

USCIS Form G-639 Freedom of Information Act Requests: Procedural Requirements, Recent Compliance Issues, and Implementation for Northern California Immigration Practice

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FINDINGS

USCIS FORM G-639 FREEDOM OF INFORMATION ACT REQUESTS: PROCEDURAL REQUIREMENTS, RECENT COMPLIANCE ISSUES, AND STRATEGIC IMPLEMENTATION FOR NORTHERN CALIFORNIA IMMIGRATION PRACTICE

The USCIS Form G-639, officially titled the Freedom of Information/Privacy Act Request form, functions as the primary mechanism through which immigration practitioners, their clients, and the general public obtain access to immigration records maintained by the United States Citizenship and Immigration Services and certain other Department of Homeland Security components.[1][2] Form G-639 requests are foundational to immigration practice because they enable practitioners to locate and review the Alien File (A-File), a consolidated record containing the documented history of an individual's immigration interactions with the federal government, including prior petitions, approvals, denials, supporting documentation, biographical information, and all evidence related to naturalization, permanent residency, or deportation proceedings.[44] The ability to obtain and review these records is critical for case assessment, client counseling, legal strategy development, and appellate advocacy. However, recent developments indicate that USCIS is applying increasingly restrictive interpretations of address verification requirements when processing Form G-639 requests, creating significant practical obstacles for practitioners seeking records on behalf of clients and necessitating clarity regarding permissible address formats and available appellate remedies.

Executive Summary

Key Findings and Immediate Practitioner Concerns: As of December 2025, immigration practitioners in Northern California and nationwide have reported a significant shift in USCIS's application of address requirements when processing Form G-639 FOIA requests, particularly affecting third-party requests filed by attorneys on behalf of clients.[1][19] USCIS has begun rejecting Form G-639 requests based on the claim that a "care of" (c/o) address-historically accepted practice where the client's address is listed as c/o the representative's office-does not satisfy the regulatory requirement for a "current address" of the subject of record.[1] This interpretation conflicts with the Form G-639's own instructions, which explicitly state that c/o addresses are acceptable, as well as with the principle that FOIA requires agencies to favor disclosure absent a specific exemption.[1] Additionally, the regulatory framework (specifically [6 CFR § 5.3(a) and 6 CFR § 5.21(e)]) requires only a "current address" without specifying that it must be residential or physical; the regulation does not define the type of address required, creating interpretive ambiguity that should be resolved in favor of the requester under FOIA's presumption of disclosure.[1][54]

Risk Assessment: The current USCIS address rejection practice presents a medium to high risk for practitioners operating in Northern California, particularly those representing clients with unstable housing, clients in detention, or clients for whom providing a personal residential address creates privacy or safety concerns. The practice is more likely to affect third-party requests (attorney or accredited representative filings) than self-requests, and is more likely to impact complex file requests (Track 2) than simple document requests (Track 1).[1] However, because Form G-639 itself permits c/o addresses, the rejection is legally vulnerable to administrative appeal and potentially to judicial challenge.

Strategic Options: Practitioners faced with a G-639 rejection based on address requirements have at least three viable paths forward: first, provide an alternative address if one is reasonably available (such as a prior residential address known to USCIS from an existing immigration benefit filing); second, file an

administrative appeal arguing that the regulation does not define "current address" as requiring anything more specific than a contact address, and that the Form G-639 itself explicitly permits c/o addresses, making the rejection an overly narrow interpretation inconsistent with FOIA's presumption of openness; or third, if time permits and the address issue is only one barrier, consider whether submission through a letter request rather than Form G-639 might avoid the form-specific requirements while still constituting a valid FOIA request under 5 U.S.C. § 552.[1][23][31]

Timeline Considerations: USCIS must acknowledge Form G-639 requests within 20 business days (approximately one month) of receipt, but actual processing takes substantially longer depending on request complexity and current backlog status.[2][40] For Track 1 requests (simple requests for specific documents), processing may take 30 to 90 days; Track 2 requests (complete A-Files or complex requests) may take several months; and Track 3 requests (those filed with proof of a scheduled immigration court hearing) receive accelerated processing and should be prioritized accordingly.[2][6][40] The filing method significantly affects processing time: requests submitted through the FIRST online platform generally process faster than mail submissions, though processing timelines have not uniformly improved despite FIRST's launch in 2019.[2][5][28]

Qualitative Assessment of G-639 Success: For practitioners aware of and complying with current USCIS requirements and possessing adequate address information, the likelihood of receiving at least some responsive documents is high to moderate-high, particularly when requests are specific (Track 1) rather than voluminous. However, receipt of responsive documents does not necessarily mean receipt of complete records: as of mid-2025, USCIS has begun applying the FOIA Exemption (b)(6) privacy exemption extremely broadly, withholding or redacting records at rates as high as 56-80 percent of file pages in some cases, compared to historical rates of 2-5 percent.[42][51] This expansion appears connected to a March 2025 Department of Justice legal memorandum interpreting Exemption (b)(6), and represents a fundamental shift in USCIS's disclosure posture.[42][51] Practitioners should anticipate that even successful G-639 responses may include extensive redactions and should plan alternative evidentiary strategies accordingly.

Legal Framework Governing Form G-639 FOIA Requests

Statutory Authority and Regulatory Foundation

The Freedom of Information Act, codified at [5 U.S.C. § 552][27], establishes a presumption that federal agency records are open to the public upon request unless specifically exempted by one of nine enumerated exemptions.[27] FOIA applies to all federal agencies, including the Department of Homeland Security and its component agencies including USCIS, ICE, CBP, and OBIM.[5][27] The statute requires that agencies respond to FOIA requests within 20 business days of receipt, and provides procedures for administrative appeal when an agency denies a request in whole or in part.[27][33]

The Department of Homeland Security has established its own FOIA regulations implementing the statutory framework, codified at [6 CFR Part 5][59]. Subpart A of 6 CFR Part 5 contains the general procedures for disclosure of records, while Subpart B (specifically [6 CFR § 5.21(e)]) establishes verification of identity requirements.[1][54][59] Critically, the regulation requires individuals making requests for their own records to provide "full name, current address, date and place of birth, and country of citizenship or residency," but does not specify the type or nature of the address beyond the descriptor "current." [1][54] This regulatory silence is dispositive: a regulation that does not define "current address" as requiring physical residency, postal delivery capability, or any other specific characteristic should be interpreted as permitting any address that maintains current contact with the individual.[1][54]

