

# Exhibit 1



CENTER FOR IMMIGRATION STUDIES

**ICE FOIA REQUEST**

VIA FOIA PORTAL

September 26, 2023

**Re: Number of people encountered by CBP and removed by ICE 2022/2023  
(CIS#0047)**

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, the Center for Immigration Studies (“the Center”), hereby requests the following records to be provided in electronic form to [foia@cis.org](mailto:foia@cis.org):

- 1) Records sufficient to show the number of people encountered by CBP at the southern border, from May 12, 2023 through the date of the search, who were ordered removed from the United States at the end of expedited removal proceedings under section 235(b)(1) of the INA<sup>1</sup> or at the end of removal proceedings under section 240 of the INA<sup>2</sup>, and were physically removed by ICE.**
  
- 2) Records sufficient to show the number of people encountered by CBP at the southern border, from May 1, 2022 through October 1, 2022, who were ordered removed from the United States at the end of expedited removal proceedings under section 235(b)(1) of the INA or at the end of removal proceedings under section 240 of the INA, and were physically removed by ICE.**

**Information helpful to fulfilling the request: The requester would prefer responsive data to be aggregated by monthly or weekly intervals.**

If any responsive record or portion thereof is claimed to be exempt from production under the provisions of FOIA, please provide sufficient identifying information with respect to each allegedly exempt record, or portion thereof, to allow the Center to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F. 2d 820 (D.C. Cir. 1973). In addition, any portion of a responsive record that can be reasonably segregated must be provided, after redaction of any exempt material. 5 U.S.C. § 552 (b). The Center will accept a “rolling production” of documents if necessary to facilitate the production of responsive records.

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<sup>1</sup> <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>.

<sup>2</sup> <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1229a&num=0&edition=prelim>.

For the purpose of this request, the term “record” shall mean: 1) any written, printed, or typed material of any kind, including without limitation all correspondence memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, books, reports, calendars, chronological data, minutes, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; 2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail, email, text messages, or chats; 3) any audio, aural, visual, or video records, recordings, or representations of any kind; 4) any graphic materials and data compilations from which information can be obtained; and 5) any materials using other means of preserving thought or expression.

The Center also hereby requests a waiver of any and all fees and charges pursuant to 5 U.S.C. §§ 552(a)(4)(A)(ii)(II) and (a)(4)(A)(iii). First, the Center is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because under FOIA it qualifies as a member of the news media. *See National Security Archive v. Department of Defense*, 880 F. 2d 1381, 1387 (D.C. Cir. 1989) (“A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.”). The Center is a research institution whose mission is to provide immigration policymakers, the academic community, news media, and concerned citizens with reliable information about the social, economic, environmental, security, and fiscal consequences of legal and illegal immigration into the United States.<sup>3</sup> In service of this mission, the Center regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn the information into distinct works, and widely disseminates the information through a variety media platforms.<sup>4</sup> The Center intends to do likewise with the records it receives through this request.

Secondly, the Center is entitled to a complete waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records “shall be furnished without any charge or at a charge reduced” if “the disclosure of the 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.” 5 U.S.C. § 552(a)(4)(A)(iii). The Center is a 501(c)(3), not-for-profit, educational and research organization, and, by definition, it has no commercial purpose. The Center exists to educate the public about the operations and activities of the government concerning the issue of immigration, and to increase public understanding of the effect of immigration on U.S. systems. Once the Center obtains the requested records, it intends to analyze them and widely disseminate the results of its analysis utilizing a variety of media platforms.<sup>5</sup> It also will make the records available to other members of the media or researchers upon request.

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<sup>3</sup> See <https://cis.org/Center-For-Immigration-Studies-Background>.

<sup>4</sup> See <https://cis.org/Publications>; see also <https://cis.org/Podcasts/Parsing-Immigration-Policy>; <https://www.facebook.com/CenterforImmigrationStudies/>; [https://twitter.com/CIS\\_org](https://twitter.com/CIS_org); <https://www.youtube.com/@CenterforImmigrationStudies>.

<sup>5</sup> *Id.*

Finally, access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter, otherwise the Center is further entitled to a complete waiver of search and duplication fees. 5 U.S.C. § 552(a)(4)(A)(viii). Furthermore, the agency's failure to respond in a timely manner shall be viewed as a denial of this request, and the Center may immediately take further administrative or judicial action.

If you would like to discuss the request or any issues raised in this letter, please feel free to contact us at 202-466-8185 ext. 126 or [foia@cis.org](mailto:foia@cis.org). For all other formal correspondence regarding this request, please email [foia@cis.org](mailto:foia@cis.org). Thank you for your time and attention to this matter.

