

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 21 C 2232
	)	
U.S. IMMIGRATION AND CUSTOMS	)	Judge Tharp
ENFORCEMENT, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**L.R. 56.1 STATEMENT OF MATERIAL FACTS  
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants, by John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, submit the following statement of material facts as to which there is no genuine issue pursuant to Local Rule 56.1 of the United States District Court for the Northern District of Illinois, and pursuant to the court's order permitting defendants to assert up to 100 statements of fact instead of the 80 statements normally allowed by LR 56.1 (Dkt. 27).

**Jurisdiction and Venue**

1. This is an action brought under the Freedom of Information Act (FOIA), and the court has subject matter jurisdiction under 5 U.S.C. § 552 and 28 U.S.C. § 1331. Dkt. 9 (Answer) ¶¶ 1, 3.

2. Venue is proper in this district because plaintiff Jacqueline Stevens resides in this district. Dkt. 9 (Answer) ¶ 4.

**Parties**

3. Plaintiff Jacqueline Stevens is a professor at Northwestern University. Dkt. 9 (Answer) ¶ 5.

4. Defendants U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), Executive Office for Immigration Review (EOIR), U.S. Navy, U.S. Department of Agriculture (USDA), and U.S. Department of State are components of the federal government from whom Stevens has sought information via FOIA. Dkt. 9 (Answer) ¶ 17.

#### **FOIA Requests to ICE**

5. When ICE receives a proper FOIA request, ICE's FOIA office identifies which program offices are reasonably likely to possess responsive records and initiates searches within those offices. Ex. A (Schurkamp Decl.) ¶ 8-11. The individuals in each office are directed to search the file systems—both paper and electronic—that in their judgment are reasonably likely to contain responsive records. *Id.* ¶ 11. The offices then provide any potentially responsive records to ICE's FOIA office, which reviews the records for responsiveness. *Id.*

6. ICE employees maintain records in several ways and may store electronic records on their individual computer hard drives, on their office's shared drive if available, or on storage devices like DVDs, CDs, and USB drives. Ex. A (Schurkamp Decl.) ¶ 12.

7. ICE employees also have access to email, and each employee stores their email in the way that works best for that employee: archiving by time period, archiving by subject, or creating PST files and storing them on a hard drive or shared drive. Ex. A (Schurkamp Decl.) ¶ 13.

8. Stevens submitted a FOIA request to ICE in March 2017, seeking records regarding a person named Manuel Valdez Soto. Ex. A (Schurkamp Decl.) ¶ 6a. She filed this lawsuit before ICE responded. *Id.* ¶ 6b.

9. ICE determined that its Enforcement Removal Operations office was the office that was reasonably likely to possess responsive records and tasked that office to search for responsive records. Ex. A (Schurkamp Decl.) ¶ 19.

10. The Enforcement Removal Operations office searched for records using Manuel Valdez-Soto's name and alien number. Ex. A (Schurkamp Decl.) ¶ 22b. The office searched the Immigration and Enforcement Operational Records System Alien Removal Module, which is a system used to book, detain, and remove encountered noncitizens. *Id.* ¶¶ 20c, 22b. The search yielded one responsive page, which ICE produced. Ex. A (Schurkamp Decl.) ¶ 22c.

11. Stevens submitted another FOIA request to ICE in November 2018, seeking records regarding a person named Nathan Anfinson. Ex. A (Schurkamp Decl.) ¶ 4a.

12. ICE determined that its Enforcement Removal Operations office was the office that was reasonably likely to possess responsive records and tasked that office to search for responsive records. Ex. A (Schurkamp Decl.) ¶¶ 19-20.

13. The Enforcement Removal Operations office searched for records using Nathan Anfinson's name, date of birth, country of birth, alias, and alien number. Ex. A (Schurkamp Decl.) ¶ 20c. The office searched the Alien Removal Module mentioned above, and the Central Index System, which is a database containing information on the status of 57 million applicants or petitioners seeking immigration benefits, including lawful permanent residents, naturalized citizens, U.S. border crosses, noncitizens who illegally entered the U.S., noncitizens who have been issued employment authorization documents, individuals who petitioned for benefits on behalf of family members, and other individuals subject to the provisions of the Immigration and Nationality Act. *Id.* ¶¶ 20c-d.

14. ICE produced responsive records in December 2018. Ex. A (Schurkamp Decl.) ¶¶ 4c, 20e. Stevens appealed, and after further processing ICE reported to Stevens that it had found no additional responsive records. *Id.* ¶¶ 4d-g, 20f-h.

15. After Stevens filed this lawsuit, ICE's FOIA office tasked the Enforcement Removal Operations office to conduct a *third* search, but the ERO office noted the two previously conducted searches and concluded that a third search was unlikely to uncover any additional potentially responsive records. Ex. A (Schurkamp Decl.) ¶ 20i.

16. Stevens submitted another FOIA request to ICE in August 2019, seeking records regarding a person named Juan Hurtado-Valencia. Ex. A (Schurkamp Decl.) ¶ 5a.

17. ICE determined that its Enforcement Removal Operations office was the office that was reasonably likely to possess responsive records and tasked that office to search for responsive records. Ex. A (Schurkamp Decl.) ¶ 19.

18. The Enforcement Removal Operations office searched for records using Juan Hurtado Valencia's name, date of birth, country of birth, alias, and alien number. Ex. A (Schurkamp Decl.) ¶ 21c. The office used the booking application called the EID Arrest Guide for Law Enforcement to retrieve information from the Enforcement Integrated Database. *Id.* ¶ 21d. The Guide is used to process biometric and biographic information of individuals arrested for violation of immigration laws. *Id.* The office also searched Outlook, the Central Index System, and the Alien Removal Module for responsive records. *Id.*

19. ICE produced responsive records in December 2019. Ex. A (Schurkamp Decl.) ¶¶ 5c, 21f. Stevens appealed, and on administrative review ICE affirmed the adequacy of the initial search. *Id.* ¶¶ 5d-f, 21g-i.

20. After Stevens filed this lawsuit, ICE's FOIA office tasked the Enforcement Removal Operations office to conduct a second search for responsive records, but based on the previous search the ERO office determined that it was unlikely to possess any additional responsive records. Ex. A (Schurkamp Decl.) ¶ 21j.

21. Stevens submitted a fourth FOIA request to ICE in March 2021, seeking.

All records on which ICE officials rely for creating agency statements of FOIA expenditures and budgets in ICE annual requests to Congress for funding in FOIA operations, e.g., [http://www.dhs.gov/sites/default/files/publications/7\\_u.s.\\_immigration\\_and\\_customs\\_enforcement.pdf](http://www.dhs.gov/sites/default/files/publications/7_u.s._immigration_and_customs_enforcement.pdf), ICE – O&S - 3 (pdfp. 29), ICE – O&S - 23 (p. 49), ICE – O&S - 51 (p. 77), ICE – O&S - 61 (p. 87), ICE – O&S - 73 (p. 99), ICE – O&S - 76 (p. 102).

This includes but is not limited to:

- (a) All information received from contractors informing FOIA operation Requests for Information, Requests for Proposals, and all current work performed. If a contractor is trying to justify a renewal, extension, or addition to an existing contract, all of these communications in any form are responsive to this request. This includes device text messages, information stored in the cloud, email, notes, and communications responsive to current or past contracts, such as documentation of expenditures on subcontracts, infrastructure, or software outlays.
- (b) Information on FOIA operations and expenditures on which the report relies for its representations in ICE budgets about its use of financial resources, including but not limited to salaries, contracts, and database investments. All related communications tied to these budget requests based on FOIA operations are responsive to this request.
- (c) Screenshots of all databases on which ICE relies for its fiscal year budget requests for funding FOIA operations.

Ex. A (Schurkamp Decl.) ¶ 7a; *see also* attachment M to Schurkamp Decl. Stevens filed this lawsuit before ICE responded. Ex. A (Schurkamp Decl.) ¶ 7b.

22. ICE determined that its Office of Acquisition Management, Office of the Chief Information Officer, and Strategic Resourcing Alignment Division were the offices that were reasonably likely to possess responsive records and tasked those offices to search for responsive records. Ex. A (Schurkamp Decl.) ¶ 19.

23. A point-of-contact in the Office of Acquisition Management determined that Outlook should be searched for responsive records, based on the person's subject matter expertise and knowledge of the office's activities. Ex. A (Schurkamp Decl.) ¶ 23b. The person searched by business name, contract number, and point-of-contact name, and located 64 responsive records, which ICE produced. *Id.* ¶¶ 23b-c.

24. A point-of-contact in the Office of the Chief Information Officer determined that the office would not have any responsive records, based on the person's subject matter expertise and knowledge of the office's activities. Ex. A (Schurkamp Decl.) ¶ 23d. The office can search email accounts only if they end in "ice.dhs.gov," and the request sought information relating to accounts not ending in "ice.dhs.gov." *Id.*

25. A point-of-contact in the Strategic Resourcing Alignment Division determined that the Federal Financial Management System should be searched for responsive records, based on the person's subject matter expertise and knowledge of the division's activities. Ex. A (Schurkamp Decl.) ¶ 23e. The Federal Financial Management System is a web-based workflow management and financial transaction system that is used to create and maintain a record of each allocation, commitment, obligation, travel advance, and accounts receivable issued. *Id.* ¶ 23f.

26. The point-of-contact located two responsive Excel spreadsheets, and ICE produced them. Ex. A (Schurkamp Decl.) ¶¶ 23g-i.

27. In producing responsive records, ICE withheld information under FOIA exemption (b)(4) to protect trade secrets and commercial or financial information. Ex. A (Schurkamp Decl.) ¶ 28. For example, ICE redacted contract pricing information from an order for services and supplies. *Id.* at *Vaughn* index entry 2.

28. ICE also withheld information under FOIA exemptions (b)(6) and (b)(7)(C), to protect the names, identification codes, phone numbers, and signatures of federal law enforcement officers and other government employees. Ex. A (Schurkamp Decl.) ¶ 30. Under those same exemptions, ICE also withheld personally identifiable information of third parties, including names, case numbers, social security numbers, alien numbers, addresses, email addresses, and phone numbers. *Id.*

29. ICE also withheld information under FOIA exemption (b)(7)(E), to protect from disclosure law-enforcement-sensitive numbers and codes to various law-enforcement-sensitive databases and case management systems. Ex. A (Schurkamp Decl.) ¶ 31b. The information could be used by persons seeking improper access to law enforcement databases, and releasing the information could reasonably be expected to allow a person to breach the systems and potentially circumvent detection. *Id.*

### **FOIA Requests to CBP**

30. Stevens submitted a FOIA request to CBP in October 2015, seeking:

I write under the Freedom of Information Act for all records maintained for Lazaro Palma, now deceased. His date of birth [redacted]. His place of birth was [redacted]. He was issued a “manifest” by a border guard at the Hidalgo border on February 11, 1950 and thus may have other crossing records on file with Customs and Border Protection. I am a writer, a professor, and blogger; as I plan to use the information responsive to this request for public education, and not for commercial benefit. I request a waiver of fees. Please note that Lazaro Palma’s son[,] Lorenzo Palma, is in ICE custody and the contents of this file may assist in proving his

claim to U.S. citizenship. Please note as well that there is strong public interest in the detention and deportation of U.S. citizens. This request therefore meets both prongs contemplated by the FOIA provisions for an expedited response: public interest and immediate harm (ICE detaining US citizen is false imprisonment.) Please note as evidence of my claims above articles referenced on the Deportation Research Clinic website at <http://northwestern.edu/programs/deportationresearch>. Please note that the death certificate is attached. If you have any questions please feel free to contact me at [redacted]. Thank you for your assistance with this matter.

Ex. B (Howard Decl.) ¶¶ 8-9.

31. When a FOIA request seeks “all records,” as Stevens’s request did, CBP’s standard practice is to search for all travel and encounter records at the border. Ex. B (Howard Decl.) ¶¶ 12-13.

32. CBP determined that the only location that could contain responsive records was “TECS,” which is an information-sharing platform that allows users to access different databases, including enforcement, inspection, and operational records relevant to CBP’s mission of anti-terrorism and law enforcement. Ex. B (Howard Decl.) ¶¶ 14-15. TECS is the principal system used by officers at the border to assist with screening and determining the admissibility of arriving persons. *Id.*

33. CBP searched TECS for crossing records, secondary inspections, and any border encounters, using the name and the date of birth that Stevens provided, and found no responsive records. Ex. B (Howard Decl.) ¶ 16.

34. In January 2016, CBP sent Stevens a letter stating that it had found no records responsive to the request. Ex. B (Howard Decl.) ¶ 17.

35. CBP has no record of Stevens’s having filed any administrative appeal of the disposition of her October 2015 FOIA request. Ex. B (Howard Decl.) ¶ 27.



36. Stevens submitted another FOIA request to CBP in January 2019, seeking:

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for all system records pertaining to Nathan Anfinson aka Alfonso Chavez who may be a U.S. citizen. Mr. Anfinson was a legal resident he was assigned the alien number [redacted]. He was born in [redacted], Mexico on [redacted]. I am interested in any documentation Customs and Border Patrol has on Mr. Anfinson. Additionally, I am interested in any paperwork addressing Mr. Anfinson’s legal permanent resident status.

Ex. B (Howard Decl.) ¶¶ 19-20.

37. CBP determined that the only systems that could contain responsive records were TECS and the “E3/Enforce” system. Ex. B (Howard Decl.) ¶ 22. The E3/Enforce system is a portal that CBP uses to collect and transmit biographic, encounter, and biometric data of individuals for identification and verification of individuals encountered at the border and checkpoints for CBP’s law enforcement and immigration mission. *Id.* ¶ 23.

38. CBP searched TECS and the E3/Enforce system for responsive records by using the name, date of birth, and “A-File” number that Stevens provided, and found no responsive records. Ex. B (Howard Decl.) ¶ 24.

39. CBP issued a final response in April 2019, explaining to Stevens that it had found no responsive records and informing Stevens that records of apprehensions made by border patrol agents before 2000 could be available in the A-File maintained by USCIS. Ex. B (Howard Decl.) ¶ 25.

40. CBP has no record of Stevens’s having filed any administrative appeal of the disposition of her January 2019 FOIA request. Ex. B (Howard Decl.) ¶ 27.

#### **FOIA Request to USCIS**

41. Stevens submitted a FOIA request to USCIS in November 2018, seeking:

All system records and all other materials in any medium, maintained, received or distributed by USCIS pertaining to Nathan Anfinson, aka Alfonso Chavez. His date of birth is August 10, 1983. His country of birth is Mexico. His “alien” number is 026917282. Mr. Anfinson appears to have a claim of US citizenship and yet was deported. I am specifically interested in finding a copy of Mr. Anfinson’s certificate of citizenship and any underlying documents associated with its application. He believes he saw this document in either 1997 or 1998.

Dkt. 9 (Answer) ¶ 85.

42. USCIS determined that the request sought documents contained in Nathan Anfinson’s A-file. Ex. C (Munita Decl.) ¶ 15.

43. To locate these records, USCIS’s FOIA staff ran a computerized data search in DHS’s file tracking system, RAILS, using the alien number Stevens provided. Ex. C (Munita Decl.) ¶¶ 11-13\_.

44. USCIS identified 294 pages of responsive records and, in March 2019, produced 206 pages in their entirety, 13 pages in part, and withheld 23 pages in full. Ex. C (Munita Decl.) ¶ 17. USCIS also referred 52 pages to ICE. *Id.*

45. Stevens administratively appealed USCIS’s withholdings, but she did not administratively appeal the adequacy of the search. Ex. C (Munita Decl.) ¶ 18.

46. In response, in July 2019 USCIS released 9 more pages of responsive records in full and 4 pages in part. Ex. C (Munita Decl.) ¶ 19.

47. In September 2019, Stevens submitted a request for records regarding Jovita Elena Chavez, the mother of Nathan Anfinson, that had previously been withheld in response to Stevens’s FOIA request for records regarding Anfinson. Ex. C (Munita Decl.) ¶ 20.

48. Confusion ensued regarding whether Stevens had submitted a new request or was attempting to re-open a closed case. Ex. C (Munita Decl.) ¶ 20. Ultimately, USCIS concluded

that a request had been submitted, though USCIS did not have evidence that Stevens had submitted “proper consent” and asked Stevens to do so. *Id.*

49. Stevens provided consent, and after following the A-file search procedure mentioned above, USCIS produced in full the 13 pages from Chavez’s son’s A-file that were about Chavez (since Chavez did not have an A-file of her own). Ex. C (Munita Decl.) ¶¶ 11-13, 20.

50. Stevens submitted another FOIA request to USCIS in August 2019, seeking:

All system records and all other materials in any medium received or distributed by USCIS pertaining to Juan Guillermo Hurtado Valencia. His date of birth is [REDACTED]. His country of birth is Colombia. His “alien” number is \*\*\*-\*\*\*-571 [REDACTED].

Please note that my request includes but is not limited to all e-mail, memorandums, notes, correspondence, text messages, and archival requests, including information about where his documents and records were being stored.

The time frame of this request is 1976 to present.

I am attaching Mr. Hurtado’s privacy waiver authorizing the release of this information to me under the Freedom of Information/Privacy Act. Please note that this also includes his certification of his identity.

Dkt. 9 (Answer) ¶ 101.

51. In September 2019, USCIS sent Stevens a letter denying the request under 5 U.S.C. § 552(b)(6). Ex. C (Munita Decl.) ¶ 22. The letter explained that if Stevens of her administrative appeal rights. *Id.*

52. Stevens did not appeal. *Id.* ¶ 23.

53. Regardless, in response to the August 2019 request, after following the A-file search procedure described above, USCIS ultimately released 222 pages in full, released 64 pages in part, and withheld 8 pages in full. Ex. C (Munita Decl.) ¶¶ 11-13, 24

54. Stevens submitted another FOIA request to USCIS in August 2020, seeking:

- 1) All system records and other materials in any medium created, maintained, or received by USCIS regarding Lorenzo Palma, including but not limited to his N-600 application, including all records for his grandfather, Lazaro Palma. Lorenzo's "alien" number is 024-863-347. His DOB is 7/28/76. He was born in Mexico.
- 2) All materials associated with the creation of the Notice of Intent letter sent to Mr. Palma regarding his N-600 application. The letter is dated July 16th, 2020. The materials I am requesting include but are not limited to notes, emails, drafts, memorandums, cell text messages, post-its, and all information on the PLANet database and any other database on which USCIS officials contributing to the decision about the NOI had access.
- 3) Screenshots of interfaces used by USCIS officials creating or obtaining information on which USCIS relied in producing the NOI letter of July 16, 2020.

Dkt. 9 (Answer) ¶ 111.

55. Following the A-file search procedure described above, USCIS released 577 pages in full and 109 pages in part. Ex. C (Munita Decl.) ¶¶ 11-13, 28.

56. Stevens did not file an administrative appeal. *Id.* ¶ 29.

57. In producing responsive records, USCIS withheld information under FOIA exemption (b)(3) to protect information that is exempt from disclosure under Section 222(f) of the Immigration and Nationality Act, 8 U.S.C. § 1202(f). Ex. C (Munita Decl.) ¶ 33. For example, USCIS withheld information concerning the issuance or refusal of a permit to enter the United States by the State Department that is exempt from disclosure by statute. *Id.* at Anfinson *Vaughn* index entry 241.

58. USCIS also withheld information under FOIA exemption (b)(5) to protect information protected by the attorney-client, attorney work product, or deliberative process privileges. Ex. C (Munita Decl.) ¶ 35. For example, USCIS withheld legal advice that an ICE attorney provided to assist ICE in determining and deciding an issue of citizenship, the disclosure

of which would reveal the attorney's reasoning and litigation strategy. *Id.* at Palma-Rodriguez *Vaughn* index entry 597-99.

59. USCIS also withheld information under FOIA exemption (b)(6) to protect from disclosure identifying information of third parties. Ex. C (Munita Decl.) ¶ 37. USCIS withheld the names and other personal information regarding individuals who are not the subjects of Stevens's FOIA requests, because there is a strong privacy interest and because there is no public interest in the information since its disclosure would not shed light on how USCIS is performing its duties. *Id.* For example, USCIS redacted the names and personal information of third parties that appeared on documents from immigration court removal proceedings in Houston, Texas. *Id.* at Palma-Rodriguez *Vaughn* index entry 40, 60, 120.

60. USCIS also withheld information under FOIA exemption (b)(7)(C) to protect personal information in law enforcement records, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Ex. C (Munita Decl.) ¶¶ 39-40. For example, USCIS redacted the names and locations of ICE attorneys engaged in law enforcement activity, because disclosing the information could result in harassment, interference in the performance of their duties, and possibly targeting by hate groups. *Id.* at Hurtado-Valencia *Vaughn* index entry 15.

61. USCIS also withheld information under FOIA exemption (b)(7)(E) to protect law enforcement information—including techniques, procedures, and guidelines for investigations—the disclosure of which could reasonably be expected to risk circumvention of the law. Ex. C (Munita Decl.) ¶¶ 41-42. For example, USCIS withheld its Case Processing Background Sheet and Instructions for Conducting Background Checks, because disclosure would reveal guidelines and procedures for the enforcement of immigration and national security law and could reasonably be

expected to risk the circumvention of the law and render the guidelines useless. *Id.* at Hurtado-Valencia *Vaughn* index entry 180, 274, 276.

### FOIA Request to EOIR

62. Stevens submitted a FOIA request to EOIR in July 2020, seeking, from January 1, 2011 to present:

- 1) All system records pertaining to immigration proceedings with adjournments referencing claims of U.S. citizenship, i.e. code 54, “Alien claim to U.S. Citizenship”, or “Alien contesting charges citizenship.” Please include all system record fields for each case so identified, including but not limited to hearing dates, detention location, custody charges, bond, administrative closings, etc., as well as system notes, memoranda, and e-mail associated with the system data on these cases [and] the case status at the time the report is run, that is, whether the individual’s case status is “terminated,” “closed,” “voluntary” departure,” “removed,” or “appealed,” or some other status, as well as the custody status.
- 2) All system records pertaining to all cases terminated at any hearing, i.e., a first merit hearing or after a remand. Please include all system record fields for each case so identified, including but not limited to hearing dates, detention location, custody changes, bond, administrative closings, etc., as well as all system notes, memoranda, and e-mail associated with the system data on these cases.

Ex. D (O’Hara Decl.) ¶ 21.

63. EOIR identified its Planning, Analysis, and Statistics Division as the EOIR division most likely to have responsive records. Ex. D (O’Hara Decl.) ¶¶ 7, 22. The Division extracted two sets of data from the Case Access System for EOIR, or CASE, which is an electronic case manager that manages all aspects of an immigration case. *Id.* ¶¶ 15, 23. The first set of data was responsive to the first part of Stevens’s request, and the second set of data was responsive to the second part of Stevens’s request. *Id.* ¶ 23.

64. The first set of data consisted of four “.csv” files consisting of records of adjournments with the information Stevens requested: hearing date, custody charge, bond, and administrative closing. Ex. D (O’Hara Decl.) ¶ 24. The data did not include information on “detention information” as Stevens had requested, because that information is not reliably or consistently maintained. *Id.* ¶¶ 18-19, 24. The “system notes” that Stevens requested were available only for immigration respondents who were subject to a bond, and when applicable the data contained that information. *Id.* ¶ 24.

65. As just one representative example, the first set of data shows that a particular immigration respondent was detained on April 10, 2013, was released on April 29, 2013, was subject to a bond at some point during the proceedings, made a claim to U.S. citizenship on October 29, 2013, that the case was transferred to another venue, and that the respondent’s request for relief was granted with respect to removal. Ex. D (O’Hara Decl.) ¶ 27.

66. The second set of data consisted of four “.csv” files consisting of records of terminations with the information Stevens requested: hearing date, custody charge, bond, and administrative closing. Ex. D (O’Hara Decl.) ¶ 25. The data did not include information on “detention information” as Stevens had requested, because that information is not reliably or consistently maintained. *Id.* ¶¶ 18-19, 25. The “system notes” that Stevens requested were available only for immigration respondents who were subject to a bond, and when applicable the data contained that information. *Id.* ¶ 25.

67. As just one representative example, the second set of data shows that a particular immigration respondent underwent three immigration proceedings starting in October 1995, that the respondent was subject to a bond at some point during the proceedings, that the case was

transferred to another venue, and that the case was administratively closed in February 1996. Ex. D (O’Hara Decl.) ¶ 29.

68. EOIR produced both sets of data, in the form of 8 .csv files, in September 2020. Ex. D (O’Hara Decl.) ¶ 34.

69. EOIR also provided 9 CASE look-up tables that define and allow the reader to interpret the codes used in the data sets. Ex. D (O’Hara Decl.) ¶¶ 26, 34.

70. EOIR initially redacted some of the information but later produced the redacted information in full. Ex. D (O’Hara Decl.) ¶¶ 34, 41.

71. As mentioned above, EOIR searched for and provided Stevens with “system notes” where available, but EOIR did not search for “memoranda” or “e-mail associated with the system data on these cases,” because such records are not stored in CASE. Ex. D (O’Hara Decl.) ¶ 30.

72. EOIR has over 70 immigration courts or adjudication centers throughout the country, and at each location between 1 and 50 personnel with CASE access might enter information for a particular proceeding. Ex. D (O’Hara Decl.) ¶ 31. To the extent that any emails associated with these cases exist, those records would reside in the accounts of individual federal employees, who enter and leave federal service over time. *Id.* To search those accounts, EOIR would have to identify every CASE user over a 10-year period who *might* have entered information into CASE, and EOIR does not track this information. *Id.* As for memoranda, a memorandum is not drafted for any single immigration respondent’s proceeding, so no “memoranda” as contemplated by the request exist. *Id.* ¶ 33.



### **FOIA Request to U.S. Navy**

73. Stevens submitted a FOIA request to the Navy in March 2021, seeking “all system records and other items maintained, produced, or distributed by the Navy and its components on Lawrence E. Bowman.” Dkt. 9 (Answer) ¶ 76; Ex. E (Cason Decl.) ¶ 7.

74. The Navy interpreted the request as a request for Bowman’s personnel files. Ex. E (Cason Decl.) ¶ 11.

75. The Navy reviewed the materials Stevens submitted, which included an obituary asserting that Bowman was a Navy veteran, had been employed by the IRS for more than 25 years, and died in 1995 at the age of 49. Ex. E (Cason Decl.) ¶ 10. These facts suggested to the Navy that Bowman’s military service occurred prior to 1995, given his age of 49 at the time of death and his 25-year employment with the IRS. *Id.*

76. Personnel files of Naval service members who served before 1995 are not maintained by the Navy; they are maintained by a sub-agency of the National Archives and Record Administration called the National Personnel Records Center. Ex. E (Cason Decl.) ¶¶ 12-13.

77. Accordingly, because the Navy is not the custodian of the records Stevens requested, the Navy referred Stevens’s request to the National Archives and Record Administration, and the Navy sent Stevens a formal response explaining as much. Ex. E (Cason Decl.) ¶¶ 14-17.

### **FOIA Request to USDA**

78. Stevens submitted a FOIA request in August 2020 to usdafoia@ocio.usda.gov, which is an outdated USDA email address that USDA can no longer access. Ex. F (Graves Decl.) ¶ 5.

79. The request sought “all system records, including but not limited to hiring, payment receipts, immigration documents, and border crossing records, maintained by the Department regarding Lazaro Palma. Mr. Palma was born on 3/27/1914 and died on 8/26/1991. His death certificate is attached. On information and belief, Mr. Palma entered the United States in or around 1942 as part of the ‘Bracero’ program (officially the Mexican Farm Labor Agreement Act of 1942). The time frame of this request is 1942 to 1950.” *Id.* ¶ 6.

80. USDA learned of the request in May 2021, after Stevens filed this lawsuit. Ex. F (Graves Decl.) ¶ 6. The following month, USDA identified its National Finance Center, its Farm Production and Conservation Business Center, and its Forest Service as the USDA components likely to have responsive records. *Id.* ¶ 7. USDA tasked those components with searching for responsive records relating to hiring, payment, or law enforcement. *Id.*

81. USDA did not search for immigration- or border-crossing-related records, because those subjects do not relate to USDA’s mission of providing leadership on food, agriculture, natural resources, rural development, nutrition, and similar issues. Ex. F (Graves Decl.) ¶ 7. USDA searched all locations likely to have responsive records. *Id.* ¶ 11.

82. USDA’s National Finance Center concluded that any responsive records would be found within its Information Research Inquiry System, or IRIS, which allows for searches of current and historical payroll and personnel data contained in the agency’s Payroll/Personnel Database, its Personal History Information System, and its Name Inquiry Database. Ex. F (Graves Decl.) ¶ 8. The National Finance Center searched IRIS for any hiring or payment records related to Lazaro Palma using the terms “Palma” and “Lazaro” and found no responsive records. *Id.* The National Finance Center then tried the search again using Lazaro’s social security number and found no responsive records. *Id.*

83. USDA's Farm Production and Conservation Business Center Stakeholder Relations Branch concluded that any responsive records would be found within its Service Center Information Management System, or SCIMS, which is a database that maintains and manages the Farm Service Agency and Natural Resource Conservation Service's customer data. Ex. F (Graves Decl.) ¶ 9. The Stakeholder Relations Branch performed a nationwide search of SCIMS using the search terms "Palma" and "Lazaro" and found no responsive records. *Id.*

84. USDA's Forest Service Law Enforcement and Investigation organization concluded that any responsive records would be found within the Law Enforcement Investigation Management Attainment Reporting System (LEIMARS) or its Law Enforcement and Investigations Reporting System (LEIRS), which are used to collect information regarding criminal incidents. Ex. F (Graves Decl.) ¶ 10. The organization searched those systems using the search terms "Palma" and "Lazaro" and found no responsive records. *Id.*

#### **FOIA Requests to State**

85. Stevens submitted a FOIA request to the State Department in March 2021, seeking all the Department's records relating to a person named Alma Bowman, who was issued a green card in 1977. Ex. G (Weetman Decl.) ¶¶ 5, 12.

86. The Department determined that several locations were reasonably likely to have responsive records: its Bureau of Consular Affairs; its electronic records system, known as the "eRecords" archive; its Passport Information Electronic Records System; and the National Archives and Records Administration's Washington National Records Center. Ex. G (Weetman Decl.) ¶ 12.

87. The Department concluded that no other offices or records systems were reasonably likely to maintain responsive records, including the U.S. Embassy in Manila, which was unlikely

to have preserved a case file from 45 years ago since case files on aliens issued visas may be destroyed six months after issuance. Ex. G (Weetman Decl.) ¶¶ 12-13.

88. The Bureau of Consular Affairs' Passport Office assessed that the requested records were likely to be located in the National Archives and Records Administration's Washington National Records Center and asked the center to search for records using various names Bowman may have used along with other biographical information such as her date and place of birth. Ex. G (Weetman Decl.) ¶ 17.

89. Although the Department was under no legal obligation to search National Archives and Records Administration records, which are no longer under the Department's control, the Department nonetheless asked the Administration to conduct a search in order to help Stevens find relevant records. Ex. G (Weetman Decl.) ¶ 12.

90. The Bureau of Consular Affairs' Passport Office also searched the Department's Passport Information Electronic Records System—a database of all U.S. passport information and consular records of overseas births and deaths—using the same names and information. *Id.* ¶¶ 18-19.

91. The Bureau of Consular Affairs' Visa Office searched the Department's Consular Consolidated Database, which is a system of databases containing a record of every U.S. visa application made since 1997, using various names Bowman may have used along with her date of birth. Ex. G (Weetman Decl.) ¶¶ 21-22.

92. The Department searched its eRecords archive—the Department's central repository for storing electronic records such as correspondence, diplomatic notes, cables, all emails sent on the state.gov network since January 1, 2017, and certain retired records including pre-2017 email records of certain former senior officials—using the search terms “Alma

Bowman,” “Lolita Catarugan Bowman,” “Lolita” and “Bowman,” “Alma Sorrells,” “Alma Mitchell,” and “Alma Belma Bowman.” Ex. G (Weetman Decl.) ¶¶ 23-24.

93. The Department located 12 responsive records, 6 of which it released in full and 6 of which it released in part. Ex. G (Weetman Decl.) ¶ 9.

94. On one of the documents it produced, the Department redacted material “concerning the kinds of information it considers when investigating passport fraud” and material the disclosure of which “would reveal how the Department maintains information in a passport fraud investigation.” Ex. G (Weetman Decl.) ¶ 30. The redaction was appropriate under 5 U.S.C. § 552(b)(7)(E) because, even though the document is from 1977, the manner in which the Department approaches passport fraud has not changed, and releasing the information could lead to circumvention of the law by allowing passport applicants to more easily evade the Department’s enforcement efforts. *Id.*

95. The Department redacted under exemption 7(E) the specific information that it collected and found relevant in Alma Bowman’s passport fraud investigation, because release of the information would shed light on what the Department considers important—and what it does not—in its investigations and would reasonably be expected to provide a person seeking to commit passport fraud with a roadmap for doing so. Ex. G (Weetman Decl.) ¶ 31.

96. Overall, the Department thoroughly searched all of its locations that were reasonably likely to contain responsive records, conducted a careful review of the records, and ensured that any reasonably segregable, non-exempt information was disclosed and that nothing further from the information that was withheld could be released without revealing information protected from disclosure. Ex G. (Weetman Decl.) ¶ 32.

Respectfully submitted,

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS, )  
)  
Plaintiff, )  
)  
v. ) No. 21 C 2232  
)  
U.S. IMMIGRATION AND CUSTOMS ) Judge Tharp  
ENFORCEMENT, *et al.*, )  
)  
Defendants. )

**INDEX OF EXHIBITS TO  
DEFENDANTS' RULE 56.1 STATEMENT OF FACTS**

Exhibit A	Declaration of Lynnea Schurkamp
Exhibit B	Declaration of Patrick Howard
Exhibit C	Declaration of Cynthia Munita
Exhibit D	Declaration of Shelley O'Hara
Exhibit E	Declaration of Gregory Cason
Exhibit F	Declaration of Alexis Graves
Exhibit G	Declaration of Susan Weetman

Respectfully submitted,

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United States Attorney

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# Exhibit A



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

_____	)	
JACQUELINE STEVENS,	)	
	)	
	)	Civil Action No. 21-2232 (TSC)
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
US IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT, <i>et al.</i>	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF LYNNEA SCHURKAMP**

I, Lynnea Schurkamp, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Deputy FOIA Officer of the Freedom of Information Act Office (the “ICE FOIA Office”) at U.S. Immigration and Customs Enforcement (“ICE”). The ICE FOIA Office is responsible for processing and responding to all Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Privacy Act, 5 U.S.C. § 552a, requests received at ICE. I have held this position since August 1, 2021. I am the ICE official responsible for supervising ICE responses to requests for records in litigation as well as incoming FOIA requests to ICE under the FOIA, 5 U.S.C. § 552, the Privacy Act, 5 U.S.C. § 552a (the “Privacy Act”) and other applicable records access statutes and regulations. Prior to this position, I was the Assistant Disclosure Officer of the U.S. Secret Service FOIA Intake Team from July 21, 2019 to July 31, 2021. Prior to that I was the FOIA Program Manager/Litigation Coordinator for the National Organic Program in the Agricultural Marketing Service, U.S. Department of Agriculture (“USDA”) for one year.

2. My official duties and responsibilities include the oversight and supervision of the ICE FOIA Litigation and Intake Teams. The Intake Team is responsible for acknowledging the receipt of all FOIA and Privacy Act requests at ICE (5 U.S.C. § 552 and 5 U.S.C. § 552a). This team also conducts searches for responsive records. The Litigation Team is responsible for picking up the case when a complaint is filed and seeing it through to completion. Depending on what is alleged in the complaint, the Litigation Team will conduct a search, gather responsive records, go through the records for responsiveness, process productions, and release records with applicable withholdings to the plaintiff or plaintiff's counsel. I manage and supervise the supervisors of the Intake and Litigation Teams. These teams are comprised of FOIA Assistants and Paralegal Specialists. Due to my experience and the nature of my official duties, I am familiar with ICE's procedures for responding to requests for information pursuant to provisions of the FOIA and the Privacy Act.

3. I make this declaration in support of ICE's Motion for Summary Judgment in the above-captioned action. The statements contained in this declaration are based upon my personal knowledge, my review of documents kept by ICE in the ordinary course of business, and information provided to me by other ICE employees in the course of my official duties. The documents attached hereto are kept by ICE in the ordinary course of its business activities. In this declaration I describe the ICE's procedures in responding to Plaintiff's FOIA request.

**I. PROCEDURAL HISTORY OF THE PLAINTIFF'S FOIA REQUEST AND THE INSTANT LITIGATION**

4. This lawsuit stems from four FOIA requests submitted by Jacqueline Stevens ("Plaintiff") to ICE between March 15, 2017 and March 22, 2021.

**FOIA Request No. 1 2019-ICFO-23635**

a. On November 29, 2018, Plaintiff submitted a FOIA request seeking all records involving Nathan Anfinson. *A true and complete copy of Plaintiff's FOIA request is attached hereto as Attachment A.*

b. The ICE FOIA Office assigned Case Number 2019-ICFO-23635 to Plaintiff's FOIA request.

c. On December 21, 2018, ICE released records responsive to Plaintiff's FOIA request. *A true and complete copy of release letter is attached hereto as Attachment B.*

d. On December 21, 2018, Plaintiff appealed the adequacy of the search. *A true and complete copy of Plaintiff's appeal is attached hereto as Attachment C.*

e. On February 05, 2019, ICE acknowledged Plaintiff's appeal of 2019-ICFO-23635 and assigned it Appeal Number 2019-ICAP-00216. *A true and complete copy of Plaintiff's appeal acknowledgement letter is attached hereto as Attachment D.*

f. On February 27, 2019, ICE remanded Plaintiff's appeal to the ICE FOIA Office for further processing. *A true and complete copy of appeal remand is attached hereto as Attachment E.*

g. On April 29, 2020, ICE responded to Plaintiff's appeal that no additional records were located. *A true and complete copy of ICE'S response to Plaintiff's appeal is attached hereto as Attachment F.*

h. On April 26, 2021, Plaintiff filed the subject litigation.

#### **5. FOIA Request No. 2 2019-ICFO-61158**

a. On August 24, 2019, Plaintiff submitted a FOIA request seeking all records involving Juan Hurtado-Valencia. *A true and complete copy of Plaintiff's FOIA request is attached hereto as Attachment G.*

b. The ICE FOIA Office assigned Case Number **2019-ICFO-61158** to Plaintiff's FOIA request.

c. On December 16, 2019, ICE released records responsive to Plaintiff's FOIA request. *A true and complete copy of release letter is attached hereto as Attachment H.*

d. On January 17, 2020, Plaintiff appealed the adequacy of the search. *A true and complete copy of Plaintiff's FOIA request is attached hereto as Attachment I.*

e. On January 17, 2020, ICE acknowledged Plaintiff's appeal of **2019-ICFO-61158** and assigned it Appeal Number **2020-ICAP-00158** for tracking purposes. *A true and complete copy of Plaintiff's appeal acknowledgement letter is attached hereto as Attachment J.*

f. On February 18, 2020, ICE affirmed the adequacy of the search. *A true and complete copy of Plaintiff's FOIA request is attached hereto as Attachment K.*

g. On April 26, 2021, Plaintiff filed the subject litigation.

**6. FOIA Request No. 3**

a. On March 15, 2017, Stevens submitted a FOIA request to ICE for all records involving Manuel Valdez Soto. *A true and complete copy of Plaintiff's FOIA request is attached hereto as Attachment L.*

b. On April 26, 2021, prior to ICE's response, Plaintiff included this FOIA request in this litigation.

**7. FOIA Request No. 4**

a. On March 22, 2021, Stevens submitted a request for all records relied upon for creating agency statements of FOIA expenditures and budgets in ICE annual requests to Congress for funding FOIA operations. *A true and complete copy of Plaintiff's FOIA request is attached hereto as Attachment M.*

b. On April 26, 2021, prior to ICE's response, Plaintiff included this FOIA request in this litigation..

**II. ICE'S STANDARD PROCEDURE FOR INITIATING SEARCHES IN RESPONSE TO FOIA REQUESTS**

8. When the ICE FOIA Office receives a FOIA request, the intake staff evaluates it to determine if it is a proper FOIA request per DHS FOIA regulation 6 C.F.R. § 5.3. Generally, a FOIA request is considered proper and in compliance with DHS regulations if it reasonably describes the records sought and the records are under the purview of ICE.

9. If a FOIA request does not reasonably describe the records sought, the ICE FOIA Office will seek clarification from the requester. If the requested information is under the purview of a DHS component other than ICE, the ICE FOIA Office will refer the request to the appropriate DHS component for processing and direct response to the requester. If the FOIA request seeks records under the purview of a government agency other than DHS, ICE FOIA informs the requester to contact the other government agency directly and ICE FOIA administratively closes the FOIA request.

10. Proper FOIA requests are entered into a database known as FOIAXpress and assigned a case tracking number. Based upon the requester's description of the records being sought and ICE FOIA's knowledge of the various program offices' missions, the ICE FOIA Office identifies the program office(s) likely to possess responsive records and tasks the appropriate program office(s) to conduct the necessary searches.

11. Upon receipt of a proper FOIA request, the ICE FOIA Office will identify which program offices, based on their experience and knowledge of ICE's program offices, within ICE are reasonably likely to possess records responsive to that request, if any, and initiates searches within those program offices. Once the ICE FOIA Office determines the appropriate program offices for a given request, it provides the FOIA point of contact (POC) within each of those program offices with a copy of the FOIA request and instructs them to conduct a search for responsive records. The POCs then review the FOIA request, along with any case-specific instructions that may have been provided

and based on their experience and knowledge of their program office practices and activities, forward the request and instructions to the individual employee(s) or component office(s) within the program office that they believe are reasonably likely to have responsive records, if any. In conformity with the ICE FOIA Office's instructions, the individuals and component offices are directed to conduct searches of their file systems, including both paper files and electronic files, which in their judgment, based on their knowledge of the way they routinely keep records, would reasonably likely be the files to contain responsive documents. Once those searches are completed, the individuals and component offices provide any potentially responsive records to their program office's POC, who in turn, provides the records to the ICE FOIA Office. The ICE FOIA Office then reviews the collected records for responsiveness and application of appropriate FOIA Exemptions.

12. ICE employees maintain records in several ways. ICE program offices use various systems to maintain records, such as investigative files, records regarding the operation of ICE programs, and administrative records. ICE employees may store electronic records on their individual computer hard drives, their program office's shared drive (if the office uses one), DVDs, CDs, and/or USB storage devices. The determination of whether or not these electronic locations must be searched in response to a particular FOIA tasking, as well as how to conduct any necessary searches, is necessarily based on the manner in which the employee maintains his/her files.

13. Additionally, all ICE employees have access to email. ICE uses the Microsoft Outlook email system. Each ICE employee stores his/her files in the way that works best for that particular employee. ICE employees use various methods to store their Microsoft Outlook email files: for example, some archive their files monthly, without separating by subject; others archive their email by topic or by program; still others may create PST files of their emails and store them on their hard drive or shared drive.

14. The ICE FOIA office notes that DHS Policy Directive 141-03 (Electronic Records Management Updates for Chat, Text, and Instant Messaging) that was issued on February 23, 2018,

explicitly forbids ICE from using technology platforms (i.e. chats, apps, sms, etc.) as repositories for retaining federal records as a matter of practice.

15. DHS Directive 141-03 also notes that, “All internal DHS chat/messaging systems (i.e., Lync, Skype, or other tools) must display a banner/disclaimer prohibiting the system to be used to formally transact agency business or to document the activities of the organization.

16. However, if business is transacted using one of these platforms, individuals must take appropriate steps to establish and maintain a separate record of the communication that may be considered federal records.

17. Records received by the ICE FOIA Office from the program office POCs which are assigned to a FOIA processor who makes a determination whether the records are responsive to the FOIA request, or not. If the records are responsive, the FOIA processor will redact information pursuant to the FOIA or the Privacy Act, as appropriate, while simultaneously ensuring that all reasonably segregated non-exempt information is released.

18. Frequently, the ICE FOIA Office must coordinate between multiple program offices to ensure the program office records are properly redacted and information is correctly segregated. Once the ICE FOIA Office completes its coordination efforts and all responsive records have been processed, the ICE FOIA Office releases the responsive records to the requester.

### **III. DESCRIPTION OF PROGRAM OFFICES TASKED WITH SEARCHING FOR RECORDS IN RESPONSE TO PLAINTIFF’S FOIA REQUESTS**

19. Upon litigation review, the ICE FOIA Office determined that because of the subject matter of the FOIA requests, there were only four (4) ICE offices that were reasonably likely to have records responsive to Plaintiff’s request. Enforcement Removal Operations (“ERO”) was the office reasonably likely to have records related to FOIA Requests Nos. 1-3. Office of Acquisition Management (“OAQ”), Office of the Chief Information Officer (“OCIO”), and Strategic Resourcing Alignment Division (“SRAD”) were the offices reasonably likely to have records related to FOIA

Request No. 4. These offices were tasked to conduct searches for records responsive to Plaintiff's FOIA requests.

**Enforcement and Removal Operations' (ERO) searches.**

ERO oversees programs and conducts operations to identify and apprehend removable aliens, to detain these individuals when necessary, and to remove illegal aliens from the United States. ERO manages all logistical aspects of the removal process, including domestic transportation, detention, alternatives to detention programs, bond management, and supervised release. ERO comprises seven headquarters divisions and 24 Field Offices, and more than of 7,600 employees and would be the program office reasonably likely to have responsive records regarding Plaintiff's FOIA requests pertaining to detainees and grievance logs.

When ERO receives a FOIA tasking from the ICE FOIA Office, the request is submitted to ERO's Information Disclosure Unit ("IDU"). The primary POC is the ERO IDU's Unit Chief who will assign the search tasking to POCs within IDU to review the substance of the request and, based upon on their subject matter expertise and knowledge of the program offices' activities within ERO, IDU forwards the FOIA request to specific individuals and component offices, and directs specific employees or offices to conduct searches of their file systems (including both paper files and electronic files) which in their judgment, based upon their knowledge of the manner in which they routinely keep records, would be reasonably likely to have responsive records, if any.

The employees exercise discretion, based on their operational knowledge and subject matter expertise, in choosing the specific search terms utilized to ascertain whether or not potentially responsive documentation exists. Once searches are completed, the individuals and component offices provide any potentially responsive records to the IDU Unit Chief, who in



turn provides the records to the ICE FOIA Office. The ICE FOIA Office then reviews the collected records for responsiveness.

**Office of Acquisition Management (OAQ) searches.**

OAQ is dedicated to the Agency's business performances, and procures law enforcement services and products, detention and removal services, data analysis, interpreter services and clerical support, and information technology supplies and services.

**Office of the Chief Information Officer (OCIO) searches.**

OCIO delivers information technology (IT) and business solutions. For example, OCIO protects system networks, provides technical assistance to offices worldwide, sets IT standards and policy, and develops, modernizes and enhances IT applications and infrastructure.

**Strategic Resourcing Alignment Division (SRAD) searches.**

SRAD provides executive oversight, prioritization, and strategic direction for the overall Mission Support Program/Project/Activity (PPA) resources.

**IV. DESCRIPTION OF SPECIFIC SEARCHES AND RESPONSES TO PLAINTIFF'S FOUR FOIA REQUESTS**

**20. FOIA Request No. 1 2019-ICFO-23635**

- a. Plaintiff's FOIA request sought all records involving Nathan Anfinson.
- b. ICE tasked ERO to conduct a search for responsive records.
- c. In response to the initial tasking sent by the ICE FOIA Office, at the administrative level, the ERO IDU POC conducted a routine records search per IDU standard operating procedures. The search was conducted using the detained person's name, date of birth, country of birth, alias, and alien number. ERO searched the Immigration and Enforcement Operational Records System ("ENFORCE") Alien Removal Module ("EARM") to retrieve information. EARM is one of a suite of

applications in ICE ENFORCE. The system is used to book, detain, and remove encountered noncitizens.

d. ERO also searched the Central Index System (“CIS”). CIS is a database system originally developed by the legacy Immigration and Naturalization Service. CIS contains information on the status of 57 million applicants/petitioners seeking immigration benefits to include: lawful permanent residents, naturalized citizens, U.S. border crossers, noncitizens who illegally entered the U.S., noncitizens who have been issued employment authorization documents, individuals who petitioned for benefits on behalf of family members, and other individuals subject to the provisions of the Immigration and Nationality Act (“INA”).

e. On December 21, 2018, ICE released records responsive to Plaintiff’s FOIA request.

f. On December 21, 2018, Plaintiff appealed the adequacy of the search.

g. ICE tasked ERO to conduct a second search for records.

h. On April 29, 2020, ICE responded to Plaintiff’s appeal that no additional records were located.

i. Following the filing of this litigation, the ICE FOIA Office tasked ERO to conduct a third search for responsive records based upon Plaintiff’s FOIA request. ERO IDU reviewed the FOIA request and noted that ERO previously conducted two searches at the administrative level and that a third search was unlikely to possess any additional responsive records. As a result, ERO provided a “no records” response.

**21. FOIA Request No. 2 2019-ICFO-61158**

a. Plaintiff’s FOIA request sought all records involving Juan Hurtado-Valencia.

b. ICE tasked ERO to conduct a search for responsive records.

c. In response to the initial tasking sent by the ICE FOIA Office, at the administrative level, the ERO IDU POC conducted a routine records search per IDU standard operating procedures. The search was conducted using the detained person's name, date of birth, country of birth, alias, and alien number.

d. ERO used the booking application called the EID Arrest Guide for Law Enforcement ("EAGLE") to retrieve information from Enforcement Integrated Database (EID). EAGLE is used to process the biometric and biographic information of individuals arrested by ICE Homeland Security Investigations ("HSI") Special Agents for violations of law and ICE ERO officers to support bookings of individuals arrested for criminal and administrative violations of the INA and related laws. ICE Office of Professional Responsibility ("OPR") agents will also use EAGLE to support bookings of individuals for criminal violations of law investigated by OPR.

e. ERO also searched Outlook, CIS, and EARM for responsive records.

f. On December 16, 2019, ICE released records responsive to Plaintiff's FOIA request.

g. On January 17, 2020, Plaintiff appealed the agency's adequacy of the search.

h. ICE reviewed ERO's previous search and determined the search was adequate and it had located all records responsive to Plaintiff's FOIA request.

i. On February 18, 2020, ICE affirmed the adequacy of the search.

j. Following the filing of this litigation, the ICE FOIA Office tasked ERO to conduct a second search for responsive records based upon Plaintiff's FOIA request. ERO IDU reviewed the FOIA request and the previous search that was conducted. ERO IDU noted that ERO was unlikely to possess any additional responsive records other

than the records that were previously produced. As a result, ERO provided a “no records” response.

22. **FOIA Request No. 3**

a. Plaintiff submitted a FOIA request seeking for all records involving Manuel Valdez Soto.

b. In response to the initial tasking sent by the ICE FOIA Office on May 21, 2019, at the administrative level, the ERO IDU conducted a routine records search per IDU standard operating procedures. The search was conducted using the detained person’s name and alien number. ERO searched EARM.

c. On July 14, 2020, ERO IDU responded to ICE FOIA and submitted records responsive to the FOIA request. The search yielded one (1) page of responsive records. This page was produced to the Plaintiff on January 7, 2022, subject to limited and appropriate withholdings.

23. **FOIA Request No. 4**

a. Plaintiff submitted a FOIA request seeking all records relied upon for creating agency statements of FOIA expenditures and budgets in ICE annual requests to Congress for funding FOIA operations. For this FOIA request, the ICE FOIA Office tasked OAQ, OCIO, and SRAD to conduct a search to locate records responsive to Plaintiff’s FOIA request.

b. In response to the FOIA tasking, the OAQ FOIA POC reviewed the substance of the FOIA request and relying upon subject matter expertise and knowledge of OAQ’s activities, determined that Outlook should be searched for responsive records. The OAQ FOIA POC searched by business name, contract number, and point of contact’s name. OAQ located sixty-four (64) responsive records.

c. The OAQ FOIA POC provided the responsive records to the ICE FOIA Office on June 7, 2021.

d. In addition, the OCIO FOIA POC reviewed the substance of the FOIA request and relying upon subject matter expertise and knowledge of the OCIO's activities, determined that OCIO would not have responsive documentation for this particular request. OCIO can only search email accounts that end with "ice.dhs.gov." Since the FOIA request related to records that did not end with "ice.dhs.gov," OCIO could not conduct a search or return responsive documents. OCIO notified ICE FOIA of their negative response on May 28, 2021.

e. In response to the FOIA tasking, the SRAD FOIA POC reviewed the substance of the FOIA request and relying upon subject matter expertise and knowledge of the SRAD's activities, determined that the Federal Financial Management System (FFMS) system should be searched for responsive records.

f. The Federal Financial Management System (FFMS) is a web-based, workflow management and financial transaction system that provides core financial management functions for U.S. Immigration and Customs Enforcement (ICE) and five other components within the Department of Homeland Security (DHS): U.S. Citizenship and Immigration Services (USCIS), Science & Technology (S&T), the National Protection Programs Directorate (NPPD), Office of Health Affairs (OHA), and DHS Office of Management (MGMT). FFMS is used to create and maintain a record of each allocation, commitment, obligation, travel advance, and accounts receivable issued.

g. The SRAD FOIA POC located two (2) Excel spreadsheets responsive to the FOIA request.

h. The SRAD FOIA POC provided the responsive records to the ICE FOIA Office on September 16, 2021.

i. On January 7, 2022, the ICE FOIA Office released a production of 15 pages and the two (2) Excel spreadsheets of records from ICE ERO, SRAD, and OAQ to Plaintiff, withholding portions of the records under FOIA Exemptions (b)(4), (b)(6), (b)(7)(C) and (b)(7)(E).

**V. ORGANIZATION OF THE VAUGHN INDEX**

24. Pursuant to the requirements set forth in *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), a *Vaughn* Index accompanies this declaration; the *Vaughn* Index provides a description of each redaction and the corresponding FOIA exemption being applied. *A true and complete copy of the Vaughn Index is attached hereto as Attachment N.*

25. The *Vaughn* index is in a table format. The first column contains the bates number prefix for the records produced. The second column contains the bates stamp suffix (page numbers) of the responsive records. The third column describes the category of withholdings taken on the documents (full or partial). The fourth column describes the redaction codes, which are citations to the sections of the FOIA Exemptions. The fifth column describes the underlying records and provides justifications for the asserted exemptions. The *Vaughn* index encompasses the responsive records produced by the program office. During the course of the litigation, ICE made one (1) production producing 15 pages and two (2) Excel spreadsheets of records subject to withholdings pursuant to FOIA Exemptions (b)(4), (b)(6), (b) (7)(C) and (b)(7)(E).

**VI. DESCRIPTION OF FOIA WITHHOLDINGS APPLIED TO RECORDS PROVIDED TO PLAINTIFFS**

26. As outlined in the *Vaughn* Index, the ICE FOIA Office processed and produced the 389 pages to the Plaintiff subject to withholdings pursuant to FOIA Exemptions (b)(4), (b)(6), (b)(7)(C) and (b)(7)(E).

27. **FOIA Exemption (b)(4)**

a. 5 U.S.C. § 552(b)(4) protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.

28. ICE applied FOIA Exemption (b)(4) to protect trade secrets and commercial or financial information.

29. **FOIA Exemption 5 U.S.C. § 552(b)(7) Threshold**

a. 5 U.S.C. § 552(b)(7) permits certain records to be withheld when compiled for law enforcement purposes. That requirement is met here. The Immigration and Nationality Act charges the Secretary of Homeland Security with the administration and enforcement of laws relating to the immigration and naturalization of aliens, subject to certain exceptions. See 8 U.S.C. § 1103. ICE is the largest investigative arm of DHS and the second largest investigative agency in the federal government. With more than 20,000 employees and offices in all 50 states and 48 foreign countries, it is responsible for enforcing the nation's immigration laws, and identifying and eliminating vulnerabilities within the nation's borders.

b. The ICE HSI directorate is a critical asset in the ICE mission, responsible for investigating a wide range of domestic and international activities

arising from the illegal movement of people and goods into, within and out of the United States. HSI uses its legal authority to investigate issues such as immigration crime, human rights violations and human smuggling; smuggling of narcotics, weapons and other types of contraband; and financial crimes, cybercrime and export enforcement issues. HSI consists of more than 10,000 employees, of which 6,700 are special agents, assigned to more than 200 cities throughout the United States and in 48 countries around the world.

c. The ICE information at issue in this case was compiled by ICE because it relates to ICE's obligation to enforce the immigration laws of the United States by investigating non-U.S. individuals who may be illegally present in the United States, including records of interviews, arrest, booking, detention, removal, other related investigations, etc. Therefore, all the ICE records responsive to Plaintiff's FOIA request were compiled for law enforcement purposes and meet the threshold requirement of FOIA Exemption (b)(7).

30. **FOIA Exemption (b)(6) and (b)(7)(C)**

a. FOIA Exemption (b)(6), 5 U.S.C. § 552(b)(6), protects from disclosure records or information in "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

b. FOIA Exemption (b)(7)(C), 5 U.S.C. § 552(b)(7)(C), protects from disclosure records or information "compiled for law enforcement purposes" if a release of the records or information "could reasonably be expected to constitute an unwarranted invasion of personal privacy."

c. When asserting FOIA Exemptions 6 and 7(C), ICE balances an individual's personal privacy interest against the public's interest in shedding light on ICE's performance of its statutory duties.



d. Specifically, ICE applied FOIA Exemption (b)(6) in conjunction with Exemption (b)(7)(C) to protect from disclosure the names, identification codes, phone numbers, and signatures of federal law enforcement officers and other government employees that are found in the documents. In addition, the Exemptions were applied to personally identifiable information of third parties, to include names, case numbers, social security numbers, alien numbers, addresses, e-mail addresses, and phone numbers within ICE's documents.

e. To begin, by virtue of the positions held by the federal employees referenced in the responsive records, they are permitted access to official law enforcement investigation information. ICE gave consideration to the privacy interests of these federal employees in not becoming targets of harassment—whether in the form of requests for authorized access to law enforcement information or requests for information about ongoing or closed investigations—and their interest in remaining free of interference in the performance of their duties by persons who are currently of interest to law enforcement or oppose the ICE mission.

f. As to that information specific to border patrol and immigration officers, the privacy consideration at issue is the interest of each of these individuals in remaining free from harassment and annoyance in conducting their official duties in the future, their interest in remaining free from harassment and annoyance in their private lives, and their interest in not being targeted by individuals in the future who may begrudge them.

g. The disclosure of third-party information could constitute an unwarranted invasion of personal privacy and subject the individuals to embarrassment, harassment, and undue public attention. Such information, if disclosed to the public or to a third-party requester without the permission of the individual, could

expose the individual to identity theft and may reasonably lead to unwanted contact from persons that might seek to harm the individual.

h. Furthermore, third party individuals have a recognized privacy interest in not being publicly associated with law enforcement investigations through the release of records compiled for law enforcement purposes. The identities of persons named in law enforcement files (whether or not the named individual is the target of investigations or law enforcement actions) are properly withheld under FOIA Exemptions (b)(6) and (b)(7)(C) in recognition of the stigmatizing connotation carried by the mere mention of individuals in law enforcement files. The individuals' privacy interest in the information contained in the record outweighs any minimal public interest in the disclosure of the information. Plaintiff have not articulated a sufficient public interest or public need to justify release of this information. The disclosure of this PII serves no public benefit and would not assist the public in understanding how ICE is carrying out its statutory responsibilities. Finally, the third parties mentioned in the law enforcement records did not consent to the disclosure of their PII. In any event, this information is not responsive to the Requests, each of which stated: "Should any responsive record contain the personal identifying information of any third party, Requesters ask that the agencies redact that information.

i. Here, ICE applied Exemption 6 in conjunction with Exemption 7(C) to protect from disclosure the names and other personally identifiable information ("PII") of third-party individuals and ICE employees. ICE determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. Moreover, ICE determined that disclosure of these records was compiled for law enforcement purposes, which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

j. Having determined that the individuals identified in the responsive records have a cognizable privacy interest in not having their information released, ICE then balanced the interest in safeguarding the individuals' privacy from unnecessary public scrutiny against the public's interest in shedding light on the operations and activities of ICE in the performance of its statutory duties. In each instance where Exemptions 6 and 7(C) were applied, the redaction was limited to the name of the individual or other personally identifiable information, which if released, would not shed light any further light as to the operations or activities of ICE. Most if not all of the information surrounding the redactions was released and the limited extent of the redaction is readily apparent from the context of the records. Additionally, Plaintiff have failed to articulate any public interest that could be advanced by releasing the personally identifiable information of the individuals in question. As such, releasing the information redacted per FOIA Exemptions 6 and 7(C) would not shed light on the operations of ICE or the government.

k. Based upon the traditional recognition of strong privacy interests in law enforcement records, the categorical withholding of third-party information identified in law enforcement records is appropriate. Moreover, the third parties identified in these records have not provided consent to the release of their personally identifying information as required by 6 C.F.R. §§ 5.3(a) & 5.21(d).

31. **FOIA Exemption (b)(7)(E)**

a. FOIA Exemption (b)(7)(E), 5 U.S.C. §552(b)(7)(E), protects from disclosure records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of

the law. It also protects from disclosure techniques and procedures that are not well known to the public.

b. First, ICE applied FOIA Exemption (b)(7)(E) to protect from disclosure law enforcement sensitive numbers and codes to various law enforcement sensitive databases and case management systems, including IP Numbers and Master Record Numbers. This information, which points to or contains information about systems that law enforcement use to store, index, and communicate information, could be used by persons seeking improper access to law enforcement sensitive data to navigate these databases and compromise the integrity of the data either by deleting or altering information. The release of this information could also reasonably be expected to allow a person to breach sensitive legal/law enforcement sensitive systems and potentially circumvent detection or manipulate law enforcement sensitive information, in an attempt to sabotage ICE operational activities. The disclosure of this information, which is not readily known by the public, would serve no public benefit and would not assist the public in understanding how the agency is executing its statutory responsibilities.

## **VII. ICE FOIA'S REVIEW OF RESPONSIVE DOCUMENTS**

32. 5 U.S.C. § 552(B) requires that “[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portion which are exempt.”

33. My staff, under my supervision, has reviewed each record line-by-line to identify information exempt from disclosure or for which a discretionary waiver of an exemption could be applied.

34. After receiving and reviewing the responsive documents gathered by ERO, OAQ, and SRAD, the ICE FOIA Office determined that the documents contained personally identifiable

information (“PII”) and sensitive and/or privileged materials protected by numerous FOIA exemptions, applied redactions to the documents under the FOIA exemptions, and released the documents to Plaintiff on January 7, 2022.

35. Plaintiff is not challenging the search or exemptions taken on these documents.

**VIII. JURAT CLAUSE**

36. I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief. Signed this 20<sup>th</sup> day of May, 2022.

LYNNEA A  
SCHURKAMP

Digitally signed by  
LYNNEA A SCHURKAMP  
Date: 2022.05.20  
16:13:34 -04'00'

---

Lynnea Schurkamp, Deputy FOIA Officer  
Freedom of Information Act Office  
U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
500 12th Street, S.W., Stop 5009  
Washington, DC 20536-5009

**From:** [Jacqueline Stevens](#)  
**To:** [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)  
**Subject:** Nathan Anfinson aka Alfonso Chavez 026-917-282  
**Date:** Thursday, November 29, 2018 5:45:26 PM  
**Attachments:** [Anthonson-PrivacyWaiver.PDF](#)

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To Whom It May Concern:

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for all system records and other items maintained, produced, or distributed by ICE pertaining to Nathan Anfinson aka Alfonso Chavez. His date of birth is August 10, 1983. His country of birth is Mexico. His "alien" number is 026-917-282. I am interested in all system records pertaining to Mr. Anfinson and all ICE correspondence with other government agencies, individuals, or attorneys pertaining to Mr. Anfinson as well.

Please include as well:

- 1) All records of all grievances filed by Mr. Anfinson orally or in writing and under the control of ICE or its components, including county jails or private prisons with which ICE has contracted.
- 2) Commissary account data, including but not limited to information tracking funds reimbursed to Mr. Anfinson on release from custody.
- 3) All correspondence, notes, and other records pertaining to assertions or findings of U.S. citizenship.
- 4) Screen shots of all tabs for interfaces to databases consulted for responsive records, including but not limited to PLANet.

Please note that I am attaching a third party waiver signed by Mr. Anfinson and authorizing the release of all responsive documents to me under the FOIA/PA. Please note that components that track detention facility compliance with ICE contracts will need to be queried.

Please note that prior responses to similar requests have been incomplete and in violation of the FOIA/PA. If the final response does not include all of the records indicated below it is in violation of the law to represent it as a "final response." If you are a FOIA agent reviewing this, then I would appreciate your reviewing my request with your colleagues in offices tasked for documents items that are missing when they return to you only a few pages from EARM.

The purpose of the FOIA is to provide to the public timely information. The information I obtain from the government has featured in my own research, from which journalists have drawn for widely circulated stories on matters of obvious public interest, especially ICE detaining and deporting U.S. citizens. I requesting a fee waiver as I am using this information for my teaching, research, and journalism. I am a Professor at Northwestern University and engage in research on the unlawful detention and deportation of United States citizens, such as Mr. Anfinson. My work has been published in The New York Times and The New Yorker, among other publications. You can find my original work here: <https://www.nytimes.com/2018/04/04/opinion/migrants-detention-forced-labor.html> and <http://stateswithoutnations.blogspot.com/> and you can find my research cited in these publications: <http://reason.com/archives/2017/11/12/how-immigration-crackdowns-scr#comment> and <https://www.wnyc.org/story/history-and-practice-immigration-detention/>.

Jacqueline Stevens

Professor  
Political Science and Legal Studies  
Northwestern University  
Director  
Deportation Research Clinic  
Buffett Institute  
<http://buffett.northwestern.edu/programs/deportationresearch>  
Citizenship In Question (Duke U.P. 2017), Open Source PDF <http://www.oopen.org/search?identifier=625272>

office phone: 847-467-2093

mail

601 University Place  
Political Science Department  
Evanston, IL 60208  
<http://jacquelinestevens.org>

<http://stateswithoutnations.blogspot.com>

U.S. Department of Homeland Security  
500 12<sup>th</sup> St., SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

December 21, 2018

Jacqueline Stevens  
Political Science and Legal Studies Board NW Unive  
601 University Place  
Department of Political Science, Northwestern University  
Evanston, IL 60208

**RE: ICE FOIA Case Number 2019-ICFO-23635**  
**USCIS FOIA Case Number**

Dear Dr. Stevens:

This is the final response to your Freedom of Information Act (FOIA) request to U.S. Citizenship and Immigration Services (USCIS) dated November 29, 2018. You are seeking all records pertaining to NATHAN I ANFINSON aka ALFONSO CHAVEZ A-026 917 282 DOB: 08/10/83 COB: CHIHUAHUA (see request for details).

A search of USCIS for records responsive to your request produced records that originated from U.S. Immigration and Customs Enforcement (ICE). USCIS referred these records to ICE for review and processing under the FOIA, 5 U.S.C. § 552.

After review of the records referred by USCIS, I have determined that portions of the documents will be withheld pursuant to Exemptions of the FOIA. The specific Exemptions applied are identified within the enclosed documents. Descriptions of those Exemptions are enclosed.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8, to:


U.S. Immigration and Customs Enforcement  
Office of the Principal Legal Advisor  
U.S. Department of Homeland Security  
500 12th Street, S.W., Mail Stop 5900  
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).



If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and reference the ICE FOIA case number in the subject line of this letter. You may send an e-mail to [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov), call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

For   
Carina M. Pavlik-Keenan  
FOIA Officer

[www.ice.gov](http://www.ice.gov)

**FOIA Exemption 3** protects information specifically exempted from disclosure by another statute, if the statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) established particular criteria for withholding or refers to particular types of matters to be withheld.

**FOIA Exemption 5** protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

**FOIA Exemption 7(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

**From:** [ICE-FOIA](#)  
**To:** [GILD FOIA Appeals](#)  
**Subject:** FW: ICE FOIA Response for 2019-ICFO-23635  
**Date:** Monday, February 4, 2019 3:38:41 PM

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**From:** Jacqueline Stevens <jacqueline-stevens@northwestern.edu>  
**Sent:** Friday, December 21, 2018 3:25 PM  
**To:** ice-foia@dhs.gov  
**Cc:** FOIAPAQuestions <foiapaquestions@uscis.dhs.gov>  
**Subject:** Re: ICE FOIA Response for 2019-ICFO-23635

Please note that the response sent is not in compliance with the FOIA statute.

I am requesting:

- 1) all responsive documents.
- 2) The USCIS case no. or tracking information conveyed from USCIS to ICE.
- 3) I also am requesting a electronic means for appealing this response.

This response is not in compliance with FOIA for the following reasons:

- a) Numerous documents are not included in this response that on information and belief are in the possession of USCIS via ICE and were presumably referenced by USCIS in its request to release responsive documents, and no exemption is cited for their nonrelease.
- b) The letter from ICE says that this is a final response to my request OF USCIS, even though USCIS has not produced any responsive documents. ICE does not have jurisdiction to close a request made of another agency, especially without even referencing a FOIA case number from the referring agency.
- c) There is no USCIS case number referenced, even though the law requires each agency assign each request a number.
- d) My understanding is that all ICE FOIA operations must be digital. However, the only means indicated for an appeal is a snail mail address.

Jacqueline Stevens

Professor

Political Science and Legal Studies  
Northwestern University

Director  
Deportation Research Clinic  
Buffett Institute  
<http://buffett.northwestern.edu/programs/deportationresearch>

Citizenship In Question (Duke U.P. 2017), Open Source PDF <http://www.oapen.org/search?identifier=625272>

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601 University Place  
Political Science Department  
Evanston, IL 60208

<http://jacquelinestevens.org>  
<http://stateswithoutnations.blogspot.com>

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**From:** [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov) <[ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)>

**Sent:** Friday, December 21, 2018 1:30 PM

**To:** Jacqueline Stevens

**Subject:** ICE FOIA Response for 2019-ICFO-23635

Dr. Stevens,

ICE's final response to your FOIA request, 2019-ICFO-23635, for all records pertaining to NATHAN I ANFINSON aka ALFONSO CHAVEZ A-026 917 282 DOB: 08/10/83 COB: CHIHUAHUA (see request for details) is attached.

Please note that the attachment may be password protected. If you are prompted to enter a password when opening the attachment and you did not receive a password it may be in your junk/spam folder.

Sincerely,  
ICE FOIA

Attachment D  
U.S. Department of Homeland Security  
500 12<sup>th</sup> ST. SW; STOP 5009  
Washington, DC 20536-5009



U.S. Immigration  
and Customs  
Enforcement

February 05, 2019

Jacqueline Stevens  
Political Science and Legal Studies Board NW Unive  
601 University Place  
Department of Political Science, Northwestern University  
Evanston, IL 60208

Dear Dr. Stevens:

The Department of Homeland Security has received your letter appealing the adverse determination of your Freedom of Information Act/Privacy Act (FOIA/PA) request by U.S. Immigration and Customs Enforcement. Your appeal, **postmarked or electronically transmitted on December 21, 2018**, was received on **February 04, 2019**.

The Government Information Law Division acknowledges your appeal request of **2019-ICFO-23635** and is assigning it number **2019-ICAP-00216** for tracking purposes. Please reference this number in any future communications about your appeal.

