

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERATION FOR AMERICAN
IMMIGRATION REFORM,

Plaintiff,

V.

U.S. CUSTOMS AND
BORDER PROTECTION, *et al.*,

Defendants.

Civil Action No. 22-0709 (ZMF)

JOINT STATUS REPORT

Pursuant to the Court’s Minute Order of February 16, 2023, Plaintiff Federation for American Immigration Reform (“Plaintiff”) and Defendants U.S. Customs and Border Protection (“CBP”) and U.S. Department of Homeland Security (“DHS”) (collectively, the “Parties”) provide the following joint status report in this Freedom of Information Act (“FOIA”) action.

1. This case stems from Plaintiff's July 15, 2020, FOIA request to CBP, generally seeking certain records concerning individuals who have illegally crossed the U.S. border and tested positive for infectious diseases, CBP's policies tracking such individuals, and various other items.

2. On May 3, 2021, CBP issued a final response to Plaintiff's FOIA request, directing Plaintiff to certain publicly available information found online. On July 21, 2021, CBP issued a corrected response to Plaintiff's FOIA request, which included additional information.

3. As previously reported, on July 14, 2022, Plaintiff, through counsel, consented to CBP's revised description of Plaintiff's FOIA request. The agreed-upon revised description of

Plaintiff's request reflects the Parties' agreements as to the narrowing and clarification of the scope of Plaintiff's request.

4. Since the parties' last Joint Status Report, CBP made its third interim release of records on March 17, 2023. For this release, CBP reviewed at least 400 pages and released 123 responsive pages in part based on Exemptions 6, 7(C), and 7(E). On April 18, 2023, CBP issued its fourth interim response. For this response, CBP also reviewed at least 400 pages and found all pages to be nonresponsive or required consultation. CBP expects to continue processing records for responsiveness and applicable exemptions at a rate of 400 pages per month and expects to issue its next response on or before May 20, 2023.

5. Based on the foregoing, the Parties believe that submitting summary judgment briefing would be premature at this point. The Parties propose that they file a further status report on or before August 14, 2023, to update the Court on the progress of CBP's processing and production as well as further scheduling for filing a *Vaughn* index and dispositive motions.

6. Plaintiff reserves all rights and remedies concerning, or in connection with, this action and the FOIA request (including, without limitation, concerning any responses by CBP or DHS to the request, CBP's search for and production of records, any records that CBP or DHS withhold in whole or in part, and the rate at which CBP expects to process and produce records in response to the FOIA request).
