

**FOIA POAT
LESSON PLAN**

**PART 1
COVER SHEET**

LESSON TITLE: CUSTOMS AND BORDER PROTECTION (CBP) AND IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)
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TIME: 9 hours 30 minutes

METHOD: Guided Discussion

REFERENCES:

PoaT ECN

STUDENT PREPARATION (4 hours):

1. USCIS FOIA and PA Processing Guide CBP and ICE sections
2. CBP/ICE Supplemental Guidance
3. Be prepared for classroom discussion

PART 1A

Cognitive Objective: Students will utilize established guidance to process CBP and ICE documents.

Cognitive Samples of Behavior:

1. Locate and describe the guidance needed to CBP and ICE documents.
2. Describe the general processing rules for CBP and ICE.
3. Summarize the Processor role and responsibility in accurately processing CBP and ICE documents.
4. Demonstrate processing CPB/ICE documents in the FIRST Training Environment.

Affective Objective: Students will value how accurately processing CBP and ICE documents protects law enforcement and the agency interests.

Affective Sample of Behavior:

1. Openly discuss the need for Processors to accurately process CBP and ICE documents.
2. Apply thought processes to processing CBP and ICE documents.
3. Voluntarily participate in discussions affirming understanding of processing CBP and ICE documents.

PART 1B

LESSON OUTLINE

INTRODUCTION	5 minutes
Attention, Motivation, and Overview	
MP 1. CBP and ICE Overview	25 minutes
A. Background B. Employee Titles/Public Facing Officials C. ICE Bookmark D. Common Exemptions Used	
MP 2. General Processing Rules	35 minutes
A. PII – Release/Redact B. Served/Signed Documents C. Refuse to Sign D. For Official Use Only (FOUO) and Law Enforcement Sensitive Markings E. URLs and Terminal IDs	
MP 3. Common Document Examples	25 minutes
MP 4. Demonstration and Practice	3 hours, 55 minutes
A. Demonstration (30 min) B. Practice (2 hours) C. Discussion (1 hour 25 minutes) <i>*Assign 1 of 2 CBP/ICE training cases to each student</i>	
CONCLUSION	5 minutes
Summary, Remotivation, and Closure	

PART II TEACHING PLAN

ATTENTION: Our agency has MOUs with both Customs and Border Patrol and Immigration and Customs Enforcement.

MOTIVATION: Each of these MOUs is specific to each agency. Understanding each agency and the rules we have agreed to regarding their documents will be an important part of the work you do as a processor.

OVERVIEW: We will start this lesson with an overview of CBP and ICE. We will then discuss some general processing rules and some common document examples. Finally, we will end the lesson and a demonstration and opportunity to apply guidance through practice.

Transition: Arguably, all immigration involves crossing a border from one country to the next. Therefore, CBP is a prevalent agency in many of the immigration files processed in FOIA. Let's start by talking about CBP.

Body

MP 1: CBP/ICE Overview (30 min)
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A. Background

QUESTIONS

ANTICIPATED RESPONSES

Lead-Off Question (LOQ):
What are the roles of CBP?

- Keep terrorists/weapons out
- Facilitate lawful travel/trade

FUQ: What are the roles of ICE?

- Investigative arm of DHS

FUQ: Why do we process CBP/ICE documents?

- MOU

Transition: Knowing the different roles of CBP and ICE will help you in determining document ownership and how to process. Another tool in determining document ownership are job titles.

B. Employee Titles/Public Facing Officials

LOQ: What are some common job titles for CBP?

- List

FUQ: What are some common job titles for ICE?

- List

FUQ: When can you generally release the name of a CBP/ICE employee?

- Public facing
- Served document
- When the subject signs the document (some exceptions)
- CBP document served to EOIR by subject/representative (later discussed in court documents)

FUQ: What are the titles of public facing officials for CBP/ICE?

- Port Direction
- District Director
- Special Agent in Charge
- Resident Agent in Charge
- Chief Counsel

Transition: Being able to identify the agency by job title assists in determining agency ownership. Once you determine who owns the documents, if it is ICE, you will have to apply and ICE bookmark for external review.

C. ICE Bookmark

LOQ: When do you use the ICE bookmark?

- ALL documents authored by ICE

FUQ: How is this different from the other agencies we bookmark?

- ICE is every page; other agencies is 1 bookmark for entire file

FUQ: What are some examples of documents that you would not apply the ICE bookmark to?

- List

FUQ: Would you use the ICE bookmark on an I-862 that CBP authored, and ICE served to the subject?

