

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

THE OVERSIGHT PROJECT,  
211 North Union Street  
Alexandria, VA 22314

and

MIKE HOWELL,  
2033 K Street NW, Ste 250  
Washington, DC 20006

*Plaintiffs,*

v.

Case No. 26-cv-2395

U.S. DEPARTMENT OF HOMELAND SECURITY  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20032

*Defendant.*

**COMPLAINT AND PRAYER FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs THE OVERSIGHT PROJECT and MIKE HOWELL (collectively, “Plaintiffs”), proceeding here against Defendant U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS” or “Department”) allege in this Complaint, based on Plaintiffs’ knowledge as well as on information and belief, as follows:

1. This is an action under the Freedom of Information act (“FOIA”), 5 U.S.C. § 552, to compel the production of records from the Department regarding the total number of illegal aliens removed by the Department and the total number of illegal aliens who voluntarily departed the United States.

2. Plaintiffs requested the records at issue in this proceeding from the Department on May 7, 2026. Two months later, and to date, Plaintiffs have received only an acknowledgment of their requests and a conditional fee waiver. DHS's failure to respond timely is a violation of FOIA.

### **PARTIES**

3. Plaintiff The Oversight Project is a nonpartisan public policy organization based in Wyoming with offices in Alexandria, VA and Washington, D.C. that works to expose and root out corruption in government, among elected officials, and in the most influential organizations to ensure power resides with the American people. The Oversight Project is a not-for-profit section 501(c)(4) organization which engages in substantial dissemination of information to the public. The Oversight Project is an initiative aimed at obtaining information via FOIA requests and other means to best inform the public. The Oversight Project provides information to Congress for the purposes of congressional oversight. The Oversight Project and Plaintiff Mike Howell's journalistic work is published most frequently on X (formerly known as Twitter) to provide information directly to the American people. Significant findings are also posted on The Oversight Project's website. That website contains a searchable archive of records obtained by The Oversight Project in the "Doc Depot." The "Doc Depot" is a bespoke technological solution developed by technical experts at The Oversight Project to facilitate fully searchable public access to FOIA'd records and serves a journalistic purpose. Staff for The Oversight Project routinely appear on television, radio, print, and other forms of media to provide expert commentary on salient issues in the national public discourse.

4. Plaintiff Howell leads The Oversight Project as the organization's President. He is also a contributor to *The Blaze*.

5. Defendant DHS is an “agency” within the meaning of 5 U.S.C. § 552(f)(1). DHS has possession, custody, and/or control of the records that Plaintiffs seek. DHS is located at 2707 Martin Luther King Jr. Ave SE, Washington, D.C. 20032.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) because this action is brought in the District of Columbia, and pursuant to 28 U.S.C. § 1331 because the resolution of disputes under FOIA presents a federal question.

7. Venue is proper in this Court under 5 U.S.C. § 552(a)(4)(B) because the agency records are situated in the District of Columbia.

### **PLAINTIFFS’ FOIA REQUESTS**

8. Plaintiffs submitted two requests (collectively “Requests”) to Defendant on May 7, 2026.

9. The first Request sought:

Records relied upon to support the Department of Homeland Security’s statement from a January 20, 2026 press release that reads “over 3 million illegal aliens are out of the country, as DHS has removed more than 675,000 illegal aliens and estimated 2.2 million illegal aliens have self-deported.

Plaintiffs’ FOIA Request, No. 2026-HQFO-02696 (“DHS Relied-Upon Request”) (Ex. 1).

10. The second Request Sought:

Records sufficient to show how the Department of Homeland Security’s calculated the figures from a January 20, 2026 press release that reads “over 3 million illegal aliens are out of the country, as DHS has removed more than 675,000 illegal aliens and estimated 2.2 million illegal aliens have self-deported.

Plaintiffs’ FOIA Request, No. 2026-HQFO-02695 (“DHS Sufficient to Show Request”) (Ex. 2).

11. The Requests sought a fee waiver based on The Oversight Project’s status as a non-profit organization able to broadly disseminate information that is like to contribute significantly to the public’s understanding of the operations or activities of government. Requests at 4–6.

