



# City of Seattle

February 21, 2017

## VIA E-MAIL

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Acting Chief Privacy Officer/Chief FOIA Officer  
The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane SW  
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To Whom It May Concern:

The City of Seattle ("Seattle") requests the production of records by the U.S. Department of Homeland Security ("DHS") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq.* This Request relates to Executive Order 13768, titled "Enhancing Public Safety in the Interior of the United States," issued by President Donald J. Trump on January 25, 2017 ("Executive Order"), announcing executive branch policy to ensure that so-called "sanctuary jurisdictions" do not receive federal funds and to employ all lawful means to enforce immigration laws against all removable immigrants. Below, Seattle provides background on the events leading to this Request, identifies the requested records, requests waiver/reduction of fees and expedited review, and provides contact information.

## I BACKGROUND

On January 25, 2017, President Trump issued the Executive Order announcing new executive branch policies regarding the enforcement of immigration laws. Pertinent to these Requests, the Executive Order announces new executive branch policies to, among other things:

- "Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law;"
- "Ensure the faithful execution of the immigration laws of the United States, including the INA, against all removable aliens;"
- Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States;" and

- “Ensure that aliens ordered removed from the United States are promptly removed[.]”

Executive Order, sect. 2(a)-(d). The Executive Order requires various officers and agencies of the federal government to take steps to interpret and implement these policies. The impacts have already been felt in Seattle and across the nation.

Seattle is a Welcoming City where immigrant and refugee residents can fully participate in and be integrated into the social, civic, and economic fabric of the city. Nearly one in five Seattle residents is a foreign national.<sup>1</sup> Seattle has established policies that ensure Seattle’s limited resources and tax dollars are used to further the prosperity, safety, and well-being of Seattle residents, rather than assisting with the federal government’s escalating efforts to remove immigrants.<sup>2</sup> Further, Seattle is a recipient of significant federal funding that is used to support a variety of programs that promote the safety, health and well-being of Seattle residents.

Numerous state and local jurisdictions including Seattle fear extensive cuts of critical federal funding under the Executive Order’s sanctuary jurisdiction provisions. These concerns are compounded by the Executive Order’s broad language, as well as the limited information provided to date by President Trump, federal agencies, and other officials. This Request seeks records that will shed light on these issues, including whether Seattle and other jurisdictions will be designated as “sanctuary jurisdictions” and, if so, what enforcement actions the federal government may take against them.

This Request also addresses the Executive Order’s new policies on enforcement of immigration law against removable immigrants. In the weeks since President Trump signed the Executive Order, U.S. Immigration and Customs Enforcement (“ICE”) engaged in nationwide efforts to round up and detain more than 600 immigrants, including in Seattle, Los Angeles, New York City, Atlanta, Chicago, and Phoenix.<sup>3</sup> According to news reports, at least some of those removed have no criminal

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<sup>1</sup> Seattle Resolution 31730 (Jan. 30, 2017), available at [http://murray.seattle.gov/wp-content/uploads/2017/01/2017\\_013017\\_reso\\_welcoming\\_city.pdf](http://murray.seattle.gov/wp-content/uploads/2017/01/2017_013017_reso_welcoming_city.pdf).

<sup>2</sup> For example, Seattle prohibits its employees from asking about an individual’s immigration status except by police under limited circumstances; guarantees access to city services regardless of immigration status; and, in collaboration with King County (which has jurisdiction over jails in Seattle), prohibits Seattle police officers from detaining an individual based solely on an immigration detainer issued by ICE, absent a criminal warrant issued by a federal judge based on probable cause. See Seattle Municipal Code, ch. 4.18; Seattle Resolution 31730.

