

# PLAINTIFF'S EXHIBIT B

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
National Records Center  
P.O. Box 648010  
Lee's Summit, MO 64064-8010



U.S. Citizenship  
and Immigration  
Services

COW2019500947

August 14, 2019

Zachary Heiden  
ACLU of Maine  
121 Middle St.  
Ste. 200  
Portland, ME 04101

Dear Zachary Heiden:

We received your request for information relating to information pertaining to approvals, referrals, and denials of affirmative asylum cases arising out of the Newark Asylum Office and Boston Asylum Sub-Office from January 1, 2010-present.

Specifically you are requesting:

- i. State of U.S. residence at the time of application;
  - ii. Asylum Office that adjudicated the application;
  - iii. Country of origin;
  - iv. Age at time of application;
  - v. Gender;
  - vi. Race;
  - vii. Nationality;
  - viii. Native Language;
  - ix. Filing date of I-589 application;
  - x. Date(s) of Request for Evidence, if any;
  - xi. Date of interview;
  - xii. Date of adjudication;
  - xiii. Type of decision [approval, denial, referral (interview), referral (uninterviewed), filing deadline referral, case closed/no-show denial];
  - xiv. Whether applicant had counsel present at the interview; and
  - xv. Whether applicant had an interpreter present at the interview.
- b. Records regarding Supervisory Asylum Officers' returns and adjudicator logs underlying affirmative asylum denials, referrals, approvals, notices of intent to deny, and assessments to approve, deny, or refer from the Newark Asylum Office from January 1, 2010 until the present and the Boston Asylum Sub-Office since January 1, 2015, including assessments and reasoning's regarding why returns were given and/or the reasons behind the resulting referrals and denials;
- c. Records regarding communications related to referrals, denials, approvals, notices of intent to deny, and assessments to approve, deny, or refer from the Newark Asylum Office from January 1, 2010 until the

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present and the Boston Asylum Sub-Office since January 1, 2015;

d. Any and all related Records not specifically outlined above.

**B. Records Related to the Policies, Procedures, and Objectives of the Boston and Newark Asylum Offices Regarding Affirmative Asylum Cases**

Any and all Records, received, maintained, or created by any governmental agency or subdivision, related to procedures, policies, or objectives of the Newark Asylum Office controlling the decision-making process of affirmative asylum cases from January 1, 2010 until the present. Additionally, Requesters seek Records received, maintained, or created by any governmental agency or subdivision, as well as Records related to procedures, policies, or objectives from the Boston Asylum Sub-Office, including documents created on or after January 1, 2015. Records include, but are not limited to:

a. Overview Documents: Any and all Records referencing, discussing, detailing, explaining, or otherwise addressing the purposes, goals, objectives, responsibilities, implementation, and deployment strategy of the Boston or Newark Asylum Office's policies, procedures, and objectives regarding the affirmative asylum process.

b. Approval Notices, Referral Notices, Notices of Intent to Deny, and Denial Notices:

Any and all Records regarding approval, denial (including notices of intent to deny), and referral notices that include the reasoning behind and communications regarding the approvals, referrals,

denials, decisions, notices of intent to deny, and assessments to approve, deny, or refer, including redacted letters sent to affirmative asylum seekers, notices of intent to deny, internal and external emails and other Records regarding approval, denial, or referral notices and decisions, and any and all other Records addressing the approval, denial and referral decisions of affirmative asylum cases, including those Records between Supervisory Asylum Officers and Asylum Officers, excluding confidential information from individual Alien files.

c. Boston and Newark Asylum Offices' Policies and Procedures: Any and all Records related to policies and procedures governing the decision making processes regarding affirmative asylum claims made by the Boston or Newark Asylum Offices. This includes, but is not limited to:

i. Any and all Records containing policies, objectives, or procedures governing granted, denied or referred affirmative asylum cases within the Boston and Newark Asylum Offices;

ii. Any and all Records containing standard notices, decisions, or computer screen shots generated in response to the ultimate decision rendered, excluding confidential information from individual Alien files.

ii. Any and all Records pertaining to employee performance-based assessments, including the criteria, rubric, policies, procedures, data, objectives, expectations, and any and all other similar matters

pertaining to employee performance review, excluding confidential employee information;

iv. Any and all Records pertaining to the number of cases the Asylum Officer's recommendation was changed ( or where a different outcome was suggested) by the Supervisory Asylum Officer, broken down by country of origin, Asylum Officer, Supervisory Asylum Officer, and state of residence of the applicant, excluding confidential employee and Alien file information;

v. Any and all Records regarding the number of instances Asylum Officers have been penalized for Supervisory Officer returns of cases to the Asylum Officers and policies and directives behind

such penalties given, excluding confidential employee information:



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vi. Any and all Records related to training or education regarding the assessment of the credibility of claims, the detection of fraud, and the Boston and Newark Asylum Offices' policies and procedures regarding decisions rendered on credibility grounds in affirmative asylum cases.

d. Training or Explanatory Materials: Any and all Records containing training, briefing, guidance, procedures, rules, or other informational materials developed internally or externally pertaining to the job training, responsibilities, guidance, and rules for all employees at the Boston and Newark Asylum Offices, including, but not limited to:

i. Any and all Records containing required training, policies, procedures, and expectations relating to anti-bias and sensitivity training for employees working with trauma survivors;

ii. Any and all Records related to evaluating, compiling, reviewing, or discussing the Boston and Newark Asylum Offices' racial or antiracial profiling policies and procedures.

e. Information Pertaining to Technology System Used: Any and all Records relating to the technological system used in case management, including applicable hardware, software, systems, applications, and any and all other technological systems utilized in managing, assessing, organizing, and evaluating affirmative asylum cases within the Asylum Office.

f. Information Pertaining to the Number of Cases and Employee

Workload: Any and all Records pertaining to the size of the Boston and Newark Asylum Offices, number of cases, and employee workload. This includes, but is not limited to:

i. Any and all Records pertaining to the number of Asylum Officers and Supervisory Asylum Officers, per month;

ii. Any and all Records pertaining to the number of cases per month the Office has maintained, and the average caseload of each Asylum Officer and Supervisory Asylum Officer, per month;

iii. Any and all Records showing changes in policies pertaining to employee caseloads, the average time employees have to review and adjudicate a specific case, directives or policies regarding the amount of time dedicated toward the assessment of a single case, average time recommended for the Asylum Officer to conduct affirmative asylum interviews, time constraints pertaining to case review, and any and all other information pertaining to the workload of Asylum Officers and Supervisory Asylum Officers, since January 2010.

g. Information Pertaining to Cases Coming from Maine: Any and all Records, including emails, messages (including electronic messaging and emails where the word "Maine" is used), memoranda, and any and all other similar documentation that involve Maine cases or include "Maine" in the subject line and/or body of the Record, excluding confidential information from individual Alien files.

h. Records pertaining to Applicants from Angola, Burundi, Democratic Republic of Congo, and Rwanda: Any and all Records generated by the Boston or Newark Asylum Offices, pertaining to internal policies, procedures, guidance, rules, and communications, written or electronic, governing affirmative asylum applicants and consequent decisions rendered from Angola, Burundi, the Democratic Republic of the Congo, and Rwanda, excluding confidential information from individual Alien files.

Your request was received in this office August 5, 2019. We may need to contact you at a later date to discuss the scope of your request.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2019500947. Please cite this number in all future

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correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the complex track (Track 2).

Based on the information you provided, we have determined that expedited processing of your request is not warranted. The Department of Homeland Security Freedom of Information Act regulation at 6 C.F.R. § 5.5(e)(1) requires that you demonstrate that your request warrants expedited treatment because it involves:

- (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information;
- (iii) The loss of substantial due process rights; or
- (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

Additionally, 6 C.F.R. § 5.5(e)(3) requires that a requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. Furthermore, requests for expedited processing that are based on paragraph (e)(1)(iv) of this section must be submitted to the Senior Director of FOIA Operations, the Privacy Office, U.S. Department of Homeland Security, 245 Murray Lane SW STOP-0655, Washington, D.C. 20598-0655. If you can demonstrate any further showing as to the nature and degree of (i), (ii), or (iii) of the above categories, please submit this additional information to this office for reconsideration.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. You may file an administrative FOIA appeal to USCIS at: USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison, Jill Eggleston, for assistance at:

U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P.O. Box 648010  
Lee's Summit, MO 64064-8010  
Telephone: (800) 375-5283  
E-Mail: [FOIAPAQuestions@uscis.dhs.gov](mailto:FOIAPAQuestions@uscis.dhs.gov)

A FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal Agencies. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. The contact information for



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OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
Telephone: (202) 741-5770 or (877) 684-6448  
Email: [OGIS@nara.gov](mailto:OGIS@nara.gov)  
Website: [ogis.archives.gov](http://ogis.archives.gov)

Your request for a fee waiver has been granted.

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

This office now offers an online delivery option. If you would like to receive the requested records online, you will need to register this request at [first.uscis.gov](http://first.uscis.gov). If you do not already have a MyUSCIS account you will be prompted to create one. Once logged on, click the "Register Request" link where you will be asked to enter your control number COW2019500947 and the following six digit PIN: 729701. If you do not wish to take advantage of this option, we will be providing your records on a Compact Disc (CD) for use on your personal computer. To request your responsive records on paper, please include your control number and write to the above address Attention: FOIA/PA Officer, or fax them to (802) 860-6908.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

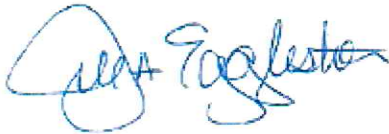
You may check the status of your FOIA request online at [www.uscis.gov/FOIA](http://www.uscis.gov/FOIA). Click the "Check Status of Request" button in the middle of the web page or "FOIA Request Status Check & Average Processing Times" on the left side under "Freedom of Information and Privacy Act (FOIA)." Then click "FOIA Check Status of Request" at the bottom of the page and follow the instructions given. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call The National Customer Service Center at (800) 375-5283. Please be aware that the National Records Center no longer accepts FOIA/PA related questions directly by phone.

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All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the Control Number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, emailed to [USCIS.FOIA@uscis.dhs.gov](mailto:USCIS.FOIA@uscis.dhs.gov), or sent by fax to (802) 860-6908. You may also submit FOIA/PA related questions to our email address at [FOIAPAQuestions@uscis.dhs.gov](mailto:FOIAPAQuestions@uscis.dhs.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jill A. Eggleston". The signature is stylized with a large, looping initial "J" and "E".

Jill A. Eggleston  
Director, FOIA Operations