USCIS created Form G-639 to standardize FOIA request submissions and to ensure that requesters provide sufficient identifying information to enable the agency to locate responsive records.[2][5][20][38] The form instructions, which constitute the agency's own guidance regarding its minimum requirements, explicitly state: "You may list a valid residence, Army Post Office (APO), Fleet Post Office (FPO), or commercial address in the United States. You may list a post office address (PO Box) if that is how the subject receives their mail." [1][38][54] Additionally, the form provides a field for "In Care Of Name (if any)" for the third-party requestor, explicitly contemplating c/o designations.[38][54] When an agency's own form instructions conflict with a subsequent restrictive interpretation of the agency's regulations, FOIA's presumption of disclosure requires resolution in favor of the requester.[1][54]

Policy Guidance and Recent Interpretive Developments

As of December 2025, USCIS has not published an updated policy memo or official clarification regarding the address requirement dispute, despite increasing practitioner reports of rejections based on c/o addresses.[1][22] However, the Immigrant Legal Resource Center (ILRC), a leading nonprofit immigration advocacy organization, published a detailed FOIA Alert in December 2025 documenting these rejections and analyzing the applicable regulatory framework.[1][19] The ILRC Alert concludes that USCIS's interpretation is overly restrictive and inconsistent with both the regulation and the Form G-639 instructions themselves, and provides practitioners with specific guidance regarding administrative appeals.[1][54] The American Immigration Council has also previously flagged concerns regarding USCIS's approach to Form G-639 Instructions, particularly the agency's aggressive promotion of the FIRST online platform and the FIRST system's requirement to disclose country of birth, a field that may disadvantage immigrants seeking records without conceding alienage.[28]

Additionally, and separately from the address requirement issue, USCIS's interpretation and application of FOIA Exemption (b)(6) (personal privacy) has expanded dramatically since March 2025, following publication of a Department of Justice legal memorandum addressing (b)(6) exemptions across the federal government.[42][51] As documented by practitioners working with intercountry adopted individuals seeking citizenship proof, USCIS is now withholding or redacting adoption decrees, birth certificates, and other vital records from A-Files based on claimed privacy interests, despite the fact that many of these documents constitute the subject's own records and are necessary to prove citizenship.[42][51] This represents a marked departure from historical practice and significantly reduces the utility of G-639 requests even when successful.[42][51]

Current Legal Landscape: Recent Developments Affecting G-639 Practice (January-February 2026)

Address Requirement Rejections: The December 2025 Crisis

The most significant recent development affecting Form G-639 practice is USCIS's adoption of an increasingly restrictive interpretation of address verification requirements, documented in detail in the ILRC's December 2025 FOIA Alert.[1][19][22] According to multiple practitioner reports, USCIS is now rejecting Form G-639 requests submitted on behalf of clients when the address listed for the subject of record is a c/o address (care of the representative's office address) rather than a residential address belonging to the subject personally.[1][19][22] This practice is particularly problematic for third-party requests filed by attorneys or accredited representatives, who have historically used c/o addresses to ensure that correspondence regarding the FOIA request reaches them directly rather than potentially reaching an unstably-housed client or a client in detention.[1]

The ILRC Alert identifies the regulatory basis for this rejection: USCIS is pointing to 6 CFR § 5.3(a)(3) and 6 CFR § 5.21(e), which require a "current address" for verification of identity.[1][54] However, the regulation defines neither "current" nor "address" with specificity; it does not require residency, physical occupancy, postal delivery capability, or any other characteristic beyond being "current." [1][54] The regulation is susceptible to multiple reasonable interpretations, and under FOIA's strong presumption of disclosure, any ambiguity should be resolved to permit rather than prohibit disclosure.[1][27][30]

The Form G-639 instructions directly contradict the restrictive interpretation. The form explicitly provides options: "You may list a valid residence, Army Post Office (APO), Fleet Post Office (FPO), or commercial address in the United States. You may list a post office address (PO Box) if that is how the subject receives their mail." [1][38] A c/o address is a contact address and a method of receiving mail, falling squarely within these enumerated examples.[1][38] Moreover, the form specifically includes a line for "Third-Party Requestor Mailing Address and Contact Information" with an "In Care Of Name (if any)" field, explicitly contemplating c/o designations.[1][38][54] When an agency's own instructions conflict with an agency interpretation, the instructions should control.[1][54]

Remedies Available to Practitioners Facing Address Rejections

The ILRC Alert provides practitioners with two primary strategies for responding to address-based rejections.[1][54] The first strategy is to provide an alternative address if one is reasonably available. If USCIS has information from a prior immigration benefit filing showing a residential or other type of address for the subject of record, the practitioner may resubmit the G-639 request using that address. This strategy has the advantage of speed and avoids any reliance on novel legal arguments, but has the disadvantage of potentially revealing information about the subject that the subject may not want disclosed to the government, or of using an outdated or inaccurate address that may result in an incomplete search.[1][54]

The second strategy is to file an administrative appeal contesting USCIS's interpretation of "current address." The appeal should cite (1) the regulatory language itself, which does not specify the type of address required; (2) the Form G-639 instructions, which explicitly permit c/o addresses; (3) FOIA's presumption of openness, which requires that any ambiguity be resolved in favor of disclosure; and (4) the canon of statutory construction that regulations should be interpreted to give effect to their own agency's guidance documents and forms.[1][54] The appeal should explain that a c/o address satisfies the regulatory requirement because it is current (maintained for purposes of receiving correspondence about the FOIA request), it enables USCIS to contact the requester, and it is explicitly contemplated by the Form G-639 itself.[1][54] An administrative appeal must be filed within 90 days of the adverse determination and will receive a determination within 20 business days absent unusual circumstances.[33] If USCIS upholds the denial on appeal, the practitioner may seek judicial review by filing a federal court action under 5 U.S.C. § 552(a)(4)(B), challenging USCIS's interpretation as arbitrary and capricious under the Administrative Procedure Act.[27][33]

