



November 4, 2024

Via Web Portal Only

Deborah Fleischaker
Chief FOIA Officer/Chief Privacy Officer
U.S. Department of Homeland Security (DHS)
United States Election Security
2707 Martin Luther King Jr. AVE SE
Washington, DC 20528-065

RE: FOIA Request to U.S. Department of Homeland Security (DHS) for Records regarding Systematic Alien Verification for Entitlements (SAVE) database.

Dear Ms. Fleischaker:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, and the corresponding department/agency implementing regulations. The Request is made by the American Center for Law and Justice (“ACLJ”).¹

Background

Pursuant to DHS FOIA regulation 6 C.F.R. §5.3(b), this Background addresses “the date, title or name, author, recipient, and subject matter of the record[s]” requested, to the extent known.

Texas, Ohio, and Florida have all filed suits to try and stop the DHS and USCIS denying access to²³ the Systematic Alien Verification for Entitlements (SAVE) database created by the passage

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

² Anders Hagstrom, *Ohio Secretary of State Sues Biden Administration for 'Obstructing' Removal of Non-Citizen Registered Voters*, FOX NEWS (Oct. 24, 2024), <https://www.foxnews.com/politics/ohio-secretary-state-sues-biden-administration-obstructing-removal-non-citizen-registered-voters>.

³ *Id.*

of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.⁴ Also, Virginia has been sued in order to end its purge of its voter rolls.⁵

The IIRIRA allows states to access immigration records through the Department of Homeland Security (DHS) to verify or determine the citizenship or immigration status of individuals within their jurisdiction for authorized purposes under the law.⁶

As, election integrity is an important issue of great importance to the American public and SAVE can be accessed under IIRIRA, the denial of access needs to end in order for states to fulfill their duty to conduct and free, fair, and accurate election.

Records Requested

For purposes of this Request, the term “record” is “any information” that qualifies under 5 U.S.C. § 552(f). The term “record” also includes, but is not limited to, all relevant information created, stored, received, or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email accounts were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this request, the term “executive assistant” (including a secretary or administrative assistant or however described) means that the position exists to increase the effectiveness of others by performing as many office support duties as possible, including serving as the principal clerical and administrative support position in the immediate organizational unit in or for which the persons assisted have responsibility, by carrying out and coordinating all the clerical and day-to-day administrative support activities typically required to accomplish the work of the organization.

When this Request names a person or an office, it includes any alias or pseudonym name and any electronic communication account any such official might use.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is September 1, 2024, to the date this Request is processed.

⁴ Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104–208, 110 Stat. 3009 (1996).

⁵ Press Release, Dept. of Justice, Justice Department Sues Virginia for Violating Federal Law’s Prohibition on Systematic Efforts to Remove Voters Within 90 Days of an Election (Oct. 11, 2024) <https://www.justice.gov/opa/pr/justice-department-sues-virginia-violating-federal-laws-prohibition-systematic-efforts>

⁶ *Supra* 4.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the U.S. Department of Homeland Security produce the following:

- 1. Any records of Secretary Alejandro Mayorkas or his executive assistant containing:**
 - a. “Systematic Alien Verification for Entitlements/SAVE Program;” or “Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA);” or “Immigration and Naturalization Service (INS);” and,**
 - b. “noncitizens;” or “alien(s),” or “citizenship,” or “immigration status,” or, “voter” or “voter fraud” or “voter rolls” or “voter registration,” or “voting” or “Quiet Period Provision” or “maintenance” or “90 days.”**

- 2. Any records of Deputy Secretary Kristie Canegallo or her executive assistant containing:**
 - a. “Systematic Alien Verification for Entitlements/SAVE Program;” or “Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA);” or “Immigration and Naturalization Service (INS);” and,**
 - b. “noncitizens;” or “alien(s),” or “citizenship,” or “immigration status,” or, “voter” or “voter fraud” or “voter rolls” or “voter registration,” or “voting” or “Quiet Period Provision” or “maintenance” or “90 days.”**

- 3. Any communications or records involving the Systematic Alien Verification and Entitlements/SAVE program with**
 - a. The Florida Department of Children and Families Secretary Shevaun Harris or her executive assistants; or**
 - b. The Texas Department of Health and Human Services Executive Commissioner Cecile Erwin Young or her executive assistants; or**
 - c. The Ohio Department of Job and Family Services Director Matt Damschrodr or his executive assistants; or**
 - d. The Virginia Department of Social Services Commissioner James Williams or his executive assistants; or**
 - e. The New York Department of Social Services Commissioner Molly Wasco Park or her executive assistants.**

Each request seeks records that include, but are not limited to, any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DHS electronic mail or message accounts, non-DHS electronic mail or message accounts, personal electronic mail or message accounts, DHS servers, non-DHS servers, and personal servers, as well as any electronic mail or

message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

Fees

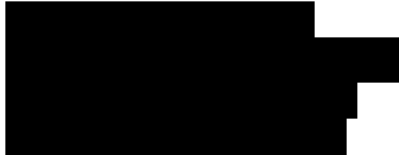
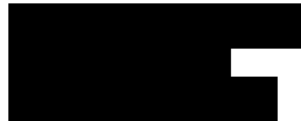
If there are any fees for searching or copying these records, please inform the ACLJ if the cost will exceed \$100. However, the ACLJ respectfully requests a waiver of all fees because the disclosure of the requested information is in the public interest. If necessary, a fee quote can be sent to the email below.

CONCLUSION

If this request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

Handwritten signature of Jordan Sekulow in black ink.

Jordan Sekulow
Executive Director

Handwritten signature of Benjamin P. Sisney in black ink.

Benjamin P. Sisney
Senior Litigation Counsel

Handwritten signature of John A. Monaghan in blue ink.

John A Monaghan
Senior Litigation Counsel