



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

May 16, 2013

VIA E-MAIL AND REGULAR U.S. POSTAL SERVICE

Mark Graham
P.O. Box 72652
Davis, California 95617

RE: OPLA13-790, 2012FOIA100

Dear Mr. Graham:

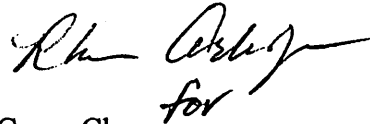
This is in response to your letter dated April 17, 2013 appealing the adverse determination by the U.S. Immigration and Customs Enforcement (ICE), Freedom of Information Act (FOIA) Office in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request. The initial request asked for copies of documents that describe ICE's policies and procedures for conducting searches and copies of documents that describe ICE's policies and procedures for conducting investigations. Your request also sought answers to a number of questions.

In a letter dated February 21, 2013, the ICE FOIA Office advised you that "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." In addition, ICE FOIA advised that an initial 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. Of the 267 pages identified as potentially responsive documents, 243 pages were determined to be non-responsive. Twenty-four pages were released to you with portions withheld pursuant to Exemption (b)(7)(E) of the FOIA. The justifications for the application of this exemption and the withholding of portions of the records were provided in the February 21, 2013 letter. The ICE FOIA Office also advised that on February 8, 2013 a second search was conducted which identified 26 additional responsive documents. Portions of the 26 pages were withheld pursuant to Exemption (b)(7)(E) of the FOIA. The justifications for the application of this exemption and the withholding of portions of the records were provided in the February 21, 2013 letter.

Upon review of the administrative record and your appeal letter dated April 17, 2013, ICE has determined that there may be additional non-exempt information that can be released to you. Therefore, ICE is remanding the documents in this matter for further review, reprocessing, and any further release of non-exempt information to you. ICE has also determined that it is likely that additional responsive records may be found in locations the agency has not yet searched. ICE is therefore remanding your appeal to the ICE FOIA Office for processing and re-tasking to the appropriate agency/office(s) to obtain any responsive documents.

Should you have any questions regarding this appeal remand, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word "appeal", your appeal number, which is **OPLA12-790** and the FOIA case number, which is **2012FOIA100**.

Sincerely,

A handwritten signature in black ink, appearing to read "Grace Cheng", with a stylized flourish extending to the right. Below the signature, the word "for" is written in a smaller, cursive script.

Grace Cheng
Chief, Government Information Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security