



**U.S. Citizenship
and Immigration
Services**

Control Number: COW2020002842

December 30, 2024

Austin Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Dear Austin Evers:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office on October 4, 2020 pertaining to all analyses regarding the permissibility of including a naturalization ceremony in the Republican National Convention, including but not limited to the statutory requirements imposed by the Hatch Act.

We have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General's Guidance. We have completed the review of all documents and have identified 38 pages that are responsive to your request. Enclosed are 2 pages released in their entirety and 10 pages released in part. Additionally, we have referred 26 pages in their entirety to Department of Homeland Security. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(5) and (b)(6) of the FOIA.

The following exemptions are applicable:

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

There may be additional documents that contain discretionary releases of exempt information. If made, these releases are specifically identified in the responsive record. These discretionary releases do not waive our ability to invoke applicable FOIA exemptions for similar or related information in the future.

The enclosed record consists of the best reproducible copies available. Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. You may file an administrative FOIA appeal by mail to USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139. Both the

letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our USCIS FOIA Public Liaison at U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010, or by email at FOIAPAQuestions@uscis.dhs.gov.

A USCIS FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. USCIS FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency, and understanding of the status of requests, and assisting in the resolution of disputes.

If you are unable to resolve your FOIA dispute through our USCIS FOIA Public Liaison, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email ogis@nara.gov; telephone 202-741-5770; toll free 877-684-6448; or facsimile 202-741-5769.

The National Records Center does not process petitions, applications, or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with USCIS, please visit the Contact Us page at www.uscis.gov or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

Sincerely,



James A Baxley
Chief FOIA Officer
Freedom of Information Act & Privacy Act Unit

Enclosure(s)

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

From: [REDACTED] (b)(6)
Sent: Thursday, August 27, 2020 9:06 AM
To: USCIS Ethics <USCIS.Ethics@uscis.dhs.gov>
Subject: RE: Naturalization Ceremony at the White House during RNC

Good Morning,

(b)(6)

Thank you very much. [REDACTED] I am particularly interested. Thank you for your time and attention. Given the email from DHS today about the Hatch Act I wouldn't be surprised if you received additional emails like my own.

Best Regards,

[REDACTED] | DHS | USCIS | [REDACTED] (b)(6)

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Flex 2nd Friday

From: Mills, William <[REDACTED]> **On Behalf Of** USCIS Ethics
Sent: Thursday, August 27, 2020 10:04 AM
To: [REDACTED] > (b)(6)
Subject: RE: Naturalization Ceremony at the White House during RNC

Greetings [REDACTED] (b)(6)

This question was posed by another employee yesterday and has been submitted to the Office of Special Counsel for determination. The Office of Special Counsel is posited with the authority to investigate and make prosecution determinations regarding conduct that raises issues under the Hatch Act. I will let you know what we hear back from OSC.

Regards,

William Mills
Associate Ethics Officer / Associate Counsel
U.S. Citizenship & Immigration Services, DHS
24000 Avila Road, Room 6080
Laguna Niguel, CA 92677
[REDACTED] (cell) (b)(6)
Ethics Box: USCIS.Ethics@uscis.dhs.gov

This communication, and any and all attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is

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From [REDACTED] (b)(6)
Sent: Thursday, August 27, 2020 6:50 AM
To: USCIS Ethics <USCIS.Ethics@uscis.dhs.gov>
Subject: Naturalization Ceremony at the White House during RNC

Good Morning,

[REDACTED]

(b)(5)

Best Regards,

[REDACTED] | DHS | USCIS | [REDACTED] (b)(6)

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Flex 2nd friday

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

From: Mills, William <[REDACTED]> **On Behalf Of** USCIS Ethics
Sent: Thursday, August 27, 2020 8:55 AM
To: [REDACTED] (b)(6)
Cc: Mills, William <[REDACTED]>
Subject: RE: Chad Wolf Conducting Naturalization Ceremony During Republican National Convention

Hi [REDACTED] (b)(6)

This question was posed by another employee yesterday and has been submitted to the Office of Special Counsel for determination. The Office of Special Counsel is posited with the authority to investigate and make prosecution determinations regarding conduct that raises issues under the Hatch Act. I will let you know what we hear back from OSC.

