November 13, 2013

Acting Director John Sandweg
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, DC  20536
VIA FEDERAL EXPRESS

Field Office Director Lund
New Orleans Field Office
U.S. Immigration and Customs Enforcement
1250 Poydras St., Suite 325
New Orleans, LA  70113
VIA HAND DELIVERY

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th St., SW
Stop 5009
Washington, D.C.  20536-5009
VIA FEDERAL EXPRESS

Re.  Freedom of Information Act Request Re. Criminal Alien Removal Initiative (CARI) and New Orleans Community Raids and Request for Expedited Review

Dear Immigration and Customs Enforcement,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, on behalf of the New Orleans Workers’ Center for Racial Justice and the individual requesters listed below, we request a copy of the following information described herein from the United States Customs and Immigration Enforcement agency ("ICE"). We ask that you please direct this request to all appropriate offices and departments within the agency.

PURPOSE OF THE REQUEST

The purpose of the request is to obtain information for the public about ICE’s “Criminal Alien Removal Initiative (“CARI”) and other ICE programs related to community enforcement. This includes information on mobile fingerprint units and other technological tools at ICE’s disposal, and the collaboration between ICE and local law enforcement in the planning and carrying out of immigration enforcement actions.
The impact of ICE community enforcement and its effect on relations between law enforcement and the community have been the subject of vigorous public debate. The requested information related to CARI and ICE community enforcement raises issues of immediate concern for local communities related to racial profiling, family unity, public safety, due process, enforcement in homes and sensitive locations, access to counsel, and protections from retaliation for civil rights defenders.

Requestors seek records related to the following topics:
- Policies, Procedures, and Objectives Related to CARI
- Scope of CARI
- Information on CARI Arrests
- CARI’s Cost and Fiscal Impact
- What the Federal Government is Saying About CARI
- Assessments of CARI
- Prosecutorial Discretion Requests by CARI arrestees

Information from the requested records will enable the public to monitor and debate the impact of CARI and other programs that have led to an increasing rate of interrogation, arrests, detention, and deportation among individuals arrested in the community—in homes, driveways, supermarkets, laundromats, and other spaces of day-to-day life.

Information from the requested records will also allow the public to monitor whether ICE is complying with its own policies aimed a prioritizing enforcement and adherence to constitutional protections of fundamental rights. This public oversight is crucial, particularly when the communities most directly affected tend to be composed of low-wage families and individuals subjected to detention and deportation and less able to make use of the traditional governmental checks and balances provided by the electoral system.

Despite concerns raised with ICE by the New Orleans community in dozens of arrest and deportation cases, ICE appears to have continued to use and expand the frequency of community raids over the last six months.

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2 The resources available to immigration enforcement agencies have increased dramatically over the last 10 years. In 2012, ICE, CBP, and US-VISIT received more than the money from all other principal criminal federal law enforcement agencies combined. See Doris Meissner et al., IMMIGRATION ENFORCEMENT IN THE UNITED STATES: THE RISE OF A FORMIDABLE MACHINERY (2013), available at http://www.migrationpolicy.org/pubs/pillars-reportinbrief.pdf.


4 Although official numbers are difficult to obtain, community members have noted significant use and expansion of community raids. According to official data, from November to December 2012, more than 1,000 people entered initial ICE custody in Louisiana. Overall, Louisiana had the seventh highest number of people initially entering ICE.
For Example:

- In June 2013, Omar Victoriano and his family were at a neighbor’s apartment for a weekly Wednesday bible study. ICE attempted to obtain permission to enter the home and threatened to enter forcibly if permission was not given. Participants contacted the pastor who spoke to ICE agents confirming the meeting was a regularly schedule bible study. Nonetheless ICE coerced the men to leave the house by threatening to enter and arrest the women as well. All the men were arrested and fingerprinted. Omar was immediately placed in a van for transfer to a rural detention center in front of his wife and five-year-old U.S. citizen daughter. Omar’s daughter broke free from her mother and tried to climb into the immigration van to be with her father. After national advocacy and an outcry of faith groups, Omar was released on a temporary order of supervision.

