

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X)	
RECLAIM THE RECORDS, ALEC)	
FERRETTI, ALEX CALZARETH,)	
and RICH VENEZIA)	
)	
Plaintiffs,)	No. _____
)	
-against-)	COMPLAINT
)	
UNITED STATES CITIZENSHIP AND)	
IMMIGRATION SERVICES,)	
)	
)	
Defendant.)	
-----X)	

Plaintiffs Reclaim the Records, Alec Ferretti, Alex Calzareth, and Rich Venezia, by their attorney David B. Rankin of Beldock, Levine & Hoffman, LLP for their complaint, do hereby state and allege:

Preliminary Statement

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. §§552 *et seq.*, seeking the production of agency records improperly withheld by Defendant United States Department of Homeland Security (“DHS”), specifically its component the United States Citizenship and Immigration Services (“USCIS”) (“Defendant”), in response to requests properly made by Plaintiffs.

2. Plaintiffs have, for nearly four years, been requesting transparency in USCIS’s policies via FOIA requests. Plaintiffs’ requests, of which there are eighty-nine at issue, were made from June 18, 2019, to December 13, 2022. To date, Defendant USCIS has failed to properly respond to any of Plaintiffs’ eighty-nine requests, either by producing the requested records or denying the requests, within the time allowed by FOIA.

3. This action challenges the policy and practice of Defendant USCIS of failing to respond to records requests within twenty business days of receiving each request as required by FOIA, 5 U.S.C. § 522(a)(6)(A)(i). USCIS's policy is unlawful under FOIA and deprives the public of its right to obtain access to federal agency records—"a structural necessity in a real democracy." *Nat'l Archives & Records Admin. v. Favish*, 541 U.S. 157, 171–72 (2004) (citations omitted).

4. Defendant USCIS's refusal to search for and supply the requested records in a timely manner evidences an agency policy and practice of delayed disclosure that constitutes an ongoing failure to abide by the terms of the FOIA.

5. Defendant's unlawful policy and practice has irreparably harmed the Plaintiffs by impairing the Plaintiffs' lawful access to information.

6. Defendant's unlawful policy and practice will continue to impair the Plaintiffs' lawful access to information in the future and Plaintiffs will therefore suffer continuing irreparable injury due to the policy and practice.

7. Having exhausted their requests administratively, Plaintiffs now bring suit to require Defendant to release the requested records in their entirety.

Jurisdiction and Venue

8. This Court has subject matter jurisdiction of the FOIA claim and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(b). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

9. Venue is proper as the records exist on databases within this district and Plaintiffs Ferretti and Calzareth are residents of New York.

10. USCIS has failed to respond to Plaintiffs' requests within the time allowed by FOIA.

11. Plaintiffs have exhausted all administrative remedies pursuant to 5 U.S.C. § 522(a)(6)(C)(i).

Parties

12. Plaintiffs Alec Ferretti and Alex Calzareth are board members of Plaintiff Reclaim the Records (“Reclaim”), a 501(c)(3) not-for-profit organization that acquires genealogical and archival data sets and images from government sources for the purpose of making such genealogical data free and accessible to the public at large. Plaintiff Rich Venezia is a genealogist and genealogical lecturer. Collectively, Mr. Ferretti, Mr. Calzareth, Mr. Venezia, and Reclaim the Records are referred to as the “Plaintiffs.”

13. Defendant USCIS is an agency within the meaning of 5 U.S.C. §§ 551(1) & 552(f)(1). Defendant USCIS is a component of DHS.

Factual Background

Request No. 1

14. On June 18, 2019, Plaintiffs submitted a FOIA request (Control Number COW2019500629) to USCIS via postal mail (hereinafter “Request 1”). Request 1 is attached hereto as Exh. 1-A.

15. This request seeks documents related to the Records Policy Manual covering reconciliation and auditing procedures for missing A- and C-Files, “SOPS from the records holding facilities” and “data available relating to the find of ‘lost’ files.” Exh. 1-A.

16. On June 28, 2019, USCIS acknowledged Request 1. The acknowledgment letter is attached hereto as Exh. 1-B.

17. To date, USCIS has neither denied Request 1 nor produced the requested records.

Request No. 2

18. On August 21, 2020, Plaintiffs submitted a FOIA request (Control Number COW2020003314) to USCIS via postal mail (hereinafter “Request 2”). Request 2 is attached hereto as Exh. 2-A.

19. This request seeks documents related to “the FOIA requests listed below, including correspondence, emails, research, notes, attachments, and any other records related to processing of and determinations made in those cases” for cases “NRC2019538562; NRC2019538568; NRC2019538569; NRC2019538570; NRC2019538575; NRC2019538581; NRC2019538867; NRC2019538869; NRC2019538872; NRC2019538874; NRC2019538879; NRC2019620092; COW2019501665; APP2020000127.” Exh. 2-A.

20. On November 16, 2020, USCIS acknowledged Request 2. The acknowledgment letter is attached hereto as Exh. 2-B.

21. To date, USCIS has neither denied Request 2 nor produced the requested records.

Request No. 3

22. On February 12, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000583) to USCIS via the FIRST Portal (hereinafter “Request 3”). Request 3 is attached hereto as Exh. 3-A.

23. This request seeks documents related to “FOIA Log of all FOIA requests processed in the calendar year 2020.” Exh. 3-A.

24. On February 12, 2021, USCIS acknowledged Request 3. The acknowledgment letter is attached hereto as Exh. 3-B.

25. To date, USCIS has neither denied Request 3 nor produced the requested records.

Request No. 4

26. On February 12, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000584) to USCIS via the FIRST Portal (hereinafter “Request 4”). Request 4 is attached hereto as Exh. 4-A.

27. This request seeks documents related to “FOIA Log of all FOIA Appeals processed in the calendar year 2020.” Exh. 4-A.

28. On February 12, 2021, USCIS acknowledged Request 4. The acknowledgment letter is attached hereto as Exh. 4-B.

29. To date, USCIS has neither denied Request 4 nor produced the requested records.

Request No. 5

30. On February 11, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000585) to USCIS via the FIRST Portal (hereinafter “Request 5”). Request 5 is attached hereto as Exh. 5-A.

31. This request seeks documents related to “all emails including attachments, beginning January 1, 2015 and ending February 12, 2021 sent to or received by Tammy Meckley (Associate Director, Immigration Records and Identity Services Directorate) that contain any of the following words: genealogy, geneology, genealogist, genealogists, geneologist, geneologists. The search for Tammy Meckley's name or email address should include all of the following fields: ‘to,’ ‘from,’ ‘cc’ and ‘bcc’ fields.” Exh. 5-A.

32. On February 12, 2021, USCIS acknowledged Request 5. The acknowledgment letter is attached hereto as Exh. 5-B.

33. To date, USCIS has neither denied Request 5 nor produced the requested records.

Request No. 6

34. On February 23, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000728) to USCIS via via the FIRST portal (hereinafter “Request 6”). Request 6 is attached hereto as Exh. 6-A.

35. This request seeks documents related to “a list and/or screenshots of titles of all routine statistical reports generated from the Central Index System (CIS).” Exh. 6-A.

36. On February 25, 2021, USCIS acknowledged Request 6. The acknowledgment letter is attached hereto as Exh. 6-B.

37. To date, USCIS has neither denied Request 6 nor produced the requested records.

Request No. 7

38. On March 5, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000885) to USCIS via referral from the Department of Homeland Security (hereinafter “Request 7”). Request 7 is attached hereto as Exh. 7-A.

39. This request seeks documents related to “1) all records, including correspondence, emails, research, notes, attachments, and any other records regarding DHS efforts to rectify lost and missing A-files and C-files, and all record reconciliation and auditing procedure and 2) all protocols, procedures, SOPS, or other guidance being followed by the Department regarding reconciliation and auditing of lost and missing A-files and C-files.” Exh. 7-A.

