



U.S. Immigration
and Customs
Enforcement

September 22, 2010

Susan B. Long
Transactional Records Access Clearinghouse
Suite 360, Newhouse II
Syracuse University
Syracuse, NY 13244

RE: ICE FOIA Case Number 2010FOIA4313

Dear Dr. Long:

This letter provides a fee estimate applicable to processing records responsive to your May 17, 2010, Freedom of Information Act (FOIA) request. You requested copies of anonymous alien-by-alien data covered by the Enforcement Case Tracking System and related modules for individuals and events included in ICE's official arrest, detention and removal statistics, or for whom charging documents were issued.

ICE's acknowledgement of your request notified you that you were placed in the "all other" requester category. Pursuant to the DHS implementing regulations, 6 C.F.R. § 5.11, "all other" or non-commercial requesters are responsible to pay 10-cents a page for duplication, although the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher.

As you were informed during your conference call with this office on August 6, 2010, ICE cannot provide statistical information for all 45 categories identified in Attachment A of your FOIA request. I have attached a spreadsheet from ICE's Enforcement and Removal Operations Directorate (ERO) that details the categories for which we are able to provide statistical information, the categories for which we are unable to provide statistical information, and notes categories for which we are able to provide a partial response or substitute information. It is estimated that it would take approximately 13 weeks to compile the statistical information that we are able to produce. This data comes from a complex information system, which requires multiple queries and a cumbersome and time-consuming process to extract, combine, and export that data into a useable format. As you are seeking statistical information from October 2004 through the present, the result could potentially be millions of rows of data.

You will be billed for the direct costs of producing this data, in accordance with 6 C.F.R. § 5.11, as well as for the reasonable charges for documents search.¹ It is estimated that the overall fee to process your request will equal approximately **\$450,000.00**.

¹ 5 U.S.C. § 552(a)(4)(A)(ii)(III).

Direct costs will include actual expenses incurred in duplicating records to respond to a FOIA request. This includes the salary of the employee(s) performing the work plus 16% of that rate to cover benefits, and the cost of operating duplication machinery after the first 100 pages of duplication. Additionally, reasonable charges for time spent searching are assessed by the hourly wage of the personnel filling the request.² For computer searches of records, you will be charged the direct costs of conducting the search, after the first two hours of search time. Your request will not be considered received and further work will not be done on your request until you make a firm commitment to pay the anticipated total fee of **\$450,000.00**, memorialized in writing and received by the ICE FOIA Office within 10 days from the date of this letter. Also, because the fee is estimated above \$250.00, the agency requests that you pay half the cost (**\$225,000.00**) before this office will begin processing the records. You may send your agreement to pay estimated fees, including a payment of at least **\$225,000.00**, made payable to the Treasury of the United States, to this office via mail or facsimile to:

Freedom of Information Act Office
U.S. Immigration and Customs Enforcement
800 North Capitol Street, N.W.
5th Floor, Suite 585
Washington, DC 20536-5009
Fax: (202) 732-0310

Once ICE receives written confirmation of your willingness to pay the total estimated processing fees and half of the estimated payment the agency will immediately begin the search for documents responsive to your request. In its final response to your FOIA request, ICE will adjust the processing fee as necessary to reflect the actual costs for search, review, and duplication if those fees do not match the estimated fees provided above. In the event that records are processed for which payment is not received, those records may not be released until payment is received.

In the alternative, you may narrow the scope of your request to reduce the universe of responsive records. If you wish to narrow the scope, please send an amended request and indicate the processing fee amount you are willing to pay within 10 days from the date of this letter.

If ICE does not receive written confirmation of your willingness to pay the total estimated processing fee amount of **\$450,000.00** or an amended request within 10 days from the date of this letter, the agency will consider this request withdrawn, and will administratively close your request file.

You have the right to appeal this determination to deny your request for a waiver of fees. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter to: U.S. Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, 800 North Capitol Street, N.W., Room 585, Washington, D.C. 20536-5009. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

² See *Federal Register, Rules and Regulations*, Vol. 68, No. 17, Monday, January 27, 2003.

If you have any questions regarding this matter, you may contact Bradley E. White at (202) 732-0303 or via email at bradley.white@dhs.gov. Please refer to FOIA case number **2010FOIA4313** in all future correspondence.

Sincerely,



Catrina M. Pavlik-Keenan
FOIA Officer