IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

TENNESSEE IMMIGRANT AND REFUGEE RIGHTS COALITION, MEGHAN CONLEY, and AMERICAN IMMIGRATION COUNCIL, Plaintiffs, v. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT & U.S. DEPARTMENT OF HOMELAND SECURITY, Defendants.	**Case No.: _____** **COMPLAINT FOR INJUNCTIVE RELIEF**

INTRODUCTION

1. This action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, seeks to compel U.S. Immigration and Customs Enforcement ("ICE") and its parent agency U.S. Department of Homeland Security ("DHS"), to produce records of ICE's guidance to state and local law enforcement agencies ("LEAs") on whether to disclose certain records pertaining to ICE's collaboration with state and local LEAs that are maintained by state and local jurisdictions and requested by members of the public under state laws.

2. These records include contracts between the state and local LEAs and ICE, data about individuals detained by the LEAs, communications between officers from state and local LEAs and ICE, and other records created as a result of the cooperation between state and local LEAs and federal immigration enforcement agencies.

3. Requesters seeking this information under the federal FOIA face significant hurdles in obtaining these records. Under the federal FOIA, Requesters encounter substantial delays when seeking these records because ICE often exceeds the time allowed by FOIA to produce responsive records. Requesters often must file lawsuits in federal courts to eventually obtain requested records. Additionally, ICE and other immigration agencies may not be the proper custodians of records created by state and local LEAs, such as records of initial arrests or state and local LEAs' records about detention facilities.

4. Some of the information contained in these records is subject to disclosure under state freedom of information laws.

5. Nevertheless, ICE has established a system to advise LEAs on whether they can release certain records they maintain if requested by the public.

6. ICE also instructed LEAs that they may not unilaterally release certain records requested under state laws.

7. This instruction circumvents state freedom of information laws and frustrates public oversight into ICE's operations, which are increasingly carried out in collaboration with state and local LEAs.

8. Plaintiffs, Tennessee Immigrant and Refugee Rights Coalition ("TIRRC"), Meghan Conley, and the American Immigration Council (the "Council"), filed a request under FOIA on August 10, 2026, to obtain records of ICE's guidance to LEAs on whether to release information requested under state law and inform the public about the type of information ICE has blocked from disclosure.

9. Defendants administratively closed Plaintiffs' FOIA request, failing to produce the requested records.

10. Plaintiffs now bring this lawsuit pursuant to FOIA for injunctive and other appropriate relief.

JURISDICTION AND VENUE

11. This court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C § 1331 since this action arises under FOIA against an agency of the United States.

12. Venue is proper in this District under 5 U.S.C § 552(a)(4)(B) since Plaintiff TIRRC's principal place of business is in this District.

PARTIES

13. Plaintiff Tennessee Immigrant and Refugee Rights Coalition ("TIRRC") is a statewide, immigrant and refugee-led nonprofit organization, whose mission is to build power and organize communities to advocate for the rights of immigrants and refugees in Tennessee. TIRRC's offices are located in Nashville. TIRRC's organizational purpose includes providing community education and awareness that allows immigrants and refugees to defend their rights, access relevant information, and identify systemic challenges. To this end, TIRRC frequently disseminates information on social media and in public and community forums about immigration policy and practices. TIRRC is a co-requestor of the FOIA request at issue in this complaint.

14. Plaintiff Meghan Conley is a professor who teaches and writes about immigration politics and policies. She is the author of *Immigrant Rights in the Nuevo South: Enforcement and Resistance at the Borderlands of Illegality* (Temple University Press 2019). She publishes her research in both public venues and academic journals. She has previously requested records from Tennessee LEAs under Tennessee law, and she is a co-requester of the FOIA request at issue in this complaint.

15. Plaintiff American Immigration Council (the "Council") is a tax-exempt, not-for-profit education and charitable organization under Section 501(c)(3) of the Internal Revenue Code. The Council strives to strengthen the United States by shaping immigration policies and practices through innovative programs, cutting-edge research, and strategic legal and advocacy efforts grounded in evidence, compassion, justice, and fairness. It is a co-requester of the FOIA request at issue in this complaint.

16. Defendant ICE is a subcomponent of DHS and an agency within the meaning of 5 U.S.C. § 552(f)(1). ICE, and its Enforcement and Removals Operations, oversees civil immigration detention in the United States. ICE established a process for local law enforcement agencies around the country to consult whether they can release certain information to the public. ICE has possession, custody, and control of records responsive to Plaintiffs' FOIA request.

17. Defendant DHS is an agency of the United States government and an agency within the meaning of 5 U.S.C. § 552(f)(1). DHS is responsible for the enforcement of immigration law in the United States. DHS is comprised of a number of subcomponents and offices, including ICE. DHS "has a decentralized system for responding to FOIA requests" in which requests for DHS records are directed to and processed by FOIA offices in ICE and each of its other individual components. 6 C.F.R. § 5.3(a)(1)-(2). DHS rules, policies, and procedures govern ICE's processing of FOIA requests. *Id.* § 5.1(a)-(c). As such, DHS has possession, custody, and control of the records Plaintiffs seek. *Sanchez Mora v. U.S. Customs & Border Protection*, Civil Action No. 24-3136, 2025 WL 1713252, at *5 (D.D.C. June 18, 2025) (FOIA "requests submitted to a DHS component, such as [ICE], must also be understood as submitted to DHS, the parent agency.").

STATEMENT OF FACTS

Defendants' Instructions to Local Law Enforcement Agencies

18. DHS has fostered relationships with state and local law enforcement agencies ("LEAs") to assist the federal government in enforcing federal immigration laws.

19. One type of federal immigration collaboration with state and local LEAs is via agreements under Immigration and National Act § 287(g), codified at 8 U.S.C. § 1357(g).

20. To operate under this provision (commonly referred to as 287(g)), state or local LEAs must enter into written agreements with DHS. 8 U.S.C. § 1357(g)(1)-(2), (4), (5). The agreements are often referred to as "Memorandum of Agreements" (MOAs). After an MOA is signed, the state or local LEAs designate officers who are deputized for the specific functions described in the agreement. *See* § 1357(g)(2); *see also* U.S. Immigr. and Customs Enf't, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act* (Oct. 2026), https://www.ice.gov/identify-and-arrest/287g. Those officers subsequently receive limited training from ICE regarding federal immigration enforcement, and soon after, attain the authority to perform immigration enforcement duties even though they remain employed by the state or local LEAs. *See id.*

21. There are three types of 287(g) Agreement models, which delineate the duties of the state or local LEA officers. The Warrant Service Officer model authorizes officers to serve administrative warrants and hold people for up to 48 hours after they would otherwise be released from state custody. Am. Immigr. Council, *The 287(g) Program: An Overview*, 2 (June 2025), https://www.americanimmigrationcouncil.org/fact-sheet/287g-program-immigration/. The Jail Enforcement model deputizes officers to interrogate noncitizens who have been arrested regarding their immigration status and to issue detainers to those who have been arrested for state or local

charges. *Id.* The third type, the Task Force model, allows local law enforcement agents who encounter suspected noncitizens during their routine police activities to question and arrest individuals that they believe violated immigration law. *Id.*

22. DHS' template 287(g) Agreements contains a clause whereby the state and local LEAs agree to "coordinate" with ICE as to the release of information relating to, or exchanged under, the 287(g) Agreement. The clause also prohibits the release of documents "that contain information developed or obtained as a result of this MOA…unless 1) [release is] permitted by applicable laws, regulations, or executive orders; and 2) the [state or local] LEA has coordinated in advance of release with (a) the ICE Office of Public Affairs, which will consult with the ICE Privacy Office for approval, prior to any release to the media, or (b) an ICE officer prior to releases to all other parties." *See e.g.* U.S. Immigr. and Customs Enf't, *Memorandum of Agreement*, 6 (Aug. 19, 2025), https://www.ice.gov/doclib/about/offices/ero/287g/moaFillableTFM.pdf.

23. As of October 21, 2026, ICE statistics indicate that it has signed 2,698 287(g) Agreements throughout the country with state and local LEAs. U.S. Immigr. and Customs Enf't, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act* (Oct. 2026), https://www.ice.gov/identify-and-arrest/287g.

24. ICE's list of participating agencies shows that 163 LEAs in Tennessee have entered into 287(g) Agreements with ICE. *Id.* Among them is the Tennessee Department of Safety and Homeland Security, which has a 287(g) Agreement under the Task Force model that applies to the Tennessee Highway Patrol, and dozens of sheriffs' offices and police departments across the state. *Id.*

25. State and local LEAs also collaborate with ICE through Intergovernmental Service Agreements ("IGSAs"), which allow LEAs to house individuals at state detention facilities on ICE's behalf.

26. Additionally, state and local LEAs share arrest information with ICE under the "Secure Communities" program. Under the program, the state and local LEAs share the fingerprints of individuals arrested with the Federal Bureau of Investigation, which automatically sends the fingerprints to DHS to check whether the individuals arrested are removable from the United States. If an individual is removable, ICE issues a detainer, which requests that the state or local LEA hold the individual for up to 48 hours, not counting weekends and holidays, to allow ICE to assume custody. U.S. Immigr. and Customs Enf't, *Secure Communities* (July 9, 2025), https://www.ice.gov/secure-communities.

27. As a result of this collaboration, state and local LEAs maintain critical records that document the levels of cooperation between community law enforcement and immigration authorities, the expenditures these LEAs make to secure this cooperation, and information about individuals initially arrested by the LEAs.

28. Certain records collected by the state and local LEAs are subject to state freedom of information laws.

29. From October to December 2025, Plaintiffs TIRRC and Ms. Conley submitted requests for information under Tennessee law to Putnam County, a jurisdiction that recently entered into a 287(g) Agreement and an IGSA with ICE, for records regarding all individuals detained on immigration grounds in the county jail. Many of these records were created by Putnam County as mandated by state regulations ensuring accountability for the individuals held in its jail.

Putnam County denied the request, asserting that federal regulation 8 C.F.R. § 236.6 prevented it from releasing records because, in its view, the regulation "preempted" state public records law.

30. LEAs' denials of requests for records under state law also have occurred in other jurisdictions. In Massachusetts, for example, the state affiliate of the American Civil Liberties Union filed a public records request with the Plymouth County Sheriff's Department ("PCSD") seeking the Plymouth County Correctional Facility's plans for medical care of people held at the jail on ICE's behalf, as well as operating agreements between the facility and the federal government. *ACLU of Mass. v. Plymouth Cnty. Sheriff's Dep't*, No. 2684CV00477, at 4-6 (Mass. Suffolk Sup. Ct. Aug. 11, 2026), https://www.aclum.org/cases/aclu-of-massachusetts-v-plymouth-county-sheriffs-department/. The PCSD denied the request and claimed that 8 C.F.R. § 236.6 prevented it from releasing records, because the regulation "preempted" state public records law. *Id.*

31. Upon information and belief, ICE's 287(g) team sent an email on April 21, 2026, reminding LEAs that information obtained or developed as a result of the 287(g) Agreements, including documents created by the LEAs, is under ICE's control. ICE further instructed LEAs to consult with ICE at specified email addresses if they receive requests for information under FOIA or sunshine laws from media, organizations, or individuals.

32. Upon information and belief, ICE's Enforcement and Removal Operations ("ERO") also sent an email to "287(g) partners" on April 24, 2026, instructing them to email a specific ERO email address when seeking guidance about requests for 287(g)-related information from media, individuals or organizations.