40. On March 8, 2021, USCIS acknowledged Request 7. The acknowledgment letter is attached hereto as Exh. 7-B.

41. On March 11, 2021, USCIS sent Plaintiffs a request for clarification of Request 7. USCIS’s clarification request is attached hereto as Exh 7-C.

42. On March 16, 2021, Plaintiffs clarified the request, stating, “I would happily take a current copy of the RPM in addition to what I have currently requested,” and “I would be willing narrow

my request to the most recent report (ANY report) covering any aspect of any effort of the agency in undertaking the reconciliation and auditing of lost and missing A-files and C-files.” Plaintiffs’ clarification letter is attached hereto as Exh. 7-D.

43. On March 18, 2021, USCIS acknowledged the Plaintiffs’ clarification. USCIS’s clarification acknowledgment is attached hereto as Exh 7-E.

44. To date, USCIS has neither denied Request 7 nor produced the requested records.

Request No. 8

45. On March 10, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000928) to USCIS via the FIRST Portal (hereinafter “Request 8”). Request 8 is attached hereto as Exh. 8-A.

46. This request seeks documents related to “Staff directory, showing all staff of the FOIA division of USCIS, including their name, email address, and position.” Exh. 8-A.

47. On March 10, 2021, USCIS acknowledged Request 8. The acknowledgment letter is attached hereto as Exh. 8-B.

48. To date, USCIS has neither denied Request 8 nor produced the requested records.

Request No. 9

49. On March 10, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000929) to USCIS via the FIRST Portal (hereinafter “Request 9”). Request 9 is attached hereto as Exh. 9-A.

50. This request seeks documents related to “Official calendars of Jill Eggleston for the calendar years 2018-2021.” Exh. 9-A.

51. On March 10, 2021, USCIS acknowledged Request 9. The acknowledgment letter is attached hereto as Exh. 9-B.

52. To date, USCIS has neither denied Request 9 nor produced the requested records.

Request No. 10

53. On March 10, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000931) to USCIS via the FIRST Portal (hereinafter “Request 10”). Request 10 is attached hereto as Exh. 10-A.

54. This request seeks documents related to “Reports detailing amounts of FOIA requests redirected to the Genealogy Program. If no reports exist, please provide for me copies of all redirection letters.” Exh. 10-A.

55. On March 15, 2021, USCIS acknowledged Request 10. The acknowledgment letter is attached hereto as Exh. 10-B.

56. To date, USCIS has neither denied Request 10 nor produced the requested records.

Request No. 11

57. On March 13, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000986) to USCIS via the FIRST Portal (hereinafter “Request 11”). Request 11 is attached hereto as Exh. 11-A.

58. This request seeks documents related to “Procedure manuals and staff instructions regarding how to use the Electronic Verification of Vital Events or Electronic Verification of Vital Events - Fact of Death systems, which USCIS uses to determine if individuals are living or dead.” Exh. 11-A.

59. On March 25, 2021, USCIS acknowledged Request 11. The acknowledgment letter is attached hereto as Exh. 11-B.

60. To date, USCIS has neither denied Request 11 nor produced the requested records.

Request No. 12

61. On March 13, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000988) to USCIS via the FIRST Portal (hereinafter “Request 12”). Request 12 is attached hereto as Exh. 12-A.

62. This request seeks documents related to “All email correspondence between and any email domains ending with @naphsis.org and @uscis.dhs.gov between the years 2015 and 2020 containing the phrases ‘EVVE’ or ‘Electronic Verification of Vital Events.’ Please include attachments.” Exh. 12-A.

63. On March 23, 2021, USCIS acknowledged Request 12. The acknowledgment letter is attached hereto as Exh. 12-B.

64. On March 23, 2021, USCIS sent Plaintiffs a request for clarification of Request 12. USCIS’s clarification request is attached hereto as Exh. 12-C.

65. On March 23, 2021 Plaintiffs clarified the request, stating, “Please only search staff of the USCIS Management Directorate. It is possible to do a global search in outlook: <https://docs.microsoft.com/en-us/microsoft-365/compliance/content-search?view=o365-worldwide>.” Plaintiffs’ clarification letter is attached hereto as Exh. 12-D.

66. USCIS did not respond to Plaintiffs’ clarification.

67. To date, USCIS has neither denied Request 12 nor produced the requested records.

Request No. 13

68. On March 13, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021000990) to USCIS via the FIRST Portal (hereinafter “Request 13”). Request 13 is attached hereto as Exh. 13-A.

69. This request seeks documents related to “screenshots or extracts of official staff calendars for every entire day of scheduling which has the word ‘NAPHSIS.’ Please do a global search of all employees, and search from the years 2015-2020.” Exh. 13-A.

70. On March 23, 2021, USCIS acknowledged Request 13. The acknowledgment letter is attached hereto as Exh. 13-B.

71. On March 23, 2021, USCIS sent Plaintiffs a request for clarification of Request 13. USCIS’s clarification request is attached hereto as Exh. 13-C.

72. On March 23, 2021 Plaintiffs clarified the request, stating, “Please only search staff of the USCIS Management Directorate. It is possible to do a global search in outlook: <https://docs.microsoft.com/en-us/microsoft-365/compliance/content-search?view=o365-worldwide>.” Plaintiffs’ clarification letter is attached hereto as Exh. 13-D.

73. On May 4, 2021, USCIS sent Plaintiffs a request to alter the production format of the calendar entries. Plaintiffs agreed to this change. USCIS’s clarification and Plaintiff’s response is attached hereto as Exh. 13-E.

74. To date, USCIS has neither denied Request 13 nor produced the requested records.

Request No. 14

75. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001265) to USCIS via the FIRST Portal (hereinafter “Request 14”). Request 14 is attached hereto as Exh. 14-A.

76. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by Donna.R.Ring@uscis.dhs.gov from March 1, 2021-April 1, 2021. Please include attachments.” Exh. 14-A.

77. On April 6, 2021, USCIS acknowledged Request 14. The acknowledgment letter is attached hereto as Exh. 14-B.

78. To date, USCIS has neither denied Request 14 nor produced the requested records.

Request No. 15

79. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001266) to USCIS via the FIRST Portal (hereinafter “Request 15”). Request 15 is attached hereto as Exh. 15-A.

80. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by Donna.R.Ring@uscis.dhs.gov from January 1, 2020-April 1, 2021 which includes the keywords ‘FOIA’ or ‘Freedom of information.’ Please include attachments.” Exh. 15-A.

81. On April 14, 2021, USCIS acknowledged Request 15. The acknowledgment letter is attached hereto as Exh. 15-B.

82. To date, USCIS has neither denied Request 15 nor produced the requested records.

Request No. 16

83. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001267) to USCIS via the FIRST Portal (hereinafter “Request 16”). Request 16 is attached hereto as Exh. 16-A.

84. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by Donna.R.Ring@uscis.dhs.gov from January 1, 2020-April 1, 2021 which includes the keywords ‘PFile’ ‘P-File’ ‘P File’ ‘P-Files’ ‘P Files’ or ‘PFiles.’ Please include attachments.” Exh. 16-A.

85. On June 28, 2021, USCIS acknowledged Request 16. The acknowledgment letter is attached hereto as Exh. 16-B.

86. To date, USCIS has neither denied Request 16 nor produced the requested records.

Request No. 17

87. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001268) to USCIS via the FIRST Portal (hereinafter “Request 17”). Request 17 is attached hereto as Exh. 17-A.

88. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by Genealogy.USCIS@uscis.dhs.gov from March 1, 2021-April 1, 2021 which includes the keywords ‘FOIA’ or ‘Freedom of Information.’ Please include attachments.” Exh. 17-A.

89. On April 6, 2021, USCIS acknowledged Request 17. The acknowledgment letter is attached hereto as Exh. 17-B.

90. To date, USCIS has neither denied Request 17 nor produced the requested records.

Request No. 18

91. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001269) to USCIS via the FIRST Portal (hereinafter “Request 18”). Request 18 is attached hereto as Exh. 18-A.

92. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by Genealogy.USCIS@uscis.dhs.gov from January 1, 2021-April 1, 2021 which includes the keywords ‘dual citizenship’ or ‘dual-citizenship.’ Please include attachments.” Exh. 18-A.

93. On April 20, 2021, USCIS acknowledged Request 18. The acknowledgment letter is attached hereto as Exh. 18-B.

94. To date, USCIS has neither denied Request 18 nor produced the requested records.

Request No. 19

95. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001271) to USCIS via the FIRST Portal (hereinafter “Request 19”). Request 19 is attached hereto as Exh. 19-A.

96. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by foiaquestions@uscis.dhs.gov from January 1, 2020-April 1, 2021 which includes the keywords ‘Genealogy’ ‘Genealogy’ or ‘Geneology.’ Please include attachments.” Exh. 19-A.

97. On April 6, 2021, USCIS acknowledged Request 19. The acknowledgment letter is attached hereto as Exh. 19-B.

98. To date, USCIS has neither denied Request 19 nor produced the requested records.

Request No. 20

99. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001272) to USCIS via the FIRST Portal (hereinafter “Request 20”). Request 20 is attached hereto as Exh. 20-A.

100. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by foiaquestions@uscis.dhs.gov from March 1, 2021-April 1, 2021 which includes the keywords ‘denial’ or ‘rejection.’ Please include attachments.” Exh. 20-A.

101. On April 6, 2021, USCIS acknowledged Request 20. The acknowledgment letter is attached hereto as Exh. 20-B.

102. To date, USCIS has neither denied Request 20 nor produced the requested records.

Request No. 21

103. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001274) to USCIS via the FIRST Portal (hereinafter “Request 21”). Request 21 is attached hereto as Exh. 21-A.

104. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by Jarrod.T.Panter@uscis.dhs.gov from January 1, 2020-April 1, 2021 which includes the keywords ‘genealogy.’ Please include attachments.” Exh. 21-A.

105. On April 7, 2021, USCIS acknowledged Request 21. The acknowledgment letter is attached hereto as Exh. 21-B.

106. To date, USCIS has neither denied Request 21 nor produced the requested records.

Request No. 22

107. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001279) to USCIS via the FIRST Portal (hereinafter “Request 22”). Request 22 is attached hereto as Exh. 22-A.

108. This request seeks documents related to “List of people on all email distribution lists of which Donna.R.Ring@uscis.dhs.gov is a part.” Exh. 22-A.

109. On April 7, 2021, USCIS acknowledged Request 22. The acknowledgment letter is attached hereto as Exh. 22-B.

110. To date, USCIS has neither denied Request 22 nor produced the requested records.

Request No. 23

111. On April 4, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001280) to USCIS via the FIRST Portal (hereinafter “Request 23”). Request 23 is attached hereto as Exh. 23-A.

112. This request seeks documents related to “List of people on all email distribution lists of which Jarrod.T.Panter@uscis.dhs.gov is a part.” Exh. 23-A.

113. On April 7, 2021, USCIS acknowledged Request 23. The acknowledgment letter is attached hereto as Exh. 23-B.

114. To date, USCIS has neither denied Request 23 nor produced the requested records.

Request No. 24

115. On April 13, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001431) to USCIS via the FIRST Portal (hereinafter “Request 24”). Request 24 is attached hereto as Exh. 24-A.

116. This request seeks documents related to “Screenshots, reports, or extracts of email metadata for Donna.R.Ring@uscis.dhs.gov from January 1, 2020-April 1, 2021 which show how many emails contain the keywords ‘FOIA’ or ‘Freedom of information.’” Exh. 24-A.

117. On June 24, 2021, USCIS acknowledged Request 24. The acknowledgment letter is attached hereto as Exh. 24-B.

118. To date, USCIS has neither denied Request 24 nor produced the requested records.

Request No. 25

119. On May 3, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021001700) to USCIS via the FIRST Portal (hereinafter “Request 25”). Request 25 is attached hereto as Exh. 25-A.

120. This request seeks documents related to “All emails between Andrew Smith and any email account with @nara.gov from January 1, 2008 - present. Please include emails that were sent to, from, cc'd to, or cc'd by Ms Canard and include attachments. For the purposes of narrowing this request, please only search for emails which contain the phrase ‘AR2’ ‘AR-2’ ‘AR 2’ OR ‘Alien Registration.’” Exh. 25-A.

121. On May 6, 2021, USCIS acknowledged Request 25. The acknowledgment letter is attached hereto as Exh. 25-B.

122. To date, USCIS has neither denied Request 25 nor produced the requested records.

Request No. 26

123. On June 1, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002077) to USCIS via the FIRST Portal (hereinafter “Request 26”). Request 26 is attached hereto as Exh. 26-A.

124. This request seeks documents related to “Inventory, spreadsheets, lists, finding aids, etc, documenting the different microfilm collections held by the USCIS History Library.” Exh. 26-A.

125. On June 3, 2021, USCIS acknowledged Request 26. The acknowledgment letter is attached hereto as Exh. 26-B.

126. To date, USCIS has neither denied Request 26 nor produced the requested records.

Request No. 27

127. On June 1, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002078) to USCIS via the FIRST Portal (hereinafter “Request 27”). Request 27 is attached hereto as Exh. 27-A.

128. This request seeks documents related to “Inventory, spreadsheets, lists, finding aids, etc, documenting the different digital collections held by the USCIS History Library.” Exh. 27-A.

129. On June 3, 2021, USCIS acknowledged Request 27. The acknowledgment letter is attached hereto as Exh. 27-B.

130. To date, USCIS has neither denied Request 27 nor produced the requested records.

Request No. 28

131. On June 24, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002412) to USCIS via the FIRST Portal (hereinafter “Request 28”). Request 28 is attached hereto as Exh. 28-A.

132. This request seeks documents related to “All email attachments (or emails including attachments - whichever is simpler) sent from the Genealogy.USCIS@uscis.dhs.gov inbox from January 1, 2015-present, from emails which contain the phrase ‘The attached letter includes the results to your index search request.’” Exh. 28-A.

133. On June 25, 2021, USCIS acknowledged Request 28. The acknowledgment letter is attached hereto as Exh. 28-B.

134. To date, USCIS has neither denied Request 28 nor produced the requested records.

Request No. 29

135. On June 24, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002413) to USCIS via the FIRST Portal (hereinafter “Request 29”). Request 29 is attached hereto as Exh. 29-A.

136. This request seeks documents related to “Emails sent by or to the USCIS General Counsel's Office, including attachments, between January 1, 2015 and present, that contain both of the following phrases: ‘legal authority’ and ‘genealogy program.’” Exh. 29-A.

137. On June 25, 2021, USCIS acknowledged Request 29. The acknowledgment letter is attached hereto as Exh. 29-B.

138. To date, USCIS has neither denied Request 29 nor produced the requested records.

Request No. 30

139. On June 24, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002416) to USCIS via the FIRST Portal (hereinafter “Request 30”). Request 30 is attached hereto as Exh. 30-A.

140. This request seeks documents related to “All emails, including attachments, sent by and to Eunice Sohn, Brian Broderick, and Cassandra Perkins from January 1, 2012- present, containing

any of the following phrases: ‘C-Files at Suitland’ OR ‘C Files at Suitland’ or ‘CFiles at Suitland.’”
Exh. 30-A.

141. On June 25, 2021, USCIS acknowledged Request 30. The acknowledgment letter is attached hereto as Exh. 30-B.

142. To date, USCIS has neither denied Request 30 nor produced the requested records.

Request No. 31

143. On June 30, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002502) to USCIS via the FIRST Portal (hereinafter “Request 31”). Request 31 is attached hereto as Exh. 31-A.

144. This request seeks documents related to “Database extract of all records retrieved from the Genealogy Program from January 1, 2015-present, including type of record, file number, name, date of birth, and county of birth. Please include all other fields that can be extracted.” Exh. 31-A.

145. On July 6, 2021, USCIS acknowledged Request 31. The acknowledgment letter is attached hereto as Exh. 31-B.

146. To date, USCIS has neither denied Request 31 nor produced the requested records.

Request No. 32

147. On July 1, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002526) to USCIS via the FIRST Portal (hereinafter “Request 32”). Request 32 is attached hereto as Exh. 32-A.

148. This request seeks documents related to “Organizational chart of the Immigration Records and Identity Services Directorate showing all possible staff members.” Exh. 32-A.

149. On July 7, 2021, USCIS acknowledged Request 32. The acknowledgment letter is attached hereto as Exh. 32-B.

150. To date, USCIS has neither denied Request 32 nor produced the requested records.

Request No. 33

151. On July 1, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002528) to USCIS via the FIRST Portal (hereinafter “Request 33”). Request 33 is attached hereto as Exh. 33-A.

152. This request seeks documents related to “Directory of all staff members of the Immigration Records and Identity Services Directorate, including all fields of data. These may include but are not limited to name, position, email address, office phone number, cell phone number.” Exh. 33-A.

153. On July 7, 2021, USCIS acknowledged Request 33. The acknowledgment letter is attached hereto as Exh. 33-B.

154. To date, USCIS has neither denied Request 33 nor produced the requested records.

Request No. 34

155. On July 1, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002529) to USCIS via the FIRST Portal (hereinafter “Request 34”). Request 34 is attached hereto as Exh. 34-A.

156. This request seeks documents related to “All emails, including attachments sent by or to Tammy Meckley from January 1, 2019- the date of processing this request which contain the keyword ‘genealogy.’” Exh. 34-A.

157. On July 7, 2021, USCIS acknowledged Request 34. The acknowledgment letter is attached hereto as Exh. 34-B.

158. To date, USCIS has neither denied Request 34 nor produced the requested records.

Request No. 35

159. On July 21, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021002791) to USCIS via the FIRST Portal (hereinafter “Request 35”). Request 35 is attached hereto as Exh. 35-A.

160. This request seeks documents related to “Maintenance contracts and agreements in place for scanners that are used by the staff that process FOIA requests.” Exh. 25-A.

161. On July 23, 2021, USCIS acknowledged Request 35. The acknowledgment letter is attached hereto as Exh. 35-B.

162. To date, USCIS has neither denied Request 35 nor produced the requested records.

Request No. 36

163. On August 25, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003438) to USCIS via the FIRST Portal (hereinafter “Request 36”). Request 36 is attached hereto as Exh. 36-A.

164. This request seeks documents related to “(1) manuals, (2) policies, and (3) directives, that govern the FOIA program's practices for redacting PII from FOIA responses.” Exh. 36-A.

165. On August 26, 2021, USCIS acknowledged Request 36. The acknowledgment letter is attached hereto as Exh. 36-B.

166. To date, USCIS has neither denied Request 36 nor produced the requested records.

Request No. 37

167. On August 25, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003439) to USCIS via the FIRST Portal (hereinafter “Request 37”). Request 37 is attached hereto as Exh. 37-A.

168. This request seeks documents related to “(1) manuals, (2) policies, and (3) directives, that govern the Press Office's policies for releasing information about naturalization/ citizenship status of living individuals.” Exh. 37-A.

169. On August 26, 2021, USCIS acknowledged Request 37. The acknowledgment letter is attached hereto as Exh. 37-B.

170. To date, USCIS has neither denied Request 37 nor produced the requested records.

Request No. 38

171. On August 25, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003447) to USCIS via the FIRST Portal (hereinafter “Request 38”). Request 38 is attached hereto as Exh. 38-A.

172. This request seeks documents related to “All emails, including attachments, sent to/from andrew.b.smith@uscis.dhs.gov from January 1, 2019- the date of processing this request, which contain the any of the following phrases ‘PFile’ ‘P File’ ‘P-File’ ‘PFiles’ ‘P Files’ or ‘P-Files.’” Exh. 38-A.

173. On August 26, 2021, USCIS acknowledged Request 38. The acknowledgment letter is attached hereto as Exh. 38-B.

174. To date, USCIS has neither denied Request 38 nor produced the requested records.

Request No. 39

175. On August 26, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003465) to USCIS via the FIRST Portal (hereinafter “Request 39”). Request 39 is attached hereto as Exh. 39-A.

176. This request seeks documents related to “File directory of the shared drive used by the Identity & Information Management Division to store internal documents.” Exh. 39-A.

177. On August 27, 2021, USCIS acknowledged Request 39. The acknowledgment letter is attached hereto as Exh. 39-B.

178. To date, USCIS has neither denied Request 39 nor produced the requested records.

Request No. 40

179. On August 26, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003467) to USCIS via the FIRST Portal (hereinafter “Request 40”). Request 40 is attached hereto as Exh. 40-A.

180. This request seeks documents related to “(1) manuals, (2) policies, and (3) directives, that govern the FOIA program's practice of redirecting requests for historical records to the Genealogy Program.” Exh. 40-A.

181. On August 27, 2021, USCIS acknowledged Request 40. The acknowledgment letter is attached hereto as Exh. 40-B.

182. To date, USCIS has neither denied Request 40 nor produced the requested records.

Request No. 41

183. On August 26, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003468) to USCIS via the FIRST Portal (hereinafter “Request 41”). Request 41 is attached hereto as Exh. 41-A.

184. This request seeks documents related to “(1) manuals, (2) policies, and (3) directives, that govern the FOIA program's practice of redirecting some FOIA requests to other agencies.” Exh. 41-A.

185. On August 27, 2021, USCIS acknowledged Request 41. The acknowledgment letter is attached hereto as Exh. 41-B.

186. To date, USCIS has neither denied Request 41 nor produced the requested records.

Request No. 42

187. On August 26, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003469) to USCIS via the FIRST Portal (hereinafter “Request 42”). Request 42 is attached hereto as Exh. 42-A.

188. This request seeks documents related to “(1) manuals, (2) policies, and (3) directives, that govern the FOIA program's practice of redacting personally identifying information from responsive records.” Exh. 42-A.

189. On August 27, 2021, USCIS acknowledged Request 42. The acknowledgment letter is attached hereto as Exh. 42-B.

190. To date, USCIS has neither denied Request 42 nor produced the requested records.

Request No. 43

191. On September 7, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003612) to USCIS via the FIRST Portal (hereinafter “Request 43”). Request 43 is attached hereto as Exh. 43-A.

192. This request seeks documents related to “All invoices received by USCIS for storage space used in the Federal Records Center from the calendar year 2019.” Exh. 43-A.

193. On September 7, 2021, USCIS acknowledged Request 43. The acknowledgment letter is attached hereto as Exh. 43-B.

194. To date, USCIS has neither denied Request 43 nor produced the requested records.

Request No. 44

195. On September 26, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003889) to USCIS via the FIRST Portal (hereinafter “Request 44”). Request 44 is attached hereto as Exh. 44-A.

196. This request seeks documents related to “All emails sent between the domain @logicsoftusa.com and the following two USCIS employees: Dalva Huntley and Cassandra S Perkins: . Please constrain this request to the date range from January 1, 2017-present. Please include attachments.” Exh. 44-A.

197. On September 27, 2021, USCIS acknowledged Request 44. The acknowledgment letter is attached hereto as Exh. 44-B.

198. To date, USCIS has neither denied Request 44 nor produced the requested records.

Request No. 45

199. On September 29, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003962) to USCIS via the FIRST Portal (hereinafter “Request 45”). Request 45 is attached hereto as Exh. 45-A.

200. This request seeks documents related to “All memos, correspondence, and documentation created during the process by which IIMD and OIT (two USCIS programs) enhanced the MiDAS System or discussed enhancing the MiDAS system after the conclusion of the digitization done via Contract HSSCCG-17-C-00014.” Exh. 45-A.

201. On October 5, 2021, USCIS acknowledged Request 45. The acknowledgment letter is attached hereto as Exh. 45-B.

202. To date, USCIS has neither denied Request 45 nor produced the requested records.

Request No. 46

203. On September 28, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021003964) to USCIS via the FIRST Portal (hereinafter “Request 46”). Request 46 is attached hereto as Exh. 46-A.

204. This request seeks documents related to “IIMD documentation of the disposition of the original material (what was digitized & returned from the vendor), showing either destruction of the originals or their storage, mentioned in contract HSSCCG-17-C-00014.” Exh. 46-A.

205. On October 1, 2021, USCIS acknowledged Request 46. The acknowledgment letter is attached hereto as Exh. 46-B.

206. To date, USCIS has neither denied Request 46 nor produced the requested records.

Request No. 47

207. On October 6, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021004053) to USCIS via the FIRST Portal (hereinafter “Request 47”). Request 47 is attached hereto as Exh. 47-A.

208. This request seeks documents related to “All emails sent to, from, cc'd to, or cc'd by any domain ending with ‘@uscis.dhs.gov’ from January 1, 2020-April 1, 2021 which includes the keywords ‘Alec’ and ‘Ferretti.’ Please include attachments.” Exh. 47-A.

209. On October 7, 2021, USCIS acknowledged Request 47 and in the same letter requested clarification of the request. The acknowledgment and request for clarification letter is attached hereto as Exh. 47-B.

210. On October 7, 2021, Plaintiffs responded to the request, stating, “I do not wish to amend my request. USCIS has the ability to do a global search of all inboxes, and thus, I request that said search be done.” Plaintiffs’ clarification letter is attached hereto as Exh. 47-C.

211. USCIS did not respond to Plaintiffs’ clarification.

212. To date, USCIS has neither denied Request 47 nor produced the requested records.

Request No. 48

213. On October 20, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021004274) to USCIS via the FIRST Portal (hereinafter “Request 48”). Request 48 is attached hereto as Exh. 48-A.

214. This request seeks documents related to “Official calendars and schedules of Daniel H. Edgington from January 1, 2017- date of processing of this request.” Exh. 48-A.

215. On January 7, 2022, USCIS acknowledged Request 48. The acknowledgment letter is attached hereto as Exh. 48-B.

216. To date, USCIS has neither denied Request 48 nor produced the requested records.

Request No. 49

217. On November 16, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021004803) to USCIS via the FIRST Portal (hereinafter “Request 49”). Request 49 is attached hereto as Exh. 49-A.

218. This request seeks documents related to “Log of all FOIA requests from the LIT queue, for 2015-date of processing.” Exh. 49-A.

219. On November 17, 2021, USCIS acknowledged Request 49. The acknowledgment letter is attached hereto as Exh. 49-B.

220. To date, USCIS has neither denied Request 49 nor produced the requested records.

Request No. 50

221. On December 7, 2021, Plaintiffs submitted a FOIA request (Control Number COW20210050790) to USCIS via the FIRST Portal (hereinafter “Request 50”). Request 50 is attached hereto as Exh. 50-A.

222. This request seeks documents related to “Emails, memoranda of understanding, agreements, or records of the conversations held with the Italian consulate that are referenced in the attached letter.” Exh.50-A.

223. On December 8, 2021, USCIS acknowledged Request 50 and in the same letter requested clarification of the request. The acknowledgment and request for clarification letter is attached hereto as Exh. 50-B.

224. On December 8, 2021, Plaintiffs responded to the request, stating, “I would like to clarify my request to include emails sent or received by Donna Ring from January 1, 2016-present.” Plaintiffs’ clarification letter is attached hereto as Exh. 50-C.

225. USCIS did not respond to Plaintiffs’ clarification.

226. To date, USCIS has neither denied Request 50 nor produced the requested records.

Request No. 51

227. On December 13, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021005214) to USCIS via the FIRST Portal (hereinafter “Request 51”). Request 51 is attached hereto as Exh. 51-A.

228. This request seeks documents related to “all emails including attachments, beginning February 13, 2021 and ending December 13, 2021 sent to or received by Tammy Meckley, Associate Director, Immigration Records and Identity Services Directorate, that contain any of the following words: genealogy, geneology, genealogist, genealogists, geneologist, geneologists, genealogical, geneological. The search for Tammy Meckley's name or email address should include all of the following fields: ‘to,’ ‘from,’ ‘cc’ and ‘bcc’ fields.” Exh. 51-A.

229. On December 14, 2021, USCIS acknowledged Request 51. The acknowledgment letter is attached hereto as Exh. 51-B.

230. To date, USCIS has neither denied Request 51 nor produced the requested records.

Request No. 52

231. On December 14, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021005218) to USCIS via the FIRST Portal (hereinafter “Request 52”). Request 52 is attached hereto as Exh. 52-A.

232. This request seeks documents related to “Tammy Meckley's outlook calendar for February 2, 2021.” Exh. 52-A.

233. On December 15, 2021, USCIS acknowledged Request 52. The acknowledgment letter is attached hereto as Exh. 52-B.

234. To date, USCIS has neither denied Request 52 nor produced the requested records.

Request No. 53

235. On December 14, 2021, Plaintiffs submitted a FOIA request (Control Number COW2021005225) to USCIS via the FIRST Portal (hereinafter “Request 53”). Request 53 is attached hereto as Exh. 53-A.

236. This request seeks documents related to “An excel or csv file of the ‘CO Subject Files inventory spreadsheet’ that is referenced on page 39 of contract HSSCCG-17-C-00014.” Exh. 53-A.

237. On December 17, 2021, USCIS acknowledged Request 53. The acknowledgment letter is attached hereto as Exh. 53-B.

238. To date, USCIS has neither denied Request 53 nor produced the requested records.

Request No. 54

239. On January 20, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022000304) to USCIS via the FIRST Portal (hereinafter “Request 54”). Request 54 is attached hereto as Exh. 54-A.

240. This request seeks documents related to “Record maintained by the USCIS finance office of refunds issued for Form G-1041 and for Form G-1041A from January 1, 2008-present. These include cumulative totals or record detailing instances of each refund.” Exh. 54-A.

241. On January 21, 2022, USCIS acknowledged Request 54. The acknowledgment letter is attached hereto as Exh. 54-B.

242. To date, USCIS has neither denied Request 54 nor produced the requested records.

Request No. 55

243. On February 3, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022000523) to USCIS via the FIRST Portal (hereinafter “Request 55”). Request 55 is attached hereto as Exh. 55-A.

244. This request seeks documents related to “Record of training the staff at the NRC has received from January 1, 2018-present regarding how to use the MiDAS program.” Exh. 55-A.

245. On February 3, 2022, USCIS acknowledged Request 55. The acknowledgment letter is attached hereto as Exh. 55-B.

246. To date, USCIS has neither denied Request 55 nor produced the requested records.

Request No. 56

247. On February 3, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022000524) to USCIS via the FIRST Portal (hereinafter “Request 56”). Request 56 is attached hereto as Exh. 56-A.

248. This request seeks documents related to “Logs or reports of everyone who has logged into MIDAS (and when, if possible) from January 1, 2018-present.” Exh. 56-A.

249. On February 3, 2022, USCIS acknowledged Request 56. The acknowledgment letter is attached hereto as Exh. 56-B.

250. To date, USCIS has neither denied Request 56 nor produced the requested records.

Request No. 57

251. On February 3, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022000525) to USCIS via the FIRST Portal (hereinafter “Request 57”). Request 57 is attached hereto as Exh. 57-A.

