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Description of document: Records at Citizenship and Immigration Services (USCIS) Describing Processing of Requests for Records on 9/11 Terrorist Mohamed Atta, 2011 Request date: 09-August-2012 Released date: 10-August-2012 Posted date: 22-September-2014 Source of document: U.S. Citizenship and Immigration Services National Records Center, FOIA/PA Office P. O. Box 648010 Lee's Summit, MO 64064-8010 Fax: (802) 288-1793 or (816) 350-5785 Email: uscis.foia@uscis.dhs.gov

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



U.S. Citizenship and Immigration Services

August 10, 2012

COW2012000790

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office August 09, 2012 regarding FOIA request COW2011000435.

We have completed the review of all documents and have identified 17 pages that are responsive to your request. Enclosed are 14 pages released in their entirety, and 3 pages released in part. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(5), (b)(6) and (b)(7)(C) of the FOIA.

The following exemptions are applicable:

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver's license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

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

COW2012000790 Page 2

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.4(a)), USCIS uses a "cut-off" date to delineate the scope of a FOIA request by treating records created after that date as not responsive to that request. Therefore, in determining which records are responsive to your request, we included only records in the possession of this agency as of 8/8/12, the date we began the search for records.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,

Jill A. Eggleston

(b)(7)(c)

Viker, Elliot

From:	
Sent:	Thursday, October 13, 2011 8:34 AM
To:	elliot.viker1@dhs.gov
Cc:	Sobonya, David P.
Subject	: FW: FBI FOIA

Morning Elliot:

Dave Sobonya asked me to contact you regarding the below email chain. The last FOIA request concerning Mohamed Atta was closed with the (b)(7)(A) exemption on April 25, 2011. To date, there have been no records released to the public because this investigation is considered pending.

Thanks,

DOJ/F	BI/FOIA	
	-	

From: Viker, Elliot [mailto:elliot.viker1@dhs.gov] Sent: Wednesday, October 05, 2011 1:41 PM To: Sobonya, David P. Cc: Andoh, Roger D Subject: RE: FBI FOIA

Good afternoon Mr. Sobonya:

I hope that this note finds you in good health, humor, and happiness.

I am following up on a USCIS FOIA request assigned control COW2011000435 regarding Mohamed Mohamed el-Amir Awad el-Sayed Atta. On or about July 27, 2011 USCIS inquired telephonically and through e-mail, see below, whether DOJ/FBI would have records responsive to this query. We are following up on this inquiry as the case is aging.

Thank you for your consideration in this matter.

Should you have any questions or concerns please do not hesitate to contact myself or this office.

Cordially,

Elliot Viker Paralegal Specialist/Detailed FOIA Operations DHS/USCIS/Enterprise Services Directorate/NRC (816) 350 5500 ext. 5207 <u>Elliot.Viker@uscis.dhs.gov</u>

(b)(6)

Si a jure discedas vagus eris, et erunt omnia omnibus incerta.

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From: Viker, Elliot

10/18/2011

Sent: Wednesday, July 27, 2011 12:14 PM To: 'Sobonya, David P.' Cc: Andoh, Roger D Subject: RE: FBI FOIA

Good afternoon Mr. Sobonya:

I hope that this note finds you in good health, humor, and happiness

Per your instructions please find the following documents contained herein as .pdf packet for Atta, Mohamed:

- 1. copy of access request dated May 11, 2011;
- USCIS receipt SRC0027650863, form I-539, for Mohamed Atta which constitutes the only record (s) we are presently able to locate;
- note memorializing communiqué between USCIS and FBI on May 22, 2007 regarding two USCIS FOIA requests under control AOA2001000156 and AOA2001000157;
- 4. list denoting each USCIS FOIA request for record(s) pertaining to Mohamed Atta and;
- 5. USCIS FOIA requests and responses dated November 8, 2001, May 30, 2007, July 10, 2003 and, June 20, 2003 showing a multitude of responses.

Thank you for your prompt response.

Should you have any questions or concerns please do not hesitate to contact myself or this office.

Cordially,

Elliot Viker Paralegal Specialist/Detailed FOIA Operations DHS/USCIS/Enterprise Services Directorate/NRC (816) 350 5500 ext. 5207 Elliot.Viker@uscis.dhs.gov

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From: Sobonya, David P. [mailto:David.Sobonya@ic.fbi.gov] Sent: Wednesday, July 27, 2011 11:47 AM To: elliot.viker@uscis.dhs.gov Subject: FBI FOIA

Dear Mr. Viker's:

Please send me the subject matter and I will conduct some research to determine if there are any responsive records.

