

U.S. Immigration and Customs Enforcement

News Releases

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ICE boasts a slate clean of appeals to Freedom of Information Act requests

ICE helping DHS reduce and eliminate FOIA backlogs

When given the choice to pay another Department of Homeland Security (DHS) agency or save that funding by clearing a backlog of Freedom of Information Act (FOIA) appeals in house, U.S. Immigration and Customs Enforcement (ICE) FOIA staff chose the latter without hesitation. "There was no point in paying someone from outside of ICE when we were fully capable of doing it here," said ICE FOIA Officer Catrina Pavlik-Keenan. That's not to say, however, that the task of processing 331 FOIA appeals within a six-week deadline was a snap.



ICE FOIA staff, working with the ICE Office of the Principal Legal Advisor (OPLA), some personnel burning the midnight oil on occasion, accomplished the DHS requirement to process half of the backlog of appeals, totaling 166, from mid-July to the end of July and get the remaining number of appeals off the books by August 31. ICE exceeded the first deadline, processing 179 FOIA appeals and completed the remaining 152 by the end of August.

In the seven years since DHS has been in existence, the agency took on the responsibility of processing their components' FOIA appeals. DHS Chief FOIA Officer and Chief Privacy Officer Mary Ellen Callahan proposed the FOIA appeal process change in her July 2010 memorandum, which called for "prompt elimination of all our FOIA backlogs to further the president's open government and to be consistent with the department's open government plan." DHS gave certain components, including ICE, the opportunity to either clear their own FOIA appeal backlogs or to have the U.S. Coast Guard Administrative Law Judges (ALJs) complete the task for an hourly fee.

Pavlik-Keenan said not only would it save ICE funds, but it made sense to have ICE clear their own FOIA appeal backlogs. "We know the subject matter experts within each ICE program office to approach for each FOIA. We're involved in ICE's day-to-day operations. Getting the

information from the right people is half the battle and tremendously speeds up the process," said Pavlik-Keenan.

Pavlik-Keenan has been handling FOIAs for 19 years and is experienced in all aspects of the FOIA process including processing, appeals and litigation. "I wouldn't be able to keep doing this if I didn't find it challenging and interesting," said Pavlik-Keenan. She said ICE receives a diverse range of FOIA requests from the public. The ICE FOIA Office is asked for information pertaining to immigration statistics, investigations, detainee records, business contracts and so forth.



"Our job is to allow people access to the information they're allowed to have while at the same time protect important information that's critical to the ICE mission," said Pavlik-Keenan.

The public has 60 days to appeal a FOIA response. ICE holds an excellent track record in satisfying FOIA requests. For instance, ICE received only 10 appeals to the 7,303 FOIA requests processed in fiscal year 2010-which is less than 1 percent of appeals to FOIAs.

Pavlik-Keenan said she was glad that DHS gave ICE the opportunity to clean up the FOIA backlogs when it did. "The number of FOIA appeals-331-was manageable. If it had of reached much higher...into the thousands, it would not have been manageable," she said.

ICE Executive Associate Director of Management and Administration Dan Ragsdale has set up a process for ICE to continue managing its own FOIA appeals process. The process between FOIA and OPLA is now streamlined. "Our goal is to remain current," said Ragsdale. "While we will not release information appropriately withheld, the public has a right to ask questions of their government, and we have an obligation to respond in a timely manner. It's a matter of providing a good return on investment to the taxpayers," said Ragsdale.