



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

April 8, 2025

Via DHS Secure Release

U.S. Department of Homeland Security
Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528-065

Re: Freedom of Information Act Request: Implementation of Pause to the
Adjudication of Certain Applications for Adjustment of Status

Dear FOIA Officer:

The American Immigration Council and the American Immigration Lawyers Association (together referenced as "Requesters") submit the following Freedom of Information Act ("FOIA") request for records regarding U.S. Department of Homeland Security's ("DHS") directions to its subcomponent, U.S. Citizenship and Immigration Services ("USCIS") to implement a temporary pause in adjudicating certain applications for adjustment of status to lawful permanent resident (referred to hereafter as "Form I-485"). Requesters seek a waiver of any applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A) and 6 C.F.R. § 5.11(k) because the information requested will contribute to the public's understanding of the reasons for delaying individuals' obtaining their permanent residence and the agency's implementation of this pause. We expect a response to this request within 20 working days pursuant to 5 U.S.C. § 552 (a)(6)(A)(i), unless otherwise allowed by the statute.

I. REQUEST FOR INFORMATION

Requesters seek records prepared, received, transmitted, or maintained by DHS relating to USCIS' suspension of processing of certain Form I-485s. On or about March 25, 2025, DHS confirmed to the press that USCIS recently directed officials to suspend the processing of Form I-485s for purposes of additional vetting.¹ Despite DHS' confirmation, neither DHS nor USCIS have published any memorandum with further instructions and have provided limited information regarding the types of applicants who will be impacted by this suspension. The agencies also failed to publish the statement to the press on its website

Accordingly, Requesters seek the following records:

¹ Camilo Montoya-Galvez and Nicole Sganga, *Trump administration pauses some green card applications as part of aggressive vetting efforts*, CBS NEWS, March 25, 2025, <https://www.cbsnews.com/news/green-card-applications-trump-administration/>.

1. A copy of the statement DHS provided to media outlets, on or about, March 25, 2025, (hereinafter referred to as “the Statement”) relating to the suspension of processing of Form I-485s.
2. Emails, memoranda, notes, text messages, or other communications sent, received or maintained since January 20, 2025 by the DHS Secretary; DHS Deputy Secretary; DHS Chief of Staff; DHS General Counsel; Under Secretary of DHS Office of Strategy, Policy, and Plans, or the Senior Official performing the duties of the Under Secretary; Assistant Secretary Office of Public Affairs; the Deputy Assistant Secretary for Media Relations; and the Assistant Secretary of the Office of Partnership and Engagement discussing:
 - a. The Statement
 - b. The legality of USCIS’ implementation of a suspension of processing of Form I-485; and
 - c. USCIS’ implementation of the suspension of processing of Form I-485.
3. Guidance documents created since January 20, 2025, such as standard operating procedures, memoranda, policies, protocols, or communications containing instructions on the implementation of the suspension of processing of Form I-485. Guidance includes, but is not limited to:
 - a. Each application type or filing category, as referred to in the Form I-485 (See Exhibit A for the list of application type or filing category), subject to the suspension;
 - b. Applicants’ nationalities who are or will be subject to the suspension;
 - c. The processing stage at which the suspension applies; and
 - d. The length of time the suspension will be in place.
4. Guidance documents created since January 20, 2025, such as standard operating procedures, memoranda, policies, protocols, or communications containing instructions on the vetting procedures and standards to be implemented for Form I-485 applicants.

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.

III. FEE WAIVER REQUEST

Requesters seek a fee waiver because the information sought 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 [requesters]” 5 U.S.C. § 552(a)(4)(A)(iii).

1. *Responsive documents to the request will significantly contribute to the public's understanding of the agency's policy suspending the processing of Form I-485.*

The public interest criterion is satisfied when (1) the request concerns operations or activities of the government; (2) disclosure is likely to contribute to an understanding of government operations or activities; (3) disclosure contributes to an understanding of the subject by the public at large; and (4) disclosure is likely to contribute significantly to such understanding. 6 C.F.R. § 5.11(k)(2).

The first prong of the public interest test is clearly satisfied by this request. The records sought seek details about the implementation of a policy by a subcomponent of DHS, i.e. USCIS. USCIS processes the Form I-485, also known as a green card application, for noncitizens eligible to apply for U.S. lawful permanent resident status in the United States.² Media reports on March 25, 2025, indicated that DHS confirmed that USCIS suspended processing of certain Form I-485s in a statement.³ The processing of Form I-485s, and the pause in processing, are activities of the government covered by the public interest criterion.

