

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

_____)	
AMERICAN IMMIGRATION COUNCIL,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-cv-01196-TFH
)	
UNITED STATES DEPARTMENT OF)	
HOMELAND SECURITY and UNITED)	
STATES IMMIGRATION & CUSTOMS)	
ENFORCEMENT,)	
)	
Defendants.)	
_____)	

ANSWER

Defendants, United States Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE), by its undersigned counsel, respond to the allegations in the Freedom of Information Act (FOIA) Complaint filed by Plaintiff American Immigration Council (Plaintiff), ECF No. 1, as follows:

1. The allegations contained in this paragraph consist of Plaintiff’s characterization of this action and Plaintiff’s conclusion of law, to which no response is required.
2. The allegations contained in this paragraph are vague and undefined, thus precluding a fair response by Defendants. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
3. The allegations contained in the first three sentences of this paragraph consist of the Plaintiff’s characterization of this action, to which no response is required. The fourth

sentence of this paragraph purports to summarize Plaintiff's FOIA request, to which Defendants refer for its complete and accurate contents.

4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

5. Defendants admit the allegations in the second sentence to the extent that DHS granted Plaintiff's request for expedited treatment. Defendants admit the allegations in the third sentence to the extent that DHS has not yet produced responsive, nonexempt documents pursuant to the request. The remainder of the paragraph consists of Plaintiff's characterization of this action, to which no response is required, but to the extent that a response is required, deny.

6. The allegation contained in Paragraph 6 consist of conclusions of law, to which no response is required.

7. The allegation contained in Paragraph 7 consists of conclusion of law, to which no response is required.

8. Defendants admit that ICE received a FOIA request from Plaintiff on April 3, 2019. Defendants admit that ICE referred Plaintiff's FOIA request to DHS on April 8, 2020. Defendants admit that DHS granted Plaintiff's request for expedited treatment. Defendants admit that DHS has not yet produced responsive, nonexempt documents pursuant to the FOIA request. The remainder of this paragraph consists of conclusions of law, to which no response is required.

9. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

10. Defendants admit the allegations in the first sentence to the extent that DHS is a department of the executive branch of the U.S. government and is a Federal agency

headquartered in Washington, D.C. The remaining allegations in this paragraph consist of conclusions of law, to which no response is required.

11. Defendants admit the allegations in the first sentence to the extent that ICE is a federal agency and component of DHS. Defendants admit the allegations in the third sentence to the extent Enforcement and Removal Operations is a component directorate of ICE. The remaining allegations in this paragraph consist of conclusions of law, to which no response is required.

12. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. The second sentence cites a document, to which Defendants refer for its complete and accurate contents.

13. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent this paragraph cites a document, Defendants refer to that document for its complete and accurate contents.

14. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent this paragraph cites documents, Defendants refer to those documents for their complete and accurate contents.

15. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent this paragraph cites a document, Defendants refer to that document for its complete and accurate contents.

16. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent this paragraph cites a document, Defendants refer to that document for its complete and accurate contents.

17. The allegations contained in the first two sentences of this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. The remainder of the paragraph cites a document, to which Defendants refer for its complete and accurate contents. Defendants deny any remaining allegations in this paragraph.

18. The allegations contained in the first sentence of this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. The second sentence cites a document, to which Defendants refer for its complete and accurate contents. Defendants deny any remaining allegations in this paragraph.

19. The allegations contained in the first sentence of this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. The second and third sentences cite a document, to which Defendants refer for its complete and accurate contents. Defendants deny any remaining allegations in this paragraph.

20. The allegations contained in the first and third sentence of this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. The second sentence cites a document, to which Defendants refer for its complete and accurate contents. Defendants deny any remaining allegations in this paragraph.

21. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

22. The allegations contained in the first sentence of this do not set forth a claim for relief or aver facts in support of a claim to which a response is required. The second and third

sentences cite a document, to which Defendants refer for its complete and accurate contents. Defendants deny any remaining allegations in this paragraph.

23. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

24. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent this paragraph cites a document, Defendants refer to that document for its complete and accurate contents.

25. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

26. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required.

27. Defendants admit that ICE received a FOIA request from Plaintiff dated April 3, 2020. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

28. Defendants admit that ICE received a FOIA request from Plaintiff dated April 3, 2020. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

29. Admitted.

30. Admitted.

31. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

32. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

33. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

34. The allegations contained in this paragraph consist of conclusion of law, to which no response is required. To the extent that a response is required, Defendants admit that Defendants have not yet produced responsive, nonexempt records pursuant to Plaintiff's FOIA request.

35. Defendants re-allege their responses to paragraphs 1–34 of the Complaint.

36. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

37. Defendants admit that ICE received Plaintiff's FOIA request and that DHS granted the request expedited treatment.

38. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

39. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

40. Defendants re-allege their responses to paragraphs 1–39 of the Complaint.

41. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

42. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

43. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

44. Defendants re-allege their responses to paragraphs 1–43 of the Complaint.

45. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

46. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

47. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

48. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

49. The allegations contained in this paragraph consist of conclusion of law, to which no response is required.

The remaining allegations in the Complaint constitute a prayer for relief to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

Defendants hereby deny all allegations in Plaintiff's Complaint not expressly admitted or denied.

DEFENSES

1. Defendants' actions or inactions did not violate the FOIA or any other statutory or regulatory provision.

2. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions enumerated in the FOIA.

3. Defendants have exercised due diligence in processing Plaintiff's FOIA requests and exceptional circumstances exist that necessitate additional time for Defendants to continue their processing of the FOIA requests. *See* 5 U.S.C. § 552(a)(6)(C).

Respectfully Submitted,

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

ELIZABETH J. SHAPIRO
Deputy Director
Federal Programs Branch

/s/ Alexander V. Sverdlov
ALEXANDER V. SVERDLOV
(NY Bar 4918793)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, DC 20005
Tel: (202) 305-8550
alexander.v.sverdlov@usdoj.gov

Dated: June 17, 2020

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 17th day of June, 2020, a copy of the foregoing was filed electronically. This filing was served electronically to all parties by operation of the Court's electronic filing system.

/s/ Alexander V. Sverdlov