UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOCUMENTED LTD., a nonprofit corporation organized under the laws of New York, LAM THUY VO, an individual, and MAX SIEGELBAUM, an individual, *Plaintiffs*, -against- U.S. CITIZENSHIP AND IMMIGRATION SERVICES; and U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, *Defendants*.	INDEX NO. **COMPLAINT**

INTRODUCTION

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for declaratory and injunctive relief to compel Defendants U.S. Citizenship and Immigration Services ("USCIS") and U.S. Immigration and Customs Enforcement ("ICE") to produce agency records unlawfully withheld from Plaintiffs, who are journalists seeking newsworthy documents related to immigration enforcement.

2. Plaintiff Lam Thuy Vo seeks from USCIS an updated copy of a dataset concerning completed asylum applications within a defined date range. This is not a novel request: USCIS previously produced the same dataset, for an earlier date range, in response to a previous FOIA request. Vo now seeks nothing more than an updated version of records the agency has already produced, yet the agency has failed to provide the records for nearly a year.

3. Plaintiff Max Siegelbaum's request to ICE is similarly well defined, and the agency's failure to comply with its FOIA obligations is equally indefensible. He seeks closing memos and attachments from a specified office concerning a specified category of investigations,

limited to documents generated since 2024. Yet the agency inexplicably closed Siegelbaum's FOIA request without notice and on grounds that have no basis in FOIA.

4. Defendants have violated FOIA. The requested documents are public records that the Plaintiffs are entitled to access under the statute. Since the agencies have demonstrated they will not follow the law on their own, Plaintiffs are now forced to seek a court order requiring disclosure of the records and attorneys' fees.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

6. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) because Plaintiff Documented Ltd. has its principal place of business within this judicial district.

PARTIES

7. Plaintiff Documented Ltd. is a nonprofit news organization that owns *Documented NY*, a news outlet dedicated to reporting with and for immigrant communities in New York City. Documented's community-driven approach to journalism has increased public understanding of the multitude of issues immigrants face and has had widespread impact on immigration policy. Documented Ltd. is incorporated under the laws of the State of New York with its principal place of business at 85 Broad Street, New York, NY 10004.

8. Plaintiff Lam Thuy Vo is a Contributing Investigative Reporter for Documented NY. Her work combines data analysis with on-the-ground reporting to examine how systems and policies affect individuals. As part of her work for Documented NY, Vo submitted FOIA request COW2025005280 to USCIS on October 6, 2025.

9. Plaintiff Max Siegelbaum is Co-Founder of Documented NY and Special Projects and Investigations Editor. He reports on politics and culture, and his reporting for Documented has

contributed to meaningful policy changes in New York State. As part of his work for Documented NY, Siegelbaum submitted FOIA request 2026-ICFO-03769 to ICE.

10. Defendant U.S. Citizenship and Immigration Services is a component of the U.S. Department of Homeland Security and is headquartered in Washington, D.C. USCIS is an agency subject to FOIA within the meaning of 5 U.S.C. § 552(f)(1).

11. Defendant U.S. Immigration and Customs Enforcement is a component of the U.S. Department of Homeland Security and is headquartered in Washington, D.C. ICE is an agency subject to FOIA within the meaning of 5 U.S.C. § 552(f)(1).

THE OCTOBER 6, 2025 FOIA REQUEST TO USCIS

12. On October 6, 2025, Plaintiff Vo submitted FOIA request COW2025005280 to USCIS seeking an updated copy of a database created from completed USCIS Forms I-589 (applications for asylum) received between January 1, 2008 and the date of the search. Attached as **Exhibit A** is a true and correct copy of Vo's request number COW2025005280**.**

13. USCIS previously produced this same dataset in response to a prior FOIA request by Vo. In November 2018, she submitted a substantially identical FOIA request to USCIS seeking the same asylum application database for an earlier date range. After USCIS failed to respond, Vo filed suit in this Court in February 2019. *See Buzzfeed, Inc. v. US Citizenship and Immigration Services*, No. 1:19-cv-01219 (S.D.N.Y. 2019). USCIS produced the database within weeks of the filing of the complaint, and the parties stipulated to dismissal.

