



November 24, 2025

**Submitted Online via FIRST**

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

Re: FOIA Request for Records on Agency Processing of A-File FOIA Requests

Dear FOIA Officer:

The American Immigration Council (the "Council") submits this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. This request seeks agency records about procedures implemented by U.S. Citizenship and Immigration Services ("USCIS") to process FOIA requests for immigration records known as "Alien Files" or "A-Files." The Council seeks a waiver of any fee imposed by the agency since the records sought will contribute to the public's understanding of USCIS operations and their release is not in the Council's commercial interest.

**I. REQUEST FOR INFORMATION**

The Council seeks the following records relating to USCIS processing of FOIA request for A-files:

1. The agency's current version of the Freedom of Information Act & Privacy Act Case Create Guide, including copies of records hyperlinked in this guide; additional guidance adopted in addenda, appendices, amendments or communicated to FOIA processors from the agency's Chief FOIA Officer, via emails, letters, or memoranda issued since January 20, 2025.
2. The agency's current version of the Freedom of Information Act & Privacy Act Case Processing Guide, including copies of records hyperlinked in this guide, processing tables, and guidance adopted in addenda or amendments to this Guide or

communicated to FOIA processors from the agency's Chief FOIA Officer via emails letters, or memoranda issued since January 20, 2025.

3. Any FOIA Information Bulletin issued since January 20, 2025, announcing amendments to the Case Create Guide or the Case Processing Guide.
4. The agency's current version of the Processing Table used to guide FOIA processors on how to redact certain records.
5. Any new, or updates to existing, USCIS Supplemental Guidance, Standard Operating Procedure (SOP), and training materials, including but not limited to slides, handouts, manuals or guides, training videos or recordings, training agendas or curricula, pre-training and post-training materials, lesson plans, or training notes for processing FOIA requests issued since January 20, 2025.
6. Current versions of documents named "PCQS Overview" and "FIRST – Case Create Functionality" hyperlinked in the Case Create Guide.

## II. FORMAT OF PRODUCTION

The Council asks that USCIS produce records responsive to this request in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the agency Bates-stamp each page produced.

## III. FEE WAIVER REQUEST

The Council seeks a fee waiver because "disclosure of the requested records is in the public interest." 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure is in the public interest where it (a) "is likely to contribute significantly to public understanding of the operations or activities of the government" and (b) "is not primarily in the commercial interest of the requester." *Id.*; see also 6 C.F.R. § 5.11(k)(1). The Council satisfies both of these elements.

The requested records are likely to contribute significantly to the public's understanding of government operations or activities, specifically USCIS processing of FOIA requests for noncitizens' A-files. USCIS must consider four factors when assessing disclosure's contribution to public understanding, see 6 C.F.R. § 5.11(k)(2): (i) whether the request has a "direct and clear," rather than "remote or attenuated" connection to "identifiable operations or activities of the federal government"; (ii) whether disclosure is "meaningfully informative about government operations or activities"; (iii) whether disclosure "contribute[s] to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester"; and (iv) whether disclosure enhances "[t]he public's

understanding of the subject in question . . . to a significant extent.” *Id.* § 5.11(k)(2)(i)-(iv). To determine whether disclosure is primarily in the commercial interest of the requester, the agency must: i) identify the requester’s commercial interest; and ii) grant the fee waiver if the public interest of the disclosure is greater than any identified commercial interest. 6 C.F.R. § 5.11(k)(3).

Each factor supports a fee waiver here.

- a. *Request has a direct and clear connection to USCIS FOIA processing, a government activity.*

First, this request has a direct and clear relation to how USCIS processes FOIA requests for A-files and other immigration records, which are by nature, operations and activities of the agency. As the Court found in *Nightingale v. U.S. Citizenship & Immigr. Servs.* “timely access to A-Files is vital for noncitizens in removal proceedings. A-File records inform whether detained individuals—most of whom are unrepresented—can contest charges of alienage or removability, are eligible for release on bond, and/or are eligible for relief from removal.” 507 F. Supp. 3d 1193, 1198 (C.D. Cal. 2020). USCIS processes tens of thousands of FOIA requests for A-files annually, and it is important for the public to know how these requests are processed so that they are not subject to undue rejections, redactions, and denials.

- b. *Disclosure of records will be meaningfully informative about USCIS FOIA processing and is likely to contribute to an increased public understanding of these activities.*

Second, disclosing the records sought would “be meaningfully informative” about USCIS’s processing of the aforementioned A-files. The agency produced prior versions of the records sought in this request in response to a FOIA request filed by a different requester in August 2021.<sup>1</sup> The requester in that case synthesized and shared the information derived from the records produced to help guide practitioners and provide helpful tips when filing FOIA requests.<sup>2</sup> The article was then shared through networks like the American Immigration Lawyers Association<sup>3</sup> and other publications by immigration attorneys.<sup>4</sup> Accordingly, this information is

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<sup>1</sup> International Refugee Assistance Project, FOIA Behind the Scenes: How do USCIS and the State Department Process Immigration-Related Requests? (Dec. 2023), <https://refugeerights.org/news-resources/foia-behind-the-scenes-how-do-uscis-and-the-state-department-process-immigration-related-requests-lkt-foia>.

