



THE FREEDOM OF INFORMATION ACT: HOW TO OBTAIN RECORDS FROM USCIS

This step-by-step resource aims to equip advocates and practitioners alike with the tools to obtain a FOIA from USCIS

MAY 2025

INTRODUCTION

The Freedom of Information Act (FOIA) entitles every person access to certain information from the federal government.¹ The Freedom of Information Act is a law that established the right of public access to certain executive branch information from the federal government.

U.S.Citizenship and Immigration Services (USCIS) is often the most important federal agency for immigration practitioners and their clients to target with a FOIA request because it is the agency that collects that most information on persons who are applying for an immigration benefit, and if collects information from other components of the Department of Homeland Security, as well.

WHO CAN FILE A FOIA?

Any person can file a FOIA, either for their own records with a federal government agency or for someone else. If the record sought is about someone else, then the consent of that party will generally be required for a full response. Consent is sometimes shown by accompanying the filing with a G-28 Entry of Appearance, or sometimes in the online process there are questions transmitted to the party whose record is concerned which ask for consent.

If a parent is seeking information on behalf of a child or guardian, proof of that

¹ Freedom of Information Act, 5 U.S.C. § 552.

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relationship would be required. If seeking information about a deceased individual, proof of the death would be needed.

If a file is about someone else, without consent, the information released would generally be limited by privacy interests.

FOIA PROCESS WITH USCIS

USCIS created Form G-639, Freedom of Information/ Privacy Act Request, to help people make their written requests for information.²

Form G-639 is not essential to a FOIA request, however. Any written request that contains the basic information needed can also be used to make a FOIA request. Increasingly, however, USCIS is also processing FOIAs online through a platform called FIRST.

Many FOIA requests seek an individual's immigration records or complete A-files with USCIS. These can be filed by regular mail, usually with Form G-639, and Form G-28 Entry of Appearance if a representative is filing on someone else's behalf as a third-party requestor. An attorney or a Department of Justice accredited representative may file a G-28 to enter an appearance. Alternatively, an individual can seek their own records from USCIS, which requires no consent mechanism. In such cases, it is important to note that applicants list their address as a post office box, or care of someone they trust with a stable address.

FOIAs filed by mail to USCIS are sent to:

National Records Center, FOIA/PA Office

PO Box 648010

Lee's Summit, MO. 64064-8010.

Typical document requests appropriate for USCIS are A-files for oneself where the requestor should ask for entire A-file or for another person with their consent, or

² USCIS, <https://www.uscis.gov/sites/default/files/document/forms/g-639.pdf>.

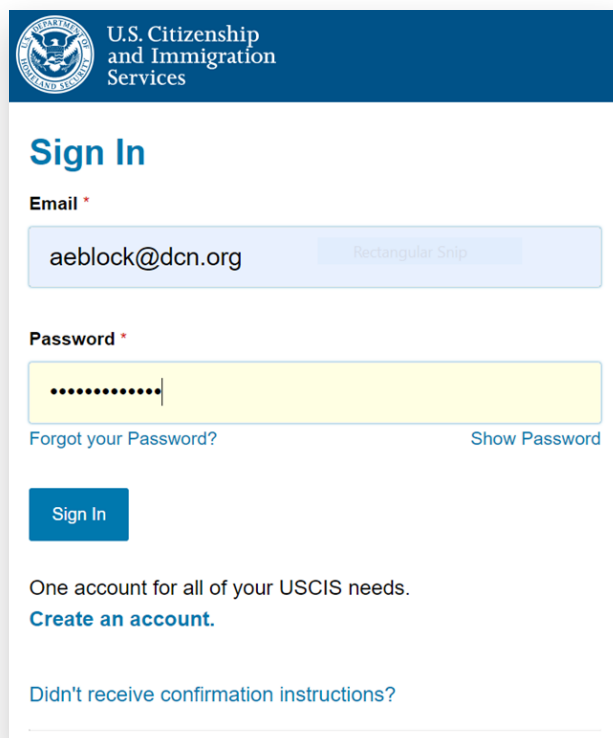
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agency policies, data, communications, and other records.

Under the current version of Form G-639, “requestor” refers to the client when a representative is filing on a client’s behalf, and every space that asks for a requestor signature should be signed by the client.

The second signature on page 8 of the G-639 the signature is for the client as the subject of record.

FOIAs can also be filed online the FIRST platform on the USCIS website. The agency has been heavily promoting online filing for FOIA as an administrative efficiency measure because it eliminates delays from regular mail delivery and scanning that are involved in paper filed FOIA requests. The first step is to set up a MyUSCIS account. If an applicant is requesting records on their own case, or if they want a representative to receive the records, they must set up a MyUSCIS account. If a representative as a third-party requestor wants to receive the client’s records, then the representative must set up their own MyUSCIS account at <https://myaccount.uscis.gov>.

