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10 *IMMIGRATION INSTITUTE OF THE BAY AREA*

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO/OAKLAND DIVISION**

15 EAST BAY SANCTUARY COVENANT, and
16 IMMIGRATION INSTITUTE OF THE BAY
AREA,
17
18 Plaintiffs,
19
20 v.
21 U.S. CITIZENSHIP AND IMMIGRATION
SERVICES, and
22 U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,
23 Defendants.

Case No. _____
**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**
(Freedom of Information Act)

24
25 **INTRODUCTION**

26 1. Plaintiffs East Bay Sanctuary Covenant (“EBSC”) and the Immigration Institute
27 of the Bay Area (“IIBA”) bring this action against Defendants United States Citizenship and
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1 Immigration Services (“USCIS”) and United States Immigration and Customs Enforcement
2 (“ICE”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

3 2. As further alleged below, Plaintiffs have sought information from Defendants
4 about the Deferred Action for Childhood Arrivals (“DACA”) policy and in particular the severe
5 delays DACA recipients around the country have experienced in renewing their grants of DACA
6 since at least November 2025. This information is directly relevant to Plaintiffs’ mission to
7 serve clients who are affected by the delayed renewals and advising them on how to navigate the
8 consequences of these delays. Plaintiffs also intend to widely disseminate this information to
9 inform the public as part of their core mission of gathering and sharing immigration-related
10 information in connection with their legal and advocacy work.

11 3. The absence of any explanation for these delays in processing DACA renewal
12 applications leaves Plaintiffs’ clients and other DACA recipients at a loss as to how they should
13 proceed in seeking to renew their DACA grants. USCIS guidance recommends that DACA
14 recipients submit their renewal requests between 120 days and 150 days before their current
15 DACA grant will expire. Yet DACA recipients who follow this guidance are finding their
16 current DACA grants lapse before their renewal requests are adjudicated, with potentially life-
17 altering consequences that can include exposure to deportation, loss of work authorization, loss
18 of education opportunities, and loss of employment (including employment that may provide a
19 pathway to lawful status), or an accrual of unlawful presence that compromises their ability to
20 obtain various forms of immigration relief.

21 4. For example, one DACA recipient in Southern California came to the United
22 States when she was eight months old and has had DACA since high school. DACA allowed her
23 to go to college, after which she found her calling as a special education teacher at a school that
24 serves students interested in becoming police officers, EMTs, doctors, and firefighters. She also
25 plans to pursue a Master of Arts degree in fall 2026 to better serve her students. She submitted
26 her renewal application in November 2025, months before her DACA was set to expire in 2026,
27 but her renewal has been pending for over six months without adjudication. Because of the
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1 delay, her plans for the future are in limbo, and she lives in fear of immigration enforcement,
2 including because she had to relinquish her REAL ID after her DACA grant expired. Her
3 students are also harmed, because they rely on her consistent presence in the classroom. She and
4 her husband have also been forced to leave their apartment and move in with family because they
5 do not know when she will be able to work again.

6 5. Among Plaintiffs' clients are individuals experiencing similar consequences due
7 to delayed adjudication of DACA renewals. Plaintiffs seek information about delays in
8 processing DACA renewal applications to be able to better advise their clients and other
9 similarly-situated constituents. To that end, on May 7, 2026, Plaintiffs served their FOIA request
10 on Defendants. Despite the clear statutory requirement that an agency respond to a FOIA request
11 within 20 working days and Plaintiffs' request for expedited processing in light of the urgency to
12 inform the public about Defendants' actions in operating the DACA program, Defendants have
13 provided no response to Plaintiffs' FOIA request as of the filing of this complaint.

14 6. Plaintiffs seek to compel Defendants to comply with their obligations under FOIA
15 and promptly produce the requested information.

16 **JURISDICTION, VENUE, AND DIVISIONAL ASSIGNMENT**

17 7. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

18 8. Because Defendants failed to comply with the requirements to respond, as set
19 forth in 5 U.S.C. § 552(a)(6)(A), Plaintiffs have constructively exhausted their administrative
20 remedies and are entitled to proceed with this judicial action pursuant to 5 U.S.C.
21 § 552(a)(6)(C)(i).

22 9. Venue is proper in the Northern District of California under 5 U.S.C.
23 § 552(a)(4)(B) and 28 U.S.C. § 1391(e) because Plaintiff EBSC has its principal place of
24 business in Berkeley, California, and Plaintiff IIBA has its principal place of business in San
25 Francisco, California.

