



**EAST BAY
SANCTUARY COVENANT**
Protect. Advocate. Transform.



**Immigration Institute
of the Bay Area**
Serving immigrants and refugees since 1918



Cornell Law School
Path2Papers



**JUSTICE ACTION
CENTER**

Via Online Submission
U.S. Department of Homeland Security
Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655

Via Online Submission
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Via Online Submission
U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, DC 20536-5009

May 7, 2026

RE: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer,

East Bay Sanctuary Covenant (“EBSC”), Immigration Institute of the Bay Area (“IIBA”), Path2Papers at Cornell Law School (“P2P”), and Justice Action Center (“JAC”) (collectively, “Requesters”), represented by JAC, pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended, and applicable agency regulations, request copies of the records identified below from the United States Department of Homeland Security (“DHS”), including from its components the United States Citizenship and Immigration Services (“USCIS”) and United States Immigration and Customs Enforcement (“ICE”), and any other components likely to have responsive documents.

BACKGROUND

USCIS represents that it adjudicates “the majority” of Deferred Action for Childhood Arrivals (“DACA”) renewal requests “within 120 days,” and “strongly encourage[s]” DACA recipients to submit renewal requests between 120 and 150 days prior to the date their current DACA grant expires.¹ Since at least November 2025, however, DACA recipients nationwide—including Requesters’ clients—have been experiencing severe delays in adjudication of their DACA renewals that significantly exceed the 120 to 150-time frame provided by USCIS.² Such delays have caused individuals’ DACA to lapse before their renewal is approved, prompting cascading consequences: absent the work authorization and protection from deportation provided by DACA, individuals become vulnerable to removal from the country.³ U.S. employers also must terminate their employees, posing unforeseeable harm to their business. Moreover, an individual’s long-term immigration eligibility may be affected, as a person with a gap in status begins accruing unlawful presence, which significantly narrows the path to obtaining employment-based and other forms of immigration relief.

Requesters are not-for-profit organizations with direct and ongoing stakes in the timely and predictable adjudication of DACA renewals, as they are among the organizations nationwide that have clients affected by delayed renewals and that are having to navigate the consequences and advise their clients. EBSC, a legal and social services organization with over one thousand DACA clients that submits approximately 500 DACA renewal requests annually, reports that 250 DACA renewals filed since November 2025 remain pending. EBSC staff have reported some renewals taking five months as of today. Despite submitting their renewals within the timeframe recommended by USCIS of 120 to 150 days, some EBSC clients have lost their DACA protection and work authorization before their renewal requests were adjudicated.

IIBA also submits many DACA renewal requests each year—over 800 in 2025—and likewise has been seeing its clients face the consequences of significant delays in adjudication. IIBA staff report that while adjudication of DACA renewal requests used to regularly take one or two months, its clients have been waiting around six months to get a decision. Due to these delays, IIBA clients’ DACA protection and work authorization have lapsed, resulting in gaps in DACA and lost jobs.

¹ I-821D, Consideration of Deferred Action for Childhood Arrivals, USCIS, <https://www.uscis.gov/i-821d> (last visited May 7, 2026).

² See, e.g., Santiago Caicedo, *South Texas Immigration Attorneys Report Pattern of DACA Processing Delays*, KRGV (Apr. 27, 2026), <https://www.krgv.com/news/south-texas-immigration-attorneys-report-pattern-of-daca-processing-delays/>; Lasherica Thornton, *Prolonged DACA Renewals Put California Educators With Temporary Immigration Status in Limbo*, EdSource (Apr. 23, 2026), <https://edsource.org/2026/daca-renewal-delays-educators/756448>; Regina Waldroup, *“It Has Been Crickets”: DACA Recipients Frustrated With Renewal Delays*, NBC Chicago (Apr. 2, 2026), <https://www.nbcchicago.com/news/local/it-has-been-crickets-daca-recipients-frustrated-with-renewal-delays/3917448/>.

³ See, e.g., Aniyah Robinson & Payton Steiner, *“Shouldn’t They Want You Here?”: DACA Delays Force Wichita Teacher Out of Work*, KSN (Mar. 25, 2026), <https://www.ksn.com/news/local/shouldnt-they-want-you-here-daca-delays-force-wichita-teacher-out-of-work/>; Josh Marcus, *“You Feel Like a Dog”: Trump Administration DACA Delays are Causing Immigrants to Lose Work and Risk Getting Deported*, Independent (Mar. 15, 2026), <https://www.independent.co.uk/news/world/americas/us-politics/trump-daca-deportation-kristi-noem-b2938925.html>.