A high number of FOIA/PA requests have been received by the Department. Accordingly, we have adopted the court-sanctioned practice of generally handling backlogged appeals on a first-in, first-out basis.<sup>1</sup> While we will make every effort to process your appeal on a timely basis, there may be some delay in resolving this matter. Should you have any questions concerning the processing of your appeal, please contact the ICE FOIA Office/Public Liaison at (866) 633-1182, or by email at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

Sincerely,

*/s/MCuestas* for

Erin Clifford  
Chief  
Government Information Law Division  
ICE Office of the Principal Legal Advisor  
U.S. Department of Homeland Security

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<sup>1</sup> Appeals of expedited treatment denials will be handled on an expedited basis.

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

February 27, 2019

Jacqueline Stevens  
Political Science and Legal Studies  
Northwestern University  
Deportation Research Clinic  
601 University Place  
Evanston, IL 60208

**RE: 2019-ICAP-00216, 2019-ICFO-23635**

Dear Ms. Stevens:

This is in response to your appeal letter, dated December 21, 2018, and received and logged on February 4, 2019, appealing U.S. Immigration and Customs Enforcement's (ICE) response to your Freedom of Information Act (FOIA) request. Your FOIA Request, dated November 29, 2018, requested the following records for Nathan Anfinson aka Alfonso Chavez, DOB 08/10/83, COB Chihuahua:

- “1) All records of all grievances filed by Mr. Anfinson orally or in writing and under the control of ICE or its components, including county jails or private prisons with which ICE has contracted.
- 2) Commissary account data, including but not limited to information tracking funds reimbursed to Mr. Anfinson on release from custody.
- 3) All correspondence, notes, and other records pertaining to assertions or findings of U.S. citizenship.
- 4) Screen shots of all tabs for interfaces to databases consulted for responsive records, including but not limited to PLANet.”

In a letter dated December 21, 2018, the ICE FOIA Office stated, “[a] search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request produced 2 pages that are responsive to your request,” and released two pages to you, subject to partial withholdings on both pages pursuant to FOIA Exemptions (b)(6), (b)(7)(c), and (b)(7)(E). Please note that the cover letter dated December 21, 2018 inadvertently stated that your FOIA request was a referral from U.S. Citizenship and Immigration Services (USCIS); however, your FOIA request was not a referral from USCIS, nor was it referred to USCIS. It was a first person request, made through counsel, directly to ICE, who responded directly to you. You have appealed the adequacy of the search.

Jacqueline Stevens  
2019-ICAP-00216, 2019-ICFO-23635  
Page 2

Upon a complete review of the administrative record, ICE has determined that new search(s) or, modifications to the existing search(s), could be made. Therefore, ICE is remanding your request to the ICE FOIA Office for processing and re-tasking to the appropriate agency/office(s) to obtain any responsive documents. The ICE FOIA Office will respond directly to you.

Please note that records originating from the Denver Contract Detention Facility must be requested directly from the facility; you can direct any requests to:

ICE Denver Contract Facility  
3130 North Oakland Street  
Aurora, CO 80010

Should you have any questions regarding this appeal remand, please contact ICE at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov). In the subject line of the email, please include the word "appeal," your appeal number, which is **2019-ICAP-00216**, and the FOIA case number, which is **2019-ICFO-23635**.

Sincerely,



Shiraz Panthaky  
Chief  
Government Information Law Division  
ICE Office of the Principal Legal Advisor  
U.S Department of Homeland Security

U.S. Department of Homeland Security  
500 12<sup>th</sup> St., NW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

April 29, 2020

Jacqueline Stevens  
Political Science and Legal Studies Board NW Unive  
601 University Place  
Department of Political Science, Northwestern University  
Evanston, IL 60208

RE: **ICE FOIA Appeal Number 2019-ICAP-00216**  
**ICE FOIA Case Number 2019-ICFO-23635**

Dear Dr. Stevens:

This letter is the final response to your Freedom of Information Act (FOIA) Appeal on remand to the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) where you appealed the adverse determination of your request dated February 4, 2019, for all records pertaining to NATHAN I ANFINSON aka ALFONSO CHAVEZ A-026 917 282 DOB: 08/10/83 COB: CHIHUAHUA.

We have considered your request under the FOIA, 5 U.S.C. § 552.

Upon remand the Office of the Principal Legal Advisor (OPLA) was tasked to conduct a new search for additional responsive records to your request. After conducting an additional search OPLA was unable to locate any records responsive to your request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.<sup>1</sup>

If you need to contact our office about this matter, please refer to FOIA case number **2019-ICAP-00216**. This office can be reached at (866) 633-1182.

Sincerely,

A handwritten signature in black ink that reads "Matthias Headland" followed by the word "for" written in a smaller, cursive script.

Catrina M. Pavlik-Keenan  
FOIA Officer

---

<sup>1</sup> 6 CFR § 5.11(d)(4).



**From:** [Deportation Research Clinic](#)  
**To:** [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)  
**Subject:** Juan Guillermo Hurtado Valencia 035-746-571  
**Date:** Saturday, August 24, 2019 4:40:27 PM  
**Attachments:** [PrivacyWaiver\\_Juan Hurtado.pdf](#)

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To Whom It May Concern:

This letter constitutes a request under the Freedom of Information Act ("FOIA")/Privacy Act, 5 U.S.C. § 552, for all system records and other items maintained, produced, or distributed by ICE pertaining to , "alien number" 035-746-571. Mr. Hurtado was born in Colombia on October 7, 1975. He was deported in 2008, despite having been a U.S. citizen since 1988.

<http://stateswithoutnations.blogspot.com/2019/08/schroe035-746-571dingers-deported-us-citizen-since.html>

I am interested in all system records pertaining to Mr. Hurtado as well as all ICE correspondence with other government agencies, individuals, or attorneys pertaining to him as well, including but not limited to correspondence with officials of US Citizenship and Immigration Services and the State Department. I also am interested in all memorandums, draft memorandums, reports, notes, email, text messages, and any other information maintained in any form about Mr. Hurtado.

Please include as well :

All records of grievances filed by Mr. Hurtado orally or in writing under the control of ICE or its components, including county jails or private prisons with which ICE has contracted.

2) Screen shots of all tabs for interfaces to databases consulted for responsive records, including but not limited to PLANet.

Please note that I am attaching a third party waiver signed by Mr. Hurtado and authorizing the release of all responsive documents to me under the FOIA/PA.

The time frame of this request is 1976 to present.

I am requesting this information on an expedited basis. Mr. Hurtado is a U.S. citizen ICE deported. There has been a great deal of media attention and public interest in ICE detaining and deporting U.S. citizens. As a scholar, blogger, and journalist, I distribute this information to the public. As evidence to support this, please see my own reporting and coverage of it by other journalists here:

<https://buffett.northwestern.edu/programs/deportationresearch/clinic-in-the-news.html>

Please note that prior responses to similar requests have been incomplete and in violation of the FOIA/PA. If the final response does not include all of the records indicated below it is in violation of the law to represent it as a "final response." If you are a FOIA agent reviewing this, then I would appreciate your reviewing my request with your colleagues in offices tasked for documents items that are missing when they return to you only a few pages from EARM.

The purpose of the FOIA is to provide to the public timely information. The information I obtain from the government has featured in my own research, from which journalists have drawn for widely circulated stories on matters of obvious public interest, especially ICE detaining and deporting U.S. citizens.

I requesting a fee waiver as I am using this information for my teaching, research, and journalism. I am a Professor at Northwestern University and engage in research on the unlawful detention and deportation of

United States citizens, such as Mr. Hurtado. My work has been published in The New York Times and covered by The New Yorker, CNN, and NPR, among other publications. You can find my original work here: <https://www.nytimes.com/2018/04/04/opinion/migrants-detention-forced-labor.html> and <http://governmentillegals.org/WSJ-Stevens-Letter.pdf>. You can find my research cited here: [https://www.cjr.org/covering\\_trump/reporting-around-ice.php](https://www.cjr.org/covering_trump/reporting-around-ice.php)<https://www.npr.org/2018/12/18/677780624/ice-detained-the-wrong-peter-brown>.

Thank you for your assistance,

Jacqueline Stevens

Professor

Founding Director

Deportation Research Clinic

Northwestern University

<https://buffett.northwestern.edu/programs/deportationresearch/>

mail address

601 University Place

Political Science Department

Evanston, IL 60208

*Officium Annotatum Governandi et Privatum*

U.S. Department of Homeland Security  
500 12<sup>th</sup> St., SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

December 16, 2019

Jacqueline Stevens  
Northwestern University  
601 University Place  
Political Science Department  
Evanston, IL 60208

**RE: ICE FOIA Case Number 2019-ICFO-61158**

Dear Ms. Stevens:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated August 24, 2019. You have requested all system records and other items maintained, produced, or distributed by ICE pertaining to Juan Guillermo Hurtado Valencia, A-035 746 571, COB: Colombia, 10/7/1975. ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO) for records responsive to your request produced 16 pages that are responsive to your request. After review of those documents, I have determined that portions of the 16 pages will be withheld pursuant to Exemptions (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA as described below.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure the names, e-mail addresses, and phone numbers of DHS employees contained within the documents.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal

Page 2 of 3

activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers contained within the document.

**FOIA Exemption 7(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. You may submit your appeal electronically at [GILDFOIAAppeals@ice.dhs.gov](mailto:GILDFOIAAppeals@ice.dhs.gov) or via regular mail to:

U.S. Immigration and Customs Enforcement  
Office of the Principal Legal Advisor  
U.S. Department of Homeland Security  
500 12th Street, S.W., Mail Stop 5900  
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

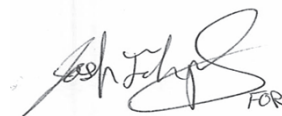
Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2019-ICFO-61158**. You may send an e-mail to [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov), call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under

Page 3 of 3

the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina M. Pavlik-Keenan". The signature is stylized and includes the word "FOR" written in small capital letters at the bottom right of the signature.

Catrina M. Pavlik-Keenan  
FOIA Officer

Enclosure(s): 16 pages

**From:** [Deportation Research Clinic](#)  
**To:** [GILD FOIA Appeals](#)  
**Subject:** FOIA Appeal: Case Number 2019-ICFO-61158  
**Date:** Thursday, January 16, 2020 5:07:05 PM

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To Whom It May Concern,

In a request under the Freedom of Information Act/Privacy Act of August 14, 2019 assigned case number 2019-ICFO-61158 I asked for "all memorandums, draft memorandums, reports, notes, email, text messages, and any other information maintained in any form about [Juan] Hurtado[-Valencia]."

I also requested, "records of grievances filed by Mr. Hurtado orally or in writing under the control of ICE or its components, including county jails or private prisons with which ICE has contracted."

And I requested:

Screenshots of all tabs for interfaces to databases consulted for responsive records, including but not limited to PLANet.

Due to the fact that ICE failed to include these items responsive to my request and appears to have conducted an inadequate search, including of relevant emails, I am appealing the response.

Thank you for your consideration of this appeal.

Jacqueline Stevens

Professor

Founding Director

Deportation Research Clinic

Northwestern University

<https://buffett.northwestern.edu/programs/deportationresearch/>

mail address

601 University Place

Political Science Department

Evanston, IL 60208

Attachment J  
U.S. Department of Homeland Security  
500 12<sup>th</sup> ST. SW; STOP 5009  
Washington, DC 20536-5009



U.S. Immigration  
and Customs  
Enforcement

January 17, 2020

Jacqueline Stevens  
Northwestern University  
601 University Place  
Political Science Department  
Evanston, IL 60208

Dear Ms. Stevens:

The Department of Homeland Security has received your letter appealing the adverse determination of your Freedom of Information Act/Privacy Act (FOIA/PA) request by U.S. Immigration and Customs Enforcement. Your appeal, **postmarked *or* electronically transmitted on January 16, 2020**, was received on **January 17, 2020**.

The Government Information Law Division acknowledges your appeal request of **2019-ICFO-61158** and is assigning it number **2020-ICAP-00158** for tracking purposes. Please reference this number in any future communications about your appeal.

A high number of FOIA/PA requests have been received by the Department. Accordingly, we have adopted the court-sanctioned practice of generally handling backlogged appeals on a first-in, first-out basis.<sup>1</sup> While we will make every effort to process your appeal on a timely basis, there may be some delay in resolving this matter. Should you have any questions concerning the processing of your appeal, please contact the ICE FOIA Office/Public Liaison at (866) 633-1182, or by email at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

Sincerely,

*/s/MCuestas* for

Shiraz Panthaky  
Chief  
Government Information Law Division  
ICE Office of the Principal Legal Advisor  
U.S. Department of Homeland Security

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<sup>1</sup> Appeals of expedited treatment denials will be handled on an expedited basis.

**U.S. Department of Homeland Security**  
500 12th Street, SW  
Washington, D.C. 20536



**U.S. Immigration  
and Customs  
Enforcement**

February 18, 2020

Jacqueline Stevens  
Northwestern University  
601 University Place  
Political Science Department  
Evanston, IL 60208

**RE: 2020-ICAP-00158, 2019-ICFO-61158**

Dear Ms. Stevens:

This is in response to your letter, received January 17, 2019, appealing the U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request. Your request sought records pertaining to Juan Guillermo Hurtado Valencia.

In response to your request, the ICE Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO) conducted searches and located a total of 16 pages of responsive records. By letter dated December 16, 2019, the ICE FOIA Office issued its final response. The ICE FOIA Office released the 16 pages of responsive records but withheld portions of them pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). You have appealed the adequacy of the search.

Upon a complete review of the administrative record and the search documentation which led to the determination on your FOIA request, the search was adequate in all respects and was reasonably calculated to uncover all relevant documents. Therefore, ICE affirms the adequacy of the search conducted on your FOIA request.

This decision is the final action of ICE concerning your FOIA request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the District of Columbia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call 1-877-684-6448.



Jacqueline Stevens  
2020-ICAP-00158, 2019-ICFO-61158  
Page 2

Should you have any questions regarding this appeal closure, please contact ICE at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov). In the subject line of the email please include the word “appeal,” your appeal number, which is **2020-ICAP-00158**, and the FOIA case number, which is **2019-ICFO-61158**.

Sincerely,



For: Shiraz Panthaky  
Chief  
Government Information Law Division  
ICE Office of the Principal Legal Advisor  
U.S. Department of Homeland Security

**From:** [ICE-FOIA](#)  
**To:** ["Jacqueline Stevens"](#)  
**Subject:** RE: Request for ROP and Audio Recording for Manuel Valdez Soto #036-661-024  
**Date:** Friday, April 14, 2017 10:19:00 AM

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Good morning,

You have directed a FOIA request to U.S. Immigration and Customs Enforcement (ICE) seeking either (1) copies of an individual's alien file, or (2) copies of certain documents or other information that is maintained in an individual's alien file. "Alien files" are maintained by U.S. Citizenship and Immigration Services (USCIS). Accordingly, ICE is routing your FOIA request to USCIS. Upon receipt of your FOIA request, USCIS will provide you with a tracking number and respond directly to your request.

If you have any questions regarding your request, please contact USCIS at the address below:

U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P.O. Box 648010  
Lee's Summit, MO 64064-8010  
Phone: (800) 375-5283  
Fax: (816) 350-5785  
Email: [USCIS.FOIA@uscis.dhs.gov](mailto:USCIS.FOIA@uscis.dhs.gov)

Sincerely,

ICE FOIA Office  
Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street, S.W., Stop 5009  
Washington, D.C. 20536-5009  
Telephone: 1-866-633-1182

-----Original Message-----

From: Jacqueline Stevens [<mailto:jacqueline-stevens@northwestern.edu>]  
Sent: Wednesday, March 15, 2017 3:47 PM  
To: [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)  
Subject: Request for ROP and Audio Recording for Manuel Valdez Soto #036-661-024

To Whom It May Concern,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for all system records pertaining to Manuel Valdez Soto. His alien number is 036-661-024. He was born in Mexico on October 12, 1967.

This request includes but is not limited to all memoranda, notes, reports, email messages and all other system records or communications associated with or pertaining to Mr. Valdez generated or received by EOIR. This also includes the record of proceedings for his immigration hearing(s), as well as any digital or audio recordings of his hearing(s).

And I am requesting all docketing information for Mr. Valez's hearings maintained in the EOIR case locator system.

Mr. Valdez has signed a waiver, including a certificate of identity, allowing me to receive these records. Please find a copy of this waiver attached.

As a scholar, blogger and a writer on immigration law enforcement, I am entitled to a waiver of duplication fees because disclosure of this information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(A)(iii). The disclosure of this information 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 requester.”

My research encompasses instances of immigration misconduct by the U.S. government. My publications have news and educational value and are not for commercial gain. I recently co-edited the volume \*Citizenship In Question: Evidentiary Birthright and Statelessness\* (Duke University Press).

I am requesting this response be expedited. These are regular system records and will not pose any burdens on the EOIR to produce. Especially relevant, there is immense public interest in the matter of the wrongful detention and deportation of U.S. citizens, to wit a letter by Assistant Secretary John Morton on this topic responsive to an article based on my research "The Deportation Machine," The New Yorker (April 29, 2013). Please note as well recent NPR coverage of someone who recently proved his U.S. citizenship after being detained through the same processes affecting Mr. Valdez, the subject of this request.

<http://www.npr.org/sections/thetwo-way/2016/12/22/504031635/you-say-you-re-an-american-but-what-if-you-had-to-prove-it-or-be-deported>

It is clearly of great importance to the proper functioning of a democracy that Congress and the public obtain real-time information on deportation proceedings involving U.S. citizens. The pending Comprehensive Immigration Reform legislation further underscores the need to expedite release of Mr. Valdez's EOIR file.

If you have any questions, I may be reached by email at [jacqueline-stevens@northwestern.edu](mailto:jacqueline-stevens@northwestern.edu) or by phone at 847-467-2093.

Please send the requested records to this email address or by regular mail to:

Jacqueline Stevens, Department of Political Science, 601 University Place, Northwestern University, Evanston, IL 60208.

Thank you very much for your assistance in this matter.

--

Jacqueline Stevens  
Professor  
Political Science and Legal Studies Board Northwestern University

Director  
Deportation Research Clinic  
Buffett Center for International and Comparative Studies  
<http://www.cics.northwestern.edu/programs/deportationresearch/>

phone 847-467-2093  
fax 847-491-8985

Mail  
601 University Place  
Department of Political Science  
Northwestern University  
Evanston, IL 60208

<http://www.jacquelinestevens.org>  
<http://stateswithoutnations.blogspot.com>

**From:** [Jacqueline Stevens](mailto:Jacqueline.Stevens@dhs.gov)  
**To:** [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)  
**Subject:** FOIA budget information  
**Date:** Monday, March 22, 2021 5:37:36 PM

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CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact ICE SOC SPAM <<mailto:SPAM@ice.dhs.gov>> with questions or concerns.

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

To Whom It May Concern,

I write under the Freedom of Information Act (FOIA) to request the following:

All records on which ICE officials rely for creating agency statements of FOIA expenditures and budgets in ICE annual requests to Congress for funding FOIA operations, e.g., [https://www.dhs.gov/sites/default/files/publications/7\\_u.s.\\_immigration\\_and\\_customs\\_enforcement.pdf](https://www.dhs.gov/sites/default/files/publications/7_u.s._immigration_and_customs_enforcement.pdf), ICE – O&S - 3 (pdf p. 29), ICE – O&S - 23 (p. 49), ICE – O&S - 51 (p. 77), ICE – O&S - 61 (p. 87), ICE – O&S - 73 (p. 99), ICE – O&S - 76 (p. 102).

This includes but is not limited to:

- (a) All information received from contractors informing FOIA operation Requests for Information, Requests for Proposals, and all current work performed. If a contractor is trying to justify a renewal, extension, or addition to an existing contract, all of these communications in any form are responsive to this request. This includes device text messages, information stored in the cloud, email, notes, and communications responsive to current or past contracts, such as documentation of expenditures on subcontracts, infrastructure, or software outlays.
- (b) Information on FOIA operations and expenditures on which the report relies for its representations in ICE budgets about its use of financial resources, including but not limited to salaries, contracts, and database investments. All related communications tied to these budget requests based on FOIA operations are responsive to this request.
- (c) Screenshots of all databases on which ICE relies for its fiscal year budget requests for funding FOIA operations.

The time frame of this request is January 1, 2016 through the present.

The purpose of the FOIA is to provide to the public timely information. The information I obtain from the government has featured in my own research, from which journalists have drawn for widely circulated stories on matters of obvious public interest, especially ICE detaining and deporting U.S. citizens. I am requesting a fee waiver as I am using this information for my teaching, research, and journalism. I am a Professor at Northwestern University and engage in research on ICE misconduct. My work relying on materials obtain pursuant to FOIA requests and litigation has been published in The New York Times and The New Yorker, among other publications. You can find my original work here: <https://www.nytimes.com/2018/04/04/opinion/migrants-detention-forced-labor.html> and <http://stateswithoutnations.blogspot.com/> and you can find my research cited in these publications: <http://reason.com/archives/2017/11/12/how-immigration-crackdowns-scr#comment> and <https://www.wnyc.org/story/history-and-practice-immigration-detention/>.

References to other news publications can be found here:

<https://deportation-research.buffett.northwestern.edu/news/index.html>

Please send all responsive items to this email address or to the following snail mail address.

Jacqueline Stevens  
601 University Place, Second Floor  
Northwestern University  
Evanston, IL 60208

Thank you,

Jacqueline Stevens

Professor

Political Science

<https://polisci.northwestern.edu/people/core-faculty/jacqueline-stevens.html>

Founding Director, Deportation Research Clinic

Buffett Institute of Global Affairs

<https://deportation-research.buffett.northwestern.edu/>

*Stevens v. ICE, et al.*  
 Civil No.: 21-cv-2232 (TSC)  
 United States Immigration and Customs Enforcement (ICE) *Vaughn* Index

Entry Number	Document Identification	Withholding: Full/Partial	Description of Documents and Redacted Information	Exemption(s) Applied to Redactions
1	2021-ICLI-00042  1	Partial	<p><b>EARM Case Comments</b></p> <p><b>Redacted Information per (b)(6), (b)(7)(C):</b></p> <p>Names of DHS and ICE personnel and other law enforcement agencies' case number.</p> <p>Third-party identifiable information including names, addresses, Alien Numbers, and telephone numbers.</p> <p><b>Reasons for Redaction(s):</b></p> <p>The disclosure of the names of ICE and DHS personnel which could reasonably be expected to constitute an unwarranted invasion of personal privacy by conceivably subjecting personnel to harassment and annoyance in conducting their official duties and in their private lives; placing them in danger, as targets of law enforcement investigations may begrudge personnel for an indefinite time period and seek revenge; and minimizing the ability to effectively conduct future investigations. The disclosure of this PII serves no public benefit and would not assist the public in understanding how the agency is carrying out</p>	(b)(6), (b)(7)(C), (b)(7)(E)

	<p>its statutory responsibilities. Furthermore, the privacy interest in this PII outweighs any minimal public interest that could possibly exist in the disclosure of this information.</p> <p>The disclosure of third-party PII could reasonably be expected to constitute an unwarranted invasion of individuals' personal privacy interests in not being associated unwarrantedly with alleged criminal activity; being free from harassment, criticism, intimidation, legal consequences, economic reprisals, embarrassment, undue public attention, physical harm, and derogatory inferences and suspicion; and controlling how communications about them are communicated to others. The disclosure of this PII serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities. Furthermore, the privacy interest in this PII outweighs any minimal public interest that could possibly exist in the disclosure of this information.</p> <p><b>Redacted Information per (b)(7)(E):</b></p> <p>ICE case numbers and URLs</p> <p><b>Reasons for Redaction(s):</b></p> <p>Exemption 7(E) affords protection to all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.</p>			
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			<p>The information withheld on these pages protects the release of case numbers and URLs which are unique addresses for files accessible on the Internet and could reveal techniques and/or procedures for law enforcement investigations or prosecutions, or disclose guidelines for law enforcement investigations or prosecutions which could reasonably be expected to risk circumvention of the law.</p> <p>Disclosure could assist third parties in deciphering the meanings of the codes and could allow an individual to navigate, alter or manipulate law enforcement databases if they were to gain access to the system. Disclosure of these techniques and practices in navigating the databases could permit people seeking to violate or circumvent the law by taking proactive steps to counter operational and investigative actions taken by ICE during enforcement operations. How law enforcement officers access and use databases is a law enforcement technique and procedure that is not commonly known. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities</p>	
<p>2</p>	<p>2021-ICLI-00042 1-6 10-12</p>	<p>Partial</p>	<p><b>Order for Services or Supplies</b> <b>Redacted Information per (b)(4):</b> Discount terms, contract total, contract grand total, unit price, amount, fast redaction annual licenses amount, total amount of award</p>	<p>(b)(4), (b)(6), (b)(7)(C), (b)(7)(E)</p>



		<p><b>Reasons for Redaction(s):</b></p> <p>FOIA Exemption (b)(4): FOIA Exemption (b)(4) is applied protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public.</p> <p><b>Redacted Information per (b)(6), (b)(7)(C):</b></p> <p>Third-party identifiable information including names, addresses, and telephone numbers.</p> <p><b>Reasons for Redaction(s):</b></p> <p>The disclosure of the names of third parties could reasonably be expected to constitute an unwarranted invasion of the personal privacy interests in: not being associated unwarrantedly with alleged criminal activity; being free from harassment, criticism, intimidation, legal consequences, economic reprisals, embarrassment, undue public attention, physical harm, and derogatory inferences and suspicion; and controlling how communications about them are communicated to others. The disclosure of this PII serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities. Furthermore, the privacy interest in</p>	
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	<p>this PII outweighs any minimal public interest that could possibly exist in the disclosure of this information. Further, disclosure of such information would not shed light on ICE operations and activities. There is no public interest to be served by releasing the identities or other personally identifiable information of third parties. Finally, third parties identified in the records</p>	
<p><b>Redacted Information per (b)(7)(E):</b></p>	<p>Account information</p>	
<p><b>Reasons for Redaction(s):</b></p>	<p>Exemption 7(E) affords protection to all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.</p>	
<p>The information withheld on these pages contains internal law enforcement sensitive information. The information withheld under (b)(7)(E) contains law enforcement account information that if released could reasonably be expected to risk circumvention of the law.</p>	<p>Disclosure could assist third parties in accessing the account information and could allow an individual to navigate, alter or manipulate law enforcement databases if they were to gain access to the system. Disclosure of these techniques and practices in navigating the databases could permit people seeking</p>	

<p>3</p>	<p>2021-ICLI-00042  7-9  42-43</p>	<p><b>Partial</b></p>	<p><b>E-mail Chain Regarding Contract</b></p> <p><b>Redacted Information per (b)(6), (b)(7)(C):</b></p> <p>The information withheld in these documents, located at the top of the page, next to the "From," "To," and "Cc" fields, within the e-mail, and at the signature block at the bottom of the e-mails, consists of the names, signatures and e-mail addresses of agency officers. The name and e-mail address for ICE employees and other federal agencies' personnel are also withheld.</p> <p>Third-party identifiable information including names, addresses, and telephone numbers.</p> <p><b>Reasons for Redaction(s):</b></p> <p>The disclosure of the names of ICE personnel which could reasonably be expected to constitute an unwarranted invasion of personal privacy by conceivably subjecting personnel to harassment and annoyance in conducting their official duties and in their private lives; placing them in danger, as targets of law enforcement investigations may begrudge personnel for an</p>	<p>to violate or circumvent the law by taking proactive steps to counter operational and investigative actions taken by ICE during enforcement operations. How law enforcement officers access and use databases is a law enforcement technique and procedure that is not commonly known. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities</p>	<p><b>(b)(6), (b)(7)(C)</b></p>
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			<p>indefinite time period and seek revenge; and minimizing the ability to effectively conduct future investigations. The disclosure of this PII serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities. Furthermore, the privacy interest in this PII outweighs any minimal public interest that could possibly exist in the disclosure of this information.</p> <p>The disclosure of the names of third parties could reasonably be expected to constitute an unwarranted invasion of the personal privacy interests in: not being associated unwarrantedly with alleged criminal activity; being free from harassment, criticism, intimidation, legal consequences, economic reprisals, embarrassment, undue public attention, physical harm, and derogatory inferences and suspicion; and controlling how communications about them are communicated to others. The disclosure of this PII serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities. Furthermore, the privacy interest in this PII outweighs any minimal public interest that could possibly exist in the disclosure of this information. Further, disclosure of such information would not shed light on ICE operations and activities. There is no public interest to be served by releasing the identities or other personally identifiable information of third parties. Finally, third parties identified in the records have not consented to the disclosure of their PII.</p>	
<p>4</p>	<p>2021-ICLI-00042 13-41</p>	<p>Partial</p>	<p><b>52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment</b></p> <p><b>Redacted Information per (b)(7)(E):</b></p>	<p>(b)(7)(E)</p>

			<p>Contract submission delivery email information</p> <p><b>Reasons for Redaction(s):</b></p> <p>Exemption 7(E) affords protection to all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.</p> <p>The information withheld on these pages contains internal law enforcement planning related to an on-going criminal investigation involving HSI Special Agents. In particular, these pages include surveillance planning and techniques and prosecution strategy and deliberations.</p> <p>The withheld information could reveal techniques and/or procedures for law enforcement investigations or prosecutions, or disclose guidelines for law enforcement investigations or prosecutions which could reasonably be expected to risk circumvention of the law. Disclosure of surveillance planning and prosecution strategy and deliberations could permit people seeking to violate or circumvent the law by taking proactive steps to counter operational and investigative actions taken by ICE during enforcement operations.</p>	
<p>5</p>	<p>2021-ICLI-00042</p>	<p>Partial</p>	<p><b>Excel Payroll Spreadsheets</b></p> <p><b>Redacted Information per (b)(7)(E):</b></p>	<p>(b)(7)(E)</p>

		<p>IP No., Master Record Number, Fund Code, Org. Code, Program, Obj. Code, OMB Obj. Code</p> <p><b>Reasons for Redaction(s):</b></p> <p>Exemption 7(E) affords protection to all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.</p> <p>The information withheld on these pages contains internal law enforcement sensitive information. The information withheld under (b)(7)(E) contains law enforcement account information that if released could reasonably be expected to risk circumvention of the law.</p> <p>Disclosure could assist third parties in deciphering the meanings of the codes and could allow an individual to navigate, alter or manipulate law enforcement databases if they were to gain access to the system. Disclosure of these techniques and practices in navigating the databases could permit people seeking to violate or circumvent the law by taking proactive steps to counter operational and investigative actions taken by ICE during enforcement operations. How law enforcement officers access and use databases is a law enforcement technique and procedure that is not commonly known. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities</p>	
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Attachment N

# Exhibit B



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 21 C 2232
	)	
U.S. CUSTOMS AND BORDER	)	
PROTECTION, et al.,	)	
	)	
Defendants.	)	

**DECLARATION OF PATRICK HOWARD**

I, Patrick Howard, do hereby declare and state as follows:

1. I am a Branch Chief within the Freedom of Information Act Division (FOIA Division) at U.S. Customs and Border Protection (CBP or Agency), U.S. Department of Homeland Security (DHS). I have been a Branch Chief in the FOIA Division since February 8, 2015. In this capacity, I oversee a staff of Government Information Specialists (GIS), the processing of requests for records submitted to CBP pursuant to FOIA, 5 U.S.C. § 552, the Privacy Act (PA), 5 U.S.C. § 552a, and other activities conducted pursuant to applicable records access provisions.

2. I am familiar with CBP's procedures for responding to FOIA requests. I provide technical and administrative supervision and direction to a group of FOIA specialists in processing FOIA requests and assist with FOIA/PA litigation matters, and I am personally familiar with the processing of FOIA/PA responses, including, at times, by directly reviewing for adequacy and compliance with federal laws and regulations.

3. I am familiar with the FOIA request submitted to CBP by Jacqueline Stevens (Plaintiff) on October 22, 2015.

4. I am also familiar with the FOIA request submitted by Plaintiff on January 9, 2019.

5. The statements I make in this Declaration are based upon my personal knowledge, which includes knowledge acquired through information furnished to me in the course of my official duties and Agency files that I personally reviewed in the course of my official duties.

6. The purpose of this Declaration is to describe CBP's handling of Plaintiff's FOIA requests. This Declaration summarizes the relevant facts and correspondence regarding Plaintiff's FOIA requests and explains the searches CBP conducted in responding to the requests.

7. The FOIA Division determines which CBP systems, databases, and/or offices are likely to contain records responsive to the request. Assessments of where responsive records are likely to be contained is based on a review of the content of the request, the nature of the records sought, the FOIA Division's familiarity with the types and locations of the records at issue, and discussions with knowledgeable Agency personnel. The FOIA Division will then search CBP systems and databases and/or request identified CBP offices to gather any/all potentially responsive records. The FOIA Division reviews all gathered records for responsiveness, redacts the documents as appropriate, reviews redaction marks, and obtains final authorization for release prior to production. The FOIA Division will also consult with CBP personnel, other components within DHS, or agencies outside of DHS, as necessary, prior to release. CBP does not usually include documents located in the public domain, readily accessible to the requester, and/or known to be in the possession of the requester with its production. FOIA may refer the requester to a public domain containing requested documents, if necessary.

### **Plaintiff's October 22, 2015 FOIA Request**

8. On October 22, 2015, Plaintiff submitted a FOIA request using CBP's online FOIA portal. The CBP FOIA Division instructs all FOIA requesters to provide a clear and detailed description of the records sought.

9. Plaintiff's October 22 request sought the following records:

"I write under the Freedom of Information Act for all records maintained for Lazaro Palma, now deceased. His date of birth [redacted]. His place of birth was [redacted]. He was issued a "manifest" by a border guard at the Hidalgo border on February 11, 1950 and thus may have other crossing records on file with Customs and Border Protection. I am a writer, a professor, and blogger; as I plan to use the information responsive to this request for public education, and not for commercial benefit. I request a waiver of fees. Please note that Lazaro Palma's son, Lorenzo Palma, is in ICE custody and the contents of this file may assist in proving his claim to U.S. citizenship. Please note as well that there is strong public interest in the detention and deportation of U.S. citizens. This request therefore meets both prongs contemplated by the FOIA provisions for an expedited response: public interest and immediate harm (ICE detaining US citizen is false imprisonment.) Please note as evidence of my claims above articles referenced on the Deportation Research Clinic website at <http://northwestern.edu/programs/deportationresearch>. Please note that the death certificate is attached. If you have any questions please feel free to contact me at [redacted]. Thank you for your assistance with this matter."

10. Plaintiff did not provide any information on dates or locations for the requested crossing records.

11. On October 22, 2015, the same day CBP received the request, CBP acknowledged receipt and assigned tracking number CBP-2016-003607.

12. Upon receiving the October 22 request, CBP FOIA staff evaluated the request and determined where responsive information would likely be contained. Plaintiff requested crossing records and "all records maintained."

13. When a FOIA request seeks "all records," it is standard practice to search for all travel and encounter records at the border.

14. Based on their assessment, CBP FOIA staff determined the TECS platform was the only CBP system where responsive records could be found.

15. TECS is an information-sharing platform, which allows users to access different databases that may be maintained on the platform or accessed through the platform, and the name of a system of records that include temporary and permanent enforcement, inspection, and operational records relevant to the anti-terrorism and law enforcement mission of CBP and numerous other federal agencies that it supports. TECS provides a platform for interaction between these databases and defined TECS users, and also serves as a data repository to support law enforcement “lookouts,” border screening, and reporting for CBP’s primary and secondary inspection processes. TECS is the principal system used by officers at the border to assist with screening and determinations regarding the admissibility of arriving persons.

16. CBP FOIA staff queried TECS for crossing records, secondary inspections and any border encounter responsive records using the name and date of birth. CBP FOIA staff did not locate any responsive CBP records.

17. On January 6, 2016, CBP issued its final response to Plaintiff, stating no responsive records were found.

18. Based on my experience in the FOIA Division, discussions with knowledgeable Agency personnel, understanding of the scope of Plaintiff’s October 22 request and the information gathered, the search was reasonably calculated to uncover all potentially responsive records and that all systems and databases likely to contain responsive documents were searched.

#### **Plaintiff’s January 9, 2019 FOIA Request**

19. On January 9, 2019, Plaintiff submitted a FOIA request using CBP’s online portal.

20. Plaintiff's request sought the following records:

“This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for all system records pertaining to Nathan Anfinson aka Alfonso Chavez who may be a U.S. citizen. Mr. Anfinson was a legal resident he was assigned the alien number [redacted]. He was born in [redacted], Mexico on [redacted]. I am interested in any documentation Customs and Border Patrol has on Mr. Anfinson. Additionally, I am interested in any paperwork addressing Mr. Anfinson's legal permanent resident status.”

21. On February 19, 2019, CBP acknowledged receipt of the January 9 request and assigned tracking number CBP-2019-021307. In addition, CBP notified Plaintiff that due to the increasing number of FOIA requests, there may be some delay in processing the request.

22. Upon receiving the January 19 request, CBP FOIA staff evaluated the request and determined TECS and the E3/Enforce systems were the only CBP systems that could contain responsive information.

23. The e3 portal (“e3”) is used to collect and transmit data related to law enforcement activities to the U.S. Immigration and Customs Enforcement (ICE) Enforcement Integrated Database (EID) and the DHS Automated Biometric Identification System (IDENT). CBP uses e3 to collect and transmit biographic, encounter, and biometric data of individuals for identification and verification of individuals encountered at the border and checkpoints for CBP's law enforcement and immigration mission.

24. CBP FOIA staff queried TECS and the E3/Enforce system for responsive records using the name, date of birth, and Alien File (A-File) Number. CBP FOIA staff did not locate any responsive CBP records.

25. On April 8, 2019, CBP issued its final response to Plaintiff, stating no responsive records were found. The letter also informed Plaintiff that records of apprehensions made by Border Patrol before 2000 may be available in the A-File maintained by USCIS.

26. Based on my experience in the FOIA Division, discussions with knowledgeable Agency personnel, understanding of the scope of Plaintiff's FOIA requests and the information gathered, the search was reasonably calculated to uncover all potentially responsive records and that all systems and databases likely to contain responsive documents were searched.

27. Based upon the information gathered from the FOIA Appeals Branch, there is no record that Plaintiff filed an appeal of the final disposition for her January 9, 2019 FOIA request, CBP-2019-021307. Based upon the information gathered from the FOIA Appeals Branch, there is no record that Plaintiff filed an appeal of the final disposition for her October 22, 2015 FOIA request, CBP-2016-003607.

I declare under a penalty of perjury that the information provided is true and correct to the best of my information, knowledge, and belief.

Signed this 26<sup>th</sup> day of May, 2022

*Patrick Howard*

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Patrick Howard  
Branch Chief, FOIA Division  
U.S. Customs and Border Protection  
U.S. Department of Homeland Security

# Exhibit C

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

JACQUELINE STEVENS	)	
	)	
	)	
	)	
Plaintiff,	)	Case No. 21-cv-2232
	)	
v.	)	
	)	
UNITED STATES CITIZENSHIP AND	)	
IMMIGRATION SERVICES, ET AL,	)	
	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF CYNTHIA MUNITA**

I, CYNTHIA MUNITA, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury:

1. I am the Associate Center Director and Chief FOIA Officer in the Freedom of Information and Privacy Act (“FOIA/PA”) Unit, National Records Center (“NRC”), United States Citizenship and Immigration Services (USCIS), within the United States Department of Homeland Security (“DHS”), in Lee’s Summit, Missouri. I have held the position of Associate Center Director since December 5, 2021. I received my Juris Doctorate in 2003, from the University of Missouri, Kansas City, School of Law and thereafter served at a private law practice and then at the Missouri State Public Defender’s Office. I joined USCIS in 2008, as an Immigration Services Officer in the Kansas City Field Office and, in 2013, began serving as a Supervisory Immigration Services Officer in the Customer Relations Division at the National Benefits Center in Lee’s Summit. In 2015, I was promoted to Section Chief of



that Division and, then prior to serving in my current position as Associate Center Director, served as the USCIS Field Office Director in the Seattle Field Office from May 2017 to December 2021.

2. As the Chief FOIA Officer for USCIS, I oversee the USCIS FOIA program offices that are responsible for developing FOIA/PA policy and training and litigation-related matters within the FOIA program. I work with approximately 294 information access professionals at USCIS who are responsible for the orderly processing of all public, congressional, judicial, and inter-/intra-agency requests or demands for access to USCIS records and information pursuant to the FOIA, Privacy Act, Executive Orders, departmental directives, regulations, and compulsory legal process.

3. Through the exercise of my official duties as FOIA Officer, I am familiar with USCIS's standard process for responding to FOIA requests, including search procedures for locating agency records.

4. The statements contained in this declaration are based on my personal knowledge, my review of relevant documents kept by USCIS in the course of ordinary business, and upon information provided to me by other USCIS employees in the course of my official duties.

5. This declaration is submitted in support of the government's Motion for Summary Judgment in this matter. This declaration describes, generally, agency procedures for processing FOIA requests for access to agency records and, more specifically, agency action taken in response to four requests submitted by Jacqueline Stevens (Plaintiff).

**USCIS'S STANDARD FOIA OPERATING PROCEDURES**

6. USCIS routinely and consistently processes FOIA requests in compliance with DHS implementing regulations found at 6 C.F.R. Part 5. Specifically, when the agency receives a request through the FOIA/PA Unit, the agency's standard procedure includes the following:

- a. after determining the nature, scope, and contours of a valid FOIA request, a preliminary search is conducted to locate potentially responsive records;
- b. because FOIA requests are generally processed by the NRC on a first-in/first-out basis, the request is logged in the approximate order of its receipt into a computerized case processing system which automatically assigns a control number for tracking purposes;
- c. an acknowledgement letter is contemporaneously mailed to the requester, advising of the control number, processing fee arrangement, processing options, and contact information, and addressing any collateral requests made by the requester;
- d. if relevant records are in the possession of an office other than the responding office, a request for the production of the records is sent to the records' custodian(s) for that office;
- e. during the course of processing, the FOIA request and any responsive records are subjected to rigorous analyses to arrive at the proper final agency determination; and finally
- f. the NRC sends its response to the requester, granting or denying, in whole or in part, access to requested records, and advising of any additional rights that may have vested in the requester by virtue of the final agency determination.

7. In recent years, USCIS has received and processed a significant amount of FOIA requests from year-to-year. USCIS is only one of one-hundred-nineteen (119) federal agencies subject to the FOIA, but it receives almost one-fourth of the total requests received. See <http://www.foia.gov>. For example, during Fiscal Year 2020, USCIS received 195,930 total requests, which represents almost half of the 397,671 total requests received by DHS,

and almost 25 percent of the total 790,688 requests received government wide. *See id.*

During Fiscal Year 2021, USCIS received 235,210 new requests – a more than 20 percent increase from the prior fiscal year.

8. Given the significant number of FOIA requests received by USCIS, and in an effort to process FOIA requests in a manner designed to be fair and expeditious, USCIS has adopted a policy of processing such requests on a first-in/first-out basis. This process is further enhanced by the implementation of a regulation providing for expedited processing of requests under given circumstances, and the adoption of a multi-track system of processing that not only allows the agency to process requests on a first-in/first-out basis within each track, but also permits the USCIS to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records. USCIS's first-in/first-out and multi-track processing is consistent with the requirements set forth in *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976) and *Exner v. FBI*, 612 F.2d 1202, 1980 U.S. App. LEXIS 20856, February 4, 1980.

9. The majority of the FOIA/PA requests that USCIS receives seek immigration records located in an individual's Alien File (A-File). USCIS also receives a significant volume of requests seeking non A-File records, such as USCIS policy documents.

10. The A-File serves as the official record of an individual's immigration history. See 82 Fed. Reg. 43556 (September 18, 2017). A-File records may be in the following materials and formats: (1) a paper A-File; (2) an electronic record in the Enterprise Document Management System (EDMS) or USCIS Electronic Immigration System (ELIS); or (3) a combination of paper and electronic records and supporting documentation. *Id.*

11. USCIS is the official custodian of all A-Files and the files are shared with U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP). USCIS, ICE, and CBP all create and contribute documents to A-Files. A-Files are maintained under and retrievable by reference to an individual's name and Alien number, along with date of birth, or a combination thereof.

12. The records requested in these requests would be in the subject of records' A-Files. To locate the subject of records' A-Files, the FOIA staff ran a computerized database search in DHS's file tracking system, RAILS, using the Alien Number supplied by the Plaintiff with her FOIA requests. Once the A-Files were located in physical and/or electronic systems, the FOIA staff obtained a copy of it and scanned it into the FOIA Immigration Records System (FIRST). FIRST is a computerized FOIA processing system that allows FOIA staff to review records and process FOIA requests electronically.

13. Based on a review of all the records located and scanned into FIRST, FOIA staff determined that the search was reasonably calculated to locate responsive documents subject to the FOIA that were within USCIS control.

**FOIA Request NRC2018181013; Records for Nathan Anfinson**

14. On November 29, 2018, Plaintiff submitted a FOIA request seeking "All system records and all other materials in any medium, maintained, received, or distributed by USCIS pertaining to Nathan Anfinson, aka Alfonso Chavez. His date of birth is August 10, 1983. His country of birth is Mexico. His 'alien' number is 026917282. Mr. Anfinson appears to have a claim of US citizenship and yet was deported. I am specifically interested

in finding a copy of Mr. Anfinson's certificate of citizenship and any underlying documents associated with its application. He believes he saw this document in either 1997 or 1998."

15. USCIS's FOIA staff reviewed Plaintiff's FOIA request and determined that it was seeking documents contained in Anfinson's A-File.

16. On December 5, 2018, USCIS's FOIA staff informed Plaintiff that this request was assigned control number NRC2018181013 and that the request would be responded to on a first-in, first-out basis and on a multi-track system. Plaintiff was also informed that her request had been placed in the complex track and that USCIS was invoking a 10-day extension pursuant to 5 U.S.C. 552 § (a)(6)(B).

17. In March 2019, USCIS advised Plaintiff that it had completed its processing of the request and transmitted the records to her. As explained in the letter to Plaintiff, FOIA staff identified 294 pages of responsive records and released 206 pages in full and 13 pages in part and withheld 23 pages in full and referred 52 pages to another Agency (i.e. U.S. Immigration and Customs Enforcement) for separate processing. They withheld information that was exempt pursuant to 5 U.S.C. 552 (b)(3), (b)(6), (b)(7)(C), and (b)(7)(E).

18. In June 2019, Plaintiff filed an appeal of USCIS' withholdings, but did not appeal USCIS' search for records.

19. After careful review of the appeal and the records, in July 2019, the FOIA staff released 13 additional pages, nine in full and four in part.

#### **Records for Jovita Elena Chavez**

20. In September 2019, Plaintiff submitted a request for records regarding Jovita Elena Chavez, the mother of Nathan Anfinson, that had been earlier withheld in response to

Plaintiff's above-mentioned FOIA request for immigration records regarding Mr. Anfinson. In other words, Plaintiff's request was seeking disclosure of the information related to Ms. Chavez that had been reflected in certain records in Mr. Anfinson's A-file, but that had been properly withheld under FOIA exemption b(6) in response to Plaintiff's request for Mr. Anfinson's A-file. However, at the time that request was submitted, there was confusion over whether it was a new request or an attempt to re-open the closed request regarding Mr. Anfinson. After further investigation, however, FOIA staff determined that the September, 2019 request was a new request, but we could not locate evidence that proper consent was received. In an effort to resolve the issue, we asked Plaintiff to submit consent from Ms. Chavez. When we received that, we processed the records and provided them to Plaintiff. On June 6, 2022, USCIS released 13 pages in full. As mentioned, these pages were from Ms. Chavez's son's A-File that reflected information about her. There was no A-File for Ms. Chavez.

**FOIA REQUEST NRC2019603352, Records for Juan Valencia**

21. On August 24, 2019, Plaintiff submitted the following FOIA request to USCIS: "All system records and all other materials in any medium received or distributed by USCIS pertaining to Juan Guillermo Hurtado Valencia. His date of birth is [REDACTED]. His country of birth is Colombia. His "alien" number is \*\*\*-\*\*\*-571 [REDACTED]. Please note that my request includes but is not limited to all e-mail, memorandums, notes, correspondence, text messages, and archival requests, including information about where his documents and records were being stored. The time frame of this request is 1976 to present."

22. On September 8, 2019, FOIA staff sent Plaintiff a letter denying this request pursuant to 5 U.S.C. 552(b)(6). This letter also notified Plaintiff of her administrative appeal rights.

23. Plaintiff did not file an administrative appeal.

24. On June 24, 2021, in a gesture of good faith and in an attempt to avoid further litigation, USCIS released 222 pages in full, released 64 pages in part, and withheld 8 pages in full. The FOIA staff informed Plaintiff that the information being withheld was exempt from release under FOIA exemptions (b)(3), (b)(6), (b)(7)(C) and/or (b)(7)(E).

**FOIA REQUEST NRC2020117509, Records for Lorenzo Palma<sup>1</sup>**

25. On August 11, 2020, Plaintiff submitted the following FOIA request to USCIS: “All system records and other materials in any medium created, maintained, or received by USCIS regarding Lorenzo Palma, including but not limited to his N-600 application, including all records for his grandfather, Lazaro Palma. Lorenzo's ‘alien’ number is 024-863-347. His DOB is 7/28/76. He was born in Mexico. All materials associated with creation of the Notice of Intent letter sent to Mr. Palma regarding his N-600 application. The letter is dated July 16th, 2020. The materials I am requesting include but are not limited to notes, emails, drafts, memorandums, cell text messages, post-its, and all information on the PLANet database and any other database on which USCIS officials contributing to the decision about the NOI had access. Screenshots of interfaces used by USCIS officials creating or obtaining information on which USCIS relied in producing the NOI letter of July 16, 2020.”

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<sup>1</sup> Because of this request’s procedural posture, it is also referred to as NRC2020120595REQ.

26. Plaintiff submitted the request through USCIS' online FOIA request system. The online system provides an efficient method for the requestor to get their records more quickly.

27. The FOIA office acknowledged the request on August 17, 2020 and provided the control number, NRC2020117509 to the requester's digital account.

28. The FOIA staff completed its processing of the request and on April 14, 2021, at 3:50 p.m., they sent Plaintiff an email notification to [jacqueline-stevens@northwestern.edu](mailto:jacqueline-stevens@northwestern.edu) notifying her that her records were available for download. The FOIA office released 577 pages in full and 109 pages in part. The FOIA staff informed Plaintiff that the information being withheld was exempt from release under FOIA exemptions (b)(5), (b)(6), (b)(7)(C) and/or (b)(7)(E). The letter also provided Plaintiff with her administrative appeal rights.

29. Plaintiff did not file an administrative appeal of this response.

### **DESCRIPTION OF EXEMPTIONS**

30. Attached to this declaration is a *Vaughn* index identifying and describing each document in which information was withheld, specifying the particular exemption under which the information was withheld and explaining how the exemption applies to the information that was withheld. I am familiar with the records described in the index.

31. FOIA staff withheld information pursuant to 5 U.S.C. § 552 (b)(3), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) in the requests at issue here. These exemptions are all described below.

#### **Exemption 3**

32. 5 U.S.C. § 552(b)(3) states that the FOIA does not apply to matters that are:



specifically exempted from disclosure by statute (other than section 552(b) of this title), if that statute-(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.

33. Exemption (b)(3) was used to protect information pursuant to Section 222(f) of the Immigration and Nationality Act, 8 U.S.C. § 1202(f). This information concerns the issuance or refusal of a permit to enter the United States by the U.S. Department of State and is exempt from disclosure by statute. Each invocation of Exemption 3 is described in greater detail in the attached *Vaughn* index.

#### Exemption 5

34. Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested.” 5 U.S.C. § 552(b)(5).

35. The deliberative process privilege was invoked to protect USCIS’s decision-making processes. The privilege was applied to documents that are in draft form and have not been finalized, thereby reflecting initial opinions and recommendations before agency decisions were made. It was also applied to documents in which an attorney provided advice to a client deciding about an immigration issue. The withheld material was created less than 25 years before the records were requested. Exemption 5 was also used to protect the attorney-client privilege and attorney work product protection where an attorney was

rendering advice to a client and was revealing litigation strategy. Each invocation of Exemption 5 is described in greater detail in the attached *Vaughn* index.

#### Exemption 6

36. Exemption 6 of the FOIA protects “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6).

37. Exemption 6 was invoked to withhold identifying information in records that relate to third party individuals who did not provide consent for release. This withheld information is on immigration documents pertaining to the Plaintiffs’ requests and therefore constitute “similar files” under Exemption 6. The withheld information consists of the names and other personal information pertaining to individuals not the subject of Plaintiff’s FOIA requests. Accordingly, there is a strong privacy interest in this material. There is no public interest in this information because it does not shed light on how the agency is performing its duties. Therefore, USCIS determined that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by any public interest in the material. Each invocation of Exemption 6 is described in greater detail in the attached *Vaughn* index.

#### Exemption 7

38. Exemption 7 applies to information contained in a record compiled for a law enforcement purpose. The Secretary of Homeland Security and DHS components are charged with the administration and enforcement of laws relating to the immigration and naturalization of aliens. *See* 8 U.S.C. § 1103. USCIS has responsibility to enforce federal immigration law

through its adjudications of applications and petitions submitted by individuals seeking immigration benefits. Thus, the records at issue were compiled for law enforcement purposes.

Exemption 7(C)

39. Exemption 7(C) of the FOIA protects personal information in law enforcement records the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(7)(C).

40. FOIA staff invoked Exemption 7(C) to information about third party individuals, including government employees, who did not provide consent for release. The withheld information consists of biographical information, such as names, initials, addresses, email addresses, dates of birth, and/or phone numbers. There is a strong privacy interest in this material and there is no public interest in this information because it does not shed light on how the agency is performing its duties. Additionally, particularly for government employees, disclosure of this information could unnecessarily subject that individual to harassment or harm by individuals who disagree with the agency’s mission or activities. Therefore, FOIA staff determined that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by any public interest in the material. Each invocation of Exemption 7(C) is described in greater detail in the attached *Vaughn* index.

Exemption 7(E)

41. Exemption 7(E) protects law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions or would

disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. *See* 5 U.S.C. § 552(b)(7)(E).

42. Pursuant to 7(E), FOIA staff withheld information such as memoranda, emails, law enforcement systems' checks and results, and law enforcement database codes. Even if the law enforcement technique, procedure, or guideline was generally known, its specific use was sometimes withheld if disclosure of its use in the particular situation would disclose confidential law enforcement procedures. Release of some of the information about codes or how to use certain law enforcement databases could be used by persons seeking improper access to law enforcement sensitive data to navigate these databases and compromise the integrity of the data either by deleting or altering information. The release of this information could also reasonably be expected to allow a person to breach sensitive legal/law enforcement systems and potentially circumvent detection or manipulate law enforcement sensitive information, in an attempt to sabotage DHS operational activities.

43. Each invocation of Exemption 7(E) is described in greater detail in the attached *Vaughn* index.

#### **FORESEEABLE HARM & SEGREGABILITY**

44. When reviewing the redactions applied, the FOIA staff conducted a foreseeable harm analysis on the withheld information. To the extent the documents sought by Plaintiff do not represent the Agency's final decision and reflect drafts and/or recommendations of immigration staff, the FOIA staff determined that releasing the redacted information withheld under Exemption (b)(5) would chill or deter USCIS employees from engaging in the candid and frank discussions that are necessary for the full and proper analysis and fair consideration

of immigration issues. It could lead to impairment of the efficient review process by discouraging employees from sharing draft material. Finally, release would cause confusion when drafts that were intended for internal use only become public and may differ from the final version or policy. For these reasons, we determined that release of the redacted information presented a foreseeable harm to the interests protected by the deliberative process privilege.

45. For the personal privacy exemptions, b(6) and b(7)(E), the FOIA staff found foreseeable harm because release of the withheld information would reveal individuals' private information without their choice or any way of protecting the information. The private information could be used to embarrass, harass, or harm the individuals. For these reasons, we determined that release of the redacted information presented a foreseeable harm to the interests protected by these exemptions.


46. For Exemption 7(E), the FOIA staff determined that disclosure of law-enforcement techniques, procedures and guidelines would reveal information about the agency's enforcement of immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law. Depending on the specific information at issue, release of this information could reasonably be expected to allow individuals to circumvent detection, identify patterns or trends by DHS/USCIS or other law-enforcement staff, breach sensitive systems or databases and/or interfere with DHS/USCIS and, perhaps, government-wide operations. For these reasons, we determined that release of the redacted information presented a foreseeable harm to the interests protected by Exemption (b)(7)(E).

47. Finally, based upon a line-by-line review of the documents, FOIA staff determined that no further segregation of meaningful information in the withheld documents would be possible beyond the information that was released without disclosing information that warrants protection under the law.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

Executed in Kansas City, Missouri on this 22<sup>nd</sup> day of June, 2022.

**CYNTHIA  
MUNITA**

 Digitally signed by CYNTHIA  
MUNITA  
Date: 2022.06.22 09:35:10  
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Cynthia Munita  
Associate Center Director  
Freedom of Information Act & Privacy Act Unit  
USCIS National Records Center

Records re: Nathan Anfinson  
NRC2018181013

*VAUGHN* INDEX

PDF Number (number located in PDF)	Description of Document	Withholding full/partial	Exemption(s) Applied	Description of Withheld Information and Explanation(s) for Withholding
15	Handwritten notes about law enforcement actions to take place.	Withheld in Full	(b)(7)(E) (b)(7)(C)	<p>Exemption (b)(7)(E) was applied to withhold the identification/use of sensitive law enforcement actions that were planned. This information reveals procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(C) was applied to withhold names and identifiers of government employees or contractors making law enforcement decisions. Release would constitute an unwarranted invasion of privacy.</p>

20	Central Index Systems printout	Partial	(b)(7)(E)	Exemption (b)(7)(E) was applied to withhold instructions for use of a sensitive law enforcement database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.
22	Results from INS Tracking System	Partial	(b)(7)(E)	Exemption (b)(7)(E) was applied to withhold results and codes from a sensitive law enforcement database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.
23	Results from INS FBI Name Check	Partial	(b)(7)(E)	Exemption (b)(7)(E) was applied to withhold results and codes from a sensitive law enforcement database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and



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				directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.
39-44, 48, 50-52, 114, 272, 273	Various documents re: third parties to which additional information about the documents could violate the third parties' privacy	Withheld in Full	(b)(6)	Exemption (b)(6) was applied to withhold personal information pertaining to third parties involved in this case. Release of the information could subject the third parties to harassment or possible threats to their safety. Release would reasonably be expected to constitute an unwarranted invasion of their personal privacy.
111-112	INS Law Enforcement Document	Withheld in Full	(b)(7)(C)	Exemption (b)(7)(C) was applied to withhold personal information pertaining to third parties involved in this law enforcement document. Release of the information could subject the third parties to harassment or possible threats to their safety. Release would reasonably be expected to constitute an unwarranted invasion of their personal privacy.
130, 136-138, 232, 234, 235	Print outs from CCIS law enforcement database	Partial	(b)(7)(C)	Exemption (b)(7)(C) was applied to withhold identifying information pertaining to the names of individuals performing duties in a law enforcement database. The release of this information would

				identify the individuals involved in the process and could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.
135	Results from Law Enforcement Database(s)	Partial	(b)(7)(E)	Exemption (b)(7)(E) was applied to withhold the use of particular sensitive law enforcement database(s). The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives by alerting people to what systems are used.
155	Guidelines for IBIS Queries	Partial	(b)(7)(E)	Exemption (b)(7)(E) was applied to withhold instructions for use of a sensitive law enforcement database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.
204-210	Presentence Report	Withheld in Full	(b)(7)(C) (b)(7)(E)	Exemption (b)(7)(C) was applied to withhold personal information pertaining to government

<p>employees engaged in law enforcement activities. Release of the information could subject these individuals to harassment or possible threats to their safety. Release would reasonably be expected to constitute an unwarranted invasion of their personal privacy. Exemption (b)(7)(E) was applied to withhold the identification/use of a law enforcement report, which is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives.</p>						
<p>Exemption (b)(3) was used to protect information pursuant to Section 222(f) of the Immigration and Nationality Act, 8 U.S.C. § 1202(f). This information concerns the issuance or refusal of a permit to enter the United States by the U.S. Department of State and is exempt from disclosure by statute. Exemption (b)(7)(C) was applied to withhold personal information pertaining to government employees engaged in law</p>	<p>(b)(3) (b)(7)(C)</p>	<p>Partial</p>	<p>Fax Cover Sheet</p>	<p>241</p>		

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				enforcement activities. Release of the information could subject these individuals to harassment or possible threats to their safety. It would reasonably be expected to constitute an unwarranted invasion of their personal privacy.
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Stevens Juan Hurtado-Valencia  
NRC2019603352

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<b>PDF Number (number located in PDF)</b>	<b>Description of Document</b>	<b>Withholding full/partial</b>	<b>Exemption(s) Applied</b>	<b>Description of Withheld Information and Explanation(s) for Withholding</b>
2,187,188, 242, 243, 292,295	Screen shots from the Central Index System, a Law Enforcement Database	Partial	(b)(7)(E)	Exemption (b)(7)(E) was applied to withhold instructions for using CIS, a law enforcement database. Information withheld was instructions to use the database, codes used in the database, and results from queries of the database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.
196,197,202,261,267, 269, 271, 279, 284, 298, 299	Screenshots from TECS, Law Enforcement Database	Partial	(b)(7)(E) (b)(7)(C)	Exemption (b)(7)(E) was applied to withhold instructions to use TECS, a law enforcement database and codes used in the database. Federal law enforcement officials and USCIS immigration officers query the TECS database when

<p>adjudicating immigration applications and petitions submitted to USCIS. Use of TECS and its storehouse of law enforcement information is a law enforcement technique and procedure utilized in law enforcement investigations, which are conducted routinely during immigration adjudications and related immigration proceedings.</p>				
<p>The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>				
<p>USCIS applied Exemption (b)(7)(C) to withhold names and identifiers of government employees or contractors performing a law enforcement investigation. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>				
<p>USCIS applied Exemption (b)(7)(C) to withhold names and locations of ICE attorneys engaged in law</p>	<p>(b)(7)(C)</p>	<p>Partial</p>	<p>Fax cover sheet, name, address</p>	<p>15</p>

<p>enforcement activities. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>				
<p>Exemption (b)(6) were used to withhold personal information concerning the identities of and personal information concerning third parties. No third-party individuals have provided consent for disclosure in this law enforcement file. This information has not been publicly disclosed by the government and disclosure would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by any public interest in the information.</p>	<p>(b)(6)</p>	<p>Withheld in Full</p>	<p>Quit-Claim Deed</p>	<p>142</p>
<p>Exemption (b)(7)(c) was used to withhold the names and email addresses of government employees involved in law enforcement activities. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>	<p>(b)(7)(C)</p>	<p>Partial</p>	<p>12/4/06 communication to DHS employee</p>	<p>179, 207</p>

180,274,276	USCIS Case Processing Background Sheet and Instructions for Conducting Background Checks.	Withheld in Full	(b)(7)(E) (b)(7)(C)	<p>Exemption (b)(7)(E) was applied to withhold the identification/use of sensitive law enforcement background checks, their results, and instructions for use in particular situations. This information reveals the types of background checks conducted in certain cases, which is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(c) was used to withhold the identities of and personal information of government employees involved in law enforcement activities. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>
181-186	Printout from Law Enforcement Database	Partial	(b)(7)(E) (b)(7)(C)	<p>Exemption (b)(7)(E) was applied to withhold the identification/use of</p>



				<p>sensitive law enforcement background checks in particular situations. This information reveals the types of background checks conducted in certain cases, which is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(c) was used to withhold the identities of and personal information of government employees involved in law enforcement activities. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>
198, 199, 200, 201, 203, 204	Screenshots from TECS, Law Enforcement Database	Partial	(b)(7)(E)	Exemption (b)(7)(E) was applied to withhold instructions to use TECS, a law enforcement database and codes used in the database.

<p>The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>				
<p>Exemption (b)(7)(c) was used to withhold the identities of and personal information of government employees involved in law enforcement activities. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>	<p>(b)(7)(C)</p>	<p>Partial</p>	<p>FBI Criminal Information Services Division document</p>	<p>223</p>
<p>Exemption (b)(7)(E) was applied to withhold the identification/use of sensitive law enforcement background checks, as well as the results of the search and instructional information on using the system. This information reveals the types of background checks conducted in certain cases and reveals information about what actions the agency takes when different results come up. This is part of specific guidelines and procedures involved in the enforcement of certain immigration</p>	<p>(b)(6) (b)(7)(E)</p>	<p>Withheld in Full</p>	<p>Results from Sensitive Law Enforcement Database</p>	<p>235-236</p>

<p>and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(C) was used to withhold the identities of and personal information of government employees involved in law enforcement activities. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>				
<p>Exemption (b)(7)(E) was applied to withhold certain information from TECS, a law enforcement database. Information withheld here were instructions to use the database, codes used in the database, and results from queries in the database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk</p>	<p>(b)(7)(E) (b)(7)(C)</p> <p>Exemption (b)(3) had previously been applied to these records. Upon closer examination, USCIS</p>	<p>Partial</p>	<p>Screen shots from TECS, Law Enforcement Database</p>	<p>244,260,268,278,283, 296</p>

			<p>withdraws that exemption.</p>	<p>the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(C) was applied to withhold identifying information pertaining to the names and other identifying information of government employees involved in conducting law enforcement activities in this law enforcement file. The release of this information would identify the individuals involved and could reasonably be expected to subject them to harassment or threats to their safety.</p>
<p>245, 265,266, 270, 280, 281, 285, 286,287, 297</p>	<p>Screen shots from TECS, Law Enforcement Database</p>	<p>Partial</p>	<p>(b)(7)(E) (b)(7)(C)</p>	<p>Exemption (b)(7)(E) was applied to withhold instructions for using TECS, a law enforcement database. Information withheld here were instructions to use the database, codes used in the database, and results from queries in the database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(C) was applied to withhold identifying information</p>

<p>pertaining to the names and other identifying information of government employees involved in conducting law enforcement activities in this law enforcement file. The release of this information would identify the individuals involved and could reasonably be expected to subject them to harassment or threats to their safety.</p>				
<p>Exemption (b)(7)(E) was applied to withhold instructions for using TECS, a law enforcement database. Information withheld was instructions to use the database, codes used in the database, and results from queries of the database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>	<p>(b)(7)(E)</p>	<p>Partial</p>	<p>Screenshots from TECS, Law Enforcement Database</p>	<p>246,247,248,249,250,251, 252,253,254</p>
<p>Exemption (b)(7)(C) was applied to withhold identifying information pertaining to the names and other identifying information of government employees involved in conducting law enforcement</p>	<p>(b)(7)(C)</p>	<p>Partial</p>	<p>Warrant for Arrest</p>	<p>259</p>

<p>activities in this law enforcement file. The release of this information would identify the individuals involved and could reasonably be expected to subject them to harassment or threats to their safety.</p>				
<p>Exemption (b)(7)(E) was applied to withhold the results of sensitive law enforcement background checks in particular situations. This is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>	<p>(b)(7)(E) (b)(7)(C)</p>	<p>Partial</p>	<p>Record of IBIS Query (ROIQ)</p>	<p>264</p>
<p>Exemption (b)(7)(C) was applied to withhold identifying information pertaining to the names and other identifying information of government employees involved in conducting law enforcement activities in this law enforcement file. The release of this information would identify the individuals</p>				

<p>272</p>	<p>FBI Name Check Response</p>	<p>Partial</p>	<p>(b)(7)(E)</p>	<p>involved and could reasonably be expected to subject them to harassment or threats to their safety. Exemption (b)(7)(E) was applied to withhold the results of the search and instructional information on using this sensitive law enforcement database used for background checks. This is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>
<p>273</p>	<p>FD528 Tracking System</p>	<p>Partial</p>	<p>(b)(7)(E)</p>	<p>Exemption (b)(7)(E) was applied to withhold the results of the search and instructional information on using this sensitive law enforcement database used for background checks. This is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure</p>

<p>of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>			<p>USCIS Cover Sheet re: Certain Background Checks.</p>	<p>275</p>
<p>Exemption (b)(7)(E) was applied to withhold the directions about the use of a sensitive law enforcement database used to perform background checks. This information reveals information about what is contained in the data base and how to interpret the data. This is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines and procedures useless.</p>	<p>(b)(7)(E)</p>	<p>Withheld in Full</p>	<p>Memo re: Results of Certain Background Checks</p>	<p>276</p>
<p>Exemption (b)(7)(E) was applied to withhold the identification/use of</p>	<p>(b)(7)(E) (b)(7)(C)</p>	<p>Withheld in Full</p>		



				<p>sensitive law enforcement background checks in particular situations. This information reveals the types of background checks conducted in certain cases, which is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless. Exemption (b)(7)(C) was used to withhold the identities of and personal information of government employees involved in law enforcement activities. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>
282	Screenshot from results of query of sensitive law enforcement database	Withhold in Full	(b)(7)(E) (b)(7)(C)	<p>Exemption (b)(7)(E) was applied to withhold the identification/use of sensitive law enforcement background checks in particular situations. This information reveals the types of background checks</p>

				<p>conducted in certain cases, which is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(C) was used to withhold the identities of and personal information of government employees involved in law enforcement activities. Disclosure could result in harassment, interference in performance of duties, and possible targeting by hate groups.</p>
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**Palma-Rodriguez Lorenzo**  
**NRC2020117509**

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<b>PDF Number (number located in PDF)</b>	<b>Description of Document</b>	<b>Withholding full/partial</b>	<b>Exemption(s) Applied<sup>1</sup></b>	<b>Description of Withheld Information and Explanation(s) for Withholding</b>
49,60, 120	Documents from Immigration Court re: Removal Proceedings-Houston Texas	Partial	(b)(7)(C) (b)(6)	USCIS applied Exemption (b)(7)(C) to withhold names and identifiers of government employees or contractors performing law enforcement functions. Release could constitute an unwarranted invasion of privacy and interfere with their job. It could also subject the individuals to harassment or harm. Exemption (b)(6) was used to withhold the identities of and personal information concerning third parties. No third-party individuals have provided consent for disclosure in this law enforcement file. This information has not been publicly disclosed by the government and disclosure would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by

<sup>1</sup> These records were processed under the Privacy Act and the FOIA. Therefore, exemptions under both statutes are noted on the documents. Because this action was only brought under the FOIA, only the FOIA exemptions are addressed.

