

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LATINOJUSTICE PRLDEF AND)
NEW YORK IMMIGRATION)
COALITION,)
)
Plaintiffs,)
)
v.)
)
U.S. DEPARTMENT OF HOMELAND)
SECURITY AND U.S. IMMIGRATION)
AND CUSTOMS ENFORCEMENT,)
)
Defendants.)
)

CASE NO: _____

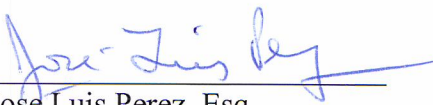
DECLARATION OF
JOSE LUIS PEREZ IN SUPPORT
OF PLAINTIFFS' COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF

JOSE LUIS PEREZ, an attorney duly admitted to practice law in the State of New York and the United States District Court for the Southern District of New York, declares under penalty and perjury, pursuant to 28 U.S.C. § 1746:

1. I am Deputy General Counsel at LatinoJustice PRLDEF ("LJP"), and I am familiar with the facts and circumstances in this case.
2. I submit this declaration in support of LJP and the New York Immigration Coalition's ("NYIC" or collectively, "Plaintiffs") Complaint for Declaratory and Injunctive Relief.
3. On November 28, 2017, Plaintiffs' submitted a Freedom of Information Act ("FOIA") request to the U.S. Department of Homeland Security ("DHS") and the U.S. Immigration and Customs Enforcement ("ICE" or collectively, "Defendants") seeking records pertaining to the policies, procedures, and objectives of ICE's Victims of Immigration Crime Engagement ("VOICE") office.

4. Plaintiffs, as non-profit organizations engaged in advocating for and on behalf of immigrant communities, sought expedited processing and a waiver of production fees.
5. On December 12, 2017, Defendants acknowledged receipt of Plaintiffs' November 28, 2018 FOIA request by electronic mail. Defendants' invoked the maximum 10-day extension to respond to Plaintiffs' request.
6. On February 22, 2018, Plaintiffs submitted a FOIA appeal letter to Defendants on the grounds of a statutory deadline violation, i.e. failure to timely respond to Plaintiffs' November 28, 2018 FOIA request.
7. On June 7, 2018, Plaintiffs submitted a second FOIA appeal letter to Defendants, reiterating Defendants' failure to comply with the statutory deadline and considering their failure to comply as a constructive denial of Plaintiffs' November 28, 2017 FOIA request.
8. On June 27, 2018, Defendants responded to Plaintiffs' June 7, 2018 FOIA appeal letter, remanding the appeal to the ICE FOIA Office to allow that office to search for the requested records and respond to Plaintiffs directly.
9. As of April 15, 2019, Defendants have failed to produce any records or response to Plaintiffs' November 28, 2017 FOIA request, as remanded by Defendants' June 27, 2018 response letter.

Dated: April 16, 2019



Jose Luis Perez, Esq.