<sup>2</sup> *Id.*

<sup>3</sup> See American Immigration Lawyers Association, IRAP Practice Advisory: FOIA Behind the Scenes (Dec. 14, 2023), <https://www.aila.org/irap-practice-advisory-foia-behind-the-scenes>.

<sup>4</sup> Joseph & Hall, IRAP publishes government documents on getting crucial information on your files through FOIA, <https://www.immigrationissues.com/irap-publishes-government-documents-on-getting-crucial-information-on-your-files-through-foia/>.

crucial to practitioners who commonly file FOIA requests for A-files to assist in their clients' representation.

However, the information published is from 2021 and needs to be updated. Requesters obtained information about changes in the processing of FOIA requests, collecting numerous examples of changes experienced by practitioners.<sup>5</sup> Practitioners' interest in reporting changes they experienced in filing FOIA requests for A-files is evidence that the updated information is needed. Much like in 2021, the records will be meaningfully informative for practitioners and their clients. The public also will be interested to know about the changes in agency procedures.

*c. Disclosure of records about A-File processing procedures will contribute to the understanding of a reasonably broad audience.*

Disclosing the requested records will contribute to the understanding of a reasonably broad audience of persons interested in the subject. The Council presumably satisfies this factor, as a representative of the news media, 6 C.F.R. § 5.11(k)(2)(iii). Additionally, and alternatively, a reasonably broad audience is interested in USCIS's A-file processing.

*i. The Council is a representative of the news media*

"[A]ny ... entity that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience" is a news media requester. 6 C.F.R. § 5.11(b)(6). Courts routinely recognize nonprofit organizations that publish reports and newsletters alongside other activities as news media members. *See Serv. Women's Action Network v. Dep't of Def.*, 888 F. Supp. 2d 282, 287-88 (D. Conn. 2012) (finding that the ACLU is a "news representative"); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003) (same for Electronic Privacy Information Center); *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (same for Judicial Watch).

The Council uses communications, research, and other information dissemination strategies as primary tools to advance its mission to build "positive public attitudes[,] and create a more welcoming America—one that provides a fair process for immigrants and adopts immigration laws and policies that account for the needs of the U.S. economy."<sup>6</sup> The Council is a national leader in challenging the myths and misinformation that too often dominate the

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<sup>5</sup> See, e.g. American Immigration Council, USCIS Immigration Record Withholdings, [https://docs.google.com/forms/d/e/1FAIpQLSfL3RIWxrvTdqw8UNLb\\_H\\_XwFfdnoUBXauMQ4p2ortOWBaC3w/viewform](https://docs.google.com/forms/d/e/1FAIpQLSfL3RIWxrvTdqw8UNLb_H_XwFfdnoUBXauMQ4p2ortOWBaC3w/viewform).

<sup>6</sup> American Immigration Council, About Us (last visited Nov. 24, 2025), <https://www.americanimmigrationcouncil.org/about-us/>.

political and public debate around immigration through its analysis, publications, and research. The Council hosts an immigration blog with commentary and analysis of immigration issues, which receives thousands of views upon publication. The Council also gathers information about immigration issues and uses its analytical, research, and editorial skills to convert information, often obtained through FOIA requests, into factsheets, reports, interactive tools, and other publications. The Council then disseminates these publications to the public through its website, newsletters, and social media accounts. Thus, the Council is a nonprofit organization that may be classified as a member of the news media for the purposes of FOIA.

- ii. Alternatively, a reasonably broad audience is interested in the agency's processing of A-files, rather than the specific understanding of the requester

In the alternative, a reasonably broad audience of persons is interested in USCIS's A-file processing procedures. The Council, along with its partners, published information about how to submit A-file FOIA requests in light of the Court's decision in *Nightingale v. USCIS*.<sup>7</sup> However, the Council is not the only organization to produce guides on how to submit FOIA requests. The Immigrant Legal Resource Center published a step-by-step guide on completing FOIA requests with Department of Homeland Security, which encompasses USCIS.<sup>8</sup> Likewise, the Asian American Legal Defense and Immigration Fund has information on its website with screenshots about how to file FOIA requests for individuals' immigration files.<sup>9</sup> Even the National Archives published an article on its webpage about how to access immigration records through FOIA.<sup>10</sup> These publications show that the public at large is interested in the processing procedures contained in the requested records. Furthermore, thousands of immigration practitioners file FOIA requests for A-files each year to obtain their clients' immigration history, all of whom will be interested in knowing changes to processing procedures to ensure their requests are correctly processed by the agency.

