

EXHIBIT A

Via Electronic Mail - foia@hq.dhs.gov

U.S. Department of Homeland Security
Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655

**Via Electronic Mail -
MRUFOIA.Requests@usdoj.gov**

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001

Via Electronic Mail - foia@usaid.gov

U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
USAID Annex, M/MS/IRD, Room 2.4.0A
Washington, DC 20523

Via Electronic Mail - ICE-FOIA@dhs.gov

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

**Via Electronic Mail - uscis.foia@dhs.gov
& Via Online Submission**

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Via Electronic Mail - FOIA@acf.hhs.gov

**Via Electronic Mail - FOIARequest@hhs.gov
& Via Online Submission**

U.S. Department of Health and Human
Services
Freedom of Information Officer
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Via Online Submission

U.S. Department of State
Office of Information Programs and Services
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

Via Electronic Mail - rebecca.rizzuti@ibwc.gov

USIBWC
Attn: FOIA – Legal Office
4191 N. Mesa Street
El Paso, Texas 79902

Via Online Submission

U.S. Customs and Border Protection
1300 Pennsylvania Ave., NY
Washington, D.C. 20229

**Via Electronic Mail - fema-foia@fema.dhs.gov
& Via Online Submission**

FOIA Officer
Disclosure Branch
500 C Street, S.W., Mail Stop 3172
Washington, D.C. 20472-3172

Via Online Submission

U.S. Office of Refugee Resettlement
Administration for Children and Families
FOIA Office
330 C Street, SW, 4th Floor
Washington, D.C. 20201

U.S. Centers for Disease Control and
Prevention
FOIA Office
1600 Clifton Road, NE, Mailstop D54
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Via Electronic Mail -
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U.S. Department of Justice
Executive Office for Immigration Review
Office of General Counsel – FOIA Service
Center
5107 Leesburg Pike, Suite 2150
Falls Church, VA 22041

FOIA/PA Section
Office of General Counsel, Room 924
Federal Bureau of Prisons
320 First Street, N.W.
Washington, DC 20534

Via Online Submission

U.S. National Park Service
1100 Ohio Drive SW
Washington, DC 20024

Via Electronic Mail -
ng.tx.txarng.mbx.freedom-of-information-act@mail.mil

Texas Military Forces
ATTN: Office of the General Counsel, JFTX-
GC (FOIA Officer)
P.O. Box 5218
Austin, TX 78763-5218

October 1, 2021

RE: FREEDOM OF INFORMATION ACT REQUEST

To whom it may concern:

Haitian Bridge Alliance, UndocuBlack Network, and African Communities Together (together, “Requesters”), represented by Justice Action Center, Haitian Bridge Alliance, Innovation Law Lab, Robert F. Kennedy Human Rights, and Texas Civil Rights Project, pursuant to the provisions of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended, and applicable agency regulations, request copies of the records identified in the numbered paragraphs below from:

- the United States Department of Homeland Security, including from U.S. Immigration and Customs Enforcement, the Office of Enforcement and Removal Operations, U.S. Customs and Border Protection, the Office of Professional Responsibility, the Office of Inspector General, the Office of Public Affairs, the Office of Civil Rights and Civil Liberties, the Office of the Secretary, the Office of the Deputy Secretary, the Federal Emergency

Management Agency, and any other subagencies, offices, departments, or components likely to have responsive documents;

- the United States Department of Health and Human Services, including from the Office of Refugee Resettlement, the U.S. Centers for Disease Control and Prevention, the Office of the Secretary, the Office of the Deputy Secretary, and any other subagencies, offices, departments, or components likely to have responsive documents;
- the United States Department of State, including from the Office of the Secretary, the Office of the Deputy Secretary, the Office of the Special Envoy for Haiti, the Office of the Under Secretary for Management, the Bureau of Population, Refugees, and Migration, the Office of Foreign Assistance, the Office of the Under Secretary for Political Affairs, the Bureau of Western Hemisphere Affairs, the Office of Civil Rights, the Office of Inspector General, and any other subagencies, offices, departments, or components likely to have responsive documents;
- the United States Department of Justice, including from the Executive Office for Immigration Review, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Federal Bureau of Prisons, and any other subagencies, offices, departments, or components likely to have responsive documents;
- the United States Agency for International Development, including from the Office of the Administrator, the Office of the General Counsel, and any other subagencies, offices, departments, or components likely to have responsive documents;
- the International Boundary and Water Commission, U.S. Section, including from the Executive Offices of the Commissioner, the Office of Legal Advisor, the Foreign Affairs Office, the Washington DC Liaison Office, the Public Affairs Office, the Internal Audit Program, the Security and Investigation Program, the Operations Department, the Engineering Department, the Amistad Dam & Power Plant Field Office, and any other subagencies, offices, departments or components likely to have responsive documents; and
- the U.S. National Park Service, including the Office of International Affairs, Office of Communications, the Southwest Border Resource Protection Program Office, the Denver Service Center, the Amistad National Recreation Area, and any other subagencies, offices, departments, or components likely to have responsive documents.