<sup>3</sup> See Jason McGahan, *Was the L.A. Immigration Sweep a Preview of What’s to Come?*, LA WEEKLY, Feb. 15, 2017, available at <http://www.laweekly.com/news/was-the-la-immigration-sweep-a-preview-of-whats-to-come-7932258>; Liz Robbins and Caitlin Dickerson, *Immigration*

record and/or had committed to regular meetings with ICE authorities. In Seattle, ICE has detained and instituted removal proceedings against a Mexican immigrant who was brought to the United States illegally as a child and given a work permit under the Deferred Action for Childhood Arrivals (“DACA”) program, according to a lawsuit challenging the detention in Seattle federal court.<sup>4</sup>

News articles report substantial uncertainty and fear among immigrant communities about the real-life consequences of the new policy to take enforcement action against “all” removable immigrants, as provided for under the Executive Order. The Executive Order eliminates the prioritization policies that have been in place for years, but there is limited publicly-available information about how ICE and other components of DHS will implement the Executive Order’s directives. In addition to concerns about the impact on immigrants residing in Seattle, the Executive Order is likely to impact public safety by breaching the trust between the immigrant community and local police that is necessary for effective law enforcement. This Request therefore seeks critical information about the changes to immigration policy under the Trump administration, including the DACA program, so that Seattle can provide accurate information to immigrants and their families living in Seattle.

## II REQUESTED RECORDS

The City of Seattle seeks release of the following:

1. Records relating to drafting, interpretation, enforcement, and implementation of the following portions of the Executive Order:
  - a. Section 1 of the Executive Order stating, “It is the policy of the executive branch to: (a) Ensure the faithful execution of the immigration laws of the United States... against all removable aliens...; (b) Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States; [and] (c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law[.]”
  - b. Section 4 of the Executive Order directing federal “agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.”

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*agents arrest 600 people across U.S. in one week*, THE NEW YORK TIMES, Feb. 12, 2017, available at <https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html? r=0>.

<sup>4</sup> See Mike Carter, *Seattle ‘dreamer’ sues over his detention under Trump’s executive orders*, THE SEATTLE TIMES, Feb. 14, 2017, available at <http://www.seattletimes.com/seattle-news/seattle-dreamer-sues-over-detention-under-trump/>.

c. Section 5 of the Executive Order setting forth enforcement priorities for removal of undocumented immigrants.

d. Section 7 of the Executive Order directing ICE to “take all appropriate action to hire 10,000 additional immigration officers[.]”

e. Section 9(a) of the Executive Order providing that: (i) “the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary”; (ii) “[t]he Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction”; and (iii) “[t]he Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.”

f. Section 9(c) of the Executive Order directing the Director of the Office of Management and Budget “to obtain and provide relevant and responsive information on all Federal grant money that currently is received by any sanctuary jurisdiction.”

2. Records relating to policies, procedures, and plans to implement each of the portions of the Executive Order set forth above in Request No. 1.

3. Communications relating to the portions of the Executive Order set forth above in Request No. 1. This includes intra-agency communications and external communications, including but not limited to communications with other government agencies, officers, personnel, the public, and other private parties.

4. Records relating to cooperation or lack of cooperation by Seattle or King County, Washington with enforcement of federal immigration law, including but not limited to compliance or lack of compliance with immigration detainer requests, exchanging or refusing to exchange information with federal officers, inquiring or refusal to inquire into an individual’s citizenship or immigration status, maintaining or refusing to maintain records related to citizenship or immigration status, or provision of or refusal to provide services without regard to citizenship or immigration status.

5. Records relating to or encompassing any immigration-related policies or practices (whether written or unwritten, formal or informal) of Seattle or King County, Washington, including but not limited to policies or practices requiring,

allowing, limiting, or prohibiting compliance with immigration detainer requests, exchange of information with federal officers, inquiry into an individual's citizenship or immigration status, maintenance of records related to citizenship or immigration status, or provision of services without regard to citizenship or immigration status.

6. Records relating to or encompassing any immigration-related laws, policies, or practices (whether written or unwritten, formal or informal) of Seattle or King County, Washington, relating to any analysis, recommendation, or determination that Seattle or King County, Washington has willfully refused to comply with 8 U.S.C. § 1373, or whether either qualify as a "sanctuary jurisdiction" for purposes of Section 9(a) of the Executive Order.

7. Records relating to those state or local jurisdictions in the United States that the federal government believes are in compliance with 8 U.S.C. § 1373, and do not have in effect any statute, policy, or practice that prevents or hinders the enforcement of Federal law. This includes but is not limited to any lists, compilations, or data identifying such jurisdictions, as well as the grounds for determining compliance.