26 10. For the same reason, divisional assignment is proper in the San
27 Francisco/Oakland Division. *See* Civil L.R. 3-2.

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PARTIES

11. Plaintiff EBSC is a nonprofit organization incorporated in California. Its principal place of business is in Berkeley, California.

12. Plaintiff EBSC provides legal and other services to numerous noncitizens each year, including DACA recipients, whom 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.

13. Plaintiff IIBA is a nonprofit organization incorporated in California. Its principal place of business is in San Francisco, California.

14. Founded in 1918, IIBA has provided legal services to noncitizens for over 100 years. With seven offices across six counties in the California Bay Area, IIBA is the largest provider of immigration legal services in Northern California, and it provides legal services to DACA recipients, as well as to other immigrants, refugees, and their families.

15. Defendants USCIS and ICE are agencies of the United States of America under 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 551(1).

STATUTORY BACKGROUND

16. Enacted in 1966, the Freedom of Information Act mandates disclosure of records held by a federal agency, in response to a request for such records by a member of the public, unless records fall within certain narrow statutory exemptions. The “basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). To accomplish this purpose, “FOIA was enacted to facilitate public access to government documents by establishing a judicially enforceable right to secure government information from possibly unwilling official hands.” *Transgender L. Ctr. v. ICE*, 46 F.4th 771, 779 (9th Cir. 2022) (alterations incorporated).

17. Under FOIA, upon receipt of a FOIA request, an agency must determine within 20 business days—or, in “unusual circumstances,” within 30 business days—whether it will

1 comply with a request and notify the requester of its determination and reasoning in writing. 5
2 U.S.C. § 552(a)(6)(A)(i)-(B)(i). This determination must also timely indicate the scope of the
3 documents the agency intends to produce and the exemptions, if any, that it asserts will entitle it
4 to withhold documents. *Id.*

5 18. FOIA also requires agencies to promulgate regulations that provide for expedited
6 processing of FOIA requests where the requester demonstrates a “compelling need” as well as in
7 “other cases determined by the agency.” 5 U.S.C. § 552(a)(6)(E)(i). FOIA defines “compelling
8 need” to include requests “made by a person primarily engaged in disseminating information”
9 where there is an “urgency to inform the public concerning actual or alleged Federal Government
10 activity.” *Id.* § 552(a)(6)(E)(v)(II).

11 19. Department of Homeland Security (“DHS”) regulations require expedited
12 processing of requests that involve, *inter alia*:

13 (ii) An urgency to inform the public about an actual or alleged federal government
14 activity, if made by a person who is primarily engaged in disseminating
information;

15 (iii) The loss of substantial due process rights; or

16 (iv) A matter of widespread and exceptional media interest in which there exist
17 possible questions about the government’s integrity which affect public
confidence.

18 6 C.F.R. § 5.5(e)(1).

19 20. Agencies must make a determination on requests for expedited processing within
20 10 calendar days. 5 U.S.C. § 552(a)(6)(E)(ii)(I); *see also* 6 C.F.R. § 5.5(e)(4) (“A component
21 shall notify the requester within ten calendar days of the receipt of a request for expedited
22 processing of its decision whether to grant or deny expedited processing.”). If an agency grants
23 expedited processing, it must process the request “as soon as practicable.” 5 U.S.C.
24 § 552(a)(6)(E)(iii); *see also* 6 C.F.R. § 5.5(e)(4).

25 21. In response to a FOIA request, an agency, after engaging in a reasonable search
26 for responsive records, must disclose in a timely manner all records that do not fall within nine
27 narrowly construed statutory exemptions. 5 U.S.C. § 552(a)(3)(A), (C), (b)(1)-(9).

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1 of their DACA renewals that significantly exceed the 120- to 150-day time frame provided by
2 USCIS.¹

3 26. EBSC, for example, has over one thousand DACA clients and submits
4 approximately 500 DACA renewal requests annually. As of June 23, 2026, 319 of the DACA
5 renewals EBSC filed since November 2025 remain pending, some of which have been pending
6 for more than six months. Despite submitting their renewals within the timeframe recommended
7 by USCIS of 120 to 150 days, some EBSC clients have lost their DACA protection and work
8 authorization before their renewal requests were adjudicated.

9 27. IIBA also submits many DACA renewal requests each year—over 800 in 2025—
10 and likewise has been seeing its clients face the consequences of significant delays in
11 adjudication. IIBA staff report that while adjudication of DACA renewal requests used to
12 regularly take one or two months, recently its clients have been waiting around six months for a
13 decision. Due to these delays, IIBA clients' DACA grants and work authorization have lapsed,
14 resulting in gaps in deferred action and lost jobs and educational opportunities.

