

EXHIBIT 16

Watkins, Seth

From: Watkins, Seth
Sent: Tuesday, July 01, 2014 3:08 PM
To: OMBFOIA@omb.eop.gov
Subject: FOIA Request
Attachments: 2014.07.01 FOIA request to OMB.pdf

Please see the attached FOIA request.

Thank you.

Sincerely,

Seth Watkins

Seth A. Watkins, Ph.D.
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
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July 1, 2014
By Email (OMBFOIA@omb.eop.gov)

Ms. Dionne Hardy, FOIA Officer
Office of Management and Budget ("OMB")
725 17th Street NW, Room 9026
Washington, DC 20503

Re: FOIA Request

Dear Ms. Hardy:

This Freedom of Information Act ("FOIA") request is made on behalf of our client the National Immigrant Justice Center, a program of the Heartland Alliance, 208 S. LaSalle St., Suite 1300, Chicago, IL 60604 ("Requester"). All communications concerning this request should be sent to the undersigned attorney, Seth A. Watkins, Steptoel & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036-1795, tel. (202) 429-8090, direct fax (202) 261-0548, and email sethwatkins@steptoel.com.

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*, the following Records¹ are hereby requested (collectively, the "Requests") **with respect to nationwide ICE-related² detention (a.k.a. the Detention Bed Quota):**

1. any Records dated between January 1, 2009 and the present which set out or reflect approved policies, guidelines, or procedures for maintaining and/or filling (i) a level of not less than 33,400 detention beds and/or (ii) a level of not less than 34,000 detention beds, including all communications (*e.g.*, transmittals, letters, emails, memoranda, and reports, instructions, and summaries) related thereto (such as to, from, or within ICE headquarters, an ICE field office, or an ICE AOR³);

¹ As used herein, the term "Records" *includes but is not limited to* data (including Excel spreadsheets), transmittals, letters, emails, memoranda, reports (including, *e.g.*, audit reports), instructions (such as to or from agency staff, contractors, or other providers), and summaries.

² As used herein, the term "ICE" means U.S. Immigration and Customs Enforcement.

³ As used herein, the term "AOR" means the geographic area of responsibility under the authority of an ICE field office.

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2. any Records dated between January 1, 2009 and the present which set out or reflect an assessment of compliance with any statutory requirement for maintaining and/or filling (i) a level of not less than 33,400 detention beds and/or (ii) a level of not less than 34,000 detention beds;
3. any Records from January 1, 2009 through the present which set out or reflect approved policies, guidelines, or procedures for appraising the performance of ICE personnel, Field Offices, or AORs related to maintaining and/or filling beds in detention facilities used to house ICE detainees;
4. any Records from January 1, 2009 through the present which set out or reflect approved policies, guidelines, or procedures for requesting and/or setting and/or calculating bond amounts for apprehended and/or detained individuals based on the presence of vacant beds in an ICE detention facility.

The above Requests do **NOT** include any Records, or portions of Records, specifically identifying a particular individual, that would be covered under the Privacy Act or other privacy protections.

With respect to the foregoing, Requester is **NOT** requesting the disclosure of any drafts and no such drafts need be listed on any *Vaughn* index of withheld Records or portions thereof.

Possession of Records. If OMB does not have custody or control over certain requested and responsive Records but knows or believes that another department, agency, private entity, or another subject to FOIA does, please forward this FOIA request to the appropriate person and inform the undersigned that you have done so.

Withheld Records. If OMB believes any Records or portions of the Records are exempt from disclosure, please provide the non-exempt and/or reasonably segregable portions of the Records. Please also provide a *Vaughn* index identifying all Records or portions thereof that are being withheld from disclosure and state the specific basis for any denial or redaction.

Request for Expedited Processing and Fee Waiver. Requester hereby requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and a fee waiver under FOIA to the fullest extent permitted by law.

Requester is a nonprofit entity under Section 501(c)(3) of the Internal Revenue code. Dedicated to ensuring human rights protections and access to justice for all immigrants, refugees, and asylum seekers, Requester provides direct legal services to and advocates for these populations through policy reform, impact litigation, and public education. Through its work, Requester advocates for individual clients as well as for broad-based systemic change.

The primary purpose of the Requester is to inform the legal community and the public about ICE detention, release, and bond policies and procedures. Specifically, the

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Requester seeks to determine, *inter alia*, whether ICE has adopted uniform detention, release, and bond policies that are independent from bed space inventory and/or from ICE quotas or performance objectives. Providing the requested information will likely contribute significantly to understanding current practices at ICE, as well as identifying potential grounds for seeking to adjust such practices.

To the extent that fees associated with the Requests exceed the maximum allowable fee waiver, Requester (through its attorneys) hereby agrees to pay fees not to exceed \$250.00 in connection with the FOIA requests herein. If OMB requires the payment of fees in excess of \$250.00, please contact the undersigned to seek advance authorization to proceed and please provide an estimate of fees broken down according to each numbered request above.

Records Produced in Electronic Form. To the extent possible, please disclose all Records in connection with this FOIA request in electronic form. Where data is to be disclosed, to the extent possible, please produce native files (*e.g.*, Excel spreadsheets). Please send these Records by email to sethwatkins@steptoe.com or on media such as a CD or DVD. If the file sizes of the Records are too large to be emailed or provided on electronic media, please contact the undersigned to arrange another method for transmitting them.

Please respond within 20 business days in accordance with 5 U.S.C. § 552(a)(6)(A). If you have any questions regarding this request, please contact the undersigned by email at sethwatkins@steptoe.com or by telephone at (202) 429-8090.

Sincerely,

/s/

Seth A. Watkins, Ph.D.