

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

AMERICAN IMMIGRATION COUNCIL,

Plaintiff,

v.

Civil Action No. 26-87

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

Defendants.

**FIRST SUPPLEMENTAL 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; guidance and other records that the agency uses to process these requests; and materials for training agency staff in this processing.

2. Plaintiff filed two FOIA requests for these CSDs on June 2, 2025, and October 17, 2025, (the “CSD 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 filed a third FOIA request on November 24, 2025, for USCIS FOIA processing guidance and training materials to investigate apparent, unannounced changes to agency withholding and identity verification policies.

4. 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

5. 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.

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

PARTIES

7. 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.

8. 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.

9. 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

10. 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.

11. The FOIA Operations Division maintains guidance and other records for processing FOIA requests to USCIS for immigration records, including the FOIA & Privacy Act Case Create Guide, the FOIA & Privacy Act Processing Guide, and supplemental guidance for processing specific immigration records.

12. The FOIA Operations Division also maintains power point slides, lesson plans, and other materials for training staff in processing FOIA requests to USCIS for immigration records.

13. Per these materials, 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.

14. 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 CSD Requests

15. 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.

16. 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.

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

18. 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.

19. 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.

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

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

22. Nor have Defendants made a determination on Plaintiff’s fee waiver requests.

Plaintiff's Guidance Request

23. Meanwhile, in June 2025, Plaintiff began to receive reports from immigration attorneys that USCIS was withholding requested immigration records (or segregable portions of these records) that it previously produced, including Form I-213s, birth certificates, and other vital records.

24. Then, in October 2025, Plaintiff began to receive reports from immigration attorneys that USCIS was closing their FOIA requests for clients' immigration records for listing their firms' addresses as their clients' addresses when verifying their clients' identities, even though the agency had long accepted firm addresses for this purpose.

25. So, Plaintiff filed Request No. COW2025009466 with USCIS through FIRST on November 24, 2025, to investigate these new practices (hereinafter "Guidance Request"). USCIS received the request that day.

26. The Guidance Request seeks the Freedom of Information Act & Privacy Act Case Create Guide; the Freedom of Information Act & Privacy Act Processing Guide; updates to additional processing guidance, lesson plans, operating procedures, tables, and training materials that USCIS has issued since January 20, 2025; announcements of these processing changes; and a fee waiver.

27. On December 22, 2025, USCIS responded to the Guidance Request, informing Plaintiff that it administratively closed the request for failing to provide "complete verification of identity information." In its response, USCIS referred to the Guidance Request as Request No. MRC2025001066.

28. USCIS did not address Plaintiff's fee waiver request.

29. Plaintiff appealed this administrative closure on January 28, 2026, because the Guidance Request lacks a subject of record whose identity it needed to verify.

30. USCIS designated the appeal as APP2026003072REQ.

31. The statutory deadline for Defendants to make determinations on this appeal has elapsed. *See* U.S.C. § 552(a)(6)(A)(ii) (allocating Defendants twenty business days from receipt to make these determination).

32. Defendants have not made a determination on this appeal.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF: FAILURE TO CONDUCT A REASONABLE SEARCH

33. Plaintiff incorporates by reference ¶¶ 1-32.

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

35. Defendants have not conducted reasonable searches for records responsive to the CSD Requests and the Guidance Request.

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

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

37. Plaintiff incorporates by reference ¶¶ 1-32.

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

39. Defendants have yet to make all non-exempt portions of all records responsive to the CSD Requests and the Guidance Request available to Plaintiff.

40. Defendants' failures to make these records promptly available to Plaintiff violate FOIA.

Id.

THIRD CLAIM FOR RELIEF: FAILURES TO AWARD A FEE WAIVER

41. Plaintiff incorporates by reference ¶¶ 1-32.

42. Plaintiff has a legal right to a fee waiver on each CSD Request and the Guidance 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).

43. Defendants' failures to grant Plaintiff a fee waiver on each CSD Request and the Guidance 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 CSD Requests and the Guidance Request 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 CSD Request and the Guidance 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: March 27, 2026

Respectfully submitted,

/s/ Chris Opila
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** Appearing pro hac vice*