



October 14, 2020

Sent Via FOIAOnline:

**U.S. Customs and Border Protection  
Freedom of Information Act Office**

**Re: Freedom of Information Act Request Regarding U.S. Customs and Border Protection Raid of No More Deaths/No Más Muertes Humanitarian Aid Station in Arivaca, AZ**

Dear FOIA Officer:

The American Immigration Council (Council) and Skylight Engagement, Inc ("Requesters") submit the following Freedom of Information Act (FOIA) request for records<sup>1</sup> regarding the actions of U.S. Customs and Border Protection (CBP) personnel<sup>2</sup> at and around a No More Deaths/No Más Muertes aid station near Arivaca, Arizona ("Byrd Camp"), between June 13 and June 15, 2017; between July 30 and July 31, 2020; and between October 3 and October 5, 2020. Specifically, this request seeks records regarding CBP's presence, search, and actions<sup>3</sup> on the dates in question at the aid station. In accordance with 5 U.S.C. § 552(a)(6)(A)(i), we expect a response to this request within 20 working days, unless otherwise permitted by statute.

## **I. REQUEST FOR INFORMATION**

### ***CBP June 15, 2017 Raid***

---

<sup>1</sup> For purposes of the present FOIA request, where not otherwise specified, the term "records" includes but is not limited to any and all communications, correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, spreadsheets, charts, rules, manuals, technical specifications, training materials, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

<sup>2</sup> Throughout this Request, all reference to CBP and "CBP personnel" includes the U.S. Border Patrol, including specialized Border Patrol units like Border Patrol Tactical Unit (BORTAC), the Border Patrol Search, Trauma and Rescue Unit (BORSTAR), and Special Responses teams.

<sup>3</sup> Actions may include encounters, apprehensions, arrests, etc.

1. Video footage,<sup>4</sup> still photographs, or other media<sup>5</sup> that CBP recorded, prepared, transmitted, and/or collected that document CBP personnel presence and actions at and around the No More Deaths aid station (Byrd Camp) on June 15, 2017. This includes official or unofficial content on cell phones and/or recorded by drones.
2. Communications and/or correspondence—including emails, email attachments, cell phone texts, and images—received or sent by any CBP personnel, regarding the deployment of CBP personnel—including BORTAC—to the No More Deaths aid station (Byrd Camp) on June 15, 2017. This includes records relating to search warrants.

### *CBP July 31, 2020 Raid*

1. Video footage, still photographs, or other media that CBP recorded, prepared, transmitted, and/or collected that document CBP personnel presence and actions at and around the No More Deaths aid station (Byrd Camp) on July 30-31, 2020.<sup>6</sup> This includes official or unofficial content on cell phones and/or recorded by drones.
2. Communications and/or correspondence—including emails, email attachments, cell phone texts, and images—sent or received by any CBP personnel—including Roy D. Villareal and/or Rodney S. Scott—regarding the deployment of CBP personnel—including BORTAC—to the No More Deaths aid station (Byrd Camp) on July 30-31, 2020.<sup>7</sup> This includes records relating to search warrants.

### *CBP October 5, 2020 Raid*

1. Video footage, still photographs, or other media that CBP recorded, prepared, transmitted, and/or collected that document CBP personnel presence and actions at and around the No More Deaths aid station (Byrd Camp) on October 3-5, 2020. This includes official or unofficial content on cell phones and/or recorded by drones.
2. Communications and/or correspondence—including emails, email attachments, cell phone texts, and images—sent or received by any CBP personnel—including Roy D. Villareal and/or Rodney S. Scott—regarding the deployment of CBP personnel—including BORTAC—to the No More Deaths aid station

---

<sup>4</sup> There is evidence of CBP personnel recording the actions with video equipment, see Appendix A.

<sup>5</sup> Media may include, but is not limited to, video, photographs, audio clips or recordings.

<sup>6</sup> There is evidence of CBP personnel recording the actions, see Appendix A.

