

June 20, 2025

VIA EMAIL

Appeals Officer
Information Access Programs Directorate (A/SKS/IAP)
Department of State
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RE: Freedom of Information Act Appeal, Department of State FOIA Case No. F-2025-15385

To Whom It May Concern:

This letter constitutes an appeal under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(a)(6)(A), and is submitted to the Appeals Officer of the Information Access Programs Directorate of the Department of State (“DOS”) by the Electronic Privacy Information Center (“EPIC”).

EPIC seeks documents related to the DOS’s communication with Canary Mission or Betar to understand if either of those organizations influenced the Department’s decisions to arrest, detain, deport, or otherwise change immigration status of individuals lawfully in the U.S. This letter appeals the Department’s decision to deny expedited processing of EPIC’s Request under 22 C.F.R. § 171.12(d)(1)(ii). EPIC also appeals the Department’s denial of EPIC’s request for a fee waiver under the Department’s FOIA Regulations at § 22 CFR 171.16(j)(2)(ii).

This appeal arises from EPIC’s April 14, 2025, request (“EPIC’s FOIA Request”) to the DOS for all documents related to the DOS’s communications with Canary Mission and Betar.

Procedural Background

On April 14, 2025, EPIC submitted via email EPIC’s FOIA Request signed by both EPIC Law Fellow Mayu Tobin-Miyaji and Senior Counsel Megan Iorio.¹ Included was a request for expedited processing and a request for a waiver of all FOIA fees.

On April 22, 2025, DOS responded to EPIC Law Fellow Mayu Tobin-Miyaji with a letter acknowledging receipt of EPIC’s FOIA Request and assigning it the FOIA Request Number F-2025-15385. In this letter, DOS denied EPIC’s request for expedited processing on the basis that the request “does not demonstrate a ‘compelling need’ for the requested information.”² In

¹ *EPIC’s FOIA Request* (See Appendix A).

² *DOS’s Acknowledgement of FOIA Request* (See Appendix B).

addition, DOS denied EPIC’s request for a fee waiver, stating that the “request does not meet the public interest standard set forth in § 22 CFR 171.16(j)(2)(ii).”

EPIC Appeals DOS’s Denial of Expedited Processing

EPIC appeals DOS’s denial of expedited processing based on the assertion that EPIC’s request simply “does not demonstrate a ‘compelling need’ for the requested information.”³

1. EPIC’s FOIA request establishes a “compelling need” under DOS FOIA regulations

DOS FOIA regulations 22 CFR § 171.12(d)(1) provides the scenarios where a requester can establish a “compelling need” that would entitle the requester to expedited processing of the request. A compelling need is deemed to exist under three scenarios:

- (i) Failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- (ii) With respect to a request made by a person primarily engaged in disseminating information, there exists an urgency to inform the public concerning actual or alleged Federal Government activity; or
- (iii) Failure to release the information would impair substantial due process rights or harm substantial humanitarian interests.

EPIC does not challenge DOS’s determination that EPIC’s request failed to satisfy subsection (i) or (iii) of § 171.12(d)(1), because EPIC’s FOIA Request did not raise the argument that the request satisfied either of those subsections. EPIC appeals DOS’s determination that the “request does not demonstrate a ‘compelling need’ for the requested information”⁴ under 22 CFR § 171.12(d)(1)(ii). The DOS provided no further justification for the denial.

First, EPIC’s FOIA Request warrants expedition because, as DOS confirmed in its acknowledgement letter, EPIC is a “news media requester”⁵ and is “primarily engaged in disseminating information.”⁶

Second, EPIC’s FOIA Request warrants expedition because included in the request were specific details establishing why there is an urgency to inform the public about whether the DOS was relying on information provided by the Canary Mission or Betar to carry out the President’s immigration policies.⁷ 22 CFR § 171.12(d)(3) provides, when a requester is making a request for expedited processing under § 171.12(d)(1)(ii), “a requester also must establish a particular urgency to inform the public about the government activity involved in the request—one that extends beyond

³ *DOS’s Acknowledgement of FOIA Request* (See Appendix B).

⁴ *Id.*

⁵ *Id.*

⁶ 22 CFR § 171.12(d)(3); *see also* *ACLU v. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (“[T]he Court concludes that EPIC is indeed ‘primarily engaged in disseminating information’ for the purposes of expediting the request.”).

⁷ *EPIC’s FOIA Request* (See Appendix A).

the public's right to know about government activity generally.”⁸ Further, it provides, “[t]he existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ‘urgency to inform’ the public on the topic.”⁹ EPIC’s FOIA Request included three full paragraphs, building on the five paragraphs of background information with footnote citations, explaining with specificity why there is an urgency to inform the public about the communication between Betar and Canary Mission with the DOS to inform agency decisions to carry out President Trump’s Executive Order 13188 (“The EO”).¹⁰

First, EPIC’s FOIA Request concerns an actual Federal Government activity. As the FOIA request specified, The EO announced an actual government activity—to “us[e] all available and appropriate legal tools, to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.”¹¹ The administration has put the EO into action by targeting individuals who have criticized US policy toward Israel and Gaza through detentions and stripping legal status of such individuals, as the FOIA request explains.¹²

Second, the existence of numerous news articles published on this topic, as shown in EPIC’s FOIA request, establish that there is an urgency to inform the public.¹³ EPIC’s FOIA request first shows, in the Background Section, that the Trump administration’s issuance of the EO and subsequent arrests and detention of several visa and green card holders raised alarms of targeting individuals for speech criticizing US and Israeli actions in Gaza, with citation to numerous news articles covering the issue.¹⁴ The FOIA Request included reporting of a statement by Betar, a group labeled as extremist by the Anti-Defamation League, that it shared with various administration officials a “deport list” of 3,000 immigrants who have spoken out for Palestinian human rights.¹⁵ The FOIA Request further explains that Betar claimed it was in contact with “prospective” Trump

⁸ 22 CFR § 171.12(d)(3).

⁹ *Id.*

¹⁰ EPIC’s FOIA Request (See Appendix A).

¹¹ EO at § 2.

¹² EPIC’s FOIA Request (See Appendix A).

¹³ 22 CFR § 171.12(d)(3).

