

September 1, 2011

**BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND EMAIL**

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Headquarters & Privacy Office  
U.S. Department of Homeland Security  
Privacy Office  
Director, Disclosure & FOIA  
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STOP-655  
Washington, D.C. 20528-0655  
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Re: Freedom of Information Act Request

Dear FOIA Officer:

On behalf of Heartland Alliance National Immigrant Justice Center (“NIJC”), we write to request the disclosure of the documents described below pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). NIJC seeks records in the possession of the Department of Homeland Security (“DHS”),<sup>1</sup> U.S. Citizenship and Immigration Services (“USCIS”), Immigrations and Customs Enforcement (“ICE”), and any other subcomponents (collectively the “Agency”), as described in the specific requests listed below. These requests seek information related to groups defined as terrorist organizations under INA § 212(a)(3)(B)(vi)(III) whether referred to by any other name, including, but not limited to, “Tier III terrorist groups,” “Terrorist groups or organizations under INA § 212(a)(3)(B)(vi)(III),” “Tier III groups or organizations” or “undesignated terrorist groups or organizations,” and the designation of aliens as inadmissible due to their activities related to these groups.

NIJC is a not-for-profit organization that was founded three decades ago. NIJC’s core mission is “ensuring human rights protections and access to justice for all immigrants, refugees and asylum seekers.” For the past three decades, NIJC has provided direct legal services to, and advocated for, immigrants, refugees, and asylum seekers through policy reform, impact

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<sup>1</sup> For purposes of these requests, the NIJC adopts the acronyms, definitions, and exemptions adopted by the DHS in its 2010 Annual Freedom of Information Act Report to the Attorney General of the United States.

litigation, and, importantly, public education. NIJC has a public website at [www.immigrantjustice.org](http://www.immigrantjustice.org) which provides significant resources and information to the public, including training and educational materials for attorneys, immigrants, and policy makers. NIJC also actively publishes news stories, articles, newsletters, immigrant stories, Pro Bono Q&A and other editorial content on its website. This includes information regarding NIJC-related FOIA requests. *See, e.g.*, <http://www.immigrantjustice.org/news/litigation/foia-abareportsrelease.html>. The requests in this letter are directed at information specifically related to NIJC's mission and goal of educating the public about important governmental operations and activities relating to immigration.

FOIA is a codification of the strong congressional intent to grant access to the type of information sought by these requests. Nothing in the Act should be read to “authorize withholding of information or limit the availability of records to the public, except as specifically stated . . . .” Consistently with that objective, the Act repeatedly states “that official information shall be made available to the public, for public inspection.” *Dep't of Air Force v. Rose*, 425 U.S. 352, 361 (1976) (citation omitted). Further, the limited exemptions in FOIA “do not obscure the basic policy that disclosure, not secrecy, is the dominant objective of the Act.” *Id.* (citations omitted).

Against this backdrop, and as further discussed below, NIJC is entitled to a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and even absent the grant of such a fee waiver, “fees shall be limited to reasonable standard charges for document duplication,” and *no search charges may be assessed* for these requests, because NIJC qualifies as a “representative of the news media” under 5 U.S.C. § 552(a)(4)(A)(ii)(II)-(III). NIJC is also entitled to expedited processing of these requests under 5 U.S.C. § 552 (a)(6)(E).

### **I. Preliminary Statements and Instructions.**

1. As to all requests, we do *not* seek any personal identifying information protected under the Privacy Act, and therefore request that such information be redacted from responsive materials.

2. The word “documents” in the requests below should be construed broadly, and it refers to any material or record, whether in letter or electronic form, including, but not limited to, memoranda, interoffice memoranda, lists, reports, directives, correspondence, data, statistics, spreadsheets, text messages, instant messages and instant message logs, emails, formal or informal policy statements, and internal guidelines.

3. For purposes of the following requests the phrase “Tier III terrorist organization grounds of inadmissibility” means the ground of inadmissibility under INA § 212(a)(3)(B)

related to terrorist organizations defined under INA § 212(a)(3)(B)(vi)(III), and the phrase “Tier III terrorist organizations” means groups or organizations identified under the authority of INA § 212(a)(3)(B)(vi)(III) whether referred to by any other name, including but not limited to, “Tier III terrorist groups,” “Terrorist groups or organizations under INA § 212(a)(3)(B)(vi)(III),” “Tier III groups or organizations” or “undesigned terrorist groups or organizations.”

4. Where the requested documents exist in electronic form, NIJC only seeks electronic copies of such documents, including metadata and in the format provided by the protocol adopted by the Court in *Nat'l Day Laborer Org. Network v. United States Immigrations and Customs Enforcement Agency*, No. 10 Civ. 3488, Rec. Docs. 40-41 & 50 (S.D.N.Y. Feb. 7, 2011). That protocol adopted by the Court is expressly incorporated herein.

5. These requests are directed at DHS itself, as well as other subcomponents, namely USCIS and ICE. We have consolidated these requests for the Agency's convenience given the Agency's prior handling of other requests. Each of the specific requests, however, should be treated as an independent and separate request. Many of these requests seek specifically identified documents that the Agency should be able to promptly duplicate and produce in a short amount of time and at little or no cost to the Agency.

6. To the extent the Agency denies the requests for fee waivers and believes search fees or duplication fees can be assessed, each and every individual request listed below should be deemed as an independent FOIA request, and the estimated search or duplication fees, if any, shall be provided for each specific request.

7. If the Agency determines that any fees are properly chargeable for these requests, NIJC will pay such fees up to \$250 without waiver of its right to challenge any adverse determination regarding NIJC's request for a fee waiver or NIJC's status as a representative of the news media. To the extent the fees incurred will exceed \$250, please provide us with advance notice before incurring any fees in excess of \$250. NIJC expressly reserves the right to seek to recoup any fees paid.

8. NIJC is seeking expedited processing of these requests as set forth below. To the extent that the request for expedited processing is denied, please provide a detailed explanation of the basis for that denial as required by 6 C.F.R. § 5.6(c). Please provide the Agency's decision regarding the request for expedited processing within 10 calendar days as required by 5 U.S.C. § 552(a)(6)(E)(ii)(I) and 6 C.F.R. § 5.5(d)(4). The failure to provide such response in 10 days results in a waiver of the right to assess search fees and, because NIJC is a representative of the news media, duplication fees. 5 U.S.C. § 552(a)(4)(A)(viii).

