

EXHIBIT 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IMMIGRANT DEFENSE PROJECT, HISPANIC
INTEREST COLATION OF ALABAMA, and CENTER
FOR CONSTITUTIONAL RIGHTS,

Plaintiffs,

14 Civ. 6117 (JPO)

v.

UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY and
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendants.

**DECLARATION OF FERNANDO PINEIRO
IN SUPPORT OF THE UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY**

I. INTRODUCTION

I, Fernando Pineiro, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Deputy FOIA Officer of the Freedom of Information Act Office (the “ICE FOIA Office”) at U.S. Immigration and Customs Enforcement (“ICE”). I have held this position since December 29, 2013. Prior to this position, I was the FOIA Officer for the office for three years at the Office for Civil Rights and Civil Liberties (CRCL) at the U.S. Department of Homeland Security (DHS). The ICE FOIA office mailing address is 500 12th Street, S.W., STOP 5009, Washington, D.C. 20536-5009.

2. The ICE FOIA Office is responsible for processing and responding to all Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Privacy Act, 5 U.S.C. § 552a, requests received at ICE.

3. As the Deputy FOIA Officer of the ICE FOIA Office, my official duties and responsibilities include the general management, oversight, and supervision of the ICE FOIA Office. I manage and supervise a staff of ICE FOIA Paralegal Specialists, who report to me regarding the processing of FOIA and Privacy Act requests received by ICE. In connection with my official duties and responsibilities, I am familiar with ICE’s procedures for responding to requests for information pursuant to provisions of the FOIA and the Privacy Act. In that respect, I am familiar with ICE’s processing of the FOIA request dated October 17, 2013 that the Immigrant Defense Project, Hispanic Interest Coalition of Alabama, and Center for Constitutional Rights submitted to ICE that is the subject of this litigation.

4. I make this declaration in my official capacity in support of Defendants in the above-captioned action. The statements contained in this declaration are based upon my personal knowledge, my review of documents kept by ICE in the ordinary course of business, and information provided to me by other ICE employees in the course of my official duties.

5. This declaration supplements and incorporates by reference Catrina Pavlik-Keenan’s declaration dated November 18, 2014, styled “Declaration of Catrina Pavlik-Keenan in Support of the United States Immigration and Customs Enforcement Agency’s Proposed Production Schedule,” Record Doc. No. 14-1. Further this declaration provides a description of how ICE received Plaintiff’s FOIA request, how ICE searched for and processed records located in response to Plaintiff’s FOIA request, and how ICE disclosed records located in response to Plaintiff’s FOIA request.

II. PROCEDURAL HISTORY OF THE PLAINTIFF'S FOIA REQUEST AND THE INSTANT LITIGATION

6. In a letter dated October 17, 2013, that was received on October 25, 2013, Plaintiffs' submitted a FOIA request to ICE FOIA. This request also contained a fee waiver request and a request for expedited processing. **A true and complete copy of Plaintiffs' FOIA request is attached to this declaration as Exhibit 1.**

7. In a letter to the Plaintiffs dated October 29, 2013, the ICE FOIA Office acknowledged receipt of the FOIA request and assigned it ICE FOIA case number 2014FOIA1578. **A true and complete copy of the October 29, 2013 acknowledgment letter is attached as Exhibit 2.**

8. In a letter dated November 19, 2013, the Plaintiffs responded to ICE FOIA's letter dated October 29, 2013. This letter was received by the ICE FOIA Office on November 20, 2013. ICE FOIA treated this letter as an appeal because it alleged that ICE FOIA denied Plaintiffs request for a fee waiver. **A true and complete copy of the November 19, 2013 letter is attached as Exhibit 3.**

9. In a letter to the Plaintiffs dated November 25, 2013, the ICE Office of the Principal Legal Advisor (OPLA) acknowledged receipt of the Plaintiffs' appeal request of 2014FOIA1578 and assigned the appeal the following tracking number: OPLA14-1016. **A true and complete copy of the November 25, 2013 letter is attached as Exhibit 4.**

10. In a letter dated and signed on November 27, 2013, OPLA responded to Plaintiffs' appeal requesting a fee waiver and expedited processing. OPLA instructed ICE FOIA to provide Plaintiffs with an opportunity to provide the information required to support the basis for Plaintiffs request for a fee waiver and request for expedited processing; and for the ICE FOIA office, based upon the information Plaintiffs provided in support of Plaintiffs request for a

waiver of duplication fees and request for expedited processing, to respond to Plaintiffs request for a waiver of duplication fees and request for expedited processing. **A true and complete copy of the November 27, 2013 letter is attached as Exhibit 5.**