14. Vo's current request seeks nothing more than an updated version of this same database that USCIS produced to her in 2019. Thus, the records at issue in this action are ones that, (a) USCIS has already demonstrated that it possesses, and (b) USCIS has already shown are publicly releasable.

15. In connection with her request, Vo also requested expedited processing pursuant to 6 C.F.R. § 5.5(e)(1)(iv) as the request involves "widespread and exceptional media interest" implicating "possible questions about the government's integrity that affect public confidence." Vo stated that she is a member of the news media and that there is an urgent need to inform the public about rapid and ongoing changes to the asylum process. She presented several news stories highlighting recent controversies around this administration's treatment of asylum seekers "which affect public confidence." Ex. A.

16. USCIS assigned an estimated completion date of November 20, 2025 in its online FOIA portal.

17. USCIS failed to make any determination on Vo's request for expedited processing within ten days of receipt, as required by 5 U.S.C. § 552(a)(6)(E)(ii)(I).

18. USCIS failed to make any determination on Vo's FOIA request within twenty business days of receipt, as required by 5 U.S.C. § 552(a)(6)(A)(i). The November 20, 2025 estimated completion date provided by the agency passed without any response or production of records by USCIS.

19. Over two months later, on February 2, 2026, Vo sent a letter objecting to USCIS's constructive denial and requesting production of all responsive records within twenty business days.

20. In response to Plaintiffs' appeal letter, on February 5, 2026, USCIS provided a portal screenshot indicating that Vo's request was placed 187 in a queue of 240 requests. Attached as **Exhibit B** is a true and correct copy of the agency's letter. As of the date of this complaint, logging into this portal indicates the request is still placed 187 in a growing queue of 398. In more than half a year, Vo's request has not advanced a single spot in USCIS's queue.

21. To date, nearly a year later, USCIS has still failed to make a determination on Vo's request for expedited processing and has failed to provide any of the records she requested.

THE NOVEMBER 3, 2025 FOIA REQUEST TO ICE

22. On November 3, 2025, Plaintiff Max Siegelbaum submitted FOIA request 2026-ICFO-03769 to ICE seeking "all closing memos and other memos and attachments related to investigations led out of the Office of Professional Responsibility, into allegations of misconduct of DHS agents, including ERO and HSI and any other individuals covered by the office's purview," limited to documents generated from January 1, 2024 until the date the request is fulfilled. Attached as **Exhibit C** is a true and correct copy of Siegelbaum's request number 2026-ICFO-03769.

23. Siegelbaum also requested a waiver of all assessable FOIA fees as a member of the media requesting information in the public interest. *Id*.

24. On December 4, 2025, ICE sent a request for clarification, demanding Siegelbaum provide "specific investigations, incidents, names and titles of ICE officials involve[d] in such investigations or incidents," and "locations where these incidents or investigations occurred." ICE stated that the request would be administratively closed if a response was not received within 30 days.

25. Siegelbaum responded the same day. He reiterated that he is seeking "*all* closing memos and any other memos, including attachments, that concern" investigations of agent misconduct. Attached as **Exhibit D** is a true and correct copy of the agency's request and Siegelbaum's response (emphasis added). He received no further communication from the agency.

26. At some point thereafter, ICE closed the request without notifying Siegelbaum and without issuing any determination letter. Siegelbaum discovered the closure on April 30, 2026,

only by checking ICE's SecureRelease portal, which indicated a status of "Closed (No Documents Sent)."

27. On May 12, 2026, Siegelbaum appealed ICE's improper closure of the request.

28. ICE responded to the administrative appeal by letter dated June 10, 2026. Attached as **Exhibit E** is a true and correct copy of the agency's appeal decision. In its denial letter, ICE admitted that Siegelbaum responded promptly, but claimed his response "failed to provide the requisite level of detail necessary for the ICE FOIA Office to conduct a reasonable search for the requested records." *Id*. The agency falsely claimed that Siegelbaum "refus[ed] to specify the scope" of his request and that the request "did not constitute a proper FOIA request." *Id*.

