

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SANTA FE DREAMERS PROJECT,

Plaintiff,

v.

U.S. CUSTOMS AND
BORDER PROTECTION,

Defendant.

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Civil Action No. 1:20-CV-00490

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

PLAINTIFF’S ORIGINAL COMPLAINT

I. PRELIMINARY STATEMENT

1. In 2018 and 2019, the El Paso borderlands were the subject of numerous policies implemented by the U.S. government to deter immigrants from entering the United States. Policies like the “zero tolerance policy” and the “Migrant Protection Protocols” changed federal criminal and immigration law in ways that had dramatic effects on the borderlands – separating families and forcing legitimate asylum seekers to return to Mexico.

2. To confront these changes, pro bono lawyers and advocates descended on the border to support immigrant families who had been stranded, detained, or separated.

3. Some of these lawyers were subject to increased questioning and detention while traveling through Ports of Entry and abroad. In December 2018 and January 2019, Taylor Levy and Héctor Ruiz were both detained for several hours while entering the United States through Ports of Entry in the El Paso region.

4. In April 2019, Allegra Love, the Executive Director of the Santa Fe Dreamers Project, submitted a request for information under the Freedom of Information Act (“FOIA”) to Customs and Border Protection as part of her efforts to educate the public and conduct public

advocacy. The requests seek critical records related to border enforcement and the potential targeting of human rights defenders by border enforcement agencies. To date, she has not received a single responsive document.

5. The “basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the government accountable to the governed.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978).

6. When a FOIA request is made, the agency must communicate a determination regarding the request and “the reasons therefor” within 20 working days of the original request or, in “unusual circumstances,” within 30 working days. 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(B)(i). After this determination, the agency must make the documents “promptly available,” which depending on the circumstances typically would mean within days or a few weeks of a ‘determination,’ not months or years.” *Citizens for Responsibility and Ethics in Washington v. Fed. Election Com’n*, 711 F.3d 180, 188 (D.C. Cir. 2013) (citing 5 U.S.C. § 552(a)(3)(A), a(6)(C)(i)).

7. This case is about U.S. Customs and Border Protection’s (“CBP”) unlawful withholding of agency records without any regard for the FOIA and its statutory requirements.

II. JURISDICTION AND VENUE

8. This Court has subject-matter jurisdiction over Plaintiff’s FOIA claims pursuant to 28 U.S.C. § 1331 (federal question) and 5 U.S.C. § 552(a)(4)(B) (FOIA). Plaintiffs’ request for declaratory and other relief is properly subject to this Court’s subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202.

9. Venue is proper within this District under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1391(b)(1), (b)(2), and (e)(1).

III. PARTIES

10. Plaintiff **Santa Fe Dreamers Project** (Santa Fe Dreamers) is a 501(c)(3) non-profit organization located in Santa Fe, New Mexico.

11. Santa Fe Dreamers Project is a non-profit organization based in Santa Fe, NM with offices in Albuquerque, NM and El Paso, TX. The organization provides free legal representation to immigrants and asylum seekers in a variety of settings including immigration detention centers and at the US border. Its staff members practice in detention centers in multiple states and immigration courts in many jurisdictions. One major area of focus for the organization is supporting transgender individuals who intend to seek asylum in the United States. Because of this, staff members of Santa Fe Dreamers Project often go to Mexico – especially to Ciudad Juárez and Tijuana – to provide direct services and help transgender women organize their asylum cases and sponsorship documents for parole and bond.

12. An integral part of Santa Fe Dreamers’ work is ensuring that immigrant rights advocates are treated fairly under the law by law enforcement agencies.

13. Timely, complete, and accurate information about ongoing government operations is key to the effectiveness of Santa Fe Dreamers’ advocacy.

14. Plaintiff has constructively exhausted all non-futile administrative remedies.

15. Defendant **U.S. Customs and Border Protection** (“CBP”) is an executive agency component of the U.S. Department of Homeland Security (“DHS”) and an “agency” within the meaning of 5 U.S.C. § 552(f)(1).

IV. FACTS

16. Starting in 2017, the Trump Administration administered new tools in an attempt to dissuade asylum seekers from coming to the United States in accordance with international human rights law.

17. Throughout 2018, immigrant rights advocates stepped up to represent asylum seekers and defend them from action by the U.S. government – particularly in the U.S-Mexico border region. Attorneys worked to represent asylum seekers all along the border from San Diego to Brownsville.

18. As a result of this increased human rights work on the border, reports began to emerge that federal law enforcement was surveilling attorneys and advocates of immigrant rights.

19. Federal agencies increased surveillance and intrusive seizures of activists across the Southwest border states.¹ Reports emerged that border advocates were the target of “DHS open source intelligence collection” and “Operation Secure Line” – a government operation monitoring the migrant caravan.²

20. Journalists and lawyers working on border issues in the fall of 2018 faced intrusive seizure and questioning by both U.S. and Mexican authorities.³ NBC 7 San Diego revealed the existence of a DHS database of journalists and activists working on the migrant crisis in the fall of

¹ See, e.g., Jana Winter & Hunter Walker, *Exclusive: Document reveals the FBI is tracking border protest groups as extremist organizations*, Yahoo News (Sep. 4, 2019), available at <https://news.yahoo.com/exclusive-document-reveals-the-fbi-is-tracking-border-protest-groups-as-extremist-organizations-170050594.html>.

² *Id.* See also Tom Jones, et al., *Source: Leaked Documents Show the U.S. Government Tracking Journalists and Immigration Advocates Through a Secret Database*, NBC 7 San Diego (Mar. 6, 2019), available at <https://www.nbcsandiego.com/news/local/source-leaked-documents-show-the-us-government-tracking-journalists-and-advocates-through-a-secret-database/3438/>.