A third, less conventional strategy is to resubmit the request as a letter rather than on Form G-639. FOIA does not require use of any particular form; it requires only that a request be in writing and reasonably describe the records sought.[27] A letter request stating "This is a Freedom of Information Act request under 5 U.S.C. § 552 for [description of records]" and providing the subject's name, date of birth, alien registration number if available, and the c/o address, should constitute a valid FOIA request that does not trigger the form-specific address requirements.[5][23][31] This strategy avoids any reliance on an agency interpretation of Form G-639 instructions and falls back on the baseline statutory language.[5][23][31] However, the strategy has the disadvantage that USCIS may process the request more slowly (not assigned to a priority track), may request additional information, or may not honor the c/o address in the context of a non-standardized request.[5]

Expanded Application of FOIA Exemption (b)(6) Since March 2025

A separate but equally significant development is USCIS's dramatic expansion of redactions and withholdings based on FOIA Exemption (b)(6), which protects "personnel and medical files and similar files" when disclosure would constitute a "clearly unwarranted invasion of personal privacy." [27][42][51] According to detailed documentation by practitioners working with adoption and citizenship cases, USCIS began applying (b)(6) at significantly higher rates beginning in mid-April 2025, shortly after the publication of a Department of Justice legal memorandum on exemption (b)(6) in early March 2025. [42][51] The historical rate of page withholding based on (b)(6) was approximately 2-5 percent; the current rate has increased to 50-80 percent in some cases, with entire pages withheld rather than redacted. [42][51]

This expansion is problematic because USCIS is withholding the subject's own documents—such as adoption decrees, birth certificates, passport pages, and immigration applications—on the ground that disclosure would invade the privacy of third parties (such as adoptive parents or biological family members named in the documents). [42][51] In citizenship cases, this creates a catch-22: the subject needs their own records to prove citizenship, but cannot access them because they contain identifying information about family members. [42][51] Additionally, many of the documents are already publicly obtainable through state vital records requests or other sources, making the (b)(6) withholding arguably pretextual. [42][51]

The proper interpretation of Exemption (b)(6) in this context is that if a request is made by or with the consent of the subject of the records, (b)(6) should not apply to documents that are the subject's own records, even if they incidentally contain identifying information about third parties. [42][51] A first-party requester or a representative of a first-party requester has fundamentally different privacy interests than a third-party requester. [42][51] The subject has no privacy interest in withholding their own documents from themselves or from their authorized representative. [42][51]

When USCIS denies access to records based on (b)(6), the denial can be appealed on the ground that (1) the requester is a first-party requester or authorized representative, and thus (b)(6) does not apply; (2) the withheld information is not a "similar file" within the meaning of (b)(6) because it is not sensitive personal information but rather standard immigration documentation; (3) the agency has improperly redacted rather than segregating and releasing non-exempt information; or (4) the invasion of privacy, even if any invasion exists, is not "clearly unwarranted" given the subject's legitimate need for their own records. [27][42][51]

Procedural Requirements for Form G-639 Requests: Filing Methods and Format

Filing Methods: FIRST Online Platform versus Mail versus Letter

USCIS offers multiple methods for submitting Form G-639 requests, each with distinct procedural requirements, timelines, and consequences. [2][5][40] The online FIRST (Freedom of Information Act Records System) platform, launched in June 2019, is the agency's preferred method and generally results in faster processing than mail submissions. [5][28] However, FIRST imposes specific data requirements that may not be appropriate for all requesters, and the platform makes mandatory the disclosure of information that some requesters may prefer to withhold.

The FIRST platform requires users to create a myUSCIS account and provide the following information: purpose of the request, requester's full name, aliases (if any), mailing address, country of birth, and information about family members whose records may appear on responsive documents. [5][28] Critically, the country of birth field is mandatory; the system will not accept a request without country of birth information. [5][28][60] For requesters who wish to avoid affirmatively conceding alienage to the government,

or for whom disclosure of country of birth information poses strategic risks in other legal proceedings, the mandatory country of birth field creates a dilemma.[5][28] The American Immigration Council has specifically recommended that USCIS eliminate or make optional the country of birth requirement, particularly given that many requesters should be able to establish a compelling need for records without first verifying that they are foreign-born.[28]

For requests submitted through FIRST on behalf of a subject of record (a third-party request by an attorney or accredited representative), the practitioner must fill in their own information as the "third-party requestor" and then the subject of record will receive a text message or email requesting consent.[7][8] The subject must verify identity by confirming country of birth (again, mandatory), date of birth, and a few other biographical details, and must affirmatively approve the FOIA request.[7][8] Alternatively, if the practitioner uploads Form G-28 (Notice of Entry of Appearance as Attorney or Representative) and Form G-639 concurrently, the verification questions are bypassed and the request proceeds without the need for the subject to respond to separate consent prompts.[7][8] The ILRC advises that when possible, practitioners should file FIRST while present with the client if feasible, because the consent questions are transmitted immediately, the client can respond in real time, and confusion is minimized.[7][8]

Mail submission to the USCIS National Records Center, located in Lee's Summit, Missouri, remains an accepted method.[5][6][40][41] Mail requests are sent to:

U.S. Citizenship and Immigration Services

National Records Center (NRC) FOIA/PA Office

P.O. Box 648010

Lee's Summit, MO 64064-8010[5][41][52]

Mail requests are processed slower than FIRST submissions and are subject to mail handling delays that can extend receipt by several weeks.[5][28] For this reason, USCIS strongly discourages mail submissions and has restructured its website to make FIRST far more prominent than the mail submission option.[28] However, mail submission remains valid and may be preferable for practitioners seeking to limit the scope of information disclosed during the initial request phase.

Email and fax submission were discontinued as of December 16, 2022, and USCIS no longer accepts G-639 requests through those methods.[2][3][5][8] Requests attempted via email or fax will be rejected or ignored.[2][5][8]

Letter requests (written requests not using Form G-639 but containing the statutory minimum information required by FOIA) are accepted by USCIS, though the agency does not publicize this option prominently.[5][23][31][60] A letter request must be in writing, must reasonably describe the records sought, and must provide sufficient identifying information to locate responsive records.[5] The statutory minimum includes the requester's name, address, and contact information, a description of the records sought, and for requests about another person, consent from that person.[5] A letter request need not include country of birth, family members' information, or the subject's specific address type, because these are not statutory FOIA requirements; they are Form G-639-specific requirements.[5][23][31] For this reason, a letter request may be preferable when the address requirement issue is anticipated or when a requester wishes to minimize information provided during the initial request phase.

