# Exhibit 1

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Heritage Foundation,	)
Mike Howell,	)
Plaintiffs,	)
V.	) Civil Action No. 23-cv-1198 (CJN)
Department of Homeland Security,	)
Defendant.	) )

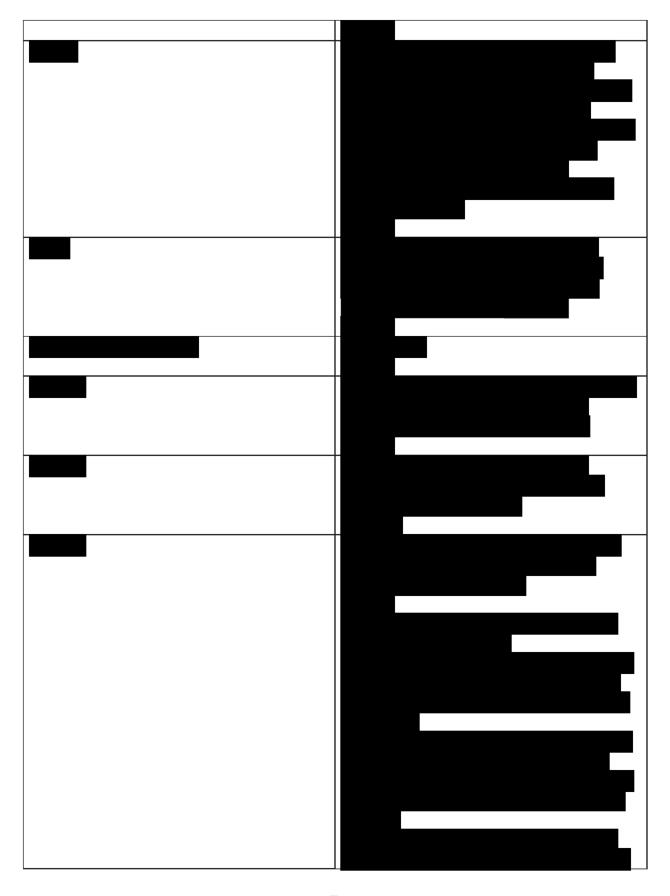
#### IN CAMERA, EX PARTE DECLARATION OF JARROD PANTER

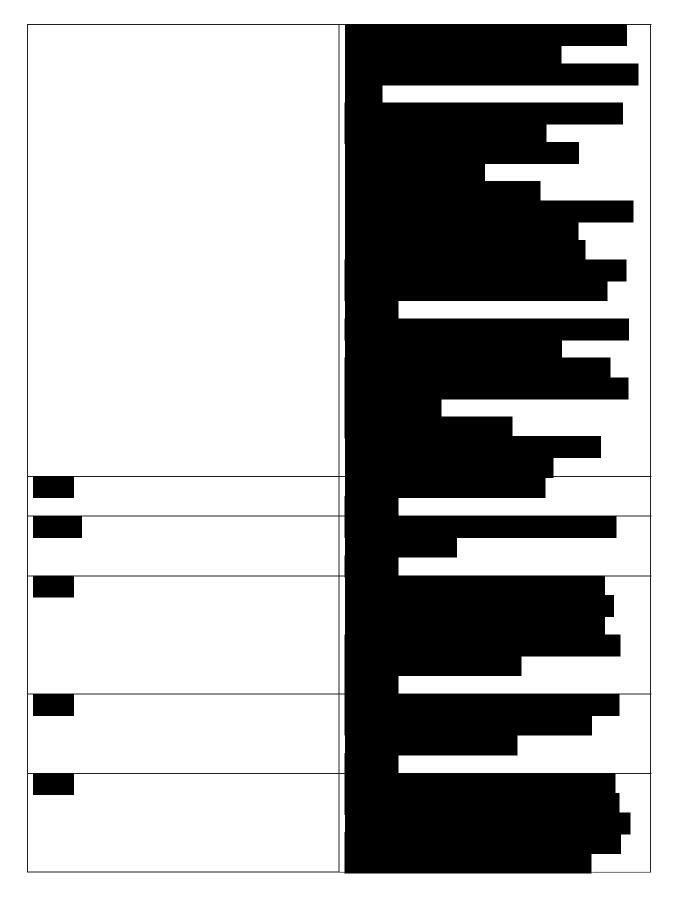
I, Jarrod Panter, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

- 1. As stated in my public declaration dated August 25, 2023 (ECF No. 23-3), I am the Acting Associate Center Director and Chief FOIA Officer in the Freedom of Information and Privacy Act ("FOIA/PA") Unit, National Records Center ("NRC"), United States Citizenship and Immigration Services (USCIS), within the United States Department of Homeland Security ("DHS"), in Lee's Summit, Missouri. Additional information regarding my background and relevant FOIA experience is provided in my public declaration filed in this case.
- 2. This *in camera, ex parte* declaration is being provided in response to the Court's Order of March 7, 2024 (ECF No. 38) directing the Defendant to submit to the Court "*in camera* a declaration or declarations that detail, with particularity, the records it is withholding and the particular harm that would arise from public disclosure of them." *Id.*
- 3. Per the Court's order, in the chart below, are detailed descriptions of the documents identified by USCIS's FOIA office as responsive to Plaintiffs' request that are being withheld in full per Exemption 6, 5 U.S.C. § 552(b)(6) based on the privacy interests of the Duke of Sussex.

The documents are listed in the chart below in the order in which they were scanned into the USCIS's FOIA processing system.