COUNT I – CONSTRUCTIVE DENIAL BY USCIS
(Vo Request COW2025005280)

29. Plaintiffs hereby incorporate by reference the allegations in the preceding paragraphs.

30. FOIA requires agencies to make a "determination" regarding any request within twenty business days of its receipt. 5 U.S.C. § 552(a)(6)(A)(i). This determination "must be more than just an initial statement that the agency will generally comply with a FOIA request and will produce non-exempt documents and claim exemptions in the future." *Citizens for Resp. & Ethics in Washington v. Fed. Election Comm'n*, 711 F.3d 180, 188 (D.C. Cir. 2013). The agency "must at least (i) gather and review the documents; (ii) determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents; and (iii) inform the requester that it can appeal whatever portion of the 'determination' is adverse." *Id.*

31. When a requestor seeks expedited processing, the agency's "determination of whether to provide expedited processing shall be made, and notice of the determination shall be

provided to the person making the request, within 10 days after the date of the request." 5 U.S.C. § 552(a)(6)(E)(ii)(I).

32. After making a determination, the agency "shall make the records promptly available" to the requester. 5 U.S.C. § 552(a)(3)(A). Courts have recognized that "delay in complying with FOIA requests may be 'tantamount to denial.'" *Brennan Ctr. for Justice at N.Y. Univ. Sch. of Law v. U.S. Dep't of State*, 300 F. Supp. 3d 540, 546 (S.D.N.Y. 2018) (citation omitted). FOIA thus requires that agencies produce responsive records "typically . . . within days or a few weeks of a 'determination,' not months or years." *Citizens for Resp. & Ethics in Washington*, 711 F.3d at 188; *see also Nat'l Day Laborer Organizing Network v. U.S. Immigration & Customs Enf't*, 236 F. Supp. 3d 810, 815 (S.D.N.Y. 2017) (same).

33. USCIS has failed to comply with any of FOIA's deadlines. It failed to make a determination on Vo's request for expedited processing within ten days, it failed to make a determination on Vo's request for records within twenty business days, and its ongoing failure to produce the records is unreasonable. USCIS has therefore constructively denied Vo's request. *See* 5 U.S.C. §§ 552(a)(6)(A)(ii), (a)(6)(C)(i).

34. Plaintiffs are entitled to declaratory and injunctive relief compelling USCIS to immediately produce all responsive records.

COUNT II – IMPROPER DENIAL BY ICE
(Siegelbaum Request 2026-ICFO-03769)

35. Plaintiffs hereby incorporate by reference the allegations in the preceding paragraphs.

36. FOIA requires only that a requestor "reasonably describe" the records sought. 5 U.S.C. § 552(a)(3)(A). "It is well established that, in order to 'reasonably describe' the records sought for the purpose of this statutory provision, a FOIA request must be such that a professional

employee of the agency who was familiar with the subject area of the request could locate the record with a reasonable amount of effort." *Muckrock, LLC v. Cent. Intel. Agency*, 300 F. Supp. 3d 108, 136 (D.D.C. 2018) (cleaned up).

37. Siegelbaum's request clearly identified: the office responsible for the records (the Office of Professional Responsibility); the type of records sought (closing memos and other memos with attachments); the subject matter of the records (investigations into allegations of misconduct of DHS agents, including ERO and HSI personnel); and the date range (January 1, 2024 to the date the request is fulfilled). This description is more than sufficient to permit an agency to identify and locate responsive records. *See Seife v. U.S. Dep't of State*, 298 F. Supp. 3d 592, 611 (S.D.N.Y. 2018) (request for transcripts of all "on background" briefings over a five-and-a-half-year period "reasonably describe[d] the records sought").

38. ICE's demand that Siegelbaum provide specific investigations, incidents, names and titles of officials, and locations imposes requirements that FOIA does not contemplate. In fact, ICE requested from Siegelbaum the very information that he sought to obtain—ICE's interpretation of FOIA would require the public to know the contents of government records before requesting them.

39. ICE's closure of the request without notice or a proper determination letter further violated FOIA's procedural requirements. When an agency denies a request in whole or in part, it must notify the requestor of the reasons for the denial and of the right to appeal. 5 U.S.C. § 552(a)(6)(A)(i). ICE did neither.