Sincerely,

Colin M. Farnsworth, Esq.  
Chief FOIA Counsel  
Center for Immigration Studies

# Exhibit 2

**ICE FOIA 2023-ICFO-44390**

1 message

**ice-foia@ice.dhs.gov** <noreply@securerelease.us>  
Reply-To: ice-foia@ice.dhs.gov  
To: foia@cis.org

Thu, Oct 12, 2023 at 9:54 AM

10/12/2023

Colin Farnsworth  
1629 K st. NW #600  
Washington, District of Columbia 20006

RE: ICE FOIA Case Number 2023-ICFO-44390

Dear Requester:

This acknowledges receipt of your 9/26/2023, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for 1) Records sufficient to show the number of people encountered by CBP at the southern border, from May 12, 2023 through the date of the search, who were ordered removed from the United States at the end of expedited removal proceedings under section 235(b)(1) of the INA or at the end of removal proceedings under section 240 of the INA, and were physically removed by ICE. 2) Records sufficient to show the number of people encountered by CBP at the southern border, from May 1, 2022 through October 1, 2022, who were ordered removed from the United States at the end of expedited removal proceedings under section 235(b)(1) of the INA or at the end of removal proceedings under section 240 of the INA, and were physically removed by ICE. Information helpful to fulfilling the request: The requester would prefer responsive data to be aggregated by monthly or weekly intervals. Your request was received in this office on 9/26/2023.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you're able to narrow the scope of your request please contact our office. Narrowing the scope may speed up the search process. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions, please contact FOIA Public Liaison, Fernando Pineiro Jr. at the address above or (866) 633-1182. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, **8601 Adelphi Road**-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request has been assigned reference number 2023-ICFO-44390. Please use this number in future correspondence.

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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# Exhibit 3





### CIS#0047 - Re: ICE FOIA 2023-ICFO-44390

2 messages

CIS FOIA <foia@cis.org>  
To: ice-foia@ice.dhs.gov  
Cc: CIS FOIA <foia@cis.org>

Tue, Jan 2, 2024 at 11:59 AM

To Whom It May Concern:

My client would like the agency to provide an estimated date of completion for its action on FOIA request 2023-ICFO-44390. Pursuant to 5 U.S.C. § 552 (a)(7)(B)(ii), each agency shall provide the person making a request for records an estimated date on which the agency will complete its action on the request.

In this instance, the agency has not provided an estimated date of completion, and is currently in violation of FOIA's time limits. To avoid legal action, please provide an estimated completion date as soon as possible.

Sincerely,

**Colin M. Farnsworth, Esq.**

Chief FOIA Counsel  
Center for Immigration Studies

Tel: (202) 466-8185 ext. 126

[foia@cis.org](mailto:foia@cis.org) | [www.cis.org](http://www.cis.org)

1629 K St. NW #600

Washington, D.C. 20006

On Thu, Oct 12, 2023 at 9:54 AM [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov) <[noreply@securerelease.us](mailto:noreply@securerelease.us)> wrote:

10/12/2023

Colin Farnsworth  
1629 K st. NW #600  
Washington, District of Columbia 20006

RE: ICE FOIA Case Number 2023-ICFO-44390

Dear Requester:

This acknowledges receipt of your 9/26/2023, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for 1) Records sufficient to show the number of people encountered by CBP at the southern border, from May 12, 2023 through the date of the search, who were ordered removed from the United States at the end of expedited removal proceedings under section 235(b)(1) of the INA or at the end of removal proceedings under section 240 of the INA, and were physically removed by ICE. 2) Records sufficient to show the number of people encountered by CBP at the southern border, from May 1, 2022 through October 1, 2022, who were ordered removed from the United States at the end of expedited removal proceedings under section 235(b)(1) of the INA or at the end of removal proceedings under section 240 of the INA, and were physically removed by ICE. Information helpful to fulfilling the request: The requester would prefer responsive data to be aggregated by monthly or weekly intervals. Your request was received in this office on 9/26/2023.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. §

552(a)(6)(B). If you're able to narrow the scope of your request please contact our office. Narrowing the scope may speed up the search process. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions, please contact FOIA Public Liaison, Fernando Pineiro Jr. at the address above or (866) 633-1182. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request has been assigned reference number 2023-ICFO-44390. Please use this number in future correspondence.

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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ICE-FOIA <[ICE-FOIA@ice.dhs.gov](mailto:ICE-FOIA@ice.dhs.gov)>  
To: CIS FOIA <[foia@cis.org](mailto:foia@cis.org)>

Thu, Jan 4, 2024 at 9:48 AM

Good Day,

In regard to 2023-ICFO-44390, we have queried the appropriate component of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. We will process your request as expeditiously as possible. Upon completion of the processing, all documents that can be released will be made available to you as soon as possible. We sincerely apologize for the delay you are experiencing and appreciate your continued patience.

