



OFFICE of GOVERNMENT INFORMATION SERVICES

December 9, 2016

Mr. Jonathan Carver
Chief Financial Officer
Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

NATIONAL
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Dear Mr. Carver:

This letter is in reference to your October 13, 2016 response to Office of Government Information Services (OGIS) recommendations for improving the Immigration and Customs Enforcement (ICE) administration of the Freedom of Information Act (FOIA). We appreciate your thorough response to our October 2016 FOIA compliance assessment and thank you for participating in OGIS's agency compliance assessment program.

As documented in our report and reinforced by your thorough response to our recommendations, ICE has taken a number of important steps to strengthen its FOIA program and improve compliance with the statute. We have reviewed your responses and, as indicated in the attached form, we consider all four of OGIS's recommendations for the ICE FOIA program to be closed.

If you have any questions, please do not hesitate to contact Kirsten Mitchell at 202-741-5775 or at kirsten.mitchell@nara.gov.

Sincerely,

NIKKI GRAMIAN
Acting Director



cc: Jonathan Cantor, Acting Chief FOIA Officer, Department of Homeland Security (DHS)
James Holzer, Deputy Chief FOIA Officer, DHS
Catrina Pavlik-Keenan, Director, FOIA Office, ICE
Fernando Pineiro, Deputy Director, FOIA Office, ICE
Robert DeAntonio, Branch Chief, Audit Liaison Office, ICE

Enclosure

**OFFICE OF GOVERNMENT INFORMATION SERVICES
FREEDOM of INFORMATION ACT COMPLIANCE ASSESSMENTS**

Immigration and Customs Enforcement: October 2016		
Recommendation	Agency Response	Status
Consider developing a process to electronically transmit misdirected FOIA requests to USCIS.	<p>Concur. Prior to the OGIS compliance review, the ICE FOIA office had already begun transmitting misdirected electronically submitted FOIA requests to USCIS and other DHS components through e-mail and replies back to the requestor using the same template language as the office's referral letters, advising the requestor that their FOIA request was referred to another DHS component.</p> <p>The office will look into the recommendation of electronically transmitting hard copy misdirected FOIA requests; however, we believe that it is often a more tedious and time consuming task to scan the mail than it is to send the original copies of the request to the correct component as we currently do.</p> <p>We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. ECD: December 31, 2016.</p>	Closed
Comply with DOJ guidance encouraging agencies to use a FOIA metadata tag with all posted records released under FOIA.	<p>Concur. ICE FOIA will work to ensure that future records posted in the ICE FOIA Library be compliant with OIP's guidance on the use of a FOIA metadata tag.</p> <p>We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. ECD: December 31, 2016.</p>	Closed
Cite in response letters to requesters which Exemption 3 statute the agency is relying on to withhold information.	<p>Concur. ICE FOIA will work with the DHS Director of FOIA Technology to ensure that the office's template letters include the Exemption 3 statute.</p> <p>We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. ECD: December 31, 2016.</p>	Closed
Provide requesters with at least 30 working days to respond to a still interested inquiry as per DOJ guidance and confirm with the requester in writing if a request is closed as a result of a discussion.	<p>Concur. ICE FOIA will work to ensure its administrative closure policies are in compliance with DOJ's guidance.</p> <p>We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. ECD: December 31, 2016.</p>	Closed