

Exhibit A

USCIS Request



International Refugee
Assistance Project

May 24, 2019

Via Electronic and Certified Mail

Jill A. Eggleston, FOIA Public Liaison
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010
Email: uscis.foia@uscis.dhs.gov

Re: Freedom of Information Request Regarding Refugee Processing
Expedited Processing & Fee Waiver/Limitation Requested

To Whom It May Concern:

The International Refugee Assistance Project (“IRAP”) submits this Freedom of Information Act request (“Request”) seeking records relating to refugee processing. The Request is made pursuant to 5 U.S.C. § 552 *et seq.*, and its relevant implementing regulations, 6 C.F.R. § 5 *et seq.*

BACKGROUND

The world is currently in its largest refugee crisis since World War II – there are nearly 25.4 million refugees who have been displaced from their homes and are seeking safety in another country.¹ For decades, the United States has played a leading role in helping these vulnerable individuals and families build new lives in the country through its U.S. Refugee Admissions Program (“USRAP”).² In the recent years, the USRAP has undergone significant changes. Under the Trump Administration, heightened security screening policies and drastic reductions in staff administering the refugee program have caused massive delays in refugee

¹ UNHCR, *Figures at a Glance*, <https://www.unhcr.org/figures-at-a-glance.html> (last visited May 2, 2019).

² U.S. Dep’t of State, *U.S. Refugee Admissions Program*, <https://www.state.gov/j/prm/ra/admissions/index.htm> (last visited May 2, 2019).

processing.³ And in Fiscal Year 2019, President Trump capped refugee admissions at a historic low 30,000.⁴

USCIS is likely to have records responsive to this request because many components of USCIS are involved with refugee processing. Officers from the USCIS Refugee, Asylum and International Operations Directorate (“RAIO”), which includes the Refugee Affairs Division (“RAD”) and International Operations Division (“IO”), conduct quarterly Circuit Rides to interview refugee applicants abroad and evaluate applications based on the RAIO training materials. The USCIS Fraud Detection and National Security Directorate (“FDNS”) evaluates vetting results to determine if refugee applicants pose a national security or other threat. The Office of the Citizenship and Immigration Services Ombudsman (“Ombudsman’s Office”) makes recommendations to improve USCIS’s administration of immigration benefits.

REQUESTER

IRAP, Inc. is a 501(c)(3) organization that organizes law students and lawyers to develop and enforce a set of legal and human rights for refugees and displaced persons. IRAP utilizes media and systemic policy advocacy, direct legal aid, and impact litigation to serve the world’s most persecuted individuals and empower the next generation of human rights leaders.

RECORDS REQUESTED

The Requester requests disclosure of any and all records prepared, received, transmitted, collected, and/or maintained by the U.S. Citizenship and Immigration Services, or sub-offices thereof, that reflect the following:

1. The most recent versions of all training modules in the Refugee, Asylum and International Operations Directorate (“RAIO”) Combined Training Course, including all Refugee Affairs Division (“RAD”) Supplements;
2. All RAIO trainings issued since January 1, 2014, including trainings on the following topics:
 - a. Country-specific conditions for all countries;
 - b. Terrorism-Related Inadmissibility Grounds (“TRIG”);
 - c. Processing under the Controlled Application Review and Resolution Program (“CARRP”);
 - d. Discretion;
 - e. Derivative Applicants;

³ Dan De Luce & Julia Ainsley, *Trump Admin Intentionally Slowing FBI Vetting of Refugees, Ex-Officials Say* (Apr. 24, 2018), <https://www.nbcnews.com/politics/immigration/trump-admin-intentionally-slowing-fbi-vetting-refugees-ex-officials-say-n903346>.

⁴ Julie Hirschfeld David, *Trump to Cap Refugees Allowed Into U.S. at 30,000, a Record Low* (Sept. 17, 2018), <https://www.nytimes.com/2018/09/17/us/politics/trump-refugees-historic-cuts.html>.

- f. Female genital mutilation/cutting;
 - g. Firm resettlement bar;
 - h. LGBT;
 - i. HIV;
 - j. Refugee inadmissibilities;
 - k. Gender-based violence (“GBV”), including but not limited to GBV against Congolese women;
 - l. Mandatory bars for I-730 Refugee/Asylee Relative applicants;
 - m. Past Persecution and Well-Founded Fear of Persecution;
 - n. Requests for Review (“RFR”);
 - o. Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231;
 - p. Small group and mock exercises in USCIS training;
 - q. Unaccompanied children.
3. The current Refugee Officers Manual, and any prior version issued since January 1, 2014;
 4. All current standard operating procedures (“SOPs”) related to the USRAP, and any prior versions issued since January 1, 2014;
 5. All current manuals, guidance, and policies related to refugee processing by USCIS’s Fraud Detection and National Security (“FDNS”) Directorate;
 6. Circuit Ride Reports from circuit rides completed since October 1, 2012 (Fiscal Year 2013), including:
 - a. All Refugee Processing Trip Reports; and
 - b. All Supervising Refugee Officer (“SRO”) Trip Reports.
 7. All records related to the processing of this Request.

