

Exhibit 4



November 22, 2022

Delivered by U.S. Mail and Email (FOIA@hq.dhs.gov)

U.S. Customs and Border Protection
FOIA Appeals, Policy and Litigation Branch
90 K Street,
NE, Washington, DC 20229

Re: Freedom of Information Act Appeal, CBP-OFO 2022-023877

To Whom it May Concern:

This is an appeal in CBP FOIA Case No. 2022-023877 due to the U.S. Customs and Border Protection's ("CBP") failure to release the requested records within the statutory period. On December 14, 2021, Lawyers for Civil Rights ("LCR") and the Florence Immigrant & Refugee Rights Project ("FIRRP") (collectively, the "Petitioners") sent CBP a public records request regarding the adjudication of humanitarian parole requests made at the border, particularly at ports of entry in Arizona. Ex. A. On January 18, 2022, Petitioners submitted an amended version narrowing the scope of the request. Ex. B.

From January to July 2022, Petitioners and CBP engaged in several conversations in efforts to narrow the scope of the request. On July 29, 2022, CBP responded, "[a]s your request seeks a voluminous amount of separate and distinct records, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). We will make every effort to comply with your request in a timely manner." Ex. C. Despite Petitioners' cooperation and assent to numerous modifications, CBP has produced zero records to date.

On November 15, 2022, Petitioners requested an update on the production timeline. That same day, CBP responded that the case had been closed. Moreover, CBP has failed to comply with the applicable time limit provisions. 5 U.S.C. § 552(a)(6)(A)(i). Petitioners have cooperated with CBP's requests to narrow the scope of the request for several months now, yet to no avail.

Thank you for your consideration of this appeal. If you have any questions about this FOIA appeal, please contact us by phone at (617) 500- 3438 (LCR) or (520) 269-7153 (FIRRP), or by email at malbert@lawyersforcivilrights.org or lbelous@firrp.org. Thank you for your time and prompt attention to this appeal.

Sincerely,

Mirian Albert, Esq.
Lawyers for Civil Rights

Laura Belous, Esq.
Florence Immigration & Refugee Rights Project

EXHIBIT A



December 14, 2021

Delivered by U.S. Mail and Email (FOIA@hq.dhs.gov)

FOIA Officer
U.S. Customs and Border Protection
90 K Street, NE
FOIA Division
Washington, DC 20229

To Whom it May Concern:

Lawyers for Civil Rights (LCR) and the Florence Immigration & Refugee Rights Project (Florence Project) submit this request pursuant to the Freedom of Information Act, 5 U.S.C § 552, for public records in the custody of the U.S. Customs and Border Protection (CBP). We seek information about the adjudication of applications for humanitarian parole under section 212(d)(5) of the Immigration and Nationality Act for persons seeking entry into the United States. We seek records that were prepared, received, transmitted, collected, and/or maintained by CBP and its subsidiary components, U.S. Border Patrol (Border Patrol), Office of Field Operations (OFO), and all ports of entry in the state of Arizona.

I. Request for Information

As used in this request, “public records” is defined as in the Freedom of Information Act (FOIA), including but not limited to, all communications, correspondence, directives, documents, data, emails, files, guidance, standards, instructions, analyses, memoranda, orders, policies, procedures, protocols, spreadsheets, and reports. As used in this request, “humanitarian parole” pertains only to those applications made by persons seeking entry into the United States, not those persons in Immigration and Customs Enforcement (ICE) custody seeking humanitarian parole to be released from custody. Unless otherwise stated, the period for which records are requested is January 1, 2016, to the present.

II. Statement Regarding Personally Identifiable Information

Please note that Requesters do not seek the names of individuals or other personally identifiable information (PII). CBP should provide unique identifiers for individuals, if available. Otherwise, Requesters understand that the agency will redact any PII, including “A” numbers and names. If CBP withholds records based on its assessment that statutory exemptions apply to any of the records requested, please describe in detail the nature of the records withheld and

the specific exemption or privilege upon which the record is withheld. If any portion(s) of the requested records are determined to be exempt, please provide the non-exempt portions. U.S.C. §552(a)(8)(A)(ii)(II). Because this request is for information without PII, a third-party authorization is not required.