¹⁴ See EPIC’s FOIA Request (See Appendix A); see, e.g., Jake Offenhartz, *Immigration agents arrest Palestinian activist who helped lead Columbia University protests*, Associated Press (Mar. 9, 2025), <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcbb921f21a9f704d5acdae7a8>; Jake Offenhartz, Kathy McCormack, and Michael Casey, *Turkish student at Tufts University detained, video shows masked people handcuffing her*, Associated Press (Mar. 26, 2025), <https://apnews.com/article/tufts-student-detained-massachusetts-immigration-6c3978da98a8d0f39ab311e092ffd892>; Karina Tsui, *What we know about the federal detention of activists, students and scholars connected to universities*, CNN (April 2, 2025), <https://www.cnn.com/2025/03/31/us/what-we-know-college-activists-immigration-hnk/index.html>; Luis Ferré-Sadurní and Hamed Aleaziz, *How a Columbia Student Fled to Canada After ICE Came Looking for Her*, N.Y. Times (Mar. 15, 2025), <https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html>; Miles Klee, *Cornell University Ph.D. Student Leaves U.S. After Visa is Revoked Over Palestine Protests*, Rolling Stone (Apr. 1, 2025), <https://www.rollingstone.com/culture/culture-news/palestine-cornell-activist-visa-revoked-1235308276/>.

¹⁵ See Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic Students*, NY Times (April 1, 2025), <https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html>.

administration appointees in November 2024,¹⁶ and claimed in March 2025 to have shared “thousands of names” with several high-ranking officials, including the Secretary of State, Marco Rubio.¹⁷ Mahmoud Khalil and Momodou Taal, two student activists who were targeted for deportation by ICE, were reported to be on Betar’s list weeks before the administration took action against them.¹⁸ On March 13, Betar posted what it called a “deport alert” aimed at Momodou Taal, a British-Gambian graduate student at Cornell University who has also been targeted by ICE.¹⁹ The State Department moved to revoke Mr. Taal’s visa on March 14, the day after the alert was sent.²⁰

The FOIA Request also specified that on March 24, 2025, Canary Mission posted a new feature on its website, “Uncovering Foreign Nationals,” in response to President Trump’s executive order on combating antisemitism.²¹ Three individuals who were either threatened with deportation or detained in the month before the FOIA Request was sent had appeared on the Canary Mission website.²² One of them was Rûmeysa Öztürk, a Turkish graduate student at Tufts University, who was detained by masked federal agents on March 25, 2025, apparently for writing an op-ed criticizing the university’s response relating to the war in Gaza.²³

There have been a significant amount of reporting by news organizations on non-US citizens being detained or stripped of their legal status in the U.S. seemingly due to their political speech criticizing the actions of the United States and Israeli governments related to Gaza.²⁴ The news reports point out the connection between Betar and Canary Mission’s actions seemingly intent on informing the DOS’s actions regarding the legal status of such non-citizen individuals in the U.S.²⁵ The day EPIC’s FOIA Request was filed, Mohsen Mahdawi, was arrested by immigration authorities when he arrived at his naturalization interview.²⁶ An article from April 17th reported that the Trump administration had targeted at least 7 of the people Betar had listed, including Öztürk and

¹⁶ Jon Levine, *Zionist org preps list of foreign pro-Hamas students, hoping Trump will deport them*, N.Y. POST (Nov. 23, 2024, 8:22 AM), <https://nypost.com/2024/11/23/us-news/zionist-org-preps-list-of-foreign-pro-hamas-students-hoping-trump-will-deport-them/>.

¹⁷ Anna Betts, *Pro-Israel group says it has ‘deportation list’ and has sent ‘thousands’ of names to Trump officials*, The Guardian (Mar. 14, 2024), <https://www.theguardian.com/us-news/2025/mar/14/israel-betar-deportation-list-trump>.

¹⁸ Alana Goodman, *Trump Pledged To Deport Pro-Hamas Student Visa Holders. Who Are They?*, Wash. Free Beacon (Feb. 11, 2025), <https://freebeacon.com/campus/trump-pledged-to-deport-pro-hamas-student-visa-holders-who-are-they/>.

¹⁹ Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic Students*, NY Times (April 1, 2025), <https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html>.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Offenhardt, McCormack & Casey, *supra* note 14.

²⁴ *EPIC’s FOIA Request (See Appendix A)*.

²⁵ *See id.*; see, e.g., Will Oremus, *A militant Zionist group threatens activists online with a ‘deport list’*, The Washington Post (March 29, 2025), <https://www.washingtonpost.com/technology/2025/03/29/zionist-palestinians-deportations-x/>; Betts, *supra* note 17; Levine, *supra* note 16; *Betar US vows to expand Trump admin’s effort to deport foreign anti-Israel students from US*, Jerusalem Post (May 13, 2025), <https://www.jpost.com/diaspora/article-853794>.

²⁶ Coral Murphy Marcos, *Mohsen Mahdawi, released from Ice custody, graduates from Columbia*, The Guardian (May 19, 2025), <https://www.theguardian.com/us-news/2025/may/19/mohsen-mahdawi-ice-columbia-graduation>.

Mahdawi.²⁷ More recently, a federal judge ordered the release of Efe Ercelik, finding that the detention appeared to have “been almost exclusively triggered” by Betar.²⁸ Further, another federal judge found in May that a Georgetown University researcher, Dr. Badar Khan Suri, was detained in March solely for his political speech likely protected under the First Amendment, and ordered his release.²⁹ Khan Suri was doxxed by Canary Mission before his arrest.³⁰ For the foregoing reasons, EPIC sufficiently established an ongoing urgency to inform the public about the DOS’s communications with Betar and Canary Mission and their relevance to the DOS’s decisions impacting legal status of individuals in the U.S.

