

PRESS RELEASE: May 7, 2012

FEDERAL COURT ISSUES PERMANENT INJUNCTION - FINDS IMMIGRATION SERVICE ROUTINELY VIOLATES FREEDOM OF INFORMATION ACT (FOIA) AND ORDERS GOVERNMENT TO PROCESS FOIA REQUESTS BY IMMIGRANTS WITHIN 20 DAYS

A federal district court in San Jose, CA issued a Permanent Injunction today ordering the United States Citizenship and Immigration Service (USCIS) to provide a requestor's alien registration file within the 20 day time limit required by the Freedom of Information Act (FOIA) and make a determination with respect to any FOIA appeal within the 20 day time limit required by the law. The injunction takes effect immediately.

Previously, in a ruling on October 13, 2011 the Court had determined that USCIS engaged in a longstanding pattern and practice of violating FOIA's time-limit provisions and prejudiced immigration attorneys' abilities to fairly represent their clients before the government.

BACKGROUND - Plaintiff Mirsad Hajro applied for naturalization. His application was denied based on evidence allegedly in the government's file. When Mr. Hajro asked to see this evidence through a FOIA request, the government delayed processing the request for several months and then refused to provide this alleged evidence. The Court found that this delay violated the time provisions of FOIA and also that Mr. Hajro had a constitutional right to see the evidence relied upon by the government in a timely manner. After a trial in federal district court in San Francisco in 2011, a different federal district court judge granted Mr. Hajro citizenship in March, 2012.

Plaintiff James Mayock is an immigration attorney in San Francisco who initially filed a lawsuit in 1985 against the government for delays in processing his clients' FOIA requests. In 1992, Mr. Mayock signed a settlement agreement with the government. The government claimed that this agreement was superceded by legislation passed by Congress in 1996. Mr. Mayock sued to enforce the agreement which the Court upheld.

"This case is about holding the government accountable to follow the law. It is also about basic fairness. If the government denies your application, you should be able to see the evidence it relied on. Providing this evidence months or years after a decision is made is unfair and un-American. It is also against the law," said Kip Evan Steinberg of San Rafael, attorney for the Plaintiffs.

The government was represented by Assistant U.S. Attorney Ila C. Deiss (415) 436-7124. **For more information, please contact: Kip Evan Steinberg (415) 453-2855 (w) or (415) 971-2371 (c) (kip@steinberg-immigration-law.com)**