



## How to Fill Out a Request for Information Under the Freedom of Information Act and Privacy Act

### **I. Introduction**

The Department of Homeland Security (“DHS”) keeps an immigration file (also known as an “A file”) on all immigrants with whom it comes into contact. There are many reasons a person may want to see the file that the government has on that person. When the person is applying for an immigration benefit or fighting removal, it is not only helpful, but also often critical to the success of the person’s case to have a copy of the A file. The person might need to know what criminal documents the government has that could affect her eligibility for relief, or the person might need to see a paper trail of her previous immigration history to help piece together what happened.

Fortunately, a person is entitled under the Freedom of Information Act (“FOIA”)<sup>1</sup> and Privacy Act (“PA”)<sup>2</sup> to request copies of her immigration file from any of the DHS agencies—U.S. Citizenship and Immigration Services (“USCIS”); U.S. Customs and Border Protection (“CBP”); or Immigration Customs Enforcement (“ICE”)—that may hold the record.<sup>3</sup>

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**PRACTICE TIP:** Because each agency within DHS is responsible for responding to requests for its own records, it is important that before submitting your request, you determine which agency is likely to have the record(s) you are looking for, and direct your request to that agency. For example, if you want to get a copy of your client’s green card application, the request should be made to USCIS. However, if you are looking to get more information about whether your client may have been processed for expedited removal at the border, then you should submit your request to CBP. In some cases you may want to, and indeed it may be best, to submit a request to all three sections.<sup>4</sup>

Sometimes it can be complicated to determine which agency may have the records you are looking for. To help you make this determination, USCIS provides a list of records/request types, and the agency that is likely to keep those records. The list is available on the USCIS FOIA/PA website at <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/submitting-foia-requests>.

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<sup>1</sup> Freedom of Information Act, 5 U.S.C. §552.

<sup>2</sup> Privacy Act of 1974, 5 U.S.C. §552a. Unlike requests made under the FOIA, requests under the Privacy Act can only be made by lawful permanent residents or U.S. citizens.

<sup>3</sup> Because the process for submitting requests can change for each agency, be sure to visit the agency’s website for the most up to date information.

<sup>4</sup> There is a different and separate process for requesting immigration records from the Executive Office of Immigration Review (or Immigration Court). Visit the EOIR website for more information about their FOIA/PA request process, <http://www.justice.gov/eoir/efoia/foiafact.htm>.

All FOIA/PA requests to DHS must be made in writing. The government has created a form, G-639, to help people make their requests.<sup>5</sup> [Form G-639](#) may be used to make a FOIA/PA request to USCIS or ICE (although ICE also accepts online requests). Requests to CBP should be made using their online FOIA/PA request service.<sup>6</sup> This practice advisory will detail how to complete a FOIA/PA request using form G-639. We have attached a blank form G-639 for you to use. Section II provides step-by-step instructions on how to complete the form. Section III provides information on how to submit the FOIA request to the government. Section IV discusses additional ways to obtain immigration information about a person.

## II. Instructions for Filling out the Information Request

In this section, we will walk through each numbered section of the G-639 form. You should be sure to fill out each of the sections *completely*. If the client does not know the information requested, the request could be delayed, or the documents provided in response to the FOIA request might be incomplete.

### 1. Section 1. Type of Request:

✓ Check the **box** that describes your situation. If you are filing the request on behalf of another person, you should respond to this question as it would apply to the person for whom you are filing the request.

If you are *not* a U.S. citizen or a lawful permanent resident and are requesting your own file, you should check the first box:

“Freedom of Information Act (FOIA): I am not a U.S. citizen/Lawful Permanent Resident and I am requesting my own records.”

On the other hand, if you *are* a U.S. citizen or a lawful permanent resident and are requesting a copy of your own file, then you should check the third box:

“Privacy Act (PA): I am a U.S. citizen/Lawful Permanent Resident and I am requesting my own records.”