BACKGROUND

On Friday, September 24, 2021, Department of Homeland Security Secretary Alejandro Mayorkas announced during a press briefing: “Less than one week ago, there were approximately 15,000 migrants in Del Rio, Texas, the great majority of whom were Haitian nationals. As of this

morning, there are no longer any migrants in the camp underneath the Del Rio International Bridge.”¹

Unfortunately, this mass expulsion is not the first time that the federal government has moved forcefully and swiftly against Haitian migrants and other Black migrants. It is, however, the first accompanied by widely disseminated images that evoke the era of slavery, with white men on horseback rushing Black migrants, grabbing them, driving them back, and wielding long reins like whips.² It is also a mass expulsion of thousands of individuals to Haiti, “a country where American officials are confined to secure compounds because of the danger posed by armed gangs in control of daily life” and where a “corrupt government . . . simply cannot support the forced infusion of thousands of returned migrants lacking food, shelter, and money, without additional, avoidable human tragedy.”³ And it is an expulsion of thousands of women and children,⁴ conducted under the “Title 42” summary expulsion policy adopted by former President Trump and continued by President Biden. Of note, the federal government’s brazen use of the Title 42 policy to expel thousands of Haitian and other Black migrants came a week after a federal district court ruled that the policy was likely unlawful and should not, at a minimum, be applied to families with minor children.⁵

The Haitian migrants who arrived in Del Rio came seeking a better life for themselves and their families, many of whom fled persecution in Haiti or violent anti-Blackness in Chile or Brazil. Their country has faced a string of disasters this year in rapid succession, including the assassination of President Jovenel Moïse in July;⁶ a 7.2-magnitude earthquake in the country’s southern peninsula in August, which killed more than 2,200 people and destroyed hundreds of

¹ Felicia Sonmez and Nick Miroff, *All migrants have been cleared from encampment in Del Rio, Tex., homeland security secretary says*, Wash. Post, Sept. 24, 2021, https://www.washingtonpost.com/politics/immigrants-haitians-biden-administration/2021/09/24/a05fd1bc-1d66-11ec-a99a-5fea2b2da34b_story.html.

² Martha Pskowski, *Haitian migrants face tough choices in Del Rio amid crackdown at Texas-Mexico border*, El Paso Times, Sept. 19, 2021, <https://www.elpasotimes.com/story/news/immigration/2021/09/19/haitian-migrants-tough-choices-crackdown-del-rio-texas-border/8411152002/>.

³ Daniel Foote, *Resignation letter from U.S. special envoy for Haiti*, Wash Post., Sept. 23, 2021, <https://www.washingtonpost.com/context/read-resignation-letter-from-u-s-special-envoy-for-haiti-daniel-foote/3136ae0e-96e5-448e-9d12-0e0cabfb3c0b/>.

⁴ Press Release, UNICEF, *Over 2 in 3 people expelled to Haiti from US border are women and children* (Sept. 23, 2021) <https://www.unicef.org/press-releases/over-2-3-people-expelled-haiti-us-border-are-women-and-children-unicef>.

⁵ *Federal judge halts use of health order to expel migrant families along the border*, NBC News, <https://www.nbcnews.com/politics/politics-news/federal-judge-halts-use-health-order-expel-migrant-families-along-n1279404>.

⁶ Lauren Said-Moorhouse, Nick Thompson, Sheena McKenzie, Hannah Strange and Samantha Beech, *Haiti’s president assassinated*, CNN, July 7, 2021, <https://www.cnn.com/americas/live-news/haiti-president-assassinated-updates-intl/index.html>.

thousands of homes, schools, churches, and health facilities;⁷ and Tropical Storm Grace, which lashed the country three days after the earthquake.⁸ The United States Department of State, moreover, warns against travel to Haiti due to widespread kidnapping and violent crime and has Haiti designated as a Level 4: Do Not Travel country, the highest security warning that the Department of State has, shared by nations such as Afghanistan, Iran, Syria, and North Korea.⁹ Gangs run rampant in the country,¹⁰ with the U.N. reporting that 19,000 people had been displaced by gang violence in the capital of Port-au-Prince as of August 8, 2021.¹¹ Nevertheless, thousands of Haitians and other Black migrants from Ethiopia, Angola, and the Democratic Republic of Congo (among others) were expelled from the United States unlawfully, without any of the procedural protections guaranteed by Congress, including the right to assert claims for asylum and related forms of humanitarian protection.

In addition to the inhumane and unlawful expulsion of thousands of Haitian and other Black migrants, the Requesters have received multiple reports of disturbing civil rights violations, including U.S. Customs and Border Protection officers verbally and physically harassing migrants, preventing them from getting food or medical attention, and using horses and motorcycles to intimidate them. These reports can and should be investigated so that any civil rights violations may be redressed and any perpetrators can be held accountable. There is also a lack of transparency regarding the number of migrants who were expelled and to where, and the number of migrants who were allowed to remain in the United States, and what has happened to them.

