



April 25, 2025

VIA ONLINE PORTAL

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th St. SW
Stop 5009
Washington, DC 20536
Via Online Portal

Re: Expedited 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.

The Trump administration has sent more than 200 migrants to the El Salvador maximum security prison Centro de Confinamiento del Terrorismo (CECOT), otherwise known as the Terrorism Confinement Center.¹ There has been significant litigation on this issue, with numerous courts issuing temporary restraining orders or preliminary injunctions preventing the administration from sending people to CECOT without the opportunity to present their claims of potential torture.² American Oversight seeks records with the potential to shed light on the administration's compliance with court orders regarding sending people to CECOT.

Requested Records

American Oversight seeks expedited review of this request for the reasons identified below and requests that your agency produce the following records as soon as practicable, and at least within twenty business days:

1. All records reflecting time logs, tick-tocks, or other time-tracking documents regarding the transfer of custody of detained migrants from Immigration

¹ See, e.g., Cecilia Vega, *U.S. Sent 238 Migrants to Salvadoran Mega-Prison; Documents Indicate Most Have No Apparent Criminal Record*, CBS (Apr. 6, 2025, 7:00 PM), <https://www.cbsnews.com/news/what-records-show-about-migrants-sent-to-salvadoran-prison-60-minutes-transcript/>.

² See, e.g., Mallory Moench, *U.S. Supreme Court Halts Deportation of Detained Venezuelans*, BBC (Apr. 19, 2025), <https://www.bbc.com/news/articles/czd3rdjn81lo>; Alayna Alvarez, *Judge Halts Deportations of Aurora ICE Detainees to El Salvador*, Axios (Apr. 22, 2025), <https://www.axios.com/local/denver/2025/04/22/colorado-alien-enemies-act-trump-judge-ruling>.



and Customs Enforcement (ICE) and/or the Department of Homeland Security (DHS) to the Department of Defense (DOD), including, but not limited to, the transference of migrants at Naval Station Guantánamo Bay from ICE custody to DOD on Mar. 31, 2025, as described by DHS's filing on Apr. 23, 2025.³

2. All records reflecting final policies, procedures, and practices—both formal and informal—prepared by, received by, or otherwise in the possession of ICE regarding transferring custody of detained migrants from ICE and/or the DHS to DOD, including, but not limited to, directives, guidance, and memoranda on custody of migrants intended to be sent to CECOT.
3. A complete copy (including any attachments) of any contract or subcontract, amendment, memorandum of understanding, or other written agreement between DHS and/or ICE and the DOD regarding transferring custody of detained migrants.

For parts 1-3 of this request, please provide all responsive records from January 20, 2025, through the date the search is conducted.

4. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by any of the ICE officials listed below, and containing any of the following key terms.

Immigration and Customs Enforcement Officials:

- i. Todd Lyons, Acting Director
- ii. Madison Sheahan, Acting Deputy Director
- iii. Jon Feere, Chief of Staff
- iv. Kenneth Genalo, Acting Executive Associate Director, Enforcement and Removal Operations (“ERO”)
- v. Anyone serving as Deputy Executive Associate Director, ERO
- vi. Anyone serving as Miami ERO Field Office Director

Key Terms:

- a. D.V.D.
- b. DVD
- c. Murphy
- d. Guantanamo
- e. Guantánamo
- f. GITMO
- g. GTMO
- h. NSGB
- i. GMOC

³ Defs.’ Resp. to the Court’s Apr. 10, 2025 Order, *D.V.D. v. U.S. Dep’t of Homeland Sec.*, No. 25-cv-10676 (BEM) (D. Mass. Apr. 23, 2025), ECF No. 72, *available at* <https://www.justsecurity.org/wp-content/uploads/2025/04/dvd-government-response-april-23-2025.pdf>.

- j. “migrant operations center”
- k. “migrant operation center”
- l. “camp 6”
- m. “camp six”
- n. “camp VI”
- o. “camp delta”
- p. Leeward
- q. NBW
- r. MUGM
- s. CECOT
- t. TCC
- u. “Terrorism Confinement Center”
- v. “El Salvador”
- w. Bukele
- x. transfer*
- y. custody

Please note that American Oversight is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “transfer*” would return all of the following: transfer, transferred, transference, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

In an effort to reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 5 of this request to emails sent by the specified individuals. However, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual’s response to an email and the initial received message are responsive to this request and should be produced.

5. All text messages (including complete text message threads or conversations) or messages on messaging platforms (such as Signal, Slack, GChat or Google Hangouts, Lync, Skype, X (formerly Twitter) direct messages, Facebook messages, WhatsApp, Telegram, Parler, or Mattermost) sent or received by any of the ICE officials listed above in part 5 and containing any of the key terms listed above in part 5.

For text messages or messages on other messaging platforms, American Oversight requests that full text message threads/conversations be produced. For example, if an official sent or received a text message containing any of the key terms listed above, the complete thread/conversation for the timeframe listed below should be produced, and not just the message containing the key term.

For parts 4-5 of this request, please provide all responsive records from Mar. 28, 2025, through Apr. 3, 2025.

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 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."⁴ The public has a significant interest in litigation regarding the Trump administration sending people to be detained at the El Salvador prison CECOT.⁵ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including how officials are complying with court orders in the case *D.V.D. v. Department of Homeland Security*. 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 not primarily in the commercial interest of the requester."⁶ In fact, 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 commercial 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 X (formerly Twitter).⁷

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.⁸ Examples reflecting this commitment include the posting of records

⁴ 5 U.S.C. § 552(a)(4)(A)(iii).

