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Office of the General Counsel
Attn: FOIA Service Center
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2150
Falls Church, VA 22041
[EOIR FOIA Public Access Link \(PAL\)](#)

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From: shelley.m.ohara@usdoj.gov
Sent: Mon, Mar 8, 2021 9:14 am
Subject: DOJ-EOIR FOIA Request # 2021-18984

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) dated 02/18/2021 in which you seek EOIR's FOIA Processing Manual.

A search was conducted and records responsive to your request were located. You are granted full access to the records.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. See <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact the FOIA Officer who processed your request or the EOIR FOIA Public Liaison at (703) 605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the Executive Office for Immigration Review's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Shelley M. O'Hara
Attorney Advisor (FOIA)

FREEDOM OF INFORMATION ACT SERVICE CENTER REFERENCE GUIDE



Executive Office for Immigration Review
United States Department of Justice
Falls Church, VA 22041

Dated: June 15, 2008

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Chapter 1 - General Guidance

Freedom of Information Act (FOIA)/Privacy Act (PA) Requests

5 U.S.C § 552

I. Purpose

This document establishes a uniform process intended as an inter-office guide for processing FOIA/PA requests in the FOIA Service Center.

II. Policy

- A. The FOIA/PA Act provides that any person has a right to request access to federal agency records, except those records exempted by the Act. The following are exemptions most commonly used in the FOIA Service Center under subsections of Title 5, United States Code, Section 552:
1. Battered Spouse - (b)(3)
Information exempt from disclosure by statute (other than section 552(b) of this title).
 2. Attorney Work Product - (b)(5)
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.
 3. Exclusion/Credible Fear/Convention Against Torture/Withholding of Deportation - (b)(6)
Personal privacy interests disclose of which would “constitute a clearly unwarranted invasion of personal privacy.”
 4. Asylum - (b)(6)
Records relating to asylum applications that were filed on or after October 1, 1990, must be withheld pursuant to 8 C.F.R. § 1208.6. In addition, personal privacy interests preclude disclosures which would “constitute a clearly unwarranted invasion of personal privacy.”

B. The FOIA Specialist should be proficient in the following sources:

1. The *Freedom of Information Act Guide and Privacy Act Overview* addresses the provisions of the Freedom of Information Act of 1966 as amended by the Electronic FOIA of 1996, 5 U.S.C § 552 (West supp.1997) and an overview of the provisions of the Privacy Act of 1974, 5 U.S.C. § 552(a)(1994)(amended 1996, 5 U.S.C. § 552 (a) [West Supp. 1997]).
2. All legal citations can be found in Westlaw or the EOIR Virtual Law Library. Westlaw can be accessed at www.westlaw.com. The EOIR Virtual Law Library can be accessed at www.usdoj.gov/eoir/vll/libindex.html.
3. The *Bender's Immigration and Nationality Act Pamphlet (INA)* contains the complete INA text set out according to its statutory title and chapter arrangement.
4. The Department of Justice Freedom of Information Act Reference Guide can be accessed at <http://www.usdoj.gov/oip/referenceguidemay99.htm#how>.
5. The Executive Office for Immigration Review FOIA process can be accessed at <http://www.usdoj.gov/eoir/efoia/foiafact.htm>.
6. The Department of Justice Overview of the Privacy Act of 1974 can be accessed at http://www.usdoj.gov/oip/04_7_1.html.

III. **Types of FOIA/PA Requesters**

A. Third-Party Requesters:

When a third-party requests information that is exempt from disclosure, the original signature of the alien or subject of record is required for release of documents. Information is withheld when disclosure would constitute a clearly unwarranted invasion of personal privacy.

B. Commercial Use Requesters:

Companies that or people who seek information for a use or purpose that furthers commercial, trade, or profit interests, including for use in litigation. Commercial requesters are required to pay for search, review and duplication costs.

C. News Media, Educational, and non-commercial scientific institutions:

People who actively gather news for entities organized and operated to publish or broadcast news to the public. Preschools, public or private elementary or secondary schools, institutions of graduate higher education, undergraduate higher education, professional education, vocational education, or institutions that conduct scientific research not intended to promote any particular product or industry. Educational and non-commercial requesters are required to pay duplication costs, but are entitled to the first 100 pages.

D. All Others:

Requesters who do not fit into any of the above categories. Required to pay search costs for more than 2 hours and duplication costs for more than 100 pages.

IV. Procedures

A. Receiving FOIA/PA requests in the Office of General Counsel (OGC):

1. All FOIA/PA requests must be written and received through U.S. Postal Service or courier mail.
2. A FOIA/PA request may be filed using the Department of Justice form DOJ-361 (*See Appendix I*, “FOIA Request” Forms) or a letter describing the records sought. If the requestor is submitting a letter seeking information on another person, the requester must provide either: (1) a statement by that other person, authorizing the release of information to the requester, (2) a declaration made under penalty of perjury, (3) evidence that the subject of the request is deceased, or (4) proof of attorney or accredited representative of the subject.
3. All FOIA/PA requests are date stamped showing the date OGC received the request. The request is then placed in the “Incoming FOIA” tray.

B. Entering FOIA/PA requests into the FOIA Database:

1. FOIA/PA requests are accepted in any written form or format.
2. All FOIA/PA requests are entered into the FOIA Database.
See Chapter 2, Entering FOIA/PA requests into the FOIA Database
3. The FOIA Service Center will issue a response to each FOIA request within **10 working days** of receipt of the request. One of the following responses will be sent:
 - a. Processing Request Letter - If EOIR has a record of the requested information, a “Processing Request” letter is sent to the requester, and notifying the requestor of an additional **10 working day extension**. *See Appendix IV*, sample “Processing Request” letter.
 - b. Need More Information Letter - If the alien number is not provided and the record can not be located. *See Appendix II*, sample “Need More Information” letter.
 - c. No Record Letter - The alien number is provided and a record can not be located. *See Appendix III*, sample “No Record Letter”.
4. The FOIA Service center should respond to written requests for expedited records no later than **10 calendar days**. A request to expedite records is either granted or denied by the FOIA Service Center. *See Appendix V*, sample “Expedite” letters.
5. The FOIA Service center should respond to written requests for fee waivers no later than **10 calendar days**. A request for fee waiver is either granted or denied by the FOIA Service Center. Fee waivers are only granted if the requester can show that the disclosure of information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. Moreover, a requester’s inability to pay fees is insufficient to warrant a fee waiver
6. Once all FOIA/PA requests are entered into the FOIA Database, the requests is filed in either:
 - a. Pending - Open cases are filed chronologically by the EOIR FOIA control number in the pending file folders.

- b. Closed Cases - No Record Letters, Need More Information Letters, and completed requests are filed separately in the closed files.

C. Processing FOIA/PA Requests for documents other than ROPs:

1. Types of FOIA requests other than the ROP may include:

- a. Statistics - request requiring IRM or OPAT to compile statistic reports. Once a request for statistics is received and entered by the FOIA Service Center, it is then forwarded to the FOIA attorney.
- b. Headquarter Searches - Searching for records located at headquarters (not involving ROPS) *See Section D Routing FOIA/PA requests to a component*
- c. Classified Information - a FOIA request making an inquiry for classified information is received and entered by the FOIA Service Center. However, ***classified documents can not be processed or stored on EOIR's computers.***
- d. Executive Branches - Requests for information from other government agencies such as Department of Homeland Security (DHS), Office of Litigation Immigration (OIL), United States Attorney Office (USAO) or any other federal government agency should not be entered by the FOIA Service Center rather forward these requests to the General Counsel's Office.
- e. Other Mail - Mail is often misdirected to the FOIA Service Center and should be directed to the following:
 - Subpoenas, attorney discipline, fraud issues, and letters of inquiry from the public not involving FOIA are sent to General Counsel's Office.
 - Accreditation is sent to the Board of Immigration Appeals.

2. Requests for documents other than ROPs are sent to the Supervisory FOIA Specialist for handling or assigning to a FOIA Specialist.

D. Routing FOIA/PA requests to a component:

1. Upon determination and processing by the FOIA Service Center, a FOIA/PA request is routed to an appropriate component.

2. A memo stating the nature of the request along with a copy of the FOIA/PA request is sent to the appropriate component or components within EOIR where the responsive records would be located. *See Appendix VI*, sample “Component” memo.
 - Director’s Office
 - Immigration Judges or the courts are sent to the Office of the Chief Immigration Judge (OCIJ).
 - Employment of unauthorized persons is sent to the Office of the Chief Administrative Hearing Officer (OCAHO).
 - Personnel are referred to Human Resources.
 - Budget is referred to the Financial Management Office.
 - Media and congressional inquiries are sent to Public Affairs Office.

