

EXHIBIT

1



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
YORK IMMIGRATION COURT

Respondent Name:
VAN, SEREY RATH
To:
DiFerdinando, Matthew Paul Egler
600 Chestnut Street
Suite 500B
Philadelphia, PA 19106

Alien Registration Number:
[REDACTED]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
06/02/2021

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 06/02/2021.
The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.

Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent removable inadmissible under the following Section(s) of the Immigration and Nationality Act (INA):

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- Asylum was granted denied withdrawn.
- Withholding of Removal under the INA was granted denied withdrawn.
- Withholding of Removal under the Convention Against Torture was granted denied withdrawn.
- Deferral of Removal under the Convention Against Torture was granted denied withdrawn.
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences.

B. Cancellation of Removal

- Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was granted denied withdrawn.
- Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was granted denied withdrawn.
- Special Rule Cancellation of Removal under INA § 240A(b)(2) was granted denied withdrawn.

C. Waiver

- A waiver under INA § was granted denied withdrawn.

D. Adjustment of Status

Adjustment of Status under INA § was granted denied withdrawn.

E. Other

No claim of fear

III. Voluntary Departure

Respondent's application for pre-conclusion post-conclusion voluntary departure was granted denied withdrawn.
 Further information regarding voluntary departure is attached.

IV. Removal

Respondent was ordered removed to Thailand.
 In the alternative, Respondent was ordered removed to Cambodia.

V. Other

Proceedings were terminated administratively closed.
 Respondent was advised of the limitation on discretionary relief for failure to appear as ordered.
 Respondent's status was rescinded under INA § 246.
 Other:



Immigration Judge: Golparvar, Kuyomars 06/02/2021

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 07/02/2021

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service

To: Alien | Alien c/o custodial officer | Alien's atty/rep. | DHS

By: Weaver, Pamela, Court Staff

Date: 06/02/2021

EXHIBIT

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Immigration Judge: Golparvar, Kuyomars 06/02/2021

Appeal: Department of Homeland Security: waived reserved

Respondent: waived reserved

Appeal Due: 07/02/2021

EXHIBIT

3



Asian American
Legal Defense and
Education Fund



FREE MIGRATION
PROJECT

November 25, 2024

Submitted via the DHS FOIA Public Access Portal

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th St, S.W., Stop 5009
Washington, D.C. 20536-5009

Re: FOIA Request for Records Related to Sereyrath Van, [REDACTED]

Dear Reviewing Officer:

We represent Sereyrath Van, ([REDACTED]) (also referred to as “Requestor”), in this request under the Freedom of Information Act and Privacy Act, 5 U.S.C. § 552 *et seq.* Mr. Van is the Requesting party, but all responses should be addressed to his attorneys of record. His attorneys are the American Civil Liberties Union (“ACLU”) of Pennsylvania, the Asian American Legal Defense and Education Fund (AALDEF), and the Free Migration Project (FMP). Attached to this FOIA request is Mr. Van’s executed Certification of Identity.

Requestor seeks a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 5 C.F.R. § 5.11(k) and expedited processing under 6 C.F.R. § 5.5(e), and 5 U.S.C. § 552(a)(6)(E). The justification for the fee waiver and expedited processing is set out in detail following the Request.

Please direct this request to any components and/or offices within ICE that may contain responsive records, including (but not limited to): Homeland Security Investigations (“HSI”), Enforcement and Removal Operations (“ERO”), as well as all appropriate ICE, HIS and/or ERO field offices, beginning with the Philadelphia Field Office, Removal and International Operations (RIO), ICE Headquarters, and the Office of Biometric Identity Management.

I. Records Requested

Requestor, Sereyrath Van, seeks the disclosure of the following records prepared, transmitted, collected, and/or maintained by U.S. Immigration and Customs Enforcement (“ICE”) which describe, refer, or relate to him and ICE’s efforts to effectuate his removal as well as records about his detention and custody.

A. Definitions

For the purposes this request, “any representative of Cambodia” includes consular and/or embassy staff for Cambodia as well as any other governmental personnel of Cambodia.

For the purposes of this request, “any representative of Thailand” includes consular and/or embassy staff for Thailand as well as any other governmental personnel of Thailand.

For the purposes of this request, “any representative of any other country or countries” includes consular and/or embassy staff as well as any other governmental personnel.

For the purposes of this request, the term “communications” means any transmittal of information from one person or entity to another by any means, including letters, correspondence; notes; memoranda; records; reports; papers; facsimiles; electronic mail (whether to, from, copied, or blind copied) from business or personal email accounts; electronic mail generated from a handheld personal device including an Android, Blackberry, or iPhone; instant messaging; internet relay chat; news group; group or collaboration servers (including share point servers); electronic bulletin boards; dictation tapes; video recordings; audio recordings; digital recordings; memoranda; telegrams; teletypes and telexes; teleconference; web-based or software virtual meetings, including Microsoft Teams, Zoom, Cisco WebEx, or other virtual meeting software; and oral communication such as face-to-face or in-person discussions or meetings, telephone calls, and voice mail messages.

For the purposes of this request, “data compilations” has the same scope used in Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure.

For the purposes of this request, the term “documents” has the same scope used in Rule 34(a)(1) of the Federal Rules of Civil Procedure and shall encompass every writing or record of every type and description and every tangible thing that is or has been in the possession, custody, or control of ICE and its employees, to which they have access, or of which they have knowledge, including, but not limited to, newspaper articles, magazine articles, news articles, correspondence, letters, contracts, files, electronic mail, memoranda, stenographic notes, handwritten notes, drafts, studies, publications, books, pamphlets, catalogs, purchase orders, receipts, advertisements, direct mail solicitations, point-of-sale and point-of-purchase materials, notebooks, diaries, models, devices, pictures, photographs, films, audiotapes, videotapes, computer records, voice recordings, maps, reports, surveys, agendas, minutes, data compilations, and statistical compilations, regardless of whether a particular document is privileged or confidential, and regardless of the form of storage (including, but not limited to, paper, microfiche, magnetic tape, magnetic disk (hard disk or floppy disk), CD-ROM, DVD, optical disk, or electronic storage device.

For the purposes of this request, the term “DHS” means Department of Homeland Security, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, the term “ERO” means Enforcement and Removal Operations, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, the term “ICE” means U.S. Immigration and Customs Enforcement, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, “eTD” means Electronic Travel Document system that ICE utilizes for travel document requests. See https://www.dhs.gov/sites/default/files/publications/privacy_pia_003_ice_electronictraveldocumentsystem_february2014.pdf.

B. Specific Records Requested

Unless otherwise noted, the timeframe for this request is from January 1, 2021 to present:

- Any correspondence or record of contact between ICE personnel and any representative of Thailand regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to Thailand, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Any correspondence or record of contact between ICE personnel and any representative of Cambodia regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to Cambodia, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Any correspondence or record of contact between ICE personnel and any representative of any other country or countries regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to that country or countries, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Copies of any attachments received or sent by ICE personnel to any representative of any country to which ICE has communicated with regarding Sereyrath Van that is related to the possibility of removing and/or detaining him, including but not limited to any requests for travel documents prepared and sent by ICE to any representative of any country.
- Any copies of the travel documents of Sereyrath Van that ICE has in their possession.
- Any copies of documents provided by any ICE personnel to Mr. Van relating to his re-detention.
- Any documents or records from the electronic Travel Document (eTD) system relating to Sereyrath Van, which include the following databases: (1) The Enforcement Integrated Database; (2) Automated Biometrics Identification System (IDENT), and (3) Interviews conducted by ERO officers and/or consular staff.

- Copies of any interviews (including audio and/or transcripts) conducted by ICE officers and/or consular staff from any country regarding Sereyrath Van.
- Copies of any interview notes by ICE officers and/or consular staff from any country regarding Sereyrath Van and his removal.
- Any documents, records, or memorandum (including in electronic format) in ICE's possession regarding Sereyrath Van's interactions with representatives from the receiving country or countries.
- Any communications between ICE personnel regarding Sereyrath Van. This includes but is not limited to communications by ERO Philadelphia personnel and Removal and International Operations (RIO) personnel.
- Any correspondence of record of contact between ICE personnel and the U.S. Department of State personnel regarding Sereyrath Van.
- Any correspondence of record between ICE personnel and the Department of Homeland Security personnel regarding Sereyrath Van.
- Regardless of date, copies of any operative memorandum of understanding regarding training and/or the access and use of the eTD system between ICE and/or DHS and Cambodia.
- Regardless of date, copies of any operative memorandum of understanding regarding training and/or the access and use of the eTD system between ICE and/or DHS and Thailand.
- Any correspondence of record by or received by ICE personnel regarding the request for prosecutorial discretion pursuant to the Victim-Centered Directive, ICE Directive 11005.3.
- Any correspondence of record between ICE personnel about Sereyrath Van after his release from ICE detention in January 2024, including but not limited to the decision to seek Mr. Van's re-detention and removal and the decision(s) to deny Mr. Van's release requests.

C. Request Parameters

Please construe this as an ongoing FOIA request, so that any records that come within the possession of the agency prior to your final response to this FOIA Request should also be considered within the Request's scope.

Where available, we ask that records responsive to this Request be produced in the original electronic format with all metadata and load files. Please preserve all "parent-child" relationships for any communications produced, meaning that the Requestor must be able to identify the

attachments with emails. We ask that any records produced in PDF, TIFF, or other image formats be produced in full, uncompressed form; please do not compress images or downsample the resolution, as this interferes with their legibility. To facilitate a speedy response, we ask that records responsive to this request be produced on a rolling basis.

ICE records may refer to Mr. Van by his A number only, [REDACTED], and as such, a search by his A number should also be conducted.

Additionally, ICE records may have Mr. Van's name written as "Serey Rath Van," and as such, records should also be searched for using the alternate spelling.

Additionally, Requestor does not seek the names or contact information of individuals or other exempt personal identifiable information of people referenced in the records requested herein. If any of the requested records contain exempt personal identifiable information, Requestor asks that said personal identifiable information be redacted to ensure the maximum production of responsive relational information contained within the records. Nothing in this request should be construed as a waiver of Requestor's right to challenge any redactions made on the basis of personal identifiable information, including in the event of litigation regarding this FOIA request.

II. The Requestor

Sereyrath Van is seeking records about himself that are in ICE's possession. Mr. Van is a lawful permanent resident of the United States who was born in Thailand in [REDACTED] after his family fled genocide in Cambodia. He was admitted to the United States as a refugee at age four. In 2018, ICE initiated removal proceedings against Mr. Van, charging him with being a citizen of Cambodia and being removable. In 2021, an Immigration Judge ordered Mr. Van's removal to Thailand, and to Cambodia in the alternative.

After Mr. Van completed a prison sentence in 2023, ICE detained him for approximately three months before releasing him on an order of supervision. For seven months, Mr. Van complied with his order of supervision with ICE, which required periodic check-ins with ICE. On July 8, 2024, ICE called Mr. Van and told him to report to the ICE office in Philadelphia for an interview the next morning. On July 9, 2024, Mr. Van reported to the ICE office where he attended a virtual interview with officers of the Cambodian government. After the interview ended, an ICE Deportation Officer briefly detained Mr. Van before releasing him and providing him with a packet of paperwork, which ordered him to return to the ICE office on August 15, 2024, to be re-detained. Mr. Van complied with ICE's order to report to the ICE office on August 15, 2024, where ICE re-detained him. He remains detained at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania.

III. Request for Fee Waiver

Mr. Van requests that any fees associated with responding to this FOIA Request be waived. Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), fees should be waived or reduced if disclosure is (1) in the public interest because it is "likely to contribute significantly to public

understanding of the operations or activities of the government,” and (2) “not primarily in the commercial interest of the Requestor.” Disclosure in this case meets both of these tests.

A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government.

As a federal agency, ICE’s actions, including its practices related to removal. This Request is likely to contribute to the public understanding of the operations or activities of the government, meriting a fee waiver. 5 U.S.C. § 552(a)(4)(A)(iii).

Mr. Van’s detention and ICE’s efforts to remove him has already received media coverage.¹ Furthermore, there has been national media coverage about deportations to Cambodia of long-time U.S. residents.² Despite this coverage, ICE has released few details publicly about how it goes about obtaining travel documents and removing people to Cambodia.

The Records subject to this Request will contribute to the public understanding of ICE’s practices.

B. Disclosure is not in the commercial interest of the Requestor

Mr. Van is not filing this request to further a commercial interest. Mr. Van is seeking records that relate to him for non-commercial use. Namely, personal use and use in advocacy work related to his deportation defense.

As such, Requestor satisfies the test for a fee waiver. *See Jud. Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial Requestors” (internal quotation marks omitted)). *Citizens for Responsibility and Ethics in Washington v. U.S. Dept. of Educ.*, 593 F. Supp. 2d 261, 268 (D.D.C. 2009) (“[FOIA’s] purpose . . . is to remove the roadblocks and technicalities which have been used by . . . agencies to deny waivers”) (internal quotation marks and citation omitted)).

In sum, because disclosure of the requested documents is in the public interest and not in the commercial interest of the Requestor, the Requestor is entitled to a total waiver of fees associated with this Request and should, in no event, be required to pay more than reasonable standard charges for document duplication. In the event that you decide not to waive the fees, please provide the Requestor with prior notice so that we can discuss arrangements.

IV. Request for Expedited Processing

Requestor seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).³ There is a “compelling need” for these records, as defined in the statute, because Sereyrath Van is currently

¹ Emily Neil, *Sereyrath ‘One’ Van emigrated to Philly in 1984 as his family fled genocide. Advocates are fighting his deportation*, WHYY (Aug. 16, 2024), <https://whyy.org/articles/philadelphia-sereyrath-van-one-deportation-ice/>.

² *See, e.g., Agnes Constante, Hundreds nationwide demonstrate against ICE deportations of Cambodian Americans* (Oct. 4, 2019), <https://www.nbcnews.com/news/asian-america/hundreds-nationwide-demonstrate-against-ice-deportations-cambodian-americans-n1062566>.

³ *See also* 6 C.F.R. § 5.5(e); 28 C.F.R. § 16.5(e); 22 C.F.R. § 171.11(f).

in removal proceedings with a scheduled hearing before an Immigration Judge.⁴ In addition, given that Requestor is facing the potential of removal from the United States and because removal proceedings for detained individuals are conducted in an expedited fashion, he is at “risk of losing substantial due process rights.”⁵ The records he seeks are critical for him to understand what representations ICE personnel made in their attempts to remove him so far. This is important because the previous removal order that ICE personnel provided to Sereyath Van was altered—it had the designated country of removal of Thailand whited out. Understanding what representations ICE personnel has made in their attempts to seek travel documents and what any country or countries that have contemplated issuing travel documents received from ICE personnel is important in protecting Mr. Van’s due process and statutory rights.

* * *

We appreciate your prompt attention to this Request and 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). Please furnish all responsive records to:

Vanessa Stine
Senior Staff Attorney – Immigrants’ Rights
AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
Tel: (215) 839-9911
Email: vstine@aclupa.org

Finally, if this Request is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or deny a waiver of fees. Please call me at (215) 839-9911 if you have any questions or wish to obtain further information about the nature of the records in which we are interested.

Sincerely,

Vanessa Stine
ACLU OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
(215) 839-9911
vstine@aclupa.org

⁴ Federal agencies have recognized that expedited processing for people in removal proceedings with an upcoming hearing before an Immigration Judge is appropriate. *See e.g.* Special FOIA Processing Track for Individuals Appearing Before an Immigration Judge, 72 Fed. Reg. 9017 (describing how Track 3 is for FOIA requests before U.S. Citizenship and Immigration Services for individuals who have been served with a charging document and scheduled for a hearing in immigration court as a result).

⁵ *ICE FOIA, Expedited Processing*, <https://www.ice.gov/foia> (last visited Nov. 13, 2024).

David C. Bennion
FREE MIGRATION PROJECT

Razeen Zaman
**ASIAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND**

U.S. DEPARTMENT OF HOMELAND SECURITY

CERTIFICATION OF IDENTITY

Privacy Act Statement: *In accordance with 6 CFR Section 5.21(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Homeland Security systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. 552a (i)(3).*

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Administrative Services, U.S. Department of Homeland Security, Washington, DC 20528 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1600-XX), Washington, DC 20503.

Full Name of Requester ¹	Sereyrath Van (ICE records may be written as Serey Rath Van)		
Citizenship Status ²	non-citizen	Social Security Number ³	Alien Number: [REDACTED]
Current Address	Detained - Moshannon Valley Processing Center, 555 GEO Drive, Philipsburg, PA 16866		
Date of Birth	[REDACTED]	Place of Birth	Thailand
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.			
Signature ⁴	[Handwritten Signature]		Date 11-21-24

OPTIONAL: Authorization to Release Information to Another Person

This form is to be completed by a requester who is authorizing information relating to himself or herself to be released to another person. Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Homeland Security to release any and all information relating to me to :

Vanessa Stine, American Civil Liberties Union of Pennsylvania

Print or Type Name

¹Name of the individual who is the subject of the record sought.

²Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an Alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted to permanent residence.

³Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴Signature of individual who is subject of the record sought.

EXHIBIT

4



Vanessa Stine <vstine@aclupa.org>

ICE FOIA 2025-ICFO-07884

1 message

ice-foia@ice.dhs.gov <noreply@securerelease.us>
Reply-To: ice-foia@ice.dhs.gov
To: vstine@aclupa.org

Wed, Dec 4, 2024 at 12:06 PM

12/04/2024

Vanessa Stine
P.O. Box 60173
Philadelphia,, Pennsylvania 19102

RE: ICE FOIA Case Number 2025-ICFO-07884

Dear Requester:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated 11/25/2024, your request for a waiver of all assessable FOIA fees, and your request for expedited treatment. Your request was received in this office on 11/25/2024. Specifically, you have requested records pertaining to Sereyraph Van.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you're able to narrow the scope of your request please contact our office. Narrowing the scope may speed up the search process. We will make every effort to comply with your request in a timely manner.

Your request for expedited treatment is hereby denied.

Under the DHS FOIA regulations, expedited processing of a FOIA request is warranted if the request involves "circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual," 6 C.F.R. § 5.5(e)(1)(i), or "an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information," 6 C.F.R. § 5.5(e)(1)(ii). Requesters seeking expedited processing must submit a statement explaining in detail the basis for the request, and that statement must be certified by the requester to be true and correct. 6 C.F.R. § 5.5(e)(3).

Your request for expedited processing is denied because you do not qualify for either category under 6 C.F.R. § 5.5(e)(1). You failed to demonstrate a particular urgency to inform the public about the government activity involved in the request beyond the public's right to know about government activity generally. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

After thoroughly reviewing your letter and request for fee waiver, I have determined that you have not presented a convincing argument that you and/or your organization is entitled to a blanket waiver of applicable fees.

The DHS FOIA Regulations at 6 CFR § 5.11(k)(2) set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government";
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant";
- (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you bear the burden under FOIA of showing that the fee waiver requirements have been met. Based on my review of your 11/25/2024 letter and for the reasons stated herein, I have determined that your fee waiver request is deficient because your request did not satisfy factors two, four, five and six. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued. If you deem the decision to deny expedited treatment and fee waiver for your request an adverse determination, you have the right to appeal. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.5(e)(2). You may submit your appeal electronically at GILDFOIAAppeals@ice.dhs.gov or via regular mail to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

ICE has queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions please contact FOIA Public Liaison Daniel Edgington, at (866) 633-1182 or 500 12th St, SW Stop 5009 Washington, DC 20536-5009. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

Your request has been assigned reference number 2025-ICFO-07884. Please use this number in future correspondence.