- In August of 2013, Jimmy Barraza and his wife returned from the grocery store and were unloading groceries in front of their apartment. ICE agents approached them guns drawn and shouting. Responding to the shouting, their 16-year-old U.S. citizen child stepped out of the front door to see what was going on. ICE immediately detained and arrested Jimmy, handcuffed his stepson, and continued to aggressively verbally harass his wife who has Temporary Protected Status (“TPS”). After significant public pressure, Jimmy Barraza has been released on a six-month order of supervision.

- On August 1, 2013, Enrique Morales Sosa was arrested in a neighborhood raid for driving while Latino. He and his partner were on their way to buy school supplies for his two U.S. citizen step-children who live with him and who he takes care of. Local police and ICE agents surrounded Enrique’s ear. He was immediately fingerprinted, arrested, and transferred to a rural detention center. Despite his family ties, community contributions, and significant national support, he was deported.

- Also in August of 2013, Ernesto Zacarias was packing up his groceries outside a local supermarket specializing in Latino products. He was putting groceries into his car when he was caught in a raid coordinated by ICE and the New Orleans Police Department at the supermarket. ICE asked for his immigration status. As a community leader who knows his rights, Ernesto declined to answer and asked to leave. ICE arrested him and then searched his person and fingerprinted him without consent. He was immediately transferred to a rural immigration detention center. After significant national advocacy, he was released on a temporary order of supervision.

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• In October of 2013, Juan Carlos Castillo Salazar had just dropped his U.S. citizen five-year-old daughter, who lives with him and whom he cares for, off at the school bus for kindergarten. He walked home and ICE agents approached him in the parking lot of his apartment complex, demanded to know his immigration status, arrested him, and placed him in detention. A thorough prosecutorial discretion request was submitted on his behalf. In less than 48 hours, the local ICE office denied the request and deported him without notice and before the decision could be appealed to ICE headquarters for additional review.

• Sandra Ortiz’s partner was deported leaving her as the sole caregiver for a young daughter who has severe allergies and needs expert monitoring and care. Sandra was also placed into deportation proceedings. After national advocacy, ICE gave Sandra a six-month continuance on her order of supervision and told her to self-deport by December of 2013. She was told that a previous arrest for a nonviolent misdemeanor overrode any claim for discretion based on her U.S. citizen daughter’s need for U.S.-based medical care.

• Erlin San Martin Gomez, the father of a U.S. citizen child diagnosed with failure to thrive, was returning from a haircut. ICE agents approached him in the parking lot of his apartment complex during a neighborhood raid and immediately handcuffed his hands and feet, fingerprinted him, and detained him in a van. For several hours, the ICE agents drove the van around arresting people with Latino appearance in other neighborhood parking lots and in a Laundromat. After national advocacy, Erlin was released on a temporary stay of removal.

REQUESTERS


The Requesters in Removal Proceedings are individuals currently defending themselves in deportation proceedings that arose in relation to enforcement actions covered by this FOIA request. They include:

a. Juan Carlos Castillo-Salazar (A# 097 736 118)
b. Juan Ramon Turcios Garcia (A# 098 589 998)
c. Ronald Martinez-Rivera (A#200 118 775)
d. Jimmy Barraza Bonilla (A# 098 883 799) 
e. Denis Chirinos Avila (A# 078 920 744) 
f. Melvin Bardales-Deras (A# 087 895 962)

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g. Henri Cruz-Galindo (A# 200 060 103)
h. Irma Lemus (A# 094 770 100)
i. Erlin San Martin-Gomez (A# 099 517 891)

Maria Amaya, Santos Alvarado, Alfredo Carrera, Mario Mendoza, Delmy Palencia, Ilda Sarmiento, and Dany Yojana Varela are residents of New Orleans and members of the Congress of Day Laborers.

