

PROCESSING GUIDE

Record of Revision

June 29, 2010

We have added a section entitled THIRD PARTY DOCUMENTS BELONGING TO ANOTHER AGENCY

Record of Revision

May 26, 2010

We have added a paragraph entitled ENFORCE

Record of Revision

May 26, 2010

We have added a section entitled PROCESSING BORDER CROSSING CARD NUMBERS from the May 26, 2010 USCIS FOIA Bulletin.

We have added a section entitled LPR CLASSES OF ADMISSION NO LONGER IN USE from the May 26, 2010 USCIS FOIA Bulletin.

We have added a section entitled FOIA SAFE PROCEDURES from the May 26, 2010 USCIS FOIA Bulletin.

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May 14, 2010

We have added a section entitled CD OR PAPER? from the May 14, 2010 USCIS FOIA Bulletin.

We have added a section entitled LARGE FILES AND CAL ERRORS from the May 14, 2010 USCIS FOIA Bulletin.

We have added a section entitled WHEN DO REQUESTER DOCS OR CSDs GET SENT WITH REFERRALS from the May 14, 2010 USCIS FOIA Bulletin.

Record of Revision

April 5, 2010

We have added a section entitled LOOKING GLASS from the April 17, 2009 USCIS FOIA Bulletin.

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- A denied Form I-751 in the file takes away status. Case note the page the form is on and process as FOIA.
- A conditional permanent resident more than two years after status was granted and has not filed Form I-751 has lost status under the law. Process as FOIA.

Please note that current USCIS practice is to accept and adjudicate Form I-751 even after the second anniversary has passed, as long as there is no letter of rescission or termination in the A-file. For FOIA purposes, a filed I-751 is a filed I-751, and whether it was filed before the second anniversary or not does not matter, meaning we would still process the case as PA.

LPR CLASSES OF ADMISSION NO LONGER IN USE

Sometimes a processor will see an immigrant visa with a class of admission that, according to Appendix H of the processing guide, is a non-immigrant class of admission. There are many immigrant classes of admission used as late as the 1960's which are no longer in use, due to numerous changes to the Immigration and Naturalization Act (INA). For example, O-1 (Native of certain Western Hemisphere countries) was an immigrant class of admission until Section 245 of the INA was amended in 1958. O-1 later became a non-immigrant classification (Temporary worker with extraordinary ability) with an amendment to the INA in 1990.

If the immigrant visa was issued in the 1960's or before, and if Appendix H says the class of admission is NI, you may verify that it is really a permanent resident class of admission by following this link:

<http://onlineplus.uscis.dhs.gov/lpbinplus/lpext.dll/Infobase/stguide/stguide-1/stguide-38/stguide-97?f=templates&fn=document-frame.htm#stguide-classes-32-not-32-in-32-use-32---32-legal-32-residents>

Please annotate that you verified the class of admission in your case note.

PROCESSING BORDER CROSSING CARD NUMBERS

If the requester provides an 80,000,000 through 86,899,999 series number, please remember that these are Border Crossing Card/Border Apprehension numbers. Although these numbers can be found in CIS, a Border Crossing Card is an electronic record and no physical file exists. If the only number found is a Border Crossing Card number, the case creator creates the case as Track 1, prints the CIS screens, attaches a "Scan As" sheet marked as responsive records with the screen prints to be scanned and opens a RAFACS staffing slot. The OA room scans the screen prints into the RAFACS slot and forwards the case to the processing queue. Please include the following statement in your Final Action letter:

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The only file we could locate for you (or “your client”) is for a Border Crossing Card. Border Crossing Cards are strictly electronic records. If any other records exist, they would be maintained under the jurisdiction of U.S. Customs and Border Protection at the following address:

U.S. Customs and Border Protection
FOIA Division
799 9th Street NW, Mint Annex
Washington, DC 20229-1177

CD OR PAPER?

In an effort to save time, money and resources, the FOIA unit now sends out final action responses on CD to all requesters. When we send out the acknowledgement letter to the requester, it advises them that unless they write in and specifically ask for their documents to be produced on paper, they will be receiving them in a CD format. The acknowledgement letter templates have been updated to reflect the change.

A few guidelines to follow:

- Case Creators will mark the “print to CD box” on all new case creates, unless the requester is in prison.
- Prisoners may not receive CDs. All responsive records mailed to prison must be on paper. If the requester is in prison but responsive records are being sent to an attorney’s office, it will be sent on a CD.
- This change only affects responsive records of 15 pages or more. Once a case is retrieved in processing, if the responsive records are less than 15 pages or if the requester is only asking for specific documents and they are less than 15 pages, the processor will need to uncheck the print to CD box.
- If a requester writes in and specifically asks for their records to be produced in a paper format, the Mail Team will uncheck the “Print to CD” box and case note the case. The correspondence will be scanned in as a case supporting document (CSD).
- While the creator is primarily responsible for marking the print to CD box, the processor and the approver should ensure that the correct box is marked before finalizing the case.
- If your records are printing to a CD, it is not required that duplicate pages be marked as fees are not assessed on CD’s.

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LARGE FILES AND CAL ERRORS

Files of 2000 pages or more can cause CAL errors, making cases difficult to process. If you pull up a case in FIPS with 2000 pages or more scanned into a single responsive records slot, please follow these steps:

1. Send the case to Admin.
2. Send an e-mail to the NRC, FIPS Problem mailbox asking them to split the records into more than one slot. Clicking on the link automatically prepares your e-mail (including a copy to the Program Office). In your email, please provide the control number, the case's track and your NRC User-id.

FIPS Problem personnel will split the file into two or more responsive records slots to reduce the possibility of CAL errors and return the file to you. We've notified contractors to contact us if they scan any large files to avoid future problems.

LITIGATION

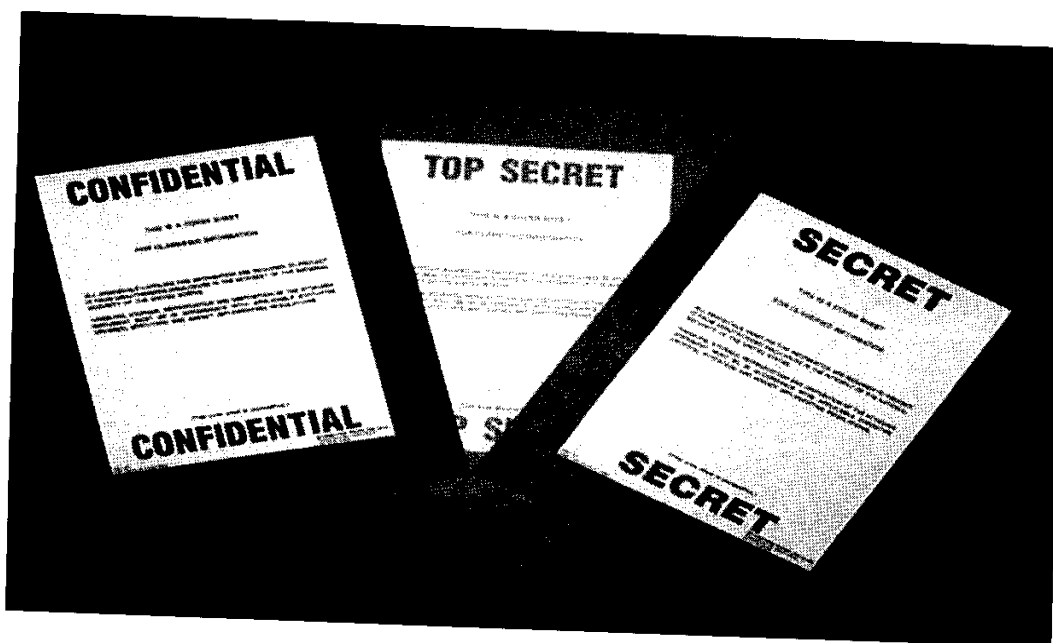
If you pull a case to process, and it has "WARNING: Litigation" (in red) along the top of the FIPS worksheet, please stop any processing immediately and notify your supervisor. If you are approving and you see this warning, please do not take any action to approve the case and contact your supervisor. Supervisors should contact the FOIA Program Office when notified of a case with such a warning being in the processing or approving queue. The Program Office will provide directions on how the FOIA request that is the subject of litigation should be handled.

CONSENT RELATING TO RECORDS CONCERNING A MINOR OR PERSON JUDICIALLY DETERMINED TO BE INCOMPETENT

If a parent is filing on behalf of a minor child, the parent must submit proof of parentage. Proof of parentage can be in the form of a birth certificate, adoption decree or similar document, naming the requester as a legal parent. If guardians file on behalf of their wards, they must submit proof of guardianship. The signature of the parent/guardian must be notarized or signed under penalty of perjury (6 C.F.R. § 5.21(e)). If a case creator cannot establish parentage or guardianship, he or she must request proof and pend the case for requester documentation. Do not staff for responsive records until required documentation is provided.

Minors may request their own files; they do not need consent of their parents or guardians to do so. Attorneys may represent minors also.

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SPECIAL LEGENDS AND SENSITIVE DOCUMENTS

Documents with instructional legends (e.g., “For Official Use Only,” “Adjudicative Work Product,” “Do Not Release Outside the Agency.”) **are not** automatically exempt from disclosure under the FOIA or PA. These types of documents will need to be thoroughly reviewed for content. As a general rule, any document marked “Attorney Work Product” is fully exempt under (b)(5) or (d)(5)/(b)(5) if PA unless the document is blank.

Some types of application/petitions or investigative materials (I-589, I-360, Legalization and SAW or investigative material) are considered highly sensitive. When a third party requester specifically requests these documents, see section on “Glomar”.

FOIA SAFE PROCEDURES

Occasionally when a FOIA request is received, the responsive records will be marked “classified”. The creator will staff for the file in the normal way, using the normal staffing sheet. When the classified file is received in response to the FOIA request, a paralegal with appropriate security clearance reviews the file. The original staffing slot is cancelled and a new one marked “FOIA SAFE” is created. The file is then prepped for processing. This involves removing the classified documents and replacing them with “dummy” sheets indicating the disposition of the classified documents (i.e. referred in full to ICE). The sanitized case is then scanned into FIPS.

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THIRD PARTY DOCUMENTS BELONGING TO ANOTHER AGENCY

Please out of scope any third party documents that belong to another agency (Exception: Department of State). This policy also applies to other agency's documents that you can not positively identify as belonging to the subject. For example, if you have a document belonging to Manuel Gonzales (the name matches your subject of record), but the date of birth provided by the requester does not match information in the file, out of scope the document.

WHAT HAPPENS WHEN A BOOK IS IN THE A FILE?

The contractor places this page (see attached) in the file when they receive books or items that are bound and are difficult to scan. Please out of scope this page.

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Scenario: This is a self request. The file contains TECS screen prints that originated with the Secret Service. These prints belong to the subject's wife. Since the wife did not sign the request, the documents would be withheld in full. If the wife has also signed the request or given consent, the documents would be referred to the Secret Service.

An exception to the rule: A case you are processing contains TECS screen prints originating from State Department that belong to the subject's spouse, these documents should be referred to STATE, and the referral letter should include the following phrase: **We are referring third party DOS documents to you per DOS instruction to USCIS.**

WHEN DO WE SEND REQUESTER DOCS OR CSDs WITH REFERRALS?

When we receive a new request, our creators review the request for legal sufficiency. They ensure that it contains all required documents and information for you, the processor, to be able to process the case. When a case creator finds missing critical information, the creator will send out for that information. Once we receive that information, OA scans it into the case as either Requester Documentation or a Case Supporting document. These documents are often vital to determining whether consent is present and verifying that the correct records are being processed. However, when a processor refers documents to another agency, only the Request Letter and Request Supporting Documents automatically are printed and sent with the referrals. If the agency to which we refer the information does not receive the critical information, they will send the entire referral back to us letting us know critical information is missing. Therefore, please do the following when you have a referral that has pertinent information in Requester Documentation or Case Supporting Documents:

1. Send an e-mail to the OA room to print and send the pertinent information with the referral and where the documents are: (NRC2010XXXXXXXX, Sequence 8).
2. Include in your case note that you sent the e-mail to the OA room.

DCII REFERRALS

Please refer all DCII (Defense Central Index of Investigations) printouts to Defense Security Service (DSS). Currently there is no option in FIPS for DSS, so you will need to refer to Other and insert the following address:

Attn: Leslie Blake, Defense Security Service (DSS),
Office of FOIA and Privacy
1340 Braddock Place
Alexandria, Virginia 22314-1651

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JOINT TERRORISM TASK FORCE (JTTF)

The Joint Terrorism Task Force (JTTF) falls under the purview of the Federal Bureau of Investigation (FBI). Documents created by the Joint Terrorist Task Force (JTTF) should be referred to the JTTF. The JTTF will respond directly to the requester, the name of the agency will not be released to the requester.

The referral drop down menu in FIPS has been updated to include JTTF.

REPORT OF INVESTIGATION OR MEMORANDUM OF INVESTIGATION

The Report of Investigation or Memorandum of Investigation completed by ICE should be referred to ICE for direct response to the requester. A Report of Investigation or Memorandum of Investigation completed by legacy INS (prior to March 2003) should also be referred to ICE.

Please note that a Report of Investigation or Memorandum of Investigation can also be completed by CIS or CBP. In this case, the document should be processed accordingly.

ENFORCE

Refer all ENFORCE prints to ICE. The only two exceptions to this rule are:

1. If it was filed in a court case as an exhibit, release. You must be able to prove that it was filed.
2. If it is an ENFORCE print for a third party, out of scope the document(s). Be sure to include this in your case note.

DIVISION OF IMMIGRATION HEALTH SERVICES (DIHS)

The Division of Immigration Health Services (DIHS) is a stand alone medical unit. It serves as the medical authority and provider of care for all detainees in ICE custody housed in DIHS staffed detention centers. Documents created by DIHS should be referred to ICE. This guidance was provided by ICE.

REFERRING DOCUMENTS BELONGING TO NVC

Although the letter head on the document below reads United States Department of State, this document was issued by the National Visa Center, and should be referred to them for processing.

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The USCIS Processing Guide has been prepared as a ready reference to assist with the processing of Freedom of Information Act and Privacy Act requests.

The April 2009 edition of the Guide contains **extensive changes**. These changes are a result of President Obama's Freedom of Information Act (FOIA) memorandum of January 21, 2009, and Attorney General Eric Holder's memorandum of March 19, 2009. All previous editions of the USCIS Processing Guide are now considered obsolete and should no longer be used.

The Guide also contains all updates or changes from the FOIA Information Bulletins issued as of March 2009.

Any articles relating to processing published in the *FOIA Information Bulletins* have been incorporated into this Guide.

The April 2009 edition of the Guide has been saved in PDF format. The PDF format makes searching for information in the Guide easier. There are also several hyperlinks within the Guide including in the table of contents to assist in navigating to specific topics or additional information.

Regular updates will be made to this Guide by adding to or revising provisions in the version of the Guide available on the common drive. When additions and revision are made, a cover sheet describing the change and the provision of the Guide affected will be placed on the front of the Guide for quick reference.

Suggestions for improving this Guide are always welcomed. Please direct any comments, questions, or suggestions to the FOIA Program Office staff.

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April 5, 2010

We have added a section entitled LOOKING GLASS from the April 17, 2009 USCIS FOIA Bulletin.

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Record of Revision

February 12, 2010

We have revised the section called EXEMPTION (b)(2)².

Added note to current section DEPARTMENT OF STATE (DOS) DOCUMENTS. We are no longer referring US passports.

A new section called REFERRING DOCUMENTS BELONGING TO NVC has been added.

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Record of Revision

February 5, 2010

A new section called **PROCESSING THE IBIS RESOLUTION MEMORANDUM** has been added.

A new section called **FRAUD REFERRAL SHEET** has been added.

A new section called **REFERENCE REQUEST SHEET FOR ARCIS OUT OF SCOPE** has been added.

A new section called **PROCESSING STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS) DOCUMENTS** has been added.

The section entitled EXHIBITS SUBMITTED WITH PETITIONS OR APPLICATIONS CONTAINING PII has been replaced by the section **SUPPORTING DOCUMENTS OR EXHIBITS SUBMITTED WITH I-129F OR I-130.**

RECORD OF REVISION

December 11, 2009

A new section called **REFERRING ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION (ESTA) DOCUMENTS** has been added.

A new section called **WHAT HAPPENS WHEN A BOOK IS IN THE A FILE?** has been added.

Section on **TAX RETURNS** has been updated.

Section on **EXHIBITS SUBMITTED WITH PETITIONS OR APPLICATIONS CONTAINING PII** has been updated.

Section on **CERTIFICATES OF SERVICE AND DOCUMENTS FILED IN COURT** has been updated.

RECORD OF REVISION

November 6, 2009

A new section called **REFERRING FOREIGN BROADCAST INFORMATION SERVICE (FBIS) DOCUMENTS** has been added.

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~~PLEASE NOTE: The EOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

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A new section called SHOULD I REFER FORM I-643 TO HEALTH AND HUMAN SERVICES (HHS)? has been added.

RECORD OF REVISION

October 2, 2009

A new section called REFERRING LAW ENFORCEMENT DOCUMENTS has been added.

A new section: INTERNATIONAL FOIA MAIL CHANGE has been added.

RECORD OF REVISION

September 18, 2009

Modified section CLASSIFIED RECORDS

RECORD OF REVISION

September 11, 2009

A new section called PREPARING RECORDS FOR DISCLOSURE has been added.

A new section called DECISION TO PROCESS AS FOIA OR PA has been added.

A new section called REQUESTS FOR CERTIFIED COPIES OR CERTIFICATE OF NON-EXISTENCE has been added.

A new section called DCII REFERRALS has been added.

Changed CBP address

RECORD OF REVISION

August 25, 2009

New section titled WHEN DO YOU CLOSE A CASE WITH NO REDACTION AS A PD? has been added.

New section titled JOINT TERRORISM TASK FORCE (JTTF) has been added.

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Procedures for documents belonging to DEPARTMENT OF STATE have been changed.

RECORD OF REVISION

July 8, 2009

Section titled THIRD-PARTY DOCUMENTS has been changed to THIRD-PARTY DOCUMENTS AND PII. This section has been updated to include information relating to personally identifying information (PII).

Section titled EXEMPTION (b)(6) AND PERSONALLY IDENTIFYING INFORMATION (PII) has been updated.

Section on A-FILES CONTAINING MEDIA has been updated.

RECORD OF REVISION

July 1, 2009

Definitions for Personally Identifiable Information and Sensitive Identifiable Information have been added to Appendix B.

A new section on ASYLUM INTERVIEW NOTES has been added. (FOIA Information Bulletin, June 26, 2009)

New section on VERIFYING IDENTITY has been added.

RECORD OF REVISION

June 16, 2009

Section on CONSENT has been updated to include the following statement.

“If the subject of the request has signed the first page of the G-639 and the second page does not contain the signature of the subject but it has been notarized this would be considered consent.”

Section titled LITIGATION has been added. (FOIA Information Bulletin, February 27, 2009)

The section titled BOND OBLIGORS has been removed. Requests from bond obligors are processed by Immigration and Customs Enforcement.

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RECORD OF REVISION

May 27, 2009

Section titled DOCUMENTS TO BE REFERRED TO ORR has been added. (FOIA Information Bulletin, May 22, 2009)

Section on CONSENT has been updated. (FOIA Information Bulletin, May 22, 2009)

RECORD OF REVISION

May 19, 2009

A new paragraph titled FAILURE TO COMPLY CASE CLOSINGS has been added.

The following statement has been added to the paragraph titled TAX RETURNS.

“One exception, however would be the Earned Income Credit (EIC) form, this document should be withheld in full.”

RECORD OF REVISION

May 12, 2009

New section titled REQUESTS RECEIVED ON THE I-694 has been added. (FOIA Information Bulletin, April 24, 2009)

The section titled DEPARTMENT OF STATE DOCUMENTS has been updated to include information relating to Report 71, Case Accountability Report. (FOIA Information Bulletin, May 8, 2009)

The section DOCUMENTS TO BE REFERRED TO CBP has been updated to include new processing procedures for SEACATS screen prints. (FOIA Information Bulletin, May 8, 2009)

The section titled SCREEN PRINTS has been updated to include a new sub-section titled THE TECS (The Enforcement Communications System). (FOIA Information Bulletin, May 8, 2009)

APPENDIX E has been updated to include a new TECS Code Table. (FOIA Information Bulletin, May 8, 2009)

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INTRODUCTION

The United States Citizenship and Immigration Services (USCIS) uses an automated system, Freedom of Information Act/Privacy Act Information Processing System (FIPS) to create, control and process all Freedom of Information Act/Privacy Act (FOIA/PA) requests. All FOIA work for USCIS is centralized at the National Records Center (NRC).

This guide will assist in processing FOIA and PA requests. An explanation of the exemptions including the standard verbiage to be used in preparing final action letters, examples of the information to be withheld, samples of documents with redactions, and flowcharts/diagrams are included in this guide. Processing guidance for both USCIS and Immigration and Customs Enforcement (ICE) cases are covered in this guide.

MISSION

The mission of the USCIS FOIA/PA Program is to provide the external customer access to agency records in accordance with the applicable statute (FOIA, 5 U.S.C. § 552) or (PA, 5 U.S.C. § 552a) in a timely and accurate manner.

BACKGROUND

The Freedom of Information Act, 5 U.S.C. § 552, gives all people, regardless of citizenship the right to access information in federal agency records. The FOIA is a disclosure statute. While FOIA is a disclosure statute, there are provisions that allow certain documents and information to be exempted from disclosure. There are nine FOIA exemptions, discussed in detail in the exemptions section.

The Privacy Act, 5 U.S.C. § 552a, protects individual's personal records from unwarranted invasions of privacy. It allows an individual who is a United States Citizen (USC) or Lawful Permanent Resident (LPR) to seek access to records about themselves. Like the FOIA, the PA is also a disclosure statute. Like the FOIA, the PA contains provisions that allow certain documents and information to be exempted from disclosure. There are ten PA exemptions, discussed in detail in the exemptions section. Before applying the appropriate PA exemption a companion FOIA exemption must be identified.

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A complete listing of definitions is at Appendix B. You should know four definitions before you begin reading this guide:

1. Non-immigrants are aliens who seek temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. The nonimmigrant classifications include: foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé(e) of U.S. citizens, intra-company transferees, NATO officials, religious workers, and some others. Most non-immigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.
2. Illegal alien is a foreign national who entered the United States without inspection or with fraudulent documentation, or who after entering legally as a nonimmigrant remained in the United States without authority.
3. Immigrants are aliens who lawfully or unlawfully intend to reside permanently in the United States.
4. Lawful Permanent Residents/Permanent Resident Aliens are aliens admitted to the United States and allowed to reside in the United States indefinitely despite not having citizenship. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories (INA section 101(a)(15)). An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by U.S. Citizenship and Immigration Services in the United States.

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USCIS uses a three-track, first-in/first-out (FIFO) processing system.

Track 1 is used for the less complex cases. These are cases where only one or a few specific documents are being requested from the file or receipt files.

Track 2 is used for the more complex cases. A complete copy of a file, requests from the news media or special interest groups are considered Track 2 cases.

Track 3 is used for cases that specifically involve individuals who have been scheduled to appear before an immigration judge. Track 3 cases must include one of the following documents with the FOIA request:

- Notice to Appear (Form I-862) documenting the scheduled date of the subject's future hearing before the immigration judge;
- Order to Show Cause (Form I-122) documenting the scheduled date of the subject's future hearing before the immigration judge;
- Notice of Referral to Immigration Judge (Form I-863); OR
- A written request for continuation of a scheduled hearing before an immigration judge.

PRIVACY ACT AND FREEDOM OF INFORMATION ACT EXEMPTION INTERFACE

Requests for records from a subject who is either a USC or an LPR are processed under the Privacy Act statute. When processing a PA case, information should be withheld only when an applicable PA exemption exists with a companion FOIA exemption. Information that is routinely held in a FOIA case pursuant to either Exemptions (b)(2) or (b)(6) is released as there is no compatible PA exemption.

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VERIFYING IDENTITY

Processors should be using the information provided by the requester to positively identify the subject of the file. The information provided by the requester is the date of birth, country of birth, parent's names, port of entry, date of entry. This information provided by the requester should be compared to the information contained in the file for positive identification.

CONSENT

Consent is written permission for access to information by the individual to whom the record pertains. Review the request and supporting documents to determine if proper consent is present. Case creators do not make the determination whether the subject of the request is FOIA or PA.

Consent can be any of the following:

- A Form G-639 either signed under penalty of perjury or with a notarized signature of the subject; or
- A notarized signature of the subject; or
- A sworn declaration under penalty of perjury that is signed by the subject.

If the subject has signed the first page of the G-639 and the second page does not contain the signature of the subject but has been notarized this would be considered consent.

Although we cannot request a Certificate of Identity, DOJ 361, if a requester provides a DOJ 361 signed under penalty of perjury this is considered consent. Likewise a statement on any piece of paper signed under penalty of perjury or notarized is considered consent.

If a requester has inserted **the penalty of perjury statement** on the G-28, Notice of Entry of Appearance as Attorney or Representative and the subject of the file has signed the document this is considered consent.

A current photo ID or a G-28 signed by subject of record is for information purposes only and is not accepted as a form of consent. **You may accept a properly executed Form G-28 as consent for any case created on or before March 4, 2009.**

When there is only one signature and it does not fall under one of the categories above, request a notarized signature of the subject or a sworn declaration. The subject of the record must provide a notarized signature or sworn declaration under penalty of perjury, including the following statement (or a statement to the same legal effect) immediately above the signature on your request letter:

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"I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]."

PREPARING RECORDS FOR DISCLOSURE

FIPS assigns cases to processors on a first-in first-out (FIFO) basis. The processor must conduct a thorough review of the request and all supporting documents scanned into the case. The processor should complete the following steps before processing the record:

- Check to see that the responsive records are not still scanning. If the responsive records are still scanning, case note this case to return it to you after scan is complete, e-mail your supervisor and move the case to admin queue.
- Read the request letter, request supporting documents, case notes, staffing response and case supporting documents.
- Ensure that requester's and subject's names are spelled correctly. Verify that the address is correct.
- If the requester is an attorney or representative AND there are more than 15 pages, check the No-CD list. If the name does not appear on the No-CD list, check "Print to CD." If the attorney or representative's name is on the No-CD list, create a case note with the subject: No-CD list. If the record is being mailed to a foreign address, and there are more than 15 pages, check "Print to CD" whether or not the requester is an attorney.
- If this is a request for specific documents only, change the category on the FIPS worksheet to reflect "DOC."
- Check for duplicate or similar cases. If there are duplicate or similar cases, case note both. Your supervisor may wish to assign the duplicate case to you to close. The same processor should process similar cases whenever possible. Please note: a supervisor will not move the case out of order.
- Verify consent. For more information, read the section in the *Processing Guide* on CONSENT. If the requester has specified that it is a third party request, you will need to read the section titled THIRD PARTY REQUESTS in the processing guide. Otherwise, if you do not have the necessary consent, it will be necessary to send out for it.
- Verify that the responsive records are what the requester asked for. If not, please return the file to Records Locator to staff for the correct file.

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- Verify the responsive records relate to the subject of record, using date of birth, parents' names, and other information the subject provided in the request. Compare information from the request to information in the responsive records. There is no need to compare information in CIS with either the request or the responsive records. Annotate in the case note the page numbers where the information was located.
- Determine whether the case will be processed pursuant to the FOIA or the PA. The determining factor for how a case will be processed (FOIA or PA) is made by reviewing the responsive records for the status of the subject. Also, while the information in CLAIMS and CIS are not typically relied upon as the deciding factor on what your alien's status is, they can be one of the tools you use to determine status. This information also may be an indicator of what kinds of documents you may see in your case.

DECISION TO PROCESS AS FOIA OR PA

Before processing, look for a copy of these documents which would cause you to process the case as a PA:

- Approved, stamped I-181 Memorandum of Creation of Record of Lawful Permanent Residence
- Approved, stamped I-485 Application to Register Permanent Residence
- Approved, stamped I-751 Petition to Remove Conditions
- Immigrant Visa with DOE and COA stamped
- Immigrant Data Summary with DOE and COA stamped
- Order of the Immigration Judge which grants LPR status under Section 216, 216A, 245 or 249 of the INA.
- Approved, stamped I-90, Application to Replace Alien Registration Card
- Approved, stamped N-400, Application for Naturalization
- Certificate of Naturalization or Certificate of Citizenship

Note:

- Your decision to process as FOIA or PA is based on the file that is scanned in, not based on information in CIS and CLAIMS, unless there are exceptional circumstances and you are directed by a supervisor.
- A computer generated I-181 for a SAW applicant does not have a stamp or signature, but is nevertheless proof of LPR and means you process the case as PA. The computer generated I-181's for SAW applicants are frequently difficult to read. There are four possible classes of admission for SAW applicants who adjusted: S16, S26, W16 and W26.
- Asylees and refugees may back-date their adjustment of status date to the day they were originally granted asylum or status as a refugee. In those instances, the "as of" date on the I-181 and in CIS can be different than the date of the approval stamp.

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- The most recent action in the file is the one that determines status. If a person was granted W16 in 1990, but there is an Order of the Immigration Judge in 1995 which orders deportation, the case is a FOIA. Conversely, if there is an executed warrant of deportation in 1987, but there is an Order of the Immigration Judge in 2008 which grants status under Section 245 of the INA, the case is a PA.

Things that have no effect on your decision either way:

- An approved I-129, I-129F, I-130 or I-140 does not mean you process the case as a PA – The approved petition is the first step, but there still has to be an approved I-485 or I-181 in order for you to process as PA.
- A temporary resident card does NOT mean you process the case as PA. You are looking for lawful permanent residence. Temporary residents are SAW or legalization applicants. If there is no approved I-181, you would still process the case as FOIA.
- A FINAL DISP of NOT R/O on an EOIR screen print in the file does not imply either non-immigrant or LPR status. You are looking for an immigration judge's order to make the FOIA/PA determination, otherwise, the person reverts to the same status he or she had before proceedings.
- A Notice of Intent to Deny or Notice of Intent to Rescind does not affect immigration status.
- An unexecuted Warrant of Removal/Deportation does not affect immigration status.
- A denied N-400 does not imply loss of status as a Lawful Permanent Resident.
- A denied I-90 does not imply loss of status as a Lawful Permanent Resident.

Loss of Status: If a person was an LPR at one point, but lost status, you will process the case as a FOIA. Please note in your final action summary what page you found the document that took away status. A document like this could be:

- An immigration judge's order of removal or deportation.
- An executed I-407, Abandonment of Lawful Permanent Resident Status.
- A Notice of Termination or
- A Notice of Rescission

A conditional permanent resident is an alien who has been lawfully admitted for permanent residence within the meaning of section 101(a)(20) of the INA, except that a conditional permanent resident must apply for removal of the conditions on lawful permanent residence within the 90 day period immediately preceding the second anniversary of adjustment. By 8 CFR § 216.2(a), failure to apply for removal of the conditions will result in an automatic termination of the alien's lawful status. What does this mean to you as a processor?

- A conditional permanent resident less than two years after status was granted will have an unexpired, stamped, approved I-181 in the file. Process as PA.
- A conditional permanent resident more than two years after status was granted, who has filed Form I-751, but the form has not been adjudicated, has had status as LPR automatically extended. Process as PA.

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- A denied Form I-751 in the file takes away status. Case note the page the form is on and process as FOIA.
- A conditional permanent resident more than two years after status was granted and has not filed Form I-751 has lost status under the law. Process as FOIA.

Please note that current USCIS practice is to accept and adjudicate Form I-751 even after the second anniversary has passed, as long as there is no letter of rescission or termination in the A-file. For FOIA purposes, a filed I-751 is a filed I-751, and whether it was filed before the second anniversary or not does not matter, meaning we would still process the case as PA.

LITIGATION

If you pull a case to process, and it has “**WARNING: Litigation**” (in red) along the top of the FIPS worksheet, please stop any processing immediately and notify your supervisor. If you are approving and you see this warning, please do not take any action to approve the case and contact your supervisor. Supervisors should contact the FOIA Program Office when notified of a case with such a warning being in the processing or approving queue. The Program Office will provide directions on how the FOIA request that is the subject of litigation should be handled.

CONSENT RELATING TO RECORDS CONCERNING A MINOR OR PERSON JUDICIALLY DETERMINED TO BE INCOMPETENT

If a parent is filing on behalf of a minor child, the parent must submit proof of parentage. Proof of parentage can be in the form of a birth certificate, adoption decree or similar document, naming the requester as a legal parent. If guardians file on behalf of their wards, they must submit proof of guardianship. The signature of the parent/guardian must be notarized or signed under penalty of perjury (6 C.F.R. § 5.21(e)). If a case creator cannot establish parentage or guardianship, he or she must request proof and pend the case for requester documentation. Do not staff for responsive records until required documentation is provided.

Minors may request their own files; they do not need consent of their parents or guardians to do so. Attorneys may represent minors also.

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FIRST PARTY REQUEST

A first party request is a request from the subject or his/her representative asking for access to his/her record.

THIRD PARTY REQUESTS

A third party requester is any person who asks for access to another individual's record without that individual's written consent. The identity of a third party requester and his/her relationship to the subject does not increase (or decrease) his/her rights of access to the records. When consent is not present and it does not appear likely from the request that consent can be obtained, these types of cases are treated as third party requests. Third party requesters are entitled to any public documents that may be found in the file they are seeking. For example, if a wife is looking for a copy of her husband's file so that she may divorce him, it is highly unlikely that she will be able to obtain his consent. Third party requesters are entitled to documents they submitted or filed on behalf of the beneficiary, however not all documents prepared by the petitioner are released back to them. Therefore, in cases like this, simply staff for the file and put a case note in FIPS that there is no consent. Media requests are almost always third party requests also.

DECEASED SUBJECTS AND THE 100-YEAR RULE

If the subject of a request is deceased, it is incumbent upon the requester to provide proof of death. Proof of death could be any of the following:

- Death Certificate;
- Obituary;
- Funeral Memorial; or
- Photograph of headstone
- Screen print from the Social Security Death Index

If the subject of a request is over 100 years old, it is assumed they are deceased and no proof of death is required.

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ROUTINE USE

The Service may disclose records from the alien files to other Federal, State and local government agencies as a normal course of operation for law enforcement purposes. Consent is not necessary for the processing of these types of requests. Some examples of these types of requests include requests relating to child support enforcement and aliens seeking public assistance.

Requests from non-Federal government agencies for verification of status of aliens are treated as a routine use.

These types of requests are not considered a part of FOIA and are not scanned into the system.

BOND OBLIGORS – IMMIGRATION OR CRIMINAL BONDS

Immigration Bond obligors are surety companies who have posted an immigration bond (Form I-352) for an alien who has been taken into custody by the Service. If the alien fails to attend his hearing, then the bond is forfeited. Under the court case *Amwest Surety v. Reno*, No. 93-3256 JSL (Shx) (C.D. CA., June 22, 1995), the surety companies, or their attorneys, are entitled to a partial copy of the alien's file to assist them in locating the alien. These types of requests are processed by Immigration and Customs Enforcement.

Criminal bonds are bonds that have been posted by individuals or bail bondsmen relating to non-immigration violations of the law. This type of bond obligor is only entitled to proof of deportation of the alien by the Service. These types of requests are processed by Immigration and Customs Enforcement.

Any new requests that are scanned into FIPS as of June 11, 2009, should be closed as an ER. Please send the OA room an e-mail containing the REQ number or control number, and also include the requester's name.

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OA room will mail the request to the following address.

Immigration and Customs Enforcement
Attention: Catrina Pavlik-Keenan
ICE FOIA/PA Unit
800 North Capitol Street, NW, Room 585
Washington, DC 20536-5009

GLOMAR

The “Glomar” response may be invoked when a third party requester is seeking **specific** information from NAILS or any law enforcement system or copies of applications/petitions for benefits relating to asylum status, refugee status, spousal abuse protection and other benefits. If the requester is not a party to or a rider on the application/petition the documents will be withheld in full. When applying “Glomar” in these situations, there must be applicable exemption(s) that can be substituted for the “Glomar” assertion if the case is appealed or goes to litigation. For this reason, you must fully redact the pages, even if you apply GLOMAR to the entire document.

When withholding documents using the “Glomar” response the following statement should be inserted in the Final Action Letter:

“We neither confirm nor deny whether the service has any information indicating whether a record exists.”

No exemptions will be cited, nor will the word “Glomar” be quoted in the Final Action Letter.

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PRIVACY ACT (PA) AMENDMENT REQUEST

This type of request can only be made by a LPR or a USC. A Privacy Act (PA) amendment allows an LPR or USC to request an amendment or correction to their alien file.

Requests must be in writing. Requesters must identify themselves as described in the paragraph Consent and Verification of Identity when seeking to amend information in a PA system of records. They must identify the particular record involved, the nature of the amendment sought, and the justification for the amendment.

Currently, PA Amendments are handled by a specially trained team of Paralegal Specialists. If you open a PA Amendment in the normal FOIA processing queue, put the case in the Admin Queue and contact your supervisor.

PA AMENDMENT: STATEMENTS OF DISAGREEMENT

When denials of requests for correction or amendment are affirmed on appeal, USCIS, NRC FOIA/PA Appeals Office, will advise requesters of the reason for affirmation, their right to file a Statement of Disagreement, and of their right to obtain judicial review of the denial in the courts.

Requesters must file a "Statement of Disagreement" with the Appeals Office and it may not exceed one typed page per fact disputed. The Appeals Office will send the responsible officials a copy of the Statement of Disagreement, which will be maintained with the disputed records

TYPES OF RECORDS/DOCUMENTS

Requests processed by the NRC could consist of complete alien files, specific documents from the alien file, files relating to contracts, statistics/reports and/or requests relating to special interest topics.

Contained within the alien files can be various types of petitions/applications, processing sheets/worksheets and screen-prints from various databases used for researching as well as documents provided by the alien. A list of forms can be found at www.uscis.gov under the tab titled "Immigration Forms".

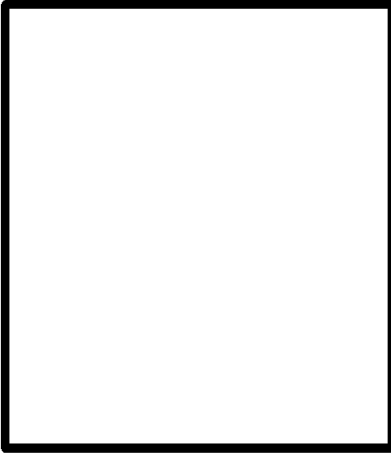
REQUESTS FOR CERTIFIED COPIES OR CERTIFICATE OF NON-EXISTENCE

If the request contains any reference to "certified copies" or "certificate of non-existence" please e-mail that information, along with the page you found the document on to NRC, NRCFOIAMS, and send a cc to your supervisor.

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CLASSIFIED RECORDS

Classified records containing National Security Information (NSI) are **not** approved for processing in FIPS. Classification markings are normally found at the top and bottom of the classified documents. Each document that is classified will have special classification markings, Confidential, Secret or Top Secret. If you encounter a document bearing a security classification (Confidential, Secret or Top Secret) immediately stop processing, lock your workstation, and contact one of the following people:

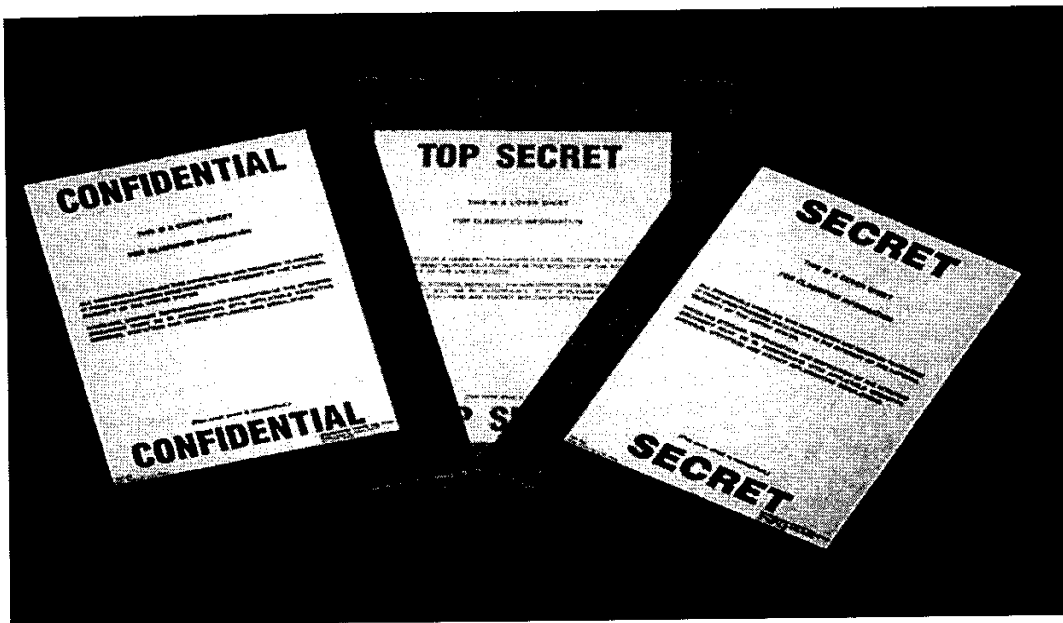


(b)(6)

The person authorized to handle classified documents will verify the document is classified NSI, place the case in Admin or Unit Chief, assign it to herself (or himself), and contact the security officer, with a CC to ITS.Nrc@dhs.gov and the next level supervisor. The e-mail should contain the NRC case number, the page number(s) and level of classification seen.

Files containing classified NSI material should also have a cover sheet (placard) indicating the highest-level classification assigned/attached to the NSI material. The classification cover sheets are boldly marked with the classification level and are color-coded to aid in identification. As an example, Confidential cover sheets are colored “blue,” Secret cover sheets will be in “red” and Top Secret cover sheets will be in “orange.”

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SPECIAL LEGENDS AND SENSITIVE DOCUMENTS

Documents with instructional legends (e.g., “For Official Use Only,” “Attorney Work-Product,” “Do Not Release Outside the Agency.”) **are not** automatically exempt from disclosure under the FOIA or PA. These types of documents will need to be thoroughly reviewed for content.

Some types of application/petitions or investigative materials (I-589, I-360, Legalization and SAW or investigative material) are considered highly sensitive. When a third party requester specifically requests these documents, see section on “Glomar”.

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FOIA EXEMPTIONS (5 U.S.C. § 552)

EXEMPTION (b)(1)¹

This exemption protects from disclosure National Security Information (NSI) concerning the nation's defense or foreign policy. If you think you have a situation where this exemption would apply, please consult your supervisor. (Refer to "Classified Records" on page 8)

EXEMPTION (b)(2)²

This exemption provides protection for records that are related solely to the internal personnel rules and practices of an agency. It is separated into two categories of information:

- Low 2 - Internal matters of a relatively trivial nature. Note: USCIS does not redact material in any file because of low 2.
- High 2 - More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.

Exemption (b)(2) as applied by USCIS protects predominantly internal rules, procedures and guidelines, the disclosure of which would present reasonably foreseeable harm to an interest of the United States, such as a significant risk of circumvention of statutes or agency regulations. The types of documents and/or information we have withheld under this exemption may consist of operating rules, guidelines and techniques for identifying law-violators, internal agency security techniques, law enforcement training procedures, or guidelines and manuals of procedures for examiners and adjudicating officers.

Because there is no corresponding exemption under the PA, information normally withheld pursuant to Exemption (b)(2) in a FOIA case is released in PA cases, unless the information is also protected by other applicable exemptions.

¹ Freedom of Information Act Guide 2009 Edition pg 141

² Freedom of Information Act Guide 2009 Edition pg 173

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EXEMPTION (b)(3)³

Exempts from mandatory disclosure items specifically withheld in conjunction with other statutes. The information most often withheld pursuant to Exemption (b)(3) is Grand Jury deliberative material, which is exempted by Rule 6(e) of the Federal Rules of Criminal Procedure.

Because there is no corresponding exemption under the PA, information normally withheld pursuant to Exemption (b)(3) in a FOIA case is released in PA cases, unless also protected by other applicable exemptions.

EXEMPTION (b)(4)⁴

Protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." At NRC, the information withheld citing this exemption normally pertains to contracts.

Because there is no corresponding exemption under the PA, information normally withheld pursuant to Exemption (b)(4) in a FOIA case is released in PA cases, unless also protected by other applicable exemptions.

EXEMPTION (b)(5)⁵

Protects inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency. This includes documents the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction, that represent **the work product of an attorney**, or that reflect **confidential communications between a client and an attorney** (i.e., this agency and its attorneys). This may also include documents of a pre-decisional nature used in the process of adjudicating applications for benefits (**deliberative process**). This does not apply to communications between the alien and his attorney/representative.

The President and Attorney General have issued memoranda to all agencies emphasizing that the FOIA reflects a "profound national commitment to ensuring an open Government" and directing agencies to "adopt a presumption in favor of disclosure." If USCIS reasonably foresees that disclosure would cause harm to deliberative process, we may withhold the information under Exemption (b)(5). Specifically, three areas of harm consistently have been held to constitute the bases for withholding under the deliberative process privilege:

- (1) to protect against inhibition of open, frank discussions on matters of policy between subordinates and superiors;

³ Freedom of Information Act Guide 2009 Edition pg 207

⁴ Freedom of Information Act Guide 2009 Edition pg 263

⁵ Freedom of Information Act Guide 2009 Edition pg 357

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- (2) to protect against premature disclosure of proposed policies before they are actually adopted; and
- (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

Some documents routinely withheld pursuant to Exemption (b)(5) include Westlaw research, including the web address, unless the case has been heard; adjudicator's notes; internal e-mail messages; memoranda and other internal documents.

The corresponding exemption under the PA for this type of information is Exemption (d)(5), which exempts information compiled in reasonable anticipation of litigation in a civil action or proceeding. Most immigration issues are administrative in nature.

HANDWRITTEN NOTES AND EXEMPTION (b)(5)

Handwritten notes that are trivial in nature or state facts cannot be redacted under the deliberative process prong of Exemption (b)(5). Read and analyze the notes found in the record. Review and carefully apply Exemption (b)(5) only when appropriate.

For example, if a handwritten note states that in someone's opinion the I-485 should be denied and the file shows that a final decision has been made and the subject of the file has been notified, Exemption (b)(5) would still apply to the handwritten notes. Another common example is where a note is simply asking that a file be returned to an individual; Exemption (b)(5) does not apply. Handwritten notes that are gibberish do not need protection from disclosure, so Exemption (b)(5) does not apply.

Notes in a file written by an attorney require a separate analysis of whether the note is a protected communication as attorney work product or falls under an attorney-client privilege.

EXEMPTION (b)(6)⁶

Permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we withhold may consist of, but is not limited to, birth certificates, naturalization certificates, driver's licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

Common sense prevails, however, in withholding information relating to immediate family members and other information submitted by the subject of the request.

⁶ Freedom of Information Act Guide 2009 Edition pg 357

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Other than deliberative grand jury documents, release court documents, such as transcripts and exhibits in full if the subject is named in the document.

Grand Jury deliberative documents, including witness statements, are covered under Exemption (b)(3), Rule 6(e). We withhold grand jury forepersons' and members' names under Exemption (b)(7)(C), or (k)(2) and (b)(7)(C) if the case is Privacy Act.

Withhold all sensitive third-party information from an Affidavit of Support (Forms I-134, I-864 and I-864A). Partially release tax returns and W-2s provided in support of an Affidavit of Support. Release only the title of the tax return and the name of the individual who owns the tax return; all other information is exempt under Exemption (b)(6). The minimum income requirement portion is based on poverty guidelines and is not withheld.

Relatives, neighbors, employers or close friends of the subject usually submit affidavits of character. Redact all sensitive information, such as A-numbers, status of the individual (USC/LPR) and social security numbers from these affidavits.

If the subject's name is listed on a birth certificate (i.e., the child or parent), release it in full. Otherwise, withhold it in full. Release documents relating to a minor child of the subject of a request, as long as that individual is still a minor at the time the case is processed. These documents may include school documents, medical records, etc.

Withhold third party information on other miscellaneous documents. If a document can be reasonably segregated, redact only the personal information. Fully withhold documents such as birth certificates, driver's licenses, passports, or other documents which would disclose national origin or other personally sensitive information.

Death extinguishes the right to privacy. Sensitive or graphic personal details relating to an individual's death may be withheld to protect family members. Examples of this could be photographs of a death scene or results of an autopsy.

Corporations have no privacy rights under Exemption (b)(6); however please withhold personal information relating to individuals, such as shareholder information. This does not apply to sole proprietorships or "family corporations." While corporations have no privacy, we still protect personal financial information, including information about small businesses when the individual and corporation are identical. Fully release documents completed by the requester or his or her representative. For example an I-485 completed by the alien to adjust status might include family members PII.

Redact direct line phone numbers and e-mail addresses of non law enforcement federal employees citing exemption (b)(6).

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EXEMPTION (b)(6) AND PERSONALLY IDENTIFYING INFORMATION (PII)

Personally identifiable information or personally identifying information (PII) is any piece of information which can potentially be used to uniquely identify, contact, or locate a single person. This includes but is not limited to social security numbers, alien registration numbers, biometric identifiers, photographic facial images, addresses, and phone numbers. PII will not be released to third-party individuals without consent, unless the subject is deceased. We must also keep in mind the protection of family members of a deceased individual when working third party requests. More information on PII can be found in the section titled “Third-Party Documents and PII.”

EXEMPTION (b)(7)⁷

Exemption (b)(7) protects from disclosure records or information compiled for law enforcement purposes. Exemption (b)(7) has six subparts that specify the different types of harm. The corresponding PA exemption for all (b)(7) subparts is Exemption (k)(2).

APPLICATION OF EXEMPTION (b)(7) – THE LAW ENFORCEMENT EXEMPTION

FOIA processors regularly encounter records containing information that should be withheld under one of the subparts of Exemption (b)(7). Do not make application of this Exemption more complicated than it needs to be. Keep in mind the language of the FOIA statute: Exemption 7 protects records or information *compiled for law enforcement purposes*. That will always be the first thing you consider in deciding if Exemption 7 applies. To make your analysis even simpler, most records and information produced by an agency engaged in law enforcement activities are presumed to be *compiled for law enforcement purposes*. The following are some of the main Federal organizations generally considered to be engaged in law enforcement activities:

Federal Bureau of Investigation
Immigration and Customs Enforcement
U.S. Bureau of Customs and Border Protection
U.S. Secret Service
Central Intelligence Agency
Federal Bureau of Prisons
Drug Enforcement Administration
Bureau of Alcohol, Tobacco, Firearms, and Explosives
U.S. Marshals Service

⁷Freedom of Information Act Guide 2009 Edition pg 491

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While law enforcement may not be the primary mission of a Federal agency (such as USCIS), a subunit or section of that agency may perform law enforcement activities that generate records compiled for law enforcement purposes, so Exemption 7 may apply. The Office of Fraud Detection and National Security, part of USCIS, is a good example. The U.S. Coast Guard is a multi-mission organization in the Department of Homeland Security of which law enforcement is part of what they do. The U.S. Department of Labor is not viewed as a law enforcement agency, but Labor's Wage and Hour Division conducts investigations and imposes sanctions against employers who willfully violate the provisions of the H-1B program.

When processing a file, be alert to identifying records that contain information generated by a Federal organization that was performing a law enforcement function at the time. That will bring Exemption 7 into play in the processing of those records.

EXEMPTION (b)(7)(A)⁸

Provides protection for records or information compiled for law enforcement purposes, the disclosure of which could reasonably be expected to interfere with enforcement proceedings. The types of documents and/or information that we have withheld could consist of active or ongoing law enforcement investigatory material, including memos, reports, statements, systems checks, or other documents.

EXEMPTION (b)(7)(B)⁹

Provides protection for records or information compiled for law enforcement purposes when the disclosure would deprive a person of a right to a fair trial or an impartial adjudication. It is aimed at preventing prejudicial pretrial publicity that could impair a court proceeding. This exemption would rarely be used at the NRC.

EXEMPTION (b)(7)(C)¹⁰

Provides protection for personal information in law enforcement records that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This is the law enforcement counterpart of Exemption (b)(6). Various types of information relating to third-party individuals may be withheld.

The types of documents and/or information that we withhold could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal. This exemption is primarily used to protect the identities of law enforcement officers, adjudicators and other DHS employees if it is on a law enforcement

⁸ Freedom of Information Act Guide 2009 Edition p. 523

⁹ Freedom of Information Act Guide 2009 Edition pg 559

¹⁰ Freedom of Information Act Guide 2009 Edition pg 561

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document; however, it may also sometimes apply to information relating to other third-party individuals.

EXEMPTION 7(C) - THE LAW ENFORCEMENT EXEMPTION

The identities of federal, state, and local law enforcement personnel referenced in an investigatory file or document are routinely withheld from disclosure citing Exemption 7(C). But what about individuals identified in an investigation file or record who are not normally considered law enforcement personnel? Can Exemption 7(C) still be applied in some circumstances?

Anytime an immigration officer takes part in a law enforcement activity (making an arrest; patrolling the border; carrying a firearm; serving and executing a search or arrest warrant; conducting a records or systems search for law enforcement purposes), or is identified in some manner in a law enforcement record, the identity of the immigration officer should be withheld citing Exemption 7(C). Refer to 8 C.F.R. § 287.5 for more detailed examples of when immigration officers, including Adjudication Officers, are considered to be performing duties in a law enforcement capacity. Likewise, when an Adjudications Officer runs an investigatory check on a subject using a law enforcement system such as IBIS, the identity of the Adjudications Officers shown anywhere on the IBIS print out is properly withheld citing Exemption 7(C).

Cite Exemptions (b)(2) and (b)(7)(C) redacting user ID's and initials involving the same scenarios as stated above.

EXEMPTION (b)(7)(D)¹¹

Provides protection for records or information compiled for law enforcement purposes, which could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution that furnished information on a confidential basis. A record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, is information furnished by a confidential source. Source's identities are protected wherever they have provided information either under an express promise of confidentiality or under circumstances from which such an assurance could reasonably be inferred.

The types of documents and/or information that we may withhold could consist of names, addresses, telephone numbers, institutions, source symbol numbers, or source provided

¹¹ Freedom of Information Act Guide 2009 Edition pg 603

PROCESSING GUIDE

information, such as testimony, statements, reports, investigations, audio/video tapes, or various other documents or information withheld to protect the identity of a confidential source.

EXEMPTION (b)(7)(E)¹²

Provides protection for records or information for law enforcement purposes that would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information that we may withhold could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

EXEMPTION (b)(7)(F)¹³

Permits withholding of law enforcement-related information necessary to protect the physical safety of a wide range of individuals. This exemption provides broad protection to “any individual” when disclosure of information about him could reasonably be expected to endanger his life or physical safety. The types of documents and/or information that we may withhold could consist of names, addresses, telephone numbers, source provided information, such as testimony, statements, reports, investigations, audio/video tapes, or various other documents or information withheld as to not endanger the life or physical safety of an individual. This exemption would rarely be used at the National Records Center.

EXEMPTION (b)(8)¹⁴

Protects matters that are “contained in or related to examination, operating or condition reports prepared by, on behalf of, or the use of an agency responsible for the regulation or supervision of financial institutions.” This exemption does not apply to documents maintained by this agency.

EXEMPTION (b)(9)¹⁵

Covers “geological and geophysical information and data, including maps, concerning wells.” This exemption does not apply to documents maintained by this agency.

¹² Freedom of Information Act Guide 2009 Edition pg 637

¹³ Freedom of Information Act Guide 2009 Edition pg 653

¹⁴ Freedom of Information Act Guide 2009 Edition pg 659

¹⁵ Freedom of Information Act Guide 2009 Edition pg 667

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PRIVACY ACT EXEMPTIONS, 5 U.S.C. § 552a

EXEMPTION (d)(5)¹⁶

Permits the government to withhold all documents or information that has been compiled in reasonable anticipation of a civil action or proceeding. Exemption (b)(5) is the companion FOIA exemption.

EXEMPTION (j)(1)¹⁷

Protects documents maintained by the Central Intelligence Agency. Exemption (b)(1) is the companion FOIA exemption.

EXEMPTION (j)(2)¹⁸

Protects documents maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities. Exemption (b)(7) is the companion FOIA exemption.

EXEMPTION (k)(1)¹⁹

This exemption protects from disclosure National Security Information (NSI) concerning the nation's defense or foreign policy, exactly as 5 U.S.C. § 552 (b)(1). (k)(1) permits the withholding of classified records from individuals without a "need to know" in the performance of their official duties. The exemption has been construed to permit the withholding of classified records from an agency employee with a security clearance who seeks only private access to records about him.

EXEMPTION (k)(2)²⁰

Provides protection for investigatory material compiled for law enforcement purposes, other than material that falls within the scope of (j)(2). Exemption (b)(7) is the companion FOIA exemption.

¹⁶ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1056

¹⁷ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1058

¹⁸ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1058

¹⁹ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1065

²⁰ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1065

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EXEMPTION (k)(3)²¹

Provides protection for records maintained in connection with providing protective services to the President of the United States or other individuals pursuant to 18 C.F.R. § 3056.

EXEMPTION (k)(4)²²

Provides protection for records required by statute to be maintained and used solely as statistical records.

EXEMPTION (k)(5)²³

Provides protection for investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employees, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the government under an express promise that the identity of a source would be held in confidence. If the document in question originated before September 27, 1975, the exemption applies whether there is an express or implied promise that the identity of the source would be held in confidence.

EXEMPTION (k)(6)²⁴

This exemption provides protection for testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

EXEMPTION (k)(7)²⁵

Provides protection for evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section [9-25-75], under an implied promise that the identity of the source would be held in confidence."

²¹ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1071

²² Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1071

²³ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1071

²⁴ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1074

²⁵ Freedom of Information Act Guide & Privacy Act Overview May 2004 Edition pg 1075

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REVIEWING RECORDS AND APPLYING EXEMPTIONS

A processor should apply all applicable exemptions to each page. While the USCIS *FOIA Processing Guide* is your primary reference, the *Guide* cannot address every possible scenario you might encounter in an A-file. Immigration forms are constantly changing. In addition, offices may use different versions of the same form or include additional information on a form, such as an IBIS stamp or hand written note. The inclusion of additional information may trigger the need to use other exemptions in addition to those ordinarily applied to a given form.

Review each page for content. Each case is unique; therefore, consider disclosure on a case-by-case basis. Determining if a page will be released in full, withheld in full or released in part depends upon the type of document, the information on the document, the requester and whether or not consent is present. Consider the harm that may be caused if a document or information is released.

- If this document/information is released, whom will it harm?
- How did we obtain the document/information, from the subject of the file, another individual, or results of an investigation?
- Is this document/information factual, or is an attorney, investigator or agent analyzing the information and making notes or writing down a plan of action (what steps need to be taken)?

Do not withhold documents in full when only a portion is exempt, unless the nonexempt material is inextricably intertwined with the exempt material and the only information being released are words and/or phrases that do not make sense.

Also, beware of information that might have been released on one document but when combined with information from another document/s would become harmful if released. This is called the “mosaic” approach. This approach should be considered when processing documents that are exempt under Exemptions (b)(1), (b)(4), (b)(6) and (b)(7) of the FOIA.

Do not withhold another component/agency’s information. Refer or consult with the originating component or agency and withhold only if advised. See paragraph on referrals/consultations.

PROCESSING GUIDE

WHAT IS REASONABLY SEGREGABLE?

A processor should segregate information that is exempt (cannot be released) from information that is non-exempt (can be released). If a document contains one piece of information that is not releasable, but the rest of the document is releasable, it would usually be improper to withhold the entire page.

When processing a document that contains information that can be released, we are required to separate or isolate this information from information that cannot be released. One exception to this rule is where the nonexempt material is inextricably intertwined with the exempt material and the only information being released are words and/or phrases that do not make sense.

Recent court decisions involving FOIA processing have continued to stress the requirement of an agency to provide to a requester all reasonably segregable portions of a record that is not subject to any FOIA exemption. This is therefore an important point that all processors and approvers must keep in mind and apply.²⁶

Processing appeals involves reviewing not only the case being appealed but also, requests submitted by the same requester for the same file. As result of processing appeals the Appeals Team has noticed a need to explain discretionary disclosure and why it is important to review the processing of these cases.

OUT OF SCOPE

Out of Scope pertains to documents or information contained within a record that does not relate to the requester or the information being requested. Pages that can be out of scoped may include:

- Misfiled documents that have no relationship to the subject of the file.
- Routing slips that may have comments such as “file the attached.” If the routing slip contains the A-number or name of the individual it can not be out of scoped.
- Documents not related to the specific receipt file or document requested.
- Documents titled “Best Available Image.” These documents are not a part of the a-file but inserted by the scanner at the digitization facility.
- Begin and End Visa Packet markers, Left Side / Right Side markers as well as Copy File and Last Page markers.

²⁶ Freedom of Information Guide 2009 Edition pg 82

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WHAT HAPPENS WHEN A BOOK IS IN THE A FILE?

The contractor places this page (see attached) in the file when they receive books or items that are bound and are difficult to scan. Please out-of-scope this page.

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OUT OF SCOPE

Book

Front and Back covers

Scanned

of pages in book 51
of pages scanned in book _____

Formal name of the page

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REFERENCE REQUEST SHEET FOR ARCIS OUT OF SCOPE


Please out of scope the ARCIS Reference Request Sheet if you see it in responsive records (example follows). It is not part of the alien's file.

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OUT OF SCOPE

Reference Request Sheet

ARCIS Archives and Records Centers Information System

Reference Request # : ARR1-211029883	Assigned To :
	Batch # : ARCIS 1229
Request Category : Transfer	Ship To :
Transfer # : K085-60A0503-CHI	LEE'S SUMMIT, MO. 64084
Container # : 16	Shipping Method : USPS
Asset # : AAC1-18741235	Shipping Acc # : N/A
Asset Location : KLS-01-OK-035-2-005-07-004	Nature of Service : Permanent Withdrawal
Case/File Information : 07 913 103	Service Level : Standard
Whole Container : N Public Request: N	Source : Portal
Creation Date : 12/28/2009	Email :
Charge Code : 00	Agency Comments :
Requested By :	SE0012
U.S. Citizenship and Immigration Service	<div style="border: 1px solid black; height: 80px; width: 100%;"></div>

12/29/2009 7:30:20 AM

	ARCIS 1229	KLS-01-OK-035-2-005-07-004	12/28/2009
ARR1-211029883	Transfer # : K085-60A0503-CHI	Asset # : AAC1-18741235	Box # : 16
Case/File info : 07 913 103	Whole Container : N	CC : 00	
Standard	Transfer	USPS	Permanent Withdrawal
To :			N/A

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MISFILED DOCUMENTS

While processing, if you encounter misfiled documents take the following steps:

- Out of scope misfiled pages
- If the file is at the NRC, send an e-mail to the MSB mailbox ([NRC, NRCFOIAMS](#)) to have the file corrected. Include all pertinent information in your e-mail:

NRC Control number

Alien number of both files

Alien's name for both files

Types of documents that have been misfiled and page numbers.

Complete processing of case and send for approval. In the summary case note annotate the pages of the misfiled documents. If both files are not at NRC, omit sending an e-mail to MSB, but still include the information in the summary case note.

TRANSLATION OF DOCUMENTS²⁷

This agency is responsible for making reasonable effort to translate documents contained within the record that is being processed. A majority of the foreign documents have been translated; in the event a document has not, there are individuals at the NRC available to translate. The following procedures should be followed:

- Insert a case note titled "Untranslated Documents" and the reference page numbers.
- Copy the text of the case note and paste it into an e-mail to [NRC, NRCFOIAMS](#), with a CC to your supervisor.
- Send the case to the Administrative queue.
- After translation, a copy of the translated information will be scanned as CSD or case noted, and returned to you for processing.

²⁷ FOIA Post (2004): *The Limits of Agency Translation Obligations Under the FOIA*

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TOTAL DENIAL

A total denial is the withholding of all agency records responsive to the FOIA/PA request. The appropriate exemptions will need to be applied to each page of responsive records and each exemption applied will be cited in the Final Action Letter. We have to fully process a total denial case because they are frequently appealed and sometimes go to litigation.

DUPLICATES

Duplicate pages should be marked when the case is over 240 pages and the requester is receiving a paper copy. If the case is being printed to a CD, no duplicate pages need to be marked.

To be considered a duplicate page, the documents must be an exact replica. If one document has any markings that are not on the other, then the documents are not duplicates. The following types of documents should not be marked as duplicates:

- Blank pages
- Any type of cover page and
- Documents referred to other agencies. (Refer every copy to the other agency.)

REQUESTS FROM FOREIGN CONSULATES

Any type of correspondence, FOIA request or inquiry received from the consulate of a foreign nation is to be forwarded immediately to the Director's Office for handling. The USCIS Director has not delegated to us the authority to correspond with foreign consulates concerning FOIA requests.

REQUESTS RECEIVED ON THE I-694

If you see a case that has the I-694, Notice of Appeal of Decision Under Sections 245A or 210 of the Immigration and Nationality Act (INA), scanned as the FOIA request letter, it is considered a legitimate request. This form, along with the A-file, is sent to the NRC from the Administrative Appeals Office.

This form is used to notify USCIS that an individual is appealing the denial of their permanent residence, temporary residence, or a waiver of grounds of inadmissibility.

To assist you in identifying this request, the words "NEW REQUEST" should be written on the top of the form. Please note the request may not have a current date. The case creator should

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create the case, and request additional information, or consent if needed. If additional information or consent is not necessary the case should be sent to the processor.

REQUESTS FROM INMATES

If you pull up a request to process that was submitted by an inmate and the request is over **six months old**, please send the case to Records Locator with a case note to send out an interim interest letter. If the interim interest letter is returned saying the subject is no longer in custody and we do not have another address for the subject, you can close the case FC. **Do not close out the case FC without the returned mail.**

Please do not place any redactions on the records. If the correctional institution responds that the person is no longer an inmate and they have no forwarding address, we must return the case to the original processor, who will then have to remove every redaction.

REFERRALS/CONSULTATIONS

A referral is considered when a document originates with another component of DHS or another Federal agency. Consultations with another DHS component or Federal agencies occur when another DHS component or Federal agencies information has been incorporated into a USCIS document. At this time, we obtain the views of the other components or agencies concerning the release of information.

Do not advise requesters of a referral or consultation when requests involve investigative or intelligence records (law enforcement agencies). If the referred document originated with another agency and does not contain any USCIS information, refer the document to that agency for direct response to the requester. Advise requester of referral to “another government agency” when referring documents to any law enforcement agency, including components of DHS.

If a referred document contains USCIS information, it should be reviewed for release determination prior to being referred. If you have made redactions to the USCIS portion of the document, you must include the applicable USCIS exemption paragraph(s) and the USCIS appeal paragraph in your referral letter.

USCIS FOIA has been given permission to make appropriate redactions on some documents that originated within other DHS components and Federal agencies. Not all documents belonging to ICE, CBP, or FBI need to be referred. *The paragraphs below outline the exception relating to referring documents.* If you think you have a consultation talk with your supervisor.

If the case being processed contains third party documents belonging to another agency, these documents should not be referred. Please process them accordingly.

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Scenario: This is a self request. The file contains TECS screen prints that originated with the Secret Service. These prints belong to the subject's wife. Since the wife did not sign the request, the documents would be withheld in full. If the wife has also signed the request or given consent, the documents would be referred to the Secret Service.

An exception to the rule: A case you are processing contains TECS screen prints originating from State Department that belong to the subject's spouse, these documents should be referred to STATE, and the referral letter should include the following phrase: **We are referring third party DOS documents to you per DOS instruction to USCIS.**

DCII REFERRALS

Please refer all DCII (Defense Central Index of Investigations) printouts to Defense Security Service (DSS). Currently there is no option in FIPS for DSS, so you will need to refer to *Other* and insert the following address:

Attn: Leslie Blake, Defense Security Service (DSS),
Office of FOIA and Privacy
1340 Braddock Place
Alexandria, Virginia 22314-1651

Please do not refer to DOD.

REFERRING DOCUMENTS RELATING TO THIRD PARTY INDIVIDUALS

If you are processing a case that contains documents that need to be referred to another agency and those documents **do not** relate to the subject file, please **do not** refer the documents. The exception would be if consent of all individuals has been given. **The exception to this rule is Department of State documents.** If the documents originating with Department of State belong to a third party, refer those documents and please include the following sentence in your referral letter: "We are referring third party DOS documents to you per DOS instruction to USCIS."

TECS screen prints relating to third-party individuals should be withheld in full citing (b)(7)(C) of the FOIA and exemptions (k)(2) and (b)(7)(C) on PA cases.

CONSULTATIONS

When it is necessary to consult with another agency or component of DHS, you should:

- Bracket the information on the file copy and on the copy being forwarded for consultation to the agency to identify the information to be reviewed;

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- Annotate the name of the originating agency in the margin next to the bracketed information;
- Request the agency to review their information for release and return the information with their recommendations to the requesting office for response to requesters; and

Annotate in case notes of the need to consult.

REFERRALS AND CONSULTATIONS RECEIVED FROM OTHER AGENCIES

As other agencies process FOIA/PA requests, they will sometimes find our agency's documents within their files. These documents will be referred to us for processing. The responsive records could be USCIS documents being referred to us for review or joint documents i.e., co-authored by the referring agency and other agencies. A transmittal memorandum advising us to respond directly to the referring agency is a consultation. If replying to the requester, this is considered a referral.

The referral package should consist of a cover letter from the agency, a copy of the FOIA request and the document/s being referred (responsive records). The FOIA request must have proper consent, per our agency's standards. These cases should be created as Track 2 cases. The agency that referred the document/s should be selected on drop-down menu titled "Referred Case From." This selection is part of the section titled "Request Type." The "Requester Biographical Information" will be completed according to the cover letter from the referring agency. If a case is considered a consultation "CSL" should be selected on the drop-down menu for "Category." The "Category" for referrals will be "DOCS."

The cover letter from the agency referring the documents contains specific instructions relating to the processing of the document/s. The document/s referred may consist of document/s belonging to USCIS or may contain bracketed information for USCIS' review. Responses to the referral will either be back to the referring agency or the original FOIA requester as stated on the cover letter. An acknowledgement letter will be sent to requester.

When records are received from another agency for either direct response to the requester or for consultation to review the information and respond to the originating agency, the processor should review the documents provided by the originating agency and apply any necessary redactions. If the reply is going directly to the requester, the final action letter will need to reflect the fact that the request originated with a different agency. If the originating agency requests that the response be directed to them, and if we make any redactions, then we also need to send that agency our appeal language.

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USCIS handles all consultations and referrals on a first-in, first-out basis, but does so according to the date of the request's initial receipt at the referring agency.²⁸

DEPARTMENT OF STATE (DOS) DOCUMENTS

All documents originating with the Department of State (DOS) which are within the scope of the request will be referred to that agency for response directly to the requester, unless the State Department document is publicly available and does not refer to any person in particular. This includes but is not limited to the Alien VISA Immigrant Registration Optional Form 155B (VISA packet), Advisory Opinions, Report 24-Scheduled Applicants Case Records, Report 71-Case Accountability Report, Medical Examination of Applicants for United States Visas, and the NIV Applicant Detail.

Note: This policy does not include US Passports. US Passports are not referred, but processed accordingly.

Often times Department of State documents may be identified by a form designation found on the bottom right corner of the document (ex., Dept. of State Optional Form 157), or a Department of State Seal located anywhere on the document itself.

To assist in the identification of Department of State documents contained within a Visa packet, look for a scanning sheet which marks the beginning and end of the Visa packet. These scanning sheets will be inserted by the contractor when the a-file is scanned in to FIPS. These scanning sheets should not be considered part of the responsive record and should be out of scope (OOS). Keep in mind that some USCIS documents may be intermingled throughout the Visa packet (ex. I-129 Petition for Nonimmigrant Worker, I-130 Petition for Alien Relative, and support affidavits). These USCIS documents should not be referred to DOS.

If the documents originating with Department of State belong to a **third party**, please include the following sentence in your referral letter: "We are referring third party DOS documents to you per DOS instruction to USCIS."

If the document originating with Department of State contains a **known alias that has not been listed on the original FOIA request**, please include an explanation in your referral letter, for example: "_____ is a known alias per FBI rap sheet."

If the request is for a specific document that originated with Department of State, for example, an immigrant visa, and there are no other pages within the scope of the request, please close the case G1 and include an explanatory sentence in your final action letter, for example: "We have referred ___ page(s) to the Department of State for their direct response to you."

²⁸ Freedom of Information Act Guide pg 121, and 6 CFR § 5.4(g)

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US VISIT DOCUMENTS

Refer all documents originating with US-VISIT for their direct response to the requester.
Release the name of the agency.

The Arrival Departure Information System (ADIS) screen prints should be referred to US-VISIT.

BUREAU OF PRISONS DOCUMENTS

Refer all documents originating with the Bureau of Prisons (BOP) for their direct response to the requester. One example of a BOP document is the Presentence Investigation Report. Withhold the name of the agency.

FEDERAL BUREAU OF INVESTIGATIONS DOCUMENTS

The FBI has entered in to a Memorandum of Understanding (MOU) with our agency outlining the processing guidelines of certain FBI documents maintained in our files. When processing FOIA/PA requests for first party requesters for records that include FBI “rap sheets,” National Crime Information Center (NCIC), (Interstate Identification Index III) printouts, and other documents subject to disclosure originating from the FBI’s Criminal Justice Information Services (CJIS) Division, follow the guidelines below:

- Ensure that the subject of the record submits proof of identity to confirm that the documents do, in fact, pertain to the person making the request.
- Prior to release, remove agent and third-party names or other identifying information about a third party on the documents and cite Exemptions (b)(6), (b)(7)(C) of the FOIA and (k)(2) of the PA if applicable.
- If records are retrieved based on FBI number or fingerprint cards – release.
- If records are retrieved based on name check and no arrest record data is present – release.
- If records are retrieved based on biographical or descriptive data and the record is marked “not identical with” – release when no arrest data is present.
- Retrieval of rap sheets, III or NCIC printouts by other than fingerprints or FBI number – if the record clearly pertains to the subject based on your comparison and verification of the information in the subject’s record – release.

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- Some records where minimal or no invasion of privacy will result from disclosure, even if it is not clear that they pertain to the subject, e.g., tentative IDENT cards with some variance in biographical data, and no additional personal information is included – release.
- If you are unsure of how to handle FBI records, contact the Government Response Unit at (202) 220-1702 or e-mail your question to foipa.help@fbi.gov. They average a 24-hour turn-around time.
- For third-party requests without consent, refer documents in the usual manner according to procedures in this Handbook or consult with the FBI.

REFERRING FOREIGN BROADCAST INFORMATION SERVICE (FBIS) DOCUMENTS

Occasionally, you may find a document from the FBIS in your file. This is not a Federal Bureau of Investigation document; this document belongs to the Foreign Broadcast Information Service, a subsidiary of the CIA. Please refer this document to the CIA, withholding the name of the agency. See example below:

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UNCLASSIFIED

Inquire:
Item No:

227

CDS:

C
S

AMM

WIDE
DEED

/ / DISSEN PER SCF 210.

UNCLASSIFIED

FEB:

ACTION: NONE INFO: CAC/TIS, DONOVA, MDSX, NCFEDC, ODPS, ODPG,
ODPG, ODPS, ODPX, ODY, VIDEO; FILE (O/W)

MCR

PAGE 001

NC
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TO RUEAIIA/FBIS RESTON VA

RATWEB/DIO CANBERRA AS

RHDLGNS/CINCUSNAVEUR LONDON UK//N2//

SHOULD I REFER FORM I-643 TO HEALTH AND HUMAN SERVICES (HHS)?

This form was referred to HHS in error. Since this form originated with Legacy INS (see attached), please do not refer. Instead, redact this form accordingly.

PROCESSING GUIDE

**U.S. Department of Justice
Immigration and Naturalization Service**

**Health and Human Services Statistical Data
for Refugee/Asylee Adjusting Status
OMB Approval : 1115-0104**

NSC
626

Please Print or Type - See Instructions on Reverse Side

1. Name: Last (family)		First (Given)	Middle	Date:	Alien Registration Number:
Country of Birth:		Country of Citizenship:			Social Security Number:
Native Language:		Date of Birth:			Telephone Number:
Current Address:					
(Number and Street Apartment No.)		(City)	(State)	(Zip)	

2. My three (3) most recent cities of residence in the United States have been (list most recent first):

City or Town	State	From Month/Year	To Month/Year
None			Present
None			

3. There are 1 members of my household, of whom are employed. (please use another sheet if needed):

Name	Relationship to me	Sex M/F	Date of Birth Mo/da/yr	Country Of Birth	Alien Number	Currently Employed?		Attending School?	
						Yes	No	Yes	No
Self	Self					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. My employment since entering the United States has been (list most recent first):

Company Name	Location City, State	From Mo/Yr	To Mo/Yr	Job Title	Wage per Hour	Check One:	
						Part Time	Full Time
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

My major occupation or profession before coming to the U.S. was:

5. My education before coming to the United States was (check all that apply):

<input type="checkbox"/> Grades 1-8	<input checked="" type="checkbox"/> Some University	My knowledge of English was acquired by (check all that apply):
<input type="checkbox"/> Some high school	<input type="checkbox"/> University diploma	
<input checked="" type="checkbox"/> High school diploma	<input type="checkbox"/> Graduate studies	
<input type="checkbox"/> Technical school	<input type="checkbox"/> Professional training	
<input type="checkbox"/> Technical school certificate	<input type="checkbox"/> Graduate degree	

<input type="checkbox"/> Training in the U.S.	<input type="checkbox"/> Use in another country
<input type="checkbox"/> Use in the U.S.	<input type="checkbox"/> Training in refugee camp
<input checked="" type="checkbox"/> Training in another country	<input type="checkbox"/> Other (please explain):

6. I have had the following training or education in the U.S. (Check all that apply):

Type of School	Course of Study	Check If Still Attending	Check If completed
<input type="checkbox"/> High school		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> College		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Technical/Vocational		<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Other (specify):		<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. My English ability is (check one):

None Good

A few words Fair

8. Since in the United States, I have received the following public assistance in my own name:

Public Assistance	From Month / Year	To Month / Year	Public Assistance	From Month / Year	To Month / Year
<input checked="" type="checkbox"/> Cash assistance (welfare)	8 / 96	11 / 96	<input checked="" type="checkbox"/> Medical assistance	8 / 96	11 / 96
<input checked="" type="checkbox"/> Food stamps	8 / 96	11 / 96	<input type="checkbox"/> Other (specify):		
<input type="checkbox"/> SSI					

Form I-643 (Rev. 10-31-89)

Referred to: Health & Human Services

~~PLEASE NOTE: The FOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

PROCESSING GUIDE


REFERRING ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION (ESTA) DOCUMENTS

Please refer the Electronic System for Travel Authorization (ESTA) application to CBP. See the attached ESTA page below.

PROCESSING GUIDE

Referred to another gov't agency

Page 1 of 2



Help

Application Log Out

ESTA Application

ESTA Application
 Application Number Submitted (mm/dd/yyyy) 05/2 4:01 EDT Waived Rights Y

Applicant Information Family Name Weeds First (Given) Name E. Birth Date 12/12/12 Sex M Country of Citizenship Sweden Country where you live USA	Passport Information Passport Number 121212121212 Passport Country Of Issue Sweden Passport Issue Date Passport Expire Date
---	--

Status Information
 Application Status (D) Denied
 Comments
 Updated
 Updated By
 Expires

Vetting Results	TECS Record
(NONE)	NONE

Status History

Status	Updated	UserID	Comments
(A) Approved	05/2 EDT	4:01	UPDATED
(D) Denied	05 EDT		ESTA Denied.

Form Data
 Updated:
 Phone
 Email
 US Address Line1
 US Address Line2
 US City
 US State
 Airline
 Flight Number
 Boarding City

PROCESSING GUIDE

JOINT TERRORISM TASK FORCE (JTTF)

The Joint Terrorism Task Force (JTTF) falls under the purview of the Federal Bureau of Investigation (FBI). Documents created by the Joint Terrorist Task Force (JTTF) should be referred to the JTTF. The JTTF will respond directly to the requester, the name of the agency will not be released to the requester.

The referral drop down menu in FIPS has been updated to include JTTF.

REPORT OF INVESTIGATION OR MEMORANDUM OF INVESTIGATION

The Report of Investigation or Memorandum of Investigation completed by ICE should be referred to ICE for direct response to the requester. A Report of Investigation or Memorandum of Investigation completed by legacy INS (prior to March 2003) should also be referred to ICE.

Please note that a Report of Investigation or Memorandum of Investigation can also be completed by CIS or CBP. In this case, the document should be processed accordingly.

DIVISION OF IMMIGRATION HEALTH SERVICES (DIHS)

The Division of Immigration Health Services (DIHS) is a stand alone medical unit. It serves as the medical authority and provider of care for all detainees in ICE custody housed in DIHS staffed detention centers. Documents created by DIHS should be referred to ICE. This guidance was provided by ICE.

REFERRING DOCUMENTS BELONGING TO NVC

Although the letter head on the document below reads United States Department of State, this document was issued by the National Visa Center, and should be referred to them for processing. The NVC's address appears immediately below the State Department address. All other documents with the NVC's address will continue to be referred to the Department of State.

Please don't forget to change the term "another government agency" to the National Visa Center in the Final Action letter. A sample of a referral letter, the referral list dropdown box, and a paragraph from the Final Action Letter are found below.

PROCESSING GUIDE

Referred to: National Visa Center



**United States Department of State
Portsmouth Consular Center**

*National Visa Center
32 Rochester Avenue
Portsmouth, NH 03801-2909*

March 18, 20

**TO: United States Citizenship and Immigration Services
Vermont Service Center**

FROM: National Visa Center - Fraud Prevention Unit

SUBJECT: Return of Petition for Revocation

The National Visa Center (NVC) received the attached petition for review and possible revocation. It appears that the beneficiary is not eligible for the benefit sought.

The petitioner and the beneficiary are married.

Accordingly, the case is being returned to your office with the recommendation that the petition be revoked.

If you need to return this case to a U.S. Embassy/Consulate, please route the file back to the NVC where the case will be tracked and routed back to post. Please forward the case to the attention of the Fraud Prevention Unit at:

**National Visa Center
32 Rochester Ave.
Portsmouth, NH 03801**

PROCESSING GUIDE

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

MEMORANDUM FOR:
National Visa Center
31 Rochester Avenue, Suite 200
Portsmouth NH 03801-2915

FROM: T. Diane Cejka
Director

Subject: FOIA/PA Referral/Consultation
FOIA/PA Control #:

1. Documents originated by your agency are being referred to you for review and **direct response** to the requester.
- There are 1 UNCLASSIFIED documents consisting of a total of 1 page.
2. Documents originated by Immigration that contain information furnished by your agency are being referred to you **for consultation**. Please review your information that has been outlined.
- We have no objection to the release of Immigration information; therefore please respond directly to the requester with your determination and provide us a copy of your response.
3. We have advised the requester of this referral to your agency.
4. We have not advised the requester of this referral to your agency.

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- 5. A copy of the request is enclosed for your convenience.
- 6. Please see the attached page(s) for additional information.

Referral for APP2009 [REDACTED]

Please select the government agency to which you would like to refer this selection

NVC: National Visa Center

Response

- Directly to Requester
- Back to DHS FOIA

Notification

- Name of Government Agency Released
- Name of Government Agency Withheld

OK Cancel

We have completed the review of all documents and identified 157 pages which are responsive to your request. Enclosed are 128 pages released in their entirety, and 23 pages released in part. We are withholding 5 pages in full. In our review of these pages we have determined that they contain no reasonable segregable portion(s) of non-exempt information. We have referred 1 page to the National Visa Center for their direct response to you. We have reviewed and determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(2), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA.

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WHITE HOUSE AND RELATED AGENCY'S DOCUMENTS

White House related agencies only accept consultations regarding White House records.

- The President's immediate personal staff and units within the Executive Office of the President (EOP) whose sole function are to assist the President are not subject to FOIA. For a list of offices subject to the FOIA, please refer to www.whitehouse.gov/government/eop-foia.html.
- Referrals to the White House are not an option.
- Once White House consultations are completed, respond directly to the requester as instructed by the originating agency.

WITNESS SECURITY PROGRAM (WSP)

UNITED STATES MARSHALS SERVICE

The United States Marshals Service in conjunction with the Criminal Division of the Department of Justice is responsible for the Witness Security Program (WSP). Records under this program are extremely sensitive in nature and must be treated as such. These records are not to be scanned into FIPS.

Although the responsibility of the subject program is jointly charged to the United States Marshals Service (USMS) and Bureau of Prisons (BOP) with the Department of Justice, Criminal Division having oversight responsibility, any agency having possession of a WSP record may respond to a request for access by citing FOIA Exemption (b)(3).

NRC will handle such requests as follows:

- The WSP Office will forward only those records unrelated to the Program. NRC will process this material in the normal manner.
- The WSP Office will also forward a summary of the contents of the information concerning the WSP. Withhold this information in its entirety pursuant to 5 U.S.C. § 552 (b)(3). Do not cite the statute in the response letter.
- For third-party requests where the requester lacks the consent of the individual, the standard Exemptions (b)(6) and (b)(7)(C) responses should be used without any

PROCESSING GUIDE

reference to Exemption (b)(3). Follow this procedure even when the requester identifies the subject of the request as being protected under the WSP.

U.S. CUSTOMS AND BORDER PROTECTION (CBP)

CBP handles FOIA requests for entry and exit information, inspection, Port of Entry (POE), legacy customs or legacy inspections. Key words that you could see on a request relating to CBP are *inspection, Port of Entry, Bridge of the Americas, Friendship Bridge, and smuggled goods*. A FOIA request for this type of information should be referred to CBP at the following address.

U.S. Customs and Border Protection
FOIA Division
799 9th Street NW, Mint Annex
Washington, DC 20229-1177

When the requester/subject provides an alien number and has specifically requested the I-94, Arrival-Departure Record or entry and exit information the A-file will be reviewed. The section titled PROCESSING REQUESTS FOR ENTRY AND EXIT INFORMATION identifies the documents relating to entry and exit.

If the I-94 is not located within the file the case will be closed as a “No Record.” The final action letter will be specific, stating that the document requested was not located in the file and suggest that the requester/subject contact CBP for the information. Add the following sentence to the final action letter:

If such records exist, they would be maintained under the jurisdiction of U.S. Customs and Border Protection at the following address.

U.S. Customs and Border Protection
FOIA Division
799 9th Street NW, Mint Annex
Washington, DC 20229-1177

DOCUMENTS TO BE REFERRED TO CBP

The Discretionary Authority Checklist for Alien Applicant and the ATS – Summary Detail are to be referred to CBP. Screen prints from the Arrival Passenger Information System (APIS) screen prints are to be referred to CBP. CBP will respond directly to the requester.

The Seized Assets and Case Tracking Systems (SEACATS) screen prints belonging to CBP should also be referred to CBP. SEACATS screen prints should be reviewed to determine the

PROCESSING GUIDE

agency responsible for creation of the record. Once the responsible agency has been identified, the screen print should be referred.

The "Contributing Info" section on the first page of the screen print determines the agency responsible for creation of the SEACATS record. Responsible agency information is also included in the "Narrative Summary".

All other documents including TECS screen prints belonging to CBP should be processed accordingly applying all applicable exemptions.



Withhold the name of the agency. CBP will respond directly to the requester.

REFERRING LAW ENFORCEMENT DOCUMENTS

Nearly all Government agencies have some type of law enforcement function. In the case below (see attached document), the page was correctly referred to the Department of Labor. However, we released the name of the agency. Please withhold the agency's name, no matter the name of the agency, if the document entails a law enforcement function.

PROCESSING GUIDE

Referred to: Department of Labor

		Investigative Report U.S. Department of Labor Office of Inspector General Office of Labor Racketeering And Fraud Investigations		
		Page 1	Of 3	
Subject	Violation Character	File No.		
		Report Type	Memorandum of Investigation	
		By	Special Agent	
		AI		
		Date		
		Approved By		
		Reviewed By		
Distribution: Official Case File; Employment Training Administration/Foreign Labor Program; Bureau of Citizenship and Immigration Services (CIS)			OIG Form 110 (OLRF) - (103)	

WARNING: This document is the property of the U.S. Department of Labor, Office of Labor Racketeering and Fraud Investigations (OLRFI).

This document is part of the OLRFI investigative file system which is exempt from various provisions of the privacy act, title 5 U.S.C. 552 A. Requests for access to or disclosure of this document must be referred to the Director, Information, Privacy and Management Information Systems, Office of Inspector General, Frances Perkins Building, Room S-5512, 200 Constitution Avenue, NW, Washington, DC 20210.

MEMORANDUM OF INVESTIGATION

Synopsis:

based company that specializes in immigration-related services, has been the subject of a joint investigation involving OLRFI, the Federal Bureau of Investigation ("FBI"), and Immigration and Customs Enforcement ("ICE"). is currently located at. The investigation focused on violations of

filed with the U.S. Department of Labor ("DOL") and the U.S. Department of Homeland Security, Bureau of Citizenship and Immigration Services ("DHS/CIS") respectively. All of these applications were filed to obtain Lawful Permanent Residence Status ("LPR") for clients based on foreign labor certification, e.g. immigrant visas or adjustment to LPR status. Cases related to asylum and family based immigration petitions were not addressed in this investigation.

The following report is prepared to provide ETA and DHS/CIS with notice of the relevant findings of this investigation in regard to applications filed by to the various DOL state and regional offices and to DHS/CIS. This report only covers investigative findings related to convictions obtained by the Government to date. As of the date of this report, have pled guilty to criminal charges and were sentenced pursuant to their guilty pleas. In lieu of exhibits, their Plea Agreements, Criminal Informations and Factual Profiles are attached to this memorandum of investigation. No follow-up reports are anticipated. Information in this report is intended to provide useful

This document contains neither recommendations nor conclusions of the Office of Inspector General (OIG). It is the property of the OIG and is loaned to your agency; it and its contents are not to be distributed outside your agency.

PROCESSING GUIDE

DOCUMENTS TO BE REFERRED TO ORR

Each office within Health and Human Services has a FOIA Office. The Office of Refugee Resettlement (ORR) belongs to the Administration for Children and Families. Documents originating with Office of Refugee Resettlement should be referred to the following to the following address”

Administration for Children and Families
FOIA Office, 7th Floor East Aerospace Bldg
370 L'Enfant Promenade SW
Washington, DC 20447

CONGRESSIONAL INQUIRIES

We occasionally receive inquiries from Congressional offices concerning the status of FOIA/PA requests. MSB will respond to these inquiries by sending a status letter to both the requester and the Congressional office. If you are processing a case that has had a Congressional inquiry, after you save the final action letter you should then re-open the final action letter and substitute the Congressional office address and salutation onto that final action letter. If you save this letter, save it to a different location (such as your H drive) and save it under a different name. You will print two copies of the Congressional version of the final action letter and take them to the OA room. One letter will be mailed to the Congressional office and the other copy will be scanned in as CSD.

NOTE: Not every Congressional inquiry we receive is about the status of the FOIA/PA request. The above procedure applies only to those inquiries concerning status of FOIA/PA request. If the inquiry concerns something else, it will have been case noted as such.

MEDICAL/PSYCHOLOGICAL PA RECORDS

As a rule, routine physical examinations received with visa packages and other routine health information is releasable to first parties without further consideration. However, in those cases where there is evidence that the medical information is such that an individual may be adversely affected by receipt of the information, the following procedures may be followed:

- Advise the subject(s) of the request, by telephone or in writing, of the existence of the records and that they will be provided to a physician designated in writing by the individual, in accordance with Subsection (f)(3) of the Privacy Act of 1974.
- The physician must request the records and establish his/her identity in writing before we release medical records to the physician.
- Proof of identity may be satisfied if the request is received on official stationery.

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- Request that the designated physician determine which records should be made available directly to the individual and which records should not be made available due to possible harm to the individual or another person.
- If the subject of the request refuses to follow this procedure and demands release directly to him or her, comply with that demand unless records are eligible to be withheld pursuant to any of the applicable exemptions.

PROCESSING APPLICATIONS FOR BENEFITS

Alien files often times contain applications that the alien has filed seeking benefits. These types of benefits include asylum status, refugee status, spousal abuse protection and other benefits. Hold in full those types of records which are prohibited from release to a third party, either by statute or promise of confidentiality, if written consent or a federal court order is not present.. If the subject is a rider, then the subject's information and the name of the petitioner should be released.

When a third party requester specifically requests these documents, see section on "Glomar".

THIRD PARTY REQUESTER FOR ASYLUM APPLICATIONS (I-589)

The confidentiality of applications for asylum (including information contained in the Refugee Asylum and Parole System (RAPS) and Asylum Pre-Screening System (APSS), or the withholding of deportation, based on an asylum application, is protected by 8 C.F.R. § 208.6. This includes records that might indicate that an alien has applied for either benefit.

Confidentiality protection also extends to credible fear and reasonable fear determinations. Asylum confidentiality does not affect any other records about the alien.

The confidentiality parameters are not to disclose a protected record unless:

- The alien consents;
- The Director of USCIS exercises discretion delegated from the Secretary of DHS to direct release; or
- One of the exceptions listed in 8 C.F.R. § 208.6 applies.

Requests for asylum information originating from a rider on the asylum application are processed as third party requests; however, requesting riders on an asylum application are entitled to information relating to themselves (i.e., his or her information on Form I-589, birth

PROCESSING GUIDE

certificates, shot records, passports, etc.). They are not entitled to any PII relating to the petitioner or any other individuals.

Asylum confidentiality does not affect any other records (i.e., ones that do relate to an application) about the alien. If your requester is not the subject of the application for asylum, withhold these records as a clearly unwarranted invasion of personal privacy under 5 U.S.C. § 552(b)(6). For example, a rider requesting a copy of the file is not entitled to the narrative portion of the asylum application, the part describing the persecution. Use this same exemption when appropriate, such as to a third party not associated with the application for asylum, to make a “Glomar” denial (i.e., refuse to either confirm or deny whether the service has any records indicating whether a specific alien has filed an asylum application).

THIRD PARTY REQUESTER FOR LEGALIZATION FILES (8 U.S.C. § 1255a(c)(5)) AND SPECIAL AGRICULTURAL WORKER (SAW) RECORDS (8 U.S.C. § 1160(b)(6))

Information received as part of an amnesty application may not be disclosed to any person without written consent from the subject; or to another agency, component, or employee for any purpose.

The exceptions to this rule are when a written request is:

- From an official coroner for purposes of affirmatively identifying a deceased individual; or
- From a Federal, state or local law enforcement entity engaged in a criminal investigation.

Requests must include relevant factual background to substantiate that the information is needed in conjunction with a criminal investigation or prosecution, and must be submitted on official letterhead of the agency and signed by the head of the requesting agency or his/her designee. Nondisclosure restrictions do not bar access to the Inspector General when the records are to be used in connection with an investigation into employee fraud concerning Legalization or SAW applications.

These exceptions do not affect the process for routine FOIA requests.

Information withheld pursuant to the FOIA will be held under Exemptions (b)(6) and (b)(3), along with the applicable statute cited above.

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THIRD PARTY REQUESTER FOR JOINT PETITION WAIVER APPLICATIONS (VAWA)

Title 8 U.S.C. § 1186a(c)(4) imposes a statutory prohibition against the release of information concerning an abused alien spouse or child. Do not release the information contained in a waiver application and supporting documents (including the whereabouts of such spouse or child). When withholding Petition Waiver applications under the FOIA, cite Exemption (b)(6).

A record may be released, however, with a court order or the written consent of the applicant, or in the case of a child, the written consent of the parent or legal guardian who filed the waiver application on the child's behalf. Otherwise, information may be released only to the applicant; his or her authorized representative, an officer of DHS, or any Federal or state law enforcement agency.

REGISTRATION AND FINGERPRINT RECORDS

Do not disclose information received as part of an alien registration or fingerprint application to any person without written consent from the subject; or to another agency, component, or employee for any purpose. The exceptions are:

- When access is requested from a Federal, state or local law enforcement entity for enforcement purposes;
- If in conjunction with removal proceedings; or
- To persons or agencies designated by the Attorney General, by regulation.

When withholding alien registration or fingerprint records under the FOIA, cite 5 U.S.C. § 552(b)(3) and cite the statute 8 U.S.C. § 1304(b). In addition, you must apply all other applicable exemptions.

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CONTRACT PROPOSALS

Title 41 U.S.C. § 253b(m) prohibits the disclosure of technical, management, or cost proposals submitted by an offeror in response to the requirements of a solicitation for a competitive proposal. Exemption (b)(4) applies when processing contracts. This exemption protects the submitter, not the government.

To claim Exemption (4), the record must contain information about; trade secrets and commercial or financial interest obtained from a person and that is privileged or confidential. Information exempt from release includes but is not limited to cost or pricing data, total price, proprietary information such as manufacturing processes, operations, techniques, indirect cost and direct labor rates. Information voluntarily submitted by is categorically exempt from disclosure if the contractor would not customarily release that information to the public.

CONTRACTS: PROTECTING PROCUREMENT SENSITIVE INFORMATION

The Uniform Contract Format is a standard format for structuring Government solicitations and contracts. This means that almost any Government contract will be structured the same as other Government contracts. The following is how USCIS will process most contracts:

PART I – SCHEDULE

Section A Solicitation/Contract Form (coversheet)

The coversheet contains basic information such as the issuing office, address and contract number. This information can be released in full.

Section B Supplies or Services and Prices/Cost

Contains a brief description of the contract deliverable; item, quantity, other direct cost etc. each covered by a contract line-item number. Unit price and total price will be redacted.

Section C Description/Specifications/Work Statement

Contains government information, actual task to be completed for the contract, including the Statement of Work (SOW) or Statement of Objectives (SOO) This information can be released.

Section D Packaging and Marking

This section contains special packaging/marking requirements such as preservation, protection and bar coding. This information can be released.

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Section E Inspection and Acceptance

This section contains place of inspection, and who will inspect and what are acceptance criteria. Release this information.

Section F Deliveries or Performance

The time place, method of delivery or performance is contained in this section. This section can be released.

Section G Contract Administration Data

The information in this section is related to the accounting and paying office, contact technical representative, billing and invoice procedures. This information can be released.

Section H Special Contract Requirements

The requirements unique to the program and the contract such as security clearances, warranties, options, incentives, and government-furnished equipment are contained in this section. This section can be released. Names of key personnel cannot be released.

PART II CONTRACT CLAUSES

Section I Contract Clauses

This section includes standard clauses of considerable power defining rights and responsibilities of contracting parties. It also contains clauses required by procurement regulations or law pertaining to the procurement. This section can be released. Beware: the clause could contain information that the contractor provided (fill in the blank). The contractor can object to the release of this information.

PART III LIST OF COMMENTS, EXHIBITS AND OTHER ATTACHMENTS

Section J List of Attachments

The information in this section is a list of all attached forms and specifications including reports, contract data, security forms as well as other items. This information can be released.

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PART IV REPRESENTATIONS AND INSTRUCTIONS (included in solicitations/RFP's only)

Section K Representations, Certifications and other Statements of Offerors

The contractor provides this information. This section contains any special representations required officers such as small or disadvantaged business status or EEO compliance. Do not release this information.

Section L Instructions, Conditions and Notices to Offerors

This information was provided by the government and can be released. Section L tells the contractor what to submit.

Section M Evaluation Factors for Award

This section explains how the government intends to evaluate proposals. Release this section.

CONTRACTS: BUSINESS INFORMATION

Process requests for records containing business information, also known as financial and commercial information, as follows:

- Determine whether the submission is furnished on a voluntary basis or if the government requires it.
- For the required category of information, we apply the standards of *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974)
- For records submitted voluntarily, the test is whether or not release would impair the government's ability to obtain similar information in the future.
- The question of whether the submitter customarily discloses the record to the public is essential to this inquiry.
- For documents that are required, the principal test remains whether or not release is likely to cause harm to the submitter's competitive position.
- The decision in *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992) represents this analysis; DHS has advised that submissions such as an offeror's response to Requests for Proposals (RFP) are not voluntary for FOIA purposes.

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- Except as provided in exceptions to business information notice requirements, send a notice to a business submitter of any FOIA request for business information if:
 - The information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption (b)(4); or
 - Disclosure of the information that could reasonably be expected to cause substantial competitive harm to the submitter, therefore, may be protected from disclosure under Exemption (b)(4).
- Notice is required when:

The agency is required to provide notice to submitters of business information who use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, those portions of their submissions which they deem to be protected from disclosure under FOIA Exemption (b)(4).

Such designations shall be deemed to have expired ten years after the date of the submission unless the submitter requests and provides reasonable justification for a designation period of greater duration.

CONTRACTS: OPPORTUNITY TO OBJECT

Executive Order 12600 requires that submitters be informed when their records are to be released. Through the notification above, business submitters will be afforded an opportunity (20 working days) to provide a detailed written statement of any objection to disclosure.

Such statements shall specify all grounds for withholding any of the information under any exemption of the FOIA and, in the case of Exemption (b)(4), shall demonstrate why they believe the information to be a trade secret or commercial or financial information that is privileged or confidential. Whenever possible, the submitter's claim of confidentiality should be supported by a statement or certification by an officer or authorized representative of the submitter.

Information provided by a submitter pursuant to this paragraph might itself be subject to disclosure under the FOIA. Refer to FOIA UPDATE, Vol XIII No. 4 issue where a decision in *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992) establishes an analytical approach to determining whether commercial or financial information is entitled to protection as confidential under FOIA Exemption (b)(4).

If the submitter fails to respond to the notice within the time specified, the submitter will be considered to have no objection to disclosure of the information.

Notify the requester of this notice to the submitter.

PROCESSING GUIDE

CONTRACTS: NOTICE OF INTENT TO DISCLOSE

After carefully considering the business submitter's objections and grounds for providing for nondisclosure, provide the business submitter a written notice that includes:

- A statement of the reasons for which any disclosure objections were not sustained.
- A description of the information to be disclosed; and
- A specific disclosure date.

Such a notice of intent to disclose shall be forwarded to the business submitter within a reasonable number of days, as circumstances permit, prior to the specified date upon which disclosure is intended, but no less than 20 working days after receipt of the letter. Notify the requester of this notice to the submitter.

CONTRACTS: NOTICE OF FOIA LAWSUIT

Whenever a requester brings suit to compel disclosure of business information, the component must promptly notify the business submitter. Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the component shall notify the requester.

CONTRACTS: EXCEPTIONS TO BUSINESS INFORMATION NOTICE REQUIREMENTS

The notice requirements do not apply if:

- It is determined that the information should not be disclosed, i.e., information requested is any proposal submitted by the contractor in response to the requirements of a solicitation for a competitive proposal and it is not part of or incorporated by reference in the contract or information submitted by unsuccessful offerors.
- The information lawfully has been published or officially made available to the public.
- Disclosure of the information is required by law (other than FOIA) or by regulation issued in accordance with the requirements of Executive Order 12600.
- The designation made by the submitter in accordance with above appears obviously frivolous except that, in such case, the FOIA Officer should provide the submitter with written notice of any final decision to disclose business information within a

PROCESSING GUIDE

reasonable number of days prior to a specified disclosure date, but no less than 20 working days after receipt of the letter.

At a minimum, copies of the following documents must be included as part of the FOIA file:

- The FOIA request;
- The agency's notice to the submitter;
- The submitter's objection to disclosure;
- Any comments by the requester on the submitter's arguments;
- The final agency decision; and
- The requested records marked to indicate those portions that the agency decided to disclose.

PROCESSING GUIDE

FUGITIVES FROM JUSTICE

Persons who are considered fugitives from justice are not entitled to enforcement of the FOIA access provisions, because they cannot expect judicial aid in obtaining government records when they have fled the jurisdiction of the courts. A template Fugitive letter can be found at:
O:\Foia\FOIA LIBRARY\Case Processing References\Case Processing Template Letters\Fugitive Letter

(Copy and paste the above address into your web browser to access the letter.)

Persons are considered fugitives from justice when the following conditions exist:

- Received a final order of deportation/removal, and
- Failed both to surrender for deportation/removal in response to a timely notice, and to keep DHS apprised of his/her current residence, or
- Failed in a removal case to depart as required by a grant of voluntary departure.

Detained aliens cannot be treated as fugitives.

The status of an alien classified as a fugitive can be determined by utilizing various screens of Deportable Alien Control System (DACs).

The DACs Case Summary Screen (CASS) will have the code "8E" or "5B" in the CASE-CAT field or the FILE-LOC field could reflect "ABSCON/NRP or the acronym "B&B." Case category "8E" is for a subject who was ordered removed in absentia and now is a fugitive. Case Category "5B" is for a subject who was granted Voluntary Departure and has failed to depart and is now a fugitive.

The DACs CASE LOOK SCREEN (LCAS) will reflect anything that is pending with the subject's removal case and what actions/comments by the Deportation Officer assigned to the case.

A Voluntary Departure Decision Code is "V" and an Order of Removal in Absentia is "E". You may find in the comments in the DACs IJ HEARING DATA LOOK SCREEN CASE COMMENTS LOOK SCREEN referencing I-166 sent on dd/mm/yyyy or I-340 sent on dd/mm/yyyy. Both of these are forms used for Fugitives. The I-166, Notice to Deportable Alien is a demand that will tell the subject when and where to appear for removal. An I-340 Demand on Bond is sent to the Bond Obligor for the subject to appear for Removal, Hearing or an Interview.

PROCESSING GUIDE

By viewing the DACS-EOIR DATA INQUIRY (EOIR) screen the overall status of the subject's ROP (Record of Proceedings) can be seen. This screen contains the FINAL DISP: FIN VD for a subject who has been granted Voluntary Departure. Also subjects with Final Order of Removal will have in the FINAL DISP: "ADM FR." This is true for a subject who was ordered removed in absentia.

When a processor retrieves a case that has screen prints from the Deportable Alien Control Systems (DACS) scanned as responsive records or as case supporting documents, and the screen prints or a case note indicates the subject of the file is a fugitive, the processor will need to check NFTS for the file location. If NFTS reflects that the file is no longer located at LSC (LESC), the processor should staff for the file.

NATIONAL AUTOMATED IMMIGRATION LOOKOUT SYSTEM (NAILS)

NAILS records fall under the jurisdiction of Customs and Border Protection (CBP). Requesters seeking access to NAILS information should be redirected to that agency.

If you are required to process NAILS records, the following guidelines and exemptions are applicable:

A request specifically for a record from the NAILS system, regardless of whether responsive records exist, will neither be confirmed nor denied ("Glomar") pursuant to FOIA Exemptions (b)(7)(A) and (b)(7)(E) and (when applicable) PA Exemption (k)(2). The mere knowledge that a record exists in NAILS could assist a person in violating laws of the United States, and thus compromise enforcement. Always refuse to confirm or deny the existence of records for all third-party requesters under Exemption (b)(7)(C). This is known as a "Glomar" response.

There is an exception to this rule for first party requesters only. Access is granted for records in this system when they relate to the exclusion grounds contained in 8 U.S.C. § 1182(a), 212(a) of the INA.

Withhold the names of agency personnel and third parties pursuant to Exemption (b)(7)(C) of the FOIA.

INTERAGENCY BORDER INSPECTION SYSTEM INFORMATION (IBIS)

IBIS is not a protected system. The **results** of an IBIS search, however, are protected pursuant to Exemption (b)(7)(E) of the FOIA. In the event of IBIS **results** in a PA case, withhold the results only pursuant to Exemptions (b)(7)(E) and (k)(2).

PROCESSING GUIDE

PROCESSING THE IBIS RESOLUTION MEMORANDUM

You will often find this document in the file following a Record of IBIS Inquiry (ROIQ) printout. Whoever signs this document (see below) is acting in a law enforcement capacity. Please fully withhold this document (b)(2) if applicable, (b)(7)(C) and (b)(7)(E), if processing under the FOIA. Fully withhold (k)(2), (b)(7)(C) and (b)(7)(E) if processing as a PA.

PROCESSING GUIDE

U.S. Department of Homeland Security
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services

February 13, 2008

IBIS RESOLUTION MEMORANDUM

(b)(6)



Systems checked completed:

~~Information has been uncovered that relates to the Beneficiary.~~

~~A search of the required name(s) in this file (see ROIQ), resulted in a possible match to adverse information in IBIS. However, the application/petition and/or the identifying documents in the file do not contain sufficient information for BCU officer to determine if the information retrieved from the IBIS database relates to the particular subject in this case at this time.~~

- The Adjudicating Officer may need to request additional information to complete adjudication. If the receipt of additional information establishes that derogatory IBIS information DOES relate to the subject(s) of the search, the file should be sent back to the Background Check Unit

- If a final decision is made without any "request for evidence," or without a response to such a request (e.g., abandonment), then NO further action is required by the Background Check Unit

The application or petition is considered "IBIS RESOLVED" as of February 13, 2008.



(b)(6)

BCU Supervisor, NSC

PROCESSING GUIDE

FRAUD REFERRAL SHEET

Adjudicating officers in the field use the Fraud Referral Sheet to alert FDNS of a potential need for criminal investigation. The officer is acting in a law enforcement capacity when preparing this sheet. Disclosure of certain information on this sheet could create a significant risk of circumvention of the law and could significantly impede current or future criminal investigations.

Please fully withhold this sheet, citing (b)(2), (b)(7)(C) if officers' names are present, and (b)(7)(E) when processing under FOIA, and (k)(2), (b)(7)(C) if officers' names are present, and (b)(7)(E) when processing under the PA.

(b)(6)

(b)(7)(e)

PROCESSING GUIDE

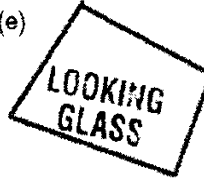
LOOKING GLASS

The term "LOOKING GLASS" has been appearing in files recently. This is an operation. Please redact citing exemption (b)(7)(E) of the FOIA and (k)(2), (b)(7)(E) of the PA.

IMMIGRATION COURT
RT 3 BOX 341 BUENA VISTA DR
LOS FRESNOS, TX 78566

JACK D. HUNTER II, ESQ.
LAW OFFICE OF ROSEMARIE DE LEON
706 NORTH FIRST STREET
HARLINGEN, TX 78550

(a)(k)(2)
(b)(7)(e)



FILE: ...
RE: ...