P2P—a project that helps individuals, including DACA recipients, pursue employment-based pathways to lawful permanent status—has similarly reported harm to its clients in recent months due to delayed adjudication of DACA renewal requests. When a client’s DACA lapses before their renewal request is adjudicated, presuming approval, not only do they lose deferred action protections and work authorization, but also P2P has found that such loss can disrupt or terminate the employment relationships that form the foundation of their employment-based petitions. Clients on the verge of employer sponsorship can have their opportunities derailed when a DACA renewal gap causes them to lose their jobs or prompts employers to withdraw sponsorship rather than navigate the resulting legal uncertainty.

JAC uses co-equal litigation and storytelling strategies to address unmet needs and build new frameworks to tangibly improve the lives of immigrants, including DACA recipients. JAC provides support related to DACA, including decoding litigation and policy developments related to DACA to partner organizations like the other Requesters that have immigrant members or that provide direct legal services to immigrant communities. JAC also has hundreds of former clients who are DACA recipients that JAC remains in touch with, and JAC is closely connected with other networks of DACA recipients as well. Access to current information about DACA processing delays and challenges DACA recipients face is critical to JAC’s ongoing litigation and communications work and the community members and clients JAC serves.

Despite the worsening delays, filing renewals earlier than the timeline recommended by USCIS is not always advisable, due to USCIS guidance that renewals submitted more than 150 days in advance may be rejected, and because an early approval could lead to an overlap in the issuance dates of the existing and new grant and would in practice mean having a new DACA grant for less than two years. Accordingly, DACA recipients face a difficult choice when determining when to submit their renewal request.

REQUESTS

1. All policies, guidance, correspondence and communications (including emails, Microsoft Teams correspondence, and attachments thereto), and other documents created since January 20, 2025, whether formal or informal, and all revisions of such policies, guidance, correspondence, communications, and documents related to **changes in the processing and adjudication of DACA renewal requests (Form I-821D) and associated Employment Authorization Document (“EAD”) renewal requests (Form I-765)**, including, but not limited to, records concerning the following:
 - a. Processing and adjudicating, including putting on hold, requests to expedite DACA renewal requests and DACA EAD renewal requests;
 - b. Accepting, rejecting, processing, adjudicating, or holding DACA renewal requests and DACA EAD renewal requests based on any of the following:
 - i. Timing of filing, including requests filed more than 150 days prior to the expiration of the applicant’s existing DACA grant;
 - ii. Applicant’s characteristics, including country of origin, current place of residence, criminal history, or any other individual characteristic; or
 - iii. Presidential Proclamations 10949 or 10998;

- c. USCIS internal and external guidance or recommendations regarding timing for DACA recipients to submit DACA renewal requests and DACA EAD renewal requests;
 - d. Reassignment of USCIS adjudicatory personnel off or onto the DACA processing workload;
 - e. Changes to DACA renewal request processes leading to longer wait times including but not limited to background checks, any computer technical issues, and the return of biometric appointments;
 - f. Information sharing between USCIS and ICE regarding expiration of DACA grants or pending renewal requests;
 - g. ICE detention of DACA recipients and placement of DACA recipients in removal proceedings, or any other use of any civil immigration enforcement action against DACA recipients;
 - h. Internal deliberations or decisions regarding whether to publish, or to continue publishing, update more frequently, or discontinue publishing, DACA processing times, including average processing times, for DACA renewal and DACA EAD renewal requests;
 - i. Internal deliberations or decisions regarding whether to continue or discontinue availability of the “e-request” functionality for DACA renewal requests pending outside of normal processing times.
2. All records, including reports, communications (including emails, Microsoft Teams correspondence, and attachments thereto), datasheets, spreadsheets, and dashboards reflecting or containing the following data, whether broken out by month(s) or in aggregate, since May 2025, with respect to DACA renewal requests (Form I-821D) and associated Employment Authorization Document (“EAD”) renewal requests (Form I-765):
- a. The average processing time;
 - b. The number of renewal requests (i) received; (ii) adjudicated, including aggregated by outcome; (iii) pending for individuals whose DACA status had expired; and (iv) filed that month that remain unadjudicated, including those USCIS has placed on hold;
 - c. The number of inquiries regarding renewals falling outside normal processing times, including inquiries by or on behalf of DACA applicants, including by phone call, online via USCIS’s Check Case Processing E-Request, and through Congressional offices;
 - d. The number of renewal requests that have been suspended, since December 2, 2025, pursuant to the December 2, 2025 USCIS Policy Memorandum entitled “Hold and Review of all Pending Asylum Applications and all USCIS Benefit Applications Filed by Aliens from High-Risk Countries,” the January 1, 2026 USCIS Policy Memorandum entitled “Hold and Review of USCIS Benefit Applications Filed by Aliens from Additional High-Risk Countries,” and/or or any other directive or policy issued on or after December 2, 2025, resulting in a suspension or hold of DACA renewal requests submitted by individuals from countries listed in Presidential Proclamation 10949 or 10998;
 - e. The number of both resolved and pending Congressional inquiries, including inquiries with requests for expedited processing, including by the state of the congressional member;

