

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



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

November 01, 2022

Mehreen Rasheed
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

RE: ICE FOIA Case Number 2020-ICFO-43434

Dear Ms. Rasheed:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated May 18, 2020. You have requested various categories of records pertaining to the new Office of the Immigration Detention Ombudsman. ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of the Director for records responsive to your request produced 45 pages that are responsive to your request. After review of those documents, I have determined that 2 pages will be released in their entirety and portions of 43 pages will be withheld pursuant to Exemptions (b)(6) and (b)(7)(C) of the FOIA as described below.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure the names, e-mail addresses, and phone numbers of DHS employees contained within the documents.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. You may submit your appeal electronically at GILDFOIAAppeals@ice.dhs.gov or via regular mail to:

U.S. Immigration and Customs Enforcement

Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2020-ICFO-43434**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Marcus Francis, in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Small", with a stylized flourish at the end.

K. Small
Supervisory Paralegal Specialist

Enclosure(s): 45 page(s)

Page 01

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Non Responsive Record

of the Freedom of Information and Privacy Act

Page 02

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Page 09

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From: (b)(6); (b)(7)(C)
Sent: Mon, 3 Feb 2020 13:21:51 +0000
To: (b)(6); (b)(7)(C)
Subject: RE: Follow Up/Office of the Immigration Detention Ombudsman

That would be my recommendation

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Feb 03, 2020, 8:15 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: FW: Follow Up/Office of the Immigration Detention Ombudsman

Presume (b)(6); (b)(7)(C)

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @hq.dhs.gov>
Date: Monday, Feb 03, 2020, 8:00 AM
To: (b)(6); (b)(7)(C) @cbp.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @HQ.DHS.GOV>, (b)(6); (b)(7)(C) @HQ.DHS.GOV>, (b)(6); (b)(7)(C) @cisa.dhs.gov>, (b)(6); (b)(7)(C) @tsa.dhs.gov>, (b)(6); (b)(7)(C) @HQ.DHS.GOV>, (b)(6); (b)(7)(C) @fema.dhs.gov>, (b)(6); (b)(7)(C) @fletc.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @oig.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @HQ.DHS.GOV>, (b)(6); (b)(7)(C) @HQ.DHS.GOV>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @tsa.dhs.gov>, (b)(6); (b)(7)(C) @uscis.dhs.gov>, (b)(6); (b)(7)(C) @uscg.mil>, (b)(6); (b)(7)(C) @ussc.dhs.gov>
Cc: (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @hq.dhs.gov>, (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Follow Up/Office of the Immigration Detention Ombudsman

Good morning, Chiefs of Staff and DHS leaders!

As you may have heard by now, Acting Deputy Secretary Cuccinelli has asked (b)(6); (b)(7)(C) and me to help stand up the new Office of the Immigration Detention Ombudsman (OIDO). For your convenience, I have attached the memo Mr. Cuccinelli circulated last week, which lays out some of the details.

As you can imagine, a project like this will require extensive engagement with other DHS components, and we hope to solicit your input regularly as we move forward. To that end, I'd like to request that you provide us with a senior-level point of contact for your office. (b)(6); (b)(7)(C) and I are also hoping to convene a meeting in short order with the component principals and/or CoSs to get the process going and sketch out the early steps. I will send a follow-up email with more information and proposed meeting dates/times.

Please let us know your availability as soon as practicable thereafter and we will schedule the meeting promptly.

Please feel free to call me anytime with questions.

Sincerely,

(b)(6); (b)(7)(C)

202-897-(b)(6);

From: (b)(6); (b)(7)(C)
Sent: Mon, 3 Feb 2020 13:39:09 +0000
To: (b)(6); (b)(7)(C)
Subject: RE: Follow Up/Office of the Immigration Detention Ombudsman

