



October 12, 2021

**VIA FOIA ONLINE**

FOIA Officer  
U.S. Customs & Border Protection  
1300 Pennsylvania Avenue NW, Room 3.3D  
Washington, DC 20229  
Via FOIAOnline

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

On December 24, 2018, Felipe Gomez Alonzo, an eight-year-old Guatemalan boy, died of complications from the flu while in custody of Customs and Border Protection (CBP).<sup>1</sup> Certain details regarding Felipe's death remain obscure, and the treatment and care of individuals in detention remains an issue of urgent public concern, particularly in light of the Covid-19 pandemic.<sup>2</sup>

American Oversight seeks records with the potential to shed light on the conditions of individuals held within immigration detention.

**Requested Records**

American Oversight requests that CBP produce the following records within twenty business days:

A complete copy of DHS Form I-213 for Felipe Gomez Alonzo.

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<sup>1</sup> Adolfo Flores, *A Guatemalan Boy Who Died in US Custody Told His Father, 'I'm Going To Die,'* BuzzFeed (updated April 15, 2020, 10:16 PM),

<https://www.buzzfeednews.com/article/adolfoflores/guatemalan-immigrant-boy-death-border-patrol-report>.

<sup>2</sup> See, e.g., Hamed Aleaziz, *A 37-Year Old Nicaraguan Woman Died in ICE Custody After Testing Positive for COVID-19,* BuzzFeed (Aug. 4, 2021, 5:50 PM),

<https://www.buzzfeednews.com/article/hamedaleaziz/nicaraguan-immigrant-ice-custody-death>; Maura Turcotte, *Virus Cases Are Surging at Crowded Immigration Detention Centers in the U.S.,* N.Y. Times (updated Aug. 12, 2021),

<https://www.nytimes.com/2021/07/06/us/covid-immigration-detention.html>.



Please provide all responsive records from December 18, 2018, through the date the search is conducted. An example of an I-213 form is included as Exhibit A to aid in your search.

Given that this request is limited to a specific and readily identifiable document, American Oversight expects that this request can be processed on the Simple processing track and result in a prompt agency response.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."<sup>3</sup> The public has a significant interest in the treatment and care of individuals held in federal immigration detention.<sup>4</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including the extent to which detention conditions may have contributed to the deaths of detainees. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.<sup>5</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>6</sup>

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<sup>3</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

<sup>4</sup> *See supra*, notes 1 & 2.

<sup>5</sup> *See* 5 U.S.C. § 552(a)(4)(A)(iii).

<sup>6</sup> American Oversight currently has approximately 15,630 page likes on Facebook and 108,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 12, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 12, 2021).

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>7</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the Trump Administration’s contacts with Ukraine and analyses of those contacts;<sup>8</sup> posting records and editorial content about the federal government’s response to the Coronavirus pandemic;<sup>9</sup> posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>10</sup> the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers;<sup>11</sup> and posting records and analysis of federal officials’ use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.<sup>12</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

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<sup>7</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>8</sup> *Trump Administration’s Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

<sup>9</sup> See generally *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

<sup>10</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>11</sup> *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>12</sup> See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo’s 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.<sup>13</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>14</sup>
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,<sup>15</sup> and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

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<sup>13</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>14</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

<sup>15</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact contact Hart Wood at [foia@americanoversight.org](mailto:foia@americanoversight.org) or 202.919.6303. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

