

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

MUSLIM ADVOCATES,)	
P.O. Box 71080)	
Oakland, CA 94612)	
)	Civil Action No. _____
Plaintiff,)	
)	
v.)	
)	
UNITED STATES DEPARTMENT OF)	
HOMELAND SECURITY,)	
245 Murray Lane, SW)	
Washington, DC 20528)	
)	
Defendant.)	
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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Muslim Advocates, by and through its attorneys, complains against Defendant United States Department of Homeland Security (“DHS” or “Defendant”) as follows:

INTRODUCTION

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, for declaratory, injunctive, and other appropriate relief to compel the disclosure and release of documents to Muslim Advocates (“Plaintiff” or “Requestor”).

2. Trusted Traveler Programs allow individuals who have successfully passed an extensive background check to bypass certain screening procedures when traveling. As discussed widely in news reports following the issuance of President Donald Trump’s Executive Order on January 27, 2017, the government revoked Trusted Traveler Program memberships of certain persons from the seven Muslim-majority countries identified in the Executive Order, in addition to revoking the membership of persons not from those countries but whom the government perceived to have Muslim-sounding names. According to reports, affected individuals included U.S. citizens.¹

3. In a FOIA Request letter (“Request”), Requestor sought documents and information relating to such revocations by the government. Despite Requestor timely exhausting its administrative remedies, DHS has failed to comply with its obligation under FOIA to promptly make the requested documents and information available. The documents and information are critical to Requestor understanding the scope of the Executive Order and the extent to which the government implemented—and may continue to implement—its policies in a discriminatory or unconstitutional manner.

¹ See, e.g., Melanie Zanona, *Dems probe claims of religious bias in DHS ‘trusted traveler’ program*, Bloomberg, April 21, 2017; Justin Bachman, *Global Entry Passengers Swept Up in Trump’s Travel Ban*, Bloomberg, April 21, 2017; see also Nicholas Kulish *et al.*, *Foreigners Trapped in the United States by New Policy*, New York Times, Feb. 2, 2017.

JURISDICTION AND VENUE

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

5. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

6. Muslim Advocates is a not-for-profit corporation that works to ensure the civil rights for Americans of all faiths through national legal advocacy, policy engagement, and civic education. Muslim Advocates is a “person” within the meaning of 5 U.S.C. § 551(2).

7. DHS is an “agency” within the meaning of 5 U.S.C. § 552(f)(1). DHS has possession and control over the requested records.

FACTUAL BACKGROUND

8. On January 27, 2017, President Donald Trump issued an executive order, Executive Order 13769 (“Executive Order I”) barring persons from seven Muslim-majority countries – Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen – from entering the United States for 90 days, indefinitely blocking refugees from Syria from entering the United States, and prohibiting all refugees from entering the United States for 120 days.

9. Several news organizations reported that, in the days and weeks after President Trump issued Executive Order I, U.S. Customs & Border Protection (“CBP”) revoked the Trusted Traveler Program memberships of a number of individuals – including U.S. citizens – from the seven countries covered by the Executive Order as well as others who were perceived to be Muslim by CBP.

10. On March 6, 2017, President Donald Trump issued another executive order (“Executive Order II”), scheduled to go into effect on March 16, 2017, that replaced Executive

Order I and continued to generally bar persons from six Muslim-majority countries – Iran, Libya, Somalia, Sudan, Syria, and Yemen – from entering the United States on new visas for 90 days and reinstated the prohibition on all refugees entering the United States for 120 days.²

11. That same day, the DHS Office of Public Affairs published a guidance document entitled “Q&A: Protecting the Nation From Foreign Terrorist Entry to the United States,” which contained the following question and answer: “Q14. Will the Executive Order impact Trusted Traveler membership? No. Currently, CBP does not have reciprocal agreements for a Trusted Traveler Program with any of the countries designated in the Executive Order.”

12. On March 7, 2017, Requestor submitted the Request to DHS and asked that DHS refer the Request to two of its components, CBP and the Transportation Security Administration (“TSA”), as appropriate.³ Requestor sought expedited processing pursuant to 5 U.S.C. § 552(a)(6)(e).

13. The Request seeks the following: 1) records created on or after January 24, 2017 related to eligibility for Trusted Traveler Programs – including Global Entry, NEXUS, SENTRI, and FAST – and TSA PreCheck, and the revocation and/or reinstatement of Trusted Traveler Program and TSA PreCheck memberships; 2) records created on or after February 27, 2017 that pertain to Executive Order II and are otherwise responsive to the first request; and 3) records created on or after February 27, 2017 regarding the development and implementation of guidance provided in the answer to question 14 in the March 6, 2017 DHS Office of Public Affairs document

² These provisions of Executive Order II have been preliminarily enjoined nationwide by the United States District Court for the District of Hawaii at the time of the filing of this Complaint. *State of Hawaii, et al. v. Trump, et al.*, No. 17-00050 DKW-KSC, 2017 WL 1167383 (D. Haw. Mar. 29, 2017); *see also Int'l Refugee Assistance Project v. Trump*, No. CV TDC-17-0361, 2017 WL 1018235 (D. Md. Mar. 16, 2017) (preliminarily enjoining section of Executive Order II imposing 90-day entry ban of persons from six Muslim-majority countries).

³ A copy of the Request is attached as Exhibit A.

entitled “Q&A: Protecting the Nation From Foreign Terrorist Entry to the United States,” which addresses Executive Order II’s impact on Trusted Traveler Program Membership.

AGENCY RESPONSES AND EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. On March 10, 2017, in a letter sent by email, DHS acknowledged that it had received the Request on March 8, 2017 and granted Requestor’s request for expedited processing.⁴

15. In the letter, DHS invoked a 10-day extension beyond the usual 20-day statutory limit to respond to the Request pursuant to 5 U.S.C. § 552(a)(6)(B).

16. With the 10-day extension, DHS was required to respond to the Request by April 19, 2017. *See* 5 U.S.C. § 552(a)(6).

17. DHS has yet to make available any records responsive to the Request.

18. Because DHS has failed to comply with the FOIA time limit provision, Requestor is deemed to have exhausted its administrative remedies under 5 U.S.C. § 552(a)(6)(C)(i).

VIOLATION OF FOIA FOR FAILURE TO PROVIDE A DETERMINATION WITHIN 30 BUSINESS DAYS

19. Plaintiff repeats and re-alleges the allegations of Paragraphs 1 through 18.

20. DHS was obliged to determine whether to comply with the Request within 30 days (excepting Saturday, Sundays, and legal public holidays) – which includes the usual 20-day limit and the 10-day extension – and to immediately notify Requestor of the agency’s determination and the reasons therefor.

21. Defendant’s failure to determine whether to comply with the Request within 30 business days after receiving it violates FOIA, 5 U.S.C. § 552(a)(6)(A),(B), and applicable regulations promulgated thereunder.

⁴ A copy of DHS’s response is attached as Exhibit B.

VIOLATION OF FOIA FOR FAILURE TO MAKE RECORDS AVAILABLE

22. Plaintiff repeats and re-alleges the allegations of Paragraphs 1 through 21.

23. Plaintiff has a right under FOIA to obtain the agency records requested on March 7, 2017, and there exists no legal basis for Defendant's failure to promptly make the requested records available to Plaintiff and the public.

24. Defendant's failure to promptly make available the records sought by the Request violates 5 U.S.C. § 552(a)(3)(A), and applicable regulations promulgated thereunder.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Muslim Advocates respectfully requests that judgment be entered against Defendant United States Department of Homeland Security and that this Court:

- A. Declare that Defendant violated FOIA by failing to determine whether to comply with the Request within 30 business days and by failing to immediately thereafter notify Plaintiffs of such determination and the reasons therefor;
- B. Declare that Defendant violated FOIA by unlawfully withholding the requested records;
- C. Order Defendant to immediately disclose the requested records to the public and make copies immediately available to Plaintiff;
- D. Award Plaintiff its reasonable costs and attorneys' fees; and
- E. Grant such other and further relief as the Court may deem just and proper.