33. The April 24 email also ordered the recipient LEAs to contact the "ERO FOIA team" prior to any release of federal or jointly owned records. ICE described jointly owned records

as contracts, agreements, invoices, emails, or any other records going back and forth between the LEA partner and ICE along with any internal local law enforcement documents that contain ICE/ERO information. ICE instructed LEAs to compile the records and send them to ERO's FOIA unit for consultation prior to release.

34. Further, ICE issued guidance clarifying that certain portions of 287(g)-related records could be released, but that certain categories of information must be referred to ICE for review. ICE instructed state and local LEAs how to redact certain types of records such as the 287(g) Agreements, aggregate statistics or data, publicly available ICE policies and guidance, administrative correspondence, standard operating procedures, budgets, contracts, procurement documents, invoices, and financial records. Further, ICE requires these state and local LEAs to notify the agency when a state's law does not permit the redactions suggested by ICE. Finally, the guidance provides templates so that the state and local LEAs can respond to requests for information that they are referring to ICE under the guidance.

35. These instructions effectively block access to critical information, including the costs to communities of partnering with ICE or records about individuals' medical care during their detention at a state or local facility.

Plaintiffs' Request for Records Under FOIA

36. On August 10, 2026, Plaintiffs submitted a request under FOIA seeking records of communications from LEAs to ICE about how to respond to requests for information about 287(g) and other agreements and specific instructions ICE provided to LEAs about whether to release information requested.

37. Requesters asked for two specific categories of records:

a. Records of requests from state or local agencies for ICE guidance on how to respond to requests for information or public records, including but not limited to

email communications sent or received by ERO-FOIA@ice.dhs.gov, or other records reflecting state or local agencies' consultations with the ICE FOIA Office, Office of Public Affairs, and Enforcement and Removal Operations ("ERO") field office directors about the aforementioned guidance. State and local agencies include, but are not limited to, agencies operating 287(g) Memoranda of Understanding ("MOU") or Intergovernmental Service Agreements ("IGSA").

b. Records of guidance, including but not limited to policy memoranda, directives, or standard operating procedures, regarding ICE's position about disclosure of records by state and local jurisdictions under state law.

Plaintiffs sought these two types of records for the time period between January 1, 2026 "until the date the agency conducts a reasonable search." A true and complete copy of Plaintiffs' FOIA request is attached and marked as *Exhibit A*.

38. Additionally, Plaintiffs sought a waiver of any fees ICE may impose on Plaintiffs' request.

39. ICE assigned No. 2026-ICFO-36852 to Plaintiffs' request.

40. On September 2, 2026, ICE sent an email to TIRRC notifying Plaintiffs that their request was not sufficiently specific to allow ICE to conduct a "focused and reasonable search." The notice claimed that ICE could not structure a search around an indefinite end date and requested that Plaintiffs limit their request to a "closed six-month period." Further, the notice instructed Plaintiffs that they identify specific offices within ICE that the agency should search, as well as ICE custodians of the records sought. As to Plaintiffs' request for records of "guidance," ICE also asked Plaintiffs to clarify whether they sought final versions of these types of records. A true and complete copy of the September 2 email from ICE to Plaintiffs is attached and marked as *Exhibit B*.

41. The agency also warned Plaintiffs that if they failed to respond within 30 working days, it would administratively close the request.

42. Plaintiffs responded to ICE's notice on September 9, 2026, to express their willingness to clarify certain parts of their request. Namely, Plaintiffs: a) agreed to limit responsive communications to include field office directors and field program managers for field offices in New Orleans (St. Rose)-ERO, Miami (Miramar)-ERO, Dallas-ERO, and Houston-ERO; b) provided additional email addresses as potential custodians; c) agreed to narrow the scope of the request to only include ICE emails to LEAs with 287(g) Agreements and IGSAs; and d) clarified that the request sought only final versions of guidance records such as policy memoranda, directives, or standard operating procedures. A true and complete copy of the September 9 email from Plaintiffs to ICE is attached and marked as *Exhibit C*.

43. However, Plaintiffs rejected ICE's suggestion to limit the request to a closed six-month period, stating that the agency had not indicated when it would conduct the search and that FOIA does not limit responsive records in such a manner. Plaintiffs also informed ICE that it could not provide specific records custodians beyond the email addresses Plaintiffs already suggested, because particular officers' names, titles, or offices are not publicly available.

44. Despite Plaintiffs' clarifications, ICE notified them on September 13, 2026, via email that it administratively closed their request. ICE claimed that the request still did not provide sufficient search parameters to allow ICE to conduct a focused search with a reasonable amount of effort. A true and complete copy of the September 13 notice administratively closing Plaintiffs' FOIA request is attached and marked as *Exhibit D*.

45. Plaintiffs filed an administrative appeal of ICE's adverse determination to administratively close their request on September 17, 2026. Plaintiffs argued that they provided ICE with a reasonable description of the date range and potential custodians for the records sought. A true and complete copy of Plaintiffs' administrative appeal is attached and marked as *Exhibit E*.

46. On October 16, 2026, ICE's Office of the Principal Legal Advisor responded to Plaintiffs' administrative appeal. ICE designated Plaintiffs' appeal as No. 2026-ICAP-00727. In its response, the agency informed Plaintiffs that it affirmed ICE's initial determination to administratively close the request. A true and complete copy of ICE's October 16 notice affirming its decision to administratively close Plaintiffs' request is attached and marked as *Exhibit F*.

47. Additionally, ICE has not made a determination regarding Plaintiffs' request for a fee waiver.

CAUSES OF ACTION

Count I
Failure to Conduct a Reasonable Search

48. Plaintiffs restate and re-allege all preceding paragraphs as if fully set forth herein.

49. Plaintiffs have a legal right under FOIA to compel Defendant ICE to conduct a reasonable search for records responsive to Plaintiffs' FOIA request. 5 U.S.C. § 552(a)(3)(C).

50. Defendant ICE has not conducted a reasonable search for records responsive to Plaintiffs' request.

51. Defendant ICE's failure to conduct a reasonable search for these records violates FOIA. *Id.*

Count II
Failure to Make Responsive Records Promptly Available

52. Plaintiffs restate and re-allege all preceding paragraphs as if fully set forth herein.

53. Plaintiffs have a legal right under FOIA to promptly obtain the records sought in their FOIA request. *Id.* § 552(a)(3)(A).

54. As of the date of this filing, Defendants have not made any records responsive to Plaintiffs' FOIA request available.

55. Defendants' failure to make these records available to Plaintiffs to date has no legal basis and violates FOIA. *Id.*

Count III
Failure to Grant Plaintiffs' Request for a Fee Waiver

56. Plaintiffs restate and re-allege all preceding paragraphs as if fully set forth herein.

57. Plaintiffs have a legal right to a fee waiver of any fees that may be imposed by ICE under FOIA and Defendants' implementing regulations because disclosure of the records sought is in the public interest and is not primarily in Plaintiffs' commercial interest. *See* 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k)(1).

58. Defendants' failure to grant Plaintiffs' request for a fee waiver violates FOIA and the implementing regulations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that this Court grant the following relief:

a. Assume jurisdiction over the matter;

b. Order Defendants to process Plaintiffs' FOIA request as soon as practicable;

c. Order Defendants to conduct a reasonable search for all records responsive to Plaintiffs' FOIA request pursuant to 5 U.S.C. § 552(a)(3);

d. Order Defendants to process and disclose responsive non-exempt records in their entirety and make them promptly available to Plaintiffs;

e. Review any and all of Defendants' decisions to redact or withhold information in responsive records as exempt from disclosure;

f. Grant Plaintiffs a fee waiver of any fee imposed by Defendants to their FOIA request;

g. Award Plaintiffs' costs and reasonable attorneys' fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and

h. Grant other such relief as the Court may deem just and proper.

Date: October 28, 2026

/s/ Michael C. Holley
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Attorneys for Plaintiffs

**Motion for admission pro hac vice forthcoming.*

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Tennessee Immigrant and Refugee Rights Coalition, et

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Spring Miller, TIRRC
3310 Ezell Rd., Nashville, TN; Tel. (615) 609-9216

DEFENDANTS

U.S. Immigration and Customs Enforcement, et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 365 Personal Injury - Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Liability	☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability		**INTELLECTUAL PROPERTY RIGHTS**	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability		☐ 820 Copyrights	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability	**PERSONAL PROPERTY**	**LABOR**	☐ 830 Patent	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 340 Marine	☐ 370 Other Fraud	☐ 710 Fair Labor Standards Act	☐ 835 Patent - Abbreviated New Drug Application	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 345 Marine Product Liability	☐ 371 Truth in Lending	☐ 720 Labor/Management Relations	☐ 840 Trademark	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	☐ 740 Railway Labor Act	☐ 880 Defend Trade Secrets Act of 2016	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	☐ 751 Family and Medical Leave Act	**SOCIAL SECURITY**	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 360 Other Personal Injury		☐ 790 Other Labor Litigation	☐ 861 HIA (1395ff)	☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability	☐ 362 Personal Injury - Medical Malpractice		☐ 791 Employee Retirement Income Security Act	☐ 862 Black Lung (923)	☐ 490 Cable/Sat TV
☐ 196 Franchise				☐ 863 DIWC/DIWW (405(g))	☐ 850 Securities/Commodities/ Exchange
				☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	**IMMIGRATION**	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
☐ 210 Land Condemnation	☐ 440 Other Civil Rights	**Habeas Corpus:**	☐ 462 Naturalization Application		☐ 893 Environmental Matters
☐ 220 Foreclosure	☐ 441 Voting	☐ 463 Alien Detainee	☐ 465 Other Immigration Actions	**FEDERAL TAX SUITS**	☐ 895 Freedom of Information Act
☐ 230 Rent Lease & Ejectment	☐ 442 Employment	☐ 510 Motions to Vacate Sentence		☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 896 Arbitration
☐ 240 Torts to Land	☐ 443 Housing/ Accommodations	☐ 530 General		☐ 871 IRS—Third Party 26 USC 7609	☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment	☐ 535 Death Penalty			☐ 950 Constitutionality of State Statutes
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other	**Other:**			
	☐ 448 Education	☐ 540 Mandamus & Other			
		☐ 550 Civil Rights			
		☐ 555 Prison Condition			
		☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
5 U.S.C. 552(a)

Brief description of cause:
Action to compel Defendants to produce agency records pursuant to FOIA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE
10/ 282026

SIGNATURE OF ATTORNEY OF RECORD
MIchael C. Holley

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Exhibit A

August 10, 2026

VIA SecureRelease Submission

U.S. Immigration and Customs Enforcement
FOIA Office
500 12th Street, SW, Stop 5009
Washington, DC 20536

Re: Freedom of Information Act Request
For ICE Guidance on Release of Records under State Law

Dear FOIA Officer:

The Tennessee Immigrants & Refugee Rights Coalition ("TIRRC"), Professor Meghan Conley, and the American Immigration Council (hereinafter referred to as "Requesters") submit this request under the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552, to obtain agency records, as detailed below, on guidance from U.S. Immigration and Customs Enforcement ("ICE") to local law enforcement agencies ("LEA") about their ability to release certain records under state freedom of information laws. Requesters also seek a waiver of any applicable fees.

