

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

INSTITUTE FOR CONSTITUTIONAL  
ADVOCACY AND PROTECTION  
Georgetown University Law Center  
600 New Jersey Avenue NW  
Washington, D.C. 20001

*Plaintiff,*

v.

Case No. 1:21-cv-1532

U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES  
20 Massachusetts Avenue NW  
Room 4210, MS 2120  
Washington, D.C. 20529,

*Defendant.*

**COMPLAINT**

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel production of agency records requested by Plaintiff Institute for Constitutional Advocacy and Protection (ICAP) from Defendant U.S. Citizenship and Immigration Services (USCIS).

2. For approximately one year, the U.S. Department of Homeland Security (DHS) enforced a final rule that gave USCIS expansive authority to deny noncitizens admission to the United States on the ground that they are likely to become a “public charge.” *See* Inadmissibility on Public Charge Grounds, 84 Fed. Reg. 41,292 (Aug. 14, 2019) (codified at 8 C.F.R. pts. 103, 212–14, 245, 248) [hereinafter “Public Charge Rule” or “Rule”].

3. Although the Public Charge Rule is no longer in force due to litigation brought by ICAP and others that successfully challenged the Rule’s legality, little is known about how

USCIS implemented the Rule during the period in which it was in effect.

4. On March 15, 2021, ICAP submitted a FOIA request to USCIS, seeking to obtain information about how USCIS implemented the Public Charge Rule. Specifically, ICAP requested all notices issued by USCIS while the Rule was in force that denied applications for adjustment of status on public-charge grounds. In addition, ICAP requested records reflecting the total number of adjustment-of-status applications adjudicated over the past several years and, of those, how many were denied on public-charge grounds.

5. The statutory deadline for USCIS to respond to ICAP's request has elapsed, and USCIS has not produced any documents. ICAP therefore brings this suit to challenge USCIS's failure to timely process ICAP's request and to disclose responsive records.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over this action under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

7. Venue is proper in this District under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

8. Because USCIS has failed to comply with the FOIA statute's time-limit provisions, ICAP is deemed to have constructively exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action enjoining USCIS from continuing to withhold the requested records and ordering their production.

### **PARTIES**

9. Plaintiff Institute for Constitutional Advocacy and Protection is a nonprofit legal institute based at Georgetown University Law Center whose mission is to use the power of the courts to defend American constitutional rights and values. In addition to its pro bono litigation,

ICAP publishes scholarly and opinion articles, reports, and press releases. ICAP is the requester of the records that are in USCIS's possession. ICAP will use any records produced by USCIS to inform the public's understanding of how USCIS implemented the Public Charge Rule, and not for any commercial use.

10. Defendant U.S. Citizenship and Immigration Services is a federal agency within the meaning of 5 U.S.C. § 552(f)(1) and is headquartered in Washington, D.C.

## **FACTS**

### **I. Background**

11. Under § 212(a)(4) of the Immigration and Nationality Act (INA), noncitizens are inadmissible to the United States and ineligible for adjustment of status if they are “likely at any time to become a public charge.” 8 U.S.C. § 1182(a)(4)(A). The INA does not define “public charge.”

12. Throughout most of the history of the public-charge provision—which has been part of federal immigration law since 1882—courts and the Executive Branch have interpreted the term “public charge” narrowly to exclude only noncitizens who are likely to become primarily dependent on the government for subsistence.

13. In accord with that narrow understanding of the public-charge provision, for more than 20 years, USCIS and its predecessor, the Immigration and Naturalization Service (INS), operated under field guidance that formally adopted the “primarily dependent” definition as the standard for public-charge determinations. *See* Field Guidance on Deportability and Inadmissibility on Public Charge Grounds, 64 Fed. Reg. 28,689 (Mar. 26, 1999) [hereinafter “1999 Field Guidance”].

