



OFFICE *of* GOVERNMENT INFORMATION SERVICES

October 26, 2015 — Sent via email

[REDACTED]  
[REDACTED]

Re: Case No.: 201501242  
NG: CM: KG

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

8601 ADELPHI ROAD  
OGIS  
COLLEGE PARK, MD  
20740-6001

web: [www.ogis.archives.gov](http://www.ogis.archives.gov)  
e-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
phone: 202-741-5770  
toll-free: 1-877-684-6448  
fax: 202-741-5769

Dear [REDACTED]:

This responds to your September 27, 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) request to U.S. Citizenship and Immigration Services (USCIS).

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 made a request to USCIS on [REDACTED], for records related to [REDACTED] [REDACTED] national figure who immigrated to the United States in 1951. USCIS responded on [REDACTED], releasing 45 pages in their entirety and 10 pages in part. USCIS withheld one additional page in full. USCIS withheld this information under FOIA Exemption 6, 7(C), and 7(E). USCIS's response further informed you that the agency referred 32 additional pages to another government agency.



You appealed that response on [REDACTED], citing the Nazi War Crimes Disclosure Act of 2005 (NWCDA) as a reason that the FOIA exemptions cited by the agency do not apply to these materials. In your appeal you also asked for the name of the agency to which USCIS referred records. USCIS responded to your appeal on [REDACTED], affirming its initial decision to withhold records under the FOIA exemptions listed above. The agency further explained that the NWCDA does not impose any substantive or procedural requirements with regards to how agencies process FOIA requests, with one exception that does not apply to your request. USCIS also declined to name the agency to which a portion of the responsive materials was referred, explaining that the referral was made in a manner that is consistent with the agency's regulations.

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OGIS contacted USCIS to discuss your request. The agency informed OGIS that it referred documents to another federal agency, with which USCIS has an agreement that stipulates that USCIS will not disclose the agency's name. This practice is in accordance with the Department of Justice guidance on referrals at the following link:

<http://www.justice.gov/oip/blog/foia-guidance-13>. While USCIS informed you that the agency to which the referral was made will respond directly to you, you may contact USCIS for the status of your referred records.

You stated in your appeal to the agency that the subject of your request was a well-known Nazi collaborator during World War II, and you did not believe the agency should use FOIA Exemptions 6, 7(C) and 7(E) to protect the privacy of a Nazi collaborator who is no longer living, in accordance with the NWCDA. USCIS explained to OGIS that the agency used the three exemptions for other reasons, and recognized that had the agency used the exemptions to protect the privacy of someone who was no longer living, the redactions would have been removed on appeal.

As you are likely aware, the NWCDA was an interagency working group which identified and declassified over 8.5 million pages of records, including records from the CIA and the operational files of the Office of Strategic Services (OSS), the forerunner to the CIA. USCIS explained in the agency's appeal determination letter that the NWCDA "did not impose any substantive or procedural requirements with regards to how Agencies process FOIA requests (with one exception that is not relevant here)." The exception USCIS mentioned is located in section 4 of the NWCDA, which allows expedited processing of FOIA requests to any person who was persecuted in the manner described under section 3(a)(1) of this Act who requests a Nazi war criminal record.

You can find the text of the Act at the following link:

<http://www.archives.gov/about/laws/nazi-war-crimes.html>.

I hope that this information about your request is useful to you. At this time, there is no further assistance OGIS can offer. Thank you for bringing this matter to OGIS. We will close your case.

Sincerely,

/s/

JAMES V.M.L. HOLZER  
Director

cc: Mark Porter, USCIS

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.