Sometimes the requester is not the person whose records are sought. This is common when the person is in criminal or immigration custody, a juvenile, mentally incapacitated, in another country, estranged, or deceased. For example, a wife may be seeking her late husband’s file. In such a case, the requester should check the second box:

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<sup>5</sup> Form G-639 is not a requirement for a FOIA/PA request; however, we recommend you use this form because it will help ensure that you provide the information necessary to process your request. Form G-639 is available at <http://www.uscis.gov/g-639>.

<sup>6</sup> Information about how to submit a FOIA request to CBP and the CBP online request service is available at <https://foiaonline.regulations.gov/foia/action/public/request/publicPreCreate>.

- ☑ “Freedom of Information Act (FOIA): I am a U.S. citizen/Lawful Permanent Resident and I am requesting documents other than my own records.”

## 2. Section 2. Description of Record(s) Requested.

- ✓ Check **box** for “Complete A File (A-file).”  
Even if you are looking for a specific document, such as a naturalization application, we strongly suggest that you ask for the complete A file, if you do not have it already, to ensure that you have access to as much information as possible about your case.
- ✓ Where it asks for “Purpose.”  
This portion is optional. However, providing a general purpose may assist DHS in locating the file. It is best to be specific, but do NOT reveal anything about your immigration strategy or any facts that you do not want the government to know. For example, if you want to know whether the government has any documentation that your client may have been carrying a false document when she entered the United States, you would NOT want to disclose this possibility on the FOIA request and write that the purpose was to search for records related to your client’s use of fraudulent documents.

The remaining questions in this section ask for information about the person who is the subject of the request. This information will help DHS locate the correct file. Although it is not necessary to give all of the information, you must provide information that is relevant or the request may be delayed or incomplete. If the client does not remember or have access to pertinent information, then write “Unknown.”

Where it asks for:

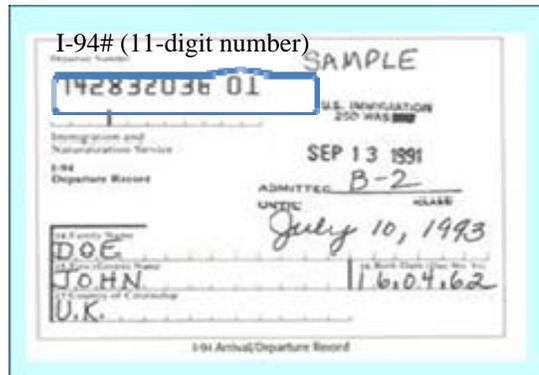
- ✓ “Family Name”—write the client’s current last name.
- ✓ “Given Name”—write the client’s current first name.
- ✓ “Middle Name”—write the client’s middle name if she has one.
- ✓ “Other Names Used (if any)”—write in any names or permutations thereof the client has used. This includes any maiden name, the adding/dropping of a middle initial, or the adding or dropping of her mother’s last name. For example, if the client’s name is Juan Morales Gonzales, and he often goes by “Juan Morales,” he should add “Juan Morales” as an other name used. If the client has not used other names, write “None.”

**Note:** If the client is looking to find records in her file under a different name, even a fake name that she used in the past, she should add that name as well.

- ✓ “Name at the time of entry into the U.S.”—write the client’s complete name when she was admitted into the U.S. This may be the same as the client’s current full name.

**Note:** If the information the client seeks relates to a specific entry, explain as much in an addendum. However, we strongly encourage you to ask for information regarding all entries.

- ✓ “I-94 Admissions #”—If the applicant entered with a visa, the I-94 is a little white card received upon entering the country that looks similar to the picture below. Write in the client’s I-94 # (11-digit number) from the time she was last admitted. If the client does not remember it or is unsure if she has one, write “Unknown.” If the client is sure she does not have one, write "None."



**Note:** If the information the client seeks relates to a specific entry, provide the I-94 # for that entry and explain as much in an addendum.

- ✓ “Alien Registration #”— A person usually will have an alien registration number (“A number”) only if she has been in contact with immigration authorities, filed an immigration petition, or had a certain type of immigration case in the past. This number begins with an “A” and is generally seven, eight, or nine digits long.

If the client has an A number, write it here. If the client does not remember it or is unsure if she has one, write “Unknown.” If the client does not have one, write “None.” The A number is the single most important item of information to help DHS locate your client’s A file. If your client does not know her A number, then more identifying information should be provided to assist the government in locating the file. Since the government relies primarily on the A number, it may be difficult, or impossible, for the file to be found without it.

**Note:** Many times clients have multiple A numbers. Be sure to include all of them. Certainly include the A number that is relevant. If a client does not have an A number, her presence might not be known by DHS and there might not be any records that are responsive to the FOIA request.

- ✓ “Petition or Claim Receipt #”—if an immigrant petition has been filed for the client, write that number here. If the client does not remember it or is unsure if she has one, write “Unknown.” If an immigrant petition has not been filed, write “None.”
- ✓ “Country of Birth”—write the name of the country where the client was born.
- ✓ “Date of Birth”—write the month/day/year in which the client was born. If the client cannot recall this information, write her age in years.
- ✓ “Names of other family members that may appear on the requested record(s)”—write in complete names (first name, middle name, and last name) of the requestor’s father, mother or other family member, like a spouse or sibling, whose name may appear in the records. For example, write in the name of any family members who submitted a family-based petition for the client.
- ✓ “Country of Origin”—write the name of the country where the client was born.

*The following instructions apply to the next four questions that deal with entries:* Provide the client’s information for when she was first admitted into the U.S. “Admission” and “admitted” have specific meanings in immigration law. Section 101(a)(13)(A) of the Immigration and Nationality Act (“INA”) defines admission as “the lawful entry of [an] alien into the United States after inspection and authorization by an immigration officer.” See INA § 101(a)(13)(A). For example, noncitizens who entered the U.S. with inspection, pursuant to a visa of some kind, have been admitted. On the other hand, a person who entered without inspection mostly likely was not admitted. If the client was never admitted, provide the client’s information for when she entered the U.S. for the first time. If the client cannot remember, write “Unknown.” If the records the client seeks relate to a specific entry, explain as much in an addendum. Subject to this explanation, respond to the questions as follows:

- ✓ “Port-of-Entry Into the U.S.”— write the names of the city and state.
- ✓ “Date of Entry”— write the date when the client entered the U.S., NOT the date when she left her country.
- ✓ “Manner of Entry”— if the client arrived on a boat, write “sea.” If the client arrived on an airplane, write “air.” If the client arrived in a car, truck, train, or by walking, write “land.”

- ✓ “Mode of travel”—write the specific name of the vehicle on which the client came into the U.S. (i.e. name of airline, boat, bus, etc.), even if the client entered without inspection.

### 3. Section 3. Subject of Record Consent to Release Information.

If the request is to USCIS, and it is being made by someone other than the subject of the record, then the person who is the subject of this record *must* complete and sign this section.

- ✓ “*By my signature, I consent to allow USCIS to release to the requester named in Number 5 (check applicable box):*”—the subject of the record should check the appropriate box. In most cases it will be the box for “All of my records.” The client could select the box “A portion of my record.” However, this is NOT recommended. There is no harm in viewing the entire file. In contrast, if the client requests a portion of the file, the agency may omit the very information the client is seeking through the FOIA.

Fill in the information in the spaces provided. Where it asks for:

- ✓ “Print Name of Subject of Record”—the client must print her full name.
- ✓ “Signature of the Subject of Record”—the client must sign her name. By signing her name, the client is certifying her agreement that USCIS may release her record to the requester listed in Section 5.

If the FOIA is for a deceased person:

- ✓ Check the box “Deceased Subject.” You must provide a **COPY** of her obituary, death certificate, funeral memorial, or other proof of death.

### 4. Section 4. Verification of Identity.

Every person submitting a FOIA/PA request, whether to USCIS or ICE, must complete the *entire* section for the agency to verify that the client (subject of the request) is who she says she is.

