

Exhibit A



October 13, 2017

VIA ELECTRONIC MAIL

Catrina Pavlik-Keenan
FOIA Officer
US Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, SW, Stop 5009
Washington, D.C. 20536-5009

Sabrina Burroughs
FOIA Officer/Public Liaison
US Customs and Border Protection
1300 Pennsylvania Avenue, NW, Room 3.3D
Washington, D.C. 20229

Re: Freedom of Information Act (FOIA) Request

Dear FOIA Officers:

The American Immigration Council ("Requester") submits this letter as a request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et seq.*

1. REQUEST FOR INFORMATION

The American Immigration Council requests a complete dataset containing detailed information about all individuals who were apprehended by U.S. Customs and Border Protection; encountered by U.S. Immigration and Customs Enforcement; or removed from the United States between January 1, 2016 and October 10, 2017.

Specifically, requester seeks data reflecting the following:

1. **Data on apprehensions and encounters:** A full dataset containing the following information, to the extent it is available, for each individual who has been apprehended by CBP or encountered by ICE in the United States between January 1, 2016 and October 10, 2017:
 - (1) Unique identifier
 - (2) Event area of responsibility
 - (3) Title of Officer who apprehended or encountered individual
 - (4) Citizenship country



(5) Birth date

(6) Program under which individual was apprehended or encountered (based on what was assigned to the government employee at the time the encounter was processed; e.g., Criminal Alien Program)

(7) Processing Disposition (individual's status and/or the method by which the individual was processed by the ICE or CBP officer/agent—e.g., bag and baggage, Notice to Appear (I-862), Deported, etc.)

(8) Gender, including whether or not the individual is transgender

(9) Age at apprehension or encounter

(10) Country of citizenship / nationality

(11) Lead Type (category of event, incident, or anything of interest to immigration authorities)

(12) Responsible Site

(13) Landmark (location where the encounter/apprehension took place)

(14) Lead Source (The Lead Source is a category of the origin of information regarding an occurrence)

(15) Event date

(16) Event time

(17) Event type

(18) Whether individual was a DACA beneficiary at time of apprehension or encounter.

(19) Whether individual was ever a DACA beneficiary.

(20) Whether the encountered/apprehended person was a target or a collateral.

(21) Whether the person was subject to an immigration detainer

(22) Amount of time the person was detained



(23) First location where person was detained

(24) Last location where person was detained

2. Data on arrests: A full dataset containing the following information, to the extent it is available, for each individual who has been arrested by ICE or CBP, to the extent that data is maintained for each agency, between January 1, 2016 and October 10, 2017:

(1) Unique identifier

(2) Area of Responsibility

(3) Site

(4) Arrest date

(5) Arrest method

(6) Operation

(7) Officer Title

(8) Citizenship

(9) Current program (e.g., Criminal Alien Program)

(10) Apprehension Landmark

(11) Time Illegal in United States

(12) Apprehension date and time

(13) Case status

(14) Departed Date

(15) Detention Involved (yes/no)

(16) Expedited removal with detention (yes/no)

(17) Gender, including whether the individual is transgender

(18) Date of birth

(19) Country of citizenship / nationality



(25) Processing Disposition (individual's status and/or the method by which the individual was processed by the ICE/CBP officer/agent—e.g., bag and baggage, Notice to Appear (I-862), Deported, etc.).

(26) Whether individual was a DACA beneficiary at time of arrest.

(27) Whether individual was ever a DACA beneficiary.

(28) Whether the arrested person was a target or a collateral.

(29) Whether the person was subject to an immigration detainer

(30) Amount of time the person was detained

(31) First location where person was detained

(32) Last location where person was detained

3. **Data on removals and returns:** A full dataset containing the following information for each individual who has been removed (the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal) or returned (the confirmed movement of a potentially inadmissible or deportable alien out of the United States not based on an order of removal, but through either voluntary departure, voluntary return, or withdrawal under docket control) between January 1, 2016 and October 10, 2017:

(1) Unique identifier

(2) Date and time of encounter

(3) Age at encounter

(4) Country of citizenship / nationality

(5) Lead Type: Program under which an individual was encountered

(6) Lead Source: category of the origin of information regarding the ICE encounter

(7) Landmark: location where individual was apprehended/encountered

(8) Responsibility site (e.g., docket control office)

(9) Departed date



American Immigration Council

(10) Port of departure

(11) Departed to Country

(12) Case status

(13) Gender

(14) Country of birth

(15) Country of citizenship / nationality

(16) Age at removal

(17) Date of birth

(18) Lawful Permanent Resident (Yes/No)

(19) Was the individual ever a lawful permanent resident?

(20) Most recent entry date

(21) Most recent entry status

(22) Most serious criminal charge

(23) Most serious criminal conviction

(24) Most serious criminal conviction charge date

(25) Most serious criminal conviction status

(26) Most serious criminal conviction code

(27) Most serious criminal conviction data

(28) RC threat level

(29) Aggravated felon (Yes/No)

(30) Processing disposition code

(31) Case category

(32) Removal program



- (33) Removal program code
- (34) Case category time of arrest
- (35) Latest arrest program code
- (36) Latest arrest program
- (37) Latest arrest apprehension date
- (38) Detention involved (Yes/No)
- (39) Final order (Yes/No)
- (40) Final order date
- (41) Prior removal reinstate (Yes/No)
- (42) Prior removal reinstate date
- (43) Final charge section
- (44) Final charge code (criminal charge code)
- (45) Prior removal (yes/no)
- (46) Most recent prior departure date
- (47) Whether individual was a DACA beneficiary at time of removal.
- (48) Whether individual was ever a DACA beneficiary.
- (49) Whether the removed person was a target or collateral at time of arrest.
- (50) Whether the person was subject to an immigration detainer
- (51) Amount of time the person was detained
- (52) First location where person was detained
- (53) Last location where person was detained

The American Immigration Council seeks this data in a workable format, such as Excel. ***Requester also seeks a codebook with definitions of each variable included in the spreadsheet/s.***



If, under applicable law, any of the information requested is considered exempt, please describe in detail the nature of the information withheld, the specific exemption or privilege upon which the information is withheld, and whether the portions of withheld documents containing non-exempt or non-privileged information have been provided.

2. REQUEST FOR WAIVER OF FEES

We ask that the agency waive all fees associated with this FOIA request. Such a waiver is warranted 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 American Immigration Council has 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 immigration enforcement. The government's policies towards and the treatment of immigrants and suspected other non-citizens are of immense public concern at present and the disclosure of the requested records will help inform public debate about these issues.

Disclosure of the requested information also will contribute to "public understanding," as opposed to understanding of a narrow segment of interested persons. Release of this information will significantly advance the general public's understanding of DHS's enforcement practices more generally.

As discussed below, the American Immigration Council has the capacity, intent and demonstrated ability to disseminate the requested information to a broad cross-section of the public.

The American Immigration Council is a non-profit organization established to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America's immigrants. Our policy department researches issues related to immigration, and regularly provides information to leaders on Capitol Hill, the media, and the general public. Our legal department works with other immigrants' rights organizations and immigration attorneys across the United States to advance the fair administration of our immigration laws. The American Immigration Council has synthesized and disseminated information from prior FOIA requests to facilitate the sharing of this information with a broad public audience. *See, e.g., Behind Closed Doors: An Overview of DHS Restrictions on Access to Counsel*, a report summarizing certain key documents released by DHS agencies in response to FOIA requests regarding noncitizens' access to counsel, available at <https://www.americanimmigrationcouncil.org/research/behind-closed-doors-overview-dhs-restrictions-access-counsel> (last visited, August 22, 2017); *Enforcement Overdrive: A Comprehensive Assessment of*



ICE's *Criminal Alien Program*, a report analyzing data obtained from ICE to provide a fuller picture of CAP's evolution, operations, and outcomes between fiscal years 2010 and 2013, all of which was previously unknown to the public, available at [https://www.americanimmigrationcouncil.org/sites/default/files/research/enforcement overdrive a comprehensive assessment of ices criminal alien program final.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/enforcement%20overdrive%20a%20comprehensive%20assessment%20of%20ices%20criminal%20alien%20program%20final.pdf) (last visited, August 22, 2017); and *Still No Action Taken: Complaints Against Border Patrol Agents Continue to Go Unanswered*, a report examining records of alleged misconduct by Border Patrol agents and supervisors, available at <https://www.americanimmigrationcouncil.org/research/still-no-action-taken-complaints-against-border-patrol-agents-continue-go-unanswered> (last visited, August 22, 2017).

The American Immigration Council will analyze and post the information obtained through this FOIA request on its publicly accessible website. If the responsive information is voluminous, the American Immigration Council also will publish a summary analysis of such information and will disseminate that summary through its established networks. Finally, the American Immigration Council has regular contact with national print and news media and plans to share information gleaned from FOIA disclosures with interested media.

B. Disclosure of the Information Is Not Primarily in the Commercial Interest of the American Immigration Council

The American Immigration Council is a not-for-profit organization. We seek the requested information for the purpose of disseminating it to members of the public who have access to our public website 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 me by telephone or email.

Sincerely,

A handwritten signature in cursive script that reads 'Emily J. Creighton'.

Emily J. Creighton
Deputy Legal Director
American Immigration Council
1331 G Street NW, Suite 200
Washington, DC 20005
Tel: 202-507-7514
E-mail: ecreighton@immcouncil.org

cc: Marc Rosenblum
Deputy Assistant Secretary
Office of Immigration Statistics
U.S. Department of Homeland Security