

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PUBLIC CITIZEN,
1600 20th Street NW
Washington, DC 20009,

Plaintiff,

v.

U.S. CUSTOMS AND BORDER PROTECTION,
1300 Pennsylvania Avenue NW
Washington, DC 20229,

Defendant.

Case No. 26-1647

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Public Citizen brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel Defendant U.S. Customs and Border Protection (CBP) to produce records responsive to a FOIA request submitted by Public Citizen about CBP's communications related to labor conditions and migrant labor in the Dominican Republic sugar industry.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).
3. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff Public Citizen is a nonprofit organization based in Washington, DC. Public Citizen submitted the FOIA request at issue in this action.

5. Defendant CBP is an agency of the United States. CBP has possession of and control over the records that Plaintiff seeks.

STATEMENT OF FACTS

6. On November 23, 2022, CBP issued a “Withhold Release Order,” directing CBP personnel at all U.S. ports of entry to detain raw sugar and sugar-based products produced in the Dominican Republic by Central Romana Corporation Limited (Central Romana), based on information indicating the use of forced labor in Central Romana’s operations.

7. On March 17, 2025, without issuing any public justification, CBP rescinded the Withhold Release Order, allowing Central Romana to resume importing sugar into the United States.

8. On June 17, 2025, Public Citizen submitted a FOIA request to CBP via the agency’s SecureRelease Portal. The request sought all records in the possession of CBP, from January 1, 2022, through the date of the search, reflecting communications related to, or referencing: Central Romana; Florida Crystals Corporation; labor conditions and migrant labor in the Dominican sugar industry; the Withhold Release Order against Central Romana; Corporate Accountability Lab (CAL); and the Tariff Act Advocates Group (TAAG).

9. The request specified that responsive records would include, but were not necessarily limited to, the following:

- (1) All records relating to, or referencing, the Withhold Release Order against Central Romana, including documents and correspondence relating to, or referencing, its issuance in November 2022 and its modification in March 2025.
- (2) All correspondence and records of all meetings between current and former CBP employees and current and former employees or representatives of Central Romana, including but not limited to José Fanjul Sr., also known as Pepe Fanjul Sr.; José Fanjul Jr., also known as Pepe Fanjul Jr.; Alfonso Fanjul, also known as Alfy Fanjul; Ramón Menéndez; Eduardo Martínez-Lima Gonzalvo; Leonardo Matos García; Jorge A. Sturla Ferrer; Eladio Uribe; Brenda Tirado; Isamis Santana Oguete; Víctor J. Catedral; and Jesus Zorilla.
- (3) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees

and current and former employees, partners, or representatives of Akin Gump Strauss Hauer & Feld LLP (Akin Gump), including but not limited to Suzanne Kane; Brian Patterson; Brian Pomper; James Tysse; Sarah B.W. Kirwin; Shannon Jackenthal; Virgil A. Miller; and Melissa Laurenza.

- (4) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and current and former employees or representatives of Continental Strategy, LLC, including but not limited to former Ambassador to the Organization of American States Carlos Trujillo; Alberto Martinez; Sonya Besteiro; Alex Garcia; and Alyssa Specht Garcia.
- (5) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and current and former employees, partners, or representatives of Patino Brewster & Partners LLC, including but not limited to Brandon Maxey; Philippe Furstenberg; former Ambassador of the United States to the Dominican Republic James Walter Brewster, also known as Wally Brewster; and Ralph Patino.
- (6) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and current and former employees, partners, or representatives of Barsa Strategies, including but not limited to John Barsa.
- (7) All correspondence and records of all meetings between current and former CBP employees and current and former employees or representatives of Florida Crystals Corporation, including but not limited to Alfonso Fanjul, also known as Alfy Fanjul; José Fanjul Jr., also known as Pepe Fanjul Jr.; Alexander L. Fanjul, also known as Nico Fanjul; Andres B. Fanjul; Parks Shackelford; and Omar Franco.
- (8) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and current and former employees, partners, or representatives of Insignias Global LLC, including Former Ambassador of the United States to the Dominican Republic James Walter Brewster, also known as Wally Brewster; Bob J. Satawake; and Kim Merrill.
- (9) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and current and former employees, partners, and representatives of LRQA Group Ltd. (LRQA) and ELEVATE.

- (10) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and the following foreign individuals: President of the Dominican Republic Luis Abinader and other representatives of the Office of the President; employees or representatives of the Dominican Sugar Institute (Instituto Azucarero Dominicano, INAZUCAR), including Executive Director Máximo Pérez Pérez; Deputy Director Agustín Cedeño Mejía; and Secretary Ramón D. Hidalgo González; employees at the Dominican Ministry of Labor (Ministerio de Trabajo); employees at the Dominican Ministry of Tourism (Ministerio de Turismo); employees of the Dominican Ministry of Agriculture (Ministerio de Agricultura); and the Dominican Ambassador to the United States, Sonia Guzmán, and the Ambassador's staff.
- (11) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and former U.S. Senator Christopher John Dodd, also known as Chris Dodd, and his current and former staff; U.S. Congressman Adriano Espaillat and his current and former staff, including Chief of Operations Betzaida Sanchez.
- (12) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and the following current and former employees at the U.S. Department of State, including Secretary of State Marco Rubio (including in his former capacity as U.S. Senator), and his current and former staff; Ambassador Lisa D. Kenna, Executive Secretary; Acting Under Secretary for Economic Growth, Energy, and Environment Thomas E. Lertsen; Acting Under Secretary for Arms Control and International Security Brent T. Christensen; Acting Under Secretary for Civilian Security, Democracy, and Human Rights Albert Gombis; Acting Under Secretary for Public Diplomacy Darren Beattie; former Under Secretary for Management Tibor P. Nagy; Senior Officer Paula C. Albertson; and former Special Representative for International Labor Affairs Kelly Fay Rodríguez.
- (13) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and current and former employees at the U.S. Department of Labor's Bureau for International Labor Affairs (ILAB), including former Senior International Labor Advisor for Trade Policy Ryan Carrington; Kathryn Chinnock; Carolina Chavez; Abram Henry; David Giron; and Nadia Al-Dayel.
- (14) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and current and former employees at the United States Embassy in the