Regards,

William Mills
Associate Ethics Officer / Associate Counsel
U.S. Citizenship & Immigration Services, DHS
24000 Avila Road, Room 6080
Laguna Niguel, CA 92677

[REDACTED] (cell) (b)(6)

Ethics Box: USCIS.Ethics@uscis.dhs.gov

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From: [REDACTED]
Sent: Thursday, August 27, 2020 6:42 AM
To: USCIS Ethics <USCIS.Ethics@uscis.dhs.gov>
Subject: Chad Wolf Conducting Naturalization Ceremony During Republican National Convention

Good Morning,

[REDACTED]

(b)(5)

Thank you,



(b)(6)

From: Mills, William [REDACTED] **On Behalf Of** USCIS Ethics
Sent: Friday, August 28, 2020 10:34 AM
To: Frazier, Denise M [REDACTED] (b)(6)
Subject: RE: Question: Hatch Act

Hi Denise,

We have been inundated with basically the same question. Your proposed response is fine. You may want to add the following language, which reflects what we have been providing to concerned employees:

This issue has been submitted to the Office of Special Counsel (OSC) for determination. OSC is posited with the authority to investigate and make prosecution determinations regarding conduct that raises issues under the Hatch Act.

Regards,

William Mills
Associate Ethics Officer / Associate Counsel
U.S. Citizenship & Immigration Services, DHS
24000 Avila Road, Room 6080
Laguna Niguel, CA 92677
[REDACTED] (cell) (b)(6)
[REDACTED]
Ethics Box: USCIS.Ethics@uscis.dhs.gov

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From: Frazier, Denise M [REDACTED]
Sent: Friday, August 28, 2020 7:34 AM
To: USCIS Ethics <USCIS.Ethics@uscis.dhs.gov>
Subject: Question: Hatch Act

Good Morning –

I received the below concern and questions regarding the Hatch Act. I have drafted a proposed response to the question that I would like to run by you before send the response out to the team. Any advice would be greatly appreciated. Thank You! Denise

Denise M. Frazier
Denise M. Frazier

District Director
DHS/U.S. Citizenship & Immigration Services
District S22 – Atlanta

“One Mission – One Team”

Question

(b)(5)

Proposed Answer

(b)(5)

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

From: Mills, William <[REDACTED]> **On Behalf Of** USCIS Ethics

Sent: Wednesday, August 26, 2020 4:23 PM

To: [REDACTED] (b)(6)

Cc: [REDACTED]
Subject: RE: Possible Misconduct by a Federal Employee: Hatch Act

Greetings,

[REDACTED]

(b)(5)

[REDACTED] You may request an opinion directly of the Office of Special Counsel, on this or any other Hatch Act issue. Their contact information is provided below. Please let me know what you hear in response.

For HA inquiries regarding rank and file USCIS employees, please contact the USCIS Ethics Office.

To file a complaint for investigation based on a violation of the HA, go to www.usc.gov.

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Tel: (800) 85-HATCH or (800) 854-2824 or (202) 804-7002
Fax: (202) 254-3700
E-mail: hatchact@osc.gov

Regards,

William Mills
Associate Ethics Officer / Associate Counsel
U.S. Citizenship & Immigration Services, DHS
24000 Avila Road, Room 6080
Laguna Niguel, CA 92677

[REDACTED] (cell) (b)(6)

[REDACTED]
Ethics Box: USCIS.Ethics@uscis.dhs.gov

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From: [REDACTED] (b)(6)

Sent: Wednesday, August 26, 2020 10:01 AM

To: USCIS Ethics <USCIS.Ethics@uscis.dhs.gov>

Cc: [redacted] (b)(6)

Subject: FW: Possible Misconduct by a Federal Employee: Hatch Act

Good Day,

Please find the concern outlined below and provide guidance as to how to proceed.

Your assistance is appreciated.

Best,

[redacted]

(b)(6)

P.S. I have cc'd my supervisor to keep him apprised of the response.

From: [redacted]

Sent: Wednesday, August 26, 2020 11:52 AM

(b)(6)

To: [redacted]

Subject: RE: Possible Misconduct by a Federal Employee: Hatch Act

Hi [redacted] (b)(6)

Here is where to find the Ethics Site and E-mail for reporting violations.

So, you can send issues directly.