³ *Id.*

2018. NBC 7 San Diego reported that the purpose of the database was to “list people who officials think should be targeted for screening at the border.”⁴

21. Upon information and belief, advocates in the El Paso area were also targeted by similar intelligence collection.

22. In mid-December, Héctor Ruiz, a staff attorney with the Santa Fe Dreamers Project who lives in El Paso, was returning to El Paso from Ciudad Juárez in mid-December after having dinner with friends. He was stopped by several agents on the bridge who held him for around four hours – unlocking his telephone and scrolling through his contacts against his will. The agents questioned him about his job, his clients, and his political beliefs.⁵

23. Two other Santa Fe Dreamers Project legal workers were stopped in Nogales, Arizona.⁶

24. In December of 2018, Executive Director of Santa Fe Dreamers Project, Allegra Love, was a passenger in a vehicle crossing the US/Mexico border at the Agua Prieta/Douglas Port of Entry. When the vehicle crossed, CBP agents inspected the passports of the driver and the passenger, asked Ms. Love to step out of the vehicle, and held her for an hour with no explanation. Concerned about this incident, Ms. Love only crossed the US/Mexico border three times in the following six months – always at the Santa Fe Bridge in El Paso/Juarez. One of those three times – in July 2019 – she was detained in secondary inspection at the bridge in El Paso/Juarez. She was again held for around an hour after which she was released.

⁴ *Id.* at note 1.

⁵ Julia Ainsley, *More lawyers, reporter stopped and questioned at border by U.S. officials*, NBC News (Mar. 17, 2019), available at <https://www.nbcnews.com/politics/immigration/more-lawyers-reporter-stopped-questioned-border-u-s-officials-n984256>.

⁶ *Id.*

25. On January 3, 2019, Taylor Levy – the legal coordinator for Annunciation House at the time – crossed through the Paso del Norte bridge at 10:30pm to return to the United States.

26. Annunciation House has been providing hospitality services to migrants and refugees in El Paso for forty years. Since 2014, Annunciation House has worked with Immigration and Customs Enforcement (“ICE”) to receive and support refugees who are released from ICE custody in the El Paso area. Annunciation House always provides refugees with shelter, food, care, and logistical support.

27. Annunciation House has provided logistical aid to hundreds of thousands of persons released from ICE custody since 2014.

28. Upon arrival at the Paso del Norte Port of Entry on January 3, 2019, Ms. Levy was moved immediately to secondary inspection and told to leave her vehicle. She was then escorted to a holding cell area and had her personal effects – including her wallet and phone – taken away from her. Agents placed her under arrest.

29. After around an hour, Homeland Security Investigations (HSI) Agent “Shindo” arrived at the Port of Entry. Agents at the Port of Entry had awakened Agent “Shindo” to come in for what he described as a national security interrogation.

30. Agent “Shindo” asked Ms. Levy about the work of Annunciation House. He asked whether Ms. Taylor “coaches” migrants “to lie” and insisted on inspecting her telephone.

31. Despite her clear desire to have counsel present during the interrogation, the agent threatened her with arrest and insisted that she provide him with her telephone. After over three hours under arrest in the port of entry, Ms. Taylor was finally released.

32. Given these disturbing incidents, Allegra Love of the Santa Fe Dreamers Project requested information – not only of the encounters involving Ms. Levy and Mr. Ruiz – but also

regarding the overall efforts by law enforcement agents to surveil human rights advocates and lawyers on the border in 2018. Her requests were met with obtuseness and obstruction for a year. She has still not received a single document from any agency in response to this urgent request.

A. First Request.

33. On April 9, 2019, Plaintiff submitted FOIA request no. CBP-2019-043146 to CBP via the agency's online portal seeking:

all agency records relating to secondary inspections involving Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019 at or around the Paso del Norte Port of Entry in El Paso, Texas . . .

all other agency records reflecting any research or investigation of Taylor Levy and/or Hector Ruiz by CBP or any other law enforcement agency if CBP maintains records of such research or investigation . . .

all agency records reflecting CBP's compliance with Section 5.2 of CBP Directive 3340-049A between December 1, 2018 to January 30, 2019 at or around Paso del Norte Port of Entry in El Paso, Texas.
<https://www.cbp.gov/sites/default/files/assets/documents/2018-Jan/CBP-Directive-3340-049A-Border-Search-of-Electronic-Media-Compliant.pdf> . . .

all significant event notifications, significant incident reports, EAGLE, IDENT/ENFORCE, PLAnet, or other database entries regarding secondary inspection of Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019 . . .

all communications sent or received by any CBP official in the El Paso Sector regarding or referencing the following news story:
<https://www.nbcnews.com/politics/immigration/more-lawyers-reporter-stopped-questioned-border-u-s-officials-n984256> . . .

34. The agency acknowledged receipt of the request on that same day. Ex. 1.

35. On May 10, 2019, CBP responded to FOIA request no. CBP-2019-043146, claiming that it must deny the entire FOIA request because Plaintiff did not provide a G-28 or record authorization from the two persons mentioned in the request – Ms. Levy and Mr. Ruiz. In

fact, two of the five categories of documents sought do not reference Ms. Levy or Mr. Ruiz at all. Ex. 2.

36. Plaintiff sought and received privacy waiver forms from Ms. Levy and Mr. Ruiz and, on June 12, 2019, submitted a second request to CBP seeking identical records to those sought in FOIA request no. CBP-2019-043146. Ex. 3.

37. On July 18, 2019, outside the statutory 20-day time limit, CBP responded to Plaintiff stating that it would be reassigning the request to U.S. Citizenship and Immigration Services (USCIS) and that it would “only process Taylor Levy as you are only authorized to send one request per FOIA request.” Ex. 4.