8. Records relating to those state or local jurisdictions in the United States that the federal government believes are violating 8 U.S.C. § 1373, or have in effect any statute, policy, or practice that prevents or hinders the enforcement of Federal law. This includes but is not limited to any lists, compilations, or data identifying such jurisdictions, as well as the grounds for determining non-compliance.

9. Records relating to drafting, interpretation, implementation, or enforcement of the following memoranda and publications:

a. Department of Justice, Office of the Inspector General, *Memorandum: Department of Justice Referral of Allegations of Potential Violations of 8 U.S.C. § 1373 by Grant Recipients*, dated May 31, 2016.

b. Department of Justice, Office of Justice Programs, *Guidance Regarding Compliance with 8 U.S.C. § 1373*, dated Jul. 7, 2016.

c. Department of Justice, Office of Justice Programs, *Additional Guidance Regarding Compliance with 8 U.S.C. § 1373*, dated Oct. 6, 2016.

d. Department of Homeland Security Law Enforcement Systems & Analysis: *Declined Detainer Report*, dated October 8, 2014.

This Request includes but is not limited to any drafts, alternative versions, supplements, and updates; data, records of interviews, studies, and other written materials relied upon in the memoranda and publications; policies, procedures, plans,

memoranda, reports, and other records prepared during the drafting process and thereafter; and internal and external communications relating to drafting, interpretation, implementation, or enforcement.

10. Records relating generally to analysis, interpretation, or enforcement of 8 U.S.C. § 1373, including but not limited to records addressing the type of state or local policies and procedures that would purportedly violate 8 U.S.C. § 1373; federal policies, procedures, and plans relating to ensuring compliance with 8 U.S.C. § 1373; and potential or actual federal enforcement actions with respect to 8 U.S.C. § 1373.

11. Records relating to policies, procedures, plans, and potential or actual enforcement actions by the federal government against state or local jurisdictions that have in effect a statute, policy, or practice that the government believes prevents or hinders the enforcement of federal law.

12. Records identifying, classifying, categorizing, and/or listing one or more state or local jurisdictions as “sanctuary” jurisdictions.

13. Records relating to the federal government’s withholding, cancelling, or otherwise preventing federal funding for Seattle; King County, Washington; or any other state or local jurisdiction based on (1) a state or local jurisdiction’s failure to comply with 8 U.S.C. § 1373, (2) a state or local jurisdiction’s policies or practices that prevent or hinder the enforcement of federal immigration law, or (3) Section 9(a) of the Executive Order.

14. Records relating to which federal funding sources are or are not covered by Section 9(a) of the Executive Order and steps the federal government can take to expand coverage to other federal funding sources.

15. Records created from January 20, 2017 to present relating to the following:

a. Prioritization of removable immigrants in executing federal immigration law.

b. Formulation, justification, interpretation, or implementation of the enforcement priorities set forth in Section 5 of the Executive Order.

c. Plans to hire 10,000 additional immigration officers, including but not limited to where the immigration officers will be located.

d. Continuation, modification, or cancelation of the Deferred Action for Childhood Arrivals (“DACA”) program, including but not limited to policies, procedures, and plans relating to enforcement action against current DACA

recipients, alteration of the status of current DACA recipients, or treatment of pending new and renewal DACA applications.

e. Policies, procedures, plans, and steps that have been taken by ICE or any other component of DHS to round up removable immigrants, both at the national level and for any region encompassing Seattle.

16. Records relating to the number of immigrants who have been taken into custody in King County, Washington by ICE since January 20, 2017, and for each such immigrant, the immigrant's immigration status, the basis for detention, where the immigrant is presently detained or the date of release, and the status of immigration-related proceedings, if any.

