

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

SERGIO CRUZ CRUZ)	
)	
Petitioner)	
)	
v.)	CA No. 25-CV00262-JJM-PAS
)	
PAMELA BONDI, et als.)	
)	
Respondents)	

PETITIONER'S MOTION FOR ORDER THAT RESPONDENTS
PROVIDE PETITIONER WITH HIS COMPLETE IMMIGRATION FILE

Petitioner Sergio Cruz Cruz hereby moves the Court order respondents provide him with his complete immigration file, and states the following reasons therefor:

On August 26, 2025 undersigned counsel filed a Form G-639 Freedom of Information Act (FOIA) request with US Citizenship and Immigration Services (USCIS) National Records Center (NRC) for petitioner's immigration file. The request asked for an expedited response due to the pending litigation, but NRC denied the expedite request, and stated it would take longer than the normal processing time with a due date of October 7. However, that date passed and petitioner's counsel received the final response only last week.

A copy of the NRC's response is attached hereto as Exhibit A. The NRC writes it has "identified 259 pages that are responsive to your request" but states "enclosed are 52 pages released in their entirety and 57 pages released in part" and "we are withholding 150 pages in full."

The problems with this are as follows: early in this litigation the respondents provided four (4) pages of removal forms from 2014 and 2025 which are referenced in petitioner's amended habeas petition and his reply to respondents' opposition and motion to dismiss. Since the pages provided did not include the required Forms I-867A & B, the amended petition and reply was premised on mandated procedures not being followed. However, more recently in the Immigration Court proceedings, a DHS/ICE attorney filed in that court the Forms I-867A & B. See Exhibit B hereto. Thus, information has been dribbled out over time, requiring petitioner and counsel to expend significant time without full information.

In addition, petitioner through prior counsel who unfortunately passed away, in 2018 filed a Form I-589 asylum application. The Exhibit A NRC letter states 100 pages of petitioner's file are withheld, and one item they withheld is petitioner's own affidavit he filed with his 2018 Form I-589. Petitioner has an absolute right to this document, which he has been unable to obtain due to his prior attorney's decease. In fact, due to a new policy enacted this year, petitioner was required to pay \$100 for each year his asylum application is pending. See Exhibit C hereto.¹ It appears there is arbitrariness to the NRC's withholding of documents, but now that there is habeas litigation ongoing in this Court, petitioner asks the Court order his full file be produced forthwith.

A non-citizen is entitled to due process of law. Landon v. Plascencia, 459 US 21 (1982); Reno v. Flores, 507 US 292, 306 (1993); Saakian v. INS, 252 F3d 21, 24 (1st Cir 2001). Here, respondents have full access to all 259 pages of petitioner's immigration

¹ This new requirement is odd, because it is up to the government to set an asylum interview date, and early this year undersigned counsel had a case at the Boston Asylum Office where the applicant filed a Form I-589 ten (10) years ago and it was just being reached by the government for interview (the asylum request was approved). An applicant has no say in the date the interview will take place, so why the \$100 fee?

filed, but petitioner is being denied the same access. There is an obvious imbalance of power, the courts have acknowledged "the drastic consequences of deportation", Lumataw v. Holder, 582 F3d 78, 90 and n. 12 (1st Cir 2009), and petitioner requests only as level a "playing field" as possible, recognizing of course that this habeas proceeding is not "play."

Respectfully submitted,

/s/ William A. Hahn

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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2025, I electronically filed the foregoing reply and opposition and it is available for viewing and downloading from the Court's CM/ECF system, and that the participants in the case that are registered CM/ECF users will be served electronically by the CM/ECF system.

/s/ William A. Hahn

Exh. A

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

Control Number: [REDACTED]

October 25, 2025

WILLIAM HAHN
HAHN AND MATKOV
36 BROMFIELD STREET STE 500
BOSTON, MA 02108

Dear WILLIAM HAHN:

This letter is in response to your request for records under the Freedom of Information Act (FOIA) or Privacy Act (PA), which was received in this office on August 26, 2025, regarding SERGIO CRUZ CRUZ.

We have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General's guidance. We have completed the review of all documents and have identified 259 pages that are responsive to your request. Enclosed are 52 pages released in their entirety and 57 pages released in part. We are withholding 150 pages in full. In our review of these pages, we have determined they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(3), (b)(5), (b)(6), (b)(7)(E), and (b)(7)(c) of the FOIA.

The following exemptions are applicable:

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

Exemption (b)(3) permits withholding of records or information if a law specifically exempts the material from disclosure, including the disclosure of which would be detrimental to security of transportation. The statute allows us to withhold this information pursuant to 49 U.S.C. 114(r) of the Aviation and Transportation Security Act.

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(7)(E) of the FOIA provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

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Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

There may be additional documents that contain discretionary releases of exempt information. If made, these releases are specifically identified in the responsive record. These discretionary releases do not waive our ability to invoke applicable FOIA exemptions for similar or related information in the future.

The enclosed record consists of the best reproducible copies available. Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. You may file an administrative FOIA appeal by mail to USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our USCIS FOIA Public Liaison at U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010, or by email at FOIAPAQuestions@uscis.dhs.gov.

A USCIS FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. USCIS FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency, and understanding of the status of requests, and assisting in the resolution of disputes.

If you are unable to resolve your FOIA dispute through our USCIS FOIA Public Liaison, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email ogis@nara.gov; telephone 202-741-5770; toll free 877-684-6448; or facsimile 202-741-5769.

The National Records Center does not process petitions, applications, or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with USCIS, please visit the Contact Us page at www.uscis.gov or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

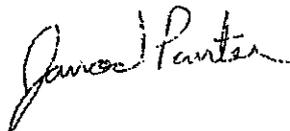
[How to submit Questions or Changes](#)

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Questions concerning this FOIA/PA request may be mailed to U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010 or emailed to FOIAPAQuestions@uscis.dhs.gov. All FOIA/PA related requests, including address changes must be submitted in writing, and signed by the requester. Please include the control number listed above on all correspondence. For more information regarding the USCIS FOIA Program, please visit the USCIS website at www.uscis.gov/FOIA.

Sincerely,



Jarrod T Panter
Acting Chief FOIA Officer
Freedom of Information Act & Privacy Act Unit

Enclosure(s)