⁵ See, e.g., Marlene Lenthang et al., *Trump-Appointed Judge Orders Return of Venezuelan Migrant Deported to El Salvador*, NBC (Apr. 24, 2025, 4:41 PM), <https://www.nbcnews.com/news/us-news/trump-appointed-judge-orders-return-venezuelan-migrant-deported-el-sal-rcna202748>.

⁶ 5 U.S.C. § 552(a)(4)(A)(iii).

⁷ American Oversight currently has approximately 16,000 followers on Facebook and 94,900 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 25, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Apr. 25, 2025).

⁸ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;⁹ posting records and editorial content about the federal government's response to the COVID-19 pandemic;¹⁰ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹¹ 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;¹² and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.¹³

Accordingly, American Oversight qualifies for a fee waiver.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 6 C.F.R. § 5.5(e), American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity.¹⁴ On Mar. 28, 2025, Judge Brian E. Murphy of the U.S. District Court for the District of Massachusetts issued a temporary restraining

⁹ *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

¹⁰ *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>.

¹¹ *See generally Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; *see, e.g., Audit the Wall: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://americanoversight.org/audit-the-wall-no-plans-funding-or-timeline-and-no-wall/>.

¹² *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.documentcloud.org/documents/25544090-doj-records-relating-to-solicitor-general-noel-franciscos-recusal-american-oversight>; *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>.

¹³ *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>.

¹⁴ 6 C.F.R. § 5.5(e)(1)(ii)

order in *D.V.D. v. DHS* preventing the defendants from removing from the United States to a third country unless and until the administration provided written notice of the third country they were to be moved to, as well as a meaningful opportunity to submit an application of protection.¹⁵ Though ICE retained custody of the plaintiffs following the Mar. 28, 2025 court order, the Trump administration subsequently transferred custody to DOD.¹⁶ DOD then rendered plaintiffs to El Salvador, with the Trump administration arguing that DOD was not a defendant in this case, and was thus not bound by the temporary restraining order.¹⁷ However, there are significant concerns that DOD was bound by the temporary restraining order, and the removal of plaintiffs to El Salvador violated the court's order.¹⁸ There is an urgent need to obtain records regarding the transfer of custody of migrants from ICE to DOD to inform the public about actual or alleged government activity regarding compliance or non-compliance with the court order preventing removal to El Salvador.

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about the conditions in which migrants were transferred from ICE to DOD custody before being moved to El Salvador. The Trump administration has previously faced accusations of willfully defying court orders in removing people to the El Salvador prison CECOT.¹⁹ The administration now faces similar concerns of intentionally defying court orders in the case *D.V.D. v. DHS*.²⁰ The public requires the requested information to understand how the Trump administration is interpreting and complying with court orders regarding the removal of people to El Salvador, and to confirm whether the administration knowingly transferred custody of people from ICE to DOD in an attempt to circumvent compliance with the court's temporary restraining order.

¹⁵ TRO, *D.V.D. v. U.S. Dep't of Homeland Sec.*, No. 25-cv-10676 (BEM) (D. Mass. Mar. 28, 2025), ECF No. 34, available at <https://storage.courtlistener.com/recap/gov.uscourts.mad.282404/gov.uscourts.mad.282404.34.0.pdf>.

¹⁶ See *supra* note 3.

¹⁷ See *supra* note 3.

¹⁸ See, e.g., Ryan Goodman, *How March 31 Military Flight of Venezuelan Nationals to El Salvador Most Likely Violated Court Order*, Just Security (Apr. 24, 2025), <https://www.justsecurity.org/110842/ice-dod-custody-deportations-cecot/>.

¹⁹ See, e.g., Jordan Rubin, *Did the Trump Administration Violate Court Orders With Alien Enemies Act Deportations?*, MSNBC (Mar. 17, 2025, 12:34 PM), <https://www.msnbc.com/deadline-white-house/deadline-legal-blog/trump-alien-enemies-act-violate-court-orders-aclu-rcna196682>; Luke Broadwater et al., *A Judge Ordered Deportation Planes to Turn Around. The White House Didn't Listen.*, N.Y. Times (Mar. 18, 2025, 8:39 AM), <https://www.nytimes.com/2025/03/17/us/politics/timeline-trump-deportation-flights-el-salvador.html>.

²⁰ See, e.g., Andrew Weissman et al., *Breaking: Another Trump Administration Contempt Violation? A Look Inside the D.V.D. Case, Behind the Headlines* (Apr. 24, 2025), <https://weissmann.substack.com/p/breaking-another-trump-administration>.

I further certify that American Oversight is primarily engaged in disseminating information to the public. 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. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,²¹ American Oversight “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”²² American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and 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.com.²³ As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.²⁴

Accordingly, American Oversight’s request satisfies the criteria for expedition.

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:

²¹ See *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep’t of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

²² *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

²³ American Oversight currently has approximately 16,000 followers on Facebook and 94,900 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 25, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Apr. 25, 2025).

²⁴ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; see, e.g., *Emails and Resume of Trump’s Pick to Head Government Personnel Office*, American Oversight, <https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office>; *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>; *State Department Releases Ukraine Documents to American Oversight*, American Oversight, <https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight>; *Documents Reveal Ben Carson Jr.’s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration’s Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions’ Letter Shows DOJ Acted On Trump’s Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.
- 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.²⁵ 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.²⁶
- 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,²⁷ 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

²⁵ 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).

²⁶ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

²⁷ 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>.

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.
- 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. 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 Danny Martinez at foia@americanoversight.org or (202) 897-2465. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Danny Martinez
Danny Martinez
on behalf of
American Oversight