



USCIS Directors' E-mails on Denaturalization and Operation Janus

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[Matthew Hoppock](#) filed this request with the [U.S. Citizenship and Immigration Services of the United States of America](#).

Tracking #	COW2018000831	
Submitted	July 8, 2018	
Due	Aug. 3, 2018	
Est. Completion	None	Edit

STATUS [Edit](#)

Awaiting Response

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From: Matthew Hoppock
07/09/2018



To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

1. I am requesting the e-mail messages to, from, or carbon copying any of the below-listed USCIS employees dated between 01/20/2017 and the present date mentioning the following keywords: "denaturaliz*" "operation janus" or "operation second look".

Please note that I am using the asterisk (*) to designate the standard use of "wildcards" in the search for responsive records. For example, a search for "denaturaliz*" would return all of the following: denaturalize, denaturalization, denaturalized, etc. If you are unable to search for wildcards, please advise so that I may specifically include the variations I would like searched.

This request can be fulfilled by searching the e-mail accounts of the USCIS employees ("Custodians") below using each of the above-listed keywords, which should include e-mail messages where any of their respective e-mail addresses are found in the "To," "From," "CC," or "BCC" fields.

Custodians:

The search can be completed by searching the e-mail for the following Custodians:

L. Francis Cissna, Director, U.S. Citizenship and Immigration Services
Tracy Renaud, Acting Deputy Director, U.S. Citizenship and Immigration Services
Todd Young, Acting Chief of Staff, U.S. Citizenship and Immigration Services
Craig Symons, Chief, Office of Chief Counsel, U.S. Citizenship and Immigration Services
Mariela Melero, Associate Director, Customer Service and Public Engagement
Kevin Kerns, Acting Associate Director, Management Directorate
Matthew D. Emrich, Associate Director, Fraud Detection and National Security Directorate
Daniel Renaud, Associate Director, Field Operations Directorate
Tammy Meckley, Associate Director, Immigration Records and Identity Services Directorate
Bill McElhaney, Chief Information Officer
Kathy Nuebel Kovarik, Chief, Office of Policy and Strategy, and
Lora Ries, Acting Associate Director, External Affairs Directorate.

2. In addition to the records requested above, I also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If you use FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, I also request any such records prepared in connection with the processing of this request.

To clarify my request, I seek all responsive records regardless of format, medium, or physical characteristics. In conducting the search, please understand the terms "record," "document," and



material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. My request includes any attachments to these records, including e-mail attachments. No category of material should be omitted from search, collection, and production.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files is subject to the Federal Records Act and FOIA. See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; I exercise and specifically preserve and assert my right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations. See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered DHS’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidentialmemorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

Furthermore, agencies that have adopted the National Archives and Records Agency (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but DHS’s archiving tools would capture that email under Capstone. Accordingly, I insist that the USCIS use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. I am available to work with you to craft appropriate search terms.

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). The 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.” *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979). Moreover, the index



consequences of disclosing the sought-after information.” King v. U.S. Dep’t of Justice, 830 F.2d 210, 223–24 (D.C. Cir. 1987). 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.’” Id. at 224 (citing Mead Data Central, Inc. v. U.S. Dep’t of the Air Force, 566 F.2d 242, 251 (D.C. Cir. 1977)).

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 record 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. Mead Data Central, 566 F.2d at 261. 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.

You should institute a preservation hold on information responsive to this request. I intend to pursue all legal avenues to enforce my right of access under the FOIA, including prompt litigation if that becomes necessary. Accordingly, the USCIS is on notice that litigation is reasonably foreseeable. To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, I welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we can decrease the likelihood of costly and time-consuming litigation in the future. If it will accelerate release of responsive records to me, please also provide responsive material on a rolling basis.

Fee Waiver Request:

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), I request a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. 6 C.F.R. § 5.11(k)(1)(i).

Moreover, the request is entirely and fundamentally for non-commercial purposes. 6 C.F.R. § 5.11(k)(1)(ii).

I request a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” 6 C.F.R. § 5.11(k)(1)(i); see also 6 C.F.R. § 5.11(k)(2)(i)-(iv).

There has been extensive media coverage of and public attention on the administration’s new denaturalization task force and efforts to denaturalize US citizens. See Scanning immigrants’ old fingerprints, U.S. threatens to strip thousands of citizenship (https://www.washingtonpost.com/world/national-security/scanning-immigrants-old-fingerprints-us-threatens-to-strip-thousands-of-citizenship/2018/06/13/2230d8a2-6f2e-11e8-afd5-778aca903bbe_story.html?utm_term=.171a50a5bf43); Trump Creates ‘Denaturalization’ Task Force to



denaturalization-task-force-to-pursue-d-1827372139); Surely the Trump Administration Will Follow All the Rules When Stripping People of Citizenship (<https://www.esquire.com/news-politics/a22061884/denaturalization-task-force-trump-citizenship/>); Trump Administration Launches Effort to Strip Citizenship From Those Suspected of Naturalization Irregularities (<https://slate.com/news-and-politics/2018/06/trump-administration-launches-denaturalization-effort-to-strip-citizenship-from-those-suspected-of-irregularities.html>); APNewsBreak: US launches bid to find citizenship cheaters (<https://apnews.com/1da389a535684a5f9d0da74081c242f3>). This request goes directly to this action by the federal government.

I am also a member of the news media and have written and researched denaturalization issues, and I request that all search and production fees be waived due to my news media status. I am quoted in a number of the articles listed above and intend to use the documents and information received in response to this request to share with the public and to write related news articles about denaturalization.