The above-listed group and individuals (collectively “Requesters”) will use the information in ongoing monitoring and know-your-rights training. Requesters will also make the information publicly available. Requesters have no commercial interest in the information.

EXPEDITED PROCESSING

Pursuant to 5 U.S.C. 552(a)(6)(E)(i)(I), Requesters ask for expedited processing based on a “compelling need” for the information. A “compelling need” is met under four separate conditions. Requesters satisfy three conditions: (1) the presence of “circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual,” 28 C.F.R § 16.5(d)(1)(i); (2) “an urgency to inform the public concerning actual or alleged federal government activity” requested by a “person primarily engaged in disseminating information,” 28 C.F.R. 16.4(d)(1)(ii); and (3) “a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence,” 28 C.F.R. 16.5(d)(1)(iv).

Requesters have exposed an ongoing pattern and practice of community enforcement actions that have resulted in the arrest, detention and deportation of hundreds of community members in the last six months. As detailed in dozens of requests for prosecutorial discretion filed with ICE over the last 6 months, these local enforcement actions are subject to constitutional and administrative challenges due to the manner in which the arrests are carried out and the way the cases arising from those arrests are pursued.

Moreover, cases arising from the community enforcement raids are not pursued in accordance with ICE’s own internal memoranda on prosecutorial discretion. As outlined in the examples highlighted in the introduction, in the few cases where a form of prosecutorial

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6 Supra p. 3-4.
discretion was granted, it was usually granted only after significant national pressure. In response to one request for prosecutorial discretion in New Orleans, information released by ICE attributed the arrest to the “criminal alien removal initiative team (CARI).” CARI appears to be a new or expanded ICE enforcement program operated with new mobile fingerprint technology and formal collaboration with local law enforcement officials. This pattern and practice of enforcement action subjects Requesters and their families to significant harms including deprivation of liberty and due process as well as extreme hardship arising from family separation. Evidence also shows retaliation against individuals who assert their rights at the time of arrest. Fundamental fairness and due process also accords Requesters in Removal the opportunity to review these documents before they are removed to assess whether the information supports their claims or defenses.

Second, the public urgently needs information regarding ICE’s cooperation with local law enforcement officials through CARI, the ICE Agreements of Cooperation in Communities to Enhance Safety and Security (“ICE ACCESS”), and other enforcement programs currently being developed or expanded. NOWCRJ and its members have closely monitored enforcement actions by ICE, local law enforcement, and U.S. Customs and Border Protection. Information on the use of new and expanded ICE enforcement programs and new technology is critical for community awareness, debate, and engagement. Because the New Orleans Workers’ Center for Racial Justice is a community organization whose members have been and will likely continue to be affected by these policies, it is uniquely situated to disseminate information responsive to this request and facilitate local, regional, and national dialogue.

Third, there has been widespread public concern about ICE enforcement policies—including ICE collaboration with local law enforcement—in New Orleans and around the country. Members of the community as well as local government officials are considering local policy issues for which this information is directly relevant on an expedited timeframe.

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8 See Ex. A.
DEFINITIONS

2. **CARI.** In this request, the term “CARI” refers to the Criminal Alien Removal Initiative or/and ICE programs related to community enforcement which uses mobile fingerprint units and other technological tools, and/or the collaboration between ICE and local law enforcement in the planning and carrying out of the enforcement actions.

3. **CARI Jurisdiction(s).** In this request, the term “CARI Jurisdiction(s)” is defined as all jurisdictions where CARI has been implemented.

4. **Potential CARI Jurisdiction(s).** In this request, the term “Potential CARI Jurisdiction(s)” is defined as all jurisdictions where ICE is in the process of negotiating the implementation of CARI or finalizing an agreement for implementation.

