

Exhibit 3



March 3, 2022

U.S Department of Homeland Security
U.S. Customs and Border Protection
Freedom of Information Act Office
RE: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

This letter constitutes a request under the federal Freedom of Information Act (FOIA), 5 U.S.C. § 552. As part of its mission, the Customs and Border Patrol (CBP) is responsible for vetting individuals entering the U.S. Since the changeover in administration, the number of illegal aliens has surged at the U.S. Southern border. The federal government has used night flights to resettle many of these individuals throughout the U.S. According to the U.S Department of Homeland Security, ICE conducted 938 domestic flights of illegal immigrants around the U.S in 2021.ⁱ In each instance, state and local officials received no notice they were coming, let alone given an option to refuse admission.ⁱⁱ This policy has burdened local officials with additional costs and dramatically reduced capacity in areas such as education, housing, healthcare and law enforcement. DHS has since admitted that in 2021, 71,617 illegals were dropped off in nearly 20 cities including locales as far from the Southern border as Atlanta, Chicago, New York and Philadelphia.ⁱⁱⁱ However, some immigration experts believe those numbers are incomplete.^{iv}

Non-profits have been given federal money to assist those entering the country unlawfully and have been acting as intermediaries in the process of transporting them throughout the nation. In 2020, the most recent year for which figures were available, under the far more restrictive immigration policies of the previous administration, taxpayers spent more than \$1.5 billion among 42 various non-profit and religious groups that offer help with housing, educational, medical, legal and other services.^v More than \$1 billion of that 2020 total was paid to six groups, with the major recipient, Southwest Key Programs, receiving \$400 million and a global nonprofit called BCFS receiving at least \$253.1 million.^{vi}

Specifically, we are seeking the following records from January 20, 2021 to the date the request is processed:

1. **Internal Communications:** All records sent to, from, or including the below list of DHS officials about the transportation of illegal aliens from the Southern Border of the U.S. to other areas of the U.S.:
 - a. Alejandro Mayorkas
 - b. John Tien
 - c. Kristie Canegallo
 - d. Jonathan Meyer
 - e. Paul Courtney



- f. Alice Lugo
 - g. Blas Nunez Neto
 - h. Ur Mendoza Jaddou
 - i. Jennifer Higgins
 - j. Chris Magnus
 - k. Troy Miller
 - l. Heather Fong
 - m. Britton Yee
 - n. Miriam Enriquez
 - o. Karinda Washington
 - p. Traci Silas
 - q. Marsha Espinosa
 - r. Meira Bernstein
 - s. Erin Waters
 - t. Phyllis Coven
 - u. Nathan Stiefel
 - v. David Gersten
 - w. Katherine Culliton-Gonzalez
 - x. Eva A. Millona
2. **Externals Communications with Media and Congress:** All records sent to, from, or including the above list of DHS officials and any member of the media or member of Congress and/or their staff about the transportation of illegal aliens from the Southern Border of the U.S. to other areas of the U.S.
3. **External Communications with NGOs:** All records exchanged between the officials within the DHS identified above and any employee or representative of the following non-profit organizations:
- a. Southwest Key Programs
 - b. BCFS
 - c. Jesuit Society of Refugees
 - d. Fray Matias de Cordova
 - e. Refugee and Immigrant Center for Education and Legal Services (RAICES)
 - f. International Rescue Committee
 - g. American Immigration Council
 - h. U.S. Catholic Immigration Services
 - i. Las Americas Immigrant Advocacy Center
 - j. Human Rights First
 - k. Immigrant Defenders Law Center
 - l. National Immigrant Justice Center

“Records” means information and documents of any kind, including: documents (handwritten, typed, electronic, or otherwise produced, reproduced, or stored), letters, emails (including attachments), facsimiles, memoranda, correspondence, notes, databases, drawings, diagrams, maps, graphs, charts, photographs, minutes of meetings, calendar entries, meeting agendas, summaries of telephone conversations, notes and summaries of interviews, electronic and



magnetic recordings of meetings, Microsoft Teams meetings records (including meeting requests, attendees, attached documents, and chats) and Teams conversations, and any other compilation of data from which information can be obtained. The term “records” also includes any personal email messages, telephone voice mails or text messages, and internet ‘chat’ or social media messages. It also includes any attachments to such documents or information.

