

10/31/2017

Center for Investigative Reporting Mail - FOIA request



Bernice Yeung <byeung@revealnews.org>

FOIA request

1 message

Bernice Yeung <byeung@revealnews.org>
To: ICE-FOIA@dhs.gov

Mon, Apr 17, 2017 at 5:35 PM

April 17, 2017

Dear Ms. Catrina M. Pavlik-Keenan,

Pursuant to the Freedom of Information Act (FOIA), I hereby request disclosure and copies of the following records:

All entries in the "DHS/Immigration and Enforcement (ICE)-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records" for each arrest record maintained by the CARIER system for fiscal year 2015 to present, with a breakdown by field office, fiscal year and arrest date, and including the following biographical, historical and case-related information:

-Nationality

-Immigration history

-Education history

-Domestic and foreign criminal history

-Location of arrest

-Case category

-Charges brought in the case and case disposition

-Date case was initiated and completed

-Other case data describing an event involving alleged violations of criminal or immigration law (*i.e.*, location; date; time; type of criminal or immigration law violations

Exhibit A

10/31/2017

Center for Investigative Reporting Mail - FOIA request

alleged; type of property involved; use of violence, weapons, or assault against DHS personnel or third parties; attempted escape; and other related information)

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable non-exempt portions of the documents.

To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records or portions thereof, and explain the basis for your exemption claims.

As a member of the news media, I am seeking this information for dissemination to the general public as part of an effort to examine immigration enforcement policy trends in the United States. As such, I am requesting a waiver of search and review fees as a member of the news media. This request is made in the public interest and not for commercial use. For additional details about Reveal, please see our web site: <<https://www.revealnews.org/>>. If possible, I would prefer the documents in electronic format. Please notify me before incurring any photocopying costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed.

If you have any questions regarding this request, please email me at byeung@revealnews.org or call me at 510 809 3177. I look forward to receiving a response within the statutory time period.

Sincerely,

Bernice Yeung
Reporter, Reveal

—

BERNICE YEUNG
Reporter

10/31/2017

Center for Investigative Reporting Mail - FOIA request

o: 510 809 3177, c: 415 939 8564

@bmyeung





FOIA REQUEST

1 message

Bernice Yeung <byeung@revealnews.org>
To: ICE-FOIA@dhs.gov

Wed, Apr 19, 2017 at 1:14 PM

Dear Ms. Catrina M. Pavlik-Keenan,

Pursuant to the Freedom of Information Act (FOIA), I hereby request disclosure and copies of the following records:

All entries in the “DHS/Immigration and Enforcement (ICE)-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records” for each arrest record maintained by the CARIER system for January 1, 2017 to the present, with a breakdown by field office, fiscal year and arrest date, and including the following bond-related information:

-Amount of bond posted

-Data about persons who post or arrange an immigration bond for the release of an individual from ICE custody including:

- **Full Name;**
- **Address;**
- **Phone numbers;**
- **Other information.**

If you regard any of these documents as potentially exempt from the FOIA’s disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable non-exempt portions of the documents.

To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records or portions thereof, and explain the basis for your exemption claims.

As a member of the news media, I am seeking this information for dissemination to the general public as part of an effort to examine immigration enforcement policy trends in the United States. As such, I am requesting a waiver of search and review fees as a member of the news media. This request is made in the public interest and not for commercial use. For additional details about Reveal, please see our web site: <<https://www.revealnews.org/>>. If possible, I would prefer the documents in electronic format. Please notify me before incurring any photocopying costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed.

If you have any questions regarding this request, please email me at byeung@revealnews.org or call me at 510 809 3177. I look forward to receiving a response within the statutory time period.

Sincerely,

Bernice Yeung
Reporter, Reveal

—
BERNICE YEUNG
Reporter
o: 510 809 3177, c: 415 939 8564
@bmyeung



11/2/2017

Center for Investigative Reporting Mail - ICE FOIA Request 2017-ICFO-29929



Bernice Yeung <byeung@revealnews.org>

ICE FOIA Request 2017-ICFO-29929

3 messages

US DHS Immigration and Customs Enforcement FOIA Office

<ice-foia@dhs.gov>

To: byeung@revealnews.org

Thu, Jun 1, 2017 at

11:34 AM

June 01, 2017

Bernice Yeung
Reveal News

RE: ICE FOIA Case Number 2017-ICFO-29929

Dear Ms. Yeung:

This acknowledges receipt of your April 17th and 19th Freedom of Information Act (FOIA) requests to U.S. Immigration and Customs Enforcement (ICE), for Data Maintained in the CARIER System. Your requests will be combined under 2107-ICFO-29929. 2017-ICFO-29950 and 2017-ICFO-30142 have been administratively closed.

If you need any further assistance or would like to discuss any aspect of your request, please contact ICE FOIA Office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison in the same manner.

Your request has been assigned reference number **2017-ICFO-29929**. 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 2017-ICFO-XXXXX tracking number.

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](tel:1-866-633-1182)
Visit our FOIA website at www.ice.gov/foia

Exhibit B

11/2/2017

Center for Investigative Reporting Mail - ICE FOIA Request 2017-ICFO-29929

Bernice Yeung <byeung@revealnews.org>

Tue, Jul 25, 2017 at 12:24 PM

To: US DHS Immigration and Customs Enforcement FOIA Office <ice-foia@dhs.gov>

Greetings,

I am writing to check the status of my FOIA request, 2017-ICFO-29929.

According to your online portal, the estimated delivery date on this request is July 2, 2017 but I have not yet received any responsive documents or information. Please let me know when I might expect actual delivery of the responsive materials.

Best Regards,
Bernice

—
BERNICE YEUNG

Reporter

o: **510 809 3177**, c: **415 939 8564**

@bmyeung


The logo consists of the word "Reveal" in a white serif font, centered within a black rectangular box.

from The Center for Investigative Reporting

[Quoted text hidden]

Bernice Yeung <byeung@revealnews.org>

Mon, Aug 14, 2017 at 11:16 AM

To: US DHS Immigration and Customs Enforcement FOIA Office <ice-foia@dhs.gov>

Greetings,

Attached is the status update for FOIA request 2017-ICFO-29929, which says that the estimated delivery date of my FOIA request is July 2, 2017.

I have not received any responsive documents or materials related to this request so I'm sending this note to follow up on this FOIA request. Please let me know when I might receive responsive materials to this request.

Best,
Bernice

—
Exhibit C

11/2/2017

Center for Investigative Reporting Mail - ICE FOIA Request 2017-ICFO-29929

BERNICE YEUNG

Reporter

o: **510 809 3177**, c: **415 939 8564**

@bmyeung



[Quoted text hidden]

 **Check Status of Request _ Homeland Security.pdf**
153K

11/2/2017

Center for Investigative Reporting Mail - Info re CARIER



Bernice Yeung <byeung@revealnews.org>

Info re CARIER

2 messages

Bernice Yeung <byeung@revealnews.org>
To: william.coker@ice.dhs.gov

Thu, Oct 26, 2017 at 12:03 PM

Hi William,

Thanks again for your time and help.

Here's a link to the System of Records Notice re: CARIER: <https://www.gpo.gov/fdsys/pkg/FR-2016-10-19/html/2016-25197.htm>

It apparently used to be called ENFORCE.

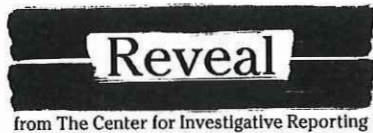
If there's any additional information on this front that you think would be helpful, please let me know and I can shoot it over.

Thank you!!

My best,
Bernice

—

BERNICE YEUNG
Reporter
o: 510 809 3177, c: 415 939 8564
@bmyeung



Bernice Yeung <byeung@revealnews.org>
To: william.coker@ice.dhs.gov, berniceyeungcir@gmail.com

Thu, Oct 26, 2017 at 12:09 PM

Hi William,

Apologies, I failed to include my FOIA request tracking number in my last email. I'm referring to 2017-ICFO-29929.

Exhibit D

11/2/2017

Center for Investigative Reporting Mail - Info re CARIER

Once again, here's a link to the System of Records Notice re:

CARIER: <https://www.gpo.gov/fdsys/pkg/FR-2016-10-19/html/2016-25197.htm>

It apparently used to be called ENFORCE.

If there's any additional information on this front that you think would be helpful, please let me know and I can shoot it over.

Thank you!!

My best,
Bernice

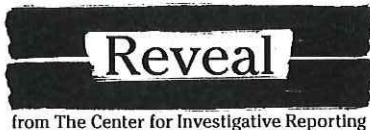
—

BERNICE YEUNG

Reporter

o: **510 809 3177**, c: **415 939 8564**

@bmyeung



[Quoted text hidden]

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

October 27, 2017

Bernice Yeung
Reveal News

RE: ICE FOIA Case Number 2017-ICFO-29929

Dear Ms. Yeung:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated April 19, 2017. You have requested copies of the following records:

All entries in the "DHS/Immigration and Enforcement (ICE)-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records" for each arrest record maintained by the CARIER system for January 1, 2017 to the present, with a breakdown by field office, fiscal year and arrest date, and including bond-related information.

ICE has considered your request under both the FOIA, 5 U.S.C. § 552.

ICE has conducted a search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request and no records responsive to your request were found.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist

While an adequate search was conducted, you have the right to appeal this determination that no records exist within Immigration Customs Enforcement that would be responsive to your request. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8., to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Exhibit E

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2017-ICFO-29929**. You may send an e-mail to 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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in blue ink that reads "Michael T. Johnson" with a small "For" written below it.

Catrina M. Pavlik-Keenan
FOIA Officer

[REDACTED] the
center for
[REDACTED] investigative
reporting

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th St., S.W., Mail Stop 5900
Washington, D.C. 20536-5900

November 2, 2017

Via U.S. mail

Re: Freedom of Information Act Appeal No. 2017-ICFO-29929

Dear FOIA Appeals Officer:

The Center for Investigative Reporting (“CIR”) hereby appeals on behalf of the requester, Ms. Bernice Yeung pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a)(6) from a denial sent on October 27, 2017 by the U.S. Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”).

I. Factual Background

In accordance with the Privacy Act of 1974, DHS created a system of filing records titled, DHS/ICE 011-Immigration and Enforcement Operational Records (“ENFORCE”). *See* Dep’t of Homeland Security, Immigration and Customs Enforcement, Criminal Arrest Records and Immigration Enforcement Records, 81 Fed. Reg. 72,080 (Oct. 19, 2016), *available at* <https://www.gpo.gov/fdsys/pkg/FR-2016-10-19/html/2016-25197.htm>. In 2016, DHS proposed to update, rename, and reissue the ENFORCE system of records as “DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (“CARIER”).” *Id.* The DHS/ICE update to CARIER implemented several changes, including renaming the system from ENFORCE to CARIER to better align the system with its purpose, clarifying the categories of information collected, and expanding the records beyond what ENFORCE collected. *Id.*

According to the United States Federal Register, CARIER contains records documenting “ICE’s criminal arrests, and also those documenting most of ICE’s immigration enforcement actions, such as the issuance of immigration detainers; the

arrests, charging, detention, and removal of aliens for administrative immigration violations; the search for and apprehension of fugitive aliens; and ICE decisions concerning the grant or denial of parole to aliens.” *Id.* It continues that CARIER has “been reorganized and edited to more clearly identify the individuals whose records may be present in this system of records” and the system “has been expanded [beyond ENFORCE] to provide a more detailed and complete list of the types of information contained in the system of records.” *Id.*

Since ICE created CARIER, documentation involving ICE immigration enforcement has increasingly become an issue of public concern.

II. Procedural History

On April 17, 2017 and April 19, 2017 Ms. Yeung submitted FOIA requests that the agency later combined (hereinafter “the Request”). A true and correct copy of the Request is attached as Exhibit A. The Request sought records of ICE concerning CARIER. More specifically, it requested:

All entries in the “DHS/Immigration and Enforcement (ICE)-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records” for each arrest record maintained by the CARIER system for fiscal year 2015 to present, with a breakdown by field office, fiscal year and arrest date, and including the following biographical, historical and case-related information:

- Nationality
- Immigration history
- Education history
- Domestic and foreign criminal history
- Location of arrest
- Case category
- Charges brought in the case and case disposition
- Date case was initiated and completed
- Other case data describing an event involving alleged violations of criminal or immigration law (i.e., location; date; time; type of criminal or immigration law violations alleged; type of property involved; use of violence, weapons, or assault against DHS personnel or third parties; attempted escape; and other related information)

See Request. The Request also sought a fee waiver, as CIR is a representative of the news media.

On July 25, 2017 Ms. Yeung contacted ICE to check on the status of the Request. On August 14, 2017 Ms. Yeung once more contacted ICE for an update on the status of the Request. A true and correct copy of that correspondence is attached as Exhibit B. Six months after the Request, on October 11, 2017, Ms. Yeung called ICE and spoke with William Coker, an ICE officer to check on the status of her Request. On October 26, 2017 Mr. Coker, requested

additional information about CARIER. In order to assist ICE and obtain documents in the public interest, Ms. Yeung sent Mr. Coker an email with a link information outlining more details on CARIER. A true and correct copy of that correspondence is attached as Exhibit C.

By letter dated October 27, 2017, ICE sent a denial to Ms. Yeung (hereinafter, the “Denial”). A true and correct copy of that response is attached as Exhibit D. The Denial states that “ICE has conducted a search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request and no records responsive to your request were found.” *See Denial.*

This administrative appeal is timely pursuant to 6 C.F.R. Part 5 § 5.

III. Argument

A. ICE failed to conduct an adequate search for responsive records.

In responding to a request for agency records under FOIA, it is well established that an agency must conduct an adequate search. *Truitt v. Dep’t of State*, 897 F.2d 540, 542 (D.C. Cir. 1990). To satisfy this obligation an agency must “demonstrate beyond material doubt that its search was reasonably calculated to uncover all relevant documents.” *Valencia-Lucena v. United States Coast Guard, FOIA/PA Records Mgmt.*, 180 F.3d 321, 325 (D.C. Cir. 1999) (citations omitted); *see also Ancient Coin Collectors Guild v. United States Dep’t of State*, 641 F.3d 504, 514 (D.C. Cir. 2011) (stating “more than a perfunctory search” is required). This includes conducting a search wherever the records are likely to be located; an agency “cannot limit its search to only one or more places if there are additional sources that are likely to turn up the information requested.” *Valencia-Lucena*, 180 F.3d at 326 (citing *Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)) (internal quotations omitted).

Here, ICE failed to satisfy its obligations under FOIA. ICE’s failure to identify *any* responsive records demonstrates that its search was inadequate. It is well established through various evidence that ICE creates and catalogues the type of records that are responsive to the Request. For instance:

- According to the United States Federal Register, ICE possesses records in CARIER that are responsive to the Request. Dep’t of Homeland Security, Immigration and Customs Enforcement, Criminal Arrest Records and Immigration Enforcement Records, *supra*, available at <https://www.gpo.gov/fdsys/pkg/FR-2016-10-19/html/2016-25197.htm>. A true and correct copy of this document is attached as Exhibit E. The Federal Register states, “This system of records covers records documenting ICE’s criminal arrests, and also those documenting most of ICE’s immigration enforcement actions.” *Id.*
- ICE previously released records nearly identical to those asked for in the Request. In 2017, ICE released to Muckrock, a non-profit news organization nearly identical documents, which were extracted from CARIER’s predecessor, ENFORCE. A true and correct copy of the request and response by ICE are attached as Exhibit F. Because

CARIER is an even broader system than ENFORCE, responsive records are near certain to exist.

- Responsive records have also been acknowledged in this year's Federal Register. Dep't of Homeland Security, Notice of New Privacy Act System of Records, 82 Fed. Reg. 34,971 (July 27, 2017), *available at* <https://www.federalregister.gov/documents/2017/07/27/2017-15749/privacy-act-of-1974-system-of-records>. A true and correct copy of this document is attached as Exhibit G.
- Many other agency documents confirm that responsive CARIER records exists. *See, e.g.,* Dep't of Homeland Security, *Privacy Impact Assessment for the Enterprise Geospatial Information Services (eGIS)*, May 2, 2017, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp041-egis-may2017.pdf>; Dep't of Homeland Security, *Privacy Impact Assessment for the Data Analysis System (DAS)*, Sept. 29, 2017, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-das-september2017.pdf>; Dep't of Homeland Security, *Privacy Impact Assessment for the Victim Information and Notification Exchange (DHS-VINE)*, Jan. 10, 2017, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-dhs-vine-january2017.pdf>. True and correct copies of these document are attached as Exhibit H.

Together, these documents make it undeniable that ICE maintains responsive records, and its failure to identify *any* such records demonstrates the facial inadequacy of its search. *See, e.g., Friends of Blackwater v. U.S. Dep't of Interior*, 391 F.Supp.2d 115, 120–21 (D.D.C. 2005) (noting “the failure to produce documents known to have originated [in an agency] casts ‘substantial doubt’ on the sufficiency of the search of that office.”)

B. ICE did not provide Ms. Yeung with an opportunity to clarify the Request.

Typically, agencies only deny requests pursuant 5 U.S.C. § 552(a)(3)(A), after affording the requester with an opportunity to clarify the request. *See Judicial Watch, Inc. v. Exp.-Imp. Bank*, 108 F.Supp.2d 19, 27–28 (D.D.C. 2000) (concluding that the requester “fail[ed] to state its request with sufficient particularity” after the requester “declined the [agency’s] repeated attempts [to] clarify the request”). “In many FOIA cases requests for clarification are necessary from a practical standpoint to justify the heavy expenditure of agency resources needed to process the unearthed files.” *Halpern v. F.B.I.*, 181 F.3d 279, 289 (2d Cir. 1999) (denying access to records where the “FBI reasonably asked requester to clarify his request. . .and requester failed to respond”).

Here, ICE denied that Request and instructed that Ms. Yeung appeal without any attempt to seek further clarification of the Request. *See Denial; cf. Halpern*, 181 F.3d at 289 (offering an opportunity to clarify the request). Even if ICE is not statutorily required to seek clarification, its atypical action in response to the Request suggests bad faith.

C. On remand, ICE should also be instructed to grant the requests for a fee waiver.

As noted above, the Request sought a fee waiver as CIR is a “representative of the news media.” *See* Request. The Denial made no determination with respect to either request; both must be granted.

Representatives of the news media are only required to pay the direct cost of duplication after the first 100 pages. 5 U.S.C. § 552(a)(4)(A)(ii)(II). “A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1119–20 (D.C. Cir. 2015). A requester is entitled to a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) if disclosure of the requested records 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.” *Id.*

Ms. Yeung is a reporter who made the Request in her professional capacity and in connection with her work for a major news publications. *See Cause of Action*, 799 F.3d at 1119–20. Reveal from CIR is engaged in ongoing coverage of U.S. immigration policy. For example, CIR has recently produced text and radio stories for a national audience about immigration enforcement and deportation-related policy. *See, e.g., Bernice Yeung, A judge said these kids get a green card. ICE says they get deported*, REVEAL, July 16, 2017, <https://www.revealnews.org/article/a-judge-said-these-kids-get-a-green-card-ice-says-they-get-deported/>; Bernice Yeung, *Inside Trump’s Immigration Crackdown*, REVEAL, Oct. 28, 2017, <https://www.revealnews.org/episodes/inside-trumps-immigration-crackdown/>.

Moreover, the records sought are likely to contribute significantly to public understanding of the operations or activities of the government. In general, since the presidential debates, there has been extensive public discussion concerning immigration and deportation. This has led to increasing concern over ICE’s operations. *See, e.g., American Civil Liberties Union, ICE Is Trying to Deport Families Who Fear Religious Persecution Without Due Process*, ACLU.ORG, Oct. 30, 2017, <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/ice-trying-deport-families-who-fear-religious>; Elise Foley, *ICE’s ‘Targeting Enforcement Operation’ Mostly Arrests Immigrants It Wasn’t Targeting*, HUFFINGTON POST, Aug. 1, 2017, https://www.huffingtonpost.com/entry/ice-enforcement_us_5980c7fde4b08e1430063383; Michael Sangiacomo and Alfredo Corchado, *Injured man held hostage by cartel after ICE ‘dumped him’ at Texas border, lawyer says*, DALLAS NEWS, Jul. 28, 2017, <http://bit.ly/2z7BnsA>. Data from CARIER is crucial to the public’s understanding of ICE enforcement because the system exclusively collects ICE comprehensive tracking data. Information gathered through the Request will be used only in connection with reporting that will enable the public to further understand matters important to the public interest.

IV. Conclusion

By failing to conduct an adequate search for records responsive to the Request ICE is in violation of its obligations under FOIA. CIR respectfully requests that this matter be remanded back to the ICE with instructions to conduct an adequate search for records responsive to the Request. Should ICE need clarification as to any aspect of the Appeal, it may reach me at vbaranetsky@revealnews.org or 510-982-2890.

I look forward to your determination with respect to this appeal within twenty business days. *See* 5 U.S.C. § 552(a)(6)(A)(ii). Thank you in advance for your assistance in this matter.

Sincerely,



Victoria D. Baranetsky
General Counsel
The Center for Investigative Reporting

cc: Bernice Yeung