

**Subject:** ICE FOIA Request 2018-ICFO-22105

**Date:** Thursday, March 1, 2018 at 9:21:40 AM Central Standard Time

**From:** ice-foia@dhs.gov

**To:** Zack Kopplin

March 01, 2018

[ZackK@whistleblower.org](mailto:ZackK@whistleblower.org)

Zack Kopplin  
Government Accountability Project  
832 Valence Street  
New Orleans, LA 70115

**RE: ICE FOIA Case Number 2018-ICFO-22105**

Dear Mr. Kopplin:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated February 16, 2018, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on February 16, 2018. Specifically, you listed 20 requests regarding emails memos, or other documents sent to or from GS-15s for specific dates: 1. Any and all emails, memos, or other documents sent to or from staff ranking GS-15s or above in the Miami field office that reference, "Neighbor to Family Miami Gardens," a foster care center, where two detainees were recorded being held between the dates 10/17/16 and 12/10/16. (Use these dates as specified time frames for the request.) 2. Any and all emails, memos, or other documents sent to or from staff ranking GS-15s or above in the San Antonio field office that reference, "Nix Home Care," a behavioral care center in San Antonio, Texas, where eight detainees are recorded to have been held between the dates 9/27/16 and 10/20/17. 3. Any and all emails, memos, or other documents sent to or from staff ranking GS-15s or above in the New York City field office that reference, "Queens House of Detention," a closed jail, where two detainees were held on the dates 8/3/16 and 8/1/17. 4. Any and all emails sent to or from the staff ranked GS-15 or above in the ICE field office in Buffalo, New York, and Compass House Shelter, a youth runaway and homeless shelter, where five detainees are recorded to have been held between on the dates 8/18/16 and 8/17/17. 5. Any and all emails, memos, or other documents sent to or from GS-15s or above in the Miami field office that reference, "Comfort Suites Hotel," where 129 detainees are recorded to have stayed between the dates 8/2/17 and 8/30/17. (see request for additional 15 requests).

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B).

If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

ICE evaluates fee waiver requests under the legal standard set forth above and the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, as incorporated into the Department of Homeland Security's Freedom of Information Act regulations [\[1\]](#). These regulations set forth six factors to examine in determining whether the applicable legal standard for fee waiver has been met. I have considered the following factors in my evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government";
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant";
- (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

Upon review of your request and a careful consideration of the factors listed above, I have determined to grant your request for a fee waiver.

**ICE has queried the appropriate program offices within ICE for responsive records.** If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as

expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-ICFO-22105**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2018-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov), call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

ICE FOIA Office  
Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street, S.W., Stop 5009  
Washington, D.C. 20536-5009  
Telephone: 1-866-633-1182  
Visit our FOIA website at [www.ice.gov/foia](http://www.ice.gov/foia)

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[1] 6 CFR § 5.11(k).