

DECLARATION OF JACQUELINE STEVENS

I, Jacqueline Stevens, state and declare under penalty of perjury that the following is true and correct:

1. I am a named Plaintiff in the Complaint under the Freedom of Information Act ("FOIA").

I have been a tenured full professor in the Political Science Department at Northwestern University ("Northwestern") since 2010. In 2012 I became the founding Director of the Deportation Research Clinic, Buffet Institute for Global Affairs, Northwestern University ("Clinic").

2. I make this declaration based on personal knowledge and observations as stated herein. Further, this Declaration contains my professional opinions on certain topic for which I have specialized knowledge based on my education, professional experience, expertise, and research.

3. If called to testify I could and would testify to each of the facts stated within this Declaration.

4. On August 9, 2022, I received an e-mail from a journalist at the New York Public Radio station WNYC . The email stated: (1) an interest in reporting on the efforts by Pascal Charpentier to prove his U.S. citizenship; (2) that the reporter was "fascinated by [my] work and research into this area of immigration law"; and (3) a request for an interview.

5. During our conversation on August 9, 2022 I asked questions about Mr. Charpentier's biography the reporter was unable to answer. To facilitate obtaining records to assist with his

reporting, I told the reporter I would send him a copy of a privacy waiver form I created that complies with federal statutes for certifying identity and waiving privacy privileges to me, a practice I have frequently followed when reporters approach me with similar cases.

6. In the morning of August 11, 2022 I confirmed receipt of the signed waiver the reporter forwarded to me the previous evening. I also had received from Mr. Charpentier a link to a timeline he had created with events he believed were relevant to his claim to U.S. citizenship and his arrest, detention, and deportation order by Immigration and Customs Enforcement (“ICE”).

7. During a conversation later that week I explained to Mr. Charpentier the importance of obtaining privacy waivers from his parents, so that agencies would not redact information relevant to his claim of U.S. citizenship. Mr. Charpentier explained his parents were elderly and did not use digital devices. I followed up and by e-mail suggested he send them the privacy waiver by U.S. mail.

8. On August 15, 2022, I submitted an Expedited Request for Mr. Charpentier’s records to U.S. Citizenship and Immigration Services as an e-mail. Exhibit A. As of September 26, 2022, I have received no response and no tracking number.

9. On August 18, 2022, I submitted an Expedited Request for Mr. Charpentier’s records to ICE through an online portal. Exhibit B. As of September 26, 2022, I have received no response to my request for an expedited review and no responsive records.

10. On August 18, 2022, I submitted an Expedited Request for Mr. Charpentier’s records to the Executive Office of Immigration Review. Exhibit C. As of September 26, 2022, I have received no response to my request for an expedited review and no responsive records. Also, as

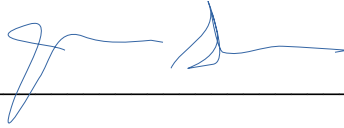
of September 26, 2022, the interface for tracking responses indicates only that the request is “Received,” and does not indicate that it has been routed for processing and response. Exhibit D.

11. On September 14, 2022, I submitted a request of the State Department for the immigration records of Mr. Charpentier’s mother and attached her privacy waiver.

12. Publicity generated by my research on people ICE is detaining or has deported and who can prove U.S. citizenship has materially affected ICE policy and protocols for individual cases, as narrated in my complaint. It also has been used in criminal and civil trials. In one trial for Illegal Reentry (8 U.S.C. §1326), an ICE official who testified that ICE did not deport U.S. citizens had his testimony impeached by a public defender who was present at a meeting in New York City where that same ICE official had attended a presentation at which detention and removal protocols were updated in the wake of a *New Yorker* article based on my research. The Defendant was found “not guilty.”

13. ICE regularly includes my requests on its internal FOIA reports of “Significant Activity.”

14. Over a month after submitting my expedited requests of U.S. Citizenship and Immigration Services, ICE, and the the Department of Justice Executive Office of Immigration Review for Mr. Charpentier's records, I have received no responses.



JACQUELINE STEVENS

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Second Floor, Political Science Department
Evanston, Illinois 60208
(847) 467-2093
jacqueline-stevens@northwestern.edu

September 26, 2022

EXHIBIT A

EXPEDITED REQUEST E-Verify and other USCIS records for Pascal Charpentier

Jacqueline Stevens <jacqueline-stevens@northwestern.edu>

Mon 8/15/2022 4:09 PM

To: FOIA, USCIS <uscis.foia@uscis.dhs.gov>

📎 1 attachments (229 KB)

PrivacyWaiver_Charpentier.pdf;

To Whom It May Concern:

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for all system records and all other materials in any medium, maintained, received or distributed by USCIS pertaining to Pascal Charpentier. His date of birth is January 21, 1972. His country of birth is Germany. The U.S. government assigned him two "alien" numbers: 029-001-711 and 020-578-103. Please search records using both numbers.

The records I am seeking include but are not limited to: all correspondence and other information submitted by Mr. Charpentier to USCIS and all outputs about him produced by "E-Verify" databases; all records relied on by E-Verify for claiming Mr. Charpentier's place of birth was "Haiti"; emails, notes, drafts, memorandums, and data entries and outputs of digital information referencing Mr. Charpentier and stored on any computer, server, or digital device to which USCIS officials have access, and all information used for creating or responding to his two separate "alien" numbers. I am also of course interested in all records associated with any immigration and citizenship petitions and requests by Mr. Charpentier or on his behalf by his parent(s).

The time frame of this request is January 21, 1972 through whenever a search is conducted for responsive records.

Grounds for Expedited Request

According to 5 USC 552a6(E), a request should be expedited based on a "compelling need," the criteria for which are that:

(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

Mr. Charpentier was issued a removal order based on inaccurate information produced by the U.S. government to an immigration judge. As director of the Deportation Research Clinic, I will be sharing all responsive records with Mr. Charpentier. He needs the records requested in order to prove his U.S. citizenship. Unless these are produced immediately, Mr. Charpentier is in danger of being rendered stateless and removed by force to a foreign country where he has never visited and has no ties. Thus, the failure of USCIS to produce the requested records on an expedited basis could "reasonably be expected to pose an imminent threat to the life or physical safety of an individual."

In addition, there is enormous public interest in the U.S. government unlawfully detaining and deporting U.S. citizens. My own research on the patterns and practices of

the U.S. government deporting U.S. citizens has been widely covered in the media, including the New Yorker magazine, the New York Times, and NPR, thus satisfying (ii) above.

Further, a major news organization has indicated they will be reporting on my findings about the deportation order for Mr. Charpentier.

For documentation of the media interest in the U.S. government's unlawful detention and deportation of U.S. citizens, please see media coverage here: <https://deportation-research.buffett.northwestern.edu/news/index.html>, including these articles: Greg Allen, "ICE Detained the Wrong Person," NPR, December 18 and Steve Coll, "When ICE Tries to Deport Americans, Who Defends Them?" New Yorker, March 21.

I also co-edited a volume, Citizenship in Question: Evidentiary Birthright and Statelessness,

<https://library.oapen.org/handle/20.500.12657/31762>; the book won

Please note that government's detention and deportation of US citizens is of great interest to the public, as evidenced in extensive national media coverage of my research on this. Please see:

<http://www.npr.org/sections/thetwo-way/2016/12/22/504031635/you-say-you-re-an-american-but-what-if-you-had-to-prove-it-or-be-deported> My research on this topic has been reported in The New Yorker, The New York Times, NPR and numerous other national and local media outlets.

As I will be using this information for my research, teaching, and journalism along the lines indicated above, and will receive no financial compensation I am requesting a fee waiver.

I am attaching Mr. Charpentier privacy waiver authorizing release of this information to me under the Freedom of Information/Privacy Act. Please note that this also includes his certification of identity.

Many thanks for your assistance with this request. If you have any questions, please feel free to contact me here or by phone at 847-467-2093.

Thank you,

Jacqueline Stevens

Professor

Political Science

Northwestern University

Founding Director

Deportation Research Clinic

Buffett Institute

<http://buffett.northwestern.edu/programs/deportationresearch/>

Office Phone: 847-467-2093

Mail

601 University Place, Second Floor

Political Science Department

Evanston, IL 60208

<http://stateswithoutnations.blogspot.com>

<https://polisci.northwestern.edu/people/core-faculty/jacqueline-stevens.html>

EXHIBIT B

Request - 2022-ICFO-27065

Create Appeal (CreateAppeal.aspx?reqno=2022-ICFO-27065)  **Inbox (0)**  **Compose Message**  **Sent Messages** **Withdraw Request**
← Back (RequestStatus.aspx)

Requester Details

To modify request details, please update your requester profile or contact the our office for assistance.

Dr. Jacqueline Stevens

Professor
Political Science and Legal Studies Board NW Unive
601 University Place
Department of Political Science, Northwestern University
Evanston, IL 60208
Phone 847-467-2093
jacqueline-stevens@northwestern.edu

Requester Default Category: Private Individual

Request Details

Date Requested	08/18/2022
Received Date	08/19/2022
Estimate Delivery Date	09/24/2022
Status	Assigned for Processing

General Information

DHS Component ICE - Immigration and Customs Enforcement 

Selected Component ICE

Please ensure Request Type matches up to the Component

Request Type ICE FOIA 

Suggested
Requester Category

Educational or Non- ▼

Requesting Personal Records

** If you are requesting access to records about an individual, additional information may be required in order to facilitate the processing of your request. The DHS component your request is routed to will advise you if any additional information is required to aid the disclosure process.**

Are you requesting records on yourself?

Please Select:

No ▼

*** If yes, please read the Perjury Statement and Initial in the section below OR attach your Certification of Identity in the Request Information below.**

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.
By initialing here you are providing your electronic signature.

Initial Here:

JS

Request Information

* For Requests to OBIM for IDENT Records, please attach your Fingerprint Card Scans above in addition to filling out the Request Description below.

Request Description

All system records and other items maintained, produced, or distributed by ICE, including ICE trial attorneys and HQ, pertaining to Pascal Charpentier. His date

Date Range for
Record Search:

01/01/1971


To
(mm/dd/yyyy)


08/18/2022

From(mm/dd/yyyy)

Description
Document


 Add Attachment

Third Party Consent [Add Attachment -PrivacyWaiver_Charpentier.pdf](#) 
(AddAttachment.aspx?id=122144&mode=corres)

Certification of Identity [Add Attachment -PrivacyWaiver_Charpentier.pdf](#) 
(AddAttachment.aspx?id=122145&mode=corres)

Fee Information

Willing Amount (\$)

Fee Waiver Requested [Add Attachment -FeeWaiver_ICE.pdf](#) 
(AddAttachment.aspx?id=122147&mode=corres)

* Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where it is determined that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester.

Fee Waiver Granted TBD

Fee Waiver Request Reason

Cost Details :

Total Cost \$0.00

Cost Incurred \$0.00

Amount Paid \$0.00



Balance Amount \$0.00

Payment Status No Charges

Willing to Pay All Fees

Expedite Information

* Some requests may qualify for expedited treatment if the requester can demonstrate that it meets certain criteria established under DHS regulations. See 6 C.F.R. § 5.5(d)(1) (<https://www.dhs.gov/publication/federal-register-notice-freedom-information-act-and-privacy-act-procedures-interim-final>)

Expedite Requested  Add Attachment -CharpentierExpICE.pdf 
(AddAttachment.aspx?id=122146&mode=corres)

Expedite Reason

In addition to his physical danger and media interest, Mr. Charpentier's deportation is a substantial violation of his due process rights as a U.S. citizen, per 6

Expedite Request Status TBD

EXHIBIT C

Request - 2022-52897

[← Back](#)

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

Jacqueline Stevens

Deportation Research Clinic
 601 University Place, 2d Floor
 Political Science Department
 Evanston, IL 60208
 Phone 847-467-2093
 jacqueline-stevens@northwestern.edu

Requester Default Category: Educational or Non-Commercial Scientific

Request Details

Date Requested 08/18/2022
 Status Received

General Information

Action Office EOIR

Action Office Instructions EOIR

Requester Category Educational or Non-Comme

Delivery Mode Electronic Download

Payment Mode Money Order

Shipping Address

Street1 601 University Plæ Street2 Political Science I

City Evanston State Illinois

State (Other) Country United States

Zip Code 60208

Request Information

[For example in Description, enter "Record of Proceedings", "Policies and Procedures", "Asylum Statistics", etc.](#)

Description All system records and other items maintained, produced, or distributed by EOIR pertaining to Pascal Charpentier, including but not limited to the Record of

Date Range for Record

Search:

From(mm/dd/yyyy)

01/01/1972

To

(mm/dd/yyyy)

08/18/2022

Fee Information

Note: Fees are not normally charged for first party Record of Proceeding requests

Amount willing to pay (\$)

25.00

Fee Waiver Requested



Fee Waiver Granted

TBD

Fee Waiver Request Reason

As a scholar, blogger, and a writer on immigration law enforcement, I am entitled to a waiver of duplication fees because disclosure of this information is

Cost Details :

Total Cost

\$0.00

Cost Incurred

\$0.00

Amount Paid

\$0.00

Balance Amount

\$0.00

Payment Status

No Charges

Willing to Pay All Fees



Billing Address

Street1

601 University Pl

Street2

Political Science I

City

Evanston

State

Illinois



State (Other)

Country

United States



Zip Code

60208

Additional Information

Port of Entry

Date of Entry
(mm/dd/yyyy)

Place of Proceeding

Date of Proceeding
(mm/dd/yyyy)

Requester Alias First Name

Requester Alias MI

Requester Alias Last Name

Parents Name1

Parents Name2	<input type="text"/>
ROP Requests	
Alien Number	<input type="text" value="20578103"/>
Notice to Appear (NTA) Date (mm/dd/yyyy)	<input type="text"/>
Subject Matter of Request	
Subject Matter of Request	<input type="text" value="ROP"/>
Expedite Information	
Expedite Requested	<input checked="" type="checkbox"/>
Expedite Reason	<input type="text" value="An immigration judge ordered Mr. Charpentier deported to Haiti. The deportation order for a U.S. citizen based on factually inaccurate"/>
Expedite Request Status	TBD

PRIVACY ACT STATEMENT

The authority by which information is collected on this website form are contained in 5 U.S.C. 301 and 44 U.S.C. 3101. Your disclosure of information to the Executive Office for Immigration Review on this form is voluntary. If you do not complete all or some information fields in this form, however, the Executive Office for Immigration Review may not be able to effectively respond to your feedback.

The principal purpose for collecting this information on this website form is to control, track, respond to, and maintain correspondence received or originated by the Department or referred to the Department. In addition to disclosing this information to the appropriate officials and employees within the Department for the purposes of controlling, tracking, responding to, and maintaining the Department's correspondence, the routine uses which may be made of the information collected on this website form include, but are not limited to: any civil or criminal law enforcement authority or other appropriate agency where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law; to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government, when necessary to accomplish an agency function related to the corresponding system of records; and to such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

The full list of routine uses for this correspondence can be found in the System of Records Notices titled, JUSTICE/DOJ-003, "Correspondence Management Systems (CMS) for the Department of Justice," 66 Fed. Reg. 29992 (6-04-2001); 66 Fed. Reg. 34743 (6-29-2001); 67 Fed. Reg. 65598 (10-25-2002); 82 Fed. Reg. 24147 (5-25-2017) and JUSTICE/EOIR-001, "Records and Information Management System," 69 Fed. Reg. 26179 (5-11-2004); 72 Fed. Reg. 3410 (1-25-2007) (rescinded by 82 Fed. Reg. 24147); 82 Fed. Reg. 24147 (5-25-2017).

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EXHIBIT D

Check Request Status

Request Details

Click on Request # to view request details.

Case #	Description	Total Invoice Amount	Status	Download
2022-52897	All system records and other items maintained, pro...	0.00	Received	
2021-52588	ROP/Audio	0.00	Assigned for Processing	
2021-41956	ROP/Audio	0.00	Assigned for Processing	
2021-07268	ROP/audio	0.00	Closed	
2020-60017	Previously-processed FOIA request (2017-22261)	0.00	Closed	
2020-60006	CASE data	0.00	Closed	
2022-27937	This letter constitutes a request under the Freedo...	0.00	Assigned for Processing	

Showing 1 to 7 of 7 entries

Previous 1 Next

Refresh Export

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OMB approval number 1125-0018