

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE UNIVERSITY OF WASHINGTON, a Washington state agency; THE CENTER FOR HUMAN RIGHTS AT THE UNIVERSITY OF WASHINGTON, a research center created by state law; and ANGELINA GODOY, director of the Center;	)	No. []
	)	COMPLAINT FOR
	)	DECLARATORY RELIEF FOR
	)	VIOLATING FOIA
Plaintiffs,	)	
v.	)	
UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; and UNITED STATES CUSTOMS AND BORDER PROTECTION;	)	
Defendants.	)	

Plaintiffs the University of Washington, the Center for Human Rights at the University of Washington (“UWCHR”), and Angelina Godoy allege as follows:

INTRODUCTION

1. Plaintiffs bring this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended to enjoin the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), and Customs and Border Protection (“CBP”) (collectively, the “DHS Defendants”) from continuing to improperly withhold agency records concerning federal immigration enforcement in Washington State.

3. As an academic center dedicated to research in the public interest, UWCHR seeks access to the requested records to assess federal authorities' immigration enforcement operations and share this information with the general public, as well as with Washington State's elected policymakers, to inform policies designed to protect Washington residents' civil liberties.

4. The DHS Defendants' refusal to produce responsive documents to Plaintiffs FOIA requests has hampered Plaintiffs' ability to inform the public and protect Washington residents.

5. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

6. Venue in the Western District of Washington is proper under 5 U.S.C. § 552(a)(4)(B). Independently, venue is proper in the Western District of Washington because all Plaintiffs reside in Seattle, Washington.

7. Plaintiff the University of Washington is a Washington State agency and the state's largest public research university. Its business offices are in Seattle, Washington.

8. Plaintiff the Center for Human Rights is an organization within the University of Washington. The Washington Legislature created the Center for Human Rights in 2009 to expand opportunities for Washington residents to receive a world-class education in human

rights, generate research data and expert knowledge to enhance public and private policymaking, and to be an academic center for human rights teaching and research. The Center for Human Rights focuses on, among other things, the rights of all persons to security against violence. Its offices are in Seattle, Washington.

9. Plaintiff Angelina Godoy is the director of the Center for Human Rights and the Helen H. Jackson Chair in Human Rights at the Jackson School of International Studies at the University of Washington. Ms. Godoy resides in Seattle, Washington.

10. Defendant United States Department of Homeland Security is a federal agency within the meaning of 5 U.S.C. § 552 and 5 U.S.C. § 552a(a)(1).

11. Defendant United States Immigration and Customs Enforcement is a federal agency within the meaning of 5 U.S.C. § 552 and 5 U.S.C. § 552a(a)(1).

12. Defendant United States Customs and Border Protection is a federal agency within the meaning of 5 U.S.C. § 552 and 5 U.S.C. § 552a(a)(1).

FACTS

UWCHR'S FOIA Requests to DHS

13. Starting in September 2017, UWCHR sent the DHS Defendants several dozen FOIA requests seeking documents relevant to the human rights impact of federal immigration enforcement in Washington State; of these, Plaintiffs object to DHS Defendants' handling of twelve. To date, the DHS Defendants have only produced documents responsive to two of these twelve FOIA requests, though additional responsive documents have been improperly withheld in both cases. In all twelve requests, the DHS Defendants have responded in one of three ways: 1) acknowledging receipt of FOIA requests and then subsequently missing deadlines to produce documents; 2) denying FOIA requests based upon capricious interpretations of third-party consent requirements; and 3) improperly withholding responsive documents.

DHS Defendants Miss Deadlines to Produce Documents

FOIA Request ICE0009

14. On September 18, 2017, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to ICE. The request sought:

[A]ll records (including written documents, files, electronic communications, records or reports of any sort) describing or reviewing the placement of detainees in segregation (including both administrative and disciplinary segregation) at the Northwest Detention Center in Tacoma, WA, from September 2013 to the present. This includes both notifications of initial placement in segregation as well as regular reviews performed in cases of extended segregation. We ask that documents be redacted to protect inmate privacy.

This request to ICE is hereinafter referred to as “ICE0009.”

15. On October 4, 2017, ICE acknowledged receipt of ICE0009 and provided a tracking number. *See* Ex. A.

16. On November 8, 2017, Ms. Godoy emailed ICE asking when UWCHR could expect delivery of document responsive to ICE0009, noting that on DHS’ FOIA website at that time, the estimated date for document delivery was November 5, 2017. *See* Ex. B. The ICE FOIA Office did not respond to this email.

17. On February 23, 2018, Ms. Godoy again emailed ICE asking when UWCHR could expect delivery of documents responsive to ICE0009. *See* Ex. C. The ICE FOIA Office responded that “[t]his request is active and the program office[s] have been tasking to search for responsive records.” *See* Ex. D.

18. As of the filing of this Complaint, ICE has not produced any documents responsive to ICE0009. DHS’ FOIA website, as of September 10, 2018, estimates documents will be delivered by December 20, 2017.

19. On information and belief, ICE possesses documents responsive to ICE0009.

FOIA Request ICE0021

20. On March 13, 2018, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to ICE. The request sought:

[A]ll documentation related to grievances, formal or informal, and their resolution, at the Northwest Detention Center in Tacoma, WA, from January 1, 2012 to March 10, 2018. Under the PBDNS 2011 standards, each facility is expected to maintain a “grievance log” (see p. 416 of the complete standard), into which information about the resolution of informal grievances and the processing of formal (written) grievances should be entered. We are requesting copies of the information contained in this log for 2012-2018. We ask that personally identifiable information be redacted from this log to protect the privacy of third parties.

This request to ICE is hereinafter referred to as “ICE0021.”

21. On March 26, 2018, ICE acknowledged receipt of ICE0021 and provided a tracking number. See Ex. E.

22. As of September 10, 2018, the DHS FOIA website lists an estimated document delivery date of April 29, 2018.

23. As of the filing of this Complaint, ICE has not produced any documents responsive to ICE0021.

24. On information and belief, ICE possesses documents responsive to ICE0021.

FOIA Request ICE0024

25. On April 26, 2018, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to ICE. The request sought:

[A] sortable spreadsheet of all encounters, arrests, and removals under the Criminal Alien Program in the Seattle Area of Responsibility during FY2017 and FY2018 to date, with columns including FBI Number, Event Number, Arrest Date, Arrest Method, Apprehension Landmark, Operation, Processing Disposition, Age Current, Citizenship Country, Gender, Complexion, Postal Code, State, City, Charging Document Issue Date, Removal Case Threat Level, Final Charge Section, Prior Removal Flag, Children Count, and Child Citizenship Country. We are not providing third party consent forms for all those whose data would be included and therefore understand that as a result, personally-identifiable information will be redacted to protect their privacy. However, the FOIA requires that all segregable information be provided to requesters, and

personally-identifiable information is segregable from the remainder of this information.

This request to ICE is hereinafter referred to as “ICE0024.”

26. On May 17, 2018, the ICE FOIA Office acknowledged receipt of ICE0024 and provided a tracking number. *See* Ex. F.

27. As of September 10, 2018, the status update on DHS’ FOIA website estimates a document delivery date of May 30, 2018.

28. As of the filing of this Complaint, ICE has not produced any documents responsive to ICE0024.

29. On information and belief, ICE possesses documents responsive to ICE0024.

FOIA Request CBP0002

30. On August 8, 2017, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to CBP. The request sought:

[R]ecords (including all documents, files, correspondence, data, reports, communications or notes in electronic or written, including handwritten, form) created on or after January 1, 2012, and created by and/or in the possession of CBP’s Blaine Sector and/or its stations at Sumas, Blaine, Port Angeles or Bellingham:

- Copies of Form I-213 (“Record of Deportable/Inadmissible Alien”):
 - o For each individual detained or taken into custody by stations in CBP’s Blaine Sector; and
 - o For each individual transferred to stations in CBP’s Blaine sector by state or local law enforcement officials. This includes, but is not limited to, all Form I-213’s issued for which the Method of Location/Apprehension is coded OA (“Other Agency”) and/or the Narrative section mentions a state or local law enforcement agency.
- Daily Apprehension Log for individuals apprehended by stations in the CBP’s Blaine sector. This includes, but is not limited to all data and statistics relating to:
 - o Length of time in the United States;
 - o Country of Citizenship;
 - o Complexion; and
 - o Criminal Record.
- Copies of Form I-44 (“Report of Apprehension or Seizure”):
 - o For each individual transferred to stations in CBP’s Blaine sector by state or local law enforcement officials; and

- o For each individual stopped but not arrested by stations in CBP's Blaine sector for whom I-44's were issued.
- All records, data or statistics from the Daily Apprehension Log regarding individuals arrested by or transferred to CBP stations in Blaine sector for whom I-44's were issued. This includes but is not limited to data or statistics regarding:
 - o Length of time in the United States;
 - o Country of Citizenship;
 - o Complexion; and
 - o Criminal Record.

This request to ICE is hereinafter referred to as "CBP0002."

31. On August 9, 2017, CBP claimed that CBP0002 was "too broad in scope and did not specifically identify the records which you are seeking." *See* Ex. G. On August 17, 2017, Ms. Godoy appealed CBP's determination that CBP0002 was too broad. *See* Ex. H. On January 12, 2018, CBP offered to provide I-213s but reiterated that CBP0002 was "overly-burdensome, and cannot be processed." *See* Ex. I. Once again, Ms. Godoy appealed this decision and requested all documents responsive to CBP0002. *See* Ex. J.

32. As of the filing of this Complaint, CBP has not produced any documents responsive to CBP0002.

33. On information and belief, CBP possesses documents responsive to CBP0002.

FOIA Request CBP0005

34. On August 8, 2017, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to CBP. The request sought:

[R]ecords (including all documents, files, correspondence, data, reports, communications or notes in electronic or written, including handwritten, form) created on or after January 1, 2012, and created by and/or in the possession of CBP's Blaine Sector and/or its stations at Sumas, Blaine, Port Angeles or Bellingham:

- Copies of Form I-44 ("Report of Apprehension or Seizure"):
 - o For each individual transferred to stations in CBP's Blaine sector by state or local law enforcement officials; and
 - o For each individual stopped but not arrested by stations in CBP's Blaine sector for whom I-44's were issued.
- All records, data or statistics from the Daily Apprehension Log regarding individuals arrested by or transferred to CBP stations in Blaine sector for whom I-44's were issued. This includes but is not limited to data or statistics regarding:

- o Length of time in the United States;
- o Country of Citizenship;
- o Complexion; and
- o Criminal Record.

This request to CBP is hereinafter referred to as “CBP0005.”

35. On August 17, 2017, CBP acknowledged receipt of CBP0005. *See* Ex. K.

36. On August 18, 2017, CBP indicated that Ms. Godoy must provide third party authorization forms for this request. *See* Ex. L. Ms. Godoy appealed this determination in writing via CBP’s online portal on August 29, 2017. CBP received this appeal and assigned it tracking number CBP-AP-2017-084088. This appeal, and all correspondence related to it, have subsequently vanished from the online portal tracking correspondence.

37. On September 6, 2017, CBP responded via the online portal that “We agree that the request may be processed despite the fact that authorizations were not provided. We note, however, that the increasing frequency of all apprehension reports from a given sector has strained CBP resources. Accordingly, we are remanding the matter to the FOIA Division for processing.”

38. On November 13, 2017 Ms. Godoy received a phone call from an official who identified herself only as Karen, an attorney working for CBP, stating that it would take “a few months” for the request to be fulfilled but declining to give an estimated date by which would produce documents.

39. As of the filing of this Complaint, CBP has not produced any documents responsive to CBP0005.

40. On information and belief, CBP possesses documents responsive to CBP0005.

FOIA Request CBP0008

41. On January 7, 2018, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to CBP. The request sought:

[R]ecords (including all documents, files, correspondence, data, reports, communications or notes in electronic or written, including handwritten, form) created

on or after January 1, 2012, and created by and/or in the possession of CBP's Blaine or Spokane Sectors or the stations within these sectors relating to:

- Copies of Form I-213 ("Record of Deportable/Inadmissible Alien"):
 - For each individual detained or taken into custody by stations in Washington state; and
 - For each individual transferred to stations in Washington state by state or local law enforcement officials. This includes, but is not limited to, all Form I-213's issued for which the Method of Location/Apprehension is coded OA ("Other Agency") and/or the Narrative section mentions a state or local law enforcement agency.
- Daily Apprehension Log for individuals apprehended by stations in the state of Washington. This includes, but is not limited to all data and statistics relating to:
 - Length of time in the United States;
 - Country of Citizenship;
 - Complexion; and
 - Criminal Record.
- Copies of Form I-44 ("Report of Apprehension or Seizure"):
 - For each individual transferred to stations in Washington state by state or local law enforcement officials; and
 - For each individual stopped but not arrested by stations in Washington state for whom I-44's were issued.
- All records, data or statistics from the Daily Apprehension Log regarding individuals arrested by or transferred to CBP stations in Washington state for whom I-44's were issued. This includes but is not limited to data or statistics regarding:
 - Length of time in the United States;
 - Country of Citizenship;
 - Complexion; and
 - Criminal Record.

This request to CBP is hereinafter referred to as "CBP0008."

42. On January 8, 2018, CBP acknowledged receipt of CBP0008. *See* Ex. M.

43. As of the filing of this Complaint, CBP has not produced any documents responsive to CBP0008.

44. On information and belief, CBP possesses documents responsive to CBP0008.

FOIA Request CBP0010

45. On April 21, 2018, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to CBP. The request sought:

[A]ll records or reports of all of the stops, apprehensions, or encounters made by CBP agents within WA state from April 7, 2017 to the date of processing of this request.

This request to CBP is hereinafter referred to as “CBP0010.”

46. On May 31, 2018, CBP acknowledged receipt of CBP0010. *See* Ex. N.

47. As of the filing of this Complaint, CBP has not produced any documents responsive to CBP0010.

48. On information and belief, CBP possesses documents responsive to CBP0010.

DHS Defendants Assert Capricious Interpretations of Third-Party Consent Requirements

FOIA Request ICE0010

49. On October 17, 2017, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to ICE. The request sought:

[C]opies of Form I-213 (“Record of Deportable/Inadmissible Alien”) created on or after January 1, 2012, for:

- Each individual detained or taken into custody by staff from ICE's Seattle field office;
- Each individual transferred to the custody for staff from ICE's Seattle field office by CBP, or by state or local law enforcement officials. This includes, but is not limited to, all Form I-213's issued for which the Method of Location/Apprehension is coded OA (“Other Agency”) and/or the Narrative section mentions a state or local law enforcement agency.

This request to ICE is hereinafter referred to as “ICE0010.”

50. On January 8, 2018, ICE responded to ICE0010 by requesting that she clarify her request by providing third-party consent forms. *See* Ex. O. On January 16, 2018, Ms. Godoy responded, explaining why third party consent forms were not required. *See* Ex. P. When Ms. Godoy checked the status of this case on DHS’ website on March 13, 2018, the status was listed as “request for docs sent,” suggesting this argument had been accepted.

51. On March 26, 2018, ICE responded to ICE0010 without mentioning third party consent forms, instead insisting that it had no records, citing law enforcement exemptions. *See* Ex. Q.

1 52. On May 14, 2018, Ms. Godoy submitted an appeal of ICE's broad application of
2 the law enforcement exemption. *See* Ex. R. ICE rejected this appeal on June 25, citing the
3 failure to provide third party consent forms. *See* Ex. S.

4 53. ICE's rejection of ICE0010 was based upon a capricious interpretation of third-
5 party consent requirements and law enforcement exemptions.

6 54. As of the filing of this Complaint, ICE has not produced any documents
7 responsive to ICE0010.

8 55. On information and belief, ICE possesses documents responsive to ICE0010.

9 **FOIA Request ICE0011**

10 56. On October 17, 2017, Ms. Godoy made, on behalf of the UWCHR, a written
11 FOIA request to ICE. The request sought:

12 [A]ll Field/Fugitive Operations worksheets, significant event notifications, and
13 significant incident reports for ICE's Seattle field office created on or after January 1,
14 2012.

15 This request to ICE is hereinafter referred to as "ICE0011."

16 57. On February 2, 2018, ICE rejected ICE0011 in its entirety citing law
17 enforcement exemptions and requirements for third-party consent. *See* Ex. T. Ms. Godoy
18 submitted an appeal on March 9, 2018; on March 20, 2018, ICE responded positively to the
19 appeal, indicating that upon further review the agency had determined that non-exempt
20 information could be released. *See* Ex. U. Yet on April 10, 2018, ICE once again rejected
21 ICE0011 claiming that it required third-party authorization. *See* Ex. V.

22 58. ICE's rejection of ICE0011 was based upon a capricious interpretation of third-
23 party consent requirements.

24 59. As of the filing of this Complaint, ICE has not produced any documents
25 responsive to ICE0011.

26 60. On information and belief, ICE possesses documents responsive to ICE0011.

FOIA Request ICE0013

61. On December 5, 2017, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to ICE. The request sought:

[A]ll forms I-860, M-444, I-871 and I-851 regarding removals of persons apprehended in Washington State from January 1, 2012 to the present.

This request to ICE is hereinafter referred to as “ICE0013.”

62. On March 16, 2018, ICE demanded third-party consent forms. *See* Ex. W. The same day, Ms. Godoy explained to ICE why ICE0013 did not require third-party consent forms. *See* Ex. X.

63. On May 15, 2018, ICE rejected ICE0013 citing a lack of third-party consent forms. *See* Ex. Y. On May 25, 2018, Ms. Godoy appealed this decision. *See* Ex. Z. On June 28, 2018, ICE responded to the May 25 appeal; without mentioning third-party consent forms, the agency argued for the first time that it would not process the request because it was overly burdensome. *See* Ex. AA.

64. ICE’s rejection of ICE0013 was based upon a capricious interpretation of third-party consent requirements.

65. As of the filing of this Complaint, ICE has not produced any documents responsive to ICE0013.

66. On information and belief, ICE possesses documents responsive to ICE0013.

DHS Defendants Improperly Withhold Responsive Documents

FOIA Request ICE0020

67. On January 15, 2018, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to ICE. The request sought:

[A]ll correspondence between ICE employees and employees of the Washington state Department of Licensing from January 1, 2016 to January 15, 2018. Recent reporting by Nina Shapiro in The Seattle Times has documented the WA DOL’s regular practice of handing over information about drivers’ license applicants to ICE 20 to 30 times per month; WA DOL spokeswoman Christine Anthony has stated that this practice took

place when immigration enforcement authorities emailed License Integrity Unit seeking information. We are therefore requesting copies of all emails exchanged between ICE personnel and any individual or office using an email ending in @dol.wa.gov, including any attachments, from January 1, 2016 to January 15, 2018.

This request to ICE is hereinafter referred to as “ICE0020.”

68. On April 25, 2018, ICE requested the UWCHR narrow its request. *See* Ex. BB. During a phone call on April 26, 2018, summarized in an email that same day, Ms. Godoy agreed to narrow the scope of ICE0020. *See* Ex. CC.

69. On May 21, 2018, ICE informed Ms. Godoy that it had located 285 pages of responsive documents but withheld four pages of otherwise responsive material claiming FOIA Exemptions (b)(5). *See* Ex. DD. Ms. Godoy appealed this decision on June 13, 2018 and ICE rejected the appeal on July 13, 2018 claiming that the withheld documents were blank. *See* Exs. EE & FF.

70. ICE’s withholding of the four responsive pages by claiming they are “blank” is facially implausible as the Washington State Department of Licensing responded to at least one of those pages with an email stating “Here is the information you requested.” On information and belief, these four pages are responsive to ICE0020 and are improperly being withheld.

FOIA Request ICE0023

71. On April 26, 2018, Ms. Godoy made, on behalf of the UWCHR, a written FOIA request to ICE. The request sought:

[A]ll Detainee Transfer Notification Forms and Forms I-216 generated in cases of transfers of detainees from the Northwest Detention Center in Tacoma to NORCOR in The Dalles OR, and from NORCOR to the NWDC, from January 1, 2016 to May 1, 2018. We are not providing a third party consent forms for the affected individuals and therefore understand that their names, addresses, and social security numbers will be redacted to protect their privacy.

This request to ICE is hereinafter referred to as “ICE0023.”

72. On May 8, 2018, ICE acknowledged receipt of ICE0023 and provided a tracking number. *See* Ex. GG.

73. On May 18, 2018, ICE sought a “clarification and/or narrowing of the timeframe for the request.” See Ex. HH. On the same day, Ms. Godoy agreed to limit the timeframe of ICE0023 to the dates January 1, 2017 to May 1, 2018. See Ex. II.

74. On August 23, 2018, ICE stated that it had identified 54 pages and 1 excel workbook responsive to ICE0023 and provided these documents, in redacted form, to UWCHR. See Ex. JJ. However, these records were all from 2018; no 2017 documents were included, nor was there any explanation for their omission. UWCHR appealed the withholding of responsive documents on September 11, 2018. See Ex. KK.

75. As of the filing of this Complaint, ICE has not produced all documents responsive to ICE0023.

FIRST CAUSE OF ACTION

Violation of FOIA by the DHS Defendants for Failure to Make Promptly Available the Records Sought by Plaintiffs’ Requests.

1. Plaintiffs have a legal right under FOIA to obtain the agency records they requested in FOIA requests ICE0009, ICE0021, ICE0024, CBP0002, CBP0005, CBP0008, CBP0010, ICE0010, ICE0011, ICE0013, ICE0020, and ICE0023, and there exists no legal basis for the DHS Defendants’ failure to make these records available to the public.

2. The DHS Defendants’ failure to make promptly available the records sought by UWCHR’s requests violates FOIA, 5 U.S.C. § 552(a)(3)(A) and (a)(6)(A)(ii), and applicable regulations promulgated thereunder.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request the Court award them the following relief:

A. Declare that the DHS Defendants have violated FOIA in its responses to the FOIA requests;

1 B. Order the DHS Defendants to immediately disclose the requested records to
2 Plaintiffs and enter an injunction prohibiting the DHS Defendants from continuing to withhold
3 the requested records from the public;

4 C. Award Plaintiffs their reasonable costs and attorney's fees;

5 D. Grant such further relief as the court may deem just and proper.

6 DATED this 21st day of September, 2018.

7 Davis Wright Tremaine LLP
8 Special Assistant Attorneys General

9 By /s/ Jordan Clark

10 Jordan Clark, WSBA #49659
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12 Seattle, WA 98101-3045
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22 Attorneys for Plaintiffs the Center for
23 Human Rights at the University of
24 Washington, the University of Washington
25 and Angeline Godoy

26 **pro hac vice application forthcoming*

EXHIBIT A



Angelina Snodgrass Godoy <agodoy@uw.edu>

ICE FOIA Request 2018-ICFO-005152 messages

ice-foia@dhs.gov <ice-foia@dhs.gov>

Wed, Oct 4, 2017 at 7:10 AM

To: agodoy@uw.edu

October 04, 2017

VIA EMAIL agodoy@uw.edu

Angelina Godoy
University of Washington
Box 353650
Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-00515

Dear Dr. Godoy:

This acknowledges receipt of your September 18, 2017, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), seeking all records (including written documents, files, electronic communications, records or reports of any sort) describing or reviewing the placement of detainees in segregation (including both administrative and disciplinary segregation) at the Northwest Detention Center in Tacoma, WA, from September 2013 to the present. This includes both notifications of initial placement in segregation as well as regular reviews performed in cases of extended segregation (Date Range for Record Search: From 9/1/2013 To 10/4/2017). Your request was received in this office on September 18, 2017.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to educational requesters. As an educational requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within CE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-ICFO-00515**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2018-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to 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 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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

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
Visit our FOIA website at www.ice.gov/foia

agodoy@uw.edu <agodoy@uw.edu>
To: chrfoia@uw.edu

Wed, Oct 4, 2017 at 7:46 AM

Sent from my iPhone

Begin forwarded message:

From: <ice-foia@dhs.gov>
Date: October 4, 2017 at 7:10:13 AM PDT
To: <agodoy@uw.edu>
Subject: ICE FOIA Request 2018-ICFO-00515

[Quoted text hidden]

EXHIBIT B



Angelina Snodgrass Godoy <agodoy@uw.edu>

Requesting Status of ICE FOIA Requests1 message

UW Center for Human Rights <chrfoia@uw.edu>

Wed, Nov 8, 2017 at 1:02 PM

To: ice-foia@dhs.gov

Cc: Angelina Snodgrass Godoy <agodoy@uw.edu>

To Whom It May Concern:

We are writing to request the status of the following requests. We checked the status on the online portal which shows that several of them are past the date on which the documents should have been delivered. Could you please let us know when we can expect delivery of the documents?

Case# **2017-ICFO-29439**, estimated delivery of documents 9/18/2017

Case# **2017-ICFO-37463**, estimated delivery of documents 10/03/2017

Case# **2018-ICFO-00515**, estimated delivery of documents 11/05/2017

Additionally, in case# **2017-ICFO-43009**, we submitted the request on 8/8/2017, received a response requesting a 3rd party waiver on 8/23, and Professor Godoy appealed this response on 8/24. However, we never heard back about the appeal and the portal says the case was closed on 8/28. The status report from the portal states that there is an estimated delivery of documents for 10/1/2017, however we have yet to receive a response to our appeal, or our documents. Could you please clarify the status of this request as well?

We would also like to note that in all four of these cases, our wait time has exceeded the statutory 20 day limit since the initial filing of our request. stipulated by the FOIA, however we also understand the heavy FOIA workload currently being processed by your office. We understand these circumstances, however now these requests have also extended beyond the estimated delivery date in addition to the 20 day limit. Any information about the status of these requests, and a more accurate estimation of the date of delivery of documents would be greatly appreciated.

Thank you.

--

University of Washington Center for Human Rights
Access to Information Research Team
c/ o Prof. Angelina Snodgrass Godoy, Director
Box 353650, Seattle, WA 98195
Phone: (206) 221-2031

EXHIBIT C



Angelina Snodgrass Godoy <agodoy@uw.edu>

request for information regarding case 2018-ICFO-00515

Angelina Snodgrass Godoy <agodoy@uw.edu>
To: ice-foia@dhs.gov

Fri, Feb 23, 2018 at 2:47 PM

Dear ICE FOIA,

I am writing to respectfully request a status update on case 2018-ICFO-00515, which was received in your office on 9/18/2017. According to your website, as of today, the estimated delivery date for the documents was 12/20/2017, a date which passed over two months ago.

In addition, we would like to take advantage of this opportunity to clarify our request by reminding you of the legal requirement under FOIA that all reasonably segregable portions of a responsive record must be provided, after the redaction of any allegedly exempt material. 5 U.S.C. § 552(b). We understand the need to protect personal information of third parties whose information may be contained in these records, and do not object to redaction toward that end.

We appreciate your careful review of our records request and would appreciate an update as to when we may expect to receive material we have requested.

Thank you very much.

Sincerely,
Angelina Godoy

Angelina Snodgrass Godoy
Helen H. Jackson Chair in Human Rights
Director, Center for Human Rights
University of Washington
Box 353650
Seattle, WA 98195-3650
<http://humanrights.washington.edu>

EXHIBIT D



Angelina Snodgrass Godoy <agodoy@uw.edu>

request for information regarding case 2018-ICFO-00515

ICE-FOIA <ICE-FOIA@ice.dhs.gov>

Mon, Feb 26, 2018 at 8:06 AM

To: Angelina Snodgrass Godoy <agodoy@uw.edu>

Good morning,

This request is active and the program office[s] have been tasking to search for responsive records.

Sincerely,

ICE FOIA

From: Angelina Snodgrass Godoy [mailto:agodoy@uw.edu]

Sent: Friday, February 23, 2018 5:49 PM

To: ice-foia@dhs.gov

Subject: request for information regarding case 2018-ICFO-00515

Dear ICE FOIA,

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

EXHIBIT E



Angelina Snodgrass Godoy <agodoy@uw.edu>

ICE FOIA Request 2018-ICFO-25873

ice-foia@dhs.gov <ice-foia@dhs.gov>

Mon, Mar 26, 2018 at 8:59 AM

To: agodoy@uw.edu

March 26, 2018

Angelina Godoy
University of Washington
Box 353650
Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-25873

Dear Dr. Godoy:

This acknowledges receipt of your March 13, 2018, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for copy of all documentation related to grievances, formal or informal, and their resolution, at the Northwest Detention Center in Tacoma, WA, from January 1, 2012 to March 10, 2018. Under the PBDNS 2011 standards, each facility is expected to maintain a "grievance log" (see p. 416 of the complete standard), into which information about the resolution of informal grievances and the processing of formal (written) grievances should be entered. We are requesting copies of the information contained in this log for 2012-2018. We ask that personally identifiable information be redacted from this log to protect the privacy of third parties. Your request was received in this office on March 13, 2018.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to educational requesters. As an educational requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-ICFO-25873**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2018-ICFO-XXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to 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 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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

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

Visit our FOIA website at www.ice.gov/foia

EXHIBIT F



Angelina Snodgrass Godoy <agodoy@uw.edu>

ICE FOIA Request 2018-ICFO-361702 messages

ice-foia@dhs.gov <ice-foia@dhs.gov>

Thu, May 17, 2018 at 6:02 AM

To: agodoy@uw.edu

May 17, 2018

Angelina Godoy
University of Washington
Box 353650
Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-36170

Dear Dr. Godoy:

This acknowledges receipt of your April 27, 2018, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for sortable spreadsheet of all encounters, arrests, and removals under the Criminal Alien Program in the Seattle Area of Responsibility during FY2017 and FY2018 to date, with columns including Event Number, Arrest Date, Arrest Method, Apprehension Landmark, Operation, Processing Disposition, Age Current, Citizenship Country, Gender, Complexion, Postal Code, State, City, Charging Document Issue Date, Removal Case Threat Level, Final Charge Section, Prior Removal Flag, Children Count, and Child Citizenship Country. We are not providing third party consent forms for all those whose data would be included and therefore understand that as a result, personally-identifiable information will be redacted to protect their privacy. However, the FOIA requires that all segregable information be provided to requesters, and personally-identifiable information is segregable from the remainder of this information. Your request was received in this office on April 27, 2018.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to educational requesters. As an educational requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-ICFO-36170**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2018-ICFO-XXXXX

tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to 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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

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
Visit our FOIA website at www.ice.gov/foia

ice-foia@dhs.gov <ice-foia@dhs.gov>
To: agodoy@uw.edu

Thu, May 17, 2018 at 6:02 AM

[Quoted text hidden]

EXHIBIT G

90 K Street NE
MS 1181
Washington, DC 20229

Angelina S. Godoy
University of Washington Center for Human Rights
Box 353650
University of Washington
Seattle, WA 98195-3650

August 9, 2017

Dear Dr. Angelina S. Godoy,

After careful review of your FOIA request, CBP-2017-078792, we have determined that your request is too broad in scope or did not specifically identify the records which you are seeking. *FOIA is not a search mechanism.* Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the event that would have created the record, a date range for the request, and subject matter of the records. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

This is not a denial of your request for records. Please resubmit your FOIA request, along with a more detailed description of the records being sought, by logging into your existing FOIAOnline account or creating an account at <https://foiaonline.regulations.gov>.

You may contact a FOIA Public Liaison by sending an email via your FOIAOnline account or call 202-325-0150. Please notate file number CBP-2017-078792 on any future correspondence to CBP related to this request. 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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

U.S. Customs and Border Protection

EXHIBIT H

CBP-2017-078792 Request Details

Submitted



Evaluation



Assignment



Processing



Closed

Correspondence

Subject	From	Date	Detail
FOIA Request CBP-2017-078792 Submitted	System	08/08/2017	
CBP-2017-078792 - Narrow the Scope	Timikia Pegues	08/09/2017	
FOIA Fee Waiver Disposition Reached for CBP-2017-078792	System	08/11/2017	
Re: CBP-2017-078792 - Narrow the Scope	Dr. Angelina S Godoy	08/17/2017	

I would like to appeal the determination that my original request was too broad or insufficiently specific and must therefore be narrowed in scope. In fact, my original request was based on the specific language agreed to by CBP's Sandusky Bay (Ohio) station following litigation by the civil law clinic at Moritz College of Law, Ohio State University, in 2015. In that case, CBP Sandusky agreed to produce documents responsive to the language included in the plaintiff's original request, which I mirrored in my original request; I did not include elements of the plaintiff's original request for which CBP did not agree to produce. (See <https://cbpabusestest2.files.wordpress.com/2015/11/order-on-phased-production-plan-7-24-2015.pdf> for the court's order on a phased production plan to produce the documents requested in that case.) Given that CBP, a federal agency, agreed that this request was sufficiently specific and agreed to produce responsive documents relating to its operations in Ohio, I see no reason why the same procedure would be too difficult in Washington. Also, please note that in the Ohio case, the plaintiff sought documents from 2008-2015; my request only seeks documents from a shorter period (2012-2017). As such, my request is significantly narrower than theirs and should be easier for CBP to expeditiously fulfill. Thank you for your consideration. Angelina Godoy Director, UW Center for Human Rights
CBP-2017-078792 - Narrow the Scope.pdf

Re: CBP-2017-078792 - Narrow the Scope Dr. Angelina S Godoy 11/08/2017

To Whom It May Concern: We are writing to request the status of the following request. We checked the status on the online portal which shows that several of them are past the date on which the documents should have been delivered. Could you please let us know when we can expect delivery of the documents? Case# CBP-2017-078792, the online portal gives a due date of 9/8/2017, however we have not yet received documents in response to our request. We also never recieved a response about narrowing the request. We would also like to note that our wait time has exceeded the statutory 20 day limit since the initial filing of our request. stipulated by the FOIA, however we also understand the heavy FOIA workload currently being processed by your office. We understand these circumstances, however now this request has also extended

EXHIBIT I

CBP-2017-078792 Request Details

Submitted



Evaluation



Assignment



Processing



Closed

Correspondence

Subject	From	Date	Detail
FOIA Request CBP-2017-078792 Submitted	System	08/08/2017	
CBP-2017-078792 - Narrow the Scope	Timikia Pegues	08/09/2017	
FOIA Fee Waiver Disposition Reached for CBP-2017-078792	System	08/11/2017	
Re: CBP-2017-078792 - Narrow the Scope	Dr. Angelina S Godoy	08/17/2017	
Re: CBP-2017-078792 - Narrow the Scope	Dr. Angelina S Godoy	11/08/2017	
FOIA Update	Mr. Shannon Scott	01/12/2018	
Dr. Godoy, we can provide I-213s by method of apprehension, but we do not have the manpower to read each narrative for a five year period to determine if the narrative mentions a state or local law enforcement agency. Also, you appear to be asking for every I-213 in that time frame, as well as OA I-213s. That portion of your request is overly-burdensome, and cannot be processed. Thank you, 01/12/2018 05:55 PM FOIA Request: CBP-2017-078792 CBP-2017-078792 - Narrow the Scope.pdf Reply			
Re: FOIA Update	Dr. Angelina S Godoy	04/27/2018	

EXHIBIT J

CBP-2017-078792 Request Details

Submitted



Evaluation



Assignment



Processing



Closed

Correspondence

Subject	From	Date	Detail
FOIA Request CBP-2017-078792 Submitted	System	08/08/2017	
CBP-2017-078792 - Narrow the Scope	Timikia Pegues	08/09/2017	
FOIA Fee Waiver Disposition Reached for CBP-2017-078792	System	08/11/2017	
Re: CBP-2017-078792 - Narrow the Scope	Dr. Angelina S Godoy	08/17/2017	
Re: CBP-2017-078792 - Narrow the Scope	Dr. Angelina S Godoy	11/08/2017	
FOIA Update	Mr. Shannon Scott	01/12/2018	
Re: FOIA Update	Dr. Angelina S Godoy	04/27/2018	

Dear Ms. Scott, I understand that you do not have the manpower to read all files to see if they mention local law enforcement agencies. Then, please just provide me with all files. I do not accept your statement that requesting all I-213 files is overly burdensome. In fact, my original request was based on the specific language agreed to by CBP's Sandusky Bay (Ohio) station following litigation by the civil law clinic at Moritz College of Law, Ohio State University, in 2015. In that case, CBP Sandusky agreed to produce documents responsive to the language included in the plaintiff's original request, which I mirrored in my original request; I did not include any elements of the plaintiff's original request that CBP did not agree to produce. (See <https://cbpabusestest2.files.wordpress.com/2015/11/order-on-phased-production-plan-7-24-2015.pdf> for the court's order on a phased production plan to produce the documents requested in that case.) Please note that in that case, the plaintiff sought documents from 2008-2015; my request only seeks documents from a shorter period (2012-2017). As such, my request is significantly narrower and should be easier for CBP to expeditiously fulfill. Thank you for your consideration.

CBP-2017-078792 - Narrow the Scope.pdf

EXHIBIT K

CBP-2017-081407 Request Details

Submitted



Evaluation



Assignment



Processing



Closed

Correspondence

Subject**From****Date****Detail**

FOIA Request CBP-2017-081407 Submitted

System

08/17/2017

This message is to confirm your request submission to the FOIAonline application: View Request . Request information is as follows: Tracking Number: CBP-2017-081407 Requester Name: Angelina S. Godoy Date Submitted: 08/17/2017 Request Status: Submitted Description: We request the following records (including all documents, files, correspondence, data, reports, communications or notes in electronic or written, including handwritten, form) created on or after January 1, 2012, and created by and/or in the possession of CBP's Blaine Sector and/or its stations at Sumas, Blaine, Port Angeles or Bellingham: 1. Copies of Form I-44 ("Report of Apprehension or Seizure"): a. For each individual transferred to stations in CBP's Blaine sector by state or local law enforcement officials; and b. For each individual stopped but not arrested by stations in CBP's Blaine sector for whom I-44's were issued. 2. All records, data or statistics from the Daily Apprehension Log regarding individuals arrested by or transferred to CBP stations in Blaine sector for whom I-44's were issued. This includes but is not limited to data or statistics regarding: a. Length of time in the United States; b. Country of Citizenship; c. Complexion; and d. Criminal Record.

Final Disposition, Request CBP-2017-081407.pdf

Reply

FOIA Fee Waiver Disposition Reached for
CBP-2017-081407

System

08/18/2017

Final Disposition, Request CBP-2017-081407

Nathan A Trail

08/18/2017

Re: Final Disposition, Request CBP-2017-081407

Dr. Angelina S Godoy

11/08/2017

Re: Re: Final Disposition, Request
CBP-2017-081407

Dr. Angelina S Godoy

04/27/2018

EXHIBIT L

Angelina S. Godoy
University of Washington Center for Human Rights
Box 353650
University of Washington
Seattle, WA 98195-3650

August 18, 2017

CBP-2017-081407

Dear Dr. Angelina S. Godoy,

Pursuant to 6 C.F.R. Part 5 §5.3(b) of the DHS FOIA regulations, you must describe the records you are seeking with as much information as possible to ensure that our search of appropriate systems of records can find them with a reasonable amount of effort. Your FOIA request has been closed as insufficient for **one or more of the following reasons**:

- Your FOIA request is a third party request and did not include authorization that information on this individual can be released to you. All third party FOIA requests must include a signed G-28 or G-639 form, or a signed statement from the individual verifying that his/her information may be released to you.

- Did not include a date of birth.

Please resubmit your FOIA request, along with the required information, by logging into your existing FOIAonline account or go to <https://foiaonline.regulations.gov> to create an account.

Sincerely,

Nathan A. Trail
U.S. Customs and Border Protection

EXHIBIT M

CBP-2018-021773 Request Details

Submitted



Evaluation



Assignment



Processing



Closed

Correspondence**Subject****From****Date****Detail**

FOIA Request CBP-2018-021773 Submitted

System

01/08/2018

This message is to confirm your request submission to the FOIAonline application: View Request . Request information is as follows: Tracking Number: CBP-2018-021773 Requester Name: Angelina S. Godoy Date Submitted: 01-08-2018 Request Status: Submitted Description: We request the following records (including all documents, files, correspondence, data, reports, communications or notes in electronic or written, including handwritten, form) created on or after January 1, 2012, and created by and/or in the possession of CBP's Blaine or Spokane Sectors or the stations within these sectors relating to : 1. Copies of Form I-213 ("Record of Deportable/Inadmissible Alien"): a. For each individual detained or taken into custody by stations in Washington state; and b. For each individual transferred to stations in Washington state by state or local law enforcement officials. This includes, but is not limited to, all Form I-213's issued for which the Method of Location/Apprehension is coded OA ("Other Agency") and/or the Narrative section mentions a state or local law enforcement agency. 2. Daily Apprehension Log for individuals apprehended by stations in the state of Washington. This includes, but is not limited to all data and statistics relating to: a. Length of time in the United States; b. Country of Citizenship; c. Complexion; and d. Criminal Record. 3. Copies of Form I-44 ("Report of Apprehension or Seizure"): a. For each individual transferred to stations in Washington state by state or local law enforcement officials; and b. For each individual stopped but not arrested by stations in Washington state for whom I-44's were issued. 4. All records, data or statistics from the Daily Apprehension Log regarding individuals arrested by or transferred to CBP stations in Washington state for whom I-44's were issued. This includes but is not limited to data or statistics regarding: a. Length of time in the United States; b. Country of Citizenship; c. Complexion; and d. Criminal Record.

Reply

EXHIBIT N

90 K Street NE
MS 1181
Washington, DC 20229

Angelina S. Godoy
University of Washington Center for Human Rights
Box 353650
University of Washington
Seattle, WA 98195-3650

May 31, 2018

Dear Angelina S. Godoy:

This automated notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 04/21/2018 ***requesting all records or reports of all of the stops, apprehensions, or encounters made by CBP agents within WA state from April 7, 2017 to the date of processing of this request.***

Please use the following unique FOIA tracking number CBP-2018-049741 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://foiaonline.regulations.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 §5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 §5.5(c).

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](https://www.cbp.gov/site-policy-notices/foia) or visit <http://www.cbp.gov/site-policy-notices/foia>.

Sincerely,
Jennifer R. Davis
U.S. Customs and Border Protection

EXHIBIT O



Angelina Snodgrass Godoy <agodoy@uw.edu>

ICE FOIA Request 2018-ICFO-14208

ice-foia@dhs.gov <ice-foia@dhs.gov>
To: agodoy@uw.edu

Mon, Jan 8, 2018 at 10:08 AM

January 08, 2018

VIA EMAIL agodoy@uw.edu

Angelina Godoy
University of Washington
Box 353650
Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-14208

Dear Dr. Godoy:

This acknowledges receipt of your October 18, 2017, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for: a. Each individual detained or taken into custody by staff from ICE's Seattle field office (see request for details). Your request was received in this office on October 18, 2017.

Please be advised that DHS regulations require, in the case of third party information requests, a statement from the individual verifying his or her identity and certifying that individual's agreement that records concerning him or her may be accessed, analyzed and released to a third party. See 6 C.F.R. § 5.21(f). Because you have not provided this documentation with your request, we are unable to initiate a search for responsive records. **The attached form must be completed and signed by each individual whose records you are requesting in order for us to move forward with your request (return via email ICE-FOIA@ice.dhs.gov).**

Please provide the requested documentation within 14 days from the date of this letter, or we will assume you are no longer interested in this FOIA/PA request, and the case will be administratively closed.

This is not a denial of your request. Upon receipt of a perfected request, you will be advised as to the status of your request.

Your request has been assigned reference number **2018-ICFO-14208**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2018-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to 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 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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

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
Visit our FOIA website at www.ice.gov/foia

ATTACHED: 3RD PARTY CONSENT FORM



ICE 3rd Party Consent Form.pdf

126K

EXHIBIT P



Angelina Snodgrass Godoy <agodoy@uw.edu>

Clarification re ICE FOIA Case Number 2018-ICFO-14208

1 message

Angelina Snodgrass Godoy <agodoy@uw.edu>
To: ICE-FOIA@ice.dhs.gov
Cc: UW Center for Human Rights <chrfoia@uw.edu>

Tue, Jan 16, 2018 at 5:23 PM

Clarification, as requested

RE: ICE FOIA Case Number 2018-ICFO-14208

This letter constitutes a clarification, as requested, of a FOIA request originally received by your office from the University of Washington Center for Human Rights (UWCHR) on 18 October 2017; the ICE case number is 2018-ICFO-14208. The original request was for copies of Form I-213 ("Record of Deportable Inadmissible Alien") created on or after January 1, 2012, for:

- Each individual detained or taken into custody by staff from ICE's Seattle field office;
- Each individual transferred to the custody of staff from ICE's Seattle field office by CBP, or by state or local law enforcement officials.

The UWCHR received an email from ICE dated 8 January 2018 stating that "DHS regulations require, in the case of third party information requests, a statement from the individual verifying his or her identity and certifying that individual's agreement that records concerning him or her may be accessed, analyzed and released to a third party, and requiring that we provide signed consent forms for each person whose records would be included in such a collection.

First and foremost, the UWCHR appreciates your consideration of our request; however, we appeal your determination that these records cannot be provided without signed consent forms from all affected parties. We appeal this on the following grounds:

- 1) There is a high level of public interest;
- 2) Courts have compelled the release of similar information in related cases;

1) There is a high level of public interest in the content of these documents

The release of these documents is in the public interest. In recent years, and particularly recent months, concern has grown about ensuring respect for civil liberties and due process rights in the context of immigration enforcement. A growing cascade of journalistic inquiries have probed government practices, and in many localities around the country, city and county councils and state legislatures have formulated policies in an attempt to ensure that rights are upheld.

Our Center for Human Rights is a public research institute, established by statute (<http://app.leg.wa.gov/RCW/default.aspx?cite=28B.20.478>) in the state of Washington to inform the public and policymakers about human rights issues, including particularly those of

greatest concern to the communities of the state of Washington. In order to carry out our legally mandated task of informing the public on such matters, we require access to government documents necessary to understand what measures are being taken to protect the liberties of all residents of our state.

In this context, copies of Form I-213 (“Record of Deportable/Inadmissible Alien”) constitutes a critical tool for understanding the impact of immigration enforcement in our state. For this reason, past petitioners have been granted access to Forms I-213 on a much larger scale. For example, in 2014, requester Jasper Craven requested and received Form I-213s filed nationwide since 2001, a collection of documents which had already been previously released by ICE to the New York Times. These documents were released without the petitioner having provided signed consent forms. Numerous court decisions, furthermore, have upheld the importance of releasing I-213 forms in the public interest (See *Unidad Latina en Accion v. US Department of Homeland Security*, 253 F.R.D. 44,51 (D. Conn 2008); *Shciller v. Immigration and Naturalization Services*, 205 F. Supp. 2d 648, 664 (W.D. Tex. 2002); *Buffalo Evening News* 791 F. Supp. at 400).

2) Federal courts have compelled ICE to release I-213 documents with names unredacted

Furthermore, in cases where ICE has resisted releasing I-213 Forms, or where it has insisted on only providing redacted versions, the courts have compelled the Agency to release the information sought. For example, citing the importance of informing the public about the policies and practices of our government’s agencies charged with immigration enforcement, the US First Circuit Court of Appeals ruled in favor of the New Hampshire media organization Union Leader in 2014, compelling ICE to release I-213s sought by the organization as part of its research on immigration enforcement. The Court considered arguments referenced in the statute cited by ICE in its communication to us (6 C.F.R. § 5.21(f)) that the release of this information raised privacy concerns for those whose information was contained in the documents, but ultimately considered the public interest in disclosure, and the requirement that researchers have access to the full information required to conduct their research to outweigh individual privacy rights concerns. Moreover, cognizant of the privacy rights implications but committed to public disclosure, **the Court ordered ICE to release the information without redacting individuals’ names, although it indicated that addresses and other personally identifying information could be redacted.** (See *Union Leader Corporation v. U.S. Department of Homeland Security Immigration and Customs Enforcement* ^[1])

For purposes of our request, we do not object to the redaction of addresses, social security numbers, or other personally-identifiable information **not including individuals’ names**. The individuals’ names are already listed in public court records.

We appreciate your consideration of this appeal and we look forward to your timely response. If you have any questions or concerns, please call us at (206) 616-3585 or e-mail us at chrfoia@uw.edu.

Sincerely,

Angelina Godoy

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<http://humanrights.washington.edu>

# EXHIBIT Q

*Office of Information Governance and Privacy*

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



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

March 26, 2018

Angelina Godoy  
University of Washington  
Box 353650

Seattle, WA 98195-3650

**RE: ICE FOIA Case Number 2018-ICFO-14208**

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated October 18, 2017. You have requested copies of the following records:

request copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for: a. Each individual detained or taken into custody by staff from ICE's Seattle field office (see request for details)

ICE has considered your request under both the FOIA, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a. Information about an individual that is maintained in a Privacy Act system of records may be accessed by that individual<sup>1</sup> unless the agency has exempted the system of records from the access provisions of the Privacy Act.<sup>2</sup>

ICE has conducted a search of the ICE Enforcement and Removal Operations for records responsive to your request and no records responsive to your request were found.

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

While an adequate search was conducted, you have the right to appeal this determination that no records exist within the Office of Enforcement and Removal Operations that would be

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<sup>1</sup> 5 U.S.C. § 552a(d)(1).

<sup>2</sup> 5 U.S.C. §§ 552a(d)(5), (j), and (k).

responsive to your request. 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).

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 **2018-ICFO-14208**. 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 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,

A handwritten signature in black ink, appearing to read "Catrina M. Pavlik-Keenan", with a stylized flourish at the end.

Catrina M. Pavlik-Keenan  
FOIA Officer

# EXHIBIT R

**University of Washington  
Center for Human Rights  
Box 353650  
Seattle, WA 98195**

**FREEDOM OF INFORMATION ACT APPEAL**

May 14, 2018

Ms. Catrina M. Pavlik-Keenan  
FOIA Officer  
U.S. Immigration and Customs Enforcement  
Washington, DC 20536

**RE: ICE FOIA Case No.: 2018-ICFO-14208  
UWCHR Case No.: ICE0010**

Dear Ms. Pavlik-Keenan:

This letter constitutes an administrative appeal under the Freedom of Information Act, 5 U.S.C. Sec. 552, of the determination by the U.S. Immigration and Customs Enforcement on a FOIA request filed by our organization on October 18, 2017, requesting documents regarding “*copies of Form I-213 (“Record of Deportable/Inadmissible Alien”) created on or after January 1, 2012, for: Each individual detained or taken into custody by staff from ICE’s Seattle field office.*” We were informed by letter on March 26, 2018 that U.S. Immigration and Customs Enforcement does not possess any records responsive to our request. It was also brought to our attention by the attached response, that under the three categories of law enforcement and national security records which were excluded by Congress, ICE is not required to provide the requested records. Furthermore, the response further states that in accordance to the Privacy Act, the information requested through the FOIA request can only be requested by the individual itself. [Please refer to attached response letter].

It is our intention to appeal ICE’s decision to not acknowledge the existence of any other records responsive to our request, addressing the following:

- Improper Use of the FOIA Statutory Exclusion Provisions (See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010))
- Improper Use of the Privacy Act
- High level of public interest of human rights information.

### **Improper Use of the FOIA Statutory Exclusion**

It certainly is true that the FOIA Statutory Exclusion (2010), as amended, allows agencies to “treat the records as not subject to the requirements of the FOIA” if “informant records maintained by a criminal law enforcement agency under an informant’s name or personal identifier are requested by a third party according to the informants’ name or personal identifier.” However, the information sought in this particular FOIA case does not meet the criteria of exemption 7 (c) because we do not seek the addresses, names, or other identifiable information of the individuals identified by such records. Therefore this request is not facilitating personal intrusions.

### **Improper Use of the Privacy Act**

Moreover, this information, as stated in the original FOIA request, will be used for statistical research purposes. In the original FOIA request it was written that:

“This request is made for scholarly and research purposes..”

According to the Privacy Act Section (13)(b)(5) “no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency...unless disclosure of the record would be—to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable.” Thus, the release of the records requested by the aforementioned FOIA request is not in violation of the Privacy Act.

Furthermore, we are not seeking personal indefinable information, therefore not conflicting with the Privacy Act.

### **High Level of Public Interest in Information**

The release of the requested records are pertinent to current immigration affairs and therefore of high level of public interest. The information requested by this FOIA request will give the public further knowledge on statistical information regarding the number of people that are coming into contact with the ICE Seattle Field Office. Under the FOIA Act individuals are entitled to such information, which can be produced with the release of copies of Form-213 of each individual detained or taken into custody by staff from the Seattle ICE Office.

There is a high degree of public interest in this information. In recent years, and particularly recent months, concern has grown about ensuring respect for civil liberties and due process rights in the context of immigration enforcement. Our state’s highest authorities, including our Governor, Attorney General, and representatives in the U.S. Congress, have raised concerns about ICE’s enforcement practices in Washington state, and in many localities around the state, city and county councils have formulated local policies in an attempt to ensure that immigrant rights are upheld.

As an academic center dedicated to research in the public interest on topics of human rights concern, it is important that we examine records of our federal authorities' immigration enforcement operations to formulate knowledge on government practices and share this with the general public and our elected policymakers. Indeed, we are legally mandated to do so. Our Center for Human Rights is a public research institute, established by statute (<http://app.leg.wa.gov/RCW/default.aspx?cite=28B.20.478>) in the state of Washington to inform the public and policymakers about human rights issues, including particularly those of greatest concern to the communities of the state of Washington. In order to carry out our legally mandated task of informing the public on such matters, we require access to government documents necessary to understand how immigration enforcement is being carried out in our state.

I appreciate your consideration of this appeal and I look forward to your response. If you have any questions or concerns, please contact me [chrfoia@uw.edu](mailto:chrfoia@uw.edu). Thank you.

Sincerely,

Angelina Godoy  
Director, Center for Human Rights

# EXHIBIT S

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



U.S. Immigration  
and Customs  
Enforcement

June 25, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

**RE: FOIA Appeal 2018-ICAP-00299, 2018-ICFO-14208**

Dear Ms. Godoy:

This is in response to your appeal letter dated May 14, 2018, appealing U.S. Immigration and Customs Enforcement's (ICE) response to your Freedom of Information Act (FOIA) request. Your FOIA Request dated October 18, 2017, requested copies of Form I-213 ("Record of Deportable/Inadmissible Alien") created on or after January 1, 2012, for records pertaining to each individual detained or taken into custody by staff from ICE's Seattle field office; and each individual transferred to the custody of staff from ICE's Seattle field office by CBP, or by state or local law enforcement officials.

By letter, dated March 26, 2018, ICE FOIA advised you that "ICE has conducted a search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request and no records responsive to your request were found." You appealed the adequacy of the search.

Upon a complete review of the administrative record, ICE FOIA, on January 8, 2018, in response to your FOIA Request, requested a consent form for each person included in the requested data collection because I-213 forms are located in individual A-Files. Because the A-File records are third party records, they cannot be disclosed to third party requesters without a waiver authorizing the release. 6 CFR § 5.10(a)(2). In its final rule on FOIA Regulations, DHS explains that it applies a balancing test to determine whether the personal privacy interests of the individual outweigh the public interest in disclosure of such records, which may result in a denial of access to third party requests that are not accompanied with proper signed authorization. 81 FR 83628 (Nov. 22, 2016). In your case, we find that your "high level of public interest" statement provided in your letter, dated January 16, 2018, was not sufficient to override the personal privacy interests of each alien A-File that falls within the scope of your request.

In the addition, assuming that your public interest statement was sufficient to override the privacy interests of each alien within the scope of your FOIA Request, your request is overly burdensome and voluminous. It requires an extraordinary amount of ICE resources to gather all I-213 forms created on or after January 1, 2012 within the Seattle Field Office, as the forms are not stored electronically. FOIA does not require an agency to undertake a search that is so broad so as to be

unduly burdensome. *See, e.g., Dale v. Internal Revenue Serv.*, 238 F. Supp.2d 99, 104 (D.D.C. 2002).

For the above stated reasons, ICE affirms the determination of the ICE FOIA Office.

To the extent that you are willing to work with the ICE to narrow your request, such that the records sought can become reasonably described, and your request can no longer be overly burdensome, ICE invites such communication between yourself and the ICE FOIA Office. You may contact ICE contact at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

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.

Should you have any questions regarding this appeal closure, please contact ICE. In the subject line of the email please include the word “appeal,” your appeal number, which is **2018-ICAP-00299**, and the FOIA case number, which is **2018-ICFO-14208**.

Sincerely,

*Ali Kargbo*

*for*

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

# EXHIBIT T

*Office of Information Governance and Privacy*

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



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

February 2, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

**RE: ICE FOIA Case Number 2018-ICFO-14210**

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated October 18, 2017. You have requested copies of the following records:

request all Field/Fugitive Operations worksheets, significant event notifications, and significant incident reports for ICE's Seattle field office created on or after January 1, 2012

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request produced documents that are responsive to your request. After review of those documents, I have determined that the records will be withheld in their entirety pursuant to Exemptions of the FOIA as described below.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure records pertaining to third party individuals as well as names, phone numbers and email addresses of DHS employees contained in the records.

You have requested records concerning multiple third parties. Records pertaining to third parties generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records. Since you have not furnished a release, death certificate, or public justification for release, release of the requested records concerning a third party would result in an unwarranted invasion of personal privacy in violation of the Privacy Act,

5 U.S.C. § 552a. In addition, third-party records are also generally exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552.

ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers and law enforcement sensitive techniques contained within the documents.

**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. ICE has 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, 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).

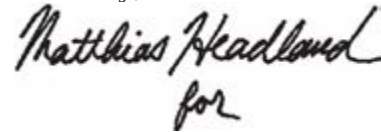
Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

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 **2018-ICFO-14210**. 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.

Page 3 of 3

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,

Handwritten signature of Matthias Headland in black ink, with the word "for" written below it.

Catrina M. Pavlik-Keenan  
FOIA Officer

# EXHIBIT U

Office of the Principal Legal Advisor

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



U.S. Immigration  
and Customs  
Enforcement

March 20, 2018

Dr. Angelina Godoy  
University of Washington Center for Human Rights  
Box 353650  
Seattle, WA 98195-3650

**RE: 2018-ICAP-00182, 2018-ICFO-14210**

Dear Dr. Godoy:

This is in response to your letter dated February 22, 2018, received March 9, 2018, appealing the U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request, dated October 18, 2017, seeking "all Field/Fugitive Operations worksheets, significant event notifications, and significant incident reports for ICE's Seattle field office created on or after January 1, 2012."

By letter dated February 2, 2018, the ICE FOIA Office advised that a search of the ICE Office of Enforcement and Removal Operations (ERO) produced documents responsive to your request. The ICE FOIA Office withheld those documents in their entirety pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). You have appealed the withholdings applied to the responsive records.

Upon a complete review of the administrative record, ICE has determined that there may be non-exempt information that can be released to you. Therefore, ICE is remanding your request to the ICE FOIA Office for reprocessing and direct response to you.

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 **2018-ICAP-00182**, and the FOIA case number, which is **2018-ICFO-14210**.

Sincerely,

A handwritten signature in blue ink that reads "Erin J. Clifford" with a stylized flourish at the end.

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

# EXHIBIT V

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



U.S. Immigration  
and Customs  
Enforcement

April 10, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

RE: **ICE FOIA Appeal Number 2018-ICAP-00182**  
**ICE FOIA Case Number 2018-ICFO-14210**

Dear Dr. Godoy:

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 on March 9, 2018. You have requested request all Field/Fugitive Operations worksheets, significant event notifications, and significant incident reports for ICE's Seattle field office created on or after January 1, 2012.

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

Upon an additional search upon remand of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request it was determined that any records that did exist would be withheld in their entirety pursuant to Exemptions of the FOIA as described below.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure records pertaining to third party individuals as well as names, phone numbers and email addresses of DHS employees contained in the records.

You have requested records concerning multiple third parties. Records pertaining to third parties generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records. Since you have not furnished a release, death certificate, or public justification for release, release of the requested records concerning a third party would result in an unwarranted invasion of personal privacy in violation of the Privacy Act,

5 U.S.C. § 552a. In addition, third-party records are also generally exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552.

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 **2018-ICAP-00182**. This office can be reached at (866) 633-1182.

Sincerely,

Handwritten signature of Matthias Headland in cursive script.

Catrina M. Pavlik-Keenan  
FOIA Officer

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<sup>1</sup> 6 CFR § 5.11(d)(4).

# EXHIBIT W



Angelina Snodgrass Godoy <agodoy@uw.edu>

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## ICE Clarification Request FOIA Number 2018-ICFO-20585

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ice-foia@dhs.gov <ice-foia@dhs.gov>

Fri, Mar 16, 2018 at 12:19 PM

To: agodoy@uw.edu

March 16, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

**RE: ICE FOIA Case Number 2018-ICFO-20585**

This e-mail is in regards to your December 05, 2017 ICE FOIA request for We request copies of all forms I-860, M-444, I-871 and I-851 regarding removals of persons apprehended in Washington State from January 1, 2012 to the present.

In conducting a search for responsive records, the ICE FOIA office has determined that further clarification/refined scope is needed regarding your request. All forms that you are seeking are contained within the A-File, we would need a 3rd party ID cert to pull each and every form from the file. Alternatively, DHS has prior year's immigration removal statistics on the public website but it is by Seattle AOR. Please provide the ICE FOIA office with a response as soon as possible to avoid any further delay in the processing of your request. If a response is not received within 30 days, your request will be administratively closed.

Sincerely,

ICE FOIA

# EXHIBIT X



Angelina Snodgrass Godoy &lt;agodoy@uw.edu&gt;

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**ICE Clarification Request FOIA Number 2018-ICFO-20585**

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Angelina Snodgrass Godoy &lt;agodoy@uw.edu&gt;

Fri, Mar 16, 2018 at 1:48 PM

To: ice-foia@dhs.gov

Cc: UW Center for Human Rights &lt;chrfoia@uw.edu&gt;

Dear ICE,

I am writing to provide the clarification you have requested regarding **ICE FOIA Case Number 2018-ICFO-20585**.

First and foremost, the UWCHR appreciates your careful consideration of our request. To respond to the particulars contained in your email:

1) Third party consent forms. We are not providing signed consent forms for the affected individuals (indeed, to do so would be impossible given that we are requesting files pertaining to a class of people whose members we cannot know without accessing the forms requested), we contest your determination that such forms are required, given the legal requirement under FOIA that all reasonably segregable portions of a responsive record must be provided after the redaction of any allegedly exempt material. 5 U.S.C. § 552(b). FOIA exemption (b)(6) allows for the withholding of portions of documents that would reveal personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (b)(7)(C) indicates that the release of withheld portions of the document could result in an unwarranted invasion of privacy. The UWCHR fully appreciates such precautions and does not object to the redaction of personally-identifiable information from the records we have requested.

Furthermore, as you are no doubt aware, the U.S. Court of Appeals for the District of Columbia Circuit has declared that "under Exemption 6, the *presumption in favor of disclosure* is as strong as can be found anywhere in the Act... The burden remains on the agency to justify any withholdings under Exemption 6 since the

presumption in favor of disclosure under this exemption is as strong as that with other exemptions."<sup>[1]</sup> We contend that public interest in the disclosure of this information strongly outweighs the personal privacy interests in its withholding, particularly since personal privacy interests can be addressed through the redaction of personally identifying information. **Therefore, we request a line-by-line review of the responsive records and their selective redaction to ensure the personal privacy of specific individuals named therein.**

Furthermore, we remind you that there is a high degree of public interest in this information. In recent years, and particularly recent months, concern has grown about ensuring respect for civil liberties and due process rights in the context of immigration enforcement. Our state's highest authorities, including our Governor, Attorney General, and representatives in the U.S. Congress, have raised concerns about ICE's enforcement practices in Washington state, and in many localities around the state, city and county councils have formulated local policies in an attempt to ensure that immigrant rights are upheld. For example, last month the King County Council passed a new ordinance that seeks to define collaboration between local law enforcement and federal authorities in matters relating to immigration.

