

March 5, 2020

FOIA Officer, The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane SW  
STOP-0655  
Washington, DC 20528-0655

**Re: Public Records Request**

Dear FOIA Officer:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552, submitted by the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), UndocuBlack Network ("UndocuBlack"), and African Communities Together (ACT).

The Lawyers' Committee is a non-profit, non-partisan organization formed in 1963 at the request of President John F. Kennedy to enlist the private bar's resources in combatting racial discrimination and the resulting inequality of opportunity. The principal mission of the Lawyers' Committee is to secure equal justice for all through the rule of law, targeting in particular the inequities confronting African Americans and other racial and ethnic minorities.

UndocuBlack is a multi-generational network of currently and formerly undocumented Black people that fosters community, facilitates access to resources, and contributes to transforming the realities of our communities, so that all people are thriving and living their fullest lives.

ACT is an organization of African immigrants fighting for civil rights, opportunity, and a better life for our families here in the U.S. and worldwide. ACT empowers African immigrants to integrate socially, get ahead economically, and engage civically. ACT connects African immigrants to critical services, help Africans develop as leaders, and organize our communities on the issues that matter.

**I. Background**

On January 31, 2020, President Donald Trump issued the Proclamation on Improving Enhanced Vetting Capabilities and Processes for Detecting Entry, also known as Proclamation 9983. This Proclamation expanded upon Proclamation 9645 of September 24, 2017 (Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats) to suspend immigration from six countries: Nigeria, Myanmar, Eritrea, Kyrgyzstan, Tanzania, and Sudan.

As a result of the January 31, 2020 Presidential Proclamation, on February 21, 2020, immigrants from Nigeria, Myanmar, Eritrea, and Kyrgyzstan will be prohibited from obtaining immigrant visas. In addition, immigrants from Tanzania and Sudan will no longer be able to participate in the Diversity Immigrant Visa program. The countries listed in the proclamation are based on recommendations the Acting Secretary of Homeland Security submitted on September 13, 2019

to the White House. The Acting Secretary made his recommendation after the Department of Homeland Security conducted a worldwide review on the security practices of foreign governments pursuant to Proclamation 9645 from March 2019 to September 2019.

## **II. Requested Records**

The Lawyers' Committee, UndocuBlack, and ACT request that the Department of Homeland Security ("DHS") produce, within 20 business days, the following records:

All electronic records (see definition below):

- a) Dated between February 1, 2019 to September 13, 2019
- b) to, from, by, through, or carbon/courtesy copying (including bcc's):
  - (i) Stephen Miller, advisor to the President, Andrew Bremberg, head of the Domestic Policy Council, James Sherk, Special Assistant to the President for Domestic Policy, or Theo Wold, Special Assistant to the President for Domestic Policy;
  - (ii) **And** Secretary of Homeland Security Kirstjen Nielsen, Acting Secretary of Homeland Security Kevin McAleenan, Acting Secretary of Homeland Security Chad Wolf (Secretary Nielsen's Chief of Staff during the time relevant to this FOIA request), or Chad Mizelle, former Deputy General Counsel and Chief of Staff.
- c) which concerns, discusses, or mentions the Department of Homeland Security's review of Nigeria, Eritrea, Sudan, Tanzania, and Myanmar pursuant to Presidential Proclamation 9645.

To narrow and speed this search, the records requested may be limited to: any electronic correspondence, such as emails, and any digitized memoranda, notes, and written communication, and other documentation reasonably categorized as such and subject to a speedier electronic search.

The Lawyers' Committee, UndocuBlack, and ACT will not resell, trade, or use any disclosed records for commercial purposes.

Federal law strongly favors disclosure of these records. Indeed, 5 U.S.C. § 552(a)(3)(A) of the Freedom of Information Act states that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person." Record is defined as "any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format." 5 U.S.C. § 552(f)(2)(A).

Please provide the responsive materials in an electronic format by email to [mjordan@lawyerscommittee.org](mailto:mjordan@lawyerscommittee.org). We request prompt processing pursuant to 5 U.S.C. § 552(a)(6)(A)(i). If you expect a significant delay in responding to and fulfilling this request, please contact the Lawyers' Committee with information about when the requested records may be expected.

Should this request be denied, please cite each specific exemption justifying the refusal to release the requested records and notify the Lawyers' Committee of the appeal procedures available under federal law.

### **III. Fee Waiver Request**

The Lawyers' Committee, UndocuBlack, and ACT request a waiver for any applicable costs incurred in connection to disclosing the requested records. The Freedom of Information Act specifically states that “[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it 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.” 5 U.S.C. § 552(a)(4)(A)(iii). Clause (ii) states that “fees shall be limited to standard charges for document search and duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(III).

If a waiver is not granted, and if the amount will be greater than \$50.00, please advise us of the amount of any proposed search and reproduction charges before those activities are carried out.

### **IV. Conclusion**

We share a common mission to promote transparency in government. We look forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully complying with this request, please contact Maryum Jordan at [mjordan@lawyerscommittee.org](mailto:mjordan@lawyerscommittee.org).

Sincerely,

Maryum Jordan  
Counsel, Special Litigation and Advocacy  
Lawyers' Committee for Civil Rights Under Law

Patrice Lawrence  
Co-Director  
UndocuBlack Network

Amaha Kassa  
Executive Director  
African Communities Together