11. In two letters to the Plaintiffs dated December 13, 2013, the ICE FOIA Office granted Plaintiffs request for a fee waiver and denied Plaintiffs request for expedited processing. **True and complete copies of the December 13, 2013 letters are attached as Exhibit 6.**

12. In a letter dated February 5, 2014, the Plaintiffs responded to ICE FOIA's letters dated December 13, 2013. This letter was received by the ICE FOIA Office on February 11, 2014. ICE FOIA treated this letter as an appeal because it challenged ICE FOIA's denial of Plaintiffs request for expedited processing. **A true and complete copy of the February 5, 2014 letter is attached as Exhibit 7.**

13. In a letter dated and signed on March 10, 2014, OPLA responded to Plaintiffs' appeal challenging ICE FOIA's denial of Plaintiffs request for expedited processing. OPLA affirmed ICE FOIA's denial of Plaintiffs request for expedited processing. **A true and complete copy of the March 10, 2014 letter is attached as Exhibit 8.**

14. On August 5, 2014, Plaintiffs filed a Complaint in the United States District Court for the Southern District of New York for declaratory, injunctive, and other appropriate relief. Plaintiffs allege that the U.S. Immigration and Customs Enforcement and U.S. Department of Homeland Security failed to substantively respond to Plaintiffs FOIA request. As a result of the intervening litigation, the ICE FOIA Office administratively closed Plaintiffs' open request, in accordance with the ICE FOIA Office's standard operating procedures.

15. On November 19, 2014, the Court ordered DHS and ICE to produce documents on a rolling basis, beginning on December 19, 2014. Details of ICE's productions can be found below in section XII.

16. ICE made its final production of documents to Plaintiff on September 3, 2015.

17. On July 17, 2015 Plaintiff filed a Letter with the Court addressing what they believed to be issues with the searches conducted by Defendants.

18. On July 28, 2015, Defendants filed a Letter with the Court in response to Plaintiff's July 17, 2015 letter, denying the alleged search issues and requesting a briefing schedule with the Court.

19. On July 28, 2015, in response to both Letters that were filed with the Court, the Court ordered the parties to appear for a status conference on August 4, 2015.

20. On August 4, 2015, at the court ordered status conference, the Court ordered that the Defendants produce Search Declarations on September 30, 2015.

III. INFORMATION REGARDING ICE'S STANDARD PROCEDURE FOR INITIATING SEARCHES IN RESPONSE TO FOIA REQUESTS AND SEARCHES CONDUCTED IN RESPONSE TO PLAINTIFF'S FILING OF THE COMPLAINT

21. Each program office within ICE has a designated point of contact ("POC") who is the primary person responsible for communications between that program office and the ICE FOIA Office. Each POC is a person with detailed knowledge about the operations of their particular program office. When the ICE FOIA Office receives a FOIA request, its first step is to identify which program offices, based on their experience and knowledge of ICE's program offices, within ICE are reasonably likely to possess records responsive to that request if any and to initiate searches within those program offices. Once the ICE FOIA Office determines the appropriate program offices for a given request, it provides the POCs

within each of those program offices with a copy of the FOIA request and instructs them to conduct a search for responsive records. The POCs then review the FOIA request along with any case-specific instructions that may have been provided, and based on their experience and knowledge of their program office practices and activities, forward the request and instructions to the individual employee(s) or component office(s) within the program office that they believe are reasonably likely to have responsive records, if any. Per the ICE FOIA Office's instructions, the individuals and component offices are directed to conduct searches of their file systems, including both paper files and electronic files, which in their judgment, based on their knowledge of the manner in which they routinely keep records, would most likely be the files to contain responsive documents. Once those searches are completed, the individuals and component offices provide any potentially responsive records to their program office's POC, who in turn provides the records to the ICE FOIA Office. The ICE FOIA Office then reviews the collected records for responsiveness.

22. ICE employees maintain records in several ways. ICE program offices use various systems to maintain records, such as investigative files, records regarding the operation of ICE programs, and administrative records. ICE employees may store electronic records on their individual computer hard drives, their program office's shared drive (if the office uses one), DVDs, CDs, or USB storage devices. The determination of whether or not these electronic locations need to be searched in response to a particular FOIA tasking, as well as how to conduct any necessary searches, is necessarily based on the manner in which the employee maintains his/her files.

