Exhibit A

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE *et al.*, on behalf of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the United States *et al.*,

Defendants.

No. 17-cv-00094 RAJ

PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION TO DEFENDANTS

Perkins Coie LLP
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Seattle, WA 98101-3099
Phone: 206.359.8000
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TO: Defendants Donald J. Trump, United States Citizenship and Immigration Services, John F. Kelly, James McCament, Matthew D. Emrich, and Daniel Renaud.

AND TO: Edward S. White and Aaron R. Petty, Office of Immigration Litigation, U.S. Department of Justice, attorneys for Defendants.

Pursuant to Federal Rules of Civil Procedure 26 and 34, Abdiqafar Wagafe, Mehdi Ostadhassan, Hanin Omar Bengezi, Noah Adam Abraham (f/k/a Mushtaq Abed Jihad), and Sajeel Manzoor (collectively, "Plaintiffs"), on behalf of themselves and others similarly situated, request that Donald Trump, President of the United States; United States Citizenship and Immigration Services; John F. Kelly, in his official capacity as Secretary of the U.S. Department of Homeland Security; James McCament, in his official capacity as Acting Director of the U.S. Citizenship and Immigration Services; Matthew D. Emrich, in his official capacity as Associate Director of the Fraud Detection and National Security Directorate of the U.S. Citizenship and Immigration Services ("FDNS"); and Daniel Renaud, in his official capacity as Associate Director of the Field Operations Directorate of the U.S. Citizenship and Immigration Services (collectively, "Defendants") produce for inspection and copying the documents and things within their possession, custody, or control falling within the scope of the requests below within thirty (30) days of service hereof, in accordance with the Federal Rules of Civil Procedure and the definitions and instructions below. Please produce the documents and things described herein to the attention of the law firm of Perkins Coie LLP, 1201 Third Ave., Ste. 4900, Seattle, WA 98101-3099. These requests are continuing in nature. As such, Defendants must supplement their responses in a timely manner in accordance with Federal Rule of Civil Procedure 26(e) as additional or corrective information comes to their or their counsel's attention.

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INSTRUCTIONS

The following instructions shall apply when responding to these requests for production:

1. Each request herein calls for production of all responsive Documents within Your possession, custody, or control, or that of Your agents, consultants, representatives, and, unless privileged, attorneys.

2. Without limitation of the term "control" as used in the preceding instruction, a Document is deemed to be in Your control if You have the right to secure the Document or a copy thereof from another Person having actual possession thereof.

3. Each Document request and subparagraph or subdivision thereof is to be answered separately. After each Document request, state whether all Documents responsive to that request are being produced.

4. Each Document request herein shall be deemed to be continuing and, in the event that additional Documents are later discovered or become known to You, further production is to be made hereto.

5. If You object to answering any of these requests, or withhold Documents from production in response to these requests, in whole or in part, state your objections and/or reasons for not producing and state all factual and legal justifications that you believe support your objection or failure to produce.

6. If any requested Document has been lost, discarded, or destroyed, describe the Document as completely as possible, including: the name, title, and description of employment of each author or preparer of the Document; a complete description of the nature and subject matter of the Document; and the date on which and manner in which the Document was lost, discarded, destroyed, or otherwise disposed of.

7. If any part of a Document is responsive to a Document request, the whole Document is to be produced.

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8. If You contend that it would be unreasonably burdensome to obtain and provide all of the Documents called for in response to any Document request or any subsection thereof, then in response to the appropriate Document request:

a. Produce all such Documents as are available to You without undertaking what You contend to be an unreasonable request;

b. Describe with particularity the efforts made by You or on Your behalf to produce such Documents; and

c. State with particularity the grounds upon which You contend that additional efforts to produce such Documents would be unreasonable.

9. If any request is deemed to call for privileged Documents, and such privilege is asserted in order to avoid production, provide a list with respect to each Document withheld based on a claim of privilege, stating: the name of each author, the name of each recipient and addressee, the date of the Document, the general subject matter of the Document, the basis upon which the claim of privilege is asserted, and the Document request under which the production of the Document is called for.

10. In producing the Documents requested, You are requested to search electronic Documents, records, data, and any other electronically stored information ("ESI") which may be stored in or on any electronic medium or device, including without limitation computers, network servers, computer hard drives, e-mails, and voicemails. Your production of any ESI should be produced in an electronic format permitting electronic search functionality, pursuant to the Parties' stipulation, if any, regarding preservation and production of ESI.

11. In producing records responsive to Document requests, please produce tangible Documents and records organized either (1) in separate groups responsive to specific requests or (2) in the format and organization in which the Documents are kept in the ordinary course of Your business. Please produce electronic Documents and records in Tagged Image File Format ("TIFF"), single page, black and white (or in color, if necessary, for any Document or its content

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to be readable), dithered (if appropriate), at 300 x 300 dpi resolution and 8½ x 11 inch page size, except for Documents requiring different resolution or page size to make them readable. Each TIFF Document should be produced with an image load file in standard Opticon (*.log) format that reflects the parent/child relationship. In addition, each TIFF Document should be produced with a data load file in Concordance delimited format (*.dat), indicating (at a minimum) appropriate unitization of the Documents, including beginning and ending production numbers for (a) each Document set, and (b) each attachment within each Document set. TIFF images should also be accompanied by extracted text or, for those files that do not have extracted text upon being processed, optical character recognition ("OCR") text data; such extracted text or OCR text data should be provided in Document level form and named after the TIFF image. For Documents produced in TIFF format, metadata should be included with the data load files described above, and should include (at a minimum) the following information: file name (including extension); original file path; page count; creation date and time; last saved date and time; last modified date and time; author; custodian of the Document (that is, the custodian from whom the Document was collected or, if collected from a shared drive or server, the name of the shared driver or server); and MD5 hash value. In addition, for e-mail Documents, the data load files should also include the following metadata: sent date; sent time; received date; received time; "to" name(s) and address(es); "from" name and address; "cc" name(s) and address(es); "bcc" name(s) and address(es); subject; names of attachment(s); and attachment(s) count. All images and load files should be named or foldered in such a manner that all records can be imported without modification of any path or file name information.