Fill in the information in the spaces provided. Where it asks for:

- ✓ “Name of Subject of Record”—write the client’s full first, middle, and last name.
- ✓ “Daytime Telephone”—write the client’s telephone number.  
**Note:** All requests to ICE *must* include a daytime phone number.<sup>7</sup>
- ✓ “E-mail Address”—write the client’s email address. If the client does not have an email address, write “N/A” or not applicable.
- ✓ “Address”—write the client’s complete address.

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<sup>7</sup> For more information, see the ICE FOIA/PA request website, [http://www.ice.gov/foia/submitted\\_request.htm](http://www.ice.gov/foia/submitted_request.htm).

**Note:** Even if you include your office’s address as your client’s address in other immigration applications, it is important to include the client’s actual address here.

- ✓ “Date of Birth”—write the client’s date of birth.
- ✓ “Place of Birth”—write the names of the state, and country where the client was born.

Whether the FOIA request is made by a person seeking her own file or another person’s file, the person whose records are sought (the person who is the subject of the request) must either (1) sign the sworn declaration or (2) provide her signature before a notary public.

- ✓ The client may choose to sign the sworn statement (declaration). By signing the statement, the client verifies under penalty of perjury under the laws of the United States that the information disclosed in the previous parts of the form is true and correct. If the client chooses this option, she must sign under the appropriate statement. Note that two sworn statements are provided; one that indicates that it was signed when the client was in the United States and a second that indicates that it was signed when the client was outside of the United States. Be sure the client signs the statement that applies to her situation.
- ✓ If the client is providing a signature that is witnessed by a notary public, the client must check the box for “Notarized Affidavit of Identity.” The notary must also provide the date on which she witnessed the signing of the document, her telephone number, her signature, and the date on which her commission expires.

## 5. Section 5. Requestor Information.

Where it asks for "***Signature of requester:***" The client must sign in the provided line if she seeks the file on her own. If you seek the file on behalf of the client, you must sign in the provided line.

**Note:** If you are the client’s representative and sign the form as the requester, you should include form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.<sup>8</sup> The person signing agrees to pay all costs incurred for the search, duplication, and review of the materials up to \$25.00, when applicable. The DHS will not charge for the first 2 hours of search time or the first 100 pages copied. Therefore, if the file is small, DHS may not charge the requester at all.

Fill in the information in the spaces provided. Note that if the client is requesting her own records, she does not need to fill out this section. If you seek the FOIA on behalf of the client, you should provide your information.

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<sup>8</sup> Form G-28 is available at [www.uscis.gov](http://www.uscis.gov).

Where it asks for:

- ✓ “Name of Requester”— write your full first, middle, and last name.
- ✓ “Daytime Telephone”— write your telephone number.
- ✓ “E-mail Address”—write your email address.
- ✓ “Address”— write your complete address.

### **III. Instructions for Submitting the FOIA Request.**

There are 3 agencies within DHS that may hold immigration records, (1) U.S. Citizenship and Immigration Services (USCIS), (2) U.S. Customs and Border Protection (CBP), or (3) Immigration Customs Enforcement (ICE). Because individual employees of DHS may change job positions, it is not recommended that you address your request to a specific person. Rather, you should include the notation “Freedom of Information Act/ Privacy Act Request” on the front of your request envelope. In this way you will be sure that the responsible individual receives your request without delay.

1. **USCIS:** The request should be submitted by mail or fax to the following:

National Records Center (NRC)  
FOIA/PA Office  
P.O. Box 648010  
Lee’s Summit, MO 64064-8010

Fax: (816) 350-5785

For overnight or certified mail, send your request to:

U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
150 Space Center Loop, Suite 300  
Lee's Summit, MO 64064-2139

Fax: (816) 350-5785

Do *not* submit your FOIA/PA request to your local USCIS office or Service Center. USCIS processes all FOIA/PA requests at the NRC.

If you are requesting records about a person and are able to scan the subject of record’s notarized signature or signature made under penalty of perjury, USCIS will accept it as an attachment to an e-mail at [uscis.foia@uscis.dhs.gov](mailto:uscis.foia@uscis.dhs.gov).