I. INFORMATION REQUESTED

Requesters seek the following records prepared, possessed, received, transmitted, collected, maintained, or controlled by ICE from January 1, 2026 until the date the agency conducts a reasonable search:

1. Records of requests from state or local agencies for ICE guidance on how to respond to requests for information or public records, including but not limited to email communications sent or received by ERO-FOIA@ice.dhs.gov, or other records reflecting state or local agencies' consultations with the ICE FOIA Office, Office of Public Affairs, and Enforcement and Removal Operations ("ERO") field office directors about the aforementioned guidance. State and local agencies include, but are not limited to, agencies operating 287(g) Memoranda of Understanding ("MOU") or Intergovernmental Service Agreements ("IGSA").

2. Records of guidance, including but not limited to policy memoranda, directives, or standard operating procedures, regarding ICE's position about disclosure of records by state and local jurisdictions under state law.

II. FORMAT OF PRODUCTION

Requesters seek responsive records in electronic format in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and in separate Bate-stamped files.

III. FEE WAIVER REQUEST

Requesters seek a fee waiver of any applicable fee because "disclosure of the requested records is in the public interest." 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure is in the public interest where it (a) "is likely to contribute significantly to public understanding of the operations or activities of the government" and (b) "is not primarily in the commercial interest of the requester." *Id.*; *see also* 6 C.F.R. § 5.11(k)(1). Requesters meet both of these elements.

1. **Records about ICE's guidance on whether local law enforcement agencies should release records about individuals in ICE custody will significantly contribute to the public understanding of the operations and activities of the government.**

    a. *The records requested concern government operations and activities. 6 C.F.R. § 5.11(k)(2)(i).*

The records requested pertain directly to "operations or activities" of the federal government. Specifically, the records requested pertain to ICE's guidance about whether local law enforcement agencies can release records about people they have detained but who eventually ICE took into custody. The emails from ERO-FOIA@ice.dhs.gov, for example, will shed light into how the agency implemented policies about certain records not created or maintained by the agency. The guidance records requested in item No. 2 will provide insight as to whether ICE's operations as to these requests should have been consistent with agency-wide directives. Thus, the two categories of records requested undoubtedly concern government operations.

b. *Disclosure of the requested records is "likely to contribute" to an understanding of government operations and activities. 6 C.F.R. § 5.11(k)(2)(ii).*

Disclosure of the records is likely to contribute to an understanding of ICE's guidance to state entities on whether to release certain records under state laws. ICE has failed to inform the public

about its instructions to local jurisdictions, limiting information they may disclose upon request under state freedom of information laws.

The agency's failure to inform the public has led to litigation in several state courts seeking clarification that the local law enforcement agencies must release certain records under state laws. For example, in Michigan, the American Civil Liberties Union filed a lawsuit to secure the disclosure of certain records under the state's freedom of information laws after the Calhoun County Sheriff's Office asserted that the records requested were exempt from disclosure because they related to an individual in ICE detention. *ACLU of MI v. Calhoun County Sheriff's Office,* 509 Mich. 1 (2022). However, the Michigan Supreme Court held that the county improperly invoked regulation 8 C.F.R. § 236.6 to block access to the records because Michigan law did not exempt from disclosure records under federal regulations. *Id.* at 12.

More recently, the ACLU of Massachusetts also filed an action against a local law enforcement agency to obtain records of people initially held by the local entity and eventually detained by ICE. The ACLU of MA's lawsuit against Plymouth County Correctional Facility was the result of the local law entity denying the organization's request for medical records created and maintained by the Correctional Facility based on its application of 8 C.F.R. § 236.6.[1]

Requesters TIRRC and Prof. Conley also have encountered obstacles in trying to obtain records under Tennessee law. Prof. Conley has had a standing records request under state law for Knox County's 287(g) and an IGSA bed contract with ICE, and Knox County had been providing the requested documents. But recently, it suddenly changed its position, invoking 8 C.F.R. § 236.6 to deny the records it was providing previously. Similarly, last year, Professor Conley and TIRRC submitted requests to Putnam County which also has an IGSA bed contract with ICE and has recently entered a 287(g) program. They requested records regarding immigration detainees, including records that the Putnam County jail routinely creates itself for all detainees in its custody. Putnam County denied access to the records saying they were "not public records." In litigation, they cited 8 C.F.R. § 236.6 as the sole basis for withholding those records.

In May and June, the issue became the topic of wide media attention. The *Dallas Morning News* reported that ICE had directives informing state and local law enforcement officials that they must consult with ICE before releasing records to the public, even if the records were created by a local law enforcement agency.[2] Some reporters have gone as far as calling it a "secret ICE

[1] ACLU of Massachusetts, ACLU of Massachusetts v. Plymouth County Sheriff's Department (Jun. 17, 2026), https://www.aclum.org/cases/aclu-of-massachusetts-v-plymouth-county-sheriffs-department/#documents.
[2] Aaron Torres, *Experts: ICE memos to Texas police aim to evade state transparency laws*, THE DALLAS MORNING NEWS, Jun. 12, 2026, https://www.nbcdfw.com/news/local/fairly-unprecedented-ice-memos-to-texas-police-aim-to-evade-state-transparency-laws-experts-say/4035772/.

directive" testing state transparency laws.[3] Other reports note that the local law enforcement agencies have referred requests to ICE for response under FOIA rather than responding under state law.[4] Furthermore, local news often report on lawsuits filed by organizations to obtain records denied by local entities.[5]

Disclosure of the information requested will give the public with much needed guidance about the instructions ICE provides to local jurisdictions about how to apply the aforementioned regulation or other reasons for blocking access to these state records.

c. *Disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons. 6 C.F.R. § 5.11(k)(2)(iii)*

Third, disclosure of the requested information will contribute to "the understanding of a reasonably broad audience of persons interested in the subject." 6 C.F.R. § 5.11(k)(2)(iii). The information requested will help journalists, researchers, and advocates across the country gain clarity as to ICE's operations when it comes to blocking access to records under state laws. In fact, the emails requested under Item No. 1 will help show the scope of this issue, since it is likely that every request for guidance from a local law enforcement agency would have been precipitated by a request for records from a member of the public. ICE's guidance to these jurisdictions will help the public understand the agency's protocols when it comes to the release of this information under state law.

Further, Requesters have experience disseminating information to wide audiences.

The Tennessee Immigrant and Refugee Rights Coalition (TIRRC) is a statewide, immigrant and refugee-led collaboration, whose mission is to build power and organize communities to

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[3] Monique O. Madan, *A secret ICE directive is testing one of Florida's strongest traditions: open government*, THE FLORIDA TRIB, May 6, 2026, https://floridatrib.org/2026/05/06/a-secret-ice-directive-is-testing-one-of-floridas-strongest-traditions-open-government/; *see also* Autumn Billings, *Secret ICE Memo Tells Local Police Not To Disclose Immigration Enforcement Info Without ICE's Permission*, REASON, May 8, 2026, https://reason.com/2026/05/08/secret-ice-memo-tells-local-police-not-to-disclose-immigration-enforcement-info-without-ices-permission/.

[4] Clark Kauffman, *Muscatine County's agreement to jail ICE detainees remains secret*, IOWA CAPITAL DISPATCH, Feb. 20, 2026, https://iowacapitaldispatch.com/2026/02/20/muscatine-countys-agreement-to-jail-ice-detainees-remains-secret/.

[5] *See e.g.* Angele Latham, *Immigrant rights group sues sheriff's office over public records*, THE TENNESSEAN, March 5, 2026, https://www.tennessean.com/story/news/2026/03/05/immigrant-rights-advocates-putnam-sheriffs-office-public-records-lawsuit/88953180007/; Abigail Driscoll, *ACLU accuses Sanford officials of withholding records about ICE, CBP collaboration*, PORTLAND PRESS HERALD, March 12, 2026, https://www.pressherald.com/2026/03/12/aclu-accuses-sanford-officials-of-withholding-records-about-ice-cbp-collaboration-2/; The Frontier, *Two Oklahoma newsrooms take the Department of Corrections to court over ICE records*, May 6, 2026, https://www.readfrontier.org/stories/two-oklahoma-newsrooms-take-the-department-of-corrections-to-court-over-ice-records/.

advocate for the rights of immigrants and refugees in the state. TIRRC's organizational purpose includes providing community education and awareness that allows immigrants and refugees to defend their rights, access relevant information, and identify systemic challenges for immigrants and refugees. To this end, TIRRC frequently disseminates information on social media and in public and community forums about immigration policy and practices.

Meghan Conley is a professor who teaches and writes about immigration politics and policies. She is the author of *Immigrant Rights in the Nuevo South: Enforcement and Resistance at the Borderlands of Illegality* (Temple University Press). She publishes her research in both public venues and academic journals.

The American Immigration Council's mission is to educate the public, the media, and decisionmakers through research and analysis. To achieve this mission, the Council produces publications such as blogs, factsheets, and reports based on records received from government agencies in response to FOIA requests.[6]

As they have done in the past, Requesters will share the information obtained from this request through their usual channels of audience engagement. Information and analysis of documents obtained may be shared in written blogs, newsletters to supporters, or with reporters interested in this issue.

d. *The request's contribution to public understanding of government operations or activities will be "significant." 6 C.F.R. § 5.11(k)(2)(iv)*

Given the lack of information about ICE's guidance to state entities about when they can release records under state law, disclosure of the requested emails and agency policies will contribute "significantly" to the public understanding of the agency's involvement and reasons for blocking access to information. Currently, the only information publicly available as to why local law enforcement agencies block access to records comes from requesters' lawsuits in state courts. As experienced by Requesters TIRCC and Prof. Conley, the local law enforcement agencies in Tennessee did not explain the reasons for the denial they received under state law until they filed their lawsuit. Disclosure of these records to Requesters, who have a track record of widely disseminating information to the public, will contribute significantly to the public's understanding of this practice of blocking access to records under state law.

[6] *See e.g.* Raul Pinto and Jennifer Coberly, American Immigration Council, The Trump Administration Stopped Processing Certain Green Card Applications. Our FOIA Found What Happened Next., Jun. 3, 2026, https://www.americanimmigrationcouncil.org/blog/trump-stops-processing-green-cards-foia-what-happened/; *see also* American Immigration Council & Immigrant Legal Resource Center, ICE Didn't Follow Federal Enforcement Priorities Set by Biden Administration, Jun. 27, 2023, https://www.americanimmigrationcouncil.org/report/ice-enforcement-priorities/.

2. **Disclosure of the Information Requested Is Not in Requesters' Commercial Interest.**

Disclosure of the information requested is not in the commercial interest of Requesters. 6 C.F.R. § 5.11(b). Requesters are nonprofit organizations and a researcher. Requesters intend to disseminate the information gathered by this request to the public at no cost, including through the Requesters' websites, social media, and other communication channels.

a. *The Requesters have no commercial interest in the disclosure. 6 C.F.R. § 5.11(k)(1)(ii), (k)(3).*

Requesters satisfy the lack of commercial interest element because TIRRC and the Council are tax-exempt, nonprofit educational, charitable, and/or legal services organizations. As nonprofit organizations, which by definition have no commercial interest, Requesters would usually qualify for a fee waiver. *See Am. Ctr. for Law & Justice v. U.S. Dep't of Homeland Sec.*, 573 F. Supp. 3d 78, 84 (D.D.C. 2021). Similarly, disclosure is not in Prof. Conley's commercial interest as her interest lies in the academic research value of the information obtained.

Rather than furthering any commercial interest, the requested information will help achieve Requesters' missions. Congress intended the FOIA fee waiver provision to encourage "open and accountable government." *Citizens for Responsibility and Ethics in Washington v. U.S. Dep't. of Educ.*, 593 F. Supp. 2d 261, 271 (D.D.C. 2009). Therefore, agencies should "apply the public-interest waiver liberally." *Conklin v. United States*, 654 F. Supp. 1104, 1005 (D. Colo. 1987). For example, the Council's mission is to promote the development of fair and rational immigration policies that reflect fundamental American values and uses transparency and analysis as key strategies to achieve this goal. Likewise, TIRRC's mission includes promoting public education and awareness about the role state and local actors play in implementing policies and practices that affect immigrant and refugee communities and facilitating community engagement and participation in local and state decision-making regarding immigration issues. Conley's scholarship expands the public's understanding of how state and local law enforcement agencies participate in immigration enforcement and detention operations.

b. *The public interest in the disclosure outweighs any identified commercial interest Requesters may have in the records sought.*

Assuming *arguendo* that the agency identifies a commercial interest, such interest is small in comparison to the public interest in disclosure. In other words, the public interest in disclosing how ICE advises local law enforcement agencies to shield documents from disclosure under state law far outweighs any commercial interest the agency may ascribe to Requesters. Disclosure of these records is the only way in which Requesters will be able to inform the public on whether

ICE is collaborating with local law enforcement agencies to deny state public records requests and the reasoning behind those denials. Requesters, as organizations that regularly obtain FOIA records to educate the public, are well positioned to receive and analyze disclosures.

For these reasons, this request for a full fee waiver should be granted. If the full fee waiver is not granted, Requesters seek all applicable reductions in fees. Further, if no fee waiver is granted and the anticipated costs associated with this request exceed $25.00, please notify Requesters to obtain consent and provide an estimate of the additional fees.

IV. **Conclusion**

Thank you for your consideration of this request. We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(I). If the Request is denied in whole or in part, we ask that you justify all withholdings by reference to specific exemptions to the FOIA. We also ask that you release all segregable portions of otherwise exempt material.

If you have any questions regarding this request, you can contact Spring Miller at spring@tnimmigrant.org. Thank you for your consideration.

Very truly yours,

/s/ Spring Miller
Senior Director of Legal Strategy
Tennessee Immigrant and Refugee Rights Coalition

On behalf of Requesters

/s/ Meghan Conley
Requester

/s/ Raul A. Pinto
Deputy Legal Director, Transparency
American Immigration Council

Exhibit B

TENNESSEE Immigrant & Refugee Rights COALITION

Spring Miller <spring@tnimmigrant.org>

ICE FOIA 2026-ICFO-36852 Clarification Request

ice-foia@ice.dhs.gov <noreply@securerelease.us> Wed, Sep 2, 2026 at 2:35 PM
Reply-To: ice-foia@ice.dhs.gov
To: spring@tnimmigrant.org

09/02/2026

Spring Miller
Tennessee Immigrant and Refugee Rights Coalition
3310 Ezell Rd
Nashville, Tennessee 37211

RE: ICE FOIA Request 2026-ICFO-36852

Dear Requester:

This letter concerns your ICE FOIA request dated 8/10/2026, in which you seek records pertaining to ICE guidance to state and local law enforcement agencies from January 1, 2026, through the date of search regarding responses to public records or information requests under state law, including consultations with ICE offices and records of policies, directives, memoranda, standard operating procedures, or other guidance on disclosure of records by state and local jurisdictions.

As currently framed, the request is not sufficiently specific to allow ICE to conduct a focused and reasonable search. FOIA requires that a request reasonably describe the records sought so that agency personnel can locate them with a reasonable amount of effort. The request seeks records from January 1, 2026 “until the date the agency conducts a reasonable search,” but ICE cannot structure searches around an evolving end date. Please provide a fixed start date and end date. Because the request includes communications and multiple offices or potential custodians, please limit the timeframe to a closed six-month period.

In addition, the request seeks records involving the ICE FOIA Office, Office of Public Affairs, Enforcement and Removal Operations field office directors, ERO-FOIA@ice.dhs.gov, and potentially other unspecified ICE offices or personnel. Records of this type are not maintained in a single agency-wide repository. Please clarify the ICE directorate, program office, field office, or office account you intend ICE to search. If you seek records from ERO, please identify the specific ERO headquarters program office, field office, or field office directors whose records you want searched. If you seek records from the Office of Public Affairs or the ICE FOIA Office, please confirm that those offices should be included.

For the communications portion of the request, please identify the ICE custodians whose records you want searched by name or position title, provide the search terms you want ICE to use, and identify the communications systems to be searched, such as official ICE email or Microsoft Teams. If you intend ICE to search an office mailbox, please identify the specific mailbox. For communications with external state or local agencies, including agencies operating 287(g) Memoranda of Understanding or Intergovernmental Service Agreements, please identify the specific state or local agencies at issue and provide any known external email domains so ICE can target communications to and from those entities.

Please also clarify the specific record types sought for the non-communications portion of the request. For example, if you seek final policy memoranda, directives, standard operating procedures, formal guidance, or other discrete categories of guidance records, please identify those record types and the ICE office or offices most likely to maintain them. ICE can process only records within ICE’s custody and control. To the extent the request seeks records maintained solely by state or local agencies, detention facility operators, or other non-ICE entities, those records are outside ICE’s custody and control unless ICE has copies.

Until this additional information is provided, ICE is unable to proceed with an adequately focused search for records responsive to your request as currently framed.

Please provide your clarification as soon as possible to avoid further delay in processing your request. You may respond by sending a message through the SecureRelease portal or by emailing ICE-FOIA@ice.dhs.gov.

If we do not receive your response within **30 working days** of the date of this letter, your request will be **administratively closed**.

Your request has been assigned reference number 2026-ICFO-36852. Please include this number in any future correspondence regarding your request.

Sincerely,

Freedom of Information Act (FOIA) Office
Office of Information Governance and Privacy
U.S. Immigration and Customs Enforcement
ICE-FOIA@ice.dhs.gov | www.ice.gov/foia

Exhibit C

TENNESSEE Immigrant & Refugee Rights COALITION

Spring Miller <spring@tnimmigrant.org>

ICE FOIA 2026-ICFO-36852 Clarification Request

Spring Miller <spring@tnimmigrant.org> Wed, Sep 9, 2026 at 3:05 PM
To: ice-foia@ice.dhs.gov
Cc: Raul Pinto <RPinto@immcouncil.org>

Dear FOIA Office,

We are in receipt of your Sept. 2, 2026 email requesting clarification of items sought in our August 10, 2026 FOIA request. As to your request for clarification, we respond as follows:

1. *Request to limit the timeframe to a close six-month period.*

Because the agency has not provided Requesters with information about when it will conduct the search, the description of the dates for the items requested is reasonable. Courts have approved using the date when the agency begins its search as the cut-off date for FOIA requests. *See Public Citizen v. Dep't of State*, 276 F.3d 634, 642 (D.C. Cir. 2002). Further, FOIA provides no limitation that requests under the law be for records of only a "six-month" period. **Accordingly, Requesters will not limit the timeframe of the request and request that the agency provide documents from January 1, 2026, until the date the agency begins its search.**

2. *Request to clarify the ICE directorate, program office, field office, or office account "you intend ICE to search."*

The request seeks records involving the ICE FOIA Office, Office of Public Affairs, Enforcement and Removal Operations field office directors, ERO-FOIA@ice.dhs.gov, and potentially other unspecified ICE offices or personnel. To clarify, Requesters seek:

a. Emails to and from the specific email inbox ERO-FOIA@ice.dhs.gov;
b. Other records of communications sent or received by the Office of Public Affairs providing guidance to local law enforcement agencies on the release of records under state law about people in detention; and
c. Records of communications sent by field office directors providing guidance to local law enforcement agencies on the release of records under state law about people in detention;

Courts routinely approve descriptions of communications that specify the communications' dates, forms, parties, and topics, just as Requesters did here. *See, e.g.*, *Bader Family Found. v. U.S. Equal Emp. Opportunity Comm'n*, Case No. 23-cv-976 (JMC), 2025 WL 915563, at *4 (D.D.C. Mar. 26, 2025) ("All internal and external communications" sent or received by a defined set of employees that make certain allegations); *Gun Owners of Am. v. Fed. Bureau of Investigation*, 594 F. Supp. 3d 37, 46-49 (D.D.C. 2022) ("All communications between the FBI and the Virginia Department of State Police involving" two background check programs); *Am. Oversight v. U.S. Env't Prot. Agency*, 386 F. Supp. 3d 1, 4-5, 11 (D.D.C. 2019) ("All emails between four named officials and "any email address containing a house.gov or senate.gov domain" during a two week period).

ICE directed local law enforcement agencies to submit questions to the specific email address Requesters provided, the agency's Office of Public Affairs, or ERO Field Office Directors. Thus, those two offices, in addition to the specific email address provided, are reasonable custodians of the requested information. The fact that "records of this type are not maintained in a single agency-wide repository," as you indicated in your Sept. 2 email, is irrelevant to a reasonable description of the records. Additional, potential custodians include, but are not limited to, ICE-FOIA@ice.dhs.gov, ICEMedia@ice.dhs.gov, and ERO287g@ice.dhs.gov.

However, in the spirit of collaboration, Requesters are amenable to narrowing the scope of the request for item c. above, i.e. communications with field office directors, to the following field offices: New Orleans (St. Rose)-ERO, Miami (Miramar)-ERO, Dallas-ERO, and Houston-ERO, and include only field office directors and field program managers.

3. *Request to identify the ICE custodians whose records you want searched by name or position title, provide the search terms you want ICE to use, and identify the communications systems to be searched, such as official ICE email or Microsoft Teams.*

In your Sept. 2 email, you asked Requesters to provide, for the communications portion of the request, more specificity as to potential custodians and clarification as to whether communications with external state or local agencies included agencies operating 287(g) Memoranda of Understanding or Intergovernmental Service Agreements. You also requested to please identify the specific state or local agencies at issue and provide any known external email domains so ICE can target communications to and from those entities.

Requesters are not in a position to further clarify potential custodians within OPA or specific field office directors, as the names and positions of ICE personnel are not publicly available. Further, agencies must contact and consult with staff that are "likely source[s] for information" that would aid its search. *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 328-29 (D.C. Cir. 1999).

However, Requesters clarify that the communications sought only apply to ICE emails and not Microsoft Team messages. Additionally, we agree to narrow the scope of the communications requested to cover only agencies with 287(g) MOUs or IGSAs.

4. *Request to clarify the specific record types sought for the non-communications portion of the request. For example, if you seek final policy memoranda, directives, standard operating procedures, formal guidance, or other discrete categories of guidance records, please identify those record types and the ICE office or offices most likely to maintain them.*

With regards to item No. 2 of the Aug. 10 request, i.e. "records of guidance, including but not limited to policy memoranda, directives, or [SOPs]," Requesters clarify that this item refers only to final versions of these types of records.

Sincerely,

Spring Miller
[Quoted text hidden]
[Quoted text hidden]

Exhibit D

TENNESSEE Immigrant & Refugee Rights COALITION

Spring Miller <spring@tnimmigrant.org>

ICE FOIA 2026-ICFO-36852

ice-foia@ice.dhs.gov <noreply@securerelease.us> Sun, Sep 13, 2026 at 9:56 AM
Reply-To: ice-foia@ice.dhs.gov
To: spring@tnimmigrant.org

09/13/2026

Spring Miller
Tennessee Immigrant and Refugee Rights Coalition
3310 Ezell Rd
Nashville, Tennessee 37211

RE: ICE FOIA Request 2026-ICFO-36852

Dear Requester:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated 8/10/2026, in which you requested: records pertaining to ICE guidance to state and local law enforcement agencies from January 1, 2026, through the date of search regarding responses to public records or information requests under state law, including consultations with ICE offices and records of policies, directives, memoranda, standard operating procedures, or other guidance on disclosure of records by state and local jurisdictions. Our office received your request on 8/10/2026.

