

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
AMERICAN IMMIGRATION COUNCIL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civ. A. No. 21-3314 (APM)
U.S. CUSTOMS AND BORDER	)	
PROTECTION and U.S. DEPARTMENT OF	)	
HOMELAND SECURITY,	)	
	)	
Defendants.	)	
_____	)	

**JOINT STATUS REPORT**

The parties submit this Joint Status Report in response to the Court’s Minute Order dated July 24, 2023. In the last Joint Status Report filed with the Court on July 18, 2023, U.S. Customs and Border Protection (“CBP”) informed the Court that the agency reached out to other government agencies for production of pages sent to such agencies for consultation. The remaining documents are:

- a) 50 pages that CBP indicated would be sent to other agencies for consultation in the August 9, 2022 production letter;
- b) 57 pages CBP indicated would be referred to Defendant U.S. Department of Homeland Security (“DHS”) in the August 9 production letter; and
- c) 24 pages CBP indicated would be sent to other agencies for consultation in the September 12, 2022 production letter.

In the March 17, 2023 Joint Status Report, CBP informed the Court that it estimated receiving and processing the documents sent to agencies for consultation within 60 days. However, Defendants did not meet this deadline and later stated in the July 18, 2023 Joint Status Report that

the date of return for the outstanding documents is not a matter within CBP's control. Since the July 18 Joint Status Report, Defendants CBP and DHS have provided no updates as to the status of the remaining documents or an estimated date of production.

CBP will be posting to the CBP Reading Room the prior versions of the Privacy Impact Assessments (PIAs) requested by Plaintiff. CBP further reports that the consults remain pending with other agencies. As stated in the prior Joint Status Report, CBP has no control over the timing of the return of those consults, but will continue to monitor them and request their return.

Because the production of responsive records is incomplete, the parties have not been able to discuss a schedule for further proceedings as ordered by this Court. In accordance with the Court's Minute Order, Plaintiff advises the Court that issues relating to the adequacy of the search and CBP's application of exemptions under the Freedom of Information Act (FOIA) remain in dispute.

Plaintiff hereby requests the Court to order Defendants to produce by a date certain the records referred to Defendant DHS and records sent to other agencies for consultation. CBP states that it is monitoring the consults but does not control the timing of their return. The parties are amenable to confer regarding outstanding issues.

In light of the foregoing, the parties request that the Court direct the parties to file another Joint Status Report on or before November 17, 2023, to give the parties an opportunity to further discuss remaining issues and the future conduct of the litigation.

A proposed order is attached.

Dated: September 18, 2023  
Washington, DC

By: /s/ Raul Pinto

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Respectfully submitted,

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*Counsel for Defendants*

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Defendants.	)	
_____	)	

**[PROPOSED] ORDER**

Upon consideration of the parties' joint status report, and the entire record herein, it is ORDERED that the Defendants shall produce the outstanding records on or before \_\_\_\_\_. Parties shall file another joint status report on or before November 17, 2023.

\_\_\_\_\_  
Date

\_\_\_\_\_  
AMIT P. MEHTA  
United States District Judge