

EXHIBIT A



**Homeland
Security**

Privacy Office, Mail Stop 0655

April 8, 2020

SENT VIA E-MAIL TO: ecreighton@immcouncil.org

Emily Creighton
American Immigration Council
1331 G Street NW, Suite 200
Washington, DC 20005

Re: **2020-HQFO-00853**

Dear Ms. Creighton:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) U.S. Immigration and Customs Enforcement (ICE), dated March 19, 2020, and to your request for expedited handling and a waiver of all assessable FOIA fees. Specifically, you requested:

1. Records issued by the ICE Health Service Corps related to COVID-19 including but not limited to:
 - a. recommendations for changes or additions to intake medical screening,
 - b. monitoring of detained individuals with exposure risk who do not present with fever or symptoms,
 - c. treatment of individuals who would be at high risk for serious illness or death in the event of COVID-19 infection based on their age and underlying medical conditions,
 - d. treatment of detained individuals with fever and/or symptoms of respiratory illness,
 - e. testing of individuals with exposure risk or who present with fever or other symptoms.
2. Records related to separately housing detained individuals ill with COVID-19 or at risk of contracting COVID-19 within facilities if private medical housing rooms in the facility are not available.
3. Guidance for the release of individuals in ICE custody who are at risk of contracting or who have contracted COVID-19, including the use of alternatives to detention.

4. Guidance related to the availability of free, unmonitored phones in private areas to ensure confidentiality and the availability of free video teleconferencing to enable detained persons to meet with their legal counsel.
5. Protocols for cleaning and sanitizing ICE facilities in response to COVID-19.
6. Guidance provided to individuals about COVID-19 when they are released from ICE detention.
7. Communication with and training provided to sub-contractors and employees of ICE about limiting the spread of COVID-19.

Due to the subject matter of the request, U.S. Immigration and Customs Enforcement (ICE) transferred your request to the Department of Homeland Security (DHS) Privacy Office. Our office received your request on April 7, 2020.

Your request for expedited treatment is hereby granted.

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (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 requester 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 requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to non-commercial requesters, provide two hours of search time and process the first 100 pages at no charge to you. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

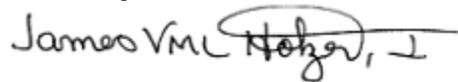
In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester you will be charged for any search time and duplication beyond the free two hours and 100 pages mentioned in the previous paragraph. You will be charged 10 cents per page for duplication and search time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2020-HQFO-00853**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." with a stylized flourish at the end.

James Holzer
Deputy Chief FOIA Officer