Take care,

Dave

David P. Sobonya Public Information Officer/Legal Admin. Specialist Front Office Record/Information Dissemination Section (RIDS) FBI-Records Management Division 170 Marcel Drive, Winchester, VA 22602-4843

10/18/2011

Direct: (540) 868-4286 PIO Number: (540) 868-4593 Fax: (540) 868-4997

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10/18/2011

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Viker, Elliot

From:	Viker, Elliot		
Sent:	Friday, June 10, 2011 10:25 AM		
To:	Luong, Quan K		
Subject:	access request COW2011000435, Mohamed Atta	~	
Attachmen	ts: COW2011000435reg.pdf		

Good morning Quan:

I hope that this note finds you in good health, humor, and happiness.

We received the attached access request for Mohamed Mohamed el-Amir Awad el-Sayed Atta's records. I conducted a search is CIS, 9106, with negative results. I conducted a search in FIPS and found the following cases:

AOA2001000017; AOA2001000028; AOA2001000066; AOA2001000086; AOA2001000098; AOA2001000138; AOA2001000151; AOA2001000156; LBA2001000014; and the new case COW2011000435.

Per FIPS it appears as if the first eight cases were partially disclosed, I have attached one of the final action letters, no records were scanned into FIPS. Three cases were totally denied. Do you have any advise on whom to turn to for these record(s)? And secondly, if and/or when we process these record(s) how would you advise that we comply with the prior disclosure as nothing has been scanned into FIPS, notes on the processing etc., etc..?

Cordially,

Elliot Viker Paralegal Specialist/Detailed FOIA Operations DHS/USCIS/Enterprise Services Directorate/NRC (816) 350 5500 ext. 5207 Elliot.Viker@uscis.dhs.gov

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From: Sent: To: Subject:

I.

Alli, Akin O Thursday, June 02, 2011 10:19 AM Andoh, Roger D Weekly Report: May 27-June 2

(b)(6)

Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 25, 2011, USCIS Director Alejandro Mayorkas announced the launch of a federal initiative to raise awareness about the rights, responsibilities and importance of U.S. citizenship. The Citizenship Public Education and Awareness Initiative will provide new opportunities for immigrants to learn about USCIS' free citizenship education resources available to eligible lawful permanent residents (LPRs) and immigrant-serving organizations. USCIS will employ digital media, a video public service announcement, and print and radio messages in a variety of languages. The initiative will direct individuals to citizenship preparation materials and other training and educational resources available on the USCIS Citizenship Resource Center at www.uscis.gov/citizenship. Messages will run May 30 through September 5, 2011, in the first phase of a planned multiyear effort.
- On May 20, 2011, USCIS discussed the process of registering for Temporary Protected Status under the re-designation as well as the process of re-registering under the extension. The teleconference invitation and meeting agenda are currently available on USCIS' public website.

II. FOIA requests

1. Media Requesters -

- On May 27, 2011, a blogger from Silver Spring, Maryland requested from the United States Citizenship and Immigration Services (USCIS) a copy of Mohamed Atta's change of status request/application from B2 visitor visa to an M visa for foreign student pilots in 2000 or 2001; a copy of these forms relating to Mohamed Atta: I-94 forms, I-130 forms, I-131 forms, I-129 forms, I-539 forms, I-20 forms including any I-20 forms noting transfer of schools, and the State Department application for his B2/B-1 Visa; a copy of any applications Mohamed Atta filed for schools and any and all passports issued to Atta, including a copy of applications for the Conch Republic Passport (COW2011000435).
- On May 27, 2011, Steve Emerson, a journalist from SAE Productions, Inc, in Washington, D.C. requested from the United States Citizenship and Immigration Services (USCIS), records and documents related to any communication, meetings and training sessions conducted or coordinated with the Muslim Public Affairs Council of Western New York (MPAC-WNY) and/or ______(COW2011000453).
- On May 28, 2011, Bede Sheppard, a Senior Researcher from *Human Rights Watch*, in New York City, New York requested from the United States Citizenship and Immigration Services (USCIS) records concerning unaccompanied alien Children for the People's Republic of China who are or were in Immigration removal proceedings at any time for each fiscal year From FY 1999 to FY 2010, or the most recent fiscal year data available. Specifically, Human Rights Watch requests the following record for each fiscal year from 1999 to 2010: 1. Records

