

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PROJECT SOUTH  
and CENTER FOR  
CONSTITUTIONAL RIGHTS,

Plaintiffs,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

Civil Action No. 21-cv-8440

**DECLARATION OF SUSAN C. WEETMAN**

Pursuant to 28 U.S.C. § 1746, I, Susan C. Weetman, declare and state as follows:

1. I am the Deputy Director of the Office of Information Programs and Services (“IPS”) of the United States Department of State (the “Department” or “State”), a position in which I have served since August 4, 2019. I am the Department official immediately responsible to responding to requests for records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552; the Privacy Act of 1974, 5 U.S.C. § 552a; and other applicable records access provisions. Prior to serving in this capacity, I served as the Chief of the Programs and Policies Division of IPS beginning on May 15, 2016, and prior to that I was the Branch Chief for

Litigation and Appeals within the Programs and Policies Division of IPS beginning on March 10, 2013.

2. I make the following statements based upon my personal knowledge, which in turn is based upon information furnished to me in the course of my official duties. I am familiar with the efforts of Department personnel to process the FOIA requests that are the subject of this litigation, and I am in charge of coordinating the agency's search and recovery efforts with respect to those requests.

3. The core responsibilities of IPS include: (1) responding to records access requests made by the public (including under the FOIA, the Privacy Act, and the mandatory declassification review requirements of the Executive Order governing classified national security information), by Members of Congress, by other government agencies, and those made pursuant to judicial process such as subpoenas, court orders, and discovery requests; (2) records management; (3) national security classification management and declassification review; (4) corporate records archives management; (5) research; (6) operation and management of the Department's library; and (7) technology applications that support these activities.

4. This declaration explains the Department's response to Plaintiffs' FOIA requests and the searches that the Department conducted in response to Plaintiffs' FOIA requests, both prior to and during this litigation.

5. The *Vaughn* Index attached hereto as Exhibit 1 provides information about the material withheld and the justifications for those withholdings.

## **I. ADMINISTRATIVE PROCESSING OF PLAINTIFFS' REQUESTS**

### **FOIA Request F-2021-05632**

6. On April 26, 2021, Plaintiffs submitted a FOIA request to the Department seeking:

1. Any and all other FOIA logs pertaining to the removal of Cameroonians from 08/01/2020-1/19/2021.
2. Any and all records related to the removal of Cameroonians between 08/01/2020-1/19/21, including but not limited to those available on:
  - a. DOS's Congressional Travel Records, STATE-44;
  - b. DOS's Coordinator for Combatting Terrorism Records, STATE-06;
  - c. DOS's Country Clearance Records, STATE-77;
  - d. DOS's Intelligence and Research Records, STATE-15;
  - e. DOS's Legal Case Management Records, STATE-21;
  - f. DOS's Office of Freedom of Information, Privacy and Classification Review WAE Re-employed Annuitants and Contractor Records, STATE-51;
  - g. DOS's Passport Records, STATE-26;
  - h. DOS's Refugee Case Records, STATE-59;
  - i. DOS's Security Records, STATE-36; and
  - j. DOS's Visa Records, STATE-39.
3. The number of removal flights to Cameroon between 08/01/2020 to 1/19/2021.



4. The number of Cameroonians on each removal flight between 08/01/2020-1/19/2021.
5. For each removal flight between 08/01/2020-1/19/2021, please provide the following information about each Cameroonian on the flight (in the form of a spreadsheet, with each row being a person and each column containing the requested information):
  - a. Age;
  - b. Gender/gender identity;
  - c. Country of origin or official nationality;
  - d. Duration of time spent in the U.S. prior to removal;
  - e. The port of entry crossed (if applicable);
  - f. The charges in their immigration court proceedings (if any);
  - g. What type of application for relief (asylum, withholding of removal, etc), if any, was submitted to the U.S. Immigration Court prior to removal
  - h. For those who had applied for asylum or withholding of removal due to fear of persecution or torture please provide any and all records indicating:
    - i. Whether the application for relief was affirmative (submitted to USCIS) or defensive (in removal proceedings);
    - ii. The credible fear interview decision (positive or negative; and if positive, whether the applicant was found to have a credible fear of persecution and/or torture;
  - i. The type of case (if any) pending for each individual on the flight, including:
    - i. Pending BIA appeals;
    - ii. Pending BIA motions to reopen;
    - iii. Pending motions to reconsider;
    - iv. Pending circuit court appeals (please note which circuit); and
    - v. Any stays of removal orders issued and in effect; and
  - j. Whether any formal complaint was filed or received (individually or as part of a group complaint) regarding use of force or other abuses by ICE, in which the individual was named as a victim or witness.
6. Any and all records of credible fear interviews conducted between 08/01/2020-1/19/2021 which reflect:

