

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IMMIGRANT INVESTORS ASSOCIATION,)
INC., d/b/a INVEST IN THE USA (“IIUSA”))
1440 G. St. NW,)
Washington, D.C. 20005)

Plaintiff,)

v.)

Case No.: 1:23-cv-51

UNITED STATES CITIZENSHIP AND)
IMMIGRATION SERVICES (“USCIS”),)
5900 Capital Gateway Drive,)
Camp Springs, MD 20746,)

Defendant.)

**EXHIBITS TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
UNDER THE FREEDOM OF INFORMATION ACT**

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EXH. A

Robert Kraft, *President*
William P. Gresser, *Vice President*
Adam Greene, *Secretary-Treasurer*
Aaron L. Grau, *Executive Director*



Creating Jobs Through EB-5 Investment

Mariza McKee, *Director*
David Souders, *Director*
Abteen Vaziri, *Director*
Cletus M. Weber, *Director*

Christine Chen, *Director*
Eren Cicekdagi, *Director*
Roberto Contreras IV, *Director*
Daniel J. Healy, *Director*
Patrick F. Hogan, *Director*
Joseph McCarthy, *Director*

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K. David Andersson, *President Emeritus*
Stephen Yale-Loehr, *President Emeritus*
Robert C. Divine, *Director Emeritus*
Henry Liebman, *Director Emeritus*
Stephen Strnisha, *Director Emeritus*
Tom Rosenfeld, *Director Emeritus*

VIA FIRST ONLINE FOIA PORTAL

November 29, 2022

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010

Attention: SENIOR FOIA OFFICER

RE: Freedom of Information Act Request

Dear FOIA Officer:

Invest in the USA (IIUSA), the national non-profit trade association of the EB-5 Regional Center industry, submits this request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et. seq.*

RECORDS SOUGHT

We hereby request all *records*¹ which were prepared, created, received, transmitted, collected and/or maintained by U.S. Citizenship and Immigration Services (USCIS) and the Immigrant Investor Program Office between January 1, 2015, and the present that relate to the following records:

1. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the chain of custody process of incoming I-526 and I-829 petitions from their receipt at the appropriate filing address to the adjudicating officer.

¹ The term "records" as used herein includes all records or communications preserved in electronic or written form, including but not limited to affidavits, correspondence, directives, documents, data, videotapes, audiotapes, minutes of meetings, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, sworn statements, technical manuals, training manuals and materials, technical specifications, training materials or 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. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the movement/transport of incoming I-526 and I-829 petitions from their receipt at the appropriate filing address to the adjudicating officer.
3. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the system by which USCIS assigns its I-526 and I-829 to an adjudicating officer.
4. Records and communications exchanged within USCIS and its offices, including the Immigrant Investor Program (IPO), regarding its policies, guidelines and procedures for the movement/transport of incoming I-526 and I-829 petitions from their receipt at the appropriate filing address to the adjudicating officer.
5. Records and communications exchanged within USCIS and its offices, including the Immigrant Investor Program (IPO), regarding its policies, guidelines and procedures for the chain of custody of incoming I-526 and I-829 petitions from their receipt at the appropriate filing address to the adjudicating officer.
6. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the assignment of incoming I-526 and I-829 applications to USCIS field offices, service centers or National Records Center.
7. Records and communications exchanged between USCIS and its offices, specifically with the National Records Center and its agents, regarding the exchange of active I-526 and I-829 applications.
8. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the purpose and function of the National Records Center.
9. USCIS guidance, policies, procedures, formal or informal practices, memoranda, training records, or training regarding the types of incoming applications and/or petitions that were, are and shall be assigned to the National Records Center for processing.
10. USCIS guidance, policies, procedures, formal or informal practices, memoranda, training records, or training regarding the processing practices of the National Records Center.
11. Records and communications exchanged within USCIS regarding any closures of the National Records Center.
12. Public announcements regarding any closures of the National Records Center.

* * *

Please construe this as an ongoing FOIA request, so that any records that come within the possession of the agency be considered within the scope of the request until a proper and adequate search is conducted.

REQUEST FOR WAIVER OF FEES

We ask that the agency waive all fees associated with this FOIA request. Such a waiver is warranted because disclosure of the information is "... likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 6 C.F.R. § 5.11(k). In addition, Invest in the USA (IIUSA) will widely disseminate the requested information. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003) (finding a fee waiver appropriate when the requester explained, in detailed and non-conclusory terms, how and to whom it would disseminate the information it received).

Disclosure of the Information Is in the Public Interest. Disclosure of the requested information will contribute significantly to public understanding of government operations and activities surrounding USCIS adjudication of immigration benefits relating to employment-based fifth preference (EB-5) immigrant investors. Particularly given the long backlogs in the EB-5 visa category (and the consequent need for new commercial enterprises to redeploy capital prior to EB-5 investors' acquisition of conditional lawful permanent residency), USCIS's policy guidelines on capital deployment and redeployment are among the most significant in the EB-5 arena. Investors, regional centers, attorneys, and other EB-5 stakeholders thus have an acute interest in understanding the genesis of USCIS's guidelines on this critical topic. Moreover, the government's policies regarding the admission of foreign investors are of immense public concern, and the disclosure of the requested records will help inform public debate about these issues. Further, release of this information will significantly advance the general public's understanding of USCIS policies and procedures regarding the adjudication of EB-5 investor petitions.

