



November 28, 2017

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street SW, Stop 5009
Washington, D.C. 20536-5009
(202) 732-0660

Re: Freedom of Information Act Request
Expedited Processing Requested

To Whom It May Concern:

This letter constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, on behalf of LatinoJustice PRLDEF (“LatinoJustice”) and the New York Immigration Coalition (“NYIC” or “Requesters”) to the U.S. Immigration and Customs Enforcement (“ICE”). Requesters further requests expedited process pursuant to 5 U.S.C. § 552(a)(6)(E) and a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 171.16.

A. REQUEST FOR INFORMATION

This request seeks information about the ICE Victims of Immigration Crime Engagement (“VOICE”) office established in response to Exec. Order No. 13768 entitled *Enhancing Public Safety in the Interior of the United States*. In particular, and in accordance with ICE’s obligations under FOIA, Requestor asks for the disclosure of records¹ containing the following information:

1) Policies, Procedures and Objectives

Any and all records, received, maintained, and/or in the possession of ICE on the policies, procedures, objectives, or other guidelines related to VOICE, including documents created **prior to January 27, 2017**. Such records include but are not limited to:

- a) Program Implementation Documents: policies, directives, operating procedures, rules, internal policy guidance, training materials and legal opinions or memoranda referencing VOICE or discussing the mandate, goals, objectives, function, staffing responsibility, purpose, implementation, and deployment strategy of VOICE.
- b) Training Materials and Information: records referring or relating to training for ICE agents and ICE community relations officers regarding policies, procedures, law enforcement methods in (i) liaising with “members of the public, law enforcement,

¹ The term “records” as used herein includes all records or communications maintained in any tangible format, including but not limited to correspondence, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training manuals, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications, and/or video tapes.



local government and other stakeholders,”² and (ii) “interact[ing] with victims and their families.”³ We request responsive documents created or maintained **from January 2017 to present** including, but not limited to, any training materials, outlines, instructions or other materials used or provided to agents and officers; and records showing the names and titles of participants and trainers, dates, hours, and locations of trainings, and any evaluations or related material.

- c) Local Law Enforcement Coordination or Cooperation: communications including, but not limited to, correspondence, memoranda, agreements, email messages, memos, telephone messages, logs, and written notes of phone conversations, between any representative of ICE and any representative of any local government agency regarding VOICE.
- d) Language-Services Information: the list of languages for which VOICE toll-free hotline services are offered, the list of languages for which VOICE toll-free hotline services were obtained, and the total number of calls received for each language.

2) **Data & Financial Information**

- a) Aggregate Data: the following aggregate data, disaggregated by date and state:
 - i) The number of phone calls received by VOICE and the toll-free hotline;
 - ii) The number of phone calls received by the toll-free hotline and recorded by VOICE;
 - iii) The stated purpose of each phone call received by the toll-free hotline and recorded by VOICE;
 - iv) Any or all additional data collected during phone calls received by VOICE.
 - v) Any or all action taken in response to each call, including but not limited to referrals to other agencies with the Department of Homeland Security, other federal agencies, other state or local agencies.
 - vi) Any coding system, legend system, or similar used to organize and sort the data.
- b) Costs of Operation: Any and all budgets and financial records referring or relating to the projected and actual cost of VOICE.

- 3) Provide departmental or organizational charts, memorandums, concept of operations, authorization memorandums and other documentation which identifies VOICE’s Unit and policy decision-makers and executives, and, VOICE’s relationship to other executive branches including the White House, executive staff, and, law enforcement agencies, such as, Justice Department and Department of Homeland Security and that illustrate the chain of command and internal oversight mechanisms of the VOICE office

² Victims of Immigration Crime Engagement (VOICE) Office Frequently Asked Questions, <https://www.ice.gov/voice> (last visited Jun. 26, 2017).

³ Victims of Immigration Crime Engagement (VOICE) Office Frequently Asked Questions, <https://www.ice.gov/voice> (last visited Jun. 26, 2017).



