

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.<sup>1</sup> 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.”<sup>2</sup> 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.<sup>3</sup>

In accordance with the Freedom of Information Act, 5 U.S.C. § 552, we request the following records<sup>4</sup> that are described below or contain the information described below:

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<sup>1</sup> 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);

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

<sup>3</sup> “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>

<sup>4</sup> 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 **New York Field Office's**<sup>5</sup> involvement in Operation Mega or related operation, including but not limited to<sup>6</sup>:

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<sup>5</sup> According to the ICE website: New York Field Office, 6 Federal Plaza 9th Floor, Suite 9-110 New York, NY, 10278; Area of Responsibility: The five boroughs (counties of NYC) and the following counties: Dutchess, Nassau, Putnam, Suffolk, Sullivan, Orange, Rockland, Ulster, and Westchester

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 New York 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 New York Field Office created in connection with Operation Mega or related operations;
  - l. any instructions or protocols related to “collateral arrests” during Operation Mega or related operations;

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<sup>6</sup> 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).

- 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 facilities<sup>7</sup>;
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, activists, organizers, 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 New York 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.

*Individual requesters work or reside within the counties and areas covered by the New York Field Office.*

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<sup>7</sup> 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>

1. Donald Anthonyson

2. Irene Jor

*The following organizations are based in or work within the territorial jurisdiction of the New York Field Office.*

**Families for Freedom** is a New York based organization fighting for fair and dignified treatment for immigrant communities.

**DRUM:** Founded in 2000, DRUM- Desis Rising Up and Moving has mobilized and built the leadership of thousands of low-income, South Asian and Indo-Caribbean immigrants to lead social and policy change that impacts their own lives- from immigrant rights to education reform, civil rights, and worker's justice. Our membership of over 3,000 adults, youth, and families is multigenerational and represents the diaspora of the South Asian and Indo-Caribbean community – Afghanistan, Bangladesh, Bhutan, Guyana, India, Nepal, Pakistan, Sri Lanka, and Trinidad.

The **Queer Detainee Empowerment Project (QDEP)** is a post-release support, detention center visitation, direct service, and community organizing project that works with Lesbian, Gay, Bisexual, Queer, Two Spirit, Trans, Intersex, Gender Non-Conforming, and HIV+ (LGBTQIA\* GNC TS) immigrant prisoners and their families currently in detention centers, those that are recently released from detention centers, and those at risk at entering immigration detention in New York City. The Queer Detainee Empowerment Project assists folks coming out of immigration detention in securing structural, health/wellness, educational, legal, and emotional support and services. We work to organize around the structural barriers and state violence that LGBTQIA TS & GNC detainee/undocumented folks face related to their immigration status, race, sexuality, and gender expression/ identity. We are committed to assisting folks in building lives outside of detention, to breaking down the barriers that prevent folks from building fulfilling and productive lives, and to keeping queer families intact by demanding an end to deportations/ detention/ policing. We believe in creating a narrative of thriving, not just surviving.

**We Belong Together** is a campaign of the National Domestic Workers Alliance with the participation of women's organizations, immigrant rights groups, children, and families across the country. We Belong Together aims to mobilize women in support of common sense immigration policies that will keep families together and empower women.

*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 New York 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 New York 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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National Immigration Project of the NLG  
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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).