



1 Defendants' Reply brief and sealed exhibits contain information that could compromise  
2 national security and public safety if disclosed publicly. In particular, the documents cite details  
3 from A-files regarding whether and why particular individuals' benefit applications may have  
4 raised national security concerns and were subject to CARRP. *See* Defs' Reply at 4-5, 11. They  
5 also reference protective-order-designated data and information regarding CARRP referrals  
6 based on country of origin. *See* Ex. 56; Defs' Reply at 7, 14, n.13. Disclosure of such  
7 information could put the national security at risk by showing how USCIS conducts its national  
8 security-related investigations, thereby enabling nefarious actors to evade detection as National  
9 Security concerns in the future. *See Soghoian v. U.S. Dep't of Justice.*, 885 F. Supp. 2d 62, 75  
10 (D.D.C. 2012) ("Knowing what information is collected, how it is collected, and more  
11 importantly, when it is not collected, is information that law enforcement might reasonably  
12 expect to lead would-be offenders to evade detection."). Plaintiffs are simply mistaken in their  
13 assertion that Defendants' submissions amount to no more than vague and generalized references  
14 to investigative procedures "without implicating specific people or providing substantive  
15 details." Dkt. No. 569 at 4-5; *see* Defs' Reply at 4-5, 11 (implicating specific identities  
16 connected with A-file information); Ex. 55 (naming a specific USCIS employee). Furthermore,  
17 while Plaintiffs broadly assert that the information Defendants seek to protect from public  
18 disclosure has been released under FOIA, they make no actual showing that any of the above  
19 information is available publicly. *See* Dkt. No. 569 at 6-9.

20 Defendants share Plaintiffs' concern for ensuring public access to court filings in this  
21 case, *see, e.g.*, Dkt. 569 at 5, 6, 10, and have made every effort to file as much of their  
22 submissions as possible on the public docket. Minimally-redacted versions of both sealed  
23 exhibits at issue here were filed simultaneously with their sealed, unredacted counterparts. *See*

1 Dkt. Nos. 563-2, 563-3. Additionally, because Defendants’ Reply was lodged with the Court as  
2 a Highly Sensitive Document, and thus does not currently appear on the Court’s electronic filing  
3 system, the parties have filed a stipulation proposing the public filing of redacted versions of all  
4 of the parties’ summary judgment briefs, including Defendants’ Reply. Dkt. No. 568. Because  
5 Defendants have satisfied the “compelling reasons” standard for sealing a minimal amount of  
6 national-security and public safety-related information in their Reply brief and supporting  
7 exhibits, Defendants respectfully request that the Court grant Defendants’ motion to seal.

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**CONCLUSION**

For the foregoing reasons, the Court should grant the motion to seal Defendants' Reply brief and Supporting Documents.

Dated: July 23, 2021

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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