If any records responsive or potentially responsive to the Request have been destroyed, our Request includes, but is not limited to, any and all records relating or referring to the destruction of those records. This includes, but is not limited to, any and all records relating or referring to the events leading to the destruction of those records.

DEFINITIONS

“Records”: The term “records” as used in the Request includes all records preserved in electronic or written form, including but not limited to: e-mails, including the entire email chain and all attachments to any and all emails within that chain; text communications between phones or other electronic devices (including but not limited to, communications sent via SMS or other text, Blackberry Messenger, iMessage, WhatsApp, Signal, Gchat, or Twitter direct message); images, video, and audio recorded on cell phones; voicemail messages; social-media posts; formal and informal presentations; alerts; bulletins; advisories; and minutes or notes of meetings and phone calls.

Agency’s search obligation: We request searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of our Request.

Format of production: The Requester requests that responsive electronic records be provided electronically in their native file format if possible. *See* 5 U.S.C. § 552(a)(3)(B). Please produce emails with parent-child relationships (the association between an attachment to an email or other record and its parent record) preserved. If production in the format requested is not possible, please provide the records electronically in a text-searchable PDF format, in the best image quality in the agency's possession, in separate, Bates-stamped files.

REQUEST FOR EXPEDITED PROCESSING

The Requester seeks expedited processing based on two independent grounds described below, and we certify that the statements made in support of those grounds to be true and correct under 5 U.S.C. § 552(a)(6)(E)(vi) and 6 C.F.R. 5.5(e)(3). Please provide a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii)(I); 6 C.F.R. § 5.5(e)(4).

A. The Request Should Be Expedited Because of Compelling Need.

IRAP seeks expedited processing under 5 U.S.C. § 552(a)(6)(E)(i)(I) because of “compelling need” for the requested records. There is “compelling need,” as defined by the statute, because IRAP is an organization “primarily engaged in disseminating information” and has an “urgency to inform the public about an actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II); 6 C.F.R. § 5.5(e)(1)(ii).

First, dissemination of information is an integral component of IRAP's mission to educate and cultivate the next generation of human rights leaders. *See Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005) (finding that an organization whose mission is to serve as the site of record for relevant and up-to-the-minute civil rights news and information is primarily engaged in disseminating information). IRAP routinely engages in gathering information from its legal and policy work including through FOIA, analyzing the information, and distributing it. IRAP has published a number of policy reports to the public on refugee resettlement issues,⁵ and maintains “Know Your Rights” and other educational materials on its website.⁶ It routinely releases press releases and publishes a

⁵ *See, e.g.*, IRAP, A Question of Honor – The Ongoing Importance of the Afghan SIV Program (Mar. 22, 2017), *available at* <https://refugeerights.org/irap-releases-policy-report-on-afghan-special-immigrant-visa-program/>; IRAP and Human Rights First, Private Sponsorship of Refugee Resettlement in the United States: Guiding Principles and Recommendations (Oct. 17, 2016) (white paper on private refugee sponsorship program), *available at* <https://refugeerights.org/press-release-irap-and-human-rights-first-release-white-paper-on-private-refugee-sponsorship-program/>.

⁶ *See* Know Your Rights, <https://refugeerights.org/know-your-rights/> (last visited Sep. 8, 2017).

blog on its work and on issues relating to refugee policy.⁷ It has a quarterly newspaper that reaches over 25,000 individuals and a shorter newsletter that is released every 2-3 weeks. It maintains a Facebook account with over 40,000 followers,⁸ and a Twitter account with over 15,000 followers.⁹ IRAP also routinely collects and distributes resources and up-to-date information to its network of 29 law school chapters and 75 firms working with it.

Second, there is an urgency to inform the public about the records subject to this Request. The U.S. Refugee Admissions Program's Processing has been the subject of extensive media coverage, reflecting public interest in the issue. 6 C.F.R. § 5.5(e)(3) (explaining that "[t]he existence of numerous articles published on a given subject can be helpful to establishing the requirement that there be an 'urgency to inform' the public on the topic"). *See, e.g.*, Yeganeh Torbati & Omar Mohammed, *Special Report: Slamming the door – How Trump transformed U.S. refugee program*, REUTERS (Sept. 12, 2018), <https://www.reuters.com/article/us-usa-immigration-refugees-specialrepor/special-report-slamming-the-door-how-trump-transformed-u-s-refugee-program-idUSKCN1LS1H8>; Deborah Amos, *2018 Was a Year of Drastic Cuts to U.S. Refugee Admissions*, NPR (Dec. 27, 2018), <https://www.npr.org/2018/12/27/680308538/2018-was-a-year-of-drastic-cuts-to-u-s-refugee-admissions>.

