

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendants.

Civil Action No. 25-3703 (ABJ)

ANSWER

Defendants, U.S. Department of Homeland Security (“DHS”) and U.S. Citizenship and Immigration Services (“USCIS”), by and through the undersigned counsel, respectfully respond as follows to the separately numbered paragraphs and prayer for relief in Citizens for Responsibility and Ethics in Washington’s Complaint, ECF No. 1, in this case under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

To the extent that the Complaint refers to or quotes from external documents, statutes, or other sources, Defendants may refer to such materials for their complete and accurate contents, but such references are not intended to be, and should not be construed as, an admission that the cited materials are: (1) correctly cited or quoted by Plaintiff, (2) relevant to this, or any other, action, or (3) admissible in this, or any other, action. Defendants expressly deny all allegations in the Complaint, including the relief sought, that are not specifically admitted to or otherwise qualified in this Answer. Defendants respond to the Complaint in like numbered paragraphs as follows:

1. This introductory paragraph contains Plaintiff's characterization of this action to which no response is required. To the extent a response is deemed required, Defendants admit that Plaintiff purports to bring this action under the FOIA.

2-7. These paragraphs do not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

8. Defendant DHS admits that on April 9, 2025, and September 3, 2025, Plaintiff submitted FOIA requests to Defendant DHS. Defendant USCIS admits that Plaintiff submitted a FOIA request to USCIS on August 26, 2025. Defendants aver that the requests are the best evidence of their contents and respectfully refer the Court to the requests for a complete and accurate statement of their contents. Defendants deny all allegations in this paragraph to the extent they are inconsistent therewith.

9. This paragraph contains Plaintiff's characterization of this action and requests for relief to which no response is required. To the extent that a response is required, Defendants deny that Plaintiff is entitled to the relief requested or to any relief whatsoever.

JURISDICTION AND VENUE¹

10. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is required, Defendants admit there is subject-matter jurisdiction over this action, subject to the terms and limitations of FOIA.

¹ Merely for ease of reference, Defendants replicate the headings contained in the Complaint. Although Defendants believe that no response is required to such headings (*see* Fed. R. Civ. P. 10(b)), to the extent a response is deemed required and to the extent those headings could be construed to contain factual allegations, those allegations are denied.

11. This paragraph consists of legal conclusions regarding venue, to which no response is required. To the extent that a response is deemed required, Defendants admit that venue is proper in this Court for claims involving proper FOIA requests.

12. This paragraph constitutes legal conclusions to which no response is required. To the extent that a response is deemed required, DHS denies that Plaintiff has exhausted administrative remedies with respect to the April 9, 2025, and September 3, 2025, requests.

PARTIES

13. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in paragraph 13.

14. Defendants admit that DHS is an agency of the United States, and USCIS is a component of DHS. The remainder of the allegations in this paragraph consist of legal conclusions, to which no response is required.

STATEMENT OF FACTS

The Save Program

15–27. These paragraphs do not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

STATUTORY FRAMEWORK

28–34. These paragraphs consist of Plaintiff's conclusions of law and characterizations of FOIA. To the extent a response is deemed required, Defendants aver that the referenced provisions of FOIA are the best evidence of their contents and respectfully refer the Court to that statute for a complete and accurate statement of its contents. Defendants deny all allegations in this paragraph to the extent they are inconsistent therewith.

CREW'S FOIA Requests

Department of Homeland Security – April 9, 2025 Request

35-39. Defendant DHS admit that Plaintiff submitted a FOIA request to DHS dated April 9, 2025. Defendant DHS refers the Court to the request for a complete and accurate statement of its contents and denies all allegations in these paragraphs to the extent they are inconsistent with the content of the request.

40. In response to the first sentence of this paragraph, Defendant DHS refers the Court to the April 9, 2025 request for a complete and accurate statement of its contents and denies the allegations in the first sentence to the extent inconsistent with the content of the request. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in the remainder of this paragraph.

41. Defendant DHS admits that Plaintiff submitted a request to DHS for expedited processing dated August 26, 2025 in connection with the April 9, 2025 request. Defendant DHS avers that the request for expedited processing is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant DHS denies all allegations in this paragraph to the extent they are inconsistent therewith.

42–46. The allegations in these paragraphs consist of Plaintiff's characterization of the assertions and arguments made in its request for expedited processing. To the extent any response is deemed required to those allegations, Defendant DHS avers that the expedited processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents.

47. The allegations in these paragraphs consist of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant DHS denies the allegations contained in in this paragraph.

48–49. The allegations in these paragraphs consist of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant DHS denies that it is in violation of FOIA.

50. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant DHS denies the allegations contained in this paragraph.

Department of Homeland Security – September 3, 2025 Request

51-54. Defendant DHS admits that Plaintiff submitted a FOIA request to DHS dated September 3, 2025. Defendant DHS refers the Court to the request for a complete and accurate statement of its contents and denies all allegations in these paragraphs inconsistent with the content of the request.

55. In response to the first sentence of this paragraph, Defendant DHS refers the Court to the September 3, 2025 request for a complete and accurate statement of its contents and denies the allegations in the first sentence to the extent inconsistent with the content of the request. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in the remainder of this paragraph.

56. Defendant DHS admits that the September 3, 2025, request included a request for expedited processing and refers the Court to the request for expedited processing for a complete and accurate statement of its contents. Defendant DHS denies all allegations in this paragraph to the extent they are inconsistent with the content of the April 9, 2025 FOIA request, the content of

the September 3, 2025 FOIA request, and the content of the August 26, 2025 request for expedited processing.