- No, even though an ICE officer signature is on it, ICE did not author

Transition: Now that you've learned ways to identify which agency owns a document, let's review some of the common exemptions that will be used on these documents.

D. Common Exemptions Used

LOQ: What are some of the common exemptions used on ICE/CBP documents?

- Exemption (b)(3), 49 U.S.C. § 114(r), No Fly
- Exemption (b)(3), 31 U.S.C § 5319, ICE only
- Exemption (b)(5): Applied to deliberative privilege, Attorney Work-Product Privilege and Attorney-Client Privilege
- (b)(7)(A), (b)(7)(C), and (b)(7)(E)

FUQ: What are some of the common and critical (b)(7)(E) redactions to look for on CBP/ICE documents?

- List

Transition: Being familiar with the more common exemptions used on ICE and CBP documents will be a necessary skill you will develop as a FOIA processor. Similarly, being familiar with the general processing rules for ICE and CBP is also a necessary skill. Let's talk about some of the general processing rules, starting with PII.

MP 2: General Processing Rules (30 min)

A. PII – Release/Redact

LOQ: When can you release third party PII on a CBP/ICE document?

- Known to subject
- Released elsewhere in the file
- VOI/Consent of third party

FUQ: When can you release PII of CBP/ICE officers?

- Public facing (names only)
- Served/signed documents (w/exceptions)

FUQ: What exemption do you use to redact Officer and third party PII on/for CBP/ICE?

- (b)(7)(C) - add (b)(6) on ICE only

Transition: Just as there are general rules regarding PII on CBP and ICE documents, there are also general rules regarding served and/or signed documents.

B. Served/Signed Documents

LOQ: What is the *general rule* for documents that are served to or signed by the subject?

- Release in full

FUQ: What are the exceptions to this rule?

- ICE only applies rule to specific documents
- Worksheets

FUQ: How would you treat a document that was NOT served? And Why?

- WIF (b)(5), review for other exemptions
- Deliberative/draft

Transition: While most served documents will be signed there will be times where in place of the signature, there is a refusal to sign. Let's talk about processing when we see "refuse to sign".

C. Refuse to Sign

LOQ: When would release the officer's name on a refused to sign stamp/markings?

- Document normally released in full (served/signed)

FUQ: When would you redact the officer's name on a refused to sign stamp/markings?

- Would not normally be released in full

Transition: The next general rule has been suspended until further notice, however, processor must have an understanding of it and it is in the processing guidance, For Official Use Only (FOUO) and Law Enforcement Sensitive Markings

D. For Official Use Only (FOUO) and Law Enforcement Sensitive Markings

LOQ: When would you not apply a strike through on FOUO or LES markings?

- Duplicate
- WIF
- RIF
- OOS

Transition: Another general processing rule to always be aware of on CBP and ICE documents relates to URLs and Terminal IDs. Let's talk about URLs and Terminal IDs.

E. URLs and Terminal IDs

LOQ: What URLs and TIDs do you redact on an ICE document?

- All

FUQ: What URLs and TIDs would you redact on a CBP document?

- URLs to law enforcement systems

Transition: To help begin developing a foundational knowledge for CBP and ICE processing, let's talk about some of the common document examples found in the supplemental guidance.

MP 3: Common Document Examples

A. Common Document Examples

LOQ: In reviewing the common document examples, did you see any patterns to determining if they are an ICE or CBP document?

- Titles
- URLs (with exceptions)
- ICE – Bond, deportation, Removal
- CBP – Entry, POE, Inspections

FUQ: In reviewing the common examples, do you have any questions about how a particular document was processed?

Transition: Let's expand on the knowledge we are gaining by putting it into application through demonstration and practice.

MP 4. Demonstration and Practice

A. Demonstration (1 hour)

B. Practice (2 hours)

C. Discussion (55 min) – instructor ask students (as many as times allows) to walk the class through the actions taken the on the practice case(s).

Transition: Your knowledge, skills, and ability in processing CBP and ICE documents will continue to develop throughout the course of your training and your time as a FOIA processor.

Conclusion (5 min)

SUMMARY: We started by with an overview of CBP and ICE. We then discussed some general processing rules and some common document examples. Finally, we ended the lesson with a demonstration and opportunity to apply guidance through practice.

REMOTIVATION: Do not confuse CBP and ICE. While they often communicate and at times may work together, understanding the separation will be the key to processing the documents per our established and agreed upon rules for each.

CLOSURE: Always challenge yourself to discern and have the ability to explain the actions you take.