

VIA E-MAIL ICE-FOIA@DHS.GOV

September 12, 2017

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

Re: Freedom of Information Act Request: Operation Mega, MAGA (Make America Great Again), Epic or related operations

Requesters submit this Freedom of Information Act request to obtain information related to the planning, execution, cancellation, delay, alteration or adjustment of Operation MEGA, Operation MAGA, Operation Cross Check, Operation Epic, Cross Check VII Operation Epic, or any immigration enforcement operation from June 2017 through October 2017 (“Operation Mega or related operations”).

On September 7, 2017, news outlets reported U.S. Immigration and Customs Enforcement (“ICE”) planned to execute a mass immigration enforcement operation, called Operation Mega, to apprehend noncitizens in mid-September 2017.¹ All 24 ICE Field Offices were expected to implement this operation with the goal of apprehending anywhere between 8,400 to 10,000 noncitizens. On September 7, 2017, news outlets then reported that ICE “cancelled” Operation Mega. ICE officials announced there was “no coordinated nationwide operation planned at this time” but said operations were “adjusted accordingly.”² On September 8, 2017, Univision television showed a redacted document referencing that ICE planned to execute Cross Check VII Operation Epic (Mega) from September 17-21.³

In accordance with the Freedom of Information Act, 5 U.S.C. § 552, we request the following records⁴ that are described below or contain the information described below:

¹ Homeland Security Cancels Massive Roundups of Undocumented Immigrants,” by Julia Ainsley and Andrew Blankstein, NBC News, September 7, 2017. (<https://www.nbcnews.com/news/us-news/ice-plans-mega-largest-immigration-raid-operation-its-kind-n799691>, last visited September 8, 2017);

² “ICE statement regarding questions on enforcement planning,” September 7. <https://www.ice.gov/news/releases/ice-statement-regarding-questions-enforcement-planning>

³ “ICE halted mega operation against undocumented immigrants due to hurricanes,” Univision, September 8, 2017. <http://www.univision.com/univision-news/immigration/ice-halted-mega-operation-against-undocumented-immigrants-due-to-hurricanes>

⁴ The term “records” as used herein includes all records or communications preserved in electronic or written form, 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.

1. All records, including but not limited to policies, protocols, notes, memoranda, communications, manuals, forms or checklists, and records described in 5 U.S.C. §§ 552(a)(2)(B) & (C), including those prepared by ICE Enforcement and Removal Operations Field Offices, Homeland Security Investigations (HSI) Field Offices and ICE Headquarters, that:
 - a. Describe Operation Mega or related operations, or their planning or execution;
 - b. Describe the history of Operation Mega or related operations, including any cancellation, delay, alteration or adjustment of the operations;
 - c. Describe or reflect how targets were identified for Operation Mega or related operations, including but not limited to, identification of any state or local databases that were used to identify targets for the operations.
 - d. Describe or reflect the databases or technological infrastructure, such as biometric devices or databases, used to support Operation Mega or related operations.
 - e. Describe or reflect any coordination with fusion centers or federal agencies, such as the Alcohol, Firearms, and Tobacco (ATF) Agency, Drug Enforcement Agency (DEA), US Marshals, or other federal agencies.
 - f. Describe or relate to any procedure or protocol for sharing information collected by federal immigration agents during Operation Mega or related operations with state and local authorities, including police departments, sheriff departments, local or county jails;
 - g. Describe or relate to any procedure or protocol for sharing information collected by state and local authorities during Operation Mega or related operations with federal immigration agents;
 - h. Describe or relate to any procedure or protocol for sharing the information collected by federal immigration agents during Operation Mega or related operations with federal agencies or with other sub-federal agencies or organizations.
2. All records, such as policies, protocols, notes, memoranda, communications, manuals, forms or checklists, and records described in 5 U.S.C. §§ 552(a)(2)(B) & (C), including those prepared by ICE Enforcement and Removal Operations Field Offices, Homeland Security Investigations (HSI) Field Offices and ICE Headquarters, that relate to **Los Angeles Field Office's**⁵ involvement in Operation Mega or related operation, including but not limited to⁶:

⁵ According to the ICE website: Los Angeles Field Office, 300 North Los Angeles St. Room 7631

3.
 - a. any targets for the number of individuals to be apprehended during Operation Mega or related operations;
 - b. the number of ICE ERO and/or HSI officers involved or allocated to the execution of Operation Mega or related operations;
 - c. any training materials or protocols for ICE ERO and/or HSI agents;
 - d. the selection of targets;
 - e. the use of biometric technology, including mobile biometric units;
 - f. the use or procurement of administrative warrants, including I-200 or I-205s and any other ICE administrative warrants in advance of Operation Mega or related operations;
 - g. the ICE detention bed capacity within the jurisdiction of the Los Angeles Field Office;
 - h. the type of personal information that was collected (e.g., fingerprints, photographs) for individuals in connection with planning or execution of Operation Mega or related operations and any aggregate totals of individuals whose information was collected;
 - i. any communications with ICE Headquarters federal law enforcement agencies, such as the US Marshals, and/or local law enforcement agencies about Operation Mega or related operations;
 - j. all communications, contracts, memoranda of understanding, and agreements with local, city, state, or county law enforcement agencies that address or pertain to the planning and execution of Operation Mega or related operations.
 - k. all arrest or apprehension records, including but not limited to Forms I-213, Record of Deportable Alien, and field notes or worksheets, in the possession of the Los Angeles Field Office created in connection with Operation Mega or related operations;

Los Angeles, CA, 90012; Area of Responsibility: Los Angeles Metropolitan Area (Counties of Los Angeles, Orange, Riverside, San Bernardino), and Central Coast (Counties of Ventura, Santa Barbara and San Luis Obispo)

⁶ Should any responsive record contain the personal identifying information of any third party, Requesters ask that the agencies redact that information. This Request seeks aggregate investigatory records relevant to the planning of Operation Mega and related operations, not any personal or identifying information about any specific individual(s).

- l. any instructions or protocols related to “collateral arrests” during Operation Mega or related operations;
 - m. All records related to criminal warrant(s) secured by federal agencies or sub-agencies, such as the DEA, ATF, FBI, US Marshals in connection with the planning or execution of Operation Mega and related operations;
4. All records relating to waivers of detention standards requested and/or granted, in association with Operation Mega or related operations, including any waivers of specific plumbing contracts or toilet to detained immigrant ratios in ICE holding or detention facilities⁷;
 5. All records, including correspondence, relating to personnel overtime, additional personnel hired, or personnel from other field offices, jurisdictions, or with other functions temporarily reassigned to support apprehension efforts during the planning of Operation Mega or related operations;
 6. Identify all ICE Field Offices that planned to execute or support Operation Mega or related operations, including the number of ICE agents, including HSI agents;
 7. All budgetary and financial records pertaining to the planning or execution of Operation Mega or related operation;
 8. All communications, contracts, memoranda of understanding, and agreements with U.S. federal governmental entities (e.g. DEA, ATF, etc) that address or pertain to the planning and execution of Operation Mega or related operations.

With respect to the form of production, see 5 U.S.C. § 552(a)(3)(B), we request that responsive documents be provided electronically in text-searchable, static-image format (PDF), in the best image quality in the agencies’ possession. We further request that reasonable metadata be transmitted along with responsive documents, including but not limited to email attachments, author and recipient information, date and time stamps, and the like.

Requesters

Requesters are comprised of individuals, volunteer organizations, networks, coalitions, community collectives or non-profit, public-interest organizations that work, have done work in, or reside within the territorial jurisdiction of the Los Angeles Field Office. All requesters, including national organizations, have expressed interest in or have worked on issues related to immigration enforcement or the protection of immigrants’ rights.

⁷ This request could reference the hygiene requirements in the ICE Performance Based National Detention Standard Standards, “Personal Hygiene,” 4.5. <https://www.ice.gov/doclib/detention-standards/2011/4-5.pdf>

Individual requesters work or reside within the counties and areas covered by the Los Angeles Field Office.

1. Hairo Cortes Palacios
2. Marcela Hernandez
3. Jonathan Perez
4. Kevin Flores-Calixto
5. Faby Jacome
6. Erik Garcia
7. Jose Servin
8. Jennaya Dunlap
9. Julio Marroquin
10. Yesenia Gonzalez
11. Fernando Romero

The following organizations are based in or work within the territorial jurisdiction of the Los Angeles Field Office.