A. REQUEST FOR EXPEDITED PROCESSING

Title 5 U.S.C. § 552(a)(6)(E) and 22 C.F.R. § 171.11(f) govern expedited processing of requests for information in cases in which the entity requesting the records demonstrates a compelling need.

As a national civil rights organization engaged in litigation, advocacy, and educational programming, LatinoJustice seeks expedited processing of the above requests given the urgent need to inform the public about VOICE and the toll-free hotline. Currently, ICE is “using existing resources to fund the functions of [VOICE].”⁴ The Fiscal Year (FY) 2018 President’s Budget for ICE includes an additional \$1 million to expand VOICE.⁵ Accordingly, the public has a compelling need to learn more about the fiscal operation of VOICE and the scope of the putative expansion of VOICE if the additional funds requested by the President are appropriated by Congress.

Additionally, the scope and extent of VOICE and the toll-free hotline are a “matter of widespread and exceptional media interest.” See 6 C.F.R. § 5.5(e)(3) (“The existence of numerous articles published on a given subject can be helpful to establishing the requirement of that there be an ‘urgency to inform’ the public on the topic”). The numerous articles published by local and nationally distributed newspapers and online journals have raised questions about VOICE⁶ and “the government’s integrity which affect public confidence.” See 6 C.F.R. § 5.5(e)(iv).

Thus, in order to better understand the fiscal operation and implementation of VOICE and the toll-free hotline, and to ensure that such implementation safeguards civil rights and liberties, it is imperative that the public be given access to this information as expediently as practicable.

B. REQUEST FOR FEE WAIVER

LatinoJustice is a non-profit organization that engages in litigation, advocacy, and educational programs to protect and promote the civil rights of Latinos living within the United

⁴ *Victims of Immigration Crime Engagement (VOICE) Office*, Frequently Asked Questions, U.S. Immigration & Customs Enforcement, <https://www.ice.gov/voice> (last visited Jun. 29, 2017).

⁵ *Immigration and Customs Enforcement & Customs and Border Protection FY18 Budget Request Before H. Comm. on Appropriations*, 115th Cong. (Jun.17, 2017) (statement of Thomas D. Homan, Acting Director, Immigration and Customs Enforcement) available at <http://docs.house.gov/meetings/AP/AP15/20170613/106057/HHRG-115-AP15-Wstate-HomanT-20170613.pdf>

⁶ See, e.g., Kavitha Surana, Chicago Tribune, *Trump Administration Changes Focus Of ICE Program*, Jun. 8, 2017; Priscilla Alvarez, The Atlantic, *Trump’s Immigration Allies Are Growing Frustrated With Him*, Jun. 22, 2017 available at <https://www.theatlantic.com/politics/archive/2017/06/immigration-hardliners-frustrated-trump-daca/531123/>; Ron Nixon & Liz Robbins, New York Times, *Office to Aid Crime Victims Is Latest Step in Crackdown on Immigrants*, Apr. 26, 2017; Gary Martin, Las Vegas Review Journal, *Senate Democrats Want Immigration Enforcement Policy Clarified*, Jun. 5, 2017 available at <https://www.reviewjournal.com/news/politics-and-government/senate-democrats-want-immigration-enforcement-policy-clarified/>; Editorial Board, Tampa Bay Times, *Editorial: Policies Push Undocumented Immigrants Further Into Shadows*, (Jun. 7, 2017).



States. Correspondingly, a main component of LatinoJustice’s work is disseminating information of public interest to Latinos and the public-at-large through community educational forums conducted in both English and Spanish.

The NYIC is a non-profit coalition of approximately 200 member organizations that aims to promote immigrants’ civic participation, foster their leadership, and engage in community education and training. The NYIC advocates for laws and policies that improve the lives of immigrants and residents of New York.

