



August 16, 2022

VIA ELECTRONIC SUBMISSION

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010
E-mail: uscis.foia@uscis.dhs.gov

RE: Freedom of Information Act ("FOIA") Request for Records Relating to Refugee
I-730 Petitions

Dear U.S. Citizenship and Immigration Services FOIA Officer,

The National Immigration Litigation Alliance (NILA) and Church World Service (CWS) (hereinafter, Requesters) submit this letter as a request for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et seq.* Requesters seek a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii).

Records Requested

Requesters request the records¹ prepared, received, transmitted, and/or collected by U.S. Citizenship and Immigration Services (USCIS) related to the processing and adjudication of Form I-730 Refugee/Asylee Relative Petitions submitted by individuals admitted to the United States as refugees (hereinafter, Refugee I-730 Petitions) and by individuals granted asylum (hereinafter, Asylee I-730 Petitions), as well as USCIS office closures and staffing that may impact the processing and adjudication of Refugee/Asylee I-730 Petitions.

This request will remain as an ongoing FOIA request until such time as the agency conducts

¹ The term "records" as used herein includes, but is not limited to: communications, correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training materials, and 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.

a proper and adequate search. Therefore, any records that come within the possession of the agency prior to the final response to this FOIA request are within the scope of this request. Requested records include, but are not limited to:

1. All policies, memos, communications, training materials, and formal or informal guidance related to transfers of Refugee I-730 Petitions between USCIS offices and/or service centers since January 2016, including but not limited to:
 - a. transfers of Refugee I-730 Petitions to or from the Asylum Vetting Center in Atlanta, GA;
 - b. transfer of Refugee I-730 Petitions to or from the Los Angeles Asylum Office in Tustin, CA;
 - c. transfer of Refugee I-730 Petitions to or from the Refugee, Asylum, and International Operations Director's International Adjudication Support Branch (RAIO IASB) in Anaheim, CA, and
 - d. providing notice of transfers of Refugee I-730 Petitions between USCIS offices and/or service centers to petitioners and/or their legal representatives.
2. The number of pending Refugee I-730 Petitions in each year from Fiscal Year (FY) 2015-2022 (to date), for each USCIS office or service center with pending petitions (including, but not limited to the Texas Service Center, Nebraska Service Center, RAIO IASB, Los Angeles Asylum Office, Asylum Vetting Center, National Visa Center, and each international USCIS offices), sorted by the nationality of the beneficiary and whether the petitioner is represented (i.e. has a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative on file).
3. The number of pending Asylee I-730 Petitions in each year from FY2015-2022 (to date), for each USCIS office or service center with pending petitions (including, but not limited to the Texas Service Center, Nebraska Service Center, RAIO IASB, Los Angeles Asylum Office, Asylum Vetting Center, National Visa Center, and each international USCIS offices), sorted by the nationality of the beneficiary and whether the petitioner is represented (i.e. has a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative on file).
4. Number of Refugee I-730 Petitions refused, rejected, or remanded to USCIS by U.S. Department of State consular officers each year from FY2012-2022 in total and for each of the following reasons:
 - a. Due to abandonment or failure to provide additional evidence in support of the petition;
 - b. Due to inadmissibility of the beneficiary to the United States;
 - c. Due to inability to travel to the United States (i.e. lack of an exit visa or a passport);
 - d. Due to the beneficiary refusing travel; and
 - e. Due to the beneficiary's admission to the United States through an alternative petition or application.
5. Number of Asylee I-730 Petitions refused, rejected, or remanded to USCIS by U.S. Department of State consular officers each year from FY2012-2022 in total and for each of the following reasons:
 - a. Due to abandonment or failure to provide additional evidence in support of the petition;
 - b. Due to inadmissibility of the beneficiary to the United States;

