

FREEDOM OF INFORMATION ACT APPEAL



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USCIS FOIA/PA Appeals Office

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Lee's Summit, MO 64064-2139

Re: Appeal re Request COW2018000831 on the Denial of Expedited Treatment and "News Media" Designation

Dear Officer,

On July 8, 2018 I submitted this FOIA request seeking certain e-mail messages to and from USCIS employee Caroline Lyly Nguyen regarding recent reports of a "denaturalization task force" that the Director of the USCIS has repeatedly said will lead to "thousands" of denaturalization cases being filed against United States citizens. Director Cissna says this is part of the "Operation Janus" program, only further expanded to cover hundreds of thousands of additional immigration files.

Denaturalization is an extremely rare legal procedure typically reserved for Nazis and war criminals. Since 1990, the United States has filed 17 of these cases, on average, each year. The notion that "thousands" of these cases will be filed in 2018 is shocking and has led to widespread fear and extensive reporting about the scope and parameters of such a project.

Although Director Cissna has done a media blitz and given multiple interviews about this effort to denaturalize thousands of citizens, the details of this program have been hidden. The memo that outlines the program's aims and goals is secret and has not been shared with the public. And Cissna's public statements about who will be included have often been contradictory and have further contradicted other public agency documents.

In two of the first four "Operation Janus" cases, Caroline Lyly Nguyen was the USCIS employee tasked with signing the "affidavit of good cause" attached to the complaints. Thus, her e-mail messages about "Operation Janus" are important to uncover in trying to determine who is going to be targeted by this unprecedented and intrusive effort to strip citizens of their status and deport them.

Letter
20-Jul-18
Page 2 of 3

In my request I asked that treatment of my request be expedited because of the urgent nature of this issue, the coming “thousands” of denaturalization cases, the contradictory statements by Cissna about the scope of the program, and secrecy that has surrounded it. The denial simply calls these concerns “conclusory” but does not specifically examine what we provided in our lengthy request. The regulation at 6 C.F.R. § 5.5(e)(1) states requests should be expedited when they involve:

- (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- (ii) 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;
- (iii) The loss of substantial due process rights; or
- (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

One factor outlined in the regulations that militates in favor of expedition is the “existence of numerous articles published on a given subject.” 6 C.F.R. § 5.5(e)(3). The denial letter failed to even mention the numerous articles provided within our request that discuss the Operation Janus program and the thousands of denaturalization cases that are expected. Since filing, more have been published. That determination should be reversed, and the processing should be expedited.

Notably, this is not a complicated request, and expediting processing of it will not belabor the agency. We are asking that a single custodian's e-mail be searched for a limited set of key words during a limited period of time. The results could make the difference in whether thousands of citizens lose their citizenship. It's critically important that we have this information as soon as possible.

We also appeal the denial of “news media” designation for purposes of determining the fee. The denial letter bizarrely says that “ACLU” is not a news organization. I am not and have never been affiliated with ACLU. I am independent researcher and writer

Letter
20-Jul-18
Page 3 of 3

and am quoted in most of the articles about this recent denaturalization push. I am a member of the news media, because I “actively gather[] information of potential interest to a segment of the public, use [my] editorial skills to turn the raw materials into a distinct work, and distribute[] that work to an audience.” 6 CFR § 5.11(b)(6). The adjudicator’s opinion about what “ACLU” does has nothing to do with this request, as it is not made by anyone affiliated with ACLU.

We also appeal the conditional grant of a fee waiver. Most notably, the regulations do not permit the agency to “conditionally” grant a fee waiver. 6 CFR § 5.11(k). The waiver that has been granted based on the factors outlined at 6 CFR § 5.11(k) should not be “conditional.” In stating it would be a conditional grant, the adjudicator stated they would apply the “regulations applicable to media requestors” despite only a paragraph earlier stating I am not a member of the news media.

Finally, I am appealing the charging of any fees on the basis that the USCIS has not complied with the FOIA’s time limits in which to respond to the request. 6 CFR § 5.11(d)(2)(i).

Very truly yours,



Matthew L. Hoppock