

CBP-2021-046570 Request Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. Trinity Mills road
Address Line 2	Suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Request Information

Agency	U.S. Customs and Border Protection
Will Pay Up To	\$0.00
Date Submitted	03/26/2021
Estimated Date of Completion	05/06/2021
Fee Category	Other
Request Track	Simple
Request Phase	Closed
Final Disposition	Partial Grant/Partial Denial

Additional Information

Type of Records Requested	Border Apprehension/Encounters
On Behalf Of First	Fraz
On Behalf Of Middle	Malik
On Behalf Of Last	Khan
Date of Birth	12/26/1982
Aliases	N/A
Alien Number	N/A

EXHIBIT A - CBP

Parents' Names

N/A

Description

Description

travel and apprehension records

Request Expedited Processing

Made Request?

No

Request a Fee Waiver

Made Request?

No

Supporting Files

Download	Attached File Name	Size (MB)	File Type
<input type="checkbox"/>	Fraz Khan FOIA request Executed.pdf	6.5974	Adobe PDF Document

CBP-2021-046570 Request Details



Submitted



Evaluation



Assignment




Processing



Closed

Correspondence

Subject	From	Date	Detail
FOIA Request CBP-2021-046570 Submitted	System	03/26/2021	-
<p>This message is to confirm your request submission to the FOIAonline application: View Request . Request information is as follows: Tracking Number: CBP-2021-046570 Requester Name: Mr. Adam Malik Date Submitted: 03/26/2021 Request Status: Submitted Description: Please see the attached G-639 and G-28. Thank you.</p>			
FOIA Request CBP-2021-046570 Modified	System	04/08/2021	-
<p>The FOIA request - CBP-2021-046570 description has been modified. Additional details for this item are as follows: Tracking Number: CBP-2021-046570 Requester: Mr. Adam Malik Submitted Date: 03/26/2021 Description: travel and apprehension records</p>			
Acknowledgement Letter	Darlene Kakos	04/08/2021	-
<p>Mr. Adam Malik 2340 E. trinity mills road suite 112 Carrollton, TX, 75006 04/08/2021 CBP-2021-046570 Dear Mr. Adam Malik: This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 03/26/2021 for Fraz Malik Khan. Please use the following unique FOIA tracking number CBP-2021-046570 to track the status of your request. If you have not already done so, you must create a FOIAonline account at https://www.foiaonline.gov . This is the only method available to check the status of your pending FOIA request. Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations . By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 § 5.5(c). For additional information please consult CBP FOIA website please click on FOIA Act Resources or visit http://www.cbp.gov/site-policy-notices/foia . Sincerely, U.S. Customs and Border Protection</p> <p>Reply</p>			
Final Disposition, Request CBP-2021-046570	Amy Miller	05/05/2021	-

Subject	From	Date		Detail
<p>CBP-2021-046570 has been processed with the following final disposition: Partial Grant/Partial Denial. Given the nature of this request, some records are only being released to you as the requester. If you have an account in FOIAonline, you may access those records by [FOIAONLINE_HOME] . Otherwise, those responsive records will be sent via the method agreed upon with the FOIA processor.</p> <p>Final Disposition Notice 2021-05-05 163653 Letter.pdf</p> <p>Reply</p>				

FOIA Request CBP-2021-046570 Modified	System	05/05/2021	-	
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The FOIA request - CBP-2021-046570 has been supplemented with additional supporting files. Additional details for this item are as follows: Tracking Number: CBP-2021-046570 Requester: Mr. Adam Malik Submitted Date: 03/26/2021 Description: travel and apprehension records

Appealing CBP-2021-046570

An appeal is made of CBP's FOIA response because the response fails to include:

1. Information or documentation about the chain-of-custody and handling of the iPhone (see CBP Form 6051D, Item "21");
2. Form I-877, **as referenced in his I-831**;
3. CBP Form 6051D (8-03);
4. Documentation referencing the return of the seized phone;
5. Copy of the data extracted from the seized phone, including but not limited to pictures, videos, emails, documents, information, copies of apps, and all else;
6. The list of names and titles of each individual who accessed or had/have possession of the information obtained from the seized phone.
7. The list of names and titles of each individual who accessed or had possession of the seized phone.
8. All information regarding the destruction of information obtained from and/or through the seized phone.
9. All information and data that has been retained after it was obtained from and/or through the seized phone.
10. All information pertaining to my selection for a secondary inspection at the DFW airport on January 3, 2021.
11. All emails pertaining to me since December 15, 2020.
12. All information pertaining to me since January 01, 2013.
13. All emails exchanged with FBI in reference to FBI JMFC7HLN1.
14. Any evidence that supports my refusal of Visa Waiver Program, removal or denial of entry into the United States on January 3, 2021.
15. **All evidence considered in the finding of my intent** to enter as an immigrant on January 3, 2021.
16. All information related to ESTA 201Q6J6R524167I2.
17. Copies of images made reference to on I-831 as "Numerous images of dead and mutilated bodies were also found saved within the photo album of KHAN's phone."
18. Copy of the written authorization provided by "Chief" as mentioned in I-831 for the refusal of my entry into the United States.
19. The names of the agencies, officials, and reasons due to which I was referred to the secondary inspection and as a result refused entry and ultimately removed from the United States.
20. Communications, including e-mails, texts, etc., pertaining to Fraz Malik Khan. Some of those emails can be found in **aaron.sullivan@cbp.dhs.gov**.

The government has not stated or shown in its response that its search performed was adequate, or reasonably calculated to uncover all relevant documents, or any explanation of how the search for records was done and the form and location of the files searched.

Additionally, insufficient, or no, information was provided to assess the applicability of the several FOIA exceptions stated and relied upon in the FOIA response. For example, several documents

are missing from the FOIA (that are known to be in the possession of the CBP), but CBP has provided absolutely no information in its response to assess the applicability of the exceptions cited. CBP has not even provided any name for the document or so much as a brief description of it.

CBP-2021-046570 Request Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. trinity mills road
Address Line 2	suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Request Information

Agency	U.S. Customs and Border Protection
Will Pay Up To	\$0.00
Date Submitted	03/26/2021
Estimated Date of Completion	TBD
Fee Category	
Request Track	Simple
Request Phase	Submitted
Final Disposition	Undetermined

Additional Information

Type of Records Requested	Border Apprehension/Encounters
On Behalf Of First	Fraz
On Behalf Of Middle	Malik
On Behalf Of Last	Khan
Date of Birth	12/26/1982
Aliases	N/A
Alien Number	N/A

Parents' Names

N/A

Description

Description

Please see the attached G-639 and G-28. Thank you.

Request Expedited Processing

Made Request?

No

Request a Fee Waiver

Made Request?

No

Supporting Files

Download	Attached File Name	Size (MB)	File Type
<input type="checkbox"/>	Fraz Khan FOIA request Executed.pdf	6.5974	Adobe PDF Document

FOIA Request CBP-2021-046570 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Fri 3/26/2021 12:15 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to confirm your request submission to the FOIAonline application: [View Request](#).

Request information is as follows:

- Tracking Number: CBP-2021-046570
- Requester Name: Mr. Adam Malik
- Date Submitted: 03/26/2021
- Request Status: Submitted
- Description: Please see the attached G-639 and G-28. Thank you.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

CBP-2021-046570

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 4/29/2021 8:47 AM

To: Adam Malik <amalik@malikfirm.com>

Mr. Adam Malik:

This is in response to CBP-AP-2021-058001. The FOIA provides that a requester shall be deemed to have exhausted its administrative remedies if the agency fails to comply with the time limits established by the statute. See 5 U.S.C. § 552 (a)(6)(C)(i)1. This means that a requester may proceed directly to district court if an agency fails to respond to an initial request within the time period prescribed by the FOIA. Please note that the due date for your request is May 6, 2021.

Under the FOIA's administrative appeal provision, a requester has the right to administratively appeal any adverse determination that an agency makes on the requester's initial request. See 5 U.S.C. § 552 (a)(6)(A). Under Department of Homeland Security (DHS) regulations, adverse determinations include denials of requests for records in full or in part, "no records" responses, denials of requests for fee waivers and denials of requests for expedited processing. See 6 CFR 5.6(c)2. We note that the definition of adverse determinations does not explicitly include constructive denials for failure to timely respond within statutory deadlines.

The administrative appeal process is important to agencies and requesters because the appeal process provides an agency with an opportunity to review the initial action taken in response to an initial request to determine whether corrective steps are necessary. The appeals process allows CBP to review the initial determinations and to correct any mistakes that may have been made at lower levels, thereby obviating unnecessary judicial review. In this case, there is no administrative record to review because FOIA Division has not yet processed the initial request.

You may also contact the FOIA Public Liaison on 202-325-0150. When calling refer to tracking number CBP-2021-046570.

Sincerely,

Lynette Carter, FOIA Appeals

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Final Disposition, Request CBP-2021-046570

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Wed 5/5/2021 3:45 PM

To: Adam Malik <amalik@malikfirm.com>

 1 attachments (6 KB)

Final Disposition Notice 2021-05-05 163653 Letter.pdf;

CBP-2021-046570 has been processed with the following final disposition: Partial Grant/Partial Denial.

Given the nature of this request, some records are only being released to you as the requester. If you have an account in FOIAonline, you may access those records by **[FOIAONLINE_HOME]**. Otherwise, those responsive records will be sent via the method agreed upon with the FOIA processor.

Mr. Adam Malik
Malik and Associates PLLC
2340 E. trinity mills road
suite 112
Carrollton, TX, 75006

05/05/2021

CBP-2021-046570

Dear Mr. Adam Malik,

A search of CBP databases produced records responsive to your Freedom of Information Act (FOIA) request CBP-2021-046570, requesting records maintained by CBP.

CBP has determined that the responsive records are partially releasable, pursuant to Title 5 U.S.C. §552 and have applied the appropriate exemptions notated below:

Section 552 (FOIA)

(b)(1) (b)(2) (b)(3) (b)(4) (b)(5) (b)(6)

(b)(7)(A) (b)(7)(B) (b)(7)(C) (b)(7)(D) (b)(7)(E) (b)(7)(F)

(b)(3) Statute 49 U.S.C. §114(s)

A description of the [exemptions](#) applied can be found by clicking the hyperlink. **If you have a FOIAonline account, you MUST log into your account to retrieve your responsive records.** After logging in, click on "View My FOIA Requests". Requests that have new, unread correspondence have a mail icon next to the tracking number.

Pursuant to DHS Instruction 262-11-004, FOIA Officers at DHS have been instructed to withhold personally identifiable information (PII) and sensitive personally identifiable information (SPII) of DHS personnel unless a determination is made that the disclosure does not raise security or privacy concerns, or if those concerns are outweighed by any public interest in that information. [This policy is available online.](#) Under this policy, the names of senior leaders, spokespersons, and political appointees are generally releasable. With respect to this FOIA request, DHS may have applied FOIA Exemption 6 to protect PII of DHS employees, including names and contact information. To the extent that has DHS withheld employee PII within these records, it has been determined that the employee(s) has/have substantial and legitimate privacy interests and that these interests are not outweighed by any public interest in the operations of the Department.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may notice a recent date on the attached records. This is the date our processor queried the record in response to your FOIA request. For clarity, it is not the date the agency first created the record.

The following checked item(s) also apply to your request:

Approximately _____ pages were withheld in their entirety.

Fees: In the processing of this FOIA request, no fees are being assessed.

Other:

This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, Charlyse Hoskins, by sending an email via your FOIAonline account, mailing a letter to 90 K St, NE MS 1181, Washington DC, 20229 or by calling 202-325-0150. The FOIA Public Liaison is able to assist in

advising on the requirements for submitting a request, assist with narrowing the scope of a request, assist in reducing delays by advising the requester on the type of records to request, suggesting agency offices that may have responsive records and receive questions or concerns about the agency's FOIA process. Please notate file number CBP-2021-046570 on any future correspondence to CBP related to this request.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via FOIAonline by clicking on the "Create Appeal" button that appears when you view your initial request. If you do not have computer access, you may send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia. Additional information can be found at the following link https://www.cbp.gov/sites/default/files/assets/documents/2019-Dec/definitions-exemptions-foia_0.pdf.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Please note that contacting the CBP FOIA Public Liaison or OGIS **does not** stop the 90-day appeal clock and **is not** a substitute for filing an administrative appeal.

Sincerely,

U.S. Customs and Border Protection

CBP-2021-085549 Request Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. Trinity Mills road
Address Line 2	Suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Request Information

Agency	U.S. Customs and Border Protection
Will Pay Up To	\$0.00
Date Submitted	07/19/2021
Estimated Date of Completion	TBD
Fee Category	
Request Track	Simple
Request Phase	Closed
Final Disposition	Improper FOIA Request for Other Reasons

Additional Information

Type of Records Requested	Border Apprehension/Encounters
On Behalf Of First	Fraz
On Behalf Of Middle	N/A
On Behalf Of Last	Khan
Date of Birth	12/26/1982
Aliases	N/A
Alien Number	N/A

Parents' Names

N/A

Description

Description

The appeal CBP-AP-2021-067254 is past its due date. Please provide completed response to the appeal. Thank you.

Request Expedited Processing

Made Request?

No

Request a Fee Waiver

Made Request?

No

Supporting Files

Download	Attached File Name	Size (MB)	File Type
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No attachments have been added.

CBP-2021-085549 Request Details



Correspondence

Subject	From	Date	Detail
FOIA Request CBP-2021-085549 Submitted	System	07/19/2021	—
<p>This message is to confirm your request submission to the FOIAonline application: View Request . Request information is as follows: Tracking Number: CBP-2021-085549 Requester Name: Mr. Adam Malik Date Submitted: 07/19/2021 Request Status: Submitted Description: The appeal CBP-AP-2021-067254 is past its due date. Please provide completed response to the appeal. Thank you.</p>			
Final Disposition, Request CBP-2021-085549	Amy Miller	07/20/2021	—
<p>CBP-2021-085549 has been processed with the following final disposition: Improper FOIA Request for Other Reasons. Acknowledgement Letter 2021-07-20 080853 Letter.pdf Reply</p>			
FOIA Request CBP-2021-085549 Modified	System	07/20/2021	—
<p>The FOIA request - CBP-2021-085549 has been supplemented with additional supporting files. Additional details for this item are as follows: Tracking Number: CBP-2021-085549 Requester: Mr. Adam Malik Submitted Date: 07/19/2021 Description: The appeal CBP-AP-2021-067254 is past its due date. Please provide completed response to the appeal. Thank you.</p>			

FOIA Request CBP-2021-085549 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Mon 7/19/2021 3:37 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to confirm your request submission to the FOIAonline application: [View Request](#).

Request information is as follows:

- Tracking Number: CBP-2021-085549
- Requester Name: Mr. Adam Malik
- Date Submitted: 07/19/2021
- Request Status: Submitted
- Description: The appeal CBP-AP-2021-067254 is past its due date. Please provide completed response to the appeal. Thank you.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Final Disposition, Request CBP-2021-085549

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Tue 7/20/2021 7:14 AM

To: Adam Malik <amalik@malikfirm.com>

CBP-2021-085549 has been processed with the following final disposition: Improper FOIA Request for Other Reasons.

Mr. Adam Malik

2340 E. trinity mills road
suite 112
Carrollton, TX, 75006

07/20/2021

CBP-2021-085549

Dear Mr. Adam Malik:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 07/19/2021. After assessing your request, FOIA is not the avenue to inquire regarding a FOIA appeal. There is an option on your FOIA appeal case to send a correspondence for inquiries.

Sincerely,

U.S. Customs and Border Protection

FOIA Request CBP-2022-030369 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 1/6/2022 6:10 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to confirm your request submission to the FOIAonline application: [View Request](#).
Request information is as follows:

- Tracking Number: CBP-2022-030369
- Requester Name: Adam Malik
- Date Submitted: 01/06/2022
- Request Status: Submitted
- Description: Documents requested from CBP by Mr. Fraz Malik Khan under a FOIA request.
 1. All of requests are possibly connected to or related to my apprehension, detention, and contact by the CBP on or around January 03, 2021, at the DFW airport.
 - a. Form I-851
 - b. Form I-259
 - c. Form I-275
 - d. Form I-277
 - e. Form I-263A
 - f. Form I-213
 - g. Form I-877
 - h. Form I-831
 - i. Form I-264
 - j. Form I-94
 - k. Form I-275
 - l. Form 3501
 - m. Form I-863
 - n. Form I-216
 - o. Form 3502
 2. COPY OF my Order of expedited removal and any documents that support the order or are connected to the expedited removal order.
 3. COPY OF my Administrative removal order and any documents that support such order or are connected to such order.
 4. COPY OF my "Order removed (inadmissible) by DHS - Section 235(b)(1)" as stated on Form I-275.
 5. COPY OF my Visa waiver refusal check list.
 6. COPY OF my detention log checks Form 3501.
 7. COPY OF my ESTA application printout.
 8. COPY OF my Primary Referral Printout.
 9. COPY OF my Secondary Referral Printout.
 10. COPY OF my Detainee Assessment.
 11. COPY OF my Discretionary Authority Checklist.
 12. Name of the Primary Referring Officer.
 13. Name of SCBPO Approving Secondary.
 14. COPY OF my Consular Notification forms

15. COPY OF my Third-Party Notification forms
16. COPY OF my Mater Detention Log Sheet Form 3502
17. COPY OF my A-File creation sheet
18. Copies of Images of Talib Jauhari as mentioned in I-831
19. Copies of Images mentioned on Page 4 of I-877
20. Copies of any texts, documents, emails, communications, references, information, or evidence of my alleged working or professional connections with any intelligence agencies or individuals thereof, that has led to my denied admission to the United States.

21. Disposition of charges AND Administrative orders regarding charges sent to the FBI, marked as
 - a. 01/03/21 Immigrant w/out Docs
 - b. 01/03/21 Alien Inadmissibility Under Section 212(a)
22. All printout and documents related to the following system reference numbers.
 - a. SGIMA 35828786
 - b. FINS 1029951416
 - c. IOIL 20215501325994
 - d. Enforce DAL2101000160
 - e. ESTA 201Q6J6R524167I2
 - f. I-94 566143555A2
 - g. FBI JMFC7HLN1
 - h. OCA 6864156654
 - i. ZZUN3478010321234047
 - j. PP-531357700 (Passport)
23. Copy of all data retrieved, copied, recovered, removed from my iPhone that was seized.
24. Proof of deletion of the data retrieved, copied, recovered, removed from my phone

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Adam Malik
PO BOX 110251
Carrollton, TX, 75011

01/20/2022

CBP-2022-030369

Dear Adam Malik:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 01/06/2022 for Fraz Malik Khan.

Please use the following unique FOIA tracking number CBP-2022-030369 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5, 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5, 5.5(c).

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notice/foia>.

Sincerely,

U.S. Customs and Border Protection

Acknowledgement Letter

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 1/20/2022 7:06 AM

To: Adam Malik <amalik@malikfirm.com>

Adam Malik

PO BOX 110251
Carrollton, TX, 75011

01/20/2022

CBP-2022-030369

Dear Adam Malik:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 01/06/2022 for Fraz Malik Khan.

Please use the following unique FOIA tracking number CBP-2022-030369 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

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For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notice/foia>.

Sincerely,

U.S. Customs and Border Protection

Update 2022-030369

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Sun 5/22/2022 6:57 AM

To: Adam Malik <amalik@malikfirm.com>

Good Morning,

This case is currently in review and will be completed in the order it was received. Please be advised that CBP FOIA is working diligently in attempts to reduce the large backlog of requests.

Thank you

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

CBP-2022-030369

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 5/12/2022 11:50 AM

To: Adam Malik <amalik@malikfirm.com>

Adam Malik:

This request, CBP-2022-030369, was created as a non FOIA Online account holder, which is the reason you were unable to submit an appeal electronically. If you have other FOIA requests with CBP that were created before you became an account holder, you will have limited access to the requests and will have to mail your appeals.

CBP-2022-030369 is still pending. For the status contact the FOIA Public Liaison via email at cbpfoiapublicliaison@cbp.dhs.gov. When communicating always refer to the tracking number.

Sincerely,

Lynette Carter, FOIA Appeals

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

FOIA Appeals,

U.S. Customs and Border Protection,
90 K Street, NE, 10th Floor,
Washington, DC 20229-1177

Dear CBP,

This is an appeal for FOIA request with tracking number CBP-2022-030369. This request was filed on 01/06/2022 and was due on 02/17/2022.

This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.

Thank you.

Sincerely,

/s/ Adam Malik

Attorney for subject of the FOIA



CARROLLTON
 2030 E JACKSON RD
 CARROLLTON, TX 75006-9998
 (800)275-8777

05/10/2022 03:23 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter Dallas, TX 75266 Weight: 0 lb 0.40 oz Estimated Delivery Date Thu 05/12/2022	1		\$0.58
Certified Mail® Tracking #: 70210950000120685833			\$3.75
Total			\$4.33
First-Class Mail® Letter Washington, DC 20229 Weight: 0 lb 0.60 oz Estimated Delivery Date Sat 05/14/2022	1		\$0.58
Certified Mail® Tracking #: 70210950000120685840			\$3.75
Return Receipt Tracking #: 9590 9402 2691 6351 6467 80			\$3.05
Total			\$7.38
Grand Total:			\$11.71
Credit Card Remitted			\$11.71
Card Name: MasterCard Account #: XXXXXXXXXXXX1386 Approval #: 51013Q Transaction #: 467 AID: A0000000041010 Chip AL: MASTERCARD PIN: Not Required			

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 or scan this code with your mobile device,



or call 1-800-410-7420.

UFN: 481475-0006
 Receipt #: 840-57520005-2-5357724-2
 Clerk: 30

7021 0950 0001 2068 5840

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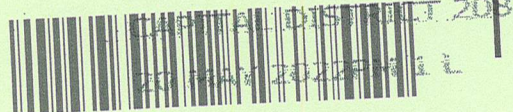
For delivery information, visit our website at www.usps.com.
Washington, DC 20229

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	\$3.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.58
Total Postage and Fees	\$7.38



Sent To **FOIA Appeals.**
 Street and Apt. N **U.S. Customs and Border Protection.**
 City, State, ZIP+4 **90 K Street, NE, 10th Floor.**
Washington, DC 20229-1177

USPS TRACKING#



9590 9402 2691 6351 6467 80

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MALIK & ASSOCIATES, PLLC
P.O. BOX 110251
CARROLLTON, TEXAS 75011

FKhan

FOIA Appeal

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>FOIA Appeals.</p> <p>U.S. Customs and Border Protection.</p> <p>90 K Street, NE, 10th Floor.</p> <p>Washington, DC 20229-1177</p> </div>  <p>9590 9402 2691 6351 6467 80</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p>FOIA Appeals 5/22/22</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)</p> <p>7021 0950 0001 2068 5840</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>																	

CBP-2022-071874 Request Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. Trinity Mills road
Address Line 2	Suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Request Information

Agency	U.S. Customs and Border Protection
Will Pay Up To	\$0.00
Date Submitted	04/28/2022
Estimated Date of Completion	TBD
Fee Category	
Request Track	Simple
Request Phase	Closed
Final Disposition	Duplicate Request

Additional Information

Type of Records Requested	Other
On Behalf Of First	Fraz
On Behalf Of Middle	Malik
On Behalf Of Last	Khan
Date of Birth	12/26/1982
Aliases	N/A
Alien Number	N/A

Parents' Names

Attiya Malik and Shahbaz Khan

Description

Description

Any and ALL records, Data, information, any thing regardless of description connected to Fraz Malik Khan DOB 12/26/1982 help by CBP, or a to which CBP has access to, or has been transferred by CBP to another entity, or that CBP has ever accessed or come in possession of, or otherwise have/had knowledge of.

Request Expedited Processing

Made Request?

No

Request a Fee Waiver

Made Request?

No

Supporting Files

Download	Attached File Name	Size (MB)	File Type
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No attachments have been added.

CBP-2022-071874 Request Details



Correspondence

Subject	From	Date	Detail
FOIA Request CBP-2022-071874 Submitted	System	04/28/2022	-
<p>This message is to confirm your request submission to the FOIAonline application: View Request . Request information is as follows: Tracking Number: CBP-2022-071874 Requester Name: Mr. Adam Malik Date Submitted: 04/28/2022 Request Status: Submitted Description: Any and ALL records, Data, information, any thing regardless of description connected to Fraz Malik Khan DOB 12/26/1982 help by CBP, or a to which CBP has access to, or has been transferred by CBP to another entity, or that CBP has ever accessed or come in possession of, or otherwise have/had knowledge of.</p>			
FOIA Request CBP-2022-071874 Modified	System	05/01/2022	-
<p>The FOIA request - CBP-2022-071874 has been supplemented with additional supporting files. Additional details for this item are as follows: Tracking Number: CBP-2022-071874 Requester: Mr. Adam Malik Submitted Date: 04/28/2022 Description: Any and ALL records, Data, information, any thing regardless of description connected to Fraz Malik Khan DOB 12/26/1982 help by CBP, or a to which CBP has access to, or has been transferred by CBP to another entity, or that CBP has ever accessed or come in possession of, or otherwise have/had knowledge of.</p>			
Final Disposition, Request CBP-2022-071874	Amy Miller	05/01/2022	-
<p>CBP-2022-071874 has been processed with the following final disposition: Duplicate Request. Duplicate notification 2022-05-01 191708 Letter.pdf Reply</p>			

FOIA Request CBP-2022-071874 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 4/28/2022 2:57 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to confirm your request submission to the FOIAonline application: [View Request](#).

