



April 25, 2025

VIA ONLINE PORTAL

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th St. SW
Stop 5009
Washington, DC 20536
Via Online Portal

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

The Social Security Administration recently announced that the social security numbers of more than 6,000 immigrants were cancelled.¹ American Oversight seeks records with the potential to shed light on this decision to cancel social security numbers for immigrants, including plans to cancel additional social security numbers.

Requested Records

American Oversight seeks expedited review of this request for the reasons identified below and requests that your agency produce the following records as soon as practicable, and at least within twenty business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the Immigration and Customs Enforcement (ICE) officials listed below, and (b) anyone in the White House Office (including anyone communicating from an email address ending in @who.eop.gov), and (c) containing any of the key terms listed below.

Immigration and Customs Enforcement Officials:

- i. Todd Lyons, Acting Director
- ii. Madison Sheahan, Deputy Director
- iii. Caleb Vitello, former Acting Director

¹ See, e.g., Lisa Rein et al., *Social Security Classifies Thousands of Immigrants as Dead, as Part of Trump Crackdown*, Wash. Post (Apr. 10, 2025), <https://www.washingtonpost.com/politics/2025/04/10/self-deportation-immigrants-social-security-dead/>.



- iv. Kenneth Genalo, Acting Executive Associate Director, Enforcement and Removal Operations (“ERO”)
- v. Russell Hott, former Acting Executive Associate Director, ERO
- vi. Jon Feere, Chief of Staff
- vii. Garrett Ripa, Deputy Executive Associate Director, ERO
- viii. Peter Berg, former Deputy Executive Associate Director, ERO

Key Terms:

- a. “death master file”
- b. DMF
- c. “ineligible master file”
- d. IMF
- e. “social security”
- f. “SS number”
- g. “SS numbers”
- h. “SS roll”
- i. “SS list”
- j. “SS data”

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. In other words, for example, if an official received a mass-distribution news clip email from the White House, that initial email would not be responsive to this request. However, if that official forwarded that email to another listed individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

- 2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the ICE officials listed above in part 1 and containing any of the key terms listed below.

Key Terms:

- a. “death master file”
- b. DMF
- c. “ineligible master file”
- d. IMF
- e. “social security”
- f. “SS number”
- g. “SS numbers”
- h. “SS roll”
- i. “SS list”
- j. “SS data”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has

limited this request to emails sent by the specified individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual's response to an email and the initial received message are responsive to this request and should be produced.

For parts 1-2 of this request, please provide all responsive records from February 10, 2025, through the date the search is conducted.

3. A complete copy (including any attachments) of any contract or subcontract, amendment, inter-governmental service agreement, memorandum of understanding, or other written agreement between ICE and the Social Security Administration.
4. All formal or informal final directives (including informal email communications), guidance, or recommendations created by, issued to, or otherwise provided to ICE regarding the use of or access to Social Security Administration data for immigration enforcement purposes.
5. All records reflecting policies, procedures, and practices—both formal and informal—prepared by, received by, or otherwise in the possession of ICE regarding moving people onto the death master file or ineligible master file because of their immigration or citizenship status, including, but not limited to, protocol for verifying a person's immigration or citizenship status.
6. Records sufficient to identify any formal or informal criteria used to determine if a person should be moved onto the death master file or ineligible master file because of their immigration or citizenship status, including, but not limited to, any standards regarding determining if a person is a convicted criminal or suspected terrorist.
7. A complete copy of any memoranda issued by Secretary of Homeland Security Kristi Noem regarding the Social Security Administration, including, but not limited to, sharing Social Security Administration data for immigration enforcement purposes or moving people onto the death master file or ineligible master file because of their immigration or citizenship status.

For parts 3-7 of this request, please provide all responsive records from January 20, 2025, through the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government

procedures by the general public in a significant way. Moreover, the request is for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”² The public has a significant interest in the Social Security Administration’s decision to cancel social security numbers for immigrants.³ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including whether officials sufficiently vetted the individuals whose social security numbers were cancelled, and whether additional social security numbers will be cancelled. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request “is not primarily in the commercial interest of the requester.”⁴ In fact, as a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose, and the release of the information requested is not in American Oversight’s commercial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).⁵

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁶ Examples reflecting this commitment include the posting of records related to the first Trump Administration’s contacts with Ukraine and analyses of those contacts;⁷ posting records and editorial content about the federal government’s response

² 5 U.S.C. § 552(a)(4)(A)(iii).