5. **Requesters in Removal.** In this request, the term “Requesters in Removal” refers to the following individuals:
   - **Juan Carlos Castillo-Salazar** (A# 097 736 118)
   - **Juan Ramon Turcios Garcia** (A# 098 589 998)
   - **Ronald Martinez-Rivera** (A#200 118 775)
   - **Jimmy Barraza Bonilla** (A# 098 883 799)
   - **Denis Chirinos Avila** (A# 078 920 744)
   - **Melvin Bardales-Deras** (A# 087 895 962)
   - **Henri Cruz-Galindo** (A# 200 060 103)
   - **Irma Lemus** (A# 094 770 100)
   - **Erlin San Martin-Gomez** (A# 099 517 891)

   These individuals are co-requesters of records in this FOIA who currently face removal because of CARI and similar enforcement programs.

6. **Designated Jurisdiction(s).** In this request, the term “Designated Jurisdiction(s)” refers to the following jurisdictions:
   - Orleans Parish, Louisiana
   - St. Bernard Parish, Louisiana
   - Jefferson Parish, Louisiana
   - St. Tammany Parish, Louisiana

7. **Law Enforcement Agency.** In this request, the term “Law Enforcement Agency” includes, but is not limited to, any state, city, county, or local policy agency, department of corrections, sheriff’s office, jail, or other holding facility.

8. **Vulnerable Groups.** In this request the term “Vulnerable Groups” includes, but is not limited to, minor children; the elderly; pregnant or breastfeeding woman; individuals with chronic or acute medical or mental health conditions; victims of human trafficking or other crimes; individuals with T, U, or S visas or pending visa applications; individuals who express a fear of persecution if removed; and individuals with dependent minor children in the United States.

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9. **Document.** For the requests herein, the word “document” includes, but is not limited to: All “writings,” “recordings,” and “photographs,” as those terms are defined in Rule 1001 of the Federal Rules of Evidence and should be construed in the broadest sense permissible. Without limiting the generality of the foregoing, “document” also includes the original and any non-identical copy and also every draft and proposed draft of all correspondence, internal memoranda, notes of meetings, telegrams, telexes, facsimiles, electronic mail, reports, transcripts or notes of telephonic conversations, diaries, worksheets, excel spreadsheets, maps, charts, diagrams, computer printouts, powerpoint presentations, and/or other writings or materials of any nature whatsoever, whether or not divulged to other parties, together with an attachments thereto and enclosures therewith.

10. **Record(s).** In this request the term “Record(s)” includes, but is not limited to, all records or communications preserved in electronic or written form, such as correspondences, emails, documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinions, protocols, reports, rules, technical manuals, technical specifications, training manuals, studies, or any other Record of any kind.

**REQUESTED RECORDS**

1. **Policies, Procedures, and Objectives Related to CARI**

Any and all Records, received, maintained, or created by any government agency or subdivision, related to the policies, procedures or objectives of CARI. Such Records include but are not limited to:

i. **Overview Records:** any and all Records containing information relating to policies, operating procedures, rules, internal policy guidance, training materials and legal opinions or memoranda referencing CARI or discussing the mandate, goals, objectives, function responsibility, purpose, implementation, deployment strategy of CARI and any procedures for state or local jurisdictions to join, participate, opt-in or opt-out of CARI.

ii. **Training or Explanatory Materials:** any and all Records containing information relating to training, briefing, guidance, procedures, rules, or other informational materials developed for local LEAs, or other state or local entities.

iii. **Relationship Between CARI and Local Law Enforcement:** any and all Records containing information related to the assistance of local LEA in CARI and/or other ICE programs involving community enforcement and/or mobile fingerprinting units.

iv. **CARI and Mobile Fingerprinting Units:** any and all Records containing information related to policies, operating procedures, rules, internal policy guidance, training materials and legal opinions or memoranda relating to the use of mobile fingerprinting units and/or other technological tools at ICE’s disposal.
v. **Relationship Between CARI and Other ICE Enforcement Programs:** any and all Records containing information relating to the interface or relationship between CARI and other ICE programs, including but not limited to the Criminal Alien Program ("CAP"), Fugitive Operations, 287(g) arrangements, and other ICE Agreements of Cooperation in Communities to Enhance Safety and Security ("ICE ACCESS").

