

Exhibit B

RE: Freedom of Information Act Request for Homestead Migrant Detention Center

Catherine Kaiman <ckaiman@earthjustice.org>

Fri 7/26/2019 1:11 PM

To: foia@hq.dhs.gov <foia@hq.dhs.gov>

Cc: Ana Correa <acorrea@earthjustice.org>

 1 attachments (204 KB)

FOIA Request DHS_7.26_FINAL.pdf;

Please disregard the FOIA request sent below on July 24, 2019, and use the attached July 26, 2019 FOIA request.

Thank you,

Catherine Millas Kaiman
(she/her/hers)
Associate Attorney
4500 Biscayne Boulevard, Suite 201
Miami, FL 33137
t: 305.440.5435
f: 850.681.0020
earthjustice.org



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From: Catherine Kaiman
Sent: Wednesday, July 24, 2019 4:34 PM
To: foia@hq.dhs.gov
Subject: Freedom of Information Act Request for Homestead Migrant Detention Center

Please find the attached FOIA request. I look forward to hearing from you.

Sincerely,

Catherine Millas Kaiman
(she/her/hers)
Associate Attorney
4500 Biscayne Boulevard, Suite 201
Miami, FL 33137
t: 305.440.5435
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July 26, 2019

SUBMITTED VIA EMAIL

Dr. James V.M.L. Holzer
Deputy Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655
Email: foia@hq.dhs.gov

*Re: Freedom of Information Act Request Regarding Homestead Migrant Detention
Center in Homestead, Florida*

Dear Mr. Holzer:

This is a request for information on behalf of WeCount!, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, and the United States Department of Homeland Security ("DHS") FOIA regulations, 45 C.F.R. §§ 5.21-29. **WeCount! also requests expedited processing of this FOIA request pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e).** This request seeks DHS records pertaining to the operation and potential expansion of the U.S. Government's migrant center adjacent to the Homestead Air Force Reserve Base located in Homestead, Florida.

Due to the extremely time-sensitive nature of this request, WeCount! is not requesting a fee waiver at this time, although the group believes it is entitled to such a waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k). WeCount! requests that you produce documents as soon as possible and notify us if the fee exceeds \$500.00.

I. Records Requested

We request all of the following records in the possession, custody, or control of DHS

that were created, stored, or received pertaining to the sites known as the Homestead Detention Center/Homestead Temporary Influx Shelter for Unaccompanied Alien Children,¹ Homestead Air Force Reserve Base, Homestead Air Reserve Base, and Homestead Air Force Base:

- (1) All records related to any National Environmental Policy Act-based review or analysis concerning the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children, including any continued expansion of the migrant detention center/facility;
- (2) All records relating to any waivers being sought for the expansion of the migrant detention center, or previous waivers granted for the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children;
- (3) All records relating to the operation of the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children, including Caliburn International's records related to operation of the facility;
- (4) Any environmental testing results (including analysis of soil, soil gas/vapor, groundwater, surface water and air) resulting from sampling at the Homestead detention center property/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children, Homestead Air Force Base and Homestead Air Reserve Base, including CERCLA cleanup documents (including, but not limited to, preliminary assessments, remedial investigations, feasibility studies, records of decision, remedial actions, five-year reviews, etc.) prepared pre- and especially post-Hurricane Andrew in 1992, as well as maps of the facility and Homestead Air Force Base and Homestead Air Reserve Base that indicate what activities occurred on the site prior to the construction of the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children .
- (5) Any records of claims related to chemical or contaminant exposure made by service members and their families after being stationed at or deploying through the Homestead Air Reserve Base or Homestead Air Force Base;
- (6) Any records of potentially harmful chemical exposure on the Homestead Air Reserve Base or Homestead Air Force Base;
- (7) Records of correspondence between the U.S. Department of Labor and U.S. Air Force regarding the 1996 property transfer on which the Homestead Detention Center/Homestead Temporary Influx Shelter for Unaccompanied Alien Children was eventually constructed;
- (8) Estimated daily F-16C and other aircraft sorties for 2016 through 2019 and projected flight use for 2020;

¹ We are defining the "Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children" to include the entire facility property, including the buildings used to house detained children and staff and any outdoor area to which the staff and/or residents have access.

- (9) Any U.S. Air Force comments, documents, or other involvement in Urban Development Boundary meetings in 2017;
- (10) All records of complaints within the last 10 years from nearby residents due to residue, noise, or illness related to jet fuel, flights, or contamination;
- (11) All records of weapons testing and pesticide application that could have impacts to environmental media (air, soil, groundwater, surface water, soil gas/vapor) on the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children property;
- (12) All records related to transportation plans for migrants, including plans to bring migrants to the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children and release plans;
- (13) All records relating to staffing at the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children , including the number of healthcare providers and mental healthcare staffers;
- (14) All records related to emergency or disaster response planning concerning the area and surrounding area of the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children;
- (15) All records related to the evaluation or analysis of flooding in the area and surrounding area of the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children;
- (16) All records related to the provision of drinking water for the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children; including any information related to drinking water quality and compliance with federal drinking water standards;
- (17) All records related to sanitation, sewage treatment, and the disposal of wastewater at the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children;
- (18) All records related to the cooling of the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children;
- (19) All records related to any health and safety inspections conducted at the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children;
- (20) All records reflecting communications concerning the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children, including the continued expansion of the facility, between or among any officer, representative, or agent of DHS and any member of:
 - a. the White House and/or White House staff;
 - b. the United State Congress and/or congressional staff;
 - c. the United States Department of Health and Human Services; or
 - d. any other federal agency.