- f. The average number of days renewal requests were pending at the USCIS Lockbox before being processed and the average number of days renewal requests were pending at the Lockbox before being issued a receipt notice;
- g. Testing and updates conducted by technical teams or contractors that manage Electronic Immigration System (“ELIS”) and other electronic processing tools USCIS uses to manage DACA and DACA-related EAD filings, and if bugs were identified, the number of days that it took USCIS to remediate any bugs.

REQUEST FOR EXPEDITED PROCESSING OF FOIA REQUEST

Requesters seek expedited processing of this Request based on three grounds, described below, each of which constitutes a “compelling need.” 6 C.F.R. § 5.5(e)(1)(iv). Pursuant to 5 U.S.C. § 552(a)(6)(E)(ii)(I) and 6 C.F.R. § 5.5(e)(3), Requesters certify that the statements made in support of their request for expedited processing are true and correct to the best of their knowledge and belief.

First, expedited processing is warranted because there is “an urgency to inform the public about an actual or alleged federal government activity” by an organization “primarily engaged in disseminating information.” 6 C.F.R. § 5.5(e)(1)(ii). Urgency to inform the public about the records sought in this Request exists here because delays in processing of DACA renewal requests and DACA EAD renewal applications—as well as lapses in DACA and the detention and deportation of DACA recipients—have been the subject of extensive media coverage, reflecting public interest in the issue. 6 C.F.R. § 5.5(e)(3) (explaining that “[t]he existence of numerous articles published on a given subject can be helpful to establishing the requirement that there be an ‘urgency to inform’ the public on the topic”). DACA renewal processing delays and the resulting consequences—such as job loss, family separation, detention, and deportation—have been covered by numerous sources in the past month alone, including N.P.R., Democracy Now!, Newsweek, P.B.S., the Associated Press, and local ABC and NBC affiliates.⁴ The subject of this Request has also been the subject of at least three congressional inquiries in March and April 2026.⁵

⁴ See Hallie Golden, *Long DACA Renewal Wait Times Leave Some “Dreamers” Without Status, a Job and Fearing Detainment*, AP (May 1, 2026), <https://apnews.com/article/daca-renewal-delays-1d81a8ba01b202f65a20206af53c23ad>; *Trump vs. Dreamers: Justice Dept. Moves to Make it Easier to Deport 500K+ DACA Recipients*, Democracy Now! (Apr. 28, 2026), https://www.democracynow.org/2026/4/28/daca_ramirez; Billal Rahman, *Thousands of Protected Migrants Could be Deported By ICE*, Newsweek (Apr. 28, 2026), <https://www.newsweek.com/thousands-protected-migrants-could-be-deported-ice-11886076>; Ximena Bustillo, *Justice Department Makes it Easier to Deport Those With DACA Status*, N.P.R. (Apr. 25, 2026), <https://www.npr.org/2026/04/25/nx-s1-5798943/justice-department-makes-it-easier-to-deport-those-with-daca-status>; *DACA Recipient Detained by ICE While Delivering Milk to Premature Daughter in NICU*, P.B.S. (Apr. 8, 2026), <https://www.pbs.org/newshour/show/daca-recipient-detained-by-ice-while-delivering-milk-to-premature-daughter-in-nicu>; see also *supra* n.3.

⁵ Press Release, *Rep. Andrea Salinas Leads 15 Colleagues in a Letter Demanding Answers on DACA Renewal Delays* (Apr. 20, 2026), <https://salinas.house.gov/media/press-releases/rep-andrea-salinas-leads-15-colleagues-letter-demanding-answers-daca-renewal>; Press Release, *Correa and Garcia Call for DHS to Reduce Delays for DACA Renewals* (Apr. 9, 2026), <https://correa.house.gov/news/press-releases/correa-and-garcia-call-for-dhs-to-reduce-delays-for-daca-renewals>; Press Release, *Cortez Masto, Durbin Lead Senate Democrats in Demanding DHS Reduce Delays For DACA Renewals* (Mar. 17, 2026), <https://www.cortezmastosenate.gov/news/press-releases/cortez-masto-durbin-lead-senate-democrats-in-demanding-dhs-reduce-delays-for-daca-renewals/>.