Sounds good

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Date: Monday, Feb 03, 2020, 8:15 AM
To: (b)(6); (b)(7)(C) @ice.dhs.gov> (b)(6); (b)(7)(C) @ice.dhs.gov>,
(b)(6); (b)(7)(C) @ice.dhs.gov>
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Date: Monday, Feb 03, 2020, 8:00 AM
To: (b)(6); (b)(7)(C) @cbp.dhs.gov> (b)(6); (b)(7)(C) @hq.dhs.gov>,
(b)(6); (b)(7)(C) @HQ.DHS.GOV> (b)(6); (b)(7)(C) @HQ.DHS.GOV>,
(b)(6); (b)(7)(C) @cisa.dhs.gov> (b)(6); (b)(7)(C) @tsa.dhs.gov> (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @HQ.DHS.GOV> (b)(6); (b)(7)(C) @fema.dhs.gov> (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @fletc.dhs.gov> (b)(6); (b)(7)(C) @hq.dhs.gov> (b)(6); (b)(7)(C)
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(b)(6); (b)(7)(C) @hq.dhs.gov> (b)(6); (b)(7)(C) @hq.dhs.gov> (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) @oig.dhs.gov> (b)(6); (b)(7)(C) @hq.dhs.gov> (b)(6); (b)(7)(C)
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(b)(6); @usss.dhs.gov>
Cc: (b)(6); (b)(7)(C) @hq.dhs.gov> (b)(6); (b)(7)(C) @hq.dhs.gov>,
(b)(6); (b)(7)(C) @hq.dhs.gov> (b)(6); (b)(7)(C)
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(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: Follow Up/Office of the Immigration Detention Ombudsman

Good morning, Chiefs of Staff and DHS leaders!

As you may have heard by now, Acting Deputy Secretary Cuccinelli has asked (b)(6); (b)(7)(C) and me to help stand up the new Office of the Immigration Detention Ombudsman (OIDO). For your convenience, I have attached the memo Mr. Cuccinelli circulated last week, which lays out some of the details.

As you can imagine, a project like this will require extensive engagement with other DHS components, and we hope to solicit your input regularly as we move forward. To that end, I'd like to request that you provide us with a senior-level point of contact for your office. (b)(6); and I are also hoping to convene a meeting in short order with the component principals and/or CoSs to get the process going and sketch out the early steps. I will send a follow-up email with more information and proposed meeting dates/times.

Please let us know your availability as soon as practicable thereafter and we will schedule the meeting promptly.

Please feel free to call me anytime with questions.

Sincerely,

(b)(6); (b)(7)(C)

202-897-(b)(6);

From: (b)(6); (b)(7)(C)
Sent: Mon, 3 Feb 2020 13:15:38 +0000
To: (b)(6); (b)(7)(C)
Subject: FW: Follow Up/Office of the Immigration Detention Ombudsman
Attachments: Establishment of the Ombudsman for Immigration Detention Memo.pdf

Presume (b)(6); (b)(7)(C)

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(www.blackberry.com)

From: (b)(6); (b)(7)(C) @hq.dhs.gov>
Date: Monday, Feb 03, 2020, 8:00 AM
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(b)(6); (b)(7)(C) @cisa.dhs.gov>, (b)(6); (b)(7)(C) @tsa.dhs.gov>, (b)(6); (b)(7)(C)
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(b)(6); (b)(7)(C) @ice.dhs.gov>

Subject: Follow Up/Office of the Immigration Detention Ombudsman

Good morning, Chiefs of Staff and DHS leaders!

As you may have heard by now, Acting Deputy Secretary Cuccinelli has asked Tracy Short and me to help stand up the new Office of the Immigration Detention Ombudsman (OIDO). For your convenience, I have attached the memo Mr. Cuccinelli circulated last week, which lays out some of the details.

As you can imagine, a project like this will require extensive engagement with other DHS components, and we hope to solicit your input regularly as we move forward. To that end, I'd like to request that you provide us with a senior-level point of contact for your office. (b)(6); (b)(7)(C) and I are also hoping to convene a meeting in short order with the component principals and/or CoSs to get the process going and sketch out the early steps. I will send a follow-up email with more information and proposed meeting dates/times.

Please let us know your availability as soon as practicable thereafter and we will schedule the meeting promptly.

Please feel free to call me anytime with questions.

Sincerely,

(b)(6); (b)(7)(C)

202-897-[REDACTED]

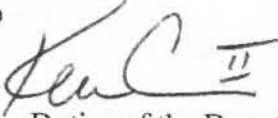
(b)(6);
(b)(7)(C)



Homeland Security

January 28, 2020

MEMORANDUM FOR: DHS Component Leadership

FROM: Ken Cuccinelli 
Senior Official Performing the Duties of the Deputy Secretary

SUBJECT: Establishment of the Ombudsman for Immigration Detention

Through Section 106 of the recently enacted Consolidated Appropriations Act of 2020 (Pub. L. 116-93) (hereinafter "Section 106") Congress established, and allocated funding for, a new office within the Department of Homeland Security: The Ombudsman for Immigration Detention.

