

Exhibit F

Austin Rose

From: ice-foia@ice.dhs.gov <noreply@securerelease.us>
Sent: Friday, August 11, 2023 4:33 PM
To: Austin Rose
Subject: ICE FOIA Clarification Request 2023-ICAP-00392

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08/11/2023

Ian Austin Rose
1025 Connecticut Ave NW
Washington DC, District of Columbia 20036

RE: ICE FOIA Case Number 2023-ICAP-00392

Dear Requester:

This e-mail is in regards to your 6/21/2023 ICE FOIA request for Records related to Appealing adequacy of search and withholdings. Seeks records regarding the policies and practices of ICE pertaining to the custody of noncitizens granted withholding of removal ("withholding") and protection under the Convention Against Torture ("CAT") by an Immigration Judge ("IJ").

In conducting a search for responsive records, the ICE FOIA office has determined that further clarification is needed regarding your request.

We've identified multiple parts of this request that are overbroad, and request narrowing the FOIA request. Specifically, 2), 3), and 4) fail to specify any individual emails to search. Further, they cover a time period of almost 20 years, (January 1, 2004 - Jun 21, 2023). Each simply asks for "any memorandum, directive, email, or other communication issued by an ICE Official." The request is overbroad, and we do not have the capability to search all emails as described in the request. The capability of performing non-specific system-wide searches does not exist. As to 3) and 4) specifically, it is unclear what is being referred to by "ICE's washing Field Office or Baltimore Field Office." We assume that the requester is referring to OPLA and ERO offices, but need clarification.

- 1) A memorandum, directive, email, or other communication issued by Acting ICE Director Tae Johnson on or about June 7, 2021, and titled "REMINDER: Detention Policy Where an Immigration Judge has Granted Asylum, Withholding of Removal, or Convention Against Torture Protection, and DHS has Appealed."
- 2) Any memorandum, directive, email, or other communication issued by an ICE official between January 1, 2004, and the date of this FOIA request that cites to or otherwise references any of the following documents:
 - a. "Detention Policy Where an Immigration Judge has Granted Asylum and ICE has Appealed," issued by Assistant Secretary Michael J. Garcia on February 4, 2004.
 - b. "Reminder on Detention Policy Where an Immigration Judge has Granted Asylum, Withholding of Removal or CAT," issued by Andrew R. Strait on March 6, 2012.
 - c. "REMINDER: Detention Policy Where an Immigration Judge has Granted Asylum, Withholding of Removal, or Convention Against Torture Protection, and DHS has Appealed," issued by Acting ICE Director Tae Johnson on or about

June 7, 2021.

3) Any memorandum, directive, email, or other communication issued between January 1, 2004 and the date of this FOIA request by an ICE official working within ICE Washington Field Office or Baltimore Field Office or otherwise within ICE's Virginia or Maryland Areas of Responsibility that articulates a policy or provides guidance to other ICE officials regarding the custody or release of non-citizens who have been granted withholding of removal or protection under the Convention Against Torture in immigration court.

4) Any memorandum, directive, email, or other communication issued between January 1, 2004 and the date of this FOIA request by an ICE official working within ICE's Washington Field Office or Baltimore Field Office or otherwise within ICE's Virginia or Maryland Areas of Responsibility that articulates a policy or provides guidance to other ICE officials regarding the custody or release of non-citizens detained during the 90-day removal period under 8 U.S.C. § 1231(a)(2) (INA § 241(a)(2)).

Please provide the ICE FOIA office with a response as soon as possible to avoid any further delay in the processing of your request. If a response is not received within 30 days, your request will be administratively closed.

Sincerely,

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

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