



U.S. Immigration
and Customs
Enforcement

Rec'd
7-31-12
pbs

July 26, 2012

SUSAN B. LONG
TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE
SYRACUSE UNIVERSITY
360 NEWHOUSE II
SYRACUSE, NY 13244

RE: **ICE FOIA Case Number 2012FOIA14731**

Dear Dr. Long:

This letter is sent with regard to your Freedom of Information Act/Privacy Act (FOIA/PA) request to U.S. Immigration and Customs Enforcement (ICE), dated June 12, 2012, seeking information relating to Notice to Appear (NTA) filed in the Immigration Courts during the first four months of 2012. Specifically, you have requested the following information for each case identified:

1. The date the NTA was issued;
2. The date the NTA was filed in Immigration Court;
3. Whether ICE or CBP issued the NTA;
4. Whether the Border Patrol issued the NTA;
5. Whether ICE or CBP filed the NTA in Immigration Court;
6. Whether the Border Patrol filed the NTA in Immigration Court;
7. The name of the Immigration Court in which the NTA was filed;
8. The name of the hearing location in which assigned;
9. The name of the Immigration Judge to whom the case was originally assigned;
10. The name of the current Immigration Court;
11. The name of the current hearing location;
12. The name of the current Immigration Judge to whom the case is assigned;
13. The date the Notice to Appear was filed in Immigration Court;
14. The charges filed as the basis for the removal request in Immigration Court;
15. Whether or not the alien has agreed to a stipulated order of removal;
16. The date the alien agreed to a stipulated order of removal;
17. The forms of relief (if any) sought in the case by the alien;
18. The disposition date by the Immigration Court;
19. The nature of the final disposition decision;
20. The decisions on requests for relief, by type of relief requested;
21. The date of filing any E-28s by attorneys or representatives, if any;
22. The date of filing any G-28 forms for this individuals;
23. The date of initial entry into ICE custody;

24. The date of final release from ICE custody;
25. The reason for final release;
26. Whether or not the alien is an immediate relative of a U.S. Citizen;
27. Whether or not the alien is a college student or college graduate;
28. Whether or not the alien entered the country when they were under 16;
29. Whether or not the alien has lived in the country for more than 5 years;
30. The alien's gender;
31. The alien's country of birth;
32. The alien's country of citizenship;
33. The alien's age;
34. The alien's year of birth;
35. Whether or not the alien is a legal permanent resident;
36. Whether or not the alien has received employment authorization in the past;
37. Whether or not the alien currently has employment authorization;
38. The date of the alien's original entry;
39. The alien's original entry status;
40. The alien's most serious criminal charge;
41. The date of the alien's most serious criminal charge;
42. The status of the alien's most serious criminal charge;
43. The NCIC code for the most serious criminal charge for which the alien was convicted;
44. The date of the alien's most serious criminal conviction;
45. The alien's SC level;
46. The alien's ICE threat level;
47. Whether or not the alien is an aggravated felon;
48. The current case category;
49. The current program code; and
50. Information allowing the identification of each unique individual.

Your request was received in this office on June 13, 2012.

Pursuant to DHS regulations, set forth at 6 C.F.R. § 5.3(b), ICE has determined that you have not submitted a perfected request due to the fact that your request is unreasonably burdensome. Each item of your FOIA request has been reviewed in detail and it has been determined that it is not possible for ICE to respond to your request for the following reasons:

- (1) **Your request is unduly burdensome.** ICE does not maintain a list or report of all NTAs filed with the Immigration Courts for any particular time period. Without such information, it would be unreasonably burdensome for ICE to search for information regarding NTAs filed within the scope of this request;
- (2) **ICE does not record the data you seek in an electronic form;**
- (3) **ICE does not have the capability of searching/pulling the data you seek from electronic files;**
- (4) **Your request would require ICE to create a new record.** Because these records are neither recorded nor stored in an electronically searchable format, in order to respond to your request ICE would have to conduct a manual search of individual case files, some of which are in the possession of other DHS

- components, and then transcribe that information into a new record. ICE is not required to create a new record in order to respond to a request under the FOIA;
- (5) **The data you seek may not be available, even upon a manual review of each case file.** A date-stamped copy of a filed NTA may not exist in every case file within the scope of your request, and the date an NTA was filed may not have been otherwise recorded within the case file; and
 - (6) **Your request contains vague terms.** There are several items in your request that use terms that are ambiguous or unclear, for which it would be unreasonable to conduct a search.

Based on the considerations above, you may wish to narrow your request.

Should you choose to narrow the scope of your request, please re-submit your request to this office, in writing, within 15 business days of the date of this letter. If we do not receive an amended request from you within 15 business days, we will assume that you are no longer interested in pursuing your FOIA request, and will consider your request withdrawn.

This is not a denial of your request. Upon receipt of a perfected request, you will be advised as to the status of your request.

If you have any questions or would like to discuss this matter, please contact this office at (866) 633-1182 to make an appointment. Please refer to FOIA case number **2012FOIA14371**.

Sincerely,

Handwritten signature of Katrina M. Pavlik-Keenan in black ink, with the letters 'M', 'K', and 'P' being particularly prominent.

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosures: Your June 12, 2012 FOIA Request



Transactional Records Access Clearinghouse
Syracuse University

June 12, 2012

Catrina Pavlik-Keenan, FOIA Director
U.S. Immigration and Customs Enforcement
500 12th Street, S.W.
Washington, DC 20536-5009

Re: FOIA request for case-by-case information on NTAs filed in the Immigration Courts during the first four months of FY 2012

Dear FOIA Director Pavlik-Keenan:

Under the provisions of the Freedom of Information Act we are requesting anonymous case-by-case information on each NTA filed in the Immigration Courts in the first four months of calendar 2012. An ICE document recently released to New York Times reporter Julian Preston stated that some 75,044 new NTAs were filed during this period. (See <http://www.documentcloud.org/documents/367098-ice-review-stats.html>.)

