



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 8, 2023

By ECF

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *International Refugee Assistance Project, Inc. v. United States Citizenship and Immigration Services, et al.*, No. 23 Civ. 1236 (KHP)

Dear Judge Parker:

This Office represents Defendants United States Citizenship and Immigration Services (“USCIS”) and the Department of State (“State,” and together with USCIS, the “Government”) in the above-referenced Freedom of Information Act (“FOIA”) action. We write jointly with Plaintiff International Refugee Assistance Project, Inc. (“IRAP”) in response to the Court’s order to file a joint status report on the eighth day of each month, or if that date is a weekend or public holiday, then on the following Monday.

This matter concerns FOIA requests IRAP submitted to State and USCIS. The USCIS request seeks records for case management software systems used or accessed by USCIS to process a refugee for resettlement to the United States through the U.S. Refugee Admissions Program. The State request seeks the same records with respect to State (“Part One” of the State request), as well as anonymized data from individual refugee cases (“Part Two” of the State request).

USCIS made its first and final release of identified responsive records on July 7, 2023. IRAP has finished its initial review of these records and expressed concerns to USCIS about possible deficiencies in the agency’s search. IRAP is still assessing the appropriateness of USCIS’s claimed withholdings.

With respect to Part One of the State request, State has identified approximately 3,145 pages of potentially responsive records for the case management systems—e.g., START and Refugee Processing Center Amazon Webservices (“RPC AWS”)—that it uses or accesses to process refugees.¹ On June 30, 2023, State produced 397 pages in part, except those portions it determined are appropriately exempt pursuant to 5 U.S.C. § 552(b)(6) and (b)(7)(E) of FOIA. IRAP communicated to State its concern that State is not releasing all reasonably segregable non-exempt material, and State agreed to re-review the June 30 production. State anticipates

¹ These records include information about follow-to-join refugees, but, as discussed below, State is still conducting searches regarding the location of any additional records should they exist.

completing this re-review by the end of August. State will make its next production of records responsive to Part One of the State request by August 11, 2023.²

With respect to the identified records that are potentially responsive to Part One of the State request, State provided IRAP with general information about the file types and sizes of records that make up the bulk of these records and recently provided IRAP with additional information regarding these records so that IRAP could decide whether it would like all of them processed. In response, IRAP reduced the scope of Part One. State also provided IRAP with information regarding the Excel spreadsheets that have been identified as responsive to Part One of the State request, and IRAP has requested that State process all of them.

In its initial search for records responsive to Part One of the State request, State did not search for responsive records for the case management systems that it accesses or uses to process follow-to-join refugees—which may include Immigrant Visa Overseas (“IVO”) and Immigrant Visa Information System (“IVIS”)—due to a misunderstanding about the scope of IRAP’s request. State has agreed to conduct a second search for these responsive records. The parties paused this search while IRAP narrowed its request. Now that IRAP has done so, State is resuming the process of tasking this search to another Bureau that is involved in the follow-to-join refugees workstream.

State has not yet queried its databases for records responsive to Part Two of the State request. State has expressed to IRAP its position that all of the data fields requested by IRAP are exempt from disclosure under the FOIA because each field is a small piece of a larger puzzle that, when viewed as a whole, would be exempt from disclosure. IRAP has asked for clarification about whether a subset of requested data fields would raise the same concern and whether the concern arises from the number of requested data fields or specific requested data fields. The parties have also explored State providing aggregate reporting not similarly exempt in lieu of anonymized data from individual refugee cases. In April, IRAP provided State with an illustrative example of the aggregate reporting it desires. State determined it was not feasible to provide the desired aggregate reporting in July. Last week, State alternatively proposed providing IRAP with a report similar to that provided to Congress in April 2023 on the United States Refugee Admissions Program, with screening, processing, and referral statistics further broken down by nationality. IRAP declined this alternative proposal yesterday for lacking sufficient detail. The parties are also open to discussing other alternatives that might allow them to resolve issues relating to Part Two of the State request consensually. If the parties are unable to reach a resolution with respect to the processing of Part Two of the State request, they will promptly alert the Court.

² State has proposed making a good faith effort to process an average of 450 pages per six weeks exclusive of external consultations with respect to Part One of the State request. The parties continue to discuss issues regarding processing rate and external consultations and will raise those issues with the Court in the future if and when the need arises.

The parties thank the Court for its consideration of this joint status report and will file their next report by September 8, 2023.

Respectfully,

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