12. The DHS Relied-Upon Request was acknowledged by electronic mail on May 12, 2026. Plaintiffs’ request for a fee waiver was “conditionally granted.” Electronic Acknowledgment Letter from DHS (Ex. 3)

13. The DHS Sufficient to Show Request was acknowledged by electronic mail on May 19, 2026. Plaintiffs’ request for a fee waiver was “conditionally granted.” Electronic Acknowledgment Letter from DHS (Ex. 4).

14. Plaintiffs have not received any other communications since the acknowledgment letters.

15. Defendant has not made determinations on the Requests.

16. Defendant has not made any additional determinations on Plaintiffs’ fee waiver requests.

17. It is unknown if Defendant has invoked “unusual circumstances,” which permits an agency to extend their response date by an additional ten working days.

18. Twenty working days from May 7, 2026 is June 5, 2026.

19. Thirty working from May 7, 2026 is June 22, 2026.

20. This Complaint, being filed on July 8, 2026, is therefore ripe and appropriate as Plaintiffs have constructively exhausted their administrative remedies.

**FIRST CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Failure to Conduct Adequate Searches for Responsive Records**

21. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

22. FOIA requires all doubts to be resolved in favor of disclosure.

23. Plaintiffs properly requested records within the possession, custody, and control of Defendant.

24. Defendant is subject to FOIA and therefore must make reasonable efforts to search for requested records.

25. Defendant has failed to promptly review agency records for the purpose of locating and collecting those records that are responsive to Plaintiffs' FOIA Request.

26. Defendant's failure to conduct searches for responsive records violates FOIA and DHS regulations.

27. Plaintiffs have a statutory right to the information they seek.

28. Defendant is in violation of FOIA.

29. Plaintiffs are being irreparably harmed by reason of Defendant's violation of FOIA. Plaintiffs are being denied information to which they are statutorily entitled and that is important to carrying out Plaintiffs' functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

30. Plaintiffs have no adequate remedy at law.

31. Plaintiffs have constructively exhausted their administrative remedies.

**SECOND CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Wrongful Withholding of Non-Exempt Responsive Records**

32. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

33. FOIA requires all doubts to be resolved in favor of disclosure.

34. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

35. Defendant is subject to FOIA and therefore must release to a FOIA requester any non-exempt records and provide a lawful reason for withholding any records.

36. Defendant is wrongfully withholding non-exempt records requested by Oversight Project and Mr. Howell by failing to produce any records responsive to Plaintiffs' FOIA Request.

37. Defendant is wrongfully withholding non-exempt-agency records requested by Plaintiffs by failing to segregate exempt information in otherwise non-exempt records responsive to Plaintiffs' FOIA Request.

38. Defendant's failure to provide all non-exempt responsive records violates FOIA and DHS regulations.

39. Plaintiffs have a statutory right to the information they seek.

40. Defendant is in violation of FOIA.

41. Plaintiffs are being irreparably harmed by reason of Defendant's violation of FOIA. Plaintiffs are being denied information to which they are statutorily entitled and which is important to carrying out Plaintiffs' functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

42. Plaintiffs have no adequate remedy at law.

43. Plaintiffs have constructively exhausted their administrative remedies.

**THIRD CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Wrongful Denial of Fee Waiver**

44. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

45. FOIA requires all doubts to be resolved in favor of disclosure.

46. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

47. Defendant has constructively denied Plaintiffs' application for a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(ii) & (iii) and 6 C.F.R. § 5.11(k).

48. The Request does not have a commercial purpose because The Oversight Project is a 501(c)(4) nonprofit, Howell acts in his capacity as an Oversight Project employee, and release of the information sought does not further Plaintiffs' commercial interest.

49. Plaintiffs are representatives of the news media as they "gather[] information of potential interest to a segment of the public, use[] . . . [their] editorial skills to turn the raw materials into a distinct work, and distribute[] that work to an audience" via The Oversight Project website, the Doc Depot, individual and organization social media accounts, and active collaboration with traditional and nontraditional media outlets. 5 U.S.C. § 552(a)(4)(a)(ii).

50. Disclosure of the information sought by the Request also "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." 5 U.S.C. § 552(a)(4)(A)(iii).

51. Defendant has "failed to comply with a[]time limit under paragraph (6)" as to the Request. 5 U.S.C. § 552(a)(4)(A)(viii)(I).