Request information is as follows:

- Tracking Number: CBP-2022-071874
- Requester Name: Mr. Adam Malik
- Date Submitted: 04/28/2022
- Request Status: Submitted
- Description: Any and ALL records, Data, information, any thing regardless of description connected to Fraz Malik Khan DOB 12/26/1982 help by CBP, or a to which CBP has access to, or has been transferred by CBP to another entity, or that CBP has ever accessed or come in possession of, or otherwise have/had knowledge of.

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Final Disposition, Request CBP-2022-071874

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Sun 5/1/2022 6:23 PM

To: Adam Malik <amalik@malikfirm.com>

CBP-2022-071874 has been processed with the following final disposition: Duplicate Request.

Mr. Adam Malik

Malik and Associates PLLC

2340 E. Trinity Mills road
Suite 112
Carrollton, TX, 75006

05/01/2022

CBP-2022-071874

Dear Mr. Adam Malik,

FOIA request CBP-2022-071874 has been closed as it is a duplicate of an earlier FOIA request that you submitted, 2022-030369. Your earlier FOIA request will be processed in the order it was received.

Sincerely,

U.S. Customs and Border Protection

CBP-2022-071905 Request Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. Trinity Mills road
Address Line 2	Suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Request Information

Agency	U.S. Customs and Border Protection
Will Pay Up To	\$0.00
Date Submitted	04/28/2022
Estimated Date of Completion	TBD
Fee Category	
Request Track	Simple
Request Phase	Closed
Final Disposition	Improper FOIA Request for Other Reasons

Additional Information

Type of Records Requested	Border Apprehension/Encounters
On Behalf Of First	Fraz
On Behalf Of Middle	Malik
On Behalf Of Last	Khan
Date of Birth	12/26/1982
Aliases	N/A
Alien Number	N/A

Parents' Names

N/A

Description

Description

The online systems is malfunctioning. It does not show this FOIA request in my list and the filing of an Appeals function within the portal is not working either. This is an appeal for CBP-2022-030369. This request was filed on 01/06/2022 and was sue on 02/17/2022. This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.

Request Expedited Processing

Made Request?

No

Request a Fee Waiver

Made Request?

No

Supporting Files

Download	Attached File Name	Size (MB)	File Type
<input type="checkbox"/>	Mail - Adam Malik - Outlook.pdf	0.057	Adobe PDF Document
<input type="checkbox"/>	Acknowledgement Letter Letter.pdf	0.0029	Adobe PDF Document
<input type="checkbox"/>	Second CBP FOIA KHAN [2].pdf	0.8595	Adobe PDF Document
<input type="checkbox"/>	Khan CBP Second Foia Request.pdf	0.0618	Adobe PDF Document

CBP-2022-071905 Request Details



Correspondence

Subject	From	Date	Detail
FOIA Request CBP-2022-071905 Submitted	System	04/28/2022	—
<p>This message is to confirm your request submission to the FOIAonline application: View Request . Request information is as follows: Tracking Number: CBP-2022-071905 Requester Name: Mr. Adam Malik Date Submitted: 04/28/2022 Request Status: Submitted Description: The online systems is malfunctioning. It does not show this FOIA request in my list and the filing of an Appeals function within the portal is not working either. This is an appeal for CBP-2022-030369. This request was filed on 01/06/2022 and was sue on 02/17/2022. This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.</p>			
FOIA Request CBP-2022-071905 Modified	System	05/01/2022	—
<p>The FOIA request - CBP-2022-071905 has been supplemented with additional supporting files. Additional details for this item are as follows: Tracking Number: CBP-2022-071905 Requester: Mr. Adam Malik Submitted Date: 04/28/2022 Description: The online systems is malfunctioning. It does not show this FOIA request in my list and the filing of an Appeals function within the portal is not working either. This is an appeal for CBP-2022-030369. This request was filed on 01/06/2022 and was sue on 02/17/2022. This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.</p>			
Final Disposition, Request CBP-2022-071905	Amy Miller	05/01/2022	—
<p>CBP-2022-071905 has been processed. Referral to CBP FOIA Appeals 2022-05-01 190857 Letter.pdf Reply</p>			

FOIA Request CBP-2022-071905 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 4/28/2022 3:37 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to confirm your request submission to the FOIAonline application: [View Request](#).

Request information is as follows:

- Tracking Number: CBP-2022-071905
- Requester Name: Mr. Adam Malik
- Date Submitted: 04/28/2022
- Request Status: Submitted
- Description: The online systems is malfunctioning. It does not show this FOIA request in my list and the filing of an Appeals function within the portal is not working either.

This is an appeal for CBP-2022-030369. This request was filed on 01/06/2022 and was sue on 02/17/2022.

This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.

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Final Disposition, Request CBP-2022-071905

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Sun 5/1/2022 6:14 PM

To: Adam Malik <amalik@malikfirm.com>

 1 attachments (2 KB)

Referral to CBP FOIA Appeals 2022-05-01 190857 Letter.pdf;

CBP-2022-071905 has been processed.

Mr. Adam Malik

2340 E. Trinity Mills road
Suite 112
Carrollton, TX, 75006

05/01/2022

CBP-2022-071905

Dear Mr. Adam Malik:

After careful review of your FOIA request, CBP-2022-071905, we have determined that your request is an appeal of a previous decision. **You may not file an appeal by submitting another initial request via FOIAOnline.** Since you filed CB-2022-030369 without an open FOIA Online Account, you must send your appeal to: FOIA Appeals, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal."

Sincerely,

U.S. Customs and Border Protection

CBP-AP-2021-058001 Appeal Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. Trinity Mills road
Address Line 2	Suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Appeal Information

Agency	U.S. Customs and Border Protection- FOIA Appeals
Will Pay Up To	\$0.00
Date Submitted	04/28/2021
Estimated Date of Completion	05/26/2021
Fee Category	Other
Request Track	Simple
Request Phase	Closed
Final Disposition	Closed for Other Reasons
Additional Disposition	Improper Request for Other Reasons

Basis for Appeal

Basis for Appeal	This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.
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Supporting Files

Download	Attached File Name	Size (MB)	File Type
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Download	Attached File Name	Size (MB)	File Type
No attachments have been added.			

CBP-AP-2021-058001 Appeal Details



Correspondence

Subject	From	Date	Detail
FOIA Appeal CBP-AP-2021-058001 Submitted	System	04/28/2021	—
<p>This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows: Appeal Tracking Number: CBP-AP-2021-058001 Request Tracking Number: CBP-2021-046570 Requester Name: Adam Malik Date Submitted: 04/28/2021 Appeal Status: Submitted Description: This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.</p>			
FOIA Appeal CBP-AP-2021-058001 Modified	System	04/29/2021	—
<p>The FOIA appeal - CBP-AP-2021-058001 description has been modified. Additional details for this item are as follows: Tracking Number: CBP-AP-2021-058001 Requester: Mr. Adam Malik Submitted Date: 04/28/2021 Description: This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.</p>			
CBP-2021-046570	Lynette Carter	04/29/2021	—

Subject	From	Date	↓	Detail
<p>Mr. Adam Malik: This is in response to CBP-AP-2021-058001. The FOIA provides that a requester shall be deemed to have exhausted its administrative remedies if the agency fails to comply with the time limits established by the statute. See 5 U.S.C. § 552 (a)(6)(C)(i)1. This means that a requester may proceed directly to district court if an agency fails to respond to an initial request within the time period prescribed by the FOIA. Please note that the due date for your request is May 6, 2021. Under the FOIA's administrative appeal provision, a requester has the right to administratively appeal any adverse determination that an agency makes on the requester's initial request. See 5 U.S.C. § 552 (a)(6)(A). Under Department of Homeland Security (DHS) regulations, adverse determinations include denials of requests for records in full or in part, "no records" responses, denials of requests for fee waivers and denials of requests for expedited processing. See 6 CFR 5.6(c)2. We note that the definition of adverse determinations does not explicitly include constructive denials for failure to timely respond within statutory deadlines. The administrative appeal process is important to agencies and requesters because the appeal process provides an agency with an opportunity to review the initial action taken in response to an initial request to determine whether corrective steps are necessary. The appeals process allows CBP to review the initial determinations and to correct any mistakes that may have been made at lower levels, thereby obviating unnecessary judicial review. In this case, there is no administrative record to review because FOIA Division has not yet processed the initial request. You may also contact the FOIA Public Liaison on 202-325-0150. When calling refer to tracking number CBP-2021-046570. Sincerely, Lynette Carter, FOIA Appeals</p> <p>Reply</p>				

Final Disposition, Request CBP-AP-2021-058001

Lynette Carter

04/29/2021

—

CBP-AP-2021-058001 has been processed with the following final disposition: Closed for Other Reasons.

Reply

CBP-AP-2021-058001 Appeal Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. trinity mills road
Address Line 2	suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Appeal Information

Agency	U.S. Customs and Border Protection- FOIA Appeals
Will Pay Up To	\$0.00
Date Submitted	04/28/2021
Estimated Date of Completion	05/26/2021
Fee Category	Other
Request Track	
Request Phase	Submitted
Final Disposition	Undetermined

Basis for Appeal

Basis for Appeal	This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.
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Supporting Files

Download	Attached File Name	Size (MB)	File Type
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Download	Attached File Name	Size (MB)	File Type
No attachments have been added.			

FOIA Appeal CBP-AP-2021-058001 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Wed 4/28/2021 6:02 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: CBP-AP-2021-058001
- Request Tracking Number: CBP-2021-046570
- Requester Name: Adam Malik
- Date Submitted: 04/28/2021
- Appeal Status: Submitted
- Description: This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.

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CBP-AP-2021-067254 Appeal Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. Trinity Mills road
Address Line 2	Suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Appeal Information

Agency	U.S. Customs and Border Protection- FOIA Appeals
Will Pay Up To	\$0.00
Date Submitted	05/25/2021
Estimated Date of Completion	06/24/2021
Fee Category	Other
Request Track	Complex
Request Phase	Closed
Final Disposition	Partially Affirmed & Partially Reversed/Remanded

Basis for Appeal

Basis for Appeal	Please see attached updated document.
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Supporting Files

Download	Attached File Name	Size (MB)	File Type
<input type="checkbox"/>	Fraz Khan CBP FOIA Appeal [3].pdf	0.0804	Adobe PDF Document

Download	Attached File Name	Size (MB)	File Type
<input type="checkbox"/>	Fraz Khan CBP FOIA Appeal [2].pdf	0.1087	Adobe PDF Document

CBP-AP-2021-067254 Appeal Details



Correspondence

Subject	From	Date	Detail
FOIA Appeal CBP-AP-2021-067254 Submitted	System	05/25/2021	—
<p>This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows: Appeal Tracking Number: CBP-AP-2021-067254 Request Tracking Number: CBP-2021-046570 Requester Name: Adam Malik Date Submitted: 05/25/2021 Appeal Status: Submitted Description: Please see attached document.</p>			
FOIA Appeal CBP-AP-2021-067254	Melissa Pansiri	08/05/2021	—
<p>Mr. Malik, I am reaching out to inform you that the estimated completion date of your appeal filed on behalf of your client (Fraz Malik Khan) has changed. The estimated target date for completion of your appeal is August 27, 2021. We have heard back from all but one office tasked with searching for the requested records. Unfortunately, we were informed by that office that there will be a delay in their search and response with an estimated date of completion of the search by August 27, 2021. You will receive an additional status notification from me by August 27, 2021. Sincerely, Melissa Pansiri, Attorney-Advisor, Disclosure Law and Judicial Actions Branch, Regulations & Rulings, Office of Trade U.S. Customs & Border Protection, 90 K Street, N.E., 10th Floor Washington, D.C. 20229-1177</p> <p>Reply</p>			
FOIA Appeal CBP-AP-2021-067254	Melissa Pansiri	08/26/2021	—
<p>Mr. Malik, I am reaching out to inform you that the estimated completion date of your appeal filed on behalf of your client (Fraz Malik Khan) has changed. The new estimated target date for completion of your appeal is September 17, 2021. We were informed by the final office tasked with searching for the requested records that due to priority taskings there will be an additional delay in their search and response with an estimated date of completion of the search by September 17, 2021. You will receive an additional status notification from me by September 17, 2021. Thank you for your continued patience. Sincerely, Melissa Pansiri, Attorney-Advisor, Disclosure Law and Judicial Actions Branch, Regulations & Rulings, Office of Trade U.S. Customs & Border Protection, 90 K Street, N.E., 10th Floor Washington, D.C. 20229-1177</p> <p>Reply</p>			
FOIA Appeal CBP-AP-2021-067254	Melissa Pansiri	09/17/2021	—

Subject	From	Date	↓	Detail
<p>Mr. Malik, I am reaching out to inform you that you will receive a response regarding your appeal filed on behalf of your client (Fraz Malik Khan) by next week, September 23, 2021, if not sooner. I am waiting for final approval of the decision letter and release from my Chief. Your appeal is a priority, and he will make every effort to complete his review as soon as possible. Thank you for your continued patience. Sincerely, Melissa Pansiri, Attorney-Advisor, Disclosure Law and Judicial Actions Branch, Regulations & Rulings, Office of Trade U.S. Customs & Border Protection, 90 K Street, N.E., 10th Floor Washington, D.C. 20229-1177</p> <p>Reply</p>				

Final Disposition, Request CBP-AP-2021-067254	Melissa Pansiri	09/23/2021	-
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Appeal decision and release are attached.

2021-067254_Fed Ex Label Mail Receipt Records_Redacted.pdf

2021-067254_Email7_Redacted.pdf

2021-067254_Email16_Redacted.pdf

2021-067254_Email10_Redacted.pdf

2021-067254_SI_08132014_Redacted.pdf

2021-067254_Person Query Record 2_Redacted.pdf

Reply

CBP-AP-2021-067254 Appeal Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. trinity mills road
Address Line 2	suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Appeal Information

Agency	U.S. Customs and Border Protection- FOIA Appeals
Will Pay Up To	\$0.00
Date Submitted	05/25/2021
Estimated Date of Completion	06/23/2021
Fee Category	Other
Request Track	
Request Phase	Submitted
Final Disposition	Undetermined

Basis for Appeal

Basis for Appeal	Please see attached document.
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Supporting Files

Download	Attached File Name	Size (MB)	File Type
<input type="checkbox"/>	Fraz Khan CBP FOIA Appeal [2].pdf	0.1087	Adobe PDF Document

FOIA Appeal CBP-AP-2021-067254

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Fri 9/17/2021 2:41 PM

To: Adam Malik <amalik@malikfirm.com>

Mr. Malik,

I am reaching out to inform you that you will receive a response regarding your appeal filed on behalf of your client (Fraz Malik Khan) by next week, September 23, 2021, if not sooner. I am waiting for final approval of the decision letter and release from my Chief. Your appeal is a priority, and he will make every effort to complete his review as soon as possible.

Thank you for your continued patience.

Sincerely,

Melissa Pansiri, Attorney-Advisor, Disclosure Law and Judicial Actions Branch, Regulations & Rulings, Office of Trade U.S. Customs & Border Protection, 90 K Street, N.E., 10th Floor Washington, D.C. 20229-1177

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Final Disposition, Request CBP-AP-2021-067254

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 9/23/2021 6:54 PM

To: Adam Malik <amalik@malikfirm.com>

Appeal decision and release are attached.

1300 Pennsylvania Avenue, NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

OT: RR: RDL: DLJA
CBP-AP-2021-067254 MAP

September 23, 2021

Mr. Adam Malik
Malik and Associates PLLC
2340 E. Trinity Mills Road, Suite 112
Carrollton, TX 75006

Re: Freedom of Information Act Appeal of CBP-2021-046570; Fraz Malik Khan

Dear Mr. Malik:

This letter represents an interim response to your correspondence submitted electronically and received on May 25, 2021, appealing the May 5, 2021, decision of the Freedom of Information Act (FOIA) Division, Privacy and Diversity Office, U.S. Customs and Border Protection (CBP). By this letter, your appeal is granted in part, and we release some previously redacted information from four pages of records initially released by FOIA Division and an additional 84 pages of records responsive to your client's request.

The additional responsive records attached to and described in this letter (108 pages total – 65 pages released with some redactions, 19 pages released in full, 22 pages withheld in full, and two pages referred to U.S. Immigration and Customs Enforcement (ICE) because the two pages of records were generated by ICE¹) constitute an interim release.

The search by Dallas-Fort Worth Airport port of entry (DFW) within the Office of Field Operations (OFO), an office tasked to conduct a search for responsive records, is not complete, and due to multiple priority taskings, DFW/OFO will not be able to complete the search until late October. If there are additional records responsive to your client's request resulting from DFW/OFO's search, we will provide these records in a separate decision letter by October 29, 2021. If you do not receive an additional response from my office, or any additional communications from my office regarding this appeal, by October 29, 2021, then there are no additional records responsive to your client's request.

In your initial request, you requested:

¹ We referred two pages to ICE because the 2 pages of records were generated by ICE. We advised ICE to review the records and provide a direct response to you.

- “1. All information pertaining to the seizure of [your client Fraz Malik Khan’s] iphone at DFW airport on Jan 3, 2021.
2. All information pertaining to [your client Fraz Malik Khan’s] detention at DFW airport on January 3, 2021 and Jan 4, 2021.
3. All information pertaining to the use and handling of the information obtained from and/or through [your client Fraz Malik Khan’s] iphone.
4. The information obtained from and/or through [your client Fraz Malik Khan’s] iphone.
5. The information about the complete chain of custody for [your client Fraz Malik Khan’s] seized iphone.
6. The list of names and titles of each individual who accessed or had/have possession of the information obtained from [your client Fraz Malik Khan’s] iphone.
7. All information regarding the destruction of information obtained from and/or [your client Fraz Malik Khan’s] iphone.
8. All information pertaining to [your client Fraz Malik Khan’s] selection for secondary inspection at the DFW airport on January 3, 2021.
9. All emails pertaining to [your client Fraz Malik Khan] since December 15, 2020.
10. All information pertaining to [your client Fraz Malik Khan] since January 01, 2013.”

Under additional information, you indicated that you are seeking “Border Apprehension/Encounters” records and provided your client’s full name (Fraz Malik Khan) and his date of birth (12/26/1982). You modified the description of the request to “travel and apprehension records.” You also attached Department of Homeland Security (DHS) Form G-28 “Notice of Entry of Appearance as Attorney or Accredited Representative” and U.S. Citizenship and Immigration Services (USCIS) Form G-639 “Freedom of Information/Privacy Act Request” providing the same information and requesting the same records. You provided no other additional information.

On May 5, 2021, FOIA Division issued a response to your request indicating that “CBP-2021-046570 has been processed with the following final disposition: Partial Grant/Partial Denial,” seven pages of records were responsive to your client’s FOIA request, released two pages of records in full, and withheld certain information in five pages of records as exempt from disclosure, pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). FOIA Division indicated that “[a] description of the exemptions

applied can be found by clicking the hyperlink. The hyperlink opened a document titled “Definitions of the Exemptions Under the Freedom of Information Act (5 U.S.C. § 552)” which includes a basic description of each FOIA Exemption. FOIA Division did not provide any additional information.

In your appeal, you state that “[a]n appeal is made of CBP's FOIA response because the response fails to include:

1. Information or documentation about the chain-of-custody and handling of the iPhone (see CBP Form 6051D, Item "21");
2. Form I-877, **as referenced in his I-831**;
3. CBP Form 6051D (8-03);
4. Documentation referencing the return of the seized phone;
5. Copy of the data extracted from the seized phone, including but not limited to pictures, videos, emails, documents, information, copies of apps, and all else;
6. The list of names and titles of each individual who accessed or had/have possession of the information obtained from the seized phone.
7. The list of names and titles of each individual who accessed or had possession of the seized phone.
8. All information regarding the destruction of information obtained from and/or through the seized phone.
9. All information and data that has been retained after it was obtained from and/or through the seized phone.
10. All information pertaining to [your client Fraz Malik Khan's] selection for a secondary inspection at the DFW airport on January 3, 2021.
11. All emails pertaining to [your client Fraz Malik Khan's] since December 15, 2020.
12. All information pertaining to [your client Fraz Malik Khan's] since January 01, 2013.
13. All emails exchanged with FBI in reference to FBI JMFC7HLN1.
14. Any evidence that supports [your client Fraz Malik Khan's] refusal of Visa Waiver Program, removal or denial of entry into the United States on January 3, 2021.

15. All evidence considered in the finding of [your client Fraz Malik Khan's] intent to enter as an immigrant on January 3, 2021.
16. All information related to ESTA 2O1Q6J6R524167I2.
17. Copies of images made reference to on I-831 as "Numerous images of dead and mutilated bodies were also found saved within the photo album of KHAN's phone."
18. Copy of the written authorization provided by "Chief" as mentioned in I-831 for the refusal of my entry into the United States.
19. The names of the agencies, officials, and reasons due to which I was referred to the secondary inspection and as a result refused entry and ultimately removed from the United States.
20. Communications, including e-mails, texts, etc., pertaining to Fraz Malik Khan. Some of those emails can be found in aaron.sullivan@cbp.dhs.gov."

You also claim that "[t]he government has not stated or shown in its response that its search performed was adequate, or reasonably calculated to uncover all relevant documents, or any explanation of how the search for records was done and the form and location of the files searched." You also claim that "insufficient, or no, information was provided to assess the applicability of the several FOIA exceptions stated and relied upon in the FOIA response. For example, several documents are missing from the FOIA (that are known to be in the possession of the CBP), but CBP has provided absolutely no information in its response to assess the applicability of the exceptions cited. CBP has not even provided any name for the document or so much as a brief description of it." As such, we interpret your appeal to mean that you are challenging the redactions made by FOIA Division to the records initially released and the search undertaken by FOIA Division to identify records responsive to your request. We address each in turn.

I. FOIA Division's Search Was Lacking in Several Respects, and a More Thorough Search Identified New Records

The FOIA provides that "the term 'search' means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request." 5 U.S.C. § 552(a)(3)(D). Generally, courts require agencies to undertake a search that is "reasonably calculated to uncover all relevant documents." See *Williams v. Dep't of Justice*, 177 F. App'x 231, 233 (3d Cir. 2006) (recognizing that an agency "has a duty to conduct a reasonable search for responsive records" (citing *Oglesby v. Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990))). Further, "the adequacy of a FOIA search is generally determined not by the fruits of the search, but by the appropriateness of the methods used to carry out the search," and the adequacy of an agency's search is judged by a test of "reasonableness," which will vary from case to case. See *Jennings v. Dep't of Justice*, 230 F. App'x 1, 1 (D.C. Cir. 2007) (quoting *Iturralde v. Comptroller of Currency*, 315 F.3d 311, 315 (D.C. Cir. 2003)); *Zemansky v. Env't Prot. Agency*, 767

F.2d 569, 571-73 (9th Cir. 1985) (observing that the reasonableness of an agency search depends upon the facts of each case (citing *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983))).

Courts have found searches to be reasonable when, among other things, they are based on a reasonable interpretation of the scope of the subject matter of the request or when it focused on the records specifically mentioned in the request. See *Larson v. Dep't of State*, 565 F.3d 857, 869 (D.C. Cir. 2009) (affirming adequacy of search based on agency's reasonable determination regarding records being requested and searched accordingly). The reasonableness of an agency's search can depend on whether the agency properly determined where responsive records were likely to be found and searched those locations. See *Lechliter v. Rumsfeld*, 182 F. App'x 113, 115 (3d Cir. 2006) (concluding that agency fulfilled duty to conduct a reasonable search when it searched two offices that it "determined to be the only ones likely to possess responsive documents" (citing *Oglesby*, 920 F.2d at 68)); *Elec. Privacy and Info. Ctr. v. Fed. Bureau of Investigation*, No. 17-00121, 2018 WL 2324084, at *3 (D.D.C. May 22, 2018) (finding search adequate where FBI searched, based on consultation with subject-matter experts, location where the FBI would store responsive records); *James Madison Project v. Cent. Intel. Agency*, 605 F. Supp. 2d 99, 108 (D.D.C. 2009) (concluding that "search method could reasonably be expected to produce the information requested" because all agency regulations requested were maintained in one records system and agency searched that system for responsive records).

In response to your appeal, an attorney on my staff and I reviewed the steps taken by FOIA Division staff to respond to your initial request. FOIA Division limited its search to the CBP TECS database and e3. The TECS database is the principal information system supporting the border management and law enforcement mission of CBP. It is a computer-based telecommunications system containing investigative and law enforcement information pertaining to individuals, businesses, conveyances, and the importation and exportation of merchandise. It also includes border crossing information on travelers entering and departing the United States. e3 is a data portal related to CBP's law enforcement and immigration mission that collects and transmits biographic, encounter, and biometric data for identification and verification of individuals encountered at the border and checkpoints. The TECS database and e3 data portal do not retain any email records or records regarding the chain of custody, detention, or information obtained from a border search of an electronic device, and there is no indication that FOIA Division conducted a search for these records you initially requested.

In response to your appeal, my staff and I also conducted a separate search of e3 and TECS. The supplemental search of e3 produced one record, a I-877 "Record of Sworn Statement in Administrative Proceedings," totaling five pages. We note that both new searches included all possible variations of your client's name, to include many variations of his last name Khan, Malik, Malik Khan, Malikkhan, Malik-Khan, Khan Malik, Khanmalik, Khan-Malik, last names beginning with Kha-, last names beginning with Mal-, Fraz, and last names beginning with Fra-, and many variations of his first name

Fraz, first names beginning with Fra-, Malik, first names beginning with Mal-, Khan, Malik Khan, Malikkhan, Malik-Khan, Khan Malik, Khanmalik, Khan-Malik, and first names beginning with Kha-. The search also included searches with your client's date of birth, without your client's date of birth, with your client's alien number revealed in his I-213 (A216697669), and with your client's Fingerprint Identification Number (FINS) revealed in his I-213 (1029951416).

Additionally, based on our review of the steps taken by the FOIA Division, we determined that the FOIA Division search was not adequate, and they should have contacted staff at the Dallas-Fort Worth Airport port of entry (DFW) within the Office of Field Operations (OFO), the Office of Information and Technology (OIT), and the Office of Chief Counsel (OCC) to conduct a search for records that pertain to your request. OFO oversees U.S. ports of entry, including DFW from which you specifically request video records, and is responsible for preventing the entry of people and goods that are prohibited or threaten United States citizens, infrastructure, resources, and food supply, while efficiently facilitating legitimate trade and travel. OIT manages CBP's technology infrastructure and information and technology operations and maintains CBP emails. OCC provides legal advice and legal representation of CBP and its officials and is responsible for preparing and reviewing responses in all civil or criminal court actions involving CBP. These were the most appropriate offices to consult regarding your request.

As such, we contacted staff at the OIT, with expertise and knowledge of their office's programs, operations, and policies, to conduct a search for records that pertain to your request. Staff at OIT searched the individual CBP email account you identified on appeal containing all CBP emails of the identified individual, including archived and deleted emails, since December 15, 2020, for the terms "Fraz Malik Khan," "Fraz Khan," "Khan, Fraz Malik" "Khan, Fraz," "A216697669" (your client's alien number revealed in the records), and "DAL2101000160" (the case number revealed in the records). The search produced 65 pages of responsive records.

Staff at OCC, with expertise and knowledge of their office's programs, operations, and policies, indicated that to the extent any responsive records exist or are in their possession, the records would be maintained in their email files. OCC staff conducted a search of email files for records responsive to your request. The search produced 12 pages of records responsive to your request.

We also contacted staff at the DFW/OFO, with expertise and knowledge of their office's programs, operations, and policies, to conduct a search for records that pertain to your request. DFW/OFO staff conducted a search of email files and Port files containing records regarding detained property, including chain of custody records, for records responsive to your request. DFW/OFO staff also conducted an additional search of TECS. The search produced 26 pages of records responsive to your request.

In conclusion, the FOIA Division did not conduct an adequate search for records responsive to your request nor reasonably describe its search in its determination. In

response to your appeal, my office conducted a supplemental search of TECS and e3 which resulted in five pages of additional responsive records. We also contacted the most appropriate offices to conduct a search for records pertaining to your request as these were the most likely sources of records responsive to your request, specifically DFW/OFO, OIT, and OCC, consulting with subject matter experts at these offices. The search of these offices produced and identified 103 pages of records responsive to your request. In total, the supplemental and additional searches on appeal produced and identified 108 pages of additional responsive records. CBP has conducted an adequate and reasonable search for responsive records. See *Larson v. Dep't of State*, 565 F.3d at 869; *Lechliter v. Rumsfeld*, 182 F. App'x at 115; *Elec. Privacy and Info. Ctr.*, 2018 WL 2324084, at *3; *James Madison Project*, 605 F. Supp. 2d at 108.

II. Some Information in the Attached Documents Is of the Type Exempt from Release under the FOIA

The FOIA “was enacted to facilitate public access to Government documents.” *U.S. Dep't of State v. Ray*, 502 U.S. 164, 173 (1991). The predominant objective of the FOIA is the disclosure of executive branch information that is maintained by the Federal Government to the public unless the requested records contain certain categories of information that are exempt or excluded from compelled disclosure. FOIA provides nine exemptions and three exclusions pursuant to which an agency may withhold requested information. Thus, the public’s right to government information is not without limits. However, FOIA exemptions are to be narrowly construed, and the burden is on the government to demonstrate that the materials sought may be withheld due to one or more of the exemptions.

In any event, the FOIA provides that any non-exempt information that is reasonably segregable from the requested records must be disclosed. The segregability requirement limits claims of exemption to discrete units of information; to withhold an entire document, all units of information in that document must fall within a statutory exemption. See *Trans-Pac. Policing Agreement v. U.S. Customs Serv.*, 177 F. 3d 1022, 1027 (D.C. Cir. 1999). Further, the FOIA does not obligate agencies to create or retain documents nor require an agency to produce information that does not exist in record form or create a document that answers a requester's questions. See *Frank v. U.S. Dep't of Justice*, 941 F. Supp. 4, 5 (D.D.C. 1996); *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 152 (1980).

We performed a thorough review of both the records initially released by FOIA Division and the records identified in the search undertaken on appeal. We conclude that FOIA Division overredacted some information that should have been released to you and we have removed those redactions from the attached four pages of records. In other cases, we affirm FOIA Division’s determinations and continued to withhold some information pursuant to Exemptions (b)(6), (b)(7)(C), and (b)(7)(E), as described below.

As noted, we are also releasing additional records obtained from additional searches on appeal (65 pages with some redactions and 19 pages released in full) and withholding in full 22 pages. The 22 pages of withheld-in-full records consist of records containing

names, dates of birth, and other personally identifiable information (PII); personal records, such as driver licenses, birth certificates, social security cards, and other related personal records; records containing subject criminal history; various law enforcement database query result records revealing PII of CBP employees, other law enforcement employees, and third parties, and sensitive law enforcement information including criminal justice and nationwide law enforcement information and law enforcement and intelligence information utilized by CBP to facilitate legitimate travel and trade and evaluating and processing any potential threats at the United States' borders; and records containing law enforcement guidelines, techniques, and procedures that if released would reveal CBP's methods in evaluating and processing potential threats at the United States' borders. Below is a description of how FOIA Exemptions (b)(3), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E) were applied to exempt certain information from disclosure in 65 pages of additional records being released to you as a result of a new search and how Exemptions (b)(5), (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F) were applied to exempt in full information in 22 pages of responsive records.

A. Redactions Made to Protect Transportation Security Administration (TSA) Sensitive Security Information (SSI) Pursuant to Exemption (b)(3), 49 U.S.C. § 114(r), and 49 CFR § 1520.5(b)(9)

Exemption (b)(3) applies to that information that is “specifically exempted from disclosure by statute... if that statute” either “requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue” or “establishes particular criteria for withholding or refers to particular types of matters to be withheld.” 5 U.S.C. § 552(b)(3).

In this case, Exemption (b)(3) is asserted on behalf of the Transportation Security Administration (TSA) to protect a very small amount of Sensitive Security Information (SSI) found in the “TECS Person Query” records under “No Fly Indicator” and “Selectee Indicator.” 49 U.S.C. § 114(r) prohibits the disclosure of information that “would be detrimental to the security of transportation” if released. TSA regulations implementing Section 114(r) are found in 49 CFR Part 1520. Pursuant to 49 CFR § 1520.5(b)(9), security screening procedures, including selection criteria for the screening of persons as well as information and sources of information used by a passenger or property screening program or system, including an automated screening system, is SSI and is therefore exempt from disclosure.

B. Redactions Made to Protect Privileged Information Pursuant to Exemption (b)(5)

Exemption (b)(5) protects “inter-agency or intra-agency memorandums or letters, or portions thereof, that are normally privileged in the civil discovery context.” *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Exemption (b)(5) encompasses both statutory privileges and those commonly recognized by case law. *U.S. v. Weber Aircraft Corp.*, 465 U.S. 792 (1984). The privileges incorporated into this exemption pertain to an agency's decision-making process (*i.e.*, the deliberative process privilege), the attorney work-product privilege, the attorney-client privilege, and the law enforcement

investigatory privilege. In this case, the deliberative process, attorney work-product, attorney-client, and law enforcement investigatory privileges are all applicable; thus, discussion of these privileges follows.

Specifically, my staff and I utilized FOIA Exemption (b)(5) to protect attorney-client privileged communications and attorney work-product in the "Email16" record. The information consists of confidential communications between representatives from DFW/OFO and OCC. These include the request and provision of legal advice and opinions on legal issues regarding a phone battery as well as attorney work-product prepared by the OCC attorney in contemplation of possible litigation. Information in the "Email5," "Email10," and "Email13" records was also redacted under Exemption (b)(5) and consist of information protected under the deliberative process privilege. Some information in the 22 pages withheld in full is protected under the law enforcement investigatory privilege.

1. Redactions Made to Protect the Deliberative Process Privilege

The deliberative process privilege is designed to protect the "decision making processes of government agencies." *NLRB*, 421 U.S. at 150; see also *Elec. Frontier Found. v. DOJ*, 739 F.3d 1, 7 (D.C. Cir. 2014) (protecting documents that "'compris[e] part of a process by which governmental decisions and policies are formulated'" (quoting *Pub. Citizen v. OMB*, 598 F.3d 865, 875 (D.C. Cir. 2010))); *Lahr v. NTSB*, 569 F.3d 964, 982 (9th Cir. 2009) (stating that exposure of "internal deliberations . . . would discourage candid discussion and effective decision making"); *ACLU v. DHS*, 738 F. Supp. 2d 93, 110 (D.D.C. 2010) (holding that agency properly withheld documents so as not to discourage the candid exchange of ideas and analysis required to conduct thorough investigation); *AFGE v. Broad. Bd. of Governors*, 711 F. Supp. 2d 139, 156 (D.D.C. 2010) (protecting emails that reflect internal deliberations of agency employees because release would reveal employees' preliminary thoughts and approaches). This privilege protects not merely documents, but also the integrity of the deliberative process itself where the exposure of that process would result in harm. See *NLRB*, 421 U.S. at 151; *Greenberg v. U.S. Dep't of Treasury*, 10 F.Supp.2d 3, 16, n. 19 (D.D.C. 1998); *Dudman Communications Corp. v. Dep't of the Air Force*, 815 F.2d 1565, 1568 (D.C.Cir. 1987). Within the context of the deliberative process privilege, "Congress ... intend[ed] ... to include [nearly any record] that is part of the deliberative process." *Ryan v. Dep't of Justice*, 617 F.2d 781, 790 (D.C.Cir. 1980).

The general purpose of this privilege is to "prevent injury to the quality of agency decisions." *NLRB*, 421 U.S. at 151. Specifically, three policy purposes consistently have been held to constitute the bases for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action. See, e.g., *Russell v. Dep't of the Air Force*, 682 F.2d 1045, 1048 (D.C. Cir. 1982); *Coastal States Gas Corp. v. DOE*, 617 F.2d 854, 866 (D.C. Cir. 1980); *Kidd v. DOJ*, 362 F. Supp. 2d 291, 296 (D.D.C. 2005) (protecting documents on basis that disclosure would "inhibit

drafters from freely exchanging ideas, language choice, and comments in drafting documents") (internal quotation marks omitted); *Heggstad v. DOJ*, 182 F. Supp. 2d 1, 12 (D.D.C. 2000) (protecting memoranda containing recommendations based on perjured testimony, finding that they "have no probative value to the public since they are based on misrepresentations"). As long as a document is generated as part of a continuing process of agency decision making, Exemption (b)(5) is applicable. However, this privilege is not absolute, but rather exists in a temporal, pre-decisional state; thus, recommendations of no precedential value or applicability to rights of individual members of the public lose protection if specifically adopted as the basis for a final decision. See *Afshar v. Dep't of State*, 702 F.2d 1125, 1142-43 (D.C. Cir. 1983); *Tax Analysts v. IRS*, 117 F.3d 607, 617 (D.C. Cir. 1997) (certain memoranda are not predecisional documents, because they constitute "statements of an agency's legal position").

In applying Exemption (b)(5), the threshold issue is whether the information is of the type to be covered by the phrase "inter-agency or intra-agency memorandums." *Dep't of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1 (2001). Passing this threshold, the requirements for applying the deliberative process privilege are whether the information is predecisional in time and deliberative in process (*i.e.*, are part of policy-formulation process). See *Mapother v. Dep't of Justice*, 3 F.3d 1533, 1537 (D.C. Cir. 1993); *Delta Ltd. v. U.S. Customs & Border Prot. Bureau*, 384 F. Supp. 2d 138, 151-52 (D.D.C. 2005) (finding that factual portions of records were too closely mixed in with deliberative portions and therefore were not releasable).

In this case, information in the "Email5," "Email10," and "Email13" records, specifically intra-agency email communications between DFW/OFO staff and management with proposed analysis and recommendations by DFW/OFO low level staff and management regarding the encounter with your client and possible course of action, is predecisional in time and deliberative in process. The records reflect CBP's consideration of proposed analysis and recommendations for possible course of action that were either not ultimately part of the final decision or proposed during the deliberative process before a final decision was rendered and are part of the decisional thought process in assessing possible course of action. See *Mapother*, 3 F.3d at 1537; *Delta*, 384 F. Supp. at 151-52. Additionally, information in the "Email13" record, specifically proposed language to "read and make corrections" for the narrative in the I-213 record, is predecisional in time and deliberative in process. As the Supreme Court recently observed, "a draft document will typically be predecisional" because "calling something a draft communicates that it is not yet final." *United States Fish & Wildlife Serv. v. Sierra Club, Inc.*, 141 S. Ct. 777 (2021). That is especially true here, as the draft language presented to "read and make corrections" by low level staff incorporated language that was rejected by management. Accordingly, this information contained in the responsive records is exempt from disclosure pursuant to FOIA Exemption (b)(5).

2. Redactions Made to Protect the Attorney Work Product and Attorney-Client Confidential Communication Privileges

The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation. As its purpose is to protect the adversarial trial process by insulating the attorney's preparation from scrutiny, the work-product privilege ordinarily does not attach until at least "some articulable claim, likely to lead to litigation," has arisen. The privilege "extends to documents prepared in anticipation of foreseeable litigation, even if no specific claim is contemplated." See *Schiller v. NLRB*, 964 F.2d 1205, 1208 (D.C. Cir. 1992). The privilege also has been held to attach to records of law enforcement investigations, when the investigation is "based upon a specific wrongdoing and represent[s] an attempt to garner evidence and build a case against the suspected wrongdoer." The privilege is not limited to civil proceedings, but rather extends to administrative proceedings. Further, there are no aspects of this document that are disclosable, as once this privilege is found to exist, segregability is not required. See *Judicial Watch, Inc., v. U.S. Dep't of Justice*, 432 F.3d 366, 371-372 (D.C.Cir. 2005).

The attorney-client privilege concerns "confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice." *Mead Data Cent., Inc. v. U.S. Dep't of the Air Force*, 566 F.2d 242, 252 (D.C. Cir. 1977); see also *Rein v. U.S. Patent and Trademark Office*, 553 F. 3d 353, 377 (4th Cir. 2009) (noting confidentiality requirement for privilege). Although the privilege fundamentally applies to facts divulged by a client to his attorney, this privilege "also encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts." *Elec. Privacy Info. Ctr. v. DHS*, 384 F. Supp. 2d 100, 114 (D.D.C. 2005); see, e.g., *Jernigan v. Dep't of the Air Force*, No. 97-35930, 1998 WL 658662, at *2 (9th Cir. Sept. 17, 1998) (holding that agency attorney's legal review of internal agency "Social Action" investigation "falls squarely within the traditional attorney-client privilege"); *Schlefer v. United States*, 702 F.2d 233, 244 n.26 (D.C. Cir. 1983) (observing that privilege "permits nondisclosure of an attorney's opinion or advice in order to protect the secrecy of the underlying facts"); *W & T Offshore, Inc. v. U.S. Dep't of Commerce*, No. 03-2285, 2004 WL 2115418, at *4 (E.D. La. Sept. 21, 2004) (applying privilege to documents reflecting confidential communications where agency employees requested legal advice or agency counsel responded to those requests).

The privilege typically involves a single client, even where the "client" is an agency, and his, her, or its attorneys, as well as in situations where there are multiple clients who share a common interest. The D.C. Circuit has held that confidentiality may be inferred when the communications suggest that "the government is dealing with its attorneys as would any private party seeking advice to protect personal interests," *Coastal States Gas Corp. v. DOE*, 617 F.2d 854, 863 (D.C. Cir. 1980)), but in other cases it, as well as other courts, have required the government to demonstrate the confidentiality of the attorney-client communications. See *Maine v. U.S. Dep't of the Interior*, 298 F.3d 60, 71-72 (1st Cir. 2002) (amended opinion) (holding that district court did not err in finding privilege inapplicable where defendants failed to show confidentiality of factual communications); *Mead Data*, 566 F.2d at 252-53 (requiring government to make affirmative showing of confidentiality for privilege to apply). In *Upjohn Co. v. United States*, the Supreme Court held that the attorney-client privilege covers attorney-client communications when the

specifics of the communication are confidential, even though the underlying subject matter is known to third parties. 449 U.S. at 395-96; see also *United States v. Cunningham*, 672 F.2d 1064, 1073 n.8 (2d Cir. 1982) ("[W]e do not suggest that an attorney-client privilege is lost by the mere fact that the information communicated is otherwise available to the public. The privilege attaches not to the information but to the communication of the information."); *In re Diet Drugs Prods. Liability Litig.*, No. 1203, 2000 WL 1545028, at *5 (E.D. Pa. Oct. 12, 2000) ("While the underlying facts discussed in these communications may not be privileged, the communications themselves are privileged."); *In re Ampicillin Antitrust Litig.*, 81 F.R.D. 377, 388 (D.D.C. 1978)(holding that privilege applies even where information in question was not confidential, so long as client intended that information be conveyed confidentially). The Supreme Court in *Upjohn* concluded that the privilege encompasses confidential communications made to the attorney not only by decisionmaking "control group" personnel, but also by lower-level employees. 449 U.S. at 392-97.

In this case, the various intra-agency email communications in the "Email16" record between a CBP OCC attorney and DFW/OFO staff and management consist of confidential communications between DFW/OFO employees requesting legal advice and opinions on legal issues regarding a phone battery and the OCC attorney who responded to those requests. See *Mead Data*, 566 F.2d at 252; *Elec. Privacy Info. Ctr.*, 384 F. Supp. 2d at 114; *Jernigan*, 1998 WL 658662, at *2; *Schlefer*, 702 F.2d at 244 n.26; *W & T Offshore*, 2004 WL 2115418, at *4; *Cujas*, 1998 WL 419999, at *6. In addition, the email was prepared by a government attorney in contemplation of possible litigation. See *Schiller*, 964 F.2d at 1208. Thus, the information was properly withheld pursuant to FOIA Exemption (b)(5).

3. Redactions Made to Protect the Law Enforcement Investigatory Privilege

Exemption (b)(5) incorporates virtually all civil discovery privileges; if a document is immune from civil discovery, it is similarly protected from mandatory disclosure under the FOIA. See *Weber Aircraft Corp.*, 465 U.S. at 799-800; *FTC v. Grolier Inc.*, 462 U.S. 19, 26-27 (1983); *Burka v. HHS*, 87 F.3d 508, 516 (D.C. Cir. 1996) (stating that exemption 5 "incorporates . . . generally recognized civil discovery protections"). It therefore extends to include the Law Enforcement Investigatory Privilege, which protects law enforcement efforts from possible harm arising from public disclosure of investigatory files. See *Dellwood Farms Inc. v. Cargill Inc.*, 128 F.3d 1122, 1124-25 (7th Cir. 1997) (recognizing judge-fashioned "law enforcement investigatory privilege") (non-FOIA case); *In re United States Dept. of Homeland Security*, 459 F.3d 565, 569 n.2 (5th Cir. 2006).

The Law Enforcement Investigatory Privilege protects from dissemination the information contained in files related to both civil and criminal law enforcement investigations. See, e.g., *Friedman v. Bache Halsey Stuart Shields, Inc.*, 738 F.2d 1336, 1341 (D.C. Cir. 1984); *Black v. Sheraton Corp. of America*, 564 F.2d 531, 542 (D.C. Cir. 1977). This privilege prohibits the release of governmental information – whether through documentary evidence or oral testimony – that would harm an agency's

investigative or enforcement efforts. See *In re Sealed Case*, 856 F.2d 268, 272 (D.C. Cir. 1988) (public interest in safeguarding integrity of investigations supports application of law enforcement investigatory privilege to both documents and testimony).

The law enforcement investigatory privilege is qualified, and “the public interest in nondisclosure must be balanced against the need of a particular litigant for access to the privileged information.” *In re Sealed Case*, 856 F.2d at 272 (citing *Black v. Sheraton Corp. of America*, 564 F.2d 531, 545 (D.C. Cir. 1977); *Friedman v. Bache Halsey Stuart Shields, Inc.*, 738 F.2d 1336, 1341 (D.C. Cir. 1984)).

There is a clear public interest in nondisclosure of the information in the 22 pages of withheld in full records. Information in the 22 pages of withheld in full records includes sensitive law enforcement information including criminal justice and nationwide law enforcement information and law enforcement and intelligence information utilized by CBP to facilitate legitimate travel and trade and evaluating and processing any potential threats at the United States’ borders and records containing law enforcement guidelines, techniques, and procedures that if released would reveal CBP’s methods in evaluating and processing potential threats at the United States’ borders. The disclosure of this information will thwart governmental processes by discouraging individuals from giving the government information; will have a chilling effect on CBP’s evaluation of its law enforcement programs, techniques, and procedures; would constitute a clearly unwarranted invasion of a person’s privacy, and would cause the individuals mentioned in the records comment, speculation and stigmatizing connotation associated with being identified in a law enforcement record; and would not be available through other discovery or from other sources. You and your client have not identified any genuine need in the privileged information in the 22 pages of withheld in full records, so the balance tips in the favor of withholding the privileged information. See *In re Sealed Case*, 856 F.2d at 272. The information in the 22 pages of withheld in full records is protected under the law enforcement investigatory privilege. Accordingly, this information contained in the responsive records is exempt from disclosure pursuant to FOIA Exemption (b)(5).

C. Redactions Made to Protect the Personal Privacy Interests of CBP Employees and Third Parties Pursuant to Exemptions (b)(6) and (b)(7)(C)

Exemptions (b)(6) and (b)(7)(C) both relate to protecting personal privacy and have been applied here to protect personally identifiable information (PII) of CBP and other law enforcement employees and third parties identified and mentioned in the records, specifically the names, telephone numbers, addresses, dates of birth, place of birth, occupational information, criminal history, alien numbers, other identifying numbers, other contact information of the individuals, and personal records (such as driver licenses, birth certificates, social security cards, and other related personal records), as well as other information in addition to PII where identities of individuals would be made apparent by certain detailed information in the record and its context. Under the FOIA, privacy encompasses the “individual’s control of information concerning his or her person.” *Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749,

763 (1989). Exemption 6 protects “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). Exemption (b)(7)(C) excludes records or information compiled for law enforcement purposes, but only to the extent that the production of such materials “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C).

As a threshold requirement, Exemption (b)(6) can only be applied to “personnel and medical and similar files.” 5 U.S.C. § 552(b)(6). However, the range of documents falling within these categories is interpreted broadly so as to include all government records “which can be identified as applying to that individual.” *Dep’t of State v. Washington Post*, 456 U.S. 595, 602 (1982) (quoting H. R. Rep. No. 1497, 89th Cong., 2nd Sess., 11 (1966)). In other words, all information that “applies to a particular individual,” *i.e.*, PII such as a person's name, address, phone number, date of birth, criminal history, medical history, and social security number, meets the threshold requirement for Exemption (b)(6) protection as privacy interests cognizable under the FOIA are found to exist in such PII.

In this case, FOIA Division staff, my staff, and I redacted all PII of CBP and other law enforcement employees and third parties mentioned and identified in the records, to include names, telephone numbers, addresses, dates of birth, place of birth, occupational information, criminal history, alien numbers, other identifying numbers, other contact information, and personal records (such as driver licenses, birth certificates, social security cards, and other related personal records), as well as other information in addition to PII where identities of individuals would be made apparent by certain detailed information in the record and its context. The PII and other information, such as departure flight information or other personal details, could offer enough detail to reveal the identity of the individuals mentioned and identified in the records. Such information applies to the individuals mentioned in the records. See *Washington Post*, 456 U.S. at 602. Once the threshold is met, Exemption (b)(6) requires a balancing of the public’s right to know against an individual’s right to privacy to determine whether disclosure of the records at issue would constitute a clearly unwarranted invasion of a person’s privacy. *Reporters Comm. for Freedom of the Press*, 489 U.S. at 762; *Dep’t of the Air Force v. Rose*, 425 U.S. 352, 372-73 (1976). That balance can be properly struck where “personal references or other identifying information [are] deleted.” *Rose*, 425 U.S. at 380. In order to compel release of materials, there must be a public interest because “something, even a modest privacy interest outweighs nothing every time.” *Nat’l Ass’n of Retired Fed. Employees v. Horner*, 879 F.2d 873, 879 (D.C. Cir. 1989).

The privacy interests to be protected in this case concern the PII of CBP employees responsible for creating or searching the records in question and third parties mentioned in the records. Such individuals have a clear expectation of privacy. See *Pons v. U.S. Customs Serv.*, 1998 U.S. Dist. LEXIS 6084 (D.D.C. 1998). In this regard, the privacy consideration is to protect CBP employees from unnecessary “harassment and annoyance in the conduct of their official duties and in their private lives,” which could conceivably result from the public disclosure of their identity. *Nix v. U.S.*, 572 F.2d 998, 1006 (4th

Cir. 1978). In addition, as personnel of a “security agency,” the CBP employees mentioned in the records have a substantial privacy interest in their information not being released to the public. See 5 CFR 293.311; Memorandum from CBP Acting Commissioner Mark Morgan, *All CBP Designated as a Security Agency under Office of Personnel Management* (January 31, 2020). The privacy interest includes the use to which such information could be put, as disclosure to one is disclosure to all. In order to compel release of this information, there must be a public interest because “something, even a modest privacy interest outweighs nothing every time.” See *Horner*, 879 F.2d at 879; *Cappabianca v. Commissioner, United States Customs Service*, 847 F. Supp. 1558, 1564 (M.D. Fla. 1994).

In this case, no identifiable public interest in this information has been asserted by you and your client. Without any genuine public interest, there is little reason to disclose the withheld PII that could identify CBP and other law enforcement employees and third parties mentioned in the record, to include the names, telephone numbers, addresses, dates of birth, place of birth, occupational information, criminal history, alien numbers, other identifying numbers, other contact information, and personal records (such as driver licenses, birth certificates, social security cards, and other related personal records), as well as other information in addition to PII where identities of individuals would be made apparent by certain detailed information in the record and its context. See *id.*

We further find that the individuals’ right to privacy outweighs whatever public interest, if any, might exist in knowing the information such as the individuals’ identities. See *Reporters Comm. for Freedom of the Press*, 489 U.S. at 762; *Rose*, 425 U.S. at 380. Moreover, disclosing the information redacted from the documents in this case, *i.e.*, the names, telephone numbers, addresses, dates of birth, place of birth, occupational information, criminal history, alien numbers, other identifying numbers, other contact information, and personal records (such as driver licenses, birth certificates, social security cards, and other related personal records), as well as other information in addition to PII where identities of individuals would be made apparent by certain detailed information in the record and its context, that could identify CBP employees, other law enforcement employees, and third parties, is unlikely to further the goals of the FOIA, namely “to open agency action to the light of public scrutiny.” *Rose*, 425 U.S. at 372. Accordingly, the withheld PII (the names, telephone numbers, addresses, dates of birth, place of birth, occupational information, alien numbers, other identifying numbers, and other contact information of CBP and other law enforcement employees and third parties identified and mentioned in the records, as well as other information in addition to PII where identities of individuals would be made apparent by certain detailed information in the record and its context) are properly withheld under the provisions of Exemption (b)(6).

In addition to the application of Exemption (b)(6), Exemption (b)(7)(C) is also utilized in withholding this portion of the documents from disclosure. Exemption (b)(7)(C) exempts from disclosure “records and information compiled for law enforcement purposes” the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C. § 552 (b)(7)(C). This exemption applies to civil, criminal,

and administrative law enforcement proceedings, and protects, among other information, the identity of law enforcement personnel and third parties referenced in files compiled for law enforcement purposes. The primary consideration is to protect CBP and other law enforcement agency employees as individuals from unnecessary, unofficial questioning and harassment as to the conduct of their duties. *Nix v. United States*, 572 F.2d 998, 1006 (4th Cir. 1978). In addition, as noted, as personnel of a “security agency,” the CBP employees mentioned in the records have a substantial privacy interest in their information not being released to the public. See 5 CFR 293.311; Memorandum from CBP Acting Commissioner Mark Morgan, *All CBP Designated as a Security Agency under Office of Personnel Management* (January 31, 2020). Exemption (b)(7)(C) is also intended to protect third parties whose identities are revealed in law enforcement files from comment, speculation and stigmatizing connotation associated with being identified in a law enforcement record.

Although the protections available under Exemption (b)(7)(C) are not the same as Exemption (b)(6), the analysis is the same, requiring the balancing of the privacy interests involved against the public interest in disclosure. *Lewis v. Dep’t of Justice*, 609 F.Supp.2d 80, 84 (D.D.C. 2009). However, because Exemption (b)(7)(C) contains broader protections than Exemption (b)(6)², the two Exemptions differ in the “magnitude of the public interest that is required” to overcome the privacy interests involved, with an extra thumb on scale in favor of redaction once Exemption (b)(7)(C) privacy issues are implicated. *Dep’t of Defense v. Fed. Labor Relations Auth.*, 510 U.S. 487, 496 n.6 (1994).

Like Exemption (b)(6), Exemption (b)(7)(C) has also been found to protect the privacy interests of all persons mentioned in law enforcement records, including investigators, suspects, witnesses, and informants. *Lewis*, 609 F. Supp. 2d at 84. The privacy interest at play under Exemption (b)(7)(C) in protecting the CBP employee information located in law enforcement documents is so strong, though, that courts have found that such information is “categorically exempt” from production “unless access to the names and addresses of private individuals... is necessary in order to confirm or refute compelling evidence that the agency is engaged in illegal activity.” *SafeCard Services, Inc. v. U.S. Sec. & Exchange Comm’n.*, 926 F.2d 1197, 1206 (D.C. Cir. 1991).

Once the threshold requirement that the information be found in “law enforcement” records is met³ and the privacy interests described in Exemption (b)(7)(C) are triggered, the onus shifts to the requester to show government misconduct. *Nat’l Archives &*

² Exemption (b)(7)(C)'s privacy language is broader than the comparable language in Exemption (b)(6) in two respects. First, whereas Exemption (b)(6) requires that the invasion of privacy be “clearly unwarranted,” the adverb “clearly” is omitted from Exemption (b)(7)(C). Second, whereas Exemption (b)(6) refers to disclosures that “would constitute” an invasion of privacy, Exemption (b)(7)(C) encompasses any disclosure that “could reasonably be expected to constitute” such an invasion. *Reporters Comm. for Freedom of the Press*, 489 U.S. at 762.

³ It is well established that CBP has a law enforcement mandate. *Coastal Delivery Corp. v. U.S. Customs Serv.*, 272 F. Supp. 2d 958, 963 (C.D. Cal. 2003). The records in this case were compiled in CBP’s ongoing efforts to enforce the immigration and border laws of this country and to protect this country from outside threats. The records are therefore in clear furtherance of that law enforcement mandate.

Records Admin. v. Favish, 541 U.S. 157, 172 (2004). That showing must be “more than a bare suspicion” of official misconduct – it must “warrant a belief by a reasonable person that the alleged Government impropriety might have occurred.” *Id.* at 174. Otherwise, the balancing requirement does not come into play. *Boyd v. Dep’t of Justice*, 475 F.3d 381, 388 (D.C. Cir. 2007).

In this case, having determined the information found in question to be located in a law enforcement record and without any evidence indicating misconduct, all PII of CBP and other law enforcement employees and third parties identified and mentioned in the records, to include the names, telephone numbers, addresses, dates of birth, place of birth, occupational information, criminal history, alien numbers, other identifying numbers, other contact information, and personal records (such as driver licenses, birth certificates, and other related personal records), as well as other information in addition to PII where identities of individuals would be made apparent by certain detailed information in the record and its context, have been redacted. Moreover, there is no public interest to be served in this case by placing the identity of CBP employees, other law enforcement employees, and other third parties mentioned in the records before the public. Thus, we conclude that Exemption (b)(7)(C) is applicable to withhold the information from disclosure.

D. Redactions Made to Protect Law Enforcement Techniques, Procedures, and Guidelines Pursuant to Exemption (b)(7)(E)

Information was also protected pursuant to Exemption (b)(7)(E). Exemption (b)(7)(E) exempts material that was compiled for law enforcement purposes and that would disclose the “techniques and procedures” or “guidelines” for “law enforcement investigations or prosecutions.” 5 U.S.C. § 552(b)(7)(E). Application of this exemption is limited, however, to cases in which disclosure “could reasonably be expected to risk circumvention of the law.” *Id.* Information that falls within Exemption (b)(7)(E)’s purview is “categorically exempt” from disclosure. *Fisher v. Dep’t of Justice*, 772 F. Supp. 7, 12 at n. 9 (D.D.C. 1991). The threshold requirement is that the information be found in “law enforcement” records. It is well established that CBP has a law enforcement mandate. See *Coastal Delivery Corp. v. U.S. Customs Serv.*, 272 F. Supp. 2d 958, 963 (C.D. Cal. 2003). The records in contention in this case (TECS and e3 records containing information related to processing applicants for admission into the United States used in the law enforcement databases and emails and records detailing subject encounters and detention of property, and revealing techniques, procedures, and guidelines regarding law enforcement investigations and immigration and border security enforcement) were compiled in furtherance of CBP’s ongoing efforts to enforce the border security and immigration laws of this country and to protect this country from outside threats. The records are therefore in clear furtherance of that law enforcement mandate.

In this case, the information redacted in accordance with Exemption (b)(7)(E) pertains to record identification and other law enforcement system case, identification, and tracking numbers and the access location of law enforcement systems and records. This information was withheld to protect CBP’s methods for categorizing, identifying, and

processing law enforcement records as its release would enable potential violators to design strategies to circumvent the investigative and examination procedures developed and employed by CBP in its law enforcement mission by creating a potential compromise of law enforcement databases and systems through technology based attacks and could allow individuals to identify and potentially access law enforcement systems and records without authorization, thereby circumventing the law.

We also withheld law enforcement techniques, procedures, and guidelines used by CBP in the course of investigations and immigration and border security enforcement, such as information related to processing applicants for admission into the United States used in e3 and the CBP TECS database; examination and security procedures; information which would reveal the scope and focus of certain law enforcement techniques and investigations; information which would reveal the strengths or weaknesses of certain law enforcement methods; particular types of secondary inspection; clearance or authorization procedures; procedures, techniques, and guidelines regarding law enforcement databases and systems, including the names of specific law enforcement databases and systems used in a particular context, the types of queries and information sought, how that information is used, query results, and information regarding targeting and system capabilities; names of specific equipment or capabilities used; instructions on how to process certain information; circumstances under which CBP partners with other agencies to share information or to conduct investigations or immigration enforcement; procedures related to external and internal coordination and reporting requirements; specific descriptions and guidelines of the type of evidence needed to establish admissibility or inadmissibility; and techniques and guidelines for identifying and investigating violations of law, including tactics used to attempt to evade detection and other information that may be indicative of illegal activity. The redacted material reveals a great deal of information related to the law enforcement techniques, procedures, and guidelines that may be used when evaluating and handling immigration and security threats at U.S. borders. These law enforcement techniques, procedures, and guidelines have been withheld in order to protect CBP's methods in detecting, deterring, evaluating and processing potential immigration and security threats at the United States' borders.

The information in the 22 pages of withheld in full records also includes various law enforcement database query result records revealing sensitive law enforcement information including criminal justice and nationwide law enforcement information and law enforcement and intelligence information utilized by CBP to facilitate legitimate travel and trade and evaluating and processing any potential threats at the United States' borders and records containing law enforcement guidelines, techniques, and procedures that if released would reveal CBP's methods in evaluating and processing potential threats at the United States' borders. The information in the 22 pages of withheld in full records would reveal port level techniques, procedures, and guidelines that potential immigration, border security, and enforcement law violators could use to circumvent the law. Specifically, the records contain law enforcement guidelines, techniques, procedures that if released would reveal CBP's methods in evaluating and processing potential threats at the United States' borders. Further, the withheld in full information serves as guidelines for law enforcement investigations because the information allows CBP to

track the effectiveness of its enforcement and investigation objectives and in the overall law enforcement objectives of CBP. The information also serves as a tool to determine the allocation of resources to effectively accomplish these objectives and determine strategies to combat against illegal activity at the most local levels. Further, disclosure of this information will thwart governmental processes by discouraging individuals from giving the government information and will have a chilling effect on CBP's evaluation of its law enforcement programs, techniques, and procedures.

Although you may not seek this information for nefarious purposes, "it would appear obvious that those immediately and practically concerned with such matters would be individuals embarked upon clandestine and illicit operations, the detection of which would be frustrated if they were privy to the methods employed... to ferret them out." *Caplan v. Bureau of Alcohol, Tobacco & Firearms*, 587 F.2d 544, 547 (2d Cir. 1978). See also *Buffalo Evening News, Inc. v. U.S. Border Patrol*, 791 F. Supp. 386, 393 (W.D.N.Y. 1992) (protecting records that "would clearly disclose the USBP's techniques for apprehending excludable aliens"). Disclosure of this information would enable potential violators to design strategies to circumvent the investigative and examination procedures developed and employed by CBP in its mission to secure the border and enforce immigration and border security laws by allowing potential violators to better prepare themselves to evade and exploit U.S. immigration and border security laws. Therefore, this information is properly withheld pursuant to Exemption (b)(7)(E).

E. Redactions Made to Protect Law Enforcement Techniques, Procedures, and Guidelines Pursuant to Exemption (b)(7)(F)

In addition, Exemption (b)(7)(F) protects law enforcement information that "could reasonably be expected to endanger the life or physical safety of any individual." 5 U.S.C. § 552(b)(7)(F). Generally, courts have held that Exemption (b)(7)(F) can protect the names and identifying information of law enforcement agents, non-law enforcement federal employees, local law enforcement personnel, and other third persons in connection with particular law enforcement matters. See, e.g., *Amuso v. Dep't of Justice*, No. 07-1935, 2009 WL 535965, at *17 (D.D.C. Mar. 4, 2009) (explaining that "[w]hile courts generally have applied Exemption 7(F) to protect law enforcement personnel or other specified third parties, by its terms, the exemption is not so limited; it may be invoked to protect 'any individual' reasonably at risk of harm"); *Garcia v. Dep't of Justice*, 181 F. Supp. 2d 356, 378 (S.D.N.Y. 2002) (protecting "names and/or identifying information concerning private citizens and third parties who provided information" to FBI, as well as the names of FBI special agents and other government agents); *Peter S. Herrick's Customs & Int'l Trade Newsletter v. U.S. Customs & Border Prot.*, No. 04-0377, 2006 WL 1826185, at *8-9 (D.D.C. June 30, 2006) (finding that disclosure of U.S. Customs officials' identities and information regarding seized contraband could endanger life or physical safety of both Customs officials and innocent bystanders); *L.A. Times Commcn's, LLC v. Dep't of the Army*, 442 F. Supp. 2d 880, 898-900 (C.D. Cal. 2006) (applying Exemption (b)(7)(F) where disclosure of private security contractor company names could endanger life or physical safety of many individuals, and citing *Coastal Delivery Corp. v. United States Customs Service*, 272 F. Supp. 2d 958, 964-65 (C.D. Cal. 2003) (quoting *Davin v. Dep't of Justice*, 60 F.3d 1043, 1064-65 (3d Cir. 1995): "[t]he

information is not of obvious importance in itself; but, if it were released to the plaintiff and combines [sic] with other known data, in a 'mosaic' analysis, it could lead to identification of substantive information in the file which has been withheld.").

Courts also generally defer to an agency's assessment of harm. See, e.g., *Sandoval v. Dep't of Justice*, 296 F. Supp. 3d 1, 20 (D.D.C. 2017) ("[d]eferring to the agency's prediction of harm that could occur to individuals who provided the FBI with information" and finding names appropriately withheld); *Levy v. U.S. Postal Service*, 567 F. Supp. 2d 162, 169 (D.D.C. 2008) (concluding agency properly withheld "information given by victims of a hoax involving the deadly anthrax toxin [which] could result in bodily harm or death for those individuals" and deferring to "agency's assessment of danger"); *Garcia*, 181 F. Supp. 2d at 378 ("In evaluating the validity of an agency's invocation of Exemption 7(F), the court should 'within limits, defer to the agency's assessment of danger.'" (Quoting *Linn v. Dep't of Justice*, No. 92-1406, 1995 WL 631847, at *9 (D.D.C. Aug. 22, 1995))).

In this case, we are protecting the names of third parties mentioned in the withheld in full records, details about third parties which if released could endanger the life or physical safety of those individuals, and information revealing sensitive law enforcement information including criminal justice and nationwide law enforcement information and law enforcement and intelligence information utilized by CBP to facilitate legitimate travel and trade and evaluating and processing any potential threats at the United States' borders because those with designs to harm the life or physical safety of the CBP and other law enforcement employees and third parties mentioned in the withheld in full records could use this information to determine the identities of the CBP and other law enforcement employees and third parties mentioned in the withheld in full records. Disclosure of this information could result in harm to the life or physical safety of CBP and other law enforcement employees and third parties mentioned in the records, as well as other CBP employees and individuals, including innocent bystanders, within the vicinity of CBP and other law enforcement employees and third parties mentioned in the records. See *L.A. Times Commcn's*, 442 F. Supp. 2d at 898-99; *Herrick's Newsletter*, No. 04-0377, 2006 WL 1826185, at *8-9. As such, this information is properly withheld pursuant to Exemption (b)(7)(F).

III. Right to Judicial Review and Other Remedies

The Freedom of Information Act, particularly Title 5 U.S.C. § 552 (a)(4)(B), provides your client with the opportunity to seek judicial review of this administrative appeal. Your client may institute judicial review in the United States District Court in the district in which he resides, has a principal place of business, where the agency records are located, or in the United States District Court for the District of Columbia. Further, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your client's right to pursue litigation. If your client is requesting access to his own records (which is considered a Privacy Act request), he should know that OGIS does not have the authority to handle requests made

under the Privacy Act of 1974. If you or your client wish to contact OGIS, you may email them at ogis@nara.gov or call 202-741-5770 or toll-free 1-877-684-6448.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

Matthew Pollack

Matthew Pollack, Chief
Disclosure Law & Judicial Actions Branch

Enclosures (88 pages)

CBP-AP-2022-076446 Appeal Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. Trinity Mills road
Address Line 2	Suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Appeal Information

Agency	U.S. Customs and Border Protection- FOIA Appeals
Will Pay Up To	\$0.00
Date Submitted	05/10/2022
Estimated Date of Completion	06/08/2022
Fee Category	N/A
Request Track	Simple
Request Phase	Closed
Final Disposition	Closed for Other Reasons
Additional Disposition	Improper Request for Other Reasons

Basis for Appeal

Basis for Appeal	This FOIA request was closed as being a duplicate to 2022-030369. This is actually not correct. There is a specific change or addition to the way the request was framed. Please review carefully. Thank you.
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Supporting Files

Download	Attached File Name	Size (MB)	File Type
No attachments have been added.			

CBP-AP-2022-076446 Appeal Details



Submitted



Evaluation



Assignment



Processing



Closed

Correspondence

Subject	From	Date	Detail
FOIA Appeal CBP-AP-2022-076446 Submitted	System	05/10/2022	-
<p>This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows: Appeal Tracking Number: CBP-AP-2022-076446 Request Tracking Number: CBP-2022-071874 Requester Name: Adam Malik Date Submitted: 05/10/2022 Appeal Status: Submitted Description: This FOIA request was closed as being a duplicate to 2022-030369. This is actually not correct. There is a specific change or addition to the way the request was framed. Please review carefully. Thank you.</p>			
FOIA Appeal CBP-AP-2022-076446 Modified	System	05/13/2022	-
<p>The FOIA appeal - CBP-AP-2022-076446 description has been modified. Additional details for this item are as follows: Tracking Number: CBP-AP-2022-076446 Requester: Mr. Adam Malik Submitted Date: 05/10/2022 Description: This FOIA request was closed as being a duplicate to 2022-030369. This is actually not correct. There is a specific change or addition to the way the request was framed. Please review carefully. Thank you.</p>			
Final Disposition, Request CBP-AP-2022-076446	Lynette Carter	05/16/2022	-
<p>Please see attachment. CBP-AP-2022-076446.pdf Reply</p>			

FOIA Appeal CBP-AP-2022-076446 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Tue 5/10/2022 1:23 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: CBP-AP-2022-076446
- Request Tracking Number: CBP-2022-071874
- Requester Name: Adam Malik
- Date Submitted: 05/10/2022
- Appeal Status: Submitted
- Description: This FOIA request was closed as being a duplicate to 2022-030369. This is actually not correct. There is a specific change or addition to the way the request was framed. Please review carefully. Thank you.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Final Disposition, Request CBP-AP-2022-076446

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Mon 5/16/2022 6:19 AM

To: Adam Malik <amalik@malikfirm.com>

Please see attachment.

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

DIS-3 IT:RR:FAPL
CBP-AP-2022-076446 LDC

May 16, 2022

Adam Malik
Malik and Associates PLLC
2340 E. Trinity Mills road Suite 112
Carrollton, TX 75006

Dear Mr. Malik:

This is in response to your appeal that was submitted on May 10, 2022, regarding the Duplicate Request notification, under tracking number CBP-2022-071874, that was issued by FOIA Division. You were submitting a FOIA request on behalf of your client Fraz Malik Khan.

Although the notification states the FOIA request it is a duplicate request of CBP-2022-030369, the Appeals Office finds that CBP-2022-071874 does not have supporting documents. Therefore, we are unable to remand for processing. You can create a new FOIA request for the same client or wait to submit an appeal once the final determination for CBP-2022-030369 has been issued.

The Freedom of Information Act, particularly Title 5 U.S.C. § 552 (a)(4)(B), provides you with the opportunity to seek judicial review of this administrative appeal. You may institute judicial review in the United States District Court in the district in which you reside, have a principal place of business, where the agency records are located, or in the United States District Court for the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services ("OGIS") was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974.

You may contact OGIS in any of the following ways:

Office of Government Information Services
800 N. Capitol Street, Suite 795
Washington, DC 20002

Telephone: 202-741-5770

Facsimile: 202-741-5769

www.archives.gov/ogis

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shari Suzuki', is centered below the closing.

Shari Suzuki, Chief
FOIA Appeals and Policy Branch

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

DIS-3 IT:RR:FAPL
CBP-AP-2022-076446 LDC

May 16, 2022

Adam Malik
Malik and Associates PLLC
2340 E. Trinity Mills road Suite 112
Carrollton, TX 75006

Dear Mr. Malik:

This is in response to your appeal that was submitted on May 10, 2022, regarding the Duplicate Request notification, under tracking number CBP-2022-071874, that was issued by FOIA Division. You were submitting a FOIA request on behalf of your client Fraz Malik Khan.

Although the notification states the FOIA request it is a duplicate request of CBP-2022-030369, the Appeals Office finds that CBP-2022-071874 does not have supporting documents. Therefore, we are unable to remand for processing. You can create a new FOIA request for the same client or wait to submit an appeal once the final determination for CBP-2022-030369 has been issued.

The Freedom of Information Act, particularly Title 5 U.S.C. § 552 (a)(4)(B), provides you with the opportunity to seek judicial review of this administrative appeal. You may institute judicial review in the United States District Court in the district in which you reside, have a principal place of business, where the agency records are located, or in the United States District Court for the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services ("OGIS") was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974.

You may contact OGIS in any of the following ways:

Office of Government Information Services
800 N. Capitol Street, Suite 795
Washington, DC 20002

Telephone: 202-741-5770
Facsimile: 202-741-5769
www.archives.gov/ogis

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shari Suzuki', is centered below the text 'Sincerely,'.

Shari Suzuki, Chief
FOIA Appeals and Policy Branch

CBP-AP-2022-076462 Appeal Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Adam Malik
Organization	Malik and Associates PLLC
Email Address	amalik@malikfirm.com
Phone Number	2148812100
Fax Number	4692625800
Mailing Address Location	United States/US Territories
Address Line 1	2340 E. Trinity Mills road
Address Line 2	Suite 112
City	Carrollton
State/Province	TX
Zip Code/Postal Code	75006

Appeal Information

Agency	U.S. Customs and Border Protection- FOIA Appeals
Will Pay Up To	\$0.00
Date Submitted	05/10/2022
Estimated Date of Completion	06/08/2022
Fee Category	
Request Track	
Request Phase	Closed
Final Disposition	Closed for Other Reasons
Additional Disposition	Improper Request for Other Reasons

Basis for Appeal

Basis for Appeal	I did file the request through the online portal. This request has been removed from the online portal to make matters difficult for us. I ask that you treat this as an appeal for CBP-2022-030369.
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Supporting Files

Download	Attached File Name	Size (MB)	File Type
<input type="checkbox"/>	Appeal Letter CBP-2022-030369.pdf	0.1114	Adobe PDF Document
<input type="checkbox"/>	FOIA Request email CBP-2022-030369.pdf	0.0412	Adobe PDF Document
<input type="checkbox"/>	Acknowledgement Letter Letter CBP-2022-030369.pdf	0.0029	Adobe PDF Document

CBP-AP-2022-076462 Appeal Details



Correspondence

Subject	From	Date	Detail
FOIA Appeal CBP-AP-2022-076462 Submitted	System	05/10/2022	—
<p>This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows: Appeal Tracking Number: CBP-AP-2022-076462 Request Tracking Number: CBP-2022-071905 Requester Name: Adam Malik Date Submitted: 05/10/2022 Appeal Status: Submitted Description: I did file the request through the online portal. This request has been removed from the online portal to make matters difficult for us. I ask that you treat this as an appeal for CBP-2022-030369.</p>			
Re: New Tracking Number	Mr. Adam Malik	05/12/2022	—
<p>Dear Ms. Carter, You stated "Mr. Adam Malik: I am closing this appeal CBP-AP-2022-076462 because a new one has been created under tracking number CBP-AP-2022-077708." Does that mean I do NOT need to file a new appeal because CBP-AP-2022-077708 is still open? I do not see CBP-AP-2022-077708 in my portal? I had not created the initial request or the appeal BEFORE my online portal account was opened. Please see my previous requests that are predated to this request in question. Your response is a bit confusing. Please clarify. Do I have a currently open appeal for this matter? or do I need to submit a paper appeal? Thank you.</p> <p>Reply</p>			
New Tracking Number	Lynette Carter	05/12/2022	—
<p>Mr. Adam Malik: I am closing this appeal CBP-AP-2022-076462 because a new one has been created under tracking number CBP-AP-2022-077708. The FOIA Online portal malfunctions at times, but that is not the reason you were unsuccessful in creating an appeal. All non FOIA Online account holders have limited access/view of their requests. Any appeals for adverse determinations for non account holders are to be mailed. Please keep this in mind should you still have FOIA requests that were created before you became an account holder. Sincerely, Lynette Carter, FOIA Appeals</p> <p>Reply</p>			
Final Disposition, Request CBP-AP-2022-076462	Lynette Carter	05/12/2022	—
<p>CBP-AP-2022-076462 has been processed with the following final disposition: Closed for Other Reasons.</p> <p>Reply</p>			

FOIA Appeal CBP-AP-2022-077708 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 5/12/2022 11:44 AM

To: Adam Malik <amalik@malikfirm.com>

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: CBP-AP-2022-077708
- Request Tracking Number: CBP-2022-030369
- Requester Name: Adam Malik
- Date Submitted: 05/12/2022
- Appeal Status: Submitted
- Description: This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

New Tracking Number

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 5/12/2022 12:00 PM

To: Adam Malik <amalik@malikfirm.com>

Mr. Adam Malik:

I am closing this appeal CBP-AP-2022-076462 because a new one has been created under tracking number CBP-AP-2022-077708.

The FOIA Online portal malfunctions at times, but that is not the reason you were unsuccessful in creating an appeal. All non FOIA Online account holders have limited access/view of their requests. Any appeals for adverse determinations for non account holders are to be mailed. Please keep this in mind should you still have FOIA requests that were created before you became an account holder.

Sincerely,

Lynette Carter, FOIA Appeals

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Final Disposition, Request CBP-AP-2022-077708

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 5/12/2022 12:28 PM

To: Adam Malik <amalik@malikfirm.com>

CBP-AP-2022-077708 has been processed. Please see attachment.

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

DIS-3 IT:RR:FAPL
CBP-AP-2022-077708 LDC

May 12, 2022

Adam Malik
PO BOX 110251
Carrollton, TX 75011

Dear Mr. Malik:

This is in reference to your appeal submitted on May 9, 2022, regarding the status of CBP-2022-030369. This office, the FOIA Appeals and Policy Branch, does not take appeals where the FOIA Division has not had the opportunity to search for and release records. Since your request is still pending, contact the FOIA Public Liaison on 202-325-0150 or by email at cbpfoiapublicliaison@cbp.dhs.gov. When contacting them refer to tracking number CBP-2022-030369.

You may immediately challenge FOIA Division's failure to respond to your request in District Court. Pursuant to 5 U.S.C. §552(a)(4)(B), you may do so in the U.S. District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the U.S. District Court for the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services ("OGIS") was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974.

You may contact OGIS in any of the following ways:

Office of Government Information Services
800 N. Capitol Street, Suite 795
Washington, DC 20002
Telephone: 202-741-5770
Facsimile: 202-741-5769
www.archives.gov/ogis

Sincerely,

A handwritten signature in blue ink, appearing to read "Shari Suzuki", is centered on the page.

Shari Suzuki, Chief
FOIA Appeals and Policy Branch



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)

▶

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

5. Mobile Telephone Number (if any)

6. Email Address (if any)

7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) am not am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. I am associated with , the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate



Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a. U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

2.a. U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

3.a. U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

4. Receipt Number (if any)

▶

5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

- Applicant Petitioner Requestor
 Beneficiary/Derivative Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

7.a. Name of Entity (if applicable)

7.b. Title of Authorized Signatory for Entity (if applicable)

8. Client's USCIS Online Account Number (if any) ▶

9. Client's Alien Registration Number (A-Number) (if any) ▶ A-

Client's Contact Information

10. Daytime Telephone Number

11. Mobile Telephone Number (if any)

12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name

13.b. Apt. Ste. Flr.

13.c. City or Town

13.d. State 13.e. ZIP Code

13.f. Province

13.g. Postal Code

13.h. Country

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

2.a. Signature of Client or Authorized Signatory for an Entity

→

2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

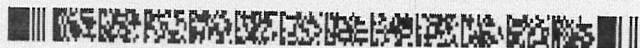
I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative

1.b. Date of Signature (mm/dd/yyyy)

2.a. Signature of Law Student or Law Graduate

2.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a Family Name (Last Name)

1.b Given Name (First Name)

1.c Middle Name

2.a Page Number 2.b Part Number 2.c Item Number

2.d

3.a Page Number 3.b Part Number 3.c Item Number

3.d

4.a Page Number 4.b Part Number 4.c Item Number

4.d

5.a Page Number 5.b Part Number 5.c Item Number

5.d

6.a Page Number 6.b Part Number 6.c Item Number

6.d





Freedom of Information/Privacy Act Request

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

USCIS
Form G-639
OMB No. 1615-0102
Expires 06/30/2022

NOTE: Use of this form is optional. USCIS accepts any written request, regardless of format, provided that the request complies with the applicable requirements under the FOIA and the Privacy Act. However, using this form can help ensure we have the appropriate information to handle your request.

► **START HERE - Type or print in black ink.**

Part 1. Type of Request

Select only one box.

NOTE: If you are filing this request on behalf of another individual, respond as it would apply to that individual.

- 1.a. Freedom of Information Act (FOIA)/Privacy Act (PA)
1.b. Amendment of Record (PA only)

Part 2. Requestor Information

1. Are you the Subject of Record for this request?
 Yes No

If you answered "Yes" to **Item Number 1.**, skip to **Part 3.** If you answered "No" to **Item Number 1.**, provide the information requested in **Part 2., Item Numbers 2.a. - 3.c.**

Representative Role to the Subject of Record

Select your representative role to the Subject of the Record.

- 2.a. An Attorney
2.b. An Accredited Representative of a Qualified Organization
2.c. A Family Member

Select the appropriate box to provide further information regarding your representative role to the Subject of the Record.

- 3.a. I am requesting information on behalf of my child or a minor I have guardianship over.
3.b. I am requesting information on behalf of someone who is deceased.
3.c. I am requesting information on behalf of someone for whom I have power of attorney.

Requestor's Full Name

- 4.a. Family Name (Last Name) Malik
4.b. Given Name (First Name) Adam
4.c. Middle Name

Requestor's Mailing Address (USPS ZIP Code Lookup)

- 5.a. In Care Of Name (if any)
5.b. Street Number and Name PO BOX 110251
5.c. Apt. Ste. Flr.
5.d. City or Town Carrollton
5.e. State TX 5.f. ZIP Code 75011
5.g. Province
5.h. Postal Code
5.i. Country USA

Requestor's Contact Information

6. Requestor's Daytime Telephone Number 214-881-2100
7. Requestor's Mobile Telephone Number (if any)
8. Requestor's Email Address (if any) maliklawofc@gmail.com

Requestor's Certification

By my signature, I consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

- 9.a. Requestor's Signature
9.b. Date of Signature (mm/dd/yyyy) 3/25/21

Part 3. Description of Records Requested

While you are not required to respond to every **Item Number** in **Part 3.**, failure to provide complete and specific information may delay processing of your request or prevent U.S. Citizenship and Immigration Services (USCIS) from locating the records or information requested.

1. State the purpose of your request.

NOTE: This field is optional. However, providing this information may assist USCIS in locating the records and information needed to respond to your request.

Full Name of the Subject of Record

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Other Names Used by the Subject of Record (if any)

Provide all other names the Subject of Record has ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

3.a. Family Name (Last Name)

3.b. Given Name (First Name)

3.c. Middle Name

4.a. Family Name (Last Name)

4.b. Given Name (First Name)

4.c. Middle Name

Full Name of the Subject of Record at Time of Entry into the United States

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

Other Information About the Subject of Record

6.a. Form I-94 Arrival-Departure Record Number

6.b. Passport or Travel Document Number

7. Alien Registration Number (A-Number) (if any)

8. USCIS Online Account Number (if any)

9. Application or Petition Receipt Number

Information About Family Members that May Appear on Requested Records

For example, provide the requested information about a spouse or children. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

Family Member 1

10.a. Family Name (Last Name)

10.b. Given Name (First Name)

10.c. Middle Name

11. Relationship

Family Member 2

12.a. Family Name (Last Name)

12.b. Given Name (First Name)

12.c. Middle Name

13. Relationship

Parents' Names for the Subject of Record

Father

14.a. Family Name (Last Name)

14.b. Given Name (First Name)

14.c. Middle Name

Part 3. Description of Records Requested
(continued)

Mother

15.a. Family Name (Last Name)

15.b. Given Name (First Name)

15.c. Middle Name

15.d. Maiden Name (if applicable)

16. Describe the records you are seeking. If you need additional space, use the space provided in Part 6. **Additional Information.**

1. All information pertaining to the seizure of my iphone at DFW airport on Jan 3, 2021.
2. All information pertaining to my detention at DFW airport on January 3, 2021 and Jan 4, 2021.

Part 4. Verification of Identity and Subject of Record Consent

Provide the information requested in Item Numbers 1.a. - 7. In addition, the Subject of Record **MUST** sign in Item Numbers 8.a. - 8.c.

Full Name of the Subject of Record

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

Other Information for the Subject of Record

2. Date of Birth (mm/dd/yyyy)

3. Country of Birth

Mailing Address for the Subject of Record

4.a. In Care Of Name (if any)

4.b. Street Number and Name

4.c. Apt. Ste. Flr.

4.d. City or Town

4.e. State 4.f. ZIP Code

4.g. Province

4.h. Postal Code

4.i. Country

Contact Information for the Subject of Record

NOTE: Providing this information is optional.

5. Daytime Telephone Number

6. Mobile Telephone Number (if any)

7. Email Address (if any)

Part 4. Verification of Identity and Subject of Record Consent (continued)

Signature of the Subject of Record

Select only one box.

NOTE: The Subject of Record **MUST** provide a signature in **Item Number 8.a. OR Item Number 8.b.** If the Subject of Record is deceased, select **Item Number 8.c.** and attach an obituary, death certificate, or other proof of death.

8.a. **Notarized Affidavit of Identity**

IMPORTANT: Do **NOT** sign and date below until the notary public provides instructions to you.

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2**. If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to **\$25**. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

Signature of Subject of Record

Date of Signature (mm/dd/yyyy)

Subscribed and sworn to before me on this _____
day of _____ in the year _____.

Daytime Telephone Number _____

Signature of Notary

My Commission Expires on (mm/dd/yyyy)

8.b. **Declaration Under Penalty of Perjury**

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2**. If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.

Traghan

Signature of Subject of Record

3/25/21

Date of Signature (mm/dd/yyyy)

8.c. **Deceased Subject of Record**

Part 5. Processing Information

1. Indicate if any of these circumstances apply to your request (Select all that apply).

- Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of the individual.
- An urgency to inform the public about an actual or alleged Federal government activity, if made by a person primarily engaged in disseminating information.
- The loss of substantial due process rights.
- A matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affects public confidence.

Submit a certified, detailed statement regarding the basis for your request with your Form G-639.

2. Do you have a pending Immigration Court hearing date?
 Yes No

If you answered "Yes" to **Item Number 2.**, submit a copy of one of the following documents with your Form G-639: I-862, Notice to Appear; Form I-122, Order to Show Cause; Form I-863, Note of Referral to Immigration Judge, or submit a written notice of continuation of a future scheduled hearing before the immigration judge.

Part 6. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Type or print the Subject of Record's name and his or her A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

1.a. Subject of Record's Family Name (Last Name)

1.b. Subject of Record's Given Name (First Name)

1.c. Subject of Record's Middle Name

2. Subject of Record's A-Number (if any)
 ▶ A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. 3.All information pertaining to the use and handling of the information obtained from and/or through my iphone.
4.The information obtained from and/or through my iphone.
5.The information about the complete chain of custody for my seized iphone.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. 6.The list of names and titles of each individual who accessed or had/have possession of the information obtained from my iphone.
7.All information regarding the destruction of information obtained from and/or my iphone.
8.All information pertaining to my selection for secondary inspection at the DFW airport on January 3, 2021.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. 9.All emails pertaining to me since December 15, 2020.
10.All information pertaining to me since January 01, 2013.

6.a. PageNumber 6.b. Part Number 6.c. Item Number

6.d. _____

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d. _____



**Notice of Entry of Appearance
as Attorney or Accredited Representative**

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)
▶

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)
2.b. Given Name (First Name)
2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name
3.b. Apt. Ste. Flr.
3.c. City or Town
3.d. State 3.e. ZIP Code
3.f. Province
3.g. Postal Code
3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number
5. Mobile Telephone Number (if any)
6. Email Address (if any)
7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select only one box) am not am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. I am associated with , the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate



Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

- 1.a. U.S. Citizenship and Immigration Services (USCIS)
- 1.b. List the form numbers or specific matter in which appearance is entered.
- 2.a. U.S. Immigration and Customs Enforcement (ICE)
- 2.b. List the specific matter in which appearance is entered.
- 3.a. U.S. Customs and Border Protection (CBP)
- 3.b. List the specific matter in which appearance is entered.
- 4. Receipt Number (if any)
- 5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):
 Applicant Petitioner Requestor
 Beneficiary/Derivative Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

- 6.a. Family Name (Last Name)
- 6.b. Given Name (First Name)
- 6.c. Middle Name
- 7.a. Name of Entity (if applicable)
- 7.b. Title of Authorized Signatory for Entity (if applicable)
- 8. Client's USCIS Online Account Number (if any)
- 9. Client's Alien Registration Number (A-Number) (if any)

Client's Contact Information

- 10. Daytime Telephone Number
- 11. Mobile Telephone Number (if any)
- 12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

- 13.a. Street Number and Name
- 13.b. Apt. Ste. Flr.
- 13.c. City or Town
- 13.d. State 13.e. ZIP Code
- 13.f. Province
- 13.g. Postal Code
- 13.h. Country

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity
- 2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

- 1. a. Signature of Attorney or Accredited Representative
- 1.b. Date of Signature (mm/dd/yyyy)
- 2.a. Signature of Law Student or Law Graduate
- 2.b. Date of Signature (mm/dd/yyyy)





Freedom of Information/Privacy Act Request

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

USCIS
Form G-639
OMB No. 1615-0102
Expires 06/30/2022

NOTE: Use of this form is optional. USCIS accepts any written request, regardless of format, provided that the request complies with the applicable requirements under the FOIA and the Privacy Act. However, using this form can help ensure we have the appropriate information to handle your request.

► **START HERE - Type or print in black ink.**

Part 1. Type of Request

Select **only one** box.

NOTE: If you are filing this request on behalf of another individual, respond as it would apply to that individual.

- 1.a. Freedom of Information Act (FOIA)/Privacy Act (PA)
- 1.b. Amendment of Record (PA only)

Part 2. Requestor Information

- 1. Are you the Subject of Record for this request?
 Yes No

If you answered "Yes" to **Item Number 1.**, skip to **Part 3.** If you answered "No" to **Item Number 1.**, provide the information requested in **Part 2., Item Numbers 2.a. - 3.c.**

Representative Role to the Subject of Record

Select your representative role to the Subject of the Record.

- 2.a. An Attorney
- 2.b. An Accredited Representative of a Qualified Organization
- 2.c. A Family Member

Select the appropriate box to provide further information regarding your representative role to the Subject of the Record.

- 3.a. I am requesting information on behalf of my child or a minor I have guardianship over.
- 3.b. I am requesting information on behalf of someone who is deceased.
- 3.c. I am requesting information on behalf of someone for whom I have power of attorney.

Requestor's Full Name

- 4.a. Family Name (Last Name)
- 4.b. Given Name (First Name)
- 4.c. Middle Name

Requestor's Mailing Address (USPS ZIP Code Lookup)

- 5.a. In Care Of Name (if any)
- 5.b. Street Number and Name
- 5.c. Apt. Ste. Flr.
- 5.d. City or Town
- 5.e. State 5.f. ZIP Code
- 5.g. Province
- 5.h. Postal Code
- 5.i. Country

Requestor's Contact Information

- 6. Requestor's Daytime Telephone Number
- 7. Requestor's Mobile Telephone Number (if any)
- 8. Requestor's Email Address (if any)

Requestor's Certification

By my signature, I consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

- 9.a. Requestor's Signature
- 9.b. Date of Signature (mm/dd/yyyy)

Part 3. Description of Records Requested

While you are not required to respond to every **Item Number** in **Part 3.**, failure to provide complete and specific information may delay processing of your request or prevent U.S. Citizenship and Immigration Services (USCIS) from locating the records or information requested.

1. State the purpose of your request.

NOTE: This field is optional. However, providing this information may assist USCIS in locating the records and information needed to respond to your request.

Attorney-Client Review

Full Name of the Subject of Record

2.a. Family Name (Last Name)
 2.b. Given Name (First Name)
 2.c. Middle Name

Other Names Used by the Subject of Record (if any)

Provide all other names the Subject of Record has ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

3.a. Family Name (Last Name)
 3.b. Given Name (First Name)
 3.c. Middle Name
 4.a. Family Name (Last Name)
 4.b. Given Name (First Name)
 4.c. Middle Name

Full Name of the Subject of Record at Time of Entry into the United States

5.a. Family Name (Last Name)
 5.b. Given Name (First Name)
 5.c. Middle Name

Other Information About the Subject of Record

6.a. Form I-94 Arrival-Departure Record Number
 6.b. Passport or Travel Document Number
 7. Alien Registration Number (A-Number) (if any)
 8. USCIS Online Account Number (if any)
 9. Application or Petition Receipt Number

Information About Family Members that May Appear on Requested Records

For example, provide the requested information about a spouse or children. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

Family Member 1

10.a. Family Name (Last Name)
 10.b. Given Name (First Name)
 10.c. Middle Name
 11. Relationship

Family Member 2

12.a. Family Name (Last Name)
 12.b. Given Name (First Name)
 12.c. Middle Name
 13. Relationship

Parents' Names for the Subject of Record

Father

14.a. Family Name (Last Name)
 14.b. Given Name (First Name)
 14.c. Middle Name

Part 3. Description of Records Requested
(continued)

Mother

15.a. Family Name (Last Name)

15.b. Given Name (First Name)

15.c. Middle Name

15.d. Maiden Name (if applicable)

16. Describe the records you are seeking. If you need additional space, use the space provided in **Part 6. Additional Information.**

Please see attached request.

Part 4. Verification of Identity and Subject of Record Consent

Provide the information requested in **Item Numbers 1.a. - 7.** In addition, the Subject of Record **MUST** sign in **Item Numbers 8.a. - 8.c.**

Full Name of the Subject of Record

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

Other Information for the Subject of Record

2. Date of Birth (mm/dd/yyyy)

3. Country of Birth

Mailing Address for the Subject of Record

4.a. In Care Of Name (if any)

4.b. Street Number and Name

4.c. Apt. Ste. Flr.

4.d. City or Town

4.e. State 4.f. ZIP Code

4.g. Province

4.h. Postal Code

4.i. Country

Contact Information for the Subject of Record

NOTE: Providing this information is optional.

5. Daytime Telephone Number

6. Mobile Telephone Number (if any)

7. Email Address (if any)

Part 4. Verification of Identity and Subject of Record Consent (continued)

Signature of the Subject of Record

Select only one box.

NOTE: The Subject of Record **MUST** provide a signature in **Item Number 8.a. OR Item Number 8.b.** If the Subject of Record is deceased, select **Item Number 8.c.** and attach an obituary, death certificate, or other proof of death.

8.a. **Notarized Affidavit of Identity**

IMPORTANT: Do **NOT** sign and date below until the notary public provides instructions to you.

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2.** If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to **\$25.** (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

Signature of Subject of Record

Date of Signature (mm/dd/yyyy)

Subscribed and sworn to before me on this _____
day of _____ in the year _____.

Daytime Telephone Number _____

Signature of Notary

My Commission Expires on (mm/dd/yyyy)

8.b. **Declaration Under Penalty of Perjury**

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2.** If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.

[Handwritten Signature]

Signature of Subject of Record

8/2/21

Date of Signature (mm/dd/yyyy)

8.c. **Deceased Subject of Record**

Part 5. Processing Information

1. Indicate if any of these circumstances apply to your request (Select all that apply).

Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of the individual.

An urgency to inform the public about an actual or alleged Federal government activity, if made by a person primarily engaged in disseminating information.

The loss of substantial due process rights.

A matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affects public confidence.

Submit a certified, detailed statement regarding the basis for your request with your Form G-639.

2. Do you have a pending Immigration Court hearing date?
 Yes No

If you answered "Yes" to **Item Number 2.**, submit a copy of one of the following documents with your Form G-639: I-862, Notice to Appear; Form I-122, Order to Show Cause; Form I-863, Note of Referral to Immigration Judge, or submit a written notice of continuation of a future scheduled hearing before the immigration judge.

Part 6. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Type or print the Subject of Record's name and his or her A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Subject of Record's Family Name (Last Name)

1.b. Subject of Record's Given Name (First Name)

1.c. Subject of Record's Middle Name

2. Subject of Record's A-Number (if any)
 ▶ A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d.

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d.

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d.

Documents requested from CBP by Mr. Fraz Malik Khan under a FOIA request.

1. All of requests are possibly connected to or related to my apprehension, detention, and contact by the CBP on or around January 03, 2021, at the DFW airport.
 - a. Form I-851
 - b. Form I-259
 - c. Form I-275
 - d. Form I-277
 - e. Form I-263A
 - f. Form I-213
 - g. Form I-877
 - h. Form I-831
 - i. Form I-264
 - j. Form I-94
 - k. Form I-275
 - l. Form 3501
 - m. Form I-863
 - n. Form I-216
 - o. Form 3502
2. COPY OF my Order of expedited removal and any documents that support the order or are connected to the expedited removal order.
3. COPY OF my Administrative removal order and any documents that support such order or are connected to such order.
4. COPY OF my "Order removed (inadmissible) by DHS - Section 235(b)(1)" as stated on Form I-275.
5. COPY OF my Visa waiver refusal check list.
6. COPY OF my detention log checks Form 3501.
7. COPY OF my ESTA application printout.
8. COPY OF my Primary Referral Printout.
9. COPY OF my Secondary Referral Printout.
10. COPY OF my Detainee Assessment.
11. COPY OF my Discretionary Authority Checklist.
12. Name of the Primary Referring Officer.
13. Name of SCBPO Approving Secondary.
14. COPY OF my Consular Notification forms
15. COPY OF my Third-Party Notification forms
16. COPY OF my Mater Detention Log Sheet Form 3502
17. COPY OF my A-File creation sheet
18. Copies of Images of Talib Jauhari as mentioned in I-831
19. Copies of Images mentioned on Page 4 of I-877

20. Copies of any texts, documents, emails, communications, references, information, or evidence of my alleged working or professional connections with any intelligence agencies or individuals thereof, that has led to my denied admission to the United States.
21. Disposition of charges AND Administrative orders regarding charges sent to the FBI, marked as
 - a. 01/03/21 Immigrant w/out Docs
 - b. 01/03/21 Alien Inadmissibility Under Section 212(a)
22. All printout and documents related to the following system reference numbers.
 - a. SGIMA 35828786
 - b. FINS 1029951416
 - c. IOIL 20215501325994
 - d. Enforce DAL2101000160
 - e. ESTA 201Q6J6R524167I2
 - f. I-94 566143555A2
 - g. FBI JMFC7HLN1
 - h. OCA 6864156654
 - i. ZZUN3478010321234047
 - j. PP-531357700 (Passport)
23. Copy of all data retrieved, copied, recovered, removed from my iPhone that was seized.
24. Proof of deletion of the data retrieved, copied, recovered, removed from my phone

Appealing CBP-2021-046570

An appeal is made of CBP's FOIA response because the response fails to include:

1. Information or documentation about the chain-of-custody and handling of the iPhone (see CBP Form 6051D, Item "21");
2. Form I-877;
3. CBP Form 6051D (8-03);
4. Documentation referencing the return of the seized phone;
5. Copy of the data extracted from the seized phone, including but not limited to pictures, videos, emails, documents, information, copies of apps, and all else;
6. The list of names and titles of each individual who accessed or had/have possession of the information obtained from the seized phone.
7. The list of names and titles of each individual who accessed or had possession of the seized phone.
8. All information regarding the destruction of information obtained from and/or through the seized phone.
9. All information and data that has been retained after it was obtained from and/or through the seized phone.
10. All information pertaining to my selection for a secondary inspection at the DFW airport on January 3, 2021.
11. All emails pertaining to me since December 15, 2020.
12. All information pertaining to me since January 01, 2013.
13. All emails exchanged with FBI in reference to FBI JMFC7HLN1.
14. Any evidence that supports my refusal of Visa Waiver Program, removal or denial of entry into the United States on January 3, 2021.
15. Any evidence that supports the finding of my intent to enter as an immigrant on January 3, 2021.
16. All information related to ESTA 201Q6J6R524167I2.
17. Copies of images made reference to on I-831 as "Numerous images of dead and mutilated bodies were also found saved within the photo album of KHAN's phone."
18. Copy of the written authorization provided by "Chief" as mentioned in I-831 for the refusal of my entry into the United States.
19. The names of the agencies, officials, and reasons due to which I was referred to the secondary inspection and as a result refused entry and ultimately removed from the United States.
20. Communications, including e-mails, texts, etc., pertaining to Fraz Malik Khan.

The government has not stated or shown in its response that its search performed was adequate, or reasonably calculated to uncover all relevant documents, or any explanation of how the search for records was done and the form and location of the files searched.

Additionally, insufficient, or no, information was provided to assess the applicability of the several FOIA exceptions stated and relied upon in the FOIA response. For example, several documents are missing from the FOIA (that are known to be in the possession of the CBP), but CBP has

provided absolutely no information in its response to assess the applicability of the exceptions cited. CBP has not even provided any name for the document or so much as a brief description of it.

Appealing CBP-2021-046570

An appeal is made of CBP's FOIA response because the response fails to include:

1. Information or documentation about the chain-of-custody and handling of the iPhone (see CBP Form 6051D, Item "21");
2. Form I-877, **as referenced in his I-831**;
3. CBP Form 6051D (8-03);
4. Documentation referencing the return of the seized phone;
5. Copy of the data extracted from the seized phone, including but not limited to pictures, videos, emails, documents, information, copies of apps, and all else;
6. The list of names and titles of each individual who accessed or had/have possession of the information obtained from the seized phone.
7. The list of names and titles of each individual who accessed or had possession of the seized phone.
8. All information regarding the destruction of information obtained from and/or through the seized phone.
9. All information and data that has been retained after it was obtained from and/or through the seized phone.
10. All information pertaining to my selection for a secondary inspection at the DFW airport on January 3, 2021.
11. All emails pertaining to me since December 15, 2020.
12. All information pertaining to me since January 01, 2013.
13. All emails exchanged with FBI in reference to FBI JMFC7HLN1.
14. Any evidence that supports my refusal of Visa Waiver Program, removal or denial of entry into the United States on January 3, 2021.
15. **All evidence considered in the finding of my intent** to enter as an immigrant on January 3, 2021.
16. All information related to ESTA 201Q6J6R524167I2.
17. Copies of images made reference to on I-831 as "Numerous images of dead and mutilated bodies were also found saved within the photo album of KHAN's phone."
18. Copy of the written authorization provided by "Chief" as mentioned in I-831 for the refusal of my entry into the United States.
19. The names of the agencies, officials, and reasons due to which I was referred to the secondary inspection and as a result refused entry and ultimately removed from the United States.
20. Communications, including e-mails, texts, etc., pertaining to Fraz Malik Khan. Some of those emails can be found in **aaron.sullivan@cbp.dhs.gov**.

The government has not stated or shown in its response that its search performed was adequate, or reasonably calculated to uncover all relevant documents, or any explanation of how the search for records was done and the form and location of the files searched.

Additionally, insufficient, or no, information was provided to assess the applicability of the several FOIA exceptions stated and relied upon in the FOIA response. For example, several documents

are missing from the FOIA (that are known to be in the possession of the CBP), but CBP has provided absolutely no information in its response to assess the applicability of the exceptions cited. CBP has not even provided any name for the document or so much as a brief description of it.

FOIA Request CBP-2022-030369 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 1/6/2022 6:10 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to confirm your request submission to the FOIAonline application: [View Request](#).
Request information is as follows:

- Tracking Number: CBP-2022-030369
- Requester Name: Adam Malik
- Date Submitted: 01/06/2022
- Request Status: Submitted
- Description: Documents requested from CBP by Mr. Fraz Malik Khan under a FOIA request.
 1. All of requests are possibly connected to or related to my apprehension, detention, and contact by the CBP on or around January 03, 2021, at the DFW airport.
 - a. Form I-851
 - b. Form I-259
 - c. Form I-275
 - d. Form I-277
 - e. Form I-263A
 - f. Form I-213
 - g. Form I-877
 - h. Form I-831
 - i. Form I-264
 - j. Form I-94
 - k. Form I-275
 - l. Form 3501
 - m. Form I-863
 - n. Form I-216
 - o. Form 3502
 2. COPY OF my Order of expedited removal and any documents that support the order or are connected to the expedited removal order.
 3. COPY OF my Administrative removal order and any documents that support such order or are connected to such order.
 4. COPY OF my "Order removed (inadmissible) by DHS - Section 235(b)(1)" as stated on Form I-275.
 5. COPY OF my Visa waiver refusal check list.
 6. COPY OF my detention log checks Form 3501.
 7. COPY OF my ESTA application printout.
 8. COPY OF my Primary Referral Printout.
 9. COPY OF my Secondary Referral Printout.
 10. COPY OF my Detainee Assessment.
 11. COPY OF my Discretionary Authority Checklist.
 12. Name of the Primary Referring Officer.
 13. Name of SCBPO Approving Secondary.
 14. COPY OF my Consular Notification forms

15. COPY OF my Third-Party Notification forms
16. COPY OF my Mater Detention Log Sheet Form 3502
17. COPY OF my A-File creation sheet
18. Copies of Images of Talib Jauhari as mentioned in I-831
19. Copies of Images mentioned on Page 4 of I-877
20. Copies of any texts, documents, emails, communications, references, information, or evidence of my alleged working or professional connections with any intelligence agencies or individuals thereof, that has led to my denied admission to the United States.

21. Disposition of charges AND Administrative orders regarding charges sent to the FBI, marked as
 - a. 01/03/21 Immigrant w/out Docs
 - b. 01/03/21 Alien Inadmissibility Under Section 212(a)
22. All printout and documents related to the following system reference numbers.
 - a. SGIMA 35828786
 - b. FINS 1029951416
 - c. IOIL 20215501325994
 - d. Enforce DAL2101000160
 - e. ESTA 201Q6J6R524167I2
 - f. I-94 566143555A2
 - g. FBI JMFC7HLN1
 - h. OCA 6864156654
 - i. ZZUN3478010321234047
 - j. PP-531357700 (Passport)
23. Copy of all data retrieved, copied, recovered, removed from my iPhone that was seized.
24. Proof of deletion of the data retrieved, copied, recovered, removed from my phone

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

FOIA Request CBP-2022-030369 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 1/6/2022 6:10 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: CBP-2022-030369
- Requester Name: Adam Malik
- Date Submitted: 01/06/2022
- Request Status: Submitted
- Description: Documents requested from CBP by Mr. Fraz Malik Khan under a FOIA request.
 1. All of requests are possibly connected to or related to my apprehension, detention, and contact by the CBP on or around January 03, 2021, at the DFW airport.
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 - b. Form I-259
 - c. Form I-275
 - d. Form I-277
 - e. Form I-263A
 - f. Form I-213
 - g. Form I-877
 - h. Form I-831
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 - l. Form 3501
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 6. COPY OF my detention log checks Form 3501.
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 13. Name of SCBPO Approving Secondary.
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17. COPY OF my A-File creation sheet
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19. Copies of Images mentioned on Page 4 of I-877
20. Copies of any texts, documents, emails, communications, references, information, or evidence of my alleged working or professional connections with any intelligence agencies or individuals thereof, that has led to my denied admission to the United States.

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 - a. 01/03/21 Immigrant w/out Docs
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 - e. ESTA 201Q6J6R524167I2
 - f. I-94 566143555A2
 - g. FBI JMFC7HLN1
 - h. OCA 6864156654
 - i. ZZUN3478010321234047
 - j. PP-531357700 (Passport)
23. Copy of all data retrieved, copied, recovered, removed from my iPhone that was seized.
24. Proof of deletion of the data retrieved, copied, recovered, removed from my phone

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Adam Malik
PO BOX 110251
Carrollton, TX, 75011

01/20/2022

CBP-2022-030369

Dear Adam Malik:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 01/06/2022 for Fraz Malik Khan.

Please use the following unique FOIA tracking number CBP-2022-030369 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5, 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5, 5.5(c).

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notice/foia>.

Sincerely,

U.S. Customs and Border Protection

Adam Malik
PO BOX 110251
Carrollton, TX, 75011

01/20/2022

CBP-2022-030369

Dear Adam Malik:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 01/06/2022 for Fraz Malik Khan.

Please use the following unique FOIA tracking number CBP-2022-030369 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

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For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notice/foia>.

Sincerely,

U.S. Customs and Border Protection

FOIA Appeals,
U.S. Customs and Border Protection,
90 K Street, NE, 10th Floor,
Washington, DC 20229-1177

Dear CBP,

This is an appeal for FOIA request with tracking number CBP-2022-030369. This request was filed on 01/06/2022 and was due on 02/17/2022.

This FOIA request is being appealed based on the failure to respond. The Failure to respond is being treated as a denial of the FOIA request.

Thank you.

Sincerely,

/s/ Adam Malik
Attorney for subject of the FOIA

Acknowledgement Letter

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Thu 1/20/2022 7:06 AM

To: Adam Malik <amalik@malikfirm.com>

Adam Malik

PO BOX 110251
Carrollton, TX, 75011

01/20/2022

CBP-2022-030369

Dear Adam Malik:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 01/06/2022 for Fraz Malik Khan.

Please use the following unique FOIA tracking number CBP-2022-030369 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5, 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5, 5.5(c).

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notices/foia>.

Sincerely,

U.S. Customs and Border Protection

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

DIS-3 IT:RR:FAPL
CBP-AP-2022-077708 LDC

May 20, 2022

Adam Malik
PO BOX 110251
Carrollton, TX 75011

Dear Mr. Malik:

This is in reference to your undated appeal regarding the status of CBP-2022-030369. This office, the FOIA Appeals and Policy Branch, does not take appeals where the FOIA Division has not had the opportunity to search for and release records. Since your request is still pending, contact the FOIA Public Liaison on 202-325-0150 or by email at cbpfoiapublicliaison@cbp.dhs.gov. When contacting them refer to tracking number CBP-2022-030369.

You may immediately challenge FOIA Division's failure to respond to your request in District Court. Pursuant to 5 U.S.C. §552(a)(4)(B), you may do so in the U.S. District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the U.S. District Court for the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services ("OGIS") was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974.

You may contact OGIS in any of the following ways:

Office of Government Information Services
800 N. Capitol Street, Suite 795
Washington, DC 20002
Telephone: 202-741-5770
Facsimile: 202-741-5769
www.archives.gov/ogis

Sincerely,

A handwritten signature in black ink, appearing to read 'Shari Suzuki', written in a cursive style.

Shari Suzuki, Chief
FOIA Appeals and Policy Branch



U.S. Customs and
Border Protection
1300 PENNSYLVANIA AVE, NW, RMS
WASHINGTON, DC 20229-
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

ADAM MALIK
PO BOX 110251
CARROLLTON, TX 75011

Hasler
05/20/2022
US POSTAGE \$001.16⁹
FIRST-CLASS MAIL
US OFFICIAL MAIL
\$300 Penalty
For Private Use
ZIP 20743
01E11520044



Fraz M. Khan

PO Box 110251
Carrollton, TX, 75011

06/21/2022

CBP-2022-094842

Dear Fraz M. Khan:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 06/21/2022. Specifically, you requested ICE Request. Any and all documents, records, data, information, or item related to Subject Fraz Malik Khan (DOB 12-26-1982), included but not limited to during his contact, apprehension, detention by the CBP at the DFW airport on or around Jan 04, 2021. . Please use the following unique FOIA tracking number CBP-2022-094842 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5, 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5, 5.5(c).

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notices/foia>.

Sincerely,

U.S. Customs and Border Protection

Acknowledgement Receipt of CBP FOIA Request

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Tue 6/21/2022 1:00 PM

To: Adam Malik <amalik@malikfirm.com>

 1 attachments (3 KB)

Acknowledgement Letter Letter.pdf;

Fraz M. Khan

PO Box 110251
Carrollton, TX 75011

06/21/2022

CBP-2022-094842

Dear Fraz M. Khan:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 06/21/2022. Specifically, you requested "ICE Request. Any and all documents, records, data, information, or item related to Subject Fraz Malik Khan (DOB 12-26-1982), included but not limited to during his contact, apprehension, detention by the CBP at the DFW airport on or around Jan 04, 2021." Please use the following unique FOIA tracking number CBP-2022-094842 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://www.foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5, 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5, 5.5(c).

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](#) or visit <http://www.cbp.gov/site-policy-notices/foia>.

Sincerely,

U.S. Customs and Border Protection

FOIA Request CBP-2022-094842 Submitted

no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Tue 6/21/2022 12:52 PM

To: Adam Malik <amalik@malikfirm.com>

This message is to confirm your request submission to the FOIAonline application: [View Request](#).
Request information is as follows:

- Tracking Number: CBP-2022-094842
- Requester Name: Fraz M. Khan
- Date Submitted: 06/21/2022
- Request Status: Submitted
- Description: ICE Request.

Any and all documents, records, data, information, or item related to Subject Fraz Malik Khan (DOB 12-26-1982), included but not limited to during his contact, apprehension, detention by the CBP at the DFW airport on or around Jan 04, 2021.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

NRC2021098456

July 8, 2021

Adam Malik
Malik & Associates, PLLC
PO Box 110251
Carrollton, TX 75011

Dear Adam Malik:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office on June 1, 2021 regarding Fraz Khan.

We have completed the review of all documents and have identified 55 pages that are responsive to your request. Enclosed are 13 pages released in their entirety and 27 pages released in part. We are withholding 15 pages in full. In our review of these pages, we have determined they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(6), (b)(7)(c), and (b)(7)(e) of the FOIA.

The following exemptions are applicable:

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 that 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.

Exemption (b)(7)(E) of the FOIA provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents 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. If made, these releases are specifically identified in the responsive 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 contain marks that

EXHIBIT B- USCIS

www.uscis.gov

NRC2021098456

Page 2

appear to be blacked-out information. The black marks were made 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, Terri White, 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: (800) 375-5283
E-Mail: FOIAPAQuestions@uscis.dhs.gov

A FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

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 or (877) 684-6448
Email: OGIS@nara.gov
Website: ogis.archives.gov

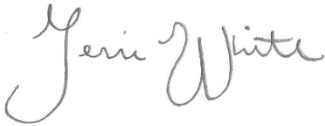
The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

NRC2021098456

Page 3

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Questions concerning this FOIA/PA request may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead or emailed to FOIAPAQuestions@uscis.dhs.gov. Please include the control number listed above on all correspondence with this office. You can now submit a new FOIA request online using our new Freedom of Information Act Records System (FIRST). If you wish to submit a new FOIA/PA request, please visit www.uscis.gov/FOIA for instructions and requirements.

Sincerely,

A handwritten signature in cursive script that reads "Terri White". The signature is written in black ink and is positioned below the word "Sincerely,".

Terri White
Acting Director, FOIA Operations

Enclosure(s)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Attn: FOIA/PA Appeals Office
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

APP2021001616

August 26, 2021

Adam Malik
Malik & Associates, PLLC
PO Box 110251
Carrollton, TX 75011

Dear Adam Malik:

RE: NRC2021098456

You appealed the action of the National Records Center regarding your request for access to records pertaining to Fraz Khan, dated August 10, 2021.

The determination of the National Records Center was to withhold 27 pages in part and 15 in full.

After careful consideration of your appeal, and as a result of discussions with the National Records Center, I have decided to release 16 additional pages to you. Enclosed are 16 pages released in part. Information has been redacted pursuant to 5 U.S.C. § 552 (b)(6), (b)(7)(c), and (b)(7)(e) of the FOIA.

On the remaining pages, I found that the National Records Center properly withheld certain information that is protected from disclosure. This information is not appropriate for discretionary release.

The following exemptions are applicable:

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

Exemption (b)(7)(E) of the FOIA provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

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 that 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.

In your appeal letter, you requested what is tantamount to a Vaughn index; however, at this stage a Vaughn index is not given or required. *See Vaughn v. Rosen*, 484 F. 2d 820 (D.C. Cir. 1973). Your request to itemize and justify each item of the information withheld is denied. You are not entitled to such a listing at the administrative stage of processing Freedom of Information Act (FOIA) requests and appeals. *See Judicial Watch v. Clinton*, 880 F.Supp. 1, 11 (D.D.C. 1995). Since what you seek is outside

APP2021001616

Page 2

the responsibilities of this office, I cannot assist you in this matter.

Your request for a second search for responsive records cannot be addressed by this office. My function is limited to the review of records that have been denied pursuant to the Freedom of Information Act or the Privacy Act (FOIA/PA).

Based on information provided with your original request, the National Records Center conducted a search reasonably calculated to uncover all relevant documents. If there is additional information you can provide that would assist in a search for records, you may wish to submit a new Freedom of Information Act (FOIA) request. Both the letter and the envelope should be clearly marked "New Request."

If you are dissatisfied with our action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

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:

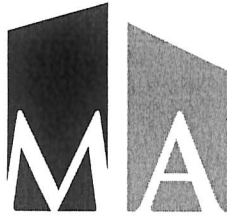
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
Telephone: (202) 741-5770 or (877) 684-6448
Email: OGIS@nara.gov
Website: ogis.archives.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Alan D. Hughes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alan D. Hughes, Associate Counsel
U.S. Citizenship and Immigration Services

Enclosure(s)



MALIK & ASSOCIATES, PLLC
ATTORNEYS AND COUNSELORS AT LAW

ADAM MALIK
ATTORNEY AT LAW

FORMER US DHS OFFICER (USCIS)
FORMER US DHS, DRA (USICE)

May 19, 2021

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

Re: USCIS FOIA Request
G-639. Freedom of Information/Privacy Act;
Applicant: Fraz Malik Khan, A# 216-697-669

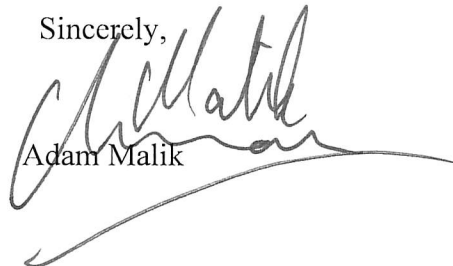
To Whom it May Concern,

We are submitting a form G-639, Freedom of Information/Privacy Act, on behalf of Fraz Malik Khan. In support of the application, the following documents are being submitted:

1. Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative;
and
2. G-639, Freedom of Information/Privacy Act Request.

Thank you for your assistance in this matter. If you have any questions or need anything further, please do not hesitate to contact me at (214) 881-2100.

Sincerely,



Adam Malik

AM/jc
Ref:



**Notice of Entry of Appearance
as Attorney or Accredited Representative**

Department of Homeland Security

DHS

Form G-28

OMB No. 1615-0105

Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)
▶

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)
 2.b. Given Name (First Name)
 2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name
 3.b. Apt. Ste. Flr.
 3.c. City or Town
 3.d. State 3.e. ZIP Code
 3.f. Province
 3.g. Postal Code
 3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number
 5. Mobile Telephone Number (if any)
 6. Email Address (if any)
 7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) am not am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. I am associated with , the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate



Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

This appearance relates to immigration matters before (select **only one** box):

1.a. U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

G-639

2.a. U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

3.a. U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

4. Receipt Number (if any)

▶

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5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

- Applicant Petitioner Requestor
 Beneficiary/Derivative Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

7.a. Name of Entity (if applicable)

7.b. Title of Authorized Signatory for Entity (if applicable)

8. Client's USCIS Online Account Number (if any)
▶

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

9. Client's Alien Registration Number (A-Number) (if any)
▶ A-

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Client's Contact Information

10. Daytime Telephone Number

11. Mobile Telephone Number (if any)

12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name

13.b. Apt. Ste. Flr.

13.c. City or Town

13.d. State 13.e. ZIP Code

13.f. Province

13.g. Postal Code

13.h. Country

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity
→
- 2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

- 1. a. Signature of Attorney or Accredited Representative
- 1. b. Date of Signature (mm/dd/yyyy)
- 2. a. Signature of Law Student or Law Graduate
- 2. b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a Family Name (Last Name)

1.b Given Name (First Name)

1.c Middle Name

2.a Page Number 2.b Part Number 2.c Item Number

2.d

3.a Page Number 3.b Part Number 3.c Item Number

3.d

4.a Page Number 4.b Part Number 4.c Item Number

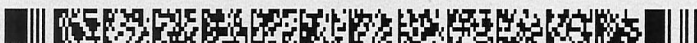
4.d

5.a Page Number 5.b Part Number 5.c Item Number

5.d

6.a Page Number 6.b Part Number 6.c Item Number

6.d





Freedom of Information/Privacy Act Request

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

USCIS
Form G-639
OMB No. 1615-0102
Expires 06/30/2022

NOTE: Use of this form is optional. USCIS accepts any written request, regardless of format, provided that the request complies with the applicable requirements under the FOIA and the Privacy Act. However, using this form can help ensure we have the appropriate information to handle your request.

► **START HERE - Type or print in black ink.**

Part 1. Type of Request

Select **only one** box.

NOTE: If you are filing this request on behalf of another individual, respond as it would apply to that individual.

- 1.a. Freedom of Information Act (FOIA)/Privacy Act (PA)
1.b. Amendment of Record (PA only)

Part 2. Requestor Information

1. Are you the Subject of Record for this request?
 Yes No

If you answered "Yes" to **Item Number 1.**, skip to **Part 3**. If you answered "No" to **Item Number 1.**, provide the information requested in **Part 2.**, **Item Numbers 2.a. - 3.c.**

Representative Role to the Subject of Record

Select your representative role to the Subject of the Record.

- 2.a. An Attorney
2.b. An Accredited Representative of a Qualified Organization
2.c. A Family Member

Select the appropriate box to provide further information regarding your representative role to the Subject of the Record.

- 3.a. I am requesting information on behalf of my child or a minor I have guardianship over.
3.b. I am requesting information on behalf of someone who is deceased.
3.c. I am requesting information on behalf of someone for whom I have power of attorney.

Requestor's Full Name

- 4.a. Family Name (Last Name)
4.b. Given Name (First Name)
4.c. Middle Name

Requestor's Mailing Address (USPS ZIP Code Lookup)

- 5.a. In Care Of Name (if any)
5.b. Street Number and Name
5.c. Apt. Ste. Flr.
5.d. City or Town
5.e. State 5.f. ZIP Code
5.g. Province
5.h. Postal Code
5.i. Country

Requestor's Contact Information

6. Requestor's Daytime Telephone Number
7. Requestor's Mobile Telephone Number (if any)
8. Requestor's Email Address (if any)

Requestor's Certification

By my signature, I consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

- 9.a. Requestor's Signature
9.b. Date of Signature (mm/dd/yyyy)

Part 3. Description of Records Requested

While you are not required to respond to every **Item Number** in **Part 3.**, failure to provide complete and specific information may delay processing of your request or prevent U.S. Citizenship and Immigration Services (USCIS) from locating the records or information requested.

1. State the purpose of your request.

NOTE: This field is optional. However, providing this information may assist USCIS in locating the records and information needed to respond to your request.

Attorney-Client Review

Full Name of the Subject of Record

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Other Names Used by the Subject of Record (if any)

Provide all other names the Subject of Record has ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

3.a. Family Name (Last Name)

3.b. Given Name (First Name)

3.c. Middle Name

4.a. Family Name (Last Name)

4.b. Given Name (First Name)

4.c. Middle Name

Full Name of the Subject of Record at Time of Entry into the United States

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

Other Information About the Subject of Record

6.a. Form I-94 Arrival-Departure Record Number

6.b. Passport or Travel Document Number

7. Alien Registration Number (A-Number) (if any)

8. USCIS Online Account Number (if any)

9. Application or Petition Receipt Number

Information About Family Members that May Appear on Requested Records

For example, provide the requested information about a spouse or children. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

Family Member 1

10.a. Family Name (Last Name)

10.b. Given Name (First Name)

10.c. Middle Name

11. Relationship

Family Member 2

12.a. Family Name (Last Name)

12.b. Given Name (First Name)

12.c. Middle Name

13. Relationship

Parents' Names for the Subject of Record

Father

14.a. Family Name (Last Name)

14.b. Given Name (First Name)

14.c. Middle Name

Part 3. Description of Records Requested
(continued)**Mother**15.a. Family Name (Last Name) 15.b. Given Name (First Name) 15.c. Middle Name 15.d. Maiden Name (if applicable)
16. Describe the records you are seeking. If you need additional space, use the space provided in **Part 6. Additional Information.**

Copy of entire file (physical and electronic). All data and information related to Fraz Malik Khan

Part 4. Verification of Identity and Subject of Record ConsentProvide the information requested in **Item Numbers 1.a. - 7.** In addition, the Subject of Record **MUST** sign in **Item Numbers 8.a. - 8.c.****Full Name of the Subject of Record**1.a. Family Name (Last Name) 1.b. Given Name (First Name) 1.c. Middle Name **Other Information for the Subject of Record**2. Date of Birth (mm/dd/yyyy) 3. Country of Birth
Mailing Address for the Subject of Record4.a. In Care Of Name (if any)
4.b. Street Number and Name 4.c. Apt. Ste. Flr. 4.d. City or Town 4.e. State 4.f. ZIP Code 4.g. Province 4.h. Postal Code 4.i. Country
Contact Information for the Subject of Record**NOTE:** Providing this information is optional.5. Daytime Telephone Number
6. Mobile Telephone Number (if any)
7. Email Address (if any)

Part 4. Verification of Identity and Subject of Record Consent (continued)

Signature of the Subject of Record

Select only one box.

NOTE: The Subject of Record **MUST** provide a signature in **Item Number 8.a. OR Item Number 8.b.** If the Subject of Record is deceased, select **Item Number 8.c.** and attach an obituary, death certificate, or other proof of death.

8.a. **Notarized Affidavit of Identity**

IMPORTANT: Do **NOT** sign and date below until the notary public provides instructions to you.

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2.** If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

Signature of Subject of Record

Date of Signature (mm/dd/yyyy)

Subscribed and sworn to before me on this _____
day of _____ in the year _____.

Daytime Telephone Number _____

Signature of Notary

My Commission Expires on (mm/dd/yyyy)

8.b. **Declaration Under Penalty of Perjury**

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2.** If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.

[Handwritten Signature]

Signature of Subject of Record

3/25/21

Date of Signature (mm/dd/yyyy)

8.c. **Deceased Subject of Record**

Part 5. Processing Information

1. Indicate if any of these circumstances apply to your request (Select all that apply).

Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of the individual.

An urgency to inform the public about an actual or alleged Federal government activity, if made by a person primarily engaged in disseminating information.

The loss of substantial due process rights.

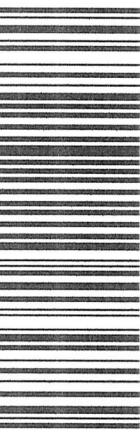
A matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affects public confidence.

Submit a certified, detailed statement regarding the basis for your request with your Form G-639.

2. Do you have a pending Immigration Court hearing date?
 Yes No

If you answered "Yes" to **Item Number 2.**, submit a copy of one of the following documents with your Form G-639: I-862, Notice to Appear; Form I-122, Order to Show Cause; Form I-863, Note of Referral to Immigration Judge, or submit a written notice of continuation of a future scheduled hearing before the immigration judge.

MALIK & ASSOCIATES, PLLC
 P.O. BOX 110251
 CARROLLTON, TEXAS 75011



7020 0090 0000 5212 7645
 7020 0090 0000 5212 7645

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

PS Form 3811, July 2015 PSN 7530-02-000-9053

PS For: Lee's Summit, MO 64064-8010
 City, St: P.O. Box 648010
 Street at: National records Center, FOIA/PA Office
 Sent To: USCIS

Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$
 Postage \$
 Total Postage and Fees \$

Certified Mail Fee \$
 Postmark Here

USCIS
 National records Center, FOIA/PA Office
 P.O. Box 648010
 Lee's Summit, MO 64064-8010

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

USCIS
 National records Center, FOIA/PA Office
 P.O. Box 648010
 Lee's Summit, MO 64064-8010



9590 9402 5748 0003 2951 19

2. Article Number (Transfer from service label)

7020 0090 0000 5212 7645

PS Form 3811, July 2015 PSN 7530-02-000-9053

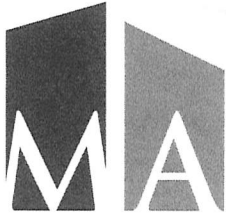
COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) _____ C. Date of Delivery _____
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



MALIK & ASSOCIATES, PLLC
ATTORNEYS AND COUNSELORS AT LAW

ADAM MALIK
ATTORNEY AT LAW

FORMER US DHS OFFICER (USCIS)
FORMER US DHS, DRA (USICE)

August 3, 2021

Freedom of Information Act Appeal

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
FOIA/PA Appeals Office
150 Space Center Loop, Suite 500
Lee's Summit, MO 64064-2139

RE: Appealing USCIS FOIA NRC2021098456, Fraz Malik Khan.

Dear USCIS FOIA/PA Officer,

An appeal is made of USCIS's FOIA response in the above referenced case because the response fails to include or is inadequate:

1. Descriptions of the pages that are withheld.
2. The name of the agency, if the withheld documents originated with a different agency.

The government has not stated or shown in its response that its search performed was adequate, or reasonably calculated to uncover all relevant documents, or any explanation of how the search for records was done and the form and location of the files searched.

Additionally, insufficient, or no, information was provided to assess the applicability of the several FOIA exceptions stated and relied upon in the FOIA response. For example, several documents are missing from the FOIA (that are known to be in the possession of the USCIS), or are fully withheld but USCIS has provided absolutely no information in its response to assess the applicability of the exceptions cited. USCIS has not even provided any name for the document or so much as a brief description of the documents withheld or not revealed.

This appeal is also made of USCIS's cursory FOIA response because the government has not stated or shown in its response that its search performed was adequate, or reasonably calculated to uncover all relevant material or records, or any explanation of how the search for responsive

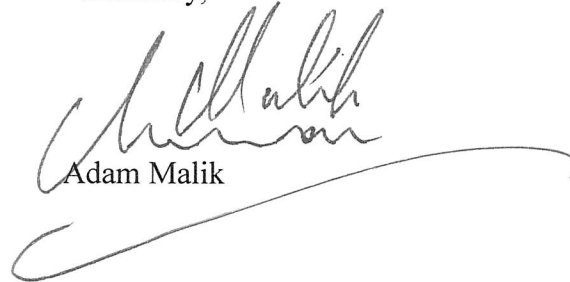


MALIK & ASSOCIATES, PLLC
ATTORNEYS AND COUNSELORS AT LAW

August 3, 2021
Page 2

material or records was done and the form and location of the files searched. See, e.g., *American Immigr. Council v. DHS*, 905 F.Supp.2d 206, 215 (D.D.C. 2012) (search not adequate where agency failed to state what kinds of records the offices keep, which records or databases the offices searched through, or how the offices conducted their searches).

Sincerely,



Adam Malik

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

NRC2021098456

July 8, 2021

Adam Malik
Malik & Associates, PLLC
PO Box 110251
Carrollton, TX 75011

Dear Adam Malik:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office on June 1, 2021 regarding Fraz Khan.

We have completed the review of all documents and have identified 55 pages that are responsive to your request. Enclosed are 13 pages released in their entirety and 27 pages released in part. We are withholding 15 pages in full. In our review of these pages, we have determined they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(6), (b)(7)(c), and (b)(7)(e) of the FOIA.

The following exemptions are applicable:

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 that 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.

Exemption (b)(7)(E) of the FOIA provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents 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. If made, these releases are specifically identified in the responsive 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 contain marks that

NRC2021098456

Page 2

appear to be blacked-out information. The black marks were made 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, Terri White, 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: (800) 375-5283
E-Mail: FOIAPAQuestions@uscis.dhs.gov

A FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

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 or (877) 684-6448
Email: OGIS@nara.gov
Website: ogis.archives.gov

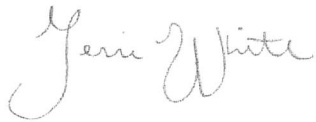
The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

NRC2021098456

Page 3

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Questions concerning this FOIA/PA request may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead or emailed to FOIAPAQuestions@uscis.dhs.gov. Please include the control number listed above on all correspondence with this office. You can now submit a new FOIA request online using our new Freedom of Information Act Records System (FIRST). If you wish to submit a new FOIA/PA request, please visit www.uscis.gov/FOIA for instructions and requirements.

Sincerely,

A handwritten signature in cursive script that reads "Terri White".

Terri White
Acting Director, FOIA Operations

Enclosure(s)

Freedom of Information Act Appeal

U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 FOIA/PA Appeals Office
 150 Space Center Loop, Suite 500
 Lee's Summit, MO 64064-2139

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<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____

Postmark
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Freedom of Information Act Appeal

U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 FOIA/PA Appeals Office
 150 Space Center Loop, Suite 500
 Lee's Summit, MO 64064-2139

USCIS FOIA MALIK KHAW APPEAL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece.

Freedom of Information Act Appeal

U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 FOIA/PA Appeals Office
 150 Space Center Loop, Suite 500
 Lee's Summit, MO 64064-2139

9590 9402 6496 0346 2132 97

2. Article Number (Transfer from service label)

7019 2970 0001 5659 4454

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
 B. Received by (Printed Name) Date of Delivery

Address different from item 1? Yes No
 delivery address below: No

Service type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Restricted Delivery



Federal Bureau of Investigation
 Washington, D.C. 20535

June 7, 2021

MR. ADAM A. MALIK
 POST OFFICE BOX 110251
 CARROLLTON, TX 75011

Request No.: 1497995-000
 Subject: KHAN, FRAZ MALIK

Dear Mr. Malik:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Based on the information you provided, we conducted a search of the places reasonably expected to have records. However, we were unable to identify records responsive to your request. Therefore, your request is being closed. If you have additional information pertaining to the subject of your request, please submit a new request providing the details, and we will conduct an additional search.

Please see the paragraphs below for relevant information that may be specific to your request. Only checked boxes contain corresponding paragraphs relevant to your request. If no boxes are checked, the corresponding information does not apply.

- Please be advised that your request was reopened based on the additional information you provided. A new search was conducted, and we were unable to identify responsive records.
- Records potentially responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) according to Title 44 United States Code Section 3301, Title 36 Code of Federal Regulations (CFR) Chapter 12 Sub-chapter B Part 1228, and 36 CFR 1229.10. Please be advised that the General Records Schedule (GRS) disposition authority for FOIPA records is DAA-GRS-2016-0002-0001 (GRS 4.2, Item 020).
- Records potentially responsive to your request were transferred to the National Archives and Records Administration (NARA). If you wish to review these records, file a FOIPA request with NARA at the following address:

National Archives and Records Administration
 Special Access and FOIA
 8601 Adelphi Road, Room 5500
 College Park, MD 20740-6001
- Potentially responsive records were identified during the search. However, we were advised that they were not in their expected locations. An additional search for the missing records also met with unsuccessful results. Since we were unable to review the records, we were unable to determine if they were responsive to your request.
- The portion of your request concerning an FBI identification record – commonly referred to as a criminal history record or “rap sheet” – has been forwarded to the Criminal Justice Information Services (CJIS) Division for processing. For additional information, see the enclosed FBI FOIPA Addendum General Information Section.
- Requests for expedited processing are not applicable when a final response is issued within ten calendar days.
- Police departments should be aware that the search conducted was limited to FBI records. Requests for criminal history records or rap sheets should be directed to Criminal Justice Information Services (CJIS). Information regarding CJIS is listed in the enclosed FBI FOIPA Addendum General Information Section.

EXHIBIT C - FBI

Records potentially responsive to your request were transferred to the National Personnel Records Center - Civilian Personnel Records (NPRC-CPR). In order to obtain information on a file located at the NPRC, your request must be mailed to the following address:

National Archives and Records Administration
ATTN: Archival Programs
P.O. Box 38757
St. Louis, MO 63138

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Adam Malik
Post Office Box 110251
Carrollton, TX 75011

Re: Appeal No. A-2021-02568
Request No. 1497995
CDT:JNW

VIA: U.S. Mail - 10/08/2021

Dear Adam Malik:

You appealed on behalf of your client, Fraz Malik Khan, from the action of the Federal Bureau Investigation on your client's Freedom of Information Act request for access to records concerning your client. I note that your appeal concerns the adequacy of the FBI's search.


After carefully considering your appeal, I am affirming the FBI's action on your client's request. The FBI informed your client that it could locate no responsive records subject to the FOIA in its files. I have determined that the FBI's action was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your client's underlying request, and the action of the FBI in response to your client request.

If your client is dissatisfied with my action on your appeal, the FOIA permits your client to file a lawsuit in federal district court in accordance with 5 U.S.C. §552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your client's right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

X 

Christina D. Troiani,
Associate Chief, for Matthew Hurd,
Chief, Administrative Appeals Staff

Message Sent: 699201061 | 6/1/2021 8:45:17 AM MST

Nextiva vFax <notifications@nextivafax.com>

Tue 6/1/2021 10:54 AM

To: Adam Malik <amalik@malikfirm.com>

 1 attachments (154 KB)

699201061.pdf;

Delivery Information:

Message #: 699201061

Status: Success

Sender Name: amalik11

Sender Company: Malik & Associates PLLC

Sender Phone:

Remote CSID: 540 868 4997

Total Pages: 4

Start Time: 6/1/2021 8:45:17 AM MST

End Time: 6/1/2021 8:50:25 AM MST

Duration: 0.133 sec

Delivery Count: 1

Recipient List:

- 15408684997

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Message Sent: 698451578 | 5/27/2021 12:23:11 PM MST

Nextiva vFax <notifications@nextivafax.com>

Thu 5/27/2021 2:46 PM

To: Adam Malik <amalik@malikfirm.com>

📎 1 attachments (187 KB)

698451578.pdf;

Delivery Information:

Message #: 698451578

Status: Success

Sender Name: amalik11
 Sender Company: Malik & Associates PLLC
 Sender Phone:

Remote CSID: 540 868 4997
 Total Pages: 4

Start Time: 5/27/2021 12:23:11 PM MST
 End Time: 5/27/2021 12:28:39 PM MST
 Duration: 0.148 sec
 Delivery Count: 1

Recipient List:

- 15408684997

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"When Every Fax is Mission Critical"

Message Sent: 698445011 | 5/27/2021 12:11:58 PM MST

Nextiva vFax <notifications@nextivafax.com>

Thu 5/27/2021 2:32 PM

To: Adam Malik <amalik@malikfirm.com>

📎 1 attachments (206 KB)

698445011.pdf;

Delivery Information:

Message #: 698445011

Status: Success

Sender Name: amalik11
 Sender Company: Malik & Associates PLLC
 Sender Phone:

Remote CSID: 540 868 4997
 Total Pages: 4

Start Time: 5/27/2021 12:11:58 PM MST
 End Time: 5/27/2021 12:17:46 PM MST
 Duration: 0.158 sec
 Delivery Count: 1

Recipient List:

- 15408684997

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"When Every Fax is Mission Critical"



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

August 19, 2021

Adam Malik
Malik & Associates, PLLC
P.O. Box 110251
Carrollton, TX 75011

Dear Adam Malik:

This is to advise you that the Office of Information Policy (OIP) of the U.S. Department of Justice received your administrative appeal from the action of the FBI regarding Request No. 1497995 on 08/13/2021.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2021-02568. Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIA STAR, you may also check the status of your appeal by logging into your account.

Sincerely,

Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist

U.S. Department of Justice

OIP/441 G St., NW
6th Floor

Washington, D.C. 20530
Official Business
Penalty for Private Use \$300



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750190251 8009



Federal Bureau of Investigation
Record/Information Dissemination Section
Attn : FOIPA Request
200 Constitution Drive,
Winchester, VA 22602-4843

May 26, 2021

VIA Fax: 540-868-4997 and USPS mail.

Dear FOIA/PA Officer,

My Name is **Fraz Malik Khan**; and I, **Fraz Malik Khan**, certify my signature below under penalty of perjury and request the following information under all applicable laws of the United States.

My name is **Fraz Malik Khan**. My date of birth is December 26, 1982, I am citizen of United Kingdom, and I was born in Pakistan. My address is 396 XX DHA, Phase 3, Lahore, Pakistan.

Please release my information to my Attorney, Adam Malik, of Malik & Associates, PLLC, PO BOX 110251, Carrollton, Texas 75011.

Pursuant to the Privacy Act of 1974, The Freedom of Information Act, Title 5 of the United States Code, section 552, and DHS policy, I hereby consent to the disclosure of the following records pertaining to me that appears in any system or records maintained by FBI.

I also make this request under any valid and applicable law, policy, directive, regulation, or scheme under which such documents and information is to be made available to me.

Date range of request: Jan 2012 until the date search is executed.

First, I request for the Information Technology department to search its email systems and/or other communications methods and provide me with copies of the records that result from the search pertaining to me based on the following criteria.

This information requested includes but is **NOT limited to the following** independent parameters.

1. The time frame for this request is between Jan 2012 until the date search is executed.
2. This is to include any communication where my name appears in the subject line or within the body of the communication.
3. This is to include communication **from** any account/account holder. (An example of an account is an email address.)
4. This is to include communication **to** any account/account holder. (An example of an account is an email address.)

5. This request includes all email account addresses that end with "@fbi.doj.gov", "@doj.gov", "@fbi.gov" or any other domain extensions used by the bureau.
6. This is to include all accounts AND email account, which any individual that works for or at the Federal Bureau of Investigation, uses or has access to.
7. This request includes any entities, individuals, or organization, contractors that either work directly or indirectly with the agency or department.
8. This request includes ALL folders within an account or email mailbox, which includes but is not limited to the following:
 - a. This request is NOT limited to the "inbox" Folder.
 - b. This request is NOT limited to the "Sent" Folder.
 - c. This request is NOT limited to the "Draft" Folder.
 - d. This request is NOT limited to the "Junk" Folder.
 - e. This request is NOT limited to the "Deleted" Folder.
 - f. This request is NOT limited to the "Deleted Items" Folder.
 - g. This request is NOT limited to the "Junk Email" Folder.
 - h. This request is NOT limited to the "Archived Email" Folder, other otherwise archived emails.
 - i. This request is INCLUDES any other folder that exist in each account/email mailbox.
9. This request is INCLUDES any other folder that are created by a user in each account/email mailbox.
10. This request includes retrieval and restoring of items that have been deleted from the "deleted items" folder.
11. This request includes retrieval and restoring of items that have been deleted from any of the folder within the account/email mailbox.

Secondly, to the request above to the IT department, I also make the following request to the FOIA/PA officer.

Provide to me with copies of any documents, records, information, and files, kept/maintained /possessed whether digital or physical, pertaining to myself, including but not limited to FBI Number JMFC7HLN1.

By my signature, I consent to FBI releasing the requested records to my attorney named above.

I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.



Fraz Malik Khan

U.S. Department of Justice

Certification of Identity

FORM APPROVED OMB NO.
1103-0016 EXPIRES 05/31/2020

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ Fraz Malik KhanCitizenship Status ² United Kingdom Social Security Number ³ N/ACurrent Address 396 XX DHA, Phase 3, Lahore, PakistanDate of Birth 12/26/1982 Place of Birth Lahore, Pakistan**OPTIONAL: Authorization to Release Information to Another Person**

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Malik & Associates, PLLC, PO BOX 110251, Carrollton, Texas 75011**Print or Type Name**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴  Date 05/26/2021

¹ Name of individual who is the subject of the record(s) sought.

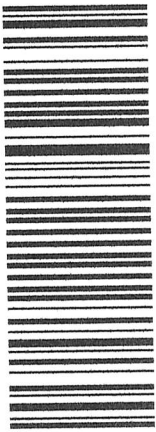
² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

Federal Bureau of Investigation
 Record/Information Dissemination Section
 Attn: FOIPA Request
 200 Constitution Drive,
 Winchester, VA 22602-4843

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Federal Bureau of Investigation
 Record/Information Dissemination Section
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 200 Constitution Drive,
 Winchester, VA 22602-4843

PS Form 3800, Apr 2010

K & ASSOCIATES, PLLC
 P.O. BOX 110251
 ROLLTON, TEXAS 75011

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A. Signature Agent
 Addressee
 B. Received by (Printed Name) C. Date of Delivery
 D. Is delivery address different from item 1? Yes
 if YES, enter delivery address below: No

SENDER: COMPLETE THIS SECTION

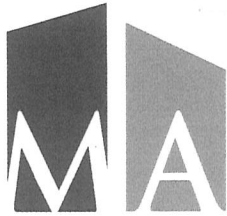
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Article Number (Transfer from service label)



MALIK & ASSOCIATES, PLLC
ATTORNEYS AND COUNSELORS AT LAW

ADAM MALIK
ATTORNEY AT LAW

FORMER US DHS OFFICER (USCIS)
FORMER US DHS, DRA (USICE)

August 3, 2021

Freedom of Information Act Appeal

Director
Office of Information Policy (OIP)
United States Department of Justice
441 G Street, NW, 6th Floor,
Washington, DC 20530

RE: Appealing FBI FOIA 1497995-000, Fraz Malik Khan.

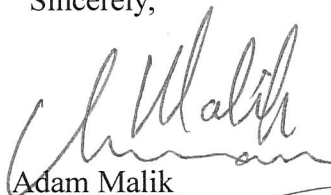
Dear FBI FOIA/PA Officer,

An appeal is made of USCIS's FOIA response in the above referenced case because the response fails to include or is inadequate:

All records and information pertaining to Mr. Fraz Malik Khan, Date of Birth 12-26-1982. Including, but not limited to, records with the FBI reference JMFC7HLN1.

FBI's FOIA response states in its entirety, "we were unable to identify records responsive to your request." This appeal is made of FBI's cursory FOIA response because the government has not stated or shown in its response that its search performed was adequate, or reasonably calculated to uncover all relevant material or records, or any explanation of how the search for responsive material or records was done and the form and location of the files searched. See, e.g., *American Immigr. Council v. DHS*, 905 F.Supp.2d 206, 215 (D.D.C. 2012) (search not adequate where agency failed to state what kinds of records the offices keep, which records or databases the offices searched through, or how the offices conducted their searches).

Sincerely,



Adam Malik



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 7, 2021

MR. ADAM A. MALIK
POST OFFICE BOX 110251
CARROLLTON, TX 75011

Request No.: 1497995-000
Subject: KHAN, FRAZ MALIK

Dear Mr. Malik:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Based on the information you provided, we conducted a search of the places reasonably expected to have records. However, we were unable to identify records responsive to your request. Therefore, your request is being closed. If you have additional information pertaining to the subject of your request, please submit a new request providing the details, and we will conduct an additional search.

Please see the paragraphs below for relevant information that may be specific to your request. Only checked boxes contain corresponding paragraphs relevant to your request. If no boxes are checked, the corresponding information does not apply.

- Please be advised that your request was reopened based on the additional information you provided. A new search was conducted, and we were unable to identify responsive records.
- Records potentially responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) according to Title 44 United States Code Section 3301, Title 36 Code of Federal Regulations (CFR) Chapter 12 Sub-chapter B Part 1228, and 36 CFR 1229.10. Please be advised that the General Records Schedule (GRS) disposition authority for FOIPA records is DAA-GRS-2016-0002-0001 (GRS 4.2, Item 020).
- Records potentially responsive to your request were transferred to the National Archives and Records Administration (NARA). If you wish to review these records, file a FOIPA request with NARA at the following address:

National Archives and Records Administration
Special Access and FOIA
8601 Adelphi Road, Room 5500
College Park, MD 20740-6001
- Potentially responsive records were identified during the search. However, we were advised that they were not in their expected locations. An additional search for the missing records also met with unsuccessful results. Since we were unable to review the records, we were unable to determine if they were responsive to your request.
- The portion of your request concerning an FBI identification record – commonly referred to as a criminal history record or “rap sheet” – has been forwarded to the Criminal Justice Information Services (CJIS) Division for processing. For additional information, see the enclosed FBI FOIPA Addendum General Information Section.
- Requests for expedited processing are not applicable when a final response is issued within ten calendar days.
- Police departments should be aware that the search conducted was limited to FBI records. Requests for criminal history records or rap sheets should be directed to Criminal Justice Information Services (CJIS). Information regarding CJIS is listed in the enclosed FBI FOIPA Addendum General Information Section.

Records potentially responsive to your request were transferred to the National Personnel Records Center - Civilian Personnel Records (NPRC-CPR). In order to obtain information on a file located at the NPRC, your request must be mailed to the following address:

National Archives and Records Administration
ATTN: Archival Programs
P.O. Box 38757
St. Louis, MO 63138

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

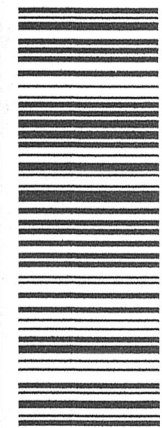
- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

Freedom of Information Act Appeal

Director
Office of Information Policy (OIP)
United States Department of Justice
441 G Street, NW, 6th Floor
Washington, DC 20530



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Freedom of Information Act Appeal

Director
Office of Information Policy (OIP)
United States Department of Justice
441 G Street, NW, 6th Floor
Washington, DC 20530

& ASSOCIATES, PLLC
P.O. BOX 110251
ROLLTON, TEXAS 75011

FBI FOIA KHAW APPEAL

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Freedom of Information Act Appeal

Director
Office of Information Policy (OIP)
United States Department of Justice
441 G Street, NW, 6th Floor
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FOIA/PA Request, Subject (Fraz Malik Khan 12-26-1982), ATTN: FOIA/PA Officer

Adam Malik <amalik@malikfirm.com>

Sat 5/28/2022 9:41 PM

To: ICE-FOIA@dhs.gov <ICE-FOIA@dhs.gov>

Cc: Adam Malik <amalik@malikfirm.com>

 1 attachments (842 KB)

ICE FOIA KHA Executed 05-27-22 s.pdf;

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

ATTN: FOIA/PA Officer

This is an urgent request for FOIA/PA for the above-mentioned subject.

EXHIBIT D - ICE



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Get information about how to check in with your local ICE Office [here](#).

Reportándose con ICE: Obtenga información sobre cómo reportarse a su oficina local de ICE [aquí](#).

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and Customs
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Call **1-866-DHS-2-ICE**
Report Crime

ICE FOIA

FOIA Request Form

Use this form to make an Electronic FOIA (E-FOIA) request (You may also use this form to make a Privacy Act request.) The use of this form is voluntary. If you choose to submit a FOIA request electronically, you must complete the fields marked with an "*". If you do not enter accurate or required information, we may be unable to fulfill your FOIA request. To learn how we use the information you provide, please read our [Privacy Policy](#).