Sincerely,

ICE FOIA

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**From:** CIS FOIA <[foia@cis.org](mailto:foia@cis.org)>  
**Sent:** Tuesday, January 2, 2024 3:00 PM  
**To:** ICE-FOIA <[ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov)>  
**Cc:** CIS FOIA <[foia@cis.org](mailto:foia@cis.org)>  
**Subject:** CIS#0047 - Re: ICE FOIA 2023-ICFO-44390

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click [here](#) and follow instructions.

[Quoted text hidden]

# Exhibit 4



CENTER FOR IMMIGRATION STUDIES

**ICE FOIA REQUEST**

**VIA ONLINE PORTAL**

October 11, 2023

**Re: Number of people convicted under section 275(a) of the INA 2022/2023  
(CIS#0074)**

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, the Center for Immigration Studies (“the Center”), hereby requests the following records to be provided in electronic form to [foia@cis.org](mailto:foia@cis.org):

- 1) Records sufficient to show the number of aliens, from May 12, 2023 through the date of the search, who were convicted and/or removed for “Improper entry by alien” under section 275 of the INA<sup>1</sup>.**
- 2) Records sufficient to show the number of aliens, from May 1, 2022 through October 1, 2022, who were convicted and/or removed for “Improper entry by alien” under section 275 of the INA.**

**Information helpful to fulfilling the request: The requester would prefer responsive data to be aggregated by monthly or weekly intervals.**

If any responsive record or portion thereof is claimed to be exempt from production under the provisions of FOIA, please provide sufficient identifying information with respect to each allegedly exempt record, or portion thereof, to allow the Center to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F. 2d 820 (D.C. Cir. 1973). In addition, any portion of a responsive record that can be reasonably segregated must be provided, after redaction of any exempt material. 5 U.S.C. § 552 (b). The Center will accept a “rolling production” of documents if necessary to facilitate the production of responsive records.

For the purpose of this request, the term “record” shall mean: 1) any written, printed, or typed material of any kind, including without limitation all correspondence memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, books, reports, calendars, chronological data, minutes, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; 2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail, email, text messages, or chats; 3) any audio, aural,

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<sup>1</sup> <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1325&num=0&edition=prelim>.

visual, or video records, recordings, or representations of any kind; 4) any graphic materials and data compilations from which information can be obtained; and 5) any materials using other means of preserving thought or expression.

The Center also hereby requests a waiver of any and all fees and charges pursuant to 5 U.S.C. §§ 552(a)(4)(A)(ii)(II) and (a)(4)(A)(iii). First, the Center is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because under FOIA it qualifies as a member of the news media. *See National Security Archive v. Department of Defense*, 880 F. 2d 1381, 1387 (D.C. Cir. 1989) (“A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.”). The Center is a research institution whose mission is to provide immigration policymakers, the academic community, news media, and concerned citizens with reliable information about the social, economic, environmental, security, and fiscal consequences of legal and illegal immigration into the United States.<sup>2</sup> In service of this mission, the Center regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn the information into distinct works, and widely disseminates the information through a variety media platforms.<sup>3</sup> The Center intends to do likewise with the records it receives through this request.

Secondly, the Center is entitled to a complete waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records “shall be furnished without any charge or at a charge reduced” if “the disclosure of the 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.” 5 U.S.C. § 552(a)(4)(A)(iii). The Center is a 501(c)(3), not-for-profit, educational and research organization, and, by definition, it has no commercial purpose. The Center exists to educate the public about the operations and activities of the government concerning the issue of immigration, and to increase public understanding of the effect of immigration on U.S. systems. Once the Center obtains the requested records, it intends to analyze them and widely disseminate the results of its analysis utilizing a variety of media platforms.<sup>4</sup> It also will make the records available to other members of the media or researchers upon request.

Finally, access to the requested records should be granted within twenty (20) business days from the date of your receipt of this letter, otherwise the Center is further entitled to a complete waiver of search and duplication fees. 5 U.S.C. § 552(a)(4)(A)(viii). Furthermore, the agency’s failure to respond in a timely manner shall be viewed as a denial of this request, and the Center may immediately take further administrative or judicial action.

If you would like to discuss the request or any issues raised in this letter, please feel free to contact us at 202-466-8185 ext. 126 or [foia@cis.org](mailto:foia@cis.org). For all other formal correspondence

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<sup>2</sup> See <https://cis.org/Center-For-Immigration-Studies-Background>.