9. Please provide a prompt response to these requests within 20 business days as required by 5 U.S.C. § 552(a)(6)(A)(i). If the Agency invokes “unusual circumstances” under 5 U.S.C. § 552(a)(6)(B), please specify the date, within 10 additional working days of the end of the original 20 working day period, upon which a determination is expected to be dispatched. Additionally, please provide specific factual details regarding the nature of the “unusual circumstances,” and not merely conclusory assertions. For example, if the Agency relies upon the definition of unusual circumstances provided under Section 552(a)(6)(B)(iii)(III), please identify the other agencies with which the Agency believes consultation is required, the nature of the consultation the Agency believes is required, and the Agency’s basis for asserting that said agency has “substantial subject-matter interest” with regard to the requests.

10. The documents sought by the following requests are non-exempt. To the extent that the Agency deems any of the requested documents as exempt, please provide a detailed statement of the reasons for withholding any such documents, and a synopsis of the records which have not been released. It is arbitrary conduct to withhold documents that are clearly not covered by the exemptions, and such arbitrary withholding would be contrary to the Agency’s best interests in light of the public policy of the Act and the sanctions for punishing agency officials who arbitrarily withhold documents.

11. To the extent the Agency believes that it is not legally obligated to make the disclosure of any of the documents sought herein, NIJC respectfully requests that the Agency make such disclosures as a matter of its discretion given the important public interest in these documents and the important mission and purpose that NIJC represents.

12. If a certification is required or necessary, by signing this letter, the undersigned certifies that the information contained herein, including the facts and statements made in support of all requests and the requests for a fee waiver and expedited processing, are true and correct to the best of his knowledge, and that the information and documents requested are not sought for a commercial purpose. The undersigned certifies the same under penalties of perjury.

13. We do not seek copies of any documents that are already publicly available, if the Agency identifies where such documents can be located.

14. Unless otherwise indicated below, the time period covered by these requests extends from January 1, 2004 to the present.

## II. Specific Requests.

1. Documents related to lists of Tier III terrorist organizations:
  - A. A copy of the list of Tier III terrorist organizations kept by USCIS as referred to in *Ahmed v. Scharfen*, No. 08-1680, 2009 U.S. Dist. LEXIS 591, at \*21 (N.D. Cal. Jan. 7, 2009), as it existed on December 15, 2008 when the government's counsel represented to the Court that such a list existed.
  - B. A copy of each subsequent list of Tier III terrorist organizations kept by USCIS after the list referenced in *Ahmed v. Scharfen*.
  - C. All documents produced by the USCIS, DHS, or any other subcomponent of DHS in *Ahmed v. Scharfen*, No. 08-1680 (N.D. Cal.), *not* including documents that specifically relate only to Plaintiff Saeed Ahmed.
  - D. Any documents listing or describing organizations which have been designated Tier III terrorist organizations but which have yet to be used as a basis of inadmissibility against an applicant.
2. All internal reports, memoranda, studies, analyses, policy statements, policy manuals, guides, training materials, or communications, including email, that discuss:
  - A. the Tier III terrorist organization ground of inadmissibility
  - B. the use of the Tier III terrorist organization ground of inadmissibility
  - C. the interpretation or implementation of the Tier III terrorist ground of inadmissibility
  - D. the criteria for determining whether to classify an organization as a Tier III terrorist organization ground of inadmissibility
  - E. a justification or reason for applying the Tier III terrorist organization ground of inadmissibility.

This includes, but is not limited to, the June 1, 2007 Interoffice Memorandum sent by Joseph E. Langlois, Chief, Asylum Division, Office of Refugee, Asylum, and International Operations.

3. A copy of the "general index of the records" required by 5 U.S.C. § 552(a)(2)(E).
4. A copy of any index or indices of documents that contains a title, heading, category, or subcategory that includes documents relating to Tier III terrorist organizations or the Tier III terrorist organization grounds of inadmissibility.
5. Documents related to the Consolidated Appropriations Act of 2008, Act Dec. 26, 2007, P.L. 110-161, Div J, Title VI, § 691(e), 121 Stat. 2365 ("CAA of 2008"):
  - A. Copies of all non-classified portions of each and every report on duress waivers required by the CAA of 2008.
  - B. To the extent any portions of any report on duress waivers is being excluded from the foregoing request on the basis that those portions are classified, copies of

documents demonstrating the basis for such classification under Executive Order 13526 and 32 C.F.R. 2001.1, *et seq.*

- C. Any documents, communications, or emails relating to each report on duress waivers required by the CAA of 2008.
- D. Copies of all reports, spreadsheets, memoranda, or other documents providing statistical information regarding “cases considered for and granted exemptions in order for USCIS to comply with Congressional reporting requirements” as set forth in the Interoffice Memorandum dated July 28, 2008, from Michael Aytes to Associate Directors, et. al., (70/21.1.9).

6. Any documents demonstrating that only employees, officers, or officials of DHS, USCIS, or ICE that have classified or security status have been provided with access to the list of Tier III terrorist organizations or other allegedly classified information regarding the Tier III terrorist organization grounds of inadmissibility.

7. Copies of any other FOIA requests received seeking information regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE while they were so employed.

8. All statements of policy and interpretations that have been adopted by the agency and are not published in the Federal Register relating to Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations.

9. All administrative staff manuals and instructions to staff that affect a member of the public relating to Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations.

10. Copies of any list or index describing statements of policy and interpretations that have been adopted by the Agency and are not published in the Federal Register, and administrative staff manuals and instructions to staff that affect a member of the public created by or in the possession of the Agency, regardless of subject matter.

11. If any documents have been distributed to any individuals or groups outside the United States government that reflect the names of any groups or organizations that have been listed as Tier III terrorist organizations, please provide all communications with those groups or individuals with regard to those documents. If DHS has a policy with regard to the distribution of documents related to Tier III terrorist organizations, including a policy of when to release to foreign governments, please provide a copy of that policy.

12. Documents related to the process by which Tier III terrorist organizations are defined:

- A. Any documents identifying or relating to the research methods or sources permitted, prohibited, or actually relied upon in order to gain the information necessary to determine whether an organization satisfies the definition of a Tier

- III terrorist organization, including any materials citing sources by name (including, but not limited to, websites) or those concerning the criteria to be used in determining whether a source should be relied upon in deciding whether an organization should be classified as a Tier III terrorist organization.
- B. Any documents specifically identifying or describing the persons with authority to designate an organization or group as a Tier III terrorist organization.
  - C. Any documents which provide substantive or procedural guidance relating to the designation of an organization as a Tier III terrorist organization, including any documents relating to how a designation is officially recorded or logged.
  - D. Any documents describing or relating to whether or how a decision to classify an organization as a Tier III terrorist organization is reviewed.
  - E. Any documents listing, identifying or describing who is responsible for reviewing, overturning, or rejecting the classification of individual organizations as Tier III terrorist organizations.
  - F. Any documents detailing or relating to total or average length of time spent in the process of determining whether an organization constitutes a Tier III terrorist organization.
  - G. Any documents detailing or relating to total or average cost or expense incurred in the process of determining whether an organization constitutes a Tier III terrorist organization.
  - H. Any documents regarding the amount of deference that is or should be given to a previous designation of a group as a Tier III terrorist organization.
13. Any documents reflecting the total number of occasions when the Tier III terrorist organization grounds of inadmissibility has been raised, including any documents reflecting or relating to the number of occasions or frequency with which each service center, local office, or DHS-ICE Office of Chief Counsel has raised the Tier III terrorist organization grounds of inadmissibility.
14. All completed 212(a)(3)(B) Exemption Worksheets (as promulgated in the Interoffice Memorandum dated July 28, 2008, from Michael Aytes to Associate Directors, et. al.), as well as any documents concerning the completion and submission of these worksheets, including but not limited to, instructional materials, memoranda, lists, reports, directives, correspondence, data, statistics, or internal guidelines, whether in letter or electronic form.
15. Copies of any reports, memoranda, spreadsheets, or other documents provided by the Agency to any Congressional committee, including the House and Senate Judiciary Committees, or any members or staff thereof, regarding Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations.
16. All documents, communications, and emails between DHS, USCIS, and ICE, and any member of the United States Congress, including both elected Representatives, Senators, their staff, and any committees or subcommittees specifically discussing or referencing the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations.

17. All documents demonstrating that each and every organization or group listed, defined, labeled or described as a Tier III terrorist organization by DHS, USCIS, or ICE has in fact engaged in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv) of that Section.

18. Documents related to Senate Hearing 109-918, Aiding Terrorists: An Examination of the Material Support Statute, May 5, 2004 (“Senate Hearing 109-918”):

- A. Any lists, index, or indices of the documents provided to the Committee on the Judiciary of the United States Senate, any Senator on the Committee or the staff of any Senator on the Committee relating to Senate Hearing 109-918.
- B. Copies of all documents provided to the Committee on the Judiciary of the United States Senate, any Senator on the Committee or the staff of any Senator on the Committee relating to Senate Hearing 109-918 regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations.

19. Any email, report, or communication from any DHS, USCIS, ICE, OIG or other DHS subcomponent employee, official, or officer, related to the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE.

20. All documents associated with any investigation or inquiry deemed to be entitled to whistleblower protection or falling under the No FEAR Act, or other similar non-retaliation statute, policy or practice, regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE.

21. All documents listing employees, officers, or officials of DHS, USCIS, or ICE that have been fired, terminated, laid off, or who voluntarily left their employment, who would have had knowledge regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations policies, procedures, practices, or customs adopted or used by DHS, USCIS, or ICE while they were so employed.

22. All documents or communications between the DHS Office of Chief Counsel or the ICE Office of Chief Counsel and USCIS service centers or local offices regarding the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations.

23. Any correspondence, including emails and interoffice memoranda, between DHS and any other representative of the United States Government (*e.g.*, other federal agencies, Members of Congress, etc.) and between DHS and any person or entity other than a representative of the United States Government (*e.g.*, private citizens, private companies, foreign citizens, foreign governments) regarding the substantive criteria or procedural guidelines used to determine whether an organization constitutes a Tier III terrorist organization.



24. Any documents relating to communication with the media concerning the Tier III terrorist organization grounds of inadmissibility or Tier III terrorist organizations, including internal communications regarding media inquiries.

25. To the extent the Agency invokes “unusual circumstances,” under Section 552(a)(6)(B)(iii)(III) in response to these requests, all documents, including, but not limited to, emails and communications, between the Agency and any other subcomponent or agency relating to these requests.

26. To the extent the Agency cites a backlog of FOIA requests to attempt to justify a delay in processing these requests, all documents demonstrating the Agency is making reasonable progress in reducing its backlog of pending requests, and the Agency’s specific efforts in that regard.

If any of these requests are denied in whole or in part, please provide reasons for the denial by reference to specific exemptions from disclosure in the Freedom of Information Act. Please also release all segregable portions of otherwise exempt material.

### **III. NIJC Qualifies as a Representative of the News Media.**

NIJC qualifies as “a representative of the news media” under 5 U.S.C. § 552(a)(4)(A)(ii)(II)-(III) and 6 C.F.R. § 5.11(b)(6). Under this statutory exemption, “fees shall be limited to reasonable standard charges for document duplication,” and search fees may *not* be assessed against a representative of the news media. DHS’s own regulations provide for a broad definition of who qualifies as a representative of the news media. 6 C.F.R. § 5.11(b)(6) (defining representative of the news media as “any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.”)

The 2007 amendments to FOIA greatly expanded the definition of a representative of news media, so that alternative methods of news delivery, such as the electronic dissemination of newspapers, can also be considered news-media entities.<sup>2</sup> 5 U.S.C. § 552(a)(4)(A)(ii)(III). Moreover, the 2007 amendments expressly adopted the D.C. Circuit’s language in *Nat’l Sec. Archive v. U.S. Dep’t. of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989), in which the District Court of Appeals for the District of Columbia had explained that the phrase “representative of the news media” was to be broadly interpreted to include *any* 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

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<sup>2</sup> Contrary to the DHS’s regulations, other agencies have properly updated their representative of the news media regulations. For example, the Department of Defense regulations state that “as traditional methods of news delivery evolve (*e.g.*, electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category.” 32 C.F.R. § 286.28(e)(7)(i).

work, and distributes that work to an audience.” *Compare* 5 U.S.C. § 552(a)(4)(A)(ii), with 880 F.2d at 1387. DHS itself has acknowledged that the definition of “alternative media” includes those organizations providing a “distinct work,” which is precisely what NIJC intends to do with the information. Interoffice Memorandum dated Feb. 5, 2008, from Hugo Teufel III and Julie Dunne to DHS FOIA Officers and Counselors.

