

**May 31, 2024**

**SENT VIA E-MAIL**

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street SW, Stop 5009  
Washington, DC 20536-5009  
Email: [ICE-FOIA@dhs.gov](mailto:ICE-FOIA@dhs.gov)

**Re: FOIA Request for Records Related to Immigration Enforcement  
(Fee Waiver & Expedited Proceeding Requested)**

Dear Freedom of Information Officer:

The Center for Immigration Law and Policy (“CILP”) at the University of California, Los Angeles School of Law submits this Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.*, request for production of records (the “Request”) for database records pertaining to immigration enforcement. CILP also seeks a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A) and 6 C.F.R. § 5.11(k), and expedited processing, pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(d). The justification for the fee waiver and expedited processing are set out in detail below.

**I. Records Requested**

CILP seeks records from Fiscal Year 2012 to the date of ICE’s final response to this Request. Much of the data requested is similar to data ICE produced in **2023-ICFO-42034**. **Please note that all data should be provided for the full time period, rather than simply as an update to previous releases.**

The list of database fields in each category is not exclusive: if other nonexempt database fields are available in each table, ICE should provide them. In addition, CILP requests, **in every table produced, unique identifiers corresponding to the subject ID and Alien File Number. In addition, every table should include each individual EOIR IDNCASE identifier.**

The CILP requests the following categories of records:

- 1. Removals Data, including but not limited to the fields listed below:**

Departed Date  
Port of Departure  
Departed to Country  
Area of Responsibility  
State of Arrest  
County of Arrest  
Case Status  
Gender  
Country of Birth  
Country of Citizenship  
Age at Removal  
Birth Date  
LPR (Yes/No)  
Entry Date  
Entry Status  
Most Serious Criminal Conviction  
Most Serious Criminal Conviction Charge Date Most Serious Criminal  
Conviction Status  
Most Serious Criminal Conviction Code  
Most Serious Criminal Conviction Conviction Date RC Threat Level  
Aggravated Felon (Yes/No)  
Processing Disposition Code  
Case Category  
Removal Program & Program Code  
Case Category Time of Arrest  
Latest Arrest Program & Program Code  
Latest Arrest Apprehension Date  
Final Order Yes No  
Final Order Date  
Prior Removal Reinstate  
Prior Removal Reinstate Date  
Final Charge Code  
Final Charge Section  
Prior Removal  
Most Recent Prior Departed Date  
Representation Status

**2. Secure Communities Removal Data (Removals following  
IDENT/IAFIS match).**

State  
County  
Area of Responsibility

Port of Departure  
Departed To Country  
Case Status  
Non Criminal Priorities  
Detainer Facility  
Detainer Facility Code  
Detainer Facility City  
Detainer Facility State  
Detainer Threat Level  
Gender  
Citizenship Country  
Birth Country  
Age at Removal  
Year of Birth  
Entry Status  
Most Serious Criminal Conviction  
MSCC Sentence Days  
MSCC Sentence Months  
MSCC Sentence Years  
MSCC Code  
RC Threat Level  
Aggravated Felon  
Processing Disposition Code  
Case Category  
Removal Current Program  
Case Category Time of Arrest  
Latest Arrest Current Program  
Cause Arrest Current Program  
Latest Apprehension Method  
Final Order Yes No  
Reinstated Final Order  
Reinstated Final Order Date  
Final Charge Code  
Final Charge Section  
Prior Removal  
Most Recent Prior Depart Date  
Detainer ID  
Unique ID  
Arrest Date  
Detainer Prepare Date  
Entry Date  
Book In Date  
Book Out Date

### **3. Detention Data**

Current Order of Detentions  
Initial Book In Date **and Time**  
Current Book In date **and Time**  
Current Detention Facility  
Current Book Out Date **and Time**  
Final Book Out Date **and Time**  
Current Release Reason Final Book Out Date  
Final Release Reason Religion  
Gender  
Marital Status  
Age at Initial Book In  
Ethnicity  
Entry Status  
Aggravated Felon (Yes/No)  
Latest Bond Posted Date  
Latest Bond Posted Amount  
Case Status  
Category  
Final Order (Yes/No)  
Final Order Date  
Rc Threat Level  
Final Charge  
Departed Date  
Departed To  
Initial Bond Set Amount  
Initial Bond Set Date  
Initial Custody Determination

### **4. Arrest/Apprehension Data**

Date of Arrest  
Type of Arrest  
State  
County  
Resolution of Arrest

### **5. Encounter Data**

Date of Encounter  
Type of Encounter

State  
County  
Resolution of Encounter (e.g. arrest, etc.)