We ask that this data be provided in machine-readable form, such as in a spreadsheet or csv file. We further asked to be separately provided with the complete definitions of any codes used originally to record data in each field, and the code they correspond with.

For each case, we ask to be provided with the following items of information:

1. date NTA was issued
2. date NTA was filed in Immigration Court
3. whether ICE or CBP issued the NTA
4. whether the Border Patrol issued the NTA (yes/no)
5. whether ICE or CBP filed the NTA in Immigration Court
6. whether the Border Patrol filed the NTA in Immigration Court (yes/no)
7. name of Immigration Court in which filed
8. name of hearing location in which assigned
9. name of Immigration Judge to whom case originally assigned
10. name of current Immigration Court case is assigned
11. name of current hearing location case is assigned
12. name of current Immigration Judge to whom the case is assigned
13. date notice to appear filed in Immigration Court
14. charge(s) filed as basis for removal request in Immigration Court
15. has alien agreed to a stipulated order of removal (yes/no)
16. date alien agreed to a stipulated order of removal
17. forms of relief (if any) sought in the case by alien
18. disposition date by Immigration Court

19. nature of final disposition decision (removal, vol departure, terminated, relief ordered, administrative closure etc.)
20. decision(s) on requests for relief, by type of relief requested
21. date of filings of any E-28(s) by attorney(s) or representative(s) if any
22. date of filings of any G-28 forms for this individual
23. date of initial entry into ICE custody
24. date of final release from ICE custody
25. reason for final release
26. immediate relative a U.S. citizen (yes/no)
27. college student or college graduate (yes/no)
28. entered country when they were under 16 (yes/no)
29. have lived in the country more than 5 years (yes/no)
30. gender
31. country of birth
32. country of citizenship
33. age
34. year of birth
35. a legal permanent resident (yes/no)
36. has received employment authorization in the past (yes/no)
37. currently has employment authorization (yes/no)
38. date of original entry
39. original entry status
40. most serious criminal charge
41. date of most serious criminal charge
42. status of most serious criminal charge
43. NCIC code for most serious criminal charge convicted of
44. date of most serious criminal conviction
45. SC Level
46. ICE Threat Level
47. aggravated felon (yes/no)
48. current case category
49. current program code
50. information allowing identification of each unique individual

We request that we be classified as a representative of the news media under the provisions of the Freedom of Information Act, and as representatives of an educational or noncommercial scientific institution, whose purpose includes scholarly, scientific research. TRAC is a research data center at Syracuse University, and under the direction of its co-directors, Long and Burnham, carries out an active program of scholarly research. 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 the operation of the federal government's immigration enforcement programs through the gathering and dissemination of this information. At TRAC, we actively gather information of interest to the public, transform this information utilizing our editorial and research expertise into various works --

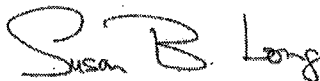
including computerized knowledge bases and reports -- and make these works available to the public. Recent TRAC reports on immigration issues can be viewed at: <http://trac.syr.edu/immigration/reports/>.

We also request a full waiver of fees. Disclosure of the requested information is in the public interest. These data concern alien removals—a key ingredient in the federal government's immigration enforcement program. Access to this basic information is fundamental to the public's ability to become informed about these vital government activities. It is the source for key performance measures the agency is required to prepare, and is used in support of the agency's budget requests. 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 with respect to alien removal. 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,



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



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

Law, Ryan A

From: TRAC <trac@syr.edu>
Sent: Tuesday, June 12, 2012 1:22 PM
To: ICE-FOIA@dhs.gov
Subject: FOIA request
Attachments: NTAcase-by-case_Jan-Apr2012.pdf

Dear FOIA Officer,

Please see a FOIA request for case-by-case information on NTA's filed in the Immigration Courts during the first four months of FY 2012 from Dr.

Susan B. Long and David Burnham, TRAC Co-directors attached. Please acknowledge receipt and inform us when we can expect to receive this data. Thank you.

Transactional Records Access Clearinghouse Suite 360 Newhouse II Syracuse University Syracuse, New York 13244
315-443-3563
<http://trac.syr.edu>

Request Intake

Requester: Susan Long

Date 6/13/12

- New Request
- Consult for Response to Agency
- Referral for Response to Requestor

- SIMPLE
- COMPLEX

- Sutton
- Long
- Smith
- Lee
- Rosenblum

Send:

- Acknowledgement Letter
- Identity Certification
- Third Party Authorization
- NMI / Too Broad / "No Questions" Letter
- Send No Correspondence to Requester

Fee Category:

- Individual
- Commercial
- Educational
- Media / Press
- Other

Task the following:

- ERO
- OAO
- OHC
- ELR
- OPR
- HSI
- OPLA

- OAM
- OCIO
- OCR
- EEO
- OSLTC
- NFFTU
- CFO

- OAS
- OPA
- FOIA
- OTD
- OIA
- ODPP
- DIHS

- POLICY
- Other: _____
- _____
- _____
- _____
- _____

Refer to:

- USCIS
- NPPD
- FLETC
- DHS
- EOIR (DoJ)
- USMS
- _____

NOTES:

ERO + OPLA

Significant Factors:

- High Profile
- Media Request
- Tagged Request
- ~~Fee Abeyance~~
- Fee Waiver Grant
- Fee Waiver Denial
- Expedite Grant
- Expedite Denial

- Medical Records
- Unperfected
- Indigence Letter

Fee Conditional Grant