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<p>any public interest in the information.</p>			<p>Form I-213-Record of Deportable/Inadmissible Alien</p>	<p>76,77,78,135,136,137, 447,448,449,634,635, 636</p>
<p>Exemption (b)(7)(E) was applied to withhold the identification/use of sensitive law enforcement checks and their results in particular situations. It was also used to withhold law enforcement tracking numbers, event numbers, and cause numbers. This information reveals the types of background checks conducted in certain cases and their results, which are part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The event and cause numbers track law enforcement files and if released could be used to find confidential information. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>	<p>(b)(7)(E) (b)(7)(c) (b)(6)</p>	<p>Partial</p>		
<p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold identifying information pertaining to the names</p>				

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<p>of government employees involved in conducting background checks which were compiled for law enforcement purposes. The release of this information would identify the individuals involved in the agency's background check process and could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>				<p>83, 85, 104, 113, 115, 152</p>
<p>Exemption (b)(7)(E) was applied to withhold instructions for using TECS, a law enforcement database. Federal law enforcement officials and USCIS immigration officers query the TECS database when adjudicating immigration applications and petitions submitted to USCIS. Use of TECS and its storehouse of law enforcement information is a law enforcement technique and procedure utilized in law enforcement investigations, which are conducted routinely during immigration adjudications and related immigration proceedings. The disclosure of this information would reveal guidelines and procedures for the enforcement of</p>	<p>(b)(7)(E)</p>	<p>Partial</p>	<p>Screen shots from Law Enforcement Database, TECS</p>	

<p>certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>				
<p>Exemption (b)(7)(E) was applied to withhold instructions for using TECS, for the reasons cited directly above. Exemption (b)(6) and (b)(7)(C) was applied to withhold identifying information pertaining to the names of government employees involved in conducting background checks, which were compiled for law enforcement purposes. The release of this information would identify the individuals involved in the agency's background check process and could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>	<p>(b)(7)(C) (b)(6) (b)(7)(E)</p>	<p>Partial</p>	<p>Screen shots from Law Enforcement Database, TECS</p>	<p>84,103,114</p>
<p>Exemption (b)(6) and (b)(7)(C) was applied to withhold identifying information pertaining to the names of government employees involved in conducting law enforcement</p>	<p>(b)(7)(C) (b)(6) (b)(7)(E)</p>	<p>Partial</p>	<p>Consolidated Report Form</p>	<p>150</p>

				<p>activities in this law enforcement file. The release of this information would identify the individuals involved and could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p> <p>Exemption (b)(7)(E) was applied to withhold the Texas Dept. of Criminal Justice identification number. Knowledge of this confidential number could make the files more accessible to individuals seeking to alter the records and therefore would impair maintaining accurate records. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>
151	Deportation Case Check Sheet	Partial	(b)(6) (b)(7)(c) (b)(7)(e)	Exemption (b)(6) and (b)(7)(C) was applied to withhold identifying information pertaining to the names of government employees involved in conducting law enforcement

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<p>activities in this law enforcement file. The release of this information would identify the individuals involved and could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p> <p>Exemption (b)(7)(E) was applied to withhold the Texas Dept. of Criminal Justice identification number. Knowledge of this confidential number could impair maintaining accurate records. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>				<p>153</p>
<p>USCIS applied Exemptions (b)(7)(C) and (b)(6) to withhold the name of an ICE agent performing a law enforcement investigation in this law enforcement file. The release of this information would identify the agent and could reasonably be expected to subject him/her to harassment or threats to</p>	<p>(b)(7)(C) (b)(6)</p>	<p>Partial</p>	<p>ICE Document-Handwritten Cover Sheet</p>	



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			<p>Screen shots from Law Enforcement Database, TECS</p>	<p>Partial</p>	<p>(b)(7)(E)</p>	<p>his/her safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>
<p>154-159,160-169, 170,171, 639</p>					<p>(b)(7)(E)</p>	<p>Exemption (b)(7)(E) was applied to withhold instructions for using TECS and codes used within TECS, a law enforcement database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>
<p>174</p>			<p>ICE Memorandum to File, Subject: Status Verification, Date: October 1, 2014</p>	<p>Partial</p>	<p>(b)(7)(C) (b)(6) (b)(7)(E)</p>	<p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold the names of third parties in this law enforcement file. The release would constitute an unwarranted invasion of their personal privacy.  Exemption (b)(7)(E) was applied to withhold the identification/use of sensitive law enforcement background checks in particular situations. This information reveals the types of background checks conducted in certain cases, which is part of specific guidelines and procedures involved in the</p>

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<p>184,185,186,202,203, 223,605,606,607,608,609, 622,650,651,652,653</p>	<p>Results from Law Enforcement Database, Central Index System- Detailed Search Display</p>	<p>Partial</p>	<p>(b)(7)(E)</p>	<p>enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>
<p>Exemption (b)(7)(E) was applied to withhold instructions to use the Central Index System, a sensitive law enforcement background database. Disclosure of this information could allow individuals to alter data in the system and compromise the integrity of the data. This is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information could reasonably be expected to risk circumvention of law and render the relevant guidelines useless.</p>				

187-188	ICE Document-Notice to Appear, Bond, and Processing Sheet	Partial	(b)(7)(E) (b)(7)(C) (b)(6)	<p>Exemption (b)(7)(E) was applied to withhold the event numbers used to track law enforcement events. If released, the information could be used to find confidential information. This information reveals tracking data, which is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold the names of ICE agents involved in law enforcement activities. The release of this information could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>
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204	Texas Department of Criminal Justice-Database	Partial	(b)(7)(C) (b)(6)	Exemptions (b)(6) and (b)(7)(C) were applied to withhold the names of employees involved in law enforcement activities. The release of this information could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.
222	Immigration & Naturalization Service-Immigration Detainer/ Notice of Action	Partial	(b)(7)(C) (b)(6) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold the name of employees involved in law enforcement activities. The release of this information could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p> <p>Exemption (b)(7)(E) was applied to withhold the Texas Dept. of Criminal Justice identification number. Knowledge of this confidential number could impair maintaining accurate records. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could</p>

<p>reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>				
<p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold the name of employees involved in law enforcement activities. The release of this information could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>	<p>(b)(7)(C) (b)(6) (b)(7)(E)</p>	<p>Partial</p>	<p>Case Summary from EARMS, Law Enforcement Database</p>	<p>518-519 631,632</p>
<p>Exemption (b)(7)(E) was applied to withhold the URL addresses from this sensitive law enforcement database. Release of this information could allow access by unauthorized users. It was also applied to withhold identifying case numbers used by law enforcement. These are part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national</p>				

<p>security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>				<p>594 - 604</p>
<p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold the name of employees involved in law enforcement activities. The release of this information could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>	<p>(b)(7)(C) (b)(6) (b)(7)(E)</p>	<p>Partial</p>	<p>Screen shots from Law Enforcement Database</p>	
<p>Exemption (b)(7)(E) was applied to withhold the URL addresses from this sensitive law enforcement database. Release of this information could allow access by unauthorized users. It was also applied to withhold identifying case numbers used by law enforcement. These are part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national</p>				

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				<p>security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>
530	(b)(6), (b)(7)(C)	Partial	Documents from Immigration Court re: Removal Proceedings-Houston Texas	<p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold personal information pertaining to government employees involved in the subject of record's detention. Release of the information could subject the employees to harassment or possible threats to their safety. It would reasonably be expected to constitute an unwarranted invasion of their personal privacy.</p>
532,533,537,539	(b)(7)(e) was inadvertently stamped on the document, it was intended as (b)(6), (b)(7)(C)	Partial	Pleadings in EOIR hearing Houston Texas	<p>USCIS applied Exemptions (b)(6) and (b)(7)(C) to withhold names of third parties in these law enforcement records. Release could constitute an unwarranted invasion of privacy. Exemption (b)(6) was used to withhold personal information concerning the identities of and personal information concerning third parties. No third-party individuals have provided consent</p>

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<p>for disclosure in this law enforcement file. This information has not been publicly disclosed by the government and disclosure would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by any public interest in the information.</p>				<p>587,591,593</p>	<p>Record of Inquiry-TECS(ROIT)</p>	<p>Exemption (b)(7)(E) was applied to withhold the results of queries into a sensitive law enforcement database. This is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(C) was applied to withhold identifying information pertaining to the government employees involved in database checks, which were compiled for law enforcement purposes in this law enforcement file. The release of</p>
<p>(b)(7)(C) (b)(7)(E)</p>	<p>Partial</p>					



<p>this information would identify the individuals involved in the process and could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>				<p>594 – 604</p>
<p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold the names of employees involved in law enforcement activities. The release of this information could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>	<p>(b)(7)(C) (b)(6) (b)(7)(E)</p>	<p>Partial</p>	<p>Screen shots from Law Enforcement Database</p>	
<p>Exemption (b)(7)(E) was applied to withhold the url addresses from this sensitive law enforcement database. Release of this information could allow access by unauthorized users. It was also applied to withhold identifying case numbers used by law enforcement. These are part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for</p>				

<p>597, 598, 599</p>	<p>Law Enforcement Database- Case Summary</p>	<p>Partial</p>	<p>(b)(7)(E) (b)(7)(C) (b)(6) (b)(5)</p>	<p>the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemptions (b)(6) and (b)(7)(C) were applied to withhold identifying information pertaining to the names of USCIS employees involved in law enforcement activities, including representing the agency in law enforcement proceedings and people conducting database checks. The release of this information would identify the individuals involved in the agency's law enforcement process and could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p> <p>Exemption (b)(7)(E) was applied to withhold the identification of url addresses of a sensitive law database. Release of this information could allow access by unauthorized users.</p>
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<p>Exemption (b)(5) was used for information protected by the attorney/client privilege, attorney work product, and deliberative process privilege. The ICE attorney was providing legal advice to assist the client in determining and deciding issue of citizenship and reveals reasoning of litigation strategy.</p>				
<p>Exemption (b)(6) and (b)(7)(C) was applied to withhold the names of employees involved in law enforcement activities. The release of this information could reasonably be expected to subject them to harassment or threats to their safety. Therefore, release would constitute an unwarranted invasion of their personal privacy.</p>	<p>(b)(7)(C) (b)(6) (b)(7)(E)</p>	<p>Partial</p>	<p>Case Summary from EADM, Law Enforcement Database</p>	<p>611-612</p>
<p>Exemption (b)(7)(E) was applied to withhold the url addresses from this sensitive law enforcement database. Release of this information could allow access by unauthorized users. It was also applied to withhold identifying case numbers used by law enforcement. These are part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The</p>				

<p>613,614,615,616,638, 647,648</p>	<p>Screen shots from TECS, Law Enforcement Database</p>	<p>Partial</p>	<p>(b)(7)(E) (b)(7)(C)</p>	<p>disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>
<p>Exemption (b)(7)(E) was applied to withhold instructions for using TECS, a law enforcement database and codes to assist in using the database. The disclosure of this information would assist unauthorized users into getting into and using a secure database. Individuals could alter or delete data in the system. Therefore, release would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(C) was applied to withhold identifying information pertaining to the identities of government employees involved in law enforcement activities. The release of this information could</p>				

<p>reasonably be expected to subject them to harassment or threats to their safety. Release would constitute an unwarranted invasion of their personal privacy.</p>				
<p>USCIS applied Exemptions (b)(7)(C) and (b)(6) to withhold names and identifiers of government employees or contractors performing a law enforcement investigation. Release of this information could constitute an unwarranted invasion of privacy and subject individuals to harassment or threats to safety. Disclosure would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by any public interest in the information.</p>	<p>(b)(7)(C) (b)(6)</p>	<p>Partial</p>	<p>ICE Document-HOU Worksheet</p>	<p>617</p>
<p>Exemption (b)(7)(E) was applied to withhold the identification, use, and results of sensitive law enforcement background checks. This information reveals the types of background checks conducted in certain cases and reveals information about what actions the agency takes when different results come up. This is part of specific guidelines and procedures involved</p>	<p>(b)(7)(E)</p>	<p>Partial</p>	<p>ICE Document-Background Check Registry</p>	<p>620</p>

621	FD258 Tracking System Print out	Partial	(b)(7)(E)	<p>in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p> <p>Exemption (b)(7)(E) was applied to withhold instructions in using this sensitive law enforcement database. Disclosure of this information could allow individuals to alter data in the system and compromise the integrity of the data. This is part of specific guidelines and procedures involved in the enforcement of certain immigration and national security laws and directives. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless.</p>
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630	ICE Document-ICE ERO Deferred Action for Childhood Arrivals Checklist	Partial	(b)(6) (b)(7)(C)	USCIS applied Exemptions (b)(6) and (b)(7)(C) to withhold names of ICE officers performing law enforcement activities. The release of this information could reasonably be expected to subject them to harassment or threats to their safety. Disclosure would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by any public interest in the information.
640, 644	Screen shots from Law Enforcement Database, TECS	Partial	(b)(7)(E) (b)(7)(C)	Exemption (b)(7)(E) was applied to withhold codes used within TECS, a law enforcement database. The disclosure of this information would reveal guidelines and procedures for the enforcement of certain immigration and national security laws and directives and could reasonably be expected to risk the circumvention of law and render the relevant guidelines useless. Exemption (b)(7)(C) was applied to withhold identifying information pertaining to the names of employees involved in conducting background checks which were compiled for law enforcement purposes. The release of this

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<p>information would identify the individuals involved in the agency's background check process and could reasonably be expected to subject them to harassment or threats to their safety.</p>				
<p>Exemption (b)(6) and (b)(7)(C) were applied to withhold identifying information of ICE employees involved in law enforcement activities, including the detention of the subject of record. The release of this information would identify the individuals involved in the agency's background check process and could reasonably be expected to subject them to harassment or threats to their safety. Disclosure would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by any public interest in the information.</p>	<p>(b)(7)(C) (b)(6)</p>	<p>Partial</p>	<p>E-mail exchange, Subject: Indictment &amp; Judgment, Dated: July 10, 2015</p>	<p>649</p>
<p>Exemption (b)(7)(C) was applied to withhold identifying information of FBI employees involved in law enforcement activities. The release of this information would identify the individuals involved in the agency's</p>	<p>(b)(7)(C)</p>	<p>Partial</p>	<p>FBI Document- Form FD-249- Arrest and Institution Fingerprint Form</p>	<p>686</p>



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				background check process and could reasonably be expected to subject them to harassment or threats to their safety.
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# Exhibit D

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 1:21-cv-02232
	)	
U.S. IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT, et al.	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF SHELLEY M. O’HARA IN SUPPORT OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW’S MOTION FOR SUMMARY JUDGMENT**

**I. INTRODUCTION**

I, Shelley M. O’Hara, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an Attorney Advisor with the Office of the General Counsel (“OGC”) in the FOIA Program at the Department of Justice’s (“DOJ”), Executive Office for Immigration Review (“EOIR”). I have held this position since 2018. Prior to this position, I was the Acting Supervisory Attorney Advisor for EOIR’s FOIA Program from August 2020 through June 2021, a General Attorney with the Office of the General Counsel in the FOIA Program at the Federal Trade Commission from 2015 through 2018 and a FOIA Officer-in-Charge with the Department of Defense from 2014 through 2015

2. The EOIR FOIA Unit is responsible for executing EOIR’s FOIA Program pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Privacy Act (“PA”), 5 U.S.C. § 552a. The EOIR FOIA Unit is comprised of a FOIA Service Center and

a separate group of FOIA Attorney Advisors with support staff.

3. As an Attorney Advisor in EOIR's FOIA Program, my official duties and responsibilities include providing litigation support defending the agency in FOIA litigation matters, processing complex FOIA requests, creating and implementing policy and procedures for the EOIR FOIA Program, and conducting FOIA training for EOIR personnel. In connection with my official duties, I am familiar with EOIR's procedures for responding to requests for information pursuant to provisions of the FOIA and the Privacy Act. In that respect, I am familiar with the FOIA request made by Plaintiff dated July 3, 2020 and assigned FOIA control number FOIA 2020-60006 ("FOIA Request"). The statements contained in this declaration are based upon my personal knowledge, my review of records kept by EOIR in the ordinary course of business, and information provided to me by other EOIR employees in the course of my official duties.

## **II. DESCRIPTION OF EOIR'S FOIA PROGRAM**

4. EOIR's FOIA Program operates as a bifurcated system based on whether a FOIA request is designated as "Simple" (or Track 2) or "Complex" (or Track 3), under a multi-tracking system. FOIA intake is managed by a FOIA Service Center and is comprised of government information professionals and contractors. The FOIA Service Center processes all Simple requests. One supervisory attorney advisor, two attorney advisors, including me, one judicial law clerk, and one part-time specialized contractor within OGC manage and process substantially all Complex requests. Simple requests are generally first- or third-party requests seeking a Respondent's Record of Proceeding ("ROP") generated by an immigration proceeding, including Immigration Judge decisions and orders and Board of Immigration Appeals decisions, related to a particular Respondent. Complex requests are generally requests seeking agency records other than ROPs and generally require collection of records from one or more program offices

(including field offices), involve a search for numerous records necessitating a wide-ranging search, and/or involve processing of voluminous records. In accordance with standard FOIA processing practice, FOIA requests are processed in the order received absent a grant of “Expedited” (Track 1) processing, generally referred to as a “First-in, First-out” system.

5. A FOIA request may be submitted through an on-line portal or other submission means. The FOIA request is received or logged in by FOIA intake personnel into an electronic database and a control number is automatically assigned. FOIA intake personnel briefly review the FOIA request to make an immediate determination on whether the request seeks a ROP, in which case it is designated as Simple (Track 2), or other agency records, in which case it is designated as Complex (Track 3).<sup>1</sup> The requester then receives an acknowledgment letter if submitted through an on-line portal, or, alternatively FOIA intake personnel send an acknowledgment letter or a combined acknowledgement/response letter to the requester. The acknowledgement letter includes the control number and other information related to fees, multi-tracking, approximate time to process, and resources to assist the requester. The processing of Simple requests remains within the FOIA Service Center for the life of the request until closed. All Complex requests are forwarded to the supervisory attorney advisor overseeing the FOIA Program for managing, processing, and/or delegating, and such Complex requests remain within OGC for the life of the request until closed.

6. For Complex requests, the first step is to identify which program offices, based on experience and knowledge of EOIR’s program offices, within EOIR are reasonably likely to possess records responsive to that request (assuming any exist) and to initiate searches within those program offices. Once the appropriate program office(s) is/are identified for a

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<sup>1</sup> Requests for expedited processing are sent to the Complex request attorneys for a legal determination on whether the requester is entitled to expedited processing.

given request, FOIA points of contact (“FOIA POCs”) within each of those program offices are provided with a copy of the FOIA request and/or a detailed description of the request. The FOIA POC(s) then review(s) the FOIA request along with any case-specific instructions that may have been provided, and based on their experience and knowledge of their program office practices and activities, forward(s) the request and instructions to the individual employee(s) or component office(s) within the program office that they believe are reasonably likely to have responsive records, if any.

7. EOIR’s organizational chart illustrates that the agency is organized as follows: the Office of the Director (“OOD”) and seven components thereunder, specifically, the Board of Immigration Appeals (“BIA” or “Board”), the Office of the Chief Administrative Hearing Officer (“OCAHO”), the Office of the Chief Immigration Judge (“OCIJ”), the Office of the General Counsel (“OGC”), the Office of Administration (“OA”), the Office of Information Technology (“OIT”), and the Office of Policy (“OP”). *See* <https://www.justice.gov/eoir/eoir-organization-chart/chart>. Several sub-components fall under OOD, including, the Planning, Analysis, and Statistics Division (“PASD”), the Office of Legal Access Programs (“OLAP”), and the Office of Equal Employment Opportunity (“EEO”). *See* <https://www.justice.gov/eoir/office-of-the-director>.

8. In accordance with the EOIR FOIA Unit’s instructions, the individuals and component offices are directed to conduct searches of their file systems, which in their judgment, based on their knowledge of the manner in which they routinely keep records, would be the file systems likely to contain responsive documents, if any. Once those searches are completed, the individuals and component offices provide any potentially responsive records to their program office’s POC, who in turn provides the records to one of four Attorney Advisors (including me) who manage, process, and/or delegate tasking of Complex

(Track 3) requests.

### III. DESCRIPTION OF EOIR's IMMIGRATION COURTS

9. The Office of the Chief Immigration Judge oversees the administration of the immigration courts nationwide and exercises administrative supervision over Immigration Judges. Immigration Judges are responsible for conducting immigration court proceedings and act independently in deciding matters before them. Immigration Judges are tasked with resolving removal proceedings in a manner that is timely, impartial, and consistent with the Immigration and Nationality Act, federal regulations, and precedent decisions of the Board of Immigration Appeals and federal appellate courts. See <https://www.justice.gov/eoir/eoir-policy-manual/ii/1/2> (Immigration Court Practice Manual, Ch.1.2(a) *The Immigration Court - Role*).

10. Removal proceedings of an individual discovered to be in the United States unlawfully (“Respondent”) begin when the Department of Homeland Security (“DHS”) files a Notice to Appear (Form I-862) (“NTA”) with an immigration court after it is served on the Respondent. See 8 C.F.R. §§ 1003.13, 1003.14. The Department of Homeland Security is a different agency than that of the Department of Justice, Executive Office for Immigration Review (“DOJ/EOIR”). See <https://www.justice.gov/eoir/eoir-policy-manual/ii/1/2> (Immigration Court Practice Manual, Ch.1.2(d) *The Immigration Court – Relationship to the Department of Homeland Security*).

11. Once a Respondent is served with an NTA by DHS and the NTA is filed in an immigration court, EOIR gains jurisdiction of the Respondent’s removal proceeding and the Respondent is entitled to a hearing before an Immigration Judge. See <https://www.justice.gov/eoir/eoir-policy-manual/ii/1/4> (Immigration Court Practice Manual, Ch.1.4 *The Immigration Court – Jurisdiction and Authority*; 8 C.F.R. §§ 1240.1(a), 1240.31,

1240.41; *see generally* <https://www.justice.gov/eoir/eoir-policy-manual/chapter-4>

(Immigration Court Practice Manual, Ch.4 *Hearings Before the Immigration Judges*).

Hearings may be conducted in-person or by video or teleconference. *See*

<https://www.justice.gov/eoir/eoir-policy-manual/chapter-4/6> (Immigration Court Practice

Manual, Ch.4.6 *Hearings Before the Immigration Judges – Forms of Proceedings*). Once the

hearing is conducted, the Immigration Judge will issue a decision or order in the Respondent’s

case **adjourning** or **terminating** the immigration proceeding at that time. The Immigration

Judge decision or order may be appealed to a different adjudicatory body, specifically,

EOIR’s Board of Immigration Appeals.<sup>2</sup>

12. There are more than 500 Immigration Judges in more than 60 immigration courts geographically located throughout the United States and its territories. *See*

<https://www.justice.gov/eoir/eoir-policy-manual/ii/1/5>, (Immigration Court Practice Manual,

Ch.1.5(a) (2) *Public Access – Hearing Locations*). As of the date of this Declaration, there are

70 courts comprised of 67 immigration courts and 3 immigration adjudication centers. Three

additional immigration courts are scheduled to open in 2022. *See*

<https://www.justice.gov/eoir/eoir-immigration-court-listing>.

#### IV. DESCRIPTION OF EOIR’S BOARD OF IMMIGRATION APPEALS

13. The Board of Immigration Appeals is the highest administrative body for

interpreting and applying immigration laws. The Board is responsible for applying the

immigration and nationality laws uniformly throughout the United States. Accordingly, the

Board has been given nationwide jurisdiction to review the orders of Immigration Judges and

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<sup>2</sup> The exception for appeals filed with the BIA is certain motions to reopen or motions to reconsider, which are filed with the Immigration Court following a decision terminating proceedings. *See* <https://www.justice.gov/eoir/eoir-policy-manual/6/1> (Immigration Court Practice Manual, Ch.6.1 *Appeals of Immigration Judge Decisions – Appeals Generally*).



certain decisions made by the Department of Homeland Security, and to provide guidance to the Immigration Judges, DHS, and others, through published decisions. The Board is tasked with resolving the questions before it in a manner that is timely, impartial, and consistent with the Immigration and Nationality Act and regulations, and to provide clear and uniform guidance to Immigrations Judges, DHS, and the general public on the proper interpretation and administration of the Immigration and Nationality Act and its implementing regulations. 8 C.F.R. § 1003.1(d)(1); *see* <https://www.justice.gov/eoir/eoir-policy-manual/iii/1/2>, Ch.1.2 (BIA Practice Manual – *Function of the Board*).

14. Unlike hearings conducted in immigration courts by Immigration Judges, appeals to the BIA are generally adjudicated on the record. The BIA applies the “clearly erroneous” standard of review for questions of fact on appeal. 8 C.F.R. § 1003.1(d)(3)(i); <https://www.justice.gov/eoir/eoir-policy-manual/iii/1/>, Ch.1.4(c) (BIA Practice Manual – *Jurisdiction and Authority*). The BIA applies the “de novo” standard of review on questions of law and for all DHS officer decisions on appeal. 8 C.F.R. § 1003.1(d)(3)(ii)-(iii). Oral argument is held at the discretion of the Board and is rarely granted. When an appeal has been taken, oral argument, if desired, must be requested on the Notice of Appeal. 8 C.F.R. § 1003.1(e)(7); *see* <https://www.justice.gov/eoir/eoir-policy-manual/iii/8/2>, Ch.8.2(a) (BIA Practice Manual – *Selection of Cases*). The Board generally does not seek oral argument from parties who do not request it. *Id.*

## **V. DESCRIPTION OF CERTAIN OF EOIR’S RECORD REPOSITORIES**

15. Case Access System for EOIR (CASE) is an electronic case manager for the Immigration Judges, the Board of Immigration Appeals, and staff to support case management. CASE is designed to manage all aspects of a Respondent’s case, including: dispositions, Respondent information, attorney representation, as well as a history of rulings

on a case. The CASE user-interface displays nine (9) different tabs – (1) Respondent Info; (2) Case Info; (3) Schedule; (4) Reps; (5) Appeal; (6) Actions; (7) Disposition; (8) Comments; and (9) Competence. Tabs (1)-(7) contain “standard, non-text” fields for data entry. Tab (8) Comments is a limited character section used by staff to annotate administrative case flow, for example, the physical location of an ROP. Tab (9) Competence permits a single option to open a free-form competency worksheet. A true and correct copy of a CASE screenshot is attached as Exhibit A to the Declaration of Shelley M. O’Hara (“O’Hara Decl.”).

16. When a user enters information related to a Respondent’s case, most fields contained within Tabs (1)-(7) are populated by making a selection from a pre-populated drop-down list. As a representative example, the nationality of a Respondent may be selected by the CASE user by selecting “Aruba” or “Antigua or Barbuda” or “Afghanistan” from a dropdown list. In the background of CASE, the nationality selected correlates to a code, e.g., the code “AB” corresponds to Aruba, “AC” corresponds to Antigua or Barbuda, and “AF” corresponds to Afghanistan. The codes and their corresponding meanings are stored in “Look-up Tables” that can be used to interpret data extractions from CASE.

17. Some sub-fields within CASE allow CASE users to enter free form notes, which may be considered “system notes.” However, CASE is not configured to house “memoranda, [or] e-mail associated with the system data” for any Respondent’s immigration proceeding. A true and correct copy of a CASE screenshot with a “notes” section related to a Bond Decision is attached as Exhibit B to this Declaration.

18. PASD can extract certain information related to a Respondent’s immigration proceeding from CASE to create reports, but only to the extent that the information in the report is tracked. For example, while information on whether a Respondent’s custody status is “detained” or “never detained” or “released” is tracked in CASE in a field called “Custody”,

the actual “detention location” of a Respondent undergoing an immigration proceeding in one of EOIR’s immigration courts is not similarly tracked in CASE in a designated field except to the extent that the CASE user, at his or her discretion, may input an address for the Respondent in (2) Case Info, Contact Information. A true and correct copy of a “detained” Respondent’s immigration proceeding information in CASE displaying an empty field for Contact Information is attached as Exhibit C to this Declaration.

19. A Respondent’s immigration proceeding is tracked in CASE by a so-called “alien” registration number unique to the Respondent, commonly referred to as an “A Number” and analogous to a social security number. CASE users frequently enter an A Number to access information for a Respondent’s immigration proceeding in the employee or contractor’s official capacity to conduct official agency business. However, EOIR’s official policy is that A Numbers, names of Respondents, contact information for Respondents, and certain other information uniquely associated with a Respondent constitute personally identifiable information (“PII”) and would ordinarily not be disclosed in a public record request.

20. When PASD extracts certain available information from CASE in response to a public record request, the A Number, proceeding number, scheduling number, and other identifiers must be anonymized to protect the identity of the Respondent. This information is replaced with uniquely generated “IDN” numbers, i.e., IDNcase, IDNproceeding, IDNschedule, etc. Because information for each Respondent’s immigration proceeding lies within multiple tables underlying CASE, the IDN information can be used by a public record requester to match information to gain a more complete picture of a Respondent’s immigration proceeding without disclosing PII.

## **VI. PROCESSING OF PLAINTIFF’S FOIA 2020-60006**

21. I have reviewed in its entirety Plaintiff's FOIA Request dated July 3, 2020,

which seeks:

- All system records pertaining to immigration proceedings with adjournments referencing claims of U.S. citizenship, i.e., code 54, "Alien claim to U.S. Citizenship", or "Alien contesting charges citizenship." Please include all system record fields for each case so identified, including but not limited to hearing dates, detention location, custody changes, bond, administrative closings, etc., as well as all system notes, memoranda, and e-mail associated with the system data on these cases [and] the case status at the time the report is run, that is, whether the individual's case status is "terminated," "closed," "voluntary departure," "removed," or "appealed," or some other status, as well as the custody status ("Paragraph 1")
- All system records pertaining to all cases terminated at any hearing, i.e., a first merit hearing or after a remand. Please include all system record fields for each case so identified, including but not limited to hearing dates, detention location, custody changes, bond, administrative closings, etc., as well as all system notes, memoranda, and e-mail associated with the system data on these cases ("Paragraph 2").

from January 1, 2011 to the present." A true and correct copy of the July 3, 2020 FOIA Request is attached as Exhibit D to this Declaration.

22. On July 6, 2020, Plaintiff's request was logged into the FOIA tracking database and assigned Control No. FOIA 2020-60006 and was designated as Complex (Track 3).

Because the FOIA Request requested CASE data, I sent a request for information to the POC of PASD, the record custodian most likely to have responsive records.

23. On September 8, 2020, PASD provided information responsive to the FOIA Request to me. PASD explained that two sets of data were extracted from CASE, to the extent the information requested is tracked, responsive to the FOIA Request. PASD explained that the first set of data (Paragraph 1) was data responsive to Plaintiff's request for data for immigration proceedings adjourned at the immigration court due to a Respondent's claim to U.S. citizenship and coded in CASE as "Code 54" from January 1, 2011, the date specified by

the Plaintiff, to August 28, 2021, the date PASD conducted the search. PASD further explained that the second set of data (Paragraph 2) was data responsive to Plaintiff's request for data for immigration proceedings terminated at any hearing and coded in CASE as "T" from January 1, 2011, the date specified by the Plaintiff, to August 28, 2021, the date PASD conducted the search.

24. The first set of data (Paragraph 1) consisted of four "comma separated value" files (".csv"), including: (1) tbl 60000 – Hearing Records for Cit[izenship] Adjournments; (2) tbl 60100 – Proceeding Records for Cit[izenship] Adjournments; (3) tbl 60200 – Custody History Records for Cit[izenship] Adjournments; and (4) tbl 60300 – Bond Records for Cit[izenship] Adjournments. The universe of Respondents whose immigration proceedings adjourned at the immigration court due to a Respondent's claim to U.S. citizenship and coded in CASE as "Code 54" at some point during their immigration proceeding is reflected in tbl 60000 – Hearing Records for Cit[izenship] Adjournments (from January 1, 2011 through August 28, 2020). The "hearing date" is reflected in tbl 60000 – Hearing Records for Cit[izenship] Adjournments Column A ADJ\_DATE. The "custody change", if any, is reflected in tbl 60200 – Custody History Records for Cit[izenship] Adjournments Column C CUSTODY. "Bond" information is reflected throughout tbl 60300 – Bond Records for Cit[izenship] Adjournments. "Administrative closings", if any, are reflected in tbl 60100 – Proceeding Records for Cit[izenship] Adjournments Column H OTHER\_COMP. "Detention location" was not extracted for the reasons described in paragraphs 18-19, *supra*. "System notes" were only available/extractable for those Respondents who were subject to a bond. Those "system notes" were reflected in tbl 60300 – Bond Records for Cit[izenship] Adjournments Column O STRBONDNOTES. "Etc." was not extracted because it is unclear and ambiguous and therefore, not reasonably described.

25. The second set of data (Paragraph 2) consisted of four “comma separated value” files (“.csv”), including: (1) tbl 70000 – Hearing Records for Terminations; (2) tbl 70100 – Proceeding Records for Terminations; (3) tbl 70200 – Custody History Records for Terminations; and (4) tbl 70300 – Bond Records for Terminations. The universe of Respondents whose immigration proceedings were terminated and coded in CASE as “T” is reflected in tbl 71000 – Proceeding Records for Terminations (from January 1, 2011 through August 28, 2020). The “hearing date” is reflected in tbl 70100 – Proceeding Records for Terminations Column I COMP\_DATE. The “custody change”, if any, is reflected in tbl 70200 – Custody History Records for Terminations Column C CUSTODY. “Bond” information is reflected throughout tbl 70300 – Bond Records for Terminations. “Administrative closings”, if any, are reflected in tbl 70100 – Proceeding Records for Terminations Column H OTHER\_COMP. “Detention location” was not extracted for the reasons described in paragraphs 18-19, *supra*. “System notes” were only available/extractable for those Respondents who were subject to a bond. Those “system notes” were reflected in tbl 70300 – Bond Records for Terminations Column O STRBONDNOTES. “Etc.” was not extracted because it is unclear and ambiguous and therefore, not reasonably described.

26. In addition to the eight (8) .csv files responsive to the FOIA Request described in paragraphs 24-25, EOIR provided nine (9) CASE Look-up Tables which defines the various codes in the data. These Look-up Tables included: (1) tbl 80000 – Lookup Court Decisions; (2) tbl 80100 – Adjournment Code Lookup; (3) tbl 80200 – Hearing Location Lookup; (4) tbl 80300 – Base City Lookup; (5) tbl 80400 – Case Type Lookup; (6) tbl 80500 – Nationality Lookup; (7) tbl 80600 – Language Lookup; (8) tbl 80700 – Custody Lookup; and (9) tbl 80800 – Lookup Bond Decisions. These Lookup Tables enable the viewer to interpret the codes in CASE.

27. In one representative example for Paragraph 1 data, **tbl 60000** shows that a single Respondent, corresponding to IDNCASE 7186037, underwent two immigration proceedings, corresponding to IDNPROCEEDING 6137465 (two rows) and 6154060 (four rows). The CASE data shows that the Respondent made a “**claim to U.S. citizenship**” reflected as “**54**” (**tbl 80100 – Adjourment Code Lookup**) in ADJ\_RSN and entered on 10/29/2013 at 1300 (1:00 pm) for IDNPROCEEDING 6154060. Filtering on that same IDNCASE 7186037 in **tbl 60100**, the CASE data shows that the Respondent’s case was **transferred to another venue** in IDNPROCEEDING 6137465 reflected as “**T**” in OTHER\_COMP<sup>3</sup> (**tbl 80000 – Lookup Court Decisions**) and the Respondent’s **relief was granted with respect to removal** in IDNPROCEEDING 6154060 reflected as “**R**” in DEC\_CODE. Filtering on the same IDNCASE 7186037 in **tbl 60200**, the CASE data shows that the Respondent was **detained** on 4/10/2013 as reflected in DATDETAINED and **released** on 4/29/2013 as reflected in DATRELEASED, i.e., subjected to a “custody change”, reflected as “**R**” (**tbl 80700 – Custody Lookup**) in CUSTODY. Filtering on the same IDNCASE 7186037 in **tbl 60300**, the CASE data shows that the Respondent was subjected to a bond at some point during his/her immigration proceeding reflected by the fact that IDNCASE 7186037 appears in the bond table. A true and correct copy of IDNCASE 7186037 CASE data is attached as Exhibit E to this Declaration.

