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8 *(continued on next page)*

9 UNITED STATES DISTRICT COURT FOR THE  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO/ OAKLAND DIVISION

12 Meredith R. BROWN; Kelly RYAN; Jeri  
13 FLYNN; Isidro de Jesus RODRIGUEZ  
14 SANCHEZ; Nelida ORNELAS RENTERIA;  
15 Santos Miguel FLORES AGUILAR; Emma  
16 QUEZADA; Manuel CRUZ RENDON; Orlanda  
17 URBINA; Juan de DIOS CRUZ ROJAS; Maria  
18 de Jesus CALDERON RUIZ; Cristina Lucero  
19 RAMIREZ; Noe ZARAGOZA-QUIROZ; Maico  
20 MONTOYA-ARELLANO,

21 Plaintiffs,

22 v.

23 UNITED STATES CUSTOMS AND BORDER  
24 PROTECTION,

25 Defendant.

Case No. \_\_\_\_\_

**Complaint for Declaratory  
and Injunctive Relief Under  
the Freedom of Information  
Act**

**Class Action**

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23 UNITED STATES CUSTOMS AND BORDER  
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25 Defendant.

Case No. \_\_\_\_\_

**Declaration of Stacy  
Tolchin in Support of  
Complaint for Declaratory  
and Injunctive Relief Under  
the Freedom of Information  
Act**

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18 Counsel for Plaintiffs

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My business address is Law Offices of Stacy Tolchin, 634 S. Spring St., Suite 500A, Los Angeles, CA 90014. I am co-counsel for Plaintiffs in the pending litigation entitled Brown et al. v. U. S. Customs and Border Protection. I have attached documents from the internet that are referred to in Plaintiffs' complaint, brought under the Freedom of Information Act ("FOIA").
2. The Department of Homeland Security, Privacy Office, 2013 Freedom of Information Act Report to the Attorney General of the United States is available online at [http://www.dhs.gov/sites/default/files/publications/privacy-foia-annual-report-fy-2013-dhs\\_1.pdf](http://www.dhs.gov/sites/default/files/publications/privacy-foia-annual-report-fy-2013-dhs_1.pdf) (last visited Mar. 11, 2015) and is attached as **Exhibit A**.
3. The Department of Homeland Security, Privacy Office, 2012 Freedom of Information Act Report to the Attorney General of the United States is available online at <http://www.dhs.gov/sites/default/files/publications/foia/privacy-foia-annual-report-fy-2012-dhs.pdf> (last visited Mar. 11, 2015) and is attached as **Exhibit B**.
4. The Department of Homeland Security, Privacy Office, 2011 Freedom of Information Act Report to the Attorney General of the United States is available online at <http://www.dhs.gov/xlibrary/assets/privacy/privacy-foia-annual-report-fy-2011-dhs.pdf> (last visited Mar. 11, 2015) and is attached as **Exhibit C**.
5. The annual Budget in Brief for the Department of Homeland Security, FY 2015, is available online at <http://www.dhs.gov/sites/default/files/publications/FY15BIB.pdf> (last visited Mar. 11, 2015). The document is included up to page 7, as the document is over

200 pages and too voluminous to include in its totality. Blank pages from the report have been omitted. This document is attached as **Exhibit D**.

6. The annual Budget in Brief for the Department of Homeland Security, FY 2014, is available online at

[http://www.dhs.gov/sites/default/files/publications/MGMT/FY%202014%20BIB%20-%20FINAL%20-508%20Formatted%20\(4\).pdf](http://www.dhs.gov/sites/default/files/publications/MGMT/FY%202014%20BIB%20-%20FINAL%20-508%20Formatted%20(4).pdf) (last visited Mar. 11, 2015).

The document is included up to page 6, as the document is over 200 pages and too voluminous to include in its totality. Blank pages from the report have been omitted. This document is attached as **Exhibit E**.

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge. Executed this 12<sup>th</sup> day of March 2015 at Los Angeles, CA.

s/ Stacy Tolchin

Stacy Tolchin

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## **EXHIBIT A**



# Department of Homeland Security

Privacy Office

2013 Freedom of Information Act Report  
to the Attorney General of the United States

February 2014



Homeland  
Security

## Message from the Chief Freedom of Information Act Officer

I direct your attention to the report that follows and look forward to providing even better and more responsive customer service in the new year.

As has been the case for several years, DHS continues to receive the largest number of FOIA requests of any federal department or agency in each fiscal year (FY), receiving almost 30 percent of all requests received by the Federal Government. Since President Obama took office, DHS has experienced a 45 percent increase in the number of FOIA requests received. In FY 2009, DHS received 103,093 requests, which was already the largest volume of requests. That volume surged each year: 130,098 in FY 2010; 175,656 in FY 2011; and 190,589 in FY 2012. In FY 2013, DHS received a staggering 231,534 FOIA requests.



The volume of requests the Department receives may be due in large part to the interest of the public in DHS's mission and the function of its components. Of particular interest to the public are immigration-related records under the purview of U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the Office of Biometric Identity Management (OBIM) within the National Protection and Program Directorate (NPPD), and U.S. Citizenship and Immigration Services (USCIS). These components continue to receive the largest number of requests, receiving 97 percent of all requests in FY 2013.

As a result, DHS also has the largest backlog of pending FOIA requests. In last year's annual report, DHS highlighted a 33 percent decrease in the backlog. In FY 2013 however, the backlog increased from 28,553 to 53,598 due in part to the record-setting number of requests received. Components that process requests seeking immigration-related records (e.g., copies of the Alien File, entry/exit records, detention and deportation records) have the largest backlogs in the Department, with CBP, ICE, NPPD and USCIS comprising 95 percent of the total DHS backlog.

Notably, DHS enjoyed a successful year in closing out the department's ten oldest requests and appeals pending as posted in the FY 2012 report. In this past fiscal year, DHS closed 87 percent of last year's oldest component pending requests as reported in FY 2012. This includes closing all 10 of the oldest DHS agency-wide cases pending as of end of FY 2012. Additionally, DHS closed 86 percent of the 10 combined oldest component appeals pending as of end of FY 2012. This includes closing seven of the oldest DHS agency wide appeals pending as of end of FY 2012. Closing 87 percent of the ten oldest pending requests and 86 percent of the combined oldest component appeals pending represents a significant step not only toward reducing overall backlogs, but also to improving FOIA administration across DHS.

During this reporting period, DHS continues to take steps to enhance its FOIA program by focusing its efforts on eliminating the backlog of overdue requests, offering enhanced training opportunities, and deploying advanced technology. Additionally, the DHS Privacy Office initiated several actions to ensure policy compliance and provide oversight of FOIA processing within the components. DHS issued guidance on the application of Exemption 6, the posting of congressional correspondence logs, and the handling of fee waivers or claims of membership in a preferential fee category. Additionally, DHS monitored monthly and quarterly data processing statistics in its sustained effort toward closing the oldest requests. As a result, many components reported reducing their backlog of overdue requests. For example, USCIS reduced its backlog from 10,727 at the end of FY 2012 to 3,394 at the



end of FY 2013, a 68 percent reduction. DHS will continue to seek opportunities to improve the efficiency and cost-effectiveness of its FOIA operations.

I am proud of the great work our Department has accomplished.

Sincerely,

A handwritten signature in dark ink, appearing to be 'K' followed by a long, sweeping horizontal line.

Karen Neuman  
Chief Freedom of Information Act Officer  
U.S. Department of Homeland Security

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## **I. Basic Information Regarding Report**

1. Questions regarding this report may be directed to:

Delores J. Barber  
Deputy Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive SW, Mail Stop 0655  
Washington, DC 20528-0655  
Phone: 202-343-1743; Fax: 202-343-4011

2. This report can be downloaded from the DHS FOIA website at <http://www.dhs.gov/FOIA>.

3. Requests for this report in paper form may also be directed to the Deputy Chief FOIA Officer, as listed above.

## **II. Making a FOIA Request**

1. Names, addresses, and contact numbers for DHS FOIA Officers can be found on our website at <http://www.dhs.gov/FOIA>.

2. Brief description why requests are not granted:

The records maintained by the Department often contain private information on individuals or involve law enforcement matters. Because law enforcement records are of such interest to subjects of investigation, victims of crime, and the public at large, these records are often requested under the Freedom of Information Act. The Department commonly invokes exemptions 6 and 7(C) to prevent unwarranted injury to the privacy interests of individuals, and exemption 7(E) to protect against the disclosure of law enforcement techniques, procedures, and guidelines.

## **III. Acronyms, Definitions, and Exemptions**

1. Agency-specific acronyms or other terms.

- |           |  |
|-----------|--|
| a. CBP    | U.S. Customs and Border Protection             |
| b. CFO    | Chief Financial Officer                        |
| c. CISOMB | Citizenship and Immigration Services Ombudsman |
| d. CRCL   | Office for Civil Rights & Civil Liberties      |
| e. DNDO   | Domestic Nuclear Detection Office              |
| f. ESEC   | Office of the Executive Secretary              |
| g. FEMA   | Federal Emergency Management Agency            |
| h. FLETC  | Federal Law Enforcement Training Center        |
| i. I&A    | Office of Intelligence and Analysis            |
| j. IGA    | Office of Intergovernmental Affairs            |
| k. ICE    | U.S. Immigration and Customs Enforcement       |
| l. MGMT   | Management Directorate                         |
| m. NCSC   | National Cyber Security Center                 |

n.	NPPD	National Protection and Programs Directorate
o.	OBIM	Office of Biometric Identity Management
p.	OGC	Office of the General Counsel
q.	OHA	Office of Health Affairs
r.	OIG	Office of Inspector General
s.	OLA	Office of Legislative Affairs
t.	OPA	Office of Public Affairs
u.	OPS	Office of Operations Coordination and Planning
v.	PLCY	Office of Policy
w.	PRIV	Privacy Office
x.	S&T	Science and Technology Directorate
y.	TSA	Transportation Security Administration
z.	USCG	United States Coast Guard
aa.	USCIS	United States Citizenship and Immigration Services
bb.	USSS	United States Secret Service

2. Definition of terms, expressed in common terminology.

- a. **Administrative Appeal** – A request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8, determined by dividing 24 by 3.
- c. **Backlog** – The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – For agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in the Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – The procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it provides its views on the record to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – A federal statute other than FOIA that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.\*

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\* Pursuant to 5 U.S.C. § 552(b)(3) as amended by sec. 564 of Public Law 111-83, a statute enacted after

- g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., “first-party” requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term “FOIA request” also includes any such “first-party” requests when an agency determines that it must search beyond its Privacy Act “systems of records” or when the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. DHS applies this same interpretation of the term “FOIA request” even to “first-party” requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy provides such persons the ability to access their own records in DHS’s Privacy Act “mixed systems of records” as if they are subject to the Privacy Act’s access provisions, and DHS processes the requests under FOIA as well. Thus, all requests that require DHS to utilize FOIA in responding to the requester are included in this Report.)

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

- h. **Full Grant** – An agency decision to disclose all records in full in response to FOIA request.
- i. **Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
- i. **Expedited Processing** – An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

- ii. **Simple Request** – A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
    - iii. **Complex Request** – A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
  - l. **Partial Grant/Partial Denial** – An agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
  - m. **Pending Request or Pending Administrative Appeal** – A request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfected Request** – A request for records that reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
  - o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
  - q. **Time Limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request.)
3. Concise descriptions of FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices (personnel)
  - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.
  - f. **Exemption 6:** information involving matters of personal privacy
  - g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a

fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells



## IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
10 U.S.C. § 130b	Personally identifiable information pertaining to members of the armed forces assigned to "routinely deployable unit[s]" and certain employees of DOD and DHS	<u>Hiken v. DOD</u> , 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007); <u>O'Keefe v. DOD</u> , 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006); <u>Windel v. United States</u> , No. A02-306, 2005 WL 846206, at *2.	USCG	1	1
10 U.S.C. § 424	Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency	<u>Physicians for Human Rights v. DOD</u> No RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr 19, 2011); <u>Miller v DOJ</u> , 562 F. Supp 2d 82, 112 (D.D.C. 2008); <u>Wickwire Gavin, P.C. v. Def Intelligence Agency</u> , 330 F. Supp 2d 592, 602 (E.D. Va 2004).	USCG	1	1
18 U.S.C. § 1461	Mailing Obscene or Crime-Inciting Matter		USSS	1	1
18 U.S.C. §§ 2510-20	Wiretap requests and the content of any wire, oral, or electronic communication obtained through wiretaps	<u>Mendoza v. DEA</u> , No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); <u>Lam Lek Chong v. DEA</u> , 929 F.2d 729, 733 (D.C. Cir. 1991); <u>Payne v. DOJ</u> , No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).	USSS	1	1
18 U.S.C. § 2722(a)	Prohibits the disclosure of personal information from a motor vehicle record		OIG	2	2
18 U.S.C. § 3509(d) (Federal Victims' Protection and Rights Act)	Information related to child pornography victims	<u>Tampico v. EOUSA</u> , No. 04-2285, slip op. at 8 (D.D.C. Apr. 29, 2005).	ICE	6	6
26 U.S.C. §§ 6103	Certain tax return information and certain tax convention information	<u>Church of Scientology v. IRS</u> , 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); <u>Pac. Fisheries, Inc. v. IRS</u> , No. 09-35618, 2010 WL 3611645, at *2 (9 <sup>th</sup> Cir. September 15, 2010)(unpublished disposition); <u>Tax Analysts v. IRS</u> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).	USCIS	1,740	1,740
31 U.S.C. § 5319 (Bank Secrecy Act)	Reports pertaining to monetary instruments transactions filed under subchapter II of chapter 53 of title 31 and records of those reports	<u>Hulsten v. DEA</u> No.10-4112, 2011 U.S. Dist. LEXIS 25788, at *7-8 (N.D. Iowa Mar. 11, 2011); <u>Berger v. IRS</u> , 487 F. Supp. 2d 482, 496-97 (D.N.J. 2007), aff'd on other grounds, 288 F. App'x 829 (3d Cir. 2008), cert. denied, 129 S. Ct. 2789 (U.S. 2009); <u>Sciba v. Bd. of Governors of the Fed. Reserve Sys.</u> , No. 04-1011, 2005 WL 3201206, at *6 (D.D.C. Nov. 4, 2005).	ICE USSS	2 1	3

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
U.S.C. § 4702(b)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	<u>Sinkfield v. HUD</u> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	CBP FEMA ICE NPPD PRIV S&T TSA	1 5 1 5 3 3 3	22
41 U.S.C. § 2102	Contractor bid or proposal information; source selection information	<u>Legal &amp; Safety Employer Research, Inc. v. U.S. Dep't of the Army</u> , No. Civ. S001748, 2001 WL34098652, at *3-4 (E.D. Cal. 2001) dictum).	CBP	1	1
42 U.S.C. § 262a(h)	Enhanced control of dangerous biological agents and toxins/bio-terrorism information		S&T	2	2
49 U.S.C. § 114(s)	Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Security Act or under chapter 449 of this title	<u>Tooley v. Bush</u> , No. 06-306, 2006 WL 3783142, at *19 (D.D.C. Dec. 21, 2006), <u>aff'd</u> on other grounds, 586 F. 3d 1006 (D.C. Cir. 2009); <u>Gordon v. FBI</u> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).	CBP ICE PRIV	369 2,031 1	2,401
49 U.S.C. § 1114(c) (Transportation Safety Act of 1974)	Certain "cockpit voice or video recorder recording[s] or transcript[s] of communications by and between flight crew members and ground stations pertaining to [] incident[s] investigated by the [National Transportation Safety] Board"	<u>McGilvra v. NTSB</u> , 840 F. Supp. 100, 102 (D.Colo. 1993)	OIG TSA USCG	1 133 2	136
50 U.S.C. § 403-1(i)(1) (National Security Act of 1947)	Intelligence sources and methods	<u>CIA v. Sims</u> , 471 U.S. 159, 167 (1985); <u>Berman v. CIA</u> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <u>Wolf v. CIA</u> , 473 F.3d 370, 378, 380 (D.C. Cir. 2007).	PRIV	2	2
50 U.S.C. § 403g	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency"	<u>Larson v. Dep't of State</u> , 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); <u>Berman v. CIA</u> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <u>Makky v. Chertoff</u> , 489 F. Supp. 2d 421, 442 (D.N.J. 2007), <u>aff'd on other grounds</u> , 541 F. 3d 205 (3d Cir. 2008).	CBP I&A PRIV USCG USSS ICE	18 3 1 2 9 1	34

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
50 U.S.C. app. § 2411(c) (Export Administration Act of 1979)	Information pertaining to license applications under the Export Administration Act	<u>Wis. Project on Nuclear Arms Control v. U.S. Dep't of Commerce</u> , 317 F.3d 275, 284 (D.C. Cir. 2003); <u>Times Publ'g Co. v. U.S. Dep't of Commerce</u> , 236 F.3d 1286, 1292 (11th Cir. 2001).	S&T	1	1
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat.319	Certain records pertaining to grand jury proceedings	<u>Sussman v. USMS</u> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <u>Fund for Constitutional Gov't v. Nat'l Archives &amp; Records Serv.</u> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <u>Durham v. U.S. Atty. Gen.</u> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <u>Cozen O'Connor v. U.S. Dep't of Treasury</u> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	USCIS	10	10

## V. FOIA Requests

### A. Received, Processed, and Pending FOIA Requests

Component <sup>†</sup>	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
CBP	13,513	41,381	14,635	40,259
CRCL	3	73	73	3
FEMA	326 <sup>‡</sup>	798	564	560
FLETC	12	113	122	3
I&A	3	109	78	34
ICE	2,903 <sup>§</sup>	34,161	30,818	6,246
NPPD	2,395	15,187	12,942	4,640
OIG	23	170	142	51
OPS	0	45	45	0
PRIV	85 <sup>**</sup>	798	840	43
S&T	1	26	26	1
TSA	573	909	851	631
USCG	760 <sup>††</sup>	3,468	3,098	1,130
USCIS	17,024 <sup>‡‡</sup>	132,797	138,523	11,298
USSS	853 <sup>§§</sup>	1,499	1,575	777

<sup>†</sup> The following information is important to interpret the FOIA request data presented in this Annual Report: PRIV processes and reports on FOIA requests for itself, the Office of the Secretary (including the Military Advisor's Office and the Office of Intergovernmental Affairs), and the following components: CISOMB, DNDO, ESEC, MGMT, OHA, OGC, OLA, OPA, and PLCY; Readers of the Annual Report should consider the contents of this footer to apply, as appropriate, to all tables in the report.

<sup>‡</sup> Number of requests pending as pf start of fiscal year corrected due to component reporting error in FY 2012

<sup>§</sup> There are an unknown number of referred requests from USCIS that were not logged in as of the date of this report, and, therefore are not reflected in the backlog number reported by ICE. Until those requests are processed, it is impossible for DHS to determine if the requests are valid requests that should be reported; DHS will provide revised numbers if necessary once the requests are evaluated.

<sup>\*\*</sup> Number of requests pending as pf start of fiscal year corrected due to component reporting error in FY 2012

<sup>††</sup> Number of requests pending as pf start of fiscal year corrected due to component reporting error in FY 2012

<sup>‡‡</sup> Number of requests pending as pf start of fiscal year corrected due to component reporting error in FY 2012

<sup>§§</sup> Number of requests pending as pf start of fiscal year corrected due to component reporting error in FY 2012

Component <sup>†</sup>	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
AGENCY OVERALL	38,474	231,534	204,332	65,676

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

Component	No. of Full Grants	No. of Partial Grants/ Partial Denials	No. of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									Total
				No Records	All Records Referred	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper FOIA Request	Not Agency Record	Duplicate Request	Other	
CBP	1,344	4,891	58	3,072	70	92	20	236	4,435	79	289	49	14,635
CRCL	18	17	0	28	3	3	0	0	4	0	0	0	73
FEMA	103	115	8	85	5	96	4	25	61	3	47	12	564
FLETC	14	41	9	31	4	8	0	0	9	6	0	0	122
I&A	2	14	3	35	5	1	0	3	8	4	0	3	78
ICE	229	26,867	503	1,104	762	67	5	25	397	0	78	781	30,818
NPPD	2,888	7,833	13	2,136	0	1	0	0	40	0	0	31	12,942
OIG	8	84	18	21	2	1	1	0	3	2	0	2	142
OPS	10	12	1	16	4	0	0	0	0	2	0	0	45
PRIV	49	149	49	70	107	11	2	221	97	24	8	53	840
S&T	0	8	1	9	7	0	0	1	0	0	0	0	26
TSA	104	188	103	93	6	71	1	126	122	6	9	22	851
USCG	2,271	192	49	294	1	179	7	8	2	12	39	44	3,098
USCIS	11,774	79,635	3,515	16,073	1,133	94	234	0	9,184	4,706	12,172	3	138,523
USSS	26	254	45	875	12	33	2	15	16	35	5	257	1,575
<b>AGENCY OVERALL</b>	<b>18,840</b>	<b>120,300</b>	<b>4,378</b>	<b>23,942</b>	<b>2,121</b>	<b>701</b>	<b>276</b>	<b>660</b>	<b>14,378</b>	<b>4,879</b>	<b>12,647</b>	<b>1,210</b>	<b>204,332</b>

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

Component	Description	No. of Times Used	Total
CBP	Coordinated by Another Office	15	49
	Records Publicly Available	17	
	Unable to Locate Requestor	10	
	Sent in Error	7	
CRCL	N/A	0	0
FEMA	Coordinated by Another Processing Office	2	12
	Records Publicly Available	6	
	Unable to Locate Requestor	4	
FLETC	N/A	0	0

Component	Description	No. of Times Used	Total
I&A	N/A	0	0
ICE	Aggregated Fugitive Disentitlement Litigation Records Publicly Available Referred Documents are Not Responsive Unable to Locate Requestor	1 532 4 1 160 83	781
NPPD	Duplicate	31	31
OIG	Records Publicly Available	2	2
OPS	N/A	0	0
PRIV	Aggregated Coordinated by Another Program Office Litigation Records Publicly Available Unable to Locate Requestor	3 7 2 31 10	53
S&T	N/A	0	0
TSA	Aggregated Records Publically Available Unable to Locate Requestor, etc.	4 6 12	22
USCG	N/A	0	0
USCIS	Unable to Locate Requestor	3	3

Component	Description	No. of Times Used	Total
USSS	Coordinated by Another Office	1	257
	Nonresponsive to Requests for Additional Information	173	
	Opened in Error	6	
	Records Publicly Available	2	
	Records Referred Not Responsive	27	
	Statute of Limitation Passed	26	
	Unable to Locate Requestor	22	
AGENCY OVERALL			1,210

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

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CBP	0	211	389	47	41	4,816	40	0	4,830	5	4,730	5	0	0
CRCL	0	0	0	0	9	19	0	0	8	0	2	0	0	0
FEMA	0	5	5	46	21	105	0	0	11	0	5	0	0	0
FLETC	0	1	0	16	11	39	3	0	8	0	6	4	0	0
I&A	0	0	3	4	11	0	0	4	1	7	3	0	0	0
ICE	2	25	2,041	17	13,418	25,931	58	5	25,915	26	24,706	17	0	0
NPPD	0	0	5	25	9	896	5	0	6,022	0	5,969	12	0	0
OIG	0	11	3	8	21	95	18	0	83	9	22	11	0	0
OPS	1	0	0	0	1	10	0	0	10	0	0	0	0	0
PRIV	6	2	7	27	61	142	28	1	27	0	40	1	0	0
S&T	1	0	5	5	5	6	0	0	2	0	3	0	0	0
TSA	1	23	137	22	69	217	26	1	30	0	8	1	0	0
USCG	3	1	6	20	39	133	42	3	94	38	38	0	0	0
USCIS	0	121	1,750	92	41,503	49,679	21	0	65,338	1	61,742	0	0	0
USSS	1	1	12	11	19	204	41	0	203	14	190	2	0	0
AGENCY OVERALL	15	401	4,363	340	55,238	82,292	282	14	102,582	100	97,464	53	0	0

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

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

Component	No. of Appeals Pending as of Start of Fiscal Year	No. of Appeals Received in Fiscal Year	No. of Appeals Processed in Fiscal Year	No. of Appeals Pending as of End of Fiscal Year
CBP	16	346	354	8
FEMA ***	60	16	45	31
FLETC	0	7	5	2
ICE	0	350	317	33
OGC	111	92	179	24
OIG	14	17	3	28

\*\*\* FEMA began processing appeals in FY 2013.

TSA	11	18	22	7
USCG	40	34	45	29
USCIS	105	1,959	2,001	63
USSS	11 <sup>†††</sup>	66	75	2
<b>AGENCY OVERALL</b>	<b>368</b>	<b>2,905</b>	<b>3,046</b>	<b>227</b>

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

Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
CBP	51	49	151	103	354
FEMA	13	3	2	27	45
FLETC	4	0	0	1	5
ICE	110	8	107	92	317
OGC	85	9	14	71	179
OIG	0	0	1	2	3
TSA	11	2	6	3	22
USCG	9	0	24	12	45
USCIS	571	850	380	200	2,001
USSS	28	29	8	10	75
<b>AGENCY OVERALL</b>	<b>882</b>	<b>950</b>	<b>693</b>	<b>521</b>	<b>3,046</b>

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

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CBP	0	4	18	8	7	193	2	0	189	3	198	3	0	0
FEMA	0	1	0	4	4	7	0	0	0	0	1	0	0	0
FLETC	0	0	0	1	2	4	1	0	0	0	0	1	0	0
ICE	0	2	16	1	26	120	1	0	102	0	95	0	0	0
OGC	3	0	5	0	13	9	2	0	28	0	32	3	0	0
OIG	0	0	0	0	0	1	1	0	1	0	0	0	0	0
TSA	1	2	4	0	5	5	0	0	2	0	0	0	0	0
USCG	0	0	2	0	3	8	1	0	1	0	2	0	0	0
USCIS	0	1	24	4	653	793	1	0	976	0	925	0	0	0
USSS	0	1	0	15	1	12	23	0	11	0	17	0	0	0
<b>AGENCY OVERALL</b>	<b>4</b>	<b>11</b>	<b>69</b>	<b>33</b>	<b>714</b>	<b>1,152</b>	<b>32</b>	<b>0</b>	<b>1,310</b>	<b>3</b>	<b>1,270</b>	<b>7</b>	<b>0</b>	<b>0</b>

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

Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial for Expedited Processing	Other *Explain in chart below
CBP	72	4	5	8	0	10	0	0	0	0	4
FEMA	0	4	20	3	0	0	0	0	0	0	0

<sup>†††</sup> Number of appeals pending in Fiscal Year corrected due to component reporting error in FY 2012

FLETC	1	0	1	0	0	0	0	0	0	0	0
ICE	69	0	0	0	1	2	0	0	1	2	16
OGC	25	0	23	0	5	4	0	1	0	1	84
OIG	0	0	0	0	0	0	0	0	0	0	2
TSA	1	1	0	0	0	1	0	0	0	0	0
USCG	2	0	6	0	0	0	0	1	1	0	2
USCIS	0	0	0	0	0	190	0	10	0	0	0
USSS	4	0	0	0	0	0	2	0	0	0	6
<b>AGENCY OVERALL</b>	<b>174</b>	<b>9</b>	<b>55</b>	<b>11</b>	<b>6</b>	<b>207</b>	<b>2</b>	<b>12</b>	<b>2</b>	<b>3</b>	<b>114</b>

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

Component	Description	No. of Times Used	Total
CBP	Adequacy of Search	2	4
	Records Alternatively Available	1	
	Untimely (>60 days)	1	
FEMA	N/A	0	0
FLETC	N/A	0	0
ICE	Fugitive Disentitlement Upheld	16	16
OGC	Adequacy of Search	36	84
	Constructive Denial	2	
	Coordinated by Another Processing Office	39	
	Improper Appeal	7	
OIG	Moot	2	2
TSA	N/A	0	3
USCG	N/A	0	0
USCIS	N/A	0	0
USSS	Coordinated by Another Office	2	6
	Previously Furnished	2	
	Opened in Error	2	
<b>AGENCY OVERALL</b>			<b>114</b>



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

Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CBP	12	16.78	1	256
FEMA	546	641.51	1	1,611
FLETC	21	38.60	10	120
ICE	16	22.16	1	233
OGC	134	169.73	10	1,344
OIG	58	89.66	9	202
TSA	38	58.68	1	234
USCG	124	235.18	3	941
USCIS	17.81	17.79	1	185
USSS	22	35.30	9	103
<b>AGENCY OVERALL</b>	<b>30</b>	<b>132.54</b>	<b>1</b>	<b>1,611</b>

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

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CBP	Date of Receipt	N/A	N/A	2013-09-27	2013-09-27	2013-09-25	2013-09-25	2013-09-25	2013-09-23	2013-09-06	2013-09-06
	Number of Days Pending	0	0	2	2	4	4	4	6	17	17
FEMA	Date of Receipt	2010-11-22	2010-08-27	2010-05-06	2010-04-12	2010-02-17	2009-12-11	2009-08-31	2009-06-25	2009-02-26	2008-11-20
	Number of Days Pending	721	779	858	876	914	954	1,024	1,070	1,154	1,218
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2013-09-16	2013-07-15
	Number of Days Pending	0	0	0	0	0	0	0	0	11	55
ICE	Date of Receipt	2013-04-12	2013-03-29	2013-03-29	2013-03-14	2013-03-14	2013-03-14	2013-03-14	2013-01-30	2013-01-24	2013-01-23
	Number of Days Pending	119	129	129	140	140	140	140	170	174	175
OGC	Date of Receipt	2013-07-22	2013-07-16	2013-07-12	2013-07-12	2013-06-18	2013-02-25	2013-02-25	2012-09-05	2012-08-29	2012-06-21
	Number of Days Pending	50	54	56	56	73	153	153	269	273	321
OIG	Date of Receipt	2012-07-25	2012-07-05	2012-07-03	2012-06-28	2012-06-14	2011-03-09	2010-11-10	2010-09-15	2009-01-14	2008-11-14
	Number of Days Pending	298	312	313	316	326	649	728	767	1,182	1,222
TSA	Date of Receipt	N/A	N/A	N/A	2013-09-12	2013-09-09	2013-09-06	2013-09-04	2013-08-19	2013-07-12	2012-11-15
	Number of Days Pending	0	0	0	13	16	17	19	30	56	220
USCG	Date of Receipt	2012-09-21	2012-08-27	2012-08-02	2012-07-30	2012-07-11	2012-07-11	2012-01-07	2011-10-05	2011-04-04	2009-03-10
	Number of Days Pending	257	275	292	295	308	308	436	500	631	1,146
USCIS	Date of Receipt	2013-09-11	2013-09-11	2013-09-09	2013-09-09	2013-09-09	2013-09-04	2013-08-30	2013-08-28	2013-08-23	2013-08-14

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
	Number of Days Pending	14	14	15	15	15	18	22	23	27	33
USSS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2013-09-10	2012-09-28
	Number of Days Pending	0	0	0	0	0	0	0	0	15	252
AGENCY OVERALL	Date of Receipt	2010-05-06	2010-04-12	2010-02-17	2009-12-11	2009-08-31	2009-06-25	2009-02-26	2009-01-14	2008-11-20	2008-11-14
	Number of Days Pending	858	876	914	954	1,024	1,070	1,154	1,182	1,218	1,222

