



United States Department of State

Washington, D.C. 20520

Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

3 APR 1986

FOIA #8500029

Dear Mr. Weisberg:

I refer to your letter April 6, 1985, appealing the earlier decision of the Department of State not to release under the Freedom of Information Act three documents originating in the Department of State.

On behalf of the Panel I wish to advise you that it is the decision of the Panel and, therefore, the final decision of the Department of State that your appeal is denied.

The Panel determined that all records of the Department and documents of consular posts pertaining to the issuance or refusal of visas are mandatorily protected from dissemination by Section 222(f) of the Immigration and Nationality Act. Only upon receipt of a certification from a court requiring information contained in the protected document for a proceeding before it, may such a visa document be released. Therefore, the information under appeal is being denied on the basis of 5 USC 552(b)(3) (matters exempted from disclosure by statute).

Accordingly, the Appeals Review Panel of the Department has decided that your request for the cited visa document was properly denied. You have the right to challenge the Panel's findings in Federal District Court, should you wish to do so.

Sincerely,

Robert M. Smalley
Deputy Assistant Secretary
Bureau of Public Affairs