



Transactional Records Access Clearinghouse

Syracuse University

April 25, 2011

Catrina Pavlik-Keenan, FOIA Director
U.S. Immigration and Customs Enforcement
800 North Capitol St., NW
5th Floor, Suite 585
Washington, DC 20536

Re: FOIA request – alien-by-alien anonymous data covering all individuals who the Department of Homeland Security has filed charges against in Immigration Court

Dear FOIA Director Pavlik-Keenan:

Under the provisions of the Freedom of Information Act we are requesting aliens that were charged since October 1, 2005, as well as those charged previously but whose Immigration Court cases were still pending as of October 1, 2005. The specific information requested, listed below, is contained within DHS's ENFORCE database systems. However, we note that some of this ENFORCE data was original collected by the Executive Office for Immigration Review (EOIR) and then transmitted to ICE for inclusion and integration into its ENFORCE database systems. For your convenience in responding, ENFORCE database fields containing data which originated from EOIR are flagged in the list of the data requested in this FOIA request and a copy of this request is being provided to the FOIA officer at EOIR.

More specifically, we are requesting alien-by-alien anonymous data containing the following information:

- ***Information on the detained alien***
 1. country of birth of the individual
 2. country of citizenship of the individual
 3. race of the individual
 4. ethnicity of the individual
 5. gender of the individual
 6. age of the individual
 7. whether an unaccompanied juvenile (yes/no)
 8. whether part of a family group (yes/no)
 9. date of original entry to the United States
 10. nature of original entry (legal, without inspection, etc.)
 11. whether individual is a legal permanent resident (yes/no)
 12. whether individual has been convicted of any crime (yes/no)
 13. whether individual has been convicted of any non-immigration related crime (yes/no)
 14. most serious offense individual has been convicted of
 15. date of conviction for the most serious offense
 16. whether individual is an aggravated felon (yes/no)
 17. whether mandatory detention required (yes/no)
 18. ICE "priority level" for apprehension, detention and removal of alien (Priority 1, 2, 3)

19. ICE “offense level” for alien (Level 1, 2, 3)
- ***Information on the original arrest that lead to ICE custody and filing of the charging document***
 20. name of the original arresting authority
 21. city and state of the original arresting authority
 22. date of the original arrest
 23. name of the jail or facility in which the individual was detained prior to transfer to ICE custody
 24. city and state of the jail or facility in which the individual was detained prior to transfer to ICE custody
- ***Information on the DHS program and agency associated with the original arrest***
 25. was the original arrest under the 287(g) program (yes/no)
 26. was the transfer to ICE custody under the Secure Communities Program (yes/no)
 27. was the original arrest by the Border Patrol (yes/no)
 28. was the alien released to ICE custody from prison where he/she was serving time after a criminal conviction (yes/no)
 29. name of the program or area associated with the original arrest or apprehension (criminal alien program, fugitive operations, office of investigations, border patrol operation streamline, other border patrol program, secure communities, 287(g), etc.)
 30. name of the non-ICE agency associated with the original arrest or apprehension (if applicable)
- ***Information on the proceeding in Immigration Court with respect to this alien [originally from EOIR]***
 31. EHAL_A212C_WAIVER_DECISION
 32. EHAL_A212C_WAIVER_FILED_IND
 33. EHAL_A245_ADJUSTMENT_DECISION
 34. EHAL_A245_ADJUSTMENT_IND
 35. EHAL_APPEAL_DECISION
 36. EHAL_APPEAL_DECISION_DT
 37. EHAL_APPEAL_DT
 38. EHAL_ASYLUM_GRANTED_DT
 39. EHAL_ASYLUM_TYPE
 40. EHAL_BASE_CITY
 41. EHAL_CASE_TYPE
 42. EHAL_CHARGE1
 43. EHAL_CHARGE2
 44. EHAL_CHARGE3
 45. EHAL_CHARGE4
 46. EHAL_CHARGE5
 47. EHAL_CHARGE6
 48. EHAL_CHARGING_DOCUMENT_DT
 49. EHAL_CLOCK_ELAPSED_DAYS
 50. EHAL_CLOCK_UPDATED_DT
 51. EHAL_CUSTODY_CLOCK_STATUS
 52. EHAL_CUSTODY_STATUS
 53. EHAL_EOIR42A_DECISION
 54. EHAL_EOIR42A_IND
 55. EHAL_EOIR42B_DECISION
 56. EHAL_EOIR42B_IND
 57. EHAL_EOIR_DECISION
 58. EHAL_EOIR_RECEIVE_DT
 59. EHAL_FINAL_DISPOSITION

60. EHAL_FINAL_DISPOSITION_DT
61. EHAL_HEARING_LOCATION
62. EHAL_HEARING_TYPE
63. EHAL_IMMIG_JUDGE_DECISION
64. EHAL_IMMIG_JUDGE_DECISION_DT
65. EHAL_INITIAL_HEARING_DT
66. EHAL_LAST_HEARING_DT
67. EHAL_MOST_RECENT_PROCEEDING_DT
68. EHAL_MTR_DECISION
69. EHAL_MTR_DECISION_DT
70. EHAL_MTR_RECEIVED_DT
71. EHAL_NATIONALITY
72. EHAL_OTHER_COMPLETED
73. EHAL_RELATIONSHIP_TO_LEAD
74. EHAL_SUSPENSION_DECISION
75. EHAL_SUSPENSION_IND
76. EHAL_VOLUNTARY_DEPARTURE_DCSN
77. EHAL_VOLUNTARY_DEPARTURE_IND
78. EHAL_WH_DECISION
79. EHAL_WITHDRAWAL_DECISION
80. EHAL_WITHDRAWAL_IND

- **81. Sequence number or other designation to identify records relating to the same alien**

Should any information on some fields not be available for the entire period of time our request covers, we ask that all the information be released for whatever period within this time frame an item is available.

Form and format requested. We ask that the information relating to the same alien be provided in a form and format in which all information relating to the same alien can be readily associated. We also ask that the data be released in an electronic format such as in a csv file or files. In the event the agency is not willing to provide the information in the form and format we have requested, we ask that prior to creating the extract that we be consulted for our further input concerning any alternative form or format that is proposed.

Definitions of all codes used in these tables be provided. A number of the requested fields utilize some sort of abbreviation or code to record the information. Our FOIA request includes a request for a current copy of any code files or other records which translate each code into its corresponding meaning.

Supplemental FOIA request for records used in making copies. We further specifically ask under the Freedom of Information Act to be provided with copies of all records indicating the method used -- including but not limited to scripts, commands, batch files, programs and queries -- to produce the copies of the information requested in this letter. We further request any outputs and logs prepared during the process of running these scripts/commands/programs and queries, or prepared to check that the copies are complete and accurate in all particulars.

We request that we be classified as an educational requestor and as a representative of the news media under the provisions of the Freedom of Information Act. The Transactional Records Access Clearinghouse (TRAC) is a research data center at Syracuse University where it is a joint center of the Martin J. Whitman School of Management and the S. I. Newhouse School of Public Communications. Under the direction of its co-directors, Professors Long and Burnham, TRAC carries out an active program of scholarly research. Further, as its name implies, TRAC as part of its educational and service mission also serves as a clearinghouse and regularly responds to inquiries from the press, scholars, public interest groups, and other members of the

public on where to find government information and the specific types of information available. One of our specialties is computerized federal databases maintained by agencies to record day-by-day activities required for managing the agency and reporting on its performance to various oversight bodies. TRAC actively seeks to promote public understanding of both the operation of the federal government's immigration enforcement programs as well as policies promoting transparency and open government practices. We do this through the gathering and dissemination of information on agency day-to-day activities. At TRAC, we actively gather information of interest to the public, transform this information utilizing our editorial and research expertise into various works -- including computerized knowledge bases and reports -- and make these works available to the public. For example, recent TRAC reports on immigration issues can be viewed at: <http://trac.syr.edu/immigration/reports/> and TRAC's immigration data access tools and applications can be found at: <http://trac.syr.edu/immigration/tools/>.

We also request a full waiver of fees. Disclosure of the requested information is in the public interest. These records concern the apprehension of noncitizens and ICE's filing of charges seeking their removal in proceedings before the Immigration Courts. A public debate is currently ongoing on the effective targeting of ICE's limited resources in carrying out this mission. Access to this basic information is fundamental to the public's ability to become informed about these vital government activities. The requested records will be used as part of our educational and public service activities to help individuals and organizations find the information they need concerning agency policies and practices. It will also be used to inform TRAC's own research on these topics. The results from our research should help address these critical gaps in knowledge and thereby contribute significantly to public understanding of the operations and activities of the government. Research results, as has been the case for our previous studies, will be made publicly available and widely distributed through their publication on our web site (<http://trac.syr.edu/immigration>). We have previously provided detailed information to support earlier classification and fee waiver requests, and we incorporate by reference in this request's justification all of the details contained in the August 1, 2006 letter sent on our behalf by our attorneys at Covington & Burling, LLP. Please let us know if you would like us to furnish an additional copy of this letter for your files.

Finally, we call your attention to the strict time limits set for furnishing requested records under 5 U.S.C. 552. We would very much appreciate your prompt action and response on this request.

Should you have any questions, or if we can be of any assistance, please feel free to contact us. You can reach Long at (315) 443-3563 or by email at sulong@syr.edu. Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Susan B. Long". The signature is written in a cursive, flowing style.

Susan B. Long
Co-Director, TRAC and
Associate Professor
Martin J. Whitman School of Management
Syracuse University

A handwritten signature in black ink that reads "David Burnham". The signature is written in a cursive, flowing style.

David Burnham
Co-Director, TRAC and
Associate Research Professor
S.I. Newhouse School of Public Communications
Syracuse University

cc: FOIA Officer
Office of General Counsel
Executive Office for Immigration Review