

Geoffrey T. Blackwell, Esq.
AMERICAN ATHEISTS
P.O. Box 58637
Philadelphia, PA 19121
gblackwell@atheists.org
(908) 603-8787

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

AMERICAN ATHEISTS,
225 Cristiani St.
Cranford, NJ 07016,

Plaintiff,

v.

**U.S. CITIZENSHIP AND IMMIGRATION
SERVICES,**
5900 Capital Gateway Dr.
Camp Springs, MD 20588-0009,

Defendant.

Civil Action No.: _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This Freedom of Information Act (“FOIA”) lawsuit seeks the release of U.S. Citizenship and Immigration Services (“USCIS” or the “Service”) records pertaining to the Service’s administration of R-1 visas. USCIS’s apparent failure to oversee the R-1 visa program and adequately monitor entities employing R-1 visa holders has enabled religious entities to engage in nothing short of human trafficking and forced labor. Plaintiff American Atheists sought records that USCIS is statutorily required to create and maintain. USCIS responded with extreme delay and legally deficient responses.

2. For at least three decades, the federal government has been aware that the religious worker visa program, including R-1 visas, is highly susceptible to fraud and abuse. One 2006 report from USCIS concluded that nearly a third of the cases examined involved some form of fraud.

3. The R-1 visa program began to receive heightened public scrutiny in 2021 and 2022 after two high-profile instances of religious entities abusing the program became public.

4. In May of 2021, a group of Indian nationals working at a temple belonging to a Hindu sect in New Jersey filed a lawsuit alleging a decade-long pattern of fraud, human trafficking, and forced labor. The sect, Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha (BAPS), obtained R-1 visas for individuals whom it then put to work 7 days a week, 83 hours a week, for wages of approximately \$1.20 per hour. The FBI began an investigation into the sect but the Trump administration abandoned that investigation in September of 2025.

5. On September 8, 2022, New York Magazine published an expose describing how the Church of Scientology utilized the R-1 visa program to traffic individuals into the country for

forced labor over a period of at least three decades.

6. On December 2, 2022, American Atheists submitted a FOIA request to USCIS seeking records of the Service's statutorily mandated oversight of employers of R-1 visa holders.

7. For three years, American Atheists got no response to its request. When USCIS finally did produce records, it produced a single spreadsheet with most of the data redacted. American Atheists' appeal of the deficient response has remained unresolved for months.

8. American Atheists brings this action seeking injunctive and other appropriate relief against Defendant USCIS to compel compliance with the Freedom of Information Act, 5 USC § 552 ("FOIA").

Jurisdiction and Venue

9. This Court has subject-matter and personal jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

10. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

Parties

11. Plaintiff American Atheists is a 501(c)(3) nonprofit organization incorporated in the State of New Jersey.

12. Defendant U.S. Citizenship and Immigration Services is a component of DHS and is an agency within the meaning of 5 U.S.C. § 552(f)(1).

Widespread Abuse of the R-1 Visa Program

13. On May 11, 2021, a group of Indian nationals who were brought to the U.S. under R-1 visas filed suit against Bochasawanasi Shri Akshar Purushottam Swaminarayan Sanstha (BAPS), Inc. and several other religious entities belonging to the BAPS Hindu sect. *See*

generally Complaint, *Kumar, et al. v. Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha, et al.*, 3:21-cv-11048-AET-TJB, Dkt. # 1 (D.N.J. May 11, 2021). The Indian nationals alleged that the organizations gained R-1 visas for them under false pretenses, confiscated their immigration documents, and forced them to perform manual labor for 12-and-a-half hours per day, seven days a week, at an effective rate of \$1.20 per hour. *Id.* at ¶ 3. The religious entities and the individuals running them allegedly engaged in these forced labor practices and human trafficking for a decade or more without drawing the attention of USCIS or other law enforcement. *See generally Id.*

14. On or about May 11, 2021, the same day that the Indian nationals filed their lawsuit, the FBI began an investigation into the BAPS sect for violations of the Trafficking Victims Protection Act, the Fair Labor Standards Act, and other statutes. *See generally* Letter from Paul J. Fishman, *Kumar*, Dkt. # 81 (Sept. 18, 2025). The Trump administration closed the investigation on or about September 15, 2025. *Id.*

15. On September 8, 2022, New York Magazine published an exposé alleging that, over a period of decades, the Church of Scientology engaged in abuses similar to those of BAPS. Kevin Dugan, “How Scientology Exploits Foreign Workers,” New York Magazine (Sept. 8, 2022), <https://nymag.com/intelligencer/2022/09/scientology-immigration-labor.html>.