Records sought by Requesters will contribute to the public's understanding of these government operations. USCIS data shows that in January 2025, the agency received 92,424 Form I-485s.⁴ Of those, 12,394 Form I-485s were from individuals granted asylum or refugee status.⁵ Despite the large number of individuals who may be impacted by the suspension of processing policy, both DHS and USCIS have left directly impacted individuals, their attorneys, and the public at large in the dark about how USCIS will implement this suspension. Initial reports about the suspension state that DHS issued a statement about this suspension but the statement is not available in the agency's Newsroom. Media outlets did not publish the agency's statement, and some reports said that the agency "quietly halt[ed] some green card applications" in characterizing the implementation of the policy."⁶ The lack of information leaves applicants and their representatives to wonder how the new vetting standards will impact their applications and how long it will take USCIS to issue a decision on the pending Form I-485s.

The requested records will not only assist Requesters' understanding of the implementation of this policy but will contribute to the public's understanding of USCIS' suspension of processing of certain Form I-485s. The media first obtained knowledge of the changes to the vetting procedures leading to the suspension of processing of certain I-485s from anonymous sources.⁷ USCIS then confirmed the change in

² See U.S. Citizenship and Immigration Services, *How to Apply for a Green Card*, <https://www.uscis.gov/green-card/how-to-apply-for-a-green-card> (last visited April 8, 2025).

³ Montoya-Galvez et al., *supra* note 1.

⁴ USCIS, *FY22 Appropriations Reporting Requirement - Application Processing Data for January, 2025* (Feb. 28, 2025), https://www.uscis.gov/sites/default/files/document/data/appropriation_requirement_january_2025.csv.

⁵ *Id.*

⁶ Montoya-Galvez et al., *supra* note 1.; see also Lauren Acton-Taylor, *Trump administration quietly halts some green card applications as part of rigorous new vetting system*, DAILY MAIL.COM, March 26, 2025, <https://www.dailymail.co.uk/news/article-14537269/trump-administration-green-card-immigrants-vetting.html>.

⁷ *Id.*

policy through a “statement.”⁸ After publication of the initial report, numerous other media outlets published articles⁹ about the change in policy, evidencing the public’s interest in this issue.

Despite the media’s interest in this issue, DHS and USCIS have failed to provide the public with information on how the additional vetting will work, how long the processing of Form I-485s will be suspended, or even the reasons why additional vetting is necessary. For example, anonymous sources informed the media that the suspension applies to Form I-485s filed by asylees and refugees, but DHS’ confirmation of the suspension, as reported by the media, does not clarify the application types or filing categories that will be subject to the suspension.¹⁰ Also, media reports suggest the suspension is “temporary,” but neither the reporting nor the agency have indicated for how long the suspension will apply or if there are certain metrics associated with the lifting of suspension.

Furthermore, information about the agency’s process to conduct additional vetting of Form I-485 applicants is vital to understanding whether this additional vetting is efficient and even necessary. Reports indicate that DHS justified suspension of processing due to the need for completion of “additional screening and vetting to identify potential fraud, public safety, or national security concerns.”¹¹ However, refugees go through extensive vetting prior to their admission into the United States as described in the USCIS webpage.¹² And, asylees also go through extensive security screening during the application process.¹³

Requesters’ experience in disseminating information to the public also contributes to the public’s understanding of this policy. The Council regularly makes information available to the public about the government’s implementation of policies that impact migrants.¹⁴ In 2024, the Council received more than 4.5 million pageviews from almost 3 million visitors. The Council also regularly shares information with national print and news media and plans to distribute information obtained from these FOIA disclosures to interested media.

AILA frequently publishes materials with guidance to its members and the public about the implementation of immigration policies. AILA widely disseminates information to its members and the public in the form of continuing legal education materials, information, and resources, primarily through

⁸ *Id.*

⁹ See e.g. Adam Gabbatt, *Trump officials pause some green card applications in immigration crackdown*, THE GUARDIAN, March 26, 2025, <https://www.theguardian.com/us-news/2025/mar/26/trump-signal-chat-middle-east-opinion>; Suzanne Gamboa and Laura Strickler, *Trump administration stops processing some green cards ‘to do more vetting’*, NBC NEWS, March 25, 2025, <https://www.nbcnews.com/news/latino/trump-administration-stops-processing-green-cards-vetting-rcna198061>; Rebecca Beitsch, *DHS suspends green card processing for refugees, asylees*, THE HILL, March 25, 2025, <https://thehill.com/homenews/5213453-us-green-card-application-pause/>; Dan Gooding, *Trump Administration Pauses Some Green Card Applications*, NEWSWEEK, March 25, 2025, <https://www.newsweek.com/trump-administration-pauses-green-card-applications-refugees-asylum-seekers-2050388>.

