

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MUSLIM ADVOCATES, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF STATE, *et al.*,

Defendants.

Civil Action No. 18-1546 (TSC)

JOINT STATUS REPORT

Defendants, the United States Department of State (“DOS”), United States Department of Homeland Security (“DHS”), United States Customs and Border Protection (“CBP”), United States Citizenship and Immigration Services (“USCIS”) and Plaintiffs, Muslim Advocates and Center for Constitutional Rights (“CCR”), each by its undersigned counsel, submit this joint status report in this Freedom of Information Action in response to the Court’s Minute Order dated February 26, 2019.

Defendants provide the following updates regarding their responses to Plaintiffs’ FOIA requests.

a. DOS:

In addition to the productions identified in the previous Joint Status Reports, DOS made productions of non-exempt, responsive material to Plaintiffs on July 25, 2019, and August 26, 2019. DOS intends to continue providing rolling productions of non-exempt, responsive material to Plaintiffs at a monthly rate, with the next production on September 25, 2019.

b. USCIS:

USCIS has finished its search, and has completed its review of potentially responsive records. In addition to the earlier USCIS production of documents, USCIS has processed 304 pages itself and referred 2045 pages to DHS for review, which remains pending.

c. CBP materials:

CBP has concluded its search for responsive documents and has identified five pages of responsive documents; it released redacted versions of the responsive documents to Plaintiffs on February 5, 2019. Along with responsive records, CBP also provided to Plaintiffs a memorandum from a CBP official explaining the context and nature of the result of CBP's search for responsive records. Plaintiffs are currently reviewing CBP's production and memorandum and will report any issues with the production to the court at the next status report. Plaintiffs' counsel has asked CBP for some additional information about two redactions in the materials produced by CBP. Counsel for Defendants has responded to that inquiry and Plaintiff is considering the response.

DHS: As DHS has previously advised the Court, by email dated May 7, 2019, DHS advised Plaintiffs that it had reviewed 3,709 pages of which 595 pages were being released in full, 2,515 pages were withheld in full, 213 pages were withheld in part pursuant to FOIA exemptions (b)(5) and (b)(6), and 222 pages were determined to be duplicates or non-responsive. DHS further advised that part of the reviewed 3,709 pages contained other equities and therefore sent 27 pages to the Office of Inspector General (OIG) for review and direct response to Plaintiffs and 138 pages for consultation to other agencies. As to the consultations, DHS is still awaiting a response from two agencies, ICE and State. DHS is also still processing the documents referred by USCIS, totaling 2,346 pages, and at this juncture cannot estimate

when it will complete processing of this referral. DHS will seek to provide an estimate of time at the next Joint Status Report.

On September 6, 2019, Plaintiffs sought DHS' position on producing a *Vaughn* index for documents produced thus far that have been withheld and redacted. DHS has not yet reached a position on producing a *Vaughn* index.

The parties intend to consult again as productions proceed and propose that they file another joint status report on November 8, 2019, pursuant to the Court's Minute Order dated February 26, 2019.

Dated: September 9, 2019

Respectfully submitted,

/s/ Nimra H. Azmi

Nimra H. Azmi*

MUSLIM ADVOCATES

P.O. Box 34440

Washington, D.C. 20043

(202) 897-2564

nimra@muslimadvocates.org

JESSIE K. LIU, DC Bar #472845

United States Attorney

DANIEL F. VAN HORN, DC Bar #924092

Chief, Civil Division

Baher Azmy*

Diala Shamas*

CENTER FOR CONSTITUTIONAL
RIGHTS

666 Broadway, 7th Floor

New York, NY 10012

(212) 614-6426

dshamas@ccrjustice.org

By: _____/s/

W. MARK NEBEKER, DC Bar #396739

Assistant United States Attorney

555 4th Street, N.W.

Washington, DC 20530

(202) 252-2536

mark.nebeker@usdoj.gov

*admitted *pro hac vice*

Counsel for Plaintiffs

Counsel for Defendants