



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

April 9, 2025

Roman Jankowski
Chief FOIA Officer
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

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Department of Homeland Security (“DHS”) regulations.

Specifically, CREW requests:

1. From July 9, 2012 to the date this request is processed, all formal or informal data sharing agreements between DHS and any election official¹ providing access to the Systematic Alien Verification for Entitlements (SAVE) program.² This request includes agreements between DHS and the following states: Arizona, Colorado, Florida, Georgia, Idaho, Mississippi, Ohio, South Carolina, Tennessee, and Virginia.
2. From January 24, 2025 to the date this request is processed, all agency records³ relating to election officials’ access to or use of the SAVE program, including:
 - a. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning election officials’ access to or use of SAVE program information taken from the SAVE program;
 - b. The scope, terms, and conditions of election officials’ access to or use of information taken from the SAVE program; and
 - c. Privacy or data security safeguards in place for protecting personally identifiable information or immigration status information shared by DHS.

¹ “Election official” here is used to describe any state or local official involved in state or federal election administration, including a state’s chief election official and members of election boards and commissions.

² See SAVE Agency Search Tool, USCIS, <https://www.uscis.gov/save/about-save/save-agency-search-tool>.

³ “Agency records” here is used within the meaning of 5 U.S.C. § 552 and, unless otherwise indicated, all “agency records” sought in this FOIA request and each of its numbered and lettered subparts include communications sent or received by DHS regarding the subject matter described in that subpart.

3. From July 1, 2019 to the date this request is processed, all formal or informal data sharing agreements between DHS and the Census Bureau through which DHS and the Census Bureau share personally identifiable information or immigration status information.⁴ This request includes:
 - a. The scope, terms, and conditions of the Census Bureau's access to or use of personally identifiable information or immigration status information from DHS, or vice-versa; and
 - b. Privacy or data security safeguards in place for protecting personally identifiable information or immigration status information shared by DHS or the Census Bureau.
4. From July 1, 2019 to the date this request is processed, all formal or informal policies, determinations or conclusions (including underlying memoranda) concerning the Census Bureau's access to or use of personally identifiable information or immigration status information from DHS, or vice-versa.
5. From February 27, 2025 to the date this request is processed, all agency records related to the sharing of personally identifiable information, immigration data, or tax data between DHS and the Internal Revenue Service (IRS). This request includes:
 - a. All formal or informal agreements between the IRS and DHS to share personally identifiable information, immigration information, or tax data, including from persons with Individual Tax Identification Numbers (ITINs), and including records related to the April 7, 2025 Memorandum of Understanding between DHS and the IRS "For Exchange of Information for Nontax Criminal Enforcement" (the "2025 agreement");
 - b. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning the DHS's use of personally identifiable information, immigration information, or tax data of individuals received by DHS from the IRS;
 - c. The scope, terms, and conditions of DHS's access to personally identifiable information, immigration information, or tax data of individuals received by DHS from the IRS;
 - d. Privacy or data security safeguards for protecting personally identifiable information, immigration information, or tax data of individuals received by DHS from the IRS.
6. From January 20, 2025 through March 17, 2025, all DHS requests to the IRS for the return information of taxpayers.
7. From April 8, 2025 to the date this request is processed, all DHS requests to the IRS for the return information of taxpayers pursuant to the 2025 agreement.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records,

⁴ See *DHS/ALL/PIA-079 DHS Immigration-Related Information Sharing with U.S. Census Bureau*, U.S. Dep't of Justice (Dec. 20, 2019),

<https://www.dhs.gov/sites/default/files/publications/privacy-pia-dhs079-sharingwithcensus-november2020.pdf>. See also Exec. Order No. 13880, 84 C.F.R. 33821 (2019).

audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See *id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

The SAVE program is an online service administered by U.S. Citizen and Immigration Services (USCIS) that provides immigration status and naturalized U.S. citizenship information to federal, state, local, territorial, and tribal agencies.⁵ The SAVE program does not verify citizenship status for U.S. born citizens.⁶ The SAVE program was designed to help agencies verify citizenship and immigration status prior to granting benefits and licenses to noncitizens or persons with naturalized citizenship who were born outside of the U.S.⁷

On July 9, 2012, 13 states petitioned DHS for access to the SAVE program to identify noncitizens to purge their voter rolls.⁸ In 2014, the Eleventh Circuit held that two Florida

⁵ About SAVE, U.S. Citizen and Immigration Services (Nov. 7th, 2024), <https://www.uscis.gov/save/about-save/about-save>.

⁶ *Id.*

⁷ See *Systematic Alien Verification for Entitlements (SAVE) Program*, DHS (Jun. 2020), <https://docs.google.com/document/d/1jz6wSgg8cCzleBQP6TS7pS63RpxY9IzxyPF9NwYjBRA/edit?tab=t.O>.