The Requesters urgently seek information on the federal government's policies, directives, and actions relating to the treatment and processing of migrants in Del Rio in September 2021, and the unlawful expulsion of thousands of such migrants. The disclosure of the information sought below will contribute to the "public understanding of the operations or activities of the

⁷ Edward Danticat, *The U.S.'s Long History of Mistreating Haitian Migrants*, The New Yorker, Sept. 24, 2021, <https://www.newyorker.com/news/news-desk/the-uss-long-history-of-mistreating-haitian-migrants>; *Tropical Storm Grace drenching Haiti as quake death toll tops 1,400*, CBS News, Aug. 17, 2021, <https://www.cbsnews.com/news/tropical-storm-grace-haiti-dominican-heavy-rain-winds/>.

⁸ Joe Parkin Daniels, *Tropical Storm Grace's heavy rains pour misery on Haiti earthquake survivors*, The Guardian, Aug. 17, 2021, <https://www.theguardian.com/global-development/2021/aug/17/haiti-tropical-storm-grace-earthquake-rain>

⁹ U.S. State Department, *Haiti Travel Advisory*, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html> (last updated Aug. 23, 2021).

¹⁰ Laurel Wamsley, *Even Before Jovenel Moise's Assassination, Haiti Was In Crisis*, National Public Radio, July 7, 2021, <https://www.npr.org/2021/07/07/1013879000/even-before-jovenel-moises-assassination-haiti-was-in-crisis>.

¹¹ Haiti: Insecurity and humanitarian access, United Nations Office for the Coordination of Humanitarian Affairs, Aug. 8, 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%206%20-%20Insecurity_access%20-%20final%20-%20ENG.pdf.

government,” 5 U.S.C. § 552(a)(4)(A)(iii), and would be “in the public interest,” 28 C.F.R. § 16.10(k). *See also* 6 C.F.R. § 5.11(k)(1).

DEFINITIONS

The records request below incorporates the following definitions.

“Agency” refers to the United States Department of Homeland Security, including U.S. Immigration and Customs Enforcement, the Office of Enforcement and Removal Operations, U.S. Customs and Border Protection, the Office of Professional Responsibility, the Office of Inspector General, the Office of Public Affairs, the Office of Civil Rights and Civil Liberties, the Office of the Secretary, the Office of the Deputy Secretary, the Federal Emergency Management Agency, and any other subagencies, offices, departments, or components; the United States Department of Health and Human Services, including the Office of Refugee Resettlement, the U.S. Centers for Disease Control and Prevention, the Office of the Secretary, the Office of the Deputy Secretary, and any other subagencies, offices, departments, or components; the United States Department of State, including the Office of the Secretary, the Office of the Deputy Secretary, the Office of the Special Envoy for Haiti, the Office of the Under Secretary for Management, the Bureau of Population, Refugees, and Migration, the Office of Foreign Assistance, the Office of the Under Secretary for Political Affairs, the Bureau of Western Hemisphere Affairs, the Office of Civil Rights, the Office of Inspector General, and any other subagencies, offices, departments, or components; the United States Department of Justice, including from the Bureau of Prisons and any other subagencies, offices, departments, or components; the International Boundary and Water Commission, U.S. Section, including the Executive Offices of the Commissioner, the Office of Legal Advisor, the Foreign Affairs Office, the Washington DC Liaison Office, the Public Affairs Office, the Internal Audit Program, the Security and Investigation Program, the Operations Department, the Engineering Department, the Amistad Dam & Power Plant Field Office, and any other subagencies, offices, departments or components; and the U.S. National Park Service, including the Office of International Affairs, Office of Communications, the Southwest Border Resource Protection Program Office, the Denver Service Center, the Amistad National Recreation Area, and any other subagencies, offices, departments, or components.

“Country of origin or domicile” refers to an individual’s country of nationality or initial country of long-term habitual residence.

“Del Rio Port of Entry” refers to the U.S. Customs and Border Protection Del Rio Port of Entry, located at 3140 Spur 239, International Bridge, Del Rio, Texas 78840.

“Del Rio Sector” refers to the U.S. Customs and Border Protection Del Rio Sector Texas, including all constituent border stations: San Angelo Station, Del Rio Station, Brackettville Station, Comstock Station, Abilene Station, Eagle Pass Station, Eagle Pass South Station, Rocksprings Station, Carrizo Springs Station, and Uvalde Station.

“Del Rio Station” refers to the U.S. Customs and Border Protection Del Rio Border Patrol Station, located at 2300 Highway 90 East, Del Rio, Texas 78840.

“Detain” or “Detention” refers to the act of any Agency, whether by Agency personnel or a third party at the direction of any Agency or Agency personnel, taking an individual into the custody of the United States government.