Form G-639 Signature and Consent Requirements: Distinguishing Requestor from Subject of Record

Form G-639 signature and consent requirements have been a source of considerable confusion, particularly following a November 2022 revision that altered where the requester signature and subject consent signature should appear on the form.[7][8][31] The current version of the form requires clarity regarding roles: the "requestor" is the person seeking the records (either the subject seeking their own records, or a third party such as an attorney seeking records on another person's behalf), and the "subject of record" is the person whose records are being sought.[7][8][31]

For self-requests (where the individual is seeking their own immigration records), the requestor and subject of record are the same person. That person signs once in the "requestor" capacity and again in the "subject of record" capacity, even though only one individual is involved.[7][8] The signature must be either notarized (signed before a notary public) or executed under penalty of perjury (by writing "Declaration Under Penalty of Perjury" at the top and signing with a statement that the information is true and correct to the best of the declarant's knowledge).[2][3][20][21][38] Notarization is not required for self-requests, but it streamlines processing; the penalty-of-perjury declaration is an acceptable alternative that involves no cost.[2][3][21]

For third-party requests (where an attorney or accredited representative is seeking records on behalf of a client), the form requires distinct signatures: the attorney or representative is the "requestor," and the client is the "subject of record." The current version of the form requires that the attorney fill out the requester information (including bar number or accreditation number) and that the client sign the subject of record consent section.[7][8][31] Notably, the attorney must also sign where the form asks for a "requestor signature," even though the attorney is not the subject of record whose records are being sought.[31] This dual-signature requirement (attorney as requestor, and client as subject of record) can create confusion if the form's layout is not carefully followed.

The Form G-28 (Notice of Entry of Appearance as Attorney or Representative) can be filed concurrently with Form G-639, and if both forms are uploaded to FIRST, the forms themselves constitute consent and bypass the need for the subject to respond to separate consent prompts.[7][8] However, if Form G-28 is not uploaded, then the subject of record must independently verify identity and consent to disclosure to the representative through a text message or email response.[7][8][8] The ILRC recommends uploading both Form G-639 and Form G-28 together to streamline the process and ensure that consent requirements are clearly satisfied.[7][8]

For requests made by a parent or guardian on behalf of a minor child or ward, additional proof of parentage or guardianship is required, such as a birth certificate, adoption decree, or court order establishing guardianship.[20][38][57] The parent or guardian signature must be notarized or executed under penalty of perjury.[20][38][57]

The Three-Track Processing System and Track 3 Expedited Processing

USCIS operates a three-track processing system for Form G-639 requests, and the track to which a request is assigned significantly affects processing time.[2][6][40][49] Understanding the track system and strategically positioning requests to qualify for Track 3 is essential for practitioners representing clients with imminent hearings or deadlines.

Track 1 (Simple Requests) consists of requests for one or a few specific documents from an A-File, such as a Certificate of Naturalization, a green card copy, a specific petition, or other individual documents.[2][6][40][49] Track 1 requests are processed on a first-in, first-out basis and typically receive an initial response within 30 to 90 days, though delays are common given current backlogs.[2][40] Track 1 designation is appropriate when the practitioner can specify exactly which document is needed and does not require additional pages or supplemental materials.[2][40]

Track 2 (Complex Requests) encompasses requests for complete A-Files, requests from news media or special interest organizations, requests for non-A-File records such as policy documents or communications, or requests that are so broadly framed that the agency cannot determine scope without additional clarification.[2][6][40][49] Track 2 requests are substantially more time-consuming because they typically involve hundreds of pages (an average A-File contains approximately 250 pages), review of each page for potential exemptions, and possible redaction of portions of documents.[2][37][40] Current processing times for Track 2 requests are several months, and backlogs have been substantial.[2][6][40]

Track 3 (Accelerated Processing for Immigration Court Proceedings) is available exclusively for USCIS and is not available at ICE, CBP, or other DHS components.[6][40] Track 3 applies when the subject of record has a scheduled hearing before an immigration judge in U.S. Immigration Court.[6][40] To qualify for Track 3, the requester must submit proof of the scheduled hearing, such as a copy of Form I-862 (Notice to Appear) with a future hearing date, Form I-122 (Order to Show Cause) with a hearing date, Form I-863 (Notice of Referral to Immigration Judge), or a written notice of continuation of a future scheduled hearing.[6][40][49] The Cover letter requesting Track 3 status and the proof of scheduled hearing must be included with the FOIA request.[6][40][49]

USCIS has stated that a requester cannot request both expedited processing (based on compelling need unrelated to a scheduled hearing) and Track 3 processing simultaneously; the requester must choose one basis.[40] However, Track 3 processing is generally preferable because it provides automatic acceleration without requiring demonstration of "compelling need." [40] Track 3 requests receive substantively faster processing than Track 2, though they are not instantaneous.[40]

For practitioners representing clients in removal proceedings in the San Francisco Immigration Court or at the Concord Hearing Location (1855 Gateway Boulevard, Suite 850, Concord, California 94520), Track 3 processing should be standard practice when there is an upcoming hearing scheduled.[6][40] The practitioner should ensure that the proof of scheduled hearing is current (showing a future hearing date, not a past hearing date) and is included with the initial FOIA request, not submitted after the fact.[6][40]

Northern California Implementation: San Francisco Immigration Court Context and Local Procedures

San Francisco Immigration Court Locations and Docket Management

Northern California immigration courts are managed by the Executive Office for Immigration Review (EOIR), a component of the Department of Justice.[15] The primary location is the San Francisco Immigration Court (100 Montgomery Street, Suite 800, San Francisco, California 94104, and also at 630 Sansome Street, 4th Floor, Room 475, San Francisco, California 94111), which handles removal proceedings, applications for relief, and motions practice for respondents with cases assigned to the San Francisco district.[15] A secondary location in Concord (1855 Gateway Boulevard, Suite 850, Concord, California 94520) handles overflow dockets and certain categories of cases.[15] Practitioners appearing before the San Francisco Immigration Court should be familiar with the court's local rules and procedural tendencies, which differ somewhat from other circuits and regions.

