

# The National Security Archive

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March 8, 2007

## Via Facsimile

Catrina Pavlik-Keenan  
FOIA Officer  
U.S. Immigration and Customs Enforcement  
800 North Capitol St., NW  
5th Floor, Suite 585  
Washington, DC 20536

Dear Ms. Pavlik-Keenan:

We are writing to give you advance notice of our findings about the U.S. Immigration and Customs Enforcement's FOIA performance. We have just completed the National Security Archive's fifth government-wide audit, "The Knight Open Government Survey."

As part of our ongoing efforts to ensure agency compliance with the FOIA, the Archive recently audited nearly 150 government agency and component Web sites to assess whether they had implemented the 1996 E-FOIA Amendments. The audit included the FOIA Web sites of all 91 agencies subject to FOIA and 58 agency components that received more than 500 FOIA requests in fiscal year 2005. The Web site reviews were completed at the end of February 2007.

Our reviewers followed a standardized methodology to assess each site. They examined whether the sites included required records in their electronic reading rooms and whether the sites provided mandatory guidance materials and other essential information for FOIA requesters. Our report, including our specific findings for each agency, will be released March 11, 2007, and will be available on our Web site at [www.nsarchive.org](http://www.nsarchive.org).

Our audit identified Immigration and Customs Enforcement as one of the worst agencies with regard to E-FOIA compliance. We found several areas where your FOIA Web site fails to fulfill both the letter and the spirit of the 1996 E-FOIA Amendments. Specifically:

- ICE does not have dedicated FOIA page. Instead, ICE's FOIA guidance is limited to a small section at the end of a long page containing other unrelated information. To facilitate access to FOIA-related information for all Web users, ICE should provide a dedicated, fully functional FOIA page.
- The ICE Web site provides no FOIA handbook and offers very little guidance on filing a FOIA request. It provides a link to the DHS FOIA site without any explanation of the relationship between DHS and ICE or what parts of the DHS site are relevant to ICE.

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- FOIA requires that each agency make available to the public documents such as agency rules, opinions, orders, records, and proceedings. Currently, the ICE Web site does not contain *any* of these statutorily required records.

We hope that you will take this opportunity to review your agency's FOIA Web site and make improvements that will bring your agency in line with Congress's vision when it passed the E-FOIA amendments ten years ago. Please do not hesitate to contact us to discuss your FOIA Web site or any questions you may have regarding our audit.

Sincerely,

Thomas S. Blanton  
Executive Director

Meredith Fuchs  
General Counsel

cc: Mr. Hugo Teufel III, Chief FOIA Officer, Department of Homeland Security