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DEFINITIONS

The following definitions shall apply when responding to these requests for production:

1. "A," "an," and "any" include "all," and "all" includes "a," "an," and "any." All of these words should be construed as necessary to bring within the scope of these requests any Documents that might otherwise be construed to be outside of their scope.

2. "Adjustment of Status Application" means an Immigration Benefit Application to adjust the applicant's status to that of permanent legal resident using USCIS Form I-485.

3. "Adjustment of Status Applicant" means any individual who has filed an Adjustment of Status Application.

4. "Adjustment Class" means the following class certified by the Court in its Order Granting Class Certification, Dkt. 69: A national class of all persons currently and in the future (1) who have or will have an application for adjustment of status pending before USCIS, (2) that is subject to CARRP or a successor "extreme vetting" program, and (3) that has not been or will not be adjudicated by USCIS within six months of having been filed.

5. "Alien File" or "A-file" means the collection of documents that the Department of Homeland Security (DHS) maintains for non-citizens, including all official files related to immigration status, citizenship or relief.

6. "And" and "or" shall be construed either conjunctively or disjunctively, whichever makes the request more inclusive.

7. "ACLU FOIA Request" means the American Civil Liberties Union's May 17, 2012 Freedom of Information Act Request, attached hereto as Exhibit A.

8. "CARRP" means the Controlled Application Review and Resolution Program, an internal vetting policy instituted by USCIS in April 2008. Upon information and belief, USCIS first outlined the parameters of CARRP in an April 11, 2008 memorandum addressed to field leadership from Deputy Director Jonathan R. Scharfen regarding "Policy for Vetting and

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Adjudicating Cases with National Security Concerns." *See* Declaration of Jennifer Pasquarella in Support of Plaintiffs' Motion for Class Certification, Dkt. 27, Ex. A.

9. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), and encompasses every medium of information transmittal, including but not limited to written, graphic, and electronic communication.

10. "Defendants," "You," "Your," or any similar word or phrase includes each individual or entity responding to these requests and, where applicable, each subsidiary, parent, or affiliated entity of each such Person and all Persons acting on its or their behalf.

11. "Document" and its plural shall be interpreted in the broadest possible manner and shall mean all written, electronic, graphic, or printed matter of any kind in Your possession or control, however produced or reproduced, including all originals, drafts, working papers, and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, and all other tangible things, including anything that would be a writing or recording as defined in Federal Rule of Evidence 1001(1) or as defined in Federal Rule of Civil Procedure 34(a).

12. "Donkey" Security Advisory Opinion means the type of Security Advisory Opinion generated when there are national security and/or terrorism concerns raised by the visa application.

13. "Employee" means any director, trustee, officer, employee, agent, consultant, partner, reseller, distributor, corporate parent, subsidiary, affiliate, or servant of the designated entity, whether active or retired, full-time or part-time, current or former, and compensated or not.

14. "First EO" means Executive Order 13769, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States." 82 Fed. Reg. 8977 (Feb. 1, 2017).

15. "Immigration Benefit Application" means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

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16. "Immigration Benefit Applicant" means any individual who has filed an Immigration Benefit Application.

17. "National Security Concern" or "NS Concern" means the classification of Immigration Benefit Applications and Immigration Benefit Applicants that are subjected to CARRP. This includes, but is not limited to, the definition of National Security Concern used in the April 11, 2008 memorandum addressed to field leadership from Deputy Director Jonathan R. Scharfen regarding "Policy for Vetting and Adjudicating Cases with National Security Concerns": "A NS [C]oncern exists when an individual or organization has been determined to have an articulable link to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act." *See* Declaration of Jennifer Pasquarella in Support of Plaintiffs' Motion for Class Certification, Dkt. 27, Ex. A.

18. "Naturalization Application" means an Immigration Benefit Application to naturalize as a U.S. citizen using USCIS Form N-400.

19. "Naturalization Applicant" means any individual who has filed a Naturalization Application.

20. "Naturalization Class" means the following class certified by the Court in its Order Granting Class Certification, Dkt. 69: A national class of all persons currently and in the future (1) who have or will have an application for naturalization pending before USCIS, (2) that is subject to CARRP or a successor "extreme vetting" program, and (3) that has not been or will not be adjudicated by USCIS within six months of having been filed.

21. "Person" means an individual, proprietorship, partnership, firm, corporation, association, governmental agency, or other organization or entity.

22. "Relate," "reflect," or "refer," in all forms, means, in addition to the customary and usual meaning of those words, concerning, constituting, embodying, describing, evidencing, or having any logical or factual connection with the subject matter described.

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23. "Second Amended Complaint" means the Second Amended Complaint for Declaratory and Injunctive Relief, Dkt. 47, filed in the above-captioned action by Plaintiffs on April 4, 2017.

24. "Second EO" means Executive Order 13780, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States." 82 Fed. Reg. 13209 (Mar. 9, 2017).

25. "Security Advisory Opinion" means the Document created in response to a request by a U.S. consulate for a background security check on a foreign national who is applying for a U.S. visa.

26. "USCIS" means U.S. Citizenship and Immigration Services, a federal agency that is a component of the United States Department of Homeland Security and is headed by a director, currently James McCament.

27. Where appropriate, the singular form of a word should be interpreted in the plural and vice versa, to acquire the broadest possible meaning.

28. Any term defined herein shall have the indicated meaning whenever that term is used in these requests for production unless the context clearly requires otherwise. All defined terms are indicated by capitalizing the first letter of each term (except "and," "or," "relate," "reflect," and "refer"), as shown in the instructions and definitions above.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All Documents referring or relating to the development, conception, or origins of CARRP.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 2: All Documents referring or relating to the implementation of CARRP.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All policy memoranda or other policy Documents referring or relating to CARRP, including any and all attachments. This request includes but is not limited to policy memoranda produced by USCIS, U.S. Department of Defense, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Department of State, U.S. Customs and Border Protection, or the Office of the Director of National Intelligence.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All operational guidance referring or relating to CARRP, including any and all attachments. This request includes but is not limited to operational guidance produced by USCIS, U.S. Department of Defense, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Department of State, U.S. Customs and Border Protection, or the Office of the Director of National Intelligence.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All training materials referring or relating to CARRP, including any and all attachments. This requests includes but is not limited to training materials produced by USCIS, U.S. Department of Defense, U.S. Department of Homeland

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Security, U.S. Department of Justice, U.S. Department of State, U.S. Customs and Border Protection, or the Office of the Director of National Intelligence.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All Documents referring or relating to the definition or interpretation of National Security Concern.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: All Documents referring or relating to any and all policies, procedures, guidelines and training materials relating to the processing and adjudication of Immigration Benefit Applications with a National Security Concern from any directorate, department, unit or entity within USCIS, including but not limited to the Fraud Detection and National Security Directorate (FDNS), Domestic Operations Directorate (DomOps), Service Center Operations Directorate, Field Operations Directorate, Background Check Unit (BDU), and The Screening Coordination Office (SCO) of FDNS.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All Documents referring or relating to the definition of or interpretation of "national security indicators" or "national security activities," as these terms are used and applied under CARRP. This request includes, but is not limited to, any policies, procedures, guidelines, and training materials referring or relating to the identification of "national security indicators" or "national security activities," the evaluation of "national security indicators" or "national security activities," the relationship between national security

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indicators," "national security activities" and National Security Concerns, and the vetting, deconfliction and resolution of "national security indicators" and " national security activities."

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: All Documents referring or relating to the definition of or interpretation of the possible "articulable links" between a given individual and a "national security indicator" or "national security activity," as these terms are used and applied under CARRP.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All Documents referring or relating to any policy memoranda or procedures rescinded by the implementation of CARRP. This request includes, but is not limited to, those policy memoranda and procedures listed as rescinded in the April 11, 2008 USCIS memorandum from Jonathan R. Scharfen to Field Leadership regarding "Policy for Vetting and Adjudicating Cases with National Security Concerns." *See* Declaration of Jennifer Pasquarella in Support of Plaintiffs' Motion for Class Certification, Dkt. 27, Ex. A at 2-3.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: All Documents referring or relating to the connection between Security Advisory Opinion(s) issued by the U.S. Department of State and CARRP. This request encompasses both connections between CARRP and (1) specific Security Advisory Opinion(s) and (2) the Security Advisory Opinion procedure in general. This request

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includes, but is not limited to, any Security Advisory Opinion(s), including Donkey Security Advisory Opinion(s), as well as requests for Security Advisory Opinion(s) that refer or relate to the applications of any named Plaintiff or any other application subject to CARRP.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: All Documents referring or relating to named Plaintiff Abdiqafar Wagafe. This request includes, but is not limited to, Mr. Wagafe's Alien File, any records and information stored in the Fraud Detection and National Security Directorate Data System ("FDNS-DS"), e-mail correspondence, any and all records to which USCIS adjudicators and FDNS officers had access in federal, state, or local databases referring or relating to Mr. Wagafe, and any and all records created by any U.S. Department of Homeland Security official referring or relating to Mr. Wagafe.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: All Documents referring or relating to the reasons why Plaintiff Abdiqafar Wagafe's naturalization application was subject to CARRP.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: All Documents referring or relating to named Plaintiff Mehdi Ostadhassan. This request includes, but is not limited to, Mr. Ostadhassan's Alien File, any records and information stored in the Fraud Detection and National Security Directorate Data System ("FDNS-DS"), e-mail correspondence, any and all records to which USCIS adjudicators and FDNS officers had access in federal, state, or local