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE IMMIGRATION COURT ON OCT 31, 2001 AT 10:00 A.M. AT THE FOLLOWING ADDRESS:

RT 3 BOX 341 BUENA VISTA DR
LOS FRESNOS, TX 78566

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

CERTIFICATION OF SERVICE
THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: ALIEN ALIEN c/o Custodial Officer ALIEN'S ATT/REP INS
DATE: OCT 26 2001 BY: COURT STAFF *M. J. Lewis*
Attachments: EOIR-33 EOIR-28 Legal Services List Other

U7

~~PLEASE NOTE: The FOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

PROCESSING GUIDE

FD-258 FINGERPRINT TRACKING SYSTEM

The FD-258 Fingerprint Tracking System is owned by USCIS. The system is used to determine the status of pending fingerprints and control the receipt and processing of fingerprints submitted to the FBI in conjunction with an application or petition that has been filed by an alien. Two of the screens that you may see in A files are the "FBI NAME CHECK RESPONSE" screen and the "FD-258 Tracking System" screen.

All information can be released as long as consent is present and the identity of the person has been confirmed.

JOINT AUTOMATED BOOKING SYSTEMS (JABS)

This system is owned by the Department of Justice, United States Marshal Service (USMS). JABS contains information input by Federal, State and local agencies on alleged criminals. A-files sometimes contain a JABS Personal History Report form. Each form is assigned a JABS Number. The number on the form reflects what agency input information into JABS. The number will normally begin with an alpha code (INS-C-005256-INS). This document will be referred or processed according to the alpha code.

Any JABS documents completed by USCIS, ICE, and CBP will be processed applying all applicable exemptions.

Indicates what office
input the
information into
JABS.

1. JABS NO.
INS-C-005356-INS-C

CHILD SUPPORT REQUESTS (NON-GOVERNMENT)

Advise persons requesting last known address for the purpose of either establishing paternity or obtaining child support to contact the appropriate state child support enforcement agency for this

PROCESSING GUIDE

information. If the individual requesting the information provides evidence of a court order directing the subject to provide child support, release only the last known address.

PROCESSING FBI DOCUMENTS

When processing an A file that contains documents that originated from the FBI's Criminal Justice Information Services (CJIS) Division, including the FBI "rap sheets", National Crime Information Center (NCIC), and Interstate Identification Index (III) print outs we should ensure that the documents belong to the subject of the file, consent is present and the identity of the person has been confirmed before processing. This rule does not include TECS/IBIS screen prints referring to NCIC.

If the document is positively identified as belonging to the subject of the file these documents should be released. The information on these documents that is exempt from release is agent names, third-party names, or any personally identifying information relating to others.

Please refer to the **FEDERAL BUREAU OF INVESTIGATIONS DOCUMENTS** section of this *Guide* for more detailed information relating to FBI documents.

PROCESSING GUIDE

PROCESSING STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS) DOCUMENTS

Do not refer SEVIS documents (see example below) to ICE. Please process them accordingly.

(b)(6)

PROCESSING GUIDE

NAMES OF LAW ENFORCEMENT PERSONNEL AND FEDERAL EMPLOYEES

Redact all law enforcement personnel names citing Exemption (b)(7)(C) only. Redact federal employees' names on investigations or law enforcement documents citing Exemption (b)(7)(C). Do not withhold the names of non-law enforcement federal employees unless they are performing a law enforcement function.

Redact all initials, user ID's, telephone numbers, fax numbers and extensions of law enforcement personnel and federal employees performing a law enforcement function citing Exemptions (b)(2) and (b)(7)(C). Exemptions (b)(2) and Exemption (b)(7)(C) in a FOIA and (k)(2) and (b)(7)(C) in a PA. If the telephone number shown is a public customer service number, release it.

After applications/petitions are submitted to the agency, markings such as "Approval/Denial" stamps, names, initials or user ID's of federal employees may be placed on the documents. Do not redact names, user ID's or initials of federal employees not performing a law enforcement function.

If user ID or initials pertain to a law enforcement function, cite Exemption (b)(2) and (b)(7)(C). This rule includes a fingerprint card, if any law enforcement name or ID is on the card.

The exception is when a copy of a law enforcement document is served to the alien; the law enforcement names are released on those documents.

The corresponding PA Exemption for (b)(7)(C) is Exemption (k)(2).

Do not withhold names of the following government officials:

- (1) The district director or service center director;
- (2) The immigration judge; and
- (3) The officer in charge outside the United States.

RELEASE OF DETAINEE INFORMATION

Requests for the identities of detainees or for any and all records regarding these individuals from third-party individuals where the subject of the request has not given consent, is generally withheld under FOIA Exemptions (b)(6) and (b)(7)(C).

In the event that a request for records pertaining to detainees is received and your analysis of the records requested falls within any of the categories shown below, you must apply the appropriate exemptions.

PROCESSING GUIDE

- The disclosure of information about a detainee or a group of detainees could affect the detainees' privacy interests. This information should be withheld citing Exemptions (b)(6) and (b)(7)(C).
- Disclosure of detainee information could affect ongoing investigations and could give an individual or organization information relating to the course and progress of investigation. This information should be withheld from disclosure pursuant to Exemption (b)(7)(A).

USER IDENTIFICATION NUMBERS

User ID's shown on CIS documents or screen prints from CIS computer systems should **not** be redacted. User ID's shown on a law enforcement documents or systems (a system owned by CBP, ICE, etc) (DACS, IBIS, NAILS, etc.) **should** be redacted citing Exemptions (b)(2) and (b)(7)(C) will be cited.

USER IDENTIFICATION NUMBERS, BAR CODES, AND RECEIPT NUMBERS

On most receipt file bar codes there is an employee user ID listed in the bottom right hand corner. This user ID can be released. The receipt number can be released to both the petitioner and beneficiary.

(b)(6)

EMEN #1115-0154
Petition for Alien Relative
WORKING OFFICE ONLY
10/20/2002
10071801
Previously Permitted
Previously Permitted

TAX RETURNS

Redact third party documents such as W2's, and tax returns in part, submitted with the Affidavit of support. Release the name of the document and the names of the individual. One exception, however would be the Earned Income Credit (EIC) form, this document should be withheld in full. Release the document if consent of the subject or the third party is present.

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Release tax return in full if the subject of the file or requester is a party to it. Partially withhold the tax return if the subject of the file is not a party to it, including a subject listed as a dependent.

THIRD-PARTY DOCUMENTS AND PII

Most files contain third party documents and PII. We should fully withhold this information unless we can tell it was provided to us by the subject of the file or requester.

Fully withhold third party documents such as birth certificates, driver's licenses and passports, citing Exemption (b)(6).

If we cannot tell if a third party photograph of a person's face has been provided to us by the subject of the file or the requester, please withhold the photograph citing Exemption (b)(6). One exception would be a third party photograph that has appeared in a newspaper article. Such a photograph would be considered "public domain" and should be fully released.

Fully withhold correspondence contained in the file relating to the employment of a third-party citing Exemption (b)(6).

If processing a FOIA request, fully withhold Naturalization Certificates, Lawful Permanent Resident Cards, and Employment Authorization Cards if they do not belong to the subject of the request, and the third party has not consented. The immigration status of an individual is sensitive.

Redact the G-325, Biographical Information in part if it does not relate to the subject of the file. Release the title of the form and the name of the individual. Fully release the G-325 if it pertains to the requester.

LETTER TO THE SUBJECT WITH THIRD PARTY PERSONAL IDENTIFIABLE INFORMATION (PII)

If a letter has been sent to the subject with other A-numbers listed, these can be released.

SUPPORTING DOCUMENTS OR EXHIBITS SUBMITTED WITH I-129F OR I-130

If you are processing an I-129F or I-130 petition (whether it's in an A-file or a receipt file)

- *with* the consent of the beneficiary,
- but *without* the consent of the petitioner,

PROCESSING GUIDE

- then protect the PII of the petitioner in any attached exhibits the same as you would protect the PII of the petitioner in the left-hand column of the I-129F or I-130, (such as withholding in full the petitioner's Resident Alien Card, or partially withholding the petitioner's W-2's),
- *unless* the FOIA requester is the same attorney as the attorney who filed the petition AND there is a G-28 within the file signed by the petitioner showing representation by that attorney. In such a case, release the PII of the petitioner to the attorney.

Note: Documents filed with the court, or that have been served on the subject or their attorney/representative do not fall under this rule

A-FILES CONTAINING MEDIA

If the case you are processing contains a CD, cassette, tape or any kind of media please follow the instructions below.

Once a case is processed, the processor should send an e-mail to the NRC, NRCFOIAMSMB mailbox with "Media" in the subject line. Include the control number, A-number, and page(s) number where the media can be located.

Modify the final action letter by inserting the following sentence:

"The copy of the _____ located in your file will be sent to you under a separate cover".

In the summary case note annotate that the file contained media and MSB has been notified.

EXCEPTION: If the file contains a transcript of the recording/media, review the transcript and process it accordingly. In such a case, the recording/media will not be copied and processed.

PROCESSING DOCUMENTS COMPLETED BY A PETITIONER

If the individual requesting copies of documents from an A-file or receipt file is the petitioner and/or the petitioner completed the documents being requested, the documents can be released in full, except for any markings applied by the Service. An example would be if the petitioner requested a copy of an I-130. This is a document that would have been completed by the petitioner. Supporting documents submitted by the petitioner can be released in full. The document/information is releasable to them.

ASYLUM INTERVIEW NOTES

Asylum interview notes are analyzed on a case by case basis. When question/answer notes are

PROCESSING GUIDE

taken in an asylum interview, the subject has signed the document and there is no deliberative process on them, release them in full.

If they are not signed, but they are factual and there are no notes or markings made on the pages, release them in full. If there are notes but they are insignificant, the document can still be released in full. If the notes are personal thoughts, opinions, recommendations, or follow up comments, the document should be either withheld in part or withheld in full citing (b)(5) of the FOIA and (b)(5), (d)(5) of the PA. This includes the officer circling portions of the answers, underlining portions, etc. For disposition of other asylum documents, please refer to the processing tables.

PROCESSING REQUESTS FOR ENTRY AND EXIT INFORMATION

When a requester is specifically seeking information or documents from their A-file relating to their entry and/or exit in and out of the country a processor should be reviewing the file for the following documents:

- I-94 Arrival/Departure Record
- Passport
- VISA Registration
- Advance Parole Document
- I-205 Warrant of Removal/Deportation
- I-166 or a Bag and Baggage Document
- DACS Case Closure Summary screen print – Make sure the screen print reflects a Date Departed and Port Departed.
- Document control card
- I-213 Record of Deportable/Inadmissible Alien – This document sometimes reflects departure information.
- Re-entry Permit
- Refugee Travel Document

The final action letter should specifically address all documents being requested.

CHOICEPOINT/DISCOVERY PLUS DOCUMENTS

Choicepoint and Discovery Plus (there could be others such as CLEAR) are research tools used by adjudicators or investigators. Documents from systems such as these should be withheld in full citing (b)(6) for third party PII, (b)(7)(C) for information relating to law enforcement and (b)(7)(E). If you are processing a Privacy Act case you will need to apply Exemption (k)(2). Apply only the applicable exemptions.

PROCESSING GUIDE

CERTIFICATES OF SERVICE AND DOCUMENTS FILED IN COURT

If you find in a file documents that were submitted as exhibits by the subject or his/her representative, and there is a stamp on the documents clearly indicating they were filed with a court, please release these documents in full. In addition, if there is a certificate of service that certifies exhibits were filed with a court, you can release the exhibits listed in the certificate of service in full. It is important not to confuse this procedure for handling exhibits filed with a court with exhibits that are submitted along with a petition.

RECORD OF ACTION, FORM I-703

Form I-703, Record of Action, is attorney work product for FOIA purposes. Please redact this citing exemptions (b)(5) of the FOIA and (d)(5), (b)(5) of the PA. If the Form I-703 is blank, it can be released under both the FOIA and PA.

PROCESSING FORM I-181, MEMORANDUM OF CREATION OF RECORD OF LAWFUL PERMANENT RESIDENCE

Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence can normally be released if marked (stamped or handwritten) approved. If marked denied, the document can be released. If you are processing a FOIA and the I-181 **has not** been stamped approved or denied, withhold it in full citing Exemption (b)(5). If there are additional copies without markings following a denied or terminated copy, these copies are exempt from release citing Exemption (b)(5).

If there is an approved I-181 in the file and the following copies of the I-181 are not marked, the unmarked copies can be released.

Remember to apply all other applicable exemptions.

ACRONYMS FOUND ON RESPONSIVE RECORDS

Commands, acronyms or shortcuts that allow you to maneuver within a computer system such as those seen on DACS screens (LCAS, LOOK) do not need to be redacted. These acronyms are located mainly on law enforcement screens, but are not limited to these screens.

Acronyms shown on administrative or benefit type documents should not be withheld. An example is the Record of IBIS Query (ROIQ).

PROCESSING FORM I-696, LEGALIZATION/SAW EXAMINATIONS WORKSHEET

PROCESSING GUIDE

Form I-696 should be processed as follows: if "Box E" contains the Reviewer's Signature and the final decision is indicated, then release the information contained in "Box B." If "Box E" does not contain the Reviewer's Signature, then withhold the information in "Box B" citing Exemption (b)(5) of the FOIA or Exemption (d)(5) and (b)(5) if processing under the PA.

Unless it is blank, the second page of the I-696 should be withheld in full citing Exemption (b)(5) of the FOIA or Exemption (d)(5) and (b)(5) if processing under the PA.

FIELD OPERATIONS WORKSHEET

ICE field agents will use the Field Operations Worksheet after having detained a fugitive. The agent uses the form for a particular operation and normally does not include it in the file. If, however, you see this worksheet in a file, withhold it in full citing Exemptions (b)(2), (b)(7)(C) and (b)(7)(E). In the unlikely event that the case is a PA, you would withhold this form in full citing Exemptions (k)(2), (b)(7)(C) and (b)(7)(E). This guidance was provided by ICE.

CUSTOMS FUGITIVE REPORT

The Customs Fugitive Report belongs to ICE and should be processed as follows: there should be a Warrant of Removal/Deportation, I-205 in the file. If the warrant has not been served the document will be withheld in full citing exemption (b)(2), (b)(5) and (b)(7)(C) of the FOIA or exemptions (b)(5), (d)(5), (b)(7)(C) and (k)(2) of the PA.

If the warrant has been served, the Customs Fugitive Report should be processed accordingly. Possible exemptions that could be used are (b)(2) and (b)(7)(C) of the FOIA and (b)(7)(C) and (k)(2) of the PA.

DAILY DRO NEWS SUBMISSION REPORT

The Daily DRO News Submission Report belongs to ICE. If the document relates to your subject, redact only the Special Agent and Supervisory Agent names, located at the bottom of the page, citing exemption of the (b)(7)(C) FOIA. If a PA case cite exemptions (b)(7)(C) and (k)(2).

If the document does NOT belong to your subject, please withhold in full citing exemptions (b)(6) and (b)(7)(C) of the FOIA, if a PA withhold in full citing exemptions (b)(7)(C) and (k)(2).

PROCESSING TABLES

The following tables provide guidance relating to processing specific and/or commonly used documents. The guidance provided in the tables does not comprehensively cover every scenario. The guidance provided does not mean you must always use all those exemptions, or only those exemptions. A processor must evaluate the page. The table that relates to Immigration and Customs Enforcement (ICE) have been prepared using the guidance located in the *Guide for*

PROCESSING GUIDE

Processing Detention and Removal Operations Alien Files under the Freedom of Information Act.”

PROCESSING GUIDE

USCIS MISCELLANEOUS DOCUMENTS

TITLE/SUBJECT	FOIA EXEMPTION	PA EXEMPTION
Assessment to reject, terminate, grant or refer (relates to Asylum)	Withhold in full (b)(5)	(d)(5) and (b)(5)
Asylum flowcharts and worksheets	Withhold in full (b)(2) Cite (b)(5), if applicable.	(d)(5) and (b)(5), if applicable
Blank flowcharts	Withhold in full (b)(2)	Release
Attorney work product including attorney worksheets, trial attorney notes (blank sheets can be released)	Withhold in full (b)(5)	(d)(5) and (b)(5)
Computer codes used to maneuver within the system such as the function keys (PF1)	NA	NA
Initials (not law enforcement)	Release	Release
Initials law enforcement	(b)(2) and (b)(7)(C)	(k)(2) and (b)(7)(C)
Legalization/SAW Examinations Worksheet	Click here	Click here
Phone numbers (direct lines) of employees and e-mail addresses	(b)(6)	NA
Phone numbers and fax numbers of law enforcement personnel	(b)(2) and (b)(7)(C)	(k)(2) and (b)(7)(C)

PROCESSING GUIDE

TITLE/SUBJECT	FOIA EXEMPTION	PA EXEMPTION
Record of Applicant and Interpreter Oaths During An Interview	Withhold PII relating to the interpreter (b)(6)	Release
Refugee Access Verification Unit (RAVU) Affidavit of Relationship Checklist	Withhold in full (b)(5)	(d)(5) and (b)(5)
Social Security Numbers (third-party)	(b)(6)	NA
User ID's on bar codes with receipt numbers	NA	NA
User ID's on screen prints (CIS, CLAIMS, RNACS-non law enforcement)	NA	NA
User ID's on screen prints (Law enforcement computer systems – IBIS, DACS,)	(b)(2) and (b)(7)(C)	(k)(2) and (b)(7)(C)

PROCESSING GUIDE

PROCESSING CHARTS FOR ICE DOCUMENTS

TITLE/SUBJECT	TYPE OF INFORMATION	FOIA EXEMPTION	PA EXEMPTION
Affidavit In Lieu of Lost Receipt of US INS for Collateral Accepted as Security I-395	Address of individual any other PII including signature.	(b)(7)(C)	(k)(2) and (b)(7)(C)
	Surety company tax payer ID	(b)(3) and 26 USCA § 6103	NA
Alien Booking Record I-385	Law enforcement names	(b)(7)(C)	(k)(2)and (b)(7)(C)
Application for Stay of Deportation or Removal I-246	Box titled "Applicant: DO NOT WRITE BELOW THIS LINE - SIGNATURE"	(b)(7)(C)	(k)(2) and (b)(7)(C)
Background Check Registry (pg 151 on ICE CD)	Withhold in full	(b)(2), (b)(7)(C) and (b)(7)(E)	(k)(2) and (b)(7)(C) and (b)(7)(E)
	If comments, add	(b)(5)	(b)(5) and (d)(5)
Bag and Baggage, I-166		Release	Release
Baggage Check CBP Form I-77		Release	Release
Bond Backlog Action Team Action Sheet (BBAT)	Withhold in full	(b)(2) and (b)(7)(C) (b)(5) if applicable	(k)(2) and (b)(7)(C) (d)(5) and (b)(5) if applicable

PROCESSING GUIDE

TITLE/SUBJECT	TYPE OF INFORMATION	FOIA EXEMPTION	PA EXEMPTION
Bond Worksheet (multi page document) This document could have copies of social security cards, driver licenses and money orders attached if bond was posted by an individual.		WIF (b)(2) and (b)(7)(C)	Cannot be withheld in full; redact only the personal law enforcement information and information relating to third party individuals. (k)(2) and (b)(7)(C)
Personal documents	PII	(b)(7)(C)	(k)(2) and (b)(7)(C)
Money order attached to Bond Worksheet	Signature and any PII	(b)(7)(C)	(k)(2) and (b)(7)(C)
Departure Record I-94		Release	Release
Deportation Case Check Sheet Or Deportation Worksheet Or Detention and Removal Case Check Sheet		WIF (b)(2). (b)(7)(C) if applicable.	Cannot be withheld in full redact only the personal law enforcement information and information relating to third party individuals. (k)(2) and (b)(7)(C)
Detainee Classification System – Primary Assessment Form	Withhold in Full	(b)(2), (b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
Escort classification Worksheet		WIF (b)(2). (b)(7)(C) if applicable.	Cannot be withheld in full redact only the personal law enforcement information and information relating to third party individuals. (k)(2) and (b)(7)(C)
Final Administrative Removal Order, I-851A	Withhold in full if document has not been served	(b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release

PROCESSING GUIDE

TITLE/SUBJECT	TYPE OF INFORMATION	FOIA EXEMPTION	PA EXEMPTION
Fingerprint Card	Name of individual taking prints (if law enforcement)	(b)(7)(C)	(k)(2) and (b)(7)(C)
Field Operations Worksheet (<u>More information</u>)	Withhold in full	(b)(2), (b)(7)(C) and (b)(7)(E)	(k)(2), (b)(7)(C) and (b)(7)(E)
Immigration Bond, I-352(multi page document)	Address of individual and any other PII.	(b)(7)(C)	(k)(2) and (b)(7)(C)
	Law Enforcement names and signatures.	(b)(7)(C)	(k)(2) and (b)(7)(C)
	Case number (this number is normally in the upper right hand corner)	NA	NA
	Surety company tax payer ID	(b)(3) and 26 USCA § 6103	NA
Immigration Detainer – Notice of Action I-247	Law enforcement names and phone numbers	(b)(2) and (b)(7)(C)	(k)(2)and (b)(7)(C)
Information for Travel Document or Passport, I-217		Release	Release
Intensive Supervision Appearance Program (ISAP) Placement Worksheet	Withhold in full	(b)(2), (b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
Investigation Preliminary Worksheet G-600A	Law enforcement names Review for search results and comments	(b)(7)(C) If applicable (b)(7)(E)	(k)(2), (b)(7)(C) If applicable (k)(2) and (b)(7)(E)
Letter for Appointment, G-56		Release	Release
Memo - Subject Permission to remain		Release	Release
Memo – Parole Revocation		Release	Release
Nails Lookout Inquiry	Withhold in full	(b)(7)(C), if applicable and (b)(7)(E)	(k)(2), (b)(7)(C), if applicable and (b)(7)(E)
Nails Lookout Comments Inquiry	Withhold in full	(b)(2) and (b)(7)(C), if applicable, and (b)(7)(E)	(k)(2), (b)(7)(C) and (b)(7)(E)

PROCESSING GUIDE

TITLE/SUBJECT	TYPE OF INFORMATION	FOIA EXEMPTION	PA EXEMPTION
NCIC/NLETS Message Message Entry Screen (pg 150 on ICE CD)	Withhold in full	(b)(2), (b)(7)(C) and (b)(7)(E)	(k)(2), (b)(7)(C) and (b)(7)(E)
NCIC Unit Worksheet	Withhold in full	(b)(2), (b)(7)(C) and (b)(7)(E) (b)(5) would apply to comments that are not factual	(k)(2), (b)(7)(C) and (b)(7)(E)
Notice and Order of Expedited Removal, I-860	Withhold in full if document has not been served	(b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release
Notice and Request for Disposition I-274 (multi page document)	Withhold in full if document has not been served	(b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release
Notice of Action – Voluntary Departure, I-210		Release	Release
Notice of Custody Determination I-286	Withhold in full if document has not been served	(b)(2), (b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release
Notice of Immigration Bond Breach I-323	Address of individual	(b)(7)(C)	(k)(2) and (b)(7)(C)
Notice of Immigration Bond Cancelled I-391 (multi page document)	Address of individual and any other PII.	(b)(7)(C)	(k)(2) and (b)(7)(C)
Notice of Intent to Issue a Final Administrative Removal Order I-851	Withhold in full if document has not been served	(b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release
Notice of Intent/Decision to Reinstate Prior Order I-871	Withhold in full if document has not been served	(b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release
Notice of Rights and Request for Disposition I-826 (multi page document)	Withhold in full if document has not been served	(b)(5) (b)(7)(C) if applicable	(d)(5), (k)(2), (b)(5) and (b)(7)(C) as applicable
	If documents have been served	Release	Release

PROCESSING GUIDE

TITLE/SUBJECT	TYPE OF INFORMATION	FOIA EXEMPTION	PA EXEMPTION
Notice of Rights and Request for Disposition, I-770 (multi page document)	Withhold in full if document has not been served	(b)(5) (b)(7)(C) if applicable	(d)(5), (k)(2), (b)(5) and (b)(7)(C) as applicable
	If documents have been served	Release	Release
Notice to Alien Ordered Removed/Departure Verification I-296	Law enforcement names, if not signed at removal/deportation.	(b)(7)(C)	(k)(2)and (b)(7)(C)
	If documents have been signed by alien	Release	Release
Notice to Appear, Bond and Custody Processing Sheet I-265(multi page document)	Law enforcement names and ID's Comments	(b)(7)(C) (b)(2) + (b)(7)(C) for badge numbers, ID numbers and direct line phone numbers (b)(5) if applicable	(k)(2) and (b)(7)(C) (d)(5) and (b)(5) if applicable
Notice to Appear, I-862 (multi page document)	Withhold in full if document has not been served	(b)(2), (b)(5) and (b)(7)(C) if applicable	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release
Notice to Consular Officer Concerning Detention I-264	Contact Officer	(b)(7)(C)	(k)(2) and (b)(7)(C)
	Phone Number	(b)(2) and (b)(7)(C)	(k)(2) and (b)(7)(C)
Notice to Deliver Alien, I-340	Address of individual is exempt.	(b)(7)(C)	(k)(2) and (b)(7)(C)
Notice to Detain, Remove, or Present Alien I-259	Law enforcement names	(b)(7)(C)	(k)(2) and (b)(7)(C)
Notice to EOIR: Alien Address I-830	Law enforcement names	(b)(7)(C)	(k)(2) and (b)(7)(C)
Official Assignment Sheet G-391	Withhold in full	(b)(2), (b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
Order of Release on Recognizance I-220A	Law enforcement names	(b)(7)(C)	(k)(2)and (b)(7)(C)
	Phone Number	(b)(2) and (b)(7)(C)	(k)(2)and (b)(7)(C)
Order of Release on Recognizance I-220A	If documents have been signed by alien	Release	Release

PROCESSING GUIDE

PROCESSING GUIDE

TITLE/SUBJECT	TYPE OF INFORMATION	FOIA EXEMPTION	PA EXEMPTION
Order of Supervision, I-220, (multi page document)	Law enforcement name (if not signed by the alien)	(b)(7)(C)	(k)(2) and (b)(7)(C)
Order to Detain or Release Alien I-203	Law enforcement names	(b)(7)(C)	(k)(2) and (b)(7)(C)
	Review for comments that could be exempt	(b)(5)	(d)(5) and (b)(5)
Order to Detain or Release Aliens I-203A	Law enforcement names	(b)(7)(C)	(k)(2) and (b)(7)(C)
Order to Show Cause and Notice of Hearing, I-221 (multi page document)	Withhold in full if document has not been served	(b)(5) and (b)(7)(C)	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release
Post Order Custody Review Worksheet (consists of several pages)	Law enforcement names, could also contain comments, recommendations or opinions that will need to be analyzed.	Law enforcement names (b)(7)(C), comments etc. (b)(5) if applicable	(k)(2) and (b)(7)(C), and if applicable, (d)(5) and (b)(5)
Property Receipt G-589	Law enforcement names	(b)(7)(C)	(k)(2) and (b)(7)(C)
Receipt of Immigration Officer US Bonds ...I-305, (multi page document)	Address of individual, Law enforcement name (if not signed by the alien)	(b)(7)(C)	(k)(2) and (b)(7)(C)
Record of Deportable/Inadmissible Alien I-213	Many possible variations. See the <u>I-213 section</u> for guidance.		
Record of Persons and Property Transferred, I-218	Law enforcement names and 3 rd party names	(b)(7)(C)	(k)(2) and (b)(7)(C)
Record of Sworn Statement in Affidavit		Release	Release
Report of Detainees missing Property I-387	Law enforcement names	(b)(7)(C)	(k)(2) and (b)(7)(C)
Stipulated Order of Removal		Release	Release
Third Agency Check (TAC) may also be titled Netleads-AVALANCHE	Withhold in full	(b)(2), (b)(7)(E) and (b)(7)(C)	(k)(2), (b)(7)(C) and (b)(7)(E)

PROCESSING GUIDE

TITLE/SUBJECT	TYPE OF INFORMATION	FOIA EXEMPTION	PA EXEMPTION
Travel/Document Request and/or Worksheet	Law enforcement names and phone numbers	(b)(7)(C) if name only (b)(2) and (b)(7)(C)	(k)(2) and (b)(7)(C)
Warning for Failure to Depart I-229 (memo with other documents attached)	Law enforcement name (if not signed by the alien)	(b)(7)(C)	(k)(2) and (b)(7)(C)
Warning to Alien Ordered removed or Deported I-294	Withhold in full if document has not been served	(b)(5)	(b)(5) and (d)(5)
Warrant for Arrest of Alien I-200	Withhold in full if document has not been served	(b)(2), (b)(5) and (b)(7)(C) if applicable	(d)(5), (k)(2), (b)(5) and (b)(7)(C)
	If documents have been served	Release	Release
Warrant of Removal/Deportation, I-205 (2 pages)	Withhold in full if document has not been served	(b)(5)	(d)(5) and (d)(5)
Withdrawal of Application for Admission/Consular Notification I-275	Law enforcement names	(b)(7)(C)	(k)(2) and (b)(7)(C)
	If documents have been signed by alien	Release	Release

PROCESSING GUIDE

ICE assigns case numbers for internal control of documents. These case numbers appear on various documents. Case numbers can be released. Examples of documents that contain a case number include, but are not limited to, the I-200, I-213, I-265, I-286, I-831, and I-862. USCIS documents do not typically contain internal control numbers. They have receipt numbers that are releasable to the subject of the file or the requester.

Always review these documents for comments, analysis and recommendations. Evaluate these comments, analysis and recommendations for reasonably foreseeable harm to the government. Review and withhold comments that form an opinion or show a thought process, citing Exemption (b)(5) of the FOIA and (d)(5) and (b)(5) of the PA if applicable. Factual information such as dates of birth, A-numbers, removal charges, attorneys or representative names, and immigration history should be released.

Remember when applying exemptions to apply only the exemptions that are applicable.

PROCESSING GUIDE

WORKSHEETS, PROCESSING SHEETS, CHECKLISTS AND FLOWCHARTS

Most files contain some type of worksheets, processing sheets, checklists or flowcharts that are used internally and contain a variety of information. If the alien provided all information on the worksheet/processing sheet or the information was used to complete another document/form that the alien signed or received, the worksheet/processing sheet can be released in full.

Some of the worksheets/processing sheets used by USCIS are the I-485 Processing Worksheet, Record of IBIS Query (ROIQ), and the IBIS Worksheet, Applicant Information Worksheet. If blank, fully release these documents.

Some worksheets/processing sheets could have attachments such as copies of Driver's Licenses, Social Security Cards or other documents provided by a third-party. These third party documents should be withheld citing Exemption (b)(6) unless the attachments are part of a law enforcement document, then (b)(7)(C) is applicable. If consent of the third-party is present, fully release these documents.

Partially withhold worksheets/processing sheets that contain a combination of factual information and comments, analysis, or recommendations (in other words a deliberative thought process). An example of one of these types of worksheets/processing sheets is the Post Order Custody Review Worksheet. Release information to a first party requester that is factual, such as dates of birth, A-numbers, removal charges, attorney or representative names, or immigration history. First, evaluate for reasonably foreseeable harm to the government, then withhold comments, analysis, and recommendations citing Exemption (b)(5). Withhold any law enforcement names citing Exemption (b)(7)(C).

Fully withhold blank worksheets/processing sheets such as the Escort Classification Worksheet citing Exemption (b)(2). Exemption (b)(2) applies because release of this worksheet could risk circumvention of a statute or agency regulation. There typically is no analytical information on these documents. Fully withhold the Detainee Classification System – Primary Assessment Form citing Exemptions (b)(2), (b)(5), and (b)(7)(C). The NCIC Unit Worksheet is another example of a worksheet that should be withheld in full citing Exemptions (b)(2), (b)(5) (remarks), (b)(7)(C) and (b)(7)(E), because these documents may contain analysis, conclusions, or recommendations. These worksheets/processing sheets are related to law enforcement.

Fully withhold asylum flowcharts, worksheets and processing sheets citing Exemption (b)(2) of the FOIA, and, only if applicable, Exemption (b)(5).

PROCESSING GUIDE

SCREEN-PRINTS

Screen-prints from various law enforcement systems are commonly found in alien files. How screen-prints are processed depends on the particular computer system that it is related to. The information below will assist in processing these screen prints.

The following are examples of computer codes should be released: the definition of the function keys on the bottom of the pages; and user identification numbers (NRC1234A) in the upper right-hand corner. Withhold the codes that are user ID's on screen prints from law enforcement systems citing Exemptions (b)(2) and (b)(7)(C), or (k)(2) and (b)(7)(C), if PA. Release user ID's on non law enforcement screens.

Withhold law enforcement personnel names found on screen-prints citing Exemption (b)(7)(C), (or (k)(2) and (b)(7)(C), if PA). Withhold law enforcement phone numbers on screen-prints citing Exemptions (b)(2) and (b)(7)(C), (or (k)(2) and (b)(7)(C), if PA).

CIS – (Central Index Systems) redactions made on CIS screen-prints include the computer codes. Withhold the reference to DACS, EARM and NAILS on CIS screen-prints citing Exemption (b)(7)(E), (or (k)(2) and (b)(7)(E), if PA). If the screen prints belong to third party individuals and not the subject of the request, withhold in full, citing Exemption (b)(6). If you are processing a case under the Privacy Act, you will withhold any reference to DACS, EARM or NAILS as stated above.

NCIC (National Crime Information Center) Query Results and View Message screen prints are normally the results of a search done using the FBI number of an individual. Ensure any screen-prints directly relate to the subject of the file and then release these screen-prints except for the names and badge numbers of law enforcement personnel, citing Exemptions (b)(2) and (b)(7)(C).

TECS (The Enforcement Communications System)(formerly Treasury Enforcement Communications System) - The upper left hand corner on TECS screen prints contain a field titled "TECS Record ID," this field consists of a grouping of alpha and numeric characters. The last three characters (alpha characters) from the right identify the owner of the TECS record.

Within the body of most TECS screen prints there is usually a point of contact and an agency listed as the owner. This also indicates where the document should be referred.

We **should not** be referring TECS screen prints to Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP). Please process the TECS screens according to the guidance provided in the *USCIS FOIA Processing Guide*.

PROCESSING GUIDE

IMAGE STORAGE AND RETRIEVAL SYSTEM (ISRS)

The Image Storage and Retrieval System (ISRS) is used to verify controlled USCIS documents. Sometimes within the A-file you will see screen prints from ISRS. These screen prints can be released to first-party requesters.

PROCESSING TECS, DACS, AND NCIC/NLETS SCREEN-PRINTS WITH SEARCH RESULTS

Most cases contain one or more screen prints from TECS, DACS, EARM and/or NCIC/NLETS.

Types of information to be redacted on these screen prints could be comments, information regarding ICE's attempts to locate the subject and/or information relating to a "LOOKOUT." "LOOKOUT" information is normally seen on NAILS screen prints. "LOOKOUT" information is exempt from release citing Exemption (b)(7)(E) of the FOIA and (k)(2) and (b)(7)(E) of the PA.

Bond Management Information System (BMIS) contains records pertaining to the management of immigration bonds posted for aliens. Information stored in BMIS includes personal information about the individual who posted the bond, the alien and the surety company.

Release information relating to a bondsman or the surety company. Personally Identifying Information relating to an individual who may have posted bond should be redacted citing Exemption (b)(6) and (b)(7)(C) of the FOIA.

TECS II Person Subject Query screen-print should be released in full.

TECS II Person Subject Display screen prints should be processed if they belong to ICE or legacy Customs. The "TECS RECORD ID" in the upper left hand corner indicates who the screen print belongs to as does information listed in the "CONTACT" portion of the screen print.

Beginning with the portion of the screen print titled "CONTACT" and ending above the computer function keys, you will redact this information citing Exemptions (b)(2), (b)(7)(C) and (b)(7)(E). The screen prints may or may not contain information in the portion of the document titled "CONTACT."

TEC II NLETS Message Screen has a section to enter a text message. Thoroughly analyze any comments that have been entered in this section and apply Exemption (b)(5) (or (d)(5) and (b)(5), if PA), if applicable.

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NAILS LOOKOUT Inquiry screen-prints should be withheld in full citing Exemptions (b)(7)(E) and (b)(7)(C) if applicable (or (k)(2), (b)(7)(C) and (b)(7)(E), if PA). This screen is withheld because it implies there may be an investigation.

NAILS LOOKOUT Comments Inquiry screen-prints should be withheld in full citing Exemptions (b)(7)(E) and (b)(7)(C) if applicable (or (k)(2), (b)(7)(C) and (b)(7)(E), if PA). This screen is withheld because it implies there may be an investigation. Evaluate the page, because there may be (b)(2) information, such as direct line phone numbers of law enforcement personnel within the page.

DACS – There are several different screens found in DACS that require your analysis. The information on these screens can be law enforcement ID's, search results, and comments. Listed below are various screens from DACS that require redactions. Several of the screens in DACS contain search results. Exemption (b)(7)(C) or (k)(2) and (b)(7)(C), if PA should be used to redact user identification codes.

DACS Bond Summary Screen contains information relating to the bond obligor. Release the information if it relates to a bond company. If the obligor information lists an individual, withhold the name and PII citing exemption (b)(7)(C) (or (k)(2) and (b)(7)(C), if PA).

DACS Case Comments Look Screen contains comments and search results. Analyze the comments. Release information that is factual. Withhold comments considered analysis or recommendations citing Exemptions (b)(5) and (b)(7)(E) or (d)(5)/(b)(5) and (k)(2)/(b)(7)(E). Law enforcement personnel will often put their ID number, badge number or initials after a comment. Withhold this information citing Exemptions (b)(2) and (b)(7)(C) (or (k)(2) and (b)(7)(C), if PA).

DACS Bond Look Screen contains information relating to the bond obligor. Release the information if it relates to a bond company. Redact only the obligor information listing an individual citing Exemption (b)(7)(C) (or (k)(2) and (b)(7)(C), if PA).

For the following decision charts, keep in mind that if you are processing a PA case, that Exemptions (b)(7)(C) and (b)(7)(E) of the FOIA must be accompanied by Exemption (k)(2) of the PA.

DACS Alien Biographic Summary (BIOS) contain the following section that requires withholding:

LAST UPDATER	Exemption (b)(2) and (b)(7)(C)
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DACS Detention Summary (DETS) contains the following sections that require withholding:

BOOKED IN BY	Exemption (b)(2) and (b)(7)(C)
CHARGED BY	Exemption (b)(2) and (b)(7)(C)
RELEASED BY	Exemption (b)(2) and (b)(7)(C)

DACS Case Closure Summary (CLOS) contains the following section that requires withholding:

CLOSED BY	Exemption (b)(2) and (b)(7)(C)
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DACS Chg Documents Summary (OSC, CHRG) contains the following sections that require withholding:

OFF ID	Exemption (b)(2) and (b)(7)(C)
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DACS Case Summary (CASS) contains the following sections that require withholding:

OFF ID	Exemption (b)(2) and (b)(7)(C)
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PROCESSING GUIDE

The following screen prints can be released in full.

Related Crimes (CRIM)

DACS-EOIR Data Inquiry

DACS Custody Summary Inquiry

DACS Previous Alien Address

DACS Detainer Summary (JAIL)

DACS Court Actions Screen

DACS Motions Look Screen

DACS Motion Look Screen

DACS BIA Appeals Look Screen

DACS IJ Hearing Data Look Screen

DACS case Closure Look Screen

I-94, Departure Record (computer generated) –should be released in full.

I-213, Report of Deportable/Inadmissible Alien

Release the box titled “INS Systems Checks” unless it specifically states “IBIS Pos” “DACs Pos” “NAILS Pos” “LOOKOUT” “HIT” or “EARM Pos.” Normally this box will say, “See narrative”. In this instance, release the box but withhold the results of DACS, EARM, IBIS and/or NAILS in the “Narrative” under “INS Systems Checks.” Withhold results from those systems listed citing Exemption (b)(7)(E) (or (k)(2) and (b)(7)(E), if PA).

If the information in the INS System Checks, Immigration Record or Criminal Record blocks on the I-213 contains a class of admission (COA) such as “EWI” (entered without inspection) or a remark such as “see narrative” the information can be released.

If the INS System Checks block contains a remark such as “positive or negative” indicating that a law enforcement (EARM, IBIS, DACS, ETC..) systems search was conducted, withhold the block citing Exemption (b)(7)(E) (or (k)(2) and (b)(7)(E), if PA).

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Review the narrative for information that relates to these blocks and any other comments. If the systems checked are listed in the narrative but there is not an annotation showing the hit was positive or negative, the systems listed can be released. Where there is an annotation of positive or negative relating to a law enforcement systems check, the words "positive" or "negative" would be redacted citing Exemption (b)(7)(E) (or (k)(2) and (b)(7)(E), if PA). Do not redact results of non-law enforcement systems, such as CIS and CLAIMS.

You will not normally redact the narrative other than the systems checked, as long as it is factual. Beware that there can always be exceptions, so you must review the narrative carefully to know how to handle this properly.

Withhold all names of federal employees on these documents with exemption (b)(7)(C) (or (k)(2) and (b)(7)(C), if PA). Note that you may also see names and alien numbers of other individuals that are exempt from release. Withhold these also, citing exemption (b)(7)(C) (or (k)(2) and (b)(7)(C), if PA). Do not hold the subject's parents names. Sometimes I-213's that relate to third party individuals who were arrested at the same time as the subject are placed in the file for investigatory purposes. Withhold these in full, citing Exemption (b)(7)(C) of the FOIA or (k)(2) and (b)(7)(C) of the PA.

I-352, Immigration Bond – Withhold the obligor's corporate Tax Identification Number (TIN) citing Exemption (b)(3) and 26 USCA § 6103. Otherwise, if the Tax Identification Number is an individual's Social Security Account Number, withhold it citing Exemption (b)(7)(C), or (k)(2) and (b)(7)(C), if PA. Names and signatures of law enforcement individuals should be withheld citing Exemption (b)(7)(C), or (k)(2) and (b)(7)(C), if PA.

PROCESSING GUIDE

GENEALOGY

Processing Index Cards

When the responsive record consists of an index card only, review the card's A-File location. Request the file if a search of CIS and/or NFTS with the A-number or C-number shown on the index card reveals the file location. When you are searching NFTS, if the search result reflects an A-file and a C-file of the same number, those files belong to different individuals

If an index card has been scanned, review it. You should be able to tell where the file is located and create a new staffing. The A or C number may or may not be in NFTS or CIS. Staff to the office that is shown on the index card, if the A or C number is not in NFTS or CIS.

Search CIS for an A-number. If you have an A or C number, check CIS and NFTS. If the number you have is an A-number and NFTS shows a C-file with that same number those are not the same people. Use 9504 to check for the file. If you get something, go to the 9101 page. From there you will be able to tell if the number is an A or C number.

Processing Index Cards That Contain Accession Data

When a records indexing search returns an index card showing an archived file with one of the following accession data patterns, the processor should close the case as a G1. This particular index card will not show an FCO (file control office).

The following numbers represent a file number that is located in the upper right hand corner of the index card.

51####/#
52####/#
53####/#
54####/#
55####/#
56####/#

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The accession data is normally located on the third line of the card; the following numbers represent the accession data.

58A733
58A734
59A2038
60A600

The index card is the only record CIS has that relates to the subject of the FOIA request. The final action letter should contain the following verbiage:

The record you are requesting is part of a series transferred to and now maintained by the National Archives. Please write to the following address. Your request for this file must contain the following information: name, file number (located in the upper right hand corner of the index card), the accession data (normally the last line on the index card, should consist of a box number and ACC number). Indicate in your request the file is part of NARA Record Group 85, Entry 9, and may have a new NARA box number.

National Archives and Records
Administration
Old Military and Civil Records
Textual Archives Division
7th & Pennsylvania Avenue, NW
Washington, DC 20408
Attn: RG85

Processing Genealogy Records

Sometimes the manual search for records relating to genealogy results in more than one file being scanned. With the information provided by the requester, you will need to identify the correct record to be processed. All other records will be marked "out of scope." The record belonging to the subject can be released except for third party information.

If the requester has not provided enough information to identify the record, the processor will need to contact the requester by phone or request more information using the "Additional Information Sheet."

Before processing, review the staffing response for additional information.

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PRIVACY ACT AMENDMENT REQUESTS

The Privacy Act requires agencies maintaining personal information about individuals to keep accurate, timely and complete files. The Privacy Act of 1974, 5 U.S.C. § 552a(d)(2) permits an individual to request amendment of a record pertaining to themselves. Only LPR's and USC's can request an amendment to or correction of their records.

Not all records can be amended or corrected. According to 6 CFR § 5.26(f) the following records are not subject to amendment or correction.

- Transcripts of testimony given under oath or written statements made under oath.
- Transcripts of grand jury proceedings.
- Presentence records that originated with the courts
- Records in systems of records that have been exempted from amendment or correction.

Criteria for making a Privacy Act Amendment Request

The criteria for submitting a request for amendment or correction of records is as follows:

- The request can be made in person or by mail to the FOIA/PA Officer.
- The requester's identity must be established.
- The request must describe the record to be amended or corrected, and state why the record is not accurate.

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Requirements for the Agency

Acknowledge

Within ten working days of the request the agency will acknowledge receipt of the request.

The acknowledgment should clearly describe what the person is requesting.

Amendment or correction

Notify the requester whether the request will be granted or denied.

Granted

Advise requester that request has been granted in whole or part

Provide a releasable copy the document amended

Denied

Advise requester of reason for denial

Advise requester of the right to appeal

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INTERNATIONAL FOIA MAIL CHANGE

Effective immediately, the following instructions will apply to any mail going to a foreign address (including Canada and Mexico):

1. Must be sent on CD if 15 pages or more.
2. If the correspondence sent is an ack letter, a no record, or a small set of responsive records (fewer than 15 pages), please send in paper format.

FINAL ACTION LETTERS

After you have completed processing, you must prepare a Final Action Letter in FIPS. Before you go further, check to make sure the "Print to CD" button is selected if the requester is an attorney or representative and that attorney or representative's name is not on the No-CD List. Select the radio button titled "Final Action." This will generate the pop-up menu shown below.

Select the final action code. If documents have been referred to another agency, the Final Action screen will provide the option of creating referral letters. Select the option "Create all Letters" to generate referral letters. You must select the appropriate final action code from the drop-down menu. The available final action codes are shown below. The **bolded** codes are the ones that are utilized the most.

DP – Duplicate Case

ER – Created in Error

FC – Requester's Failure to Comply

F1 – Requester's Failure to ID Records

FP – Requester's Failure to Pay Fees

G1 – When Grant is made and fee waiver has been denied

MT – Transferred to multiple offices

NA – FOIA or PA not applicable

NR – Non-possession of Records

OR – Old Records

PD – Partial Denial

PG – Partial Grant

RD – Redirected to another agency

TD – Total Denial

TR – Transferred to another U.S.C.IS Office

UT – Unable to Locate

WD – Request withdrawn by Requester

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The resulting letter will require some modification. Ensure the introductory paragraph includes the date the request was received, the name of the subject of the request and the type of request (FOIA or PA). The body of the letter must identify:

- the total number of pages responsive to the request,
- the number of pages released in full, withheld in full and partially withheld,
- if any pages have been referred to another government agency, and
- what exemptions have been applied in withholding information.

Do not mention duplicate or out of scope pages on the final action letter.

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Cite the exemptions used with a description of the reasons(s) for withholding information in detail without divulging the information withheld. The exemption verbiage is located on the common drive (O: FOIA\FOIA Library\Exemption Phrases). For pages withheld in full, state that the “pages withheld contained no reasonably segregable portions of non-exempt information.” Include a statement reflecting, “the enclosed are the best reproducible copies available.” Identify documents referred to another agency. Do not list the number of pages that are marked as duplicates or Out of Scope in your Final Action Letter. For all cases where information has been withheld, advise requesters of their appeal rights. The letters generated by FIPS contain almost all the information you need, except for the exemption phrases.

FINAL ACTION LETTERS – NO PAGES WITHHELD IN FULL

Please note if you have not withheld any pages in full within the responsive records, the final action letter should not state that we “have withheld 0 (zero) pages in full.” Delete that portion of the sentence from the final action letter, as well as the following sentence: “In our review of these pages we have determined that they contain no reasonably segregable portion(s) of non-exempt information.” If no pages have been withheld in full in a case, the final action letter will not need to contain the sentence relating to segregable portions of information.

FINAL ACTION LETTERS – SPECIFIC DOCUMENTS

If you are processing a request for a whole file and the requester has specifically mentioned that he or she is trying to locate a certain document(s), this should be addressed in your final action letter. Please insert in the first paragraph one of the following statements;

“You specifically requested a copy of (name of the document(s)) from your file. Please note that the document(s) can be found on page(s) of the enclosed record.”

OR IN THE CASE WHERE THE DOCUMENT WAS NOT FOUND

“The specific document(s), (name of document(s)) you requested was not located within your file.” Note: in such a case, the Final Action Code is PD, even if we fully released all pages.

If the specific document(s) being requested can not be located in the file the case will be closed as a “No Record.”

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WHEN DO YOU CLOSE A CASE WITH NO REDACTIONS AS A PD?

There are times you will close a case as a PD even though there were no redactions made on the documents being provided to the requester.

When a specific document has been requested and the document can not be located within the file but you have located a document with like information you should close your case as a PD.

Example 1 - If a requester is looking for an I-94, Arrival/Departure Record and the I-94 can not be located in the A-file you could provide one of the following documents. These documents contain information relating to entry and exit.

- I-94 Arrival/Departure Record
- Passport
- VISA Registration
- Advance Parole Document
- I-205
- I-166 or a Bag and Baggage Document
- DACS Case Closure Summary screen print – Make sure the screen print reflects a Date Departed and Port Departed.
- Document control card
- I-213 Record of Deportable/Inadmissible Alien – This document sometimes reflects departure information.
- Re-entry Permit
- Refugee Travel Document

The final action letter should specifically address the I-94 that was requested and the document we are providing. This case would be closed as a PD. Closing this case as PD allows the requester to appeal our response since a specific document was requested.

Example 2 - The requester asks for entry exit information and we provide him with one of the documents listed above and the document requires no redactions be made. This is a G1.

Example 3 - The requester specifically asked for an I-130 she/he filed showing the receipt number and/or the approval date. (I-130 could not be located.) We provide the requester screen prints from CLAIMS containing this information. This case would be closed as a PD. The final action letter should specifically address the I-130 and what is being provided. Closing this case as PD allows the requester to appeal our response since a specific document was requested.

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Example 4 - The requester has asked for his A-number, he/she wants to file a petition. We have enough information to positively identify the requester. The information located in CIS matches the information provided by the requester. The screen prints from CIS should be scanned as responsive records and processed accordingly. This case would be closed as a G-1.

You will need to read/review the request letter, supporting documents, case supporting documents and the case notes.

DATES ON FINAL ACTION LETTERS

Final action letters must be dated within five (5) days of the day they are mailed out. If a case is returned to you for correction and more than five days have elapsed since you processed the case, please update the date of your final action letter. Also, if you are re-mailing final action letters because they were returned, the date on the final action letter must be updated if the NRC made the mistake.

When the requester receives final action letters, the requester has 60 days to appeal our determination. When we receive an appeal, the first thing we do is check for timeliness of filing. If the appeal is filed more than 60 days after the date of the final action letter, then the appeal is closed out as not applicable and the requester loses the right to challenge our findings. Therefore, if we mail out a letter and it comes back as undeliverable and through research we determine that we mailed it to the wrong address, if we do not change the date of the letter, then we are potentially prejudicing the requester's right to appeal our case.

FAILURE TO COMPLY (FC) CASE CLOSINGS

If you are closing a case FC because of either consent or PII, please substitute one of the following paragraphs in you final action letter. Please put the date of the last correspondence to the requester/subject.

For cases that close FC for no consent

Because the records you seek are those of a personal nature, DHS' regulations require you to provide consent from the records subject before a disclosure of records can be made. On _____ we sent correspondence requesting you provide us with proper consent. Proper consent is defined under 6 CFR § 5.21 as either a notarized signature, a signature signed under penalty of perjury, or proof of death. Although you are not required to use form G-639 to provide consent, a notarized signature in section 7, or a signature at the bottom of section 8 would fulfill this requirement.

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Your case has been closed with no further action taken. If you wish to pursue this request, please provide the information described by the regulation cited above. The requirements for filing a FOIA or PA request are also available for your convenience on our website at www.uscis.gov.

For Cases that close for failure to provide PII

Because the records you seek are those of a personal nature, DHS' regulations require you to provide enough information to positively identify the subject of the request. On _____ we sent you an acknowledgment letter asking you to provide this additional information and you failed to do so. We were unable to positively identify the subject of this request with the information you provided.

Your case has been closed with no further action taken. If you wish to pursue this request, please provide the information described by the regulation cited above. The requirements for filing a FOIA or PA request are also available for your convenience on our website at www.uscis.gov.

DOCUMENTS THAT CONTAIN BLACKED OUT INFORMATION

Usually, "blacked out information" is caused by highlighters that cause specific information on the photocopied or scanned record to appear to be blacked out. When processing a case that contains documents with information that is blacked out, the processor will need to insert a statement in the final action letter informing the requester that there is/are document(s) that contain information that was previously blacked out. Insert the statement immediately after the sentence: "The enclosed record consists of the best reproducible copies available." Please also insert a comment in your summary case note. The sentence is not referring to poor copies of documents or very dark or black pages, etc., but rather information that appears to intentionally have been marked out.

The sentence you include in your final action letter should read as follows:

Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

FEES

NRC charges fees, when applicable, so long as we have not exceeded response time limits. The processor is not responsible for calculating or charging fees; the case approver will make the determination and generate the fee letter when necessary. For more information regarding fees see Office of Records Services FOIA/PA Handbook.

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CASE NOTES

Case notes are an important part of the case. All relevant historic data concerning a case from case create through closing the case should be annotated in a case note. Case notes should contain details and facts regarding the case. Case notes are not an appropriate forum for discussion or requesting clarification from an approver. Seek clarification from an approver by e-mail, telephone, or in person, but not by case note. Both creator and processor should create case notes regarding any unusual circumstances or factors regarding the request or information contained within responsive records. Detailed case notes are vital when a case is being appealed. Case notes become a permanent part of the case and are subject to FOIA after the case has been closed.

Place your first name initial and last name at the end of your case notes (example: **O. Thompson**). This is being implemented by all of FOIA – processors, creators, and records locator and should be in every case note no matter which role you are in. This will help people to quickly identify who did what with the case so if there are any questions, they know who to go to.

To help prevent accidental release of third party PII, please create a case note citing the page number where you matched each item below from the request to verify that it is the correct file:

1. Signature
2. Parents names (if available)
3. Country and date of birth (if available)
4. Any alias names you find
5. Anything else you used to positively ID the file as belonging to the subject

You may include this as part of your summary case note, or you may create a separate case note.

Summary Case Notes should include, if applicable, the information shown below as well as anything that is unique to the case.

- The type of case (FOIA or PA). If the case is a PA, please include page number for proof of PA. If the subject has lost PA status, please include the page number.
- The total number of pages of responsive records (print total)
- The number of pages released in full
- The number of pages withheld in full
- The number of pages partially released

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- What exemptions have been applied in withholding information
- The number of documents referred to another agency
- The number of duplicate pages marked
- The number of pages that were out of scoped (other than the last page).

If the request is for specific documents, and you have Out of Scoped all but a few pages, please put the page numbers you are releasing in your summary case note.

Use administrative notes for comments to a Case Approver, etc. It is important to know that both Case Notes and Administrative Notes become a permanent part of the FIPS record and are accessible after the case has been closed.

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APPENDIX A – REFERENCES AND RESOURCES

References and resources used by FOIA are outlined below. The references consist of the statutes and laws that govern FOIA/PA day-to-day operation.

INTRANET/INTERNET addresses have been added for easy access.

5 U.S.C. § 552a Privacy Act of 1974

5 U.S.C. § 552 Freedom of Information Act

http://www.dhs.gov/xfoia/editorial_0318.shtm

Executive Order 13,392

Freedom of Information Act Guide, 2009 Edition

Privacy Act Overview May 2004 Edition.
(This guide is used for the Privacy Act only).

6 C.F.R. § 5.1 Disclosure of Records and Information

8 C.F.R. Aliens and Nationality

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APPENDIX B - DEFINITIONS

The definitions listed below are words and phrases that frequently appear in FOIA and PA requests are defined. The list is arranged in alphabetical order. Additional definition can be located at <http://www.uscis.gov/portal/site/uscis/menuitem>. Select the tab titled "Education and Resource."

Access - Includes any form of disclosure, to include oral, visual, or reproduced copy. A reproduced copy, whether in paper or electronic format, always satisfies FOIA/PA access requirements.

Accounting for Disclosures - A record of the date, nature, purpose, and the name and address of the person or agency to whom a disclosure is made when disclosing information from a Privacy Act System of Records without the prior written consent of the record subject. Form G-658 is utilized for this purpose. It is not required for intra-agency disclosures, or disclosures required by the FOIA.

Agency - Any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency. This does not include the legislative (Congress) or judicial (Courts) branches of the Government, nor does it apply to state, local, or foreign government agencies. The Department of Homeland Security (DHS) is an agency as defined above. The following are components or bureaus of the Department of Homeland Security; United States Immigration and Customs Enforcement (ICE), United States Customs and Border Protection (CBP), United States Secret Service (USSS), etc.

Agency Record - Any tangible recording of information and/or any item, collection, or grouping of information, including electronic that is maintained and controlled by an agency.

Notes or documents which are made by an employee, kept purely voluntarily, not circulated to nor used by anyone other than the author, and discarded or retained at the author's sole discretion for his/her own individual purposes are personal records. These are not generally agency records because they are not subject to the rules and controls of the agency for records management and disposition. These may, however, become agency records for purposes of the FOIA or PA if used to carry out an agency function (e.g., as the basis for a performance rating).

Asylum - Status granted to someone who has fled to the United States and submitted an application (I-589) asserting that he or she fears persecution if forced to return to his or her home country. Asylees can apply for permanent residence one year after their asylum approval.

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Business Information - Business information means commercial or financial information provided to USCIS by a person that may be protected from disclosure under Freedom of Information Act (5 U.S.C. § 552(b)(4)), because disclosure could reasonably be expected to cause competitive harm to the submitter or another person.

Submitter means any person or entity that provides business information, directly or indirectly, to DHS. A submitter includes, but is not limited to, corporations, state governments, and foreign governments. It does not include other Federal agencies.

Component - Each separate bureau, office, board, division, commission, service, or administration of an agency. For example: Border and Transportation Security (BTS), Citizenship and Immigration Services (USCIS), Federal Emergency Management Agency (FEMA), Immigration and Customs Enforcement (ICE) are components of the DHS Agency.

Conditions of Disclosure - Specific provisions in the Privacy Act (5 U.S.C. § 552a(b)(1) through (12)) allows the agency to disseminate information from a PA system of records without the prior written consent of the record subject.

Congressional Committee Request - A request from either House of Congress, to the extent of matters within its jurisdiction; a subcommittee thereof; any joint committee of Congress; any subcommittee of any such joint committee. Agencies may not use FOIA or PA exemptions to deny records that are the subject of such a request.

Congressional Request - A request from a Member of Congress on his or her own behalf, or on behalf of a constituent. After acknowledgment under congressional correspondence procedures, congressional requests are to be processed in the same manner as any other FOIA or PA request.

Consultation - Obtaining the views of another DHS component or Federal agency concerning the release of information that has been incorporated into immigration documents or a reciprocal request. The National Records Center, FOIA/PA Division, makes the final overall determination on release.

Deport - Removal of an admitted alien from the United States. Deportation is ordered by an immigration judge without punishment being imposed.

Derivative Information - Information, classified or unclassified, originated by another DHS component or Federal agency, that has been extracted or paraphrased and incorporated in immigration documents.

Freedom of Information Act (FOIA) allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States Government agencies under the executive branch. It was signed into law by President Lyndon B. Johnson on July 4, 1966 (Amended 2002), and went into effect the following year.

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Freedom of Information Act Request - A request **in writing** by any person for access to any record maintained by any Federal agency. Federal agencies are not persons for purposes of FOIA.

Included are requests for access to Privacy Act records of another person without the written consent of the record subject, as well as requests from nonimmigrant aliens for access to their own records.

FOIA/PA Information Processing System (FIPS) - Through the use of imaging, workflow, and graphical user interface technologies, FIPS allows USCIS to electronically manage and process FOIA and PA requests.

First Party Requester - A subject or designated representative asking for access to his/her record. A notarized signature or a sworn declaration under penalty of perjury from the record subject is required for access to records.

FOIA Requester Service Center - A call center manned by USCIS FOIA/PA personnel available to answer general questions from the public about the FOIA and PA processes and provide status updates on pending request. For USCIS, the FOIA requester Service Center is located in Lee's Summit Missouri. The telephone number of the Center is (816) 350-5570. Calls are answered between the hours of 7:30AM to 2:30PM Central Time.

***Forms** - Various government forms available from <http://www.uscis.gov/portal/site/uscis> that are provided for the use of requesters and their representatives when submitting a FOIA or PA request with USCIS. The more common forms include:

- **G-28 - Notice of Entry of Appearance as Attorney or Representative** - This form is used for information purposes only. Should be signed by the attorney or representative and by the subject of the record. It is not considered as consent.
- **G-639 Freedom of Information/Privacy Act Request** - This form can be used to make a FOIA/PA request. When completed it provides enough information to complete an extensive search for records.

Full Grant - The release of all records responsive to a FOIA/PA request.

Glomar - A response to a FOIA request when an agency can "neither confirm nor deny" the existence of a record.

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Inadmissible (Excludable) - An alien seeking admission at a port of entry who does not meet the criteria in the Immigration and Nationality Act for admission. The alien may be placed in removal proceedings or, under certain circumstances, allowed to withdraw his or her application for admission.

Illegal alien - A foreign national who entered the United States without inspection or with fraudulent documentation, or who after entering legally as a nonimmigrant remained in the United States without authority.

Immigrant - A person who lawfully or unlawfully intends to reside permanently in the United States.

Individual - The PA describes an individual as follows: a U.S. Citizen (U.S.C.) or alien lawfully admitted for permanent residence (LPR). Conditional residents are considered LPRs. Corporations and organizations are not individuals.

Lawful Permanent Residents/Permanent Resident Aliens (LPR) - Aliens admitted to the United States and allowed to reside in the United States indefinitely despite not having citizenship. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories (INA section 101(a)(15)). An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by U.S. Citizenship and Immigration Services in the United States.

Mosaic approach - A theory which holds that individual items of unclassified information have the potential to produce useable intelligence information, when compiled. All intelligence gathering activity involves a mosaic approach.

Multi-track System - USCIS utilizes a three-track system to process all FOIA requests.

- **Track 1** is used for the less complex cases. These are cases where only one or a few specific documents are being requested from the file.
- **Track 2** is used for the more complex cases. A complete copy of a file, requests from the news media or special interest groups are considered Track 2 cases.
- **Track 3** is used for cases that specifically involve individuals who have been scheduled to appear before an immigration judge.

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Non-immigrants - Aliens who seek temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. The nonimmigrant classifications include: foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé of U.S. citizens, intra-company transferees, NATO officials, religious workers, and some others. Most non-immigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

Partial Denial - The nondisclosure by withholding or deleting any portion of information from a record that is responsive to a FOIA or PA request.

Partial Grant - The full disclosure of a portion or portions of a multi-part request. The remaining portion resulted in a "no record."

Personally Identifiable Information (PII) - Any information that permits the identity of an individual to be directly or indirectly inferred, including any other information that is linked or linkable to that individual regardless of whether the individual is a U.S. citizen, legal permanent resident, or a visitor to the U.S.

Privacy Act (PA) - Refers to the **Privacy Act of 1974**, Public Law No. 93-579, 88 Stat. 1897 (Dec. 31, 1974), codified in part at 5 U.S.C. § 552a, which was passed by the United States Congress following revelations of the abuse of privacy during the administration of President Richard Nixon. The PA requires that no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual (see definition of individual, above) to whom the record pertains, and permits individuals to request a copy of his or her record, and to request amendment of the record in the event the individual believes the record contains information that is not accurate, relevant, timely or complete.

Privacy Act Amendment Request - A request from a U.S.C. or LPR to amend, expunge, or correct information in his/her PA record that the individual believes is not accurate, relevant, timely or complete.

Privacy Act Record - Any item, collection, or grouping of information about an individual who is a U.S.C. or LPR that the maintaining agency retrieves by the person's name, identifying number, symbol, or other identifying particular assigned to that individual. This information includes, but is not limited to, a person's education, financial, medical, criminal or employment history.

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Privacy Act Request - A request in writing submitted either in person or by mail, for records that are contained in a Privacy Act system of records. The records must be under the control of DHS and be retrieved by the name of the requester or other personal identifier. Requests are received from:

- A U.S.C. or LPR for access to or his/her own records, or
- A third-party with a signed privacy waiver from the record subject acting on the subject's behalf, or
- The parent of an LPR or U.S.C. minor child or the legal guardian of a person declared incompetent by a court of competent jurisdiction.

Public Liaisons - Serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received following an initial response from an agency's FOIA Requester Service Center staff.

Requester Service Centers - Serve as the first place that FOIA requesters can contact in order to seek information concerning the status of their FOIA requests and appropriate information about the agency's FOIA responses.

Records Custodian - The official responsible for the maintenance, security, control, and final disposition of official records that are required by law, regulation, or other directive to be kept by the Agency.

Referrals - Information found in immigration records – the forwarding of a record that originated with another component of DHS or another Federal agency for direct response to the FOIA/PA requester. Also includes transferring responsibility for responding to a request regarding the release of records to the DHS component best able to determine whether to disclose, or to the Federal agency that originated the record.

Removal - An immigration legal proceeding that is conducted before an immigration judge to decide whether or not an immigrant will be allowed to enter or remain in the country.

Refugee - Any person who lives outside their country of nationality and who is unable or unwilling to return to that country because of persecution or well-founded fear of persecution. They are allowed to live in the United States indefinitely. Refugees get their status before coming to the U.S., while asylum seekers obtain their status after arrival. Refugees may eventually get green cards.

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Routine Use - An established use and authority for disclosure of records from a Privacy Act System of Records, other than an intra-agency disclosure. Disclosure or use must be for a purpose that is compatible with the purpose for it was collected, that would be otherwise prohibited by the PA. Such disclosures do not require the written consent of the record subject, but require Federal Register publication prior to such use.

Sensitive Personally Identifiable Information (SPII) - *Any personally identifiable information, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.* Some categories of PII, when maintained by DHS, are sensitive as stand-alone data elements. Examples of such Sensitive PII include: Social Security number (SSN), alien registration number (A-Number), or biometric identifier. Other data elements such as driver's license number, financial account number, citizenship or immigration status, or medical information, in conjunction with the identity of an individual (directly or indirectly inferred), are also Sensitive PII. In addition, the context of the PII may determine whether the PII is sensitive, such as a list of employee names with poor performance ratings.

System of Records - A group of any records under the control of an agency from which information is retrieved by the name of the individual or by some other identifying number, symbol, or identifying particular assigned to the individual.

Temporary Protective Status (TPS) - The U.S. government may grant Temporary Protected Status (TPS) to persons already in the United States who came from certain countries experiencing conditions of war or natural disasters. TPS allows someone to live and work in the United States for a specific time period, but it does not lead to a green card.

Third Agency - Other administrative agencies of the Executive Branch of the Federal government, including other components of DHS.

Third Party Request - A request from any person for access to another individual's record without that individual's written consent. The identity of a third party requester and his/her relationship to the subject does not increase (or decrease) his/her rights of access to the records.

Total Denial - The withholding of all agency records responsive to a FOIA/PA request.

USC - United States Citizen.

VAWA - Stands for the Violence Against Women Act, and is an act that was passed by Congress in 1994 that, among other things, created special routes to immigration status for certain battered noncitizens (male or female).

White House Inquiries - An official request from any member of the White House staff, or letters of the President forwarded to the agency for response.

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APPENDIX C – FORMS

The list below reflects forms and the definition of the forms that are utilized by FOIA. Additional forms can be viewed by accessing www.uscis.gov/portal/site/uscis.

G-28 – Notice of Entry of Appearance as Attorney or Representative – Provides notice that an attorney or representative of a religious, charitable, social service or similar organization will appear before U.S. Citizenship and Immigration Services on behalf of a person involved in a matter before USCIS.

The G-28 is not accepted as consent.

G-396 – Request for Review of Classification – This form is used for the review of classified information originated by USCIS.

G-639 – Freedom of Information/Privacy Act Request – This form is used by individuals or representatives/attorneys to request access to USCIS information under the Freedom of Information and Privacy Acts.

G-658 – Record of Information Disclosure (Privacy Act) – This form is used to record disclosures of information for which an accounting may be required under the provisions of the Privacy Act of 1974. Such disclosures include routine uses of information from systems of records (requests by other government agencies; investigations by DHS officers; etc.).

G-734 – FOIA/PA Referral/Consultation Memorandum – This form is used to refer documents/information to other Federal agencies (includes other DHS components) for release determination. This form is available in FIPS in memorandum format.

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APPENDIX D – SYSTEMS USED AND DESCRIPTIONS OF SYSTEMS

The paragraphs below provided a description of some of the systems used by USCIS, ICE and CBP. Most A-files contain screen-prints from one or more of these systems. For more detailed information, please refer to the USCIS page of System Notices.

The Central Index System (CIS) is used for data retrieval. The functions of CIS are to maintain records, search for records, and display data. CIS is a user-friendly menu driven system. There are several screens that can be utilized for searches in CIS, depending upon the information used to search by. Searches can be conducted in CIS by using the a-number, a social security number, FBI number or a passport number. Sounds like and exact names searches can be conducted by using other available screens.

The Computer Linked Application Information Management System (CLAIMS) tracks application and petitions. CLAIMS is a menu driven system. Searches can be conducted by using a receipt number, or names of the petition or beneficiary.

The Deportable Alien Control System (DACS) is a mainframe system designed to track the status of aliens under proceedings. The system contains information about deported and deportable aliens. DACS provides information to include but not limited to; name, date and country of birth, address, hearing date, final disposition, Immigration Judge Hearing screen, Board of Immigration appeals, EOIR, Bond obligor information, case comments and biographic summary. Information is maintained on the alien's entry and departure status until the alien is deported, a stay is granted, or relief is granted. In addition, pertinent information for criminal aliens is maintained.

General Counsel Electronic Management System (GEMS) is a system for the benefit of ICE attorneys and attorney management to be used for the tracking, processing, and reporting on the preparation and presentation of cases for a court or adjudicative body before which the ICE or the DHS is authorized to appear. The system will enable ICE to carry out its assigned national security, law enforcement, immigration control, and other mission related functions and to provide associated management reporting, planning and analysis. The fact that a person has or does not have information in GEMS is not protected.

The National Automated Immigration Lookout System (NAILS) contains names and data on violators or suspected violators of the criminal or civil provisions of statutes enforced by CIS, ICE, CBP, and other Federal law enforcement agencies. This system also maintains the names and data on persons not entitled to be admitted into the United States. On December 31, 2004, the NAILS, which previously contained lookout information from DHS, the U.S. Department of State (DOS), and the U.S. Department of Agriculture (DOA), was incorporated into the Interagency Border Inspection System (IBIS).

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The Interagency Border Inspection Systems (IBIS) keeps track of information on suspect individuals, businesses, vehicles, aircraft, and vessels. IBIS terminals can also be used to access NCIC records on wanted persons, stolen vehicles, vessels or firearms, license information, criminal histories, and previous Federal inspections. The information is used to assist law enforcement and regulatory personnel. IBIS is “a multi-agency database of lookout information ... initiated in 1989 to improve border enforcement and facilitate inspection of individuals applying for admission to the United States at ports-of-entry and pre-inspection facilities.” The system resides at the CBP Data Center on The Enforcement Communications System (TECS). In addition to DHS, law enforcement and regulatory personnel from 20 other federal agencies or bureaus use IBIS. Some of these agencies are the FBI, Interpol, DEA, ATF, IRS, FAA, and Secret Service, just to name a few. Also, information from IBIS is shared with the Department of State for use by Consular Officers at U.S. Embassies and Consulates.

The Treasury Enforcement Communications System (TECS) contains information from a variety of federal state and local sources. Such records pertain to known violators, wanted persons, lookouts (temporary and permanent) reference information, regulatory and compliance data. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description various identifications number, detail and circumstances of search, arrest or seizures.

United States Visitor and Immigrant Status Indicator Technology/Secondary Inspections Tool (US-VISIT/SIT) The Secondary Inspections Tool (SIT) is a Web-based application that interfaces with the USVISIT database.

The SIT has the following features:

- 1:1 verification tool (ability to verify that the person who went to the Application Support Center (ASC) for fingerprinting is the same person appearing at the Asylum Office).
- Access to US-VISIT data.
- Ability to obtain and analyze data prior to applicants' appearance for an interview
- Early warning system for Watch list hits.

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APPENDIX E - TECS CODES

Code	Description / Agency Name
A01	FBI / NCIC
A02	FBI - INFORMATION TECHNOLOGY CENTERS
B01	INS, ON-LINE
B02	INS, NAILS TAPE
B03	DOJ - OSI
B04	INS, BORDER PATROL
B05	INS - OASIS
B06	DACS ABSCONDER
B08	NSEERS
B10	TIPOFF / TERRORIST
B11	CIS/ADIT
B12	RAPS
B13	DACS DEPORTEE
B14	SEVIS
B15	TIPOFF / CRIMINAL
B16	USCIS
B96	INS ONE DAY LOOKOUT
C00	CBP HQ MIS LEVEL
C01	CBP FIELD OPS - PORTLAND ME
C02	CBP FIELD OPS - ALBANS VT
C04	CBP FIELD OPS - BOSTON MA
C05	CBP FIELD OPS - PROVIDENCE RI
C06	CBP FIELD OPS - BRIDGEPORT CT
C07	CBP FIELD OPS - CHAMPLAIN/OGDENSBURG NY
C09	CBP FIELD OPS - BUFFALO NY
C0B	COMMERCIAL OPS - NORTHEAST REGION
C0C	COMMERCIAL OPS - NORTH CENTRAL REGION
C0H	COMMERCIAL OPS - HEADQUARTERS
C0M	COMMERCIAL OPS - SOUTHEAST (MIAMI) REGION
C0N	COMMERCIAL OPS - NEW YORK REGION
C0O	COMMERCIAL OPS - SOUTH CENTRAL (NEW ORLEANS)
C0P	COMMERCIAL OPS - PACIFIC (LOS ANGELES) REGION
C0T	COMMERCIAL OPS - SOUTHWEST (HOUSTON) REGION
C10	CBP FIELD OPS - NEW YORK NY
C11	CBP FIELD OPS - PHILADELPHIA PA
C13	CBP FIELD OPS - BALTIMORE MD
C14	CBP FIELD OPS - NORFOLK VA

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C15	CBP FIELD OPS - WILMINGTON NC
C16	CBP FIELD OPS - CHARLESTON SC
C17	CBP FIELD OPS - SAVANNAH GA
C18	CBP FIELD OPS - TAMPA FL
C19	CBP FIELD OPS - MOBILE AL
C1A	COMMERCIAL OPS - BALTIMORE, MD.
C1B	COMMERCIAL OPS - BOSTON, MA
C1F	COMMERCIAL OPS - BUFFALO, NY
C1H	COMMERCIAL OPS - PHILADELPHIA
C1O	COMMERCIAL OPS - OGDENSBURG, NY
C1P	COMMERCIAL OPS - PORTLAND, ME
C1S	COMMERCIAL OPS - ST. ALBANS, VT
C1T	COMMERCIAL OPS - BRIDGEPORT, CT.
C1V	COMMERCIAL OPS - PROVIDENCE, RI.
C20	CBP FIELD OPS - NEW ORLEANS LA
C21	CBP FIELD OPS - PORT ARTHUR TX
C23	CBP FIELD OPS - LAREDO TX
C24	CBP FIELD OPS - EL PASO TX
C25	CBP FIELD OPS - SAN DIEGO CA
C26	CBP FIELD OPS - NOGALES AZ
C27	CBP FIELD OPS - LOS ANGELES CA
C28	CBP FIELD OPS - SAN FRANCISCO CA
C29	CBP FIELD OPS - COLUMBIA-SNAKE OR
C2J	COMMERCIAL OPS - NEW YORK (JFK)
C2N	COMMERCIAL OPS - NEW YORK, NY
C2W	COMMERCIAL OPS - NEWARK, NJ
C30	CBP FIELD OPS - SEATTLE WA
C31	CBP FIELD OPS - ANCHORAGE AK
C32	CBP FIELD OPS - HONOLULU HI
C33	CBP FIELD OPS - GREAT FALLS MT
C34	CBP FIELD OPS - PEMBINA ND
C35	CBP FIELD OPS - MINNEAPOLIS MN
C36	CBP FIELD OPS - DULUTH MN
C37	CBP FIELD OPS - MILWAUKEE WI
C38	CBP FIELD OPS - DETROIT MI
C39	CBP FIELD OPS - CHICAGO IL
C3C	COMMERCIAL OPS - CHICAGO, IL
C3D	COMMERCIAL OPS - DULUTH, MN
C3G	COMMERCIAL OPS - GREAT FALLS, MT
C3K	COMMERCIAL OPS - MILWAUKEE, WI
C3L	COMMERCIAL OPS - CLEVELAND, OH
C3M	COMMERCIAL OPS - MINNEAPOLIS, MN
C3P	COMMERCIAL OPS - PEMBINA, ND

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C3S	COMMERCIAL OPS - ST. LOUIS, MO
C3T	COMMERCIAL OPS - DETROIT, MI
C41	CBP FIELD OPS - CLEVELAND OH
C45	CBP FIELD OPS - ST. LOUIS MO
C46	CBP FIELD OPS - NEWARK NJ
C47	CBP FIELD OPS - NY (JFK)
C49	CBP FIELD OPS - SAN JUAN PR
C4C	COMMERCIAL OPS - CHARLSTON, SC
C4D	COMMERCIAL OPS - WASHINGTON, D.C. (DISTRICT)
C4J	COMMERCIAL OPS - SAN JUAN, PR
C4M	COMMERCIAL OPS - MIAMI, FL
C4N	COMMERCIAL OPS - NORFOLK, VA.
C4S	COMMERCIAL OPS - SAVANNAH, GA
C4T	COMMERCIAL OPS - TAMPA, FL
C4V	COMMERCIAL OPS - U.S. VIRGIN ISLANDS
C4W	COMMERCIAL OPS - CHARLOTTE, NC
C51	CBP FIELD OPS - US VIRGIN ISLANDS
C52	CBP FIELD OPS - MIAMI FL
C53	CBP FIELD OPS - HOUSTON TX
C54	CBP FIELD OPS - WASHINGTON DC
C55	CBP FIELD OPS - DALLAS-FW TX
C5M	COMMERCIAL OPS - MOBILE, AL
C5N	COMMERCIAL OPS - NEW ORLEANS, LA
C60	USCS - COMMERCIAL OPS.
C61	NAILS TO TECS MIGRATION 2004 - NAILS SUBJECTS
C6D	COMMERCIAL OPS - DALLAS/FT WORTH, TX
C6E	COMMERCIAL OPS - EL PASO, TX.
C6H	COMMERCIAL OPS - HOUSTON, TX.
C6L	COMMERCIAL OPS - LAREDO, TX.
C6N	COMMERCIAL OPS - NOGALES, AZ
C6P	COMMERCIAL OPS - PORT ARTHUR, TX
C70	CBP FIELD OPS HEADQUARTERS
C71	CBP FIELD OPS REGION N-E
C72	CBP FIELD OPS REGION N-Y
C73	CBP FIELD OPS REGION N-C
C74	CBP FIELD OPS REGION S-E
C75	CBP FIELD OPS REGION S-C
C76	CBP FIELD OPS REGION S-W
C77	CBP FIELD OPS REGION PAC
C79	CBP FIELD OPS - CANADA PRECLEARANCE
C7A	COMMERCIAL OPS - ANCHORAGE, AK
C7C	COMMERCIAL OPS - COLUMBIA/SNAKE RIVER, OR.
C7F	COMMERCIAL OPS - SAN FRANCISCO, CA

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C7H	COMMERCIAL OPS - HONOLULU, HI
C7L	COMMERCIAL OPS - LOS ANGELES, CA.
C7S	COMMERCIAL OPS - SAN DIEGO, CA
C7W	COMMERCIAL OPS - SEATTLE, WA
C80	OLD ASA - INVALID
C81	OLD ASA - INVALID
C85	OLD ASA - INVALID
C86	CONVERTED TECS 1 RECORD
C87	OLD ASA - INVALID
C90	CBP FIELD OPS - HQ, PRIVATE AIRCRAFT OPS
C91	TRAFFIC ANALYSIS PROGRAM (TAP)
C92	COMPEX REFERRAL
C93	CONCORDANCE
C94	PROJECT COOK - VESSEL TRACKING
C95	CROSSING RECORDS
C96	CUSTOMS ONE DAY LOOKOUT
C97	OUTBOUND TARGETING AND TRACKING
C98	CBP - SAN DIEGO DATA ENTRY
C99	CBP - DATA SYSTEMS, LESD
C9I	DHS - OFFICE OF SECURITY
C9M	MASTER CREW LIST
C9N	NEXUS-AIR PERSON ENROLLMENT
C9V	USCS OFO, PLEASURE BOAT / PRIVATE VESSEL OPS
C9X	INCIDENT VIOLATOR RECORD
CA0	BORDER PATROL - MIAMI SECTOR
CA1	BORDER PATROL - MIAMI, FL
CA2	BORDER PATROL - TAMPA, FL
CA3	BORDER PATROL - JACKSONVILLE, FL
CA4	BORDER PATROL - WEST PALM BEACH, FL
CA5	BORDER PATROL - ORLANDO, FL
CAA	ICE OI - ALAMOGORDO NM
CAB	ICE OI - ALEXANDRIA BAY NY
CAC	ICE OI - ALAMOSA CO
CAD	ICE OI - CHIEF OF ADMINISTRATION
CAE	ICE OI - ALPINE TX
CAF	ICE OI HQ - CHIEF, ASSET FORFEITURE
CAG	ICE OI - ALBANY GA
CAH	ICE OI - AGUADILLA PR
CAI	ICE OI - ABILENE TX
CAJ	CUSTOMS ATTACHE - ABU DHABI, UNITED EMIRATES
CAK	CUSTOMS ATTACHE - ACCRA, GHANA
CAL	ICE OI - ALBUQUERQUE NM
CAM	ICE OI - AMARILLO TX

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CAN	ICE OI - ANCHORAGE AK
CAO	ICE OI HQ - CHIEF, HUMAN TRAFFICKING
CAP	CUSTOMS OI - APALACHICOLA FL ** HISTORICAL **
CAQ	CUSTOMS ATTACHE - CASABLANCA, MONACO
CAR	CUSTOMS ATTACHE - JAKARTA, INDONESIA
CAS	ICE OI - ASTORIA OR
CAT	ICE OI - ATLANTA GA
CAU	ICE OI - AUSTIN TX
CAV	ICE OI - ST. ALBANS VT
CAW	CUSTOMS ATTACHE - KINGSTON, JAMAICA
CAX	CUSTOMS ATTACHE - CIUDAD JUAREZ, MEXICO
CAY	ICE OI - ALBANY NY
CAZ	ICE OI - SIERRA VISTA AZ
CB0	BORDER PATROL - BUFFALO SECTOR
CB1	BORDER PATROL - BUFFALO, NY
CB2	BORDER PATROL - NIAGARA FALLS, NY
CB3	BORDER PATROL - WATERTOWN, NY
CB4	BORDER PATROL - FULTON, NY
CBA	ICE OI - BALTIMORE MD
CBB	CUSTOMS ATTACHE - BERLIN, GERMANY
CBC	ICE OI - BELLECHASSE LA
CBD	CUSTOMS REP - VANCOUVER BC
CBE	CUSTOMS OI - BELLINGHAM WA ** HISTORICAL **
CBF	CUSTOMS OI - BEAUFORT SC ** HISTORICAL **
CBG	CUSTOMS OI - BOWLING GREEN ** HISTORICAL **
CBH	ICE OI - BANGOR ME
CBI	ICE OI - BIRMINGHAM AL
CBJ	CUSTOMS ATTACHE - BEIJING CHINA
CBK	CUSTOMS ATTACHE - BANKOK THAILAND
CBL	ICE OI - BLAINE WA
CBN	ICE OI - BURLINGTON VT
CBO	ICE OI - BOSTON MA
CBP	ICE OI - BAKERSFIELD CA
CBQ	ICE OI - BURKE NY
CBR	CUSTOMS OI - BRUNSWICK GA ** HISTORICAL **
CBS	CUSTOMS ATTACHE - BRUSSELS BELGIUM
CBT	ICE OI - BATON ROUGE LA
CBU	ICE OI - BUFFALO NY
CBV	ICE OI - BROWNSVILLE TX
CBW	ICE OI - BOWLING GREEN KY
CBZ	ICE OI - BRUSH CO
CC0	BORDER PATROL - EL CENTRO SECTOR
CC1	BORDER PATROL - EL CENTRO, CA

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CC2	BORDER PATROL - INDIO, CA
CC3	BORDER PATROL - RIVERSIDE, CA
CC4	BORDER PATROL - CALEXICO, CA
CCA	ICE OI - CALEXICO CA
CCB	ICE OI - PORT CANAVERAL, FL
CCC	ICE OI - CORPUS CHRISTI TX
CCD	ICE OI - CHRISTIANSTED, USVI
CCE	ICE OI - CHAR. AMALIE, USVI
CCF	ICE OI HQ - CHIEF, COVERT OPERATIONS
CCG	ICE OI - CRAIG CO
CCH	ICE OI - CHICAGO IL
CCI	ICE OI HQ - CHIEF, CORNERSTONE
CCJ	ICE OI - CARLSBAD NM
CCK	ICE OI HQ - CHIEF, FINANCIAL CRIMES OPERATIONS
CCL	ICE OI - CLEVELAND OH
CCM	ICE OI HQ - COMMUNICATIONS MGMT
CCN	ICE OI - NORTHERN KENTUCKY, KY
CCO	ICE OI - COLUMBIA SC
CCP	CUSTOMS OI - CHERRY POINT **HISTORICAL**
CCQ	ICE OI HQ - CHIEF, MLCC - INTAKE
CCR	ICE OI - CHARLOTTE NC
CCS	CUSTOMS OI - COOS BAY OR ** HISTORICAL **
CCT	ICE OI - CHARLESTON SC
CCU	ICE OI - COLUMBUS OH
CCV	CUSTOMS ATTACHE - CARACAS, VENEZUELA
CCW	CUSTOMS OI - CLEARWATER FL ** HISTORICAL**
CCX	CUSTOMS ATTACHE - CARRIBEAN
CCY	ICE OI - CHEYENNE WY
CCZ	CUSTOMS OI - CORTEZ FL ** HISTORICAL **
CD0	BORDER PATROL - DEL RIO SECTOR
CD1	BORDER PATROL - DEL RIO, TX
CD2	BORDER PATROL - COMSTOCK, TX
CD3	BORDER PATROL - CARRIZO SPRINGS, TX
CD4	BORDER PATROL - EAGLE PASS, TX
CD5	BORDER PATROL - BRACKETTVILLE, TX
CD6	BORDER PATROL - UVALDE, TX
CD7	BORDER PATROL - ROCKSPRINGS, TX
CD8	BORDER PATROL - SAN ANGELO, TX
CDA	ICE OI - DALLAS TX
CDB	USCS ATTACHE - DUBLIN ** HISTORICAL **
CDC	ICE OI - WASHINGTON DC
CDD	ICE OI - DETROIT MI (INT'L AP)
CDE	ICE OI - DENVER CO

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CDF	ICE OI - DOVER DE
CDG	ICE OI - DALTON GA
CDH	ICE OI - FARGO ND
CDI	CUSTOMS OI - GULF SHORES ** HISTORICAL **
CDJ	CUSTOMS ATTACHE - SANTO DOMINGO, DOMINICAN
CDK	ICE OI - DURANGO CO
CDL	FAM - LITTLE ROCK
CDM	ICE OI HQ - OFFICE OF DOMESTIC OPS
CDN	ICE OI - DEMING NM
CDO	ICE OI - DOUGLAS AZ
CDP	USCS ATTACHE SANTO DOMINGO ** HISTORICAL **
CDQ	ICE OI - DES MOINES IA
CDR	ICE OI - DEL RIO TX
CDS	FAM - OKLAHOMA CITY
CDT	ICE OI - DETROIT MI
CDU	ICE OI - DULUTH MN
CDV	ICE OI HQ - FIELD OPS DSK OFCR
CDW	ICE OI HQ - NORTHEAST DSK OFCR
CDX	ICE OI HQ - SOUTHEAST DSK OFCR
CDY	ICE OI HQ - SOUTHWEST DSK OFCR
CDZ	ICE OI HQ - NORTHWEST DSK OFCR
CE0	BORDER PATROL - EL PASO SECTOR
CE1	BORDER PATROL - EL PASO, TX
CE2	BORDER PATROL - LORDSBURG, NM
CE3	BORDER PATROL - TRUTH OR CONSEQUENCES, NM
CE4	BORDER PATROL - LAS CRUCES, NM
CE5	BORDER PATROL - FABENS, TX
CE6	BORDER PATROL - ALAMOGORDO, NM
CE7	BORDER PATROL - FORT HANCOCK, TX
CE8	BORDER PATROL - CARLSBAD, NM
CE9	BORDER PATROL - DEMING, NM
CEA	ICE OI HQ - EASTERN OPERATIONS
CEB	ICE OI - BOISE, ID
CEC	CUSTOMS OI - EXECUTIVE DIRECTOR - CENTRAL **
CED	ICE OI HQ - DEPUTY ASST DIR, NTL SECURITY INVEST
CEE	CUSTOMS OI - EXECUTIVE DIRECTOR - EAST **
CEF	FOD BUFFALO
CEG	ICE OI - EAGLE PASS TX
CEH	CUSTOMS ATTACHE - SAN SALVADOR, EL SALVADOR
CEI	FOD MIAMI
CEJ	ICE OI - EPIC STAFF
CEK	CUSTOMS ATTACHE - CAIRO, EGYPT
CEL	ICE OI - EL CENTRO CA

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CEM	EPIC - WATCH PERSONNEL
CEN	FAM - DETROIT
CEO	FOD BOSTON
CEP	ICE OI - EL PASO TX
CEQ	FOD WASHINGTON DC
CER	FOD ATLANTA
CES	ICE OI HQ - CHIEF LESC
CET	FOD BALTIMORE
CEU	ICE OI - EUREKA CA
CEV	FAM - CLEVELAND
CEW	CUSTOMS OI - EXECUTIVE DIRECTOR - WEST
CEX	ICE OI HQ - STRATEGIC INV DIV
CEY	FOD NEW YORK
CEZ	FOD NEWARK
CF0	BORDER PATROL - BLAINE SECTOR
CF1	BORDER PATROL - BLAINE, WA
CF2	BORDER PATROL - LYNDEN, WA
CF3	BORDER PATROL - BELLINGHAM, WA
CF4	BORDER PATROL - PORT ANGELES, WA
CFA	ICE OI - FARMINGDALE NY
CFB	ICE OI - FT SMITH AR
CFC	ICE OI - FRESNO CA
CFD	ICE OI - FALCON DAM TX
CFE	CUSTOMS REP - FRANKFURT
CFF	ICE OI - FLAGSTAFF AZ
CFG	ICE OI HQ - ASSIST DIRECTOR, FOREIGN OPS
CFH	ICE OI - IDAHO FALLS ID
CFI	ICE OI HQ - DEPUTY ASST DIRECTOR, FINANCIAL
CFJ	ICE OI - FAJARDO PR
CFK	ICE OI HQ - CHIEF, CHIEF COMMERCIAL FRAUD
CFL	ICE OI - FT LAUDERDALE FL
CFM	ICE OI - FORT MYERS FL
CFN	CUSTOMS - FINCEN
CFO	ICE OI HQ - SPECIAL INV DIV
CFP	ICE OI - FORT PIERCE FL
CFQ	ICE OI HQ - CHIEF, HUMAN RIGHTS VIOLATIONS
CFR	ICE OI HQ - DIRECTOR, FRAUD INVESTIGATIONS
CFS	ICE OI - NFPS FT BENNING, GA
CFT	ICE OI - FREEPORT TX
CFU	ICE OI - FAYETTEVILLE AR
CFV	ICE OI HQ - FUGITIVE PROGRAM
CFX	ICE OI HQ - EUROPE DSK OFCR
CFY	ICE OI HQ - CHIEF, CRITICAL INFRASTRUCTURE

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CFZ	ICE OI HQ - FAR EAST DSK OFCR
CG0	BORDER PATROL - GRAND FORKS SECTOR
CG1	BORDER PATROL - GRAND FORKS, ND
CG2	BORDER PATROL - PORTAL, ND
CG3	BORDER PATROL - BOTTINEAU, ND
CG4	BORDER PATROL - PEMBINA, ND
CG5	BORDER PATROL - INTERNATIONAL FALLS, MN
CG6	BORDER PATROL - WARROAD, MN
CG7	BORDER PATROL - DULUTH, MN
CG8	BORDER PATROL - GRAND MARAIS, MN
CGA	ICE OI - GALVESTON TX
CGB	ICE OI - GULFPORT "BLUE LIGHTNING"
CGC	ICE OI - GRAND FORKS ND
CGD	ICE OI HQ - CHIEF, SPECIAL OPS DIV (SOD)
CGE	FAM - MIAMI
CGF	ICE OI - GREAT FALLS MT
CGG	ICE OI - ST GEORGE UT
CGH	CUSTOMS REP - GUANGZOU, PRC
CGI	ICE OI - GRAND ISLAND NE
CGJ	ICE OI - GRAND JCT CO
CGK	ICE OI HQ - CHIEF, CONTRABAND SMUGGLING
CGL	CUSTOMS ATTACHE - GUADALAJARA, MEXICO
CGM	ICE OI - GUAM
CGN	ICE OI FLETC - GLYNCO GA
CGP	ICE OI - GRAND RAPIDS MI
CGQ	ICE OI HQ - DEP ASST DIR, SMUGGLING/PUBLIC
CGR	CUSTOMS OI - GREENSBORO NC ** HISTORICAL **
CGS	CUSTOMS OI - GULF SHORES AL ** HISTORICAL **
CGT	CUSTOMS ATTACHE - GUATEMALA CITY, GUATEMALA
CGU	ICE OI - GULFPORT MS
CGV	ICE OI - GREENVILLE SC
CGW	ICE OI - GLENWOOD SPGS CO
CGX	FAM - SAN JUAN
CGY	ICE ATTACHE - ATHENS, GREECE
CGZ	ICE OI - GREER SC
CH0	BORDER PATROL - HOULTON SECTOR
CH1	BORDER PATROL - HOULTON, ME
CH2	BORDER PATROL - JACKMAN, ME
CH3	BORDER PATROL - RANGELEY, ME
CH4	BORDER PATROL - VAN BUREN, ME
CH5	BORDER PATROL - FORT FAIRFIELD, ME
CH6	BORDER PATROL - CALAIS, ME
CHA	CUSTOMS ATTACHE - PORT AU-PRINCE, HAITI

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CHB	ICE OI - HARRISBURG PA
CHC	ICE OI - HARTFORD CT
CHD	FAM - LOUISVILLE/COVINGTON
CHE	CUSTOMS REP - HERMOSILLO
CHF	ICE OI - HARTSFIELD INTL AIRPORT, ATLANTA GA
CHG	ICE OI - HARLINGEN TX
CHH	ICE OI - HARRISONBURG VA
CHI	ICE OI - CHERRY HILL NJ
CHJ	FAM - INDIANAPOLIS
CHK	CUSTOMS REP - HONG KONG
CHL	ICE OI - HONOLULU HI
CHM	ICE OI - HELENA MT
CHN	FAM - CINCINNATI
CHO	ICE OI - HOUSTON TX
CHQ	ICE OI - HEADQUARTERS
CHR	ICE OI - VAN HORN TX
CHS	DHS-INTEL ANALYSIS INFRASTRUCTURE PROTECTION
CHT	ICE OI - HOULTON ME
CHU	ICE OI - HOUMA LA
CHV	CUSTOMS ATTACHE - HO CHI MINH CITY, VIETNAM
CHW	FAM - SAN ANTONIO
CHX	FAM - EL PASO
CHY	FAM - NEW ORLEANS
CHZ	FAM - HOUSTON
CIO	IA - MANAGEMENT INFORMATION
CIA	CUSTOMS INTERNAL AFFAIRS
CIB	ICE FIELD INTELLIGENCE UNIT - BOSTON MA
CIC	ICE NORTH CENTRAL FIELD INTELLIGENCE UNIT
CID	CBP INTEL ANALYSIS DIVISION
CIE	CBP INTEL FIELD PROGRAMS DIVISION
CIF	ICE TACTICAL INTELLIGENCE CENTER
CIG	ICE FIELD INTELLIGENCE UNIT - NEW ORLEANS, LA
CIH	ICE SOUTH CENTRAL FIELD INTELLIGENCE UNIT
CII	FOREIGN INTELLIGENCE COLLECTION TEAM
CIJ	CBP INTEL EXTERNAL RELATIONS DIVISION
CIK	CBP INTEL NATIONAL SECURITY DIVISION
CIL	ICE PACIFIC FIELD INTELLIGENCE UNIT
CIM	ICE SOUTH EAST FIELD INTELLIGENCE UNIT
CIN	ICE NORTH EAST FIELD INTELLIGENCE UNIT
CIO	ICE OI - SPRINGFIELD IL
CIP	ICE OI - INDIANAPOLIS IN
CIQ	CBP HQ - INTELLIGENCE
CIR	CBP INTELL SUPPORT BRANCH

PROCESSING GUIDE

CIS	ICE OI HQ - DEPUTY ASST DIR, INVESTIGATIVE SERV
CIT	CUSTOMS OI DIO - TAMPA FL ** HISTORICAL **
CIU	ICE OI - SIOUX CITY IA
CIV	ICE OI HQ - CHIEF, INVESTIGATIVE SUPPORT
CIW	ICE OI HQ - INTEL OPS CENTER
CIX	NCFIU - CHICAGO
CIY	ICE ALBUQUERQUE SPECIAL OPS CENTER
CIZ	ICE SOUTH WEST FIELD INTELLIGENCE UNIT
CJ0	BORDER PATROL - SAN DIEGO SECTOR
CJ1	BORDER PATROL - SAN CLEMENTE, CA
CJ2	BORDER PATROL - TEMECULA, CA
CJ3	BORDER PATROL - BROWN FIELD, CA
CJ4	BORDER PATROL - CHULA VISTA, CA
CJ5	BORDER PATROL - CAMPO, CA
CJ6	BORDER PATROL - BOULEVARD DUTY POST, CA
CJ7	BORDER PATROL - EL CAJON, CA
CJ8	BORDER PATROL - IMPERIAL BEACH, CA
CJA	ICE OI - JACKSON MS
CJB	FPS - BALTIMORE, MD
CJC	FPS - CHICAGO, IL
CJD	FPS - DALLAS, TX
CJE	FPS - DENVER, CO
CJF	FPS - MIAMI, FL
CJG	FPS - OAKLAND, CA
CJH	FPS - HOUSTON, TX
CJI	FPS - INDIANAPOLIS, IN
CJJ	FPS - FARGO, ND
CJK	ICE OI - JFK AIRPORT NY
CJL	FPS - ST. LOUIS, MO
CJM	FPS - KANSAS CITY, MO
CJN	FPS - NEW YORK, NY
CJO	FPS - BOSTON, MA
CJP	FPS - PHILADELPHIA, PA
CJQ	FPS - PATTERSON, NJ
CJR	FPS - ROCHESTER, NY
CJS	FPS - SAN FRANCISCO, CA
CJT	FPS - SACRAMENTO, CA
CJU	FPS - SEATTLE, WA
CJV	FPS - LAS VEGAS, NV
CJW	FPS - FORT WORTH, TX
CJX	ICE OI - JACKSONVILLE FL
CJY	FPS - LOS ANGELES, CA
CJZ	FPS - SPOKANE, WA

PROCESSING GUIDE

CK0	BORDER PATROL - DETROIT SECTOR
CK1	BORDER PATROL - DETROIT, MI
CK2	BORDER PATROL - SAULT STE MARIE, MI
CK3	BORDER PATROL - TRENTON, MI
CK4	BORDER PATROL - PORT HURON, MI
CK5	BORDER PATROL - GRAND RAPIDS, MI
CKA	CUSTOMS ATTACHE - KARACHI PAK
CKB	FPS - AUBURN, WA
CKC	ICE OI - KANSAS CITY MO
CKD	FPS - WASHINGTON DC
CKE	FPS - DETROIT, MI
CKG	ICE OI - KINGMAN AZ
CKH	FPS - PORTSMOUTH, NH
CKI	ICE OI - KNOXVILLE TN
CKJ	FPS - SAN DIEGO, CA
CKK	FPS - BINGHAMTON, NY
CKL	ICE OI - KEY LARGO FL
CKM	ICE OI - KALISPELL MT
CKN	FPS - ANCHORAGE, AK
CKO	CUSTOMS ATTACHE - SEOUL KOREA
CKQ	FPS - PORTLAND, OR
CKR	FPS - CHARLOTTE, NC
CKS	ICE OI HQ - CHIEF, CYBERSMUGGLING CENTER
CKT	FPS - TAMPA, FL
CKU	FPS - BUFFALO, NY
CKV	FPS - CLEVELAND, OH
CKW	ICE OI - KEY WEST FL
CKX	FPS - PHOENIX, AZ
CKZ	FPS - FT SNELLING, MN
CL0	BORDER PATROL - LAREDO SECTOR
CL1	BORDER PATROL - LAREDO DELMAR, TX
CL2	BORDER PATROL - COTULLA, TX
CL3	BORDER PATROL - HEBBRONVILLE, TX
CL4	BORDER PATROL - LAREDO SOUTH, TX
CL5	BORDER PATROL - DALLAS, TX
CL6	BORDER PATROL - FREER, TX
CL7	BORDER PATROL - SAN ANTONIO, TX
CL8	BORDER PATROL - ZAPATA, TX
CLA	ICE OI - LOS ANGELES CA
CLB	ICE OI - LUBBOCK TX
CLC	ICE OI - LAKE CHARLES LA
CLD	ICE OI - LAREDO TX
CLE	CUSTOMS FLETC - MARANA

PROCESSING GUIDE

CLF	ICE OI - LAFAYETTE LA
CLG	FAM - TAMPA
CLH	FAM - JACKSONVILLE
CLI	ICE OI - LONG ISLAND NY
CLK	CUSTOMS OI - LUKEVILLE AZ ** HISTORICAL **
CLL	ICE OI - FISHKILL NY
CLM	FPS - MILWAUKEE, WI
CLN	CUSTOMS ATTACHE - LONDON UK
CLO	ICE OI - LONDON, KY
CLP	FAM - ORLANDO
CLR	ICE OI - LITTLE ROCK AR
CLS	ICE OI - LAS CRUCES NM
CLT	FPS - ATLANTA, GA
CLU	ICE OI - LOUISVILLE KY
CLV	ICE OI - LAS VEGAS NV
CLW	FAM - LAS VEGAS
CLX	ICE OI - LAX AIRPORT CA
CLY	FAM - PHOENIX
CLZ	LESC OPERATIONS CENTER
CM0	BORDER PATROL - HAVRE SECTOR
CM1	BORDER PATROL - HAVRE, MT
CM2	BORDER PATROL - MALTA, MT
CM3	BORDER PATROL - BILLINGS, MT
CM4	BORDER PATROL - TWIN FALLS, ID
CM5	BORDER PATROL - SHELBY, MT
CM6	BORDER PATROL - SWEETGRASS, MT
CM7	BORDER PATROL - ST MARY, MT
CM8	BORDER PATROL - PLENTYWOOD, MT
CM9	BORDER PATROL - SCOBEY, MT
CMA	ICE OI - MAYAGUEZ PR
CMB	CUSTOMS ATTACHE - MANILA
CMC	ICE OI - MCALLEN TX
CMD	ICE OI - MIDDLETON NY
CME	ICE OI - MEMPHIS TN
CMF	ICE OI - MANCHESTER NH
CMG	ICE OI - MINOT ND
CMH	ICE OI - MOREHEAD CITY NC
CMI	ICE OI - MIAMI FL
CMJ	ICE OI - SAULT STE. MARIE MI
CMK	ICE OI - MILWAUKEE WI
CML	CUSTOMS REP - MILAN ITALY ** HISTORICAL **
CMM	CUSTOMS REP - MERIDA MX ** HISTORICAL **
CMN	CUSTOMS OI - MARATHON FL ** HISTORICAL **

PROCESSING GUIDE

CMO	ICE OI - MOBILE AL
CMP	ICE OI - MARFA SECTOR
CMQ	ICE OI - SPRINGFIELD MO
CMR	CUSTOMS OI - NAPLES, FL ** HISTORICAL **
CMS	ICE OI - ST PAUL MN
CMT	CUSTOMS ATTACHE - MONTREAL CAN
CMU	CUSTOMS ATTACHE - MADRID, SPAIN
CMV	CUSTOMS ATTACHE - MONTEVIDEO, URUGUAY
CMW	CUSTOMS ATTACHE - MOSCOW
CMX	CUSTOMS ATTACHE - MEXICO CITY
CMY	CUSTOMS REP - MONTERREY MX
CMZ	ICE OI - MASSENA NY
CN0	BORDER PATROL - NEW ORLEANS SECTOR
CN1	BORDER PATROL - NEW ORLEANS, LA
CN2	BORDER PATROL - LAKE CHARLES, LA
CN3	BORDER PATROL - BATON ROUGE, LA
CN4	BORDER PATROL - GULFPORT, MS
CN5	BORDER PATROL - MOBILE, AL
CN6	BORDER PATROL - LITTLE ROCK, AR
CNA	ICE OI - NAPANOCH, NY
CNC	FAM - NEW YORK
CND	NDIC - JOHNSTOWN
CNE	FAM - ALBANY
CNF	ICE OI - NORFOLK VA
CNG	ICE OI - NOGALES AZ
CNH	ICE OI - NEW HAVEN CT
CNI	CUSTOMS ATTACHE - NEW DELHI
CNJ	FAM - NEWARK
CNK	ICE OI - NEWARK NJ
CNL	CUSTOMS ATTACHE - ROTTERDAM
CNM	FAM - BUFFALO
CNN	ICE OI - CINCINNATI OH
CNO	ICE OI - NEW ORLEANS LA
CNP	ICE OI - NEWPORT VT
CNR	CUSTOMS ATTACHE - NAIROBI, KENYA
CNS	CUSTOMS OI - NASSAU ** HISTORICAL **
CNT	ICE OI - DERBY LINE VT
CNV	ICE OI - NASHVILLE TN
CNW	ICE OI - NORTH PLATTE NE
CNX	FAM - COLUMBIA
CNY	ICE OI - NEW YORK NY
CNZ	FAM - CHARLOTTE
COA	ICE OI - PASCO WA

PROCESSING GUIDE

COB	FAM HQ SYSTEM OPERATIONS CONTROL DIV.
COC	ICE OI - OKLAHOMA CITY OK
COD	HQ - ODS/LESD
COE	ICE OI HQ - INS INVESTIGATIONS
COF	ICE OI - SIOUX FALLS SD
COG	CUSTOMS OI - OGDENSBURG NY ** HISTORICAL **
COH	ICE OI - O'HARE INTL AIRPORT CHICAGO IL
COI	ICE OI HQ - DIRECTOR, INVESTIGATIONS
COJ	ICE OI - OMAHA NE
COL	ICE OI - ORLANDO FL
COM	ICE OI - MEDFORD OR
CON	FAM HQ INVESTIGATIONS DIVISION
COO	FAM HQ FLIGHT OPERATIONS
COP	ICE OI HQ - DIRECTOR, OFFICE OF OPERATIONS
COR	ICE OI - SANTA ANA (ORANGE CO) CA
COS	ICE OI - OCEANSIDE CA
COT	CUSTOMS ATTACHE - OTTAWA CAN
COU	ICE OI - OGDEN UT
COV	ICE OI HQ - MANAGEMENT OVERSIGHT DIVISION
COW	ICE OI - OROVILLE WASHINGTON
COX	ICE OI - VENTURA CA
CPA	CUSTOMS ATTACHE - PARIS FRANCE
CPB	ICE OI - PITTSBURGH PA
CPC	ICE OI - PANAMA CITY FL
CPD	ICE OI - PEMBINA ND
CPE	CUSTOMS OI - PEMBINA ND ** HISTORICAL **
CPF	ICE OI - PROVIDENCE RI
CPG	FAM - PITTSBURGH
CPH	ICE OI - PHILADELPHIA PA
CPI	CUSTOMS OI - PORT ISABEL TX ** HISTORICAL **
CPJ	CUSTOMS ATTACHE - PRETORIA SOUTH AFRICA
CPK	ICE OI - PEMBROKE PINES FL
CPL	ICE OI HQ - POLYGRAPH OPERATIONS
CPM	ICE OI - PORTLAND ME
CPN	CUSTOMS ATTACHE - PANAMA CITY
CPO	ICE OI - PONCE PR
CPP	ICE OI - PUEBLO CO
CPQ	ICE OI HQ - PLANS AND POLICY
CPR	ICE OI - PRESIDIO TX
CPS	ICE OI - PENSACOLA FL
CPT	ICE OI - PORTLAND OR
CPU	ICE OI - BEAUMONT TX
CPV	CUSTOMS OI - PROVIDENCE, RI ** HISTORICAL **

PROCESSING GUIDE

CPW	ICE OI - PORT ANGELES WA
CPX	ICE OI - PHOENIX AZ
CPY	ICE OI - PROVO UT
CPZ	CUSTOMS ATTACHE - ISLAMABAD PAKISTAN
CQA	ICE OI - ERIN, HANAHAN
CQB	ICE OI - ERIN, FT LEONARD WOOD
CQC	ICE OI - ERIN, KIRTLAND AFB
CQD	ICE OI - ERIN, NAS FALLON
CQE	ICE TACTICAL INTELLIGENCE CENTER
CQF	ICE FIELD INTELLIGENCE DIVISION
CQG	ICE INTELLIGENCE PROGRAMS DIVISION
CQH	ICE OI HQ - INTELLIGENCE
CQI	ICE INTELLIGENCE SUPPORT DIVISION
CQJ	CUSTOMS ATTACHE - QUITO ECUADOR
CQK	FAM - BOSTON
CQL	ICE OI SECTOR - BOSTON MA
CQM	ICE OI SECTOR - NEW YORK
CQN	ICE OI SECTOR - MIAMI FL
CQO	ICE OI SECTOR - SAN JUAN
CQP	ICE OI SECTOR - NEW ORLEANS
CQQ	ICE OI SECTOR - HOUSTON TX
CQR	ICE OI SECTOR - LOS ANGELES
CQS	ICE OI SECTOR - CHICAGO IL
CQT	FAM - NEW HAVEN
CQW	FAM - DENVER
CQX	SALT LAKE CITY
CQY	FAM - KANSAS CITY
CQZ	FAM - ALBUQUERQUE
CR0	BORDER PATROL - RAMEY SECTOR
CR1	BORDER PATROL - RAMEY, PR
CRA	ICE OI - RALEIGH NC
CRB	ICE OI ARCE - BOSTON MA
CRC	ICE OI ARCE - CHICAGO IL
CRD	ICE OI HQ - R & D DIV
CRE	ICE OI - RENO NV
CRF	CUSTOMS OI ARCE - MIAMI FL ** HISTORICAL **
CRG	CUSTOMS OI ARCE - NEW ORLEANS ** HISTORICAL **
CRH	CUSTOMS OI ARCE - HOUSTON TX ** HISTORICAL **
CRI	CUSTOMS OI - RICHMOND VA (NEVER OPENED)
CRJ	CUSTOMS REP - JEDDAH SAUDI ARABIA
CRK	ICE OI - REDDING CA
CRL	CUSTOMS OI ARCE - LOS ANGELES ** HISTORICAL **
CRM	CUSTOMS ATTACHE - ROME ITALY

PROCESSING GUIDE

CRN	CUSTOMS OI ARCE - NEW YORK NY ** HISTORICAL **
CRO	CUSTOMS OI - ROANOKE VA ** HISTORICAL **
CRP	ICE OI - ROUSES POINT NY
CRQ	ICE OI - CEDAR RAPIDS IA
CRR	CUSTOMS ATTACHE - RIYADH SAUDI ARABIA
CRS	ICE OI - STOCKTON, CA
CRU	FAM - MEMPHIS
CRV	ICE OI - SAN BERNARDINO CA
CRW	FAM - BIRMINGHAM
CRX	CUSTOMS OI - REEDVILLE, VA ** HISTORICAL **
CRY	FAM - MOBILE
CRZ	FAM - JACKSON
CS0	BORDER PATROL - SWANTON SECTOR
CS1	BORDER PATROL - SWANTON, VT
CS2	BORDER PATROL - RICHFORD, VT
CS3	BORDER PATROL - NEWPORT, VT
CS4	BORDER PATROL - BEECHER FALLS, VT
CS5	BORDER PATROL - CHAMPLAIN, NY
CS6	BORDER PATROL - OGDENSBURG, NY
CS7	BORDER PATROL - MASSENA, NY
CS8	BORDER PATROL - BURKE, NY
CSA	ICE OI - SAN ANTONIO TX
CSB	CUSTOMS ATTACHE - BOGOTA COLUMBIA
CSC	ICE OI - SALT LAKE CITY
CSD	ICE OI - SAN DIEGO CA
CSE	ICE OI - SEATTLE WA
CSF	ICE OI - SAN FRANCISCO CA
CSG	ICE OI - SAN ANGELO TX
CSH	ICE OI - SHREVEPORT LA
CSI	ICE OI - SAN FRANCISCO AIRPORT
CSJ	ICE OI - SAN JUAN PR
CSK	CUSTOMS ATTACHE - STOCKHOLM SW
CSL	ICE OI - YUMA/SAN LUIS, AZ
CSM	ICE OI HQ - DIRECTOR, SMUGGLING INVESTIGATIONS
CSN	ICE OI - SAN JOSE CA
CSO	ICE OI - SACRAMENTO CA
CSP	ICE OI - SPOKANE, WA
CSQ	CUSTOMS ATTACHE - BRASILLIA (FORMERLY SAO PAULO)
CSR	ICE OI - SARASOTA FL
CSS	ICE OI - SELLS AZ
CST	ICE OI - ST THOMAS VI
CSU	ICE OI - ST LOUIS MO
CSV	ICE OI - SAVANNAH GA

PROCESSING GUIDE

CSW	ICE OI - SWANTON VT
CSX	CUSTOMS ATTACHE - SINGAPORE
CSY	ICE OI - SAN YSIDRO CA
CSZ	CUSTOMS ATTACHE - BERN SWITZERLAND
CT0	BORDER PATROL - MARFA SECTOR
CT1	BORDER PATROL - MARFA, TX
CT2	BORDER PATROL - LUBBOCK, TX
CT3	BORDER PATROL - AMARILLO, TX
CT4	BORDER PATROL - PRESIDIO, TX
CT5	BORDER PATROL - PECOS, TX
CT6	BORDER PATROL - FORT STOCKTON, TX
CT7	BORDER PATROL - SANDERSON, TX
CT8	BORDER PATROL - ALPINE, TX
CT9	BORDER PATROL - SIERRA BLANCA, TX
CTA	ICE OI - TAMPA FL
CTB	CUSTOMS ATTACHE - TEGUCIGALPA HONDURAS
CTC	CUSTOMS OI - TACOMA WA ** HISTORICAL **
CTD	ICE OI INTERPOL - WASHINGTON DC
CTE	ICE OI HQ - TACTICAL ENF
CTF	CUSTOMS REP - INTERPOL PARIS
CTG	ICE OI HQ - NTL TARGETING CNTR, OFF OF BORDER
CTH	ICE OI HQ - CHIEF, TECHNICAL OPERATIONS
CTI	ICE OI HQ - DIRECTOR, STRATEGIC INVESTIGATIONS
CTJ	CUSTOMS REP - TIJUANA MX
CTK	ICE OI HQ - STRATEGIC OPERATIONS
CTL	ICE OI - TALLAHASSEE FL
CTM	ICE OI - MIDLAND TX
CTN	CUSTOMS ATTACHE - TORONTO
CTO	CUSTOMS ATTACHE - TOKYO JAPAN
CTP	ICE OI HQ - TACT ENF MARINE DIV
CTQ	ICE OI HQ - CHIEF, NATIONAL SECURITY UNIT
CTR	ICE OI - ENF TRAINING STAFF
CTS	ICE OI - TWIN FALLS ID
CTT	ICE OI - CHATTANOOGA TN
CTU	ICE OI - TUCSON AZ
CTV	ICE OI - DALLAS TX (TECH OPS)
CTW	CUSTOMS ATTACHE - TAIPEI TAIWAN
CTX	ICE OI - TEXARKANA AR
CTZ	TREASURY - OFFICE OF FINANCIAL ENFORCEMENT
CU1	BORDER PATROL - LLANO, TX
CU2	BORDER PATROL - ABILENE, TX
CU3	BORDER PATROL - SILVER CITY, NM
CU4	BORDER PATROL - YSLETA, TX

PROCESSING GUIDE

CU5	BORDER PATROL - ALBUQUERQUE, NM
CU6	BORDER PATROL - SANTA TERESA, NM
CU7	BORDER PATROL - BIG BEND NT'L PARK, TX
CU8	BORDER PATROL - VAN HORN, TX
CU9	BORDER PATROL - MIDLAND, TX
CUA	TUCSON AIRG
CUB	BALTIMORE AIRG
CUC	DENVER AIRG
CUD	DETROIT AIRG
CUE	EL PASO AIRG
CUF	SAN FRANCISCO AIRG
CUG	BOSTON AIRG
CUH	HOUSTON AIRG
CUI	CHICAGO AIRG
CUJ	ATLANTA AIRG
CUK	BUFFALO AIRG
CUL	LOS ANGELES AIRG
CUM	MIAMI AIRG
CUN	NEW YORK AIRG
CUO	SAN ANTONIO AIRG
CUP	SAN JUAN AIRG
CUQ	NEW ORLEANS AIRG
CUR	PHILADELPHIA AIRG
CUS	SAN DIEGO AIRG
CUT	TAMPA AIRG
CUU	SEATTLE AIRG
CUV	WASHINGTON DC AIRG
CUW	NEWARK AIRG
CUX	DALLAS AIRG
CUY	ST PAUL AIRG
CUZ	PHOENIX AIRG
CV0	BORDER PATROL - LIVERMORE SECTOR
CV1	BORDER PATROL - SACRAMENTO, CA
CV2	BORDER PATROL - STOCKTON, CA
CV3	BORDER PATROL - FRESNO, CA
CV4	BORDER PATROL - BAKERSFIELD, CA
CV5	BORDER PATROL - SAN LUIS OBISPO
CVA	ICE OI - TAMPA MARINE UNIT
CVB	BELLINGHAM, WASHINGTON
CVC	ICE OI - FORENSIC DOCUMENT LAB
CVE	ICE OI - VENICE LA MARINE UNIT
CVF	ICE OI - FT MYERS MARINE UNIT
CVH	ICE OI - ST THOMAS MARINE UNIT

PROCESSING GUIDE

CVI	ICE OI - SAN DIEGO MARINE UNIT
CVJ	ICE OI - FAJARDO MARINE UNIT
CVK	ICE OI - KEY WEST MARINE UNIT
CVL	ICE OI - FT LAUDERDALE MARINE UNIT
CVM	ICE OI - MIAMI MARINE UNIT
CVN	CUSTOMS ATTACHE - VIENNA AUST
CVO	ICE OI - PONCE MARINE UNIT
CVP	ICE OI - FT PIERCE MARINE UNIT
CVR	ICE OI - KEY LARGO MARINE UNIT
CVS	ICE OI - GULFPORT MARINE UNIT
CVT	PLATTSBURG, NEW YORK
CVU	ICE OI - SAN JUAN MARINE UNIT
CVV	ICE OI - BROWNSVILLE (PORT ISABEL) MARINE UNIT
CVW	ICE OI - WEST PALM BEACH MARINE UNIT
CVY	ICE OI - MAYAGUEZ MARINE UNIT
CW0	BORDER PATROL - SPOKANE SECTOR
CW1	BORDER PATROL - SPOKANE, WA
CW2	BORDER PATROL - PASCO, WA
CW3	BORDER PATROL - OROVILLE, WA
CW4	BORDER PATROL - WENATCHEE, WA
CW5	BORDER PATROL - COLVILLE, WA
CW6	BORDER PATROL - BONNERS FERRY, ID
CW7	BORDER PATROL - WHITE FISH, MT
CW8	BORDER PATROL - EUREKA, MT
CWA	FOD SEATTLE
CWB	FAM - DALLAS
CWC	ICE OI - CASPER WY
CWD	FOD DENVER
CWE	FOD SAN DIEGO
CWF	FOD SAN FRANCISCO
CWI	ICE OI - WILLMINGTON NC
CWK	ICE OI - WICHITA KS
CWL	FOD LOS ANGELES
CWM	ICE OI - WILMINGTON DE
CWN	ICE OI - WENATCHEE WA
CWO	WESTERN OPERATIONS
CWP	ICE OI - WEST PALM BEACH FL
CWQ	ICE OI HQ - DETENTION & REMOVAL
CWR	FAM - MINNEAPOLIS
CWS	ICE OI - WINSTON/SALEM NC
CWT	FAM - OMAHA
CWU	FAM - BALTIMORE
CWV	ICE OI - CHARLESTON WV

PROCESSING GUIDE

CWW	FAM - WASHINGTON
CWX	FOD PHOENIX
CWY	FAM - RICHMOND
CWZ	FAM - NORFOLK
CX0	BORDER PATROL - MCALLEN SECTOR
CX1	BORDER PATROL - MCALLEN, TX
CX2	BORDER PATROL - MERCEDES, TX
CX3	BORDER PATROL - FALFURRIAS, TX
CX4	BORDER PATROL - RIO GRANDE CITY, TX
CX5	BORDER PATROL - BROWNSVILLE, TX
CX6	BORDER PATROL - HARLINGEN, TX
CX7	BORDER PATROL - KINGSVILLE, TX
CX8	BORDER PATROL - FORT BROWN, TX
CX9	BORDER PATROL - CORPUS CHRISTI, TX
CXA	FOD SAN ANTONIO
CXB	BRUNSWICK MARINE ** HISTORICAL **
CXC	CENTRAL OPERATIONS
CXD	FOD DALLAS
CXE	FOD EL PASO
CXF	USCS OI FJTF - FT MEYERS FL ** HISTORICAL **
CXG	FOD DETROIT
CXH	USCS OI FJTF - HOMESTEAD FL ** HISTORICAL **
CXI	FOD CHICAGO
CXJ	USCS OI FJTF - JACKSONVILLE FL ** HISTORICAL **
CXK	FAM - CHICAGO
CXM	ICE OI FJTF - MIAMI FL
CXN	FOD NEW ORLEANS
CXO	FOD HOUSTON
CXP	FOD ST PAUL
CXQ	ICE OI HQ - AIR MARINE, DETENTION REMOVAL
CXR	ICE OI - RIVERSIDE MARINE SUPRT CNTR (WEST)
CXS	ICE OI - ST. AUGUSTINE MARINE SUPRT BRANCH
CXT	USCS OI FJTF - TAMPA FL ** HISTORICAL **
CXU	FAM - MILWAUKEE
CXV	FAM - SPRINGFIELD
CXW	JOINT INTERAGENCY TASK FORCE
CXX	ICE OI - BLUE LIGHTNING
CXZ	FAM - ST. LOUIS
CY0	BORDER PATROL - YUMA SECTOR
CY1	BORDER PATROL - YUMA, AZ
CY2	BORDER PATROL - BLYTHE, AZ
CY3	BORDER PATROL - WELLTON, AZ
CYA	ICE OI - YAKIMA WA

PROCESSING GUIDE

CYB	BFU - VERMONT (RAC YB)
CYC	ICE OI - RAPID CITY SD
CYD	BFU - DALLAS (RAC YD)
CYE	FAM - LOS ANGELES
CYF	FAM - SAN DIEGO
CYG	FAM - SACRAMENTO
CYH	FAM - SAN FRANCISCO
CYI	FAM - HONOLULU
CYJ	ICE OI AIR - JACKSONVILLE P3 UNIT
CYL	BFU - CALIFORNIA (RAC YL)
CYM	FAM - PHILADELPHIA
CYN	BFU - NEBRASKA (RAC YN)
CYO	FAM - ATLANTA
CYP	FAM - KNOXVILLE
CYQ	ICE OI HQ - CHEIF, IDENTITY & BENEFIT FRAUD
CYR	ICE OI - SYRACUSE NY
CYS	FAM - SEATTLE
CYT	FAM - PORTLAND
CYU	USCS OI - YUMA AZ ** HISTORICAL **
CYV	FAM - ANCHORAGE
CYW	ICE OI AIR - DAICC (E) AIR OPS
CYX	ICE OI AIR - NTL AIR OPS CNTR (OKLAHOMA CITY)
CYY	ICE OI AIR - DAICC, RIVERSIDE CA
CYZ	ICE OI AIR - C3I MIAMI FL
CZ0	BORDER PATROL - TUCSON SECTOR
CZ1	BORDER PATROL - TUCSON, AZ
CZ2	BORDER PATROL - CASA GRANDE, AZ
CZ3	BORDER PATROL - NOGALES, AZ
CZ4	BORDER PATROL - WILLCOX, AZ
CZ5	BORDER PATROL - DOUGLAS, AZ
CZ6	BORDER PATROL - AJO, AZ
CZ7	BORDER PATROL - NACO, AZ
CZ8	BORDER PATROL - SONOITA, AZ
CZA	ICE OI AIR - ALBUQUERQUE NM
CZB	ICE OI AIR - HOMESTEAD AFB
CZC	ICE OI AIR - TUCSON AZ
CZD	ICE OI AIR - SAN DIEGO CA
CZE	ICE OI AIR - EL PASO TX
CZF	ICE OI AIR - SAN ANGELO
CZG	ICE OI AIR - CINCINNATI OH
CZH	ICE OI AIR - HOUSTON TX
CZI	ICE OI AIR - KANSAS CITY KS
CZJ	ICE OI AIR - JACKSONVILLE FL

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CZK	ICE OI AIR - CORPUS CHRISTI TX
CZL	PLATTSBURG AIR AND MARINE BRANCH, NEW YORK
CZM	ICE OI AIR - AIR OPS EAST (MIAMI)
CZN	ICE OI AIR - NEW ORLEANS AIR/MARINE BRANCH
CZO	ICE OI AIR - SAN ANTONIO TX
CZP	ICE OI AIR - PENSACOLA FL
CZQ	ICE OI AIR - HQ AIR/MARINE DIV
CZR	ICE OI AIR - RIVERSIDE CA (MARCH AFB)
CZS	ICE OI AIR - MEMPHIS TN (BELLINGHAM)
CZT	ICE OI AIR - TAMPA FL
CZU	ICE OI AIR - SACRAMENTO CA
CZV	ICE OI AIR - NASHVILLE TN
CZW	ICE OI AIR - AIR OPS WEST (RIVERSIDE)
CZX	ICE OI AIR - PHOENIX AZ
CZY	ICE OI AIR - NEW YORK NY
CZZ	ICE OI AIR - PUERTO RICO
D01	NNBIS
DS0	TREASURY - OFC OF SECURITY
E01	SECRET SERVICE ISD DESK
F01	FAA-ACFT REGISTRATION
F02	FAA-PILOT DIRECTORY
G01	COAST GUARD
H01	IRS-ISD
H02	IRS-EXAMINATION
I01	IRS-CID
J01	DEA-NADDIS
J02	DEA, EPIC
J03	DEA-CHEMICAL INSPECTION (ODC)
J04	DEPARTMENT OF JUSTICE, CRIMINAL DIV
K01	ALCOHOL TOBACCO & FIREARMS
L01	TREASURY - OFFICE OF FINANCIAL ENFORCEMENT
L02	DOL-OFC OF LABOR MANAGEMENT STANDARDS
M01	MARSHALS SERVICE
M02	COURT SYSTEM - PROBATION DEPT
N01	NATIONAL GUARD - PORTLAND ME
N02	NATIONAL GUARD - ALBANS VT
N04	NATIONAL GUARD - BOSTON MA
N05	NATIONAL GUARD - PROVIDENCE RI
N06	NATIONAL GUARD - BRIDGEPORT CT
N07	NATIONAL GUARD - OGDENSBURG NY
N09	NATIONAL GUARD - BUFFALO NY
N10	NATIONAL GUARD - NEW YORK NY
N11	NATIONAL GUARD - PHILADELPHIA PA

PROCESSING GUIDE

N13	NATIONAL GUARD - BALTIMORE MD
N14	NATIONAL GUARD - NORFOLK VA
N15	NATIONAL GUARD - WILMINGTON NC
N16	NATIONAL GUARD - CHARLESTON SC
N17	NATIONAL GUARD - SAVANNAH GA
N18	NATIONAL GUARD - TAMPA FL
N19	NATIONAL GUARD - MOBILE AL
N20	NATIONAL GUARD - NEW ORLEANS LA
N21	NATIONAL GUARD - PORT ARTHUR TX
N23	NATIONAL GUARD - LAREDO TX
N24	NATIONAL GUARD - EL PASO TX
N25	NATIONAL GUARD - SAN DIEGO CA
N26	NATIONAL GUARD - NOGALES AZ
N27	NATIONAL GUARD - LOS ANGELES CA
N28	NATIONAL GUARD - SAN FRANCISCO CA
N29	NATIONAL GUARD - COLUMBIA-SNAKE OR
N30	NATIONAL GUARD - SEATTLE WA
N31	NATIONAL GUARD - ANCHORAGE AK
N32	NATIONAL GUARD - HONOLULU HI
N33	NATIONAL GUARD - GREAT FALLS MT
N34	NATIONAL GUARD - PEMBINA ND
N35	NATIONAL GUARD - MINNEAPOLIS MN
N36	NATIONAL GUARD - DULUTH MN
N37	NATIONAL GUARD - MILWAUKEE WI
N38	NATIONAL GUARD - DETROIT MI
N39	NATIONAL GUARD - CHICAGO IL
N41	NATIONAL GUARD - CLEVELAND OH
N45	NATIONAL GUARD - ST. LOUIS MO
N46	NATIONAL GUARD - NEWARK NJ
N47	NATIONAL GUARD - NY (JFK)
N49	NATIONAL GUARD - SAN JUAN PR
N51	NATIONAL GUARD - US VIRGIN ISLANDS
N52	NATIONAL GUARD - MIAMI FL
N53	NATIONAL GUARD - HOUSTON TX
N54	NATIONAL GUARD - WASHINGTON DC
N55	NATIONAL GUARD - DALLAS-FW TX
N70	NATIONAL GUARD - HEADQUARTERS
N71	NATIONAL GUARD - REGION N-E
N72	NATIONAL GUARD - REGION N-Y
N73	NATIONAL GUARD - REGION N-C
N74	NATIONAL GUARD - REGION S-E
N75	NATIONAL GUARD - REGION S-C
N76	NATIONAL GUARD - REGION S-W

PROCESSING GUIDE

N77	NATIONAL GUARD - REGION PAC
N79	NATIONAL GUARD - EAST CANADA PRECLEARANCE
N88	FLETG - GLYNCO, GA
N90	NATIONAL GUARD - HQ, PRIVATE AIRCRAFT OPS
N91	NATIONAL GUARD - HQ, PRIVATE VESSEL OPS
NBL	NATIONAL GUARD - BLAINE, WASHINGTON
O01	TREASURY - OFFICE OF INSPECTOR GENERAL
P01	PLANT PROTECTION AND QUARANTINE
Q01	DOD (I&C) - PORTLAND ME
Q02	DOD (I&C) - ALBANS VT
Q04	DOD (I&C) - BOSTON MA
Q05	DOD (I&C) - PROVIDENCE RI
Q06	DOD (I&C) - BRIDGEPORT CT
Q07	DOD (I&C) - OGDENSBURG NY
Q09	DOD (I&C) - BUFFALO NY
Q10	DOD (I&C) - NEW YORK NY
Q11	DOD (I&C) - PHILADELPHIA PA
Q13	DOD (I&C) - BALTIMORE MD
Q14	DOD (I&C) - NORFOLK VA
Q15	DOD (I&C) - WILMINGTON NC
Q16	DOD (I&C) - CHARLESTON SC
Q17	DOD (I&C) - SAVANNAH GA
Q18	DOD (I&C) - TAMPA FL
Q19	DOD (I&C) - MOBILE AL
Q20	DOD (I&C) - NEW ORLEANS LA
Q21	DOD (I&C) - PORT ARTHUR TX
Q23	DOD (I&C) - LAREDO TX
Q24	DOD (I&C) - EL PASO TX
Q25	DOD (I&C) - SAN DIEGO CA
Q26	DOD (I&C) - NOGALES AZ
Q27	DOD (I&C) - LOS ANGELES CA
Q28	DOD (I&C) - SAN FRANCISCO CA
Q29	DOD (I&C) - COLUMBIA-SNAKE OR
Q30	DOD (I&C) - SEATTLE WA
Q31	DOD (I&C) - ANCHORAGE AK
Q32	DOD (I&C) - HONOLULU HI
Q33	DOD (I&C) - GREAT FALLS MT
Q34	DOD (I&C) - PEMBINA ND
Q35	DOD (I&C) - MINNEAPOLIS MN
Q36	DOD (I&C) - DULUTH MN
Q37	DOD (I&C) - MILWAUKEE WI
Q38	DOD (I&C) - DETROIT MI
Q39	DOD (I&C) - CHICAGO IL

PROCESSING GUIDE

Q41	DOD (I&C) - CLEVELAND OH
Q45	DOD (I&C) - ST. LOUIS MO
Q46	DOD (I&C) - NEWARK NJ
Q47	DOD (I&C) - NY (JFK)
Q49	DOD (I&C) - SAN JUAN PR
Q51	DOD (I&C) - US VIRGIN ISLANDS
Q52	DOD (I&C) - MIAMI FL
Q53	DOD (I&C) - HOUSTON TX
Q54	DOD (I&C) - WASHINGTON DC
Q55	DOD (I&C) - DALLAS-FW TX
Q70	DOD (I&C) - HEADQUARTERS
Q71	DOD (I&C) - REGION N-E
Q72	DOD (I&C) - REGION N-Y
Q73	DOD (I&C) - REGION N-C
Q74	DOD (I&C) - REGION S-E
Q75	DOD (I&C) - REGION S-C
Q76	DOD (I&C) - REGION S-W
Q77	DOD (I&C) - REGION PAC
Q79	DOD (I&C) - EAST CANADA PRECLEARANCE
Q90	DOD (I&C) - HQ, PRIVATE AIRCRAFT OPS
Q91	DOD (I&C) - HQ, PRIVATE VESSELS OPS
Q95	DOD-INSPECTOR GENERAL
RCM	RCMP - TAPE DATA
REX	COMMERCE EXPORT ENFORCEMENT
S01	STATE DEPT, DIPLOMATIC SECURITY (DS)
S02	STATE DEPT, DIPLOMATIC PLATES
S03	STATE DEPT, CONSULAR AFFAIRS (CA)
S04	STATE DEPT, AVLOS
S05	STATE DEPT, OFFICE OF FOREIGN MISSIONS (OFM)
S06	STATE DEPT, INTELLIGENCE AND RESEARCH (INR)
S07	STATE DEPT, CLASS SYSTEM
S08	STATE DEPT, OFFICE OF DEFENSE TRADE CONTROLS
S09	STATE DEPT, NON IMMIGRANT VISA
S10	STATE DEPT, OFFICE OF THE INSPECTOR GENERAL
S11	STATE DEPT, DIPLOMATIC PERSONS
S12	STATE DEPT, PASSPORT SERVICES
T01	INTERPOL
V01	FDA
W01	INTERIOR - NAT'L PARK SERVICE
X01	TREASURY
Y01	DOJ-USA EDNY
Y96	CCRA - CANADIAN LOOKOUTS
YOD	FLETC FOR NON-CUSTOM USER

PROCESSING GUIDE

ZC0	CHIEF COUNSEL
ZDO	DEPARTMENT OF DEFENSE

PROCESSING GUIDE

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PROCESSING GUIDE

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PROCESSING GUIDE

APPENDIX G – SAMPLE BLANK FORMS WITH EXPLANATION OF REDACTIONS

This appendix consists of blank forms that are frequently requested and seen in alien files or receipt files. Included with each form are the instructions for completing the form. The instructions and the form can consist of several pages. Only a portion of each form and the instructions have been included.

These sample forms/instructions are useful tools when processing in that the purpose of the form is outlined, who can file the form and what supporting documents should be submitted with the form. The information released on each form depends upon who requested the file/form and if consent is present. Normally the form can be released in full to the individual/company who completed the form (the petitioner) except for any initials/user identifications, systems checks, or derogatory remarks written on the form by the service. As always when processing these forms and releasing or exempting information the status of the subject of the file and whether consent is present or not must be taken into consideration. Most of the forms in this appendix contain a section that is titled “FOR USCIS USE ONLY,” this section needs to be reviewed for exempt information, such as initials, user identification, and derogatory notes.

Appendix H contains completed samples of some of the forms shown in this appendix.

Forms are available at <http://www.uscis.gov/portal/site/uscis>.

PROCESSING GUIDE

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PROCESSING GUIDE

G-325, Biographic Information

This form is found in most alien files. Some files contain one that has been complete by the subject of the file and one completed by the petitioner.

If the file is being requested by an attorney/representative on behalf of the subject of the file and consent has been provided by the subject of the file the G-325 completed by the subject will be released in full.

A G-325 completed by anyone other than the subject of the file will be withheld in part unless the person named on the form has given consent. The only information that will be released is the title of the form and name of the individual.

PROCESSING GUIDE

Instructions

What Is the Purpose of This Form?

Complete this biographical information form and include it with the application or petition you are submitting to U.S. Citizenship and Immigration Services (USCIS).

USCIS will use the information you provide on this form to process your application or petition. Complete and submit all copies of this form with your petition or application.

If you have any questions on how to complete the form, call our National Customer Service Center at 1-800-375-5283.

Privacy Act Notice.

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 USC 1101 and 1255. We may provide this information to other Government agencies. Failure to provide this information may delay a final decision or result in denial of your application or petition.

Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to gather the requested information, complete the form and include it with the appropriate application or petition for filing purposes is 15 minutes. If you have any comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, D.C. 20529; OMB No. 1615-0008. Do not send your form to this Washington, D.C. address.

Form G-325 (Rev. 07/14/06) Page 3

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0008; Exp. 05/31/09

G-325, Biographic Information

(Family Name)	(First Name)	(Middle Name)	<input type="checkbox"/> Male <input type="checkbox"/> Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth		U.S. Social Security # (if any)	
Father Family Name		First Name	Date, City and Country of Birth (if known)		City and Country of Residence	
Mother (Maiden Name)						
Husband or Wife (if none, so state)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage
Former Husband or Wives (if none, so state)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage	
Applicant's residence last five years. List present address first.						
Street and Number	City	Province or State	Country	From Month	Year	To Month
						Year
Applicant's last address outside the United States of more than one year.						
Street and Number	City	Province or State	Country	From Month	Year	To Month
						Year
Applicant's employment last five years. (If none, so state.) List present employment first.						
Full Name and Address of Employer			Occupation (Specify)	From Month	Year	To Month
						Year
Show below last occupation abroad if not shown above. (Include all information requested above.)						
This form is submitted in connection with an application for:			Signature of Applicant		Date	
<input type="checkbox"/> Naturalization <input type="checkbox"/> Other (Specify):						
<input type="checkbox"/> Status as Permanent Resident						
Submit all copies of this form.			If your native alphabet is in other than Roman letters, write your name in your native alphabet below:			

Penalties: Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact.

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	(Given Name)	(Middle Name)	(Alien Registration Number)

(1) Ident.

See Instructions on Page 3

Form G-325 (Rev. 07/14/06)Y

PROCESSING GUIDE

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PROCESSING GUIDE

I-90, Application to Replace Permanent Resident Card

The I-90 will be released to the requester provided that consent is present. The portion of this form that will be reviewed for exempt material is on the right-hand side of the form under the heading "FOR USCIS USE ONLY."

PROCESSING GUIDE

OMB No. 1615-0082; Expires 06/30/09

I-90, Application to Replace Permanent Resident Card

Department of Homeland Security
U.S. Citizenship and Immigration Services

Instructions

NOTE: You may file Form I-90 electronically. Go to our internet website at www.uscis.gov and follow the instructions on e-filing.

What Is the Purpose of This Form?

This form is for permanent residents and conditional residents to apply to U.S. Citizenship and Immigration Services (USCIS) for replacement of permanent resident cards. USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

NOTE: Do not use this Form I-90 if you are a conditional resident and your status is expiring. You must apply accordingly to remove the conditions:

- If you became a conditional resident through marriage to a U.S. citizen or permanent resident, submit Form I-751, Petition to Remove Conditions on Residence; or
- If you became a conditional resident based on a financial investment in a U.S. business, submit Form I-829, Petition by Entrepreneur to Remove Conditions.

Who May File This Application?

If you are a permanent resident or conditional resident, file this application:

- To replace a lost, stolen or destroyed card; or
- To update a card after change of name or other biographic data; or
- To replace a card that is mutilated; or
- To replace a card that is incorrect on account of USCIS error; or
- To replace a card that was never received (a card was never received if the post office returned the card as undeliverable to USCIS or if there is evidence of systematic disruptions in a mailing zip code.)

If you are a permanent resident, you must also file this application:

- To replace a card that is expiring; or
- Within 30 days of your 14th birthday, to replace a card issued before your 14th birthday; or
- If you have been a lawful permanent resident in the United States and are now taking up Commuter status while actually residing outside the United States; or
- If you have been in resident Commuter status and are now taking up actual residence in the United States; or
- If your status has been automatically converted to permanent resident; or
- When you have an older edition of the card and must replace it with the current type of card.

Where Should You File the Application?

You have the option of filing this paper form at the Los Angeles, California, Lockbox facility (see address below), or you may file it electronically by using the internet. If you are a commuter, you are also required to submit your application to the Los Angeles, California, Lockbox facility (see address below), which will require you to list a U.S. address on the Form. Thus, you may submit your application with a mailing address in care of a relative, friend, employer or you may obtain a U.S. Post Office Box.

Replacing a Card That Was Never Received. If you are filing this application to replace a permanent resident card that was never received, you should do the following:

- Prepare another Form I-90. On the first page of the form, under Part 2, Application type., Number 2, Reason for application, check box b that reads: "My authorized card was never received." Include any documents with your application that support your claim.
- When completed, mail your application to the USCIS service center or National Benefits Center (NBC) that processed your Form I-551 permanent resident card or previously filed Form I-90 application.

To find the service center or NBC mailing address, refer to the Form I-797, Notice of Action, and/or e-Filing confirmation receipt that you received for your previously filed Form I-485 (adjustment of status), I-751 (removal of conditions) or I-90 application. In addition to the new Form I-90 application, you should send a copy of the Form I-797 and/or e-Filing confirmation receipt issued for your previously filed application.

NOTE: Form I-90 applications with reason b checked (My authorized card was never received.) do not require the application base fee or biometrics fee.

Replacing a Card That Was Issued With Incorrect Data on Account of a USCIS Error. If you are submitting your application because of this situation, you should do the following:

- Prepare another Form I-90 application. On the first page of the form, under Part 2., Application type., Number 2, Reason for application, check box d that reads: "My card was issued with incorrect information because of a USCIS administrative error." Include any documents with your application that support your claim.
- When completed, mail your application to the USCIS service center or NBC that processed your previously filed Form I-485, I-751 or I-90 application.

To find the service center or NBC mailing address, refer to the USCIS letter that came with your Form I-551 permanent resident card, also known as the "Green Card." The letter lists the address of the service center or NBC that processed your previously filed Form I-485, I-751 or I-90 application.

Form I-90 Instructions (Rev. 08/04/06)Y

PROCESSING GUIDE

OMB No. 1415-0082; Expires 06/30/09

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-90, Application to Replace Permanent Resident Card

START HERE - Please type or print in black ink.

Part 1. Information about you.

Family Name	Given Name	Middle Initial
U.S. Mailing Address - C/O		
Street Number and Name		Apt. #
City		
State		ZIP Code
Date of Birth(Month/Day/Year)		Country of Birth
Social Security #		A #

Part 2. Application type.

1. My status is: (check one)

- a. Permanent Resident - (Not a Commuter)
- b. Permanent Resident - (Commuter)
- c. Conditional Permanent Resident

2. Reason for application: (check one)

I am a Permanent Resident or Conditional Permanent Resident and:

- a. My card was lost, stolen or destroyed.
- b. My authorized card was never received.
- c. My card is mutilated.
- d. My card was issued with incorrect information because of a USCIS administrative error.
- e. My name or other biographic information has changed since the card was issued.

I am a Permanent Resident and:

- f. My present card has an expiration date and it is expiring.
- g. I have reached my 14th birthday since my card was issued.
- h. 1. I have taken up Commuter status.
- h. 2. I was a Commuter and am now taking up residence in the U.S.
- i. My status has been automatically converted to permanent resident.
- j. I have an old edition of the card.

Part 3. Processing information.

Mother's First Name	Father's First Name
City of Residence where you applied for an Immigrant Visa or Adjustment of Status	Consulate where Immigrant Visa was issued or USCIS office where status was Adjusted
City/Town/Village of Birth	Date of Admission as an immigrant or Adjustment of Status

FOR USCIS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	
Status as _____	Verified by _____
Class _____	Initials _____
FD-258 forwarded on _____	
I-89 forwarded on _____	
I-551 seen and returned _____	(initials)
Photocopy of I-551 verified _____	(initials)
Name _____	Date _____
Sticker # _____	(no-digit number)
Action Block	
To Be Completed by Attorney or Representative, if any	
<input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant	
VOLAG#	
ATTY State License #	

Form I-90 (Rev. 08/04/06)Y

~~PLEASE NOTE: The FOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

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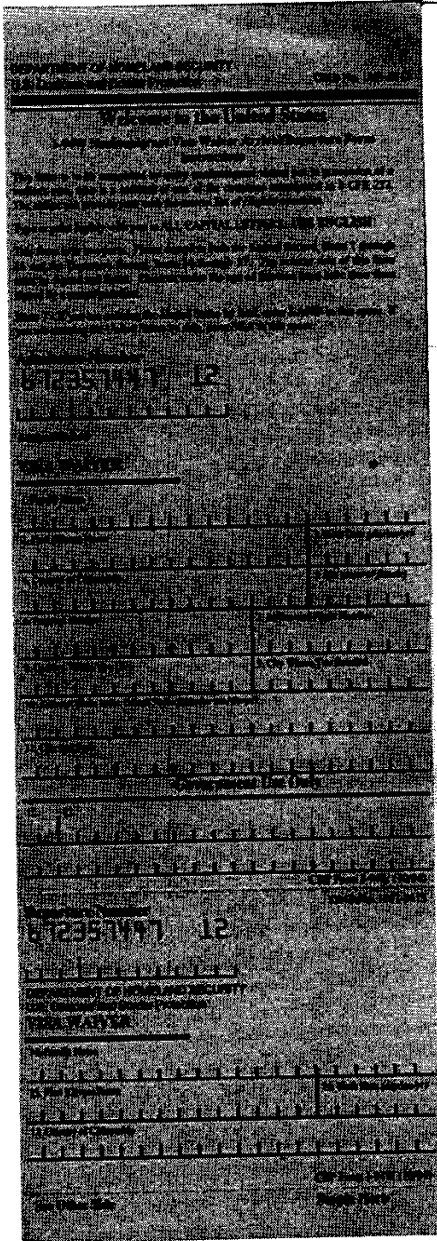
I-94 Arrival/Departure Record

The I-94 is a frequently requested form. This form is owned by U.S. Customs and Border Protection. The I-94 is normally released in full if proper consent is present.

PROCESSING GUIDE

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PROCESSING GUIDE



DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

OMB No. 1551-0011

Admission Number *Welcome to the United States*
943430429 12

I-94 Arrival/Departure Record - Instructions

This form must be completed by all persons except U.S. Citizens, returning resident aliens, aliens with immigrant visas, and Canadian Citizens joining or in transit.

Type or print legibly with pen in ALL CAPITAL LETTERS. Use English. Do not write on the back of this form.

This form is in two parts. Please complete both the Arrival Record (Items 1 through 13) and the Departure Record (Items 14 through 17).

When all items are completed, present this form to the CBP Officer.

Item 7 - If you are entering the United States by land, enter LAND in this space. If you are entering the United States by ship, enter SEA in this space.

CBP Form I-94 (1004)
OMB No. 1551-0011

Admission Number
943430429 12

Arrival Record

1. Family Name		3. Birth Date (Day/Mo/Yr)	
2. First (Given) Name		5. Sex (Male or Female)	
4. Country of Citizenship		7. Airline and Flight Number	
6. Passport Number		9. Day Where You Banded	
8. Country Where You Live		11. Date Issued (Day/Mo/Yr)	
10. City Where Visa Was Issued		13. Address While in the United States (Street and Street)	
12. City and State			

CBP Form I-94 (1004)
OMB No. 1551-0011

Departure Number
943430429 12

**I-94
Departure Record**

14. Family Name		16. Birth Date (Day/Mo/Yr)	
15. First (Given) Name			
17. Country of Citizenship			

CBP Form I-94 (1004)

See Other Side

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PROCESSING GUIDE

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PROCESSING GUIDE

I-129, Petition for a Nonimmigrant Worker

The I-129 is completed by an employer; this can be an individual or a company/organization. If the requester is the individual or the company/organization this form can be released in full with the exception any initials/user id's, systems checks or derogatory remarks (FOR USCIS USE ONLY).

PROCESSING GUIDE

OMB No. 1615-0009; Expires 05/31/08

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-129, Petition for a Nonimmigrant Worker

NOTE: You may file Form I-129 electronically. Go to our internet website at www.uscis.gov and follow the detailed instructions on e-filing.

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet (s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet and indicate the number of the item to which the answer refers. **NOTE:** The U.S. Citizenship and Immigration Services (USCIS) is comprised of offices of the former Immigration and Naturalization Service (INS).

Purpose of This Form.

This form is used by an employer to petition the U.S. Citizenship and Immigration Services (USCIS) for an alien to come as a nonimmigrant to the United States temporarily to perform services or labor, or to receive training, as an:

- H-1B, specialty occupations; an alien coming to perform services of an exceptional nature relating to a project administered by the U.S. Department of Defense; a fashion model who has national and international acclaim; an alien coming in accordance with a trade agreement with Chile or Singapore.
- H-2A, agricultural worker.
- H-2B, temporary nonagricultural worker.
- H-3, trainee.
- L-1, intracompany transferee.
- O-1, alien of extraordinary ability in arts, science, education, business or athletics.
- O-2, accompanying alien who is coming to the United States to assist in the artistic or athletic performance of an O-1 artist or athlete.
- P-1, internationally recognized athlete/entertainment group.
- P-1S, essential support personnel for a P-1.
- P-2, artist or entertainer in reciprocal exchange program.
- P-2S, essential support personnel for a P-2.
- P-3, artist/entertainer coming to the United States to perform, teach or coach under a program that is culturally unique.
- P-3S, essential support personnel for a P-3.
- Q-1, alien coming temporarily to participate in an international cultural exchange program.

This form is used also by an employer to request an extension of stay or change of status for the following nonimmigrants:

- E-1, treaty trader.
- E-2, treaty investor.
- Free Trade Nonimmigrants, H-1B1s and TNs.
- R-1, religious worker.

NOTE: A petition is not required to apply for an E-1, E-2 or R-1 nonimmigrant visa or admission as a TN nonimmigrant from Canada or Mexico. A petition is also not required for an H-1B1 Free Trade Nonimmigrant from Chile or Singapore. These persons may apply directly to a U.S. consulate or embassy abroad.

A petition is required only to apply for a change or extension of stay in such status.

NOTE: The Form I-129 consists of a basic petition, individual supplements relating to specific classifications, and for H-1B petitions, the H-1B Data Collection and Filing Fee Exemption Supplement with its particular instructions (formerly issued separately as Form I-129W).

The following Table of Contents will help you locate information on the form and each supplement:

Table of Contents.	Page
I. Instructions for Form I-129	
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PROCESSING GUIDE

OMB No.1615-0009, Expires 05/31/08

I-129, Petition for a Nonimmigrant Worker

Department of Homeland Security
U.S. Citizenship and Immigration Services

START HERE - Please type or print in black ink.

For USCIS Use Only

Part 1. Information about the employer filing this petition. If the employer is an individual, complete Number 1. Organizations should complete Number 2.

1. Family Name (Last Name)		Given Name (First Name)	
Full Middle Name		Telephone No. w/Area Code	
2. Company or Organization Name		Telephone No. w/Area Code	
Mailing Address: (Street Number and Name)		Suite #	
C/O: (In Care Of)			
City		State/Province	
Country	Zip/Postal Code	E-Mail Address (If Any)	
Federal Employer Identification #	U.S. Social Security #	Individual Tax #	

Part 2. Information about this petition. (See instructions for fee information.)

1. Requested Nonimmigrant Classification. (Write classification symbol):

2. Basis for Classification (Check one):

- a. New employment (including new employer filing H-1B extension).
- b. Continuation of previously approved employment without change with the same employer.
- c. Change in previously approved employment.
- d. New concurrent employment.
- e. Change of employer.
- f. Amended petition.

3. If you checked Box 2b, 2c, 2d, 2e, or 2f, give the petition receipt number.

4. Prior Petition. If the beneficiary is in the U.S. as a nonimmigrant and is applying to change and/or extend his or her status, give the prior petition or application receipt #.

5. Requested Action. (Check one):

- a. Notify the office in Part 4 so the person(s) can obtain a visa or be admitted. (NOTE: a petition is not required for an E-1, E-2 or R visa).
- b. Change the person(s)' status and extend their stay since the person(s) are all now in the U.S. in another status (see instructions for limitations). This is available only where you check "New Employment" in Item 2, above.
- c. Extend the stay of the person(s) since they now hold this status.
- d. Amend the stay of the person(s) since they now hold this status.
- e. Extend the status of a nonimmigrant classification based on a Free Trade Agreement. (See Free Trade Supplement for TN and H1B1 to Form I-129).
- f. Change status to a nonimmigrant classification based on a Free Trade Agreement. (See Free Trade Supplement for TN and H1B1 to Form I-129).

6. Total number of workers in petition (See instructions relating to when more than one worker can be included):

<p>Returned</p> <p>Date</p> <p>Date</p> <p>Resubmitted</p> <p>Date</p> <p>Date</p> <p>Reloc Sent</p> <p>Date</p> <p>Date</p> <p>Reloc Rec'd</p> <p>Date</p> <p>Date</p> <p><input type="checkbox"/> Petitioner interviewed on</p> <p><input type="checkbox"/> Beneficiary interviewed on</p>	<p>Receipt</p> <p>Class: _____</p> <p># of Workers: _____</p> <p>Priority Number: _____</p> <p>Validity Dates: _____</p> <p>From: _____</p> <p>To: _____</p> <p><input type="checkbox"/> Classification Approved</p> <p><input type="checkbox"/> Consulate/POE/PFI Notified</p> <p>At _____</p> <p><input type="checkbox"/> Extension Granted</p> <p><input type="checkbox"/> COS/Extension Granted</p> <p>Partial Approval (explain)</p> <p>Action Block</p> <p>To Be Completed by Attorney or Representative, if any.</p> <p><input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant.</p> <p>ATTY State License # _____</p>
--	---

Form I-129 (Rev. 04/01/06)Y

PLEASE NOTE: The FOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.

PROCESSING GUIDE

OMB No. 1615-0009; Expires 05/31/08

Department of Homeland Security
U.S. Citizenship and Immigration Services

E Classification Supplement to Form I-129

1. Name of person or organization filing petition: <input style="width: 95%;" type="text"/>	2. Name of person you are filing for: <input style="width: 95%;" type="text"/>
3. Classification sought (Check one): <input type="checkbox"/> E-1 Treaty trader <input type="checkbox"/> E-2 Treaty investor	4. Name of country signatory to treaty with U.S.: <input style="width: 95%;" type="text"/>

Section 1. Information about the employer outside the United States (if any)

Employer's Name	Total Number of Employees
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Employer's Address (Street number and name, city/town, state/province, zip/postal code)	
<input style="width: 95%;" type="text"/>	
Principal Product, Merchandise or Service	Employee's Position - Title, duties and number of years employed
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Section 2. Additional information about the U.S. Employer

1. The U.S. company is to the company outside the United States (Check one):
 Parent Branch Subsidiary Affiliate Joint Venture

2. Date and Place of Incorporation or Establishment in the United States

3. Nationality of Ownership (Individual or Corporate)

Name (First/Middle/Last)	Nationality	Immigration Status	% Ownership

4. Assets 5. Net Worth 6. Total Annual Income

7. Staff in the United States

a. How many executive and/or managerial employees does petitioner have who are nationals of the treaty country in either E or L status?

b. How many specialized qualifications or knowledge persons does the petitioner have who are nationals of the treaty country in either E or L status?

c. Provide the total number of employees in executive or managerial positions in the United States.

d. Provide the total number of specialized qualifications or knowledge persons positions in the United States.

8. Total number of employees the alien would supervise; or describe the nature of the specialized skills essential to the U.S. company.

Section 3. Complete if filing for an E-1 Treaty Trader

1. Total Annual Gross Trade/Business of the U.S. company	2. For Year Ending (YYYY)	3. Percent of total gross trade between the United States and the country of which the treaty trader organization is a national.
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Section 4. Complete if filing for an E-2 Treaty Investor

Total Investment: Cash	Equipment	Other
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Inventory	Premises	Total
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Form I-129 Supplement E (Rev. 04/01/06)Y Page 5

PROCESSING GUIDE

I-129F, Petition for Alien Fiancé(e)

The I-129F is completed by a petitioner on behalf of another individual/s. This form can be released in full to the petitioner with the exception of exempt information in the section titled "For USCIS Use Only."

If the requester is the beneficiary (the fiancé(e)) or an individual (rider) listed on page 2 Section B of the form only information relating to that individual will be released. The name of the petitioner can be released to the beneficiary or the rider, but protect the highly personal information.

PROCESSING GUIDE

OMB No. 1615-0001, Expires 12/31/06

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-129F, Petition for Alien Fiancé(e)

Instructions

1. Who May File?

You may file this petition if:

- A. You are a U.S. citizen, and
- B. You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the United States, and are both free to marry, and have met in person within two years before your filing of this petition unless:

(1) The requirement to meet your fiancé(e) in person would violate strict and long-established customs of your or your fiancé(e)'s foreign culture or social practice; or

(2) It is established that the requirement to personally meet your fiancé(e) would result in extreme hardship to you.

OR

- C. You wish to have your alien spouse enter as a nonimmigrant. See Question 11, How Do You Use This Form for Your Spouse Seeking Entry Using a K-3 Visa.

NOTE: Unmarried children of your fiancé(e) or spouse who are under 21 years of age and listed on this form will be eligible to apply to accompany your fiancé(e) or spouse.

2. General Filing Instructions.

- A. Type or print legibly in black ink.
- B. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is "none," write none.

D. Translations. Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English.

E. Copies. If these instructions state a copy of a document may be filed with this petition, you may submit a copy rather than an original. If you choose to send the original, U.S. Citizenship and Immigration Services (USCIS) may keep that original for our records. If USCIS requires the original, we will request it.

3. Compliance with the International Marriage Broker Regulation Act (IMBRA).

If you meet your fiancé or spouse through the services of an international marriage broker, you must notify USCIS of that fact by answering Question 19 on this form. The term "international marriage broker" means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as lawful permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals. For additional IMBRA requirements, see items 4 and 9 of these instructions.

4. Filing Limitations on K Nonimmigrant Petitioners.

If you have filed two or more K-1 visa petitions at any time in the past or previously had a K-1 visa petition approved within two years prior to the filing of this petition, you must apply for a waiver. To request a waiver you must submit a written request with this petition accompanied by documentation of your claim to the waiver.

If you have committed a violent offense against a person or person, USCIS may not grant such a waiver unless you can demonstrate that extraordinary circumstances exist. For details regarding those circumstances, see item 9.B. of these instructions.

Form I-129F Instructions (Rev. 05/23/06) N

PROCESSING GUIDE

OMB No 1615-0001; Expires 12/31/06

I-129F, Petition for Alien Fiancé(e)

Department of Homeland Security
U.S. Citizenship and Immigration Services

Do not write in these blocks.	For USCIS Use Only	
Case ID #	Action Block	Fee Stamp
A #		
G-28 #		
The petition is approved for status under Section 101(a)(5)(k). It is valid for four months from the date of action.	AMCON: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Document Check <input type="checkbox"/> Field Investigation	
Remarks:		

Part A. Start Here. Information about you. **Part B. Information about your alien fiancé(e).**

<p>1. Name (Family name in CAPS) (First) (Middle)</p> <p>2. Address (Number and Street) Apt. #</p> <p>(Town or City) (State or Country) (Zip/Postal Code)</p> <p>3. Place of Birth (Town or City) (State/Country)</p> <p>4. Date of Birth (mm/dd/yyyy) 5. Gender</p> <p><input type="checkbox"/> Male <input type="checkbox"/> Female</p> <p>6. Marital Status</p> <p><input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced</p> <p>7. Other Names Used (including maiden name)</p> <p>8a. U.S. Social Security Number 8b. A# (if any)</p> <p>9. Names of Prior Spouses Date(s) Marriage(s) Ended</p> <p>10. My citizenship was acquired through (check one)</p> <p><input type="checkbox"/> Birth in the U.S. <input type="checkbox"/> Naturalization</p> <p>Give number of certificate, date and place it was issued.</p> <p><input type="checkbox"/> Parents</p> <p>Have you obtained a certificate of citizenship in your name?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "Yes," give certificate number, date and place it was issued.</p> <p>11. Have you ever filed for this or any other alien fiancé(e) or husband/wife before?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "Yes," give name of all aliens, place and date of filing, A# and result.</p>	<p>1. Name (Family name in CAPS) (First) (Middle)</p> <p>2. Address (Number and Street) Apt. #</p> <p>(Town or City) (State or Country) (Zip/Postal Code)</p> <p>3a. Place of Birth (Town or City) (State/Country)</p> <p>3b. Country of Citizenship</p> <p>4. Date of Birth (mm/dd/yyyy) 5. Gender</p> <p><input type="checkbox"/> Male <input type="checkbox"/> Female</p> <p>6. Marital Status</p> <p><input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced</p> <p>7. Other Names Used (including maiden name)</p> <p>8. U.S. Social Security # 9. A# (if any)</p> <p>10. Names of Prior Spouses Date(s) Marriage(s) Ended</p> <p>11. Has your fiancé(e) ever been in the U.S.?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>12. If your fiancé(e) is currently in the U.S., complete the following:</p> <p>He or she last arrived as a: (visitor, student, exchange alien, crewman, stowaway, temporary worker, without inspection, etc.)</p> <p>Arrival/Departure Record (I-94) Number</p> <p>Date of Arrival (mm/dd/yy) Date authorized stay expired, or will expire as shown on I-94 or I-95</p>
---	---

INITIAL RECEIPT RESUBMITTED RELOCATED: Fac# Sent COMPLETED: App# Denied Ext#

Form I-129F (Rev. 05/23/06) N

~~PLEASE NOTE: The FOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

PROCESSING GUIDE

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PROCESSING GUIDE

I-130, Petition for Alien Relative

The I-130 is completed by the petitioner for a beneficiary. Appendix I contains a flowchart that outlines processing the I-130 for the petitioner or the beneficiary. Other information exempt from release to the petitioner or the beneficiary on this form will be located in the block "FOR USCIS OFFICE ONLY."

The petitioner does not need consent from the beneficiary to obtain a copy of the I-130 and any supporting documents they submitted. If the beneficiary has adjusted status and is now an LPR or USC the petitioner can still obtain a copy of the I-130 and any supporting documents under the FOIA.

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB # 1615-0012; Expires 01/31/07

I-130, Petition for Alien Relative

Instructions

Read the instructions carefully. If you do not follow the instructions, U.S. Citizenship and Immigration Services (USCIS) may have to return your petition, which may delay final action. NOTE: USCIS is comprised of offices of the former Immigration and Naturalization Service.

1. Who May File?

A citizen or lawful permanent resident of the United States may file this form with U.S. Citizenship and Immigration Services (USCIS) to establish a relationship to certain alien relatives who wish to immigrate to the United States. You must file a separate form for each eligible relative.

2. For Whom May You File?

A. If you are a citizen, you may file this form for:

- (1) Your husband, wife or unmarried child under 21 years old
- (2) Your parent if you are at least 21 years old;
- (3) Your unmarried son or daughter over 21 years old;
- (4) Your married son or daughter of any age;
- (5) Your brother or sister if you are at least 21 years old.

B. If you are a lawful permanent resident, you may file this form for:

- (1) Your husband or wife;
- (2) Your unmarried child under 21 years of age;
- (3) Your unmarried son or daughter over 21 years of age.

NOTE:

- If your relative qualifies under paragraph A(3), A(4) or A(5) above, separate petitions are not required for his or her husband or wife or unmarried children under 21 years of age.
- If your relative qualifies under paragraph B(2) or B(3) above, separate petitions are not required for his or her unmarried children under 21 years of age.
- The persons described above under this NOTE will be able to apply for an immigrant visa along with your relative.

3. For Whom May You Not File?

You may not file for a person in the following categories:

- A. An adoptive parent or adopted child, if the adoption took place after the child's 16th birthday, or if the child has not been in the legal custody and living with the parent(s) for at least two years.
- B. A natural parent, if the United States citizen son or daughter gained permanent residence through adoption.
- C. A stepparent or stepchild, if the marriage that created the relationship took place after the child's 18th birthday.
- D. A husband or wife, if you and your spouse were not both physically present at the marriage ceremony, and the marriage was not consummated.
- E. A husband or wife, if you gained lawful permanent resident status by virtue of a prior marriage to a United States citizen or lawful permanent resident, unless:

(1) A period of five years has elapsed since you became a lawful permanent resident; or

(2) You can establish by clear and convincing evidence that the prior marriage through which you gained your immigrant status was not entered into for the purpose of evading any provision of the immigration laws; or

(3) Your prior marriage through which you gained your immigrant status was terminated by the death of your former spouse.

F. A husband or wife, if he or she was in exclusion deportation, removal, rescission or judicial proceedings regarding his or her right to remain in the United States when the marriage took place, unless such spouse has resided outside the United States for a two-year period after the date of the marriage.

G. A husband or wife, if it has been legally determined that such an alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

H. A grandparent, grandchild, nephew, niece, uncle, aunt cousin or in-law.

4. What Are the General Filing Instructions?

- A. Type or print legibly in black ink.
- B. If extra space is needed to complete any item, attach continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, write "N/A."
- D. **Translations.** Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English.
- E. **Copies.** If these instructions state that a copy of a document may be filed with this petition, submit a copy. If you choose to send the original, USCIS may keep that original for our records. If USCIS requires the original, it will be requested.

5. What Documents Do You Need to Show That You Are a United States Citizen?

- A. If you were born in the United States, a copy of your birth certificate, issued by the civil registrar, vital statistics office, or other civil authority. If a birth certificate is not available, see Section 9 on Page 3 titled, "What If a Document Is Not Available?"

Form I-130 Instructions (Rev. 10/26/05)Y

PROCESSING GUIDE

C. Information about your alien relative. (Continued.)

17. List husband/wife and all children of your relative. (Name) (Relationship) (Date of Birth) (Country of Birth)

18. Address in the United States where your relative intends to live. (Street Address) (Town or City) (State)

19. Your relative's address abroad. (Include street, city, province and country) Phone Number (if any)

20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet. (Name) Address (Include street, city, province and country):

21. If filing for your husband/wife, give last address at which you lived together. (Include street, city, province, if any, and country): From: (Month) (Year) To: (Month) (Year)

22. Complete the information below if your relative is in the United States and will apply for adjustment of status. Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident at USCIS office in: (City) (State) If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American consular post in (City) (Country)

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

D. Other information.

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

2. Have you ever before filed a petition for this or any other alien? [] Yes [] No If "Yes," give name, place and date of filing and result.

WARNING: USCIS investigates claimed relationships and verifies the validity of documents. USCIS seeks criminal prosecutions when family relationships are falsified to obtain visas.

PENALTIES: By law, you may be imprisoned for not more than five years or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to \$10,000 and imprisoned for up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit that I am seeking.

E. Signature of petitioner.

Date Phone Number ()

F. Signature of person preparing this form, if other than the petitioner.

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name Signature Date Address G-28 ID or VOLAC Number, if any.

PROCESSING GUIDE

I-131, Application for Travel Document

The I-131 is completed by the subject of the file. The form allows an individual to travel outside the United States and is used also used by a permanent resident to obtain a reentry permit. This form can be released in full to the requester if consent is present. The form does contain a block titled "FOR USCIS USE ONLY" that will be reviewed for exempt information.

If the requester is seeking information relating to reentry into the country or travel this would be a document that they would need.

PROCESSING GUIDE

Department of Homeland Security
U. S. Citizenship and Immigration Services

OMB No. 1615-0013; Expires 11/30/07

I-131, Application for Travel Document

INSTRUCTIONS

What Is the Purpose of This Form?

This form is used to apply to the U.S. Citizenship and Immigration Services (USCIS), comprised of offices of the former Immigration and Naturalization Service (INS), for the following travel documents:

- **Reentry Permit** - A reentry permit allows a permanent resident or conditional resident to apply for admission to the United States upon return from abroad during the permit's validity, without having to obtain a returning resident visa from a U.S. embassy or consulate.

- **Refugee Travel Document** - A refugee travel document is issued to a person classified as a refugee or asylee, or to a permanent resident who obtained such status as a result of being a refugee or asylee in the United States. Persons who hold such status must have a refugee travel document to return to the United States after temporary travel abroad unless he or she is in possession of a valid advance parole document. A refugee travel document is issued by the CIS to implement Article 28 of the United Nations Convention of July 28, 1951.

- **Advance Parole Document** - An advance parole document is issued solely to authorize the temporary parole of a person into the United States. The document may be accepted by a transportation company in lieu of a visa as an authorization for the holder to travel to the United States. An advance parole document is not issued to serve in place of any required passport.

Advance parole is an extraordinary measure used sparingly to bring an otherwise inadmissible alien to the United States for a temporary period of time due to a compelling emergency. Advance parole cannot be used to circumvent the normal visa issuing procedures and is not a means to bypass delays in visa issuance.

NOTE: If you are in the United States and wish to travel abroad, you do not need to apply for advance parole if both conditions described below in numbers 1 and 2 are met:

1. You are in one of the following nonimmigrant categories:
 - a. An H-1, temporary worker, or H-4, spouse or child of an H-1; or
 - b. An L-1, intracompany transferee, or L-2, spouse or child of an L-1; or
 - c. A K-3, spouse, or K-4, child of a U.S. citizen; or
 - d. A V-2, spouse, or V-3, child of a lawful permanent resident; and
2. A Form I-485, Application to Register Permanent Residence or Adjust Status, was filed on your behalf and is pending with the USCIS.

However, upon returning to the United States, you must present your valid H, L, K or V nonimmigrant visa and continue to remain eligible for that status.

Who May File This Form?

Each applicant must file a separate application for a travel document.

I. Reentry Permit.

A. *If you are in the United States as a permanent resident or conditional permanent resident, you may apply for a reentry permit.*

Departure from the United States before a decision is made on an application for a reentry permit does not affect the application.

You must be physically present in the United States when you file the application. However, a reentry permit may be sent to a U.S. embassy or consulate or Department of Homeland Security (DHS) office abroad for you to pick up, if you request it when you file your application.

With the exception of having to obtain a returning resident visa abroad, a reentry permit does not relieve you of any of the requirements of the United States immigration laws.

If you stay outside the United States for less than one year, you are not required to apply for a reentry permit. You may reenter the United States on your Permanent Resident Card (Form I-551).

If you intend to apply in the future for naturalization, absences from the United States for one year or more will generally break the continuity of your required continuous residence in the United States. If you intend to remain outside the United States for one year or more, you should file a Form N-470, Application to Preserve Residence for Naturalization Purposes. For further information, contact your local USCIS office.

B. Validity of reentry permit.

1. Generally, a reentry permit issued to a permanent resident shall be valid for two years from the date of issuance. However, if since becoming a permanent resident you have been outside the United States for more than four of the last five years, the permit will be limited to one year, except that a permit with a validity of two years may be issued to the following:

- a. A permanent resident whose travel is on the order of the United States government, other than an exclusion, deportation, removal or rescission order.
- b. A permanent resident employed by a public international organization of which the United States is a member by treaty or statute.

Form I-131 Instructions (Rev. 10/26/05) Y

PROCESSING GUIDE

Department of Homeland Security
U. S. Citizenship and Immigration Services

OMB No. 1815-0013; Expires 11/30/07

I-131, Application for Travel Document

<p>DO NOT WRITE IN THIS BLOCK</p> <p>Document Issued</p> <p><input type="checkbox"/> Reentry Permit</p> <p><input type="checkbox"/> Refugee Travel Document</p> <p><input type="checkbox"/> Single Advance Parole</p> <p><input type="checkbox"/> Multiple Advance Parole</p> <p>Valid to:</p> <p>If Reentry Permit or Refugee Travel Document, mail to:</p> <p><input type="checkbox"/> Address in Part 1</p> <p><input type="checkbox"/> American embassy/consulate at:</p> <p><input type="checkbox"/> Overseas DHS office at:</p>	<p>FOR USCIS USE ONLY (except G-28 block below)</p> <p>Action Block</p>	<p>Receipt</p> <p><input type="checkbox"/> Document Hand Delivered</p> <p>On _____ By _____</p> <p><i>To be completed by Attorney/Representative, if any.</i></p> <p>Attorney State License # _____</p> <p><input type="checkbox"/> Check box if G-28 is attached.</p>
--	--	--

Part 1. Information about you. (Please type or print in black ink.)

1. A #	2. Date of Birth (mm/dd/yyyy)	3. Class of Admission	4. Gender
<input type="text"/>	<input type="text"/>	<input type="text"/>	Male <input type="checkbox"/> Female <input type="checkbox"/>
5. Name (Family name in capital letters)			
<input type="text"/>	(First) <input type="text"/>	(Middle) <input type="text"/>	<input type="text"/>
6. Address (Number and Street)			
<input type="text"/>			Apt. # <input type="text"/>
City	State or Province	Zip/Postal Code	Country
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
7. Country of Birth	8. Country of Citizenship	9. Social Security # (if any.)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

Part 2. Application type (check one).

- a. I am a permanent resident or conditional resident of the United States and I am applying for a reentry permit.
- b. I now hold U.S. refugee or asylee status and I am applying for a refugee travel document.
- c. I am a permanent resident as a direct result of refugee or asylee status and I am applying for a refugee travel document.
- d. I am applying for an advance parole document to allow me to return to the United States after temporary foreign travel.
- e. I am outside the United States and I am applying for an advance parole document.
- f. I am applying for an advance parole document for a person who is outside the United States. *If you checked box "f", provide the following information about that person:*

1. Name (Family name in capital letters)			(First)	(Middle)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2. Date of Birth (mm/dd/yyyy)	3. Country of Birth	4. Country of Citizenship		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
5. Address (Number and Street)		Apt. #	Daytime Telephone # (area/country code)	
<input type="text"/>		<input type="text"/>	<input type="text"/>	
City	State or Province	Zip/Postal Code	Country	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

INITIAL RECEIPT _____ RESUBMITTED _____ RELOCATED: Rec'd _____ Sent _____ COMPLETED: App'd _____ Denied _____ Ref'd _____

Form I-131 (Rev. 10/26/05) X

~~PLEASE NOTE: The FOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

PROCESSING GUIDE

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PROCESSING GUIDE

I-134, Affidavit of Support

The I-134 is completed by the individual/s sponsoring the alien. Each sponsor completes an I-134. This form will be released in part to the beneficiary if consent of the sponsor (the person who completed the form) is not present. Section 3 of the form can be released to the beneficiary, whether consent is present or not. This section contains the names of the spouse and children of the individual for whom the I-134 was filed. Not all files will contain an I-134.

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0014; Exp. 04-30-07

I-134, Affidavit of Support

Instructions

I. Execution of Affidavit.

A separate affidavit must be submitted for each person. As the sponsor, you must sign the affidavit in your full, true and correct name and affirm or make it under oath.

- If you are in the United States, the affidavit may be sworn to or affirmed before an officer of U.S. Citizenship and Immigration Services (USCIS) without the payment of fee, or before a notary public or other officers authorized to administer oaths for general purposes, in which case the official seal or certificate of authority to administer oaths must be affixed.
- If you are outside the United States, the affidavit must be sworn to or notice affirmed before a U.S. consular or immigration officer.

How you submit the form depends on whether the alien you are sponsoring is in or outside the United States and what type of application is being submitted. See the instructions provided with the corresponding application for detailed information on how to submit this affidavit of support form.

II. Supporting Evidence.

As the sponsor, you must show you have sufficient income and/or financial resources to assure that the alien you are sponsoring will not become a public charge while in the United States.

Evidence should consist of copies of any or all of the following documentation listed below that are applicable to your situation.

Failure to provide evidence of sufficient income and/or financial resources may result in the denial of the alien's application for a visa or his or her removal from the United States.

The sponsor must submit in duplicate evidence of income and resources, as appropriate:

- A. Statement from an officer of the bank or other financial institutions where you have deposits, identifying the following details regarding your account:
 1. Date account opened;
 2. Total amount deposited for the past year;
 3. Present balance.

B. Statement of your employer on business stationery, revealing:

1. Date and nature of employment;
2. Salary paid;
3. Whether the position is temporary or permanent.

C. If self-employed:

1. Copy of last income tax return filed; or
2. Report of commercial rating concern.

D. List containing serial numbers and denominations of bonds and name of record owner(s).

III. Sponsor and Alien Liability.

Effective October 1, 1980, amendments to section 1614(f) of the Social Security Act and Part A of Title XVI of the Social Security Act establish certain requirements for determining the eligibility of aliens who apply for the first time for Supplemental Security Income (SSI) benefits.

Effective October 1, 1981, amendments to section 415 of the Social Security Act established similar requirements for determining the eligibility of aliens who apply for the first time for Aid to Families with Dependent Children (AFDC), currently administered under Temporary Assistance for Needy Families (TANF). Effective December 22, 1981, amendments to the Food Stamp Act of 1977 affect the eligibility of alien participation in the Food Stamp Program.

These amendments require that the income and resources of any person, who as the sponsor of an alien's entry into the United States, executes an affidavit of support or similar agreement on behalf of the alien, and the income and resources of the sponsor's spouse (if living with the sponsor) shall be deemed to be the income and resources of the alien under formulas for determining eligibility for SSI, TANF and Food Stamp benefits during the three years following the alien's entry into the United States.

Documentation on Income and Resources.

An alien applying for SSI must make available to the Social Security Administration documentation concerning his / her income and resources and those of the sponsor, including information that was provided in support of the corresponding application.

An alien applying for TANF or Food Stamps must make similar information available to the State public assistance agency.

The Secretary of Health and Human Services and the Secretary of Agriculture are authorized to obtain copies of any such documentation submitted to USCIS or the U.S. Department of State and to release such documentation to a State public assistance agency.

Form I-134 (Rev. 07/14/06)Y

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0014, Exp. 04-30-07
I-134, Affidavit of Support

(Answer all items. Type or print in black ink.)

1. _____ residing at _____
(Name) (Street and Number)

(City) (State) (Zip Code if in U.S.) (Country)

Being duly sworn depose and say:

1. I was born on _____ at _____
(Date-mm-dd/yyyy) (City) (Country)

If you are not a native born U.S. citizen, answer the following as appropriate:

- a. If a U.S. citizen through naturalization, give certificate of naturalization number _____
- b. If a U.S. citizen through parent(s) or marriage, give citizenship certificate number _____
- c. If U.S. citizenship was derived by some other method, attach a statement of explanation.
- d. If a lawfully admitted permanent resident of the United States, give "A" number _____

2. That I am _____ years of age and have resided in the United States since (date) _____

3. That this affidavit is executed on behalf of the following person:

Name (Family Name)	(First Name)	(Middle Name)	Gender	Age
Citizen of (Country)		Marital Status	Relationship to Sponsor	
Presently resides at (Street and Number)		(City)	(State)	(Country)

Name of spouse and children accompanying or following to join person:

Spouse	Gender	Age	Child	Gender	Age
Child	Gender	Age	Child	Gender	Age
Child	Gender	Age	Child	Gender	Age

- 4. That this affidavit is made by me for the purpose of assuring the U.S. Government that the person(s) named in item (3) will not become a public charge in the United States.
- 5. That I am willing and able to receive, maintain and support the person(s) named in item 3. That I am ready and willing to deposit a bond, if necessary, to guarantee that such person(s) will not become a public charge during his or her stay in the United States, or to guarantee that the above named person(s) will maintain his or her nonimmigrant status, if admitted temporarily and will depart prior to the expiration of his or her authorized stay in the United States.
- 6. That I understand this affidavit will be binding upon me for a period of three (3) years after entry of the person(s) named in item (3) and that the information and documentation provided by me may be made available to the Secretary of Health and Human Services and the Secretary of Agriculture, who may make it available to a public assistance agency.
- 7. That I am employed as or engaged in the business of _____ with _____
(Type of Business) (Name of Company)
at _____
(Street and Number) (City) (State) (Zip Code)

I derive an annual income of: (If self-employed, I have attached a copy of my last income tax return or report of commercial rating concern which I certify to be true and correct to the best of my knowledge and belief. See instructions for nature of evidence of net worth to be submitted.) \$ _____
I have on deposit in savings banks in the United States: \$ _____
I have other personal property, the reasonable value which is: \$ _____

Form I-134 (Rev. 07/14/06) Y

PROCESSING GUIDE

I have stocks and bonds with the following market value, as indicated on the attached list, which I certify to be true and correct to the best of my knowledge and belief: \$ _____
 I have life insurance in the sum of: \$ _____
 With a cash surrender value of: \$ _____
 I own real estate valued at: \$ _____
 With mortgage(s) or other encumbrance(s) thereon amounting to: \$ _____
 Which is located at: _____
 (Street and Number) (City) (State) (Zip Code)

8. That the following persons are dependent upon me for support: (Place an "x" in the appropriate column to indicate whether the person named is wholly or partially dependent upon you for support.)

Name of Person	Wholly Dependent	Partially Dependent	Age	Relationship to Me

9. That I have previously submitted affidavit(s) of support for the following person(s). If none, state none.

Name _____ Date submitted _____

10. That I have submitted a visa petition(s) to U.S. Citizenship and Immigration Services (USCIS) on behalf of the following person(s). If none, state none.

Name _____ Relationship _____ Date submitted _____

11. That I intend do not intend to make specific contributions to the support of the person(s) named in item 3. (If you check "intend," indicate the exact nature and duration of the contributions. For example, if you intend to furnish room and board, state for how long and, if money, state the amount in U.S. dollars and state whether it is to be given in a lump sum, weekly or monthly, or for how long.)

Oath or Affirmation of Sponsor.

I acknowledge that I have read Part III of the Instructions, Sponsor and Alien Liability, and am aware of my responsibilities as a sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended.

I swear (affirm) that I know the contents of this affidavit signed by me and that the statements are true and correct.

Signature of sponsor _____

Subscribed and sworn to (affirmed) before me this _____ day of _____ at _____ My commission expires on _____

Signature of Officer Administering Oath _____ Title _____

If the affidavit is prepared by someone other than the sponsor, please complete the following: I declare that this document was prepared by me at the request of the sponsor and is based on all information of which I have knowledge.

(Signature) _____ (Address) _____ (Date) _____

Form I-134 (Rev. 07/14/05) Page 2

PROCESSING GUIDE

I-140, Immigrant Petition for Alien Worker

The I-140 is used to petition for an immigrant VISA based on employment. This form can be completed by a person or company/organization. The information on this form can be released in full to the requester if consent is present. If the requester is a third-party individual the information (name and address) relating to the petitioner, (company/organization) can be released. If the petitioner is an individual the petition will be withheld in full. The block titled "For USCIS Use Only" could contain exempt information regardless if consent is present.

PROCESSING GUIDE

OMB No. 1615-0015, Exp. 07/31/07
**I-140, Immigrant Petition
for Alien Worker**

Department of Homeland Security
U.S. Citizenship and Immigration Services

Purpose of This Form.

This form is used to petition U.S. Citizenship and Immigration Services (USCIS) for an immigrant visa based on employment. USCIS is comprised of offices of former Immigration and Naturalization Service (INS).

Who May File?

A U.S. employer may file this petition for:

- An outstanding professor or researcher, with at least three years of experience in teaching or research in the academic area, who is recognized internationally as outstanding:
 - In a tenured or tenure-track position at a university or institution of higher education to teach in the academic area; or
 - In a comparable position at a university or institution of higher education to conduct research in the area; or
 - In a comparable position to conduct research for a private employer that employs at least three persons in full-time research activities and which achieved documented accomplishments in an academic field.
- An alien who, in the three years preceding the filing of this petition, has been employed for at least one year by a firm or corporation or other legal entity and who seeks to enter the United States to continue to render services to the same employer, or to a subsidiary or affiliate, in a capacity that is managerial or executive.
- A member of the professions holding an advanced degree or an alien with exceptional ability in the sciences, arts, or business who will substantially benefit the national economy, cultural or educational interests, or welfare of the United States.
- A skilled worker (requiring at least two years of specialized training or experience in the skill) to perform labor for which qualified workers are not available in the United States.
- A member of the professions with a baccalaureate degree.
- An unskilled worker (requiring less than two years of specialized training or experience) to perform labor for which qualified workers are not available in the United States.

In addition, a person may file this petition on his or her own behalf if he or she:

- has extraordinary ability in the sciences, arts, education, business, or athletics demonstrated by sustained national or international acclaim, whose achievements have been recognized in the field; or
- is a member of the profession holding an advanced degree or is claiming exceptional ability in the sciences, arts, or business, and is seeking an exemption of the requirement of a job offer in the national interest (NIW).

General Filing Instructions.

Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "NA." If an answer to a question is "none," write "none." If you need extra space to answer any item, attach a sheet of paper with your name and your A#, if any, and indicate the number of the item. You must file your petition with the required initial evidence. Your petition must be properly signed and filed with the correct fee.

Initial Evidence.

If you are filing for an alien of extraordinary ability in the sciences, arts, education, business or athletics:

You must file your petition with evidence that the alien has sustained national or international acclaim and that the achievements have been recognized in the field of expertise.

- Evidence of a one-time achievement (i.e., a major, internationally recognized award); or
- At least three of the following:
 - Receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor,
 - Membership in associations in the field which require outstanding achievements as judged by recognized national or international experts,
 - Published material about the alien in professional or major trade publications or other major media,
 - Participation on a panel or individually as a judge of the work of others in the field or an allied field,
 - Original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field,
 - Authorship of scholarly articles in the field, in professional or major trade publications or other major media,
 - Display of the alien's work at artistic exhibitions or showcases,
 - Evidence that the alien has performed in a leading or critical role for organizations or establishments that have distinguished reputations,
 - Evidence that the alien has commanded a high salary or other high remuneration for services,
 - Evidence of commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales.
- If the above standards do not readily apply to the alien's occupation, you may submit comparable evidence to establish the alien's eligibility; and

Form I-140 Instructions (Rev. 04/01/06)

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0015; Exp. 07/31/07
**I-140, Immigrant Petition
for Alien Worker**

START HERE - Please type or print in black ink.

For USCIS Use Only

Part 1. Information about the person or organization filing this petition. If an individual is filing, use the top name line. Organizations should use the second line.

Family Name (Last Name)	Given Name (First Name)	Full Middle Name
Company or Organization Name		
Address: (Street Number and Name)		State #
Apt.		
City		State/Province
Country		Zip/Postal Code
IRS Tax #	U.S. Social Security # (if any)	E-Mail Address (if any)

Part 2. Petition type.

This petition is being filed for: (Check one.)

- a. An alien of extraordinary ability.
- b. An outstanding professor or researcher.
- c. A multinational executive or manager.
- d. A member of the professions holding an advanced degree or an alien of exceptional ability (who is NOT seeking a National Interest Waiver).
- e. A professional (at a minimum, possessing a bachelor's degree or a foreign degree equivalent to a U.S. bachelor's degree) or a skilled worker (requiring at least two years of specialized training or experience).
- f. (Reserved)
- g. Any other worker (requiring less than two years of training or experience).
- h. Soviet Scientist.
- i. An alien applying for a National Interest Waiver (who IS a member of the professions holding an advanced degree or an alien of exceptional ability).

Part 3. Information about the person you are filing for.

Family Name (Last Name)	Given Name (First Name)	Full Middle Name
Address: (Street Number and Name)		Apt. #
C/O: (in Case Of)		
City		State/Province
Country		Zip/Postal Code
Daytime Phone # (with area/country codes)		E-Mail Address (if any)
Date of Birth (mm/dd/yyyy)		
City/Town/Village of Birth	State/Province of Birth	Country of Birth
Country of Nationality/Citizenship	A # (if any)	U.S. Social Security # (if any)
If in the U.S.	Date of Arrival (mm/dd/yyyy)	I-94 # (Arrival/Departure Document)
Current Nonimmigrant Status	Date Status Expires (mm/dd/yyyy)	

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	
Classification: <input type="checkbox"/> 203(b)(1)(A) Alien of Extraordinary Ability <input type="checkbox"/> 203(b)(1)(B) Outstanding Professor or Researcher <input type="checkbox"/> 203(b)(1)(C) Multi-National Executive or Manager <input type="checkbox"/> 203(b)(2) Member of Professions w/Adv. Degree or Exceptional Ability <input type="checkbox"/> 203(b)(3)(A)(i) Skilled Worker <input type="checkbox"/> 203(b)(3)(A)(ii) Professional <input type="checkbox"/> 203(b)(3)(A)(iii) Other Worker	
Certification: <input type="checkbox"/> National Interest Waiver (NIW) <input type="checkbox"/> Schedule A, Group I <input type="checkbox"/> Schedule A, Group II	
Priority Date	Consulate
Concurrent Filing: <input type="checkbox"/> I-485 filed concurrently.	
Remarks	
Action Block	
To Be Completed by Attorney or Representative, if any. <input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant.	
ATTY State License #	

Form I-140 (Rev. 04/01/00)Y

PROCESSING GUIDE

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PROCESSING GUIDE

I-360, Petition for Amerasian, Widow(er) or Special Immigrant

The I-360 petition is used to classify an alien in a special category (*see the instructions*). This is a self petition.

One of these categories is a battered or abused spouse or child of a U.S. Citizen or LPR. These are referred to as VAWA (Violence Against Women Act) petitions. Petitions filed under the VAWA are highly sensitive in nature. Requests made by the petitioner or by an attorney/representative of the petitioner where consent is present are to be released in full.

The block titled "For USCIS Use Only" could contain exempt information regardless if consent is present.

PROCESSING GUIDE

OMB No. 1615-0020; Expires 07/31/07

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-360, Petition for Amerasian, Widow(er) or Special Immigrant

Instructions

Purpose of This Form.

This petition is used to classify an alien as:

- An Amerasian;
- A Widow or Widower;
- A Battered or Abused Spouse or Child of a U.S. Citizen or Lawful Permanent Resident
- A Special Immigrant (Religious Worker; Panama Canal Company Employee, Canal Zone Government Employee, U.S. Government in the Canal Zone Employee, Physician; or
- International Organization Employee or Family Member, Juvenile Court Dependent or Armed Forces Member).

Initial Evidence Requirements.

If these instructions state that a copy of a document may be filed with this petition, and you choose to send us the original, we may keep that original for our records. Any foreign language document must be accompanied by an English translation certified by the translator that he/she is competent to translate the foreign language into English and that the translation is accurate.

Amerasian.

Any person who is 18 or older, an emancipated minor, or a U.S. corporation may file this petition for an alien who was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950, and before October 22, 1982, and was fathered by a U.S. citizen.

The petition must be filed with:

- Copies of evidence showing that the person this petition is for was born in one of the above countries between those dates. If he/she was born in Vietnam, you must also submit a copy of his/her Vietnamese I. D. card, or an affidavit explaining why it is not available;
- Copies of evidence establishing the parentage of the person, and of evidence establishing that the biological father was a U.S. citizen. Examples of documents that may be submitted are birth or baptismal records or other religious documents; local civil records; an affidavit, correspondence or evidence of financial support from the father; photographs of the father (especially with the child); or, absent other documents, affidavits from knowledgeable witnesses which detail the parentage of the child and how they know such facts;
- A photograph of the person;
- If the person is married, submit a copy of the marriage certificate, and proof of the termination of any prior marriages; and
- If the person is under 18 years old, submit a written statement from his/her mother or legal guardian that:
 - Irrevocably releases him or her for emigration and authorizes the placement agencies to make necessary decisions for his or her immediate care until a sponsor receives custody;
 - Shows an understanding of the effects of the release, and states whether any money was paid or coercion used prior to obtaining the release; and
 - Includes the full name, date and place of birth, and present or permanent address of the mother or guardian, and with the signature of the mother or guardian on the release authenticated by a local registrar, court of minors, or a U.S. Citizenship and Immigration Services (USCIS) officer.

The following sponsorship documents are also required. You may file these documents with the petition, or wait until we review the petition and request them. However, not filing them with the petition will add to the overall processing time.

- An Affidavit of Financial Support executed by the sponsor, with the evidence of financial ability required by that form. Please note that the original sponsor remains financially responsible for the Amerasian if any subsequent sponsor fails in this area;
- Copies of evidence showing that the sponsor is at least 21 years old and is a U.S. citizen or permanent resident;
- Fingerprints of the sponsor taken by USCIS as part of the required biometric services; and
- If this petition is for a person under 18 years old, the following documents issued by a placement agency must be submitted:
 - A copy of the private, public or state agency's license to place children in the U.S., proof of the agency's recent experience in the intercountry placement of children and of the agency's financial ability to arrange the placement;
 - A favorable home study of the sponsor conducted by a legally authorized agency;
 - A pre-placement report from the agency, including information regarding any family separation or dislocation abroad that would result from the placement;
 - A written description of the orientation given to the sponsor and to the parent or guardian on the legal and cultural aspects of the placement;
 - A statement from the agency showing that the sponsor has been given a report on the pre-placement screening and evaluation of the child; and
 - A written plan from the agency to provide follow-up services, including mediation and counseling, and describing the contingency plans to place the person this petition is for in another suitable home if the initial placement fails.

Widow/Widower of a U.S. Citizen.

You may file this petition for yourself if:

- You were married for at least two years to a U.S. citizen who is now deceased and who was a U.S. citizen at the time of death;
- Your citizen spouse's death was less than two years ago;
- You were not legally separated from your citizen spouse at the time of death; and
- You have not remarried.

The petition must be filed with:

- A copy of your marriage certificate to the U.S. citizen and proof of termination of any prior marriages of either of you;
- Copies of evidence that your spouse was a U.S. citizen, such as a birth certificate if born in the United States, Naturalization Certificate or Certificate of Citizenship issued by USCIS, Form PS-240, Report of Birth Abroad of a Citizen of the United States; or a U.S. passport which was valid at the time of the citizen's death; and
- A copy of the death certificate of your U.S. citizen spouse.

Form I-360 Instructions (Rev. 10/26/05)Y

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0020; Expires 07/31/07
**I-360, Petition for Amerasian,
Widow(er) or Special Immigrant**

START HERE - Please type or print in black ink.

Part 1. Information about person or organization filing this petition. (Individuals should use the top name line; organizations should use the second line.) If you are a self-petitioning spouse or child and do not want USCIS to send notices about this petition to your home, you may show an alternate mailing address here. If you are filing for yourself and do not want to use an alternate mailing address, skip to part 2.

Family Name		Given Name	Middle Name
Company or Organization Name			
Address - C/O			
Street Number and Name		Apt. #	
City		State or Province	
Country		Zip/Postal Code	
U.S. Social Security #	A #	IRS Tax # (if any)	

Part 2. Classification Requested (check one):

- a. Amerasian
- b. Widow(er) of a U.S. citizen who died within the past two (2) years
- c. Special Immigrant Juvenile
- d. Special Immigrant Religious Worker
- e. Special Immigrant based on employment with the Panama Canal Company, Canal Zone Government or U.S. Government in the Canal Zone
- f. Special Immigrant Physician
- g. Special Immigrant International Organization Employee or family member
- h. Special Immigrant Armed Forces Member
- i. Self-Petitioning Spouse of Abusive U.S. Citizen or Lawful Permanent Resident
- j. Self-Petitioning Child of Abusive U.S. Citizen or Lawful Permanent Resident
- k. Other, explain: _____

Part 3. Information about the person this petition is for.

Family Name		Given Name	Middle Name
Address - C/O			
Street Number and Name		Apt. #	
City		State or Province	
Country		Zip/Postal Code	
Date of Birth (mm/dd/yyyy)	Country of Birth		
U.S. Social Security #	A # (if any)		
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			
Complete the items below if this person is in the United States:			
Date of Arrival (mm/dd/yyyy)	I-94#		
Current Nonimmigrant Status	Expires on (mm/dd/yyyy)		

For USCIS Use Only

Returned	Receipt
Resubmitted	Reloc Sent
Reloc Rec'd	Reloc Rec'd
<input type="checkbox"/> Petitioner/Applicant	<input type="checkbox"/> 1-485 Filed Concurrently
<input type="checkbox"/> Interviewed	<input type="checkbox"/> Bene "A" File Reviewed
<input type="checkbox"/> Beneficiary Interviewed	Classification
	Consulate
	Priority Date
	Remarks:
	Action Block
	To Be Completed by
	<input type="checkbox"/> Attorney or Representative, if any
	Fill in box if G-28 is attached to represent the applicant
	VOLAG#
	ATTY State License #

Form I-360 (Rev. 10/26/05)Y

PROCESSING GUIDE

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PROCESSING GUIDE

I-485, Application to Register Permanent Residence or Adjust Status

The I-485 can be released in full to the subject of the file or their attorney/representative if consent is present.

The block titled "For USCIS Use Only" could contain exempt information regardless if consent is present.

PROCESSING GUIDE

OMB No. 1615-0023; Expires 09/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-485, Application to Register Permanent Residence or Adjust Status

What Is the Purpose of This Form?

This form is used by a person who is in the United States to apply to U.S. Citizenship and Immigration Services (USCIS) to adjust to permanent resident status or register for permanent residence.

This form may also be used by certain Cuban nationals to request a change in the date that their permanent residence began.

NOTE: USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

Who May File?

Based on an immigrant petition.

You may apply to adjust your status if:

- An immigrant visa number is immediately available to you based on an approved immigrant petition; or
- You are filing this application with a completed relative petition, special immigrant juvenile petition or special immigrant military petition which if approved would make an immigrant visa number immediately available to you.

Based on being the spouse or child (derivative) - at the time another adjustment applicant (principal) files to adjust status or at the time a person is granted permanent resident status in an immigrant category that allows derivative status for spouses and children.

- If the spouse or child is in the United States, the individual derivatives may file their Form I-485 adjustment of status applications concurrently with the Form I-485 for the principal applicant, or file the Form I-485 at anytime after the principal is approved, if a visa number is available.
- If the spouse or child is residing abroad, the person adjusting status in the United States should file the Form I-824, Application for Action on an Approved Application or Petition, concurrently with the principal's adjustment of status application to allow the derivatives to immigrate to the United States without delay if the principal's adjustment of status application is approved. The fee submitted with the Form I-824 will not be refunded if the principal's adjustment is not granted.

Based on admission as the fiancé(e) of a U.S. citizen and subsequent marriage to that citizen.

You may apply to adjust status if you were admitted to the United States as the K-1 fiancé(e) of a United States citizen and you married that citizen within 90 days of your entry.

If you were admitted as the K-2 child of such a fiancé(e), you may apply to adjust status based on your parent's adjustment application.

Based on asylum status.

You may apply to adjust status after you have been granted asylum in the United States if you have been physically present in the United States for one year after the grant of asylum, provided you still qualify as an asylee or as the spouse or child of a refugee.

Based on refugee status.

You may apply to adjust status after you have been admitted as a refugee and have been physically present in the United States for one year following your admission, provided that your status has not been terminated.

Based on Cuban citizenship or nationality.

You may apply to adjust status if:

- You are a native or citizen of Cuba, were admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year; or
- You are the spouse or unmarried child of a Cuban described above and regardless of your nationality, you were admitted or paroled after January 1, 1959, and thereafter have been physically present in the United States for at least one year.

Applying to change the date on which your permanent residence began.

If you were granted permanent residence in the United States prior to November 6, 1966, and are a native or citizen of Cuba, or you are the spouse or unmarried child of such an individual, you may ask to change the date your lawful permanent residence began to your date of arrival in the United States or May 2, 1964, whichever is later.

Based on continuous residence since before January 1, 1972.

You may apply for permanent residence if you have continuously resided in the United States since before January 1, 1972. This is known as "Registry."

Form I-485 Instructions (Rev. 07/24/06)Y

PROCESSING GUIDE

OMB No. 1615-0023; Expires 09/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-485, Application to Register
Permanent Residence or Adjust Status

START HERE - Please type or print in black ink.

Part 1. Information about you.

Family Name		Given Name	Middle Name
Address- C/O			
Street Number and Name			Apt. #
City			
State		Zip Code	
Date of Birth (mm/dd/yyyy)	Country of Birth:		
	Country of Citizenship/Nationality:		
U.S. Social Security #		A # (if any)	
Date of Last Arrival (mm/dd/yyyy)		I-94 #	
Current USCIS Status		Expires on (mm/dd/yyyy)	

Part 2. Application type. (Check one.)

I am applying for an adjustment to permanent resident status because:

- a. an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice, or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. I entered as a K-1 fiancé(e) of a United States citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate).
- d. I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. I am a native or citizen of Cuba admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.
- f. I am the husband, wife or minor unmarried child of a Cuban described above in (e) and I am residing with that person, and was admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.
- g. I have continuously resided in the United States since before January 1, 1972.
- h. Other basis of eligibility. Explain. If additional space is needed, use a separate piece of paper.

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the United States as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. I am a native or citizen of Cuba and meet the description in (e) above.
- j. I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f) above.

For USCIS Use Only

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
Applicant Interviewed	
Section of Law <input type="checkbox"/> Sec. 209(b), INA <input type="checkbox"/> Sec. 13, Act of 9/11/57 <input type="checkbox"/> Sec. 245, INA <input type="checkbox"/> Sec. 249, INA <input type="checkbox"/> Sec. 1 Act of 11/2/66 <input type="checkbox"/> Sec. 2 Act of 11/2/66 <input type="checkbox"/> Other	
Country Chargeable	
Eligibility Under Sec. 246 <input type="checkbox"/> Approved Visa Petition <input type="checkbox"/> Dependent of Principal Alien <input type="checkbox"/> Other <input type="checkbox"/> Special Immigrant	
Preference	
Action Block	
To be Completed by Attorney or Representative, if any Fill in box if G-28 is attached to represent the applicant <input type="checkbox"/>	
VOLAG #	
ATTY State License #	

Form I-485 (Rev. 07/24/06)Y

PROCESSING GUIDE

Part 3. Processing information.

A. City/Town/Village of Birth		Current Occupation	
Your Mother's First Name		Your Father's First Name	
Give your name exactly as it appears on your Arrival/Departure Record (Form I-94)			
Place of Last Entry into the United States (City/State)		In what status did you last enter? (Visitor, student, exchange alien, crewman, temporary worker, without inspection, etc.)	
Were you inspected by a U.S. Immigration Officer? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Nonimmigrant Visa Number		Consulate Where Visa Was Issued	
Date Visa Was Issued (mm/dd/yyyy)	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	Marital Status: <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
Have you ever before applied for permanent resident status in the U.S.?		<input type="checkbox"/> No <input type="checkbox"/> Yes. If you checked "Yes," give date and place of filing and final disposition.	

B. List your present husband/wife, all of your sons and daughters (If you have none, write "none." If additional space is needed, use separate paper).

Family Name	Given Name	Middle Initial	Date of Birth (mm/dd/yyyy)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (mm/dd/yyyy)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (mm/dd/yyyy)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (mm/dd/yyyy)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (mm/dd/yyyy)
Country of Birth	Relationship	A #	Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No

C. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of organization(s), location(s), dates of membership, from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

PROCESSING GUIDE

OMB No. 1615-0023; Expires 09/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services

Supplement A to Form I-485 Adjustment of Status Under Section 245(i)

Instructions

NOTE: Use this form only if you are applying to the U.S. Citizenship and Immigration Services (USCIS) to adjust status to that of a lawful permanent resident under section 245(i) of the Immigration and Nationality Act. USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

What Is the Purpose of This Form?

Section 245 of the Immigration and Nationality Act (the Act) allows the Attorney General in his or her discretion to adjust the status of an alien to that of a lawful permanent resident (LPR), in lieu of consular visa processing, while the alien remains in the United States. In order to be eligible, the alien must have been inspected and admitted or paroled, be eligible for an immigrant visa and admissible for permanent residence, have an immigrant visa immediately available and, with some exceptions, have maintained lawful nonimmigrant status. The alien must also not have engaged in unauthorized employment and must not be ineligible to adjust status under section 245(c) of the Act. If you meet all of these requirements, you do not have to submit this form when applying for adjustment of status to that of LPR.

Section 245(i) of the Act allows certain aliens to file for adjustment of status upon payment of a penalty fee of \$1,000, even though some of the conditions required by section 245(a) and (c) of the Act are not met. Aliens in the United States who have an immigrant visa immediately available, but who entered the United States without inspection, remained in the United States past the period of admission, worked unlawfully, or are otherwise ineligible for adjustment of status under section 245(c) of the Act must submit this form along with Form I-485, Application to Register Permanent Residence or Adjust Status.

NOTE: If you are applying to adjust as the spouse or unmarried minor child of a U.S. citizen or the parent of a U.S. citizen child at least 21 years of age, and if you were inspected and lawfully admitted to the United States other than in C-1 or S nonimmigrant status, you do not need to file this form.

Who May Use Supplement A to Adjust Status to That of LPR Under Section 245(i)?

You may apply for adjustment of status to that of LPR under section 245(i) if you:

- Are physically present in the United States when the application is submitted; and
- Have an immigrant visa number immediately available; and
- Are admissible to the United States for permanent residence; and
- Are the beneficiary of an approvable-when-filed visa petition, or an application for labor certification filed on or before April 30, 2001; and
- Pay a \$1,000.00 penalty fee (unless exempted).

In addition, the alien must fall within one of the categories noted below:

- Alien crewmen;
- Aliens who work without authorization;
- Aliens in unlawful immigrant status;
- Aliens who fail to continuously maintain a lawful status since entry into the United States;
- Aliens who were admitted in transit without visa;
- Aliens admitted as nonimmigrant visitors under section 212(l) of the Act or under the Visa Waiver Program;
- Aliens admitted as a nonimmigrant described in section 101(a)(15)(S) of the Act; or
- Aliens seeking employment-based adjustment of status who are not in lawful nonimmigrant status.

What Documentation Must You Include If You Are Submitting This Form With Form I-485?

You do not need to submit documentation in addition to the documentation required by the instructions on Form I-485 unless you are the beneficiary of a visa petition or application for labor certification properly filed on your behalf after January 14, 1998, and on or before April 30, 2001. Aliens using section 245(i) because they are beneficiaries of a visa petition or application for labor certification filed after January 14, 1998, and on or before April 30, 2001, should submit documentation along with this form that demonstrates physical presence in the United States on December 21, 2000.

Form I-485 Supplement A Instructions (Rev. 10/26/05) Y

PROCESSING GUIDE

OMB No. 1615-0023, Expires: 09/30/08

Department of Homeland Security
U.S. Citizenship Immigration and Service

Supplement A to Form I-485
Adjustment of Status Under Section 245(i)

NOTE: Use this form only if you are applying to adjust status to that of a lawful permanent resident under section 245(i) of the Immigration and Nationality Act.

Part A. Information about you.			For USCIS Use Only
Last Name	First Name	Middle Name	Action Block
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Address: In Care Of			
<input type="text"/>			
Street Number and Name		Apt. #	
<input type="text"/>		<input type="text"/>	
City	State	Zip Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Alien Registration Number (A #) if any	Date of Birth (mm/dd/yyyy)		
<input type="text"/>	<input type="text"/>		
Country of Birth	Country of Citizenship/Nationality		
<input type="text"/>	<input type="text"/>		
Telephone Number	E-Mail Address, if any		
() <input type="text"/>	<input type="text"/>		

Part B. Eligibility. (Check the correct response.)

1. I am filing Supplement A to Form I-485 because:
 - a. I am the beneficiary of a visa petition filed on or before January 14, 1998.
 - b. I am the beneficiary of a visa petition filed on or after January 15, 1998, and on or before April 30, 2001.
 - c. I am the beneficiary of an application for a labor certification filed on or before January 14, 1998.
 - d. I am the beneficiary of an application for a labor certification filed on or after January 15, 1998, and on or before April 30, 2001.

If you checked box b or d in Question 1, you must submit evidence demonstrating that you were physically present in the United States on December 31, 2000.
2. And I fall into one or more of these categories: (Check all that apply to you.)
 - a. I entered the United States as an alien crewman;
 - b. I have accepted employment without authorization;
 - c. I am in unlawful immigration status because I entered the United States without inspection or I remained in the United States past the expiration of the period of my lawful admission;
 - d. I have failed (except through no fault of my own or for technical reasons) to maintain, continuously, lawful status;
 - e. I was admitted to the United States in transit without a visa;
 - f. I was admitted as a nonimmigrant visitor without a visa;
 - g. I was admitted to the United States as a nonimmigrant in the S classification; or
 - h. I am seeking employment-based adjustment of status and am not in lawful nonimmigrant status.

Part C. Additional eligibility information.

1. Are you applying to adjust status based on any of the below reasons?
 - a. You were granted asylum in the United States;
 - b. You have continuously resided in the United States since January 1, 1972;
 - c. You entered as a K-1 fiancé(e) of a U.S. citizen;
 - d. You have an approved Form I-360, Petition for Amerasian, Widow(er), Battered or Abused Spouse or Child, or Special Immigrant, and are applying for adjustment as a special immigrant juvenile court dependent or a special immigrant who has served in the U.S. armed forces, or a battered or abused spouse or child;
 - e. You are a native or citizen of Cuba, or the spouse or child of such alien, who was not lawfully inspected or admitted to the United States;
 - f. You are a special immigrant retired international organization employee or family member;
 - g. You are a special immigrant physician;

Form I-485 Supplement A (Rev. 10/26/05) Y

PROCESSING GUIDE

I-539, Application to Extend/Change Nonimmigrant Status

The I-539, is used by a nonimmigrant to extend their stay or to change to another nonimmigrant status. This document can be released to the subject or their attorney/representative if consent is present. If the requester is a party to or rider the form can be released in part to that individual.

The block titled "For USCIS Use Only" could contain exempt information regardless if consent is present.

Spouses and children may be included on this application.

PROCESSING GUIDE

OMB No. 1615-0003; Expires 11/30/07

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-539, Application to Extend/ Change Nonimmigrant Status

Instructions

NOTE: You have the option of submitting this paper version of Form I-539 according to form's instructions or you may file the application electronically. To file electronically, visit our internet website at www.uscis.gov and follow the instructions on e-filing. Whether you submit this paper form or e-file, U.S. Citizenship and Immigration Services (USCIS) recommends that you retain a copy of your application and supporting documents for your records. USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

Purpose of This Form.

You should use this form if you are one of the nonimmigrants listed below and wish to apply to U.S. Citizenship and Immigration Services (USCIS) for an extension of stay or a change to another nonimmigrant status.

In certain situations, you may use this form to apply for an initial nonimmigrant status.

You may also use this form if you are a nonimmigrant F-1 or M-1 student applying for reinstatement.

Who May File/Initial Evidence.

Extension of Stay or Change of Status:

Nonimmigrants in the United States may apply for an extension of stay or a change of status on this form, except as noted in these instructions under the heading, "Who May Not File."

Multiple Applicants.

You may include your spouse and your unmarried children under age 21 years as co-applicants in your application for the same extension or change of status, if you are all now in the same status or they are all in derivative status.

Required Documentation - Form I-94, Nonimmigrant Arrival/Departure Record.

You are required to submit with your Form I-539 application the original or copy, front and back, of Form I-94 of each person included in your application. If the original Form I-94 or required copy cannot be submitted with this application, include a Form I-102, Application for Replacement/Initial Nonimmigrant Arrival/Departure Document, with the required fee.

Valid Passport.

If you were required to have a passport to be admitted into the United States, you must maintain the validity of your passport during your nonimmigrant stay. If a required passport is not valid when you file the Form I-539 application, submit an explanation with your form.

Additional Evidence.

You may be required to submit additional evidence noted in these instructions.

Nonimmigrant Categories.

This form may be used by the following nonimmigrants listed in alphabetical order:

- **An A, Ambassador, Public Minister, or Career Diplomatic or Consular Officer and their immediate family members.**

You must submit a copy, front and back, of the Form I-94 of each person included in the application and a Form I-566, Interagency Record of Individual Requesting Change, Adjustment to, or from, A to G Status; or Requesting A, G or NATO Dependent Employment Authorization, certified by the U.S. Department of State to indicate your accredited status.

NOTE: An A-1 or A-2 nonimmigrant is not required to pay a fee with the Form I-539 application.

- **An A-3, Attendant or Servant of an A Nonimmigrant and the A-3's immediate family members.**

You must submit a copy, front and back, of the Form I-94 of each person included in the application.

The application must be filed with:

- A copy of your employer's Form I-94 or approval notice demonstrating A status;
- An original letter from your employer describing your duties and stating that he or she intends to personally employ you; and arrangements you have made to depart from the United States; and
- An original Form I-566, certified by the Department of State, indicating your employer's continuing accredited status.

- **A B-1, Visitor for Business or B-2, Visitor for Pleasure.**

If you are filing for an extension/change, you must file your application with the original Form I-94 of each person included in your application. In addition, you must submit a written statement explaining in detail:

- The reasons for your request;

Form I-539 Instructions (Rev. 04/01/06)Y

PROCESSING GUIDE

OMB No. 1115-0093; Expires 11/30/07

Department of Homeland Security
U.S. Citizenship and Immigration Services

**I-539, Application to Extend/
Change Nonimmigrant Status**

START HERE - Please type or print in black ink.

For USCIS Use Only

Part 1. Information about you.

Family Name		Given Name		Middle Name	
Address - In care of -					
Street Number and Name				Apt. #	
City		State	Zip Code	Daytime Phone #	
Country of Birth			Country of Citizenship		
Date of Birth (mm/dd/yyyy)		U. S. Social Security # (if any)		A # (if any)	
Date of Last Arrival Into the U.S.			I-94 #		
Current Nonimmigrant Status			Expires on (mm/dd/yyyy)		

Part 2. Application type. (See instructions for fee.)

1. I am applying for: *(Check one.)*

a. An extension of stay in my current status.

b. A change of status. The new status I am requesting is: _____

c. Other: *(Describe grounds of eligibility.)* _____

2. Number of people included in this application: *(Check one.)*

a. I am the only applicant.

b. Members of my family are filing this application with me.
The total number of people (including me) in the application is: _____
(Complete the supplement for each co-applicant.)

Part 3. Processing information.

1. I/We request that my/our current or requested status be extended until
(mm/dd/yyyy): _____

2. Is this application based on an extension or change of status already granted to your spouse, child or parent?
 No Yes. USCIS Receipt # _____

3. Is this application based on a separate petition or application to give your spouse, child or parent an extension or change of status? No Yes, filed with this I-539.
 Yes, filed previously and pending with USCIS. Receipt #: _____

4. If you answered "Yes" to Question 3, give the name of the petitioner or applicant: _____

If the petition or application is pending with USCIS, also give the following data:

Office filed at _____	Filed on (mm/dd/yyyy) _____
-----------------------	-----------------------------

Part 4. Additional information.

1. For applicant #1, provide passport information: Valid to: (mm/dd/yyyy) _____
Country of Issuance _____

2. Foreign Address: Street Number and Name _____ Apt. # _____
City or Town _____ State or Province _____
Country _____ Zip/Postal Code _____

Returned	Receipt
Date	
Resubmitted	
Date	
Reloc Sent	
Date	
Reloc Rec'd	
Date	
<input type="checkbox"/> Applicant interviewed on _____ Date _____	
<input type="checkbox"/> Extension Granted to (Date): _____	
Change of Status/Extension Granted New Class: From (Date): _____ To (Date): _____	
If Denied: <input type="checkbox"/> Still within period of stay <input type="checkbox"/> S/D to: _____ <input type="checkbox"/> Place under docket control	
Remarks:	
Action Block	
To Be Completed by Attorney or Representative, if any <input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant.	
ATTY State License # _____	

Form I-539 (Rev. 04/01/06)Y

PROCESSING GUIDE

Supplement -1			
Attach to Form I-539 when more than one person is included in the petition or application.			
<i>(List each person separately. Do not include the person named in the Form I-539.)</i>			
Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	
Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	
Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	
Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	

If you need additional space, attach a separate sheet(s) of paper.
Place your name, A #, if any, date of birth, form number and application date at the top of the sheet(s) of paper.

~~PLEASE NOTE: The FOL/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

PROCESSING GUIDE

I-589, Application for Asylum and for Withholding of Removal

The I-589 is used to apply for asylum in the United States and for withholding of removal. This application may include spouses and unmarried children under 21 who are physically present. This document can be released to the subject or their attorney/representative if consent is present. If the requester is a party to or rider on the application the form can be released in part to that individual. The name of the principal asylum applicant and the rider's information may be released. All other third party information should be redacted from the I-589. (See section "Third Party Requester for Asylum Applications").

The block titled "FOR BCIS USE" could contain exempt information regardless if consent is present.

PROCESSING GUIDE

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services
U.S. Department of Justice
Executive Office for Immigration Review

OMB No. 1615-0067; Expires 11/30/06

Instructions for Form I-589 Application for Asylum and for Withholding of Removal

Purpose of This Form.

This form is used to apply for asylum in the United States (U.S.) and for withholding of removal (formerly called "withholding of deportation"). This application may also be used to apply for protection under the Convention Against Torture. You may file this application if you are physically present in the United States and you are not a United States citizen.

NOTE: You must submit an application for asylum within one (1) year of arriving in the United States, unless there are changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances directly related to your failure to file within one (1) year. (See Instructions, Part I: Filing Instructions, Section V, "Completing the Form," Part C, for further explanation.)

You may include in your application your spouse and your unmarried children who are under 21 years of age and physically present in the United States. Married children and children 21 years of age or older must file a separate Form I-589 application. If you are granted asylum, you may file a petition Form I-730, Refugee and Asylee Relative Petition, OMB No. 1615-0037, for your spouse and/or any unmarried children under the age of 21 whom you did not include in your application.

This instruction pamphlet is divided into two (2) sections. The first section has filing instructions. It discusses basic eligibility criteria and will guide you through filing out and filing the application. The second section describes how your application will be processed. This section also describes potential interim benefits while your application is pending.

Please read these instructions carefully. The instructions will help you complete your application and understand how it will be processed. If you have questions about your eligibility, completing the form, or the asylum process, you may wish to consult an attorney or other qualified person to assist you. (See Instructions, Part I, Filing Instructions, Section IV, "Right to Counsel.")

Additional information concerning asylum and withholding of removal is available on the following websites: Department of Homeland Security (DHS), Bureau of Citizenship and Immigration Services (BCIS): <http://www.bcis.gov> and U.S. Department of Justice (DOJ),

WARNING: Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an Asylum Officer or an Immigration Judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings, even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act (Act). See Section 208(d)(6) of the Act and 8 CFR 208.20.

Form I-589 Instructions (Rev. 07/03/03)Y

PROCESSING GUIDE

U.S. Department of Homeland Security
 Bureau of Citizenship and Immigration Services
 U.S. Department of Justice
 Executive Office for Immigration Review

OMB No. 1615-0067; Expires 11/30/06

Application for Asylum and for Withholding of Removal

Start Here - Please Type or Print. USE BLACK INK. SEE THE SEPARATE INSTRUCTION PAMPHLET FOR INFORMATION ABOUT ELIGIBILITY AND HOW TO COMPLETE AND FILE THIS APPLICATION. (Note: There is NO filing fee for this application.)

Please check the box if you also want to apply for withholding of removal under the Convention Against Torture.

PART A. I. INFORMATION ABOUT YOU

1. Alien Registration Number(s)(A#s)(If any)		2. Social Security No. (If any)	
3. Complete Last Name		4. First Name	5. Middle Name
6. What other names have you used? (Include maiden name and aliases.)			
7. Residence in the U.S. C/O		Telephone Number	
Street Number and Name		Apt. No.	
City	State	ZIP Code	
8. Mailing Address in the U.S., if other than above		Telephone Number	
Street Number and Name		Apt. No.	
City	State	ZIP Code	
9. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	10. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
11. Date of Birth (Mo/Day/Yr)	12. City and Country of Birth		
13. Present Nationality (Citizenship)	14. Nationality at Birth	15. Race, Ethnic or Tribal Group	16. Religion
17. Check the box, a through c that applies: a. <input type="checkbox"/> I have never been in immigration court proceedings. b. <input type="checkbox"/> I am now in immigration court proceedings. c. <input type="checkbox"/> I am not now in immigration court proceedings, but I have been in the past.			
18. Complete 18 a through c. a. When did you last leave your country? (Mo/Day/Yr) _____ b. What is your current I-94 Number, if any? _____ c. Please list each entry to the U.S. beginning with your most recent entry. List date (Mo/Day/Yr), place, and your status for each entry. (Attach additional sheets as needed.)			
Date _____	Place _____	Status _____	Date Status Expires _____
Date _____	Place _____	Status _____	
Date _____	Place _____	Status _____	
Date _____	Place _____	Status _____	
19. What country issued your last passport or travel document?		20. Passport # Travel Document #	21. Expiration Date (Mo/Day/Yr)
22. What is your native language?		23. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No	24. What other languages do you speak fluently?
FOR EOIR USE ONLY		FOR BCIS USE	
		Action: Interview Date: _____	
		Decision: Approval Date: _____	
		Denial Date: _____	
		Referral Date: _____	
		Asylum Officer ID# _____	

Form I-589 (Rev. 07/03/03)Y

~~PLEASE NOTE: The FOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

PROCESSING GUIDE

PART A. II. INFORMATION ABOUT YOUR SPOUSE AND CHILDREN

Your Spouse. I am not married. (Skip to *Your Children*, below.)