Dated: May 3, 2017

Respectfully submitted,

By: /s/ Emily L. Chapuis

Emily L. Chapuis (D.C. Bar No. 1017600)
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Attorneys for Plaintiff Muslim Advocates

Exhibit A


Mary Ellen Callahan
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mecallahan@jenner.com

March 7, 2017

Dr. James V.M.L. Holzer
Deputy Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane, SW
STOP-0655
Washington, DC 20528-0655

Re: Freedom of Information Act Request re Revocation of Trusted Traveler Status

Dear Dr. Holzer:

The Roderick & Solange MacArthur Justice Center and Muslim Advocates (“Requestors”) submit this letter to The Privacy Office at the U.S. Department of Homeland Security (“DHS”) as a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.* We ask that this request be expedited pursuant to 5 U.S.C. § 552(a)(6)(E) and that we be granted a fee waiver. We also ask that you refer the requests contained in this letter to U.S. Customs & Border Protection (“CBP”) and the Transportation Security Administration (“TSA”), as appropriate.

I. Background

On January 27, 2017, President Donald Trump issued an executive order, Executive Order 13769 (“Executive Order I”), barring persons from seven Muslim-majority countries – Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen – from entering the United States for 90 days, indefinitely blocking refugees from Syria from entering the United States, and prohibiting all refugees from entering the United States for 120 days.¹

Several news organizations reported that, in the days and weeks after President Trump issued the Executive Order I, CBP revoked the Trusted Traveler Program memberships of a number of individuals – including U.S. citizens – from the seven countries covered by the Executive Order as well as others with Muslim-sounding names.²

¹ Exec. Order No. 13769, 82 Fed. Reg. 8977 (Jan. 27, 2017).

² See Andrew Sheivachman, *Muslim-American Travelers Are Quietly Having Global Entry Privileges Revoked*, Skift, (Feb. 18, 2017), <https://skift.com/2017/02/18/muslim-american-travelers-are-quietly-having-global-entry-privileges-revoked/>; Shanifa Nasser, *Some Nexus Cards Revoked On Both Sides Of Border Following U.S. Executive Order*, CBC News, (Feb. 3, 2017, 5:00 AM), <http://www.cbc.ca/news/canada/toronto/nexus-cards-revoked-1.3964819>; Sarah Harvard, *US Customs Is Revoking Muslim American Travelers’ Global Entry Cards, Lawyers Say*,

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On March 6, 2017, President Donald Trump issued another executive order (“Executive Order II”) scheduled to go into effect on March 16, 2017 that replaces Executive Order I but again generally bars persons from six Muslim-majority countries – Iran, Libya, Somalia, Sudan, Syria, and Yemen – from entering the United States on new visas for 90 days and reinstates the prohibition on all refugees from entering the United States for 120 days.³

II. Request for Information

The Requestors request disclosure of the following records⁴ that were prepared, received, transmitted, collected and/or maintained by DHS, CBP,⁵ and/or the TSA⁶:

1. Any and all records created on or after January 24, 2017 related to eligibility for Trusted Traveler Programs – including Global Entry, Nexus, SENTRI, and FAST – and TSA PreCheck, and the revocation and/or reinstatement of Trusted Traveler Program and TSA PreCheck memberships, including, but not limited to:
 - a. Records related to CBP review of individual accounts for revocation or reinstatement of Trusted Traveler Program membership, pursuant to the review process described by a CBP spokesperson in a statement published in Skift’s February 18, 2017 article, “Muslim-American Travelers Are Quietly Having Global Entry Privileges Revoked”⁷;
 - b. Records related to CBP’s and TSA’s implementation of Executive Order I with respect to Trusted Traveler Program and TSA PreCheck memberships;
 - c. E-mail communications among, between, or cc’ing CBP personnel at Headquarters, Office of Field Operations, and/or Office of Intelligence, sent or received on or after January 24, 2017 containing any of the following

Mic, (Feb. 16, 2017), <https://mic.com/articles/168606/us-customs-is-revoking-muslim-american-travelers-global-entry-cards-lawyers-say#.01tfdBoRr>.

