

# **Exhibit A**



April 25, 2024

Via Public Access Link Portal

U. S. Department of State  
Office of Information Programs and Services  
2201 C Street N.W., Suite B266  
Washington, D.C. 20520-0000

Re: FOIA Request for Refugee Resettlement Data in United States Cities

Dear FOIA Officer:

The American Immigration Council (the “Council” or the “Requester”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to obtain records and data compiled by the U.S. Department of State (“DOS”) Bureau of Population, Refugees and Migration (“BPRM”) on the cities within the United States where refugees have resettled upon arrival in the United States. The Council seeks a waiver of any fee imposed by the agency because the records sought will contribute to the public’s understanding of DOS operations and release of the information is not in Requester’s commercial interest.

**I. REQUEST FOR INFORMATION**

Requester seeks the following data from DOS:

1. Beginning October 2017, the following individualized data for every refugee admitted to the United States: (i) the city and state where the refugee was resettled (hereinafter “resettlement location”); (ii) the month and year of the refugee’s admission (hereinafter “arrival date”); (iii) the refugee’s nationality; (iv) the refugee’s gender; (v) the refugee’s age at admission; (vi) the refugee’s highest level of education; (vii) the refugee’s native language; (viii) the refugee’s English proficiency; and (ix) the refugee’s previous occupation.
2. Each data dictionary—i.e., record listing the types of data collected and the possible values for every field of data captured—for each case management system used or accessed to process a refugee for admission to the United States since October 2017, including the START Dictionary, the START Task Dictionary, the START Action Item Dictionary, and the START Document Type & Naming Convention Dictionary.

3. The aggregate number of refugees that have resettled in each U.S. city since October 2017 disaggregated by resettlement location, arrival date, nationality and each possible permutation<sup>1</sup> and sub-permutation<sup>2</sup> of these three pieces of data. The Refugee Processing Center provided similar aggregate data in the past but has not done so since 2018. Since 2018, the agency only provides the number of refugees disaggregated by state of resettlement and nationality.

The term “refugee” should be construed to mean any person admitted to the United States pursuant to 8 U.S.C. § 1157(c) who counts toward the annual refugee arrival ceiling, including approved follow-to-join refugees who arrived in the United States through arranged self-travel.

Responsive data may be found within the case management systems used or accessed to admit a refugee to the United States since October 2017 and their associated databases, including START, START Archive, Worldwide Refugee Admissions Processing System (WRAPS), WRAPS Archive, Immigrant Visa Information System (IVIS), and Immigrant Visa Overseas (IVO).

## II. FORMAT OF PRODUCTION

Requesters seek responsive electronic records in a machine-readable, native file format, with all metadata and load files. We request that any data be provided in a workable format, such as Microsoft Excel or comma-separated values (CSV) files. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request. We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits. For non-data files, Requester asks that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

## III. FEE WAIVER REQUEST

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

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<sup>1</sup> A permutation is a unique set of responsive data for the resettlement location, arrival date, and nationality fields, e.g., (i) San Antonio, Texas, January 2019, and Dem. Rep. Congo; or (ii) Phoenix, Arizona, February 2024, and Afghanistan.

<sup>2</sup> A sub-permutation of admissions data is a unique set of responsive data for a subset of resettlement location, arrival date, and nationality fields, e.g., (i) San Antonio, Texas and Dem. Rep. Congo; (ii) San Antonio, Texas and January 2019; (iii) January 2019 and Dem. Rep. Congo; (iv) Phoenix, Arizona and Afghanistan; (v) Phoenix, Arizona and February 2024; or (vi) Afghanistan and February 2024.

Under the applicable regulations, DOS must furnish records requested without charge or at a reduced rate when the following factors are satisfied: (1) the request concerns operations or activities of the government; (2) disclosure is likely to contribute to an understanding of government operations or activities; and (3) disclosure is not primarily in the commercial interest of the requester. 22 C.F.R. § 171.16(j)(2).

The first prong of the public interest test is satisfied because the Bureau of Population, Refugees, and Migration (“BPRM”), as well as its subcomponent, the Refugee Processing Center (“RPC”) are agencies of the U.S. Department of State.<sup>3</sup> The RPC collects data on admissions and arrivals through the U.S. Refugee Admissions Program, and periodically publishes reports on the data it collects.<sup>4</sup> For example, government reports on refugee arrivals aggregated by state and nationality are available on the RPC’s website. The requested data and information will shed light on the government’s practice of resettling refugees in cities across the United States. As such, the first factor of the fee waiver test is satisfied.

Second, disclosure of the requested information will contribute to the public’s understanding of where refugees resettle within the United States. The DOS’ regulations specify two ways by which this factor may be met: 1) disclosure of the records must be meaningfully informative about government operations; and 2) the disclosure must contribute to the understanding of a reasonably broad audience interested in the subject. 22 C.F.R. § 171.16(j)(2)(ii). While the RPC publishes data on the states where refugees resettle based on data provided by the BPRM, the requested information will provide communities with a more specific view of refugee resettlement. This information will inform policy makers at the local level how best to prepare for and welcome refugees into their communities. The currently available data fails to meaningfully inform local communities because the RPC stopped publishing data at the city level, opting instead to report state-wide numbers.

Further, disclosure of the requested information will not only enhance the Requester’s understanding of refugee resettlement at the city level but also will contribute to the public’s understanding of this issue. City-level information about refugee resettlement has been requested at least three times from DOS in the past by a variety of requesters. The DOS FOIA logs show a request for the data for each Massachusetts city on August 10, 2021; another request for refugees’ city of arrival on August 19, 2021, by the Washington Post; and a third request for municipalities where refugees resettled in the State of New York filed on September 2, 2021. Additionally, DOS received several requests for this information in 2016. Notably, none of these requests show a “Closed Date” in the FOIA logs. The open requests show that the public is interested in obtaining more specific data on the cities where refugees live in the United States.

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<sup>3</sup> Refugee Processing Center, Who We Are, <https://www.wrapsnet.org/about-us/Refugee%20Processing%20Center/>.

<sup>4</sup> Refugee Processing Center, Admissions & Arrivals, *Refugee Arrivals by State and Nationality as of 29 Feb 2024*, March 5, 2024, <https://www.wrapsnet.org/documents/Refugee%20Arrivals%20by%20State%20and%20Nationality%20as%20of%2029%20Feb%202024.pdf>.

The Council, as Requester, has vast experience in communicating immigration issues to the general public, as well as informing the public about the economic impact of immigrants in local communities. The Council, a non-profit organization, regularly provides information, including fact sheets, reports and other publications to the public based on its FOIA requests. This information reaches a wide audience, which includes varied segments of the U.S. public. The Council intends to provide information received in response to this FOIA request on its publicly accessible website. In 2022, the Council received more than 2.6 million pageviews from more than 1.6 million visitors. Last year, the Council launched a tool to track the economic impact of immigrants at the state, county, metro area, and congressional district level.<sup>5</sup> The tool, however, used an imputation method based on yearly totals to estimate refugee population and was unable to include data about refugee population in smaller communities given the lack of city level data on resettlement.

The Council regularly shares this type of information with national print and news media and plans to distribute the information obtained from these FOIA disclosures to interested media. In keeping with its track record of synthesizing and publishing information on governmental operations shared in response to FOIA requests, the Council intends to provide information received in response to this FOIA request on its publicly accessible website.

Finally, Requester has no commercial interest in the records requested. The request aims at sharing information obtained with the public so that communities can welcome refugees. This request furthers the Council's work to increase public understanding of the refugee resettlement process and educate the public about the enduring contributions of America's immigrants. As with all other reports and information available on the Council's website, as well as information frequently disseminated to the public via electronic newsletters, the information the Council receives in response to this FOIA request will be available to immigration attorneys, noncitizens, policymakers, and other interested members of the public free of charge. As a not-for-profit organization, the Council has no commercial or profit interest in the present request.

As FOIA's fee-waiver requirements must be liberally construed in favor of waivers for noncommercial Requesters, a waiver of all fees is justified and warranted in this case.

#### IV. REQUESTS FOR PUBLIC INFORMATION

Requester notes that the U.S. Department of State's FOIA logs are incomplete. The FOIA log for the second quarter of FY2022 is not published, and the agency has failed to publish any logs for FY2023. The FOIA logs provide crucial information to FOIA requesters and are particularly important to

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<sup>5</sup> American Immigration Council, National and State Data, Methodology (last visited Apr. 24, 2024), <https://map.americanimmigrationcouncil.org/methodology/>

ascertain the type of information the agency must proactively disclose under FOIA's reading room provisions. See 5 U.S.C. § 552(a)(2)(D). We request that DOS update the FOIA logs as soon as possible.

Additionally, we request that the Refugee Processing Center publish part of the information requested herein, i.e. the aggregate data on the cities where refugees have resettled, proactively on its website. As evidenced by the number of requests in 2016, and then in 2021 when the RPC no longer published the data, the information requested is of great interest to the public. Release of this data in response to this request will subject DOS to the provisions of 5 U.S.C. § 552(a)(2)(D) because the data's subject matter has become the target of multiple requests over the past decade. See 5 U.S.C. § 552(a)(2)(D)(i). Alternatively, requesters have sought the data three or more times, which also subjects the information requested to proactive disclosure. 5 U.S.C. § 552(a)(2)(D)(ii).

The RPC previously published the city-by-city breakdown until 2018, when it changed its reports to a state-by-state analysis. This shows that the RPC has the data and can publish this type of city-by-city analysis. As such, we request that the RPC provides this data at the city-level on its website, or alternatively, that DOS publish this data on its FOIA library.

Thank you for your attention to this request. If you have any questions regarding this request, please do not hesitate to contact us at the information provided below.

Very truly yours,

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