

EXHIBIT C



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 27, 2022

Sent via email to: smahfooz@aclu.org

Sidra Mahfooz
American Civil Liberties Union Foundation
Immigrants' Rights Project
125 Broad Street, 17th Floor
New York, NY 10004

Subject: Freedom of Information Act Request No. 2022-IGFO-00299
Acknowledgement Letter

Dear Sidra Mahfooz:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated September 26, 2022, seeking "all records of complaints submitted by the public to DHS, including DHS's component offices such as CRCL and OIG, related to language access issues in immigration detention".

You requested expedited processing. For requests to be considered for expedited processing, the requester's letter must indicate the basis on which such treatment is sought. Requests will be taken out of chronological order based on the date of receipt and given expedited treatment only when it is determined they involve:

- (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information;
- (iii) The loss of substantial due process rights; or
- (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. 6 C.F.R. § 5.5(e)(1)(i), (ii), (iii), (iv).

Requesters seeking expedited processing are also required to submit a statement, certified to be true and correct, explaining in detail the basis for their request for expedited processing. 6 C.F.R. § 5.5(e)(3).

In your FOIA request you stated you are requesting expedited processing pursuant to 6 C.F.R. § 5.5(e)(1)(i), and 6 C.F.R. § 5.5(e)(1)(ii), for the following reasons:

- “Requestors have the ability and intention to widely disseminate the requested information through a variety of sources, including reports, newsletters, news briefings, right-to-know handbooks, and other materials, to the public at no cost”.
- “The requested records are also urgently needed to inform the public about actual or alleged government activity” because “...the requested records pertain to DHS’s compliance with its obligations to ensure meaningful language access to LEP noncitizens”, “...this is a matter of widespread media and public interest, and the requested records will directly inform the public about these concerns”, and “conditions in immigration detention and DHS’s oversight of immigration detention facilities are matters subject to significant public debate.”
- “...failure to provide adequate language services... endangers detained people by limiting their access to important and necessary services that must be provided to them...” and “failures can result in detained persons abandoning or losing valid legal claims and being deported to unsafe situations where their lives and physical safety are under threat.”

In detailing the bases of your request for expedited processing you provided a statement that certified it to be true and correct.

We have determined your request, as written, does establish the requirements under 6 C.F.R. § 5.5(e)(1)(i), (ii), and 6 C.F.R. § 5.5(e)(3) and we have determined your request for expedited processing should be granted.

Regarding your request for a fee waiver, a fee waiver is appropriate when “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.” See 5 U.S.C. § 552(a)(4)(A)(iii). The “[d]isclosure of the requested information must: (1) shed light on ‘the operations or activities of the government’, (2) be ‘likely to contribute significantly to public understanding’ of those operations or activities and (3) the disclosure must not be primarily in the commercial interest of the requester.”

After a review of your FOIA request and consideration under the above factors, we have determined that your request for a fee waiver is appropriate and has met the statutory standard. We are granting your request for a fee waiver.

Should you have questions, contact us at 202-981-6100 or foia.oig@oig.dhs.gov. Please refer to the above-referenced tracking number if you contact us regarding your request.

Sincerely,

DHS-OIG FOIA Team