

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified.
 - Executive Order 12958, as amended, classification categories:
 - 1.4(a) Military plans, systems or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US including confidential sources, including defense against transnational terrorism
 - 1.4(e) Scientific, technical, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) USG programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Information on weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency.
- (b)(3) Specifically exempted from disclosure by statute (other than section 552b of Title 5, e.g., INA, the Immigration and Nationality Act, Title 8 USC Section 10201(f), CIA, The Central Intelligence Agency Act of 1949, Title 50 USC Section 403(g), ARMBEX, The Arms Export Control Act, Title 22 USC 2778(e), EXPORT, The Export Administration Act of 1979, 50 USC 2411(f)(1))
- (b)(4) Privileged/confidential trade secrets, commercial or financial information from a person.
- (b)(5) Intra-agency or inter-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product.
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7) Information compiled for law enforcement purposes that would:
 - (A) Interfere with enforcement proceedings
 - (B) Derive from a person of a fair trial
 - (C) Constitute an unwarranted invasion of personal privacy
 - (D) Disclose confidential sources
 - (E) Disclose investigation techniques
 - (F) Endanger life or physical safety of any individual

Other Grounds for Withholding

NR Material not responsive to your FOIA request, excised in accordance with our agreement.

Case No. 201104122, DHS001

Mr. Kenneth Allen
10055 E Gray Hawk Drive
Tucson, AR 85730

Dear Mr. Allen:

I refer to your request dated February 20, 2009 to the U.S. Citizenship and Immigration Services for the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). One document (totaling 14 pages) retrieved in response to your request originated with the Department of State, and was therefore referred to us for appropriate action.

Please note that the one document has been divided into nine for processing purposes. After reviewing these documents, we have determined that four may be released in full, and five must be withheld in full. All released material is enclosed.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. For all the documents withheld in full, we have cited exemption (b)(3) INA.

We have now completed the processing of your case. If you have any questions, please call trial attorney Brigham Bowen at (202) 514-6289. We hope that the Department has been of service to you in this matter.

Sincerely,

Margaret P. Gaudin, Director
Office of Information Programs and Services

Enclosures:
As stated.

UNCLASSIFIED H6

DEPARTMENT OF STATE
BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS
CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR STATUS
(Authorized by regulations promulgated under provisions of Public Law 87-263)

PART I - To be filled out by the exchange visitor named below to participate in the Exchange Visitor Program described in Item 7, Page 1 of this Form

1. NAME OF EXCHANGE VISITOR: Lolo Sorbero
2. DATE OF BIRTH: January 2, 1955
3. NATIONALITY: Indonesian
4. PLACE OF BIRTH: Bandung, West Java, Indonesia
5. THIS CERTIFICATE IS ISSUED TO THE EXCHANGE VISITOR NAMED BELOW TO PARTICIPATE IN THE EXCHANGE VISITOR PROGRAM NO. P-1-1793, COOPERATED BY THE SECRETARY OF STATE ON JAN. 30, 1955 IN TITLE 22 USC AND CURRENTLY IS OFFICIALLY DESIGNATED AS FOLLOWS (Under authority of the program regulations as contained in the final regulations received from the Secretary of State):
Center for Cultural and Technical Interchange between East and West, University of Hawaii
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11. THIS IS A DUPLICATE CERTIFICATE ISSUED TO A RETURNING EXCHANGE VISITOR AS DESCRIBED IN ITEM 7 ON PAGE 1 OF THIS FORM. (Name of institution, address, telephone number, and name of sponsor)
Center for Cultural and Technical Interchange between East and West, University of Hawaii
12. SIGNATURE OF RESPONSIBLE OFFICER (Name, title, and date)
Margaret P. Gaudin, Director, Office of Information Programs and Services, Department of State, Washington, D.C. 20520
13. SIGNATURE OF EXCHANGE VISITOR (Name, title, and date)
Lolo Sorbero, Exchange Visitor, Center for Cultural and Technical Interchange between East and West, University of Hawaii, Honolulu, Hawaii
14. SIGNATURE OF RESPONSIBLE OFFICER (Name, title, and date)
Margaret P. Gaudin, Director, Office of Information Programs and Services, Department of State, Washington, D.C. 20520