Further, dissemination of information is a core aspect of Requesters' work.

EBSC is a 501(c)(3) organization in Berkeley, California, that provides legal and social services, community organizing, and education to over 12,000 noncitizens each year in furtherance of its mission to support low-income immigrants and people fleeing violence and persecution. Among those served are DACA recipients, who EBSC assists with DACA renewals, advance parole applications, and other forms of relief, including family-based petitions, asylum, U visas, and Violence Against Women Act petitions. EBSC regularly engages in gathering and sharing information for its legal and advocacy work, including sharing resources and policy and litigation updates with the public on various issues related to immigration.⁶ EBSC maintains a significant online presence, including its website and social media accounts, which are frequently visited by the public.⁷ Moreover, EBSC issues a regular e-mail newsletter, with over 2,000 subscribers that include its supporters and partners, on which it shares news alerts, and it also uses a mass text messaging platform to share information with DACA recipients.

IIBA is a 501(c)(3) organization founded in 1918 that provides legal services to noncitizens, including DACA recipients. With seven offices across six counties in the California Bay Area, IIBA is the largest provider of immigration legal services in Northern California. IIBA's work includes regular efforts to spread information and educate its clients and the public. This work includes sharing immigration-related news and resources on its website and social media accounts, including Instagram, Facebook, and LinkedIn. IIBA also regularly engages in community outreach, such as providing Know Your Rights presentations, training staff at other legal services organizations, presenting on panel discussions, and tabling at outreach events to answer questions and disseminate information. Moreover, IIBA is part of funded collaboratives in two counties where they act as "trusted messengers," by working to prepare and share materials with the goal of making accurate immigration-related updates and guidance more accessible to the public.

P2P is a legal project focused on identifying and pursuing employment-based pathways to lawful permanent status for DACA recipients and other noncitizens. P2P has provided free legal consultations to more than 1,000 DACA recipients and their employers, guiding them through the complexities of employment-based sponsorship. As a legal project committed to public education through online and in-person trainings, accessible legal resources, and public advocacy, P2P regularly gathers and shares information regarding DACA through various means, including its website, consultations (which are provided at no cost for DACA recipients, employers, and attorneys), and its wide network of community members and policymakers.⁸ Through presentations, trainings, and published resources, P2P has reached and educated more than 18,000 individuals nationwide since it began in 2024.

⁶ See Campaigns, East Bay Sanctuary Covenant, <https://eastbaysanctuary.org/campaigns/> (last accessed May 7, 2026).

⁷ For example, EBSC has over 2,500 followers on Instagram and Facebook, and posts regularly. EBSC also maintains LinkedIn and YouTube accounts.

⁸ See Consultations, Path2Papers, <https://sites.lawschool.cornell.edu/path2papers/consultations/> (last accessed May 7, 2026); Resources, Path2Papers, <https://sites.lawschool.cornell.edu/path2papers/resources/> (last accessed May 7, 2026).

JAC is a 501(c)(3) organization dedicated to advancing the civil and human rights of immigrants in the United States through a combination of impact litigation, communications, and digital strategies. Accordingly, JAC regularly engages in dissemination of information across various mediums, including its website, social media accounts, and regular newsletters, and shares information with the public about a range of immigration-related issues, including DACA.⁹ JAC's social media presence consists of roughly 20,000 followers combined across platforms, with more than 1 million annual impressions. JAC also works closely with several reporters and influencers on DACA to ensure that the community has access to timely, accurate information.¹⁰

Second, expedited processing is warranted because the subject of this Request is “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(1)(iv). *See* 5 U.S.C. § 552(a)(6)(E)(v)(II); 6 C.F.R. §§ 5.5(e)(1)(ii)-(iv). As described above, the subject of this Request has been the subject of extensive media coverage. Recent delays in DACA renewals and DACA EAD renewals raise questions about the government’s operation of a longstanding policy impacting hundreds of thousands of people nationwide, as the government’s own guidance on timing is inconsistent with the experiences of much of the affected population. This discrepancy has left many frustrated and concerned by the government’s failure to provide public information regarding its operation of DACA.

Third, expedited processing is warranted because delayed processing of DACA renewal requests and loss of work authorization threatens “[t]he loss of substantial due process rights.” 6 C.F.R. § 5.5(e)(1)(iii).

