AMERICAN OVERSIGHT

June 9, 2025

VIA ONLINE PORTAL

Department of Homeland Security
Privacy Office, Mail Stop 0655
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528
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.

Executive Order 14161 "Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats" requires Trump administration officials to identify countries "for which vetting and screening information is so deficient as to warrant a partial or full suspension on the admission of nationals from those countries."[1] On June 4, 2025, President Trump issued the proclamation "Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats," fully suspending entry of people from 12 countries and partially suspending entry of people from seven countries.[2] American Oversight seeks records that shed light on the decision to ban travel from select countries, reviving the travel ban from the first administration.

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:

> All final formal or informal directives (including informal email communications), guidance, protocol, or policies from the White House regarding suspending or limiting admission of people from certain countries, as

[1] *See* Exec. Order No. 14161, *Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats*, 90 Fed. Reg. 8451 (Jan. 20, 2025).
[2] *See* Proclamation No. 10948, *Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats* (June 4, 2025), https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/.

directed by Proclamation "Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats."[3]

Please provide all responsive records from May 1, 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."[4] The public has a significant interest in travel restrictions for citizens of certain countries.[5] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including how the recent travel ban will be implemented. 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. "[6] 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).[7]

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[3] *See supra* note 2.
[4] 5 U.S.C. § 552(a)(4)(A)(iii).
[5] *See, e.g.*, Kristen Holmes et al., *Trump Signed Proclamation to Ban Travel From Several Counties, Sources Say*, CNN (June 4, 2025, 7:45 PM), https://www.cnn.com/2025/06/04/politics/trump-travel-ban-proclamation.
[6] 5 U.S.C. § 552(a)(4)(A)(iii).
[7] American Oversight currently has approximately 16,000 followers on Facebook and 94,600 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited June 4, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited June 4, 2025).

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.[8] Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;[9] posting records and editorial content about the federal government's response to the COVID-19 pandemic;[10] 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;[11] 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;[12] and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.[13]

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.

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[8] *See generally News*, American Oversight, https://www.americanoversight.org/blog.
[9] *Trump Administration's Contacts with Ukraine*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine.
[10] *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.
[11] *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/.
[12] *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.
[13] *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.

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.[14] On June 4, 2025, President Trump issued a proclamation instating a full and partial travel ban against nationals from certain countries, reviving a form of the travel ban from his first administration.[15] This ban targets 19 countries with full or partial restrictions on admission to the United States, with limited exceptions for certain people, including lawful permanent residents, current visa holders, and other "individuals whose entry serves U.S. national interests."[16] This newest travel ban is an expansion of the travel bans from the first Trump administration, targeting many additional countries.[17]

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[14] 6 C.F.R. § 5.5(e)(1)(ii)

[15] *See, e.g.*, Nnamdi Egwuonwu & Tara Prindiville, *Trump Announces New Travel Restrictions on 19 Countries, Including 12 Outright Bans*, NBC (June 4, 2025, 9:17 PM), https://www.nbcnews.com/politics/trump-administration/trump-announces-new-travel-restrictions-19-countries-12-outright-bans-rcna211073; Myah Ward, *Trump Issues New Multi-Country Travel Ban*, Politico (June 4, 2025, 8:12 PM), https://www.politico.com/news/2025/06/04/trump-issues-new-multi-country-travel-ban-00388047; Jasmine Baehr et al., *Trump Bans Travel to US from Several Countries to Block 'Dangerous Foreign Actors'*, Fox (June 4, 2025, 8:45 PM), https://www.foxnews.com/politics/president-trump-bans-travel-us-from-several-countries-block-dangerous-foreign-actors; Sareen Habeshian, *Trump Issues Travel Ban for 12 Countries*, Axios, June 4, 2025, https://www.axios.com/2025/06/04/trump-travel-ban-dozen-countries; Jennifer Jacobs, *Trump Signs Travel Bans on Entry from 12 Countries, Restrictions on 7 More*, CBS (June 4, 2025, 9:06 PM), https://www.cbsnews.com/news/trump-signs-travel-ban-multiple-countries/.

[16] *See, e.g.*, Josh Rivera & Zach Wichter, *Trump Issues New Travel Ban Affecting Nearly 20 Countries: What Travelers Need to Know*, USA Today (June 5, 2025, 6:49 AM), https://www.usatoday.com/story/travel/news/2025/06/04/us-travel-ban-2025-explained/84038824007/; Asma Khalid, *Trump Issues New Travel Ban Covering a Dozen Countries*, NPR (June 4, 2025, 9:00 PM), https://www.npr.org/2025/06/04/nx-s1-5423787/trump-travel-ban; Chris Meherian & Farnoush Amiri, *Trump Announces Travel Ban Affecting a Dozen Countries Set to Go Into Effect Monday*, AP (June 4, 2025, 9:07 PM), https://apnews.com/article/trump-travel-ban-adeaec442cb0f00f4f8a34d208118445; Jeff Mason & Nandita Rose, *Trump Bans Travel to US from 12 Countries, Citing Security Concerns*, Reuters (June 4, 2025, 9:06 PM), https://www.reuters.com/world/americas/trump-signs-proclamation-banning-travel-12-countries-cbs-news-reports-2025-06-04/; Anna Commander, *Full List of Countries Affected by Trump's New Travel Ban*, Newsweek (June 4, 2025, 8:40 PM), https://www.newsweek.com/trump-travel-ban-countries-list-2081172.