## VII. FOIA Requests: Response Time for Processed and Pending Requests

### A. Processed Requests – Response Time for All Processed Perfected Requests

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	129	142.02	1	544	66.5	94.86	1	509	23	38.44	1	119
CRCL	6	6.07	1	12	12	15.8	1	81	N/A	N/A	N/A	N/A
FEMA	100.5	151.37	1	923	94	147.96	1	899	N/A	N/A	N/A	N/A
FLETC	10	19.26	1	181	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I&A	32	30.93	7	49	35.5	50.86	1	290	N/A	N/A	N/A	N/A
ICE	45	52.79	1	273	37	63.01	2	590	19	28.76	1	149
NPPD	35	44.22	1	243	25	37.26	1	362	13.5	13.5	11	16
OIG	22	29.22	1	119	54	71.2	7	304	117	117	117	117
OPS	2	2.75	1	13	4	5.86	1	19	N/A	N/A	N/A	N/A
PRIV	7	16.47	1	149	38	62.89	1	441	16.5	21.3	9	58
S&T	5	6.75	1	18	94	110.17	67	184	93	93	93	93
TSA	6	7.4	1	20	231	288.44	21	2,120	1	1	1	1
USCG	11	10.83	1	20	35	97.29	2	983	N/A	N/A	N/A	N/A
USCIS	15.76	19.73	1	397	25.35	28.08	1	531	23.98	39.09	5	219
USSS	11	10.79	1	20	92	223.4	21	1,510	N/A	N/A	N/A	N/A
AGENCY OVERALL	11	36.71	1	923	37.5	92.65	1	2,120	21	44.01	1	219

### B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	79	120.48	1	544	79	105.96	1	509	23	38.44	1	119
CRCL	3	3.8	2	6	15.5	19.27	2	81	N/A	N/A	N/A	N/A
FEMA	109	139.39	1	532	138	172.63	1	899	N/A	N/A	N/A	N/A
FLETC	17	20.27	1	69	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I&A	N/A	N/A	N/A	N/A	66.5	105.25	11	281	N/A	N/A	N/A	N/A
ICE	46	51.31	1	273	50	72.51	1	519	18	31.64	1	149
NPPD	55	55.95	1	243	38.5	51.23	3	362	13.5	13.5	11	16
OIG	27	32.9	1	111	69	80.03	10	304	117	117	117	117

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
OPS	1	1.44	1	3	8	9.5	3	19	N/A	N/A	N/A	N/A
PRIV	14	14	14	14	32.85	28.77	4	43	58	58	58	58
S&T	9	9	8	10	94	110.17	63	184	93	93	93	93
TSA	13	11.45	1	20	273	322.49	21	2,120	N/A	N/A	N/A	N/A
USCG	11	11.22	1	20	30	68.81	6	703	N/A	N/A	N/A	N/A
USCIS	26.72	27.66	1	397	27.4	34.36	2	465	26.37	41.3	5	219
USSS	16	17	15	20	140	238.28	24	1,500	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	<b>16.5</b>	<b>38.85</b>	<b>1</b>	<b>544</b>	<b>58.25</b>	<b>101.37</b>	<b>1</b>	<b>2,120</b>	<b>26.37</b>	<b>56.12</b>	<b>1</b>	<b>219</b>

### C. Processed Requests – Response Time in Day Increments

#### (1) Simple Requests

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	1,730	828	1,071	434	359	288	316	724	354	194	2,561	746	3	9,608
CRCL	28	0	0	0	0	0	0	0	0	0	0	0	0	28
FEMA	38	31	64	57	59	67	65	61	49	47	112	52	54	756
FLETC	82	23	9	6	1	0	0	0	0	1	0	0	0	122
I&A	3	7	2	2	0	0	0	0	0	0	0	0	0	14
ICE	9,380	6,132	7,080	5,230	1,922	1,182	506	966	1,257	404	78	0	0	34,137
NPPD	5,154	3,041	3,019	1,196	657	1,862	88	0	0	0	1	0	0	15,018
OIG	38	27	14	6	1	2	0	0	0	0	0	0	0	88
OPS	20	0	0	0	0	0	0	0	0	0	0	0	0	20
PRIV	151	18	10	8	2	2	1	1	0	0	0	0	0	193
S&T	20	0	0	0	0	0	0	0	0	0	0	0	0	20
TSA	441	0	0	0	0	0	0	0	0	0	0	0	0	441
USCG	2,070	0	0	0	0	0	0	0	0	0	0	0	0	2,070
USCIS	11,947	8,598	732	379	121	63	52	21	16	10	25	3	314	22,281
USSS	720	0	0	0	0	0	0	0	0	0	0	0	0	720
<b>AGENCY OVERALL</b>	<b>31,822</b>	<b>18,705</b>	<b>12,001</b>	<b>7,318</b>	<b>3,122</b>	<b>3,466</b>	<b>1,028</b>	<b>1,773</b>	<b>1,676</b>	<b>656</b>	<b>2,777</b>	<b>801</b>	<b>371</b>	<b>85,516</b>

#### (2) Complex Requests

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	60	42	47	30	21	20	14	27	13	11	32	4	3	324
CRCL	35	8	1	0	1	0	0	0	0	0	0	0	0	45
FEMA	37	53	58	73	32	12	6	11	7	12	33	18	29	381
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	26	30	21	8	3	2	0	1	2	2	3	0	0	98
ICE	815	651	307	241	139	164	147	150	101	21	53	17	11	2,817
NPPD	59	41	21	9	4	3	2	0	0	1	0	2	0	142
OIG	5	13	8	9	3	2	3	4	1	1	0	1	0	50
OPS	14	0	0	0	0	0	0	0	0	0	0	0	0	14
PRIV	96	68	42	26	13	18	13	12	5	5	18	0	1	317

S&T	0	0	0	1	3	0	1	0	0	1	0	0	0	6
TSA	0	141	83	48	53	42	41	36	30	28	123	147	304	1,076
USCG	4	559	150	60	35	27	13	16	18	11	42	26	64	1,025
USCIS	32,284	56,052	6,862	6,402	876	807	321	111	53	21	49	6	2,820	106,664
USSS	0	250	83	58	47	36	42	19	35	27	55	39	143	834
<b>AGENCY OVERALL</b>	<b>33,435</b>	<b>57,908</b>	<b>7,683</b>	<b>6,965</b>	<b>1,230</b>	<b>1,133</b>	<b>603</b>	<b>387</b>	<b>265</b>	<b>141</b>	<b>408</b>	<b>260</b>	<b>3,375</b>	<b>113,793</b>

## (3) Requests Granted Expedited Processing

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	15	5	5	1	1	5	0	0	0	0	0	0	0	32
CRCL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FEMA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ICE	10	4	1	0	1	0	0	1	0	0	0	0	0	17
NPPD	2	0	0	0	0	0	0	0	0	0	0	0	0	2
OIG	0	0	0	0	0	1	0	0	0	0	0	0	0	1
OPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIV	8	0	2	0	0	0	0	0	0	0	0	0	0	10
S&T	0	0	0	0	1	0	0	0	0	0	0	0	0	1
TSA	3	0	0	0	0	0	0	0	0	0	0	0	0	3
USCG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCIS	14	7	6	1	0	1	0	0	0	1	1	0	0	31
USSS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>AGENCY OVERALL</b>	<b>52</b>	<b>16</b>	<b>14</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>97</b>

## D. Pending Requests – All Pending Perfected Requests

Component	Simple			Complex			Expedited		
	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days
CBP	40,062	122	151.2	197	68	98.2	0	N/A	N/A
CRCL	0	N/A	N/A	3	4	3.33	0	N/A	N/A
FEMA	343	156	195.07	217	55	131.67	0	N/A	N/A
FLETC	3	10	22	0	N/A	N/A	0	N/A	N/A
I&A	0	N/A	N/A	36	23.5	27.19	0	N/A	N/A
ICE	5,359	54	75.52	837	82	89.52	2	13.5	13.5
NPPD	4,539	37	39.18	25	18	39.72	0	N/A	N/A
OIG	6	8.5	29.83	42	46	85.38	3	179	162
OPS	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
PRIV	5	4	4.6	38	.5	91.63	0	N/A	N/A
S&T	0	N/A	N/A	1	136	136	0	N/A	N/A
TSA	68	9	9.12	556	236	290.73	0	N/A	N/A
USCG	265	13	11.31	892	225.5	293.91	0	N/A	N/A
USCIS	1,757	18.5	22.46	8,180	15.07	20.76	3	108.92	102.52
USSS	100	1	5.49	677	304	355.77	0	N/A	N/A
<b>AGENCY OVERALL</b>	<b>52,507</b>	<b>13</b>	<b>51.43</b>	<b>11,701</b>	<b>55</b>	<b>127.83</b>	<b>8</b>	<b>61.21</b>	<b>69.51</b>

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

<b>Component</b>	<b>Sub-Row Heading</b>	<b>10th</b>	<b>9th</b>	<b>8th</b>	<b>7th</b>	<b>6th</b>	<b>5th</b>	<b>4th</b>	<b>3rd</b>	<b>2nd</b>	<b>Oldest Request</b>
CBP	Date of Receipt	2012-01-27	2012-01-27	2012-01-27	2012-01-27	2012-01-27	2012-01-26	2012-01-26	2012-01-25	2012-01-25	2012-01-25
	Number of Days Pending	423	423	423	423	423	424	424	425	425	425
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	09-30-2013	2013-09-25	2013-09-24
	Number of Days Pending	0	0	0	0	0	0	0	1	4	5
FEMA	Date of Receipt	2010-06-23	2010-04-26	2010-04-12	2010-04-02	2010-02-19	2010-01-20	2009-11-27	2009-07-08	2008-02-03	2007-09-07
	Number of Days Pending	825	866	876	882	912	929	964	1,062	1,420	1,520
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2013-09-16	2013-09-16	2013-07-26
	Number of Days Pending	0	0	0	0	0	0	0	11	11	46
I&A	Date of Receipt	2013-08-03	2013-08-03	2013-08-03	2013-08-01	2013-07-30	2013-07-24	2013-07-23	2013-07-23	2013-06-26	2013-02-16
	Number of Days Pending	40	40	40	42	42	44	48	49	67	158
ICE	Date of Receipt	2012-05-29	2012-05-24	2012-03-08	2012-02-27	2012-02-14	2012-02-13	2011-12-01	2011-12-01	2011-12-01	2011-10-05
	Number of Days Pending	338	340	395	403	411	412	462	462	462	520
NPPD	Date of Receipt	2013-05-16	2013-05-16	2013-05-16	2013-05-16	2013-05-16	2013-05-16	2013-05-16	2013-04-25	2012-11-10	2012-10-31
	Number of Days Pending	95	95	95	95	95	95	95	110	222	230
OIG	Date of Receipt	2013-03-05	2013-03-01	2013-02-28	2013-02-08	2013-02-01	2013-01-16	2013-01-16	2012-04-24	2012-04-24	2011-12-08
	Number of Days Pending	147	149	150	163	168	180	180	362	362	457
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	2013-03-11	2013-02-27	2013-02-15	2012-10-31	2012-10-08	2012-08-07	2012-08-06	2012-08-03	2012-04-25	2012-03-16
	Number of Days Pending	143	151	159	230	246	289	290	291	361	389
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2013-03-20
	Number of Days Pending	0	0	0	0	0	0	0	0	0	136
TSA	Date of Receipt	2010-03-22	2010-2-25	2010-02-25	2010-02-16	2010-01-29	2010-01-15	2010-01-05	2009-11-23	2009-10-26	2008-12-18
	Number of Days Pending	891	908	908	915	922	931	939	964	986	1,199
USCG	Date of Receipt	2010-02-24	2010-02-23	2010-02-23	2010-02-22	2010-02-18	2010-01-11	2009-12-29	2009-12-08	2009-11-30	2009-11-25
	Number of Days Pending	909	910	910	911	913	935	943	957	963	965
USCIS	Date of Receipt	2013-01-03	2012-12-31	2012-12-24	2012-12-12	2012-12-05	2012-11-28	2012-11-19	2012-10-26	2012-07-11	2012-04-19
	Number of Days Pending	188	190	194	202	207	212	218	233	308	365
USSS	Date of Receipt	2007-06-29	2007-06-29	2007-06-29	2007-06-29	2007-06-29	2007-06-29	2007-06-29	2007-06-05	2007-01-09	2006-12-01
	Number of Days Pending	1,568	1,568	1,568	1,568	1,568	1,568	1,568	1,586	1,688	1,713
<b>AGENCY OVERALL</b>	<b>Date of Receipt</b>	<b>2007-06-29</b>	<b>2007-06-29</b>	<b>2007-06-29</b>	<b>2007-06-29</b>	<b>2007-06-29</b>	<b>2007-06-29</b>	<b>2007-06-05</b>	<b>2007-06-05</b>	<b>2007-01-07</b>	<b>2006-12-01</b>
	<b>Number of Days Pending</b>	<b>1,568</b>	<b>1,568</b>	<b>1,568</b>	<b>1,568</b>	<b>1,568</b>	<b>1,568</b>	<b>1,568</b>	<b>1,586</b>	<b>1,688</b>	<b>1,713</b>

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

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
CBP	32	423	1	1.48	449
CRCL	0	0	N/A	N/A	0
FEMA	0	0	N/A	N/A	0
FLETC	0	0	N/A	N/A	0
I&A	0	2	2	2	2
ICE	17	46	2	3.87	57
NPPD	0	0	N/A	N/A	0
OIG	4	14	8.5	8.66	15
OPS	0	0	N/A	N/A	0
PRIV	10	49	3	5.12	55
S&T	0	1	7	7.33	0
TSA	2	21	1	1.64	22
USCG	0	0	N/A	N/A	0
USCIS	31	821	5	5.74	759
USSS	0	7	1	1	7
<b>AGENCY OVERALL</b>	<b>96</b>	<b>1,384</b>	<b>2</b>	<b>4.09</b>	<b>1,366</b>

**B. Requests for Fee Waiver**

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
CBP	10	29	1	8.62
CRCL	0	0	N/A	N/A
FEMA	0	0	N/A	N/A
FLETC	0	0	N/A	N/A
I&A	4	4	4	7.25
ICE	33	33	1	4.86
NPPD	1	3	2	2
OIG	0	17	4	7.23
OPS	0	0	N/A	N/A
PRIV	0	2	7	6.07
S&T	0	0	N/A	N/A
TSA	0	52	0	1.94
USCG	0	0	N/A	N/A
USCIS	68	111	4	6.16
USSS	0	0	N/A	N/A
<b>AGENCY OVERALL</b>	<b>116</b>	<b>251</b>	<b>2</b>	<b>4.90</b>

**IX. FOIA Personnel and Costs**

Component	Personnel	Costs
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	Number of “Full Time FOIA Employees”	Number of “Equivalent Full-Time FOIA Employees”	Total Number of “Full-Time FOIA Staff” (Col. 1 + Col. 2)	Processing Costs	Litigation - Related Costs	Total Costs
CBP	34	16.22	50.22	\$4,422,723.41	\$376,815.71	\$4,799,539.12
CRCL	1	0	1	\$108,717.00	\$0.00	\$108,717.00
FEMA	16	20	36	\$3,195,049.00	\$29,000.00	3,224,049.00
FLETC	1	.55	1.55	\$161,453.53	\$0.00	\$161,453.53
I&A	2	1	3	\$158,000.00	\$0.00	\$158,000.00
ICE	48	8.75	56.75	\$4,381,562.00	2,351,390.78	\$6,732,952.78
NPPD	5	0	5	\$484,580.00	\$0.00	\$494,580.00
OIG	4	.25	4.25	\$320,230.88	39,075.80	\$359,306.68
OPS	0	.33	.33	\$39,000.00	\$0.00	\$39,000.00
PRIV	12	4	16	\$2,188,886.04	\$250,000.00	\$2,438,886.04
S&T	1	0	1	\$79,864.00	\$0.00	\$79,864.00
TSA	12	0	12	\$1,053,609.00	\$14,512.00	\$1,068,121.00
USCG	12	28.96	40.96	\$2,755,407.37	\$0.00	\$2,755,407.37
USCIS	229	126.45	355.45	\$20,245,268.00	\$331,726.15	\$20,576,994.15
USSS	16	4.15	20.15	\$1,755,401.25	\$273,129.40	\$2,028,530.65
<b>AGENCY OVERALL</b>	<b>393</b>	<b>210.66</b>	<b>603.66</b>	<b>\$41,359,751.48</b>	<b>\$3,665,649.84</b>	<b>\$45,025,401.32</b>

**X. Fees Collected for Processing Requests**

Component	Total Amount of Fees Collected	Percentage of Total Costs
CBP	\$312,014.15	7.05%
CRCL	\$0.00	0.00%
FEMA	\$3,215.00	0.10%
FLETC	\$119.00	0.07%
I&A	\$0.00	0.00%
ICE	\$2,691.10	0.06%
NPPD	\$1,040.60	0.21%
OIG	\$76.45	0.02%
OPS	\$0.00	0.00%
PRIV	\$97.00	0.00%
S&T	\$0.00	0.00%
TSA	\$0.00	0.00%
USCG	\$37,155.11	1.35%
USCIS	\$4,066.83	0.02%
USSS	\$0.00	0.00%
<b>AGENCY OVERALL</b>	<b>\$360,475.24</b>	<b>0.87%</b>

**XI. FOIA Regulations – The Department of Homeland Security FOIA Implementing Regulations are codified at 6 C.F.R. Part 5, and also can be found at [http://www.dhs.gov/xlibrary/assets/FOIA\\_FedReg\\_Notice.pdf](http://www.dhs.gov/xlibrary/assets/FOIA_FedReg_Notice.pdf).**

**XII. Backlogs, Consultations, and Comparisons****A. Backlogs of FOIA Requests and Administrative Appeals**

Component	Number of Backlogged Requests as of the End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
CBP	37,848	0
CRCL	0	0
FEMA	496	31
FLETC	1	1
I&A	12	0
ICE	4,714	32
NPPD	3,099	0
OGC	0	13
OIG	34	28
OPS	0	0
PRIV	20	0
S&T	1	0
TSA	546	7
USCG	877	29
USCIS	3,394	3
USSS	719	1
<b>AGENCY OVERALL</b>	<b>51,761</b>	<b>145</b>

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

Component	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at Your Agency as of the End of the Fiscal Year
CBP	5	66	45	26
CRCL	0	2	2	0
FEMA	2	8	9	1
FLETC	0	1	1	0
I&A	4	11	15	0
ICE	4	95	54	45
NPPD	0	0	0	0
OIG	0	5	5	0
OPS	0	10	10	0
PRIV	0 <sup>+++</sup>	32	21	11
S&T	0	3	3	0
TSA	10	8	3	15
USCG	6	0	3	3
USCIS	3	56	58	1
USSS	10 <sup>\$\$\$</sup>	21	19	12
<b>AGENCY OVERALL</b>	<b>44</b>	<b>318</b>	<b>248</b>	<b>114</b>

<sup>+++</sup> Corrected number due to component reporting error in FY 2012.

<sup>\$\$\$</sup> Corrected number due to component reporting error in FY 2012.



**C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending**

<b>Component</b>	<b>Sub-Row Heading</b>	<b>10th</b>	<b>9th</b>	<b>8th</b>	<b>7th</b>	<b>6th</b>	<b>5th</b>	<b>4th</b>	<b>3rd</b>	<b>2nd</b>	<b>Oldest Request</b>
CBP	Date of Receipt	2013-06-10	2013-05-22	2013-05-07	2013-02-21	2013-01-11	2012-12-13	2012-06-28	2012-05-31	2012-04-10	2012-03-16
	Number of Days Pending	79	91	102	155	182	201	316	336	372	389
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FEMA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2013-09-13
	Number of Days Pending	0	0	0	0	0	0	0	0	0	12
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2013-04-10	2013-04-10	2013-04-04	2013-03-28	2013-03-22	2013-02-14	2013-02-14	2013-02-14	2013-02-14	2012-11-02
	Number of Days Pending	121	121	125	130	134	160	160	160	160	228
NPPD	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	2013-09-16	2013-09-11	2013-09-05	2013-08-09	2013-08-06	2013-08-01	2013-07-16	2013-06-11	2013-04-26	2013-03-26
	Number of Days Pending	11	14	18	36	39	42	54	78	109	132
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2013-05-20	2012-04-10	2012-03-30	2011-09-16	2011-09-16	2011-09-15	2010-10-28	2010-09-03	2010-06-15	2009-12-16
	Number of Days Pending	93	372	379	513	513	514	737	774	831	951
USCG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-01-26	2011-05-05	2011-03-21
	Number of Days Pending	0	0	0	0	0	0	0	424	608	641
USCIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2013-05-08
	Number of Days Pending	0	0	0	0	0	0	0	0	0	100
USSS	Date of Receipt	2013-06-20	2013-06-06	2013-04-03	2013-03-19	2013-02-13	2012-12-14	2011-05-10	2010-10-08	2010-10-08	2010-10-08
	Number of Days Pending	71	81	126	137	161	200	605	750	750	750
<b>AGENCY OVERALL</b>	<b>Date of Receipt</b>	<b>2011-05-10</b>	<b>2011-05-05</b>	<b>2011-03-21</b>	<b>2010-10-28</b>	<b>2010-10-08</b>	<b>2010-10-08</b>	<b>2010-10-08</b>	<b>2010-09-03</b>	<b>2010-06-15</b>	<b>2009-12-16</b>
	<b>Number of Days Pending</b>	<b>605</b>	<b>608</b>	<b>641</b>	<b>737</b>	<b>750</b>	<b>750</b>	<b>750</b>	<b>774</b>	<b>831</b>	<b>951</b>

**D. (1) Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged**

Component	Number of Requests Received		Number of Requests Processed	
	Received During Fiscal Year from Last Year's Annual Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year from Last Year's Annual Report	Processed During Fiscal Year from Current Annual Report
CBP	33,243	41,381	26,571	14,635
CRCL	84	73	87	73
FEMA	761	798	952	564
FLETC	109	113	102	122
I&A	96	109	115	78
ICE	24,073	34,161	21,220	30,818
NPPD	7,105	15,187	4,891	12,942
OIG	180	170	166	142
OPS	60	45	60	45
PRIV	899	798	868	840
S&T	36	26	37	26
TSA	861	909	949	851
USCG	3,700	3,468	3,256	3,098
USCIS	117,787	132,797	145,278	138,523
USSS	1,595	1,499	1,343	1,575
<b>AGENCY OVERALL</b>	<b>190,589</b>	<b>231,534</b>	<b>205,893</b>	<b>204,332</b>

**D. (2) Comparison of Backlogged Requests from Previous and Current Annual Report**

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CBP	10,648	37,848
CRCL	0	0
FEMA	306	496
FLETC	2	1
I&A	3	12
ICE	2,903****	4,714
NPPD	2,288	3,099
OIG	11	34
OPS	0	0
PRIV	23	20
S&T	0	1
TSA	542	546
USCG	782	877
USCIS	10,727	3,394
USSS	778	719
<b>AGENCY OVERALL</b>	<b>29,013</b>	<b>51,761</b>

\*\*\*\* Number of backlogged requests in Fiscal Year corrected due to component reporting error in FY 2012

**E. (1) Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged**

Component	Number of Appeals Received		Number of Appeals Processed	
	Received During Fiscal Year from Last Year's Annual Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year from Last Year's Annual Report	Processed During Fiscal Year from Current Annual Report
CBP	474	346	476	354
FEMA <sup>††††</sup>	60	16	0	45
FLETC	1	7	1	5
ICE	288	350	303	317
OGC	113	92	161	179
OIG	19	17	19	3
TSA	32	18	25	22
USCG	35	34	51	45
USCIS	1,349	1,959	1,431	2,001
USSS	34	66	23	75
<b>AGENCY OVERALL</b>	<b>2,405</b>	<b>2,905</b>	<b>2,490</b>	<b>3,046</b>

**(2) Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report**

Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
CBP	0	0
FEMA <sup>††††</sup>	60	31
FLETC	0	1
ICE	0	32
OGC	99	13
OIG	13	28
TSA	10	7
USCG	33	29
USCIS	10	3
USSS	0	1
<b>AGENCY OVERALL</b>	<b>225</b>	<b>145</b>

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<sup>††††</sup> Number of appeals received in Fiscal Year corrected due to component reporting error in FY 2012

<sup>††††</sup> Number of appeals received in Fiscal Year corrected due to component reporting error in FY 2012

## **APPENDIX A: Composition of the Department of Homeland Security**

The Office of the Secretary oversees Department of Homeland Security (DHS) efforts to counter terrorism and enhance security, secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws, safeguard and secure cyberspace, build resilience to disasters, and provide essential support for national and economic security - in coordination with federal, state, local, international, tribal and private sector partners.

### **Offices:**

The Citizenship and Immigration Services Ombudsman (CISOMB) provides recommendations for resolving individual and employer problems with the United States Citizenship and Immigration Services in order to ensure national security and the integrity of the legal immigration system.

The Office for Civil Rights and Civil Liberties (CRCL) supports the Department as it secures the Nation while preserving individual liberty, fairness, and equality under the law.

The Office of the Executive Secretariat (ESEC) assures the accurate and timely dissemination of information and written communications from throughout the Department and our homeland security partners to and from the Secretary and Deputy Secretary.

The Office of Intergovernmental Affairs (IGA) promotes an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

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

The Office of the General Counsel (OGC) integrates approximately 1700 lawyers from throughout the Department comprised of a headquarters office with subsidiary divisions and the legal programs for eight Department components.

The Office of Inspector General (OIG) conducts independent and objective inspections, audits, and investigations to provide oversight and promote excellence, integrity, and accountability in DHS programs and operations.

The Office of Legislative Affairs (OLA) serves as primary liaison to members of Congress and their staffs.

The Office of Public Affairs (OPA) coordinates the public affairs activities of all of the Department's components and offices.

The Privacy Office (PRIV) works to preserve and enhance privacy protections for all individuals and to promote transparency of Department operations.

#### Department Components and Directorates:

United States Customs and Border Protection (CBP) is responsible for securing the border against all transnational threats and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

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

The Federal Emergency Management Agency (FEMA) supports our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

The Federal Law Enforcement Training Centers (FLETC) mission is "We train those who protect our homeland." To carry out this mission, the FLETC serves as an interagency law enforcement training organization for 91 federal agencies or Partner Organizations. The FLETC also provides training to state, local, rural, tribal, territorial, and international law enforcement agencies.

The Office of Intelligence and Analysis (I&A) is responsible for equipping the Homeland Security Enterprise with the information and intelligence it needs to keep the United States safe, secure, and resilient.

United States Immigration and Customs Enforcement (ICE) promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.

The Management Directorate provides Department-wide leadership and direction on the full spectrum of management issues. These efforts include integrating common operating standards; managing the Department's delegations and directives; leading investment and portfolio management; and administering six functional lines of business, which are financial management, human resources, facilities and logistics, information technology, security and procurement.

The Directorate for National Protection and Programs (NPPD) leads the national effort to protect and enhance the resilience of the Nation's physical and cyber infrastructure.

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

The Office of Operations Coordination and Planning (OPS) provides decision support and enables the execution of homeland security responsibilities across the enterprise; promotes situational awareness and information sharing; integrates and synchronizes strategic operations and planning; and administers the DHS continuity program.

The Office of Policy (PLCY) develops Department-wide policies, programs and planning to promote and ensure quality, consistency and integration across all homeland security missions.

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

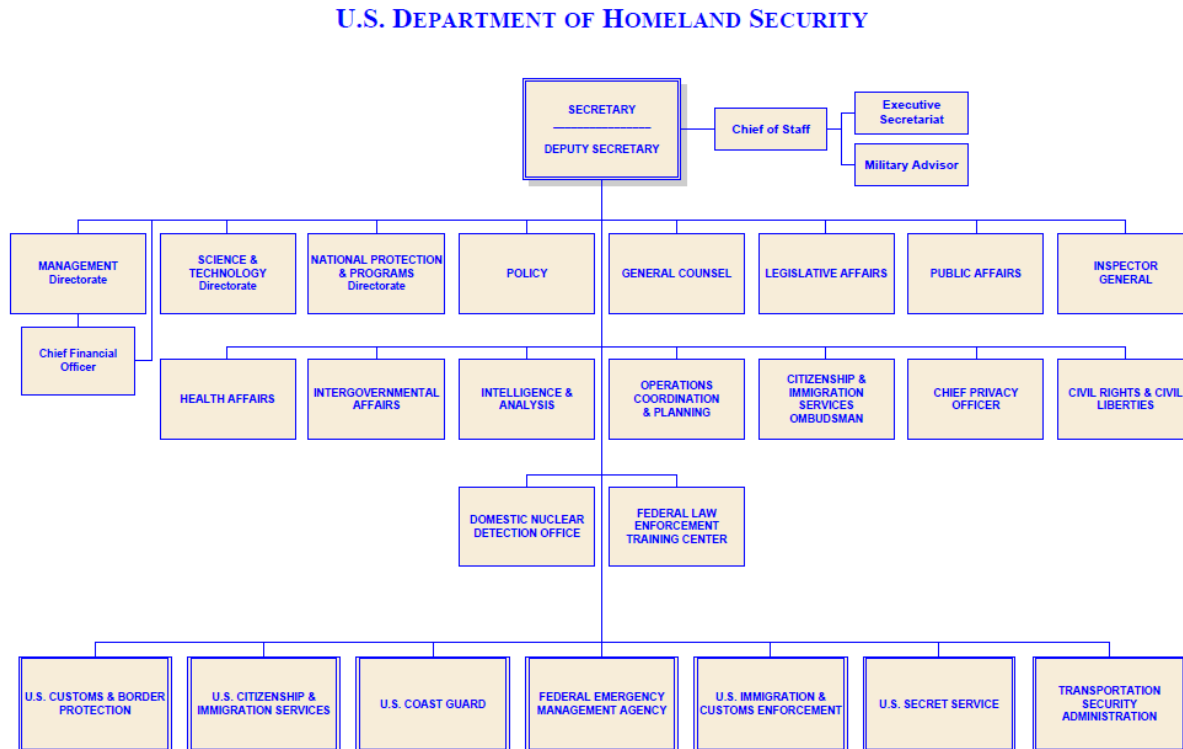
The United States Coast Guard (USCG) is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

United States Citizenship and Immigration Services (USCIS) grants immigration and citizenship benefits, promotes awareness and understanding of citizenship, and ensures the integrity of our immigration system.

The Directorate for Science and Technology (S&T) strengthens America's security and resiliency by providing knowledge products and innovative technology solutions for the Homeland Security Enterprise.

The United States Secret Service (USSS) safeguards the nation's financial infrastructure and payment systems to preserve the integrity of the economy, and protects national leaders, visiting heads of state and government, designated sites, and National Special Security Events.

## APPENDIX B: Organization of the Department of Homeland Security Chart



## **APPENDIX C: Names, Addresses, and Contact Information for DHS FOIA Officers**

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

Karen Neuman  
Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

Delores J. Barber  
Deputy Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

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

Privacy Office  
Dr. James V.M.L. Holzer  
Senior Director, FOIA Operations  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

Privacy Office  
Rose Bird  
Director, FOIA Improvement  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

U.S. Citizenship and Immigration Services  
Jill Eggleston  
Ph: 816-350-5521; Fax: 816-350-1793  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Office for Civil Rights and Civil Liberties  
Fernando Pineiro, Jr.  
Ph: 202-357-7672; Fax: 202-357-1196  
DHS-CRCL-FOIA  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Bldg. 410,  
Mail Stop 0190  
Washington, DC 20528-0190

Privacy Office  
Angela Washington, Acting  
Director, Disclosure Policy and FOIA  
Program Development  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528-0655

U.S. Coast Guard  
Gaston Brewer  
Ph: 202-475-3525 Fax: 202-475-3927  
Commandant (CG-611)  
2701 Martin Luther King Jr Ave, SE  
Stop 7710  
Washington, DC 20593-0001

U.S. Customs and Border Protection  
Sabrina Burroughs  
Ph: 202-325-0150; Fax: 202-325-0230  
FOIA Division  
90 K Street NE, 9<sup>th</sup> Floor  
Washington, DC 20229-1181

Federal Emergency Management Agency  
Terry Cochran  
Ph: 202-646-3323; Fax: 202-646-3347  
Disclosure Branch  
1800 South Bell Street, Fourth Floor,  
Mail Stop 3005  
Arlington, Virginia 20598-3005



Federal Law Enforcement Training Center  
Leslie A. Jensen  
Ph: 912-267-3103; Fax: 912-267-3113  
Building No.681, Suite 187B  
Glynco, GA 31524

U.S. Immigration and Customs Enforcement  
Catrina Pavlik-Keenan  
Ph: 866-633-1182; Fax: 202-732-4265  
500 12<sup>th</sup> Street, SW, Mail Stop 5009  
Washington, DC 20536-5009

Office of Inspector General  
Stephanie Kuehn, Acting  
Ph: 202-254-4001; Fax: 202-254-4398  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0305  
Washington, DC 20528-2600

Office of Intelligence and Analysis  
Priscilla Waters  
Ph: 202-447-4483; Fax: 202-612-1936  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Directorate for National Protection and  
Programs  
Sandy Ford Page  
Ph: 703-235-2211; Fax: 703-235-2052  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Office of Operations Coordination and  
Planning  
Michael Page  
Ph: 202-447-4156; Fax: 202-282-9811  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Science & Technology Directorate  
Katrina Hagan  
Ph: 202-254-6342; Fax: 202-254-6739  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

United States Secret Service  
Latita Payne  
Ph: 202-406-6370; Fax: 202-406-5586  
245 Murray Lane, SW, Building T-5  
Washington, DC 20223

Transportation Security Administration  
Yvonne Coates  
Ph: 1-866-FOIA-TSA; Fax: 571-227-2300  
601 S. 12<sup>th</sup> Street, TSA-20  
11<sup>th</sup> Floor, East Tower  
Arlington, VA 20598-6020

## **EXHIBIT B**

# Department of Homeland Security

Privacy Office

2012 Freedom of Information Act Report  
to the Attorney General of the United States

February 2013



Homeland  
Security



## Message from the Acting Chief Freedom of Information Act Officer

I am pleased to present the Department of Homeland Security's (DHS or Department) *Annual Freedom of Information Act (FOIA) Report to the Attorney General for 2012*. This is the first report produced during my tenure as the Department's Acting Chief Privacy Officer and Acting Chief FOIA Officer and the fourth to reflect President Obama's call for openness and transparency in Federal Government operations. This report highlights the unprecedented number of FOIA requests and appeals the Department received this fiscal year, and the sizable reduction of its backlog of requests and appeals.