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databases referring or relating to Mr. Ostadhassan, and any and all records created by any U.S. Department of Homeland Security official referring or relating to Mr. Ostadhassan.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: All Documents referring or relating to the reasons why Plaintiff Mehdi Ostadhassan's adjustment of status application was subject to CARRP.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: All Documents referring or relating to named Plaintiff Hanin Omar Bengezi. This request includes, but is not limited to, Ms. Bengezi's Alien File, any records and information stored in the Fraud Detection and National Security Directorate Data System ("FDNS-DS"), e-mail correspondence, any and all records to which USCIS adjudicators and FDNS officers had access in federal, state, or local databases referring or relating to Ms. Bengezi, and any and all records created by any U.S. Department of Homeland Security official referring or relating to Ms. Bengezi.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: All Documents referring or relating to the reasons why Plaintiff Hanin Omar Bengezi's adjustment of status application was subject to CARRP.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 18: All Documents referring or relating to named Plaintiff Noah Adam Abraham, f/k/a Mushtaq Abed Jihad. This request includes, but is not limited to, Mr. Abraham's Alien File, any records and information stored in the Fraud Detection and National Security Directorate Data System ("FDNS-DS"), e-mail correspondence, any and all records to which USCIS adjudicators and FDNS officers had access in federal, state, or local databases referring or relating to Mr. Abraham, and any and all records created by any U.S. Department of Homeland Security official referring or relating to Mr. Abraham.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: All Documents referring or relating to the reasons why Plaintiff Noah Adam Abraham, f/k/a Mushtaq Abed Jihad's naturalization application was subject to CARRP.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: All Documents referring or relating to the Immigration Benefit Application(s) of named Plaintiff Sajeel Manzoor. This request includes, but is not limited to, Mr. Manzoor's Alien File, any records and information stored in the Fraud Detection and National Security Directorate Data System ("FDNS-DS"), e-mail correspondence, any and all records to which USCIS adjudicators and FDNS officers had access in federal, state, or local databases referring or relating to Mr. Manzoor, and any and all records created by any U.S. Department of Homeland Security official referring or relating to Mr. Manzoor.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 21: All Documents referring or relating to the reasons why Plaintiff Sajeel Manzoor's naturalization application was subject to CARRP.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: All Documents referring or relating to any proposed, implemented, or planned modifications to CARRP from April 11, 2008 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: All Documents referring or relating to any consideration of or reference to CARRP during the planning, drafting, or issuing of the First and Second EOs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: All Documents referring or relating to "extreme vetting" or any other screening, vetting, or adjudication program, policy, or procedure connected to the First or Second EOs. This request includes, but is not limited to, programs that reference, relate to, or expand upon CARRP.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 25: All Documents referring or relating to the relationship between CARRP and any other preexisting or planned policy, program, standard, or procedure for screening, vetting, or adjudicating Immigration Benefit Applications.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: All Documents referring or relating to "extreme vetting" or any other program, policy or procedure to identify, screen, vet, or adjudicate naturalization or adjustment of status applications where a National Security Concern is present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: All Documents referring or relating to the number of Immigration Benefit Applications subject to CARRP or designated as a National Security Concern at any point from 2008 to the present. This request includes, but is not limited, to all National Security Monthly Case Load and Aging Reports, National Security Quarterly Workload and Aging Reports, and any other periodic reports, data, or statistics related to CARRP, including those that break down applications by country of origin, citizenship, religion, or any other demographics.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: All Documents referring to, relating to, or reflecting the age, sex, country of origin, country of citizenship, religion, race, ethnicity, or other demographics of Immigration Benefit Applicants who have been identified as a National Security Concern or otherwise subjected to CARRP, including application processing times.

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RESPONSE:

REQUEST FOR PRODUCTION NO. 29: All Documents referring or relating to any program, policy or procedure to identify, screen, vet, or adjudicate naturalization or adjustment of status applications based on national origin.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: All Documents referring or relating to any program, policy or procedure to identify, screen, vet, or adjudicate naturalization or adjustment of status applications based on religion.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: All Documents referring or relating to any program, policy or procedure to identify, screen, vet, or adjudicate naturalization or adjustment of status applications based on race or ethnicity.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: All Documents that any Defendant contends support any denial of any allegation in the Second Amended Complaint, or that any Defendant relies upon in denying any of the allegations in the Second Amended Complaint.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 33: All Documents that any Defendant contends support any affirmative defense set forth in response to the Second Amended Complaint, or that any Defendant relies upon in asserting any affirmative defense set forth in response to the Second Amended Complaint.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: All Documents sufficient to identify members of the Naturalization Class, including, but not limited to, any list that might exist identifying those who are or have been subject to CARRP, and, where available, the following identifying information for each class member: name, A-number, age, sex, country of origin, country of citizenship, religion, race, ethnicity, date the naturalization application was filed, and current status of the naturalization application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: All Documents sufficient to identify all members of the Adjustment Class, including, including, but not limited to, any list that might exist identifying those who are or have been subject to CARRP, and, where available, the following identifying information for each class member: name, A-number, age, sex, country of origin, country of citizenship, religion, race, ethnicity, date the adjustment application was filed, and current status of the adjustment application.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 36: All versions of USCIS's organization chart for USCIS headquarters and the Seattle USCIS Field Office, reflecting the names, titles, and positions of officials and Employees from 2007 to the present. This request includes organization charts of USCIS as a whole, as well as the Fraud Detection and National Security (FDNS) Directorate of USCIS.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: All versions of any organization chart or similar document reflecting or identifying the individuals responsible for implementing CARRP, including but not limited to those individuals responsible for drafting and presenting training materials about CARRP and officers designated as CARRP officers.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: All Documents referring or relating to the names, titles, and job descriptions of all Your officials and Employees who bear any responsibility, directly or indirectly, in whole or in part, for CARRP or any related extreme vetting program. This request includes but is not limited to officials and Employees who are or were responsible for the creation, implementation, execution, oversight, and future development of CARRP or any related extreme vetting program.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: All Documents previously withheld or produced in redacted form pursuant to any exemption from the Freedom of Information Act,

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produced in unredacted form. This request is limited to Documents withheld or produced in response to the ACLU FOIA Request.

DATED: August 1, 2017

s/Jennifer Pasquarella (admitted pro hac vice)
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s/Trina Realmuto (admitted pro hac vice)
s/Kristin Macleod-Ball (admitted pro hac vice)
National Immigration Project
of the National Lawyers Guild
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Hugh Handeyside #39792
s/Lee Gelernt (admitted pro hac vice)
s/Hina Shamsi (admitted pro hac vice)
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s/Emily Chiang
Emily Chiang #50517
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Telephone: (206) 624-2184
Echiang@aclu-wa.org

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury and the laws of the State of Washington that on August 1st, 2017, I caused service of the foregoing, PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANTS, via email to all counsel of record herein.

Aaron R. Petty — Via Email
US Department Of Justice
219 S. Dearborn St.,
5th Floor
Chicago, IL 60604
Telephone: 202-532-4542
aaron.r.petty@usdoj.gov

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Ben Franklin Station
Washington, DC 20044
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Joseph F. Carilli, Jr. — Via Email
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joseph.f.carilli2@usdoj.gov

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 1st day of August 2017, at Seattle, Washington.

s/Laura K. Hennessey
Laura K. Hennessey #47447
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EXHIBIT A

ACLU
AMERICAN CIVIL LIBERTIES UNION of SOUTHERN CALIFORNIA
FOUNDATION
LIBERTY | JUSTICE | EQUALITY

By Regular and Certified Mail, Return Receipt Requested

May 17, 2012

United States Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010
(816) 350-5570
Fax: (816) 350-5785
uscis.foia@dhs.gov

Re: Freedom of Information Act Request
Fee waiver requested

Dear FOIA Officer:

This letter constitutes a request for records made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, by the American Civil Liberties Union Foundation of Southern California ("ACLU/SC").