vi. **Organizational Chart:** any and all records containing charts or a monitoring system showing CARI including its staff and its relation to other divisions of ICE programs.

vii. **Timeline:** any and all Records containing information on the dates in which CARI has been active in the designated jurisdiction or any other jurisdiction.

viii. **Legal Basis:** any and all Records including but not limited to memoranda, drafts, correspondence, and other records pertaining to the legal basis upon which the CARI initiative is authorized.

ix. **Racial Profiling Policy:**

a. Any and all Records containing information related to ICE monitoring or plans to monitor CARI Jurisdictions for racial or ethnic profiling or other due process violations;

b. Any and all Records containing information related to local LEAs’ racial profiling or anti-racial profiling policies or procedures from CARI Jurisdictions or Proposed CARI Jurisdictions;

c. Any and all Records containing information related to evaluating, reviewing, compiling or otherwise discussing compliance with racial profiling or anti-racial profiling policies and procedures.

x. **Vulnerable Groups:** Any and all Records containing information related to policy or procedures concerning the treatment of Vulnerable Groups targeted by CARI, including, but not limited to, the issuance of Immigration Detainers, parole, or other exercise of prosecutorial discretion.

xi. **Immigration Detainers and CARI.** Any Records containing information related to actions of a local law enforcement official’s actions or policy in relation to immigration detainers in an ICE CARI jurisdiction. This includes but is not limited to any document containing information about the New Orleans Parish Sheriff’s policies and practices in relation to immigration detainers.

2. **Scope of CARI**

i. Any and all records containing information related to showing ICE CARI jurisdictions and jurisdictions of any partner, Local Law Enforcement Agencies ("local LEAs") or other state or local agencies related to CARI.

ii. Any and all records containing information related to showing potential ICE jurisdictions.

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and jurisdictions of any partner, local Law Enforcement Agencies ("local LEAs") or other state or local agencies related to CARI.

iii. Any and all records containing information related to showing plans to expand CARI jurisdictions including any criteria, benchmarks, and/or targets.

iv. Any and all records containing information related to criteria by which CARI jurisdictions are selected.

v. Any and all records containing information related to criteria by which CARI teams are assigned within CARI jurisdictions.

vi. Any and all state and local agreements related to CARI, including Memoranda of Agreement, Memoranda of Understanding, and drafts of agreements between ICE and any partner, local Law Enforcement Agencies ("local LEAs") or other state or local agencies related to CARI.

vii. Any and all records containing information related to training administered or received by ICE agents and any partner, local Law Enforcement Agencies ("local LEAs") or other state or local agencies related to CARI.

viii. Any and all records containing information related to CARI teams within the designated jurisdictions.

ix. Any and all records containing information related to individuals employed by or contracting with ICE and its partner, local Law Enforcement Agencies ("local LEAs") or other state or local agencies related to CARI in the designated jurisdictions.

3. Information on CARI Arrests

i. Any and all records containing information related to the below information categories.

a. Requestors in Removal;

b. Other individuals arrested on the same day by the same ICE agents participating in the questioning, arrest, fingerprinting and/or detention of the Requestors in Removal;

c. Any and all stops, interrogations, fingerprinting and/or arrests related to CARI in the designated jurisdiction;

d. Enforcement actions in the designated jurisdiction related to any stops, interrogations, fingerprinting and/or arrests by ICE agents in the 3 years prior to the first arrest by a CARI team member including but not limited to tips, monitoring, surveillance, information received from other law enforcement agencies, and/or data collection and Records related to any individual stopped, interrogated, arrested, fingerprinted, and/or detained.