DHS receives the largest number of FOIA requests of any federal department or agency in each fiscal year (FY). It also has the largest backlog of pending FOIA requests. Since President Obama took office, DHS has experienced a steady annual increase in the number of FOIA requests from 103,093 in FY 2009, to 130,098 in FY 2010, to 175,656 in FY 2011. This trend continued in FY 2012: DHS received a record-setting 190,589 requests, an 85 percent increase over FY 2009. Despite this increase during FY 2012, DHS processed 205,895 requests and reduced its backlog of pending requests from 42,371 to 28,553. This decrease in the backlog is even more significant since the Department closed over 47,000 more perfected requests that were placed in the complex track in FY 2012 than in FY 2011. In fact, 55 percent of all closed requests in FY 2012 were complex compared to only 44 percent in FY 2011.

The 33 percent decrease in the backlog this year, despite an increasing volume of requests, was due to the multi-pronged efforts of all components. DHS took several steps to reduce the FOIA backlog including the use of the business management strategy Six Sigma, student interns, and contractors, as well as detailing FOIA Specialists in Headquarters to the components needing assistance to reduce their backlog. Additionally, the DHS Privacy Office (or Office) met with component FOIA Officers and FOIA officials from other federal agencies to gain insight into how technology, training, and staff development can converge to reduce the backlog, particularly through day-to-day case management.

DHS also made great strides in processing FOIA appeals. Although DHS experienced a 20 percent increase in the number of FOIA appeals received in FY 2012 compared with FY 2011, the appeals backlog decreased by 50 percent, from 327 in FY 2011 to 165 in FY 2012. DHS also decreased the average processing time to close out an appeal by 56 percent, from 106 days in FY 2011 to 47 days in FY 2012. Almost every DHS component shortened the interval between the receipt of an appeal and the closing of an appeal. For example, U.S. Citizenship and Immigration Services (USCIS) received 58 percent of the Department's FOIA appeals, but was successful in reducing the average response time for appeals by 53 percent, from 52 days in FY 2011 to 24 days in FY 2012. The Office of the General Counsel (OGC) decreased its average turnaround by 60 percent, from 700 days to 278 days, while the average response time for Immigration and Customs Enforcement (ICE) dropped by 30 percent, from 40 days to 28 days.

I am proud of the great work our Department has accomplished. I direct your attention to the pages that follow and look forward to providing even better and more responsive customer service in the new year.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan R. Cantor". The signature is written in a cursive style with a large initial 'J' and a stylized 'C'.

Jonathan R. Cantor  
Acting Chief Freedom of Information Act Officer  
U.S. Department of Homeland Security

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## **I. Basic Information Regarding Report**

1. Questions regarding this report may be directed to:

Delores J. Barber  
Deputy Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive SW, Mail Stop 0655  
Washington, DC 20528-0655  
Phone: 202-343-1743; Fax: 202-343-4011

2. This report can be downloaded from the DHS FOIA website at <http://www.dhs.gov/FOIA>.

3. Requests for this report in paper form may also be directed to Delores J. Barber, as listed above.

## **II. Making a FOIA Request**

1. Names, addresses, and contact numbers for DHS FOIA Officers can be found on our website at <http://www.dhs.gov/FOIA>.

2. Brief description why requests are not granted:

The records maintained by the Department often contain private information on individuals or involve law enforcement matters. Because law enforcement records are of such interest to subjects of investigation, victims of crime, and the public at large, these records are often requested under the Freedom of Information Act. The Department commonly invokes exemptions 6 and 7(C) to prevent unwarranted injury to the privacy interests of individuals, and exemption 7(E) to protect against the disclosure of law enforcement techniques, procedures, and guidelines.

## **III. Acronyms, Definitions, and Exemptions**

1. Agency-specific acronyms or other terms.

- |           |  |
|-----------|--|
| a. CBP    | U.S. Customs and Border Protection             |
| b. CFO    | Chief Financial Officer                        |
| c. CISOMB | Citizenship and Immigration Services Ombudsman |
| d. CRCL   | Office for Civil Rights & Civil Liberties      |
| e. DNDO   | Domestic Nuclear Detection Office              |
| f. ESEC   | Office of the Executive Secretary              |
| g. FEMA   | Federal Emergency Management Agency            |
| h. FLETC  | Federal Law Enforcement Training Center        |
| i. I&A    | Office of Intelligence and Analysis            |
| j. IGA    | Office of Intergovernmental Affairs            |
| k. ICE    | U.S. Immigration and Customs Enforcement       |
| l. MGMT   | Management Directorate                         |
| m. NCSC   | National Cyber Security Center                 |



- n. NPPD National Protection and Programs Directorate
- o. OGC Office of the General Counsel
- p. OHA Office of Health Affairs
- q. OIG Office of Inspector General
- r. OLA Office of Legislative Affairs
- s. OPA Office of Public Affairs
- t. OPS Office of Operations Coordination and Planning
- u. PLCY Office of Policy
- v. PRIV Privacy Office
- w. S&T Science and Technology Directorate
- x. TSA Transportation Security Administration
- y. USCG United States Coast Guard
- z. USCIS United States Citizenship and Immigration Services
- aa. USSS United States Secret Service
- bb. US-VISIT United States Visitor and Immigrant Status Indicator Technology

2. Definition of terms, expressed in common terminology.

- a. **Administrative Appeal** – A request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8, determined by dividing 24 by 3.
- c. **Backlog** – The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – For agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in the Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – The procedure whereby the agency responding to a FOIA requests first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it provides its views on the record to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- f. **Exemption 3 Statute** – A federal statute other than FOIA that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.\*
- g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., “first-party” requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term “FOIA request” also includes any such “first-party” requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. DHS applies this same interpretation of the term “FOIA request” even to “first-party” requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy provides such persons the ability to access their own records in DHS’s Privacy Act “mixed systems of records” as if they are subject to the Privacy Act’s access provisions, and DHS processes the requests under FOIA as well. Thus, all requests that require DHS to utilize FOIA in responding to the requester are included in this Report.

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

- h. **Full Grant** – An agency decision to disclose all records in full in response to FOIA request.
- i. **Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

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\* Pursuant to 5 U.S.C. § 552(b)(3) as amended by sec. 564 of Public Law 111-83, a statute enacted after October 28, 2009, can qualify as an Exemption 3 law only if it cites specifically to 5 U.S.C. § 552(b)(3).

- i. **Expedited Processing** – An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
    - ii. **Simple Request** – A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
    - iii. **Complex Request** – A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
  - l. **Partial Grant/Partial Denial** – An agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
  - m. **Pending Request or Pending Administrative Appeal** – A request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfected Request** – A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
  - o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
  - q. **Time Limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).
3. Concise descriptions of FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices (personnel)
  - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.
  - f. **Exemption 6:** information involving matters of personal privacy

- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

## IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
6 U.S.C. § 133(a)(1)	Critical infrastructure information (including the identity of the submitting person or entity) that is voluntarily submitted to a covered Federal agency for use by that agency regarding the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other informational purpose, when accompanied by an express statement specified in paragraph 2		FEMA OIG	3 1	4
8 U.S.C. § 1202(f) (Immigration and Nationality Act)	Certain records pertaining to the issuance or refusal of visas to enter the United States	<u>Medina-Hincapie v. Dep't of State</u> , 700 F.2d 737, 741-42 (D.C. Cir. 1983); <u>DeLaurentiis v. Haig</u> , 686 F.2d 192, 194 (3d Cir. 1982); <u>Judicial Watch, Inc. v. U.S. Dep't of State</u> , 650 F. Supp. 2d 28, 33 (D.D.C. 2009); <u>Smith v. DOJ</u> , No. 81-CV-813, 1983 U.S. Dist. LEXIS 10878, at *13-14 (N.D.N.Y. Dec. 13, 1983).	USCIS	1	1
10 U.S.C. § 130b	Personally identifiable information pertaining to members of the armed forces assigned to "routinely deployable unit[s]" and certain employees of DOD and DHS	<u>Hiken v. DOD</u> , 521 F. Supp. 2d 1047, 1062 (N.D. Cal. 2007); <u>O'Keefe v. DOD</u> , 463 F. Supp. 2d 317, 325 (E.D.N.Y. 2006); <u>Windel v. United States</u> , No. A02-306, 2005 WL 846206, at *2.	USCG	3	3
10 U.S.C. § 424	Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency	<u>Physicians for Human Rights v. DOD</u> , No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011); <u>Miller v. DOJ</u> , 562 F. Supp. 2d 82, 112 (D.D.C. 2008); <u>Wickwire Gavin, P.C. v. Def. Intelligence Agency</u> , 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).	USCG	2	2
18 U.S.C. §§ 2510-20	Wiretap requests and the content of any wire, oral, or electronic communication obtained through wiretaps	<u>Mendoza v. DEA</u> , No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); <u>Lam Lek Chong v. DEA</u> , 929 F.2d 729, 733 (D.C. Cir. 1991); <u>Payne v. DOJ</u> , No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).	USSS	5	5
18 U.S.C. 2722(a)	Prohibits the disclosure of personal information from a motor vehicle record		OIG	1	1
18 U.S.C. § 3509(d) (Federal Victims' Protection and Rights Act)	Certain records containing identifying information pertaining to children involved in criminal proceedings	<u>Tampico v. EOUSA</u> , No. 04-2285, slip op. at 8 (D.D.C. Apr. 29, 2005).	ICE	1	1

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
26 U.S.C. §§ 6103, 6105	Certain tax return information and certain tax convention information	<u>Church of Scientology v. IRS</u> , 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); <u>Pac. Fisheries, Inc. v. IRS</u> , No. 09-35618, 2010 WL 3611645, at *2 (9 <sup>th</sup> Cir. September 15, 2010)(unpublished disposition); <u>Tax Analysts v. IRS</u> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).	USCIS	2,533	2,533
41 U.S.C. § 253b(m)(1)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	<u>Sinkfield v. HUD</u> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	FEMA FLETC ICE MGMT NPPD PRIV S&T USCG	6 2 7 4 2 2 3 2	28
42 U.S.C. § 262a	Enhanced control of dangerous biological agents and toxins/bio-terrorism information		S&T	1	1
46 U.S.C. § 70103(d)	Facility security plans, vessel security plans, and port vulnerability assessments		PLCY	1	1
49 U.S.C. § 114(s)	Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Security Act or under chapter 449 of this title	<u>Tooley v. Bush</u> , No. 06-306, 2006 WL 3783142, at *19 (D.D.C. Dec. 21, 2006), <u>aff'd on other grounds</u> , 586 F. 3d 1006 (D.C. Cir. 2009); <u>Gordon v. FBI</u> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).	CBP ICE PRIV TSA USCG	775 401 6 101 4	1,287
50 U.S.C. § 403g	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency"	<u>Larson v. Dep't of State</u> , 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); <u>Berman v. CIA</u> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <u>Makky v. Chertoff</u> , 489 F. Supp. 2d 421, 442 (D.N.J. 2007), <u>aff'd on other grounds</u> , 541 F. 3d 205 (3d Cir. 2008).	USCG USSS	3 3	6

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat.319	Certain records pertaining to grand jury proceedings	<u>Sussman v. USMS</u> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <u>Fund for Constitutional Gov't v. Nat'l Archives &amp; Records Serv.</u> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <u>Durham v. U.S. Atty. Gen.</u> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <u>Cozen O'Connor v. U.S. Dep't of Treasury</u> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	ICE USCIS USSS	2 2 7	11

## V. FOIA Requests

### A. Received, Processed and Pending FOIA Requests

Component <sup>†</sup>	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
CBP	5,040**	33,243	26,571	11,712
CRCL	6	84	87	3
FEMA	547**	761	952	356
FLETC	5	109	102	12
I&A	23**	96	115	4
ICE	50	24,073	21,220	2,903
MGMT	12**	124	116	20
NPPD	100**	7,105	4,891	2,314
OGC	5	19	17	7
OIG	9	180	166	23
OPS	0	60	60	0
PLCY	0**	26	26	0
PRIV	37**	730	709	58
S&T	1	36	37	0
TSA	661	861	949	573
USCG	471**	3,700	3,256	915
USCIS	43,568**	117,787	145,278	16,077
USSS	608**	1,595	1,343	860
<b>AGENCY OVERALL</b>	<b>51,143**</b>	<b>190,589</b>	<b>205,895</b>	<b>35,837</b>

<sup>†</sup> The following information is important to interpret the FOIA request data presented in this Annual Report: 1) PRIV processes and reports on FOIA requests for itself, the Office of the Secretary (including the Military Advisor's Office and the Office of Intergovernmental Affairs), and the following components: CISOMB, DNDO, ESEC, OHA, OLA, and OPA; 2) MGMT processed and reported on FOIA requests for itself and for CFO through September 30, 2012; 3) NPPD processes and reports on FOIA requests for itself, US-VISIT and for NCSC. Readers of the Annual Report should consider the contents of this footer to apply, as appropriate, to all tables in the report.

\*\* Corrected number due to component reporting error in FY 2011.

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

Component	No. of Full Grants	No. of Partial Grants/ Partial Denials	No. of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									
				No Records	All Records Referred	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper FOIA Request	Not Agency Record	Duplicate Request	Other	Total
CBP	2,152	10,530	53	6,282	1,231	4,541	44	5	325	1,117	200	91	26,571
CRCL	8	25	0	45	3	3	0	1	0	0	2	0	87
FEMA	152	296	18	109	20	16	0	3	3	1	11	323	952
FLETC	22	28	5	17	5	1	0	3	9	7	1	4	102
I&A	10	32	1	44	6	3	2	1	9	0	3	4	115
ICE	326	15,978	741	945	2,596	63	15	16	360	17	84	79	21,220
MGMT	30	51	2	13	9	1	3	2	2	0	2	1	116
NPPD	33	4,652	9	67	15	36	3	1	61	5	4	5	4,891
OGC	4	1	0	3	5	0	0	1	3	0	0	0	17
OIG	13	93	15	25	1	2	0	0	10	3	0	4	166
OPS	3	22	0	29	4	1	0	0	1	0	0	0	60
PLCY	3	1	4	11	4	3	0	0	0	0	0	0	26
PRIV	20	98	12	54	157	12	8	185	102	12	26	23	709
S&T	4	17	0	5	7	0	1	2	0	0	1	0	37
TSA	97	166	33	223	33	50	5	80	124	17	14	107	949
USCG	2,257	260	92	438	39	103	6	4	4	0	43	10	3,256
USCIS	16,555	86,270	102	12,536	3,146	157	162	2	14,574	4,234	7,517	23	145,278
USSS	26	199	10	762	7	35	1	0	3	35	19	246	1,343
<b>AGENCY OVERALL</b>	<b>21,715</b>	<b>118,719</b>	<b>1,097</b>	<b>21,608</b>	<b>7,288</b>	<b>5,027</b>	<b>250</b>	<b>306</b>	<b>15,590</b>	<b>5,448</b>	<b>7,927</b>	<b>920</b>	<b>205,895</b>

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

Component	Description	No. of Times Used	Total
CBP	Coordinated by Another Office	49	91
	Records Publicly Available	36	
	Unable to Locate Requester	6	
CRCL	N/A	0	0
FEMA	Nonresponsive to Requests for Additional Information	323	323
FLETC	Coordinated by Another Office	1	4
	Glomar Response	3	
I&A	Aggregated	1	4
	Records Publicly Available	3	



Component	Description	No. of Times Used	Total
ICE	Fugitive	75	79
	Litigation	4	
MGMT	Records Publicly Available	1	1
NPPD	Glomar Response	3	5
	Records Publicly Available	2	
OGC	N/A	0	0
OIG	Coordinated by Another Processing Office	1	4
	Records Publicly Available	1	
	Unable to Locate Requester	2	
OPS	N/A	0	0
PLCY	N/A	0	0
PRIV	Aggregated	2	23
	Litigation	3	
	Records Publicly Available	17	
	Sent in Error	1	
S&T	N/A	0	0
TSA	Glomar Response	43	107
	Nonresponsive to Requests for Additional Information	61	
	Records Publicly Available	3	
USCG	Nonresponsive to Requests for Additional Information	10	10
USCIS	Unable to Locate Records	23	23

Component	Description	No. of Times Used	Total
USSS	Coordinated by Another Office	1	246
	Nonresponsive to Requests for Additional Information	184	
	Not Subject to FOIA	1	
	Records Referred Not Responsive	16	
	Sent in Error	16	
	Statute of Limitation Passed	22	
	Unable to Locate Requester	6	
AGENCY OVERALL			920

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

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CBP	1	245	775	87	88	10,270	78	0	10,342	22	10,259	0	0	0
CRCL	0	0	0	0	14	25	0	0	3	0	0	0	0	0
FEMA	0	24	9	136	57	252	2	0	10	1	1	0	0	0
FLETC	0	0	2	7	1	19	1	0	4	0	3	1	0	0
I&A	7	0	0	0	2	25	3	2	6	6	31	1	0	0
ICE	1	34	411	31	2,750	13,602	81	1,031	13,464	33	14,013	86	0	0
MGMT	0	0	4	26	5	34	0	0	3	0	8	0	0	0
NPPD	0	1	2	28	11	219	7	0	3,874	0	4,150	6	0	0
OGC	0	0	0	0	0	1	0	0	0	0	0	0	0	0
OIG	1	4	2	4	29	94	29	0	76	7	11	1	0	0
OPS	0	0	0	1	0	95	0	0	88	0	8	1	0	0
PLCY	1	0	1	0	3	1	0	0	0	0	0	0	0	0
PRIV	2	3	8	13	43	96	0	0	26	0	21	8	0	0
S&T	0	0	4	5	4	18	0	0	4	0	5	0	0	0
TSA	1	62	101	21	42	157	1	12	32	0	19	1	0	0
USCG	5	0	14	13	74	228	100	0	73	3	7	1	0	0
USCIS	0	101	2,536	186	50,977	55,638	20	0	71,431	3	65,318	0	0	0
USSS	1	6	15	1	21	159	6	0	161	16	131	2	0	0
AGENCY OVERALL	20	480	3,884	559	54,121	80,933	328	1,045	99,597	91	93,985	108	0	0

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

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

Component	No. of Appeals Pending as of Start of Fiscal Year	No. of Appeals Received in Fiscal Year	No. of Appeals Processed in Fiscal Year	No. of Appeals Pending as of End of Fiscal Year
CBP	18	474	476	16
FLETC	0	1	1	0
ICE	40	288	303	25

OGC <sup>†</sup>	150**	113	161	102
OIG	14	19	19	14
TSA	4	32	25	11
USCG	49	35	51	33
USCIS	186**	1,349	1,431	104
USSS	0	34	23	11
<b>AGENCY OVERALL</b>	<b>461**</b>	<b>2,345</b>	<b>2,490</b>	<b>316</b>

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

Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
CBP	118	120	111	127	476
FLETC	1	0	0	0	1
ICE	168	63	0	72	303
OGC	72	17	27	45	161
OIG	8	2	1	8	19
TSA	13	2	6	4	25
USCG	29	0	12	10	51
USCIS	501	605	231	94	1,431
USSS	1	1	2	19	23
<b>AGENCY OVERALL</b>	<b>911</b>	<b>810</b>	<b>390</b>	<b>379</b>	<b>2,490</b>

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

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CBP	0	11	24	8	11	242	7	0	232	1	239	8	0	0
FLETC	0	0	0	0	0	0	0	0	0	0	1	1	0	0
ICE	0	0	0	2	4	48	6	2	45	0	35	0	0	0
OGC	1	1	1	2	10	10	1	0	26	0	24	2	0	0
OIG	0	1	0	0	1	6	1	0	5	0	0	0	0	0
TSA	0	2	1	0	0	1	0	0	0	0	0	0	0	0
USCG	0	1	1	0	26	9	14	0	2	0	0	0	0	0
USCIS	0	0	31	2	608	592	0	0	756	0	692	2	0	0
USSS	0	0	0	0	0	1	1	0	1	0	0	0	0	0
<b>AGENCY OVERALL</b>	<b>1</b>	<b>16</b>	<b>58</b>	<b>14</b>	<b>660</b>	<b>909</b>	<b>30</b>	<b>2</b>	<b>1,067</b>	<b>1</b>	<b>991</b>	<b>13</b>	<b>0</b>	<b>0</b>

<sup>†</sup> OGC processes FOIA appeals for: CRCL, FEMA, I&A, MGMT, NPPD, OHA, OPS, PLCY, PRIV, S&T and US-VISIT.

\*\* Corrected number due to component reporting error in FY 2011.

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

Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial for Expedited Processing	Other *Explain in chart below
CBP	51	8	3	13	0	20	0	12	1	0	19
FLETC	0	0	0	0	0	0	0	0	0	0	0
ICE	0	0	4	0	0	58	0	1	2	0	7
OGC	21	1	13	5	2	2	0	2	8	0	23
OIG	0	0	0	0	0	0	0	0	0	3	5
TSA	2	0	0	0	0	4	0	0	0	0	3
USCG	8	0	1	1	0	0	0	0	0	0	0
USCIS	0	0	0	0	0	72	0	22	0	0	0
USSS	3	0	0	0	0	0	0	0	1	15	0
<b>AGENCY OVERALL</b>	<b>85</b>	<b>9</b>	<b>21</b>	<b>19</b>	<b>2</b>	<b>156</b>	<b>0</b>	<b>37</b>	<b>12</b>	<b>18</b>	<b>57</b>

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

Component	Description	No. of Times Used	Total
CBP	Constructive Denial	18	19
	Moot	1	
FLETC	N/A	0	0
ICE	Moot	7	7
OGC	Adequacy of Search	13	23
	Constructive Denial	3	
	Coordinated by Another Processing Office	2	
	Need Additional Information to Process Appeal	4	
	Vaughn Index Not Provided by FOIA Office	1	
OIG	Moot	2	5
	Not an Appeal	3	
TSA	Constructive Denial	1	3
	Glomar Response	2	
USCG	N/A	0	0
USSS	N/A	0	0
<b>AGENCY OVERALL</b>			<b>57</b>

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

Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CBP	12.5	17.87	1	208
FLETC	18	18	18	18
ICE	25	28.85	1	86
OGC	230	278.81	2	1,299
OIG	104	194.16	7	903
TSA	72.5	73.21	15	168
USCG	243	273	22	639
USCIS	23	24.59	1	123
USSS	26	26.83	11	76
<b>AGENCY OVERALL</b>	<b>23</b>	<b>47.15</b>	<b>1</b>	<b>1,299</b>

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

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CBP	Date of Receipt	2012-09-18	2012-09-18	2012-09-14	2012-09-12	2012-09-10	2012-09-10	2012-09-10	2012-09-10	2012-09-10	2012-09-06
	Number of Days Pending	9	9	10	13	15	15	15	15	15	17
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2012-09-28	2012-09-15	2012-09-12	2012-09-12	2012-09-11	2012-09-10	2012-09-07	2012-09-06	2012-09-04	2012-09-04
	Number of Days Pending	1	10	13	13	14	15	16	17	19	19
OGC	Date of Receipt	2010-08-27	2010-08-20	2010-08-10	2008-11-13	2008-03-04	2008-02-26	2007-08-10	2007-05-21	2007-05-01	2006-09-20
	Number of Days Pending	528	533	541	972	1,149	1,154	1,288	1,345	1,359	1,511
OIG	Date of Receipt	2012-07-05	2012-07-03	2012-06-28	2012-06-14	2012-05-24	2011-03-09	2010-11-10	2010-09-15	2009-01-14	2008-11-14
	Number of Days Pending	61	62	65	75	89	398	477	516	931	971
TSA	Date of Receipt	2012-09-06	2012-08-07	2012-07-25	2012-07-18	2012-03-27	2012-03-15	2012-02-02	2012-01-30	2012-01-25	2012-01-04
	Number of Days Pending	17	38	47	52	131	139	168	171	174	188
USCG	Date of Receipt	2010-09-17	2010-06-30	2010-06-18	2010-06-10	2010-06-09	2010-05-10	2010-01-25	2009-12-01	2009-11-16	2009-03-10
	Number of Days Pending	514	569	577	583	584	605	675	711	721	895
USCIS	Date of Receipt	2012-09-11	2012-09-10	2012-09-04	2012-09-04	2012-08-30	2012-08-29	2012-08-29	2012-08-29	2012-08-29	2012-08-29
	Number of Days Pending	14	15	19	19	21	22	22	22	22	22

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
USSS	Date of Receipt	2012-09-27	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-24	2012-09-05
	Number of Days Pending	2	5	5	5	5	5	5	5	5	18
AGENCY OVERALL	Date of Receipt	2009-03-10	2009-01-14	2008-11-14	2008-11-13	2008-03-04	2008-02-26	2007-08-10	2007-05-21	2007-05-01	2006-09-20
	Number of Days Pending	895	931	971	972	1,149	1,154	1,288	1,345	1,359	1,511

## VII. FOIA Requests: Response Time for Processed and Pending Requests

### A. Processed Requests – Response Time for All Processed Perfected Requests

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	118	106.83	1	462	87.5	84.25	1	324	1	1	1	1
CRCL	6	5.86	2	16	13	23.54	3	132	4	4	4	4
FEMA	146	247.98	1	1,780	86	359.38	1	1,075	8	8	8	8
FLETC	6	15.29	1	194	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I&A	8	9	6	14	23	60.82	1	348	N/A	N/A	N/A	N/A
ICE	19	24.34	1	180	26	42.83	1	373	8	12.29	8	23
MGMT	9.5	13.67	1	40	30	35.61	1	162	50	50	30	70
NPPD	33	27.37	1	159	61	100.35	1	387	39	39	39	39
OGC	4.5	4.8	2	9	21	129	2	380	N/A	N/A	N/A	N/A
OIG	12	14.78	2	55	39	51.87	11	211	35	35	35	35
OPS	2	2.5	1	7	6.5	8.77	3	33	N/A	N/A	N/A	N/A
PLCY	2	4.8	1	12	10	12.1	1	37	N/A	N/A	N/A	N/A
PRIV	7	9.6	1	53	55	70.18	7	412	189	189	189	189
S&T	12	11	1	50	58	81	35	228	N/A	N/A	N/A	N/A
TSA	7	8.56	1	20	158	200.79	21	773	N/A	N/A	N/A	N/A
USCG	7	10.09	1	494	39	65.31	3	491	N/A	N/A	N/A	N/A
USCIS	103	86.41	1	480	101	98.5	1	579	23	49.64	3	285
USSS	19	17.75	3	20	44	129.87	21	1,648	235.5	324.5	14	813
AGENCY OVERALL	44	72	1	1,780	98	98.60	1	1,648	22	59.67	1	813

### B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	101	88.69	1	462	104	91.63	1	324	1	1	1	1
CRCL	2.5	2.75	2	4	15	28.67	3	132	4	4	4	4
FEMA	151	236.13	0	1780	86	319.03	1	1280	0	0	0	0
FLETC	9	23.9	1	194	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I&A	N/A	N/A	N/A	N/A	48	101.93	1	348	N/A	N/A	N/A	N/A
ICE	24	28.2	1	181	38	52.37	1	373	8	12.29	8	23
MGMT	7.5	10.79	1	33	30	38	1	162	50	50	30	70

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
NPPD	24	31.02	1	159	103	124.15	3	309	N/A	N/A	N/A	N/A
OGC	7	7	7	7	5	58.8	2	223	N/A	N/A	N/A	N/A
OIG	12.5	16.63	2	55	40	54.15	12	211	35	35	35	35
OPS	1	1.5	1	3	8	11.5	3	33	N/A	N/A	N/A	N/A
PLCY	N/A	N/A	N/A	N/A	16	18	8	37	N/A	N/A	N/A	N/A
PRIV	11	16.82	1	36	67	81.53	8	412	189	189	189	189
S&T	14	15	1	50	58	81	35	228	N/A	N/A	N/A	N/A
TSA	9	10.2	1	18	245.5	261.9	21	707	N/A	N/A	N/A	N/A
USCG	7	10.31	1	494	37	65.34	9	491	N/A	N/A	N/A	N/A
USCIS	129	105.86	1	390	126	118.96	1	579	23	46.87	4	285
USSS	15	12.86	3	19	112.5	224.9	21	1648	235.5	324.5	14	813
<b>AGENCY OVERALL</b>	<b>46</b>	<b>71.72</b>	<b>1</b>	<b>1,780</b>	<b>125</b>	<b>118.41</b>	<b>1</b>	<b>1,648</b>	<b>22</b>	<b>58.57</b>	<b>1</b>	<b>813</b>

### C. Processed Requests – Response Time in Day Increments

#### (1) Simple Requests

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	3,993	2,157	1,052	1,122	1,454	3,472	3,895	2,628	2,276	1,439	1,834	20	1	25,343
CRCL	49	0	0	0	0	0	0	0	0	0	0	0	0	49
FEMA	56	70	84	58	30	27	43	32	21	16	71	62	190	760
FLETC	36	6	1	1	1	0	0	0	0	3	0	0	0	48
I&A	4	0	0	0	0	0	0	0	0	0	0	0	0	4
ICE	10,397	5,353	2,947	511	198	64	25	18	8	0	0	0	0	19,521
MGMT	19	5	0	0	0	0	0	0	0	0	0	0	0	24
NPPD	1,947	1,682	1,065	29	7	5	1	2	0	0	0	0	0	4,738
OGC	6	0	0	0	0	0	0	0	0	0	0	0	0	6
OIG	72	9	7	0	0	0	0	0	0	0	0	0	0	88
OPS	24	0	0	0	0	0	0	0	0	0	0	0	0	24
PLCY	5	0	0	0	0	0	0	0	0	0	0	0	0	5
PRIV	239	25	1	0	0	0	0	0	0	0	0	0	0	265
S&T	26	2	1	0	0	0	0	0	0	0	0	0	0	29
TSA	297	0	0	0	0	0	0	0	0	0	0	0	0	297
USCG	2,625	106	30	4	6	2	5	2	5	0	3	1	1	2,790
USCIS	7,151	1,231	1,216	1,210	803	1,202	4,038	5,974	352	164	377	40	547	24,305
USSS	136	0	0	0	0	0	0	0	0	0	0	0	0	136
<b>AGENCY OVERALL</b>	<b>27,082</b>	<b>10,646</b>	<b>6,404</b>	<b>2,935</b>	<b>2,499</b>	<b>4,772</b>	<b>8,007</b>	<b>8,656</b>	<b>2,662</b>	<b>1,622</b>	<b>2,285</b>	<b>123</b>	<b>739</b>	<b>78,432</b>

#### (2) Complex Requests

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	190	128	75	51	37	129	139	52	43	39	24	1	0	908
CRCL	29	2	9	1	0	0	1	0	0	0	0	0	0	42

FEMA	8	13	24	21	39	5	2	0	0	0	4	1	75	192
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	43	28	0	3	0	5	4	3	3	0	7	3	0	99
ICE	659	429	212	115	93	75	30	20	23	22	12	2	0	1,692
MGMT	15	44	17	2	3	1	0	0	1	0	0	0	0	83
NPPD	34	20	18	20	8	12	10	6	5	4	26	2	0	165
OGC	5	1	0	0	0	0	0	0	0	0	1	3	0	10
OIG	9	27	11	7	4	5	3	0	0	0	1	0	0	67
OPS	28	2	0	0	0	0	0	0	0	0	0	0	0	30
PLCY	17	4	0	0	0	0	0	0	0	0	0	0	0	21
PRIV	28	34	19	20	12	7	6	7	11	2	1	0	1	148
S&T	0	1	3	2	0	0	0	0	0	0	1	0	0	7
TSA	0	153	53	38	26	30	35	20	22	32	109	88	100	706
USCG	15	221	65	53	24	20	14	13	9	10	10	5	2	461
USCIS	20,603	3,681	4,849	10,461	10,953	7,449	9,411	14,459	15,121	1,761	2,254	68	4,986	106,056
USSS	0	519	208	120	65	22	14	15	7	20	36	23	75	1,124
<b>AGENCY OVERALL</b>	<b>21,683</b>	<b>5,307</b>	<b>5,563</b>	<b>10,914</b>	<b>11,264</b>	<b>7,760</b>	<b>9,669</b>	<b>14,595</b>	<b>15,245</b>	<b>1,890</b>	<b>2,486</b>	<b>196</b>	<b>5,239</b>	<b>111,811</b>

## (3) Requests Granted Expedited Processing

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	5	0	0	0	0	0	0	0	0	0	0	0	0	5
CRCL	1	0	0	0	0	0	0	0	0	0	0	0	0	1
FEMA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ICE	5	2	0	0	0	0	0	0	0	0	0	0	0	7
MGMT	0	1	0	1	0	0	0	0	0	0	0	0	0	2
NPPD	0	1	0	0	0	0	0	0	0	0	0	0	0	1
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	1	0	0	0	0	0	0	0	0	0	0	0	1
OPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLCY	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIV	0	0	0	0	0	0	0	0	0	1	0	0	0	1
S&T	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCIS	29	2	0	2	0	0	0	0	0	0	0	0	0	33
USSS	1	0	0	0	0	0	0	1	0	0	0	1	1	4
<b>AGENCY OVERALL</b>	<b>42</b>	<b>7</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>56</b>

## D. Pending Requests – All Pending Perfected Requests

Component	Simple			Complex			Expedited		
	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days
CBP	11,628	84	92.08	84	61	59.62	0	N/A	N/A
CRCL	0	N/A	N/A	3	21	20	0	N/A	N/A



Component	Simple			Complex			Expedited		
	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days
FEMA	149	237	320.97	117	63	129.62	0	N/A	N/A
FLETC	12	12.5	14.25	0	N/A	N/A	0	N/A	N/A
I&A	0	N/A	N/A	4	37	49.75	0	N/A	N/A
ICE	2783	32	31	120	29	75	0	N/A	N/A
MGMT	0	N/A	N/A	20	44.5	54.05	0	N/A	N/A
NPPD	2265	23	24.69	49	45	44.37	0	N/A	N/A
OGC	0	N/A	N/A	7	212	138.57	0	N/A	N/A
OIG	2	8	8	21	40	66.05	0	N/A	N/A
OPS	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
PLCY	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
PRIV	10	5	5.1	41	15	28.2	0	N/A	N/A
S&T	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
TSA	20	11.5	11	542	212.5	269.17	1	604	604
USCG	109	7	10.08	799	175	228.5	0	N/A	N/A
USCIS	942	27	46	14,734	34	40	0	N/A	N/A
USSS	94	11	11.87	774	170	308.66	1	397	397
US-VISIT	7	14	40.00	0	N/A	N/A	0	N/A	N/A
<b>AGENCY OVERALL</b>	<b>18,021</b>	<b>45</b>	<b>72.49</b>	<b>16,918</b>	<b>37</b>	<b>69.44</b>	<b>2</b>	<b>501</b>	<b>500.50</b>

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

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2011-10-06	2011-10-06	2011-05-27	2011-05-26	2011-05-26	2011-05-26	2011-05-26	2011-05-25	2011-05-25	2011-05-25
	Number of Days Pending	248	248	341	342	342	342	342	343	343	343
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-26	2012-09-18	2012-09-13
	Number of Days Pending	0	0	0	0	0	0	0	3	9	12
FEMA	Date of Receipt	2010-02-03	2010-01-26	2010-01-20	2010-01-08	2009-11-27	2009-11-12	2009-10-21	2009-10-05	2009-03-06	2007-09-07
	Number of Days Pending	668	674	678	685	713	723	738	749	897	1,269
FLETC	Date of Receipt	2012-09-25	2012-09-21	2012-09-17	2012-09-12	2012-09-11	2012-09-06	2012-09-06	2012-09-06	2012-08-15	2012-07-26
	Number of Days Pending	4	6	10	13	14	17	17	17	32	46
I&A	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-13	2012-08-07	2012-07-24	2012-04-24
	Number of Days Pending	0	0	0	0	0	0	12	38	48	111
ICE	Date of Receipt	2011-11-30	2011-11-29	2011-11-28	2011-11-28	2011-11-28	2011-10-06	2011-10-05	2011-10-05	2011-07-25	2010-11-22
	Number of Days Pending	212	213	214	214	214	248	249	249	301	470
MGMT	Date of Receipt	2012-08-06	2012-07-25	2012-07-23	2012-07-16	2012-07-07	2012-06-01	2012-05-31	2012-05-07	2012-04-27	2012-04-12
	Number of Days Pending	39	47	49	54	59	78	85	102	108	119
NPPD	Date of Receipt	2012-07-09	2012-06-27	2012-05-23	2012-05-22	2012-05-21	2012-05-07	2012-05-07	2012-05-07	2012-04-25	2012-04-12
	Number of Days Pending	59	66	90	91	92	102	102	102	110	119
OGC	Date of Receipt	N/A	N/A	N/A	2012-09-25	2012-09-05	2012-05-09	2011-11-30	2011-11-30	2011-11-30	2011-11-30
	Number of Days Pending	0	0	0	4	18	100	212	212	212	212

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
OIG	Date of Receipt	2012-07-16	2012-05-21	2012-04-24	2012-04-24	2012-04-23	2012-04-16	2012-04-05	2012-03-23	2012-02-07	2011-12-08
	Number of Days Pending	54	92	111	111	112	117	124	133	165	206
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PLCY	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	2012-08-22	2012-08-21	2012-08-21	2012-08-21	2012-08-21	2012-08-07	2012-05-18	2012-04-25	2012-03-16	2011-12-13
	Number of Days Pending	27	28	28	28	28	38	93	110	138	203
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2009-10-26	2009-09-01	2009-07-06	2009-06-10	2009-01-02	2008-12-18	2008-10-29	2008-06-19	2004-11-01	2004-10-27
	Number of Days Pending	735	772	813	830	939	948	982	1,073	1,986	1,989
USCG	Date of Receipt	2009-12-08	2009-12-01	2009-11-30	2009-11-25	2009-11-23	2009-10-01	2009-09-25	2009-07-22	2009-07-21	2009-01-12
	Number of Days Pending	706	711	712	714	716	751	755	801	802	933
USCIS	Date of Receipt	2011-07-07	2011-07-05	2011-06-29	2011-06-17	2011-05-10	2011-05-02	2011-03-09	2011-03-07	2011-03-07	2011-03-03
	Number of Days Pending	313	315	319	327	354	360	398	400	400	402
USSS	Date of Receipt	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17
	Number of Days Pending	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493
AGENCY OVERALL	Date of Receipt	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2006-10-17	2004-11-01	2004-10-27
	Number of Days Pending	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,493	1,986	1,989

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

### A. Requests for Expedited Processing

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
CBP	5	2	1	27	6
CRCL	1	0	1	1	1
FEMA	1	1	8	8	2
FLETC	0	0	N/A	N/A	N/A
I&A	0	0	N/A	N/A	N/A
ICE	7	98	1	2.75	101
MGMT	2	0	1.5	1.5	2
NPPD	1	0	8	8	1
OGC	0	0	N/A	N/A	N/A
OIG	1	14	3	4.73	15
OPS	0	0	N/A	N/A	N/A
PLCY	0	0	N/A	N/A	N/A
PRIV	1	6	8	8.86	6
S&T	0	0	N/A	N/A	N/A
TSA	3	32	2	2.8	35
USCG	0	0	N/A	N/A	N/A

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
USCIS	33	901	5	6.77	786
USSS	4	68	10	10.63	36
<b>AGENCY OVERALL</b>	<b>59</b>	<b>1,122</b>	<b>4</b>	<b>6.63</b>	<b>991</b>

**B. Requests for Fee Waiver**

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
CBP	12	2	11	20.79
CRCL	0	0	N/A	N/A
FEMA	0	1	6	6
FLETC	0	0	N/A	N/A
I&A	1	6	2	2
ICE	29	63	2	4.05
MGMT	5	0	1	1.2
NPPD	0	0	N/A	N/A
OGC	0	0	N/A	N/A
OIG	0	22	2	2.82
OPS	0	0	N/A	N/A
PLCY	0	0	N/A	N/A
PRIV	4	8	10.5	14.92
S&T	0	3	7	7
TSA	20	52	2	2.8
USCG	0	0	N/A	N/A
USCIS	60	88	1	1
USSS	0	0	N/A	N/A
<b>AGENCY OVERALL</b>	<b>131</b>	<b>245</b>	<b>1</b>	<b>3.35</b>

**IX. FOIA Personnel and Costs**

Component	Personnel			Costs		
	Number of "Full Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff" (Col. 1 + Col. 2)	Processing Costs	Litigation - Related Costs	Total Costs
CBP	39	15.38	54.38	\$4,500,687.17	\$4,393.58	\$4,505,080.75
CRCL	1	0	1	\$105,211.00	\$0.00	\$105,211.00
FEMA	9	8	17	\$4,259,260.51	\$70,120.69	\$4,329,381.20
FLETC	1	0.3	1.3	\$128,275.00	\$0.00	\$128,275.00
I&A	2	0	2	\$186,000.00	\$0.00	\$186,000.00
ICE	29.5	0	29.5	\$3,653,919.00	\$1,058,905.00	\$4,712,824.00
MGMT	0.75	0	0.75	\$88,500.00	\$0.00	\$88,500.00
NPPD	4	1	5	\$433,508.00	\$6,219.32	\$439,727.32
OGC	0.5	0	0.5	\$50,000.00	\$150,000.00	\$200,000.00
OIG	2	1.25	3.25	\$330,721.33	\$104,336.70	\$435,058.03
OPS	0	0.33	0.33	\$38,000.00	\$1,000.00	\$39,000.00

Component	Personnel			Costs		
	Number of "Full Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff" (Col. 1 + Col. 2)	Processing Costs	Litigation - Related Costs	Total Costs
PLCY	0	0.2	0.2	\$21,000.00	\$0.00	\$21,000.00
PRIV	14.5	1.25	15.75	\$2,330,524.70	\$0.00	\$2,330,524.70
S&T	1	0	1	\$77,368.00	\$0.00	\$77,368.00
TSA	10	2	12	\$1,078,019.00	\$29,173.10	\$1,107,192.10
USCG	11	7.5	18.5	\$1,313,855.00	\$0.00	\$1,313,855.00
USCIS	210	3	213	\$15,993,127.16	\$368,504.10	\$16,361,631.26
USSS	18	4.15	22.15	\$2,160,152.71	\$92,221.14	\$2,252,373.85
<b>AGENCY OVERALL</b>	<b>353.25</b>	<b>44.36</b>	<b>397.61</b>	<b>\$36,748,128.58</b>	<b>\$1,884,873.63</b>	<b>\$38,633,002.21</b>

**X. Fees Collected for Processing Requests**

Component	Total Amount of Fees Collected	Percentage of Total Costs
CBP	\$329,416.94	6.70%
CRCL	\$0.00	0.00%
FEMA	\$7,331.60	0.03%
FLETC	\$330.70	0.57%
I&A	\$0.00	0.12%
ICE	\$2,676.50	0.22%
MGMT	\$0.00	1.18%
NPPD	\$25.00	0.00%
OGC	\$0.00	0.00%
OIG	\$277.90	0.08%
OPS	\$0.00	0.00%
PLCY	\$0.00	0.00%
PRIV	\$0.00	0.00%
S&T	\$900.60	0.00%
TSA	\$0.00	0.00%
USCG	\$83,336.34	0.78%
USCIS	\$11,595.23	0.07%
USSS	\$0.00	0.00%
<b>AGENCY OVERALL</b>	<b>\$435,890.81</b>	<b>1.19%</b>

**XI. FOIA Regulations – The Department of Homeland Security FOIA Implementing Regulations are codified at 6 C.F.R. Part 5, and also can be found at [http://www.dhs.gov/xlibrary/assets/FOIA\\_FedReg\\_Notice.pdf](http://www.dhs.gov/xlibrary/assets/FOIA_FedReg_Notice.pdf).**

**XII. Backlogs, Consultations, and Comparisons**

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

Component	Number of Backlogged Requests as of the End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
CBP	10,648	0
CRCL	0	N/A

Component	Number of Backlogged Requests as of the End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
FEMA	306	N/A
FLETC	2	0
I&A	3	0
ICE	2,443	0
MGMT	13	N/A
NPPD	2,288	N/A
OGC	5	99
OIG	11	13
OPS	0	N/A
PLCY	0	N/A
PRIV	5	N/A
S&T	0	N/A
TSA	542	10
USCG	782	33
USCIS	10,727	10
USSS	778	0
<b>AGENCY OVERALL</b>	<b>28,553</b>	<b>165</b>

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

Component	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at Your Agency as of the End of the Fiscal Year
CBP	1	50	46	5
CRCL	0	4	4	0
FEMA	2**	9	9	2
FLETC	0	4	4	0
I&A	1**	24	22	3
ICE	0	88	84	4
MGMT	0	0	0	0
NPPD	0	0	0	0
OGC	0	1	1	0
OIG	0	2	2	0
OPS	0	5	5	0
PLCY	0	13	13	0
PRIV	0	24	21	3
S&T	0	6	6	0
TSA	16	16	22	10
USCG	14	6	14	6
USCIS	0	75	72	3
USSS	9	11	11	9
<b>AGENCY OVERALL</b>	<b>43**</b>	<b>338</b>	<b>336</b>	<b>45</b>

\*\* Corrected number due to component reporting error in FY 2011.

**C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending**

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2012-07-19	2012-06-28	2012-05-31	2012-04-10	2012-04-09
	Number of Days Pending	0	0	0	0	0	51	65	85	121	122
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FEMA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2011-08-23	2011-03-27
	Number of Days Pending	0	0	0	0	0	0	0	0	280	385
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-18	2012-08-29	2012-04-03
	Number of Days Pending	0	0	0	0	0	0	0	9	22	126
ICE	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-07	2012-07-30	2012-07-19	2012-05-04
	Number of Days Pending	0	0	0	0	0	0	16	44	51	103
MGMT	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
NPPD	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OGC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PLCY	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-26	2012-08-16	2011-11-20
	Number of Days Pending	0	0	0	0	0	0	0	3	31	218
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2012-07-23	2012-04-10	2012-03-30	2011-09-16	2011-09-16	2011-09-15	2011-04-20	2010-10-28	2010-09-03	2010-06-15
	Number of Days Pending	49	121	128	262	262	263	368	486	523	580
USCG	Date of Receipt	N/A	N/A	N/A	N/A	2012-06-06	2012-05-03	2012-01-26	2011-05-05	2011-03-21	2010-10-05
	Number of Days Pending	0	0	0	0	81	104	173	357	390	502
USCIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2012-09-26	2012-09-24	2012-08-24
	Number of Days Pending	0	0	0	0	0	0	0	3	5	25

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
USSS	Date of Receipt	N/A	2012-02-08	2012-02-08	2012-01-13	2012-01-13	2011-09-21	2011-05-10	2010-10-08	2010-10-08	2010-10-08
	Number of Days Pending	0	164	164	181	181	259	354	499	499	499
AGENCY OVERALL	Date of Receipt	2011-05-05	2011-03-27	2011-03-21	2010-10-28	2010-10-08	2010-10-08	2010-10-08	2010-10-05	2010-09-03	2010-06-15
	Number of Days Pending	357	385	390	486	499	499	499	502	523	580

**D. (1) Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged**

Component	Number of Requests Received		Number of Requests Processed	
	Received During Fiscal Year from Last Year's Annual Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year from Last Year's Annual Report	Processed During Fiscal Year from Current Annual Report
CBP	32,107	33,243	27,818	26,571
CRCL	73	84	74	87
FEMA	820	761	1,100**	952
FLETC	134	109	141	102
I&A	71	96	54	115
ICE	16,502	24,073	16,488	21,220
MGMT	180	124	182	116
NPPD	2,886**	7,105	2,951	4,891
OGC	43	19	58	17
OIG	175	180	170	166
OPS	37	60	37	60
PLCY	26	26	24	26
PRIV	1,317	730	1,327	709
S&T	33	36	33	37
TSA	926	861	694	949
USCG	3,882	3,700	3,708	3,256
USCIS	115,545	117,787	89,835	145,278
USSS	897	1,595	898	1,343
<b>AGENCY OVERALL</b>	<b>175,654**</b>	<b>190,589</b>	<b>145,592**</b>	<b>205,895</b>

**D. (2) Comparison of Backlogged Requests from Previous and Current Annual Report**

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CBP	4,356	10,648
CRCL	6	0
FEMA	485	306
FLETC	5	2
I&A	22**	3
ICE	18	2,443
MGMT	3	13
NPPD	65**	2,288

\*\* Corrected number due to components reporting error in FY 2011.

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
OGC	5	5
OIG	0	11
OPS	0	0
PLCY	0	0
PRIV	4	5
S&T	0	0
TSA	580	542
USCG	471**	782
USCIS	35,780	10,727
USSS	571**	778
<b>AGENCY OVERALL</b>	<b>42,371**</b>	<b>28,553</b>

**E. (1) Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged**

Component	Number of Appeals Received		Number of Appeals Processed	
	Received During Fiscal Year from Last Year's Annual Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year from Last Year's Annual Report	Processed During Fiscal Year from Current Annual Report
CBP	338	474	343	476
FLETC	1	1	1	1
ICE	245	288	230	303
OGC	114	113	164	161
OIG	12	19	14	19
TSA	41	32	46	25
USCG	44	35	41	51
USCIS	1,079	1,349	1,049	1,431
USSS	43	34	45	23
<b>AGENCY OVERALL</b>	<b>1,917</b>	<b>2,345</b>	<b>1,933</b>	<b>2,490</b>

**(2) Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report**

Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
CBP	0	0
FLETC	0	0
ICE	18	0
OGC	141	99
OIG	12	13
TSA	2	10
USCG	49	33
USCIS	105	10
USSS	0	0
<b>AGENCY OVERALL</b>	<b>327</b>	<b>165</b>



## **APPENDIX A: Composition of the Department of Homeland Security**

The Office of the Secretary oversees Department of Homeland Security (DHS) efforts to counter terrorism and enhance security, secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws, safeguard and secure cyberspace, build resilience to disasters, and provide essential support for national and economic security - in coordination with federal, state, local, international, tribal and private sector partners.

### **Offices:**

The Privacy Office (PRIV) works to preserve and enhance privacy protections for all individuals and to promote transparency of Department operations.

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

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

The Citizenship and Immigration Services Ombudsman (CISOMB) provides recommendations for resolving individual and employer problems with the United States Citizenship and Immigration Services in order to ensure national security and the integrity of the legal immigration system.

The Office of Legislative Affairs (OLA) serves as primary liaison to members of Congress and their staffs.

The Office of the General Counsel (OGC) integrates approximately 1700 lawyers from throughout the Department comprised of a headquarters office with subsidiary divisions and the legal programs for eight Department components.

The Office of Public Affairs (OPA) coordinates the public affairs activities of all of the Department's components and offices.

The Office of the Executive Secretariat (ESEC) assures the accurate and timely dissemination of information and written communications from throughout the Department and our homeland security partners to and from the Secretary and Deputy Secretary.

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

The Office of Intergovernmental Affairs (IGA) promotes an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

Department Components and Directorates:

The Directorate for National Protection and Programs (NPPD) leads the national effort to protect and enhance the resilience of the Nation's physical and cyber infrastructure.

The Directorate for Science and Technology (S&T) strengthens America's security and resiliency by providing knowledge products and innovative technology solutions for the Homeland Security Enterprise.

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

The Office of Policy (PLCY) develops Department-wide policies, programs and planning to promote and ensure quality, consistency and integration across all homeland security missions.

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

The Office of Intelligence and Analysis (I&A) is responsible for equipping the Homeland Security Enterprise with the information and intelligence it needs to keep the United States safe, secure, and resilient.

The Office of Operations Coordination and Planning (OPS) provides Departmental Leadership situational awareness, promotes information sharing, integrates and synchronizes strategic operations and planning, and administers the DHS continuity program.

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

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

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

United States Customs and Border Protection (CBP) is responsible for securing the border against all transnational threats and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

United States Citizenship and Immigration Services (USCIS) grants immigration and citizenship benefits, promotes awareness and understanding of citizenship, and ensures the integrity of our immigration system.

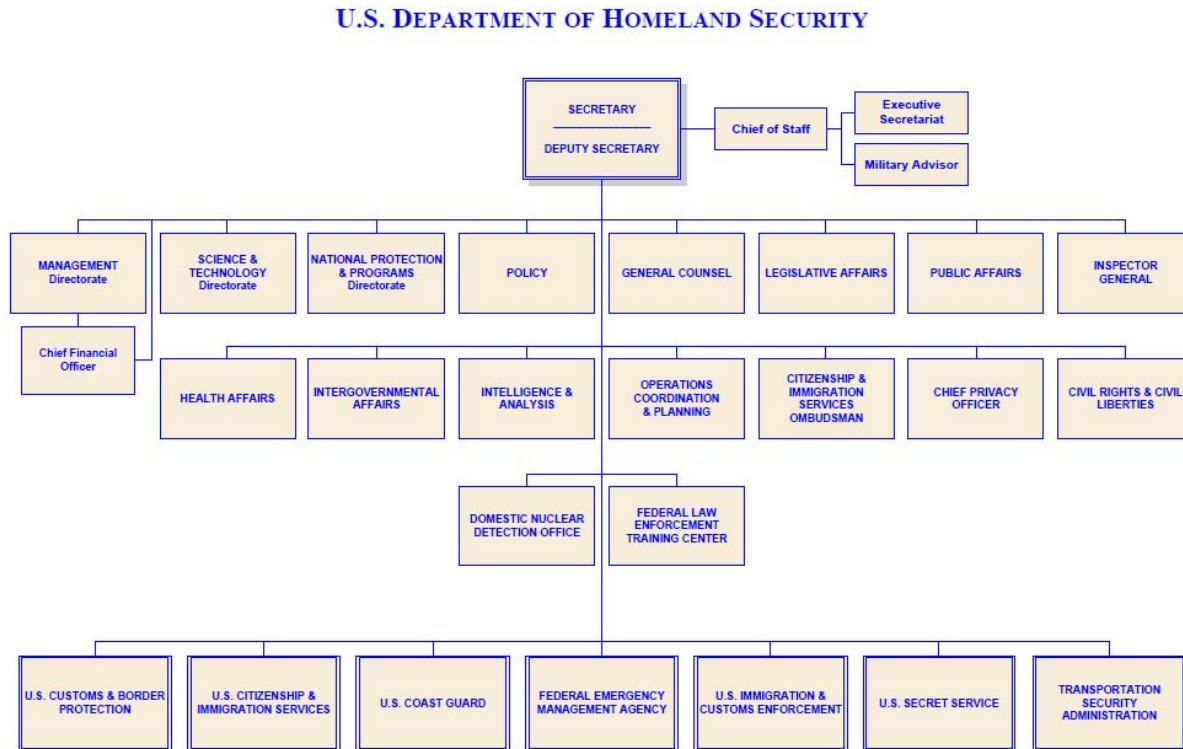
United States Immigration and Customs Enforcement (ICE) promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.

The United States Coast Guard (USCG) is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

The Federal Emergency Management Agency (FEMA) supports our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

The United States Secret Service (USSS) safeguards the nation's financial infrastructure and payment systems to preserve the integrity of the economy, and protects national leaders, visiting heads of state and government, designated sites, and National Special Security Events.

## APPENDIX B: Organization of the Department of Homeland Security Chart



## **APPENDIX C: Names, Addresses, and Contact Information for DHS FOIA Officers**

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

Jonathan R. Cantor  
Acting Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive, SW, Mail Stop 0655  
Washington, DC 20528-0655

Delores J. Barber  
Deputy Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive, SW, Mail Stop 0655  
Washington, DC 20528-0655

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

Privacy Office  
James V.M.L. Holzer, I  
Senior Director, FOIA Operations  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Drive, SW, Mail Stop 0655  
Washington, DC 20528-0655

Privacy Office  
Rose Bird  
Director, FOIA Improvement  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Drive, SW, Mail Stop 0655  
Washington, DC 20528-0655

U.S. Citizenship and Immigration Services  
Jill Eggleston  
Ph: 816-350-5521; Fax: 816-350-5785  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Office for Civil Rights and Civil Liberties  
Fernando Pineiro, Jr.  
Ph: 202-357-7672; Fax: 202-357-1196  
DHS-CRCL-FOIA  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Bldg. 410,  
Mail Stop 0190  
Washington, DC 20528-0190

Privacy Office  
Sabrina Burroughs  
Director, Disclosure Policy and FOIA  
Program Development  
Ph: 202-343-1743; Fax: 202-343-4011  
U.S. Department of Homeland Security  
245 Murray Drive, SW, Mail Stop 0655  
Washington, DC 20528-0655

U.S. Coast Guard  
Gaston Brewer  
Ph: 202-475-3525 Fax: 202-475-3927  
Commandant (CG-611)  
2100 2nd St., S.W.  
Washington, DC 20593-0001

U.S. Customs and Border Protection  
Jacky J. Saint Juste, Acting  
Ph: 202-325-0150; Fax: 202-325-0230  
FOIA Division  
90 K Street NE, 9<sup>th</sup> Floor  
Washington, DC 20229-1181

Federal Emergency Management Agency  
Monique Booker-Kasper, Acting  
Ph: 202-646-3323; Fax: 202-646-3347  
Disclosure Branch  
1800 South Bell Street, Fourth Floor,  
Mail Stop 3005  
Arlington, Virginia 20598-3005

Federal Law Enforcement Training Center  
William Dooley  
Ph: 912-267-4512; Fax: 912-267-3113  
Building No.681, Suite 187B  
Glynco, GA 31524

Office of the General Counsel  
Cynthia Martin, Acting  
Ph: 202-282-9822; Fax: 202-282-9186  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

U.S. Immigration and Customs Enforcement  
Catrina Pavlik-Keenan  
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## **EXHIBIT C**





# Department of Homeland Security

Privacy Office

2011 Freedom of Information Act Report  
to the Attorney General of the United States

February 2012



Homeland  
Security



## Message from the Chief Freedom of Information Act Officer

I am delighted to present the Department of Homeland Security's (DHS) Annual Freedom of Information Act (FOIA) Report to the Attorney General for 2011. This is the third such report produced during my tenure as the Department's Chief Privacy Officer and Chief FOIA Officer and the third to reflect President Obama's call for openness and transparency in Federal Government operations. The highlight of this year's report is the unprecedented number of FOIA requests the Department received overall, the near doubling of requests submitted to two DHS components, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), and an additional 20 percent increase in requests coming in to United States Citizenship and Immigration Services (USCIS), the DHS component that receives the most FOIA requests.



To analyze these numbers more closely, in Fiscal Year 2011 DHS received a total of 175,656 FOIA requests, up 45,558 or 35 percent from Fiscal Year 2010's total of 130,098. We processed 145,631 requests, an increase from 138,651 in 2010. These requests were almost equally divided between simple requests (requests anticipated to involve a small volume of material or which will be able to be processed relatively quickly) and complex requests (requests that are anticipated to involve a voluminous amount of material to review or will be time-consuming to process). We received 64,895 simple requests and 64,792 complex requests, respectively. For 98,401 of these cases (57 percent), DHS released responsive information. The percentage of FOIA requests with information released is even higher—81 percent—when the 17,731 requests that are duplicative or withdrawn altogether and/or seek records that do not exist or, alternatively, fall under the purview of another agency are eliminated.

The increased volume of incoming requests did not preclude a timely response. Almost across the board, DHS components shortened the interval between the receipt of a simple perfected request and its final disposition. CBP, for example, reduced its median response time for simple perfected requests from 24 days in FY10 to 4 in FY11 or 83 percent. The Office for Civil Rights and Civil Liberties (CRCL) decreased its median turnaround from 22 days to 7 or 68 percent, while the Office of Inspector General average response time dropped from 11.05 days to 8.57, or 22 percent. In some cases, the response time for complex requests also fell significantly. The Federal Emergency Management Administration (FEMA)'s response time dropped from 390 days in Fiscal Year 2010 to 102 in Fiscal Year 2011 or 74 percent. The United States Coast Guard (USCG) cut its response time from 56 days to 45 (20 percent), and the Office of General Counsel reduced its average response time of 474.57 days in FY10 to 296.69 in FY11— 37 percent.

Here at DHS we have experienced a 64 percent increase in the number of FOIA requests received since President Obama took Office and called for greater transparency and openness. What do these numbers mean in terms of the President's mandate? It is clear that the concepts of government accountability through the Freedom of Information Act that the President expressed upon assuming office has gained widespread acceptance among the public, that they are turning

first to the FOIA process to seek information about federal activities and using the full power of the law to find out what they want, perhaps need, to know. Certainly this is the case at DHS, where we celebrate this development to better acquaint our constituency with the panoply of programs and activities we carry out on their behalf.

I direct your attention to the pages that follow and look forward to providing even better and more responsive customer service in the new Fiscal Year.

Mary Ellen Callahan  
Chief Freedom of Information Act Officer  
U.S. Department of Homeland Security

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## **I. Basic Information Regarding Report**

1. Questions regarding this report may be directed to:

Delores J. Barber  
Deputy Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive SW, Building 410  
STOP-0665  
Washington, DC 20528-0665  
Phone: 703-235-0790; Fax: 703-235-0443

2. This report can be downloaded from the DHS FOIA website at <http://www.dhs.gov/FOIA>.

3. Requests for this report in paper form may also be directed to Delores J. Barber, as listed above.

## **II. Making a FOIA Request**

1. Names, addresses, and contact numbers for DHS FOIA Officers can be found on our website at <http://www.dhs.gov/FOIA>.

2. Brief description why requests are not granted:

The Department of Homeland Security (DHS or the Department) has the primary responsibility to lead the unified national effort to secure the country and preserve our freedoms. It follows that the records maintained by the Department often involve law enforcement matters. Because law enforcement records are of such interest to subjects of investigation, victims of crime, and the public at large, these records are often requested under the Freedom of Information Act. The Department commonly invokes exemptions 6 and 7(C) to prevent unwarranted injury to the privacy interests of individuals, and exemption 7(E) to protect against the disclosure of law enforcement techniques, procedures and guidelines. Further, until the issuance of *Milner v. Department of the Navy*, 131 S.Ct. 1259 (2011), in March of this year, the Department commonly cited exemption 2 to protect against disclosure of certain types of information the release of which is likely to risk circumvention of laws or regulations.