16. In addition to these two high-profile examples, over the course of three decades at least three federal agencies have examined the religious worker visa program and found it to be particularly susceptible to fraud and abuse. *See generally* Management Advisory Report: R-1 Religious Workers’ Use of Social Security Numbers, Social Security Administration (March 2009); Religious Worker Benefit Fraud Assessment Summary, USCIS (July 2006); Visa

Issuance: Issues Concerning the Religious Worker Visa Program, U.S. General Accounting Office (March 1999).

17. In 2009, the Service started the Administrative Site Visit and Verification Program “to assess whether petitioners and beneficiaries comply with applicable immigration laws and regulations.” Administrative Site Visit and Verification Program, USCIS (accessed October 19, 2026), <https://www.uscis.gov/about-us/organization/directorates-and-program-offices/fraud-detection-and-national-security-directorate/administrative-site-visit-and-verification-program>.

18. Prior to March 2, 2023,¹ the Service’s Policy Manual stated that it “conducts pre-approval compliance reviews on *all* petitioners for religious workers.” Policy Manual, USCIS, at Vol. 2, Part O, Ch. 3(C)(1) (Nov. 23, 2021), https://niwaplibrary.wcl.american.edu/wp-content/uploads/Policy-Manual-_USCIS.pdf. At the time, the Policy Manual stated that “[s]atisfactory completion of the pre-approval compliance review, which can include an on-site inspection, is a condition for approval of the petition.” *Id.* Such compliance reviews could include, among other things, site visits of the organization’s facilities, including places of worship, headquarters, or satellite locations; interviews with the organization’s officials; verification that the organization was in compliance with immigration laws and regulations; and any other pertinent materials. *Id.*

American Atheists’ FOIA Request and the Department’s Response

19. On December 2, 2022, American Atheists submitted to USCIS a FOIA request (“Request”) for records generated in the course of the Service’s mandated monitoring of R-1 visa employers.

20. The Request sought “[a]ll nonexempt records of inspections, evaluations,

¹ On March 2, 2023, the Service issued a Policy Alert removing the section that made pre-approval compliance reviews mandatory. Policy Alert, USCIS (March 2, 2023), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20230302-ReligiousWorkers.pdf>.

verifications, and compliance reviews conducted by the agency between January 1, 2018 and January 1, 2020 and evaluating the current or prospective employer of an R-1 petitioner.”

21. Subsequently on December 2, 2022, USCIS acknowledged receipt of the Request, assigned it control number COW2022006077, and assigned it to the “complex track.”

22. American Atheists received no further communication from USCIS regarding the request until January 22, 2026, when it received a letter inquiring whether it was still interested in the requested records. American Atheists responded that it was still interested in the records.

23. On April 9, 2026, USCIS produced a single document in response to American Atheists’ Request: a spreadsheet containing basic information pertaining to approximately 6,000 R-1 visa holders and their employers with various cells and columns redacted (the “Response”). USCIS also provided a letter explaining the nature of the redactions in the Response.

24. The unredacted data recorded in the Response includes, among other things:

- a) The employer and/or employee’s status as either “compliant,” or, if not compliant, the nature of the deficiency (“material misrepresentation,” “not started working,” “wages,” “no physical location,” etc.) and
- b) Whether a site visit was completed and, if unsuccessful, the (redacted) reason it was not successful.

25. This information contained in the Response demonstrates that, for the corresponding applicants and employers, at least some documents were obtained and/or generated by the Agency in the course of ensuring employers’ and/or employees’ compliance with the R-1 visa program’s requirements.