52. Plaintiffs have a statutory right to a fee waiver.

53. Defendant is in violation of FOIA by denying a fee waiver.

54. Plaintiffs are being irreparably harmed by reason of Defendant's violation of FOIA. Plaintiffs are being denied a fee waiver to which they are statutorily entitled and that is important to carrying out Plaintiffs' functions as a non-partisan research and educational institution and

publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

55. Plaintiffs have no adequate remedy at law.

56. Plaintiffs have constructively exhausted their administrative remedies.

**FOURTH CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Statutory Bar Against Charging Fees**

57. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

58. FOIA requires all doubts to be resolved in favor of disclosure.

59. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

60. The Request does not have a commercial purpose because The Oversight Project is a 501(c)(4) nonprofit, Howell acts in his capacity as an Oversight Project employee, and release of the information sought does not further Plaintiffs' commercial interest.

61. Plaintiffs are members of the news media as they “gather[] information of potential interest to a segment of the public, use[] . . . [their] editorial skills to turn the raw materials into a distinct work, and distribute[] that work to an audience” via The Oversight Project website, the Doc Depot, individual and organization social media accounts, and active collaboration with traditional and nontraditional media outlets. 5 U.S.C. § 552(a)(4)(a)(ii).

62. Disclosure of the information sought by the Request also “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” 5 U.S.C. § 552(a)(4)(A)(iii).

63. Defendant has “failed to comply with a[] time limit under paragraph (6)” as to the Request. 5 U.S.C. § 552(a)(4)(A)(viii)(I).

64. Defendant is currently statutorily barred from charging fees related to Plaintiffs' FOIA Request. Therefore, Plaintiffs have a statutory right to have their request processed without being charged any fees.

65. Plaintiffs are being irreparably harmed by reason of Defendant's violation of FOIA. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

66. Plaintiffs have no adequate remedy at law.

67. Plaintiffs have constructively exhausted their administrative remedies.

**WHEREFORE**, based the foregoing, Plaintiffs pray that this Court:

A. Order Defendant to conduct a search or searches reasonably calculated to uncover all records responsive to Plaintiffs' FOIA Request;

B. Order Defendants to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to Plaintiffs' FOIA Request and indexes justifying the withholding of any responsive records withheld in whole or in part under claim of exemption;

C. Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiffs' FOIA Requests;

D. Retain jurisdiction over this matter as appropriate;

E. Award Plaintiffs their costs and reasonable attorneys' fees in this action as provided by 5 U.S.C. § 522(a)(4)(E); and

F. Grant such other and further relief as this Court may deem just and proper.

Dated: July 8, 2026

Respectfully submitted,

/s/ Eric Neal Cornett  
Eric Neal Cornett (No. 1660201)  
Jeffrey Bossert Clark, Sr. (No. 455315)  
211 N. Union Street  
Alexandria, VA 22314  
Telephone: (606) 275-0978  
Email: Neal@itsyourgov.org



<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input type="radio"/> <b>I. FOIA/Privacy Act</b>  895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  441 Voting (if not Voting Rights Act) 443 Housing/Accommodations 440 Other Civil Rights 445 Americans w/Disabilities – Employment 446 Americans w/Disabilities – Other 448 Education	<input type="radio"/> <b>M. Contract</b>  110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 153 Recovery of Overpayment of Veteran’s Benefits 160 Stockholder’s Suits 190 Other Contracts 195 Contract Product Liability 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**

<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form

DATE: _____	SIGNATURE OF ATTORNEY OF RECORD _____
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_)  
          *Plaintiff*          )  
                          )  
          v.                  )          Civil Action No.  
                          )  
\_\_\_\_\_)  
          *Defendant*      )

**SUMMONS IN A CIVIL ACTION**

To:     *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_)  
          *Plaintiff*          )  
                          )  
          v.                  )          Civil Action No.  
                          )  
\_\_\_\_\_)  
          *Defendant*      )

**SUMMONS IN A CIVIL ACTION**

To:     *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_)  
          *Plaintiff*          )  
                          )  
          v.                  )          Civil Action No.  
                          )  
\_\_\_\_\_)  
          *Defendant*      )

**SUMMONS IN A CIVIL ACTION**

To:    *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# EXHIBIT 1

# OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

**Submitted Via: FOIA.GOV**

May 7, 2026

Roman Jankowski  
Chief FOIA Officer/Chief Privacy Officer  
U.S. Department of Homeland Security  
DHS Privacy Office, Mail Stop 0655  
2707 Martin Luther King Jr. AVE SE  
Washington, DC 20528-0655

**Re: Freedom of Information Act Request**

Dear Mr. Jankowski:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Department of Homeland Security, I respectfully request the following records from the DHS Privacy Office:

Records relied upon to support the Department of Homeland Security's statement from a January 20, 2026 press release that reads "over 3 million illegal aliens are out of the country, as DHS has removed more than 675,000 illegal aliens and estimated 2.2 million illegal aliens have self-deported."<sup>1</sup>

**Search Instructions**

For any responsive documents, please include the entire communications chain, and all file attachments.

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<sup>1</sup> Press Release, *DHS Sets the Stage for Another Historic, Record-Breaking Year Under President Trump*, Dep't of Homeland Security (Jan. 20, 2026) <https://www.dhs.gov/news/2026/01/20/dhs-sets-stage-another-historic-record-breaking-year-under-president-trump#:~:text=Ending%20the%20Scourge%20of%20Illegal%20Immigration&text=Over%203%20million%20illegal%20aliens,hundreds%20of%20thousands%20of%20arrests.>

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment added by any party in the thread. For any responsive documents, please provide the entire communications chain, and all attachments. Please explicitly search all email inboxes assigned to the custodian, regardless of classification level (unclassified, secret, and top-secret inboxes).

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

### **Fee Waiver Request**

The Oversight Project requests a waiver of all fees associated with processing this request. Under the FOIA statute, fees will be waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 24 C.F.R. Part 15.106(k). This request meets both requirements for a fee waiver.

The Oversight Project is a 501(c)(4) non-profit dedicated to critical examination of government actions. Given The Oversight Project’s purpose and that this request is primarily and fundamentally for furthering that non-commercial purpose, a fee waiver is appropriate here because disclosure is likely to contribute to the public’s understanding of government operations in a meaningful way.

The Oversight Project is a member of the Mass Deportations Coalition (“MDC”).<sup>2</sup> The MDC is a coalition of immigration law and policy experts, former senior and rank and file law enforcement officials, advocates, and supporters who support President Trump’s promise to conduct the largest deportation operation in American history.<sup>3</sup> The

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<sup>2</sup> *See*, Mass Deportations Coalition, *Coalition Partners*, <https://massdeportationcoalition.org/#coalition-partners> (last visited Apr. 15, 2026).

<sup>3</sup> Mass Deportation Coalition, *Purpose*, <https://massdeportationcoalition.org/#purpose> (last visited Apr. 15, 2026).

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

MDC is united on five core principles, including the importance of the public receiving an unambiguous and transparent understanding of data surrounding immigration enforcement.<sup>4</sup> We recently published a Playbook on how the Administration could operationalize and perform a true mass deportation operation.<sup>5</sup> The release of the Playbook received widespread media attention.<sup>6</sup>

In our addition to our work in MDS, the Oversight Project uses the information requested and analyzes it in order to educate the public through the creation and distribution of unique editorial content on social media<sup>7</sup>, and its website.<sup>8</sup> Examples of this content include distribution of records and analysis of President Joseph R. Biden's use of autopens;<sup>9</sup> distribution of records and analysis of the Small Business Administration's implementation of Executive Order 14019;<sup>10</sup> and distribution of records and analysis of false statements made by former Department of Homeland Security Secretary Alejandro Mayorkas regarding now-debunked allegations that Customs and Border Protection agents whipped migrants crossing the Rio Grande River.<sup>11</sup> In addition to the work published on our website and social media, employees of The Oversight Project regularly contribute to other traditional and non-traditional media.<sup>12</sup>

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<sup>4</sup> Mass Deportation Coalition, *Principles*, <https://massdeportationcoalition.org/#principles> (last visited Apr. 15, 2026).

<sup>5</sup> Mass Deportation Coalition, *Playbook*, <https://massdeportationcoalition.org/playbook/> (Mar. 30, 2026).

