

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

AMERICAN IMMIGRATION COUNCIL
1331 G Street NW, Suite 200
Washington, DC 20005

AMERICAN IMMIGRATION
LAWYERS ASSOCIATION
1331 G Street NW, Suite 200
Washington, DC 20005

NATIONAL IMMIGRANT JUSTICE
CENTER
224 South Michigan Avenue, Suite 600,
Chicago, IL 60604

CHICAGO CHAPTER, AMERICAN
IMMIGRATION LAWYERS
ASSOCIATION
332 S. Michigan Ave, Suite 1428,
Chicago IL 60604

Plaintiffs,

v.

EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
5107 Leesburg Pike, Suite 2150
Falls Church, VA 22041

U.S. DEPARTMENT OF JUSTICE
OFFICE OF INFORMATION POLICY
441 G Street, NW, 6th Floor
Washington, D.C. 20530

U.S. GENERAL SERVICES
ADMINISTRATION
1800 F Street, NW
Washington, D.C. 20405

Defendants.

Civil Action No. 20-cv-3148

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

INTRODUCTION

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, seeking records from the Executive Office for Immigration Review (EOIR) and the U.S. General Services Administration (GSA) relating to the expansion of immigration courts and immigration adjudication centers (IACs), including contracts for existing and proposed sites for both immigration courts and IACs.

2. Immigration courts and IACs are housed under EOIR, which is a sub-agency of the Department of Justice (DOJ). Under the present administration, EOIR has undertaken an expansion of immigration courts and inaugurated the concept of IACs, providing scant information to the public about these initiatives, including in some instances, the location and relevant procedural rules. Public information about the location and expansion of these courts and centers is critically important. These entities are tasked with hearing and deciding hundreds of removal proceedings each year, determining whether individuals will face deportation from the United States or be permitted to remain. DOJ's purported aim in expanding courts and creating IACs is to address backlogs. However, media reports and direct observation by advocates and practitioners raise concerns that these efforts instead amount to the facilitation of assembly-line justice, in which cases are rapidly funneled with little oversight or regard for due process.

3. Plaintiffs are non-governmental organizations that collectively provide legal representation and advocate on behalf of noncitizens facing deportation in immigration courts and IACs nationwide. They seek records regarding the location and expansion of these courts and IACs, as well as contracts for existing and proposed sites. Defendant EOIR provided a response but continues to unlawfully withhold records and claim exemptions. Defendant OIP upheld EOIR's withholding of records in adjudicating Plaintiffs' administrative FOIA appeal.

Separately, Defendant EOIR referred part of Plaintiffs' request to Defendant GSA. Defendant GSA has failed to provide any substantive response to date. Plaintiffs now invoke this Court's jurisdiction to order all agencies to promptly produce records responsive to Plaintiffs' request for information.

JURISDICTION AND VENUE

4. This Court has jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

5. This Court has jurisdiction to grant declaratory and further proper relief pursuant to 28 U.S.C. §§ 2201-2202 and the Federal Rules of Civil Procedure 57 and 65.

6. Venue lies in this District under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e) because Plaintiff American Immigration Council has its principal place of business within this district.

PARTIES

7. Plaintiff American Immigration Council (Council) a not-for-profit organization established to increase public understanding of immigration law and policy, advocate for the fair and just administration of U.S. immigration laws, protect the legal rights of noncitizens and citizens, and educate the public about the enduring contributions of immigrants. Through research and analysis, the Council has become a leading resource for policymakers at the national, state, and local levels who seek to understand the power and potential of immigration and to develop policies that are based on facts rather than myths. The Council also seeks to hold the government accountable for unlawful conduct and restrictive interpretations of the law and for failing to ensure that the immigration laws are implemented and executed in a manner that comports with due process through the pursuit of transparency and impact litigation.

8. American Immigration Lawyers Association (AILA) is a nonpartisan, tax-exempt, not-for-profit organization under Section 501(c)(6) of the Internal Revenue Code. AILA is a national association of immigration lawyers established in 1946 to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members. Its central goals are to increase member participation in advocacy before Congress, the judiciary, federal agencies, and the media, for immigration-related interests of its clients and society and to increase the level of knowledge and professionalism, and foster the professional responsibility, of its members. To further these twin goals, AILA provides its members and the public with continuing legal education, information, and resources, primarily through its website, www.aila.org. AILA updates its website daily with the latest immigration news and information, including agency policy guidance, policy interpretations, and policy memoranda.

9. Plaintiff National Immigrant Justice Center (NIJC) is a non-profit organization that works to protect the rights of immigrants, refugees and asylum seekers. As part of that mission, it disseminates information about these issues to policy makers, attorneys, the general public, and affected communities, and these materials routinely include information obtained through FOIA requests. NIJC publishes newsletters, know-your-rights pamphlets, and reports on immigration issues.

10. Plaintiff Chicago Chapter of the American Immigration Lawyers Association (“Chicago AILA”) is an affiliate of AILA, and claims members throughout the Midwest, including a substantial number of non-profit and non-governmental organizations and most, if not all, local law schools with immigration clinics. Chicago AILA widely disseminates

information to its members and encourages further distribution among its non-profit and non-governmental, and educational members and partners.

11. Defendant Executive Office for Immigration Review (EOIR) is a sub-agency of the Department of Justice (DOJ), 8 C.F.R. § 1003.0(a), and an agency within the meaning of 5 U.S.C. § 552(f)(1). EOIR is comprised of the immigration courts, immigration adjudication centers, and the Board of Immigration Appeals (BIA). 8 C.F.R. § 1003.0(a).

12. Defendant Office of Information Policy (OIP) is a sub-agency of the U.S. Department of Justice and an agency within the meaning of 5 U.S.C. § 552(f). OIP is tasked with overseeing DOJ compliance with the FOIA, as well as adjudicating appeals relating to FOIA requests to EOIR. OIP adjudicated Plaintiffs' FOIA appeal and affirmed the withholding of records and claimed exemptions by EOIR.

13. Defendant U.S. General Services Administration (GSA) is a governmental agency whose mission is to “deliver value and savings in real estate, acquisition, technology, and other mission-support services across government.” Defendant GSA is an agency within the meaning of 5 U.S.C. § 552(f)(1). EOIR referred part of Plaintiffs' FOIA request to GSA, which GSA subsequently acknowledged. To date, GSA has provided no substantive response to Plaintiffs' FOIA request.

STATEMENT OF FACTS

Background of Plaintiffs' FOIA Request

14. Immigration courts are housed under EOIR, a sub-agency of the Department of Justice. These courts are tasked with adjudicating thousands of deportation cases each year. Hearings in these courts are adversarial in nature and are governed by various substantive and procedural rules. According to the Office of the Chief Immigration Judge, as of 2020, the agency

counts on “approximately 460 immigration judges located in 67 immigration courts and two adjudications centers throughout the Nation.”¹ EOIR states that as of October 2020, the number of immigration judges totals 520.²

15. The present administration has targeted the expansion of the immigration courts as a component of its efforts to secure the rapid deportation of asylum-seekers and other individuals seeking a path of lawful status in the United States. This expansion has taken place in concert with other policies seeking to close the door to asylum and other forms of immigration relief in the United States.

16. Among these policies, the immigration agency has engaged in the politicized hiring of individuals with a demonstrated anti-immigrant bias to serve as immigration judges.³ This practice includes the hiring of judges who have a record of disproportionately denying immigrants’ cases at the trial level, have received a higher number of remands from the BIA, and have been the subject of repeated complaints.⁴

17. In addition to politicized hiring, EOIR has engaged in a concerted expansion of immigration courts combined with the use of video-teleconferencing (VTC) to ensure speedy adjudication of deportation cases.⁵

¹ Department of Justice, *Office of the Immigration Judge*, <https://www.justice.gov/eoir/office-of-the-chief-immigration-judge>.

² Executive Office for Immigration Review, *Adjudication Statistics: Immigration Judge (IJ) Hiring*, October 2020, <https://www.justice.gov/eoir/page/file/1242156/download>.

³ Tanvi Mira, *DOJ changed hiring to promote restrictive immigration judges: New practice permanently placed judges on powerful appellate board, documents show*, RollCall, October 29, 2019, <https://www.rollcall.com/2019/10/29/doj-changed-hiring-to-promote-restrictive-immigration-judges/>.

⁴ *Id.*

⁵ Gaby Del Valle, *Waiting To Be Thrown Out*, The Verge, September 8, 2020, <https://www.theverge.com/21408606/ice-immigrant-detention-centers-video-chats-deportation-refugees-asylum>; Dianne Solis, “Judges, lawyers say video justice is just adding to the mess within U.S. immigration courts,” The Dallas Morning News, September 28, 2019, <https://www.dallasnews.com/news/immigration/2019/09/28/judges-lawyers-say-video-justice-is-just-adding-to-the-mess-within-u-s-immigration-courts/>; Ex. F, *infra*, James R. McHenry III, Director, Executive Office for Immigration Review (EOIR) PM 19-11, “No Dark Courtrooms,” March 29, 2019.

18. A particularly troubling example of this expansion is the creation of “tent courts,” to assist the Department of Homeland Security (DHS) in carrying out its “Migrant Protection Protocols” (MPP), or “Remain in Mexico” program.⁶ The MPP program requires asylum-seekers to wait in Mexico while their claims are decided. Immigration judges hear these claims by VTC from tent courts along the border, while asylum-seekers present their cases from Mexico.⁷ The program is fraught with concerns due to its lack of due process and transparency.⁸

19. Another purported expansion of the immigration courts is the creation of “immigration adjudication centers” or IACs. EOIR first introduced the concept of IACs in a 2017 document titled “Backgrounder on EOIR Strategic Caseload Reduction Plan.”⁹ The document describes EOIR’s plan “...to pilot Video Conferencing (VTC) immigration adjudication centers (IACs), where IJs will adjudicate cases from around the country.”¹⁰

20. The IACs generate concern due to their inaccessibility to individuals in deportation hearings as well as counsel and the general public.¹¹ Further, the IACs’ exclusive use of VTC is problematic given the host of due process challenges court proceedings by video

⁶ Department of Homeland Security, *Migrant Protection Protocols*, January 24, 2019, <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.

⁷ Deniz Çam, “Immigration Tent Courts At The Border Have Cost Taxpayers Nearly \$70 Million During The Pandemic. But There Are No Hearings.” *Forbes*, October 10, 2020, <https://www.forbes.com/sites/denizcam/2020/10/10/immigration-tent-courts-at-the-border-have-cost-taxpayers-nearly-70-million-during-the-pandemic-but-there-are-no-hearings/#18988c6d5759> (noting that MPP tent court hearings have been paused during the COVID 19 pandemic).

⁸ Human Rights Watch, “‘We Can’t Help You Here’: US Returns of Asylum Seekers to Mexico,” July 2019, <https://www.hrw.org/report/2019/07/02/we-cant-help-you-here/us-returns-asylum-seekers-mexico>.

⁹ See Executive Office for Immigration Review, “Backgrounder on EOIR Strategic Caseload Reduction Plan,” <https://www.justice.gov/opa/press-release/file/1016066/download>. EOIR has made this document available to the public. However, it also provided the document to Plaintiffs as a response to their FOIA request in this matter. See Ex. D.

¹⁰ *Id.*

¹¹ Katie Shepherd, “The Judicial Black Sites the Government Created to Speed Up Deportations,” *American Immigration Council* (blog) Jan. 7, 2019, <https://immigrationimpact.com/2019/01/07/the-judicial-black-sites-the-government-created-to-speed-up-deportations/#.X49o6tBKg2x>.

present.¹² Complicating matters, EOIR has not issued clear guidance on procedures that govern these courts, which function slightly different than immigration courts due to their remote location and, like tent courts, their exclusive use of VTC.¹³

21. Given the lack of transparency surrounding the expansion of immigration courts and IACs, including proposed sites, Plaintiffs filed the FOIA request that underlies this action.

Plaintiffs' FOIA Request to EOIR

22. On March 17, 2020, Plaintiffs filed a FOIA request with EOIR seeking the following information:

“For the period between January 1, 2018 to the present:

Current immigration courts/adjudication centers

- Records, list, chart or other compilation of all current operational immigration courts and immigration adjudication centers (IAC)s, with the city and state where each is located, and the judges assigned to each court or IAC;
- Records describing the operational purposes of an IAC;
- Records describing all procedures to be followed by judges, noncitizens and attorneys in cases assigned to and heard by judges via an IAC;
- General Services Administration (GSA) contracts for current IACs.

Proposed immigration courts/adjudication centers:

- Records, list, excel spreadsheet or other compilation of proposed immigration courts and IAC sites;
- All GSA requests for information (RFIs) that are currently pending, or were pending within the past six months, for immigration courts, including IACs;
- All pending GSA requests for proposals (RFPs) that are currently pending, or were pending within the past six months, for immigration courts, including IACs;
- All requests for solicitation submitted to the GSA that are pending, or were pending within the past six months, for immigration courts, including IACs.”