38. The letter states that Plaintiff is asking for A-file records when the records request included no such language. Plaintiff’s request sought information related to the stop of two U.S. citizens at a border port of entry.

39. On August 14, 2019, USCIS sent a predictable response to Plaintiff’s FOIA request stating that it did not have responsive requests for an A-file for Ms. Levy. This was foreseeable because Plaintiff was not seeking an A-file. Ex. 5.

40. On September 3, 2019, Plaintiff filed a timely appeal of both CBP’s decision to close case number CBP-2019-05614 and its reassignment to USCIS. Ex. 6.

41. On October 1, 2019, CBP responded to Plaintiff’s appeal. For the first time in four months, CBP found that Plaintiff was not seeking an A-file. Ex. 7.

42. However, the FOIA Appeals officer continued to maintain that they would only search “for one of the clients and advise you to submit a second request for the second client.” *Id.* Again, CBP ignored the clear scope of Plaintiff’s original request – seeking agency records

regarding specific inspections at a port of entry, communications regarding a news story, and CBP's compliance with a specific directive.

43. Plaintiff immediately responded to the FOIA division, by email, and through the FOIA online portal, reiterating that she was not seeking records for a specific client. Ex. 8.

44. On October 12, 2019, CBP responded claiming that it could not find responsive records "on behalf of your client/relative." CBP's response again, in direct contravention of the prior appeal, suggests that Plaintiff seek information from "the A-File maintained by USCIS." *Id.*

45. On or around November 18, 2019, despite CBP's illogical response, Plaintiff filed another appeal to CBP. Ex. 9. Plaintiff has not received a determination or decision in response to this final appeal.

46. Eight months, two agencies, and two appeals after the original request, CBP continues to ignore the plain language of Plaintiff's FOIA request and has failed to produce a single document or conduct an actual timely search for records requested.

V. CLAIMS FOR RELIEF

COUNT ONE: VIOLATION OF THE FREEDOM OF INFORMATION ACT

5 U.S.C. § 552(a)(4)(B)

UNLAWFUL WITHHOLDING OF AGENCY RECORDS BY ALL DEFENDANTS

47. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs.

48. Plaintiff has a legal right under FOIA to the timely search and release of responsive, non-exempt agency records responsive to its FOIA request.

49. No legal basis exists for the failure to adequately and timely search for and release responsive agency records in compliance with FOIA's time limits by CBP.

50. The agency's failure to make reasonable and timely efforts to search for and release responsive agency records constitutes an unlawful withholding under the Act that this Court can and should remedy through declaration and injunction.

51. Because the agencies have failed to comply with the Act's time limits – including its failure to provide a simple determination or appeal determination to Plaintiff within the Act's time limits – Plaintiff has constructively exhausted its administrative remedies.

COUNT TWO: VIOLATION OF THE PRIVACY ACT
5 U.S.C. § 552a(d)(1)
UNLAWFUL WITHHOLDING OF AGENCY RECORDS BY ALL DEFENDANTS

52. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs.

53. Defendant collected and maintained records describing private and protected information about Taylor Levy and Héctor Ruiz.

54. Plaintiff submitted a request seeking information including, among other things, records collected and maintained by Defendant describing private and protected information about Taylor Levy and Héctor Ruiz. When Plaintiff made this request, it included appropriate authorization for release of private and protected information of Taylor Levy and Héctor Ruiz as permitted under 5 U.S.C. § 552a.

55. Defendant failed to disclose records as required by 5 U.S.C. § 552a(d)(1) without any explanation. These records are not exempt from disclosure pursuant to 5 U.S.C. § 552a(j)-(k) or any other applicable law.

56. Plaintiff is therefore entitled to disclosure of all private and protected information regarding Taylor Levy and Héctor Ruiz.

VI. REQUEST FOR RELIEF

Wherefore, Plaintiff respectfully requests that this Court:

1. Enter judgment in favor of Plaintiff and against all Defendant.
2. Declare Defendant's withholdings under the FOIA unlawful and enjoin these unlawful withholdings.
3. Issue an injunction ordering Defendant to conduct a prompt and adequate search for all responsive records, determine which, if any portions of such records are exempt, and require Defendant to release the remaining portions of these agency records.
4. Issue an injunction ordering Defendant to disclose all records collected and maintained about Taylor Levy and Héctor Ruiz in violation of the Privacy Act, 5 U.S.C. § 552a.
5. Award Plaintiff reasonable costs and attorney's fees pursuant to 5 U.S.C. § 552(a)(4)(E), 5 U.S.C. § 552a(g)(2)(B), and/or 28 U.S.C. § 2412(d)(1)(A).
6. Award Plaintiff such further relief as the Court deems just, equitable, and appropriate.

Submitted: May 21, 2020

Respectfully submitted,

THE LAW OFFICE OF LYNN COYLE, PLLC
2515 N. Stanton Street
El Paso, Texas 79902
Telephone: (915) 532-5544
Facsimile: (915) 532-5566

/s/ Christopher Benoit

CHRISTOPHER BENOIT
New Mexico Bar No. 15097
chris@coylefirm.com

EXHIBIT 1

From: <admin@foiaonline.gov>
Date: Tue, Apr 9, 2019 at 11:37 AM
Subject: FOIA Request CBP-2019-043146 Submitted
To: <allegra@santafedreamersproject.org>