252. This request seeks documents related to “Reports of all individuals who currently have access to MIDAS.” Exh. 57-A.

253. On February 3, 2022, USCIS acknowledged Request 57. The acknowledgment letter is attached hereto as Exh. 57-B.

254. To date, USCIS has neither denied Request 57 nor produced the requested records.

Request No. 58

255. On February 3, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022000526) to USCIS via the FIRST Portal (hereinafter “Request 58”). Request 58 is attached hereto as Exh. 58-A.

256. This request seeks documents related to “All MIDAS training materials that have been created or used from January 1, 2018 to present.” Exh. 58-A.

257. On February 3, 2022, USCIS acknowledged Request 58. The acknowledgment letter is attached hereto as Exh. 58-B.

258. To date, USCIS has neither denied Request 58 nor produced the requested records.

Request No. 59

259. On February 9, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022000637) to USCIS via the FIRST Portal (hereinafter “Request 59”). Request 59 is attached hereto as Exh. 59-A.

260. This request seeks documents related to “All Mission statements in use from 2021-present for the Immigration Records and Identity Services Directorate.” Exh. 59-A.

261. On February 9, 2022, USCIS acknowledged Request 59. The acknowledgment letter is attached hereto as Exh. 59-B.

262. To date, USCIS has neither denied Request 59 nor produced the requested records.

Request No. 60

263. On February 9, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022000639) to USCIS via the FIRST Portal (hereinafter “Request 60”). Request 60 is attached hereto as Exh. 60-A.

264. This request seeks documents related to “All Mission statements in use from 2021-present for the National Records Center Division of the Immigration Records and Identity Services Directorate.” Exh. 60-A.

265. On February 9, 2022, USCIS acknowledged Request 60. The acknowledgment letter is attached hereto as Exh. 60-B.

266. To date, USCIS has neither denied Request 60 nor produced the requested records.

Request No. 61

267. On February 28, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022001030) to USCIS via the FIRST Portal (hereinafter “Request 61”). Request 61 is attached hereto as Exh. 61-A.

268. This request seeks documents related to “a copy of the most recent USCIS FOIA/PA Handbook plus any USCIS FOIA Information Bulletins or other updates conveyed via memo that have been issued since the date of that handbook.” Exh. 61-A.

269. On February 28, 2022, USCIS acknowledged Request 61. The acknowledgment letter is attached hereto as Exh. 61-B.

270. To date, USCIS has neither denied Request 61 nor produced the requested records.

Request No. 62

271. On May 17, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022002517) to USCIS via the FIRST Portal (hereinafter “Request 62”). Request 62 is attached hereto as Exh. 62-A.

272. This request seeks documents related to “A scan of the publication ‘Telegraphic Code Of The Immigration And Naturalization Service. M-71. July 1, 1955.’” Exh. 62-A.

273. On May 18, 2022, USCIS acknowledged Request 62. The acknowledgment letter is attached hereto as Exh. 62-B.

274. To date, USCIS has neither denied Request 62 nor produced the requested records.

Request No. 63

275. On June 15, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022002912) to USCIS via the FIRST Portal (hereinafter “Request 63”). Request 63 is attached hereto as Exh. 63-A.

276. This request seeks documents related to “all emails, including attachments, sent to or received by Tammy Meckley, Associate Director, Immigration Records and Identity Services Directorate, beginning February 1, 2022 and ending June 15, 2022, that contain any of the

following words: genealogy, geneology, genealogist, genealogists, geneologist, geneologists, genealogical.” Exh. 63-A.

277. On June 18, 2022, USCIS acknowledged Request 63. The acknowledgment letter is attached hereto as Exh. 63-B.

278. To date, USCIS has neither denied Request 63 nor produced the requested records.

Request No. 64

279. On September 19, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022004635) to USCIS via the FIRST Portal (hereinafter “Request 64”). Request 64 is attached hereto as Exh. 64-A.

280. This request seeks documents related to “All emails sent to or from Tammy Meckley from June 16, 2022 and ending September 18, 2022, that contain any of the following words: genealogy, geneology, genealogist, genealogists, geneologist, geneologists, genealogical.” Exh. 64-A.

281. On September 19, 2022, USCIS acknowledged Request 64. The acknowledgment letter is attached hereto as Exh. 64-B.

282. To date, USCIS has neither denied Request 64 nor produced the requested records.

Request No. 65

283. On September 26, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022004771) to USCIS via the FIRST Portal (hereinafter “Request 65”). Request 65 is attached hereto as Exh. 65-A.

284. This request seeks documents related to “Official employee calendars for Donna Ring from January 1, 2019-present.” Exh. 65-A.

285. On September 27, 2022, USCIS acknowledged Request 65. The acknowledgment letter is attached hereto as Exh. 65-B.

286. To date, USCIS has neither denied Request 65 nor produced the requested records.

Request No. 66

287. On September 26, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022004772) to USCIS via the FIRST Portal (hereinafter “Request 66”). Request 66 is attached hereto as Exh. 66-A.

288. This request seeks documents related to “Official employee calendars for Tammy Meckley from January 1, 2019-present.” Exh. 66-A.

289. On September 27, 2022, USCIS acknowledged Request 66. The acknowledgment letter is attached hereto as Exh. 66-B.

290. To date, USCIS has neither denied Request 66 nor produced the requested records.

Request No. 67

291. On September 26, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022004773) to USCIS via the FIRST Portal (hereinafter “Request 67”). Request 67 is attached hereto as Exh. 67-A.

292. This request seeks documents related to “Official employee calendars for Daniel Edgington from Oct 20, 2021-present.” Exh. 67-A.

293. On September 27, 2022, USCIS acknowledged Request 67. The acknowledgment letter is attached hereto as Exh. 67-B.

294. To date, USCIS has neither denied Request 67 nor produced the requested records.

Request No. 68

295. On October 8, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022005001) to USCIS via the FIRST Portal (hereinafter “Request 68”). Request 68 is attached hereto as Exh. 68-A.

296. This request seeks documents related to “All Brosix messages sent by Tammy Meckley between Jan 1, 2021 and the date of processing which contain the any of the following phrases: P-File, P-Files, P File, P Files, Petition File, or Petition Files.” Exh. 68-A.

297. On October 11, 2022, USCIS acknowledged Request 68. The acknowledgment letter is attached hereto as Exh. 68-B.

298. To date, USCIS has neither denied Request 68 nor produced the requested records.

Request No. 69

299. On October 28, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022005425) to USCIS via the FIRST Portal (hereinafter “Request 69”). Request 69 is attached hereto as Exh. 69-A.

300. This request seeks documents related to “A scrape/extract of the CIS database, of all non-exempt fields pertaining to individuals who were born before October 28, 1922.” Exh. 69-A.

301. On October 28, 2022, USCIS acknowledged Request 69. The acknowledgment letter is attached hereto as Exh. 69-B.

302. To date, USCIS has neither denied Request 69 nor produced the requested records.

Request No. 70

303. On October 28, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022005426) to USCIS via the FIRST Portal (hereinafter “Request 70”). Request 70 is attached hereto as Exh. 70-A.

304. This request seeks documents related to “A scrape/extract of the MiDAS database, of all non-exempt fields pertaining to individuals who were born before October 28, 1922. Note page two of the attached SF-115, in which it is stated that MiDAS has this capability, as the data is supposed to be sent to NARA every five years.” Exh. 70-A.

305. On November 9, 2022, USCIS acknowledged Request 70. The acknowledgment letter is attached hereto as Exh. 70-B.

306. To date, USCIS has neither denied Request 70 nor produced the requested records.

Request No. 71

307. On November 6, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022005635) to USCIS via the FIRST Portal (hereinafter “Request 71”). Request 71 is attached hereto as Exh. 71-A.

308. This request seeks documents related to “a database export/scrape of the Flexoline Index from MiDAS, including all fields of data for all individuals born before 6 Nov 1922. This database was exported in the past and a copy was given to the National Archives. See the entry in the NARA Catalog: <https://catalog.archives.gov/id/200294723>.” Exh. 71-A.

