

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

AMERICAN IMMIGRATION COUNCIL,

*Plaintiff,*

v.

U.S. DEPARTMENT OF STATE,

*Defendant.*

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

**INTRODUCTION**

1. The U.S. Refugee Admissions Program (“USRAP”) has long provided a pathway for refugees outside the United States to relocate to safety and security in U.S. cities where they boost local economies, offset population decline, and revitalize communities.

2. Using refugee arrivals’ data previously released online by Defendant U.S. Department of State, Plaintiff American Immigration Council analyzes refugees’ positive impacts on U.S. communities and publishes reports and interactive tools to inform the public about the benefits of refugee admissions.

3. Amidst rising demonization of refugees and other immigrants and increasing polarization of immigration politics, this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, seeks to compel Defendant to release requested refugee arrivals’ data and other associated records so Plaintiff may update its reporting and tools and add data-informed discourse to the immigration policy debate.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B), (6)(C)(i), as well as 28 U.S.C. § 1331, since this action arises under FOIA against an agency of the United States that has failed to comply with FOIA's deadlines and other provisions.

5. Venue lies in this district and division under 5 U.S.C. § 552(a)(4)(B), as the requested data and other records are situated at the Refugee Processing Center ("RPC") in Arlington, Virginia.

### **PARTIES**

6. Plaintiff American Immigration Council is a tax-exempt, not-for-profit educational and charitable organization under Section 501(c)(3) of the Internal Revenue Code. Plaintiff strives to strengthen the United States by shaping fair and rational immigration policies and practices through innovative programs, cutting-edge research, and strategic legal and advocacy efforts grounded in evidence, compassion, justice, and fairness.

7. Defendant U.S. Department of State is a cabinet department of the United States federal government and an agency as defined in 5 U.S.C. § 551(1). Defendant manages USRAP, including by operating the RPC, which provides technical, data, and processing support for USRAP; administers START and other refugee case management systems; maintains a central repository for refugee data in Arlington, Virginia; queries this data for quality control, reporting, and statistical analysis; and publishes some refugee arrivals' data on the RPC website.

### **STATEMENT OF FACTS**

#### **I. DEFENDANT'S REDUCED PUBLICATION OF REFUGEE ARRIVALS' DATA**

8. Defendant has reduced the type and quantity of publicly available refugee arrivals' data over time.

9. Defendant used to maintain an interactive reporting portal on the RPC website where the public could query its refugee case management system and download the following:

- a. The number of refugee arrivals each calendar or fiscal year, disaggregated either by nationality and destination city and state or nationality and religion; and
- b. A demographic profile of the age, gender, ethnicity, religion, language, and education for refugee arrivals of a selected nationality.

10. Defendant also used to publish periodic reports about refugee arrivals' native languages, nationalities, arrival dates, overseas processing countries, and destination states on the RPC website.

11. In 2020, Defendant removed the interactive reporting portal from the RPC website, ceased most public reporting, and took most periodic reports off the RPC website.

12. Now, the only refugee arrivals' data that Defendant releases to the public is the number of refugee arrivals each fiscal year, disaggregated by nationality, month of arrival, and destination state and updated monthly.

## **II. PLAINTIFF'S USE OF REFUGEE ARRIVALS' DATA**

13. In 2016, New American Economy ("NAE")—a bipartisan immigration research and advocacy organization that has since merged with Plaintiff—used the interactive reporting portal to query Defendant's refugee case management system for the number of refugee arrivals from calendar year 2006 through calendar year 2015, disaggregated by destination city and state.

14. NAE used this dataset to analyze the relationship between refugees and municipal crime rates from 2006 to 2015 and author a report<sup>1</sup> that found that nine of the ten communities that

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<sup>1</sup> This report is available at <https://research.newamericaneconomy.org/report/is-there-a-link-between-refugees-and-u-s-crime-rates/>.

received the most refugees per capita during this period experienced drops in their levels of violent and property crime.

15. In 2019, NAE again used the interactive reporting portal to query Defendant's refugee case management system for the number of refugee arrivals from calendar year 2002 through calendar year 2018, disaggregated by nationality and destination city and state.

16. NAE used this dataset to produce an exploratory tool<sup>2</sup> that maps the cities where refugees settled in the United States from 2002 to 2018.

17. Since the release of the exploratory tool in 2019, NAE and Plaintiff (since the merger) have received at least fifteen inquiries for refugee arrivals' data from city governments, small nonprofits, media outlets, and academics seeking to understand local demographic changes, the fiscal impact of refugee resettlement, refugees' workplace integration, and refugee housing issues.