### III APPLICATION FOR WAIVER OR LIMITATION OF FEES

Seattle requests a waiver of document search, review, and duplication fees on the grounds that "disclosure of the information is in the public interest because it 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 requester." 5 U.S.C. § 552(a)(4)(A)(iii); see also 6 C.F.R. § 5.11(k)(1)(i), (ii). Alternatively, at a minimum, Seattle requests waiver of review fees because this is not a commercial use request, which is an independent basis for waiving such fees. 6 C.F.R. § 5.11(c)(3). In the event the fee waiver is denied in whole or in part, however, Seattle agrees to pay up to \$5000.00 in fees subject to a full reservation of its rights to appeal or otherwise challenge the denial of the fee waiver. To the extent any proper fees are above this amount, we request that you inform Seattle once this is determined and provide Seattle with an estimated cost.

#### A. All fees should be waived because the Request is in the public interest and is not primarily in Seattle's commercial interest.

Seattle is entitled to waiver of all fees under 5 U.S.C. § 552(a)(4)(A)(iii), because disclosure of the requested information is in the public interest and is not primarily in Seattle's commercial interest.

Disclosure of requested information is in the public interest where it is likely to contribute significantly to public understanding of operations or activities of the government. 5 U.S.C. § 552(a)(4)(A)(iii). DHS and its components consider four factors: (i) whether the subject of the request concerns identifiable operations or activities of the federal government, (ii) whether disclosure of the requested records will be meaningfully informative about government operations and activities, (iii) whether disclosure will contribute to the understanding of a reasonably broad audience of persons interested in the subject as opposed to the individual

understanding of the requester, and (iv) whether the public's understanding of the subject will be significantly enhanced by the disclosure. See 6 C.F.R. § 5.11(k)(2). All four public interest factors are met here.

*First*, the subject of the Request concerns identifiable operations or activities of the federal government. These operations and activities include, but are not limited to, the federal government's classification of state and local jurisdictions as "sanctuary jurisdictions," withholding of federal funding from designated sanctuary jurisdictions, and federal activities with respect to detention and removal of removable immigrants.

*Second*, disclosure of the requested records will meaningfully inform the public about government operations or activities. The news sources cited herein highlight the uncertainty and lack of public knowledge with respect to the immediate effects of the Executive Order, as well as uncertainty regarding immigration enforcement going forward. The Executive Order itself is broadly worded and provides insufficient guidance on how the Executive Branch will implement the policy directives. Further, to date, very little specific information has been made public about the criteria by which particular jurisdictions will be designated as "sanctuary jurisdictions," the types of federal funding that might be threatened by such a designation, or other enforcement actions the Attorney General, DHS, and other government agencies and officials may take against so-called "sanctuary jurisdictions." Nor has specific information been made public regarding the new administration's approach to detention and removal of removable immigrants, particularly the treatment of DACA recipients. The requested records are expected to contain information on all of these topics, as well as information regarding the policy decisions leading to (1) the statements made in the Executive Order and (2) recent federal actions on immigration enforcement, including ICE's detention of a DACA recipient in Seattle. Given the lack of publicly-available information about these government operations and activities, disclosure is likely to contribute to an increased public understanding of these topics. See *Forest Guardians v. U.S. Dep't of Interior*, 416 F.3d 1173, 1179 (10th Cir. 2005) ("An understanding of how [a federal agency] makes policy decisions, including the influence of any outside groups on this process, is...important to the public's understanding of the [government]"); see also *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1313-14 (D.C. Cir. 2003) (approving fee waiver where, among other things, request sought information tending to facilitate an understanding of government operations). The Executive Order's sweeping language, as well as Executive Branch threats to enforce the Executive Order against cities like Seattle, make it essential for such jurisdictions to obtain additional information about Executive Branch plans regarding the Executive Order.

*Third*, disclosure will contribute to the understanding of a broad audience of persons interested in the subject of the Request—namely, citizens of Seattle in particular and the state of Washington more generally. The requested information is

a matter of intense public interest in Seattle and nationally. The recent explosion of local and national news coverage with respect to (1) the Executive Order's provisions regarding "sanctuary jurisdictions" and (2) the new administration's approach to immigration enforcement, detention, and removal underscores the substantial public interest in the subject of this Request. Federal courts have deemed these types of issues of interest to the public for FOIA fee waiver purposes. *See Long v. Dep't of Homeland Security*, 113 F. Supp. 3d 100, 107 (D.D.C. 2015) ("The Court has little difficulty concluding that information about enforcement of our immigration laws would be of interest to the public" for purposes of FOIA fee waiver); *Allen v. Dep't of Defense*, No. Civ. A. No. 81-2543, 1986 WL 15623, at \*5 (D.D.C. Apr. 2, 1986) ("[T]he fact that the documents sought in this case relate to the workings of governmental entities alone creates a significant public interest.").

