

January 7, 2016

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VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

Re: FOIA Request Regarding Immigration Raids

To Whom It May Concern:

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). See also 6 C.F.R. pt. 5 (implementing regulations of the Department of Homeland Security; 28 C.F.R. pt. 16 (implementing regulations of the Department of Justice). This FOIA request is submitted by the Southern Poverty Law Center (“SPLC”).

On January 2 and 3, 2016, the Department of Homeland Security (“DHS”) conducted enforcement operations (“immigration raids”) to take into custody families and unaccompanied children migrants from Central America in Georgia, Texas, and North Carolina. As DHS Secretary Jeh Johnson reported, 121 individuals were taken into custody as a result of these

immigration raids.¹ These raids, and their impact on immigrant communities nationwide, have become the subject of immense public interest and criticism.²

We seek disclosure of any and all records³ prepared, collected, maintained, or created, including the following:

1. Any and all records containing, describing, or referring to guidance, guidelines, rules, directives, policies, procedures, or trainings related to enforcement operations to identify, locate, arrest, or remove individuals apprehended at the southern border after May 1, 2014 without authorization, including, but not limited to individuals taken into custody in North Carolina, Georgia, and Texas on January 2 and 3, 2016; or discussing enforcement goals, quotas, or targets for such enforcement teams or operations;
2. Any and all records containing, describing, or referring to disciplinary complaints, press releases, public statements, and post-investigation reports for enforcement operations conducted by DHS in North Carolina, Georgia, and Texas on January 2 and 3, 2016, including, but not limited to lists of individuals relied upon during enforcement operations;
3. Any and all records containing, describing, or referring to assistance provided by or cooperation with local, state, or federal law enforcement officers or agencies, including, but not limited to local police departments or sheriffs in the jurisdictions of enforcement operations conducted by DHS in North Carolina, Georgia, and Texas on January 2 and 3, 2016. Such records may include, but are not limited to agreements with counties, cities, towns, and municipalities, or any agent thereof; information-sharing agreements, including, but not limited to proposed agreements, Memoranda of Agreements, Memoranda of Understanding; or communication between DHS agents and any local or state law enforcement official;
4. Any and all records containing, describing, referring to, or revealing the following information related to enforcement operations conducted by DHS in North Carolina, Georgia, and Texas on January 2 and 3, 2016:
 - a) Individuals Apprehended by Immigration and Customs Enforcement (“ICE”) or other DHS component agencies, including Homeland Security Investigations (“HIS”):

¹ Statement by Secretary Jeh C. Johnson, on Southwest Border Security, Jan. 4, 2016, *available at* <http://www.dhs.gov/news/2016/01/04/statement-secretary-jeh-c-johnson-southwest-border-security>.

² See, e.g. Atlanta Journal Constitution, *Federal Immigration Authorities Carrying Out Raids In Atlanta Region* (Jan. 4, 2016); Josh Burnett, *Central American Families Fear Deportation as Raids Begin*, National Public Radio (Jan. 6, 2016); Nigel Duara and Molly Hennessy-Fiske, *Families are Taken into Custody as Push to Deport Immigrants Denied Refuge Begins*, LA Times (Jan. 3, 2016); Alan Gomez, *Raids Target Undocumented Immigrants in Georgia, North Carolina, and Texas*, USA Today (Jan. 4, 2016); Daniel Hernandez, et al., “*Fear Overrides Everything*”: *Immigrants Desperate for Reassurance after ICE Raids*, The Guardian (Jan. 6, 2016); Dianne Solis, *Immigration Raids Begin Targeting Central Americans, DHS Defends Policy*, Dallas Morning News (Jan. 3, 2016).

³ The term “records” as used herein includes all records or communications maintained in any format, including but not limited to correspondence, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training manuals, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications, and/or video tapes.

- i. Name, date of birth, nationality, race and ethnicity, and location of any individual apprehended by ICE;
- ii. The name of any officers involved in the individual's apprehension by ICE;
- iii. Any warrant of deportation/removal, or search warrant relied upon in the course of arresting each individual;
- iv. Any other document containing information on the individual relied upon in relation to the apprehension, including any documents containing a photograph and/or printed material related to the individual apprehended;
- b) Other Individuals Not Apprehended During Enforcement Operations
 - i. The name, date of birth, nationality, and race and ethnicity of other individuals encountered but not apprehended during enforcement operations;
- c) Location of Enforcement Operations
 - i. Address of any residence that ICE sought to enter in the course of enforcement operations; that ICE entered in the course of enforcement operations; and that ICE sought to enter, but failed, to gain entry in the course of enforcement operations;
 - ii. For each residence entered, the date and time of entry and duration of the presence of any DHS officers; whether ICE possessed a warrant of any kind, and if so, the type of such warrant; the number of individuals encountered at the residence, arrested at the residence, manner and circumstances of entry, and legal authority for entry. For each residence where "consent" formed the purported legal basis of entry, by and to whom consent was given to enter, and the circumstances under which consent was obtained;
- d) All press releases, statements, post-investigation reports, summaries, or records of communication within federal agencies or federal and local agencies;

5. Any and all records containing, describing, pertaining to, or referring to aggregate statistical reports or data regarding the enforcement operations or raids conducted in North Carolina, Georgia, and Texas on January 2 and 3, 2016.

If this request is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. We expect you to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Pursuant to applicable regulations and statutes, we will anticipate your determination on our request within 20 days. *See* 5 U.S.C. § 552(a)(6)(A)(i).

Request for Waiver of Fees

We request a waiver or reduction of fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). The SPLC provides free legal representation immigrant detainees who have suffered violations of their civil rights. The SPLC also engages in disseminating information, regularly participating in public forums regarding civil rights and immigration. The information disclosed will not be used

for commercial purposes. The issue of immigration detainees is “in the public interest” and has generated significant attention from advocates, policy makers, and the general public, as indicated by extensive media coverage of the issue. Your response to this request will be used to contribute to that discussion.

Further, the SPLC qualifies as a representative of the news media pursuant to the OPEN Government Act of 2007. Pursuant to the statute, a representative of the news media is “any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). The SPLC gathers information through research and FOIA requests on emerging and on-going civil rights and immigration issues. That information is used to create and publish unique reports and public education materials, which are published in print and/or on the internet at www.splcenter.org. The information SPLC seeks out and the publications it creates are to educate and inform the public of policies, events, and news that affects their civil rights. The intended audience is elected officials and policy makers, the general public, interest groups, and various stakeholders nationwide. However, if a waiver or reduction of fees is not granted, we will pay reasonable copying charges.

Thank you for your consideration of this request. If this request is denied in whole or in part, SPLC asks that the government justify all redactions by reference to specific FOIA exemptions. Please specify the search that was undertaken to locate records responsive to this request. We expect the government to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Any payment by SPLC shall not be construed to constitute an acceptance of any decision to deny the fee waiver request. We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Please contact me by phone at 404-521-6700, by facsimile at 404-221-5857, or by email at eunice.cho@splcenter.org to arrange for delivery and any payment, if necessary, or with any questions. Thank you in advance for your prompt consideration of this request.

Sincerely,



Eunice Cho
Staff Attorney
Southern Poverty Law Center