



**LAWYERS FOR  
CIVIL RIGHTS  
BOSTON**



December 14, 2021

**Delivered by U.S. Mail and Email** ([FOIA@hq.dhs.gov](mailto:FOIA@hq.dhs.gov))

FOIA Officer

U.S. Customs and Border Protection

90 K Street, NE

FOIA Division

Washington, DC 20229

To Whom it May Concern:

Lawyers for Civil Rights (LCR) and the Florence Immigration & Refugee Rights Project (Florence Project) submit this request pursuant to the Freedom of Information Act, 5 U.S.C § 552, for public records in the custody of the U.S. Customs and Border Protection (CBP). We seek information about the adjudication of applications for humanitarian parole under section 212(d)(5) of the Immigration and Nationality Act for persons seeking entry into the United States. We seek records that were prepared, received, transmitted, collected, and/or maintained by CBP and its subsidiary components, U.S. Border Patrol (Border Patrol), Office of Field Operations (OFO), and all ports of entry in the state of Arizona.

## **I. Request for Information**

As used in this request, "public records" is defined as in the Freedom of Information Act (FOIA), including but not limited to, all communications, correspondence, directives, documents, data, emails, files, guidance, standards, instructions, analyses, memoranda, orders, policies, procedures, protocols, spreadsheets, and reports. As used in this request, "humanitarian parole" pertains only to those applications made by persons seeking entry into the United States, not those persons in Immigration and Customs Enforcement (ICE) custody seeking humanitarian parole to be released from custody. Unless otherwise stated, the period for which records are requested is January 1, 2016, to the present.

## **II. Statement Regarding Personally Identifiable Information**

Please note that Requesters do not seek the names of individuals or other personally identifiable information (PII). CBP should provide unique identifiers for individuals, if available. Otherwise, Requesters understand that the agency will redact any PII, including "A" numbers and names. If CBP withholds records based on its assessment that statutory exemptions apply to any of the records requested, please describe in detail the nature of the records withheld and

the specific exemption or privilege upon which the record is withheld. If any portion(s) of the requested records are determined to be exempt, please provide the non-exempt portions. U.S.C. §552(a)(8)(A)(ii)(II). Because this request is for information without PII, a third-party authorization is not required.

### **III. Records Requested**

1. All guidance, policies, and procedures regarding applications for humanitarian parole, including but not limited to:
  - Application requirements and process;
  - Application submission;
  - Procedure for prioritizing applications, or otherwise determining the order in which applications should be adjudicated;
  - Tracking of application status; and
  - Application adjudication and response;
  - Application adjudication processes, guidance, policies, directives, and formal memoranda
2. All documents containing the information requested in Request #1 that are used at ports of entry in the State of Arizona.
3. All written communications, directives, and guidance pertaining to adjudication of humanitarian parole applications, including but not limited to:
  - All communications to federal staff who adjudicate humanitarian parole applications.
  - All communications to Arizona port-of-entry staff who adjudicate humanitarian parole applications.
  - All communications between Arizona CBP agents and DHS pertaining to the adjudication of humanitarian parole applications.
4. All e-mail communications of CBP officials, staff, and agents resulting from a keyword search using the terms: “humanitarian parole,” “humanitarian parole approval,” “humanitarian reasons,” “humanitarian parole denial,” “humanitarian parole adjudications,” and “212(d)(5).”
5. All records indicating or reflecting the total number of humanitarian parole applications nationwide:
  - Pending at the time of this request;
  - Approved from January 1, 2016, to present; and
  - Denied from January 1, 2016, to present

6. All records indicating or reflecting the number of humanitarian parole applications filed in the State of Arizona that are:
  - Pending at the time of this request;
  - Approved from January 1, 2016, to present; and
  - Denied from January 1, 2016, to present;
7. All records indicating or reflecting the average processing time for humanitarian parole applications from filing to adjudication, both for the nation as a whole and for applications filed in the State of Arizona. If this information is not compiled at the state level, please respond specifically stating that this information is not tracked.
8. All records indicating or reflecting disaggregated data of humanitarian parole applications from 2016 to present, including but not limited to:
  - Applicant country of citizenship;
  - Sex;
  - Application approvals;
  - Application denials;
  - Year application was submitted; and
  - Year final determination was made.
9. All records indicating or reflecting which CBP offices within Arizona receive and process humanitarian parole applications. If this information is not compiled at the federal level, please respond specifically stating so.

If any requested information or data is not compiled, please respond specifically stating that this information is not tracked.

**The following requests pertain to individual humanitarian parole applications. As noted above, all PII should be redacted to preserve the privacy of the applicants.**

1. All applications to CBP for humanitarian parole, disclosing specifically:
  - Country of origin
  - Sex
  - Port of entry
  - Final determination of the application
2. All applications for humanitarian parole to CBP filed within the state of Arizona, disclosing specifically:
  - Country of origin
  - Sex
  - Port of entry
  - Application of final determination

#### **IV. The Information Requested is Not in the Commercial Interest of the Requesters**

Requesters seek a fee waiver because the information sought in the request 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 [requesters]...” 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k). As required by the Act, if the waiver is denied and you expect the fee to exceed \$25.00, please provide a detailed fee estimate. The purpose of this request is to gather information pertaining to humanitarian parole application adjudications, policy guidance of humanitarian parole application outcomes, and gather humanitarian parole application aggregated data, including but not limited to, sex, country of origin, demographic data, port of entry, and final determinations to further understand the humanitarian parole application and adjudication process. The requesters, LCR and the Florence Project, are non-profit organizations and have no commercial interest in the request. The Florence Project regularly represents and works with individuals at the border seeking humanitarian parole and is one of the only free legal services providers in the area providing that service. LCR works with communities of color and immigrants to fight discrimination and foster equity through pro bono services, legal advocacy, education, and economic empowerment.

#### **V. The Information Requested Must Be Provided in a Timely Manner within a Workable Format**

The Freedom of Information Act requires timely compliance with this request following receipt. Electronic versions in the native format of the requested documents are preferred. For documents which are not available in this format, please provide records electronically in a text-searchable, static-image format (PDF). Please also provide any data in a workable format such as Microsoft Excel. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request. If your response to any request, or any portion thereof, is to deny it, please set forth in writing specific reasons for such denial, including which specific exemption you believe applies.

If you have any questions about this request, please contact us by phone at (781) 627-5119 (LCR) or (520) 269-7153 (Florence Project), or by email at [swilson@lawyersforcivilrights.org](mailto:swilson@lawyersforcivilrights.org) or [lbelous@firrp.org](mailto:lbelous@firrp.org). Thank you for your time and prompt attention to this request.

Sincerely,

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