We prefer to receive the report and all records in electronic format. To the extent practicable, we seek electronic copies of the records in native file format, or, if that is not practicable, with full metadata for all fields. 5 U.S.C. § 552(a)(3)(B) (agency shall provide records in any form or format if the record is readily reproducible in that form or format).

The Center to Advance Security in America (CASA) is a nonpartisan organization dedicated to improving the safety and security of the American people. CASA educates and informs the American people about the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

CASA is focused on public education, and all materials and information requested will be disseminated to the public for this purpose. Thus, the disclosure of the requested records would not be to our primary benefit but would be to the primary benefit of the general public. Further, these records focus on a vital national security issue – the treatment and adjudication of individuals who enter the country and await official determinations on the lawfulness of their entry. For these reasons, we request a fee waiver pursuant to the FOIA Act, which provides for fee waivers when: (1) “disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government”; and (2) disclosure “is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

Moreover, CASA is a representative of the news media for purposes of FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii); *see also Cause of Action v. Federal Trade Commission*, 799 F.3d 1108, 1120 (D.C. Cir. 2015). To wit, CASA is an entity that gathers information, including through FOIA requests such as this one, that is of interest to at least a segment of the population. For example, CASA has launched investigations into the Department of Homeland Security’s reference to “false or misleading narratives,” which is of interest to Americans concerned about civil liberties, and the meaning of a “diplomatic boycott” of the 2022 Olympic Games, which is of interest to people concerned about human rights and America’s relationship with China. *See* CASA Press Releases, <https://advancing-america.org/category/press-releases/>.

CASA also takes the information it gathers and uses its editorial skills to turn it into district works, which are then distributed to an audience. For example, CASA has already produced op-eds in its short existence, *see* CASA Op-eds, <https://advancing-america.org/category/op-eds/>, and has provided editorial commentary that has been cited in multiple media reports. *See* CASA Media, <https://advancing-america.org/category/media/>. Going forward, CASA intends to continue to gather information, use its editorial skill to turn that information into distinct works, including, but not limited to, press releases, editorial comments to other publications, op-eds and



other written works, and social media engagement. *See Cause of Action*, 799 F.3d at 1122 (“A substantive press release or editorial comment can be a distinct work based on the underlying material, just as a newspaper article about the same documents would be — and its composition can involve ‘a significant degree of editorial discretion.’”) (quoting *Nat. Sec. Archive v. U.S. Dept. of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989)). At minimum, CASA will post distinct works on its website and email them to email list subscribers. CASA will also work with an ever growing list of journalists to reach its audience. For these reasons, at minimum CASA qualifies for a waiver from search and production costs as a representative of the news media.

If this request is denied in whole or part, please justify all such denials by reference to specific exemptions, and provide an explanation of why CBP “reasonably foresees that disclosure would harm an interest” protected by that exemption or why “disclosure is prohibited by law[.]” 5 U.S.C. § 552(a)(8). Please also ensure that all segregable portions of otherwise exempt material are released.

If you have any questions regarding this request, please feel free to contact me at aturner@advancing-america.org.

CASA looks forward to your determination within 20 working days of this request, as is required by FOIA. 5 U.S.C. § 552(a)(6)(A)(i). Thank you in advance for your assistance in this matter.

Sincerely,

Adam Turner
Director
Center to Advance Security in America
1802 Vernon St., NW #2095
Washington DC 20009

ⁱ “Mastriano provides update on illegals sent to Pennsylvania,” *State Senator Doug Mastriano*, January 13, 2022.

ⁱⁱ “‘Betraying the American people’: Leaked video reveals Joe Biden’s ‘hush hush’ migrant invasion,” *New York Post*, January 26, 2022.

ⁱⁱⁱ “‘Ghost Flights’: The Mystery of the Migrant Kids the Feds Are Spiritng Into the U.S. Interior,” *Real Clear Investigations*, February 10, 2022.

^{iv} *Id.*

^v *Id.*

^{vi} *Id.*