“Expel” or “Expulsion” refers to the act of any Agency, whether by Agency personnel or a third party at the direction of any Agency or Agency personnel, removing an individual from the United States pursuant to the authority of the United States government.

“Express a fear of return” refers to the act of any individual indicating to U.S. immigration officials that such individual fears returning to the individual’s country of origin or domicile.

“Family” refers to a group of individuals seeking entry into the United States who self-identify to U.S. immigration officials as being composed of at least a minor child and the child’s biological parent, court-appointed legal guardian, or other adult family member other than the child’s biological parent or court-appointed legal guardian.

“ICE Air Operations” refers to the air transportation arm of U.S. Immigration and Customs Enforcement located within the Office of Enforcement and Removal Operations, Removal Division.

“Personnel” refers to an individual employed by an organization or authorized to act on behalf of an organization, including employees, contractors, agents, or representatives.

“Records” refers to all policies, guidance, correspondence (including e-mails, electronic messages, and attachments thereto), or other documentation, whether formal or informal.

“Serious medical condition” refers to an illness, injury, impairment, or other physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

“Title 42 Order” refers to the Public Health Reassessment and Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists pursuant to Sections 362 and 365 of the Public Health Service Act, 42 U.S.C. §§ 265, 268, issued by the U.S. Department of Health and Human Services Centers for Disease Control and Prevention and printed in the Federal Register on August 5, 2021.

“Title 42 Order Exception” refers to the Public Health Determination Regarding an Exception for Unaccompanied Noncitizen Children From the Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists pursuant to Sections 362 and 365 of the Public Health Service Act, 42 U.S.C. §§ 265, 268, and 42 C.F.R. § 71.40, issued by the U.S. Department of Health and Human Services Centers for Disease Control and Prevention and printed in the Federal Register on July 22, 2021.

In addition, in interpreting the Requests, the singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa. In requesting “policies” and “guidance,” the Requesters seek national policies and guidance, as well as policies and guidance specific to the Del Rio Sector, the Del Rio Station, the Del Rio Port of Entry, or any other Border Patrol Sectors, Border Patrol Stations, or Ports of Entry, in any format, including memoranda. In requesting “correspondence” and “communications,” the Requesters seek any record of written correspondence or verbal correspondence, whether formal

or informal, in any format, including intra-Agency correspondence, inter-Agency correspondence, and Agency correspondence with third parties.

REQUESTS

1. All Records, including policies, guidance, and correspondence, whether formal or informal, created since September 1, 2021, including all revisions of such Records, related to or reflecting:

- a. The Agency's plans for responding to the arrival or presence of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry in the Del Rio Sector and at the Del Rio Station beginning in September 2021.
- b. Actions taken by the Agency or Agency personnel in response to the arrival or presence of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- c. Actions taken by the Agency or Agency personnel to intimidate, harass, or deter migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- d. The use of horse patrols by Agency personnel, including the use of horse patrols in the Del Rio Sector and at the Del Rio Station in September 2021.
- e. The use of motorcycles by Agency personnel, including the use of motorcycles in the Del Rio Sector and at the Del Rio Station in September 2021.
- f. Crowd management and crowd control techniques, tactics, and protocols employed by Agency personnel when encountering or interacting with migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry, including the techniques, tactics, and protocols employed by Agency personnel in the Del Rio Sector and at the Del Rio Station in September 2021, and instructions related to the use of such techniques, tactics, and protocols.
- g. Use of force techniques, tactics, and protocols employed by Agency personnel when encountering or interacting with migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry, including the techniques, tactics, and protocols employed by Agency personnel in the Del Rio Sector and at the Del Rio Station in September 2021, and instructions related to the use of such techniques, tactics, and protocols.
- h. The use, or reports of use, of whips, ropes, lassos, straps, or split reins by Agency personnel to strike, harass, threaten, deter, or intimidate migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land

ports of entry or between land ports of entry and camping near the port of entry, including the use of whips, lassos, straps, or split reins in the Del Rio Sector and at the Del Rio Station in September 2021.

- i. The use, or reports of use, of horse patrols, motorcycles, aircraft, vehicles, or other property by Agency personnel to strike, harass, threaten, deter, or intimidate migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry, including the use of such horse patrols, aircraft, vehicles, or other property in the Del Rio Sector and at the Del Rio Station in September 2021.
- j. The use, or reports of use, of force by Agency personnel to harass, threaten, deter, or intimidate migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry, including the use of force for purposes of harassment or intimidation in the Del Rio Sector and at the Del Rio Station in September 2021.
- k. The Agency's ability to manipulate, or cause to be manipulated, the amount of water flowing through the Rio Grande River at any location within the Del Rio Sector, and any Agency actions or efforts to manipulate, or cause to be manipulated, the amount of water flowing through the Rio Grande River at any location within the Del Rio Sector, including through the Amistad Dam and Power Plant, Del Rio, Texas, in September 2021.
- l. Any internal Agency reports relating to Agency personnel's use, or reports of Agency personnel's use, of: crowd management and crowd control techniques, tactics, and protocols; use of force techniques, tactics, and protocols; whips, ropes, lassos, straps, or split reins; and horse patrols, motorcycles, vehicles, or other property, when encountering or interacting with migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- m. Any complaints filed with the Agency by Agency personnel, migrants, or third parties relating to Agency personnel's use of or reported use of: crowd management and crowd control techniques, tactics, and protocols; use of force techniques, tactics, and protocols; whips, ropes, lassos, straps, or split reins; and horse patrols, motorcycles, vehicles, or other property, when encountering or interacting with migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- n. The closure of the Del Rio Port of Entry and any other land port of entry at the Del Rio Station or in the Del Rio Sector in September 2021.
- o. The processing of arriving migrants, including individuals, families, and unaccompanied children, encountered by Agency personnel at land ports of entry