Sincerely,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

EXHIBIT

5



Vanessa Stine <vstine@aclupa.org>

ICE FOIA Case 2025-ICFO-07884: Administrative Appeal of Fee Waiver Denial

1 message

Vanessa Stine <vstine@aclupa.org>
To: GILDFOIAAppeals@ice.dhs.gov

Fri, Jan 10, 2025 at 12:34 PM

Attached is an administrative appeal of the fee waiver denial in ICE FOIA Case 2025-ICFO-07884. Thank you for your prompt attention to this appeal.

Sincerely,

Vanessa Stine | Senior Staff Attorney - Immigrants' Rights

Pronouns: she/her/hers

ACLU of Pennsylvania

P.O. Box 60173 | Philadelphia, PA 19102

Office: (215) 592-1513 x145

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 **2025.01.10 Van Administrative Appeal.pdf**
1534K



January 10, 2025

Submitted via email to GILDFOIAAppeals@ice.dhs.gov

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Re: ICE FOIA Case 2025-ICFO-07884: Administrative Appeal of Fee Waiver Denial

Dear ICE FOIA Appeals Office,

Requester Sereyrath Van ([REDACTED]) (“Mr. Van”), by and through his attorney Vanessa Stine (“Attorney Stine”) hereby appeals the denial by U.S. Immigration and Customs Enforcement (“ICE”) of a fee waiver in ICE FOIA Case 2025-ICFO-07884.

Mr. Van submitted his FOIA request on November 25, 2024, seeking, generally, records “which describe, refer, or relate to him and ICE’s efforts to effectuate his removal as well as records about his detention and custody.” Request at 1. On December 4, 2024, ICE sent an email to Attorney Stine acknowledging receipt of the Request and denying Mr. Van’s request for a fee waiver.¹ As explained below, ICE erred in its analysis when making this denial; accordingly, Mr. Van’s Request merits a fee waiver.

I. ICE Improperly Denied Mr. Van’s Request for a Fee Waiver

At the outset, and before explaining how his FOIA request meets the criteria for a fee waiver, Mr. Van wishes to reiterate that he – and not his Counsel or his Counsel’s employer (ACLU of Pennsylvania) – is the requester. *See* Request at 1 (“We represent Seyreyrath Van ([REDACTED]) (also referred to as ‘Requestor’) . . .”); *id.* at 5 (“Sereyrath Van is seeking records about himself . . .”). To the extent that ICE’s analysis was predicated on Counsel’s organizations being the requesters, as opposed to Mr. Van himself, its denial is improper and flawed. *See* ICE

¹ The December 4 email also denied Mr. Van’s request for expedited processing. Mr. Van is not appealing the denial of expedited processing as the Department of Homeland Security (“DHS”) regulations state, “[A] requester is not required to first file an appeal of an adverse determination of a request for expedited processing prior to seeking court review.” 6 C.F.R. § 5.8(e). Instead, for the sake of administrative efficiency and in accordance with 6 C.F.R. § 5.5(e)(2), Mr. Van submitted a renewed request for expedited processing in this matter directly to ICE FOIA.

Letter at 1 (“I have determined that you have not presented a convincing argument that *you and/or your organization* is entitled to a blanket waiver of applicable fees.”) (emphasis added). Accordingly, Mr. Van requests that the ICE FOIA Appeals Office find that Mr. Van, as an individual, is entitled to a fee waiver.

In its denial letter, ICE concedes that Mr. Van’s FOIA request meets the first and third factors for a fee waiver, as set forth in the DHS FOIA Regulations at 6 C.F.R. § 5.11(k)(2), but concludes that his request was “deficient because [it] did not satisfy factors two, four, five and six.” ICE Letter at 2. Mr. Van agrees that his request satisfied factors one and three and so does not address them in additional detail in this appeal except insofar as they are relevant to other factors.² However, he contests ICE’s findings of deficiency concerning the other factors.

a. *Factor Two: Disclosure is “likely to contribute” to an understanding of government operations or activities.*

Although ICE concedes that the Records Requested satisfy Factor One because they concern “the operations of the government” under 6 C.F.R. § 5.11(k)(2), it puzzlingly concludes that the disclosure of this information is not likely to contribute to an understanding of government operations and activities. ICE Letter at 1-2. Records concerning government operations would seem by definition to contribute to an understanding of said operations. Furthermore, in finding that Mr. Van satisfies Factor Three of its test,³ ICE acknowledges that the information *will contribute* to an understanding – which is significantly more definite than the “likely to contribute” requirement it says Mr. Van did not satisfy. For these reasons alone, the ICE FOIA Appeals Office should find that the ICE FOIA Office erred in its determination that Mr. Van’s request did not satisfy Factor Two of its fee waiver test.

Setting all this aside, Mr. Van clearly explained several ways in which the records could aid the public understanding of government operations. For instance, he explained that both his specific case and deportations to Cambodia more generally had received media coverage, and noted, “Despite this coverage, ICE has released few details publicly about how it goes about obtaining travel documents and removing people to Cambodia.” Request at 6.

² If the ICE FOIA Appeals Office requires additional information on these factors, Mr. Van would be happy to provide further explanation.

³ “Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons.” ICE Letter at 2.

As noted by Mr. Van, many news outlets have covered his case,⁴ and have even published Mr. Van's own words about his experiences.⁵ The records requested by Mr. Van would shed light on how ICE is operating in Mr. Van's specific case – while also providing a case study of government operations in the context of deportations to Cambodia.

For years, various media outlets have reported on the removal of non-citizens to Cambodia,⁶ and in November 2023, Cambodia's Prime Minister asked the US to reconsider its 2002 repatriation agreement with Cambodia “in light of the humanitarian aspects of the issue.”⁷ Removals to Cambodia are very much a contentious issue, with members of Congress introducing a bill in August 2023 to halt the removal of certain nationals of Cambodia, Laos, and Vietnam.⁸ Furthermore, in 2022, the Biden-Harris Administration announced that it would slow removals to Burma, Cambodia, Laos, and Vietnam “based upon conditions in the countries.”⁹

Given that ICE is seeking to remove Mr. Van to Cambodia despite President Biden's announcement to slow removals to that country; the Cambodian Prime Minister requesting that the U.S. reconsider removals to Cambodia; and Congressional proposals to protect some people from removal to Cambodia, the Records Requested about Mr. Van's individual case will serve as a case study that is “likely to contribute” to an understanding of government operations.

b. *Factor Four: The contribution to public understanding of government operations or activities will be “significant.”*

The media coverage of Mr. Van's case, and political and media attention to removals to Cambodia more broadly, as discussed in the previous section, demonstrates that the Records

⁴ In addition to the articles previously cited by Mr. Van in his Request, *see also*, Jack Tomczuk, *Community leaders rally as ICE detains Philadelphia man*, METRO PHILA. (Aug. 15, 2024), <https://metrophiladelphia.com/community-rally-ice-detains-philadelphia-man/>; Randall Yip, *Protesters stage sit-in at Harris campaign office in Philadelphia*, ASAMNEWS (Sept. 9, 2024), <https://asamnews.com/2024/09/09/deportation-sereyvrath-one-van-cambodian-refugee-ice/>; Kate Firestone & David Bennion, *It's time for immigration policies that work to keep families together*, PHILA. INQUIRER (Aug. 21, 2024), <https://www.inquirer.com/opinion/commentary/immigration-deportation-detention-biden-harris-20240821.html>; Matt Coughlin, *Son of Cambodian refugees, who has lived 40 years in the US, says he faces deportation to the wrong country*, KYW NEWSRADIO (Aug. 15, 2024), <https://www.audacy.com/kywnewsradio/news/local/son-of-refugees-faces-deportation-to-the-wrong-country/> .

⁵ Sereyvrath “One” Van, *ICE Isolates Me From Community So Corporations Can Profit From My Imprisonment*, TRUTHOUT (Nov. 17, 2024), <https://truthout.org/articles/ice-isolates-me-from-community-so-corporations-can-profit-from-my-imprisonment/>.

⁶ In addition to the citation Mr. Van previously included in his Request, *see also*, Mateo Schimpf, *After parole, ICE Deported This Refugee Back to a Country He Never Knew*, KQED (Apr. 19, 2024), <https://www.kqed.org/news/11983313/after-parole-ice-deported-this-refugee-back-to-a-country-he-never-knew>; Vivian Ho, *‘Like becoming a refugee again’: They paid for their crimes. The US deported them anyway*, THE GUARDIAN (Aug. 17, 2023), <https://www.theguardian.com/world/2023/aug/17/cambodia-prison-sentence-deportation>.

⁷ *Id.*

⁸ H.R. 5248, 118th Cong. (1st Sess. 2023).

⁹ *FACT SHEET: Biden-Harris Administration Advances Equity and Opportunity for Asian American, Native Hawaiian, and Pacific Islander Communities Across the Country*, THE WHITE HOUSE (Jan. 20, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/20/fact-sheet-biden-harris-administration-advances-equity-and-opportunity-for-asian-american-native-hawaiian-and-pacific-islander-communities-across-the-country/>.

Requested will provide a “significant” contribution to public understanding of government operations or activities.

Beyond that, however, Mr. Van notes that the several policies and memorandums he sought through his Request reinforce the significance of his request. Request at 4. For instance, his requests for “copies of any operative memorandum of understanding regarding training and/or the access and use of the eTD system between ICE and/or DHS and” Cambodia and Thailand, respectively, will prove critical not just for Mr. Van but for other refugees born to Cambodian parents in refugee camps in Thailand following the Cambodian Genocide. Because of the circumstances of their birth, they may not have identity documents or citizenship in one or both countries, so understanding how DHS and those countries evaluate and generate travel documents related to removal will provide them with significant clarity about the process and allow them to evaluate their risk of removal to a country they have never lived. More than 195,000 Cambodian refugees resettled in the U.S. between 1975 and 1999,¹⁰ so this information is potentially relevant to a large number of people.