- c. Due to inability to travel to the United States (i.e. lack of an exit visa or a passport);
 - d. Due to the beneficiary refusing travel; and
 - e. Due to the beneficiary's admission to the United States through an alternative petition or application.
6. The number of Refugee I-730 Petitions with USCIS approval in the Worldwide Refugee Admissions Processing System for which the beneficiary has not travelled to the United States.
7. The number of Refugee I-730 Petitions with USCIS approval and refugee resettlement agency assurance in the Worldwide Refugee Admissions Processing System for which the beneficiary has not travelled to the United States.
8. The mean and median total processing time for Refugee I-730 Petitions, in each year from FY2015-2022 (to date).
9. The mean and median total processing time for Asylee I-730 Petitions in each year from FY2015-2022 (to date).
10. The mean and median time between the arrival of a Refugee I-730 Petition at each of the following USCIS offices or service centers and its approval, denial, or transfer by/from that office or service center, in each year from FY2015-2022 (to date), sorted by the nationality of the beneficiary:
 - a. the Nebraska Service Center;
 - b. the Texas Service Center;
 - c. the RAIO IASB;
 - d. the Los Angeles Asylum Office; and
 - e. the Asylum Vetting Center.
11. The mean and median time between the arrival of an Asylee I-730 Petition at each of the following USCIS offices or service centers and its approval, denial, or transfer by/from that office or service center, in each year from FY2015-2022 (to date):
 - a. the Nebraska Service Center;
 - b. the Texas Service Center;
 - c. the RAIO IASB;
 - d. the Los Angeles Asylum Office; and
 - e. the Asylum Vetting Center.
12. The mean and median time between the arrival of a Refugee I-730 Petition in an international USCIS office and its denial or approval by an international USCIS office, for each office in each year from FY2015-2022 (to date).
13. The mean and median time between the arrival of an Asylee I-730 Petition in an international USCIS office and its denial or approval by an international USCIS office, for each office in each year from FY2015-2022 (to date).
14. The number of USCIS officers, in each year from FY2015-2022:
 - a. Delegated to review, process, and/or adjudicate Refugee I-730 Petitions full-time;
 - b. Delegated to review, process, and/or adjudicate Refugee I-730 Petitions part-time; and
 - c. Trained to review, process, and/or adjudicate Refugee I-730 Petitions.
15. The number of USCIS officers, in each year from FY2015-2022:
 - a. Delegated to review, process, and/or adjudicate Form I-730 Refugee/Asylee Relative Petitions full-time;
 - b. Delegated to review, process, and/or adjudicate Form I-730 Refugee/Asylee

- Relative Petitions part-time; and
 - c. Trained to review, process, and/or adjudicate Form I-730 Refugee/Asylee Relative Petitions.
16. The number of RAIIO officers, in each year from FY2015-2022:
- a. Delegated to review, process, and/or adjudicate Refugee I-730 Petitions full-time;
 - b. Delegated to review, process, and/or adjudicate Refugee I-730 Petitions part-time; and
 - c. Trained to review, process, and/or adjudicate Refugee I-730 Petitions.
17. The number of RAIIO officers, in each year from FY2015-2022:
- a. Delegated to review, process, and/or adjudicate Form I-730 Refugee/Asylee Relative Petitions full-time;
 - b. Delegated to review, process, and/or adjudicate Form I-730 Refugee/Asylee Relative Petitions part-time; and
 - c. Trained to review, process, and/or adjudicate Form I-730 Refugee/Asylee Relative Petitions.
18. All policies and procedures related to assignment of RAIIO officers to review, process and/or adjudicate Refugee I-730 Petitions.
19. All policies, memos, communications, training materials, and formal or informal guidance related to decisions to transfer Refugee I-730 Petitions to the National Visa Center, international USCIS offices, and/or U.S. embassies prior to approval of the petition.
20. All policies, memos, communications, and formal or informal guidance related to enhanced vetting of Form I-730 Refugee/Asylee Relative Petitions beneficiaries, pursuant to Executive Order 13815, Order 13780, Executive Order 13769, and/or Presidential Proclamation 9645, issued on or after January 21, 2021.
21. All policies, memos, and formal or informal guidance related to circuit rides for USCIS officers to review, process, and/or adjudicate Refugee I-730 Petitions.
22. All policies, memos, communications, and formal or informal guidance related to the closures of international USCIS offices between January 2016 and February 2020.