As an academic center dedicated to research in the public interest on topics of human rights concern, it is important that we examine records of our federal authorities' immigration enforcement operations to formulate knowledge on government practices and share this with the general public and our elected policymakers. Indeed, we are legally mandated to do so. Our Center for Human Rights is a public research institute, established by statute (<http://app.leg.wa.gov/RCW/default.aspx?cite=28B.20.478>) in the state of Washington to inform the public and policymakers about human rights issues, including particularly those of greatest concern to the communities of the state of Washington. In order to carry out our legally mandated task of informing the public on such matters, we require access to government documents necessary to understand how immigration

2) Scope of request. We appreciate your suggestion that the information about the prior year's removal statistics displayed on ICE's public website would partially provide the information we are seeking; however, we are not only interested in the *number* of individuals removed, but other forms of non-personally-identifiable information available on the specific forms we have requested. However, if it is easier or simpler for you to provide us this information for the Seattle AOR, rather than Washington state, we are agreeable to this modification of our original request.

Angelina Godoy

Angelina Snodgrass Godoy  
Helen H. Jackson Chair in Human Rights  
Director, Center for Human Rights  
University of Washington  
Box 353650  
Seattle, WA 98195-3650  
<http://humanrights.washington.edu>

[Quoted text hidden]

# EXHIBIT Y

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



U.S. Immigration  
and Customs  
Enforcement

May 15, 2018

Angelina Godoy  
University of Washington  
Box 353650

Seattle, WA 98195-3650

**RE: ICE FOIA Case Number 2018-ICFO-20585**

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated December 05, 2017, for We request copies of all forms I-860, M-444, I-871 and I-851 regarding removals of persons apprehended in Washington State from January 1, 2012 to the present.

You have requested records concerning a third party. Records pertaining to a third party generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records. Since you have not furnished a release, death certificate, or public justification for release, release of the requested records concerning a third party would result in an unwarranted invasion of personal privacy in violation of the Privacy Act, 5 U.S.C. § 552a. In addition, third-party records are also generally exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552.

Should you obtain the written authorization and consent from the third party referenced in your request for release of the records, please submit a new request for the documents accompanied by the written authorization and consent. A form is enclosed to assist you in providing us with the required authorization and consent. The authorization must be notarized or signed under penalty of perjury pursuant to 18 U.S. C. § 1001. Please send any such new request with the requisite authorization and consent to: ICE Freedom of Information Office, 500 12<sup>th</sup> Street, S.W., Stop 5009 Washington, D.C. 20536-5009.

If you are not satisfied with the response to this request, you have the right to appeal following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. 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, 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 the FOIA and Privacy Act 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 any further assistance or would like to discuss any aspect of your request, please contact ICE FOIA Office. 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. Please refer to FOIA case number **2018-ICFO-20585**.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina", followed by the word "for" in a smaller, handwritten font.

Catrina M. Pavlik-Keenan  
FOIA Officer

---

<sup>1</sup> 6 CFR § 5.11(d)(4).

**AFFIRMATION/DECLARATION**

This is to affirm that

I, \_\_\_\_\_,  
(PRINT FULL NAME)

request access to records maintained by the Immigration and Customs Enforcement which pertain to me. My present address is:

\_\_\_\_\_

my date of birth is: \_\_\_\_\_, and

my place of birth was: \_\_\_\_\_.

I understand that any knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000. I also understand that any applicable fees must be paid by me.

I hereby authorize \_\_\_\_\_ access to my records.  
(PRINT FULL NAME)

I request that any located and disclosable records be forwarded to the following individual:

\_\_\_\_\_ at the following address:  
(PRINT FULL NAME)

\_\_\_\_\_

I hereby declare or certify under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_.  
(DATE)

\_\_\_\_\_  
(SIGNATURE OF AFFIRMANT/DECLARANT).

**PLEASE RETURN TO: U.S. Department of Homeland Security  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street, SW, Stop 5009, Washington, DC 20536-5009  
Via Facsimile: 203-732-4265  
Via email: ice-foia@dhs.gov**

# EXHIBIT Z

**University of Washington  
Center for Human Rights  
Box 353650  
Seattle, WA 98195**

**FREEDOM OF INFORMATION ACT APPEAL**

May 24, 2018

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

**RE: Appeal under the Freedom of Information Act, ICE case # 2018-ICFO-2085, CHR case # ICE0013**

To Whom It May Concern:

This letter constitutes an administrative appeal under the Freedom of Information Act, 5 U.S.C. § 552, in response to ICE's "final response" in FOIA case number 2018-ICFO-2085 in which you, again, deny our request, citing exemptions (B)(6) and (B)(7)(c) in a letter dated May 15 [attachment 1].

On December 5 we filed our initial request, and over three months later on March 16 you asked us to provide clarification, and to provide third-party waivers [attachment 2]. On the very same day, March 16, we provided clarification that you requested, and explained why we did not need to send waivers, because we are not interested in personally identifying or medical information, and that such information is reasonably segregable and could be withheld to protect individual privacy. Please see our appeal from March 16 attached for your convenience [attachment 2]. We never received a response to that appeal, and instead, on May 15, received a "final response" from your office asking for third-party waivers, without addressing our original appeal that we filed on March 16, and using the exact same arguments about the need for third-party waivers. It is concerning that it appears that our initial appeal was never considered as we never received an acknowledgement of your receipt of our appeal filed on March 16, and your final response on May 15 makes no reference to our first appeal, and repeats the same arguments. This is also concerning due to the nature of high public interest in this request, particularly from Representative Jayapal, as stated in her letter in which she calls for ICE to "thoroughly and consistently evaluate all FOIA requests from CHR and provide them with full

and due consideration." It does not appear that this request has been thoroughly and consistently evaluated. Please see a copy of Rep. Jayapal's letter attached for your convenience [attachment 3].

As such, in this appeal, we again assert our arguments that we are not providing signed consent forms for the affected individuals (indeed, to do so would be impossible given that we are requesting files pertaining to a class of people whose members we cannot know without accessing the forms requested), we contest your determination that such forms are required, given the legal requirement under FOIA that all reasonably segregable portions of a responsive record must be provided after the redaction of any allegedly exempt material. 5 U.S.C. § 552(b). FOIA exemption (b)(6) allows for the withholding of portions of documents that would reveal personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (b)(7)(C) indicates that the release of withheld portions of the document could result in an unwarranted invasion of privacy. The UWCHR fully appreciates such precautions and does not object to the redaction of personally-identifiable information from the records we have requested.

Furthermore, as you are no doubt aware, the U.S. Court of Appeals for the District of Columbia Circuit has declared that "under Exemption 6, the *presumption in favor of disclosure* is as strong as can be found anywhere in the Act... The burden remains on the agency to justify any withholdings under Exemption 6 since the presumption in favor of disclosure under this exemption is as strong as that with other exemptions." We contend that public interest in the disclosure of this information strongly outweighs the personal privacy interests in its withholding, particularly since personal privacy interests can be addressed through the redaction of personally identifying information. Therefore, we request a line-by-line review of the responsive records and their selective redaction to ensure the personal privacy of specific individuals named therein.

Furthermore, we remind you that there is a high degree of public interest in this information. In recent years, and particularly recent months, concern has grown about ensuring respect for civil liberties and due process rights in the context of immigration enforcement. Our state's highest authorities, including our Governor, Attorney General, and representatives in the U.S. Congress, have raised concerns about ICE's enforcement practices in Washington state, and in many localities around the state, city and county councils have formulated local policies in an attempt to ensure that immigrant rights are upheld. For example, last month the King County Council passed a new ordinance that seeks to define collaboration between local law enforcement and federal authorities in matters relating to immigration.

As an academic center dedicated to research in the public interest on topics of human rights concern, it is important that we examine records of our federal authorities' immigration enforcement operations to formulate knowledge on government practices and share this with the general public and our elected policymakers. Indeed, we are legally mandated to do so. Our Center for Human Rights is a public research institute, established by statute.

(<http://app.leg.wa.gov/RCW/default.aspx?cite=28B.20.478>) in the state of Washington to inform the public and policymakers about human rights issues, including particularly those of greatest concern to the communities of the state of Washington [attachment 4]. In order to carry out our legally mandated task of informing the public on such matters, we require access to government documents necessary to understand how immigration enforcement is being carried out in our state.

I appreciate your consideration of this appeal and I look forward to your response. If you have any questions or concerns, please contact me at [agodoy@uw.edu](mailto:agodoy@uw.edu) or [chrfoia@uw.edu](mailto:chrfoia@uw.edu).

Angelina Godoy  
Director, Center for Human Rights  
University of Washington

Attachment 1

Office of Information Governance and Privacy

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



U.S. Immigration  
and Customs  
Enforcement

May 15, 2018

Angelina Godoy  
University of Washington  
Box 353650

Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-20585

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated December 05, 2017, for We request copies of all forms I-860, M-444, I-871 and I-851 regarding removals of persons apprehended in Washington State from January 1, 2012 to the present.

You have requested records concerning a third party. Records pertaining to a third party generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records. Since you have not furnished a release, death certificate, or public justification for release, release of the requested records concerning a third party would result in an unwarranted invasion of personal privacy in violation of the Privacy Act, 5 U.S.C. § 552a. In addition, third-party records are also generally exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552.

Should you obtain the written authorization and consent from the third party referenced in your request for release of the records, please submit a new request for the documents accompanied by the written authorization and consent. A form is enclosed to assist you in providing us with the required authorization and consent. The authorization must be notarized or signed under penalty of perjury pursuant to 18 U.S.C. § 1001. Please send any such new request with the requisite authorization and consent to: ICE Freedom of Information Office, 500 12<sup>th</sup> Street, S.W., Stop 5009 Washington, D.C. 20536-5009.

If you are not satisfied with the response to this request, you have the right to appeal following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. 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, to:

U.S. Immigration and Customs Enforcement  
Office of the Principal Legal Advisor

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

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 the FOIA and Privacy Act 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.

If you need any further assistance or would like to discuss any aspect of your request, please contact ICE FOIA Office. 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 Pinciro, in the same manner. Please refer to FOIA case number 2018-ICFO-20585.

Sincerely,

A handwritten signature in dark ink, appearing to read "Catrina", followed by a stylized flourish.

Catrina M. Pavlik-Keenan  
FOIA Officer



Attachment 2

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Fwd: ICE FOIA Response for 2018-ICFO-20585

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Angeline Snodgrass Godoy  
Helen H. Jackson Chair in Human Rights  
Director, Center for Human Rights  
University of Washington  
Box 353650  
Seattle, WA 98195-3650  
<http://humanrights.washington.edu>

----- Forwarded message -----

From: <ice-foia@dhs.gov>  
Date: Tue, May 15, 2018 at 11:10 AM  
Subject: ICE FOIA Response for 2018-ICFO-20585  
To: agodoy@uw.edu

MAY 15, 2018

Dr. Godoy,

ICE's final response to your FOIA request, 2018-ICFO-20585, for We request copies of all forms I-860, M-444, I-871 and I-851 regarding removals of persons apprehended in Washington State from January 1, 2012 to the present is attached.

Sincerely,  
ICE FOIA

----- Forwarded message -----

From: Angeline Snodgrass Godoy <agodoy@uw.edu>  
Date: Fri, Mar 16, 2018 at 1:48 PM  
Subject: Re: ICE Clarification Request FOIA Number 2018-ICFO-20585  
To: ice-foia@dhs.gov  
Cc: UW Center for Human Rights <chrfoia@uw.edu>

MARCH 16, 2018

Dear ICE,

I am writing to provide the clarification you have requested regarding ICE FOIA Case Number 2018-ICFO-20585.

First and foremost, the UWCHR appreciates your careful consideration of our request. To respond to the particulars contained in your email:

1) Third party consent forms. We are not providing signed consent forms for the affected individuals (indeed, to do so would be impossible given that we are requesting files pertaining to a class of people whose members we cannot know without accessing the forms requested), we contest your determination that such forms are required, given the legal requirement under FOIA that all reasonably segregable portions of a responsive record must be provided after the redaction of any allegedly exempt material. 5 U.S.C. § 552(b). FOIA exemption (b)(6) allows for the withholding of portions of documents that would reveal personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (b)(7)(C) indicates that the release of withheld portions of the document could result in an unwarranted invasion of privacy. The UWCHR fully appreciates such precautions and does not object to the redaction of personally-identifiable information from the records we have requested. Furthermore, as you are no doubt aware, the U.S. Court of Appeals for the District of Columbia Circuit has declared that "under Exemption 6, the presumption in favor of disclosure is as strong as can be found anywhere in the Act... The burden remains on the agency to justify any withholdings under Exemption 6 since the presumption in favor of disclosure

under this exemption is as strong as that with other exemptions." [1] We contend that public interest in the disclosure of this information strongly outweighs the personal privacy interests in its withholding, particularly since personal privacy interests can be addressed through the redaction of personally identifying information. Therefore, we request a line-by-line review of the responsive records and their selective redaction to ensure the personal privacy of specific individuals named therein.

Furthermore, we remind you that there is a high degree of public interest in this information. In recent years, and particularly recent months, concern has grown about ensuring respect for civil liberties and due process rights in the context of immigration enforcement. Our state's highest authorities, including our Governor, Attorney General, and representatives in the U.S. Congress, have raised concerns about ICE's enforcement practices in Washington state, and in many localities around the state, city and county councils have formulated local policies in an attempt to ensure that immigrant rights are upheld. For example, last month the King County Council passed a new ordinance that seeks to define collaboration between local law enforcement and federal authorities in matters relating to immigration.

As an academic center dedicated to research in the public interest on topics of human rights concern, it is important that we examine records of our federal authorities' immigration enforcement operations to formulate knowledge on government practices and share this with the general public and our elected policymakers. Indeed, we are legally mandated to do so. Our Center for Human Rights is a public research institute, established by statute (<http://app.leg.wa.gov/RCW/default.aspx?cite=26B.20.478>) in the state of Washington to inform the public and policymakers about human rights issues, including particularly those of greatest concern to the communities of the state of Washington. In order to carry out our legally mandated task of informing the public on such matters, we require access to government documents necessary to understand how immigration enforcement is being carried out in our state.

2) Scope of request. We appreciate your suggestion that the information about the prior year's removal statistics displayed on ICE's public website would partially provide the information we are seeking; however, we are not only interested in the number of individuals removed, but other forms of non-personally-identifiable information available on the specific forms we have requested. However, if it is easier or simpler for you to provide us this information for the Seattle AOR, rather than Washington state, we are agreeable to this modification of our original request.

Respectfully, we submit to you this clarification of our understanding of our access to information rights at stake in case number 2018-ICFO-20585. We look forward to receiving the records responsive to our request.

Angelina Godoy

Angelina Snodgrass Godoy  
Heien H. Jackson Chair in Human Rights  
Director, Center for Human Rights  
University of Washington  
Box 353850  
Seattle, WA 98195-3850  
<http://humanrights.washington.edu>

On Fri, Mar 16, 2018 at 12:19 PM, <[ice-foia@dhs.gov](mailto:ice-foia@dhs.gov)> wrote:  
March 16, 2018

MARCH 16, 2018

Angelina Godoy

University of Washington  
Box 353850  
Seattle, WA 98195-3850

Re: ICE FOIA Case Number 2018-ICFO-20585

This e-mail is in regards to your December 06, 2017 ICE FOIA request for We request copies of all forms I-850, 9A-444, I-871 and I-851 regarding removals of persons apprehended in Washington State from January 1, 2012 to the present.

In conducting a search for responsive records, the ICE FOIA office has determined that further clarification/refined scope is needed regarding your request. All forms that you are seeking are contained within the A-File, we would need a 3rd party ID card to pull each and every form from the file. Alternatively, DHS has prior year's immigration removal statistics on the public website but it is by Seattle AOR. Please provide the ICE FOIA office with a response as soon as possible to avoid any further delay in the processing of your request. If a response is not received within 30 days, your request will be administratively closed.

Sincerely,

ICE FOIA

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 ICE Response to Requester (3rd Party Denied)1.Docx  
109K

## Congress of the United States

House of Representatives

Washington, DC 20515-4707

05/01/2018

The Honorable Kirstjen Nielsen  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, D.C. 20528

Dear Secretary Nielsen:

I am writing this letter in support of the University of Washington Center for Human Rights (CHR) that is seeking a response to the 30 Freedom of Information Act (FOIA) requests that they have submitted. CHR will use the information to better understand the way that federal immigration enforcement is carried out in Washington State. Furthermore, the data will be used for educational and research purposes to advance the progress of human rights. CHR understands that while original files may contain information about specific immigrants' cases, redacted information can be released to protect personal privacy as required under the Privacy Act.