or between land ports of entry in the Del Rio Sector and at the Del Rio Station in September 2021, including any recordkeeping or tracking undertaken or contemplated by the Agency for purposes of screening such migrants and determining their eligibility for relief provided under applicable statutes, regulations, and court orders.

- p. The Agency's actions or efforts to create and maintain records with respect to migrants, including individuals, families, and unaccompanied children, encountered by Agency personnel at land ports of entry or between land ports of entry in the Del Rio Sector and at the Del Rio Station in September 2021, including any recordkeeping or tracking undertaken or contemplated by the Agency with respect to the number of family members seeking entry together; the alleged nature of familial relationships among family members seeking entry together; and any other characteristics of individuals seeking entry, including their contact information, age, country of origin or domicile, immigration status, immigration history, criminal history, manner of entry, expressed fear of return, representation by counsel, and serious medical conditions.
- q. The Agency's actions or efforts to ensure that the processing of migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry in the Del Rio Sector and at the Del Rio Station in September 2021, complies with the Agency's legal duties under applicable statutes, regulations, and court orders, as well as to internal Agency guidance on documentation requirements before removal or expulsion.
- r. The Agency's actions taken in connection with the receipt, processing, retention, and return of any personal or identifying documents of migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry in the Del Rio Sector and at the Del Rio Station in September 2021, and including any such individuals expelled or deported from the United States.
- s. The Agency's actions or efforts to provide temporary housing to migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, as well as any recordkeeping or tracking undertaken or contemplated by the Agency to ensure sufficient capacity to provide such housing to all arriving migrants.
- t. The Agency's actions or efforts to provide medical care, including COVID-19 vaccinations and testing, to migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, as well as any recordkeeping or tracking undertaken or contemplated by the Agency to record any requests for medical treatment and how those requests were handled, and to ensure sufficient capacity, supplies, and personnel to provide such medical care to all arriving migrants.

- u. The Agency's actions or efforts to provide medical care, including COVID-19 vaccinations and testing, to migrants taken into the Agency's custody as part of the Agency's actions or efforts to remove migrants from the Del Rio Station and Del Rio Port of Entry in September 2021, as well as any recordkeeping or tracking undertaken or contemplated by the Agency to ensure sufficient capacity, supplies, and personnel to provide such medical care to migrants being removed from the Del Rio Station and Del Rio Port of Entry.
- v. The Agency's actions or efforts to provide medical care, including COVID-19 vaccinations and testing, to migrants taken into the Agency's custody at the Del Rio Station and Del Rio Port of Entry and expelled from the United States to Haiti, Mexico, or any other country in September 2021, as well as any recordkeeping or tracking undertaken or contemplated by the Agency to ensure sufficient capacity, supplies, and personnel to provide such medical care to such migrants being expelled.
- w. The Agency's actions or efforts to provide food, water, and clothing to migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, as well as any recordkeeping or tracking undertaken or contemplated by the Agency to ensure sufficient capacity, supplies, and personnel to provide such food, water, formula, and clothing to all arriving migrants.
- x. The Agency's actions or efforts to prevent migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, from accessing temporary housing.
- y. The Agency's actions or efforts to prevent migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, from accessing medical care, including COVID-19 vaccinations and testing.
- z. The Agency's actions or efforts to prevent migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, from accessing food, water, formula, and clothing.
- aa. The Agency's actions or efforts to schedule resources and personnel from the Agency, other federal or state agencies, or private companies for purposes of processing, securing, and providing housing, sanitation facilities, medical care, food, water, and clothing to migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between

land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.

