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February 8, 2006

***VIA HAND DELIVERY  
AND FACSIMILE***

FOIA/PA Section  
Information Disclosure Unit  
Mission Support Division  
Office of Investigations  
U.S. Immigrations and Customs Enforcement  
425 I Street, NW - Room 4038  
Washington, D.C. 20536  
Fax: (202) 616-7612

Re: *FOIA Request by the American-Arab Anti-Discrimination Committee*

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, ("FOIA"), the American-Arab Anti-Discrimination Committee ("ADC") requests that U.S. Immigration and Customs Enforcement ("ICE" or "the agency") release data on the race, ethnicity, religion, and gender of the 237 individuals detained as a result of an immigration enforcement operation in late 2004, identified in an ICE press release of November 4, 2004.

In the November 4, 2004 ICE press release entitled "ICE Threat Disruption Effort Results in More than 230 Arrests," and in a September 30, 2004 ICE press release entitled "Terrorist Threat and Disruption Efforts by ICE," the agency stated that it utilized information from several databases, including NSEERS, SEVIS and US-VISIT, to "reprioritize" leads resulting in the above-referenced arrests. In those press releases, ICE represented that it was not "profiling based on race or religious affiliation" and that "re-prioritized" leads were determined "without regard to race, ethnicity, or religion."

ADC's FOIA request asks that ICE release the race, ethnicity, religion, and gender of the 237 detainees identified in the November 4, 2004 press release, in order to assure Arab and Muslim-Americans that this action did not disproportionately impact their community and to ensure that ICE is acting in accordance with its public pledge made on September 30, 2005 and again on November 4, 2004, not to partake in racial, ethnic, or religious profiling.

February 8, 2006

Page 2

In this FOIA request, ADC seeks only information relating to the race, ethnicity, religion, and gender of the 237 individuals arrested—similar to the information ICE itself made publicly available for eight of the detainees, in its November 4, 2004 press release.

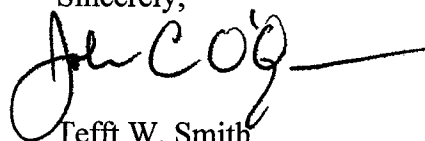
To be clear, ADC does *not seek any information of a particularized nature* regarding any of the detainees, such as names, personal information, allegations and charges, or date and location of arrest. Moreover, the information ADC requests relates to arrests made over 15 months ago. Thus, the information ADC requests is of little investigatory value and would not disclose any techniques, procedures, or guidelines for law enforcement investigations or prosecutions. However, the information is necessary to determine whether the government is discharging its law enforcement duties uniformly and neutrally, indifferent to race, ethnicity, gender, or religious affiliation.

ADC previously sought the release of information regarding the nationality of these 237 detainees. Following an administrative appeal (DHS APP05-551), that request was denied and ADC is considering whether to seek judicial review of that decision.

Pursuant to 5 U.S.C. § 552(6)(A)(i), please notify me within 20 business days of receipt of this request whether ICE intends to comply with the request or whether it will again withhold information on the basis of a FOIA exemption.

For your reference, we are enclosing the two press releases discussed above. We look forward to working with ICE and the Department of Homeland Security in fulfilling this request. Should you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff W. Smith", with a long horizontal line extending to the right.

Jeff W. Smith  
Amanda J. Wong  
John C. O'Quinn  
*Counsel for ADC*

#### Attachments

cc: Julie L. Myers, Assistant Secretary, ICE  
Daniel Sutherland, Office for Civil Rights and Civil Liberties, DHS  
Deana Amendolia, Office for Civil Rights and Civil Liberties, DHS  
Rebekah Tosado, Office for Civil Rights and Civil Liberties, DHS  
Maureen Cooney, Acting Chief Privacy Officer, DHS  
Hon. Mary Rose Oakar, President, ADC  
Kareem W. Shora, Esq., Director of Legal Policy, ADC  
*(all via U.S. Mail and/or e-mail)*



U.S. Immigration  
and Customs  
Enforcement

September 30, 2004

Contact:

ICE Public Affairs

202-514-2648

# Statement

## **TERRORIST THREAT AND DISRUPTION EFFORTS BY ICE**

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security. As part of its homeland security mission, ICE seeks to maintain the integrity of the immigration system through effective enforcement of our immigration laws. ICE also seeks to protect the homeland by targeting immigration violators who may pose a threat to national security.

ICE has been working for the past several months at a heightened level in direct support of the government-wide Interagency Security Plan that will remain in effect through the 2005 Presidential Inauguration. ICE's stepped-up enforcement actions involve the re-prioritization of existing leads on suspected immigration status violators according to national security criteria. This initiative combines the resources of the ICE Office of Investigations, the Office of Detention and Removal and the Office of Intelligence to apply real-time threat information to detect, prevent, and disrupt potential terrorist activities.

**This initiative builds upon ICE's continued efforts to target immigration status violators in America – without regard to race, ethnicity or religion.**

Acting on the prioritized leads, ICE agents in the field will locate suspected immigration status violators. If ICE investigators determine that the individual is out of status, then the individual will be arrested. Determinations on detention will be decided on a case-by-case basis in keeping with standard ICE detention policy. Anyone subject to detention will be afforded access to counsel as permitted under national standards.

When appropriate, and as resources allow, ICE agents will be supported by other law enforcement agencies through the nation's Joint Terrorism Task Forces.

What ICE is not doing:

- ICE is not conducting a "round-up" or a "sweep" in any community.
- ICE is not profiling based on race or religious affiliation.
- ICE is not instituting a blanket detention policy.