<sup>7</sup> Tucson Sector Chief Patrol Agent Roy Villareal publicized CBP's actions at and around the No More Deaths aid station on July 31, 2020. Roy D. Villareal (@USBPChiefTCA), Twitter thread (July 31, 2020, 7:09 PM), <https://twitter.com/USBPChiefTCA/status/1289337478558527488?s=20>; @USBPChiefTCA, Twitter thread (July 31, 2020, 7:58 PM), <https://twitter.com/USBPChiefTCA/status/1289349801922813952?s=20>; @USBPChiefTCA, Twitter (July 31, 2020, 7:42 PM), <https://twitter.com/USBPChiefTCA/status/1289345777651707904?s=20>.

(Byrd Camp) on October 3-5, 2020.<sup>8</sup> This includes records relating to search warrants.

## II. FEE WAIVER REQUEST

Requesters seek a fee waiver because the information they seek is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the [requesters]. . . .” 5 U.S.C. § 552(a)(4)(A)(iii).

As outlined below, Requesters seek to shed public light on the deployment of CBP to a humanitarian aid station near Arivaca, Arizona. Requesters are non-profit organizations without a commercial interest in the release of this information. Requesters intend, and have the demonstrated ability, to synthesize the information received via this FOIA request for release and access by the public. Requesters do not intend to charge the public for access to these records and information they contain. Further, Requesters have a demonstrated track record of disseminating information obtained via FOIA requests to the public, in the production and release of films, and reaching a wide audience.

### *A. Disclosure Will Contribute to Public Understanding of CBP Operations*

This FOIA request seeks information that will provide the public with critical insights into CBP’s actions at a humanitarian aid station near Arivaca, Arizona. The requested documents clearly concern identifiable “operations or activities” of the government.

Disclosure of the requested information will contribute significantly to public understanding of CBP’s practices at the border, including the agency’s treatment of individuals providing critical humanitarian aid to prevent migrant deaths and other life-threatening conditions. For more than a decade, No More Deaths has provided food, water, and medical care for individuals traveling by foot in the deadly Sonoran Desert. Obstruction of this aid by CBP is an affront to human rights, an abuse of enforcement authority, and is counter to agreements maintained by No More Deaths and the Tucson sector Border Patrol.<sup>9</sup>

Members of the community, broader public, and media<sup>10</sup> have expressed deep and growing concerns over the

---

<sup>8</sup> Tucson Sector Chief Patrol Agent Roy Villareal publicized CBP’s actions at and around the No More Deaths aid station. Roy D. Villareal (@USBPChiefTCA), Twitter (Oct. 5, 2020, 11:32 PM), <https://twitter.com/USBPChiefTCA/status/1313321271975981056?s=20>; @USBPChiefTCA, Twitter (Oct. 5, 2020, 11:40 PM), <https://twitter.com/USBPChiefTCA/status/1313323163401490432?s=20>; @USBPChiefTCA, Twitter (Oct. 6, 2020, 12:14 AM), <https://twitter.com/USBPChiefTCA/status/1313331776899690496?s=20>.

<sup>9</sup> Ronald Hansen, *Migrant arrests at Arizona aid camp raise worries of more deaths in the desert*, The Arizona Republic, June 16, 2017, <https://www.azcentral.com/story/news/politics/border-issues/2017/06/17/arizona-desert-medical-aid-camp-arrests-no-more-deaths/405126001/>; Fernanda Santos, *Border Patrol Raids Humanitarian Aid Group Camp in Arizona*, New York Times, June 16, 2017, <https://nyti.ms/2txtB7k>; No More Deaths, *Border Patrol Raids Humanitarian Aid Camp in Targeted Attack*, Press Release, June 15, 2017, <https://mailchi.mp/6ff638a40ea1/for-immediate-release-border-patrol-raids-humanitarian-aid-camp-in-targeted-attack>.

<sup>10</sup> See, e.g., Ryan Devereaux, *Border Patrol Launches Militarized Raid of Borderlands Humanitarian Aid Camp*, The Intercept, Aug. 2, 2020, <https://theintercept.com/2020/08/02/border-patrol-raid-arizona-no-more-deaths/>.

actions of CBP personnel toward migrants and humanitarian workers. For decades, organizations with legal and human rights expertise have exposed and challenged how CBP personnel treat people they encounter at the border and take into custody. Documented reports of misconduct include racial profiling; unjustified shootings; use of excessive force; physical and verbal harassment; inadequate or denied access to medical care; confiscating belongings that are never returned; and unlawful arrests and deportations.<sup>11</sup>

Witnesses of the 2017 and 2020 raids of the humanitarian aid station were concerned by the tactics CBP employed.<sup>12</sup> The full show of force included dozens of agents that were heavily armed and with military-style tactical gear, helicopters, an armored vehicle, ATVs, and other vehicles. Volunteers reported being handcuffed and having their phones taken away during the 2020 raid, after which volunteers assessed the aid station and found that CBP agents had damaged equipment, dumped medications and medical supplies, and tampered with the power to the station's water well.<sup>13</sup> These actions are not incident to lawful enforcement and as noted, the raids in 2020 were publicized by the CBP Tucson Sector Chief Villareal.

In addition, CBP has a well-documented history of poor accountability and transparency.<sup>14</sup> The agency's

---

<sup>11</sup> See generally <https://holdcbpaccountable.org/abuses/>; see also, e.g., Josiah Heyman, Jeremy Slack & Daniel E. Martínez, WHY BORDER PATROL AGENTS AND CBP OFFICERS SHOULD NOT SERVE AS ASYLUM OFFICERS, CTR. FOR MIGRATION STUDIES (June 21, 2019), <https://cmsny.org/publications/heyman-slack-martinez-062119/>; John Washington, "Kick Ass, Ask Questions Later": A Border Patrol Whistleblower Speaks Out About Culture of Abuse Against Migrants, THE INTERCEPT, Sept. 20, 2018, <https://theintercept.com/2018/09/20/border-patrol-agent-immigrant-abuse/>; Garrett M. Graff, *The Green Monster: How the Border Patrol Became America's Most Out-of-Control Law Enforcement Agency*, POLITICO, Nov./Dec. 2014, <https://www.politico.com/magazine/story/2014/10/border-patrol-the-green-monster-112220>; La Coalicion de Derechos Humanos and No More Deaths, DISAPPEARED: HOW THE U.S. BORDER ENFORCEMENT AGENCIES ARE FUELING A MISSING PERSONS CRISIS, <http://www.thedisappearedreport.org/>; No More Deaths, A CULTURE OF CRUELTY: ABUSE AND IMPUNITY IN SHORT-TERM U.S. BORDER PATROL CUSTODY (2011), <https://nomoredeaths.org/abuse-documentation/a-culture-of-cruelty/>.

<sup>12</sup> Ryan Devereaux, *Arizona Aid Group Questions Border Patrol Surveillance Following a Raid on Its Camp*, THE INTERCEPT, June 17, 2017, <https://theintercept.com/2017/06/17/arizona-border-patrol-raid-surveillance-no-more-deaths-humanitarian-immigration/>; Sarah Tory, *Border Patrol arrests migrants seeking humanitarian aid*, HIGH COUNTRY NEWS, June 23, 2017, <https://www.hcn.org/articles/border-patrol-arrests-migrants-seeking-humanitarian-aid>; Kirk Siegler, *Desert Aid Camp Turning Away Migrants Following Border Patrol Raid*, NPR, June 28, 2017, <https://www.npr.org/2017/06/28/534671455/aid-group-shuts-down-migrant-aid-camp-after-border-patrol-raid>.