Third, EPIC offered sufficient supporting evidence of an interest of the public greater than the public’s general interest in government activity,³¹ namely, that the Trump administration and the DOS are targeting individuals for their First Amendment-protected speech. Included in EPIC’s request was an explanation that the arrest and detention of several individuals, including Mahmoud Khalil, Rümeyşa Öztürk, and Momodou Taal, were precipitated by their involvement in pro-Palestine protests or speech criticizing the U.S. and Israeli government’s actions regarding Gaza.³² The FOIA request points out, for instance, that a memo submitted by Secretary of State Marco Rubio to an immigration judge made clear that Mahmoud Khalil was detained for his First Amendment-protected speech, not for any criminal conduct.³³ Similarly, Rümeyşa Öztürk was detained and rendered to a Louisiana detention facility, all for publishing an op-ed in her university newspaper.³⁴

The current administration’s decisions, through the DOS, to target individuals for their constitutionally protected speech chills freedom of expression and the creates an urgency to inform the public. While Rümeyşa Öztürk has since been released from detention, after the FOIA request was submitted, Mahmoud Khalil continues to be held in detention.³⁵ U.S. District Judge Michael Farbiarz of New Jersey found in June 2025 that “the Court finds as a matter of fact that [Khalil’s] career and reputation are being damaged and his speech is being chilled — and this adds up to irreparable harm.”³⁶ The public, beyond the interest in the activities of the government generally, has

²⁷ Ian Prasad Phillbrick, *The Globe investigated a Zionist group that claims credit for Trump’s efforts to deport students. Here are 5 takeaways.*, Boston Globe (April 17, 2025), <https://www.bostonglobe.com/2025/04/17/newsletters/starting-point-betar-zionist-student-visa-pro-israel-deportation/>.

²⁸ Hannah Feuer, *Betar ‘almost exclusively triggered’ former student’s detention, judge says*, Forward (May 9, 2025), <https://forward.com/fast-forward/719119/betar-angel-kelley-efe-ercelik/>.

²⁹ Jacob Rosen, *Judge orders release of Georgetown academic accused of Hamas tie*, CBS News (May 14, 2025), <https://www.cbsnews.com/news/badar-khan-suri-georgetown-academic-ice-detention-trump-visa/>.

³⁰ Press Release, *Georgetown Scholar to Be Freed From Detention in Another Loss for the Trump Administration*, ACLU (May 14, 2025), <https://www.aclu.org/press-releases/georgetown-scholar-to-be-freed-from-detention-in-another-loss-for-the-trump-administration>.

³¹ 22 CFR § 171.12(d)(3).

³² *EPIC’s FOIA Request (See Appendix A)*.

³³ *See id.*; see also Jake Offenhardt, *Pressed for evidence against Mahmoud Khalil, government cites its power to deport people for beliefs*, Associated Press (April 10, 2025), <https://apnews.com/article/mahmoud-khalil-columbia-university-trump-c60738368171289ae43177660def8d34>.

³⁴ Offenhardt, McCormack & Casey, *supra* note 14.

³⁵ Joe Walsh, *Judge rules Mahmoud Khalil can’t be deported or detained for foreign policy reasons cited by Trump administration*, CBS News (June 13, 2025), <https://www.cbsnews.com/news/judge-rules-mahmoud-khalil-cannot-be-deported-based-on-rubio-determination/>.

³⁶ *Id.*

an urgent and ongoing interest in understanding whether the Trump administration is targeting individuals for political speech that criticize or go against the administration's policies through collusion with private organizations that carry out investigations and publicize lists of individuals who speak out for Palestinian human rights. To reiterate the FOIA Request, free speech is enshrined in the Constitution and people in the United States should not be abducted off the streets for their speech³⁷. The public urgently needs to know when the federal government is brazenly undermining First Amendment protections.

2. EPIC's FOIA request establishes "compelling need" under the FOIA Act

Controlling precedent in the D.C. Circuit provides support for granting EPIC's expedited processing request under FOIA. In *Al-Fayed v. CIA*, the D.C. Circuit considered three factors in determining the appropriateness of expedition under FOIA,³⁸ including: (1) whether the request "concerns a matter of current exigency to the American public"; (2) whether "the consequences of delaying a response would compromise a significant recognized interest"; and (3) whether "the request concerns federal government activity."³⁹ In addition, the court noted that further consideration may be given to the "credibility of the requester" when making a determination.⁴⁰

The first factor of *Al-Fayed* is satisfied here. EPIC's FOIA Request "concerns a matter of current exigency to the American public" because, as explained in detail in EPIC's FOIA Request, the documents sought concern the federal government's communications with private entities that target individuals who spoke in defense of Palestinian human rights and the influence of such communications on DOS's decisions. As explained above, the federal government's decisions to detain and strip immigration status from such individuals targeted by Canary Mission and Betar raise serious concerns that the federal government is undermining the core First Amendment protections for political speech. This issue has spawned numerous news reports⁴¹ and attention from representatives in Congress.⁴² Since the FOIA request was submitted, Mahmoud Khalil's continued detention receives sustained media attention by major national news organizations,⁴³ along with media attention on other individuals seemingly detained solely because of their pro-Palestine

³⁷ *EPIC's FOIA Request* (See Appendix A).

³⁸ 5 U.S.C. § 552(a)(6)(E)(v)(II).

³⁹ *Al-Fayed v. CIA*, 254 F.3d 300, 210 (D.C. Cir. 2001). Even if the "compelling need" standard is not satisfied under FOIA, however, agencies have the latitude to expand the criteria for expedited processing under its regulations. Thus, satisfying the agency's requirements for "compelling need" warrants expedited processing, even if the "compelling need" standard under FOIA is not met. *Edmonds v. F.B.I.*, No. CIV.A. 02-1294 (ESH), 2002 WL 32539613, *3 (D.D.C. Dec. 3, 2002).

⁴⁰ *Al-Fayed*, 254 F.3d at 210.

⁴¹ See *supra* notes 14-19; *Offenhartz*, *supra* note 33; *Walsh*, *supra* note 35.

⁴² Gloria Pazmino, *Congressional delegation visits Mahmoud Khalil and Rumeysa Ozturk in Louisiana detention centers*, CNN (April 22, 2025), <https://www.cnn.com/2025/04/22/us/mahmoud-khalil-rumeysa-ozturk-louisiana>.

⁴³ See, e.g., *Judge allows Trump administration to continue to detain Mahmoud Khalil*, NBC News (June 13, 2025), <https://www.nbcnews.com/news/us-news/government-wont-release-mahmoud-khalil-rcna212889>.

speech.⁴⁴ Thus, DOS's communications with Canary Mission and Betar concerns a matter of current exigency to the American public.

The second factor of *Al-Fayed* is also satisfied here. A delayed response from DOS would compromise a "significant recognized interest" in preserving the core First Amendment right to freedom of speech. As EPIC's FOIA request explained, the federal government's targeting of individuals for political speech that criticizes or differs from the current administration's policies threaten to chill every individual's speech in the United States, regardless of citizenship.⁴⁵ The public's significant recognized interest in freedom of speech would be compromised by a delayed response from DOS because many individuals and communities have refrained from expressing their political views and engaging in constitutionally-protected protests for fear of retaliation from the current administration.⁴⁶

The third factor of *Al-Fayed* is also satisfied because EPIC's FOIA Request "concerns federal government activity," as explained above. Finally, in making a determination on expedition under *Al-Fayed*, DOS should consider the "credibility" of EPIC as a requester, because EPIC is a non-profit, public interest research center that was established to direct public attention to emerging civil liberties issues and to protect privacy, the First Amendment, and constitutional values.

Thus, because EPIC request satisfied all three factors under *Al-Fayed*, and because EPIC is a credible FOIA requester, EPIC's FOIA Request warrants expedited processing under controlling D.C. Circuit standard. For the foregoing reasons, EPIC's request for expedited processing should be granted.

EPIC Appeals DHS's Denial of Fee Waiver

EPIC also appeals DOS's denial of a fee waiver based on the conclusory determination that EPIC's FOIA Request did "not meet the public interest standard set forth in § 22 CFR 171.16(j)(2)(ii)."⁴⁷ DOS provided no further justification for this determination. However, the DOS determined that EPIC falls within the "news media" requester fee category, which waives the fees for search or review and for the first 100 pages of duplication. EPIC appeals the determination that

⁴⁴ Kimmy Yam, *US detains Palestinian activist Mohsen Mahdawi at citizenship interview*, Aljazeera (April 15, 2025), <https://www.aljazeera.com/news/2025/4/15/palestinian-student-arrested-at-us-citizenship-interview-over-gaza-protests>; Yoav Gonen, *Feds Confirm Student Yunseo Chung Was Targeted by Sec. of State Rubio*, The City (April 14, 2025), <https://www.thecity.nyc/2025/04/14/yunseo-chung-marco-rubio-columbia-deportation-mahmoud-khalil-mohsen-mahdawi/>.

⁴⁵ *EPIC's FOIA Request* (See Appendix A). See also *supra* notes 24–30.

⁴⁶ James Liddell, *Marco Rubio threatens to deport green card holders over pro-Palestine protests*, Independent (March 11, 2025), <https://www.independent.co.uk/news/world/americas/us-politics/marco-rubio-green-card-deport-palestine-amas-b2712715.html>; Leila Fadel, Taylor Haney, Arezou Rezvani & Kyle Gallego-Mackie, *'Citizenship won't save you': Free speech advocates say student arrests should worry all*, NPR (April 8, 2025), <https://www.npr.org/2025/04/08/nx-s1-5349472/students-protest-trump-free-speech-arrests-deportation-gaza>; Press Release, *MESA, AAUP, and Knight Institute file lawsuit over Trump policy of arresting and threatening deportation for lawful speech*, Middle East Studies Association (March 25, 2025), <https://mesana.org/news/2025/03/25/esa-aaup-and-knight-institute-file-lawsuit-over-trump-policy-of-arresting-and-threatening-deportation-for-lawful-speech>.

⁴⁷ *DOS's Acknowledgement of FOIA Request* (See Appendix B).

EPIC's FOIA request did not meet the public interest standard, which would require EPIC to pay for fees not covered by the "news media" category waiver of fees.

22 C.F.R. § 171.16(j)(2) provides that the Department must furnish records responsive to a request without charge or at a reduced rate when three factors are met: (i) disclosure of the requested information would shed light on identifiable operations or activities of the Federal Government; (2) disclosure of the requested information is likely to contribute significantly to public understanding of those operations or activities; (iii) the disclosure is not primarily in the commercial interest of the requester.⁴⁸ All three factors are satisfied in EPIC's FOIA request.

First, EPIC's FOIA Request showed that the disclosure of the requested information, the communications between DOS and Canary Mission or Betar, would shed light on the operations of the DOS. Carrying out of the EO and attempting to strip individuals legally in the United States for their political speech constitute identifiable operations or activities of the Federal Government.⁴⁹ As explained above and in the FOIA request, Canary Mission and Betar bragged about identifying individuals who engaged in speech that criticize the U.S. and Israel's actions in Gaza or otherwise supported Palestinian human rights and participated and protests and sending the profiles to DOS to strip them of legal immigration status.⁵⁰ Secretary of State Marco Rubio himself stated he would strip visa status of such individuals.⁵¹ Thus, the subject of the request is directly connected to DOS's activities, and is not remote or attenuated.⁵²

Second, the disclosure of the requested information is likely to contribute significantly to public understanding of those operations.⁵³ This factor is satisfied when the following criteria are met:⁵⁴

(A) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public shall be considered. The Department will presume that a representative of the news media satisfies this consideration.

EPIC's FOIA request satisfied both criteria. The information sought by the request will be meaningfully informative, satisfying subpart (A).⁵⁵ EPIC's FOIA request explained that the requested documents will shed light on whether the Department of State made adverse immigration

⁴⁸ 22 C.F.R. § 171.16(j)(2)(i)-(iii) (summarized).

⁴⁹ *EPIC's FOIA Request* (See Appendix A).

⁵⁰ *Id.*

⁵¹ Liddell, *supra* note 41.

⁵² 22 C.F.R. § 171.16(j)(2)(i).

⁵³ *Id.* § 171.16(j)(2)(ii).

⁵⁴ *Id.*

⁵⁵ *Id.* § 171.16(j)(2)(ii)(A).

decisions based on information from Betar and Canary Mission and provide the public with a fuller understanding of the threat to First Amendment rights. As explained in the FOIA request and above, DOS's actions in carrying out the EO, influenced by private organizations that target individuals who engage in pro-Palestine speech, threaten every individual's constitutional rights in the U.S. and the disclosure of the documents sought will meaningfully inform the public about the DOS's actions.

Further, as explained in EPIC's FOIA request,⁵⁶ subpart (B)⁵⁷ is satisfied since EPIC is a "representative of the news media"⁵⁸ as acknowledged by DOS,⁵⁹ and "it shall be presumed that a representative of the news media will satisfy this consideration."⁶⁰ EPIC routinely publishes records from its FOIA requests on its website, and EPIC's FOIA work is frequently covered by news outlets.⁶¹

Finally, to repeat EPIC's FOIA request, the last factor is satisfied because EPIC has no commercial interest in the information. EPIC is a 501(c)(3) nonprofit dedicated to privacy, civil liberties, and open government and intends to use the information for public education.

Accordingly, EPIC's request for a blanket waiver of all applicable fees should be granted.

Conclusion

For the forgoing reasons, EPIC's request for expedited processing and a blanket waiver of all assessable FOIA fees should be granted. As provided by FOIA, I anticipate you will make a determination within twenty (20) working days.⁶² Thank you for your consideration of this appeal. For questions and correspondence regarding this appeal please contact Mayu Tobin-Miyaji at FOIA@epic.org and cc tobin-miyaji@epic.org.

Respectfully Submitted,

/s/ Megan Iorio
Megan Iorio
EPIC Senior Counsel

/s/ Mayu Tobin-Miyaji
Mayu Tobin-Miyaji
EPIC Law Fellow

⁵⁶ EPIC's FOIA Request (See Appendix A).

⁵⁷ 22 C.F.R. § 171.16(j)(2)(ii)(B).

⁵⁸ EPIC v. Dep't of Def., 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

⁵⁹ DOS's Acknowledgement of FOIA Request (See Appendix B).

⁶⁰ 22 C.F.R. § 171.16(j)(2)(ii)(b).

⁶¹ See EPIC, EPIC in the News, (2025) https://epic.org/news/epic_in_news.php/.

⁶² 5 U.S.C. § 552(a)(6)(A)(ii).

APPENDIX A

VIA EMAIL

April 14, 2025

U.S. Department of State
Information Access Liaison Office, A/SKS/IAP/IAL
2201 C Street N.W., Suite B266
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Dear Information Access Liaison Office,

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (“EPIC”) to the Department of State.

Document Requested

EPIC seeks the following documents produced between January 20, 2025, and present:

- (1) Any email or other communication to, from, or cc Ross Glick, former executive director of Betar US, including any emails to, from, or cc rossglick@gmail.com and any text messages to, from, or cc the telephone number 917.960.8273.
- (2) Any email or other communication to, from, or cc Daniel Levy, spokesperson for Betar US.
- (2) Any email to, from, or cc any email address
 - (i) ending in "betarus.org" or "canarymission.org" or
 - (ii) including the term "betar", "canarymission", "canary.mission", "canary-mission", "rossglick", "ross.glick", "ross-glick".
- (3) Any email, other communication, memorandum, or presentation containing any of the following terms: "Betar", "betarus.org", "Canary Mission", "canarymission", "canary.mission", "canary-mission", "canarymission.org", "Ross Glick", "rossglick@gmail.com".

Background

On January 29, 2025, President Trump issued Executive Order 14188, announcing his intention to “us[e] all available and appropriate legal tools, to prosecute, remove, or otherwise hold

to account the perpetrators of unlawful anti-Semitic harassment and violence.”¹ In the last few weeks, the administration has begun implementing the EO by arresting and detaining several visa and green-card holders who have criticized US and Israeli actions in Gaza.² Others have been targeted by ICE and forced to flee the country because they spoke out about the humanitarian crisis in Gaza.³

Canary Mission and Betar are groups that have publicized information about individuals that criticize US and Israeli actions in Gaza.⁴ Canary Mission has posted more than 2,000 online dossiers on its website since 2015.⁵ On March 24, Canary Mission posted a new feature on its website, “Uncovering Foreign Nationals,” in response to President Trump’s recent executive order on combating antisemitism.⁶ Three individuals who were either threatened with deportation or detained in the last month had appeared on the Canary Mission website.⁷ One of them is Rümeyşa Öztürk, a Turkish graduate student at Tufts University, who was detained by masked federal agents on March 25, apparently for writing an op-ed criticizing the university’s response relating to the war in Gaza.⁸

Betar, a group that was labeled extremist by the Anti-Defamation League, has said that it shared with various administration officials a “deport list” of 3,000 immigrants who have spoken out for Palestinian human rights.⁹ Betar claimed it was in contact with “prospective” Trump administration appointees in November,¹⁰ and claimed in March to have shared “thousands of

¹ *Id.* at § 2.

² Jake Offenhartz, *Immigration agents arrest Palestinian activist who helped lead Columbia University protests*, Associated Press (Mar. 9, 2025), <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcbb921f21a9f704d5acdcae7a8>; Jake Offenhartz, Kathy McCormack, and Michael Casey, *Turkish student at Tufts University detained, video shows masked people handcuffing her*, Associated Press (Mar. 26, 2025), <https://apnews.com/article/tufts-student-detained-massachusetts-immigration-6c3978da98a8d0f39ab311e092ffd892>; Karina Tsui, *What we know about the federal detention of activists, students and scholars connected to universities*, CNN (April 2, 2025), <https://www.cnn.com/2025/03/31/us/what-we-know-college-activists-immigration-hnk/index.html>.

³ Luis Ferré-Sadurní and Hamed Aleaziz, *How a Columbia Student Fled to Canada After ICE Came Looking for Her*, N.Y. Times (Mar. 15, 2025), <https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html>; Miles Klee, *Cornell University Ph.D. Student Leaves U.S. After Visa is Revoked Over Palestine Protests*, Rolling Stone (Apr. 1, 2025), <https://www.rollingstone.com/culture/culture-news/palestine-cornell-activist-visa-revoked-1235308276/>.

⁴ Jon Levine, *Zionist org preps list of foreign pro-Hamas students, hoping Trump will deport them*, N.Y. POST (Nov. 23, 2024, 8:22 AM), <https://nypost.com/2024/11/23/us-news/zionist-org-preps-list-of-foreign-pro-hamas-students-hoping-trump-will-deport-them/>.

⁵ Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic Students*, NY Times (April 1, 2025), <https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html>.

⁶ *Id.*

⁷ *Id.*

⁸ Jake Offenhartz, Kathy McCormack & Michael Casey, *Turkish student at Tufts University detained, video shows masked people handcuffing her*, AP News (March 26, 2025), <https://apnews.com/article/tufts-student-detained-massachusetts-immigration-6c3978da98a8d0f39ab311e092ffd892>.

⁹ Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic Students*, NY Times (April 1, 2025), <https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html>.

¹⁰ Jon Levine, *Zionist org preps list of foreign pro-Hamas students, hoping Trump will deport them*, N.Y. POST (Nov. 23, 2024, 8:22 AM), <https://nypost.com/2024/11/23/us-news/zionist-org-preps-list-of-foreign-pro-hamas-students-hoping-trump-will-deport-them/>.

names” with several high-ranking officials, including the Secretary of State, Marco Rubio.¹¹ The group claims to have collected “documentation, including tapes, social media and more” to support its deportation list designations.¹² Mahmoud Khalil and Momodou Taal, two student activists who were targeted for deportation by ICE, were reported to be on Betar’s list weeks before the administration took action against them.¹³ Ross Glick, the previous spokesperson for Betar, said he discussed Mahmoud Khalil with Senator Ted Cruz days before his arrest.¹⁴ On March 13, Betar posted what it called a “deport alert” aimed at Momodou Taal, a British-Gambian graduate student at Cornell University who has also been targeted by ICE.¹⁵ The State Department moved to revoke Mr. Taal’s visa on March 14, the day after the alert was sent.¹⁶

Daniel Levy is the spokesperson for Betar US and has been quoted in the media admitting to sharing Betar’s deport list with administration officials.¹⁷ Ross Glick was the executive director of Betar US until January, but has represented to the media that he is still providing administration officials with information about supporters of Palestinian human rights.¹⁸ Glick’s personal website solicits information from the public about protesters, indicating that Glick is continuing to collect dossiers on protesters.¹⁹ This website also lists his email address and phone number as modes of contact for information about protesters.²⁰

The documents requested will reveal the communications, if any, the Department of State has had with these two organizations to inform decisions to arrest, detain, deport, or otherwise target individuals who are lawfully in the United States for engaging in constitutionally protected speech.

Request for Expedited Processing

¹¹ Anna Betts, *Pro-Israel group says it has ‘deportation list’ and has sent ‘thousands’ of names to Trump officials*, The Guardian (Mar. 14, 2024), <https://www.theguardian.com/us-news/2025/mar/14/israel-betar-deportation-list-trump>.

¹² *Id.*

¹³ Alana Goodman, *Trump Pledged To Deport Pro-Hamas Student Visa Holders. Who Are They?*, Wash. Free Beacon (Feb. 11, 2025), <https://freebeacon.com/campus/trump-pledged-to-deport-pro-hamas-student-visa-holders-who-are-they/>.

¹⁴ Anna Betts, *Pro-Israel group says it has ‘deportation list’ and has sent ‘thousands’ of names to Trump officials*, The Guardian (Mar. 14, 2024), <https://www.theguardian.com/us-news/2025/mar/14/israel-betar-deportation-list-trump>.

¹⁵ Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic Students*, NY Times (April 1, 2025), <https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html>.

¹⁶ *Id.*

¹⁷ Will Oremus, *A militant Zionist group threatens activists online with a ‘deport list’*, The Washington Post (March 29, 2025), <https://www.washingtonpost.com/technology/2025/03/29/zionist-palestinians-deportations-x/>.

¹⁸ Anna Betts, *Pro-Israel group says it has ‘deportation list’ and has sent ‘thousands’ of names to Trump officials*, The Guardian (Mar. 14, 2024), <https://www.theguardian.com/us-news/2025/mar/14/israel-betar-deportation-list-trump>.

¹⁹ *E.g.*, Ross Glick, *We Demand the Trump Administration Enforce the F.A.C.E. Act : Stop Recurring Antisemitic Protests Targeting Synagogues* (Apr. 4, 2025), <https://www.rossglick.com/post/we-demand-the-trump-administration-enforce-the-f-a-c-e-act-stop-recurring-antisemitic-protests-ta>.

²⁰ <https://www.rossglick.com> (at footer).

EPIC requests expedited processing because (1) there is “an urgency to inform the public about an actual or alleged government activity” and (2) EPIC is “primarily engaged in disseminating information.”²¹

First, there is “an urgency to inform the public about an actual or alleged government activity.”²² The EO announced an actual government activity—to “us[e] all available and appropriate legal tools, to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.”²³ The administration has put the EO into action by targeting individuals who have criticized US policy toward Israel and Gaza—speech that is squarely protected under the Constitution. In one case, Mahmoud Khalil, a legal permanent resident of the U.S., was detained last month not for any alleged criminal conduct, but rather for his participation in demonstrations against Israel’s treatment of Palestinians.²⁴ Perhaps the most startling example is the administration’s ordering of plain clothed agents to abduct Rümeyşa Öztürk off the streets and render her to a Louisiana detention facility—all for publishing an op-ed in her university newspaper.²⁵

The actions the administration has taken over the last several weeks to carry out the EO pose the greatest threat to First Amendment protections in generations. Free speech is enshrined in the Constitution. People in the United States should not be abducted off the streets for their speech. And yet, that is exactly what is happening. And if the administration thinks it can lawfully abduct Khalil and Öztürk for their speech, it may believe it can abduct *anyone*—US citizen and non-US citizen alike—who challenges the administration’s policy positions.

There is an urgency to inform the public what information the administration is using to decide which people to target for retaliation for their speech and whether the administration is colluding with private organizations to carry out investigations that the administration is otherwise unable to conduct itself because of the First Amendment. Canary Mission and Betar have produced and publicized lists of individuals that have spoken out about Palestinian human rights and have invited the administration to use these lists to target individuals for arrest, detention, and deportation. Öztürk was one of the individuals targeted online by Canary Mission before being forcibly detained. Betar has bragged about sharing lists of individuals to target with high-ranking officials in the

²¹ 22 C.F.R. § 171.12(d)(1)(ii).

²² *Id.*

²³ EO at § 2.

²⁴ Jake Offenhartz, *Pressed for evidence against Mahmoud Khalil, government cites its power to deport people for beliefs*, Associated Press (April 10, 2025), <https://apnews.com/article/mahmoud-khalil-columbia-university-trump-c60738368171289ae43177660def8d34>.

²⁵ Jake Offenhartz, Kathy McCormack, and Michael Casey, *Turkish student at Tufts University detained, video shows masked people handcuffing her*, Associated Press (Mar. 26, 2025), <https://apnews.com/article/tufts-student-detained-massachusetts-immigration-6c3978da98a8d0f39ab311e092ffd892>.

current administration. Khalil and Taal were on a list Betar reportedly shared with prospective Trump administration officials months before their targeting.²⁶

Second, EPIC is “primarily engaged in dissemination information.”²⁷ EPIC is a nonprofit research organization that distributes the records we obtain on our website or through our newsletter.²⁸ As the Court explained in *EPIC v. Dep’t of Def.*, “EPIC satisfies the definition of ‘representative of the news media.’”²⁹

In submitting this request for expedited processing, EPIC certifies that this explanation is true and correct to the best of its knowledge and belief.³⁰

Request for Fee Waiver

A federal court has deemed EPIC a “representative of the news media” for fee classification purposes.³¹ Based on EPIC’s status as a “news media” requester, EPIC is entitled to receive the requested record with only duplication fees assessed.³²

Further, any duplication fees should also be waived because disclosure of the requested documents (1) is “likely to contribute significantly to public understanding of the operations or activities of the government” and (2) is “not primarily in the commercial interest” of EPIC.³³

1. *Disclosure will contribute significantly to public understanding of the administration’s plans to target people lawfully in the US because of their speech.*

Disclosure of the documents sought will contribute significantly to public understanding of the administration’s retaliation campaign against those who have spoken out for the human rights of the Palestinian people. In determining whether the disclosure will contribute to the public understanding, the Department of State considers: (i) whether the subject concerns identifiable operations or activities of the federal government; (ii) whether disclosure of the records is meaningfully informative in order to be ‘likely to contribute’ to an increased public understanding; (iii) whether the disclosure contributes to the understanding of a reasonably broad audience, as opposed to the individual understanding of the requester; (iv) whether the public’s understanding of the subject in question is enhanced by the disclosure to a significant extent.³⁴

²⁶ Will Oremus, *A militant Zionist group threatens activists online with a ‘deport list’*, The Washington Post (March 29, 2025), <https://www.washingtonpost.com/technology/2025/03/29/zionist-palestinians-deportations-x/>.

²⁷ 22 C.F.R. § 171.12(d)(1)(ii).

²⁸ EPIC, *About EPIC* (2025), <http://epic.org/epic/about.html>.

²⁹ 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

³⁰ 22 C.F.R. § 171.12(d)(2); 5 U.S.C. § 552(a)(6)(E)(vi).

³¹ *EPIC v. Dep’t of Def.*, 241 F. Supp. 2d 5 (D.D.C. 2003).

³² 5 U.S.C. § 552(a)(4)(A)(ii)(II); 22 C.F.R. § 171.16(a)(1).

³³ 5 U.S.C. § 552(a)(4)(A)(iii); 22 C.F.R. § 171.16(j)(1).

³⁴ 22 C.F.R. § 171.16(j)(2).

First, the request concerns “identifiable operations or activities” of the Department of State.³⁵ As explained above, the EO announced a new government activity—to identify, prosecute, and remove people who speak out about Palestinian human rights.³⁶ Betar has openly bragged about its role in helping the administration determine which student activists to target for deportation.³⁷ And the administration has been unable to point to any support for the attempted deportations except the students’ involvement in pro-Palestine protests. For instance, a memo submitted by Secretary of State Marco Rubio to an immigration judge made clear that Mahmoud Khalil was detained for his First Amendment-protected speech. According to Secretary of State Rubio’s memo, while Khalil was not charged with any criminal conduct and his participation in expressive activities protesting Israel’s actions in Gaza were “otherwise lawful,” letting him remain in the country would undermine “U.S. policy to combat anti-Semitism around the world and in the United States[.]”³⁸

Second, this information will be meaningfully informative.³⁹ The requested documents will shed light on whether the Department of State made decisions to arrest, detain, or deport individuals based on information from Betar and Canary Mission and provide the public with a fuller understanding of the threat to First Amendment rights.

Third, EPIC’s request will contribute to the understanding of a reasonably broad audience because EPIC is a “representative of the news media”⁴⁰ and “it shall be presumed that a representative of the news media will satisfy this consideration.”⁴¹ EPIC routinely publishes records from its FOIA requests on its website, and EPIC’s FOIA work is frequently covered by news outlets.⁴²

Fourth, the disclosure will significantly enhance the public’s understanding of the activity. The agency has not publicly confirmed or disclaimed whether it relies on information obtained from Canary Mission or Betar to make immigration decisions.⁴³ The report would inform the public about the full scope of actions the agency may take to target people who speak out about Palestinian human rights, and the information on which they rely.

³⁵ § 171.16(j)(2)(i).

³⁶ EO at § 3.

³⁷ Will Oremus, *A militant Zionist group threatens activists online with a ‘deport list’*, The Washington Post (March 29, 2025), <https://www.washingtonpost.com/technology/2025/03/29/zionist-palestinians-deportations-x/>.

³⁸ Jake Offenhartz, *Pressed for evidence against Mahmoud Khalil, government cites its power to deport people for beliefs*, Associated Press (April 10, 2025), <https://apnews.com/article/mahmoud-khalil-columbia-university-trump-c60738368171289ae43177660def8d34>.

³⁹ § 171.16(j)(2)(ii)(a).

⁴⁰ *EPIC v. Dep’t of Def.*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

⁴¹ 22 C.F.R. § 171.16(j)(2)(ii)(b).

⁴² See EPIC, *EPIC in the News*, (2025) https://epic.org/news/epic_in_news.php/.

⁴³ Department Press Briefing – March 31, 2025, U.S. Dep’t of State (March 31, 2025), <https://www.state.gov/briefings/departments-press-briefing-march-31-2025/>; Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic Students*, NY Times (April 1, 2025), <https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html>.

2. *Disclosure is not primarily in the commercial interest because EPIC is a nonprofit seeking this information for public education.*

The disclosure is “not primarily in the commercial interest” of EPIC.⁴⁴ The Department of State considers two factors to determine whether this is met: (i) whether there is “any commercial interest of the requester...that would be furthered by the requested disclosure”; and (ii) whether the commercial interest is the “primary interest furthered by the request.”⁴⁵

Under the first factor, EPIC has no commercial interest in the information. EPIC is a 501(c)(3) nonprofit dedicated to privacy, civil liberties, and open government. EPIC intends to use the requested information for public education and often publishes records obtained through the FOIA on its website. The request also satisfies the second factor because “the Department ordinarily will presume that when a news media requester has satisfied the requirements of paragraphs (j)(2)(i) and (ii) of this section, the request is not primarily in the commercial interest of the requester.”⁴⁶ As explained above, EPIC meets these criteria. EPIC is also a “representative of the news media.”⁴⁷

For these reasons, EPIC’s request for a fee waiver should be granted.

Conclusion

Thank you for your consideration of this request. EPIC anticipates your determination on our request within ten calendar days.⁴⁸ For questions and correspondence regarding this request contact Megan Iorio at iorio@epic.org and Mayu Tobin-Miyaji at tobin-miyaji@epic.org cc: FOIA@epic.org.

Respectfully Submitted,

/s/ Megan Iorio

Megan Iorio
EPIC Senior Counsel

/s/ Mayu Tobin-Miyaji

Mayu Tobin-Miyaji
EPIC Law Fellow

⁴⁴ 22 C.F.R. § 171.16(j)(2)(iii).

⁴⁵ § 171.16(j)(2)(iii)(A)–(B).

⁴⁶ § 171.16(j)(2)(iii)(B).

⁴⁷ *EPIC v. Dep’t of Def.*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

⁴⁸ 5 U.S.C. § 552(a)(6)(E)(ii)(I).

APPENDIX B



United States Department of State

Washington, D.C. 20520

April 22, 2025

Request No.: F-2025-15385

Ms. Mayu Tobin-Miyaji
EPIC Law Fellow
1519 New Hampshire Ave., N.W.
Washington, DC 20036

Dear Ms. Tobin-Miyaji:

This letter acknowledges receipt of your Freedom of Information Act (“FOIA”) request received by the U.S. Department of State, Information Access Programs Directorate on April 14, 2025. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible.

This Office will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

You requested expedited processing of this request. According to 22 CFR § 171.11(f), requests shall receive expedited processing when a requester demonstrates a “compelling need” for the information exists for one of the following reasons: (1) failure to obtain the requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity; or (3) failure to release the information would impair substantial due process rights or harm substantial humanitarian interests. Your request does not demonstrate a “compelling need” for the requested information. Therefore, this Office denies your request for expedited processing.

You requested a waiver for all fees associated with the processing of your request. Fees shall be waived or in rare cases; perhaps involving exceptional burden or expenditure of public resources in the context of a request that minimally satisfies the "public interest" requirement, it may be possible to give effect to the language of the statute providing for "a charge reduced below the fees" by granting a reduction rather than a complete waiver of fees, if the Department determines that disclosure is in the public interest because it 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. Your request does not meet the public interest standard set forth in § 22 CFR 171.16(j)(2)(ii). Therefore, this Office denies your request for a fee waiver.

The Department has determined that you fall within the "news media" requester fee category. News media requesters are not charged fees for search or review and receive the first 100 pages of duplication (or equivalent) free of charge per request. However, after the first 100 pages of duplication, OMB's Uniform Freedom of Information Act (FOIA) Fee Schedule and Guidelines allow agencies to recover the "reasonable direct cost of duplication" for all fee categories of FOIA requesters. (See Section 7(d) of the OMB Uniform Freedom of Information Act Fee Schedule and Guidelines.) The term "duplication" refers to "the process of making a copy of a document necessary to respond to a FOIA request." (See Section 6(e) of the OMB Uniform Freedom of Information Act Fee Schedule and Guidelines.) The Department of State FOIA regulations, 22 CFR Part 171.16(b), define "direct costs" as "those expenses the Department incurs...duplicating...in response to a FOIA request. For example, direct costs include the salary of the employee performing the work (i.e., the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. The term does not include overhead expenses such as the costs of space and of heating or lighting of a facility." (See 22 CFR 171.1(b))

Your request indicated a willingness to pay \$00.00. The Department anticipates that the direct costs of duplication for an employee to create the standard digital files which will be provided in our response to you will exceed the amount you indicated you were willing to pay. Pursuant to the Department's FOIA Regulations, 22 CFR 171.16(e)(3), **we ask that you provide a willingness to pay the direct costs of duplication for a minimum of two productions totaling \$62.50.**

Your request will be tolled and will not be processed further until we receive confirmation of your willingness to pay the estimated direct cost of duplication fees. **Your response is due within 30 calendar days of this letter and no later than May 21, 2025.** Please provide your determination of your willingness to pay the above specified amount via email to FOIAStatus@state.gov. If we do not receive your response by the stated due date, your request will be administratively closed.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at FOIAstatus@state.gov or telephone at 202-261-8484.

If you are not satisfied with this determination, you may administratively appeal by writing to: Appeals Officer, Information Access Programs Directorate (A/SKS/IAP), U.S. Department of State, 2201 C Street, NW, Washington, D.C. 20520; by fax to (202) 485-1718; or by email to FOIAAppeals@state.gov. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this correspondence. Please include a copy of this correspondence with your written appeal and clearly state why you disagree with the determinations set forth in this response.

Additionally, if you are not satisfied with Department's determination in response to your request, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA Mediation Services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email address: ogis@nara.gov; telephone: (202) 741-5770; toll free number: 1-877-684-6448.

Sincerely,
Megan Farrell

(for)
Ennelle Debrosse
Supervisory Government Information Specialist
FOIA Case Processing Office
Information Access Programs Directorate

Enclosures: As stated herein.