

January 11, 2018

Freedom of Information Request
Department of Homeland Security
Privacy Office
via email: FOIA@hq.dhs.gov

This is a request for records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

RECORDS SOUGHT

The records sought are:

1. All emails sent or received by USCIS ombudsman Julie Kirchner during the time period May 2, 2017 to the date this search is conducted. This request includes the entire email chain in which Ms. Kirchner is a sender or recipient (including a “cc” or “bcc”) of one or more emails in the chain. This request also includes any attachments. This request also includes emails sent or received by Ms. Kirchner using any alias. This request also includes official communications sent or received by Ms. Kirchner using any non-DHS email account.
2. All notes prepared by or for Ms. Kirchner in preparation for any meeting she attended during the time period May 2, 2017 to the date this search is conducted.
3. All meeting minutes and other meeting summaries for meetings attended by Ms. Kirchner during the time period May 2, 2017 to the date this search is conducted.
4. Ms. Kirchner’s **calendar and appointment book** during the time period May 2, 2017 to the date this search is conducted.
5. Ms. Kirchner’s **phone call log** during the time period May 2, 2017 to the date this search is conducted.

FORMAT

The requesters ask that any releases stemming from this request be provided in digital format (soft-copy) via email or on a compact disc or other like media.

FEE CATEGORY AND FEE WAIVER

I am an investigative reporter for BuzzFeed News and formerly an investigative reporter for the Center for Investigative Reporting.

Exhibit A

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

I do not have any commercial interest in the records sought and am seeking them for the purpose of writing news stories to help the public understand the operations and activities of the DHS. I firmly intend to analyze the requested records in order to facilitate significant expansion of public understanding of government operations.

REQUEST FOR EXPEDITED PROCESSING

I request expedited processing based on an urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information. In her role as USCIS ombudsman, Ms. Kirchner plays a vital role in helping individuals navigate immigration services.

There is an urgent need for the public to understand her approach to these issues, given the administration's focus on immigration enforcement efforts and concerns about its asylum, refugee and visa-holder processing.

As noted in [DHS's Rules and Regulations](#), "The existence of numerous articles published on a given subject can be helpful to establishing the requirement that there be an "urgency to inform" the public on the topic."

As examples of the interest in programs for which Ms. Kirchner serves as ombudsman, please see the following recent stories:

1. The Atlantic: "I Used to Run the Immigration Service—and Trump's Refugee Policy Is Baseless"¹
2. The Guardian: "The invisible wall: how Trump is slowing immigration without laying a brick"²

In these articles, as well as others, concerns are raised about possible questions about the government's integrity which affect public confidence. For example, Ms. Kirshner's prior role as executive director of the Federal for American Immigration Reform (FAIR) has sparked controversy and concerns about how her "hard-lined" ideology will shape CIS.

In response to her hiring:

¹ <https://www.theatlantic.com/politics/archive/2017/11/vetting-refugees-trump/544430/>

²

<https://www.theguardian.com/us-news/2017/dec/23/donald-trump-mexico-border-wall-invisible-immigration>

- Rep. Luis Gutierrez (D-Ill.) told The Hill "The advocates for eliminating legal immigration have always been a vocal minority within the Republican Party, but now nativists are in charge of civil rights, law-enforcement, national policy and immigration."³
- Mario H. Lopez, president of the Hispanic Leadership Fund, a conservative advocacy organization told The Hill: "People who shill for groups that are intertwined with eugenicists, population control environmentalists, and who have alt-right extremists on staff, and whose core beliefs about humanity spit in the face of basic conservative principles should have no place in a Republican administration."⁴
- The Southern Poverty Law Center called FAIR an "anti-immigrant hate group."⁵
- Lynn Taramonte of America's Voice, a pro-immigrant advocacy group, told CNN that FAIR and affiliated groups "have spent 20 years looking for ways that they could hurt immigrants and now they've been given the keys to the kingdom."⁶

I am a person primarily engaged in dissemination information. Specifically, I am a full-time reporter at BuzzFeed News.

EXEMPTIONS AND SEGREGABILITY

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information "only if . . . disclosure would harm an interest protected by an exemption" or "disclosure is prohibited by law."

The FOIA Improvement Act of 2016 also amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

³ The Hill, April 12, 2017 "DHS hires incense immigration supporters"
<http://thehill.com/latino/328571-dhs-hires-incense-immigration-supporters>

⁴ The Hill, April 12, 2017 "DHS hires incense immigration supporters"
<http://thehill.com/latino/328571-dhs-hires-incense-immigration-supporters>

⁵

<https://www.splcenter.org/hatewatch/2017/01/23/former-executive-director-anti-immigrant-hate-group-fair-joins-trump-administration>

⁶ <http://www.cnn.com/2017/04/11/politics/trump-administration-immigration-advisers/>

(II) take reasonable steps necessary to segregate and release nonexempt information. . .

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”

Moreover, the Vaughn index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.” Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”

In addition, I ask that your agency exercise its discretion to release records which may be technically exempt, but where withholding serves no important public interest.

ADDITIONAL INSTRUCTIONS REGARDING REQUEST

If a portion of the responsive records become available before the entire request is complete, I respectfully request that USCIS provide records on a rolling basis.

I certify under penalty of perjury that the foregoing statements are true and correct.
Executed: 01/11/2018 /s/ Kendall Taggart

Please do not hesitate to contact me if you have any questions concerning this request.
Thank you. I appreciate your time and attention to this matter. My email is
kendall.taggart@buzzfeed.com and office number is 646-589-8582.