

January 11, 2018

Arnetta Mallory
FOIA Initiatives Coordinator
National Security Division
Department of Justice
Room 6150, 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Hirsh D. Kravitz
FOIA, Records, and E-Discovery Office
Civil Division
Department of Justice
Room 8020
1100 L Street, NW
Washington, DC 20530-0001

Sam Kaplan
Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane, SW
STOP-0655
Washington, D.C. 20528-0655

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: Freedom of Information Act Request

To Whom It May Concern:

This is a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.* submitted on behalf of Muslim Advocates. We ask that this request be expedited pursuant to 5 U.S.C. § 552(a)(6)(E) and that Muslim Advocates be granted a fee waiver. We also ask that you refer the requests contained herein to any other component agency of the U.S. Department of Homeland Security (“DHS”) or the U.S. Department of Justice (“DOJ”) as appropriate.



Background

Governmental agencies have in the last year commenced a more targeted program of denaturalization of citizens. In March 2017, DOJ announced that it had filed a denaturalization lawsuit against a naturalized citizen of Pakistani origin who had been convicted of providing material support to al-Qaeda.¹ DOJ stated that it would pursue denaturalization proceedings against known or suspected terrorists who had “procured their citizenship by fraud.”² On September 19, 2017, DOJ announced that it had filed “denaturalization complaints” in the Middle District of Florida, District of Connecticut, and District of New Jersey, alleging that each defendant had obtained his naturalized U.S. citizenship fraudulently.³ The defendants are two men of Pakistani origin and one man of Indian origin.⁴ DHS and United States Citizenship and Immigration Services (“USCIS”) identified these cases through Operation Janus, which DOJ stated identified 315,000 cases “where some fingerprint data was missing from the centralized digital fingerprint repository.”⁵ According to the DOJ press release, these cases resulted from “an ongoing collaboration between [DHS and DOJ] to investigate and seek denaturalization proceedings...”⁶ On January 5, 2018, a judge in the District Court of New Jersey ordered a citizen denaturalized as part of Operation Janus.⁷ USCIS has dedicated a team to review the Operation Janus cases and intends to refer approximately 1,600 cases for prosecution.⁸

Muslim Advocates seeks records pertaining to Operation Janus and any other coordinated denaturalization efforts in order to understand and explain to the public the means and ends of the government’s denaturalization efforts.

¹ Press Release, Dep’t of Justice Off. of Pub. Affairs, *Denaturalization Lawsuit Filed Against Convicted Al Qaeda Conspirator Residing In Illinois* (Mar. 20, 2017), <https://www.justice.gov/opa/pr/denaturalization-lawsuit-filed-against-convicted-al-qaeda-conspirator-residing-illinois>.

² *Id.*

³ Press Release, Dep’t of Justice Off. of Pub. Affairs, *United States Files Denaturalization Complaints in Florida, Connecticut and New Jersey Against Three Individuals Who Fraudulently Naturalized After Having Been Ordered Deported Under Different Identities* (Sept. 19, 2017), <https://www.justice.gov/opa/pr/united-states-files-denaturalization-complaints-florida-connecticut-and-new-jersey-against>.

⁴ *Id.*

⁵ *Id.*; Press Release, Dep’t of Justice Off. of Pub. Affairs, *Justice Department Secures First Denaturalization As a Result of Operation Janus* (Jan. 9, 2018), <https://www.justice.gov/opa/pr/justice-department-secures-first-denaturalization-result-operation-janus>.

⁶ Press Release, Dep’t of Justice Off. of Pub. Affairs, *supra* note 3.

⁷ Press Release, Dep’t of Justice Off. of Pub. Affairs, *supra* note 5.

⁸ *Id.*



Records Requested

For the purposes of this Request, “Record” means a record in the broadest sense possible and includes, without limitation, everything tangible, electronic, or digital containing a datum, number, photograph, picture, word, or any other information, including, but not limited to, communications between phones or other electronic devices, emails, digital or physical images, video, audio recordings, voicemail messages, social media posts, instructions, directives, guidance documents, formal and informal presentations, training documents, bulletins, notices, alerts, updates, advisories, reports, legal and policy memoranda, contracts, agreements, minutes or notes of meetings and phone calls, and memoranda of understanding.

Muslim Advocates seeks release of the following:

1. Policies, practices, guidance, memoranda, communications, and procedures pertaining to the processes by which DHS and USCIS identify denaturalization cases and refer them to DOJ for prosecution;
2. Interagency guidance, policies, practices, memoranda, and communications shared between DHS, USCIS, and/or DOJ relating to denaturalization complaints and/or Operation Janus.
3. DOJ policies, practices, guidance, memoranda, communications, and procedures relating to the goals and methods of denaturalization complaints generally and Operation Janus specifically; and
4. Non-identifying information that reflects country of origin and/or ethnic background of individuals identified as candidates for denaturalization complaints by governmental agencies.

Application for Waiver of Fees

Muslim Advocates requests a waiver of document search, review, and duplication fees on the grounds that disclosure is in the public interest because it 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). Muslim Advocates is a non-profit civil rights and advocacy organization that focuses on issues of particular relevance to



the Muslim and immigrant communities.¹ The requested records detail the development of Operation Janus and the policies and procedures by which DHS, USCIS, and DOJ select and undertake denaturalization complaints. Members of the American public, particularly Muslim Americans, immigrants, and naturalized citizens, have a significant and urgent interest in knowing the aims and procedures around denaturalization efforts, including Operation Janus, and how it may affect their communities and their lives.

Even if a waiver is not granted, fees should be “limited to reasonable standard charges for document duplication” because Muslim Advocates is a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(4)(A)(ii)(II). Other organizations similar to Requestor in mission, function, and educational activities have been found by courts to be representatives of the news media. *See Elec. Privacy Info. Ctr. v. Dep’t of Defense*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (a non-profit educational organization qualified under the news media category); *Nat’l Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (a non-profit research organization qualified under the news media category).

Finally, Muslim Advocates does not seek to use the information requested for commercial use, 22 C.F.R. § 171.16(a)(2), and does not have a commercial interest that the disclosure would advance. Instead, Muslim Advocates’ primary interest in the disclosure of information is to educate the public and advocate for the rights of Americans to be free from racial and religious profiling. § 171.16(a)(2)(i)-(ii).

Response Requested in 10 days

Your attention to this request is appreciated and Muslim Advocates anticipates your determination of our request within ten (10) calendar days pursuant to 28 C.F.R. § 16.5(d)(4).

To the extent that our Request encompasses records responsive or potentially responsive to the Request that have been destroyed, our Request should be interpreted to include, but is not limited to, any and all records relating or referring to the destruction of those records. This includes, but is not limited to, any and all records relating or referring to the events leading to the destruction of those records.

With respect to the form of production, see 5 U.S.C. § 552(a)(3)(B), we request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, we request that the records be provided electronically in a text-searchable, static-

¹ *About*, MUSLIM ADVOCATES, <https://www.muslimadvocates.org/about/>.



image format (e.g., PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

If you have any questions concerning this request, you may contact me at nimra@muslimadvocates.org or at (202) 897-2564.

Very truly yours,



Nimra Azmi