

November 22, 2017

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street SW, Stop 5009
Washington, D.C. 20536-5009
(202) 732-0660

**Re: Freedom of Information Act Request – Operation Matador
(Expedited Processing Requested)**

Dear Freedom of Information Officer:

On behalf of the New York Immigration Coalition (NYIC), we request the following pursuant to the Freedom of Information Act, 5 U.S.C. § 552:

A. REQUEST FOR DOCUMENTATION

I. **Homeland Security Investigations (“HSI”)**

1. All documents related to the initial conception of Operation Matador, including the plan submitted for approval and any comments, objections, or reservations related to the plan.
2. The authorization memorandum approving Operation Matador.
3. All documents, regulations, and guidelines relating to the operation plans for carrying out Operation Matador.
4. All documents, regulations, and guidelines relating to operation approval plans for carrying out Operation Matador.
5. All documents, regulations, and guidelines relating to Operation Matador’s funding and any funding requests.
6. All documents and guidelines relating to Operation Matador’s budget.
7. All documents relating to HSI’s agreements with other government agencies, state or federal, involving Operation matador including, but not limited to, ICE Enforcement and Removal Operations, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, the Suffolk County Police Department, the Nassau County Police Department, and the New York City Police Department.
8. All documents reflecting communication and coordination between government agencies, state or federal, on Operation Matador including, but not limited to, ICE Enforcement and Removal Operations, U.S. Citizenship and Immigration Services, U.S. Customs and Border

Protection, the Suffolk County Police Department, the Nassau County Police Department, and the New York City Police Department.

9. All training materials distributed to or communicated with any governmental agency, state or federal, that participated in Operation Matador including, but not limited to, ICE Enforcement and Removal Operations, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, the Suffolk County Police Department, the Nassau County Police Department, and the New York City Police Department.
10. All documents, regulations, and guidelines defining or outlining the groups or profiles of individuals targeted by Operation Matador.

II. Enforcement and Removal Operations (ERO)

1. All documents related to the initial conception of Operation Matador, including the plan submitted for approval and any comments, objections, or reservations related to the plan.
2. The authorization memorandum approving Operation Matador.
3. All documents, regulations, and guidelines relating to the operation plans for carrying out Operation Matador.
4. All documents, regulations, and guidelines relating to operation approval plans for carrying out Operation Matador.
5. All documents, regulations, and guidelines relating to Operation Matador's funding and any funding requests.
6. All documents and guidelines relating to Operation Matador's budget.
7. All documents relating to ERO's agreements with other government agencies, state or federal, involving Operation Matador including, but not limited to, ICE Homeland Security Investigations, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, the Suffolk County Police Department, the Nassau County Police Department, and the New York City Police Department.
8. All documents reflecting communication and coordination between government agencies, state or federal, on Operation Matador including, but not limited to, ICE Homeland Security Investigations, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, the Suffolk County Police Department, the Nassau County Police Department, and the New York City Police Department.
9. All training materials distributed to or communicated with any governmental agency, state or federal, that participated in Operation Matador including, but not limited to, ICE Homeland Security Investigations, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, the Suffolk County Police Department, the Nassau County Police Department, and the New York City Police Department.

10. All documents, regulations, and guidelines defining or outlining the groups or profiles of individuals targeted by Operation Matador.

B. REQUEST FOR EXPEDITED PROCESSING

We are requesting expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and 22 C.F.R. § 171.11(f).

The NYIC is a state-wide advocacy and policy coalition representing over 200 non-profit members and partners serving immigrant communities throughout New York State. As MS-13 enforcement efforts have increasingly centralized on Long Island in 2017, the NYIC and its members have paid particular attention to the intersection between gang enforcement and immigration enforcement operations in that part of the state. Earlier this month media reports, citing an ICE official in charge of MS-13 related operations, confirmed that the agency is using gang enforcement as a method of carrying out its immigration enforcement purposes, regardless of known or suspected gang affiliations of the individuals taken into custody.¹ Given these statements and reports, and the rapid and aggressive manner in which ICE is carrying out immigration enforcement often at the expense of due process, it is urgent that the NYIC, its members, and allies, understand the manner in which gang enforcement targeting immigrant communities is carried out to ensure that they are not deprived of their rights.