USCIS Ethics Office Online: See USCIS Ethics website on USCIS Connect (listed under Employee Resources) Email:

Thank You.

[redacted]



U.S. Citizenship
and Immigration
Services

[redacted]

(b)(6)

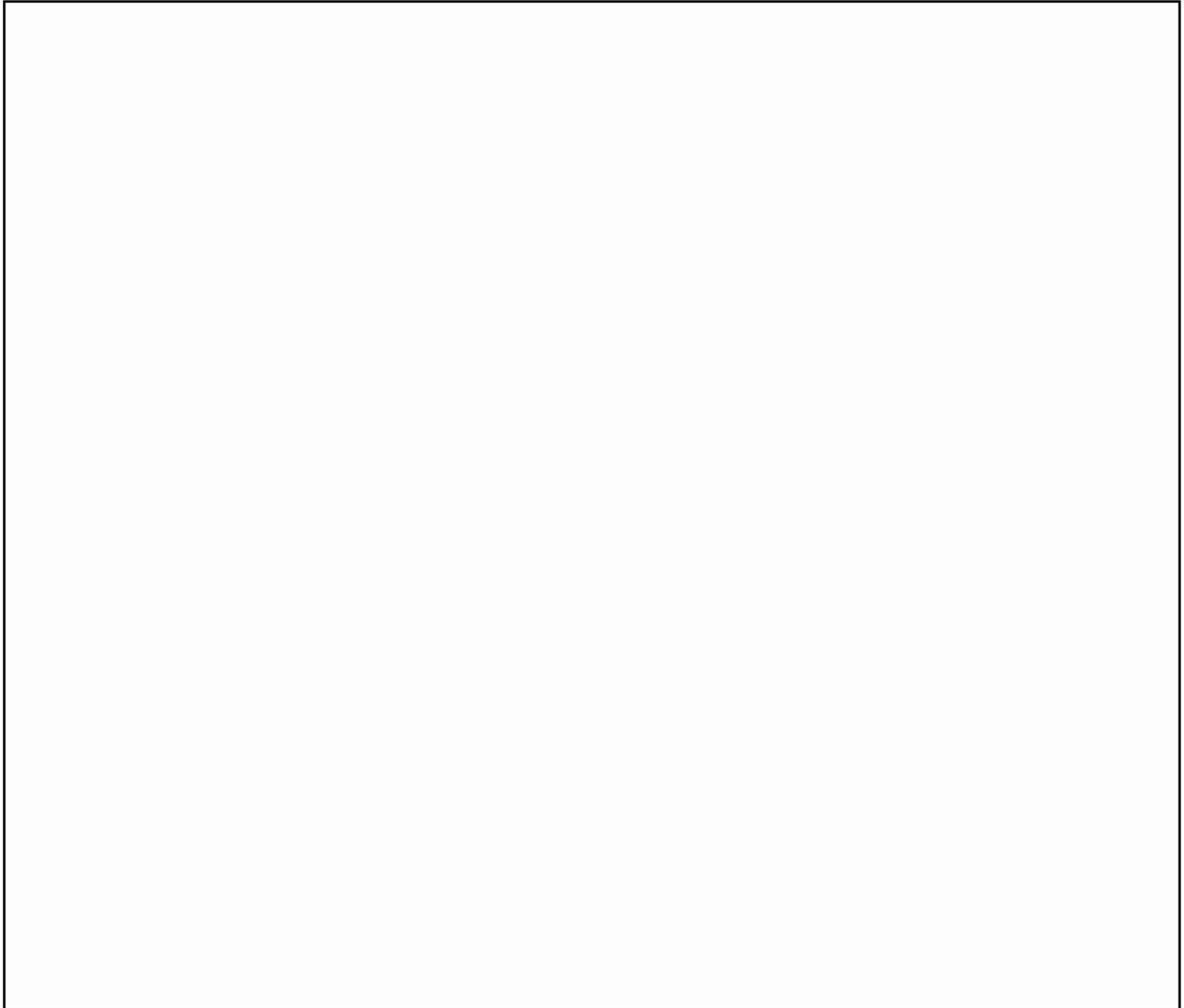
From: [redacted]

Sent: Wednesday, August 26, 2020 11:08 AM

To: [redacted] (b)(6)

