

Preparing for Administrative Relief: How to Get a Copy of Your Immigration Records

To prepare for administrative relief, it will be important to have a copy of your immigration records. If an attorney or Board of Immigration Appeals (BIA) Accredited Representative has worked on your immigration case before, contact him or her and ask for a complete copy of your file. You can also get a copy of your records by submitting a Freedom of Information Act (FOIA) request. This guide explains how to file a FOIA request to get a copy of your immigration file (also known as an “Alien File” or “A-File”) from United States Citizenship and Immigration Services (USCIS). Note that other immigration agencies, including Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP) may also have your records.

If you have never had contact with immigration officials (whether at the border or inside of the United States), and if no person or business has ever filed a petition for immigration benefits on your behalf, then you probably do not have an A-File.

To determine where to submit your FOIA request, review this list of types of records by immigration agency at: <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/submitting-foia-requests>. For specific instructions on how to request your records from ICE and CBP, see pages 8 and 9 of the Immigrant Legal Resource Center’s “How to Fill Out a Request for Information Under the Freedom of Information Act and Privacy Act.”

Background

What is the Freedom of Information Act (FOIA)?

The Freedom of Information Act is a U.S. federal law that gives people the right to ask for access to records kept by federal agencies, including USCIS.

What is a FOIA Request?

A FOIA request is a written request to a U.S. federal agency by a person or organization asking for records kept by the agency. You can submit a FOIA request by mail, fax or email.

How do I file a FOIA Request to get a copy of my immigration records?

To request a copy of your immigration records from USCIS, we recommend that you use *Form G-639, Freedom of Information/ Privacy Act Request*, available at: <http://www.uscis.gov/g-639>. You are not required to use this form, but it will help ensure you provide all of the information required to process the request.

Form G-639 may also be used to make FOIA requests to ICE although this agency also accepts electronic submissions at <http://www.ice.gov/webform/foia-request-form>. You can also make FOIA requests to CBP online at: <https://foiaonline.regulations.gov/foia/action/public/request/publicPreCreate>.

How do I fill out Form G-639?

Below you will find some tips on filling out the form if you are requesting your complete Alien (A) file with USCIS. You are not required to fill out every box.

This guide is not a substitute for legal advice from a lawyer or accredited representative.

Suggestions for Completing Form G-639

1. Type of Request

- Mark the box for the type of request you are making. If you are not a U.S. citizen or “green card” holder and are requesting your own records, mark the first option:

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

2. Description of Record(s) Requested:

- What records are you requesting? Mark "Complete Alien File (A-File)."

Complete Alien File (A-File)

- You are not required to explain why you are making the request.
- Write your full name, A# (if known), country and date of birth. Check your information on any immigration records you may have to make sure it is consistent.
- If applicable, write in a receipt number where it says "Petition or Claim Receipt #" — this can be from a prior work permit ("Card #") or immigration receipt notice.
- This information will help USCIS find your records. You are not required to provide information about how you entered the U.S. or the names of family members.

3. Subject of Record Consent to Release Information

- Since you are requesting your own records, you are the "requester" and the "subject of record." Mark "All of my records."

All of my records

- Print your name, sign and date. By signing you give permission to USCIS to release your information to the person making the request.

4. Verification of Identity

- Complete the ENTIRE section for USCIS to verify that you are who you say you are.
- You have two options regarding your signature. Either 1) take the unsigned form and sign it in front of a notary OR 2) sign under the penalty of perjury where it says "Executed in the United States" (if you are in the US when you apply).

5. Requester Information

- Since you are requesting your own records, sign where it says "Signature of Requester;" you do not have to fill out the rest of the form.

Double Check

- Have you signed in three places (sections 3, 4 and 5), if you are requesting your own records?
- Have you verified that all of the information on the form is accurate?
- Write “N/A” or “None” as applicable in boxes you left blank.

Where do I send the completed form?

You can send the form by mail, fax or email.



By **regular mail**, send the request to: U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010

For **Overnight or Certified Mail** send 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 to: 816-350-5785

Email
If you are able to scan the form with your notarized signature or signature made under penalty of perjury, attach it to an e-mail and send it to uscis.foia@dhs.gov.

Always double-check the USCIS website for the most up-to-date filing address before you send your FOIA request: <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/how-file-foiapa-request>.

Are there any filing fees?

There is no initial fee to make a FOIA request. USCIS provides people with the first 100 pages free of charge and has been providing digitally scanned copies of people's files. If any fees are required, however, you will receive a separate letter with a specific amount and instructions for payment.

How long does this process take?

The current average processing time is around a month, but processing times vary. You can use the Control Number indicated in your *FOIA request Acknowledgement Letter* to check the status of your case at <https://www.dhs.gov/check-status-your-foia-request>.

Is there any way to expedite the process?

If your case is in immigration court you can ask that your FOIA request be put on the expedited track called Track 3. To receive Track 3 priority processing, you must include **one** of the following documents with your FOIA request:

- Form I-862, Notice to Appear, documenting your future scheduled hearing before the immigration judge; or
- Form I-122, Order to Show Cause, documenting your future scheduled hearing before the immigration judge; or

- Form I-863, Notice of Referral to Immigration Judge; or
- a written notice of continuation of your future scheduled hearing before the immigration judge.

Can a parent or someone else submit a FOIA request on my behalf?

Yes. Anyone can submit a FOIA request on your behalf if they have your consent (in part 3 of Form G-639 or in a letter) and verify your identity (in part 4 of Form G-639).

Parents and legal guardians must establish their own identity as parents or legal guardians and the identity of the child or other person being represented. If a parent is filing on your behalf, then the parent must submit proof of parentage. Proof of parentage can be a birth certificate, adoption decree or similar document naming the person as a legal parent. If you are a guardian filing on behalf of a minor or a person judicially determined to be incompetent, you must submit proof of guardianship.

I need help making my FOIA request. Where can I find help?

You can find legal help at www.adminrelief.org/legalhelp/.

An attorney or BIA accredited representative can make a FOIA request on your behalf.