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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 19-CV-00290-EMC

**THIRD DECLARATION OF HUGH E.
HANDEYSIDE IN SUPPORT OF REPLY
MEMORANDUM IN SUPPORT OF
CROSS-MOTION FOR PARTIAL
SUMMARY JUDGMENT WITH
RESPECT TO CBP, ICE, AND USCIS**

Hearing date: July 1, 2021
Time: 1:30 p.m., by videoconference
Judge: Hon. Edward M. Chen

1 Pursuant to 28 U.S.C. § 1746, I, Hugh E. Handeyside, hereby state under penalty of perjury that
2 the following is true and correct to the best of my knowledge, information, and belief:

- 3 1. I am an attorney at the American Civil Liberties Union Foundation (ACLU) and co-
4 counsel for Plaintiffs the American Civil Liberties Union Foundation and American
5 Civil Liberties Union Foundation of Northern California in the above-captioned
6 action. I submit this declaration in support of Plaintiffs' Reply Memorandum in
7 Support of Cross-Motion for Partial Summary Judgment with respect to CBP, ICE,
8 and USCIS.
- 9 2. Attached hereto as Exhibit A is a true and correct copy of pages excerpted from the
10 production of records by Defendant U.S. Customs and Border Protection (CBP) in
11 response to Plaintiffs' Freedom of Information Act (FOIA) request. Plaintiffs
12 highlighted in yellow content in the records that CBP is no longer withholding
13 following CBP's reprocessing and reproduction of records in May 2021.
- 14 3. Attached hereto as Exhibit B is a true and correct copy of pages excerpted from the
15 production of records by Defendant U.S. Immigration and Customs Enforcement
16 (ICE) in response to Plaintiffs' FOIA request. Plaintiffs highlighted in yellow content
17 in the records that ICE is no longer withholding following ICE's reprocessing and
18 reproduction of records in May 2021. The highlighting at ICE 774, 786, 791-92,
19 1009, 1015, and 1018 was in the originally produced documents and was not added
20 by Plaintiffs.
- 21 4. As indicated in the Appendix to Plaintiffs' Reply Memorandum, ICE produced but
22 fully withheld under Exemption 5 six versions of the same Performance Work
23 Statement for the Visa Lifecycle Vetting Initiative. For simplicity, Plaintiffs have
24 included only one version of that document (ICE 596-640) in Exhibit B. Plaintiffs
25 noted in their Cross-Motion for Partial Summary Judgment and Opposition to
26 Defendants' Motion for Summary Judgment With Respect to CBP, ICE, and USCIS
27 that they are willing to limit their challenge to whichever is the most recent version of
28 the Performance Work Statement. *See* ECF No. 108 at 23 n.35.

- 1 5. Attached hereto as Exhibit C is a true and correct copy of pages excerpted from the
2 production of records by Defendant U.S. Citizenship and Immigration Services
3 (USCIS) in response to Plaintiffs' FOIA request. Plaintiffs highlighted in yellow
4 content in the records that USCIS is no longer withholding following USCIS's
5 reprocessing and reproduction of records in May 2021.
- 6 6. Attached hereto as Exhibit D is a true and correct copy of records reprocessed by the
7 Department of Justice and produced to the ACLU of Northern California in August
8 2018 following the Ninth Circuit's ruling in *ACLU of Northern California v. Dep't of*
9 *Justice*, 880 F.3d 473 (9th Cir. 2018).

10
11 DATED: June 10, 2021
12 Bainbridge Island, WA

/s/ Hugh Handeyside
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