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2 Van Der Hout LLP  
3 360 Post Street, Suite 800  
4 San Francisco, CA 94108  
5 Telephone: (415) 981-3000  
6 Fax: (415) 981-3003  
7 Email: [ndca@vblaw.com](mailto:ndca@vblaw.com)

8 Attorney for Plaintiffs-Petitioners

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO / OAKLAND DIVISION  
13

14 MARC VAN DER HOUT; VAN DER HOUT  
15 LLP; HARJINDER PANNU,

16 Plaintiffs,

17 v.

18 EXECUTIVE OFFICE FOR IMMIGRATION  
19 REVIEW; U.S. DEPARTMENT OF JUSTICE,

20 Defendants.

Case No.: 23-4036

**DECLARATION OF JOHNNY  
SINODIS**

1  
2 I, Johnny Sinodis, do hereby declare:

3 1. I am a partner at Van Der Hout LLP, which is located at 360 Post St., Suite  
4 800, San Francisco, California 94108. I have personal knowledge of each matter stated  
5 herein.

6 2. On November 2, 2022, Plaintiffs submitted a request under the Freedom of  
7 Information Act (FOIA) to the Executive Office for Immigration Review (EOIR) requesting  
8 an accurate and complete copy of Harjinder Kaur PANNU's Record of Proceedings,  
9 including all audio recordings. This FOIA request is attached as Exhibit A. As part of this  
10 request, Plaintiffs submitted a signed Form EOIR-59, Certification and Release of Records,  
11 from Harjinder Panu.

12 3. That same day, EOIR acknowledged the FOIA request and assigned control  
13 number 2023-04666. EOIR's acknowledgement is attached as Exhibit B.

14 4. On December 7, 2022, EOIR issued a second acknowledgment, which is  
15 also attached as Exhibit B.

16 5. On June 27, 2023, EOIR provided a partial response to Plaintiffs' FOIA  
17 request. Specifically, the agency provided 66 pages of Harjinder Panu's Record of  
18 Proceedings, and further noted that "[t]he cassette tape and/or digital audio recordings of  
19 the record of proceedings from the Immigration Court will be forwarded to you as soon as  
20 it becomes available." This partial response is attached as Exhibit C.

21 6. More than nine months have passed since Plaintiffs submitted their FOIA  
22 request. To date, EOIR has not produced the requested audio recordings, nor has it indicated  
23 when these records will be produced.

24 I declare under penalty of perjury that the foregoing is true and correct. Executed on this  
25 9th day of August 2023 in San Francisco, California.

26 /s/ Johnny Sinodis  
27 Johnny Sinodis  
28 Declarant

# EXHIBIT A

If you are requesting an immigration court Record of Proceedings or other documents from the Executive Office for Immigration Review (EOIR), please fill out the following electronic form. Not all fields are required; however, the more fields you can fill out, the better chance we will be able to respond to your request in a full and expeditious manner. Use of this electronic format is voluntary. For detailed instructions on how to file a FOIA request by other means, click [FOIA Facts](#) (you will exit the Public Access Link).

The EOIR is not part of the Department of Homeland Security, Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigrations Services (USCIS). To request documents from those agencies, please exit the Public Access Link and go to: [Department of Homeland Security Freedom of Information Act Public Access Portal](#).

Submit Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

**Marc Van Der Hout**  
Van Der Hout LLP  
180 Sutter Street  
Suite 500  
San Francisco, CA 94104  
mvfoia@vblaw.com

Requester Default Category: Commercial Organization

General Information

Action Office*	<input type="text" value="EOIR"/>
Action Office Instructions	EOIR
Request Type*	<input type="text" value="FOIA/PA"/>
Requester Category*	<input type="text" value="Commercial Org."/>
Delivery Mode	<input type="text" value="Electronic Downl"/>
Payment Mode	<input type="text" value="-----Sele"/>

Shipping Address

Street1	<input type="text" value="180 Sutter Street"/>	Street2	<input type="text" value="Suite 500"/>
City	<input type="text" value="San Francisco"/>	State	<input type="text" value="California"/>
State (Other)		Country	<input type="text" value="United States"/>
Zip Code	<input type="text" value="94104"/>		

Request Information

For example in Description, enter "Record of Proceedings", "Policies and Procedures", "Asylum Statistics", etc.

Description*	<input type="text" value="I am requesting that an accurate and complete copy of Harjinder Kaur PANNU's Record of Proceeding be produced. We also request copies of"/>
2685 More Characters	

Date Range for Record Search:  
From(mm/dd/yyyy)



To  
(mm/dd/yyyy)



Description Document [Add Attachment](#)

**Fee Information**

Note: Fees are not normally charged for first party Record of Proceeding requests

Amount willing to pay (\$)

Fee Waiver Requested

Fee Waiver Request Reason

Willing to Pay All Fees

**Billing Address**

Street1

Street2

City

State

State (Other)

Country

Zip Code

**Additional Information**

Port of Entry

Date of Entry (mm/dd/yyyy)



Place of Proceeding

Date of Proceeding (mm/dd/yyyy)



Requester Alias First Name

Requester Alias MI

Requester Alias Last Name

Parents Name1

Parents Name2

**ROP Requests**

Alien Number

Notice to Appear (NTA) Date (mm/dd/yyyy)



**Subject Matter of Request**

Subject Matter of Request\*

ROP/Audio

Expedite Information

Expedite Requested

Expedite Reason

Proof of Identity/Consent

Consent

[Add Attachment](#) -2022.10.17 SIGNED DOJ-361.pdf ✕

Requesting your own records or records about another person requires verification of identity. To ensure that privacy protected information is not improperly released, the FOIA Service Center recommends submitting [Form EOIR-59, Certification and Release of Records](#) signed by you if you are requesting your own records, or signed by the person who is the subject of the request if you are requesting records on behalf of another person.

Proof of Identity\*

[Add Attachment](#) -Singed EOIR59.pdf ✕

Security Information



nt7au5

Verify

The code entered is correct.

Submit

Clear Form

PRIVACY ACT STATEMENT

The authority by which information is collected on this website form are contained in 5 U.S.C. 301 and 44 U.S.C. 3101. Your disclosure of information to the Executive Office for Immigration Review on this form is voluntary. If you do not complete all or some information fields in this form, however, the Executive Office for Immigration Review may not be able to effectively respond to your feedback.

The principal purpose for collecting this information on this website form is to control, track, respond to, and maintain correspondence received or originated by the Department or referred to the Department. In addition to disclosing this information to the appropriate officials and employees within the Department for the purposes of controlling, tracking, responding to, and maintaining the Department's correspondence, the routine uses which may be made of the information collected on this website form include, but are not limited to: any civil or criminal law enforcement authority or other appropriate agency where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law; to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government, when necessary to accomplish an agency function related to the corresponding system of records; and to such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

The full list of routine uses for this correspondence can be found in the System of Records Notices titled, JUSTICE/DOJ-003, "Correspondence Management Systems (CMS) for the Department of Justice," 66 Fed. Reg. 29992 (6-04-2001); 66 Fed. Reg. 34743 (6-29-2001); 67 Fed. Reg. 65598 (10-25-2002); 82 Fed. Reg. 24147 (5-25-2017) and JUSTICE/EOIR-001, "Records and Information Management System," 69 Fed. Reg. 26179 (5-11-2004); 72 Fed. Reg. 3410 (1-25-2007) (rescinded by 82 Fed. Reg. 24147); 82 Fed. Reg. 24147 (5-25-2017).

[Justice.gov](#)

[EOIR Homepage](#)

[Contact Us](#)

[Legal Policies and Disclaimers](#)

[Accessibility](#)

[Privacy Policy](#)

[USA.gov](#)

[EOIR FOIA - Freedom of Information Act \(FOIA\) \(justice.gov\)](#)

[OMB approval number 1125-0018](#)

U.S. Department of Justice  
Executive Office for Immigration Review

OMB# 1125-0017  
Certification and Release of Records

Part A. Information Regarding the Alien or Subject of the Records Sought			
1. Alien Registration Number(s) (if any) <b>072115124</b>		2. Current Legal Name (Last, First, Middle) <b>PANNU Harjinder Kaur</b>	
3. Other Names You Have Been Known By Since Birth: <b>Harjinder TUNG; Harjinder PANNU</b>			
4. Current Address in the United States Street Number and Name <b>c/o 180 Sutter St.</b>		Apartment Number or Unit Number (if any) <b>Suite 500</b>	
City <b>San Francisco</b>	State <b>California</b>	Zip Code <b>94104</b>	Telephone Number <b>4159813000</b>
5. Previous Address in the United States (if applicable) Street Number and Name		Apartment Number or Unit Number (if any)	
City	State	Zip Code	Telephone Number
6. Date of Birth (mm/dd/yyyy) <b>5/4/1957</b>	7. Country of Nationality or Citizenship <b>India</b>	8. Place of Birth <b>Punjab India</b>	
9. (Check One) <input checked="" type="checkbox"/> Release all of my records <input type="checkbox"/> Only release the following records: (specify exact records you wish to be released)			

Part B. Recipient's Information			
1. Recipient's Full Name (Last, First, Middle) <b>Van Der Hout Marc</b>		2. Recipient's Organization (if applicable) <b>Van Der Hout LLP</b>	
3. Recipient's Mailing Address In Care of Name (if any) <b>MV/Jsin/Fmac</b>			
Street Number and Name <b>180 Sutter St</b>		Apartment Number or Unit Number (if any) <b>Suite 500</b>	
City <b>San Francisco</b>	State <b>California</b>	Zip Code <b>94104</b>	Telephone Number <b>4159813000</b>
4. Recipient's Email Address <b>mvfoia@vblaw.com</b>			
5. Recipient's relationship to subject <b>Attorney</b>		6. Recipient's EOIR-ID Number (if any)	

By my signature below, unless otherwise specified above, I consent to EOIR releasing any and all information relating to me to the above-named Recipient. This consent will allow the Recipient to receive and/or examine potentially sensitive information and documents. If filing this request on my own behalf, I also consent to pay all costs incurred for search, duplication, and review of documents up to \$25.

I further declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named in Part A above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. § 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both.

Subject of Record's Signature

*Harjinder Kaur*

Date

*10/26/22*

MV22036

# EXHIBIT B



**RE: PANNU, Harjinder Kaur**  
**Filed: 11/02/2022**

**From:** EOIR.FOIARequests@usdoj.gov <EOIR.FOIARequests@usdoj.gov>  
**Sent:** Wednesday, November 2, 2022 6:39 PM  
**To:** MVFOIA <MVFOIA@vblaw.com>  
**Subject:** Request Acknowledgement by DOJ-EOIR PAL

Dear Marc Van Der Hout,

This response acknowledges receipt of your Freedom of Information Act (FOIA) request by the Executive Office for Immigration Review (EOIR). Your request has been assigned control number 2023-04666.

Please be advised that the status of requests submitted through the Public Access Link (PAL) may be tracked at <https://foia.eoir.justice.gov/app/Home.aspx>, and you will receive an email response to your request upon completion of processing. The status of requests submitted by email or mail may not be trackable through the PAL, but you will still receive an email or mailed response to your request upon completion of processing. *Please ensure the email address you provided in PAL will be able to receive the messages we send you. Messages rejected by your email account will not be rerouted to you.*

**Note that parties to immigration cases (including respondents and their representatives of record) have the option to request their Record of Proceedings directly from the immigration court or Board of Immigration Appeals. Please see the instructions here:**  
<https://www.justice.gov/eoir/ROPrequest>.

Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be significant delay in the processing of your request.

If you have filed a fee waiver request, EOIR will address the fee waiver in a separate letter. Most requests for records of proceedings do not require any fees; however, if the fees for processing the request are estimated to exceed \$25.00, EOIR will notify you before processing the request to determine whether you will commit to paying the fee or whether you wish to narrow the scope of your request to reduce the fee. Fees may be charged for searching records at the rate of \$4.75 (administrative)/\$10.00 (professional) per quarter hour, and for duplication of copies at the rate of \$.05 per copy. The first 100 copies and two hours of search time are not charged, and charges must exceed \$25.00 before we will charge a fee.

The FOIA requires an agency to respond within 20 working days after receipt of the request, and EOIR endeavors to meet this standard. The FOIA permits a ten-day extension of this time period, pursuant to 5 U.S.C. § 552(a)(6)(B), based on unusual circumstances. Your request involves “unusual circumstances,” and EOIR is extending the time period to respond by an additional 10 working days because your request requires the collection of records from field offices, or involves a search, collection, and review of voluminous records, or requires consultation with another agency or two or more agency components.

EOIR FOIA requests are placed in one of three tracks. Track one is for those requests that seek and receive expedited processing pursuant to subsection (a)(6)(E) of the FOIA. Track two is for simple requests that do not involve voluminous records or lengthy consultations with other entities. Track three is for complex requests that involve voluminous records and for which lengthy or numerous consultations are required, or those requests that may involve sensitive records. As a matter of default, your request has

**RE: PANNU, Harjinder Kaur**  
**Filed: 12/07/2022**

**From:** eoir.foiarequests@usdoj.gov <eoir.foiarequests@usdoj.gov>  
**Sent:** Wednesday, December 7, 2022 9:20 AM  
**To:** MVFOIA <MVFOIA@vblaw.com>  
**Subject:** DOJ-EOIR FOIA Request # 2023-04666

Re: 2023-04666  
Freedom of Information Act Request for HARJINDER KAUR PANNU

Dear Marc Van Der Hout,

This response acknowledges receipt of your Freedom of Information Act (FOIA) request by the Executive Office for Immigration Review (EOIR) dated 11/02/2022 and received 11/03/2022. Your request has been assigned control number 2023-04666.

Please be advised that the status of requests submitted through the Public Access Link (PAL) may be tracked at <https://foia.eoir.justice.gov/app/Home.aspx>, and you will receive an email response to your request upon completion of processing. The status of requests submitted by email or mail may not be trackable through the PAL, but you will still receive an email or mailed response to your request upon completion of processing. *Please ensure the email address you provided in PAL will be able to receive the messages we send you. Messages rejected by your email account will not be rerouted to you.*

**Note that parties to immigration cases (including respondents and their representatives of record) have the option to request their Record of Proceedings directly from the immigration court or Board of Immigration Appeals. Please see the instructions here: <https://www.justice.gov/eoir/ROPrequest>.**

Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be significant delay in the processing of your request.

If you have filed a fee waiver request, EOIR will address the fee waiver in a separate letter. Most requests for records of proceedings do not require any fees; however, if the fees for processing the request are estimated to exceed \$25.00, EOIR will notify you before processing the request to determine whether you will commit to paying the fee or whether you wish to narrow the scope of your request to reduce the fee. Fees may be charged for searching records at the rate of \$4.75 (administrative)/\$10.00 (professional) per quarter hour, and for duplication of copies at the rate of \$.05 per copy. The first 100 copies and two hours of search time are not charged, and charges must exceed \$25.00 before we will charge a fee.

The FOIA requires an agency to respond within 20 working days after receipt of the request, and EOIR endeavors to meet this standard. The FOIA permits a ten-day extension of this time period, pursuant to 5 U.S.C. § 552(a)(6)(B), based on unusual circumstances. Your request

involves “unusual circumstances,” and EOIR is extending the time period to respond by an additional 10 working days because your request requires the collection of records from field offices, or involves a search, collection, and review of voluminous records, or requires consultation with another agency or two or more agency components.

EOIR FOIA requests are placed in one of three tracks. Track one is for those requests that seek and receive expedited processing pursuant to subsection (a)(6)(E) of the FOIA. Track two is for simple requests that do not involve voluminous records or lengthy consultations with other entities. Track three is for complex requests that involve voluminous records and for which lengthy or numerous consultations are required, or those requests that may involve sensitive records. As a matter of default, your request has been placed in track two for simple requests. If you have requested expedited processing, EOIR will contact you in a separate letter.

If you have any questions regarding unusual circumstances, you may contact the EOIR FOIA Service Center or FOIA Public Liaison at (703) 605-1297 or [EOIR.FOIArequests@usdoj.gov](mailto:EOIR.FOIArequests@usdoj.gov) to discuss reformulation or an alternative time frame to process your request, or for any further assistance regarding any aspect of your request. Alternatively, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

FOIA Intake

been placed in track two for simple requests. If you have requested expedited processing, EOIR will contact you in a separate letter.

If you have any questions regarding unusual circumstances, you may contact the EOIR FOIA Service Center or FOIA Public Liaison at (703) 605-1297 or [EOIR.FOIArequests@usdoj.gov](mailto:EOIR.FOIArequests@usdoj.gov) to discuss reformulation or an alternative time frame to process your request, or for any further assistance regarding any aspect of your request. Alternatively, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

FOIA Intake

# EXHIBIT C

**RE: PANNU, Harjinder Kaur**  
**FILED: 06/27/2023**

**From:** eoir.foiarequests@usdoj.gov <eoir.foiarequests@usdoj.gov>

**Sent:** Tuesday, June 27, 2023 3:15 AM

**To:** MVFOIA <MVFOIA@vblaw.com>

**Subject:** DOJ-EOIR FOIA Request # 2023-04666

Re: 2023-04666

Freedom of Information Act Request for HARJINDER KAUR PANNU

Dear Marc Van Der Hout,

This letter is in response to your Freedom of Information Act (FOIA) request in which you seek records for the above-referenced individual.

Please be advised that this is a partial response to your FOIA request. We are providing the Executive Office for Immigration Review (EOIR) Record of Proceeding as provided to us by the Immigration Court, Federal Records Center, or Board of Immigration Appeals for the above-referenced individual. You may access and download the documents for up to **60 days** at this link:

ROP (66 pages): <https://jefs.box.com/s/rk9tnz1p62z2zho7sqma0xx471ih8ewm>

**\*Important: Do not click the link. You must copy and paste the link into your browser to view the file.**

Please be aware that EOIR is a component of the **Department of Justice** and the custodian of records for the “Record of Proceedings” (ROP), which is the compilation of documents and digital audio recordings produced in proceedings before the immigration courts and the BIA. The Department of Homeland Security (DHS) is the custodian of records for the “A-file,” which is a series of records of a person’s immigration history and is maintained and stored by DHS. **EOIR is not the custodian of records for DHS or its components, nor does EOIR have access to DHS’s A-files.** EOIR does not create an ROP until matters are initiated by DHS. Nevertheless, EOIR may create and maintain ROPs for proceedings other than removal proceedings (i.e., credible fear reviews, bond hearings). You may request a copy of your Notice to Appear (NTA) and full A-file from [DHS](#).

Note that parties to immigration cases (including respondents and their representatives of record) have the option to request their Record of Proceedings directly from the immigration court or Board of Immigration Appeals. Please see the instructions here:

<https://www.justice.gov/eoir/ROPrequest>.

The cassette tape and/or digital audio recordings of the record of proceeding from the Immigration Court will be forwarded to you as soon as it becomes available. There will be no charge for this information.

Sincerely,

FOIA Delivery