For questions about filing a request, status updates of pending requests, and assistance in obtaining records from USCIS, contact the USCIS National Customer Service Center at: (800) 375-5283 or (800) 767-1833 Hearing Impaired TTY. You may also fax inquiries to

the National Records Center at (816) 350-5785, or e-mail your questions to [uscis.foia@uscis.dhs.gov](mailto:uscis.foia@uscis.dhs.gov).<sup>9</sup>

2. **CBP:** If you would like to obtain your records from U.S. Customs and Border Protection, you may submit your request online by going to <https://foiaonline.regulations.gov/foia/action/public/request/publicPreCreate>
3. **ICE:** You may submit your FOIA request to ICE by mail, fax, e-mail, or electronically (online):

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street, S.W., Stop 5009  
Washington, D.C. 20536-5009

Fax: (202) 732-4265

E-mail: [ICE-FOIA@dhs.gov](mailto:ICE-FOIA@dhs.gov)

Electronic submission:

<http://www.ice.gov/exec/forms/foiarequest/request.asp>

**Note:** ICE requests that an “Affirmation/Declaration” form be submitted as well, indicating the client’s name, date of birth, and the name and address of a third party whom the client wants her records disclosed to (only if the client does not want the records sent to her personally). The Affirmation/Declaration form is available on the ICE FOIA website at: <http://www.ice.gov/doclib/about/pdf/affirmation-declaration.pdf>.<sup>10</sup>

By signing the form, the client indicates that she understands that knowingly or willfully seeking or obtaining access to records about another person under false pretense is punishable by a fine of up to \$5,000, and that she is responsible for applicable fees.

### ***Expediting a FOIA/PA Request***

DHS agencies use a multi-track system to process FOIA/PA requests on a first-in, first-out basis. This means that requests can take many months. If you have a compelling

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<sup>9</sup> For more information about how to file a FOIA/PA request with USCIS, visit the USCIS FOIA website at <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/how-file-foiapa-request>.

<sup>10</sup> Note that the FOIA address provided on the Affirmation/Declaration form is different from the address for ICE FOIAs listed above. ICE has confirmed that either address can be used to submit FOIA requests and accompanying documents.

reason why you need your documents sooner, you can ask the agency to **expedite** your FOIA request. If this is the case, you should write a detailed explanation, along with supporting evidence, of why you need the response urgently. The standard for expediting a request for immigration records is that an individual would otherwise face an imminent threat to her life or physical safety.<sup>11</sup>

In addition to expediting a request, USCIS also offers requestors the option to accelerate a request if the person is in removal proceedings. USCIS uses a three-track system for its FOIA requests. Track one is for simple requests for a few documents; track two is for more complex requests, such as for a complete copy of the file; and track three is an accelerated process for cases in removal proceedings.<sup>12</sup> In order to receive track three processing with USCIS, you will need to write a brief cover letter requesting track three and provide a copy of the Notice to Appear, Order to Show Cause, Notice of Referral to Immigration Proceedings, or Notice of Hearing. USCIS has stated that a person can request an expedited FOIA request or Track 3 processing, but not both simultaneously.

#### **IV. Other Ways to Request Records**

Although a FOIA response can provide valuable information about a person's immigration history, it may not be complete or it might not be the most effective way to obtain the information you need. If you are attempting to find out the status of an immigration application, for example, it is quicker to use the USCIS website or hotline. Or, if your client is undocumented, the government might not have any records on file for that person, and the person should additionally file a background check with federal (FBI) and local law enforcement (in California, the CBI). If you are looking for criminal records from a specific court, you could make a records request at that court.

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<sup>11</sup><http://www.uscis.gov/sites/default/files/USCIS/About%20Us/FOIA/How%20to%20File%20a%20FOIA%20Privact%20Act%20Request/USCIS%20FOIA%20Request%20Guide.pdf>

<sup>12</sup> For more information about the USCIS multi-track system, see the USCIS website, <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/foia-privacy-act-overview/foiaprivacy-act-overview>.

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**Form G-639, Freedom of Information/Privacy Act Request**

**NOTE:** Use of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.

**START HERE - Type or print in black ink. Read instructions before completing this form.**

**1. Type of Request** (Check appropriate box. **NOTE:** If you are filing this request for records on behalf of another individual, please respond to Number 1 as it would apply to that individual.)