CHISPA: Chispa seeks to improve the lives of Latinxs in Orange County through community engagement, political education and innovative organizing campaigns. To do so, Chispa aims to develop a new generation of young Latinx leaders equipped with the tools and support systems needed to organize strategically and passionately in order to challenge systemic racism and ageism, and to uplift working class Latinx communities.

The **Immigrant Youth Coalition (IYC)** is an undocumented and Trans* & Queer youth led organization based in California. The IYC supports the leadership development of immigrant youth. The IYC also focuses on supporting immigrant communities in detention and deportation proceedings

Orange County Immigrant Youth United: We are an undocumented immigrant youth-led organization that advocates for the rights of undocumented immigrants to live lives free from exploitation and persecution.

Inland Coalition for Immigrant Justice is a pro-immigrant rights coalition advocating for a just and humane immigration reform and respect of immigrants.

National organizations: The requesters below regularly provide education and disseminate information to the public, various advocacy networks, members and allies on topics related to immigration enforcement, detention and removal.

Detention Watch Network (DWN) is a national coalition of organizations and individuals working to expose and challenge the injustices of the United States' immigration detention and deportation system and advocate for profound change that promotes the rights and dignity of all persons. Founded in 1997 by immigrant rights groups, DWN

brings together advocates to unify strategy and build partnerships on a local and national level to end immigration detention. DWN members and allies are participating in this FOIA request for information about the above-named operations.

Mijente: Mijente is a national organization that coordinates and organizes with its affiliates in several states to address issues relating to immigration enforcement and Latinx political participation. Mijente members and allies are part of this FOIA request.

National Immigration Project of the National Lawyers Guild (NIPNLG): The NIPNLG is a national non-profit organization that provides technical assistance and support to community-based immigrant organizations, legal practitioners, and all advocates working to advance the rights of noncitizens. NIPNLG works to protect the rights of all, including noncitizens entangled within the criminal justice system, victims of government abuse and misconduct, and those facing summary removal.

Requesters respectfully request a waiver of fees in accordance with 5 U.S.C. § 552(a)(4)(A)(iii). That provision is to be “liberally construed in favor of waivers for noncommercial requesters.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003). We do not have a commercial interest in this information.

Through this FOIA, we anticipate interested members of the public, particularly residents living within the jurisdiction of the Los Angeles Field Office will obtain important immigration-related information that will impact noncitizen residents, US citizens, and families. Both individuals and non-profit organizations will plan distribution of written materials, including on our respective websites, and through public and educational appearances.

We seek the requested information for the purpose of disseminating it to members of the public who have access to their public websites and other free publications, and not for the purpose of commercial gain. In addition, disclosure of the requested information “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k).

Disclosure of the requested information will contribute significantly to the public understanding of Operation Mega or related operations because requesters have the capacity and intent to disseminate widely the information to a broad audience. Both the organizations and individual requesters will review and analyze the information obtained through this FOIA request. In addition, all requesters, individual and organizations, will speak publicly and publish written materials to be shared with the general public and organizational members and residents within the jurisdiction of the Los Angeles Field Office. All our organizations will make the information available through our respective websites, which are accessible by any member of the public. Finally, we often have frequent contact with national print and news media and plan to share information gleaned from FOIA disclosures with interested media. Disclosure of the requested

information will shed light on aspects of processes of ICE and other agencies heretofore unknown to the public. Moreover, consistent with our missions and past practices, we intend, once we receive the information, to share it with fellow public-interest organizations as well as the public, in order to help protect the rights of immigrants, including ensuring that they receive legal representation.

If the fee-waiver request is denied, we are willing to pay fees up to a maximum of \$25. For reasons similar to those set out above, this request at least qualifies for substantially reduced fees. If you nevertheless estimate that the fees will exceed this limit, or if you have any questions regarding this request, please contact me, Paromita Shah at the National Immigration Project of the NLG. I reserve the right, however, to challenge a denial of my fee-waiver request. See 5 U.S.C. § 552(a)(4)(A)(vii).

Please deliver the requested documents by email or mail to:

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Jacinta Gonzalez Goodman
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Thank you for your consideration of this request. We look forward to receiving your response within the 20-day period set by Congress. See *id.* § 552(a)(6)(A)(i).