In addition, and as demonstrated above, the manner in which ICE carries out gang enforcement, particularly operations targeted at immigrant communities, are a “matter of widespread and exceptional media interest.” See 6 C.F.R. § 5.5(e)(3) (“The existence of numerous articles published on a given subject can be helpful to establishing the requirement of that there be an ‘urgency to inform’ the public on the topic”). The numerous news reports on Operation Matador and related operations have called into question the actual purpose of these publicly-funded operations, which have also resulted in a breakdown of trust between local communities and federal and local law enforcement.²

In order to ensure that the stated goal of enforcement against MS13 does not infringe upon our communities’ civil liberties and due process rights, it is imperative that this information be released as soon as practicable.

C. REQUEST FOR FEE WAIVER

The NYIC requests that ICE waive all fees in connection with this FOIA request in accordance with 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure “is in the public interest because it is likely to contribute

¹ Julianne Hing, “Julianne Hing, “ICE Admits Gang Operations are Designed to Lock Up Immigrants”, The Nation (November, 2017) <https://www.thenation.com/article/ice-admits-gang-operations-are-designed-to-lock-up-immigrants/>
² *Id.*, See also Julianne Gage, “The US Government is Targeting MS13, But A Former Gang Member Says Arrests Alone Won’t Solve the Problem”, PRI’s The World (November 16, 2017) <https://www.pri.org/stories/2017-11-16/why-former-gang-member-joined-county-health-department>

significantly to public understanding of the operations or activities of the government,” and the NYIC is non-profit organization without any commercial interest in the records.

a) The records requested concern “operations or activities of the government.”

The requested records concern the operations or activities of the government. Any operations created and run by ICE, as an agency within the Department of Homeland Security, are fundamentally operations or activities of the government in its handling of immigration enforcement and carrying out its duties to protect the homeland from actual threats. Furthermore the requested documents are not protected from disclosure because they only pertain to the operations and policies of the agency, not to specific investigations or investigatory tactics.

b) The records requested are likely to contribute significantly to public understanding.

As stated above, the public has a significant interest in the disclosure of these documents. Both gang operations and immigration enforcement have a tremendous impact on our communities and it as the frequency and scope have greatly expanded in 2017, it is imperative that communities have a greater understanding of the purpose and goals of these operations, as well as what public resources are being used to carry them out.

c) The NYIC has no commercial interest in the records requested.

The NYIC is an umbrella policy and advocacy organization for nearly 200 groups in New York State working with immigrants and refugees. The NYIC researches, generates, and supports advocacy around issues related to immigration. It also works with national immigration advocacy groups to develop policy guidance and oversight in the ever-changing context of immigration law. Relevant to these pursuits, the requested information would provide invaluable insight into the needs of vulnerable immigrant populations in New York State and how the government is meeting those needs. This insight would enable targeted research and advocacy to legal service providers, community members, and policymakers to address as to the needs and gaps in services to immigrants living in New York State.

This information is not already available. However, the NYIC will make the disclosed information publicly available to serve the greater community. We will do this in the form of posting the responsive documents on our website, including an index of all available documents, and will synthesize the findings in a report to be distributed publicly and for free to all interested parties.

If it is your position that records exist that are responsive to this request, but that these records (or portions of these records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records. Requester reserves the right to appeal a decision to withhold any information or a denial of fee waivers.

In order to avoid delays in receiving the records, Requester further ask that the records be produced as soon as practicable and on a rolling basis as soon as they become available.

All applicable records can be released to Camille J. Mackler, Esq.; c/o The New York Immigration Coalition; 131 W. 33rd Street, Suite 610; New York, NY 10001.

D. CERTIFICATION

I certify that the above information supporting the request for expedited processing is true and correct to the best of my knowledge. If you have any questions regarding the processing of this request, you may contact me by phone at 212-627-2227 ext. 226 or by email at cmackler@nyic.org. Thank you for your prompt attention to this matter.

Very truly yours,



Camille J. Mackler, Esq.
Director of Immigration Legal Policy
New York Immigration Coalition