Congress provided that the Ombudsman for Immigration Detention shall serve several core functions, which may be generally summarized as follows:

- (1) "Establish and administer an independent, neutral, and confidential process" to address "cases in which Department officers or other personnel ... are found to have engaged in misconduct or violated the rights of individuals in immigration detention";
- (2) "Establish an accessible and standardized process regarding complaints" against any Customs and Border Protection or Immigration and Customs Enforcement employees (or contracted personnel) for "violations of law, standards of professional conduct, contract terms, or policy related to immigration detention";
- (3) "Conduct unannounced inspections of detention facilities holding individuals in federal immigration custody," including those owned or operated by state governments, local governments, or private companies;
- (4) "Review, examine and make recommendations to address concerns or violations of contract terms identified in reviews, audits, investigations or detainee interviews regarding immigration detention facilities and services"; and
- (5) "Provide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards".

In executing these functions, Section 106 provides that the Ombudsman for Immigration Detention "shall be independent of Department agencies and officers and shall report directly to the Secretary." Importantly, however, Congress also expressly provided that the Ombudsman for Immigration Detention shall "[e]nsure that the functions performed by the Ombudsman are complementary to existing functions within the Department of Homeland Security."

The Department of Homeland Security is now tasked with implementing Section 106 of the Consolidated Appropriations Act of 2020 and establishing the Office of the Immigration Detention Ombudsman (OIDO). To spearhead this effort, I have asked (b)(6); (b)(7)(C) outgoing Citizenship and Immigration Services Ombudsman, and (b)(6); (b)(7)(C) Senior Advisor at Immigration and Customs Enforcement, to work with senior leadership and staff within the Department to lay the proper foundation for the OIDO.

In the immediate days and weeks (b)(6); (b)(7)(C) will be contacting a variety of individuals across the Department to solicit their input and request information regarding the formation of this new office. I have asked them to provide me with a basic framework for the OIDO within 90 days, and an official charter for approval by the Secretary of Homeland Security within six months. To ensure that these deadlines are met, please direct your staff to promptly respond to their requests and to participate in meetings and working groups they initiate. In the meantime, if you have questions you may reach (b)(6); at (b)(6); (b)(7)(C) @hq.dhs.gov (202-897-(b)(6);), or (b)(6); at (b)(6); @ice.dhs.gov (202-897-(b)(6);).

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the last 5 years under the ATD account. This report shall include compliance with court appearances, immigration appointments, and removal orders; cost per individual served; and response times to requests for legal counsel, family contact, and medical treatment, including mental health services.

Immigration Enforcement at Sensitive Locations

ICE is directed to follow its policy regarding enforcement actions at or near sensitive locations and is encouraged to review the scope of the category to areas not previously included where community impacts could be better balanced against ICE law enforcement requirements.

Further, ICE is directed to provide its officers with guidance and training for engaging with victims of crime and witnesses of crime, and to clarify policy guidance on enforcement actions in or near sensitive locations in order to minimize any effect that immigration enforcement may have on the willingness and ability of victims and witnesses to pursue justice.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The agreement includes:

- \$47,270,000 for procurement, construction, and improvements, consisting of \$10,300,000 to accelerate modernization of ICE's immigration information technology systems, data platform, and reporting and analytics capabilities and
- \$36,970,000 for construction and facilities improvements to address major projects on ICE's facilities maintenance and repair backlog list.

Other Provisions with ICE Equities

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT OPERATIONS AND SUPPORT

Office of Immigration Detention Ombudsman

The agreement establishes an Immigration Detention Ombudsman position and provides \$10,000,000 for an Office of Immigration Detention Ombudsman, as described in the House Report. The bill withholds \$500,000 from the Office of the Secretary for Executive Management (OSEM) until the Secretary approves the Ombudsman.

Language from House Report 116-180 as referenced above

Office of the Immigration Detention Ombudsman.—The Committee is concerned that despite several reviews, audits, and investigations revealing substandard care and conditions at the Department's short- and long-term civil detention facilities, little progress has been made. In response, an administrative provision is included that establishes an independent Immigration Detention Ombudsman position responsible for addressing issues that arise in these facilities. **This position will report directly to the Secretary and will have direct access to all detention facilities and to all detainees and their files.** The recommendation includes \$20,000,000 above the request to establish and operate a new office to support these functions. **Not later than 60 days after the date of enactment of this Act, the Secretary shall brief the Committee on a plan and schedule for establishing the Ombudsman position and the new Office.**

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