Requesters request relevant records from USCIS' headquarters as well as sector offices in and outside the United States.

Request of Waiver of Fees

Requesters ask that USCIS waive all fees and costs associated with this FOIA request. Such 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)(1).

First, disclosure of the requested records will contribute significantly to the public understanding of government operations and activities related to the processing of Refugee/Asylee I-730 Petitions. Such information is of great public concern. For example, multiple national and international publications have published articles that discuss the closure of international USCIS offices and prolonged wait times, including those faced by asylees and refugees in the United

States who file for family members to join them.²

Furthermore, the USCIS website only includes information on the time it takes to process a petition domestically,³ which constitutes only a part of the Refugee/Asylee I-730 Petition process. The public has an interest in information about the entirety of the process and delays for this ongoing program that reviews thousands of applications based on guidance that is not transparent and outside the public view. The requested information is critically important to assist attorneys, immigrants, and the general public in understanding how the USCIS processes Refugee/Asylee I-730 Petitions, some of which have been in the “processing” stage for many years.

Requesters have the capacity, intent and demonstrated ability to disseminate the requested information to a broad cross-section of the public.

NILA is a non-profit membership organization established to realize systemic change in the immigrant rights’ arena by engaging in impact litigation and by building the capacity of social justice attorneys to litigate in federal court through co-counseling individual cases and providing strategic assistance. In addition to litigation, NILA disseminates practice materials on its public website,⁴ disseminates practice materials,⁵ and frequently presents on immigration issues.

CWS is an international faith-based non-profit organization focused on humanitarian relief, education, and advocacy on issues related to hunger, poverty, displacement, and disaster. CWS staff regularly assist with the resettling of refugees and disseminate information about the latest immigration-related developments to the media, lawmakers, and the public at large in order to build solidarity and collective movement toward policy change.

Second, disclosure of the requested records is not primarily in Requesters’ commercial interest. Each organization is a non-profit, seeking the requested records for the purpose of disseminating it to members of the public and not for commercial gain.

Accordingly, disclosure in this case meets the statutory criteria, and a fee waiver would fulfill Congress’ legislative intent in amending FOIA. *See Judicial Watch v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it is liberally construed in favor

² See, e.g., Miriam Jordan, *Trump Administration Plans to Close Key Immigration Operations Abroad*, N.Y. TIMES (Mar. 12, 2019); Maria Sacchetti and Nick Miroff, *Trump Administration Preparing to Close International Immigration Offices*, WASH. POST (Mar. 12, 2019); Suzanne Monyak, *Immigrants with Asylum put Lives on Hold over Green Card Waits*, ROLL CALL (Mar. 16, 2022).

³ CATH. LEGAL IMMIGR. NETWORK, INC., I-730 REFUGEE/ASYLEE FAMILY REUNIFICATION PRACTICE MANUAL 55 (2019) (“Current processing times for Form I-730s . . . on the USCIS website . . . only include the time that it takes to process the petition domestically . . . ; for overseas beneficiaries, Consular Processing of a Form I-730 beneficiary can be a much lengthier process and there is no website to check processing times for this part of the adjudication.”).

⁴ See *NILA’s Transparency Litigation Docket*, NATIONAL IMMIGRATION LITIGATION ALLIANCE, <https://immigrationlitigation.org/transparency-litigation-foia>.

⁵ See *Practice Advisories*, NATIONAL IMMIGRATION LITIGATION ALLIANCE, <https://immigrationlitigation.org/practice-advisories/>.

of waivers for noncommercial requesters.”) (internal quotation omitted).

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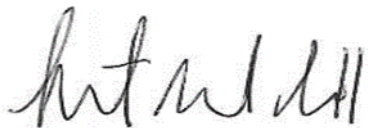
We look forward to your response to our request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

If you have any questions regarding this request, please contact Kristin Macleod-Ball at kristin@immigrationlitigation.org or (617) 506-3646. Please furnish copies of all applicable information to:

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Thank you for your timely cooperation.

Sincerely,



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