The ACLU/SC makes this request for records related to the policies and procedures of the U.S. Citizenship and Immigration Services (USCIS) with respect to the processing and adjudication of applications for naturalization and other immigration benefits. The Requestor, a non-profit civil rights group, is concerned that certain immigrants – including Muslim, Arab, Middle Eastern and South Asian immigrants – are treated differently than other applicants in their efforts to obtain naturalization and other important immigration benefits. Through this FOIA Request, the ACLU/SC seeks information about the policies and practices that result in USCIS's apparently different treatment of those immigrants.

The ACLU/SC has learned of or assisted dozens of Muslim, Arab, Middle Eastern and South Asian immigrants who are statutorily eligible for naturalization and other immigration benefits, yet have encountered extraordinary hurdles by USCIS in the processing and adjudication of their applications. The ACLU/SC is concerned that USCIS subjects these applicants to higher scrutiny and different treatment due to its policies for identifying and vetting national security concerns, creating significant obstacles to their ability to obtain these important benefits.

Accordingly, through this Request, we seek information regarding USCIS' national security policies and procedures governing the identification, vetting and adjudication of

applications for naturalization and other immigration benefits categorized as presenting national security concerns.

THE REQUESTOR

ACLU/SC is a non-profit organization dedicated to defending and securing the rights granted by the U.S. Constitution and Bill of Rights. ACLU/SC's work focuses on immigrants' rights, the First Amendment, equal protection, due process, privacy, and furthering civil rights for disadvantaged groups. As part of its work, ACLU/SC disseminates information to the public through newsletters, news briefings, "Know Your Rights" documents, and other educational and informational materials. The ACLU/SC regularly submits FOIA requests to USCIS and other agencies – including, past FOIA requests related to the adjudication of naturalization applications – and publicizes the information it obtains through its website, newsletters and "Know Your Rights" presentations and materials.

THE REQUEST FOR RECORDS

We seek disclosure of **any** records[1] created from January 2003 to the present, **relating to** or **concerning:**[2]

Policies for the identification, vetting and adjudication of immigration benefits applications[3] *with national security concerns*

(1) The Operational Guidance, which implements the 2008 "Policy for Vetting and Adjudicating Cases with National Security Concerns," attached hereto as Exhibit A, including:
   a. Any and all attachments;
   b. Any and all training materials;

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[1] The term "records" as used herein includes but is not limited to all communications preserved in electronic or hard copy form, including but not limited to correspondence, documents, data, videotapes, audio tapes, CDs, DVDs, floppy disks, zip disks, faxes, files, e-mails, notes (including handwritten notes), letters, summaries or records of personal conversations, reports and/or summaries of interviews, reports and/or summaries of investigations, guidelines, evaluations, instructions, analyses, memoranda, agreements, orders, prescriptions, charts, expressions of statements of policy, procedures, protocols, reports, rules, training manuals, or studies.

[2] The term "concerning" means referring to, describing, evidencing, commenting on, responding to, showing, analyzing, reflecting, or constituting.

[3] The phrase "immigration benefits applications" as used herein refers to those applications or petitions, which confer citizenship by naturalization or immigrant or non-immigrant status.

c. Any and all policy, procedure and/or guidance related to implementation of the Operational Guidance and/or "Policy for Vetting and Adjudicating Cases with National Security Concerns." *See* Exh. A.

(2) Any and all policies, procedures, guidelines and training materials pertaining to CARRP (Controlled Application Review and Resolution Program), including, but not limited to,
   a. The CARRP Manual;
   b. CARRP policy memoranda;
   c. CARRP training materials.

(3) Any and all policies, procedures, guidelines and training materials relating to the processing[4] and adjudication of immigration benefit applications with a "national security concern"[5] from any Directorate, department, unit, or entity within USCIS, including but not limited to the:
   a. Fraud Detection and National Security Directorate (FDNS)
   b. Domestic Operations Directorate (DomOps), including, but not limited to, the DomOps Operational Guidance referenced on page 13 of the 2008 "Policy for Vetting and Adjudicating Cases with National Security Concerns." *See* Exh. A.
   c. Service Center Operations Directorate
   d. Field Operations Directorate
   e. Background Check Unit (BCU)
   f. The Screening Coordination Office (SCO) of FDNS

(4) The Operational Guidance related to the adjudication of Replacement Lawful Permanent Resident cards when there is a "national security concern" described on page 14 of the 2008 "Policy for Vetting and Adjudicating Cases with National Security Concerns." *See* Exh. A.

(5) The DHS Memorandum entitled "Department of Homeland Security Guidelines for the Use of Classified Information in Immigration Proceedings" (also referred to as "Ridge Memo") referenced on page 17, footnote 18 of the 2008 "Policy for Vetting and Adjudicating Cases with National Security Concerns." *See* Exh. A.

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[4] For the purposes of this FOIA request, "processing" refers to all steps taken by USCIS from the moment that a naturalization application is filed until it is finally adjudicated. This includes but is not limited to, background/security checks, identification of a national security concern, internal/external vetting, deconfliction, adjudication, the naturalization interview and examination, requests for additional documentation or evidence, etc

[5] The 2008 memo, Exhibit A, defines a "national security concern" as existing when "an individual or organization has been determined to have an articulable link to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act."

(6) The memorandum entitled "Additional Guidance on Issues Concerning Vetting and Adjudication of Cases Involving National Security Concerns," mentioned on page 271 of the PowerPoint entitled "CARRP: Deconfliction, Internal and External Vetting and Adjudication of NS Concerns," attached hereto as Exhibit B.

