

Exhibit D



Nimra Azmi <nimra@muslimadvocates.org>

FOIA Fee Waiver Disposition Reached for CBP-2020-045581

1 message

admin@foiaonline.gov <admin@foiaonline.gov>
To: nimra@muslimadvocates.org

Mon, Mar 30, 2020 at 7:36 PM

Your request for Fee Waiver for the FOIA request CBP-2020-045581 has been denied. Additional details for this request are as follows:

- Request Created on: 03/26/2020
- Request Description: 2020-HQFO-00633

1) Records that concern guidance, interpretation, implementation, or enforcement of Proclamation 9983 by DHS, Customs & Border Patrol ("CBP"), the Department of State, or any component agency of the federal government, including, but not limited to:

- a) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures relating to criteria for assessing visa applications in light of Proclamation 9983;
- b) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures relating to criteria for assessing individual waiver requests dated on or after January 31, 2020;
- c) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures dated on or after January 31, 2020, regarding how officers should determine that an individual's waiver request be granted;
- d) Internal guidance or correspondence dated on or after January 31, 2020 instructing consular or other officers on how to assess whether denial of an individual's entry "would cause undue hardship"; or when "his or her entry would not pose a threat to national security"; or when his or her entry "would be in the national interest";
- e) The processes for accepting and adjudicating waiver requests under Proclamation 9983;
- f) Deidentified data from databases maintained by DOS like VOIS and CCD showing the following information about immigrant visa seekers from Eritrea, Myanmar, Kyrgyzstan, and Nigeria starting from February 21, 2020 until the date the response to this FOIA is complete:
 - (1) Country of origin;
 - (2) Visa type sought;
 - (3) Whether visa was denied or granted;
 - (4) Whether waiver was denied or granted;
 - (5) Whether individual satisfied the undue hardship prong;
 - (6) Whether individual satisfied national interest prong;
 - (7) Whether security processing was requested by consular official;

Please see attached request for more details.

- Fee Waiver Original Justification: The Requestors seek a waiver of document search, review, and duplication fees on the grounds that disclosure is in the public interest because it is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). If the waiver request is not granted, Requestors request that fees be limited to reasonable standard charges for document duplication because Requestor Muslim Advocates qualifies as a representative of the news media and the records sought are not for commercial use. Id. § 552(4)(A)(ii)(II).
- Fee Waiver Disposition Reason: duplicate request



Nimra Azmi <nimra@muslimadvocates.org>

FOIA Expedited Processing Disposition Reached for CBP-2020-045581

1 message

admin@foiaonline.gov <admin@foiaonline.gov>
To: nimra@muslimadvocates.org

Mon, Mar 30, 2020 at 7:37 PM

Your request for Expedited Processing for the FOIA request CBP-2020-045581 has been denied. Additional details for this request are as follows:

- Request Created on: 03/26/2020
- Request Description: 2020-HQFO-00633

1) Records that concern guidance, interpretation, implementation, or enforcement of Proclamation 9983 by DHS, Customs & Border Patrol ("CBP"), the Department of State, or any component agency of the federal government, including, but not limited to:

- a) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures relating to criteria for assessing visa applications in light of Proclamation 9983;
- b) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures relating to criteria for assessing individual waiver requests dated on or after January 31, 2020;
- c) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures dated on or after January 31, 2020, regarding how officers should determine that an individual's waiver request be granted;
- d) Internal guidance or correspondence dated on or after January 31, 2020 instructing consular or other officers on how to assess whether denial of an individual's entry "would cause undue hardship"; or when "his or her entry would not pose a threat to national security"; or when his or her entry "would be in the national interest";
- e) The processes for accepting and adjudicating waiver requests under Proclamation 9983;
- f) Deidentified data from databases maintained by DOS like VOIS and CCD showing the following information about immigrant visa seekers from Eritrea, Myanmar, Kyrgyzstan, and Nigeria starting from February 21, 2020 until the date the response to this FOIA is complete:
 - (1) Country of origin;
 - (2) Visa type sought;
 - (3) Whether visa was denied or granted;
 - (4) Whether waiver was denied or granted;
 - (5) Whether individual satisfied the undue hardship prong;
 - (6) Whether individual satisfied national interest prong;
 - (7) Whether security processing was requested by consular official;

Please see attached request for more details.

- Expedited Processing Original Justification: The Requestors request expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). There is a "compelling need" for these records as defined in the statute because: (1) the request concerns "[t]he loss of substantial due process rights," 6 C.F.R. § 5.5(e)(1)(iii); 5 U.S.C. § 552(a)(6)(E)(ii); and (2) the request concerns "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence," 6 C.F.R. § 5.5(e)(1)(iv); 5 U.S.C. § 552(a)(6)(E)(ii). Muslim Advocates and LDF are engaged in the dissemination of information as a primary part of their mission. Through their respective websites, outreach to media organizations, advocacy in government, and presentations to the public, Muslim Advocates and LDF help shine a light on government practices that affect Black communities, Muslim communities, immigrant communities, and others.
- Expedited Processing Disposition Reason: duplicate request