³ See, e.g., Will Weissert & Fatima Hussein, *Social Security Lists Thousands of Living Immigrants as Dead to Prompt Them to Leave*, *AP Sources Say*, AP (Apr. 10, 2025, 9:37 PM), <https://apnews.com/article/living-immigrants-dead-social-security-numbers-trump-c10737cbe36e3108fb244a555777d880>.

⁴ 5 U.S.C. § 552(a)(4)(A)(iii).

⁵ American Oversight currently has approximately 16,000 followers on Facebook and 94,900 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 24, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Apr. 24, 2025).

⁶ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁷ *Trump Administration’s Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

to the COVID-19 pandemic;⁸ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the first Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁹ the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers;¹⁰ and posting records and analysis of federal officials’ use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹¹

Accordingly, American Oversight qualifies for a fee waiver.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 6 C.F.R. § 5.5(e), American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity. On April 10, 2025, it was reported that the Social Security Administration was actively cancelling the social security numbers of more than 6,300 immigrants by moving them onto the “death master file,” renamed the “ineligible master file.”¹² The Trump administration’s goal with this measure is to

⁸ See generally *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

⁹ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Audit the Wall: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://americanoversight.org/audit-the-wall-no-plans-funding-or-timeline-and-no-wall/>.

¹⁰ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.documentcloud.org/documents/25544090-doj-records-relating-to-solicitor-general-noel-franciscos-recusal-american-oversight>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹¹ See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo’s 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

¹² See, e.g., Alexandra Berzon et al., *Social Security Lists Thousands of Migrants as Dead to Prompt Them to ‘Self-Deport’*, N.Y. Times (Apr. 10, 2025), <https://www.nytimes.com/2025/04/10/us/politics/migrants-deport-social-security-doge.html>.

encourage people to “self-deport” by cutting them off from access to financial services and government benefits.¹³ Though the administration has claimed that only convicted criminals and “suspected terrorists” will be targeted, no evidence has been provided; the administration has gone on to state that the effort could broaden to include others in the country without authorization and without a criminal record.¹⁴ In fact, the list of people to have social security numbers cancelled included eight minor children.¹⁵ Additionally, the Social Security Administration has also agreed to share personal data with the Department of Homeland Security and Immigration and Customs Enforcement for immigration enforcement purposes. There is an urgent need to obtain records, including communications, criteria, and protocol, regarding the cancelling of social security numbers and sharing of social security data to inform the public about actual or alleged government activity regarding moving immigrants onto the death master file and targeting people for deportation.

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about the conditions in which immigrants’ social security numbers have been cancelled. Acting Social Security Commissioner Leland Dudek has stated that the decision to move immigrants onto the death master file is intended to “terminate” the “financial lives” of more than 6,300 people.¹⁶ These actions will have a significant negative impact on immigrant communities, including citizens or other people with legal status, ranging from ineligibility to receive government benefits to the inability to open bank accounts or register in public schools.¹⁷ The public requires the requested information to understand how individuals are selected to have their social security number cancelled or data shared with immigration enforcement authorities, and to confirm whether any citizens have mistakenly had their social security numbers cancelled as part of this effort.

I also certify to be true and correct to the best of my knowledge and belief that there is widespread and exceptional media interest and there exist possible questions

¹³ See, e.g., Aaron Navarro, *Trump Administration Invalidates Social Security Numbers of Immigrants, Pushing Them to ‘Self-Deport’*, CBS (Apr. 10, 2025, 9:27 PM), <https://www.cbsnews.com/news/social-security-dead-immigrants-temporary-legal-status/>.

¹⁴ See, e.g., Ted Hesson & Daniel Trotta, *Trump Seeks to Revoke Immigrants’ Social Security Numbers*, Reuters (Apr. 10, 2025, 9:21 PM), <https://www.reuters.com/world/us/trump-seeks-revoke-immigrants-social-security-numbers-2025-04-11/>.

¹⁵ See *supra* note 12.

¹⁶ See, e.g., Griffin Eckstein, *‘Terminate Their Fiscal Lives’: Trump Admin Cancels Some Immigrants’ Social Security Numbers*, Salon (Apr. 10, 2025, 8:27 PM), <https://www.salon.com/2025/04/10/terminate-their-fiscal-lives-admin-cancels-some-immigrants-social-security-numbers/>.