57. Defendant DHS admits that it responded with an acknowledgment letter on September 18, 2025, and that it stated that it would transfer the request to the FOIA Officer for USCIS. Defendant DHS refers the Court to that acknowledgment letter for a complete and accurate statement of its contents.

58. Defendant DHS denies the allegations in the first sentence of Paragraph 58. Defendant USCIS admits that, as of the date of the Complaint, it had not further responded to the September 3, 2025, request or the request for expedited processing contained within that request.

59–60. The allegations in these paragraphs consist of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny that they are in violation of FOIA.

61. The allegations in this paragraph consist of legal conclusions and Plaintiff's characterization of the relief requested in this action, to which no response is required.

USCIS – August 26, 2025 Request

62. Defendant USCIS admits that Plaintiff submitted a FOIA request to USCIS dated August 26, 2025 and that Plaintiff sent an email, revising the request. Defendant USCIS refers the Court to the request and the email for a complete and accurate statement of their contents. Defendants deny all allegations in this paragraph to the extent they are inconsistent with the content of the August 26, 2025 request as modified by the September 3, 2025 email.

63. Defendant USCIS admits that it sent an automated confirmation of the request on August 26, 2025, and denies the remaining allegations in this paragraph.

64–65. The allegations in these paragraphs consist of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny that they are in violation of FOIA.

66. The allegations in this paragraph consist of legal conclusions and Plaintiff’s characterization of the relief requested in this action, to which no response is required.

PLAINTIFF’S CLAIMS

Count I

67. Defendants incorporate by reference their responses to all preceding paragraphs as if set forth fully herein.

68. Defendants refer the Court to Plaintiff’s August 26, 2025 request to DHS for expedited processing and its September 3, 2025 request to DHS and its August 26, 2025 request to USCIS, as revised September 3, 2025, for a complete and accurate statement of their contents. Defendants deny the allegations in this paragraph to the extent they are inconsistent with the content of those documents. The remaining allegations in this paragraph assert conclusions of law to which no response is required. †

69. This paragraph asserts a conclusion of law to which no response is required.

70. This paragraph asserts a conclusion of law related to Plaintiff’s expedited processing request, including its characterizations as to whether information is of the “utmost importance” and whether “substantial concerns” and a “potential for disclosure” exists, to which no response is required. To the extent any response is required, Defendants deny the allegations in this paragraph.

71. The allegations in this paragraph consist of legal conclusions, to which no response is required.

72. The allegations in these paragraphs consist of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny that they are in violation of FOIA.

Count II

73. Defendants incorporate by reference their responses to all preceding paragraphs as if set forth fully herein.

74. This paragraph asserts a conclusion of law to which no response is required. .

75. The allegations in these paragraphs consist of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in this paragraph.

76. The allegations in this paragraph constitute legal conclusions to which no response is required.

77. The allegations in paragraph 77 constitute of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the relief requested..

Prayer for Relief

The remaining paragraphs of the Complaint set forth Plaintiff's prayer for relief, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the relief requested. Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendants assert a general denial as to those allegations that are contained in the Complaint that are not specifically admitted herein.

DEFENSES

In further response to the Complaint, Defendants raise the following defenses. Defendants respectfully request and reserve the right to amend, alter, and supplement the defenses in this

answer as the facts and circumstances giving rise to the Complaint become known to Defendants throughout the course of this litigation.

FIRST DEFENSE

Plaintiff is not entitled to compel the production of any record or portion of any record protected from disclosure by one or more of the exclusions or exemptions to the FOIA or the Privacy Act, 5 U.S.C. § 552a, or other applicable law.

SECOND DEFENSE

The Court lacks subject matter jurisdiction over any of Plaintiff's requests for relief that exceed the relief authorized by the FOIA.

THIRD DEFENSE

Plaintiff is neither eligible for nor entitled to attorney's fees or costs.

FOURTH DEFENSE

Plaintiff is not entitled to declaratory relief and/or any other relief beyond what is provided for under 5 U.S.C. § 552(a)(4)(B).

FIFTH DEFENSE

The Complaint should be dismissed to the extent that Plaintiff has failed to exhaust administrative remedies.

SIXTH DEFENSE

To the extent the Complaint alleges background facts unnecessary to the consideration of Defendant's response to the FOIA request at issue, the Complaint violates Rule 8(a)(2) by alleging information that is unnecessary to a "short and plain" statement of the claim. The Court should strike all such immaterial and impertinent matters pursuant to Rule 12(f). *See Mich. Immigr. Rts. Ctr. v. Dep't of Homeland Sec.*, Civ. A. No. 16-14192, 2017 WL 2471277, at *3 (E.D. Mich. June 8, 2017) (deeming stricken under Rule 12(f) background facts alleged in a FOIA complaint: "In

this unique context, requiring Defendants to answer allegations in Plaintiffs' complaint that they would not otherwise be required to answer, and that are not material to Plaintiffs' FOIA claim, would prejudice Defendants."); *Robert v. Dep't of Just.*, Civ. A. No. 05-2543, 2005 WL 3371480, at *11 (E.D.N.Y. Dec. 12, 2005) (striking allegations of background facts; concluding that plaintiff's "allegations are irrelevant to the validity of [his] FOIA claims").

SEVENTH DEFENSE

Plaintiff's FOIA requests are improper because they failed to reasonably describe the records sought and/or would be unduly burdensome to process.

Dated: December 19, 2025
Washington, DC

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ Brian J. Levy
BRIAN J. LEVY
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
(202) 252-6734

Attorneys for the United States of America