The Requesters are entitled to a waiver of all costs 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 [Requester’s] commercial interest.” *See* 5 U.S.C. § 552(a)(4)(A)(iii); *see also Jud. Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requesters’”); *see also* 6 C.F.R. § 5.11(k) (records furnished without charge if the information is in the public interest, and disclosure is not in the commercial interest of the institution).

First, the requested records concern the “operations or activities of the government.” *See* 6 C.F.R. § 5.11(k)(2)(i). The public has a strong interest in being informed about how ICE operates and manages the toll-free VOICE hotline and in ensuring that ICE has established a policy and practice consistent with constitutional laws and statutory privacy protections.⁷

Second, the requested records are “‘likely to contribute’ to and increase public understanding” of operations or activities of the government. *See* 6 C.F.R. § 5.11(k)(2)(ii). The records sought will further public understanding of the extent to which ICE agents, officers, and specialists are providing information and assistance to members of the public. At present, no information exists in the public domain (aside from the Frequently Asked Questions page) about the governing policies and procedures of the VOICE office or data on calls received by the toll-free hotline.

Third, the requested records will contribute to “the understanding of a reasonably broad audience of persons.” *See* 6 C.F.R. § 5.11(k)(2)(iii). Requester will make any information that it receives as a result of this FOIA request available to the public, including the press, at no cost. Additionally, Requester will disseminate the information obtained through our website, newsletters, e-mails to members and supporters, presentations at public forums and before ethnic community groups, and in written material distributed to Latino communities and the public at large.

⁷ *See* Exec. Order No. 13768, 82 F.R. 8799, 8802 (“Agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information”).



Fourth, the requested records will enhance, “to a significant extent,” the public’s understanding of VOICE policy, procedure, and operation. *See* 6 C.F.R. § 5.11(k)(2)(iv). As noted, *supra*, VOICE has been the subject of widespread media and public attention and concern that ICE is providing private information of detainees to members of the public that call the toll-free hotline and encouraging fear of immigrants living in the United States.

Lastly, Requester seeks all applicable reductions in fees pursuant to 6 C.F.R. § 5.11(d), because Requester has no commercial interest in the matter. ICE should provide documents to Requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages of duplication. *See* 6 C.F.R. § 5.11(d). Requester agrees to pay search, duplication, and review fees up to \$200.00. If the fees exceed that amount, Requester seeks a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). If no fee waiver is granted and the fees exceed \$200.00, please contact me to obtain consent to incur additional fees.

Pursuant to applicable regulations and statutes, Requester will anticipate your determination on this request within twenty (20) days. *See* 5 U.S.C. § 552(a)(6)(A)(i).

If this request for information is denied in whole or in part, Requester asks that you justify all deletions by reference to specific provision of FOIA. Requester expects you to release all segregable portions of otherwise exempt material. Requester reserves the right to appeal a decision to withhold any information or a denial of fee waivers.

In order to avoid delays in receiving the records, Requester further ask that the records be produced as soon as practicable and on a rolling basis as soon as they become available.

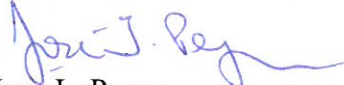
Please furnish all applicable records to Jose Perez, Deputy General Counsel, LatinoJustice PRLDEF 99 Hudson Street 14th Floor New York, NY 10013.

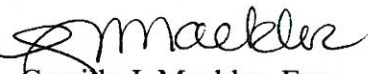
C. CERTIFICATION

The Requester certifies that the above information supporting the request for expedited processing is true and correct to the best of the Requester’s knowledge. *See* 6 C.F.R. § 5.5(d)(3).

If you have any questions regarding the processing of this request, you may contact me by phone at 212-219-3360, x7575 or by email at jperez@latinojustice.org. Thank you for your prompt attention to this matter.

Sincerely,


Jose L. Perez
Deputy General Counsel
LatinoJustice PRLDEF


Camille J. Mackler, Esq.
Director of Immigration Legal Policy
New York Immigration Coalition