1. Alien Registration Number (A#) (If any)		2. Passport/ID Card No. (If any)		3. Date of Birth (Mo/Day/Yr)		4. Social Security No. (If any)	
5. Complete Last Name			6. First Name		7. Middle Name		8. Maiden Name
9. Date of Marriage (Mo/Day/Yr)			10. Place of Marriage			11. City and Country of Birth	
12. Nationality (Citizenship)			13. Race, Ethnic or Tribal Group			14. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	
15. Is this person in the U.S.? <input type="checkbox"/> Yes (Complete blocks 16 to 24.) <input type="checkbox"/> No (Specify location)							
16. Place of last entry in the U.S.?		17. Date of last entry in the U.S. (Mo/Day/Yr)		18. I-94 No. (If any)		19. Status when last admitted (Visa type, if any)	
20. What is your spouse's current status?		21. What is the expiration date of his/her authorized stay, if any? (Mo/Day/Yr)		22. Is your spouse in immigration court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No		23. If previously in the U.S., date of previous arrival (Mo/Day/Yr)	
24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one (1) photograph of your spouse in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No							

Your Children. Please list ALL of your children, regardless of age, location, or marital status.

- I do not have any children. (Skip to Part A. III., Information about Your Background.)
 I do have children. Total number of children _____

(Use Supplement A Form I-589 or attach additional pages and documentation if you have more than four (4) children.)

1. Alien Registration Number (A#) (If any)		2. Passport/ID Card No. (If any)		3. Marital Status (Married, Single, Divorced, Widowed)		4. Social Security No. (If any)	
5. Complete Last Name			6. First Name		7. Middle Name		8. Date of Birth (Mo/Day/Yr)
9. City and Country of Birth			10. Nationality (Citizenship)		11. Race, Ethnic or Tribal Group		12. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete blocks 14 to 21.) <input type="checkbox"/> No (Specify Location)							
14. Place of last entry in the U.S.?		15. Date of last entry in the U.S. (Mo/Day/Yr)		16. I-94 No. (If any)		17. Status when last admitted (Visa type, if any)	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? (Mo/Day/Yr)		20. Is your child in immigration court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one (1) photograph of your child in the upper right hand corner of page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No							

Form I-589 (Rev. 07/03/03)Y Page 2

PROCESSING GUIDE

I-730, Refugee/Asylee Relative Petition

The I-730 is filed if a person has been admitted to the United States as a refugee or if asylee status has been granted. This petition can be released to the subject or their attorney/representative if consent is present. If the requester is a party to or rider on the petition the form can be released in part to that individual. The block titled "FOR USCIS USE ONLY" could contain exempt information regardless if consent is present.

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Service

OMB No.1615-0037; Expires 08/31/07

I-730, Refugee/Asylee Relative Petition

Instructions

NOTE: Read these instructions carefully. If you do not follow the instructions, U.S. Citizenship and Immigration Services (USCIS) may have to return your petition, which may delay final action. If more space is needed to complete an answer, continue on a separate sheet(s) of paper. USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

1. Who May File This Petition?

If you have been admitted to the United States as a refugee or if you have been granted status in the United States as an asylee, and as the principal applicant within the previous two years, you may file this petition. Approval of the I-730 petition for a relative abroad does not guarantee visa issuance. A separate Form I-730 must be filed for each family member.

You are not eligible to file this petition if

- You were granted status in the United States as a derivative beneficiary or as an accompanying or following-to-join family member; or
- You were admitted to the United States as a refugee more than two years ago (see *NOTE below), or
- You were granted status in the United States as an asylee more than two years ago (see *NOTE below).

*NOTE: The two-year limitation may be waived by USCIS for humanitarian reasons. Please attach a detailed explanation why the petitioner could not file within two years of being granted status. USCIS will make a decision based upon the explanation.

2. Who Is Eligible to Receive Accompanying or Following-to-Join Benefits?

Your spouse and/or your unmarried child(ren) under (21) years of age, whether inside or outside of the United States, are eligible for accompanying or following-to-join benefits provided that the family member(s) qualify under the conditions described below.

If you are a refugee:

- The relationship between you and your relative must have existed on the date you were admitted to the United States as a refugee and must continue to exist.
 - If the person you are filing for is a child who was conceived but not yet born on the date you were admitted to the United States, the relationship will be considered to exist as of the date you were admitted to the United States.
 - The mother of such child is not an eligible relative unless the mother was married to you, the principal refugee, when you were admitted to the United States.

If you are an asylee:

- The relationship between you and your relative must have existed on the date you were granted asylum in the United States and must continue to exist.

-- If the person you are filing for is a child who was conceived but not yet born on the date you were granted asylum in the United States, the relationship will be considered to exist as of the date you were granted asylum in the United States.

-- The mother of such child is not an eligible relative unless the mother was married to you, the principal asylee, when you were granted asylum in the United States.

- In all cases, if the family member you are filing for is your child, the child must be under 21 years of age when the petition is filed and continue to be unmarried at the time of approval.

- A spouse or child must be otherwise admissible as an immigrant (for refugee relatives) or not subject to the mandatory bars of 8 CFR 208.21 (for asylee relatives).

A petition may not be approved for the following persons:

- A spouse or child who has previously been granted refugee or asylee status.
- An adopted child, if the adoption took place after the child became 16 years old, or if the child has not been in legal custody and living with the adoptive parent(s) for at least two years.
- A stepchild, if the marriage that created this relationship took place after the child became 18 years old.
- A husband or wife, if each was not physically present at the marriage ceremony and the marriage was not consummated.
- A husband or wife, if it is determined that such alien has attempted or conspired to enter into a marriage for the purpose of evading immigration laws.
- A parent, sister, brother, grandparent, grandchild, nephew, niece, uncle, aunt, cousin or in-law.

3. What Are the General Filing Instructions?

Type or print legibly in black ink.

If you need extra space to complete any item, attach a separate continuation sheet. Indicate the item number, date and sign each sheet.

Form I-730 Instructions (Rev. 09/18/06) N

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0037; Expires 08/31/07

I-730, Refugee/Asylee Relative Petition

DO NOT WRITE IN THIS BLOCK - FOR USCIS OFFICE ONLY		
Section of Law <input type="checkbox"/> 207 (c)(2) Spouse <input type="checkbox"/> 207 (c)(2) Child <input type="checkbox"/> 208 (b)(2) Spouse <input type="checkbox"/> 208 (b)(2) Child	Action Stamp	Receipt
Reviewed For Material Support Date:	Remarks	

START HERE - Please type or print legibly in black ink.

Petitioner Status: Refugee Lawful Permanent Resident based on previous Refugee status
 Asylee Lawful Permanent Resident based on previous Asylee status

I am filing this petition for my: Spouse Biological Child
 Unmarried child under 21 years of age who is: Stepchild
 Adopted Child

Number of relatives I am filing for: _____ (_____ of _____)

Part 1. Information about you.

Family Name (Last Name), Given Name (First Name), Middle Name

Address - C/O

Street Number and Name Apt. #

City State or Province

Country Zip/Postal Code Gender: a. Male b. Female

Date of Birth (mm/dd/yyyy) Country of Birth

Country of Citizenship/Nationality Telephone Number Country and City/Area Code

Alien Registration Number (A#) U.S. Social Security # (if applicable)

Other Name(s) Used (including maiden name)

State If Married, Date (mm/dd/yyyy) and Place of Present Marriage:

State If Previously Married, Name(s) of Prior Spouse(s):

Date(s) Previous Marriage(s) Ended: (mm/dd/yyyy)

If Granted Refugee Status, Date (mm/dd/yyyy) and Place Admitted to the United States:

Date (mm/dd/yyyy) and Place Refugee or Asylee status was granted:

Part 2. Information about your alien relative.

Family Name (Last Name), Given Name (First Name), Middle Name

Address - C/O

Street Number and Name Apt. #

City State or Province

Country Zip/Postal Code Gender: a. Male b. Female

Date of Birth (mm/dd/yyyy) Country of Birth

Country of Citizenship/Nationality Telephone Number Country and City/Area Code

Alien Registration Number (if any) U. S. Social Security # (if any)

Other Name(s) Used (including maiden name)

State If Married, Date (mm/dd/yyyy) and Place of Present Marriage:

State If Previously Married, Name(s) of Prior Spouse(s):

Date(s) Previous Marriage(s) Ended: (mm/dd/yyyy)

To Be Completed by
Attorney or Representative, if any.
 Fill in box if G-28 is attached to represent the petitioner.

Volag # _____

Any State License # _____

Form I-730 (Rev. 06/14/06) N

PROCESSING GUIDE

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PROCESSING GUIDE

I-751, Petition to Remove Conditions on Residence

The I-751 is filed by a conditional resident who obtained such status through marriage to petition USCIS to remove the conditions on their residence.

This petition can be released to the subject or their attorney/representative if consent is present. If the requester is a party to or rider on the petition the form can be released in part to that individual. This can be a joint petition and may have been signed by both the petitioner and the beneficiary. The block titled "For USCIS Use Only" could contain exempt information regardless if consent is present.

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0038; Expires 09/30/08
**I-751, Petition to Remove
Conditions on Residence**

Purpose of This Form.

This form is for a conditional resident who obtained such status through marriage to petition to the U.S. Citizenship and Immigration Services (USCIS) to remove the conditions on his or her residence. USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

Who May File.

If you were granted conditional resident status through marriage to a U.S. citizen or permanent resident, use this form to petition for the removal of those conditions.

If you are still married, the petition should be filed jointly by you and the spouse through whom you obtained conditional status. However, you may apply for a waiver of this joint filing requirement if:

- You entered the marriage in good faith, but your spouse subsequently died;
- You entered the marriage in good faith, but the marriage was later terminated due to divorce or annulment;
- You entered the marriage in good faith and have remained married, but have been battered or subjected to extreme cruelty by your U.S. citizen or permanent resident spouse; or
- The termination of your status and removal would result in extreme hardship.

You may include your conditional resident children in your petition, or they may file separately.

General Filing Instructions.

Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A." If an answer is "none," write "none." If you need extra space to answer any item, attach a sheet of paper with your name and your Alien Registration Number (A#), and indicate the number of the item to which the answer refers. You must file your petition with the required initial evidence. Your petition must be properly signed and accompanied by the correct fee. If you are under 14 years of age, your parent or guardian may sign the petition on your behalf.

Translations. Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English.

Copies. If these instructions state that a copy of a document may be filed with this petition and you choose to send us the original, we may keep that original for our records.

Initial Evidence.

Permanent Resident Card. You must file your petition with a copy of your Permanent Resident Card or Alien Registration Card, and a copy of the Permanent Resident or Alien Registration cards of any of your conditional resident children you are including in your petition. Submit copies of both front and back sides of the card.

Photographs.

The conditional resident filing this petition must submit two standard passport-style photographs of him or herself taken within 30 days of submission of the petition. The photos should be 2x2 inches in size and have a white background. The photos should be glossy and not retouched or mounted. The dimension of the facial image should be about 1 inch to 1 3/8 inches from the chin to the top of the hair in a full frontal view. Using a pencil or felt pen, lightly print your name and Alien Registration Number (A#) on the back of the photographs.

Evidence of the Relationship. Submit copies of documents indicating that the marriage upon which you were granted conditional status was entered in "good faith" and was not for the purpose of circumventing immigration laws. Submit copies of as many documents as you wish to establish this fact and to demonstrate the circumstances of the relationship from the date of the marriage to the present date, and to demonstrate any circumstances surrounding the end of the relationship, if it has ended. The documents should cover the period from the date of your marriage to the filing of this petition. Examples of such documents are:

- Birth certificate(s) of child(ren) born to the marriage.
- Lease or mortgage contracts showing joint occupancy and/or ownership of your communal residence.
- Financial records showing joint ownership of assets and joint responsibility for liabilities, such as joint savings and checking accounts, joint federal and state tax returns, insurance policies that show the other spouse as the beneficiary, joint utility bills, joint installments or other loans.
- Other documents you consider relevant to establish that your marriage was not entered into in order to evade the U.S. immigration laws.
- Affidavits sworn to or affirmed by at least two people who have known both of you since your conditional residence was granted and have personal knowledge of your marriage and relationship. (Such persons may be required to testify before an immigration officer as to the information contained in the affidavit.) The original affidavit must be submitted and also contain the following information regarding the person making the affidavit: his or her full name and address; date and place of birth; relationship to you or your spouse, if any; and full information and complete details explaining how the person acquired his or her knowledge. Affidavits must be supported by other types of evidence listed above.

If you are filing to waive the joint filing requirement due to the death of your spouse, submit also a copy of the death certificate with your petition.

If you are filing to waive the joint filing requirement because your marriage has been terminated, submit also a copy of the divorce decree or other document terminating or annulling the marriage with your petition.

Form I-751 Instructions (Rev. 10/26/05) Y

PROCESSING GUIDE

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0038; Expires 09/30/05
**I-751, Petition to Remove
Conditions on Residence**

START HERE - Please type or print in black ink.

For USCIS Use Only

Part 1. Information about you.

Family Name (Last Name)	Given Name (First Name)	Full Middle Name
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Address: (Street Number and Name)		Apt. #
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>
C/O: (In Care Of)		
<input style="width: 95%;" type="text"/>		
City	State/Province	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Country	Zip/Postal Code	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Mailing Address, if different than above: (Street Number and Name)		Apt. #
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>
C/O: (In Care Of)		
<input style="width: 95%;" type="text"/>		
City	State/Province	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Country	Zip/Postal Code	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Date of Birth (mm/dd/yyyy)	Country of Birth	Country of Citizenship
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Alien Registration Number (#A)	Social Security # (if any)	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Conditional Residence Expires on (mm/dd/yyyy)	Daytime Phone # (Area/Country Codes)	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	

Returned	Receipt	
Date		
Date Resubmitted		
Date Reloc Sent		
Date Reloc Rec'd		
Date		
<input type="checkbox"/> Petitioner Interviewed on		
Remarks		
Action Block		
To Be Completed by Attorney or Representative, if any. <input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant.		
ATTY State License #		

Part 2. Basis for petition. (Check one.)

- a. My conditional residence is based on my marriage to a U.S. citizen or permanent resident, and we are filing this petition together.
 - b. I am a child who entered as a conditional permanent resident and I am unable to be included in a joint petition to remove the conditional basis of an alien's permanent residence (Form I-751) filed by my parent(s).
- OR**
- My conditional residence is based on my marriage to a U.S. citizen or permanent resident, but I am unable to file a joint petition and I request a waiver because: (Check one.)
- c. My spouse is deceased.
 - d. I entered into the marriage in good faith but the marriage was terminated through divorce/annulment.
 - e. I am a conditional resident spouse who entered a marriage in good faith, and during the marriage I was battered by or was the subject of extreme cruelty by my U.S. citizen or permanent resident spouse or parent.
 - f. I am a conditional resident child who was battered by or subjected to extreme cruelty by my U.S. citizen or conditional resident parent(s).
 - g. The termination of my status and removal from the United States would result in an extreme hardship.

Form I-751 (Rev. 10/26/05) Y

~~PLEASE NOTE: The FOIA/PA Handbook is for INTERNAL USE ONLY. Instructions on processing requests, training, and legal interpretations contained herein should generally NOT be disclosed to the public.~~

PROCESSING GUIDE

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PROCESSING GUIDE

I-864, Affidavit of Support Under Sect 213A of the Act

The I-864 is submitted by the sponsor(s) of most family based immigrants and some employment based immigrants. This document can be released to the subject or their attorney/representative if consent of the sponsor is present. If there is no consent of the sponsor, all third party information should be redacted. The block titled "For Government Use Only" could contain exempt information regardless if consent is present.

PROCESSING GUIDE

OMB No. 1615-0075; Expires 09/30/06

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-864, Affidavit of Support Under Section 213A of the Act

Instructions

How Should I Complete This Form?

- Print clearly or type your answers using CAPITAL letters.
- Use black or blue ink.
- If you need extra space to answer any item:
 - Attach a separate sheet of paper (or more sheets if necessary);
 - Write your name, U.S. Social Security number and the words "Form I-864" on the top right corner of the sheet, and
 - Write the number and subject of each question for which you are providing additional information.

What Is the Purpose of This Form?

This form is required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and that they are not likely to become a public charge. For more information about Form I-864, or to obtain related forms please contact:

- The USCIS website (www.uscis.gov);
- The National Customer Service Center (NCSC) telephone line at 1-800-375-5283 TTY: (1-800-767-1833); or
- Your local USCIS office by using Infopass.

How Is This Form Used?

This form is a contract between a sponsor and the U.S. Government. Completing and signing this form makes you the sponsor. You must show on this form that you have enough income and/or assets to maintain the intending immigrant(s) and the rest of your household at 125 percent of the Federal Poverty Guidelines. By signing Form I-864, you are agreeing to use your resources to support the intending immigrant(s) named in this form, if it becomes necessary.

The submission of this form may make the sponsored immigrant ineligible for certain Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider your resources and assets as available to the sponsored immigrant in determining his or her eligibility for the program.

If the immigrant sponsored in this affidavit does receive one of the designated Federal, State or local means-tested public benefits, the agency providing the benefit may request that you repay the cost of those benefits. That agency can sue you if the cost of the benefits provided is not repaid.

Not all benefits are considered to be means-tested public benefits. See Form I-864P, Poverty Guidelines, for more information on which benefits may be covered by this definition, or the contract on Page 6 of this form for a list of benefits explicitly not considered means-tested public benefits.

Who Needs This Form?

The following immigrants are required by law to submit Form I-864 completed by the petitioner to obtain an immigrant visa overseas or to adjust status to that of a lawful permanent resident in the United States:

- All immediate relatives of U.S. citizens (spouses, unmarried children under age 21, and parents of U.S. citizens age 21 and older);
- All family-based preference immigrants (unmarried sons and daughters of U.S. citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of U.S. citizens, and brothers and sisters of U.S. citizens age 21 and older); and
- Employment-based preference immigrants in cases only when a U.S. citizen or lawful permanent resident relative filed the immigrant visa petition or such relative has a significant ownership interest (five percent or more) in the entity that filed the petition.

Are There Exceptions to Who Needs This Form?

The following types of intending immigrants do not need to file this form:

- Any intending immigrant who has earned or can be credited with 40 qualifying quarters (credits) of work in the United States. In addition to their own work, intending immigrants may be able to secure credit for work performed by a spouse during marriage and by their parent(s) while the immigrants were under 18 years of age. The Social Security Administration (SSA) can provide information on how to count quarters of work earned or credited and how to provide evidence of such. See the SSA website at www.ssa.gov/mystatement/credits for more information;
- Any intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act, as amended by the Child Citizenship Act of 2000 (CCA);
- Self-petitioning widow/ers who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360; and

Form I-864 Instructions (Rev. 01/15/06)iv

PROCESSING GUIDE

OMB No. 1615-0075, Expires: 09/30/06

I-864, Affidavit of Support
Under Section 213A of the Act

Department of Homeland Security
U.S. Citizenship and Immigration Services

Part 1. Basis for filing Affidavit of Support.

1. I, _____, am the sponsor submitting this affidavit of support because (Check only one box):
- a. I am the petitioner. I filed or am filing for the immigration of my relative.
 - b. I filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____
 - c. I have an ownership interest of at least 5 percent in _____ which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____
 - d. I am the only joint sponsor.
 - e. I am the first second of two joint sponsors. (Check appropriate box.)
 - f. The original petitioner is deceased. I am the substitute sponsor. I am the intending immigrant's _____

For Government Use Only
This I-864 is from:
<input type="checkbox"/> the Petitioner
<input type="checkbox"/> a Joint Sponsor # _____
<input type="checkbox"/> the Substitute Sponsor
<input type="checkbox"/> 5% Owner
This I-864:
<input type="checkbox"/> does not meet the requirements of section 213A.
<input type="checkbox"/> meets the requirements of section 213A.
Reviewer _____
Location _____
Date (mm/dd/yyyy) _____
Number of Affidavits of Support in file:
<input type="checkbox"/> 1 <input type="checkbox"/> 2

Part 2. Information on the principal immigrant.

2. Last Name

First Name	Middle Name
------------	-------------

3. Mailing Address Street Number and Name (Include Apartment Number)

City	State/Province	Zip/Postal Code	Country
------	----------------	-----------------	---------

4. Country of Citizenship

5. Date of Birth (mm/dd/yyyy)

6. Alien Registration Number (if any) A- _____

7. U.S. Social Security Number (if any)

Part 3. Information on the immigrant(s) you are sponsoring.

8. I am sponsoring the principal immigrant named in Part 2 above.
 Yes No (Applicable only in cases with two joint sponsors)
9. I am sponsoring the following family members immigrating at the same time or within six months of the principal immigrant named in Part 2 above. Do not include any relative listed on a separate visa petition.

Name	Relationship to Sponsored Immigrant	Date of Birth (mm/dd/yyyy)	A-Number (if any)	U.S. Social Security Number (if any)
a. _____				
b. _____				
c. _____				
d. _____				
e. _____				

10. Enter the total number of immigrants you are sponsoring on this form from Part 3, Items 8 and 9.

Form I-864 (Rev. 01/15/06)N

PROCESSING GUIDE

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PROCESSING GUIDE

APPENDIX H – CLASS OF ADMISSION CHART

This appendix consists of a list of the Class of Admissions to assist in determining the status of an individual.

PROCESSING GUIDE

CLASS OF ADMISSION CHART

A-1	UNKNOWN	UNKNOWN
A-2	UNKNOWN	UNKNOWN
A-3	UNKNOWN	UNKNOWN
AA1	DIVERSITY TRANSITION	LPR
AA2	SPOUSES OF AA1 OR AA6	LPR
AA3	CHILDREN OF AA1 OR AA6	LPR
AA6	DIVERSITY TRANSITION	LPR
AA7	SPOUSES OF AA6	LPR
AA8	CHILDREN OF AA6	LPR
ABD	ABANDONMENT OF RESIDENCY	ILLEGAL
ABS	ABANDONMENT OF STATUS	ILLEGAL
AM1	AMERASIAN BORN IN VIETNAM	LPR
AM2	SPOUSE OR CHILD OF AM1 OR AM6	LPR
AM3	MOTHER, GUARDIAN OF AM1 OR AM6	LPR
AM6	AMERASIAN B. VIET 1/1/62	LPR
AM7	SP/CH OF AM1 OR AM6	LPR
AM8	MOTHER/REL AM1 OR AM6	LPR
AO	ASYLEE APPLICANT W/O WORK AUTH.	LEGAL
ARC	ADMINISTRATIVELY CLOSED/REF APPLICANT	
ARF	CLASSIFIED REFUGEE/HAS NOT COME TO US	
AR1	CH OF CITZ UNDER PL 97-359	LPR
AR6	CH OF CITZ B. KOREA, LAOS, VIET	LPR
AS	ASYLEE APPLICANT W/WORK AUTHORIZATION	LEGAL
ASP	ASYLEES PENDING	
ASR	ASYLUM STATUS REVOKED	ILLEGAL
AS1	APPROVED PRIMARY ASYLEE	LEGAL
AS2	APPROVED SPOUSE ASYLEE	LEGAL
AS3	APPROVED CHILD ASYLEE	LEGAL
AS6	ADJ OF ASYLEE	LPR
AS7	ADJ OF SPOUSE OF AN ASYLEE	LPR
AS8	ADJ OF CHILD OF AN ASYLEE	LPR
AW	RAW APPLIED FOR AT A PORT	NI
AY	ASYLEE	
AY1	AYUDA-EMPLOYMENT AUTHORIZATION	LEGAL
AY2	AYUDA-NO EMPLOYMENT AUTHORIZATION	LEGAL
A1	AMBASS, MINISTERS, DIPLOMAT	NI
A11	UNMAR CH OF CITZ UNDER PL 97-359	LPR
A12	CHILD OF ALIEN CLASS P11/P16	LPR
A16	UNMARR CH OF CITZ B IN ASIA	LPR
A17	CHILD OF A11 OR A16 ALIEN	LPR
A2	OTHER FOR GOVT OFFICIALS	NI
A3	A1-A2 ATTEN, SERV, EMPLOY	NI

PROCESSING GUIDE

A31	MAR CH OF U S CITIZENS, AMERASIANS	LPR
A32	AMER SPOUSE OF F31,A31,C31	LPR
A33	AMER CHILD OF F31, A31, C31	LPR
A36	MAR CH OF U S CITIZENS, AMERASIANS	LPR
A37	AMERASIAN SPOUSES OF F36, A36, C36	LPR
A38	AMERASIAN CHILD OF F36, A36, C36	LPR
A41	MAR CH CITZ UNDER PL 97-359	LPR
A42	SPOUSE OF ALIEN CLASS A41/A46	LPR
A43	CHILD OF ALIEN CLASS A41/A46	LPR
A46	MARR CH OF CITZ B. IN ASIA	LPR
A47	SPS OF A41 OR A46 ALIEN	LPR
A48	CH OF A41 OR A46	LPR
BCC	BORDER CROSSER CARD (I-586) APPROVED	NI
BCD	BORDER CROSSING CARD DENIED	ILLEGAL
BC1	SPEC BROADCASTER/IBCB OF BBG, PRIN	LPR
BC2	SPOUSE OF BC1	LPR
BC3	CHILD OF BC1	LPR
BC6	SPEC BROADCASTER/IBCB OF BBG, PRIN	LPR
BC7	SPOUSE OF BC6	LPR
BC8	CHILD OF BC6	LPR
BE	BERING STRAIT ENTRIES	NI
BX1	SELF-PETITION SPOUSE OF LPR, EXEMPT	LPR
BX2	SELF-PETITION CHILD OF LPR, EXEMPT	LPR
BX3	CHILD OF BX1, BX2, EXEMPT	LPR
BX6	SELF-PETITION SPOUSE OF LPR, EXEMPT	LPR
BX7	SELF-PETITION CHILD OF LPR, EXEMPT	LPR
BX8	CHILD OF BX6, BX7, EXEMPT	LPR
B1	VISITOR FOR BUSINESS	NI
B11	SELF-PET. UNMARR. SON/DAUGHTER USC	LPR
B12	CHILD OF B11	LPR
B16	SELF-PET. UNMARR. SON/DAUGHTER USC	LPR
B17	CHILD OF B16	LPR
B2	VISITOR FOR PLEASURE	NI
B20	CHILD OF B29	LPR
B21	SELF-PETITION SPOUSE OF LPR	LPR
B22	SELF-PETITION CHILD OF LPR,	LPR
B23	CHILD OF B21, B22	LPR
B24	SELF-PET. UNMARR. SON/DAUGHTER LPR	LPR
B25	CHILD OF B24	LPR
B26	SELF-PETITION SPOUSE OF LPR	LPR
B27	SELF-PETITION CHILD OF LPR	LPR
B28	CHILD OF B26, B27	LPR
B29	SELF-PET. UNMARR. SON/DAUGHTER LPR	LPR
B30	CHILD OF B29	LPR
B31	SELF-PET. MARRIED SON/DAUGHTER USC	LPR

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B32	SPOUSE OF B31	LPR
B33	CHILD OF B31	LPR
B36	SELF-PET. MARRIED SON/DAUGHTER USC	LPR
B37	SPOUSE OF B36	LPR
B38	CHILD OF B36	LPR
CB1	SPOUSE OF ALIEN GRANTED LEGAL COND	LPR
CB2	CHILD OF ALIEN GRANTED LEGAL COND	LPR
CB6	SPOUSE OF ALIEN GRANTED LEGAL COND	LPR
CB7	CHILD OF ALIEN GRANTED LEGAL COND	LPR
CC	MASS MIGRATION, CUBAN PAROLEES	LEGAL
CF1	REC ADM COND ENTRY FIANC/E CITIZEN	LPR
CF2	COND-ENTRY MINOR CH ALIEN CLASS	LPR
CH	PAROLEE (HUMANITARIAN-HDQTRS AUTH)	LEGAL
CH6	CUBAN-HAITIAN ENTRANT	LPR
CNP	CUBA REF/NON-CUBA SP/CH CUBA REF	LPR
CP	PAROLEE (PUBLIC INTEREST-HDQTRS)	NI
CPT	CONTINUED PRESENCE TERMINATED	
CR1	COND-ENTRANT SPOUSE OF US CITIZEN	LPR
CR2	COND-ENTRANT STEP-CHILD US CITIZEN	LPR
CR6	COND-ENTRANT SPOUSE OF US CITIZEN	LPR
CR7	COND-ENTRANT STEP-CHILD US CITIZEN	LPR
CSS	ALIEN NOT ELIGIBLE FOR LEGALIZATION	NI
CS1	CATHOLIC SOCIAL SERVICES-EMPLOY/AUTH	LEGAL
CS2	CATHOLIC SOCIAL SERVICES-NO EMP/AUTH	LEGAL
CS3	LEGAL-CSS-FRAUD INVESTIGATION	LEGAL
CUP	CUBA REF/NON-CUBA SP/CH CUBA REF	LPR
CU0	CUBA REF PARENT OF US CITIZEN	LPR
CU6	CUBAN REFUGEE	LPR
CU7	NON-CUBAN SPS/CH CUBAN REF	LPR
CU8	CUBA REF SPOUSE OF US CITIZEN	LPR
CU9	CUBA REF CHILD OF US CITIZEN	LPR
CX1	COND-EXEMPT SP OR ALIEN RESIDENTS	LPR
CX2	COND-CHILD OF ALIEN RES, UNDER 21	LPR
CX3	COND-CHILDREN OF FX2, CX2	LPR
CX6	COND-SPOUSES OF ALIEN RESIDENTS	LPR
CX7	COND-CHILD OF ALIEN RES UNDER 21	LPR
CX8	COND-CHILD OF FX7, CX7	LPR
C1	ALIEN IN TRANSIT	NI
C2	ALIEN IN TRANSIT TO UN	NI
C20	COND-CHILD OF F29, C29	LPR
C21	COND-ENTRANT SP OF PERM RESIDENT	LPR
C22	COND-ENTRANT STEP-CHILD PERM RES	LPR
C23	COND-ENTRANT CH ALIEN CLASS C22/C27	LPR
C24	COND-UNMAR CH OF ALIEN RES, OVER 21	LPR
C25	COND-CHILDREN OF F24, C24	LPR

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C26	COND-ENTR SP PERM RESIDENT	LPR
C27	COND-ENTR UNMARR STEP-CH PERM	LPR
C28	COND-ENTR CH ALIEN CLASS C22/C27S	LPR
C29	COND-UNMAR CH OF ALIEN RES OVER 21	LPR
C3	GOVT OFFICIAL, FAM & EMPL	NI
C31	COND-CHILD OF U S CITIZENS	LPR
C32	COND-SPOUSE OF F31, A31, C31	LPR
C33	COND-CHILD OF F31, A31, C31, F36, C36	LPR
C36	COND-CHILD OF U S CITIZENS	LPR
C37	COND-SPOUSES OF F36, A36, C36	LPR
C38	COND-CHILD OF F36, A36, C36	LPR
C4	TRANSIT WITHOUT A VISA	NI
C41	COND-ENTR MARRIED STEP-CH US CITIZEN	LPR
C42	COND-ENTR SP ALIEN CLASS C41/C46	LPR
C43	COND-ENTR CH ALIEN CLASS C41/C46	LPR
C46	COND-ENTR MARRIED STEP-CH US CITIZEN	LPR
C47	COND-ENTR SP ALIEN CLASS C41/C46	LPR
C48	COND-ENTR CH ALIEN CLASS C41/C46	LPR
C51	COND-EMPLOYMENT CREATION AREA	LPR
C52	COND-SPOUSES OF E51, C51, E56, C56	LPR
C53	COND-CHILDREN OF E51, C51, E56, C56	LPR
C56	COND-EMPLOYMENT CREATION AREA	LPR
C57	COND-SPOUSES OF E56, C56	LPR
C58	COND-CHILD OF E56, C56	LPR
C7P	CUBA REF/NON-CUBA SP/CH CUBA REF	LPR
DA	ADVANCE PAROLE-DISTRICT AUTHORIZED	NI
DAS	DEFERRED ACTION STATUS	LEGAL
DAT	DEFERRED ACTION TERMINATED	
DE	DEFERRED INSPECTION	NI
DEC	DECEASED PERSONS	
DEP	DEPORTATIONS	ILLEGAL
DHR	DENIAL HAITIAN REFUGEE APPLICATION	ILLEGAL
DNA	DENATURALIZATION CASES	
DP	DISPLACED PERSON	LPR
DS1	REC PERM RES B. UNDER DIPL	LPR
DT	PAROLEE (DISTRICT/POE AUTHORIZED)	NI
DT1	DISPLACED TIBETANS	LPR
DT2	SPOUSES OF DT1 OR DT6	LPR
DT3	CHILDREN OF DT1 OR DT6	LPR
DT6	DISPLACED TIBETANS	LPR
DT7	SPOUSES OF DT6	LPR
DT8	CHILDREN OF DT6	LPR
DV1	DIVERSITY IMMIGRANTS	LPR
DV2	SPOUSES OF DV1 OR DV6	LPR
DV3	CHILDREN OF DV1 OR DV6	LPR

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DV6	DIVERSITY IMMIGRANTS	LPR
DV7	SPOUSES OF DV6	LPR
DV8	CHILDREN OF DV6	LPR
DX	CREW ARR'G/DETAINED ONBOARD SHIP	
D1	29 DAYS OR LESS ON VES OR	NI
D2	29 DAYS OR LESS NOT VES OR	NI
EC6	CHINA STUDENT ACT-PRINCIPAL	LPR
EC7	CHINA STUDENT ACT-SPOUSE	LPR
EC8	CHINA STUDENT ACT-CHILD	LPR
EC9	CHINA STUDENT ACT-CHILD	LPR
EF	EXPEDITED REM. PEND. CREDIBLE FEAR	ILLEGAL
EP	EXPEDITED REMOVAL PENDING OTHER	ILLEGAL
ER	EXPEDITED REMOVAL ALIEN REMOVED	ILLEGAL
ERF	EXPEDITED REM. PEND. CREDIBLE FEAR	LEGAL
ERP	EXPEDITED REMOVAL PENDING OTHER	LEGAL
ERR	EXPEDITED REMOVAL ALIEN REMOVED	ILLEGAL
ES1	SOVIET SCIENTISTS, PRINCIPAL	LPR
ES6	SOVIET SCIENTISTS, PRINCIPAL	LPR
EWI	ENTRY WITHOUT INSPECTION	ILLEGAL
EW0	CHILDREN OF EW8	LPR
EW3	OTHER WORKERS SEC203 (B) (3) (A) (III)	LPR
EW4	SPOUSES OF EW3, EW8	LPR
EW5	CHILDREN OF EW3, EW8	LPR
EW8	OTHER WORKERS	LPR
EW9	SPOUSES AND CHILDREN OF EW8	LPR
EXC	EXCLUSIONS	ILLEGAL
EXP	EXPATRIATION	ILLEGAL
EX1	SCHEDULE-A WORKER	LPR
EX2	SPOUSE OF EX1	LPR
EX3	CHILD OF EX1	LPR
EX6	SCHEDULE-A WORKER	LPR
EX7	SPOUSE OF EX6	LPR
EX8	CHILD OF EX6	LPR
E1	TREATY TRADER, SPS AND CHILD	NI
E10	CHILDREN OF PRIORITY WORKERS	LPR
E11	ALIENS WITH EXTRA ABILITY	LPR
E12	OUTSTAND PROFESSORS AND RESEARCHERS	LPR
E13	MULTINATIONAL EXEC AND MANAGERS	LPR
E14	SPOUSES OF PRIORITY WORKERS	LPR
E15	CHILDREN OF PRIORITY WORKERS	LPR
E16	ALIENS WITH EXTRA ABILITY	LPR
E17	OUTSTAND PROFESSORS AND RESEARCHERS	LPR
E18	MULTINATIONS EXEC AND MANAGERS	LPR
E19	SPOUSES OF PRIORITY WORKERS	LPR
E2	TREATY INVESTOR, SPS AND CHILD	NI

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E21	PROFESS WITH EXCEPTIONAL ABILITY	LPR
E22	SPOUSE OF ALIEN CLASS E21 OR E26	LPR
E23	CHILDREN OF E21 OR E26	LPR
E26	PROFESS WITH EXCEPTIONAL ABILITY	LPR
E27	SPOUSES OF E26	LPR
E28	CHILDREN OF E26	LPR
E3	AUSTRALIAN FREE TRADE AGREEMENT	NI
E30	CHILDREN OF E36, E37	LPR
E31	SKILLED WORKERS SEC203 (B) (3) (A) (I)	LPR
E32	PROFESSIONALS SEC203 (B) (3) (A) (II)	LPR
E34	SPOUSES OF E31, E36, E32, E37	LPR
E35	CHILDREN OF E31, E36, E32, E37	LPR
E36	SKILLED WORKERS	LPR
E37	PROFESSIONS	LPR
E39	SPOUSES OF E36, E37	LPR
E51	TARGETED EMPLOYMENT AREA	LPR
E52	SPOUSES OF E51, T51, T56	LPR
E53	CHILDREN OF T51, E56, T56	LPR
E56	TARGETED EMPLOYMENT AREA	LPR
E57	SPOUSES OF E56, T56	LPR
E58	CHILDREN OF E56, T56	LPR
FFD	FAMILY FAIRNESS APPL DENIED	ILLEGAL
FFG	FAMILY FAIRNESS APPL GRANTED	LEGAL
FFP	FAMILY FAIRNESS PENDING APPL	LEGAL
FFW	FAMILY FAIRNESS GRANTED W/EMP AUTH	LEGAL
FSM	CFA ADMISSION FED STATES MICRONESIA	
FUG	FAMILY UNITY/GRANT EXT VOL DEPART	LEGAL
FX1	SPOUSES OF ALIEN RESIDENTS	LPR
FX2	CHILD OF ALIEN RES, UNDER 21	LPR
FX3	CHILD OF FX2, CX2	LPR
FX6	SPOUSES OF ALIEN RESIDENTS	LPR
FX7	CHILDREN OF ALIEN RES UNDER 21	LPR
FX8	CHILDREN OF FX7, CX7	LPR
F1	STUDENT	NI
F11	UNMAR SONS & DAUGHTERS OF US CITIZEN	LPR
F12	CHILDREN OF F11, A11	LPR
F16	UNMAR SONS & DAUGHTERS OF US CITIZEN	LPR
F17	CHILDREN OF F16, A16	LPR
F2	SPS OR CH OF STUDENT	NI
F20	CHILDREN OF F29, C29	LPR
F21	SPOUSES OF ALIEN RESIDENTS	LPR
F22	CHILD OF ALIEN RESIDENTS UNDER 21	LPR
F23	CHILDREN OF F22, C22	LPR
F24	UNMAR CH OF ALIEN RES, OVER 21	LPR
F25	CHILDREN OF F24, C24	LPR

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F26	SPOUSES OF ALIEN RESIDENTS	LPR
F27	CHILD OF ALIEN RESIDENTS UNDER 21	LPR
F28	CHILDREN OF F27, C27	LPR
F29	UNMAR CH OF ALIEN RES, OVER 21	LPR
F31	SPOUSES OF E31 OR E26	LPR
F32	SPOUSE OF F31, A31, C31	LPR
F33	CHILDREN OF F31, A31, C31	LPR
F36	MAR CH OF U S CITIZENS	LPR
F37	SPOUSES OF F36, A36, C36	LPR
F38	CHILDREN OF F36, A36, C36	LPR
F41	BROTHERS AND SISTERS OF US CITIZENS	LPR
F42	SPOUSES OF F41 AND F46	LPR
F43	CHILDREN OF F41 AND F46	LPR
F46	BROTHERS AND SISTERS OF US CITIZENS	LPR
F47	SPOUSES OF F46	LPR
F48	CHILDREN OF F46	LPR
GA6	GUAM ASYLEES, PRINCIPAL	LPR
GA7	GUAM ASYLEES, SPOUSE	LPR
GA8	GUAM ASYLEES, CHILD	LPR
GB	VISITOR WITHOUT A VISA 15 DA	NI
GR	GUAM VISA WAIVER PP REFUSAL	NI
GT	VISITORS WITHOUT VISA 15 DA	NI
G1	PRIN RES REP FOR MEM GOVT	NI
G2	OTHER REP OF FOR MEM GOVT	NI
G3	REP NONREC OR NONMEM GOVT	NI
G4	INTL ORG OFFICER OR EMPLOY	NI
G5	G1, G2, G3, & G4 ATTEN, SER	NI
HA6	902B1A PL105277 HTIAN ADJ LPR, PRIN	LPR
HA7	902D SPOUSE OF HA6 (902B1A) ADJ LPR	LPR
HA8	902D CHILD OF HA6 (902B1A) ADJ LPR	LPR
HA9	902D UNMAR SON/DAU OF HA6 (902B1A)	LPR
HB6	902B1B PL105277 HTIAN ADJ LPR, PRIN	LPR
HB7	902D SPOUSE OF HB6 (902B1B) ADJ LPR	LPR
HB8	902D CHILD OF HB6 (902B1B) ADJ LPR	LPR
HB9	902D UNMAR SON/DAU OF HB6 (902B1B)	LPR
HC6	902B1CI PL105277 HTIAN ADJ LPR, PRN	LPR
HC7	902D SPOUSE OF HC6 (902B1CI) ADJ LPR	LPR
HC8	902D CHILD OF HC6 (902B1CI) ADJ LPR	LPR
HC9	902D UNMAR SN/DAU OF HC6 (902B1CI)	LPR
HD6	902B1CII PL105277 HTIAN ADJ LPR, PN	LPR
HD7	902D SPOUSE OF HD6 (902B1CII) ADJ LPR	LPR
HD8	902D CHILD OF HD6 (902B1CII) ADJ LPR	LPR
HD9	902D UNMAR SN/DAU OF HD6 (902B1CII)	LPR
HE6	902B1CIII PL105277 HTAN ADJ LPR PN	LPR
HE7	902D SPOUSE OF HE6 (902B1CIII) ADJ LPR	LPR

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HE8	902D CHILD OF HE6 (902B1CIII) ADJ LPR	LPR
HE9	902D UNMAR SN/DAU, HE6 (902B1CIII)	LPR
HK1	EMPLOY OF US BUSINESSES HONG KONG	LPR
HK2	SPOUSES OF HK1 OR HK6	LPR
HK3	CHILDREN OF HK1 OR HK6	LPR
HK6	EMPLOY OF US BUSINESSES HONG KONG	LPR
HK7	SPOUSES OF HK6	LPR
HK8	CHILDREN OF HK6	LPR
HR	RETURNING (H2B) WORKER NOT SUBJECT TO CAP	NI
HSC	H1B1 FREE TRADE, SINGAPORE/CHILE	NI
H11	TEM WORKER W/SPECIALTY OCCUPATION	NI
H1A	REGISTERED NURSE/SPOUSE/CHILDREN	NI
H1B	TEM WORKER W/SPECIALTY OCCUPATION	NI
H1C	RN-SPECIAL HEALTH NEED AREAS	NI
H2	H2B/TEMP NON-AGRICULTURAL WORKER	NI
H2A	TEMP AGRICULTURAL WORKER	NI
H2B	TEMP NON-AGRICULTURAL WORKER	NI
H2R	RETURNING (H2B) WORKER NON SUBJECT TO CAP	NI
H3	INDUSTRIAL TRAINEEE	NI
H4	SPS OR CH OF H1, H2, H3 OR H2R	NI
IB0	BATTERED OR ABUSED PARENTS OF USC	LPR
IB1	SELF-PETITION SPOUSE OF USC	LPR
IB2	SELF-PETITION CHILD OF USC	LPR
IB3	CHILD OF IB1	LPR
IB5	BATTERED OR ABUSED PARENTS OF USC	LPR
IB6	SELF-PETITION SPOUSE OF USC	LPR
IB7	SELF-PETITION CHILD OF USC	LPR
IB8	CHILD OF IB6	LPR
IC6	INDOCHINESE REFUGEE	LPR
IC7	SPS/CH INDCHN REF NOT QUA SEC	LPR
ID6	INDOCHINESE PAROLEE	LPR
IF1	ALIEN REC ADM FOR PER RES CREA	LPR
IF2	MINOR CHILD OF IF1 ALIEN	LPR
IJ	REFERRED TO IMMIGRATION JUDGE	LEGAL
IMM	IMMIGRANT	LEGAL
IR0	PARENT OF USC	LPR
IR1	SPOUSE OF USC	LPR
IR2	CHILD OF USC	LPR
IR3	ORPHAN ADOPTED ABROAD BY USC	LPR
IR4	ORPHAN TO BE ADOPTED BY USC	LPR
IR5	PARENT OF USC	LPR
IR6	SPOUSE OF USC	LPR
IR7	CHILD OF USC	LPR
IR8	ORPHAN ADOPTED ABROAD BY USC	LPR
IR9	ORPHAN TO BE ADOPTED BY USC	LPR

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IW1	WIDOWS OR WIDOWERS OF USC	LPR
IW2	CHILD OF WIDOWER) OF USC	LPR
IW6	WIDOWS OR WIDOWERS OF USC	LPR
IW7	CHILD OF WIDOWER) OF USC	LPR
I1	REP OF FOR INFO MEDIA & FA	NI
I51	INVEST PILOT TARGET PRINCIPAL-COND	LEGAL
I52	INVEST PILOT TARGET SPOUSE-COND	LEGAL
I53	INVEST PILOT TARGET CHILD-COND	LEGAL
I56	INVEST PILOT TARGET PRINCIPAL-COND	LPR
I57	INVEST PILOT TARGET SPOUSE-COND	LPR
I58	INVEST PILOT TARGET CHILD-COND	LPR
J1	EXCHANGE VISITOR	NI
J2	SPS OR CH OF J1 ALIEN	NI
K-5	SP/CH 1ST PREF PET APR P 6-6-58	NI
K-6	BEN 2ND PRE PET APPR P 7-1-57	NI
K-7	BEN 3RD PREF PET APPR P 7-1-57	NI
K-8	GERMAN EXPELLEE	NI
K-9	NETHERLANDS REFUGEE OR RELATIVE	NI
KIC	KICKAPOO INDIAN CITIZEN	LPR
KIP	KICKAPOO INDIAN PASS	LPR
KN4	BEN SEC PREF PET FILED PR 7/61	LPR
KP4	BEN 3RD PREF PET FILED PR 7/61	LPR
KR3	BEN 1ST PREF PET FILED P 4-1-62	LPR
KR4	BEN 1ST PREF PET FILED PR 4/62	LPR
KS3	SPOUSE/CHILD ALIEN CLASS K23/KR4	LPR
KS4	SPS/CH OF K23 OR KR4 ALIEN	LPR
KT4	BEN 4TH PREF PET FILED PR 4/54	LPR
KU4	SPS/CH OF K25 OR KT4 ALIEN	LPR
K1	FIANCÉ FIANCÉE OF A USC	NI
K10	REFUGEE-ESCAPEE	LPR
K11	AZORES NATURAL CALAMITY VICTIM	LPR
K12	ACOM SPOUSE/UNMAR CH OF CLASS K11	LPR
K13	NETHERLANDS NATIONAL DISPLACED IND	LPR
K14	ACCOM SPOUSE/UNMAR CH CLASS K13	LPR
K15	PARENT US CITZ REG PRIOR 12-31-53	LPR
K16	SPOUSE/CHILD OF RES REG P 12-31-53	LPR
K17	BRO/SIS/SON/DAU US CITZ P 12-31-53	LPR
K18	SPOUSE/CH ALIEN CLASS K15/K16/K173	LPR
K19	PARENT CITZ ADM UNDER REF RELIEF73	LPR
K2	CH OF ALIEN ENTERING AS K1	NI
K20	SPOUSE/CH ADM UNDER REF RELIEF	LPR
K21	BEN 2ND PREF PET FILED P 7-1-61	LPR
K22	BEN 3RD PREF PET FILED P 7-1-61	LPR
K23	BEN 1ST PREF PET FILED P 4-1-62	LPR
K24	SPOUSE/CH ALIEN CLASS K23/KR4	LPR

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K25	BEN 4TH PREF PET FILED P 1-1-62	LPR
K26	SPOUSE/CH OF ALIEN CLASS K25/KT4	LPR
K3	SPOUSE/USC LIVING ABROAD DEC 2000	NI
K3M	SP/CH ADJ 1ST PREF IMMIGRANT	NI
K4	CHILD/USC LIVING ABROAD DEC 2000	NI
K4M	BEN 1ST PREF PETITION APR P 6-1-58	NI
K5	SP/CH 1ST PREF PET APR P 6-6-58	NI
K6	BEN 2ND PREF PET APPR P 7-1-57	NI
K7	BEN 3RD PREF PET APPR P 7-1-57	NI
K8	GERMAN EXPELLEE	NI
K9	NETHERLANDS REFUGEE OR RELATIVE	NI
LA6	PAROLEE ADJUST SOVIET/INDOCHINESE	LPR
LB1	SPOUSES OF LEGALIZED ALIENS	LPR
LB2	CHILDREN OF LEGALIZED ALIENS	LPR
LB6	SPOUSES OF LEGALIZED ALIENS	LPR
LB7	CHILDREN OF LEGALIZED ALIENS	LPR
LPR	LEGAL PERMANENT RESIDENT	LPR
LU1	LULAC-EMPLOYMENT AUTHORITY	LEGAL
LU2	LULAC-NO EMPLOYMENT AUTHORIZATION	LEGAL
L1	INTRA-COMP TRANSFEREE TO CONT EMPL	NI
L2	SPS OR CH OF L1 ALIEN	NI
M-1	SPOUSE OF USC	NI
M-2	CHILD OF US CITIZEN	NI
M-3	ELIGIBLE ORPHAN ADOPTED ABROAD	NI
M-4	ELIGIBLE ORPHAN TO BE ADOPTED	NI
M-8	REF-ESCAPEE ADM FOR PERM RES	NI
M-9	HUNG PAROLEE ADM FOR PERM RES	NI
MIS	CFA ADMISSION REP MARSHALL ISLANDS	
MI1	TT CITZ ON 11/2/86 & DOM IN US/NMI	LEGAL
MI2	TT CITZ ON 11/2/86 DOM CONT 81-86	LEGAL
MI3	NOT TT CITZ-CONT DOM BEF 1/7/84	LEGAL
MR0	PR USC PRE PERM RES PL94-2	LPR
MR6	SP USC PRE PERM RES PL94-2	LPR
MR7	CHILD OF USC UNDER PL94-241	LPR
M1	STUDENT PURSUING COURSE OF STUDY	NI
M2	SPS OR CH OF M1 ALIEN	NI
M3	ELIGIBLE ORPHAN ADOPTED ABROAD	NI
M4	ELIGIBLE ORPHAN TO BE ADOPTED	NI
M8	REF-ESCAPEE ADM FOR PERM RES	NI
M83	REF-ESCAPEE ADM FOR PERM RES	LPR
M9	HUNG PAROLEE ADM FOR PERM RES	NI
M93	HUNG PAROLEE ADM FOR PERM RES	LPR
N	SEC 101(A) (27) (B) - FORMER CITIZEN	LPR
NA	CH B ABROAD OF PERM RES/NATIONAL	LPR
NA3	CH B ABROAD OF PERM RES/NATIONAL	LPR

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NC6	NICARAGUAN/CUBAN (NACARA)	LPR
NC7	SPOUSE OF NC6 (NACARA)	LPR
NC8	CHILD OF NC6 (NACARA)	LPR
NC9	UNMARR SON/DAUGHTER OF NC6 (NACARA)	LPR
NP0	NONPREFERENCE IMMIGRANT SEC 31	LPR
NP1	NONPREFERENCE IMMIGRANT	LPR
NP2	FAMILY MEMBER ACCOM COND ENTRANT	LPR
NP5	NONPREFERENCE IMMIGRANT SEC 314	LPR
NP6	NONPREFERENCE IMMIGRANT	LPR
NP7	ADJ OF NP2	LPR
NP8	QUA AS INVESTORS PRIOR 6-78	LPR
NP9	SPS-CH OF NP8	LPR
N1	NATO ADMISSION	NI
N2	NATO ADMISSION	NI
N3	NATO ADMISSION	NI
N4	NATO ADMISSION	NI
N5	NATO ADMISSION	NI
N51	EMP CREAT-PRINC-DENIED LPR-NEW ARR	LEGAL
N52	EMP CREAT-SPOUS-DENIED LPR-NEW ARR	LEGAL
N53	EMP CREAT-CHILD-DENIED LPR-NEW ARR	LEGAL
N56	EMP CREAT-PRINC-DENIED LPR-ADJUST	LEGAL
N57	EMP CREAT-SPOUS-DENIED LPR-ADJUST	LEGAL
N58	EMP CREAT-CHILD-DENIED LPR-ADJUST	LEGAL
N6	NATO ADMISSION	NI
N7	NATO ADMISSION	NI
N8	PARENT INTL ORG SPECIAL IM	NI
N9	CHILD OF N8/INTL SPECIAL I	NI
OP	PAROLEE-OVERSEAS OR SUBOFFICE AUTH	NI
OPC	ADMINISTRATIVELY CLOSED/PAROLEE APPLICANT	
OPN	OFFERED PAROLEE/HAS NOT COME TO US	
OP1	UNDERREPRESENTED CTRY DIVERSITY PRO	LPR
OP6	CTRY DIVERSITY PROG. (ADJUSTMENT)	LPR
O1	PRINCIPAL	NI
O1M	NATIVE OF WEST HEMIS COUNTRIES	LPR
O2	ACCOMPANYING ALIENS	NI
O2M	SPOUSE OF ALIEN CLASSIFIED O1M	LPR
O3	SPOUSE OR CHILD OF O1 OR O2	NI
O3M	CHILD OF ALIEN CLASSIFIED O1M	LPR
P-7	REF ADJ UNDER SEC 203 (A) (7)	LPR
PAC	WORK AUTH CARD FOR PAC TRUST TERR	LEGAL
PAL	CFA ADMISSION PALAU	LEGAL
PEN	PENDING CLASSIFICATION CODE	LEGAL
PH6	POLISH-HUNGARIAN PAROLEE	LPR
PI	TRUST TERR. EAD COA	NI
PL1	LEGAL-PEREALES-CLASS MEMBER	LEGAL

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PL2	LEGAL-PEREALES-NON-CLASS MEMBER	LEGAL
PR	PAROLEE	LEGAL
P1	ATHLETE OR ENTERTAINER	NI
P1M	INDIV LOST CITIZENSHIP BY MARRIAGE	LPR
P11	1ST PREF UNMAR CHILD US CITZ	LPR
P12	1ST PREF CHILD OF ALIEN P11/P16	LPR
P16	UNMARRIED SON/DAUGHTER OF CITZ	LPR
P17	CHILD OF P11 OR P16 ALIEN	LPR
P2	EXCHANGE ARTIST/ENTERTAINER	NI
P2M	LOST CITZ BY FOREIGN SERVICE	LPR
P21	2ND PREF SPOUSE OF ALIEN RESIDENT	LPR
P22	UNMARRIED CHILD OF ALIEN RESIDENT	LPR
P23	CHILD ALIEN P21, P22, P26, OR P27	LPR
P26	SPOUSE OF ALIEN RESIDENT	LPR
P27	UNMAR SON/DAUGHTER OF ALIEN RES	LPR
P28	CH OF P21, P22, P26, P27 ALIEN	LPR
P3	UNIQUE ARTIST/ENTERTAINER	NI
P3M	LOST CITZ PARENT'S FOREIGN NATZ	LPR
P31	3RD PREF PRO OR HIGHLY SKILLED	LPR
P32	SPOUSE OF ALIEN CLASS P31 OR P36	LPR
P33	CHILD OF ALIEN CLASS P31 OR P36	LPR
P36	PRO/HIGHLY SKILLED IMM	LPR
P37	SPOUSE OF P31 OR P36 ALIEN	LPR
P38	CHILD OF P31 OR P36 ALIEN	LPR
P4	SPOUSE OR CHILD OF P1, P2, P3	NI
P41	4TH PREF MAR CHILD OF USC	LPR
P42	SPOUSE OF ALIEN CLASS P41 OR P46	LPR
P43	CHILD OF ALIEN CLASS P41 OR P46	LPR
P46	MARRIED SON/DAUGHTER OF USC	LPR
P47	SPS OF ALIEN CLASS P41 OR P46	LPR
P48	CH OF P41 OR P46 ALIEN	LPR
P51	5TH PREF BRO/SIS OF USC	LPR
P52	SPOUSE OF ALIEN CLASS P51 OR P56	LPR
P53	CHILD OF ALIEN CLASS P51/P56	LPR
P56	BROTHER/SISTER OF CITIZEN	LPR
P57	SPOUSE OF P51 OR P56 ALIEN	LPR
P58	CHILD OF P51 OR P56 ALIEN	LPR
P61	6TH PREF NEED SKILL/UNSKILL WORKER	LPR
P62	6TH PREF SPOUSE CLASS P61 OR P66	LPR
P63	CHILD OF ALIEN CLASS P61/P66	LPR
P66	NEEDED SKILL/UNSKILL WORKER	LPR
P67	SPS OF P61 OR P66 ALIEN	LPR
P68	CH OF P61 OR P66 ALIEN	LPR
P7	REF ADJ UNDER SEC 203 (A) (7)	LPR
P71	7TH PREF: COND ENTRY REFUGEE	LPR

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P72	COND ENTRY BY NATURAL CALAMITY VIC	LPR
P76	REF ADJ UNDER SEC 203 (A) (7)	LPR
Q1	CULTURAL EXCHANGE PROGRAM	NI
Q1M	MINISTER OF RELIGION	LPR
Q2	PARTICIPANTS OF IRISH PPCT PROGRAM	NI
Q2M	SPOUSE OF ALIEN CLASSIFIED Q1 (Q1M)	LPR
Q3	DEPENDENTS OF IRISH PPCS PROGRAM	NI
Q3M	CHILD OF ALIEN CLASS Q1M (Q-1)	LPR
RAD	REFUGEE APPLICANT DENIED	
RE	REFUGEE	LEGAL
REC	LPR STATUS RESCINDED-SEC. 246	LEGAL
REF	REFUGEE	LPR
REM	REMOVALS/PER INA ACT 1952, SEC252B	ILLEGAL
REP	REFUGEES PENDING	
RE1	REFUGEE	LEGAL
RE2	SPOUSE OF REFUGEE RE1	LEGAL
RE3	CHILD OF REF CLASS RE1	LEGAL
RE4	DERIVE REFUGEE STAT FROM PRINCIPAL	LEGAL
RE5	HAITIAN WITH REFUGEE STATUS I U.S.	LEGAL
RE6	ADJ OF REFUGEE	LPR
RE7	ADJ OF SPS OF A REFUGEE	LPR
RE8	ADJ OF CH OF A REFUGEE	LPR
RE9	PERM RES STAT FRM PRINCIPAL REFUGEE	LPR
RF	REFUGEE	
RN6	REGISTERED NURSE FORMER H-1 NOSTAS	LPR
RN7	SPOUSE OR CHILD OF RN6	LPR
RRA	REFUGEE RELIEF ACT	LPR
RW	RAW APPLIED FOR AT A US CO	NI
R1	ALIENS IN RELIGIOUS OCCUPATION	NI
R1M	EMP/FORM EMP OF U.S. ABROAD	LPR
R16	REPLENISHMENT AGRICULTURAL WORKER	LPR
R2	SPOUSE OR CHILD OF R1	NI
R2M	ACCOMP SPOUSE OF ALIEN CLASS R1	LPR
R3	PAROLED FOR MEDICAL/LEGAL REASONS	NI
R4	WITHDRAWAL	
R5	STOWAWAY	
R51	INVEST PILOT NOT TARGET PRINC-COND	LPR
R52	INVEST PILOT NOT TARGET SPOUSE-COND	LPR
R53	INVEST PILOT NOT TARGET CHILD-COND	LPR
R56	INVEST PILOT NOT TARGET PRINC-COND	LPR
R57	INVEST PILOT NOT TARGET SPOUSE-COND	LPR
R58	INVEST PILOT NOT TARGET CHILD-COND	LPR
R86	ENTRY PRIOR TO 4/1/80	LPR
SA1	ALIEN BORN INDEP W. HEMIS COUNTRY	LPR
SA2	SPOUSE ALIEN CLASS SA1 OR SA6	LPR

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SA3	CHILD OF ALIEN CLASS SA1 OR SA6	LPR
SA6	ALIEN BORN INDEP W. HEMIS COUNTRY	LPR
SA7	SPOUSE OF ALIEN CLASS SA1 OR SA6	LPR
SA8	CHILD OF ALIEN CLASS SA1 OR SA6	LPR
SB1	RETURNING RESIDENT	LPR
SC1	LOST US CITIZEN BY MARRIAGE	LPR
SC2	LOST CITIZEN BY FOREIGN SERVICE	LPR
SC6	LOST CITIZENSHIP BY MARRIAGE	LPR
SC7	LOST CITIZENSHIP SER FOREIGN ARMED FORCES	LPR
SDF	SUSPECTED DOCUMENT FRAUD	ILLEGAL
SD1	MINISTER OF RELIGION	LPR
SD2	SPOUSE OF ALIEN CLASS SD1 OR SD6	LPR
SD3	CHILD OF ALIEN CLASS SD1 OR SD6	LPR
SD6	MINISTER OF RELIGION	LPR
SD7	SPOUSE OF SD1 OR SD6 ALIEN	LPR
SD8	CHILD OF SD1 OR SD6 ALIEN	LPR
SHE	EMPLOY OF US MISSION IN HONG KONG	LPR
SEK	EMPLOY OF US MISSION IN HONG KONG	LPR
SE1	EMP/FORM EMP US GOVT	LPR
SE2	ACCOM SPOUSE ALIEN CLASS SE1/SE6	LPR
SE3	ACCOM CHILD ALIEN CLASS SE1/SE6	LPR
SE6	EMPL/FORM EMPL GOVT ABROAD	LPR
SE7	ACCOM SPS SE1 OR SE6 ALIEN	LPR
SE8	ACCOM CH SE1 OR SE6 ALIEN	LPR
SF1	FORMER EMP OF PANAMA CANAL CO/GOVT	LPR
SF2	ACCOM SPOUSE/CHILD OF CLASS SF1	LPR
SF6	ADJ FORM EMPL CANAL (ZONE)	LPR
SF7	ADJ OF ACCOMP SPS/CH OF SF6	LPR
SG1	FORM EMPL US GOVT IN PANAMA CANAL	LPR
SG2	ACCOM SPOUSE/CHILD CLASS SG1/SG6	LPR
SG6	ADJ FORM EMPL IN CANAL ZONE	LPR
SG7	ADJ ACCOMP SPS/CH OF SG6	LPR
SH1	FORM EMPL PANAMA CANAL CO/GOVT	LPR
SH2	ACCOM SPOUSE/CH OF CLASS SH1/SH6	LPR
SH6	ADJ FORM EMPL CANAL 4/1/79	LPR
SH7	ADJ ACCOMP SPS/CH OF SH6	LPR
SI1	SPCL IMMIGRANT INTERPRETER-PRINCIPAL	
SI2	SPOUSE OF SI1	
SI3	CHILD OF SI1	
SI6	SPCL IMMIGRANT INTERPRETER-PRINCIPAL	
SI7	SPOUSE OF SI6	
SI8	CHILD OF SI6	
SJ2	SPOUSE/CHILD OF ALIEN CLASS SJ6	LPR
SJ6	MED SCHOOL GRAD PR 1-9-78	LPR
SJ7	SPOUSE/CHILD OF SJ6	LPR

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SK1	RETIRED EMPLOYEE INTL ORGANIZATION	LPR
SK2	ACCOMPANYING SPOUSE SK1/SK2	LPR
SK3	UNMARRIED CHILD EMPLOYEE INTL ORG	LPR
SK4	SURVIVING SP DECEASED EMP INTL ORG	LPR
SK6	RETIRED EMPLOYEE INTL ORGANIZATION	LPR
SK7	ACCOMPANYING SPOUSE SK1/SK2	LPR
SK8	UNMARRIED CHILD EMPLOYEE INTL	LPR
SK9	SURVIVING SP DECEASED EMP INTL	LPR
SL1	JUVENILE COURT DEPENDENTS	LPR
SL6	JUVENILE COURT DEPENDENTS	LPR
SMO	SPOUSE OR CHILD OF SM4 OR SM9	LPR
SM1	ALIEN US ARMED/12YRS (AFTER 10/1/91)	LPR
SM2	SPOUSE OR CHILD OF SM4 OR SM6	LPR
SM3	CHILD OF ALIEN CLASS SM1 OR SM6	LPR
SM4	ALIEN US ARMED/12YRS (BEFORE 10/1/91)	LPR
SM5	SPOUSE OR CHILD OF SM4 OR SM9	LPR
SM6	ALIEN US ARMED/12YRS (AFTER 10/1/91)	LPR
SM7	SPOUSE OF SM1 OR SM6	LPR
SM8	CHILD OF SM1 OR SM6	LPR
SM9	ALIEN US ARMED/12YRS (BEFORE 10/1/91)	LPR
SN1	CERTAIN RETIRED NAT06 CIVILIAN EMP	LPR
SN2	ACCOMPANYING SPOUSE OF SN1 OR SN6 IMMIG	LPR
SN3	UNMAR SON/DAUGHTER OF NAT06 CIVILIAN EMP	LPR
SN4	SURVIVING SPOUSE OF NAT06 CIVILIAN EMP	LPR
SN6	CERTAIN RETIRED NAT06 CIVILIAN EMP	LPR
SN7	ACCOMPANYING SPOUSE OF SN1 OR SN6 IMMIG	LPR
SN8	UNMAR SON/DAUGHTER OF NAT06 CIVILIAN EMP	LPR
SN9	SURVIVING SPOUSE OF NAT06 CIVILIAN EMP	LPR
SO1	SOD-EMPLOYMENT AUTHORIZATION	LEGAL
SO2	SOD-NO EMPLOYMENT AUTHORIZATION	LEGAL
SR1	RELIGIOUS WORKERS	LPR
SR2	SPOUSES OF RELIGIOUS WORKERS	LPR
SR3	CHILDREN OF RELIGIOUS WORKERS	LPR
SR6	RELIGIOUS WORKERS	LPR
SR7	SPOUSES OF RELIGIOUS WORKERS	LPR
SR8	CHILDREN OF RELIGIOUS WORKERS	LPR
ST	STOWAWAY	NI
ST0	PARENT OF ST6	LPR
ST6	T1-VIC SEVERE FORM OF TRAFFICKING-ADJ	LPR
ST7	SPOUSE OF ST6	LPR
ST8	CHILD OF ST6	LPR
ST9	SIBLING OF AN ST6	LPR
SUP	SU IND W/PAROLE STAT PRE-ENT TO US	
SU0	PARENT OF SU6	LPR
SU2	SUGAR CANE-NO EMPLOYMENT AUTH	LEGAL

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SU6	VICTIM OF CRIME ACT-U1-ADJ	LPR
SU7	SPOUSE OF SU6	LPR
SU8	CHILD OF SU6	LPR
SU9	SIBLING OF SU6	LPR
SY6	SYRIAN ADJ UNDER PL 106-378	LPR
SY7	SPOUSE OF SY6	LPR
SY8	CHILD OR UNMARRIED SON/DAUGHTER OF SY6	LPR
S1	TEMP SAW 3 YRS PRIOR 5/1/1986	NI
S1D	DENIED TEM RES SEC245A GROUP I SAW	ILLEGAL
S13	AMERICAN INDIAN BORN IN CANADA	LPR
S16	PERM RES SPEC AGRICULTURAL WORKER GROUP1	LPR
S2	TEMP SAW YR ENDING 5/1/1986	NI
S2D	DENIED TEM RES SEC245A GROUP II SAW	ILLEGAL
S26	PERM RES SPEC AGRICULTURAL WORKER GROUP 2	LPR
S3	H1B1 FREETRADE, SINGAPORE/CHILE	
S4	H1C RN - SPECIAL HEALTH NEED AREAS	
S8	H1A REGISTERED NURSE/SPOUSE/CHILD	
S9	H2A TEMP AGRICULTURAL WORKER	NI
TA	SPECIAL AGRICULTURAL WORKER (S1)	NI
TB	SPOUSE OR CHILD OF CAN. FR	NI
TC	CANADA FREE TRADE AGREEMENT	NI
TC1	COND. SPOUSE OF USC DENIED	LEGAL
TC2	COND STEP-CHILD OF USC DENIED	LEGAL
TD	DEPENDENT SPOUSE OR CHILD OF TN	NI
TF1	COND. FIANCE (E) OF USC DENIED	LEGAL
TF2	CHILD OF FIANCE (E) DENIED	LEGAL
TN	NAFTA PROF/PRIN SEEK ENTRY TO US	NI
TR	REGULAR LEGALIZATION (WI) (SI)	LEGAL
TRM	COND RESIDENT STATUS TERMINATED	ILLEGAL
TR1	R A W APPLIED WITHIN US	LEGAL
TR2	R A W APPLIED OUTSIDE US	LEGAL
TR6	COND SPOUSE OF USC DENIED	LEGAL
TR7	COND STEP-CHILD OF USC DENIED	LEGAL
TS1	TEMP RES SPEC AGRICULTURAL WORKER	LEGAL
TS2	TEMP RES SPEC AGRICULTURAL WORKER	LEGAL
TW1	TEMP RES ILLEGAL ENTERED BEF	LEGAL
TW2	TEMP RES NOSTAS ENTERED BEF	LEGAL
TW3	TEM RES SEC245A EVD GROUP	LEGAL
T1	VICTIM OF SEVERE FORM OF TRAFFICKING	
T1D	DENIED TEM RES SEC 245A EWI	ILLEGAL
T1M	1ST PREF SELECTED ALIEN	
T2	SPOUSE OF T1	
T2D	DENIED TEM RES SEC245A OVERSTAYER	ILLEGAL
T2M	1ST PREF SPOUSE OF ALIEN CLASS T1M	
T21	COND SPOUSE OF LPR DENIED	LEGAL

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T22	COND UNM STEP-CHILD OF LPR DENIED	LEGAL
T23	COND CHILD OF C22 OR C27 DENIED	LEGAL
T26	COND SPOUSE OF LPR DENIED	LEGAL
T27	COND STEP-CHILD OF LPR DENIED	LEGAL
T28	COND CHILD OF C22 OR C27 DENIED	LEGAL
T3	CHILD OF T1	
T3D	DENIED TEM RES SEC245A EVD GROUP	LEGAL
T3M	1ST PREF CHILD OF ALIEN CLASS T1M	
T4	PARENT OF T1	
T41	COND. MAR STEP-CHILD OF USC DENIED	LEGAL
T42	COND SPOUSE OF C41 OR C46 DENIED	LEGAL
T43	COND CHILD OF C41 OR C46 DENIED	LEGAL
T46	MAR STEP-CHILD OF USC DENIED	LEGAL
T47	COND SPOUSE OF C41 OR C46 DENIED	LEGAL
T48	COND CHILD OF C41 OR C46 DENIED	LEGAL
T5	SIBLING OF A T1	
T51	CONT TARGETED EMPLOYMENT AREA	LPR
T52	COND SPOUSES OF R51, T51 OR T56	LPR
T53	COND CHILDREN OF T51, E56 OR T56	LPR
T56	COND TARGETED EMPLOYMENT AREA	LPR
T57	COND SPOUSES OF E56 OR T47	LPR
T58	COND CHILD OF E56 OR T56	LPR
UN	UNKNOWN, NONE, OR NOT REPORTED	UNKNOWN
USC	US CITIZEN	USC
UU	UNKNOWN OR NOT REPORTED	UNKNOWN
U1	VICTIM OF CRIMINAL ACTIVITY	
U1M	2nd PREF PARENT OF USC	
U2	SPOUSE OF U2	
U2M	2ND PREF UNMARRIED SON/DAUGHTER USC	
U3	CHILD OF U1	
U4	PARENT OF U1	
U5	UNMARRIED, U18, SIBLING OF U1 NIMM	
VD	VOLUNTARY DEPARTURE	ILLEGAL
V10	ADJ PARENT OF US CITZ ADJ PL-271	LPR
V15	PARENT USC ADMIT V16, V17 PL-271	LPR
V16	ADM VIRGIN IS AS H-2	LPR
V17	SPS-CH OF H-2 ADM VIRGIN ISLAND	LPR
V1	SPOUSE/LPR 3Y+ WAIT IMM VIS LIFE2000	NI
V1M	3RD PREF SPOUSE OF ALIEN RESIDENT	
V2	CHILD/LPR 3Y+ WAIT IMM VIS LIFE2000	NI
V2M	3RD PREF UNMARRIED SON/DAUGHTER ALIEN	
V3	DEPENDANTS OF V1 OR V2	NI
V-1	4TH PREF BROTHER/SISTER USC	
W-2	4TH PREF MARRIED CHILD USC	
W-3	4TH PREF ACCOM SPOUSE OF W1 OR W2	

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W-4	4TH PREF ACCOM CHILD OF W1 OR W2	
W-5	4TH PREF ADOPTED CHILD USC	
WB	VISITOR WITHOUT VISA 90 DAYS	NI
WD	WITHDRAWAL	NI
WI	WITHOUT INSPECTION	ILLEGAL
WR	VISA WAIVER PILOT PROGRAM REFUSAL	NI
WT	VISITOR WITHOUT VISA 90 DAYS	NI
W1	ILLEGAL PRE 1/1/82 APPLY TEM LPR	NI
W1D	DENIED PER RES SEC245A EWI	ILLEGAL
W16	PERM RES ILLEGAL ENTERED BEF 1/1/82	LPR
W2	NI PRE 1/1/82, OVERSTAY, TEM LPR	NI
W2D	DENIED PER RES SEC245A OVERSTAYER	ILLEGAL
W26	PERM RES NOSTAS ENTERED BEF 1/1/82	LPR
W3	4TH PREF ACCOM SPOUSE OF W1 OR W2	NI
W3D	DENIED PER RES SEC245A EVD GROUP	LEGAL
W36	PERMANENT RESIDENTS	LPR
W4	4TH PREF ACCOM CHILD OF W1 OR W2	NI
W46	LEGALIZED ALIENS ADJ LPR UNDERLIFE	
W5	4TH PREF ADOPTED CHILD USC	NI
X	NONPREFERENCE QUOTA IMMIGRANT	LPR
XA	CH B SUB TO ISSUE VISA TO PARENT	LPR
XA3	CH B SUB TO ISSUE VISA TO PARENT	LPR
XB	LAWFULLY ADMITTED FOR PERM RES	LPR
XB3	PRESUM LAW ADM PERM RES	LPR
XE3	PAR IS AN EMPLOY BASED PREF IMMIG	LPR
XF3	PARENT IS A FAMILY PERF IMMIGRANT	LPR
XN3	PAR IS NOT IN 1 OF THE AVOBE 3 CAT	LPR
XR3	PARENT IS AN IMMEDIATE RELATIVE	LPR
X5	NONPREFERENCE QUOTA IMMIGRANT	LPR
Y-1	GER EXPELLE IN W GER, BER/AUSTRIA	LPR
Y-2	ESCAPEE IN W GER, BERLIN/AUSTRIA	LPR
Y-3	ESCAPEE NATO COUNTRIES	LPR
Y-4	POLISH VET REF IN BRITISH ISLES	LPR
Y-5	ITALIAN REFUGEE ITALY OR TRIESTE	LPR
Y-6	ITALIAN RELATIVE USC/RESIDENT	LPR
Y-7	GREEK REFUGEE IN GREECE	LPR
Y-8	GREEK REL USC/RESIDENT	LPR
Y-9	DUTCH REF IN NETHERLANDS	LPR
Y1	GER EXPELLE IN W GER, BER/AUSTRIA	
Y10	DUTCH REL USC/RESIDENT NETHERLANDS	LPR
Y11	FAR EAST REFUGEE - ASIAN	LPR
Y12	FAR EAST REFUGEE - ASIAN	LPR
Y13	CHINESE REFUGEE	LPR
Y14	PALESTINE REF IN NEAR EAST	LPR
Y15	ORPHAN UNDER 10 YEARS OF AGE	LPR

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Y16	REFUGEE IN THE UNITED STATES	LPR
Y2	ESCAPEE IN W GER, BERLIN/AUSTRIA	
Y2A	RECENT HUNGARIAN ESCAPEE	
Y3	ESCAPEE NATO COUNTRIES	
Y4	POLISH VET REF IN BRITISH ISLES	
Y5	ITALIAN REFUGEE ITALY OR TRIESTE	
Y6	ITALIAN RELATIVE USC/RESIDENT	
Y64	REFUGEE IN THE UNITED STATES	LPR
Y7	GREEK REFUGEE IN GREECE	
Y8	GREEK REL USC/RESIDENT	
Y9	DUTCH REF IN NETHERLANDS	
Z-0	CASE REC CREATE ENTER BET 6/24 & 6/40	
Z-1	ALIEN GRANT SUS DEP ENT P 5/19/21	
Z-2		
Z-3		
Z-4		
Z-5	ADJUSTMENT OF STATUS OF ORPHAN	
Z-6	ADM PERM RES 6/28/40-6/30/48	
Z-7	ADJ OF SPOUSE/CHILD OF Z6	
Z-8	ADJ OF IMM REL CITIZEN/SPEC IM	
Z-9	ADJ PREF/NON-PREF IMMIGRANT	
ZM1	ZAMBRANO-EMPLOYMENT AUTHORIZATION	LEGAL
ZM2	ZAMBRANO-NO EMPLOYMENT AUTHORIZATION	LEGAL
ZN	NO DESCRIPTION	LPR
Z0	CASE REC CREAT ENTER BET 6/24 & 6/40	LPR
Z03	REC PERM RES 6/30/24-6/28/40	LPR
Z1	ALIEN GRANT SUS DEP ENT P 5/19/21	LPR
Z11	SUS DEP/ADJ PREF IMM/NON-PREF	LPR
Z13	SUS DEP/ADJ IMM REL/SPECIAL IMM	LPR
Z14	VAWA SUSPEND DEPORT/CANCEL REMOVAL	LPR
Z15	SUSPEND DEPORT/CANCEL REMOVAL (NACARA)	LPR
Z2	MULTIPLE CLASSES	LPR
Z3		
Z33	REC ADM PERM RES PR 7/1/24	LPR
Z4	PRIVATE BILL	LPR
Z41	ADJ PVT LAW (PREF IMM/NON-PREF)	LPR
Z43	ADJ PVT LAW (IMM REL CTZ/SP IMM)	LPR
Z5	ADJUSTMENT OF STATUS OF ORPHAN	LPR
Z56	SUS DEP CREWMAN ENT PR 7/64	LPR
Z57	SUS DEP CREWMAN ENT PR 7/64	LPR
Z6	ADM PERM RES 6/28/40-6/30/48	
Z66	ADM PERM RES 6/28/40-1/1/72	LPR
Z7	ADJ OF SPOUSE/CHILD OF Z6	LPR
Z8	ADJ OF IMM REL CITIZEN/SPEC IMM	LPR
Z83	ADJ UNDER SECTION 13	LPR

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Z9	ADJ PREF/NON-PREF IMMIGRANT	LPR
Z91	ADJ UNDER SECTION 13	LPR
1	NATIVE VIRGIN ISLANDS RES FOREIGN	LPR
12	PER OF GERMANIC ETHNIC ORIGINS	
12A	PER OF GERMANIC ETHNIC ORIGINS	
12C	CHILD ADOPTED USC GER/AUSTRIAN	
13A	CH B SUB ISSUE VISA/REENTRY PER	
2	CHINESE ACT OF DEC 17, 1943	
2-C	DISPLACED PERSONS ACT OF 1948	LPR
2-D	DISPLACED PERSONS ACT OF 1948	LPR
2-E	DISPLACED PERSONS ACT OF 1948	LPR
2-F	DISPLACED PERSONS ACT OF 1948	LPR
2-G	DISPLACED PERSONS ACT OF 1948	LPR
2C	DISPLACED PERSONS ACT OF 1948	
2C6	DISPLACED PERSONS ACT OF 1948	
2D	DISPLACED PERSONS ACT OF 1948	
2E	DISPLACED PERSONS ACT OF 1948	
2F	DISPLACED PERSONS ACT OF 1948	
2G	DISPLACED PERSONS ACT OF 1948	
231	PHILIPPINE CITZ, WIFE/UNMAR CHILD	LPR
3-B	DISPLACED PERSONS ACT OF 1948	LPR
3-C	DISPLACED PERSONS ACT OF 1948	LPR
3B	DISPLACED PERSONS ACT OF 1948	LPR
3B2	DISPLACED PERSONS ACT OF 1948	LPR
3B3	DISPLACED PERSONS ACT OF 1948	LPR
3B4	DISPLACED PERSONS ACT OF 1948	LPR
3C	DISPLACED PERSONS ACT OF 1948	LPR
317	DUAL NATIONAL EXPAT ACT OF 1940	LPR
318	FORMER CITZ EXPAT ACT OF 1940	LPR
4	DISP PERSON IN US ADJ IMM STATUS	LPR
4-A	REFUGEE RELIEF ACT OF 1953	LPR
4-B	ALIEN RETURNING FROM TEMP ABROAD	LPR
4-C	REFUGEE	LPR
4-D	REFUGEE	LPR
4-F	REFUGEE	LPR
4A	DISP PER TEMP IN US GRANT PERM	LPR
4B	ALIEN RETURNING FROM TEMP ABROAD	
4C	REFUGEE	
4D	REFUGEE	
4F	REFUGEE	
5	ORPHAN UNDER 10 YEARS OF AGE	LPR
503	HOLDER CERT OF ID PROSECUTE ACTION	LPR
6	REFUGEE IN THE UNITED STATES	LPR
6-A	INS ACT OF 1924	LPR
6A	INS ACT OF 1924	

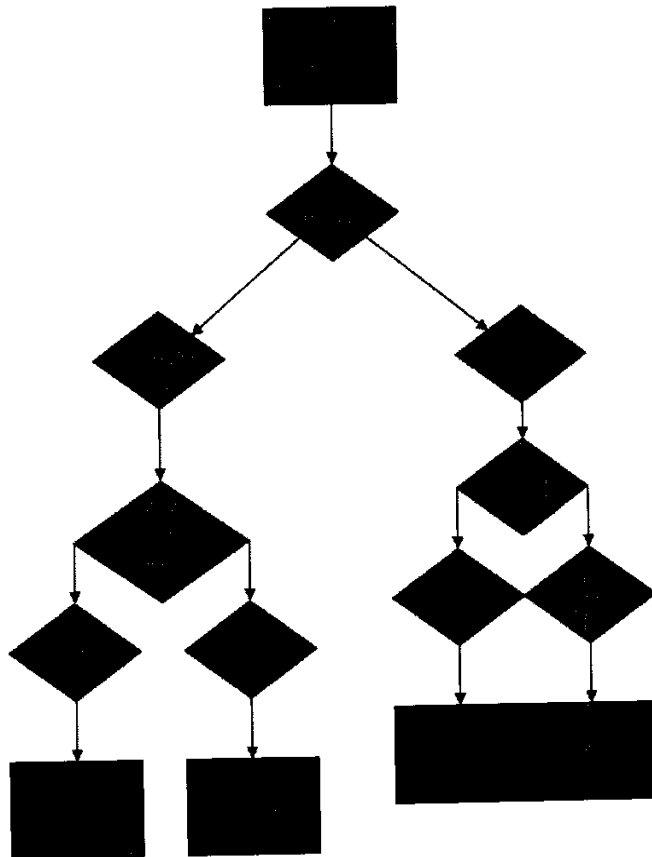
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6A1	1ST PREF REF ACT OF 1924	LPR
6A2	2ND PREF REF ACT OF 1924	LPR
6A3	NONPREFERENCE	LPR
991	CARTER SPECIAL	LPR
992	CARTER GENERAL	LPR
993	SPELLMAN GENERAL	LPR
994	SPELLMAN HUMANITARIAN	LPR
999	ALIEN AWAITING DECISION OF ASYLUM	LPR

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APPENDIX I- PROCESSING FLOWCHARTS

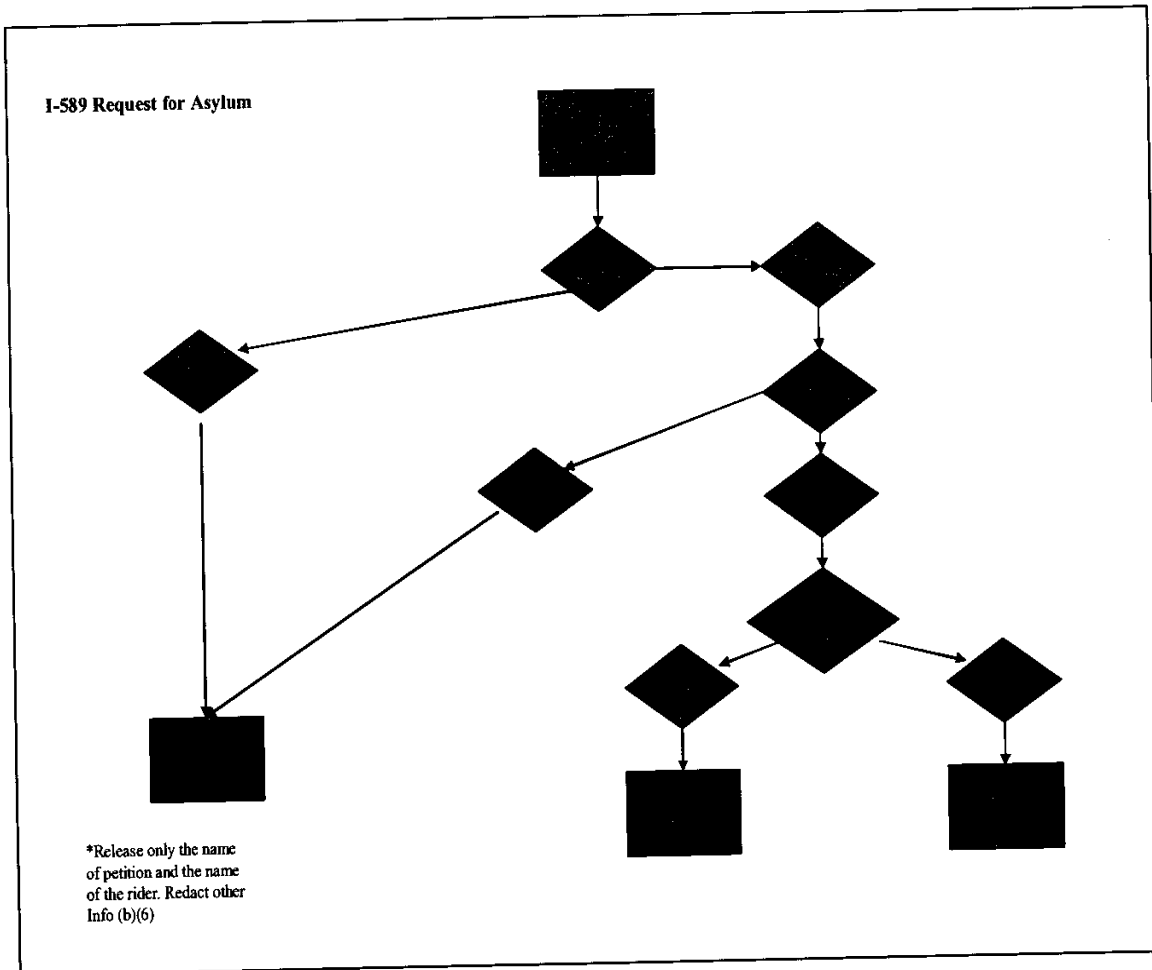
I-130 Petition for Alien Relative



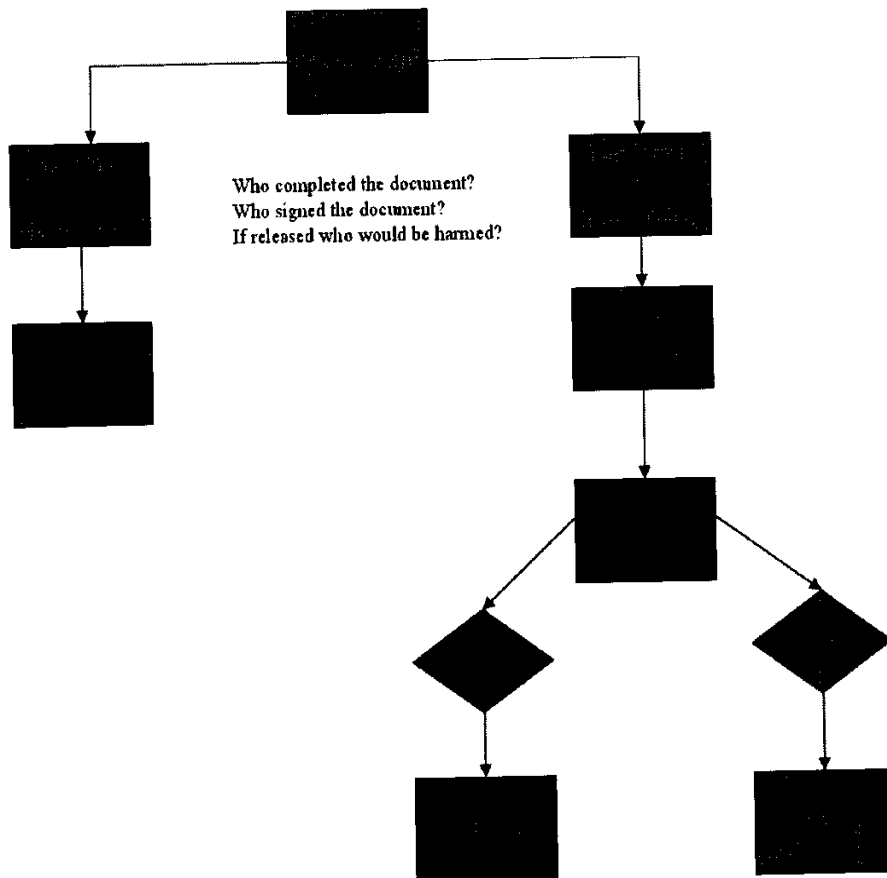
*Personal information relating to the petitioner will be withheld (b)(6).

**The petitioner is entitled to the I-130 in full Since he or she is the one who completed the form.

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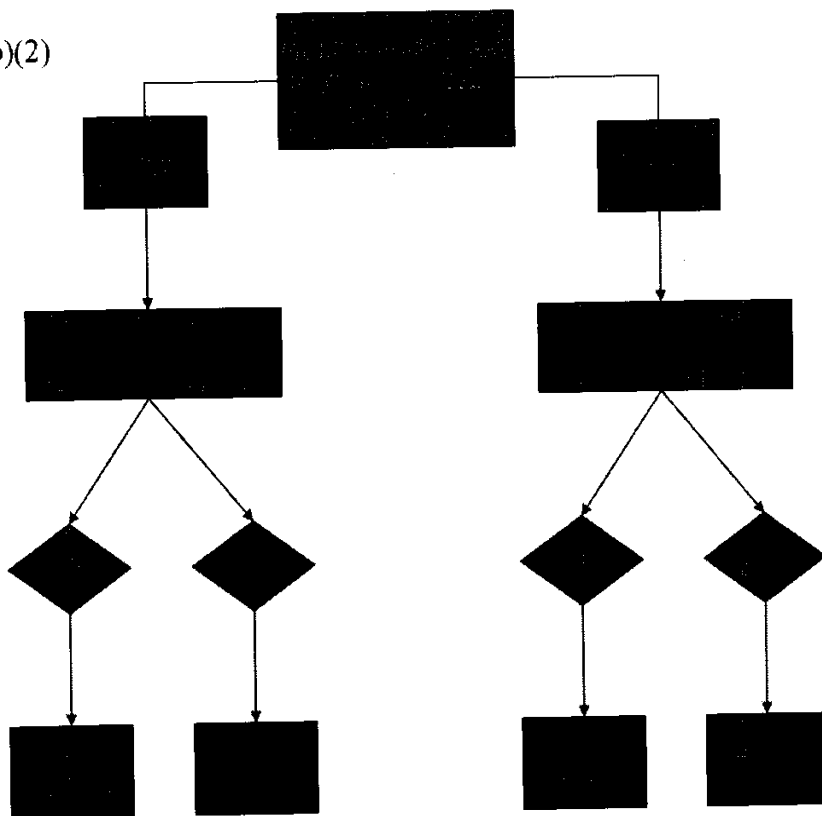


PROCESSING GUIDE



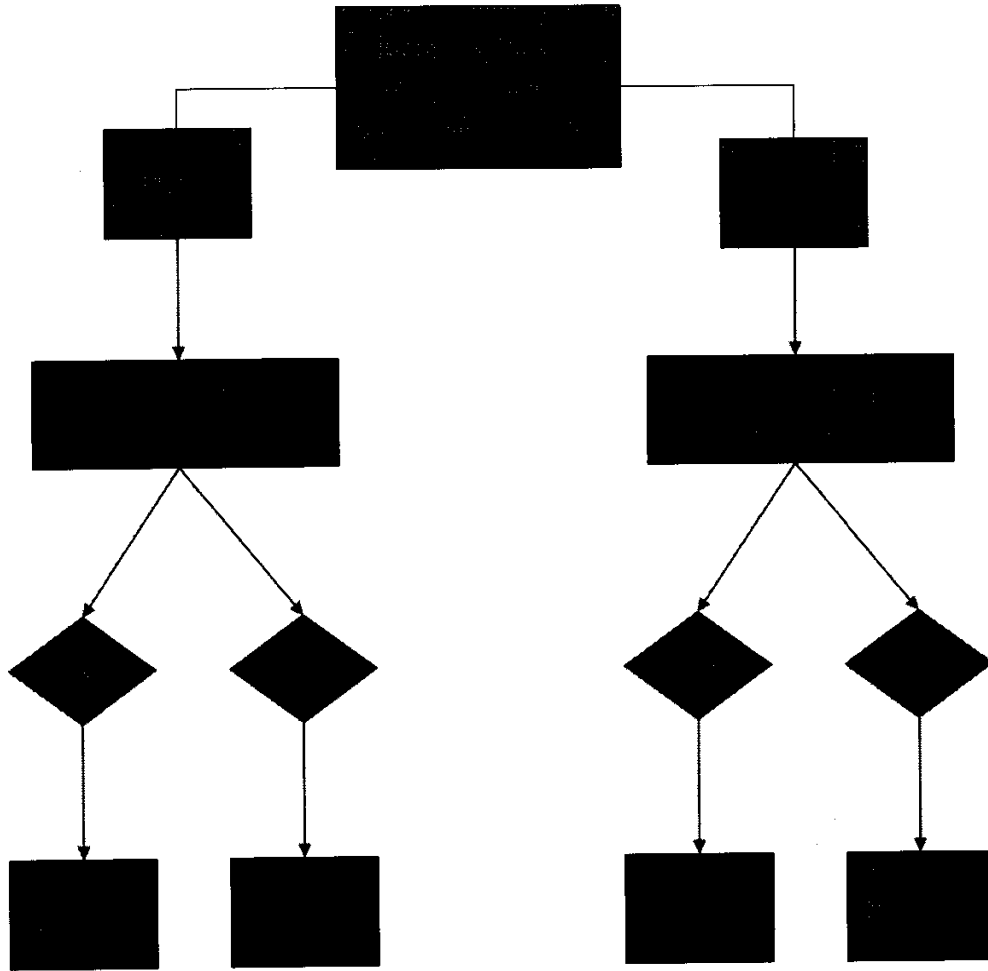
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Exemption (b)(2)



*Includes screen prints as well as forms completed by ICE/CBP. Also includes systems checks reflected on worksheets or processing sheets. See cover memorandum for more information.

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APPENDIX J – USEFUL ACRONYMS

AAPM	Affirmative Asylum Procedures Manual
ABC	American Baptist Churches
ABMC	American Battle Monuments Commission
ACORN	Association of Community Organizations for Reform Now
ACPA	Assistant Chief Patrol Agent
ADD	Administration on Developmental Disabilities
ADDE	Assistant District Director of Examinations
ADDD	Assistant District Director of Deportation
ADDI	Assistant District Director of Investigations
ADIS	Arrival Departure Information System
AEDPA	Antiterrorism and Effective Death Penalty Act of 1996
AFACS	A-Files Accountability and Control System
AFIS	American Forces Information Service
AFM	Adjudicators Field Manual
A File	Alien Registration File (basic Alien File)
AFSPC	Air Force Space Command
AIA	Air Interdiction Agent
AILA	American Immigration Lawyers Association
AO	Asylum Officer
AOBTC	Asylum Officer's Basic Training Course
AOIC	Assistant Officer in Charge

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ARB	Administrative Review Board
ARC	Alien Registration Card
ASC	Application Support Center
ASIS	Anti-Smuggling Information System
ASVI	Alien Status Verification Index
AUSA	Assistant United States Attorney
ATF	(Bureau) Alcohol, Tobacco and Firearms
ATSDR	Agency for Toxic Substances and Disease Registry
AVL	Asylum Virtual Library
BBAT	Bond Backlog Action Team
BCAA	Background Check and Adjudicative Assessment
BCIC	Border Crossing Identification Card
BCC	Border Crossing Card
BCIS	Bureau of Citizenship and Immigration Services
BDO	Behavior Detection Officer
BEP	Backlog Elimination Plan
BIA	Board of Immigration Appeals; or Bureau of Indian Affairs
BJS	Bureau of Justice Statistics
BLM	Bureau of Land Management
BLS	Bureau of Labor Statistics
BMDO	Ballistic Missile Defense Organization
BMIS	Bond Management Information System

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BOP	Bureau of Prisons
BOR	Bureau of Reclamations
BORTAC	Border Patrol Tactical Unit
BP	Border Patrol
BRB	Benefits Review Board
BRP	Backlog Reduction Plan
BSS	Biometric Storage System
CAA	Cuban Adjustment Act
CAP	Criminal Alien Program
CAPEs	Classification and Placement Evaluation System
CARE	Co-operative for American Relief Everywhere
CARRP	Controlled Application Review and Resolution Program
CBIAC	Chemical and Biological Defense Information Analysis Center
CBO	Congressional Budget Office / Community Based Organization
CBP	Customs and Border Protection
CCB	Child Care Bureau
CCC	Command and Control Central
CCD	Consular Consolidated Database
CDC	Center for Disease Control
CDC #	California Detention Center number
CDL	Commercial Driver's License, or California Driver's License

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CDSO	Collateral Duty Security/Safety Officer
CFIUS	Committee on Foreign Investment in the United States
CFR	Code of Federal Regulations
CHR	Committee for Human Rights
CIA	Central Intelligence Agency
CID	U.S. Army Criminal Investigation Command
CII	Critical Infrastructure Information
CIO	Chief Information Officer
CIS	Central Index System
CISO	Chief Information Security Officer
CJIS	Criminal Justice Information Services
CLAIMS	Computer Linked Application Information Management Systems
CLC	Central Logistics Command
CMHS	Center for Mental Health Services
CMIC	Combined Military Intelligence Center
CNO	Chief of Naval Operations
COA	Class of Admission or Change of Address
COMSEC	Communications Security
CONUS	Continental United States
COOP	Continuity of Operations Plan
COTR	Contracting Officer Technical Representative
COW	Central Office Washington

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CPA	Chief Patrol Agent
CPO	Chief Privacy Officer
CRC	Central Records Complex
CSAT	Computer Security Awareness Training
CSPA	Child Status Protection Act
CSPS	Credentials & Shields Processing System
CSR	Center for Scientific Review
CSRS	Civil Service Retirement System
CSWP	Customer Service Web Portal
CUI	Controlled Unclassified Information
CUSA	Citizenship USA
CVI	Chemical-Terrorism Vulnerability Information
CWC	Chemical Weapons Convention
DAA	Designated Accrediting Authority
DACS	Deportable Alien Control System
DAO	District Adjudication Officer
DCO	Docket Control Office
DD	District Director
D&D	Detention & Deportation
DDD	Deputy District Director
DDP	Detention and Deportation Program

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DEA	Drug Enforcement Agency
DEO	Detention Enforcement Officer
DFS	Designated Fingerprint Service
DHS	Dept. of Homeland Security
DIA	Defense Intelligence Agency
DIS	Defense Investigative Service
DLA	Defense Logistics Agency
DLEA	Designated Law Enforcement Agency
DMAAC	Defense Mapping Agency Aerospace Center (now NGIA)
DMO	Designated Management Official
DNI	Director of National Intelligence (formerly DCI)
DO	Deportation Officer
DOC	Dept. of Commerce
DOD	Dept. of Defense
DOE	Date of Entry; or Dept. of Energy
DOJ	Dept. of Justice
DORA	District Office Rapid Adjudication
DOS	Dept. of State
DSS	Defense Security Service
DUCS	Division of Unaccompanied Children Services
EABM	Enforce Apprehension Booking Module
EAC	Eastern Adjudications Center

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EADS	Employment Authorization Document System
EAP	Employee Assistance Program
EARM	ENFORCE Alien Removal Module
ECM	Electronic Counter Measures
EDMS	Enterprise Document Management System
EEOC	Equal Employment Opportunity Commission
EEV	Employment Eligibility Verification
EFOIA	Electronic Freedom of Information Act (initiative)
EMC	Emergency Management Coordinator
EMNT	Early Morning Nautical Twilight
ENFORCE	Enforcement Case Tracking System
ENS	Emergency Notification System
EOIR	Executive Office for Immigration Review
eOPF	electronic Official Personnel Folder (eOPF)
EPA	Environmental Protection Agency
ER	Expedited Removal
ERO	Eastern Regional Office
ESC	Eastern Service Center
ETC	Eastern Telephone Center
EVD	Extended Voluntary Departure
EWI	Entry Without Inspection

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FAA	Federal Aviation Administration
FAIR	Federal Activities Inventory Reform (Act)
FAPAC	Federal Asian Pacific American Council
FARES	Fees and Applications Receipt and Entry System
FBI	Federal Bureau of Investigation
FCC	Federal Communications Commission
FCI	Federal Correctional Institution
FCO	File Control Office
FD-258	Fingerprint Card
FDL	Forensic Document Laboratory
FDNS	Fraud Detection National Security
FDNS-DS	Fraud Detection National Security – Data System
FDU	Fraud Detection Units
FEDVIP	Federal Employees Dental and Vision Insurance Program
FEGLI	Federal Employees Group Life Insurance
FEHB	Federal Employees Health Benefits
FEMA	Federal Emergency Management Agency
FHA	Federal Housing Administration
FIPS	Freedom of Information & Privacy Act Processing System
FISMA	Federal Information Security Management Act
FLETC	Federal Law Enforcement Training Center
FMLA	Family Medical Leave Act

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FOD	Field Office Director
FOH	Federal Occupational Health
FOIA	Freedom of Information Act
FOSC	Fugitive Operations Support Center
FOUO	For Official Use Only
FPS	Federal Protective Service
FRA	Federal Railroad Administration
FRB	Federal Reserve Board
FRC	Federal Records Center
FSM	Field Security Manager
FTC	File Transfer Completed
FTI	File Transfer Initiated
FWS	Fish and Wildlife Service
G-28	Notice of Entry of Appearance as Attorney or Representative
G-325	Biographic Information
G-325A	Biographic Information
G-639	Freedom of Information/Privacy Act Request
GAO	Government Accountability Office
GEMS	General Counsel's Electronic Management System
GILS	Government Information Locator Service
GPO	Government Printing Office

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GPS	Global Positioning System
GSA	General Services Administration
GSFS	Goddard Space Flight Center
HAB	HIV/AIDS Bureau
HCFA	Health Care Flexible Spending Account
HHS	Dept. of Health and Human Services
HQASM	Headquarters Asylum Division
HQNSU	Headquarters National Security Unit
HRIFA	Haitian Refugee Immigration Fairness Act of 1998
HRSA	Health Resources and Services Administration
HSA	Health Savings Account
HSPC	Houston Service Processing Center
HUD	Dept. of Housing and Urban Development
I-90	Application to Replace Permanent Resident Card (Green Card)
I-129	Petition for Nonimmigrant Worker
I-129F	Petition for Alien Fiancée
I-130	Petition for Alien Relative
I-131	Application for Travel Document
I-134	Affidavit of Support
I-140	Immigrant Petition for Alien Worker
I-212	Application for Permission to Reapply for Admission into the United States After Deportation or Removal

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I-360	Petition for Amerasian, Widow(er) or Special Immigrant
I-485	Application to Register Permanent Residence or to Adjust Status
I-485A	Supplement to Form I-485
I-485B	NACARA Supplement to Form I-485 Instructions
I-539	Application to Extend/Change Nonimmigrant Status
I-551	Alien Registration Card (Green Card)
I-589	Application for Asylum and Withholding of Removal
I-600	Petition to Classify Orphan as an Immediate Relative
I-751	Petition to Remove Conditions of Residence
I-765	Application for Employment Authorization
I-821	Application for Temporary Protected Status
I-864	Affidavit of Support Under Section 213A of the Act
IA	Immigration Agent; or Investigative Assistant
IAFIS	Integrated Automated Fingerprint Identification System
IBF	Identity and Benefit Fraud (program)
IBIS	Interagency Border Inspection System
ICE	Immigration and Customs Enforcement
ICE-BFU	ICE Benefit Fraud Unit
ICEPIC	ICE Pattern Analysis and Information Collection.
ICF	Immigration Card Facility
ICS	Information and Customer Service
IDDMS	Integrated Digitization Document Management Program

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IDENT	Automated Biometric Identification System
IDMS	Identity Management System
IDP	Individual Development Plan
IE	Immigration Examiner
IEA	Immigration Enforcement Agent
IED	Improvised Explosive Device
II	Immigration Inspector
III	Interstate Identification Index
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act of 1996
IJ	Immigration Judge
IMMACT	Immigration Act of 1990
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service (legacy)
INTCA	Immigration and Naturalization Technical Corrections Act of 1994
INTERPOL	International Criminal Police Organization
IO	Information Officer
IRCA	Immigration Reform and Control Act
IRS	Internal Revenue Service
ISAP	Intensive Supervision Appearance Program
ISCPM	Identity and Security Checks Procedures Manual
ISRS	Image Storage and Retrieval System

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ISSM	Information Systems Security Manager
ISSO	Information Systems Security Officer
IT	Information Technology
ITSR	Information Technology Service Request
JABS	Joint Automated Booking Stations
JAG	Judge Advocate General
JCS	Joint Chiefs of Staff
JDC-D	Justice Data Center-Dallas
JDC-W	Justice Data Center-Washington
JFSC	Joint Forces Staff College
JPATS	Justice Prisoner and Alien Transportation Service
JPL	Jet Propulsion Laboratory
JSC	Johnson Space Center
JTTF	Joint Terrorism Task Force
KGB	Committee for State's Security (former Soviet Union)
KSC	Kennedy Space Center
KST	Known Suspected Terrorist
LANL	Los Alamos National Laboratory
LAPR	Lawfully Admitted Permanent Resident
LAPS	Legalization Application Processing System
LAU	Legalization Appeals Unit
LOC	Library of Congress

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LEAD	Leadership Education and Development
LES	Law Enforcement Sensitive
LESC	Law Enforcement Support Center
LIFE	Legal Immigration Family Equity (Act)
LIN	Northern Service Center (Lincoln, NE)
LMS	Learning Management System
LOU	Limited Official Use
LPR	Lawful Permanent Resident
LRNB	Laboratory Response Network for Bioterrorism
LULAC	League of United Latin American Citizens
MCAS	Marine Corps Air Station
MFAS	Marriage Fraud Amendment System
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSC	Missouri Service Center (now NBC)
MSPB	Merit System Protection Board
N-300	Application to File Declaration of Intention
N-400	Application for Naturalization
N-565	Application for Replacement of Naturalization/Citizenship Document
N-600	Application for Certification of Citizenship
NACARA	Nicaraguan Adjustment and Central American Relief Act of 1997

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NACIC	National Counterintelligence Center
NACS	Naturalization Application Casework System
NAIS	National Automated Immigration Lookout System
Natz	Naturalization / Naturalized
NBC	National Benefits Center
NCD	National Council on Disability
NCI	National Cancer Institute
NCIC	National Crime Information Center
NCIS	Naval Criminal Investigative Service
NCJRS	National Criminal Justice Reference Service
NCS	National Communications System
NCTC	National Counterterrorism Center
NDIC	National Drug Intelligence Center
NDSSL	Network Dynamics and Simulation Science Laboratory
NDU	National Defense University
NEA	National Endowment for the Arts
NEC	National Economic Council
NEIC	National Earthquake Information Center
NFTS	National File Tracking System
NGDC	National Geophysical Data Center
NGIA	National Geospatial Intelligence Agency
NHI	National Highway Institute

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NIC	National Institute of Corrections
NIIS	Non-immigrant Information System
NIJ	National Institute of Justice
NIV	Non-Immigrant Visa
NLA	National Liberation Army of Iran
NLETS	National Law Enforcement Telecommunications System
NLRB	National Labor Relations Board
NNSA	National Nuclear Security Administration
NOAA	National Oceanic and Atmospheric Administration
NOID	Notice of Intent to Deny
NOIL	Non-Officer Immigration Law (Course)
NPS	National Parks Service
NQP	Naturalization Quality Procedures
NRC	National Records Center / Nuclear Regulatory Commission
NRDAA	Nursing Relief for Disadvantaged Areas Act of 1999
NRO	National Reconnaissance Office
NSA	National Security Agency
NSC	Northern Service Center / National Security Council
NSI	National Security Information
NSLD	National Security Law Division
NSRV	National Security Records and Verification

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NSU	National Security Unit
NTA	Notice to Appear
NTSB	National Transportation Safety Board
NVC	National Visa Center
NVOAD	National Volunteer Organizations Active in Disasters
NWC	National War College
NWIRP	Northwest Immigrant Rights Project
NWS	National Weather Service
OASIS	Operational Activities Special Information System
OCC	Office of Chief Counsel
OCDETF	Organized Crime Drug Enforcement Task Force
OCIO	Office of the Chief Information Officer
OCSE	Office of Child Support Enforcement
OEM&S	Office of Emergency Management & Safety
OEP	Occupant Emergency Plan
OEPC	Office of Emergency Preparedness and Coordination
OFC USC	Oral False Claim to United States Citizenship
OFR	Office of the Federal Register
OFR	Office of the Federal Register
OHCT	Office of Human Capital and Training
OIC	Officer in Charge
OIG	Office of the Inspector General

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OIS	Office of Immigration Statistics
OIT	Office of Information Technology
OMB	Office of Management and Budget
ONR	Office of Naval Research
OPF	Official Personnel File
OPLA	Office of the Principal Legal Advisor
OPM	Office of Personnel Management
OPSEC	Operational Security
ORR	Office of Refugee Resettlement
ORS	Office of Records Services
OSC	Order to Show Cause / Office of Special Council
OSCE	Office of Child Support Enforcement
OSI	Office of Security and Integrity
OTD	Office of Training and Development
OUO	Official Use Only
OVC	Office for Victims of Crime
OWCP	Office of Workers' Compensation Programs
PA	Privacy Act
PAAT	Performance Appraisal Assessment Tool
PAIC	Patrol Agent in Charge
RAIO	Refugee, Asylum, and International Operations
PC	Peace Corps

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PCBE	President's Council on Bioethics
PCII	Protected Critical Infrastructure Information
PCS	Permanent Change of Station
PFIAB	President's Foreign Intelligence Advisory Board
PHS	Public Health Service
PIA	Privacy Impact Assessment
PII	Personally Identifiable Information / Personally Identifying Information
PLAIN	Plain Language Action and Information Network
PMOI	People's Mujahidin Organization of Iraq
POE	Port-of-Entry
POHA	Period of Heightened Alert
POV	Privately Owned Vehicle
POW/MP	Prisoner of War/Missing Personnel
PRM	Bureau of Population, Refugees and Migration
PTA	Privacy Threshold Assessment
PTIG	Privacy technology Implementation Guide
PTO	Patent and Trademark Office
RAC	Resident Agent in Charge
RAD	River Assault Division
RAFACS	Receipt and Alien File Accountability and Control System
RAIO	Refugee Asylum and International Operations
RAPS	Refugee, Asylum and Parole System

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RAVU	Refugee Access Verification Unit
RDF	Records Digitization Facility
RFE	Request for Evidence
RNACS	Redesigned Naturalization Application Casework System
ROH	Record Operations Handbook
ROTC	Reserve Officer Training Corps
RPC	Responsible Party Code
RTD	Refugee Travel Document
RWA	Reimbursable Work Authorizations
SA	Special Agent
SAC	Special Agent in Charge
SAIGE	Society of American Indian Government Employees
SAMS	Sunflower Asset Management System
SAO	Supervisory Adjudications Officer
SAVE	Systematic Alien Verification for Entitlement
SAW	Special Agricultural Worker
SBA	Small Business Administration
SBU	Sensitive But Unclassified
SCCLAIMS	Service Center CLAIMS
SCI	Sensitive Compartmented Information
SCIF	Sensitive Compartmented Information Facility
SDAO	Supervisory District Adjudications Officer

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SDEO	Supervisory Detention Enforcement Officer
SDO	Supervisory Detention Officer
SEC	Security and Exchange Commission
SES	Senior Executive Service
SEVIS	Student and Exchange Visitor Information System
SGI	Safeguarding Information
SHSI	Sensitive Homeland Security Information
SII	Supervisory Immigration Inspector
SIMS	Secure Information Management Service
SIO	Supervisory Information Officer
SIR	Significant Incident Report
SIT	Secondary Inspection Tool
SLOB	Service Lookout Book (old way)
SOC	Special Operations Command (Center) / Security Operations Center
SOG	Studies and Observations Group
SOI	Special Operations Inspector
SOII	Special Operations Immigration Inspector
SORN	System of Records Notices
SPOT	Screening Passengers by Observation Techniques
SPBP	Special Public Benefit Parole
SRC	Southern Regional Center (Southern Service Center)
SSA	Supervisory Special Agent; or Social Security Administration

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SSC	Southern Service Center
SSI	Sensitive Security Information
SSO	Special Security Officer
STAR	System for Time and Attendance Reporting
STEM	Science, Technology, Engineering and Mathematics
TAC	Third Agency Checks
TAP	Tuition Assistance Program
TCDD	Training and Career Development Division
TECS	Treasury Enforcement Communication System
TFI	Office of Terrorism and Financial Intelligence
TPO	Transformation Program Offices
TPS	Temporary Protected Status
TSA	Transportation Security Administration
TSC	Texas Service Center
TSCA	Top Secret Control Account
TSCO	Top Secret Control Officer
TSP	Thrift Savings Plan
TVA	Tennessee Valley Authority
UCNI	Unclassified Controlled Nuclear Information
UK	United Kingdom
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

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USA	United States Army
USACE	U.S. Army Corps of Engineers
USAF	United States Air Force
USC	United States Citizen
U.S.C.	United States Code
USCG	United States Coast Guard
USCIRF	United States Commission on International Religious Freedom
USCIS	United States Citizenship and Immigration Services
USCS	United States Customs Service
USMC	United States Marine Corps
USMS	United States Marshals Service
USN	United States Navy
USNCB	United States National Central Bureau of INTERPOL
USPS	United States Postal Service
USRAP	U.S. Refugee Admissions Program
USSS	United States Secret Service
VA	Department of Veterans Affairs
VAWA	Violence Against Women Act
VAWO	Violence Against Women Office
VBI	Virginia Bioinformatics Institute
VCCLEA	Violent Crime Control and Law Enforcement Act of 1994
VD	Voluntary Departure

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VIS	Verification Information System
VSC	Vermont Service Center (Now ESC)
VTVPA	Victims of Trafficking and Violence Protection Act of 2000
VWPP	Visa Pilot Waiver Program
WAC	Western Adjudications Center
WHO	World Health Organization
WHTI	Western Hemisphere Travel Initiative
WPS	Wireless Priority Service
WRI	Workforce Restructuring Initiative
WSC	Western Service Center (same as California Service Center)
WTC	Western Telephone Center
WTO	World Trade Organization

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Freedom of Information Act U.S.C. § 552 (b)(2)

Exemption (b)(2) as applied by USCIS protects predominantly internal rules, procedures and guidelines, the disclosure of which would present reasonably foreseeable harm to an interest of the United States, such as a significant risk of circumvention of statutes or agency regulations. The types of documents and/or information we have withheld under this exemption may consist of operating rules, guidelines and techniques for identifying law-violators, internal agency security techniques, law enforcement training procedures, or guidelines and manuals of procedures for examiners and adjudicating officers.

Freedom of Information Act U.S.C. § 552 (b)(3) – Rule 6(e)

Exemption (b)(3) provides protection for information specifically exempted from disclosure by statute, provided that such statute establishes particular criteria for withholding or refers to particular types of matters to be withheld. The statute allows us to withhold this information pursuant to (b)(3) is Rule 6(e) of the Federal Rules of Criminal Procedure.

Freedom of Information Act U.S.C. § 552 (b)(3) – 26 USCA § 6103

Exemption (b)(3) provides protection for information specifically exempted from disclosure by statute, provided that such statute establishes particular criteria for withholding or refers to particular types of matters to be withheld. The statute that allows us to withhold this information pursuant to (b)(3) is 26 USCA § 6103 of the Internal Revenue Code.

Freedom of Information Act U.S.C. § 552 (b)(5)

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Freedom of Information Act U.S.C. § 552 (b)(6)

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

Freedom of Information Act U.S.C. § 552(b)(7)(A)

Exemption (b)(7)(A) provides protection for records or information compiled for law enforcement purposes which could reasonably be expected to interfere with enforcement proceedings. The types of documents and/or information that we have withheld could consist of active law enforcement investigatory material, including memos, reports, statements, systems checks, or other documents.

Freedom of Information Act U.S.C. § 552(b)(7)(B)

Exemption (b)(7)(B) provides protection for records or information compiled for law enforcement purposes when the disclosure would deprive a person of a right to a fair trial or an impartial adjudication.

Freedom of Information Act U.S.C. § 552(b)(7)(C)

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

Freedom of Information Act U.S.C. § 552(b)(7)(D)

Exemption (b)(7)(D) provides protection for records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source. The types of documents and/or information that we have withheld could consist of names, addresses, telephone numbers, institutions, source symbol numbers, or source provided information, such as testimony, statements, reports, investigations, audio/video tapes, or various other documents or information withheld to protect the identity of a confidential source.

Freedom of Information Act U.S.C. § 552(b)(7)(E)

Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information that we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

Freedom of Information Act U.S.C. § 552(b)(7)(F)

Exemption (b)(7)(F) permits the government to withhold all information about any individual when disclosure of information about him could reasonably be expected to endanger his life or physical safety. The types of documents and/or information that we have withheld could consist of names, addresses, telephone numbers, source provided information, such as testimony, statements, reports, investigations, audio/video tapes, or various other documents or information withheld as to not endanger the life or physical safety of an individual.

Privacy Act U.S.C. § 552a (k)(2) and Freedom of Information Act U.S.C. § 552 (b)(7)(A)
Exemption (k)(2) provides protection to investigatory material compiled for law enforcement purposes. The types of documents and/or information withheld in conjunction with (b)(7)(A) could consist of active law enforcement investigatory material, including memos, reports, statements, systems checks, or other documents.

Privacy Act U.S.C. § 552a (k)(2) and Freedom of Information Act U.S.C. § 552 (b)(7)(C)
Exemption (k)(2) provides protection to investigatory material compiled for law enforcement purposes. The types of documents and/or information withheld in conjunction with (b)(7)(C) could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents relating to third party individuals that are considered personal.

Privacy Act U.S.C. § 552a (k)(2) and Freedom of Information Act U.S.C. § 552 (b)(7)(D)
Exemption (k)(2) provides protection to investigatory material compiled for law enforcement purposes. The types of documents and/or information withheld in conjunction with (b)(7)(D) could consist of names, addresses, telephone numbers, institutions, source symbol numbers, or source provided information, such as testimony, statements, reports, investigations, audio/video tapes, or various other documents or information withheld to protect the identity of a confidential source.

Privacy Act U.S.C. § 552a (k)(2) and Freedom of Information Act U.S.C. § 552 (b)(7)(E)
Exemption (k)(2) provides protection to investigatory material compiled for law enforcement purposes. The types of documents and/or information withheld in conjunction with (b)(7)(E) could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques and various other documents.

Privacy Act U.S.C. § 552a (k)(2) and Freedom of Information Act U.S.C. § 552 (b)(7)(F)
Exemption (k)(2) provides protection to investigatory material compiled for law enforcement purposes. The types of documents and/or information withheld in conjunction with (b)(7)(F) could consist of, names, addresses, telephone numbers, source provided information, such as testimony, statements, reports, investigations, audio/video tapes, or various other documents or information withheld as to not endanger the life or physical safety of an individual.

Privacy Act U.S.C. § 552a (d)(5) and Freedom of Information Act U.S.C. § 552 (b)(5)
Exemption (d)(5) permits the government to withhold all documents or information, which are compiled in reasonable anticipation of a civil action or proceeding. This extends to any records compiled in anticipation of civil proceedings, whether prepared by attorneys or lay investigators.

Referring new requests to other government agencies:

When you are case creating or working records locator, if you have a new request that needs to be referred (RF) to another government agency, you need to put in the letter to the requester what agency the request is being referred to and the contact info. The first paragraph, last line needs to read, "If such records exist, they would be maintained under the jurisdiction of [government agency name]." Then add the contact information to the body of the letter.

Referring responsive records to other government agencies:

When processing and you have documents that need to be referred to other government agencies, you release the name of the agency that the doc is being referred to, except for law enforcement agencies, these names will not be released. In you final action letter, you will need to add, "Additionally, we have referred [# of pages] in [its/their] entirety to [government agencies name] for their direct response to you. Their contact information is below:" Then copy and paste the address off the RF (referral) packet that is going to the agency onto your final action letter.

This info has come out in the FOIA Policy and Training bulletin January 18, 2008, March 21, 2008 and October 26, 2007.



U.S. Citizenship and Immigration Services

Objective

To understand how Exemption (b)(1) relates to immigration documents and to apply the exemption correctly.

At the completion of this module you will be able to:

- Define Exemption (b)(1)
- Identify the Levels of Classification
- Describe the Types of Information that are Protected
- Understand the “Glomar” Response and its Application



U.S. Citizenship
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Exemption (b)(1)

- Protects national security information (NSI) concerning the national defense or foreign policy, provided that it has been properly classified under Executive Order 12958, as amended (signed by the President on March 25, 2003).
- If encountered at NRC, FOIA requests with classified responsive records are to be processed by individuals with appropriate clearance, and not in FIPS.
- If you believe you have a classified document in a case you are working in FIPS, immediately lock your workstation and inform your supervisor. Do not send the case to your in-basket or send it to the admin or unit chief queue, or any queue. Immediately lock your workstation and inform your supervisor.
- NSI or suspected NSI material must be reviewed by individuals with proper NSI Security Clearances.
 - See 5 U.S.C. 552 § (b)(1)



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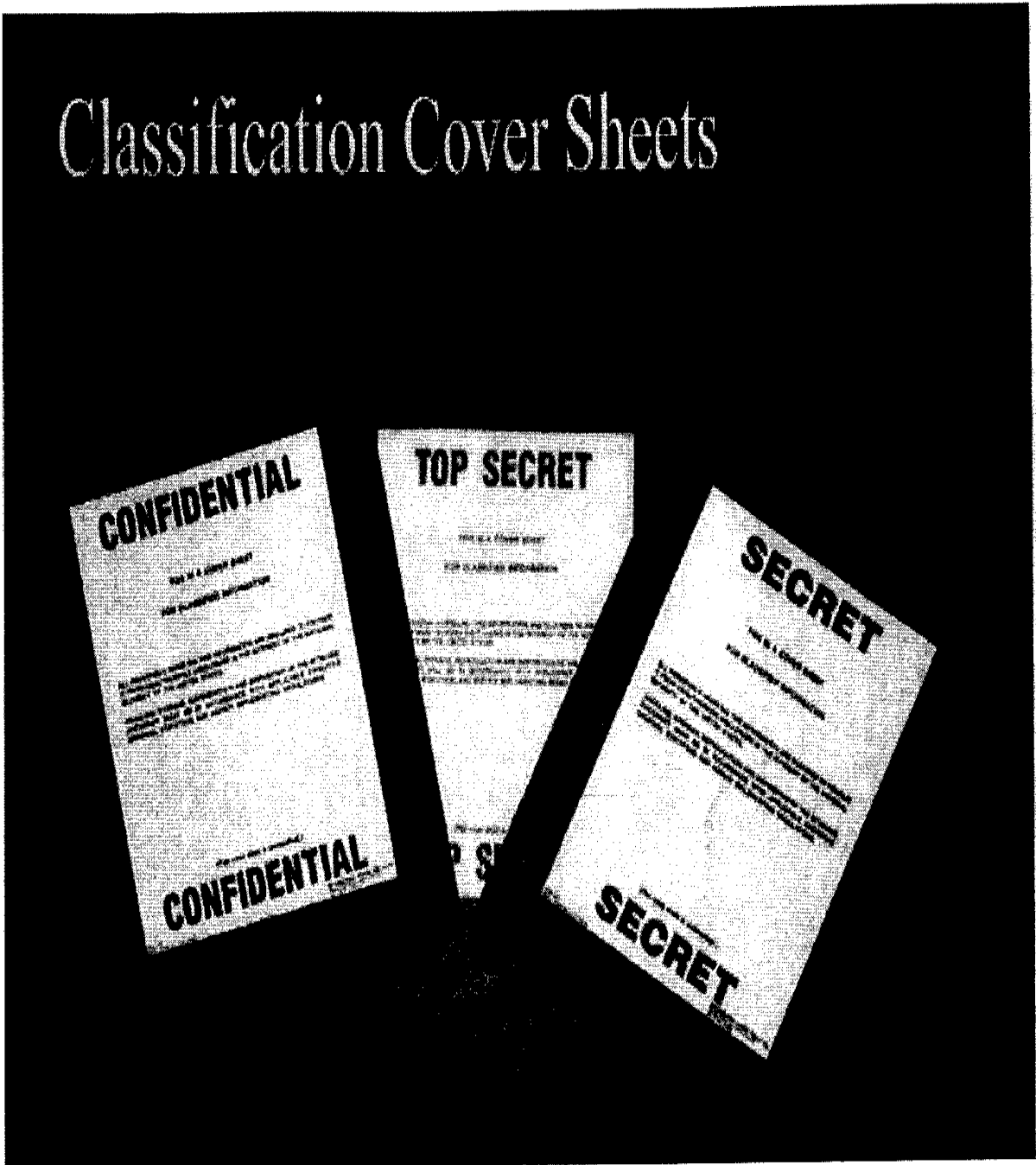
Executive Order 12958

- Classified National Security Information. This order prescribes a uniform system for classifying, safeguarding, and declassifying national security information.
- **Classification Levels**
- **Top Secret** – Unauthorized release “reasonably could be expected to cause **exceptionally grave damage** to the national security.”
- **Secret** – Unauthorized release “reasonably could be expected to cause **serious damage** to the national security.”
- **Confidential** – Unauthorized release “reasonably could be expected to cause **damage** to the national security.”



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Classification Cover Sheets



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Classified Documents: Not in FIPS

- Those cover sheets should precede a classified document. If you see one of these in a file you are processing, **STOP**, lock your computer, and contact a supervisor.
- **Do NOT print anything!**
- If you see a document marked “confidential,” it may or may not be classified national security information. Contact your supervisor to be sure.



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Not Protected:

- Exemption (b)(1) **does not** protect:
 1. Information we intended to classify.
 2. Information that used to be classified, except as provided in Sec. 1.7(c), or
 3. Information that should have been classified.

- There is automatic declassification of all information that is more than 25 years old (with exceptions to especially sensitive information).
Sec. 3.3(a).

- Under President Bush's Executive Order 13292, Declassified documents can be classified again. Also, restores the concept of "classify in doubt."



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Some examples:

- Military Plans, Weapons Systems, or Operations.
- Foreign Government Information.
- Intelligence Activities, Sources or Methods.
- Foreign Relations or Foreign Activities, Including **Confidential Sources**.
- Scientific, Technological, or Economic Matters Relating to National Security, which Includes **Defense against Transnational Terrorism**.
- Vulnerabilities or Capabilities of Systems, Installations, Infrastructures, Projects, Plans or Protective Services Relating to National Security, which Includes **Defense Against Transnational Terrorism**.
- Weapons of Mass Destruction.



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The “Glomar Response”

- Historical Context
- Principle holds that “an agency may properly deny a FOIA request by refusing to confirm or deny the existence of responsive records where, to do otherwise, could in and of itself cause harm.”
 - *Gardels v. CIA (D.C. Circuit 1982)*
- The standard response is “This agency does not confirm or deny the existence of”
- Even if Glomar language is used, the requester must still be notified of the ability to appeal in the final action letter.



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Not Classified:

- Documents marked “FOR OFFICIAL USE ONLY”
- Documents marked “LAW ENFORCEMENT SENSITIVE”
- Documents marked “Sensitive But Unclassified”
- Documents marked “Exempt from Disclosure”
- Documents marked “Do not release outside (agency)”

Although these documents are not classified, they will *probably* have sensitive information exempt from release or disclosure under another FOIA exemption



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Segregation of Documents

- There is a general requirement that agencies segregate and release nonexempt information, unless the segregated information would have no meaning.
- Courts give agencies wide deference in determining the “releasability” of certain information but expect an effort to be made to release that which is suitable, in accordance with the spirit of FOIA.



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Inextricably Intertwined

- The D.C. Circuit Courts have been especially stringent in holding agencies to this standard in recent years.
- The court has used analysis such as whether the information to be released was “inextricably intertwined” with non-releasable information. They also asked if the redactions reduced the balance of the text to “unintelligible gibberish.”

Bevis v. Dept of the Army, D.D.C., Sept. 16, 1988.



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How Stringent????

Antonelli v. BOP, No. 07-2016, 2009 WL 1593701 (D.D.C. June 9, 2009) (Kollar-Kotelly, J.)

- Segregability: BOP did not meet its burden of showing that it could not have segregated out and released portions of otherwise exempt documents. Though BOP's declarant claimed that "no meaningful portions [of withheld documents] could be released without destroying the integrity" of the document, that "is not significantly probative of the issue." Instead, "an agency must demonstrate that the 'exempt and nonexempt information are "inextricably intertwined," such that the excision of exempt information would impose significant costs on the agency and produce an edited document with little informational value.'"



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Saenz-Rodriguez & Associates, P.C.
Attorneys & Counselors

Mistake L. Saenz-Rodriguez
George Rodriguez

FAX TRANSMISSION

To: _____ Date: 9/29/05
Attn: " Fax No.: 817-478-2637
From: _____ No. of Pages 2 (excluding cover)
Re: _____

MESSAGE:

Please adv. if you should need anything else.

Thank you.

CONFIDENTIAL DOCUMENT

The information contained in this facsimile message is privileged and confidential and is intended only for the use of the addressee. The term "privileged and confidential" includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. Nothing in this facsimile is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication, or distribution of this communication is unauthorized. If you have received this message in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you. If you have any questions please contact _____ at _____ Thank You!

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Just because a document says "Confidential" does not necessarily mean it is classified Confidential for National Security Information.



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Memorandum



HOFPH 16075-C

This document was never classified.

This page and the pages that follow are just to show you what classified NSI markings would look like.

Subject: Prohibition of Release of Contractor Proposals Submitted in Response to an RFP - 41 U.S.C. Section 253b(m)	Date: OCT 25 2008
---	-------------------

To: Regional FOIA/PA Officers
SRO SRO WRO

From: Files and Forms Management (HOFPM)

for dissemination to all Freedom of Information Act (FOIA/PA) Officers in your area regarding responding to FOIA requests submitted by offerors in response to

which have been effective since September 2008. The requirements of a contract proposal are prohibited by statute, as indicated below.

When responding to a request for information, you should withhold those documents in full and cite FOIA exemption (b)(3) and 41 U.S.C. Section 253b(m) as the basis for the denial of access. You should also indicate that you are withholding portions of these documents under 5 U.S.C. Section 552(b)(4).

If however, a proposal is made part of the awarded contract, withholding under FOIA exemption (b)(3) is not applicable. In this instance, review the referenced proposals for release to the requester in accordance with 28 CFR 16.7 and withhold those portions found exempt from disclosure under the provisions of 5 U.S.C. 552 (b) (4).

THIS DOCUMENT IS NOT CLASSIFIED
CLASSIFICATION MARKINGS FOR TRAINING PURPOSES ONLY



U.S. Citizenship and Immigration Services

CONFIDENTIAL

107 of CERCLA, 42 U.S.C. 9606, 9607, for (1) injunctive relief to abate an imminent and substantial endangerment to the public health, welfare or the environment because of actual or threatened releases of hazardous substances from a facility located near Hempstead, Waller County, Texas, and known as the "Sheridan Site," and for (2) recovery of all response costs incurred by the United States. The amended complaint alleged, among other things, that certain defendants were owners or operators of the facility at the time of disposal of hazardous substances at the Sheridan Site and that certain defendants were persons who by contract, agreement or otherwise arranged for disposal of hazardous substances at the site or who arranged for transport of hazardous substances to the site. The complaint further alleged that the United States has incurred response costs in response to actual or threatened releases of hazardous substances at or from the Sheridan Site.

Under the terms of the proposed amended consent decrees, Wurlinghouse is allowed to join the settlement in return for payment of \$15,000 to the Sheridan Site Community and its withdrawal of its objection to the consent decrees. In other pending cases, the United States has provided a remedy and to be in compliance with the Act. The Department comments relate amendments to a period of 30 days publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States v. Anderson, Greenwood & Co., et al.*, D.J. Ref. No. 96-11-2-445.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Civil Division, 910 Travis, Suite 1900, Houston, Texas 77002, (713) 587-2600; Superfund Division, U.S. Environmental Protection Agency, Region 6, 1443 Ross Avenue, Dallas, Texas 75202-2732, (214) 643-2129; and at the Consent Decree Library, 1120 G Street NW, 4th Floor, Washington, DC 20005, (202) 624-0922. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW, 4th Floor, Washington,

DC 20005. In requesting a copy of the Decree, please refer to the referenced case and enclose a check in the amount of \$302.50 (25 cents per page reproduction cost), payable to the Consent Decree Library.

Joel M. Cross,
Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
(FR Doc. 97-17494 Filed 7-1-97; 8:45 am)
MAIL ROOM CODE 4110-15-0

the amount of \$8.00 (25 cents per page production cost), payable to the Consent Decree Library.

Joel M. Cross,
Chief, Environmental Enforcement Section,
Environment and Natural Resources Division
(FR Doc. 97-17493 Filed 7-1-97; 8:45 am)
MAIL ROOM CODE 4110-15-0

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 80.7, notice is hereby given that a proposed consent decree in *United States v. DWC Trust Holding Company, et al.*, Civil Action No. 95-2879 (D. Md.), was lodged July 24, 1997, with the United States District Court for the District of Maryland.

DEPARTMENT OF JUSTICE

Privacy Act of 1974: Modified System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice, proposes to modify the system of records of the INS, published March 7, 1975 (40 FR 14347), titled "Immigration and Naturalization Control Index."

THIS DOCUMENT IS NOT CLASSIFIED FOR TRAINING PURPOSES ONLY

for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. DWC Trust Holding Company, et al.*, DCJ Reference No. 96-11-3-451.

The proposed consent decree may be examined at the Office of the United States Attorney, Room 604, United States Courthouse, 101 Lombard Street, Baltimore, Maryland 21201; the Region III Office of the Environmental Protection Agency, 840 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Consent Decree Library, 1120 G Street NW, 4th Floor, Washington, DC 20005, (202) 624-0922. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW, 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in

the amount of \$8.00 (25 cents per page production cost), payable to the Consent Decree Library.

Joel M. Cross,
Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
(FR Doc. 97-17494 Filed 7-1-97; 8:45 am)
MAIL ROOM CODE 4110-15-0

to modify routine use of the INS. Routine use of the INS permits the disclosure of information to an obligor who has posted an immigration bond. However, this disclosure provision currently authorizes the release of only that information which may aid an obligor in locating an individual who has failed to appear at an immigration proceeding. As modified, the routine use authorizes the release of information that may allow the obligor to review the propriety of an INS notice of breach of bond and/or the related appearance demand.

Title 5 U.S.C. 552(a)(4) and (a)(5) provide that the public be given a 30-day period in which to comment on proposed new routine use disclosures. The Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires a 45-day period in which to conclude its review of the proposal.

Therefore, please submit any comments by August 7, 1997. The public, OMB, and the Congress are invited to send written comments to Patricia E. Neely, Program Analyst, Information Management and Security Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 450, WJCTR Building). In accordance with 5 U.S.C. 552(a)(5), the Department has provided a report to



U.S. Citizenship and Immigration Services

(b)(6)



Department of Justice

SECRET

Washington, D.C. 20530

ATTORNEY GENERAL RENO MOVES TO EXPEDITE EXCEPTIONAL FOIA REQUESTS

WASHINGTON, D.C. -- Attorney General Janet Reno said today that she has authorized a change in Justice Department procedures to expedite the handling of Freedom of Information Act requests in certain cases of extraordinary interest to the news media.

Current law permits only two exceptions to normal first-in, first out processing: when information is withheld because of a threat to life or safety, or when disclosure would result in the loss of substantial due process or other significant opportunity to file a claim.

The Justice Department began studying whether a change should be added after the Attorney General inquired why it was taking so long to process requests for the U.S. Park Service and FBI reports on Vincent Foster? The reports were complete.

Under the new policy, announced on February 1, FOIA requests can be processed on an expedited basis whenever the Justice Department's Office of Public Affairs expressly finds two things:

- there is a substantial and exceptional media interest in the information; and

-- disclosure of the information is warranted because the information raises substantial questions about the government's actions that could affect public confidence.

In communicating the Attorney General's new policy, Reno said "The purpose of such expedited processing is to permit the public to make a prompt and informed assessment of the propriety of the government's actions in exceptional cases." However, it also cautioned that in some situations, especially involving active law enforcement investigations, the law may still prevent immediate disclosure no matter how quickly the request is processed.

The policy was implemented by a directive to Justice Department FOIA and Privacy Act coordinators from Richard L. Huff and Daniel J. Metcalfe, Co-Directors of the Office of Information and Privacy. They were assisted by Peggy Irving.

SECRET

94-030



U.S. Citizenship and Immigration Services

(b)(6)

Exercise

Multiple Choice

Which of the following are levels of Classification for National Security:

- A. Confidential
- B. Top Secret
- C. Sensitive
- D. National Security Alert
- E. Secret

Answer Choices:

- 1. A, E and D
- 2. B, E and C
- 3. E, B and A
- 4. All of the above

Multiple Choice

Which of the following is NOT an example of classified information:

- A. Locations of Nuclear Reactors
- B. Information on the Government of Slovakia
- C. A copy of a contract to supply army officers with new flashlights
- D. Blueprints for the development of a new surface-to-air missile



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U.S. Citizenship and Immigration Services

Objective

To understand how Exemption (b)(2) relates to immigration documents and to apply the exemption correctly.

At the completion of this module you will be able to:

- Define Exemption (b)(2) and differentiate:
 - Low (b)(2)
 - High (b)(2)



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Exemption (b)(2)

- Low 2 protects from mandatory disclosure records related “solely to the internal personnel rules and practices of an agency.” Since January 2009, USCIS does not cite low 2.
- High 2 deals with more substantial predominantly internal matters involving personnel rules and/or agency practices, which if disclosed, would significantly risk circumvention of a legal requirement.



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Low or High?

- Low (b)(2)

- Deals with matters of a relatively trivial nature, such as notations in files, room numbers, file numbers and mail routing stamps. These records must be released if there is a qualifying public interest.
- We do not cite low (b)(2) in a case, but if somebody filed a FOIA for information that does not have to do with how we govern the public, we might cite low (b)(2) as a refusal to expend money and resources to provide information because it is internal and without a qualifying public interest.



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Not Low (b)(2)

- High (b)(2)
- Protects information that if disclosed would present reasonably foreseeable harm to an interest of the United States, such as a significant risk of circumvention of statutes or agency regulations. The types of documents and/or information we withhold under this exemption may consist of operating rules, guidelines and techniques for identifying law-violators, internal agency security techniques, law enforcement training procedures, or guidelines and manuals of procedures for examiners and adjudicating officers.



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Low (b)(2)

Low (b)(2) exemptions must meet three criteria:

- The information must be “predominantly internal.”
- The information must be of a trivial nature and not of any “genuine public interest.”
- The information must not have the purpose of regulating activities among members of the public or setting standards to be followed by agency personnel in deciding whether to proceed against or take action affecting members of the public.



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Internal/No Public Benefit

- Low (b)(2) is based upon the rationale that the very task of processing and releasing requested records would place an administrative burden on the agency, a mere bother that would not be justified by any genuine public benefit. Low (b)(2) is meant to decrease the administrative burden on agencies.
- An example would be our gliding work schedule policy. It is predominantly internal and has nothing to do with how we govern the public. We may respond that we do not have to expend the time and resources to scan it, process it and mail it.



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The Mosaic

- Exemption 2 might also be applied to pieces of information that, in and of themselves, would have no harmful consequences if revealed, but when viewed as whole potentially could.
- All intelligence-gathering strategies are based on a mosaic approach.
- We may cite high (b)(2) if it is an important piece of a puzzle that could help lawbreakers circumvent the system.



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High (b)(2)

- Document must be predominantly internal and shed significant light on personnel rules and/or agency practices and
- Disclosure must “significantly risk circumvention of agency regulations or statutes.”
- Examples: e-mail addresses, computer codes, user ID’s relating to law enforcement personnel, law enforcement manuals. These are frequently used with the companion exemptions (b)(7)(C) and (b)(7)(E).
- If you cite high (b)(2), you still have to be able to articulate “reasonably foreseeable harm caused by disclosure.”



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Examples of High (b)(2):

- Information that would reveal the identities of informants
- Information that would jeopardize undercover agents or operations
- Sensitive administrative codes and notations in law enforcement files
- Security techniques used in prisons
- Agency audit guidelines
- Agency testing or employee rating materials
- Agency credit card numbers
- Information concerning border security checks and techniques
- Details of laboratory testing procedures
- Law enforcement team and operations names
- Guidelines for protecting government officials.



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High (b)(2) = harm

- If there is a significant risk of circumvention of a legal requirement, then “qualifying public interest” is

~~relevant~~
irrelevant!

- The intent of “high 2” is that a FOIA disclosure should not “benefit those attempting to violate the law or avoid detection.”
- “High 2” rests upon a determination of reasonably foreseeable harm.



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Exemptions (b)(2) & (b)(7)(C)

- Use these two exemptions as companions when dealing with Law Enforcement personnel data.
- Examples would be employee identification numbers, badge numbers, initials and phone numbers.
- A person does not have to be primarily employed as a law enforcement officer. The person may be an adjudicator or asylum officer performing a law enforcement function.
- Do not hold initials of non-law enforcement employees unless they are performing a law enforcement function.



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Exemptions (b)(2) & (b)(7)(C)

- Do not use the two exemptions together for screen prints from non-Law Enforcement databases or for personnel data.
- Do not withhold employee identification numbers, or phone numbers found on non-Law Enforcement screen prints.
- Is it law enforcement related? Process systems check notations reflected on worksheets, processing sheets or forms submitted to USCIS according to whether or not the form is law enforcement related.



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(b)(2) & (b)(7)(C)?

- Law Enforcement Systems include, but are not limited to, DACS, EARM, NAILS, TECS and IBIS.
- Non-Law Enforcement Systems include, but are not limited to, CIS, NFTS, CLAIMS, FIPS AND RNACS.



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Law Enforcement Database?

- A detailed listing of which systems are owned by law enforcement agencies and which are owned by non-law enforcement agencies can be found on the USCIS internet site, on the FOIA homepage, under the link System Notices. See also the discussion regarding these two exemptions contained within your March 2007 FOIA Guide, (purple book) for further information.
- DACS – Deportable Alien Control System
- EARM – ENFORCE Alien Removal Module
- NAILS – National Automated Immigration Lookout System
- TECS – Treasury Enforcement Communications System
- CIS – Central Index System
- NFTS – National File Tracking System
- CLAIMS – Computer Linked Application Information Management System
- FIPS – FOIA/PA Information Processing System
- RNACS – Redesigned Naturalization Application Casework System



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Exemptions (b)(2) & (b)(7)(C)

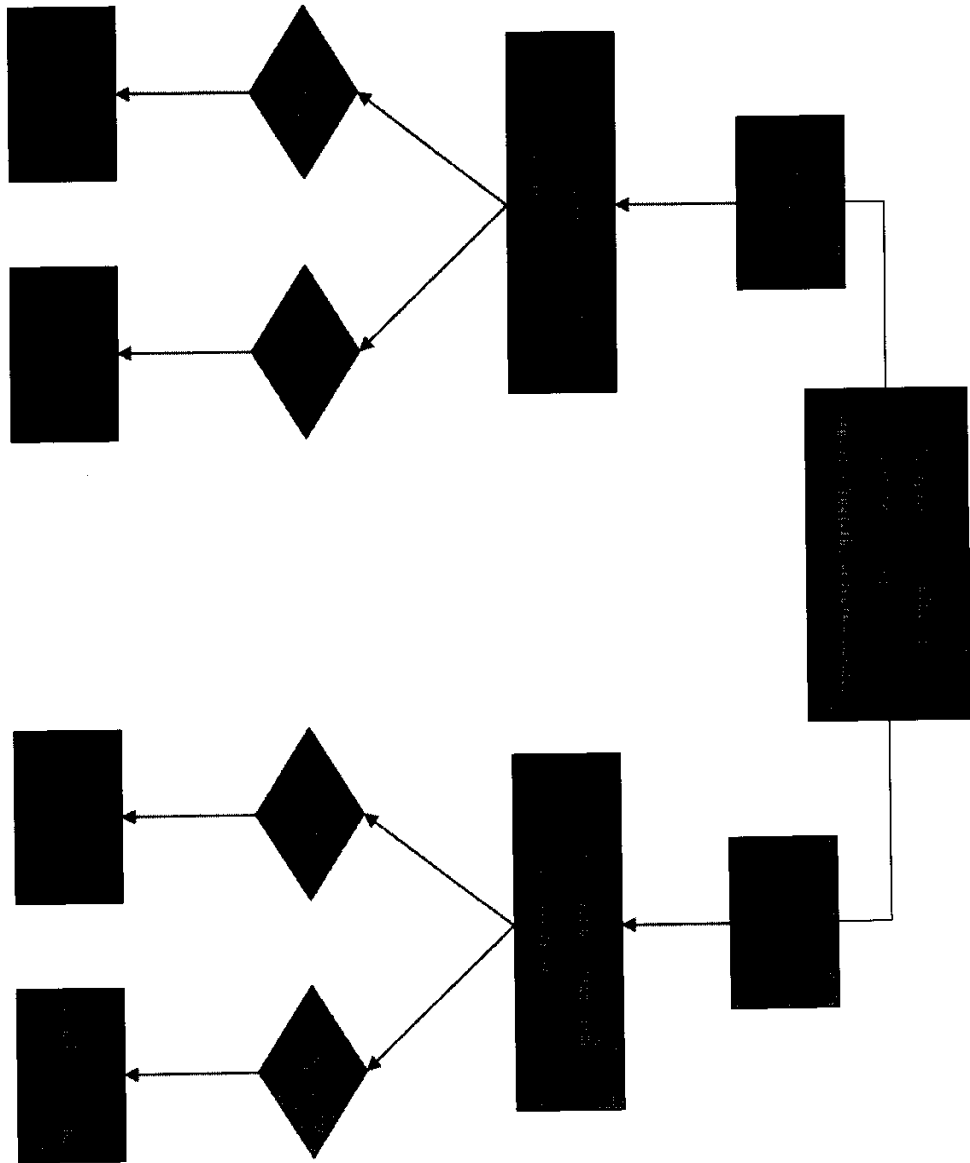
- The flowchart that follows this slide is designed to assist you with determining when to properly apply the Exemption (b)(2) in conjunction with Exemption (b)(7)(C) relative to Employee Identification Numbers (User ID's), initials and phone numbers.



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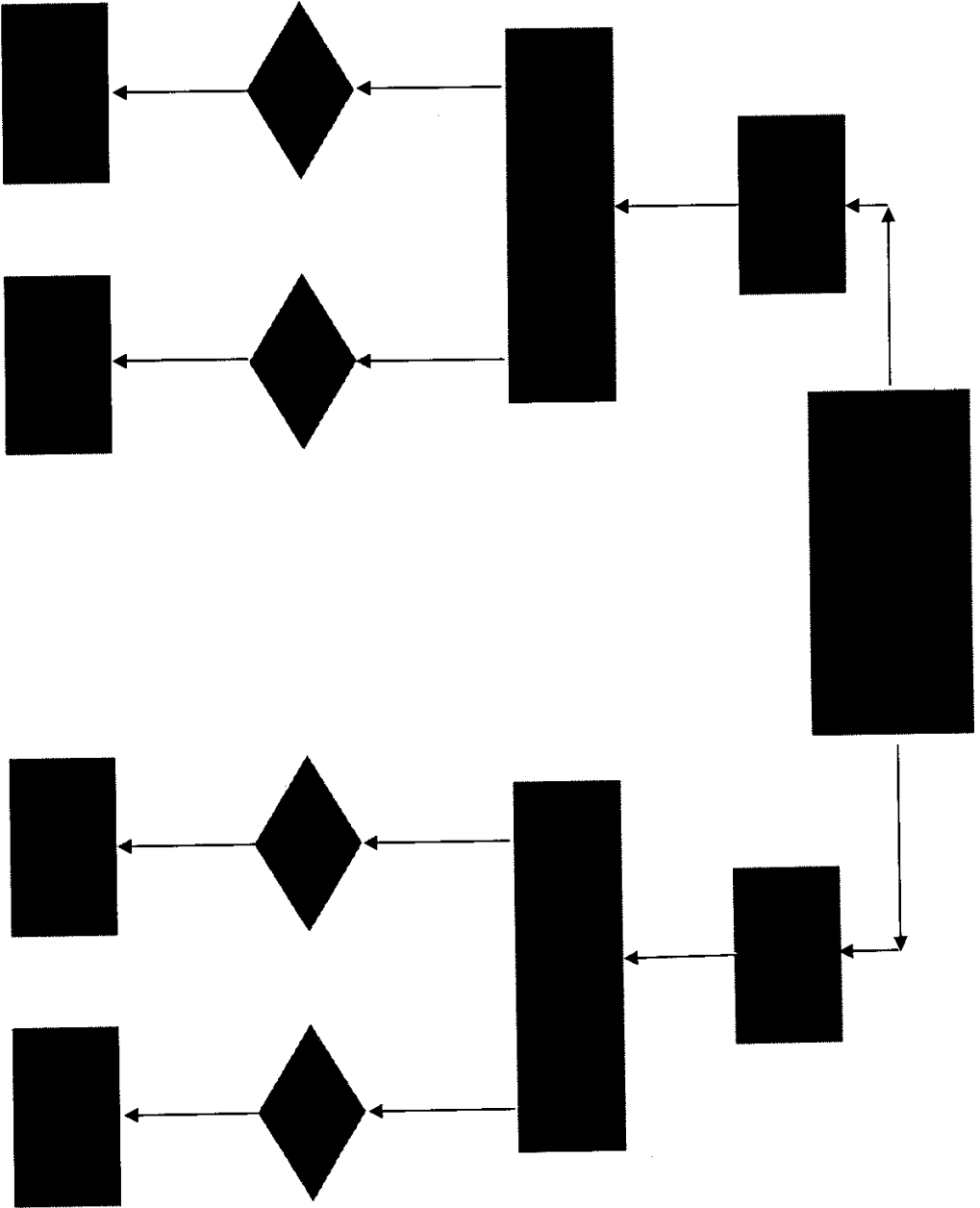
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(Includes law enforcement initials)



Exemptions (b)(2) and (b)(7)(E)

- Use these two exemptions as companions when dealing with documents that were prepared for law enforcement or investigative purposes. You may hold these types of documents in full, unless they contain reasonably segregable portions that can be released.



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Exemptions (b)(2) and (b)(7)(E)

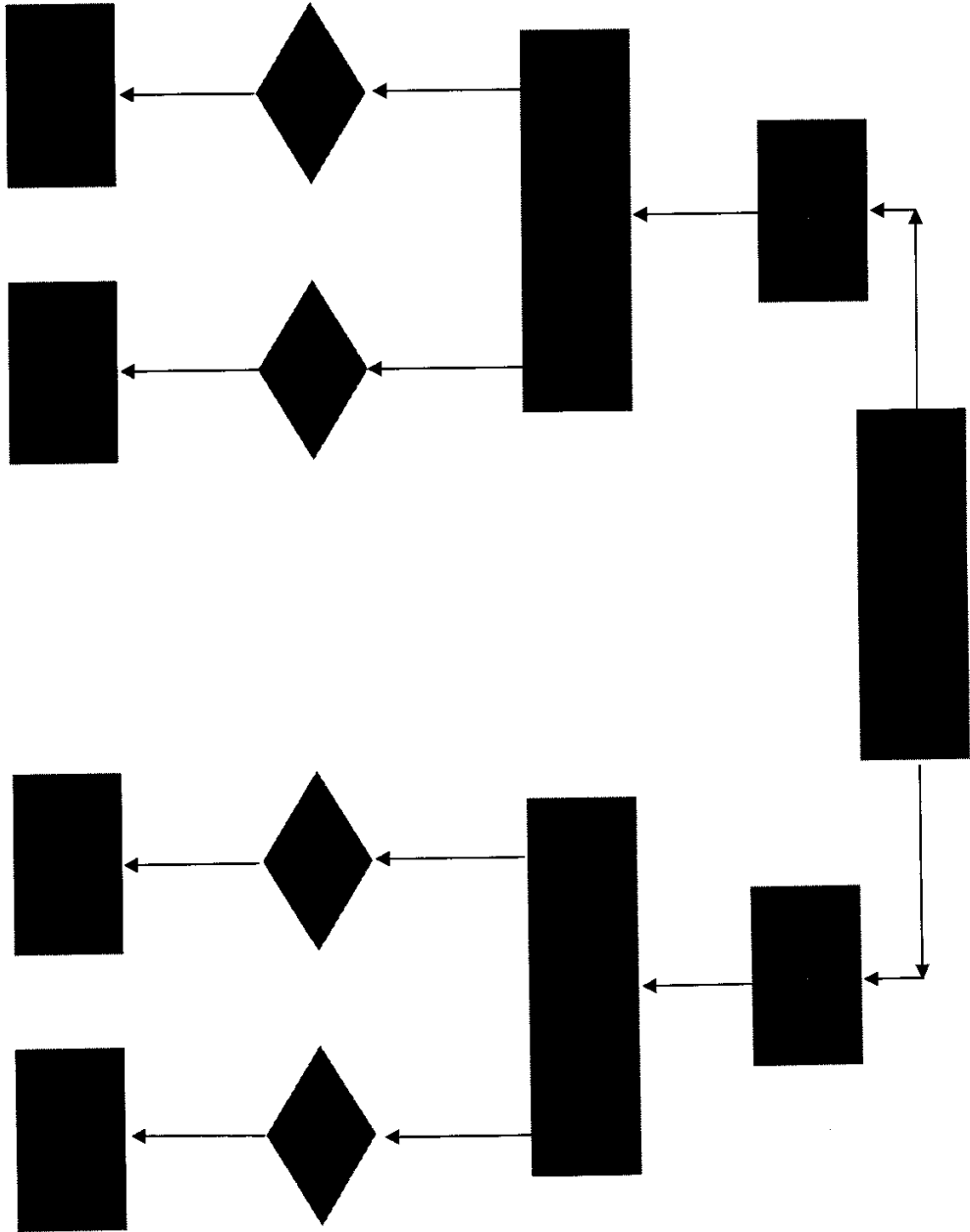
- The flowchart that follows this slide is designed to assist you with determining when to properly apply Exemption (b)(2) in conjunction with Exemption (b)(7)(E) regarding handbooks, manuals and internal personnel rules.



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(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Exercise:

- If there is risk of circumvention of a legal requirement, we will release the information only if there is significant public interest. True or False

- If you, a non Law Enforcement USCIS employee, are searching DACS, your ID code on the screen print is withheld under (b)(2) and (b)(7)(C).

True or False

- Under the Privacy Act, Law Enforcement badge numbers are withheld using (b)(2) and (b)(7)(c). True or False

- We withhold the Affirmative Asylum Procedures Manual using (b)(2) only. True or False



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Objective

- To understand how Exemption (b)(3) relates to immigration documents and how to apply the exemption correctly.
 - See 5 U.S.C. § 552 (b)(3)

- At the completion of this module you will be able to:
 - Describe the purpose of Exemption (b)(3)

 - Understand the purpose behind and application of Rule 6(e)

 - Understand the purpose behind and application of IRS Code 26 U.S.C.A. § 6103



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Exemption (b)(3)

- The intent: FOIA cannot override a law that says withhold.
- When FOIA was passed in 1966, government agencies were in a panic. What does this FOIA mean? Can we keep nothing secret anymore? It was understood that Congress passed FOIA with an intent of “transparency in government.”
- (b)(3) is the compromise: It incorporates the various nondisclosure provisions that are contained in other federal statutes.



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All or nothing

- Next, government agencies were saying everything was exempt because of (b)(3).
- The Supreme Court disagreed. They said a statute has to specifically describe what must not be disclosed. They said the description of what must not be disclosed has to be in actual words, not left to intuition.
- Then they split their requirement into two subparts.



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Subparts?

Exemption (b)(3) has two subparts. You should know the difference between the two because knowing whether a statute falls under subpart (A) or subpart (B) will determine how you apply (b)(3).

- Subpart (A): Refers to a type of statute that leaves no discretion in determining whether to withhold. We must withhold the information, sometimes neither confirming nor denying the existence of the information.
- Subpart (B): Refers to the type of statute that establishes criteria for withholding information or refers to certain matters to be withheld, and allows agencies some discretion in disclosing segregable portions of non-exempt information.



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Familiarity with other laws:

- With respect to subpart (B) statutes -- the agency's exercise of discretion is governed not by the FOIA, but by the withholding statute.
- Why is that important to you? Because, you are not going to have to apply (b)(3) very often, but if you have to, you will have to justify your decision by the language of the statute, not the Freedom of Information Act.



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Exemption (b)(3) Application:

Examples of Subpart (A):

- The Census Act prohibits release of any identifying information collected during the national census.
- The Civil Rights Act of 1964 prohibits release of information concerning matters pending before the EEOC.

Examples of Subpart (B):

- Patent Statutes prohibit disclosure of pending patent applications, but only as long as they are pending.
- The National Security Act prohibits the disclosure of intelligence sources and methods.



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Grand Jury, Deliberative

- The protection is intended to be broad: transcript, information which would reveal identities of witnesses or jurors, substance of the testimony, strategy or direction of the investigation, deliberations or questions of the jurors. *Fund for Constitutional Government v. National Archives and Records Service.*
- Subpart (A)? The statute is written in such a way that we do not have discretion. If it is a grand jury document that is deliberative, we withhold it in full.



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Practical Application of (b)(3) and Rule 6(e), Federal Rules of Criminal Procedure

- This is not the most likely of the (b)(3)'s we will encounter when processing. It will be rare.
- Most of the grand jury material we see has been filed with the court and therefore cannot be withheld as it is now a matter of public record.



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Big Picture

- Rule 6(e) protects grand jury deliberative material. Rarely, grand jury witness statements make it into a person's A-file.
- If you are confronted with grand jury exhibits, and the person is still awaiting trial, (b)(7)(A) may also apply.
- An indictment is a document that has gone beyond the deliberative stage, and therefore Rule 6(e) does not apply.
- Grand jury forepersons are ordinary citizens who are performing in a law enforcement capacity. We withhold their names under (b)(7)(C).



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Rule 6(e) overrides:

- The defense argued that the government should release all segregable portions of non-exempt information.
- The government argued that 6(e) is a subpart A statute.
- The court agreed with the government, and said the government is excused from the “reasonably segregable requirement” when dealing with rule 6(e).
- Two points:
 1. You will seldom see this, but if you do,
 2. The statute overrides the reasonably segregable requirement.



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Grand Jury Deliberation:

6(e)(2) Secrecy.

(A) No obligation of secrecy may be imposed on any person except in accordance with Rule 6(e)(2)(B).

(B) Unless these rules provide otherwise, the following persons must not disclose a matter occurring before the grand jury:

- (i) a grand juror;
- (ii) an interpreter;
- (iii) a court reporter;
- (iv) an operator of a recording device;
- (v) a person who transcribes recorded testimony;
- (vi) an attorney for the government; or
- (vii) a person to whom disclosure is made under Rule 6(e)(3)(A)(ii) or (iii).



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Exemption (b)(3) 26 U.S.C.A. § 6103

- 26 U.S.C.A. § 6103 is a Subpart (A) statute to the extent that a person generally is not entitled to access to tax returns or return information of other taxpayers.

- Background:

The IRS had a particular concern with aspects of its internal practices getting released through FOIA. Therefore, there is a lot of litigation regarding the interplay of (b)(3) and this section of the tax code.

The IRS's concern was that individuals would obtain information through FOIA requests and use that information inappropriately, maybe even illegally.



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Imagine the mess:

- One particular case involved whether “Discriminant function scores” (used to determine which cases should be audited) should be released. Release of the information would provide the public with just what to do to avoid an audit.
- An individual could FOIA a neighbor’s tax returns and find out how much they made, the deductions they claim, what they gave to their church or to charity. They could also FOIA another corporation’s tax return and use their financial information to possibly gain a competitive advantage in the corporate world. IRS decided to make that illegal.



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26 U.S.C.A. § 6103 continued

- Individuals are not entitled to tax return information, even regarding themselves, if release would impair IRS enforcement or provide insight into how the IRS selects returns for audits.
- *Zale Corp. v. IRS* established that 26 U.S.C.A. § 6103 displaces the FOIA. In other words, FOIA's time limits no longer apply, and the duty to disclose segregable information no longer applies.



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When you will encounter 26 U.S.C.A. § 6103 in FOIA processing?

Applies to third-party requesters seeking information relating to companies/businesses that have filed petitions for non-immigrant workers or immigrant petitions for alien workers (I-129 and I-140's).

We don't get those kinds of requests very often. If the individual requests the I-140 filed on his or her behalf, 26 U.S.C.A. § 6103 does not apply.

If sponsors file an affidavit of support and their tax returns, those go in the alien's file. If the alien requests a copy of the file, it is a first party request. Exemption (b)(6) may apply, but 26 U.S.C.A. § 6103 does not.



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PAGE WITHHELD PURSUANT TO

(b)(6)

(b)(6)

(b)(6)

Other Statutory Prohibitions

- We cannot disclose to a third party whether a person has applied for asylum. (“Third party” does not include any other federal government agency or attorney acting on behalf of the government.)
- We cannot disclose to a third party whether a person has applied for Temporary Protected Status.
- We cannot disclose to a third party whether a person has applied for protection under the Violence Against Women Act (VAWA).



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Cite Exemption (b)(6)

- In those instances, we do not cite (b)(3) plus the statute.
- For example, what if an agent of the Cuban government wanted to find out if certain people from Cuba have applied for asylum?
- Would we tell a husband that his estranged wife has applied for protection under the VAWA?
- We cite Exemption (b)(6) because it is a clearly unwarranted invasion of personal privacy. If we tell him we are withholding certain information because of the requirements of VAWA, we just told him what he wanted to know, didn't we?



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Statutes used by NRC

- **8 U.S.C. 1255A(C)(5)**

(adjustment of status of certain entrants)

- **8 U.S.C. 1160(B)(6)**

(information on Special Agricultural Workers)

- **8 USC 1186A(C)(4)(c)**

(conditional permanent resident status for certain alien relatives)

- **Rule 6(E)***

Grand jury

- **26 USC 6103***

IRS

- **41 USC 253B(M)**

(prohibits against disclosure of contract proposals)

- **8 USC 1304(b)**

(forms for registration and finger printings)

- **Other**



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Exercise

- True/False: The (b)(3) exemption shook government agencies up by telling them that any and everything they generated was subject to FOIA.
- True/False: To hold a document it isn't necessary for one to prove that the release of a particular document would hinder a grand jury investigation under (b)(3) and Rule 6(e).
- Multiple Choice: Courts have exempted tax returns from disclosure under which of the following:
 - A. Subpart (A) of exemption (b)(3)
 - B. Subpart (B) of exemption (b)(3)
 - C. IRS Code
 - D. Courts have never exempted tax returns from disclosure
 - E. A, B, and C



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Objective:

- To understand the nature of Exemption (b)(4), how it relates to USCIS documents and to apply the exemption appropriately.



A secondary objective:

- Trade Secrets Act (18 U.S.C. 1905) – that's too many words.
- *Let's diagram that complex sentence below:*
- Whoever = you
- Divulges without legal authorization to divulge
- Is going to get fined, and/or sent to prison for not more than one year, AND
- You get fired too.



Exemption (b)(4)

- Protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential.



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Exemption (b)(4)

- Protects interests of government: We need complete and precise submission of business, financial and technical information to make good decisions.
- Protects interests of submitters: Prevents distribution of vital company information to competitors.



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Break it on down, now:

- **(b)(4) covers**
- **Trade secrets AND/OR**
- **Information that is**
 - **Commercial or financial AND**
 - **Obtained from a person AND**
 - **Is privileged or confidential**



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A Trade Secret:

- The act defines a trade secret as information, including a plan, formula, process, or device that:
 - derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and
 - is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.



Trade Secrets:

- Design drawing of airplane fuel pumps.
- Drug manufacturing information including chemical composition and stability testing.
- Report on computation of mileage rate prepared by private company and utilized by IRS.



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What is Commercial or Financial Information ?

- Commercial means anything “pertaining or relating to or dealing with commerce.”
- Profit/nonprofit status of the owner of the document is not a relevant factor.
- Owner of documents should have a commercial interest in the records.
- Includes not only corporate or business related information, but personal commercial or financial information.



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What is a person?

- “Person” for government purposes is a real person, or a business, or a company, or an agency of a foreign government, or a Native American tribe, or an agency of a state government,
- BUT a “person” is NOT a federal agency.



What is Confidential or Privileged?

- Information is confidential (*not “classified” Confidential*) if its release:
 - Would impair the government’s ability to get necessary information in the future, OR
 - Could cause substantial harm to the competitive position of the submitter.
- (b)(4) protects some information that is not considered confidential. If information could be considered *privileged* from discovery, (b)(4) can still cover it, for instance:
 - A company’s critical self-evaluation of its products
 - Attorney work product
 - Advice prepared by a specialist in the company for the government as a client



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Substantial Competitive Harm

- Data describing a company's workforce and labor costs.
- Currently unannounced and future products.
- Company's break even calculations.



The court says:

- An agency's listing of in-flight medical emergencies is not commercial. The "mere fact that an event occurs in connection with a commercial operation does not automatically transform documents regarding that event into commercial information."
- Information may qualify as commercial even if the provider's interest in gathering, processing, and reporting the information is non-commercial.

That's clear enough, isn't it?



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They are supposed to mark it:

- *Restriction on disclosure and use of data.* Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall -
-
- (1) Mark the title page with the following legend:
 - This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of -- or in connection with -- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [*insert numbers or other identification of sheets*]; and
- (2) Mark each sheet of data it wishes to restrict with the following legend:
 - Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.



Procurement-Sensitive Information

- 41 U.S.C. § 423(a) forbids knowingly disclosing contractor bid or proposal information or source selection information **before** the award of a contract.
- The protection extends to government, contractors, and formerly covered persons who may have advised or recommended.
- Other laws such as the Privacy Act (5 U.S.C. 552a) and the Trade Secrets Act (18 U.S.C. 1905) may preclude release of information both before and after award.



Some things are always exempt:

- We may not knowingly disclose contractor bid or proposal information or source selection information **before** a contract has been awarded.
- If a person has voluntarily submitted information to us and they would not normally disclose that to the public, then it is categorically exempt from disclosure.



Different standards for disclosure:

- There are two primary court cases which defined “confidential.” You may hear them referred to as “National Parks” and “Critical Mass.” These two cases, among other things, set a standard for disclosure of information voluntarily given as whatever “would customarily not be released to the public by the person from whom it was obtained.”
- If it was not voluntarily given, we have to go back to evaluating the information for confidentiality, and substantial harm to the competitive position of the company.



National Parks

- Impairment Prong: disclosure would impair the Government's ability to obtain necessary information in the future
- Competitive Harm Prong: disclosure would cause substantial harm to a competitive interest of the submitter.



Critical Mass

- Established a distinction between voluntary and required submissions:
- Voluntarily submitted information is categorically protected if not “customarily” disclosed to the public. Burden is on the Government.



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We have to prove it.

- The submitter does not have the burden of proving they submitted information voluntarily, nor do they have to identify the submission as voluntary before they submit it.
- The government has the burden of proving the submission was required to get the contract.



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Some things we have to give:

- If information has been made public by other federal agencies, or if a statute or regulation requires that we release it.
- If Federal Acquisition Regulations have required the release of certain information, such as the overall contract price for the winning bid, for certain contracts.



Wait! It's not over!

- After we finish redacting a contract document using exemption (b)(4), we do not immediately put it in the mail to our requester.



We have to inform the company.

- EO 12600 requires us to give the bidder or submitter the opportunity to “articulate the harm” that could be caused if we release the information.



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Notifying the contractor

- We write to them and send a copy, or we send an email with an attachment.
- They may make objections, point by point, page by page, quoting case law.
- We forward their response to DHS attorneys' office, and then respond to contractor.



If they disagree – we respond.

- We could decide to withhold the information for the reasons the submitter gave us, or we could decide to release it anyway.
- If we decide to release it anyway, we document everything that went into our decision and the reasons we decided to release it and send the decision to the contractor.
- The contractor then has the right to file a “Reverse FOIA” lawsuit to keep the government from releasing the information.



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Objective

- To understand how Exemption (b)(5) relates to immigration documents and to apply the exemption correctly.
- At the completion of this module you will be able to:
 - Define Exemption (b)(5)
 - Name the three primary privileges of discovery
 - Analyze documents and apply the exemption correctly



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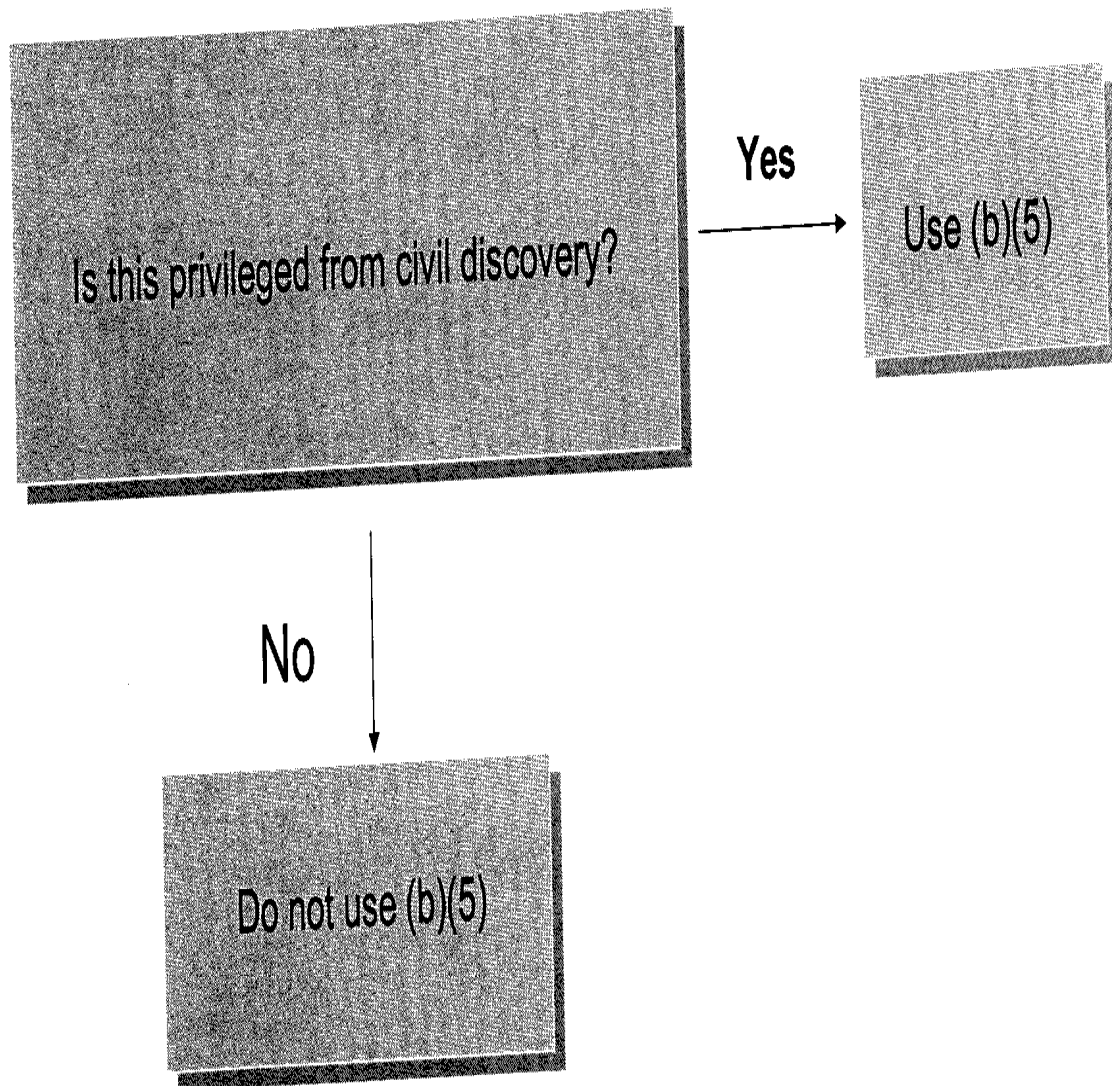
Exemption (b)(5)

- Protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5)
- Scope of the exemption – Exemption (b)(5) clearly incorporates all civil discovery rules into FOIA.
- Exemption (b)(5) protects documents and records that are privileged from disclosure in civil litigation discovery. (Court of Appeals, District of Columbia Circuit)



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B-5 : So Simple, yet So Difficult



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Discovery:

- Compulsory disclosure, at a party's request, of information that relates to the litigation. (Black's Law Dictionary)
- FOIA Guide, p. 357: "to exempt those documents, and only those documents that are normally privileged in the civil discovery context."



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Discovery and Privilege

Example: Mike Turner is suing Panera because he slipped and fell on their sidewalk. Mike's attorney files "opening interrogatories" to Panera's attorney. He can ask all about the chief operating officer's personal business, such as his home address, marital status, ages of children, etc. He can ask for copies of every accident report on the event prepared by his company employees, copies of all photographs made, the insurer and amount of liability insurance the company carries, but he cannot ask for any attorney-client conversations or correspondence. That information is privileged.



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Privileged (Black's Law Dictionary)

- Not subject to the usual rules or liabilities. Not subject to disclosure during the course of a lawsuit; “a privileged document.”
- Deliberative-Process privilege: A privilege permitting the government to withhold documents relating to policy formation to encourage open and independent discussion among those who develop government policy.
- Attorney-Client Communication privilege: The client's right to refuse to disclose and to prevent any other person from disclosing confidential communications between client and attorney.



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Three Primary Privileges of Discovery

- **Deliberative Process** – the thought-process used to make a decision.
- **Attorney Work-Product** – Notes, documents and other items used by the attorney to process the case that are not releasable under the rules of discovery.
- **Attorney-Client Communication** – Almost all communication between our attorneys and people within our organization (federal government).
 - This does not apply to communications between the alien and his or her attorney/representative that happens to be in the file – that's his or her privilege, not ours.



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Communication Privilege:

- Attorney-Client Communication privilege – why is it “Almost all communication?”
- “Advice and Appeals memoranda that explain decisions by the general counsel not to file a complaint are final decisions made in the adjudication of cases, within the meaning of § 552(a)(2)(A), and therefore fall outside the scope of exemption 5.”
- An example of Attorney-Client communication that is **not** privileged:

“Prosecution declined by AGC Rodriguez.”



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Deliberative Process

- When a document contains both deliberative and factual information which is intertwined, and the information that remains after redacting make no sense, the document should be withheld in full.
- When a document selects specific facts out of a larger group of facts, and the very act of the selection is deliberative in nature, we can withhold it.
- A draft document can be withheld because it can constitute a deliberative process. You must evaluate reasonably foreseeable harm, such as a chilling effect on the government's decision-making process. The draft does not have to be different from the final product.



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Segregate Fact from Deliberation

- Segregable information – Separating facts from deliberative information. See p. 113, March 2007 FOIA Guide.
- If, for instance, there are Westlaw cases printed out in an alien file, and the service is either in litigation or contemplating litigation, the cases selected will disclose the service attorney's thought process to the alien's attorney. (Distillation of facts)
- A draft that contains nothing but facts is not exempt unless it has insertions or deletions, or reordering.



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Pre-decisional character of deliberation?

- Regardless of the age of the case or that a final decision has been made Exemption (b)(5) still applies to the deliberative notes or worksheets, whether created by an attorney, adjudicator, or investigator.
- The pre-decisional character of a document is not altered by the fact that an agency has or has not made a final decision. Nor is it altered by the passage of time. See p. 367, 2009 FOIA Guide.



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Deliberative Process:

- Questions to consider in applying the (b)(5) exemption to deliberative process material in a first party request.....
 - Is this a factual accounting of a case? If so, then it is usually releasable (with the exception of Attorney Work Product or Attorney-Client Communication).
 - Are the comments sensitive? Is there reasonably foreseeable harm in releasing the information?
 - Is this a summary of the interview with the subject or a summary of the results of the subject's case?



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Is it Deliberation?

What are you looking for as you process the case?

- Factual information – Does the subject of the file already know this? Did they provide us with the information? If the subject of the file provided the information to us, we have no sound legal basis for withholding it.
- Comments – Is this comment an opinion or recommendation? Or is it notes that have nothing to do with the case? Or is it notes that are nothing more than gibberish?



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Protect Deliberative Process

- To encourage open, frank discussions on matters of policy between subordinates and superiors;
- To protect against premature disclosure of proposed policies before they are finally adopted; and
- To protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.



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Reasonably Foreseeable Harm

- We have to evaluate the reasonably foreseeable harm that could be caused by disclosure.
- We must administer FOIA with a clear presumption that in the face of doubt, openness prevails.
- Exemption (b)(5) is not available to protect against embarrassment, but if we can argue disclosure could have a chilling effect on agency deliberations, then we can cite (b)(5).



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Deliberative Process - Stokes

- A Stokes interview is frequently part of the process of removing the conditions on permanent residency.
- You don't usually see a Stokes interview if the outcome was favorable.
- Stokes interviews frequently contain deliberative process.
- Both (b)(5) and (b)(6) may apply, depending on the situation.
The following slides will show your processing decision for the following scenario:



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The Stokes interview scenario:

- Juan is a citizen of the Dominican Republic who is married to Maria, a United States citizen.
- Juan's status was CR6, but you have determined (from the file) that his I-485 was denied, his I-181 is denied, and his status has been terminated.
- Juan has requested a copy of his file, which contains a Stokes interview.
- We do not have Maria's consent.



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First scenario: Q & A only

- You are looking carefully at the Stokes interview and it contains nothing except questions and answers. There is not a single deliberative statement on the interview.
- Fully release Juan's to him.
- Fully withhold Maria's, citing Exemption (b)(6).
- Of course, you may also have other information on either of these pages, and that would cause you to cite other exemptions.



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Second Scenario: Deliberation

- Sometimes you will see a Stokes interview divided into two columns. Maria's interview might look something like this:
 - Q: TV in bedroom?
 - A: Color TV with remote. DVD player. He said no TV in bedroom and never has been one.
- In that case, the right-hand column shows deliberative process and is prepared in reasonable anticipation of approval or denial of the immigration benefit.
- The page will be WIF (b)(5) and (b)(6) (and others that may apply).



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Deliberation continued:

- Next, looking at Juan's interview:

- Q: TV in bedroom?
- A: No
- Q: Ever been TV in bedroom?
- A: Never. One in living room, one in basement. That is all.
- Q: Maria's parents' names?
- A: Don't remember

- In this case, we are fully releasing the page to Juan. There is no deliberative process.



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Deliberation continued:

- On the other hand, if we see Juan's interview like so:

- Q: TV in bedroom?

- A: No

She said color TV w/remote & DVD player.

- Q: Ever been TV in bedroom?

- A: Never. One in living room, one in basement. That is all.

- The right-hand column will be exempt under (b)(5).



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(b)(6)

Attorney Work-Product

- The privilege is not limited to civil proceedings, but rather extends to administrative proceedings (such as asylum or adjudications, in our case) and to criminal matters as well.
- Attorney Work-Product, within the civil discovery context, can extend to witness statements.
- Exemption (b)(5) can never apply to a document rendering the final decision, but regardless of the age of the case or that a final decision has been made Exemption (b)(5) still applies to the trial attorney notes or worksheets.



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Work Product

- Attorney work product must have been prepared in reasonable anticipation of litigation, whether or not litigation eventually occurred. The privilege does not extend to any document prepared by an attorney because litigation might someday occur.
- You, the processor, have to decide if it is reasonable anticipation of litigation, based on what you see in the file.
- If you have a doubt, discuss it with a supervisor



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(b)(6)

(b)(6)

(b)(6)

Attorney Work-Product Attorney-Client Communication

Paraphrasing Federal Rules of Civil Procedure, Rule 26(b)(3):

We protect against disclosure of mental impressions, conclusions, opinions, or legal theories of our attorneys or other representatives concerning the litigation.

FOIA cannot be used as a way to scoot past discovery:

FOIA does not expand scope of criminal discovery permitted under Rule 16 of Federal Rules of Criminal Procedure

United States v. U.S. Dist. Court, Cent. Dist. of Cal., 717 F.2d 478, 480 (9th Cir. 1983)



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Questions:

- An attorney emails another attorney saying “We need to meet on Thursday about your thoughts on this case. Any time good for you?” Is that attorney work product?
- An ICE attorney emails another ICE attorney saying “Agg felon is not the issue. He’s got three misdemeanor shoplifting convictions.” Is that attorney work product?
- “Scoot past?” OK, that’s not a legal term. See Weber Aircraft, 465 U.S. at 801-02 (“We do not think that Congress could have intended that the weighty policies underlying discovery privileges could be so easily *circumvented*.”)



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Attorney Work-Product Attorney-Client Communication

- 5 U.S.C. § 552 (b)(5) exempts inter-agency or intra-agency communications that are protected by legal privileges (deliberative process, Attorney Work-Product and Attorney-Client Communication).
- Any decision to withhold should be made only after full consideration of harm if disclosed. The decision to release or withhold must be made on a case-by-case basis.
- Attorney Work-Product: “working law contained in a privileged attorney work product is exempt material in and of itself” and, therefore, “need not be segregated and disclosed.”



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Examples:

- You could see attorney advice to CBP agents telling them not to charge an alien under a particular paragraph of the INA, because that paragraph does not apply. That is Attorney-Client communication.
- You could see a note from an attorney that says “The service will not oppose the defense if they file a motion to terminate.” That is probably Attorney-Client communication. (b)(5) applies. Is there reasonably foreseeable harm?
- The “reasonable segregation” obligation of FOIA is less important if disclosure of factual material would provide scrutiny to the attorney’s preparation of the case.



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Let's recap (because it's important):

- Deliberative Process – protects pre-decisional documents such as drafts, advisory opinions, recommendations or any communication that reflects the opinion and thought processes of the author before the final adoption and not the policy of the agency.
- Attorney Work-Product – Notes, documents, memoranda prepared by the attorney in contemplation of litigation as well as other items used by the attorney to process the case that are not releasable under the rules of discovery. This includes documents prepared by an attorney's assistant.
- Attorney-Client Communication – (Almost) any communication between the attorney and the client, i.e., the organization (CIS) and their attorneys (District Counsel). This does not apply to communications between the alien and his attorney/representative.



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Deliberative Process indicators:

- Some key words to look for in a document in determining if the Deliberative Process part of Exemption (b)(5) applies:
 - Draft
 - Suggestion
 - Proposal
 - Idea
 - Opinion
 - Recommendation

- Once you determine that (b)(5) applies, evaluate the information for reasonably foreseeable harm on disclosure. Consult your supervisor when you are unsure.



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Exemption (b)(5) (cont'd)

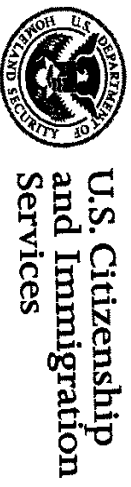
- To be protected, an agency record must meet **both** requirements;
 - The inter-agency or intra-agency requirement and
 - Be a court-recognized discovery privilege
- Inter-agency or intra-agency memoranda or letters include
 - Communications within DHS
 - Communications between and among federal agencies
 - Communications between agencies and consultants used by the agency
- Court recognized discovery privileges
 - Deliberative Process
 - Attorney Work-Product
 - Attorney-Client Communication



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Memorandum + Privileged

- Not all memoranda or letters are exempt.
- Exemption (b)(5) of the FOIA applies only to internal government documents. For example, a letter from one government department to another, or a memorandum from an agency employee to his supervisor describing options for conducting the agency's business. Additionally, the courts have recognized attorney work product or attorney-client privilege if the government sought the opinion or analysis of a subject matter expert.
- Content matters. You have to read it.
- Has a final decision been made?
- Is part of the document factual?



Does (b)(5) apply?

- There's an e-mail from an ICE attorney in the subject's file to another ICE attorney requesting the status of his court case.
- There's a memo in his file from the USCIS director to all asylum offices referencing a high number of fraudulent claims from Punjab Province. (BTW, your subject comes from Punjab Province.)
- On page 3 of the file, you saw the service did not object when the alien's attorney filed a motion to terminate proceedings. EOIR shows "IJ DECISN: T." Here's the question: There's an email on page 60 of her file from one ICE attorney to another saying "Bob, we need to drop this case - low priority."



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Answers:

- You may not withhold the first example under (b)(5), regardless of whether an attorney wrote the note asking for status. Not everything an attorney writes is attorney work-product. It must have been prepared in contemplation of litigation.
- The second example is exempt because it is deliberative process. An adjudicator will be looking for certain “flags” during the interview because of this memo.
- In the final example, we are talking about attorney work product. Anything an attorney (or attorney’s assistant) prepares in contemplation of litigation is “attorney work product.” (b)(5) does apply, but there is no reasonably foreseeable harm. You should release it as a matter of discretion.



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Does (b)(5) apply? (again)

- Adjudicator has drafted a memo stating his or her opinion and recommendation regarding the denial of an application, but the supervisor with authority to make the final determination has not yet acted to approve or deny the application.
- A block on a form has Adjudicator's Recommendation: Denial, and below it, there is a block that says Final Action: Denied, and the supervisory legalization officer signed it.
- You have the file of Salvador Rodriguez, a SAW applicant. In his file, there is a final asylum denial letter written to Maria Rodriguez, his wife.



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More Answers:

- The answer for the first one is yes, (b)(5) applies because of deliberative process.
- The second example is something we will discuss in practical exercise. The bullet refers specifically to form I-696, which is an exception from the rule.
- Exemption (b)(5) does not apply to the last example, but (b)(6) would, and that's the next class, not this one.



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(b)(6)

(b)(6)

Foreseeable Harm

- Under the Obama administration, FOIA processors must consider releasing information even though they would be permitted to withhold it under (b)(5), based on an analysis of foreseeable harm. The emphasis is on giving the information, or justifying why you have to withhold it.
- On March 19, 2009, Attorney General Eric Holder issued a memorandum directing FOIA processors not to withhold information simply because they may do so legally. Agencies should withhold when they reasonably foresee that disclosure would harm the interest of the United States, or when disclosure is prohibited by law.



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FOIA is a disclosure law:

- The policy of the United States is that the public is entitled to the fullest practicable information regarding the decision-making processes of the Federal Government.
- The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and hold the governors accountable to the governed.
- Want to read more about that?

http://www.justice.gov/oip/foia_updates/Vol_1_1/page4.htm



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Examples of documents or information that cannot be withheld in full:

- Document envelope
- Handwritten or typewritten notes that are factual, notes that are trivial in nature and notes that have no bearing on the decision making process
- E-mail that is factual, or trivial in nature or has no bearing on the decision making process
- Memoranda that are factual (except attorney work product)
- Worksheets or checklist such as the N-400 Checklist
- Fax transmittals



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More documents you cannot withhold in full citing Exemption (b)(5):

- Envelopes used to transmit intra-office documents
- Notes that are factual or trivial in nature
- Internal e-mail that is administrative in nature; has nothing to do with the case
- Worksheets, processing sheets that are blank, or do not contain comments.



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Handwritten notes?

- It doesn't matter if the note is handwritten or typed.
- Handwritten notes you can't hold: "Please return file ASAP."
"Charged 237(a)(2)(A)(ii)" "Contacted WAS, unable to locate."
"This STINKS!"
- Treat typewritten comments on worksheets the same way you would treat handwritten notes. Review the comments and weigh factual vs. deliberative, discoverable or not discoverable, etc.



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Documents or information that we withhold

- Attorney worksheets or check list
- Flowchart of the Asylum Process and Assessments to Refer or Reject (not TPS or ABC, strictly asylum).
- Withhold block “B” of Form I-696, if the form has not been signed by the reviewer.
- Withhold in full page 2, Form I-696, Basis For Legalization Office Recommendation, unless it is blank.
- Notice of Custody, I-286
- Unserved Warrant for Arrest of Alien, I-200
- Notice to Appear, I-862 (if not signed/served by the alien)



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Some ICE forms

We withhold the following ICE forms in full if they are filled out but the alien has not signed them:

- I-200, Warrant for Arrest of Alien
- I-286, Notice of Custody Determination
- I-205, Warrant of Removal or Deportation
- I-862, Notice of Referral to Immigration Judge



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It's addressed to him! Right?

- If an alien has been dodging ICE, or has been refusing to sign return receipts for mail, we will not provide the alien with a copy of those documents by FOIA. Technically, those documents, not having been served, are still documents prepared in anticipation of litigation.
- If the alien really wants to know what those documents are, he or she may contact the nearest district office. ICE will provide the person a copy.



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Two thought questions:

- Flowcharts that related to asylum, and the asylum officer's Assessment to Refer, Assessment to Grant, or Assessment to Reject are to be held in full. Why would we withhold an Assessment to Grant?
- The back page of the Basis for Legalization Office Recommendation, I-696, is withheld in full, even if the decision was made a long time ago and the alien was informed of the decision. Why would we withhold the back page?



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High (b)(2) or (b)(5)?

Exemption 2: FAA properly invoked "high" 2 to withhold a grading sheet used to rank Designated Pilot Examiner applicants. "[I]f an applicant could discover the ranking methods used on the grading sheet, it would provide a route to circumvent the regulatory requirements by allowing embellishment of the applicant's experiences to match those treated most favorably by the grading sheet. The government argues persuasively that circumvention puts aviation safety at risk because DPEs perform the practical tests that are 'aviation safety's first line of defense' against accidents. "



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(b)(2) vs. (b)(5)

- A checklist may be an internal document, a distillation of Standing Operating Procedure. By itself, it is not privileged from civil discovery. If there is reasonably foreseeable harm, you can withhold the whole sheet under exemption (b)(2).
- If it is filled out, it has then become a deliberative document that is pre-decisional in nature. If it is deliberative, and if there is reasonably foreseeable harm, you can withhold the whole grading sheet under (b)(2) and (b)(5).



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■ If we disclose this checklist to an attorney, the government will benefit because attorneys can review this list to make sure the 485 they are submitting is good.

■ Since there is no (b)(5) we would have to articulate the harm under high (b)(2).

■ Finally, this does not pass the "harm" test of high (b)(2).



U.S. Citizenship and Immigration Services

National Benefits Center-Contractor Processing Review Checklist for AOS I-485s

Complete entire checklist before completing request for evidence on second page. RFE for all missing documents at one time. Update C3 after RFE has been completed and is ready to mail.

		Yes	No
A. Evidence of eligibility?			
1. Concurrently filed I-130?	<input type="checkbox"/> Goto B01	<input checked="" type="checkbox"/> Goto A02	
2. Concurrently filed I-360 with Part 2, block "c" marked, concurrently filed I-360 with Part 2, block "k" annotated "SIJ" or "Special Immigrant Juvenile", or I-797 Notice of Action for I-360 with "Special Immigrant Juvenile" next to "Section" or "Class"?	<input type="checkbox"/> STOP - Transfer to District Office	<input checked="" type="checkbox"/> Goto A03	
3. Concurrently filed I-360 (Petition for Amerasian, Widow(er), or Special Immigrant)?	<input type="checkbox"/> Goto A14	<input checked="" type="checkbox"/> Goto A04	
4. Page 1, Part 1, of Form I-485 "Current USCIS status?" K-4; Page 2, part 3 of Form I-485 "In What State did you last enter?" K-4; Form I-94 Arrival/Departure record "K-4"; K-4 non-immigrant visa page from passport; or US immigration admission stamp with "K-4" classification (K-4 in/on at least one)?	<input type="checkbox"/> Goto A05	<input checked="" type="checkbox"/> Goto A06	
5. I-797 Notice of Action receipt or approval notice for Form I-130 with I-485 applicant's name listed as "Beneficiary" on I-797 notice?	<input checked="" type="checkbox"/> Goto E01	<input checked="" type="checkbox"/> Goto E01 RFE(A02)	
6. I-797 Notice of Action for I-130, I-129f, I-360 or I-171 Notice from Consular Office for I-130, I-129f, I-360?	<input checked="" type="checkbox"/> Goto E01	<input type="checkbox"/> Goto A07	
7. Child riding with parent who has I-797 or I-171 for I-129f, I-130, I-360?	<input checked="" type="checkbox"/> Goto E01	<input checked="" type="checkbox"/> Goto A08	
8. Petitions Form I-129f (Petition for Alien Fiancé), Form I-130 (Petition for Alien Relative), or Form I-360 (Petition for Amerasian, Widow(er), or Special Immigrant) in file (check other A or T files)?	<input checked="" type="checkbox"/> Goto E01	<input checked="" type="checkbox"/> Goto A09	
9. Form I-485, Part 2, block "e" marked?	<input checked="" type="checkbox"/> Goto D05	<input type="checkbox"/> Goto A10	
10. Form I-485, Part 2, block "f" marked?	<input checked="" type="checkbox"/> Goto D06	<input type="checkbox"/> Goto A11	
11. Form I-485, Part 2, block "d" marked?	<input checked="" type="checkbox"/> STOP! Transfer to LIN	<input type="checkbox"/> Goto A12	
12. Form I-485, Part 2, block "g" marked?	<input checked="" type="checkbox"/> ORB1 STOP	<input type="checkbox"/> Goto A14	
14. Concurrently filed I-360 with other than block "c" in Part 2 marked?	<input checked="" type="checkbox"/> ORB1 STOP	<input type="checkbox"/> Goto A17	
17. Diversity visa lottery winner?	<input checked="" type="checkbox"/> STOP HERE! Route to Records	<input type="checkbox"/> Goto A18	
18. Block "b" marked on Form I-485 and NOT a diversity visa lottery winner?	<input type="checkbox"/> ORB1 STOP	<input type="checkbox"/> Goto E01 RFE(A01)	
B. Form I-864, Form I-864EZ, or I-864W included?			
1. Form I-360 in file or I-797 Notice of Action for Form I-360 in file?	<input type="checkbox"/> Goto E02	<input checked="" type="checkbox"/> Goto E05	
2. I-360 or I-797 for I-360 filed as battered spouse or child or widow/widower?	<input checked="" type="checkbox"/> Goto E09	<input type="checkbox"/> Goto E03	
3. I-360 or I-797 for I-360 filed under any other "Section"?	<input checked="" type="checkbox"/> ORB1 STOP	<input type="checkbox"/> Goto E05	
5. Form I-485, Part 2, block "e" or "f" marked?	<input type="checkbox"/> Goto M01	<input checked="" type="checkbox"/> Goto E06	
6. Form I-864 submitted?	<input checked="" type="checkbox"/> Goto E07	<input type="checkbox"/> Goto E08	
7. Is revision date of I-864 (Rev.) before January 15, 2006 (1/15/2006)?	<input checked="" type="checkbox"/> Goto M01 RFE(F45)	<input type="checkbox"/> Goto F01	
8. Form I-864EZ submitted?	<input type="checkbox"/> Goto K01	<input type="checkbox"/> Goto E09	
9. Form I-864W submitted?	<input checked="" type="checkbox"/> Goto L01	<input type="checkbox"/> Goto M01 RFE(F04)	
M. Medical and Vaccination Supplement			
1. Block "c" in Part 2 on first page of I-485 checked, "Current INS Status" on first page of I-485 shows K-1, K-2, K-3, or K-4, or I-94 or visa shows K-1, K-2, K-3, or K-4 (obtain other A-files if necessary to locate visa packet)?	<input checked="" type="checkbox"/> Goto N01	<input type="checkbox"/> Goto M02	

Please route file to Call-up shrif.

- Under high (b)(2), a processor has to evaluate whether releasing a checklist is in the interest of the government, or would harm the government.
- That does not include attorney checklists. Those are almost always fully exempt under (b)(5).

Complete entire checklist before completing request for evidence on second page. RFE for all missing documents at one time. Update C3 after RFE has been completed and is ready to mail.

2. Form I-693 Medical Exam submitted for I-485 applicant?	<input type="checkbox"/> Go to M03	<input type="checkbox"/> Go to M03 RFE(E02)
3. Vaccination Supplement (Supplemental Form to I-693) submitted for I-485 applicant (MUST be on Supplemental Form to I-693 Adjustment of Status Applicant's Documentation of Immunization)?	<input type="checkbox"/> Go to N01	<input type="checkbox"/> Go to N01 RFE(E03)
N. Applicant's/Beneficiary's (person listed on I-485) Birth Certificate		
1. Applicant birth certificate submitted?	<input checked="" type="checkbox"/> Go to N03	<input type="checkbox"/> Go to N02
2. Birth Affidavit for Applicant submitted?	<input checked="" type="checkbox"/> Go to N04	<input checked="" type="checkbox"/> Go to O01 RFE(G01)
3. If birth cert not in English, English translation submitted?	<input checked="" type="checkbox"/> Go to O01	<input type="checkbox"/> Go to O01 RFE(G02)
4. Check the DOS PAM for the applicant's COB. Are the documents submitted acceptable?	<input type="checkbox"/> Go to O01	<input type="checkbox"/> Go to O01 RFE(G03)
O. Applicant's/Beneficiary's Lawful Entry		
1. Are you an Adjudicator/Officer with USCIS?	<input type="checkbox"/> Go to O02	<input checked="" type="checkbox"/> Go to O06
6. Form I-797 for Form I-360 as Special Immigrant Juvenile or Battered Spouse or child of United States citizen (USC) or Lawful Permanent Resident (LPR)?	<input type="checkbox"/> STOP HERE!	<input checked="" type="checkbox"/> Go to O07
7. Form I-485, Part 2, block "c" or "f" marked?	<input type="checkbox"/> Go to O08	<input checked="" type="checkbox"/> Go to O11
8. Form I-94 Arrival/Departure Record, entry stamp in passport for applicant, or SQ94 record of admission? (SQ94 record for Adjudications only)	<input checked="" type="checkbox"/> Go to O09	<input checked="" type="checkbox"/> RFE(I02) & STOP
9. Arrival date on I-94 or entry stamp at least one year before I-485 received date?	<input checked="" type="checkbox"/> STOP HERE!	<input checked="" type="checkbox"/> ORB2 STOP
11. Address on Form I-485 in the country of Saipan, or CNMI (Commonwealth of the Northern Mariana Islands) and file contains I-797 for I-130 or I-360 or concurrently filed I-130?	<input type="checkbox"/> STOP HERE!	<input checked="" type="checkbox"/> Go to O12
12. Evidence of applicant's lawful entry into U.S. included? (SQ94 record for Adjudications only) Examples (need only one type): Copy of I-94 Arrival/Departure Record, Passport page with stamp from U.S. Immigration Port of Entry, Copy of Border Crossing Card (if from Mexico), If Canadian, exempt entry documents SQ94 screen print as proof of lawful entry	<input checked="" type="checkbox"/> STOP HERE!	<input type="checkbox"/> Go to O13
13. Applicant put without inspection, BW1, W1, or left blank all the following: "Current (NS Status)" in Part 1 of I-485, "In what status did you last enter?" in Part 3 of I-485, or number 14 on I-130?	<input checked="" type="checkbox"/> Go to O14	<input checked="" type="checkbox"/> RFE(I01) & STOP
14. I-797 or I-171 Notice of Action for Form I-130 Priority Date or Receipt Date on or before April 30, 2001?	<input type="checkbox"/> Go to O18	<input type="checkbox"/> ORB2 STOP
16. Supplement A to Form I-485 submitted?	<input checked="" type="checkbox"/> STOP HERE!	<input checked="" type="checkbox"/> RFE(I01) & STOP



U.S. Citizenship and Immigration Services

Please route file to Call-up shelf.

NBC February 9, 2006 MSCBJC01

1/18/2007 10:17:46 AM Revision 8

If this page said nothing except "IJ is Lost," we would have no grounds to hold it. As it is, we may fully withhold this page, citing Exemption (b)(5).

IJ is LOST!
a 9 Bi I
- stayed in US 5 mo.
- apprehended
- req. & rec'd VD
- next day EW1

can't pros as previous removal
IJ can't exercise THAT MUCH
discretion.
suggest time out or govt will
lose



U.S. Citizenship
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Services

(b)(6)

PAGE WITHHELD PURSUANT TO

(b)(6)

(b)(6)

Memorandum



Do you withhold this page under (b)(5)?

Subject

TRIAL ATTORNEY APPEAL PROJECT

Date

11 | 5 | 91

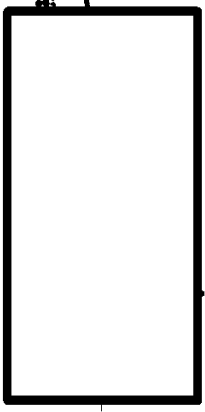
From ANTHONY DANIELS
APPEAL CLERK

Why, or why not? To DEPORTATION UNIT

NO INCOMING APPEAL RECEIVED ON FILE.
APPEAL TIME HAS LAPSED.
JUDGES ORDER CAN NOW BE CONSIDERED FINAL.
PROCEED WITH DEPORTATION.

NAME:

A NUMBER:



U.S. Citizenship
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(b)(6)

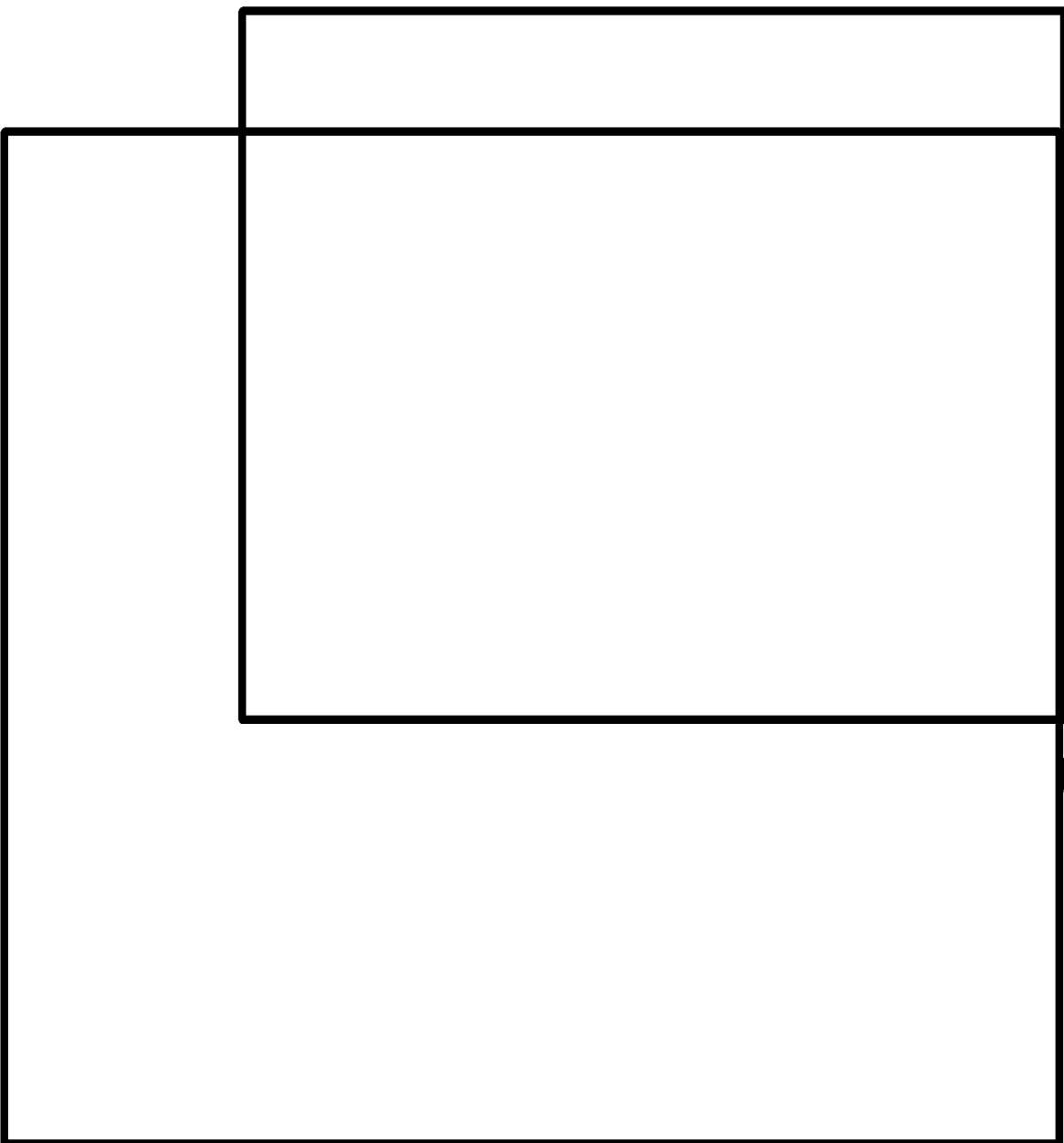
WIF (b)(5).

Why?



U.S. Citizenship
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Services

(b)(6)



Form I-131 (Rev. 10/2001) Print Date: 4/18/2002

Page 1 of 1

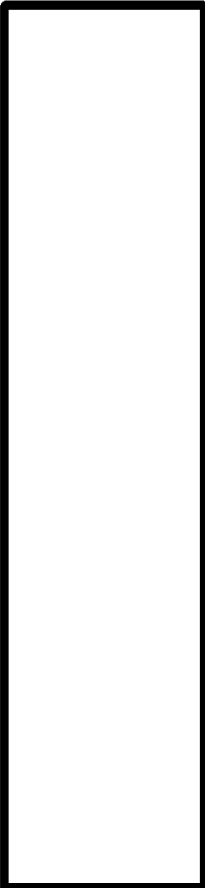
Memorandum



WIF (b)(5).

Why?

Subject:



Date:

from:
Examinations
Baltimore, MD

The above-named subject is being referred to the Investigations Program for the following reason:
1. XXXXIt has been determined that the above-named subject was involved in a "sham" marriage, entered into solely to procure immigration benefits. As such, the visa petition filed in the subject's behalf was denied/terminated on _____. Please locate the subject and issue an OSC. The subject last entered the United States as an B2 visitor; however, he/she has since violated his/her status by not having any non-immigrant or immigrant status in the United States.

- 2. _____ The subject's conditional residence has been terminated. Please locate the subject and issue an OSC.
- 3. _____ The subject's Request For Asylum in the United States was denied on _____. Please locate the subject and issue an OSC.
- 4. _____ The subject failed to appear for a deferred inspection scheduled for _____ and a subsequent interview scheduled for _____. Please locate the subject and advise as to his/her whereabouts, so that an I-110 and I-122 may be issued.
- 5. _____ In the course of our contact with the above-named subject, it has been learned that he/she is a criminal alien, having been convicted of the following crime(s): _____

As this program has completed all action on the subject's application/petition his file is being referred to you for whatever action you deem necessary and proper.

Richard C. Caterisano
ADDE



U.S. Citizenship
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Services

Form G-3
(Rev. 1-2-80)

(b)(6)

(b)(6)

(b)(6)

WARRANT FOR DEPORTATION OF
PAGE WITHHELD PURSUANT TO
(b)(5)

This page is blank, so you have to back up and WIF the previous page.

On the other hand, if this page of the Warrant of Deportation has been duly executed, then the subject of the file may have it without any redactions.

(Name of Deportee)

Deported at Port of _____ On _____
(Port of departure from the U.S.) (Date of departure)

via _____
(Means of departure; Identify airline or ship; if other, state: aircraft, car, etc.)

Departure witnessed by _____
(Signature and title of officer)

If actual departure not witnessed, fully identify source or means of departure verification: _____

If self-deportation pursuant to 8CFR 243.5, check here []

Officer Executing Warrant: _____
(Signature and title)

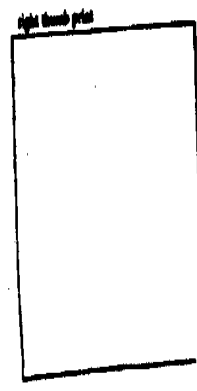
Date Form Completed: _____

Comments:

(Signature of person fingerprinted)

(Signature of official taking print)

(Title of official taking print)



U.S. Citizenship and Immigration Services

Clerk Person

From: Other Person
Sent: Wednesday, February 13, 2008 4:18 PM
To: Clerk Person
Cc: a whole bunch of other people Elliot
Subject: FW: NRCFOIA File Request for [Redacted]
Importance: High

Russell,

NRC FOIA is requesting this file:



NRC can get the file returned in 5 working days if you send it via DHL and indicate on the attached cover sheet that you want it returned via DHL so unless you have an interview in the next 10 days you must send the file.

If you can't send the file (or a copy of the file) right away, please send an e-mail or call Jim, Supervisor of the NRC FOIA Management Support Branch at 816-350-5207 to let him know when they can expect the file.

Thank you.

Clerk Person
Records Manager
USCIS/District 21
Phone: BR-549
Fax:
E-mail:

From: NRC, FOIAFILEREQ
Sent: Tuesday, February 12, 2008 6:38 AM
To: Clutching Attorney ; SFRREC
Subject: SFR File Requests

We need the following files for pending FOIA requests since we are unable to obtain them through CIS:



CIS INDICATOR: 0
Please check at the SFR Records Center, for this file.

An information sheet and cover sheet for records is now available to assist you in sending records responsive to a FOIA/PA request to the NRC. Please see the attachments. Utilizing this information will insure the files are received properly and removed from your outstanding file report.

Please do not make a folder for copies of a record you send to NRC. Securely attach the completed cover sheet

2/15/2008

Deliberative process?

No

Attorney work product?

No

Attorney-client communication?

No

(b)(6)



U.S. Citizenship and Immigration Services

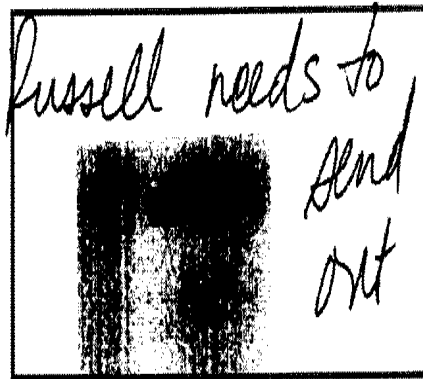
(b)(6)

Russell is an asylum officer.

General Inquiry For A077				
File #	Seq	Office	Status/Last Action	Location
A077	000	SNJ	Status: INTERNAL ACTIVE REQUESTED Audit Date: 02/13/2008 12:23:02 PM Last Action: 02/13/2008 12:23:02 PM Audit	Sect: AO - Non IMM APPLICATIONS Resp: 0000 - AO Russell Berzansky (a)(k)(2) (b)(7)(c)
T077	000	WBC	Status: AVAILABLE IN RECORDS Audit Date: 02/13/2008 08:22:11 PM Last Action: 02/13/2008 08:22:11 PM Batch Audit	Sect: CA - RM 1400 FILEROOM Resp: 0127 - 002-02-1-2

(d)(5) protects information compiled in reasonable anticipation of a civil action or proceeding.

- (a)(d)(5)
- (b)(5)
- (a)(k)(2)
- (b)(7)(c)



Both redactions are bad decisions.



U.S. Citizenship and Immigration Services

PAGE WITHHELD PURSUANT TO (b)(5) - Privacy & Information Access

PROCESSING SHEET FOR FORM I-485

Applicant please complete all applicable information.

PROCESSING SHEET FOR FORM I-485

This is information he gave us.

WIF (b)(5)?

If you don't know, ask a supervisor.



U.S. Citizenship and Immigration Services

(b)(6)

General Inquiry For A07...

Deliberative
Process?

No

General Inquiry For A0...				
File #	Seq	Office	Status/Last Action	Location
A07...	000	SFR	Status: AVAILABLE IN RECORDS Last Action: 12/18/2003 08:59:28 PM Batch Audit	Sect: YN - REC NRC FILE# 13017 Resp: 0714 - REC NRC FILE YN714

Attorney Work
Product?

No

Attorney-Client
Communication
?

No

b)(5)

PER BETS
INTERVIEWED ON 08/06/02.
NO DISPOSITION?



U.S. Citizenship
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U.S. Citizenship and Immigration Services



U.S. Citizenship and Immigration Services

Objective

- To understand how Exemption (b)(6) relates to immigration documents and apply the exemption correctly.

At the completion of this module you will be able to:

- Define Exemption (b)(6)
- Analyze a document and apply the exemption correctly.



U.S. Citizenship
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Exemption (b)(6)

- Exemption (b)(6) protects PII (personally identifying information).
- This exemption protects the privacy of individuals in personnel, medical and similar files where the disclosure of this material/information would constitute a clearly unwarranted invasion of personal privacy.
 - See 5 U.S.C. 552 (b)(6)
- Exemption (b)(6) makes it difficult to obtain information about another individual without the consent of that individual.
- We redact third party information unless it has previously been released on the application/petition.



U.S. Citizenship
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Consent

- What is consent?

Written permission for access to information by the individual to whom the record pertains.



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Consent (cont'd)

- Consent can be any of the following:
 - Notarized Signature of the subject
 - Sworn declaration signed by the subject under penalty of perjury
 - A properly executed Form G-639 with either of the above.
 - A properly executed Form G-28 is valid consent for any case created prior to March 5, 2009.



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Information, but not consent

- G-28 signed by the subject and an attorney or representative or
- Current photo ID of the subject.
- For any case created prior to March 5, 2009, we accept a duly executed Form G-28 as consent.



U.S. Citizenship
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No Consent?

- You may not have consent when you open a case.
- When you are a new processor, you should
 - create a case note,
 - copy the case note in an e-mail to your supervisor, with the subject of the e-mail being the NRC case number, then
 - send the case to Records Locator.
- Determine if you have consent before you begin processing.
 - If the requester does not respond, the case will close as FC, and your supervisor will return the case for you to remove all redactions.
 - If the requester responds that he or she is not able to obtain consent, it completely changes how you process the file.



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Examples of Personal Identifiers

- Social Security Numbers
- Alien Numbers
- Drivers License Numbers
- I-94 Admission Numbers
- Passport Numbers
- Receipt Numbers (not belonging to the requester)
- EAD Numbers (Employment Authorization Document)
- Border Crossing Card Numbers
- Dates of Birth
- Naturalization Certificate Numbers
- Home Addresses and Phone Numbers



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How (b)(6) applies:

- When you apply a (b)(6) exemption, be very certain that your subject is not a LPR or Naturalized Citizen.
- If your subject was an LPR who has lost status, please note in your summary case note where the information is located (page number) in the record and the title of the document (i.e., final order of deportation/voluntary departure.)
- There is no companion exemption under the Privacy Act for (b)(6).



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“It doesn’t belong to him.”

- A document may not “belong” to the requester, but ownership alone is not the determining factor.
- The standard you, the processor, must apply is “clearly unwarranted invasion of personal privacy.”
- Evaluate the document.
 - We do not want to release a document that would constitute a clearly unwarranted invasion of personal privacy.
 - Neither do we want to withhold a document that does not constitute a clearly unwarranted invasion of personal privacy.



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Consent is important because:

- Under the Open Government Act, if a plaintiff “substantially prevails” over an agency, the agency must pay the plaintiff’s attorney fees and the court costs.
- If we accidentally release third party PII, a plaintiff would no doubt “substantially prevail.”



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Corporate Tax Returns

- Corporations have no privacy rights under exemption (b)(6).
- This means corporate tax returns are releasable. If the tax return contains employee names, personal financial information or personal identifiers this information will be redacted.

See pp. 442-443, Department of Justice FOIA Guide.

- You may see Schedule C forms containing personal information about the corporation's officers and directors. Redact any personal information on those forms.



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PII Release:

- If the requester disclosed PII, you should case note the page on which it was released, and then release that PII throughout the document.
- For example, you have a request from the beneficiary of an I-130 without consent of the petitioner. You have withheld the petitioner's SSN on pages 6, 10 and 15. On page 20, you find a document that you can immediately tell was provided to us by the beneficiary, and the document has the petitioner's SSN on it. Case note "SSN released, p. 20." Remove the (b)(6) redactions of the SSN on pages 6, 10 and 15, and do not withhold the petitioner's SSN throughout the rest of the document.



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Releasing PII:

- Using the above scenario, if the petitioner's address is the same as the beneficiary's address, do not withhold the petitioner's address.
- What about dates of birth, countries of birth, and immigration status of third party individuals on documents not provided to us by the requester?

Without consent, the requester cannot have other people's birth certificates, driver's licenses, divorce decrees, passports, or other highly personal documents.



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Exemption (b)(6) and asylum:

- If the subject has signed the application or petition and the subject is the requester, all information on that/those applications or petitions can be released.
- I-589 REQUEST FOR ASYLUM
 - If you can determine the requester is a part of the application (rider), release their information only. Redact 3rd party information. Without these documents the rider cannot continue to have their application processed. Do not release supporting documentation submitted with the I-589 by the principal applicant, including narratives.
- Refugees also come in as riders with family members. Riders proof of entry may be included in the primary applicant's file and may be requested. The form number is I-730.



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Dead People have Rights?

- Death extinguishes privacy rights. Sensitive, graphic, or personal details surrounding an individual's death may be withheld to protect family members.
- Redact all personal information/identifiers relating to third parties.

See pp. 443-444, FOIA Guide.

- Regardless of a person's immigration status at time of death, a request for a dead person's file is always processed as a FOIA.



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Survivors' Privacy Interest

- The Supreme Court has held that although a subject may be deceased, his family may have privacy interests that still survive. In the case of *NARA v. Favish*, the Court held that there is a survivor privacy under Exemptions (b)(6) and (b)(7)(c) when the rights of the family's privacy need to be protected. In this way, the Court was not extending the right of privacy beyond death to the subject.
- A public figure does not lose his or her right to privacy due to notoriety, but his or her expectation of privacy is diminished.
- Individuals do not waive their right to privacy by signing that a document may be released under FOIA, but the signature is an acknowledgement of a possibility of release.
- See pp. 444-446, FOIA Guide.



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Balancing Test and (b)(6)

- Once information has been determined to be in either personnel, medical or similar files, the Courts have used a balancing test to determine if a release would cause a clearly unwarranted invasion of personal privacy.
- Balancing Test : Balance the public's right to disclosure against the individual's right to privacy.



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Significant Privacy Interest

- Even if the public interest is negligible, if there is no significant privacy interest, we must disclose the information. See p. 454, FOIA Guide, Footnote 139.
- Threat to privacy must be real, not speculative or remote.
- The names of FOIA requesters are released, however, their personal information is withheld, i.e. address, phone number.



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Segregable Information

5 USC Section 552(b) states in pertinent part:

“Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.”

- Court has held that government must show why privacy interests could not be protected with a partial redaction instead of withholding entire document.
- However, if deletions of personal identifying information is not enough to protect privacy, then more detailed redactions are permissible.
- See pp. 486-489, *FOIA Guide*.



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Principles:

- If you can segregate enough information to protect a person's privacy while releasing enough information to let the reader know what happened, you have a legal duty to do so.
- The FOIA is primarily a disclosure statute about how the government governs, but not about disclosing other peoples' private business. We must always guard against a clearly unwarranted invasion of a third party's privacy.
- If you have to hold so much of the page that there is nothing left but gibberish, then fully withhold the page.



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What are the differences between (b)(6) and (b)(7)(c)?

Although (b)(6) and (b)(7)(c) both protect privacy interests, they are used for different purposes.

- Exemption (b)(7)(c) is used to protect disclosure in documents prepared for law enforcement purposes only;
- Exemption (b)(7)(c) requires a less stringent showing of invasion of privacy in order to withhold. Invasion of privacy is almost presumed due to the nature of the document. (Dept. of Justice FOIA Guide, p. 430, footnote 57).



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(b)(6) / (b)(7)(C)

- (b)(6): “clearly unwarranted invasion of personal privacy”
- (b)(7)(C): “unwarranted invasion of personal privacy”
- There has to be personally identifying information present in order to cite Exemption (b)(6). A name alone cannot be withheld citing (b)(6).
- With (b)(7)(C), a name all by itself is enough for you to hold it.
- A person’s name all by itself on a law enforcement document can attach a stigma.

For a more detailed discussion, see pp. 564-568, Dept. of Justice FOIA Guide.



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(b)(6) and (b)(7)(c) cont..

- Exemption (b)(6) can be used in tandem with (b)(7)(c) in certain cases. For example, if a law enforcement document has a person's name and then lists their social security number, both (b)(7)(c) (for the name) and (b)(6) (for the SSN) can be utilized.
- The public interest balancing test utilized in (b)(6) is not utilized in (b)(7)(c) except in very rare cases involving unusually significant public interest in disclosure.



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Types of documents you may see where (b)(6) applies:

- Affidavit of Support, I-134, I-864 & I-864A
- Birth Certificate
- Affidavits of Character
- Other miscellaneous documents
- For any case involving an alien file, the requester may obtain the subject's consent to release the records and if so, the privacy right to his or her information is waived. Check the initial request and accompanying documents to determine consent before reviewing the responsive records.



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Joint tax returns

- Joint tax returns where the requester is a party on the return will be released in full.
- Sometimes you will see “Schedule C” (part of a personal tax return), these will be withheld in part. If subject of the file is a party to the document, release.
- Withhold third party tax returns in part. Release only the name and the title of the document.
- Withhold third party W-2's in part. Release only the name and the title of the document.



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(b)(6)

(b)(6)

All other individual tax returns

- If the alien is not a party to the personal tax return it should be withheld in part. Redact all information except for the title of the document and the individual's name.
- This covers all types of tax returns (Federal, State, City)
- Sponsors file tax returns with affidavits of support. If you do not have the consent of the sponsors, you redact the entire page of the tax return except the name and the title of the form.



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Court Documents

- If the requester is a party to the document:
 - Release court documents including transcripts and exhibits that have been **filed** with the Court.
 - Types of documents include criminal complaints and civil pleadings.
- A grand jury deliberative document is withheld under Exemption (b)(3) and Federal Rule of Criminal Procedure 6(e).
- Redact the document if there is any doubt as to whether the document has been filed with the court.
- A petitioner may have submitted a prior divorce to prove marriageability. If the beneficiary is requesting without consent of the petitioner, withhold the document in full, citing (b)(6).



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Affidavits of Support

- Forms I-134, I-864 and I-864A are all affidavits of support.
- Redact all personally sensitive information, including, but not limited to, immigration or citizenship status, social security numbers, dates of birth, money amounts, driver's license numbers, alien numbers, phone numbers, and places of employment.
 - The minimum income requirement does not need to be redacted. (Determination of Eligibility Based on Income Poverty Guidelines)
- Where the person works, how many hours per week, and how many dollars per hour are three examples of personally sensitive information.
- Whether the affiant has ever filed for anyone else before, that is personally sensitive information.



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(b)(6)

(b)(6)

Affidavits of Character

- These documents are usually submitted by a neighbor, close friend or employer to vouch for the character of the alien.
- Redact all personally sensitive information, including, but not limited to, immigration or citizenship status, social security numbers, dates of birth, money amounts, driver's license numbers, addresses, phone numbers and alien numbers.

Example:

To whom it may concern,

I am a United States Citizen and my name is Alberto Alvarez-Martínez, SSN 123-45-6789, and I have known Juan and Maria Lourdes Guerrero since they moved across the hall from us in 2005. They have always been good neighbors and their children behave themselves. Please contact me any time if you have questions. My phone number is 202-987-6543. Thank you.



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Birth Certificates

- If the requester is named on the birth certificate (i.e., the child or one of the parents) then release all information.
- Otherwise withhold the document in full.



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Miscellaneous Documents

- Withhold these in part:
 - USCIS approval/denial letters addressed to petitioner
 - W-2's
 - G-325 Biographic Information Sheet
 - Utility bills
 - Credit card bills
 - Bank statements
 - Interpreter affidavit (address and driver's license number)
- Partially redact third party documents such as W-2's and tax returns. Release only the name of the document and the name of the individual. If consent is present, then release the entire document.



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Miscellaneous Documents cont..

- Withhold these in full:
 - Copies of alien cards (LPR, EAD)
 - Passports
 - Birth Certificates
 - Copies of driver's licenses
 - Naturalization Certificates
 - Snitch Letters
 - Employment letters relating to third parties



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Withhold Sensitive Information

- Withhold in full correspondence relating to the employment of a third party, citing (b)(6).
- Fully withhold
 - Naturalization Certificates,
 - Passports
 - Driver's Licenses
 - Third Party Divorce Decrees
 - Lawful Permanent Resident Cards and
 - Employment Authorization Cards.
- Immigration status of an individual is considered sensitive.



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Misfiled Documents

- (b)(6) does not apply to misfiled documents.
- When processing, you may encounter documents that do not have anything to do with your subject.
- Those documents could be in the file for a reason, or they could have been accidentally placed in the wrong A-file. You have to make that determination.
- Third party documents may be in an A-file in support of an application or petition. These are not misfiled documents.
- Occasionally you will see misfiled documents. We cover the procedure for misfiled documents in another session.



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Detective Work:

- “Misfiled documents” does not really have to do with (b)(6). If there is a reason it is in the file but it is sensitive third party information, then (b)(6) applies.
- If you have examined certain pages in a file and there is no good reason for them to be there, and then you notice, for example, that the last two numbers of the A numbers are transposed, you could reasonably conclude the pages are misfiled. You would Out of Scope those pages, not fully withhold them under (b)(6).



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PAGE WITHHELD PURSUANT TO

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)



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Objectives

- To understand how Exemption (b)(7) relates to immigration documents and to apply the exemption correctly.
- To understand the difference between law enforcement and non-law enforcement documents.
- To know when to apply exemption (b)(7)(C) instead of (b)(6).
- To know who is law enforcement personnel and who is not (special agent, investigator, etc.).
- To have a better understanding of law enforcement screen prints (i.e. DACCS, TECS, NAILS, IBIS, NCIC, etc.).



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Situations will vary.

- Analyze each document before you decide to redact.
- Make a determination whether the document is law enforcement or not. This will determine how the document is processed.



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Exemption (b)(7) overview

- Information compiled for law enforcement purposes.
 - See 5 U.S.C. 552 § (b)(7)
- This exemption was amended both in 1974 and in 1986. This exemption protects from disclosure records of information compiled for law enforcement purpose, but only to the extent that the production of such law enforcement records or information. Exemption (b)(7) consists of subparagraphs (A) through (F).



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Six sub-parts of (b)(7):

- (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, (similar to (b)(6)),
- (D) could reasonably be expected to disclose the identity of a confidential source. In cases of national security intelligence and investigations, both the source and the information may be protected by this exemption. Included as confidential sources can be a state, local, or foreign agency or authority or a private institution that furnished information on a confidential basis,
- (E) would disclose techniques and procedures for law enforcement investigations or prosecution, or would disclose guidelines for law enforcement investigations or prosecutions, if such disclosure could reasonably be expected to risk circumvention of the law. This exempts the techniques and procedures in total; there is no obligation to segregate,
- (F) could reasonably be expected to endanger the life or physical safety of any individual. This protection continues as long as necessary.



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No Blanket Exemption

- In 1974, Congress rejected the application of a “blanket” exemption for investigatory files and narrowed the scope of Exemption 7 by requiring that withholding be justified by one of six specified types of harm. Under this revised Exemption 7 structure, an analysis of whether a record was protected by this exemption involved two steps:



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Two steps:

- First, the record had to qualify as an investigatory record compiled for law enforcement purposes;
- Second, its disclosure had to be found to threaten one of the enumerated harms of Exemption 7's six subparts.

http://www.justice.gov/oip/foia_guide09/exemption7.pdf



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Exemption (b)(7)(A)

- Provides protection for records or information compiled for law enforcement purposes, which could reasonably be expected to interfere with enforcement proceedings.
- Protects its institutional law enforcement interests and it serves to protect the interests of the defendants to the prosecution as well.
- http://www.justice.gov/oip/foia_guide09/exemption7a.pdf



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Analyze:

- **Two-step analysis required for determining applicability of Exemption (b)(7)(A):**
 1. Is the law enforcement proceeding pending or prospective?
 2. Could the release cause reasonably foreseeable harm?
- Exemption (b)(7)(A) is temporary in nature and is not intended to “endlessly protect material” simply because it’s in an investigatory file. When invoked it remains viable throughout the duration of long-term investigations or as long as the law enforcement proceeding is pending, regarded as prospective or preventative.



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(b)(7)(A) documents:

- **The types of documents and/or information we withhold might be:**
 - **Active law enforcement investigatory material,**
 - **Memos of active law enforcement operations,**
 - **Reports concerning an active investigation,**
 - **Statements concerning an active investigation,**
 - **Systems checks concerning an active investigation,**
 - **Active investigatory information on a Memo of IBIS Resolution or IBIS system screen print,**
 - **Snitch letter in an active marriage fraud case,**
 - **Memos or documents that discuss matters of an active investigation that are not referred to another agency.**



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Exemption (b)(7)(B)

- Aimed at preventing prejudicial pretrial publicity that could impair a court proceeding.
- Protects records or information compiled for law enforcement purposes when the disclosure would deprive a person of a right to a fair trial or an impartial adjudication.
- http://www.justice.gov/oip/foia_guide09/exemption7b.pdf



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(b)(7)(B) protects the subject:

- There is a two part standard in determining Exemption (b)(7)(B)'s applicability which considers:
 1. If a trial or adjudication is pending or truly imminent; and
 2. If it is more probable than not that disclosure of the material sought would seriously interfere with the fairness of those proceedings.
- It might someday apply to a news media request, but this exemption has never been invoked at NRC.
- If you think this applies to your case, talk to a supervisor



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Exemption (b)(7)(C) Personal Privacy

- Provides protection for information, when disclosure of such information **“could reasonably be expected to constitute an unwarranted invasion of personal privacy.”**
 - http://www.justice.gov/oip/foia_guide09/exemption7c.pdf
- Has been regularly applied to withhold references to persons who are not targets of investigations and who were merely mentioned in law enforcement files, as well as to persons of “investigatory interest” to a criminal law enforcement agency.
- We routinely protect the identities of law enforcement personnel.



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Clearly Unwarranted Invasion

- The language of Exemption (b)(7)(C) eases the burden of the agency because law enforcement records are inherently more invasive of privacy than “personnel and medical files and similar files.” (see 2009 FOIA Guide)
- The Freedom of Information Reform Act of 1986 broadened the protection afforded by Exemption (b)(7)(C) by lowering the risk-of-harm standard from “would” to “could reasonably be expected to.” This amendment to the Act eased the standard for evaluating a threatened privacy invasion through disclosure of law enforcement records. (see 2009 FOIA Guide)



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Even the mention of a name:

- (b)(7)(C) is the law enforcement counterpart to (b)(6) which is the NRC's fundamental privacy exemption under the FOIA.
- The mere fact that an individual is mentioned in an agency's law enforcement files carries a stigmatizing connotation, one certainly cognizable under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). (Circuit Court, District of Columbia, 1977)



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A lower standard than (b)(6)

- Exemption (b)(6) requires balancing of privacy vs. public interest. Exemption (b)(7)(C) still requires balancing of privacy vs. public interest, but “the overwhelming majority of courts” agree that we should withhold names on law enforcement documents, unless there is a “demonstration of significant misconduct on the part of law enforcement personnel or other government officials.” Exemption (b)(7)(C) is appropriate when withholding information that identifies third parties in law enforcement records. Third parties may be co-defendants, witnesses, or victims.
- Certain other distinctions between Exemption (b)(6) and Exemption (b)(7)(C)’s language establishes a lesser burden of proof to justify withholding in two different respects.



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Exemption (b)(7)(C) cont..

- Examples of documents and/or information withheld under (b)(7)(C) may include but are not limited to:
 - Names and initials
 - Addresses
 - Identification numbers
 - Telephone and fax numbers (personal or private)
 - Various other documents that are considered personal and are investigative in nature.



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Two thought questions:

- Exemption (b)(7)(C) can replace (b)(6) on law enforcement documents.

▪ Questions:

1. Would you apply exemption (b)(7)(C) or (b)(6) to form I-213 Record of Deportable/ Inadmissible Alien? Please, explain...
2. Is an Adjudicator considered law enforcement personnel?
Why or why not?



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Exemption (b)(7)(D) Confidential Source

- Provides protection for records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source.
- This applies to the state, local, or foreign agency or authority, or any private institution that furnished information on a confidential basis.
- Look for a promise of confidentiality or the words “confidential informant,” “confidential source,” etc.



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Exemption (b)(7)(D) cont..

- Sources' identities are protected wherever they have provided information either under an express promise of confidentiality or "under circumstances from which such an assurance could be reasonably inferred."
- The types of documents and/or information withheld could consist of names, addresses, telephone numbers, institutions, source symbol numbers, or source provided information, such as testimony, statements, reports, investigations, audio/video tapes, or various other documents or information withheld to protect the identity of a confidential source.



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Two clauses under (b)(7)(D)

- First, with respect to any civil or criminal law enforcement records, a processor should focus upon the identity of a confidential source, rather than the information furnished by the source. The 1974 legislative history evidences Congress's intention to protect the identity of anyone who provided government agency information in confidence.
- Secondly, it protects all information furnished to criminal law enforcement authorities by confidential sources in the course of criminal investigations.



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Exemption (b)(7)(E)

- Provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.
- Technique or procedure at issue ordinarily **must not be well known to the public.**
- http://www.justice.gov/oip/foia_guide09/exemption7e.pdf



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Guidelines:

- **Exemption (b)(7)(E) is comprised of two protective clauses:**
 - The first clause permits the withholding of “records or information compiled for law enforcement purposes... [that] would disclose techniques and procedures for law enforcement investigations or prosecutions.”
 - The second clause protects “guidelines for law enforcement investigations or prosecutions if [their] disclosure could reasonably be expected to risk circumvention of the law.”

The second **clause of Exemption (b)(7)(E)** is available to protect any “law enforcement guideline” information of the type involved in *Jordan v. Department of Justice* (see 2009 FOIA Guide), whether it pertains to the prosecution or basic investigative stage of a law enforcement matter.



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Exemption (b)(7)(E) cont..

- The types of documents and/or information withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.
- Apply this exemption to screen prints containing DACCS, NAIL, or EARM results.
- (b)(7)(E) does not apply to FBI rap sheets or FD258 screen prints.
- Apply this exemption when you have an undercover operation or a criminal record.



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Breadth of Coverage under 7(E):

- An agency may protect information that may serve as training materials for those wishing to break the law.
- The agency may also protect information that may help persons avoid punishment after having committed a crime.
- A criminal may want information to evaluate likelihood of getting caught and what crimes an agency considers lower priority, so –
- The standard is to “reasonably expect to risk circumvention of the law.”

(Mayer Brown LLP v. Internal Revenue Service, No. 08-5143, U.S. Court of Appeals for the District of Columbia Circuit, April 17, 2009)



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(b)(7)(E) + (b)(2)

- Courts recognize the appropriate application of Exemption (b)(7)(E), usually in tandem with (b)(2), to such sensitive information, including:
 - guidelines for response to terrorist attacks,
 - records pertaining to aviation “watch lists,”
 - inspection statistics of an international seaport,
 - analyses of security procedures, and
 - records pertaining to domestic terrorism investigations.

- See 2009 FOIA Guide.



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(b)(7)(E) examples ...

- Operation names
- IBIS system check results
 - May be handwritten, typed, or stamped on an application or worksheet, IBIS resolution memo, or computer screen print.
- NAILS screen prints that are active or include special case codes.
- “Lookout box” or search results on I-213.
- Location of border patrol sensors or specific techniques/equipment used to apprehend illegal aliens. Often written on investigative reports or narrative of I-213.



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(b)(7)(E) questions:

1. On an IBIS system check result, is exemption (b)(7)(E) the only exemption applied?
2. Would the name “Operation Predator” fall under exemption (b)(7)(E)?



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Exemption (b)(7)(F)

- Permits the government to withhold all information about any individual when disclosure of information about him or her could reasonably be expected to endanger his or her life or physical safety.
- This exemption is not often invoked at NRC.
- If you think this applies to your case, talk to a supervisor.
- http://www.justice.gov/oip/foia_guide09/exemption7f.pdf



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(b)(7)(F) protects people:

- This exemption’s protection has evolved from “law enforcement personnel” only, applying to “any person,” and has no limitations.
- By doing so, Congress authorized agencies to exercise their sound judgment in protecting “any person” whose life or safety is at risk in sensitive law enforcement records.
- The types of documents and/or information withheld could consist of names, addresses, telephone numbers, source provided information, such as testimony, statements, reports, investigations, audio/video tapes, or various other documents or information withheld as to not endanger the life or physical safety of an individual.



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Exercise

1. Are NAILS, DACS, IBIS and TECS (screen prints) considered law enforcement documents? Y or N
2. Can we use (b)(6) on a law enforcement document? Y or N
3. Is (b)(7)(C) the law enforcement counterpart to (b)(6)? Y or N
4. Are law enforcement and non law enforcement documents processed the same? Y or N
5. Manuals & surveillance techniques fall under which exemption? (b)(7)(E) or (b)(7)(A)
What other exemption is usually applicable in tandem with Exemption (b)(7)(E)? _____
6. Law enforcement names fall under which exemption? (b)(7)(D) or (b)(7)(C)
7. Which exemption provides protection for records or information compiled for active law enforcement investigations? (b)(7)(C) or (b)(7)(A)



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(b)(6)

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(b)(6)



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Objective

- To understand how Exemption (b)(8) and (b)(9) relate to immigration documents and to apply the exemption correctly.



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Exemption (b)(8)

- Protects matters that are related to, or for the use of, an agency responsible for the regulation or supervision of financial institutions.
 - See 5 U.S.C. § 552 (b)(8)
 - Example: FDIC internal documents



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Exemption (b)(9)

- Protects from disclosure geological and geophysical information and data, including maps, concerning wells.
- See 5 U.S.C. § 552 (b)(9)



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Exercise

True/False:

Exemptions (b)(8) and (b)(9) are the most frequently used exemptions at the NRC?



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COMPARISON CHART OF (COMPATIBLE) EXEMPTIONS

FOIA	PRIVACY ACT
(b)(1) NSI Classified Material	(k)(1) NSI Classified Material
(b)(2) Internal/personnel rules Practices, computer codes, initials. Use (b)(7)(C) with (b)(2) on law enforcement identifiers and manuals.	NONE
(b)(3) Exempts from mandatory disclosure items specifically withheld in conjunction with other statutes.	NONE
(b)(4) Protects "Trade Secrets" and commercial/financial information obtained from a person that is privileged or confidential.	NONE
(b)(5) Protects inter-agency or intra- agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.	(d)(5) Permits the government to withhold all documents or information that has been compiled in reasonable anticipation of civil action or proceeding
(b)(6) Personal privacy when release would constitute a clearly unwarranted invasion of personal privacy.	NONE
(b)(7) Records or information compiled for law enforcement purposes	(k)(2) Investigatory material compiled for law enforcement purposes
(b)(8) Regulation/supervision of financial institutions	NONE
(b)(9) Geological and geophysical information and data including maps concerning wells	NONE



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Privacy Act 5 U.S.C. § 552a

An overview of the Act and its applicable exemptions



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Objectives

- To understand how the Privacy Act relates to immigration documents.
- To determine if a case is a Privacy Act case.
- To process and apply Privacy Act exemptions correctly.



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What does the Privacy Act do?

- The Privacy Act gives individuals a greater say in the way records about them are kept and eliminates needless intrusions on personal privacy through the keeping of extraneous records.
- See page 887 of the DOJ PA Overview, May 2004 Edition (available through our intranet site).



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Some definitions:

- **Privacy Act system of records:** a grouping of records the government files and retrieves by a personal identifier.
- **Record:** information that is inscribed on a tangible medium, or that, having been stored in an electronic or other medium, is retrievable.



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What is a Privacy Act Record?

“any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number . . .”

(page 900 of the DOJ PA Overview, May 2004 ed.)



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Protection vs. Disclosure

- DHS policy requires that Privacy Act protections apply to any Privacy Act record, regardless of the immigration status of the individual.
- If a subject is a United States citizen or a lawful permanent resident, we are required to disclose more information from his or her file than we would if the person is not USC or LPR.



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To whom does the Privacy Act apply?

By USCIS and DHS Policy, Privacy Act protections apply to any record we keep in a Privacy Act system of records – that is a system of records we store and retrieve according to the A-number, regardless of the person’s immigration status.

Access to records under the Privacy Act and right of amendment under the Privacy Act apply only to individuals who are United States Citizens or Lawful Permanent Residents.

This includes Conditional Residents (CR1, CR6).



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Expired Conditions?

- A conditional permanent resident has to file form I-751, Petition to Remove Conditions on Residence, within 90 days of the 2nd anniversary of the date he or she was granted conditional permanent residence.
- If the 2nd anniversary has already passed, the file should tell you something. A denied I-751 takes away status. If the I-751 is unadjudicated but properly filed, the case is still a PA. If the conditional resident never filed an I-751, we process the case as a FOIA.



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The broad brush:

- Privacy Act generally addresses how an agency must protect records, conditions under which information in a privacy act record may be disclosed to a third party, and an individual's right to access information in his or her record.
- In FOIA, we are primarily concerned with access. We give the individual his or her information unless it is exempt.
- Any time we apply an exemption under the Privacy Act, we must also cite the companion exemption of the Freedom of Information Act.



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The Privacy Act Exemptions:

- (d)(5) Protects information compiled in reasonable anticipation of a civil action or proceeding
- (j)(1) CIA Systems of Records
- (j)(2) Criminal Investigatory Records
- (k)(1) Classified records
- (k)(2) Law Enforcement Investigative Records
- (k)(3) Secret Service Records
- (k)(4) Statistical Records
- (k)(5) Background Investigative Records
- (k)(6) Testing Records
- (k)(7) Military Evaluation Records



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How do we apply this?

- All Privacy Act Exemptions have companion FOIA Exemptions
- Most commonly used exemptions at the NRC are (d)(5) and (k)(2)
- If we can't hold it under the FOIA, we can't withhold it under the PA, and vice versa.
- Also, the PA is much more restrictive about what we can hold than the FOIA.



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This is a screen shot of the exemption code selection window when you are working a Privacy Act Case.

If you are calling a paragraph exempt by (k)(2) of the PA and (b)(7)(E) of the FOIA, you would click on both and then click OK.

Select applicable exemptions...

Exemption	Statute
(a)(d)(5)	
(a)(j)(1)	
(a)(j)(2)	
(a)(k)(1)	
(a)(k)(2)	
(a)(k)(3)	
(a)(k)(4)	
(a)(k)(5)	
(a)(k)(6)	
(a)(k)(7)	
(b)(1)	
(b)(2)	
(b)(3)	Other
(b)(3)	8 U.S.C. 1255A (C) (5)
(b)(3)	8 U.S.C. 1160 (B) (6)
(b)(3)	8 U.S.C. 1186A (C) (4) (c)
(b)(3)	Rule 6(E)
(b)(3)	26 U.S.C. 6103
(b)(3)	41 U.S.C. 253B (M)
(b)(3)	8 U.S.C. 1304(b)
(b)(4)	
(b)(5)	
(b)(6)	
(b)(7)(a)	
(b)(7)(b)	
(b)(7)(c)	
(b)(7)(d)	
(b)(7)(e)	
(b)(7)(f)	

Ok Cancel



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5 U.S.C. § 552a(d)(5)

- The PA Exemption (d)(5) is the companion to the FOIA Exemption (b)(5).
- Applies only to attorney work product compiled in reasonable anticipation of a civil action or proceeding or attorney-client communication.
- Does not include deliberative process privilege
- An Assessment to Refer is compiled in anticipation of a civil action or proceeding. There is never a doubt that the person is going to court.



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Privacy Act Exemption (d)(5)

- The Privacy Act exemption corresponding to (b)(5) is (d)(5).

Permits the government to withhold all documents or information which are compiled in reasonable anticipation of a civil action or proceeding.

- (d)(5) is narrower in scope than (b)(5):
 - (d)(5) does not cover information compiled in anticipation of criminal actions.
 - (d)(5) does not include the deliberative process privilege



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Why (d)(5) applies:

- (d)(5) could apply to an internal memorandum from a supervisor recommending disciplinary action, up to and including termination of employment. Disciplinary action falls under the definition of civil action or proceeding.
- (d)(5) could apply to a private citizen's complaint letter that an adjudicator or asylum officer kept when deciding whether to grant or deny an immigration benefit. Granting or denying an immigration benefit falls under the definition of civil action or proceeding.



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(d)(5) vs. (b)(5)!

- In a PA case, if (b)(5) allows us to withhold it, but (d)(5) does not, we have to give it to them. A perfect example is the memo from the director to all asylum officers regarding a high number of false asylum claims from Punjab province. If the subject eventually adjusted status, he can have that memo.
- In a PA case, you could encounter something we could withhold under (d)(5) because it was prepared in reasonable anticipation of a civil action, such as granting LPR. But – it contains only factual information, so you could NOT hold it under (b)(5). You have to give it to the requester.



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5 U.S.C. § 552a(k)(2)

- The PA Exemption (k)(2) is the companion to the FOIA Exemption (b)(7).
- Covers investigatory material compiled for law enforcement purposes other than material within the scope of subsection (j)(2)
- Remember? (j)(2) is . . . ? Criminal Law.



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Privacy Act Tidbits of Information

- Not much different than the FOIA except there is no (b)(6) or (b)(2) protection in a Privacy Act case
- If a person has lost status, you no longer have a Privacy Act case.
- What takes away LPR status?
 - A court order by an Immigration Judge
 - A signed abandonment of status
 - A Final Notice of Termination or
 - A Final Notice of Rescission



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Three Questions:

- Question 1: If there is (b)(6) information in a PA case, can I use (k)(2)+(b)(7)(C)?
- Question 2: If there is high 2 info in a PA case, like an excerpt of an asylum SOP that I don't want them to have, can I use (d)(5)+(b)(5)?
- Question 3: This guy is a criminal. He's in prison now for rape, aggravated battery and attempted murder. He's an IR6. There's no deportation order in there now, but he will definitely go to immigration as soon as he is released from prison. May I process this under the FOIA instead of the PA?



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Another question:

- National Benefits Center (NBC) denied an I-90 because the applicant did not respond timely to a request for evidence. The applicant had not submitted enough proof for the adjudicator to positively identify the applicant was indeed who she claimed to be.
- She filed a FOIA request. FOIA or PA? What's your call, and why?



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Privacy Act Tidbits of Advice

- A Notice of Intent to Deny takes away nothing.
- A denied N-400, Application for Naturalization, means nothing.
- A denied I-90, Application to Replace Permanent Resident Card, alone does not mean the person has lost LPR status.
- It is easier to look at every page in a case than to process a case under the wrong Act.
- It is much easier to consult with a supervisor than to guess if the case is FOIA or PA.



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(b)(6)

(b)(6)

(b)(6)



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Objective

To obtain a basic understanding of Privacy Act Amendments



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Privacy Act Amendment

- The Privacy Act requires that any agency maintaining personal information about individuals must keep accurate, timely and complete files.
- 5 U.S.C. § 552a(d)(2) permits individuals to request amendment of agency records pertaining to themselves.



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Privacy Act Amendment

Resources:

- Federal Register 28958, Vol 40 No 132 Requests for Amending Records
- 5 U.S.C. § 552a(d)(2) Access to Records (page 1097 orange book)
- 6 CFR § 5.26 Requests for amendment or correction of records
- 8 CFR § 103.28 Requests for correction of records



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Privacy Act Amendment

- USC or LPR may request amendment of his or her own record.
- The Federal Register states that “agencies shall establish procedures to give individuals the opportunity to request that their records be amended.
- 8 CFR § 103.28, 6 CFR § 5.26, and 5 U. S. C. § 552a(d)(2) establish the criteria for making a request and responding to the request for amended.



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Privacy Act Amendment Request

- Must be in writing and specifically identify the record for which amendment is sought.
- Must state why the petitioner believes the record is not accurate, relevant, timely or complete.
- Must include copies of documents in support of these reasons.
- Must state in detail what should be changed.



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Privacy Act Amendment

Within ten working days (not the same as FOIA or PA request) after we receive a PA Amendment request, we must:

- Correct any information that is wrong, OR
- Tell the individual we aren't going to change it, and why not.
- If we said we will change nothing, the individual may request a review.



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Privacy Act Amendment

- A reviewer may determine to grant amendment, or to affirm our denial.
- If the reviewer affirms our denial, the individual may file a statement of disagreement, no more than one page for each fact disputed, and those statements go into the individual's file.
- If either we or the reviewer agree to amend the record, we have to send all prior recipients of the record any correction we have made.
- We identify prior recipients of the record through "Record of Privacy Act Disclosure" cards in the file.



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Objectives

To define the Freedom of Information Act and Privacy Act.



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What is FOIA?

- The Freedom of Information Act gives all people the right to request federal agency records. 5 U.S.C. § 552
- Enacted in 1966 and effective July 1967
- Amended 1974, 1976, 1986, 1996, 2003 and 2007
- Applies to records maintained by the executive branch of the federal government



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The Purpose of FOIA:

- Congress enacted the FOIA to establish a statutory right of public access to executive branch information in the federal government. The principles of government openness and accountability underlying the FOIA are inherent in the democratic ideal:

"The basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed."



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What is FOIA? cont..

- Requester need not show a need or purpose for the record.
 - If a requester does request a fee waiver we have a right to ask them their need or purpose. If they refuse to explain their need or purpose we can deny the fee waiver request.
- Agency's responsibility to release the records unless exempt from release.
 - Nine exemptions



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What is FOIA? cont..

- Requester must:
 - Submit request in writing (letter, fax, e-mail)
 - Reasonably describe the record being sought
 - Assume financial responsibility



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What is FOIA? cont..

- Agency must:
 - Track and monitor
 - Process on a first-in first-out basis
 - Comply with time limits: respond within 20 working days (unless unusual circumstances exist)
 - Conduct a diligent search for records responsive to the request
 - Release responsive records unless an exemption applies



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What is the Privacy Act?

- The Privacy Act of 1974 guarantees the public's right to see their records unless the record can be legally withheld under one of the ten exemptions. (5 U.S.C. § 552(a))
 - The Privacy Act requires that any agency maintaining personal information about individuals must keep accurate, timely and complete files.
- The Privacy Act's access provisions apply only to individuals who are United States Citizens or Lawful Permanent Residents.



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What is the Privacy Act? cont..

- Purpose of the Privacy Act
 - No secret records
 - Records created are limited to only those that are necessary
 - Subjects know what records are kept and can challenge the accuracy
 - Information collected for a specific purpose and can not be used for another without consent
 - Account for disclosure



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What is a Privacy Act Request?

A request made in writing for:

- Records that are maintained in a system of records
 - What is a system of records
 - A group of any records under the control of an agency that can be retrieved by a name or identifying number or symbol.
 - Made by a USC or LPR (lawful permanent resident) for access to their records or
 - Made by the parent of a USC or LPR minor child or a court appointed legal guardian of a person
 - Made by a third-party with written consent from the subject of the record



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Objective

To understand the information contained in the FIPS worksheet and determine if all pieces of the puzzle are present in order to begin processing.



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How to begin processing

- Before you begin processing
 - Read the request, supporting documents, case supporting documents and case notes
 - Verify the accuracy of the FIPS worksheet
 - Check for duplicate cases
 - Verify consent is present



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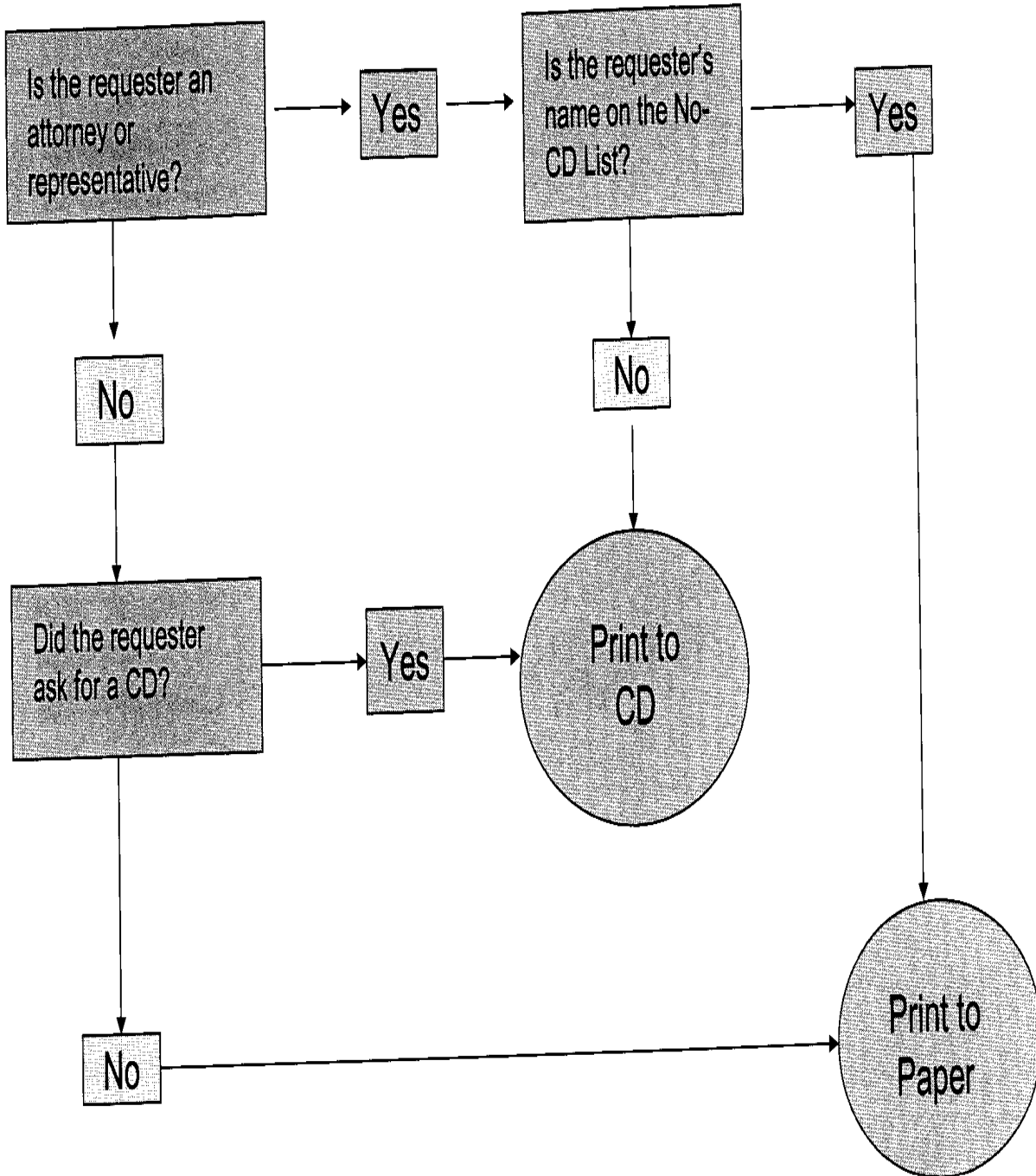
3

How to begin processing

- Before you begin processing check for duplicate cases
- Verify the correct file is scanned in
- Make sure records are finished scanning:
 - Last page scanned in
 - FIPS shows “scanned” and not “scanning”
- Print to CD



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How to begin processing

- **Verify consent**



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When Consent Is Not Necessary:

- Consent of the subject of the file is not always required in FOIA. For instance, a petitioner might request a copy of all petitions she filed for her beneficiary. Those petitions would be in his file. If he did not provide consent, she is still entitled to those documents she filed and documents pertaining to her personally, such as her tax returns, affidavits, and birth certificates, etc.
- Another example of no consent necessary: an alien drove drunk and was arrested. A bail bond company (criminal bail bonds, not immigration bonds) paid his bail. The alien did not show up for his court date, so the judge is making the bond company forfeit the bond unless they can show the alien was removed or deported. The bond company can submit a FOIA request for proof of deportation, and if it exists, we will send them a copy.



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Consent

- What is consent?

Written permission for access to information by the individual to whom the record pertains.



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Consent (cont'd)

- Consent can be any of the following:
 - Form G-639 signed under penalty of perjury or notarized
 - Notarized Signature of the subject
 - Sworn declaration signed by the subject under penalty of perjury
 - For cases created before 5 March 2009, form G-28 duly executed by the subject of record is consent.



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Consent (cont'd)

- Form G-28 (after March 4, 2009) or photo ID are not substitutes for consent.
- Ask your supervisor if you are not sure, then:
 - Create a case note
 - Start an e-mail to your supervisor, Subject: the NRC#
 - Copy the case note in an e-mail to your supervisor
 - Send the case to records locator (or Admin, if that is how your supervisor wants it).



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Do I have consent?

» WHO signed the request?

- Signature must be notarized or signed under penalty of perjury.
- Other scenarios
 - Minors (17 and under) – need proof of parentage if request is signed by a parent
 - Deceased person – need death certificate, obituary, photo of tombstone, etc. unless subject would be over 100 years old



FOIA or PA request?

What is the status of the subject of the file and how do make that determination?

- While processing, look for an approved copy of:
 - I-181 – Memorandum of Creation of Record of LPR
 - I-485 – Application to Register Permanent Resident or Adjust Status
 - IJ's Order granting status.
 - I-751 (for conditional residents)
 - Naturalization Certificate or Citizenship Certificate
 - Immigrant Visa or Alien registration with stamp and COA
 - Immigrant Data Summary with stamp and COA
 - I-551



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FOIA or PA request?

What is the status of the subject of the file and how do I make that determination?

- When is LPR status terminated?
 - When Immigration Judge orders the subject removed or deported
 - When I-751 is denied (conditional residents)
 - When LPR status is revoked or rescinded

Processing a FOIA/PA is like reading a book

- Here are some additional questions that you need to ask yourself while processing the file.
 - WHO gave us the documents in the file and who do they belong to?
 - WHAT is going on in the file?
 - WHAT harm will be caused if I release the document?
 - WHEN did they receive status?
 - WHERE did we get this information?
 - HOW am I going to withhold this information?





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Objective

- To introduce asylum case processing procedure.



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Asylee or Refugee?

- **Asylum** - Status granted to someone who has fled to the United States and submitted an application (I-589) asserting that he or she fears persecution if forced to return to his or her home country. Asylees can apply for permanent residence one year after their asylum approval.
- **Refugee** - Any person who lives outside their country of nationality and who is unable or unwilling to return to that country because of persecution or well-founded fear of persecution. They are allowed to live in the United States indefinitely. Refugees get their status before coming to the U.S., while asylum seekers obtain their status after arrival.



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Adjustment of Status

- A refugee may file for adjustment of status one year after initial entry into the United States.
- AS 1 adjusts to AS6, AS2 to AS7 & AS3 to AS8
- An asylee may file for adjustment of status one year after having been granted asylum.
- RE1 becomes RE6, RE2 becomes RE7, RE3 becomes RE8 and RE4 becomes RE9



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Confidentiality

8 CFR § 208.6

Information contained in or pertaining to any asylum application, records pertaining to any credible fear determination and records pertaining to any reasonable fear determination shall not be disclosed without the written consent of the applicant, except as permitted by this section or at the discretion of the Attorney General.

We don't cite 8 CFR § 208.6 when responding to a third party. We cite Exemption (b)(6). If we were to cite section 208.6, it would be like saying "we are prohibited by law from disclosing to you that he applied for asylum, therefore we are not going to tell you that he did."



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Exemption (b)(6) and asylum:

- If the subject has signed the application or petition and the subject is the requester, all information on that/those applications or petitions can be released.
- **I-589 REQUEST FOR ASYLUM**
 - If you can determine the requester is a part of the application (rider), release their information only. Redact 3rd party information. Without these documents the rider cannot continue to have their application processed. Do not release supporting documentation submitted with the I-589 by the principal applicant, including narratives.
- Refugees also come in as riders with family members. Riders proof of entry may be included in the primary applicant's file and may be requested. The form number is I-730.



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Asylum Scenario

The next few pages are an application for asylum. If the primary applicant files a request, we will give it to him completely.

In this case, the requester is the applicant's son, Bhupinder, a "rider."

We have Bhupinder's consent only.

This is a FOIA.

The primary asylum applicant has not consented to the release of his documents.



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(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Next we have some forms you commonly see in asylum cases.



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(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)



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Mr. Potatohead has asked for his file. This is a FOIA. We do not have Mrs. Mann's consent.

Refer to File No. [redacted]

NOTICE OF INTENT TO ~~DENY~~ IMMEDIATE RELATIVE PETITION

Mrs. Mann
277 Selby Ave Apt 202
St. Paul, MN 55102

Dear Mrs. Mann:

On December 31, 2007, you filed a Petition ("Form I-130") to classify Mr. Potatohead as the spouse of a United States Citizen under Section 204 of the Immigration and Nationality Act ("Act"), as amended. The record reflects you married Mr. Potatohead on February 17, 2004, in Minneapolis, Minnesota. *(the beneficiary)*

This is notice of intent to deny your Form I-130 petition.

Section 204 of the Act states, in relevant part:

Any citizen of the United States claiming that an alien is entitled to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a)...or to an immediate relative under section 201(b)(2)(A)(i)...may file a petition with the Attorney General for such classification.

Title 8, Code of Federal Regulations, Part 204.2(a)(2) states in part:

If a petition is submitted on behalf of a wife or husband, it must be accompanied by a certificate of marriage to the beneficiary and proof of legal termination of all previous marriages of both wife and husband.

Service records indicate that on xx the beneficiary filed a [redacted] application for asylum and for withholding of deportation [redacted] claimed a prior marriage to Mrs. Fry in Mogadishu, Somalia sometime during 1990. The application was signed by Mr. Potatohead and dated April 1, 1998. You testified during your interview on August 11, 2008, that you knew your husband was married once before, but you did not know his name. Mr. Potatohead testified during the interview that he was married once before in Kenya to Mrs. Fry. He testified that it was a customary marriage, not legal. He did not remember the month or year he was married to Fry, but claimed that he received a verbal divorce over the phone during the end of 1998.

You have not produced a divorce decree for Mr. Potatohead and Mrs. Fry. Being you have not provided evidence of the termination of the marriage between Mr. Potatohead and Mrs. Fry, the Service is unable to determine if Mr. Potatohead was legally free to marry you at the time of your marriage.

See attached pg.



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(b)(6)

(b)(6)

(b)(6)

PAGE WITHHELD PURSUANT TO

(b)(6)



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Miscellaneous Topics

Objective

To cover miscellaneous topics related to processing.

- Reasonably segregable
- Mosaic approach
- Blacked out information
- Files that contain recordings
- Out of Scope
- Misfiled Documents
- Translation of documents
- Duplicate Pages
- Referrals and consultations
- Total denial
- Case notes
- Final action letters



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Reasonably Segregable

- What is reasonably segregable?
Separating information that can be released from information that can not be released.
- This is a requirement and the agency has an obligation to pay close attention to this requirement.



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The Requirement to Segregate:

- Segregate information that is exempt (cannot be released) from information that is non-exempt (can be released). If a document contains some information that is not releasable, but the rest of the document is releasable, it would be improper to withhold the entire page. (See 2009 *FOIA Guide*.)
- When processing a document containing information that can be released, we must separate this information from information that cannot be released. One exception to this rule is when the nonexempt material is “inextricably intertwined” with the exempt material.



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Case law:

- Court decisions involving FOIA processing continue to stress the requirement of an agency to provide all reasonably segregable portions of a record that is not subject to any FOIA exemption.
- Arif A. Durrani v. U.S. Department of Justice, et al., Civil Action No. 08-0609 (CKK) (U.S. District Court for the District of Columbia, Mar. 24, 2009): An agency should focus on the information contained in a document rather than the type of document before citing certain exemptions.
- Johnson v. Executive Office for U.S. Attorneys, 310 F.3d 771, 776 (D.C. Cir. 2002): Even if an agency claims deliberative process privilege, they must segregate factual information unless “inextricably intertwined.”



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Splitting Hairs:

- Antonelli v. BOP, No. 07-2016, 2009 WL 1593701 (D.D.C. June 9, 2009):
 - BOP did not meet its burden of showing that it could not have segregated out and released portions of otherwise exempt documents.
 - Though BOP's declarant claimed that "*no meaningful portions [of withheld documents] could be released without destroying the integrity*" of the document, that "is not significantly probative of the issue."
 - Instead, "an agency must demonstrate that the exempt and nonexempt information are "*inextricably intertwined*," such that the excision of exempt information would impose significant costs on the agency and produce an edited document with little informational value.'



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Mosaic Approach

- What is mosaic approach?

The jigsaw puzzle theory.

- Information that if released by itself would not cause harm, but if combined with other information within the file could cause harm.
- Harmless pieces of information, when combined with other information, could cause harm or reveal sensitive or damaging information.
- The mosaic approach relates to the exemptions in the following respect.
 - Exemption 1 – national security
 - Exemption 2 – agency regulations and law enforcement
 - Exemption 4 – competitive harm to the contractor
 - Exemption 7 – identification of substantive information relating to an investigation



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Arieff v. Department of the Navy

Adopting a "mosaic" approach for Exemption 6, the District Court for the District of Columbia has held that the Navy does not have to disclose records of the aggregate quantities of prescription drugs dispensed to Congress' Office of the Attending Physician (OAP), even where the names of recipients are not provided. The controversy focused on computer print-outs which listed all such drugs distributed without directly identifying the ultimate recipients. The court found that, when coupled with a working knowledge of the symptoms and purposes for which certain drugs are prescribed, such information could "be used to learn the intimate details of the medical care of OAP patients."



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Benefit of the Doubt to Agency:

- All intelligence gathering activity relies on a mosaic approach. Remember, though, that “mosaic approach” is not an exemption under FOIA. An agency will have to justify withholding decisions, usually under Exemptions (b)(1), (b)(3) or (b)(4).
- US courts have consistently held that summary judgment may be granted on the basis of agency affidavits if they contain reasonable specificity of detail rather than merely conclusory statements, and if they are not called into question by contradictory evidence in the record or by evidence of agency bad faith.



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Blacked-out information

- “Blacked-out information” is caused by highlighters that cause specific information on the photocopied record to appear to be blacked out.
- This is the type of information we want to assure the requester we did not redact here. We do not mean poor copies of documents or very dark or black pages, etc.
- If there is blacked out information in your case, your final action letter must include the following sentence:

Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.



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Files that contain recordings

- Files that contain recordings of interviews. Should be processed as follows:
 - Send an e-mail to NRC, NRCFOIAMS B mailbox.
 - E-mail will contain:
 - Control Number
 - Alien Number
 - Page number the media is located on
 - Modify final action letter by inserting the following sentence.
 - “The copy of the _____ located in your file will be sent to you under a separate cover.
- Summary case note: annotate that file contained media and MSB has been notified



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What media will you see?

- The recording can be in the format of a DVD, CD or cassette tape.
- An image of the recording will be scanned into the file. You will see a photocopy of the physical DVD or cassette.
- If the file contains a transcript of the recording/media the transcript should be reviewed and processed accordingly. The recording/media **will not** be copied and processed.



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Out of Scope

- What is out of scope and how does it relate to processing?
- Documents contained within a record that do not relate to the requester or information requested.
- This could include:
 - Misfiled documents that have no relationship to the subject of the file.
 - Routing slips that may have comments such as “file the attached,” as long as the routing slip does not contain the A-number or name of the individual.
 - Documents not related to the specific receipt file or document requested, if the requester asked for specific documents.



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Interpreting the Scope:

- “Out of scope” or outside the scope of the request relates to how we interpret the request. We should make sure that we carefully interpret the request. This means that FOIA requesters should not be held to the strict letter of their request.
- Scope of a FOIA request is:
 - The subject matter of the records being sought AND
 - The time frame the requested records were created.
- An example: When a requester is seeking a receipt file, although he or she may request a copy of the A-file, but specifically mentions that he or she looking for an I-130 petition that he or she filed on behalf of another person, the A-file is outside the scope of the request. This is because we know that the receipt file will be maintained not in the petitioner’s A-file, but in the beneficiary’s.



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Misfiled Documents

- If you encounter misfiled documents, take the following steps:
 - Out of scope misfiled pages
 - If the file is at the NRC, send an e-mail to the MSB mailbox (NRC,NRCFOIAMS@MSB) to have the file corrected. CC your supervisor. Include all pertinent information in your e-mail:
 - NRC Control number
 - Alien number of both files
 - Alien's name for both files
 - Type of documents that have been misfiled and page numbers
 - Complete processing of case and send for approval.
- Insert a case note with the same information as your e-mail.



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What is a Misfiled Document?

- It is a document that has no connection with the subject of record. For example, you may be looking at Harpreet Singh's file and come upon pages that belong to Juan Guerrero-Ortiz. Upon closer examination, you determine that Harpreet's A-number is 073456275 and Juan's A-number is 073456725. The pages were erroneously placed in Harpreet's file.
- On the other hand, you see pages in the file belonging to Pyar Kaur, who is Harpreet's wife. An adjudicator may have placed those pages in the file for some reason. It may be that you will withhold those pages, citing Exemption (b)(6), but you will not place the pages out of scope.



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Translation of Documents

- The agency bears the burden of translating documents within the record that is being processed. There are limits to those obligations.
- A majority of the documents within the A-file will have a translation.
- Individuals may not be available to translate.
- Procedures for having a document translated:
 - Insert Case note
 - Send case to Admin
 - Send e-mail to MSB mailbox, and CC your supervisor.
 - Translated document should then be scanned as CSD.



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Translations:

- Most documents that are submitted to CIS and filed within the A-file will include a notarized translation. The translation will normally be filed in front or behind the document to which it pertains (for example, birth certificates, marriage license or family registry).
- If there is not a translation of the document within the file, FOIA is required to make reasonable effort to have the document translated and determine if the document is responsive to the request, then process accordingly.
- USCIS has translators for most, but not all, languages. If USCIS cannot translate a page, a supervisor must make a determination to withhold or release based upon the totality of the case.



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Duplicate pages

- What is a duplicate page?

To be considered a duplicate, a page or document must be an **exact replica**. If one page has a receipt stamp and the other does not, it's not a duplicate page.

- What is not considered a duplicate?
 - Blank Pages
 - Any type of cover page
 - Documents referred to other agencies

- When are pages marked duplicate?

If the case you are processing is over 240 pages and the requester is receiving a paper copy, you must mark duplicate pages.



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Why Do I Mark Duplicates?

- Most non-commercial requests are free. The first 100 pages are free, and the charge is 10 cents per page after that. USCIS does not currently charge anything if the fee is \$14.00 or less. That has the effect of making 240 pages or less free. If a file is 241 pages and the requester has not asked that the file be printed to CD, the charge will be \$14.10. 242 pages costs \$14.20, and so forth.
- FIPS automatically calculates fees, and supervisors determine if or when a fee should be charged.
- Currently there is no fee for records released on CD (in PDF format), regardless of number of pages.
- FIPS requires you to enter a page number reference. You do not have to reference the page number you are duplicating. You may enter the number you are on.



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Referrals and Consultations

- What is a referral?

A document that originates with another agency that has been filed within a CIS record.

- What is a consultation?

A document that originates with CIS but contains information belonging to another agency.



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Don't refer?

If you are processing a TECS screen that originated with Secret Service, we refer it to Secret Service, right? Not always.

For example, you are processing Juan's file. You see a TECS screen for Juan, and the last three characters in the header are E03, therefore you refer it to Secret Service.

The very next page is a TECS screen for Juan's spouse, Maria. Checking back to the FOIA request, we determine that we have Juan's consent, but not Maria's. Even though the last three characters are E03, we are going to withhold the page in full because it does not belong to Juan.



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Referrals (cont'd)

- The exceptions:

CIS has agreements with some agencies that allow us to process certain documents.

- ICE (Except Report of Investigation will always be referred. Also refer Memorandum of Investigation created by ICE or legacy INS.)
- CBP: There is currently no agreement. We must refer all documents originating with CBP to CBP.
- FBI (RAP sheet that relates to fingerprints can be released)
- DOS (Refer all documents except passports.)



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We Also Refer Within DHS:

- Documents can be referred to the originating office, DHS component or another government agency when processing in FIPS.
- The following agencies are DHS components:
 - Transportation Security Administration (TSA)
 - U.S. Customs and Border Protection (CBP)
 - U.S. Immigration and Customs Enforcement (ICE)
 - U.S. Secret Service (USSS)
 - Federal Emergency Management Agency (FEMA)
 - U.S. Coast Guard (USCG)
 - U.S. Citizenship and Immigration Services (USCIS)



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Processing Referrals

- How do you process a document that belongs to another agency?
 - Most documents are referred back to the agency that created them.
 - If you are referring documents, do not mark duplicate pages as duplicates, but instead, refer each page to the agency.
- As you are processing a case the “buttons” to the right side of the document being processed allow the selection of different functions. Select “RIF”, and the screen shown below will appear.



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Processing Referrals

From there, you will get a drop down text box to select the agency.

From this screen select the appropriate agency and click OK.

Referral for NRC2006081061

Please select the government agency to which you would like to refer this selection

- AIR: Air Force
- ARMY: Army
- BATF: Bureau of Alcohol Tobacco & Firearms
- BOP: Bureau of Prisons
- CBP: U.S. Customs and Border Protection
- CIA: Central Intelligence Agency
- CIVIL: DOJ Civil Division
- COMM: Commerce Department

Name of Government Agency Withheld



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Processing Referrals

Referral for NRC2006081061

Please select the government agency to which you would like to refer this selection

BOP: Bureau of Prisons

Response

- Directly to Requester
- Back to DHS FOIA

Notification

- Name of Government Agency Relaxed
- Name of Government Agency Withheld

Leave the response option "Directly to Requester"

Bureau of Prisons is a law

enforcement

agency, so click on the option "Name of Government Agency Withheld"



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Processing Referrals

- As you prepare the final action letter, you will be prompted as to whether or not you wish to create the referral letters.
- You do wish to do so. You, the processor, have to create all referral letters.



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(b)(6)

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Processing Consultations

- How do you process a document that originated with CIS but contains information belonging to another agency?
 - Make redactions and refer document to the appropriate agency.
 - Include CIS' exemption language and appeal paragraph in the referral letter to the other agency.
- Process the document applying all applicable exemptions. After exemptions have been applied, follow the procedures outlined for referrals in the case processing guide. After the entire record has been processed, create the final action letter to include the consultation letter. The consultation letter will need to include the exemption language and the appeals paragraph for our records. The agency processing the consultation will incorporate the exemption verbiage and the CIS appeal paragraph in their letter to the requester.



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Total Denial

- What is a total denial?

Withholding all information and documents in their entirety.

- Why would you have a total denial?

No consent from the subject of the file to release their record to a third party.

- If the case is being closed as a total denial must the records be processed?

Yes, each applicable exemption should be applied to all documents.

Total denials are frequently appealed. We must be prepared to defend every page of a total denial decision.



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Case Notes

- What is a case note?
 - Case notes outline the steps, actions, inquiries and/or happening that have taken place in a case.
 - Any time a case is accessed or a modification to the FIPS worksheet is made a case note should be inserted explaining the action taken.



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What is a Case Note?

- Case notes are the historic data concerning a case from case create through closing. Case notes become a permanent part of the case. They should contain details and facts regarding the case. It is best to document any unusual circumstance or factors regarding the request or information contained within the responsive records.
- Never get into any discussion with a supervisor or approver through case notes. Always discuss in person, on the phone, or via e-mail. Case notes become subject to FOIA after the case is closed, and they are often disclosed in court.



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The Summary Case Note

- The type of case (FOIA or PA), if PA, what page. If PA status lost, what page.
- The number of duplicate pages marked (if any)
- The total number of pages of responsive records (print total)
- The number of pages released in full
- The number of pages withheld in full
- The number of pages partially released
- What exemptions have been applied
- The number of documents referred to another agency (name all agencies in the summary)



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The Summary Case Note, part 2:

- Pages in the responsive records you matched from the request:
 - Parents' names
 - Date of birth
 - Place of birth
 - Signature
 - Alias(es) if applicable
- Other information in the file that matches information provided in the request.



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What is a Final Action Letter?

- The final action letter explains to the requester the reasons that documents and information were withheld.
- The final action letter gives the requester the right to appeal if information has been withheld.
- After you have finished processing, you will click on “Final Action.” A sheet containing all information for your Summary Case Note will appear.



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Final Action Letters

- Select the final action code according to the way you processed the case.
 - All responsive records are being released in full (no redactions made) – G1
 - Responsive records contain redactions – PD
 - No responsive records are being released (total denial) – TD
- After you click “OK,” FIPS will generate the final action letter.



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What's in the Final Action Letter?

- The final action letter includes the date the request was received, the name of the subject, the type of request, and:
- Total number of pages responsive to the request. If the requester specified a certain document, please note on which pages the document can be found.
- Number of pages released in full,
- Number of pages withheld in full,
- Number of pages partially released,
- Number of pages referred (if applicable),
- Each exemption cited, and the paragraph describing what types of information we withhold. (S: FOIA\Ttemplate Letters\Exemption Phrases)
- If pages contain black marks, we include the blacked-out information statement.



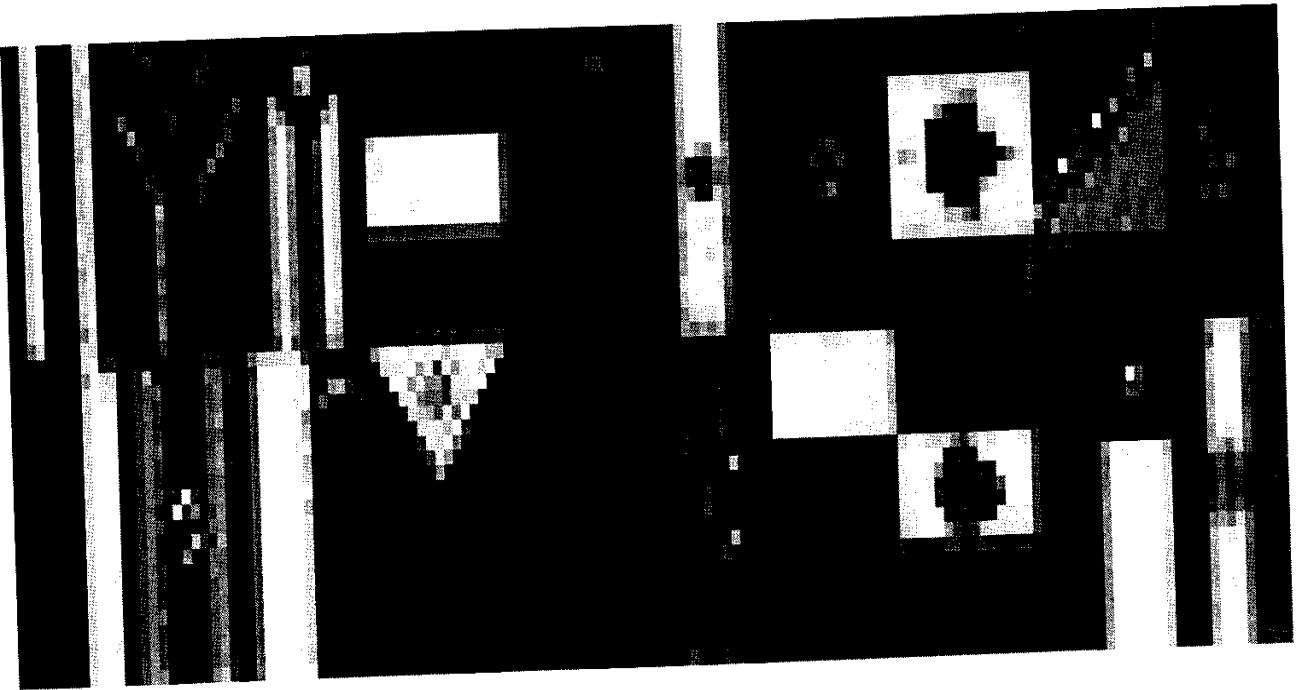
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Understanding an Immigrant's Status

FOIA or PA? That is the question.



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FOIA or PA request?

What is the status of the subject of the file and how do I make that determination?

Before processing, look for an approved copy of:

- I-181 Memorandum of Creation of Record of Lawful Permanent Residence
- I-485 Application to Register Permanent Residence
- I-751 Petition to Remove Conditions
- Immigrant Visa
- Immigration Judge's order granting LPR status
- Immigrant Data Summary with DOE and COA stamped
- Approved I-90, Application to Replace Alien Registration Card
- N-550 Certificate of Naturalization



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The 4 Key Statuses for the Purpose of Processing

Privacy Act

- United States Citizen (USC)
- Lawful Permanent Resident (LPR)



FOIA

- Legal (ok to be here)
- Illegal (present without permission)



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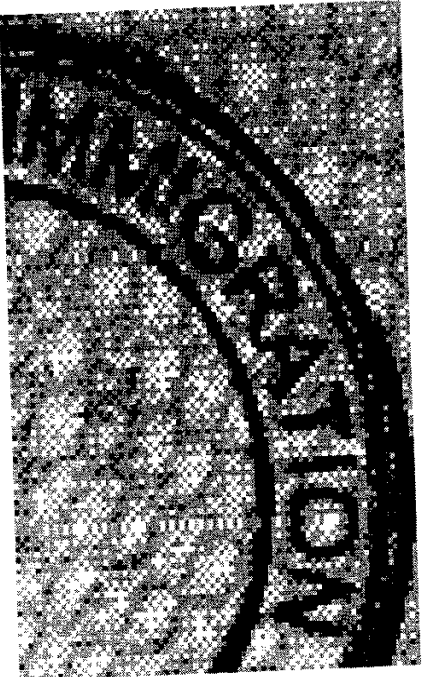
Four Key Statuses

- United States Citizen.
- LPR: alien admitted to the United States and allowed to reside in the United States indefinitely despite not having U.S. citizenship.
- Non-Immigrant: alien who is lawfully present temporarily in the United States for a specific purpose.
- Illegal Alien: a person who entered the United States without inspection or with fraudulent documentation, or who after entering legally as a nonimmigrant remained in the United States without authority.



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Knowing Who's Who



- Within each file, one may determine an individual's status by examining various documents.



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What do I look for?

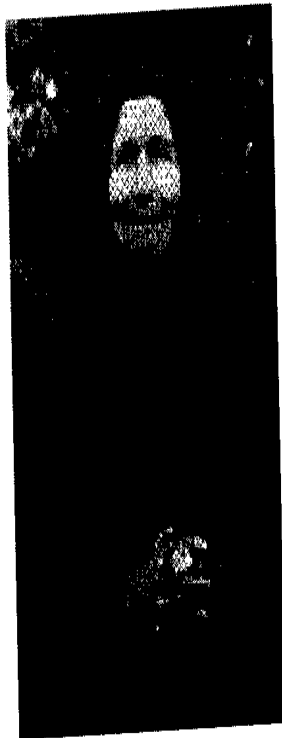
- Any immigration forms within the file that state status.
- Any decision by an immigration judge that is contained in the file.
- If there is more than one document effecting status, look for the one with the most recent date.
- Correspondence in the file from USCIS, ICE or CBP personnel is helpful but not controlling.



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Meet Manuela, a USC

What are the Requirements to be a United States Citizen?



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Requirements to be a USC:

- Usually needs to be a Lawful Permanent Resident (LPR) first, unless served for the U.S. in wartime.
- Continuous Residence in the U.S. for the last 5 years preceding filing for Naturalization. Can be living abroad during this time as long as they maintain an address in the U.S. and pay state and local taxes.
- Actual physical residence within the state that the petition is filed during at least the three months immediately before filing for naturalization. (some exceptions)
- Physical presence in the U.S. for two and a half years for most applicants and one and a half years for spouses of US citizens. (some exceptions)
- The ability to read, write, and speak English. (some exceptions)
- A basic understanding of the fundamentals of U.S. history and government.
- Good moral character and an affinity for the principles of the Constitution.
- Continuous residence (but not necessarily physical presence) in the U.S. from the date of filing for naturalization up to the date that they are sworn in as a citizen.
- At least 18 years of age. Exceptions exist for children of LPR's.

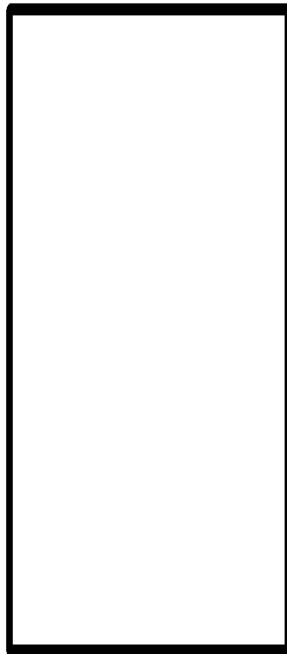


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(b)(6)

(b)(6)

Meet Marvin, a Lawful Permanent Resident.



(b)(6)



What are the Requirements to be an LPR?



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What about Marvin?

- To be an LPR one must fall into a distinct category, such as: family-based immigrants, employment-based immigrants, and asylum or temporary protected status seekers, special agricultural workers or refugees.
- Marvin is an example of a Family-based immigrant. He was brought in as a fiancé of a U.S. citizen.
- His USC fiancée filled out a I-129F for him and it was approved. If he marries within 90 days, he can become a conditional LPR.
- If he comes into the country as a married man, he must remain married for 2 years before he can apply to have the conditions removed on his status. (There are exceptions to this rule.)
- If his application to remove conditions is denied, he is no longer an LPR.



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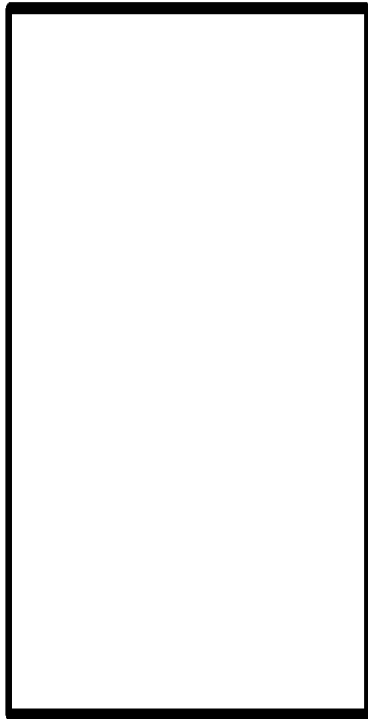
(b)(6)

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Meet Lin, an LPR

(b)(6)



- Lin is an example of another kind of immigrant status: employment based.
- Individuals who have exceptional skills in the sciences, in teaching, or in areas which require specialization are likely to be admitted.



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What about Lin?

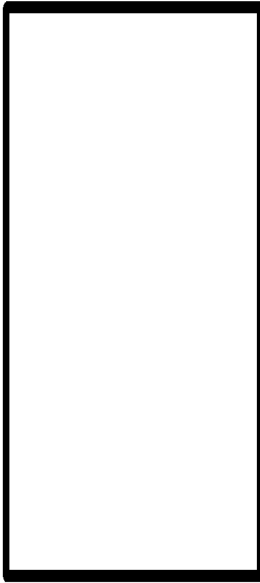
- Lin originally came as an H1-B visa worker as a radiology technician, with a baccalaureate degree, for a job in a radiology specialty in which there is a shortage of qualified US applicants. Research Medical Hospital has requested and received a Labor Condition Application, form ETA-750, from the Department of Labor. You will see that form, as well as Research Medical's tax returns, in the file.
- After she has been employed at least one year, her employer, Research Medical Hospital, may file Form I-129, Petition for a Non-immigrant Worker. An approved I-129 is not proof of LPR. She still has to file an I-485, and it has to be approved before you process this file under the PA.



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Meet Ignacio, a Temporary Resident, SAW

(b)(6)



- SAW stands for Special Agricultural Worker.
- In 1986, 350,000 were allowed to enter under such temporary status.
- These are aliens who were admitted to the U.S. as temporary residents who must prove that they have worked at least 90 days of the past three years to maintain status. If they do so, then they can transition to permanent resident status.

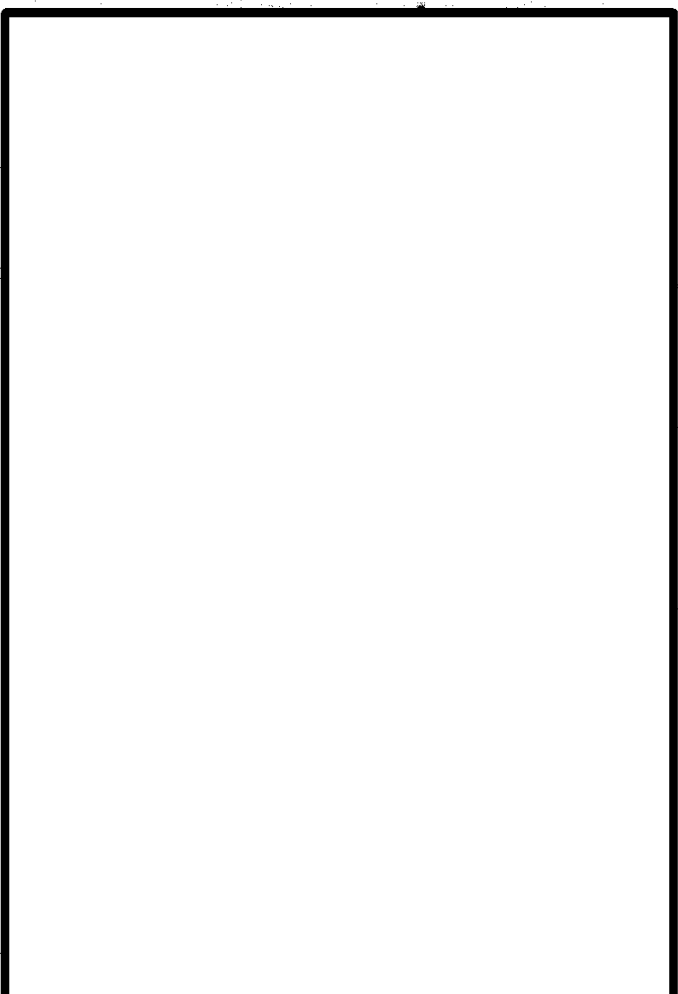


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(b)(6)

Form I-688, Temporary Resident Card

A temporary resident card does NOT mean you process the case as PA. You are looking for lawful permanent residence. Temporary residents are SAW or legalization applicants. If there is no approved I-181, you would still process this case as FOIA.



(b)(6)



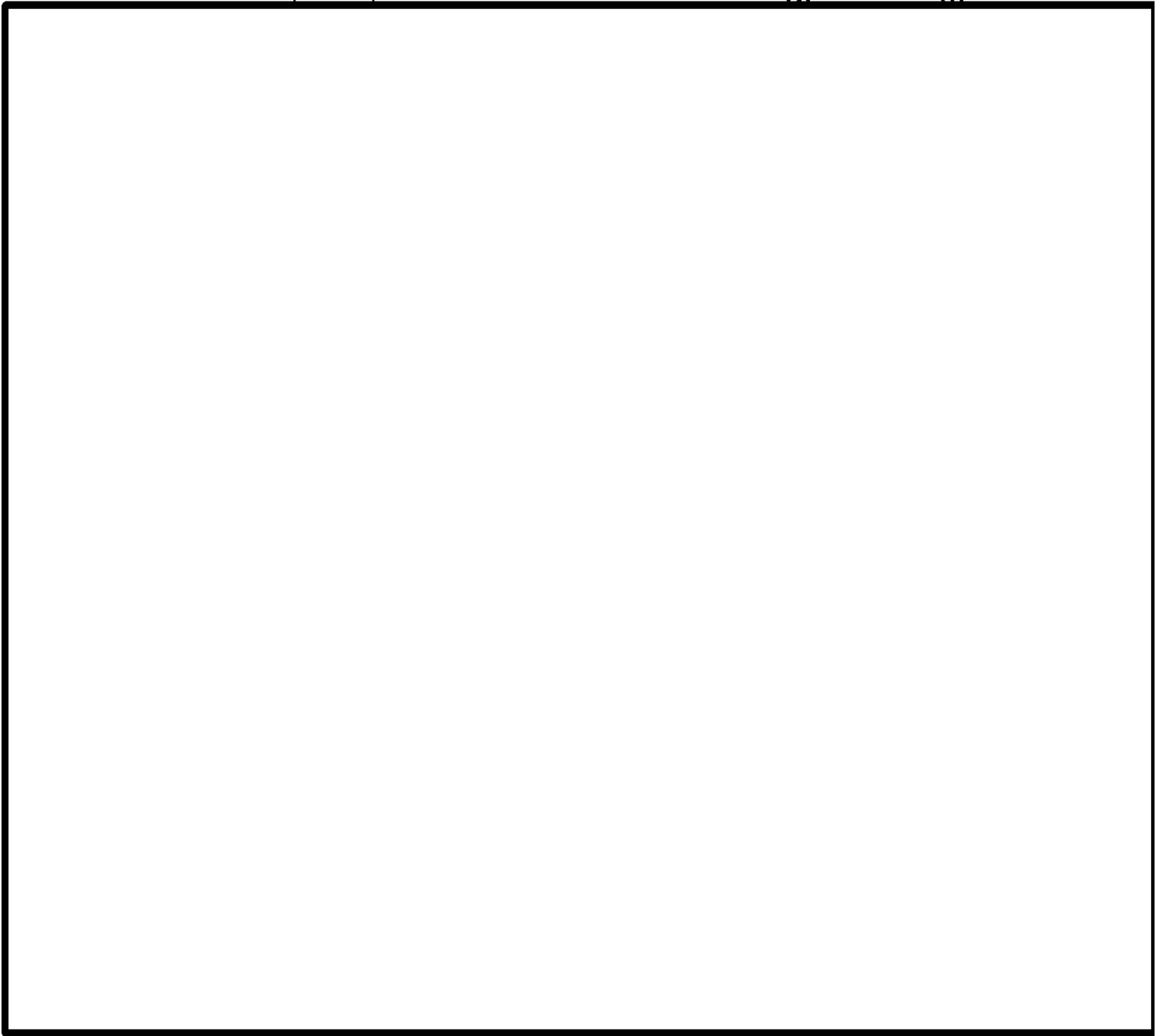
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This is a computer generated I-181 for a SAW applicant. Even though it is hard to read, this person has LPR status.

(b)(6)

That is the effective date

His class of admission is W16



This is a much better copy of a SAW I-18. Hopefully, the ones you see will look more like this, and less like the previous exam.

Notice that Juan was granted W16 as of 10/30/1990.

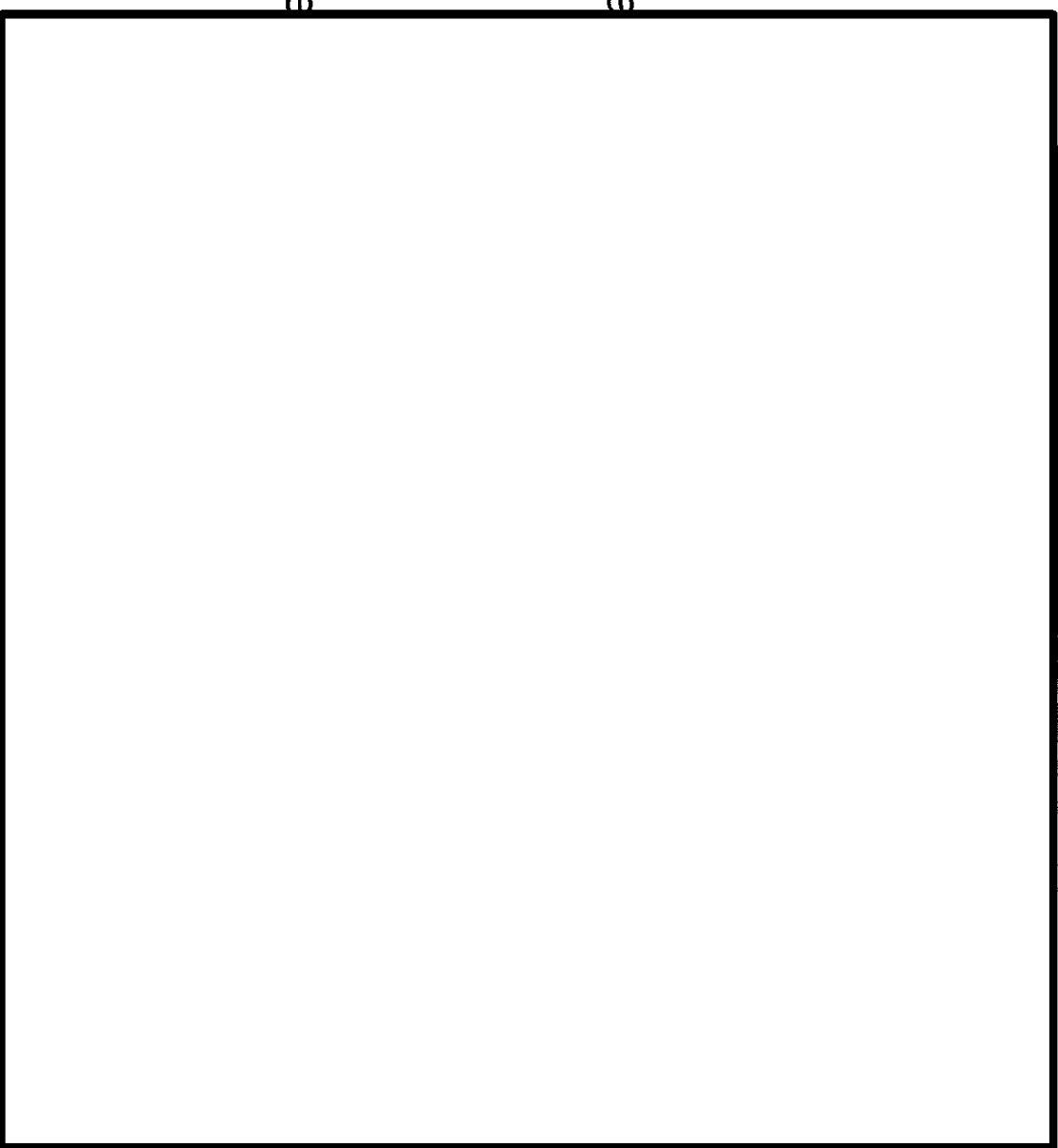
(b)(6)

This is an I-181 for an asylee who adjusted to LPR status as an AS-6.

Even though the stamp says November 1990, you can see from the written portion that we consider Julio an AS-6 as of November 29, 1989.

Asylum applicants may back-date their date of LPR to the date they were granted asylum.

This page is your justification for PA.



Form I-181 (Rev. 2-1-89) 4

1. FILE COPY

(b)(6)

I-181's can look different, but the common denominator is that in the bottom left-hand corner, they say Form I-181. From this form, you can tell that Robert Smith was granted IR-0 on January 7, 2004.

(b)(6)



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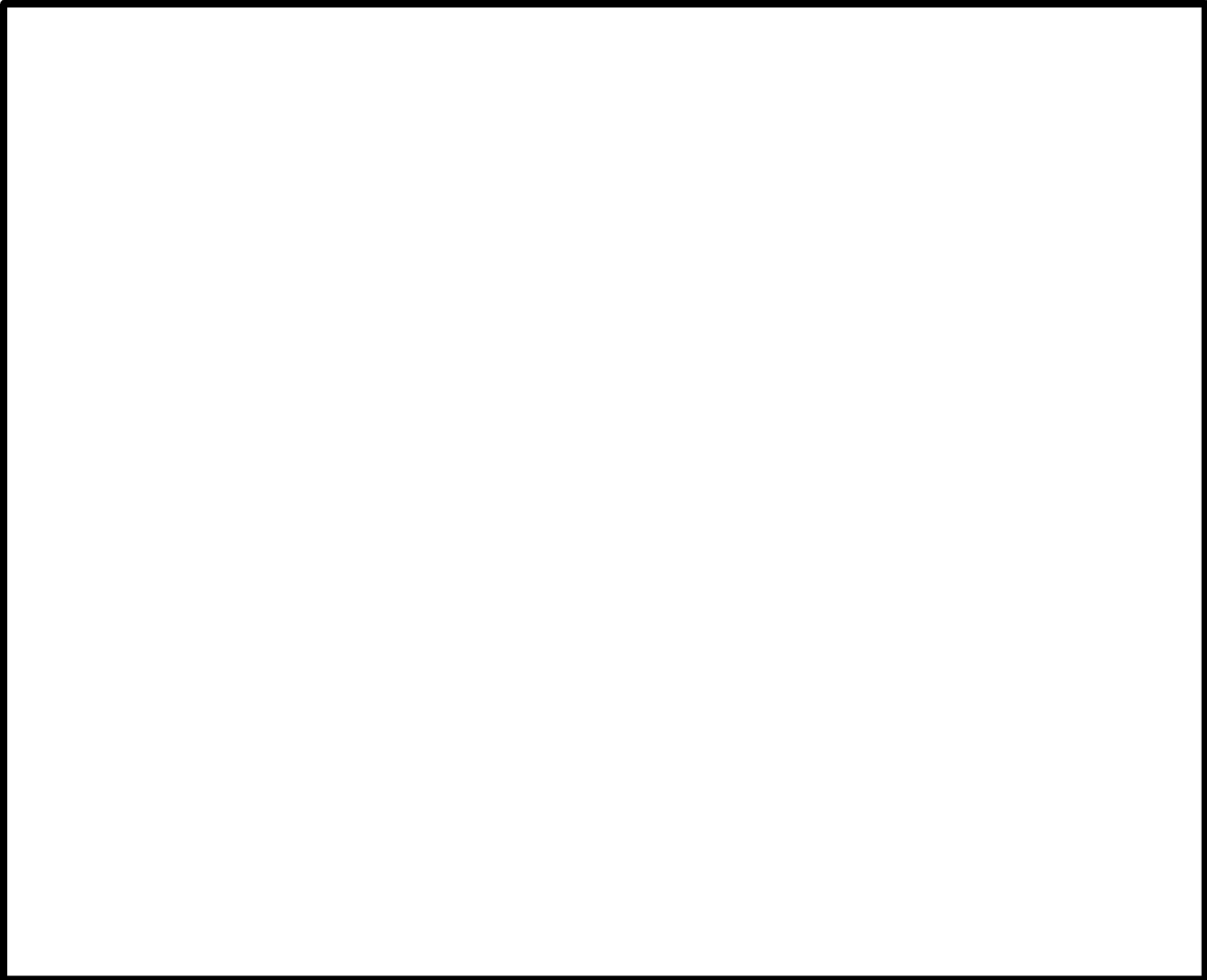
This counterfeit I-181 is a Memorandum of "Cration" of Record of Lawful Permanent Residence.

Notice the form accords Mr. Fernandez status as a Lawfu "Pemanent Redident" of the United States.

This case would not be processed as PA.

The Privacy Act does not include access provisions for Pemanent Redidents.

(b)(6)



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(b)(6)

This is [REDACTED]
golden ticket.

He was in deportation proceedings, and judge Kenneth Josephson granted him status as a lawful permanent resident alien under section 245 of the Immigration and Nationality Act.

This is proof of LPR, and you would process this case as a PA.

(b)(6)



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(b)(6)

FINAL DISP: NOT R/O

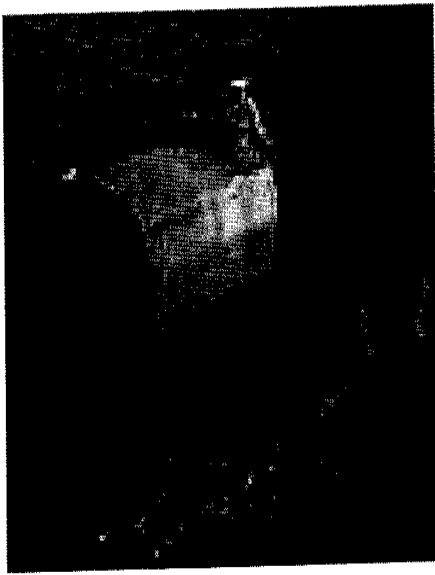
- A final disposition of no removal order makes no difference one way or another.
- Look for other things. In the previous example, you can see that the person filed for and was granted 245 relief. That means he is an LPR. Hopefully there is something in the file other than a screen print that you can use as proof of LPR, such as an IJ's order.
- If this person was in a non-immigrant status before the trial began, and there was no adjustment of status, and NOT R/O is the FINAL DISP, then the person is still in the immigrant status you determined from the file.



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Legal vs. Illegal Aliens

What's the Difference?



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The Difference:

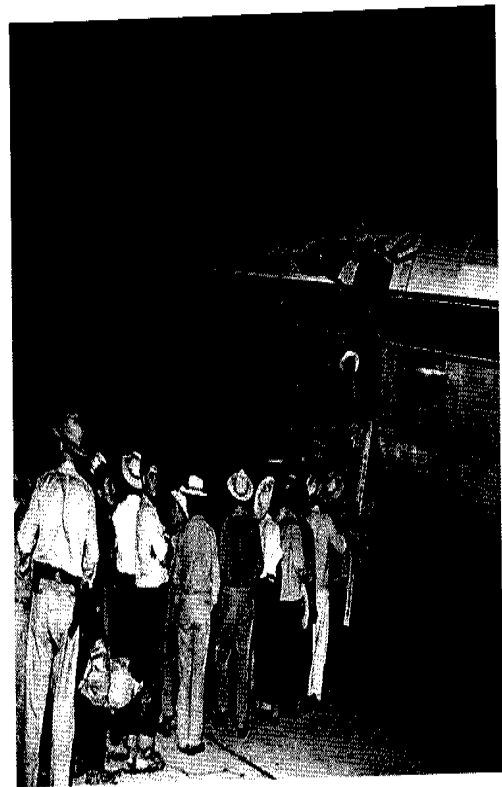
- Illegal aliens are foreign nationals who are in the U.S. without any legal status. The most common ways are by crossing a land or sea border without being inspected by an immigration officer, or by violating the terms of a legal entry document. In the CIS database, these will often be marked “EWI” or Entered Without Inspection. Often you will encounter such persons when they are filing for asylum.
- Legal aliens are entitled to enter and remain in the U.S. as long as they maintain the terms of their status. Legal aliens who have entered the U.S. with various types of non-immigrant visas can become illegal by not obeying the terms of that visa. Just because they are legal does NOT make them LPR's.



U.S. Citizenship
and Immigration
Services

How Can a Person Lose Status?

- There are many ways but these are the key things to look for within the file:
 - A Immigration Judge's Order.
 - Through Voluntary Abandonment.
 - If status has been terminated or rescinded.Some frequently encountered examples:
 - Person committed a felony and this demonstrates a lack of good moral character or demonstrates an egregious public safety risk.
 - Person gained status by marrying a citizen for immigration purposes only.
 - Person failed to attend an interview or fails to provide documents requested by the agency.



U.S. Citizenship
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Services

How to lose it:

- A naturalized citizen can lose citizenship but it is rare. He or she would have to do something extreme such as commit an act of treason, serve in another country's military or take an oath of allegiance to another country.
- Notice of Intent or Notice to Appear do not imply loss of status. A charge of inadmissibility or deportability must be decided in court before it is final. If you see "you are deportable" written on a Notice to Appear, it means the service alleges that the person is deportable.
- Voluntary Abandonment is pretty easy. Look for a Form I-407 or a statement in the file from the subject stating intent.



**U.S. Citizenship
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TRANSMISSION CENTER
RT 3 BOX 343 AMARILLO, TEXAS, OK
LOG # 1000000000, TX 79106

This is an immigration judge's order.

This person has been ordered to be removed to Mexico. He is supposed to leave the United States.

This is a FOIA, even if he was LPR before.



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(b)(6)



Termination of
Conditional

Residence Status. The
person was a CR6 but
failed twice to appear
for the interview. The
case would be
processed as a FOIA,
not PA.

(b)(6)



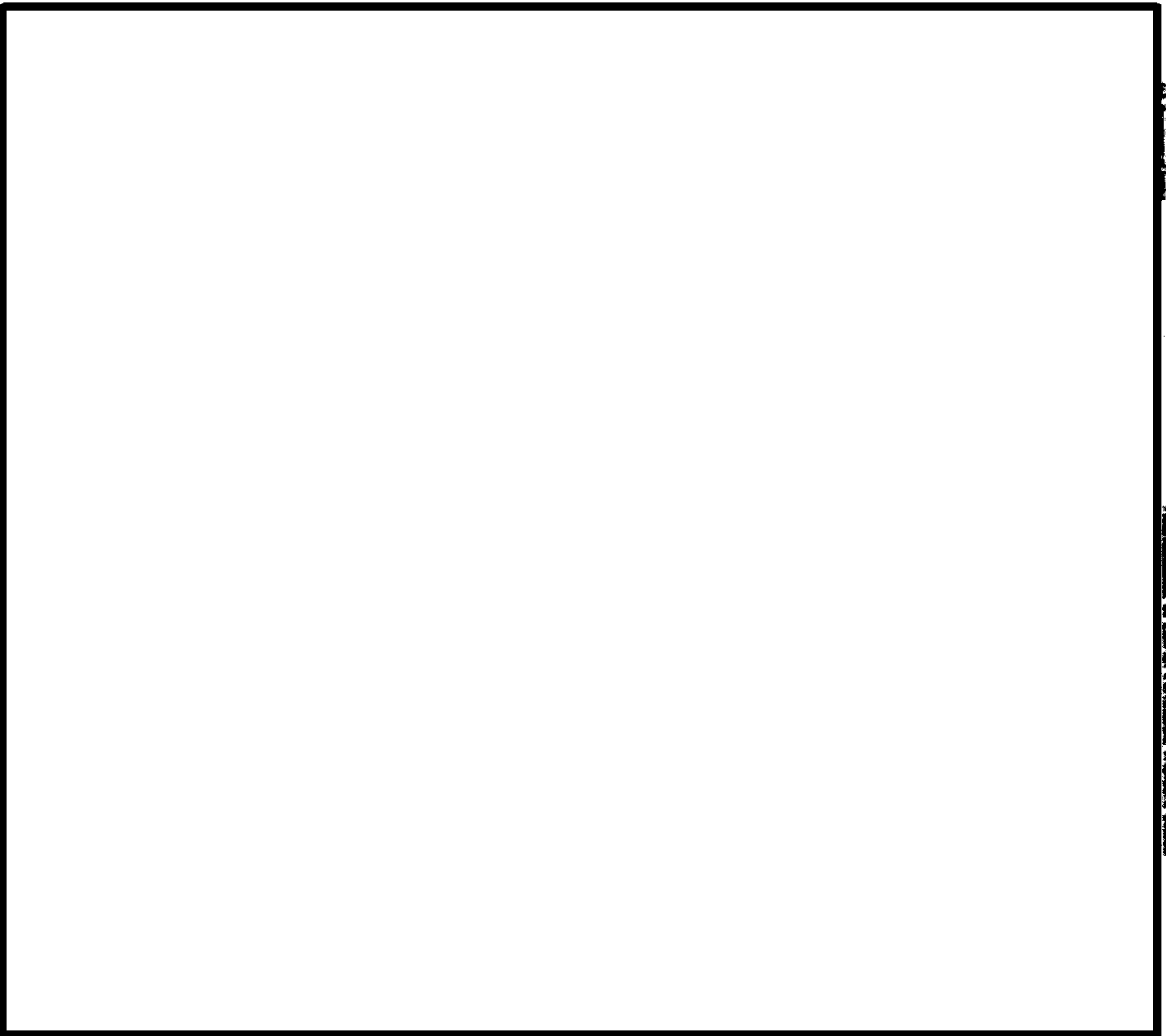
U.S. Citizenship
and Immigration
Services



U.S. Citizenship
and Immigration
Services

Form I-407,
Abandonment of
Lawful Permanent
Resident Status. If
properly executed,
this form is proof of
loss of status. The
case would be
processed as a
FOIA, not PA.

(b)(6)



U.S. Citizenship
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Services

This is a Notice of Intent to Deny.

Intent does not affect immigration status one way or the other, but it may be an indicator.

If Bob intends to shoot Joe, that doesn't mean he already shot Joe.

This page means 'keep looking.'

(b)(6)

DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WESTERN SERVICE CENTER - LEGALIZATION
P.O. BOX 30040
LAGUNA NIGUEL, CA 92657-0040

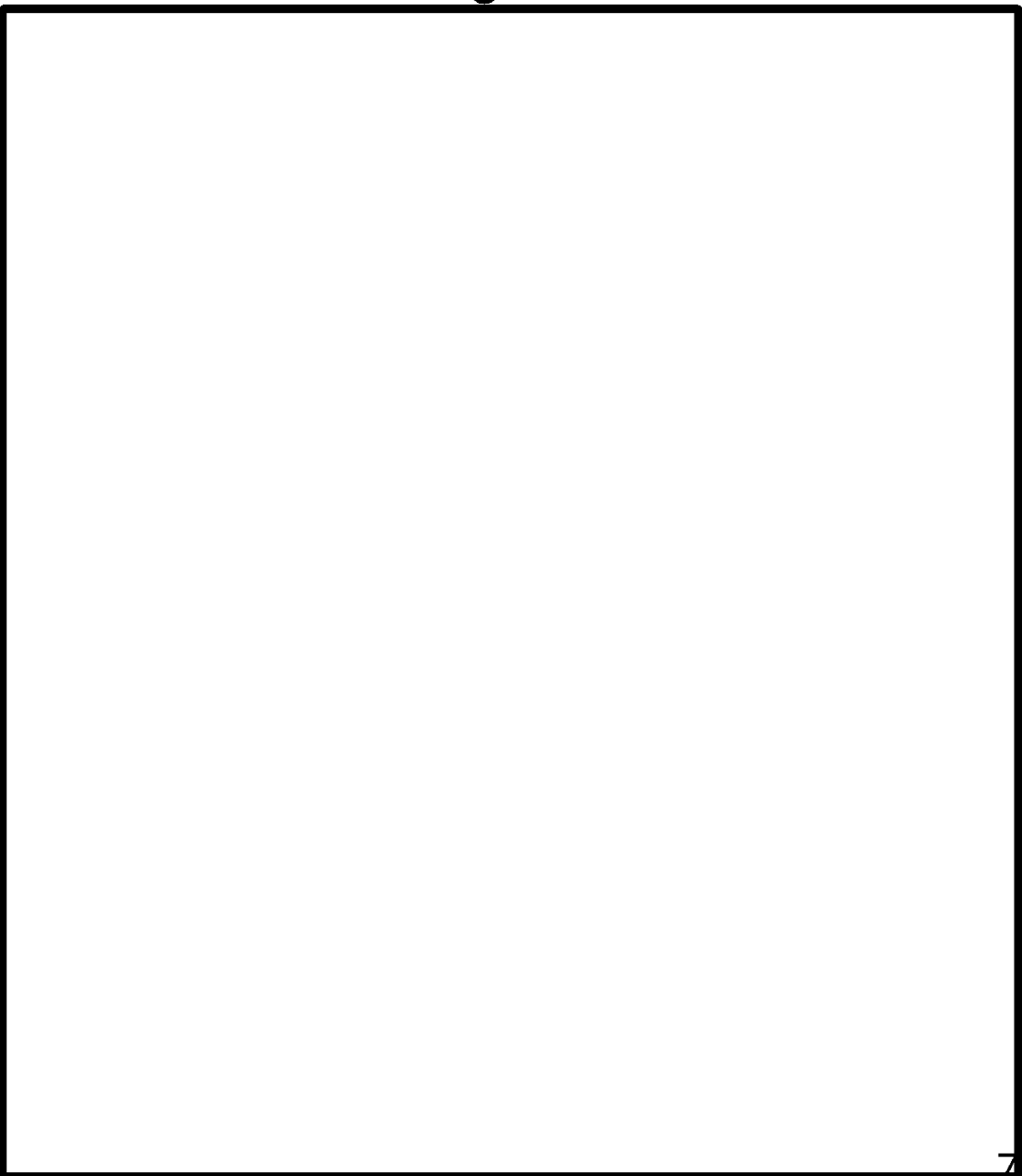


U.S. Citizenship
and Immigration
Services

When we wrote this letter, we gave Evita 30 days to write back and show us we were mistaken.

Normally, if you see a NOID, you will have to look further in the file to determine the alien's status.

This is an indicator you will might process this case as a FOIA.



**U.S. Citizenship
and Immigration
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(b)(6)

You are looking at a standard Continuation Form. The immigration agent lists what form he or she is continuing in the upper right-hand corner. This is the next page of a Notice to Appear.

A Notice to Appear (NTA) does not take away status. It could be an indicator that the person is about to lose status. Think of it as an invitation to a party, with an RSVP. For FOIA processing purposes, immigration status does not matter at the time the NTA was served.



U.S. Citizenship and Immigration Services

U.S. Department of Justice
 Immigration and Naturalization Service

Continuation Page for Form I-461

Alien's Name: <i>Alien name</i>	File Number: <i>Alien number</i>	Date:
<p>1. You are not a citizen or national of the United States.</p> <p>2. You are a native of Korea and a national of Korea.</p> <p>3. You applied for admission into the United States at the San Francisco, California International Airport on February 19, 2005 as a returning lawful permanent resident of the United States.</p> <p>4. You departed the United States in February 1999 and returned to the United States on February 19, 2005 making you physically absent from the United States for approx. six years.</p> <p>5. You did not then possess or present a valid immigrant visa, return permit, border crossing identification card, or any other valid entry document upon your application for admission into the United States.</p> <p>6. You are an immigrant not in possession of a valid unexpired immigrant visa, return permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;</p> <p>and/or</p> <p>7. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.</p>		
(a)(6)(2) (b)(7)(c)		
Signature: <i>[Signature]</i>	Title: <i>[Signature]</i>	

Page
 10-5 075 100 00407200

Form I-205, Warrant
of Removal /
Deportation

This document always
has a back side. If
the back of the I-205
is properly executed,
the person has been
removed or deported.



U.S. Citizenship
and Immigration
Services

Warrant of Removal / Deportation

File No: Alien number

Date: July 05, 2001

To any officer of the Immigration and Naturalization Service:

Alien name

who entered the United States at or near SAN YSIDRO, C.A. on or about AUGUST 20, 1990

is subject to removal / deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a district director or a district director's designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Section 212(a)(6)(A)(i)

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the Appropriation, "Salaries and Expenses" Immigration and Naturalization Service, including the expense of an attendant, if necessary.

[Signature]
District Director
San Francisco, California
July 01, 1997

Form I-205 (Rev. 4-1-97) 13

Law Enforcement Sensitive - Official Use Only

PAGE WITHHELD PURSUANT TO

(b)(6)

(b)(6)

(b)(6)

You be the detective.

DATE: FEB X 4 2005

FILE NUMBER: ~~XXXXXXXXXX~~

Here's the first page of the case.

You find out this person has consistently not cooperated with USCIS.

There are several fingerprint and photo appointments, and he has never shown up.

USCIS terminated action.

ACTION TERMINATED

PURSUANT TO OI 245.7 (b)



ANGELA K. BARROWS
DISTRICT DIRECTOR

Note: This termination is without prejudice to the case being reopened in writing by the applicant/petitioner.



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U.S. Citizenship
and Immigration
Services

(b)(6)

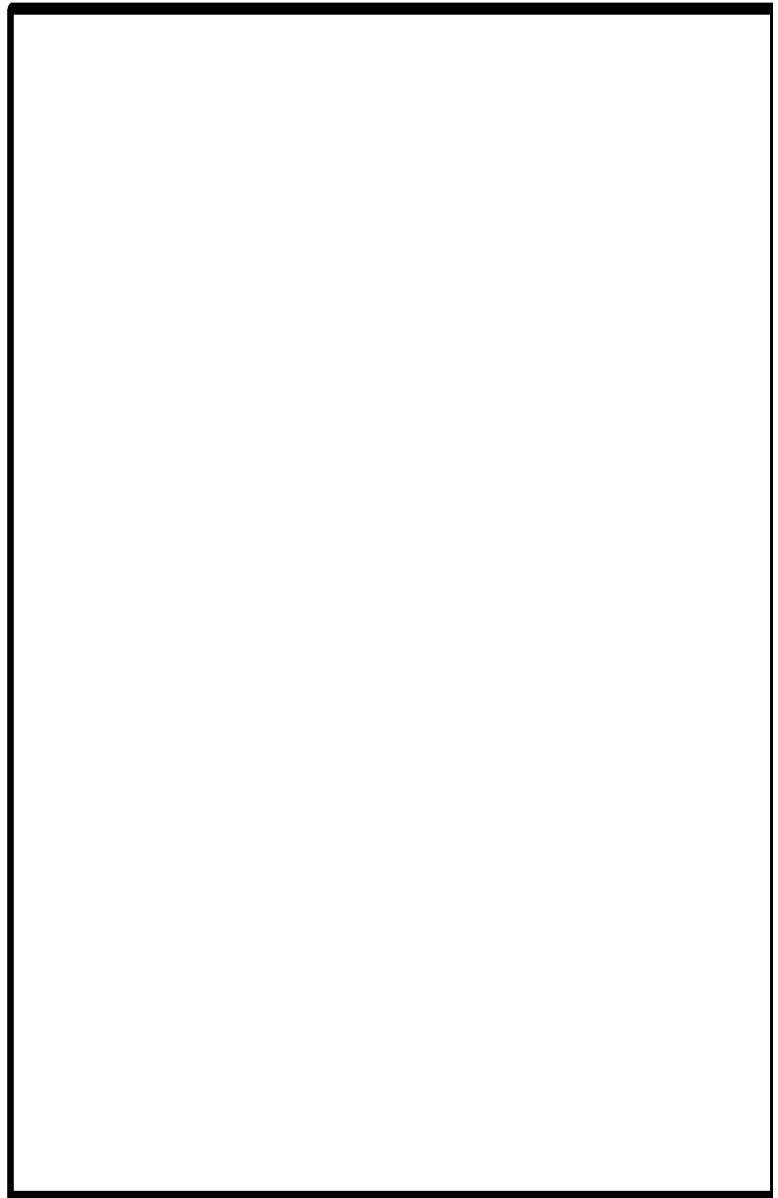
This was the straw that
broke the camel's back.

FINAL NOTICE



USCIS can only do so
much. He never co-
operated.

Next we will learn he was
convicted of alien
smuggling and failed to
show for his removal
hearing.



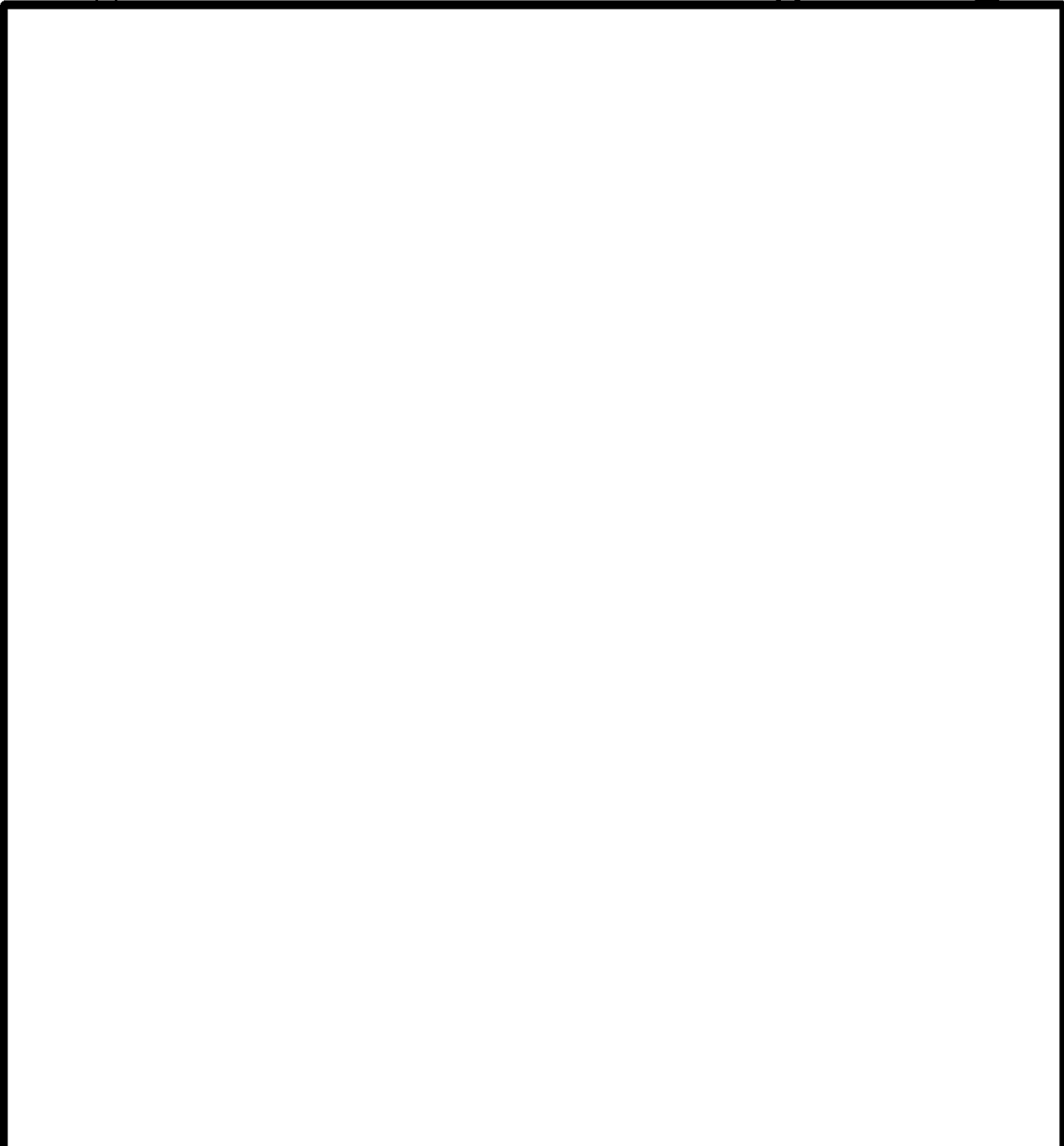
U.S. Citizenship
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Services

Place	DAI
File No.	A

Here is USCIS decidin
enough is enough.

There is something hid
on this page, though.

(b)(6)



U.S. Citizenship
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Services

The service filed this response to a writ of habeas corpus in February, 2001. He wanted to release him from detention. He was convicted of alien smuggling.

Note on this page: he was granted an immigration bond, he absconded, he failed to appear, he was ordered removed in absentia. The order is final.

Now he has a hearing for relief under Convention Against Torture.

(b)(6)



U.S. Citizenship
and Immigration
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Here we are on page 32.

You've *got* to be kidding, right?

No. The IJ granted him LPR on June 7th, 2001 under CAT.

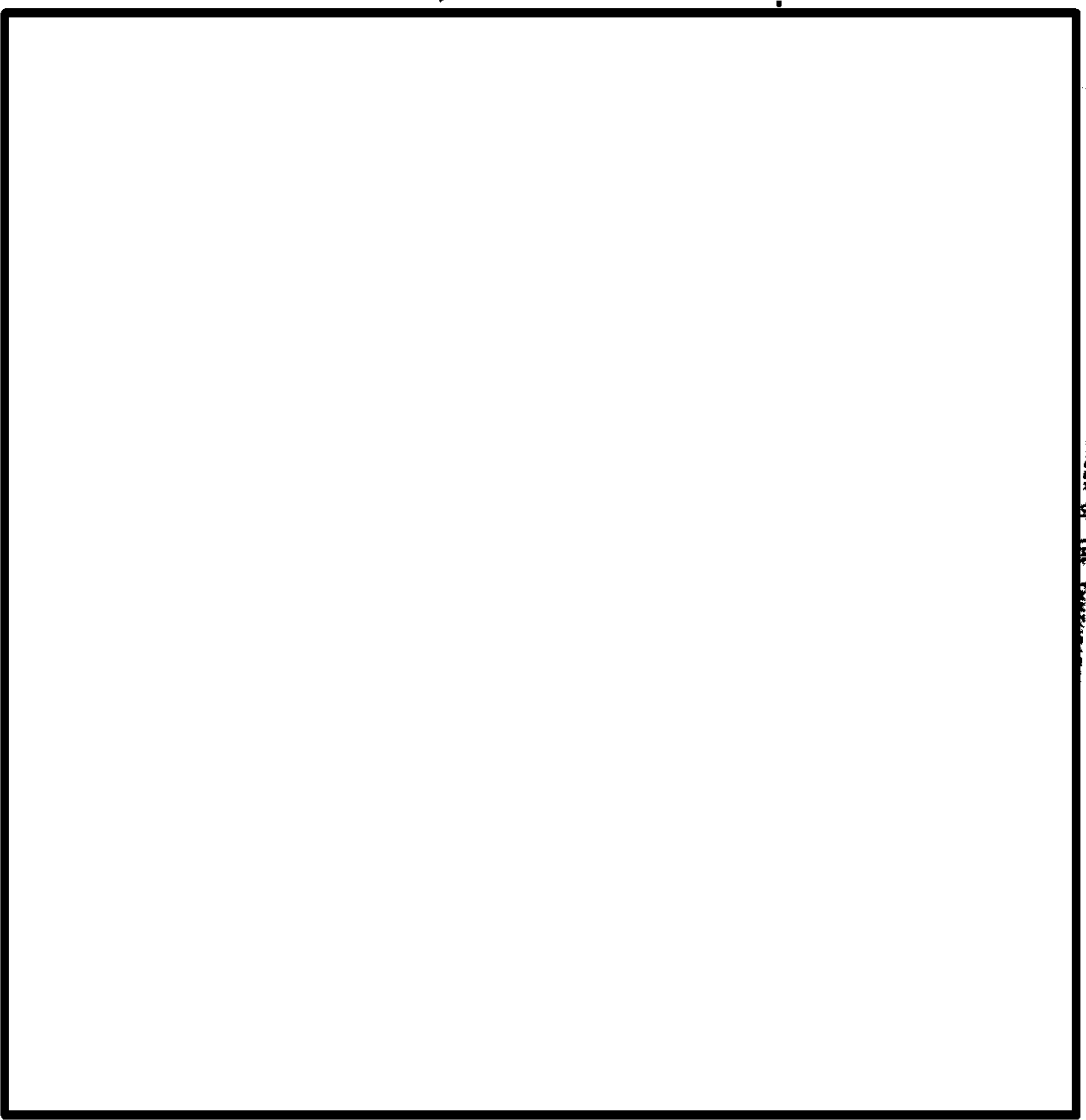
He has not co-operated once with USCIS, and we terminated action on his I-181, but this man is an LPR.

Hope you didn't



U.S. Citizenship and Immigration Services

(b)(6)



In the Matter of
Respondent

IMMIGRATION COURT
1100 CONGRESS ST., SUITE 4891
DALLAS, TX 75242

Case No. 1
IN REMOVAL PROCEEDINGS
ORDER OF THE IMMIGRATION COURT

The next slides are documents made in conjunction with an Application for Naturalization, N-400, filed by [redacted]

(b)(6)

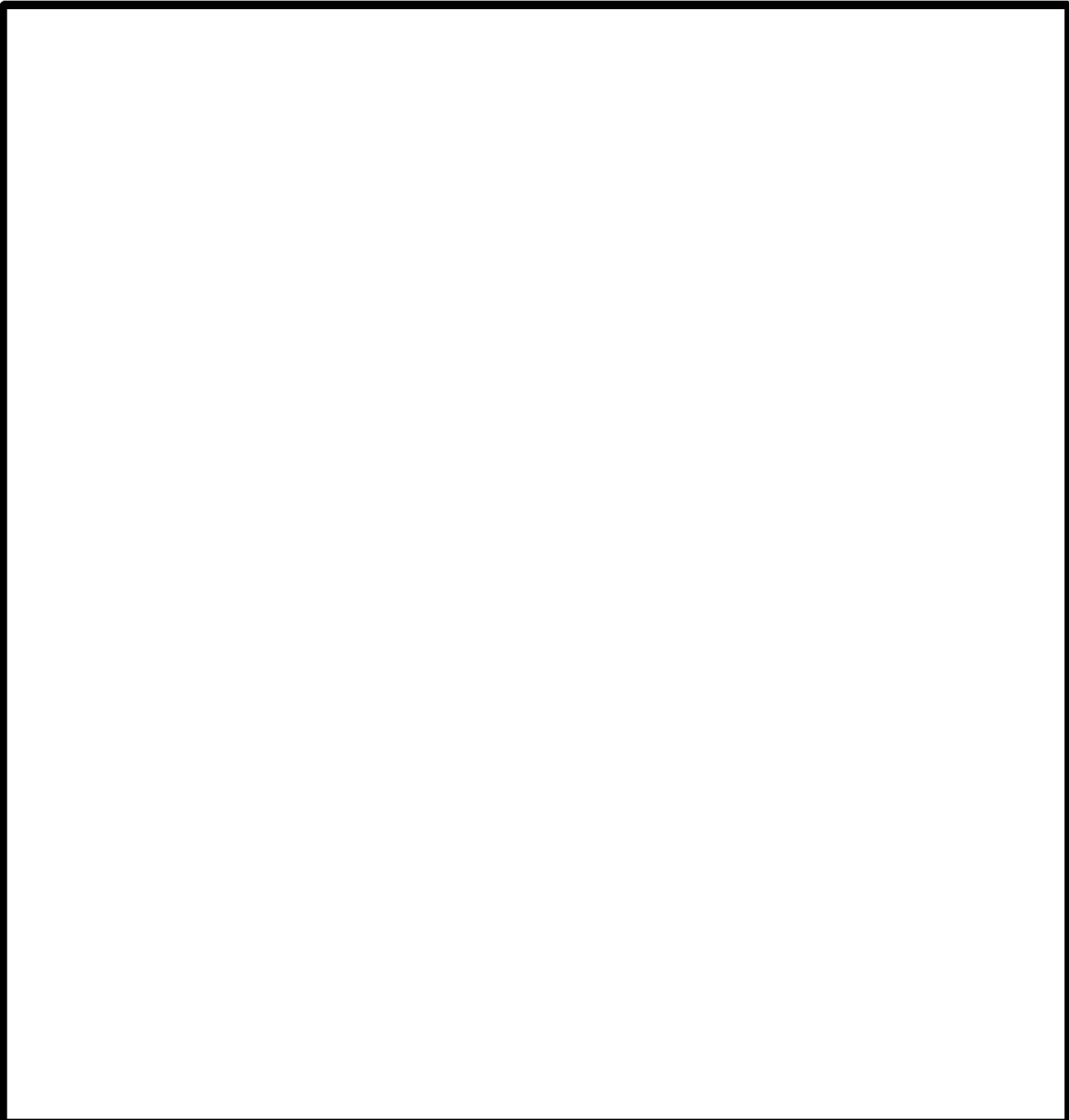


U.S. Citizenship and Immigration Services

NO BC 1/2

You are the detective.
This is a denied N-400.
Is this case a FOIA or a
PA?

(b)(6)



U.S. Citizenship
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**U.S. Citizenship
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Services**

(b)(6)

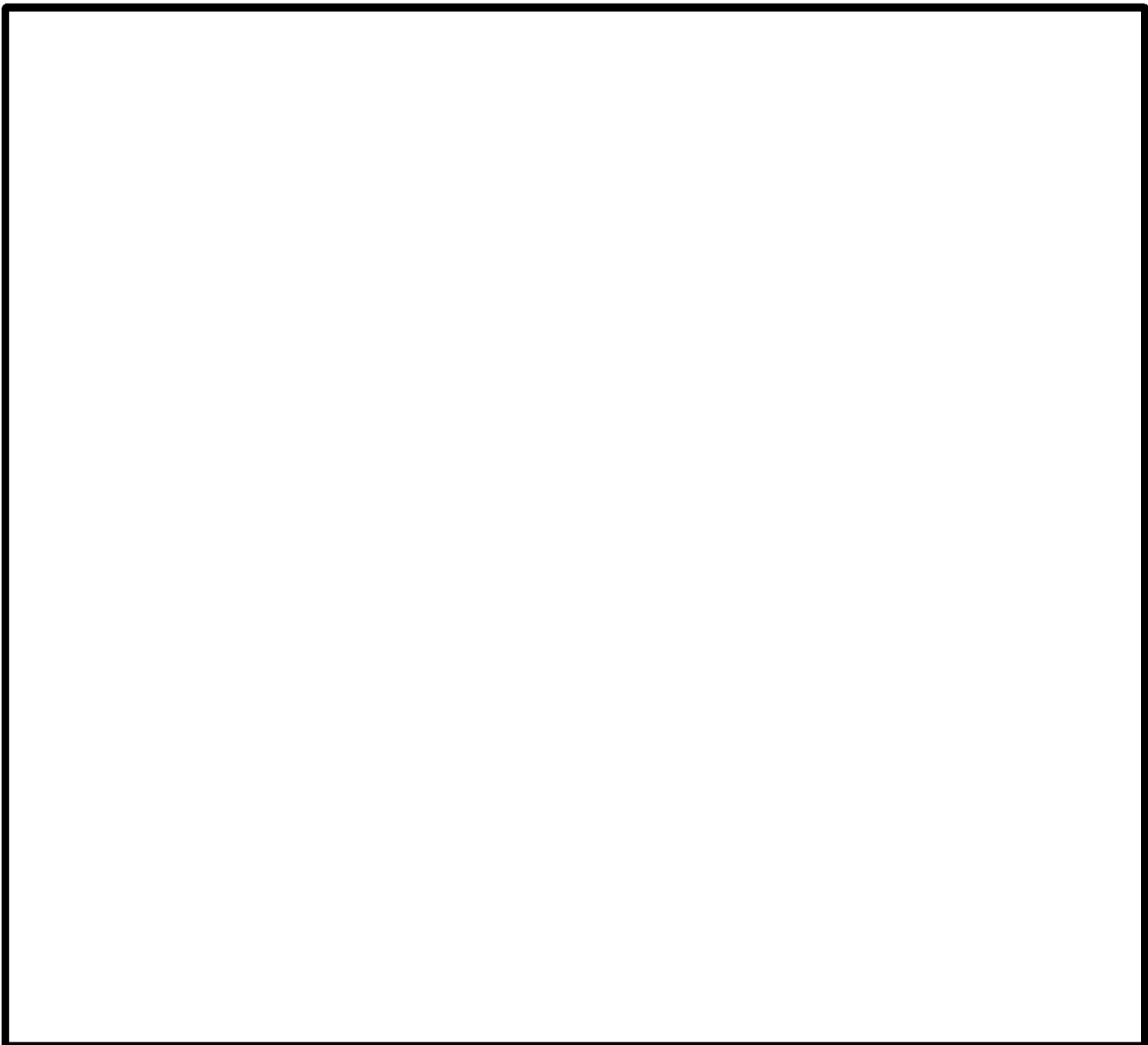
Part 3: Information About You

Write your USCIS "A" number here:
A



**U.S. Citizenship
and Immigration
Services**

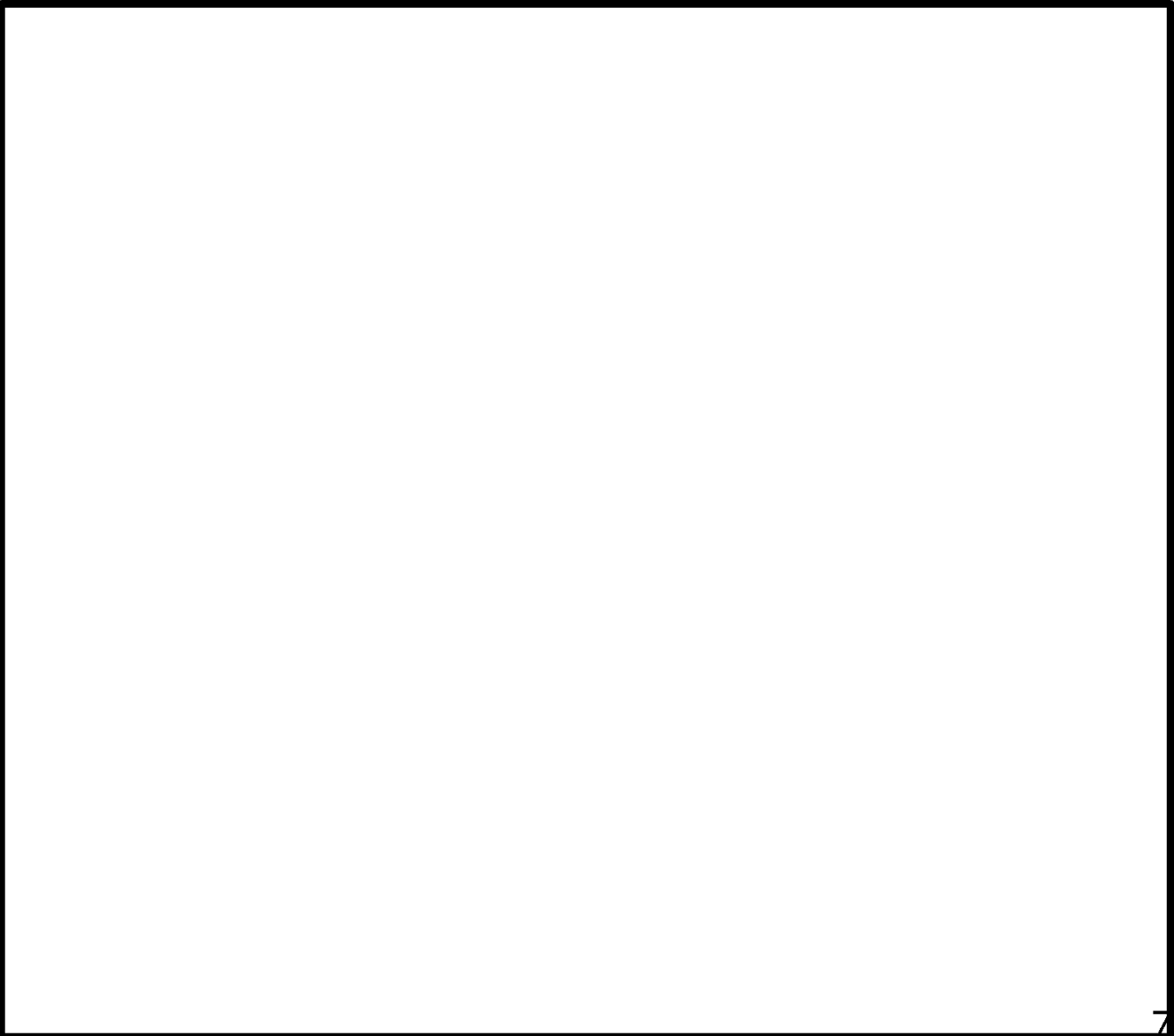
(b)(6)





**U.S. Citizenship
and Immigration
Services**

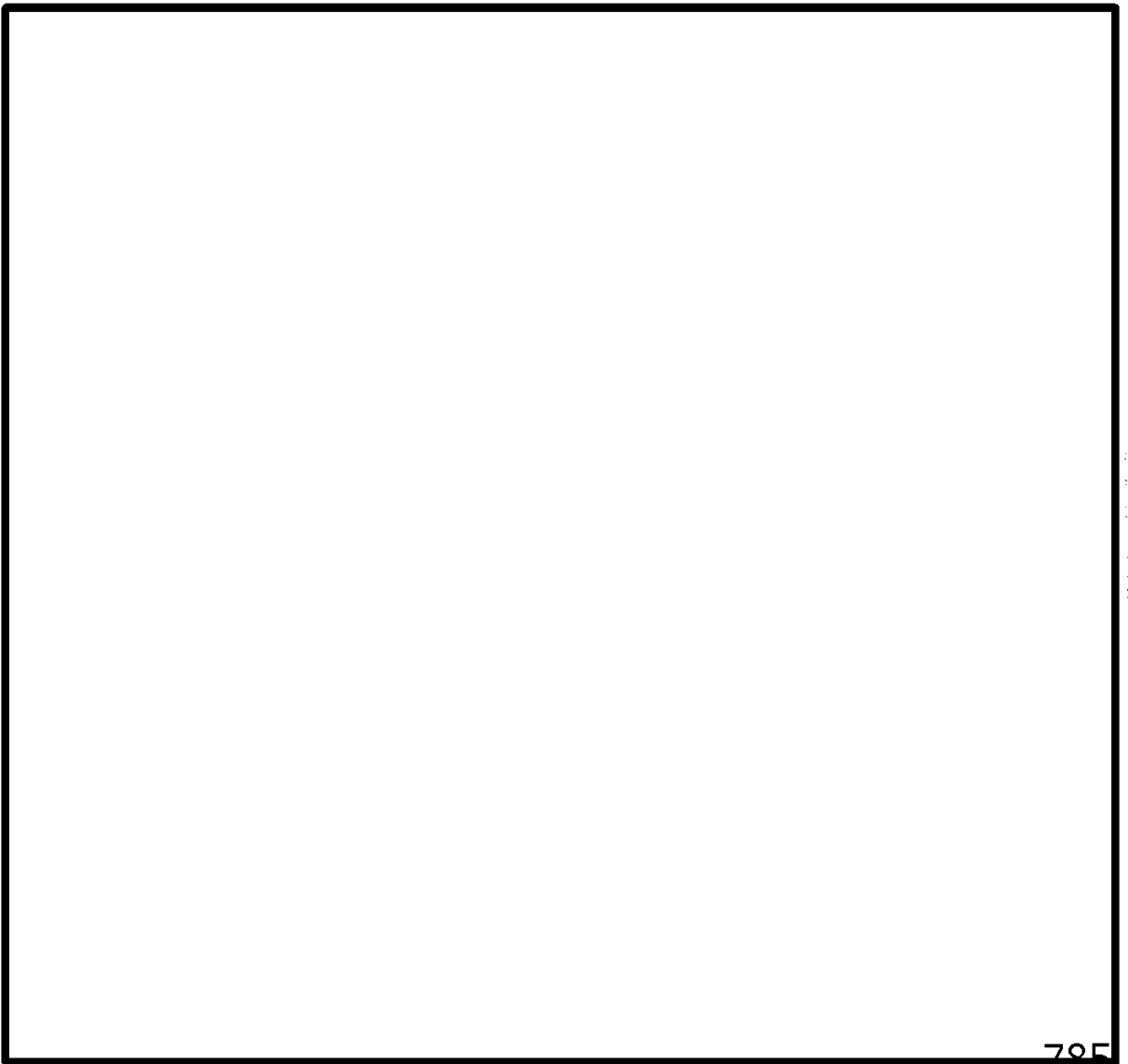
(b)(6)





**U.S. Citizenship
and Immigration
Services**

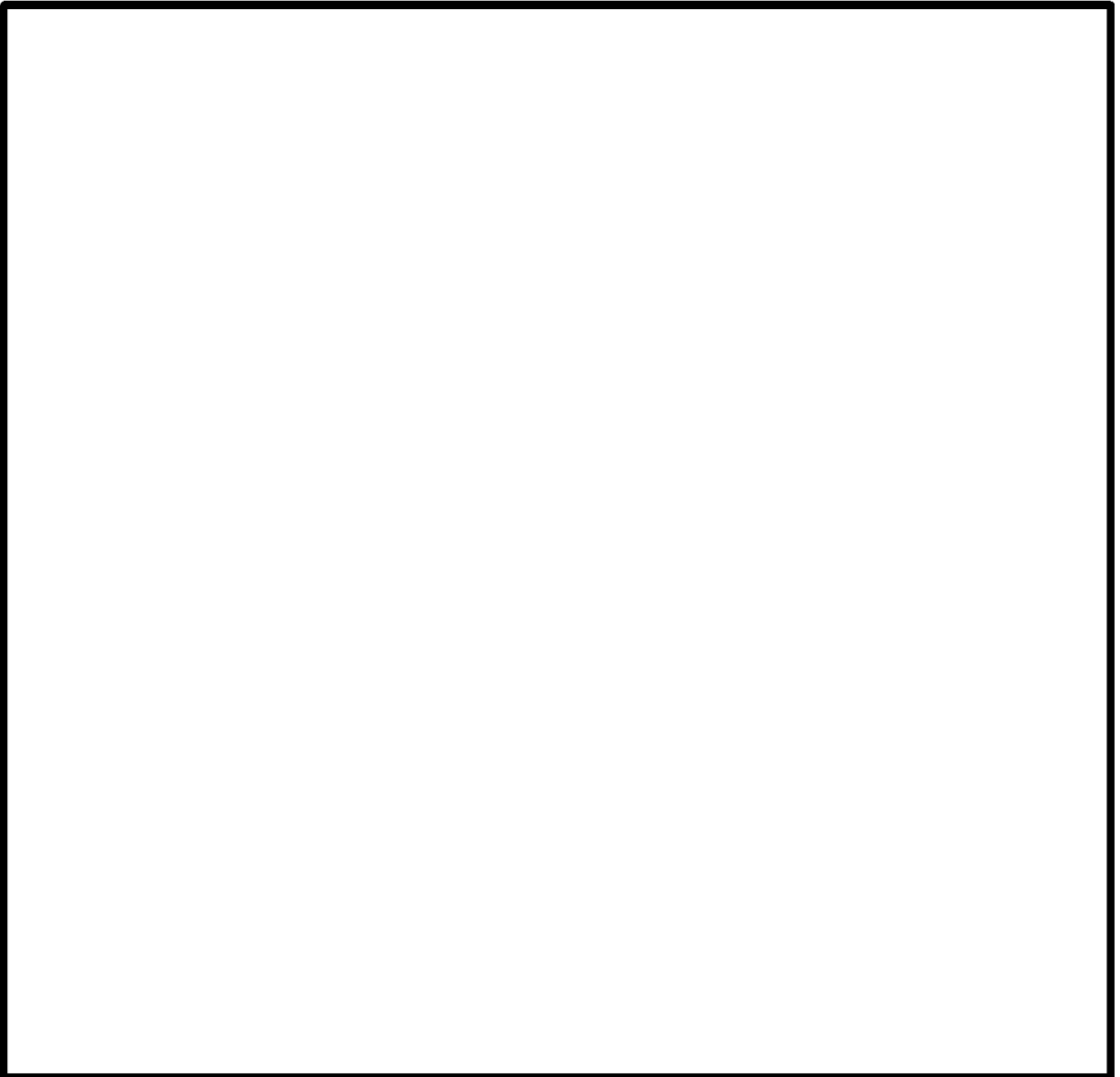
(b)(6)





**U.S. Citizenship
and Immigration
Services**

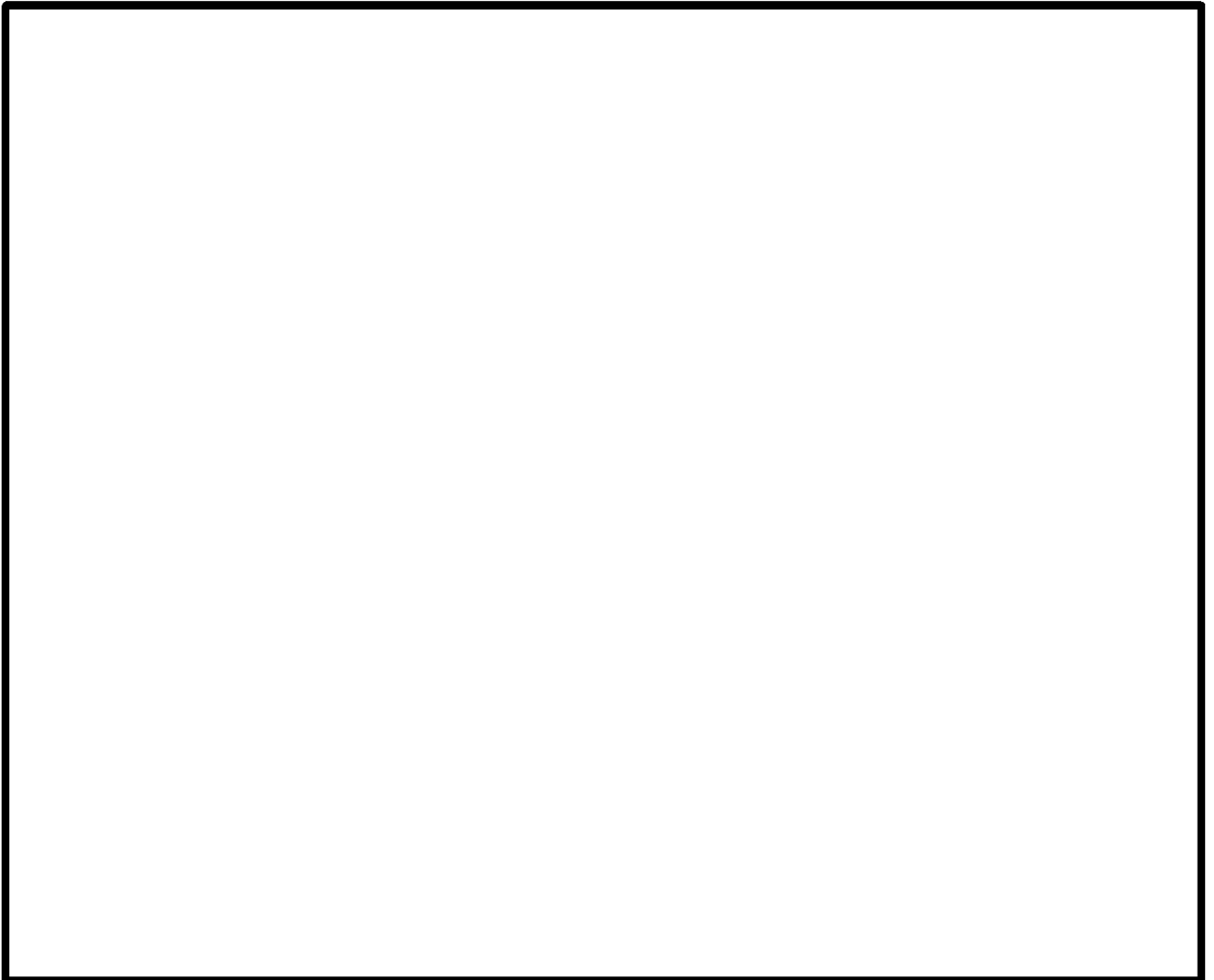
(b)(6)





**U.S. Citizenship
and Immigration
Services**

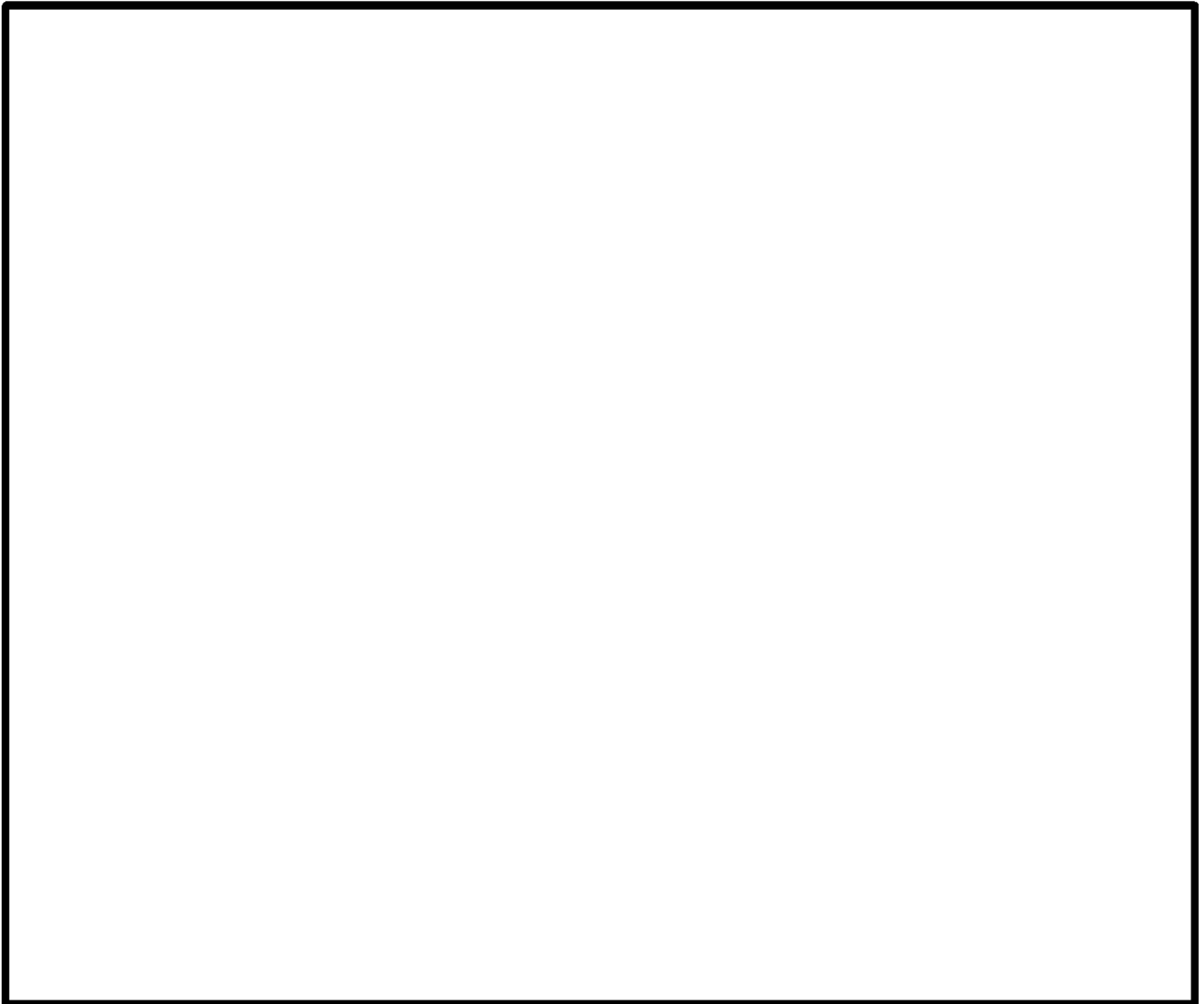
(b)(6)





**U.S. Citizenship
and Immigration
Services**

(b)(6)



(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)



U.S. Citizenship and Immigration Services



U.S. Citizenship and Immigration Services

Objective

To become familiar with various tools available online.



U.S. Citizenship
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Services

Online Processing Resources

We will discuss

- The USCIS FOIA/PA Processing Guide
- The intranet page
- The USCIS FOIA internet site, and
- The Department of Justice FOIA internet site
- The basics of Central Indexing System



U.S. Citizenship
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The USCIS FOIA Processing Guide

- PDF format
- Hyperlinked table of contents
- Bookmarks
- Search Function
- Links within the Processing Guide
- The Processing Tables
- The Appendices



U.S. Citizenship
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Services

- EXEMPTION (b)(6) AND PERSONALLY IDENTIFY
- EXEMPTION (b)(7)
- APPLICATION OF EXEMPTION (B)(7) - THE LAW ENF
 - EXEMPTION (b)(7)(A)
 - EXEMPTION (b)(7)(B)
 - EXEMPTION (b)(7)(C)
- EXEMPTION 7(C)-THE LAW ENFORCEMENT EXEMF
 - EXEMPTION (b)(7)(D)
 - EXEMPTION (b)(7)(E)
 - EXEMPTION (b)(7)(F)
 - EXEMPTION (b)(8)
 - EXEMPTION (b)(9)
- PRIVACY ACT EXEMPTIONS, 5 U.S.C. § 552a
 - EXEMPTION (d)(5)
 - EXEMPTION (j)(1)
 - EXEMPTION (j)(2)
 - EXEMPTION (k)(1)
 - EXEMPTION (k)(2)
 - EXEMPTION (k)(3)
 - EXEMPTION (k)(4)
 - EXEMPTION (k)(5)
 - EXEMPTION (k)(6)
 - EXEMPTION (k)(7)
- REVIEWING RECORDS AND APPLYING EXEMPTION
- WHAT IS REASONABLY SEGREGABLE?
- OUT OF SCOPE
- MISFILED DOCUMENTS
- TRANSLATION OF DOCUMENTS
- TOTAL DENIAL
- DUPLICATES
- REQUESTS FROM FOREIGN CONSULATES
- REFERRALS/CONSULTATIONS
- CONSULTATIONS
- REFERRALS AND CONSULTATIONS RECEIVED FRO
- DEPARTMENT OF STATE DOCUMENTS
- US VISIT DOCUMENTS

PROCESSING GUIDE

TITLE/SUBJECT	FOIA EXEMPTION	PA EXEMPTION
Refugee Access Verification Unit Affidavit of Relationship Checklist	Withhold in full (b)(5)	(b)(5) and (b)(5)
Social Security Numbers	(b)(6)	NA
User ID's on screen prints (CIS, CLAIMS, RNACS-non law enforcement)	(b)(2) and (b)(6)	
User ID's on screen prints (Law enforcement computer systems - IBIS, DACS)	(b)(2) and (b)(7)(C)	(b)(2) and (b)(7)(C)

Search PDF Hide

Finished searching for:
RAVU

Total instances found:
2

New Search

Results:

- RAVU Affidavit of Relationship Chec
- RAVU Refugee Access Verification U

Done

Save and View this PDF in Reader

Find a word in the current PDF document

USCIS FOIA Intranet Page

- [Quick Links](#)
- [Statutes](#)
- [Guides and Handbooks](#)
- [Helpful Information](#)



U.S. Citizenship
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U.S. Citizenship
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U.S. Citizenship and
Immigration Services
Records Division

National Records Center

- NRC Organization
- Visitor Information
- Photo Gallery
- Quick Reference Guide
- Customer Guide
- Contact Information
- Harrisburg

Quick Links

- ROIH
- Digitization Customer Guide
- Subject Filing System
- Records Contacts
- RDF FAQs
- SO/DA FAQs
- Genealogy
- NRC

National Threat Advisory

Significant Risk Or
Terrorist Attacks

FOIA Operations Division

Welcome to the USCIS Freedom of Information Act (FOIA) Operations Division webpage. The purpose of this page is to provide you, the USCIS employee, information and insight into USCIS FOIA, so that you will be better able to provide the information to your customers. If you are a FOIA/PA Assistant or FOIA Paralegal, this page is a central information reference to use in performing your duties.

NOTE: All information contained herein is for **official use only** and should not be disclosed to or used by anyone not acting in an official capacity on behalf of USCIS **unless otherwise noted**. Handbooks and guides linked to this page are for internal use. Instructions on processing requests, training, and legal interpretations contained within them should generally NOT be disclosed to the public.

The missions of the FOIA Operations Division are:

- Process all USCIS requests for records (including all Alien-Files) and information requested under the disclosure provisions of the Freedom of Information Act and the Privacy Act.
- Respond to public inquiries received via the FOIA Requester Service Call Center and FOIA e-mail. (USCIS FOIA@DHS.GOV)

To contact the USCIS FOIA Operations Division, you may call Jill Eggleston, ACD for FOIA Operations, at (816) 350-5521, jill.eggleston@dhs.gov or Tracy Bellisime at (816) 350-5578, tracy.bellisime@dhs.gov

Text size

Statures

- The FOIA Statute
- The Privacy Act Statute
- 8 CFR
- 8 CFR
- DHS FOIA & Privacy Act Regulation

Guides and Handbooks

- USCIS FOIA Processing Guide
- NRC Case Create Guide
- NRC Call Center Guide
- FIPS User Manual
- DOU FOIA Guide (2009 ed)
- DOU Privacy Act Overview
- ICE Processing Guide

Helpful Information

- G-634, FOIA Request Form
- DHS Privacy Policy
- Displedged Attorneys List
- Electronic Reading Room
- FCO List
- FOIA Information Bulletins
- FOIA Contacts at Federal Agencies
- Government Information Locator Service
- NO CD Summary
- Online FOIA Status Check
- Staffing Sheet Guide
- System Notices
- USCIS FOIA Annual Report
- USCIS Privacy Policy

The USCIS FOIA website

- Links to everything the public can see
- A good source of information



U.S. Citizenship
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The USDOJ FOIA website

- Department of Justice is the lead agency for Freedom of Information Act implementation.
- FOIA and PA Overviews in PDF format
- List of FOIA contacts at all government agencies
- FOIA Post



U.S. Citizenship
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File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites Mail News RSS Feeds Links CIS Home Google Ops Page Time

Address http://www.justice.gov/olp/



Freedom of Information Act (FOIA)

Like all federal agencies, the Department of Justice (DOJ) generally is required under the Freedom of Information Act (FOIA) to disclose records requested in writing by any person. However, agencies may withhold information pursuant to nine exemptions and three exclusions contained in the statute. The FOIA applies only to federal agencies and does not create a right of access to records held by Congress, the courts, or by state or local government agencies. Each state has its own public access laws that should be consulted for access to state and local records.

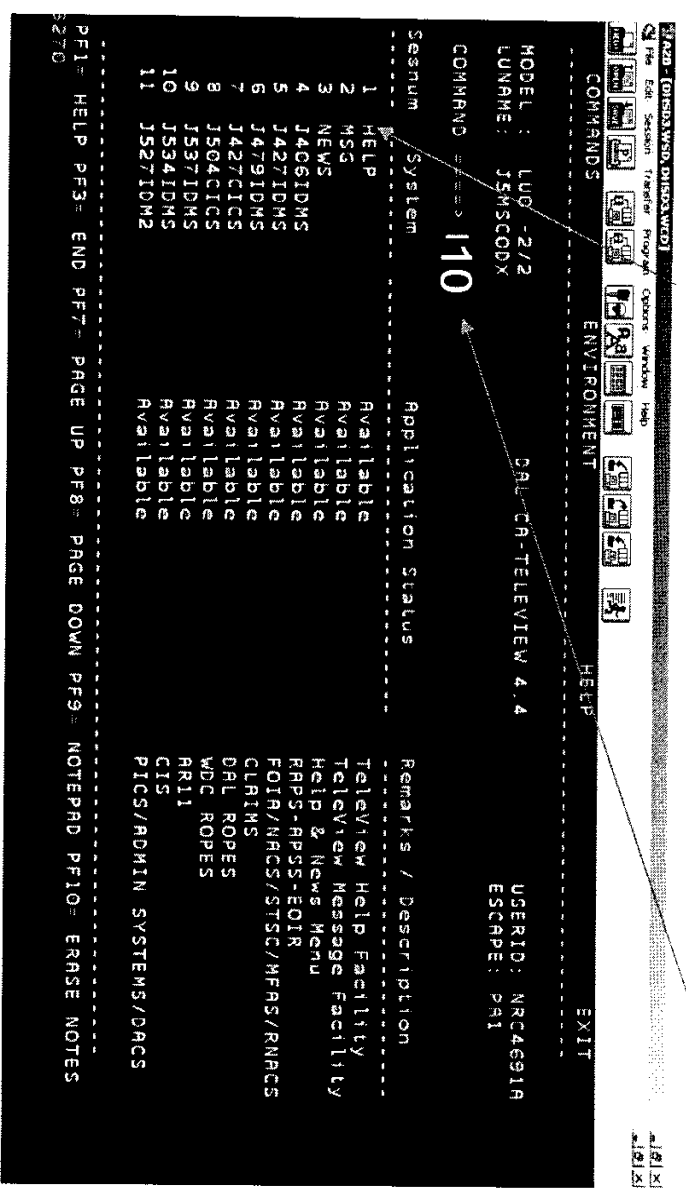
Each federal agency is responsible for meeting its FOIA responsibilities for its own records. A list of [Principal FOIA Contacts At Federal Agencies](#) is available from this site. Likewise, each Department of Justice component is responsible for processing FOIA requests for the records that it maintains. Consult the [DOJ FOIA Reference Guide](#) and the [List of Individual DOJ Components and FOIA Contacts](#) if you plan to make a FOIA request to the Department of Justice. Before making a FOIA request, you should first browse [About DOJ](#), [Press Room](#), [Publications & Documents](#), and [Reading Rooms](#), which contain information already available to the public.

2010 Chief FOIA Officer Report for the Department of Justice

- FOIA FREEDOM OF INFORMATION ACT
- GENERAL INFORMATION
- MAKING A FOIA REQUEST
- READING ROOMS
- REFERENCE GUIDE
- DEPARTMENT COMPONENTS
- DOJ COMPONENTS' FOIA SERVICE CENTERS/LIAISONS
- PRINCIPAL FOIA CONTACTS AT FEDERAL AGENCIES
- FOIA PUBLIC LIAISONS AT FEDERAL AGENCIES
- OTHER FEDERAL AGENCIES' FOIA WEB SITES
- ANNUAL FOIA REPORTS
- CHIEF FOIA OFFICER REPORTS
- FOIA POST
- FOIA REFERENCE MATERIALS
- AGENCY CHIEF FOIA OFFICERS
- AGENCY FOIA IMPROVEMENT PLANS UNDER EO 13392
- OIP HOME
- DOJ HOME

Central Index System (CIS) CA-Televiiew Screen

This shows the systems you have access to
Enter the system number that you have access to at the command line, press Enter.



Use PF8 To Page Up & PF9 To Page Down



U.S. Citizenship
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Services

COMMANND: JUMP

**Where in CIS do you find what
commands you can use?**

JUMP MENU



**U.S. Citizenship
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JUMP MENU

- **91 Search Menu**
- **92 Display Menu**
- **93 Add Menu**
- **94 Maintenance Menu**
- **95 Transfer Menu**



U.S. Citizenship
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JUMP MENU

CI JUMP DEPARTMENT OF HOMELAND SECURITY - USCIS 02/17/09
 COMMAND: JUMP CENTRAL INDEX SYSTEM - JUMP MENU 08:38:15

JUMP CODE	DESCRIPTION	JUMP CODE	DESCRIPTION	JUMP CODE	DESCRIPTION
91	SEA (SEARCH MENU)	9223	CRDH CARD HISTORY	9322	DA DENY CREW LAND
9101	ID ID-NUMBER	9224	DRHL RLSE HIST LIST	9323	ST STOWAWAYS
9102	SL SOUND-LIKE NAME	9225	DRAL RLSE AGENCY LIS	9324	CD CREW DESERTS
9103	EX EXACT NAME			9331	BCC BORDER CROSSING
9104	AKA ALIAS NAME	93	ADD (ADD MENU)	9332	CMBR BCC DENAIL
9105	LAPS LAPS EXACT NAME	9301	NF NEW FILE ADD	9341	AN APPREHENSION
9106	SDOB SOUNDEX W/DOB	9302	VERF VERIFY FILE	9342	CINS CRIMINAL IMM
9115	ARR A# RPT REQUEST	9303	AAKA ADD ALIAS	9344	DE FAIL TO DEPART
		9311	NS NATZ STUB	9345	PR PROSECUTION
92	DIS (DISPLAY MENU)	9312	DR DERIV CITIZEN		
9201	PER PERSONAL DATA	9313	CH ENTRY CHILD		
9202	DAKA DISPLAY ALIAS	9314	XP EXPATRIATION		
9212	EARM DATA FROM EARM	9315	RP REPATRIATION		
9213	EADS DATA FROM EADS	9316	COA STATUS CHANGE		
9221	HIST STATUS/HISTORY	9317	REVN REVOKE NATZ		
9222	CARD CARD DATA	9321	CU CREWMAN LANDING		

CLEAR EXIT PF1 PAGE AHEAD PF5 HELP PF6 MAIN MENU
 SELECT JUMP CODE (EITHER NUMERIC OR CHARACTER CODE) AND PRESS ENTER.



U.S. Citizenship
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JUMP MENU (CONTINUED)

02/17/09
 09:06:49
 CI MJUMP DEPARTMENT OF HOMELAND SECURITY - USCIS
 COMMAND: CENTRAL INDEX SYSTEM - JUMP MENU

JUMP CODE	DESCRIPTION	JUMP CODE	DESCRIPTION	JUMP CODE	DESCRIPTION
94	MM (MAINT MENU)	95	FTS (TRANSFER MENU)	9999	NEWS CIS NEWS
9402	XCON CONSOLIDATION	9501	FTR REQUEST		
9403	SFCO SUB FILE CREATE	9502	FTI INDICATION		
9411	MPER PERSONAL DATA	9503	FTC CONFIRMATION		
9412	MAKA CHANGE ALIAS	9504	FTD DISPLAY		
9413	MHIS STATUS/HISTORY	9505	FTM MAINTENANCE		
9414	DNZN DELETE NATZ NO.	9506	FTP PRIVILEGED		
9421	DEL DELETE PERSON	9507	BIN TO/FROM FRC		
9425	ARM A# RPT MAINT	9508	FTF FORWARD		
9426	CRHM CARD HISTORY				



U.S. Citizenship
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 Services

A NUMBERS TO SEARCH

(b)(6)



U.S. Citizenship
and Immigration
Services



CIMIDN IMMIGRATION AND NATURALIZATION SERVICE
COMMAND: 9101 CENTRAL INDEX SYSTEM - ID # SEARCH/DISPLAY
10/18/05 10:02:55

ID # (A/AA/AB/C/DA): A#: DOB:
(DL/FB/FP/I/PP/SS/TD)

LAST:
FIRST: MATZ DATE:
MIDDLE: COURT:
ALIASES: LOCATION:

SEX: POE: COB: DOE:
FCO: COA: COC: FATHER:
PFCO: SFCO: DFO: MOTHER:

CONSOLIDATED A-NOS -- OTHER INFORMATION --

SSN:
I-94 ADM #:
PASSPORT #:
FBI #:
DRIVER LIC:
FINGER CD#:

OVER-KEY ID# TO DISPLAY NEW PERSON, PRESS ENTER. CLEAR EXIT PF1 NEXT CONS A#
PF2 PRIOR CONS A# PF3 REFRESH PF4 RETURN PF5 HELP PF6 MAIN MENU PF8 HISTORY
PF9 END PF11 EDIR
3270

(b)(6)

9102 "SOUNDS LIKE"

CI MSND DEPARTMENT OF HOMELAND SECURITY - USCIS 02/17/09
COMMAND: CENTRAL INDEX SYSTEM - "SOUNDS LIKE" SEARCH 09:42:44

* LAST NAME: (40-CHARS MAX)
FIRST NAME: (25-CHARS MAX)

LAST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
FIRST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
PREVIOUS NAME: (Y/N)

EXACT DOB: (MMDDYYYY)
DOB RANGE: (DATE RANGE = YYYYR; YYYY=YEAR, R=0-9)

COB: (5-CHARACTER COUNTRY CODE)
COC: (5-CHARACTER COUNTRY CODE)
POE: (3-CHARACTER PORT OF ENTRY CODE)
DOE: (MMDDYYYY)
COA: (3-CHARACTER CLASS OF ADMISSION CODE)
FCO: (3-CHARACTER FILES CONTROL OFFICE CODE)
SEX: (M/F)

* LAST NAME IS REQUIRED FIELD. OTHER FIELDS ARE OPTIONAL.
SPECIFY SEARCH CRITERIA, PRESS ENTER TO INITIATE "SOUND LIKE" SEARCH
CLEAR EXIT PF3 REFRESH PF4 MENU PF5 HELP PF6 MAIN MENU



and Immigration
Services

SOUNDEX

- SOUNDEX is a system for coding names by the constants in the word
- Advantages are:
 - It groups similar sounding names
 - It allows for variants in spelling
 - Once you are familiar with the code, inputting search terms is much faster



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SOUNDINDEX CODE

- **Six groups of consonants, each with a letter code**

Letters	Number
B, F, P, V	1
C, G, J, K, Q, S, X, Z	2
D, T	3
L	4
M, N	5
R	6



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CODING RULES

- First letter of surname is the initial letter and is not coded
- Code all consonants except w, h, y
- Don't code vowels
- All codes have one letter and three numbers
- Double consonants are treated as one letter
- If there are not enough consonants to have three digits, fill in with zeros



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SAMPLE SOUNDEX CODES

- Ashworth A263
- Azzeyredin A263
- Clark C462
- Lager L260
- Palindah P453

Letters	Number
B, F, P, V	1
C, G, J, K, Q, S, X, Z	2
D, T	3
L	4
M, N	5
R	6



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CIMMEN
COMMAND:
IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - MAIN MENU

10/18/05
09:56:36

- (91) SEARCH THE DATA BASE
- (92) DISPLAY DATA
- (93) ADD TRANSACTIONS
- (94) RECORD MAINTENANCE
- (95) A-FILE TRANSFER SUBSYSTEM

91 -- SELECT TRANSACTION NUMBER. THEN PRESS ENTER KEY.

CLEAR EXIT PFS HELP

0270



CINSEB IMMIGRATION AND NATURALIZATION SERVICE
COMMAND: CENTRAL INDEX SYSTEM - SEARCH MENU
10/18/05
10:02:06

R#: 000000000 NAME: DOB: 000000000

- (01) ID #: (A/RA/RB/C/DA/DL/FB/FP/I/PP/SS/TD) OTHER MENU SELECTIONS
- (02) SOUNDS-LIKE NAME (92) DATA DISPLAY MENU
- (03) EXACT NAME (93) ADD TRANSACTIONS MENU
- (04) AKA (ALIAS) NAME (94) RECORD MAINTENANCE MENU
- (05) LAPS EXACT NAME (95) FILE TRANSFER SUBSYSTEM MENU
- (06) SOUNDS-LIKE NAME WITH DOB
- (11) MANUAL SEARCH REQUEST (MR)
- (12) MANUAL SEARCH RESPONSE (SR)
- (15) ON-LINE A-NUMBER REPORT REQUEST

F1 SELECT TRANSACTION NUMBER. PRESS ENTER. FOR ID # SEARCH, KEY THE PREFIX AND THE ID # (EG. A123456789).

CLEAR EXIT PFS HELP PFG CIS MAIN MENU

3270



CINSND
COMMAND: 910Z

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - "SOUNDS LIKE" SEARCH

10/18/05
10:09:04

* LAST NAME:
FIRST NAME:

(40-CHARS MAX)
(25-CHARS MAX)

LAST NAME MATCH:
FIRST NAME MATCH:
PREVIEW NAME:

(NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
(NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
(Y/N)

EXACT DOB:
DOB RANGE:

(MMDDYYYY)
(DATE RANGE = YYYYR: YYYY=YEAR, R=0-9)

- COB: (5-CHARACTER COUNTRY CODE)
- COC: (5-CHARACTER COUNTRY CODE)
- POE: (3-CHARACTER PORT OF ENTRY CODE)
- DOE: (MMDDYYYY)
- COR: (3-CHARACTER CLASS OF ADMISSION CODE)
- FCO: (3-CHARACTER FILES CONTROL OFFICE CODE)
- SEX: (M/F)

* LAST NAME IS REQUIRED FIELD. OTHER FIELDS ARE OPTIONAL.
SPECIFY SEARCH CRITERIA. PRESS ENTER TO INITIATE "SOUND LIKE" SEARCH
CLEAR EXIT PF3 REFRESH PF4 MENU PF5 HELP PF6 MAIN MENU

3270



CINEXR
COMMAND: | 9103

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - EXACT NAME SEARCH

12/15/05
08:44:21

* LAST NAME:
* FIRST NAME:

(40-CHARS MAX)
(25-CHARS MAX)

MIDDLE NAME:

(25-CHARS MAX)

EXACT DOB:
DOB RANGE:

(MDDYYYY)
(DATE RANGE = YYYYR; YYYY=YEAR, R=0-9)

- COB: (5-CHARACTER COUNTRY CODE)
- COC: (5-CHARACTER COUNTRY CODE)
- POE: (3-CHARACTER PORT OF ENTRY CODE)
- DOE: (MDDYYYY)
- COR: (3-CHARACTER CLASS OF ADMISSION CODE)
- FCO: (3-CHARACTER FILES CONTROL OFFICE CODE)
- SEX: (M/F)

* LAST NAME AND FIRST NAME ARE REQUIRED FIELDS. OTHERS ARE OPTIONAL.
SPECIFY THE SEARCH CRITERIA, THEN PRESS ENTER TO INITIATE THE SEARCH.

PF4 MENU

PF5 HELP

PF6 MAIN MENU

PF9 SOUNDS-LIKE SEARCH

CLEAR EXIT

PF3 REFRESH



01/30/06
12:56:45

CINRLI IMMIGRATION AND NATURALIZATION SERVICE
COMMAND: 9104 CENTRAL INDEX SYSTEM - ALIENS (AKA) NAME SEARCH

AKR/NEE LAST NAME: (40-CHARS MAX)
AKR/NEE FIRST NAME: (25-CHARS MAX)

LAST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
FIRST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))

EXACT DOB: (HMDDYYYY)
DOB RANGE: (DATE RANGE = YYYYR; YYYY=YEAR, R=0-9)

COB: (5-CHARACTER COUNTRY CODE)
COC: (5-CHARACTER COUNTRY CODE)
POE: (3-CHARACTER PORT OF ENTRY CODE)

DOE: (HMDDYYYY)
COA: (3-CHARACTER CLASS OF ADMISSION CODE)
FCO: (3-CHARACTER FILES CONTROL OFFICE CODE)

SEX: (M/F)

YOU MAY REQUEST A SEARCH ON FIRST-NAME-ONLY ALIASES, ON LAST-NAME-ONLY ALIASES, AND ON ALIASES CONTAINING BOTH FIRST AND LAST NAMES. OTHER FIELDS ARE OPTIONAL. SPECIFY THE SEARCH CRITERIA, THEN PRESS ENTER TO BEGIN THE ALIAS NAME SEARCH.

CLEAR EXIT PF3 REFRESH PF4 MENU PF5 HELP PF6 MAIN MENU

8270

NUM OVR



CINDSND
COMMAND: 9106

IMMIGRATION AND NATURALIZATION SERVICE
CENTRAL INDEX SYSTEM - "SOUNDS LIKE" NAME
WITH DATE OF BIRTH (DOB) SEARCH

08/03/06
09:25:07

* LAST NAME: (40-CHARS MAX)
* FIRST NAME: (25-CHARS MAX)

EXACT DOB: (MDDYYYY: YYYY=YEAR; MM=MONTH; DD=DAY)
DOB YEAR RANGE: (YYYYR: R=0-9)
DOB MONTH RANGE: (YYYYMMRR: RR=0-12)
DOB DAY RANGE: (YYYYMDDRR: RR=0-31)

LAST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
FIRST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))

COB: (COUNTRY CODE) COA: (CLASS OF ADMISSION CODE)
COC: (COUNTRY OF CITIZENSHIP) FCO: (FILES CONTROL OFFICE CODE)
POE: (PORT OF ENTRY CODE) SEX: (M/F)
DOE: (MDDYYYY)

* LAST NAME, FIRST NAME AND ONE OF THE DOBS ARE REQUIRED. REMAINING FIELDS ARE
OPTIONAL. SPECIFY SEARCH CRITERIA, THEN PRESS ENTER TO INITIATE THE SEARCH.
CLEAR EXIT PFS REFRESH PFS MENU PFS HELP PFS MAIN MENU

(b)(6)

What is CLAIMS?

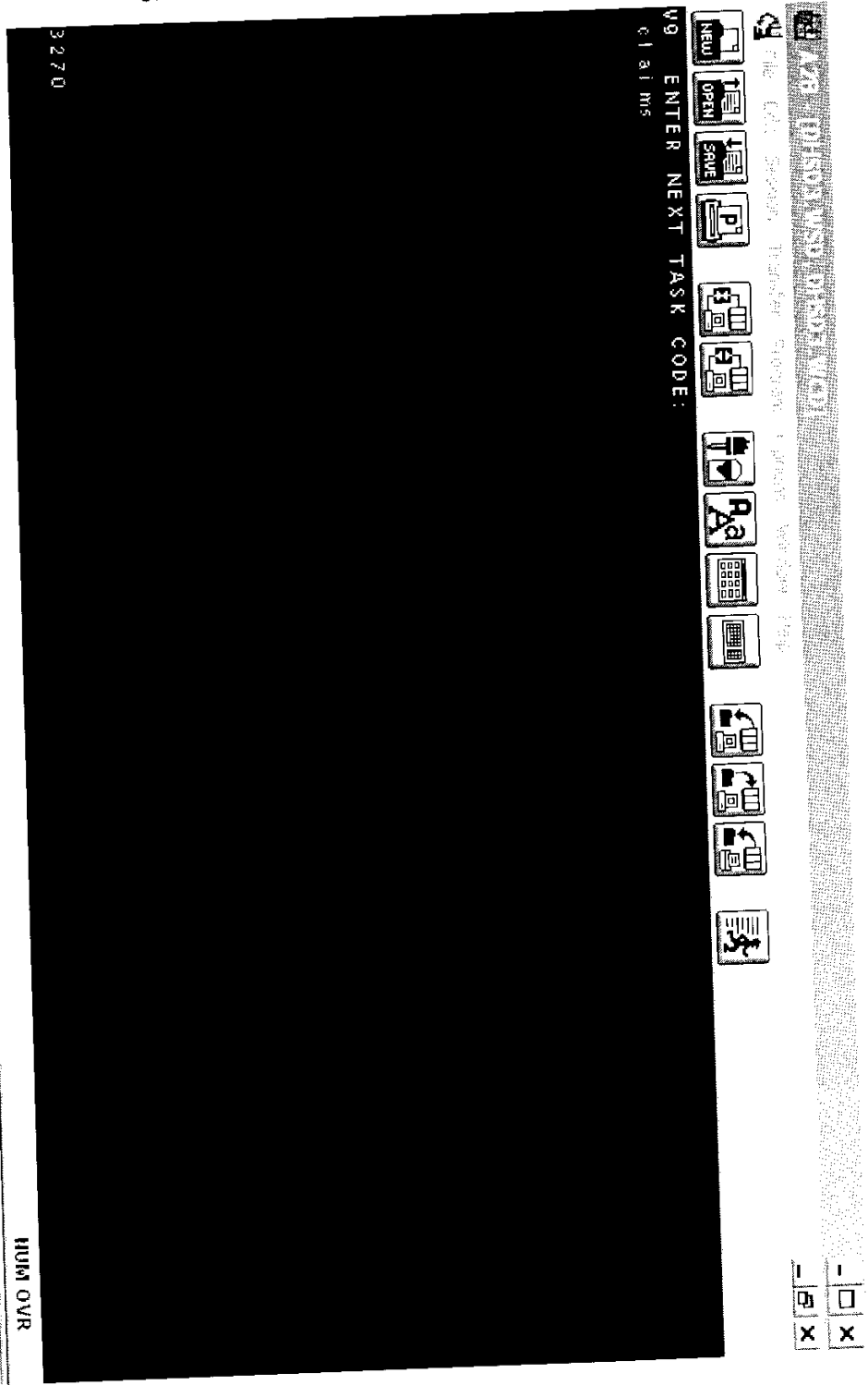
- CLAIMS is the acronym for **C**omputer **L**inked **A**pplication **I**nformation **M**anagement **S**ystem.
- Petitions and Applications
- This system is a database for all petitions/applications that are processed at the service centers, through which actions and decisions are tracked.



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Accessing CLAIMS

After selecting CLAIMS from the main menu, you will see the screen print shown below. Type in claims and press enter. This screen is not case sensitive.



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Accessing CLAIMS

If you haven't found out by now, logging into CLAIMS is different than logging into Teleview.



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A2B - [DHS\SD3.WSD, DHS\SD3.WC3]

File Edit Session Transfer Program Options Window Help

FSX\CLAIMS CLAIMS MAINFRAME SYSTEM LOGON

LEGALIZATION NOTICE OF CONFIDENTIALITY

SECTIONS 210(B)(6) AND 245(C)(5) (CONFIDENTIALITY OF INFORMATION) OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED, LIMIT THE USE OF INFORMATION FURNISHED THE SERVICE IN CONNECTION WITH LEGALIZATION APPLICATIONS. ANYONE USING, PUBLISHING, OR PERMITTING SUCH INFORMATION TO BE EXAMINED IN VIOLATION OF THE ABOVE SECTIONS SHALL BE SUBJECT TO A FINE AND/OR IMPRISONMENT IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE.

CLAIMS MAINFRAME SYSTEM LOGON

USER ID: [redacted]

PASSWORD: [redacted]

PLEASE ENTER CLAIMS USER ID AND PASSWORD

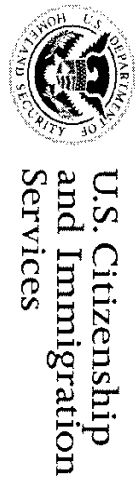
PF8 LOGOFF

NUM OVR

12/15/0005 08:56

Accessing CLAIMS

Option 7 is the only one you will ever use while you are at NRC FOIA.



```

A2B - [DHSD3.WSD, DHSD3.WCD]
File Edit Session Transfer Program Options Window Help
NEW OPEN SAVE
FSDLNNU CLAIMS MAINFRAME SYSTEM
MAIN MENU
12/15/2005
08:57
NRC7208A

1. COLLECTION & RECEIPTING - APPLICATIONS
2. COLLECTION & RECEIPTING - PETITIONS
3. COLLECTION & RECEIPTING - BONDS
4. COLLECTION & RECEIPTING - FOIA
5. COLLECTION & RECEIPTING - PRIVACY ACT
6. COLLECTION & RECEIPTING - MISCELLANEOUS
7. INQUIRY/UPDATE PROCESSING
8. GENERATE REPORTS
9. MAINTAIN SYSTEM FILES
10. MANAGEMENT STATUS REPORTS
11. CRSE STATUS INQUIRY/I-864 SPONSOR INQUIRY
12. PRINT DELAYED/DUPLICATE APPROVAL NOTICES
13. EMPLOYMENT AUTHORIZATION DOCUMENT PROCESSING
14. SCHEDULING/CARD PRODUCTION PROCESSING
15. FD258 FINGERPRINT TRACKING INQUIRY

ENTER SELECTION: 7
WELCOME TO THE CLAIMS MAINFRAME SYSTEM. PLEASE MAKE A SELECTION.
PF8
LOGOFF
3270
NUM OVR
  
```

Case Status Inquiry Search by Name/Date of Birth

Begin the search by entering the beneficiary's name and date of birth. As an example, type in "Test" as a last name and 01011960 as the date of birth.

File Edit Session Transfer Properties Window Help

FSI XMI MINT CLAIMS MAINFRAME SYSTEM UPDATE PROCESSING MENU

SELECT AND COMPLETE ONE LINE

1. RECEIPT NO. : (SELECTIONS BELOW FOR APPLICATIONS AND PETITIONS ONLY)

2. USER ID: DATE: (MMDDCCYY)

3. BENEFICIARY/APPLICANT NAME (LAST): TEST (FIRST):

BIRTH DATE: 01011960 (MMDDCCYY)

4. A NUMBER: A

5. REFERENCE NO.:

6. PETITIONER NAME (LAST): (FIRST):

PF3 CANCEL PF6 MAIN MENU PF8 LOGOFF PF10 REMOTE ACT UPD BY CODE PF11 ACT UPD BY RCPT

3270

03/20/2009
10:30
NRC7264A

HUM OVR



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PAGE WITHHELD PURSUANT TO

(b)(6)

PAGE WITHHELD PURSUANT TO

(b)(6)

(b)(6)

PAGE WITHHELD PURSUANT TO

(b)(6)

Search by A Number

Return to the main page by pressing F4. You conduct a search by inputting the A number by first typing "A0," then the number.

FSXMI MNI

CLAIMS MAINFRAME SYSTEM
UPDATE PROCESSING MENU

03/13/2009
17:15
NR C7264A

SELECT AND COMPLETE ONE LINE

1. RECEIPT NO. : (SELECTIONS BELOW FOR APPLICATIONS AND PETITIONS ONLY)

2. USER ID: DATE: (MMDDCCYY)

3. BENEFICIARY/APPLICANT NAME (LAST): (FIRST):
BIRTH DATE: (MMDDCCYY)

4. A NUMBER: A0 11222333

5. REFERENCE NO. :

6. PETITIONER NAME (LAST): (FIRST):

PF3 CANCEL PF6 MAIN MENU PF8 LOGOFF PF10 REMOTE ACT UPD BY CODE PF11 ACT UPD BY RCP T
PF12

3270

NUM OVR



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(b)(6)

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U.S. Citizenship and Immigration Services

SYSTEMS RESOURCE GUIDE

CHAPTER 1

INTRODUCTION

The Research Resource Guide consists of screen prints from the primary systems used by Freedom of Information Act (FOIA) for research purposes. This guide will assist in navigating through the various systems used by FOIA. The guide contains information relating to the Central Index System (CIS), Computer Linked Application Information Management System and the Deportable Alien Control System (DACS). Each system plays an important part in case creation and processing.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

Central Index System

CIS

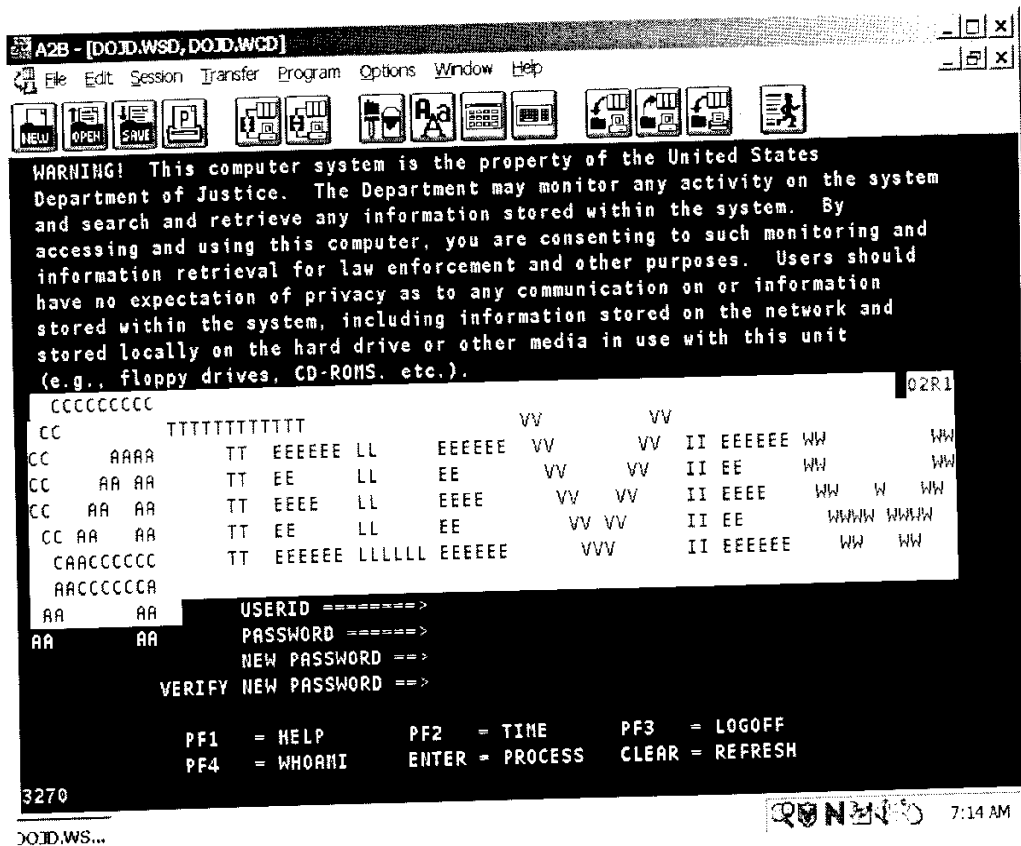
SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.1 Introduction

The Central Index System (CIS) is used for data retrieval. The functions of CIS are to maintain records, search for records, and display data. CIS is a user-friendly menu driven system.

1.2 Introduction Screen



This screen is the introduction to TeleView. From this screen use the designated UserID (last 4 digits of Social Security Number plus an alpha) and Password to sign onto the database.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.3 TeleView Main Menu

COMMANDS **ENVIRONMENT** **HELP** **EXIT**

MODEL : LU0 -2/2 DAL CA-TELEVIEW 4.4 USERID: NRC0291B
 LUNAME: J5NRC1AA ESCAPE: PA1

COMMAND =====> 10

Sesnum	System	Application Status	Remarks / Description
1	HELP	Available	TeleView Help Facility
2	MSG	Available	TeleView Message Facility
3	NEWS	Available	Help & News Menu
4	J406IDMS	Available	RAPS-APSS-EOIR
5	J427IDMS	Available	FOIA/NACS/STSC/MFAS/RHACS
6	J479IDMS	Available	CLAIMS
7	J427CICS	Available	DAL ROPES
8	J504CICS	Available	WDC ROPES
9	J537IDMS	Available	AR11
10	J534IDMS	Available	CIS
11	J527IDMS	Available	PICS/ADHIN SYSTEMS/DACS

PF1= HELP PF3= END PF7= PAGE UP PFS= PAGE DOWN PF9= NOTEPAD PF10= ERASE NOTES
 3270

DOJD.WS...

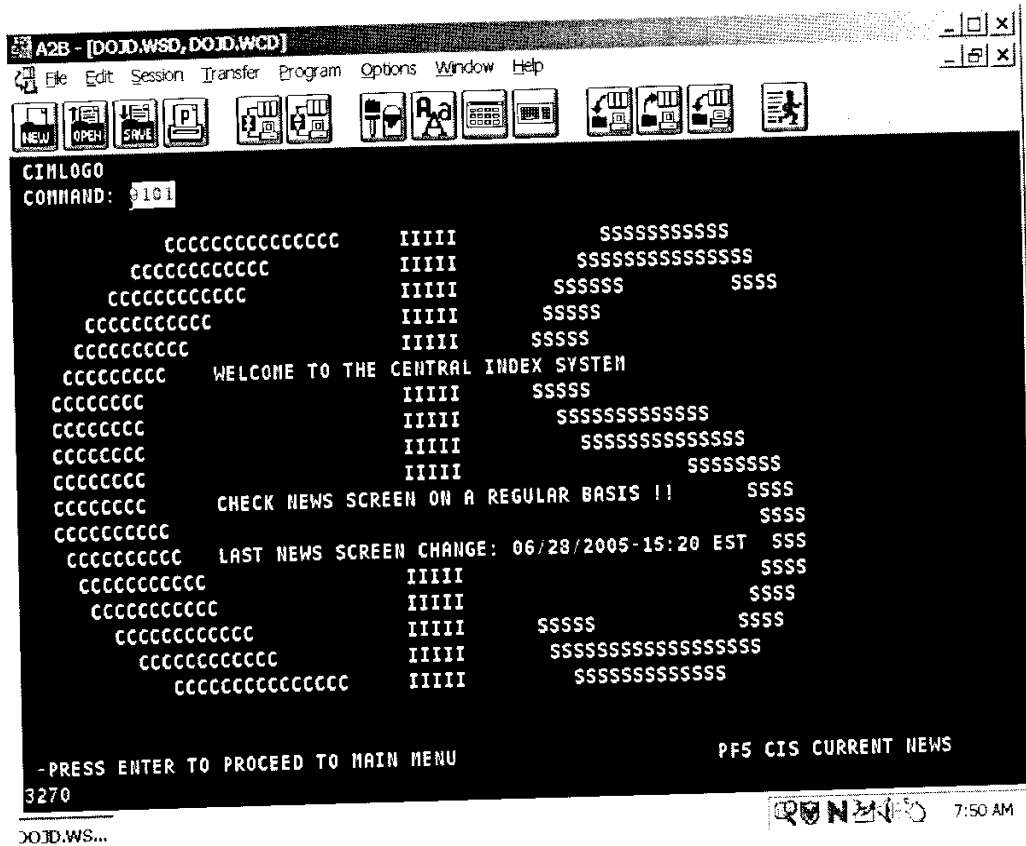
7:25 AM

The number selected to access CIS will vary for each computer.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.4 CIS Login Screen

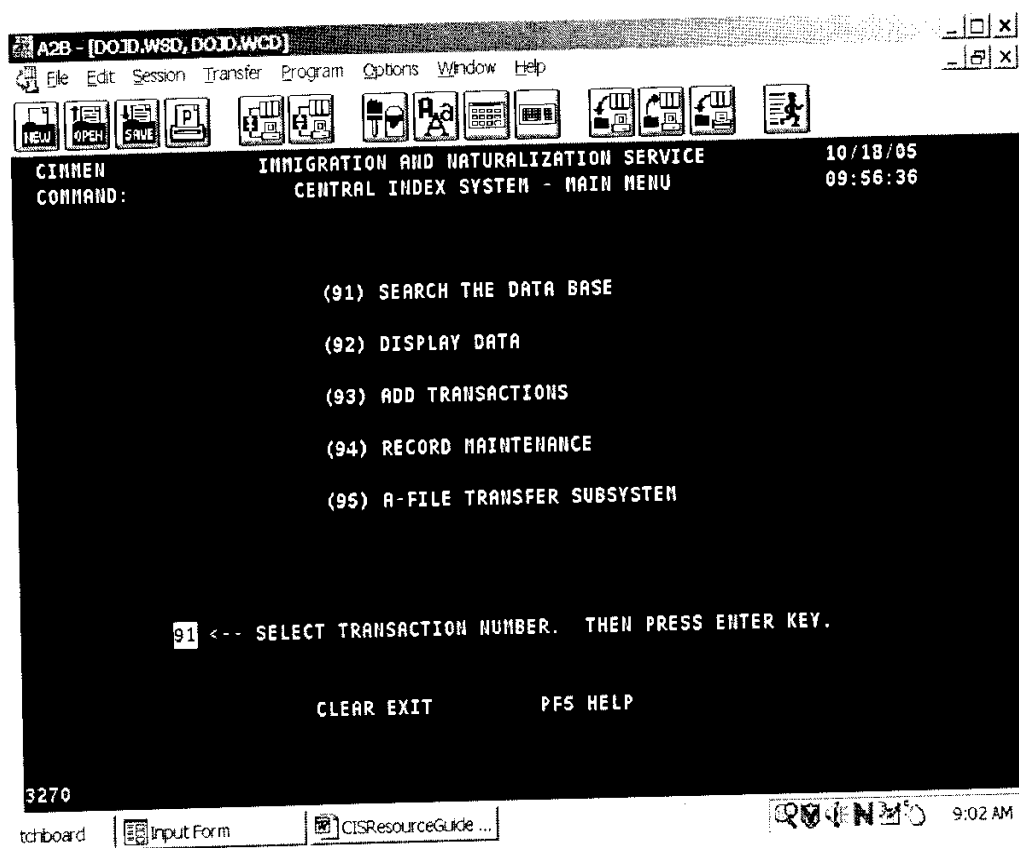


This is the screen used to navigate through CIS. Pressing enter can access the main menu for CIS.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.5 CIS Main Menu

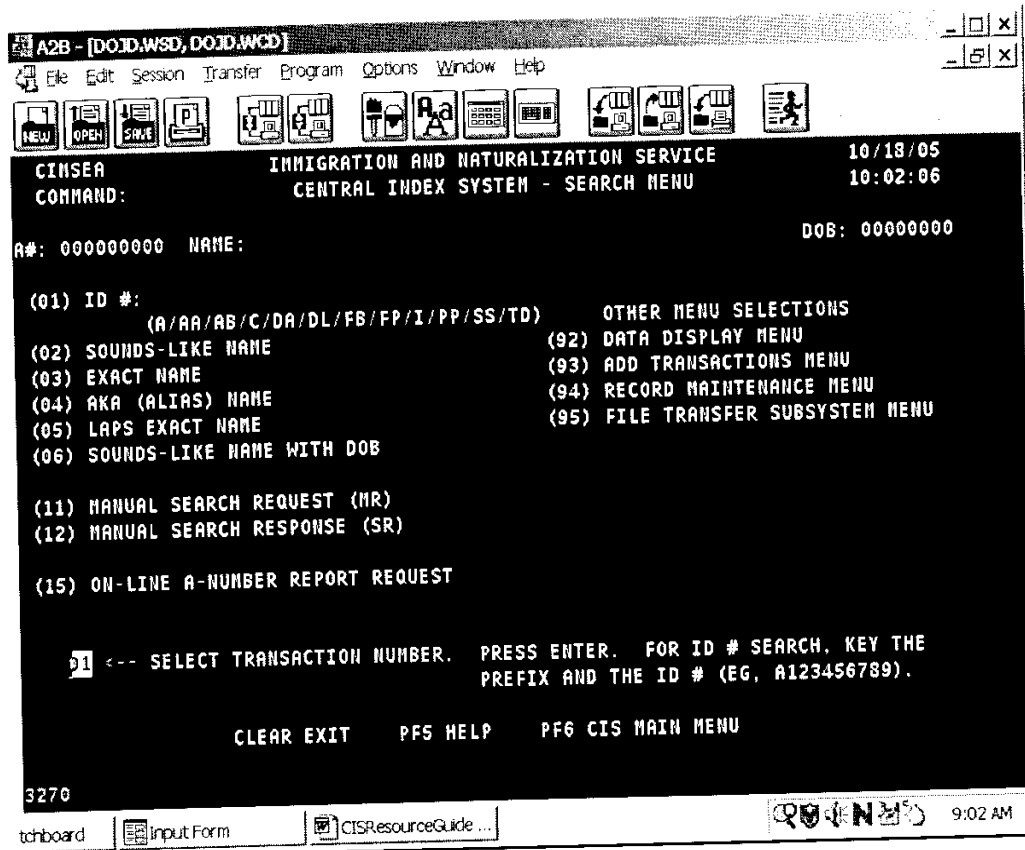


This screen displays a variety of ways to search for information. The transaction numbers that are primarily used within FOIA are 91, 92, and 95. By typing the number 91 next to select transaction number and pressing enter, another search screen will appear. The main purpose of the "91" transaction number is to search the database for specific information concerning an individual. Transaction number "92" is used to display card information. The transaction number "95" is used mainly to see the location of the A-file.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.5 Search Menu Screen



From this search screen a decision is made as to how to begin a search for an individuals records. The most commonly used methods to search for an individuals record are:

Code Search By Category

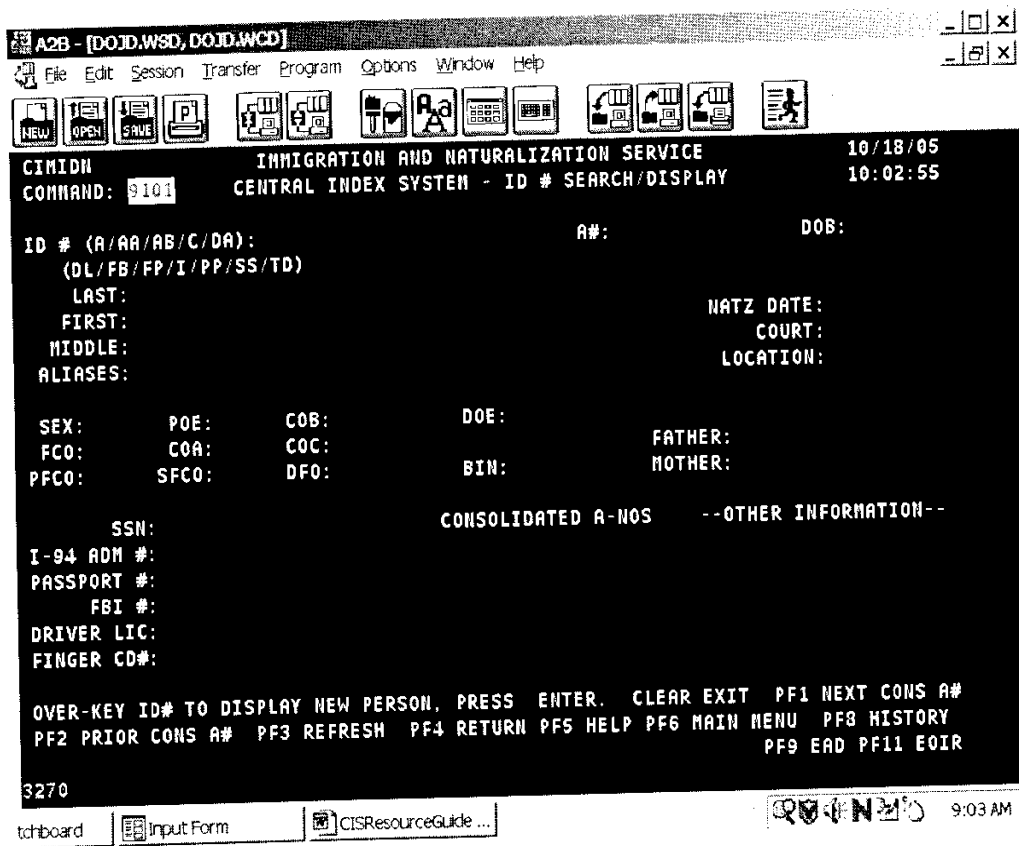
- 01 ID # (A-number, certificate number, social security number, passport number ect.)
- 02 Sounds-Like Name Search
- 03 Exact Name Search
- 04 Alias (AKA) Name Search
- 06 Sounds-Like Name Search with DOB

Type in the two-digit code (01) and press enter. The screen displayed will be the screen where the search for records begins. ***Note:** Remember to read the screen in its entirety for additional information.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.5 Search by A-number (9101)

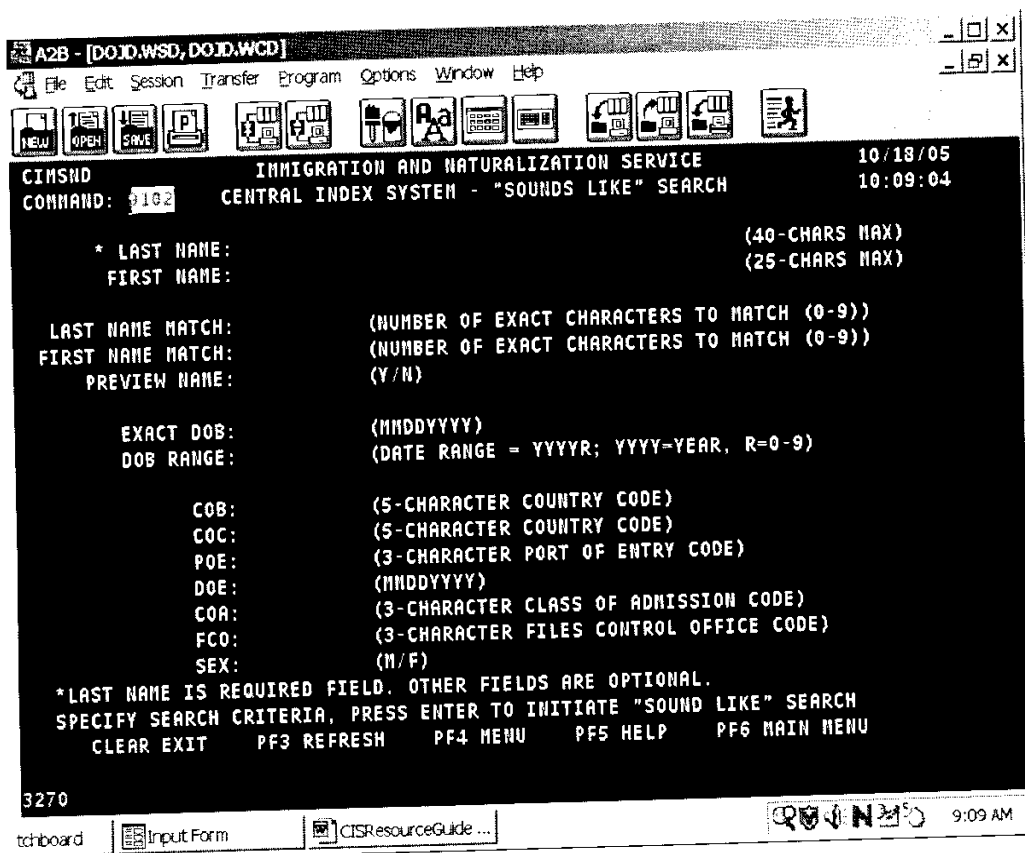


In the ID# field enter the appropriate prefix with information (A = a-number, SS = social security number, PP = passport number, C = naturalization certificate number and I = I-94 number). If there is information in the system on the subject it will populate in the fields below the ID#. Pay special attention to the legend at the bottom of the screen specifically PF8, PF11, and any information listed under (other information). By pressing PF8 the history menu is displayed. This screen holds chronological information about actions that have been taken or changes in the subject's immigration status. The PF11 screen shows EOIR (Executive Office of Immigration Review) information. The significance of this screen is it holds information about ongoing or closed deportation proceedings. In the section of the screen listed (other information) different acronyms may appear such as: CARD, EADS, RAPS and DACS. For additional information on DACS please see Chapter 3.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.6 Sounds-Like Name Search (9102)

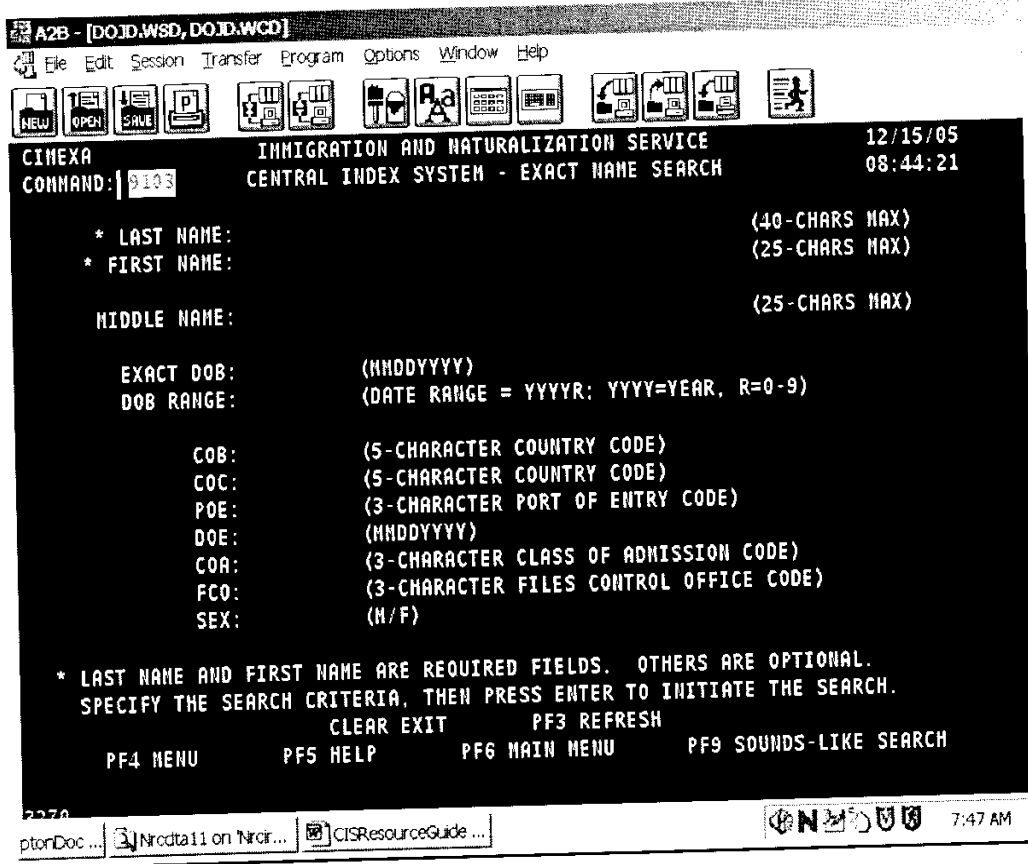


The 9102 screen will be used when there may be variations in the spelling of a name. An example of this would be to locate any information on a person whose name could have been misspelled upon entry into the system. The * indicates the minimum amount of information required to search. The search results may be numerous.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.7 Exact Name Search (9103)



9103 is the primary screen used when performing a search based on the subject's name only. The information displayed will be an exact name match.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.8 Alias (AKA) Name Search (9104)

```
A2B - [DOJD.WSD, DOJD.WCD]
File Edit Session Transfer Program Options Window Help
NEW OPEN SAVE [Icons]
CINALI IMMIGRATION AND NATURALIZATION SERVICE 01/30/06
COMMAND: 9104 CENTRAL INDEX SYSTEM - ALIAS (AKA) NAME SEARCH 12:56:45
AKA/NEE LAST NAME: (40-CHARS MAX)
AKA/NEE FIRST NAME: (25-CHARS MAX)
LAST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
FIRST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
EXACT DOB: (MMDDYYYY)
DOB RANGE: (DATE RANGE = YYYYR; YYYY=YEAR, R=0-9)
COB: (5-CHARACTER COUNTRY CODE)
COC: (5-CHARACTER COUNTRY CODE)
POE: (3-CHARACTER PORT OF ENTRY CODE)
DOE: (MMDDYYYY)
COA: (3-CHARACTER CLASS OF ADMISSION CODE)
FCO: (3-CHARACTER FILES CONTROL OFFICE CODE)
SEX: (M/F)
YOU MAY REQUEST A SEARCH ON FIRST-NAME-ONLY ALIASES, ON LAST-NAME-ONLY ALIASES,
AND ON ALIASES CONTAINING BOTH FIRST AND LAST NAMES. OTHER FIELDS ARE OPTIONAL.
SPECIFY THE SEARCH CRITERIA, THEN PRESS ENTER TO BEGIN THE ALIAS NAME SEARCH.
CLEAR EXIT PF3 REFRESH PF4 MENU PF5 HELP PF6 MAIN MENU
3270
NUM OVR
```

The primary use for the 9104 screen would be to perform a search using any alias information provided in the FOIA request.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.9 Sounds Like Name With Date of Birth (DOB) Search (9106)

```

A2B - [DHSD3.WSD, DHSD3.WCD]
File Edit Session Transfer Program Options Window Help
NEW OPEN SAVE [Icons]
CIMDSND IMMIGRATION AND NATURALIZATION SERVICE 08/03/06
COMMAND: 9106 CENTRAL INDEX SYSTEM - "SOUNDS LIKE" NAME 09:25:07
WITH DATE OF BIRTH (DOB) SEARCH

* LAST NAME: (40-CHARS MAX)
* FIRST NAME: (25-CHARS MAX)

EXACT DOB: (MMDDYYYY; YYYY-YEAR; MM-MONTH; DD-DAY)
DOB YEAR RANGE: (YYYYR; R=0-9)
DOB MONTH RANGE: (YYYYMMRR; RR=0-12)
DOB DAY RANGE: (YYYYMDDRR; RR=0-31)

LAST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))
FIRST NAME MATCH: (NUMBER OF EXACT CHARACTERS TO MATCH (0-9))

COB: (COUNTRY CODE) COA: (CLASS OF ADMISSION CODE)
COC: (COUNTRY OF CITIZENSHIP) FCO: (FILES CONTROL OFFICE CODE)
POE: (PORT OF ENTRY CODE) SEX: (M/F)
DOE: (MMDDYYYY)

* LAST NAME, FIRST NAME AND ONE OF THE DOBS ARE REQUIRED. REMAINING FIELDS ARE
OPTIONAL. SPECIFY SEARCH CRITERIA, THEN PRESS ENTER TO INITIATE THE SEARCH.
CLEAR EXIT PF3 REFRESH PF4 MENU PFS HELP PFS MAIN MENU

3270 NUM OVR

```

The 9106 screen allows searches for information pertaining to the subject of the request even if the spelling of the name is incorrect. For example, the requestor made a typographical error in the spelling of the name the search results will yield a list of similar names matching the subjects.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.10 Card Search (9222)

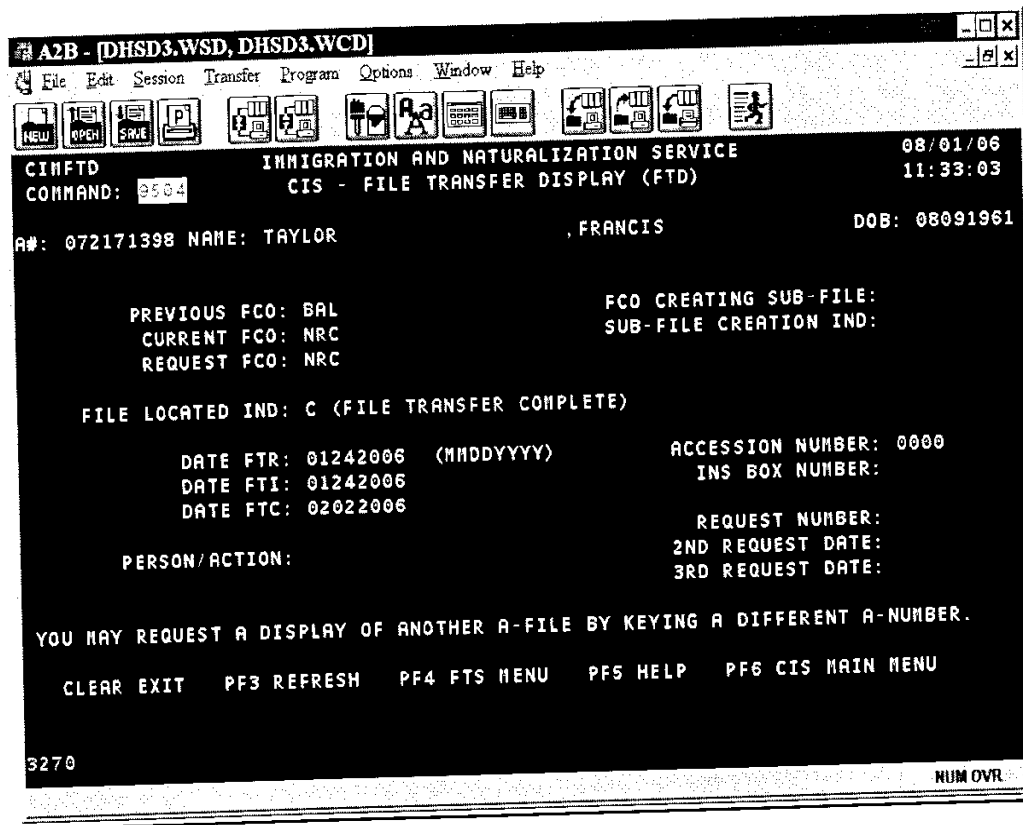
```
A2B - [DHSD3.WSD, DHSD3.WCD]
File Edit Session Transfer Program Options Window Help
NEW OPEN SAVE [Icons]
CIMCARD          IMMIGRATION AND NATURALIZATION SERVICE      08/01/06
COMMAND: 9222    CENTRAL INDEX SYSTEM - ARR/BC CARD DISPLAY (CARD) 08:22:32
A#: 072171398 NAME: TAYLOR , FRANCIS DOB: 08091961
LEGAL PERMANENT RESIDENT
CARD NAME: TAYLOR, FRANCIS E. BIRTHDATE: 08/09/1961
INS A# 072171398 CARD# SRC0608450056
CATEGORY: F46 PERMANENT RESIDENT SINCE: 12/12/2005
SEX: F CARD EXPIRES: 02/22/2016
COB: SIERRA LEONE
C1 USA 072171398 SRC0608450056
610809 F 160222 348
TAYLOR<<FRANCIS<EDWIN<<<<<<<<<
-----
MOTHER'S NAME: EDWINA FATHER'S NAME: ZACHIUS
CARD PORT OF ENTRY: BAL
CLEAR EXIT PF4 DISPLAY MENU PF5 HELP PF6 MAIN MENU PF7 CARD HISTORY
3270 NUM OVR
```

The 9222 screen is a snapshot of an actual Legal Permanent Resident (LPR) Card. In addition, this is the same screen to find Border Crossing Card information.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.11 File Transfer Display (9504)



The main purpose of the 9504 screen is to check the location and movement of files. This screen's primary use as it relates to FOIA will be used in conjunction with NFTS in the case create function. The following is a list of acronyms display on this screen.

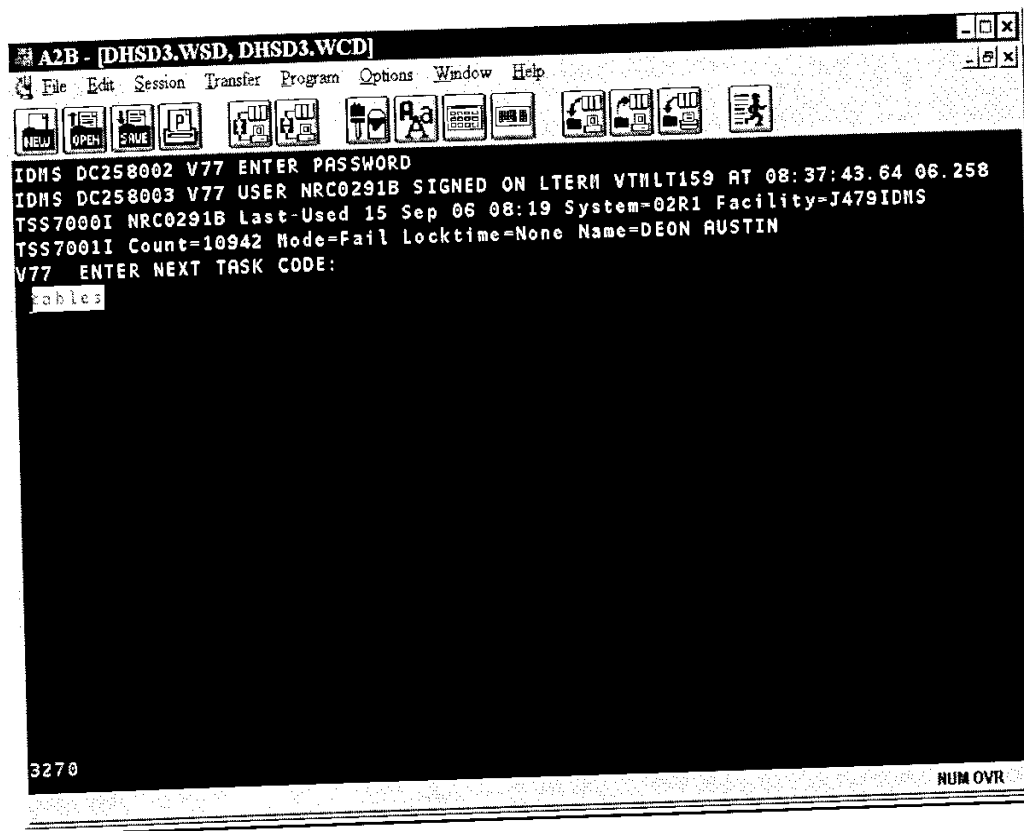
FTR: File Transfer Request
FTI: File Transfer Initiated
FTC: File Transfer Complete

For more information on this screen please refer to pages 49 & 50 of the Case Create Guide.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.12 Tables

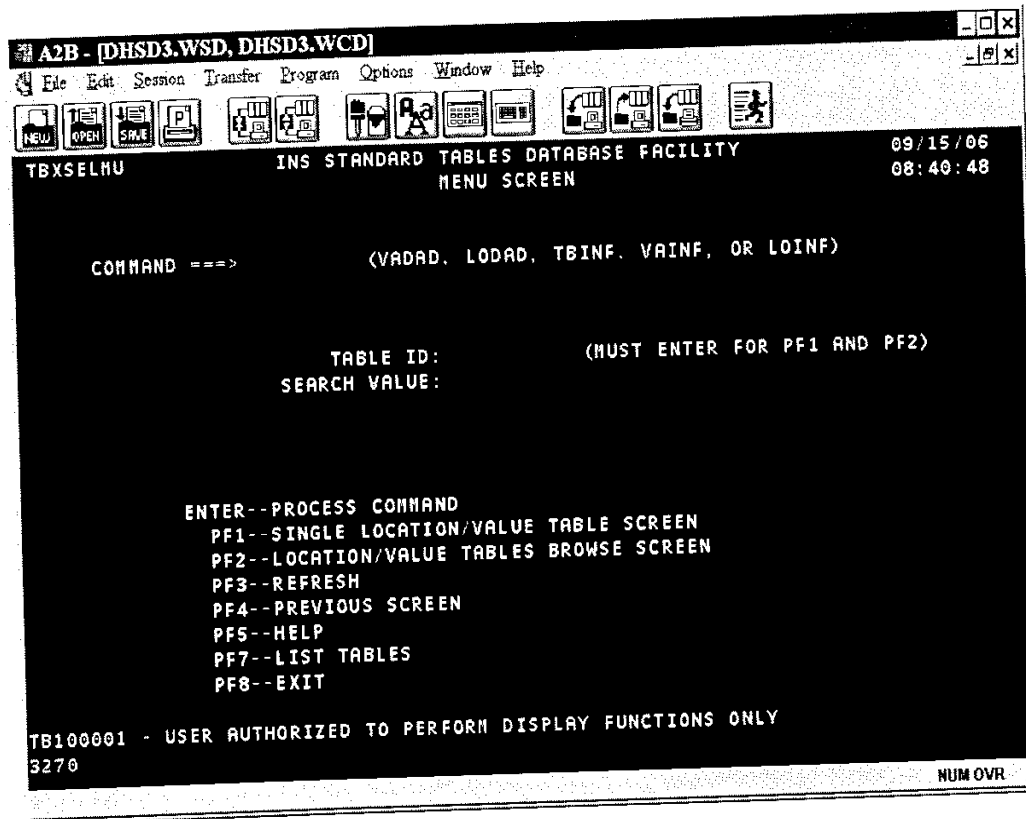


The **Tables** section contains a wealth of informational codes that can be of assistance in making a decision about the subject of the request, such as **Class of Admission**. To get to this screen select the “keyboard” from the toolbar at the top of the screen and click the clear button on the keyboard. Once this is done type in the word **tables**. The next screen displayed will be the **Tables Menu Screen**.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.13 Tables Menu



Placing the cursor in the Table ID field and pressing the function key PF7 a list of tables is displayed.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1.14 Tables Information Screen

PAGE 09/15/06
0001 08:46:07

INS STANDARD TABLES DATABASE FACILITY
TABLE INFORMATION SCREEN

COMMAND ----> (SELMU, VADAD, LODAD, VAINF, OR LOINF)

SEL ONE	TABLE ID	TABLE TYPE	TABLE DESCRIPTION
<input checked="" type="checkbox"/>	ADJX	VAL	ADJUSTMENT OF STATUS CODES
<input type="checkbox"/>	AFAC	VAL	CIS/AFAC FCO CODE TABLE
<input type="checkbox"/>	AIRX	LOC	INTERNATIONAL/MUNICIPAL AIRPORTS
<input type="checkbox"/>	ASC	LOC	APPLICATION SUPPORT CENTERS
<input type="checkbox"/>	ASIL	LOC	ASYLUM INTERVIEW OFFICES
<input type="checkbox"/>	ASYL	LOC	ASYLUM OFFICES
<input type="checkbox"/>	BPHQ	LOC	HEADQUARTERS
<input type="checkbox"/>	BPHX	VAL	BORDER PATROL SECTOR CODES
<input type="checkbox"/>	BPSH	LOC	BORDER PATROL SECTOR HEADQTRS
<input type="checkbox"/>	BPST	LOC	BORDER PATROL STATIONS
<input type="checkbox"/>	BPSX	VAL	BORDER PATROL STATION CODES
<input type="checkbox"/>	CCDI	VAL	INS/DOS/USCS COUNTRY CODE DISCREPS

PF1 PF2 PF4 PF6 PF8
PGFRWD PGBWRD PREV SCN MENU EXIT

TB100043 - SELECT ONE RECORD OR TRY OTHER FUNCTIONS
3270

NUM OVR

The tables are listed in alphabetical order. Place an X in the Sel One column and press enter and this will bring up a list of different codes.

SYSTEMS RESOURCE GUIDE

CHAPTER 1

1/15 Value Tables Browse Screen

INS STANDARD TABLES DATABASE FACILITY
 VALUE TABLES BROWSE SCREEN

PAGE 09/15/06
 0014 08:56:10

COMMAND ---> (SELNU, VADAD, LODAD, TBINF, OR LOINF)

TABLE-ID: ADJX TABLE DESC: ADJUSTMENT OF STATUS CODES

SEL	SEARCH VALUE	VALID CODE	TABLE TEXT
		IB7	SLF-PETITION CHILD OF USC
		IB8	CHILD OF IB6
		IC6	INDOCHINESE REFUGEE
		IC7	SPS/CH INDCHN REF NOT QUA SEC
		ID6	INDOCHINESE PAROLEE
		IF1	ALIEN REC ADM FOR PER RES CREA
		IF2	MINOR CHILD OF IF1 ALIEN
		IR0	PARENT OF U. S. CITIZEN
		IR6	SPOUSE OF CITIZEN
		IR7	CHILD OF CITIZEN
		IR8	ORPHAN ADOPTED ABROAD BY CITZ

PF1 PF2 PF4 PF6 PF8
 PGFRWD PGBWRD PREV SCN MENU EXIT

TB100043 - SELECT ONE RECORD OR TRY OTHER FUNCTIONS
 3270

NUM OVR

Read the screen in its entirety for navigation instruction and additional information.

CHAPTER 2

Computer Linked Application Information Management System

CLAIMS

CHAPTER 2

2.1 Introduction

The Computer Linked Application Information Management System (CLAIMS) tracks application and petitions. CLAIMS is a menu driven system. The Inquiry/Update Processing selection on the menu is the one most often used.

2.2 Introduction Screen

```
A2B - [DHSD3.WSD, DHSD3.WCD]
File Edit Session Transfer Program Options Window Help
NEW OPEN SAVE [Icons]

WARNING: This computer system is the property of the United States
Department of Justice. The Department may monitor any activity on the system
and search and retrieve any information stored within the system. By
accessing and using this computer, you are consenting to such monitoring and
information retrieval for law enforcement and other purposes. Users should
have no expectation of privacy as to any communication on or information
stored within the system, including information stored on the network and
stored locally on the hard drive or other media in use with this unit
(e.g., floppy drives, CD-ROMS, etc.).
CCCCCCCCC                                3276
CC          TTTTTTTTTTTT                VV          VV
CC  AAAA   TT  EEEEE LL  EEEEE VV          VV  II EEEEE WW          WW
CC  AA AA  TT  EE   LL  EE   VV          VV  II EE   WW          WW
CC  AA AA  TT  EEEE LL  EEEE  VV  VV     II EEEE  WW  W  WW
CC AA  AA  TT  EE   LL  EE   VV VV     II EE   WWW WWW
CHACCCCCC  TT  EEEEE LLLLL EEEEE  VVV   II EEEEE  WW  WW
AHCCCCCHA
AA  AA      USERID =====
AA  AA      PASSWORD =====
                NEW PASSWORD ==
                VERIFY NEW PASSWORD ==

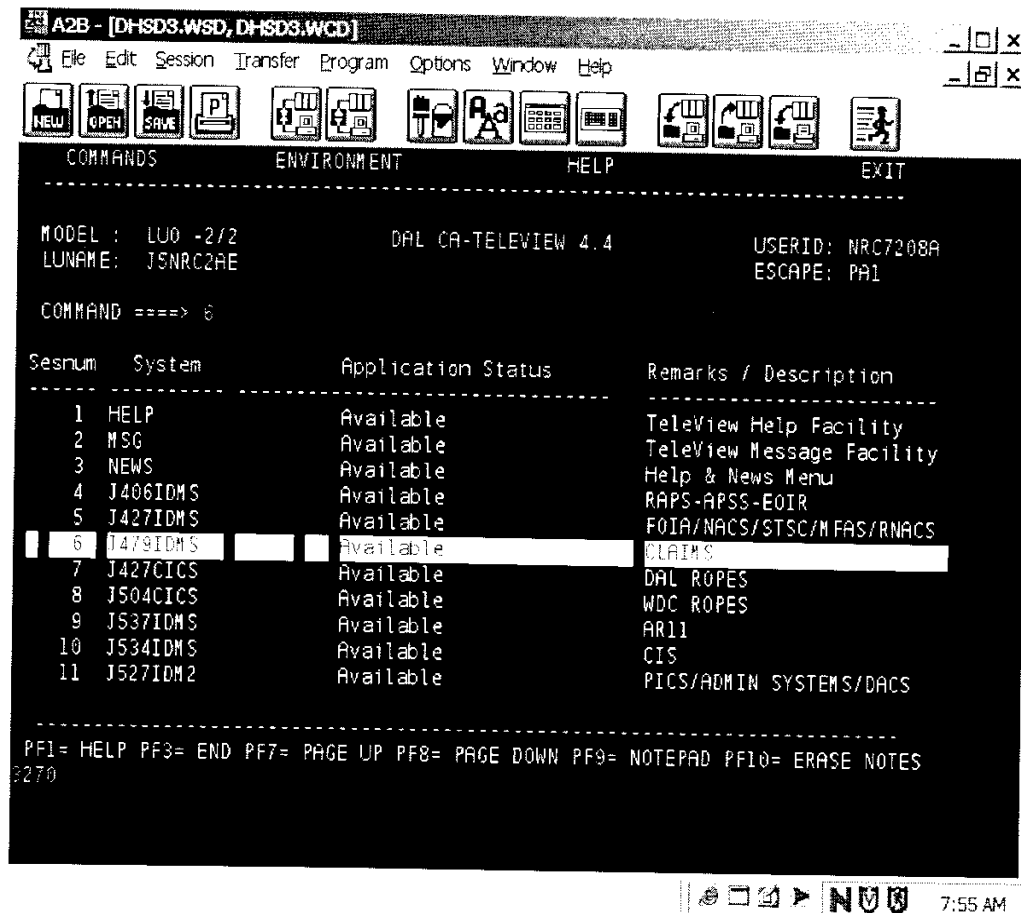
PF1 = HELP      PF2 = TIME      PF3 = LOGOFF
PF4 = WHQHMI    ENTER = PROCESS  CLEAR = REFRESH

3276                                CAPS NUM OVR
```

This screen is the introduction to TeleView. From this screen use the designated UserID (last 4 digits of Social Security Number plus an alpha) and Password to sign onto the database.

CHAPTER 2

2.3 CLAIMS Selection Screen



The number selected to access CLAIMS will vary for each computer.

CHAPTER 2

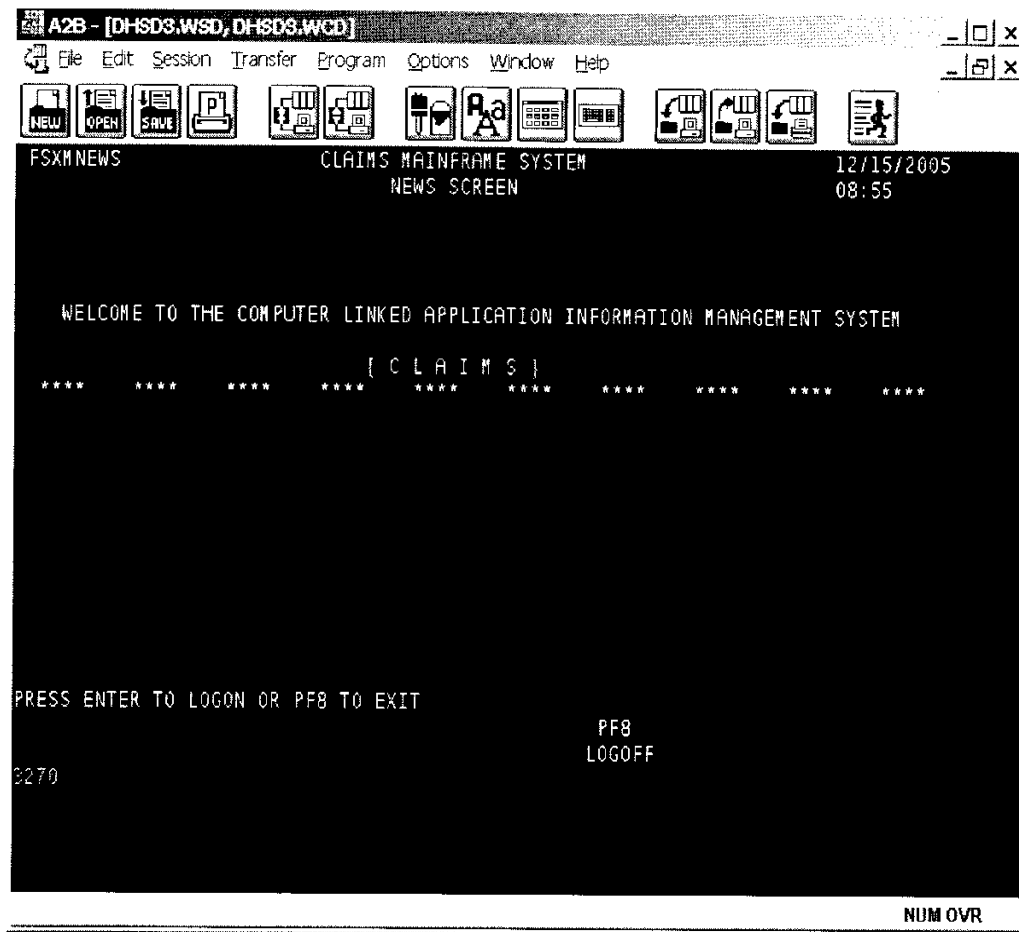
2.4 CLAIMS Function Screen



When selecting CLAIMS from the main menu, the screen print shown above will be seen. Type in claims and press enter. This screen is not case sensitive.

CHAPTER 2

2.5 CLAIMS Welcome Screen



Press enter from here to get to the logon screen.

CHAPTER 2

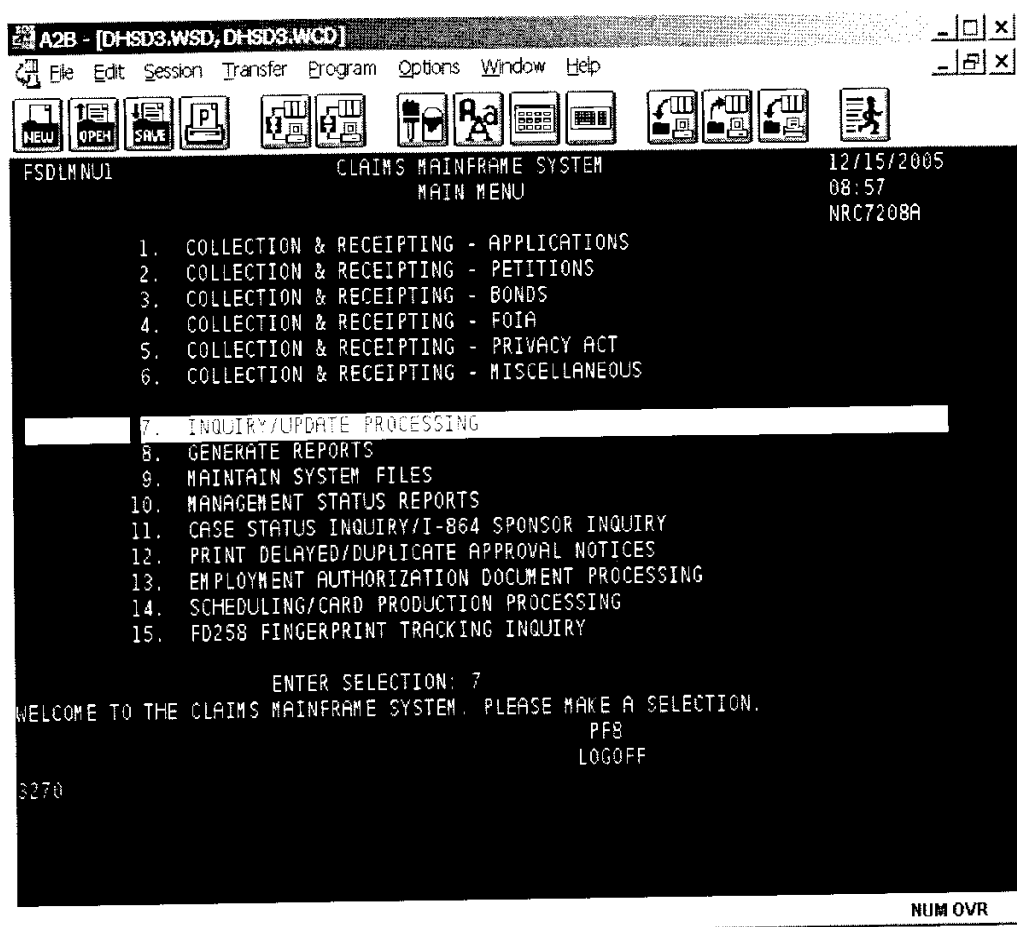
2.6 CLAIMS Logon Screen



To logon, your USER ID will be NRC and the last 4 digits of your social security number followed by a letter (1234A). The PASSWORD is the same.

CHAPTER 2

2.7 CLAIMS Main Menu Screen



From the Main Menu type the number for INQUIRY/UPDATE PROCESSING and press enter.

CHAPTER 2

2.8 Inquiry Screen Searching With A Receipt Number

```
A2B - [DHSDS.WSD, DHSDS.WCD]
File Edit Session Transfer Program Options Window Help
NEW OPEN SAVE [Icons]
FSXHMN1 CLAIMS MAINFRAME SYSTEM 12/15/2005
UPDATE PROCESSING MENU 08:59
NRC7208A
SELECT AND COMPLETE ONE LINE
1. RECEIPT NO.: 12/15/2005
(SELECTIONS BELOW FOR APPLICATIONS AND PETITIONS ONLY)
2. USER ID: DATE: (MMDDCCYY)
3. BENEFICIARY/APPLICANT
NAME (LAST): (FIRST):
BIRTH DATE: (MMDDCCYY)
4. A NUMBER: A
5. REFERENCE NO.:
6. PETITIONER
NAME (LAST): (FIRST):
PF3 PF6 PF8 PF10 PF11 PF12
CANCEL MAIN MENU LOGOFF REMOTE ACT UPD BY CODE ACT UPD BY RCPT
3270
NUM OVR
```

On the Inquiry screen there are several ways to search for records. If a receipt number has been provided, type the number under the first field to pull up the receipt information.

CHAPTER 2

2.9 Searching CLAIMS Using a Name and Date of Birth

```
A2B - [DHSD3.WSD, DHSD3.WCD]
File Edit Session Transfer Program Options Window Help
NEW OPEN SAVE [Icons]
FSXMINI CLAIMS MAINFRAME SYSTEM 02/07/2006
UPDATE PROCESSING MENU 09:16
NRC7208A

SELECT AND COMPLETE ONE LINE

1. RECEIPT NO.:
   (SELECTIONS BELOW FOR APPLICATIONS AND PETITIONS ONLY)

2. USER ID: DATE: (MMDDCCYY)

3. BENEFICIARY/APPLICANT
   NAME (LAST): [REDACTED] (FIRST): [REDACTED]
   BIRTH DATE: [REDACTED] (MMDDCCYY)

4. A NUMBER: A

5. REFERENCE NO.:

6. PETITIONER
   NAME (LAST): (FIRST):

PF3 PF6 PF8 PF10 PF11 PF12
CANCEL MAIN MENU LOGOFF REMOTE ACT UPD BY CODE ACT UPD BY RCPT
3270
NUM OVR
```

A search can be also be done by name and birth date. Do not forget to search for any alias names as well or variations of the name. You may also search without the birth date. This may have the results you are looking for depending on how common the name of the subject. Searching using the birth date will narrow the findings.

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CHAPTER 2

2.11 Searching With the Petitioner's Name

A2B - [DHSD3.WSD, DHSD3.WCD]

File Edit Session Transfer Program Options Window Help

NEW OPEN SAVE [Icons]

FSXNIMN1 CLAIMS MAINFRAME SYSTEM 02/07/2006
UPDATE PROCESSING MENU 09:16
NRC7208A

SELECT AND COMPLETE ONE LINE

1. RECEIPT NO.:
2. USER ID: DATE: (MMDDCCYY)
3. BENEFICIARY/APPLICANT
NAME (LAST): (FIRST):
BIRTH DATE: (MMDDCCYY)
4. A NUMBER: A
5. REFERENCE NO.:
6. PETITIONER
NAME (LAST): [REDACTED] (FIRST): [REDACTED]

PF3 CANCEL PF6 MAIN MENU PF8 LOGOFF PF10 REMOTE PF11 ACT UPD BY CODE PF12 ACT UPD BY RCPT

3270

NUM OVR

A search can be conducted by using the petitioner's name. The results of this search may be numerous.

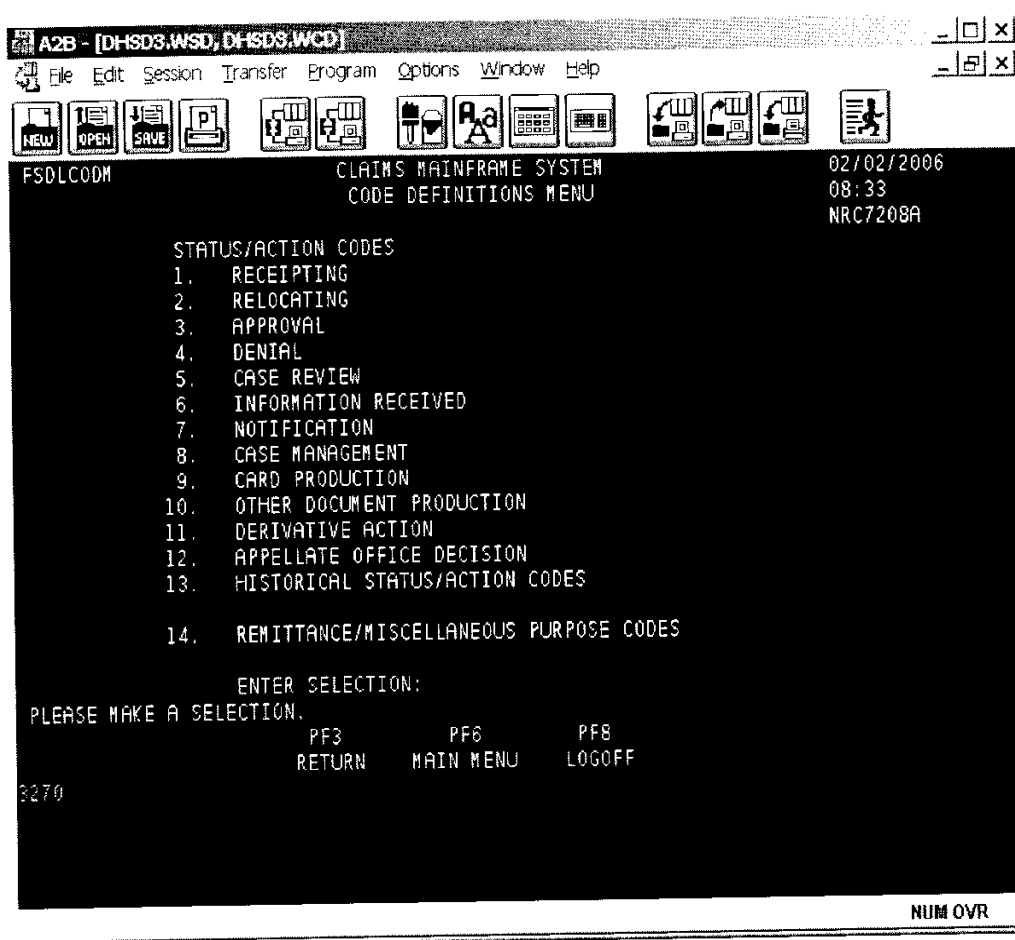
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CHAPTER 2



By pressing F7 a screen showing the Code Definitions Menu will be shown. Each number has a list of codes in the menu to follow.

CHAPTER 2

```
A2B - [DHS03.WSD, DHS03.WCO]
File Edit Session Transfer Program Options Window Help
NEW OPEN SAVE P [Icons]
FSDLCD04 CLAIMS MAINFRAME SYSTEM 02/02/2006
STATUS/ACTION CODES - APPROVAL 08:33
NRC7208A

DA APPROVED
DB APPROVED & CERTIFIED
DC APPROVED IN PART
DD APPROVED IN PART & CERTIFIED
DE APPROVED BY AAO ORDER
DF APPROVED BY EOIR ORDER
DG APPROVED BY COURT ORDER
DH APPROVED BY SERVICE MOTION
DI APPROVAL REAFFIRMED AFTER STATE DEPARTMENT RETURN
DJ VISA ISSUED BY STATE DEPARTMENT

PF3 PF4 PF6 PF8
RETURN CODE MENU MAIN MENU LOGOFF

3270

NUM OVR
```

Selection 3 has the approval codes listed above; the codes are in alphabetical order.

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CHAPTER 3

DEPORTABLE ALIEN CONTROL SYSTEM

DACS

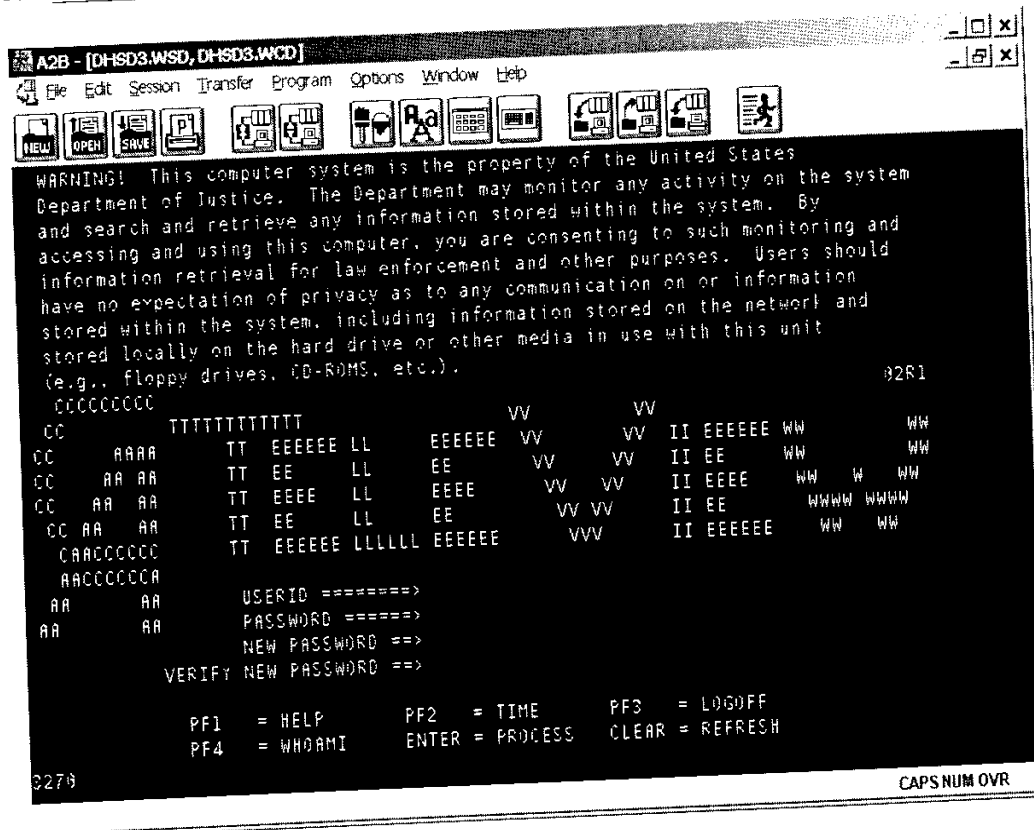
CHAPTER 3

3.1 Introduction

Deportable Alien Control Systems (DACS) is a mainframe system designed to track the status of aliens under proceedings. The system contains information about deported and deportable aliens. DACS provides information to include but not limited to; name, date and country of birth, address, hearing date, final disposition, Immigration Judge Hearing screen, Board of Immigration appeals, EOIR, Bond obligor information, case comments and biographic summary. Information is maintained on the alien's entry and departure status until the alien is deported, a stay is granted, or relief is granted. In addition, pertinent information for criminal aliens is maintained.

DACS: EOIR hotline-1-800-898-7180
Allows you to access upcoming court dates and decisions.

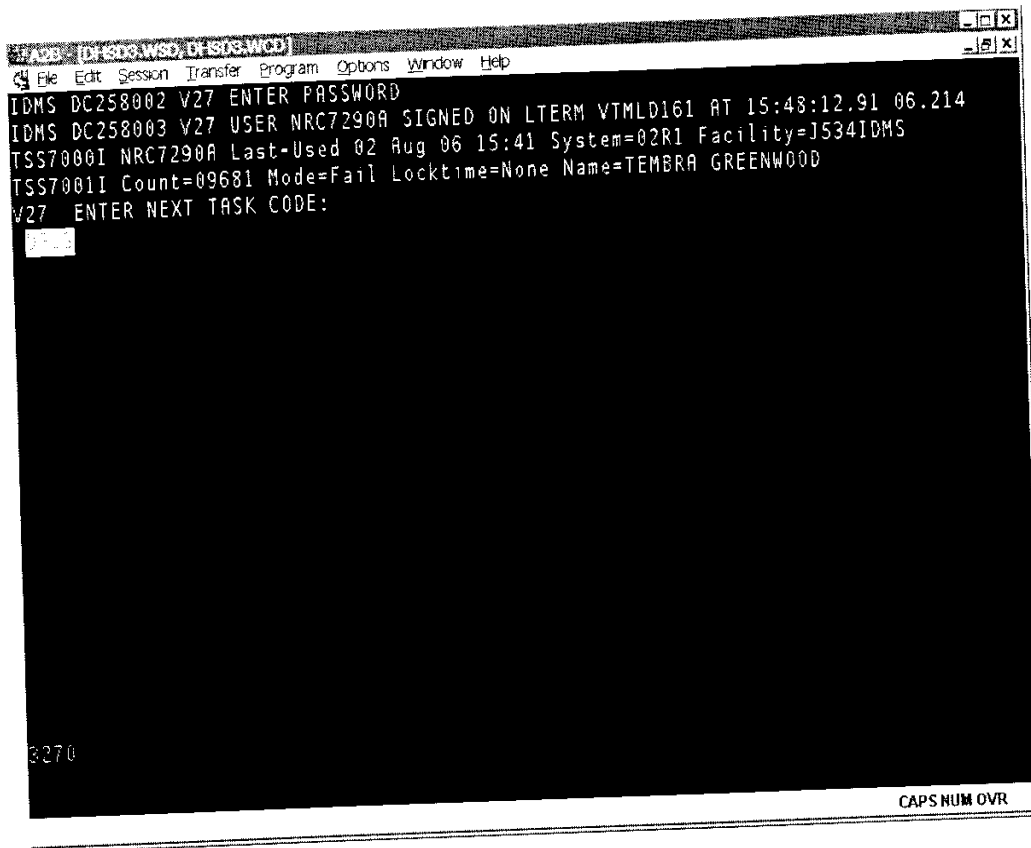
3.2 Introduction Screen



This screen is the introduction to TeleView. From this screen use the designated UserID (last 4 digits of Social Security Number plus an alpha) and Password to sign onto the database.

CHAPTER 3

3.4 Enter Task Code Screen



The screenshot shows a terminal window with a menu bar at the top containing 'File', 'Edit', 'Session', 'Transfer', 'Program', 'Options', 'Window', and 'Help'. The main text area displays the following information:

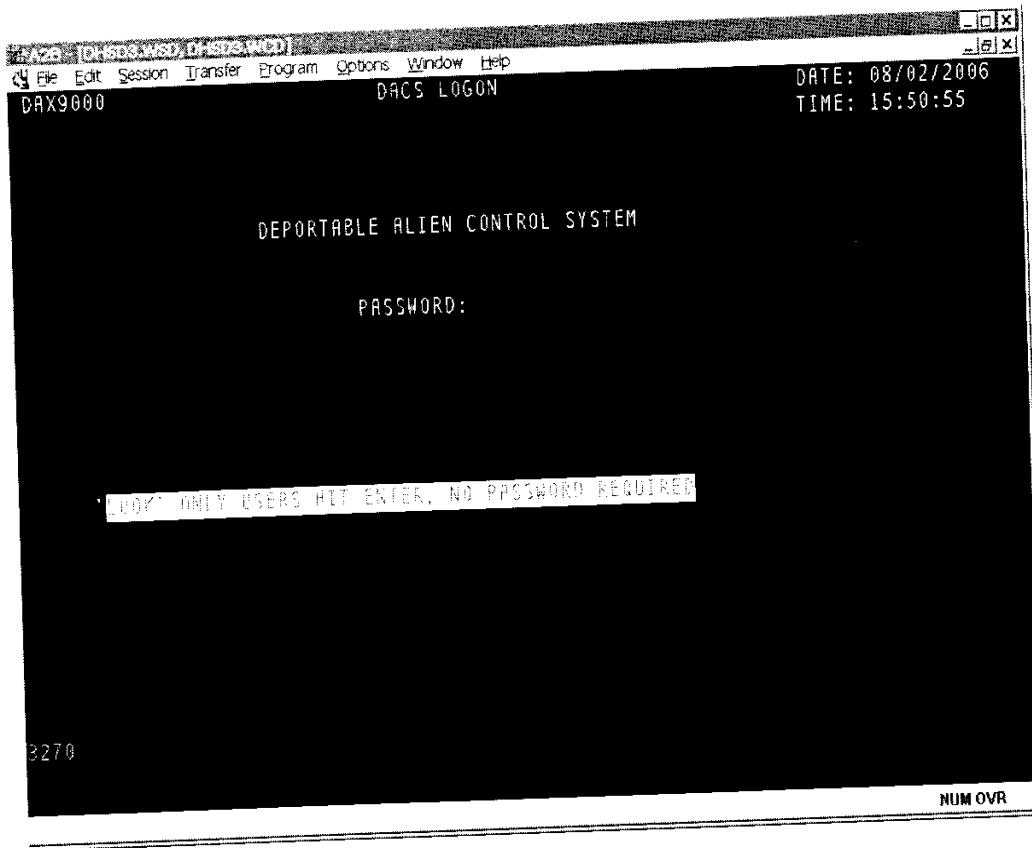
```
IDMS DC258002 V27 ENTER PASSWORD
IDMS DC258003 V27 USER NRC7290A SIGNED ON LTERM VTMLD161 AT 15:48:12.91 06.214
TSS7000I NRC7290A Last-Used 02 Aug 06 15:41 System=02R1 Facility=J534IDMS
TSS7001I Count=09681 Mode=Fail Locktime=None Name=TEMBRA GREENWOOD
V27 ENTER NEXT TASK CODE:
```

A small white box is visible below the prompt. At the bottom left of the terminal area, the number '3270' is displayed. At the bottom right, the text 'CAPS NUM OVR' is visible.

The above screen will ask you to enter a task code. Type in "DACS".

CHAPTER 3

3.5 DACS Logon Screen



Press <Enter> at this screen. No password or command is required.

CHAPTER 3

3.6 DACS Main Menu

```

DACS0000
DACS MAIN MENU
DATE: 08/02/2006
TIME: 15:52:47

ALIEN BIOGRAPHIC MENU .... (ABIO)
CASE MENU ..... (CASE)
DETENTION MENU ..... (DET)
INQUIRY MENU ..... (INQ)
DACS MAINTENANCE MENU..... (MANT)
FORMS MENU..... (FORM)
CASE REPORT MENU..... (CRPT)
DETENTION REPORT MENU. ... (DRPT)
HEARING MENU..... (HRNG)
REPAROLE MENU..... (PARM)
REPATRIATION MENU..... (REPM)
LOOK MENU..... (LOOK)

***-----***
*** ** DACS QUESTIONS CALL THE HQBRO DACS STAFF AT 202-732-2896 OR ** ***
*** ** SEND AN E:MAIL TO THE "DACS" MAILBOX. EQUIPMENT, ROPS (REPORTS * ***
*** ** NOT PRINTING) OR OTHER SYSTEM PROBLEMS CALL THE ICE HELPDESK AT * ***
*** ** 1-888-347-7762. PICS PASSWORDS OR ACCESS TO THE TELEVIEW MENU ** ***
*** ** ***** CONTACT YOUR LOCAL PICS SECURITY OFFICER ***** ** ***
***-----***
PFS - HELP

COMMAND: LCAS A-NUMBER: 0000000000
LOOK ONLY USER (BROWSE ACCESS)
3270
NUM OVR
```

On the command line type in LCAS. Input the alien number without the A, but always include a 0 (zero) before typing in the rest of the number. Press <Enter>.

There are many other options other than LCAS to view, but you need to know the command codes. The last page shows the jump menu, which lists all commands available. LCAS just allows you to view several screens without having to input several codes.

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CHAPTER 3

CLOS

DEPART CLEARED:

CODES

A= Relief Granted
B= 208 (Asylum) filed/granted adjustment of Status
C= 245 filed/granted
D= Admitted or reinstated to status
E= OSC/Charging document cancelled
I = Excluded absconder referred to INV to locate
J= Judicial Deportation
K= Administrative Deportation
L= Legalization-LPR status granted
P= Policy closed (cannot locate subject) deferred action
T= Transferred
V= Visa Waiver Case-Deported
W=Deported Absconder
X= 250 Removal
Y= 252(b) Removal
Z= SAW- LPR status granted
0= Withdrawal Permitted
3=Voluntary Departure verified
6=Deported/Removed
7= Died
8= Excluded/Removed
9=VR-Witnessed

Policy closure-The case has been closed as a policy closure due to inactivity for a three year period (non-criminal)/five year period (criminal).

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CHAPTER 3

DEC. CODES- IJ HEARING SCREEN:

- A= Administratively closed
- B= Adjusted to LPR
- C= Continued
- D= Deport/Remove/Exclude
- E= Deported in absentia
- G=Waiver/Cancellation granted
- H=Withholding granted
- I= IJ Decision Reserved
- M=COV (change of venue) granted
- P= Political Asylum granted
- S=Suspension/Cancellation granted
- T= Proceedings terminated
- V= Voluntary Departure granted by IJ
- W= Withdrawal permitted
- 0= Visa Waiver Deport/Removal ordered
- 1= Administrative Deport/Removal ordered
- 2= Judicial Deport/Removal ordered
- 3= Credible Fear found by Asylum Officer
- 4= Neg Credible Fear Overturned by IJ
- 5= Expedited Removal ordered
- 6= Final Order Reinstated
- 7= Other decision

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CHAPTER 3

FIN VDO Final Voluntary Departure Order
NOT R/O No Removal Order

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CHAPTER 3

3.15 CASE CATAGORIES IJ Hearing Screen

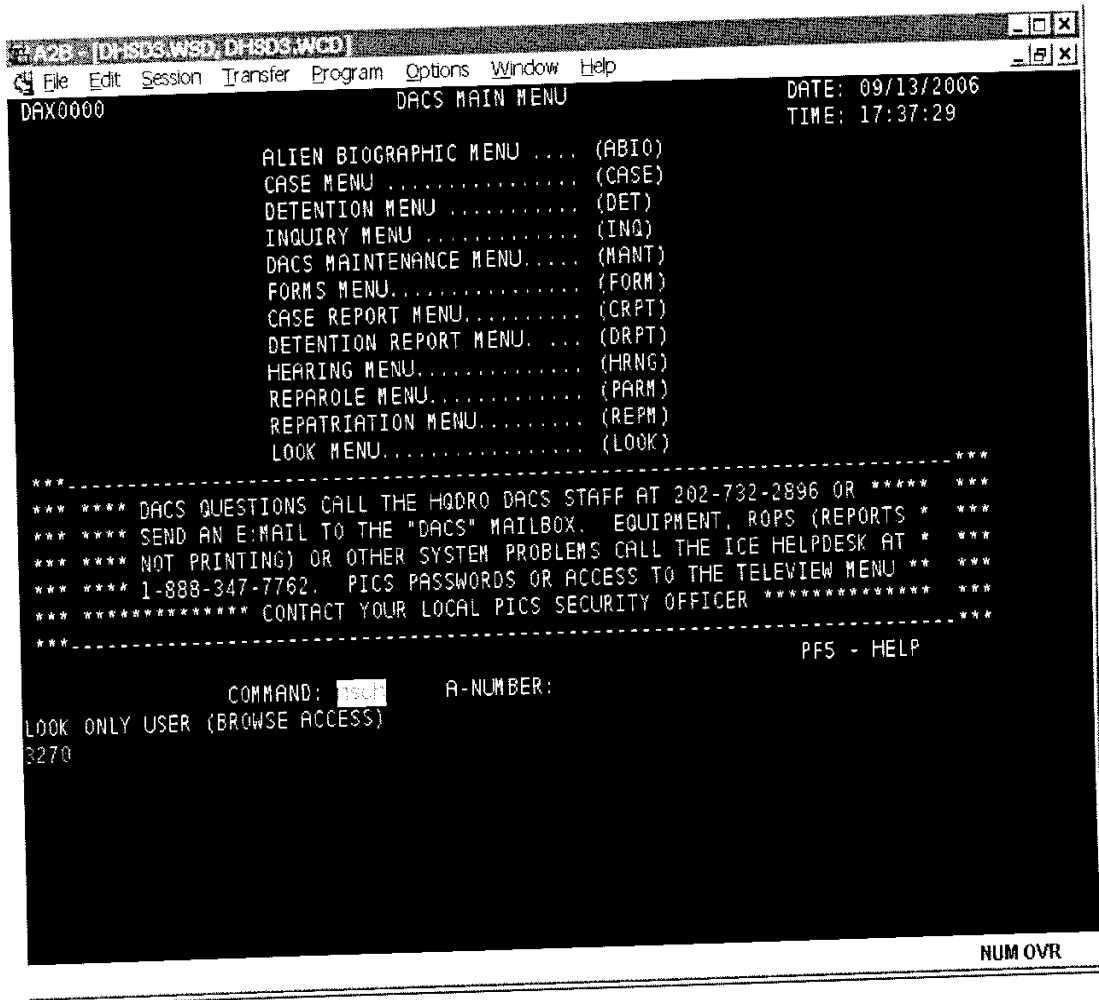
- 1A-Voluntary Departure-Unexpired and extended departure period
- 1B-Voluntary Departure-Extended departure period
- 1C-Expired Voluntary Departure period-Referred to investigation
- 2A-Deportable-Under adjudication by IJ
- 2B- Deportable-Under adjudication by BIA
- 3-Administratively Final Order
- 5A-Referred to Investigations-No Show for Hearing-No Final Order
- 5B-Absconder-Bag and Baggage
- 5C-Relief Granted-Withholding of Deportation/Removal
- 5D-Final Order of Deportation/ Removal
- 5E-Relief Granted-Extended voluntary departure
- 5F-Unable to obtain travel documents
- 8A-Excludable/Inadmissible-Hearing not commenced
- 8B-Excludable/Inadmissible-Under Adjudication by IJ
- 8C-Excludable/Inadmissible-Administrative Final Order issued
- 8D-Excludable/Inadmissible-Under Adjudication by BIA
- 8E-Excludable/Inadmissible-Absconder
- 8F-Expedited Removal
- 8G-Expedited Removal-Credible Fear Referral
- 8H-Expedited Removal-Status Claim Referral
- 8I -Expedited Removal-Absconder
- 9-Voluntary return (to their own country) with safeguards
- 10-Visa Waiver Deportation/Removal
- 11-Administrative Deportation/Removal
- 16-Reinstated Final Order

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CHAPTER 3

3.16 Name Search



From the main DACS screen (or at any other screen) type in NSCH to perform a name search. Leave the A number field blank.

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CHAPTER 3

3/14Jump Screen

By typing in JUMP on the command line, you can view all the different screens that you can access. Some screens are not available for us to view. Press PF1 to forward through. Enter the command codes you wish to view and the alien number. Press <Enter>.



U.S. Citizenship and Immigration Services

Objective

- To introduce asylum case processing procedure.



U.S. Citizenship
and Immigration
Services

Asylee or Refugee?

- **Asylum** - Status granted to someone who has fled to the United States and submitted an application (I-589) asserting that he or she fears persecution if forced to return to his or her home country. Asylees can apply for permanent residence one year after their asylum approval.
- **Refugee** - Any person who lives outside their country of nationality and who is unable or unwilling to return to that country because of persecution or well-founded fear of persecution. They are allowed to live in the United States indefinitely. Refugees get their status before coming to the U.S., while asylum seekers obtain their status after arrival.



U.S. Citizenship
and Immigration
Services

Adjustment of Status

- A refugee may file for adjustment of status one year after initial entry into the United States.
- AS 1 adjusts to AS6, AS2 to AS7 & AS3 to AS8
- An asylee may file for adjustment of status one year after having been granted asylum.
- RE1 becomes RE6, RE2 becomes RE7, RE3 becomes RE8 and RE4 becomes RE9



U.S. Citizenship
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Services

Confidentiality

8 CFR § 208.6

Information contained in or pertaining to any asylum application, records pertaining to any credible fear determination and records pertaining to any reasonable fear determination shall not be disclosed without the written consent of the applicant, except as permitted by this section or at the discretion of the Attorney General.

We don't cite 8 CFR § 208.6 when responding to a third party. We cite Exemption (b)(6). If we were to cite section 208.6, it would be like saying "we are prohibited by law from disclosing to you that he applied for asylum, therefore we are not going to tell you that he did."



U.S. Citizenship
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Exemption (b)(6) and asylum:

- If the subject has signed the application or petition and the subject is the requester, all information on that/those applications or petitions can be released.
- I-589 REQUEST FOR ASYLUM
 - If you can determine the requester is a part of the application (rider), release their information only. Redact 3rd party information. Without these documents the rider cannot continue to have their application processed. Do not release supporting documentation submitted with the I-589 by the principal applicant, including narratives.
- Refugees also come in as riders with family members. Riders proof of entry may be included in the primary applicant's file and may be requested. The form number is I-730.



U.S. Citizenship
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Services

Asylum Scenario

The next few pages are an application for asylum. If the primary applicant files a request, we will give it to him completely.

In this case, the requester is the applicant's son, Bhupinder, a "rider."

We have Bhupinder's consent only.

This is a FOIA.

The primary asylum applicant has not consented to the release of his documents.



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Next we have some forms you commonly see in
asylum cases.



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U.S. Citizenship and Immigration Services



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Objective

To understand when the “expedited treatment requested” box on the FIPS worksheet should be marked.

And to understand the importance of marking the box or not marking the box “expedited treatment requested.”



U.S. Citizenship
and Immigration
Services

NRC FOIA Program Office

2

Background

- FY 2007 we created 1700 expedited cases.
- Approximately 600 were created as expedited and should have not been created as expedited.



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NRC FOIA Program Office

3

What happened?

- Track III cases were created as expedited.
- Duplicate cases were created as expedited.
- Redirects and referrals were created as expedited.



Expedited vs. Track III

- To be considered an expedited request one of the following criteria must exist.
 - A circumstance that poses an imminent threat to the life or physical safety of an individual or
 - An urgency to inform the public about a federal government activity, if made by an individual who disseminates information (the media).



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NRC FOIA Program Office

5

Track III vs. Expedited

- To be considered a Track III request the subject of the file must have a hearing scheduled before an Immigration Judge.
- Track III is not the same as an expedited request. Track III is considered accelerated processing.



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6

Expedited

- Using the word expedited in the request letter does not mean the requester is seeking expedited treatment.
 - It is all in the wording and the placement of the word.



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NRC FOIA Program Office

7

Track III vs. Expedited

A requester who is requesting Track III processing and also uses the word "expedited" or a form of the "expedite" in the request is not considered both expedited and Track III.

This case is a Track III.

DO NOT SELECT THE "EXPEDITED TREATMENT REQUESTED" BOX.

DO NOT SELECT "Track 3" unless approved.

DHS Worksheet - NRC Case Creator

Case Information
 NRC07178627559REQ

Scanned: 6/27/2007 Final Reply Due: 07/27/2007
 Assigned To: NRC3859A

Request
 Type: Bureau
 Source: Transferred Case From
 Category: Referred Case From

Print to CD Track 1 Track 2 Track 3
 Fee Waiver Requested Expedited Treatment Requested PA Citad
 Fee Waiver Granted Expedited Treatment Granted Extension Granted

Requester's Biographical Information
 SSN: First Middle Last

Subject Information
 Alien Number: Name Subject
 SSN: First Middle Last

Action List

Seq	Date	Action	Performed By

Documents

Seq	Date	Document Type	Responsive Unit	Pages	Status
1	06/27/07	Request Letter	NRC07178627559...		Scanned
2	06/27/07	Request Supporting D...	NRC07178627559...		Scanned

Case Notes

Seq	Date	Title	User

Ver: 6.38 Done 10:56 AM 6/28/2007



U.S. Citizenship
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New cover sheets

- **New cover sheets have been created to help you identify cases.**
 - **Expedited**
 - **Track III**

Expedited Cover sheet

- **EXPEDITED TREATMENT REQUESTED**
- **APPROVED** _____
- **DENIED** _____
- **CC:** Please prepare acknowledgement letter with expedited treatment denial.
- **Remarks:**

• **Per:** _____ **Date:** _____

Track III Cover sheet

Track III Requested
APPROVED _____

DENIED _____

CC: Please prepare acknowledgment letter and Track III denial letter.

IJ Decision entered on _____

Decision: _____

Appeal of IJ decision does not meet track III criteria.

No supporting documents attached.

Supporting documents not attached as stated in

requester letter.

No hearing date set -- cc - check EOIR (on 9101 screen press F11 to see EOIR) for hearing date update.

Per: _____ Date: _____



U.S. Citizenship and Immigration Services



U.S. Citizenship and Immigration Services

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Can't understand it. What to do?

- Insert a case note titled "Untranslated Documents" and the referenced page numbers.
- Copy the text of the case note and paste it into an e-mail to NRC, NRCFOIAMS, and
- CC your supervisor.
- Send the case to the Administrative queue.
- After translation, we will scan a copy of the translated information into the case as a CSD, and return to you for processing.



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Quicker is better

- Most untranslated documents you see will be Spanish.
- EDvantage offers Rosetta Stone Spanish, if you're interested.
- Right now, we can handle on-site Spanish, French, German, Russian, Chinese, Ukrainian, Tagalog, Punjabi, Urdu, Pashto, Hindi, Arabic, Italian, and Portuguese.
- If we can't handle it, we send it to USCIS translators in NY.



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U.S. Citizenship and Immigration Services



U.S. Citizenship and Immigration Services



U.S. Citizenship
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Objective

To provide a brief overview what a referral with redactions is, and what a processor does with one.



U.S. Citizenship
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Services

We get referrals with redactions

- Special Interest Team processes them.
- The referring agency includes:
 - Their referral letter to us
 - Their final action letter
 - Exemption paragraphs for exemptions they cited
 - Their appeals paragraph
 - A copy of the original request letter
 - A copy of consent
 - And finally, the referred pages



U.S. Citizenship
and Immigration
Services

NRC FOIA Program Office

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(b)(6)

(b)(6)

(b)(6)

Here is the sheet DEA attaches to all their final action letters.

The language they use is practically the same as the language we use, so if they cite an exemption we commonly use, we just insert our language.

If a referral had exemptions under (j)(2), we could include their paragraph in our FA letter.



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FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (b)(2) Materials related solely to the internal rules and practices of DEA.
- (b)(3) Information specifically exempted from disclosure by another federal statute.
- (b)(4) Privileged or confidential information obtained from a person, usually involving commercial or financial matters.
- (b)(5) Inter-agency or intra-agency documents which are subject to a privilege, such as documents the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction, or which represent the work product of an attorney, or which reflect confidential communications between a client and an attorney.
- (b)(6) Materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (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, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis; and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.

PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) Materials compiled in reasonable anticipation of a civil action or proceeding.
- (j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals.
- (k)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (k)(2) Material compiled during civil investigations for law enforcement purposes.
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to an express promise that his identity would be held in confidence, or pursuant to an implied promise of confidentiality if such information was furnished prior to September 27, 1975.
- (k)(6) The substance of tests used to determine individual qualifications for appointment or promotion in Federal Government Service.

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Here is the first page of the referral letter.

So far, it looks like a standard referral letter –



U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship and Immigration Services

June 5, 2009

NRC2008018980

MEMORANDUM FOR:

Bureau of Prisons
HOLC Building, Rm 841
320 First Street, N.W.
Attn: FOIA/PA |
Washington, DC 20534

FROM: T. Diane Cejka
Director

Subject: FOIA/PA Referral/Consultation
FOIA/PA Control #: NRC2008018980

1. Documents originated by your agency are being referred to you for review and direct response to the requester.
- There are 1 UNCLASSIFIED documents consisting of a total of 9 pages.
- There are CLASSIFIED documents consisting of a total of pages. Please advise us if the classification of any of the documents has changed.
2. Documents originated by Immigration that contain information furnished by your agency are being referred to you for consultation. Please review your information that has been outlined.
- We have no objection to the release of Immigration information, therefore please respond directly to the requester with your determination and provide us a copy of your response.
- Please return the documents to us making any deletions you deem appropriate and cite the FOIA/PA exemptions claimed and the procedure for the requester to file an appeal to your agency. The response should be returned to the address shown above.
- There are UNCLASSIFIED documents consisting of a total of pages.
- There are CLASSIFIED documents consisting of a total of pages. Please advise us if the classification of any of the documents has changed.
3. We have advised the requester of this referral to your agency.
4. We have not advised the requester of this referral to your agency.

Now it looks different –
we pasted in our
paragraphs for (b)(5)
and (b)(7)(E) and our
appeals paragraph.

Look at the paragraph
that starts “One of the
pages referred . . .”

That is a good example.

X 5. A copy of the request is enclosed for your convenience.

6. Please see the attached page(s) for additional information.

One of the pages referred to your agency contains redactions made by our office. This document is a screen print titled “Inmate Profile” dated 06-09-03. Below are the exemptions our office claims for this page and our appeal paragraph. Please add these three paragraphs your response to the requester.

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information that we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

In the event you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”



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(b)(6)



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Objective:

- To get a brief overview of a contract FOIA,
- To understand Exemption (b)(3) + 41 USC 253B(M), and
- To understand Exemption (b)(4)



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Contracts are different:

- Contracts with the federal government are subject to FOIA. Sometimes contractors (*act like they*) were not aware of that.
- A contract processor receives a letter, scans a request, creates a case, contacts the contractor, formally requests the contract, and does everything up until case approval.
- Contracts are frequently handled by e-mail with attachments.
- The contract processor works with the contractor as much as possible.
- After a contract has been requested under FOIA, the contract is probably going to the ERR. We are processing a contract that anybody in the world will be able to look at.



Purpose of FOIA

- The democratic ideal: To ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.
- For a contract requester: To gather information and intelligence in an effort to develop a comprehensive strategy for securing federal contracts.



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Exemption (b)(3) + 41 U.S.C. 253B(M)

- The government is forbidden from disclosing ANY procurement contract proposals.
- The ONLY exception is if a proposal gets incorporated by reference into the final contract that the winning bidder prepares for the government.
- Other kinds of bids are not covered by this statute.



Exemption (b)(4)

- Protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential.



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(b)(4) protects us all:

- Protects interests of government: We need complete and precise submission of business, financial and technical information to make good decisions.
- Protects interests of submitters: Prevents distribution of vital company information to competitors.



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A Trade Secret:

- The act defines a trade secret as information, including a plan, formula, process, or device that:
 - derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and
 - is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.



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Trade Secrets Examples:

- Design drawing of airplane fuel pumps.
- Drug manufacturing information including chemical composition and stability testing.
- Report on computation of mileage rate prepared by private company and utilized by IRS.
- The recipe for Coke.



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What is Commercial or Financial Information ?

- Commercial means anything “pertaining or relating to or dealing with commerce.”
- Profit/nonprofit status of the owner of the document is not a relevant factor.
- Owner of documents have a commercial interest in the records.
- Includes not only corporate or business related information, but personal commercial or financial information.



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Evaluation:

- Examples include sales statistics, severance pay packages, customer lists, profit and loss data, financial condition, safety reports.
- If we think it is a trade secret, we have to be prepared to justify why we think so.
- If it is not a trade secret, we have to evaluate it for commercial or financial information. In that case, we have to apply a three pronged test:
 - Commercial or financial AND
 - Obtained from a person AND
 - Confidential or privileged.



What is a person?

- “Person” for government purposes is a real person, or a business, or a company, or an agency of a foreign government, or a Native American tribe, or an agency of a state government,
- BUT a “person” is NOT a federal agency.
- Isn’t a person a just a human being? No. The term “person” has been redefined by case law as it relates to exemption (b)(4).



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What is Confidential or Privileged?

- Information is confidential (*not “classified” Confidential*) if its release:
 - Would impair the government’s ability to get necessary information in the future, OR
 - Could cause substantial harm to the competitive position of the submitter.
- (b)(4) protects some information that is not considered confidential. If information could be considered *privileged* from discovery, (b)(4) can still cover it, for instance:
 - A company’s critical self-evaluation of its products
 - Attorney work product
 - Advice prepared by a specialist in the company for the government as a client



Substantial Competitive Harm

- Data describing a company's workforce and labor costs.
- Currently unannounced and future products.
- Company's break even calculations.
- A map to the fishin' hole.



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They are supposed to mark it:

- *Restriction on disclosure and use of data.* Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall --
 - (1) Mark the title page with the following legend:
 - This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of -- or in connection with -- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and
- (2) Mark each sheet of data it wishes to restrict with the following legend:
 - Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.



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Marking the Documents:

- The applicable regulation is FAR 52.215-1(e). FAR stands for Federal Acquisition Regulation. You may easily find the full texts of FAR's on the internet through any reliable search engine.
- If a document is properly marked, a court will give more weight to withholding the information, because the company is indicating an expectation of confidentiality, and making it more difficult for USCS attorneys to justify why we released it.
- Just because a document is marked does not always mean we can withhold the information, and just because a document is not marked does not mean we can skip it.



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Don't Forget the other Exemptions:

- If an exemption other than or in addition to (b)(4) applies, we also apply that exemption.
- For example, If psychological profiles of certain personnel are required to be submitted as part of the bid, that is Privacy Act information. Exemption (b)(6) applies.



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Initial Request

- Elizabeth's job is "Senior Intelligence Specialist"
- (b)(4) falls under the mosaic.

December 21, 2007

Heather Vanslette
DEPARTMENT OF HOMELAND SECURITY
U.S. Citizenship and Immigration Service
Eastern Regional Office
70 Kimball Avenue
South Burlington, VT 05403-6813

Reference: Contract #HSSCCG07D00006 - SI International

Dear Ms. Vanslette:

In accordance with the Freedom of Information Act (FOIA), I would like to request documents related to the above referenced item. Specifically, please provide:

- All contract modifications
- All task orders/Calls including statements of work
- Contract Terms and Conditions

Kristie Nestle is the CS at (802) 872-4102.

It is my desire to have you provide copies with the understanding that I will pay reasonable reproduction, search and review costs. Please contact me first for approval if fees exceed \$250. I would prefer to receive the documents electronically if they are available in that format.

Thank you for your assistance. If you have any questions, please call me at (703) 610-8738 or e-mail me at steponk1@fedsources.com. I can also be reached by FAX at 703-883-0362.

Sincerely,

Elizabeth D. Steponkus
Senior Intelligence Specialist



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Notification:

January 28, 2009

Notice of Request

VIA Certified Mail: 7006 3450 0003 5567 3121

- First, we tell the contractor what happened.

Rikki George
C/o Maya Advertising and Communications, Inc.
1028 3rd Street NW, Suite 200
Washington, D. C. 20007

RE: CNT2009000003

Dear Ms. Rikki George:

This office is processing a Freedom of Information Act request for material relating to the Citizenship and Immigration Services contract number HSSCCG-08-C-00007 awarded to Maya Advertising and Communications, Inc. The Freedom of Information Act (FOIA) requires the release for records held by the Government, except for any portions that are permitted to be withheld under various exemptions recognized by the FOIA.

- The contractor might send us a copy of the contract, blacking out everything they want us to withhold.
- We will hold it if we can.

Please advise us of any portions of the requested documents that you believe should be withheld under the exemptions provided by the FOIA. Please use the enclosed copy of records which have been identified as responsive to this request to identify such portions. Please bracket information that you believe should be withheld; do not black out information. We request that your justification for withholding any information include a sworn statement indicating whether or not any portion of the requested information has, to the knowledge of the submitter, been revealed to any person not employed by the submitter or to any other agency.

In addition, pursuant to Subpart 15.503 (b)(1)(iv) of the Federal Acquisition Regulation (FAR) "items, quantities and any stated unit prices of each award will be made publicly available, upon request." Requests to withhold unit prices contained within the contract or award recommendation report must be accompanied with a justifiable legal argument which overcomes the release provision cited above.

We have found that it is often possible to make reasonable deletions in accordance with the spirit of the Freedom of Information Act, which are acceptable to both you and the requester. If that is not possible in this case, we shall then determine whether withholding the information you specify, in whole or in part, is defensible under the FOIA. Enclosed are two pages of general guidance regarding the appropriate FOIA exemptions.

You may also find it helpful to refer to similar documents, which have previously been processed for release under FOIA by visiting the USCIS web site. To view contracts on the USCIS web site, log on to www.uscis.gov, click on "Freedom of Information Act" at the bottom of the screen, and click on "Contracts" under "Related Links" on the right side of the screen. If you have any problems retrieving these documents, please contact this office at the number below and we will try to assist you!



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THIS DOCUMENT CONTAINS PROPRIETARY AND CONFIDENTIAL STANLEY INFORMATION THAT SHALL NOT BE REPRODUCED, COPIED, OR DISCLOSED IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN FOR THE GOVERNMENT TO EVALUATE WHETHER TO RELEASE CERTAIN INFORMATION UNDER STANLEY'S CONTRACT WITH THE DEPARTMENT OF HOMELAND SECURITY (DHS) UNDER SOLICITATION HSSCCG-07-R-00024. THIS DOCUMENT MAY NOT BE DISCLOSED OUTSIDE DHS WITHOUT THE WRITTEN PERMISSION OF STANLEY.

October 8, 2008

Response:

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

United States Department of Homeland Security
ATTN: Army Wansing
PO Box 648010
Lee's Summit, MO 64064-8010

Re: Freedom of Information Act Request for Release of Information
Contract Nr. HSSCCG-07-D-00007

Dear Ms. Wansing:

Stanley, Associates, Inc. ("Stanley" or "the Company"), submits this response to the Freedom of Information Act ("FOIA") request dated September 17, 2008. The requested information includes only the copy of the Order dated September 21, 2007 and all subsequent numbered and dated modifications thereto included with the original FOIA Request dated September 17, 2008. To the extent other information, including Stanley's cost or technical proposal submitted prior to award of the Prime Contract, Stanley reserves the right to respond to such a request is made at a later date.

Stanley generally objects to the release of cost and pricing data, as well as elements of the Prime Contract Award Fee and Stanley's Small Business Subcontracting Plan, all of which were proposed by and are proprietary to Stanley. This information is clearly exempt from release under the FOIA. Such information is also prohibited from discretionary disclosure under the federal Trade Secrets Act, 18 U.S.C. § 1905. Specifically, Stanley objects to the release of the following data:

- Contract Number HSSCCG-07-D-00007, dated 09/21/2007
- Page 2 of 4: Financial data under the fields labeled "Supplies/Services (B);"
- "Quantity Ordered (C);" "Unit Price (E);" and "Amount (F);"
- Page 3 of 4: Financial data under the fields labeled "Supplies/Services (B);" and "Quantity Ordered (C);" "Unit Price (E);" and "Amount (F);" and
- Page 4 of 4: Financial data under the fields labeled "Supplies/Services (B)";

- P00001, dated 11/30/2007:
- Page 1 of 3: Financial data in the "Net Increase" field; numerical values included in the field titled "Changes for CLIN 0001AA;"
- Page 2 of 3: Financial data in the following fields: "Changes for CLIN: 0001AB;" "Changes for CLIN: 0002AA;" "Changes for CLIN: 0002AB;" "Changes for CLIN: 0003AA;" "Changes for CLIN: 0003AB;" and "Changes for CLIN: 0004AA;"

- The contractor could send us a generic response like "please hold any trade secrets and all commercial or financial information."
- In this response, they are specifying by page number exactly what they want us to hold.



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Redactions

- A contracts processor is concerned about invasion of personal privacy, as well as information that could harm the government if released.

(b)(6)

MODIFICATION CONTRACTUAL OR COMMERCIAL ITEM FEDERAL ACQUISITION REGULATION (FAR) 48.101-6		DATE OF MODIFICATION FEB-20-2004	PAGE # 1 of 1
CONTRACT NUMBER HUSCCO 00-D-00007	MODIFICATION NUMBER 07/21/2004	DATE OF ORIGINAL CONTRACT 1-2-04	ORDER NUMBER (b)(2)
CONTRACT DESCRIPTION UNCLAS Contracting Office Department of Homeland Security 79 Kinball Avenue South Burlington VT 05403		CONTRACT ADDRESS UNCLAS (SIC) 54.1	CONTRACT TYPE Fixed Price
CONTRACT VALUE \$1,000,000.00	MODIFICATION VALUE \$0.00	CONTRACT STATUS Active	CONTRACT CLASSIFICATION UNCLAS
CONTRACTOR INFORMATION Department of Homeland Security Citizenship & Immigration Services Verification Division 470 L'Enferme Place West, NW 7th Floor, Suite 7112 Washington DC 20024-2112		CONTRACTOR ADDRESS UNCLAS Contracting Office Department of Homeland Security 79 Kinball Avenue South Burlington VT 05403	
CONTRACTOR CONTACT INFORMATION NAME: ALEXANDER TITLE: CONTRACT MANAGER ADDRESS: 2020... WASHINGTON DC 20024-2112		CONTRACTOR CONTACT INFORMATION NAME: ALEXANDER TITLE: CONTRACT MANAGER ADDRESS: 2020... WASHINGTON DC 20024-2112	
CONTRACT DESCRIPTION CONTRACT NUMBER: 07010617-0000 CONTRACT DESCRIPTION: CONTRACT PERFORMANCE OF INVESTING & ADVERTISING CAMPAIGN SERVICES FOR THE UNCLAS VERIFICATION DIVISION IN SUPPORT OF THE E-VISIT PROGRAM. Please reference the attached Performance Work Statement. UNCLAS Point of Contact: Alexander 2020... (b)(2)			
CONTRACT VALUE \$1,000,000.00		MODIFICATION VALUE \$0.00	
CONTRACT STATUS Active			
CONTRACT CLASSIFICATION UNCLAS			
CONTRACTOR INFORMATION Department of Homeland Security Citizenship & Immigration Services Verification Division 470 L'Enferme Place West, NW, 7th Fl Attn: A. Alexander, Suite 7112 Washington DC 20024-2112			
CONTRACTOR CONTACT INFORMATION NAME: ALEXANDER TITLE: CONTRACT MANAGER ADDRESS: 2020... WASHINGTON DC 20024-2112			
CONTRACT DESCRIPTION CONTRACT NUMBER: 07010617-0000 CONTRACT DESCRIPTION: CONTRACT PERFORMANCE OF INVESTING & ADVERTISING CAMPAIGN SERVICES FOR THE UNCLAS VERIFICATION DIVISION IN SUPPORT OF THE E-VISIT PROGRAM. Please reference the attached Performance Work Statement. UNCLAS Point of Contact: Alexander 2020... (b)(2)			
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CONTRACT STATUS Active			
CONTRACT CLASSIFICATION UNCLAS			
CONTRACTOR INFORMATION Department of Homeland Security Citizenship & Immigration Services Verification Division 470 L'Enferme Place West, NW, 7th Fl Attn: A. Alexander, Suite 7112 Washington DC 20024-2112			
CONTRACTOR CONTACT INFORMATION NAME: ALEXANDER TITLE: CONTRACT MANAGER ADDRESS: 2020... WASHINGTON DC 20024-2112			

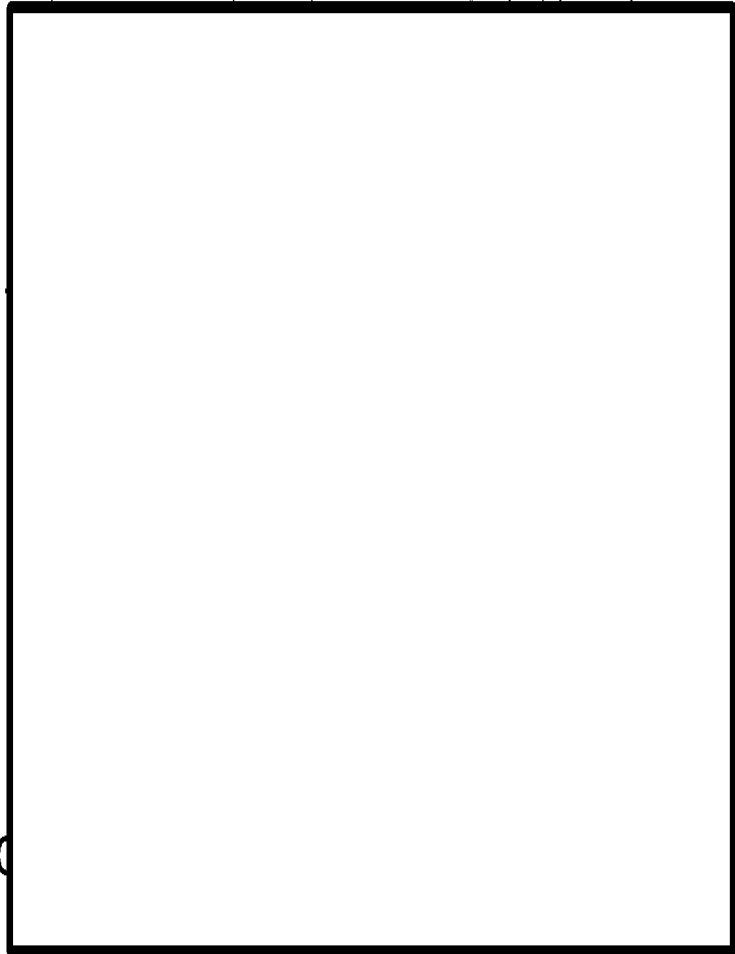
(b)(6)



(b)(4)

Disclosure:

- Exemption (b)(4) is cited to protect the company's commercial and/or financial information.
- The processor protected the accounting information not because we believe the competitor is unscrupulous ...



(b)(4)

20. QUANTITY IN CASE UNIT IF NOT BEEN		ACCEPTED AND CONFORMS TO THE CONTRACT CHECKED BY		
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> INSPECTED	<input checked="" type="checkbox"/> NOTICED		
21. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE		22. DATE	23. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
24. VALUE ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE		25. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE		
		26. NAME OF AUTHORIZED GOVERNMENT REPRESENTATIVE		
27. BNP NUMBER	28. VOUCHER NUMBER	29. FISCAL YEAR-NO CONTRACT FOR	30. PAYMENT	31. CHECK NUMBER
<input type="checkbox"/> PARTIAL	<input type="checkbox"/> FINAL		<input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	
32. BNP ACCOUNT NUMBER	33. BNP VOUCHER NUMBER	34. PAID BY		
35. I CERTIFY THIS ACCOUNT IS CORRECT AND PAID FOR IN FULL		36. RECEIVED BY NAME		
37. SIGNATURE AND TITLE OF CERTIFYING OFFICER		38. DATE	39. RECEIVED BY SIGNATURE	
		40. DATE CHECK NUMBER	41. TOTAL VOUCHERS	



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The Bid

(b)(3)

(b)(4)

- The winning bid was NOT incorporated by reference into the contract.
- 41 U.S.C. § 253B(M) requires us to fully withhold this bid, as well as any other bids we might have had for this contract.



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Some things we have to give:

- If information has been made public by other federal agencies, or if a statute or regulation requires that we release it.
- If Federal Acquisition Regulations have required the release of certain information, such as the overall contract price for the winning bid, for certain contracts.
- For instance, if the Securities and Exchange Commission has made some fact about a bidder public, we cannot hold that information, whether the bidder wants us to or not.



Wait! It's not over!

- If we completely agree with what the contractor wanted us to redact, we do not have to respond to them at all before sending the file to the requester.
- We might send a letter to the contractor saying “we redacted the contract exactly according to your specifications” but we don't have to.
- If there is ANY disagreement, we do not immediately put it in the mail to our requester.
- We send the contractor our redacted copies, so they can see exactly what we did or did not do. We explain our reasons.



We have to inform the company.

- EO 12600 requires us to give the contractor the opportunity to “articulate the harm” that could be caused if we release the information.
- After we have finished processing a request for the contract, we have to show the contractor any disagreements.
- This applies only to the winning bidder. We don't tell any requester anything about what companies submitted losing bids. We don't even acknowledge losing bids exist.



Notifying the contractor

- We write to them and send a copy, or we send an email with an attachment.
- They may make objections, point by point, page by page, quoting case law.
- We forward their response to DHS attorneys' office, and then respond to contractor.



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If they disagree – We respond.

- We could decide to withhold the information for the reasons the submitter gave us, or we could decide to release it anyway because FOIA requires it.
- If we decide to release it anyway, we document everything that went into our decision and the reasons we decided to release it and send the decision to the contractor.
- The contractor then has the right to file a “Reverse FOIA” lawsuit to keep the government from releasing the information.



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We are in the middle:

- We have to be very considerate of the legitimate interests of a contractor. We do not want to damage their commercial viability, nor do we want to cause them competitive harm,
- but we cannot violate the spirit of FOIA: “to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”



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Objective

To become familiar with the types of documents we will now be referring to the Department of State



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The Background:

- In July 2009, we received a memorandum from Department of State (DOS) instructing us to refer all documents originating with DOS to DOS.
- We had a few questions:
 - Do they mean the executed immigrant visa which grants the person status as an LPR?
 - Do they mean country conditions reports?
 - Do they mean State Department documentation that bears a USCIS stamp after adjudication?



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We submitted questions:

- USCIS: Do you mean ANY form that has a DOS number on it should be referred?
- Dept. of State: **Yes. Any document that originated with DOS should be referred to us for review and direct reply.**



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We asked:

- USCIS: How about the Advisory Opinion requested by USCIS for the asylum application being adjudicated? We ask for the opinion, so doesn't the document then become ours to process under the FOIA?
- Dept. of State: **No. Since the Advisory Opinion is a DOS document, then DOS should review the document.**



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Don't you mean??

- USCIS: If there was something DOS wanted withheld wouldn't they annotate *NOT TO BE RELEASED UNDER FOIA* on the document before it ever makes it into the A-file?
- Dept. of State: **No. Since the document is a DOS document, then DOS should review the document.**



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And we asked:

- USCIS: What about a letter relating to an Immigrant VISA issued by the American Consulate? These fall within the purview of DOS, but we have always processed those under FOIA in the past rather than refer.
- Dept. of State: **CIS should not release a letter generated from within DOS, and the document should be referred to DOS for review. DOS wouldn't release such a letter unless it was addressed to the FOIA requester as such information would be protected under FOIA exemption (b)(3), as well as the confidentiality provisions under INA 222(f).**



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Do you really mean ALL? Yes!

- The IMMIGRANT VISA AND ALIEN REGISTRATION packet contains documents completed by the alien. Why would we refer these documents to DOS? Like the Immigrant Data Summary, it contains the admission stamp and other information relating to the alien.
- Any visa information or visa record documents in the Immigration Visa and Alien Registration packet that originate with DOS are protected under the provisions of INA 222(f) and should be referred to DOS for review if the subject of a CIS FOIA request. Further, if DOS is the originating agency of any record and document that is the subject of a CIS FOIA request, CIS should refer that record and document to DOS for review.



U.S. Citizenship
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Services

A Loud and Clear Message:

We Refer



They Receive



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Services

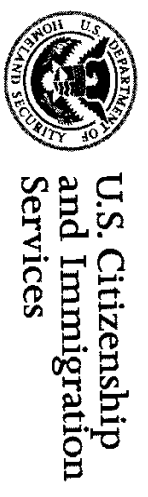
What are we looking for?

- We need to refer any document that originated with Department of State.
- This also includes United States Embassies and Consulates.
- A document should give you enough information to determine origin.

*The Secretary of State
of the United States of America
hereby requests all whom it may concern to permit the citizen/*



OPTIONAL FORM 230 II (ENGLISH)
REVISED 4-91
DEPT. OF STATE



(b)(6)

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Beginning and End Sheets

- Soon, you will begin seeing a sheet marking the beginning of a State Department Visa Packet, and a sheet marking the end.
- The sheets will serve as a heads-up for you to be ready to refer. State Department intermingles USCIS documents, such as petitions, affidavits of support, and so forth, as well as personal documents, such as birth certificates, marriage certificates, family registers and similar documents.
- You will also find some State Department documents outside of the visa packet.



U.S. Citizenship
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Services

**BEGIN
VISA
PACKET**

**END
VISA
PACKET**

Place these two pages Out of Scope

Others you may already know:

- Some DOS documents you are already familiar with from processing, for instance:
 - Report 24 – Scheduled Applicants Case Records
 - Report 71 – Case Accountability Report



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(b)(6)

If you see general information, not relating to an individual, and you can get it on the internet, then do not refer.



U.S. Citizenship and Immigration Services

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YOU ARE IN: Under Secretary for Public Diplomacy and Public Affairs > Bureau of Public Affairs > Bureau of Public Affairs > Bureau of Public Affairs: Electronic Information and Publications Office > Background Notes
Background Note: Cuba

People
History
Government
Political Conditions
Economy
Defense
Foreign Relations
U.S. Relations
Travel/Business
Background Notes A-Z



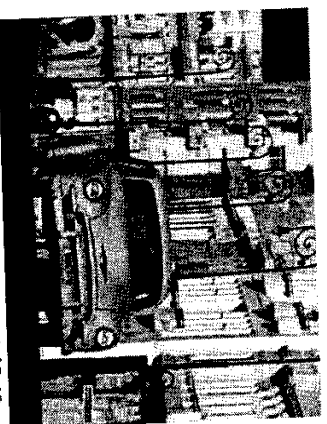
PROFILE
 OFFICIAL NAME:
 Republic of Cuba

Geography
 Area: 110,980 sq. km. (44,200 sq. mi.); about the size of Pennsylvania.
 Cities: Capital--Havana (pop. 2 million). *Other major cities*--Santiago de Cuba, Camaguey, Santa Clara, Holguin, Guantanamo, Matanzas, Cienfuegos, Pinar del Rio.
 Terrain: Flat or gently rolling plains, hills; mountains up to 2,000 meters (6,000 ft.) in the southeast.
 Climate: Tropical; moderated by trade winds; dry season (November-April); rainy season (May-October).

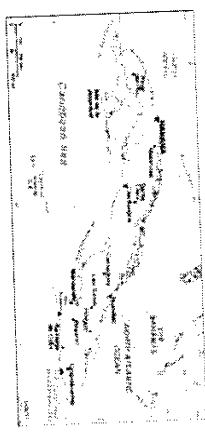
People
 Population: 11.2 million; 70% urban, 30% rural.
 Ethnic groups: 51% mulatto, 37% white, 11% black, 1% Chinese (according to Cuban census data).
 Language: Spanish--97% (according to Cuban government sources).
 Work force (4.87 million): *Services*--4%; *Industry*--13%; *Agriculture*--20%; *Science and technology*--1%; *Construction*--5%; *Education*--12%; *Health and social services*--12%.

Government
 Type: Totalitarian communist state; current government assumed power by force January 1, 1959.
 Independence: May 20, 1902.
 Political party: Cuban Communist Party (PCC); only one party allowed.
 Administrative subdivisions: 14 provinces, including the city of Havana, and one special municipality (Isle of Youth).

Economy
 GDP (2007 est., based on constant 1997 prices): \$47.35 billion.
 Real annual growth rate: 3.0% (2001); 1.5% (2002); 2.9% (2003); 3.0% (2004 est.); 7.8% (2005 est.); 9.5% (2006 est.); 5.8% (2007 est.).
 GDP per capita income (2007 est., based on constant 1997 prices): \$4,200.
 Average monthly salary: \$17.



Classic car in Havana, Cuba, July 9, 2006. [© AP Images]



This is a country report on human rights practices in Cuba.

This is not about a specific person.

This is available to anybody on the internet.

Release this.



Cuba

Country Reports on Human Rights Practices
Bureau of Democracy, Human Rights, and Labor
2007

March 11, 2008

Cuba, with a population of approximately 11 million, is a republic that formerly led by an acting president, General Raul Castro. In the 2003 elections for the National Assembly, which were neither free nor fair, the Communist Party (CP) won 99 percent of the vote and all 609 seats in the National Assembly. The government exercises control through the CP and its national mass organizations, the *Comandancia*, and the state security apparatus. General Castro was granted personal control by his brother, Fidel Castro, in a proclamation issued in July 2006 after the latter underwent medical treatment, however, Fidel Castro continued to dominate policy on a wide range of issues. The Ministry of the Interior exercises control over police, the secret security forces, and the prison system.

The government continued to deny its citizens their basic human rights and committed numerous, serious abuses. The government denied citizens the right to change their government. There were at least 240 political prisoners and detainees held in years' end. As only an 8,000 citizens served sentences for "crimes against the government," with no more specific criminal behavior defined. The following human rights problems were reported: arbitrary arrests; beatings and abuse of detainees and prisoners, including human rights activists, carried out with impunity; harsh and life-threatening prison conditions, including denial of medical care; harassment, beatings, and threats against political opponents by government-recruited mobs, police, and state security officials; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denial of fair trial, and interference with privacy, including pervasive monitoring of private communications; there were also several limitations on freedom of speech and press; denial of peaceful assembly and association; restrictions on freedom of movement, including selective denial of exit permits to citizens and the denial of removal of persons from Havana to their home towns; and refusal to recognize democratic human rights groups or permit them to function legally. Detainees, victims, underage prostitutes, sex traffickers, discrimination against persons of African descent, and severe restrictions on workers' rights, including the right to form independent unions, were also problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents were not known to have committed any politically motivated killings.

On March 20, in the city of Matanzas, an off-duty police officer shot and killed 34-year-old Sergio Enrique Pena, who was unarmed. Although the police officer demanded that Pena give him the motorcycle he was riding on the officer not revealing information about Pena's legal firm business, when Pena refused to hand over the motorcycle, the officer shot him in the head.

On July 29, the prison director ordered guards in CDO 3 prison in Camaguey Province to shoot an altercation between inmates. The guards used older size metal poles to beat the prisoners who were known to be Cuban, Carlos Isabel Llanusa and Manuel Medina, and seriously injured another inmate. Witnesses stated that the guards continued to beat the prisoners after they were unconscious.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits inhumane treatment of detainees and prisoners; however, members of the security forces sometimes beat and otherwise abused human rights and pro-democracy advocates, dissidents, and prisoners and did so with impunity.

Although physical torture was rare, such as beatings, harassment, and rape, death threats against dissidents, both inside and outside of prison, many were interrogated and pressured to sign incriminating statements or to confabulate with authorities. Some dissidents and prisoners endured physical abuse, administration by force, threats with the execution of guards, or other periods in isolation or punishment cells. Political prisoners and dissidents who refused to swear the prison oath or take part in "reeducation" activities were targeted for punishment.

Independent journalist Armando Barrientos stated, "I was arrested on August 20 after completing a 15-month sentence in the Cienfuegos State prison, and that justice in previous years, would provide the degree of political prisoners in front of subordinates. Prisoners who had been reported that they were placed in isolation and not returned to the general population for 15 to 20 days, by which time friends of other inmates had learned that they were still held. Inmates who were released that prison staff sometimes granted services with prisoners of interest to take a medical prisoner, although reportedly the process may have occurred in Havana. On September 7, the number of political prisoners José Luis that prisoners named Orla, with the director of staff, social services, but another prison in Cienfuegos Province stated that her son had the required four articles. On September 7, independent journalist Adelmi Perdomo, arrested at Camaguey prison, Ciego de Avila, mentioned military guards beat with their fists, belts, and before national prisoner Kelly also went for wearing clothes to escape nudity. The same day Perdomo saw two guards beat a prisoner for attempting to put the watch in a container when their search that results must be shown in the next day.

The government continued to subject prisoners who disappeared with it to "acts of repression," although these incidents, especially those that occurred in front of the homes of dissidents, were notably fewer and less extensive than in previous years. The government targeted dissidents by directing migrants from the CP, the Union of



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<http://www.state.gov/e/dfnrl/rpdv2007/100635.htm>

Procedure:

- Look for any Department of State indicators. We refer **any** State document to State, unless it does not relate to any one individual and is generally available to the public.
- We release the name of the agency and they respond directly to the requester.
- In our final action letter, we change “another government agency” to “the Department of State.”



U.S. Citizenship
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Questions?

- Q: Do we withhold third party State Department documents, or do we refer them?
- A: Refer them, and add the following sentence to the end of your referral letter: “We are referring third party DOS documents to you per DOS instruction to USCIS.”
- Q: Are we required to add sentences to the end of our referral letter to DOS?
- A: If there is anything unusual, yes. For example, if we are referring a document with an alias the subject used, we might say something like “_____ is a known alias per rap sheet.”



U.S. Citizenship
and Immigration
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Questions?

- Q: If this is a request for specific documents, and the subject has asked for a DOS document, such as the immigrant visa, how do we close the case?
- A: In this case, you would still change the case type from FOIA to PA. Close the case G1. Add the following sentence to your G1 letter: We have referred one page to the Department of State for their direct response to you.



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U.S. Citizenship and Immigration Services



U.S. Citizenship and Immigration Services

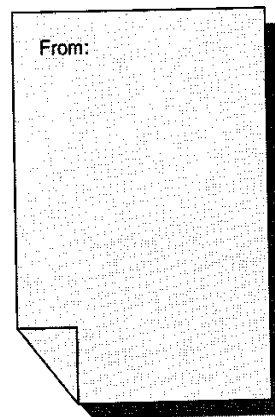
Referrals

Referrals

- What is a referral?

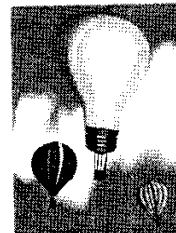
A document that originates with another agency that has been filed within a USCIS record.

Not all documents originating with other agencies are referred.



Referrals

- **Things to remember –**
- Do not release the name of the agency to the requester if referral or consultation involves investigative or intelligence records (law enforcement agencies).
- If the referred document originated with another agency and does not contain any USCIS information, refer the document to that agency for direct response to the requester.
- If a referred document contains USCIS information, it should be reviewed and appropriate redactions made.
 - If you have made redactions to the USCIS portion of the document, you must include the applicable USCIS exemptions paragraph and the USCIS appeal paragraph in your referral letter.



Referrals

- USCIS FOIA has been given permission to make appropriate redactions on some documents that originated within other DHS components and Federal agencies.
- Not all documents belonging to ICE, CBP, FBI and DOS need to be referred.
- Documents to be referred to ICE:
 - Report or Memorandum of Investigation
 - Documents created by the Division of Immigration Health Services
 - SEACATS screen prints (if ICE was the contributing office)
- Documents to be referred to CBP:
 - The Discretionary Authority Checklist for Alien Applicant
 - ATS – Summary Detail
 - SEACATS screen prints (not all SEACATS) are referred to CBP (see USCIS FOIA Processing Guide)
 - APIS screen prints
- All documents belonging to US VISIT will be referred.
- All documents belonging to BOP will be referred.
 - Contractor working for BOP prepares document. Document should be referred to BOP.
- All documents belonging to ORR (Office of Refugee Resettlement) will be referred. (HHS)

Referrals

- Documents to be referred to FBI:
 - The only documents to be **processed** by the NRC belonging to FBI include the FBI “rap sheet”, NCIC, Interstate Identification Index (III) printouts and the results of a fingerprint check. Please see the *USCIS Processing Guide*.

- Documents to be referred to DOS:
 - Report 24 – Scheduled Applicants Case Records
 - Report 71 – Case Accountability Report
 - Most documents will be referred to DOS except:
 - An Immigrant VISA surrendered to immigration personnel during the admission process is no longer considered to be a document belonging to DOS.
 - The country conditions associated with asylum should not be referred to DOS.
 - Advisory Opinion
 - Records relating to an investigation conducted by DOS in response to an immigration VISA inquiry during the admission process should not be referred to DOS.

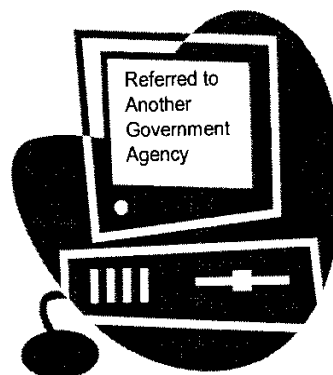
REFERRING DOCUMENTS RELATING TO THIRD PARTY INDIVIDUALS

- If you are processing a case that contains documents to be referred to another agency and those documents **do not** relate to the subject file (third party documents), please **do not** refer the documents.

Please process them accordingly.

- The **exception** would be if consent of all individuals has been given. Referral letter to agency should be amended.

Sometimes the supporting documents/CSD contain information that should be sent with the referral letter. If this is the case sent an e-mail to the OA and ask them to print these documents and mail them with the referral letter to the agency.



REFERRING DOCUMENTS RELATING TO THIRD PARTY INDIVIDUALS

- Scenario: This is a self request. The file contains TECS screen prints that originated with the Secret Service. These prints belong to the subject's wife. Since the wife did not sign the request, the documents would be withheld in full.

TECS screen prints relating to third-party individuals should be withheld in full citing all applicable exemptions.

Exemptions that may apply are (b)(2) and (b)(7)(C) of the FOIA and exemptions (k)(2) and (b)(7)(C) on PA cases.

REFERRING DOCUMENTS RELATING TO THIRD PARTY INDIVIDUALS

- Scenario: This is a self request. The file contains TECS screen prints that originated with the Secret Service. These prints belong to the subject's wife. The wife has also signed the request or given consent.

The documents would be referred to the Secret Service.

The referral letter to the Secret Service should explain ; "The enclosed documents relate to a third-party not the subject of the file. Consent has been provided."

(b)(6)

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Detainee was identified by (check 2 sources) Arm band Picture Verbally Other _____

S: 1. What language do you speak? English Spanish Other _____ Interpreter # or name: _____

Medical Screening

2. How do you feel today? (Explain in his/her own words)

3. Are you currently having any pain? Yes No If yes, complete pain assessment below:

3a. Character of pain:	3b. Location:	3c. Duration:	3d. Intensity (0-10 pain scale)	3e. What relieves pain or makes it worse?
------------------------	---------------	---------------	---------------------------------	---

4. Do you have any significant medical problems? Yes No If yes, explain:

5. Do you take any medication on a regular basis, including over the counter and herbal? Yes No If yes, list medications:

6. Do you have any allergies to include allergies to medication or food? Yes No If yes, explain:

7. Are you now or have you ever been treated by a doctor for a medical condition to include hospitalizations Yes No If yes, explain:

8. Have you ever had a persistent cough for more than three weeks, coughed up blood, had a persistent fever, night sweats, or unexplained weight loss?
 Yes No If yes, explain:

9. Are you pregnant? Yes No N/A If yes, date of last menstrual period _____

HCG Results: Positive Negative gravida _____ para _____ abortions _____ live births _____

10. Have you had any recent acute changes with your vision? Yes No If yes, explain:

Oral Screening

11. Are you having any significant dental problems? Yes No If yes, explain:

Mental Health Screening

12. Are you currently thinking about killing or harming yourself?? Yes No If YES, make referral immediately and ensure safety.

13. Have you ever tried to kill yourself? Yes No
 If yes, was it within the last 90 days? Yes No If YES, make referral immediately and ensure safety.

14. Are you currently thinking about hurting someone else? Yes No
 Is the person you want to hurt someone in the facility? Yes No If yes, who is this person?
 If YES, make referral immediately.

15. Do you *now or have you ever* heard voices that other people don't hear; seen things or people that others don't see; or felt others were trying to harm you? Yes No If yes, explain:

16. Have you ever been diagnosed with a mental illness or have you ever been hospitalized for psychiatric reasons? Yes No
 If yes, explain:

17. Have you been a victim of physical or sexual abuse? Yes No If yes, explain:

18. Do you feel that if you are in the housing unit with other detainees that you might be physically or sexually assaulted? Yes No
 If yes, explain:

19. Have you ever sexually assaulted anyone? Yes No If yes, explain:

Last Name	First Name
Alien #	Country of Origin
DCA	DOB
Facility	Sex

DIHS-795 (revised 08/2007)

Refer to ICE

(b)(6)

(b)(6)

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Referred to another gov't agency

DCII

Defense Central Index of Investigations

Version 4.3.2.2, Dated 6/17/2008

This document contains information exempt from mandatory disclosure under the FOIA. Exemption (s) 6 and 7c apply.

Notice: Under the Privacy Act of 1974, you must safeguard personnel information retrieved through this system. Disclosure of information is governed by Title 5, United States Code, Section 552a Public Law 93-579, DoDD 5400.11, DoDR 5400.11-R and the applicable service directives.

Owner :
Generated : 2008/08/13 10:28:22

E-mail address at the bottom of document

<https://dcii.dsis.dod.mil>

Referred to another gov't agency

Person Search Results

No results found.

Search parameters:

Search Type: Relaxed

Last Name: john Limit: 75 %

First Name: Limit: 75 %

Date of Birth: 1981/01/01

Date Requested: Wednesday, August 13, 2008 10:28:22 EDT

*CIS Division
3111 University Avenue*

For Official Use Only
Privacy Act of 1974 applies. Reference the coversheet for details.

Where do I refer this document?

The first page of this document shows who the document should be referred to. Both pages should have been referred.

(b)(6)



U.S. Citizenship and Immigration Services

Objective:

To provide a brief overview of the history of the Mariel Boatlift and to familiarize you with the types of documents peculiar to those A-files.



U.S. Citizenship
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Services

The Background:

- By 1979, Cuba's economy was worse than a train wreck.
- The Soviet Union wasn't in the mood to send foreign aid. They had had bad problems in Afghanistan.
- May 1979 : People crashed through the gates at the Venezuelan embassy and requested asylum.



U.S. Citizenship
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The Peruvian Embassy

- April 1980: A bus with a battering ram crashed the gates of the Peruvian Embassy.
- Cuban police opened fire on the bus.
- A gun battle between Cuban police on both sides of the bus ensued.
- A Cuban policeman was killed in the crossfire.



It got worse:

- April 1980: Castro demanded the return of the gate crashers to stand trial for murder of the policeman.
- Peru refused.
- April 4, 1980: Castro withdrew the guards from outside the Peruvian Embassy. Cubans noticed there were no guards.
- By April 6, 1980: More than 10,000 Cubans were on the grounds of the Peruvian Embassy requesting asylum. They refused to leave, despite no food, no water, no sanitary facilities in hot, humid weather. It was hard to breathe.
- All embassies in Havana beefed up their security. Spain and Costa Rica agreed to take a few of the people.



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(b)(6)

“You can leave if you don’t like it”

- Cubans were flooding into embassies. It was beginning to look like Cuba was a failed state.
- Castro decided enough was enough. He issued an edict that anybody who wanted to leave Cuba could leave from the port of Mariel.



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The Boatlift Begins

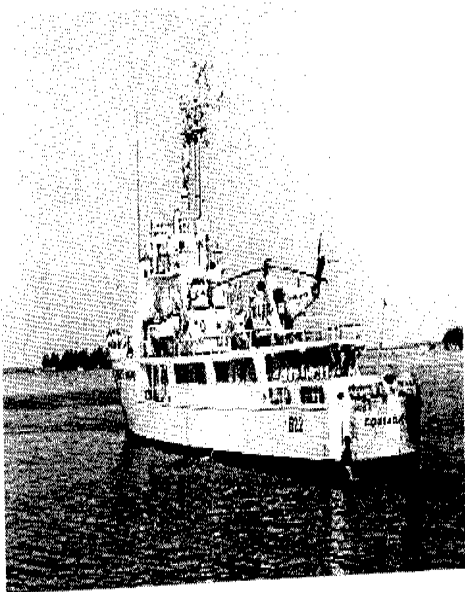
- People in Miami heard about this on April 21. Everybody who had a boat headed for Mariel. Every kind of boat you can imagine went there.
- Between April 21 & September 30, 1980, more than 125,000 Cubans without papers entered the United States.
- U.S. Coast Guard was overwhelmed. Overloaded craft, no life preservers, night and day rescues all took their toll.



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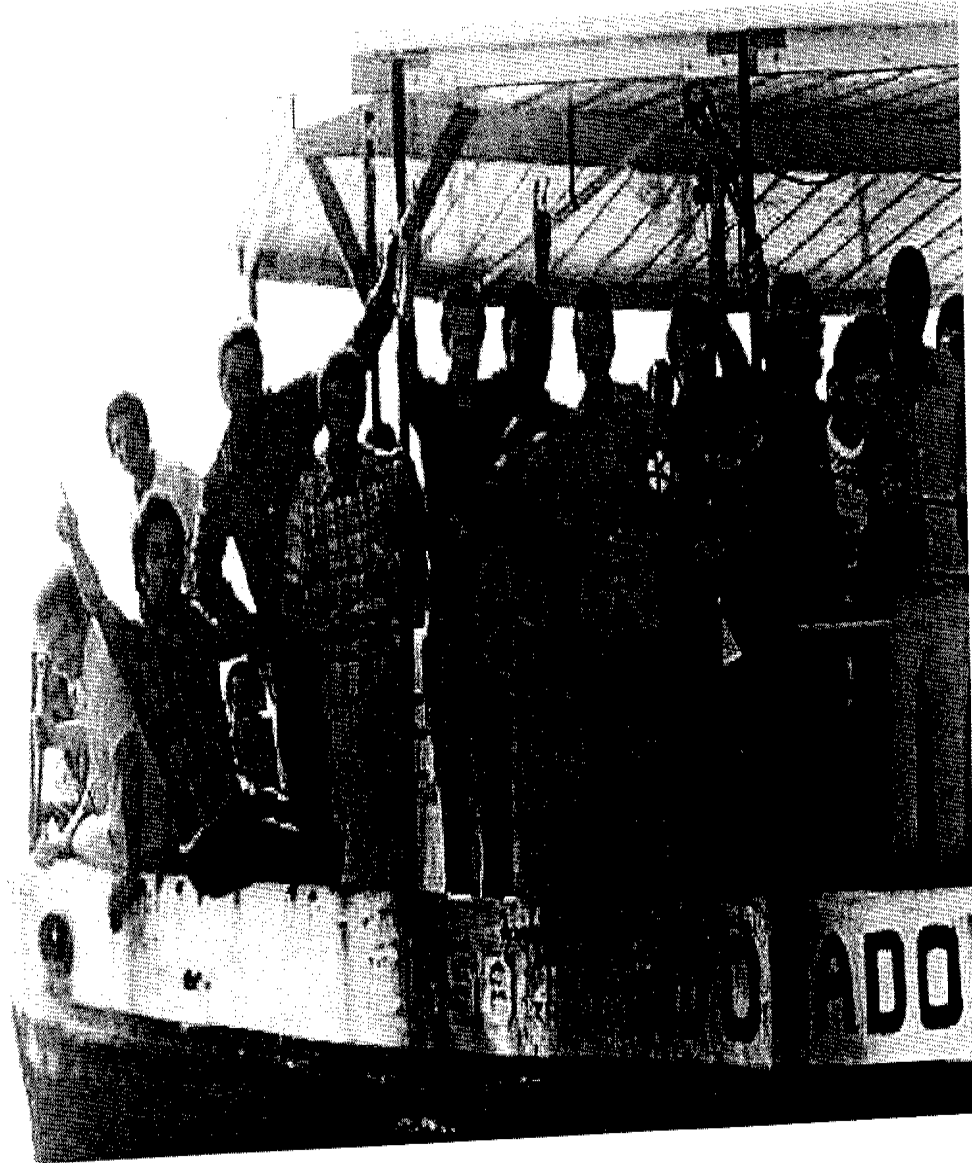
Cuba Cooperates as Usual:

On 12 May the cutter *Courageous* (WMEC-622; below, left) was diverted from the Cuban refugee operation at the request of the American Embassy in Nassau in order to search for survivors from the Bahamian patrol boat *Flamingo*. *Flamingo* was sunk by a Cuban MIG aircraft on Saturday, 10 May, near Santo Domingo Cay.



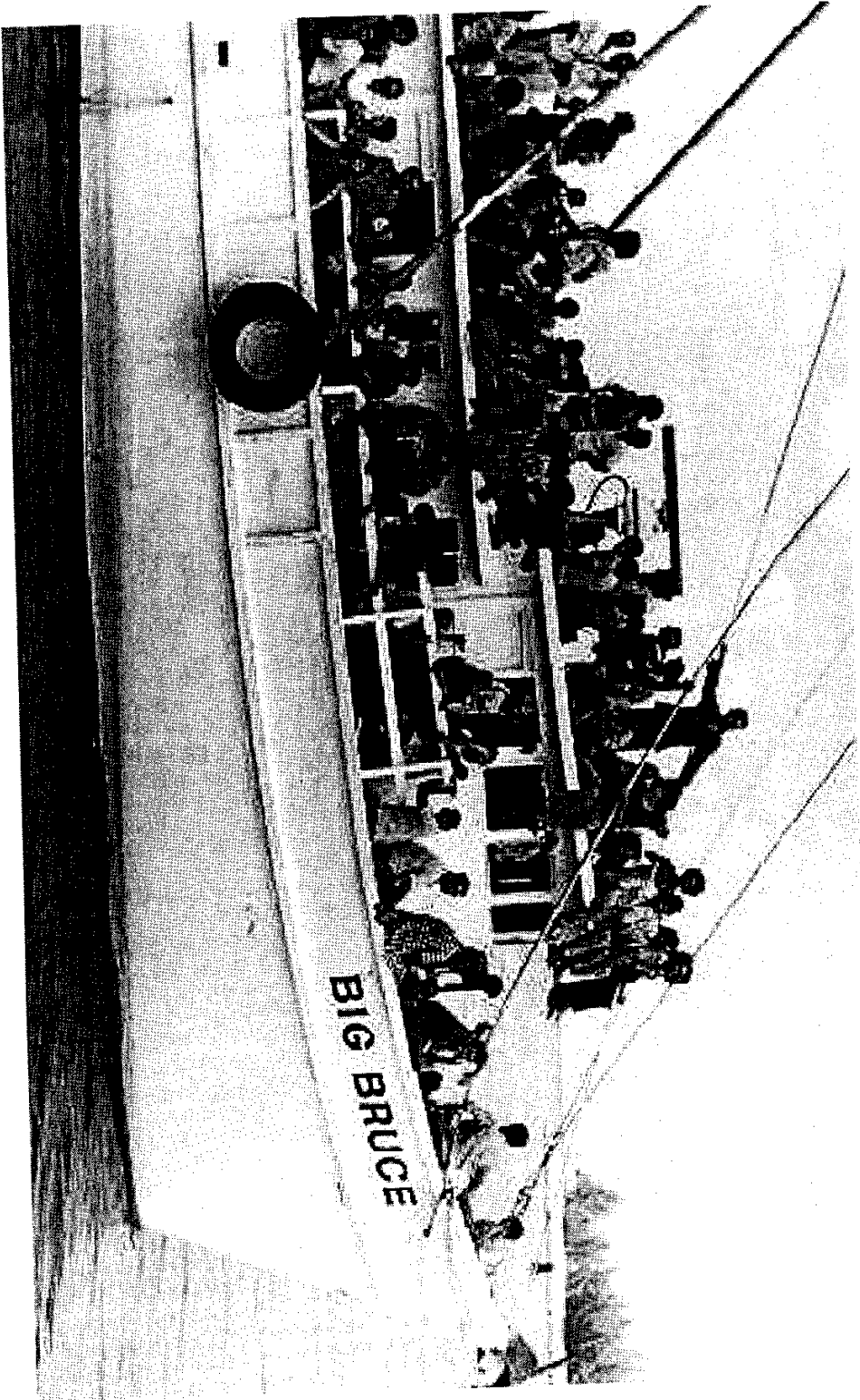
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Badly Overloaded Boats with Almost No Safety Equipment



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Some Arrived Safely – Others Capsized



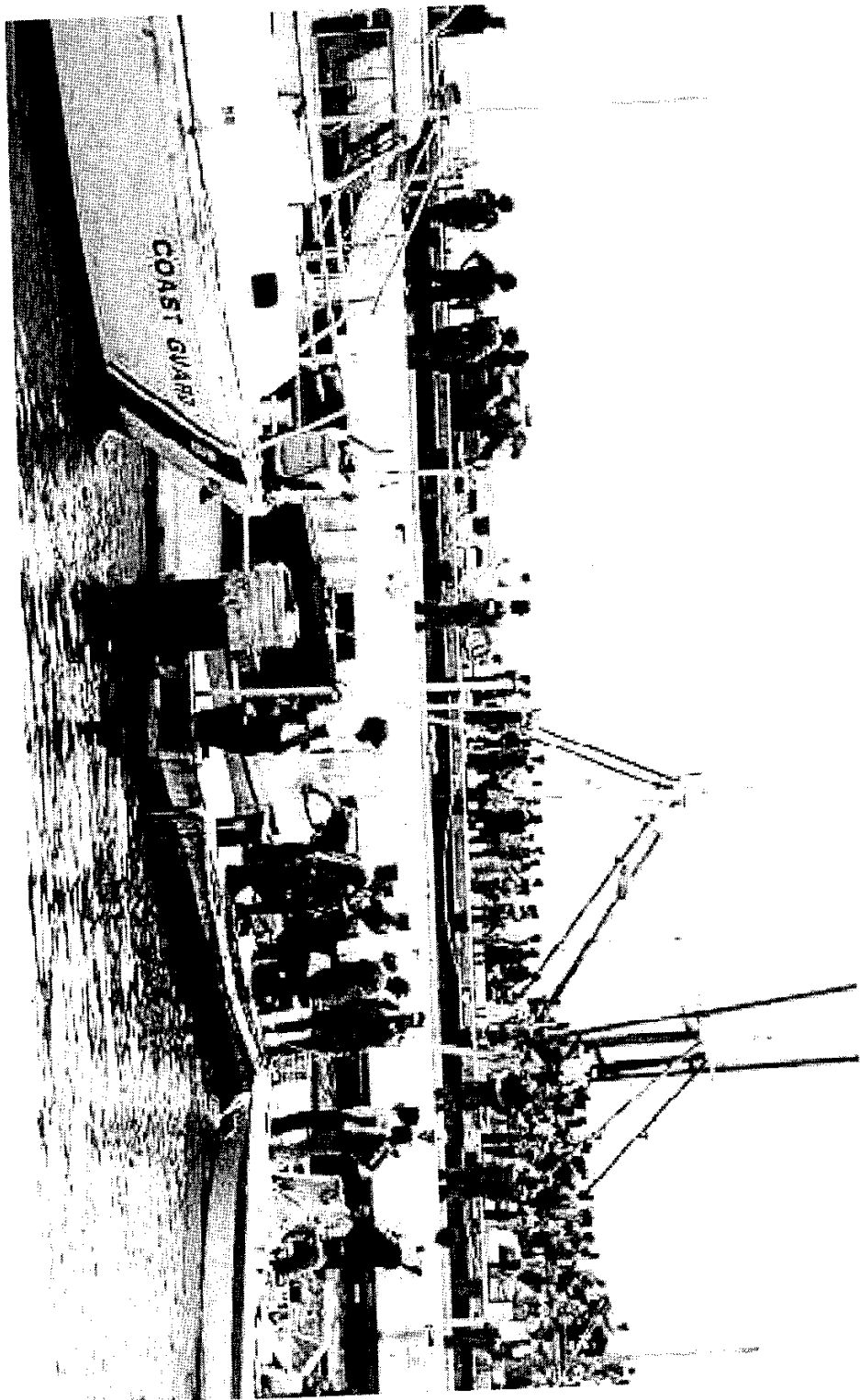
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No Life Preservers



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Arrival at Key West



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Rescue Operations Continued Day and Night



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The trick up the sleeve:

- Castro gave people in prison and insane asylums the opportunity of a commuted sentence and a fresh start if they agreed to go to the United States.
- An estimated 2,746 institutional guests accepted the invitation and slipped into the general population at Mariel.
- 2,746 people out of over 125,000 is only about 2%, but ...
- It is that 2% whose files will give you the most trouble while case processing.



What you will see:*

- More law enforcement documents –
- More mental health evaluations –
- More documents to withhold –
- More documents to refer –
- But otherwise, it's just a normal case!

* Only in that 2% of the cases. 98% will be close to G1, if not G1.



U.S. Citizenship
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(b)(6)

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With a Mariel case, you might see long rap sheets –
 the United States is not sending this person back to Cuba.

04/11/88	Burglary (F)	Convicted
04/11/88	Possess Cocaine (F)	Convicted
07/11/88	Burglary and Grand Theft (F)	6 months
07/17/89	Possess Cocaine (F)	2 years 6 months
07/17/89	Petty Theft (M)	Convicted
07/17/89	Burglary with a Knife (F)	Convicted
01/26/94	Petty Theft (M)	45 days
03/25/94	Burglary	10 days
04/27/94	Petty Theft (M)	13 days
06/24/94	Petty Theft (M)	15 days
03/31/95	Petty Theft (M)	45 days
08/07/95	Petty Theft (M)	30 days
04/15/95	Trespassing (M)	Probation Terminated
10/19/95	Petty Theft w/Prior (F)	16 months
10/17/96	2 nd Degree Robbery (F)	2 years
10/22/99	2 nd Degree Burglary (F)	2 years 8 months
08/31/04	Petty Theft w/Prior (F)	4 years



U.S. Citizenship
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We do not deport or remove Cubans

- Cuban natives and citizens are treated differently than most arrivals at U.S. ports-of-entry.
- The Immigration and Nationality Act (INA) provides that Cuban arriving by aircraft are exempt from expedited removal proceedings.
- INS, and later DHS, extended that protection to include land and sea arrivals. (Although now they have to have their feet on land or we return them to Cuba.)



U.S. Citizenship
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Policy extends to land and sea entry:

- Cubans are placed in Immigration and Nationality Act (INA) § 240 removal proceedings before an IJ, in lieu of expedited removal, and are paroled while awaiting proceedings.
- Once in proceedings, they may apply for adjustment of status under the Cuban Adjustment Act (CAA) or pursue a claim for asylum.



**U.S. Citizenship
and Immigration
Services**

The Cuban Adjustment Act

- The CAA provides that Cuban natives or citizens, and their accompanying spouses and children, may apply for adjustment of status one year after they arrive, provided:
 - they have been admitted or paroled (not EWI living under the radar) into the United States and that
 - they are admissible (no active charges or findings of inadmissibility or deportability).
- Adjustment is at the discretion of the Secretary of the Department of Homeland Security.



U.S. Citizenship
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Services

- You will have more pages to refer.
- Release the name of the agency if it is not law enforcement, and withhold the name of agency if it is law enforcement.



U.S. Citizenship
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Services

Referred to: Health & Human Services



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333
11/4/2008

U.S. Citizenship and Immigration Services (USCIS)
Miami Sub Office
333 South Miami Avenue
Suite 200
Miami, FL 33130
ATTN: Michelle Ramirez, Esq., A.C.C.

Re: Waiver Applicant:

File Number: A

Dear Officer:

Section 212(g) of the Immigration Act of 1990 provides for a waiver for aliens, with certain familial relationships, who are determined to have a communicable disease of public health significance and found inadmissible under Section 212(a)(1)(A)(i) of the Immigration and Nationality Act. Currently, HIV infection is listed as a communicable disease of public health significance; however, since a final rule has not been published, we are following these procedures on an interim basis.

Before a waiver can be approved and adjustment of status granted to the above named applicant, the procedures listed below, similar to the ones in place for applicants applying for a waiver for tuberculosis, must be followed:

1. Applicant must complete Statement A of the form that we have attached to the I-501 waiver application. (Completed)
2. Applicant or applicant's sponsor is responsible for having Statement B completed by a health care provider in the United States who agrees to see the applicant for an evaluation. (Completed)
3. Applicant's sponsor must complete Statement C. (Completed)
4. Local or State Health Officer must complete Statement D if Statement B completed by a private physician or private facility. (Completed)
5. Completed form must be returned to the USCIS office where the applicant is applying for adjustment of status for review for completeness and legibility before waiver is approved and adjustment of status to permanent resident is granted by USCIS office. (Completed)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Maribel Cases – summary

- There will be more pages to refer. If you are not sure, look at the pages before and after that page.
- You will hear of government facilities and agencies you are not sure about. A quick check of Google or Wikipedia may give you the answer you need.
- You may decide to be more cautious with health information, even if it is a self-request, because of the sensitivity.





U.S. Citizenship and Immigration Services

Define FOIA & Privacy Act

Objectives

To define the Freedom of Information Act and Privacy Act.



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What is FOIA?

- The Freedom of Information Act gives all people the right to request federal agency records. 5 U.S.C. § 552
- Enacted in 1966 and effective July 1967
- Amended 1974, 1976, 1986, 1996, 2003 and 2007
- Applies to records maintained by the executive branch of the federal government



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The Purpose of FOIA:

- Congress enacted the FOIA to establish a statutory right of public access to executive branch information in the federal government. The principles of government openness and accountability underlying the FOIA are inherent in the democratic ideal:

“The basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”



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The Obama Administration

- On his first full day in office, the President directed you to administer the Freedom of Information Act (FOIA) with a “presumption in favor of disclosure” and to respond to FOIA requests “promptly and in a spirit of cooperation.”
- “The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails.”



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What is FOIA? cont..

- Requester need not show a need or purpose for the record.
 - If a requester does request a fee waiver we have a right to ask them their need or purpose. If they refuse to explain their need or purpose we can deny the fee waiver request.
- Agency's responsibility to release the records unless exempt from release.

- Nine exemptions



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What is FOIA? cont..

- Requester must:
 - Submit request in writing (letter, fax, e-mail)
 - Reasonably describe the record being sought
 - Assume financial responsibility



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What is FOIA? cont..

- Agency must:
 - Track and monitor
 - Process on a first-in first-out basis
 - Comply with time limits: respond within 20 working days (unless unusual circumstances exist)
 - Conduct a diligent search for records responsive to the request
 - Release responsive records unless an exemption applies



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Not “Freedom of Information Booth”

Harrison v. BOP, No. 07-1543, 2010 WL 374529 (D.D.C. Feb. 3, 2010) (Friedman, J.) :

Plaintiff continues to complain that defendant's responses to his FOIA requests did not address questions raised by plaintiff. However, "[a]s he has been informed previously, the FOIA does not require an agency to answer questions or to do research."



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What is the Privacy Act?

- The Privacy Act of 1974 guarantees the public's right to see their records unless the record can be legally withheld under one of the ten exemptions. (5 U.S.C. § 552(a))
 - The Privacy Act requires that any agency maintaining personal information about individuals must keep accurate, timely and complete files.
- The Privacy Act's access provisions apply only to individuals who are United States Citizens or Lawful Permanent Residents.



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What is the Privacy Act? cont..

- **Purpose of the Privacy Act**
 - No secret records
 - Records created are limited to only those that are necessary
 - Subjects know what records are kept and can challenge the accuracy
 - Information collected for a specific purpose and can not be used for another without consent
 - Account for disclosure



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What is a Privacy Act Request?

A request made in writing for:

- Records that are maintained in a system of records
 - What is a system of records
 - A group of any records under the control of an agency that can be retrieved by a name or identifying number or symbol.
 - Made by a USC or LPR (lawful permanent resident) for access to their records or
 - Made by the parent of a USC or LPR minor child or a court appointed legal guardian of a person
 - Made by a third-party with written consent from the subject of the record



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Privacy Act

Privacy Act 5 U.S.C. § 552a

An overview of the Act and its applicable exemptions



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Objectives

- To understand how the Privacy Act relates to immigration documents.
- To determine if a case is a Privacy Act case.
- To process and apply Privacy Act exemptions correctly.



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Under the Act, United States Citizens and LPR's have the right to:

- Determine what records about them are being collected, maintained, used, or disseminated by DHS;
- Prevent records pertaining to them from being used or made available for another purpose without consent;
- Gain access to records about themselves, subject to Privacy Act exemptions;
- Amend a record if it is inaccurate, irrelevant, untimely, or incomplete; and
- Sue the government for violations of the statute, such as permitting unauthorized individuals access to their records.



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What does the Privacy Act do?

- The Privacy Act gives individuals a greater say in the way records about them are kept and eliminates needless intrusions on personal privacy through the keeping of extraneous records.
- See the DOJ PA Overview, 2010 Edition (available through our intranet site).



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Some definitions:

- **Privacy Act system of records:** a grouping of records the government stores and retrieves by a personal identifier.
- **Record:** information that is inscribed on a tangible medium, or that, having been stored in an electronic or other medium, is retrievable.



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What is a Privacy Act Record?

“any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number . . .”

(DOJ PA Overview, 2010 ed.)



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Protection vs. Disclosure

- DHS policy requires that Privacy Act protections apply to any Privacy Act record, regardless of the immigration status of the individual.
- If a subject is a United States citizen or a lawful permanent resident, we disclose more information from his or her file than we would if the person is not USC or LPR.



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To whom does the Privacy Act apply?

By USCIS and DHS Policy, Privacy Act protections apply to any record we keep in a Privacy Act system of records – that is a system of records we store and retrieve according to the A-number, regardless of the person’s immigration status.

Access to records under the Privacy Act and right of amendment under the Privacy Act apply only to individuals who are United States Citizens or Lawful Permanent Residents.

This includes Conditional Residents (CR1, CR6).



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Expired Conditions?

- A conditional permanent resident has to file form I-751, Petition to Remove Conditions on Residence, within 90 days of the 2nd anniversary of the date he or she was granted conditional permanent residence.
- If the 2nd anniversary has already passed, the file should tell you something. A denied I-751 takes away status. If the I-751 is unadjudicated but properly filed, the case is still a PA. If the conditional resident never filed an I-751, we process the case as a FOIA.



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The broad brush:

- Privacy Act generally addresses how an agency must protect records, conditions under which information in a privacy act record may be disclosed to a third party, and an individual's right to access information in his or her record.
- In FOIA, we are primarily concerned with access. We give the individual his or her information unless it is exempt.
- Any time we apply an exemption under the Privacy Act, we must also cite the companion exemption of the Freedom of Information Act.



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The Privacy Act Exemptions:

- **(d)(5) Protects information compiled in reasonable anticipation of a civil action or proceeding**
- (j)(1) CIA Systems of Records
- (j)(2) Criminal Investigatory Records
- (k)(1) Classified records
- **(k)(2) Law Enforcement Investigative Records**
- (k)(3) Secret Service Records
- (k)(4) Statistical Records
- (k)(5) Background Investigative Records
- (k)(6) Testing Records
- (k)(7) Military Evaluation Records



How do we apply this?

- All Privacy Act Exemptions have companion FOIA Exemptions
- Most commonly used exemptions at the NRC are (d)(5) and (k)(2)
- If we can't hold it under the FOIA, we can't withhold it under the PA, and vice versa.
- Also, the PA is much more restrictive about what we can hold than the FOIA.



This is a screen shot of the exemption code selection window when you are working a Privacy Act Case.

If you are calling a paragraph exempt by (k)(2) of the PA and (b)(7)(E) of the FOIA, you would click on both and then click OK.

Select applicable exemptions...

Exemption	Statute
(a)(d)(5)	
(a)(j)(1)	
(a)(j)(2)	
(a)(k)(1)	
(a)(k)(2)	
(a)(k)(3)	
(a)(k)(4)	
(a)(k)(5)	
(a)(k)(6)	
(a)(k)(7)	
(b)(1)	
(b)(2)	
(b)(3)	Other
(b)(3)	8 U.S.C.1255A (C) (5)
(b)(3)	8 U.S.C. 1160 (B) (6)
(b)(3)	8 U.S.C. 1186A (C) (4) (c)
(b)(3)	Rule 6(E)
(b)(3)	26 U.S.C. 6103
(b)(3)	41 U.S.C. 253B (M)
(b)(3)	8 U.S.C. 1304(b)
(b)(4)	
(b)(5)	
(b)(6)	
(b)(7)(a)	
(b)(7)(b)	
(b)(7)(c)	
(b)(7)(d)	
(b)(7)(e)	
(b)(7)(f)	

OK Cancel



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Privacy Act Exemption (d)(5)

- The Privacy Act exemption corresponding to (b)(5) is (d)(5).

Permits the government to withhold all documents or information which are compiled in reasonable anticipation of a civil action or proceeding.

- (d)(5) is narrower in scope than (b)(5):
 - (d)(5) does not cover information compiled in anticipation of criminal actions.
 - (d)(5) does not include the deliberative process privilege (but – keep reading)



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5 U.S.C. § 552a(d)(5)

- Applies only to information compiled in reasonable anticipation of a civil action or proceeding.
- Does not include deliberative process privilege (nor does it specifically preclude it, but it must be information compiled in reasonable anticipation of a civil action or proceeding).



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When (d)(5) applies:

- = (d)(5) could apply to a private citizen's complaint letter that an adjudicator or asylum officer kept when deciding whether to grant or deny an immigration benefit. Granting or denying an immigration benefit falls under the definition of civil action or proceeding.
- = Nazimuddin v. IRS, No. 99-2476, 2001 WL 112274, (S.D. Tex. Jan. 10, 2001) (applying subsection (d)(5) to internal memorandum from anonymous informant to plaintiff's supervisor prepared in anticipation of disciplinary action of plaintiff)



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Attorneys only? No.

- "nothing in this [Act] shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding."
- (d)(5) could apply to an internal memorandum from a supervisor recommending disciplinary action, up to and including termination of employment. Disciplinary action falls under the definition of civil action or proceeding.

Smiertka v. U.S. Dep't of the Treasury, 447 F. Supp. 221, (D.D.C. 1978) (broadly construing subsection (d)(5) to cover documents prepared by and at direction of lay agency staff persons during period prior to plaintiff's firing)



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Martin v. Office of Special Counsel, 819 F.2d 1181, (D.C. Cir. 1987)

- Exemption (d)(5) ... speaks of “information,” a term that embraces facts as easily as it does deliberative processes. The character of the attorney notes and witness statements as “fact” or “deliberative process” is irrelevant to proper analysis under this provision.
- The exemption does not include “deliberative process,” however. Information prepared in reasonable anticipation of a civil action or proceeding is frequently deliberative by nature.
- A lot of what we do in immigration is in reasonable anticipation of a civil action or proceeding.



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Sorting it out:

- (d)(5) covers information prepared in reasonable anticipation of a civil action or proceeding.
- (b)(5) covers deliberative process, attorney work product, and attorney-client communication.
- IF the information you are looking at meets BOTH tests – AND there is reasonably foreseeable harm to an interest of the United States – THEN you can withhold it.



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Reasonably foreseeable harm:

- Eric Holder, March 19, 2009: “an agency should not withhold information simply because it may do so legally. I strongly encourage agencies to make discretionary disclosures of information. An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.”
- Barack Obama, January 20, 2009: “All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.”



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5 U.S.C. § 552a(k)(2)

- The PA Exemption (k)(2) is the companion to the FOIA Exemption (b)(7). Anything that is exempt under (b)(7) is also exempt under (k)(2).
- Covers investigatory material compiled for law enforcement purposes other than material within the scope of subsection (j)(2)
- Remember? (j)(2) is . . . ? Criminal Law.



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Privacy Act Tidbits of Information

- Not much different than the FOIA except there is no (b)(2) or (b)(6) protection in a Privacy Act case
- if a person has lost status, you no longer have a Privacy Act case.
- **What takes away LPR status?**
 - A court order by an Immigration Judge
 - A signed abandonment of status
 - A Final Notice of Termination or
 - A Final Notice of Rescission



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Three Questions:

- Question 1: If there is (b)(6) information in a PA case, can I use (k)(2)+(b)(7)(C)?
- Question 2: If there is high 2 info in a PA case, like an excerpt of an asylum SOP that I don't want them to have, can I use (d)(5)+(b)(5)?
- Question 3: This guy is a criminal. He's in prison now for rape, aggravated battery and attempted murder. He's an IR6. There's no deportation order in there now, but he will definitely go to immigration as soon as he is released from prison. May I process this under the FOIA instead of the PA?



Another question:

- National Benefits Center (NBC) denied an I-90 because the applicant did not respond timely to a request for evidence. The applicant had not submitted enough proof for the adjudicator to positively identify the applicant; it was indeed who she claimed to be.
- She filed a FOIA request. FOIA or PA? What's your call, and why?



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Privacy Act Tidbits of Advice

- A Notice of Intent to Deny takes away nothing.
- A denied N-400, Application for Naturalization, means nothing.
- A denied I-90, Application to Replace Permanent Resident Card, alone does not mean the person has lost LPR status.
- It is easier to look at every page in a case than to process a case under the wrong Act.
- It is much easier to consult with a supervisor than to guess if the case is FOIA or PA.



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(b)(6)

(b)(6)