28. “[T]he case status at the time the report is run, that is, whether the individual’s case status is ‘terminated,’ ‘closed,’ ‘voluntary departure,’ ‘removed,’ . . . or some other status” is reflected in **tbl 60100 – Proceeding Records for Cit[izenship] Adjourments** DEC\_CODE and **by identifying the most recent date**. The codes are explained by

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<sup>3</sup> In this case, there were no “administrative closings” that would otherwise be reflected as Codes A, B, O, Y (**tbl 80000 – Lookup Court Decisions**).

referencing corresponding .csv file Look-up Table tbl 80000 – Lookup Court Decisions. For example, filtering on the same IDNCASE 7186037 in tbl 60100 – Proceeding Records for Cit[izenship] Adjournments, the CASE data shows the “case status at the time the report is run” was that relief was granted as reflected as “**R**” (tbl 80000 – Lookup Court Decisions) for a removal proceeding reflected as “**RMV**” (tbl 80400 – Case Type Lookup) on 6/4/2015, the most recent date. *See* O’Hara Decl., Ex.D.

29. In one representative example for Paragraph 2 data, **tbl 71000** shows that a single Respondent, corresponding to IDNCASE 3253053, underwent three immigration proceedings, corresponding to IDNPROCEEDING 90170 dated 10/3/1995 (one row), IDNPROCEEDING 90169 dated 2/20/1996 (one row), and **terminating** in IDNPROCEEDING 5457689 on 4/21/2011 (one row) reflected as “**T**” in DEC\_CODE (**tbl 80000 – Lookup Court Decisions**). Prior to termination, this same CASE data shows that Respondent’s case was **transferred to another venue** on 10/3/1995 in IDNPROCEEDING 90170 reflected as “**T**” in OTHER\_COMP and **administratively closed** on 2/20/1996 in IDNPROCEEDING 90169 reflected as “**A**” in OTHER\_COMP (**tbl 80000 – Lookup Court Decisions**). Filtering on the same IDNCASE 3253053 in **tbl 70200**, there are no values recorded. Filtering on the same IDNCASE 3253053 in **tbl 70300**, the CASE data shows that the Respondent was subjected to a bond at some point during his/her immigration proceeding reflected by the fact that IDNCASE 3253053 appears in the bond table. A true and correct copy of IDNCASE 3253053 CASE data is attached as Exhibit F to this Declaration.

30. As explained in paragraphs 24-25, *supra*, EOIR searched for and provided to Plaintiff “system notes” to the extent those “system notes” were available. EOIR did not, however, search for or provide “memoranda, and e-mail associated with the system data on these cases” for the reasons described in paragraph 15, *supra*, specifically, “memoranda, and



e-mail associated with the system data on these cases”, to the extent any such “memoranda” or “e-mail” exist, are not stored in CASE.

31. EOIR currently has over 70 immigration courts and/or adjudication centers geographically located throughout the United States and its territories. *See* <https://www.justice.gov/eoir/eoir-immigration-court-listing>. Between January 1, 2011 and August 20, 2020, that number has substantially increased based on the vastly expanding number of immigration cases within EOIR. At each immigration court or adjudication center, between one and 50 court personnel with CASE access may enter information for a particular Respondent at a particular time related to the Respondent’s immigration proceeding. Like all federal agencies, personnel enter or leave federal service over time. To the extent that any “e-mail associated with the system data on these cases” exist, those records would reside in individual email accounts. Therefore, to conduct a search, EOIR would have to identify all CASE users (including contractors) over a period of 10 years who may have entered information in CASE for a particular Respondent’s immigration proceeding. EOIR would not be able to identify this universe of potential record custodians because EOIR does not track this information.

32. Even assuming EOIR could track every single EOIR employee or contractor who was/is a CASE user over a period of 10 years who may have “e-mail associated with the system data on these cases”, such a search would be unduly burdensome. Since the data is anonymized, the individual records from the CASE data would have to first be matched to the Respondent’s A number and/or name in order to conduct a search. Assuming a hypothetical number of 2,500 CASE user record custodians over a 10-year period were identified, unique searches for each A number and/or name identified of the hypothetical 2,500 record custodians would have to be searched by A number and/or name in order to identify any

potentially responsive record.

33. With respect to “memoranda . . . associated with the system data on these cases”, this portion of the request is unclear and ambiguous and therefore, not reasonably described. EOIR “memoranda” reflect EOIR policy, attorney-client privileged, or attorney work-product recommendations. A “memorandum” is not drafted for any single individual Respondent’s immigration proceeding. Therefore, no such “memoranda” as described in the FOIA Request exist.

34. On September 11, 2020, I issued a response to Plaintiff’s FOIA Request granting partial access to the located records, specifically, the eight (8) .csv files responsive to the FOIA Request described in paragraphs 24-25, *supra*. Additionally, EOIR provided nine (9) CASE Look-up Tables which define the various codes in the data. Columns O of tbl 60300 Bond Records for Cit[izenship] Adjournment and tbl 70300 Bond Records for Terminations were redacted pursuant to FOIA Exemption 5, 5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege and FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. A true and correct copy of the September 11, 2020 response (“First Response”) is attached as Exhibit G to this Declaration.

35. On October 23, 2020, Plaintiff sent an email to the FOIA Service Center claiming EOIR’s First Response “omit[ted]” certain information, including and according to Plaintiff: (1) “detention location”, (2) “BIA hearings and outcomes”, and (3) “memoranda, notes, emails and other records tied to these cases.” Plaintiff further requested that EOIR explain the records, claiming that the “column labels are unclear” and the “outputs” were “ambiguous.” A true and correct copy of the October 23, 2020 email correspondence (“Letter

from Requester”) is attached as Exhibit H to this Declaration.

36. On November 4, 2020, I met with three EOIR members of PASD, including the Program Director Mike Tennyson, Supervisory Program Analyst Brett Endres, and Program Analyst Ben McDowell to discuss the October 23, 2020 Letter from Requester. We discussed “detention location” as described in detail in paragraphs 18-19, *supra*. Additionally, we discussed data related to “BIA hearings and outcomes.” We all agreed that appeal data, or “BIA hearings and outcomes”, did not reasonably fall within the scope of the data requested in the FOIA Request for the following reasons: (1) the Subject line of the FOIA reads “immigration court data for USC adjournments and terminations” – “immigration court data” cannot possibly refer to appeals data as an Immigration Court is entirely separate from the Board of Immigration Appeals as described in paragraphs 9-14, *supra*; (2) the term of art “adjournment” in the Subject line and again specifically identified in Paragraph 1 of the FOIA Request can only refer to Immigration Judge actions at Immigration Courts since only Immigration Judges can “adjourn” an immigration proceeding while Board Members adjudicate appeals based on the record as described in paragraphs 9-14, *supra*; and (3) similarly, the term of art “termination” in the Subject line and again specifically identified in Paragraph 2 of the FOIA Request in relation to “any hearing, i.e., a first merit hearing or after a remand” can only refer to Immigration Judge actions at Immigration Courts since only Immigration Judges conduct hearings and can “terminate” an immigration proceeding while Board Members adjudicate appeals based on the record as described in paragraphs 9-14, *supra*. We did not discuss “memoranda, notes, emails and other records tied to these cases” since I was already aware of CASE is a limited record repository only of certain “notes” as described in paragraphs 24-25, *supra*.

37. Additionally, we discussed that Column E strDecType “C” corresponds to

Column G DEC\_CODE in tbl 60100 and tbl 70100. If a “T” is reflected in Column G DEC\_CODE, the immigration proceeding was “terminated.” Column E strDecType “O” corresponds to Column H OTHER\_COMP in tbl 60100 and tbl 70100. If a “T” is reflected in Column H OTHER\_COMP, the immigration proceeding was “transferred”. We did not discuss in detail Plaintiff’s request to “explain” the records as that is not required by the FOIA.

38. On November 4, 2020, I responded to Plaintiff’s October 23, 2020 Letter from Requester addressing all of her issues. A true and correct copy of the November 4, 2020 correspondence (“Letter to Requester”) is attached as Exhibit I to this Declaration.

39. On November 10, 2020, I was notified that Plaintiff filed an appeal with the Department of Justice, Office of Information Policy (OIP), the appellate authority who adjudicates all appeals of FOIA request determinations for all Department of Justice components. On March 23, 2021, OIP notified Plaintiff that it affirmed EOIR’s response on partly modified grounds. A true and correct copy of the March 23, 2021 OIP determination is attached as Exhibit J to this Declaration.

40. The abbreviation “STR” within CASE means “string” and generally denotes CASE user free form data entry. For large CASE data extracts with “STR” columns, EOIR’s policy is generally to redact all fields under a “STR” column heading in their entirety due to that the free form data can be singularly unique for every single free form field and the CASE user may input pre-decisional/deliberative notes and/or PII at his or her discretion. Stated differently, EOIR’s approach for large CASE data extracts is to redact free form fields in their entirety under the theory that pre-decisional/deliberative notes and/or PII are inextricably intertwined with information otherwise not exempt from disclosure.

41. On June 8, 2021, I issued a supplemental response to Plaintiff’s FOIA Request

granting partial access to the located records, specifically, two (2) .csv files previously released in redacted form. Specifically, a line-by-line review of 2,541 unique fields in tbl 60300 – Bond Records for Cit[izenship] Adjournments (STRBONDNOTES Column O) and 37,989 unique fields in tbl 70300 – Bond Records for Terminations (STRBONDNOTES Column O) was conducted after a second review confirmed that the number of free form fields would not create an undue burden for a line-by-line review in those .csv files. Columns O of tbl 60300 Bond Records for Cit[izenship] Adjournment and tbl 70300 Bond Records for Terminations contained information that constituted PII and was, therefore, exempt from disclosure and redacted pursuant to FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. A true and correct copy of the June 8, 2021 response (“Supplemental Response”) is attached as Exhibit K to this Declaration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated the 3rd day of February 2022.

**SHELLEY O'HARA** Digitally signed by SHELLEY O'HARA  
Date: 2022.02.03 15:22:26 -05'00'  
Shelley M. O'Hara  
Attorney Advisor (FOIA)

**EOIR**  
**Exhibit A**

Case Manager v.06.03.02.01 | CASE2-WS01 | Ohrsas | CASE2 | EOIRDB | SOLECAS - Profile 1 - Microsoft Edge

**CASE MANAGER**

ALLEN INFO | CASE INFO | SCHEDULE | REFS | APPEAL | ACTIONS | DISPOSITION | COMMENTS | COMPETENCE

Personal | Lead and Rider | Demographic | Contact

A-Number: [Redacted] **Single Case** ROY Trak: NO Rec'd at EOIR: 01/22/08 Opt-In: eROF: [Redacted] Custody: **Detained** Admin Site: [Redacted] ROP Req. On: [Redacted] ROP Loc: [Redacted] Det. On: [Redacted]

Ref'd at EOIR: [Redacted] Case Type: Deportation

BIAROP Location: [Redacted] Last Circulated: [Redacted] App-Mtd. Filed: [Redacted] Opt-In: [Redacted] INS Code: [Redacted]  
Screened: [Redacted] Base City: [Redacted] BA Proc. Type: [Redacted] Priority: [Redacted]  
Rep. Code: [Redacted] HRC: [Redacted] Decision Date: [Redacted] Dec. Due: [Redacted]  
Modified By: [Redacted] SL Status: [Redacted] Ally Assigned: [Redacted] Decision: [Redacted]

**PERSONAL INFORMATION**

A-Number: [Redacted]  
Full Name: [Redacted]  
Alias: [Redacted]

**LEAD AND RIDER INFORMATION**

A-Number of Lead: [Redacted]  
Charging Doc Date: [Redacted]

**DEMOGRAPHIC INFORMATION**

Gender: [Redacted]  
Birth Date: [Redacted]  
Nationality: MEXICO  
Language: SPANISH  
LPR: NO

**CONTACT INFORMATION**

In Care Of (CIO): [Redacted]  
Address Line 1: [Redacted]  
Address Line 2: [Redacted]  
Address Line 3: [Redacted]  
City: [Redacted]  
State: [Redacted]  
Zip Code: 00000-0000  
Country: UNITED STATES OF AMERICA

Type here to search | 71°F Cloudy | 10:09 AM 12/28/2021

**EOIR**  
**Exhibit B**



CASE - Profile 1 - Microsoft Edge

**DISPOSITION - BOND DECISIONS** - Custody Determination

A-Number: [REDACTED] (Single Case) Rec'd at EOIR: 12/20/21 Opt-In: YES,Cu/Bo(COURT)Custody: Released Admin Site: n/a

Name: [REDACTED] RDY Trial: NO Lodged at EOIR: eROP: (B & M) RoP Req. On: IMP

Rider(s): None Case Type: Removal ROP Location: Due On: n/a

EPRD Date: n/a IHP: n/a Base City: IMP HLoc.: IMP DHS D.O.: IMP  
IJ Assigned: Robinson JR., Eugene H. Prime Atty(Other Proceedings): n/a Nationality: BRAZIL  
Comp. Goal: Non-Detained without... 08/17/2022 Prime Atty(Custody & Bond): Velez, Philip John Language: PORTUGU...  
Monitoring: n/a

**This information cannot be modified because it is not associated to the current proceeding.**

**Date Filed:** 12/14/2021

**IJ Decision Due:** NOT ASSIGNED

**Decision:** BOND GRANTED-AMOUNT DECREASED ... (C)

**Decision Date:** 12/17/2021

**Decision Method:** WRITTEN ... (W)

**Decision Mail Date:** 12/17/2021

**Initial Bond Amount:** \$

**New Bond Amount:** \$ 5000

**Base City:** IMPERIAL ... (IMP)

**Hearing Location:** IMPERIAL DETAINED ... (IPD)

**Immigration Judge:** ROBINSON JR., EUGENE H.

**Release conditions changed?:** Please Select One ...

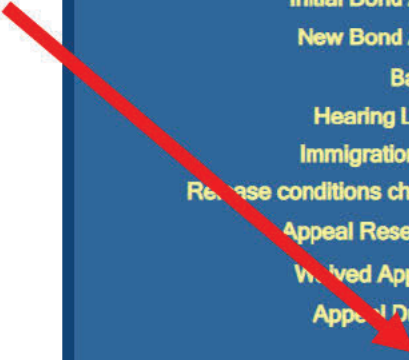
**Appeal Reserved by:** Please Select One ...

**Waived Appeal By:** BOTH ... (B)

**Appeal Due Date:** 01/18/2022

**Notes:** The following are conditions for release from DHS custody:  
1. Respondent must self-quarantine/isolate for the first

**CANCEL**



**EOIR**  
**Exhibit C**

Case Manager v.06.03.02.01 | CASE2-WS01 | DharaS | CASE2 | EOIRDB | SQLCAS - Profile 1 - Microsoft Edge

**CASE MANAGER**

ALIEN INFO | CASE INFO | SCHEDULE | REFS | APPEAL | ACTIONS | DISPOSITION | COMMENTS | COMPETENCY

Personal | Lead and Rider | Demographic | Contact

A-Number: [Redacted] (Female Case) ROY Trib: NO Rec'd at EOIR: 01/22/20 Rec'd at EOIR: 01/22/20 Cstody: Detained Admin Site: n/a  
Name: [Redacted] Lodged at EOIR: Case Type: Deportation ROP Location: ROP Location: R/P Reg On: SNO Due On: n/a

BIA ROP Location: n/a Last Circulated: n/a App. Mod. Filed: n/a INS Code: n/a  
Screened: n/a Base City: n/a BIA Proc. Type: n/a Priority: n/a  
Reg Code: n/a HRC: n/a Decision Date: n/a Dec. Due: n/a  
Modified By: n/a SIL Status: n/a Atty. Assigned: n/a

**PERSONAL INFORMATION**

A-Number: [Redacted]  
Full Name: [Redacted]  
Alias: [Redacted]

**LEAD AND RIDER INFORMATION**

A-Number of Lead: [Redacted]  
Charging Doc Date: [Redacted]

**DEMOGRAPHIC INFORMATION**

Gender: [Redacted]  
Birth Date: [Redacted]  
Nationality: MEXICO  
Language: SPANISH  
LPR: NO

**CONTACT INFORMATION**

In Care Of (CIO): [Redacted]  
Address Line 1: [Redacted]  
Address Line 2: [Redacted]  
Address Line 3: [Redacted]  
City: [Redacted]  
State: [Redacted]  
Zip Code: 00000-0000  
Country: UNITED STATES OF AMERICA

Type here to search | 71°F Cloudy | 10:09 AM 12/28/2011

**EOIR**  
**Exhibit D**

**From:** [Jacqueline Stevens](#)  
**To:** [FOIARequests, EOIR \(EOIR\)](#)  
**Subject:** immigration court data for USC adjournments and terminations  
**Date:** Friday, July 3, 2020 3:55:47 PM

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To Whom It May Concern,

I write under the Freedom of Information Act to request:

1) All system records pertaining to immigration proceedings with adjournments referencing claims of U.S. citizenship, i.e., code 54, "Alien claim to U.S. Citizenship", or "Alien contesting charges citizenship." Please include all system record fields for each case so identified, including but not limited to hearing dates, detention location, custody changes, bond, administrative closings, etc., as well as all system notes, memoranda, and e-mail associated with the system data on these cases.

I would appreciate the case status at the time the report is run, that is, whether the individual's case status is "terminated," "closed," "voluntary departure," "removed," or "appealed," or some other status, as well as the custody status.

2) All system records pertaining to all cases terminated at any hearing, i.e., a first merit hearing or after a remand. Please include all system record fields for each case so identified, including but not limited to hearing dates, detention location, custody changes, bond, administrative closings, etc., as well as all system notes, memoranda, and e-mail associated with the system data on these cases.

The time frame of this request is January 1, 2011 to the present.

Please provide data that include case IDs and not just proceeding IDs. This of course can be anonymized. I am seeking information with adjournments and termination orders for unique respondents. For past releases the fields failed to include information as to whether unique individuals were having several hearings for the same case.

#### BACKGROUND

A memorandum issued by the Office of the Chief Immigration Judge, dated June 16, 2005 and available at <http://www.justice.gov/eoir/efoia/ocij/oppm05/05-07.pdf>, revises the Operating Policies and Procedures of the Executive Office for Immigration Review (EOIR). This memorandum indicates that EOIR requires each judge, after adjourning immigration removal adjudication, to note the reason for adjudication with a two-character code. One of these codes is 54, or "Alien Claim to U.S. Citizenship", is to be used in cases where immigration removal adjudications were "adjourned due to alien claiming to be a U.S. citizen".

Additionally, a report entitled "Enhancing Quality and Timeliness in Immigration Removal Adjudication", prepared by Lenni Benson and Russell Wheeler, was made for the consideration of the Administrative Conference of the United States (ACUS). This report, filed on June 7, 2012 and available at <http://www.acus.gov/sites/default/files/documents/Enhancing-Quality-and-Timeliness-in-Immigration-Removal-Adjudication-Final-June-72012.pdf>, was made in response to an ACUS request for a study of immigration removal adjudication in EOIR. EOIR's Office of Planning, Analysis, and Technology (OPAT) provided data for the report.

On page 84 of "Enhancing Quality", Benson and Wheeler note that part of the OPAT-provided data included data on adjournments in immigration

removal proceedings. These data include adjournment codes. On page 86 of "Enhancing Quality", Benson and Wheeler list "Alien contesting charges citizenship" among these codes. This code is used for adjournments that occur because the alien undergoing immigration removal adjudication claims U.S. citizenship. That OPAT possesses these data implies that EOIR does maintain system records on each instance of adjudication that is adjourned because the alien claims U.S. citizenship. (Note that your office filled a similar request for only adjournment data: FOIA 2017-29435.) Please note that the previous responses with this information omitted cases that EOIR case calendars for respondents revealed were coded as adjourned due to claims of U.S. citizenship.

As a scholar, blogger and a writer on immigration law enforcement, I am entitled to a waiver of duplication fees because disclosure of this information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(A)(iii). The disclosure of this information 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 requester."

My research encompasses instances of immigration misconduct by the U.S. government. The public understanding of immigration removal adjudication proceedings, as well as how the government responds in cases where a U.S. citizen may have been mistakenly flagged for immigration removal, will be greatly enhanced by knowledge of these adjournments and their associated cases. I am presently completing an article following up on the observations about the deportation and detention of U.S. citizens in a 2011 law review article, "U.S. Government Unlawfully Detaining and Deporting U.S. Citizens as Aliens," Virginia Journal of Law and Social Policy (2011). The data responsive to this request are crucial for that article. My work on this topic has been published by myself and reported on by scholars and journalists worldwide. Examples are reported here: <https://deportation-research.buffett.northwestern.edu/news/index.html>

If you have any questions, I may be reached by email [jacqueline-stevens@northwestern.edu](mailto:jacqueline-stevens@northwestern.edu) or by phone at 847-467-2093.

Professor  
Political Science and Legal Studies  
Northwestern University  
Director  
Deportation Research Clinic  
Buffett Institute for Global Affairs

<http://buffett.northwestern.edu/programs/deportationresearch>

Citizenship In Question (Duke U.P. 2017), Open Source PDF <https://protect2.fireeye.com/v1/url?k=a030f30a-fc474f32-a037d7ef-ac1f6b01770e-caaf892171e1a06f&q=1&e=6e63f563-7d5e-4e29-b62d-57b9683cc661&u=http%3A%2F%2Fwww.oapen.org%2Fsearch%3Fidentifier%3D625272>

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mail

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Political Science Department  
Evanston, IL 60208

<https://protect2.fireeye.com/v1/url?k=ad44192a-f133a512-ad433dcf-ac1f6b01770e-dec61f8bab417378&q=1&e=6e63f563-7d5e-4e29-b62d-57b9683cc661&u=http%3A%2F%2Fjacquelinestevens.org%2F>

<https://protect2.fireeye.com/v1/url?k=261169a3-7a66d59b-26164d46-ac1f6b01770e-c6d08e1680bb7c2b&q=1&e=6e63f563-7d5e-4e29-b62d-57b9683cc661&u=http%3A%2F%2Fstateswithoutnations.blogspot.com%2F>

**EOIR**  
**Exhibit E**

tb1 60000

ADJ_DATE	ADJ_TIME	ADJ_TIME	ADJ_RSN	IDNCASE	IDNPROCEEDING	IDNSCHEDULE	HEARING_LOC_CODE
4/16/2013 0:00	830	900	2	7186037	6137465	25370916	BDT
4/30/2013 0:00	830	900	16	7186037	6137465	25381665	BDT
5/28/2013 0:00	1330	1400	2	7186037	6154060	25414187	BOS
10/29/2013 0:00	1300	1330	54	7186037	6154060	25541258	BOS
2/12/2014 0:00	830	1200	17	7186037	6154060	25937120	BOS
6/4/2015 0:00	900	1200	8A	7186037	6154060	26251914	BOS
4/15/2013 0:00	830	900	4	7186037	6137465	25359396	BDT
4/16/2013 0:00	830	900	8A	7186037	6137465	25367872	BDT



tbl 60100

idncase	idnproceeding	generation	BASE CITY CODE	HEARING LOC CODE	U CODE	DEC CODE	OTHER COMP	COMP DATE	absentia	custody	case_type	nat	lang
7186037	6137465	99	BOS	BDT	SFD		T	4/29/2013 0:00	N	D	RMV		SP
7186037	6154060	98	BOS	BOS	OMB	R		6/4/2015 0:00	N	R	RMV	PE	SP

b1 60200

IDNCUSTODY	IDNCASE	CUSTODY	DATDETAINED	DATRELEASED
1390867	7186037	R	4/10/2013 0:00	4/29/2013 0:00

tb1 60300

IDNASSOCBOND	IDNPROCEEDING	IDNCASE	REC_TYPE	BASE_CITY	HEARING	UJ_CODE	DEC	COMP_DATE	INITIAL_B4	BOND_HEAR_REQ_DATE	BOND_HE/BOND_HE	NEW_BOND	STRBONDNOTES
826121	6137465	7186037	B	BOS	BDT	SFD	C	4/17/2013 0 00		4/10/2013 0:00		3000	

**EOIR**  
**Exhibit F**

tbl 70100

idncase	idnproceeding	generation	BASE_CITY	HEARING	IJ_CODE	DEC_CODE	OTHER_COMP	COMP_DATE	absentia	custody	case_type	nat	lang
3253053	90169	98	LOS	LOS	SLS		A	2/20/1996 0:00	N	R	DEP	MX	SP
3253053	90170	99	LOS	SPD	CLR		T	10/3/1995 0:00	N	R	DEP	MX	SP
3253053	5457689	97	LOS	LOS		T		4/21/2011 0:00	N	R	DEP	MX	SP

tbl 70200

IDNCUSTODY	IDNCASE	CUSTODY	DATDETAINED	DATRELEASED
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tb1 70300

IDNASSOCBOND	IDNPROCEEDING	IDNCASE	REC_TYPE	BASE_CITY_CODE	HEARING_LOC_CODE	IJ_CODE	DEC	COMP_DATE	INITIAL_BOND	BOND_HEAR_REQ_DATE	BOND_HEARING_DATE	BOND_HEARING_TIME	NEW_BOND	STRBONDNOTES
176352	90170	3255053	B	LOS	SPD	DD5	C	10/3/1995 0:00	5000	10/3/1995 0:00	10/3/1995 0:00	800	500	

**EOIR**  
**Exhibit G**





**U.S. Department of Justice**  
Executive Office for Immigration Review  
*Office of the General Counsel*

5107 Leesburg Pike, Suite 2150  
Falls Church, Virginia 22041

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September 11, 2020

***VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED***

Jacqueline Stevens  
601 University Place  
Political Science Department  
Evanston, IL 60208

Re: 2020-60006

Dear Ms. Stevens:

This letter is in response to your Freedom of Information Act (FOIA) request dated July 3, 2020 to the Executive Office for Immigration Review (EOIR) in which you seek:

- 1) All system records pertaining to immigration proceedings with adjournments referencing claims of U.S. citizenship, i.e., code 54, “Alien claim to U.S. Citizenship”, or “Alien contesting charges citizenship;” and
- 2) All system records pertaining to all cases terminated at any hearing, i.e., a first merit hearing or after a remand,

from January 1, 2011 to the present.

A search was conducted and one or more records responsive to your request were located. We are granting partial access to the responsive record(s).

Portions of the records have been redacted in accordance with FOIA Exemption 5, 5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege.

Additionally, portions of the enclosed records have been redacted in accordance with FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

Letter to Jacqueline Stevens  
Subject: FOIA 2020-60006

Page 2

You may contact the FOIA Officer or the EOIR FOIA Public Liaison by e-mail at EOIR.FOIARequests@USDOJ.GOV or by telephone number (703) 605-1297 for any further assistance and to discuss any aspect of your request. Please reference the FOIA control number. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the Executive Office for Immigration Review's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

**SHELLEY O'HARA**

Digitally signed by SHELLEY  
O'HARA  
Date: 2020.09.11 10:02:39 -04'00'

Shelley M. O'Hara  
Attorney Advisor (FOIA)

**EOIR**  
**Exhibit H**

**From:** [Jacqueline Stevens](#)  
**To:** [FOIARequests, EOIR \(EOIR\)](#)  
**Subject:** FOIA EOIR 2020-60006 Fw: immigration court data for USC adjournments and terminations  
**Date:** Friday, October 23, 2020 10:33:51 AM

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Hi there,

Thank you for the release of September 11, 2020.

I'm writing because the data files you sent me in response to the request below omit responsive information.

In particular, the files responsive to the first request (cases adjourned at some point indicating code 54, or a claim of US citizenship) do not include:

- (1) the detention location;
- (2) BIA hearings and outcomes; and
- (3) memoranda, notes, emails and other records tied to these cases. (The bond spreadsheet output (file 60300) has a column for this information but the information is entirely redacted, in violation of the FOIA which obligates agencies to release segregable information.)

Finally, and most importantly, the outputs do not actually indicate whether the cases in response to the first request tied to the code 54 adjournments were terminated. Instead, the code for "Terminated" is T and the code for "transfers also is "T." Also, the column labels are unclear. For 60100 Column G is labelled "DEC\_COMP" and Column H is labelled "Other\_COMP." These ambiguous outputs do not provide information responsive to my request.

Can you please address the deficiencies in these outputs at your earliest convenience and provide the most recent data responsive to my original request?

I can be reached at [REDACTED].

Thank you,

Jackie

Professor

Political Science and Legal Studies

Northwestern University

Director

Deportation Research Clinic

Buffett Institute for Global Affairs

<http://buffett.northwestern.edu/programs/deportationresearch>

Citizenship In Question (Duke U.P. 2017), Open Source PDF [https://protect2.fireeye.com/v1/url?k=328eb0f8-](https://protect2.fireeye.com/v1/url?k=328eb0f8-6ef90cc0-3289941d-ac1f6b01770e-2422b56d927a6341&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fwww.oopen.org%2Fsearch%3Fidentifier%3D625272)

[6ef90cc0-3289941d-ac1f6b01770e-2422b56d927a6341&q=1&e=5fdbab90-3c0e-4375-9dcb-](https://protect2.fireeye.com/v1/url?k=328eb0f8-6ef90cc0-3289941d-ac1f6b01770e-2422b56d927a6341&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fwww.oopen.org%2Fsearch%3Fidentifier%3D625272)

[1f91f45581b3&u=http%3A%2F%2Fwww.oopen.org%2Fsearch%3Fidentifier%3D625272](https://protect2.fireeye.com/v1/url?k=328eb0f8-6ef90cc0-3289941d-ac1f6b01770e-2422b56d927a6341&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fwww.oopen.org%2Fsearch%3Fidentifier%3D625272)

office phone: 847-467-2093

mail

601 University Place

Political Science Department

Evanston, IL 60208

[https://protect2.fireeye.com/v1/url?k=f38e9a7b-aff92643-f389be9e-ac1f6b01770e-](https://protect2.fireeye.com/v1/url?k=f38e9a7b-aff92643-f389be9e-ac1f6b01770e-82e013c10c9768d7&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fjacquelinestevens.org%2F)

[82e013c10c9768d7&q=1&e=5fdbab90-3c0e-4375-9dcb-](https://protect2.fireeye.com/v1/url?k=f38e9a7b-aff92643-f389be9e-ac1f6b01770e-82e013c10c9768d7&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fjacquelinestevens.org%2F)

[1f91f45581b3&u=http%3A%2F%2Fjacquelinestevens.org%2F](https://protect2.fireeye.com/v1/url?k=f38e9a7b-aff92643-f389be9e-ac1f6b01770e-82e013c10c9768d7&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fjacquelinestevens.org%2F)

[https://protect2.fireeye.com/v1/url?k=4f69a9e9-131e15d1-4f6e8d0c-ac1f6b01770e-](https://protect2.fireeye.com/v1/url?k=4f69a9e9-131e15d1-4f6e8d0c-ac1f6b01770e-08c1dd9e22d13bac&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fstateswithoutnations.blogspot.com%2F)

[08c1dd9e22d13bac&q=1&e=5fdbab90-3c0e-4375-9dcb-](https://protect2.fireeye.com/v1/url?k=4f69a9e9-131e15d1-4f6e8d0c-ac1f6b01770e-08c1dd9e22d13bac&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fstateswithoutnations.blogspot.com%2F)

[1f91f45581b3&u=http%3A%2F%2Fstateswithoutnations.blogspot.com%2F](https://protect2.fireeye.com/v1/url?k=4f69a9e9-131e15d1-4f6e8d0c-ac1f6b01770e-08c1dd9e22d13bac&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fstateswithoutnations.blogspot.com%2F)

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From: Jacqueline Stevens  
Sent: Friday, July 3, 2020 2:55 PM  
To: [eoir.foiarequests@usdoj.gov](mailto:eoir.foiarequests@usdoj.gov)  
Subject: immigration court data for USC adjournments and terminations

To Whom It May Concern,

I write under the Freedom of Information Act to request:

1) All system records pertaining to immigration proceedings with adjournments referencing claims of U.S. citizenship, i.e., code 54, "Alien claim to U.S. Citizenship", or "Alien contesting charges citizenship." Please include all system record fields for each case so identified, including but not limited to hearing dates, detention location, custody changes, bond, administrative closings, etc., as well as all system notes, memoranda, and e-mail associated with the system data on these cases.

I would appreciate the case status at the time the report is run, that is, whether the individual's case status is "terminated," "closed," "voluntary departure," "removed," or "appealed," or some other status, as well as the custody status.

2) All system records pertaining to all cases terminated at any hearing, i.e., a first merit hearing or after a remand. Please include all system record fields for each case so identified, including but not limited to hearing dates, detention location, custody changes, bond, administrative closings, etc., as well as all system notes, memoranda, and e-mail associated with the system data on these cases.

The time frame of this request is January 1, 2011 to the present.

Please provide data that include case IDs and not just proceeding IDs. This of course can be anonymized. I am seeking information with adjournments and termination orders for unique respondents. For past releases the fields failed to include information as to whether unique individuals were having several hearings for the same case.

#### BACKGROUND

A memorandum issued by the Office of the Chief Immigration Judge, dated June 16, 2005 and available at <http://www.justice.gov/eoir/efoia/ocij/oppm05/05-07.pdf>, revises the Operating Policies and Procedures of the Executive Office for Immigration Review (EOIR). This memorandum indicates that EOIR requires each judge, after adjourning immigration removal adjudication, to note the reason for adjudication with a two-character code. One of these codes is 54, or "Alien Claim to U.S. Citizenship", is to be used in cases where immigration removal adjudications were "adjourned due to alien claiming to be a U.S. citizen".

Additionally, a report entitled "Enhancing Quality and Timeliness in Immigration Removal Adjudication", prepared by Lenni Benson and Russell Wheeler, was made for the consideration of the Administrative Conference of the United States (ACUS). This report, filed on June 7, 2012 and available at <http://www.acus.gov/sites/default/files/documents/Enhancing-Quality-and-Timeliness-in-Immigration-Removal-Adjudication-Final-June-72012.pdf>,

was made in response to an ACUS request for a study of immigration removal adjudication in EOIR. EOIR's Office of Planning, Analysis, and Technology (OPAT) provided data for the report.

On page 84 of "Enhancing Quality", Benson and Wheeler note that part of the OPAT-provided data included data on adjournments in immigration removal proceedings. These data include adjournment codes. On page 86 of

“Enhancing Quality”, Benson and Wheeler list “Alien contesting charges citizenship” among these codes. This code is used for adjournments that occur because the alien undergoing immigration removal adjudication claims U.S. citizenship. That OPAT possesses these data implies that EOIR does maintain system records on each instance of adjudication that is adjourned because the alien claims U.S. citizenship. (Note that your office filled a similar request for only adjournment data: FOIA 2017-29435.) Please note that the previous responses with this information omitted cases that EOIR case calendars for respondents revealed were coded as adjourned due to claims of U.S. citizenship.

As a scholar, blogger and a writer on immigration law enforcement, I am entitled to a waiver of duplication fees because disclosure of this information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(A)(iii). The disclosure of this information 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 requester.”

My research encompasses instances of immigration misconduct by the U.S. government. The public understanding of immigration removal adjudication proceedings, as well as how the government responds in cases where a U.S. citizen may have been mistakenly flagged for immigration removal, will be greatly enhanced by knowledge of these adjournments and their associated cases. I am presently completing an article following up on the observations about the deportation and detention of U.S. citizens in a 2011 law review article, "U.S. Government Unlawfully Detaining and Deporting U.S. Citizens as Aliens," Virginia Journal of Law and Social Policy (2011). The data responsive to this request are crucial for that article. My work on this topic has been published by myself and reported on by scholars and journalists worldwide. Examples are reported here: <https://deportation-research.buffett.northwestern.edu/news/index.html>

If you have any questions, I may be reached by email [jacqueline-stevens@northwestern.edu](mailto:jacqueline-stevens@northwestern.edu) or by phone at 847-467-2093.

Professor  
Political Science and Legal Studies  
Northwestern University  
Director  
Deportation Research Clinic  
Buffett Institute for Global Affairs

<http://buffett.northwestern.edu/programs/deportationresearch>  
Citizenship In Question (Duke U.P. 2017), Open Source PDF <https://protect2.fireeye.com/v1/url?k=28e91edf-749ea2e7-28ee3a3a-ac1f6b01770e-c8fd863509b8a164&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fwww.oopen.org%2Fsearch%3Fidentifier%3D625272>

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<https://protect2.fireeye.com/v1/url?k=d248d110-8e3f6d28-d24ff5f5-ac1f6b01770e-d56ada2effe897b9&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fjacquelinestevens.org%2F>  
<https://protect2.fireeye.com/v1/url?k=68bb0ff6-34ccb3ce-68bc2b13-ac1f6b01770e-1024454fe0f9b175&q=1&e=5fdbab90-3c0e-4375-9dcb-1f91f45581b3&u=http%3A%2F%2Fstateswithoutnations.blogspot.com%2F>

**EOIR**  
**Exhibit I**



**U.S. Department of Justice**  
Executive Office for Immigration Review  
*Office of the General Counsel*

5107 Leesburg Pike, Suite 2150  
Falls Church, Virginia 22041

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November 4, 2020

*Via Email at [jacqueline-stevens@northwestern.edu](mailto:jacqueline-stevens@northwestern.edu)*

Jacqueline Stevens  
601 University Place  
Political Science Department  
Evanston, IL 60208

Re: FOIA 2020-60006 Letter to Requester

Dear Ms. Stevens:

This letter is in response to your email dated October 23, 2020 regarding the above-referenced request.

Regarding your question about EOIR providing detention center information, please note that detention centers are under the jurisdiction of the Department of Homeland Security, Immigration and Customs Enforcement (DHS/ICE), a different agency than that of the Department of Justice, Executive Office for Immigration Review (DOJ/EOIR). DOJ/EOIR does not separately track the information you seek. We recommend that you visit <https://www.dhs.gov/freedom-information-act-foia> to request this information.

Regarding your question about EOIR providing “BIA hearings and outcomes”, please note that the BIA does not hold “hearings”. Additionally, your request cannot reasonably be interpreted to include information related to the BIA. Adjournments referencing claims of U.S. citizenship, i.e., code 54 are utilized by Immigration Judges, not members of the BIA.

Regarding your comment about the application of FOIA Exemption 5, 5 U.S.C. § 552(b)(5) and FOIA Exemption 6, 5 U.S.C. § 552(b)(6) within tbl 60300, note that this table includes over 1 million individual records. Reasonable segregation is not possible because it would require EOIR to conduct an unreasonably burdensome search within the records.

Regarding your comment about tbl 60100, the information you seek is within the look-up table 80000, specifically, Columns B-E. As you are aware, EOIR provided all look-up tables pertaining to the information you requested and disclosed to you.

Finally, regarding your comment about “ambiguous outputs,” please be advised that the FOIA does not require federal agencies to create new records or to conduct research, analyze data, or answer questions when responding to requests, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. See 5 U.S.C. § 552(a)(3)(A); *see also* <https://www.foia.gov/faq.html>. *What can I ask for under the FOIA?*



Letter to Jacqueline Stevens  
Subject: FOIA 2020-60006 Letter to Requester

Page 2

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact the FOIA Officer or the EOIR FOIA Public Liaison by e-mail at [EOIR.FOIARequests@USDOJ.GOV](mailto:EOIR.FOIARequests@USDOJ.GOV) or by telephone number (703) 605-1297 for any further assistance and to discuss any aspect of your request. Please reference the FOIA control number. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the Executive Office for Immigration Review's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

**SHELLEY O'HARA**

Digitally signed by SHELLEY  
O'HARA  
Date: 2020.11.04 14:34:08 -05'00'

Shelley M. O'Hara  
Attorney Advisor (FOIA)

**EOIR**  
**Exhibit J**



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

Jacqueline Stevens  
601 University Place Political Science  
Evanston, IL 60208  
jacqueline-stevens@northwestern.edu

March 23, 2021  
Re: Appeal No. A-2021-00241  
Request No. 2020-60006  
RNB:KHK

**VIA: Email**

Dear Jacqueline Stevens:

You appealed from the action of the Executive Office for Immigration Review (EOIR) on your Freedom of Information Act (FOIA) request for access to records concerning (1) immigration proceedings with adjournments to include all fields, notes, memorandum, and emails; and (2) cases terminated at hearing level to include all fields, notes, memorandum, and emails. I have construed your appeal as concerning the withholdings made pursuant to 5 U.S.C. § 552(b)(5) & (b)(6), the unclear code information in certain look up tables, and the adequacy of EOIR's search including but not limited to providing information as to (1) detention location information, (2) Board of Immigration Appeal records, and (3) related notes, memorandum, and emails.

After carefully considering your appeal, I am affirming, on partly modified grounds, EOIR's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. EOIR properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency records protected by the deliberative process privilege; and

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

As to your appeal concerning the adequacy of EOIR's search for responsive records subject to the FOIA, I have determined that EOIR's response was correct and that it conducted

an adequate, reasonable search for such records.

Additionally, EOIR informed you that it does not maintain records concerning detention locations. I have determined that EOIR's response was correct. Based on the type of records that you appear to be seeking, you might wish to make a request to the Department of Homeland Security or directly to U.S. Immigration and Customs Enforcement for the records that you seek. I trust that this information will be of some assistance to you as you attempt to locate these records.

I note that on appeal you seek various additional records that you did not originally request. You may not on appeal expand the scope of your initial request, which was limited to the records described above. Accordingly, to the extent that you now seek records concerning the Board of Immigration Appeals, you may wish to submit a new FOIA request to EOIR. Please note that, as EOIR explained in its letter dated November 4, 2020, the Board of Immigration Appeals does not conduct hearings that involve adjournments or terminations.

Furthermore, a proper FOIA request for records must reasonably describe the records sought. See 5 U.S.C. § 552(a)(3)(A); see also 28 C.F.R. § 16.3(b)(2020). I have determined that the portion of your request for records related to notes, memorandum, and emails would require EOIR to conduct an unreasonably burdensome search. Your request is not reasonably described because you did not characterize the records sought in such a way that they could be located without individually pulling thousands of files from dozens of locations and conducting thousands of hours of search. Courts have consistently held that the FOIA does not require agencies to conduct "unreasonably burdensome" searches for records. See, e.g., Nation Magazine v. U.S. Customs Serv., 71 F.3d 885, 892 (D.C. Cir. 1995). You may wish to make a less burdensome request directly to EOIR as to this portion of your initial request.

With regard to the unclear code information in certain lookup tables, please be advised that the FOIA does not require federal agencies to answer questions, create records, or conduct research in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. See Students Against Genocide v. Dep't of State, 257 F.3d 828, 837 (D.C. Cir. 2001); Nat'l Sec. Counselors v. CIA, 898 F. Supp. 2d 233, 269 (D.D.C. 2012); Judicial Watch, Inc. v. Dep't of State, No. 15-690, 2016 WL 1367731 (D.D.C. 2016).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of EOIR in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. §552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,



X

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Matthew Hurd,  
Acting Chief,  
Administrative Appeals Staff

**EOIR**  
**Exhibit K**



**U.S. Department of Justice**  
Executive Office for Immigration Review  
*Office of the General Counsel*

5107 Leesburg Pike, Suite 2150  
Falls Church, Virginia 22041

June 8, 2021

*Via Email at [jacqueline-stevens@northwestern.edu](mailto:jacqueline-stevens@northwestern.edu)*

Jacqueline Stevens  
601 University Place  
Political Science Department  
Evanston, IL 60208

Re: FOIA 2020-60006 Supplemental Response

Dear Ms. Stevens:

This letter constitutes our supplemental response to your Freedom of Information Act (FOIA) request dated July 3, 2020 to the Executive Office for Immigration Review (EOIR) in which you seek:

- 1) All system records pertaining to immigration proceedings with adjournments referencing claims of U.S. citizenship, i.e., code 54, "Alien claim to U.S. Citizenship", or "Alien contesting charges citizenship;" and
- 2) All system records pertaining to all cases terminated at any hearing, i.e., a first merit hearing or after a remand,

from January 1, 2011 to the present.

Upon review of the records disclosed to you in our September 11, 2020 response, we have determined additional information within these disclosed records is releasable. We are granting partial access to these records.

Portions of the enclosed records have been redacted in accordance with FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

Letter to Jacqueline Stevens  
Subject: FOIA 2020-60006 Supplemental Response

Page 2

You may contact the EOIR FOIA Public Liaison at (703) 605-1297 or [EOIR.FOIArequests@usdoj.gov](mailto:EOIR.FOIArequests@usdoj.gov) for any further assistance and to discuss any aspect of your request. Alternatively, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the Executive Office for Immigration Review's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

**SHELLEY  
O'HARA**

Shelley M. O'Hara  
Attorney Advisor (FOIA)

 Digitally signed by SHELLEY  
O'HARA  
Date: 2021.06.08 10:01:25 -04'00'



**EOIR**  
*Vaughn*  
**Index**

Document Type	Disposition/Exemptions Cited	Content and Justification for withholding	Row Count	Relevant Paragraph
Spreadsheet	(b)(5) - DPP (b)(6) - personal privacy	Citizenship Adjudgments - Bond Records for Cit Adjudgments. The free form data contained in the "STRBONDNOTES" or String Bond Notes column can be singularly unique for every single free form field and the CASE user may input pre-decisional/deliberative notes and/or PII at his or her discretion.  (b)(5) This exemption protects withholding of information under the deliberative process privilege, including the pre-decisional notes. These notes are entered by court staff for the deliberative process and final determination of the <del>Board</del>	2542	Para.1
Spreadsheet	(b)(5) - DPP (b)(6) - personal privacy	Terminations - Bond Records for Termination Redacted. The free form data contained in the "STRBONDNOTES" or String Bond Notes column can be singularly unique for every single free form field and the CASE user may input pre-decisional/deliberative notes and/or PII at his or her discretion.	37990	Para.2
Spreadsheet	(b)(6) - personal privacy	Supplemental- Citizenship Adjudgments - Bond Records. The free form data contained in the "STRBONDNOTES" or String Bond Notes column can be singularly unique for every single free form field and the CASE user may input pre-decisional/deliberative notes and/or PII at his or her discretion.	2542	Para.1

Spreadsheet	(b)(5) - DPP (b)(6) - personal privacy	Supplemental- Terminations - Bond Records. The free form data contained in the "STRBONDNOTES" or String Bond Notes column can be singularly unique for every single free form field and the CASE user may input pre-decisional/deliberative notes and/or PII at his or her discretion.	37990	Para.2
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# Exhibit E

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
U.S. IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT, U.S. CUSTOMS AND	)	No. 21 C 2232
BORDER PROTECTION, U.S.	)	
CITIZENSHIP AND IMMIGRATION	)	Judge Tharp
SERVICES, EXECUTIVE OFFICE OF	)	
IMMIGRATION REVIEW, U.S. NAVY,	)	
U.S. DEPARTMENT OF AGRICULTURE,	)	
U.S. DEPARTMENT OF STATE, and U.S.	)	
DEPARTMENT OF JUSTICE,	)	
	)	
Defendants.	)	

**DECLARATION OF MR. GREGORY CASON**

I, Mr. Gregory Cason, declare as follows:

1. I am the Deputy Director of the Chief of Naval Operations FOIA Office (DNS-36) for the Department of the Navy (DON). I have held this position since 2019. Before this position, I worked with the DNS-36 office as a FOIA, Privacy Act, and record response contractor from 2016-2019.
2. The DNS-36 office is responsible for the DON’s execution of the FOIA program. As part of these duties, DNS-36 not only answers FOIA requests submitted to it for action but also serves as the primary FOIA requester service center, provides program support and oversight for the DON FOIA coordinators and specialists, maintains a list of FOIA coordinators within the agency, manages and maintains FOIA processing activities, serves as the senior FOIA coordinator and program manager, and ensures DON FOIA coordinators and specialists have received appropriate training.
3. As Deputy Director of DNS-36, I am responsible for the general management, oversight, and supervision of the DNS-36 response to requests for records under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552, the Privacy Act of 1974, 5 U.S.C. § 552a, and other applicable records access provisions. I have been delegated authority to authorize responses to FOIA and Privacy Act requests as an initial denial authority (IDA), which includes authorizing the disclosure, redaction, withholding, and referral of record requests.

4. Due to my experience and the nature of my official duties, I am familiar with the Department of the Navy's obligations under FOIA, including obligations for referrals and consultations within the agency, and processes to refer requests to external agencies for action.
5. All information herein is based upon my personal knowledge and experience, and/or my personal review of the Plaintiff's FOIA request and relevant documents, and/or upon information furnished to me in my official capacity in the course of my official duties. I participated in processing the FOIA request that is at issue in this lawsuit, which was submitted by Plaintiff and was issued FOIA Online Tracking number DON-NAVY-2021-004688.
6. I submit this declaration in support of the Department of the Navy's representation that it conducted a reasonable and adequate search for potentially responsive records and properly referred the request to the appropriate external government agency.
7. Plaintiff Jacqueline Stevens submitted a FOIA request to the public DNS-36 FOIA group email address on March 18, 2021. A copy of the email is enclosed as attachment A to this declaration. The email submitted a FOIA request, which sought the following records: "all system records and other items maintained, produced, or distributed by the Navy and its components on Lawrence E. Bowman." Ms. Stevens included the date of Mr. Bowman's alleged birth (1946) and death (1995) and enclosed a copy of Mr. Bowman's obituary, Probate submission, and a Privacy Act waiver signed by Alma Bowman.
8. The FOIA request asserted that Ms. Bowman had been unlawfully deported at the age of 10, and that she required expedited processing of Mr. Bowman's records to verify her claims to U.S. Citizenship. The requester sought a fee waiver on their status as a "scholar, blogger, and a writer on immigration law enforcement."
9. On March 19, 2021, Ms. Bowman's FOIA request was administratively submitted to the FOIA Online system, and was automatically assigned FOIA tracking number DON-NAVY-2021-004688 by the system.
10. The DNS-36 office reviewed the materials submitted by Ms. Stevens, which included an obituary asserting that the deceased Mr. Bowman was a Navy Veteran, had been employed by the IRS for 25 years, and passed away in 1995 at the age of 49. These facts suggest that Mr. Bowman's naval service likely occurred before the year of his death (1995), due to his reported older age at time of death (49) and extensive employment with the IRS (25 years).
11. The DNS-36 office also reviewed Ms. Stevens's request and, based on its knowledge and understanding of Naval records, and based upon the limited information provided by the record request, interpreted the request as a request for Mr. Bowman's personnel files.
12. The DON does not maintain permanent copies of all service member records. Records are archived with different external government agencies based on the date of a service member's discharge, retirement, or death. Once the records are transferred to these external agencies for archival, the DON has no control over the records and no longer acts as records custodian for the records.

13. The National Personnel Records Center (NPRC), a sub agency of the National Archives and Record Administration (NARA), is the record custodian for all Naval personnel files for service members who served during the period of January 1, 1886–December 31, 1994 (if enlisted), or January 1, 1903–December 31, 1994 (if an officer). This information is reflected on the enclosure to the Standard Form 180 (SF-180), “Request for Military Records.” A blank copy of the current SF-180, revised September 2021, has been appended to this declaration as attachment B.

14. On or around 2020, the DNS-36 office met with NARA officials regarding the best way to process requests for archived personnel records, due to the high volume of archived personnel record requests received by the Navy. NARA officials requested the Navy forward such requests to NARA for action. NARA would then coordinate with its subordinate agency, NPRC, as needed.

15. In keeping with this direction, because the records sought by the FOIA requester (Ms. Stevens) were no longer held by the DON, the DNS-36 office referred Ms. Stevens’s request to the parent agency (NARA) for further action.

16. DNS-36 issued a final response to Ms. Stevens that the records requested were no longer held by the DON, that her request was transferred to NARA for action, and that NARA would likely delegate the request to NPRC for final response. The DNS-36 office informed Ms. Stevens that the responding agency would make the necessary determinations regarding her requests for expedited processing or fee waiver.

17. The DON is not the record custodian for the records requested, and DNS-36 could not therefore make any findings regarding Ms. Stevens’s requests for expedited processing or fee waiver, nor is it empowered to approve or deny these requests on behalf of a separate and distinct government agency.

18. The DNS-36 office transferred the FOIA online tracking number (DON-NAVY-2021-004688) to NARA for further action. When the transfer completed, the system automatically removed the tracking number from the Navy’s system to reassign the request to NARA.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Signed this 14 day of March, 2022.

CASON.GREGORY.MICHAEL.1038597287  
HAEL.1038597287

Digitally signed by  
CASON.GREGORY.MICHAEL.1038597287  
Date: 2022.03.14 07:21:49 -04'00'

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Gregory Cason, Deputy Director  
Chief of Naval Operations  
Freedom of Information Act Office  
200 Navy Pentagon  
Washington, DC 20350

**From:** [Jacqueline Stevens](#)  
**To:** [DONFOIA-PA](#)  
**Cc:** [Caleb Page Young](#)  
**Subject:** [Non-DoD Source] Navy records for Lawrence Bowman  
**Date:** Thursday, March 18, 2021 4:01:03 PM  
**Attachments:** [LawrenceProofofDeath.pdf](#)  
[Lawrence-Grave.jpg](#)  
[PrivacyWaiverAlmaBowman.pdf](#)

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To Whom It May Concern:

I write under the Freedom of Information Act to obtain all system records and other items maintained, produced, or distributed by the Navy and its components on Lawrence E. Bowman. Mr. Bowman was born on or around January 27th, 1946 in Sterling, IL and died on or around Dec. 13, 1995 in Rockford, IL. His obituary, a photograph of his grave, and a copy of his will are attached as proof of death. Mr. Bowman was a Navy veteran. These records also may be construed as part of his daughter's citizenship records, to which she has a right under the Privacy Act. (Please note that an ICE attorney noted that evidence of Mr. Bowman's physical presence in the Philippines would be evidence of Ms. Bowman's US citizenship.) I am therefore also attaching Ms. Bowman's privacy waiver.

Expedited Request. The Navy FOIA page for a link to its regulations goes to this page:

<https://no-click.mil/?https://www.ecfr.gov/cgi-bin/text-idx?SID=f9bad64b8e8a0af95b2110ef3c8ec3ce&mc=true&node=pt32.5.701&rgn=div5#sp32.5.701.a>

I see no language here operationalizing the statute's requirements for expedited processing.

Under 5 USC 552,

"(v) For purposes of this subparagraph, the term 'compelling need' means— that a failure to obtain requested records on an expedited basis under this paragraph 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."

The release of Lawrence Bowman's service records are necessary for his daughter, Alma Bowman, to support her claim of U.S. citizenship and to further the public's understanding of her deportation order and struggle to fight this, about which there is demonstrable interest. Thus her requests meets both prongs for mandating expedited handling of her request, though only one is mandated.

See, e.g.,

<https://no-click.mil/?https://theintercept.com/2020/11/02/ice-medical-misconduct-us-citizen-deportation/>

and

<https://no-click.mil/?https://dailycaller.com/2020/11/03/ice-medical-malpractice-citizen-deportation/>

Insofar as Ms. Bowman has been unlawfully ordered deported to a country she left when she was 10 years old, and insofar as ICE attorneys misrepresented information in her immigration file, she has an immediate need for documents to verify her claim of US citizenship for the purpose of avoiding imminent harm and to inform the public of prosecutorial misconduct.

The time frame of this request is 1946 to the present.

As a scholar, blogger, and a writer on immigration law enforcement, I am



entitled to a waiver of duplication fees because disclosure of this information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(A)(iii). The disclosure of this information 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 requester." I am requesting a fee waiver as I am using this information for my teaching, research, and journalism and am not seeking these records for financial gain. I am a Professor at Northwestern University and engage in research on the unlawful detention and deportation of United States citizens. My work has been published in The New York Times and reported on by The New Yorker, among many other venues. You can find my original work here: <https://no-click.mil/?https://www.nytimes.com/2018/04/04/opinion/migrants-detention-forced-labor.html> and <https://no-click.mil/?https://stateswithoutnations.blogspot.com/> and you can find my research cited in these publications: <https://no-click.mil/?http://reason.com/archives/2017/11/12/how-immigration-crackdowns-scr#comment> and <https://no-click.mil/?https://www.wnyc.org/story/history-and-practice-immigration-detention/>. Other references to my research can be found here: <https://no-click.mil/?https://deportation-research.buffett.northwestern.edu/news/index.html> If you have any questions you can reach me at (847) 467-6506 or [jacqueline-stevens@northwestern.edu](mailto:jacqueline-stevens@northwestern.edu).

If you have any questions, I may be reached by email at [Jacqueline-stevens@northwestern.edu](mailto:Jacqueline-stevens@northwestern.edu) or by phone at 847-467-2093.

Please sent the requested records to this email address or by regular mail to:

Jacqueline Stevens  
Department of Political Science  
601 University Place  
Northwestern University  
Evanston, IL  
60208<sup>SEP</sup>  
Thank you for your time and assistance.

Sincerely,

Jacqueline Stevens

Professor  
Political Science  
<https://no-click.mil/?https://polisci.northwestern.edu/people/core-faculty/jacqueline-stevens.html>  
Founding Director, Deportation Research Clinic  
Buffett Institute of Global Affairs  
<https://no-click.mil/?https://deportation-research.buffett.northwestern.edu/>

PETITION TO PROBATE WILL IN SOLEMN FORM

GEORGIA, JONES COUNTY

Docket No. \_\_\_\_\_

To the Honorable Judge of the Probate Court:

The petition of LOLITA CATARUNGAN BOWMAN, whose mailing address is 2740 Pine Tree Drive, Macon, Georgia 31211 respectfully shows to the Court:

1.

On December 13, 1995, LAWRENCE EDWIN BOWMAN, whose place of domicile was 2740 Pine Tree Drive Macon, Jones County, Georgia, and whose legal residence was 2740 Pine Tree Drive, Macon, Jones County, Georgia, departed this life owning property in Georgia.

2.

While alive, decedent duly made and published a Last Will and Testament dated May 10, 1993, which is herewith offered for probate in Solemn Form. Your petitioner is named as the Executor.

3.

Listed below are all of the deceased's heirs at law, with the age, address and relationship to deceased set opposite the name of each:

Name	Age	Address	Relationship
Lolita Catarungan Bowman	over 21	2740 Pine Tree Drive Macon, GA 31211	Wife
Alma Bella C. Bowman	over 21	2740 Pine Tree Drive Macon, GA 31211	Daughter

FILED IN OFFICE THIS 8<sup>th</sup> DAY  
 OF January 1996  
*P. Pass*

## Lawrence Bowman

Lawrence E. Bowman, 49, Macon, Ga., formerly of the Sterling-Dixon area, died Wednesday, Dec. 13, 1995, at Saint Anthony Medical Center, Rockford, following an extended illness.

Services were held Dec. 16 at Chapel Hill Funeral Home, Dixon. Burial was in Oak Knoll Memorial Park, Sterling.

A memorial fund has been established.

Mr. Bowman was born Jan. 27, 1946, in Sterling, the son of John Earl and Laura Elizabeth Casey Bowman. He married Lolita Catarungan June 26, 1965, in the Philippines.

He was employed as a field agent for the Internal Revenue Service in Georgia for 25 years.

He was a Navy veteran.

He was a member of Phi Theta Kappa Fraternity, Pi-Tau Chapter.

---

LAWRENCE EDWIN BOWMAN

SK22 US NAVY

VIETNAM

JAN 27 1946

DEC 12 1995



01/09/2012

PRIVACY AND CONFIDENTIALITY WAIVER

To Whom It May Concern:

My name is ALMA BELLA BOWMAN and I was assigned the alien number A035-369-B4

My date of birth is SEPT. 25, 1966. I was born in Philippines.

My current address is El Valle Detention Facility, 1800 Industrial Dr, Raymondville, TX

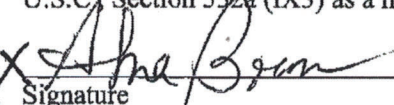
Jacqueline Stevens has my authorization to obtain all personal information about me from any private or public agency in the United States and all other countries, including Philippines (country of birth).

78580

I hereby waive my right to privacy, and, under the Privacy Act and the Freedom of Information Act, I authorize all federal and state agencies of the United States to release any and all information relating to me to Professor Jacqueline Stevens, Department of Political Science, 601 University Place, Northwestern University, Evanston, IL 60208. However, I do not authorize the government to release of my records to the public.

This waiver is in accordance with the rules of Title 5 U.S.C Section 552, and includes but is not limited to records, recordings, transcripts, email, reports, and employee statements of the Social Security Administration; Health and Human Services, including but not limited to the Office of Refugee Resettlement; the Department of Homeland Security and all its agencies, including but not limited to Customs and Border Protection, Immigration and Customs Enforcement, Citizenship and Immigration Services; the Department of Justice, including the Executive Office of Immigration Review; the Federal Bureau of Investigation; the State Department, including consular officers; and state and local jail and court employees.

Under penalty of perjury under the laws of the United States, I hereby declare that I am the person described above and understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both; and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of Title 5, U.S.C. Section 552a (i)(3) as a misdemeanor and by a fine of not more than \$5,000.

X   
Signature

Alma Bowman  
Printed Name

11/17/2020  
Executed on Date

**INSTRUCTION AND INFORMATION SHEET FOR SF 180, REQUEST PERTAINING TO MILITARY RECORDS**

- 1. General Information.** The Standard Form 180, Request Pertaining to Military Records (SF 180) is used to request information from military records. Certain identifying information is necessary to determine the location of an individual's record of military service. Please try to answer each item on the SF180. If you do not have and cannot obtain the information for an item, show "NA," meaning the information is "not available". Include as much of the requested information as you can. Incomplete information may delay response time. To determine where to mail this request see Page 2 of the SF 180 for record locations and facility addresses. Medical information may be withheld from a patient if determined that the information would be detrimental to the patient's physical or mental health or would likely cause the patient to harm himself or someone else. Online requests may be submitted to the National Personnel Records Center (NPRC) by a veteran or deceased veteran's next-of-kin using eVetRecs at <https://www.archives.gov/veterans/military-service-records/>.
- 2. Personnel Records/Military Human Resource Records/Official Military Personnel File (OMPF) and Medical Records/Service Treatment Records (STR).** Personnel records of military members who were discharged, retired, or died in service **LESS THAN 62 YEARS AGO** and medical records are in the legal custody of the military service department and are administered in accordance with rules issued by the Department of Defense and the Department of Homeland Security (DHS, Coast Guard). STRs of persons on active duty are generally kept at the local servicing clinic. After the last day of active duty, STRs should be requested from the appropriate address on page 2 of the SF 180 (See item 3, Archival Records, if the military member was discharged, retired or died in service more than 62 years ago).
- a. Release of information: Release of information is subject to restrictions imposed by the military services consistent with Department of Defense regulations, the provisions of the Freedom of Information Act (FOIA) and the Privacy Act of 1974. The service member (either past or present) or the member's authorized legal recipient has access to almost any information contained in that member's own record. The authorization signature of the service member or the member's authorized legal recipient is needed in Section III of the SF 180. Others requesting information from military personnel records and/or STRs must have the release authorization in Section III of the SF 180 signed by the member or authorized legal recipient. If the appropriate signature cannot be obtained, only limited types of information can be provided (DoD 6025.18-R C8). If the former member is deceased, the surviving next-of-kin (NOK) may be entitled to greater access to a deceased veteran's records than a member of the general public (DoD 6025.18-R C6.2.1.2). The NOK may be any of the following: unmarried/surviving spouse, father, mother, son, daughter, sister, or brother. Requesters **MUST provide proof of death such as the DD Form 1300, Casualty Report, a copy of a death certificate, newspaper article (obituary) or death notice, coroner's report of death, funeral director's signed statement of death, or verdict of coroner's jury.**
- b. Fees for records: There is no charge for most services provided to service members or next-of-kin of deceased veterans. A nominal fee is charged for certain types of service. In most instances, service fees cannot be determined in advance. If your request involves a service fee, you will receive an invoice with your records.
- 3. Archival Records.** Personnel records of military members who were discharged, retired, or died in service **62 OR MORE YEARS AGO** have been transferred to the legal custody of NARA and are referred to as "archival records".
- a. Release of Information: Archival records are open to the public. The Privacy Act of 1974 does not apply to archival records, therefore, written authorization from the veteran or next-of-kin is not required. In order to protect the privacy of the veteran, his/her family, and third parties named in the records, the personal privacy exemption of the Freedom of Information Act (5 U.S.C. 552 (b)(6)) may still apply and may preclude the release of some information.
- b. Fees for Archival Records: Access to archival records are granted by offering copies of the records for a fee (44 U.S.C. 2116 (c)). If a fee applies to the copies of documents in the requested record, you will receive an invoice. Copies will be sent after payment is made. For more information see <https://www.archives.gov/st-louis/archival-programs/military-personnel-archival/ompf-archival-requests.html>.
- 4. Where reply may be sent.** The reply may be sent to the service member or any other address designated by the service member or other authorized requester. If the designated address is NOT registered to the addressee by the U.S. Postal Service (USPS), provide BOTH the addressee's name AND "in care of" (c/o) the name of the person to whom the address is registered on the NAME line in Section III, item 3, on page 1 of the SF 180. The COMPLETE address must be provided, INCLUDING any apartment/suite/unit/lot/space/etc. number. NOTE: If requester desires to send his/her record to a third party, he/she must fill out a DD Form 2870 authorizing the releasing agency to release the record and the timeframe of the authorization. The form may be downloaded using most commercial web search tools by entering "DD Form 2870" as a search term.
- 5. Definitions and abbreviations.** DISCHARGED -- the individual has no current military status; SERVICE TREATMENT RECORD (STR) -- The chronology of medical, mental health, and dental care received by service members during the course of their military career (does not include records of treatment while hospitalized); TDRL -- Temporary Disability Retired List.
- 6. Service completed before World War I.** National Archives Trust Fund (NATF) forms must be used to request these records. Obtain the forms by e-mail from [inquire@nara.gov](mailto:inquire@nara.gov) or write to the Code 6 address on page 2 of the SF 180.

**PRIVACY ACT OF 1974 COMPLIANCE INFORMATION**

The following information is provided in accordance with 5 U.S.C. 552a(e)(3) and applies to this form. Authority for collection of the information is 44 U.S.C. 2907, 3101, and 3103, and Public Law 104-134 (April 26, 1996), as amended in title 31, section 7701. Disclosure of the information is voluntary. If the requested information is not provided, it may delay servicing your inquiry because the facility servicing the service member's record may not have all of the information needed to locate it. The purpose of the information on this form is to assist the facility servicing the records (see the address list) in locating the correct military service record(s) or information to answer your inquiry. This form is then retained as a record of disclosure. The form may also be disclosed to Department of Defense components, the Department of Veterans Affairs, the Department of Homeland Security (DHS, U.S. Coast Guard), or the National Archives and Records Administration when the original custodian of the military health and personnel records transfers all or part of those records to that agency. If the service member was a member of the National Guard, the form may also be disclosed to the Adjutant General of the appropriate state, District of Columbia, or Puerto Rico, where he or she served.

**PAPERWORK REDUCTION ACT PUBLIC BURDEN STATEMENT**

Public burden reporting for this collection of information is estimated to be five minutes per request, including time for reviewing instructions and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to National Archives and Records Administration (MP), 8601 Adelphi Road, College Park, MD 20740-6001. **DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. SEND COMPLETED FORMS TO THE APPROPRIATE ADDRESS LISTED ON PAGE 2 OF THE SF 180.**

## REQUEST PERTAINING TO MILITARY RECORDS

Requests can be submitted online using eVetRecs at <https://www.archives.gov/veterans/military-service-records/>  
 To ensure the best possible service, please thoroughly review the accompanying instructions before filling out this form. PLEASE PRINT LEGIBLY OR TYPE BELOW.

### SECTION I - INFORMATION NEEDED TO LOCATE RECORDS (Furnish as much information as possible.)

1. NAME USED DURING SERVICE (last, first, full middle)	2. SOCIAL SECURITY #	3. DATE OF BIRTH	4. PLACE OF BIRTH

5. SERVICE, PAST AND PRESENT (For an effective records search, it is important that ALL service be shown below.)

	BRANCH OF SERVICE	DATE ENTERED	DATE RELEASED	OFFICER	ENLISTED	SERVICE NUMBER (If unknown, write "unknown")
a. ACTIVE				<input type="checkbox"/>	<input type="checkbox"/>	
b. RESERVE				<input type="checkbox"/>	<input type="checkbox"/>	
c. NATIONAL GUARD				<input type="checkbox"/>	<input type="checkbox"/>	

6. PLEASE LIST LAST FOUR DUTY STATIONS, IF KNOWN: 1. \_\_\_\_\_  
 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_

7. IS THIS PERSON DECEASED?  NO  YES - MUST provide Date of Death if veteran is deceased: \_\_\_\_\_

8. DID THIS PERSON RETIRE FROM MILITARY SERVICE?  NO  YES

### SECTION II - INFORMATION AND/OR DOCUMENTS REQUESTED

1. CHECK THE ITEM(S) YOU ARE REQUESTING:

- DD Form 214 or equivalent:** Year(s) in which form(s) issued to veteran (Date of Separation): \_\_\_\_\_  
 This form contains information used to verify military service. An UNDELETED DD Form 214 is ordinarily required to determine eligibility for benefits. If you request a DELETED copy, the following items will be blacked out: authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and, for separations after June 30, 1979, character of separation and dates of time lost. Please note - recent veterans may be able to request a DD Form 214 through milConnect by visiting: <https://www.va.gov/records/get-military-service-records/>  
 An UNDELETED copy will be sent UNLESS YOU SPECIFY A DELETED COPY by checking this box:  I want a DELETED copy.
- Official Military Personnel File (OMPF):** The OMPF may include duty stations and assignments, training and qualifications, awards and decorations received, disciplinary actions, administrative remarks, enlistment and/or discharge information (including DD Form 214, Report of Separation, or equivalent), and other personnel actions. Detailed information about the veteran's participation in battles and their military engagements is NOT contained in the record.
- Medical Records:** Includes health (outpatient), extended ambulatory, and dental records. If inpatient/hospitalization records are requested, please specify below.  
 I request inpatient/hospitalization records from \_\_\_\_\_ (facility), last treated in \_\_\_\_\_ (year). (NOTE: Fields are required)  
 If available, you may receive copies of inpatient narrative summaries, operative reports, discharge summaries, etc. contained in the record.
- Dental Records:** Please check this box if ONLY dental records are needed from the medical record.
- Other (Please Specify):** \_\_\_\_\_

2. PURPOSE: (Providing information about the purpose of the request is voluntary; however, it may help to provide the best possible response and may result in a faster reply. Information provided will in no way be used to make a decision to deny the request.)

- Benefits (explain)  Employment  VA Loan Programs  Medical  Genealogy  Correction  Personal  Other (explain)

Explain here: \_\_\_\_\_

### SECTION III - RETURN ADDRESS AND SIGNATURE

1. REQUESTER NAME: \_\_\_\_\_ 2. RELATIONSHIP TO VETERAN: \_\_\_\_\_

3.  I am the MILITARY SERVICE MEMBER OR VETERAN identified in Section I, above.  I am the VETERAN'S LEGAL GUARDIAN (MUST submit copy of Court Appointment) or AUTHORIZED REPRESENTATIVE (MUST submit copy of Authorization Letter or Power of Attorney)  
 I am the DECEASED VETERAN'S NEXT-OF-KIN (MUST submit Proof of Death. See item 2a on instruction sheet.)  OTHER (Specify): \_\_\_\_\_

4. SEND INFORMATION/DOCUMENTS TO:

(Please print or type. See item 4 on accompanying instructions.)

5. AUTHORIZATION SIGNATURE: I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information in this Section 3 is true and correct and that I authorize the release of the requested information. (See items 2a or 3a on the accompanying instructions sheet. Without the Authorization Signature of the veteran, next-of-kin of deceased veteran, veteran's legal guardian, authorized government agent, or other authorized representative, only limited information can be released unless the request is archival. No signature is required if the request is for archival records.)