Furthermore, courts have routinely held that organizations similar to the NIJC qualify as representatives of the news media. *See, e.g., Media Access Project v. F.C.C.*, 883 F.2d 1063, 1070 (D.C. Cir. 1989) (People for the American Way and Union of Concerned Scientists qualified for preferred status as representatives of the news media due to their “regular publication of a newsletter or periodical”); *Elec. Privacy Info. Ctr. v. U.S. Dep’t of Def.*, 241 F. Supp. 2d 5, 9 (D.D.C. 2003) (non-profit organization that publishes a biweekly electronic newsletter qualified as a representative of the news media under Department of Defense regulatory language identical to DHS regulation); *Hosp. and Physician Publ’g*, 1999 WL 33582100, at \*3-4 (publisher of manuals and books for the medical industry with an expressed intention to begin gathering news for dissemination, with no commitment from a news media publication and no previous history of publication, qualified as a representative of the news media since the “key is that [requester] *intends to disseminate the information*”) (emphasis added). Likewise, the Office of Management and Budget has explained that publishers of newsletters are included within the definition of “representative of news media.” 52 Fed. Reg. 10012-01, 10014 (Mar. 27, 1987).

Even before the 2007 amendments greatly expanded the scope of organizations that qualify as representatives of the news media, NIJC would have qualified as such. For years NIJC has taken a leading role in informing the public and community about important asylum law issues. For example, an August 2006 archived copy of the NIJC website shows that “NIJC is able to provide expert analysis and, in many cases, client stories and interviews to members of the press corps.” (Exhibit 1.) The page further reveals that NIJC was providing information to major news outlets such as the Chicago Sun-Times and Chicago Tribune, among others. NIJC distributes editorial content on a regular basis, including press releases, “Top Stories,” “Client Stories,” “Pro Bono Q&A,” and many other items and categories of editorial content that are published on NIJC’s website at <http://www.immigrantjustice.org/>. Additionally, NIJC has a mailing list of over 1,500 members, 1000 twitter followers, and over 400 facebook friends allowing the NIJC to disseminate these materials broadly through several forms of media. Thus, even under the pre-2007 expansion of this provision, NIJC qualified as a representative of the news media.

Furthermore, NIJC is publishing this FOIA letter on its website and will be providing updates and posting responsive documents on its website for use by the public, asylum lawyers,

and other members of the press. *See, e.g.*, <http://www.immigrantjustice.org/news/litigation/foia-abareportsrelease.html>. This fact alone demonstrates that NIJC qualifies as a representative of the news media. *See Ctr. for Public Integrity v. U.S. Dep't of Health and Human Servs.*, No. 06-1818(JDB), 2007 WL 2248071, at \*1, \*5-6 (D.D.C. Aug. 3, 2007) (non-profit organization qualified as representative of the news media when it demonstrated its intent to include the requested information in its newsletter, post the information on its website, and to serve as the basis for several press releases and articles explaining the actions of the government to the general public); *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (noting that “[t]he term ‘representative of the news media’ is broadly inclusive” and finding that this term includes an organization that maintains a website regularly disseminating information to the public).

Accordingly, NIJC qualifies as a representative of the news media under 5 U.S.C. § 552(a)(4)(A)(ii)(II)-(III).

#### **IV. Request for Fee Waiver.**

NIJC is also entitled to a fee waiver pursuant to 5 U.S.C. 552(a)(4)(A)(iii) and 6 CFR § 5.11(k) because these requests seek documents, the disclosure of which “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.” *Id.*

Congress intended the FOIA fee waiver provision to encourage “open and accountable government.” *Citizens for Responsibility and Ethics in Washington v. U.S. Dep't. of Educ.*, 593 F. Supp. 2d 261, 271 (D.D.C. 2009). Therefore, agencies should “apply the public-interest waiver liberally.” *Conklin v. United States*, 654 F. Supp. 1104, 1005 (D.Colo. 1987). DHS regulations clarify that fee waivers are appropriate if disclosure of the requested 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.” 6 CFR 5.11 § (k)(i) and 6 CFR § 5.11(k)(ii).

To determine whether the requested information satisfies the first requirement, DHS has identified four relevant factors: (i) whether the subject of the request concerns “the operations or activities of the [federal] government;” (ii) whether the information is meaningfully informative about the operations or activities of the government such that its disclosure is “likely to contribute” to an understanding of such government functions; (iii) whether disclosure of the information will contribute to “public understanding,” meaning a reasonably broad audience of interested persons beyond just the requester; and (iv) whether the disclosure will “significantly” increase public understanding of government operations or activities. 6 CFR § 5.11(k)(2)(i)-(iv).

To determine whether the request satisfies the second requirement, DHS has identified two concerns: (i) whether the requester has a commercial interest that would be furthered by the requested disclosure and (ii) whether the public interest in disclosure is greater in magnitude than any identified commercial interest of the requester. 6 CFR § 5.11(k)(3)(i)-(ii).

NIJC's request satisfies all of these requirements, as discussed in further detail below.<sup>3</sup>

### **1. The Subject Directly Concerns the Operations of the Federal Government.**

NIJC's request seeks information relating to the interpretation and implementation of a statutory authority directly exercised by DHS. This request concerns DHS's application of a statute concerning the presence of potential terrorists in the United States, which relates to the primary mission of DHS. *See* Homeland Security Act of 2002, 6 U.S.C. § 111(A)-(B) (2004). The request thus pertains directly to the operations and activities of a government agency.

### **2. The Informative Value Will Contribute to an Understanding of Government Activities.**

The key inquiry with respect to a FOIA fee waiver request is whether “dissemination of the requested information is likely to contribute significantly to citizens' understanding of the workings of their government.” *Citizens for Responsibility and Ethics in Washington v. U.S. Dep't. of Educ.*, 593 F. Supp. 2d 261, 270 (D.D.C. 2009). When evaluating this factor, fee waiver requests should be examined “in light of the identity and objectives of the requester, the scope of the requester's proposed dissemination, and the requester's capacity to disseminate the requested information.” *D.C. Technical Assistance Org., Inc. v. U.S. Dep't. of Housing and Urban Dev.*, 85 F. Supp. 2d 46, 48-49 (D.D.C. 2000).

NIJC's request meets this element of the fee waiver inquiry for many of the same reasons as it met the first factor. NIJC's request seeks information related to DHS's interpretation and implementation of INA § 212(a)(3)(B)(vi)(III), including how the agency conducts research regarding a potential Tier III terrorist organization, how the agency determines that a group constitutes a Tier III terrorist organization, how this information is shared among the various subcomponents of DHS, and how the agency reviews a determination that a group constitutes a

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<sup>3</sup> Before making an adverse determination regarding fee waiver, the Agency should seek additional information from the applicant. *Judicial Watch, Inc. v. Gen. Servs. Admin.*, No. Civ.A 98-2223(RMU), 2000 WL 35538030, at \*4 (D.D.C. Sept. 25, 2000). Thus, if the Agency's initial assessment is to deny this fee waiver, which NIJC strongly asserts would be improper and in error, the Agency should first seek additional information from NIJC before reaching such an adverse determination.

Tier III terrorist organization. By revealing substantive and procedural information related to the application of INA § 212(a)(3)(B)(vi)(III), the results of this request will contribute significantly to citizens' understanding of the workings of DHS and its subcomponents.

Questions of immigration, and the manner in which the government regulates immigration, are at the heart of this nation: "ours is a nation of immigrants. The strength and uniqueness of this country depend in large part on the steady influx of strangers who bring with them different outlooks, a willingness to work, and new ideas." *Sandoval v. Reno*, No. CIV 97-7298, 1997 WL 839465, at \*13 (E.D.P.A. Dec. 30, 1997).

For much of our nation's history, those seeking religious toleration, political freedom and economic opportunity have been freely received. This trend of unrivaled openness and acceptance continues. . . This country has grown and prospered in a climate of constant refreshment by the introduction into our midst of adventurous spirits willing to leave the security and predictability of what they knew in their lands and rulers they adjured for the hope of full equality of rights and opportunities within our borders. . . Our treatment of aliens is rooted deeply in the fertile soil of constitutional and statutory design. . . If we are not a "melting pot," it is generally true that we have at least constitutionally offered full integration to all citizens and residents, providing open access to our social, political, technological and economic structures.

*Mojica v. Reno*, 970 F. Supp. 130, 143 (E.D.N.Y. 1997) (quotation and citations omitted).

Once NIJC obtains information responsive to its requests, it intends to analyze and share this information with the public through memoranda, reports, or press releases, and disseminate any documents it acquires from this request to the public via the news media or directly to its members. NIJC is able to easily disseminate this information to the public through its website. *See D.C. Technical Assistance*, 85 F. Supp. 2d at 49 (noting that "[i]n this Information Age, technology has made it possible for almost anyone to fulfill this requirement." *See also Federal CURE v. Lappin*, 602 F. Supp. 2d 197, 203 (D.D.C. 2009) ("Liberally construing the fee waiver requirements in the favor of the requester as it must, the Court finds that FedCURE's website, newsletter and chat room are an adequate means of disseminating information. . . .").

### **3. This Information Will Contribute to the Understanding of a Broad Audience.**

The requirement that the requested information contribute to the understanding of a broad audience seeks to ensure that the requested information will be disseminated to an audience

greater than the requester alone. When determining whether the requester has met this requirement, the requester's expertise in the subject area and ability and intention to effectively convey information to the public shall be considered. 6 CFR § 5.11(k)(2)(iii). Moreover, courts have repeatedly held that the requested information need not literally reach a broad cross-section of the public to benefit the "public at large." *See, e.g., Carney v. U.S. Dep't. of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994) (doctoral student seeking records to use in his dissertation, scholarly articles, college classes, panels and in a tentative book benefits the public at large even though aimed at a narrow audience of interested scholars); *Judicial Watch, Inc. v. Gen. Servs. Admin.*, No. Civ.A 98-2223(RMU), 2000 WL 35538030, at \*7 (D.D.C. Sept. 25, 2000).

NIJC is a non-profit organization which advocates for immigrants through direct legal services, advocacy campaigns aimed at policy reform, and public education. NIJC facilitates legal services for more than 7,500 non-citizens each year. Many of these non-citizens are directly affected by INA 212(a)(3)(B)(vi)(III). Additionally, NIJC's expertise is reflected in the training and guidance it provides for approximately 1,000 pro bono attorneys representing non-citizens through NIJC's *pro bono* projects. Consequently, any information received by NIJC would be incorporated into the organization's work and disseminated to a large audience.

Furthermore, upon receiving the requested records, NIJC will post them on its website, thereby disseminating this information to the public at large, including other members of the media who can then further disseminate the information through additional reports and articles. NIJC will also issue several press releases and post documents on its website, and ask employees to appear on radio and television to discuss these matters. DHS should consider NIJC's track record and reputation for disseminating information to the public. *See Federal Cure*, 602 F. Supp. 2d at 204-05 ("The information provided regarding the activity on its chat site and website, coupled with the estimated subscriber base who receive its newsletter . . . presents a strong case for treating FedCURE's dissemination efforts as an effective means of distributing the requested information to a broad group of interested persons."); *Judicial Watch*, 2000 WL 35538030, at \*8-9 (holding that disclosure would benefit the public at large as Judicial Watch, an organization whose stated business was publicizing potential governmental impropriety, set forth a list of methods it customarily uses to disseminate information. Moreover, "A website, after all, is readily accessible from anywhere in the country and can be designed to allow easy navigation through voluminous quantities of information.").

#### **4. This Information Will Significantly Increase Public Understanding.**

When determining whether the requested information will significantly increase public understanding, the availability of the requested information must be considered. *Federal Cure*, 602 F. Supp. 2d at 206. In addition, the requester can satisfy this requirement when it desires to

make information with no “existing ‘threshold level of public dissemination’” publicly available. *Id.* at 206-07 (quoting *Campbell v. U.S. Dep’t of Justice*, 164 F.3d 20, 36 (D.C. Cir. 1999)).

Currently, the information requested regarding INA § 212(a)(3)(B)(vi)(III) is not available publicly in any form, and the public has no access to it. DHS has not made public any information regarding the substantive criteria or procedural means used to label a group a Tier III terrorist organization. As a result, there is significant public confusion surrounding the application of INA § 212(a)(3)(B)(vi)(III), as demonstrated by the numerous articles in the media regarding the Tier III terrorism bar. *See, e.g.*, Mark Brown, *Immigrant Still in Jail, Even Though Judge Let Him Go Free*, Chicago Sun-Times, Mar. 20, 2007, at 02; Karen DeYoung, *U.S. to Stop Green Card Denials for Dissidents*, Wash. Post, Mar. 27, 2008, at A01; Elizabeth Dwoskin, *Freedom Fighter or Terrorist? The US Can’t Decide About Bangladeshi Immigrant Sachin Karmakar*, Editorial, *Iraqis Who Risked All Deserve Better*, Miami Herald, Mar. 27, 2008, at A22; Anna Husarska, *Exile Off Main Street: Refugees and America’s Ingratitude*, World Affairs, June 22, 2008, at 89(9); Felicia Persaud, *Legitimate Refugees Treated Like ‘Terrorists,’ Says Report*, New York Amsterdam News, Nov. 26 - Dec. 2, 2009, at 14; N.C. Aizenman, *U.S. Antiterrorism Laws Causing Immigration Delays for Refugees*, Wash. Post, Nov. 12, 2009, at A04.

By compiling this information, placing the data on its website, in its newsletter, and making it generally available to the public, the media, and attorneys, NIJC will substantially impact the public’s understanding of the Tier III “terrorism bar.” The disclosure of this information will be used to educate NIJC, members of the legal profession, members of academia, the news media, potential immigrants to the United States, and the general public, regarding the application of the Tier III terrorism bar.

If DHS standards indicate a particular concern with the disclosure of information that is already in the public domain and would thus add nothing new to the public’s understanding, 6 CFR § 5.11(k)(2)(ii), NIJC’s request specifically notes that information already made available to the public **not** be included in responsive materials.

**5. NIJC is a Non-Profit Interest Group Dedicated to Immigrant Rights and is Not Seeking These Documents for Commercial Use.**

NIJC does not have a commercial interest in the disclosure of the requested information. 6 C.F.R. § 5.11(k)(3)(i). The term “commercial” means information that “relates to commerce, trade, or profit.” *Judicial Watch, Inc. v. Gen. Servs. Admin.*, No. Civ.A 98-2223(RMU), 2000 WL 35538030, at \*5 (D.D.C. Sept. 25, 2000). NIJC is a not-for-profit organization that is part of Heartland Alliance for Human Needs and Human Rights, a publicly supported, 501(3)(c) organization. Therefore, it has no “commercial, trade, or profit interests.” Likewise, all outside

attorneys recruited, trained, and supported by NIJC only represent NIJC clients on a *pro bono* basis and their work does not result in any commercial gain for them or NIJC.

Moreover, because NIJC does not have a commercial interest in the disclosure of the requested information, there is no need to consider whether the public interest in disclosure is greater in magnitude than any identified commercial interest of the requestor. 6 C.F.R. § 5.11(k)(3)(ii). Even if NIJC is found to have some kind of commercial interest in the advancement of immigration litigation, the public benefit that will result from the disclosure of the requested information is significantly greater, for the reasons previously set forth. NIJC's request for fee waivers thus satisfies the criteria set out in 6 C.F.R. § 5.11(k).

#### **V. Request for Expedited Processing.**

Pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 6 C.F.R. § 5.5(d)(1)(ii), a FOIA request merits expedited processing if it involves “[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information,” and thus a “compelling need” for the documents sought. By signing this letter, we certify that the following is true and correct to the best of our knowledge based upon a reasonable inquiry into the same.

#### **1. Request for Expedited Processing Pursuant to 6 C.F.R. § 5.5(d)(ii).**

##### **A. There is an urgency and hence compelling need to inform the public about this issue.**

This determination hinges on three factors: (1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity. *American Civil Liberties Union, et al. v. U.S. Dept. of Justice*, 321 F. Supp. 2d 24, 29 (D.D.C. 2004). As discussed *supra* pages 12-13, the request concerns federal government activity.

This request involves a matter of current exigency. There is significant concern and debate regarding the effect that overbroad laws intended to protect the United States from terrorists are having on innocent individuals. As discussed *supra* pages 14-15, numerous newspaper articles evidence widespread public concern over these issues; a relevant factor that courts have previously considered when analyzing a request for expedited processing. *Am. Civil Liberties Union*, 321 F. Supp. at 29-30. The Agency itself recognizes that these requests seek information regarding topics that satisfy these criteria and has published numerous materials



regarding these topics on its website. These publications demonstrate the Agency recognizes that these issues are important matters of public concern.

In addition, a failure to grant expedited processing will compromise the interests of thousands of people. As of September 2009, USCIS had over 7,000 applications on hold because it believes that the applicants may be inadmissible under INA § 212(a)(3)(B)(vi)(III)—also known as the “terrorism bars.”<sup>4</sup> These applications include individuals applying for asylum, as well as asylees and refugees who are applying to bring family members to the United States or to obtain permanent resident status. In addition to the thousands of applications on hold with USCIS, there are also thousands of other asylum applicants nationwide who have had the terrorism bar asserted against them in removal proceedings.<sup>5</sup> NIJC alone has over 25 clients who have had a terrorism bar asserted against them by USCIS or in removal proceedings.

Generally, when USCIS believes that an applicant for an immigration benefit may face a ground of inadmissibility, USCIS will notify the applicant and issue a Request for Evidence, asking that the applicant supply USCIS with specific documentation to establish that she or he is not inadmissible. In contrast, when USCIS informs an applicant that she or he may face a terrorism bar for involvement in activity related to a “Tier III terrorist organization” under INA § 212(a)(3)(B)(vi)(III), USCIS does not request additional documentation which would assist in adjudicating the application. Instead, applicants and their attorneys are left with no information regarding the specific bar USCIS believes may apply or the process by which the applicant can refute the bar.

In addition, on two separate occasions, USCIS has applied the bar to a number of asylees and refugees and, without warning, rejected their applications or issued notices of intent to terminate asylee status.<sup>6</sup> Then, after public outcry, USCIS reopened all the rejected applications and rescinded the notices of intent to terminate.<sup>7</sup> Such actions indicate that DHS subcomponents are confused about the procedural and substantive elements of the Tier III terrorism bar and likely received guidance from DHS following the issuance of the initial rejection and notices. This FOIA request seeks access to that correspondence so that asylum seekers, asylees, and refugees who face Tier III terrorism bar charges can defend against the charges and their attorneys can effectively advise and represent them.

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<sup>4</sup> See Human Rights First, *Denial and Delay: The Impact of the Immigration Law’s “Terrorism Bars” on Asylum Seekers and Refugees in the United States*, p. 49 (2009) [hereinafter *Denial and Delay*], available at: <http://www.humanrightsfirst.info/pdf/RPP-DenialandDelay-FULL-111009-web.pdf>.

<sup>5</sup> *Id.* at 58.

<sup>6</sup> *Id.* at 44-45, 53-54.

<sup>7</sup> *Id.* at 44-45, 53-54.

Furthermore, many of the cases in which USCIS or ICE has asserted a Tier III terrorism bar involve an asylum seeker, refugee, or asylee who has allegedly provided material support to a Tier III terrorist organization. Testimony before the U.S. Senate in 2007 reveals the Administration had “worked tirelessly, on an interagency basis, to exercise and implement” the discretionary authority to not apply the material support provision in particular cases.<sup>8</sup> However, very little information has been released to the public to explain the processes or criteria used by these agencies to decide which groups merit an exemption from the Tier III terrorism/material support bar. Without more information about the inter- and intra-agency communication regarding the implementation of the Tier III terrorism bar, individuals facing the bar have no way of knowing what criteria USCIS values in its exemption decisions and cannot challenge the process if USCIS denies an exemption. This can result in asylum seekers, refugees and asylees, who should be entitled to an exemption, being returned to persecution in their home countries in direct violation of U.S. law.

The information requested through this FOIA request all relates to bars of asylum and other protection-based relief. Ensuring an individual’s right to fair and adequate consideration of a claim to relief, where the denial of relief could lead to serious harm or death, is an urgent concern.<sup>9</sup> DHS has admitted that the terrorism bars may be misapplied to individuals who Congress did not intend to affect and that it is working with other agencies to ensure the bars are appropriately applied.<sup>10</sup> However, as DHS has released very little information regarding the implementation of the Tier III terrorism bars, it is currently unclear which agency or sub-component is ultimately responsible and accountable for the current failures regarding the application of INA § 212(a)(3)(B)(vi)(III), including USCIS’s backlog of 7,000 cases. It is critical that the public receive more information immediately regarding DHS’s interpretation and implementation of the Tier III terrorism bar to ensure that that Agency is applying the statute in conformity with Congressional intent and to protect the asylum seekers, refugees, asylees and their families, whose lives are placed at risk because of the bar. This FOIA request thus involves an issue about which there is an urgency to inform the public and should be granted expedited processing.

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<sup>8</sup> *The “Material Support” Bar: Denying Refuge to the Persecuted? Before the Subcomm. on Human Rights and the Law of the S. Comm. on the Judiciary*, 110th Cong. (2007) (statement of Paul Rosenzweig, Deputy Assistant Secretary for Policy, U.S. Department of Homeland Security) [hereinafter Rosenzweig statement], available at:

[http://judiciary.senate.gov/hearings/testimony.cfm?id=2439&wit\\_id=6660](http://judiciary.senate.gov/hearings/testimony.cfm?id=2439&wit_id=6660)

<sup>9</sup> For more information on judicial notice of the potential usefulness of more government transparency regarding Tier III Terrorist Group designations, see *Ahmed v. Scharfen*, NO. 08-1680, 2009 U.S. Dist. LEXIS 591, at \*20-21 (N.D. Cal. Jan. 7, 2009).

<sup>10</sup> See Rosenzweig statement.

**B. The requester is a person primarily engaged in disseminating information.**

In order to qualify for expedited processing under 6 C.F.R. § 5.5(d)(1)(ii), information dissemination must be the requester's "main professional activity or occupation" but "need not be his or her sole occupation." 6 C.F.R. § 5.5(d)(3). As discussed at length above in the representative of the news media section and elsewhere, it is apparent that NIJC meets this element. One of the core missions of the NIJC is public education, which is largely achieved by disseminating information regarding immigration issues to the public, policy makers, attorneys, and immigrants. As such, information dissemination is NIJC's "main professional activity."

NIJC currently works with an active roster of over 1,000 *pro bono* attorneys to whom it provides on-going training, technical support, and advice regarding immigration law and policy. NIJC also conducts approximately 30 "Know Your Rights" presentations to immigrants in detention facilities throughout the Midwest each year. Lastly, NIJC publishes newsletters, policy briefs, and other informational materials for members of the legal profession, immigrants, and the public providing information about the immigration system and recent developments in law and policy. Consequently, this FOIA request satisfies the last requirement for expedited processing as NIJC is an organization primarily engaged in disseminating information.

**2. The lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.**

NIJC further requests expedited processing under 6 C.F.R. § 5.5(d)(1)(i) as the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.

As previously noted, very little information exists regarding the application of the Tier III terrorism bars. The confusion caused by this lack of information is often exacerbated when an asylee or refugee faces a Tier III terrorism bar for membership in the very same organizations that formed the basis of his or her successful asylum application. Without more information regarding the interpretation and implementation of the Tier III terrorism bars by USCIS and ICE Office of Chief Counsel, attorneys are unable to provide competent and effective counsel to clients, and pro se applicants are unable to respond to terrorism bar charges.

For many asylum seekers, asylees, refugees, and their families, this lack of information poses an imminent threat to their life or physical safety. Many asylum seekers across the country—including at least eight of NIJC's clients - have been charged with a Tier III terrorism bar under INA § 212(a)(3)(B)(vi)(III) while in removal proceedings. Without more information regarding the interpretation and implementation of the Tier III terrorism bars, these asylum seekers and their attorneys cannot effectively defend against the bar or properly seek an

exemption from the bar. If the immigration judge applies the terrorism bar to an asylum seeker, that individual faces imminent removal to a country where he or she will be tortured or killed.<sup>11</sup>

In addition, the spouses and children of the asylees and refugees whose 1-730 relative petitions are on hold because of a Tier III terrorism bar are forced to remain in the home country while they wait for USCIS to lift the hold on their petitions. Currently, 1-730 petitions comprise more than 1,000 of the 7,000 cases on hold at USCIS as a result of the terrorism bars. The indefinite separation caused by the Tier III terrorism bar threatens the mental and emotional well-being of all the family members. Furthermore, these spouses and children often live in hiding or in dangerous conditions in refugee camps as they wait for the chance to escape to the United States. They face imminent danger for the same reasons that their asylee or refugee relative fled to the United States. For example, the spouse of one of NIJC's clients was arrested and threatened by the police based on her husband's political activity and she and their children had to live in hiding and move residences every month to avoid detection by the government.