15 28. By causing individuals' DACA to lapse before their renewal is approved, these
16 delays unleash cascading consequences: upon expiration of the work authorization provided by
17 DACA, individuals' jobs are at risk, their state-issued documents like driver's licenses become
18 invalid, and without DACA's protection from deportation, individuals become vulnerable to
19 removal from the country.² The delays are also increasing during a time of broader changes in
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21 ¹ See, e.g., Santiago Caicedo, *South Texas Immigration Attorneys Report Pattern of DACA*
22 *Processing Delays*, KRGV (Apr. 27, 2026), [https://www.krgv.com/news/south-texas-](https://www.krgv.com/news/south-texas-immigration-attorneys-report-pattern-of-daca-processing-delays)
23 *immigration-attorneys-report-pattern-of-daca-processing-delays*; Lasherica Thornton, *Prolonged*
24 *DACA Renewals Put California Educators With Temporary Immigration Status in Limbo*,
25 EdSource (Apr. 23, 2026), <https://edsources.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-](https://www.nbcchicago.com/news/local/it-has-been-crickets-daca-recipients-frustrated-with-renewal-delays/3917448)
daca-recipients-frustrated-with-renewal-delays/3917448.

26 ² See, e.g., Aniyah Robinson & Payton Steiner, *"Shouldn't They Want You Here?": DACA*
27 *Delays Force Wichita Teacher Out of Work*, KSN (Mar. 25, 2026),
28 [https://www.ksn.com/news/local/shouldnt-they-want-you-here-daca-delays-force-wichita-](https://www.ksn.com/news/local/shouldnt-they-want-you-here-daca-delays-force-wichita-teacher-out-of-work)
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),

1 immigration enforcement patterns targeting DACA recipients for detention and deportation.
2 Between January and November 2025 alone, Defendant ICE arrested 261 DACA recipients and
3 deported 86 of them.³

4 29. The consequences of delayed DACA renewals have a profound impact on DACA
5 recipients, their families, and their communities. For example, a 26-year-old graduate from a top
6 medical school is unable to begin his residency in anesthesiology because his DACA renewal has
7 not yet been adjudicated.⁴ Similarly, a DACA recipient who completed his fellowship in
8 orthopedic surgery in New York was set to begin a position in an underserved medical center in
9 rural Pennsylvania later this year, but has not been able to work since February due to the delay
10 in his DACA renewal.⁵ And nurses at Kaiser Permanente in the Bay Area have been placed on
11 unpaid leave after their DACA lapsed, despite filing for renewals over four months in advance.⁶
12 For these individuals and the many others experiencing delayed DACA renewal adjudications,
13 the delays have jeopardized not only their educations, careers, and livelihoods, but also threaten
14 their ability to provide for their families and care for their communities through the service
15 professions to which they have dedicated themselves.

16 30. Moreover, lapses in DACA can complicate and even thwart individuals' efforts to
17 obtain a pathway to lawful permanent status in the United States. For DACA recipients pursuing
18 employment-based pathways to lawful permanent status, their loss of DACA while their renewal

19 _____
20 <https://www.independent.co.uk/news/world/americas/us-politics/trump-daca-deportation-kristi-noemb2938925.html>.

21 ³ Camilo Montoya-Galvez, *ICE Arrested 261 DACA Recipients Over 10 Months in Last Year, Document Shows*, CBS News (Feb. 25, 2026), <https://www.cbsnews.com/news/daca-recipients-ice-arrested-2025-trump-administration>.
22

23 ⁴ Daniela Pierre-Bravo, *DACA Recipients Are Losing Protections and Work Permits as Renewal Delays Surge*, CNN (May 16, 2026), <https://www.cnn.com/2026/05/16/business/daca-processing-delays>.
24

25 ⁵ *Id.*

26 ⁶ Andrea Castillo & Brittney Mejia, *"Easily Discarded": Processing Delays Leave DACA Recipients Jobless and Fearing Deportation*, L.A. Times (May 27, 2026), <https://www.latimes.com/politics/story/2026-05-27/renewal-delays-leave-daca-recipients-jobless-fearing-deportation>.
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1 request is pending can disrupt or terminate the employment relationships that form the
2 foundation of their employment-based petitions. DACA recipients on the verge of employer
3 sponsorship can have their opportunities derailed when a DACA renewal gap causes them to lose
4 their jobs or prompts employers to withdraw sponsorship rather than navigate the resulting legal
5 uncertainty. In addition, a person with a gap in status begins accruing unlawful presence in the
6 United States, which may cause them to trigger certain grounds of inadmissibility that—absent a
7 waiver—may prevent them from obtaining employment-based and other forms of immigration
8 relief.