For each of these reasons, expedited processing is justified. Requesters ask for a determination on the request for expedited processing within 10 calendar days, as provided by 6 C.F.R. § 5.5(e)(4).

FORMAT AND PRODUCTION REQUESTS

EBSC, IIBA, P2P, and JAC request that responsive records are produced in their entirety, including all attachments, enclosures, hyperlinks and internal links, and exhibits. If it is determined that a document contains material or information that falls within a statutory exemption to mandatory disclosure, Requesters ask that such material or information be reviewed for possible discretionary disclosure, consistent with the presumption of openness codified in the Freedom of Information Act Improvement Act of 2016, Pub. L. 114-185, 130 Stat. 538.

⁹ *See, e.g.*, DACA: Life and Limbo, Justice Action Center, <https://justiceactioncenter.org/life-and-limbo/> (last accessed May 7, 2026).

¹⁰ *See, e.g.*, *DACA Recipients, Facing Long Waits for Renewal, Risk Losing Their Jobs*, L.A. Times (May 30, 2024), <https://www.latimes.com/politics/story/2024-05-30/daca-recipients-facing-long-waits-for-renewal-risk-losing-their-jobs> (quoting JAC’s Executive Director).

The burden is on the government to provide a determination within 20 working days. To the extent you have any questions after reviewing our request, please do not hesitate to contact the undersigned.

FEE WAIVER REQUEST

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), EBSC, IIBA, P2P, and JAC request a fee waiver. Applicable agency regulations require fees to be waived when it is determined, based upon the submission of the requester, that the information 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 requester.” 5 U.S.C. § 552(a)(4)(A)(iii); 5 C.F.R. § 5.11(k)(1); 28 C.F.R. § 16.10(k).

A fee waiver is warranted here. First, this Request seeks to contribute to the public’s understanding of the operations and activities of the federal government—namely, the government’s operation of DACA, a policy that impacts hundreds of thousands of people in the United States and that has maintained nationwide interest since it began in 2012. The requested information—which is not already in the public domain, *see* 6 C.F.R. § 5.11(k)(2)(ii)—would contribute to the understanding of “a reasonably broad audience of persons interested in the subject,” due to Requesters’ “expertise in the subject area”—as organizations that provide legal and social services to thousands of noncitizens each year, including thousands of DACA recipients—and their “ability and intention to effectively convey information to the public,” 6 C.F.R. § 5.11(k)(2)(iii).

Second, Requesters do not have a commercial interest in the requested information and, instead, request this information to educate the public. *See* 5 U.S.C. § 552(a)(4)(A)(iii). EBSC, IIBA, P2P, and JAC will make any information that they receive from these Requests available to the public, including the press, at no cost. EBSC intends to review, analyze, and disseminate the records received through this Request through various means, including posting the information on its website and social media accounts and sharing the information on its newsletter and texting platforms. IIBA also plans to share the records obtained through this Request on its website and social media platforms, and during educational programming such as Know Your Rights presentations, panel presentations, and legal trainings. P2P similarly intends to review and disseminate the records obtained through this Request across multiple channels, including its website, during consultations with clients and employers, and across its broader network of community members and policymakers. JAC intends to share information obtained through this Request on its website, social media platforms, and in collaboration with news media outlets. JAC has close connections with various networks of DACA recipients and will be able to transmit pertinent information to affected communities quickly and effectively. JAC has previously been granted a fee waiver.¹¹

¹¹ *See, e.g., Justice Action Center v. Dep’t of Homeland Sec.*, No. 20-cv-00067 (D.D.C.) (USCIS granted JAC’s fee waiver request on July 11, 2019).

Sharing this information with the public will allow a broader audience to better understand the scope and causes of DACA renewal request and related EAD processing delays, strengthen Requesters' and other advocates' representation of affected clients, and inform the public and policymakers about the real-world consequences of adjudication failures on DACA recipients. A fee waiver is therefore appropriate. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (noting Congress intended FOIA to be construed liberally in favor of granting waivers for noncommercial requesters).

If the reasonable cost of locating and reproducing the requested documents will exceed \$150, please contact the Requesters and their counsel before incurring them.

Please direct all correspondence related to these Requests to:

Vanessa Rivas-Bernardy
Justice Action Center
P.O. Box 27280
Los Angeles, CA 90027
vanessa.rivas@justiceactioncenter.org
323-781-5270

Thank you in advance for your assistance with this matter.

Respectfully submitted,

/s/ Vanessa Rivas-Bernardy

Justice Action Center