

# Exhibit 1



## CENTER FOR IMMIGRATION STUDIES

### ICE FOIA REQUEST

VIA FOIA PORTAL

December 13, 2023

**Re: Most recent copy of the Declined Detainer Outcome Report (CIS#0102)**

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):

**The most recent version of the Declined Detainer Outcome Report, and/or list of jurisdictions that have non-cooperation policies.**

**Information helpful to fulfilling the request: The report/list is produced periodically by the Enforcement and Removal Operations division. A version should have been produced within the last two months. An example of an earlier version can be found here:**

**[https://cis.org/sites/cis.org/files/ddor2017\\_01-28to02-03%20\(1\).pdf](https://cis.org/sites/cis.org/files/ddor2017_01-28to02-03%20(1).pdf)**

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, 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>1</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 and expertise of immigration policy to turn the information into distinct works, and widely disseminates the information through a variety of media platforms for free.<sup>2</sup> (**Attachment 1.**) 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.” *Id.* 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. The Center often uses FOIA as a means of obtaining government information concerning immigration issues. Thus, the Center and the public’s ability to obtain information on immigration issues depends heavily on the policies and operations of the FOIA offices of the various agencies involved with administering immigration law and policy. Once the Center obtains the requested records, it intends to analyze and widely disseminate the results of its expert analysis utilizing a variety of media platforms for free.<sup>3</sup> (**Attachment 1.**) It also will make the records available to other members of the media or researchers upon request. The disclosure of the requested records will shed light on the operations or activities of the government as it pertains to the federal government’s responsibility to execute and regulate immigration laws and policy. Furthermore, the Center’s proven ability to disseminate its expert analysis of disclosed records will contribute significantly to the public’s understanding of how the federal government’s particular operations or activities regarding immigration policy and enforcement directly effects U.S. economic and security interests, the environment, and the potential strain on public and private institutions and their resources.

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

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<sup>1</sup> See <https://cis.org/Center-For-Immigration-Studies-Background>.

<sup>2</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>3</sup> *Id.*

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

## DECLARATION OF MARK KRIKORIAN

DISTRICT OF COLUMBIA

I, Mark Krikorian, being duly sworn on oath do say:

1. I am the Executive Director of the Center for Immigration Studies (“**CIS**”), an independent, non-partisan, non-profit 501(c)(3) organization located in Washington, D.C., whose mission is providing 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.
2. I have been the Executive Director of CIS since 1995. I oversee all the day-to-day operations of the organization. Together with the Board of Directors, I ensure that all efforts are focused on our mission statement and ensure that CIS stays in compliance with all required rules and regulations. I also produce and host CIS’ Podcast, titled “Parsing Immigration Policy.”<sup>1</sup>
3. In pursuit of its mission, CIS relies primarily on its own investigative reporting. CIS is instrumental in orchestrating cutting edge investigations into the social, economic environmental, security, and fiscal consequences of legal and illegal immigration into the United States, the government’s administration and enforcement of immigration laws and policies, and widely disseminates its findings and expert analysis – for free – through various media platforms, including but not limited to CIS’ website<sup>2</sup>, Facebook page<sup>3</sup>, YouTube and Twitter accounts<sup>4</sup>, as well as podcasts.
4. According to recent data analytics obtained by CIS, its website has nearly 2 million visits a year; its social media accounts are followed by over 260 thousand users, including over 1 million impressions a month on Twitter, over 1.35 million views in the past year on YouTube, and its Facebook posts reach over 20 thousand users a month.
5. The size of CIS’ audience and subscribers continue to grow, illustrative of the wide public interest in the subject of immigration, the government’s administration and enforcement of the laws and policies thereof, and CIS’ expert ability to investigate, analyze, and publish distinct works on matters of public interest.

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<sup>1</sup> <https://cis.org/Podcasts/Parsing-Immigration-Policy>.

<sup>2</sup> <https://cis.org>.

<sup>3</sup> <https://www.facebook.com/CenterforImmigrationStudies/>.

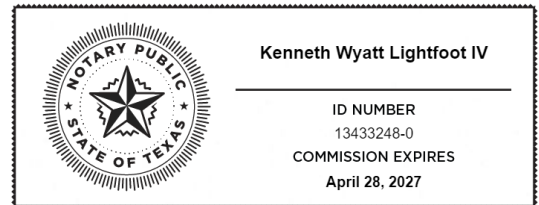
<sup>4</sup> <https://www.youtube.com/@CenterforImmigrationStudies>; [https://twitter.com/CIS\\_org](https://twitter.com/CIS_org).

- 6. One of the tools CIS uses to gather the raw materials it uses in its popular investigative reporting, is the Freedom of Information act (“FOIA”). CIS uses records it obtains from its FOIA requests to carry out its public mission and to support its role as a non-profit news media organization in the field of immigration. As a non-profit, CIS does not have a commercial interest in the records it seeks through FOIA.
- 7. Based on what I know as the Executive Director, as well as what has been demonstrated by CIS’ past and current investigative reporting, for purposes of FOIA's free waiver provisions, CIS certainly qualifies as a “representative of the news media.”

Signed 31<sup>st</sup> day of OCTOBER 2023

Signature of Mark Krikorian

I, Kenneth Wyatt Lightfoot IV Notary Public for the State of Texas KWL IV  
~~District of Columbia~~ witnessed said  
 Mark Krikorian sign the above statement this 31<sup>st</sup> day of October, 2023



Notarized online using audio-video communication