Office of Investigations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

JUL 11 2005

MEMORANDUM FOR: Special Agents in Charge
Deputy Assistant Directors

FROM: Marcy M. Forman
Director, Office of Investigations

SUBJECT: A-File Accountability and Freedom of Information Act (FOIA) Processing

The Department has directed U.S. Immigration and Customs Enforcement (ICE) to assume the responsibility for processing all FOIA requests for A-Files in ICE's possession at the time the FOIA request is received. This directive has dramatically increased the backlog of ICE FOIA cases. This backlog not only creates a substantial administrative burden but also places ICE in danger of incurring costly litigation. The Office of Investigations (OI), Mission Support Division, Information Disclosure Unit, is responsible for ICE's FOIA processing. In order to slow the increase in ICE FOIA cases, we are working with the Department on ways to mitigate this situation. There are also some critical steps that ICE must take internally to resolve this situation.

Effectively immediately, you are to:

1. Appoint one employee at each SAC office to serve as the A-File Accountability Officer for your area of responsibility and note the name, position title, telephone number, and electronic mail address of the employee in **Attachment A** and **electronically** submit **Attachment A** to (b)(7)(E) b@dhs.gov no later than July 13, 2005.

2. Each SAC office will conduct an immediate 100 percent physical inventory of all A-Files in each office in your area of responsibility. This does not include "unassigned" A-Files. Unassigned A-Files are those files that have not yet been assigned to an individual and are not considered active.

3. A-File Accountability Officers will return all A-Files to the custody of U.S. Citizenship and Immigration Services (CIS), except for those files where there is a compelling reason to maintain the files in ICE's possession for investigation, litigation, and/or detention and removal purposes. The National File Tracking System (NFTS) must be updated accordingly. A generalized fear that files may be lost in the course of or after a transfer to CIS does not constitute a compelling reason.

4. Each SAC office will conduct a careful review of what documents are contained in each A-File prior to returning A-Files to CIS. A-Files must be maintained in a manner that prevents the unauthorized release of ICE law enforcement information. Documents that contain national security information, ICE internal policies and

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procedures, information that could potentially disclose the identity of confidential informants, information that may reveal investigative techniques and procedures, affidavits for arrest, search and seizure warrants, TECS records, Reports of Investigations and other materials relating to criminal investigations must not be included in A-Files returned to CIS. The OI Case Management System is the official repository of all OI law enforcement documents.

5. For those A-Files which you find compelling reasons to retain in your custody, you may take one of the following actions:

   a. Retain a copy of the A-File and return the original to CIS.

   b. Where absolutely necessary, retain the original and the A-File Accountability Officer must be prepared to assist CIS in copying the A-File or immediately returning the A-File to CIS for processing when CIS receives a FOIA request for materials in those files.

6. Each SAC office must complete **Attachment B,** including all your subordinates offices, for all of the A-Files returned to CIS and electronically submit **Attachment B**, as well as the total number of A-Files retained for investigation, litigation and/or detention and removal purposes to (b)(7)(E) @dhs.gov by COB July 22, 2005.

Thank you for your cooperation on this important matter. Questions concerning this matter should be directed to (b)(6), (b)(7)(C) Program Manager, Human Smuggling/Trafficking Unit at (202) 514-(b)(7)(E) or via e-mail at (b)(7)(E) @dhs.gov.

Attachments:

Attachment A: Names of A-File Accountability Officers
Attachment B: A-Files Returned to CIS

Cc: Assistant Director, OI
Assistant Director, International Affairs

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A-FILE ACCOUNTABILITY OFFICER

(ATTACHMENT A)

NO.	LAST NAME	FIRST NAME	TITLE	OFFICE/LOCATION (SAC/DCO/OPLA)	TELEPHONE #	EMAIL ADDRESS
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A-FILE ACCOUNTABILITY OFFICER

(ATTACHMENT A)

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A-FILE ACCOUNTABILITY OFFICER

(ATTACHMENT A)

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A-FILE ACCOUNTABILITY OFFICER

(ATTACHMENT A)

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A-FILES RETURNED TO CIS

(Attachment B)

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A-FILES RETURNED TO CIS

(Attachment B)

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