309. On November 9, 2022, USCIS acknowledged Request 71. The acknowledgment letter is attached hereto as Exh. 71-B.

310. To date, USCIS has neither denied Request 71 nor produced the requested records.

Request No. 72

311. On December 6, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022006130) to USCIS via the FIRST Portal (hereinafter “Request 72”). Request 72 is attached hereto as Exh. 72-A.

312. This request seeks documents related to “All contracts signed with the United States Holocaust Memorial Museum regarding the FOREIGN ADDRESS AND OCCUPATION INDEX: https://www.ushmm.org/online/hsv/source_view.php?SourceId=33257.” Exh. 72-A.

313. On December 13, 2022, USCIS acknowledged Request 72. The acknowledgment letter is attached hereto as Exh. 72-B.

314. To date, USCIS has neither denied Request 72 nor produced the requested records.

Request No. 73

315. On December 13, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022006258) to USCIS via the FIRST Portal (hereinafter “Request 73”). Request 73 is attached hereto as Exh. 73-A.

316. This request seeks documents related to “FOIA Log from January 1, 2000-December 31, 2007.” Exh. 73-A.

317. On December 14, 2022, USCIS acknowledged Request 73. The acknowledgment letter is attached hereto as Exh. 73-B.

318. To date, USCIS has neither denied Request 73 nor produced the requested records.

Request No. 74

319. On December 13, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022006259) to USCIS via the FIRST Portal (hereinafter “Request 74”). Request 74 is attached hereto as Exh. 74-A.

320. This request seeks documents related to “FOIA Log from January 1, 2008-December 31, 2010.” Exh. 74-A.

321. On December 14, 2022, USCIS acknowledged Request 74. The acknowledgment letter is attached hereto as Exh. 74-B.

322. To date, USCIS has neither denied Request 74 nor produced the requested records.

Request No. 75

323. On December 13, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022006260) to USCIS via the FIRST Portal (hereinafter “Request 75”). Request 75 is attached hereto as Exh. 75-A.

324. This request seeks documents related to “FOIA Log from January 1, 2019-Date of processing.” Exh. 75-A.

325. On December 14, 2022, USCIS acknowledged Request 75. The acknowledgment letter is attached hereto as Exh. 75-B.

326. To date, USCIS has neither denied Request 75 nor produced the requested records.

Request No. 76

327. On December 13, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022006262) to USCIS via the FIRST Portal (hereinafter “Request 76”). Request 76 is attached hereto as Exh. 76-A.

328. This request seeks documents related to “Log of all Genealogy Program requests, 2008-present.” Exh. 76-A.

329. On December 14, 2022, USCIS acknowledged Request 76. The acknowledgment letter is attached hereto as Exh. 76-B.

330. To date, USCIS has neither denied Request 76 nor produced the requested records.

Request No. 77

331. On December 13, 2022, Plaintiffs submitted a FOIA request (Control Number COW2022006263) to USCIS via the FIRST Portal (hereinafter “Request 77”). Request 77 is attached hereto as Exh. 77-A.

332. This request seeks documents related to “All emails, including attachments, sent by or to Tammy Meckley from Jan 1, 2020-date of processing which contain the word ‘historical.’” Exh. 77-A.

333. On December 13, 2022, USCIS acknowledged Request 77. The acknowledgment letter is attached hereto as Exh. 77-B.

334. To date, USCIS has neither denied Request 77 nor produced the requested records.

Request No. 78

335. On January 5, 2023, Plaintiffs submitted a FOIA request (Control Number CNT2023000001) to USCIS via the FIRST Portal (hereinafter “Request 78”). Request 78 is attached hereto as Exh. 78-A.

336. This request seeks documents related to “Contract that established the compaction of A-Files project.” Exh. 78-A.

337. On February 13, 2023, USCIS acknowledged Request 78. The acknowledgment letter is attached hereto as Exh. 78-B.

338. To date, USCIS has neither denied Request 78 nor produced the requested records.

Request No. 79

339. On January 5, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000081) to USCIS via the FIRST Portal (hereinafter “Request 79”). Request 79 is attached hereto as Exh. 79-A.

340. This request seeks documents related to “RAILS data dictionary.” Exh. 79-A.

341. On January 5, 2023, USCIS acknowledged Request 79. The acknowledgment letter is attached hereto as Exh. 79-B.

342. To date, USCIS has neither denied Request 79 nor produced the requested records.

Request No. 80

343. On January 5, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000085) to USCIS via the FIRST Portal (hereinafter “Request 80”). Request 80 is attached hereto as Exh. 80-A.

344. This request seeks documents related to “Data dictionary for MiDAS.” Exh. 80-A.

345. On January 5, 2023, USCIS acknowledged Request 80. The acknowledgment letter is attached hereto as Exh. 80-B.

346. On January 11, 2023, Plaintiffs agreed by telephone conversation with USCIS to modify the request to “Screenshots of the column heading for MiDAS.”

347. To date, USCIS has neither denied Request 80 nor produced the requested records.

Request No. 81

348. On January 5, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000088) to USCIS via the FIRST Portal (hereinafter “Request 81”). Request 81 is attached hereto as Exh. 81-A.

349. This request seeks documents related to “The MiDAS forms recognition contract that was signed circa 2017.” Exh. 81-A.

350. On January 5, 2023, USCIS acknowledged Request 81. The acknowledgment letter is attached hereto as Exh. 81-B.

351. On January 20, 2023, USCIS sent Plaintiffs a request for clarification asking if the responsive records the USCIS located, titled ““Midas System Quality Assurance Services’ and... awarded to MaxiSoft Corporation in May 2018,” was the contract the Plaintiffs were seeking, and Plaintiffs answered affirmatively. The email exchange is attached hereto as Exh. 81-C.

352. To date, USCIS has neither denied Request 81 nor produced the requested records.

Request No. 82

353. On January 5, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000089) to USCIS via the FIRST Portal (hereinafter “Request 82”). Request 82 is attached hereto as Exh. 82-A.

354. This request seeks documents related to “Reports about the end of the compaction of A-Files project.” Exh. 82-A.

355. On February 15, 2023, Plaintiffs requested the acknowledgment letter for Request 82 from USCIS. Email is attached hereto as Exh. 82-B.

356. On February 16, 2023, USCIS stated “We are currently researching both of these requests [Request 82 and Request 83, *infra*] and have not yet sent out acknowledgement letters. As soon as we determine which component office has responsive records, you will receive those acknowledgement letters in your FIRST portal.” See Exh. 82-B.

357. To date, USCIS has neither formally acknowledged nor denied Request 82 nor produced the requested records.

Request No. 83

358. On January 5, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000090) to USCIS via the FIRST Portal (hereinafter “Request 83”). Request 83 is attached hereto as Exh. 83-A.

359. This request seeks documents related to “The final decision document to end the compaction of A-Files project. This would have been written circa 2016.” Exh. 83-A.

360. On February 15, 2023, Plaintiffs requested the acknowledgment letter for Request 83 from USCIS. See Exh. 82-B.

361. On February 16, 2023, USCIS stated “We are currently researching both of these requests [Request 83 and Request 82, *supra*] and have not yet sent out acknowledgement letters. As soon as we determine which component office has responsive records, you will receive those acknowledgement letters in your FIRST portal.” See Exh. 82-B.

362. To date, USCIS has neither formally acknowledged nor denied Request 83 nor produced the requested records.

Request No. 84

363. On January 5, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000103) to USCIS via the FIRST Portal (hereinafter “Request 84”). Request 84 is attached hereto as Exh. 84-A.

364. This request seeks documents related to “All emails, including attachments sent by or to Tammy Meckley from January 1, 2010- the date of processing this request which contain the keyword ‘compaction.’” Exh. 84-A.