- Freedom of Information Act (FOIA): I am not a U.S. citizen/Lawful Permanent Resident and I am requesting my own records.
- Freedom of Information Act (FOIA): I am a U.S. citizen/Lawful Permanent Resident and I am requesting documents other than my own records.
- Privacy Act (PA): I am a U.S. citizen/Lawful Permanent Resident and I am requesting my own records.
- Amendment of Record (PA only): I am a U.S. citizen/Lawful Permanent Resident and I am requesting amendment of my own records.
- Other: \_\_\_\_\_

**2. Description of Record(s) Requested:**

**NOTE:** While you are not required to respond to all items in Number 2, failure to provide complete and specific information as requested may result in a delay in processing or an inability to locate the record(s) or information requested.

- Complete Alien File (A-File)
- Other (please specify): \_\_\_\_\_

**Purpose:** (Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS in locating the record(s) needed to respond to your request.)

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Family Name (Last Name)		Given Name (First Name)		Middle Name	
Other Names Used (if any)			Name at time of entry into the U.S.		I-94 Admission #
Alien Registration Number (A#)	Petition or Claim Receipt #	Country of Birth		Date of Birth (mm/dd/yyyy)	

**Names of other family members that may appear on requested record(s) (i.e., spouse, daughter, son):**

<b>Family Member's Name:</b> Given Name (First Name)		Middle Name	Family Name (Last Name)	Relationship
<b>Father's Name:</b> Given Name (First Name)		Middle Name	Family Name (Last Name)	
<b>Mother's Name:</b> Given Name (First Name)		Middle Name	Family Name (Last Name, including Maiden Name)	
Country of Origin (Place of Departure)		Port of Entry Into the U.S.		Date of Entry (mm/dd/yyyy)
Manner of Entry (Air, Sea, Land)			Mode of Travel (Name of Carrier)	

**3. Subject of Record Consent to Release Information** *(Must be signed by the subject of record(s) requested.)*

By my signature, I consent to allow USCIS to release to the requester named in Number 5 (Check applicable box):

- All of my records       A portion of my records *(If a portion, specify below what part, i.e., copy of application.)*

Print Name of Subject of Record \_\_\_\_\_  
 Signature of Subject of Record \_\_\_\_\_ Date (mm/dd/yyyy) \_\_\_\_\_

- Deceased Subject - Proof of death must be attached** *(Obituary, Death Certificate, or other proof of death required)*

**4. Verification of Identity** *(Required; Fill out all that apply.)*

Name of Subject of Record <i>(First, Middle, Last)</i>		Daytime Telephone	E-mail Address
Address <i>(Street Number and Name)</i>		Apt. Number	
City	State	Zip Code	
Date of Birth <i>(mm/dd/yyyy)</i>	Place of Birth		

**The Subject of Record must provide a signature under either a Notarized Affidavit of Identity or a Sworn Declaration Under Penalty of Perjury:**

- Notarized Affidavit of Identity**  
 Signature of Subject of Record \_\_\_\_\_ Date (mm/dd/yyyy) \_\_\_\_\_  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ Telephone No. \_\_\_\_\_  
 Signature of Notary \_\_\_\_\_ My Commission Expires on \_\_\_\_\_

**OR**

- Sworn Declaration Under Penalty of Perjury**

**Executed outside the United States**

If executed outside the United States: "I declare (certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."

**Executed in the United States**

If executed within the United States, its territories, possessions, or commonwealths: "I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct."

Signature of Subject of Record \_\_\_\_\_

Signature of Subject of Record \_\_\_\_\_

**5. Requester Information**

By my signature, I consent to pay all costs incurred for search, duplication and review of materials up to \$25 *(See instructions)*

Signature of Requester: \_\_\_\_\_

Name of Requester <i>(Fill out if different from the Subject of Record.)</i>		Daytime Telephone	E-mail Address
Address <i>(Street Number and Name)</i>		Apt. Number	
City	State	Zip Code	