

# **EXHIBIT R**

U.S. Department of Homeland Security  
500 12<sup>th</sup> St. SW; STOP 5009  
Washington, DC 20536-5009



U.S. Immigration  
and Customs  
Enforcement

March 23, 2017

Jayashri Srikantiah  
Mills Legal Clinic  
Stanford Law School  
559 Nathan Abbott Way  
Stanford, CA 94305

**RE: 2017-ICAP-00240, 2016-ICFO-21111**

Dear Ms. Srikantiah:

This is in response to your letter, dated February 21, 2017, received February 22, 2017, appealing U.S. Immigration and Customs Enforcement's (ICE) response to your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your original FOIA/PA request, received February 16, 2016, requested various ICE documents pertaining to bond policies.

By letter dated May 3, 2016, the ICE FOIA Office advised you that "a search of Enforcement and Removal Operations (ERO) and Office of Detention Policy and Planning (ODPP) produced 81 pages that are responsive to your request." In a letter dated June 20, 2016, you appealed the adequacy of this search and the FOIA withholdings applied. In a letter dated July 26, 2016, the withholdings were affirmed and the case was remanded to ICE FOIA for a new search.

In a letter dated November 29, 2016, the ICE FOIA Office advised you that "a search of the ICE Office of Enforcement and Removal Operations, Chief Financial Officer, and Principal Legal Advisor for records responsive to your request produced 8 pages and 1 excel spreadsheet that are responsive to your request." The 8 pages were released in their entirety, while portions of the excel spreadsheet were withheld under FOIA exemptions (b)(6) and (b)(7)(C). You have appealed the withholdings applied to these records, and the adequacy of the search.

Regarding withholdings, ICE has applied FOIA Exemptions (b)(6) and (b)(7)(C) to protect from disclosure information pertaining to third parties who have not provided consent. Without the explicit consent of the individual(s) named in the records you seek, ICE cannot release these records to you, your client, or any other member of the public. Protecting the privacy interests of individuals who may be named in ICE records which are the target of FOIA requests requires this procedure; members of the public may draw adverse inferences from the mere fact that an individual is mentioned in the files of a criminal law enforcement agency. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in the disclosure of the information. Please understand that any private or litigation interest you may have in that information cannot factor into this determination.

Upon a complete review of the information withheld by ICE, it is determined that the withholding of this information was proper in all respects, and the information is exempt from disclosure under the applicable provisions of 5 U.S.C. § 552 and 5 U.S.C. § 552a cited above.

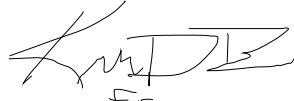
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Regarding the search, after reviewing the administrative record, ICE has determined that a new search(s), or modifications to the existing search(s), could be made. ICE is therefore remanding your appeal to the ICE FOIA Office for processing and re-tasking to the appropriate agency/office(s) to obtain any responsive documents. However, please note that some of the records requested, such as documentation from the Executive Office for Immigration Review (EOIR), reside within the U.S. Department of Justice (DOJ), and must be requested separately. You can submit a DOJ FOIA request at <https://www.justice.gov/oip/make-foia-request-doj>.

To the extent that you are willing to work with the ICE to narrow your request, such that the records sought can become better described and less voluminous, ICE invites you to contact Kristin Brudy, Associate Legal Advisor, Government Information Law Division at [kristin.d.brudy@ice.dhs.gov](mailto:kristin.d.brudy@ice.dhs.gov).

Should you have any additional questions regarding this appeal remand, please contact ICE at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov). In the subject line of the email please include the word "appeal," your appeal number, which is **2017-ICAP-00240**, and the FOIA case number, which is **2016-ICFO-21111**.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Erin J. Clifford', with a small 'for' written below it.

Erin J. Clifford  
Chief

Government Information Law Division  
ICE Office of the Principal Legal Advisor  
U.S. Department of Homeland Security