



**U.S. Immigration
and Customs
Enforcement**

February 21, 2013

Mr. Mark Graham
Mark@freewayblogging.com

Via E-Mail

RE: ICE FOIA Case Number 2012FOIA100

Dear Mr. Graham:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated September 26, 2011. You have requested copies of documents detailing ICE's policies and procedures for conducting searches and investigations. Your request also seeks answers to a number of questions.

Please accept my sincere apologies for the delay in ICE's response to your request. We strive to provide a timely response to every single individual who submits a FOIA and/or Privacy Act request to ICE. We failed to do so in your case. I appreciate your patience and willingness to work with us as we complied with your request.

As we discussed via telephone on February 8, 2013, the FOIA does not require federal agencies to answer questions posed as FOIA requests, but rather is limited to providing access to reasonably described, non-exempt records. Although we are unable to answer your specific questions, ICE has conducted a search for records that contain information that may answer your questions.

A search of the ICE Office of Homeland Security Investigations (HSI), the ICE Office of Enforcement and Removal Operations (ERO) and the ICE Office of Policy was conducted for records that would be responsive to your request. Our search identified 267 pages of potentially responsive documents. After review of those documents, I determined that 243 pages were not responsive to your request¹. The remaining 24 pages will be released to you; however, portions of those documents will be withheld pursuant to Exemption 7(E) of the FOIA as described below.

As we discussed on February 8, 2013, a second search was conducted for records that would be responsive to your request. This search was conducted because I felt that our initial search had not uncovered all of the records you had requested. Our supplemental search identified 26 additional responsive pages. After review, I determined that portions of those documents will be withheld pursuant to Exemption 7(E) of the FOIA as described below.

¹ These non-responsive documents were determined to be outside the scope of your request because they did not contain information concerning ICE's policies and procedures for conducting searches and/or investigations.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

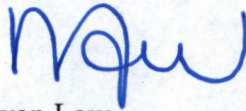
You have the right to appeal ICE's determination. Should you wish to do so, send your appeal and a copy of this letter to: U.S. Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, Freedom of Information Office, 500 12th Street, S.W., Stop 5009 Washington, D.C. 20536-5009, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Due to the significant delay in our response, I have decided to grant you a discretionary waiver of all applicable billable search and duplication costs associated with this request.

If you need to contact our office about this matter, please refer to FOIA case number **2012FOIA100**. This office can be reached at (866) 633-1182.

Sincerely,



Ryan Law
Deputy FOIA Officer

Enclosure(s): 50 pages