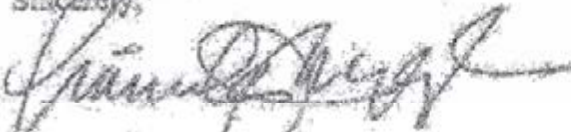
CHR informed my office that, since 2016, they had very little success in obtaining information from your agency. Multiple requests for information from U.S. Customs and Border Patrol (CBP) and U.S. Immigration and Customs Enforcement (ICE) have gone unanswered; others have resulted in prolonged delays. CHR has informed my office that FOIA requests that had been promised specific response dates are now several months overdue, as they cited with case numbers 2018-ICFO-00515 and CBP-2018-031773. Other cases that they provided (for example, see case number 2018-ICFO-14208) were abruptly closed on the argument that all records requested regarding ICE activities were exempt from disclosure.

CHR is stating that both CBP and ICE are creating barriers for releasing information through third-party consent forms, which are not required because personal information can be redacted. Under the FOIA, agencies are required to release all reasonably segregable nonexempt material. Through my correspondence, I have learned that CBP and ICE often recognize and grant FOIA requests with redactions upon appeal without these signed consent forms.

CHR has shown a strong commitment to interdisciplinary excellence in the field of human rights. Their work has promoted human rights education amongst undergraduate and graduate students. In treating human rights as a core area of faculty and graduate research, they have engaged productively with local, national, and international organizations and policymakers to advance respect for human rights. As an organization established by the Washington State Legislature, CHR relies on data collection and research to achieve their mission and their goal of rights discourse. I support this educational pursuit as well as the need for research and data collected by CHR. I urge the timely release of the FOIA information to the extent that the law permits.

I am confident that you will thoroughly and consistently evaluate all FOIA requests from CHR and provide them with full and due consideration. I have included those requests and additional supporting documents from the CHR pertaining to this matter. If you have additional questions, please do not hesitate to contact my immigration caseworker, Handi Mohamed at [handi.mohamed@gmail.com](mailto:handi.mohamed@gmail.com). Thank you for your time and consideration regarding this matter.

Sincerely,



Pramila Jayapal  
Member of Congress

RCW 28B.20.478

Attachment 4

**Center for human rights.**

A University of Washington center for human rights is created. The mission of the center is to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and become an academic center for human rights teaching and research in the nation. The center shall align with the founding principles and philosophies of the United States of America and engage faculty, staff, and students in service to enhance the promise of life and liberty as outlined in the Preamble of the United States Constitution. Key substantive issues for the center include: The rights of all persons to security against violence; the rights of immigrants, native Americans, and ethnic or religious minorities; human rights and the environment; health as a human right; human rights and trade; the human rights of working people; and women's rights as human rights. State funds may not be used to support the center for human rights created in this section.

[ 2012 c 229 § 807; 2009 c 465 § 1.]

**NOTES:**

Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 504, 601 through 608, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

# EXHIBIT AA

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



U.S. Immigration  
and Customs  
Enforcement

June 28, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

**RE: FOIA Appeal 2018-ICAP-00302, 2018-ICFO-20585**

Dear Ms. Godoy:

This is in response to your letter, dated May 25, 2018, appealing U.S. Immigration and Customs Enforcement's (ICE) response to your Freedom of Information Act (FOIA) request. Your FOIA request, dated December 5, 2017, sought "copies of all forms I-860, M-444, I-871 and I-851 regarding removals of persons apprehended in Washington State from January 1, 2012 to the present."

By letter dated May 15, 2018, the ICE FOIA Office advised you of the following:

"You have requested records concerning a third party. Records pertaining to a third party generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records. Since you have not furnished a release, death certificate, or public justification for release, release of the requested records concerning a third party would result in an unwarranted invasion of personal privacy in violation of the Privacy Act, 5 U.S.C. § 552a. In addition, third-party records are also generally exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552.

Should you obtain the written authorization and consent from the third party referenced in your request for release of the records, please submit a new request for the documents accompanied by the written authorization and consent. A form is enclosed to assist you in providing us with the required authorization and consent. The authorization must be notarized or signed under penalty of perjury pursuant to 18 U.S. C. § 1001. Please send any such new request with the requisite authorization and consent to: ICE Freedom of Information Office, 500 12<sup>th</sup> Street, S.W., Stop 5009 Washington, D.C. 20536-5009."

You have appealed the ICE FOIA Office's determination on your request.

## **I. Procedural History**

On February 20, 2018, the ICE FOIA Office acknowledged receipt of your FOIA request, and advised you that:

Angelina Godoy  
2018-ICAP-00302, 2018-ICFO-20585  
Page 2 of 3

“DHS regulations require, in the case of third party information requests, a statement from the individual verifying his or her identity and certifying that individual's agreement that records concerning him or her may be accessed, analyzed and released to a third party. See 6 C.F.R. § 5.21(f). Because you have not provided this documentation with your request, we are unable to initiate a search for responsive records. The attached form must be completed and signed by the individual whose records you are requesting in order for us to move forward with your request.”

On February 23, 2018, you responded to the ICE FOIA Office's letter and declined to provide consent forms, indicating that you did not believe such forms were required to process your request. On March 16, 2018, the ICE FOIA Office contacted you again via email, seeking clarification on your request. The ICE FOIA Office stated:

“In conducting a search for responsive records, the ICE FOIA office has determined that further clarification/refined scope is needed regarding your request. All forms that you are seeking are contained within the A-File, we would need a 3rd party ID cert to pull each and every form from the file. Alternatively, DHS has prior year's immigration removal statistics on the public website but it is by Seattle AOR. Please provide the ICE FOIA office with a response as soon as possible to avoid any further delay in the processing of your request. If a response is not received within 30 days, your request will be administratively closed.”

You responded to the ICE FOIA Office's email on March 16, 2018, declining to provide to provide consent forms and indicating that you were seeking more information than the publicly-available statistics provided. You also stated that “there is a high degree or public interest in the information,” and requested “a line-by-line review of the responsive records and their selective redaction to ensure the personal privacy of specific individuals named therein.”

On May 15, 2018, the ICE FOIA Office issued its final response to your request, quoted above.

## **II. Your Request is Unduly Burdensome**

After careful review of your FOIA request and the administrative history, ICE has determined that your request is unduly burdensome.

An agency is not required to undertake a search that is so broad as to be unduly burdensome. *Nation Magazine v. US. Customs Serv.*, 71 F.3d 885, 892 (D.C. Cir. 1995); *see also American Federation of Government Employees*, 907 F.2d 203, 209 (D.C. Cir. 1990) (an unreasonably broad request imposes an unreasonable burden on the agency); *Goland v. Central Intelligence Agency*, 607 F.2d 339 (D.C. Cir. 1978) (FOIA does not require an agency to conduct what amounts to an unreasonably burdensome search in response to a request). The FOIA does not require an agency to conduct what amounts to an unreasonably burdensome search in response to a request. *See Goland*, 607 F.2d at 353 (finding unreasonably burdensome a request for additional responsive records where “if they exist, could be found only through a page-by page search through the 84,000 cubic feet of documents in the [CIA] Records Center”); *Am. Fed'n of Gov't Employees v. United States Dep't of Commerce*, 907 F.2d 203, 208-09 (D.C.Cir. 1990) (finding unreasonably burdensome a request to locate “every chronological office file and correspondent file, internal and external, for every branch office, staff office...”).

Your request, as written, falls squarely within the meaning of an unreasonably burdensome request. Any records that may exist that are responsive to your request would be housed in A-files. A-files must be

Angelina Godoy  
2018-ICAP-00302, 2018-ICFO-20585  
Page 3 of 3

manually searched. In order to compile a list of the relevant A-files to manually search, the Seattle Field Office, which handles cases in both the state of Washington and the state of Oregon, would first need to analyze and locate the A-numbers of all subjects apprehended and removed in Washington state from January 1, 2012 to present. Then it would need to analyze and determine which of those cases involve Expedited Removals, Reinstatements, and Final Administrative Deportation Orders (as the forms you have requested correspond to these proceedings). Then the Field Office would need to request those A-files from their current locations; manually search through every A-file for the relevant forms; and conduct a line-by-line review of every form to redact the personally identifiable information, since no consent forms have been provided. In sum, processing the request as written would require an extraordinary amount of ICE resources, and is unduly burdensome. The FOIA does not require an agency to undertake a search that is unduly burdensome. *See id.*; *Dale v. Internal Revenue Serv.*, 238 F. Supp.2d 99, 104 (D.D.C. 2002).

### III. Conclusion

Because your request is unduly burdensome, ICE affirms the ICE FOIA Office's decision not to process your FOIA request.

To the extent that you are willing to work with the ICE to narrow your request, such that is no longer unduly burdensome, ICE invites such communication between yourself and the ICE FOIA Office. You may contact ICE contact at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

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.

Should you have any questions regarding this appeal closure, please contact ICE. In the subject line of the email please include the word "appeal," your appeal number, which is **2018-ICAP-00302**, and the FOIA case number, which is **2018-ICFO-20585**.

Sincerely,



for

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

# EXHIBIT BB



Angelina Snodgrass Godoy <agodoy@uw.edu>

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## ICE Clarification Request FOIA Number 2018-ICFO-31336

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ice-foia@dhs.gov <ice-foia@dhs.gov>

Wed, Apr 25, 2018 at 6:41 AM

To: agodoy@uw.edu

April 25, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

**RE: ICE FOIA Case Number 2018-ICFO-31336**

This e-mail is in regards to your January 15, 2018 ICE FOIA request for seeking records of all correspondence between ICE employees and employees of the Washington state Department of Licensing from January 1, 2016 to January 15, 2018..

In conducting a search for responsive records, the ICE FOIA office has determined that further clarification is needed regarding your request. As currently stated this request is too broad, please provide name or job title of individuals. Please provide the ICE FOIA office with a response as soon as possible to avoid any further delay in the processing of your request. If a response is not received within 14 days, your request will be administratively closed.

Sincerely,

ICE FOIA

# EXHIBIT CC



Angelina Snodgrass Godoy <agodoy@uw.edu>

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## ICE Clarification Request FOIA Number 2018-ICFO-31336

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Angelina Snodgrass Godoy <agodoy@uw.edu>

Thu, Apr 26, 2018 at 11:33 AM

To: "Williams, Charles H" <Charles.H.Williams@ice.dhs.gov>

Cc: UW Center for Human Rights <chrfoia@uw.edu>

Bcc: "Emily A. Willard" <eawill@uw.edu>

Dear Mr. Williams,

Thank you for speaking to me just now and explaining your process. I'm very grateful.

To make our request (case number 2018-ICFO-31336) less burdensome, I would like to limit it as follows:

Please provide me with copies of:

- 1) all emails exchanged between Timothy Black, SDDO in Seattle (email address [timothy.a.black@ice.dhs.gov](mailto:timothy.a.black@ice.dhs.gov)) and [fraud@dol.wa.gov](mailto:fraud@dol.wa.gov) from July 1, 2017 to January 1, 2018;
- 2) all emails exchanged between Shawn S. Miller, DO in Seattle (email address presumably [shawn.s.miller@ihs.dhs.gov](mailto:shawn.s.miller@ihs.dhs.gov)) and [fraud@dol.wa.gov](mailto:fraud@dol.wa.gov) from July 1, 2017 to January 1, 2018;
- 3) all emails exchanged between Gabriel Martinez, DO (email address [gabriel.j.martinez@ice.dhs.gov](mailto:gabriel.j.martinez@ice.dhs.gov)) and [fraud@dol.wa.gov](mailto:fraud@dol.wa.gov) from July 1, 2017 to January 1, 2018.

Please do not hesitate to let me know if you have further questions or require further clarification of my request.

Thank you,

Angelina Godoy

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Angelina Snodgrass Godoy  
Helen H. Jackson Chair in Human Rights  
Director, Center for Human Rights  
University of Washington  
Box 353650  
Seattle, WA 98195-3650  
<http://humanrights.washington.edu>

[Quoted text hidden]

# EXHIBIT DD

*Office of Information Governance and Privacy*

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



U.S. Immigration  
and Customs  
Enforcement

May 21, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

**RE: ICE FOIA Case Number 2018-ICFO-31336**

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated January 15, 2018. You have requested copies of all correspondence between ICE employees and employees of the Washington state Department of Licensing from January 1, 2016 to January 15, 2018.

ICE has considered your request under the FOIA, 5 U.S.C. § 552. A search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request produced 285 pages that are responsive to your request. After review of those documents, I have determined that portions of 281 pages will be withheld pursuant to Exemptions of the FOIA as described below.

ICE has applied Exemption 5 to protect from disclosure intra-agency documents that contain the recommendations, opinions, and conclusions of agency employees. The disclosure of these communications would discourage the expression of candid opinions and inhibit the free and frank exchange of information and opinions among agency personnel on important agency decision-making by having a chilling effect on the agency's deliberative process.

**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. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the deliberative process privilege, the attorney-client privilege, and the attorney work-product 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.

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 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.

Page 3 of 3

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:

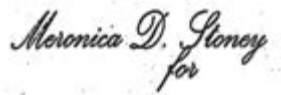
U.S. Immigration and Customs Enforcement  
Office of the Principal Legal Advisor  
U.S. Department of Homeland Security  
500 12th Street, S.W., Mail Stop 5900  
Washington, D.C. 20536-5900

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).

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 **2018-ICFO-31336**. 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 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,

A handwritten signature in black ink, reading "Catrina M. Pavlik-Keenan" with a small "for" written below it.

Catrina M. Pavlik-Keenan  
FOIA Officer

Enclosure(s): Adobe PDF, 285 page(s)

# EXHIBIT EE

University of Washington  
Center for Human Rights  
Box 353650  
Seattle, WA 98195

FREEDOM OF INFORMATION ACT APPEAL

June 13, 2018

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

RE: Appeal under the Freedom of Information Act, ICE case # 2018-ICEFO-31336, CHR case # ICE00020

To Whom It May Concern:

This constitutes an administrative appeal under the FOIA, 5 U.S.C. § 552 in response to a determination by ICE to release 281 pages of responsive records in part, and to withhold 4 pages of records in full, as stated in a letter from ICE to the University of Washington Center for Human Rights (UWCHR) dated May 21, 2018 [Attachment 1].

This determination was of an original request for "all correspondence between ICE employees and employees of the Washington state Department of Licensing from January 1, 2016 to January 15, 2018." and included wording requesting "all emails exchanged between ICE personnel and any individual or office using an email ending in @dol.wa.gov, including any attachments", specifically regarding Washington State Driver's License applications. This request was originally filed by the UWCHR on January 8, 2018. This request was further clarified through a phone conversation with ICE FOIA personnel Charles Williams on April 26, 2018, and narrowed to the following:

"1) all emails exchanged between Timothy Black, SDDO in Seattle (email address *timothy.a.black@ice.dhs.gov*) and *fraud@dol.wa.gov* from July 1, 2017 to January 1, 2018; 2) all emails exchanged between Shawn S. Miller, DO in Seattle (email address *presumably shawn.s.miller@ice.dhs.gov*) and *fraud@dol.wa.gov* from July 1, 2017 to January 1, 2018; 3) all emails exchanged between Gabriel Martinez, DO (email address *gabriel.j.martinez@ice.dhs.gov*) and *fraud@dol.wa.gov* from July 1, 2017 to January 1, 2018."

The intention of this appeal is to argue for the release of the 4 documents that were withheld in full, and some information that was withheld in the 281 pages which were released in part because 1) information is further segregable, 2) similar information has already been previously released, 3) improper application of the B(6) and B(7)c exemptions, 4) the B(5) exemption was properly applied to this information, and 5) a high level of public interest.

### Further Segregability Required

Once the existence of records pertaining to a subject has been acknowledged, it is difficult to imagine how every portion of those records could be exempt from disclosure. The Freedom of Information Act specifically requires that all reasonably segregable, nonexempt material in a document be released. It does not appear that there has been compliance with this provision of the Act. The initial reviewing authority denied four responsive documents in full, with no evidence that a careful review was undertaken for segregable material or that sufficient consideration was given as to whether or how the release of the documents would affect deliberative process protections. At the very least, the dates, timestamps, and titles should be released, as done in other documents.

