

July 12, 2022

*Sent via US Postal Service and Electronic Mail*

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street SW, Stop 5009  
Washington, D.C. 20536-5009  
E-mail: [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)

Office for Civil Rights and Civil Liberties  
Mail Stop 0190  
ATTN: CRCL FOIA Officer  
Department of Homeland Security  
2707 Martin Luther King Jr. AVE SE  
Washington, DC 20528-065  
E-mail: [crclfoia@hq.dhs.gov](mailto:crclfoia@hq.dhs.gov)

FOIA Public Liaison  
DHS-OIG Counsel  
STOP 0305  
245 Murray Lane, SW  
Washington, D.C. 20528-0305  
E-mail: [FOIA.OIG@oig.dhs.gov](mailto:FOIA.OIG@oig.dhs.gov)

RE: FOIA Request for Records Related to Medical Care of Women in ICE Custody at the Stewart Detention Center

Dear Freedom of Information Officer:

This letter is a request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, by Project South, Georgia Latino Alliance for Human Rights (“GLAHR”), Southern Poverty Law Center (“SPLC”), El Refugio Ministries (“El Refugio”), Owings MacNorlin LLC, and The Black Alliance for Just Immigration (BAJI). The Requesters seek records from U.S. Immigration and Customs Enforcement (“ICE”) related to the medical care of women in ICE custody at the Stewart Detention Center (“SDC”) in Lumpkin, Georgia. SDC is operated by the for-profit company CoreCivic. The Requesters also seek expedited processing of this request and a fee waiver. *See* 5 U.S.C. §§ 552(a)(6)(E), 552(a)(4)(A)(iii).

## **Definitions**

“Records”—all records or communications preserved in electronic or written form, including but not limited to: text communications between phones or other electronic devices (including but not limited to communications sent via SMS or other text, Blackberry Messenger, iMessage, WhatsApp, Facebook, Signal, Gchat, Twitter direct message, Teams, or similar form of communication), including those sent through personal devices or accounts; e-mails (including those in personal accounts); images, video, and audio, including that recorded on cell phones; voicemail messages; social-media posts; minutes or notes of meetings and phone calls; faxes; documents; data; correspondence; letters; messages; notes; contracts or agreements; memoranda of understanding; files; forms, including but not limited to I-200 forms, I-205 forms, I-213 forms, I-247 or I-247-related forms, I-261 forms, I-286 forms, I-862 forms, I-867A forms, and I-867B forms; logs; records; guidance; guidelines; formal and informal presentations; evaluations; audits; investigations; reviews; studies; reports; critiques; analyses; internal memoranda; legal opinions; orders; directives; instructions; training materials; criteria; standards; specifications; rules; instructions; manuals; advisories; bulletins; alerts; updates; reports; protocols; procedures; policies; or other communications.

“DHS” includes any sub-agency within the Department of Homeland Security, including Immigration and Customs Enforcement (“ICE”), Customs and Border Protection (“CBP”), and U.S. Border Patrol.

## **Time Period**

The Records requested are for the period of January 1, 2017 through the date on which a search responsive to this Request is conducted.

## **Records Requested**

Specifically, we seek copies of the following records related to the medical care of women under the authority of DHS at SDC:

1. Records containing complaints, concerns, reports, and/or grievances by any and all persons in the custody of ICE at SDC concerning the medical care they have or have not received at SDC;
2. Records containing reports of sexual abuse, sexual violence, sexual harassment, or improper conduct of any kind by, [REDACTED], a health care provider at SDC;
3. Records related to reports of sexual abuse or sexual violence of any kind at SDC made to the ICE ERO Detention Reporting and Information Line (“DRIL”);
4. Records related to reports of sexual abuse or sexual violence of any kind at SDC made to the ICE Office of the Immigration Detention Ombudsman (“OIDO”);
5. Records related to reports of sexual abuse or sexual violence of any kind at SDC made to the ICE Office of Inspector General (“OIG”);