<sup>6</sup> See, e.g., Samuel Benson, *Trump's MAGA allies have a new plan for mass deportations. It could splinter the coalition*, Politico (Apr. 1, 2026), <https://www.politico.com/news/2026/04/01/trump-maga-immigration-raids-worksites-00853334>; Brittany Gibson, *MAGA allies say Trump is going soft on deportations*, Axios (Apr. 13, 2026) <https://www.axios.com/2026/04/13/republicans-trump-immigration-mass-deportations>.

<sup>7</sup> Oversight Project (@ItsYourGov), X, <https://x.com/ItsYourGov> (last visited Apr 9, 2026).

<sup>8</sup> Oversight Project - It's Your Government, Oversight Project, <https://itsyourgov.org/> (last visited Apr. 9, 2026).

<sup>9</sup> *Trump Reacts to Autopen Controversy*, Oversight Project (Mar. 13, 2025), <https://itsyourgov.org/trump-reacts-to-autopen-controversy/> (last visited Apr 2, 2025).

<sup>10</sup> *Oversight Project Exposes Biden Administration's Attempts to Mobilize Federal Resources to Juice Democratic Turnout in Michigan*, Oversight Project (May 15, 2024), <https://itsyourgov.org/litigation/oversight-project-exposes-biden-administrations-attempts-to-mobilize-federal-resources-to-juice-democratic-turnout-in-michigan/> (last visited Apr. 2, 2025).

<sup>11</sup> *Oversight Project Exposes Secretary Mayorkas Lied about CBP Agents "Whipping" Migrants in Del Rio, TX*, Oversight Project (Oct. 12, 2022), <https://itsyourgov.org/litigation/oversight-project-exposes-secretary-mayorkas-lied-about-cbp-agents-whipping-migrants-in-del-rio-tx/> (last visited Apr. 2, 2025).

<sup>12</sup> N.P.R. Staff, *TRANSCRIPT: NPR's Interview with the Heritage Foundation's Oversight Project*, National Public Radio, May 10, 2024, <https://www.npr.org/2024/05/10/1250252668/transcript-npr-interview-heritage-foundation-oversight-project> (last visited Apr 2, 2025); Tony Perkins, *Kyle Brosnan Identifies how Biden's Staff May Have Abused the Autopen*, YouTube (Mar. 17, 2025),

# OVERSIGHT PROJECT

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As the foregoing demonstrates, The Oversight Project qualifies for a fee waiver. If, however, you deny this request for a fee waiver, please advise me in advance of the estimated charges exceeding \$50. Please send me a detailed and itemized explanation of those charges.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at [foia@itsyourgov.org](mailto:foia@itsyourgov.org).

Sincerely,

Mike Howell  
President  
The Oversight Project  
211 North Union Street  
Alexandria, VA 22314

# EXHIBIT 2

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

**Submitted Via: FOIA.GOV**

May 7, 2026

Roman Jankowski  
Chief FOIA Officer/Chief Privacy Officer  
U.S. Department of Homeland Security  
DHS Privacy Office, Mail Stop 0655  
2707 Martin Luther King Jr. AVE SE  
Washington, DC 20528-0655

**Re: Freedom of Information Act Request**

Dear Mr. Jankowski:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Department of Homeland Security, I respectfully request the following records from the DHS Privacy Office:

Records sufficient to show how the Department of Homeland Security calculated the figures from a January 20, 2026 press release that reads “over 3 million illegal aliens are out of the country, as DHS has removed more than 675,000 illegal aliens and estimated 2.2 million illegal aliens have self-deported.”<sup>1</sup>

**Search Instructions**

For any responsive documents, please include the entire communications chain, and all file attachments.

To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion

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<sup>1</sup> Press Release, *DHS Sets the Stage for Another Historic, Record-Breaking Year Under President Trump*, Dep’t of Homeland Security (Jan. 20, 2026) <https://www.dhs.gov/news/2026/01/20/dhs-sets-stage-another-historic-record-breaking-year-under-president-trump#:~:text=Ending%20the%20Scourge%20of%20Illegal%20Immigration&text=Over%203%20million%20illegal%20aliens,hundreds%20of%20thousands%20of%20arrests.>

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

pieces, newsletters, and published or docketed materials, if that correspondence has no comment added by any party in the thread. For any responsive documents, please provide the entire communications chain, and all attachments. Please explicitly search all email inboxes assigned to the custodian, regardless of classification level (unclassified, secret, and top-secret inboxes).