Similarly, Mr. Van’s request for “Any correspondence of record by or received by ICE personnel regarding the request for prosecutorial discretion pursuant to the Victim-Centered Directive, ICE Directive 11005.3,” Request at 4, will help non-citizen victims of crime who are facing removal understand how ICE evaluates prosecutorial discretion requests. As ICE notes in that Directive, “When victims [of crime] have access to humanitarian protection, regardless of their immigration status, and can feel safe in coming forward, it strengthens the ability of local, state, and federal law enforcement agencies, including ICE, to detect, investigate, and prosecute crimes.” ICE Directive 11005.3: Using a Victim-Centered Approach with Noncitizen Crime Victims at 1.¹¹ ICE considers a victim-centered approach to prosecutorial discretion significant, as it “engenders trust in ICE agents and officers, and bolsters faith in the entire criminal justice and civil immigration systems.” *Id.*

Accordingly, the records Mr. Van requested will provide clarity on how ICE administers this Directive – which will contribute to a “significant” understanding of this government operation.

c. *Factor Five: Mr. Van does not have a commercial interest that would be furthered by the disclosure.*

ICE summarily states that Mr. Van did not satisfy the factor, “Whether the requester has a commercial interest that would be furthered by the requested disclosure.” ICE Letter at 2. This finding is incorrect.¹²

Under the DHS FOIA regulations, “Components *shall identify any commercial interest of the requester . . . that would be furthered by the requested disclosure. Requesters shall be given*

¹⁰ Ho, *supra*, n. 6.

¹¹ Available at: <https://www.ice.gov/doclib/news/releases/2021/11005.3.pdf>.

¹² Furthermore, it is incongruous that ICE found that Mr. Van did not meet this factor, but then stated that it would charge him “in accordance with the DHS Interim FOIA regulations as they apply to *non-commercial requesters*.” ICE Letter at 2 (emphasis added).

an opportunity to provide explanatory information regarding the consideration.” 6 C.F.R. § 5.11(k)(3)(i) (emphases added). The regulations define a “Commercial Use Request” as “a request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest.” 6 C.F.R. § 5.11(b)(1).

Here, ICE did not “identify any commercial interest” that Mr. Van’s request could conceivably further or provide any reasoning underlying this determination. *See* ICE Letter at 2. Because ICE has not identified any specific interest, Mr. Van cannot fully take advantage of his “opportunity to provide explanatory information” about ICE’s supposed finding of a commercial interest. However, Mr. Van will explain below – both in language from his initial request, and with additional “explanatory information” that 6 C.F.R. § 5.11(k)(3)(i) should allow him to present – his lack of commercial interest in the Records Requested.

As a preliminary matter, Mr. Van’s Request stated, “Mr. Van is not filing this request to further a commercial interest. Mr. Van is seeking records that relate to him for non-commercial use. Namely, personal use and use in advocacy work related to his deportation defense.” Request at 6. By way of further explanation on the latter point, Mr. Van is active in immigrant advocacy and working closely with community-based organizations. He intends to disseminate the information contained in the records he received to them at no cost in order to create community resources to aid the Cambodian and Southeast Asian diaspora communities. For example, the community organizations VietLead, which serves Southeast Asian communities in Philadelphia and South Jersey and Free Migration Project, which provides free legal services to people facing removal, have an active campaign in which they are working collaboratively with Mr. Van to stop his removal and to educate the public about deportation and immigration enforcement. In addition to these formal associations and networks, Mr. Van has been described as “a beloved member of the Southeast Asian refugee community in Pennsylvania.”¹³ He intends to disseminate the records requested at no cost via these groups and through informal means to members of his community.

Thus, ICE erred in finding that Mr. Van did not satisfactorily demonstrate his non-commercial interest.

- d. *Factor Six: The public interest in disclosure is significantly greater than Mr. Van’s commercial interest in the disclosure.*

ICE erred in finding that Mr. Van did not demonstrate that the public interest in disclosure is greater than his commercial interest in the disclosure.

As mentioned above, ICE determined that Mr. Van’s request satisfied the third factor of the fee waiver requirements: “Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor

¹³ *Amistad joins VietLead in demanding the immediate release of Sereyrath “One” Van from ICE detention*, AMISTAD L. PROJ., <https://amistadlaw.org/amistad-joins-vietlead-demanding-immediate-release-sereyrath-one-van-ice-detention>.

or a narrow segment of interested persons.” ICE Letter at 2. Thus, ICE concedes that there is public interest in disclosure.¹⁴

Additionally, as discussed in the previous section (and stated plainly in his Request), Mr. Van has no commercial interest in the disclosure of the records. He is an individual requester, not a commercial enterprise – and has no plans to sell or profit from the Records. He plans to disseminate the information at no cost via the advocacy networks of which he is a member in order to help members of the Cambodian refugee diaspora, and Southeast Asian communities more broadly, understand how ICE effectuates removals to Cambodia – particularly for those, like Mr. Van, who were not born in Cambodia nor set foot in the country. Request at 5.

Accordingly, the public interest in disclosure is significantly greater than Mr. Van’s (non-existent) commercial interest in the disclosure.

* * *

As explained in the above sections, ICE erred in its finding that Mr. Van did not meet “factors two, four, five, and six” of its six-factor fee waiver test. ICE Letter at 2. As a result, the FOIA Appeals Office should find that he is entitled to a fee waiver for his request.

II. Conclusion

For the foregoing reasons, Mr. Van requests that the ICE FOIA Appeals Office overturn the ICE FOIA Office’s denial of his request for a fee waiver.

Sincerely,

Vanessa Stine
ACLU OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
(215) 839-9911
vsstine@aclupa.org

David C. Bennion
FREE MIGRATION PROJECT

Razeen Zaman
**ASIAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND**

¹⁴ Although ICE does not believe that the public interest is “significant” under factor four, ICE Letter at 2—a finding which Mr. Van contests—that is irrelevant to factor six, which merely asks the agency to weigh the public interest in disclosure against the commercial interest of the requester. Because Mr. Van has no commercial interest whatsoever in the disclosure of the records requested, even a finding of a slight public interest would weigh this factor in his favor.

November 25, 2024
FOIA Request
("Request")



Asian American
Legal Defense and
Education Fund



FREE MIGRATION
PROJECT

November 25, 2024

Submitted via the DHS FOIA Public Access Portal

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th St, S.W., Stop 5009
Washington, D.C. 20536-5009

Re: FOIA Request for Records Related to Sereyrath Van, [REDACTED]

Dear Reviewing Officer:

We represent Sereyrath Van, ([REDACTED]) (also referred to as “Requestor”), in this request under the Freedom of Information Act and Privacy Act, 5 U.S.C. § 552 *et seq.* Mr. Van is the Requesting party, but all responses should be addressed to his attorneys of record. His attorneys are the American Civil Liberties Union (“ACLU”) of Pennsylvania, the Asian American Legal Defense and Education Fund (AALDEF), and the Free Migration Project (FMP). Attached to this FOIA request is Mr. Van’s executed Certification of Identity.

Requestor seeks a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 5 C.F.R. § 5.11(k) and expedited processing under 6 C.F.R. § 5.5(e), and 5 U.S.C. § 552(a)(6)(E). The justification for the fee waiver and expedited processing is set out in detail following the Request.

Please direct this request to any components and/or offices within ICE that may contain responsive records, including (but not limited to): Homeland Security Investigations (“HSI”), Enforcement and Removal Operations (“ERO”), as well as all appropriate ICE, HIS and/or ERO field offices, beginning with the Philadelphia Field Office, Removal and International Operations (RIO), ICE Headquarters, and the Office of Biometric Identity Management.

I. Records Requested

Requestor, Sereyrath Van, seeks the disclosure of the following records prepared, transmitted, collected, and/or maintained by U.S. Immigration and Customs Enforcement (“ICE”) which describe, refer, or relate to him and ICE’s efforts to effectuate his removal as well as records about his detention and custody.

A. Definitions

For the purposes this request, “any representative of Cambodia” includes consular and/or embassy staff for Cambodia as well as any other governmental personnel of Cambodia.

For the purposes of this request, “any representative of Thailand” includes consular and/or embassy staff for Thailand as well as any other governmental personnel of Thailand.

For the purposes of this request, “any representative of any other country or countries” includes consular and/or embassy staff as well as any other governmental personnel.

For the purposes of this request, the term “communications” means any transmittal of information from one person or entity to another by any means, including letters, correspondence; notes; memoranda; records; reports; papers; facsimiles; electronic mail (whether to, from, copied, or blind copied) from business or personal email accounts; electronic mail generated from a handheld personal device including an Android, Blackberry, or iPhone; instant messaging; internet relay chat; news group; group or collaboration servers (including share point servers); electronic bulletin boards; dictation tapes; video recordings; audio recordings; digital recordings; memoranda; telegrams; teletypes and telexes; teleconference; web-based or software virtual meetings, including Microsoft Teams, Zoom, Cisco WebEx, or other virtual meeting software; and oral communication such as face-to-face or in-person discussions or meetings, telephone calls, and voice mail messages.

For the purposes of this request, “data compilations” has the same scope used in Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure.

For the purposes of this request, the term “documents” has the same scope used in Rule 34(a)(1) of the Federal Rules of Civil Procedure and shall encompass every writing or record of every type and description and every tangible thing that is or has been in the possession, custody, or control of ICE and its employees, to which they have access, or of which they have knowledge, including, but not limited to, newspaper articles, magazine articles, news articles, correspondence, letters, contracts, files, electronic mail, memoranda, stenographic notes, handwritten notes, drafts, studies, publications, books, pamphlets, catalogs, purchase orders, receipts, advertisements, direct mail solicitations, point-of-sale and point-of-purchase materials, notebooks, diaries, models, devices, pictures, photographs, films, audiotapes, videotapes, computer records, voice recordings, maps, reports, surveys, agendas, minutes, data compilations, and statistical compilations, regardless of whether a particular document is privileged or confidential, and regardless of the form of storage (including, but not limited to, paper, microfiche, magnetic tape, magnetic disk (hard disk or floppy disk), CD-ROM, DVD, optical disk, or electronic storage device.

