

Exhibit A

May 31, 2024

SENT VIA E-MAIL

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street SW, Stop 5009
Washington, DC 20536-5009
Email: ICE-FOIA@dhs.gov

**Re: FOIA Request for Records Related to Immigration Enforcement
(Fee Waiver & Expedited Proceeding Requested)**

Dear Freedom of Information Officer:

The Center for Immigration Law and Policy (“CILP”) at the University of California, Los Angeles School of Law submits this Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.*, request for production of records (the “Request”) for database records pertaining to immigration enforcement. CILP also seeks a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A) and 6 C.F.R. § 5.11(k), and expedited processing, pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(d). The justification for the fee waiver and expedited processing are set out in detail below.

I. Records Requested

CILP seeks records from Fiscal Year 2012 to the date of ICE’s final response to this Request. Much of the data requested is similar to data ICE produced in **2023-ICFO-42034**. **Please note that all data should be provided for the full time period, rather than simply as an update to previous releases.**

The list of database fields in each category is not exclusive: if other nonexempt database fields are available in each table, ICE should provide them. In addition, CILP requests, **in every table produced, unique identifiers corresponding to the subject ID and Alien File Number. In addition, every table should include each individual EOIR IDNCASE identifier.**

The CILP requests the following categories of records:

- 1. Removals Data, including but not limited to the fields listed below:**

Departed Date
Port of Departure
Departed to Country
Area of Responsibility
State of Arrest
County of Arrest
Case Status
Gender
Country of Birth
Country of Citizenship
Age at Removal
Birth Date
LPR (Yes/No)
Entry Date
Entry Status
Most Serious Criminal Conviction
Most Serious Criminal Conviction Charge Date Most Serious Criminal
Conviction Status
Most Serious Criminal Conviction Code
Most Serious Criminal Conviction Conviction Date RC Threat Level
Aggravated Felon (Yes/No)
Processing Disposition Code
Case Category
Removal Program & Program Code
Case Category Time of Arrest
Latest Arrest Program & Program Code
Latest Arrest Apprehension Date
Final Order Yes No
Final Order Date
Prior Removal Reinstate
Prior Removal Reinstate Date
Final Charge Code
Final Charge Section
Prior Removal
Most Recent Prior Departed Date
Representation Status

**2. Secure Communities Removal Data (Removals following
IDENT/IAFIS match).**

State
County
Area of Responsibility

Port of Departure
Departed To Country
Case Status
Non Criminal Priorities
Detainer Facility
Detainer Facility Code
Detainer Facility City
Detainer Facility State
Detainer Threat Level
Gender
Citizenship Country
Birth Country
Age at Removal
Year of Birth
Entry Status
Most Serious Criminal Conviction
MSCC Sentence Days
MSCC Sentence Months
MSCC Sentence Years
MSCC Code
RC Threat Level
Aggravated Felon
Processing Disposition Code
Case Category
Removal Current Program
Case Category Time of Arrest
Latest Arrest Current Program
Cause Arrest Current Program
Latest Apprehension Method
Final Order Yes No
Reinstated Final Order
Reinstated Final Order Date
Final Charge Code
Final Charge Section
Prior Removal
Most Recent Prior Depart Date
Detainer ID
Unique ID
Arrest Date
Detainer Prepare Date
Entry Date
Book In Date
Book Out Date

3. Detention Data

Current Order of Detentions
Initial Book In Date **and Time**
Current Book In date **and Time**
Current Detention Facility
Current Book Out Date **and Time**
Final Book Out Date **and Time**
Current Release Reason Final Book Out Date
Final Release Reason Religion
Gender
Marital Status
Age at Initial Book In
Ethnicity
Entry Status
Aggravated Felon (Yes/No)
Latest Bond Posted Date
Latest Bond Posted Amount
Case Status
Category
Final Order (Yes/No)
Final Order Date
Rc Threat Level
Final Charge
Departed Date
Departed To
Initial Bond Set Amount
Initial Bond Set Date
Initial Custody Determination

4. Arrest/Apprehension Data

Date of Arrest
Type of Arrest
State
County
Resolution of Arrest

5. Encounter Data

Date of Encounter
Type of Encounter

State
County
Resolution of Encounter (e.g. arrest, etc.)

6. Alternatives to Detention

All non-identifying fields concerning alternatives to detention.

7. Detainers

All non-identifying fields concerning detainers.

8. Orders of Supervision

All non-identifying fields concerning orders of supervision (“OSUP”) to the extent that this information is not already included in the alternatives to detention data.

III. Application for Expedited Processing

CILP requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). *See also* 6 C.F.R. § 5.5(e)(1). There is a “compelling need” for these records because the information requested is “urgen[tly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

A. The records sought are urgently needed to inform the public about actual or alleged government activity.

These records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II); 6 C.F.R. § 5.5(e)(1)(ii). The requested records seek to inform the public about the government’s current enforcement policies and practices. There is a compelling and urgent need to inform the public about the government’s enforcement practices, including the expanded use of alternatives to detention, and their impact on removals and immigration court proceedings.¹ Yet despite the critical public need to understand the effects of current

¹ *See, e.g.,* TRAC, “ICE Increases Use of GPS Monitoring for Immigrants in Alternatives to Detention (ATD), Mar. 14, 2024, *available at* <https://trac.syr.edu/whatsnew/email.240315.html>; Gaby Del Valle, “ICE is Subjecting a Record Number of Asylum Seekers to Electronic Monitoring,” *THE NATION*, Oct. 18, 2022, *available at* <https://www.thenation.com/article/society/migrants-ice-alternatives-detention/>.

enforcement policies and practices, there is no regular public release of ICE individual-level enforcement data to the public. Instead, ICE releases only aggregate statistics,² in contrast, for example, to the Executive Office for Immigration Review, which releases monthly updates to an individual-level dataset tracking cases in immigration court.³

Because enforcement and immigration patterns change swiftly over time,⁴ obtaining up-to-date data is critical in informing the public. This request also seeks more than simply an update of data of that ICE has released in the past. Critically, this request seeks the EOIR idncase variable, which will allow journalists, advocates, and researchers to track the immigration court outcomes associated with each ICE enforcement action.

B. CILP is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.

CILP is “primarily engaged in disseminating information” within the meaning of the FOIA. 5 U.S.C. § 552(a)(6)(E)(v)(II). *See also* 6 C.F.R. § 5.5(e)(1)(ii). CILP is a hub for immigration scholarship and advocacy, engaging students and faculty, community organizations, practitioners, lawmakers and experts in the field.

CILP regularly publishes reports that collect, analyze and disseminate information about government activity, including drawing on information released by the government through FOIA requests.⁵ CILP calls attention to these reports through press releases, and its attorneys are frequently

² *See, e.g.*, Immigration and Customs Enforcement, FY2024 ICE Detention Statistics, *available at* <https://www.ice.gov/detain/detention-management>.

³ *See* Executive Office for Immigration Review, EOIR Case Data, *available at* <https://www.justice.gov/eoir/foia-library-0>.

⁴ *See, e.g.*, Transactional Records Access Clearinghouse, *Number of Immigrant Detainees Arrested by ICE Continues to Increase*, April 26, 2024, <https://trac.syr.edu/whatsnew/email.240426.html>.

⁵ *See, e.g.*, The Biden Administration’s Dedicated Docket: Inside Los Angeles’ Accelerated Court Hearings for Families Seeking Asylum (May 2022), *available at* https://law.ucla.edu/sites/default/files/PDFs/Center_for_Immigration_Law_and_Policy/Dedicated_Docket_in_LA_Report_FINAL_05.22.pdf; No Fair Day: The Biden Administration’s Treatment of Children in Immigration Court (December 2023), *available at* https://law.ucla.edu/sites/default/files/PDFs/Center_for_Immigration_Law_and_Policy/No_Fair_Day_Children_in_Immigration_Court_White_Paper.pdf.

interviewed for news stories that draw on this information.⁶ CILP's publications are broadly circulated to the public and widely available to the public at no cost.