III. Records Requested

1. All guidance, policies, and procedures regarding applications for humanitarian parole, including but not limited to:
 - Application requirements and process;
 - Application submission;
 - Procedure for prioritizing applications, or otherwise determining the order in which applications should be adjudicated;
 - Tracking of application status; and
 - Application adjudication and response;
 - Application adjudication processes, guidance, policies, directives, and formal memoranda
2. All documents containing the information requested in Request #1 that are used at ports of entry in the State of Arizona.
3. All written communications, directives, and guidance pertaining to adjudication of humanitarian parole applications, including but not limited to:
 - All communications to federal staff who adjudicate humanitarian parole applications.
 - All communications to Arizona port-of-entry staff who adjudicate humanitarian parole applications.
 - All communications between Arizona CBP agents and DHS pertaining to the adjudication of humanitarian parole applications.
4. All e-mail communications of CBP officials, staff, and agents resulting from a keyword search using the terms: “humanitarian parole,” “humanitarian parole approval,” “humanitarian reasons,” “humanitarian parole denial,” “humanitarian parole adjudications,” and “212(d)(5).”
5. All records indicating or reflecting the total number of humanitarian parole applications nationwide:
 - Pending at the time of this request;
 - Approved from January 1, 2016, to present; and
 - Denied from January 1, 2016, to present

6. All records indicating or reflecting the number of humanitarian parole applications filed in the State of Arizona that are:
 - Pending at the time of this request;
 - Approved from January 1, 2016, to present; and
 - Denied from January 1, 2016, to present;
7. All records indicating or reflecting the average processing time for humanitarian parole applications from filing to adjudication, both for the nation as a whole and for applications filed in the State of Arizona. If this information is not compiled at the state level, please respond specifically stating that this information is not tracked.
8. All records indicating or reflecting disaggregated data of humanitarian parole applications from 2016 to present, including but not limited to:
 - Applicant country of citizenship;
 - Sex;
 - Application approvals;
 - Application denials;
 - Year application was submitted; and
 - Year final determination was made.
9. All records indicating or reflecting which CBP offices within Arizona receive and process humanitarian parole applications. If this information is not compiled at the federal level, please respond specifically stating so.

If any requested information or data is not compiled, please respond specifically stating that this information is not tracked.

The following requests pertain to individual humanitarian parole applications. As noted above, all PII should be redacted to preserve the privacy of the applicants.

1. All applications to CBP for humanitarian parole, disclosing specifically:
 - Country of origin
 - Sex
 - Port of entry
 - Final determination of the application
2. All applications for humanitarian parole to CBP filed within the state of Arizona, disclosing specifically:
 - Country of origin
 - Sex
 - Port of entry
 - Application of final determination

IV. The Information Requested is Not in the Commercial Interest of the Requesters

Requesters seek a fee waiver because the information sought in the request 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 [requesters]...” 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k). As required by the Act, if the waiver is denied and you expect the fee to exceed \$25.00, please provide a detailed fee estimate. The purpose of this request is to gather information pertaining to humanitarian parole application adjudications, policy guidance of humanitarian parole application outcomes, and gather humanitarian parole application aggregated data, including but not limited to, sex, country of origin, demographic data, port of entry, and final determinations to further understand the humanitarian parole application and adjudication process. The requesters, LCR and the Florence Project, are non-profit organizations and have no commercial interest in the request. The Florence Project regularly represents and works with individuals at the border seeking humanitarian parole and is one of the only free legal services providers in the area providing that service. LCR works with communities of color and immigrants to fight discrimination and foster equity through pro bono services, legal advocacy, education, and economic empowerment.

