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Attorney request to avoid needless FOIA litigation — COW2022000785

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Fri, Jun 10, 2022 at 11:22 AM

To: "Jaynes, Thomas A (Allen)" <Thomas.A.Jaynes@uscis.dhs.gov>, scott.a.hodes@uscis.dhs.gov

Cc: Victoria Baranetsky <vbaranetsky@revealnews.org>, Brendan Gilligan <bgilligan@revealnews.org>, Najib Aminy <naminy@revealnews.org>

Hello all,

I've added Scott to this thread so that everyone is on the same page.

Based on my conversation today with Allen, we understand the agency's position as follows: USCIS estimates it will take 9 months to produce records responsive to Najib's expedited FOIA request. This delay is not due to the time required to process records responsive to Najib's request — particularly the HP applicant spreadsheets, which Allen indicated would not require significant processing time. Allen has looked through the file containing documents potentially responsive to request item #15 (for agency training materials), and estimated there were approximately 50 records, including a mix of Powerpoint slides, PDFs, and other documents of varying lengths. We discussed whether USCIS could produce the HP applicant spreadsheets alone more quickly since they are significantly easier to process than these text documents, but the agency is unwilling to do so.

Based on the above, CIR anticipates that we may have no choice but to file a FOIA complaint. However, given that the HP applicant data is ready for processing and the processing itself will be quick, we remain hopeful that USCIS might produce at least the data expediently. As such, we will hold off a few additional days to file a lawsuit. If we do not receive the data next week, we will file the complaint next Friday, June 17.

Please let me know if you have any questions or would like to discuss this further.

Best,
Shawn

[Quoted text hidden]