(7) The Deconfliction video referenced on page 264 of the PowerPoint entitled "CARRP: Deconfliction, Internal and External Vetting and Adjudication of NS Concerns," attached hereto as Exhibit B.

(8) The IBIS Standard Operating Procedure (SOP) referenced on page 109 of the May 21, 2004 memorandum entitled "New National Security-Related IBIS Procedures," attached hereto as Exhibit C.

(9) The name of and a description and/or explanation of the purpose and function of the "new office" created to centralize and effectively manage the screening initiatives with partners inside and outside the agency, as referenced on page 4 of USCIS Director Mayorkas' congressional testimony in a hearing entitled "Safeguarding the Integrity of the Immigration Benefits Adjudication Process" on February 15, 2012, before the House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, attached hereto as Exhibit D.

(10) A description and/or explanation of the purpose and function of the Screening Coordination Office (SCO) within the Fraud Detection and National Security (FDNS) Directorate, a new office created in fiscal year 2011 to enhance USCIS's screening for national security threats and other information.

(11) Policies, procedures, guidelines, and training materials pertaining to the internal collaboration and coordination between and among USCIS directorates, offices, branches, programs during security checks and deconfliction.

(12) A description and/or explanation of the purpose and function of the "comprehensive recurrent vetting strategy to lead the [DHS's] biographic and biometric screening initiatives and studies," as referenced in Director Mayorkas' congressional testimony on February 15, 2012. *See* Exh. C.

(13) Provide a complete list of all security check and background check systems that are used by USCIS in the processing and adjudication of a naturalization application, including, but not limited to, the systems checked by FDNS or other USCIS entities on cases involving "national security concerns" or "national security indicators," such as the FBI Name Check, the FBI Fingerprint Check, TECS/IBIS, CLASS, SAOs, US-VISIT/IDENT, etcetera.

(14) Policies, procedures, guidelines and training materials related to "national security indicators" (as referenced on page 2 of the CARRP Officer Training's National Security Handout, Attachment A "Guidance for Identifying National Security Concerns," attached hereto as Exhibit E, and the 2008 Memo, page 15, Exh. A), including, but not limited to, the identification of "national security indicators" (including statutory indicators and non-statutory indicators); the evaluation of "national security indicators;" the relationship between "national security indicators" and "national security concerns;" and the vetting, deconfliction and resolution of "national security indicators."

(15) To the extent not covered by (14) above, policies, procedures, guidelines and training materials related to the "suspicious activities" type of "national security indicator," referenced on page 5 of Exh. E, including but not limited to:

a. "Unusual travel patterns and travel through or residence in areas of known terrorist activity;"
b. "Large scale transfer or receipt of funds;"
c. "Membership or participation in organizations that are described in, or that engage in, activities outlined in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Act."

(16) To the extent not covered by (14) above, policies, procedures, guidelines and training materials related to the "family member or close associates" type of "national security indicator," described on page 5 of Exh. E, including but not limited to:

a. How it is determined that a family member or close associate is a subject with a "national security concern;"
b. How that information could impact an individual's eligibility for the benefit sought and/or may indicate a "national security concern" with respect to that individual;
c. How an officer may determine if the "national security concern" relates to the individual and if it gives rise to a "national security concern" for the individual.

(17) Provide a list with the name, author and date of the *current* policies pertaining to the processing and adjudication of immigration benefits applications with a "national security concern." Because some of the policies requested through this FOIA request may have been superseded by later policies, this list will instruct the Requestor and the public as to which records reflect current USCIS policy.

Statistical Information

(1) The number of applications filed in the years 2012, 2011, 2010, 2009 and 2008 for the following types of applications or petitions:

a. N-400;
b. I-485;
c. I-130;

d. I-129F;
e. I-751.
f. For each application or petition type, the number of cases by beneficiary's country of birth for the following countries or territories:
    i. Afghanistan
    ii. Egypt
    iii. Indonesia
    iv. Iraq
    v. Iran
    vi. Jordan
    vii. Kuwait
    viii. Lebanon
    ix. Libya
    x. Morocco
    xi. Pakistan
    xii. Palestine or the Palestinian Territories
    xiii. Saudi Arabia
    xiv. Somalia
    xv. Sri Lanka
    xvi. Sudan
    xvii. Syria
    xviii. Tunisia
    xix. Uzbekistan
    xx. Yemen

(2) The number of applications granted for the years 2012, 2011, 2010, 2009 and 2008 for the following types of applications or petitions:
a. N-400;
b. I-485;
c. I-130;
d. I-129F;
e. I-751.
f. For each application or petition type, the number of cases by country of birth for the following countries or territories:
    i. Afghanistan
    ii. Egypt
    iii. Indonesia
    iv. Iraq
    v. Iran
    vi. Jordan
    vii. Kuwait
    viii. Lebanon
    ix. Libya
    x. Morocco

xi. Pakistan
xii. Palestine
xiii. Saudi Arabia
xiv. Somalia
xv. Sri Lanka
xvi. Sudan
xvii. Syria
xviii. Tunisia
xix. Uzbekistan
xx. Yemen

(3) The number of immigration benefits applications denied for the years 2012, 2011, 2010, 2009 and 2008 for the following types of applications or petitions:
   a. N-400;
   b. I-485;
   c. I-130;
   d. I-129F;
   e. I-751.
   f. For each application or petition type, the number of cases by country of birth for the following countries or territories:
      i. Afghanistan
      ii. Egypt
      iii. Indonesia
      iv. Iraq
      v. Iran
      vi. Jordan
      vii. Kuwait
      viii. Lebanon
      ix. Libya
      x. Morocco
      xi. Pakistan
      xii. Palestine
      xiii. Saudi Arabia
      xiv. Somalia
      xv. Sri Lanka
      xvi. Sudan
      xvii. Syria
      xviii. Tunisia
      xix. Uzbekistan
      xx. Yemen

(4) The number of pending immigration benefits applications that have one or more "national security indicator(s)" and/or "hits" for the years 2012, 2011, 2010, 2009 and 2008;
   a. Of those numbers, provide the following for each year:

i. The number of cases for the following types of applications or petitions:
    1. N-400;
    2. I-485;
    3. I-130;
    4. I-129F;
    5. I-751.
ii. For each application type, the number of cases by country of birth.