9 31. Despite the worsening delays and policy shifts, filing renewals earlier than the
10 timeline recommended by USCIS is not always advisable. USCIS has indicated that renewals
11 submitted more than 150 days in advance may be rejected. *See* USCIS, Form I-821D,
12 Instructions for Consideration of Deferred Action for Childhood Arrivals 1 (Jan. 20, 2025),
13 <https://www.uscis.gov/sites/default/files/document/forms/i-821dinstr.pdf>. In addition, all
14 approvals take effect immediately, which means that an early approval has the practical effect of
15 cutting short a DACA recipient’s prior 2-year grant, thereby reducing the total amount of time of
16 protection from removal that the recipient could have received. Accordingly, DACA recipients
17 face a difficult choice when determining when to submit their renewal request in the face of
18 these unexplained and unpredictable processing delays.

19 32. On May 8, 2026, USCIS issued a Policy Alert entitled “Deferred Action as an
20 Extraordinary Use of Prosecutorial Discretion,” announcing new guidance in the USCIS
21 Policy Manual that characterizes deferred action as an “extraordinary use of prosecutorial
22 discretion” to be granted only in “compelling or extraordinary circumstances.” *See* USCIS, PA-
23 2026-01, Deferred Action as an Extraordinary Use of Prosecutorial Discretion (Deferred Action
24 as an Extraordinary Use) 1, (May 8, 2026),
25 [https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20260508-](https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20260508-DeferredAction.pdf)
26 [DeferredAction.pdf](https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20260508-DeferredAction.pdf). This policy is effective immediately and, by its terms, applies to deferred
27 action requests pending or filed after May 8, 2026. *See id.* DACA recipients do not currently
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1 have clarity as to how this will affect DACA renewal applications, adding more uncertainty to
2 their lives.⁷

3 **B. PLAINTIFFS' FOIA REQUEST**

4 33. On May 7, 2026, EBSC and IIBA, together with co-counsel Justice Action Center
5 and another requester, Path2Papers, submitted a FOIA request to USCIS and ICE via online
6 submission ("FOIA Request"). A true and correct copy of this request is attached as Exhibit A to
7 this complaint. The FOIA Request seeks two categories of requested records:

8 (1) All policies, guidance, correspondence and communications (including emails,
9 Microsoft Teams correspondence, and attachments thereto), and other documents created
10 since January 20, 2025, whether formal or informal, and all revisions of such policies,
11 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:

12 a. Processing and adjudicating, including putting on hold, requests to expedite
13 DACA renewal requests and DACA EAD renewal requests;

14 b. Accepting, rejecting, processing, adjudicating, or holding DACA renewal
15 requests and DACA EAD renewal requests based on any of the following: (i)
16 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
17 other individual characteristic; or (iii) Presidential Proclamations 10949 or 10998;

18 c. USCIS internal and external guidance or recommendations regarding timing for
19 DACA recipients to submit DACA renewal requests and DACA EAD renewal
20 requests;

21 d. Reassignment of USCIS adjudicatory personnel off or onto the DACA
22 processing workload;

23 e. Changes to DACA renewal request processes leading to longer wait times
24 including but not limited to background checks, any computer technical issues,
25 and the return of biometric appointments;

26 f. Information sharing between USCIS and ICE regarding expiration of DACA
27 grants or pending renewal requests;

28 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;

⁷ While the memorandum does not expressly list all of the deferred action programs to which it applies, it references DACA in a footnote. *See* Deferred Action as an Extraordinary Use at 1 n.3.

1 h. Internal deliberations or decisions regarding whether to publish, or to continue
2 publishing, update more frequently, or discontinue publishing, DACA processing
3 times, including average processing times, for DACA renewal and DACA EAD
4 renewal requests;

5 i. Internal deliberations or decisions regarding whether to continue or discontinue
6 availability of the “e-request” functionality for DACA renewal requests pending
7 outside of normal processing times.