DATE OF DOCUMENT	DESCRIPTION









4.	As the documents reflect,		
			1

#### Documents Withheld in Full

5. As explained in USCIS's public declaration, USCIS has determined that all records responsive to Plaintiffs' FOIA request are categorically exempt from disclosure pursuant to FOIA Exemption 6 and in part based on Exemptions (b)(7)(C) and (b)(7)(E), 5 U.S.C. § 552(b)(7)(C) and (b)(7)(E). This declaration further explains Exemption 6 in response to the Court's order.

<sup>&</sup>lt;sup>1</sup> USCIS attached relevant documents reflecting the Duke's immigration status

# Exemption 6

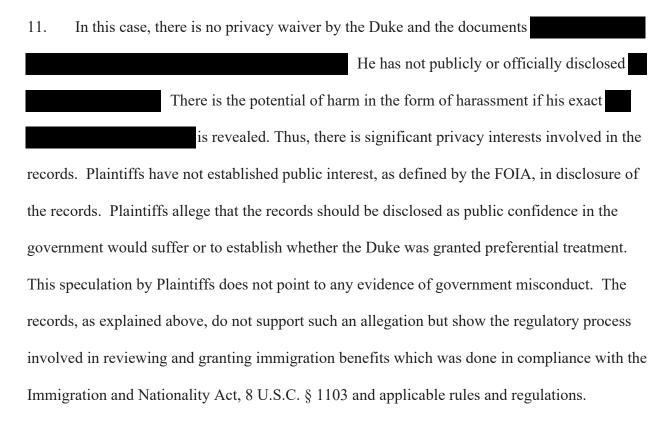
6.	Exemption 6 of the FOIA protects "personnel and medical files and similar files the
disclos	sure of which would constitute a clearly unwarranted invasion of personal privacy." 5
U.S.C.	§ 552(b)(6). Exemption 6 has been applied to the records responsive to Plaintiffs' request
becaus	se to publicly reveal the above-described documents or any portion of these documents
would	reveal in violation of his right to privacy.
7.	As explained in USCIS's public declaration, specific details regarding these records or
the vol	lume of the records could not be disclosed as the records would show
	USCIS determined that it was not possible to release any
record	or any portion of the records as it would allow someone with any familiarity with
immig	ration law to determine for the Duke in the United States.
USCIS	S routinely protects from disclosure the nonimmigrant/immigrant status sought by third

parties who do not have permission from the beneficiary to receive this information. To release such information would potentially expose the individual to harm from members of the public who might have a reason to manipulate or harass individuals depending on their status in the United States. Further, USCIS determined that to release the specific information for the Duke

To release his exact status could subject him to reasonably foreseeable harm in the form of harassment as well as unwanted contact by the media and others.

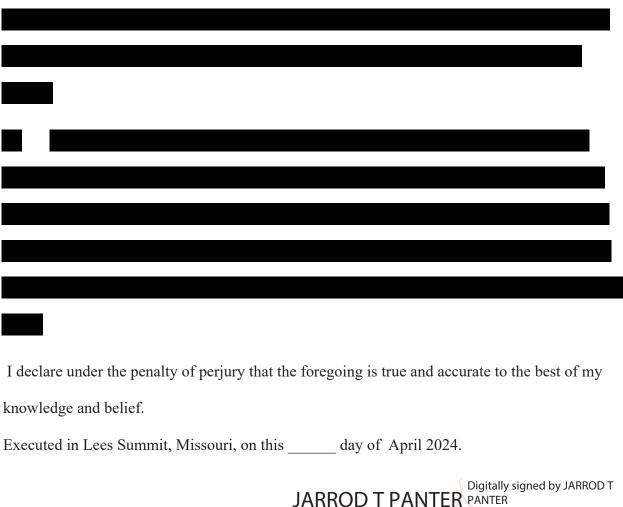
- 8. The records also contain very specific private and personal information including specific file and record identifiers in the records,
- 9. Under Exemption 6, once an agency identifies privacy interests, even if those privacy interests are lessened or diminished, they are balanced against the public interest in disclosure. Public interest, as defined by FOIA, is that which sheds light on the activities of the agency. As stated in the USCIS's public declaration, in most cases, there is no discernable public interest in the disclosure of nonimmigrant/immigrant records because disclosure of private information in USCIS files regarding specific individuals does not shed light on the activities of USCIS, and as a result would constitute a clearly unwarranted invasion of their personal privacy.
- 10. The Plaintiffs bear the burden of establishing that the public interest in disclosure outweighs an individual's personal privacy interests in their information and that a significant public benefit would result from the disclosure of the individual's records. Moreover, a requester who asserts a government misconduct public interest must produce evidence that would be deemed believable by a "reasonable person" for there to exist a counterweight on the

FOIA scale to allow USCIS to balance against cognizable privacy interests in the requested records. A Plaintiff who alleges government misconduct as justification for disclosure must put forward compelling evidence that the agency denying the FOIA request is engaged in illegal activity and shows that the information sought is necessary to confirm or refute that evidence.



#### GLOMAR Response on Item 3 of Plaintiffs' Request

12.	With regard to item 3 of Plaintiffs' request seeking any information related to a waiver
under	Section 212(d)(3) of the INA,



JARROD T PANTER PANTER Date: 2024.04.03 09:12:54 -05'00'

Jarrod Panter Acting Associate Center Director Freedom of Information Act & Privacy Act Unit USCIS National Records Center