23. Additionally, all ICE employees have access to email. ICE uses the Microsoft Outlook email system. Each ICE employee stores their files in the way that works best for that

particular employee. ICE employees use various methods to store their Microsoft Outlook email files: some archive their files monthly, without separating by subject; others archive their email by topic or by program; still others may create PST files of their emails and store them on their hard drive or shared drive.

24. Individual employees archive their own emails according to their individual work-related needs. Individual archives of emails are searched by the individual employees where those employees have identified individual archives containing potentially responsive documents.

IV. DESCRIPTION OF PROGRAM OFFICES TASKED WITH SEARCHING FOR RECORDS IN RESPONSE TO THE PLAINTIFF'S FOIA REQUEST

25. ICE is the principal investigative arm of DHS and the second largest investigative agency in the federal government. Created in 2003 through a merger of the investigative and interior enforcement elements of the U.S. Customs Service and the Immigration and Naturalization Service, ICE now has more than 20,000 employees and offices in all 50 states and 48 foreign countries.

26. On November 7, 2013, upon receipt and review of the Request, the ICE FOIA Office initially determined that because of the subject matter of the FOIA request, there were three (3) offices likely to have records responsive to Plaintiff's request: the ICE Office of Enforcement and Removal Operations ("ERO"), the ICE Office of Homeland Security Investigations ("HSI"), and the ICE Office of the Principal Legal Advisor ("OPLA"). The ICE FOIA Office instructed those specific offices to conduct a comprehensive search for records and to provide all records located during that search to the ICE FOIA Office for review and processing.

27. After a litigation review after the filing of the instant case, on November 5, 2014, the ICE FOIA Office tasked six (6) additional offices that may have also had records responsive to Plaintiff's request: the ICE Office of Professional Responsibility ("OPR"), the ICE Office of Policy ("Policy"), the ICE Office of Training and Development ("OTD"), the ICE Office of Public Affairs ("OPA"), the ICE Office of Detention Policy and Planning ("ODPP"), and the ICE Office of State, Local, and Tribal Coordination ("OSLTC"). The ICE FOIA Office instructed those specific offices to conduct a comprehensive search for records and to provide all records located during that search to the ICE FOIA Office for review and processing. This declaration only addresses the taskings and searches completed by the OPR, Policy, OTD, OPA, ODPP, and OSLTC offices. The FOIA tasking and searches conducted by ERO and HSI are addressed in separate declarations.

28. The ICE HSI directorate is a critical asset in the ICE mission, responsible for investigating a wide range of domestic and international activities arising from the illegal movement of people and goods into, within and out of the United States. HSI uses its legal authority to investigate issues such as immigration crime, human rights violations and human smuggling; smuggling of narcotics, weapons and other types of contraband; and financial crimes, cybercrime and export enforcement issues. In addition to ICE criminal investigations, HSI oversees the agency's international affairs operations and intelligence functions. HSI consists of more than 10,000 employees, of which 6,700 are special agents, assigned to more than 200 cities throughout the United States and in 48 countries around the world.

29. ERO oversees programs and conducts operations to identify and apprehend removable aliens, to detain these individuals when necessary, and to remove illegal aliens from the United States. ERO prioritizes the apprehension, arrest, and removal of convicted criminals,

those who pose a threat to national security, fugitives, recent border entrants, and aliens who thwart immigration controls. ERO manages all logistical aspects of the removal process, including domestic transportation, detention, alternatives to detention programs, bond management, and supervised release. ERO comprises seven headquarters divisions and 24 Field Offices, and more than of 7,600 employees.

30. OPLA provides a full range of legal counsel and services to all ICE offices and programs. OPLA's primary responsibilities include, inter alia, representing the Department in all exclusion, deportation, and removal proceedings; arguing administrative appeals before the Board of Immigration Appeals; providing direction and support to U.S. Attorney's Offices nationwide; counseling ICE clients on removal order reinstatements, administrative removal orders, and expedited removals; reviewing legislative and regulatory proposals; and providing legal training and ethics guidance to all ICE personnel. OPLA is the largest legal program in the Department of Homeland Security, providing legal advice, training, and services in cases related to the ICE mission.