The Freedom of Information Act (FOIA) excludes federal agencies from its definition of persons permitted to make FOIA requests [see 5 U.S.C. § 552(a)(3)(A) and 5 U.S.C. § 551(2)]. To avoid confusion as to whether employees are requesting information through FOIA in their personal or official capacities, it is the preference of the ICE FOIA Office that ICE employees submitting FOIA requests do so using their personal email accounts instead of their official email accounts. Moreover, since use agency letterhead is generally limited to official agency business, it is the preference of the FOIA office that employees refrain from submitting FOIA requests on agency letterhead.

* = Required Fields



Thank you, your submission has been received.

Contact Information

Name (First, MI, Last):*

Address:*

City:*

State:*

Zip Code:*

Daytime Phone Number:*

(555-555-5555)

Fax Number:

(555-555-5555)

Email:

Describe the type(s) of document(s) you are requesting

Enter company name, address, and any other information relevant to the request:*

Select a suitable description of yourself and the purpose of the request:*

- A. An individual seeking information for personal use and not for commercial use. If the subject matter of your request is yourself, ICE staff may contact you to verify your identity.
- B. Affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for commercial use.
- C. Affiliated with a private corporation or law firm and seeking this information for use in the company's business.
- D. A representative of the news media and this request is made as part of news gathering and not for commercial use.

FOIA allows agencies to charge fees for processing FOIA requests (see fee schedule):

* Enter the maximum amount that you are willing to pay:*

- Select -

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Updated: 01/28/2021

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Federal government websites often end in .gov or .mil. Before sharing sensitive information, make sure you're on a federal government site.



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[View the latest ICE guidance on COVID-19](#)

ICE Check-in

Get information about how to check in with your local ICE Office [here](#).

Reportándose con ICE: Obtenga información sobre cómo reportarse a su oficina local de ICE [aquí](#).

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U.S. Immigration
and Customs
Enforcement

Call [1-866-DHS-2-ICE](tel:1-866-DHS-2-ICE)
Report Crime

ICE FOIA OVERVIEW

Submitting FOIA Request

The U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act Office (FOIA) will have limited access for processing incoming physical mail due to the national response to COVID-19. It is highly recommended that all correspondence regarding FOIA requests be sent electronically to ice-foia@ice.dhs.gov to avoid delay in processing.

It has come to the attention of ICE that the call number to the ICE FOIA Office has been compromised and improperly used to target individuals. If you have received such a call or text message, please disregard it. Please know that the ICE FOIA Office does not directly call individuals to obtain personal information, facilitate transactions, or demand money. ICE is aware and is taking appropriate action to resolve the situation.

The Freedom of Information Act (FOIA), 5 U.S.C. § 552 provides any individual a right of access to any non-exempt federal government record. The Privacy Act (PA), 5 U.S.C. § 552a provides lawful permanent residents and U.S. citizens a right of access to records filed in an agency system of records, which are retrieved by their name or personal identifier.

ALL REQUESTS MUST BE SUBMITTED IN WRITING. [Form G-639](#) may be used for this purpose. You may also submit your request by using our online [FOIA Request Form](#). Requests must be for access to existing records. The ICE FOIA Office will not "create" records for the purpose of responding to a FOIA or PA request.

FOIA excludes federal agencies from its definition of persons permitted to make FOIA requests [see 5 U.S.C. § 552(a)(3)(A) and 5 U.S.C. § 551(2)]. To avoid confusion as to whether employees are requesting information through FOIA in their personal or official capacities, it is the preference of the ICE FOIA Office that ICE employees submitting FOIA requests do so using their personal email accounts instead of their official email accounts. Moreover, since use agency letterhead is generally limited to official agency business, it is the preference of the FOIA office that employees refrain from submitting FOIA requests on agency letterhead.

Follow these steps to make a request:

- The request must include a daytime phone number so that we may contact you.
- Provide as much information as possible about the subject matter of the records you are requesting. This will help expedite the search process.
- You may mail your request to:

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

- Requests can also be faxed to (202) 732-4265.
- Requests or questions may also be emailed to ICE-FOIA@dhs.gov
- Whether you are submitting your request electronically, by mail, or by fax, a signed Verification of Identity, Verification of Guardianship, Accompanying Persons, and/or PA Amendment Request forms are requirements for making a PA request. PA requests should be marked "Privacy Act Request."
- Requests are deemed to constitute an agreement to pay any applicable fees that may be chargeable up to \$25 without notice. Most requests do not require any fees; however, if fees exceed \$25, we will notify you beforehand.

An "[AFFIRMATION/DECLARATION](#)" form indicating your name, date of birth, name of the person you want your records disclosed to (where applicable) and their address and a statement indicating that you understand that knowingly or willingly seeking or obtaining access to records about another person under false pretenses and or without their consent is punishable by a fine of up to \$5,000.

If you wish to submit a Privacy Act amendment request (to request that ICE records about you be corrected), please send your detailed request to the [ICE Privacy Office](#) email address, iceprivacy@ice.dhs.gov, or to the following address:

U.S. Immigration and Customs Enforcement
CE Privacy and Records
ATTN: Privacy Branch
500 12th Street SW, Stop 5004
Washington, D.C. 20536-5004

When should I expect to see a response to my request?

You should receive an acknowledgement letter within 3-5 business days after we receive your request. This letter will contain a tracking number that we have assigned to your request. If you contact us by phone, mail or email, please have this number available if you wish to check the status of your request.

ICE uses a multi-track system to process requests on a first-in, first-out basis. We are able to answer simple requests quickly. More complex requests may require significant processing time. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. If your request involves a significant volume of records, requires that we collect records from separate offices, or requires that we consult with another agency, ICE will invoke the 10-day extension for the completion of your request.

Updated: 01/27/2021

ACTIONS

 [Sign up to receive FOIA email updates](#)

[Request an A-File](#)

[Submit a FOIA Request Form](#)

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ICE FOIA Request 2021-ICFO-40195

ice-foia@dhs.gov <ice-foia@dhs.gov>

Wed 9/29/2021 9:41 AM

To: maliklawofc@gmail.com <maliklawofc@gmail.com>

September 29, 2021

Adam Malik
Malik & Associates, PLLC
PO Box 110251
Carrollton, TX 75011

RE: ICE FOIA Case Number 2021-ICFO-40195

Dear Mr. Malik:

This acknowledges receipt of your September 24, 2021, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for all information pertaining to detentions and the seizure of Fraz Malik Khan's electronic cellular device at DFW airport, date range January 3, 2021 to January 4, 2021 DOB: 12/26/1982 COB: Pakistan. Your request was received in this office on September 24, 2021.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to commercial requesters. As a commercial requester, you will be charged 10 cents per page for duplication, and for search and review time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher and reviewer. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2021-ICFO-40195**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2021-ICFO-40195 tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Marcus Francis, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates

disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
Visit our FOIA website at www.ice.gov/foia

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.



**Notice of Entry of Appearance
as Attorney or Accredited Representative**

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)

▶

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

5. Mobile Telephone Number (if any)

6. Email Address (if any)

7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) am not am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

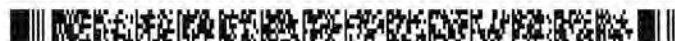
2.c. Date of Accreditation (mm/dd/yyyy)

3. I am associated with

,
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate



Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

- 1.a. U.S. Citizenship and Immigration Services (USCIS)
- 1.b. List the form numbers or specific matter in which appearance is entered.
- 2.a. U.S. Immigration and Customs Enforcement (ICE)
- 2.b. List the specific matter in which appearance is entered.
- 3.a. U.S. Customs and Border Protection (CBP)
- 3.b. List the specific matter in which appearance is entered.
- 4. Receipt Number (if any)
- 5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):
 Applicant Petitioner Requestor
 Beneficiary/Derivative Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

- 6.a. Family Name (Last Name)
- 6.b. Given Name (First Name)
- 6.c. Middle Name
- 7.a. Name of Entity (if applicable)
- 7.b. Title of Authorized Signatory for Entity (if applicable)
- 8. Client's USCIS Online Account Number (if any)
- 9. Client's Alien Registration Number (A-Number) (if any)

Client's Contact Information

- 10. Daytime Telephone Number
- 11. Mobile Telephone Number (if any)
- 12. Email Address (if any)

Mailing Address of Client

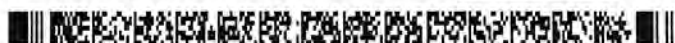
NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

- 13.a. Street Number and Name
- 13.b. Apt. Ste. Flr.
- 13.c. City or Town
- 13.d. State 13.e. ZIP Code
- 13.f. Province
- 13.g. Postal Code
- 13.h. Country

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



Part 4. Client's Consent to Representation and Signature (continued)

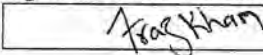
Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

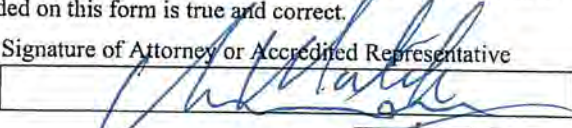
- 1.a. I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).
NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**
- 1.c. I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

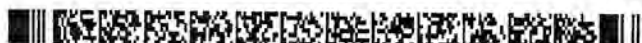
Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity

- 2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

- 1. a. Signature of Attorney or Accredited Representative

- 1.b. Date of Signature (mm/dd/yyyy)
- 2.a. Signature of Law Student or Law Graduate
- 2.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2.a. Page Number

2.b. Part Number

2.c. Item Number

2.d. _____

3.a. Page Number

3.b. Part Number

3.c. Item Number

3.d. _____

4.a. Page Number

4.b. Part Number

4.c. Item Number

4.d. _____

5.a. Page Number

5.b. Part Number

5.c. Item Number

5.d. _____

6.a. Page Number

6.b. Part Number

6.c. Item Number

6.d. _____





Freedom of Information/Privacy Act Request

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

USCIS
Form G-639
OMB No. 1615-0102
Expires 06/30/2022

NOTE: Use of this form is optional. USCIS accepts any written request, regardless of format, provided that the request complies with the applicable requirements under the FOIA and the Privacy Act. However, using this form can help ensure we have the appropriate information to handle your request.

► **START HERE - Type or print in black ink.**

Part 1. Type of Request

Select **only one** box.

NOTE: If you are filing this request on behalf of another individual, respond as it would apply to that individual.

- 1.a. Freedom of Information Act (FOIA)/Privacy Act (PA)
1.b. Amendment of Record (PA only)

Part 2. Requestor Information

1. Are you the Subject of Record for this request?
 Yes No

If you answered "Yes" to **Item Number 1.**, skip to **Part 3.** If you answered "No" to **Item Number 1.**, provide the information requested in **Part 2., Item Numbers 2.a. - 3.c.**

Representative Role to the Subject of Record

Select your representative role to the Subject of the Record.

- 2.a. An Attorney
2.b. An Accredited Representative of a Qualified Organization
2.c. A Family Member

Select the appropriate box to provide further information regarding your representative role to the Subject of the Record.

- 3.a. I am requesting information on behalf of my child or a minor I have guardianship over.
3.b. I am requesting information on behalf of someone who is deceased.
3.c. I am requesting information on behalf of someone for whom I have power of attorney.

Requestor's Full Name

- 4.a. Family Name (Last Name) Malik
4.b. Given Name (First Name) Adam
4.c. Middle Name

Requestor's Mailing Address (USPS ZIP Code Lookup)

- 5.a. In Care Of Name (if any)
5.b. Street Number and Name PO BOX 110251
5.c. Apt. Ste. Flr.
5.d. City or Town Carrollton
5.e. State TX 5.f. ZIP Code 75011
5.g. Province
5.h. Postal Code
5.i. Country USA

Requestor's Contact Information

6. Requestor's Daytime Telephone Number 214-881-2100
7. Requestor's Mobile Telephone Number (if any)
8. Requestor's Email Address (if any) maliklawofc@gmail.com

Requestor's Certification

By my signature, I consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

- 9.a. Requestor's Signature
9.b. Date of Signature (mm/dd/yyyy) 5/27/22

Part 3. Description of Records Requested

While you are not required to respond to every **Item Number** in **Part 3.**, failure to provide complete and specific information may delay processing of your request or prevent U.S. Citizenship and Immigration Services (USCIS) from locating the records or information requested.

1. State the purpose of your request.

NOTE: This field is optional. However, providing this information may assist USCIS in locating the records and information needed to respond to your request.

Attorney-Client Review

Full Name of the Subject of Record

2.a. Family Name (Last Name)
 2.b. Given Name (First Name)
 2.c. Middle Name

Other Names Used by the Subject of Record (if any)

Provide all other names the Subject of Record has ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

3.a. Family Name (Last Name)
 3.b. Given Name (First Name)
 3.c. Middle Name
 4.a. Family Name (Last Name)
 4.b. Given Name (First Name)
 4.c. Middle Name

Full Name of the Subject of Record at Time of Entry into the United States

5.a. Family Name (Last Name)
 5.b. Given Name (First Name)
 5.c. Middle Name

Other Information About the Subject of Record

6.a. Form I-94 Arrival-Departure Record Number
 6.b. Passport or Travel Document Number
 7. Alien Registration Number (A-Number) (if any)
 8. USCIS Online Account Number (if any)
 9. Application or Petition Receipt Number

Information About Family Members that May Appear on Requested Records

For example, provide the requested information about a spouse or children. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

Family Member 1

10.a. Family Name (Last Name)
 10.b. Given Name (First Name)
 10.c. Middle Name
 11. Relationship

Family Member 2

12.a. Family Name (Last Name)
 12.b. Given Name (First Name)
 12.c. Middle Name
 13. Relationship

Parents' Names for the Subject of Record

Father

14.a. Family Name (Last Name)
 14.b. Given Name (First Name)
 14.c. Middle Name

Part 3. Description of Records Requested
(continued)

Mother

15.a. Family Name (Last Name)

15.b. Given Name (First Name)

15.c. Middle Name

15.d. Maiden Name (if applicable)

16. Describe the records you are seeking. If you need additional space, use the space provided in **Part 6. Additional Information.**

Please see attached request.

Part 4. Verification of Identity and Subject of Record Consent

Provide the information requested in **Item Numbers 1.a. - 7.** In addition, the Subject of Record **MUST** sign in **Item Numbers 8.a. - 8.c.**

Full Name of the Subject of Record

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

Other Information for the Subject of Record

2. Date of Birth (mm/dd/yyyy)

3. Country of Birth

Mailing Address for the Subject of Record

4.a. In Care Of Name (if any)

4.b. Street Number and Name

4.c. Apt. Ste. Flr.

4.d. City or Town

4.e. State 4.f. ZIP Code

4.g. Province

4.h. Postal Code

4.i. Country

Contact Information for the Subject of Record

NOTE: Providing this information is optional.

5. Daytime Telephone Number

6. Mobile Telephone Number (if any)

7. Email Address (if any)

Part 4. Verification of Identity and Subject of Record Consent (continued)

Signature of the Subject of Record

Select **only one** box.

NOTE: The Subject of Record **MUST** provide a signature in **Item Number 8.a. OR Item Number 8.b.** If the Subject of Record is deceased, select **Item Number 8.c.** and attach an obituary, death certificate, or other proof of death.

8.a. **Notarized Affidavit of Identity**

IMPORTANT: Do **NOT** sign and date below until the notary public provides instructions to you.

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2.** If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to **\$25.** (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

Signature of Subject of Record

Date of Signature (mm/dd/yyyy)

Subscribed and sworn to before me on this _____
day of _____ in the year _____.

Daytime Telephone Number _____

Signature of Notary

My Commission Expires on (mm/dd/yyyy)

8.b. **Declaration Under Penalty of Perjury**

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2.** If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to **\$25.** (See the **What Is the Filing Fee** section in the Form G-639 Instructions for more information.)

I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.

[Handwritten Signature]

Signature of Subject of Record

5/27/22

Date of Signature (mm/dd/yyyy)

8.c. **Deceased Subject of Record**

Part 5. Processing Information

1. Indicate if any of these circumstances apply to your request (Select all that apply).

- Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of the individual.
- An urgency to inform the public about an actual or alleged Federal government activity, if made by a person primarily engaged in disseminating information.
- The loss of substantial due process rights.
- A matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affects public confidence.

Submit a certified, detailed statement regarding the basis for your request with your Form G-639.

2. Do you have a pending Immigration Court hearing date?
 Yes No

If you answered "Yes" to **Item Number 2.**, submit a copy of one of the following documents with your Form G-639: I-862, Notice to Appear; Form I-122, Order to Show Cause; Form I-863, Note of Referral to Immigration Judge, or submit a written notice of continuation of a future scheduled hearing before the immigration judge.

Part 6. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Type or print the Subject of Record's name and his or her A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

1.a. Subject of Record's Family Name (Last Name)

1.b. Subject of Record's Given Name (First Name)

1.c. Subject of Record's Middle Name

2. Subject of Record's A-Number (if any)
 ▶ A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. 3.All information pertaining to the use and handling of the information obtained from and/or through my iphone.
4.The information obtained from and/or through my iphone.
5.The information about the complete chain of custody for my seized iphone.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. 6.The list of names and titles of each individual who accessed or had/have possession of the information obtained from my iphone.
7.All information regarding the destruction of information obtained from and/or my iphone.
8.All information pertaining to my selection for secondary inspection at the DFW airport on January 3, 2021.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. 9.All emails pertaining to me since December 15, 2020.
10.All information pertaining to me since January 01, 2013.

6.a. PageNumber 6.b. Part Number 6.c. Item Number

6.d. 11. Any and all documents, records, data, information, or item related to Subject Fraz Malik Khan (DOB 12-26-1982), included but not limited to during his contact, apprehension, detention by the CBP at the DFW airport on or around Jan 04, 2021.

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d.

RE: FOIA/PA Request, Subject (Fraz Malik Khan 12-26-1982), ATTN: FOIA/PA Officer

ICE-FOIA <ICE-FOIA@ice.dhs.gov>

Tue 5/31/2022 6:42 AM

To: Adam Malik <amalik@malikfirm.com>

You have directed a FOIA request to U.S. Immigration and Customs Enforcement (ICE) seeking records that would be maintained by U.S. Customs and Border Protection (CBP). Accordingly, ICE is routing your FOIA request to CBP. Upon receipt of your FOIA request, CBP will provide you with a tracking number and respond directly to your request.

If you have any questions regarding your request, please contact CBP at the address below:

U.S. Customs and Border Protection
FOIA/PA Office
90 K Street, NE
Washington, DC 20229
Phone: (202) 325-0150
Website: <https://www.cbp.gov/site-policy-notices/foia>

From: Adam Malik <amalik@malikfirm.com>

Sent: Saturday, May 28, 2022 10:41 PM

To: ICE-FOIA@dhs.gov

Cc: Adam Malik <amalik@malikfirm.com>

Subject: FOIA/PA Request, Subject (Fraz Malik Khan 12-26-1982), ATTN: FOIA/PA Officer

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

ATTN: FOIA/PA Officer

This is an urgent request for FOIA/PA for the above-mentioned subject.

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RE: Webform submission from: FOIA Request Form

ICE-FOIA <ICE-FOIA@ice.dhs.gov>

Tue 5/31/2022 6:31 AM

To: Adam Malik <amalik@malikfirm.com>

You have directed a FOIA request to U.S. Immigration and Customs Enforcement (ICE) seeking records that would be maintained by U.S. Customs and Border Protection (CBP). Accordingly, ICE is routing your FOIA request to CBP. Upon receipt of your FOIA request, CBP will provide you with a tracking number and respond directly to your request.

If you have any questions regarding your request, please contact CBP at the address below:

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From: ice-foia@ice.dhs.gov <ice-foia@ice.dhs.gov>
Sent: Saturday, May 28, 2022 9:24 PM
To: ICE-FOIA <ice-foia@ice.dhs.gov>
Subject: Webform submission from: FOIA Request Form

This email message contains user responses to your form in two formats. The first section is presented in a layout that is easy to read where the user's response to each question is displayed on the next line. In Section 2, MS Excel Friendly Format, you can export the table rows by "copy and paste" into an MS Excel spreadsheet where you can aggregate, sort and search your user's responses.

Submitted on: Sat, 05/28/2022 - 21:24

IP Address:

Section 1 - Easy-to-Read Format

Contact Information

Name (First, MI, Last): Fraz Malik Khan

Address: PO BOX 110251

City: Carrollton

State: Texas

Zipcode: 75011

Daytime Phone Number: [214-881-2100](tel:214-881-2100)

Fax Number:

Email: amalik@malikfirm.com

Describe the type(s) of document(s) you are requesting

Enter company name, address, and any other information relevant to the request: Any and all documents, records, data, information, or item related to Subject Fraz Malik Khan (DOB 12-26-1982), included but not limited to during his contact, apprehension, detention by the CBP at the DFW airport on or around Jan 04, 2021.

Select a suitable description of yourself and the purpose of the request: A. An individual seeking information for personal use and not for commercial use. If the subject matter of your request is yourself, ICE staff may contact you to verify your identity.

Enter educational or scientific institution name:

Enter company/firm name:

Enter media company name:

Enter the maximum amount that you are willing to pay: Contact me if over \$100

Section 2 - MS Excel Friendly Format

You can copy and paste the table rows below into an Excel Spreadsheet. Feel free to omit the first row if the columns exist in your spreadsheet already. Don't forget: the column headings map to the parenthetical statement at the end of each question in section 1.

--

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Fraz Malik Khan	PO BOX 110251	Carrollton	Texas	75011	214-881- 2100		amalik@malikfirm.com	Any and all documents, records, data, information, or item related to Subject Fraz Malik Khan (DOB 12-26-1982), included but not limited to during his contact, apprehension, detention by the CBP at the DFW airport on or around Jan 04, 2021.	A. An individual seeking information for personal use and not for commercial use. If the subject matter of your request is yourself, ICE staff may contact you to verify your identity.				Conte me if \$100

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Re: Webform submission from: FOIA Request Form

Adam Malik <amalik@malikfirm.com>

Tue 5/31/2022 10:07 AM

To: ICE-FOIA <ICE-FOIA@ice.dhs.gov>

FOIA APPEAL REQUEST

Dear FOIA/PA Officer,

This is an appeal request to the FOIA determination and the referral to CBP. The ICE FOIA request was about any documents that were responsive to the subject, INCLUDING but not limited to any data, documents, information that may have been triggered by the incidents at the DFW airport.

At least one ICE HIS special agent was in contact with the subject during his detention. We also appeal on the basis of the non-performance of even a search and the arbitrary decision to refer the FOIA to CBP.

Sincerely,

Adam Malik,
Attorney at Law.



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From: ICE-FOIA <ICE-FOIA@ice.dhs.gov>

Sent: Tuesday, May 31, 2022 6:31 AM

To: Adam Malik <amalik@malikfirm.com>

Subject: RE: Webform submission from: FOIA Request Form

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Fraz Malik Khan	PO BOX 110251	Carrollton	Texas	75011	214-881-2100		amalik@malikfirm.com	Any and all documents, records, data, information, or item related to Subject Fraz Malik Khan (DOB 12-26-1982), included but not limited to during his contact, apprehension, detention by the CBP at the DFW airport on or around Jan 04, 2021.	A. An individual seeking information for personal use and not for commercial use. If the subject matter of your request is yourself, ICE staff may contact you to verify your identity.				Contact me if \$100

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Adam Malik,
Attorney at Law.

Adam Aman Malik
Attorney at Law

Former US Homeland Security Officer (USCIS)
Former US ICE, Federal DRA

2340 E. Trinity Mills Rd, Suite 112, Carrollton, TX 75006
Tel: 214-881-2100 | Email: amalik@malik.law

www.malik.law



MALIK & ASSOCIATES, PLLC
ATTORNEYS AND COUNSELORS AT LAW

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From: ICE-FOIA <ICE-FOIA@ice.dhs.gov>
Sent: Tuesday, May 31, 2022 6:42 AM
To: Adam Malik <amalik@malikfirm.com>
Subject: RE: FOIA/PA Request, Subject (Fraz Malik Khan 12-26-1982), ATTN: FOIA/PA Officer

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

ATTN: FOIA/PA Officer

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ICE FOIA Request 2022-ICFO-18821

ice-foia@dhs.gov <ice-foia@dhs.gov>

Tue 6/7/2022 12:23 PM

To: Adam Malik <amalik@malikfirm.com>

June 07, 2022

Adam Malik
PO Box 110251
Carrollton, TX 75011

RE: ICE FOIA Case Number 2022-ICFO-18821

Dear Mr. Malik:

This acknowledges receipt of your May 28, 2022, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for records pertaining to Fraz Malik Khan DOB: 12/26/1982 COB: Pakistan. Your request was received in this office on May 28, 2022.

PLEASE NOTE: Requesters seeking responsive records from the U.S. Immigration and Customs Enforcement (ICE) are encouraged to create a DHS FOIA Public Access Link (PAL) account at: <https://foiarequest.dhs.gov>. Creating a PAL account will allow you to directly submit your FOIA request to ICE and track the status of your request. In PAL, you can view your prior PAL submissions, sent correspondences, and responsive records. Although PAL is preferred, ICE FOIA will continue to accept FOIA requests via email at ICE-FOIA@ice.dhs.gov or via regular mail at U.S. Immigration and Customs Enforcement, Freedom of Information Act Office, 500 12th St. SW, STOP 5009, Washington, DC 20536-5009.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2022-ICFO-18821**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2022-ICFO-18821 tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Marcus Francis, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
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