



OFFICE of GOVERNMENT INFORMATION SERVICES

March 18, 2016 - Sent via e-mail



In Re: Case No.: 201600473  
NG: CM: HK

NATIONAL  
ARCHIVES  
and RECORDS  
ADMINISTRATION



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Dear 

This responds to your February 5, 2016, request for assistance from the Office of Government Information Services (OGIS), pertaining to your Freedom of Information Act (FOIA) request to United States Customs and Border Protection (CBP). Thank you for contacting OGIS.

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

We carefully reviewed your submission of information, and we understand that you submitted a request to CBP for a record of your  entry into the United States. Specifically, you seek a copy of your  CBP responded to your request by informing you that the agency was unable to locate responsive documents. You appealed this response. In response to your appeal, CBP affirmed the no records response and you asked OGIS for assistance.

CBP searched its files for responsive records using your name and date of birth; however, no responsive records were found. Federal courts have long settled that in regard to a search for documents, the crucial issue is whether an agency conducted an adequate search for a document, not whether a document *might* exist. An adequate search is conducted when the search is reasonably calculated to uncover all relevant documents. *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). The reasonableness of an agency's search can depend on whether the agency properly determined where responsive records were likely to be found, and searched those locations, or whether the agency improperly limited its search to certain record systems or otherwise failed to explain how and why the particular search at issue was conducted.



NATIONAL  
ARCHIVES

As CBP explained in its [REDACTED] email to you, you may wish to submit a FOIA request to United States Citizenship and Immigration Services (USCIS); it is possible that information related to your [REDACTED] entry is kept in your A-file. In order to get a more expeditious response to your request, you may want to narrow your request to only the [REDACTED] (rather than your complete A-file). By narrowing the request to a specific document, the agency may be able to respond more quickly.

I hope you find this information useful in understanding why CBP responded to your request as it did. At this time, there is no further assistance OGIS can offer and we will close your case. Thank you for bringing this matter to OGIS.

Sincerely,

[REDACTED]  
JAMES V.M.L. HOLZER  
Director

cc: [REDACTED], Chief, FOIA Appeals, Customs and Border Protection

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.