- bb. The Agency's actions or efforts, including any system, process, criteria, or procedure employed by the Agency, to determine whether migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, should be placed in removal proceedings under the Immigration and Nationality Act , and whether such individuals should be detained, paroled, or released on their own recognizance pending removal.
- cc. The Agency's actions or efforts, including any system, process, criteria, or procedure employed by the Agency, to determine whether migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, should be expelled from the United States under the Title 42 Order or should be granted a Title 42 Order Exception.
- dd. The Agency's actions or efforts, including any system, process, criteria, or procedure employed by the Agency, to determine whether migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, should be expelled from the United States to Mexico.
- ee. The Agency's actions or efforts, including any system, process, criteria, or procedure employed by the Agency, to determine whether migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, should be expelled from the United States to Haiti, and whether such individuals are Haitian citizens or nationals, with a country of origin or domicile in Haiti.
- ff. The factors or criteria considered by the Agency in determining whether migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, should be placed in removal proceedings or expelled from the United States, including the number of family members seeking entry together; the nature of familial relationships among family members seeking entry together; and any other characteristics of individuals seeking entry, including their age, country of origin or domicile, immigration status, immigration history, criminal history, manner of entry, expressed fear of return, representation by counsel, and serious medical conditions.

- gg. Any discretion conferred to or limits placed upon Agency officials in applying any policy or guidance for determining whether migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, should be placed in removal proceedings or expelled from the United States.
 - hh. The Agency's actions or efforts to schedule transportation operated by the Agency, ICE Air Operations, other federal or state agencies, or private companies for purposes of expelling from the United States migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
 - ii. The Agency's actions or efforts to schedule transportation operated by the Agency, ICE Air Operations, other federal or state agencies, or private companies for purposes of transporting to other parts of the U.S.-Mexico border migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
 - jj. The Agency's actions or efforts to schedule resources and personnel from the Agency, other federal or state agencies, or private companies for purposes of expelling from the United States migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
 - kk. The Agency's "engagement with partners in the hemisphere, including Brazil and Chile, to ensure they [] are doing their part to offer protection for vulnerable populations and receive individuals who had legal status there,"¹² including any of the Agency's actions or efforts to engage with such partners in connection with the Agency's plans for responding to, and actions taken by the Agency or Agency personnel in response to, the arrival or presence of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
2. All Records, whether formal or informal, created since September 1, 2021, including all revisions of such Records, related to or reflecting correspondence and communications:
- a. Regarding the Agency's plans for responding to, and actions taken by the Agency or Agency personnel in response to, the arrival or presence of migrants, including

¹² *Readout of Secretary Mayorkas's Meeting with Haitian Ambassador to the United States Edmond*, Department of Homeland Security, Sept. 29, 2021, <https://www.dhs.gov/news/2021/09/29/readout-secretary-mayorkas-s-meeting-haitian-ambassador-united-states-edmond>.

individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.

- b. With the State of Texas, including the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, and any other office or agency, relating to the arrival or presence of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- c. With local law enforcement officials, including the Texas Department of Public Safety, the Val Verde County, Texas Sheriff's Department, and the City of Del Rio, Texas Police Department, relating to the arrival or presence of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- d. With the International Boundary and Water Commission, Mexican Section, including the Mexican Ministry of Foreign Affairs and any other office or agency, regarding the manipulation or control of the amount of water flowing through the Rio Grande River at any location within the Del Rio Sector, and any actions or efforts to manipulate or control the amount of water flowing through the Rio Grande River at any location within the Del Rio Sector, including through the Amistad Dam and Power Plant, Del Rio, Texas, in September 2021.
- e. With the State of Texas, including the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, and any other office or agency, regarding the manipulation or control of the amount of water flowing through the Rio Grande River at any location within the Del Rio Sector, and any actions or efforts to manipulate or control the amount of water flowing through the Rio Grande River at any location within the Del Rio Sector, including through the Amistad Dam and Power Plant, Del Rio, Texas, in September 2021.
- f. With ICE Air Operations relating to flights used to expel migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- g. With any federal or state agency, contractor, or private company relating to the detention of migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- h. With any federal or state agency, contractor, or private company relating to the expulsion or internal U.S. transportation of migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry

or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.

- i. With any federal or state agency, contractor, or private or non-profit company relating to the provision of services for migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.
- j. With the Government of Mexico, including the Office of the President, the Ministry of the Interior, the National Institute of Migration, the Secretariat of Foreign Affairs (SRE), and the Government of the State of Coahuila, relating to the presence of migrants, including individuals, families, and unaccompanied children, located in Del Rio, Texas, and Ciudad Acuña, Mexico, in September 2021, the arrival of such migrants at U.S. and Mexican land ports of entry, the crossing of such migrants between land ports of entry operated by the United States and Mexico, the camping of such migrants near the port of entry, and how to respond to such migrants, including through expulsions and deportations, deterrence efforts, “voluntary return” flights or any other flights of individuals pursuant to a right or option of returning voluntarily to their home country, and use of force.
- k. With the Government of the Republic of Haiti relating to migrants, including individuals, families, and unaccompanied children, arriving at, or present in, land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, and the expulsion of such migrants from the United States to Haiti, including the offer, provision, or planned provision of financial, humanitarian, or security assistance from the United States to Haiti in connection with such expulsions.
- l. Between Secretary of Homeland Security Alejandro N. Mayorkas, or other Agency personnel, and Haitian Ambassador to the United States Bocchit Edmond regarding the United States and Haitian governments’ efforts to “support[] the safe return and re-integration of Haitian nationals,” and the United States’s “mistreatment of migrants in Del Rio,”¹³ including the Agency’s actions or efforts to engage with such partners in connection with the Agency’s plans for responding to, and actions taken by, the Agency or Agency personnel in response to the arrival or presence of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.¹⁴
- m. “[W]ith partners in the hemisphere, including Brazil and Chile, to ensure they [] are doing their part to offer protection for vulnerable populations and receive

