

**UNITED STATES DISCTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**HUMAN RIGHTS DEFENSE CENTER** )  
1028 N Federal Highway )  
Lake Worth FL 33460 )

Plaintiff, )

v. )

Civil Action  
No.

**United States Citizenship and** )  
**Immigration Services,** )  
20 Massachusetts Avenue, NW )  
Washington, D.C. 20529 )

**United States Department of** )  
**Homeland Security,** )  
2707 Martin Luther King Jr Ave, SE )  
Washington, DC 20528 )  
Defendants. )

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**COMPLAINT**

This lawsuit is an action under the Freedom of Information Act, 5 U.S.C. §552, *et seq.*, seeking production of records responsive to requests submitted by the Human Rights Defense Center to the United States Citizenship and Immigration Services (“USCIS”), a component of the United States Department of Homeland Security (“USDHS”).

## **JURISDICTION AND VENUE**

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201(a) and 2202.
2. Venue is appropriate in this Court under to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §1391.

## **PARTIES**

3. Plaintiff Human Rights Defense Center is a non-profit charitable organization incorporated in the state of Washington, with principal offices in Lake Worth Florida.
4. Defendant USCIS is a component of USDHS and is an agency under 5 U.S.C. §552(f)(1) and 5 U.S.C. § 701.
5. Defendant USDHS is a department of the executive branch of the United States government. It oversees USCIS and is an agency under 5 U.S.C. §552(f)(1) and 5 U.S.C. § 701.

## **FACTS**

### **Human Rights Defense Center's Background and Mission**

6. The Human Rights Defense Center (previous name, Prison Legal News) has spent the

last twenty-nine years dedicated to public education, prisoner education, advocacy, and outreach to support the rights of prisoners and to further basic human rights.

7. To accomplish its mission, HRDC gathers information from governmental entities around the country and publishes the information in its journals and on its websites.
8. HRDC publishes and distributes books, magazines, and other information containing news and analysis about prisons, jails and other detention facilities, prisoners' rights, court rulings, management of prison facilities, prison conditions, and other matters about the rights and interests of incarcerated individuals.
9. HRDC publishes two magazines: *Prison Legal News (PLN)* and *Criminal Legal News (CLN)*.
10. *PLN* is a legal journal that reports news and litigation about carceral facilities. *PLN* has published monthly since 1990 and has around 9,000 subscribers in all 50 states. Based on reader survey results the estimated actual readership is around ten times that number. *PLN's* subscribers include lawyers, journalists, judges, courts, public libraries and universities. *PLN* also maintains a website that receives around 100,000 visitors per month based on site analytics.
11. *CLN* is a legal journal launched in November, 2017. *CLN* reports on criminal law decisions from the state and federal systems, focusing on legal developments affecting the fact and duration of confinement. *CLN* also covers civil rights litigation against police, prosecutors, and court systems.

12. Through its publishing arm, HRDC also publishes books about the criminal justice system and legal issues affecting prisoners.
13. HRDC has targeted attention on the costs associated with detaining prisoners, including immigrant detainees, and has developed expertise in this area, among others.

#### The United States Citizenship and Immigration Services

14. USCIS was created in 2003 as a component of USDHS, to administer and oversee lawful immigration to the United States.
15. USCIS employs over 19,000 government employees and contractors in over 200 offices worldwide, with a budget of approximately \$4 billion.
16. In order to accomplish its mission, USCIS enters into contracts with private entities for certain services and goods.

#### The United States Department of Homeland Security

17. USDHS was created in 2002 as a combination of 22 different federal departments and agencies into a unified, integrated Cabinet agency. It coordinates the homeland security efforts of numerous agencies under it, including USCIS.
18. USDHS employs over 240,000 government employees with a budget of approximately

\$51 billion.

19. Upon information and belief, either directly or through its component agency USCIS, USDHS has possession and control of the records requested by Plaintiff under FOIA that are the subject of this action

#### Request at Issue

20. On September 7, 2018, HRDC sent to the designated USCIS email address, [uscis.foia@uscis.dhs.gov](mailto:uscis.foia@uscis.dhs.gov), a FOIA request for past and active contracts, including all amendments, and Memoranda of Understanding (“MOUs”) between USCIS and private contractor the Vera Institute of Justice, Inc. regarding the latter’s work with immigrants and refugees.
21. Specifically, the letter requested contracts numbered HSSCCG14A00025.
22. The letter also requested a fee waiver, as HRDC is a media organization.
23. On September 10, 2018, USCIS responded via letter informing HRDC that the request was received and assigned control number NRC2018131952.
24. On September 25, 2018, USCIS sent a follow up letter indicating that upon review of the FOIA/PA Tracking System, USCIS discovered that HRDC’s request had been duplicated within the system. USCIS indicated that the request had been closed out and that the original request would be processed.

25. No further information or communication from USCIS has been received by HRDC.
26. To date, HRDC has not received any documents responsive to its FOIA request from USCIS.

### **HRDC'S CLAIM FOR RELIEF**

27. HRDC incorporates paragraphs 1 -26 by reference.
28. USCIS wrongly withheld documents responsive to HRDC's properly submitted request.
29. HRDC has a statutory right to the records it seeks, and there is no basis for USCIS to withhold them.
30. As a result, by failing to release the records specifically requested by HRDC, USCIS has violated FOIA.
31. USDHS is responsible for USCIS' violation of FOIA by virtue of the latter agency being one of its numerous constituent agencies.
32. HRDC has a legal right to the responsive documents.

### **REQUESTED RELIEF**

HRDC therefore respectfully requests that this Court:

1. Declare that the records sought by HRDC are subject to FOIA;
2. Order USCIS and/or DHS to disclose the requested records: past and active contracts, including all amendments, and Memoranda of Understanding (“MOUs”) between USCIS and the Vera Institute of Justice, Inc. regarding the latter’s work with immigrants and refugees.
3. Award costs and attorney’s fees under 5 USC (a)(4)(E).
4. Grant such other relief as the Court may consider just and proper.

Date: May 28, 2019.

Respectfully submitted,

/s/ Deborah M. Golden

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