

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

September 09, 2015

Denise Gilman
Univ. of Texas School of Law - Immigration Clinic
727 E. Dean Keeton Street
Austin, TX 78705

RE: ICE FOIA Case Number 2015-ICFO-05675

Dear Ms. Gilman:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated March 31, 2014. You have requested copies of the following records:

Any and all documentation, electronic and written, that reflects the total number of women held by the Department of Homeland Security ("DRS") at the T. Don Hutto Center for each month between July 2013 and March 2014. Any and all documentation, electronic and written, relating to guidance, rules or policies utilized by DRS in connection with custody determinations made for women held at the T. Don Hutto Center between July 15, 2013 and March 15, 2014. This documentation includes guidance, rules or policies relating to decisions to detain or release, decisions regarding conditions of release where such conditions are imposed, decisions to grant bond or parole and decisions regarding bond amounts set by DHS officials. Any and all documentation, electronic and written, related to the procedures and decision making process utilized by DHS in connection with custody determinations made for women held at the T. Don Hutto Center between July 15, 2013 and March 15, 2014. This documentation includes electronic and written documents relating to decisions to detain or release, decisions regarding conditions of release where such conditions are imposed, decisions to grant bond or parole and decisions regarding bond amounts set by DHS officials. This documentation may relate to the procedures and decision-making process utilized by DHS in connection with initial custody determinations and initial decisions regarding bond amounts or in connection with redetermination of custody or modification to bond amounts or conditions of release.

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request produced 1 Excel spreadsheet that is responsive to your request. Portions of 1 Excel spreadsheet will be withheld pursuant to Exemptions of the FOIA as described below.

ICE has applied FOIA Exemptions to protect from disclosure

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure alien file numbers contained within the documents.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

ICE has applied FOIA Exemption 7(E) to protect from disclosure subject IDs contained within the documents.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have the right to appeal ICE's determination and should you wish to do so, please send your appeal following the procedures outlined in the DHS regulations at 6 Code of Federal Regulations § 5.9 and a copy of this letter to:

U.S. Immigration and Customs Enforcement
Office of Principal Legal Advisor
U.S. Department of Homeland Security
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need to contact the FOIA office about this matter, please call (866) 633-1182 and refer to FOIA case number **2015-ICFO-05675**.

Sincerely,

R. Gowins, for

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 1 Excel spreadsheet

¹ 6 CFR § 5.11(d)(4).