

# **EXHIBIT 7-A**

1 February 2021

Dena Kozanas  
Chief Privacy Officer/Chief FOIA Officer  
Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528

Re: DHS Efforts to rectify USCIS' inability to locate files

Dear Ms. Kozanas:

This is a Freedom of Information Act request to inquire about Department of Homeland Security efforts to resolve a specific aspect of the longstanding and ongoing problem which USCIS dismisses as "lost files" or "missing files," but is actually USCIS' failure to locate, retrieve, and provide public access to its records, and more specifically, DHS efforts to resolve this issue regarding "low A-Files" (files with A-numbers below 12 million) and paper C-Files.

I have been informed by USCIS, as shown in the various enclosures, that the Department [of Homeland Security] is working with the "records holding facilities" (presumably Federal Record Centers) to rectify USCIS' issues of lost or missing A-Files and C-Files with USCIS. The language provided by USCIS is as follows (emphasis mine):

The Department requires that we exhaust our efforts to locate the file until such time as the file is found or it can be determined that the file has been destroyed or lost. We have followed proper protocol and have conducted a thorough search of our record holdings, but have been unsuccessful in locating this file. **Presently, the Department is working with the records holding facility to rectify this issue through record reconciliations and auditing procedures.** This process "finds" previously lost files every day, thus another Record Request in future could yield a different result.

This language is repeated verbatim in letters as far back as August 2017 and as recently as last month (January 2021). The suggestion in these responses is that "proper protocols" to find such a file have been followed, and that certain procedures are in place to reconcile and audit this problem, but there is no further information about what that actually means. Given that USCIS identifies DHS as the entity working to solve this problem, I submit the following questions for your response, specifically in relation to A-Files closed prior to 1975 (prior to the launch of the Central Index System database) and C-Files:

1. What exactly is DHS doing to rectify the problem? What are the record reconciliations and auditing procedures in place? Are these the same for both the lost/missing A-Files and lost/missing C-Files?
2. Can you please send a copy of the protocols, procedures, SOPS, or other guidance being followed by the Department regarding reconciliation and auditing of these lost files?
3. Do you have data on how many "lost" files are "reconciled", and to which type of files they relate? Can you provide statistics on the number of files "found" and indexed annually since

2010? If so, can the number of A-Files "found" be broken out by A# million series (i.e., xx below 1 million, xx between 1 million and 2 million, xx between 2 million and 3 million, etc.)?

I have already requested this information from USCIS. I submitted a FOIA request to USCIS back in June 2019 to request information about how the agency handles these lost/missing files, and am still awaiting a response, 19 months later. This is a big problem and the answer cannot wait any longer. A copy of this FOIA request, given case number COW2019500629, is enclosed.

You should know the genealogical research community, under the auspices of the Records Preservation Access Committee, has officially requested the Biden administration work with USCIS and the National Archives (NARA) to transfer these historical records into NARA custody; a copy of this transition briefing paper is enclosed. Over the seven years I have been requesting records from USCIS via both FOIA and the Genealogy Program, my clients and colleagues and I have encountered these "lost" or "missing" files on dozens of occasions. This issue continues to be a huge problem, with likely legal implications when it comes to Freedom of Information Act compliance. The historical records that USCIS holds are significant to a growing number of Americans who are calling for USCIS to transfer the agency's oldest records to the National Archives, where they can be well-managed into the future, as opposed to the years-long neglect they have suffered under USCIS.

To illustrate the problem with concrete examples, I've enclosed ten responses from USCIS reporting their inability to locate files, which they summarize as "lost"; six that use the above language regarding lost files and four that also relate to missing files but without the same such language, and a table to show the date and file information. These examples come from both Genealogy Program and FOIA – there doesn't seem to be a distinction between the two when it comes to "lost files". They are both operating with the same issues.

The ongoing problem at USCIS of their lost files will only get larger as time goes on. Older immigrants whose files have been lost or misplaced by the agency will run into issues when wanting to claim benefits. Individuals wishing to claim dual citizenship may be denied access to their ancestors' files because of the agency's careless record management. Historical and genealogical researchers will not be able to access records who are in the hands of the government for their very safekeeping. The Department must be more transparent on what it is doing to preserve their historical records and remedy these problems that continue to plague the agency, and have for decades.

Thank you for your time and consideration. I look forward to a prompt reply.

Sincerely,

Rich Venezia  
PO Box 110047  
Pittsburgh, PA 15232-0047  
[rich@richroots.net](mailto:rich@richroots.net)  
412.339.0602

ENC:

+Copy of 18 June 2019 FOIA request to USCIS, given case number COW2019500629

+Copy of RPAC transition briefing paper

+Table of lost files, noted below

+USCIS responses notating lost files –

- GEN-10132739 (50134742)
- GEN-10147677
- GEN2018003111 (GEN-10149536)
- NRC2019574067
- GEN2019500058 /GEN-50194592
- NRC2019575159 / PPO2019500095
- NRC2019585140/ NRC2019585141/ APP2019501221/ PPO2019500113
- NRC2019571844 / APP2019501067 / PPO20195000097
- NRC2020121116
- GEN-10168078