14. For a brief time, DHS adopted and enforced an unprecedentedly broad

understanding of the public-charge provision. On August 14, 2019, DHS published a final rule that defined “public charge” to deny admission and adjustment of status to exclude noncitizens who are likely to accept only a small amount of supplemental public benefits for even a short period of time. 84 Fed. Reg. at 41,510 (defining “public charge” to mean “an alien who receives one or more” of an enumerated set of public benefits “for more than 12 months in the aggregate within any 36-month period,” with multiple types of benefits received in a single month counting as multiple months of benefits).

15. Several lawsuits were filed around the country challenging the Public Charge Rule under the Administrative Procedure Act and the U.S. Constitution. Among them was a lawsuit brought by ICAP on behalf of CASA de Maryland, Inc., an immigrant rights organization; two CASA members who intended to adjust status in the future; and the City and Mayor of Baltimore. *CASA de Maryland, Inc. v. Trump*, 414 F. Supp. 3d 760 (D. Md. 2019), *rev’d* 971 F.3d 220 (2020), *reh’g en banc granted*, 981 F.3d 311.

16. Preliminary injunctions obtained in *CASA* and other cases delayed the Rule from going into effect until February 24, 2020. *Public Charge Fact Sheet*, U.S. Citizenship & Immigr. Services, <https://www.uscis.gov/archive/public-charge-fact-sheet> (last updated Mar. 3, 2021).

17. Litigation against the Public Charge Rule continued once it had gone into effect, and on November 2, 2020, the U.S. District Court for the Northern District of Illinois issued an order vacating the Rule on a nationwide basis. *Cook County v. Wolf*, 498 F. Supp. 3d 999, 1007 (N.D. Ill. 2020).

18. That order was subsequently stayed by the U.S. Court of Appeals for the Seventh Circuit until March 9, 2021, when DHS voluntarily moved to dismiss its appeal of the vacatur

order. Notice of Issuance of Mandate, *Cook County v. Wolf*, No. 20-3150 (7th Cir. Mar. 9, 2021); *see also* Inadmissibility on Public Charge Grounds; Implementation of Vacatur, 86 Fed. Reg. 14,221 (Mar. 15, 2021) (codified at 8 C.F.R. pts. 103, 106, 212-14, 245, 248) (implementing the vacatur order of the Northern District of Illinois).

19. The effect of the vacatur order is that USCIS has resumed adjudicating public-charge determinations under the 1999 Field Guidance, thus bringing to a close a period between February 24, 2020, and March 9, 2021, when the Public Charge Rule governed public-charge determinations.

## **II. ICAP's FOIA Request**

20. On March 15, 2021, ICAP submitted a FOIA request to USCIS seeking records that would help ICAP and the public better understand how USCIS implemented the Public Charge Rule while it was in effect. Specifically, ICAP requested disclosure of:

[a.] All notices issued by USCIS between February 24, 2020, and Ma[r]ch 9, 2021 (inclusive), denying applications for adjustment of status pursuant to Section 212(a)(4)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(4)(A) (i.e., on public-charge grounds).

[b.] All records reflecting the number of adjustment-of-status applications adjudicated on an annual basis between 2015 and 2021 (inclusive) and the total number adjustment-of-status applications denied pursuant to Section 212(a)(4)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(4)(A) (i.e., on public-charge grounds) during that time period. For the year 2021, please provide records addressing the requested information between January 1, 2021, and March 9, 2021.

Ltr. from Jonathan Backer, Inst. for Constitutional Advocacy & Protection, to Jill A. Eggleston, U.S. Citizenship & Immigration Servs. (Mar. 15, 2021) (attached as Exhibit A).

21. FOIA requires agencies to issue a determination in response to a request within 20 business days. 5 U.S.C. § 552(a)(6)(A)(i).