(5) The number of pending immigration benefits applications that had a "national security concern" for the years 2012, 2011, 2010, 2009 and 2008
    a. Of those numbers, provide the following for each year:
        i. The numbers of cases for the following types of applications or petitions:
            1. N-400;
            2. I-485;
            3. I-130;
            4. I-129F;
            5. I-751.
        ii. For each application type, the number of cases by country of birth;
        iii. For each application type, the number of cases of Known or Suspected Terrorists (KST);
        iv. For each application type, the number of cases of non-Known or Suspected Terrorists (non-KSTs).

(6) The number of immigration benefits applications where the national security concern was resolved or determined to no longer be of concern for the years 2012, 2011, 2010, 2009 and 2008
    a. Of those numbers, provide the following for each year:
        i. The numbers of cases for the following types of applications or petitions:
            1. N-400;
            2. I-485;
            3. I-130;
            4. I-129F;
            5. I-751.
        ii. For each application type, the number of cases by country of birth;
        iii. For each application type, the number of cases of Known or Suspected Terrorists (KST);[6]
        iv. For each application type, the number of cases of non-Known or Suspected Terrorists (non-KSTs).

(7) The number of immigration benefits applications with a "national security concern" that were approved for the years 2012, 2011, 2010, 2009 and 2008
    a. Of those numbers, provide the following for each year:

[6] The 2008 Memo, Exh. A at page 1, footnote 3, defines a KST and a non-KST.

i. The numbers of cases for the following types of applications or petitions:
    1. N-400;
    2. I-485;
    3. I-130;
    4. I-129F;
    5. I-751.
ii. For each application type, the number of cases by country of birth;
iii. For each application type, the number of cases of Known or Suspected Terrorists (KST);
iv. For each application type, the number of cases of non-Known or Suspected Terrorists (non-KSTs).

(8) The number of immigration benefits applications with a "national security concern" that were denied for the years 2012, 2011, 2010, 2009 and 2008
    a. Of those numbers, provide the following for each year:
        i. The numbers of cases for the following types of applications or petitions:
            1. N-400;
            2. I-485;
            3. I-130;
            4. I-129F;
            5. I-751.
        ii. For each application type, the number of cases by application type and country of birth;
        iii. For each application type, the number of cases of Known or Suspected Terrorists (KST);
        iv. For each application type, the number of cases of non-Known or Suspected Terrorists (non-KSTs).

(9) The number of immigration benefit applications with a national security concern that are pending as of the date that this request is processed
    a. More than one year since the date of filing;
    b. More than two years since the date of filing;
    c. More than three years since the date of filing;
    d. More than four years since the date of filing;
    e. More than five years since the date of filing;
    f. More than six years since the date of filing;
    g. More than seven years since the date of filing;
    h. More than eight years since the date of filing;
    i. More than nine years since the date of filing;
    j. More than ten years since the date of filing.

(10) To the extent that a case bearing a "national security concern" is not necessarily a case also designated as a CARRP case, please provide the data requested above in (4)-(9) for CARRP cases.

As to all requests, we do not seek any personal identifying information protected under the Privacy Act, and therefore request that any such personal identifying information be redacted from responsive materials and replaced with a unique identifier that would allow us to identify the treatment of any given case across the various responses, but without revealing the individual identities of the applicants to whom the records pertain.

LIMITATION OR WAIVER OF SEARCH AND REVIEW FEES

We request a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) ("fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by … a representative of the news media …") and 6 C.F.R. § 5.11(d)(1) (search fees shall not be charged to "representatives of the news media"). The information sought in this request is not sought for a commercial purpose. The Requestor is a non-profit organization who intends to disseminate the information gathered by this request to the public at no cost, including through the Requestor's website, newsletters and other publications. Requestors may also compile a report or other publication on USCIS's policies and practices based on information gathered through this FOIA. This information is of critical importance to the public at large to understand how USCIS adjudicates applications for immigration benefits where national security concerns are present, particularly in light of the numerous news stories and repeated complaints regarding USCIS's processing of applications by Muslim, Arab, Middle Eastern and South Asian immigrants. *See, e.g.,* Ctr. for Human Rights and Global Justice, *Americans on Hold: Profiling, Prejudice and National Security*, *Americans on Hold Documentary Film and Advocacy Project* (2010), Preview Footage *at* http://www.chrgj.org/projects/profiling.html (last visited Jun. 14, 2010); Press Release, Ctr. for Human Rights and Global Justice, *CHRGJ Launches Documentary Americans on Hold, Exposing Discrimination* (Apr. 27, 2010); Anna Gorman, *A Victory for Southern California Citizenship Applicants*, L.A. TIMES, Nov. 10, 2009; Cindy Carcamo, THE O.C. REGISTER, *Deal Allows Hundreds to Gain U.S. Citizenship*, Nov. 9, 2009; Press Release, Ctr. for Human Rights and Global Justice, *CHRGJ Calls on Administration to Stop Racial Profiling in Citizenship Process* (Mar. 31, 2009); Sandra Hernandez, *Suit Seeks to Expedite Backlog-Plagued Naturalization Process*, L.A. DAILY JOURNAL, Dec. 5, 2007; Anna Gorman, *Groups Sue Over Citizenship Delays*, L.A. TIMES, Dec. 5, 2007; *SoCal Immigrants Sue Over Citizenship Delay*, THE NATIONAL LAW JOURNAL, Dec. 5, 2007; Press Release, Ctr. For Human Rights and Global Justice, *Profiled Immigrants Delayed Years in Seeking Citizenship* (Apr. 25, 2007); Shreema Mehta, *Barriers Inhibit Legal Road to U.S. Citizenship*, THE NEW STANDARD, Nov. 15, 2006; Bethany McAllister, Esq., *Rumors in Limbo: Muslims Applying for Citizenship*, MUSLIM MEDIA NETWORK, Sep. 28, 2006; Diana Day, *Los Angeles Civil Rights Groups Sue the Government Over Citizenship Delays*, PASADENA STAR-NEWS, Aug. 2, 2006; H.G. Reza, *For Citizenship Delayed, 10 Taking U.S. to Court*, L.A. TIMES, Aug. 1, 2006.