UNCLASSIFIED H7

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UNCLASSIFIED H8

STATEMENT TO BE FILLED BY APPLICANT FOR EXCHANGE VISITOR STATUS OR VISA AND/OR ADMISSION - AN EXCHANGE VISITOR UNDER SECTION 201(b) AND 402(b) OF THE IMMIGRATION AND NATIONALITY ACT.

1. I, Lolo Sorbero, have been selected to participate in an Exchange Visitor Program designated as such under provisions of section 201(b) Public Law 87-263, as amended. I am applying for an exchange visitor visa and for admission into the United States as an exchange visitor. I declare that:

- a. I seek to enter the United States temporarily and solely for educational purposes under the following conditions:
 - (1) Maximum anticipated stay: 2 years
 - (2) Degree or certificate toward which study or training will be directed: Unclassified non-degree student
 - (3) My training will not involve more than one institution.
 - (4) Reason: joining as non-degree student but will look to obtain degree.
- b. I understand and shall fulfill the terms under which I was selected to participate in Exchange Visitor Program No. P-1-1793.
- c. I have sufficient scholastic preparation and knowledge of English to undertake the program for which I have been selected.
- d. I am financially able to support myself during my stay in the United States (State sources, amount of support, including stipend, and otherwise) as an Exchange Visitor Program No. P-1-1793.

2. I understand that the following conditions are applicable to exchange visitors:

- a. Exchange visitors may not accept remunerative employment in the U.S. other than that which may be an integral part of their program.
- b. Exchange visitors are considered for the period of their scheduled program or for a maximum period of one year, unless their stay is officially extended.
- c. Exchange visitors may apply for an extension by completing Form I-539 and submitting it to the nearest office of the Immigration and Naturalization Service 30 days prior to expiration of the period of admission authorized.
- d. Exchange visitors who complete their program and who wish to re-enter to continue Exchange Visitor Program to further their educational objectives, must complete Form DS-2047 and present it to the U.S. Immigration officer having jurisdiction over the area in which they reside.
- e. Exchange visitors are not eligible for adjustment to status of alien admitted for permanent residence, or to any other non-immigrant classification, but must leave the United States upon completion of purpose of entry.
- f. Aliens in the U.S. on January 1, of each year, must submit their address, in writing, to the Immigration and Naturalization Service by January 31. Forms may be obtained at U.S. Immigration or U.S. Post Office.
- g. Exchange visitors, prior to departure from the U.S., should expedite their temporary entry permits. (Form DS-2047) at the U.S. Embassy/Consulate where they are to depart.
- h. Exchange visitors who leave the U.S. temporarily during the term of their program must have in-country arrangements in place for re-entry to the U.S. upon their return.
- i. Exchange visitors are not eligible for immigrant visas until after they have accumulated 2 years residence in a country other than the United States, following completion of their stay in the United States, unless this provision is waived by the Attorney General of the U.S. acting upon recommendation of the Secretary of State.

SUBSCRIBED AND SWORN TO BEFORE ME

DATE: 1/24/09 TIME: 10:24 AM PLACE: Tucson, Arizona

I agree to comply with the conditions as outlined above.

Signature of Applicant: Lolo Sorbero

Signature of Officer: Margaret P. Gaudin

UNCLASSIFIED

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 - (1) Maximum anticipated stay: 2 years
 - (2) Degree or certificate toward which study or training will be directed: Unclassified non-degree student
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- b. I understand and shall fulfill the terms under which I was selected to participate in Exchange Visitor Program No. P-1-1793.
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Signature of Applicant: Lolo Sorbero

Signature of Officer: Margaret P. Gaudin

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

July 29, 2010

Mr. Kenneth Allen
10055 E Gray Hawk Drive
Tucson, AR 85730

Dear Mr. Allen:

We have completed the review of all documents responsive to your Freedom of Information Act (FOIA) request of March 1, 2009, for records concerning individuals who have identified as "Stanley Ann Obama, the Stanley Ann Dunham, the Stanley Ann Soetoro" and "Lolo Soetoro".