31. OPR is responsible for investigating allegations of employee misconduct impartially, independently, and thoroughly. OPR prepares comprehensive reports of investigation for judicial or management action. OPR inspects and reviews ICE offices, operations and processes in order to provide executive management with an independent review of the agency's organizational health and assess the effectiveness and efficiency of the overall ICE mission. Additionally, OPR screens potential ICE employees for character and suitability.

32. The ICE Office of Policy's mission is to identify, develop, and effectively communicate agency priorities and policies; improve the agency's ability to identify trends, compare threats, and manage risk; and oversee the regulatory process.

33. OTD plays an essential role in supporting ICE's national security and law enforcement mission. OTD supports ICE employees in the development of the knowledge, skills, and abilities required to reduce America's vulnerabilities and prevent terrorist attacks.

34. OPA builds public understanding and support for the agency's mission by engaging with the news media, federal, state and local agencies and non-governmental organizations and working closely with internal stakeholders to inform and engage ICE employees. OPA, headquartered at Potomac Center North (PCN), 500 12th Street, SW in Washington, D.C. is comprised of two operational branches: media relations, strategic communications and mission support branch. The Media Relations Branch includes 30 public affair officers located in Washington, D.C. and around the country who are responsible for responding to local, national and international media inquiries, planning press events, crafting agency messaging and developing media campaigns. The Strategic Communications Branch of public affairs oversees the development and production of a wide variety of online, print and multi-media products, as well as writing executive level speeches, internal communication, managing ICE's online presence and developing national marketing plans for ICE and its programs.

35. ODPP leads ICE's efforts to improve the current immigration detention system, an effort which requires extensive collaboration and consultation with both internal and external stakeholders. ODPP is charged with designing a detention system that meets the unique needs of ICE's detained population. ODPP will shape the future design, location and standards for civil Immigration detention facilities so that ICE no longer relies primarily on existing penal models.

36. OSLTC is responsible for building and improving relationships and coordinating partnership activities for multiple stakeholders - including state, local and tribal governments,

law enforcement agencies (LEAs) and associations, and non-governmental organizations (NGO). ICE created OSLTC in December 2007 to facilitate partnerships with state, local and tribal LEAs and provide outreach support to ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security), an umbrella partnership program. In 2010, ICE expanded OSLTC's mission to include a deeper focus on stakeholder outreach to promote public safety, national security and border integrity. OSLTC's goals and objectives recognize the importance of constructive outreach to all jurisdictions, law enforcement, and local officials.

V. OPLA'S SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST

37. On November 7, 2013, the ICE FOIA Office forwarded the Request to OPLA instructing OPLA to search for and provide the ICE FOIA Office with all documentation concerning the Request. The FOIA Program Coordinator for OPLA received the FOIA request and reviewed the substance of the request; and based on experience and knowledge of OPLA's practices and activities, tasked the District Court Litigation Division (DCLD), to conduct a search for responsive documents. DCLD responded on November 15, 2013, indicating that OPLA did not possess any records, as OPLA did not have any involvement in home enforcement operation matters, and therefore a search would not be reasonably calculated to uncover any relevant documents.

38. After a litigation review, on October 21, 2014, the ICE Office of the Principal Legal Advisor Government Information Law Division (OPLA/GILD) coordinated with the OPLA FOIA Program Coordinator to conduct an additional search for and provide the ICE FOIA Office with all documentation concerning the Request. The OPLA FOIA Program Coordinator received the FOIA request again, and tasked the Deputy Chief of the OPLA District Court Litigation Division (DCLD) to conduct a search for responsive documents. The Deputy Chief

search for 3 hours, within paper files and within the litigation folders on the OPLA shared drive. OPLA located responsive documentation, which was provided to ICE FOIA on November 5, 2014, and released to the Plaintiff in rolling productions between December 19, 2014 and March 19, 2015.

