

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN IMMIGRATION COUNCIL,  
1331 G Street, NW, Suite 200  
Washington, DC 20005

Plaintiff,

v.

U.S. IMMIGRATION & CUSTOMS  
ENFORCEMENT  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

U.S. CUSTOMS AND BORDER  
PROTECTION  
1300 Pennsylvania Avenue NW  
Washington, DC 20229

U.S. DEPARTMENT OF HOMELAND  
SECURITY,  
245 Murray Lane SW  
Washington, DC 20528

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

**INTRODUCTION**

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, seeking to compel U.S. Immigration and Customs Enforcement (“ICE”) and U.S. Customs and Border Protection (“CBP”), components of the U.S. Department of Homeland Security (“DHS”), to immediately release records requested under FOIA relating to the agencies’ implementation of Family Expedited Removal Management (“FERM”), a border management program announced in May 2023.

2. Under the FERM program, immigration officers assign certain family units apprehended at the U.S.-Mexico border to an alternative to detention program during expedited

removal proceedings. After initial processing, ICE uses FERM to track individuals designated as heads of households with GPS ankle monitors and ensure the family units duly participate in the expedited removal process and, in particular, the credible fear interview.

3. Since ICE began to implement the FERM program in May 2023, the agency has failed to publicize details about the program.

4. To inform the public, and advocates in particular, about the government's implementation of the FERM program, the American Immigration Council (the "Council") filed FOIA requests with ICE and CBP on November 21, 2023.

5. To date, neither agency has adequately responded to Plaintiff's requests.

6. Immediate disclosure of the requested records is necessary for a better understanding of the federal government's treatment of families enrolled in FERM, including information about families' due process rights in the program.

7. Plaintiff brings this action under the FOIA for declaratory, injunctive, and other appropriate relief.

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction under 5 U.S.C. §§ 552(a)(4)(B), (a)(6)(C)(i). Because this action arises under FOIA against an agency of the United States, this Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

9. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e) because the Council's principal place of business is in this district and no real property is involved in this action.

10. This Court has jurisdiction to grant declaratory and further necessary or proper relief pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 28 U.S.C. §§ 2201-2202.

11. Plaintiff has exhausted any and all administrative remedies in connection with the FOIA requests.

**PARTIES**

12. Plaintiff American Immigration Council is a tax-exempt, not-for-profit educational and charitable organization under Section 501(c)(3) of the Internal Revenue Code, with its principal place of business at 1331 G Street NW, Suite 200, Washington, D.C. 20005. The Council strives to strengthen the United States by shaping immigration policies and practices through innovative programs, cutting-edge research, and strategic legal and advocacy efforts grounded in evidence, compassion, justice, and fairness. The Council uses the courts to achieve justice and fairness for immigrants under the law, bringing lawsuits that hold the government accountable for unlawful conduct and restrictive interpretations of the law. Through research and analysis, the Council also promotes the development of fair and rational immigration policies that reflect fundamental American values.

13. Defendant ICE, a component of DHS, has been delegated authority to administer certain provisions of the Immigration and Nationality Act, 8 C.F.R. § 100.1, and is an agency within the meaning of 5 U.S.C. § 552(f). ICE's Enforcement and Removal Operations ("ERO"), and its field offices, are responsible for implementing the FERM program.

14. Defendant CBP, a component of DHS, has been delegated authority to administer certain provisions of the Immigration and Nationality Act, 8 C.F.R. § 100.1, and is an agency within the meaning of 5 U.S.C. § 552(f). CBP is responsible for enforcing immigration laws at U.S. ports of entry (POE), including at POEs along the U.S.-Mexico border. The agency has the authority to inspect individuals, such as asylum seekers, seeking to enter the United States. CBP

is responsible for the initial screening and processing of asylum seekers when they present themselves for inspection at U.S. POEs.

15. Defendant DHS is an agency of the United States government and is an agency within the meaning of 5 U.S.C. § 552(f). Both ICE and CBP are subcomponents of DHS.

### **STATEMENT OF FACTS**

#### ***I. Background on the FERM Program.***

16. On May 10, 2023, ICE announced the implementation of the FERM program to process families seeking asylum detained by CBP at, or near, the U.S.-Mexico border.

17. The designated heads of households of families enrolled in the FERM program are subject to GPS monitoring and a curfew in lieu of immigration detention.

18. The FERM program monitors and communicates with program participants using SmartLINK—a mobile phone application that supports facial matching and GPS tracking and is operated by BI, Inc., a subsidiary of the private prison company Geo Group.

19. According to ICE's May 10 announcement, families had to fit three criteria to participate in FERM: (i) be in expedited removal proceedings, (ii) be nationals of countries to which ICE maintains regular removal flights, and (iii) reside in a location under the jurisdiction of the ICE field office based in one of four FERM-destination cities.

20. On August 3, ICE issued a statement specifying that FERM enrollment consists of GPS monitoring and a daily mandatory home curfew between 11 p.m. and 5 a.m. and that DHS expanded the FERM program beyond the original four cities.

21. In ICE's Fiscal Year 2023 Annual Report, the agency noted that ICE has expanded the third criterion to forty-five cities nationwide. The Annual Report also states that ICE officers select families based on "several factors." However, the Annual Report only listed

destination cities and status as nationals of countries that accept ICE removals as enrollment factors.

22. The lack of publicly available information about ICE's implementation of the FERM program has attracted congressional interest. On October 13, 2023, U.S. Rep. Pramila Jayapal and Rep. Nanette Barragán, joined by 70 members of Congress, sent a letter to DHS Secretary Alejandro Mayorkas requesting a briefing and detailed information about the FERM program.

23. On March 16, 2024, *The New York Times* reported that it obtained data from ICE showing that the FERM program tracked more than 19,000 people, ICE had removed 1,500 people in the program, and 1,000 people had absconded.