We have identified 111 pages of documents responsive to your request. Enclosed are 83 pages which are released to you in their entirety, and six pages released in part. We are withholding six pages in full. In our review of the aforementioned documents, we have determined that the redacted portions contain no reasonably segregable, non-exempt information. We have referred 16 pages to the U.S. Department of State for their direct response to you. All responsive information known to exist is hereby released to you with the exception of those portions that are exempt from disclosure pursuant to FOIA exemptions (b)(3) (as applied in conjunction with subsection 610(a) of the Internal Revenue Code (IRC)) and (b)(6). See 5 U.S.C. §§ 552(b)(3) and (b)(6); IRC § 6103(a).

The following exemptions are applicable:

Freedom of Information Act, 5 U.S.C. § 552(b)(3) in conjunction with IRC § 6103(a)

Exemption (b)(3) provides protection for information specifically exempted from disclosure by statute, provided that such statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. Exemption (b)(3) is being asserted in conjunction with subsection 610(a) of the Internal Revenue Code (IRC § 6103(a)).

Subsection 610(a) of the Internal Revenue Code states, generally, that no officer or employee of the United States shall disclose any "return" or "return information" (as those terms are defined by subsections 6103(b)(1) and (2)), respectively) obtained in any manner in connection with his service as such an officer or employee or otherwise or under the provisions of section 6103, except as authorized by the Internal Revenue Code. Subsection 6103(a) has the degrading effect of making the return or return information confidential or secret.

FOIA exemption (b)(3) is being asserted in conjunction with IRC § 6103(a) to protect certain returns and return information found in a record responsive to your FOIA request. After meticulous analysis and careful consideration, none of the exceptions to this strict statutory prohibition against disclosure was found to be applicable to your request. Accordingly, the USCIS has no discretion on the issue, and must deny your request for access to the same.

Page 2 - Freedom of Information Act Request of Kenneth Allen
Freedom of Information Act 5 U.S.C. § 552 (b)(6)

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy.

Records responsive to your request were located in a Privacy Act protected system of records referred to as the Alien File-Central Index System (A-File-CIS - DHS-CIS 001). See 72 Fed. Reg. 195 (Tuesday January 16, 2007). This system of records contains information regarding aliens who have sought benefits under the immigration and nationality laws of this country; these records are collectively referred to as alien registration files or "A-Files." A-Files are universally recognized as being similar in character to personnel and medical records (inasmuch as they contain some of the most sensitive and intimate details associated with aliens who have sought benefits under U.S. immigration laws) and, thus, are entitled to the protection from disclosure afforded under FOIA exemption (b)(6).

In deciding the disclosure disposition of those documents containing personal details lifted from the lives of private individuals, the documents were closely scrutinized in an effort to identify any public benefit to be gained from their disclosure. It was ultimately determined that no discernible public gain would be achieved from the disclosure of the information subject to this review. On the other hand, the potential privacy harm that could be suffered as a result of the release of this information was found not only to be tangible, but also significant and reasonably probable. In the case of these documents, the potential privacy harm stemming from their release was determined to clearly outweigh the total absence of any public benefit to be gained from such disclosure. Consistent with this analysis, it has been concluded that the release of the subject information would constitute a clearly unwarranted invasion of the personal privacy of the individual(s) to whom it pertains. The USCIS, therefore, must deny your request for access to this information under the authority of FOIA exemption (b)(6).

The enclosed record consists of the best reproducible copies available.

Sincerely,
T. Diane Calka
Director