For the purposes of this request, the term “DHS” means Department of Homeland Security, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, the term “ERO” means Enforcement and Removal Operations, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, the term “ICE” means U.S. Immigration and Customs Enforcement, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, “eTD” means Electronic Travel Document system that ICE utilizes for travel document requests. See https://www.dhs.gov/sites/default/files/publications/privacy_pia_003_ice_electronictraveldocumentsystem_february2014.pdf.

B. Specific Records Requested

Unless otherwise noted, the timeframe for this request is from January 1, 2021 to present:

- Any correspondence or record of contact between ICE personnel and any representative of Thailand regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to Thailand, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Any correspondence or record of contact between ICE personnel and any representative of Cambodia regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to Cambodia, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Any correspondence or record of contact between ICE personnel and any representative of any other country or countries regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to that country or countries, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Copies of any attachments received or sent by ICE personnel to any representative of any country to which ICE has communicated with regarding Sereyrath Van that is related to the possibility of removing and/or detaining him, including but not limited to any requests for travel documents prepared and sent by ICE to any representative of any country.
- Any copies of the travel documents of Sereyrath Van that ICE has in their possession.
- Any copies of documents provided by any ICE personnel to Mr. Van relating to his re-detention.
- Any documents or records from the electronic Travel Document (eTD) system relating to Sereyrath Van, which include the following databases: (1) The Enforcement Integrated Database; (2) Automated Biometrics Identification System (IDENT), and (3) Interviews conducted by ERO officers and/or consular staff.

- Copies of any interviews (including audio and/or transcripts) conducted by ICE officers and/or consular staff from any country regarding Sereyrath Van.
- Copies of any interview notes by ICE officers and/or consular staff from any country regarding Sereyrath Van and his removal.
- Any documents, records, or memorandum (including in electronic format) in ICE's possession regarding Sereyrath Van's interactions with representatives from the receiving country or countries.
- Any communications between ICE personnel regarding Sereyrath Van. This includes but is not limited to communications by ERO Philadelphia personnel and Removal and International Operations (RIO) personnel.
- Any correspondence of record of contact between ICE personnel and the U.S. Department of State personnel regarding Sereyrath Van.
- Any correspondence of record between ICE personnel and the Department of Homeland Security personnel regarding Sereyrath Van.
- Regardless of date, copies of any operative memorandum of understanding regarding training and/or the access and use of the eTD system between ICE and/or DHS and Cambodia.
- Regardless of date, copies of any operative memorandum of understanding regarding training and/or the access and use of the eTD system between ICE and/or DHS and Thailand.
- Any correspondence of record by or received by ICE personnel regarding the request for prosecutorial discretion pursuant to the Victim-Centered Directive, ICE Directive 11005.3.
- Any correspondence of record between ICE personnel about Sereyrath Van after his release from ICE detention in January 2024, including but not limited to the decision to seek Mr. Van's re-detention and removal and the decision(s) to deny Mr. Van's release requests.

C. Request Parameters

Please construe this as an ongoing FOIA request, so that any records that come within the possession of the agency prior to your final response to this FOIA Request should also be considered within the Request's scope.

Where available, we ask that records responsive to this Request be produced in the original electronic format with all metadata and load files. Please preserve all "parent-child" relationships for any communications produced, meaning that the Requestor must be able to identify the

attachments with emails. We ask that any records produced in PDF, TIFF, or other image formats be produced in full, uncompressed form; please do not compress images or downsample the resolution, as this interferes with their legibility. To facilitate a speedy response, we ask that records responsive to this request be produced on a rolling basis.

ICE records may refer to Mr. Van by his A number only, [REDACTED], and as such, a search by his A number should also be conducted.

Additionally, ICE records may have Mr. Van's name written as "Serey Rath Van," and as such, records should also be searched for using the alternate spelling.

Additionally, Requestor does not seek the names or contact information of individuals or other exempt personal identifiable information of people referenced in the records requested herein. If any of the requested records contain exempt personal identifiable information, Requestor asks that said personal identifiable information be redacted to ensure the maximum production of responsive relational information contained within the records. Nothing in this request should be construed as a waiver of Requestor's right to challenge any redactions made on the basis of personal identifiable information, including in the event of litigation regarding this FOIA request.

II. The Requestor

Sereyrath Van is seeking records about himself that are in ICE's possession. Mr. Van is a lawful permanent resident of the United States who was born in Thailand in [REDACTED] after his family fled genocide in Cambodia. He was admitted to the United States as a refugee at age four. In 2018, ICE initiated removal proceedings against Mr. Van, charging him with being a citizen of Cambodia and being removable. In 2021, an Immigration Judge ordered Mr. Van's removal to Thailand, and to Cambodia in the alternative.

After Mr. Van completed a prison sentence in 2023, ICE detained him for approximately three months before releasing him on an order of supervision. For seven months, Mr. Van complied with his order of supervision with ICE, which required periodic check-ins with ICE. On July 8, 2024, ICE called Mr. Van and told him to report to the ICE office in Philadelphia for an interview the next morning. On July 9, 2024, Mr. Van reported to the ICE office where he attended a virtual interview with officers of the Cambodian government. After the interview ended, an ICE Deportation Officer briefly detained Mr. Van before releasing him and providing him with a packet of paperwork, which ordered him to return to the ICE office on August 15, 2024, to be re-detained. Mr. Van complied with ICE's order to report to the ICE office on August 15, 2024, where ICE re-detained him. He remains detained at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania.

III. Request for Fee Waiver

Mr. Van requests that any fees associated with responding to this FOIA Request be waived. Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), fees should be waived or reduced if disclosure is (1) in the public interest because it is "likely to contribute significantly to public

understanding of the operations or activities of the government,” and (2) “not primarily in the commercial interest of the Requestor.” Disclosure in this case meets both of these tests.

A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government.

As a federal agency, ICE’s actions, including its practices related to removal. This Request is likely to contribute to the public understanding of the operations or activities of the government, meriting a fee waiver. 5 U.S.C. § 552(a)(4)(A)(iii).

Mr. Van’s detention and ICE’s efforts to remove him has already received media coverage.¹ Furthermore, there has been national media coverage about deportations to Cambodia of long-time U.S. residents.² Despite this coverage, ICE has released few details publicly about how it goes about obtaining travel documents and removing people to Cambodia.

The Records subject to this Request will contribute to the public understanding of ICE’s practices.

B. Disclosure is not in the commercial interest of the Requestor

Mr. Van is not filing this request to further a commercial interest. Mr. Van is seeking records that relate to him for non-commercial use. Namely, personal use and use in advocacy work related to his deportation defense.

As such, Requestor satisfies the test for a fee waiver. *See Jud. Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial Requestors” (internal quotation marks omitted)). *Citizens for Responsibility and Ethics in Washington v. U.S. Dept. of Educ.*, 593 F. Supp. 2d 261, 268 (D.D.C. 2009) (“[FOIA’s] purpose . . . is to remove the roadblocks and technicalities which have been used by . . . agencies to deny waivers”) (internal quotation marks and citation omitted)).

In sum, because disclosure of the requested documents is in the public interest and not in the commercial interest of the Requestor, the Requestor is entitled to a total waiver of fees associated with this Request and should, in no event, be required to pay more than reasonable standard charges for document duplication. In the event that you decide not to waive the fees, please provide the Requestor with prior notice so that we can discuss arrangements.

IV. Request for Expedited Processing

Requestor seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).³ There is a “compelling need” for these records, as defined in the statute, because Sereyath Van is currently

¹ Emily Neil, *Sereyath ‘One’ Van emigrated to Philly in 1984 as his family fled genocide. Advocates are fighting his deportation*, WHYY (Aug. 16, 2024), <https://whyy.org/articles/philadelphia-sereyath-van-one-deportation-ice/>.

² *See, e.g., Agnes Constante, Hundreds nationwide demonstrate against ICE deportations of Cambodian Americans* (Oct. 4, 2019), <https://www.nbcnews.com/news/asian-america/hundreds-nationwide-demonstrate-against-ice-deportations-cambodian-americans-n1062566>.

³ *See also* 6 C.F.R. § 5.5(e); 28 C.F.R. § 16.5(e); 22 C.F.R. § 171.11(f).

in removal proceedings with a scheduled hearing before an Immigration Judge.⁴ In addition, given that Requestor is facing the potential of removal from the United States and because removal proceedings for detained individuals are conducted in an expedited fashion, he is at “risk of losing substantial due process rights.”⁵ The records he seeks are critical for him to understand what representations ICE personnel made in their attempts to remove him so far. This is important because the previous removal order that ICE personnel provided to Sereyath Van was altered—it had the designated country of removal of Thailand whited out. Understanding what representations ICE personnel has made in their attempts to seek travel documents and what any country or countries that have contemplated issuing travel documents received from ICE personnel is important in protecting Mr. Van’s due process and statutory rights.

* * *

We appreciate your prompt attention to this Request and 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). Please furnish all responsive records to:

Vanessa Stine
Senior Staff Attorney – Immigrants’ Rights
AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
Tel: (215) 839-9911
Email: vstine@aclupa.org

Finally, if this Request is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or deny a waiver of fees. Please call me at (215) 839-9911 if you have any questions or wish to obtain further information about the nature of the records in which we are interested.

Sincerely,

Vanessa Stine
ACLU OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
(215) 839-9911
vstine@aclupa.org

⁴ Federal agencies have recognized that expedited processing for people in removal proceedings with an upcoming hearing before an Immigration Judge is appropriate. *See e.g.* Special FOIA Processing Track for Individuals Appearing Before an Immigration Judge, 72 Fed. Reg. 9017 (describing how Track 3 is for FOIA requests before U.S. Citizenship and Immigration Services for individuals who have been served with a charging document and scheduled for a hearing in immigration court as a result).

⁵ *ICE FOIA, Expedited Processing*, <https://www.ice.gov/foia> (last visited Nov. 13, 2024).

David C. Bennion
FREE MIGRATION PROJECT


Razeen Zaman
**ASIAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND**

U.S. DEPARTMENT OF HOMELAND SECURITY

CERTIFICATION OF IDENTITY

Privacy Act Statement: *In accordance with 6 CFR Section 5.21(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Homeland Security systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. 552a (i)(3).*

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Administrative Services, U.S. Department of Homeland Security, Washington, DC 20528 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1600-XX), Washington, DC 20503.