V. The Information Requested Must Be Provided in a Timely Manner within a Workable Format

The Freedom of Information Act requires timely compliance with this request following receipt. Electronic versions in the native format of the requested documents are preferred. For documents which are not available in this format, please provide records electronically in a text-searchable, static-image format (PDF). Please also provide any data in a workable format such as Microsoft Excel. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request. If your response to any request, or any portion thereof, is to deny it, please set forth in writing specific reasons for such denial, including which specific exemption you believe applies.

If you have any questions about this request, please contact us by phone at (781) 627-5119 (LCR) or (520) 269-7153 (Florence Project), or by email at swilson@lawyersforcivilrights.org or lbelous@firrp.org. Thank you for your time and prompt attention to this request.

Sincerely,

Sara L. Wilson, Esq.
Lawyers for Civil Rights

Laura Belous, Esq.
Florence Immigration & Refugee Rights Project

CC:

Director of Field Operations Guadalupe Ramirez
Office of Field Operations
U.S. Customs and Border Protection
4760 N. Oracle Rd. #316
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Chief Border Patrol Agent John R. Modlin
Tucson Sector Arizona
U.S. Border Patrol
2430 S. Swan Road
Tucson, AZ 85711

Executive Director Tim Quinn
Intergovernmental Public Liaison
timothy.quinn@cbp.dhs.gov

Bonnie Arellano
Supervisory Program Manager
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Sigrid Gonzalez
Humanitarian Response Advocate
sigrid.gonzalez@cbp.dhs.gov

EXHIBIT B



December 14, 2021

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4. All e-mail communications resulting from a keyword search using the terms: “humanitarian parole,” “humanitarian parole approval,” “humanitarian reasons,” “humanitarian parole denial,” “humanitarian parole adjudications,” and “212(d)(5) for CBP officials including, but limited to, all CBP Directors of Arizona Ports of Entry, all Arizona CBP Director of Field Operations, Bonnie Arellano, Kelly Ursu, Tucson CBP Field Office Director, Tucson CBP Assistant Field Office Director, and Sigrid Gonzalez.
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- Application of final determination

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Sincerely,

Sara L. Wilson, Esq.
Lawyers for Civil Rights

Laura Belous, Esq.
Florence Immigration & Refugee Rights Project

CC:

Director of Field Operations Guadalupe Ramirez
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U.S. Customs and Border Protection
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Bonnie Arellano
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Sigrid Gonzalez
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sigrid.gonzalez@cbp.dhs.gov

EXHIBIT C



From: CBP FOIA PUBLIC LIAISON cbpfoiapublicliaison@cbp.dhs.gov
Subject: RE: CBP FOIA Request 2022-023877
Date: July 29, 2022 at 6:49 AM
To: malbert@lawyersforcivilrights.org

Good morning,

It is difficult to predict an exact time frame. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. As your request seeks a voluminous amount of separate and distinct records, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). We will make every effort to comply with your request in a timely manner. CBP's FOIA Division is working hard to reduce the amount of time necessary to respond to FOIA requests.

We truly appreciate your continued patience.

Thank you,
CBP FOIA Public Liaison

From: Mirian Albert <malbert@lawyersforcivilrights.org>
Sent: Wednesday, July 27, 2022 4:48 PM
To: CBP FOIA PUBLIC LIAISON <cbpfoiapublicliaison@cbp.dhs.gov>
Cc: Laura Belous <lblous@firrp.org>
Subject: Re: CBP FOIA Request 2022-023877

Good afternoon,

Thank you for the clarification. We do not believe it is necessary to narrow our search further. Please provide the data in spreadsheet form containing all the information you indicated in the previous email. Lastly, please provide an expected timeframe for these and all other records requested.

Best,
Mirian

--

Mirian Albert, Esq. (she/ella)
Staff Attorney

LCR | **LAWYERS FOR
CIVIL RIGHTS**
BOSTON

Advancing Equality and Justice

Lawyers for Civil Rights
[61 Battery March Street, 5th Floor](https://www.lcrboston.org/)
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