

EXHIBIT C



Protecting Immigrant
Women and Girls
Fleeing Violence

Jill Eggleston, FOIA Officer
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010
uscis.foia@uscis.dhs.gov
Via Electronic Mail

Re: Freedom of Information Act Request

Dear FOIA Officers:

This letter constitutes a request for records made pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, by the Tahirih Justice Center ("Requester").

Requester seeks records regarding the so-called "last-in-first-out" ("LIFO") system under which U.S. Citizenship and Immigration Services ("USCIS") gives priority to the most recently filed affirmative asylum applications when scheduling asylum interviews. After several years of operating under a first-in-first-out ("FIFO") system, USCIS returned to a LIFO system on January 29, 2018. Information concerning that decision—and in particular its effect on asylum seekers with long-pending applications—has generally not been made public. Requester submits this FOIA request to promote greater transparency regarding the LIFO system and its consequences. This request supplements Requester's earlier request on the same topic, which was filed by Richard Caldarone on July 5, 2019, and has been assigned control number COW2019500891.

REQUESTER

Requester is a national multi-city non-profit organization that works to protect immigrant women and girls fleeing gender-based violence. Requester offers legal and social services and also works in policy advocacy, training, and education to promote a world in which survivors can live in safety and dignity.

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REQUEST FOR INFORMATION

Requester seeks any and all records¹ that were prepared, received, transmitted, collected and/or maintained by USCIS² that are dated on or after January 1, 2017, relating to the priority system for scheduling affirmative asylum interviews and the effect of that system on pending applications for asylum. This includes, but is not limited to, the following:

- 1) Any records related to USCIS's decision to return to a LIFO system;
- 2) Any records related to USCIS's decision to depart from the prior FIFO system;
- 3) Any records relating to the scope of, or exceptions to, the LIFO system instituted on January 29, 2018;
- 4) Any records related to the predicted, expected, or actual consequences of returning to a LIFO system;
- 5) Any records showing or estimating the date of the earliest-filed pending asylum application at any time;
- 6) Any records related to the number of affirmative asylum applicants awaiting interviews at any time;
- 7) Any records related to USCIS's capacity for processing affirmative asylum applications or steps to increase that capacity;
- 8) Any records related to the estimated waiting time until an interview for pending or future asylum applications; and

¹ The term "records" as used herein includes, but is not limited to communications, correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training materials, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

² The term "USCIS" as used herein means USCIS headquarters offices, including any divisions, subdivisions or sections therein; any USCIS offices at ports of entry, including any divisions, subdivisions or sections therein; and/or any other USCIS organizational structures.

9) Any records related to the predicted, expected, or actual effect of FIFO, LIFO, or other priority systems on that estimated waiting time.

Requester requests that any records that exist in electronic form be provided in their native electronic format on a compact disc, digital video disk, or equivalent electronic medium. Requester asks that any documents stored in Portable Document Format (“PDFs”) be provided as individual files in a searchable PDF format. Finally, Requester asks that reasonable metadata—including, but not limited to, parent-child relationships between email and attachments; author information; and date and time information—be transmitted along with files. If any of the requested records or information are not kept in a succinct format, we request the opportunity to view the documents in your offices.

Requester asks that all records be provided on a rolling production schedule. Specifically, Requester requests that any records produced by the Department and its components be made available as soon as reasonably practicable, or on a timeframe agreed upon by Requester. All requested records that are responsive may be provided with personally identifying details redacted. If, under applicable law, any of the information requested is considered exempt, please describe in detail the nature of the information withheld, the specific exemption or privilege upon which the information is withheld, and whether the portions of withheld documents containing non-exempt or non-privileged information have been provided. Requester expects the release of all segregable portions of otherwise exempt material.

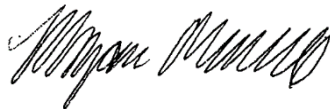
REQUEST FOR WAIVER OF ALL COSTS

Requester requests that all fees associated with this FOIA request be waived. Disclosure of the information is in the public interest under the factors articulated in 6 C.F.R. § 5.11(k)(2). The requested documents concern operations or activities of the government. *See id.* § 5.11(k)(2)(i). Further, disclosure will contribute significantly to public understanding of the Program, the operations of CBP and USCIS, and the enforcement of immigration laws more generally. *See id.* § 5.11(k)(2)(ii)-(iv). Requester believes that the information requested includes a large volume of documents not yet in the public domain, and Requester has the capacity to further disseminate that information. Further, disclosure of the information is not primarily in Requester’s commercial interest. Requester is a tax-exempt, not-for-profit 501(c)(3) charitable organization.

Given that FOIA’s fee waiver requirements are to “be liberally construed in favor of waivers for noncommercial requesters,” a waiver of all fees is justified and warranted in this case. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003). If you deny the fee waiver request, we respectfully ask for a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II). Please inform us if the charges for this FOIA production will exceed \$25.00.

Thank you in advance for your response to this request within the time limits prescribed by 5 U.S.C. § 552(a)(6). If you have any questions, please feel free to contact me at morgan@tahirih.org

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan Weibel". The signature is fluid and cursive, with the first name "Morgan" being more prominent than the last name "Weibel".

Morgan Weibel, Esq.
Executive Director San Francisco Bay Area
Tahirih Justice Center