B. There Is Widespread and Exceptional Media Interest.

Alternatively, the records sought should be processed on an expedited basis because the Request involves "[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). As described above, the subject matter of the Request has been subject of extensive media coverage. *See supra*. The subject has also raised questions about the integrity of the U.S. Refugee Admissions Program. *See e.g.*, Jonathan Blitzer, *The Trump Administration's Hard Line on Refugees Comes Under Fire*, NEW YORKER (May 1, 2018), <https://www.newyorker.com/news/daily-comment/the-trump-administrations-hard-line-on-refugees-comes-under-fire>; *see also Am. Civil Liberties Union v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 32 (D.D.C. 2004) (holding, under an identical expedited processing regulation, that "suggestions of possible violations of privacy rights" presented by news articles raised questions about government integrity).

REQUEST OF WAIVER OF OR LIMITATION ON FEES

IRAP seeks fee waivers because disclosure is in the public interest and because IRAP is a representative of the news media. Fee waivers should be granted here, given that Congress intended FOIA to be construed liberally in favor of granting waivers for noncommercial

⁷ *See* Press Room, <https://refugeerights.org/press-room/> (last visited Sep. 8, 2017); Blog, <https://refugeerights.org/blog1/> (last visited Sep. 8, 2017).

⁸ *See* IRAP, Facebook, <https://www.facebook.com/RefugeeAssist/>.

⁹ *See* IRAP (@RefugeeAssist), Twitter, <https://twitter.com/RefugeeAssist>.

requesters like IRAP. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (internal quotation marks and citations omitted)).

A. All Fees Should Be Waived Because Disclosure is In the Public Interest.

The Requester asks that all fees associated with this FOIA request be waived because the disclosure of the requested records is “in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). This is so because disclosure 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.” *Id.*; 6 C.F.R. § 5.11(k)(1).

The Request meets each of the factors that the agency should consider under 6 C.F.R. § 5.11(k)(2) in determining whether the disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government.” First, the Request pertains directly to “operations or activities of the federal government.” *Id.* § 5.11(k)(2)(i). Second, the Request is “likely to contribute” to “an increased public understanding of” the government’s operations or activities, *id.* § 5.11(k)(2)(ii), specifically by helping the public determine the policies governing agency processing of refugee applications. Third, the disclosure of the requested records will contribute to “the understanding of a reasonably broad audience of persons interested in the subject,” *id.* § 5.11(k)(2)(iii), because IRAP intends to analyze the responsive records and publish its findings in support of its policy and advocacy work. Finally, disclosure will enhance the public’s understanding of the subject of the Request “to a significant extent,” *id.* § 5.11(k)(2)(iv). Although there has been significant media and public interest in these issues, as described above, much remains unknown and the requested records will illuminate agency guidelines for processing refugee applications. The Request is also not in the commercial interest of IRAP.

B. In the Alternative, Search and Review Fees Should Be Waived Because IRAP Is a Representative of the News Media.

If the agency does not waive all fees as requested above, it should at minimum waive search and review fees because IRAP meets the statutory and regulatory definitions of “representative of the news media.” 5 U.S.C. § 552(a)(4)(A)(ii)(II); 6 C.F.R. § 5.11(b)(6). This term refers to any “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii); *see also* 6 C.F.R. § 5.11(b)(6).

As described above, IRAP routinely gathers information through its legal and policy work, including through FOIA requests, processes the information, and distributes that work to a broad audience. *See supra*. Other non-profits who similarly engage in media advocacy, in addition to other policy advocacy and legal work, have been found to be a “representative of a news media” for purposes of a fee waiver. *See, e.g., Serv. Women’s Action Network v. Dep’t of Def.*, 888 F. Supp. 2d 282, 287-88 (D. Conn. 2012) (concluding that the ACLU is a news representative); *Elec. Privacy Info. Ctr. v. Dep’t of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003)

(same for the EPIC); *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (same for Judicial Watch, a public interest law firm with a website and a radio show).

* * * * *

We expect your response within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i). In any response, please describe the search that was undertaken to locate records responsive to this Request. If the Request is denied in part or in whole, please justify all withholdings and/or redactions by reference to specific FOIA exemptions, with an explanation of their applicability. Please also release all segregable portions of otherwise exempt material.

Please furnish copies of all applicable information to:

Kate Meyer
International Refugee Assistance Project
One Battery Park Plaza
New York, New York 10004
kmeyer@refugeerights.org
516-838-1975

Please notify us in advance if any costs relating to the Request exceeds \$100.00.

If you have any questions regarding this request, please contact Kate Meyer at 516-838-1975 or kmeyer@refugeerights.org. Thank you in advance for your timely cooperation.

Sincerely,

/s/ Kate Meyer

Kate Meyer
Litigation Staff Attorney
International Refugee Assistance Project