



25 Massachusetts Avenue, NW
Suite 335
Washington, DC 20001
202.232.5590 | 202.464.3590(fax)
www.irli.org

Board of Directors

Hon. Elizabeth A. Hacker (Ret.)
Hon. Mahlon F. Hanson (Ret.)
Jeffrey R. Parkin
John J. Rooney
Daniel A. Stein

Executive Director & General Counsel

Dale L. Wilcox¹

Director of Litigation

Christopher J. Hajec²

Senior Counsel

Ralph L. Casale³

Staff Counsel

Mark S. Venezia⁴
Gina D'Andrea⁵

Director of Attorneys United for a Secure America

Lorraine G. Woodwark⁶

Of Counsel

John M. Miano⁷

Founded in 1986, the Immigration Reform Law Institute (IRLI) is a public-interest legal education and advocacy law firm dedicated to achieving responsible immigration policies that serve national interests.

IRLI is a supporting organization of the Federation for American Immigration Reform.

¹ Admitted in DC & IN

² Admitted in DC & PA

³ Admitted in DC, VA, MD, NY, & CT

⁴ Admitted in DC & VA

⁵ Admitted in DC

⁶ Admitted in CA & DC

⁷ Admitted in DC, NJ, & NY

May 11, 2022

VIA FOIA ONLINE PORTAL

FOIA Officer

U.S. Citizenship and Immigration Services

National Records Center

FOIA/PA Office

Post Office Box 648010

Lee's Summit, Missouri 64064

RE: Freedom of Information Act Request

Dear FOIA Officer:

I write on behalf of the Federation for American Immigration Reform (FAIR), a national, nonprofit public interest, membership organization of concerned Americans who share a common belief that our nation's immigration policies must be reformed to serve the national interest.

FAIR is committed to protecting the public's right-to-know about the immigration related activities of government agencies and to ensure the lawful and appropriate use of government funds by those agencies.

U.S. Citizenship and Immigration (USCIS) is an agency of the U.S. Department of Homeland Security (DHS) that administers the country's naturalization and immigration system. It is a successor to the Immigration and Naturalization Service (INS), which was dissolved by the Homeland Security Act of 2002 and replaced by three components within DHS: USCIS, Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP). USCIS performs many duties of the former INS, namely processing and adjudicating various immigration matters, including applications for work visas, asylum, and citizenship. Additionally, the agency is tasked with safeguarding national security, eliminating immigration backlogs, and improving efficiency.

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, FAIR hereby requests that you produce the following records:

1. All records of communication, including email correspondence, between USCIS employees and Tania Mattos, currently a director of advocacy and policy at the Envision Freedom Fund, from and including January 20, 2021 up to and including May 11, 2022.

The Immigration and Nationality Act (INA) section 209(a) and 8 CFR section 209.1 requires every alien in the United States who is classified as a refugee under section 207, and whose status has not been terminated, to apply to the Service one year after entry in order to determine admissibility under section 212 of the Act.

Fee Waiver Purposes:

FAIR requests that search, review, and production fees for this request be waived because it is a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Service. FAIR is entitled to a complete waiver of fees because of its public-interest purpose, it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. FOIA's fee waiver provision is contained at 6 C.F.R. 5 § 11(4)(k) and states that:

Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (iii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

For fee waiver purposes, FAIR also is undeniably a "representative of the news media" under 5 U.S.C. § 552(a)(4)(A)(ii)(II). "[A] representative of the news media"

Means any person or entity that 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.... [T]he term "news" means information that is about current events or that would be of current interest to the public. Examples of news-media entities are ... *publishers of periodicals* (but only if such entities qualify as disseminators of "news") who make their products available for purchase by or subscription by or free distribution to the general public.¹

The statutory definition in FOIA requires that organizations which electronically disseminate information and publications via "alternative media shall be considered to be news-media

¹ 5 U.S.C. § 552(a)(4)(A)(ii)(III) (emphasis added).

entities.”² FOIA’s legislative history demonstrates “[i]t is critical that the phrase ‘representative of the news media’ be broadly interpreted if the act is to work as expected... In fact, *any person or organization which regularly publishes or disseminates information to the public... should qualify for waivers as a ‘representative of the news media.’*”³

FAIR is one of the largest immigration reform organizations in the United States. For more than forty years, FAIR has published and disseminated information to the public about immigration-related current events through various media forms, including through online periodicals (e.g., newsletters).⁴ By way of further additional examples:

- FAIR maintains a frequently visited website at <http://www.fairus.org/> that contains numerous news articles, action alerts, polls, press releases, studies, and reports authored by FAIR staff members.⁵
- FAIR publishes a newsletter called the “FAIR Immigration Report,” which is the nation’s most widely read U.S. immigration reform newsletter, packed with immigration reform facts and news regarding the activities of federal and state courts, legislatures, and executive officials.⁶
- FAIR disseminates information via YouTube, Facebook, and Twitter. FAIR’s YouTube videos have more than 46 million views to date, FAIR’s Facebook page currently registers more than 2 million likes, and FAIR’s Twitter feed has more than 280,000 followers.⁷
- FAIR spokespersons regularly give interviews and disseminate information on MSNBC, CNN, ABC, NBC, CBS, FOX, C-SPAN, among other TV stations, and hundreds of radio stations.⁸
- FAIR spokespersons regularly give interviews for news articles and author news pieces that appear in the New York Times, USA Today, Washington Post, and hundreds of other newspapers, magazines, and websites.⁹

² 5 U.S.C. § 552(a)(4)(A)(ii)(III). See generally *Nat’l Ass’n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 661-662 (2007) (noting the well-established proposition that, as used in statutes, the word “shall” is generally imperative or mandatory).

³ *National Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989), quoting 132 Cong. Rec. S14298 (daily ed. Sept. 30, 1986) (statement of Sen. Leahy) (emphasis added).

⁴ See, e.g., <https://fairus.org/news/newsletters>.

⁵ See, e.g., published opinion pieces (<http://www.fairus.org/media/published-opinion-pieces>); press releases (<http://www.fairus.org/media/press-releases>); polls (<http://www.fairus.org/facts/post-election-polls>); studies and reports (<http://www.fairus.org/issues>).

⁶ See <https://fairus.org/news/newsletters>.

⁷ See YouTube (<http://www.youtube.com/user/fairfederation?feature=watch>); Facebook (<https://www.facebook.com/FAIRImmigration>); and Twitter (<https://twitter.com/fairimmigration>).

⁸ See, e.g., https://www.youtube.com/playlist?list=PLUWsisip06MQAx5yQ6qP0Ud54C_tQE0hUji.

⁹ See, e.g., <http://www.fairus.org/media/published-opinion-pieces>.

- FAIR annually hosts a conference in Washington D.C. titled, “Hold Their Feet to the Fire,” which is the nation’s largest annual immigration-media event where over sixty radio hosts from across the country have broadcast their shows live from the event while interviewing members of Congress, law enforcement officials, state lawmakers, experts, journalists, activists, and citizens regarding immigration-related issues.¹⁰
- FAIR staff members regularly testify before congressional and state legislative committees as experts on immigration-related issues.¹¹

FAIR will use its combined multi-decades of experience in policy analysis, investigative reporting, government oversight, and federal public interest litigation to transform the records requested in this FOIA request into distinct works that FAIR will disseminate through various media outlets.

What is more, other agencies of the federal government have granted FAIR “representative of the news media” category status. *See e.g.*, FOIA Request 16-00374-F (Drug Enforcement Administration), news media status granted on Mar. 4, 2016; FOIA Request COW2016000114 (U.S. Citizenship and Immigration Services), news media status granted on Feb. 10, 2016; FOIA Request 15-FI-HQ-01975 (Department of Housing and Urban Development), news media status granted on Oct. 30, 2015; and FOIA Request No. 12-00455-F (U.S. Immigration and Customs Enforcement), news media status granted on Oct. 19, 2015. Agencies should grant news media requestor status when other agencies have done so because of “the need for uniformity among the agencies in their application of FOIA,”¹²

Moreover, for the reasons set forth above, it is self-evident that the requested information constitutes “news” for purposes of FOIA.

If you have questions about this request, please contact me by e-mail via foia@irli.org or by phone via 202-792-1081.

Thank you for your assistance in this matter.

Sincerely,



Jason Hopkins
Investigations Manager

¹⁰ See <https://fairus.org/fair-radio-row-2017>.

¹¹ See, e.g., <https://fairus.org/about-fair/impact/congressional-testimony>.

¹² See *Oglesby v. United States Dep’t of Army*, 920 F.2d 57, 66 n.11 (D.C. Cir. 1990) (citation omitted).