⁸ See U.S. Comm'n on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States* 148-49 (Sep. 12, 2018), https://www.usccr.gov/files/pubs/2018/Minority_Voting_Access_2018.pdf (citing Scott Gessler, *Letter from Scott Gessler, Colorado Secretary of State, to Janet Napolitano, Secretary of U.S. Dep't of Homeland Security*

residents who were naturalized U.S. citizens had standing to challenge Florida's use of the SAVE program because there was a "realistic probability that they would be misidentified due to unintentional mistakes in the Secretary's data-matching process."⁹

While the SAVE program was created to verify eligibility for government benefits and licensing, not to verify an individual's eligibility to vote,¹⁰ as of March 14th, 2025 ten states were registered with the SAVE program for purposes of voter registration and voter list maintenance.¹¹ In addition, on January 24, 2025, USCIS updated a SAVE guidance document affirming that state and local governments responsible for voter registration can use the SAVE program to "verify an individual's immigration status and naturalized U.S. citizenship."¹²

Some organizations have reported that the SAVE program "contains outdated information and can result in false matches between citizens and noncitizens who have the same name and birthdate."¹³ A 2018 report noted that the SAVE program did not include all naturalized citizens and did not include citizens born to U.S. parents outside of the United States.¹⁴ USCIS also noted in their updated guidance published on January 24th, 2025, that SAVE may not be able to verify the citizenship status of individuals with derived citizenship status, like a foreign-born child of U.S. citizens, if they have not applied for a Certificate of Citizenship,¹⁵ which carries a cost of \$1,385.¹⁶ It is therefore in the public's interest for these data sharing agreements to be released and to know what data states may be using to maintain their voter rolls and registration, considering that the SAVE program can lead to misidentifications between citizens and noncitizens.¹⁷

(July 9, 2012),

<https://docs.google.com/document/d/1jz6wSgg8cCzleBOP6TS7pS63RpxY9IzxyPF9NWWYjbRA/edit?tab=t.0>).

⁹ *Arcia v. Florida Sec'y of State*, 772 F. 3d 1335, 1341 (11th Cir. 2014).

¹⁰ Michele Waslin, *Using SAVE to Verify Voter Eligibility Comes with Unexplored Risks*, Immigration Impact (Aug. 2, 2012),

<https://immigrationimpact.com/2012/08/02/using-save-to-verify-voter-eligibility-comes-with-unexplored-risks/>.

¹¹ State officials from Arizona, Colorado, Florida, Georgia, Idaho, Mississippi, Ohio, South Carolina, Tennessee, and Virginia are registered with the SAVE program for the purposes of Voter Registration and Voter List Maintenance. See *SAVE Agency Search Tool*, U.S. Citizenship and Immigration Services (last visited Mar. 14, 2025),

[https://www.uscis.gov/save/about-save/save-agency-search-tool?benefit_category\[\]=97&benefit_category\[\]=98&items_per_page=50&benefit_category\[0\]=17](https://www.uscis.gov/save/about-save/save-agency-search-tool?benefit_category[]=97&benefit_category[]=98&items_per_page=50&benefit_category[0]=17).

¹² *Voter Registration and Voter List Maintenance Fact Sheet*, U.S. Citizenship and Immigration Services (Jan. 24, 2025),

<https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet>.

¹³ Danielle Root & Liz Kenney, *Voter Purges Prevent Eligible Americans from Voting*, Center for American Progress (Jan. 4, 2018), <https://www.americanprogress.org/article/voter-purges-prevent-eligible-americans-voting/>.

¹⁴ U.S. Comm'n on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States* 148-49 (Sep. 12, 2018), https://www.usccr.gov/files/pubs/2018/Minority_Voting_Access_2018.pdf.

¹⁵ See *Voter Registration and Voter List Maintenance Fact Sheet*, U.S. Citizenship and Immigration Services, https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet#_ftn2.

¹⁶ See *Calculate Your Fees*, Form N-600, Application for a Certificate of Citizenship, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/feecalculator?form=n-600>.

¹⁷ U.S. Comm'n on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States* 149, (Sep. 12, 2018), https://www.usccr.gov/files/pubs/2018/Minority_Voting_Access_2018.pdf.

In addition to the data-sharing agreements between DHS and state election officials, it is also in the public's interest for DHS to release any data sharing agreements related to sharing personally identifiable information and immigration status information between DHS and the Census Bureau.¹⁸ Census experts have found that using immigration information in census surveying leads to an unsuccessful Census.¹⁹ News outlets have reported that the data sharing agreements between DHS and the Census Bureau could have led to undercounting in the 2020 census, which would have negatively affected the amount of funding and resources that communities across the United States received after the 2020 census.²⁰ Reports suggest that President Trump's attempt to require citizenship information in the responses to the 2020 census contributed to Latinos having an undercount rate of 4.99% in the 2020 census, a 3.45% increase from the Latino undercount rate in the 2010 census.²¹

Census data affects how governments provide funding to communities and how governments determine congressional representation.²² As a result, the undercounting of certain communities in the census can lead to a loss of political power and resources in those communities.²³ For these reasons, the public has an interest in the disclosure of any data sharing agreements between DHS and the Census Bureau that relate to sharing immigration status information.