365. On January 5, 2023, USCIS acknowledged Request 84. The acknowledgment letter is attached hereto as Exh. 84-B.

366. To date, USCIS has neither denied Request 84 nor produced the requested records.

Request No. 85

367. On January 5, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000105) to USCIS via the FIRST Portal (hereinafter “Request 85”). Request 85 is attached hereto as Exh. 85-A.

368. This request seeks documents related to “All emails, including attachments sent by or to Robert Cowan from January 1, 2010- the date of processing this request which contain the keyword ‘Rafacs.’” Exh. 85-A.

369. On January 5, 2023, USCIS acknowledged Request 85. The acknowledgment letter is attached hereto as Exh. 85-B.

370. On January 11, 2023, Plaintiffs agreed by telephone conversation with USCIS to withdraw prior FOIA requests COW2023000106, COW2023000107, COW2023000108, and

COW2023000109 and consolidated them into Request 85, thereby modifying the request to “All emails, including attachments sent by or to Robert Cowan from January 1, 1998- the date of processing this request which contain the keyword ‘Rafacs.’”

371. To date, USCIS has neither denied the modified Request 85 nor produced the requested records.

Request No. 86

372. On January 7, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000152) to USCIS via the FIRST Portal (hereinafter “Request 86”). Request 86 is attached hereto as Exh. 86-A.

373. This request seeks documents related to “A spreadsheet exported from RAILS, preferably in csv or xlsx format, of every A-File numbered below 8 million that has been requested from January 1, 2010-date of processing. Please provide this file and include all disclosable columns of data, including but not limited to the organizational unit responsible party code, the date of the request, the date the file was retrieved, the date the file was reshelved, the accession number, and the box number.” Exh. 86-A.

374. On January 10, 2023, USCIS acknowledged Request 86. The acknowledgment letter is attached hereto as Exh. 86-B.

375. To date, USCIS has neither denied Request 86 nor produced the requested records.

Request No. 87

376. On January 7, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000153) to USCIS via the FIRST Portal (hereinafter “Request 87”). Request 87 is attached hereto as Exh. 87-A.

377. This request seeks documents related to “A spreadsheet exported from RAILS, preferably in csv or xlsx format, of every A-File numbered above 8 million that has been requested from January 1, 2010-date of processing. Please provide this file and include all disclosable columns of data, including but not limited to the organizational unit responsible party code, the date of the request, the date the file was retrieved, the date the file was reshelved, the accession number, and the box number.” Exh. 87-A.

378. On January 10, 2023, USCIS acknowledged Request 87. The acknowledgment letter is attached hereto as Exh. 87-B.

379. To date, USCIS has neither denied Request 87 nor produced the requested records.

Request No. 88

380. On January 7, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000154) to USCIS via the FIRST Portal (hereinafter “Request 88”). Request 88 is attached hereto as Exh. 88-A.

381. This request seeks documents related to “A spreadsheet exported from RAILS, preferably in csv or xlsx format, of every C-File numbered above 6.5 million that has been requested from January 1, 2010-date of processing. Please provide this file and include all disclosable columns of data, including but not limited to the organizational unit responsible party code, the date of the request, the date the file was retrieved, the date the file was reshelved, the accession number, and the box number.” Exh. 88-A.

382. On January 10, 2023, USCIS acknowledged Request 88. The acknowledgment letter is attached hereto as Exh. 88-B.

383. To date, USCIS has neither denied Request 88 nor produced the requested records.

Request No. 89

384. On January 7, 2023, Plaintiffs submitted a FOIA request (Control Number COW2023000155) to USCIS via the FIRST Portal (hereinafter “Request 89”). Request 89 is attached hereto as Exh. 89-A.

385. This request seeks documents related to “A spreadsheet exported from RAILS, preferably in csv or xlsx format, of every C-File numbered below 6.5 million that has been requested from January 1, 2010-date of processing. Please provide this file and include all disclosable columns of data, including but not limited to the organizational unit responsible party code, the date of the request, the date the file was retrieved, the date the file was reshelved, the accession number, and the box number.” Exh. 89-A.

386. On January 10, 2023, USCIS acknowledged Request 89. The acknowledgment letter is attached hereto as Exh. 89-B.

387. To date, USCIS has neither denied Request 89 nor produced the requested records.

FOIA Violation – Policy and Practice
USCIS’s Failure to Respond to Requests

388. Plaintiffs re-allege and incorporate by reference paragraphs 1-387 as if fully set forth herein.

389. To date, Defendant USCIS has failed to properly respond to any of Plaintiffs’ eighty-nine enumerated Requests, either by producing the responsive records or denying the Requests, despite more than twenty business days elapsing since the agency received each Request.

390. Upon information and belief, Defendant USCIS has access to the requested records.

391. Defendant USCIS has yet to produce any responsive documents.

392. Because Defendant USCIS has refused to grant Plaintiffs’ FOIA requests or otherwise respond to the Requests within the statutorily required time limits, *see* 5 U.S.C. § 522(a)(6)(A)(i), Plaintiffs have exhausted their administrative remedies. *See* 5 U.S.C. § 522(a)(6)(C)(i).

393. Defendant USCIS has adopted, endorsed, or implemented a policy or practice that constitutes an ongoing failure to abide by FOIA'S requirements in connection with the processing of Plaintiffs' FOIA requests and, in particular, of regularly and repeatedly failing or refusing to respond to Plaintiffs' requests or clarifications or release requested records within the time period required by FOIA, 5 U.S.C. § 522(a)(6)(A)(i), or at least within a reasonable period of time.

394. Plaintiffs are being irreparably harmed by reason of Defendant's unlawful policy or practice and will continue to be irreparably harmed unless Defendant is compelled to process Plaintiffs' 89 enumerated Requests and comply fully with FOIA's procedural requirements.

Cause of Action

395. Defendant failed to respond to or produce the records requested by Plaintiffs within twenty business days of receiving each request or clarification as required by FOIA, 5 U.S.C. § 522(a)(6)(A)(i), and continues to improperly deny Plaintiffs access to the requested records without legal basis.

396. Defendant's failure to promptly make available the records sought by Plaintiffs' Requests violates the FOIA, 5 U.S.C. §§ 522(a)(2)-(3) and 522(a)(6)(A)(i), and Defendant's corresponding regulations.

397. On information and belief, Defendant has possession, custody, and control of the requested records.

398. Defendant's consistent failure to timely respond to and make available the records sought by the public under FOIA evidences an agency policy and practice of delayed disclosure that constitutes an ongoing failure of Defendant to abide by the terms of FOIA.

Request for Relief

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Order Defendant to conduct a thorough search for all records responsive to Plaintiffs' Requests and demonstrate that it employed search methods reasonably calculated to uncover all records responsive to Plaintiffs' Requests;
- B. Declare that Defendant has violated FOIA by unlawfully withholding the requested agency records;
- C. Order Defendant to disclose, by a date certain, all non-exempt records responsive to Plaintiffs' Requests in their entirety, as well as all non-exempt portions of responsive records;
- D. Order Defendant to promptly provide an index pursuant to *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), and its progeny, inventorying all responsive records and itemizing and justifying all withholdings of responsive documents;
- E. Enjoin Defendant from continuing to withhold any and all non-exempt records or portions thereof responsive to Plaintiffs' Requests;
- F. Issue a permanent injunction directing Defendant to release to Plaintiff all wrongfully withheld records;
- G. Declare that Defendant's policy or practice of failing to abide by FOIA's procedural requirements is unlawful;
- H. Enjoin Defendant from maintaining or continuing their policy or practice of violating FOIA's procedural requirements;
- I. Maintain jurisdiction over this action until Defendant complies with the FOIA and all orders of this Court;
- J. Award Plaintiffs reasonable attorneys' fees and costs pursuant to incurred in this action; and 5 U.S.C. § 552(a)(4)(E); and
- K. Grant such other relief as the Court may deem just and proper

Dated: March 8, 2023
New York, New York

Respectfully submitted,

By: 
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