After reviewing your request, ICE has determined that the request, as submitted, does not reasonably describe the records sought in a manner that would enable ICE personnel familiar with the subject matter to locate responsive records with a reasonable amount of effort. Although you provided some clarification, the request remains not reasonably described because it still does not provide sufficient search parameters to allow ICE to conduct a focused search with a reasonable amount of effort. For the communications portion, the request identifies broad offices, categories of personnel, and potential additional custodians, but does not identify specific custodians by name or sufficiently definite position title for all requested searches. The request also does not identify the specific state or local agencies or external email domains to be used for targeting communications with agencies operating 287(g) MOUs or IGSAs. In addition, the request does not provide specific search terms for the communications sought, which prevents ICE from structuring a targeted search of potentially responsive records. Without defined custodians, specific external entities or domains, and proposed search terms, ICE cannot determine where responsive records are likely maintained or conduct an adequately focused search.

Under 6 C.F.R. § 5.3(b), requesters must describe the records sought as specifically as possible. A proper FOIA request should provide enough detail to allow agency personnel to determine where responsive records are likely to be maintained and how to search for them. Whenever possible, please include information such as:

- specific dates or a reasonable timeframe;
- locations;
- names, titles, offices, or program areas;
- authors, recipients, or custodians;
- case numbers, alien numbers, or other identifying numbers;
- subject matter or event description;
- relevant search terms; and
- the ICE program office you believe created, received, or maintains the records.

Please note that the FOIA does not require agencies to create new records, conduct research or analysis, answer questions, or provide explanations in response to a request.

As submitted, your request does not meet the requirements of a proper FOIA request, and ICE is unable to process it. Accordingly, ICE has administratively closed your request and will take no further action on it. This administrative closure is without prejudice and does not prevent you from submitting a new, modified request that reasonably describes the records sought.

To submit a new request to ICE, please log in to the SecureRelease portal, select “Department of Homeland Security” from the “Agency” dropdown menu, and then select “U.S. Immigration & Customs Enforcement” from the “Component” dropdown menu. Please review and follow all instructions provided in the portal and include a reasonable description of the records you are seeking. You may also consult the ICE FOIA website for additional information on how to submit a FOIA request to ICE.

If you require assistance to reasonably describe the records you are seeking, you may contact the ICE FOIA Public Liaison at ICEFOIAPublicLiaison@ice.dhs.gov or (202) 732-2159.

You also have the right to seek dispute resolution services from the Office of Government Information Services (OGIS). OGIS is a neutral office that helps resolve disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. Please note that if you are requesting access to your own records (a Privacy Act request), OGIS does not have authority to handle disputes arising under the Privacy Act of 1974. You may contact OGIS at:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448

Your request has been assigned reference number 2026-ICFO-36852. Please include this number in any future correspondence regarding your request.

Sincerely,

Freedom of Information Act (FOIA) Office
Office of Information Governance and Privacy
U.S. Immigration and Customs Enforcement (ICE)
ICE-FOIA@ice.dhs.gov | www.ice.gov/foia

Exhibit E

September 16, 2026

Via SecureRelease Portal

Office of the Principal Legal Advisor
Government Information Law Division
500 12th Street SW, Stop 5900
Washington, DC 20536-5900

Re: FOIA Reference No. 2026-ICFO-36852
Administrative Appeal

Dear FOIA Office:

The Tennessee Immigrant and Refugee Rights Coalition, Prof. Meghan Conley, and the American Immigration Council (collectively referred to as "Requesters") hereby appeal the September 13, 2026, decision by U.S. Immigration and Customs Enforcement's ("ICE") Freedom of Information Act ("FOIA") Office to administratively close Requesters' August 10, 2026 request for records under the FOIA. We expect the agency to make a determination regarding this appeal within twenty business days as required by law. 5 U.S.C. § 552(a)(6)(A)(ii). Enclosed herewith please find a copy of ICE's September 13, 2026 decision marked as Exhibit A.

I. Procedural Background

Requesters filed their request for records with ICE on August 10, 2026. Requesters sought the following records:

1. Records of requests from state or local agencies for ICE guidance on how to respond to requests for information or public records, including but not limited to email communications sent or received by ERO-FOIA@ice.dhs.gov, or other records reflecting state or local agencies' consultations with the ICE FOIA Office, Office of Public Affairs, and Enforcement and Removal Operations ("ERO") field office directors about the aforementioned guidance. State and local agencies include, but are not limited to, agencies operating 287(g) Memoranda of Understanding ("MOU") or Intergovernmental Service Agreements ("IGSA").

2. Records of guidance, including but not limited to policy memoranda, directives, or standard operating procedures, regarding ICE's position about disclosure of records by state and local jurisdictions under state law.

For both of these items, Requesters asked the agency for records from the limited time period beginning on January 1, 2026, until the date the agency conducts a reasonable search.

On Sept. 2, 2026, ICE's FOIA Office sent an email to Requesters seeking "clarification" of certain items sought in the August 10 request. The FOIA Office advised Requesters that if they did not respond to the clarification request within 30 working days, the request would be administratively closed. The agency stated that the request did not reasonably describe the records sought and asked Requesters to clarify four aspects of the request:

1. Provide a limited timeframe to a close six-month period because "ICE cannot structure searches around an evolving end date."
2. Clarification of the specific ICE directorate, program office, field office, or office account "you intend ICE to search."
3. Specific identification of the ICE custodians whose records you want searched by name or position title, provide the search terms you want ICE to use, and identify the communications systems to be searched, such as official ICE email or Microsoft Teams.
4. Clarification of the specific record types sought for the non-communications portion of the request. As an example, the agency asked Requesters to clarify if they sought final policy memoranda, directives, standard operating procedures, formal guidance, or other discrete categories of guidance records, and the ICE office or offices most likely to maintain them.

ICE's FOIA Office email is attached as Exhibit B.

Requesters replied to the agency's clarification request via e-mail on September 9, 2026. Requesters' response clarified some of the aspects of the FOIA request as suggested by the agency's September 2 notice. In doing so, Requesters: a) offered to narrow the scope of the request for communications with field office directors to four named field offices and explicitly listed the two position titles within those offices to be searched; b) clarified that Requesters sought only ICE emails and narrowed the scope of the communications requested to cover only agencies with 287(g) MOUs or IGSAs; and c) clarified that item 2 of the request, i.e. guidance records, applied only to final versions. However, Requesters could not narrow the timeframe for the request because ICE did not indicate when it would search for responsive records.

On September 13, 2026, despite Requesters' clarifications and offer to narrow certain aspects of the request, ICE's FOIA Office notified Requesters that it administratively closed their request. ICE noted that the request "remains not reasonably described" as the reason for the administrative closure. The FOIA Office failed to notify Requesters of their right to appeal its decision as required by 5 U.S.C. § 552(a)(6)(A)(i)(III). A copy of the agency's decision is attached as Exhibit C.

Because the agency's decision unduly withholds records that Requesters have a right to obtain, they hereby appeal ICE's decision to administratively close their request.

II. Appeal

a. Requesters provided a reasonable description of the date range for records sought.

Courts have approved using the date when the agency begins its search as the cut-off date for FOIA requests. *See Public Citizen v. Dep't of State*, 276 F.3d 634, 642 (D.C. Cir. 2002). The agency has not provided Requesters with information about when it will conduct the search for responsive records. In fact, the U.S. Department of Homeland Security's FOIA Annual Report for Fiscal Year 2025, states that it takes ICE 111 days on average to process requests in which information is granted.[1] This delay is beyond the 30-business days allowed by FOIA and allows the agency to limit the public's oversight of contemporaneous records solely because the agency cannot comply with the law. Further, FOIA provides no limitation that requests be for records of a "six-month" period as requested in ICE's September 3 notice.

b. Requesters provided ICE with reasonable suggestions for custodians and potential locations of responsive records.

A request for records under FOIA "reasonably describes" agency records when it "would be sufficient [to enable] a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort." *Ctr. for Immigr. Stud. v. U.S. Citizenship & Immigr. Servs.*, 628 F. Supp. 3d 266, 270 (D.D.C. 2022) (quoting *Truitt v. Dep't of State*, 897 F.2d 540, 545 n.36 (D.C. Cir. 1990)). When a request seeks communications, courts routinely approve descriptions that specify the communications' dates, forms, parties, and topics, just as Requesters did here. *See, e.g.*, *Bader Family Found. v. U.S. Equal Emp. Opportunity Comm'n*, Case No. 23-cv-976 (JMC), 2025 WL 915563, at *4 (D.D.C. Mar. 26, 2025) ("All internal and external communications" sent or received by a defined set of employees that make certain allegations); *Gun Owners of Am. v. Fed. Bureau of Investigation*, 594 F. Supp. 3d 37, 46-49 (D.D.C. 2022) ("All communications between the FBI and the Virginia Department of State Police involving" two background check programs); *Am. Oversight v. U.S. Env't Prot. Agency*, 386 F. Supp. 3d 1, 4-5, 11 (D.D.C. 2019) ("All emails between four named officials and "any email address containing a house.gov or senate.gov domain" during a two week period). Additionally, agencies must contact and consult with staff that are "likely source[s] for information" that would aid its search. *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 328-29 (D.C. Cir. 1999).

[1] U.S. Dept. of Homeland Security, Fiscal Year 2025 Freedom of Information Act Report to the Attorney General of the United States and the Director of the Office of Government Information Services, 19 (March 2026) https://www.dhs.gov/sites/default/files/2026-07/FOIA%20Annual%20Report%202025%20%28PDF%29.pdf.

In their initial August 10 request, and in their clarification of September 2, Requesters provided the agency with a reasonable description of the records sought. First, Requesters asked for emails from a specific mailbox, i.e. ERO-FOIA@ice.dhs.gov. In their clarification email, Requesters listed ICEMedia@ice.dhs.gov and ERO287g@ice.dhs.gov as additional potential custodians. Further, Requesters clarified that potential custodians included the Office of Public Affairs, field office directors, and field program managers. To make the search easier for the agency, Requesters agreed to limit the requested records for field office directors and program managers to four enumerated field offices. Finally, Requesters also agreed to limit the communications portion of the request to ICE emails, excluding Teams messages, and the request for guidance documents to final versions of these types of records. The search parameters Requesters provided to the agency mirror those that have been upheld in other FOIA cases. *See e.g. Gun Owners of Am. v. Fed. Bureau of Investigation*, 594 F. Supp. 3d 37, 46-49 (D.D.C. 2022).

The description Requesters provided allow an agency employee to consult with agency staff, in order to search for responsive records to the request. *See Valencia-Lucena,* 180 F.3d at 328-29. Neither the FOIA nor the case law that interprets the law requires Requesters to provide the level of specificity ICE seeks. And even if it did, Requesters cannot provide additional potential custodians within other ICE offices, because the names and positions of ICE personnel are not publicly available.

III. Conclusion

Accordingly, Requesters' appeal of the agency decision to administratively close their request should be sustained and the agency must process the request.