¹³ Readout of Secretary Mayorkas’s Meeting with Haitian Ambassador to the United States Edmond, Sept. 29, 2021, <https://www.dhs.gov/news/2021/09/29/readout-secretary-mayorkas-s-meeting-haitian-ambassador-united-states-edmond>

¹⁴ *Id.*

individuals who had legal status there,”¹⁵ including correspondence or communications regarding any of the Agency’s actions or efforts to engage with such partners in connection with the Agency’s plans for responding to, and actions taken by the Agency or Agency personnel in response to, the arrival or presence of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021.

- n. With the former U.S. Special Envoy for Haiti, Daniel Foote, relating to plans for responding to, and actions taken by, the Agency or Agency personnel in response to the arrival of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021, and including any consideration of conditions in Haiti and the capacity of the Haitian government to receive increased numbers of expelled and deported Haitians.
 - o. With “senior-level personnel” at the U.S. Department of State relating to plans for responding to, and actions taken by the Agency or Agency personnel in response to, the arrival of migrants, including individuals, families, and unaccompanied children, at land ports of entry or between land ports of entry and camping near the port of entry in the Del Rio Sector and at the Del Rio Station in September 2021,¹⁶ and including any consideration of conditions in Haiti and the capacity of the Haitian government to receive increased rates of expelled and deported Haitians.
3. All Records, including data in any database, showing any of the following for the Del Rio Sector and the Del Rio Station for the month of September 2021, in aggregate or disaggregated by nationality and race:
- a. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, arriving at land ports of entry or between land ports of entry, and the number of those estimated to be camping near the port of entry.
 - b. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, detained after arriving at land ports of entry or between land ports of entry.
 - c. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, transported to other ports of entry and locations along the U.S.-Mexico border.

¹⁵ *Id.*

¹⁶ Interview of Deputy Secretary Wendy Sherman by Michael Wilner of McClatchy Washington Bureau, U.S. Department of State, Sept. 23, 2021, <https://www.state.gov/deputy-secretary-wendy-sherman-with-michael-wilner-of-mcclatchy-washington-bureau/>.

- d. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, expelled to Mexico pursuant to the Title 42 Order, and their nationality or country of origin or domicile.
- e. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, expelled to Haiti pursuant to the Title 42 Order, and their nationality or country of origin or domicile.
- f. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, expelled to a country other than Mexico or Haiti pursuant to the Title 42 Order, their nationality or country of origin or domicile, and the country to which they were expelled.
- g. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, expelled to Mexico pursuant to some authority other than the Title 42 Order.
- h. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, expelled to Haiti pursuant to some authority other than the Title 42 Order.
- i. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, expelled to a country other than Mexico or Haiti pursuant to some authority other than the Title 42 Order, their nationality or country of origin or domicile, and the country to which they were expelled.
- j. The number of flights operated by ICE Air Operations and their destination to expel migrants after arriving at land ports of entry or between land ports of entry.
- k. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, granted a Title 42 Order Exception.
- l. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, placed into removal proceedings under the Immigration and Nationality Act and placed in detention pending removal.
- m. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, placed into removal proceedings under the Immigration and Nationality Act and paroled pending removal, including the length of parole granted.
- n. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, placed into removal proceedings under the Immigration and Nationality Act and released on their own recognizance pending removal.
- o. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, issued notices to appear by the Agency.
- p. The number of use of force complaints filed against Agency personnel.

- q. The number of use of force complaints filed by Agency personnel.
- r. The number of use of force complaints filed by individuals other than Agency personnel, including migrants or other third parties.
- s. The number of civil rights complaints filed with the Agency against Agency personnel.
- t. The number of migrants, and specifically the number of individual adults, families, and unaccompanied children, transported to a local hospital for medical treatment while in Agency custody.

FORMAT AND PRODUCTION REQUESTS

The Requesters request that responsive documents and materials be produced *in their entirety*, including all attachments, enclosures, hyperlinks and internal links, and exhibits. If it is determined that a document contains material or information that falls within a statutory exemption to mandatory disclosure under FOIA, the Requesters ask that such material or information be reviewed for possible discretionary disclosure, consistent with the presumption of openness codified in the Freedom of Information Act Improvement Act of 2016, Pub. L. 114-185, 130 Stat. 538.