³ Executive Order II is available at: <https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states>.

⁴ The term “records” includes all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, legal and policy memoranda, minutes or notes of meetings and phone calls, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, text communications between phones or other electronic devices (including, but not limited to, communications sent via SMA or other text, Blackberry Messenger, iMessage, WhatsApp, Signal, Gchat, or Twitter direct message), training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

⁵ The term “CBP” means CBP Headquarters offices, including any divisions, subdivisions or sections therein; CBP field operations offices, including any divisions, subdivisions or sections therein; CBP offices at ports of entry, including any divisions, subdivisions or sections therein; and/or any other CBP organizational structures.

⁶ The term “TSA” means TSA Headquarters offices, including any divisions, subdivisions, or sections therein.

⁷ Andrew Sheivachman, *Muslim-American Travelers Are Quietly Having Global Entry Privileges Revoked*, Skift, Feb. 18, 2017, available at <https://skift.com/2017/02/18/muslim-american-travelers-are-quietly-having-global-entry-privileges-revoked/>.

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words or terms: “Trusted Traveler,” “Global Entry,” “NEXUS,” “SENTRI,” or “FAST” AND any of the following additional words or terms: “executive order,” “eligib!,” “ineligib!,” “qualif!,” “revo!,” “national security,” “muslim,” “arab,” or “risk;”⁸

- d. E-mail communications among, between, or cc’ing TSA personnel sent or received on or after January 24, 2017 containing any of the following words or terms: “PreCheck” or “Pre Check” AND any of the following additional words or terms: “executive order,” “eligib!,” “ineligib!,” “qualif!,” “revo!,” “national security,” “muslim,” “arab,” or “risk;”
 - e. Records reflecting the number of individuals who had their Trusted Traveler Program or TSA PreCheck memberships revoked on or after January 27, 2017;
 - f. Records reflecting the number individuals who had their Trusted Traveler Program or TSA PreCheck memberships reinstated after being revoked on or after January 27, 2017;
 - g. Records reflecting the number of individuals who had their Trusted Traveler Program or TSA PreCheck memberships revoked on or after October 1, 2016;
2. Any and all records created on or after February 27, 2017 that pertain to Executive Order II and are otherwise responsive to Request 1 above.
 3. Any and all records created on or after February 27, 2017 regarding the development and implementation of the guidance provided in the answer to question 14 in the DHS Office of Public Affairs March 6, 2017 document titled “Q&A: Protecting the Nation From Foreign Terrorist Entry to the United States,” which addresses Executive Order II’s impact on Trusted Traveler Program membership.⁹

III. Application for Expedited Processing

Expedited processing of this request is warranted because: (1) there is an “urgency to inform the public about an actual or alleged Federal Government activity” by organizations, like the MacArthur Justice Center and Muslim Advocates, “primarily engaged in disseminating information,” 5 U.S.C. § 552(a)(6)(E)(i) & (v)(II); (2) the request concerns “[t]he loss of substantial due process rights,” 6 C.F.R. § 5.5(e)(1)(iii); 5 U.S.C. § 552(a)(6)(E)(ii); and (3) the request concerns “[a] matter of widespread and exceptional media interest in which there exist

⁸ The “!” character is intended to capture any combination of letters that complete the partial word provided. For instance, “revo!” would capture documents with the word “revocation,” “revocable,” “revoke,” “revoking,” “revoked,” etc. If it is not possible to perform searches with Boolean logic, please use similar terms and search procedures.