¹² See e.g. Camila DeChalus, “Immigration attorneys face courtroom challenges amid pandemic: Hearings conducted by phone or video have posed technical challenges, as well as concerns about due process,” RollCall, June 17, 2020, <https://www.rollcall.com/2020/06/17/immigration-attorneys-face-courtroom-challenges-amid-pandemic/> (noting attorney reports that “...EOIR has been inconsistent with teleconferencing rules, which vary by region and jeopardize the due process rights of detainees.”); American Immigration Lawyers Association, “FOIA Response: Booz Allen Hamilton Report on Immigration Courts,” AILA Doc. No. 18042011 (Apr. 6, 2017), <https://www.aila.org/infonet/foia-response-booz-allen-hamilton-report>; Ingrid V. Eagly, *Remote Adjudication in Immigration*, 109 Nw. U. L. Rev. 933 (2015), <https://scholarlycommons.law.northwestern.edu/nulr/vol109/iss4/2>

¹³ See e.g. DeChalus, *supra* note 12, (noting attorney reports that “...EOIR has been inconsistent with teleconferencing rules, which vary by region and jeopardize the due process rights of detainees.”)

Plaintiffs' March 17, 2020 FOIA Request (Plaintiffs' FOIA Request), Ex. A.

23. Defendant EOIR acknowledged receipt of the Plaintiffs' FOIA Request on the same day. *See* Ex. B, EOIR Acknowledgment of Receipt (EOIR Acknowledgment). EOIR also invoked a 10-day extension under 5 U.S.C. § 522(a)(6)(B). *Id.* Additionally, EOIR assigned control number FOIA 2020-25710 to Plaintiffs' FOIA Request. *Id.*

24. On April 25, 2020, EOIR responded to Plaintiffs' FOIA Request. *See* Ex. C, EOIR Response to Plaintiffs' FOIA Request (EOIR Response).

25. EOIR produced the following records in response to Plaintiffs' FOIA Request: 1) "Backgrounder on EOIR Strategic Caseload Reduction Plan," 2) a Memorandum dated March 29, 2019 issued to all EOIR employees by EOIR Director James R. McHenry III, titled "No Dark Courtrooms" and 3) a three-page "March Court Report" which appears to compile the total number of immigration courtrooms and immigration adjudication centers for FY 2020 and FY 2021. *See* Ex. D - F.

26. EOIR's "March Court Report" also includes categories for a subset of data, including "Courtrooms in Progress," "Total Courtrooms," and "Completion," which were all redacted. Ex. E.

27. Per EOIR's response, information in the "March Court Report" was redacted as "pre-decisional" pursuant to 5 U.S.C. § 552(b)(9)(5). Ex. C.

28. EOIR did not provide any reasoning for claiming the exemption under 5 U.S.C. § 552(b)(9)(5).

29. Separately, EOIR referred part of Plaintiffs' FOIA Request to the GSA. Ex. C. The referral encompassed "Portions of [Plaintiffs' FOIA Request] regarding General Services

Administration (GSA) contracts, Requests for Information, Requests for Proposals, and solicitations.” *See* Ex. C.

Plaintiffs’ FOIA Appeal to OIP

30. Plaintiffs appealed EOIR’s Response to Defendant OIP on July 1, 2020. *See* Ex. __, Plaintiffs’ July 1, 2020 FOIA Appeal (Plaintiffs’ FOIA Appeal).

31. In their appeal, Plaintiffs argued that EOIR had not conducted an adequate search in response to their FOIA Request. *See* Ex. G at 2-4. Plaintiffs also alleged that EOIR had erroneously invoked the exemption under 5 U.S.C. § 552(b)(9)(5) to redact portions of its response. *Id.* at 5.

32. Plaintiffs maintained that EOIR had not conducted an adequate search in response to Plaintiffs’ request for “Records describing all procedures to be followed by judges, noncitizens and attorneys in cases assigned to and heard by judges via an IAC....” *Id.* at 2.

33. Plaintiffs also contested the adequacy of EOIR’s search regarding their request for “Records, list, excel spreadsheet or other compilation of proposed immigration courts and IAC sites....” *Id.* at 3.

34. In support of their argument that EOIR had not conducted an adequate search, Plaintiffs’ cited extrinsic evidence indicating the existence of records beyond that which EOIR had produced. *Id.* at 4.

35. Additionally, Plaintiffs’ challenged EOIR’s claimed redactions under 5 U.S.C. § 552(b)(9)(5). Plaintiffs argued that in order to claim the exemption, EOIR had to demonstrate that the redacted information was both “pre-decisional” and “deliberative,” which EOIR had failed to do. *Id.* at 5.

36. Defendant OIP provided a cursory response to Plaintiffs' appeal on September 8, 2020. Ex. H. In affirming EOIR's exemptions, OIP stated that EOIR had "properly withheld certain information because it is protected from disclosure pursuant to 5 U.S.C. § 552(b)(5) (sic) and it is reasonably foreseeable that disclosure would harm the interests protected by this provision." *Id.* As to Plaintiffs' contention regarding the adequacy of EOIR's search, OIP concluded merely that "EOIR's response was correct" and that the agency "had conducted an adequate, reasonable search for such records." *Id.*

37. OIP offered as justification for its conclusions that its decision had been made "only after a full review of this matter," and that it had "thoroughly reviewed and analyzed [Plaintiffs'] appeal and...underlying request, and the action of EOIR in response to [Plaintiffs'] request." *Id.* Beyond an assurance that it had fully reviewed the record, OIP offered no legal explanation as to why the redactions claimed by EOIR complied with 5 U.S.C. § 552(b)(9)(5) or why EOIR's search was legally sufficient.

Plaintiffs' Referred FOIA Request to GSA

38. Separately, on May 14, 2020, Plaintiffs reached out to GSA by email to confirm that the agency had received Plaintiffs' referred FOIA request.

39. After receiving no response from GSA, Plaintiffs again attempted to ascertain the status of their FOIA by email on June 1, 2020.

40. Again, GSA failed to respond to Plaintiffs' request.

41. Plaintiffs were able to locate the FOIA point of contact for GSA and emailed the FOIA officer on June 8, 2020.

42. That same day, the FOIA officer responded to inform Plaintiffs that she would look into their request.

43. Having heard nothing further from the GSA officer, Plaintiffs again inquired with her on July 2, 2020.

44. On that same day, counsel for counsel for Plaintiffs received an email from the GSA FOIA Officer stating that the GSA electronic system, FOIAonline, had been running updates, which could have prevented Plaintiffs' FOIA request from uploading properly.

45. Counsel also received a telephone call the same day from the GSA FOIA officer who informed counsel that she was having difficulty locating Plaintiffs' FOIA request.

46. Counsel then re-sent copies of Plaintiffs' FOIA request and EOIR response to that request.

47. Counsel received various emails from the FOIA officer, also on July 2, 2020, confirming that the FOIA officer would look into Plaintiffs' FOIA request.

48. Hearing nothing further from GSA, counsel again contacted the FOIA officer on August 12, 2020. In response, the GSA FOIA officer indicated that she had to locate Plaintiffs' request number.

49. On August 25, the GSA FOIA officer contacted counsel to inform her that she had received records responsive to Plaintiffs' FOIA request, that they were under review, and that she would follow-up with Plaintiffs regarding an estimated date of delivery. Counsel acknowledged the email and informed the GSA FOIA officer that she looked forward to a response from the agency.

50. Again, Plaintiffs received no further response from GSA. On October 19, 2020, counsel for Plaintiffs again reached out to GSA. Plaintiffs have received no further response from the agency.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION
(All Plaintiffs vs. Defendants EOIR, OIP, and GSA)
Violation of the Freedom of Information Act, 5 U.S.C. § 552:
Failure to Conduct an Adequate Search

51. Plaintiffs incorporate each and every allegation contained in the preceding paragraphs.

52. Defendants EOIR and GSA are obligated under 5 U.S.C. § 552(a)(3) to conduct a search for records “reasonably described” by Plaintiffs’ FOIA request and promptly produce responsive records.

53. Plaintiffs have reasonably described the records they seek.

54. Defendant EOIR has failed to conduct an adequate search with respect to Plaintiffs’ FOIA requests.

55. Defendant GSA has failed to conduct an adequate search with respect to Plaintiffs’ FOIA requests.

56. In adjudicating Plaintiffs’ administrative FOIA appeal, Defendant OIP erroneously determined that EOIR’s search for records was adequate.

57. Defendants EOIR’s and GSA’s failure to conduct a reasonable search and promptly produce records responsive to Plaintiffs’ Request violates 5 U.S.C. § 552(a)(3).

58. Defendant OIP’s failure to reverse this error on administrative appeal violates 5 U.S.C. § 552(a)(3).

SECOND CAUSE OF ACTION
(All Plaintiffs vs. Defendants EOIR and OIP)
Violation of the Freedom of Information Act, 5 U.S.C. § 552:
Unlawful Withholding of Records

59. Plaintiffs incorporate each and every allegation contained in the preceding paragraphs.

60. Defendant EOIR claims that portions of the records responsive to Plaintiffs' FOIA request are exempt under 5 U.S.C. § 552(b)(9)(5) as "pre-decisional."

61. EOIR offered no explanation as to why the exempted records are "pre-decisional."

62. In adjudicating Plaintiffs' administrative FOIA appeal, Defendant OIP affirmed EOIR's redaction of records under 5 U.S.C. § 552(b)(9)(5).

63. Defendant OIP offered no explanation as to why the records are exempt under 5 U.S.C. § 552(b)(9)(5).

64. For an agency to exempt a record under 5 U.S.C. § 552(b)(9)(5), it must be both "deliberative" and "pre-decisional."

65. Defendants EOIR and OIP bear the burden of demonstrating that records responsive to Plaintiffs' Request are properly exempt under 5 U.S.C. § 552(b)(9)(5).

66. Defendants EOIR and OIP have not met their burden of demonstrating that records responsive to Plaintiffs' request are exempt under 5 U.S.C. § 552(b)(9)(5).

67. Defendants EOIR and OIP are unlawfully withholding non-exempt records responsive to Plaintiffs' FOIA request.

THIRD CAUSE OF ACTION
(All Plaintiffs vs. Defendant GSA)
Violation of the Freedom of Information Act, 5 U.S.C. § 552:
Failure to Make a Determination and Promptly Produce Responsive Documents

68. Plaintiffs incorporate each and every allegation contained in the preceding paragraphs.

69. Defendant GSA is obligated under 5 U.S.C. § 552(a)(6)(A)(i) to make a determination on Plaintiffs' FOIA Request within twenty business days from the time of referral by EOIR. 41 C.F.R. § 105-60.303(a).

70. Defendant GSA did not make a determination within twenty business days of receipt of Plaintiffs' FOIA request.

71. Defendant GSA is obligated to produce responsive records promptly under 5 U.S.C. § 552(a)(3)(A)(i).

72. Defendant GSA has not promptly produced records to Plaintiffs.

73. Defendant GSA's failure to make a determination within the statutory time frame and produce responsive records promptly violates 5 U.S.C. § 552(a)(3)(A)(i); (a)(6)(A)(i) and 41 C.F.R. § 105-60.303(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for judgment against Defendants, and that the Court:

a. Order that Defendants EOIR and GSA conduct an adequate search for records responsive to Plaintiffs' FOIA Request;

b. Order that Defendant GSA make a determination and promptly produce records responsive to Plaintiffs' FOIA Request as required by 5 U.S.C. § 552(a)(3)(A)(i), (a)(6)(A)(i), and 41 C.F.R. § 105-60.303(a);

c. Enjoin Defendants from unlawfully withholding records responsive to Plaintiffs' FOIA Request;

d. Declare that Defendant EOIR's failure to promptly produce records responsive to Plaintiff's Request violates FOIA, 5 U.S.C. § 552(a)(3)(A)(i) and (a)(6)(A)(i);

e. Declare that Defendant GSA's failure to promptly produce records responsive to Plaintiff's Request violates FOIA, 5 U.S.C. § 552(a)(3)(A)(i); (a)(6)(A)(i) and 41 C.F.R. § 105-60.303(a);

- f. Declare that OIP's failure to provide a reasoned basis for upholding EOIR's withholding of responsive records violates 5 U.S.C. § 552(a)(3)(A)(i) and (a)(6)(A)(i);
- g. Award Plaintiff reasonable attorneys' fees and other litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E) and any other applicable statute or regulation; and
- h. Grant such other relief as the Court may deem just, equitable, and appropriate.

Respectfully submitted,

Dated: October 30, 2020

/s/Claudia Valenzuela
Claudia Valenzuela (D.C. Bar No. IL0056)
American Immigration Council
1331 G Street NW, Suite 200
Washington, DC 20005
(202) 507-7540
cvalenzuela@immcouncil.org

Sarah Thompson*
National Immigrant Justice Center
PO Box 124975
San Diego, CA 92112
(619) 431-1184
sthompson@heartlandalliance.org

Counsel for Plaintiffs

**Application for admission forthcoming*