



**United States Department of State**

*Washington, D.C. 20520*

JAN 12 2009

Case Number 200807238

Case Number 200807272

Mr. Christopher Earl Strunk  
593 Vanderbilt Ave. # 281  
Brooklyn, NY 11238

Dear Mr. Strunk:

This is in response to your Freedom of Information Act (FOIA) request, dated November 22, 2008, for copies of the following documents concerning Stanley Ann Dunham or Barack Hussein Obama:

- (a) Any and all applications for a U.S. passport;
- (b) Entry and exit passport records pertaining to the U.S. and Kenya between January 1, 1960 and December 31, 1975 and also between January 1, 1979 and December 31, 1985;
- (c) Entry and exit passport records pertaining to the U.S. and Indonesia between January 1, 1960 and December 31, 1973 and also between January 1, 1979 and December 31, 1985;
- (d) The above travel records on any U.S. or foreign passport and/or visa;

In addition, your request seeks:

- (e) and (f) Foreign birth registry or certificate registered and filed with the U.S. Embassy in Kenya or Indonesia by Stanley Ann Dunham registering the birth of Barack H. Obama;
- (g) "Adoption records and/or Governmental 'Acknowledgment' wherein Barack H. Obama . . . was 'acknowledged' as Lolo Soetoro, M.A.'s son."

With respect to Ms. Dunham, who is widely known as a matter of public record to be deceased, we will process your request for records in category (a) above. This aspect of your request has been assigned case processing number 200807238. For faster processing, please refer to this number in any future correspondence about this aspect of your request. You have stated your willingness to pay the fees incurred in the processing of this request up to \$100.00. Based upon the information that you have provided, we have placed you in the requester category checked below. This request will be processed in accordance with the fee schedule designated for that category (see 22 C.F.R. Part 171, enclosed).

- Commercial Use Requesters – Requires us to assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record(s) sought.
- Educational Institution Requesters – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- Non-commercial Scientific Institution Requesters – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- Representatives of the News Media – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- All Other Requesters – Requires us to assess charges that recover the full reasonable direct cost of searching for and duplicating the record(s) sought, after the first 100 pages of duplication and the first two hours of search time.

We will notify you of the costs incurred in processing your request as soon as we have completed the search for, and review of, any responsive documents. As noted below, your request for expedited processing has been denied. Although we will make every effort to complete processing of your request quickly, unusual circumstances in this case may affect the time required to provide you with the documents you have requested. These unusual circumstances include the need to search for and collect the requested records from separate and distinct Department offices. Unusual circumstances may also arise from the need to search for, collect, and

appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request, or from the need for consultation with another agency having a substantial interest in the determination of the request or among two or more components of the Department that have a substantial subject matter interest therein. If needed, such consultation will be conducted with all practicable speed. If at any point you no longer need the information requested and wish to withdraw your FOIA request, please let us know.

The other aspects of your request have been assigned case control number 200807272 and have been closed in our system, for the reasons described below.

The Department of State would not reasonably maintain any records of the sort listed in categories (b), (c), and (d) above. It appears that, if any such records are maintained by the U.S. Government at all, they would be with the Department of Homeland Security's Bureau of Customs and Border Protection or with the National Archives, to which many older government records are accessioned. The addresses for those entities, if you wish to submit a FOIA request for these records, are:

Bureau of Customs and Border Protection  
Mark Hanson  
Director  
FOIA Division  
799 9th Street, NW  
Mint Annex  
Washington, DC 20229  
Telephone number: (202) 325-0150  
Fax number: (202) 325-0154

National Archives and Records Administration  
8601 Adelphi Road, Room 3110  
College Park, MD 20740-6001

With respect to records pertaining to Mr. Obama, in all categories (a) through (g) above, your request does not comply with our regulations

regarding requests for information pertaining to living third parties, and has therefore been deemed invalid. Before we can process a request for a third party's passport and similar records, we need the third party's authorization as described below and in our regulations published at 22 C.F.R. § 171.12(a).

In general, access to information about living private individuals cannot be given to unauthorized third parties absent the individuals' written consent.

The State Department requires that written consent be in the form of a signed, notarized statement from the individual(s), authorizing the Department of State to release information to the other party. The statement should bear the **original signature of the individual and original seal of the notary**, and be dated within six months of the date of the request.

In lieu of notarization, the individual to whom the records pertain may make the following statement: "I declare, certify, verify or state under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct." Such a statement must be forwarded to us **with a current date and an original signature** (faxed photocopies cannot be accepted).

The declaration you provided with your request unfortunately does not suffice, as it is signed by you rather than the individual to whom the records pertain and thus does not serve to waive the other individual's privacy interests. To the extent they exist, the records you seek about Mr. Obama would be personal records subject to the Privacy Act of 1974; their release would not shed light on the activities of the U.S. government, and as such without the individual's authorization they would have to be withheld under FOIA exemption 6, 5 U.S.C. § 552(b)(6).

### **Expedited Processing**

Our published regulations regarding expedition, 22 C.F.R. 171.12(b), require a specific showing of a compelling need. Expeditious processing is granted only in the following situations: (1) imminent threat to the life or physical safety of an individual; (2) urgent need by an individual primarily engaged

in disseminating information in order to inform the public concerning actual or alleged Federal Government activity, and the information is urgently needed in that a particular value of the information would be lost if not disseminated quickly; (3) substantial humanitarian reasons; and (4) loss of substantial due process rights. Your request does not provide adequate justification for any of the established criteria. Regrettably, we must advise that you have not provided adequate justification for expedition, and we note that mere relation to an imminent election does not justify expedited processing under the FOIA. However, you may be assured that we will make every effort to process your request in as timely a manner as possible.

For your convenience, I have enclosed a copy of the Department's expeditious processing criteria. If you wish to appeal the denial of expedition, you may write to the Chief, Requester Liaison Division, at the address below, within 30 days of receipt of this letter.

### **Additional Information and/or Clarification**

The Department of State is responsible for formulating and executing U.S. foreign policy and primarily maintains records dealing with U.S. foreign relations. The Department also maintains records of applications from U.S. citizens for U.S. passports, and visa requests from non-citizens to enter the U.S., records on consular assistance provided to U.S. citizens abroad, and records of its own employees. The Department of State is comprised of hundreds of offices and overseas posts, so requesters should be specific about the records they seek.

If you do re-submit your request, we would ask that you include as much information as possible about the information requested. As the Department of State consists of hundreds of offices and overseas posts, with many different filing systems, your request should be specific, detailed, and include as much information as might be relevant. In particular, we would request that you specify the nature and time frame of the records in categories (e), (f), and (g) above. When would these records have been provided to the Department of State or the U.S. Embassies mentioned in your request? What sort of "Governmental Acknowledgment" is

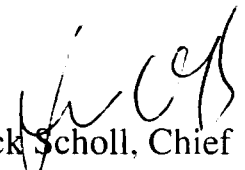
contemplated in category (g), and why would the Department of State have such a record?

Please be advised that your request for any records in categories (b) through (g) listed above, as well as your request for records pertaining to Mr. Obama in category (a), has been closed in our system. If, after noting the information cited above, you wish to pursue your request for such records, please send us a new request, which would include the additional information noted above.

For further communications, please note our contact information at the bottom of this page. You may also refer to our website for general information and guidelines. As noted above, we can provide faster service if you include the relevant case processing number in your communications with us.

We are pleased to be of service to you.

Sincerely,

  
Patrick Scholl, Chief  
Requester Communications Branch  
*ISO 9001:2000 Certified*

Enclosures:

As stated.