

U.S. Department of Homeland Security
Attn: FOIA/PA Appeals Office
PO Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

November 13, 2019

APP2019501611

Zachary Heiden
ACLU of Maine
121 Middle Street, Suite 200
Portland, ME 04101

Re: Denial of expedited treatment, COW2019500947

Dear Mr. Heiden:

You appealed the action of the USCIS FOIA office, National Records Center (NRC) regarding your request for expedited processing of a FOIA request for records pertaining to:

- A. Any and all Records, excluding confidential information from individual Alien files, containing data or statistics prepared, compiled, or maintained or that which could readily be prepared, compiled, or maintained based upon information, records, or documentation in the Newark and Boston Asylum Offices' actual or constructive possession and/or control, pertaining to affirmative asylum interviews. Such Records include, but are not limited to:
 - a. Case file information and Records for each affirmative asylum application processed by the Newark Asylum Office from January 1, 2010 to present and by the Boston Asylum Office from January 1, 2015 to present, sorted by I-589 receipt number, including all the following data associated with each application:
 - i. State of U.S. residence at the time of application;
 - ii. Asylum Office that adjudicated the application;
 - iii. Country of origin;
 - iv. Age at time of application;
 - v. Gender;
 - vi. Race;
 - vii. Nationality;
 - viii. Native Language;
 - ix. Filing date of I-589 application;
 - x. Date(s) of Request for Evidence, if any;
 - xi. Date of interview;
 - xii. Date of adjudication;
 - xiii. Type of decision [approval, denial, referral (interview), referral (uninterviewed), filing deadline referral, case closed/no-show denial];
 - xiv. Whether applicant had counsel present at the interview; and
 - xv. Whether applicant had an interpreter present at the interview.
 - b. Records regarding Supervisory Asylum Officers' returns and adjudicator logs underlying affirmative asylum denials, referrals, approvals, notices of intent to deny, and assessments to approve, deny, or refer from the Newark Asylum Office from January 1,

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2010 until the present and the Boston Asylum Sub-Office since January 1, 2015, including assessments and reasonings regarding why returns were given and/or the reasons behind the resulting referrals and denials;

c. Records regarding communications related to referrals, denials, approvals, notices of intent to deny, and assessments to approve, deny, or refer from the Newark Asylum Office from January 1, 2010 until the present and the Boston Asylum Sub-Office since January 1, 2015;

d. Any and all related Records not specifically outlined above.

B. Any and all Records, received, maintained, or created by any governmental agency or subdivision, related to procedures, policies, or objectives of the Newark Asylum Office controlling the decision-making process of affirmative asylum cases from January 1, 2010 until the present. Additionally, Requesters seek Records received, maintained, or created by any governmental agency or subdivision, as well as Records related to procedures, policies, or objectives from the Boston Asylum Sub-Office, including documents created on or after January 1, 2015. Records include, but are not limited to:

- a. Overview Documents: Any and all Records referencing, discussing, detailing, explaining, or otherwise addressing the purposes, goals, objectives, responsibilities, implementation, and deployment strategy of the Boston or Newark Asylum Office's policies, procedures, and objectives regarding the affirmative asylum process.
- b. Approval Notices, Referral Notices, Notices of Intent to Deny, and Denial Notices: Any and all Records regarding approval, denial (including notices of intent to deny), and referral notices that include the reasoning behind and communications regarding the approvals, referrals, denials, decisions, notices of intent to deny, and assessments to approve, deny, or refer, including redacted letters sent to affirmative asylum seekers, notices of intent to deny, internal and external emails and other Records regarding approval, denial, or referral notices and decisions, and any and all other Records addressing the approval, denial and referral decisions of affirmative asylum cases, including those Records between Supervisory Asylum Officers and Asylum Officers, excluding confidential information from individual Alien files.
- c. Any and all Records related to policies and procedures governing the decisionmaking processes regarding affirmative asylum claims made by the Boston or Newark Asylum Offices. This includes, but is not limited to:
 - i. Any and all Records containing policies, objectives, or procedures governing granted, denied or referred affirmative asylum cases within the Boston and Newark Asylum Offices;
 - ii. Any and all Records containing standard notices, decisions, or computer screen shots generated in response to the ultimate decision rendered, excluding confidential information from individual Alien files.
 - iii. Any and all Records pertaining to employee performance-based assessments, including the criteria, rubric, policies, procedures, data, objectives, expectations, and any and all other similar matters pertaining to employee performance review, excluding confidential employee information;
 - iv. Any and all Records pertaining to the number of cases the Asylum Officer's recommendation was changed (or where a different outcome was suggested) by