Responsive records should include but is not limited to warrants, Forms I-247
(immigration detainer), Forms I-213 (record of deportable/inadmissible Alien), Forms I-286 (Notice of Custody Determination), Form I-862 (NTA), Form I-871 (Notice of Intent/Decision to Reinstate Prior Order), A-Files, Criminal Records, Offense Level Determination, Individual Event Numbers, Records related to prosecutorial discretion review, and/or Records in EARM, EADM, ATD or any other electronic system used to store ICE enforcement information such as arrest and encounter details, comments, case action, decision, and disposition details.

ii. Any and all Records pertaining to the factual basis for the initial stop, interrogation and/or arrest of the Requestors in Removal.

iii. Any and all Records related to the enforcement action including those created by ICE agents, by local Law Enforcement Agencies ("local LEAs") or other state or local agencies related to CARI in the designated jurisdictions, and/or by any other person or entity.

iv. Any and all Records containing information related to any stops, interrogations, fingerprinting and/or arrests by ICE agents who work in whole or in part of CARI teams during the time periods in which they were in whole or in part working as part of a CARI team in the designated jurisdiction.

v. Any and all Records containing information related to data or statistical information or any discussion or information whatsoever pertaining to United States Citizens who were stopped, interrogated, arrested, fingerprinted, and/or detained as part of a CARI enforcement action and/or by an officer participating in a CARI team in the designated jurisdictions.

vi. All Records containing information related to the following arrest data for the past two years:
   a. Total number of ICE arrests per week in the designated jurisdiction;
   b. Total number of ICE arrests per week related to CARI;
   c. Total number of individuals fingerprinted using ICE's mobile fingerprinting units and/or other technological tools per week;
   d. Race or ethnicity of each individual arrested and/or fingerprinted in (a)-(c);
   e. Case action and/or disposition of the individual arrested and/or fingerprinted in (a)-(c).

vii. Any and all records containing information related to tracking indicators of race, racial profiling and/or racial disparity from ICE enforcement actions. This includes but is not limited to records containing information related to arrest information containing raw data on race and/or ethnicity, statistical analysis, aggregation of information, reports, correspondence, monitoring, data review processes, recommendations, and/or assessments by ICE and/or any other agencies.
4. **CARI's Cost and Fiscal Impact**

i. Any and all Records related to the fiscal impact or the actual, estimated, or projected cost on state and local CARI Jurisdictions and Proposed CARI Jurisdictions arising from or related to CARI or to individuals subject to a stop, interrogation, fingerprinting, arrest, and/or detention by a CARI team member including, but not limited to, costs, reimbursements, monetary agreements, and monetary incentives, including increased costs of detention.

ii. Any and all Records related to proposed, contemplated, existing, or prior Intergovernmental Service Agreements for detention facilities with CARI Jurisdictions and Proposed CARI Jurisdictions.

iii. Any and all Records related to proposed, contemplated, existing, or prior contracts or communications with private companies or other private entities related to the development or implementation of CARI.

iv. Any and all Records related to actual, estimated, or projected costs of the CARI program to the federal government, including, but not limited to, Department of Homeland Security appropriations, and costs of increased detention and removal operations to ICE, EOIR, and United States Attorneys’ Offices, and to the federal courts.

v. Any and all records containing information related to the expenditure on mobile fingerprinting technology in the designated jurisdiction.

5. **What the Federal Government is Saying About CARI**

Any and all Records containing information related to communications related to CARI by, to, or between any of the following:

i. ICE: ICE or any agent, officer, employee, or subdivision thereof;

ii. DHS: DHS or any agent, officer, employee, or subdivision thereof

iii. DOJ: DOJ or any agent, officer, employee, or subdivision thereof, including, but not limited to EOIR, FBI, and FBI CJIS

iv. State and Local Jurisdictions: CARI Jurisdictions, Proposed CARI Jurisdictions, and any other state and local jurisdictions, including, but not limited to, any local or state LEAs, SIBs and Attorney Generals’ offices;

v. The White House: The White House, the President of the United States, his staff and advisors;

