

Exhibit 1



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November 28, 2018

Via E-mail: foia@hq.dhs.gov

Nicole Barksdale-Perry
Angela Washington, Public Liaison
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW, Stop 0655
Washington, D.C. 20528-0655

Via E-mail: ice-foia@dhs.gov

Catrina Pavlik-Keenan
Fernando Pineiro
U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, SW, Stop 5009
Washington, D.C. 20536-5009

In Re: **Freedom of Information Act Request to DHS and ICE**

Dear Ms. Perry, Ms. Washington, Ms. Pavlik-Keenan, and Mr. Pineiro,

This is a request under the Freedom of Information Act to both the U.S. Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").

On behalf of my client, Grassroots Leadership, a non-profit advocacy, research, and news publication organization, I hereby request copies of the following documents,¹ for a non-commercial purpose:

Documents Concerning RFI/Solicitation No. 70CDCR18RAustin

- Documents sufficient to identify each person or entity who has corresponded with the Department of Homeland Security ("DHS") and/or Immigration and Customs Enforcement ("ICE") concerning **Solicitation Number 70CDCR18RAustin** (a Request for Information for "Detention Services 500 Bed Females"—to identify potential sources in the Austin, Texas area, capable of providing the physical structure, equipment, personnel and services, in a properly staffed and secure environment under the authority of the Immigration and Nationality Act, and located within 50 miles of the Austin Sub-office located at 300 E. 8th street Austin, Texas 78701) (the "RFI", also found here: [the RFI](#)).
- All communications with potential contractors or interested parties concerning [the RFI](#).

¹ The terms "documents," "communications," and "responses" used within this letter are defined below.

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- All communications within DHS, within ICE, between DHS and ICE, or with other federal, state, or local governmental or quasi-governmental entities or agencies concerning [the RFI](#).
- All documents concerning [the RFI](#).
- All responses received to [the RFI](#).
- All documents and communications previously disclosed in response to FOIA requests concerning [the RFI](#).

Documents and Communications Concerning the RFP Referenced in the RFI

- Documents sufficient to identify each party who has corresponded with the Department of Homeland Security ("DHS") and/or Immigration and Customs Enforcement ("ICE") concerning the Request for Proposal ("RFP") referenced in [the RFI](#).
- All communications with potential contractors or interested parties concerning the RFP referenced in [the RFI](#).
- All communications within DHS, within ICE, between DHS and ICE, or with other federal, state, or local governmental or quasi-governmental entities or agencies concerning the RFP referenced in [the RFI](#).
- All documents concerning the RFP referenced in [the RFI](#).
- All responses received to the RFP referenced in [the RFI](#).
- All documents and communications previously disclosed in response to FOIA requests concerning the RFP referenced in [the RFI](#).

Documents and Communications Concerning the T. Don Hutto Residential Center in Williamson County, Texas

- All documents and communications regarding the decision of the Williamson County Commissioners to end Williamson County's contract with the CoreCivic to operate the T. Don Hutto Residential Center.
- All communications between CoreCivic and DHS/ICE regarding the operation of the T. Don Hutto Residential Center since the decision of the Williamson County Commissioners to end Williamson County's contract with CoreCivic.

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Definitions and Further Requests

"Documents" as used herein is defined in its broadest sense and shall include any written, electronic, or graphic matter however produced or reproduced. It generally includes writings, drawings, graphs, charts, photographs, phono records, and other data compilations from which information can be obtained or translated, if necessary, through detection devices into reasonably useable form. It specifically includes your internal communications including, but not limited to, correspondence, letters, e-mails, instant messages, text messages, smartphone messages, social media posts and messages, internal memoranda, notes, transcriptions, reports, contracts, agreements, leases, conveyances, assignments, financial documents, charts, books, pamphlets, bulletins, records, accounts, bills, minutes, calendar and diary entries, appointment books, time sheets, log sheets, ledgers, compilations, studies, tabulations, maps, diagrams, papers, pictures, computer runs and any translations of the foregoing. A draft of a non-identical copy is a separate document within the meaning of this term.

"Communication" as used herein means the oral, written, electronic or other form of transmittal of information (in the form of facts, ideas, inquiries or otherwise). It specifically includes emails and other forms of electronic transmittals of information.

"Response" as used herein has the same meaning as that used in [the RFI](#) wherein it states that "[i]nterested parties should submit their **response** to ICE-DCR at ICE-DMProposals@ice.dhs.gov...." (emphasis added) and any similar instruction to submit a "response" in the RFP that is referenced in in [the RFI](#).

Please produce the requested records in electronic form, if available.

If any responsive records are withheld, please specify the statutory exemption of the FOIA you contend applies.

Request for Fee Waiver

I agree to pay search, duplication and review fees up to \$100. If the fees will amount to more than \$100, I request a fee waiver pursuant to 5 U.S.C. §552(a)(4)(A)(iii) ("Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.").

A fee waiver would fulfill Congressional intent as the information sought in this FOIA will be utilized for noncommercial purposes in the public interest. *See Judicial Watch, Inc. v. Rossoti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (Congress intended the FOIA to be construed broadly to favor fee waiver for noncommercial requests).

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The requested information will contribute to the public understanding of administrative efforts connected to the immigration detention and the asylum process, which is an issue of concern both in the Austin, Texas area and nationally. It will assist the public and a broad swath of entities, including Grassroots Leadership, advocate for reforms to that process to the appropriate entities and agencies in a timely manner.

Grassroots Leadership has the capacity to disseminate the information obtained through this request to the public. As an example of that capacity, the information obtained from a prior FOIA request regarding the arrests of immigrants in the Austin, Texas, area is available online on the Grassroots Leadership website at <https://grassrootsleadership.org/in-the-news/2018/ice-arrested-nearly-three-times-many-immigrants-during-last-year-s-austin-raid>. Further intended means of distribution of the requested information will include collaboration with and publication by partnering organizations and outreach to government officials, legislators and the media.

Finally, the contribution to public understanding through this request is "significant." *See Forest Guardian v U.S. Department of Justice*, 416 F. 3d 1173, 1179 (10th Cir. 2005). Requests are significant if the requested information is new and if the disclosure will increase the public understanding of the operations or activities of a government agency. *Id.* They are also significant if the information is not readily available to the public from other sources. *Id.* There is very little public information available regarding the information sought in this request. The requested information will thus significantly contribute to public understanding of these important issues.

Thank you for your prompt consideration of this request. If you have any questions regarding this request, please contact me directly.

Sincerely,

Sara Wilder Clark

SWC:ae