Dominican Republic including Political Officer Ryan Peseckas, Elisa Martinez, and Elizabeth Prosser.

- (15) All correspondence and records of all meetings related to, or referencing, the topics identified above between current and former CBP employees and current and former White House officials, including President of the United States Donald J. Trump and Chief of Staff Susan Wiles, also known as Susie Wiles.

10. In its FOIA request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

11. CBP assigned the request a control number of CBP-FO-2025-146245.

12. On June 18, 2025, the FOIA Division of CBP notified Public Citizen via the SecureRelease Portal that Public Citizen's request had been "closed as insufficient" after having been "reviewed as a third-party request" that did not include "a signed G-28 or G-639 form, or signed statement from the individual verifying that his/her information may be released to you" or "a signed statement on company letterhead." CBP further stated that "[d]ue to privacy concerns, CBP cannot confirm nor deny the existence of records on this individual or business."

13. On June 25, 2025, Public Citizen submitted an administrative appeal of CBP's response to its FOIA request. CBP acknowledged receipt of Public Citizen's appeal on July 7, 2025.

14. On September 22, 2025, the Disclosure Law and Judicial Actions Branch of Regulations & Rulings in CBP's Office of Trade issued a decision on Public Citizen's appeal. It found that the "FOIA Division erred in its interpretation of DHS Regulations that would support the third party authorization demand." Upon review, it was "clear that FOIA Division erroneously consulted outdated regulations," which, since their revision in 2016, no longer required written authorization of a third-party subject. CBP therefore found that the FOIA Division had "improperly closed [Public Citizen's] request as insufficient in part on the basis that third party written authorization is required."

15. CBP then identified and considered a “second ground for denial” of Public Citizen’s request, finding that the FOIA Division had “appropriately denied Parts 2-15” of the request because “the agency can neither confirm nor deny the existence of any correspondence and records of meetings between current and former CBP employees and current and former employees or representatives of the various listed third parties in [Public Citizen’s] request, as doing so would betray the privacy interests protected by Exemptions (b)(6) and (b)(7)(C).”

16. CBP noted that both exemptions “relate to protecting personal privacy and have been invoked here only to protect personally identifying information of the third parties.” It determined that the initial threshold for both exemptions had been met, and that “[t]he public interest cannot outweigh any privacy interests held by the individuals.”

17. Finally, CBP found that the FOIA Division had erred in denying Part 1 of Public Citizen’s request for records relating to, or referencing, the Withhold Release Order against Central Romana. It remanded Part 1 of the request back to the FOIA Division for processing.

18. On October 28, 2025, the FOIA Division denied Public Citizen’s remanded request in full. The FOIA Division stated that the denial was pursuant to “Title 5 U.S.C. § 552(b)(4), (b)(5), (b)(6), (b)(7)(C) and/or (b)(7)(E),” and that “DHS may have applied FOIA Exemption 6.”

19. On January 26, 2026, Public Citizen administratively appealed the denial of its remanded request via the SecureRelease Portal. The appeal noted that “despite FOIA’s mandate that agencies ‘take reasonable steps to segregate and release nonexempt information[,]’” the FOIA Division had “provide[d] no reasoned basis to deny the request in its entirety, rather than redacting exempt information as appropriate and releasing all remaining responsive records or portions of responsive records.”

20. More than 20 business days have passed since Public Citizen submitted its administrative appeal of CBP's denial of the remanded request, and CBP has not made a determination on the appeal.

CLAIM FOR RELIEF

21. Public Citizen has a right under FOIA, 5 U.S.C. § 552, to the records responsive to its FOIA request and to a fee waiver.

22. There is no legal basis for CBP's failure to produce the responsive records.

PRAYER FOR RELIEF

WHEREFORE, Public Citizen requests that this Court:

A. Declare that CBP's failure to provide the records responsive to Public Citizen's FOIA request is unlawful;

B. Order CBP to make the requested records available to Public Citizen at no cost and without delay;

C. Award Public Citizen its costs and reasonable attorneys' fees under 5 U.S.C. § 552(a)(4)(E), and;

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

Dated: May 13, 2026

Respectfully submitted,

/s/ Cormac A. Early

Cormac A. Early
(DC Bar No. 1033835)
Hoyeon Kelly Lew
(DC Bar No. 90028415)
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009
(202) 588-1000

Counsel for Plaintiff