



U.S. Citizenship
and Immigration
Services

August 25, 2017

COW2016000918

Leslye E. Orloff
Adjunct Professor and Director
National Immigrant Women's Advocacy Project
4300 Nebraska Ave, NW C100
Washington, DC 20016

Dear Leslye E. Orloff:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office September 15, 2016 for the following information:

1. Number of BSW applications filed
2. Number of requests for further evidence (RFEs) issued
3. Number of BSW applications approved
 - a. Of the total number of cases approved, the number of cases approved without requiring an interview
 - b. Of the total number of cases approved, those in which approval followed a district office interview
4. Number of BSW applications denied
 - a. Of the total number of cases denied, the number of cases that were denied without requiring an interview
 - b. Of the total number of cases denied, those in which the denial followed a district office interview
5. Number of BSW cases entered into the USCIS Central Index System that are labeled/coded "384"
6. Provide data for cases in which BSW cases were not coded as "384" in the Central Index System
7. The shortest length of time between:
 - a. Receipt of BSW applications and the BSW case being entered into the Central Index System
 - b. Receipt of the BSW application and adjudication of the BSW application by the Regional Service Center for cases that are adjudicated without requiring an interview by the district office
 - c. Receipt of the BSW application and adjudication of the BSW application when the BSW case is sent to the District Office for an interview
 - d. Receipt of the BSW application and approval of the BSW application for cases that are approved after interview
8. The longest length of time between:
 - a. Receipt of BSW applications and the BSW case being entered into the Central Index System
 - b. Receipt of the BSW application and adjudication of the BSW application by the Regional Service Center for cases that are adjudicated without requiring an interview by the district office

- c. Receipt of the BSW application and adjudication of the BSW application when the BSW case is sent to the District Office for an interview
 - d. Receipt of the BSW application and approval of the BSW application for cases that are approved after interview
9. The average length of time between:
- a. Receipt of BSW applications and the BSW case being entered into the Central Index System
 - b. Receipt of the BSW application and adjudication of the BSW application by the Regional Service Center for cases that are adjudicated without requiring an interview by the district office
 - c. Receipt of the BSW application and adjudication of the BSW application when the BSW case is sent to the District Office for an interview
 - d. Receipt of the BSW application and approval of the BSW application for cases that are approved after interview
10. Please provide copies of policies, field manuals, and other directions provided by USCIS to the following:
- a. Service center staff responsible for battered spouse waiver adjudication of BSW cases
 - b. District office staff involved in BSW case interviews and/or adjudications
11. The dates of all trainings staff responsible for BSW adjudications/interviews received on each of the following topics for (1) each Regional Service center and, (2) each district office involved in BSW adjudications and interviews, including:
- a. Dynamics of domestic violence (battering or extreme cruelty) against adult victims
 - b. Dynamics of domestic violence (battering or extreme cruelty) against child victims
 - c. VAWA and BSW legislative history and purpose
 - d. VAWA confidentiality
 - e. For each training, please also list the format in which the training was delivered (e.g., In-person training, webinar, on-line course, etc.)
12. A description of the procedures used in the mailroom for each Regional Service Center to screen for BSW cases, to separate them from other cases received, and to clearly label the cases as VAWA confidentiality protected
13. A description of the procedures used at each regional service center and each District Office for providing separate and secure confidential storage, filing and handling of BSW cases.

We have completed the review of all documents and have determined that USCIS did not create nor does it have custody and control over records that may be responsive to items 2, 5, 6, 7a, 7b, 7d, 8a, 8b, 8d, 9a, 9b, 9d, 12 and 13. For the remaining items, USCIS identified 92 pages that are responsive to your request. Enclosed are 72 pages and 2 spreadsheets released in their entirety and 15 pages released in part. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(5) and (b)(6) of the FOIA.

During our review, USCIS located 5 pages of potentially responsive documents that may have originated from U.S. Immigration and Customs Enforcement (ICE). USCIS has sent the document(s) and a copy of your FOIA request to the ICE FOIA Office for consideration and direct response to you. Should you wish to contact ICE concerning the status of the processing of the document(s), please contact the ICE FOIA Office via phone at (866) 633-1182 or via e-mail at ICE-FOIA@dhs.gov. The ICE FOIA Office mailing address is 500 12th Street, S.W., MS 5009, Washington, D.C. 20536-5009.

Exemption (b)(5) provides protection for inter-agency or intra-agency memoranda or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

As a result of discussion between agency personnel and a member of our staff, as a matter of administrative discretion, we are releasing computer codes found on system screen prints previously withheld under exemption b(2). There may be additional documents that contain discretionary releases of exempt information. We will identify discretionary releases within the record. These discretionary releases do not waive our ability to invoke applicable FOIA exemptions for similar or related information in the future.

The enclosed record consists of the best reproducible copies available. Certain pages may contain marks that appear to be blacked-out information. Such black marks would have been present prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. You may file an administrative FOIA appeal to USCIS at: USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison, Jill Eggleston, for assistance at:

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010

Telephone: 1-800-375-5283
E-Mail: USCIS.FOIA@USCIS.DHS.GOV

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, 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
877-684-6448
Email: OGIS@NARA.GOV
Website: OGIS.ARCHIVES.GOV

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to 816-350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

Enclosure(s)