

# **EXHIBIT A**



June 19, 2018

Via U.S. First Class Mail and email: [ICE-FOIA@dhs.gov](mailto:ICE-FOIA@dhs.gov)

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
800 North Capitol Street, NW  
Room 585  
Washington, DC 20536

and

500 12<sup>th</sup> Street, SW  
Stop 5009  
Washington, DC 20536-5009

Re: Freedom of Information Act Request for Information related to Custody Determinations under 8 U.S.C. § 1226(a)

Dear ICE FOIA Office:

This is a request made under the Freedom of Information Act by CAIR Coalition (“CAIR”). CAIR seeks records and data from U.S. Immigration and Customs Enforcement (“ICE”) regarding custody decisions under the Immigration and Naturalization Act (“INA”) § 236(a), 8 U.S.C. § 1226(a). CAIR seeks records and data regarding ICE’s [Maryland Area of Responsibility]. In particular, CAIR seeks information regarding individuals in the custody of ICE who have received a determination of release on monetary bond but have not posted the bond.

CAIR seeks the expedited processing of this request and a fee waiver according to 5 U.S.C. §§ 552(a)(6)(e) and 552(a)(4)(A)(iii).

**I. Information and Documents Requested**

We request that your office provide a copy of the following information and documents:

- 1) The number of individuals held in non-mandatory immigration detention under INA § 236(a) in the Maryland Area of Responsibility who had a monetary bond set by ICE or an Immigration Court, but has not posed the monetary bond, on the first day of each month from January 2015 to the date of this FOIA request.



- 2) For each individual identified in Paragraph I.1. above, include:
- a. The individual's book-in date into ICE custody;
  - b. The date of the individual's book-in into any ICE detention facility in the Maryland Area of Responsibility;
  - c. The date of the individual's book-out or release from any ICE detention facility in the Maryland Area of Responsibility, if applicable;
  - d. The reason for the individual's book-out or release from any ICE detention facility in the Maryland Area of Responsibility, if applicable;
  - e. The Custody Initiator, whether an Immigration Judge or a Field Officer;
  - f. Whether ICE ordered the person detained or ordered his release on recognizance, bond, and/or conditions of supervision (*i.e.*, the Custody Decision);
  - g. If ICE set a monetary bond as a condition of release, the amount of the monetary bond;
  - h. The date of any custody recommendation by an Immigration Court;
  - i. Whether the Immigration Court ordered the person detained or ordered his release on recognizance, bond, and/or conditions of supervision (*i.e.*, the Custody Decision);
  - j. If bond was set, the amount of any bond set by the Immigration Court;
  - k. The amount of any bond posted by the individual, if applicable; and
  - l. The date the individual posted bond, if applicable.
- 3) For the data provided in Paragraph 2 above, provide all tables, guidance, policies, manuals, or other records describing the database fields and possible entries for the fields produced in response to this request.

If this request is denied in whole or in part, CAIR asks that ICE justify all withholdings or redactions by reference to specific FOIA exemptions. CAIR expects ICE to release all segregable portions of otherwise exempt material.

## **II. Information on the Requestor**

In order to help you determine our organization's status to assess any applicable fees, please be informed that CAIR is a 501(c)(3) nonprofit organization that provides services to detained noncitizens, including services administered through the Executive Office of Immigration Review's Office of Legal Access Programs, and that appears regularly in Immigration Court.

## **III. Request for a Waiver of Fees**

CAIR requests that ICE waive all fees associated with this request. Such a request is warranted on the grounds that disclosure of the information contained in requested records is in the public interest and 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 requestor." 5 U.S.C. § 552(a)(4)(A)(iii);



6 C.F.R. § 5.11(k)(1)(i). CAIR also requests waiver of fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 6 C.F.R. § 5.11(d)(1). Disclosure of this information is in the public interest of understanding the important consequences and costs of ICE's immigration detention practices and procedures. CAIR is a non-profit organization recognized as a 501(c)(3) entity by the Internal Revenue Service that provides legal services and information to immigrant populations and information to the public on immigration issues. Further information on CAIR's organization and the services CAIR provides is available on our web site at [www.caircoalition.org](http://www.caircoalition.org). CAIR has no commercial interest in the information obtained under this FOIA and may make the information publicly available at no cost through our web site. If ICE will not grant a fee waiver to CAIR, please notify us in advance if fees will exceed \$50.

#### **IV. Request for Expedited Processing**

CAIR requests Track 1 expedited treatment for this FOIA request. This request qualifies for expedited treatment pursuant to 5 U.S.C. § 552(a)(6)(E). There is a "compelling need" for expedited processing of this request, *see* 5 U.S.C. § 552(a)(6)(E)(i)(I), namely, an "urgency to inform the public concerning the actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(II).

#### **V. Address for Production or Response**

Please respond, and furnish any records as soon as they are identified, to:

David J. Laing  
Senior Attorney  
CAIR Coalition  
1612 K Street NW  
Suite 204  
Washington, DC 20006  
(202) 769-5231

CAIR reserves the right to appeal a decision to withhold any requested information, to deny expedited processing, or to deny the requested waiver of fees. CAIR looks forward to your response to our request for expedited processing within ten business days, as required under 5 U.S.C. § 552(a)(6)(E)(ii)(I). Notwithstanding our request for expedited processing, we alternatively look forward to your reply to this request within twenty business days, as required under 5 U.S.C. § 552(a)(6)(A)(I).



Thank you in advance for your time and attention in replying to this FOIA request.

Sincerely yours,

David J. Laing  
Senior Attorney  
CAIR Coalition



Via email: [EOIR.FOIARequests@usdoj.gov](mailto:EOIR.FOIARequests@usdoj.gov)

Office of the General Counsel  
Attn: FOIA Service Center  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 1903  
Falls Church, VA 22041

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Dear ICE FOIA Office:

This is a request made under the Freedom of Information Act by CAIR Coalition ("CAIR"). CAIR seeks records and data from the Executive Office for Immigration Review ("EOIR") regarding custody decisions under the Immigration and Naturalization Act ("INA") § 236(a), 8 U.S.C. § 1226(a). CAIR seeks records and data regarding noncitizens detained DHS detention facilities in Maryland. In particular, CAIR seeks information regarding detained noncitizens who have received a determination of release on monetary bond but have not posted the bond.

**I. Information and Documents Requested**

We request that your office provide a copy of the following information and documents:

- 1) Documents containing any direction, guidance, research, policies, or procedures for Immigration Judges in the Judges' review of requests or motions for a bond or other guarantee to obtain release from immigration detention.
- 2) Documents containing any direction, guidance, research, policies, or procedures for Immigration Judges in the Judges' review of the ability of detained noncitizens to pay for a bond or other guarantee to obtain release from immigration detention.
- 3) Information indicating, or documents sufficient to determine, the number of bond requests made at each Immigration Court during the period 2014 through 2017.
- 4) Information indicating, or documents sufficient to determine, the number of bond requests granted at each Immigration Court during the period 2014 through 2017, including the amount of bond or other guarantee required by the Immigration Judge in order for the detained noncitizen to obtain release from immigration detention.



- 5) Information indicating, or documents sufficient to determine, the number of bond requests made at each Immigration Court during the period 2014 through 2017, in which a detained noncitizen requested that the Immigration Court consider the detained noncitizen's ability to pay a bond amount requested by the noncitizen or a bond amount determined by the Immigration Court.

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