VI. OPR'S SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST

39. OPR was not tasked after receipt of the initial FOIA request. However, after a litigation review in the instant case, on November 5, 2014, the ICE FOIA Office forwarded the Request to OPR instructing OPR to search for and provide the ICE FOIA Office with all documentation concerning the Request. The FOIA POC in OPR received the FOIA request and reviewed its substance, and based on experience and knowledge of OPR's practices and activities, a Management & Program Analyst within OPR was tasked with the FOIA request. The Management and Program Analyst searched the Joint Integrity Case Management System (JICMS), which is the primary case management and supervisory tool for OPR during the conduct of criminal investigations, management referrals, and/or administrative inquiries, and contains case data and information gathered in the course of inquiries or investigations. The Management and Program Analyst used the search terms "enforcement operations", "raid", "search warrant", "false arrest", "home confinement", "home arrest", "home enforcement", "contraband seizure", and "home enforcement operations." OPR located responsive documentation, which was provided to ICE FOIA on November 14, 2014 and released to the Plaintiff in rolling productions between December 19, 2014 and March 19, 2015.

VII. POLICY'S SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST

40. The Office of Policy was not tasked after receipt of the initial FOIA request. However, after a litigation review in the instant case, on November 5, 2014, the ICE FOIA

Office forwarded the Request to the Office of Policy instructing Policy to search for and provide the ICE FOIA Office with all documentation concerning the Request. A FOIA POC in the Office of Policy received the FOIA request and reviewed its substance, and based on experience and knowledge of the program office's activities, tasked a Policy Analyst to conduct a search of the ICE Policy common drive where all ICE Policies are stored. The Policy Analyst did not use any search terms, as based on their knowledge of where all ICE Policies are stored, responded to ICE FOIA with all responsive Policy documentation after accessing the responsive Policies on the Policy common drive. The responsive documentation was remitted to the ICE FOIA Office on November 5, 2015, and released to the Plaintiff in rolling productions between December 19, 2014 and March 19, 2015.

VIII. OTD'S SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST

41. The Office of Training and Development was not tasked after receipt of the initial FOIA request. However, after a litigation review in the instant case, on November 5, 2014, the ICE FOIA Office forwarded the Request to the Office of Training and Development (OTD), instructing OTD to search for and provide the ICE FOIA Office with all documentation concerning the Request. A FOIA POC in OTD received the FOIA request and reviewed its substance, and based on subject matter expertise and knowledge of OTD's practices and activities, determined that the Chief of Staff should be tasked to search, as she would be reasonably likely to have responsive records, if any. The Chief of Staff responded to the tasking sent by the ICE FOIA Office on November 5, 2014, indicating that OTD doesn't have involvement with home enforcement operations matters, and therefore a search would not be reasonably calculated to uncover any relevant documents.

42. After a further review in the instant case based on the fact that previously received documents indicated there may be additional responsive documents, on January 28, 2015, the ICE FOIA Office re-tasked OTD with instructions to conduct an additional search for and provide the ICE FOIA Office with all documentation concerning the Request. The OTD FOIA POC received the request, re-reviewed its substance, and based on subject matter expertise and knowledge of OTD's practices and activities determined that the ERO Training Division Chief should be tasked to search, as he would be reasonably likely to have responsive records, if any. The ERO Training Division Chief searched local shared drives, using the search terms "operation", "residence", "enforcement", "priorities", "evidence", "authority", "constitutional protection", "4th amendment", and "fugitive". The ERO Training Division Chief located responsive documentation, which was provided to ICE FOIA on January 30, 2015, and released to the Plaintiff in rolling productions between December 19, 2014 and March 19, 2015.

IX. OPA'S SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST

43. The Office of Public Affairs was not tasked after receipt of the initial FOIA request, however, after a litigation review in the instant case, on November 5, 2014, the ICE FOIA Office forwarded the Request to the Office of Public Affairs (OPA), instructing OPA to search for and provide the ICE FOIA Office with all documentation concerning the Request. A FOIA POC in OPA received the FOIA request and reviewed its substance, and based on experience and knowledge of OPA's practices and activities, determined that a Management Program Analyst should be tasked to search, as she would be reasonably likely to have responsive records, if any. The Management Program Analyst responded to the tasking sent by the ICE FOIA Office on November 5, 2014, indicating that OPA doesn't have involvement with

home enforcement operations matters, and therefore a search would not be reasonably calculated to uncover any relevant documents.

X. ODPP'S SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST

44. The Office of Detention Policy and Planning was not tasked after receipt of the initial FOIA request. However, after a litigation review in the instant case, on November 5, 2014, the ICE FOIA Office forwarded the Request to the Office of Detention Policy and Planning (ODPP), instructing ODPP to search for and provide the ICE FOIA Office with all documentation concerning the Request. A FOIA POC in ODPP received the FOIA request and reviewed its substance, and based on subject matter expertise and knowledge of ODPP's practices and activities, determined that the Chief of Staff should be tasked to search, as he would be reasonably likely to have responsive records, if any. The Chief of Staff responded to the tasking sent by the ICE FOIA Office on November 5, 2014, indicating that ODPP doesn't have involvement with home enforcement operations matters, and therefore a search would not be reasonably calculated to uncover any relevant documents.

