

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

MUSLIM ADVOCATES,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

Civil Action No. 1:17-cv-00820-DLF

JOINT STATUS REPORT

Pursuant to the Court’s Minute Order dated February 5, 2019, Plaintiff Muslim Advocates (“Plaintiff”) and Defendant the United States Department of Homeland Security (“Defendant” or “DHS”) submit the following Joint Status Report.

1. This matter involves Plaintiff’s request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, submitted to DHS on March 7, 2017. ECF No. 1, Ex. A. Plaintiff seeks from DHS, to include DHS components U.S. Customs and Border Protection (“CBP”) and the Transportation Security Administration (“TSA”):

1. Any and all records created on or after January 24, 2017 related to eligibility for Trusted Traveler Programs – including Global Entry, Nexus, SENTRI, and FAST – and TSA PreCheck, and the revocation and/or reinstatement of Trusted Traveler Program and TSA PreCheck memberships, including, but not limited to:

- a. Records related to CBP review of individual accounts for revocation or reinstatement of Trusted Traveler Program membership, pursuant to the review process described by a CBP spokesperson in a statement published in Skift’s February 18, 2017 article, “Muslim-American Travelers Are Quietly Having Global Entry Privileges Revoked”;
- b. Records related to CBP’s and TSA’s implementation of Executive Order [No. 13,769] with respect to Trusted Traveler Program and TSA PreCheck memberships;

- c. E-mail communications among, between, or cc'ing CBP personnel at Headquarters, Office of Field Operations, and/or Office of Intelligence, sent or received on or after January 24, 2017 containing any of the following words or terms: "Trusted Traveler," "Global Entry," "NEXUS," "SENTRI," or "FAST" AND any of the following additional words or terms: "executive order," "eligib!," "ineligib!," "qualif!," "revo!," "national security," "muslim," "arab," or "risk;"
- d. E-mail communications among, between, or cc'ing TSA personnel sent or received on or after January 24, 2017 containing any of the following words or terms: "PreCheck" or "Pre Check" AND any of the following additional words or terms: "executive order," "eligib!," "ineligib!," "qualif!," "revo!," "national security," "muslim," "arab," or "risk;"
- e. Records reflecting the number of individuals who had their Trusted Traveler Program or TSA PreCheck memberships revoked on or after January 27, 2017;
- f. Records reflecting the number of individuals who had their Trusted Traveler Program or TSA PreCheck memberships reinstated after being revoked on or after January 27, 2017;
- g. Records reflecting the number of individuals who had their Trusted Traveler Program or TSA PreCheck memberships revoked on or after October 1, 2016;

2. Any and all records created on or after February 27, 2017 that pertain to Executive Order [No. 13,780] and are otherwise responsive to Request 1 above; and

3. Any and all records created on or after February 27, 2017 regarding the development and implementation of guidance provided in the answer to question 14 in the March 6, 2017 DHS Office of Public Affairs document titled "Q&A: Protecting the Nation from Foreign Terrorist Entry to the United States," which addresses Executive Order [No. 13,780's] impact on Trusted Traveler Program membership.

2. As of October 5, 2018, the three DHS components that searched and processed records for Plaintiff's request—DHS-PRIV, CBP, and TSA—have provided Plaintiff with final productions of responsive, non-exempt records. Plaintiff has completed its review of those records, and the parties have conferred about documents that were withheld in full.

3. At this time, the parties have resolved their differences as to Defendant's search for and production of responsive records. The only remaining issue for the parties to resolve is possible attorneys' fees under the FOIA. The parties anticipate meeting and conferring about attorneys' fees within the next 30 days.

4. Accordingly, the parties propose filing a status report with the Court by April 5, 2019, to update the Court on the parties' anticipated course of action with respect to attorneys' fees.

Dated: March 6, 2019

Respectfully submitted,

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