

From: ice-foia@dhs.gov
Subject: ICE FOIA Request 2017-ICFO-46635
Date: September 18, 2017 at 2:17 PM
To: lernst@acluvt.org



September 18, 2017

VIA EMAIL lernst@acluvt.org

Lia Ernst
ACLU Foundation of Vermont
PO Box 277
Montpelier, VT 05601

RE: ICE FOIA Case Number 2017-ICFO-46635

Dear Lia Ernst:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated September 15, 2017, and to your request for expedited treatment and a waiver of all assessable FOIA fees. Your request was received in this office on September 15, 2017. Specifically, you requested all documents pertaining to 2. All communications with, to, or from any Vermont, New Hampshire, or Maine state or local law enforcement agency—including but not limited to Departments of Motor Vehicles and Departments of Corrections—mentioning, referencing, or referring to immigration enforcement, or to the investigation, arrest, or detention of any individual, and all Records pertaining to any such communications. 3. All communications with, to, or from any Vermont, New Hampshire, or Maine state or local government official mentioning, referencing, or referring to immigration enforcement, “sanctuary” policies, detainers, or “fair and impartial policing,” or to the investigation, arrest, or detention of any individual, and all Records pertaining to any such communications. 4. All communications relating to immigration enforcement with, to, or from any Vermont, New Hampshire, or Maine businesses or business owners, including but not limited to dairy farms and other agricultural operations, and all Records pertaining to any such communications..

Your request for expedited treatment is hereby granted.

As it pertains to your request for a fee waiver, ICE evaluates fee waiver requests under the legal standard set forth above and the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, as incorporated into the Department of Homeland Security’s Freedom of Information Act regulations[[1](#)]. These regulations set forth six factors to examine in determining whether the applicable legal standard for fee waiver has been met. I have considered the following factors in my evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns “the operations or activities of the government”;
- (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be “significant”;
- (5) Whether the requestor has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

Upon review of your request and a careful consideration of the factors listed above, I have determined to grant your request for a fee waiver.

ICE has queried the appropriate program offices within ICE for responsive records. If any responsive

records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please contact FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Your request has been assigned reference number **2017-ICFO-46635**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2017-ICFO-XXXXX tracking number.

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
Visit our FOIA website at www.ice.gov/foia

[\[1\]](#) 6 CFR § 5.11(k).