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identifying the number of non-immigrants from the People's Republic of China within USCIS's jurisdiction ordered to be voluntarily removed. 2. Records identifying the number of unaccompanied alien Children form the People's Republic of China within USCIS's jurisdiction ordered to be voluntarily removed. 3. Records identifying the number of T-1 nonimmigrant status (T-1 visa) application receive by USCIS and number of T visa granted by USCIS each fiscal year from FY 1999 to present. 4. Records identifying the number of T-1 visa application received by USCIS and number of T-1 visa granted by USCIS each fiscal year, by noncitizens from People's Republic of China, from FY 1999 to present. 5. Records identifying the number of T-1 visa application received and number of T-1 visa granted by USCIS each fiscal year, by unaccompanied alien children from People's Republic of China, from FY 199 to present. 6. Records identifying the number of Special Immigrant Juvenile Status application received by USCIS and number of Special Immigrant Juvenile Status granted by USCIS each fiscal year from FY 1999 to present, and disaggregated by state jurisdiction where local juvenile court established jurisdiction through dependency. 7. Records identifying the number of Special Immigrant Juvenile Status application received by USCIS and number of Special Immigrant Juvenile Status granted by USCIS each fiscal year, by noncitizens from People's Republic of China, from FY 1999 to present, and disaggregated by state jurisdiction where local juvenile court established jurisdiction through dependency (COW2011000451).

2. Individuals -

- On May 31, 2011, **Jeffery A. Conklin**, an individual from Fairfax Station, Virginia requested from the United States Citizenship and Immigration Services (USCIS) information on all SF-86(s) submitted by Ms. Kielsmeier in 2008 or 2009 that is contained in (but not limited to), the SF-86 information blocks(or equivalent);
 - a) SF-86- page 1:
 - Block F- Date of Action
 - Block H- Position Code
 - Block I- Position Title
 - **b)** Page 5 Block 13A (only any description of an <u>Employment Code</u>, <u>Position Title</u> and the dates of this position(s) as an employee of United States Citizenship and Immigration Services (USCIS) or Department of Homeland Security (DHS).)
 - c) Any information describing Ms. Kielsmeier's position, duties, or expected duties contained in documentation submitted with the Security Clearance request by anyone.

3. Organizations -

• N/A

- 4. Multiple Items Requested -
 - N/A

5. Requests for Congressional Correspondence -

 On May 26, 2011, Steven A. Miller, a reporter from *The New York Post*, in New York City, New York requested from the United States Citizenship and Immigration Services (USCIS) copies of all correspondence, including letters and email, sent or received from Jan. 1, 2008 to May 15, 2011 between bureau offices and any of the Following members of Congress: Senator Charles Schumer, Senator Kirsten Gillibrand, Representative Gary Ackerman, Representative Tim Bishop, Representative Yvette Clarke, Representative Joseph Crowley, Representative Eliot Engel, Representative Steve Israel, Representative Pete King,

Representative Nita Lowey, Representative Carolyn Maloney, Representative Carolyn McCarthy, Representative Gregory Meeks, Representative Jerrold Nadler, Representative Charles Rangel, Representative Jose Serrano, Representative Edolphus Towns, Representative Nydia Velzaquez, and Representative Anthony Weiner. (COW2011000430)

III. FOIA Releases

• N/A

IV. Lawsuits N/A

Akin O. Alli, J.D. Paralegal Specialist Significant Interest Group (SIG) Department of Homeland Security/CIS/NRC 816-350-5500 ext 5132 akin.o.alli@uscis.dhs.gov

From: Sent: To: Subject: Andoh, Roger D Wednesday, October 05, 2011 11:47 AM Viker, Elliot RE: Status Update Please COW2011000435.

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Roger Andoh CIPP/G Supervisor FOIA Operations Significant Interest Group (SIG) USCIS/NRC 816-350-5563 roger.andoh@uscis.dhs.gov

From: Sent: To: Subject: Andoh, Roger D Wednesday, October 05, 2011 11:47 AM Viker, Elliot RE: Status Update Please COW2011000435.

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Roger Andoh CIPP/G Supervisor FOIA Operations Significant Interest Group (SIG) USCIS/NRC 816-350-5563 roger.andoh@uscis.dhs.gov

(b)(7)(c)

Andoh, Roger D

From:	Andoh, Roger D
Sent:	Monday, October 17, 2011 8:01 AM
To:	Viker, Elliot
Subject:	RE: FBI FOIA

Let us move forward with responding to this request.