If responsive documents are located, the documents should be referred to a FOIA attorney for review before releasing any information.
3. In order to comply with the 20 day working limit, the component is given 7 working days to respond to the memo.

V. Obtaining the Record of Proceedings (ROPs)

- A. The FOIA Database is linked to an in-house application named CASE. Once a FOIA/PA request is entered into the FOIA Database, the request is automatically filtered through CASE to search for a record of proceeding that occurred at the Immigration Court.
- B. A daily computer generated report is automatically sent via electronic mail to the Immigration Courts for ROPs which are needed at the FOIA Service Center. The Immigration Court is responsible for sending the ROPs to the FOIA Service Center in a timely manner.
- C. The FOIA Service Center is responsible for requesting ROPs from the Board of Immigration Appeals (BIA) if the ROP is in their jurisdiction. Once a week, the FOIA Specialist will run a report showing all ROP’s at BIA that are needed at the FOIA Service Center and will then send a request to the BIA FOIA Liaison via e-mail.
- D. If the FOIA Service Center has not received the ROP within 30 days, a request through e-mail must be sent to the Immigration Court.

1. Verify CASE to see if there is an indication that the ROP was sent to the FOIA Service Center. If CASE shows the ROP was sent to the FOIA Service Center, a request is not needed.
 2. Request for ROPs sent to the Immigration Courts should contain a carbon copy to the Court Administrator and Supervisory FOIA Specialist.
 3. Once an ROP has been requested from the Immigration Court, make a note in the FOIA Database, i.e. "3-1-08 ROP request sent to IC-NYC. clb/foia".
 4. Print a copy of your request to the Immigration Court and attach it to the FOIA/PA Request.
- E. If the Immigration Court replies to the e-mail indicating that a hearing is scheduled within 30 days, request the ROP to be sent after the hearing date. If the hearing date is more than 30 days away, the ROP should be sent. A copy of the ROP should only be sent as a last resort.

VI. Receiving ROPs at the FOIA Service Center


- A. When a ROP is delivered to the FOIA Service Center, the ROP is stamped on the front showing date received.
- B. The ROP is then entered into the FOIA Database as received by clicking on the *Rec'd* button next to "ROP received".
- C. The original FOIA/PA request is pulled from the pending file folder and attached to the front of the ROP.
- D. After receiving the ROPs by following the steps above, the ROP is either sent to the Certification Unit for processing, or processed in house as an assignment.

VII. Reproduction of ROPs

- A. All documents in the ROP should be copied in the FOIA Service Center or the Certification Unit.
- B. Copies of ROPs in the FOIA Service Center should follow the following process:

1. Envelopes, documents in envelopes (unless the envelope is sealed), both sides of a double sided document, receipts, passports, exhibit numbers, cards and pictures should be copied. Items that are stapled to documents in the ROP should be copied then removed from the document and copied again.
2. Documents that involve 5 U.S.C. § 552(b)(5) (attorney work-product privilege, Immigration Judge (IJ) notes, yellow sticky) and blank pages should NOT be copied and sent to the requester.
3. If a copy of the transcript has been requested and the case has not been appealed at the BIA, a written transcript will not exist. In this case, a copy of the tapes is provided to the requester.
4. Taped proceeding is copied in the FOIA Service Center only if the requester has specifically requested the tape in their FOIA request. Tapes can not be redacted or slowed, and are copied at the same speed as an original. Older proceedings are copied on cassette tapes and may require the use of a Sony Confer-Corder BM-246. Some of EOIR's newer cases are audio digital and can be acquired from CASE.

C. Copies of ROPs through the Certification Unit:

1. The FOIA Specialist will request the Certification Unit to copy a ROP. The directions are listed below:
 - a. Launch CASE, then select *Utilities*, then click on the *Certification Tab*.
 - b. Type the alien number and press *enter* on your keyboard.
 - c. Enter information pertaining to the FOIA/PA request for the following fields:
 - DOJ Number is always **XFOIAX**
 - Docket Number is the **EOIR Control Number**, i.e. 2008-1514.
 - Requested On is the date the ROP was sent to the Certification Unit.
 - Current Due Date and Original Due Date is the date **2 weeks after the requested on date**.
 - Add contact name.
 - Then click 
 - Then click on



- Enter Requested On field is the date ROP sent to Certification Unit.
- Enter Immigration Court in the Base City field..
- Enter number of ROPs being sent in the File field.

Then click on

- In the comments section type “FOIA 1 hard copy”.
- d. Once the information has been entered in CASE, the ROP is sent to the Certification Unit:
- Scan the ROPs to Functional Level - 24FL Area 2 Cab 004, Responsible Party - Shelf 01.
 - Deliver the ROPs to the Certification Unit by placing the ROPs in cabinet 4.

VIII. Release of Documents to the Requester

- A. Once the FOIA Specialist receives copies of the requested documents, each document is checked to ensure the best legible reproduced copy.
- B. Before releasing copies of ROPs, verify all legal documents in ROP to ensure all decisions, applications, and charges are contained in the product.
- C. Verify a signature is received authorizing consent to release an unredacted copy of the documents.
- D. If the requester does not provide written consent, then the requester is considered a third-party (a person other than the alien or the alien’s attorney or representative of the record requesting a copy of the ROP). Only the final agency decision is released however, exemptions are listed below:
1. Redacted Final Agency Decision: Cases involving asylum, convention against torture, withholding of deportation and credible fear must be redacted. *See Chapter 3 Redacting Information.*
 2. Withholding Final Agency Decision: No information is released to third parties on exclusion and battered spouse cases.
- E. If it is determined that the documents originated with another agency, the documents are either referred or a consultation is conducted to the originating agency for disclosure to the requester. *See Chapter 4 Referral and Consultation Procedure*

IX. Fees

- A. A fee is charged depending on the category of the FOIA requester.
- B. Once a letter, a letter is issued requesting a fee from the requester, the requester has 30 working days to submit the applicable fee. If the fee is not submitted within 30 working days from the date the letter was issued, the request is closed. *See Chapter 5 Fees and Fee Waivers*
 - 1. Once a month, all FOIA/PA requests are reviewed for delinquent fees.
 - 2. Upon review, the FOIA/PA requests that are delinquent for fees are pulled from the pending file folders.
 - 3. A “Fee Suspension of Work” letter is sent to the requester by certified mail. *See Appendix VII*, sample.
 - 4. A copy of the “Fee Suspension of Work” letter is attached to the FOIA/PA request and provided to the FOIA supervisor.
 - 5. Once the delinquent fee is received, the FOIA Service Center will send the documents to the requester, and all suspended requests are processed.

X. Returning ROPs

- A. On a weekly basis, all ROPs are returned to the court of record (Base City) or the BIA.
- B. The FOIA Specialist will return the ROP to the Base City and is indicated in the FOIA Database.
 - 1. Enter the alien number of the ROP being returned (Do not enter the FOIA number when returning a ROP). The alien number is entered instead to ensure any duplicate FOIA requests have been completed.

2. Ensure that a “Fee Letter” was sent or the request was closed before returning the ROP to the Base City or BIA. If not, then return ROP to the Storage Cabinet in the FOIA File Room.
 - On the drop down menu, select whether you are returning the ROP to BIA or the Base City. Then click the *Ret’d* button. Then click the *Save Data* button.
3. If the ROP has a barcode label, scan the ROP to the appropriate Functional Level/Responsible Party.
4. Open the “ROP Routing Slip from FOIA” located in Word Perfect on the G Drive under the FOIA/Routing Slips/ROP Routing Slip from FOIA. See Appendix VIII, sample “Routing Slip”.
 - Fill out the ROP Routing Slip showing the correct recipient and sender information. Also include the alien name and number of the ROP in which you are returning.
5. Print two copies of the completed ROP Routing Slip. Place one copy on the ROP and one copy in the “ROP Routing Slip” box to be filed.
6. Prepare the ROP to be sent to the Immigration Court by using Federal Express.

XI. Electronic Reading Room

- A. The EOIR Electronic Reading Room (ERR) was established under the 1996 FOIA amendments and can be located at <http://www.usdoj.gov/eoir/err.htm>.
- B. The ERR contains useful public information such as decisions, policy statements, administrative procedures, frequently requested FOIA-processed records, DOJ annual FOIA report to Congress, and how to submit a FOIA/PA request.
- C. For E-FOIA compliance, the EOIR website homepage also contains the following information EOIR forms, location of the Immigration Courts, manuals, press releases, statistics, OPPM’s, etc

- D. The ERR is updated by the FOIA Attorney. Generally, if a record has received multiple FOIA requests, then the record will be posted in the ERR.
- E. The ERR requirements do not apply to any records that “are promptly published and are offered for sale”.

