

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
KANSAS CITY**

AMERICAN IMMIGRATION COUNCIL,

Plaintiff,

v.

Civil Action No. 26-87

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES and U.S. DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This action under the Freedom of Information Act (“FOIA”) seeks to compel Defendants U.S. Citizenship and Immigration Services (“USCIS”) and U.S. Department of Homeland Security (“DHS”) to produce the case supporting documents (“CSDs”) that USCIS received or created while processing twenty-one FOIA requests for immigration records.

2. Plaintiff filed two FOIA requests for these CSDs on June 2, 2025, and October 17, 2025, (the “Requests”) to learn more about the searches that USCIS conducts before it determines that it cannot locate records responsive to a FOIA request for immigration records and issues a “no records” (NR) determination for such a request.

3. Plaintiff has yet to receive a determination on these requests—let alone a final one—and so brings this FOIA action for injunctive and other appropriate relief.

JURISDICTION AND VENUE

4. This court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C § 1331 since this action arises under FOIA against agencies of the United States.

5. Venue lies in this district under 5 U.S.C § 552(a)(4)(B) since the CSDs responsive to Plaintiff’s request “are situated” in Lee’s Summit, Missouri at USCIS’s National Records Center.

PARTIES

6. Plaintiff American Immigration Council is a nonprofit educational and charitable organization. Plaintiff strives to strengthen the United States by shaping immigration policies and practices through innovative programs, cutting-edge research, and strategic legal and advocacy efforts grounded in evidence, compassion, justice, and fairness. It authors factsheets, special reports, and blog posts on proposed and actual immigration policies, including USCIS FOIA processing. It also analyzes immigration data and other government records—including those obtained through FOIA requests like the ones at issue in this litigation—in interactive web reports, blog posts, and other publications. And it circulates these publications to hundreds of thousands of readers through its website, email newsletters, and an X (formerly known as Twitter) account with 64,900 followers, and other social media platforms.

7. Defendant USCIS is a subcomponent of the DHS and an agency within the meaning of 5 U.S.C § 552(f)(1), 5 U.S.C. § 551(1), and 5 U.S.C. § 702. It maintains and operates the National Records Center, which manages and stores noncitizens’ immigration records, including their a-files; processes FOIA requests to the agency for these records; and receives and creates CSDs in the course of such processing. USCIS has possession, custody, and control of records responsive to the Requests.

8. Defendant DHS is an agency within the meaning of 5 U.S.C § 552(f)(1), 5 U.S.C. § 551(1), and 5 U.S.C. § 702. It is the parent agency of USCIS. It “has a decentralized system for responding to FOIA requests” where requests for DHS records are directed to and processed by FOIA offices in USCIS and each of its other individual components. 6 C.F.R. § 5.3(a)(1)-(2).

DHS rules, policies, and procedures govern USCIS’s processing of FOIA requests. *Id.* § 5.1(a)-(c). As such, the DHS has possession, custody, and control of the records responsive to the Requests. *Sanchez Mora v. U.S. Customs & Border Protection*, Civil Action No. 24-3136, 2025 WL 1713252, at *5 (D.D.C. June 18, 2025) (FOIA “requests submitted to a DHS component, such as [USCIS], must also be understood as submitted to DHS, the parent agency.”).

STATEMENT OF FACTS

USCIS FOIA Processing

9. The FOIA Operations Division in the National Records Center in Lee’s Summit, Missouri receives all FOIA requests directed to USCIS and processes those requests.

10. When USCIS receives a FOIA request for immigration records, the FOIA Operations Division creates a case for that request in FOIA Immigration Records System (“FIRST”)—USCIS’s electronic case management system for controlling and processing FOIA requests—which assigns that case a sequential, system-generated case control number.

11. When its searches for immigration records responsive to a FOIA request do not locate any such records, the FOIA Operations Division takes screenshots of all searches performed, uploads the screenshots to the request’s FIRST case as CSDs, and issues a NR determination.

Plaintiff’s Requests

12. In August 2024, Plaintiff began to receive reports from immigration attorneys that USCIS was issuing NR determinations on their FOIA requests to the agency for their clients’ immigration records.

13. Plaintiff filed Request No. COW2025005191 with USCIS through FIRST on June 2, 2025, to investigate some of these reports. USCIS received the request that day.

14. Request No. COW2025005191 seeks the CSDs that USCIS received or created when processing nine FOIA requests for noncitizens' immigration records and a fee waiver.

15. Plaintiff filed Request No. COW2025005701 with USCIS through FIRST on October 17, 2025, to investigate additional reported NR determinations. USCIS received the request that day.

16. Request No. COW2025005701 seeks the CSDs that USCIS received or created for an additional twelve FOIA requests for noncitizens' immigration records and a fee waiver.

17. The statutory deadlines for Defendants to make determinations on the Requests have elapsed. *See* U.S.C. § 552(a)(6)(A)(i) (allocating Defendants twenty business days from receipt to make these determinations).

18. Defendants have not made a determination on either Request, let alone produced responsive records.

19. Nor have Defendants made a determination on Plaintiff's fee waiver requests.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF: FAILURE TO CONDUCT A REASONABLE SEARCH

20. Plaintiff incorporates by reference ¶¶ 1-19.

21. Plaintiff has a legal right under FOIA for Defendants to conduct reasonable searches for records responsive to the Requests. 5 U.S.C. § 552(a)(3).

22. Defendants have not conducted reasonable searches for records responsive to the Requests.

23. Defendants' failures to conduct reasonable searches for these records violate FOIA. *Id.*

SECOND CLAIM FOR RELIEF: FAILURE TO MAKE RESPONSIVE RECORDS PROMPTLY AVAILABLE

24. Plaintiff incorporates by reference ¶¶ 1-19.

25. Plaintiff has a legal right under FOIA to obtain prompt production of all reasonably segregable non-exempt portions of all records responsive to the Requests. *Id.* § 552(a)(3)(A).

26. Defendants have yet to make all non-exempt portions of all records responsive to the Requests available to Plaintiff.

27. Defendants' failures to make these records promptly available to Plaintiff violate FOIA. *Id.*

THIRD CLAIM FOR RELIEF: FAILURES TO AWARD A FEE WAIVER

28. Plaintiff incorporates by reference ¶¶ 1-19.

29. Plaintiff has a legal right to a fee waiver on each Request under FOIA and DHS implementing regulations. *See* 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k)(1).

30. Defendants' failures to grant Plaintiff a fee waiver on each Request violate FOIA and DHS implementing regulations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court grant the following relief:

- a. Assume jurisdiction over the matter;
- b. Expedite consideration of this case pursuant to 28 U.S.C. § 1657(a);
- c. Order Defendants to conduct reasonable searches for all records responsive to the Requests in accordance with 5 U.S.C. § 552(a)(3);
- d. Order Defendants to disclose responsive non-exempt records promptly in their entirety and all reasonably segregable, non-exempt parts of other responsive records;
- e. Review any and all of Defendants' decisions to redact or withhold information in responsive records as exempt from disclosure;
- f. Grant Plaintiff a fee waiver on each Request;

g. Award Plaintiff costs and reasonable attorneys' fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and

h. Grant other such relief as the Court may deem just and proper.

Date: February 3, 2026

Respectfully submitted,

s/Rekha Sharma-Crawford
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**Motion to appear pro hac vice forthcoming*