

* * * Communication Result Report (Apr. 4. 2024 3:52PM) * * *

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Date/Time: Apr. 4. 2024 3:50PM

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VIA FACSIMILE at (202) 485-1669

Office of Information Programs and Services (A/GIS/IPS)
Room B-266
U.S. Department of State
2201 C Street N.W.
Washington, DC 20520

Re: Freedom of Information Act Request

Dear Officer:

This is a request for records pursuant to the Freedom of Information Act, 5 U.S.C. § 552. In this request, the term "records" is used broadly to include "information regardless of its physical form or characteristics" according to the definition set forth at 22 C.F.R. § 171.1(b). Thus, the term "records" would include, but is not limited to, all documents, reports, memoranda, directives, manuals, guidance, or any other handwritten, typewritten, computerized, printed, recorded, or graphic material of any kind or description.

In this request, I seek copies of any and all records, of any nature or description, related to or connected with the following:

1. Any and all policies and/or records relating to the processing of TN visa applications under the Scientific Technician/Technologist occupational category created, developed, maintained, used, implemented, and/or disseminated (internally or externally) by the Department of State, Department of State employees, or contractors working at or under the direction of the Department of State, on or after October 1, 2023.
2. Any and all policies and/or records relating to the processing of TN visa applications under the Engineer occupational category created, developed, maintained, used, implemented, and/or disseminated (internally or externally) by the Department of State, Department of State employees, or contractors working at or under the direction of the Department of State, on or after October 1, 2023.

Neither request seeks records filled out or completed in relation to specific TN visa applications.

I ask for a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government—specifically, the adjudication of TN applications in frequently-used occupational categories—and is not primarily in my commercial interest. I am an immigration attorney and have become aware of potential changes with respect to the adjudication of TN applications in these occupational categories. I am a member of the American Immigration Lawyers Association and intend to disseminate the records produced in response to this request as a professional courtesy to other immigration professionals, many of whom have expressed the same concerns with respect to recent TN adjudications. This request is intended solely to contribute

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significantly to public understanding of the operations and activities of the Department of State. Therefore, because my request is in the public interest, I believe this is a strong candidate for waiver of all fees.

If a fee waiver is not granted, please consult me before proceeding if the fee is in excess of \$25. I am willing to receive the records in either electronic format or paper copies, whichever is most cost-effective for the Department or would facilitate a shorter response time.

I intend to appeal any denials. Therefore, if all or any part of this request is denied, I request a detailed statement of the reasons and authority for denying access to each record withheld. Furthermore, I request information regarding the appeal procedures available to me under the law. Please note: as required by 5 U.S.C. § 552(b), I expect you to release all segregable portions of otherwise exempt material.

I would like the requested information as soon as possible and ask that you process this request promptly as required by 5 U.S.C. § 552(a)(6)(A). If you are able to discover partial records and experience delay in complying with my request for all records, please do not hold back on the other portions. In the spirit of avoiding delay, please know that I am agreeable to piecemeal delivery. **Please produce all records responsive to this request to:**

**Crystal M. Malik, Esq.
McCandlish Holton, PC
P.O. Box 796
Richmond, VA 23218**

In the event that any information needs to be redacted, I request that the excised material be “blacked out” rather than “whited out” or “cut out” and that the remaining non-exempt portions of records be released as provided under FOIA, along with any reasons and authority supporting the excision.

When determinations have been made as to whether my request will be granted, please notify me in writing as soon as possible, preferably by e-mail at cmalik@lawmh.com.

I appreciate your attention to, and consideration of, this request. If you have any questions or if you deem it necessary to discuss any aspect of my request, please contact me either by phone or e-mail as provided above.

Regards,



Crystal M. Malik, Esq.