

May 4, 2018

U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010

RE: Freedom of Information Act Request (FOIA)

Requestor: E [REDACTED] C [REDACTED] N [REDACTED]

Dear Sir or Madam:

I represent E [REDACTED] C [REDACTED] N [REDACTED] in her immigration matters. Attached is an executed Form G-28. I write on behalf of Ms. N [REDACTED] to request the following documents and records of USCIS pursuant to the Freedom of Information Act (FOIA):

1. The following information regarding decisions on all I-918, Petitions for U Nonimmigrant Status, filed between fiscal year 2011 and fiscal year 2012, whose underlying crime was robbery in violation of California Penal Code § 211:
 - a. Total number of petitions filed
 - b. Number of petitions approved
 - c. Number of petitions denied
 - d. Explanation for any remaining filed petitions that were neither approved nor denied
 - e. For all approved petitions, the date of the approval and the qualifying crime pursuant to 8 C.F.R. § 214.14(a)(9) under which the petition was approved
 - f. For all petitions denied, the date of the denial and the stated reasons for the denial pursuant to 8 C.F.R. § 214.14(c)(5)(ii)
 - g. For all petitions denied and appealed to the Administrative Appeals Office (AAO), the outcome of the AAO case, including the AAO's stated basis for upholding or reversing the denial.

2. The following information regarding decisions on all I-918, Petitions for U Nonimmigrant Status, filed between fiscal year 2014 and fiscal year 2015, whose underlying crime was robbery in violation of California Penal Code § 211:
 - a. Total number of petitions filed
 - b. Number of petitions approved
 - c. Number of petitions denied
 - d. Explanation for any remaining filed petitions that were neither approved nor denied

- e. For all approved petitions, the date of the approval and the qualifying crime pursuant to 8 C.F.R. § 214.14(a)(9) under which the petition was approved
 - f. For all petitions denied, the date of the denial and the stated reasons for the denial pursuant to 8 C.F.R. § 214.14(c)(5)(ii)
 - g. For all petitions denied and appealed to the Administrative Appeals Office (AAO), the outcome of the AAO case, including the AAO's stated basis for upholding or reversing the denial.
3. All policies, whether contained in email, memoranda, or other category of document, issued between fiscal year 2011 and fiscal year 2016, concerning whether robbery under California Penal Code § 211 can or does qualify as a felonious assault pursuant to INA § 101(a)(15)(U)(iii).
 4. All policies, whether contained in email, memoranda, or other category of document, issued between fiscal year 2011 and fiscal year 2016, providing instruction for USCIS staff regarding the adjudication of U nonimmigrant status petitions whose underlying offense is robbery generally, and/or robbery under California Penal Code § 211.

Please note that requests 3 and 4, above, do not concern the deliberative process in formulating or issuing policy, rather all versions and iterations of the policies themselves. *See Morely v. CIA*, 508 F.3d 1108, 1127 (D.C. Cir. 2007) (holding that records are “deliberative” only when they “reflect the personal opinions of the writer rather than the policy of the agency”). If the policies are contained in documents that also include material covered by FOIA exemptions, I ask that you please sever the privileged portions of the documents and provide those portions containing the policies falling within requests 3 and 4.

A response will be expected within the 20 business days authorized by statute. *See* 5 U.S.C. § 552(a)(6)(A)(i). Unless USCIS fails to comply with the statutorily mandated timeline, Ms. Navarro is willing to pay all applicable fees up to \$25.00. *See* 6 C.F.R. § 5.11(d)(2). Should the cost of this request exceed this amount, please inform me before processing the request.

Thank you for your prompt attention to this matter. If you have any questions or require any further documentation, please do not hesitate to contact me at 510-868-0633, or by email at skh@HNHimmigration.com.

Sincerely,

/s/ Sarah Kate Heilbrun
Sarah Kate Heilbrun
Attorney
HaleyNelson & Heilbrun, LLP.

Our case number: 109