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vi. United States Congress: United States Congress, including, but not limited to, letters or emails to Senators or Representatives or staff members thereof, congressional committees, congressional briefings Records, congressional testimony, any other information provided to a member or employee of Congress, and any Records used in preparation of the aforementioned materials.

vii. Non-Governmental Organizations (NGOs): including emails, letters, or other Records distributed to NGOs or any Records used in preparation of such materials or in preparation for meetings with NGOs.

viii. Press Releases: Any and all Records related to or containing press releases or public internet postings that mention the phrase “Criminal Alien Removal Initiative” and any and all Records used in the preparation thereof;

ix. Statements to Reporters or Media Outlets: Any and all Records related to or containing statements by ICE or any official, officer, or employee thereof to a reporter or media outlet, including any opinion pieces or letters to the editor drafted for newspapers or internet media outlets and any Records used in the preparation thereof.

x. Speeches: Any and all Records related to speeches, statements, and presentations by ICE or any official, officer, or employee thereof, mentioning CARI and any Records or drafts used in the preparation thereof.

6. Assessments of CARI

i. Any and all Records developed or used by ICE or DHS to evaluate, review, or monitor effectiveness or outcomes of CARI.

ii. Any and all Records containing assessments of the CARI initiative, whether related to national assessments, assessments of specific CARI Jurisdictions, related to any time period, or any interface or relation with any other ICE programs, divisions or initiatives.

7. Prosecutorial Discretion Requests by CARI arrestees

i. Any and all records containing information on requests for prosecutorial discretion file by individuals arrested by CARI officers participating in a CARI team enforcement action in a designated CARI jurisdiction. This includes stays of removal, letters, and/or attachments.

ii. Any and all records containing information on ICE’s review and decision on requests for prosecutorial discretion file by individuals arrested by CARI officers participating in a CARI team enforcement action in a designated CARI jurisdiction.

iii. Any and all records containing information on the policies, practices, training, and criteria which ICE uses to review and decision on requests for prosecutorial discretion.
file by individuals arrested by CARI officers participating in a CARI team enforcement action.

iv. Any and all Records related to and/or consulted in the preparation of the document attached as Exhibit A.

v. Any and all records containing communications between any individuals employed by or contracting with ICE in relation to requests for prosecutorial discretion filed by individuals arrested by CARI officers participating in a CARI team enforcement action. This includes stays of removal, letters, and/or attachments and the review and decision on those requests.

vi. Any and all records containing communications between any individuals employed by or contracting with ICE related to any of the requestors in removal.

FEE WAIVER

If duplication and review fees arise from the request, Requesters are entitled to a fee waiver pursuant to 5 U.S.C. § 522(a)(4)(A)(iii), which provides for waivers of all costs when the information requested "is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Id.; 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 institution). In addition to protecting Requesters in Removal’s individual due process rights, providing these documents serves the public interest by contributing to the community's understanding of government operations and aiding an informed public debate about government expenditures, ICE enforcement policies, and ICE collaboration with local law enforcement. The public has an interest in being informed about the manner in which federal immigration officials are enforcing immigration laws, including an interest in ensuring that enforcement actions are operating within statutory, regulatory, and constitutional requirements.

Requesters have no commercial interest in the matter and will make the information produced available to the public at no costs. Requesters are being represented pro bono by counsel.

CONCLUSION

Pursuant to applicable statute and regulations, Requesters expect a determination regarding expedited processing within 10 calendar days. See 5 U.S.C. 552(a)(6)(E)(ii)(I). If the request is denied in whole or in part, Requesters ask that all denials or deletions be justified by reference to specific FOIA exemptions. Requesters expect the release of all separable portions of otherwise exempt material. Requesters reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

Requesters also ask that ICE provide an estimated date on which ICE will complete processing of this request. See 5 U.S.C. § 552(a)(7)(B).
CERTIFICATION

Requesters certify that all of the above information is true to the best of their knowledge. See 6 C.F.R. § 5.5(d)(3).

Please supply all documents to Requesters at the following address:

Jennifer Rosenbaum, Esq.
New Orleans Workers’ Center for Racial Justice
217 N. Prieur St.
New Orleans LA 70112

Please contact me if you have any questions related to this request at (504) 309-5165.

Sincerely,

Jennifer Rosenbaum
Counsel to Requesters
La. Bar. No. 31946
New Orleans Workers’ Center for Racial Justice
217 N. Prieur St.
New Orleans, LA 70112

Encl: Attachment A, October 2, 2013 Memorandum from Deportation Office Sandy Strother to ICE Field Office Director recommending a deny Erlin San Martin’s request for prosecutorial discretion and discussing his arrest by CARI team agents.
Attachment A, October 2, 2013 Memorandum from Deportation Office Sandy Strother to ICE Field Office Director recommending a deny Erlin San Martin’s request for prosecutorial discretion and discussing his arrest by CARI team agents.
October 2, 2013

MEMORANDUM FOR: George H. Lund III  
Field Office Director

THROUGH: Official Channels

FROM: Sandy Strother  
Deportation Officer

SUBJECT: Request for Prosecutorial Discretion and Stay of Deportation  
Erlin SAN MARTIN-Gomez A099 517 891

On October 2, 2013, a request for prosecutorial discretion and stay of deportation was received by ICE. This request was made by the New Orleans Workers’ Center for Racial Justice on behalf of Erlin SAN MARTIN-Gomez, a native and citizen of Honduras. SAN MARTIN is currently detained at the South Louisiana Correctional Center in Basile, Louisiana.

PERSONAL DATA

SAN MARTIN is a 27 year old male, native and citizen of Honduras. Family members in the United States include his girlfriend and USC child.

IMMIGRATION HISTORY

SAN MARTIN entered the United States on February 28, 2006 at Hidalgo, Texas without inspection by an Immigration Officer. On March 3, 2006, an I-860 (Notice and Order of Expedited Removal) was issued and SAN MARTIN was subsequently removed from the United States pursuant to this order.

On September 11, 2013, Immigration and Customs Enforcement (ICE) officials with the New Orleans Criminal Alien Removal Initiative Team (CARIT) working in conjunction with the deputies from the Jefferson Parish Sheriff’s Office encountered SAN MARTIN at his residence. ICE agents identified SAN MARTIN as a prior deportee. SAN MARTIN was arrested by ICE and brought to the local ICE/ERO office for further processing.

On September 11, 2013, an I-871 (Notice of Intent/Decision to Reinstate Prior Order) was issued to SAN MARTIN.
CRIMINAL HISTORY

On June 8, 2013, SAN MARTIN was arrested by the Kenner, Louisiana police department for the offense of no driver's license or renewal registration. There is no disposition for this arrest.

FAVORABLE FACTORS FOR PROSECUTORIAL DISCRETION INCLUDE:

SAN MARTIN has a girlfriend and USC child who live in Kenner, Louisiana. According to a letter from the St. Charles Community Health Center, subject's child has had Failure to Thrive for most of his life.

UNFAVORABLE FACTORS FOR PROSECUTORIAL DISCRETION INCLUDE:

SAN MARTIN was previously removed to Honduras on March 3, 2006.

SAN MARTIN's previous order of removal was reinstated and he is currently a final order of removal to Honduras.

SAN MARTIN currently has no applications pending that would allow him to remain in the U.S.

RECOMMENDATION:

Based on the foregoing information, I recommend that a request for prosecutorial discretion and stay of deportation be denied and the subject remain in ICE custody pending removal from the United States to Honduras.

Approve officer's recommendation

Disapprove officer's recommendation

Modify

Needs more discussion

OCTOBER 9, 2013 - RELEASE FROM CUSTODY

C/O CSUP w/ AID