- a. The number of interviews conducted for all persons undergoing a credible fear interview, for all Cameroonians undergoing a credible fear interview;
  - b. The number of interviews passed, for all persons undergoing a credible fear interview and for all Cameroonians undergoing a credible fear interview; and
  - c. The number of interviews failed, for all persons undergoing a credible fear interview and for all Cameroonians undergoing a credible fear interview.
7. DOS policies, memos, directives, or guidance relating to removals of individuals into Areas of Conflict utilized from 08/01/2020-1/19/2021.
  8. DOS policies, memos, directives, or guidance relating to agency official communication with countries receiving removed persons utilized from 08/01/2020-1/19/2021.
  9. A complete list of acceptable travel documents required for individuals to be removed.
  10. Any and all DOS policies on retention of identity documents during the process of removal.
  11. Any and all DOS policies on the distribution or sharing of identity documents with Cameroon.
  12. DOS policies, memos, directives, or guidance relating to procedures for:
    - a. obtaining signatures from detainees to authorize removal; and
    - b. obtaining from receiving countries confirmation of a removed person's arrival.

7. By email dated May 4, 2021, IPS acknowledged receipt of Plaintiffs' FOIA request and assigned it Case Control Number F-2021-05632.

8. The Department engaged in discussions with the Plaintiffs regarding the expansive nature of Plaintiffs' request. Plaintiffs agreed to narrow the request. Plaintiffs' narrowed request sought:

1. For all FOIA requests pertaining to the removal of Cameroonians received from 08/01/2020-1/19/2021, documents sufficient to



show the name of each FOIA requester and the date of their request.

2. Any and all DOS email communications related to the removal of Cameroonians between 08/01/2020-1/19/21 in the custody of the Bureau of African Affairs, the Bureau of Consular Affairs, or the Bureau of Population, Refugees, and Migration.
3. DOS policy or guidance documents relating to the removal of individuals to Haiti, Cameroon, the Democratic Republic of the Congo, or Angola, which were in force from 08/01/2020-1/19/2021.
4. DOS policy or guidance documents relating to official State Department communications with Haiti, Cameroon, the Democratic Republic of the Congo, or Angola related to removed persons, which were in force from 08/01/2020-1/19/2021.
5. All DOS policy or guidance documents related to the retention of identity documents during the process of removal, which were in force from 08/01/2020-1/19/2021.
6. All DOS policy or guidance documents related to the distribution or sharing of identity documents with Cameroon, which were in force from 08/01/2020-1/19/2021.
7. DOS policy or guidance documents issued from 08/01/2020-1/19/2021 relating to procedures for:
  - a. obtaining signatures from detainees to authorize removal to Cameroon; and
  - b. obtaining from Cameroon confirmation of a removed person's arrival in Cameroon.

**FOIA Request F-2021-05639**

9. On April 26, 2021, Plaintiffs submitted a FOIA request to the

Department seeking:

1. Any and all records of communications between DOS and Charles R. Greene, Honorary Consul of Embassy of the Republic of Cameroon, regarding Cameroon, Cameroonians, or the removal of Cameroonians to Cameroon.

2. E-mails with ICE, DHS, EOIR, or BIA with the term:
  - a. “Cameroon” or “Cameroonian” between 08/01/2020-02/26/2021.

10. The Department engaged in discussions with the Plaintiffs regarding the nature of Plaintiffs’ request. Plaintiffs agreed to narrow the request. Plaintiffs’ narrowed request sought:

1. Any and all records of communications dated between 08/01/2020-02/26/2021 between DOS personnel from the Bureau of African Affairs, the Bureau of Consular Affairs, or the Bureau of Population, Refugees, and Migration, and Charles R. Greene, Honorary Consul of Embassy of the Republic of Cameroon, regarding the removal of Cameroonians to Cameroon.
2. Emails sent between 08/01/2020-02/26/2021 by DOS personnel from the Bureau of African Affairs, the Bureau of Consular Affairs, or the Bureau of Population, Refugees, and Migration to officials from ICE, DHS, EOIR, or BIA.