XI. OSLTC'S SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST

45. The Office of State, Local and Tribal Coordination was not tasked after receipt of the initial FOIA request. However, after a litigation review in the instant case, on November 5, 2014, the ICE FOIA Office forwarded the Request to the Office of State Local and Tribal Coordination (OSLTC), instructing OSLTC to search for and provide the ICE FOIA Office with all documentation concerning the Request. A FOIA POC in OSLTC received the FOIA request and reviewed its substance, and based on subject matter expertise and knowledge of OSLTC's practices and activities, determined that the Chief of Staff should be tasked to search, as he would be reasonably likely to have responsive records, if any. The Chief of Staff responded to

the tasking sent by the ICE FOIA Office on November 5, 2014, indicating that OSLTC doesn't have involvement with home enforcement operations matters as their mission pertains to outreach and not operations, and therefore a search would not be reasonably calculated to uncover any relevant documents.

XII. ICE FOIA'S PRODUCTIONS

46. In December 2014, ICE FOIA began processing the records received from the 8 program offices tasked to conduct searches. Records received by the ICE FOIA Office from the program office FOIA POC(s) pertaining to active litigations are assigned to the FOIA Litigation team. The FOIA processor assigned reviews the records to determine whether information should be withheld pursuant to the FOIA or the PA while being certain that all reasonably segregated non-exempt information is released. Frequently the ICE FOIA office must coordinate between multiple program offices when reviewing records to ensure exemptions are properly applied and information correctly segregated.

47. On December 19, 2014, the ICE FOIA Office made its first production of responsive material and mailed to Plaintiffs one thousand five hundred forty-seven (1,547) pages of responsive records.

48. On January 16, 2015, the ICE FOIA Office made its second production of responsive material and mailed to Plaintiffs five hundred sixty-four (564) pages of responsive records.

49. On January 20, 2015 the ICE FOIA Office made its third production of responsive material and mailed to Plaintiffs eight hundred sixty-two (862) pages of responsive records.

50. On January 30, 2015 the ICE FOIA Office made its fourth production of responsive material and mailed to Plaintiffs five hundred seventy-six (576) pages of responsive records

51. On February 19, 2015, the ICE FOIA Office made its fifth production of responsive material and mailed to Plaintiffs two thousand seventy-five (2,075) pages of responsive records.

52. On March 19, 2015, the ICE FOIA Office made its sixth production of responsive material and mailed to the Plaintiffs the final production of four hundred forty-one (441) pages of responsive records.

53. On May 22, 2015, the ICE FOIA Office mailed to the Plaintiffs a supplemental re-release of the March 22, 2015 production, correcting the ordering of the documents. ICE FOIA also included an additional 4 pages that were missing from the March 19, 2015 production, bringing the total page count for the May 22, 2015 release to 445 pages.

54. On August 31, 2015, the ICE FOIA Office mailed to the Plaintiffs a supplemental re-release of the originally produced documents released between the months of December 2014, and May 2015. ICE released 254 pages of re-processed records. Additionally, 1 page identified as missing from the February 19, 2015 production and 6 additional pages located pursuant to a search of the ICE Office of Enforcement and Removal Operations were released to the Plaintiffs.¹

55. On September 3, 2015, the DHS Office for Civil Rights and Civil Liberties (CRCL) referred to ICE responsive documents involved in this litigation. On September 25, 2015, after review and processing, ICE produced six hundred forty-one (641) pages to the Plaintiffs.

¹ The search that uncovered these 6 additional pages is discussed in detail in the ERO declaration.

XIII. PLAINTIFF'S SPECIFIC SEARCH ALLEGATIONS

56. By letters dated May 22, 2015, and July 17, 2015, Plaintiff made several allegations regarding the sufficiency of the searches conducted by ICE. Each of these allegations relates to searches conducted by ERO and/or HSI, and have been addressed in each of their respective declarations.

XIV. JURAT CLAUSE

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief. Signed this 30th day of September 2015.



Fernando Pineiro, Deputy FOIA Officer
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