Very truly yours,

/s/ Spring Miller

Spring Miller
Senior Director of Legal Strategy
Tennessee Immigrant and Refugee Rights Coalition

On behalf of Requesters

Exhibit A

August 10, 2026

VIA SecureRelease Submission

U.S. Immigration and Customs Enforcement
FOIA Office
500 12th Street, SW, Stop 5009
Washington, DC 20536

Re: Freedom of Information Act Request
For ICE Guidance on Release of Records under State Law

Dear FOIA Officer:

The Tennessee Immigrants & Refugee Rights Coalition ("TIRRC"), Professor Meghan Conley, and the American Immigration Council (hereinafter referred to as "Requesters") submit this request under the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552, to obtain agency records, as detailed below, on guidance from U.S. Immigration and Customs Enforcement ("ICE") to local law enforcement agencies ("LEA") about their ability to release certain records under state freedom of information laws. Requesters also seek a waiver of any applicable fees.

I. INFORMATION REQUESTED

Requesters seek the following records prepared, possessed, received, transmitted, collected, maintained, or controlled by ICE from January 1, 2026 until the date the agency conducts a reasonable search:

1. Records of requests from state or local agencies for ICE guidance on how to respond to requests for information or public records, including but not limited to email communications sent or received by ERO-FOIA@ice.dhs.gov, or other records reflecting state or local agencies' consultations with the ICE FOIA Office, Office of Public Affairs, and Enforcement and Removal Operations ("ERO") field office directors about the aforementioned guidance. State and local agencies include, but are not limited to, agencies operating 287(g) Memoranda of Understanding ("MOU") or Intergovernmental Service Agreements ("IGSA").

2. Records of guidance, including but not limited to policy memoranda, directives, or standard operating procedures, regarding ICE's position about disclosure of records by state and local jurisdictions under state law.

II. FORMAT OF PRODUCTION

Requesters seek responsive records in electronic format in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and in separate Bate-stamped files.

III. FEE WAIVER REQUEST

Requesters seek a fee waiver of any applicable fee because "disclosure of the requested records is in the public interest." 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure is in the public interest where it (a) "is likely to contribute significantly to public understanding of the operations or activities of the government" and (b) "is not primarily in the commercial interest of the requester." *Id.*; *see also* 6 C.F.R. § 5.11(k)(1). Requesters meet both of these elements.

1. **Records about ICE's guidance on whether local law enforcement agencies should release records about individuals in ICE custody will significantly contribute to the public understanding of the operations and activities of the government.**

    a. *The records requested concern government operations and activities. 6 C.F.R. § 5.11(k)(2)(i).*

The records requested pertain directly to "operations or activities" of the federal government. Specifically, the records requested pertain to ICE's guidance about whether local law enforcement agencies can release records about people they have detained but who eventually ICE took into custody. The emails from ERO-FOIA@ice.dhs.gov, for example, will shed light into how the agency implemented policies about certain records not created or maintained by the agency. The guidance records requested in item No. 2 will provide insight as to whether ICE's operations as to these requests should have been consistent with agency-wide directives. Thus, the two categories of records requested undoubtedly concern government operations.

b. *Disclosure of the requested records is "likely to contribute" to an understanding of government operations and activities. 6 C.F.R. § 5.11(k)(2)(ii).*

Disclosure of the records is likely to contribute to an understanding of ICE's guidance to state entities on whether to release certain records under state laws. ICE has failed to inform the public

about its instructions to local jurisdictions, limiting information they may disclose upon request under state freedom of information laws.

The agency's failure to inform the public has led to litigation in several state courts seeking clarification that the local law enforcement agencies must release certain records under state laws. For example, in Michigan, the American Civil Liberties Union filed a lawsuit to secure the disclosure of certain records under the state's freedom of information laws after the Calhoun County Sheriff's Office asserted that the records requested were exempt from disclosure because they related to an individual in ICE detention. *ACLU of MI v. Calhoun County Sheriff's Office,* 509 Mich. 1 (2022). However, the Michigan Supreme Court held that the county improperly invoked regulation 8 C.F.R. § 236.6 to block access to the records because Michigan law did not exempt from disclosure records under federal regulations. *Id.* at 12.

More recently, the ACLU of Massachusetts also filed an action against a local law enforcement agency to obtain records of people initially held by the local entity and eventually detained by ICE. The ACLU of MA's lawsuit against Plymouth County Correctional Facility was the result of the local law entity denying the organization's request for medical records created and maintained by the Correctional Facility based on its application of 8 C.F.R. § 236.6.[1]

Requesters TIRRC and Prof. Conley also have encountered obstacles in trying to obtain records under Tennessee law. Prof. Conley has had a standing records request under state law for Knox County's 287(g) and an IGSA bed contract with ICE, and Knox County had been providing the requested documents. But recently, it suddenly changed its position, invoking 8 C.F.R. § 236.6 to deny the records it was providing previously. Similarly, last year, Professor Conley and TIRRC submitted requests to Putnam County which also has an IGSA bed contract with ICE and has recently entered a 287(g) program. They requested records regarding immigration detainees, including records that the Putnam County jail routinely creates itself for all detainees in its custody. Putnam County denied access to the records saying they were "not public records." In litigation, they cited 8 C.F.R. § 236.6 as the sole basis for withholding those records.

In May and June, the issue became the topic of wide media attention. The *Dallas Morning News* reported that ICE had directives informing state and local law enforcement officials that they must consult with ICE before releasing records to the public, even if the records were created by a local law enforcement agency.[2] Some reporters have gone as far as calling it a "secret ICE

[1] ACLU of Massachusetts, ACLU of Massachusetts v. Plymouth County Sheriff's Department (Jun. 17, 2026), https://www.aclum.org/cases/aclu-of-massachusetts-v-plymouth-county-sheriffs-department/#documents.
[2] Aaron Torres, *Experts: ICE memos to Texas police aim to evade state transparency laws*, THE DALLAS MORNING NEWS, Jun. 12, 2026, https://www.nbcdfw.com/news/local/fairly-unprecedented-ice-memos-to-texas-police-aim-to-evade-state-transparency-laws-experts-say/4035772/.

directive" testing state transparency laws.[3] Other reports note that the local law enforcement agencies have referred requests to ICE for response under FOIA rather than responding under state law.[4] Furthermore, local news often report on lawsuits filed by organizations to obtain records denied by local entities.[5]

Disclosure of the information requested will give the public with much needed guidance about the instructions ICE provides to local jurisdictions about how to apply the aforementioned regulation or other reasons for blocking access to these state records.

c. *Disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons. 6 C.F.R. § 5.11(k)(2)(iii)*

Third, disclosure of the requested information will contribute to "the understanding of a reasonably broad audience of persons interested in the subject." 6 C.F.R. § 5.11(k)(2)(iii). The information requested will help journalists, researchers, and advocates across the country gain clarity as to ICE's operations when it comes to blocking access to records under state laws. In fact, the emails requested under Item No. 1 will help show the scope of this issue, since it is likely that every request for guidance from a local law enforcement agency would have been precipitated by a request for records from a member of the public. ICE's guidance to these jurisdictions will help the public understand the agency's protocols when it comes to the release of this information under state law.

Further, Requesters have experience disseminating information to wide audiences.

The Tennessee Immigrant and Refugee Rights Coalition (TIRRC) is a statewide, immigrant and refugee-led collaboration, whose mission is to build power and organize communities to

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[3] Monique O. Madan, *A secret ICE directive is testing one of Florida's strongest traditions: open government*, THE FLORIDA TRIB, May 6, 2026, https://floridatrib.org/2026/05/06/a-secret-ice-directive-is-testing-one-of-floridas-strongest-traditions-open-government/; *see also* Autumn Billings, *Secret ICE Memo Tells Local Police Not To Disclose Immigration Enforcement Info Without ICE's Permission*, REASON, May 8, 2026, https://reason.com/2026/05/08/secret-ice-memo-tells-local-police-not-to-disclose-immigration-enforcement-info-without-ices-permission/.

[4] Clark Kauffman, *Muscatine County's agreement to jail ICE detainees remains secret*, IOWA CAPITAL DISPATCH, Feb. 20, 2026, https://iowacapitaldispatch.com/2026/02/20/muscatine-countys-agreement-to-jail-ice-detainees-remains-secret/.

[5] *See e.g.* Angele Latham, *Immigrant rights group sues sheriff's office over public records*, THE TENNESSEAN, March 5, 2026, https://www.tennessean.com/story/news/2026/03/05/immigrant-rights-advocates-putnam-sheriffs-office-public-records-lawsuit/88953180007/; Abigail Driscoll, *ACLU accuses Sanford officials of withholding records about ICE, CBP collaboration*, PORTLAND PRESS HERALD, March 12, 2026, https://www.pressherald.com/2026/03/12/aclu-accuses-sanford-officials-of-withholding-records-about-ice-cbp-collaboration-2/; The Frontier, *Two Oklahoma newsrooms take the Department of Corrections to court over ICE records*, May 6, 2026, https://www.readfrontier.org/stories/two-oklahoma-newsrooms-take-the-department-of-corrections-to-court-over-ice-records/.

advocate for the rights of immigrants and refugees in the state. TIRRC's organizational purpose includes providing community education and awareness that allows immigrants and refugees to defend their rights, access relevant information, and identify systemic challenges for immigrants and refugees. To this end, TIRRC frequently disseminates information on social media and in public and community forums about immigration policy and practices.

Meghan Conley is a professor who teaches and writes about immigration politics and policies. She is the author of *Immigrant Rights in the Nuevo South: Enforcement and Resistance at the Borderlands of Illegality* (Temple University Press). She publishes her research in both public venues and academic journals.

The American Immigration Council's mission is to educate the public, the media, and decisionmakers through research and analysis. To achieve this mission, the Council produces publications such as blogs, factsheets, and reports based on records received from government agencies in response to FOIA requests.[6]

As they have done in the past, Requesters will share the information obtained from this request through their usual channels of audience engagement. Information and analysis of documents obtained may be shared in written blogs, newsletters to supporters, or with reporters interested in this issue.

d. *The request's contribution to public understanding of government operations or activities will be "significant." 6 C.F.R. § 5.11(k)(2)(iv)*

Given the lack of information about ICE's guidance to state entities about when they can release records under state law, disclosure of the requested emails and agency policies will contribute "significantly" to the public understanding of the agency's involvement and reasons for blocking access to information. Currently, the only information publicly available as to why local law enforcement agencies block access to records comes from requesters' lawsuits in state courts. As experienced by Requesters TIRCC and Prof. Conley, the local law enforcement agencies in Tennessee did not explain the reasons for the denial they received under state law until they filed their lawsuit. Disclosure of these records to Requesters, who have a track record of widely disseminating information to the public, will contribute significantly to the public's understanding of this practice of blocking access to records under state law.

[6] *See e.g.* Raul Pinto and Jennifer Coberly, American Immigration Council, The Trump Administration Stopped Processing Certain Green Card Applications. Our FOIA Found What Happened Next., Jun. 3, 2026, https://www.americanimmigrationcouncil.org/blog/trump-stops-processing-green-cards-foia-what-happened/; *see also* American Immigration Council & Immigrant Legal Resource Center, ICE Didn't Follow Federal Enforcement Priorities Set by Biden Administration, Jun. 27, 2023, https://www.americanimmigrationcouncil.org/report/ice-enforcement-priorities/.