¹⁰ Montoya-Galvez et al., *supra* note 1.

¹¹ *Id.*

¹² USCIS, *Refugee Processing and Security Screening*, <https://www.uscis.gov/humanitarian/refugees-and-asylum/refugees/refugee-processing-and-security-screening> (last visited April 8, 2025).

¹³ USCIS, *The Affirmative Asylum Process*, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/the-affirmative-asylum-process> (last visited April 8, 2025).

¹⁴ See e.g. American Immigration Council, *AGENCY FAILURES MAKE OBTAINING HUMANITARIAN PAROLE ALMOST IMPOSSIBLE FOR AFGHANS* (March 16, 2023), <https://www.americanimmigrationcouncil.org/foia/uscis-failures-afghans-parole>.

its website, <https://www.aila.org/>. Those who visit AILA's website include immigration attorneys and their individual and employer clients, media representatives, U.S. businesses, foreign nationals, law students, elected officials, government employees, and other interested members of the public. Moreover, information posted to AILA's website is often linked to the websites of other organizations and immigration law firms. AILA also disseminates the information through its newsletters, social media, and other print and electronic publications.

The Requesters' demonstrated ability to inform the public, coupled with the lack of information about this change in USCIS policy, are an important factor in showing the fee waiver requirement that any documents disclosed in response to this request will significantly contribute to the public's understanding of this suspension.

2. *Disclosure of the information is not in Requesters' commercial interest.*

Requesters have no commercial interest in the records requested, and this request aims at furthering public understanding of the government's suspension of processing certain Form I-485s.

The Council, as a not-for-profit organization, has no commercial interest in the present request. This request furthers the Council's work to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, protect the legal rights of noncitizens, 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 and 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.

AILA plans to make disclosures obtained through this request available to AILA's audience, which includes attorneys, nonprofit organizations, and legal scholars in collaboration with the Council.

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

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

Very truly yours,

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On behalf of Requesters

Part 2. Application Type or Filing Category

1. Are you filing for adjustment of status with the Executive Office for Immigration Review (EOIR) while Yes No in removal, exclusion, rescission, or deportation proceedings?

2. Receipt Number of Underlying Petition (if any) Priority Date from Underlying Petition (if any) (mm/dd/yyyy)

I am filing this Form I-485 as a (select **only one** box):

- Principal Applicant
- Derivative Applicant (Provide the following information about the principal applicant.)

Principal Applicant's Name

Family Name (Last Name) Given Name (First Name) Middle Name (if applicable)

Principal Applicant's A-Number (if any) ► A- Principal Applicant's Date of Birth (mm/dd/yyyy)

I am applying based on the following category (You must select **ONLY ONE** category. If you are filing as a derivative applicant, select the appropriate box based on the category under which the principal applicant is applying or has applied. See the Form I-485 Instructions for more information, including any **Additional Instructions** that relate to the immigrant category you select.):

3.a. Family-based

Immediate relative of a U.S. citizen, Form I-130, I-129F, or I-360 (select your specific category below):

- Spouse of a U.S. Citizen.
- Unmarried child under 21 years of age of a U.S. citizen.
- Parent of a U.S. citizen (if the citizen is at least 21 years of age).
- Person admitted to the United States as a fiancé(e) or child of a fiancé(e) of a U.S. citizen (K-1/K-2 Nonimmigrant).
- Widow or widower of a U.S. citizen.
- Spouse, child, or parent of a deceased U.S. active-duty service member in the armed forces under the National Defense Authorization Act (NDAA).

Other relative of a U.S. citizen under the family-based preference categories, Form I-130 (select your specific category below):

- Unmarried son or daughter of a U.S. citizen and I am 21 years of age or older.
- Married son or daughter of a U.S. citizen.
- Brother or sister of a U.S. citizen (if the citizen is at least 21 years of age).

Relative of a lawful permanent resident under the family-based preference categories, Form I-130 (select your specific category below):

- Spouse of a lawful permanent resident.
- Unmarried child under 21 years of age of a lawful permanent resident.
- Unmarried son or daughter of a lawful permanent resident and I am 21 years of age or older.

VAWA self-petitioner (victim of battery or extreme cruelty), Form I-360 (select your specific category below):

- VAWA self-petitioning spouse of a U.S. citizen or lawful permanent resident.
- VAWA self-petitioning child of a U.S. citizen or lawful permanent resident.
- VAWA self-petitioning parent of a U.S. citizen (if the citizen is at least 21 years of age).