Please note further that IIUSA is a 501(c)(6) not-for-profit trade organization comprised of USCIS designated Regional Center members who manage, operate, and promote employment-creating investment into specified regional areas of the United States. As such IIUSA and its members have a vital interest in the information sought in this Freedom of Information Request.

As a trade organization we have no interest in the personal information pertaining to beneficiaries or petitioners. Rather we have a vested interest in the various issues arising in connection with Regional Center affiliated applications and petitions. The purpose of this request is to advance and maintain Regional Center industry standards and best practices.

Please feel free to contact me with any questions. Thank you for your assistance.

Sincerely,



Ashley Sanislo Casey
Director of Education & Professional Development

EXH. B

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



**U.S. Citizenship
and Immigration
Services**

COW2022006031

November 29, 2022

Ashley Casey
80 M Street SE
Suite 2-185
Washington, DC 20003

Dear Ashley Casey:

We received your request for information relating to all records which were prepared, created, received, transmitted, collected and/or maintained by U.S. Citizenship and Immigration Services (USCIS) and the Immigrant Investor Program Office between January 1, 2015, and the present that relate to the following records:

1. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the chain of custody process of incoming I-526 and I-829 petitions from their receipt at the appropriate filing address to the adjudicating officer.
2. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the movement/transport of incoming I-526 and I-829 petitions from their receipt at the appropriate filing address to the adjudicating officer.
3. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the system by which USCIS assigns its I-526 and I-829 to an adjudicating officer.
4. Records and communications exchanged within USCIS and its offices, including the Immigrant Investor Program (IPO), regarding its policies, guidelines and procedures for the movement/transport of incoming I-526 and I-829 petitions from their receipt at the appropriate filing address to the adjudicating officer.
5. Records and communications exchanged within USCIS and its offices, including the Immigrant Investor Program (IPO), regarding its policies, guidelines and procedures for the chain of custody of incoming I-526 and I-829 petitions from their receipt at the appropriate filing address to the adjudicating officer.
6. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the assignment of incoming I-526 and I-829 applications to USCIS field offices, service centers or National Records Center.
7. Records and communications exchanged between USCIS and its offices, specifically with the National Records Center and its agents, regarding the exchange of active I-526 and I-829 applications.
8. USCIS guidance, policies, procedures, memoranda, training records, or training regarding the purpose and function of the National Records Center.
9. USCIS guidance, policies, procedures, formal or informal practices, memoranda, training records, or training regarding the types of incoming applications and/or petitions that were, are and shall be assigned to the National Records Center for processing.
10. USCIS guidance, policies, procedures, formal or informal practices, memoranda, training records, or training regarding the processing practices of the National Records Center.

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11. Records and communications exchanged within USCIS regarding any closures of the National Records Center.

12. Public announcements regarding any closures of the National Records Center.

Your request was received in this office on November 29, 2022. We may need to contact you at a later date to discuss the scope of your request.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2022006031. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the complex track (Track 2).

Your request for a fee waiver has been granted.

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

You may check the status of your FOIA request online at first.uscis.gov/#/check-status. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call The National Customer Service Center at (800) 375-5283. Please be aware that the National Records Center no longer accepts FOIA/PA related questions directly by phone.

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All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Questions concerning this FOIA/PA request may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead or emailed to FOIAPAQuestions@uscis.dhs.gov. Please include the control number listed above on all correspondence with this office. You can now submit a new FOIA request online using our new Freedom of Information Act Records System (FIRST). If you wish to submit a new FOIA/PA request, please visit www.uscis.gov/FOIA for instructions and requirements.

Sincerely,



Cynthia Munita
Director, FOIA Operations

EXH. C

[← Back](#)

Control Number: COW2022006031

FOIA/PA STATUS
CHECK

DOCUMENT LIBRARY

Request Details

Request Description	Records by U.S. Citizenship and Immigration Services (USCIS) and the Immigrant Investor Program Office between January 1, 2015, and the present
Date Submitted	11/29/2022
Request Type	FOIA Request

Request Status

Place in Queue	1410 of 1466 pending requests
Status	Files Requested
Estimated Completion Date	02/22/2023

Note: This is an estimated date based on average processing times. Availability of records and complexity of request may effect completion date.

- 1 Request Submitted**
Your request has been received by USCIS.
- 2 Files Requested**
Your request has been reviewed and the National Records Center has placed a request for responsive documents.
- 3 Files Received**
Your responsive documents have arrived at the National Records Center.
- 4 Case in Process**
The National Records Center is processing your responsive documents.
- 5 Completed**
Your requested documents are available in your own portal unless you selected an alternative delivery method.

USCIS FOIA/PA Headquarters Office

USCIS Contact Center

1-800-375-5283 or TTY 800-767-1833

FOIAPAQuestions@uscis.dhs.gov