For Form G-639 requests, the critical procedural consideration is that any respondent with a scheduled hearing before the San Francisco Immigration Court should immediately file a Track 3 FOIA request (if the client's A-File has not already been obtained) and should ensure that FOIA requests are filed sufficiently far in advance of any hearing to allow for processing and review of responsive documents.[6][40] The San Francisco court's procedural rules generally permit the filing of evidence up to 30 days before a hearing (for represented

non-detained respondents) or after specific deadlines set by the Immigration Judge for individual calendar hearings.[15] USCIS's Track 3 processing does not guarantee that a response will be received within any specific timeframe, only that the request receives priority processing; practitioners should not assume that a Track 3 request filed two weeks before a hearing will receive a response in time.[6][40]

Coordination of Form G-639 Requests with San Francisco Asylum Office Procedures

The San Francisco Asylum Office (located within the USCIS San Francisco Field Office) processes affirmative asylum applications and conducts credible fear interviews for certain noncitizens encountered by immigration enforcement who claim fear of return.[16] For clients with asylum applications pending at the San Francisco Asylum Office, a Form G-639 request to USCIS will retrieve the I-589 application file and any documents submitted in support, but will not retrieve the notes or factual findings from any asylum interview that has been conducted, as those documents may be withheld under FOIA Exemption (b)(7) (law enforcement investigatory records).[37] The asylum interview notes may be obtainable through a separate FOIA request specifically identifying the interview date and requesting the interview notes and officer assessments, but USCIS frequently redacts interview notes and asylum officer assessments, citing investigative and deliberative process privileges.[37][42][45]

For clients in expedited removal proceedings who must pass a credible fear interview to avoid removal, the asylum officer conducting the interview has discretion to share the interview notes and credible fear determination with the noncitizen or their representative, even if not required to do so by FOIA.[16] Practitioners should ask the asylum officer directly whether credible fear interview notes can be provided; many officers will provide copies if asked. If the asylum officer declines to provide the notes, a FOIA request specifically for the credible fear interview notes may be filed with USCIS, though processing times are likely to be slow and redactions extensive.[37][42]

Strategic Considerations for Third-Party Requests on Behalf of Detained or Unstably-Housed Clients

The address requirement dispute discussed above has particular significance for practitioners representing clients who are detained by ICE or who are unstably housed and do not have a fixed residential address. For these clients, a c/o address at the practitioner's office is often the most practical and reliable method of receiving correspondence related to the FOIA request. However, if USCIS rejects the c/o address, the practitioner faces the dilemma of either providing a residential address (which may be inaccurate, outdated, or nonexistent), requesting an address through an administrative appeal (which adds weeks to the timeline), or attempting an alternative filing method.

For detained clients in particular, practitioners should consider strategic timing of FOIA requests. If a client is detained at a specific ICE facility, the facility address may technically qualify as a "current" address, even though the detainee may be transferred to another facility without notice.[2][5] If the client has a fixed detention facility address, that address can be provided as the subject of record's current address, which should satisfy USCIS's address requirement without raising the c/o issue.[2][5] However, practitioners should note that if the client is transferred to another facility and mail is sent to the original facility, the mail may be delayed or lost.[5]

For unstably housed clients, a c/o address at the practitioner's office should be defended vigorously through administrative appeal if rejected by USCIS, because the alternative of requiring a residential address that the client does not actually maintain imposes an unnecessary burden and raises access-to-justice concerns.[1][54] The ILRC Alert specifically addresses this issue and provides practitioners with language for administrative

appeals challenging the address rejection.[1][54]

Coordination of Form G-639 with Other DHS Components: ICE, CBP, EOIR, and OBIM

Form G-639 can be used to request records from USCIS, ICE, and OBIM (Office of Biometrics Identity Management), but not from CBP (Customs and Border Protection).[5][23] For comprehensive FOIA requests spanning multiple agencies, practitioners must file separate requests with each component because each maintains distinct records and operates its own FOIA office.[5][23]

ICE FOIA Requests

For records related to detention, bond hearings, requests for detainers or warrants, or medical records while in ICE custody, Form G-639 can be submitted to ICE by mail, fax, or email, but must be accompanied by an Affirmation/Declaration form (available on the ICE FOIA website) with the subject's name, date of birth, and, if the subject does not want records sent to them personally, the name and address of a third party.[5][23][24][60] All ICE FOIA requests must include a daytime phone number.[5][23] ICE also operates online FOIA submission portals that may process requests faster than mail submissions.[5][23] ICE should acknowledge receipt of a FOIA request within three to five business days and should provide a tracking number that can be used to monitor the request's status.[52]

CBP and OBIM FOIA Requests

For records related to border crossings, apprehensions at the border, entries and exits, arrival/departure records, or expedited removal orders, CBP must be contacted. Form G-639 is not accepted by CBP; instead, practitioners must use CBP's online FOIA portal (<https://www.cbp.gov/foia>) or submit a letter request by mail.[5][23][60] CBP's online portal requires uploading of supporting files (including signed Form G-28 if the request is third-party, or notarized consent if the requester is not the subject's authorized representative).[23] CBP states that online submissions are processed faster than mail submissions.[23]

For records related to biometric identifications, fingerprints, and biographical information collected at borders or during immigration proceedings, OBIM (Office of Biometrics Identity Management) maintains separate records indexed by fingerprint.[5][17][23] OBIM requests require submission of an original FBI fingerprint card (Form FD-258) in addition to Form G-639 or a letter request.[5][23][60] This requirement means that practitioners must either have the subject obtain fingerprints (which may be available through local law enforcement or print service companies, usually at minimal cost) or must work with the client to obtain the fingerprint card from prior immigration filings if available.[5][23] OBIM can be particularly useful when a client provided a false name at the border or used false documentation; OBIM's records are indexed by fingerprint and can reveal the subject's true identity and the dates of border interactions even if names on documents are inaccurate.[5][17]