¹⁷ See, e.g., Suzanne Gamboa, *Trump Measures Make Life More Difficult for Immigrants—Not Just Undocumented*, NBC (Apr. 15, 2025, 7:27 PM), <https://www.nbcnews.com/news/latino/trump-officials-are-using-federal-agencies-make-life-us-untenable-undo-rcna201365>.

concerning the government's integrity, which affect public confidence.¹⁸ There is widespread and exceptional media interest in the cancellation of immigrants' social security numbers as part of President Trump's mass deportation agenda, as well as the unprecedented decision to share sensitive social security data with immigration enforcement officials.¹⁹ The revelations that minor children were included in lists of social security numbers to be cancelled raises serious and heightened questions about the government's integrity that affect public confidence, including whether the government sufficiently vetted data before moving people to the death master file.²⁰

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,²¹ American Oversight "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an

¹⁸ 6 C.F.R. § 5.5(e)(1)(iv)

¹⁹ See, e.g., Fatima Hussein, *What We Know About the Social Security Administration Listing Thousands of Living Immigrants as Dead*, AP (Apr. 11, 2025, 5:39 PM), <https://apnews.com/article/social-security-immigration-dhs-deportation-12cf4ab92d5cac3406ded3a343f75005>; Hannah Natanson et al., *Trump Administration Overrode Social Security Staff to List Immigrants as Dead*, Wash. Post, Apr. 12, 2025, <https://www.washingtonpost.com/politics/2025/04/12/trump-immigrants-dead-social-security/>; Rene Marsh, *Trump Administration Lists Thousands of Immigrants as Dead in New Policy*, CNN (Apr. 11, 2025, 3:21 PM), <https://www.cnn.com/2025/04/11/politics/trump-administration-social-security-dead-dhs/index.html>; Jake Johnson, *Trump Admin Lists Many Living Immigrants as Dead in Social Security Database*, Truthout, Apr. 11, 2025, <https://truthout.org/articles/trump-admin-lists-many-living-immigrants-as-dead-in-social-security-database/>; Ja'han Jones, *Trump's Social Security Team Has Reportedly Marked More Than 6,000 Immigrants as Dead*, MSNBC (Apr. 11, 2025, 3:54 PM), <https://www.msnbc.com/top-stories/latest/immigrants-social-security-numbers-deleted-trump-rcna200911>; Emily Peck, *Social Security is Now An Immigration Enforcement Tool*, Axios, Apr. 13, 2025, <https://www.axios.com/2025/04/13/social-security-immigration>; Michael Lee, *ICE Using Social Security Records to Aid Trump Push to Deport Illegal Immigrants*, Fox News (Apr. 15, 2025, 8:00 AM), <https://www.foxnews.com/politics/ice-using-social-security-records-aid-trump-push-deport-illegal-immigrants>.

²⁰ See, e.g., Rebecca Beitsch, *Trump Administration Adds Immigrant Social Security Numbers to 'Death List' in Deportation Push*, The Hill (Apr. 11, 2025, 2:56 PM), <https://thehill.com/homenews/5245170-trump-migrants-work-barrier/>; Issie Lapowsky, *Trump Adds Thousands of Living Immigrants to Social Security's 'Death' File: Report*, Vanity Fair, Apr. 11, 2025, <https://www.vanityfair.com/news/story/trump-immigrants-death-file>.

²¹ See *ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

audience.”²² American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.com.²³ As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.²⁴

Accordingly, American Oversight’s request satisfies the criteria for expedition.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted.

²² *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

²³ American Oversight currently has approximately 16,000 followers on Facebook and 94,900 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 24, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Apr. 24, 2025).

²⁴ *See generally* *News*, American Oversight, <https://www.americanoversight.org/blog>; *see, e.g.,* *Emails and Resume of Trump’s Pick to Head Government Personnel Office*, American Oversight, <https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office>; *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>; *State Department Releases Ukraine Documents to American Oversight*, American Oversight, <https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight>; *Documents Reveal Ben Carson Jr.’s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration’s Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions’ Letter Shows DOJ Acted On Trump’s Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.²⁵ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.²⁶
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,²⁷ and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this

²⁵ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

²⁶ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

²⁷ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Danny Martinez at foia@americanoversight.org or (202) 897-2465. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Danny Martinez
Danny Martinez
on behalf of
American Oversight