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- the Supervisory Asylum Officer, broken down by country of origin, Asylum Officer, Supervisory Asylum Officer, and state of residence of the applicant, excluding confidential employee and Alien file information;
- v. Any and all Records regarding the number of instances Asylum Officers have been penalized for Supervisory Officer returns of cases to the Asylum Officers and policies and directives behind such penalties given, excluding confidential employee information;
 - vi. Any and all Records related to training or education regarding the assessment of the credibility of claims, the detection of fraud, and the Boston and Newark Asylum Offices' policies and procedures regarding decisions rendered on credibility grounds in affirmative asylum cases.
- d. Any and all Records containing training, briefing, guidance, procedures, rules, or other informational materials developed internally or externally pertaining to the job training, responsibilities, guidance, and rules for all employees at the Boston and Newark Asylum Offices, including, but not limited to:
- i. Any and all Records containing required training, policies, procedures, and expectations relating to anti-bias and sensitivity training for employees working with trauma survivors;
 - ii. Any and all Records related to evaluating, compiling, reviewing, or discussing the Boston and Newark Asylum Offices' racial or antiracial profiling policies and procedures.
- e. Any and all Records relating to the technological system used in case management, including applicable hardware, software, systems, applications, and any and all other technological systems utilized in managing, assessing, organizing, and evaluating affirmative asylum cases within the Asylum Office.
- f. Any and all Records pertaining to the size of the Boston and Newark Asylum Offices, number of cases, and employee workload. This includes, but is not limited to:
- i. Any and all Records pertaining to the number of Asylum Officers and Supervisory Asylum Officers, per month;
 - ii. Any and all Records pertaining to the number of cases per month the Office has maintained, and the average caseload of each Asylum Officer and Supervisory Asylum Officer, per month;
 - iii. Any and all Records showing changes in policies pertaining to employee caseloads, the average time employees have to review and adjudicate a specific case, directives or policies regarding the amount of time dedicated toward the assessment of a single case, average time recommended for the Asylum Officer to conduct affirmative asylum interviews, time constraints pertaining to case review, and any and all other information pertaining to the workload of Asylum Officers and Supervisory Asylum Officers, since January 2010.
- g. Any and all Records, including emails, messages (including electronic messaging and emails where the word "Maine" is used), memoranda, and any and all other similar documentation that involve Maine cases or include "Maine" in the subject line and/or body of the Record, excluding confidential information from individual Alien files.

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in this case. You have not presented sufficient evidence that would establish an urgent need for the public to receive the information that would result from this wide-ranging and very burdensome records request. You have not sufficiently described why the public has an urgent need to be informed of the universe of records encompassed by your request.

I am not convinced that it is warranted to move your request ahead of all other requests, requiring USCIS FOIA processors to divert their attention away from FOIA requests received ahead of yours, for subject matter just as urgent as yours, so that they may concentrate on your request. For that reason, I will affirm the decision of the National Records Center to deny expedited processing of your FOIA request.

I note also that you have requested expedited treatment based on subparagraph (iv), A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. DHS has reserved adjudication of requests for expedited treatment based on paragraph (e)(1)(iv). As such, I will forward your appeal letter to the DHS Privacy Office and will abide by their decision.

If you are dissatisfied with our action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

The Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal Agencies. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
Telephone: (202) 741-5770 or (877) 684-6448
Email: OGIS@nara.gov
Website: ogis.archives.gov

Sincerely,



Alan D. Hughes, Associate Counsel
U.S. Citizenship and Immigration Services