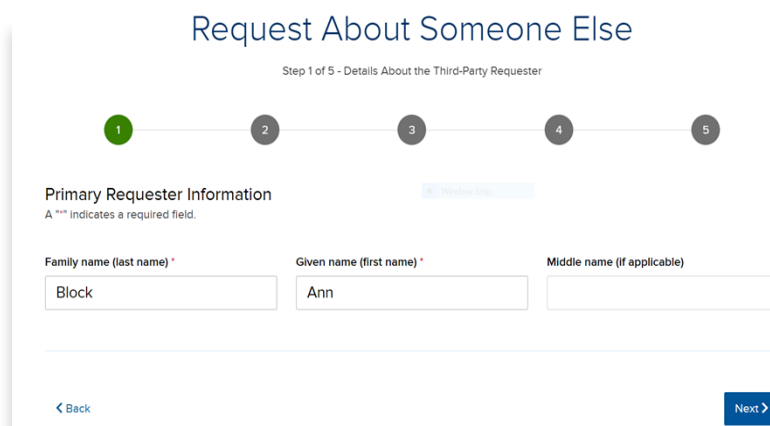


The screenshot shows the USCIS Sign In page. At the top is the USCIS logo and the text "U.S. Citizenship and Immigration Services". Below this is the "Sign In" heading. There are two input fields: "Email *" with the value "aeblock@dcn.org" and a "Rectangular Snip" button, and "Password *" with a masked password ".....". Below the password field are links for "Forgot your Password?" and "Show Password". A blue "Sign In" button is positioned below the fields. At the bottom, there is a message "One account for all of your USCIS needs." followed by a link "Create an account." and another link "Didn't receive confirmation instructions?".

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The accredited representative/attorney must fill out the information on FIRST that pertains to them as third-party requestor, and then the client who is the subject of record will be asked to verify consent (by text or by email) in a series of questions. Alternatively, the representative must upload Form G-28 and Form G-639 to the FIRST platform, and this will suffice for consent.

The representative will need to fill out the third-party requestor's information on the following page:



Request About Someone Else
Step 1 of 5 - Details About the Third-Party Requester

Primary Requester Information
A "*" indicates a required field.

Family name (last name) *
Block

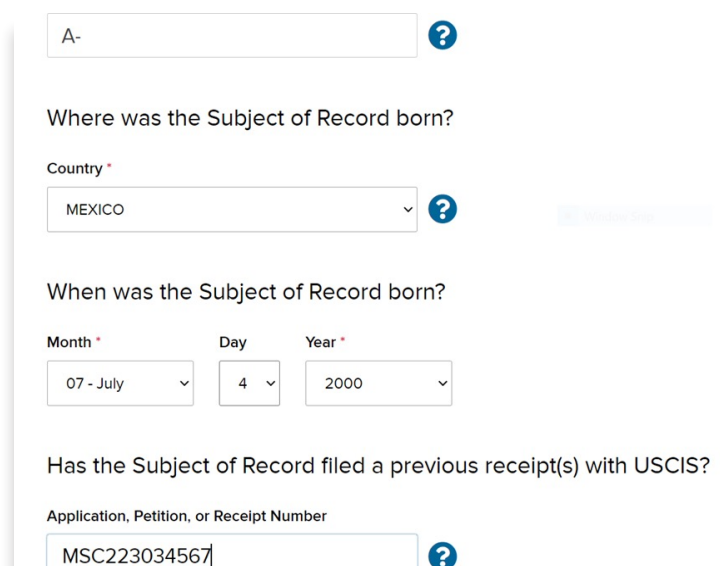
Given name (first name) *
Ann

Middle name (if applicable)

< Back Next >

The attorney then fills out information relating to the client whose record is sought under the sections asking for information on the subject of record.

The screen that follows will need information about the client/subject of record:



A- ?

Where was the Subject of Record born?

Country *
MEXICO ?

When was the Subject of Record born?

Month * Day Year *
07 - July 4 2000

Has the Subject of Record filed a previous receipt(s) with USCIS?

Application, Petition, or Receipt Number
MSC223034567 ?

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There is also a screen listing a series of documents under “Select records requested.” If an entire A-file is needed, then the “other” box should be checked, and in the box provided, write “entire A-file.”

If Form G-28 and Form G-639 are not uploaded into FIRST, the client will receive either an email or text (depending on what they provided) asking for consent to release information to the representative. The communication will ask a series of questions in English to complete the consent.

The mobile phone number or email requested pertains to the subject of record and is how USCIS will contact the person to verify consent. Only one method should be provided, either email or a mobile phone number for texts.

Practitioners recommend filing FIRST while the representative is with the client, if possible, because the questions will be transmitted immediately, and it may be less confusing for the client if the representative is present to consult.

Again, if the G-28 and G-639 are uploaded (see the following screen) then the verification questions will not be needed.


How can we contact the Subject of Record for release of records?

Note: Providing this information is optional. However, to complete this request electronically, you must provide an email address or cellular phone number for the Subject of Record. This information will only be used to obtain electronic consent for the release of information. Alternatively, you can upload a notarized signature from the Subject of Record providing consent.

☒ Upload a notarized signature from the Subject of Record providing consent and verification of identity.

Upload Documents

If you have any additional documentation in support of your request, you may attach it here.



Please upload files to your request by [choosing a file here](#).

Maximum size: 25 Pages and 10MB per file

Accepted formats: PDF, JPG, JPEG

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The verification questions to the client/subject of record are on country of birth (note, not country of residence), as well as date of birth. The client is also asked to verify that the information submitted on their behalf by the representative is correct by checking a box under penalty of perjury. The client must also agree to pay costs. Note that costs are very rarely assessed for FOIAs as the statute requires the government to release the information for free except for very voluminous requests.

Next, the client is asked to type in their name, and it should appear as it was entered in the initial FIRST request. Then the client is asked, “approve request, deny request, or return request to requestor for changes.” If the client wants to continue with the FOIA request, client should check the box for “approve the request,” then hit submit, and the FIRST request will be processed. The representative should soon afterward see the FOIA request listed as “pending” in their MyUSCIS account.

Remember, although FOIAs thus far have not been used as enforcement tools, noncitizens should be careful not to list residential addresses on their request. It is acceptable to use a care of address for one’s representative, or to list a post office box. It is not necessary to give the government the information about where the person is living if that information is not already available to the government.

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CSU: findyourally.com/csu

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