

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR IMMIGRATION)	
STUDIES,)	
1629 K Street, NW, Suite 600)	
Washington, DC 20006)	Civil Action No.
)	
Plaintiff,)	
)	
v.)	
)	
U.S. DEPARTMENT OF HOMELAND)	
SECURITY,)	
2707 Martin Luther King Jr., Ave, SE)	
Washington, DC 20528)	
)	
and,)	
)	
U.S. CITIZENSHIP AND IMMIGRATION)	
SERVICES,)	
5900 Capital Gateway Dr., Mail Stop 2180,)	
Camp Springs, MD 20588-0009)	
)	
Defendant.)	
_____)	

COMPLAINT

COMES NOW Plaintiff Center for Immigration Studies (“CIS” or “Center”) and brings this action against The U.S. Department of Homeland Security (“DHS”) and U.S. Citizenship and Immigration Services (“USCIS”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. In support thereof, Plaintiff states the following:

I. PARTIES

1. Plaintiff CIS is a non-profit, research and educational foundation organized under the laws of the District of Columbia and having its principal place of business at 1629 K Street, NW, Washington D.C. CIS seeks to educate immigration policymakers, the academic community, news media, and concerned citizens with reliable information about the social, economic, environmental, security, and fiscal consequences of legal and illegal immigration into the United States. In furtherance of its public interest mission, CIS regularly requests access to the public records of federal agencies, entities, and offices, and disseminates its findings to the public.

2. Defendant U.S. Department of Homeland Security is an Executive Branch department of the United States Government. DHS and its constituent agencies administer the Immigration and Nationality Act (“INA”). DHS has possession, custody, and control of certain public records to which Center seeks access.

3. Defendant U.S. Citizenship and Immigration Services (“USCIS”) is an agency of the U.S. Government headquartered at 5900 Capital Gateway Drive, Camp Springs, Maryland. USCIS is a component agency of the U.S. Department of Homeland Security and is charged with administering the legal immigration system of the United States. USCIS has possession, custody, and control of certain public records to which Center seeks access.

II. JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

5. Venue lies in this district pursuant to 28 U.S.C. section 1391(e).

III. STATEMENT OF FACTS

6. On or about August 17, 2021, Plaintiff Center submitted a FOIA request seeking records related to the May 22, 2021 announcement of a new Temporary Protected Status Designation for Haiti and subsequent Federal Register notification. (Ex. A).

7. Center submitted this FOIA request to Defendant DHS via email and to Defendant USCIS via its designated online portal.

8. Specifically, Center requested “All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by the government officials specified...containing any of the key terms:”.

9. The “key terms” were listed as follows:

- Temporary Protected Status;
- TPS;
- Haiti;
- Redesignation;
- Country Conditions;
- Return in safety;
- Cut-off date;
- Changing cut-off date;
- President Jovenel Moise;
- Assassination;
- Population total covered.

10. Center further listed the following officials as subjects of the request:

“Government Officials:

USCIS

- Tracy Renaud;
- Felicia Escobar Carrillo;
- Ashley Tabbador;
- Amanda Baran;
- Kathryn Anderson;
- Rena Cutlip-Mason;
- Sasha Ridley;
- Andria Strano;
- Samantha Deshommes;

- Kelisha Taylor;
- Carrie Selby;
- Alice Smith.

DHS

- Alejandro Mayorkas;
- David Shahoulian;
- Adam Hunter;
- Angela Kelly”

11. Center further requested the following records:

...[A]ll email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by the government officials specified above containing any of the key terms identified above to any email address ending in who.eop.gov; .com; .net; .org; .edu; or .mail.

12. As of the date of this filing, Defendants have failed to produce any records, responsive or other, in response to this request nor have they otherwise demonstrated that the requested records are exempt from production. Additionally, Defendants have failed to meet the twenty-day time frame to determine whether they intend to comply with Center’s request and, if they do not, to properly notify Center, provide reasons for their determination, and to advise Center of its right to appeal such an adverse determination. *See* 5 U.S.C. § 552(a)(6)(A).

13. Pursuant to federal law, Plaintiff is deemed to have exhausted its administrative remedies as Defendants failed to comply with the applicable time frame and did not make any determination by September 15, 2021. *See* 5 U.S.C. § 552(a)(6)(C)(i).

CLAIMS

COUNT I

Violation of FOIA, 5 U.S.C. § 552

Failure to Conduct Searches for Responsive Records

14. Center incorporates by reference all preceding paragraphs and incorporates each paragraph of each count as applicable to each other count.

15. Center properly requested records within the possession, custody, and control of Defendants.

16. Defendants are subject to FOIA and therefore must comply with 5 U.S.C § 552 and make reasonable efforts to search for requested records.

17. Defendants have failed to promptly review agency records for the purpose of locating and collecting those records that are responsive to Center's request.

18. Center has a statutory right to the information that it seeks, is being irreparably harmed by Defendants' unlawful failure to comply with FOIA and failure to conduct searches for responsive records and Center will continue to be irreparably harmed unless Defendants are compelled to comply with applicable federal statutes.

COUNT II

Violation of FOIA, 5 U.S.C. § 552

Wrongful Withholding of Non-Exempt Responsive Records

19. Center incorporates by reference all preceding paragraphs and incorporates each paragraph of each count as applicable to each other count.

20. Center properly requested records within the possession, custody, and control of the Defendants.

21. Defendants are subject to FOIA and therefore must release any non-exempt records and provide lawful reasons for withholding any materials deemed exempt.

22. Defendants are wrongfully withholding non-exempt records requested by Center by failing to produce any records response to Center's request.

23. Center has a statutory right to the information that it seeks, is being irreparably harmed by Defendants unlawful failure to comply with FOIA and failure to conduct searches for

responsive records and Center will continue to be irreparably harmed unless Defendants are compelled to comply with applicable federal statutes.

PRAYER FOR RELIEF

For these reasons, Plaintiff Center for Immigration Studies asks this Court to:

- a. Order DHS and USCIS to conduct a search for any and all records responsive to Plaintiff's FOIA request and demonstrate that they employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request;
- b. Order DHS and USCIS to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to Plaintiff's FOIA request as well as a Vaughn index of any responsive records withheld under claim of exemption;
- c. Enjoin DHS and USCIS from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request;
- d. Award Plaintiff the costs of this action and reasonable attorney's fees; and
- e. Grant such other and further relief as this Court deems equitable and just.

Dated: July 18, 2022

Respectfully submitted,

/s/ Joseph B. Edlow
Bar No.: MD0147
The Law Offices of Joseph Edlow LLC
1201 Seven Locks Road, Suite 360
Rockville, Maryland 20854
Telephone: 410-303-1450
Email: joseph@edlowlaw.com