



OFFICE of GOVERNMENT INFORMATION SERVICES

September 18, 2015—Sent via U.S. mail

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Case No.: 201500931
NG: CM

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Dear [REDACTED]:

This responds to your July 8, 2015 request for assistance from the Office of Government Information Services (OGIS), which we received via email. Your request for assistance pertains to your Freedom of Information Act (FOIA) appeal to U.S. Immigration and Customs Enforcement (ICE).

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.

You contacted OGIS about two appeals that you filed on behalf of [REDACTED] [REDACTED]. In your submission to OGIS, you explain that the agency's appeal deadline was [REDACTED], but according to USPS records, it delivered your appeal on [REDACTED] (the first business day after the appeal deadline, which fell on a Saturday). You dispute ICE's assertion that your appeal was "received" on [REDACTED] and agency's rejection of your appeal as untimely.



OGIS contacted ICE to learn more about your appeal. As you are aware, DHS's FOIA regulation stipulates that FOIA appeals "must be received by the Associate General Counsel (General Law) within 60 days of the date of the letter denying [that] request." According to ICE's FOIA appeals staff, the final response letter for [REDACTED] was dated [REDACTED]; sixty days from that date was [REDACTED], well before the [REDACTED] receipt date.

Regarding [REDACTED] the agency confirmed that the final date for this

September 18, 2015

Page 2 of 2

appeal was [REDACTED]; ICE FOIA initially considered your appeal (which was received on [REDACTED] to be untimely. After discussions with OGIS, ICE FOIA agreed that because your appeal arrived on the first business day after the appeal deadline—which was on a weekend day—the agency will reopen and process appeal [REDACTED].

I hope that this information about your appeals is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

JAMES V.M.L. HOLZER
Director

cc: Fernando Pineiro, Jr., ICE FOIA

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.