8 (2) All records, including reports, communications (including emails, Microsoft Teams
9 correspondence, and attachments thereto), datasheets, spreadsheets, and dashboards
10 reflecting or containing the following data, whether broken out by month(s) or in
11 aggregate, since May 2025, with respect to DACA renewal requests (Form I-821D) and
12 associated Employment Authorization Document (“EAD”) renewal requests (Form I-
13 765):

14 a. The average processing time;

15 b. The number of renewal requests (i) received; (ii) adjudicated, including
16 aggregated by outcome; (iii) pending for individuals whose DACA status had
17 expired; and (iv) filed that month that remain unadjudicated, including those
18 USCIS has placed on hold;

19 c. The number of inquiries regarding renewals falling outside normal processing
20 times, including inquiries by or on behalf of DACA applicants, including by
21 phone call, online via USCIS’s Check Case Processing E-Request, and through
22 Congressional offices;

23 d. The number of renewal requests that have been suspended, since December 2,
24 2025, pursuant to the December 2, 2025 USCIS Policy Memorandum entitled
25 “Hold and Review of all Pending Asylum Applications and all USCIS Benefit
26 Applications Filed by Aliens from High-Risk Countries,” the January 1, 2026
27 USCIS Policy Memorandum entitled “Hold and Review of USCIS Benefit
28 Applications Filed by Aliens from Additional High-Risk Countries,” and/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.

34. EBSC and IIBA requested expedited processing of the FOIA Request under 6

C.F.R. § 5.5(e)(1)(ii)-(iv). *See* Ex. A at 5-7.

1 35. EBSC and IIBA explained that there was an urgency to inform the public about
2 the requested records under 6 C.F.R. § 5.5(e)(1)(ii) because “delays in processing of DACA
3 renewal requests and DACA EAD renewal applications—as well as lapses in DACA and the
4 detention and deportation of DACA recipients—have been the subject of extensive media
5 coverage, reflecting public interest in the issue.” Ex. A at 5; *see* 6 C.F.R. § 5.5(e)(3) (explaining
6 that “[t]he existence of numerous articles published on a given subject can be helpful to
7 establishing the requirement that there be an ‘urgency to inform’ the public on the topic”). They
8 further explained that “DACA renewal processing delays and the resulting consequences—such
9 as job loss, family separation, detention, and deportation—have been covered by numerous
10 sources in the past month alone, including N.P.R., Democracy Now!, Newsweek, P.B.S., the
11 Associated Press, and local ABC and NBC affiliates.” Ex. A at 5 & n.4. And they noted that
12 “[t]he subject of this Request has also been the subject of at least three congressional inquiries in
13 March and April 2026.” *Id.* at 5 & n.5.

14 36. EBSC and IIBA further explained that the dissemination of information is a core
15 aspect of their work. EBSC explained that it “regularly engages in gathering and sharing
16 information for its legal and advocacy work, including sharing resources and policy and
17 litigation updates with the public on various issues related to immigration” and “maintains a
18 significant online presence, including its website and social media accounts, which are frequently
19 visited by the public.” Ex. A at 6. And EBSC noted that it “issues a regular e-mail newsletter,
20 with over 2,000 subscribers” to share news alerts and “uses a mass text messaging platform to
21 share information with DACA recipients.” *Id.*

22 37. IIBA similarly explained that its work “includes regular efforts to spread
23 information and educate its clients and the public,” including “sharing immigration-related news
24 and resources on its website and social media accounts, including Instagram, Facebook, and
25 LinkedIn.” Ex. A at 6. IIBA noted that it “regularly engages in community outreach, such as
26 providing Know Your Rights presentations, training staff at other legal services organizations,
27 presenting on panel discussions, and tabling at outreach events to answer questions and
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1 disseminate information.” *Id.* And it explained that it “is part of funded collaboratives in two
2 counties where they act as ‘trusted messengers,’ by working to prepare and share materials with
3 the goal of making accurate immigration-related updates and guidance more accessible to the
4 public.” *Id.*

5 38. As an additional basis for expedited treatment, EBSC and IIBA explained that
6 “expedited processing is warranted because delayed processing of DACA renewal requests and
7 loss of work authorization threatens ‘[t]he loss of substantial due process rights.’” Ex. A at 7;
8 *see* 6 C.F.R. § 5.5(e)(1)(iii).

