



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

July 3, 2024

Angelina Godoy
Box 353650
Seattle, Washington 98195-3650

RE: 2024-ICAP-00234, 2024-ICFO-40974

Dear Ms. Godoy:

This is in response to your letter dated June 12, 2024, received June 12, 2024, appealing the U.S. Immigration and Customs Enforcement's (ICE) Freedom of Information Act (FOIA) Office's denial of a waiver of fees pursuant to 6 CFR § 5.11(k)(2). This appeal arose from the underlying request for records, as per the following:

“[D]ata from the Alien Repatriation Tracking System (ARTS) regarding all flights operated by ICE arriving to or departing from King County International Airport (BFI) in FY2023 and FY2024 to date, including the date of travel; origin or destination; number of detainees; gang member; criminality; and status.”

By letter dated June 12, 2024, the ICE FOIA Office advised you that after thoroughly reviewing your letter and request for fee waiver, it was determined that you have not presented a convincing argument that you and/or your organization is entitled to a blanket waiver of applicable fees.

Upon a complete review of the administrative record no error can be found in this determination. Your request for a fee waiver fails to satisfy the public interest requirement of 6 CFR § 5.11(k)(2) for the following reasons. The narrow scope of your underlying request will provide some information to a subset of the public at large, namely special interest. However, providing information to a subset of the public at large does not make a request “likely to contribute significantly to public understanding of the operations or activities of the government.” The request must benefit the public at large. Your request is not entitled to a blanket fee waiver for charges because of the narrow focus of the request. Disclosure appears to benefit a limited segment of the public and not the public at large.

This decision is the final action of ICE concerning your FOIA Fee Waiver 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 or call 1-877-684-6448.

Should you have any questions regarding this appeal decision, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word “appeal,” your appeal number, which is **2024-ICAP-00234**, and the FOIA case number, which is **2024-ICFO-40974**.

Sincerely,

/s/ Victor Yee

for Sara Jazayeri
Chief
Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Department of Homeland Security

cc: The ICE FOIA Office