For purposes of this request, the term “records” is used to mean anything denoted by that word or its singular form in the text of FOIA. In particular, the term includes, but is not

limited to documents (handwritten, typed, electronic or otherwise produced, reproduced, or stored), letters, emails, facsimiled, memoranda, correspondence, notes, databases, maps, drawings, graphs, charts, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained.

We remind you that we have requested expedited processing of this FOIA request. Pursuant to 6 C.F.R. § 5.5(e)(4), DHS must make an expedited processing determination within 10 calendar days after receipt of this request. If DHS grants expedited processing, the request must be processed as soon as practicable.

We ask that you disclose this information as it becomes available to you without waiting until all of the communications and records have been assembled for the time period requested. We request electronic copies of the records whenever possible.

II. Claims of Exemption from Disclosure

If you regard any documents as exempt from required disclosure under the Act, please exercise your discretion to disclose them nevertheless. *See* Memorandum from the Attorney General to Heads of Executive Departments and Agencies (Mar. 19, 2009) (“[A]n agency should not withhold information simply because it may do so legally. I strongly encourage agencies to make discretionary disclosures of information. An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.”), available at <http://www.justice.gov/ag/foia-memo-march2009.pdf>.

Should you determine that any records may be withheld under FOIA’s narrow exemptions, please identify each allegedly exempt record in writing, provide a brief description of that record, and explain the agency’s justification for withholding it. If a document contains both exempt and non-exempt information, please provide those portions of the document that are not exempted from disclosure. Finally, if a document does not exist, please indicate that in your written response.

III. The Public Interest Groups

WeCount! is a membership organization dedicated to building the power of the immigrant community in the Homestead area through leadership development, community education, coalition building and campaigns for social change. WeCount! was initiated as a program of a social service coalition, WeCare of South Dade, in 2002. In 2006, it became an independent organization with individual memberships. WeCount! works with immigrant families and over the years has developed a clear focus on the defense of immigrant and worker rights.

IV. Request for Expedited Processing

WeCount! requests that you process this request on an expedited basis pursuant to 5 U.S.C. §552(a)(6)(E) and 6 C.F.R. § 5.5(e). WeCount! demonstrates a compelling need for the requested documents. WeCount! urgently needs the information to inform their members and the public about the environmental conditions at the Homestead Detention Center. *See* C.F.R. § 5.5(e).

The absence of specific information regarding the environmental conditions at the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children deprives the public of their right to know and understand the U.S. Government's actions and policies regarding immigrant families and children. Serious harm has occurred and is currently occurring as a result of the Trump Administration's Zero Tolerance Policy, pursuant to which immigrants, including minors, are detained in shelters and children are separated from their families. Consequently, the U.S. Government's ill treatment of migrants is an issue of utmost concern to millions of Americans. Failure to provide records on an expedited basis deprives the public of crucial knowledge concerning this rapidly evolving situation and new and grave threats to the health of immigrant children detained there.

The requester has been engaged for years in defending the rights of immigrants. The requesting group regularly disseminates information concerning the activities and policies of the U.S. Government relating to the treatment of immigrants, and this is a primary professional activity for this organization. The requesting group is therefore uniquely well informed on these issues and well positioned to disseminate the critical information sought in this request.

Second, we request expedited processing because the failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the lives or physical safety of children housed in the Homestead Detention Center/ Homestead Temporary Influx Shelter for Unaccompanied Alien Children. *See* 6 C.F.R. § 5.5(e). Homestead Migrant Detention Center is surrounded by Superfund sites and the specific site where children are housed lacks information regarding whether there is contaminated soil, water, and air. Military bases are known for having multiple sources and types of hazards and hazardous waste, including radioactive materials, unexploded ordnances, heavy metals, PCBs, asbestos, petroleum, pesticides, and volatile organic compounds. These hazardous chemicals can cause cancer, neurological damage and injury to major human organs. The documents requested will provide information regarding the location of tent shelters, the location of unsafe and contaminated areas, and the safety of drinking water on the bases, among other information. This information is essential to protecting the health and safety of detained children, as well as employees at the detention center. Failure to obtain the requested information will harm these substantial humanitarian interests.

WeCount! has been engaged for years in defending the rights of immigrants. As described above, the group regularly disseminates information concerning the activities and policies of the U.S. Government relating to treatment of immigrants and U.S. immigration policy, and this is a primary professional activity for these organizations. WeCount! is therefore uniquely well informed on these issues and well positioned to disseminate the critical information sought in this request.

WeCount! certifies that the reasons for the expedited processing request are true and correct. We look forward to hearing your response to this request within 10 days.

Please send the requested records by email to ckaiman@earthjustice.org or, for records not available electronically, by regular mail to Catherine Kaiman, Earthjustice, 4500 Biscayne Boulevard, Suite 201, Miami, FL 33137. If you find this request is unclear in any way, please do not hesitate to contact me by phone at 305-440-5432.

Thank you for your time and assistance. We look forward to your prompt reply.

Sincerely,

/s/ Catherine Kaiman

Catherine Kaiman
Associate Attorney
305-440-5432
ckaiman@earthjustice.org