2. **Disclosure of the Information Requested Is Not in Requesters' Commercial Interest.**

Disclosure of the information requested is not in the commercial interest of Requesters. 6 C.F.R. § 5.11(b). Requesters are nonprofit organizations and a researcher. Requesters intend to disseminate the information gathered by this request to the public at no cost, including through the Requesters' websites, social media, and other communication channels.

a. *The Requesters have no commercial interest in the disclosure. 6 C.F.R. § 5.11(k)(1)(ii), (k)(3).*

Requesters satisfy the lack of commercial interest element because TIRRC and the Council are tax-exempt, nonprofit educational, charitable, and/or legal services organizations. As nonprofit organizations, which by definition have no commercial interest, Requesters would usually qualify for a fee waiver. *See Am. Ctr. for Law & Justice v. U.S. Dep't of Homeland Sec.*, 573 F. Supp. 3d 78, 84 (D.D.C. 2021). Similarly, disclosure is not in Prof. Conley's commercial interest as her interest lies in the academic research value of the information obtained.

Rather than furthering any commercial interest, the requested information will help achieve Requesters' missions. Congress intended the FOIA fee waiver provision to encourage "open and accountable government." *Citizens for Responsibility and Ethics in Washington v. U.S. Dep't. of Educ.*, 593 F. Supp. 2d 261, 271 (D.D.C. 2009). Therefore, agencies should "apply the public-interest waiver liberally." *Conklin v. United States*, 654 F. Supp. 1104, 1005 (D. Colo. 1987). For example, the Council's mission is to promote the development of fair and rational immigration policies that reflect fundamental American values and uses transparency and analysis as key strategies to achieve this goal. Likewise, TIRRC's mission includes promoting public education and awareness about the role state and local actors play in implementing policies and practices that affect immigrant and refugee communities and facilitating community engagement and participation in local and state decision-making regarding immigration issues. Conley's scholarship expands the public's understanding of how state and local law enforcement agencies participate in immigration enforcement and detention operations.

b. *The public interest in the disclosure outweighs any identified commercial interest Requesters may have in the records sought.*

Assuming *arguendo* that the agency identifies a commercial interest, such interest is small in comparison to the public interest in disclosure. In other words, the public interest in disclosing how ICE advises local law enforcement agencies to shield documents from disclosure under state law far outweighs any commercial interest the agency may ascribe to Requesters. Disclosure of these records is the only way in which Requesters will be able to inform the public on whether

ICE is collaborating with local law enforcement agencies to deny state public records requests and the reasoning behind those denials. Requesters, as organizations that regularly obtain FOIA records to educate the public, are well positioned to receive and analyze disclosures.

For these reasons, this request for a full fee waiver should be granted. If the full fee waiver is not granted, Requesters seek all applicable reductions in fees. Further, if no fee waiver is granted and the anticipated costs associated with this request exceed $25.00, please notify Requesters to obtain consent and provide an estimate of the additional fees.

IV. **Conclusion**

Thank you for your consideration of this request. We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(I). If the Request is denied in whole or in part, we ask that you justify all withholdings by reference to specific exemptions to the FOIA. We also ask that you release all segregable portions of otherwise exempt material.

If you have any questions regarding this request, you can contact Spring Miller at spring@tnimmigrant.org. Thank you for your consideration.

Very truly yours,

/s/ Spring Miller
Senior Director of Legal Strategy
Tennessee Immigrant and Refugee Rights Coalition

On behalf of Requesters

/s/ Meghan Conley
Requester

/s/ Raul A. Pinto
Deputy Legal Director, Transparency
American Immigration Council

Exhibit B

Raul Pinto

From: Spring Miller <spring@tnimmigrant.org>
Sent: Wednesday, September 9, 2026 4:05 PM
To: ice-foia@ice.dhs.gov
Cc: Raul Pinto
Subject: Re: ICE FOIA 2026-ICFO-36852 Clarification Request

Warning: Unusual link
This message contains an unusual link, which may lead to a malicious site. Confirm the message is safe before clicking any links.

Dear FOIA Office,
We are in receipt of your Sept. 2, 2026 email requesting clarification of items sought in our August 10, 2026 FOIA request. As to your request for clarification, we respond as follows:

1. *Request to limit the timeframe to a close six-month period.*

Because the agency has not provided Requesters with information about when it will conduct the search, the description of the dates for the items requested is reasonable. Courts have approved using the date when the agency begins its search as the cut-off date for FOIA requests. *See Public Citizen v. Dep't of State*, 276 F.3d 634, 642 (D.C. Cir. 2002). Further, FOIA provides no limitation that requests under the law be for records of only a "six-month" period. **Accordingly, Requesters will not limit the timeframe of the request and request that the agency provide documents from January 1, 2026, until the date the agency begins its search.**

2. *Request to clarify the ICE directorate, program office, field office, or office account "you intend ICE to search."*

The request seeks records involving the ICE FOIA Office, Office of Public Affairs, Enforcement and Removal Operations field office directors, ERO-FOIA@ice.dhs.gov, and potentially other unspecified ICE offices or personnel. To clarify, Requesters seek:

a. Emails to and from the specific email inbox ERO-FOIA@ice.dhs.gov;
b. Other records of communications sent or received by the Office of Public Affairs providing guidance to local law enforcement agencies on the release of records under state law about people in detention; and
c. Records of communications sent by field office directors providing guidance to local law enforcement agencies on the release of records under state law about people in detention;

Courts routinely approve descriptions of communications that specify the communications' dates, forms, parties, and topics, just as Requesters did here. *See, e.g.*, *Bader Family Found. v. U.S. Equal Emp. Opportunity Comm'n*, Case No. 23-cv-976 (JMC), 2025 WL 915563, at *4 (D.D.C. Mar. 26, 2025) ("All internal and external communications" sent or received by a defined set of employees that make certain allegations); *Gun Owners of Am. v. Fed. Bureau of Investigation*, 594 F. Supp. 3d 37, 46-49 (D.D.C. 2022) ("All communications between the FBI and the Virginia Department of State Police involving" two background check programs); *Am. Oversight v. U.S. Env't Prot. Agency*, 386 F. Supp. 3d 1, 4-5, 11 (D.D.C. 2019) ("All emails between four named officials and "any email address containing a house.gov or senate.gov domain" during a two week period).
ICE directed local law enforcement agencies to submit questions to the specific email address Requesters provided, the agency's Office of Public Affairs, or ERO Field Office Directors. Thus, those two offices, in addition to the specific email address provided, are reasonable custodians of the requested information. The fact that "records of this type are not maintained in a single agency-wide repository," as you indicated in your Sept. 2 email, is irrelevant to a reasonable description of the records. Additional, potential custodians include, but are not limited to, ICE-FOIA@ice.dhs.gov, ICEMedia@ice.dhs.gov, and ERO287g@ice.dhs.gov.
However, in the spirit of collaboration, Requesters are amenable to narrowing the scope of the request for item c. above, i.e. communications with field office directors, to the following field offices: New Orleans (St. Rose)-ERO, Miami (Miramar)-ERO, Dallas-ERO, and Houston-ERO, and include only field office directors and field program managers.

3. *Request to identify the ICE custodians whose records you want searched by name or position title, provide the search terms you want ICE to use, and identify the communications systems to be searched, such as official ICE email or Microsoft Teams.*

In your Sept. 2 email, you asked Requesters to provide, for the communications portion of the request, more specificity as to potential custodians and clarification as to whether communications with external state or local agencies included agencies operating 287(g) Memoranda of Understanding or Intergovernmental Service Agreements. You also requested to please identify the specific state or local agencies at issue and provide any known external email domains so ICE can target communications to and from those entities.
Requesters are not in a position to further clarify potential custodians within OPA or specific field office directors, as the names and positions of ICE personnel are not publicly available. Further, agencies must contact and consult with staff that are "likely source[s] for information" that would aid its search. *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 328-29 (D.C. Cir. 1999).
However, Requesters clarify that the communications sought only apply to ICE emails and not Microsoft Team messages. Additionally, we agree to narrow the scope of the communications requested to cover only agencies with 287(g) MOUs or IGSAs.

4. *Request to clarify the specific record types sought for the non-communications portion of the request. For example, if you seek final policy memoranda, directives, standard operating procedures, formal guidance, or other discrete categories of guidance records, please identify those record types and the ICE office or offices most likely to maintain them.*

With regards to item No. 2 of the Aug. 10 request, i.e. "records of guidance, including but not limited to policy memoranda, directives, or [SOPs]," Requesters clarify that this item refers only to final versions of these types of records.

Sincerely,

Spring Miller

On Wed, Sep 2, 2026 at 2:35 PM ice-foia@ice.dhs.gov <noreply@securerelease.us> wrote:

> 09/02/2026
>
> Spring Miller
> Tennessee Immigrant and Refugee Rights Coalition
> 3310 Ezell Rd
> Nashville, Tennessee 37211
>
> RE: ICE FOIA Request 2026-ICFO-36852
>
> Dear Requester:
>
> This letter concerns your ICE FOIA request dated 8/10/2026, in which you seek records pertaining to ICE guidance to state and local law enforcement agencies from January 1, 2026, through the date of search regarding responses to public records or information requests under state law, including consultations with ICE offices and records of policies, directives, memoranda, standard operating procedures, or other guidance on disclosure of records by state and local jurisdictions.
>
> As currently framed, the request is not sufficiently specific to allow ICE to conduct a focused and reasonable search. FOIA requires that a request reasonably describe the records sought so that agency personnel can locate them with a reasonable amount of effort. The request seeks records from January 1, 2026 "until the date the agency conducts a reasonable search," but ICE cannot structure searches around an evolving end date. Please provide a fixed start date and end date. Because the request includes communications and multiple offices or potential custodians, please limit the timeframe to a closed six-month period.

In addition, the request seeks records involving the ICE FOIA Office, Office of Public Affairs, Enforcement and Removal Operations field office directors, ERO-FOIA@ice.dhs.gov, and potentially other unspecified ICE offices or personnel. Records of this type are not maintained in a single agency-wide repository. Please clarify the ICE directorate, program office, field office, or office account you intend ICE to search. If you seek records from ERO, please identify the specific ERO headquarters program office, field office, or field office directors whose records you want searched. If you seek records from the Office of Public Affairs or the ICE FOIA Office, please confirm that those offices should be included.

For the communications portion of the request, please identify the ICE custodians whose records you want searched by name or position title, provide the search terms you want ICE to use, and identify the communications systems to be searched, such as official ICE email or Microsoft Teams. If you intend ICE to search an office mailbox, please identify the specific mailbox. For communications with external state or local agencies, including agencies operating 287(g) Memoranda of Understanding or Intergovernmental Service Agreements, please identify the specific state or local agencies at issue and provide any known external email domains so ICE can target communications to and from those entities.

Please also clarify the specific record types sought for the non-communications portion of the request. For example, if you seek final policy memoranda, directives, standard operating procedures, formal guidance, or other discrete categories of guidance records, please identify those record types and the ICE office or offices most likely to maintain them. ICE can process only records within ICE's custody and control. To the extent the request seeks records maintained solely by state or local agencies, detention facility operators, or other non-ICE entities, those records are outside ICE's custody and control unless ICE has copies.

Until this additional information is provided, ICE is unable to proceed with an adequately focused search for records responsive to your request as currently framed.

Please provide your clarification as soon as possible to avoid further delay in processing your request. You may respond by sending a message through the SecureRelease portal or by emailing ICE-FOIA@ice.dhs.gov.

If we do not receive your response within **30 working days** of the date of this letter, your request will be **administratively closed**.

Your request has been assigned reference number 2026-ICFO-36852. Please include this number in any future correspondence regarding your request.

