



OFFICE of GOVERNMENT INFORMATION SERVICES

September 10, 2015 — Sent via U.S. Mail

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

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Re: Case No. 201500526
NG: CM: AS

Dear [REDACTED]:

This responds to your March 13, 2015, request for assistance from the Office of Government Information Services (OGIS), which we received on March 18, 2015 by mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request, No. [REDACTED] and appeal, No. [REDACTED], to U.S. Citizenship and Immigration Services (USCIS) seeking information pertaining to your client, [REDACTED]. We apologize for any delay in handling your request for assistance.

As you are aware, Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

We carefully reviewed your submission of information, and contacted USCIS staff to inquire about your request. USCIS initially identified 86 pages that were responsive to your request. Of those documents, 70 pages were released in full, nine pages were released in part, and six pages were withheld in full. USCIS applied FOIA Exemption 6, 5 U.S.C. § 552(b)(6), in its withholdings on these pages. Upon appeal, USCIS released additional information from two pages.

In your submission to OGIS, you dispute USCIS's decision to withhold responsive pages in full. OGIS staff discussed this matter with USCIS, and the agency affirmed its position on the withheld material. The agency did, however, note that you submitted a separate request for records related to one of [REDACTED] relatives. In that response, information related to [REDACTED] was withheld. In this response, records or information related to [REDACTED] relative was withheld pursuant to Exemption 6. As you may know, Exemption 6 protects information from release that would be a "clearly unwarranted invasion of personal privacy." In the case of the records you seek, information



September 10, 2015

Page 2 of 2

about individuals other than your client was withheld pursuant to Exemption 6. Courts have found that individuals have privacy interests in their names, addresses, date of birth, place of birth and employment history, among other information, and that those privacy interests outweigh public interest in release.

You may wish to compare the two files USCIS processed in response to this request and one you submitted on behalf of [REDACTED] relative which should provide you with full information on both individuals. USCIS staff suggests that in future requests, if you represent multiple family members, you may wish to combine the requests and include consent forms for as many family members as possible.

USCIS's December 12, 2014 response to your request informs you that the agency referred potentially responsive documents to U.S. Immigration and Customs Enforcement (ICE) for review and direct response to you. I understand that you have not received a response to this portion of your request. We contact ICE's FOIA office to check on the status of your referral; according to the agency, it sent you a response by email on December 29, 2014. After we contacted ICE FOIA unit, the agency re-sent its response that day, March 26, 2015.

I hope that this additional information about your request is useful to you. Thank you for bringing this matter to OGIS; at this time there is no further action for us to take and we will consider this matter closed.

Sincerely,

/S/

Dr. James V.M.L. Holzer
Director

cc: USCIS FOIA Office, via email
ICE FOIA Office, via email