

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

FEDERATION FOR AMERICAN	)	
IMMIGRATION REFORM,	)	
25 Massachusetts Ave, NW Suite 330	)	
Washington, DC 20001	)	Civil Action No.
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
U.S. CITIZENSHIP AND	)	
IMMIGRATION SERVICES,	)	
20 Massachusetts Ave, NW	)	
Washington, DC 20001	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

Plaintiff Federation for American Immigration Reform (“FAIR”) brings this action against U.S. Citizenship and Immigration Services (“USCIS”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Plaintiff alleges the following grounds:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff FAIR (“Plaintiff”) is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 25

Massachusetts Ave, NW, Suite 330, Washington, DC 20001. Plaintiff seeks to educate the citizenry and increase public awareness of immigration issues and hold the nation's leaders accountable for enforcing the nation's immigration laws. In furtherance of its public interest mission, Plaintiff regularly requests access to the public records of federal agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant USCIS is an agency of the U.S. Government and is headquartered at 20 Massachusetts Ave, NW, Washington, DC 20001. USCIS is a component of the U.S. Department of Homeland Security ("DHS"). USCIS has possession, custody, and control of certain public records to which Plaintiff seeks access.

#### **STATEMENT OF FACTS**

5. On November 15, 2017, Plaintiff submitted a FOIA request to USCIS, by email, seeking access to the following public records:

1. Any and all teaching materials, including but not limited to PowerPoint presentations, pamphlets, lesson plans, videos and/or textbooks, used in or by instructors for cultural orientation classes conducted in or by any and all Resettlement Support Centers since Jan. 1, 2014.

6. Plaintiff received an acknowledgement letter dated November 20, 2017, from Defendant confirming receipt of Plaintiff's FOIA request, assigning the control number COW2017001416.

7. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), Defendant was required to determine whether to comply with Plaintiff's FOIA request within twenty (20) working days after receipt of that request and to notify Plaintiff immediately of its determination, the reasons therefore, and the right to appeal any adverse determination. Accordingly, Defendant's determination of Plaintiff's FOIA request was due by December 14, 2017, at the latest

6. As of the date of this Complaint, USCIS has failed to: (i) determine whether to comply with Plaintiff's FOIA request; (ii) notify Plaintiff of any such determination or the reasons for such determination for the FOIA request; (iii) advise Plaintiff of the right to appeal any adverse determination of the FOIA request; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

7. Because Defendant has failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A) with respect to the FOIA request, Plaintiff is deemed to have exhausted any and all administrative remedies with respect to that request, pursuant to 5 U.S.C. § 552(a)(6)(C).

**COUNT 1**

(Violation of FOIA, 5 U.S.C. § 552)

8. Plaintiff re-alleges paragraphs 1 through 7 as if fully stated herein.

9. Defendant is unlawfully withholding public records requested by Plaintiff pursuant to 5 U.S.C. § 552.

10. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of the requested public records, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform its conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendants to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a Vaughn index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to

5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: March 6, 2018

Respectfully submitted,

/s/ Julie B. Axelrod  
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