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as 'encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

### **Fee Waiver Request**

The Oversight Project requests a waiver of all fees associated with processing this request. Under the FOIA statute, fees will be waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 24 C.F.R. Part 15.106(k). This request meets both requirements for a fee waiver.

The Oversight Project is a 501(c)(4) non-profit dedicated to critical examination of government actions. Given The Oversight Project’s purpose and that this request is primarily and fundamentally for furthering that non-commercial purpose, a fee waiver is appropriate here because disclosure is likely to contribute to the public’s understanding of government operations in a meaningful way.

The Oversight Project is a member of the Mass Deportations Coalition (“MDC”).<sup>2</sup> The MDC is a coalition of immigration law and policy experts, former senior and rank and file law enforcement officials, advocates, and supporters who support President Trump’s promise to conduct the largest deportation operation in American history.<sup>3</sup> The MDC is united on five core principles, including the importance of the public receiving an unambiguous and transparent understanding of data surrounding immigration

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<sup>2</sup> *See*, Mass Deportations Coalition, *Coalition Partners*, <https://massdeportationcoalition.org/#coalition-partners> (last visited Apr. 15, 2026).

<sup>3</sup> Mass Deportation Coalition, *Purpose*, <https://massdeportationcoalition.org/#purpose> (last visited Apr. 15, 2026).

# OVERSIGHT PROJECT

## IT'S YOUR GOVERNMENT

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In our addition to our work in MDS, the Oversight Project uses the information requested and analyzes it in order to educate the public through the creation and distribution of unique editorial content on social media<sup>7</sup>, and its website.<sup>8</sup> Examples of this content include distribution of records and analysis of President Joseph R. Biden's use of autopens;<sup>9</sup> distribution of records and analysis of the Small Business Administration's implementation of Executive Order 14019;<sup>10</sup> and distribution of records and analysis of false statements made by former Department of Homeland Security Secretary Alejandro Mayorkas regarding now-debunked allegations that Customs and Border Protection agents whipped migrants crossing the Rio Grande River.<sup>11</sup> In addition to the work published on our website and social media, employees of The Oversight Project regularly contribute to other traditional and non-traditional media.<sup>12</sup>

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<sup>4</sup> Mass Deportation Coalition, *Principles*, <https://massdeportationcoalition.org/#principles> (last visited Apr. 15, 2026).

<sup>5</sup> Mass Deportation Coalition, *Playbook*, <https://massdeportationcoalition.org/playbook/> (Mar. 30, 2026).

<sup>6</sup> See, e.g., Samuel Benson, *Trump's MAGA allies have a new plan for mass deportations. It could splinter the coalition*, Politico (Apr. 1, 2026), <https://www.politico.com/news/2026/04/01/trump-maga-immigration-raids-worksites-00853334>; Brittany Gibson, *MAGA allies say Trump is going soft on deportations*, Axios (Apr. 13, 2026) <https://www.axios.com/2026/04/13/republicans-trump-immigration-mass-deportations>.

<sup>7</sup> Oversight Project (@ItsYourGov), X, <https://x.com/ItsYourGov> (last visited Apr 9, 2026).

<sup>8</sup> Oversight Project - It's Your Government, Oversight Project, <https://itsyourgov.org/> (last visited Apr. 9, 2026).

<sup>9</sup> *Trump Reacts to Autopen Controversy*, Oversight Project (Mar. 13, 2025), <https://itsyourgov.org/trump-reacts-to-autopen-controversy/> (last visited Apr 2, 2025).

<sup>10</sup> *Oversight Project Exposes Biden Administration's Attempts to Mobilize Federal Resources to Juice Democratic Turnout in Michigan*, Oversight Project (May 15, 2024), <https://itsyourgov.org/litigation/oversight-project-exposes-biden-administrations-attempts-to-mobilize-federal-resources-to-juice-democratic-turnout-in-michigan/> (last visited Apr. 2, 2025).

