



OFFICE *of* GOVERNMENT INFORMATION SERVICES

June 30, 2016—Sent via email

██████████
████████████████████

Re: Case No.: 201600835
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 ██████████:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on May 11, 2016 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.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. This process helps us gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, OGIS carefully reviewed your submission of information.

You made a request to USCIS for records related to your client, ██████████ ██████████. In response to your request, USCIS identified 43 responsive pages, releasing 41 pages to you in full and withholding parts of two more pages pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552(b)(5) and (b)(6). You appealed this response, disputing in particular the adequacy of USCIS's search for responsive records. USCIS responded to your appeal by affirming the agency's initial action on your request. You ask for OGIS's assistance with this matter.

In response to your submission, OGIS staff contacted USCIS appeals staff to discuss your request and the agency's response. In particular, we discussed your assertion that you did not receive particular records, including a Notice of Intent to Terminate, documentation of INS's decision on ██████████ temporary residency application, and any records related to a ██████████ encounter with Customs and Border Protection (CBP). USCIS staff affirmed its response to your request, informing OGIS that it searched for responsive records based on the name and date of birth provided in the initial response, and that it released all records in its files responsive to that search (in full or in part).



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Please know that 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. See *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

Regarding records related to your client's encounter with CBP, USCIS does not have access to all of CBP's systems. You may wish to make a request to CBP to see if that agency has a record of that encounter. Directions for filing a CBP FOIA request through the *FOIAonline* web portal are available at <https://www.cbp.gov/site-policy-notices/foia>.

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

Sincerely,

/s/

NIKKI GRAMIAN
Acting Director

cc: USCIS 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.