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: CBP-2019-043146
 - Requester Name: Ms. Allegra S Love
 - Date Submitted: 04/09/2019
 - Request Status: Submitted
 - Description: 1. I am seeking all agency records relating to secondary inspections involving Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019 at or around the Paso del Norte Port of Entry in El Paso, Texas.
2. I am seeking all other agency records reflecting any research or investigation of Taylor Levy and/or Hector Ruiz by CBP or any other law enforcement agency if CBP maintains records of such research or investigation
3. I am seeking all agency records reflecting CBP's compliance with Section 5.2 of CBP Directive 3340-049A between December 1, 2018 to January 30, 2019 at or around Paso del Norte Port of Entry in El Paso, Texas.
<https://www.cbp.gov/sites/default/files/assets/documents/2018-Jan/CBP-Directive-3340-049A-Border-Search-of-Electronic-Media-Compliant.pdf>
4. I am seeking all significant event notifications, significant incident reports, EAGLE, IDENT/ENFORCE, PLAnet, or other database entries regarding secondary inspection of Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019.
5. I am seeking all communications sent or received by any CBP official in the El Paso Sector regarding or referencing the following news story: <https://www.nbcnews.com/politics/immigration/more-lawyers-reporter-stopped-questioned-border-u-s-officials-n984256>

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Allegra Love
Director/Attorney

Pronouns: she/her/hers

PO Box 8009

Santa Fe, NM 87504

TEL: (505)490-2789

allegra@santafedreamersproject.org

www.santafedreamersproject.org



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EXHIBIT

2

Ms. Allegra S Love
Santa Fe Dreamers Project
PO Box 8009
SANTA FE, NM, 87504

05/10/2019

CBP-2019-043146

Dear Ms. Allegra S Love,

Pursuant to 6 C.F.R. Part 5 §5.3(b) of the DHS FOIA regulations, you must describe the records you are seeking with as much information as possible to ensure that our search of appropriate systems of records can find them with a reasonable amount of effort. Your FOIA request for Taylor Levy and/or Hector Ruiz has been closed as insufficient for **one or more of the following reasons**:

- **Your FOIA request is a third party request and did not include authorization that information on this individual, or business, can be released to you. All third party FOIA requests must include a signed G-28 or G-639 form, or a signed statement from the individual verifying that his/her information may be released to you. Or, if requesting records pertaining to a business or company, a signed statement on company letterhead.**

- **Did not include a date of birth.**

- Did not include a full name (and aliases as appropriate) of the individual in which you are seeking records

- Did not include a death certificate (or other proof that the subject is deceased)

- Did not include a clear and detailed description of the records being requested. Please be advised that the FOIA does not require federal agencies to answer inquiries or create records in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. As you have failed to reasonably describe the records you are seeking, your request is not a perfected request, and we are unable to initiate a search for responsive records.

Please resubmit your FOIA request, along with the required information, by logging into your existing FOIAonline account or go to <https://foiaonline.gov> to create an account.

Sincerely,

U.S. Customs and Border Protection

EXHIBIT

3

From: <admin@foiaonline.gov>
Date: Wed, Jun 12, 2019 at 10:41 AM
Subject: FOIA Request CBP-2019-059614 Submitted
To: <allegra@santafedreamersproject.org>

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: CBP-2019-059614
- Requester Name: Allegra S Love
- Date Submitted: 06/12/2019
- Request Status: Submitted
- Description: 1. All agency records relating to secondary inspections involving Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019 at or around the Paso del Norte Port of Entry in El Paso, Texas.

2. All other agency records reflecting any research or investigation of Taylor Levy and/or Hector Ruiz by CBP or any other law enforcement agency if CBP maintains records of such research or investigation

3. All agency records reflecting CBP's compliance with Section 5.2 of CBP Directive 3340-049A between December 1, 2018 to January 30, 2019 at or around Paso del Norte Port of Entry in El Paso, Texas.
<https://www.cbp.gov/sites/default/files/assets/documents/2018-Jan/CBP-Directive-3340-049A-Border-Search-of-Electronic-Media-Compliant.pdf>

4. All significant event notifications, significant incident reports, EAGLE, IDENT/ENFORCE, PLANet, or other database entries regarding secondary inspection of Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019.

5. All communications sent or received by any CBP official in the El Paso Sector regarding or referencing the following news story: <https://www.nbcnews.com/politics/immigration/more-lawyers-reporter-stopped-questioned-border-u-s-officials-n984256>

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Allegra Love, Esq.
Executive Director
Attorney at Law

Pronouns: she/her/hers

PO Box 8009

Santa Fe, NM 87504

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DEPARTMENT OF HOMELAND SECURITY
AUTHORIZATION TO RELEASE INFORMATION TO ANOTHER PERSON

Please complete this form to authorize the Department of Homeland Security (DHS) or its designated DHS Component element to disclose your personal information to another person. You are asked to provide your information only to facilitate the identification and processing of your request. Without your information DHS or its designated DHS Component element may be unable to process your request.

SECTION I. Personal Information		
Name Taylor Kristine Levy		
Address [REDACTED]		
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
Country USA	Telephone Number(s) [REDACTED]	
Date of Birth [REDACTED]	Place of Birth (city, state, country) [REDACTED]	
SECTION II. Representative Information		
Name Allegra Love		
Address PO Box 8009		
City Santa Fe	State New Mexico	Zip Code 87504
Country USA	Telephone Number(s) +1 (505) 490-2789	

Pursuant to the Privacy Act of 1974 (5 U.S.C. §552a(b)), I authorize DHS and/or its DHS Component elements to release any and all information relating to my redress request to my representative .

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above in Section I. I understand that falsification of this statement is punishable under the provisions of 18 U.S.C. §1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both.

Signature _____

Date

6/5/2019

PRIVACY ACT STATEMENT:

AUTHORITY: Title IV of the Intelligence Reform and Terrorism Prevention Act of 2004 authorizes DHS to take security measures to protect travel, and under Subtitle B, Section 4012(1)(G), the Act directs DHS to provide appeal and correction opportunities for travelers whose information may be incorrect.

PRINCIPAL PURPOSE(S): DHS will use this information in order to assist you with seeking redress in connection with travel.