Roger Andoh CIPP/G
Supervisor FOIA Operations
Significant Interest Group (SIG)
USCIS/NRC
816-350-5563
roger.andoh@uscis.dhs.gov

From: Viker, Elliot Sent: Monday, October 17, 2011 7:59 AM To: Andoh, Roger D Subject: FW: FBI FOIA		
Good morning Roger:	(b)(5)	
I believe that		Any ideas?
Elliot Viker Paralegal Specialist/Detailed FOIA Operations DHS/USCIS/Enterprise Services Directorate/NRC (816) 350 5500 ext. 5207 Elliot.Viker@uscis.dhs.gov		

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From:		
Sent: 7	Thursday, October 13, 2011 8:34 AM	
To: ellio	iot.viker1@dhs.gov	
Cc: Sot	bonya, David P.	
Subjec	ct: FW: FBI FOIA	

Morning Elliot:

Dave Sobonya asked me to contact you regarding the below email chain. The last FOIA request concerning Mohamed Atta was closed with the (b)(7)(A) exemption on April 25, 2011. To date, there have been no records released to the public because this investigation is considered pending.

Thanks,

DOJ/FBI/FOIA	

From: Viker, Elliot [mailto:elliot.viker1@dhs.gov] Sent: Wednesday, October 05, 2011 1:41 PM To: Sobonya, David P. Cc: Andoh, Roger D Subject: RE: FBI FOIA

Good afternoon Mr. Sobonya:

I hope that this note finds you in good health, humor, and happiness.

I am following up on a USCIS FOIA request assigned control COW2011000435 regarding Mohamed Mohamed el-Amir Awad el-Sayed Atta. On or about July 27, 2011 USCIS inquired telephonically and through e-mail, see below, whether DOJ/FBI would have records responsive to this query. We are following up on this inquiry as the case is aging.

Thank you for your consideration in this matter.

Should you have any questions or concerns please do not hesitate to contact myself or this office.

Cordially,

Elliot Viker Paralegal Specialist/Detailed FOIA Operations DHS/USCIS/Enterprise Services Directorate/NRC (816) 350 5500 ext. 5207 <u>Elliot.Viker@uscis.dhs.gov</u>

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From: Viker, Elliot Sent: Wednesday, July 27, 2011 12:14 PM To: 'Sobonya, David P.' Cc: Andoh, Roger D Subject: RE: FBI FOIA

Good afternoon Mr. Sobonya:

I hope that this note finds you in good health, humor, and happiness

Per your instructions please find the following documents contained herein as .pdf packet for Atta, Mohamed:

- 1. copy of access request dated May 11, 2011;
- 2. USCIS receipt SRC0027650863, form I-539, for Mohamed Atta which constitutes the only record(s) we are presently able to locate;
- note memorializing communiqué between USCIS and FBI on May 22, 2007 regarding two USCIS FOIA requests under control AOA2001000156 and AOA2001000157;
- 4. list denoting each USCIS FOIA request for record(s) pertaining to Mohamed Atta and;
- 5. USCIS FOIA requests and responses dated November 8, 2001, May 30, 2007, July 10, 2003 and, June 20, 2003 showing a multitude of responses.

Thank you for your prompt response.

Should you have any questions or concerns please do not hesitate to contact myself or this office.

Cordially,

From: Sent: To: Cc: Subject: Andoh, Roger D Tuesday, October 18, 2011 12:10 PM Nunez, Rebecca L Viker, Elliot RE: COW2011000435

Rebecca,

Please upload to SharePoint records responsive to this request for DHS review, after Elliot has created the folder. Thanks.

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Roger

Roger Andoh CIPP/G Supervisor FOIA Operations Significant Interest Group (SIG) USCIS/NRC 816-350-5563 roger.andoh@uscis.dhs.gov

From:Kloiber, Joyce ESent:Tuesday, July 12, 2011 7:05 AMTo:Andoh, Roger DSubject:COW2011000435

Importance:

High

Roger,

This is the request for Mohammad Atta's file. It came up in locator. There are screen prints scanned from SSC but no other records. I know if had request for this file in the past and I believe the request was totally denied because of the sensitivity. Tracy was involved and probably could shed was light on the case.