As the recent 9/11 Commission Staff monograph on terrorist travel notes, at least three of the 9/11 hijackers violated the terms of their visas before carrying out their attacks. The 9/11 Commission report further added that: "Had the immigration system set a higher bar for determining whether individuals are who or what they claim to be – and ensuring routine consequences for violations – it could have potentially excluded, removed, or come into further contact with several hijackers."

To detect and deter such abuses, ICE's Compliance Enforcement Unit routinely researches and assigns immigration status violator leads to ICE field offices nationwide based on data from the Student Exchange Visitor Information System (SEVIS), the National Security Entry/Exit Registration System (NSEERS), and the United States Visitor and Immigrant Status Indicator Technology program (USVISIT).

# ICE #

*U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm  
of the Department of Homeland Security*

## News Release

November 4, 2004

### **ICE THREAT DISRUPTION EFFORT RESULTS IN MORE THAN 230 ARRESTS**

**-- More than 900 Investigations Completed --**

WASHINGTON, D.C. - Michael J. Garcia, the Department of Homeland Security Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE), today announced that, in a one-month period beginning October 1, 2004, ICE has arrested 237 immigration status violators nationwide as part of the government-wide Interagency Security Plan that will remain in effect through the 2005 Presidential Inauguration.

The ongoing initiative is designed to locate immigration status violators who may pose an elevated criminal or national security threat. The initiative combines the resources of ICE's Office of Investigations, Office of Detention and Removal, and the Office of Intelligence to apply real-time threat information to detect, prevent, and disrupt potential terrorist activities. Since October 1, ICE has completed more than 900 investigations as part of the stepped-up enforcement effort.

"Prior to 9/11, there was not an effective system in place to accurately monitor the status of foreign students and other visitors in the United States -- with disastrous consequences. Hani Hanjour, one of the 9/11 hijackers, as well as Eyad Ismoil, one of those who bombed the World Trade Center in 1993, both exploited their student visa status to remain in the United States. We now have systems in place to address this vulnerability and we are doing so aggressively. This initiative demonstrates how we effectively enforce immigration laws in the national security context, bringing legitimate charges against immigration status violators who may also pose an elevated threat," said Assistant Secretary Garcia.

The recent 9/11 Commission Staff monograph on terrorist travel noted that at least three of the 9/11 hijackers violated the terms of their visas before carrying out their attacks. The 9/11 Commission report further added that: "Had the immigration system set a higher bar for determining whether individuals are who or what they claim to be -- and ensuring routine consequences for violations -- it could have potentially excluded, removed, or come into further contact with several hijackers."

In conducting this initiative, ICE is relying primarily upon its Compliance Enforcement Unit, which was created in June 2003. This unit researches and assigns immigration status violator leads based on information from a variety of sources, including the Student and Exchange Visitor Information System (SEVIS) and the United States Visitor and Immigrant Status Indicator Technology program (US-VISIT). Neither of these databases was in existence before the terror attacks of 9/11.

In recent weeks, the Compliance Enforcement Unit has taken violator leads developed from these databases and reprioritized them according to national security criteria. The reprioritized leads have been sent to ICE field offices for immediate investigation and potential arrests -- without regard to race, ethnicity, or religion. Some of those arrested thus far under the initiative include:

- A 28-year-old Saudi national who violated the terms of his student visa (SEVIS violator) and is the subject of a national security lookout. Last year, the individual was prevented from carrying a high-voltage stun gun aboard a U.S. commercial aircraft. The individual was admitted to the United States in 2003 on a student visa and later terminated by a U.S. university for failing to maintain status as a

student. The individual remains in ICE custody as the investigation continues.

- A 34-year-old Jordanian national who violated the terms of his student visa (SEVIS violator) and is the subject of a national security lookout. The individual had entered the United State in 2000 on an F-1 student visa and was later terminated by a U.S. university for failure to maintain student status. The individual remains in ICE custody as the investigation continues.
- A 24-year-old Lebanese national who had violated the terms of his student visa (SEVIS violator). The State Department had revoked the individual's non-immigrant visa for national security reasons. The ICE investigation revealed that the individual was no longer a student, but was employed at a convenience store. The individual remains in ICE custody as the investigation continues.
- A 25-year-old Pakistani national who had violated the terms of his student visa (SEVIS violator) and is the subject of a national security lookout. The individual was admitted to the United States in 1998 and later terminated from SEVIS for failing to enroll in his master's degree program. The individual remains in ICE custody as the investigation continues.
- A 44-year-old Jamaican national who was identified through U.S.-VISIT as having been previously convicted of a controlled substance charge and having fraudulently entered the United States in 2004 under an alias. The individual was arrested for fraudulently obtaining admission to the United States after previously being deported. The individual remains in ICE custody.
- A 25-year-old South African national who had violated the terms of her J-1 student visa (SEVIS violator). The individual was admitted into the United States in 2004 for the duration of her student program, but was terminated from SEVIS for failing to enroll. The individual was arrested, processed for removal, and released with an electronic monitoring bracelet.
- A 30-year-old Thailand national who had violated the terms of her student visa (SEVIS violator). The individual was admitted into the United States in 2001 but was later terminated from SEVIS for failing to maintain student status. The individual remains in ICE custody.
- A 26-year-old Philippines national who had violated the terms of her student visa (SEVIS violator). The individual was admitted into the United States in 2002 as a student, but was later terminated from SEVIS for failing to comply with the terms of her student program.

The individual was arrested and processed for removal.

# ICE #

*U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security (DHS).*

Last Modified 06/30/2005

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