

April 18, 2023

DELIVERED VIA EMAIL

U.S. Customs and Border Protection
FOIA Division
90 K Street NE
Washington, DC 20229-1181
CBPFOIA@cbp.dhs.gov

U.S. Immigration and Customs Enforcement
FOIA Office
500 12th Street, SW, Stop 5009
Washington, D.C. 20536-5009
ICE-FOIA@dhs.gov

Re: Freedom of Information Act Request

Dear FOIA Officers:

Centro Presente (“CP”) and Lawyers for Civil Rights (“LCR”) (collectively, the “Requesters”) submit this request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C § 552, *et seq.*, for public records in the custody of the U.S. Department of Homeland Security (“DHS”), and its subsidiary components, U.S. Immigration and Custom Enforcement¹ (“ICE”) and U.S. Customs and Border Protection² (“CBP”) (collectively, the “Agencies”). This request has also been filed through the FOIA Online Portal.

I. Request for Information

The Requestors seek disclosure of records³ that were created, prepared, received, transmitted, collected, and/or maintained by DHS and the Agencies, regarding the total number and demographics of individuals inspected and processed at the southern border who communicated an intent to travel to Massachusetts. Unless otherwise stated, the period for which records are requested is January 1, 2022, to the present.

¹ As used in this request, “ICE” means all ICE divisions, subdivisions or sections, including but not limited to Enforcement and Removal Operations (“ERO”), and all ICE field operations offices.

² As used in this request, “CBP” means all CBP divisions, subdivisions or sections, including but not limited to U.S. Border Patrol, Office of Field Operations, headquarters offices, CBP field operations offices, and CBP offices at ports of entry.

³ As used in this request, “records” is defined as all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, emails, faxes, files, guidance, standards, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, spreadsheets, and reports.

II. Statement Regarding Personally Identifiable Information

Please note that Requesters do not seek the names of individuals or other personally identifiable information (PII). The Agencies should provide unique identifiers for individuals, if available. Otherwise, Requesters understand that the Agencies will redact any PII, including “A” numbers and names. If the Agencies withholds records based on its assessment that statutory exemptions apply to any of the records requested, please describe *in detail* the nature of the records withheld and the specific exemption or privilege upon which the record is withheld. If any portion(s) of the requested records are determined to be exempt, please provide the non-exempt portions. U.S.C. §552(a)(8)(A)(ii)(II). As this request is for information without PII, a third-party authorization is not required.

III. Records Requested

1. All records indicating or reflecting disaggregated data of individuals who entered the United States at the southern border who provided an address in Massachusetts (including but not limited to Form I-862, Form G-56, Form I-385, Form I-213, Form I-830) from January 1, 2022, to the present, including but not limited to information regarding:
 - Individual’s country of citizenship;
 - Gender identity;
 - Marital status;
 - Date of Arrival;
 - Age;
 - U.S. address provided (*i.e.*, city of destination);
 - Date Apprehended;
 - Date Released;
 - Manner of release (*i.e.*, paroled, order of release on recognizance, etc.).

2. All records indicating or reflecting disaggregated data of individuals who requested a change of address to an address in Massachusetts at ICE’s Boston Field Office (1000 District Avenue, Burlington, MA 01803), from January 1, 2022 to the present, including but not limited to information regarding:
 - Individual’s country of citizenship;
 - Gender identity;
 - Marital status;
 - Date of Arrival;
 - Age;
 - Previous U.S. address provided;
 - New U.S. address provided;
 - Date Apprehended;
 - Date Released;
 - Manner of release (*i.e.*, paroled, order of release on recognizance, etc.).

IV. The Information Requested is Not in the Commercial Interest of the Requesters

Requesters seek a fee waiver because the information sought in this Request is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the [Requesters]...” 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k). Additionally, materials obtained by Requesters will be available for dissemination for free including through their websites and vis-a-vis “know your rights” presentations to various immigration focused organizations throughout Massachusetts. See *Judicial Watch v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003) (concluding that a fee waiver was appropriate when the requester stated how and to whom it would disseminate the information it received).

Disclosure of the requested information will contribute significantly to public understanding of the humanitarian crisis at the border, government operations regarding who is being admitted into the United States (e.g., nationality, gender), and the number of individuals potentially arriving to Massachusetts. This in turn will inform policy and decision making at a state and local level to better serve all communities within that jurisdiction. Such information is of great public interest.

Over at last two year, Massachusetts has seen a significant increase in arriving migrants, particularly in the greater Boston area.⁴ Many migrants are fleeing violence, economic crisis, and political instability in their countries of origin. This has required monitoring and coordination from non-profit organizations, including CP and LCR, in order to better serve and provide resources for these individuals—many of whom traveled in families. Yet, the magnitude of these waves of newly arriving migrants is opaque as there is little information about the total number of migrants arriving and their demographics.

Both requesters, LCR and CP, are non-profit organizations that assist the community and immigrant populations regarding immigration resources, know-your-rights presentations, and provide guidance and education to the public around governmental legal frameworks and immigrants’ rights. Additionally, Requesters publish FOIA requests and related information on its websites for free.⁵ As such, Requesters have the capacity and intent to disseminate the requested information to the public, use it in educational presentations, and utilize it in a manner that would contribute to the public’s understanding and benefit, particularly for the portion of the public most interested and concerned about immigration issues.

Requesters do not have a commercial interest in the disclosure of the requested information. The requested information is requested with the purpose of distributing to the public and in the interest of the public at large. As required by the Act, if the waiver is denied and you expect the fee to exceed \$25.00, please provide a detailed fee estimate.

⁴ Mike Damiano, “*The System is Strained*’: Greater Boston’s Support Networks Struggle to Keep up as Thousands of Migrants Surge Into the Area, Boston Globe (Oct. 13, 2022), <https://www.bostonglobe.com/2022/10/13/metro/system-is-strained-thousands-migrants-surge-into-greater-boston-stressing-local-support-networks/>.

⁵ Lawyers for Civil Rights, www.lawyersforcivilrights.org. Centro Presente, <https://cpresente.org/?v=ae551853b692>.

V. The Information Requested Must Be Provided in a Timely Manner within a Workable Format

FOIA requires timely compliance with this Request following receipt. Electronic versions in the native format of the requested documents are preferred. For documents which are not available in this format, please provide records electronically in a text-searchable, static-image format (PDF). Please also provide any data in a workable format such as Microsoft Excel. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this Request.

If you have any questions about this Request, please contact me by phone at (617) 500-3438 or email at malbert@lawyersforcivilrights.org. Thank you for your time and prompt attention to this Request.

Sincerely,

Mirian Albert, Esq.
Lawyers for Civil Rights

cc: Patricia Montes, Executive Director of Centro Presente