CILP also regularly hosts public events intended to educate the public and foster discussion about U.S. immigration law and policy.⁷ Those public events include conversations with high-level government officials, which draw on information released by the government through FOIA requests.⁸

CILP intends to analyze, publish, and disseminate to the public information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

Given the foregoing, CILP has satisfied the requirements for expedited processing of this request.

IV. Application for Waiver or Limitation of Fees

CILP seeks a full fee waiver because disclosure of the requested records is in the public interest and is "likely to contribute significantly to public understanding of operations or activities of the government and is not primarily in the commercial interest of the requestor." 5 U.S.C. § 522(a)(4)(A)(iii). As set forth above, this request seeks to bolster public understanding of ICE's enforcement practices with respect to removals, apprehensions, detention, and alternatives to detention, which directly affect

⁶ See, e.g., CILP Press Release, "No Fair Day: Damning New Report Reveals the Biden Administration's Unlawful Treatment of Children in Immigration Courts," Dec. 13, 2023, available at <https://law.ucla.edu/news/no-fair-day-damning-new-report-reveals-biden-administrations-unlawful-treatment-children-immigration-courts>; CILP Press Release, "Gross Miscarriages of Justice Continue Two Years into Biden Administration's Fast-Track Court Program for Families Seeking Asylum," June 22, 2023, available at <https://law.ucla.edu/news/gross-miscarriages-justice-continue-two-years-biden-administrations-fast-track-court-program-families-seeking-asylum>; CILP Press Release, "New Evidence of Horrific Treatment of Pregnant People in CBP Custody Reignites Demand for Change," Apr. 25, 2023, available at <https://law.ucla.edu/news/new-evidence-horrific-treatment-pregnant-people-cbp-custody-reignites-demands-change>.

⁷ See <https://law.ucla.edu/academics/centers/center-immigration-law-and-policy/cilp-events> (listing public events held in 2021, 2022, 2023, and 2024).

⁸ See, e.g., CILP Event, "Looking Back and Looking Forward: Fifteen Years of Advancing Immigrant Representation, Prof. Arulanantham in conversation with DHS Secretary Mayorkas," Mar. 9, 2023; CILP Event, "Inside the U.S. Immigration System: USCIS Dir. Ur Jaddou in conversation with Prof. Arulanantham," Aug. 29, 2022, available at https://www.youtube.com/watch?v=Gaa-d_3xC3U.

hundreds of thousands of noncitizens and legal, humanitarian, and advocacy groups that serve them, and which is of interest to the general public.

The public interest fee waiver provision “is to be liberally construed in favor of waivers for noncommercial requesters.” *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987). The question relevant to fee waivers is whether the requested information is likely to contribute significantly to public understanding of the operations or activities of the government, good or bad. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). Disclosure of the documents sought is in the public interest and will contribute significantly to the public’s understanding of ICE’s enforcement practices. The records are not sought for commercial use, and the Requestor plans to disseminate the information to the public at no cost and is therefore entitled to a full fee waiver under 5 U.S.C. § 522(a)(4)(A)(iii).

Should the request for a full fee waiver be denied, CILP seeks a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) (“fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by...educational or noncommercial scientific institution...or a representative of the news media”) and 6 C.F.R. § 5.11(d)(1) (search fees shall not be charged to “representatives of the news media”). CILP intends to make use of the information as part of educational opportunities it offers to students and faculty, and it intends to disseminate the information gathered by this request to the public, including directly impacted noncitizens and legal and humanitarian practitioners, at no cost, including through CILP’s website and social media. As described above, Requestor regularly disseminates information to students, private and nonprofit legal and humanitarian practitioners, and members of the public and media through social media, symposia, reports, and articles.

* * *

Pursuant to applicable statutes and regulations, CILP expects a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); 6 C.F.R. § 5.5(e)(4).

If the request is denied in whole or in part, CILP asks that you justify all deletions by reference to specific FOIA exemptions. CILP expects the release of all segregable portions of otherwise exempt material. CILP

reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Address:

Center for Immigration Law and Policy (CILP)
UCLA School of Law
c/o David Hausman
828 Euclid Ave
Berkeley, CA 94708
T: 310-206-5298
Email: cilp@law.ucla.edu

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Sincerely,

/s David Hausman