

# **EXHIBIT A**

May 5, 2023

Submitted via the USCIS FIRST portal

## **FOIA Request re Eligibility for Family-Based Immigration Benefits**

### **Records Requested**

The International Refugee Assistance Project (“IRAP”) requests the following records under the Freedom of Information Act, 5 U.S.C. § 552 et seq:

1. All final policy memoranda, standard operating procedures, and/or other similar records used to establish final agency policy or guidance in effect since January 1, 2016 relating to:
  - a. How and when USCIS issues Requests for Evidence (“RFE”) regarding a qualifying family relationship to determine eligibility for family-based immigration benefits (including I-130s, I-730s, and other family-based benefits).
  - b. How and when USCIS issues Notices of Intent to Deny (“NOID”) regarding a qualifying family relationship to determine eligibility for family-based immigration benefits (including I-130s, I-730s, and other family-based benefits).
  - c. How USCIS uses the Department of State’s reciprocity table (U.S. Visa: Reciprocity and Civil Documents by Country) to determine eligibility for family-based immigration benefits (including I-130s, I-730s, and other family-based benefits).
2. The following data relating to I-730 processing by USCIS, on a monthly basis starting January 1, 2014, and disaggregated by the nationality of the beneficiaries and whether the petitioner was applying for refugee I-730 or asylee I-730:
  - a. Number of approvals
  - b. Approval rates
  - c. Number of Requests for Evidence
  - d. Number of Notices of Intent to Deny

IRAP requests that data be produced in the original spreadsheet format where possible.

### **Fee Waiver Request**

IRAP, Inc. is a 501(c)(3) global legal aid and advocacy organization working to create a world where refugees and all people seeking safety are empowered to claim their right to freedom of movement and a path to lasting refuge. IRAP seeks a fee waiver because disclosure is in the public interest and because IRAP is a representative of the news media.

Fee waivers should be granted here, given that Congress intended FOIA to be construed liberally in favor of granting waivers for noncommercial requesters like IRAP. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (internal quotation marks and citations omitted)).

This disclosure is “in the public interest” as it “is likely to contribute significantly to public understanding of the operations or a activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). 6 C.F.R. § 5.11(k)(2) lists factors to be considered in determining whether the disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government.” 6 C.F.R. § 5.11(k)(2). The disclosure of these records directly pertains to “operations activities of the federal government” as they relate to the government’s administration of family-based immigration benefits. Second, the Request is “likely to contribute” to “increased public understanding” of the government operations or activities, *id.* § 5.11(k)(2)(ii), specifically by helping the public understand how RFEs and NOIDs are used by the agency, and what type of evidence of family relationship is necessary for them to provide in their application for family-based immigration benefits. Third, the disclosure of the requested records will increase “the understanding of a reasonably broad audience of persons interested in the subject, *id.* § 5.11(k)(2)(iii), because IRAP will analyze the records and consider the implication of their findings in both its legal and policy work on behalf of refugees. Finally, disclosure will enhance the public’s understanding of the subject of the Request “to a significant extent,” *id.* § 5.11(k)(2)(iv). The public understanding of this subject is low due to the lack of in-depth publicly available information on how USCIS determines whether or not to issue an RFE or NOID for a family relationship.

IRAP also seeks a fee waiver as a representative of the news media. IRAP routinely uses materials obtained through FOIA and other methods to create and publish informational and educational materials about safe pathways for displaced people. These materials are widely disseminated to the public free-of-charge through IRAP’s legal information website, blogs and publications posted on its website , and social media platforms (see, e.g., <https://twitter.com/IRAP>; <https://www.facebook.com/RefugeeAssist/>). IRAP’s website dedicated to providing legal information about migration pathways to displaced people (<https://support.iraplegalinfo.org/hc/en-us>) was viewed by over 130,000 unique visitors between May 2021 and 2022. In the same time frame, IRAP’s News & Resources pages (<https://refugeerights.org/news-resources>) that host its publications was viewed by over 100,000 unique visitors. The information requested is about current events and will be of current interest to the public because a significant number of individuals in the United States are seeking to reunite with their family members based on the immigration pathways available to them and seek to understand how they can qualify for the pathways.