

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER TO ADVANCE SECURITY
IN AMERICA
1802 Vernon Street NW
PMB 2095
Washington, D.C. 20009,

Plaintiff,

V.

Civil Case No. 1:25-cv-2936

U.S. DEPARTMENT OF HOMELAND
SECURITY
2707 Martin Luther King Jr. Avenue S.E.
Washington, D.C. 20528-0525,

Defendant.

COMPLAINT

1. Plaintiff Center to Advance Security in America (“CASA”) brings this action against the U.S. Department of Homeland Security (“DHS” or the “Department”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331.

3. Venue is proper in this Court pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff CASA is an unincorporated association dedicated to improving the safety and security of the American people. CASA educates and informs the American people about the

actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

5. Defendant DHS is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1). DHS has possession, custody, and control of records responsive to Plaintiff's FOIA request.

STATEMENT OF FACTS

Introduction

6. On June 10, 2024, CASA submitted two FOIA requests to DHS seeking records related to its plans concerning refugees from the Israel-Hamas war.

7. For both requests, DHS failed to fulfill its statutory obligations under FOIA and appears unwilling to do so absent litigation.

CASA's First Request

8. On June 10, 2024, CASA submitted its first FOIA request (the "First Request") (attached as Exhibit A) to DHS seeking records related to government policy concerning Palestinian refugees.

9. The release of these documents is in the public interest because it will help the public understand whether the government is properly taking account of national security during potential refugee processing.

10. Federal government receipt of the First Request was acknowledged by the confirmation page of FOIA.gov, which stated that the First Request "has been created and is being sent to the Department of Defense Education Activity" and which reflected that the First Request had been given the Submission ID No. 1238811.

11. After this confirmation, DHS sent no further communications to CASA regarding the First Request. To date, CASA has received neither a further response nor any other communication from DHS regarding the First Request.

CASA's Second Request

12. On June 10, 2024, CASA submitted its second FOIA request (the "Second Request") (attached as Exhibit B) to DHS subdivision the Transportation Security Administration ("TSA") seeking records related to government policy concerning Palestinian refugees.

13. The release of these documents is in the public interest because it will help the public understand whether the government is properly taking account of national security during potential refugee processing.

14. Federal government receipt of the Second Request was acknowledged by the confirmation page of FOIA.gov, which stated that the Second Request "has been created and is being sent to the Transportation Security Administration" and which reflected that the Second Request had been given the Submission ID No. 1238786.

15. On June 11, 2024, TSA sent CASA an acknowledgement letter for the request. The letter confirmed TSA's receipt of the request and stated that no further information or action was needed from CASA for TSA to process the request.

16. After this acknowledgment letter, neither DHS nor the TSA sent any further communications to CASA regarding the Second Request. To date, CASA has received neither a further response nor any other communication from DHS regarding the Second Request.

The Department has violated its obligations under FOIA

17. As the record above indicates, over 445 days have elapsed since DHS received CASA's requests, yet it still has not made a determination with respect to them. *See Citizens for*

Responsibility and Ethics in Washington v. FEC, 711 F.3d 180 (D.C. Cir. 2013). DHS has not produced responsive documents to CASA, has not communicated to CASA the scope of the documents it intends to produce or withhold—along with the reasons for any such withholding—and has not informed CASA of its ability to appeal any adverse portion of its determination.

18. Given these facts, DHS has not met its statutory obligations to provide the requested records for the requests.

19. Through DHS's failure to make a determination within the time period required by law, CASA has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I – CASA's First Request

**Violation of FOIA, 5 U.S.C. § 552
Wrongful Withholding of Non-Exempt Responsive Records**

20. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

21. CASA's First Request was a properly submitted request for records within the possession, custody, and control of DHS.

22. DHS is an agency subject to FOIA and therefore has an obligation to release any non-exempt records and provide a lawful reason for withholding any materials in response to a proper FOIA request.

23. DHS is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.

24. DHS's failure to provide all non-exempt responsive records violates FOIA.

25. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring Defendant to promptly produce all non-exempt records responsive to its FOIA request and provide an index justifying the withholding of any responsive records withheld under claim of exemption.

COUNT II – CASA’s Second Request

**Violation of FOIA, 5 U.S.C. § 552
Wrongful Withholding of Non-Exempt Responsive Records**

26. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

27. CASA’s Second Request was a properly submitted request for records within the possession, custody, and control of DHS.

28. DHS is an agency subject to FOIA and therefore has an obligation to release any non-exempt records and provide a lawful reason for withholding any materials in response to a proper FOIA request.

29. DHS is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.

30. DHS’s failure to provide all non-exempt responsive records violates FOIA.

31. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring Defendant to promptly produce all non-exempt records responsive to its FOIA request and provide an index justifying the withholding of any responsive records withheld under claim of exemption.

REQUESTED RELIEF

Center to Advance Security in America respectfully requests this Court:

- (1) Assume jurisdiction in this matter and maintain jurisdiction until Defendant complies with the requirements of FOIA and any and all orders of this Court.

- (2) Order Defendant to produce, within ten days of the Court's order, or by other such date as the Court deems appropriate, any and all non-exempt records responsive to CASA's First and Second Requests and an index justifying the withholding of all or part of any responsive records withheld under claim of exemption.
- (3) Award CASA the costs of this proceeding, including reasonable attorney's fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E).
- (4) Grant CASA other such relief as the Court deems just and proper.

Dated: August 29, 2025

Respectfully submitted,

CENTER TO ADVANCE SECURITY
IN AMERICA

By Counsel:

/s/ Jacob William Roth

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