### **6. Alternatives to Detention**

All non-identifying fields concerning alternatives to detention.

### **7. Detainers**

All non-identifying fields concerning detainers.

### **8. Orders of Supervision**

All non-identifying fields concerning orders of supervision (“OSUP”) to the extent that this information is not already included in the alternatives to detention data.

## **III. Application for Expedited Processing**

CILP requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). *See also* 6 C.F.R. § 5.5(e)(1). There is a “compelling need” for these records because the information requested is “urgen[tly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

*A. The records sought are urgently needed to inform the public about actual or alleged government activity.*

These records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II); 6 C.F.R. § 5.5(e)(1)(ii). The requested records seek to inform the public about the government’s current enforcement policies and practices. There is a compelling and urgent need to inform the public about the government’s enforcement practices, including the expanded use of alternatives to detention, and their impact on removals and immigration court proceedings.<sup>1</sup> Yet despite the critical public need to understand the effects of current

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<sup>1</sup> *See, e.g.*, TRAC, “ICE Increases Use of GPS Monitoring for Immigrants in Alternatives to Detention (ATD), Mar. 14, 2024, *available at* <https://trac.syr.edu/whatsnew/email.240315.html>; Gaby Del Valle, “ICE is Subjecting a Record Number of Asylum Seekers to Electronic Monitoring,” *THE NATION*, Oct. 18, 2022, *available at* <https://www.thenation.com/article/society/migrants-ice-alternatives-detention/>.

enforcement policies and practices, there is no regular public release of ICE individual-level enforcement data to the public. Instead, ICE releases only aggregate statistics,<sup>2</sup> in contrast, for example, to the Executive Office for Immigration Review, which releases monthly updates to an individual-level dataset tracking cases in immigration court.<sup>3</sup>

Because enforcement and immigration patterns change swiftly over time,<sup>4</sup> obtaining up-to-date data is critical in informing the public. This request also seeks more than simply an update of data of that ICE has released in the past. Critically, this request seeks the EOIR idncase variable, which will allow journalists, advocates, and researchers to track the immigration court outcomes associated with each ICE enforcement action.

*B. CILP is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

CILP is “primarily engaged in disseminating information” within the meaning of the FOIA. 5 U.S.C. § 552(a)(6)(E)(v)(II). *See also* 6 C.F.R. § 5.5(e)(1)(ii). CILP is a hub for immigration scholarship and advocacy, engaging students and faculty, community organizations, practitioners, lawmakers and experts in the field.

CILP regularly publishes reports that collect, analyze and disseminate information about government activity, including drawing on information released by the government through FOIA requests.<sup>5</sup> CILP calls attention to these reports through press releases, and its attorneys are frequently

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<sup>2</sup> *See, e.g.*, Immigration and Customs Enforcement, FY2024 ICE Detention Statistics, available at <https://www.ice.gov/detain/detention-management>.

<sup>3</sup> *See* Executive Office for Immigration Review, EOIR Case Data, available at <https://www.justice.gov/eoir/foia-library-0>.

<sup>4</sup> *See, e.g.*, Transactional Records Access Clearinghouse, *Number of Immigrant Detainees Arrested by ICE Continues to Increase*, April 26, 2024, <https://trac.syr.edu/whatsnew/email.240426.html>.

<sup>5</sup> *See, e.g.*, The Biden Administration’s Dedicated Docket: Inside Los Angeles’ Accelerated Court Hearings for Families Seeking Asylum (May 2022), available at [https://law.ucla.edu/sites/default/files/PDFs/Center\\_for\\_Immigration\\_Law\\_and\\_Policy/Dedicated\\_Docket\\_in\\_LA\\_Report\\_FINAL\\_05.22.pdf](https://law.ucla.edu/sites/default/files/PDFs/Center_for_Immigration_Law_and_Policy/Dedicated_Docket_in_LA_Report_FINAL_05.22.pdf); No Fair Day: The Biden Administration’s Treatment of Children in Immigration Court (December 2023), available at [https://law.ucla.edu/sites/default/files/PDFs/Center\\_for\\_Immigration\\_Law\\_and\\_Policy/No\\_Fair\\_Day\\_Children\\_in\\_Immigration\\_Court\\_White\\_Paper.pdf](https://law.ucla.edu/sites/default/files/PDFs/Center_for_Immigration_Law_and_Policy/No_Fair_Day_Children_in_Immigration_Court_White_Paper.pdf).

interviewed for news stories that draw on this information.<sup>6</sup> CILP's publications are broadly circulated to the public and widely available to the public at no cost.

CILP also regularly hosts public events intended to educate the public and foster discussion about U.S. immigration law and policy.<sup>7</sup> Those public events include conversations with high-level government officials, which draw on information released by the government through FOIA requests.<sup>8</sup>

CILP intends to analyze, publish, and disseminate to the public information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

Given the foregoing, CILP has satisfied the requirements for expedited processing of this request.

#### **IV. Application for Waiver or Limitation of Fees**

CILP seeks a full fee waiver because disclosure of the requested records is in the public interest and is "likely to contribute significantly to public understanding of operations or activities of the government and is not primarily in the commercial interest of the requestor." 5 U.S.C. § 522(a)(4)(A)(iii). As set forth above, this request seeks to bolster public understanding of ICE's enforcement practices with respect to removals, apprehensions, detention, and alternatives to detention, which directly affect

<sup>6</sup> See, e.g., CILP Press Release, "No Fair Day: Damning New Report Reveals the Biden Administration's Unlawful Treatment of Children in Immigration Courts," Dec. 13, 2023, available at <https://law.ucla.edu/news/no-fair-day-damning-new-report-reveals-biden-administrations-unlawful-treatment-children-immigration-courts>; CILP Press Release, "Gross Miscarriages of Justice Continue Two Years into Biden Administration's Fast-Track Court Program for Families Seeking Asylum," June 22, 2023, available at <https://law.ucla.edu/news/gross-miscarriages-justice-continue-two-years-biden-administrations-fast-track-court-program-families-seeking-asylum>; CILP Press Release, "New Evidence of Horrific Treatment of Pregnant People in CBP Custody Reignites Demand for Change," Apr. 25, 2023, available at <https://law.ucla.edu/news/new-evidence-horrific-treatment-pregnant-people-cbp-custody-reignites-demands-change>.

<sup>7</sup> See <https://law.ucla.edu/academics/centers/center-immigration-law-and-policy/cilp-events> (listing public events held in 2021, 2022, 2023, and 2024).

<sup>8</sup> See, e.g., CILP Event, "Looking Back and Looking Forward: Fifteen Years of Advancing Immigrant Representation, Prof. Arulanantham in conversation with DHS Secretary Mayorkas," Mar. 9, 2023; CILP Event, "Inside the U.S. Immigration System: USCIS Dir. Ur Jaddou in conversation with Prof. Arulanantham," Aug. 29, 2022, available at [https://www.youtube.com/watch?v=Gaa-d\\_3xC3U](https://www.youtube.com/watch?v=Gaa-d_3xC3U).

hundreds of thousands of noncitizens and legal, humanitarian, and advocacy groups that serve them, and which is of interest to the general public.

The public interest fee waiver provision “is to be liberally construed in favor of waivers for noncommercial requesters.” *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987). The question relevant to fee waivers is whether the requested information is likely to contribute significantly to public understanding of the operations or activities of the government, good or bad. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). Disclosure of the documents sought is in the public interest and will contribute significantly to the public’s understanding of ICE’s enforcement practices. The records are not sought for commercial use, and the Requestor plans to disseminate the information to the public at no cost and is therefore entitled to a full fee waiver under 5 U.S.C. § 522(a)(4)(A)(iii).

Should the request for a full fee waiver be denied, CILP seeks a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) (“fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by...educational or noncommercial scientific institution...or a representative of the news media”) and 6 C.F.R. § 5.11(d)(1) (search fees shall not be charged to “representatives of the news media”). CILP intends to make use of the information as part of educational opportunities it offers to students and faculty, and it intends to disseminate the information gathered by this request to the public, including directly impacted noncitizens and legal and humanitarian practitioners, at no cost, including through CILP’s website and social media. As described above, Requestor regularly disseminates information to students, private and nonprofit legal and humanitarian practitioners, and members of the public and media through social media, symposia, reports, and articles.

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Pursuant to applicable statutes and regulations, CILP expects a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); 6 C.F.R. § 5.5(e)(4).

If the request is denied in whole or in part, CILP asks that you justify all deletions by reference to specific FOIA exemptions. CILP expects the release of all segregable portions of otherwise exempt material. CILP

reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Address:

Center for Immigration Law and Policy (CILP)  
UCLA School of Law  
c/o David Hausman  
828 Euclid Ave  
Berkeley, CA 94708  
T: 310-206-5298  
Email: [cilp@law.ucla.edu](mailto:cilp@law.ucla.edu)

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Sincerely,

/s David Hausman