Part 2. Application Type or Filing Category (continued)

3.b. Employment-based

Alien Investor, Form I-526 or Form I-526E

Alien Workers, Form I-140 (select your category below and answer the following questions below, as applicable):

- Alien of Extraordinary Ability
- Outstanding Professor or Researcher
- Multinational Executive or Manager
- Member of the Professions Holding an Advanced Degree or Alien of Exceptional Ability (who is NOT seeking a National Interest Waiver)
- A Professional (at a minimum, requiring a bachelor's degree or a foreign degree equivalent to a U.S. bachelor's degree)
- A Skilled Worker (requiring at least 2 years of specialized training or experience)
- Any Other Worker (requiring less than 2 years of training or experience)
- An Alien Applying For a National Interest Waiver (who IS a member of the professions holding an advanced degree or an alien of exceptional ability)

Did a relative file the associated Form I-140 for you (or for the principal applicant if you are a derivative applicant) or does a relative have a significant ownership interest (5 percent or more) in the business that filed Form I-140 for you (or for the principal applicant, if you are a derivative applicant)?

- N/A (I am adjusting on the basis of a Form I-140 self-petition)
- No
- Yes

If you answered "Yes," is this relative your (select **only one** box):

- Father Mother Child Adult Son Adult Daughter Brother Sister
- None of These

Is the relative above a:

- U.S. Citizen U.S. National Lawful Permanent Resident None of These

3.c. Special Immigrant

- Special Immigrant Juvenile, Form I-360
- Certain Afghan or Iraqi National, Form I-360 or Form DS-157
- Certain International Broadcaster, Form I-360
- Certain G-4 International Organization or Family Member or NATO-6 Employee or Family Member, Form I-360
- Certain U.S. Armed Forces Members (also known as the Six and Six program), Form I-360
- Panama Canal Zone Employees, Form I-360
- Certain Physicians, Form I-360
- Certain Employee or Former Employee of the U.S. Government Abroad, DS-1884

Religious Worker, Form I-360 (select your specific category below):

- Minister of Religion
- Other Religious Worker

Part 2. Application Type or Filing Category (continued)

3.d. Asylee or Refugee

Asylum Status (Immigration and Nationality Act (INA) section 208), Form I-589 or Form I-730

If you selected asylum, date you were granted asylum (mm/dd/yyyy).

Refugee Status (INA section 207), Form I-590 or Form I-730

If you selected refugee, date of initial admission as refugee (mm/dd/yyyy).

3.e. Human Trafficking Victim or Crime Victim

Human Trafficking Victim (T Nonimmigrant), Form I-914 or Derivative Family Member, Form I-914A

Victim of Qualifying Criminal Activity (U Nonimmigrant), Form I-918, Derivative Family Member, Form I-918A, or Qualifying Family Member, Form I-929

3.f. Special Programs Based on Certain Public Laws

The Cuban Adjustment Act

A Victim of Battery or Extreme Cruelty as a Spouse or Child Under the Cuban Adjustment Act

Applicant Adjusting Based on Dependent Status Under the Haitian Refugee Immigrant Fairness Act

A Victim of Battery or Extreme Cruelty as a Spouse or Child Applying Based on Dependent Status Under the Haitian Refugee Immigrant Fairness Act

Lautenberg Parolees

Diplomats or High-Ranking Officials Unable to Return Home (Section 13 of the Act of September 11, 1957)

Nationals of Vietnam, Cambodia, and Laos Applying for Adjustment of Status Under section 586 of Public Law 106-429

Applicant Adjusting Under the Amerasian Act (October 22, 1982), Form I-360

3.g. Additional Options

Diversity Visa program

If you selected Diversity Visa program, provide your Diversity Visa Rank Number:

Continuous Residence in the United States Since Before January 1, 1972 ("Registry")

Individual Born in the United States Under Diplomatic Status

S Nonimmigrants and Qualifying Family Members (can only adjust in this category with an approved Form I-854B filed by a law enforcement officer)

Other Eligibility

4. If you selected a family-based, employment-based, special immigrant, or Diversity Visa immigrant category listed above in **Item Numbers 3.a. - 3.g.** as the basis for your application for adjustment of status, are you applying for adjustment based on INA section 245(i)? Yes No

5. Are you 21 years of age or older and applying for adjustment based on classification as a child, under the provisions of the Child Status Protection Act (CSPA)? Yes No

NOTE: For more information to determine if you are eligible under CSPA, see the **Who May File Form I-485** section of these Instructions.

