



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 10, 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.¹

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 is still assessing the appropriateness of USCIS’s claimed withholdings, as well as the reasonableness of the agency’s search. IRAP has specifically inquired about withholdings made with respect to certain draft documents, and USCIS is working to prepare a response to IRAP’s inquiry.

With respect to Part One of the State request, State has identified from its first search approximately 2,863² pages of potentially responsive records for the case management systems—

¹ Because Monday, October 9, 2023, was a public holiday, the parties file their joint status report on Tuesday, October 10, 2023.

² State had previously identified 3,145 pages, but since records were collected earlier this year in response to Part One of the State request, a number of local Standard Operating Procedures (“SOPs”) previously identified as being responsive have been retired. Accordingly, the parties

i.e., START and Refugee Processing Center Amazon Webservices (“RPC AWS”)—that it uses or accesses to process refugees.³ State made its third production of records responsive to Part One of the State request on September 22, 2023. State anticipates making its fourth production of records responsive to Part One of the State request by November 3, 2023.⁴

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 due to a misunderstanding about the scope of IRAP’s request. State agreed to conduct a second search for these responsive records in the middle of July 2023. It identified Immigrant Visa Overseas (“IVO”) and Immigrant Visa Information System (“IVIS”) as the responsive case management systems to IRAP on September 7, 2023, and set October 6, 2023, as the anticipated deadline for the search. State tasked three components to search for responsive records—the Bureau of Consular Affairs’ Office of Information Management and Liaison within the Directorate of Visa Services (“CA/VO/I”), the Bureau’s Consular Systems and Technology Division (“CA/CST”), and the National Visa Center (“NVC”). CA/VO/I returned 10 records totaling approximately 1,229 pages. State is still waiting on responses from CA/CST and NVC and anticipates having these responses in short order.

State has not yet queried its databases for records responsive to Part Two of the State request, nor has it made any official determination about production on this Part. The parties have discussed alternative proposals for information State might provide to resolve issues relating to Part Two of the State request consensually but have not reached a proposal that is agreeable to both parties. In April 2023, State agreed to provide an explanation of its position as to each specific data field in Part Two. In June 2023, it did so for some fields in Part Two subpart a. In August 2023, IRAP asked State to make a formal production determination for Part 2. State continues to work with subject-matter experts on a response to this inquiry and previously anticipated making its determination on Part 2 of the State request by October 31, 2023.⁵ However, agency personnel working on this response are on leave for several weeks in October. Given these leave schedules,

agreed that State would remove the 12 local SOPs (totaling 468 pages), which had not yet been processed, from the universe of records to be processed and add the three new, currently operative U.S. Refugee Admissions Program Processing Guides on scheduling, travel, and cultural orientation (totaling 186 pages). Earlier versions of these Guides were included in the August 2023 production.

³ These records include information about follow-to-join refugees, but, as discussed below, State conducted a second search regarding the location of any additional records.

⁴ 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. It anticipates that its average processing rate will be 450 pages per six weeks once all productions with respect to Part One of the State request have been made. 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.

⁵ State reserves the right to make this determination at a later date with respect to follow-to-join refugee data.

State now anticipates making its determination on Part 2 of the State request by November 17, 2023.

The parties thank the Court for its consideration of this joint status report and will file their next report by November 8, 2023. If any issue becomes ripe for summary judgment motion practice in the meantime, the party seeking to file the motion will file a letter motion seeking a pre-motion conference with the Court.

Respectfully,

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