

EXHIBIT A



August 4, 2014

U.S. Department of Justice
Executive Office for Immigration Review
Office of the General Counsel - FOIA Service Center
5107 Leesburg Pike, Suite 1903
Falls Church, VA 20530
EOIR.FOIARequests@usdoj.gov

Re: Freedom of Information Act (FOIA) Request

Dear FOIA Officers:

The American Immigration Lawyers Association (AILA), Catholic Legal Immigration Network, Inc. (CLINIC), the Center for Gender & Refugee Studies (CGRS), Community Legal Services in East Palo Alto (CLSEPA), and Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR) (Requestors) submit this letter as a request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et seq.* We ask that this request be expedited pursuant to 5 U.S.C. § 552(a)(6)(E) and that we be granted a fee waiver.

Request for Information

The Requestors request disclosure of the following records¹ that were prepared, received, transmitted, collected and or/maintained by the Executive Office for Immigration Review (EOIR)² that contain, discuss, refer, or relate to statutes, regulations, policies, practices, procedures, previous memoranda, recommendations, instructions and guidelines with respect to the processing and scheduling of removal proceedings of unaccompanied alien children ("UAC" or "unaccompanied children") and of children entering the United States with a parent ("family

¹ The term "records" as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

² "EOIR" as used herein means EOIR offices and components (including Office of the Director, Office of the General Counsel, Office of the Chief Immigration Judge, the Board of Immigration Appeals, Office of Management Programs, and Office of Planning, Analysis and Technology), and any divisions, subdivisions, or sections therein.

cases"). We understand that these individuals are placed on expedited master calendar dockets following release from ORR, ICE, or CBP facilities. Such records shall include, but are not limited to, all policies, regulations, practices, procedures, recommendations and guidelines that address:

- Timing and standards used to decide when to file the Notice to Appear in situations where unaccompanied children ("UAC") are apprehended, are in federal custody, and are subsequently released from federal custody.
- The criteria used to place particular respondents on expedited juvenile and family dockets.
- Any additional training provided to Immigration Judges assigned to expedited dockets.
- Standards and criteria used to assign Immigration Judges to expedited dockets.
- Standards and processes for explaining the removal procedure to unaccompanied children ("UAC").
- Standards and procedures regarding removal proceedings for unaccompanied children ("UAC") under the age of 10.
- The manner of service used, regular or certified mail, to send Notice of Hearing.
- The period of time between placing the Notice to Appear in the United States mail and the first master calendar hearing.
- The maximum number of days allowed between the first master calendar hearing and the continued master calendar hearing.
- Any cap on the number of continuances that will be permitted between the master calendar hearing and the hearing on the merits of the case.
- Standards governing time granted for continuances and availability of administrative closure in cases where unaccompanied children ("UAC") are seeking asylum at the Asylum Office.
- Standards and criteria governing the availability of administrative closure in cases on the expedited docket.

- Any cap on the number of continuances that will be permitted to secure legal counsel after one continuance has been granted.
- Timing and/or scheduling of the hearing on the merits if the respondent advises the court of potential eligibility for U nonimmigrant status, T nonimmigrant visa status, or a family-based immigration petition.
- The number of days allowed between master calendar hearings if a second continuance is granted.
- Standards affecting when the respondent must plead to the Notice to Appear, including requirements that the respondent plead to the Notice to Appear following the second scheduled master calendar hearing.
- Whether a request to secure legal counsel will permit the deferral of pleading to the Notice to Appear at a continued master calendar hearing.
- Timing and/or scheduling of the hearing on the merits following the last master calendar hearing.
- Timing and/or scheduling of the hearing on the merits if the respondent advises the court that a predicate order for Special Immigrant Juvenile status will be submitted to state court.
- Standards and procedures for issuing in absentia orders of removal for cases on the expedited docket.
- Standards and procedures for granting motions to reopen proceedings following issuance of removal orders in cases on the expedited docket.
- The locations of the immigration courts nationwide participating in the expedited juvenile and family dockets.

Request for Expedited Processing

Expedited processing is warranted because there is “an urgency to inform the public about an actual or alleged federal government activity” by organizations “primarily engaged in disseminating information.” 5 U.S.C. § 552(a)(6)(E)(v)(II). This request implicates a matter of

urgent public concern, namely, government policies, procedures and practices related to expedited master calendar hearings and expedited hearings on the merits, with or without counsel for unaccompanied children and families with children.

There is “an urgency to inform the public” about this government activity because early reports about expedited removal processing raise serious due process concerns. Further, attorneys and other service providers need to understand the relevant policies, procedures, and practices to serve this population.

Request for Waiver of Fees

Requestors ask that all fees associated with this FOIA request be waived. We are entitled to a waiver of all costs because disclosure of the information 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). *See also* 6 C.F.R. § 5.11(k) (records furnished without charge or at a reduced rate if the information is in the public interest, and disclosure is not in commercial interest of institution). In addition, the Requestors have the ability to widely disseminate the requested information. *See Judicial Watch v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003) (finding a fee waiver appropriate when the requester explained, in detailed and non-conclusory terms, how and to whom it would disseminate the information it received).