## Table of Lost Files, provided as enclosures:

Date of Letter	FOIA or Genealogy Program	Type of File	Control Number	Name of Subject	File Number
08/29/2017	Genealogy Program	C-File	GEN-10132739 (GEN-50134742)	Helen Marie Lacopo	129/48003
12/27/2018	Genealogy Program	C-File	GEN-10147677	Adolph Weiner	C6592991
01/22/2019	Genealogy Program	C-File	GEN2018003111 (GEN-10149536)	Antonina Tabile Leto	C6982798
08/30/2019	FOIA	A-File	NRC2019574067	Michael Gara	A8966855
09/12/2019	Genealogy Program	C-File	GEN2019500058 GEN-50194592	Anna Lamuraglia	A108057
09/22/2019	FOIA	A-File	NRC2019575159 PPO2019500095	Kieran Egan	A12709371
11/12/2019	FOIA	A-File	NRC2019585140 NRC2019585141 APP2019501221 PPO2019500113	Christina Kennedy	A13109263
04/24/2020	FOIA	A-File	NRC2019571844 APP2019501067 PPO20195000097	Mary McDonagh	A10640365
12/28/2020	FOIA	A-File	NRC2020121116	Julia Wallace	A11308086
01/22/2021	Genealogy Program	A-File	GEN-10168078	Gina Prosperi Bracci	A-13436529 (letter) A-17718602 (index card)



Homeland  
Security

February 22, 2021

**SENT VIA E-MAIL TO: rich@richroots.net**

Rich Venezia  
PO Box 110047  
Pittsburgh, PA 15232

Re: **2021-HQFO-00570**

Dear Mr. Venezia:

This letter acknowledges receipt of your February 1, 2021, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), in which you requested records regarding lost and missing A-files and C-files believed or supposed to be in possession of USCIS. You provided the following:

1. "What exactly is DHS doing to rectify the problem? What are the record reconciliations and auditing procedures in place? Are these the same for both the lost/missing A-files and the lost/missing C-files?"
2. "Can you please send a copy of the protocols, procedures, SOPS, or other guidance being followed by the Department regarding reconciliation and auditing of these lost files?"
3. "Do you have data on how many 'lost' files are 'reconciled', and to which type of files they relate? Can you provide statistics on the number of files 'found' and indexed annually since 2010? If so, can the number of A-files 'found' be broken out by A# million series (i.e. xx below 1 million, xx between 1 million and 2 million, xx between 2 million and 3 million, etc.)?"

This office received your request on February 17, 2021.

Please be advised that the FOIA does not require federal agencies to answer questions or create records in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 162 (1975); Zemansky v. EPA, 767 F.2d 569, 574 (9<sup>th</sup> Cir. 1985).

We ask that you please amend Items 1 and 3 of your request as enumerated above, containing a reasonable description of the records you are seeking. Upon receipt of a perfected description of these Items, you will be advised as to the status of your request. Pending your response, we will initiate a search for the records you describe in Item 2 only.

Please be advised that this action is not a denial of your request and will not preclude you from filing other requests in the future.

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, the Department processes FOIA requests according to their order of receipt. Although DHS' 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). As your request seeks documents that will require a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like 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.

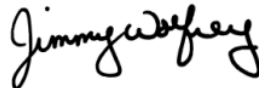
Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the 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. This office will contact you before accruing any further fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts 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-HQFO-00570**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "Jimmy Wolfrey". The signature is written in a cursive, slightly slanted style.

Jimmy Wolfrey  
Senior Director, FOIA Operations and Management  
(Acting)



**Homeland  
Security**

*Privacy Office, Mail Stop 0655*

March 5, 2021

Rich Venezia  
Rich Roots Genealogy  
PO Box 110047  
Pittsburgh, PA 15232

Re: **2021-HQFO-00570**

Dear Mr. Venezia:

This is in further response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Privacy Office, dated February 1, 2021, and received in this office on February 17, 2021. You requested documents as described below regarding lost and missing A-files and C-files believed or supposed to be in possession of USCIS.

1. all records, including correspondence, emails, research, notes, attachments, and any other records regarding DHS efforts to rectify lost and missing A-files and C-files, and all record reconciliation and auditing procedures.
2. all protocols, procedures, SOPS, or other guidance being followed by the Department regarding reconciliation and auditing of lost and missing A-files and C-files.

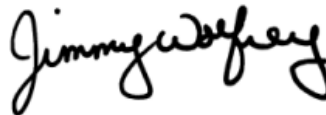
Upon further review, we have determined that, in addition to conducting a search at the Privacy Office, your request also should be transferred to the FOIA Officer for U.S. Citizenship and Immigration Services (USCIS), for processing under the FOIA and direct response to you. Contact information is provided below for your convenience.

Please note that the DHS Privacy Office assessed that it may have records responsive to Item 2 *only*. A search has been initiated with the appropriate office(s). This is not a notice of closure of your Privacy Office request.



If you need to contact our office again about this matter, please refer to **2021-HQFO-00570**.  
You may contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Wolfrey". The signature is written in a cursive, flowing style with a prominent initial "J".

Jimmy Wolfrey  
Senior Director, FOIA Operations and Management  
(Acting)