

Exhibit 2

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

July 15, 2015

CBP-2014-014311

Ms. Sarah L. Mehta
American Civil Liberties Union
125 Broad Street, Floor 18
New York, NY 10004

Dear Ms. Mehta:

This is an interim response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), seeking statistical information regarding expedited removal and voluntary returns. In particular, you're requesting information regarding individuals whom CBP encounters and processes through expedited removal and administrative voluntary departure as well as information pertaining to the training of CBP officers on the subject of expedited removal and administrative voluntary departure.

In your request you asked for specific data. CBP will address your request in the order it was presented.

1. Records demonstrating the number of individuals removed through expedited removal by CBP. *Please see page 1 titled Question 1 – 4 and page 2 titled Question 1.*
2. Records demonstrating the number of individuals who received expedited removal orders from CBP:
 - a. At ports of entry;
 - b. Within 100 miles of a U.S. international border (not including at ports of entry);*Please see page 1 titled Question 1 – 4 and page 3 titled Question 2.*
3. Records demonstrating the number of individuals removed through expedited removal after being held in short-term CBP custody in Texas, New Mexico, Arizona, and/or California for each of the following periods of time:
 - a. Less than one day;
 - b. Two to five days;
 - c. Five to 10 days;
 - d. More than 10 days.*Please see page 1 titled Question 1 – 4 and page 4 titled Questions 3 – 4.*

4. Records demonstrating the number of individuals removed through expedited removal after being held in short-term CBP custody in all CBP sectors, excluding, Texas, New Mexico, Arizona, and/or California, for each of the following periods of time:
 - a. Less than one day;
 - b. Two to five days;
 - c. Five to 10 days;
 - d. More than 10 days.

Please see page 1 titled Question 1 – 4 and page 4 titled Question 3 – 4.
5. Records demonstrating the number of expedited removal orders that included a finding of fraud. *Please see page 5 titled Question 5.*
6. Records demonstrating the number of individuals who received expedited removal orders and had a prior expedited removal order. *Please see page 6 titled Questions 6 – 7. The statistical data provided represents the best data available at the time to CBP.*
7. Records demonstrating the number of individuals who were removed by expedited removal orders and had a prior expedited removal order. *Please see page 6 titled Questions 6 – 7. The statistical data provided represents the best data available at the time to CBP.*
8. Records demonstrating the number of cases where the immigrant was allowed to withdraw an application of admission. *Please see page 7 titled Question 8.*
9. Records demonstrating the number of expedited removal orders rescinded by CBP and the basis for rescinding those orders. *CBP does not track this data and therefore is unable to provide this information.*
10. Records demonstrating the number of unaccompanied minors who received an expedited removal order, including the average, median and range of ages of unaccompanied minors who received an expedited removal order. *This information is currently pending review and as such, may not be released at this time.*
11. Records demonstrating the number of individuals with a facially valid visa who received expedited removal. *Please see page 10 titled Question 11.*
12. Records demonstrating the number of facially valid visas cancelled annually as a result of an expedited removal order. *CBP does not specifically track visas as “cancelled” and therefore is unable to provide this information.*

13. Records demonstrating the number of individuals arrested by CBP and placed in expedited removal proceedings who were found to be U.S. citizens:
 - a. During expedited removal proceedings;
 - b. After receiving an expedited removal order.

CBP does not track this data and therefore is unable to provide this information.
14. Records demonstrating the number of individuals arrested by CBP and placed in expedited removal proceedings who were found to be lawful permanent residents U.S. citizens:
 - a. During expedited removal proceedings;
 - b. After receiving an expedited removal order.

CBP does not track this data and therefore is unable to provide this information.
15. Records demonstrating the number of individuals arrested by CBP and placed in expedited removal proceedings who were found to have asylum status in the U.S.:
 - a. During expedited removal proceedings;
 - b. After receiving an expedited removal order.

CBP does not track this data and therefore is unable to provide this information.
16. Records demonstrating the number of individuals interviewed by CBP during expedited removal proceedings whom CBP officers identify as having a mental disability.

Please see page 15 titled Question 16.
17. Records demonstrating the number of cases where CBP officers have
 - a. Identified a possible claim to U.S. citizenship through parentage;
 - b. Verified a claim to U.S. citizenship through parentage.

CBP does not track this data and therefore is unable to provide this information.
18. Records demonstrating the number of cases
 - a. A supervisor rejected an expedited removal order;
 - b. The basis for rejecting the expedited removal order.

CBP does not track this data and therefore is unable to provide this information.
19. Records demonstrating the number of individuals who have been referred to an asylum officer for credible fear interview (CFI), including:
 - a. The number of individuals who abandoned their asylum claims prior to receiving a CFI;
 - b. The number of individuals who abandoned their asylum claims after a CFI but prior to receiving an immigration hearing.

Please see page 18 & 19 titled Question 19. The data provided does not include "abandonment". CBP does not track the data requested in subparts a and b and therefore is unable to provide this information.

20. Records demonstrating the number of individuals whom CBP officers have referred to the U.S. attorney's office for prosecution for asylum fraud.
CBP does not track this data and therefore is unable to provide this information.
21. Records demonstrating the number of individuals who were arrested within 100 miles of a U.S. international border and claimed to have been living in the United States for more than two weeks continuously
- But who could not demonstrate continuous physical presence to the satisfaction of an immigration officer and received an expedited removal order;
 - Who were able to demonstrate continuous physical presence in the United States and were referred for an immigration hearing.
- Please see page 21 titled Question 21. CBP does not track data requested in subparts a and b and therefore is unable to provide this information.*
22. Records demonstrating the number of individuals whom CBP officers have referred to the U.S. Attorney's office for prosecution for illegal entry or illegal reentry.
Please see page 22 titled Question 22.
23. Records demonstrating the number of individuals who were arrested by CBP and who claimed to have U.S. citizen children, parents, or spouses and who:
- Were nonetheless issued an expedited order of removal;
 - Were referred for a hearing before an immigration judge under INA §240;
 - Were granted prosecutorial discretion.
- CBP does not track this data and therefore is unable to provide this information.*
24. Records demonstrating the number of individuals removed through administrative voluntary departure by CBP, including the number of minors removed through administrative voluntary departure.
Please see page 24 titled Questions 24 - 26.
25. Records demonstrating the number of individuals removed through administrative voluntary departure by CBP who had been in the United States for one year or more.
Please see page 24 titled Questions 24 - 26.
26. Records demonstrating the number of individuals who received administrative voluntary departure from CBP;
- At ports of entry;
 - Within 100 miles of a U.S. international border (not including at ports of entry).
- Please see page 24 titled Questions 24 - 26.*

27. Records demonstrating the number of individuals removed through administrative voluntary departure after being held in short-term CBP custody in Texas, New Mexico, Arizona, and/or California for each of the following periods of time:
- Less than one day;
 - Two to five days;
 - Five to 10 days;
 - More than 10 days.

Please see page 25 titled Questions 27 - 28.


28. Records demonstrating the number of individuals removed through administrative voluntary departure after being held in short-term CBP custody in all CBP sectors, excluding Texas, New Mexico, Arizona, and/or California for each of the following periods of time:
- Less than one day;
 - Two to five days;
 - Five to 10 days;
 - More than 10 days.

Please see page 25 titled Questions 27 - 28.

You have a right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177, following the procedures outlined in the DHS regulations at Title 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

This office may be reached at (202) 325-0150. Please notate file number CBP-2014-014311 on any future correspondence to CBP related to this request.

Sincerely,

For

For

Sabrina Burroughs
Director, Freedom of Information Acts Division
Privacy and Diversity Office

Enclosure(s)