

Freedom of Information Act (FOIA) Requests for Immigration Cases

Request Your File and Protect Your Case

What is a FOIA Request?

A Freedom of Information Act (FOIA) request allows you to request copies of your own immigration records from agencies involved in reviewing your immigration case.

This includes:

- **USCIS:** Past immigration applications, petitions, notices, decisions, and interview notes
 - **ICE:** Past enforcement, detention, and SEVIS (student and exchange visitor) records
 - **CBP:** Previous entry/exit history, apprehension/detention records, and inspection notes
 - **EOIR:** Past immigration court records, filings, and court orders
 - **DOS:** Past visa applications and consular officer notes
- What is a FOIA Request?

Why Having Your Records Matters

Immigration interviews and applications are now subject to heightened scrutiny, with officers reviewing an applicant's complete immigration and travel history. Minor inconsistencies between older records and new filings can result in delays or raise concerns during the decision-making process.

Because of this increased scrutiny, requesting a complete copy of your immigration file is critical. Knowing exactly what information the government has can help you stay accurate, consistent, and prepared for future filings. FOIA requests are an important tool to help you be prepared and avoid surprises when filing new applications.

What Information is Needed for a FOIA Request

To locate the correct file(s), a FOIA request must include:

- A clear description of the records you want. If you are requesting a copy of your complete file, state this clearly in the request.
- Identifying information, including a full legal name, all past names or aliases, date of birth, and all A-numbers.
- Form G-639 and, if an attorney is assisting you, Form G-28. If you are requesting records about someone else, you must also include a signed consent form or written authorization.

This flyer is intended for general information purposes only and does not constitute legal advice. You should not act or rely on any information in this flyer without seeking the advice of a competent, licensed immigration attorney.

please contact Nachman, Phulwani, Zimovecak (NPZ) Law Group, P.C. at 201-670-0006 (x104) or email to info@visaserve.com

- Identity Documents: Passport biographic page, driver's license or state ID, and, if requesting records for someone deceased, a death certificate.

Note: Marking "Confidential" or "Undisclosed" in the address box may result in the FOIA request being rejected. Please speak to an experienced immigration attorney to review your options.

How to Submit a FOIA Request

- USCIS: These requests must be filed online. You must create a USCIS online account to file online, check the status of the request, and file an appeal.
- DHS, ICE, CBP, EOIR, or DOS: Each agency holds different types of records, and you may need to make multiple FOIA requests with several agencies depending on the specifics of your case. Each agency will have different processes to submit a FOIA request, whether it is online, via email, or via mail. You can find more information directly on each agency's website.

Tips & Tricks for an Effective FOIA Request

- Include every A-number you have ever been assigned
- Use all past names and spellings
- Provide old receipt numbers or case numbers, if known
- Be specific if you are looking for certain documents
- File as early as possible, as responses can take months
- Respond promptly if the agency asks for clarification

Expert Legal Guidance Matters: FOIA Alone Does Not Resolve Your Case

A FOIA request can help you obtain your documents, but it does not explain how the information affects your options and whether anything in your history is a concern. Immigration laws are complex, and FOIA results can be confusing or incomplete. For your protection, contact an experienced immigration attorney for guidance.