### Similar Information Has Been Previously Released and Available to the Public

Information about the sharing of information between ICE and the Washington State Department of Licensing (DOL) is widely known. Recent reporting by Nina Shapiro in *The Seattle Times* has documented the WA DOL's regular practice of handing over information about drivers' license applicants to ICE 20 to 30 times per month, and which resulted in a response from Washington State Attorney General Jay Bybee. WA DOL spokeswoman Christine Anthony has stated that this practice took place when immigration enforcement authorities emailed License Integrity Unit seeking information.<sup>1</sup>

Additionally, the UWCHR filed a public records request with the Washington State Department of Licensing and obtained copies of emails sent to ICE in response to ICE requests for driver's license applications, copies of driver's licenses, and other DOL information about private individuals. In these emails, we were able to know the names of ICE officials who requested the information from DOL, including the dates and times of these email requests. As such, we were able to narrow our request to include only the email correspondence between three ICE agents, Timothy Black, Shawn Miller, and Gabriel Martinez and DOL personnel.

Two of the emails was sent by DOL personnel dated December 7, 2017 was in response to a request made by Timothy Black. However, the copy of Timothy Black's email requesting that information was not included in the documents released in this request. Please see copy of email attached for your convenience [Attachment 2]. UWCHR is led to believe that this email is either among the 4 pages withheld in full, or an adequate search was not completed for documents responsive to this request. The emails from Timothy Black on or around December 7, 2017 requesting information about an individual should be released as responsive to this request.

### Personal Privacy B(6) and B(7)c exemptions

We agree with ICE's withholding of the names of the civilian individuals mentioned in the body of the email messages (about whom ICE is requesting information), and the redaction of portions

<sup>1</sup> Nina Shapiro, "Washington state regularly gives drivers' info to immigration authorities; Insee orders temporary halt," *The Seattle Times*, January 11, 2018, available from: <https://www.seattletimes.com/seattle-news/times-watchdog/washington-state-regularly-gives-drivers-info-to-immigration-authorities-insee-orders-temporary-halt/>

of the telephone numbers of ICE officials. However, we argue that the withholding of the names of ICE officials under exemptions B(6) and B(7)c is unlawful under the FOIA 5 U.S.C. § 552. The scope of the request included the names of three DHS officials, so in order for the documents to be responsive, they would have had to have been written by one of these three individuals. As such, the application of the B(6) exemption to withhold the names of the "from" section of the email, and the names in the signatures of the emails is unlawful. The release of their names as they are acting in their official duty as a government official does not warrant an invasion of personal privacy or medical information, particularly since we know the names would be one of three DHS officials, the subject of our request which we named individually, based on previously released information. These emails do not include personal or medical information of the ICE officials, and thus their names should not be withheld.

Additionally, courts have determined that the application of the B(7)c exemption is specifically to protect the privacy of individuals related to investigation by U.S. federal law enforcement agencies. We agree with ICE's decision to withhold the information about individuals whom ICE is investigating (named in the body of the emails) but this exemption does not apply to the names of ICE officials conducting the investigations. The intention of the (b)(7)(c) exemption is to protect the privacy those who were not indicted, tried, or convicted of wrongdoings so as not to be connected with alleged criminal activity. The court has ruled that the names of persons investigated for suspected criminal activity are exempt where persons were neither indicted nor tried.<sup>2</sup> In *Stern v. FBI*, 737 F.2d 84, 91-92 (D.C. Cir. 1984) the court found that "individuals have strong interest in not being associated unwarrantedly with alleged criminal activity." While this is true in the case of withholding information about the individuals listed in the body of the email (private individuals), this just simply does not appear to be the case in regards to withholding the names of ICE officials who are merely carrying out their official duties as law enforcement officials.

As such, we argue for the release of the names of the ICE officials who sent the emails, as the information is already known based on the subject and scope of the request, and due to previously released and public information.

#### Deliberative Process B(5)

While we acknowledge the importance of protecting predecisional conversations and documents, we do not believe that the four documents withheld in full in this instance fall under the protections of the B(5) exemption. We appeal the decision to withhold these documents on the basis of the B(5) exemption. Denying entire records or large portions of records on the authority of B(5) is unusual. Therefore, we ask that each portion of these documents be independently evaluated to determine whether they are, in fact and according to law, exempt from mandatory disclosure. Furthermore, any claim of exemption five is wholly discretionary -- material believed to be covered by it can always be disclosed as a matter of agency discretion. In fact, the Justice Department's Office of Information and Privacy has advised that agencies may exercise their discretion to release information previously withheld under the B(5) exemption. Where the government has complete discretion to assert or not assert an exemption, consideration should be

<sup>2</sup> In *Librach v. FBI*, 587 F.2d 372 (8<sup>th</sup> Cir.) cert. denied, 440 U.S. 910 (1978)

given (as Congress has made clear) to the public interest in disclosure. We ask that our request for such a release be given careful, sympathetic consideration.

The Court of Appeals for the District of Columbia Circuit has held that documents qualify as predecisional and deliberative only if they "reflect[] advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated."<sup>3</sup> The key factor, the D.C. Circuit has stressed is the "role, if any, that the document plays in the process of agency deliberations."<sup>4</sup> There are several categories of documents that are routinely protected by the deliberative process privilege. Among them are "all papers which reflect the agency's group thinking in the process of working out its policy and determining what its law shall be."<sup>5</sup> The court notes that "advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated" are routinely protected by deliberative process privilege. They are protected because, by their very nature, their release would likely "stifle honest and frank communication within the agency."<sup>6</sup>

It is, however, difficult to imagine that ICE deportation officers would be "working out its policy and determining what its law shall be" in emails to Washington State Department of Licensing. In fact, it would raise serious concerns, about which the public certainly has a right to know, if ICE deportation officers were consulting WA State DOL employees about "advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions and policies are formulated" and having conversations that would constitute Department of Homeland Security's policy and law-making processes.

Additionally, it is extremely unlikely that conversations between ICE deportation officers and WA DOL customer service officers were subject to attorney-client privilege, or were considered attorney work products. It is not clear how ICE requests for WA DOL driver's license information would constitute either of these two categories of information, particularly when the name and identity of individual about which the request is being made is protected.

#### High Level of Public Interest

We remind you that there is a high degree of public interest in this information. In recent years, and particularly recent months, concern has grown about ensuring respect for civil liberties and due process rights in the context of immigration enforcement. Our state's highest authorities, including our Governor, Attorney General, and representatives in the U.S. Congress, have raised concerns about ICE's enforcement practices in Washington state, and in many localities around the state, city and county councils have formulated local policies in an attempt to ensure that immigrant rights are upheld. Our elected officials at the federal level have also expressed concern about ICE practices, and support for our Center's ongoing research.

<sup>3</sup> *Taxation With Representation Fund v. IRS*, 646 F.2d 566, 677 (D.C. Cir. 1981); see *Hlec. Frontier Found. v. DOJ*, 739 F.3d 1, 10 (D.C. Cir. 2014).

<sup>4</sup> *7 Formaldehyde Inst. v. HHS*, 889 F.2d 1118, 1122 (D.C. Cir. 1989) (quoting *CNA Fin. Corp. v. Donovan*, 830 F.2d 1132, 1161 (D.C. Cir. 1987)); see also *Judicial Watch, Inc. v. Reno*, 154 F. Supp. 2d 17, 18 (D.D.C. 2001).

<sup>5</sup> *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 150 (1975) (internal citations omitted); accord *Taxation With Representation Fund*, 646 F.2d at 677.

<sup>6</sup> *Coastal States Gas Corp. v. DOE*, 617 F.2d 854, 866 (D.C. Cir. 1980); see also *Missouri ex rel. Shorr v. U.S. Army Corps of Eng'rs*, 147 F.3d 708, 711 (8th Cir. 1998).

U.S. Representative Pramila Jayapal and U.S. Senator Maria Cantwell have communicated with the ICE FOIA office on our behalf, calling on the agency to pay more thorough and prompt attention to the FOIA requests filed by our organization, the UW Center for Human Rights. It does not appear that this request has been thoroughly and consistently evaluated. Please see a copy of Rep. Jayapal's letter attached for your convenience [Attachment 3].

As an academic center dedicated to research in the public interest on topics of human rights concern, it is important that we examine records of our federal authorities' immigration enforcement operations to formulate knowledge on government practices and share this with the general public and our elected policymakers. Indeed, we are legally mandated to do so. Our Center for Human Rights is a public research institute, established by statute<sup>7</sup> in the state of Washington to inform the public and policymakers about human rights issues, including particularly those of greatest concern to the communities of the state of Washington. In order to carry out our legally mandated task of informing the public on such matters, we require access to government documents necessary to understand how immigration enforcement is being carried out in our state.

I appreciate your consideration of this appeal and I look forward to your response. If you have any questions or concerns, please contact me at [agodoy@uw.edu](mailto:agodoy@uw.edu) or [chrfoia@uw.edu](mailto:chrfoia@uw.edu).

Angelina Godoy  
Director, Center for Human Rights  
University of Washington

<sup>7</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=28B.20.478>

Attachment 1

Office of Information Governance and Privacy

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



U.S. Immigration  
and Customs  
Enforcement

May 21, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-31336

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated January 15, 2018. You have requested copies of all correspondence between ICE employees and employees of the Washington state Department of Licensing from January 1, 2016 to January 15, 2018.

ICE has considered your request under the FOIA, 5 U.S.C. § 552. A search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request produced 285 pages that are responsive to your request. After review of those documents, I have determined that portions of 281 pages will be withheld pursuant to Exemptions of the FOIA as described below.

ICE has applied Exemption 5 to protect from disclosure intra-agency documents that contain the recommendations, opinions, and conclusions of agency employees. The disclosure of these communications would discourage the expression of candid opinions and inhibit the free and frank exchange of information and opinions among agency personnel on important agency decision-making by having a chilling effect on the agency's deliberative process.

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. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the deliberative process privilege, the attorney-client privilege, and the attorney work-product 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

Page 2 of 3

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.

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 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.

Page 3 of 3

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:

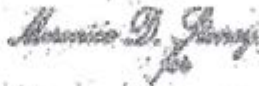
U.S. Immigration and Customs Enforcement  
Office of the Principal Legal Advisor  
U.S. Department of Homeland Security  
500 12th Street, S.W., Mail Stop 5900  
Washington, D.C. 20536-5900

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).

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 2018-ICFPO-31336. 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,



Katrina M. Pavlik-Keenan  
FOIA Officer

Enclosure(s): Adobe PDF, 285 page(s)

## Attachment 2

From: DOI IMT Fraud  
To: "Black, Timothy A"  
Subject: Document1  
Date: Thursday, December 07, 2017 7:04:06 AM  
Attachments: Document1.docx  
Photo Card Sign.pdf

---

*Here is your request*

*Mandy Hummel*  
*Support Enforcement Tech*  
*LIU*

**"Skip a trip - go online"**  
**[www.doi.wa.gov](http://www.doi.wa.gov)**

This message (including any attachments) may be confidential. Dissemination, distribution, or copying of the communication without approval from the Department of Licensing is prohibited. If this message is received in error, please notify the sender and delete the message.

"This information is being provided to you in compliance with RCW 46.20.118."

State of Washington - Department of Licensing  
 Bureau of Application Application Number: 06100020123

Form Type: 11 (New) For Use by Applicants From 06-12-2006 To 06-12-2006

Applicant Name: [REDACTED] Birth Date: [REDACTED]  
 Sex: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Eyes: [REDACTED]  
 Hair Color: [REDACTED] Skin Color: [REDACTED] Birthplace: [REDACTED]  
 Social Security: [REDACTED] Birthplace: [REDACTED]  
 City: [REDACTED] State: [REDACTED]  
 Zip: [REDACTED] Birthplace: [REDACTED]  
 Mail Address: [REDACTED] Birthplace: [REDACTED]  
 City: [REDACTED] State: [REDACTED]  
 Zip: [REDACTED] Birthplace: [REDACTED]  
 History: [REDACTED] Birthplace: [REDACTED]  
 Are you a twin or triplet? NO Mother's Maiden Name: [REDACTED]  
 Telephone: [REDACTED]  
 Have you had a license before? NO  
 If YES, where? Under what name?  
 How your driver license or driving privilege was last suspended, revoked,  
 annulled, or denied? NO 12 YES, where: [REDACTED]  
 In the last six months, have you had a birth of application or renewal which  
 could result in your ability to obtain a motor vehicle?  
 Birthplace: [REDACTED]  
 Provision: [REDACTED] Valid: [REDACTED]  
 I certify that I am the legal resident of the state and I am applying for a Washington  
 license and permit or instruction permit. I grant the Department of Licensing the right to  
 use my photograph for identification purposes and to use my signature for identification purposes.

ADDRESS IS DIFFERENT

IDENTIFICATION:

| ACUITY             | LEFT   | BOTH   | RIGHT  | FUSION FIELD COLOR |
|--------------------|--------|--------|--------|--------------------|
| WITHOUT CORRECTION | 20/040 | 20/040 | 20/040 | SAT SAT SAT        |

KNOWLEDGE: BO-100 06-02-2006

DRIVING: 015 06-12-2006

SCHEDULED DRIVE TEST: 428 06-12-2006 20

RESTRICTIONS: 000000 ENDORSEMENTS: 000000 CPL CLASS:

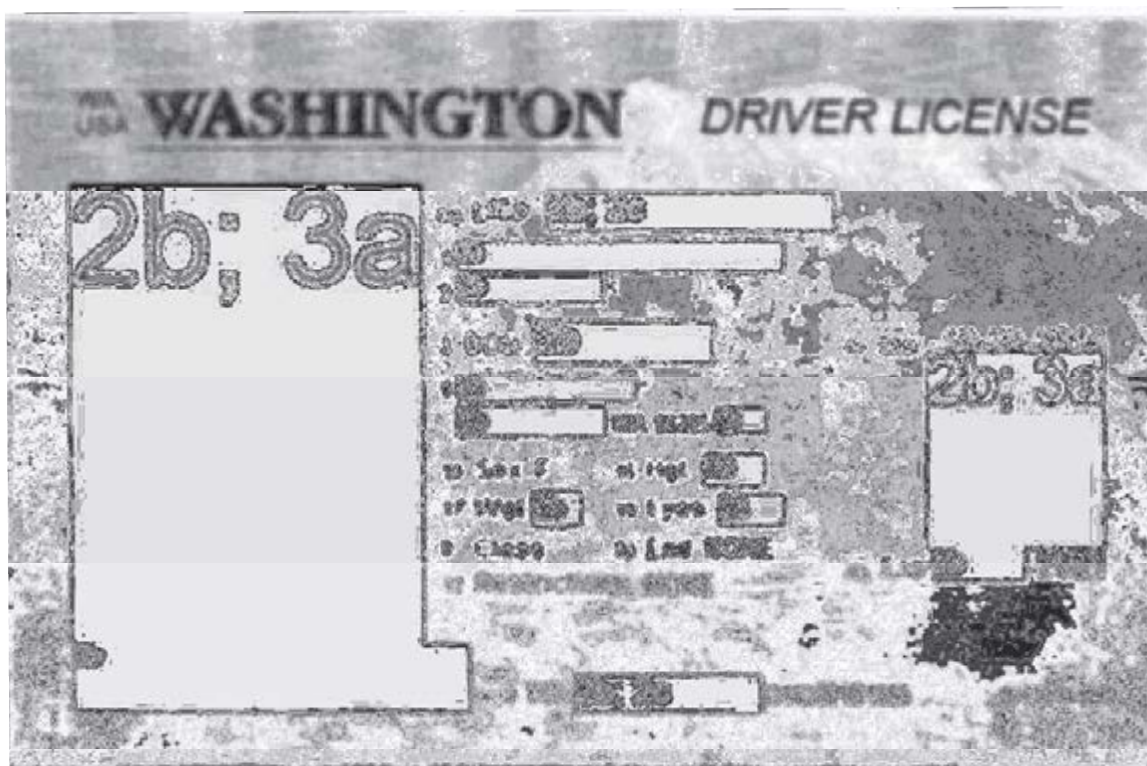
R1: R2:

I declare under penalty of perjury under the laws of the State of Washington that this application  
 and my information is true and correct, that my identifying documents are valid, and that I have no  
 other valid drivers license or instruction permit. If I am under 18 years old and applying for a license,  
 I have read and understand the intermediate license passenger and nighttime driving restrictions. I  
 understand that by driving a motor vehicle I have agreed to take a breath or blood test to determine  
 alcohol content as prescribed by Washington law RCW 46.20.300 and RCW 46.21.001.