XII. Appeals

- A. Pursuant to 28 C.F.R. § 16.9, requesters may submit an appeal to the Office of Information Privacy (OIP), U.S. Department of Justice, 1425 New York Ave., N.W., Suite 11050, Washington, D.C. 20530, within 60 days of the FOIA Service Center’s response.
- B. OIP submits the appeals to the FOIA Service Center which are routed to the Supervisory FOIA Specialist for review, assignment, and entering into the appeals log located on the K Drive under FOIA\appeals log.
- C. Once an OIP appeal has been assigned, the FOIA Specialist will draft a response using a memorandum format. The OIP appeal response draft will be forwarded to the FOIA Attorney within 5 days of receipt.
- D. Upon the FOIA Attorney’s review of the OIP appeal response draft, the FOIA Specialist will finalize the response and make arrangements for hand delivery to OIP.
- E. The FOIA Specialist will enter the appropriate information into the appeals log on the K Drive.

XIII. Records Retention

Records are retained and destroyed pursuant to the National Archives and Records Administration (NARA) general records schedule which can be accessed at www.archives.gov/records-mgmt/ardor/records-schedules.html.

Chapter 2

Entering FOIA/PA Requests into the FOIA Database

I. Purpose

The purpose of this document is to establish a uniform process for the entering and preparation of FOIA/PA requests received at the FOIA Service Center.

II Procedural Steps

1. Log into the FOIA Database using your issued UserID and password.
2. Click on the “Add Request” button at the top of your screen.

The screenshot shows a Microsoft Internet Explorer browser window displaying the EOIR FOIA Request Processing Application. The browser title is "EOIR - FOIA Request Processing Application - Microsoft Internet Explorer provided by U.S. Department of Justice". The address bar is empty. The main content area features a navigation menu on the left with buttons for "SEARCH", "ONLY OPEN", "CURRENT FY", "ARCHIVES", and "REPORTS". At the top right, there are buttons for "ADD REQUEST" and "END SESSION". The central heading is "EXECUTIVE OFFICE FOR IMMIGRATION REVIEW" with a sub-heading "SEARCH REQUESTS". Below this, a message reads: "PLEASE ENTER AT LEAST ONE OF THE FOLLOWING CRITERIA, THEN CLICK ON THE 'BEGIN SEARCH...' BUTTON TO START SEARCHING." The current processor is identified as "Alicia Scott". The search form includes fields for "FOIA NUMBER:" (with "2008-" entered), "A-NUMBER:", "LAST NAME:", "FIRST NAME:", and "TOPIC:". A "BEGIN SEARCH..." button is located to the right of the form. The taskbar at the bottom shows several open applications, including "Add New Request...", "Inbox - Microsoft...", "CASE - v.01.03.2...", "EOIR - FOIA Req...", and "WordPerfect 12...". The system clock shows "9:30 AM".

3. Using the information from the FOIA/PA request, enter all available information in the appropriate fields including:

- Alien name and number (If the alien does not provide an alien number enter as A00-000-000), or use topic feature.
- Select requestor from drop down list. If the requestor can not be located or requestor information needs to be modified, use add/edit feature.

Then click “Continue”.

4. Annotate the Case Type, Base City and FOIA ID number on the top right corner of the FOIA request.
 - If the FOIA request was scanned as an image, this screen allows the scanned image of the FOIA request to be entered into the FOIA database from the v drive.

Then select *continue*.

FOIR - FOIA Request Processing Application - Add Request - Microsoft Internet Explorer provided by U.S. Department of Justice

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

CANCEL ADD REQUEST

REQUEST ENTERED

FOIA Request Just Entered:

FOIA ID	A Number	Name	Alias
2008-4776			N/A

IF A SCANNED REQUEST IS AVAILABLE, PLEASE SELECT THE FILE USING THE "BROWSE..." BUTTON BELOW.

Browse...

CONTINUE... RESET

PLEASE ENTER THE INFORMATION TO THE RIGHT, THEN CLICK ON THE "CONTINUE..." BUTTON TO MOVE TO THE NEXT PAGE. AT ANY POINT, CLICK ON THE "CANCEL" BUTTON TO DISCARD THE ENTRY OF THIS REQUEST.

start | Reset Data... | Local intranet | 10:01 AM

5. The computer will then automatically search for duplicate requests. If a possible duplicate is located, the following screen will appear.



- A. The FOIA database allows the user to view the requesters name on the previous request. The request is not entered again unless it is a different requester, the request is more than 1 year old, or the request is for further information. You must select either:
 1. The duplicate record, and then select the “Duplicate Close” function which a duplicate letter is generated. *The FOIA database will then proceed to number 14, or*
 2. Select “Continue” if it is not a duplicate. *The database will continue on to number 6.*

6. *If a record is not located, the FOIA database will automatically proceed to number 10.*

- If a record match is located the FOIA database will bring up the screen below. To order the file from the Immigration Court, click on the “Select” box. Then click “Continue” and then *the database will proceed to number 7.*
- If the information located below is not a match, then select the “Not Found Search Name” function. *This function will automatically proceed to number 10.*

FOIR - FOIA Request Processing Application - Add Request - Microsoft Internet Explorer provided by U.S. Department of Justice

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

CANCEL ADD REQUEST

ANSIR SEARCH RESULTS

Current FOIA Request:

FOIA ID	A-Number	Name	Alias
2008-5254			N/A

PLEASE SELECT THE RECORD THAT MATCHES THIS REQUEST FROM THE LIST OF POTENTIAL RECORDS FROM THE ANSIR SYSTEM.

ANSIR Search for A-Number: 1 Record Found.

A-Number	NTA Date	Case Type	Base City	Latest Hearing	Entry Date	Nat-Lang	Select
	10/11/1995	DEP	NYC	02/28/1996@NYC	09/06/1992	IN-UR	<input type="checkbox"/>

Name: 1
Comment:

CONTINUE... NOT FOUND - SEARCH NAME RESET

7. If an original signature is on the FOIA/PA Request, click “Received”.

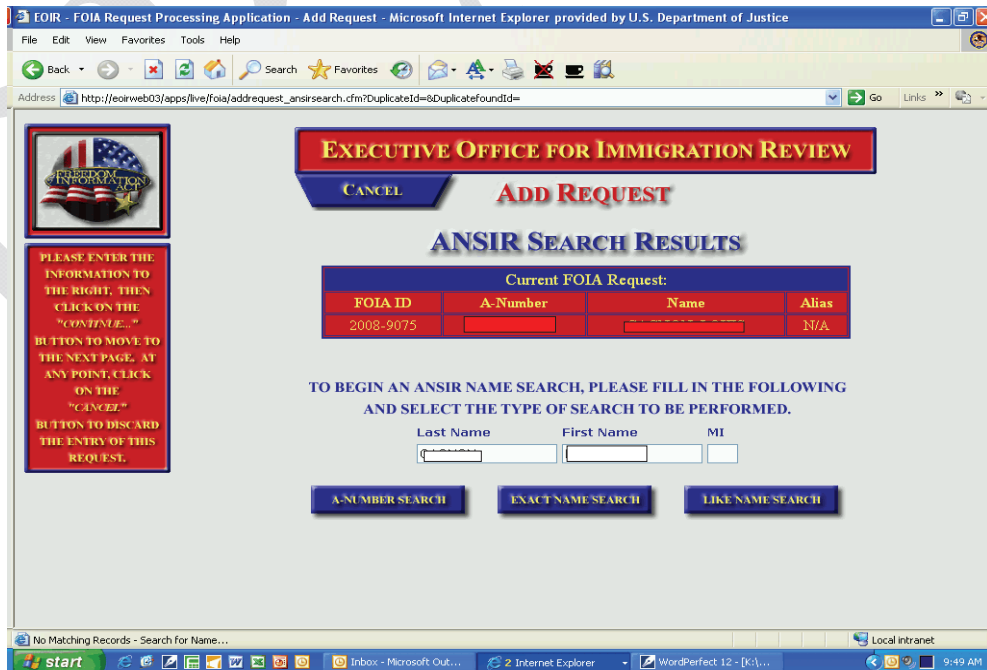


8. Once the “Received” button has been selected, a generated receipt “Processing Letter” will appear. The FOIA Database automatically generates a FOIA control number on the receipt letter.
9. Click “Print Preview”, click *File*, then click *Print*. Then click “Add Letter”. *The FOIA database will continue to number 14.*

- If a record is not found, the computer will bring the screen below and a search for the name can be conducted by selecting "No Found Search Name" function.



- Then select either the exact name or like name search.



12. *If there is a possible match, proceed to number 13.*

- If a match is not located, the screen below will appear:

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

CANCEL ADD REQUEST

ANSIR SEARCH RESULTS

Current FOIA Request:

FOIA ID	A-Number	Name	Alias
2008-9099	1		N/A

PLEASE SELECT THE RECORD THAT MATCHES THIS REQUEST FROM THE LIST OF POTENTIAL RECORDS FROM THE ANSIR SYSTEM.