Further, Seattle intends to share the disclosed information broadly with, and at no cost to, the public, to contribute to increased awareness and understanding of government operations and activities with respect to the treatment of "sanctuary jurisdictions" and immigration enforcement. As a large metropolitan city, Seattle has numerous tools at its disposal to disseminate this information to its citizens and other interested individuals. Thus, the information will reach the public effectively and efficiently.

Finally, given the ongoing and widespread media attention to the subject of this Request and the lack of publicly-available information as to the specifics of current and proposed government operations and activities regarding sanctuary jurisdictions and immigration enforcement, the records sought will significantly enhance the public's understanding of the issues at stake.<sup>5</sup> The records sought are (1)

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<sup>5</sup> *See, e.g.*, Daniel Beekman, David Gutman, and Nina Shapiro, *Seattle 'won't be bullied,' will fight Trump's sanctuary-city order, mayor says*, THE SEATTLE TIMES, Jan. 25, 2017, available at <http://www.seattletimes.com/seattle-news/politics/seattle-wont-be-bullied-will-fight-trumps-order-mayor-says/>; Daniel Beekman, David Gutman, and Nina Shapiro, *What does Trump's action on sanctuary cities mean for Seattle? Here's what we know*, THE SEATTLE TIMES, Jan. 25, 2017, available at <http://www.seattletimes.com/seattle-news/what-does-trumps-action-on-sanctuary-cities-mean-for-seattle-thats-up-for-debate/>; Daniel Demay, *Trump 'ban' on sanctuary cities could cost Seattle big, or not at all*, THE SEATTLE P-I, Jan. 25, 2017, available at <http://www.seattlepi.com/local/article/Trump-ban-on-sanctuary-cities-could-cost-10883488.php>; Casey Jaywork, *Trump orders funding cuts to sanctuary cities, promising a showdown with Seattle*, Seattle Weekly, Jan. 25, 2017, available at <http://www.seattleweekly.com/news/trump-orders-funding-cuts-to-sanctuary-cities-promising-a-showdown-with-seattle/>; Mike Carter, *Seattle 'dreamer' sues over his detention under Trump's executive orders*, THE SEATTLE TIMES, Feb. 14, 2017, available at <http://www.seattletimes.com/seattle-news/seattle-dreamer-sues-over-detention-under-trump/>; Darla Cameron, *How sanctuary cities work, and how Trump's executive order might affect them*, THE WASHINGTON POST, Jan. 25, 2017, available at

targeted to the specific information Seattle believes its citizens should know about the Executive Order and about federal immigration enforcement more generally, and (2) critical for an understanding of the government operations and activities at issue. This Request involves issues of utmost importance and the records sought reflect that importance.

In sum, this Request meets 5 U.S.C. § 552(a)(4)(A)(iii)'s "public interest" prong.

Also, this Request meets 5 U.S.C. § 552(a)(4)(A)(iii)'s "commercial interest" prong. Congress amended FOIA to ensure that it be liberally construed in favor of waivers for non-commercial requesters. *See Judicial Watch, Inc.*, 326 F.3d at 1312. Here, Seattle does not seek to further any commercial interest in filing this Request. Seattle makes this Request in furtherance of its governmental functions to ensure the safety and well-being of its residents, as well as providing its citizens with important information about government operations and activities. As described above, any information disclosed to Seattle as a result of this Request will be made available to the public at no cost. Thus, a fee waiver in this case would fulfill congressional intent to provide waivers to non-commercial requesters like Seattle.

Because the Request is in the public interest and not primarily in Seattle's commercial interest, waiver of all fees is proper under 5 U.S.C. § 552(a)(4)(A)(iii).