Sincerely,

Freedom of Information Act (FOIA) Office
Office of Information Governance and Privacy
U.S. Immigration and Customs Enforcement
ICE-FOIA@ice.dhs.gov | www.ice.gov/foia

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Exhibit C

Raul Pinto

From: Raul Pinto
Sent: Wednesday, September 16, 2026 3:12 PM
To: Raul Pinto
Subject: FW: ICE FOIA 2026-ICFO-36852

From: **ice-foia@ice.dhs.gov** <noreply@securerelease.us>
Date: Sun, Sep 13, 2026 at 9:56 AM
Subject: ICE FOIA 2026-ICFO-36852
To: <spring@tnimmigrant.org>

09/13/2026

Spring Miller
Tennessee Immigrant and Refugee Rights Coalition
3310 Ezell Rd
Nashville, Tennessee 37211

RE: ICE FOIA Request 2026-ICFO-36852

Dear Requester:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated 8/10/2026, in which you requested: records pertaining to ICE guidance to state and local law enforcement agencies from January 1, 2026, through the date of search regarding responses to public records or information requests under state law, including consultations with ICE offices and records of policies, directives, memoranda, standard operating procedures, or other guidance on disclosure of records by state and local jurisdictions. Our office received your request on 8/10/2026.

After reviewing your request, ICE has determined that the request, as submitted, does not reasonably describe the records sought in a manner that would enable ICE personnel familiar with the subject matter to locate responsive records with a reasonable amount of effort. Although you provided some clarification, the request remains not reasonably described because it still does not provide sufficient search parameters to allow ICE to conduct a focused search with a reasonable amount of effort. For the communications portion, the request identifies broad offices, categories of personnel, and potential additional custodians, but does not identify specific custodians by name or sufficiently definite position title for all requested searches. The request also does not identify the specific state or local agencies or external email domains to be used for targeting communications with agencies operating 287(g) MOUs or IGSAs. In addition, the request does not provide specific search terms for the communications sought, which prevents ICE from structuring a targeted search of potentially responsive records. Without defined custodians, specific external entities or domains, and proposed search terms, ICE cannot determine where responsive records are likely maintained or conduct an adequately focused search.

Under 6 C.F.R. § 5.3(b), requesters must describe the records sought as specifically as possible. A proper FOIA request should provide enough detail to allow agency personnel to

determine where responsive records are likely to be maintained and how to search for them. Whenever possible, please include information such as:

- specific dates or a reasonable timeframe;
- locations;
- names, titles, offices, or program areas;
- authors, recipients, or custodians;
- case numbers, alien numbers, or other identifying numbers;
- subject matter or event description;
- relevant search terms; and
- the ICE program office you believe created, received, or maintains the records.

Please note that the FOIA does not require agencies to create new records, conduct research or analysis, answer questions, or provide explanations in response to a request.

As submitted, your request does not meet the requirements of a proper FOIA request, and ICE is unable to process it. Accordingly, ICE has administratively closed your request and will take no further action on it. This administrative closure is without prejudice and does not prevent you from submitting a new, modified request that reasonably describes the records sought.

To submit a new request to ICE, please log in to the SecureRelease portal, select "Department of Homeland Security" from the "Agency" dropdown menu, and then select "U.S. Immigration & Customs Enforcement" from the "Component" dropdown menu. Please review and follow all instructions provided in the portal and include a reasonable description of the records you are seeking. You may also consult the ICE FOIA website for additional information on how to submit a FOIA request to ICE.

If you require assistance to reasonably describe the records you are seeking, you may contact the ICE FOIA Public Liaison at ICEFOIAPublicLiaison@ice.dhs.gov or (202) 732-2159.

You also have the right to seek dispute resolution services from the Office of Government Information Services (OGIS). OGIS is a neutral office that helps resolve disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. Please note that if you are requesting access to your own records (a Privacy Act request), OGIS does not have authority to handle disputes arising under the Privacy Act of 1974. You may contact OGIS at:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448

Your request has been assigned reference number 2026-ICFO-36852. Please include this number in any future correspondence regarding your request.

Sincerely,

Freedom of Information Act (FOIA) Office
Office of Information Governance and Privacy
U.S. Immigration and Customs Enforcement (ICE)
ICE-FOIA@ice.dhs.gov | www.ice.gov/foia

Exhibit F

Office of the Principal Legal Advisor

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

U.S. Immigration and Customs Enforcement

October 16, 2026

Spring Miller
Tennessee Immigrant and Refugee Rights Coalition
3310 Ezell Rd
Nashville, Tennessee 37211

RE: 2026-ICAP-00727, 2026-ICFO-36852

Dear Ms. Miller,

This responds to your appeal dated September 17, 2026, challenging the U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act (FOIA) Office's determination concerning your FOIA request dated August 10, 2026. Your request sought ICE records, from January 1, 2026 to the present, regarding guidance ICE has provided to local law enforcement agencies about their ability to release certain records under state freedom of information laws.

On September 2, 2026, the ICE FOIA Office requested clarification regarding your request because the search was too broad. ICE made several suggestions as to how you could narrow the search: 1) choose a fixed start and end date because ICE cannot structure searches around evolving time frames; 2) clarify the ICE Directorate, program office, field office or office account to be searched; 3) identify the ICE custodians and the search terms you wanted ICE to use; 4) identify the specific local law enforcement agencies at issue and provide any known external email domains; and 5) specify the types of records sought for the non-communications portion of the request.

On September 9, 2026, you responded that: 1) you could not provide a fixed end date because that would be the date that ICE begins the search; 2) the search would be limited to emails to and from email inboxes ERO-FOIA@ice.dhs.gov, all users at the Office of Public Affairs, and the field directors and program managers of the New Orleans (St .Rose), Miami (Miramar), Dallas, and Houston Emergency Removal Operations offices; and 3) emails to or from "agencies with 287(g) MOUs or IGSAs." You also clarified that the request for "guidance, policy memoranda, directives, or [SOPs]" only referred to final versions of these documents.

On September 13, 2026, the ICE FOIA Office advised you that your request remained overly broad and did not reasonably describe the records sought. ICE explained that:

> [T]he request, as submitted, does not reasonably describe the records sought in a manner that would enable ICE personnel familiar with the subject matter to locate responsive records with a reasonable amount of effort. Although you provided some clarification, the

> request remains not reasonably described because it still does not provide sufficient search parameters to allow ICE to conduct a focused search with a reasonable amount of effort. For the communications portion, the request identifies broad offices, categories of personnel, and potential additional custodians, but does not identify specific custodians by name or sufficiently definite position title for all requested searches. The request also does not identify the specific state or local agencies or external email domains to be used for targeting communications with agencies operating 287(g) MOUs or IGSAs. In addition, the request does not provide specific search terms for the communications sought, which prevents ICE from structuring a targeted search of potentially responsive records. Without defined custodians, specific external entities or domains, and proposed search terms, ICE cannot determine where responsive records are likely maintained or conduct an adequately focused search.

ICE therefore administratively closed the request.

In your appeal, you contend that you cannot provide a cut-off date for the search because that is the date that ICE begins the search, over which you have no control. You also claim that you provided reasonable suggestions for custodians and potential locations of responsive records because you provided specific mailboxes as potential custodians and limited the search to certain ICE field offices. In addition, you claim that you narrowed the search for non-communications by limiting it to final documents.

The FOIA requires federal agencies to disclose existing agency records that are reasonably described and not exempt from disclosure. *See* 5 U.S.C. § 552(a)(3)(A). DHS regulations similarly require requesters to describe the records sought in sufficient detail to enable agency personnel to locate them with a reasonable amount of effort. *See* 6 C.F.R. § 5.3(b) (requiring requesters to describe the records sought as specifically as possible and to provide information that may assist in locating them).

The controlling inquiry is whether agency personnel familiar with the subject matter can ascertain which records are requested and locate them with a reasonable amount of effort. *See Truitt v. Dep't of State*, 897 F.2d 540, 544–45 (D.C. Cir. 1990) (explaining that a request reasonably describes records when a professional agency employee familiar with the subject matter can locate them with a reasonable amount of effort). A reasonable description relates both to the subject matter and to the places to be searched. *See Marks v. U.S. Dep't of Just.*, 578 F.2d 261, 263 (9th Cir. 1978) (holding that broad, sweeping requests lacking specificity did not reasonably describe the records sought).

A request may fail this standard when its general terms leave the agency unable to determine which records or locations fall within its scope. *See Leopold v. U.S. Immigr. & Customs Enf't*, 560 F. Supp. 3d 189, 199 (D.D.C. 2021) (concluding that a request for "any and all immigration enforcement actions," without sufficient clarification, was too broad and vague to reasonably describe the records sought); *Cato Inst. v. Dep't of Def.*, No. 21-1223, 2023 WL 3231445, at *2–3 (D.D.C. May 3, 2023) (finding a request insufficient where the agency would have been required to guess what relationship the requested records must have to the identified subject).

Although an agency should reasonably interpret a request and seek clarification when appropriate, it need not conduct substantial preliminary research to determine the request's intended scope or narrow the request on the requester's behalf. See *Nat'l Sec. Couns. v. CIA*, 969 F.3d 406, 410 (D.C. Cir. 2020) (holding that the agency was not required to narrow a request whose general terms made it difficult to determine where responsive information was likely located); *Brody v. U.S. Dep't of Just.*, No. 22-5043, 2023 WL 1511679, at *1–2 (D.C. Cir. Feb. 3, 2023) (per curiam) (explaining that FOIA places the responsibility for submitting a reasonably drafted request on the requester and does not require the agency to narrow it). An agency also generally need not look beyond the four corners of the request for leads identifying the location of responsive records. See *Kowalczyk v. U.S. Dep't of Just.*, 73 F.3d 386, 389 (D.C. Cir. 1996).

After reviewing the administrative record and the arguments raised in your appeal, ICE has determined that the ICE FOIA Office properly found that the request, even as clarified, did not reasonably describe the records sought. This conclusion is not based merely on the potential volume of responsive records nor on ICE's need to select reasonable search methods. Rather, the operative scope of the request remained insufficiently defined after an opportunity for clarification and agency personnel familiar with the subject matter, as the standard requires, is still left to guess at the scope and nature of the records you seek.

Your clarification did not narrow the request by identifying proposed custodians by name, identifying specific 287(g) and or IGSA local law enforcement partners, or providing potential search terms. Furthermore, the three identified shared mailboxes records did not cure the deficiencies affecting the request. The mailboxes addressed only part of the request, and your appeal did not withdraw the broader portions or replace them with a discrete request limited to those mailboxes and identified records.

For these reasons, ICE affirms the ICE FOIA Office's determination to administratively close FOIA Request No. 2026-ICFO-36852. This determination is without prejudice to your submission of a new request limited to particular types of records, identified custodians or record locations, and a clearly defined scope.

This decision is the final action of ICE concerning your FOIA request. Inasmuch as you consider this a denial of your appeal, you may obtain judicial review pursuant to 5 U.S.C. § 552(a)(4)(B) in the United States District Court for the district in which you reside or have your principal place of business, where the agency records are situated, or in the District of Columbia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. You may contact OGIS at ogis@nara.gov or 1-877-684-6448.

Questions regarding this decision may be directed to ice-foia@ice.dhs.gov. In the subject line,

include the word "appeal," Appeal No. **2026-ICAP-00727**, and FOIA Request No. **2026-ICFO-36852**.

Sincerely,

Alexandra Sweeney

for Sara Jazayeri
Division Counsel
Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Department of Homeland Security

cc: ICE FOIA Office