Subject: Possible Misconduct by a Federal Employee: Hatch Act

Good Morning,



(b)(5)

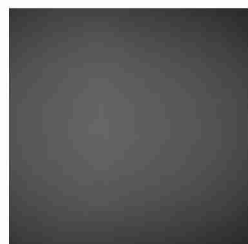
Best,



(b)(6)

From: Flynn, Patricia H <[REDACTED]> (b)(6)
Sent: Thursday, August 27, 2020 5:33 PM
To: Flynn, Patricia H <[REDACTED]>
Subject: WH Natz Ceremony

DHS sends out Hatch Act memo days after secretary appears in RNC-related ceremony



By Vivian Salama

Updated 10:46 AM ET, Thu August 27, 2020



The Department of Homeland Security logo is seen at the new ICE Cyber Crimes Center expanded facilities in Fairfax, Virginia July 22, 2015. The forensic lab combats cybercrime cases involving underground online marketplaces, child exploitation, intellectual property theft and other computer and online crimes. AFP HOTO/Paul J. Richards (Photo credit should read PAUL J. RICHARDS/AFP/Getty Images)

(CNN)The Department of Homeland Security sent an agency-wide email to its employees Thursday morning reminding them not to participate in partisan politics, citing "heightened scrutiny."

While directives like this are standard in election years, the warning comes days after acting Homeland Security Secretary Chad Wolf participated in a swearing in ceremony with President Donald Trump for naturalized Americans as part of the Republican National Convention, raising ethics concerns.

It also follows an announcement by Democratic Rep. Joaquin Castro, the chairman of the House Foreign Affairs Oversight and Investigations Subcommittee, that he has opened an investigation into Secretary of State Mike Pompeo's controversial decision to address the RNC.



'No one gets punished': RNC utilizes White House for speeches and surprises despite ethics concerns

Thursday's email to DHS staff, reviewed by CNN, begins by noting that "we, as a department, are under heightened scrutiny during this Presidential election cycle."

Signed by Joseph Maher, the agency's designated ethics official, the email references the Hatch Act, which stipulates that most executive-branch officials must not engage in political activity in an official capacity at any time, and notes that "certain employees are subject to greater restrictions by law."

"These are career employees who are members of the Senior Executive Service, U.S. Secret Service employees, employees of Immigration and Customs Enforcement Homeland Security Investigations, Administrative Law Judges, or Contract Appeals Board," it adds. "In addition, as a matter of long-standing DHS policy, political appointees in the Department are also considered further restricted."

Pompeo's participation in the event, which came in the form of a speech which he recorded while on a diplomatic trip to Israel, followed a similar email to State Department staff a month earlier, reminding employees to "not improperly engage the Department of State in the political process," according to a cable obtained by CNN. The State Department defended Pompeo's actions saying he participated in his personal capacity.

The President and vice president are among the few exceptions to the Hatch Act. However, Cabinet secretaries and other top federal officials are expected to make clear distinctions between any of their official duties and their campaign activities if they are to avoid potential problems.

The Office of Special Counsel is a government body charged with enforcing the Hatch Act, a law passed in 1939 that aims to prevent the government from influencing elections or acting in a partisan manner.

Hatch Act penalties can range from an official reprimand to a civil penalty of up to \$1,000. More serious infringements can bring suspension, termination or a ban of up to five years from federal employment for individuals.

In videos aired Monday, Trump met with different groups of Americans, including hostages who had been freed by his administration, individuals who had recovered from coronavirus, and Americans being sworn in as citizens.

By labeling the videos routine examples of "official events," the White House seemed to excuse the use of government resources that went into them -- including the participation of Wolf and a group of Marines who were seen at the start.

Such accusations also were made during the previous administrations.

Castro's brother, former President Barack Obama's secretary of housing and urban development Julián Castro, for example, was cited for a Hatch Act violation when he responded to journalist Katie Couric's questions about the 2016 presidential race and his own chances of being chosen as Democratic candidate Hillary Clinton's running mate.

However, this year's extraordinary circumstances due to the global pandemic have prompted an unusual blur in the use of public office -- including the White House -- for this year's Republican National Convention, raising concerns that the standard for separating partisan politics from the government has been skewed.

Referred to Department of Homeland Security

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