The burden is on the Government to provide a determination within 20 working days. In the event the Government is unable to meet that deadline, the Requesters are willing to discuss an appropriate schedule for rolling productions. To the extent the Government has any questions after reviewing these Requests, please do not hesitate to contact the undersigned.

FEE WAIVER REQUEST

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), the Requesters request a fee waiver.

Haitian Bridge Alliance. Haitian Bridge Alliance is a grassroots and community-based non-profit organization with federal 501(c)(3) status that advocates for fair and humane immigration policies and provides migrants and immigrants with humanitarian, legal, and social services, with a particular focus on Black migrants, the Haitian community, women and girls, LGBTQIA+ individuals, and survivors of torture and other human rights abuses. HBA works to elevate the issues unique to Black migrants and build solidarity and collective movement toward policy change. Many of the individuals served by HBA present at the U.S.-Mexico border. HBA staff and volunteers regularly travel to the border to provide assistance and counsel to immigrants, many of whom have been subject to and impacted by the Title 42 Order. HBA and its partners were present in Del Rio, Texas, and assisted migrants impacted by the unlawful expulsions and civil rights abuses that are the subject of this Request. HBA will use the information obtained through these Requests to serve those clients and community members most directly affected by the information, including the thousands of migrants impacted by the Government's conduct in Del Rio, and to ensure accountability for the Government's unlawful conduct. HBA will also work with other non-profit and advocacy organizations to ensure that the information obtained through these Requests is distributed to affected populations and the public at large.

UndocuBlack Network. The UndocuBlack Network is a fiscally sponsored project of [the Praxis Project](#), a 501(c)(3) nonprofit organization. The UndocuBlack Network (UBN) serves as a multigenerational network of currently and formerly undocumented Black people that aims to foster community, facilitate access to resources, and transform the realities of undocumented Black people, so that we are thriving and living our fullest lives. UBN believes that directly impacted people should be at the center of the decisions impacting their lives, and takes strategic direction and advice from its membership. As such, UBN develops leadership among its members by developing tools, training, and programming. UBN builds power with and for communities through advocacy, local organizing, and strategic alliances to achieve policy goals. UBN centers the humanity, dignity, and wellbeing of our members and community in all aspects of our work. UBN has chapters in Los Angeles, New York, and the DC/MD/VA area, and multiple new chapters are in formation. For more information, please visit www.undocublack.org.

African Communities Together. African Communities Together (ACT) is an organization of immigrants from Africa and their families. Its mission is to empower African immigrants to integrate socially, get ahead economically, and engage civically. ACT supports African immigrants nationwide by providing direct services, including pro bono immigration legal services to indigent and underserved African immigrant clients; through leadership development programs, organizing, and civic education; and by advocating for policy reforms that would benefit its members, clients, and constituent communities. ACT is informed by legal and community partners on the ground and media reports that while the migrants expelled from Del Rio were overwhelmingly Haitian asylum seekers, they included in their number refugees from Ethiopia, The Congo, and other African countries who have joined with their fellow Black asylum seekers. As one of the largest organizations of and for African immigrants in the U.S., ACT frequently receives requests for assistance from African migrants and Afro-Caribbean migrants who have recently entered the U.S. and are seeking asylum, who are in immigrant detention, and who are in removal proceedings, as well as requests for support from the lawyers and community organizations who represent them. ACT attempts to respond to these requests for assistance to the best of its ability and within its available resources.

Applicable agency regulations require fees to be waived when it is determined, based upon the submission of the requester, that the information is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 5 C.F.R. § 5.11(k)(1) (permitting fee waiver when “[d]isclosure of the requested information is in the public interest” and “is not primarily in the commercial interest of the requester”); 28 C.F.R. § 16.10(k) (“[r]equester[] may seek a waiver of fees by . . . demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester”).

The Requesters will make any information that they receive from these Requests available to the public, including the press, at no cost. The issue of the Government’s treatment of migrants in Del Rio, Texas in September 2021, including the unlawful expulsion of thousands of Haitians, is of significant public interest. The Requesters have undertaken this work in the public interest

and not for any private commercial interest. Access to this information is necessary for the public to meaningfully evaluate the consequences of federal immigration policies and the need for accountability for the Government relating to its actions in Del Rio. The Government must waive or reduce any fees because the Requesters do not have a commercial interest in the requested information and, instead, request this information to educate the public regarding the Government's operations and activities. *See* 5 U.S.C. § 552(a)(4)(A)(iii).

The Requesters have engaged pro bono counsel who will be responsible for the reasonable cost of locating and reproducing the requested documents to the extent required by applicable regulations and not otherwise waived. If such costs will exceed \$150, please contact the Requesters and their counsel before incurring them.

Please direct all correspondence related to these Requests to:

Jane Bentrott
Justice Action Center
PO Box 27280
Los Angeles, CA 90027
(323) 504-3165
jane.bentrott@justiceactioncenter.org

Thank you in advance for your assistance with this matter.

Respectfully submitted,

/s/ Jane Bentrott

Justice Action Center