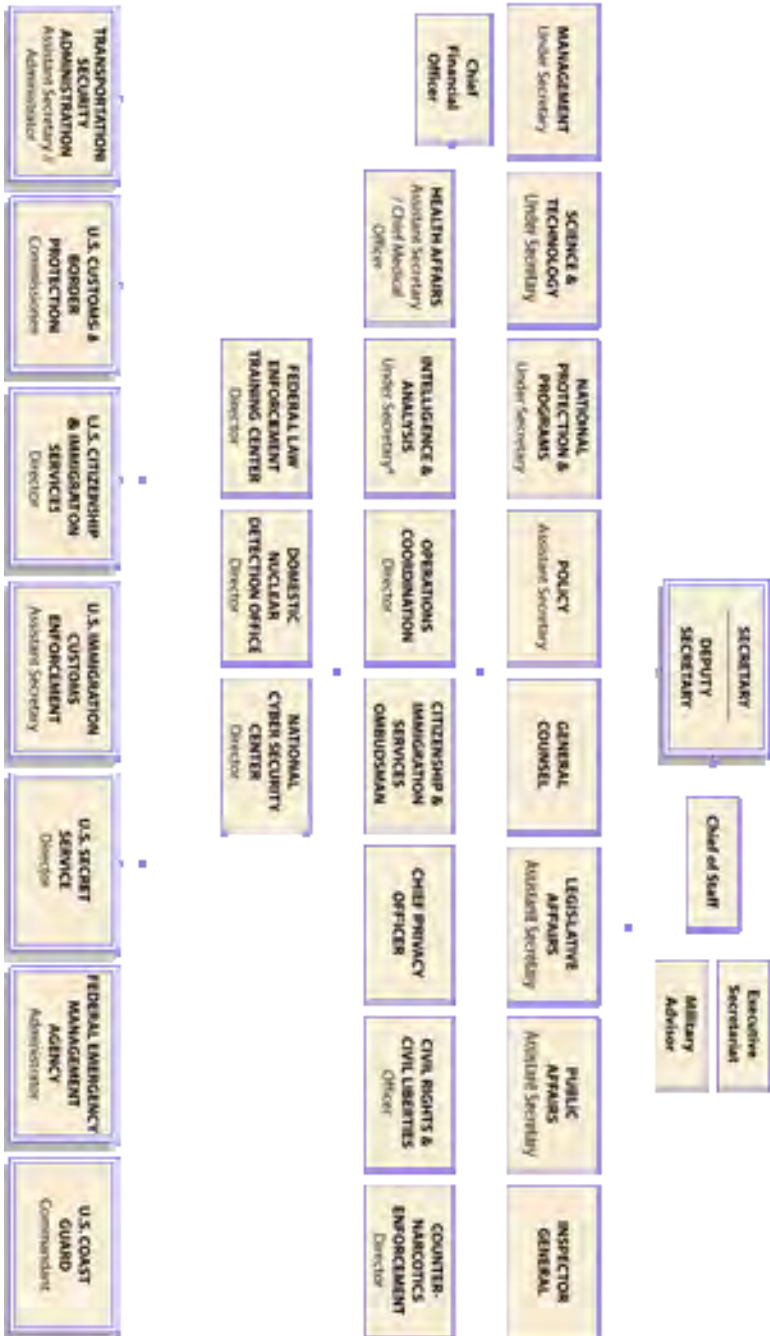
United States Immigration and Customs Enforcement (ICE), the largest investigative arm of the Department of Homeland Security, is responsible for identifying and shutting down vulnerabilities in the nation's border, economic, transportation and infrastructure security.

The United States Coast Guard protects the public, the environment, and U.S. economic interests—in the nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.

The Federal Emergency Management Agency (FEMA) prepares the nation for hazards, manages Federal response and recovery efforts following any national incident, and administers the National Flood Insurance Program.

The United States Secret Service protects the President and other high-level officials and investigates counterfeiting and other financial crimes, including financial institution fraud, identity theft, computer fraud; and computer-based attacks on our nation's financial, banking, and telecommunications infrastructure.

# APPENDIX B: DHS COMPONENT CHART



## **APPENDIX C: NAMES, ADDRESSES, AND CONTACT NUMBERS FOR DHS FOIA OFFICERS**

### ***Department of Homeland Security Chief FOIA Officer***

Hugo Teufel III  
Chief FOIA Officer  
The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive SW, Building 410  
STOP-0550  
Washington, DC 20528-0550

Catherine M. Papoi, J.D.  
Deputy Chief FOIA Officer  
Director, Disclosure & FOIA  
U.S. Department of Homeland Security  
245 Murray Drive SW, Building 410  
STOP-0550  
Washington, D.C. 20528-0550

### ***Department of Homeland Security Component FOIA Officers***

U.S. Department of Homeland Security  
Vania T. Lockett  
Ph: 703-235-0790; Fax: 703-235-0443  
Privacy Office, Stop 0550  
Washington, D.C. 20528-0550

Federal Law Enforcement Training Center  
Marty Zimmerman-Pate  
Ph: 912-267-3103; Fax: 912-267-3113  
Building #681, Suite 187B  
Glynco, GA 31524

U.S. Citizenship and Immigration Services  
Jill Eggleston  
Ph: 816-350-5570; Fax: 816-350-5785  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Office of the General Counsel  
Charles Borrero  
Ph: 202-282-9822; Fax: 202-282-9186  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Office for Civil Rights and Civil Liberties  
James McNeely  
Ph: 202-357-8197  
U.S. Department of Homeland Security  
Washington, D.C. 20528

U.S. Immigration and Customs Enforcement  
Catrina Pavlik-Keenan  
Ph: 202-732-0300; Fax: 202-732-0310  
800 North Capitol Street, N.W.  
5th Floor, Suite 585  
Washington, D.C. 20528

U.S. Coast Guard  
Donald Taylor  
Ph: 202-475-3522; Fax: 202-475-3927  
Commandant (CG-611), 2100 2nd St., S.W.  
Washington, DC 20593-0001

Office of the Inspector General  
Katherine Gallo  
Ph: 202-254-4001; Fax: 202-254-4398  
245 Murray Drive, Bldg. 410, M/S 2600  
Washington, D.C. 20528-0001

U.S. Customs and Border Protection  
Mark Hanson  
Ph: 202-325-0150; Fax: 202-325-0154  
1300 Pennsylvania Avenue, N.W., Mint Annex  
Washington, D.C. 20229

Office of Intelligence and Analysis  
Quinton Mason, Acting  
Ph: 202-282-9385; Fax: 202-282-8191  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Federal Emergency Management Agency  
Alisa Turner  
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