The "term 'a representative of the news media' means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." 5 U.S.C. §

552(a)(4)(A)(ii). The statutory definition does not require that the requester is a member of the traditional media. As long as the requester meets the definition in any aspect of its work, it qualifies for limitation of fees under this section of the statute.

For the reasons stated above, the Requester qualifies as a "representative of the news media" under the statutory definition, because it routinely gathers information of interest to the public, use editorial skills to turn it into distinct work, and distribute that work to the public. *See Electronic Privacy Information Center v. Department of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003) (non-profit organization that gathered information and published it in newsletters and otherwise for general distribution qualified as representative of news media for purpose of limiting fees). Courts have reaffirmed that non-profit requestors who are not traditional news media outlets can qualify as representatives of the new media for the purposes of the FOIA after the 2007 amendments to the FOIA, including specifically as to other ACLU affiliates. *See ACLU of Washington v. U.S. Dep't of Justice*, No. C09-0642RSL, 2011 WL 887731, at *18 (D. Wash. Mar. 10, 2011). Accordingly, any fees charged must be limited to duplication costs.

WAIVER OR REDUCTION OF ALL COSTS

We request a waiver or reduction of all costs pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) ("Documents shall be furnished without any charge . . . 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"); *see also* 6 C.F.R. § 5.11(k). USCIS has granted the ACLU/SC fee waiver in the past, including as recently as April 13, 2011, attached hereto as Exhibit F.

The public interest fee waiver provision "is to be liberally construed in favor of waivers for noncommercial requesters." *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987). The Requestor needs not demonstrate that the records would contain evidence of misconduct. Instead, the question is whether the requested information is likely to contribute significantly to public understanding of the operations or activities of the government, good or bad. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003).

Disclosure of the information sought is in the public interest and will contribute significantly to public understanding of the federal government's policies and practices in adjudicating naturalization and other immigration benefit applications for applicants from certain countries, or with certain affiliations. As shown by the news reporting cited above, these issues are of intense public concern. The requested records relate directly to operations or activities of the government that potentially impact or infringe fundamental rights and freedoms. The Requestor has received numerous complaints from Muslim, Arab, Middle Eastern and South Asian communities regarding the processing of applications for immigration benefits. This information is of particular interest to these communities, as well as the public at large that is concerned about the fairness, equal treatment, and transparency in USCIS's processes.

The records are not sought for commercial use, and the Requestor plans to disseminate the information disclosed through print and other media to the public at no cost, and through meetings with members and affected communities. As demonstrated above, the Requestor has both the intent and ability to convey any information obtained through this request to the public.

The Requestor states "with reasonable specificity that [their] request pertains to operations of the government," and "the informative value of a request depends not on there being certainty of what the documents will reveal, but rather on the requesting party having explained with reasonable specificity how those documents would increase public knowledge of the functions of the government." *Citizens for Responsibility and Ethics in Washington v. U.S. Dept. of Health and Human Services*, 481 F. Supp. 2d 99, 107-109 (D.D.C. 2006).

In the event a waiver or reduction of costs is denied, please notify me in advance if the anticipated costs exceed $100.

CONCLUSION

If this request is denied in whole or part, please justify all deletions by reference to the specific FOIA exemption(s) that apply to each specific request. We expect you to release all segregable portions of otherwise exempt material. For example, we expect you to redact names of individuals for whom privacy waivers are not enclosed, if such redaction is required by the Privacy Act or other law, and release any otherwise disclosable records as redacted. We also expect that this FOIA request will be processed in accordance with the presumption of disclosure and President Obama's directive to federal agencies on January 26, 2009. Pres. Obama, Memo. for the Heads of Exec. Offices and Agencies, Freedom of Information Act, 74 Fed. Reg. 4683 (Jan. 26, 2009) ("The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.").

We reserve the right to appeal any decision relating to this FOIA request, including but not limited to the decision to withhold any information, or to deny expedited processing or to deny a waiver or reduction of fees. We look forward to your reply to the request for expedited processing within ten (10) calendar days, as required under 5 U.S.C. § 552(a)(6)(E)(ii)(I). Notwithstanding your decision on the matter of expedited processing, we look forward to your reply to the records request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(I).

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), we request that responsive statistical information be provided electronically and include all associated metadata. Our first preference is that they be provided in their native file format, if possible. However, when using native formats we request to be consulted first to ensure the particular native formats will be readable at our end. Alternatively, we request that the statistical records be provided

electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, bates-stamped files.

We further request that the agencies provide an estimated date by which they will complete the processing of this request. *See* 5 U.S.C. § 552(a)(7)(B); *Muttitt v. U.S. Cent. Command*, 2011 WL 4478320 (D.D.C. Sept. 28, 2011).

If you have questions, please contact Jennie Pasquarella at 213-977-5236 or via e-mail at jpasquarella@aclu-sc.org. Thank you in advance for your timely consideration of this request. Please furnish records as soon as they are identified to the undersigned at:

ACLU of Southern California
1313 W. Eighth Street
Los Angeles, CA 90017

Sincerely,

Jennie Pasquarella
Staff Attorney
ACLU of Southern California