

April 18, 2023

**DELIVERED VIA MAIL**

U.S. Department of Justice  
Office of the General Counsel  
Attn: FOIA Service Center  
Executive Office of Immigration Review  
5107 Leesburg Pike, Suite 2150  
Falls Church, VA 22041

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

Centro Presente (“CP”) and Lawyers for Civil Rights (“LCR”) (collectively, the “Requesters”) submit this request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C § 552, *et seq.*, for public records in the custody of the U.S. Department of Justice’s (“DOJ”) Executive Office of Immigration Review (“EOIR”). This request has also been filed through the FOIA Online Portal.

**I. Request for Information**

The Requestors seek disclosure of records<sup>1</sup> that were created, prepared, received, transmitted, collected, and/or maintained by EOIR, regarding the total number and demographics of individuals inspected and processed at the southern border who communicated an intent to travel to Massachusetts. Unless otherwise stated, the period for which records are requested is January 1, 2022, 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). The Agencies should provide unique identifiers for individuals, if available. Otherwise, Requesters understand that the Agencies will redact any PII, including “A” numbers and names. If the Agencies 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). As this request is for information without PII, a third-party

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<sup>1</sup> As used in this request, “records” is defined as all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, emails, faxes, files, guidance, standards, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, spreadsheets, and reports.

authorization is not required.

### III. Records Requested

1. All records indicating or reflecting disaggregated data of individuals who submitted a change of address form (including but not limited to Form EOIR-33), to an address in Massachusetts from January 1, 2022 to the present, including but not limited to information regarding:
  - Individual’s country of citizenship;
  - Gender identity;
  - Marital status;
  - Age;
  - Previous U.S. address provided;
  - New U.S. address provided.

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

Requesters seek a fee waiver because the information sought in this 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). Additionally, materials obtained by Requesters will be available for dissemination for free including through their websites and vis-a-vis “know your rights” presentations to various immigration focused organizations throughout Massachusetts. *See Judicial Watch v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003) (concluding that a fee waiver was appropriate when the requester stated how and to whom it would disseminate the information it received).

Disclosure of the requested information will contribute significantly to public understanding of the humanitarian crisis at the border, government operations regarding who is being admitted into the United States (e.g., nationality, gender), and the number of individuals potentially arriving to Massachusetts. This in turn will inform policy and decision making at a state and local level to better serve all communities within that jurisdiction. Such information is of great public interest.

Over at last two year, Massachusetts has seen a significant increase in arriving migrants, particularly in the greater Boston area.<sup>2</sup> Many migrants are fleeing violence, economic crisis, and political instability in their countries of origin. This has required monitoring and coordination from non-profit organizations, including CP and LCR, in order to better serve and provide resources for these individuals—many of whom traveled in families. Yet, the magnitude of these waves of newly arriving migrants is opaque as there is little information about the total number of migrants arriving and their demographics.

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<sup>2</sup> Mike Damiano, “*The System is Strained*’: Greater Boston’s Support Networks Struggle to Keep up as Thousands of Migrants Surge Into the Area, Boston Globe (Oct. 13, 2022), <https://www.bostonglobe.com/2022/10/13/metro/system-is-strained-thousands-migrants-surge-into-greater-boston-stressing-local-support-networks/>.

Both requesters, LCR and CP, are non-profit organizations that assist the community and immigrant populations regarding immigration resources, know-your-rights presentations, and provide guidance and education to the public around governmental legal frameworks and immigrants' rights. Additionally, Requesters publish FOIA requests and related information on its websites for free.<sup>3</sup> As such, Requesters have the capacity and intent to disseminate the requested information to the public, use it in educational presentations, and utilize it in a manner that would contribute to the public's understanding and benefit, particularly for the portion of the public most interested and concerned about immigration issues.

Requesters do not have a commercial interest in the disclosure of the requested information. The requested information is requested with the purpose of distributing to the public and in the interest of the public at large. 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.

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

FOIA 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 you have any questions about this Request, please contact me by phone at (617) 500-3438 or email at [malbert@lawyersforcivilrights.org](mailto:malbert@lawyersforcivilrights.org). Thank you for your time and prompt attention to this Request.

Sincerely,

Mirian Albert, Esq.  
Lawyers for Civil Rights

cc: Patricia Montes, Executive Director of Centro Presente

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<sup>3</sup> Lawyers for Civil Rights, [www.lawyersforcivilrights.org](http://www.lawyersforcivilrights.org). Centro Presente, <https://cpresente.org/?v=ae551853b692>.