## **III. Acronyms, Definitions, and Exemptions**

1. Agency-specific acronyms or other terms.

- a. CBP United States Customs and Border Protection
- b. CFO Chief Financial Officer
- c. CISOMB Citizenship and Immigration Services Ombudsman
- d. CRCL Office for Civil Rights & Civil Liberties
- e. DNDO Domestic Nuclear Detection Office
- f. ESEC Office of the Executive Secretary
- g. FEMA Federal Emergency Management Agency

- h. FLETC Federal Law Enforcement Training Center
- i. I&A Office of Intelligence and Analysis
- j. IGA Office of Intergovernmental Affairs
- k. ICE United States Immigration and Customs Enforcement
- l. MGMT Management Directorate
- m. NCSC National Cyber Security Center
- n. NPPD National Protection and Programs Directorate
- o. OGC Office of the General Counsel
- p. OHA Office of Health Affairs
- q. OIG Office of the Inspector General
- r. OLA Office of Legislative Affairs
- s. OPA Office of Public Affairs
- t. OPS Office of Operations Coordination and Planning
- u. PLCY Office of Policy
- v. PRIV Privacy Office
- w. S&T Science and Technology Directorate
- x. TSA Transportation Security Administration
- y. USCG United States Coast Guard
- z. USCIS United States Citizenship and Immigration Services
- aa. USSS United States Secret Service
- bb. US-VISIT United States Visitor and Immigrant Status Indicator Technology

2. Definition of terms, expressed in common terminology.

- a. **Administrative Appeal** – A request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – The number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8, determined by dividing 24 by 3.
- c. **Backlog** – The number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – For agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in the Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – The procedure whereby the agency responding to a FOIA requests first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it provided its views on the record to

the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- f. **Exemption 3 Statute** – A federal statute other than FOIA that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.\*
  - g. **FOIA Request** – A FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), an organization, or a particular topic of interest. Moreover, because requesters covered by the Privacy Act who seek records concerning themselves (i.e., “first-party” requesters) are afforded the benefit of the access provisions of both FOIA and the Privacy Act, the term “FOIA request” also includes any such “first-party” requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where the agency applies a Privacy Act exemption and therefore looks to FOIA to afford the greatest possible access. DHS applies this same interpretation of the term “FOIA request” even to “first-party” requests from persons not covered by the Privacy Act, e.g., non-U.S. citizens, because DHS by policy provides such persons the ability to access their own records in DHS’s Privacy Act “mixed systems of records” as if they are subject to the Privacy Act’s access provisions, and DHS processes the requests under FOIA as well. Thus, all requests that require DHS to utilize FOIA in responding to the requester are included in this Report.
- Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.
- h. **Full Grant** – An agency decision to disclose all records in full in response to a FOIA request.
  - i. **Full Denial** – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
  - j. **Median Number** – The middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
  - k. **Multi-Track Processing** – A system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted

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\* Pursuant to 5 U.S.C. § 552(b)(3) as amended by sec. 564 of Public Law 111-83, a statute enacted after October 28, 2009 can qualify as an Exemption 3 law only if it cites specifically to 5 U.S.C. § 552(b)(3).

expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

- i. **Expedited Processing** – An agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
    - ii. **Simple Request** – A FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
    - iii. **Complex Request** – A FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
  - l. **Partial Grant/Partial Denial** – An agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
  - m. **Pending Request or Pending Administrative Appeal** – A request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfected Request** – A request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
  - o. **Processed Request or Processed Administrative Appeal** – A request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** – The lowest and highest number of days to process requests or administrative appeals
  - q. **Time limits** – The time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request).
3. Concise descriptions of FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices (personnel)
  - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges.



- f. **Exemption 6:** information involving matters of personal privacy
- g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.
- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

## IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
5 U.S.C. app. 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General		OIG	1	1
6 U.S.C. § 133	Critical Infrastructure Information		FEMA	3	3
8 U.S.C. § 1202(f) (Immigration and Nationality Act)	Certain records pertaining to the issuance or refusal of visas to enter the United States	<u>Medina-Hincapie v. Dep't of State</u> , 700 F.2d 737, 741-42 (D.C. Cir. 1983); <u>DeLaurentiis v. Haig</u> , 686 F.2d 192, 194 (3d Cir. 1982); <u>Judicial Watch, Inc. v. U.S. Dep't of State</u> , 650 F. Supp. 2d 28, 33 (D.D.C. 2009); <u>Smith v. DOJ</u> , No. 81-CV-813, 1983 U.S. Dist. LEXIS 10878, at *13-14 (N.D.N.Y. Dec. 13, 1983).	USCIS	1	1
10 U.S.C. § 424	Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency	<u>Physicians for Human Rights v. DOD</u> , No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011); <u>Miller v. DOJ</u> , 562 F. Supp. 2d 82, 112 (D.D.C. 2008); <u>Wickwire Gavin, P.C. v. Def. Intelligence Agency</u> , 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).	USCG	1	1
18 U.S.C. §§ 2510-20	Wiretap requests and the content of any wire, oral, or electronic communication obtained through wiretaps	<u>Mendoza v. DEA</u> , No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); <u>Lam Lek Chong v. DEA</u> , 929 F.2d 729, 733 (D.C. Cir. 1991); <u>Payne v. DOJ</u> , No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).	USSS	5	5
26 U.S.C. §§ 6103, 6105	Certain tax return information and certain tax convention information	<u>Church of Scientology v. IRS</u> , 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); <u>Pac. Fisheries, Inc. v. IRS</u> , No. 09-35618, 2010 WL 3611645, at *2 (9 <sup>th</sup> Cir. September 15, 2010)(unpublished disposition); <u>Tax Analysts v. IRS</u> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).	USCIS	1,082	1,082

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
41 U.S.C. § 253b(m)(1)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	<u>Margolin v. NASA</u> , No. 09-CV-00421-LRH-VPC, 2011 WL 1303221, at *6(D.Nev. Mar.31, 2011); <u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	FEMA	1	28
			FLETC	1	
			ICE	6	
			MGMT	6	
			NPPD	2	
			OPS	3	
			PRIV	1	
			S&T	2	
			USCIS	4	
			US-VISIT	2	
41 U.S.C. § 423(a)(1)	Contractor bid or proposal information; source selection information	<u>Legal &amp; Safety Employer Research, Inc. v. U.S. Dep't of the Army</u> , No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. 2001) (dictum).	USCG	5	5
46 U.S.C. § 70103(d)	Security plans and other information related to plans		USCG	3	3
49 U.S.C. § 114(s)	Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Security Act or under chapter 449 of this title	<u>Tooley v. Bush</u> , No. 06-306, 2006 WL 3783142, at *19 (D.D.C. Dec. 21, 2006), <u>aff'd on other grounds</u> , 586 F. 3d 1006 (D.C. Cir. 2009); <u>Gordon v. FBI</u> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).	CBP	646	792
			ICE	37	
			OIG	1	
			PRIV	8	
			TSA	100	
50 U.S.C. § 403g	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency"	<u>Larson v. Dep't of State</u> , 565 F.3d 857, 865 n.2 (D.C. Cir. 2009); <u>Berman v. CIA</u> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <u>Makky v. Chertoff</u> , 489 F. Supp. 2d 421, 442 (D.N.J. 2007), <u>aff'd on other grounds</u> , 541 F. 3d 205 (3d Cir. 2008).	USCG	1	2
			USSS	1	
50 U.S.C. app. § 2170(c)	CFIUS Filing Material		PRIV	1	1

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component		Total Number of Times Relied upon by Agency
Fed. R. Crim. P. 6(e)	Certain records pertaining to grand jury proceedings	<u>Sussman v. USMS</u> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <u>Fund for Constitutional Gov't v. Nat'l Archives &amp; Records Serv.</u> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <u>Durham v. U.S. Atty. Gen.</u> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <u>Cozen O'Connor v. U.S. Dep't of Treasury</u> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	USCIS	8	11
			USSS	3	

## V. FOIA Requests

### A. Received, Processed and Pending FOIA Requests

Component <sup>†</sup>	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
CBP	796	32,107	27,818	5,085
CRCL	7	73	74	6
FEMA	855	820	1,139	536
FLETC	12	134	141	5
I&A	5 <sup>‡</sup>	71	54	22
ICE	36	16,502	16,488	50
MGMT	13	180	182	11
NPPD	47	318	270	95
OGC	20 <sup>§</sup>	43	58	5
OIG	4	175	170	9
OPS	0	37	37	0
PLCY	0	26	24	2
PRIV	45	1,317	1,327	35
S&T	1	33	33	1
TSA	429	926	694	661
USCG	530 <sup>**</sup>	3,882	3,708	704
USCIS	14,921 <sup>††</sup>	115,545	89,835	40,631
USSS	629	897	898	628
US-VISIT	118 <sup>‡‡</sup>	2,570	2,681	7

<sup>†</sup> The following information is important to interpret the FOIA request data presented in this Annual Report: 1) PRIV processes and reports on FOIA requests for itself, the Office of the Secretary (including the Military Advisor's Office and the Office of Intergovernmental Affairs), and the following components: CISOMB, DNDO, ESEC, OHA, OLA, and OPA; 2) MGMT processes and reports on FOIA requests for itself and for CFO; 3) NPPD processes and reports on FOIA requests for itself and for NCSC; and 4) although US-VISIT is an element of NPPD, it processes its own FOIA requests and its request data is reported as if it were a component. Readers of the Annual Report should consider the contents of this footer to apply, as necessary, to all tables in the report.

<sup>‡</sup> Corrected number due to component reporting error in FY 2010.

<sup>§</sup> Corrected number due to component reporting error in FY 2010.

<sup>\*\*</sup> Corrected number due to component reporting error in FY 2010.

<sup>††</sup> Corrected number due to component reporting error in FY 2010.

<sup>‡‡</sup> Corrected number due to component reporting error in FY 2010.

Component <sup>†</sup>	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
AGENCY OVERALL	18,468 <sup>§§</sup>	175,656	145,631	48,493

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

Component	No. of Full Grants	No. of Partial Grants/ Partial Denials	No. of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									Total
				No Records	All Records Referred	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper FOIA Request	Not Agency Record	Duplicate Request	Other	
CBP	2,158	18,955	65	4,603	399	62	54	27	1,278	62	90	65	27,818
CRCL	18	21	0	25	4	2	0	1	3	0	0	0	74
FEMA	276	327	37	153	32	111	9	25	68	8	20	73	1,139
FLETC	28	37	2	34	7	12	2	0	13	1	4	1	141
I&A	6	3	8	22	3	2	1	4	2	2	1	0	54
ICE	556	11,576	222	1,017	2,446	75	28	31	351	9	103	74	16,488
MGMT	21	56	11	25	54	1	3	7	1	1	0	2	182
NPPD	13	165	0	19	0	13	0	2	38	9	2	9	270
OGC	9	8	0	12	17	6	0	0	0	5	1	0	58
OIG	14	67	11	37	8	3	2	0	26	0	0	2	170
OPS	9	10	1	11	2	1	0	2	0	1	0	0	37
PLCY	4	4	1	10	0	0	0	1	2	0	1	1	24
PRIV	22	96	0	49	773	13	0	143	116	34	45	36	1,327
S&T	4	12	3	4	7	1	0	2	0	0	0	0	33
TSA	62	160	39	70	26	57	3	47	15	3	25	187	694
USCG	2,238	558	109	502	26	149	13	8	9	9	36	51	3,708
USCIS	9,723	48,285	71	8,117	2,832	157	69	0	13,656	4,564	2,297	64	89,835
USSS	36	190	34	342	0	100	0	6	117	35	8	30	898
US-VISIT	6	2,668	0	1	0	3	0	0	0	0	0	3	2,681
AGENCY OVERALL	15,203	83,198	614	15,053	6,636	768	184	306	15,695	4,743	2,633	598	145,631

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

Component	Description	No. of Times Used	Total
CBP	Coordinated by Another Office	9	65
	Records Publicly Available	45	
	Unable to Locate Requester	11	
FEMA	Nonresponsive to Requests for Additional Information	73	73
FLETC	Coordinated by Another Office	1	1

<sup>§§</sup> Corrected number due to components reporting error in FY 2010.

Component	Description	No. of Times Used	Total
ICE	Fugitive	63	74
	Litigation	10	
	Lost File	1	
MGMT	Records Publicly Available	2	2
NPPD	Records Publicly Available	9	9
OIG	Unable to Locate Requester	2	2
PLCY	Sent in Error	1	1
PRIV	Aggregated	13	36
	Litigation	4	
	Records Publicly Available	14	
	Sent in Error	5	
TSA	Glomar Response	14	187
	Nonresponsive to Requests for Additional Information	170	
	Records Publicly Available	3	
USCG	Nonresponsive to Requests for Additional Information	51	51
USCIS	Unable to Locate Records	64	64
USSS	Information Illegible	1	30
	Records Publicly Available	1	
	Requester Refused Letter	10	
	Statute of Limitation Past	15	
	Unable to Locate Requester	3	
US-VISIT	Coordinated by Another Office	3	3
AGENCY OVERALL			598

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

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CBP	0	2,549	646	103	71	18,843	31	0	18,808	22	5,450	2	0	0
CRCL	0	0	0	0	14	21	0	0	3	0	0	0	0	0
FEMA	0	16	11	155	40	251	0	0	11	0	14	0	0	0
FLETC	0	4	1	10	8	30	1	0	3	0	4	0	0	0
I&A	2	10	0	0	3	8	1	0	5	4	4	0	0	0
ICE	0	2,920	44	36	82	8,054	71	4	8,061	32	7,991	57	0	0
MGMT	1	2	6	27	4	13	2	0	6	0	0	1	0	0
NPPD	0	33	2	17	3	144	0	0	120	0	12	9	0	0

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
OGC	0	0	0	0	5	6	0	0	0	0	0	0	0	0
OIG	1	5	2	3	21	65	11	0	54	6	4	1	0	0
OPS	1	2	1	2	0	9	1	0	1	0	5	1	0	0
PLCY	0	0	0	0	1	2	0	0	1	0	0	0	0	0
PRIV	3	8	10	14	34	93	1	0	9	0	15	1	0	0
S&T	0	1	2	4	5	11	0	0	1	0	2	0	0	0
TSA	0	111	100	25	39	143	1	0	23	0	16	1	0	0
USCG	3	12	10	22	93	656	77	0	79	6	10	0	0	0
USCIS	0	12,084	1,095	85	31,165	30,197	27	0	38,928	8	36,114	0	0	0
USSS	8	49	9	6	13	158	17	0	157	8	126	1	0	0
US-VISIT	0	1	2	1	0	6	0	0	2,197	0	2,407	0	0	0
<b>AGENCY OVERALL</b>	<b>19</b>	<b>17,807</b>	<b>1,941</b>	<b>510</b>	<b>31,601</b>	<b>58,710</b>	<b>241</b>	<b>4</b>	<b>68,467</b>	<b>86</b>	<b>52,174</b>	<b>74</b>	<b>0</b>	<b>0</b>

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

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

Component	No. of Appeals Pending as of Start of Fiscal Year	No. of Appeals Received in Fiscal Year	No. of Appeals Processed in Fiscal Year	No. of Appeals Pending as of End of Fiscal Year
CBP	23	338	343	18
FLETC	0	1	1	0
ICE	25	245	230	40
OGC***	201 <sup>†††</sup>	114	164	151
OIG	16	12	14	14
TSA	9	41	46	4
USCG	46 <sup>†††</sup>	44	41	49
USCIS	89	1,079	1,049	119
USSS	2	43	45	0
<b>AGENCY OVERALL</b>	<b>411<sup>§§§</sup></b>	<b>1,917</b>	<b>1,933</b>	<b>395</b>

### B. Disposition of Administrative Appeals – All Processed Appeals

Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
CBP	116	111	80	36	343
FLETC	1	0	0	0	1
ICE	130	13	54	33	230
OGC	51	12	49	52	164
OIG	7	4	1	2	14
TSA	26	6	9	5	46

\*\*\* OGC processes FOIA appeals for: CRCL, FEMA, I&A, MGMT, NPPD, OHA, OPS, PLCY, PRIV, S&T and US-VISIT.

††† Corrected number due to component reporting error in FY 2010.

††† Corrected number due to component reporting error in FY 2010.

§§§ Corrected number due to components reporting error in FY 2010.

Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
USCG	9	0	24	8	41
USCIS	253	479	217	100	1,049
USSS	25	13	6	1	45
<b>AGENCY OVERALL</b>	<b>618</b>	<b>638</b>	<b>440</b>	<b>237</b>	<b>1,933</b>

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

Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
CBP	0	85	18	14	15	175	6	0	168	1	150	2	0	0
FLETC	0	0	1	0	0	1	0	0	0	0	0	0	0	0
ICE	0	30	2	1	5	39	3	0	40	0	16	0	0	0
OGC	2	6	2	1	11	13	2	0	3	1	5	0	0	0
OIG	0	0	0	0	4	4	2	0	7	1	1	0	0	0
TSA	0	4	9	0	2	3	0	0	2	0	1	0	0	0
USCG	0	3	1	4	33	12	25	0	11	0	0	0	0	0
USCIS	0	266	18	1	487	416	0	0	574	1	540	0	0	0
USSS	0	4	5	0	3	11	3	0	11	2	6	0	0	0
<b>AGENCY OVERALL</b>	<b>2</b>	<b>398</b>	<b>56</b>	<b>21</b>	<b>560</b>	<b>674</b>	<b>41</b>	<b>0</b>	<b>816</b>	<b>6</b>	<b>719</b>	<b>2</b>	<b>0</b>	<b>0</b>

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

Component	No Records	All Records Referred	Request Withdrawn	Fee-Related Reason	Not Reasonably Described	Improper FOIA Request	Not Agency Record	Duplicate Request	Request in Litigation	Appeal Based Solely on Denial for Expedited Processing	Other
CBP	3	6	5	2	2	14	1	1	0	0	2
FLETC	0	0	0	0	0	0	0	0	0	0	0
ICE	0	1	1	1	0	19	0	1	0	0	10
OGC	21	3	31	1	4	0	0	3	11	1	16
OIG	0	0	0	0	0	0	0	0	0	0	2
TSA	1	0	2	1	1	0	0	1	1	0	7
USCG	2	0	1	1	0	0	0	0	1	0	17
USCIS	0	0	0	0	0	100	0	0	0	0	0
USSS	20	0	0	0	0	1	0	0	0	0	0
<b>AGENCY OVERALL</b>	<b>47</b>	<b>10</b>	<b>40</b>	<b>6</b>	<b>7</b>	<b>134</b>	<b>1</b>	<b>6</b>	<b>13</b>	<b>1</b>	<b>54</b>

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

Component	Description	No. of Times Used	Total
CBP	Moot	2	2
FLETC	N/A	0	0
ICE	Moot	10	10



Component	Description	No. of Times Used	Total
OGC	Adequacy of Search	9	16
	Moot	3	
	Statute of Limitation Past	3	
	Unable to Locate Requester	1	
OIG	Not an Appeal	1	2
	Moot	1	
TSA	Constructive Denial	7	7
USCG	Moot	17	17
USCIS	N/A	0	0
USSS	N/A	0	0
<b>AGENCY OVERALL</b>			<b>54</b>

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

Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
CBP	20	20.80	1	126
FLETC	31	31	31	31
ICE	32	40	1	135
OGC	659	700.48	46	1,527
OIG	557	441.86	38	851
TSA	54	71.09	3	315
USCG	135	102	12	422
USCIS	60	52	1	179
USSS	20	32	12	137
<b>AGENCY OVERALL</b>	<b>44</b>	<b>106.40</b>	<b>1</b>	<b>1,527</b>

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

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
CBP	Date of Receipt	2011-09-20	2011-09-20	2011-09-20	2011-09-14	2011-09-14	2011-09-14	2011-09-13	2011-09-13	2011-09-13	2011-09-07
	Number of Days Pending	9	9	9	13	13	13	14	14	14	18
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	2011-08-29	2011-08-24	2011-08-23	2011-08-17	2011-08-11	2011-08-03	2011-08-01	2011-07-29	2011-07-08	2011-07-06
	Number of Days Pending	25	28	29	33	37	43	45	46	61	63
OGC	Date of Receipt	2007-09-30	2007-09-27	2007-09-14	2007-08-20	2007-08-10	2007-07-25	2007-05-21	2007-05-01	2006-12-26	2006-09-20
	Number of Days Pending	1,001	1,003	1,012	1,016	1,036	1,048	1,093	1,107	1,194	1,259

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
OIG	Date of Receipt	2011-03-09	2011-01-26	2010-11-15	2010-11-10	2010-10-27	2010-09-15	2010-09-15	2009-01-14	2008-11-25	2008-11-14
	Number of Days Pending	145	174	222	224	234	263	263	698	734	741
TSA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2011-09-28	2011-09-21	2011-08-15	2011-06-02
	Number of Days Pending	0	0	0	0	0	0	4	9	36	88
USCG	Date of Receipt	2010-06-09	2010-06-09	2010-06-09	2010-05-12	2010-05-10	2010-05-01	2010-04-30	2009-12-01	2009-11-19	2009-03-10
	Number of Days Pending	333	333	333	352	354	359	360	460	467	644
USCIS	Date of Receipt	2011-07-06	2011-07-06	2011-07-06	2011-07-06	2011-07-06	2011-07-06	2011-07-06	2011-07-06	2011-07-06	2011-07-06
	Number of Days Pending	59	59	59	59	59	59	59	59	59	59
USSS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date of Receipt	2007-09-30	2007-09-27	2007-09-14	2007-08-20	2007-08-10	2007-07-25	2007-05-21	2007-05-01	2006-12-26	2006-09-20
	Number of Days Pending	1,001	1,003	1,012	1,016	1,036	1,048	1,093	1,107	1,194	1,259

## VII. FOIA Requests: Response Time for Processed and Pending Requests

### A. Processed Requests – Response Time for All Processed Perfected Requests

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	4	36.49	1	261	60	65.85	1	213	1.5	2.75	1	7
CRCL	7	8.90	1	25	63	117.76	3	434	N/A	N/A	N/A	N/A
FEMA	369	395.19	1	1,182	102	216.00	1	1,368	487	537.78	279	836
FLETC	12.5	27.56	1	235	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I&A	23	22.56	4	44	15.5	28.39	1	105	N/A	N/A	N/A	N/A
ICE	7	14.05	1	347	20	34.08	1	357	17.5	18.50	1	45
MGMT	8	10.79	1	62	33	34.76	5	121	N/A	N/A	N/A	N/A
NPPD	27	49.90	1	28	121.5	127.26	3	483	N/A	N/A	N/A	N/A
OGC	10.5	17.50	1	94	240	296.69	10	851	N/A	N/A	N/A	N/A
OIG	8	8.57	1	33	17.5	29.93	3	139	N/A	N/A	N/A	N/A
OPS	1	3.11	1	15	10	9.17	1	23	N/A	N/A	N/A	N/A
PLCY	4	4.22	1	8	7	8.40	1	20	N/A	N/A	N/A	N/A
PRIV	6	6.72	1	19	41	74.71	3	476	391	391	391	391
S&T	8	12.14	1	55	47	62.40	32	131	N/A	N/A	N/A	N/A
TSA	N/A	N/A	N/A	N/A	91	128.27	1	998	5	5	5	5
USCG	5	11.50	1	520	45	43.80	1	695	N/A	N/A	N/A	N/A
USCIS	55	61.41	1	737	69	74.32	1	873	17	44.59	6	187

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
USSS	14	14.28	1	20	80	250.90	21	1,529	76	76	76	76
US-VISIT	9	10.00	1	293	29	76.00	11	251	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	<b>11</b>	<b>37.40</b>	<b>1</b>	<b>1,182</b>	<b>68</b>	<b>78.31</b>	<b>1</b>	<b>1,529</b>	<b>17</b>	<b>155.10</b>	<b>1</b>	<b>836</b>

### B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Component	Simple				Complex				Expedited			
	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days	Median No. of Days	Average No. of Days	Lowest No. of Days	Highest No. of Days
CBP	4	26.59	1	261	71	74.02	1	213	1	2.43	1	7
CRCL	6.5	7.38	1	20	63	122.89	3	434	N/A	N/A	N/A	N/A
FEMA	370.5	399.13	1	1,182	113	227.27	1	1,368	369.5	367.00	279	450
FLETC	14.5	29.40	1	165	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I&A	31	33.33	25	44	33	43.67	1	105	N/A	N/A	N/A	N/A
ICE	9	15.90	1	170	32	43.68	1	319	24	23.50	1	45
MGMT	14	16.00	1	62	33	34.00	14	107	N/A	N/A	N/A	N/A
NPPD	30	32.10	1	132	113.5	127.26	1	483	N/A	N/A	N/A	N/A
OGC	11	15.44	1	35	31.5	42.67	10	87	N/A	N/A	N/A	N/A
OIG	8	9.03	1	22	18.5	30.72	4	139	N/A	N/A	N/A	N/A
OPS	1	2.60	1	7	10	10.82	1	23	N/A	N/A	N/A	N/A
PLCY	4.5	4.50	1	8	8	10.11	1	18	N/A	N/A	N/A	N/A
PRIV	7.5	7.50	7	8	53	91.93	3	476	391	391.00	391	391
S&T	10	16.36	1	41	47	62.40	26	131	N/A	N/A	N/A	N/A
TSA	N/A	N/A	N/A	N/A	157.5	180.31	1	998	N/A	N/A	N/A	N/A
USCG	6	8.70	1	218	34	59.35	1	429	N/A	N/A	N/A	N/A
USCIS	74	77.19	1	636	82	90.10	1	873	17	44.59	6	187
USSS	2	2.00	2	2	159	314.61	25	1,529	N/A	N/A	N/A	N/A
US-VISIT	2	3.00	7	1	23	23.00	23	23	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	<b>12</b>	<b>38.98</b>	<b>1</b>	<b>1,182</b>	<b>79</b>	<b>91.59</b>	<b>1</b>	<b>1,529</b>	<b>16</b>	<b>89.52</b>	<b>1</b>	<b>450</b>

### C. Processed Requests – Response Time in Day Increments

#### (1) Simple Requests

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	16,497	1,069	1,199	1,241	1,506	1,028	1,279	1,132	306	147	64	0	0	25,468
CRCL	48	1	0	0	0	0	0	0	0	0	0	0	0	49
FEMA	8	3	1	1	0	3	3	6	15	7	49	46	122	264
FLETC	82	15	11	5	5	3	3	0	1	0	1	0	0	126
I&A	3	5	1	0	0	0	0	0	0	0	0	0	0	9
ICE	11,080	1,655	917	223	95	32	16	15	2	2	1	1	0	14,039
MGMT	80	18	0	1	0	0	0	0	0	0	0	0	0	99

NPPD	22	42	10	2	3	2	4	1	3	2	3	0	0	94
OGC	16	5	0	0	1	0	0	0	0	0	0	0	0	22
OIG	82	2	0	0	0	0	0	0	0	0	0	0	0	84
OPS	19	0	0	0	0	0	0	0	0	0	0	0	0	19
PLCY	9	0	0	0	0	0	0	0	0	0	0	0	0	9
PRIV	843	0	0	0	0	0	0	0	0	0	0	0	0	843
S&T	23	3	2	0	0	0	0	0	0	0	0	0	0	28
TSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCG	1,987	70	20	16	9	8	19	4	7	0	13	5	2	2,160
USCIS	4,657	2,274	2,948	2,517	1,158	1,560	2,364	137	35	20	33	9	1,121	18,833
USSS	68	0	0	0	0	0	0	0	0	0	0	0	0	68
US-VISIT	2,623	44	2	0	1	2	1	0	2	1	5	0	0	2,681
<b>AGENCY OVERALL</b>	<b>38,147</b>	<b>5,206</b>	<b>5,111</b>	<b>4,006</b>	<b>2,778</b>	<b>2,638</b>	<b>3,689</b>	<b>1,295</b>	<b>371</b>	<b>179</b>	<b>169</b>	<b>61</b>	<b>1,245</b>	<b>64,895</b>

## (2) Complex Requests

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	293	118	112	131	113	64	99	86	20	6	3	0	0	1,045
CRCL	7	2	2	4	1	1	1	1	0	1	2	2	1	25
FEMA	74	142	94	68	59	37	34	33	29	18	84	43	162	877
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	25	7	2	7	2	1	0	0	0	0	0	0	0	44
ICE	1,256	513	280	159	81	49	41	19	16	11	11	7	0	2,443
MGMT	23	35	22	2	0	3	1	0	0	0	0	0	0	86
NPPD	16	14	16	14	13	16	17	18	8	6	30	8	1	177
OGC	4	4	0	3	2	0	1	3	0	0	2	0	17	36
OIG	32	13	6	1	3	2	1	0	0	0	0	0	0	58
OPS	17	1	0	0	0	0	0	0	0	0	0	0	0	18
PLCY	15	0	0	0	0	0	0	0	0	0	0	0	0	15
PRIV	53	49	31	9	13	9	9	11	4	3	5	4	5	205
S&T	0	2	1	1	0	0	1	0	0	0	0	0	0	5
TSA	116	93	63	46	48	27	39	47	29	37	103	25	21	694
USCG	84	421	166	0	0	6	46	28	33	24	174	65	86	1,133
USCIS	10,350	2,170	7,406	11,736	3,954	6,311	9,929	1,783	144	57	154	56	3,105	57,155
USSS	0	145	174	41	33	97	13	20	10	16	43	32	147	771
US-VISIT	1	2	0	1	0	0	0	0	0	0	1	0	0	5
<b>AGENCY OVERALL</b>	<b>12,366</b>	<b>3,731</b>	<b>8,375</b>	<b>12,223</b>	<b>4,322</b>	<b>6,623</b>	<b>10,232</b>	<b>2,049</b>	<b>293</b>	<b>179</b>	<b>612</b>	<b>242</b>	<b>3,545</b>	<b>64,792</b>

## (3) Requests Granted Expedited Processing

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
CBP	8	0	0	0	0	0	0	0	0	0	0	0	0	8
CRCL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FEMA	0	0	0	0	0	0	0	0	0	0	1	1	7	9
FLETC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I&A	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ICE	3	2	1	0	0	0	0	0	0	0	0	0	0	6

## (3) Requests Granted Expedited Processing

Component	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
MGMT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NPPD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OPS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PLCY	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PRIV	0	0	0	0	0	0	0	0	0	0	0	1	0	1
S&T	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TSA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
USCG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
USCIS	6	0	1	2	0	0	0	0	0	1	0	0	0	10
USSS	0	0	0	0	0	0	1	0	0	0	0	0	0	1
US-VISIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>AGENCY OVERALL</b>	<b>18</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>7</b>	<b>36</b>

## D. Pending Requests – All Pending Perfected Requests

Component	Simple			Complex			Expedited		
	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days	Number Pending	Median No. of Days	Average No. of Days
CBP	4,894	66	65.12	191	36	43.87	0	N/A	N/A
CRCL	0	N/A	N/A	6	53	42.50	0	N/A	N/A
FEMA	94	36	43.44	442	306.5	378.82	0	N/A	N/A
FLETC	5	103	93.00	0	N/A	N/A	0	N/A	N/A
I&A	0	N/A	N/A	21	101	108.67	0	N/A	N/A
ICE	18	7	10.67	32	25	65.66	0	N/A	N/A
MGMT	2	8	8.00	9	15	25.00	0	N/A	N/A
NPPD	33	14	15.33	61	98	104.25	0	N/A	N/A
OGC	0	N/A	N/A	5	415	330.00	0	N/A	N/A
OIG	4	4.5	4.50	5	14	13.40	0	N/A	N/A
OPS	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
PLCY	0	N/A	N/A	2	8.5	8.50	0	N/A	N/A
PRIV	24	2	3.79	12	13.5	59.42	0	N/A	N/A
S&T	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
TSA	0	N/A	N/A	661	158	193.07	0	N/A	N/A
USCG	186	12	68.46	500	5	223.66	0	N/A	N/A
USCIS	6,734	70	68.35	32,949	77	77.96	4	99	114.91
USSS	54	11	10.26	558	229	382.20	4	177	313.50
US-VISIT	7	14	40.00	0	N/A	N/A	0	N/A	N/A
<b>AGENCY OVERALL</b>	<b>12,055</b>	<b>68</b>	<b>66.19</b>	<b>35,453</b>	<b>79</b>	<b>90.53</b>	<b>8</b>	<b>141</b>	<b>214.20</b>