<sup>11</sup> *Oversight Project Exposes Secretary Mayorkas Lied about CBP Agents "Whipping" Migrants in Del Rio, TX*, Oversight Project (Oct. 12, 2022), <https://itsyourgov.org/litigation/oversight-project-exposes-secretary-mayorkas-lied-about-cbp-agents-whipping-migrants-in-del-rio-tx/> (last visited Apr. 2, 2025).

<sup>12</sup> N.P.R. Staff, *TRANSCRIPT: NPR's Interview with the Heritage Foundation's Oversight Project*, National Public Radio, May 10, 2024, <https://www.npr.org/2024/05/10/1250252668/transcript-npr-interview-heritage-foundation-oversight-project> (last visited Apr 2, 2025); Tony Perkins, *Kyle Brosnan Identifies how Biden's Staff May Have Abused the Autopen*, YouTube (Mar. 17, 2025), <https://www.youtube.com/watch?v=ay6li3qEmYI> (last visited Apr 2, 2025).

# OVERSIGHT PROJECT

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As the foregoing demonstrates, The Oversight Project qualifies for a fee waiver. If, however, you deny this request for a fee waiver, please advise me in advance of the estimated charges exceeding \$50. Please send me a detailed and itemized explanation of those charges.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at [foia@itsyourgov.org](mailto:foia@itsyourgov.org).

Sincerely,

Mike Howell  
President  
The Oversight Project  
211 North Union Street  
Alexandria, VA 22314

# EXHIBIT 3



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**Department of Homeland Security FOIA 2026-HQFO-02696 Acknowledgment**

2 messages

---

foia@hq.dhs.gov <noreply@securrelease.us>  
Reply-To: foia@hq.dhs.gov  
To: foia@itsyourgov.org

Tue, May 19, 2026 at 12:11 PM

05/19/2026

SENT VIA E-MAIL TO: [foia@itsyourgov.org](mailto:foia@itsyourgov.org)

Mike Howell  
The Heritage Foundation  
214 Massachusetts Ave, NE  
Washington, District of Columbia 20002

Re: 2026-HQFO-02696

Dear Requester:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated 5/7/2026, and to your request for a waiver of all assessable FOIA fees. Our office received your request on 5/7/2026. Specifically, you requested records relied upon to support the Department of Homeland Security's statement from a January 20, 2026 press release that reads "over 3 million illegal aliens are out of the country, as DHS has removed more than 675,000 illegal aliens and estimated 2.2 million illegal aliens have self-deported."

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c).

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government," (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be "significant," (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to media requesters, process the first 100 pages free of charge. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow

us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to media requesters. As a media requester you will be charged 10 cents per page for duplication; the first 100 pages are free. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number 2026-HQFO-02696. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

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**It's Your Gov FOIA** <foia@itsyourgov.org>  
To: Kyle Brosnan <kyle@itsyourgov.org>

Fri, May 22, 2026 at 2:50 PM

[Quoted text hidden]

# EXHIBIT 4



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**Department of Homeland Security FOIA 2026-HQFO-02695 Acknowledgment**

2 messages

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foia@hq.dhs.gov <noreply@securrelease.us>  
Reply-To: foia@hq.dhs.gov  
To: foia@itsyourgov.org

Tue, May 19, 2026 at 12:05 PM

05/19/2026

SENT VIA E-MAIL TO: [foia@itsyourgov.org](mailto:foia@itsyourgov.org)

Mike Howell  
The Heritage Foundation  
214 Massachusetts Ave, NE  
Washington, District of Columbia 20002

Re: 2026-HQFO-02695

Dear Requester:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated 5/7/2026, and to your request for a waiver of all assessable FOIA fees. Our office received your request on 5/7/2026. Specifically, you requested records sufficient to show how the Department of Homeland Security calculated the figures from a January 20, 2026 press release that reads “over 3 million illegal aliens are out of the country, as DHS has removed more than 675,000 illegal aliens and estimated 2.2 million illegal aliens have self-deported.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS’ goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c).

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In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow

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Your request has been assigned reference number 2026-HQFO-02695. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

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**It's Your Gov FOIA** <foia@itsyourgov.org>  
To: Kyle Brosnan <kyle@itsyourgov.org>

Fri, May 22, 2026 at 2:49 PM

[Quoted text hidden]