*/s/ Hart Wood*  
Hart Wood  
on behalf of  
American Oversight

# EXHIBIT A

Family Name (CAPS) <b>ALONZO-GOMEZ, FELIPE</b>		First	Middle	Sex <b>M</b>	Hair <b>BLK</b>	Eyes <b>BRO</b>	Cmplxn <b>MED</b>
Country of Citizenship <b>GUATEMALA</b>	Passport Number and Country of Issue <b>CASE N (b)(7)(e) A209 0</b>		Height <b>61</b>	Weight <b>109</b>	Occupation <b>CHILD</b>		
U.S. Address <b>(b)(6);(b)(7)(c)</b>				Scars and Marks <b>SCAR CHEEK (FACE), LEFT</b>			
Date, Place, Time, and Manner of Last Entry <b>05/20/2016, 0500, 4 mile(s) E of STR, PWA (AFOOT)</b>			Passenger Boarded at		FBI Number <b>(b)(7)(e)</b>		
Number, Street, City, Province (State) and Country of Permanent Residence <b>ALDEA BULEJ SAN MATEO HUEHUETENGO, GUATEMALA, GUATEMALA</b>				<input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth <b>03/05/2000</b>	Age: <b>16</b>	Date of Action <b>05/20/2016</b>	Location Code <b>EPT/STN</b>		Arrest/Arrestion/Arrestion <b>(b)(7)(e)</b>		
City, Province (State) and Country of Birth <b>HUEHUETENGO, GUATEMALA, GUATEMALA</b>		AR <input checked="" type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
NIV Issuing Post and NIV Number		Social Security Account Name					
Date Visa Issued		Social Security Number					
Immigration Record <b>NEGATIVE</b>				Criminal Record <b>None Known</b>			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children <b>NONE</b>	
Father's Name, Nationality, and Address, if Known <b>See Narrative</b>				Mother's Present and Maiden Names, Nationality, and Address, if Known <b>See Narrative</b>			
Monies Due/Property in U S Not in Immediate Possession <b>None Claimed</b>		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks <b>See Narrative</b>		Charge Code Word(s) <b>I6A</b>		
Name and Address of (Last)(Current) U S Employer		Type of Employment	Salary	Employed from/to Hr			
Narrative (Outline particulars under which alien was located/apprehended Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation Indicate means and route of travel to interior ) <b>FINS (b)(7)(e) I77 #:6641133</b>							
							
ARREST COORDINATES: ----- Latitude: <b>(b)(7)(e)</b> Longitude: <b>(b)(7)(e)</b>							
CONSEQUENCE DELIVERY SYSTEM: ----- Classification: <b>FIRA</b>							
Alien has been advised of communication privileges _____ (Date/Initials)				<b>(b)(6);(b)(7)(c)</b> Border Patrol Agent _____ (Signature and Title of Immigration Officer)			
Distribution:  <b>A File Station Copy I DO NOT HAVE A LAWYER IN MY IMMIGRATION CASE.</b>				Received: (Subject and Documents) (Report of Interview) Officer: <b>(b)(6);(b)(7)(c)</b> on: <b>May 20, 2016 at 1256</b> (time) Disposition: <b>Warrant of Arrest/Notice to Appear</b> Examining Officer: <b>(b)(6);(b)(7)(c)</b>			

Alien's Name ALONZO-GOMEZ, FELIPE	File Number A209 008 869 Event No (b)(7)(e)	Date 05/20/2016
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FATHER NAME AND ADDRESS:

(b)(6);(b)(7)(c)

MOTHER NAME AND ADDRESS:

(b)(6);(b)(7)(c)

UNACCOMPANIED JUVENILE:

ALONZO-GOMEZ, FELIPE

FUNDS IN POSSESSION:

Mexican Peso 150.50  
Guatemalan Quetzal .00

RECORDS CHECKED:

(b)(7)(e)

NARRATIVE:

ENTRY DATA: Interview by Agent (b)(6);(b)(7)(c) revealed that subject identified as Felipe ALONZO-Gomez, last entered the United States on 05/20/2016, at approximately 0500 hours, by walking across the U.S/Mexico International Boundary 4 miles east of the Santa Teresa Port of Entry near Santa Teresa, New Mexico. Felipe ALONZO-Gomez entered at a place not designated as a U.S. Port of Entry and was not then admitted after inspection by a Customs and Border Protection Officer.

APPREHENSION DATA: On May 20, 2016, Border Patrol Agent (b)(6);(b)(7)(c) was assigned line watch duties in the Santa Teresa Border Patrol Station's area of responsibility. Agen (b)(6);(b)(7)(c) as observing the U.S./Mexico International Boundary line, (b)(7)(e) individuals crossing the border illegally into the United States. Agent (b)(6);(b)(7)(c) notified agents in the area, via his service radio, of his observation. A short while later the agents were notified that Sunland Park Police Officers had detained four individuals at the

Signature (b)(6);(b)(7)(c)	Title Border Patrol Agent
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Alien's Name ALONZO-GOMEZ, FELIPE	File Number A209 008 869	Date 05/20/2016
Event No: (b)(7)(e)		

intersection of McNutt Rd. and Memorial Pines Rd. Border Agents (b)(6);(b)(7)(c) and (b)(6);(b)(7)(c) responded to the area where the individuals were being detained by Officers (b)(6);(b)(7)(c). (b)(6);(b)(7)(c) verified the (b)(7)(e) (b)(7)(e) Agent Tovar encountered at the U.S./Mexico International Boundary.