The Council has the proven ability to disseminate information obtained through FOIA requests to this broad audience. The Council has vast experience and expertise in educating the

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<sup>7</sup> National Immigration Law Alliance, *Nightingale v. USCIS and FOIA Requests for Immigration Case Files (A-Files)* (Apr. 17, 2023), [https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/23.04.17\\_nightingale\\_foia\\_4th\\_update\\_-\\_final.pdf](https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/23.04.17_nightingale_foia_4th_update_-_final.pdf)

<sup>8</sup> Immigrant Legal Resource Center, *A Step-by-Step Guide to Completing FOIA Requests with DHS* (Sept. 2020), [https://www.ilrc.org/sites/default/files/resources/a\\_step\\_by\\_step\\_guide\\_to\\_completing\\_foia\\_requests\\_with\\_dhs.pdf](https://www.ilrc.org/sites/default/files/resources/a_step_by_step_guide_to_completing_foia_requests_with_dhs.pdf).

<sup>9</sup> Asian American Legal Defense and Immigration Fund, *Freedom of Information Act Request Guidance, Step-by-Step USCIS FOIA Request*, <https://www.aaldef.org/resources/foia/uscis/>.

<sup>10</sup> National Archives, Office of Government Information Service, *Using FOIA to Access Immigration Records* (Sept. 18, 2023), <https://www.archives.gov/ogis/resources/foia-ombuds-observer/2023-02>.

public on immigration and transparency issues like this one. It prepares fact sheets, reports, and other publications for the public based on its FOIA requests. Much like the information obtained through the numerous other FOIA requests the Council has filed, the Council intends to share the information obtained in response to this request with its wide audience. The Council also often shares the knowledge it gains from FOIA requests like this one with other media outlets to amplify the reach of the information. Several publications have reached the public at large by shaping immigration coverage in newspapers, television shows, and other traditional media outlets.

In keeping with its track record of synthesizing and publishing information on governmental operations shared in responses to FOIA requests, the Council intends to analyze the records received in response to this FOIA request on its publicly accessible website.<sup>6</sup> The Council boasts a wide audience of visitors to its website: between January 1 and September 25, 2025, the Council's website received 4.6 million visitors and many Council publications have received tens—if not hundreds—of thousands of views within the past year.

As such, the records requested will reach a broad audience, contributing to the public's understanding of A-file processing procedures, rather than solely benefiting the Requester.

d. *Disclosure of records will significantly enhance public understanding of USCIS's A-file FOIA processing.*

Disclosing the records requested will enhance public understanding of USCIS processing of A-file requests by a significant degree. It will shed light on the processes used by USCIS to respond to A-file requests in a timely manner. While some information has been previously published, the public is in the dark about changes that may have been implemented by the new administration. The records will help answer some of the questions practitioners have reported about the use of exemptions to withhold records and agency responses implementing different requirements for filing the FOIA requests than those required in the past. As discussed above, the Council intends to analyze the records received in response to this FOIA request and publicize that analysis on its website.

e. *The Council lacks a commercial interest in the records sought*

Disclosure is not primarily in the Council's commercial interest. As a nonprofit and news media representative, the Council has no commercial interest in the records requested. See *Am. Ctr. for L. & Just. v. U.S. Dep't of Homeland Sec.*, 573 F. Supp. 3d 78 (D.D.C. 2021) (“[N]onprofit organizations by definition have no commercial interests.”); *Am. Immigr. Council v. U.S. Dep't of Homeland Sec.*, 82 F. Supp. 3d 396, 406 (D.D.C. 2015) (finding that the Council has no such interest in its record requests). Rather, the request furthers the Council's work to increase public

understanding of immigration processes, including noncitizens' access to records USCIS has about them. As with all other reports and information available on the Council's website, as well as information frequently disseminated to the public via electronic newsletters, the information that the Council receives in response to this FOIA request will be available to immigration attorneys, noncitizens, policymakers, and other interested members of the public free of charge.

*f. The public interest in the disclosure outweighs any identified commercial interest Requesters may have in the records sought.*

Assuming *arguendo* that the agency identified a commercial interest, the public interest in disclosing the information requested far outweighs any commercial interest the agency may ascribe to Requester. The records sought will help clarify any changes adopted by the new administration and the public will be able to ascertain whether there are new processes in place when requesting records. The information requested will help those who file FOIA requests for A-files submit requests that adhere to these procedures so that they may be obtained more efficiently. Requester, as an organization that regularly publishes materials to educate the public and the legal field about FOIA requests for A-files, is well positioned to receive, analyze, and disseminate the produced records.

If the fee waiver is denied, Requester agrees to pay an amount not to exceed \$25.00. Please inform us if the charges for this FOIA production will exceed such an amount.

If you have any questions regarding this request, you may contact Requesters at the contact information below.

Very truly yours,



Raul A. Pinto  
Deputy Legal Director, Transparency

on behalf of Requester