11. The Department made seven productions of responsive documents to Plaintiffs by letters dated: June 15, 2022, July 29, 2022, August 31, 2022, September 30, 2022, October 31, 2022, December 30, 2022, and January 31, 2023. (*See Exhibits 2-8.*)

## **II. THE SEARCH PROCESS**

12. When the Department receives a FOIA request, IPS evaluates the request to determine which offices, overseas posts, or other records systems within the Department may reasonably be expected to contain the records requested. This determination is based on the description of the records requested and a familiarity

with the holdings of the Department's record systems, applicable records disposition schedules, and the substantive and functional mandates of numerous Department offices and Foreign Service posts and missions.

13. Each office within the Department, as well as each Foreign Service post and mission, maintains files concerning foreign policy and other functional matters related to the daily operations of that office, post, or mission. These files consist generally of working copies of documents, information copies of documents maintained in the Central Foreign Policy Records collection, and other documents prepared by or furnished to the office in connection with the performance of its official duties, as well as electronic copies of documents and email messages.

14. When conducting a search in response to a FOIA request, the Department relies on the knowledge and expertise of the employees of each bureau, office, or post to determine the files and locations reasonably likely to house responsive records and the best means of locating such records, as these employees are in the best position to know how their files are organized. Likewise, those employees are also in the best position to determine which search terms would yield potentially responsive records, because they are most knowledgeable about the organization of the records systems in use.



15. Based on their knowledge of the responsibilities of the various Department components and systems, together with an evaluation of the subject matter of Plaintiffs' requests, IPS staff determined that the bureaus and systems within the Department reasonably likely to have records responsive to Plaintiffs' FOIA requests were the U.S. Embassy Yaounde and the eRecords Archive. IPS concluded that no other offices or systems were reasonably likely to maintain documents responsive to Plaintiffs' request.

**U.S. Embassy Yaounde**

16. In general, U.S. embassies and consulates conduct activities that are aimed at promoting U.S. foreign policy objectives and protecting U.S. interests overseas, including U.S. citizens abroad. These embassies and consulates employ Foreign Service Officers and Specialists as well as locally employed staff. Each embassy and consulate have unique staffing patterns and records management systems.

17. The Deputy Chief of Mission's Office Management Specialist ("OMS"), who was knowledgeable of both the FOIA request and the Embassy's Executive Office records systems, conducted a search of the office's unclassified and classified SharePoint sites using the following search terms: "ICE," "removal," "deport," or "deportation," with a date range of August 1, 2020, to January 19, 2021. The OMS also manually searched all paper files dated between August 1,

2020, and January 19, 2021, maintained by the DCM and the Ambassador's OMS for any documents responsive to the subject FOIA requests. No responsive records were located.

18. A Regional Security Officer, who was knowledgeable of both the FOIA request and the Regional Security Office's records systems, conducted a search of his email records, his individual electronic drive, and the office shared drive, on both the unclassified and classified networks, using the following search terms: "ICE," "removal," or "deportation," with a date range of August 1, 2020, to January 19, 2021. No responsive records were located.

19. The Political/Economic Section Chief, who was knowledgeable of both the FOIA request and Political/Economic Section's record systems, searched the unclassified and classified office shared drives and his unclassified and classified email records using the following search terms: "removal from United States," "removal policy," "Cameroon citizen removal," "ICE," or "removal," with a date range of August 1, 2020, to January 19, 2021.

20. The Consular Section Chief, who was knowledgeable of both the FOIA request and the Consular Section's records systems, searched the office's shared drives and files using the following search terms: "removal from United States," "removal policy," or "Cameroon citizen removal," with a date range of August 1, 2020, to January 19, 2021.

### eRecords Archive

21. The eRecords Archive is the Department's central repository for storing permanent electronic records transferred to the Bureau of Administration such as correspondence, diplomatic notes, cables, all emails sent and received on the State.gov network since January 1, 2017, and retired records transferred to the Bureau of Administration in digital form, including the pre-2017 email records of certain former senior officials. The eRecords archive is searchable, returning qualifying hits as they pertain to the query performed by the end user utilizing Boolean inputs, advanced filtering options, and various sort options. The eRecords Archive further allows users to export copies of records into the Department's case management system for review and processing.

22. A Government Information Specialist, who was knowledgeable of both the FOIA requests and eRecords Archive system, conducted a search of the archive for any emails to or from<sup>1</sup> employees in the Bureau of Consular Affairs, the Bureau of Population, Refugees, and Migration, or the Bureau of African Affairs; any retired files belonging to employees in the Bureau of Consular Affairs, the Bureau of Population, Refugees, and Migration, or the Bureau of African Affairs; or cables. The Specialist used the following search terms: "Cameroon

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<sup>1</sup> These searches would include, to, from, cc, and bcc lines.



remove”~5<sup>2</sup> OR “Cameroon removal”~5 OR “Cameroonian remove”~5 OR  
“Cameroonian removal”~5 OR “Cameroon repatriation”~5 OR “Cameroonian  
repatriation”~5 OR “Cameroon repatriate”~5 OR “Cameroonian repatriate”~5 OR  
“Cameroon repatriating”~5 OR “Cameroonian repatriating”~5 OR “Cameroon  
manifest”~5 OR “Cameroonian manifest”~5 OR “Cameroon Omni”~5 OR  
“Cameroonian Omni”~5 OR “Cameroon illegal”~5 OR “Cameroon illegals”~5 OR  
“Cameroonian illegal”~5 OR “Cameroonian illegals”~5 OR “Cameroon alien”~5  
OR “Cameroon aliens”~5 OR “Cameroonian alien”~5 OR “Cameroonian  
aliens”~5 OR “N225AX” OR “N207XA” OR “ET 501” OR “ET 905”, with a date  
range of August 1, 2020 to February 26, 2021.

**III. FOIA EXEMPTIONS CLAIMED FOR REQUESTS**  
**F-2021-05632 & F-2021-05639**

**FOIA Exemption 5 – Privileged Information**

23. 5 U.S.C. § 552(b)(5) states that the FOIA does not apply to:

Inter-agency or intra-agency memoranda or letters which would not  
be available by law to a party other than an agency in litigation with  
the agency....

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<sup>2</sup> Search terms in the format (“[Word 1] [Word 2]”~5) operate as proximity searches in eRecords and will return any records where [Word 1] and [Word 2] appear within five words of one another.

24. FOIA Exemption 5 protects from disclosure information that is normally privileged in the civil discovery context, including information that is protected by the deliberative process privilege.

*Deliberative Process Privilege*

25. As detailed in the attached *Vaughn* Index (Exhibit 1), the Department continues to withhold information in records responsive to Plaintiffs' requests under FOIA Exemption 5 pursuant to the deliberative process privilege. The deliberative process privilege protects the confidentiality of candid views and advice of U.S. Government officials in their internal discussions related to policy formulation and administrative direction. The information the Department withheld pursuant to the deliberative process privilege reflects the internal exchange of ideas and recommendations that occurred when Government officials were formulating strategies for bilateral and foreign engagement pertaining to certain prominent policy events.

26. The material withheld by the Department under FOIA Exemption 5 includes diplomatic security concerns, proposed foreign policy engagement points, and email discussions on the foreign policy implications of returning Cameroonians. Email discussions are the most common method of communication used by lower-level subject matter experts for a more senior official's decision-making. The email discussions facilitated various bureaus within the Department

identifying policy concerns, potential options, and likely consequences of U.S. Government actions in regard to the Cameroonians. These discussions may not reflect the decisions actually made or the policy positions ultimately taken. Often, these email chains reflect policy proposals debated and abandoned as the Department worked through the range of available options.

27. The withheld information pursuant to Exemption 5 is pre-decisional because these documents and email discussions were prepared and exchanged prior to the Department officials' determining the policy response the Department would adopt. Deliberations about the Cameroonian deportation issue, U.S. foreign policy concerns, and ancillary issues often take place in the context of broader discussions of accompanying policy strategies and the underlying policy actions at issue. In a number of instances, the information withheld by the Department reflects deliberations about these related matters. The information and pre-decisional policy discussion is sensitive because of potential diplomatic effects of announcing such discussions that never materialized into actual U.S. foreign policy.

28. Disclosure of the views and advice offered during internal discussions pertaining to an agency decision and/or policy formulation, and related bilateral engagement strategies, would result in foreseeable harm by inhibiting the flow of internal recommendations, candid assessments, and other necessary exchanges, in which Government officials are involved. It would therefore hamper the ability of



responsible officials to formulate and carry out executive branch programs.

Release of these preliminary comments, opinions, ideas, and recommendations could also cause public confusion as to what constitutes a final agency decision.

The withheld information is, accordingly, exempt from release under Exemption 5 pursuant to the deliberative process privilege.

**FOIA Exemptions 6 and 7(C) – Personal Privacy**

29. 5 U.S.C. §552(b)(6) states that the FOIA does not apply to

...personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy....

30. Courts have interpreted the language of FOIA Exemption 6 broadly to encompass all information that applies to an individual without regard to whether it was located in a particular type of file. Inasmuch as information withheld under Exemption 6 identifies a specific individual, a personal privacy interest exists in the information. I am required, therefore, to determine whether there exists any public interest in disclosure and, if a public interest is implicated, to weigh any such interest against the privacy interest to determine whether disclosure would constitute a clearly unwarranted invasion of personal privacy.

31. FOIA Exemption 7, 5 U.S.C. § 552(b)(7), protects from disclosure all “records or information compiled for law enforcement purposes” that could reasonably be expected to cause one of the six harms outlined in the exemption’s

subparts. The law to be enforced for Exemption 7 purposes includes administrative, regulatory, civil, and criminal law. Records pertaining to routine agency activities can qualify for Exemption 7 protection when those activities involve a law enforcement purpose. Although the records must be created for some law enforcement purpose, there is no requirement that the matter culminate in actual administrative, regulatory, civil, or criminal enforcement proceedings.

32. Before an agency can invoke any of the harms enumerated in Exemption 7, it must first demonstrate that the records or information at issue were compiled for law enforcement purposes. The Bureau of Diplomatic Security (“DS”) is the security and law enforcement arm of the U.S. Department of State. DS compiled the law enforcement information over which the Department has asserted Exemption 7. Therefore, these records meet the threshold requirement of Exemption 7, as they serve law enforcement purposes.

33. FOIA Exemption 7(C) is the law enforcement counterpart to Exemption 6 and protects the privacy interests of all persons mentioned in law enforcement information. Exemption 7(C) provides protection for law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C).

34. The Department withheld information in records responsive to Request F-2019-05561 pursuant to FOIA Exemptions 6 and 7(C) to protect the

personal privacy interests of individuals. Specifically, the Department withheld information that would reveal the identities of the government officials who served within DS, U.S. Immigration and Customs Enforcement (“ICE”), and regional subject matter experts. As to all the information withheld pursuant to FOIA Exemption 6, I have concluded that (1) an individual has a privacy interest in the information withheld; and (2) disclosure of the information would not serve the “core purpose” of the FOIA, i.e., it would not disclose information about “what the government is up to.”

35. The officials whose identities have been withheld are career civil service employees and mid-level foreign service officers. In some records the identities of policy experts have been withheld whose duties include maintaining subject matter expertise about the states and regions where certain U.S. policy discussions may be sensitive. Public association of a specific official with comments he or she makes with the expectation of anonymity could expose the individual to unwanted and detrimental attention, particularly in the conduct of their official duties.

36. The information withheld under Exemption 7(C) concerned the names, email addresses, and contact information of DS personnel and ICE employees who are federal law enforcement officers. The revelation of this information would warrant an invasion of privacy and subject these individuals to



personal and professional scrutiny that could impede the fulfillment of their role within their agencies domestically and aboard. For this reason, the Department redacted the information, but identified DS and ICE as having an involvement in the concerned records.

#### **IV. CONCLUSION**

37. In summary, the Department retrieved 476 pages of records responsive to the Plaintiffs' FOIA requests. Of those records, 65 pages were released in full, 349 pages were released in part, and 7 pages were withheld in full.

38. The Department has carefully reviewed all the documents addressed herein and has segregated exempt from non-exempt information where reasonably possible. Otherwise, the Department determined that no further meaningful information can be segregated without disclosing information warranting protection under the law.

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I declare pursuant to 28 U.S.C. § 1746 and under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 21<sup>st</sup> day of April 2023, Charleston, S.C.

Susan C. Weetman

Susan C. Weetman