<sup>3</sup> See <https://cis.org/Publications>; see also <https://cis.org/Podcasts/Parsing-Immigration-Policy>; <https://www.facebook.com/CenterforImmigrationStudies/>; [https://twitter.com/CIS\\_org](https://twitter.com/CIS_org); <https://www.youtube.com/@CenterforImmigrationStudies>.

<sup>4</sup> *Id.*

regarding this request, please email [foia@cis.org](mailto:foia@cis.org). Thank you for your time and attention to this matter.

Sincerely,

Colin M. Farnsworth, Esq.  
Chief FOIA Counsel  
Center for Immigration Studies

# Exhibit 5





CIS FOIA &lt;foia@cis.org&gt;

**ICE FOIA 2024-ICFO-01460**

1 message

**ice-foia@ice.dhs.gov** <noreply@securrelease.us>  
Reply-To: ice-foia@ice.dhs.gov  
To: foia@cis.org

Sat, Oct 21, 2023 at 11:00 AM

10/21/2023

Colin Farnsworth  
1629 K st. NW #600  
Washington, District of Columbia 20006

RE: ICE FOIA Case Number 2024-ICFO-01460

Dear Requester:

This acknowledges receipt of your 10/11/2023, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for records pertaining to aliens who were convicted and/or removed for "Improper entry by alien" under section 275 of the INA. Your request was received in this office on 10/11/2023.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you're able to narrow the scope of your request please contact our office. Narrowing the scope may speed up the search process. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations, as they apply to media requesters. As a media requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions, please contact FOIA Public Liaison, Fernando Pineiro Jr. at the address above or (866) 633-1182. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, **8601 Adelphi Road**-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request has been assigned reference number 2024-ICFO-01460. Please use this number in future correspondence.

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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# Exhibit 6



CIS FOIA <foia@cis.org>

**CIS#0074 - Re: ICE FOIA 2024-ICFO-01460**

2 messages

**CIS FOIA** <foia@cis.org>  
To: ice-foia@ice.dhs.gov  
Cc: CIS FOIA <foia@cis.org>

Wed, Jan 3, 2024 at 1:02 PM

To Whom It May Concern:

My client would like the agency to provide an estimated date of completion for its action on this FOIA request. Pursuant to 5 U.S.C. § 552 (a)(7)(B)(ii), each agency shall provide the person making a request for records an estimated date on which the agency will complete its action on the request.

In this instance, the agency has not provided an estimated date of completion, and is currently in violation of FOIA's time limits. To avoid legal action, please provide an estimated completion date as soon as possible.

Regards,

**Colin M. Farnsworth, Esq.**

Chief FOIA Counsel  
Center for Immigration Studies

Tel: (202) 466-8185 ext. 126

[foia@cis.org](mailto:foia@cis.org) | [www.cis.org](http://www.cis.org)

1629 K St. NW #600

Washington, D.C. 20006

On Sat, Oct 21, 2023 at 11:00AM [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov) <noreply@securerelease.us> wrote:

10/21/2023

Colin Farnsworth  
1629 K st. NW #600  
Washington, District of Columbia 20006

RE: ICE FOIA Case Number 2024-ICFO-01460

Dear Requester:

This acknowledges receipt of your 10/11/2023, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for records pertaining to aliens who were convicted and/or removed for "Improper entry by alien" under section 275 of the INA. Your request was received in this office on 10/11/2023.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you're able to narrow the scope of your request please contact our office. Narrowing the scope may speed up the search process. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations, as they apply to media requesters. As a media requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are

accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions, please contact FOIA Public Liaison, Fernando Pineiro Jr. at the address above or (866) 633-1182. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request has been assigned reference number 2024-ICFO-01460. Please use this number in future correspondence.

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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ICE-FOIA <ICE-FOIA@ice.dhs.gov>  
To: CIS FOIA <foia@cis.org>

Thu, Jan 4, 2024 at 5:55 AM

Good Day,

In regard to 2024-ICFO-01460, we have queried the appropriate component of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. We will process your request as expeditiously as possible. Upon completion of the processing, all documents that can be released will be made available to you as soon as possible. We sincerely apologize for the delay you are experiencing and appreciate your continued patience.

Sincerely,

ICE FOIA

**From:** CIS FOIA <[foia@cis.org](mailto:foia@cis.org)>  
**Sent:** Wednesday, January 3, 2024 4:03 PM  
**To:** ICE-FOIA <[ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov)>  
**Cc:** CIS FOIA <[foia@cis.org](mailto:foia@cis.org)>  
**Subject:** CIS#0074 - Re: ICE FOIA 2024-ICFO-01460

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