Full Name of Requester ¹	<u>Sereyrath Van (ICE records may be written as Serey Rath Van)</u>		
Citizenship Status ²	<u>non-citizen</u>	Social Security Number ³	Alien Number: [REDACTED]
Current Address	<u>Detained - Moshannon Valley Processing Center, 555 GEO Drive, Philipsburg, PA 16866</u>		
Date of Birth	[REDACTED]	Place of Birth	<u>Thailand</u>
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.			
Signature ⁴			Date <u>11-21-24</u>

OPTIONAL: Authorization to Release Information to Another Person

This form is to be completed by a requester who is authorizing information relating to himself or herself to be released to another person. Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Homeland Security to release any and all information relating to me to :

Vanessa Stine, American Civil Liberties Union of Pennsylvania

Print or Type Name

¹Name of the individual who is the subject of the record sought.

²Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an Alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted to permanent residence.

³Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴Signature of individual who is subject of the record sought.

December 4, 2024 Email
from FOIA ICE to
Requestor's Attorney
("ICE Letter")



Vanessa Stine <vstine@aclupa.org>

ICE FOIA 2025-ICFO-07884

1 message

ice-foia@ice.dhs.gov <noreply@securerelease.us>
Reply-To: ice-foia@ice.dhs.gov
To: vstine@aclupa.org

Wed, Dec 4, 2024 at 12:06 PM

12/04/2024

Vanessa Stine
P.O. Box 60173
Philadelphia,, Pennsylvania 19102

RE: ICE FOIA Case Number 2025-ICFO-07884

Dear Requester:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated 11/25/2024, your request for a waiver of all assessable FOIA fees, and your request for expedited treatment. Your request was received in this office on 11/25/2024. Specifically, you have requested records pertaining to Sereyrath Van.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you're able to narrow the scope of your request please contact our office. Narrowing the scope may speed up the search process. We will make every effort to comply with your request in a timely manner.

Your request for expedited treatment is hereby denied.

Under the DHS FOIA regulations, expedited processing of a FOIA request is warranted if the request involves "circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual," 6 C.F.R. § 5.5(e)(1)(i), or "an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information," 6 C.F.R. § 5.5(e)(1)(ii). Requesters seeking expedited processing must submit a statement explaining in detail the basis for the request, and that statement must be certified by the requester to be true and correct. 6 C.F.R. § 5.5(e)(3).

Your request for expedited processing is denied because you do not qualify for either category under 6 C.F.R. § 5.5(e)(1). You failed to demonstrate a particular urgency to inform the public about the government activity involved in the request beyond the public's right to know about government activity generally. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

After thoroughly reviewing your letter and request for fee waiver, I have determined that you have not presented a convincing argument that you and/or your organization is entitled to a blanket waiver of applicable fees.

The DHS FOIA Regulations at 6 CFR § 5.11(k)(2) set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government";
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;

(4) Whether the contribution to public understanding of government operations or activities will be "significant";

(5) Whether the requestor has a commercial interest that would be furthered by the requested disclosure; and

(6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you bear the burden under FOIA of showing that the fee waiver requirements have been met. Based on my review of your 11/25/2024 letter and for the reasons stated herein, I have determined that your fee waiver request is deficient because your request did not satisfy factors two, four, five and six. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued. If you deem the decision to deny expedited treatment and fee waiver for your request an adverse determination, you have the right to appeal. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.5(e)(2). You may submit your appeal electronically at GILDFOIAAppeals@ice.dhs.gov or via regular mail to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

ICE has queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions please contact FOIA Public Liaison Daniel Edgington, at (866) 633-1182 or 500 12th St, SW Stop 5009 Washington, DC 20536-5009. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

Your request has been assigned reference number 2025-ICFO-07884. Please use this number in future correspondence.

Sincerely,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

EXHIBIT

6



Vanessa Stine <vstine@aclupa.org>

ICE FOIA 2025-ICAP-00077, 2025-ICFO-07884

1 message

ice-foia@ice.dhs.gov <noreply@securerelease.us>
Reply-To: ice-foia@ice.dhs.gov
To: vstine@aclupa.org

Mon, Jan 13, 2025 at 1:05 PM

01/13/2025

Vanessa Stine
P.O. Box 60173
Philadelphia,, Pennsylvania 19102

RE: ICE FOIA Case Number 2025-ICAP-00077

Dear Requester:

The Department of Homeland Security has received your letter appealing the adverse determination of your Freedom of Information Act/Privacy Act (FOIA/PA) request by U.S. Immigration and Customs Enforcement. Your appeal, dated and received on 1/10/2025.

The Government Information Law Division acknowledges your appeal request of and is assigning it number 2025-ICAP-00077 for tracking purposes. Please reference this number in any future communications about your appeal.

A high number of FOIA/PA requests have been received by the Department. Accordingly, we have adopted the court-sanctioned practice of generally handling backlogged appeals on a first-in, first-out basis. While we will make every effort to process your appeal on a timely basis, there may be some delay in resolving this matter. Should you have any questions concerning the processing of your appeal, please contact Daniel Edgington ICE FOIA Office/Public Liaison at (866) 633-1182 or at [500 12th St., SW Washington, DC 20536-5009](#).

Sincerely,

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

EXHIBIT

7

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



U.S. Immigration
and Customs
Enforcement

February 11, 2025

Vanessa Stine
P.O. Box 60173
Philadelphia, Pennsylvania 19102

RE: 2025-ICAP-00077, 2025-ICFO-07884

Dear Ms. Stine:

This is in response to your letter dated January 10, 2025, received the same day appealing the U.S. Immigration and Customs Enforcement's (ICE) Freedom of Information Act (FOIA) Office's denial of your fee waiver request. Your FOIA request dated November 25, 2024, sought records related to your client Sereyrath Van (██████████), COB: Thailand).

By letter dated December 4, 2024, ICE FOIA acknowledged receipt of your November 25, 2024, FOIA request and stated that you would be charged for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. You have appealed ICE FOIA's denial of your request for a fee waiver.

The DHS FOIA regulations provide that "if a component fails to comply with the FOIA's time limits in which to respond to a request," it shall not charge fees unless one of three exceptions to the prohibition applies.¹ Since ICE FOIA has exceeded the time limits to respond to your request, and the exceptions do not apply, the determination of whether a fee waiver request should be granted or denied is moot. Therefore, ICE FOIA will not charge any fees and is administratively closing this appeal.

This decision is the final action of ICE concerning your FOIA fee waiver request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside or have a principal place of business, or in which 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. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

¹ See, 6 C.F.R. §5.11(d)(2).

Vanessa Stine

Page 2

Should you have any questions regarding this appeal decision, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word “appeal,” your appeal number, which is **2025-ICAP-00077**, and the FOIA case number, which is **2025-ICFO-07884**.

Sincerely,

/s/ Jennell Thomas

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

cc: The ICE FOIA Office

EXHIBIT

8



Asian American
Legal Defense and
Education Fund



FREE MIGRATION
PROJECT

January 13, 2025

Submitted via ICE FOIA Portal

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th St, S.W., Stop 5009
Washington, D.C. 20536-5009

Re: Renewed Request for Expedited Processing in ICE FOIA 2025-ICFO-07884

Dear Reviewing Officer:

We represent Sereyrath Van, ([REDACTED]) (also referred to as “Requestor”), in ICE FOIA 2025-ICFO-07884. Mr. Van is the Requesting party, but all responses should be addressed to his attorneys of record. His attorneys are the American Civil Liberties Union (“ACLU”) of Pennsylvania, the Asian American Legal Defense and Education Fund (AALDEF), and the Free Migration Project (FMP).

Mr. Van respectfully renews his request for expedited processing pursuant to 6 C.F.R. § 5.5(e)(2) (a request for expedited processing may be made at any time). He renews this request directly with the ICE FOIA office as the initial denial seemingly did not evaluate his request for expedited processing under the basis in which he seeks expedited processing. ICE FOIA Letter at 1. Additionally, Mr. Van renews his request for expedited processing directly with the ICE FOIA office as there is no requirement to file an administrative appeal where expedited processing is denied. 6 C.F.R. § 5.8(e).

Mr. Van requests expedited processing because he is “at risk of losing substantial due process rights.” Request at 7. The DHS regulations plainly list this as a basis for expedited processing. 6 C.F.R. § 5.5(e)(1)(iii) (requests may receive expedited processing when the Agency determines that they involve “The loss of substantial due process rights”).

Note that the ICE FOIA office’s initial denial of Mr. Van’s expedited processing request was supposedly because he did not meet *two of the other alternative bases for expedited processing* listed at 6 C.F.R. § 5.5(e)(1)(i)-(ii). But that denial was seemingly without considering or evaluating the actual basis for Mr. Van’s request. ICE FOIA Letter at 1. Indeed, the denial does not once reference Mr. Van’s claim about his due process rights—which serves as the basis of his request for expedited processing. Mr. Van need not meet each alternative basis for expedited processing. He only needs to meet one of the bases, which he clearly does. As Mr. Van explained in his Request, substantial due process rights are at stake because, “the previous removal order that

ICE personnel provided to Sereyrath Van was altered – it had the designated country of removal of Thailand whited out.” Request at 7. Through the FOIA request, Mr. Van seeks to understand not only what “what representations ICE personnel [have] made in their attempts to seek travel documents and what . . . country or any countries . . . have contemplated issuing travel documents received from ICE” but also ICE’s policies and practices regarding seeking travel documents. Request at 7 and 3–4.

Ignoring this paragraph, and Mr. Van’s explanation of his “compelling need” for the records, *see* 5 U.S.C. § 552(a)(6)(E)(i)(I), ICE FOIA writes, “You failed to demonstrate a particular urgency to inform the public about the government activity involved in the request beyond the public’s right to know about government activity generally.” ICE Letter at 1. ICE FOIA should be evaluating a request for expedited processing made under 6 C.F.R. § 5.5(e)(1)(iii) – but applies the requirements of 6 C.F.R. § 5.5(e)(1)(ii) (requests may receive expedited processing where the Agency determines that they involve “An urgency to inform the public about an actual or alleged federal government activity”).

In applying the standard of 6 C.F.R. § 5.5(e)(1)(iii), it is clear Mr. Van’s substantial due process rights are threatened. He faces removal to a country where he has never set foot and his removal order, which ICE provided to him and which ICE has to provide to embassies to seek travel documents, has been visibly modified. Having an understanding on the representations ICE has made in seeking travel documents for him—including whether the altered removal order was used to seek travel documents—and ICE’s policies and practices on seeking travel documents is critical in understanding whether the agency engaged in activity that contravenes his substantial due process rights.

ICE’s initial denial of Mr. Van’s request for expedited processing under the wrong standard is plain error, and accordingly, his renewed request for expedited processing should be granted pursuant to 6 C.F.R. § 5.5(e)(1)(iii).

* * *

Attached is Mr. Van’s attestation that the information provided supporting the request for expedited processing pursuant to 6 C.F.R. § 5.5(e)(1)(iii) is true and correct to the best of his knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi) and 6 C.F.R. § 5.5(e)(3).

Sincerely,

Vanessa Stine
ACLU OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
(215) 839-9911
vtine@aclupa.org

David C. Bennion
FREE MIGRATION PROJECT

Razeen Zaman
**ASIAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND**

Sereyrath Van Attestation

In accordance with 5 U.S.C. § 552(a)(6)(E)(vi) and 6 C.F.R. § 5.5(e)(3), I, Sereyrath Van, attest that the information provided supporting my request for the expedited processing of my FOIA request, 2025-ICFO-07884, which I seek pursuant to 6 C.F.R. § 5.5(e)(1)(iii), is true and correct to the best of my knowledge and belief.



Sereyrath Van

1-10-25

Date

December 4, 2024 Email
from FOIA ICE to
Requestor's Attorney
("ICE Letter")



Vanessa Stine <vstine@aclupa.org>

ICE FOIA 2025-ICFO-07884

1 message

ice-foia@ice.dhs.gov <noreply@securerelease.us>

Wed, Dec 4, 2024 at 12:06 PM

Reply-To: ice-foia@ice.dhs.gov

To: vstine@aclupa.org

12/04/2024

Vanessa Stine
P.O. Box 60173
Philadelphia,, Pennsylvania 19102

RE: ICE FOIA Case Number 2025-ICFO-07884

Dear Requester:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated 11/25/2024, your request for a waiver of all assessable FOIA fees, and your request for expedited treatment. Your request was received in this office on 11/25/2024. Specifically, you have requested records pertaining to Sereyraph Van.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you're able to narrow the scope of your request please contact our office. Narrowing the scope may speed up the search process. We will make every effort to comply with your request in a timely manner.

Your request for expedited treatment is hereby denied.

Under the DHS FOIA regulations, expedited processing of a FOIA request is warranted if the request involves "circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual," 6 C.F.R. § 5.5(e)(1)(i), or "an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information," 6 C.F.R. § 5.5(e)(1)(ii). Requesters seeking expedited processing must submit a statement explaining in detail the basis for the request, and that statement must be certified by the requester to be true and correct. 6 C.F.R. § 5.5(e)(3).

Your request for expedited processing is denied because you do not qualify for either category under 6 C.F.R. § 5.5(e)(1). You failed to demonstrate a particular urgency to inform the public about the government activity involved in the request beyond the public's right to know about government activity generally. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

After thoroughly reviewing your letter and request for fee waiver, I have determined that you have not presented a convincing argument that you and/or your organization is entitled to a blanket waiver of applicable fees.

The DHS FOIA Regulations at 6 CFR § 5.11(k)(2) set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government";
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant";
- (5) Whether the requestor has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you bear the burden under FOIA of showing that the fee waiver requirements have been met. Based on my review of your 11/25/2024 letter and for the reasons stated herein, I have determined that your fee waiver request is deficient because your request did not satisfy factors two, four, five and six. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester, you will be charged 10 cents per page for duplication; the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued. If you deem the decision to deny expedited treatment and fee waiver for your request an adverse determination, you have the right to appeal. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.5(e)(2). You may submit your appeal electronically at GILDFOIAAppeals@ice.dhs.gov or via regular mail to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

ICE has queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions please contact FOIA Public Liaison Daniel Edgington, at (866) 633-1182 or 500 12th St, SW Stop 5009 Washington, DC 20536-5009. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

Your request has been assigned reference number 2025-ICFO-07884. Please use this number in future correspondence.

Sincerely,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

November 25, 2024
FOIA Request
("Request")



November 25, 2024

Submitted via the DHS FOIA Public Access Portal

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th St, S.W., Stop 5009
Washington, D.C. 20536-5009

Re: FOIA Request for Records Related to Sereyrath Van, [REDACTED]

Dear Reviewing Officer:

We represent Sereyrath Van, ([REDACTED]) (also referred to as “Requestor”), in this request under the Freedom of Information Act and Privacy Act, 5 U.S.C. § 552 *et seq.* Mr. Van is the Requesting party, but all responses should be addressed to his attorneys of record. His attorneys are the American Civil Liberties Union (“ACLU”) of Pennsylvania, the Asian American Legal Defense and Education Fund (AALDEF), and the Free Migration Project (FMP). Attached to this FOIA request is Mr. Van’s executed Certification of Identity.

Requestor seeks a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 5 C.F.R. § 5.11(k) and expedited processing under 6 C.F.R. § 5.5(e), and 5 U.S.C. § 552(a)(6)(E). The justification for the fee waiver and expedited processing is set out in detail following the Request.

Please direct this request to any components and/or offices within ICE that may contain responsive records, including (but not limited to): Homeland Security Investigations (“HSI”), Enforcement and Removal Operations (“ERO”), as well as all appropriate ICE, HIS and/or ERO field offices, beginning with the Philadelphia Field Office, Removal and International Operations (RIO), ICE Headquarters, and the Office of Biometric Identity Management.

I. Records Requested

Requestor, Sereyrath Van, seeks the disclosure of the following records prepared, transmitted, collected, and/or maintained by U.S. Immigration and Customs Enforcement (“ICE”) which describe, refer, or relate to him and ICE’s efforts to effectuate his removal as well as records about his detention and custody.

A. Definitions

For the purposes this request, “any representative of Cambodia” includes consular and/or embassy staff for Cambodia as well as any other governmental personnel of Cambodia.

For the purposes of this request, “any representative of Thailand” includes consular and/or embassy staff for Thailand as well as any other governmental personnel of Thailand.

For the purposes of this request, “any representative of any other country or countries” includes consular and/or embassy staff as well as any other governmental personnel.

For the purposes of this request, the term “communications” means any transmittal of information from one person or entity to another by any means, including letters, correspondence; notes; memoranda; records; reports; papers; facsimiles; electronic mail (whether to, from, copied, or blind copied) from business or personal email accounts; electronic mail generated from a handheld personal device including an Android, Blackberry, or iPhone; instant messaging; internet relay chat; news group; group or collaboration servers (including share point servers); electronic bulletin boards; dictation tapes; video recordings; audio recordings; digital recordings; memoranda; telegrams; teletypes and telexes; teleconference; web-based or software virtual meetings, including Microsoft Teams, Zoom, Cisco WebEx, or other virtual meeting software; and oral communication such as face-to-face or in-person discussions or meetings, telephone calls, and voice mail messages.

For the purposes of this request, “data compilations” has the same scope used in Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure.

For the purposes of this request, the term “documents” has the same scope used in Rule 34(a)(1) of the Federal Rules of Civil Procedure and shall encompass every writing or record of every type and description and every tangible thing that is or has been in the possession, custody, or control of ICE and its employees, to which they have access, or of which they have knowledge, including, but not limited to, newspaper articles, magazine articles, news articles, correspondence, letters, contracts, files, electronic mail, memoranda, stenographic notes, handwritten notes, drafts, studies, publications, books, pamphlets, catalogs, purchase orders, receipts, advertisements, direct mail solicitations, point-of-sale and point-of-purchase materials, notebooks, diaries, models, devices, pictures, photographs, films, audiotapes, videotapes, computer records, voice recordings, maps, reports, surveys, agendas, minutes, data compilations, and statistical compilations, regardless of whether a particular document is privileged or confidential, and regardless of the form of storage (including, but not limited to, paper, microfiche, magnetic tape, magnetic disk (hard disk or floppy disk), CD-ROM, DVD, optical disk, or electronic storage device.

For the purposes of this request, the term “DHS” means Department of Homeland Security, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, the term “ERO” means Enforcement and Removal Operations, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, the term “ICE” means U.S. Immigration and Customs Enforcement, and any components, subcomponents, offices, or personnel therein.

For the purposes of this request, “eTD” means Electronic Travel Document system that ICE utilizes for travel document requests. See https://www.dhs.gov/sites/default/files/publications/privacy_pia_003_ice_electronictraveldocumentsystem_february2014.pdf.

B. Specific Records Requested

Unless otherwise noted, the timeframe for this request is from January 1, 2021 to present:

- Any correspondence or record of contact between ICE personnel and any representative of Thailand regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to Thailand, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Any correspondence or record of contact between ICE personnel and any representative of Cambodia regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to Cambodia, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Any correspondence or record of contact between ICE personnel and any representative of any other country or countries regarding Sereyrath Van. This includes but is not limited to communications regarding the possibility of removing him to that country or countries, communications regarding requests for travel documents, travel arrangements, and/or inquiries into citizenship and/or nationality.
- Copies of any attachments received or sent by ICE personnel to any representative of any country to which ICE has communicated with regarding Sereyrath Van that is related to the possibility of removing and/or detaining him, including but not limited to any requests for travel documents prepared and sent by ICE to any representative of any country.
- Any copies of the travel documents of Sereyrath Van that ICE has in their possession.
- Any copies of documents provided by any ICE personnel to Mr. Van relating to his re-detention.
- Any documents or records from the electronic Travel Document (eTD) system relating to Sereyrath Van, which include the following databases: (1) The Enforcement Integrated Database; (2) Automated Biometrics Identification System (IDENT), and (3) Interviews conducted by ERO officers and/or consular staff.

- Copies of any interviews (including audio and/or transcripts) conducted by ICE officers and/or consular staff from any country regarding Sereyrath Van.
- Copies of any interview notes by ICE officers and/or consular staff from any country regarding Sereyrath Van and his removal.
- Any documents, records, or memorandum (including in electronic format) in ICE's possession regarding Sereyrath Van's interactions with representatives from the receiving country or countries.
- Any communications between ICE personnel regarding Sereyrath Van. This includes but is not limited to communications by ERO Philadelphia personnel and Removal and International Operations (RIO) personnel.
- Any correspondence of record of contact between ICE personnel and the U.S. Department of State personnel regarding Sereyrath Van.
- Any correspondence of record between ICE personnel and the Department of Homeland Security personnel regarding Sereyrath Van.
- Regardless of date, copies of any operative memorandum of understanding regarding training and/or the access and use of the eTD system between ICE and/or DHS and Cambodia.
- Regardless of date, copies of any operative memorandum of understanding regarding training and/or the access and use of the eTD system between ICE and/or DHS and Thailand.
- Any correspondence of record by or received by ICE personnel regarding the request for prosecutorial discretion pursuant to the Victim-Centered Directive, ICE Directive 11005.3.
- Any correspondence of record between ICE personnel about Sereyrath Van after his release from ICE detention in January 2024, including but not limited to the decision to seek Mr. Van's re-detention and removal and the decision(s) to deny Mr. Van's release requests.

C. Request Parameters

Please construe this as an ongoing FOIA request, so that any records that come within the possession of the agency prior to your final response to this FOIA Request should also be considered within the Request's scope.

Where available, we ask that records responsive to this Request be produced in the original electronic format with all metadata and load files. Please preserve all "parent-child" relationships for any communications produced, meaning that the Requestor must be able to identify the

attachments with emails. We ask that any records produced in PDF, TIFF, or other image formats be produced in full, uncompressed form; please do not compress images or downsample the resolution, as this interferes with their legibility. To facilitate a speedy response, we ask that records responsive to this request be produced on a rolling basis.

ICE records may refer to Mr. Van by his A number only, [REDACTED], and as such, a search by his A number should also be conducted.

Additionally, ICE records may have Mr. Van's name written as "Serey Rath Van," and as such, records should also be searched for using the alternate spelling.

Additionally, Requestor does not seek the names or contact information of individuals or other exempt personal identifiable information of people referenced in the records requested herein. If any of the requested records contain exempt personal identifiable information, Requestor asks that said personal identifiable information be redacted to ensure the maximum production of responsive relational information contained within the records. Nothing in this request should be construed as a waiver of Requestor's right to challenge any redactions made on the basis of personal identifiable information, including in the event of litigation regarding this FOIA request.

II. The Requestor

Sereyrath Van is seeking records about himself that are in ICE's possession. Mr. Van is a lawful permanent resident of the United States who was born in Thailand in [REDACTED] after his family fled genocide in Cambodia. He was admitted to the United States as a refugee at age four. In 2018, ICE initiated removal proceedings against Mr. Van, charging him with being a citizen of Cambodia and being removable. In 2021, an Immigration Judge ordered Mr. Van's removal to Thailand, and to Cambodia in the alternative.

After Mr. Van completed a prison sentence in 2023, ICE detained him for approximately three months before releasing him on an order of supervision. For seven months, Mr. Van complied with his order of supervision with ICE, which required periodic check-ins with ICE. On July 8, 2024, ICE called Mr. Van and told him to report to the ICE office in Philadelphia for an interview the next morning. On July 9, 2024, Mr. Van reported to the ICE office where he attended a virtual interview with officers of the Cambodian government. After the interview ended, an ICE Deportation Officer briefly detained Mr. Van before releasing him and providing him with a packet of paperwork, which ordered him to return to the ICE office on August 15, 2024, to be re-detained. Mr. Van complied with ICE's order to report to the ICE office on August 15, 2024, where ICE re-detained him. He remains detained at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania.

III. Request for Fee Waiver

Mr. Van requests that any fees associated with responding to this FOIA Request be waived. Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), fees should be waived or reduced if disclosure is (1) in the public interest because it is "likely to contribute significantly to public

understanding of the operations or activities of the government,” and (2) “not primarily in the commercial interest of the Requestor.” Disclosure in this case meets both of these tests.

A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government.

As a federal agency, ICE’s actions, including its practices related to removal. This Request is likely to contribute to the public understanding of the operations or activities of the government, meriting a fee waiver. 5 U.S.C. § 552(a)(4)(A)(iii).

Mr. Van’s detention and ICE’s efforts to remove him has already received media coverage.¹ Furthermore, there has been national media coverage about deportations to Cambodia of long-time U.S. residents.² Despite this coverage, ICE has released few details publicly about how it goes about obtaining travel documents and removing people to Cambodia.

The Records subject to this Request will contribute to the public understanding of ICE’s practices.

B. Disclosure is not in the commercial interest of the Requestor

Mr. Van is not filing this request to further a commercial interest. Mr. Van is seeking records that relate to him for non-commercial use. Namely, personal use and use in advocacy work related to his deportation defense.

As such, Requestor satisfies the test for a fee waiver. *See Jud. Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial Requestors” (internal quotation marks omitted)). *Citizens for Responsibility and Ethics in Washington v. U.S. Dept. of Educ.*, 593 F. Supp. 2d 261, 268 (D.D.C. 2009) (“[FOIA’s] purpose . . . is to remove the roadblocks and technicalities which have been used by . . . agencies to deny waivers”) (internal quotation marks and citation omitted)).

In sum, because disclosure of the requested documents is in the public interest and not in the commercial interest of the Requestor, the Requestor is entitled to a total waiver of fees associated with this Request and should, in no event, be required to pay more than reasonable standard charges for document duplication. In the event that you decide not to waive the fees, please provide the Requestor with prior notice so that we can discuss arrangements.

IV. Request for Expedited Processing

Requestor seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).³ There is a “compelling need” for these records, as defined in the statute, because Sereyath Van is currently

¹ Emily Neil, *Sereyath ‘One’ Van emigrated to Philly in 1984 as his family fled genocide. Advocates are fighting his deportation*, WHYY (Aug. 16, 2024), <https://whyy.org/articles/philadelphia-sereyath-van-one-deportation-ice/>.

² *See, e.g.*, Agnes Constante, *Hundreds nationwide demonstrate against ICE deportations of Cambodian Americans* (Oct. 4, 2019), <https://www.nbcnews.com/news/asian-america/hundreds-nationwide-demonstrate-against-ice-deportations-cambodian-americans-n1062566>.

³ *See also* 6 C.F.R. § 5.5(e); 28 C.F.R. § 16.5(e); 22 C.F.R. § 171.11(f).

in removal proceedings with a scheduled hearing before an Immigration Judge.⁴ In addition, given that Requestor is facing the potential of removal from the United States and because removal proceedings for detained individuals are conducted in an expedited fashion, he is at “risk of losing substantial due process rights.”⁵ The records he seeks are critical for him to understand what representations ICE personnel made in their attempts to remove him so far. This is important because the previous removal order that ICE personnel provided to Sereyath Van was altered—it had the designated country of removal of Thailand whited out. Understanding what representations ICE personnel has made in their attempts to seek travel documents and what any country or countries that have contemplated issuing travel documents received from ICE personnel is important in protecting Mr. Van’s due process and statutory rights.

* * *

We appreciate your prompt attention to this Request and 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). Please furnish all responsive records to:

Vanessa Stine
Senior Staff Attorney – Immigrants’ Rights
AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
Tel: (215) 839-9911
Email: vstine@aclupa.org

Finally, if this Request is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or deny a waiver of fees. Please call me at (215) 839-9911 if you have any questions or wish to obtain further information about the nature of the records in which we are interested.

Sincerely,

Vanessa Stine
ACLU OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
(215) 839-9911
vstine@aclupa.org

⁴ Federal agencies have recognized that expedited processing for people in removal proceedings with an upcoming hearing before an Immigration Judge is appropriate. *See e.g.* Special FOIA Processing Track for Individuals Appearing Before an Immigration Judge, 72 Fed. Reg. 9017 (describing how Track 3 is for FOIA requests before U.S. Citizenship and Immigration Services for individuals who have been served with a charging document and scheduled for a hearing in immigration court as a result).

⁵ *ICE FOIA, Expedited Processing*, <https://www.ice.gov/foia> (last visited Nov. 13, 2024).

David C. Bennion
FREE MIGRATION PROJECT

Razeen Zaman
**ASIAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND**

U.S. DEPARTMENT OF HOMELAND SECURITY

CERTIFICATION OF IDENTITY

Privacy Act Statement: *In accordance with 6 CFR Section 5.21(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Homeland Security systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. 552a (i)(3).*

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Administrative Services, U.S. Department of Homeland Security, Washington, DC 20528 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1600-XX), Washington, DC 20503.

Full Name of Requester ¹	Sereyrath Van (ICE records may be written as Serey Rath Van)		
Citizenship Status ²	non-citizen	Social Security Number ³	Alien Number: [REDACTED]
Current Address	Detained - Moshannon Valley Processing Center, 555 GEO Drive, Philipsburg, PA 16866		
Date of Birth	[REDACTED]	Place of Birth	Thailand
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.			
Signature ⁴	[Handwritten Signature]		Date 11-21-24

OPTIONAL: Authorization to Release Information to Another Person

This form is to be completed by a requester who is authorizing information relating to himself or herself to be released to another person. Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Homeland Security to release any and all information relating to me to :

Vanessa Stine, American Civil Liberties Union of Pennsylvania

Print or Type Name

¹Name of the individual who is the subject of the record sought.

²Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an Alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted to permanent residence.

³Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴Signature of individual who is subject of the record sought.