26. USCIS retains records of R-1 visa holders’ employers for at least 10 years.

27. None of the records sought in the Request were more than 10 years old at the time of either the Request or the Response.

28. Based on both USCIS's own Policy Manual then in effect and the information contained in the Response, additional records responsive to the Request exist but USCIS did not produce these documents, nor did the Response include a list of withheld records with a justification for withholding each in its entirety.

29. On July 8, 2026, American Atheists filed an administrative appeal of the Service's failure to adequately respond to the Request, asking that USCIS produce any additional responsive records in its possession and, to the extent that any portion of any document falls within the scope of an exemption, identify the nature of the exemption and the amount of information redacted.

30. As of the date of this filing, more than three months have passed and American Atheists has received no response to its administrative appeal.

CLAIMS FOR RELIEF

COUNT ONE

Freedom of Information Act, 5 U.S.C. § 552 (Failure to Respond)

31. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs as if fully set forth herein.

32. USCIS's failure to produce records in its possession and responsive to American Atheists' Request violates the FOIA, 5 U.S.C. §552(a)(6)(A) and (B), and the Service's corresponding regulations.

33. USCIS has no legal justification for failing to produce responsive records within

the time allowed by the FOIA.

34. Plaintiff is therefore entitled to injunctive and declaratory relief requiring USCIS to produce the requested records to Plaintiff.

COUNT TWO
Freedom of Information Act, 5 U.S.C. § 552
(Failure to Conduct a Reasonable Search)

35. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs as if fully set forth herein.

36. USCIS's failure to conduct a reasonable search for records sought by the Request violates FOIA, 5 U.S.C. § 552(a)(3), and the Service's corresponding regulations.

37. USCIS failed to search the appropriate offices and failed to request records from the Service's officials likely to possess responsive records.

38. USCIS has no legal justification for failing to conduct a reasonable search for responsive records within the time allowed by the FOIA.

39. Plaintiff is therefore entitled to injunctive and declaratory relief requiring USCIS to produce the requested records to Plaintiff.

COUNT THREE
Freedom of Information Act, 5 U.S.C. § 552
(Wrongful Withholding of Records)

40. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs as if fully set forth herein.

41. USCIS is wrongfully withholding records by failing to produce non-exempt records responsive to Plaintiff's Request and failing to segregate (or redact) exempt materials and produce non-exempt records responsive to Plaintiff's Request.

42. USCIS's failure to promptly make available the records sought by the Request violates FOIA, 5 U.S.C. § 552(a)(3)(A), and the Service's corresponding regulations.

43. USCIS has no legal justification for withholding nonexempt material in responsive records as required by the FOIA.

44. Plaintiff is therefore entitled to injunctive and declaratory relief requiring USCIS to produce the requested records to Plaintiff.

COUNT FOUR
Freedom of Information Act, 5 U.S.C. § 552
(Failure to Respond to Administrative Appeal)

45. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing paragraphs as if fully set forth herein.

46. USCIS's failure to timely respond to American Atheists' administrative appeal violates FOIA, 5 U.S.C. § 552(a)(6)(A), and the Service's corresponding regulations.

47. USCIS has no legal justification for failing to respond to Plaintiff's administrative appeal within the time required by the FOIA.

48. Plaintiff is therefore entitled to injunctive and declaratory relief requiring USCIS to produce the requested records to Plaintiff.

Requested Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Order the Service to produce all records responsive to the Request within 20 days of the Court's Order, or by such other date as the Court deems appropriate;

B. Declare unlawful USCIS's failure to respond as required by the FOIA and enjoin USCIS from continuing to withhold records responsive to the Request;

C. Award Plaintiff its costs and reasonable attorney fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d)(1)(A); and

D. Grant such other relief as the Court may deem just and proper.

Dated: October 20, 2026
Philadelphia, Pennsylvania

Respectfully Submitted,

/s/ Geoffrey T. Blackwell
Geoffrey T. Blackwell, Esq.
NJ# 120332014