9 39. And as a third basis for expedited treatment, EBSC and IIBA explained that
10 expedited processing is further warranted because the subject of this Request is “[a] matter of
11 widespread and exceptional media interest in which there exist possible questions about the
12 government’s integrity which affect public confidence.” Ex. A at 7 (quoting 6 C.F.R.
13 § 5.5(e)(1)(iv)). They explained that “the subject of this Request has been the subject of
14 extensive media coverage,” and that “[r]ecent delays in DACA renewals and DACA EAD
15 renewals raise questions about the government’s operation of a longstanding policy impacting
16 hundreds of thousands of people nationwide, as the government’s own guidance on timing is
17 inconsistent with the experiences of much of the affected population.” *Id.* Finally, they noted
18 that “[t]his discrepancy has left many frustrated and concerned by the government’s failure to
19 provide public information regarding its operation of DACA.” *Id.*

20 **C. FAILURE TO RESPOND TO FOIA REQUESTS**

21 40. Pursuant to FOIA, within 20 business days, excluding public holidays, of receipt
22 of the FOIA Request—that is, no later than June 5, 2026—USCIS and ICE were required to
23 “determine . . . whether to comply with such request” and to “immediately notify” Plaintiffs of
24 “such determination and the reasons therefor,” and, in the case of an adverse determination,
25 EBSC’s and IIBA’s appeal rights. 5 U.S.C. § 552(a)(6)(A)(i).

26 41. On June 15, 2026, USCIS acknowledged receipt of the FOIA request and
27 assigned it the control number COW2026004497. A true and correct copy of USCIS’s letter is
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1 attached as Exhibit B. It indicated that USCIS was invoking 5 U.S.C. § 552(a)(6)(B) to extend
2 the time period to respond to the FOIA Request by 10 days due to the asserted “unusual
3 circumstances” that USCIS’s FOIA office had received an increasing number of FOIA requests
4 and that, to respond to the FOIA Request, USCIS would need to locate and review documents
5 from multiple offices and may have to consult with other agencies or DHS components. *Id.* at 3.
6 With a 10-day extension, USCIS’s determination whether to comply with the FOIA Request was
7 due no later than June 22, 2026. USCIS failed to respond to the FOIA Request by this deadline.

8 42. ICE has not acknowledged or responded to the FOIA Request.

9 43. USCIS and ICE have accordingly failed to “make reasonable efforts to search” for
10 records to respond to the FOIA Request. 5 U.S.C. § 552(a)(3)(C).

11 44. USCIS and ICE further failed to make a final determination regarding the FOIA
12 Request within the time limits prescribed by FOIA. 5 U.S.C. § 552(a)(6)(A)(i).

13 45. USCIS and ICE have accordingly failed to conduct an adequate search for
14 responsive records to the FOIA Request, and have failed to produce any responsive records.

15 **D. FAILURE TO GRANT EXPEDITED PROCESSING**

16 46. Under the FOIA statutory deadlines, USCIS and ICE were further required to
17 provide EBSC and IIBA with a decision on their request for expedited processing by May 18,
18 2026.

19 47. In its June 15 letter, USCIS denied Plaintiffs’ request for expedited processing,
20 asserting without explanation that USCIS has “determined that expedited processing of [the]
21 request is not warranted.” Ex. B at 2.

22 48. As of the date of this complaint, ICE has failed to respond to EBSC and IIBA’s
23 request for expedited processing.

24 **E. FAILURE TO PROVIDE FEE WAIVER**

25 49. In the FOIA Request, EBSC and IIBA also sought a fee waiver of all costs
26 incurred by Defendants in answering the request because the information sought was “likely to
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1 contribute significantly to public understanding of the operations or activities of the government
2 and [was] not primarily in the [Plaintiff's] commercial interest.” 5 U.S.C. § 552(a)(4)(A)(iii).

3 50. As Plaintiffs explained, a fee waiver is warranted because the FOIA Request
4 “seeks to contribute to the public’s understanding of the operations and activities of the federal
5 government—namely, the government’s operation of DACA, a policy that impacts hundreds of
6 thousands of people in the United States and that has maintained nationwide interest since it
7 began in 2012.” Ex. A at 8. They further noted that the requested information, which is not
8 already in the public domain, “would contribute to the understanding of ‘a reasonably broad
9 audience of persons interested in the subject,’” given Plaintiffs’ “‘expertise in the subject area’—
10 as organizations that provide legal and social services to thousands of noncitizens each year,
11 including thousands of DACA recipients—and their ‘ability and intention to effectively convey
12 information to the public.’” *Id.* (quoting 6 C.F.R. § 5.11(k)(2)(iii)); *see also* 6 C.F.R.
13 § 5.11(k)(2)(ii) (noting information is not likely to contribute to an increased public
14 understanding whether the information “already is in the public domain, in either the same or a
15 substantially identical form”).

16 51. Plaintiffs also explained that they do not have a commercial interest in the
17 requested information and made the request to educate the public. *See* Ex. A at 8. EBSC
18 explained that it “intends to review, analyze, and disseminate the records received through this
19 Request through various means, including posting the information on its website and social
20 media accounts and sharing the information on its newsletter and texting platforms.” *Id.* IIBA
21 further explained that it “also plans to share the records obtained through this Request on its
22 website and social media platforms, and during educational programming such as Know Your
23 Rights presentations, panel presentations, and legal trainings.” *Id.*

24 52. In its June 15 letter, USCIS granted Plaintiffs’ request for a fee waiver. Ex. B at
25 3.

26 53. However, as of the date of this complaint, ICE has failed to respond to Plaintiffs’
27 request for a fee waiver.

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1 54. In addition, because Defendants have failed to comply with the time limits
2 specified in 5 U.S.C. § 552(a)(6) for their responses to the FOIA Request, Defendants may not
3 assess any search fees or duplication fees to Plaintiffs. 5 U.S.C. § 552(a)(4)(A)(viii)(I).

4 **FIRST CAUSE OF ACTION**
5 **Violation Of 5 U.S.C. § 552(a)(6)(A) For**
6 **Failure To Comply With Statutory Deadlines**
7 **Against Defendants USCIS and ICE**

8 55. Plaintiffs incorporate each of the foregoing paragraphs of this Complaint.

9 56. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i) and B(i), Defendants had twenty or, at
10 most, thirty business days from receipt of the FOIA Request to notify Plaintiffs of Defendants’
11 determination whether to comply with the FOIA Request and the reasons for that determination.

12 57. To date, Defendants have not provided any notice to Plaintiffs of their
13 determination whether to comply with the FOIA Request and the reasons for such determination.

14 58. Defendants have failed to comply with the requirements to respond as set forth in
15 5 U.S.C. § 552(a)(6)(A)(i).

16 59. Because Defendants have failed to comply with the requirements to respond as set
17 forth in 5 U.S.C. § 552(a)(6)(A)(i) and B(i), Plaintiffs have constructively exhausted their
18 administrative remedies and are entitled to proceed with this judicial action pursuant to 5 U.S.C.
19 § 552(a)(6)(C)(i).

20 60. Under 5 U.S.C. § 552(a)(4)(B), when an agency “improperly with[o]ld[s]”
21 records, this Court may “enjoin the agency from withholding agency records” and “order the[ir]
22 production.”

23 61. Under 5 U.S.C. § 552(a)(4)(A)(viii)(I), because Defendants have failed to comply
24 with the time limits of 5 U.S.C. § 552(a)(6), they are barred from assessing any search or
25 duplication fees to Plaintiffs.

26 **SECOND CAUSE OF ACTION**
27 **Violation Of 5 U.S.C. § 552(a)(6)(E) For**
28 **Failure To Grant Expedited Processing**
Against Defendants USCIS and ICE

62. Plaintiffs incorporate each of the foregoing paragraphs of this Complaint.

1 63. Plaintiffs properly requested records within Defendants’ custody and control on
2 an expedited basis.

3 64. Plaintiffs’ FOIA Request justifies expedited processing under FOIA and 6 C.F.R.
4 § 5.5(e)(4).

5 65. Pursuant to FOIA, 5 U.S.C. § 552(a)(6)(E), agencies must promulgate regulations
6 that provide for expedited processing of FOIA requests where the requester demonstrates a
7 “compelling need” as well as in “other cases determined by the agency.” *Id.* § 552(a)(6)(E)(i).

8 66. Pursuant to FOIA and DHS regulations, 5 U.S.C. § 552(a)(6)(E)(ii)(I); 6 C.F.R.
9 § 5.5(e)(4), Defendants must decide whether to grant a request for expedited processing and
10 notify the requester of their determination within 10 calendar days after the date of the request.

11 67. Defendants failed to issue a determination on the request for expedited processing
12 within the timeframe set by statute and DHS regulations.

13 68. Defendant USCIS subsequently denied Plaintiffs’ request for expedition, contrary
14 to the factual and legal showing Plaintiffs made demonstrating that expedited processing is
15 warranted.

16 69. Because FOIA and the DHS regulations do not require an administrative appeal of
17 an adverse determination regarding a request for expedited processing, Plaintiffs have exhausted
18 their administrative remedies.

19 70. Plaintiffs are entitled to declaratory and injunctive relief requiring Defendants to
20 grant expedited processing of their FOIA Request.

21 **THIRD CAUSE OF ACTION**
22 **Violation Of 5 U.S.C. § 552(a)(3) For**
23 **Failure To Conduct An Adequate Search For Responsive Records**
24 **Against Defendants USCIS and ICE**

25 71. Plaintiffs incorporate each of the foregoing paragraphs of this Complaint.