**II. *Plaintiff's Request for Information under the FOIA and Defendants' Failure to Timely Respond.***

*a. FOIA Request to ICE about its Implementation of the FERM Program.*

24. On November 21, 2023, Plaintiff filed a FOIA request with ICE. A copy of that request is attached hereto as Exhibit A.

25. Plaintiff requested records relating to ICE's implementation of the FERM program; records relating to the criteria used by ICE to enroll families in the FERM program; records relating to families' rights during the credible fear process, including information provided to families enrolled about the right to counsel; records relating to data collected from families enrolled in the FERM program; records on ICE's funding to administer the FERM program; and several points of data about FERM program participants.

26. Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k)(1), Plaintiff requested a waiver of all fees related to its FOIA request.

27. On November 27, 2023, ICE acknowledged receipt of the FOIA request via e-mail, assigned it Reference No. 2024-ICFO-07305, and invoked the 10-day extension to respond permitted under 5 U.S.C. § 552(a)(6)(B). A copy of ICE's acknowledgment is attached hereto as Exhibit B.

28. To date, ICE has not responded or produced records responsive to Plaintiff's FOIA request.

*b. FOIA Request to CBP about its Implementation of the FERM Program.*

29. Upon information and belief, CBP agents refer family units seeking asylum after being detained by CBP officers at the U.S.-Mexico border to ICE for enrollment in the FERM program.

30. Upon information and belief, CBP is the custodian of records relating to the agency's implementation of the FERM program.

31. Plaintiff filed a FOIA request with CBP on November 21, 2023. A copy of that request is attached hereto as Exhibit C.

32. Plaintiff requested records relating to CBP's implementation of the FERM program; records relating to the criteria used by CBP to determine families' eligibility for the FERM program and the cities where families must report once enrolled; records relating to families' rights during the credible fear process, including information provided to families enrolled about the right to counsel; records relating to data collected from families enrolled in the FERM program; records on CBP's funding to administer the FERM program; and several points of data about FERM program participants, including the number of families referred by CBP to ICE for enrollment in FERM.

33. Plaintiff requested a waiver of all fees related to the FOIA request pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k)(1).

34. CBP acknowledged receipt of Plaintiff's FOIA request via email on January 4, 2024, and assigned it tracking number CBP-FO-2024-023238. A copy of CBP's acknowledgment is attached hereto as Exhibit D.

35. In the January 4 email, CBP informed Plaintiff that the records sought were "not under the purview of [CBP]" and recommended Plaintiff file a request with ICE.

36. CBP's January 4 email to Plaintiff fails to contain any of the information agencies must provide to requesters in case of an adverse determination under 5 U.S.C. § 552(a)(6)(A)(i)(III) or 6 C.F.R. § 5.6(e).

37. CBP also failed to "re-route" Plaintiff's request after determining that Plaintiff misdirected the request within DHS as required by 6 C.F.R. § 5.4(c).

38. As of the filing date of this Complaint, the CBP electronic portal shows that the status of this request is "Initial Determination."

**CLAIM FOR RELIEF**

**FIRST CAUSE OF ACTION**

**Violation of the Freedom of Information Act, 5 U.S.C. § 552(a)(6)(A)(i), for  
Failure to Respond within the Time Required**

39. Plaintiff hereby incorporates, as fully set forth herein, each and every allegation contained in paragraphs 1– 38 above.

40. Under the FOIA, Defendants were required to respond to the November 21, 2023 requests by notifying Plaintiff of the agencies' determination whether to comply with the request in accordance with the FOIA requirements within twenty business days after receiving the request. 5 U.S.C. § 552(a)(6)(A)(i).

41. ICE's November 27 email to Plaintiff invoked the ten-day extension allowed by FOIA for "unusual circumstances. 5 U.S.C. § 552(a)(6)(B)(i). However, ICE failed to respond within the additional ten days allowed by the FOIA.

42. CBP's January 4 email to Plaintiff does not constitute a proper response under the FOIA.

43. Defendants have violated their obligation under the FOIA by failing to make the required determination within the statutory deadline and to communicate such determination to the Plaintiff.

**SECOND CAUSE OF ACTION**  
**Violation of the Freedom of Information Act, 5 U.S.C. § 552(a)(3)(C), for Failure to Conduct a Reasonable Search**

44. Plaintiff hereby incorporates, as fully set forth herein, each and every allegation contained in paragraphs 1– 38 above.

45. Defendants have violated their obligation under the FOIA by failing to make a reasonable effort to search for records responsive to Plaintiff's request. 5 U.S.C. § 552(a)(3)(C).

**THIRD CAUSE OF ACTION**  
**Violation of the Freedom of Information Act, 5 U.S.C. § 552(a)(3)(A), for Failure to Disclose Responsive Records**

46. Plaintiff hereby incorporates, as fully set forth herein, each and every allegation contained in paragraphs 1– 38 above.

47. Defendants have failed to produce any records responsive to Plaintiff's November 21, 2023 FOIA requests.

48. Defendants are obligated under 5 U.S.C. § 552(a)(3)(A) to promptly produce records responsive to the FOIA request.



49. Plaintiff has a legal right to obtain such records, and no legal basis exists for Defendants' failure to disclose them.

50. Defendants' failure to disclose all responsive records violates their statutory obligations to make requested records "promptly available to any person." 5 U.S.C. § 552(a)(3)(A).

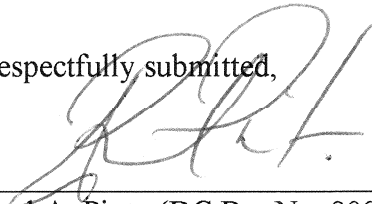
**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff respectfully requests that this Court grant the following relief:

- a. Assume jurisdiction over the matter;
- b. Order Defendants to expeditiously conduct an adequate search for all records responsive to the Plaintiff's FOIA requests in accordance with 5 U.S.C. § 552(a)(3)(C);
- c. Declare that Defendants' failure to timely produce the required determination applicable to Plaintiff's November 21, 2023 requests violates FOIA, 5 U.S.C. § 552(a)(6)(A);
- d. Declare that Defendants' failure to disclose the records responsive to the Plaintiff's request violates FOIA, 5 U.S.C. § 552(a)(3)(A), as well as the regulations promulgated thereunder;
- e. Order Defendants to process responsive non-exempt records in their entirety, to disclose the requested records in their entirety, and to make the records available to Plaintiff within twenty (20) days, and enjoin Defendants from improperly withholding records;
- f. Award the Plaintiff reasonable attorneys' fees and other litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E); and
- g. Grant such other relief as the Court may deem just, equitable, and appropriate.

Dated: April 5, 2023

Respectfully submitted,



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# **Exhibit A**



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

November 21, 2023

Via SecureRelease Portal

U.S. Immigration and Customs Enforcement  
500 12th Street SW, Stop 5009  
Washington, DC 20536-5009

Re: Freedom of Information Act Request to U.S. Immigration and Customs  
Enforcement – FERM Implementation

Dear FOIA Officer:

The American Immigration Council and the American Immigration Lawyers Association (together referenced as “Requesters”) submit the following Freedom of Information Act (“FOIA”) request for records regarding U.S. Immigration and Customs Enforcement (“ICE”) implementation of the Family Expedited Removal Management (“FERM”) program. Requesters seek a waiver of any applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A) and 6 C.F.R. § 5.11(k) because the information requested will contribute to the public’s understanding of ICE’s implementation of FERM. We expect a response to this request within twenty working days in accordance with 5 U.S.C. § 552 (a)(6)(A)(i), unless otherwise allowed by the statute.

## I. REQUEST FOR INFORMATION

Requesters seek records prepared, received, transmitted, or maintained by ICE relating to the agency’s implementation of the FERM program. ICE announced implementation of the FERM program on May 10, 2023, to confirm family units apprehended at the southwest border comply with credible fear interview appointments and immigration judge review hearings.<sup>1</sup> The FERM program, however, serves as an alternative to detention and places certain conditions, including electronic surveillance and an overnight curfew, on asylum-seeking families while they wait for their credible fear interview appointments. These restraints on migrants’ liberty and the rapid expansion of the FERM program contribute to the urgent need for details about the program’s implementation and efficiency. In the first three months of implementation, the program grew from four initial cities to eighteen cities. At present, we believe that FERM is operating in forty cities.

Despite the FERM program’s nationwide reach, DHS’ information about the program is extremely limited. The agency has failed to provide details on which nationalities are eligible for placement into FERM, the cities where FERM is currently operating, how FERM has impacted credible fear interview screening rates, and how FERM program participants can access legal counsel.

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<sup>1</sup> U.S. Immigration and Customs Enforcement, *ICE announces new process for placing family units in expedited removal* (May 10, 2023), <https://www.ice.gov/news/releases/ice-announces-new-process-placing-family-units-expedited-removal>.

Accordingly, Requesters seek the following records:<sup>2</sup>

**Records relating to policies and guidance:**

1. Records relating to ICE's implementation of the FERM program, including but not limited to agency procedures to implement the FERM program and instructions or training received by agency personnel about the program.
2. Records relating to ICE's criteria used to determine families' eligibility for the FERM program.
3. The agency's list of cities where the FERM program is active and any finalized list of proposed new cities as of the date of the search.
4. Records relating to how the agency determines the location where families enrolled in FERM must report for check-ins, credible fear interviews, and immigration judge reviews.
5. Records relating to how the agency determines which family member will be designated as "Head of Household" for FERM purposes.
6. The list of nationalities eligible for placement in the FERM program as of the date the agency performs the search for responsive documents.
7. Records relating to agency instructions and procedures on access to counsel at credible fear interviews, including guidance to BI, Inc. on FERM participants' access to counsel or whether participants may be accompanied by non-attorneys at their credible fear interviews.
8. Documents given to families enrolled in the FERM program by ICE or its assignees with information about the FERM program, including but not limited to enrollees' rights during the expedited removal process, consequences of violating the conditions of enrollment in FERM, and legal resources. This includes presentations shown or given to FERM participants during FERM participation in video or any other formats.
9. Records relating to biographic and biometric data collected of all FERM participants such as DNA, photographs for facial recognition, fingerprints, and voice recognition.

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<sup>2</sup> For purposes of the Request, unless otherwise specified, the term "records" includes but is not limited to all communications, correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, spreadsheets, charts, rules, manuals, technical specifications, training materials, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications, including text messages, and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

10. Records relating to the agency's budget allocations and funding received by ICE to administer the FERM program.

**Data relating to individuals enrolled in the FERM Program, as of the date the agency performs the search:**

1. The number of family units enrolled in the FERM program broken down by families currently enrolled and previously enrolled since implementation of the FERM program.
2. The number of individuals currently enrolled and previously enrolled in the FERM program. We request that the agency provide this data broken down by:
  - a. Country of origin of FERM program participant;
  - b. Location of FERM program participant;
  - c. Participants' primary language;
  - d. Participants' indigenous identity; and
  - e. Adults vs. juveniles.
3. The number of individuals participating in FERM who have been found to have a reasonable fear of persecution or a credible fear of torture.
4. The number of FERM participants who have failed credible fear interviews and have been referred for review by an immigration judge broken down by each FERM location.
5. The number of individuals who received negative credible fear determinations by asylum officers that were later reversed upon court review.
6. FERM program removals:
  - a. The number of individuals enrolled in the FERM program who have been removed from the United States.
  - b. The number of family units enrolled in the FERM program that have been removed from the United States.
7. The number of individuals enrolled in the FERM program who did not appear at credible fear interviews.
8. The number of family units enrolled in the FERM program who failed to appear for immigration judges' review of the asylum offices' credible fear determination.
9. The number of family units enrolled in the FERM program who did not present for removal.

**II. FORMAT OF PRODUCTION**

Requesters seek responsive electronic records in a machine-readable, native file format, with all metadata and load files. We request that any data be provided in a workable format, such as Microsoft Excel or comma-separated values (CSV) files. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request. We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits.

**III. FEE WAIVER REQUEST**

Requesters seek a fee waiver because the information sought is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the [requesters]..." 5 U.S.C. § 552(a)(4)(A)(iii).

1. *Responsive documents to the request will significantly contribute to the public's understanding of the FERM program.*

The public interest criteria are satisfied when (1) the request concerns operations or activities of the government; (2) disclosure is likely to contribute to an understanding of government operations or activities; (3) disclosure contributes to an understanding of the subject by the public at large; and (4) disclosure is likely to contribute significantly to such understanding. 6 C.F.R. § 5.11(k)(2).

The first prong of the public interest element is clearly satisfied by this request. The records sought specifically concern ICE's implementation of the FERM program. ICE is an agency of the U.S. government.

Records responsive to the request will contribute to the public's understanding of ICE's operation of the FERM program. ICE published two press releases about the program: one on May 10, 2023, and a second on August 24.<sup>3</sup> The August 24 statement announced ICE's plan to rapidly expand the program. ICE's limited information fails to answer basic questions about the program such as the eligibility criteria, including the nationalities of potential participants or cities where the program is active.

The lack of information from ICE on the FERM program has led to service providers and the public to rely on media reports to obtain more information. One of the first media reports on ICE's implementation of the FERM program stated that ICE would place asylum-seeking families who headed to Newark, NJ; Baltimore; Washington, D.C.; and Chicago in the program.<sup>4</sup> Since its implementation, media reports suggest that ICE told advocates about FERM's expansion to thirteen locations in August and cite unnamed sources who reported that FERM would reach 40 cities by the end of September.<sup>5</sup> On a September 20 factsheet, the U.S. Department of Homeland Security announced the Department "expanded the FERM program nationwide" but failed to provide further details.<sup>6</sup>

The list of destinations where FERM is active is not the only aspect of the program lacking transparency. Neither DHS nor ICE has provided publicly available information about the credible fear process for FERM participants. The DHS factsheet states that FERM's purpose is to quickly remove families without a lawful basis to remain in the country,<sup>7</sup> deemphasizing the role of the credible fear interview in this process.

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<sup>3</sup> Immigration and Customs Enforcement, *supra* note 1; U.S. Immigration and Customs Enforcement, *Statement regarding the Family Expedited Removal Management Program* (Aug. 3, 2023), <https://www.ice.gov/news/releases/statement-regarding-family-expedited-removal-management-program>.

<sup>4</sup> Hamed Aleaziz, *New ICE program will put families under home curfew, deport those who fail asylum screenings*, LOS ANGELES TIMES (May 10, 2023), <https://www.latimes.com/politics/story/2023-05-10/ice-family-detention-curfew-gps-monitoring>.

<sup>5</sup> Elliot Spagat, *US expands curfews for asylum-seeking families to 13 cities as an alternative to detention*, ASSOCIATED PRESS (Aug. 4, 2023), <https://apnews.com/article/asylum-seekers-curfew-border-screening-biden-0e872be2799443feda68a834db8f95>.

<sup>6</sup> U.S. Dept. of Homeland Security, *Fact Sheet: The Biden-Harris Administration Takes New Actions to Increase Border Enforcement and Accelerate Processing for Work Authorizations, While Continuing to Call on Congress to Act* (Sept. 20, 2023), <https://www.dhs.gov/news/2023/09/20/fact-sheet-biden-harris-administration-takes-new-actions-increase-border>.

<sup>7</sup> *Id.*

Non-profit service providers have had to inform their communities about the credible fear aspect of FERM based on limited engagement opportunities provided by ICE and their own experiences assisting FERM participants in light of the dearth of information from the agencies. For example, Americans for Immigrant Justice released a report in September 2023 with a credible fear timeline for FERM participants based on information ICE provided to stakeholders but did not make publicly available.<sup>8</sup>

The limited information about the credible fear process also has led to concerns about access to legal counsel for FERM participants.<sup>9</sup> The National Immigrant Justice Center (“NIJC”) attests that FERM participants face difficulties in finding legal counsel to assist during their credible fear interviews and their immigration court reviews, leaving the few participants who find attorneys with an inadequate amount of time to prepare for this important step in the asylum process.<sup>10</sup> In one case, NIJC encountered a FERM family less than 48 hours before the family’s scheduled removal.<sup>11</sup> The documents sought in this FOIA request will help the public understand ICE’s operation of the FERM program to ensure participants’ rights are protected and service providers are better equipped to advise participants of the process in general.

Disclosure of the requested records also will significantly contribute to the public’s understanding of how ICE implements and expands the FERM program. Elected officials have expressed concerns about FERM’s expansion based on the reports of issues encountered by families placed in the program. U.S. Rep. Pramila Jayapal recently issued a statement expressing her concerns about FERM’s participants’ access to resources such as attorney representation and interpreters.<sup>12</sup> Further, a group of congressional leaders sent a letter to the Biden administration asking the U.S. Department of Homeland Security to provide a briefing with data and more details on the program.<sup>13</sup> Congressional interest in ICE’s implementation of FERM is a significant sign that the public is ill-informed about the details of the FERM program.

Media reports on FERM have focused on the program’s curfew provisions, leading to a lack of public understanding of the FERM program as a whole. For example, a media report described the program as a curfew designed to stay in effect until the outcome of credible fear interviews.<sup>14</sup> Other articles described the FERM program as placing enrolled families’ heads of household on an alternative to detention, such as a GPS ankle monitor and subject them to a curfew.<sup>15</sup> The media’s emphasis on the program’s restrictions on migrants’ liberty, albeit important, have distracted the public’s attention from FERM’s stated purpose, i.e. implementing a system so that families who are unable to articulate a credible fear

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<sup>8</sup> Cindy S. Woods, Americans for Immigrant Justice, *THE FAMILY EXPEDITED REMOVAL MANAGEMENT PROGRAM (FERM): A THREE-MONTH ASSESSMENT* (Sept. 7, 2023), <https://aijustice.org/wp-content/uploads/2023/10/FERM-Report-Americans-for-Immigrant-Justice-2023.pdf>.

<sup>9</sup> National Immigrant Justice Center, *POLICY BRIEF: ICE’S FAMILY EXPEDITED REMOVAL MANAGEMENT (FERM) PROGRAM PUTS FAMILIES AT RISK 2* (Aug. 2023), <https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2023-08/NIJC-policy-brief-FERM-August-2023-FINAL.pdf>.

<sup>10</sup> *Id.* at 2 – 3.

<sup>11</sup> *Id.* at 2.

<sup>12</sup> Press Release, U.S. Rep. Pramila Jayapal, *Jayapal Statement on New Administration Immigration Actions* (Sept. 22, 2023), <https://jayapal.house.gov/2023/09/22/jayapal-statement-on-new-administration-immigration-actions/>.

<sup>13</sup> Letter from U.S. Rep. Pramila Jayapal, et. al to U.S. Dept. of Homeland Security Sec’y, Alejandro Mayorkas (Oct. 12, 2023), <https://jayapal.house.gov/wp-content/uploads/2023/10/FERM-Letter-Final.pdf>.

<sup>14</sup> Spagat, *supra* note 5.

<sup>15</sup> Priscilla Alvarez, *Biden administration to roll out new tracking measures for migrant families*, CNN (May 10, 2023), <https://www.cnn.com/2023/05/10/politics/migrant-families-tracking-biden-administration/index.html>.



may quickly be removed from the country.<sup>16</sup> The requested records and data will contribute to the public's understanding that the FERM program's goal is to remove families and not to simply place them in an alternative to detention program.

The Requesters are particularly well-positioned to disseminate information on the details of this program. The American Immigration Council ("the Council"), a non-profit organization, regularly publishes information obtained through FOIA requests using fact sheets, reports, and other publications. This information reaches a wide audience, which includes varied segments of the U.S. public. Like other responses to FOIA requests, the Council intends to provide information received in response to this FOIA request on its publicly accessible website. In 2023, the Council has received more than 2.2 million pageviews from more than 1.3 million unique visitors. The Council also regularly shares information with national print and news media and plans to distribute information obtained from these FOIA disclosures to interested media. In keeping with its track record of synthesizing or otherwise publishing information on governmental operations shared in responses to FOIA requests, the Council intends to provide information received in response to this FOIA request on its publicly accessible website.

The American Immigration Lawyers Association ("AILA") also widely disseminates information to its members and the public in the form of continuing legal education materials, information, and resources, primarily through its website, <https://www.aila.org/>. Those who visit AILA's website include immigration attorneys and their individual and employer clients, media representatives, U.S businesses, foreign nationals, law students, elected officials, government employees, and other interested members of the public. Moreover, information posted to AILA's website is often linked to the websites of other organizations and immigration law firms. AILA also disseminates the information through its newsletters, social media, and other print and electronic publications.

Disclosure of the records sought will help Requesters disseminate information about FERM to the public and service providers. Without the requested records, the public will continue to misunderstand the details and requirements of the program. The requested records will significantly contribute to the public discourse of how ICE implements and expands FERM.

*2. Disclosure of the information is not in Requesters' commercial interest.*

Requesters have no commercial interest in the records requested, and this request aims at furthering public understanding of the government's implementation of the FERM program.

The Council, as a not-for-profit organization, has no commercial interest in the present request. This request furthers the Council's work to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America's immigrants. As with all other reports and information available on the Council's website and frequently disseminated to the public via electronic newsletters, the information that the Council receives in response to this FOIA request will be available to immigration attorneys, noncitizens, policymakers, and other interested members of the public free of charge.

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<sup>16</sup> U.S. Dept. of Homeland Security, *supra* note 6.

AILA plans to make disclosures obtained through this request available to AILA's audience, which includes attorneys, non-profit organizations, and legal scholars in partnership with the Council.

As FOIA's fee-waiver requirements must be liberally construed in favor of waivers for noncommercial requestors, a waiver of all fees is justified and warranted in this case.

Thank you for your attention to this request. If you have any questions regarding this request, please do not hesitate to contact us.

Very truly yours,

/s/ Raul A. Pinto  
Raul A. Pinto,  
Deputy Legal Director, Transparency  
American Immigration Council  
Tel. 202-507-7549  
Email [rpinto@immcouncil.org](mailto:rpinto@immcouncil.org)

/s/ Jennifer Ibañez Whitlock  
Jennifer Ibañez Whitlock,  
Supervisory Policy & Practice Counsel  
American Immigration Lawyers Association  
Tel. 202-507-7533  
Email [jwhitlock@aila.org](mailto:jwhitlock@aila.org)

on behalf of Requesters

# **Exhibit B**

## Raul Pinto

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**From:** ice-foia@ice.dhs.gov <noreply@securerelease.us>  
**Sent:** Monday, November 27, 2023 11:05 AM  
**To:** Raul Pinto  
**Subject:** ICE FOIA 2024-ICFO-07305

11/27/2023

Raul Pinto  
1331 G Street NW  
Washington, District of Columbia 20005

RE: ICE FOIA Case Number 2024-ICFO-07305

Dear Requester:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated 11/21/2023, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on 11/21/2023. Specifically, you requested records and data on U.S. Immigration and Customs Enforcement implementation of the Family Expedited Removal Management (FERM) program.

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're able to narrow the scope of your request please contact our office. Narrowing the scope may speed up the search process. We will make every effort to comply with your request in a timely manner.

ICE evaluates fee waiver requests under the legal standard set forth above and the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, as incorporated into the Department of Homeland Security's Freedom of Information Act regulations. These regulations set forth six factors to examine in determining whether the applicable legal standard for fee waiver has been met. I have considered the following factors in my evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government";
  - (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
  - (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
  - (4) Whether the contribution to public understanding of government operations or activities will be "significant";
  - (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure;
- and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

Upon review of your request and a careful consideration of the factors listed above, I have determined to grant your request for a fee waiver.

ICE has 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.

If you have any questions please contact FOIA Public Liaison, Fernando Pineiro Jr. at the address above or (866) 633-1182. 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.

Your request has been assigned reference number 2024-ICFO-07305. Please use this number in future correspondence.

Sincerely,

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

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message and any disclosure, copying, or distribution of this message, or the taking of any action based on it, by you is strictly prohibited.

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# **Exhibit C**



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

November 21, 2023

Via SecureRelease Portal

U.S. Customs and Border Protection  
90 K ST NE MS 1181  
Washington DC 20229

Re: Freedom of Information Act Request to U.S. Customs and Border Protection –  
FERM Implementation

Dear FOIA Officer:

The American Immigration Council and the American Immigration Lawyers Association (together referenced as “Requesters”) submit the following Freedom of Information Act (“FOIA”) request for records regarding U.S. Customs and Border Protection (“CBP”) implementation of the Family Expedited Removal Management (“FERM”) program. Requesters seek a waiver of any applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A) and 6 C.F.R. § 5.11(k) because the information requested will contribute to the public’s understanding of CBP’s implementation of FERM. We expect a response to this request within twenty working days in accordance with 5 U.S.C. § 552 (a)(6)(A)(i), unless otherwise allowed by the statute.

#### I. REQUEST FOR INFORMATION

Requestors seek records prepared, received, transmitted, or maintained by CBP relating to the agency’s implementation of the FERM program. ICE announced implementation of the FERM program on May 10, 2023, to confirm family units apprehended at the southwest border comply with credible fear interview appointments and immigration judge review requirements.<sup>1</sup> The FERM program serves as an alternative to detention and places certain conditions, including electronic surveillance and an overnight curfew, on asylum-seeking families while they wait for their credible fear interview appointments. Customs and Border Protection plays a crucial role in the FERM program because families in CBP custody are selected for enrollment in the FERM program. The restraints on migrants’ liberty and the rapid expansion of the FERM program contribute to the urgent need for details about the program’s implementation and efficiency. In the first three months of implementation, the program grew from four initial cities to eighteen cities. At present, we believe that FERM is operating in forty cities.

Despite the FERM program’s nationwide reach, DHS’ information about the program is extremely limited. The agency has failed to provide details on the nationalities eligible for placement into FERM, the cities

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<sup>1</sup> U.S. Immigration and Customs Enforcement, *ICE announces new process for placing family units in expedited removal* (May 10, 2023), <https://www.ice.gov/news/releases/ice-announces-new-process-placing-family-units-expedited-removal>.

where FERM is currently operating, how FERM has impacted credible fear interview screening rates, and how FERM program participants can access legal counsel.

Accordingly, Requesters seek the following records:<sup>2</sup>

**Records relating to policies and guidance:**

1. Records relating to CBP's implementation of the FERM program, including but not limited to agency procedures to implement the FERM program and instructions or training received by CBP officers screening potential FERM program participants.
2. Records relating to CBP's criteria used to determine families' eligibility for the FERM program.
3. Records relating to how the agency determines where families enrolled in FERM must report for check-ins.
4. Records relating to how the agency determines which family member will be designated as "Head of Household" for FERM purposes.
5. Documents given to families enrolled in the FERM program by CBP or its assignees with information about the FERM program, including but not limited to enrollees' rights during the expedited removal process, consequences of violating the conditions of enrollment in FERM, and legal resources. This includes presentations shown or given to FERM participants during FERM participation in video or any other formats.
6. Records relating to biographic and biometric data collected of all FERM participants such as DNA, photographs for facial recognition, fingerprints, and voice recognition.
7. Records relating to CBP's budget allocations and funding received by the agency to assist with the administration of the FERM program.

**Data relating to individuals enrolled in the FERM Program, as of the date the agency performs the search**

1. The number of family units CBP referred to ICE for enrollment in the FERM program.
2. The number of individuals CBP referred to ICE for enrollment in the FERM program. We request that the agency provide this data broken down by:
  - a. Country of origin of FERM program participants;

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<sup>2</sup> For purposes of the Request, unless otherwise specified, the term "records" includes but is not limited to all communications, correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, spreadsheets, charts, rules, manuals, technical specifications, training materials, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications, including text messages, and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.



- b. Location of FERM program participants;
- c. Participants' primary language;
- d. Participants' indigenous identity; and
- e. Adults vs. juveniles.

## II. FORMAT OF PRODUCTION

Requestors seek responsive electronic records in a machine-readable, native file format, with all metadata and load files. We request that any data be provided in a workable format, such as Microsoft Excel or comma-separated values (CSV) files. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request. We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits.

## III. FEE WAIVER REQUEST

Requestors seek a fee waiver because the information sought is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the [requesters]..." 5 U.S.C. § 552(a)(4)(A)(iii).

1. *Responsive documents to the request will significantly contribute to the public's understanding of the FERM program.*

The public interest criteria is satisfied when (1) the request concerns operations or activities of the government; (2) disclosure is likely to contribute to an understanding of government operations or activities; (3) disclosure contributes to an understanding of the subject by the public at large; and (4) disclosure is likely to contribute significantly to such understanding. 6 C.F.R. § 5.11(k)(2).

The first prong of the public interest element is clearly satisfied by this request. The records sought specifically concern CBP's role in the implementation of the FERM program. CBP is an agency of the U.S. government.

Records responsive to the request will contribute to the public's understanding of the role CBP plays in the operation of the FERM program. ICE published two statements about the program: one on May 10, 2023, and a second on August 24.<sup>3</sup> The August 24 statement announced ICE's plan to rapidly expand the program. ICE's limited information fails to answer basic questions about the program such as the eligibility criteria, including the nationalities of potential participants or cities where the program is active. Neither statement mentioned CBP's role in the implementation of the FERM program, even though families are placed in the FERM program while in detention at the border.

The lack of information on the FERM program has led to service providers and the public to rely on media reports to obtain more information. One of the first media reports on ICE's implementation of the FERM

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<sup>3</sup> Immigration and Customs Enforcement, *supra* note 1; U.S. Immigration and Customs Enforcement, *Statement regarding the Family Expedited Removal Management Program* (Aug. 3, 2023), <https://www.ice.gov/news/releases/statement-regarding-family-expedited-removal-management-program>.

program stated that ICE would place asylum-seeking families who headed to Newark, NJ; Baltimore; Washington, D.C.; and Chicago in the program.<sup>4</sup> Since its implementation, media reports suggest that ICE told advocates about FERM's expansion to thirteen locations in August and cite unnamed sources who reported that FERM would reach 40 cities by the end of September.<sup>5</sup> On a September 20 factsheet, the U.S. Department of Homeland Security announced it had "expanded the FERM program nationwide" but failed to provide any further details.<sup>6</sup>

The list of destinations where FERM is active is not the only aspect of the program lacking transparency. Neither DHS nor ICE has provided publicly available information about the credible fear process for FERM participants. The DHS factsheet states that FERM's purpose is to quickly remove families without a lawful basis to remain in the country,<sup>7</sup> deemphasizing the role of the credible fear interview in this process. CBP's role in assigning families to the FERM program remains a mystery.

Non-profit service providers have had to inform their communities about the credible fear aspect of FERM based on limited engagement opportunities provided by ICE and their own experiences assisting FERM participants in light of the dearth of information from the agencies. For example, Americans for Immigrant Justice released a report in September 2023 with a credible fear timeline for FERM participants based on information ICE provided to stakeholders but did not make this information publicly available.<sup>8</sup> ICE engagement with community groups often is scheduled within days of the FERM program being activated in cities, leaving advocates with limited time to prepare for these meetings and less time for ICE to respond to concerns.

The limited information about the credible fear process also has led to concerns about access to legal counsel for FERM participants during this process.<sup>9</sup> The National Immigrant Justice Center ("NIJC") attests that FERM participants face difficulties in finding legal counsel to assist during their credible fear interviews and their immigration court reviews, leaving the few participants who find attorneys with an inadequate amount of time to prepare for this important step in the asylum process.<sup>10</sup> In one case, NIJC encountered a FERM family less than 48 hours before the family's scheduled removal.<sup>11</sup> The documents sought in this FOIA request will help the public understand how CBP assists ICE in operating the FERM

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<sup>4</sup> Hamed Aleaziz, *New ICE program will put families under home curfew, deport those who fail asylum screenings*, LOS ANGELES TIMES (May 10, 2023), <https://www.latimes.com/politics/story/2023-05-10/ice-family-detention-curfew-gps-monitoring>.

<sup>5</sup> Elliot Spagat, *US expands curfews for asylum-seeking families to 13 cities as an alternative to detention*, ASSOCIATED PRESS (Aug. 4, 2023), <https://apnews.com/article/asylum-seekers-curfew-border-screening-biden-Oece872be2799443feda68a834db8f95>.

<sup>6</sup> U.S. Dept. of Homeland Security, *Fact Sheet: The Biden-Harris Administration Takes New Actions to Increase Border Enforcement and Accelerate Processing for Work Authorizations, While Continuing to Call on Congress to Act* (Sept. 20, 2023), <https://www.dhs.gov/news/2023/09/20/fact-sheet-biden-harris-administration-takes-new-actions-increase-border>.

<sup>7</sup> *Id.*

<sup>8</sup> Cindy S. Woods, Americans for Immigrant Justice, *THE FAMILY EXPEDITED REMOVAL MANAGEMENT PROGRAM (FERM): A THREE-MONTH ASSESSMENT* (Sept. 7, 2023), <https://aijustice.org/wp-content/uploads/2023/10/FERM-Report-Americans-for-Immigrant-Justice-2023.pdf>.

<sup>9</sup> National Immigrant Justice Center, *POLICY BRIEF: ICE'S FAMILY EXPEDITED REMOVAL MANAGEMENT (FERM) PROGRAM PUTS FAMILIES AT RISK 2* (Aug. 2023), <https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2023-08/NIJC-policy-brief-FERM-August-2023-FINAL.pdf>.

<sup>10</sup> *Id.* at 2 – 3.

<sup>11</sup> *Id.* at 2.

program to ensure participants' rights are protected and service providers are better equipped to advise participants of the process.

Disclosure of the requested records also will significantly contribute to the public's understanding of CBP's role in the implementation of the FERM program. Elected officials have expressed concerns about FERM's expansion based on the reports of issues encountered by families placed in the program. U.S. Rep. Pramila Jayapal recently issued a statement expressing her concerns about FERM's participants' access to resources such as attorney representation and interpreters.<sup>12</sup> Further, a group of congressional leaders sent a letter to the Biden administration asking the U.S. Department of Homeland Security to provide a briefing with data and more details on the program.<sup>13</sup> Congressional interest in the FERM program is a significant sign that the public is ill-informed about the FERM program's implementation.

Media reports on FERM have focused on the program's curfew provisions, leading to a lack of public understanding of the FERM program as a whole and particularly CBP's role in it. For example, one article described the program as a curfew designed to stay in effect until the outcome of credible fear interviews.<sup>14</sup> Other media reports described the FERM program as placing participating families' heads of household on an alternative to detention, such as a GPS ankle monitor, and subject them to a curfew.<sup>15</sup> The media's emphasis on the program's restrictions on migrants' liberty, albeit important, have distracted the public's attention from FERM's stated purpose, i.e. implementing a system so that families who have not been able to articulate a credible fear may quickly be removed from the country.<sup>16</sup> The requested records and data will contribute to the public's understanding that the FERM program's goal is to remove families and not to simply place them in an alternative to detention program.

The Requesters are particularly well-positioned to disseminate information on the details of this program. The American Immigration Council ("the Council"), a non-profit organization, regularly publishes information obtained from FOIA requests through publications such as fact sheets and reports available on the Council's website. This information reaches a wide audience, which includes varied segments of the U.S. public. Like other responses to FOIA requests, the Council intends to provide information received in response to this FOIA request on its publicly accessible website. In 2023, the Council has received more than 2.2 million pageviews from more than 1.3 million unique visitors. The Council also regularly shares information with national print and news media and plans to distribute information obtained from these FOIA disclosures to interested media. In keeping with its track record of synthesizing or otherwise publishing information on governmental operations shared in responses to FOIA requests, the Council intends to provide information received in response to this FOIA request on its publicly accessible website.

The American Immigration Lawyers Association ("AILA") also widely disseminates information to its members and the public in the form of continuing legal education materials, information, and resources,

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<sup>12</sup> Press Release, U.S. Rep. Pramila Jayapal, *Jayapal Statement on New Administration Immigration Actions* (Sept. 22, 2023), <https://jayapal.house.gov/2023/09/22/jayapal-statement-on-new-administration-immigration-actions/>.

<sup>13</sup> Letter from U.S. Rep. Pramila Jayapal, et. al to U.S. Dept. of Homeland Security Sec'y, Alejandro Mayorkas (Oct. 12, 2023), <https://jayapal.house.gov/wp-content/uploads/2023/10/FERM-Letter-Final.pdf>.

<sup>14</sup> Spagat, *supra* note 5.

<sup>15</sup> Priscilla Alvarez, *Biden administration to roll out new tracking measures for migrant families*, CNN (May 10, 2023), <https://www.cnn.com/2023/05/10/politics/migrant-families-tracking-biden-administration/index.html>.

<sup>16</sup> U.S. Dept. of Homeland Security, *supra* note 6.

primarily through its website, <https://www.aila.org/>. Those who visit AILA's website include immigration attorneys and their individual and employer clients, media representatives, U.S businesses, foreign nationals, law students, elected officials, government employees, and other interested members of the public. Moreover, information posted to AILA's website is often linked to the websites of other organizations and immigration law firms. AILA also disseminates the information through its newsletters, social media, and other print and electronic publications.

Disclosure of the records sought will help Requesters disseminate information about FERM to the public and service providers. Without the requested records, the public will continue to misunderstand the details and requirements of the program. The requested records will significantly contribute to the public discourse of how ICE implements and expands FERM.

*2. Disclosure of the information is not in Requesters' commercial interest.*

Requesters have no commercial interest in the records requested, and this request aims at furthering public understanding of the government's implementation of the FERM program.

The Council, as a not-for-profit organization, has no commercial interest in the present request. This request furthers the Council's work to increase public understanding of immigration law and policy, advocate for the fair and just administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America's immigrants. As with all other reports and information available on the Council's website and frequently disseminated to the public via electronic newsletters, the information that the Council receives in response to this FOIA request will be available to immigration attorneys, noncitizens, policymakers, and other interested members of the public free of charge.

AILA plans to make disclosures obtained through this request available to AILA's audience, which includes attorneys, non-profit organizations, and legal scholars in collaboration with the Council. As FOIA's fee-waiver requirements must be liberally construed in favor of waivers for noncommercial requestors, a waiver of all fees is justified and warranted in this case.

Thank you for your attention to this request. If you have any questions regarding this request, please do not hesitate to contact us.

Very truly yours,

/s/ Raul A. Pinto  
Raul A. Pinto,  
Deputy Legal Director, Transparency  
American Immigration Council  
Tel. 202-507-7549  
Email [rpinto@immcouncil.org](mailto:rpinto@immcouncil.org)

/s/ Jennifer Ibañez Whitlock  
Jennifer Ibañez Whitlock,  
Supervisory Policy & Practice Counsel  
American Immigration Lawyers Association  
Tel. 202.507.7533  
Email [jwhitlock@aila.org](mailto:jwhitlock@aila.org)

on behalf of Requesters

# **Exhibit D**

**Raul Pinto**

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**From:** C PFOIA@cbp.dhs.gov <noreply@securerelease.us>  
**Sent:** Thursday, January 4, 2024 12:57 PM  
**To:** Raul Pinto  
**Subject:** C P FOIA - C P-FO-2024-02323

Raul Pinto  
American Immigration Council  
1331 G Street NW  
Suite 200  
Washington, District of Columbia 20005

01/04/2024

CBP-FO-2024-023238

Dear Raul Pinto,

Your request was received in this office on 11/21/2023. After assessing your request, we have determined the records you seek are not under the purview of U.S. Customs and Border Protection. We recommend that you redirect your request to <https://www.ice.gov/foia>.

<https://www.ice.gov/news/releases/statement-regarding-family-expedited-removal-management-program> : :text U.S. Immigration and Customs Enforcement s,into expedited removal (ER).

Please note that this message has been sent from an unmonitored e-mail account. Any messages sent to this account will not be read.

Sincerely,

U.S. Customs and Border Protection