ROUTINE USE(S): DHS will use and disclose this information to appropriate governmental agencies to verify your identity, distinguish your identity from that of another individual, such as someone included on a watch list, and/or address your redress request. Additionally, limited information may be shared with non-governmental entities, such as air carriers, where necessary for the sole purpose of carrying out your redress request.

DISCLOSURE: Furnishing this information is voluntary; however DHS may not be able to process your redress request without the information requested.

DEPARTMENT OF HOMELAND SECURITY
AUTHORIZATION TO RELEASE INFORMATION TO ANOTHER PERSON

Please complete this form to authorize the Department of Homeland Security (DHS) or its designated DHS Component element to disclose your personal information to another person. You are asked to provide your information only to facilitate the identification and processing of your request. Without your information DHS or its designated DHS Component element may be unable to process your request.

SECTION I. Personal Information

Name

Héctor Ruiz

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Country

USA

Telephone Number(s)

[REDACTED]

Date of Birth

[REDACTED]

Place of Birth (city, state, country)

[REDACTED]

SECTION II. Representative Information

Name

Allegra Love

Address

PO Box 8009

City

Santa Fe

State

New Mexico

Zip Code

87504

Country

USA

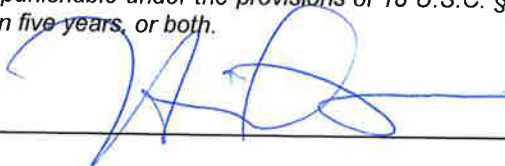
Telephone Number(s)

+1 (505) 490-2789

Pursuant to the Privacy Act of 1974 (5 U.S.C. §552a(b)), I authorize DHS and/or its DHS Component elements to release any and all information relating to my redress request to my representative.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above in Section I. I understand that falsification of this statement is punishable under the provisions of 18 U.S.C. §1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both.

Signature



Date

06/05/2019

PRIVACY ACT STATEMENT:

AUTHORITY: Title IV of the Intelligence Reform and Terrorism Prevention Act of 2004 authorizes DHS to take security measures to protect travel, and under Subtitle B, Section 4012(1)(G), the Act directs DHS to provide appeal and correction opportunities for travelers whose information may be incorrect.

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ROUTINE USE(S): DHS will use and disclose this information to appropriate governmental agencies to verify your identity, distinguish your identity from that of another individual, such as someone included on a watch list, and/or address your redress request. Additionally, limited information may be shared with non-governmental entities, such as air carriers, where necessary for the sole purpose of carrying out your redress request.

DISCLOSURE: Furnishing this information is voluntary; however DHS may not be able to process your redress request without the information requested.

EXHIBIT

4

Allegra S Love

Santa Fe Dreamers Project

PO Box 8009
Santa Fe, NM, 87504

07/18/2019

CBP-2019-059614

Dear Allegra S Love,

Thank you for submitting a FOIA request to U.S. Customs and Border Protection (CBP). Your FOIA case number CBP-2019-059614, requesting A-file records for you or your client is being closed by CBP and reassigned to US Citizenship and Immigration Services (USCIS) for processing. **The case will only process Taylor Levy as you are only authorized to send one request per FOIA request. Hector Ruiz information will need to be resubmitted in a future request.** Through an interagency agreement, USCIS is responsible for processing and responding to FOIA requests for information contained within the A-file. If you have any questions regarding your FOIA requests processed by USCIS, please contact [USCIS directly](#) by clicking on the highlighted hyperlink.

Sincerely,

U.S. Customs and Border Protection

EXHIBIT

5

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

NRC2019580905

August 14, 2019

Allegra Love
P.O. Box 8009
Santa Fe, NM 87504

Dear Allegra Love:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office on July 25, 2019 regarding Taylor Levy.

We have completed a search of our Central Index System 2 (CIS2) and Person Centric Query Service (PCQS). No records responsive to your request were located. If you have reason to believe that responsive records do exist, and you can provide us with additional information, we will conduct another search. Please forward the additional information to the address listed above and reference the control number which appears on this correspondence. If, after the second search no responsive records are located, you will be notified. At that time you may appeal the determination by following the directions set forth below.

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

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

NRC2019580905

Page 2

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
Website: ogis.archives.gov

Additional questions regarding your request can be directed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, emailed to 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.

Sincerely,

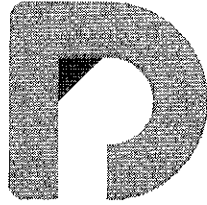
A handwritten signature in dark ink, appearing to read "Jill A. Eggleston", is written over a circular embossed seal. The signature is fluid and cursive.

Jill A. Eggleston
Director, FOIA Operations

EXHIBIT

6

**SANTA FE
DREAMERS
PROJECT**



PO Box 8009
Santa Fe, NM 87504
Tel: (505)490-2789
Fax: (505)672-7912
info@santafedreamersproject.org
www.santafedreamersproject.org

September 3, 2019

U.S. Customs and Border Protection
FOIA Appeals, Policy and Litigation Branch
90 K Street NE
Washington, D.C. 20229

USCIS FOIA/PA Appeals Office
150 Space Center Loop, Suite 500
Lee's Summit, MO 64064-2139

VIA CERTIFIED MAIL

RE: Appeal of Determination Regarding Freedom of Information Act Request (Control No. CBP-2019-059614)

To Whom It May Concern:

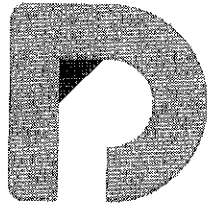
Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a)(6)(E), I write to appeal the failure of U.S. Customs and Border Protection (CBP) and U.S. Citizen and Immigration Services (USCIS) to conduct a search in response to my FOIA request regarding agency records of investigations, communications, and incident reports for two U.S. citizens (Taylor Levy and Hector Ruiz) during a very specific period of time in late 2018 and early 2019.

I originally submitted this FOIA request to CBP on June 12, 2019. I included DHS releases for Ms. Levy and Mr. Ruiz for purposes of this request. CBP provided a Tracking Number that same day. *Exhibit 1.*

On July 18, past the statutory deadline, CBP responded stating that it would be closing case number CBP-2019-059614 and assigning it to USCIS as CBP considered it a request for an A- file. *Exhibit 2.*

Of course, my original request was clearly not a request for A- files. These persons are U.S. Citizens who are seeking information about CBP reports, policies, and communications – there is nothing in the original request that indicates that this was a request for a client in an immigration proceeding. Predictably, USCIS later provided a response on August 14, 2019 stating that it could not find responsive records. *Exhibit 3.*

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www.santafedreamersproject.org

This letter constitutes an appeal of both agencies' closure and improper handling of my FOIA request. As per 5 U.S.C. § 552(a)(6), a requestor may appeal adverse determinations, such as a closure of a request, or failure to conduct a timely search for documents.

In my original request, I clearly stated that I was clearly not seeking A- file information. I sought agency records regarding specific inspections at a port of entry, communications regarding a news story, and CBP's compliance with a specific directive. *Ex. 1*.

In violation of 5 U.S.C. § 552(a)(6), CBP and USCIS failed to conduct a search at all for the documents that I requested. CBP and USCIS improperly – and contrary to the clear scope of my request – categorized my request as a search for an A- file and failed to conduct a search at all. Further, CBP failed to provide a reasoned explanation for its failure to conduct a search within CBP.

By way of this appeal, we seek CBP's reconsideration of its decision to close this FOIA request, to conduct a diligent search for responsive documents, and to provide those documents to us within the statutory time limits.

If you have any questions regarding this appeal, please contact me by phone at 505-490-2789, or by email at allegra@santafedreamersproject.org. Thank you for your attention to this matter.

Sincerely,

Allegra Love

DEPARTMENT OF HOMELAND SECURITY
AUTHORIZATION TO RELEASE INFORMATION TO ANOTHER PERSON

Please complete this form to authorize the Department of Homeland Security (DHS) or its designated DHS Component element to disclose your personal information to another person. You are asked to provide your information only to facilitate the identification and processing of your request. Without your information DHS or its designated DHS Component element may be unable to process your request.

SECTION I. Personal Information

Name

Hector Ruiz

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Country

USA

Telephone Number(s)

[REDACTED]

Date of Birth

[REDACTED]

Place of Birth (city, state, country)

[REDACTED]

SECTION II. Representative Information

Name

Allegra Love

Address

PO Box 8009

City

Santa Fe

State

New Mexico

Zip Code

87504

Country

USA

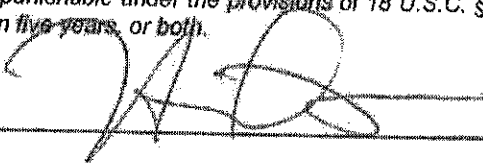
Telephone Number(s)

+1 (505) 490-2789

Pursuant to the Privacy Act of 1974 (5 U.S.C. §552a(b)), I authorize DHS and/or its DHS Component elements to release any and all information relating to my redress request to my representative.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above in Section I. I understand that falsification of this statement is punishable under the provisions of 18 U.S.C. §1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both.

Signature



Date

06/05/2019

PRIVACY ACT STATEMENT:

AUTHORITY: Title IV of the Intelligence Reform and Terrorism Prevention Act of 2004 authorizes DHS to take security measures to protect travel, and under Subtitle B, Section 4012(1)(G), the Act directs DHS to provide appeal and correction opportunities for travelers whose information may be incorrect.

PRINCIPAL PURPOSE(S): DHS will use this information in order to assist you with seeking redress in connection with travel.

ROUTINE USE(S): DHS will use and disclose this information to appropriate governmental agencies to verify your identity, distinguish your identity from that of another individual, such as someone included on a watch list, and/or address your redress request. Additionally, limited information may be shared with non-governmental entities, such as air carriers, where necessary for the sole purpose of carrying out your redress request.

DISCLOSURE: Furnishing this information is voluntary; however DHS may not be able to process your redress request without the information requested.

DEPARTMENT OF HOMELAND SECURITY
AUTHORIZATION TO RELEASE INFORMATION TO ANOTHER PERSON

Please complete this form to authorize the Department of Homeland Security (DHS) or its designated DHS Component element to disclose your personal information to another person. You are asked to provide your information only to facilitate the identification and processing of your request. Without your information DHS or its designated DHS Component element may be unable to process your request.

SECTION I. Personal Information

Name

Taylor Kristine Levy

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Country

USA

Telephone Number(s)

[REDACTED]

Date of Birth

[REDACTED]

Place of Birth (city, state, country)

[REDACTED]

SECTION II. Representative Information

Name

Allegra Love

Address

PO Box 8009

City

Santa Fe

State

New Mexico

Zip Code

87504

Country

USA

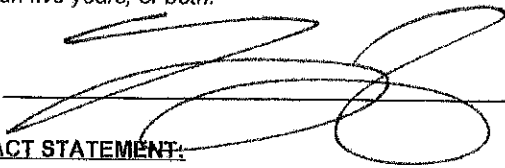
Telephone Number(s)

+1 (505) 490-2789

Pursuant to the Privacy Act of 1974 (5 U.S.C. §552a(b)), I authorize DHS and/or its DHS Component elements to release any and all information relating to my redress request to my representative.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above in Section I. I understand that falsification of this statement is punishable under the provisions of 18 U.S.C. §1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both.