Lastly, it is in the public's interest for DHS to disclose any agreements that it has discussed with the IRS to share individual's personally identifiable information, immigration information, or tax data. DHS has reportedly indicated that it will be seeking confidential tax data from the IRS to locate up to 7 million immigrants who have been paying taxes.²⁴ IRS

¹⁸ See Hansi Lo Wang, *To Produce Citizenship Data, Homeland Security To Share Records With Census*, NPR (Jan. 4, 2020), <https://www.npr.org/2020/01/04/793325772/to-produce-citizenship-data-homeland-security-to-share-records-with-census>.

¹⁹ See Tara Bahrapour, *DHS Plan To Share Noncitizens' Data With Census Bureau Could Further Frighten Immigrants, Experts Say*, Wash. Post (Mar. 8, 2019), https://www.washingtonpost.com/local/social-issues/dhs-plan-to-share-non-citizens-data-with-census-bureau-could-further-spook-immigrants-experts-say/2019/03/08/2feafc5c-4129-11e9-9361-301ffb5bd5e6_story.html.

²⁰ See Tara Bahrapour, *DHS Plan To Share Noncitizens' Data With Census Bureau Could Further Frighten Immigrants, Experts Say*, Wash. Post (Mar. 8, 2019), https://www.washingtonpost.com/local/social-issues/dhs-plan-to-share-non-citizens-data-with-census-bureau-could-further-spook-immigrants-experts-say/2019/03/08/2feafc5c-4129-11e9-9361-301ffb5bd5e6_story.html (finding that the DHS's plan to share noncitizens' information with the Census Bureau could make immigrants feel like responding to the Census would be unsafe, undermining the integrity of the Census count). See also *The Power of Latinos in American Democracy: Best Practices & Innovations for Overcoming Inequities in Latino Civic Engagement*, Mi Familia Vota & Mi Familia en Acción 36 (2024), https://www.mifamiliavota.org/wp-content/uploads/sites/2/2024/08/MFA_C3_Report_08-21-2024_WEB.pdf

(finding that attempts to use immigration status in Census reporting led to an undercount in the 2020 Census).
²¹ *Id.* at 37. See also *The Trump Administration Got Exactly What It Wanted From The 2020 Census*, Wash. Post (Mar. 12, 2022), <https://www.washingtonpost.com/opinions/2022/03/12/trump-administration-got-exactly-what-it-wanted-2020-census/>.

²² See *The Currency of Our Data: A Critical Input Into Federal Funding*, U.S. Census Bureau (Jun. 14, 2023), <https://www.census.gov/library/fact-sheets/2023/adcom/federal-funding-distribution.html>.

²³ See *The Power of Latinos in American Democracy: Best Practices & Innovations for Overcoming Inequities in Latino Civic Engagement*, Mi Familia Vota & Mi Familia en Acción 36-37 (2024), https://www.mifamiliavota.org/wp-content/uploads/sites/2/2024/08/MFA_C3_Report_08-21-2024_WEB.pdf.

²⁴ Jacob Bogage, *DHS Officials Ask IRS to Use Tax Data to Locate Up to 7 Million Immigrants*, Wash. Post (Apr. 5, 2025), <https://www.washingtonpost.com/business/2025/04/05/irs-tax-data-immigration-enforcement/>.

officials have previously denied similar requests from DHS, citing the legal concerns associated with sharing taxpayer information, as improper disclosure is prohibited by federal law, including 26 U.S.C. §6103.²⁵ However, the new acting commissioner of the IRS is reportedly exploring ways to comply with DHS's requests.²⁶ As the IRS has previously shared its concern over the privacy violations that may arise from sharing this data with the DHS, it is important for the public to have access to DHS's request to the IRS and any communications, documents, and agreements between the IRS and DHS on this matter to ensure that DHS and the IRS are complying with federal law.

CREW is a nonprofit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials and to ensuring the integrity of the federal government. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives over 150,000 page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at kfarchadi@citizensforethics.org and

²⁵ *Id.* See also 26 U.S.C. §6103.

²⁶ See *WaPo: DHS Seeking Personal IRS Data of 700,000 Suspected Undocumented People*, Democracy Now! (Mar. 3, 2025), https://www.democracynow.org/2025/3/3/headlines/wapo_dhs_seeking_personal_irs_data_of_700_000_suspected_undocumented_people. See also Gabe Ferris, *Department of Homeland Security Asks IRS to Turn Over Unauthorized Workers' Addresses*, ABC30 Fresno (Mar. 6, 2025), <https://abc30.com/post/department-homeland-security-asks-irs-turn-unauthorized-workers-addresses/15985583/>.

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foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to kfarchadi@citizensforethics.org and foia@citizensforethics.org or by mail to Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in black ink that reads "Kayvan Farchadi". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Kayvan Farchadi
Senior Counsel