Expedite Request:

Pursuant to 6 CFR § 5.5(e)(1) I am requesting the processing and production of records in response to this request be expedited. In particular, the articles listed above describe a new task force seeking to strip citizenship from naturalized citizen based on a secret memo not yet released to the public and under a rubric that is unclear. While Cissna has said in multiple interviews he anticipates the filing of "thousands" of denaturalization cases, the FY2019 ICE budget states that only 855 of the fingerprint cards from Operation Janus and Operation Second Look are being considered for prosecution.

<https://www.dhs.gov/sites/default/files/publications/U.S.%20Immigration%20and%20Customs%20Enforcement.pdf#page=47>. The original 2016 OIG report that started this process said there were 858 such cases. <https://www.oig.dhs.gov/assets/Mgmt/2016/OIG-16-130-Sep16.pdf>. Either way, the prospect that the new task force will file "thousands" of denaturalization cases raises serious concerns that Cissna's claims about the intentions and basis for denaturalization are being actively misstated in his interviews with the media. The FY2019 ICE budget also says the agency is looking to review 700,000 additional alien files for denaturalization,

<https://www.dhs.gov/sites/default/files/publications/U.S.%20Immigration%20and%20Customs%20Enforcement.pdf#page=47>, while there were only 315,000 non-digitized fingerprint cards. Again, the numbers do not add up, and the notion that USCIS is planning "thousands" of denaturalizations while claiming all such cases arise from the mis-matched fingerprint cards is especially problematic.

As outlined above, I am primarily engaged in disseminating information, and this matter is urgent. The loss of substantial due process rights cannot be overstated where perhaps 700,000 US Citizens would be at risk of losing their citizenship. Finally, as outlined above, this is a matter of "widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." For all such reasons, the USCIS should expedite its request and produce the requested records at once.

The requested documents will be made available to the general public and this request is not being



1



In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Matthew Hoppock

From: U.S. Citizenship and Immigration Services

07/17/2018

Subject: None

Mail

An acknowledgement letter, stating the request is being processed.



Acknowledgement Letter

[Download](#)

From: Muckrock Staff

08/16/2018



From: U.S. Citizenship and Immigration Services

08/16/2018



Subject: RE: Freedom of Information Act Request #COW2018000831

Email

Your request, COW2018000831, is open and is in line to be processed, it is on day 29 of an estimated 161 day wait time (excluding weekends and holidays).

Thank You,
FOIA, USCIS
B



~WRD118

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From: Muckrock Staff

09/17/2018



From: U.S. Citizenship and Immigration Services

09/17/2018





Your request COW2018000831 is open and is in line to be processed, it is on day 50 of an estimated 180 day wait time (excluding weekends and holidays)

Thanks,
FOIA, USCIS

A

From: Muckrock Staff

10/17/2018



From: U.S. Citizenship and Immigration Services

10/17/2018



Subject: RE: Freedom of Information Act Request #COW2018000831

Email

Good morning,

Your request, COW2018000831, is open and is in line to be processed, it is on day 71 of an estimated 211 day wait time (excluding weekends and holidays).

Thank You,
FOIA, USCIS

B

From: Muckrock Staff

11/16/2018



From: U.S. Citizenship and Immigration Services

11/16/2018



Subject: RE: Freedom of Information Act Request #COW2018000831

Email

COW2018000831 is open and inline to be processed.

Thanks,
FOIA, USCIS

A

From: Muckrock Staff

12/17/2018



From: U.S. Citizenship and Immigration Services

12/17/2018



Subject: RE: Freedom of Information Act Request #COW2018000831

Email

COW2018000831 is open and inline to be processed.

Thanks,
FOIA, USCIS

A



1



From: U.S. Citizenship and Immigration Services

01/17/2019



Subject: RE: Freedom of Information Act Request #COW2018000831

Email

Your request COW2018000831 is open and is in line to be processed.

Thanks,
FOIA, USCIS
A

From: Muckrock Staff

02/18/2019



From: U.S. Citizenship and Immigration Services

02/19/2019



Subject: RE: Freedom of Information Act Request #COW2018000831

Email

COW2018000831 is open and inline to be processed.

Thanks,
FOIA, USCIS
A

From: Muckrock Staff

03/21/2019



From: U.S. Citizenship and Immigration Services

03/21/2019



Subject: RE: Freedom of Information Act Request #COW2018000831

Email

COW2018000831 is open and inline to be processed.

Thanks,
FOIA, USCIS
A

From: Muckrock Staff

04/22/2019



From: U.S. Citizenship and Immigration Services

04/23/2019



Subject: FW: Freedom of Information Act Request #COW2018000831

Email

Good morning,

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<https://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/foia-request-status-check-average-processing-times/check-status-foia-request>



1



Tembra Greenwood
 DHS/USCIS/Significant Interest Group
 Tembra.A.Greenwood@uscis.dhs.gov<mailto:Tembra.A.Greenwood@uscis.dhs.gov>

From: Muckrock Staff

05/23/2019

From: U.S. Citizenship and Immigration Services

05/23/2019

Subject: RE: Freedom of Information Act Request #COW2018000831

Email

You can check the status of all your FOIA requests at the below link.

<https://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/foia-request-status-check-average-processing-times/check-status-foia-request>

Thank you,

Tembra Greenwood

DHS/USCIS/Significant Interest Group

Tembra.A.Greenwood@uscis.dhs.gov<mailto:Tembra.A.Greenwood@uscis.dhs.gov><mailto:Tembra.A.Greenwood@uscis.dhs.gov%3cmailto:Tembra.A.Greenwood@uscis.dhs.gov>>

From: Muckrock Staff

06/25/2019

From: Muckrock Staff

07/24/2019

From: Muckrock Staff

08/23/2019

From: Muckrock Staff

09/23/2019

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