40. Plaintiffs have exhausted their administrative remedies with respect to Siegelbaum's FOIA request. ICE's appeal denial letter, Ex. E, constitutes a final agency action entitling Plaintiffs to judicial review. 5 U.S.C. § 552(a)(4)(B).

41. ICE has no lawful basis for its refusal to search for records responsive to Siegelbaum's request and its failure to produce the responsive records. Plaintiffs are therefore entitled to declaratory and injunctive relief compelling ICE to conduct an adequate search and produce all responsive records.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

a) DECLARE that Defendants violated FOIA by failing to make timely determinations on Plaintiffs' requests and by unlawfully withholding agency records;

b) ORDER Defendant USCIS to immediately process Plaintiff Vo's FOIA request COW2025005280 and produce all responsive records;

c) ORDER Defendant ICE to immediately conduct an adequate search for records responsive to Plaintiff Siegelbaum's FOIA request 2026-ICFO-03769 and produce all responsive records;

d) AWARD Plaintiffs their costs of litigation, including reasonable attorney fees, pursuant to 5 U.S.C. § 552(a)(4)(E); and

e) GRANT such other and further relief as this Court deems just and proper.

[signatures on following page]

Dated: New York, New York
September 29, 2026

Respectfully submitted,

/s/ Alexander Venditti

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Attorneys for Plaintiffs

EXHIBIT E

Office of the Principal Legal Advisor

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

U.S. Immigration and Customs Enforcement

June 10, 2026

Max Siegelbaum
474 Waverly Ave #3
Brooklyn, New York 11238

RE: 2026-ICAP-00348, 2026-ICFO-03769

Dear Mr. Siegelbaum:

This is in response to your letter dated May 12, 2026, received the same day, appealing the U.S. Immigration and Customs Enforcement's (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request dated November 3, 2025, seeking records pertaining to ICE internal investigations, as per the following:

> all closing memos and other memos and attachments related to investigations led out of the Office of Professional Responsibility, into allegations of misconduct of DHS agents, including ERO and HSI and any other individuals covered by the office's purview. Please restrict this request to documents generated from January 1, 2024 until the date the request is fulfilled.

By letter dated December 4, 2025, the ICE FOIA Office advised you that further clarification was needed regarding your request and instructed you to provide a more detailed description of what you were seeking with the specific investigations, incidents, names and titles of ICE officials involved in such investigations or incidents while also providing the locations where these incidents or investigations occurred. The ICE FOIA Office also advised you that, in accordance with 6 C.F.R. § 5.3(c), you must reply within 30 days with the requested clarification, noting that failure to do so could result in the administrative closure of your FOIA request. While you did respond to this query on December 4, 2025, your response failed to provide the requisite level of detail necessary for the ICE FOIA Office to conduct a reasonable search for the requested records and by restating your original request you provided no detail of what or who the records were subject of.

As a result of your refusal to specify the scope of your request other than restating it, the ICE FOIA Office was unable to proceed with processing your request and administratively closed your FOIA request.

As originally noted by ICE FOIA, your FOIA request and subsequent clarification email did not include the required specificity to proceed with your request, thus your submission did

not constitute a proper FOIA request. Your response email restated your original request and did not provide any narrowing, details or further clarification. Accordingly, upon a complete review of the administrative record, ICE affirms the decision to administratively close request 2026-ICFO- 03769.

Should you still seek records, please submit a new FOIA request clearly detailing what records you are seeking with the required specificity. Before submitting that new request you may also consider contacting the DHS or Office of Government Information Services (OGIS) public liaisons for assistance in formulating the submission.

This decision is the final action of ICE concerning your FOIA request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the District of Columbia.

As discussed above, OGIS also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Should you have any questions regarding this appeal decision, please contact ICE at ice-foia@ice.dhs.gov. In the subject line of the email please include the word "appeal," your appeal number, which is **2026-ICAP-00348**, and the FOIA case number, which is **2026-ICFO-03769**.

Sincerely,

/s/ James McKeon

for Sara Jazayeri
Division Counsel
Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Department of Homeland Security

cc: The ICE FOIA Office