26 72. Pursuant to FOIA, 5 U.S.C. § 552(a), Plaintiffs have a statutory right to access the
27 requested agency records.

28 73. Pursuant to FOIA, 5 U.S.C. § 552(a)(3)(C), Defendants must “make reasonable
efforts to search” for the information requested.

1 74. Upon information and belief, Defendants possess records responsive to Plaintiffs’
2 FOIA Request that they have failed to produce without justification.

3 75. Upon information and belief, Defendants’ failure to produce responsive records is
4 a result of their failure to make reasonable efforts to search for the information requested.

5 76. Because Defendants have failed to comply with the requirements to respond as set
6 forth in 5 U.S.C. § 552(a)(6)(E)(ii)(I) and 6 C.F.R. § 5.5(e)(4), Plaintiffs have constructively
7 exhausted their administrative remedies.

8 77. Under 5 U.S.C. § 552(a)(4)(B), when an agency “improperly with[o]ld[s]”
9 records, this Court may “enjoin the agency from withholding agency records” and “order the[ir]
10 production.”

11 **FOURTH CAUSE OF ACTION**
12 **Violation Of 5 U.S.C. § 552(a)(4)(A)(iii)**
13 **For Failure To Grant Waiver Of Fees**
14 **Against Defendant ICE**

15 78. Plaintiffs incorporate each of the foregoing paragraphs of this Complaint.

16 79. Plaintiffs requested a fee waiver under 5 U.S.C. § 552(a)(4)(A)(iii) on the grounds
17 that disclosure of the requested records is in the public interest and is “likely to contribute
18 significantly to public understanding of the operations or activities of the government and is not
19 primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

20 80. Defendant ICE failed to respond to Plaintiffs’ fee waiver request within the
21 statutory 20-day time limit for responding to FOIA requests.

22 81. Because Defendants have failed to comply with the requirements to respond as set
23 forth in 5 U.S.C. § 552(a)(6)(A)(i) & B(i), Plaintiffs have constructively exhausted their
24 administrative remedies and are entitled to proceed with this judicial action pursuant to 5 U.S.C.
25 § 552(a)(6)(C)(i).

26 82. Defendant ICE has not given Plaintiffs written notice of unusual circumstances
27 excusing a late response, and no unusual or exceptional circumstances exist that might excuse a
28 late response. 5 U.S.C. § 552(a)(4)(A)(viii)(II).

1 83. Defendant ICE’s failure to grant Plaintiffs a waiver of fees associated with the
2 production of responsive documents violates 5 U.S.C. § 552(a)(4)(A)(iii).

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiffs respectfully request that this Court enter a judgment for
5 Plaintiffs and award the following relief:

6 A. Declare that Defendant ICE has violated FOIA by failing to make a determination
7 regarding Plaintiffs’ request for expedited processing within the statutory time limit;

8 B. Declare that each Defendant has violated FOIA by failing to make a
9 determination with respect to Plaintiffs’ FOIA Request within the statutory time limit;

10 C. Declare that each Defendant has violated FOIA by failing to produce non-exempt
11 records responsive to Plaintiffs’ FOIA Request within the statutory time limit;

12 D. Declare that Defendant ICE has violated FOIA by failing to grant Plaintiffs a
13 waiver of all fees associated with the search for and production of the requested records;

14 E. Order each Defendant to respond to the FOIA Request by a date or dates certain,
15 by (a) immediately notifying Plaintiffs whether they will comply with the FOIA Request and the
16 reasons for their determination; (b) conducting a search using “reasonable effort[s]” “for the
17 purpose of locating those records which are responsive” to the FOIA Request, as required by 5
18 U.S.C. §§ 552(a)(3)(C)-(D); (c) demonstrating that they have conducted an adequate search; and
19 (d) producing to Plaintiffs all non-exempt records or portions of records responsive to the FOIA
20 Request, as well as a *Vaughn* index of any records or portions of records withheld due to a claim
21 of exemption;

22 F. Order each Defendant to process Plaintiffs’ FOIA Request on an expedited basis;

23 G. Order Defendant ICE to grant Plaintiffs a waiver of all fees associated with the
24 search for and production of the requested records;

25 H. Award Plaintiffs their costs and attorney fees reasonably incurred in this action,
26 pursuant to 5 U.S.C. § 552(a)(4)(E); and

27 I. Grant such other and further relief as the Court may deem just and proper.
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DATED: June 25, 2026

Respectfully submitted,

/s/ Esther H. Sung

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