ANSIR Search for GONZALEZ-DE-MARTINEZ, VILMA: 0 Record Found.

NO MATCH FOUND - CLOSE NEED MORE INFO - CLOSE

TO BEGIN AN ANSIR NAME SEARCH, PLEASE FILL IN THE FOLLOWING AND SELECT THE TYPE OF SEARCH TO BE PERFORMED.

Last Name First Name MI

Run the Exact Name in ANSIR Search...

A. The, FOIA database allow the option to select either:

1. Select “No Match Found” and a no record letter is generated.
2. Select “Need More Information” and a need more information letter is generated.

Once a selection has been made, the FOIA database will automatically proceed to number 14.

13. If there is a possible match, the computer will bring the screen below:

The screenshot shows a web browser window titled "EOIR - FOIA Request Processing Application - Add Request - Microsoft Internet Explorer provided by U.S. Department of Justice". The address bar shows the URL: http://eoirweb03/apps/live/foia/addrequest_ansirsearch.cfm?DuplicateId=6DuplicatefoundId=

The main content area features the "EXECUTIVE OFFICE FOR IMMIGRATION REVIEW" logo and a "CANCEL" button. Below this is a large "ADD REQUEST" button. The page is titled "ANSIR SEARCH RESULTS".

On the left side, there is a red box with instructions: "PLEASE ENTER THE INFORMATION TO THE RIGHT, THEN CLICK ON THE 'CONTINUE...' BUTTON TO MOVE TO THE NEXT PAGE. AT ANY POINT, CLICK ON THE 'CANCEL' BUTTON TO DISCARD THE ENTRY OF THIS REQUEST."

The "Current FOIA Request:" section contains a table with the following data:

FOIA ID	A-Number	Name	Alias
2008-9075			N/A

Below this is another table with the following data:

A-Number	NTA Date	Case Type	Base City	Latest Hearing	Entry Date	Nat - Lang	Select
	03/07/1995	EXC	BUF	05/16/1995@BUF		CA - ENG	<input type="checkbox"/>

There is a "Comment:" field below the second table.

At the bottom of the main content area, there are four buttons: "CONTINUE...", "NO MATCH FOUND - CLOSE", "RESET", and "NEED MORE INFO - CLOSE".

At the very bottom of the page, there is a text prompt: "TO BEGIN AN ANSIR NAME SEARCH, PLEASE FILL IN THE FOLLOWING".

- A. Then, you must choose from the following:
1. Select to order ROP from Court and a processing request letter is generated,
 2. Select no match close and a no record letter is generated, or
 3. Select need more information and a need more information letter is generated.

Once a selection has been made, the FOIA database will automatically proceed to number 14.

14. Once you select “Add Letter” the following screen will appear showing you successfully entered the FOIA/PA Request.



Chapter 3

Redacting Information

Using Adobe Acrobat 8 Professional Software

I. Purpose

This document establishes a process intended as a Redaction Software User Guide for the FOIA Service Center.

II. Policy

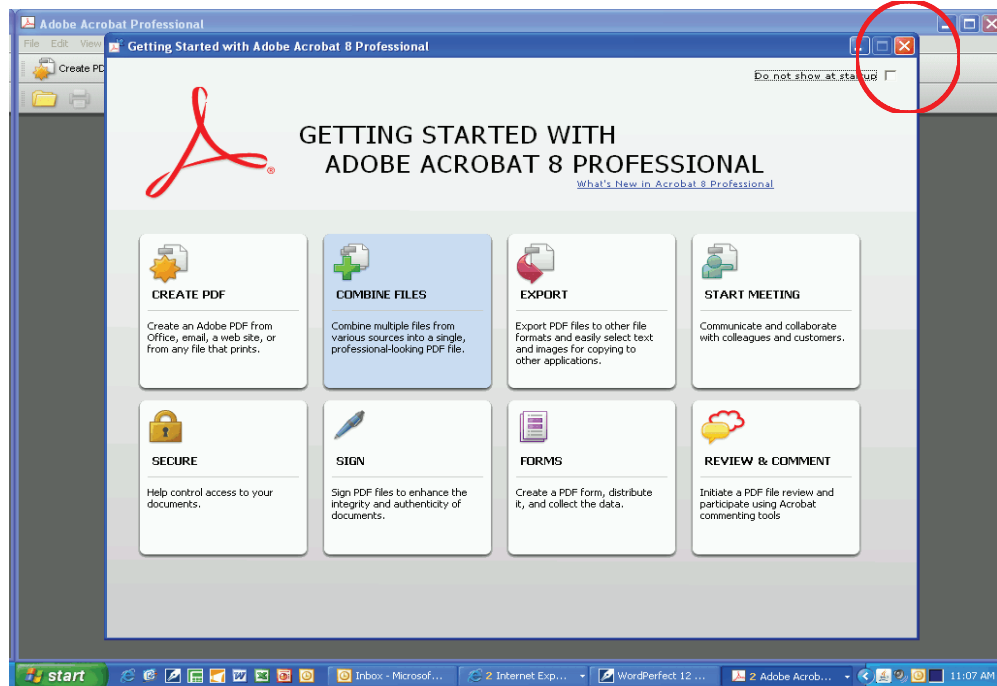
1. Information contained in federal agency records may be withheld or redacted pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552. The following is a list of exemptions applied to information in the FOIA Service Center:
 - A. Exemption (b)(2) - related solely to the internal personnel rules and practices of an agency.
 - Low 2 - internal matters of a relatively trivial nature and of no significant public interest. (Founding Church of Scientology v. Smith, 721 F.2d 828 (D.C. Cir. 1983))
 - High 2 - Predominantly internal matters the disclosure of which would risk circumvention of a statute or agency regulation (Crooker v. ATF, 670 F.2d 1051 (D.C. Cir. 1981))
 - B. Exemption (b)(4) - Information which protects commercial information obtained a person that is privileged or confidential.
 - C. Exemption (b)(5) - 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.
 - Deliberative process privilege
 - Attorney work-product privilege
 - Attorney-client privilege

- D. Exemption (b)(6) - Protect of privacy interests of which would “constitute a clearly unwarranted invasion of personal privacy.”
- Balancing privacy interest against public interest. United States Department of Justice v. Reporters Comm. For Freedom of the Press, 489 U.S. 749 (1989))
- E. Exemption (b)(7)(A) - Disclosure could be reasonably expected to interfere with a law enforcement investigation.
- F. Exemption (b)(7)(C)-Protection for law enforcement information as the disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- G. Exemption (b)(7)(F) - Withholding of law enforcement-related information necessary to protect the physical safety of a wide range of individuals.

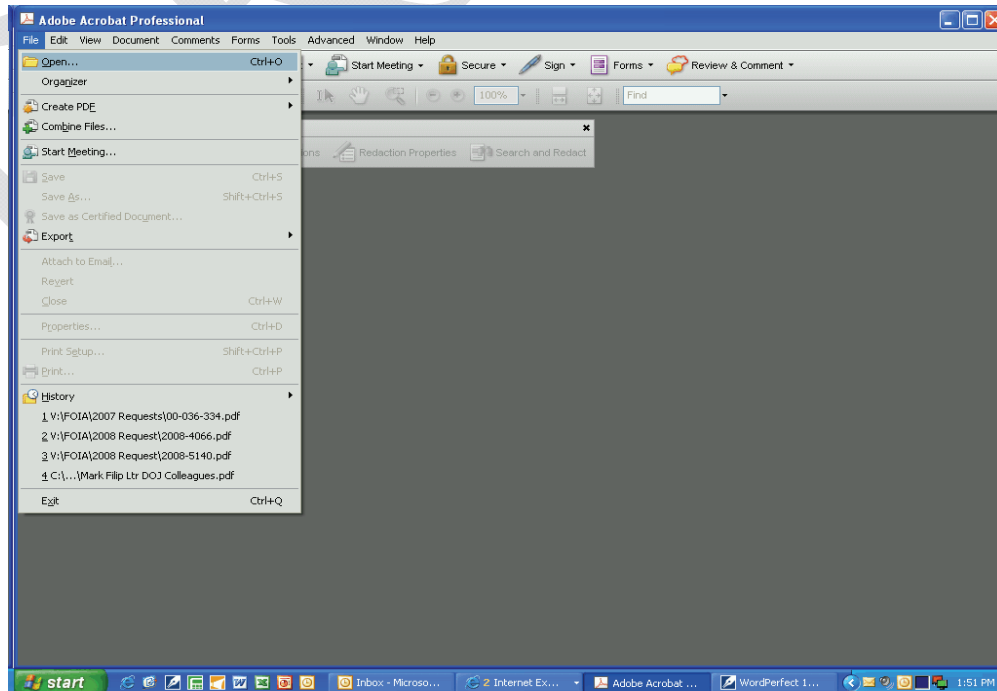
III. Procedural Steps

- A. If an exemption applies to the information to be released to the requester, than the following steps must be taken in order to redact the documents.
1. Using the document scanner, scan the document twice (Clean version and Redacted version) and save to the V drive under the FOIA folder then select the Redaction folder on the computer. The scanned documents are to be saved under the alien number. If there is no alien number, save the document under the subject’s name. *(NOTE: Do Not leave spaces when naming document)* When saving the documents next to the alien number or subject’s name indicate “Redacted” and “Clean” on each copy. For Example:
 - A document containing an alien number would be saved twice as, A73130290-Clean and A73130290-Redacted
 - A document containing a subject’s name would be saved twice as, Smith-Clean and Smith-Redacted
 2. After the documents have been successfully scanned and saved, select the Start menu on the bottom left corner of your computer screen. Then select All Programs, and launch Adobe Acrobat 8.

