



Issue One
1401 K Street NW
Washington, D.C. 20005

December 18, 2025

U.S. Department of State
Office of Information Access Liaison, A/SKS/IAP/IAL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-000

RE: **Request under the Freedom of Information Act (Expedited Processing & Fee Waiver/Limitation Requested)**

Dear FOIA Officer:

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 submitted on behalf of Issue One¹ to the U.S. Department of State.

Issue One seeks records from the bureau dated between January 20, 2025 and December 5, 2025 concerning increased vetting of applicants of H-1B visas for highly skilled workers that work in the technology sector “involved in the suppression of protected expression” or “censorship of free speech.”

I. **Records Requested:**

Issue One requests the following records:

- A. All versions of and attachments to the memo reported on by Reuters sent to the Department of State from President Trump’s administration on or around December 2, 2025, directing U.S. consular offices to scrutinize H-1B applicants who work on activities like misinformation, disinformation, content moderation, fact-checking, compliance, and online safety.²
- B. All guidance, memoranda, final directives, policies, and other documents dated between January 20, 2025 and December 5, 2025, that mention, reference, or relate to the decision to restrict visas to foreign officials and persons who, according to the view of the administration, are “complicit in censoring Americans.”
- C. All guidance, memoranda, final directives, policies, and other documents dated between January 20, 2025 and December 5, 2025, that mention, reference, or relate to the Department of State’s criteria or guidance for determining whether an applicant should be subject to additional scrutiny because of their work on activities related to

¹ Issue One is a bipartisan, 26 U.S.C. § 501(c)(3) nonprofit organization that works to educate the public and pass legislation on Capitol Hill to bolster U.S. elections, build a healthier digital information environment for our democracy, strengthen ethics and accountability, and limit the influence of money in politics.

² <https://www.reuters.com/world/us/trump-administration-orders-enhanced-vetting-applicants-h-1b-visa-2025-12-04/>



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misinformation, disinformation, content moderation, fact-checking, compliance, and online safety.

This request excludes agency records consisting solely of news articles, press clippings, and other publicly-available materials, unless they include accompanying discussion by agency officials.

Where a record contains information that falls into either of the categories described above, we seek the entirety of that document. Issue One requests that the agency disclose all segregable portions of otherwise exempt records. *See 5 U.S.C. § 552(b).* Please provide responsive electronic records in their native file format. *See 5 U.S.C. § 552(a)(3)(B).* If the records are not producible in that format, please provide the records electronically in a text-searchable, static-image format (e.g., PDF) and in the best image quality in the agency's possession.

II. Background

On December 4, 2025, Reuters and the Associated Press reported that President Trump's administration issued an internal memo to the Department of State stating that any applicant involved in "censorship" of free speech should be considered for rejection from an H-1B visa for highly skilled workers. U.S. consular officers were reportedly directed to scrutinize the resumes and LinkedIn profiles of applicants to identify whether they worked in areas such as misinformation, disinformation, content moderation, fact-checking, compliance, and online safety, among others.³

In May, Secretary of State Marco Rubio announced that the Department of State would begin implementing a policy to restrict visas from being issued to "foreign officials and persons who are complicit in censoring Americans."⁴ The policy decision was made against the backdrop of the administration's criticism of tech companies' and civil society organizations' efforts to moderate content online and promote trust and safety.

III. Request for Expedited Processing

Issue One requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). There is a "compelling need" for the identified records, as defined in the statute, because "there exists an urgency to inform the public concerning actual or alleged Federal Government activity" and "failure to release the information would impair substantial due process rights or harm substantial humanitarian interests."

Issue One is entitled to expedited processing because it is primarily engaged in disseminating information to the public. Issue One is recognized as a 26 U.S.C. § 501(c)(3) nonprofit whose mission includes educating the public, the press, and policymakers to better understand the functions of the federal government. The public has an urgent need to understand the scope, legal basis, and implementation of this policy shift, especially as it concerns high-skilled immigration, content moderation, and the

³ <https://www.reuters.com/world/us/trump-administration-orders-enhanced-vetting-applicants-h-1b-visa-2025-12-04/>

⁴ <https://x.com/SecRubio/status/1927729522855600365>



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administration’s use of visa authority. Without expedited processing, the public will lack timely access to critical information necessary to evaluate the legality and impact of these policy decisions on due process, nondiscrimination principles, and on the functioning of federal agencies.

Additionally, failure to promptly release the requested information also risks “substantial harm to humanitarian interests.” Individuals who work in trust and safety, content moderation, and related fields, routinely engage in efforts to mitigate some of the most serious online harms, including child sexual abuse, human trafficking, organized criminal activity, terrorism, drug trafficking, and other forms of exploitation. These professionals collaborate with law enforcement, civil society, and international partners to identify threats, remove dangerous and illegal content, and protect vulnerable populations. Restricting the movement of experts in these areas endangers U.S. national security and victims who rely on trust and safety infrastructure to remain protected. Expedited disclosure is essential to enable the public and affected applicants to understand the scope and operation of the reported policy and to assess its humanitarian consequences.

IV. Request for Waiver of Fees

In accordance with 5 U.S.C. § 552(a)(4)(a) and applicable agency regulations, Issue One requests a waiver of fees associated with processing this request for records. The requested information concerns the operations and activities of the federal government, and its disclosure will contribute significantly to public understanding of those operations. The request is made for noncommercial purposes and is intended solely to inform the public. *See e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Issue One is a nonprofit, bipartisan organization recognized under 26 U.S.C. § 501(c)(3). Our work is dedicated to strengthening democratic institutions, reducing the influence of money in politics, and protecting the nation’s information ecosystem from foreign and domestic threats. Consistent with this mission, we regularly produce public-facing research, analysis, and educational materials that help the public, the press, and policymakers better understand the functions of the federal government. Issue One will make any information disclosed through the FOIA process available to the public at no cost. Thus, a fee waiver would fulfill Congress’ legislative intent in amending FOIA to ensure “that it will be liberally construed in favor of waivers for noncommercial requestors.” *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003).

Issue One also requests a waiver of search and review fees on the grounds that it is a “representative of the news media” within the meaning of FOIA and the records sought are not for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). Issue One meets the statutory definition of a “representative of the news media” because it gathers information of potential interest to a segment of the public, uses its editorial skills to transform that information into distinct information products, and



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disseminates that work to an audience.⁵ 5 U.S.C. § 552(a)(4)(A)(ii). Courts have also found other nonprofit organizations, whose mission of research and public education is similar to that of Issue One, to be representatives of the “news media.” *See e.g.*, *Cause of Action v. IRS*, No. 13-0920, 2015 WL 5120863 (D.C. Cir. Aug. 28, 2015).

V. Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at isunderland@issueone.org. If Issue One’s request for a fee waiver is denied, please contact me immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to isunderland@issueone.org or as needed by mail to:

Isabel Sunderland
Issue One
1401 K Street NW, Suite 350
Washington, D.C., 20005

Submitted,

/s/ Isabel Sunderland
Policy Lead, Technology Reform
Issue One

⁵ In *Nat'l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) the court found that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA.