

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FEDERATION FOR AMERICAN  
IMMIGRATION REFORM,

Plaintiff,

V.

Civil Action No. 22-0709 (ZMF)

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

Defendants.

## JOINT STATUS REPORT

Pursuant to the Court’s Minute Order of May 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 fifth interim release of records on May 18, 2023. For this release, CBP reviewed at least 400 pages and released sixty-four responsive pages in part based on Exemptions 6, 7(C), and 7(E). On June 20, 2023, CBP issued its sixth interim response. For this response, CBP also reviewed at least 400 pages and released forty-six pages in part based on Exemptions 6, 7(C), and 7(E). On July 19, 2023, CBP issued its seventh interim response. For this response, CBP also reviewed at least 400 pages and released 105 pages in part based on Exemptions 5, 6, 7(C), and 7(E). CBP expects to continue processing records for responsiveness and applicable exemptions at a rate of at least 400 pages per month and expects to issue its next response on or before August 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 November 13, 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).

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Dated: August 14, 2023

Respectfully submitted,

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By: /s/  
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