Signature



Date

6/5/2019

PRIVACY ACT STATEMENT:

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DISCLOSURE: Furnishing this information is voluntary; however DHS may not be able to process your redress request without the information requested.

EXHIBIT

1

9/3/2019

Santa Fe Dreamers Project Mail - FOIA Request CBP-2019-059614 Submitted



Allegra Love <allegra@santafedreamersproject.org>

FOIA Request CBP-2019-059614 Submitted

4 messages

admin@foiaonline.gov <admin@foiaonline.gov>

Wed, Jun 12, 2019 at 10:41 AM

To: allegra@santafedreamersproject.org

This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows:

- Tracking Number: CBP-2019-059614
- Requester Name: Allegra S Love
- Date Submitted: 06/12/2019
- Request Status: Submitted
- Description: 1. All agency records relating to secondary inspections involving Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019 at or around the Paso del Norte Port of Entry in El Paso, Texas.
- 2. All other agency records reflecting any research or investigation of Taylor Levy and/or Hector Ruiz by CBP or any other law enforcement agency if CBP maintains records of such research or investigation
- 3. All agency records reflecting CBP's compliance with Section 5.2 of CBP Directive 3340-049A between December 1, 2018 to January 30, 2019 at or around Paso del Norte Port of Entry in El Paso, Texas.
<https://www.cbp.gov/sites/default/files/assets/documents/2018-Jan/CBP-Directive-3340-049A-Border-Search-of-Electronic-Media-Compliant.pdf>
- 4. All significant event notifications, significant incident reports, EAGLE, IDENT/ENFORCE, PLANet, or other database entries regarding secondary inspection of Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019.
- 5. All communications sent or received by any CBP official in the El Paso Sector regarding or referencing the following news story: <https://www.nbcnews.com/politics/immigration/more-lawyers-reporter-stopped-questioned-border-u-s-officials-n984256>

Allegra Love, Esq.
Executive Director
Attorney at Law
Pronouns: she/her/hers
PO Box 8009
Santa Fe, NM 87504
TEL: (505)490-2789
allegra@santafedreamersproject.org
www.santafedreamersproject.org

**SANTA FE
DREAMERS
PROJECT**



EXHIBIT

2

Allegra S Love

Santa Fe Dreamers Project

PO Box 8009
Santa Fe, NM, 87504

07/18/2019

CBP-2019-059614

Dear Allegra S Love,

Thank you for submitting a FOIA request to U.S. Customs and Border Protection (CBP). Your FOIA case number CBP-2019-059614, requesting A-file records for you or your client is being closed by CBP and reassigned to US Citizenship and Immigration Services (USCIS) for processing. **The case will only process Taylor Levy as you are only authorized to send one request per FOIA request. Hector Ruiz information will need to be resubmitted in a future request.** Through an interagency agreement, USCIS is responsible for processing and responding to FOIA requests for information contained within the A-file. If you have any questions regarding your FOIA requests processed by USCIS, please contact USCIS directly by clicking on the highlighted hyperlink.

Sincerely,

U.S. Customs and Border Protection

EXHIBIT

3

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

NRC2019580905

August 14, 2019

Allegra Love
P.O. Box 8009
Santa Fe, NM 87504

Dear Allegra Love:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office on July 25, 2019 regarding Taylor Levy.

We have completed a search of our Central Index System 2 (CIS2) and Person Centric Query Service (PCQS). No records responsive to your request were located. If you have reason to believe that responsive records do exist, and you can provide us with additional information, we will conduct another search. Please forward the additional information to the address listed above and reference the control number which appears on this correspondence. If, after the second search no responsive records are located, you will be notified. At that time you may appeal the determination by following the directions set forth below.

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

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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

www.uscis.gov

NRC2019580905

Page 2

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
Website: ogis.archives.gov

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Sincerely,

A handwritten signature in dark ink, appearing to read "Jill A. Eggleston", is written over a circular embossed seal. The signature is fluid and cursive.

Jill A. Eggleston
Director, FOIA Operations

EXHIBIT

7

From: <no-reply@foiaonline.gov>
Date: Tue, Oct 1, 2019 at 12:19 PM
Subject: Remand of CBP-2019-059614
To: <allegra@santafedreamersproject.org>

Allegra S Love:

The Appeals Office finds that you are not seeking the A-file for your clients. Therefore, your request has been remanded to FOIA Division. They will conduct a search for one of the clients and advise you to submit a second request for the second client. Should you not receive a response from them within a reasonable time frame, please contact the FOIA Public Liaison on 202-325-0150 referencing tracking number CBP-2019-059614.

Please keep in mind that when submitting FOIA requests to CBP, it's one request for one client.

Sincerely,

Lynette Carter, FOIA Appeals

--

Allegra Love, Esq.
Executive Director
Attorney at Law
Pronouns: she/her/hers
PO Box 8009
Santa Fe, NM 87504
TEL: (505)490-2789
allegra@santafedreamersproject.org
www.santafedreamersproject.org

NOTICE: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. ***Please notify the sender immediately by phone at 505-490-2789 if you have received this e-mail by mistake and delete this e-mail from your system.*** If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

EXHIBIT

8

From: Allegra Love <allegra@santafedreamersproject.org>
Sent: Tuesday, October 1, 2019 2:20 PM
To: admin@foiaonline.gov
Subject: Re: FOIA Appeal CBP-AP-2019-085689 Submitted

Good afternoon:

I received the following response to FOIA Appeal CBP-AP-2019-085689

"Allegra S Love:

The Appeals Office finds that you are not seeking the A-file for your clients. Therefore, your request has been remanded to FOIA Division. They will conduct a search for one of the clients and advise you to submit a second request for the second client. Should you not receive a response from them within a reasonable time frame, please contact the FOIA Public Liaison on 202-325-0150 referencing tracking number CBP-2019-059614.

Please keep in mind that when submitting FOIA requests to CBP, it's one request for one client.

Sincerely,

Lynette Carter, FOIA Appeals"

Please take note that this is not a request for any clients. This request encompasses a broad range of documents regarding communications and policies and procedures at CBP – some of which involve individuals for whom I have privacy releases. Please confirm that this will be remanded to the FOIA Division and that they will be seeking not just documents related to one of the persons mentioned in my requests

Best,

Allegra Love

On Tue, Sep 17, 2019 at 11:16 AM <admin@foiaonline.gov> wrote:

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- Appeal Tracking Number: CBP-AP-2019-085689
- Request Tracking Number: CBP-2019-059614
- Requester Name: Allegra Love
- Date Submitted: 09/17/2019
- Appeal Status: Submitted
- Description: My original request was clearly not a request for A-files.

--

Allegra Love, Esq.
Executive Director
Attorney at Law
Pronouns: she/her/hers
PO Box 8009
Santa Fe, NM 87504
TEL: (505)490-2789
allegra@santafedreamersproject.org
www.santafedreamersproject.org

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EXHIBIT 9

SANTA FE DREAMERS PROJECT



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Tel: (505) 490-2789
Fax: (505) 672-7912
allegra@santadredreamersproject.org
www.santafedreamersproject.org

November 18, 2019

U.S. Customs and Border Protection
FOIA Appeals, Policy and Litigation Branch
90 K Street NE
Washington, D.C. 20229

VIA CERTIFIED MAIL

RE: Appeal of Determination Regarding Freedom of Information Act Request (Control No. CBP-2019-059614)

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a)(6)(E), I am writing to appeal CBP's October 12, 2019 decision regarding a search for records responsive to a June 12, 2019 request for information to your agency. Though this request has seen a number of different case numbers, the final number assigned to the case is CBP-2019-059614.

On April 9, 2019, I submitted FOIA request no. CBP-2019-043146 to CBP via the agency's online portal seeking:

- all agency records relating to secondary inspections involving Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019 at or around the Paso del Norte Port of Entry in El Paso, Texas . . .
- all other agency records reflecting any research or investigation of Taylor Levy and/or Hector Ruiz by CBP or any other law enforcement agency if CBP maintains records of such research or investigation . . .
- all agency records reflecting CBP's compliance with Section 5.2 of CBP Directive 3340-049A between December 1, 2018 to January 30, 2019 at or around Paso del Norte Port of Entry in El Paso, Texas.
<https://www.cbp.gov/sites/default/files/assets/documents/2018-Jan/CBP-Directive-3340-049A-Border-Search-of-Electronic-Media-Compliant.pdf> . . .
- all significant event notifications, significant incident reports, EAGLE, IDENT/ENFORCE, PLAnet, or other database entries regarding secondary

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allegra@santadredreamersproject.org
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inspection of Taylor Levy and/or Hector Ruiz between December 1, 2018 to January 30, 2019 . . .

- all communications sent or received by any CBP official in the El Paso Sector regarding or referencing the following news story: <https://www.nbcnews.com/politics/immigration/more-lawyers-reporter-stopped-questioned-border-u-s-officials-n984256> . . .

On May 10, 2019, CBP responded to FOIA request no. CBP-2019-043146, claiming that it must deny the entire FOIA request because I did not provide a G-28 or record authorization from the two persons mentioned in the request – Ms. Levy and Mr. Ruiz. In fact, two of the five categories of documents sought do not reference Ms. Levy or Mr. Ruiz at all.

I sought and received privacy waiver forms from Ms. Levy and Mr. Ruiz and, on June 12, 2019, submitted a second request to CBP seeking identical records to those sought in FOIA request no. CBP-2019-043146.

On July 18, 2019, outside the statutory 20-day time limit, CBP responded to me stating that it would be reassigning the request to U.S. Citizenship and Immigration Services (USCIS) and that it would “only process Taylor Levy as you are only authorized to send one request per FOIA request.”

The letter states that I was asking for A-file records when the records request includes no such language. My request sought information related to the stop of two U.S. citizens at a border port of entry.

On August 14, 2019, USCIS stated that it did not have responsive requests for an A-file for Ms. Levy. This was foreseeable because I was not seeking the A-file.

On September 3, 2019, I filed a timely appeal of both CBP’s decision to close case number CBP-2019-05614 and its reassignment to USCIS.

On October 1, 2019, CBP responded to my appeal . For the first time in four months, CBP found that I was not seeking an A-file.

However, the FOIA Appeals officer continued to maintain that the agency would only search “for one of the clients and advise you to submit a second request for the second client.” Again, CBP ignored the clear scope of my original request – seeking agency records regarding

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DREAMERS
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allegra@santadreamersproject.org
www.santafedreamersproject.org

specific inspections at a port of entry, communications regarding a news story, and CBP's compliance with a specific directive.

I immediately responded to the FOIA division, by email, and through the FOIA online portal, reiterating that I was not seeking records for a specific client.

On October 12, 2019, CBP responded claiming that it could not find responsive records "on behalf of your client/relative." CBP's response again, in direct contravention of the prior appeal, suggests that I seek information from "the A-File maintained by USCIS."

Five months after my June request, CBP has still not conducted a full search of the records sought and is improperly characterizing my request as a request for a client when the scope of the request is clearly broader.

By way of this appeal, I am requesting that CBP conduct a full search for the documents that I requested back in April and June and that CBP provide me with those documents within the statutory time limits.

If you have any questions regarding this appeal, please contact me by phone at 505-490-2789, or by email at allegra@santafedreamersproject.org. Thank you for your attention to this matter.

Sincerely,

Regards,

Allegra Love
Attorney at Law