



January 2, 2024

Via FOIA Express Portal

U.S. Department of Education
Office of the Executive Secretariat
FOIA Service Center
400 Maryland Ave. SW, LBJ 7W106A
Washington, DC 20202-4536

Freedom of Information Act Request: Student Visa Holders Espousing Support for Terrorists

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 187,000 followers, and the X page of our Founder and President has over 553,000 followers.

I. Requested Records

Pursuant to 5 U.S.C. § 552(a), AFL requests the following records for the period October 7, 2023, through the date of final processing for each item.

- A. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: "visa" or "student visa" AND "FTO," "Hamis," or "foreign terrorist organization."
- B. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

communications sent to or from the custodians containing any one of the following phrases or words: “MIT,” “UPenn,” “Penn,” “Harvard,” “Columbia,” “Stanford,” “Cooper Union,” “campus,” OR “university” AND any of the terms “protest,” “demonstration,” “Jew,” “Palestine,” “Israel,” “Hamas” OR “safety.”

- C. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: “MIT,” “UPenn,” “Penn,” “Harvard,” “Columbia,” “Stanford,” “Cooper Union,” “campus,” OR “university” AND the term “visa.”
- D. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words in either the text of the record or as part the address for a sender or receiver: “mit.edu,” “upenn.edu,” “cooper.edu,” “harvard.edu,” “stanford.edu,” and “columbia.edu.”
- E. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: “Hamas,” “CAIR,” “Students for Justice in Palestine,” Jewish Voice for Peace,” “J Street,” “By Any Means Necessary,” “Within Our Lifetime,” “Council of Muslim Organizations,” “Democratic Socialists of America,” “Islamic Circle of North America (ICNA),” “ICNA Relief,” “Islamic Relief Worldwide,” “Dar Al-Hijrah mosque,” “Nejwa Ali,” “Palestinian Youth Movement,” ”ANSWER,” ”Al-Awda,” “Zakat Foundation,” “American Muslims for Palestine,” “Alliance for Global Justice,” “Palestine Legal,” “Tides Foundation,” “National Lawyers Guild,” or “Samidoun.”
- F. All records regarding or of the Department’s response to the letter from Sen. Marco Rubio to Secretary Mayorkas dated October 17, 2023, and referenced at <https://www.rubio.senate.gov/rubio-colleagues-urge-removal-of-hamas-and-terrorist-supporters/>.

II. Custodians

- A. Maureen McLaughlin
- B. Donna Harris-Aikens
- C. Tracey St. Pierre
- D. Scott Sargrad
- E. Sharon Cooke

F. Shannon Myricks

III. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies; we have been granted fee waivers by the Departments of State, Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest in this request, which is made entirely to serve the public interest. Finally, 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 the government and of government operations. *See* 34 CFR 5.33. We are available to provide additional information in writing or offline to support this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately.

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.¹ If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

IV. Expedited Processing

AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing.

AFL is "principally engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity" under 34 CFR 5.21(i)(2). As explained below, this request is "urgent" because it seeks information regarding the conditions that are leading college presidents in the United States to not enforce their campus conduct policies against pro-Hamas students, at least some of whom are in the United States on student visas.

The conduct of these demonstrators has caused Jewish, pro-Israel, and pro-American students across the United States to suffer unlawful intimidation and violence, often by foreign visa holders.² Accordingly, AFL is seeking information about the extent to which this enforcement of campus policies is being coordinated with bodies

¹ U.S. DEPT JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.

² Jack Stripling, *Colleges Braced for Antisemitism and Violence. It's Happening.*, WASH. POST (Oct. 31, 2023), <https://wapo.st/4882Ppm>; Ivana Saric, *73% of Jewish College Students Report Antisemitism on Campus This School Year: ADL*, AXIOS (Nov. 29, 2023), <https://bit.ly/3uST4gs>.

responsible for keeping students safe in America and enforcing regulations on the terms of student visas. The nonenforcement against those violating campus rules is causing Jewish students to endure harassment and to perceive harassment as a threat to their safety. 34 CFR 5.21(i)(2)(i)(A).

Prompt disclosure of this information will inform the citizens about the operation of the government, and provide Congress, the media, and voters with critical insight into the dangerous and Antisemitic climate permeating American college campuses.

V. Conclusion

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Will Scolinos

America First Legal Foundation