Agents (b)(6);(b)(7)(c) identified themselves as United States Border Patrol Agents and questioned the four individually as to their citizenship and nationality. Three individuals readily admitted to being citizens and nationals of Guatemala and one readily admitted to being a citizen and national of Mexico. All four admitted to having just made an illegal entry into the United States and to not having any immigration documentation that would allow them to enter or remain in the United States legally.

Agents (b)(6);(b)(7)(c) placed the subjects under arrest and Agent (b)(6);(b)(7)(c) transported them to the Santa Teresa Border Patrol Station for processing.

At the station, the subjects were enrolled into the (b)(7)(e) systems. Upon enrolling the subjects, one subject identified as Felipe ALONZO-Gomez, returned as having no prior criminal history and no prior immigration apprehensions.

ADMINISTRATIVE WARNINGS: Felipe ALONZO-Gomez was advised of his Administrative Rights as per Service form I-770 in the Spanish language by Agent (b)(6);(b)(7)(c). Felipe ALONZO-Gomez acknowledged his understanding of his rights with his signature.

IMMIGRATION DATA: Felipe ALONZO-Gomez is a native and citizen of Guatemala by virtue of his birth in Guatemala on March 05, 2000. Felipe ALONZO-Gomez is an alien illegally present in the United States, has no immigration documents in his possession nor has he or anyone else filed a petition on his behalf, has close family ties or roots in this country yet is likely to abscond.

Felipe ALONZO-Gomez was asked and he responded that he does not fear harm nor persecution should he be returned to his native country.

Felipe ALONZO-Gomez appears and claims to be in good health.

Felipe ALONZO-Gomez claims that he knowingly entered the United States in order to proceed to Danbury, Connecticut to reside and to seek employment.

CBP UNACCOMPANIED JUVENILE VIDEO: Felipe ALONZO-Gomez watched the CBP Unaccompanied Juvenile Video on 05/20/2016 at 0900 hours.

IMMIGRATION HISTORY: A# (b)(6);(b)(7)(c) Felipe ALONZO-Gomez has no prior immigration history. Felipe ALONZO-Gomez was issued A# 209 008 869.

CRIMINAL HISTORY: FBI# (b)(7)(e) Felipe ALONZO-Gomez has (b)(7)(e) history.

Signature (b)(6);(b)(7)(c)	Title Border Patrol Agent
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Alien's Name ALONZO-GOMEZ, FELIPE	File Number (b)(6);(b)(7)(c);(b)(7)(e)	Date 05/20/2016
<p>CONSULAR NOTIFICATION: Felipe ALONZO-Gomez was advised of his right to contact the Guatemalan Consulate which he declined. The Guatemala Consulate was advised of the detention of Felipe ALONZO-Gomez via fax on 05/20/2016.</p> <p>PROPERTY: Felipe ALONZO-Gomez was in possession of personal property at the time of arrest. Felipe ALONZO-Gomez will be taking all of his property to the Clint Border Patrol Station.</p> <p>BOOKING: Felipe ALONZO-Gomez was booked under FBI# (b)(7)(e)</p> <p>TRAVEL DATA: Felipe ALONZO-Gomez claims he departed Guatemala alone by bus in route to the Mexican/Guatemalan International Boundary on May 18, 2016. Subject claims that he illegally crossed into Mexico by bus. Subject also claims that he only boarded two buses through his whole journey. Subject also stated that he arrived in Ciudad Juarez, Chihuahua around midnight on May 20, 2016. At approximately 0500 hrs Felipe ALONZO-Gomez made his illegal entry into the United States to proceed to (b)(6);(b)(7)(c) to reside with his uncle.</p> <p>Subject was questioned and as per guidelines, is not eligible for Prosecutorial Discretion/Deferred Action.</p> <p>DISPOSITION: Felipe ALONZO-Gomez was processed for a Notice to Appear/Warrant of Arrest and will be transported to the Clint Border Patrol Station pending placement.</p> <p>U.S. POINT OF CONTACT: (b)(6);(b)(7)(c)</p> <p>The aforementioned address was verified on USPS.com</p> <p>Felipe ALONZO-Gomez spoke with his uncle, (b)(6);(b)(7)(c) on 05/20/2016 at 1430 hours.</p>		
Signature (b)(6);(b)(7)(c)	Title Border Patrol Agent	