EOIR FOIA Requests

For records related to immigration court proceedings, decisions by immigration judges, charging documents, notices to appear, orders to show cause, or Board of Immigration Appeals decisions, Form G-639 should not be used with the Executive Office for Immigration Review.[5][23] Instead, EOIR operates a separate Public Access Link (PAL) portal (<https://foia.eoir.justice.gov/app/Home.aspx>) where FOIA requests can be submitted electronically.[5][23][24] Requests can also be made by email to EOIR.FOIARequests@usdoj.gov or by mail.[5][23][24] All EOIR requests should include the subject's A-number, name, immigration hearing location, and a description of the records.[5][23][24] EOIR requests must include verification of identity such

as DOJ Form 361 (Certification of Identity), a notarized statement, or a sworn statement.[5][23][24]

For practitioners seeking the complete record of proceedings in an immigration court case, a more direct method may be to request the "Record of Proceedings" or "ROP" directly from the immigration court using EOIR's ECAS (Electronic Case Access System) if the case is already entered into ECAS.[15] The immigration court can provide a downloadable or printed ROP that includes all filings, the immigration judge's decisions, and appeals to the BIA.[15]

Recent USCIS Redaction Practices and Exemption (b)(6) Withholding: Implications for G-639 Requests

As noted in the Executive Summary, USCIS has dramatically expanded its application of FOIA Exemption (b)(6) since March 2025, withholding or redacting personal information at rates as high as 50-80 percent of file pages in some cases.[42][51] Exemption (b)(6) protects "personnel and medical files and similar files" when disclosure would constitute a "clearly unwarranted invasion of personal privacy." [27][42] The provision is subject to interpretation, and the Supreme Court and federal courts have established that (b)(6) protection is not automatic; rather, the agency must balance the individual's privacy interest against the public interest in disclosure and must consider whether the information requested is the requester's own information (where privacy interests are minimal) or another person's information (where privacy interests may be substantial).[27]

The Trump administration's March 2025 legal memorandum on (b)(6) appears to have prompted USCIS to adopt an expansive interpretation in which nearly all personal information—names, addresses, dates of birth, occupations, family relationships—is deemed potentially harmful to privacy, and even documents that belong to the subject of record are redacted if they incidentally contain identifying information about third parties.[42][51] This interpretation is arguably inconsistent with longstanding FOIA practice and with the principle that a first-party requester's own documents should be disclosed absent a specific, substantial privacy interest.[42][51]

When USCIS provides a G-639 response with extensive redactions, practitioners have several options. First, practitioners should review the agency's letter denying or redacting information to understand the specific exemption cited and the factual basis for the withholding.[50] If the agency claims (b)(6) applies to documents that are the subject's own records (such as the subject's application, biographical forms, or documents submitted by the subject), the appropriate challenge on appeal is that (b)(6) does not apply to first-party records and that the subject has no legitimate privacy interest in withholding their own documents from themselves or their authorized representative.[42][50] Second, practitioners should request that USCIS conduct a "segregability" analysis to determine whether non-exempt portions of redacted documents can be released, as FOIA requires agencies to segregate and release non-exempt information even when some portions are exempt.[27][42] Third, practitioners can file an administrative appeal within 90 days of the response, arguing that the redactions are overbroad and that the agency failed to conduct adequate segregability analysis.[33][50]

If USCIS upholds the redactions on appeal, practitioners may seek federal court review. In the Northern District of California (covering most of Northern California including San Francisco, Oakland, and surrounding areas), practitioners can file a Freedom of Information Act lawsuit against USCIS seeking an order to compel disclosure of the withheld information.[27][50] Multiple cases are currently pending challenging USCIS's redaction practices; the American Immigration Council and the International Refugee Assistance Project have filed litigation challenging USCIS's withholding of refugee case files and

assessments.[45][48] As of February 2026, no final court decisions have been published resolving (b)(6) conflicts in the immigration context, but litigation is ongoing and may result in clarification of the appropriate standard.

Establishing Expedited Processing Based on Compelling Need

Beyond Track 3 processing (available only when there is a scheduled immigration court hearing), USCIS permits expedited processing of FOIA requests when there is a "compelling need" unrelated to court proceedings.[6][40] Compelling need is defined by regulation as circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or when there is an urgency to inform the public about actual or alleged federal government activity and the requester is primarily engaged in disseminating information.[6][40]

The compelling-need standard is more restrictive than Track 3, and USCIS rarely grants expedited processing on compelling-need grounds absent extraordinary circumstances such as imminent threat to life or safety.[40] Practitioners should focus on Track 3 processing where applicable (i.e., whenever a client has a scheduled immigration court hearing) rather than attempting to establish compelling need on other grounds.[6][40]

If expedited processing is sought on compelling-need grounds, the request must include a separate statement certifying that the information provided is "complete, true, and correct to the best of the requester's knowledge and belief," and supporting evidence establishing the urgency (such as medical records documenting a threat to health, evidence of imminent deportation risk, or documentation of public interest in the matter).[6][40] The statement and supporting evidence should be submitted with the initial FOIA request, not after the fact.[6][40]

Administrative Appeal Procedures and Federal Court Remedies

Administrative Appeals to USCIS FOIA Office

When USCIS denies a FOIA request in whole or in part (whether by withholding records, providing redacted documents, claiming "no records" found, or rejecting the request as deficient), the requester has the right to file an administrative appeal within 90 days of the adverse determination.[5][33] The appeal should be addressed to the appropriate appeal authority designated by USCIS (typically the USCIS FOIA Appeals Office, located at the address specified in the initial denial letter).[5][33]

An appeal does not require any particular form; it can be submitted as a letter or brief, and should include the original FOIA request, the FOIA control number assigned by USCIS, the date of the adverse determination, and a detailed statement of the reasons why the requester believes the determination was incorrect.[33][50] The appeal should address the specific exemptions cited by USCIS and should explain why those exemptions do not apply or have been improperly invoked.[33][50] For address-based rejections, the appeal should cite the regulatory language, Form G-639 instructions, and FOIA's presumption of disclosure, as discussed above in the context of the December 2025 address requirement dispute.[1][54]

USCIS must make a determination on the appeal within 20 business days of receipt, absent unusual circumstances.[33] The appeal should be sent to the address specified in the denial letter, or if no address is specified, to the USCIS FOIA Appeals Office at the USCIS National Records Center in Lee's Summit, Missouri.[33] Practitioners are advised to send appeals via mail with tracking confirmation or email, to ensure receipt and to have documentary evidence of the appeal date for purposes of calculating the 90-day window.[33]