<sup>13</sup> See Sophie Stuber, *U.S. Border Patrol raids humanitarian aid camp, seizing phones and arresting migrants*, THE OBSERVERS, Aug. 4, 2020, [https://observers.france24.com/en/20200804-us-border-patrol-raids-humanitarian-aid-camp-seizing-cell-phones?ref=tw\\_i](https://observers.france24.com/en/20200804-us-border-patrol-raids-humanitarian-aid-camp-seizing-cell-phones?ref=tw_i); Rafael Carranza, *Border aid group assessing aftermath of Border Patrol raid on medical camp*, THE ARIZONA REPUBLIC, Aug. 3, 2020, <https://www.azcentral.com/story/news/politics/immigration/2020/08/03/no-more-deaths-border-patrol-raid-aftermath/5578091002/>; Ryan Devereaux, *Border Patrol Launches Militarized Raid of Borderlands Humanitarian Aid Camp*, THE INTERCEPT, Aug. 2, 2020, <https://theintercept.com/2020/08/02/border-patrol-raid-arizona-no-more-deaths/>; Jeff Gardner, *Border Patrol Detains Dozens at No More Deaths Camp*, TUCSON WEEKLY, Aug. 5, 2020, <https://www.tucsonweekly.com/TheRange/archives/2020/08/05/border-patrol-detains-dozens-at-no-more-deaths-camp>; Curt Prendergast, *Border Patrol raids migrant aid camp in Arivaca*, ARIZONA DAILY STAR, Aug. 3, 2020, [https://tucson.com/news/local/border-patrol-raids-migrant-aid-camp-in-arivaca/article\\_49ef201d-f7e2-5878-909f-8ba77bd32d91.html](https://tucson.com/news/local/border-patrol-raids-migrant-aid-camp-in-arivaca/article_49ef201d-f7e2-5878-909f-8ba77bd32d91.html).

<sup>14</sup> See, e.g., Guillermo Cantor and Walter Ewing, AMERICAN IMMIGRATION COUNCIL, STILL NO ACTION TAKEN: COMPLAINTS AGAINST BORDER PATROL AGENTS CONTINUE TO GO UNANSWERED (Aug. 2017) [http://bit.ly/Council\\_StillNoActionTaken](http://bit.ly/Council_StillNoActionTaken)

accountability mechanisms have utterly failed, allowing misconduct and abuses to continue. Moreover, these mechanisms are shrouded in secrecy, making it even more difficult for the public to have confidence in the oversight of the agency and its personnel.<sup>15</sup>

Finally, the recent deployment of CBP personnel, including members of BORTAC teams, to cities across the United States earlier this year, highlighted the growing role of CBP in enforcement within the interior of the United States.<sup>16</sup> The public is rightly concerned about CBP actions and show of force and the need to understand the scope of CBP's enforcement activities has never been more urgent.

### ***B. Disclosure of the Information Is Not in the Commercial Interest of the Requesters***

The Council is a not-for-profit organization and has no commercial interest in the present request. See, e.g., 6 C.F.R. § 5.11(k)(3)(i)-(ii). The Council was established to increase public understanding of immigration law and policy, advocate for the fair and just administration U.S. immigration laws, protect the legal rights of noncitizens and citizens, and educate the public about the enduring contributions of immigrants. Through research and analysis, the Council has become a leading resource for policymakers at the national, state, and local levels who seek to understand the power and potential of immigration and to develop policies that are based on facts rather than myths. The Council also seeks to hold the government accountable for unlawful conduct and restrictive interpretations of the law and for failing to ensure that the immigration laws are implemented and executed in a manner that comports with due process through the pursuit of transparency and impact litigation.

To further its mission, the Council regularly provides information to the public based on its FOIA requests.<sup>13</sup> As with all other reports and information available on the Council's website, the information that the Council receives in response to this FOIA request will be available to immigration attorneys, noncitizens, policymakers and other interested members of the public on its publicly accessible website free of charge. Between June 1, 2019 and the present, the Council has received more than 2.6 million pageviews from more than 1.6 million visitors.

Skylight Engagement, Inc. is a not-for-profit, 501(c)(3) human rights media organization and has no commercial

---

(examining records of alleged misconduct by Border Patrol employees); American Civil Liberties Union of San Diego & Imperial Counties, et al., ADMINISTRATIVE COMPLAINT RE: U.S. BORDER PATROL'S VERBAL ABUSE OF DETAINED INDIVIDUALS (July 2020), <https://www.aclusandiego.org/wp-content/uploads/2020/07/2020-07-07-OIG-Complaint-4-FINAL.pdf>; Garrett M. Graff, *The Border Patrol Hits a Breaking Point*, Politico, July 15, 2019, <https://www.politico.com/magazine/story/2019/07/15/border-patrol-trump-administration-227357>.