A. Disclosure of the Information Is in the Public Interest

Disclosure of the requested information will contribute significantly to public understanding of government operations and activities related to removal processing of unaccompanied minor and families in removal proceedings. Requestors have the capacity and intent to disseminate widely the requested information to the public.

American Immigration Lawyers Association (AILA), founded in 1946, is a nonpartisan not-for-profit national association of over 13,000 attorneys and law professors who practice and teach immigration law. In furtherance of our mission to promote justice, and advocate for fair and reasonable immigration law and policy, we seek to provide members and the general public with up-to-date information, news and commentary on all aspects of immigration law and policy. AILA maintains a public website with immigration-related information and news; publishes newsletters, e-magazines, and other print and electronic publications; and is in regular contact with national print and news media. AILA will disseminate widely the requested information to the public through its website and/or by other means discussed above.

Catholic Legal Immigration Network, Inc. (CLINIC) provides technical support to the members of its network on broad range of immigration law topics. The network employs approximately 1,200 attorneys and accredited paralegals and assists some 600,000 clients, parishioners, and community members with immigration matters annually. CLINIC is particularly concerned and involved with the protection of unaccompanied children in removal proceedings, and publishes

books, produces a monthly newsletter, and provides in-person training, online courses and webinars on this issue to attorneys and paralegals throughout the United States. In addition, CLINIC's materials are disseminated to a large audience through its website, www.cliniclegal.org. Information obtained through this FOIA will contribute to CLINIC's public education materials on the immigration system, assist in working with pro bono attorneys working with unaccompanied children, and will be available, at no public cost, through its websites and/or related written materials.

The Center for Gender & Refugee Studies (CGRS), based at the University of California Hastings College of the Law, works to protect the fundamental human rights of refugees, with a focus on women and children, through litigation, scholarship, expert consultations, and the development of policy recommendations. Attorneys at the Center include authors of scholarly works regarding asylum, experts who advise other attorneys representing asylum seekers, and practicing attorneys who represent asylum seekers throughout the United States. CGRS conducts national trainings and advises attorneys representing asylum seekers, many of whom are children, and has published comprehensive studies documenting the procedures and treatment of women and child asylum seekers in the United States. Each year, CGRS provides assistance in over 700 cases of asylum seekers, including cases of women and children from Mexico and Central America. CGRS will make widely available to the public the information requested through this FOIA through its website and/or by other means discussed above.

Community Legal Services in East Palo Alto (CLSEPA) is a non-profit organization that provides legal assistance to low income immigrants in and around East Palo Alto, where two-thirds of the population is Latino or Pacific Islander. The immigration team provides consultations to and represents local residents in many aspects of immigration law, including in immigration court. In an effort to teach local immigrants their rights and responsibilities, CLSEPA gives presentations at a number of venues in the area, including community health and social service agencies, immigrants' rights groups, churches, schools, women's shelters, and community events. For individual clients, CLSEPA provides pro bono and low cost legal assistance to immigrants applying for affirmative immigration benefits and to those in removal proceedings in immigration court.

Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR) is a non-profit legal organization that works to protect and advance the rights and status of people of color, low-income communities, and immigrants and refugees through direct legal services, impact litigation, and policy advocacy. LCCR's longest-running pro bono program is its Asylum Program, established in 1983. A substantial number of LCCR's Asylum Program clients are unaccompanied children. To support the representation of these children and other asylum seekers served by the Asylum Program, LCCR provides in-person and webinar trainings for hundreds of participants each year as well as a regularly updated asylum law and procedure training and resource manual and close mentorship and technical assistance for pro bono attorneys. LCCR also makes information about asylum and other immigration matters available to the public through its website and written community education materials. Information

obtained through this FOIA will contribute to LCCR's public education materials on asylum and related aspects of the immigration system, will assist pro bono attorneys working with unaccompanied children and families who may be eligible for asylum, and will be available, at no public cost, through LCCR's website and/or related written materials and training presentations.

One or more of the Requestors will post the information obtained through this FOIA on its publicly accessible website. The Requestors' websites collectively receive millions of page views per year. One or more of the Requestors also will publish a summary of the information received and will disseminate that summary. Finally, the Requestors have regular contact with national print and news media and plan to share information gleaned from FOIA disclosures with interested media.

B. Disclosure of the Information Is Not Primarily in the Commercial Interest of the Requester

AILA, CLINIC, CGRS, CLSEPA, and LCCR, and are not-for-profit organizations. The Requestors seek the requested information for the purpose of disseminating it to members of the public who have access to our public websites and other free publications, and not for the purpose of commercial gain.

Thank you for your prompt attention to this request. If you have any questions, please do not hesitate to contact us by telephone or email.

Sincerely,

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