Federal Court Litigation: Available Remedies and Procedural Requirements

If USCIS denies the appeal or upholds the agency's initial determination, the requester may seek judicial review by filing a FOIA lawsuit in federal district court.[27][33][50] In Northern California, FOIA litigation against USCIS would be brought in the United States District Court for the Northern District of California (NDCal), with venue generally in the San Francisco or Oakland divisions.[27] The complaint must allege that the agency improperly withheld or redacted information in violation of FOIA and must request that the court compel disclosure.[27][33]

FOIA litigation is subject to specific procedural requirements and burden-shifting standards.[27][33] The requester bears the initial burden of demonstrating that the documents are agency records and that a proper FOIA request was made.[27][33] Once that burden is met, the burden shifts to the agency to justify any withholding or redaction by demonstrating that one of the nine FOIA exemptions applies.[27][33] The court must conduct an in camera (private) review of the withheld documents to determine whether the agency's claimed exemption is valid.[27][33]

Courts review FOIA exemptions de novo (without deference to agency claims) and apply a presumption of disclosure, meaning that exemptions are narrowly construed and ambiguities are resolved in favor of disclosure.[27][33] However, courts also recognize qualified privilege for certain categories of information (such as deliberative process privilege and attorney-client privilege) and will uphold withholding if the agency can demonstrate that information falls within a qualifying exemption.[27][33]

For practitioners in Northern California, there are two significant points of leverage. First, the Ninth Circuit (which covers California, Hawaii, and other western states) has generally been more favorable to FOIA requesters than some other circuits, particularly regarding Exemption (b)(6) and matters of agency interpretation.[27] Second, a number of FOIA lawsuits have already been filed challenging USCIS's current redaction practices, particularly the American Immigration Council's lawsuit on behalf of refugee applicants and the various adoptee-specific challenges regarding excessive (b)(6) redactions.[42][45][48] Practitioners may be able to coordinate with these existing litigants, file amicus curiae (friend of the court) briefs, or join class action litigation if appropriate to their client's facts.

The costs of FOIA litigation in federal court can be substantial, including attorney's fees and expert witness fees. However, FOIA provides for fee shifting in certain circumstances: if a plaintiff substantially prevails in FOIA litigation, the plaintiff may recover reasonable attorney's fees and litigation costs from the government.[27][33] This provision creates an incentive for judicial review of agency denials that are weak or that involve overbroad redactions.

Timeline Expectations and Processing Delays: Current Status as of February 2026

As of February 2026, USCIS continues to experience significant backlogs in FOIA request processing, with timelines varying substantially based on request complexity and current workload.[26][40][52] According to available USCIS data, Track 1 requests for specific documents typically require 30 to 90 days, though delays of several months are increasingly common.[40][52] Track 2 requests for complete A-Files or complex records are substantially slower, often taking several months or longer, with some requests pending for six months or more.[40][52] Track 3 requests for individuals with scheduled immigration court hearings receive prioritization but are not expedited to any specific timeframe; practitioners should expect Track 3 requests to be processed within weeks to a couple months in most cases, but should not assume any guaranteed processing time and should plan accordingly.[6][40]

For practitioners representing clients with upcoming immigration court hearings, the safest approach is to file the Track 3 FOIA request immediately upon learning of the scheduled hearing date, even if the hearing is

months away. This provides maximum processing time and ensures that the requester has the documents well in advance of the hearing. If a hearing date is changed or accelerated on short notice, practitioners should contact USCIS's FOIA office by phone (1-800-375-5283) to inquire whether the request can be prioritized or expedited further.[6][40]

Processing times are affected by multiple factors beyond the requester's control: current USCIS backlog status, whether the request triggers referrals to other agencies (such as ICE or CBP records that are included in the A-File), whether documents require redaction review under FOIA exemptions, and whether the subject of record's file is unusual in size or complexity.[2][40][52] Requests that trigger interagency referrals (such as when the A-File contains documents originated by ICE or CBP) take longer because USCIS must refer those portions to the originating agency for response, and different agencies have different processing timelines.[37]

Practical Guidance for Northern California Practitioners: Form G-639 Implementation Strategy

When to File a Form G-639 Request and Strategic Timing Considerations

Form G-639 requests should be filed early in client representation, ideally at the initial client consultation or as soon as the client's case circumstances are understood.[7][40] For clients in removal proceedings in the San Francisco Immigration Court or other Northern California courts, practitioners should file a Track 3 request immediately upon receipt of the Notice to Appear or shortly after the first master calendar hearing, to ensure that the A-File is available for case preparation and relief analysis.[6][40] For clients seeking affirmative asylum through USCIS (Form I-589), the G-639 request should be filed after the initial USCIS receipt notice is issued, to allow time for USCIS to establish the file in its system.[26]

For clients in criminal proceedings or facing state court matters that may have immigration consequences (particularly important in California given the availability of post-conviction relief under Penal Code § 1473.7), a G-639 request may be necessary to determine whether the criminal conviction has been triggered for removal, and to establish the factual record of the conviction for purposes of modification or vacation under [PC § 1473.7][8][15][16]. Form G-639 can be used to request ICE records regarding any detainers or notices of intent to deport associated with the conviction.[5][23]

Practical Checklist for Filing Form G-639 Requests Through FIRST

When filing through the FIRST platform on behalf of a client (third-party request), the following steps should be followed:

Step 1: Verify Client Information and Consent. Confirm with the client that the client consents to disclosure of their immigration records to the attorney or representative, and confirm the client's current address (or the address where the client will receive mail related to the FOIA request). Obtain the client's date of birth, country of birth, and any alien registration number (A-number) if previously assigned.

Step 2: Prepare Representative Information. Gather the representative's state bar number (if attorney) or accreditation number (if accredited representative). Verify that the representative is in good standing and eligible to practice before USCIS.

Step 3: Access FIRST and Create/Log In to myUSCIS Account. Navigate to <https://first.uscis.gov/> and create a new myUSCIS account if one does not already exist, or log in to an existing account. The account should be created in the representative's name.

Step 4: Identify Request Type and Scope. Determine whether the request is for the complete A-File (Track 2)

or for specific documents (Track 1). If specific documents, describe them precisely (e.g., "I-485 Application to Register Permanent Residence or Adjust Status filed on [date]" or "all correspondence related to [benefit type]"). If requesting the entire A-File, state "entire A-file" or "complete immigration file."

Step 5: Fill Out Third-Party Requestor Information. In FIRST, fill in the representative's name, address, bar/accreditation number, and contact information. Specify the relationship (attorney, accredited representative, etc.). Describe the purpose of the request in general terms (e.g., "assisting client in immigration case preparation").

Step 6: Fill Out Subject of Record Information. Fill in the client's full legal name, date of birth, country of birth, current address, alien registration number (if available), and any other identifying information requested. Take care to ensure consistency between first, middle, and last names if the client's name has changed.

Step 7: Determine Whether to Upload G-28 and G-639. If both Form G-28 (signed by both attorney and client) and Form G-639 (signed by both attorney and client) are available, upload them directly to FIRST. This will satisfy consent requirements and bypass the need for the client to respond to separate consent prompts. If the forms are not available or signed, proceed to the next step.

Step 8: Submit Request for Client Consent Verification (if G-28/G-639 not uploaded). If forms are not uploaded, FIRST will prompt the client to verify consent via email or text message. Select only one method (email or SMS text), and provide the client's contact information. Note that FIRST will ask the client to confirm country of birth, date of birth, and other biographical information, and will ask the client to agree to pay costs (which are very rarely assessed).

Step 9: Request Track 3 Processing (if applicable). If the client has a scheduled immigration court hearing, include a note or select the "expedited processing" option and identify the basis as a scheduled hearing. Attach a copy of the Notice to Appear, Order to Show Cause, or other proof of scheduled hearing.

Step 10: Review and Submit. Review all information for accuracy, confirm that the request adequately describes the records sought, and submit. FIRST should provide a confirmation number and allow the representative to track the request status in their myUSCIS account.

Alternative Approach: Mail or Letter Request If Address or Other Concerns Arise

If the address requirement issue arises, or if the practitioner anticipates potential issues with FIRST's mandatory fields (particularly country of birth), an alternative approach is to submit a letter request by mail to the USCIS National Records Center.^{[5][23][31]} A letter request should include:

The statement "This is a Freedom of Information Act request under 5 U.S.C. § 552";

The full legal name of the subject of record;

The subject's date of birth;

The subject's country of birth (optional in a letter request, though USCIS may request it);

The subject's current address (can be c/o the representative's address if appropriate);

The alien registration number, if known;

A description of the records sought (e.g., "entire A-file," "I-539 Application to Extend/Change Status filed on [date]," or "all documents related to [benefit]");

The requester's contact information and signature;

If filed on behalf of another person, a statement that the subject of record has consented to disclosure, signed by the subject of record (preferably notarized or under penalty of perjury);

If filed by an attorney or representative, Form G-28 or a statement of the representative's authorization;

Proof of parentage or guardianship if applicable (for parent/guardian requests).

The letter request should be mailed to:

U.S. Citizenship and Immigration Services

National Records Center (NRC) FOIA/PA Office

P.O. Box 648010

Lee's Summit, MO 64064-8010[5][41]

The envelope should be marked "Freedom of Information Request" on the front.[5][41] A letter request processed more slowly than a FIRST submission and may not be assigned to any priority track, but it avoids the form-specific requirements and provides the representative with greater flexibility regarding information disclosed.[5][23][31]

Conclusion and Recommendations for Northern California Practice

Form G-639 remains an essential tool for immigration practitioners in Northern California, enabling access to the immigration records necessary for case assessment, relief analysis, and appellate advocacy. However, the procedural landscape has shifted significantly in recent months, creating new challenges that practitioners must understand and navigate strategically.

The most pressing challenge is USCIS's restrictive interpretation of address verification requirements, specifically the agency's recent rejections of Form G-639 requests using c/o addresses despite the Form G-639 instructions explicitly permitting such addresses. This interpretation is legally vulnerable and inconsistent with FOIA's presumption of disclosure, and practitioners facing address-based rejections should file administrative appeals arguing that the regulation does not define "current address" as requiring physical residency, that the Form G-639 itself permits c/o addresses, and that FOIA's presumption of openness requires resolution of any ambiguity in the requester's favor.[1][54] The ILRC's December 2025 Alert provides detailed guidance and sample language for such appeals.[1][54]

A second significant challenge is USCIS's dramatic expansion of FOIA Exemption (b)(6) redactions since March 2025, which is withholding documents that are the subject's own records based on claimed privacy interests in third parties' information. Practitioners receiving heavily redacted or largely withheld responses should evaluate whether the redactions can be challenged on the ground that first-party records are not subject to (b)(6) protection, and should be prepared to appeal or litigate if the redactions impair the client's ability to pursue necessary relief.[42][51]

For practitioners representing clients with scheduled immigration court hearings in the San Francisco Immigration Court or other Northern California courts, the critical recommendation is to file Track 3 FOIA requests immediately and to coordinate the receipt of records with the immigration judge's filing deadlines.[6][15][40] Practitioners should ensure that clients understand the FOIA process, the likely processing timeline, and the possibility that records may arrive with redactions, so that contingency plans for

evidence gathering or witness preparation can be made if needed.

Finally, practitioners should remain aware that administrative FOIA appeals are available and do not require counsel; an administrative appeal can be prepared and filed by the representative or even by the client pro se if necessary. Administrative appeals are a relatively low-cost mechanism for challenging USCIS denials and may result in disclosure of withheld information or may preserve issues for federal court litigation if disclosure is not obtained on appeal. The Federal Office of Information Policy has published guidance on administrative appeals that may be useful for practitioners unfamiliar with the appeal process.[33]

Immigration practice in Northern California requires mastery of not only the substantive law of relief categories (asylum, cancellation of removal, etc.) but also the procedural mechanisms for obtaining access to agency records. Form G-639 is one of the most essential of those procedural mechanisms, and the recent developments affecting G-639 processing should inform practitioners' case management strategies and client counseling regarding realistic timelines and evidentiary expectations.

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