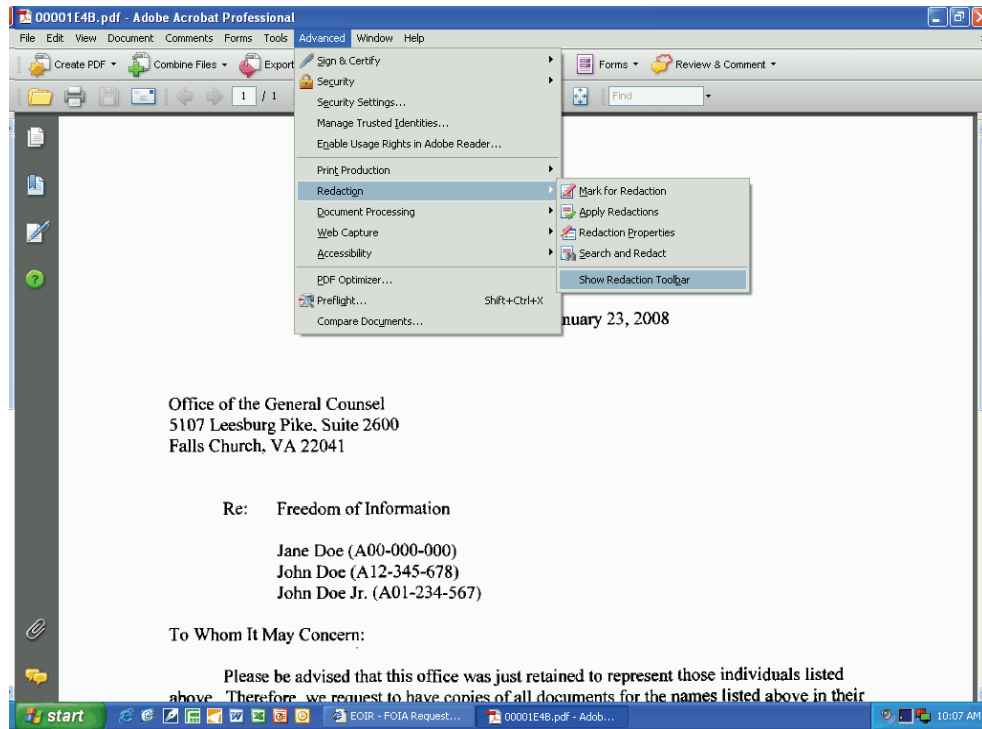
3. Adobe Acrobat 8 introduction will appear on your screen. Close this application by pressing the red “x”.



4. Select file open feature (or press the folder button) and select the appropriate document from the V drive.

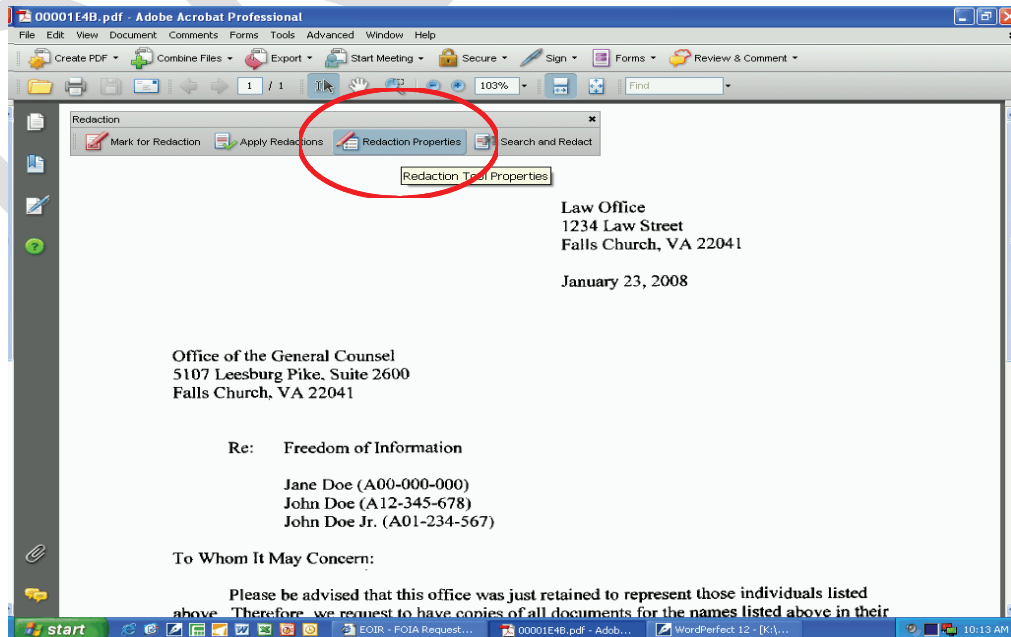


5. Select the function advanced, redaction, then show redaction tool bar.



The tool bar should appear on your computer screen. Once you have selected the tool bar, this setting should always appear on the screen. If the tool bar does not show, return to step number 5.