[17] *See, e.g.*, David Nakamura et al., *Trump Administration Reinstates and Expands Travel Ban*, Wash. Post, June 4, 2025, https://www.washingtonpost.com/immigration/2025/06/04/travel-ban-countries-list-update-trump/; Joey Garrison, *President Trump Bans Travel from 12 Nations, Partially Restricts Entry from Seven Others*, USA Today (June 4, 2025, 8:36 PM), https://www.usatoday.com/story/news/politics/2025/06/04/trump-bans-travel-12-nations/84038432007/; Hamed Aleaziz, *Trump Orders Entry Ban for People from 12 Countries*, N.Y. Times, June 4, 2025,

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 how federal officials plan to implement the travel ban, and the extent to which the White House has provided guidance on complying with the proclamation. In the first Trump administration, two versions of the travel ban were ruled unconstitutional by the Supreme Court, partially on the basis that it was a violation of the First Amendment as a form of religious discrimination, as the bans targeted Muslim-majority countries.[18] There was widespread confusion with the initial travel bans, as guidance was not clear and the bans were not uniformly implemented across all ports of entry.[19] The travel ban announced on June 4, 2025, is already widely expected to cause mass chaos and disruption for people traveling and countries targeted by the proclamation, with the potential for significant rights violations as the ban is newly enacted.[20] It is anticipated that this travel ban will discriminate against groups of people based on ethnicity alone, and will likely result in

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https://www.nytimes.com/2025/06/04/us/politics/trump-travel-ban.html; Michelle Hackman, *Trump Bans Citizens of 12 Countries from Traveling to U.S.*, Wall Street Jour. (June 4, 2025, 9:00 PM), https://www.wsj.com/politics/policy/trump-bans-citizens-of-12-countries-from-traveling-to-u-s-ba0b6b65; Syra Ortiz Blanes et al., *Trump Hits Cuba, Venezuela, Haiti With Travel Bans Amid Immigration Crackdown*, Miami Herald (June 4, 2025, 8:58 PM), https://www.miamiherald.com/news/local/immigration/article307918190.html; Brett Samuels, *Trump Signs Travel Ban Targeting 12 Countries*, The Hill (June 4, 2025, 8:19 PM), https://thehill.com/homenews/administration/5333729-trump-travel-ban/; *Donald Trump Announces US Travel Ban on People from 12 Countries*, Al Jazeera, June 5, 2025, https://www.aljazeera.com/news/2025/6/5/trump-announces-travel-ban-on-people-from-12-countries.

[18] *See, e.g.*, Anthony Robledo & Richard Wolf, *A Look at Trump's Travel Ban Timeline Throughout His First Presidency*, USA Today (June 4, 2025, 10:03 PM), https://www.usatoday.com/story/news/politics/2025/06/04/trump-travel-ban-timeline/84038532007/; Nina Totenberg & Domenico Montanaro, *In Big Win for White House, Supreme Court Upholds President Trump's Travel Ban*, NPR (June 26, 2018, 10:25 AM), https://www.npr.org/2018/06/26/606481548/supreme-court-upholds-trump-travel-ban.

[19] *See, e.g.*, Victoria Bourne & Hafsa Khalil, *What We Know About Trump's Latest Travel Ban*, BBC, June 5, 2025, https://www.bbc.com/news/articles/cx271g270v7o; Brady Dennis & Jerry Markon, *Amid Protests and Confusion, Trump Defends Executive Order: 'This is Not a Muslim Ban'*, Wash. Post, Jan. 29, 2017, https://www.washingtonpost.com/national/health-science/trump-gives-no-sign-of-backing-down-from-travel-ban/2017/01/29/4ffe900a-e620-11e6-b82f-687d6e6a3e7c_story.html.

[20] *See, e.g.*, Niha Masih et al., *Trump's Travel Ban Triggers Fear and Uncertainty in Affected Countries*, Wash. Post, June 5, 2025, https://www.washingtonpost.com/world/2025/06/05/trump-travel-ban-afghanistan-venezuela-reaction/; Hannah Beech, *In War-Torn Nations, Trump's Travel Ban Brings a New Hardship*, N.Y. Times (June 5, 2025, 8:30 AM), https://www.nytimes.com/2025/06/05/world/asia/myanmar-afghanistan-trump-ban.html.

the separation of families.[21] The public requires the requested information to understand how the travel ban will be implemented, including whether there is potential for human or civil rights to be violated in the process.

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,[22] 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 audience.'"[23] 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.[24] As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.[25]

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

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[21] *See, e.g.*, Maanvi Singh & Martin Pengelly, *Trump Signs Order Banning Citizens of 12 Countries from Entering the US*, Guardian (June 4, 2025, 9:13 PM), https://www.theguardian.com/us-news/2025/jun/04/trump-proclamation-travel-ban.
[22] *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).
[23] *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).
[24] American Oversight currently has approximately 16,000 followers on Facebook and 95,800 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 10, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Feb. 10, 2025).
[25] *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.

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. 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.[26] 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.[27]

- 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,[28] and many agencies have adopted the National Archives and Records Administration

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[26] *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).
[27] *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).
[28] 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.

(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 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