6. Records related to reports of sexual abuse or sexual violence of any kind at SDC made to the ICE Office for Civil Rights and Civil Liberties (“CRCL”);
7. Records related to reports of sexual abuse or sexual violence of any kind at SDC made to the ICE Office of Professional Responsibility (“OPR”);
8. Records related to the 2021 PREA audit of SDC, including notes of interviews, inspections, and/or observations and any and all correspondence related thereto;
9. Records related to the February 2021, June-July 2021, and October 2021 Office of Detention Oversight – Detention Facility Compliance Inspections of SDC, including notes of interviews, inspections, and/or observations and any and all correspondence related thereto;
10. Records detailing how detained immigrants know to report incidents of sexual abuse, sexual violence, sexual harassment, or other improper conduct at SDC;
11. Records related to efforts by SDC personnel to publicize reporting protocols among detained immigrants, including but not limited to the extent that avenues for reporting are posted in physical spaces for detained immigrants to read and the extent to which such materials are translated into other languages for access by non-English-speaking detained immigrants;
12. Records related to guidance, guidelines, rules, directives, policies, procedures, standards, trainings, or other actions outlining SDC’s established responses to reports of sexual abuse, sexual violence, sexual harassment, or other improper conduct at SDC, including any penalties imposed upon individual violators as well as any institutional efforts to address the incident and prevent further violations;
13. Records related to any investigations undertaken by SDC, and/or any contractors or sub-contractors of ICE and/or CoreCivic, involving detained immigrants’ reports of sexual abuse, sexual violence, sexual harassment, or other improper conduct, including instances where SDC has closed the investigation without finding a violation, or the report unsubstantiated, or where it has deemed an investigation unnecessary, and any determinative factors SDC considers in making such decisions;
14. Records related to the demographic traits of detained immigrants who have reported sexual abuse, sexual violence, sexual harassment, or other improper conduct by at SDC, including those reports that were found unsubstantiated, especially but not exclusively concerning factors pertinent to their ability to report such as differential physical or psychological ability;
15. Records related to any changes in housing, work program shifts, or solitary confinement for detained immigrants who have reported sexual abuse, sexual violence, sexual harassment, or other improper conduct at SDC;
16. Records related to any physical or psychological injuries by detained immigrants reporting sexual abuse, sexual violence, sexual harassment, or other improper conduct and any official actions taken by SDC in response to such injuries, if any;
17. Records related to any complaints, grievances, or other communications by detained immigrants concerning their experiences using the avenues offered by SDC for reporting sexual abuse, sexual violence, sexual harassment, or other improper conduct;

18. Records related to detained immigrants' complaints, grievances, or other communications regarding their experiences navigating the process of reporting sexual violence at SDC;
19. Records outlining the protocols that SDC follows regarding record keeping, including the protocols guiding safekeeping of records and the disposal of old or otherwise excess documents;
20. Records outlining the protocols that SDC follows in recording detained immigrants' allegations of sexual abuse, sexual violence, sexual harassment, or other improper conduct, including records, if any, listing and explaining the criteria that SDC follows in determining whether to record an allegation at all;
21. Records of communications, including but not limited to emails, text messages, voice recordings, phone call transcripts, and written or typed memoranda, illustrating the deliberation process that SDC decision makers undergo when classifying sexual violence allegations as "unfounded" or "unsubstantiated," involving past and pending cases if applicable;
22. Records related to the frequency of administrative segregation and other practices subjecting detained immigrants to any change in conditions following a report of sexual abuse, sexual violence, sexual harassment, or improper conduct at SDC;
23. Records related to the prevalence of verbal expression, imagery, or communication in any other form to convey to detained immigrants that reports of sexual abuse, sexual violence, sexual harassment, or improper conduct may lead to administrative segregation or other changes in conditions, whether expressed or reasonably implied, regardless of the actual frequency with which such practices are actually used at SDC;
24. Records related to the frequency and consistency of trainings and other forms of education pertaining to sexual abuse, sexual violence, sexual harassment, or other improper conduct as imparted to detained immigrants as well as SDC staff, particularly during times when no audit is expected to take place at the facility;

### **The Requesters**

Project South, founded as the Institute to Eliminate Poverty & Genocide in 1986, is a social justice organization based in Atlanta, Georgia. Project South's work is rooted in the legacy of the Southern Freedom Movement and has a mission of cultivating strong social movements with grassroots organizations and directly-impacted communities in the U.S. South. Project South has been documenting conditions in immigration detention centers and published several human rights reports. Project South has also engaged in impact litigation as well as advocacy with the United Nations and the Inter-American Commission.

GLAHR is a non-profit organization based in Atlanta, Georgia that works to educate, organize and cultivate leadership within the Latinx immigrant population of Georgia. More broadly, GLAHR works to advocate for and inform immigrant communities of color, many of whom come from low income, mixed-status families.

Founded in 1971, SPLC is a civil rights organization dedicated to litigation and advocacy that make justice and equal opportunity a reality for all. SPLC's Immigrant Justice Project (IJP) represents noncitizens across the Southeast and nationally. Through its litigation team, IJP provides legal representation and support to immigrants in civil rights cases and on issues of regional and national importance, including efforts to protect the integrity of the U.S. asylum system. In April 2017, IJP launched the Southeast Immigrant Freedom Initiative (SIFI), which engages in advocacy and pro bono legal representation in immigration detention centers in Georgia, Louisiana, and Mississippi. SIFI represents clients, including many asylum seekers, in custody proceedings, removal proceedings before the EOIR, appeals to the Board of Immigration Appeals (BIA), and petitions for review to federal courts of appeal. SIFI also represents clients in Credible Fear Interviews (CFIs), review of negative CFI determinations before immigration judges, Requests for Reconsideration (RFRs) of negative CFI determinations, and Further Information Gathering (FIG) interviews, and conducts other advocacy for detained people placed in expedited removal proceedings.

The Black Alliance for Just Immigration (BAJI), founded in April 2006, is a racial justice and migrants' rights organization that organizes, advocates and raises awareness around issues facing Black Immigrants and African Americans. We specifically work to address the unique challenges facing our communities which include mass criminalization, the impact of egregious immigration policies, economic inequality and the health and well-being of Black immigrants, African Americans, and their families. BAJI builds power throughout the diaspora to win transformative social change.

### **Request for Expedited Processing**

The Requesters seek Track 1 expedited treatment for this FOIA request pursuant to 6 C.F.R. § 5.5(d) and 5 U.S.C. § 552(a)(6)(E).<sup>1</sup>

According to the FOIA statute, requests that demonstrate “a compelling need” or “in other cases determined by the agency” qualify for expedited processing.<sup>2</sup> “Compelling need,” as defined by the statute, means “(I) that a failure to obtain requested records on an expedited basis... could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or (II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.”<sup>3</sup>

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<sup>1</sup> See also 6 C.F.R. § 5.5(e)(1).

<sup>2</sup> 5 U.S.C. § 552(a)(6)(E)(i)(I).

<sup>3</sup> 5 U.S.C. § 552(a)(6)(E)(v).

Project South is “primarily engaged in dissemination of information” pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(II).<sup>4</sup> Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of Project South’s work and are among its primary activities.<sup>5</sup> Since Project South is dedicated to the realization and defense of human rights and social justice, dissemination of information to the public at large, and to impacted communities in particular, is a critical and substantial component of Project South’s mission and work.

The Georgia Latino Alliance for Human Rights (“GLAHR”) is “primarily engaged in disseminating information” within the meaning of the statute and its implementing regulations.<sup>6</sup> GLAHR conducts weekly community meetings with its member constituency to share information regarding local and national immigration policy developments and organize grassroots campaigns related to issues that implicate the Latinx immigrant population of Georgia. GLAHR has an active social media presence on Twitter, Instagram, and Facebook, and an email newsletter used to educate its members and the broader immigrant community about immigration policy developments and its related campaigns. By sharing this information and cultivating leadership, GLAHR seeks to build political power within the Latinx immigrant community of Georgia.

The Black Alliance for Just Immigration (“BAJI”) is “primarily engaged in disseminating information” within the meaning of the statute and its implementing regulations.<sup>7</sup> In every local, state, and national campaign or program, BAJI centers the experience of Black migrants and African Americans, and brings our communities together to advance equity and justice. BAJI’s local Organizing Committee members are engaged in community organizing, developing their leadership skills and supporting public education for social, racial & economic change. BAJI aims to educate & mobilize the Black diaspora in advancing liberation and human rights.

### **Request for Waiver or Limitation of Fees**

The Requesters also seek a full fee waiver on the grounds that disclosure of the 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

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<sup>4</sup> See also 6 C.F.R. § 5.5(d)(1)(ii) (expedited processing is warranted where there is “[a]n urgency to inform the public about an actual or alleged federal government activity.”)

<sup>5</sup> Courts have found organizations that engage in information dissemination activities similar to Project South are “primarily engaged in disseminating information.” See, e.g., *Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group 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” to be “primarily engaged in disseminating information”); *Elec. Privacy Info. Ctr. v. U.S. Dep’t of Defense*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).

<sup>6</sup> See 5 U.S.C. § 552(a)(6)(E)(v)(II); see also 6 C.F.R. § 5.5(e)(1)(ii).

<sup>7</sup> See 5 U.S.C. § 552(a)(6)(E)(v)(II); see also 6 C.F.R. § 5.5(e)(1)(ii).

requester.”<sup>8</sup> A fee waiver also would fulfill Congress’ intent in amending the FOIA.<sup>9</sup> In addition, Requesters have the ability to widely disseminate the requested information.<sup>10</sup>

### ***Disclosure of the Information Is in the Public Interest***

Disclosure of the requested information will contribute significantly to the public understanding of the medical treatment of individuals in ICE custody. In light of reports in national media concerning the potential forced sterilization and other gynecological procedures performed without consent on individuals in ICE custody, access to this information is fundamental to the public’s ability to become informed about these government activities. The information will provide more details to the public about how migrants are treated in ICE custody and shed light on the extent of these practices and the number of individuals who may have been subjected to unconsented gynecological procedures.

Requesters have the capacity and intent to disseminate widely the requested information to the public. Requesters will review, analyze and and/or summarize the information obtained through this FOIA. In addition, Requesters’ staff will speak publicly and publish related written materials to be shared with the public, organizational members and the academic community. Requesters will make the information available through their websites, which are accessible by any member of the public. Finally, Requesters have frequent contact with national print and news media and plans to share information gleaned from FOIA disclosures with interested media.

### ***Disclosure of the Information Is Not Primarily in the Commercial Interest of the Requester***

Requesters are tax-exempt, not-for-profit educational and charitable organizations. Project South is a 501(c)(3) organization. Attorneys, noncitizens and any other interested members of the public may obtain information about immigration-related issues through their distribution of written materials, including their individual websites, and through public and educational appearances. The requested information is sought for the purpose of disseminating it to members of the public, including through posting it on Requesters’ websites and other publications, and not for the purpose of commercial gain.

For the above reasons, this request satisfies the requirements for expedited processing under 5 U.S.C. § 552(a)(6)(E)(v)(II). Pursuant to 6 C.F.R. § 5.5(d)(3), the undersigned certify that the information provided above as the basis for requesting expedited processing is true to the best of their knowledge and belief.

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<sup>8</sup> 5 U.S.C. § 552(a)(4)(A)(iii). *See also* 6 C.F.R. § 5.11 (k) (records furnished without charge or at a reduced rate if the information is in the public interest, and disclosure is not in commercial interest of institution).

<sup>9</sup> *Judicial Watch, Inc. v. Rossoti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (discussing that Congress intended the FOIA to be construed broadly to favor fee waiver for noncommercial requests).

<sup>10</sup> *Judicial Watch*, 326 F.3d at 1301 (finding a fee waiver appropriate when the requester explained, in detailed and non-conclusory terms, how and to whom it would disseminate the information it received).

**Address for Productions**

Thank you for your consideration of this request. We look forward to your response to our request for expedited processing within ten (10) 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 (20) business days, as required by statute. 5 U.S.C. § 552(a)(6)(A)(i). Please furnish records as soon as they are identified to: [Address]

If this request is denied in whole or in part, we ask that the government justify all redactions by reference to specific FOIA exemptions. 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 expedited processing or a waiver of fees.

Please contact Priyanka Bhatt at priyanka@projectsouth.org should you wish to discuss this request. Thank you for your prompt attention to this matter.

Sincerely,



Adelina Nicholls  
Executive Director  
Georgia Latino Alliance for Human Rights



Priyanka Bhatt  
Senior Staff Attorney  
Project South



Mich P. González  
Associate Director of SIFI Advocacy  
Immigrant Justice Project  
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Amilcar Valencia  
Executive Director  
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Sarah Owings  
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Black Alliance for Just Immigration