6. Next, select the redaction properties function on the redaction tool bar.

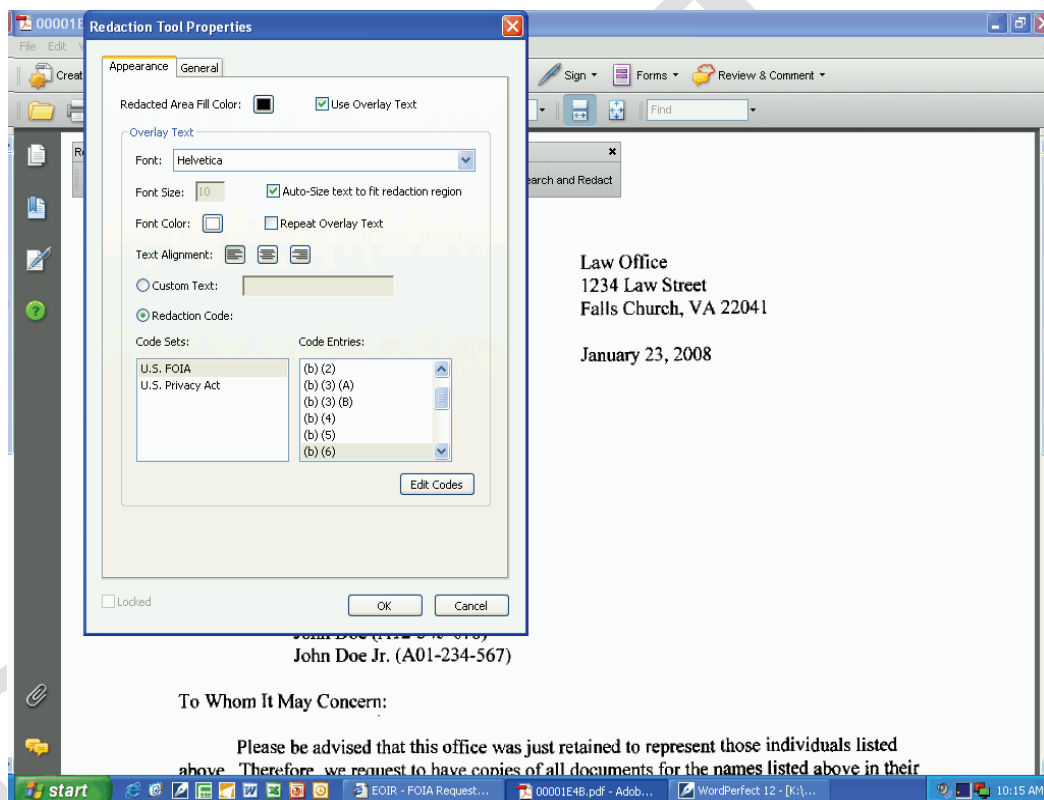


7. Select the font color *white*, and *auto size text*. Then there are two options.

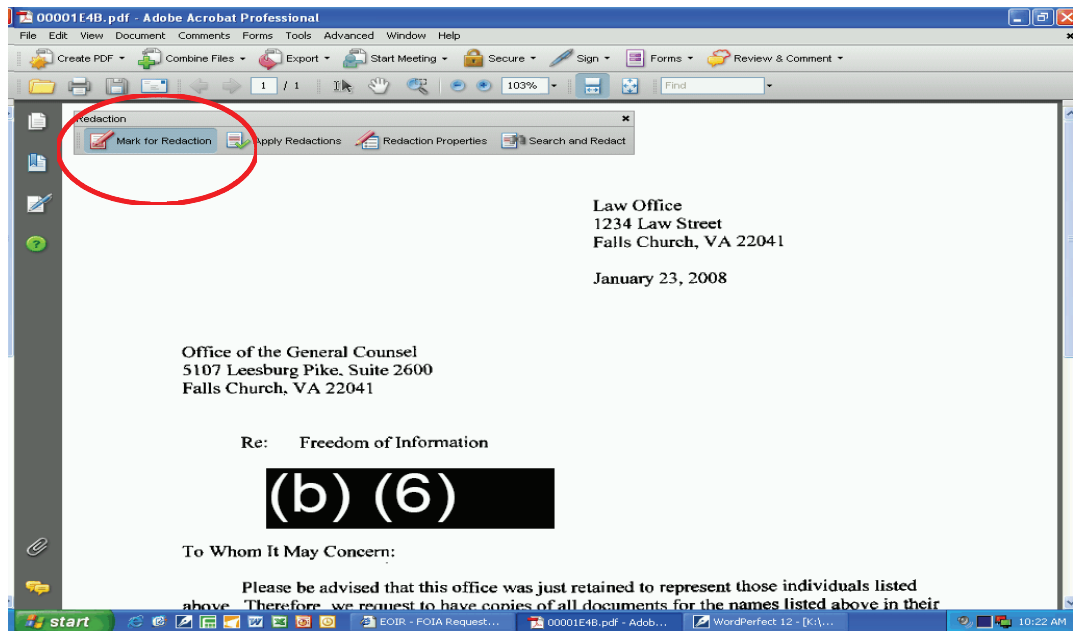
Option 1: Custom Text - allows the user to type in the redaction code/comments to appear in the area that is selected for redaction.

Option 2: Redaction Code - allows the user to select a pre-code which the computer will insert in the area selected for redaction.

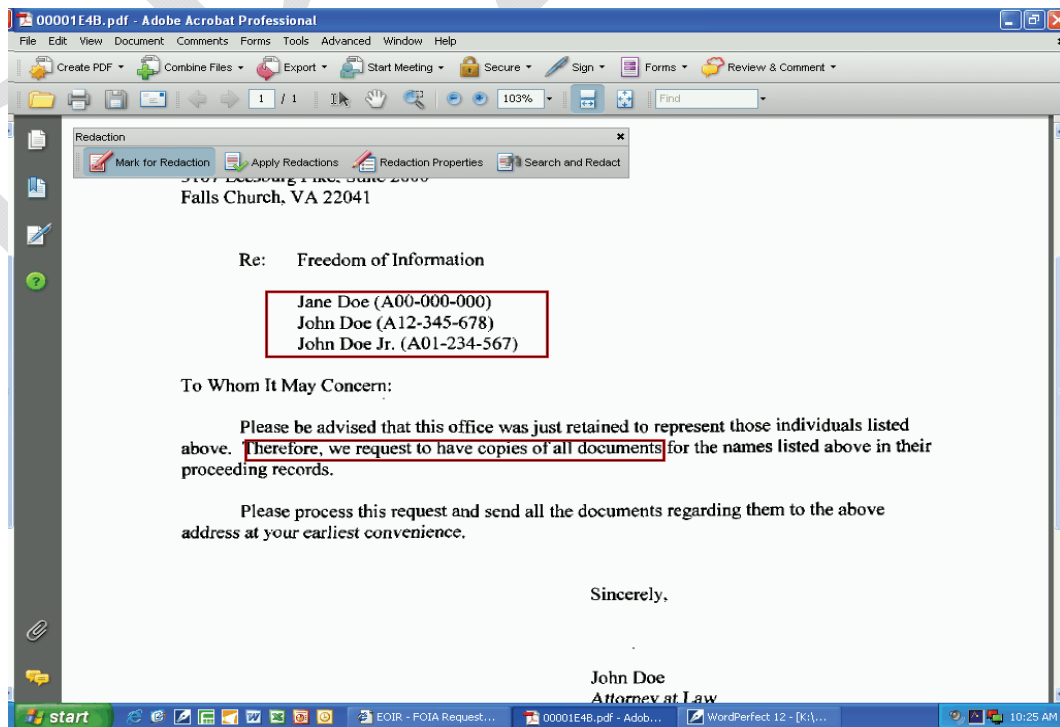
After selecting one of the options, select *ok*.



8. Select the Mark for Redaction Feature on the tool bar. The cursor will appear as a “+” symbol. Then, select the information to be redacted on the documents. Hold the cursor down and draw a box around the information to be redacted. It will briefly turn to a black box with the exemption in the highlighted area.

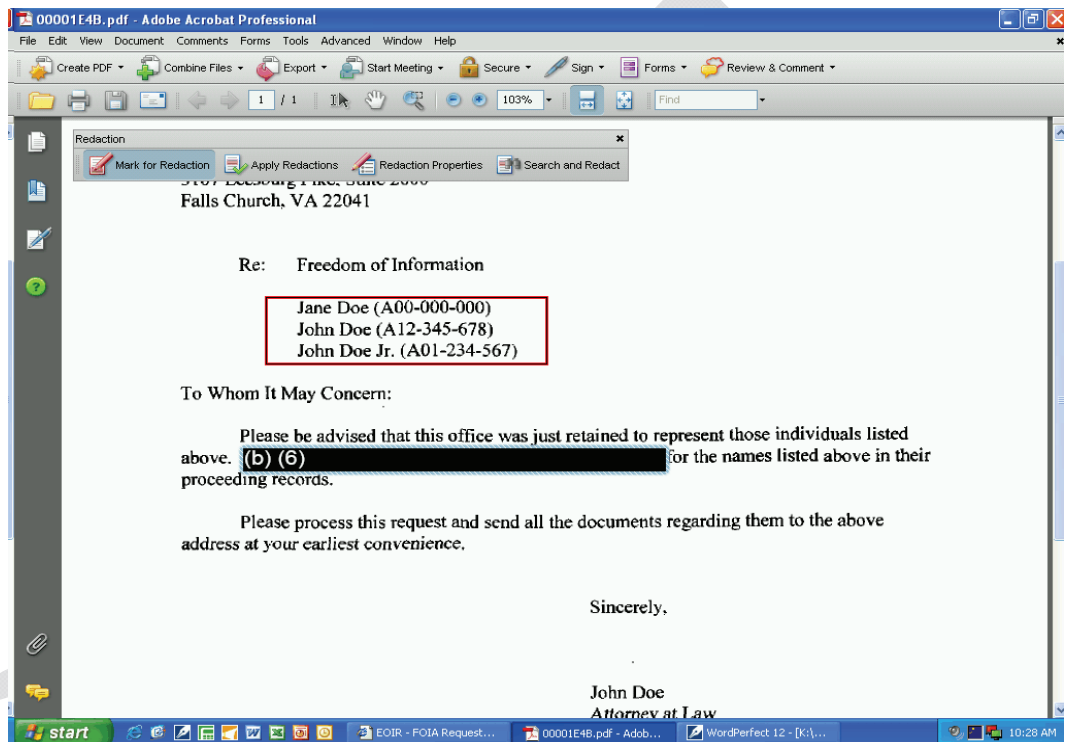


The area marked for redaction will then turn to a red highlighted box.