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

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	2011-01-13	2011-01-13	2011-01-08	2011-01-07	2011-01-07	2011-01-07	2011-01-07	2011-01-07	2011-01-07	2010-11-26
	Number of Days Pending	181	181	184	185	185	185	185	185	185	214
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	2011-09-28	2011-09-02	2011-08-08	2011-08-08	2011-08-02	2011-08-01
	Number of Days Pending	0	0	0	0	2	28	53	53	59	60
FEMA	Date of Receipt	2008-12-18	2008-12-03	2008-12-01	2008-10-28	2008-10-03	2008-09-10	2008-08-08	2008-07-16	2008-06-11	2007-09-07
	Number of Days Pending	1,016	1,031	1,033	1,067	1,092	1,115	1,148	1,171	1,206	1,484
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2011-08-04	2011-07-07	2011-05-10	2011-03-31	2011-03-31
	Number of Days Pending	0	0	0	0	0	41	61	103	131	131
I&A	Date of Receipt	2011-05-10	2011-05-02	2011-04-18	2011-03-29	2011-03-02	2011-01-26	2011-01-26	2010-12-13	2010-12-07	2010-10-01
	Number of Days Pending	103	109	119	133	152	176	176	205	209	253
ICE	Date of Receipt	2011-05-11	2011-04-27	2011-04-26	2011-04-26	2011-04-07	2011-02-24	2011-01-31	2011-01-28	2010-11-22	2010-05-17
	Number of Days Pending	100	110	111	111	124	154	171	172	217	350
MGMT	Date of Receipt	2011-09-23	2011-09-23	2011-09-23	2011-09-19	2011-09-17	2011-09-12	2011-09-12	2011-08-31	2011-08-30	2011-04-15
	Number of Days Pending	6	6	6	10	10	15	15	23	24	121
NPPD	Date of Receipt	2011-02-23	2011-01-25	2011-01-19	2011-01-04	2010-11-18	2010-11-17	2010-11-15	2010-11-01	2010-10-04	2010-06-21
	Number of Days Pending	157	177	181	191	221	222	224	233	252	325
OGC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	2011-09-16	2010-12-18	2010-08-12	2010-08-06	2010-05-05
	Number of Days Pending	0	0	0	0	0	15	287	415	421	514
OIG	Date of Receipt	N/A	2011-09-29	2011-09-29	2011-09-22	2011-09-22	2011-09-19	2011-09-19	2011-09-13	2011-09-12	2011-09-07
	Number of Days Pending	0	2	2	7	7	10	10	14	15	18
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PLCY	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2011-09-21	2011-09-20
	Number of Days Pending	0	0	0	0	0	0	0	0	8	9
PRIV	Date of Receipt	2011-09-14	2011-09-14	2011-09-14	2011-09-14	2011-09-13	2011-09-02	2011-08-11	2011-05-16	2011-04-19	2010-05-07
	Number of Days Pending	13	13	13	13	14	21	37	99	118	355
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2008-10-02	2008-08-20	2008-08-13	2008-06-23	2008-06-19	2008-06-19	2008-06-17	2006-08-02	2004-11-01	2004-10-27
	Number of Days Pending	749	779	784	820	822	822	824	1,294	1,735	1,738
USCG	Date of Receipt	2009-07-08	2009-06-29	2009-06-19	2009-06-10	2009-06-03	2009-06-02	2009-05-27	2009-05-26	2009-05-26	2009-01-12
	Number of Days Pending	568	575	581	588	593	594	598	599	599	695
USCIS	Date of Receipt	2010-06-24	2010-06-23	2010-06-11	2010-06-03	2010-05-20	2010-05-18	2010-04-30	2010-04-09	2010-04-02	2010-03-30
	Number of Days Pending	317	318	326	332	341	343	355	369	374	376
USSS	Date of Receipt	2006-02-02	2006-02-02	2006-01-19	2006-01-19	2006-01-19	2006-01-19	2006-01-19	2005-12-02	2005-12-02	2005-11-30
	Number of Days Pending	1,420	1,420	1,430	1,430	1,430	1,430	1,430	1,461	1,461	1,463
US-VISIT	Date of Receipt	N/A	N/A	N/A	2011-09-21	2011-09-20	2011-09-14	2011-09-12	2011-09-07	2011-06-15	2011-03-09

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Number of Days Pending	0	0	0	7	8	12	14	17	77	147
AGENCY OVERALL	Date of Receipt	2006-01-19	2006-01-19	2006-01-19	2006-01-19	2006-01-19	2005-12-02	2005-12-02	2005-11-30	2004-11-01	2004-10-27
	Number of Days Pending	1,430	1,430	1,430	1,430	1,430	1,461	1,461	1,463	1,735	1,738

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

#### A. Requests for Expedited Processing

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated within 10 Calendar Days
CBP	8	8	1	5.69	13
CRCL	0	0	N/A	N/A	N/A
FEMA	0	4	10	10.00	4
FLETC	1	0	6	6.00	1
I&A	0	0	N/A	N/A	N/A
ICE	6	65	1	3.00	69
MGMT	0	1	1	1.00	1
NPPD	0	0	N/A	N/A	N/A
OGC	0	0	N/A	N/A	N/A
OIG	0	19	5	5.53	18
OPS	0	0	N/A	N/A	N/A
PLCY	0	0	N/A	N/A	N/A
PRIV	1	9	9.5	10.80	6
S&T	0	0	N/A	N/A	N/A
TSA	1	14	1	1.33	15
USCG	0	0	N/A	N/A	N/A
USCIS	14	1,409	1	7.93	1,255
USSS	5	0	1	2.40	5
US-VISIT	0	0	N/A	N/A	N/A
AGENCY OVERALL	36	1,529	1	6.88	1,377

#### B. Requests for Fee Waiver

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
CBP	1	12	1.5	1.93
CRCL	0	0	N/A	N/A
FEMA	0	1	28	28.00
FLETC	1	5	9	11.83
I&A	0	8	1	7.25
ICE	56	8	5	14.00
MGMT	1	1	1	1.00
NPPD	0	0	N/A	N/A
OGC	0	0	N/A	N/A
OIG	0	12	3	17.42
OPS	0	0	N/A	N/A

Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
PLCY	0	0	N/A	N/A
PRIV	1	5	12.5	16.83
S&T	0	0	N/A	N/A
TSA	4	15	1	2.00
USCG	0	0	N/A	N/A
USCIS	29	93	1	1.00
USSS	0	0	N/A	N/A
US-VISIT	0	0	N/A	N/A
<b>AGENCY OVERALL</b>	<b>93</b>	<b>160</b>	<b>1</b>	<b>6.12</b>

### IX. FOIA Personnel and Costs

Component	Personnel			Costs		
	Number of "Full Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff" (Col. 1 + Col. 2)	Processing Costs	Litigation - Related Costs	Total Costs
CBP	27	11.86	38.86	\$4,947,584.53	\$3,921.92	\$4,951,506.45
CRCL	0.5	0	0.50	\$45,000.00	\$0.00	\$45,000.00
FEMA	9	11	20	\$4,538,289.00	\$76,412.50	\$4,614,701.50
FLETC	1	0.50	1.50	\$167,523.00	\$0.00	\$167,523.00
I&A	1	0	1	\$103,000.00	\$0.00	\$103,000.00
ICE	22	0	22	\$1,799,029.00	\$1,012,000.00	\$2,811,029.00
MGMT	1	0	1	\$118,000.00	\$0.00	\$118,000.00
NPPD	1	0	1	\$89,000.00	\$0.00	\$89,000.00
OGC	0.5	0	0.50	\$221,731.00	\$150,000.00	\$371,731.00
OIG	4	0.65	4.65	\$387,117.80	\$90,158.00	\$477,275.80
OPS	0.33	0	0.33	\$35,000.00	\$0.00	\$35,000.00
PLCY	0.4	0	0.40	\$40,000.00	\$0.00	\$40,000.00
PRIV	15	1	16	\$1,961,231.17	\$0.00	\$1,961,231.17
S&T	1	0	1	\$74,872.00	\$0.00	\$74,872.00
TSA	10	2	12	\$1,004,565.00	\$86,283.25	\$1,090,848.25
USCG	22	26.30	48.30	\$2,828,075.48	\$0.00	\$2,828,075.48
USCIS	188	7.35	195.35	\$13,273,035.26	\$317,966.90	\$13,591,002.16
USSS	17	4.15	21.15	\$1,499,134.00	\$219,637.63	\$1,718,771.63
US-VISIT	3	0	3	\$229,514.00	\$0.00	\$229,514.00
<b>AGENCY OVERALL</b>	<b>323.73</b>	<b>64.81</b>	<b>388.54</b>	<b>\$33,361,701.24</b>	<b>\$1,956,380.20</b>	<b>\$35,318,081.44</b>

### X. Fees Collected for Processing Requests

Component	Total Amount of Fees Collected	Percentage of Total Costs
CBP	\$331,291.66	6.70%
CRCL	\$0.00	0.00%
FEMA	\$1,516.79	0.03%



Component	Total Amount of Fees Collected	Percentage of Total Costs
FLETC	\$960.80	0.57%
I&A	\$128.00	0.12%
ICE	\$3,971.90	0.22%
MGMT	\$1,397.00	1.18%
NPPD	\$0.00	0.00%
OGC	\$0.00	0.00%
OIG	\$95.50	0.02%
OPS	\$0.00	0.00%
PLCY	\$0.00	0.00%
PRIV	\$0.00	0.00%
S&T	\$0.00	0.00%
TSA	\$414.70	0.04%
USCG	\$22,138.26	0.78%
USCIS	\$7,021.82	0.05%
USSS	\$0.00	0.00%
US-VISIT	\$435.00	0.19%
<b>AGENCY OVERALL</b>	<b>\$369,371.43</b>	<b>1.11%</b>

**XI. FOIA Regulations – The Department of Homeland Security FOIA Implementing Regulations are codified at 6 C.F.R. Part 5, and also can be found at [http://www.dhs.gov/xlibrary/assets/FOIA\\_FedReg\\_Notice.pdf](http://www.dhs.gov/xlibrary/assets/FOIA_FedReg_Notice.pdf).**

**XII. Backlogs, Consultations, and Comparisons**

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

Component	Number of Backlogged Requests as of the End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year****
CBP	4,356	0
CRCL	6	N/A
FEMA	485	N/A
FLETC	5	0
I&A	21	N/A
ICE	18	18
MGMT	3	N/A
NPPD	63	N/A
OGC	5	141
OIG	0	12
OPS	0	N/A
PLCY	0	N/A
PRIV	4	N/A
S&T	0	N/A
TSA	580	2
USCG	527	49
USCIS	35,780	105

\*\*\*\* OGC processes FOIA appeals for: CRCL, FEMA, I&A, MGMT, NPPD, OHA, OPS, PLCY, PRIV, S&T and US-VISIT

Component	Number of Backlogged Requests as of the End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year <sup>****</sup>
USSS	562	0
US-VISIT	2	0
<b>AGENCY OVERALL</b>	<b>42,417</b>	<b>327</b>

### B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Component	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at Your Agency as of the End of the Fiscal Year
CBP	4	27	30	1
CRCL	0	0	0	0
FEMA	16	11	27	0
FLETC	0	1	1	0
I&A	3 <sup>††††</sup>	15	18	0
ICE	0	93	93	0
MGMT	1	6	7	0
NPPD	0	0	0	0
OGC	0	0	0	0
OIG	0	16	16	0
OPS	0	2	2	0
PLCY	0	29	29	0
PRIV	0	26	26	0
S&T	0 <sup>††††</sup>	10	10	0
TSA	21	40	45	16
USCG	13	25	24	14
USCIS	3 <sup>§§§§</sup>	60	63	0
USSS	8 <sup>*****</sup>	38	36	10
US-VISIT	0	6	6	0
<b>AGENCY OVERALL</b>	<b>69<sup>†††††</sup></b>	<b>405</b>	<b>433</b>	<b>41</b>

### C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
CBP	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2011-09-12
	Number of Days Pending	0	0	0	0	0	0	0	0	0	14
CRCL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

†††† Corrected number due to component reporting error in FY 2010.

†††† Corrected number due to component reporting error in FY 2010.

§§§§ Corrected number due to component reporting error in FY 2010.

\*\*\*\*\* Corrected number due to component reporting error in FY 2010.

††††† Corrected number due to components reporting error in FY 2010.

Component	Sub-Row Heading	10th	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
FEMA	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
FLETC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
I&A	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
ICE	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
MGMT	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
NPPD	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OGC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OIG	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
OPS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PLCY	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
PRIV	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
S&T	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
TSA	Date of Receipt	2011-07-27	2011-07-07	2011-05-12	2011-05-05	2011-04-20	2010-10-28	2010-09-03	2010-06-24	2010-06-15	2009-12-16
	Number of Days Pending	48	62	101	106	117	235	272	322	329	449
USCG	Date of Receipt	2011-04-26	2011-04-08	2011-03-21	2011-02-08	2011-01-13	2010-09-08	2010-08-04	2010-06-28	2010-03-11	2009-12-24
	Number of Days Pending	111	123	137	165	182	268	292	318	394	447
USCIS	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
USSS	Date of Receipt	2011-09-21	2011-08-03	2011-06-14	2011-06-14	2011-05-10	2011-03-10	2010-10-08	2010-10-08	2010-10-08	2010-06-20
	Number of Days Pending	8	43	79	79	103	146	248	248	248	325
US-VISIT	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date of Receipt	2010-09-08	2010-09-03	2010-08-04	2010-06-28	2010-06-24	2010-06-20	2010-06-15	2010-03-11	2009-12-24	2009-12-16
	Number of Days Pending	268	272	292	318	322	325	329	394	447	449

**D. (1) Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged**

Component	Number of Requests Received		Number of Requests Processed	
	Received During Fiscal Year from Last Year's Annual Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year from Last Year's Annual Report	Processed During Fiscal Year from Current Annual Report
CBP	18,948	32,107	18,639	27,818
CRCL	20	73	24	74
FEMA	760	820	794	1,139
FLETC	145	134	169	141
I&A	46	71	48	54
ICE	8,523	16,502	8,570	16,488
MGMT	256	180	253	182
NPPD	155	318	127	270
OGC	41	43	35	58
OIG	187	175	192	170
OPS	47	37	47	37
PLCY	37	26	55	24
PRIV	1,113	1,317	1,163	1,327
S&T	39	33	40	33
TSA	716	926	557	694
USCG	4,102	3,882	3,958	3,708
USCIS	91,503	115,545	100,872	89,835
USSS	1,526	897	1,451	898
US-VISIT	1,934	2,570	1,657	2,681
<b>AGENCY OVERALL</b>	<b>130,098</b>	<b>175,656</b>	<b>138,651</b>	<b>145,631</b>

**D. (2) Comparison of Backlogged Requests from Previous and Current Annual Report**

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
CBP	601	4,356
CRCL	6	6
FEMA	810	485
FLETC	12	5
I&A	5 <sup>++++</sup>	21
ICE	27	18
MGMT	1	3
NPPD	33	63
OGC	20 <sup>#####</sup>	5
OIG	1	0
OPS	0	0
PLCY	0	0
PRIV	15	4
S&T	1	0
TSA	378	580

<sup>++++</sup> Corrected number due to component reporting error in FY 2010.

<sup>#####</sup> Corrected number due to component reporting error in FY 2010.

Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
USCG	407	527
USCIS	8,209	35,780
USSS	573	562
US-VISIT	118*****	2
<b>AGENCY OVERALL</b>	<b>11,217</b>	<b>42,417</b>

**E. (1) Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged**

Component	Number of Appeals Received		Number of Appeals Processed	
	Received During Fiscal Year from Last Year's Annual Report	Received During Fiscal Year from Current Annual Report	Processed During Fiscal Year from Last Year's Annual Report	Processed During Fiscal Year from Current Annual Report
CBP	450	338	815	343
FLETC	1	1	1	1
ICE	25	245	331	230
OGC	157	114	134	164
OIG <sup>+++++</sup>	0	12	0	14
TSA	21	41	14	46
USCG	42	44	62	41
USCIS	2,004	1,079	3,924	1,049
USSS	40	43	44	45
<b>AGENCY OVERALL</b>	<b>2,740</b>	<b>1,917</b>	<b>5,325</b>	<b>1,933</b>

**E. (2) Comparison of Backlogged Administrative Appeals from Previous and Current Annual Report**

Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
CBP	0	0
FLETC	0	0
ICE	19	18
OGC	176 <sup>+++++</sup>	141
OIG	0	12
TSA	7	2
USCG	48	49
USCIS	3	105
USSS	2	0
<b>AGENCY OVERALL</b>	<b>255</b>	<b>327</b>

\*\*\*\*\* Corrected number due to component reporting error in FY 2010.

+++++ OIG began processing their own FOIA appeals at the start of FY 2011 and did not receive or process any appeals in FY 2010.

+++++ Corrected number due to component reporting error in FY 2010.

## **APPENDIX A: Composition of the Department of Homeland Security**

The Office of the Secretary oversees Department of Homeland Security (DHS) efforts to counter terrorism and enhance security, secure and manage our borders while facilitating trade and travel, enforce and administer our immigration laws, safeguard and secure cyberspace, build resilience to disasters, and provide essential support for national and economic security - in coordination with federal, state, local, international, tribal and private sector partners.

### **Offices:**

The Privacy Office (PRIV) works to preserve and enhance privacy protections for all individuals, to promote transparency of Department operations, and to serve as a leader in the federal privacy community.

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

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

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

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

The Office of the General Counsel integrates approximately 1700 lawyers from throughout the Department into an effective, client-oriented, full-service legal team and comprises a headquarters office with subsidiary divisions and the legal programs for eight Department components. The Office of the General Counsel includes the ethics division for the Department.

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

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

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

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

Office of Intergovernmental Affairs (IGA): IGA has the mission of promoting an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

#### Department Components and Directorates:

The Directorate for National Protection and Programs (NPPD) leads the national effort to protect and enhance the resilience of the Nation's physical and cyber infrastructure.

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

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

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

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

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

The Office of Operations Coordination and Planning (OPS) provides decision support and enables the Secretary's execution of responsibilities across the homeland security enterprise by promoting situational awareness and information sharing, integrating and synchronizing strategic operations and planning, and administering the DHS continuity program.

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

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

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

United States Customs and Border Protection (CBP) is one of the Department of Homeland Security's largest and most complex components, with a priority mission of keeping terrorists and their weapons out of the U.S. It also has a responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

United States Citizenship and Immigration Services (USCIS) secures America's promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.

United States Immigration and Customs Enforcement (ICE), promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.

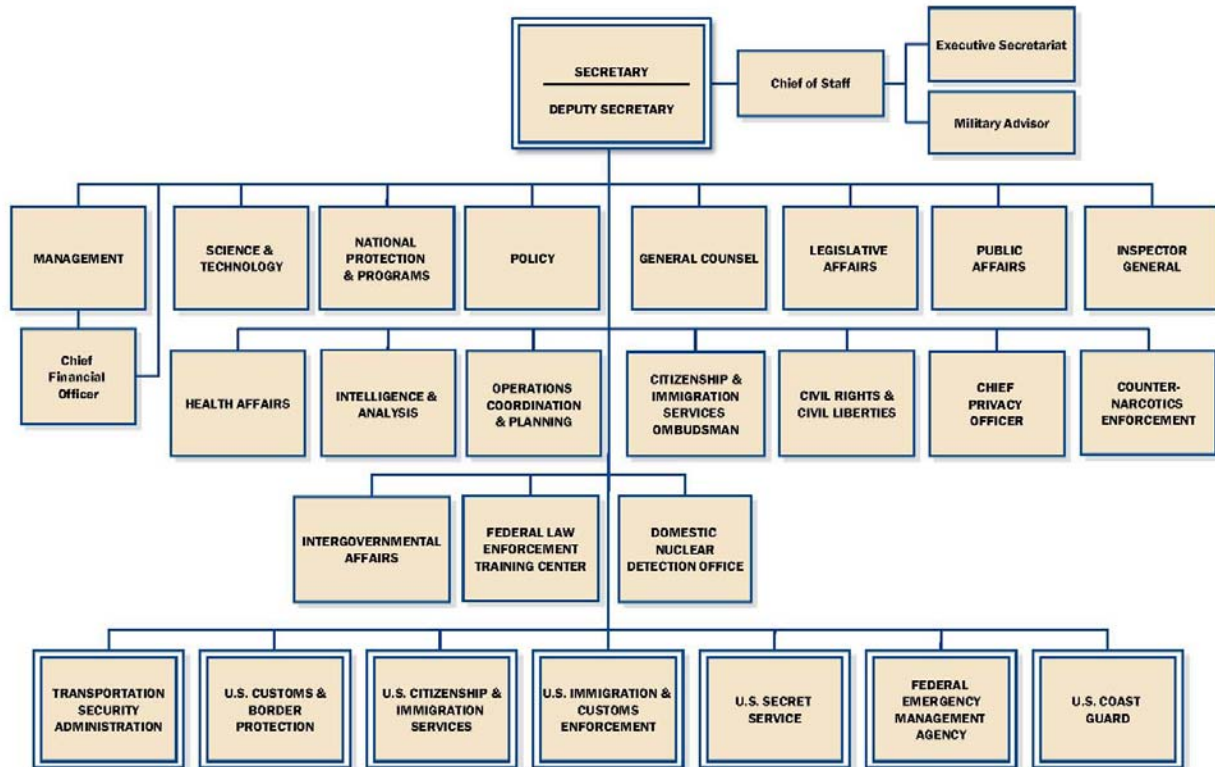
The United States Coast Guard is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

The Federal Emergency Management Agency (FEMA) supports our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

The United States Secret Service (USSS) safeguards the nation's financial infrastructure and payment systems to preserve the integrity of the economy, and protects national leaders, visiting heads of state and government, designated sites, and National Special Security Events.



## APPENDIX B: Organization of the Department of Homeland Security Chart



11/05/2010

## **APPENDIX C: Names, Addresses, and Contact Information for DHS FOIA Officers**

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

Mary Ellen Callahan  
Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive SW, Building 410  
STOP-0665  
Washington, DC 20528-0665

Delores J. Barber  
Deputy Chief FOIA Officer  
Privacy Office  
U.S. Department of Homeland Security  
245 Murray Drive SW, Building 410  
STOP-0665  
Washington, DC 20528-0665

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

Privacy Office  
James V.M.L. Holzer, I, CIPP/G  
Director, Disclosure and FOIA Operations  
Ph: 703-235-0790; Fax: 703-235-0443  
U.S. Department of Homeland Security  
245 Murray Drive SW, Building 410  
STOP-0665  
Washington, DC 20528-0665

U.S. Citizenship and Immigration Services  
Jill Eggleston  
Ph: 816-350-5521; Fax: 816-350-5785  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Office for Civil Rights and Civil Liberties  
Fernando Pineiro, Jr.  
Ph: 202-357-7672; Fax: 202-357-1196  
DHS-CRCL-FOIA  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Bldg 410, M/S 0190  
Washington, DC 20528-0001

U.S. Coast Guard  
Gaston Brewer, Acting  
Ph: 202-475-3525 Fax: 202-475-3929  
Commandant (CG-611)  
2100 2nd St., S.W.  
Washington, DC 20593-0001

U.S. Customs and Border Protection  
Dorothy Pullo  
Ph: 202-325-0150; Fax: 202-325-0230  
FOIA Division  
799 9<sup>th</sup> Street NW  
Washington, DC 20229-1181

Privacy Office  
Sabrina Burroughs  
Director, Disclosure Policy and FOIA Program  
Development  
Ph: 703-235-0790; Fax: 703-235-0443  
U.S. Department of Homeland Security  
245 Murray Drive SW, Building 410  
STOP-0665  
Washington, DC 20528-0665

Federal Emergency Management Agency  
Dr. Anthony M. Bennett  
Ph: 202-646-3323; Fax: 202-646-3347  
500 C Street, SW, Room 840  
Washington, DC 20472

Federal Law Enforcement Training Center  
Marty Zimmerman-Pate  
Ph: 912-267-3103; Fax: 912-267-3113  
Building No.681, Suite 187B  
Glynco, GA 31524

Office of the General Counsel  
Fernando Pineiro, Jr., Acting  
Ph: 202-357-7672; Fax: 202-357-1196  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

U.S. Immigration and Customs Enforcement  
Catrina Pavlik-Keenan  
Ph: 202-732-0600; Fax: 202-732-0660  
500 12<sup>th</sup> Street, SW, M/S 5009  
Washington, DC 20536-5009

Office of Inspector General  
Katherine Gallo  
Ph: 202-254-4001; Fax: 202-254-4398  
U.S. Department of Homeland Security  
245 Murray Drive, Bldg. 410, M/S 2600  
Washington, DC 20528-0001

Office of Intelligence and Analysis  
Tony Tucker  
Ph: 202-447-4190; Fax: 202-282-8191  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Directorate for Management  
Mark Dorgan  
Ph: 703-235-0755; Fax: 703-235-0443  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Directorate for National Protection and Programs  
Gayle Worthy  
Ph: 703-235-2211; Fax: 703-235-2052  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Office of Operations Coordination and Planning  
Michael Page  
Ph: 202-357-7626; Fax: 202-357-7678  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Office of Health Affairs  
Audrey Swann  
Ph: 202-254-5619; Fax: 202-254-6094  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Office of Policy  
Traci Ballard  
Ph: 202-447-3497; Fax: 202-282-9512  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

Science & Technology Directorate  
Katrina Hagan  
Ph: 202-254-6342; Fax: 202-254-6739  
U.S. Department of Homeland Security  
Washington, DC 20528-0001

United States Secret Service  
Latita Payne  
Ph: 202-406-6370; Fax: 202-406-5586  
245 Murray Drive, Building 410  
Washington, DC 20223

Transportation Security Administration  
Yvonne Coates  
Ph: 1-866-FOIA-TSA; Fax: 571-227-1406  
601 S. 12th Street, TSA-20  
11th Floor, East Tower  
Arlington, VA 22202-4220

Office of US-VISIT  
Michael Johnson  
Ph: 202-298-5200; Fax: 202-295-5457  
U.S. Department of Homeland Security  
Washington, DC 20528-0675

## **EXHIBIT D**

# Budget-in-Brief

## Fiscal Year 2015



# Homeland Security

[www.dhs.gov](http://www.dhs.gov)



## Secretary's Message

The President's Fiscal Year (FY) 2015 Budget Request for \$38.2 billion for the Department of Homeland Security (DHS) reflects our continued commitment to the security of our homeland and the American public. Homeland security *is* the most important mission any government can provide to its people.

DHS must be agile and vigilant in continually adapting to evolving threats and hazards. We must stay one step ahead of the next attack, the next cyber attack, and the next natural disaster. In the homeland security world, no news is good news, and no news is often the result of the hard work, vigilance, and dedication of the men and women of DHS who prevent bad things you never hear about, or at least help the public protect itself and recover from the storm we cannot prevent.



The basic missions of the Department of Homeland Security are, and should continue to be, preventing terrorism and enhancing security; securing and managing our borders; enforcing and administering our immigration laws; safeguarding cyberspace; strengthening national preparedness and resilience. The President's FY 2015 budget request provides the resources necessary to further strengthen these efforts.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke.

Jeh Charles Johnson

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## Overview

## Fiscal Year 2015 Overview

	FY 2013 Revised Enacted <sup>1</sup>	FY 2014 Enacted <sup>2</sup>	FY 2015 Pres. Budget <sup>3</sup>	FY 2015 +/- FY 2014
	\$000	\$000	\$000	\$000
Total Budget Authority:	\$ 59,209,964	\$ 60,655,168	\$ 60,918,787	\$ 263,619
Less: Mandatory, Fee, and Trust Funds:	(11,308,307)	(11,526,210)	(11,890,496)	(364,286)
Gross Discretionary Budget Authority:	47,901,657	49,128,958	49,028,291	(100,667)
Less: Discretionary Offsetting Fees:	(3,553,282)	(3,733,428)	(4,414,798)	(681,370)
Net Discretionary Budget Authority:	44,348,375	45,395,530	44,613,493	(782,037)
Less: FEMA Disaster Relief - Major Disasters Cap Adjustment:	(6,075,554)	(5,626,386)	(6,437,793)	(811,407)
Less: <i>Rescission of Prior-Year Carryover - Regular Appropriation</i>	<i>(151,463)</i>	<i>(543,968)</i>	-	<i>543,968</i>
Adjusted Net Discretionary Budget Authority:	38,121,358	39,225,176	38,175,700	(1,049,476)
Supplemental: <sup>5</sup>	\$ 11,483,313	\$ -	\$ -	-

1/ FY 2013 Revised Enacted:

- Reflects across the board rescissions of 0.1% and 0.032% pursuant to P.L. 113-6.
- Reflects funds sequestered pursuant to section 251 A(7)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Control Act of 2011.
- Reflects a transfer of \$22.8 million from FEMA Disaster Relief Fund (DRF) to OIG pursuant to P.L. 113-6.
- Excludes USCG Overseas Contingency Operations funding of \$240.605 million provided in P.L. 113-6.
- Includes FEMA Disaster Relief base funds of \$553.562 million and an additional \$6.075 billion for major disasters declared pursuant to the Stafford Act and designated by the Congress as being for disaster relief pursuant to section 251 (b)(2)(D) of the Balance Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended by the Budget Control Act of 2011.
- Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$53,134,410.
- Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$41,826,103.
- Net Discretionary Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$38,272,821.

2/ FY 2014 Enacted:

- Reflects a transfer of \$24 million from FEMA DRF to OIG pursuant to P.L. 113-76.
- Excludes USCG Overseas Contingency Operations funding of \$227.0 million provided in P.L. 113-76.
- Includes FEMA Disaster Relief base funds of \$570.522 million and an additional \$5.626 billion for major disasters declared pursuant to the Stafford Act and designated by the Congress as being for disaster relief pursuant to section 251 (b)(2)(D) of the BBEDCA of 1985, as amended by the Budget Control Act of 2011.
- Reflects the following technical adjustments: \$33.522 million increase for TSA - Aviation Security revised fee levels; \$15.042 million decrease for USCG Health Care Fund Contribution; \$3.741 million increase for CBP Small Airports.
- Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$55,028,782.
- Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$43,502,572.
- Net Discretionary Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$39,769,144.

3/ FY 2015 President's Budget:

- Reflects a proposed transfer of \$24 million from FEMA DRF to OIG.
- Includes FEMA Disaster Relief base funds of \$371.672 million and an additional \$6.438 billion for major disasters declared pursuant to the Stafford Act and designated by the Congress as being for disaster relief pursuant to section 251 (b)(2)(D) of the BBEDCA of 1985, as amended by the Budget Control Act of 2011.
- Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment is: \$54,480,994.
- Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$42,590,498.
- Net Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$38,175,700.

4/ Rescissions of Prior Year Unobligated Balances:

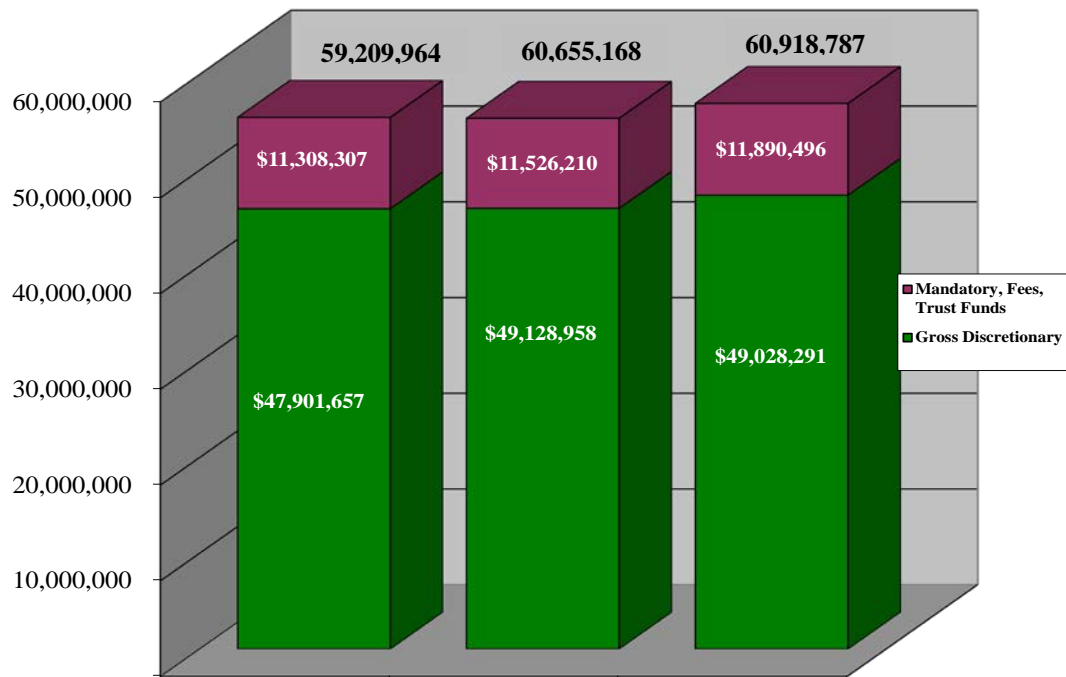
- FY 2013 - Pursuant to P.L. 113-6, reflects rescissions of prior year unobligated balances of -\$151.463 million.
- FY 2014 - Pursuant to P.L. 113-76, reflects rescissions of prior year unobligated balances of -\$543.968 million.

5/ In order to obtain comparable figures, Net Discretionary, Gross Discretionary, and Total Budget Authority excludes:

- FY 2013 supplemental funding provided in P.L. 113-2 (Disaster Relief Appropriations Act 2013) and sequestered pursuant to 251 A(7)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Control Act of 2011: OIG (\$2.850 million), CBP (\$1.584 million), ICE (\$0.812 million), USCG (\$260.521 million), USSS (\$0.285 million), FEMA (\$11.210 billion), S&T (\$3.087 million), DNDO (\$3.676 million).
- Excludes FEMA NFIF (\$9.7 billion) increase in borrowing authority provided in P.L. 113-1.

## Total Budget Authority

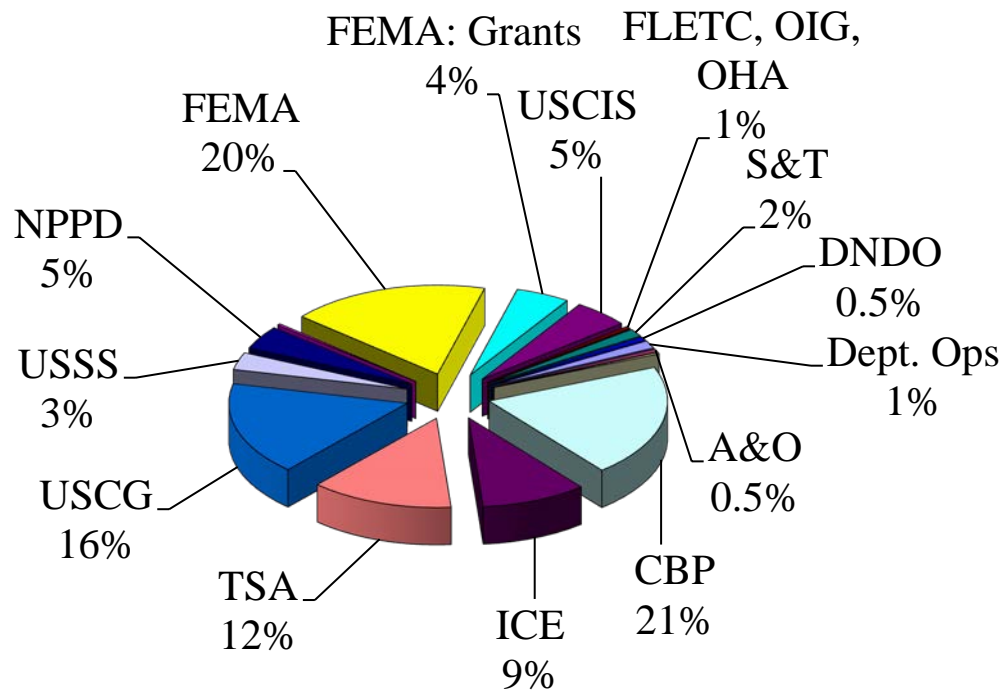
Dollars in Thousands



- FY 2015 Gross Discretionary funding decreases by \$101 million, or 0.2 percent, under FY 2014.
- FY 2015 estimated mandatory fees and trusts budget authority increases by \$364 million, or 3.2 percent over FY 2014.
- FY 2015 Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment is: \$54,480,994.
- FY 2015 Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$42,590,498.
- FY 2015 Net Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$38,175,700.
- Excludes FY 2013 Net Sequestered Supplemental funding of \$11.5 billion.

## FY 2015 Percent of Total Budget Authority by Organization

**\$60,918,787,000**



Notes:

- Departmental Operations is comprised of the Office of the Secretary & Executive Management, DHS Headquarters Consolidation, the Office of the Undersecretary for Management, the Office of the Chief Financial Officer, and the Office of the Chief Information Officer.

## Total Budget Authority by Organization

### Gross Discretionary, Mandatory, Fees, and Trust Funds

	FY 2013 Revised Enacted <sup>1</sup>	FY 2014 Enacted <sup>2</sup>	FY 2015 Pres. Budget <sup>3</sup>	FY 2015 +/- FY 2014	FY 2015 +/- FY 2014
	\$000	\$000	\$000	\$000	%
<b>Departmental Operations<sup>4</sup></b>	\$ 708,695	\$ 728,269	\$ 748,024	\$ 19,755	2.7%
<b>Analysis and Operations (A&amp;O)</b>	301,853	300,490	302,268	1,778	0.6%
<b>Office of the Inspector General (OIG)</b>	137,910	139,437	145,457	6,020	4.3%
<b>U.S. Customs &amp; Border Protection (CBP)</b>	11,736,990	12,445,616	12,764,835	319,219	2.6%
<b>U.S. Immigration &amp; Customs Enforcement (ICE)</b>	5,627,660	5,614,361	5,359,065	(255,296)	-4.5%
<b>Transportation Security Administration (TSA)</b>	7,193,757	7,364,510	7,305,098	(59,412)	-0.8%
<b>U.S. Coast Guard (USCG)</b>	9,972,425	10,214,999	9,796,995	(418,004)	-4.1%
<b>U.S. Secret Service (USSS)</b>	1,808,313	1,840,272	1,895,905	55,633	3.0%
<b>National Protection and Programs Directorate (NPPD)</b>	2,638,634	2,813,213	2,857,666	44,453	1.6%
<b>Office of Health Affairs (OHA)</b>	126,324	126,763	125,767	(996)	-0.8%
<b>Federal Emergency Management Agency (FEMA)</b>	11,865,196	11,553,899	12,496,517	942,618	8.2%
<b>FEMA: Grant Programs</b>	2,373,540	2,530,000	2,225,469	(304,531)	-12.0%
<b>U.S. Citizenship &amp; Immigration Services (USCIS)</b>	3,378,348	3,219,142	3,259,885	40,743	1.3%
<b>Federal Law Enforcement Training Center (FLETC)</b>	243,111	258,730	259,595	865	0.3%
<b>Science &amp; Technology Directorate (S&amp;T)</b>	794,227	1,220,212	1,071,818	(148,394)	-12.2%
<b>Domestic Nuclear Detection Office (DNDO)</b>	302,981	285,255	304,423	19,168	6.7%
<b>TOTAL BUDGET AUTHORITY:</b>	\$ 59,209,964	\$ 60,655,168	\$ 60,918,787	\$ 263,619	0.4%
<b>Less: Mandatory, Fee, and Trust Funds:</b>	(11,308,307)	(11,526,210)	(11,890,496)	(364,286)	3.2%
<b>GROSS DISC. BUDGET AUTHORITY:</b>	47,901,657	49,128,958	49,028,291	(100,667)	-0.2%
<b>Less: Discretionary Offsetting Fees:</b>	(3,553,282)	(3,733,428)	(4,414,798)	(681,370)	18.3%
<b>NET DISC. BUDGET AUTHORITY:</b>	\$ 44,348,375	\$ 45,395,530	\$ 44,613,493	\$ (782,037)	-1.7%
<b>Less: FEMA Disaster Relief - Major Disasters Cap Adjustment:</b>	\$ (6,075,554)	\$ (5,626,386)	\$ (6,437,793)	\$ (811,407)	14.4%
<b>Less: Rescission of Prior-Year Carryover - Regular Appropriations:<sup>5</sup></b>	(151,463)	(543,968)	-	543,968	-100.0%
<b>ADJUSTED NET DISC. BUDGET AUTHORITY:</b>	\$ 38,121,358	\$ 39,225,176	\$ 38,175,700	\$ (1,049,476)	-2.7%
<b>Supplemental:<sup>6</sup></b>	\$ 11,483,313	-	-	-	-

1/ FY 2013 Revised Enacted:

- Reflects across the board rescissions of 0.1% and 0.032% pursuant to P.L. 113-6.
- Reflects funds sequestered pursuant to section 251 A(7)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Control Act of 2011.
- Reflects a transfer of \$22.8 million from FEMA Disaster Relief Fund (DRF) to OIG pursuant to P.L. 113-6.
- Excludes USCG Overseas Contingency Operations funding of \$240.605 million provided in P.L. 113-6.
- Includes FEMA Disaster Relief base funds of \$553.562 million and an additional \$6.075 billion for major disasters declared pursuant to the Stafford Act and designated by the Congress as being for disaster relief pursuant to section 251 (b)(2)(D) of the Balance Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended by the Budget Control Act of 2011.
- Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$53,134,410.
- Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$41,826,103.
- Net Discretionary Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$38,272,821.

2/ FY 2014 Enacted:

- Reflects a transfer of \$24 million from FEMA DRF to OIG pursuant to P.L. 113-76.
- Excludes USCG Overseas Contingency Operations funding of \$227.0 million provided in P.L. 113-76.
- Includes FEMA Disaster Relief base funds of \$570.522 million and an additional \$5.626 billion for major disasters declared pursuant to the Stafford Act and designated by the Congress as being for disaster relief pursuant to section 251 (b)(2)(D) of the BBEDCA of 1985, as amended by the Budget Control Act of 2011.
- Reflects the following technical adjustments: \$33.522 million increase for TSA - Aviation Security revised fee levels; \$15.042 million decrease for USCG Health Care Fund Contribution; \$3.741 million increase for CBP Small Airports.
- Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$55,028,782
- Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$43,502,572.
- Net Discretionary Request excluding DRF Major Disasters Cap Adjustment and rescissions of prior year carryover balances is: \$39,769,144.

3/ FY 2015 President's Budget:

- Reflects a proposed transfer of \$24 million from FEMA DRF to OIG.
- Includes FEMA Disaster Relief base funds of \$371.672 million and an additional \$6.438 billion for major disasters declared pursuant to the Stafford Act and designated by the Congress as being for disaster relief pursuant to section 251 (b)(2)(D) of the BBEDCA of 1985, as amended by the Budget Control Act of 2011.
- Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment is: \$54,480,994.
- Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$42,590,498.
- Net Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$38,175,700.

4/ Departmental Operations is comprised of the Office of the Secretary & Executive Management, DHS Headquarters Consolidation, the Office of the Undersecretary for Management, the Office of the Chief Financial Officer, and the Office of the Chief Information Officer.

5/ Rescissions of Prior Year Unobligated Balances:

- FY 2013 - Pursuant to P.L. 113-6, reflects rescissions of prior year unobligated balances of -\$151.463 million
- FY 2014 - Pursuant to P.L. 113-76, reflects rescissions of prior year unobligated balances of -\$543.968 million.

6/ In order to obtain comparable figures, Net Discretionary, Gross Discretionary, and Total Budget Authority excludes:

- FY 2013 supplemental funding provided in P.L. 113-2 (Disaster Relief Appropriations Act 2013) and sequestered pursuant to 251 A(7)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Control Act of 2011: OIG (\$2.850 million), CBP (\$1.584 million), ICE (\$0.812 million), USCG (\$260.521 million), USSS (\$0.285 million), FEMA (\$11.210 billion), S&T (\$3.087 million), DNDO (\$3.676 million).
- Excludes FEMA NFIF (\$9.7 billion) increase in borrowing authority provided in P.L. 113-1.

## **EXHIBIT E**

# Budget-in-Brief

## Fiscal Year 2014



# Homeland Security

[www.dhs.gov](http://www.dhs.gov)

*“Today, a decade after the creation of a Cabinet-level agency bearing that name, homeland security has come to mean much more ... it means the coordinated work of hundreds of thousands of dedicated and skilled professionals, and more than ever, of the American public, of our businesses and families, communities and faith-based groups.”*

**Secretary Janet Napolitano**  
**Third Annual Address on the State of Homeland**  
**Security: “The Evolution and Future of Homeland**  
**Security”**  
**February 26, 2013**

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## Department of Homeland Security

### OUR VISION

*Preserving our freedoms, protecting America ...we secure our homeland.*

### Our Mission

*The Department of Homeland Security will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors and promote the free-flow of commerce.*



## Fiscal Year 2014 Overview

	<b>FY 2012 Revised Enacted <sup>1</sup></b>	<b>FY 2013 Annualized CR <sup>2</sup></b>	<b>FY 2014 Pres. Budget <sup>3</sup></b>	<b>FY 2014 +/- FY 2012</b>
	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>
Net Discretionary:	\$ 46,381,144	\$ 46,560,550	\$ 44,672,346	\$ (1,708,798)
Discretionary Fees:	3,515,166	3,639,720	3,785,021	269,855
<i>Less rescission of prior year funds: <sup>4</sup></i>	<i>(196,468)</i>	<i>(131,412)</i>	-	-
<b>Gross Discretionary</b>	<b>49,699,841</b>	<b>50,068,858</b>	<b>48,457,367</b>	<b>(1,438,943)</b>
Mandatory, Fee, Trust Funds:	10,271,646	10,616,486	11,501,970	1,230,324
Total Budget Authority:	\$ 59,971,487	\$ 60,685,344	\$ 59,959,337	\$ (208,619)
Supplemental: <sup>5</sup>	\$ -	\$ 12,071,908	\$ -	\$ -

1/ FY 2012 Revised Enacted:

- Reflects a transfer of \$24 million from FEMA to OIG pursuant to P.L. 112-74.
- Excludes USCG Overseas Contingency Operations funding of \$258.0 million P.L. 112-74.
- Includes \$63.5 million transfer to USCG - AC&I from DoD pursuant to P.L. 112-74.
- Includes FEMA Disaster Relief base funds of \$700 million and an additional \$6.4 billion enacted separately pursuant to the Budget Control Act.

2/ FY 2013 Annualized CR:

- FY 2013 Annualized CR reflects FY 2012 Enacted pursuant to P.L. 112-74 less rescission of prior year unobligated balances plus 0.612% increase.
- Reflects a transfer of \$24 million from FEMA to OIG pursuant to P.L. 112-74.
- Excludes USCG Overseas Contingency Operations funding of \$258.0 million P.L. 112-74.
- Excludes \$63.5 million transfer to USCG - AC&I from DoD pursuant to P.L. 112-74.
- Includes FEMA Disaster Relief base funds of \$700 million and an additional \$6.4 billion enacted separately pursuant to the Budget Control Act.
- Reflects a technical adjustment of \$76.090 million for TSA - Aviation Security revised fee levels.
- Excludes USCG Overseas Contingency Operations of \$258.0 million P.L. 112-74.
- Includes \$63.5 million transfer to USCG - AC&I from DoD pursuant to P.L. 112-74.
- Reflects FEMA Disaster Relief base funds of \$700 million and an additional \$6.4 billion enacted separately pursuant to the Budget Control Act.
- Reflects a technical adjustment of \$24.062 million to revise the FPS offsetting fee levels.
- Reflects technical adjustments of \$438.653 million to revise USCIS fee levels. "

3/ FY 2014 President's Budget:

- Reflects a proposed transfer of \$24 million from FEMA to OIG.
- Includes FEMA Disaster Relief base funds of \$570 million (\$570.522) and an additional \$5.6 billion (\$5,626.386) for major disasters declared pursuant to the Stafford Act and designated by the Congress as being for disaster relief pursuant to section 251 (b)(2)(D) of the Balance Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended by the Budget Control Act of 2011.
- Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment is: \$54,332,951
- Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$42,830,981.
- Net Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$39,045,960.

"4/ Rescissions of Prior Year Unobligated Balances:

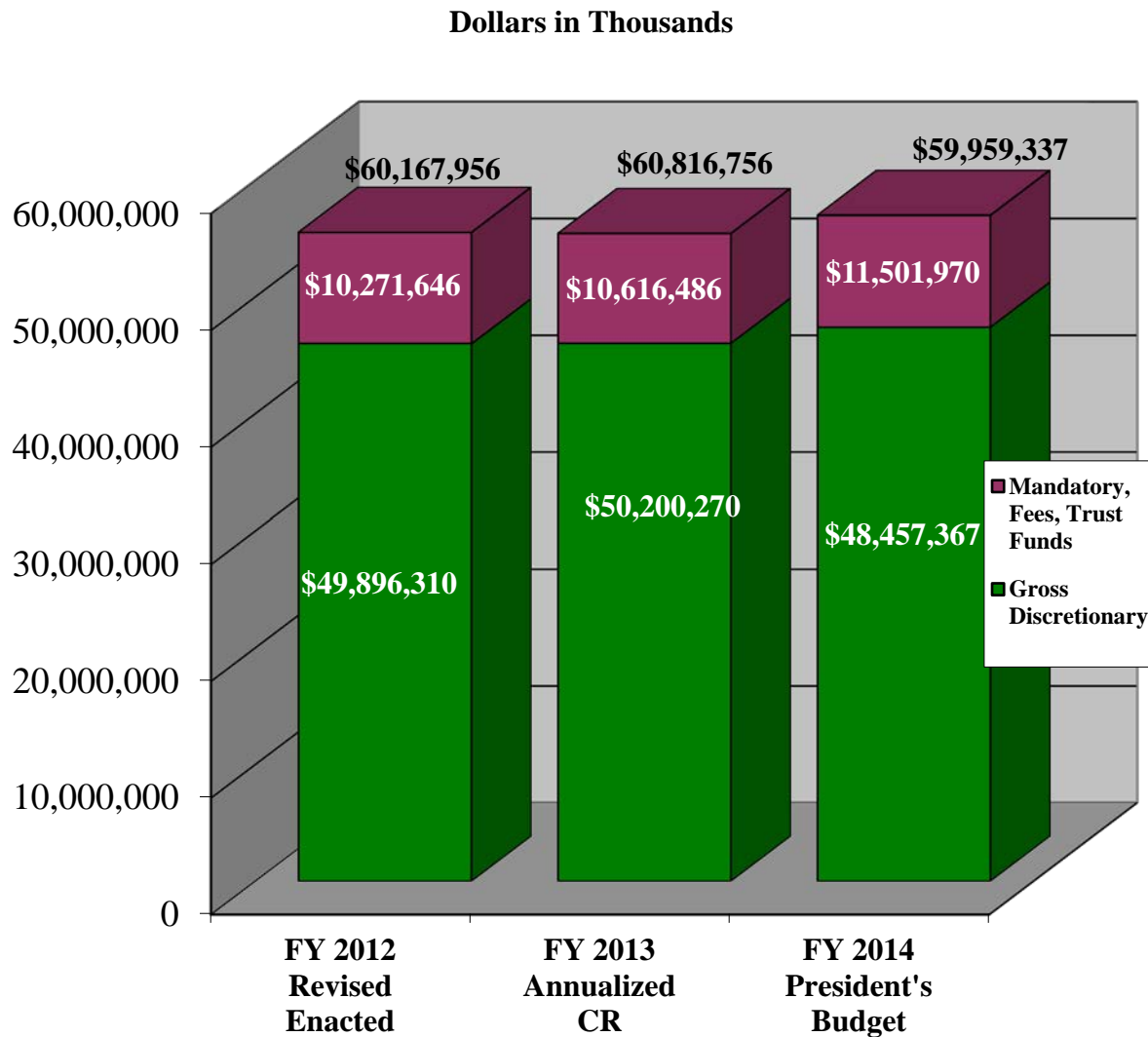
- FY 2012 - Pursuant to P.L. 112-74, reflects FY 2012 rescissions of prior year unobligated balances of -\$196.468 million.
- Excludes rescissions from Working Capital Fund \$5.201 million and CT Fund \$0.96 million.
- FY 2013 - Reflects rescissions of prior year unobligated balances of -\$131.412 million.

"

"5/ In order to obtain comparable figures, Net Discretionary, Gross Discretionary, and Total Budget Authority excludes:

- FY 2013 supplemental funding pursuant to P.L. 113-2 (Disaster Relief Appropriations Act 2013): CBP (\$1.667 million), ICE (\$0.855 million), USCG (\$274.233 million), USSS (\$0.300 million), FEMA (\$11.787 billion), S&T (\$3.249 million), DNDO (\$3.869 million).
- Excludes FEMA NFIF (\$9.7 billion) increase in borrowing authority provided in P.L. 113-1.

## TOTAL BUDGET AUTHORITY

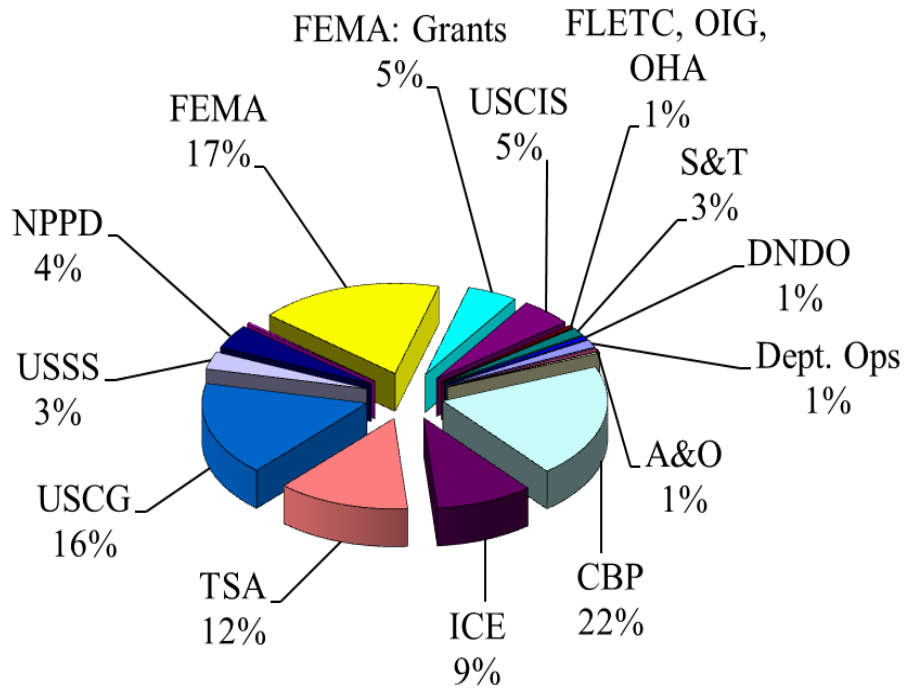


- FY 2014 Gross Discretionary funding decreases by \$1.4 billion, or 2.8 percent, over FY 2012
- FY 2014 estimated mandatory fees and trusts budget authority increased by \$1.2 billion, or 11.9 percent over FY 2012.
- FY 2014 Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment is: \$54,332,951.
- FY 2014 Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$42,830,981.
- FY 2014 Net Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$39,045,960.
- FY 2013 Supplemental funding of \$12.0 billion is excluded.

### **FY 2014 Percent of Total Budget Authority By Organization**

FY 2014 Highlights

\$59,959,337,000

**Notes:**

- Departmental Operations is comprised of the Office of the Secretary & Executive Management, DHS Headquarters Consolidation, the Office of the Undersecretary for Management, the Office of the Chief Financial Officer, and the Office of the Chief Information Officer.

## TOTAL BUDGET AUTHORITY BY ORGANIZATION

Gross Discretionary, Mandatory, Fees, and Trust Funds

## FY 2014 Highlights

	FY 2012 Revised Enacted <sup>1</sup>	FY 2013 Annualized CR <sup>2</sup>	FY 2014 Pres. Budget <sup>3</sup>	FY 2014 +/- FY 2012	FY 14 +/- FY 12
	\$000	\$000	\$000	\$000	%
<b>Departmental Operations <sup>4</sup></b>	\$ 804,136	\$ 802,768	\$ 810,773	\$ 6,637	1%
<b>Analysis and Operations (A&amp;O)</b>	338,068	339,957	309,228	(28,840)	-8%
<b>Office of the Inspector General (OIG)</b>	141,000	141,863	143,309	2,309	2%
<b>U.S. Customs &amp; Border Protection (CBP)</b>	11,781,438	11,863,849	12,900,103	1,118,665	9%
<b>U.S. Immigration &amp; Customs Enforcement (ICE)</b>	5,982,977	5,878,209	5,341,722	(641,255)	-11%
<b>Transportation Security Administration (TSA)</b>	7,855,938	7,910,532	7,398,295	(457,643)	-6%
<b>U.S. Coast Guard (USCG)</b>	10,422,410	10,497,057	9,793,981	(628,429)	-6%
<b>U.S. Secret Service (USSS)</b>	1,914,445	1,920,706	1,801,389	(113,056)	-6%
<b>National Protection and Programs Directorate (NPPD)</b>	2,525,688	2,804,087	2,568,543	42,855	2%
<b>Office of Health Affairs (OHA)</b>	165,049	168,356	131,797	(33,252)	-20%
<b>Federal Emergency Management Agency (FEMA)</b>	11,638,525	11,867,560	11,327,685	(310,840)	-3%
<b>FEMA: Grant Programs</b>	2,285,403	2,308,826	2,123,200	(162,203)	-7%
<b>U.S. Citizenship &amp; Immigration Services (USCIS)</b>	3,078,465	3,077,782	3,219,466	141,001	5%
<b>Federal Law Enforcement Training Center (FLETC)</b>	271,413	272,703	271,429	16	0%
<b>Science &amp; Technology Directorate (S&amp;T)</b>	673,000	671,807	1,527,096	854,096	127%
<b>Domestic Nuclear Detection Office (DNDO)</b>	290,000	290,695	291,320	1,320	0%
<b>TOTAL BUDGET AUTHORITY:</b>	\$ 60,167,956	\$ 60,816,756	\$ 59,959,337	\$ (208,619)	-0.34%
<b>Less: Mandatory, Fee, and Trust Funds</b>	10,271,646	\$ 10,616,486	\$ 11,501,970	\$ 1,230,324	11.59%
<b>Less: Discretionary Offsetting Fees</b>	3,515,166	3,639,720	3,785,021	269,855	7%
<b>NET DISC. BUDGET AUTHORITY:</b>	\$ 46,381,144	\$ 46,560,550	\$ 44,672,346	\$ (1,708,798)	-
<b>Less Rescission of Prior-Year Carryover - Regular Appropriations: <sup>5</sup></b>	(196,468)	(131,412)	-	-	-
<b>ADJUSTED NET DISC. BUDGET AUTHORITY:</b>	\$ 46,184,675	\$ 46,429,138	\$ 44,672,346	\$ (1,512,329)	-3%
<b>Supplemental: <sup>6</sup></b>	-	\$ 12,071,908	-	-	-

<sup>1</sup>/ FY 2012 Revised Enacted:

- Reflects a transfer of \$24 million from FEMA to OIG pursuant to P.L. 112-74.
- Excludes USCG Overseas Contingency Operations funding of \$258.0 million P.L. 112-74.
- Includes \$63.5 million transfer to USCG - AC&I from DoD pursuant to P.L. 112-74.
- Includes FEMA Disaster Relief base funds of \$700 million and an additional \$6.4 billion enacted separately for major disasters pursuant to the Budget Control Act.

<sup>2</sup>/ FY 2013 Annualized CR:

- FY 2013 Annualized CR reflects FY 2012 Enacted pursuant to P.L. 112-74 less rescission of prior year unobligated balances plus 0.612% increase.
- Reflects a transfer of \$24 million from FEMA to OIG pursuant to P.L. 112-74.
- Excludes USCG Overseas Contingency Operations funding of \$258.0 million P.L. 112-74.
- Excludes \$63.5 million transfer to USCG - AC&I from DoD pursuant to P.L. 112-74.
- Includes FEMA Disaster Relief base funds of \$700 million and an additional \$6.4 billion enacted separately for major disasters pursuant to the Budget Control Act. "

<sup>3</sup>/ FY 2014 President's Budget:

- Reflects a proposed transfer of \$24 million from FEMA to OIG.
- Includes FEMA Disaster Relief base funds of \$570 million (\$570.522) and an additional \$5.6 billion (\$5,626.386) for major disasters pursuant to the Budget Control Act.
- Total Budget Authority Request excluding DRF Major Disasters Cap Adjustment is: \$54,332,951
- Gross Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$42,830,981.
- Net Discretionary Request excluding DRF Major Disasters Cap Adjustment is: \$39,045,960.

<sup>4</sup>/ Departmental Operations is comprised of the Office of the Secretary & Executive Management, DHS Headquarters Consolidation, the Office of the Undersecretary for Management, the Office of the Chief Financial Officer, and the Office of the Chief Information Officer. and the National Special Security Events Fund (NSSE)."

<sup>5</sup>/ Rescissions of Prior Year Unobligated Balances:

- FY 2012 - Pursuant to P.L. 112-74, reflects FY 2012 rescissions of prior year unobligated balances of -\$196.468 million. Excludes rescission from Working Capital Fund \$5.201 million and CT Fund \$0.96 million.
- FY 2013 - Reflects rescissions of prior year unobligated balances of -\$131.412 million.

<sup>6</sup>/ In order to obtain comparable figures, Net Discretionary, Gross Discretionary, and Total Budget Authority excludes:

- FY 2013 supplemental funding pursuant to P.L. 113-2 (Disaster Relief Appropriations Act 2013): CBP (\$1.667 million), ICE (\$0.855 million), USCG (\$274.233 million), USSS (\$0.300 million), FEMA (\$11.787 billion), S&T (\$3.249 million), DNDO (\$3.869 million).
- Excludes FEMA NFIF (\$9.7 billion) increase in borrowing authority provided in P.L. 113-1.

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## INTRODUCTION

1. Plaintiffs are three immigration attorneys and eleven noncitizens who filed Freedom of Information Act (“FOIA”) requests with Defendant UNITED STATES CUSTOMS AND BORDER PROTECTION (“CBP”), an agency within the Department of Homeland Security (“DHS”). Each of the Plaintiffs have waited for more than twenty days for their FOIA request(s) to be processed by CBP, and most have waited for over a year. Plaintiffs seek information that is critical to determining their eligibility or—in the case of the attorney Plaintiffs—their clients’ eligibility for lawful permanent residence or other immigration relief. Plaintiffs’ efforts to determine eligibility or file immigration applications are stymied for as long as their FOIA requests continue to linger—unprocessed—at CBP.

2. Despite FOIA’s mandate that an agency issue a response within 20 business days of a FOIA request, CBP routinely fails to respond to FOIA requests within the statutory period. Plaintiffs seek to represent a national class of individuals who have filed FOIA requests with CBP, but have not received a response from CBP within 20 business days, the period mandated by FOIA. 5 U.S.C. § 552(a)(6)(A)(I).

3. CBP’s FOIA backlog has grown exponentially. At the close of fiscal year (“FY”) 2013, CBP had close to 38,000 FOIA requests that had been pending for more than 20 business days.<sup>1</sup> The FY 2013 backlog was more than nine times greater than it

---

<sup>1</sup> See Declaration of Stacy Tolchin in Support of Complaint for Declaratory and Injunctive Relief Under the Freedom of Information Act (“Tolchin Dec.”) at Exh. A, Department of Homeland Security, Privacy Office, 2013 Freedom of Information Act Report to the Attorney General of the United States (“DHS FOIA Annual Report 2013”) at 18. DHS has not yet published its FY 2014 FOIA Annual Report; FY 2013 statistics are the most recent figures available.



1 had been just two years earlier, at the close of FY 2011.<sup>2</sup>

2 4. CBP contributed to this ever-growing backlog by processing fewer cases  
3 each year between FY 2011 and 2013.<sup>3</sup>

4 5. CBP has significantly more funding than its two counterparts within  
5 DHS—United States Citizenship and Immigration Services (“USCIS”) and Immigration  
6 and Customs Enforcement (“ICE”).<sup>4</sup> Despite this, its FOIA backlog is significantly  
7 greater than either agency.<sup>5</sup> In fact, although CBP received only 41,381 FOIA requests in  
8 FY 2013, in comparison with 132,797 requests received by USCIS, CBP’s backlog grew  
9 during that year while USCIS reduced its backlog.<sup>6</sup>

10  
11 6. Plaintiffs and the Proposed Class suffer harm due to CBP’s failure to  
12 respond to their requests because—without the information that they requested through  
13 FOIA—they are unable to ascertain the legal significance of their or their clients’ past  
14 interactions with border officials. CBP’s delay also prevents Plaintiffs and the Proposed  
15 Class from moving forward with applications for which they or their clients may be  
16 eligible, and causes unnecessary emotional hardship for those left in legal limbo while  
17 they wait to obtain the records that hold the key to assessing their immigration options in  
18

19  
20 <sup>2</sup> *Id.* at 18; Tolchin Dec. at Exh. C, Department of Homeland Security, Privacy Office, 2011  
21 Freedom of Information Act Report to the Attorney General of the United States (“DHS FOIA  
Annual Report 2011”) at 19.

22 <sup>3</sup> Tolchin Dec. at Exh. A, DHS FOIA Annual Report 2013 at 3; Tolchin Dec. at Exh. C, DHS  
23 FOIA Annual Report 2011 at 3; Tolchin Dec. at Exh. B, Department of Homeland Security,  
Privacy Office, 2012 Freedom of Information Act Report to the Attorney General of the United  
States (“DHS FOIA Annual Report 2012”) at 3.

24 <sup>4</sup> For at least the last three fiscal years, CBP’s budget was almost double that of ICE and almost  
25 three times as much as USCIS. CBP received between 11 and 12.5 million dollars each of these  
26 years, while ICE received less than 6 million, and USCIS less than 3.5 million. *See* Tolchin Dec.  
at Exh. E, “DHS Budget in Brief, Fiscal Year 2014” at 6; Tolchin Dec. at Exh. D, “DHS Budget  
in Brief, Fiscal Year 2015” at 7.

27 <sup>5</sup> Tolchin Dec. at Exh. A, DHS FOIA Annual Report 2013 at 16.

28 <sup>6</sup> *Id.* at 3, 16.

1 the United States.

2 7. Due to this backlog and the ensuing harm it causes, Plaintiffs seek class  
3 certification, declaratory, and injunctive relief ordering CBP to respond to FOIA requests  
4 which have been pending for more than 20 business days, and ordering CBP to timely  
5 process future requests as required by FOIA. 5 U.S.C. §§ 552(a)(6); 552(a)(3).  
6

### 7 **JURISDICTION AND VENUE**

8 8. This Court has jurisdiction under 5 U.S.C. § 552 *et seq.* (FOIA statute), 28  
9 U.S.C. § 1331 (federal question), and 28 U.S.C. § 2201 (declaratory judgment).

10 9. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e)(1)  
11 because this is a civil action in which Defendant is a national agency; because Plaintiffs  
12 Isidro de Jesus Rodriguez Sanchez, Nelida Ornelas Renteria, and Santos Miguel Flores  
13 Aguilar reside in this judicial district; and there is no real property involved in this action.  
14

15 10. Plaintiffs have exhausted any and all administrative remedies in  
16 connection with their FOIA requests, as detailed below.

### 17 **PARTIES**

18 11. Plaintiff Meredith R. BROWN is an immigration attorney in Glendale,  
19 California. She currently has numerous FOIA requests filed with CBP on behalf of her  
20 clients that have been pending for over 20 business days.  
21

22 12. Plaintiff Kelly RYAN is an immigration attorney in Denver, Colorado.  
23 She currently has numerous FOIA requests filed with CBP on behalf of her clients that  
24 have been pending for over 20 business days.

25 13. Plaintiff Jeri FLYNN is an immigration attorney in Baton Rouge,  
26 Louisiana. She currently has numerous FOIA requests filed with CBP on behalf of her  
27 clients that have been pending for over 20 business days.  
28

1           14.     Plaintiff Isidro de Jesus RODRIGUEZ SANCHEZ resides in Hayward,  
2 California. He currently has a FOIA request filed with CBP that has been pending for  
3 over 20 business days.

4           15.     Plaintiff Nelida Ornelas RENTERIA resides in Oakland, California. She  
5 currently has a FOIA request filed with CBP that has been pending for over 20 business  
6 days.  
7

8           16.     Plaintiff Santos Miguel FLORES AGUILAR resides in San Jose,  
9 California. He currently has a FOIA request filed with CBP that has been pending for  
10 over 20 business days.

11           17.     Plaintiff Emma QUEZADA resides in Murietta, California. She currently has a  
12 FOIA request filed with CBP that has been pending for over 20 business days.  
13

14           18.     Plaintiff Manuel Cruz RENDON resides in Los Angeles, California. He  
15 currently has a FOIA request filed with CBP that has been pending for over 20 business  
16 days.

17           19.     Plaintiff Orlanda URBINA resides in North Hollywood, California. She  
18 currently has a FOIA request filed with CBP that has been pending for over 20 business  
19 days.  
20

21           20.     Plaintiff Juan de DOIS CRUZ ROJAS resides in Picabo, Idaho. He  
22 currently has a FOIA request filed with CBP that has been pending for over 20 business  
23 days.

24           21.     Plaintiff Maria de Jesus CALDERON RUIZ resides in Alpaugh,  
25 California. She currently has a FOIA request filed with CBP that has been pending for  
26 over 20 business days.

27           22.     Plaintiff Cristina Lucero ROMERO resides in Carthage, North Carolina.  
28

1 She currently has a FOIA request filed with CBP that has been pending for over 20  
2 business days.

3 23. Plaintiff Noe ZARAGOZA-QUIROZ resides in Nashville, Tennessee. He  
4 currently has a FOIA request filed with CBP that has been pending for over 20 business  
5 days.

6 24. Plaintiff Maico MONTOYA-ARELLANO resides in Nashville,  
7 Tennessee. He currently has a FOIA request filed with CBP that has been pending for  
8 over 20 business days.

9 25. Defendant UNITED STATES CUSTOMS AND BORDER  
10 PROTECTION (“CBP”) is a component agency of DHS and is an agency within the  
11 meaning of 5 U.S.C. § 552(f)(1). Among other duties, CBP is responsible for enforcing  
12 immigration laws at the borders and other ports of entry to the United States. CBP  
13 inspects all individuals seeking entry to the United States, including U.S. citizens, lawful  
14 permanent residents, nonimmigrants, and asylum seekers. CBP has authority to admit or  
15 exclude individuals, issue “expedited removal” orders, parole noncitizens into the United  
16 States, and permit them to withdraw applications for admission. CBP has in its  
17 possession, custody, and control the records Plaintiffs seek.

18  
19  
20  
21 **FACTUAL ALLEGATIONS**

22 **CBP’s Processing Times and Backlog**

23 26. The statutory time period for a FOIA response is 20 business days. 5  
24 U.S.C. § 552(a)(6)(A)(i).

25 27. At the close of fiscal year (“FY”) 2013, there were close to 38,000  
26 requests pending at CBP. CBP’s average FOIA processing times and its backlog have  
27  
28

1 been growing substantially for at least the past three years.

2 28. DHS defines “backlog” as the “number of requests or administrative  
3 appeals pending at an agency at the end of the fiscal year that are beyond the statutory  
4 time period for a response.”<sup>7</sup>

5 29. DHS reported that CBP received 32,107 FOIA requests in FY 2011,  
6 33,243 FOIA requests in FY 2012, and 41,381 FOIA requests in FY 2013.<sup>8</sup>

7 30. DHS reported that CBP had a backlog of 4,365 requests at the close of FY  
8 2011.<sup>9</sup> In FY 2012, this number increased to 10,648 pending requests.<sup>10</sup> By the end of  
9 FY 2013, the backlog grew exponentially to 37,848 pending FOIA requests.<sup>11</sup> *Over the*  
10 *course of these three fiscal years, the backlog grew by a total of 23,213 requests;*  
11 *consequently, in FY 2013, the backlog was over nine times larger than it was in 2011.*

12 31. The increase in the number of FOIA requests filed in FY 2011 through  
13 FY 2013 is much less than the increase in backlogged requests during this same period.  
14 Indeed, DHS reported a dramatic *decrease* in the number of requests that CBP processed  
15 each year: from 27,818 requests processed in FY 2011 down to only 14,635 requests  
16 processed in FY 2013.<sup>12</sup>

17 32. Upon information and belief, CBP is not practicing a “first come-first  
18 served” policy in responding to FOIA requests, and instead is processing newer requests  
19 in a more expeditious manner than those already present in the backlog. For instance, the  
20  
21  
22

23  
24 <sup>7</sup> Tolchin Dec. at Exh. A, DHS FOIA Annual Report 2013 at vii.

25 <sup>8</sup> Tolchin Dec. at Exh. A, DHS FOIA Annual Report 2013 at 3; Tolchin Dec. at Exh. B, DHS  
FOIA Annual Report 2012 at 3; Tolchin Dec. at Exh. C, DHS FOIA Annual Report 2011 at 3.

26 <sup>9</sup> Tolchin Dec. at Exh. C, DHS FOIA Annual Report 2011 at 16.

27 <sup>10</sup> Tolchin Dec. at Exh. B, DHS FOIA Annual Report 2012 at 16.

28 <sup>11</sup> Tolchin Dec. at Exh. A, DHS FOIA Annual Report 2013 at 16.

<sup>12</sup> Tolchin Dec. at Exh. A, DHS FOIA Annual Report 2013 at 3; Tolchin Dec. at Exh. B, DHS  
FOIA Annual Report 2012 at 3; Tolchin Dec. at Exh. C, DHS FOIA Annual Report 2011 at 3.

1 2013 DHS Annual FOIA Report shows that CBP processed 1,730 new FOIA requests  
 2 within the 20 day statutory period, while its backlog grew exponentially.<sup>13</sup>

3 33. The statistics demonstrate that CBP is not prioritizing reducing its backlog  
 4 of pending FOIA requests.

5 34. Any effort that CBP has made to clear this backlog has been wholly  
 6 inadequate and ineffectual.

7 35. CBP's backlog is ten times larger than the backlog for USCIS, the agency  
 8 responsible for adjudicating immigration applications and for processing FOIA requests  
 9 seeking copies of an individual's "alien registration file" (commonly referred to as the "A  
 10 file"). Although USCIS received almost three times the number of FOIA requests as CBP  
 11 in FY 2013—132,797 requests in comparison to CBP's 41,381—it was able to reduce its  
 12 backlog of pending cases by more than two-thirds.<sup>14</sup> As a result, DHS reported a backlog  
 13 of just 3,394 cases for USCIS at the close of FY 2013, compared to the 37,848 cases for  
 14 CBP.<sup>15</sup>

15 36. CBP's backlog is nine times greater than the backlog for ICE, the agency  
 16 responsible for prosecuting immigration cases and enforcing immigration laws, even  
 17 though CBP received only roughly 20 percent more FOIA requests in 2013 (CBP  
 18 received 41,381 requests compared to ICE's 34,161).<sup>16</sup>

19 37. No exceptional circumstances exist warranting a delay in processing CBP  
 20 FOIA requests. An agency's failure to keep up with the pace of FOIA requests is not an  
 21 "exceptional circumstance." Indeed, USCIS received a much greater increase in the  
 22

23  
 24  
 25  
 26 <sup>13</sup> Tolchin Dec. at Exh. A, DHS FOIA Annual Report 2013 at 11.

27 <sup>14</sup> Id. at 3, 18.

28 <sup>15</sup> Id. at 16.

<sup>16</sup> Id. at 18.

1 number of requests in 2013 but was still able to reduce its backlog. 5 U.S.C. §  
 2 552(a)(6)(C)(i).

3 38. CBP has failed to timely respond to Plaintiffs' FOIA requests in the 20  
 4 business days required by statute, and has a pattern and practice of failing to do so with  
 5 respect to the majority of FOIA requests it receives. CBP has not demonstrated due  
 6 diligence in responding to Plaintiffs' FOIA requests or in clearing out the backlog of  
 7 overdue FOIA requests.  
 8

9 39. Moreover, CBP has more funding than any of the fourteen agencies within  
 10 DHS, including USCIS, ICE, FEMA, the U.S. Coast Guard, and the U.S. Secret  
 11 Service.<sup>17</sup> Further, in the last two fiscal years, CBP received the second largest increase  
 12 in funding of the 14 other agencies within DHS.<sup>18</sup>  
 13

14  
 15 **Harm to Plaintiffs and Proposed Class Members**

16 40. CBP records often are critical evidence in immigration cases. A  
 17 noncitizen's past interactions with CBP may affect his or her ability to qualify for lawful  
 18 permanent resident status. For example, to adjust to lawful permanent resident status, a  
 19 noncitizen must document that he or she was "inspected and admitted or paroled" into the  
 20 United States. 8 U.S.C. § 1255(a). At all U.S. ports of entry, CBP is the agency  
 21 responsible for determining who is to be admitted or paroled into the United States. CBP  
 22 maintains records of many of the admission and parole decisions it makes with respect to  
 23 noncitizens. In many adjustment of status cases, these records are the only evidence that  
 24 the applicant can produce to demonstrate that he or she was admitted or paroled and  
 25

26  
 27 <sup>17</sup> Tolchin Dec. at Exh. D, DHS Budget in Brief, Fiscal Year 2015 at 7.

28 <sup>18</sup> Tolchin Dec. at Exh. E, DHS Budget in Brief, Fiscal Year 2014 at 6; Tolchin Dec. at Exh. D, DHS Budget in Brief, Fiscal Year 2015 at 7.

1 therefore eligible for lawful permanent resident status.

2 41. Additionally, pursuant to 8 U.S.C. § 1225(b), CBP issues “expedited  
3 removal orders” against some individuals apprehended at the border who attempted entry  
4 without proper documentation. Other individuals are permitted to withdraw their  
5 applications for admission and depart the United States without having an expedited  
6 removal order entered against them. 8 U.S.C. § 1225(a)(4). Many individuals who are  
7 turned away at the border are uncertain if they were issued expedited removal orders or  
8 simply permitted to withdraw their applications for admission.  
9

10 42. For those individuals who are issued expedited removal orders, they are, at  
11 a minimum, inadmissible to the United States for a five-year period and, consequently,  
12 ineligible for an immigrant or nonimmigrant visa and ineligible to adjust status during this  
13 period. In addition, if CBP documentation shows that the expedited removal order was  
14 issued based on an allegedly false claim to U.S. citizenship, the person may be found to be  
15 permanently inadmissible. See 8 U.S.C. § 1182(a)(6)(C)(ii). Moreover, even if the five-  
16 year period has elapsed, the existence of the prior expedited removal order may affect  
17 future visa and adjustment applications that have a discretionary component.  
18

19 43. Individuals who have returned to the United States after prior interactions  
20 with CBP, and their attorneys, are harmed by CBP’s failure to timely process their FOIA  
21 requests. To understand their situations, assess their options, and make life decisions,  
22 these individuals, as well as lawyers advising them, need to know if CBP previously  
23 admitted or paroled them into the United States or issued an expedited removal order. If  
24 the FOIA production reveals that CBP issued an expedited removal order, these  
25 individuals potentially face additional grounds of inadmissibility, some of which may  
26 require an additional waiver application. Other individuals who have returned to the  
27  
28



1 United States may potentially face criminal prosecution, see 8 U.S.C. §§ 1325 and 1326,  
2 and a similar summary removal process known as reinstatement of removal, see 8 U.S.C.  
3 § 1231(a)(5).

4 **Plaintiffs' FOIA Requests**

5 44. Plaintiff Brown is an immigration attorney in Glendale, California who  
6 represents clients before component agencies of DHS and the Executive Office for  
7 Immigration Review (EOIR), which consists of the immigration courts and the Board of  
8 Immigration Appeals. She has been practicing immigration law for approximately 17  
9 years.  
10

11 45. Plaintiff Brown regularly files FOIA requests on behalf of and at the  
12 request of her clients, who seek information maintained by DHS agencies, including CBP.  
13 Plaintiff Brown requires the information requested from CBP in order to adequately  
14 advise and represent her clients, including in defending against removal from the United  
15 States and applying for affirmative immigration benefits, such as applications for lawful  
16 permanent resident status. The requested information may affect her clients' eligibility for  
17 different forms of immigration benefits; it is therefore essential that she obtain the  
18 information from CBP before filing for any immigration benefits.  
19

20 46. Plaintiff Brown currently has approximately 32 CBP FOIA requests that  
21 have been pending for more than 14 months.  
22

23 47. Plaintiff Ryan is an immigration attorney in Denver, Colorado who  
24 represents clients before component agencies of DHS and EOIR. She has been practicing  
25 immigration law for approximately seven years.

26 48. Plaintiff Ryan regularly files FOIA requests on behalf of and at the request  
27 of her clients, who seek information maintained by DHS agencies, including CBP.  
28

1 Plaintiff Ryan requires the information requested from CBP in order to adequately advise  
2 and represent her clients, including in defending against removal from the United States  
3 and applying for affirmative immigration benefits, such as applications for lawful  
4 permanent resident status. The requested information may affect her clients' eligibility for  
5 different forms of immigration benefits; it is therefore essential that she obtain the  
6 information from CBP before filing for any immigration benefits.  
7

8 49. Plaintiff Ryan currently has approximately 25 CBP FOIA requests that  
9 have been pending for more than 20 business days, including at least nine requests that  
10 have been pending for more than a year.

11 50. Plaintiff Jeri Flynn is an immigration attorney in Baton Rouge, Louisiana  
12 who represents clients before component agencies of DHS and EOIR. She has been  
13 practicing law for approximately 36 years.  
14

15 51. Plaintiff Flynn regularly files FOIA requests on behalf of and at the request of her  
16 clients, who seek information maintained by DHS agencies, including CBP. Plaintiff Flynn  
17 requires the information requested from CBP in order to adequately advise and represent her  
18 clients, including in defending against removal from the United States and applying for affirmative  
19 immigration benefits, such as applications for lawful permanent resident status. The requested  
20 information may affect her clients' eligibility for different forms of immigration benefits; it is  
21 therefore essential that she obtain the information from CBP before filing for any immigration  
22 benefits.  
23

24 52. Plaintiff Flynn currently has approximately seven CBP FOIA requests that  
25 have been pending for more than 20 business days, including 7 that have been pending for  
26 over a year.

27 53. Plaintiff Isidro de Jesus Rodriguez Sanchez, through his attorney, filed a  
28

1 FOIA request with CBP on June 17, 2013, seeking information about a possible past  
2 expedited removal order issued by CBP at the United States border. CBP issued a receipt  
3 for his FOIA request, number CBP-2013-019829. Although Plaintiff Rodriguez  
4 Sanchez's FOIA has been pending with CBP for 20 months, he has not received the  
5 requested information.  
6

7 54. Plaintiff Rodriguez Sanchez has been in the United States for 14 years and  
8 has three United States citizen children. His attorney requires a response to his pending  
9 FOIA request to determine if he is eligible for lawful permanent resident status.

10 55. Plaintiff Nelida Ornelas Renteria, through her attorney, filed a FOIA  
11 request with CBP on April 1, 2013, seeking information about a past encounter with CBP,  
12 and whether it disqualifies her from applying for lawful permanent resident status. CBP  
13 issued a receipt for her FOIA request, number CBP-2013-011307. Although Plaintiff  
14 Ornelas Renteria's FOIA has been pending with CBP for 23 months, she has not received  
15 the requested information.  
16

17 56. Plaintiff Ornelas Renteria has been in the United States since 2003 and is  
18 married to a United States citizen. Her attorney requires the information sought in the  
19 FOIA request filed with CBP in order to determine her eligibility for lawful permanent  
20 resident status.  
21

22 57. Plaintiff Santos Miguel Flores Aguilar, through his attorney, filed a FOIA  
23 request with CBP on April 10, 2013, inquiring about a past encounter with border patrol,  
24 in order to determine whether any such encounter would disqualify him from applying for  
25 lawful permanent resident status. CBP issued a receipt for his FOIA request, number CBP-  
26 2013-014823. Although Plaintiff Flores Aguilar's FOIA has been pending with CBP for  
27 almost 23 months, he has not yet received the requested information.  
28

1           58. Plaintiff Flores Aguilar has resided in the United States since 2006, is  
2 married to a United States citizen, and has one United States citizen child. The requested  
3 information will enable his attorney to determine whether his wife can petition for a visa  
4 on his behalf, and whether he can then apply for lawful permanent residence.

5           59. Plaintiff Emma Quezada, through her attorney, filed a FOIA request with  
6 CBP on May 1, 2013, seeking information from CBP records about entries into and exits  
7 from the United States that she made at the United States/Mexico border. CBP issued a  
8 temporary receipt for her FOIA request, Number 4071. Although Plaintiff Quezada's  
9 FOIA has been pending with CBP for 22 months, she has not received the requested  
10 information.  
11

12           60. Plaintiff Quezada has applied to USCIS to adjust her status to lawful  
13 permanent resident. In order for USCIS to approve her application, she must provide  
14 evidence of her admission into the United States by CBP in 2005. Her FOIA request  
15 seeks information from CBP records documenting this admission. A USCIS officer  
16 specifically requested such documentation at her January 26, 2015 interview on her  
17 adjustment application. Plaintiff Quezada will not be able to continue with her adjustment  
18 application without this documentation. Plaintiff Quezada has three United States citizen  
19 children and owns a home in the United States.  
20

21           61. Plaintiff Manuel Cruz Rendon, through his attorney, filed a FOIA request  
22 with CBP on March 2, 2013, seeking information from CBP records regarding his  
23 encounters with CBP agents at the United States/Mexico border. CBP issued a receipt for  
24 his FOIA request, number CBP-2014-015797. Although Plaintiff Cruz Rendon's FOIA  
25 has been pending with CBP for 24 months, he has not received the requested information.  
26

27           62. Plaintiff Cruz Rendon wishes to apply to adjust his status to lawful  
28

1 permanent resident. His wife is prepared to submit a visa petition on his behalf, a  
2 necessary prerequisite to his filing an adjustment of status application with USCIS.  
3 Plaintiff Cruz Rendon seeks the requested information to determine if he will be eligible  
4 to adjust his status.

5  
6 63. Plaintiff Orlanda Urbina, through her attorney, filed a FOIA request with  
7 CBP on October 21, 2013, seeking any information from CBP records regarding  
8 interactions she may have had with CBP officers from 1999 to the present. CBP did not  
9 issue a FOIA receipt. Although Plaintiff Urbina's FOIA has been pending with CBP for  
10 16 months, she has not received the requested information.

11  
12 64. Plaintiff Urbina has a United States citizen daughter, United States citizen  
13 mother, and lawful permanent resident father. The requested information is necessary for  
14 her attorney to assess her eligibility for immigration benefits.

15  
16 65. Plaintiff Juan de Dios Cruz Rojas, through his attorney, filed a FOIA  
17 request with CBP on July 26, 2013, seeking information about any encounters he may  
18 have had with CBP agents. CBP issued a receipt for his FOIA request, number CBP-2013-  
19 024525. Although Plaintiff Cruz Rojas' FOIA has been pending with CBP for 20 months,  
20 he has not received the requested information.

21  
22 66. Plaintiff Cruz Rojas has lived in the United States for 15 years and has  
23 three U.S. citizen children, two U.S. citizen siblings, lawful permanent resident parents  
24 and sibling, and U.S. citizen in-laws. The requested information is necessary for his  
attorney to assess his eligibility for immigration benefits.

25  
26 67. Plaintiff Maria de Jesus Calderon Ruiz, through her attorney, filed a FOIA  
27 request with CBP on June 26, 2013, inquiring as to any records issued by CBP in  
28 approximately 1993 in San Ysidro, California. CBP issued a receipt for this FOIA

1 request, number CBP-2013-021129. Although her FOIA has been pending with CBP for  
2 20 months, she has not yet received the requested information.

3 68. Plaintiff Calderon Ruiz has resided in the United States since  
4 approximately 1993 and is married to a United States citizen. She has three United States  
5 citizen children. Her attorney seeks a response to the FOIA request to determine whether  
6 Plaintiff's Calderon Ruiz's husband may file a visa petition on her behalf and whether she  
7 can apply for lawful permanent residence.  
8

9 69. Plaintiff Cristina Lucero Romero, through her attorney, filed a FOIA  
10 request with CBP on August 7, 2014, inquiring as to any CBP records evidencing an order  
11 of expedited removal. CBP issued a receipt for the FOIA, number CBP-2014-041050.  
12 Although her FOIA has been pending for 7 months, she has not yet received the requested  
13 records.  
14

15 70. Plaintiff Lucero Romero is married to a United States citizen and has two  
16 United States citizen children. One of her children is currently hospitalized due to  
17 anorexia nervosa. Her attorney requires the requested information in order to counsel  
18 Plaintiff Lucero Romero's husband about filing a visa petition on her behalf, and to  
19 counsel her about filing an application for lawful permanent residence.  
20

21 71. Plaintiff Noe Zaragoza-Quiroz, through his attorney, filed a FOIA request  
22 with CBP on February 26, 2014, requesting records regarding his exact date of entry into  
23 the United States so that he could apply for lawful permanent residence. CBP issued a  
24 receipt for the FOIA, number CBP-2014-015234. His FOIA request has been pending for  
25 one year and he has not received a response.

26 72. Plaintiff Zaragoza-Quiroz is married to a United States citizen and has two  
27 United States citizen children from a prior marriage, of whom he has sole custody. His  
28

1 United States citizen wife is suffering from a significant back injury, and he cares for her  
 2 as well. Information from Plaintiff Noe Zaragoza-Quiroz's CBP FOIA request is vital to  
 3 determining his eligibility for permanent resident status; if he returned to the United States  
 4 prior to April 1, 1998, he is eligible for residency.

5 73. Plaintiff Maico Montoya-Arellano Maico, through his attorney, filed a  
 6 FOIA request with CBP on March 21, 2014, requesting records regarding his date of entry  
 7 into the United States so that he can become a lawful permanent resident. CBP issued a  
 8 receipt for the FOIA, number CBP-2014-018093. His FOIA request has been pending for  
 9 almost one year, and he has not received a response.  
 10

11 74. Plaintiff Montoya-Arellano Maico is married to a United States citizen and  
 12 has two U.S. citizen children from this marriage. He has worked as a contractor for the  
 13 same company for many years. He cannot move forward on his application for lawful  
 14 permanent resident status until the response to the FOIA is received.  
 15

### 16 **CLASS ACTION ALLEGATIONS**

17 75. Pursuant to Federal Rules of Civil Procedure 23(a) and (b), Plaintiffs bring  
 18 this action on behalf of themselves and all other similarly situated individuals. Plaintiffs  
 19 seek injunctive relief that applies generally to the Proposed Class, as described below.  
 20

21 76. The Proposed Class consists of:

22 All individuals who have filed FOIA requests with CBP which have been pending  
 23 for more than 20 business days and all individuals who will file FOIA requests  
 24 with CBP.

25 77. The Proposed Class is so numerous that joinder of all members is  
 26 impracticable. The number of individuals who filed FOIA requests with CBP is not  
 27 known with precision by Plaintiffs, but is easily ascertainable by Defendant. DHS' 2013  
 28

1 FOIA Annual Report indicates that there were 37,848 pending requests in the CBP  
2 backlog. Of that group, it is unknown how many requests are still pending. Hence,  
3 Plaintiffs estimate that the number of requests pending for more than 20 business days is  
4 in the thousands.

5  
6 78. Common questions of law and fact bind the members of the Proposed  
7 Class. These include, but are not limited to: whether CBP's pattern or practice of failing  
8 to timely respond to FOIA requests within the 20-day statutory period violates the FOIA,  
9 5 U.S.C. § 552(a)(6)(A)(i).

10 79. The claims of the named Plaintiffs are typical of the claims of the  
11 Proposed Class as a whole.

12 80. Plaintiffs know of no conflict between their interests and those of the  
13 Proposed Class. The members of the Proposed Class are ascertainable and identifiable  
14 through notice and discovery. In defending their own rights, the individual Plaintiffs will  
15 defend the rights of all class members fairly and adequately.

16  
17 81. Plaintiffs are represented in this case by counsel with deep knowledge of  
18 immigration and FOIA law, and extensive experience litigating class actions and complex  
19 cases. Plaintiffs' attorneys have the requisite level of expertise to adequately prosecute this  
20 case on their behalf and on behalf of the Proposed Class.

21  
22 82. Defendants have failed to act on grounds generally applicable to each  
23 member of the Proposed Class by failing to respond to FOIA requests in a timely fashion.

24 83. A class action is superior to other methods available for the fair and  
25 efficient adjudication of this controversy because joinder of all members of the class is  
26 impracticable.



**CAUSES OF ACTION**

**COUNT ONE**

**(Violation of FOIA)**

**(on behalf of named Plaintiffs and the Proposed Class)**

84. Plaintiffs incorporate the allegations in the paragraphs above as though fully set forth here.

85. Defendant is obligated under 5 U.S.C. § 552(a)(3) to conduct a reasonable search for records responsive to FOIA requests and to issue a determination concerning each request within the time period set forth in 5 U.S.C. § 552(a)(6)—20 working days, to be extended by no more than 10 working days in the event that the agency notifies the requester in writing of the existence of “unusual circumstances.”

86. Defendant has a nationwide pattern and practice of failing to respond to FOIA requests within the statutory time period. No legal basis exists for the Defendant’s nationwide pattern and practice of failing to meet the statutory deadline with respect to the FOIA requests it receives.

87. Exceptional circumstances do not justify CBP’s delay in processing FOIA requests, and CBP has not exercised due diligence in responding to and clearing the backlog of pending FOIA requests.

88. Defendant has failed to respond to FOIA requests of Plaintiffs and Proposed Class members, to make timely determinations concerning these requests, and to disclose responsive records within the statutory time frame, in violation of 5 U.S.C. §§ 552(a)(3) and (a)(6)(A) and the regulations promulgated thereunder.

89. Defendant’s failure to make determinations concerning Plaintiffs’ requests for records within the statutory time period constitutes a constructive denial of Plaintiffs’

1 requests, and Plaintiffs are deemed to have exhausted their administrative remedies. 5  
2 U.S.C. § 552(a)(6)(C)(i).  
3  
4

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs pray that this Court grant the following relief:

- 7 (1) Certify a class pursuant to Federal Rule of Civil Procedure 23 in  
8 accordance with this Complaint's allegations;  
9  
10 (2) Declare that CBP's failure to timely conduct reasonable and timely  
11 searches for records responsive to Plaintiffs' and Proposed Class  
12 members' FOIA requests and its refusal to disclose such records within  
13 the statutory time frame violate the FOIA;  
14  
15 (3) Issue a nationwide injunction requiring Defendant to respond to CBP  
16 FOIA requests that have been pending for more than 20 business days,  
17 within 60 business days of the Court's order or as the Court deems  
18 appropriate;  
19  
20 (4) Order CBP to respond to FOIA requests of Proposed Class members as  
21 mandated by 5 U.S.C. § 552(a)(6)(A)(i);  
22  
23 (5) Award costs and reasonable attorney fees incurred under 5 U.S.C. §  
24 552(a)(4)(E); and  
25  
26 (6) Grant such further relief as the Court deems just and proper.  
27  
28

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