**B. At a minimum, Seattle is entitled to waiver of review fees based on non-commercial use.**

Alternatively, at a minimum, Seattle should be granted waiver of review fees because the Request is not a commercial use request. Review fees should only be charged to requesters who make commercial use requests, which are defined as requests that "ask[] for information for a use or a purpose that furthers a commercial,

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<https://www.washingtonpost.com/graphics/national/sanctuary-cities/>; Rory Carroll, Robin Respaut, and Andy Sullivan, *Top 10 U.S. sanctuary cities face roughly \$2.27 billion in cuts by Trump policy*, REUTERS, Jan. 26, 2017, available at <http://www.reuters.com/article/us-usa-trump-sanctuarycities-idUSKBN1592V9>; Jordan Yadoo, *Why 'sanctuary cities' are a target for Trump: Quick Take Q&A*, BLOOMBERG, Feb. 14, 2017, available at <https://www.bloomberg.com/politics/articles/2017-02-15/why-sanctuary-cities-are-a-target-for-trump-quicktake-q-a>; Reid Wilson, *GOP states move to block sanctuary cities after Trump order*, THE HILL, Feb. 9, 2017, available at <http://www.msnbc.com/specials/migrant-crisis/sanctuary-cities>; Liz Robbins and Caitlin Dickerson, *Immigration agents arrest 600 people across U.S. in one week*, THE NEW YORK TIMES, Feb. 12, 2017, available at [https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html?\\_r=0](https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html?_r=0); Lisa Baumann, *'Dreamer' arrested in Seattle raid*, U.S. NEWS, Feb. 15, 2017, available at <http://www.usnews.com/news/washington/articles/2017-02-14/us-arrests-mexican-immigrant-dreamer-in-seattle>.

trade, or profit interest.” 6 C.F.R. § 5.11(b)(1), (c)(3). Because Seattle does not seek the requested information for commercial use, waiver of review fees is appropriate.

#### IV REQUEST FOR EXPEDITED PROCESSING

Seattle requests expedited processing of this Request because the subject of this Request constitutes a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” See 6 C.F.R. § 5.5(e)(1)(iv).

Seattle qualifies for expedited processing under 6 C.F.R. § 5.5(e)(1)(iv), which provides for expedited treatment whenever DHS determines that a FOIA request involves a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” One need only read the news to understand the intense media interest in this subject, not only in Seattle but across the country. Indeed, ever since it was issued, the Executive Order has engendered controversy and debate, as well as at least three lawsuits in federal courts. See *Am. Civil Liberties Union v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 31-32 (D.D.C. 2004) (agency should have expedited processing under “media interest” prong where news articles described widespread controversy surrounding Patriot Act and implicated government integrity).

In sum, the cited news articles not only demonstrate a significant amount of media interest in the issue, they also suggest an improper government act to the detriment of public confidence. Expedited consideration is proper under 6 C.F.R. § 5.5(e)(1)(iv).

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#### V CONCLUSION

Thank you for your prompt attention to this Request. Please do not hesitate to contact me at [peter.holmes@seattle.gov](mailto:peter.holmes@seattle.gov) or 206.684.8288. If I am unavailable, please contact Assistant City Attorney Michael K. Ryan at [michael.ryan@seattle.gov](mailto:michael.ryan@seattle.gov) or 206.684.8207 or Assistant City Attorney Carlton Seu at [carlton.seu@seattle.gov](mailto:carlton.seu@seattle.gov) or 206.733.9390. Please transmit records electronically if possible. If this is not possible, please send records to the following address: Assistant City Attorney Michael K.

February 21, 2017

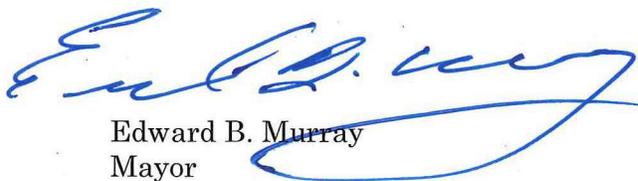
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Ryan, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104-7097.