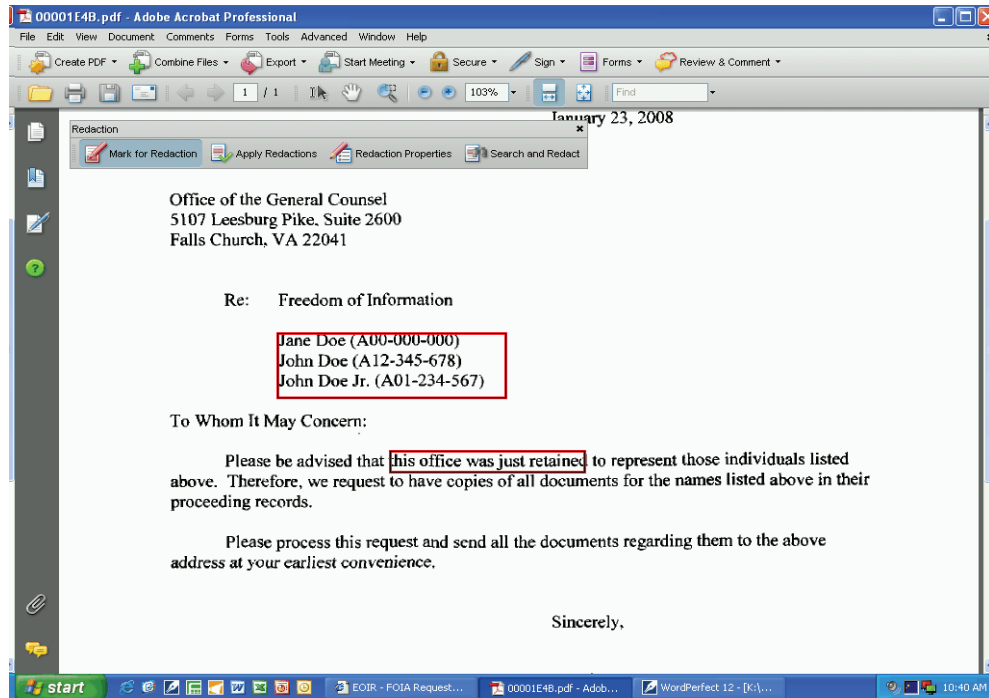
Continue to redact all the other areas needing redaction in the document. If another exemption code is needed, select the redaction properties feature and select another code.

9. If a section was marked for redaction and needs to be changed, click on the area selected for deletion and the section should have a blue border around it. Once the border is blue, press the delete button on your computer keyboard and the original text will re-appear without a border.

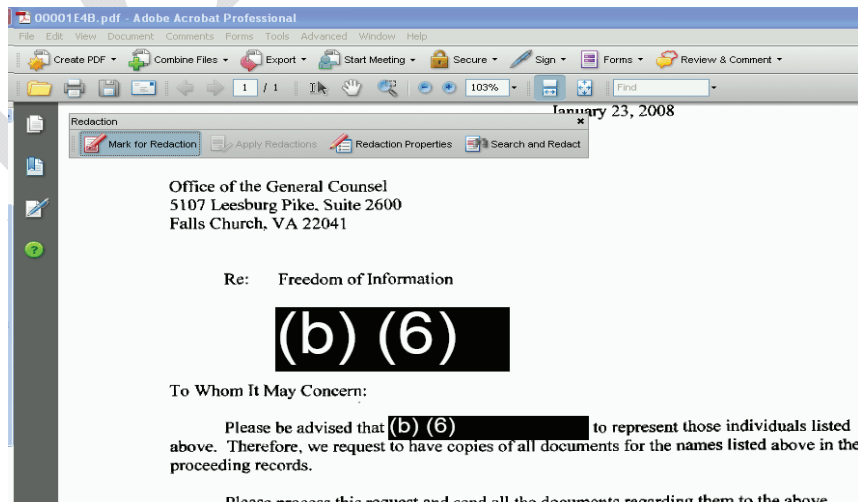


If the entire page turns blue, click the mouse and the page will turn white again.

10. Once all the areas are selected for redaction, the work can be saved. The redacted text will have a red box.
 - Save the changes under the Redacted version of your document. Our records will have a “Clean” (unredacted version) and a redacted version of the document.



11. Once the document is finalized and no changes will be made by anyone, then select the Apply Redaction feature. *Once the apply redaction function has been applied, the process can not be undone.* Then print the final document.



Chapter 4

Referral and Consultation Procedures

I. Purpose

To provide an inter-office guide for the FOIA Service Center on processing referrals and conducting consultations regarding FOIA/PA requests.

II. Policy

- A. A “referral” is when an agency locates a responsive document that originated outside of the agency and therefore refers the responsive documents to the agency in which the document originated from.
- B. A “consultation” is when an agency locates a responsive document that originated itself, but contains information that was furnished by another agency.

III. Procedures for Referrals

- A. When referring requested records to originating agencies for a direct FOIA response, the following steps occur:
 - 1. The documents shall be reviewed by the FOIA Specialist for possible redacting of information.
 - 2. The FOIA Specialist will draft a “Referral Letter” and a “FOIA Referral Form” along with providing the responsive documents to the FOIA Attorney for review. *See Appendix IX*, sample Referral Letter and FOIA Referral Form.
 - 3. Upon review by the FOIA Attorney, only a Referral Letter will be sent to the requester indicating the amount of pages that were referred to another agency, and the name of the agency.
 - 4. The referral package should contain a FOIA Referral Form, Memo stating reason for referral, copy of the Referral Letter sent to the requester, copy of the FOIA Request, and the responsive documents (including any

redactions). The referral package is sent to the other agency for them to respond directly to the requestor.

IV. Procedures for Consultations

- A. Interagency FOIA consultations should be made formally. In order to conduct a consultation with another agency, the FOIA Service Center will contact the corresponding agency by submitting a memorandum or an e-mail.
- B. The memorandum or e-mail should include as an attachment 1) a copy of the FOIA request and 2) a copy of the documents the corresponding agency needs to review for consulting.
- C. The corresponding agency is to provide a written response. Once the response is received, EOIR will provide the final response to the requestor and invoke the exemptions on behalf of the other agency.
- D. *Effective July 1, 2008*, all consultations are to be entered into the consultation log located in the K drive.

Chapter 5 Fees and Fee Waivers

I. Purpose

To provide an inter-office guide to processing fees at the FOIA Service Center.

II. Fee Policy

- A. There are three types of fees that may be charged to the requester.
1. Search Fee - the amount of time spent looking for material that is responsive to a request; including manual/computer searches as well as computer operator/programmer salary.
 2. Review Fee - determining whether the material is exempt from disclosure.
 3. Duplication Fee - an agency established per-page charge for paper reproduction of documents.
- B. Our agency uses the below costs in producing documents to requesters. Please note that our office charges the requester \$0.10 per page after the first 240 pages. The FOIA Specialist enters the appropriate information in the Search, Review, and Duplication fields. Once the calculate fee button is selected, the FOIA Database automatically calculates the fee to be charged.

CALCULATE FEES

PLEASE PROVIDE THE FOLLOWING INFORMATION. WHEN COMPLETE,
CLICK THE "CALCULATE FEES" BUTTON TO CALCULATE THE FEES.

Hours Logged

Clerk @ \$ 4.00 / 1/4 hour

Professional @ \$ 7.00 / 1/4 hour

Manager @ \$10.25 / 1/4 hour

Page Fee: \$ 0.10

Pages

CALCULATE FEES

- C. Once the fee has been calculated, a “Fee Letter” is sent to the requester indicating the cost of the product. See Appendix X, sample Fee Letter.

III. Fee Waiver Policy

- A. The statutory standard for fee waivers is “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”
- B. There are two factors when applying the fee waiver standard:
 - 1. Identify the public interest - (1) “Whether the subject of the requested records concerns the operations or activities of the government”; (2) “Whether the disclosure is likely to contribute to an understanding of government operations or activities”; (3) “Whether disclosure of the requested information will contribute to public understanding”; and (4) “Whether the disclosure is likely to contribute significantly to public understanding of government operations or activities.”
 - 2. Measurement of the Commercial Interest - (1) “Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so (2) Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.”
- C. No duplication fee will be collected for information provided on a CD, as duplication fee is only for actual hard copies provided. However, if the requester returns the CD and requests a hard copy, then a fee can be assessed.
- D. ***Effective December 31, 2008***, no fees can be assessed from requestors for duplication or search fees if the case is not processed in 20 working days.

Appendices

Letter Formats – Memos – Forms

Appendix I

FOIA Request Form
[Form DOJ-361](#)

Appendix II

[Need More Information Letter](#)

Appendix III

[No Record Letter](#)

Appendix IV

[Processing Request Letter](#)

Appendix V

Expedite Letters
[Granted Expedite Letter](#)
[Denied Expedite Letter](#)

Appendix VI

[Component Memo](#)

Appendix VII

[Fee Suspension of Work Letter](#)

Appendix VIII

[Routing Slip](#)

Appendix IX

Referrals
[Referral Letter](#)
[FOIA Referral Form](#)

Appendix X

[Fee Letter](#)



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ _____

Citizenship Status ² _____ Social Security Number ³ _____

Current Address _____

Date of Birth _____ Place of Birth _____

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ _____ Date _____

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

John Smith
1234 West Lane
New York, NY 10123

RE: Freedom of Information Act Request
Richard Walker (A00-000-000), EOIR No. 2008-XXXX

Dear Mr. Smith:

This is in response to your Freedom of Information Act request which was received in this office on June 1, 2008. You have requested copies of documents in the above-referenced matter.