⁹ The Q&A document is available at: <https://www.dhs.gov/news/2017/03/06/qa-protecting-nation-foreign-terrorist-entry-united-states>.

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possible questions about the government’s integrity which affect public confidence,” 6 C.F.R. § 5.5(e)(1)(iv); 5 U.S.C. § 552(a)(6)(E)(ii).

Early reports about Executive Order I’s implementation have raised serious due process concerns,¹⁰ giving rise to “questions about the government’s integrity” and an “urgency to inform the public.” Given the similarities between Executive Order I and Executive Order II, these serious due process concerns persist. Further, attorneys and other services providers need to understand the relevant policies, procedures, and practices to effectively serve and advise the population of individuals potentially affected by Executive Order II. The requested records seek to inform the public about an urgent issue implicating thousands of individuals’ due process rights.

These expediency concerns are heightened by Executive Order II’s ten-day delay before it goes into effect. The very moment it is enforced, Executive Order II promises to present some of the same serious due process concerns that Executive Order I presented. Thus, attorneys, other service providers, and the public urgently need these important public documents.

Given the foregoing, the MacArthur Justice Center and Muslim Advocates have satisfied the requirements for expedited processing of this Request.

IV. Application for Waiver or Limitation of Fees

The Requestors request a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The Requestors also request a waiver of search fees on the grounds that the Requestors qualify as “representative[s] of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requestors.

As discussed above, news accounts underscore the substantial public interest in the records sought through this Request. Given the ongoing and widespread media attention to this issue, the records sought will significantly contribute to public understanding of an issue of profound public importance.

The Requestors are not filing this Request to further their commercial interest. Any information disclosed by the Requestors as a result of this FOIA Request will be made available to the public at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in

¹⁰ See, e.g., Andrew Sheivachman, *Muslim-American Travelers Are Quietly Having Global Entry Privileges Revoked*, Skift, (Feb. 18, 2017), <https://skift.com/2017/02/18/muslim-american-travelers-are-quietly-having-global-entry-privileges-revoked/>.

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amending the FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (internal quotation marks omitted)).

B. The Requestors are representatives of the news media and the records are not sought for commercial use.

The Requestors also request a waiver of search fees on the grounds that the Requestors qualify as “representative[s] of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The Requestors meet the statutory and regulatory definitions of “representative[s] of the news media” because they gather information, exercise editorial discretion in selecting and organizing documents, and “distribute the resulting work to the public.” *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). The Requestors are therefore “representative[s] of the news media” for the same reasons they are “primarily engaged in [the] dissemination of information.” 5 U.S.C. § 552(a)(4)(A)(ii)(II), (6)(E)(v)(II).

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the Requestors’ to be “representative[s] of the news media” as well. Requestor Muslim Advocates, for instance, joined with the American Civil Liberties Union in disseminating the records obtained from the CBP in response to a joint 2010 FOIA request.¹¹ Additionally, in 2009, Muslim Advocates pursued FOIA litigation against the FBI that resulted in public disclosure of previously withheld information.¹² *Cf. Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).¹³

On account of these factors, fees associated with responding to FOIA requests should be waived for the requestors as “representative[s] of the news media.”

¹¹ See ACLU, *Invasive Questioning at the Border* (last visited Mar. 2, 2017, 7:00 PM), <https://www.aclu.org/invasive-questioning-border?redirect=free-speech-national-security-racial-justice-religion-belief/invasive-questioning-border>.

¹² See Muslim Advocates, *Press Advisory: U.S. Department of Justice Continues to Cloak Public Access to Guidelines on FBI Surveillance of Mosques & Communities* (Oct. 15, 2009), https://d3n8a8pro7vhmx.cloudfront.net/muslimadvocates/pages/191/attachments/original/1361200382/10-15-09_Amended_Complaint_Press_Release.pdf?1361200382.

¹³ Courts have found these organizations to be “representative[s] of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information / public education activities. *See, e.g., Judicial Watch, Inc.*, 133 F. Supp. 2d at 53–54.

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* * *

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Requestors request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, Requestors request that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

Pursuant to applicable statutes and regulations, the Requestors expect a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii).

If the Request is denied in whole or in part, the Requestors ask that you justify all deletions by reference to specific FOIA exemptions. The Requestors expect the release of all segregable portions of otherwise exempt material. The Requestors reserve the right to appeal a decision to withhold any information or deny a waiver of fees.

Additionally, in order to avoid delays in receiving records, Requestors request that records be produced seriatim as they become available. Due to the exigent circumstances surrounding this request, Requestors are amenable to narrowing the request if it would accelerate production.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Mary Ellen Callahan
Jenner & Block LLP
1099 New York Avenue NW
Suite 900
Washington, DC 20001

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Sincerely,



Mary Ellen Callahan

Exhibit B



Homeland
Security

March 10, 2017

SENT VIA E-MAIL TO: MECallahan@jenner.com

Mary Ellen Callahan
Jenner&Block LLP
1099 New York Avenue NW
Suite 900
Washington, DC 20001

Re: **2017-HQFO-00512**

Dear Ms. Callahan:

This letter acknowledges receipt of your March 7, 2017, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), for records that were prepared, received, transmitted, collected and/or maintained by DHS, CBP, and/or TSA: any and all records created on or after January 24, 2017 related to eligibility for Trusted Traveler Programs including Global Entry, Nexus, SENTRI, and FAST and TSA PreCheck and the revocation and/or reinstatement of Trusted Traveler Program and TSA PreCheck memberships, including, but not limited to: records related to CBP review of individual accounts for revocation reinstatement of Trusted Traveler Program membership pursuant to the review process described by a CBP spokesperson in a statement published in Skift's February 18, 2017 article, "Muslim-American Travelers Are Quietly Having Global Entry Privileges Revoked;" records related to CBP's and TSA's implementation of Executive Order 1 with respect to Trusted Traveler Program and TSA PreCheck memberships; e-mail communications among, between, or cc'ing CBP personnel at Headquarters, Office or Field Operations, and/or Office of Intelligence, sent or received on or after January 24, 2017 containing any of the following words or terms: "Trusted Traveler" "Global Entry" "NEXUS" "SENTRI" or "FAST" AND any of the following additional words or terms: "executive order," "eligible" "ineligible" "qualify," "revoke," "national security," "Muslim," "Arab," "risk;" e-mail communications among, between, or cc'ing TSA personnel sent or "PreCheck" or "Pre Check" AND any of the following additional words or terms: "executive order;" "eligible" "ineligible" "qualify" "revoke" "national security," "muslim," "arab," or "risk;" records reflecting the number of individuals who had their Trusted Traveler Program or TSA PreCheck memberships revoked on or after January 27, 2017; records reflecting the number individuals who had their Trusted Traveler Program or TSA PreCheck memberships reinstated after being revoked on or after January 27, 2017; records reflecting the number of individuals who had their Trusted Traveler Program or TSA PreCheck membership revoked on or after October 1, 2016; any and all records created on or after February 27, 2017 that pertain to Executive Order II and are otherwise responsive to Request 1; any and all records created on or after February 27, 2017 regarding the development and implementation of the guidance provided in the answer to question 14 in the DHS Office of Public Affairs March 6, 2017 document titled

"Q&A: Protecting the Nation from Foreign Terrorist Entry to the United States," which addresses Executive Order II's impact on Trusted Traveler Program membership." This office received your request on March 8, 2017.

As it relates to your request for expedited processing and fee waiver, your request is granted.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' 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. As your request seeks documents that will require a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2017-HQFO-00512**. Please refer to this identifier in any future correspondence. To check the status of your FOIA request, you may contact this office at 1-866-431-0486 or 202-343-1743, or you may check the status of your request online at <http://www.dhs.gov/foia-status>.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally LAM".

LaEbony Livingston
FOIA Program Specialist