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Groups Settle Lawsuit Challenging Failure of U.S. Customs and Border Protection to Timely Respond to FOIA Requests

This week, in accordance with a settlement reached by the parties, a federal district court dismissed a class action [lawsuit](#) which challenged U.S. Customs and Border Protection's (CBP) nationwide practice of failing to timely respond to requests for case information under the Freedom of Information Act (FOIA). The suit was filed in 2015 by five immigration attorneys and 13 noncitizens, all of whom had filed FOIA requests that had been pending between 7 and 24 months—significantly longer than the 20-business day period set by law for an agency to respond to a FOIA request. At the time of filing, CBP had a staggering backlog of over 30,000 FOIA requests that had been pending for more than 20 business days, many for months or years. During the course of the lawsuit, CBP implemented new procedures for handling FOIA requests and devoted additional staff. Consequently, at the time of the settlement, CBP's backlog had been reduced to approximately 3,000 FOIA requests, most of which were complex, and CBP generally was responding to new requests within 20 days.

In the [settlement](#), CBP committed to continuing its efforts to timely process FOIA requests. Additionally, the agency committed to increased transparency about its performance; CBP will now post monthly FOIA statistics to its website, including the total number of FOIA requests pending, how long they have been pending, how many new requests are received each month, and how many are processed.

The Law Office of Stacy Tolchin, the National Immigration Project of the National Lawyers Guild, Northwest Immigrant Rights Project, and the American Immigration Council represented the plaintiffs.

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