Please be advised that after a search of our database we could not locate the record you requested. The database contains records of proceedings from 1988 to the present. If your case occurred prior to that time, the location and date of proceedings is required for special processing.

In addition, if you provide additional information such as the alien number, which Immigration Court the proceedings occurred, if an appeal was filed with the Board of Immigration Appeals, etc., we will conduct another search. Please cite control number EOIR # 2008-XXXX in any further inquiry about this request.

If you are not satisfied with the foregoing, you may appeal within 60 days to the Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., N.W., Suite 11050, Washington D.C. 20530. The procedures for appeal are stated at 28 C.F.R. 16.9.

Sincerely,

Freedom of Information Act Specialist

EOIR # 2008-XXXX



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

John Smith
1234 West Lane
New York, NY 10123

RE: Freedom of Information Act Request
Richard Walker (A00-000-000), EOIR No. 2008-XXXX

Dear Mr. Smith:

This is in response to your Freedom of Information Act request which was received in this office on June 1, 2008. You have requested copies of documents in the above-referenced matter.

Please be advised that after a search of our database no records were located regarding this matter. The database contains records of proceedings from 1988 forward. If your case occurred prior to that time, the location and date of proceedings will be required for special processing. Please cite control number EOIR # 2008-XXXX in any further inquiry about this request.

If you are not satisfied with the foregoing, you may appeal within 60 days to the Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., N.W., Suite 11050, Washington D.C. 20530. The procedures for appeal are stated at 28 C.F.R. 16.9.

Sincerely,

Freedom of Information Act Specialist

EOIR # 2008-XXXX



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

John Smith
1234 West Lane
New York, NY 10123

RE: Freedom of Information Act Request
Richard Walker (A00-000-000), EOIR No. 2008-XXXX

Dear Mr. Smith:

This response acknowledges receipt to your Freedom of Information Act request. Your request has been assigned control number: 2008-XXXX

If you have filed a fee waiver request, the fee waiver will be addressed in a separate letter. Otherwise, your request constitutes an agreement to pay fees that may be chargeable up to \$25 without notice. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand. Fees may be charged for searching records at the rate of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of research time are not charged, and charges must exceed \$14.00 before we will charge a fee.

Ordinarily, FOIA requires an agency to respond within 20 working days after receipt of the request. EOIR endeavors to meet this standard, however the FOIA does permit a ten day extension of this time period. Pursuant to 5 U.S.C. 552(a)(6)(B), we are notifying you that due to 'unusual circumstances' an additional 10 day extension will be added to the standard processing time since your request either requires the collection of records from field offices, or involves a search for numerous documents that will necessitate a thorough and wide-range search of records at headquarters. If you care to narrow the scope of your request, please contact our office.

We will give your request every consideration consistent with applicable law. If you have any further questions, please contact the FOIA Service Center at 703-605-1297.

Sincerely,

Freedom of Information Act Specialist

EOIR # 2008-XXXX



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

John Smith
1234 West Lane
New York, NY 10123

RE: Freedom of Information Act Request
Richard Walker (A00-000-000), EOIR No. 2008-XXXX

Dear Mr. Smith:

The Executive Office for Immigration Review has received your letter for expedited treatment of your Freedom of Information Act request. Upon further review, it has been determined that your request meets the threshold as defined in the Freedom of Information Act regulations, therefore your request has been granted. If you have any questions, please contact me at (703) 605-1297.

Sincerely,

Freedom of Information Act Specialist

EOIR # 2008-XXXX



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

John Smith
1234 West Lane
New York, NY 10123

RE: Freedom of Information Act Request
Richard Walker (A00-000-000), EOIR No. 2008-XXXX

Dear Mr. Smith:

The Executive Office for Immigration Review has received your letter for expedited treatment of your Freedom of Information Act request. The Freedom of Information Act regulations states that expedited treatment is granted if there is an exceptional need such as jeopardy to life or personal safety, a threatened loss of substantial due process rights, or an urgency to inform the public concerning actual or alleged Federal Government activities.

Upon review of your request, it has been determined that you did not meet the threshold. Therefore, your request for expedited treatment has been denied.

If you are not satisfied, you may file an appeal with the Office of Information and Privacy at 1425 New York Ave., N.W., Suite 11050 Washington, D.C. 20530. The procedures for appeal are stated at 28 C.F.R. Section 16.9.

Sincerely,

Freedom of Information Act Specialist

EOIR # 2008-XXXX



U.S. Department of Justice
Executive Office for Immigration Review
Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

May 22, 2008

MEMORANDUM TO: Juan Osuna, Acting Chairman
Board of Immigration Appeals

FROM: Alicia Scott, FOIA Clerk
Office of the General Counsel/FOIA

SUBJECT: Freedom of Information Act Request
2008-XXXX

The Freedom of Information Act (FOIA) unit is in possession of a FOIA request, received in this office on May 21, 2008. The requester, John Smith, is in search of information regarding operation procedures. Please see the attached FOIA request for more detailed information. We ask that you respond to this request COB June 5, 2008. Should you have any questions or concerns please feel free to contact me at 703-605-1297.

Date	Person conducting search & Number of Hours by 1/4 hour _____	Results of search
------	---	-------------------

Attachment

EOIR:2008-XXXX



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

John Smith
1234 West Lane
New York, NY 10123

RE: Freedom of Information Act Request
Richard Walker (A00-000-000), EOIR No. 2008-XXXX

Dear Mr. Smith:

This is in response to your Freedom of Information Act request. You requested copies of the entire record of proceeding in the above-referenced matter.

Please be advised that you have failed to pay a properly charged FOIA fee to this agency within 30 days of the billing date. Any new requests and any pending requests will not be processed until delinquent payment is received. If you have any questions, please contact Crystal Souza at (703) 605-1297.

Sincerely,

Freedom of Information Act Specialist

EOIR # 2008-XXXX



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

MEMORANDUM TO: Immigration Court

FROM: Office of the General Counsel
FOIA Service Center

SUBJECT: Return of Record(s) of Proceeding(s)

Enclosed please find the record of proceeding(s) for:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Thank you for your assistance.



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

John Smith
1234 West Lane
New York, NY 10123

RE: Freedom of Information Act Request
Richard Walker, EOIR No. 2008-XXXX

Dear Mr. Smith:

This is in response to your Freedom of Information Act request which was received in this office on June 1, 2008. You have requested copies of communication between our agency and Richard Walker.

The 2 pages of documents you have requested originated with another agency. Therefore, the 2 pages of documents have been referred to the Immigration and Customs Enforcement (ICE) for a direct response to you.

If you are not satisfied with the foregoing, you may appeal within 60 days to the Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., N.W., Suite 11050, Washington D.C. 20530. The procedures for appeal are stated at 28 C.F.R. 16.9.

Sincerely,

Freedom of Information Act Specialist

EOIR # 2008-XXXX

U.S. Department of Justice
Executive Office for Immigration Review
Office of General Counsel
Freedom of Information Act Service Center

FOIA Referral Form

EOIR DATA

REQUESTER: _____

REQUEST SUBJECT: _____

TOTAL NUMBER OF PAGES REFERRED: _____

EOIR REQUEST NUMBER: _____

EOIR FOIA SPECIALIST: _____

EOIR FOIA SPECIALIST PHONE NUMBER: _____

EOIR FOIA SPECIALIST E-MAIL ADDRESS: _____

**This information is being referred to you to handle directly.
A response to EOIR is not required.**

DATE REFERRED TO DHS: _____

DATE CLOSED AT EOIR: _____



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

July 25, 2008

John Smith
1234 West Lane
New York, NY 10123

RE: Freedom of Information Act Request
Richard Walker (A00-000-000), EOIR No. 2008-XXXX

Dear Mr. Smith:

This is in response to your Freedom of Information Act request which was received in this office on June 1, 2008. You have requested copies of documents in the above-referenced matter.

Please be advised that federal regulations authorize the Agency to charge a \$0.10 per page duplication fee after the first 100 pages, (28 C.F.R. § 16.10(j)(3)). The file you have requested contains approximately 1021 pages. Please remit a check or money order for \$92.10 payable to the 'Treasury of the United States.' Upon receipt of the fee, the entire record of proceeding will be forwarded to you.

If you fail to pay the assessed fee within thirty (30) days, we are not required to respond to any further FOIA requests until current debt is paid. In addition, your request will be administratively closed.

Sincerely,

Freedom of Information Act Specialist

EOIR # 2008-XXXX