<sup>15</sup> See, e.g., Dana Liebelson, "A CBP Officer Shot A 21-Year-Old American In The Head. 6 Months Later, CBP Won't Say Why," HuffPost, Aug. 19, 2019, [https://www.huffpost.com/entry/cbp-shooting-unarmed-vehicles\\_n\\_5d24cd0ae4b0583e4828365f](https://www.huffpost.com/entry/cbp-shooting-unarmed-vehicles_n_5d24cd0ae4b0583e4828365f); Alex Nowrasteh, "Border Patrol Termination Rates: Discipline and Performance Problems Signal Need for Reform," CATO Institute, November 2, 2017, <https://www.cato.org/publications/policy-analysis/border-patrol-termination-rates-discipline-performance-problems-signal>; A.C. Thompson, "Years Ago, the Border Patrol's Discipline System Was Denounced as 'Broken.' It's Still Not Fixed," Propublica, June 20, 2019, <https://www.propublica.org/article/border-patrol-discipline-system-was-denounced-as-broken-still-not-fixed>.

<sup>16</sup> See, e.g., Ken Klippenstein, "The Border Patrol Was Responsible for An Arrest in Portland," The Nation, July 17, 2020, <https://www.thenation.com/article/society/border-patrol-portland-arrest/>.

interest in the present request. Skylight combines cinematic arts with the quest for justice to inspire the defense of democracy. Skylight's work has focused on creating feature length documentary films to educate, inform and entertain, as well as a range of digital media projects and laboratories to create a media ecosystem that strengthens a culture of rights and engaged citizenship worldwide.

Skylight films have shown at film festivals over six continents, been broadcast on television in the United States and abroad, are popular in the educational arena, and currently live on streaming platforms. Skylight's films are widely available to NGO's and international educators through Academic Screening Packages and Screening Kits. Skylight laboratories have brought creators and community leaders together in Colombia, Guatemala, Mexico, and the United States. Its programs are built to protect the defenders of human and environmental rights everywhere.

### **III. EXEMPTIONS**

Please note that Requesters do not seek the names of individuals or other personally identifiable information. CBP should provide unique identifiers for individuals as available or otherwise, Requesters understand that the agency will redact any personally identifiable information.

If CBP withholds records based on its assessment that statutory exemptions apply to any of the records requested, please describe in detail the nature of the records withheld and the specific exemption or privilege upon which the record is withheld. If any portion(s) of the requested records are determined to be exempt, please provide the non-exempt portions. 5 U.S.C. §552(a)(8)(A)(ii)(II).

### **IV. FORMAT OF PRODUCTION**

Electronic versions in the native format of the requested documents are preferred. For documents which are not available in this format, please provide records electronically in a text-searchable, static-image format (PDF). Please also provide any data in a workable format, such as Microsoft Excel. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request.

\*\*\*

Thank you in advance for your attention to this request. If you have any questions regarding this request, please feel free to email or call Tory Johnson at the contact information under the first signature block below.

Sincerely,

*/s/ Tory Johnson*

Tory Johnson  
American Immigration Council  
1331 G Street, NW, Suite 200  
Washington, DC 20005  
[tjohnson@immcouncil.org](mailto:tjohnson@immcouncil.org)

*/s/ Pamela Yates*

Pamela Yates  
Skylight Engagement, Inc.  
147 Prince Street, 3rd Floor #25  
Brooklyn, NY 11201  
[pamela@skylight.is](mailto:pamela@skylight.is)

APPENDIX A - Evidence of CBP Video Recordings



Photo from June 16, 2017 - CBP personnel at No More Deaths aid station near Arivaca, Arizona. Box added to emphasize agent carrying video production equipment.



Photo from July 31, 2020 - CBP personnel at No More Deaths aid station near Arivaca, Arizona. Box added to emphasize agent carrying video production equipment.