22. In “unusual circumstances” enumerated by the FOIA statute, an agency may

obtain an extension by notifying the requester in writing of the unusual circumstances and specifying the date by which a determination will be made. *Id.* § 552(a)(6)(B)(i). If the agency claims that the unusual circumstances justify an extension greater than ten business days, it must provide the requester an opportunity to narrow the scope of the request. *Id.* § 552(a)(6)(B)(ii).

23. By a letter dated March 23, 2021, USCIS acknowledged receipt of this request and assigned the request tracking number COW2021001009. Ltr. from Terri White, U.S. Citizenship & Immigration Servs., to Jonathan Backer, Inst. for Constitutional Advocacy & Protection 1 (Mar. 23, 2021) (attached as Exhibit B).

24. In its letter, USCIS invoked its right under FOIA to a 10-day extension, citing the large number of FOIA requests that USCIS is processing and the scope and nature of ICAP's request. *Id.* at 2. Accordingly, with the 10-day extension factored in, USCIS's response to ICAP's request was due on or before April 26, 2021.

25. To date, USCIS, has not responded to ICAP's request. According to USCIS's FOIA portal, ICAP's request has been reviewed by the National Records Center, and responsive documents have been obtained, but those documents have not yet been processed by USCIS. *See* Exhibit C.

26. USCIS's failure to respond to ICAP's request constitutes constructive denial of its request. This denial is without legal justification.

## **CLAIM FOR RELIEF**

### **Count 1**

### **Violation of FOIA, 5 U.S.C. § 552**

27. ICAP repeats and incorporates by reference each of the allegations set forth in each of the foregoing paragraphs.

28. ICAP properly requested records within the possession, custody, and control of

USCIS.

29. USCIS is an agency subject to FOIA and therefore must make reasonable efforts to search for the requested records and provide ICAP access to those records.

30. USCIS has failed to respond to ICAP's request within the statutory deadline.

31. USCIS has wrongfully withheld records responsive to ICAP's request.

32. Because of USCIS's failure, ICAP's obligation to exhaust administrative remedies is satisfied. 5 U.S.C. § 552(a)(6)(C)(i).

### **PRAYER FOR RELIEF**

WHEREFORE, ICAP respectfully requests that this Court:

1. Order Defendant USCIS to promptly process ICAP's request and disclose the responsive agency records;
2. Award ICAP the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
3. Grant ICAP such other relief as the Court deems just and proper.

Dated: June 7, 2021

Respectfully submitted,

/s/ Mary B. McCord

Mary B. McCord (D.C. Bar No. 427563)  
Jonathan L. Backer (D.C. Bar No. 1613073)\*  
INSTITUTE FOR CONSTITUTIONAL  
ADVOCACY AND PROTECTION  
Georgetown University Law Center  
600 New Jersey Ave. NW  
Washington, D.C. 20001  
(202) 661-6607

*\*Application for admission pro hac vice  
forthcoming.*

*Attorneys for Plaintiff*



# EXHIBIT

# A



INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION  
GEORGETOWN UNIVERSITY LAW CENTER

March 15, 2021

**VIA ONLINE PORTAL/EMAIL**

Jill A. Eggleston  
FOIA Officer  
U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P.O. Box 648010  
Lee's Summit, MO 64064-8010  
[uscis.foia@uscis.dhs.gov](mailto:uscis.foia@uscis.dhs.gov)

**Re: Freedom of Information Act Request**

Dear Ms. Eggleston:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations for the U.S. Department of Homeland Security (DHS), 6 C.F.R. §§ 5.1–13, the Institute for Constitutional Advocacy and Protection (ICAP) makes the following request for records.

On August 14, 2019, DHS published a final rule regarding how the Department determines if someone applying for admission or adjustment of status is likely at any time to become a public charge. Inadmissibility on Public Charge Grounds, 84 Fed. Reg. 41,292 (Aug. 14, 2019) (codified at 8 C.F.R. pts. 103, 212–14, 245, 248) [hereinafter “Public Charge Rule” or “Rule”]. Shortly before the Rule was scheduled to go into effect on October 15, 2019, several federal courts enjoined the Rule. The U.S. Supreme Court stayed the last remaining injunction against the Rule on February 21, 2020, and DHS began implementing the Rule on February 24, 2020.

Since the Public Charge Rule took effect, litigation challenging the Rule continued. As relevant here, the U.S. District Court for the Northern District of Illinois issued an order vacating the Rule on a nationwide basis. *Cook County v. Wolf*, No. 19 C 6334, 2020 WL 6393005, at \*1 (N.D. Ill. Nov. 2, 2020). That order was stayed by the U.S. Court of Appeals for the Seventh Circuit until March 9, 2021, when DHS voluntarily moved to dismiss its appeal of the vacatur order. Notice of Issuance of Mandate, *Cook County v. Wolf*, No. 20-3150 (7th Cir. Mar. 9, 2021); *see also* Inadmissibility on Public Charge Grounds; Implementation of Vacatur, 86 Fed. Reg. 14,211 (Mar. 15, 2021) (codified at 8 C.F.R. pts. 103, 106, 212-14, 245, 248) (implementing the vacatur order of the Northern District of Illinois).

The Seventh Circuit’s mandate therefore brings to a close a period between February 24, 2020, and March 9, 2021, when the Public Charge Rule governed the U.S. Customs and Immigration Services (USCIS)’s adjudication of applications for admission and adjustment of

status. ICAP files this FOIA request for the purpose of better understanding how USCIS implemented the Rule during that roughly one-year time period.

### **Requested Records**

ICAP requests that USCIS produce the following records within 20 business days:

1. All notices issued by USCIS between February 24, 2020, and March 9, 2021 (inclusive), denying applications for adjustment of status pursuant to Section 212(a)(4)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(4)(A) (i.e., on public-charge grounds).
2. All records reflecting the number of adjustment-of-status applications adjudicated on an annual basis between 2015 and 2021 (inclusive) and the total number adjustment-of-status applications denied pursuant to Section 212(a)(4)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(4)(A) (i.e., on public-charge grounds) during that time period. For the year 2021, please provide records addressing the requested information between January 1, 2021, and March 9, 2021.

If it is your position that any portion of the requested records is exempt from disclosure, ICAP requests that you provide “a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.” *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 224 (D.C. Cir. 1987) (quoting *Mead Data Cent., Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)). In the event that some portion of a requested record is properly exempt from disclosure, please disclose any reasonably segregable nonexempt portions. If it is your position that the document contains nonexempt segments, but that those nonexempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is nonexempt and how the material is dispersed throughout the document. *Id.* at 261. If a requested record is withheld in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material to Jonathan Backer ([jb2845@georgetown.edu](mailto:jb2845@georgetown.edu), 500 1st St., NW, Washington, D.C. 20001).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), ICAP requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operation of the federal government and is likely to significantly contribute to the general public’s understanding of USCIS’s operations. *See* 6 C.F.R. § 5.11(k)(2). Moreover, the request is exclusively for noncommercial purposes. *See Id.* § 5.11(b)(1), (k)(3).

The disclosure of the records that ICAP requests is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the

government,” *id.* § 5.11(k)(1)(i), because the requested records “concern identifiable operations or activities of the federal government,” *id.* § 5.11(k)(2)(i). Specifically, the requested records will inform the public about how USCIS implemented the Public Charge Rule between February 24, 2020, and March 9, 2021. Such information is not “already in the public domain.” *Id.* § 5.11(k)(2)(ii). Given the far-reaching effects that the Public Charge Rule has had on noncitizens living in the United States, a “broad audience of persons” is “interested in the subject of this request,” and ICAP is committed to conveying any information received from our requests to the public through our website and through the media. *Id.* § 5.11(k)(2)(iii).