Signature: [REDACTED] (429) Signature: [REDACTED]  
 Date: 6/13/06 Place of Signature: NORTH SEATTLE  
 Signature of your State Security number (SSN) is mandatory for all license applications to help ensure  
 child support laws. Your SSN may be used for identification purposes and to help us file or pay (or not)  
 child support, RCW 46.21.001. Signature of your SSN for instruction permit and identification card  
 applications is voluntary. (RCW 46.20.301)

2b; 2c

2b



No card back image for given document.

25

2b; 3a

25

CONTROL NUMBER: 3320007X0074945

LAST NAME: DE

FIRST NAME: 650  
LAST NAME: 22

MICHAEL HANSEN<sup>2</sup>

500

DATE OF BIRTH: 05

ISSUE DATE: 102-200-281703

MAILED DATE: 8/78

**PRODUCTION STATUS:** Planned for completion

ENDORSEMENTS: NONE

### RESTRICTIONS: NONE

## Congress of the United States

House of Representatives

Washington, DC 20515-4707

05/01/2018

The Honorable Kirstjen Nielsen  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, D.C. 20528

Dear Secretary Nielsen:

I am writing this letter in support of the University of Washington Center for Human Rights (CHR) that is seeking a response to the 30 Freedom of Information Act (FOIA) requests that they have submitted. CHR will use the information to better understand the way that federal immigration enforcement is carried out in Washington State. Furthermore, the data will be used for educational and research purposes to advance the progress of human rights. CHR understands that while original files may contain information about specific immigrants' cases, redacted information can be released to protect personal privacy as required under the Privacy Act.

CHR informed my office that, since 2016, they had very little success in obtaining information from your agency. Multiple requests for information from U.S. Customs and Border Patrol (CBP) and U.S. Immigration and Customs Enforcement (ICE) have gone unanswered; others have resulted in prolonged delays. CHR has informed my office that FOIA requests that had been promised specific response dates are now several months overdue, as they cited with case numbers 2018-ICFO-00515 and CBP-2018-021773. Other cases that they provided (for example, see case number 2018-ICFO-14208) were abruptly closed on the argument that all records requested regarding ICE activities were exempt from disclosure.

CHR is stating that both CBP and ICE are creating barriers for releasing information through third-party consent forms, which are not required because personal information can be redacted. Under the FOIA, agencies are required to release all reasonably segregable nonexempt material. Through my correspondence, I have learned that CBP and ICE often recognize and grant FOIA requests with redactions upon appeal without these signed consent forms.

CHR has shown a strong commitment to interdisciplinary excellence in the field of human rights. Their work has promoted human rights education amongst undergraduate and graduate students. In treating human rights as a core area of faculty and graduate research, they have engaged productively with local, national, and international organizations and policymakers to advance respect for human rights. As an organization established by the Washington State Legislature, CHR relies on data collection and research to achieve their mission and their goal of rights discourse. I support this educational pursuit as well as the need for research and data collected by CHR. I urge the timely release of the FOIA information to the extent that the law permits.

I am confident that you will thoroughly and consistently evaluate all FOIA requests from CHR and provide them with full and due consideration. I have included those requests and additional supporting documents from the CHR pertaining to this matter. If you have additional questions, please do not hesitate to contact my immigration caseworker, Hamdi Mohamed at [hamdi.mohamed@mail.house.gov](mailto:hamdi.mohamed@mail.house.gov). Thank you for your time and consideration regarding this matter.

Sincerely,



Pramila Jayapal  
Member of Congress

# EXHIBIT FF

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



U.S. Immigration  
and Customs  
Enforcement

July 13, 2018

Angelina Godoy  
University of Washington  
Center for Human Rights  
Box 353650  
Seattle, WA 98195

**RE: 2018-ICAP-00332, 2018-ICFO-31336**

Dear Ms. Godoy:

This is in response to your letter dated June 13, 2018, appealing U.S. Immigration and Customs Enforcement's (ICE) response to your Freedom of Information Act (FOIA) request, dated January 15, 2018, seeking records pertaining to "all correspondence between ICE employees and employees of the Washington State Department of Licensing from January 1, 2016 to January 15, 2018," specifically regarding Washington State Driver's License applications. On April 26, 2018, this request was further clarified through a phone conversation with ICE FOIA Office personnel to the following:

*1) all emails exchanged between Timothy Black, SDDO in Seattle (email address timothy.a.black@ice.dhs.gov) and fraud@dol.wa.gov from July 1, 2017 to January 1, 2018; 2) all emails exchanged between Shawn S. Miller, DO in Seattle (email address presumably shawn.s.miller@ice.dhs.gov) and fraud@dol.wa.gov from July 1, 2017 to January 1, 2018; 3) all emails exchanged between Gabriel Martinez, DO (email address gabriel.j.martinez@ice.dhs.gov) and fraud@dol.wa.gov from July 1, 2017 to January 1, 2018.*

By letter dated May 21, 2018, the ICE FOIA Office responded to your request stating:

*A search of the ICE Office of Enforcement and Removal Operations (ERO) for records responsive to your request produced 285 pages that are responsive to your request. After review of those documents, I have determined that portions of 281 pages will be withheld pursuant to Exemptions of the FOIA as described below.*

In your appeal letter, you challenged the ICE FOIA Office's withholdings. Specifically, you challenged the partial withholdings of 281 pages and the alleged withholdings of 4 pages in their entirety.

Page 2

After review of the withholdings, the ICE FOIA Office only applied withholdings partially to 281 pages while the remaining 4 pages were blank. Therefore, the ICE FOIA Office did not apply withholdings to any pages in their entirety.

As explained in the ICE FOIA Office's letter, dated May 21, 2018, your request was considered under the FOIA, 5 U.S.C. § 552. ICE applied FOIA Exemption (b)(5) to protect from disclosure the internal/deliberative opinion or recommendation of an agency employee.

ICE also applied FOIA Exemptions (b)(6) and (b)(7)(C) to protect from disclosure information pertaining to third parties who have not provided consent. Without the explicit consent of the individual(s) named in the records you seek, ICE cannot release those records to you, your client or any other member of the public. Protecting the privacy interests of the individuals who may be named in ICE records which are the target of FOIA requests requires this procedure; members of the public may draw adverse inferences from the mere fact that an individual is mentioned in the files of a criminal law enforcement agency. ICE has applied FOIA Exemptions (b)(6) and (b)(7)(C) to protect from disclosure the name and initials of DHS employees to prevent an unwarranted invasion of privacy. Additionally, ICE has applied FOIA Exemptions (b)(6) and (b)(7)(C) to protect from disclosure the names and other specific identifiers of third parties contained in the records. The privacy interests of the individual(s) in the records you have requested outweigh any minimal public interest in the disclosure of the information. Please understand that any private or litigation interest you or your client may have in that information cannot factor into this determination.

Furthermore, ICE FOIA applied FOIA Exemption (b)(7)(E) to protect from disclosure information compiled for law enforcement purposes, the release of which would disclose investigative techniques and procedures, such as internal agency law enforcement investigative case numbers, internal database codes as well as internal database URLs which are not well known to the public that if disclosed could reasonably be expected to risk circumvention of the law.

Upon a complete review of the information withheld by ICE in the initial determination on your FOIA request, the withholding of this information was proper in all respects, and the information is exempt from disclosure under the applicable provisions of 5 U.S.C. § 552.

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.

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," the appeal number, which is **2018-ICAP-00332**, and the FOIA case number, which is **2018-ICFO-31336**.

Page 3

Sincerely,

/s/ *Ali Kargbo*

*for*

Erin J. Clifford

Chief

Government Information Law Division

ICE Office of the Principal Legal Advisor

U.S. Department of Homeland Security

# EXHIBIT GG



Angelina Snodgrass Godoy &lt;agodoy@uw.edu&gt;

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**ICE FOIA Request 2018-ICFO-34231**1 message

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**ice-foia@dhs.gov** <ice-foia@dhs.gov>

Tue, May 8, 2018 at 9:11 AM

To: agodoy@uw.edu

May 08, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

**RE: ICE FOIA Case Number 2018-ICFO-34231**

Dear Dr. Godoy:

This acknowledges receipt of your April 26, 2018, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for copies of all Detainee Transfer Notification Forms and Forms I-216 generated in cases of transfers of detainees from the Northwest Detention Center in Tacoma to NORCOR in The Dalles OR, and from NORCOR to the NWDC, from January 1, 2016 to May 1, 2018.. Your request was received in this office on April 26, 2018.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

**FOR COMMERCIAL REQUESTERS:**

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to commercial requesters. As a commercial requester, you will be charged 10 cents per page for duplication, and for search and review time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher and reviewer. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to educational requesters. As an educational requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-ICFO-34231**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov>

[/foia-status](#). Please note that to check the status of a request, you must enter the 2017-ICFO-XXXXX or 2018-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. 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 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.

Regards,

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  
Visit our FOIA website at [www.ice.gov/foia](http://www.ice.gov/foia)

# EXHIBIT HH



Angelina Snodgrass Godoy <agodoy@uw.edu>

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## ICE Clarification Request FOIA Number 2018-ICFO-34231

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ice-foia@dhs.gov <ice-foia@dhs.gov>

Fri, May 18, 2018 at 4:45 AM

To: agodoy@uw.edu

May 18, 2018

Angelina Godoy  
University of Washington  
Box 353650  
Seattle, WA 98195-3650

**RE: ICE FOIA Case Number 2018-ICFO-34231**

This e-mail is in regards to your April 26, 2018 ICE FOIA request for copies of all Detainee Transfer Notification Forms and Forms I-216 generated in cases of transfers of detainees from the Northwest Detention Center in Tacoma to NORCOR in The Dalles OR, and from NORCOR to the NWDC, from January 1, 2016 to May 1, 2018..

In conducting a search for responsive records, the ICE FOIA office has determined that further clarification is needed regarding your request.

The Information Disclosure Unit (IDU) has requested more clarification and/or a narrowing of the timeframe for the request.

Please provide the ICE FOIA office with a response as soon as possible to avoid any further delay in the processing of your request. If a response is not received within 30 days, your request will be administratively closed.

Sincerely,

ICE FOIA

# EXHIBIT II



Angelina Snodgrass Godoy <agodoy@uw.edu>

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## ICE Clarification Request FOIA Number 2018-ICFO-34231

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Angelina Snodgrass Godoy <agodoy@uw.edu>

Fri, May 18, 2018 at 3:55 PM

To: ice-foia@dhs.gov

Cc: UW Center for Human Rights <chrfoia@uw.edu>

Dear ICE FOIA,

Thank you for your response to my FOIA request.

I agree to narrow the timeframe of my request to the dates January 1, 2017 to May 1, 2018.

Thank you,

Angelina Godoy

~~~~~

Angelina Snodgrass Godoy

Helen H. Jackson Chair in Human Rights

Director, Center for Human Rights

University of Washington

Box 353650

Seattle, WA 98195-3650

<http://humanrights.washington.edu>

[Quoted text hidden]

EXHIBIT JJ

Office of Information Governance and Privacy

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



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

August 23, 2018

Angelina Godoy
University of Washington
Box 353650
Seattle, WA 98195-3650

RE: ICE FOIA Case Number 2018-ICFO-34231

Dear Dr. Godoy:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated April 26, 2018. You have requested copies of the following records:

copies of all Detainee Transfer Notification Forms and Forms I-216 generated in cases of transfers of detainees from the Northwest Detention Center in Tacoma to NORCOR in The Dalles OR, and from NORCOR to the NWDC (Date Range for Record Search: From 1/1/2017 To 5/1/2018)

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Enforcement and Removal Operations (ERO) for records responsive to your request produced 54 pages and 1 Excel workbook that are responsive to your request. After review of those documents, I have determined that portions of the 54 pages and 1 Excel workbook will be withheld pursuant to Exemptions 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.

www.ice.gov

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.

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, 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.

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 **2018-ICFO-34231**. You may send an e-mail to 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 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; 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", with a stylized flourish at the end.

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosures: 54 pages, 1 Excel workbook

EXHIBIT KK

**University of Washington
Center for Human Rights
Box 353650
Seattle, WA 98195**

FREEDOM OF INFORMATION ACT APPEAL

September 11, 2018

Ms. Catrina M. Pavlik-Keenan
FOIA Officer
U.S. Immigration and Customs Enforcement
Washington, DC 20536

**RE: ICE FOIA Case No.: 2018-ICFO-34231
UWCHR Case No.: ICE0023**

Dear Ms. Pavlik-Keenan:

This letter constitutes an administrative appeal under the Freedom of Information Act, 5 U.S.C. Sec. 552, of the determination by the U.S. Immigration and Customs Enforcement on a FOIA request filed by our organization on April 26, 2018, requesting documents regarding “*copies of all Detainee Transfer Notification Forms and Forms I-216 generated in cases of transfers of detainees from the Northwest Detention Center in Tacoma to NORCOR in The Dalles OR, and from NORCOR to the NWDC (date range for record search: from 1/1/2017 to 5/1/2018).*”

We were informed by letter on August 23, 2018 that U.S. Immigration and Customs Enforcement had located and released 54 responsive I-216 transfer forms. According to the agreed upon narrowed scope, from 1/1/2017 to 5/1/2018, we would be receiving all responsive transfer I-216 forms (*please refer to attached ICE response*). However, all documents released date within the timeframe of 1/4/2018 to 5/11/2018; Thus no documents were received from the timeframe of 1/1/2017 to 12/31/2017 from which are subject to our request. Therefore, through this appeal we request all responsive I-216 transfer forms dating from 1/1/2017 to 12/31/2017. This time range continues to fall within the approved scope and would satisfy the agreed upon time range.

I appreciate your consideration of this appeal and I look forward to your response. If you have any questions or concerns, please contact me chrfoia@uw.edu. Thank you.

Sincerely,

Angelina Godoy
Director, Center for Human Rights

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

The University of Washington, The Center for Human Rights at the University of Washington, and Angelina Godoy

(b) County of Residence of First Listed Plaintiff King
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jordan Clark, Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200, Seattle, WA 98101 (206) 622-3150

DEFENDANTS

U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection

County of Residence of First Listed Defendant District of Columbia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☒ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
5 USC § 552

Brief description of cause:
Violation of Freedom of Information Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/21/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jordan Clark

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

for the

Western District of Washington

THE UNIVERSITY OF WASHINGTON; THE
CENTER FOR HUMAN RIGHTS AT THE
UNIVERSITY OF WASHINGTON; and ANGELINA
GODOY

Plaintiff(s)

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY; UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT; and UNITED STATES
CUSTOMS AND BORDER PROTECTION

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Department of Homeland Security
Office of the General Counsel
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jordan Clark
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Western District of Washington

THE UNIVERSITY OF WASHINGTON; THE
CENTER FOR HUMAN RIGHTS AT THE
UNIVERSITY OF WASHINGTON; and ANGELINA
GODOY

Plaintiff(s)

V.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY; UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT; and UNITED STATES
CUSTOMS AND BORDER PROTECTION

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Immigration and Customs Enforcement
Office of the General Counsel
245 Murray Lane, SW
Mail Stp 0485
Washington, DC 20528-0485

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are: Jordan Clark

Jordan Clark
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Western District of Washington

THE UNIVERSITY OF WASHINGTON; THE
CENTER FOR HUMAN RIGHTS AT THE
UNIVERSITY OF WASHINGTON; and ANGELINA
GODOY

Plaintiff(s)

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY; UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT; and UNITED STATES
CUSTOMS AND BORDER PROTECTION

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Customs and Border Protection
Office of the General Counsel
245 Murray Lane, SW
Mail Stp 0485
Washington, DC 20528-0485

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Jordan Clark
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: