DATE OF REQUEST

SENT VIA ELECTRONIC MAIL: foia@dhs.gov
Building 410, Mail Stop #0655
245 Murray Lane SW
Washington, D.C. 20528-0655

SENT VIA ELECTRONIC MAIL: ice-foia@dhs.gov
U.S. Immigration and Customs Enforcement - Freedom of Information Act Office
Mail Stop 5009
500 12th Street, SW
Washington, D.C. 20536-5009

SENT VIA ELECTRONIC MAIL: CBP FOIA Online Portal
U.S. Customs and Border Protection
Sabrina Burroughs - FOIA Officer
MS 1181
1300 Pennsylvania Ave., NW
Washington, DC 20229-1181

RE: FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Dear FOIA Officer:

NAME OF ORGANIZATION REQUESTING RECORDS submits this letter as a request for information under the Freedom of Information Act (FOIA), 5 U.S.C. §552, et seq.

REQUEST FOR INFORMATION

NAME OF ORGANIZATION REQUESTING RECORDS requests disclosure of any and all records that were prepared, received, transmitted, collected and/or maintained by the U.S.

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1 The term “records” as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, directives, documents, data, videotapes, audiotapes, emails, faxes, files, guidance, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical
Department of Homeland Security (DHS), including its sub-components, the U.S. Immigration and Customs Enforcement (ICE)\(^2\) and U.S. Customs and Border Protection (CBP) regarding the following:

Describe records you are looking for including date, location, name of people involved if relevant, name of the enforcement operation you are looking for.

**REQUEST FOR WAIVER OF ALL COSTS**

If your organization is incorporated as a 501(c)(3) you have a right to seek a fee waiver, but you have to show the information below. You have to show that (1) disclosure of the information is in the public interest; (2) requesters have an interest in the records sought; and (3) disclosure of the information is not primarily in the commercial interest of the requesters.

As a non-profit organization, NAME OF ORGANIZATION REQUESTING RECORDS that all fees associated with this FOIA request be waived. NAME OF ORGANIZATION is entitled to a waiver of all costs because disclosure of the information is “[L]likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). See also 6 C.F.R. § 5.11(k). In addition, NAME OF ORGANIZATION has the ability to widely disseminate the requested information. See Judicial Watch v. Rossotti, 326 F.3d 1309 (D.C. Cir. 2013) (finding a fee waiver appropriate when the requester explained, in detailed and non-conclusory terms, how and to whom it would disseminate the information it received). See also Citizens for Responsibility and Ethics in Washington v. US Dept. of Educ., 593 F. Supp. 2d 261, 268 (D.D.C. 2009)(“[FOIA’s] purpose . . . is to remove the roadblocks and technicalities which have been used by . . . agencies to deny waivers”)(internal quotation marks and citation omitted). “The fee waiver provision of the FOIA is to be ‘liberally construed in favor of waivers for noncommercial requesters,’ McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284 (9th Cir. 1987)(quoting 132 Cong. Rec. S14298 (Sept. 30, 1986)(Sen. Leahy)). It should not be interpreted to allow federal agencies to set up roadblocks to prevent noncommercial entities from receiving a fee waiver.” W. Watersheds Project v. Brown, 318 F. Supp. 2d 1036, 1039 (D. Idaho 2004).

\(^2\) The term “ICE” as used herein means ICE headquarters offices, including any divisions, subdivisions or sections therein, ICE field operations offices, including any divisions, subdivisions or sections therein; ICE immigration detention facilities, ICE contract facilities, including any divisions, subdivisions or sections therein; and any other ICE organizational structures and offices.
Disclosure of the Information is in the Public Interest.

NAME OF ORGANIZATION: In this section, explain the mission and vision of your organization to show how the information you are seeking from the government will be used for the public interest, for the public good. Advancement Project has the capacity and intent to disseminate widely the requested information to the public, via our website and social media tools. We may also draft a report based on the information, hold a press conference, and disseminate our findings to other advocacy groups, leaders and stakeholders.

Requesters Have An Interest In The Records Sought.

NAME OF ORGANIZATION REQUESTING DOCUMENTS has an interest in these records because: In this section, show how your organization wants these records. It could be because it is something that has impacted community members, your neighborhood, your local schools, show the connection between the records you are seeking and your organization.

Disclosure of the Information is Not Primarily in the Commercial Interest of the Requesters.

NAME OF ORGANIZATION REQUESTING DOCUMENTS is a 501(c)(3), tax-exempt, not-for-profit organization, which uses multiple tools and strategies to achieve policy change to advance social justice for disenfranchised communities. NAME OF ORGANIZATION has no commercial interest that could be furthered by any FOIA request.

In this section, explain how you are asking for these records not to make money off of them, sell newspapers, but that you are a non-profit organization and you are going to use these records to share the information for free with the public and to inform community members. Describe how you are planning on sharing the information and how you are doing that for free.

Please inform us if the charges for this FOIA production will exceed $25.00.

Thank you in advance for your response to this request within twenty working days, as FOIA requires. See 5 U.S.C. § 552(a)(6)(A)(i). Should you have any questions or concerns, please feel free to contact me at PHONE NUMBER, or via email at EMAIL ADDRESS.

Sincerely,

Representative from NAME OF ORGANIZATION REQUESTING RECORDS