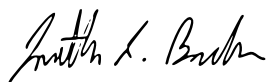
This request is exclusively for noncommercial purposes. *Id.* § 5.11(k)(1)(ii). As a 501(c)(3) nonprofit, ICAP does not have a commercial purpose and the release of the information requested is not in ICAP’s financial interest. *See id.* § 5.11(b)(1). ICAP is committed to educating the public about what the Constitution says, why it matters, and how it relates to today’s political developments. ICAP seeks to enrich public debate about immigration law through public release and analysis of the requested information.

Accordingly, ICAP qualifies for a fee waiver.

### **Conclusion**

ICAP looks forward to working with USCIS on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact me at [jb2845@georgetown.edu](mailto:jb2845@georgetown.edu) or (202) 662-9835. Also, if ICAP’s request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Jonathan Backer  
Counsel  
Institute for Constitutional Advocacy and Protection  
Georgetown University Law Center  
(202) 662-9835  
[jb2845@georgetown.edu](mailto:jb2845@georgetown.edu)

# **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

COW2021001009

March 23, 2021

Jonathan Backer  
Institute for Constitutional Advocacy and Protection  
500 1st. St. NW  
Washington, DC 20001

Dear Jonathan Backer:

We received your request for information relating to data and notifications regarding public charge. Specifically you have requested:

1. All notices issued by USCIS between February 24, 2020, and March 9, 2021 (inclusive), denying applications for adjustment of status pursuant to Section 212(a)(4)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(4)(A) (i.e., on public-charge grounds). 2. All records reflecting the number of adjustment-of-status applications adjudicated on an annual basis between 2015 and 2021 (inclusive) and the total number adjustment-of-status applications denied pursuant to Section 212(a)(4)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(4)(A) (i.e., on public-charge grounds) during that time period. For the year 2021, please provide records addressing the requested information between January 1, 2021, and March 9, 2021.

Your request was received in this office March 15, 2021. 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: COW2021001009. Please cite this number in all future 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-

COW2021001009

Page 2

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, Terri White, 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 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

COW2021001009

Page 3


to comply with your request in a timely manner.

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 [first.uscis.gov/#/check-status](https://first.uscis.gov/#/check-status). 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.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Questions concerning this FOIA/PA request may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead or emailed to [USCIS.FOIA@uscis.dhs.gov](mailto:USCIS.FOIA@uscis.dhs.gov). Please include the control number listed above on all correspondence with this office. You can now submit a new FOIA request online using our new Freedom of Information Act Records SysTem (FIRST). If you wish to submit a new FOIA/PA request, please visit [www.uscis.gov/FOIA](https://www.uscis.gov/FOIA) for instructions and requirements.

Sincerely,

A handwritten signature in cursive script that reads "Terri White". The signature is written in dark ink and is positioned below the word "Sincerely,".

Terri White  
Acting Director, FOIA Operations



# EXHIBIT C

[Back](#)

# Control Number: COW2021001009

## FOIA/PA STATUS CHECK

## DOCUMENT LIBRARY

### Request Details

Request Description	[Jonathan Backer][Notices and Data on Public Charge]
Date Submitted	03/15/2021
Request Type	FOIA Request

### Request Status

Place in Queue	1297 of 1504 pending requests
Status	Files Received
Estimated Completion Date	03/29/2021

**Note:** This is an estimated date based on average processing times. Availability of records and complexity of request may effect completion date.



#### Request Submitted

Your request has been received by USCIS.



### Files Requested

Your request has been reviewed and the National Records Center has placed a request for responsive documents.



### Files Received

Your responsive documents have arrived at the National Records Center.



### Case in Process

The National Records Center is processing your responsive documents.



### Completed

Your requested documents are available in your own portal unless you selected an alternative delivery method.

## USCIS FOIA/PA Headquarters Office

USCIS Contact Center

1-800-375-5283 or TTY 800-767-1833

[FOIAPAQuestions@uscis.dhs.gov](mailto:FOIAPAQuestions@uscis.dhs.gov)