Name \_\_\_\_\_

Street Address \_\_\_\_\_ Apt. # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Daytime Phone \_\_\_\_\_ Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

Signature Required - Do not print

Date \_\_\_\_\_

\* This form is available at <https://www.archives.gov/veterans-military-service-records/standard-form-180.pdf> on the National Archives and Records Administration (NARA) web site. \*

The various categories of military service records are described in the chart below. For each category there is a code number which indicates the address at the bottom of the page to which this request should be sent. Please refer to the Instruction and Information Sheet accompanying this form as needed.

BRANCH	CURRENT STATUS OF SERVICE MEMBER	Personnel Record	Medical or Service Treatment Record
AIR FORCE	Discharged, deceased, or retired before 5/1/1994	14	14
	Discharged, deceased, or retired 5/1/1994 – 9/30/2004	14	11
	Discharged, deceased, or retired 10/1/2004 – 12/31/2013	1	11
	Discharged, deceased, or retired on or after 1/1/2014	1	13
	Active (including National Guard on active duty in the Air Force), TDRL, or general officers retired with pay	1	
	Reserve, IRR, Retired Reserve in non-pay status, current National Guard officers not on active duty in the Air Force, or National Guard released from active duty in the Air Force	2	
	Current National Guard enlisted not on active duty in the Air Force	2	13
COAST GUARD	Discharged, deceased, or retired before 1/1/1898	6	
	Discharged, deceased, or retired 1/1/1898 – 3/31/1998	14	14
	Discharged, deceased, or retired 4/1/1998 – 9/30/2006	14	11
	Discharged, deceased, or retired 10/1/2006 – 9/30/2013	3	11
	Discharged, deceased, or retired on or after 10/1/2013	3	14
	Active, Reserve, Individual Ready Reserve or TDRL	3	
MARINE CORPS	Discharged, deceased, or retired before 1/1/1895	6	
	Discharged, deceased, or retired 1/1/1905 – 4/30/1994	14	14
	Discharged, deceased, or retired 5/1/1994 – 12/31/1998	14	11
	Discharged, deceased, or retired 1/1/1999 – 12/31/2013	4	11
	Discharged, deceased, or retired on or after 1/1/2014	4	8
	Individual Ready Reserve	5	
Active, Selected Marine Corps Reserve, TDRL	4		
ARMY	Discharged, deceased, or retired before 11/1/1912 (enlisted) or before 7/1/1917 (officer)	6	
	Discharged, deceased, or retired 11/1/1912 – 10/15/1992 (enlisted) or 7/1/1917 – 10/15/1992 (officer)	14	
	Discharged, deceased, or retired 10/16/1992 – 9/30/2002	14	11
	Discharged, deceased, or retired (including TDRL) 10/1/2002 – 12/31/2013	7	11
	Discharged, deceased, or retired (including TDRL) on or after 1/1/2014	7	9
	Current Soldier (Active, Reserve (including Individual Ready Reserve) or National Guard)	7	
NAVY	Discharged, deceased, or retired before 1/1/1886 (enlisted) or before 1/1/1903 (officer)	6	
	Discharged, deceased, or retired 1/1/1886 – 1/30/1994 (enlisted) or 1/1/1903 – 1/30/1994 (officer)	14	14
	Discharged, deceased, or retired 1/31/1994 – 12/31/1994	14	11
	Discharged, deceased, or retired 1/1/1995 – 12/31/2013	10	11
	Discharged, deceased, or retired on or after 1/1/2014	10	8
	Active, Reserve, or TDRL	10	
PHS	Public Health Service - Commissioned Corps officers only	12	

ADDRESS LIST OF CUSTODIANS and SELF-SERVICE WEBSITES (BY CODE NUMBERS SHOWN ABOVE) – Where to write/send this form

1	Air Force Personnel Center AFPC/DP2SSM 550 C Street West JBSA-Randolph TX 78150-4721 Fax: 210-565-3124 Email: DP2SSM.MILRECS.INCOMING@US.AF.MIL	6	National Archives & Records Administration Research Services (RDTIR) 700 Pennsylvania Avenue NW Washington, DC 20408-0001	11	Department of Veterans Affairs ATTN: Release of Information Claims Intake Center P.O. Box 4444 Janesville, WI 53547-4444 Fax: 844-531-7818 <a href="https://www.va.gov">https://www.va.gov</a>
2	Air Reserve Personnel Center Total Force Service Center: 1-800-525-0102 <a href="https://mypers.af.mil/">https://mypers.af.mil/</a>	7	US Army Human Resources Command's web page:  <a href="https://www.hrc.army.mil/content/1113">https://www.hrc.army.mil/content/1113</a>  or 1-888-ARMYHRC (1-888-276-9472)	12	Division of Commissioned Corps Officer Support ATTN: Records Officer 1101 Wooton Parkway, Plaza Level, Suite 100 Rockville, MD 20852
3	Commander, Personnel Service Center (BOPS-C-MR) MS7200 US Coast Guard 2703 Martin Luther King Jr Ave SE Washington, DC 20593-7200 <a href="https://www.dcms.uscg.mil/ompf">https://www.dcms.uscg.mil/ompf</a>	8	Navy Medicine Records Activity (NMRA) BUMED Detachment St. Louis 4300 Goodfellow Boulevard, Building 103 St. Louis, MO 63120 Fax number: 314-260-8128	13	AF STR Processing Center ATTN: Release of Information 3370 Nacogdoches Road, Suite 116 San Antonio, TX 78217
4	Headquarters U.S. Marine Corps Manpower Management Records & Performance (MMRP-10) 2008 Elliot Road Quantico, VA 22134-5030 SMB.MANPOWER.MMRP-10@usmc.mil	9	AMEDD Army Record Processing Center 3370 Nacogdoches Road, Suite 116 San Antonio, TX 78217 Fax Number: 210-201-8310	14	National Personnel Records Center (Military Personnel Records) 1 Archives Drive St. Louis, MO 63138-1002  <a href="https://www.archives.gov/veterans/military-service-records/">https://www.archives.gov/veterans/military-service-records/</a>
5	Marine Corps Forces Reserve 2000 Opelousas Avenue New Orleans, LA 70114	10	Navy Personnel Command (PERS-313) 5720 Integrity Drive Millington, TN 38055-3130		



# Exhibit F

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
U.S. IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT, U.S. CUSTOMS AND	)	No. 21 C 2232
BORDER PROTECTION, U.S.	)	
CITIZENSHIP AND IMMIGRATION	)	Judge Tharp
SERVICES, EXECUTIVE OFFICE OF	)	
IMMIGRATION REVIEW, U.S. NAVY,	)	
U.S. DEPARTMENT OF AGRICULTURE,	)	
U.S. DEPARTMENT OF STATE, and U.S.	)	
DEPARTMENT OF JUSTICE,	)	
	)	
Defendants.	)	

**DECLARATION OF ALEXIS GRAVES**

I, Alexis Graves, make the following declaration in lieu of an affidavit as permitted by Section 1746 of Title 28 of the United States Code. I make this declaration based upon the knowledge I have acquired through the performance of my official duties. I am aware that this declaration will be filed with the United States District Court for the Northern District of Illinois, and that it is the legal equivalent of a statement under oath.

1. I am the Director for the Office of Information Affairs (OIA) and the Departmental Freedom of Information Act (FOIA) Officer within the United States Department of Agriculture (USDA), Office of the General Counsel (OGC). I have held the OIA Director position since January 2021 and the Departmental FOIA Officer position since October 2013.

2. As the OIA Director and Departmental FOIA Officer, my duties, among other things, include recommendations to the General Counsel and Chief FOIA Officer on

improvements to USDA's practices, policies, personnel, and funding as may be necessary to improve the implementation of FOIA, the facilitation of USDA's understanding of the FOIA, and the preparation of reports to the Attorney General on the USDA's performance in implementing the FOIA. I am also responsible for managing the identification, collection, and redaction of records responsive to requests and appeals made to all USDA staff offices to include the Office of the Secretary and Undersecretaries and the mission areas for Research, Education and Economics and Trade and Foreign Affairs.

3. I make the statements herein on the basis of personal knowledge, as well as on information acquired by me in the course of performing my official duties, including my review of the agency files and my discussions with colleagues at USDA who are also familiar with the facts at issue in this litigation.

**Plaintiff's August 14, 2020, FOIA Request to USDA**

4. Through the exercise of my official duties, I am familiar with Plaintiff's FOIA request at issue in this matter, and the processing that occurred following the filing of the Complaint.

5. On August 14, 2020, Plaintiff Jacqueline Stevens submitted a FOIA request to an outdated USDA email link, specifically, [usdafoia@ocio.usda.gov](mailto:usdafoia@ocio.usda.gov). See Attachment A, FOIA Request dated August 14, 2020. The USDA Office of Information Affairs is unable to retrieve requests directed to outdated email links and therefore never logged nor acknowledged Plaintiff's request.

6. On May 26, 2021, Assistant United States Attorney Alex Hartzler forwarded a copy of Plaintiff's August 14, 2020, request to USDA. Plaintiff's request sought the following:

“...all system records, including but not limited to hiring, payment receipts, immigration documents, and border crossing records, maintained by the Department regarding Lazaro Palma. Mr. Palma was born on 3/27/1914 and died on 8/26/1991. His death certificate is

attached. On information and belief, Mr. Palma entered the United States in or around 1942 as part of the “Bracero” program (officially the Mexican Farm Labor Agreement Act of 1942).

The time frame of this request is 1942 to 1950.”

Attachment A, FOIA Request dated August 14, 2020.

### **Searches for Responsive Records**

7. On June 21, 2021, USDA’s OIA initiated multiple search requests for any hiring records, payment records, and/or law enforcement records. These search requests were initiated with USDA’s National Finance Center (NFC), Farm Production and Conservation Business Center (FPAC), and Forest Service (FS) as these were the USDA entities likely to have responsive records. Since neither immigration nor border crossing relate to the USDA mission of providing leadership on food, agriculture, natural resources, rural development, nutrition, and related issues based on public policy, the best available science, and effective management, a search was not initiated for immigration or border crossing records.

8. The NFC, located in New Orleans, Louisiana, is an Office of Personnel Management certified Shared Service Center providing personnel and payroll related services to more than 170 diverse agencies to include USDA. An initial NFC search was performed by the Internal Audit and Compliance Group for any hiring or payment records related to Mr. Lazaro Palma. Using the terms “Palma” and “Lazaro,” NFC searched its Information Research Inquiry System (IRIS). IRIS allows NFC to search for current and historical, payroll and personnel data contained in the Payroll/Personnel Database (PPD), the Personnel History Information System (PHIS), and the Name Inquiry Database. No responsive records were found within IRIS. NFC then performed a secondary search of IRIS using Mr. Lazaro’s social security number. No responsive records were found in IRIS during NFC’s secondary search. Responsive records within NFC would not likely be found outside of IRIS.

9. FPAC combines USDA employees into specialized teams that serve customers across the Farm Service Agency, the Natural Resource Conservation Service, and the Risk Management Agency. The FPAC Stakeholder Relations Branch initiated a search in its Service Center Information Management System (SCIMS) to determine whether Mr. Lazaro participated and received payments from any FSA or NRCS subsidy program. SCIMS is database to maintain and manage FSA and NRCS' customer data. A national search for active and inactive producers was initiated using the key terms "Palma" and "Lazaro." No responsive records were located in SCIMS. Responsive records within FPAC would not likely be found outside of SCIMS.

10. FS manages public lands in national forests and grasslands. The FS is also the largest forestry research organization in the world, providing technical and financial assistance to State and private forestry agencies. FS' law enforcement personnel operate as full partners carrying out FS' mission, especially in upholding Federal laws and regulations that protect natural resources, agency employees, and the public. The FS' Law Enforcement and Investigation (LEI) organization performed a search of its Law Enforcement Investigation Management Attainment Reporting System (LEIMARS) as well as its Law Enforcement and Investigations Reporting System (LEIRS), which is the new LEI records repository replacing LEIMARS. Both systems are used to collect information concerning criminal incidents. No responsive records were identified in LEIMARS and/or LEIRS using the key terms "Palma" and "Lazaro." Responsive records within FS would not likely be found outside LEIMARS and/or LEIRS.

11. The OIA searched all locations likely to have responsive records.

I declare under penalty under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed in Upper Marlboro, Maryland, on this 11th day of March 2022.

**Alexis R. Graves** Digitally signed by Alexis R.  
Graves  
Date: 2022.03.11 15:47:50  
-05'00'

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Alexis R. Graves  
Director  
Office of Information Affairs  
U.S. Department of Agriculture

**Graves, Alexis - OGC, Washington, DC**

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**From:** Hartzler, Alex (USAILN) <Alex.Hartzler@usdoj.gov>  
**Sent:** Wednesday, May 26, 2021 12:53 PM  
**To:** Schaaf, David - OGC, Kansas City, MO; Vos, John - OGC, Kansas City, MO  
**Subject:** FW: Copy of Jackie Stevens' USDA FOIA request.  
**Attachments:** LazaroPalmaDeathCertificate.pdf

-----Original Message-----

From: Nicolette Glazer <nicolette@glazerandglazer.com>  
Sent: Wednesday, May 26, 2021 11:52 AM  
To: Hartzler, Alex (USAILN) <AHartzler@usa.doj.gov>  
Subject: FW: Copy of Jackie Stevens' USDA FOIA request.

Dear Mr. Hartzler,

I am forwarding the USDA foia Jackie submitted and the death certificate for the subject.

Let me know if you need anything else.

Nicolette Glazer Esq. Certified Specialist in Immigration and Nationality Law State Bar of California, Board of Legal Specialization Direct Line: (310) 735-3478

Law Offices of Larry R Glazer

Main office: 1999 Avenue of the Stars, 11th Floor, Century City, CA 90067 Support Office: 79125 Corporate Center Dr. #6351, La Quinta, CA 92253

Tel: (310) 407-5353 / Fax: (310) 407-5354

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprotect2.fireeye.com%2Fv1%2Furl%3Fk%3D45fc3f83-1a6706cf-45fb1b66-0cc47adca7cc-5b3ca80305c10bed%26q%3D1%26e%3D55021e2b-a362-46a5-92da-6c8c14221620%26u%3Dhttp%253A%252F%252Fwww.glazerandglazer.com%252F&data=04%7C01%7C%7Cdd4bda24a24b42aa098808d92066cc34%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C0%7C0%7C637576448455013376%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBjTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C1000& ;sdata=GAtJI4P77bhOKVKwwh3YVlr3zvFnCCWUGH6Q33hNyOw%3D&reserved=0>

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprotect2.fireeye.com%2Fv1%2Furl%3Fk%3D6cb982b2-3322bbfe-6cbea657-0cc47adca7cc-d403df9f0e6893ba%26q%3D1%26e%3D55021e2b-a362-46a5-92da-6c8c14221620%26u%3Dhttp%253A%252F%252Fwww.lolrg.com%252F&data=04%7C01%7C%7Cdd4bda24a24b42aa098808d92066cc34%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C0%7C0%7C637576448455013376%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLjBjTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C1000& ;sdata=5aKvSv1XbpOUBK0HxNX6r4QSmt09jmbRIA9QmIM72yw%3D&reserved=0> / Download the LOLRG Litigation App

\*\*Please send all documents in paper format and payments to our La Quinta office at the address above \*\*

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF YOU ARE NOT THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE NOTIFY US PROMPTLY AND DESTROY THIS MESSAGE AND ANY ATTACHMENT IT MAY CONTAIN.

Circular 230 Disclosure: Any tax advice provided in this communication is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer (i) for the purpose of avoiding tax penalties that may be imposed, or (ii) in promoting, marketing, or recommending tax transaction or matter to another party. Please seek advice from an independent tax advisor with respect to any tax transaction or matter contained herein.

-----Original Message-----

From: Jacqueline Stevens <jacqueline-stevens@northwestern.edu>

Sent: Tuesday, May 25, 2021 7:50 PM

To: Nicolette Glazer <nicolette@glazerandglazer.com>

Subject: Fw: Records on Lazaro Palma, 1942 -

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From: Jacqueline Stevens

Sent: Friday, August 14, 2020 4:32 PM

To: USDAFOIA@ocio.usda.gov

Cc: Caleb Page Young

Subject: Records on Lazaro Palma, 1942 -

To Whom It May Concern:

I write under the Freedom of Information Act to request all system records, including but not limited to hiring, payment receipts, immigration documents, and border crossing records, maintained by the Department regarding Lazaro Palma. Mr. Palma was born on 3/27/1914 and died on 8/26/1991. His death certificate is attached. On information and belief, Mr. Palma entered the United States in or around 1942 as part of the "Bracero" program (officially the Mexican Farm Labor Agreement Act of 1942).

The time frame of this request is 1942 to 1950.

As a scholar, blogger, and a writer on immigration law enforcement, I am entitled to a waiver of fees because disclosure of this information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(A)(iii). The disclosure of this information 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 requester." I am requesting a fee waiver as I am using this information for my teaching, research, and journalism and am not seeking these records for financial gain. I am a Professor at Northwestern University and engage in research on the unlawful detention and deportation of United States citizens and other government misconduct, including the obstruction of access to public hearings and the unlawful withholding of documents Congress has obligated executive agencies to release.

My work has been published in The New York Times, The Nation, and The Intercept, among other publications. My research also has been covered by major media venues, including the New Yorker, the New York Times, and The Guardian. As evidence of this, please see these references cited here:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdeportation-research.buffett.northwestern.edu%2Fnews%2Findex.html&data=04%7C01%7C%7Cdd4bda24a24b42aa098808d92066cc34%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C0%7C0%7C637576448455013376%7CUnknown%7CTWFpbGZs b3d8eyJWljo iMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I k1haWwiLCJXVCi6Mn0%3D%7C1000& sdata=6yknjywoPBY wsJIWkoQR6K%2F%2FwllDePCemlou9WfmH5Q%3D& reserved=0>

Please sent the requested records to this email address or by regular mail to:  
Jacqueline Stevens



Department of Political Science  
601 University Place  
Northwestern University  
Evanston, IL  
60208

Thank you for your time and assistance.

Jacqueline Stevens  
Professor  
Political Science and Legal Studies  
Northwestern University  
Director  
Deportation Research Clinic  
Buffett Institute for Global Affairs

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fbuffett.northwestern.edu%2Fprograms%2Fdeportationresearch&data=04%7C01%7C%7Cdd4bda24a24b42aa098808d92066cc34%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C0%7C0%7C637576448455013376%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQljoiv2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&reserved=0>

Citizenship In Question (Duke U.P. 2017), Open Source PDF

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprotect2.fireeye.com%2Fv1%2Furl%3Fk%3Dde60a46f-81fb9d23-de67808a-0cc47adca7cc-caa203a494894d19%26q%3D1%26e%3D55021e2b-a362-46a5-92da-6c8c14221620%26u%3Dhttp%253A%252F%252Fwww.oopen.org%252Fsearch%253Fidvertiser%253D625272&data=04%7C01%7C%7Cdd4bda24a24b42aa098808d92066cc34%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C0%7C0%7C637576448455013376%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQljoiv2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&reserved=0>

office phone: 847-467-2093

mail  
601 University Place  
Political Science Department  
Evanston, IL 60208

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# Exhibit G

UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	No.21 C 2232
U.S IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT, U.S. CUSTOMS AND	)	Judge Tharp
BORDER PROTECTION, U.S.	)	
CITIZENSHIP AND IMMIGRATION	)	
SERVICES, EXECUTIVE OFFICE OF	)	
IMMIGRATION REVIEW, U.S. NAVY,	)	
U.S. DEPARTMENT OF AGRICULTURE,	)	
U.S. DEPARTMENT OF STATE, and U.S.	)	
DEPARTMENT OF JUSTICE.	)	
	)	
Defendants.	)	

**DECLARATION OF SUSAN C. WEETMAN**

Pursuant to 28 U.S.C. § 1746, I, Susan C. Weetman, declare and state as follows:

1. I am the Deputy Director of the Office of Information Programs and Services (“IPS”) of the United States Department of State (the “Department” or “State”), a position in which I have served since August 4, 2019. Prior to serving in this capacity, I served as the Chief of the Programs and Policies Division within IPS beginning on May 15, 2016, and prior to that I was the Branch Chief for Litigation and Appeals within the Programs and Policies Division beginning on March 10, 2013.

2. The core responsibilities of IPS include: (1) responding to records access requests made by the public [including under the Freedom of Information Act (“FOIA”), the Privacy Act, and the mandatory declassification review requirements of the Executive Order governing

classified national security information], Members of Congress, and other government agencies, and those made pursuant to judicial process such as subpoenas, court orders, and discovery requests; (2) records management; (3) national security classification management and declassification review; (4) corporate records archives management; (5) research; (6) operation and management of the Department's library; and (7) technology applications that support these activities.

3. I make the following statements based upon my personal knowledge, which in turn is based upon information furnished to me in the course of my official duties. I am familiar with the efforts of Department personnel to process the subject request, and I am in charge of coordinating the agency's search and recovery efforts with respect to that request.

4. This declaration explains the Department's search for records responsive to Plaintiff's FOIA request and the FOIA exemptions applied in processing the responsive records produced to Plaintiff. The declaration also provides a detailed description of the information withheld in the one document the Department released that contains disputed redactions and the justification for the Department's redactions.

#### **I. THE PROCESSING OF PLAINTIFF'S REQUEST**

5. Plaintiff submitted a FOIA request to the Department dated March 18, 2021, seeking "all system records and any other information received, produced, or maintained by the State Department pertaining to Alma Belma Bowman, aka Alma Mitchell, Alma Sorrells..." (Attachment 1)

6. On March 22, 2021, IPS acknowledged receipt of Plaintiff's FOIA request and assigned it Case Number F-2021-04009. (Attachment 2)

7. On the same day, Plaintiff asked the Department to provide a date by which it expected to finish producing records responsive to her request, and a week later the Department responded by saying that it would provide an estimated date of completion shortly. On April 5, 2021, Plaintiff again asked for an estimated date of completion, and on April 19, 2021, the Department responded that it expected to finish processing her request by July 30, 2021.

(Attachment 3)

8. By letter dated May 10, 2021, the Department informed Plaintiff that it had completed its search and located no responsive records. The Department noted that because Plaintiff's request might implicate visa records, however, she should also submit a FOIA request to United States Citizenship and Immigration Services. (Attachment 4)

9. On September 9, 2021, after running additional searches for records responsive to her FOIA request, the Department informed Plaintiff that it had located 12 responsive records, 6 of which it released in part and 6 of which it released in full. The Department further informed her that it had concluded processing her case and that it had released all reasonably segregable exempt material in the records it located. (Attachment 5)

## **II. THE SEARCH PROCESS**

10. When the Department receives a FOIA request, IPS evaluates the request to determine which offices, overseas posts, or other records systems within the Department may reasonably be expected to contain the records requested. This determination is based on the description of the records requested and requires a familiarity with the holdings of the Department's records systems, applicable records disposition schedules, and the substantive and functional mandates of numerous Department offices and Foreign Service posts and missions.

11. Each office within the Department, as well as each Foreign Service post and mission, maintains files concerning foreign policy and other functional matters related to the daily operations of that office, post, or mission. These files consist generally of working copies of documents, informational copies of documents maintained in the Central Foreign Policy Records collection, and other documents prepared by or furnished to the office in connection with the performance of its official duties, as well as electronic copies of documents and email messages.

12. The following bureaus or records systems were deemed reasonably likely to have documents responsive to Plaintiff's request: the Bureau of Consular Affairs ("CA"); the Department's electronic records ("eRecords") archive; the Passport Information Electronic Records System ("PIERS"); and the National Archives and Records Administration's ("NARA") Washington National Records Center ("WNRC"). Although the Department was under no legal obligation to search records accessioned to NARA and no longer under the Department's control, it nonetheless requested that NARA search the WNRC in order to help Plaintiff find relevant records. After conferring with CA, IPS determined that the U.S. Embassy in Manilla, the Philippines was not likely to have responsive records because case files on individual aliens issued an immigrant visa may be destroyed six months after issuance pursuant to State Department Records Disposition Schedule A-14-001-02a. The requester provided a copy of a Green Card issued in 1977 and the Department determined that Embassy Manilla was unlikely to have preserved individual alien case files from nearly 45 years ago.

13. IPS concluded that no other offices or records systems were reasonably likely to maintain documents responsive to Plaintiff's request and that the tasked offices searched all files likely to contain relevant documents. After receiving materials in response to the relevant search

taskers, IPS conducted a review of the retrieved material to determine responsiveness and to identify non-exempt material for release to the requester. Where material was found to be exempt from disclosure, IPS reviewed this material to ensure that all non-exempt, segregable information was released to the requester.

14. When conducting a search in response to a FOIA request, IPS relies on the knowledge and expertise of the employees of each bureau/office/post to determine the files and locations reasonably likely to house responsive records and the best means of locating such records, as these employees are in the best position to know how their files are organized. Additionally, for any searches of electronic records, those employees are also in the best position to determine which search terms would yield potentially responsive records in a given system.

#### **The Bureau of Consular Affairs**

15. CA is responsible for the welfare and protection of U.S. citizens abroad, for the issuance of passports and other documentation to citizens and nationals, and for the protection of U.S. border security and the facilitation of legitimate travel to the United States. CA's Directorate of Passport Services ("CA/PPT") and Directorate of Visa Services ("CA/VO") each conducted searches for records responsive to Plaintiff's request.

#### *CAPPT*

16. CA/PPT administers laws and formulates and recommends legislation, regulations, and policies relating to the documentation of U.S. nationals/citizens traveling abroad. It directs domestic passport offices and passport application acceptances facilities, as well as the passport and vital records filing and retrieval systems. Additionally, CA/PPT liaises with federal law enforcement agencies and entities to negotiate data sharing agreements and recommends implementation of tools and databases to improve national security.

17. In response to IPS' tasker, a CA/PPT division chief stated that the records Plaintiff sought in her FOIA request were likely to be located at the WNRC. A Lead Government Information Specialist in CA, who was familiar with Plaintiff's FOIA request, requested, through CA's Vital Records section, a search of paper records at the WNRC. She requested that the following search terms be used: Alma Bella Bowman, Alma Belma Bowman, her date of birth, and place of birth; Alma Mitchell, her date of birth, and place of birth; Alma Sorrells, her date of birth, and place of birth.<sup>1</sup> She also requested a search for a passport request refusal dated September 1, 1977, using the names Alma Bella Bowman, Alma Belma Bowman, Alma Mitchell, Alma Sorrells, her date of birth, and place of birth. WNRC conducted its search between July 15, 2021, and August 31, 2021.

18. The CA/PPT division chief also recommended a search of the Department's PIERS system, which is a database of all U.S. passport information (all records of issued and expired U.S. passports, not issued applications, and destroyed, stolen, and lost U.S. passports) and consular records of overseas births and deaths. PIERS maintains images of passport applications and other information from 1994 to the present. PIERS provides structured query capabilities to access the data maintained within the system.

19. A Lead Government Information Specialist in CA who was familiar with Plaintiff's FOIA request searched the PIERS system using the following terms: Alma Bella Bowman, Alma Belma Bowman, date of birth, and place of birth; Alma Mitchell, date of birth, and place of birth; Alma Sorrells, date of birth, and place of birth. She also searched for a

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<sup>1</sup> The Department searched using this individual's date of birth and place of birth but has not included that information in this public filing to prevent the dissemination of her personally identifiable information ("PII"). Subsequent searches described in this Declaration that mention "date of birth" or "DOB" and "place of birth" or "DOB" were run using the individual's actual place and date of birth.



passport request refusal dated September 1, 1977, using the names Alma Bella Bowman, Alma Belma Bowman, Alma Mitchell, Alma Sorrells, date of birth, and place of birth.

*CA/VO*

20. *CA/VO* manages all aspects of visa services for foreign nationals who wish to enter the United States. It interprets and applies immigration laws and regulations and acts as a point of contact for the public. *CA/VO* also serves as a liaison between the Department of State and its embassies and consulates abroad on visa matters. Its primary responsibility is the enforcement of U.S. immigration laws and regulations.

21. A customer service analyst in *CA/VO* who was familiar with Plaintiff's FOIA request conducted a search of the Consular Consolidated Database ("CCD"), which is a system of non-public consolidated databases that holds all the current and archived data entered by consular officers from U.S. embassies and consulates around the world. This includes, among other information, data regarding the diversity visa program, immigrant visas, non-immigrant visas, the visa revocation system, the admissibility review and information service, and identity verification applications, as well as an interface to the consular lookout and support system. The CCD contains a record of every U.S. visa application made since 1997, with the accompanying adjudication decision concerning an applicant's eligibility for a visa, including any decision to issue, refuse, or revoke a visa. Access to the CCD and its combined applications and databases is password protected and provides authorized users with real-time access to case-related information. The database is a crucial law enforcement tool and is used to administer and enforce U.S. immigration law; to assess an alien's visa eligibility under the Immigration and Nationality Act and other applicable laws; and to prevent and track fraud. Within the CCD, the "CA Applicant Lookup" search feature allows the user to search across visa databases by

applicant name, date of birth, and place of birth. Additionally, the “CA Person Finder” feature searches both the non-immigrant visa and immigrant visa overseas systems for a subject’s name in a number of variations.

22. The customer service analyst conducted a search through the “CA Applicant Lookup” feature using the following terms: “Bowman, Alma B DOB [date]”; “Mitchell, Alma B DOB [date]”; “Sorrells, Alma B DOB [date]”; “Bowman, Alma DOB [date]”; “Mitchell, Alma DOB [date]”; and “Sorrells, Alma DOB [date].” He also used the CA Person Finder feature to search using the following terms: “Bowman, Alma B DOB [date]”; “Mitchell, Alma B DOB [date]”; and “Sorrells, Alma B DOB [date].”

#### **The eRecords Archive**

23. The eRecords Archive is the Department’s central repository for storing electronic records such as correspondence, diplomatic notes, cables, all emails sent and received on the state.gov network since January 1, 2017, and retired records transferred to the Bureau of Administration in digital form, including the pre-2017 email records of certain former senior officials. A search interface allows individuals to search for records maintained on the database by custodian, keyword, and number of other indicators. The system further allows users to export copies of records into the Department’s case management system for review and processing.

24. A FOIA litigation analyst, who was knowledgeable about Plaintiff’s FOIA request and was familiar with the eRecords Archive, conducted a search of eRecords on the Department’s unclassified system using the following terms: “Alma Bowman,” “Lolita Catarugan Bowman,” “Lolita” AND “Bowman,” “Alma Sorrells,” “Alma Mitchell,” or “Alma Belma Bowman.” The analyst searched for records dated January 1, 1966, to June 21, 2021.

### **III. FOIA EXEMPTIONS CLAIMED<sup>2</sup>**

#### **FOIA Exemption 7 – Law Enforcement Information**

25. FOIA Exemption 7, 5 U.S.C. § 552(b)(7), protects from disclosure all “records or information compiled for law enforcement purposes” that could reasonably be expected to cause one of the six harms outlined in the exemption’s subparts. The law to be enforced for Exemption 7 purposes includes administrative, regulatory, civil, and criminal law.<sup>3</sup> Records pertaining to routine agency activities can qualify for Exemption 7 protection when those activities involve a law enforcement purpose. Although the records must be created for some law enforcement purpose, there is no requirement that the matter culminate in actual administrative, regulatory, civil, or criminal enforcement proceedings.

26. In this case, the harm that could reasonably be expected to result from disclosure concerns revealing sensitive law enforcement information related to CA’s enforcement of the Immigration and Nationality Act. The single document in this case that contains information withheld under Exemption 7 originated from CA, which is on the front lines of the enforcement the U.S. Government’s immigration laws and policies. CA also serves as a liaison with the Department of Homeland Security and other U.S. Government agencies with a role in administration and enforcement of U.S. immigration laws, and as a liaison between the Department of State and its embassies and consulates abroad on passport and visa matters. It routinely uses non-public databases to support its core duties of enforcing U.S. immigration laws. Therefore, because it was created in the course of CA’s enforcement of U.S. immigration

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<sup>2</sup> The Department withheld information pursuant to FOIA Exemptions 6 and 7(E). However, Plaintiff’s counsel has indicated that Plaintiff only intends to challenge the Department’s Exemption 7(E) redactions, and as such the Department has provided no justification of its Exemption 6 withholdings in this Declaration.

<sup>3</sup> *Ctr. for Nat’l Policy Review on Race & Urban Issues v. Weinberger*, 502 F.2d 370, 373 (D.C. Cir. 1974) (holding that an administrative determination has the “salient characteristics of ‘law enforcement’ contemplated” by Exemption 7 threshold requirement); *see also Church of Scientology Intern. v. I.R.S.*, 995 F.2d 916, 919-920 (9th Cir. 1993) (finding the D.C. Circuit’s reasoning in *Weinberger* persuasive).

laws, the one record from which the Department redacted information pursuant to Exemption 7(E) meets the threshold requirement for the Department's application of Exemption 7.

*Exemption 7(E)*

27. 5 U.S.C. § 552(b)(7)(E) states that the FOIA does not apply to:

records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . (E) would disclose techniques and procedures for law enforcement investigations or prosecution, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

28. Exemption 7(E) requires that the agency demonstrate logically how the release of the requested information might create a risk of circumvention of the law. The agency need not demonstrate an actual or certain risk of circumvention, but rather a reasonably expected risk.

29. While the protection of Exemption 7(E) is generally limited to techniques and procedures that are not well-known to the public, even commonly known procedures may be protected from disclosure if the disclosure could reduce or nullify their effectiveness. The release of these details could enable suspects to avoid detection or develop countermeasures to limit the ability of U.S. federal law enforcement to effectively use these important law enforcement techniques, thereby allowing circumvention of the law. Release of the nonpublic details of these techniques would nullify their effectiveness, increase the threat of future criminal and terrorist activity, and make the U.S. Government more vulnerable. Individuals who possess such knowledge may be able to utilize this information to search for vulnerabilities, thus compromising the effectiveness of the investigative techniques.

30. The Department withheld material in document 00002 of its September 2021 release under FOIA Exemption 7(E). This document is a form the Department uses to track and report passport fraud. The Department redacted material concerning the kinds of information it

considers when investigating passport fraud, including about the timing of collection and processing of information pertinent to an investigation. It also redacted material that would reveal how the Department maintains information in a passport fraud investigation. Although the form is dated 1977, the manner in which the Department collects, processes, and maintains certain information about potential passport fraud remains the same. The release of this information by itself could lead to circumvention of the law because if individuals applying for passports knew how the Department collects, processes, and maintains information about passport fraud they would be more easily able to evade the Department's enforcement efforts. Therefore, redaction of this information is appropriate under FOIA Exemption 7(E).

31. Additionally, the Department redacted the specific information it collected and found relevant in Alma Bowman's passport fraud investigation. Releasing this information would shed light on what the Department considers important—and what information it does not consider important—in its investigations; disclosure of this information would thus reasonably be expected to provide those seeking to commit passport fraud with a roadmap to circumventing the law. Therefore, the Department also properly withheld this information under FOIA Exemption 7(E).

#### **IV. Conclusion**

32. The Department conducted a thorough search of all Department locations that were reasonably likely to contain records responsive to Plaintiff's FOIA request and has conducted a careful line-by-line review of all of the records related to this request. The Department ensured that any reasonably segregable, non-exempt information within these records was disclosed and determined that no further information from withheld or partially

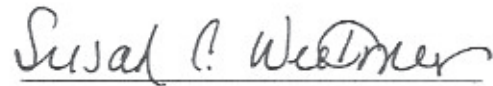
withheld responsive documents could be released without revealing information warranting protection under the law.

\* \* \*

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

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Executed this 17<sup>th</sup> day of June 2022, Washington, D.C.

A handwritten signature in cursive script that reads "Susan C. Weetman". The signature is written in black ink and is positioned above a horizontal line.

Susan C. Weetman