This FOIA request seeks information regarding whether and how DHS has attempted to ensure that the Tier III terrorism bar is being implemented consistently among CIS service centers and ICE Offices of Chief Counsel. Without consistent application of the bar and publicly available information regarding the application of the bar, asylum seekers, refugees, asylees and their attorneys are unable to respond to terrorism bar charges. This FOIA request also seeks information regarding DHS's correspondence with other individuals, agencies, and organizations about the bar. Making this correspondence public will allow asylum seekers, refugees, asylees and their attorneys the opportunity to meaningfully respond to terrorism bar charges and remove holds on 1-730 relative petitions or defend themselves in removal proceedings. Until this information is made available, asylum seekers in removal proceedings will continue to face removal to countries where they fear persecution and death, and the spouses and children of these asylees and refugees remain in serious danger in their home countries. The lack of expedited treatment for this FOIA request thus poses an imminent threat to the life or physical safety of these individuals.

For all the foregoing reasons, NIJC requests that DHS reconsider the request for expedited processing under either 6 C.F.R. § 5.5(d)(1)(i) or 6 C.F.R. § 5.5(d)(1)(ii). Finally, if this request is denied in whole or in part, please provide the reason(s) for the denial(s), pursuant to 6 C.F.R. § 5.6(c), so that any appeal can be focused on the alleged deficiency.

In accordance with 5 U.S.C. 522(a)(6)(E)(vi) and C.F.R. 5.5(d)(3), I certify that the above information pertaining to a request for expedited processing is true and correct to the best of my knowledge and belief.

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<sup>11</sup> See *Denial and Delay*, p. 58.

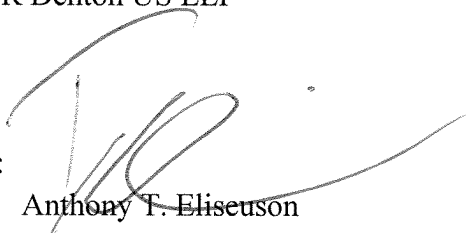
**VI. Conclusion**

Thank you for your prompt attention to this matter. Please feel free to contact me, or have your attorneys contact me, if you have any questions or concerns regarding these requests. My direct number is 312-876-3139 and my email address is anthony.eliseuson@snrdenton.com. We look forward to working with you, or your attorneys, to help the DHS provide information to the public regarding its practices and procedures, which ultimately will benefit not just the public, but the DHS itself.

Very truly yours,

SNR Denton US LLP

By:

  
Anthony T. Eliseuson

Enclosures

cc: Natalie J. Spears, Esq.  
Irina Dashevsky, Esq.

# **EXHIBIT 1**

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## Media & Advocacy

### Advocacy Issues

As the U.S. Congress debates comprehensive immigration reform legislation, NIJC is keeping its constituents abreast of key legislative developments and the impact that proposals would have on immigrants, refugees, and asylum seekers in the United States. For more information on this debate, including facts sheets and alerts, please visit NIJC's [homepage](#).

### Media Resources

Thanks to its direct legal services work and policy reform efforts, NIJC is able to provide expert analysis and, in many cases, client stories and interviews to members of the press corps. If you are a reporter and would like further information on local, regional, or national issues impacting immigrants, refugees, and asylum seekers, or for more information about NIJC, please call (312) 660-1326. Please see below for a listing of select NIJC press releases and published articles. *\*NOTE: Materials not produced by the National Immigrant Justice Center (or Midwest Immigrant & Human Rights Center) or Heartland Alliance should not be used without consent.*

[Jenner & Block Hosts Asylum Victory Reception for Ugandan Journalist](#)

[Chicago Sun-Times Ex-sex slave tells of escape to Chicago: Family threatened after Albanian woman fled her oppressors, July 30, 2006](#)

Ad for the National Immigrant Justice Center appearing in July 17, 2006 Edition of *Crain's Chicago Business*

[Press Release: Amidst Positive Changes in Pending Immigration Bill, Some Notes of Caution: Advocates and Asylees Speak Out on Detention and Due Process Concerns, April 3, 2006](#)

American Immigration Lawyers Association President-Elect and NIJC Leadership Council member and Advocacy Committee Chair Carlina Tapia-Ruano speaks out at an April 3, 2006 press conference on poison pill provisions of the Senate bill on immigration that would expand immigrant detention and strip courts of power.

NIJC Director Mary Meg McCarthy addresses members of the press on April 3 regarding the need for humane immigration reform that ensures access to justice and access to protection for immigrants, refugees, and asylum seekers in the United States. The Chicago press conference was one of seven held nationwide on detention and enforcement provisions of the Senate immigration bills.

[Press Release: Senate to Debate Immigration Reform Legislation: Committee Considers How to Fix a Broken System, February 27, 2006](#)

[Press Release: Chicago City Leaders Lobby for Immigration Reform in Washington, D.C., February 16, 2006](#)

[Press Release: Human Rights Group Sues Homeland Security to Release Public Documents on Immigrant Detention: Suit Filed as Senate Considers Expanded Detention of Immigrants and Asylum Seekers, March 17, 2006](#)

[Press Release: U.S. Government Denies Custody Review of Somali Refugee: U.N. Working Group Says Man Detained Arbitrarily For Three Years, July 17, 2005](#)

[Press Release: United Nations Denounces Unlawful Detention of Refugee: Madison, Wisconsin Resident Detained for Three Years, July 14, 2005](#)

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[Press Release: Comprehensive Immigration Reform Bill Calls For Improvements To A Broken System, May 12, 2005](#)

[Senator Durbin Speaks Out Against REAL ID on Senate Floor](#), Recognizes the work of Heartland Alliance, April 20, 2005

[Press Release: Human Rights Group Files Urgent Appeal to United Nations on Behalf of Somali Refugee, Urges U.S. to Uphold Freedom From Arbitrary Detention, January 21, 2005](#)

[Press Release: Supreme Court Rules in Favor of Haitian Immigrant, November 9, 2004](#)

[Press Release: Legal, but Undocumented: Immigrants Sue Department of Homeland Security for Taking Years to Print Green Cards, October 15, 2004](#)

[Chicago Tribune Reports on Asylum Cases in the Federal Courts, "Chicago Woman Gets New Hearing", April 18, 2005](#)

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