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Dear Sir / Madam:

I am seeking data about the processing of I-751 applications by USCIS. It is cumulative data without information concerning any particular applicant. All queries will be annual totals for the period from 1 Jan 2017 to 31 Dec 2023 (seven years, one year longer than similar FOIA requests).

1. I request that you determine the number of new I-751 applications (for removal of spousal conditional status for Permanent Residents) accepted for each applicable year.

Please also break down the number new applications total by the Country where the applicant was born. As there may be numerous countries with a small number of residents it is acceptable to truncate the list with the 99 most common countries with all lesser countries grouped as 'Other' (e.g. Monaco and Luxemburg could be grouped together with other countries in the Other entry as there likely won't be a significant number of residents with those birth countries). This would be a simple Group By Clause in SQL in a traditional normalized database. The list of 99 countries can be derived from larger databases such as the birth country of all current aliens and can be used in later queries as the later queries will have much smaller numbers and there could be substantial shifts in the countries considered. A consistent selection of 99 countries will simplify later analysis of the results.

2. I further request the number of pending I-751 applications for each year, i.e. applications whose acceptance date is before the end of the particular year and which have not yet been completed or where the completion date is after the end of the particular year. Please also break down totals by country of birth as well.

3. I further request the number of completed I-751 applications during the particular year broken down by whether there was a concurrent N-400 application from the same applicant (N-400 accepted date prior to the I-751 completion and not completed within one week before the I-751 completion) along with statistical measures of the delay in processing the I-751 applications (the number of days from the application acceptance date to the record date of the completion). The measures of interest are: average, minimum, maximum, and standard deviation. I request that these completion totals, concurrent N-400 status, and delay measurements be broken down by country of birth as well.

3. I also request the number of completed I-751 applications during the particular year where there was a concurrent N-400 application from the same applicant along with statistical measures of the delay in processing the I-751 application relative to the N-400 application date (i.e. the delay is from the N-400 application date to the I-751 completion date). The measures of interest are: average, minimum, maximum, and standard deviation. I request that these totals, and delay measurements be broken down by country of birth as well.

4. I also request the number of completed I-751 applications as well as the number of these applications which were completed without any interview. These totals should be broken down by the completion status of 'Approved', 'Denied', and 'Other'. I further request that these completion totals be broken down by country of birth as well.

5. I further request a break down of approved I-751 applications total by whether or not a 10 year Permanent Resident Card was provided to the applicant (could be labeled 'got card' and 'no card') together with the statistical measures of the delay in providing the actual card. Of course the delay statistics are not applicable to the 'no card' category. Also, as the databases are unlikely to have the actual delivery date, it is acceptable to use the date when the manufacture and delivery of the card was authorized or initiated. I further request that these totals and delay measures be broken down by country of birth as well.

6. I also request the number of approved I-751 applications where:

- 1) there was a concurrent N-400 application from the same applicant AND
- 2) (there was no actual card provided to the applicant OR
the card was not provided within three months of the I-751 approval date) AND
- 3) the applicant did not receive a Certificate of Citizenship within three months of the I-751 approval date.

As before, the database is unlikely to have the actual delivery date for any Certificate of Citizenship, but it is acceptable to use the date when the manufacture and delivery of said certificate was approved or initiated.

I further request that these approval totals be broken down by country of birth as well.

While almost all of the information in these databases is privileged or confidential the cumulative totals are not and represent important measures of the performance of USCIS. As such they should be accessible under the FOIA as public interest into agency performance.

Also, while the FOIA does not require any agency to retain or produce new records, queries against existing databases to produce cumulative totals are not considered new records.

See the 9th Circuit Decision in THE CENTER FOR INVESTIGATIVE REPORTING, v. UNITED STATES DEPARTMENT OF JUSTICE, Case: 18-17356, 12/03/2020, ID: 11913401, DktEntry: 64-1 which can be retrieved from <https://www.eff.org/document/cir-v-doj-9th-cir-opinion> and states 'the use of a query to search for and extract a particular arrangement or subset of existing data from the ... [agency] database does not require the creation of a "new" agency record under FOIA.'

I prefer electronic documents via email bcarr@gmail.com, or ftp / web access. Downloading via PA Request is perfect.

Your attention to this matter is appreciated.

Brian Carr