18. Plaintiff has also used refugee arrivals' data still available to the public to develop a research methodology for identifying refugee cases in American Community Survey microdata and author reports<sup>3</sup> about refugees' positive economic impacts on American communities at national and state levels.

### **III. PLAINTIFF'S FOIA REQUEST & DEFENDANT'S FAILURE TO RESPOND**

19. The limited refugee arrivals' data currently available on the RPC website does not meet Plaintiff's ongoing needs for refugee arrivals' data: Plaintiff cannot update its exploratory tool and reporting without city-level data. Nor can Plaintiff develop more refined tools and

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<sup>2</sup> This tool is available on Plaintiff's website at [https://data.americanimmigrationcouncil.org/en/refugee-resettlement-us/#exploratory\\_tool](https://data.americanimmigrationcouncil.org/en/refugee-resettlement-us/#exploratory_tool).

<sup>3</sup> One of these reports is Map the Impact, available at <https://data.americanimmigrationcouncil.org/map-the-impact/>.

reporting on refugees' local economic impacts without gender, age, educational, employment, linguistic, and city data.

20. On April 25, 2024, Plaintiff filed FOIA Request No. F-2024-10360 with Defendant to obtain needed refugee arrivals' data and records vital to data interpretation. A true and accurate copy of this request is attached as Exhibit A.

21. Plaintiff requested the following records:

- a. 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;
- b. Each data dictionary 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; and
- c. 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 and sub-permutation of these three pieces of data.

22. Plaintiff also requested a fee waiver.

23. Defendant received Plaintiff's FOIA request on April 25, 2024.

24. On May 24, 2024, Defendant invoked a 10-business day extension of the 20-business statutory deadline for resolving Plaintiff's request for unusual circumstances.

25. To date, Defendant has not made its determination on Plaintiff's request or produced responsive records despite having possession, custody, or control of them.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM FOR RELIEF: FAILURE TO MAKE A DETERMINATION WITHIN THE STATUTORY DEADLINE IN VIOLATION OF FOIA**

26. Plaintiff incorporates by reference ¶¶ 1-25.

27. Plaintiff has a legal right under FOIA for Defendant to make determination on FOIA Request No. F-2024-10360 within thirty days of receipt (excepting Saturdays, Sundays, and legal public holidays). 5 U.S.C. § 552(a)(6)(A)(i), (B)(i).

28. Defendant's failure to this determination to date violates FOIA. *Id.*

#### **SECOND CLAIM FOR RELIEF: FAILURE TO CONDUCT A REASONABLE SEARCH IN VIOLATION OF FOIA**

29. Plaintiff incorporates by reference ¶¶ 1-25.

30. Plaintiff has a legal right under FOIA for Defendant to conduct a reasonable search for records responsive to FOIA Request No. F-2024-10360. *Id.* § 552(a)(3)(C).

31. Defendant's failure to conduct a reasonable search for records responsive to FOIA Request No. F-2024-10360 violates FOIA. *Id.*

#### **THIRD CLAIM FOR RELIEF: FAILURE TO MAKE RESPONSIVE RECORDS PROMPTLY AVAILABLE IN VIOLATION OF FOIA**

32. Plaintiff incorporates by reference ¶¶ 1-25.

33. Plaintiff has a legal right under FOIA to obtain the data and other records sought in FOIA Request No. F-2024-10360 promptly. *Id.* § 552(a)(3)(A).

34. Defendant's failure to make records responsive to FOIA Request No. F-2024-10360 promptly available to Plaintiff to date has no legal basis and violates FOIA. *Id.*

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff respectfully requests that this Court grant the following relief:

- a. Assume jurisdiction over the matter;
- b. Declare that Defendant violated FOIA by not making a determination on FOIA Request No. F-2024-10360 within 30 business days of receipt and not making responsive records promptly available to Plaintiff;
- c. Order Defendant to conduct an adequate search for all records responsive to Plaintiff's FOIA request in accordance with 5 U.S.C. § 552(a)(3)(C);
- d. Order Defendant to process and disclose responsive non-exempt records in their entirety and make them promptly available to Plaintiff;
- e. Review any and all of Defendant's decisions to redact or withhold information in responsive records as exempt from disclosure;
- f. Award Plaintiff's costs and reasonable attorneys' fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and
- g. Grant other such relief as the Court may deem just and proper.

Dated: July 12, 2024

Respectfully submitted,

/s/ Simon Sandoval-Moshenberg  
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\*Pro hac vice application forthcoming