

October 9, 2018

**BY FACSIMILE: 202-261-8579**

Office of Information Programs and Services  
A/GIS/IPS/RL  
Department of State  
SA-2, Suite 8100  
Washington, D.C. 20522-0208

Re: Freedom of Information Act Request

Dear FOIA Officer:

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

Specifically, CREW requests all documents from January 20, 2017 to the present referencing, concerning, or relating to the change in Department of State policy, as described in the July 12, 2018 diplomatic note from the United States Mission to the United Nations to the United Nations Secretariat, to (1) only accept the accreditation and registration of spouses of newly arrived officials, both same-sex and opposite-sex, as members of the family of United Nations officials as of October 1, 2018; and (2) require that partners accompanying United Nations officials or seeking to join the same be married in order to be eligible for the derivative G-4 nonimmigrant visa or to seek a change into such status beginning October 1, 2018 (the “Policy Change”). This request includes, without limitation, (a) all communications concerning the Policy Change, including internal communications, communications with agencies outside the Department of State, and communications outside the Executive Branch; and (b) all analyses, projections, or estimates concerning the Policy Change’s implementation, impact, or feasibility.

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

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).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and State Department 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* 5 U.S.C. § 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).

By diplomatic note dated July 12, 2018, the United States Mission to the United Nations announced that, “consistent with changes to Department of State policy,” it would (1) “only accept the accreditation and registration of spouses of newly arrived officials, both same-sex and opposite-sex, as members of the family of United Nations officials as of October 1, 2018”; and (2) require that “partners accompanying United Nations officials or seeking to join the same . . . be married in order to be eligible for the derivative G-4 nonimmigrant visa or to seek a change into such status beginning October 1, 2018.” The Policy Change has been the subject of widespread media coverage and criticism.<sup>1</sup> Critics, including a former U.S. Ambassador to the United Nations, say that it unfairly targets couples who come from countries where same-sex marriage is unrecognized or illegal.<sup>2</sup> Indeed, only 25 of 193 UN member countries permit same-sex marriage; in more than 70, same-sex relationships are punishable by law.<sup>3</sup> The requested records will shed light on the reasons for and circumstances surrounding the Policy Change, including whether it was motivated by any discriminatory or other improper purpose—issues which are of significant public interest.

CREW is a non-profit 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, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. 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

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<sup>1</sup> Carol Morello, *State Department changes visa rules for same-sex partners of foreign diplomats*, WASH. POST (Oct. 2, 2018), available at <https://wapo.st/2IMFT4m>; Edward Wong & Michael Schwirtz, *U.S. Bans Diplomatic Visas for Foreign Same-Sex Domestic Partners*, N.Y. Times (Oct. 2, 2018), available at <https://nyti.ms/2DUt2hQ>; Eli Meixler, *Trump Administration Halts Visas for Unmarried Same-Sex Partners of Diplomats*, TIME (Oct. 2, 2018), available at <https://ti.me/2zMcvsl>.

<sup>2</sup> Meixler, *supra*, note 1.

<sup>3</sup> *Id.*

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](http://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 and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes 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. In addition, CREW posts the documents it receives under the FOIA on its website, and that site has been visited hundreds of thousands of times.

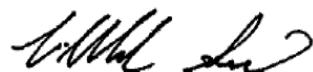
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org) or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Nikhel Sus  
Staff Counsel