

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL REFUGEE ASSISTANCE
PROJECT, INC.,

Plaintiff,

-v-

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendant.

20 Civ. 4284 (RWL)

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

WHEREAS, plaintiff the International Refugee Assistance Project, Inc. (“Plaintiff”) filed this suit pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking the release of certain records contained in the Worldwide Refugee Admissions Processing System (“WRAPS”) by defendant United States Citizenship and Immigration Services (“Defendant” or “USCIS”);

WHEREAS, following motion practice, by opinion and order dated July 22, 2021 (Dkt. No. 55), the Court (1) “Declare[d] that USCIS’s failure to search WRAPS violated FOIA;” (2) “Enjoin[ed] USCIS from withholding records by refusing to search WRAPS;” (3) “Order[ed] USCIS to complete a reasonable search of WRAPS for all records responsive to the request at issue in this case within 20 days of this order;” and (4) “Order[ed] USCIS to produce all records responsive to the request at issue in this case within 30 days,” and to “explain the basis for [any] withholdings or redaction[s] in a *Vaughn* index that must accompany the production”;

WHEREAS, following a Court-ordered extension of time, on October 5, 2021, USCIS produced records responsive to Plaintiff’s FOIA request, with redactions pursuant to various

claimed FOIA exemptions, and an accompanying *Vaughn* index identifying the bases for the redactions;

WHEREAS, after the parties met and conferred concerning certain categories of redactions, on February 10, 2022, USCIS produced revised redacted versions of the records responsive to Plaintiff's FOIA request that lifted certain redactions and released certain additional information;

WHEREAS, Plaintiff does not seek to challenge any of the remaining withholdings in the revised redacted records;

WHEREAS, Defendant has represented to Plaintiff that as of March 2022, "USCIS no longer has access to WRAPS in any capacity";

WHEREAS, the parties agree that the only remaining issue in this matter concerns Plaintiff's claim of entitlement to attorney's fees and litigation costs reasonably incurred in this case pursuant to 5 U.S.C. § 552(a)(4)(E); and

WHEREAS, the parties wish to resolve Plaintiff's claim for attorney's fees and litigation costs consensually without further litigation;

IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows:

1. Pursuant to 5 U.S.C. § 552(a)(4)(E), as soon as reasonably practicable after the Court has endorsed and docketed this Stipulation and Order, USCIS shall pay to Plaintiff the sum of \$130,000 (the "Settlement Amount"), by electronic funds transfer, using bank routing information to be supplied by counsel for Plaintiff. Plaintiff, through its undersigned attorney, agrees to accept the Settlement Amount as full payment of any costs and/or attorney's fees that it has incurred in connection with this matter.

2. Effective upon payment of the Settlement Amount set forth in Paragraph 1, Plaintiff

releases the United States, its agencies, departments, officers, employees, servants, and agents, including USCIS, from any claims for attorney's fees, costs, and expenses of any kind, and however denominated, relating to services performed in connection with the above-captioned matter.

3. This Stipulation and Order shall not constitute an admission of liability or fault on the part of the United States, its agencies, departments, officers, employees, servants, and agents, including USCIS, and is entered into by both parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.

4. The parties agree that this Stipulation and Order is non-precedential with respect to any other proceeding against USCIS, the United States, or any agency or instrumentality of the United States.

5. The parties understand and agree that this Stipulation and Order contains the entire agreement between them with respect to this action, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel with respect to this action that are not included herein shall be of any force or effect.

6. This action is hereby dismissed with prejudice, and without costs or fees other than as provided in paragraph 1 of this Stipulation and Order, provided that the Court shall enter this Stipulation and Order and retain jurisdiction for the purpose of enforcing it.

Dated: April 22, 2022
New York, New York


INTERNATIONAL REFUGEE
ASSISTANCE PROJECT, INC.

By: 
KATHRYN AUSTIN
One Battery Park Plaza
Fourth Floor, IRAP
New York, New York 10004
Tel: (516) 296-0688
kaustin@refugeerights.org

Attorney for Plaintiff

Dated: April 22, 2022
New York, New York

DAMIAN WILLIAMS
United States Attorney

By: 
SARAH S. NORMAND
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2709
sarah.normand@usdoj.gov

Attorney for Defendant

SO ORDERED:



4/22/2022

HONORABLE ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE