

# **EXHIBIT B**

Human Rights Watch  
Suite 500  
1630 Connecticut Avenue, N.W.  
Washington, D.C. 20009  
Telephone: +202.612.4331  
Fax: +202.612.4333 or 202.478.2988

December 13, 2018

Freedom of Information Act Office,  
FOIA Officer/Public Liaison  
500 12th Street SW., Stop 5009  
Washington, DC 20536-5009



HRW.org

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(Also by email sent to [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov))

Re: Request under the Freedom of Information Act

Dear FOIA Officer:

This letter constitutes a request to U.S. Immigration and Customs Enforcement (“ICE”), pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA” or “Act”), and applicable implementing regulations. It’s submitted on behalf of Human Rights Watch (“HRW”).

Pursuant to the Act, HRW hereby requests disclosure of the following:

All records in ICE’s possession, including, but not limited to cables, reports, summaries, memcons, emails, transcripts, policy papers, or other government writings from July 1, 2017, to the present that refer in whole or in part to the “700 Eritrean nationals residing in the US who are subject to final orders of removal” mentioned in the Department of Homeland Security press release of September 13, 2017. The release announced the Department would begin repatriation of approximately 700 Eritrean nationals as of that date. That press release is attached.

Among others, we request all records in ICE’s possession that disclose:

2. the names and addresses of each detention center, if any, where any Eritrean national subject to a final order of removal is being held as of the date of this request;
3. all U.S. District Court or Court of Appeals orders since September 13, 2017, (a) ordering the release from detention of any Eritrean national included in the 700 referred to in the Department announcement or (b) affirming an order by the Board of Immigration Appeals, or any immigration court or panel ordering the repatriation of any Eritrean national included in the 700 referred to in the Department announcement;
4. each amendment of a final order for removal of an Eritrean national by administrative action by the Department, its subdivisions, the Board of Immigration Appeals, or any other immigration court or panel since September 13, 2017.

To facilitate the Department's search for records and the utility of the information provided, HRW requests that electronic copies of the data described above be provided to HRW pursuant to 5 U.S.C § 552 (a)(3)(C), either as a csv file or divided into multiple xls files. We also request that we receive current translation files for any fields containing coded entries.

Please omit from your search and review copies of press and media reports as well as all Department of Homeland Security press statements and press releases relating to the September 13, 2017, announcement and its enforcement.

If you regard any documents exempt from the FOIA's disclosure requirements, we request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable non-exempt portions of documents. To permit us to reach an intelligent and informed decision whether to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the bases for your exemption claims.

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.

Human Rights Watch is a nongovernmental organization. Its world-wide work is available at <https://www.hrw.org/>, and other media. In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), we request waiver of all fees related to this request because disclosure of the information to HRW is in the public interest by likely contributing significantly to public understanding of the problems faced by Eritreans trying to flee an oppressive regime. HRW will use this information to inform the public about what can be done to improve human rights for Eritreans living in Eritrea and abroad. HRW plans to analyze and disseminate to the public the information gathered through this request at no cost. Nothing requested will be used to further commercial interests.

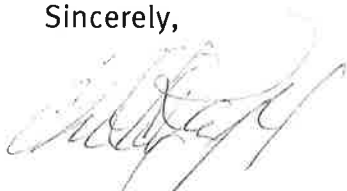
HRW requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(d). There is a “compelling need” for these records because the information requested is needed by an organization primarily engaged in disseminating information to inform the public about actual or alleged Federal government activity. 5 U.S.C. § 552(a)(6)(E)(v); see also 6 C.F.R. § 5.5(d)(1)(ii).

If you deny all or any part of this request, please cite each exemption you think justifies your refusal to release the information and notify us of appeal procedures available under the law.

My email address at which I can be contacted if necessary to discuss any aspect of this request is [pragerl@hrw.org](mailto:pragerl@hrw.org). My telephone contact number is (202) 612-4331.

HRW looks forward to receiving the Department’s response within the twenty-day statutory time limit.

Sincerely,



Lutz Prager

Consultant to Human Rights Watch