I have moved the case to Unit Chief. I believe Elliot discussed it with you but there is not a case note. Please provide guidance or assign to Elliot maybe he has or knows something that I can not tell from reviewing the case. Also the case needs to be set up as a Track 2.

Thanks Joyce

From:	Andoh, Roger D
Sent:	Tuesday, July 12, 2011 7:12 AM
To:	Viker, Elliot
Subject:	Re: COW2011000435

Importance:

High

Elliot,

I have assigned this case to you. Move to track 2 . Please shed light on the status of this case and case note. Thanks.

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Roger

Roger Andoh CIPP/G Supervisory Paralegal Specialist Significant Interest Group (SIG) USCIS/NRC 816-350-5563 roger.andoh@uscis.dhs.gov

From:	
Sent:	
To:	
Subject:	

Viker, Elliot Tuesday, July 12, 2011 8:09 AM Andoh, Roger D RE: COW2011000435

Good morning Roger:

I have made an inquiry to Quan and he had no insight as to the location of any record(s). I also contacted Record Ops., Pat Arne, and she concurred that the only record identified in NFTS, CIS, and CLAIMS is the SRC0027650863. The previous record(s) in FIPS were not scanned into the system. CLAIMS screen prints may prove more responsive.

In regards to the case note and track designation it appears that I marked the case as track I no other explanation is plausible.

Elliot Viker Paralegal Specialist/Detailed FOIA Operations DHS/USCIS/Enterprise Services Directorate/NRC (816) 350 5500 ext. 5207 <u>Elliot.Viker@uscis.dhs.gov</u>

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From: Andoh, Roger D Sent: Tuesday, July 12, 2011 7:12 AM To: Viker, Elliot Subject: Re: COW2011000435 Importance: High

Elliot,

I have assigned this case to you. Move to track 2. Please shed light on the status of this case and case note. Thanks.

Roger

Roger Andoh CIPP/G Supervisory Paralegal Specialist Significant Interest Group (SIG) USCIS/NRC 816-350-5563 roger.andoh@uscis.dhs.gov

From:	Viker, Elliot
Sent:	Friday, May 27, 2011 10:13 AM
To:	Viker, Elliot; Andoh, Roger D
Cc:	Austin, Deon T
Subject:	RE: access request COW2011000435

Supersede previous: i.e. fee waiver has been granted.

Please find write up for interest case below, for reporting and information purposes only.

On May 27, 2011, requested the following records from United States Citizenship and Immigration Services (USCIS) a copy of Mohamed Atta's change of status request/application from B2 visitor visa to an M visa for foreign student pilots in 2000 or 2001. A copy of these forms relating to Mohamed Atta: I-94 forms, I-130 forms, I-131 forms,I-129 forms, I-539 forms, I-20 forms including any I-20 forms noting transfer of schools, and the State Department application for his B2/B-1 Visa. A copy of any applications Mohamed Atta filed for schools and any and all passports issued to Atta, including a copy of applications for the Conch Republic Passport. (Case Number COW2011000435).

Case has been marked as source: News Media, fee waiver has been granted, and requester did not request expedited treatment.

Elliot Viker Paralogal Specialist/Detailed FOIA Operations DHS/USCIS/Enterprise Services Directorate/NRC (816) 350 5500 ext. 5207 Elliot.Viker@uscis.dhs.gov

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From: Viker, Elliot Sent: Friday, May 27, 2011 9:51 AM To: Andoh, Roger D Cc: Austin, Deon T Subject: access request COW2011000435

Good afternoon:

I hope that this note finds you in good health, humor, & happiness.

Please find write up for interest case below, for reporting and information purposes only.

On May 27, 2011, requested the following records from United States Citizenship and Immigration Services (USCIS) a copy of Mohamed Atta's change of status request/application from B2 visitor visa to an M visa for foreign student pilots in 2000 or 2001. A copy of these forms relating to Mohamed Atta: I-94 forms, I-130 forms, I-131 forms,I-129 forms, I-539 forms, I-20 forms including any I-20 forms noting transfer of schools, and the State Department application for his B2/B-1 Visa. A copy of any applications Mohamed Atta filed for schools and any and all passports issued to Atta, including a copy of applications for the Conch Republic Passport. (Case Number COW2011000435).

Case has been marked as SIG, fee waiver has been denied, and requester did not request expedited treatment.

DHS/USCIS/Enterprise Services Directorate/NRC (816) 350 5500 ext. 5207 <u>Elliot.Viker@uscis.dhs.gov</u>

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