Sincerely,



Peter S. Holmes  
Seattle City Attorney



Edward B. Murray  
Mayor  
City of Seattle

cc:

***via e-mail:***

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FOIA Officer Toni Fuentes

February 21, 2017

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FOIA Officer Sabrina Burroughs  
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# City of Seattle

February 21, 2017

## VIA E-MAIL

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To Whom It May Concern:

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Seattle is a Welcoming City where immigrant and refugee residents can fully participate in and be integrated into the social, civic, and economic fabric of the city. Nearly one in five Seattle residents is a foreign national.<sup>1</sup> Seattle has established policies that ensure Seattle's limited resources and tax dollars are used to further the prosperity, safety, and well-being of Seattle residents, rather than assisting with the federal government's escalating efforts to remove immigrants.<sup>2</sup> Further, Seattle is a recipient of significant federal funding that is used to support a variety of programs that promote the safety, health and well-being of Seattle residents.

Numerous state and local jurisdictions including Seattle fear extensive cuts of critical federal funding under the Executive Order's sanctuary jurisdiction provisions. These concerns are compounded by the Executive Order's broad language, as well as the limited information provided to date by President Trump, federal agencies, and other officials. This Request seeks records that will shed light on these issues, including whether Seattle and other jurisdictions will be designated as "sanctuary jurisdictions" and, if so, what enforcement actions the federal government may take against them.

This Request also addresses the Executive Order's new policies on enforcement of immigration law against removable immigrants. In the weeks since President Trump signed the Executive Order, U.S. Customs and Immigration Enforcement ("ICE") engaged in nationwide efforts to round up and detain more than 600 immigrants, including in Seattle, Los Angeles, New York City, Atlanta, Chicago, and Phoenix.<sup>3</sup> According to news reports, at least some of those removed

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<sup>1</sup> Seattle Resolution 31730 (Jan. 30, 2017), available at [http://murray.seattle.gov/wp-content/uploads/2017/01/2017\\_013017\\_reso\\_welcoming\\_city.pdf](http://murray.seattle.gov/wp-content/uploads/2017/01/2017_013017_reso_welcoming_city.pdf).

<sup>2</sup> For example, Seattle prohibits its employees from asking about an individual's immigration status except by police under limited circumstances; guarantees access to city services regardless of immigration status; and, in collaboration with King County (which has jurisdiction over jails in Seattle), prohibits Seattle police officers from detaining an individual based solely on an immigration detainer issued by ICE, absent a criminal warrant issued by a federal judge based on probable cause. See Seattle Municipal Code, ch. 4.18; Seattle Resolution 31730.

<sup>3</sup> See Jason McGahan, *Was the L.A. Immigration Sweep a Preview of What's to Come?*, LA WEEKLY, Feb. 15, 2017, available at <http://www.laweekly.com/news/was-the-la-immigration-sweep-a-preview-of-whats-to-come-7932258>; Liz Robbins and Caitlin Dickerson, *Immigration agents arrest 600 people across U.S. in one week*, THE NEW YORK TIMES, Feb. 12, 2017, available at <https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html? r=0>.

have no criminal record and/or had committed to regular meetings with ICE authorities. In Seattle, ICE has detained and instituted removal proceedings against a Mexican immigrant who was brought to the United States illegally as a child and given a work permit under the Deferred Action for Childhood Arrivals (“DACA”) program, according to a lawsuit challenging the detention in Seattle federal court.<sup>4</sup>

News articles report substantial uncertainty and fear among immigrant communities about the real-life consequences of the new policy to take enforcement action against “all” removable immigrants, as provided for under the Executive Order. The Executive Order eliminates the prioritization policies that have been in place for years, but there is limited publicly-available information about how ICE and other components of the Department of Homeland Security (“DHS”) will implement the Executive Order’s directives. In addition to concerns about the impact on immigrants residing in Seattle, the Executive Order is likely to impact public safety by breaching the trust between the immigrant community and local police that is necessary for effective law enforcement. This Request therefore seeks critical information about the changes to immigration policy under the Trump administration, including the DACA program, so that Seattle can provide accurate information to immigrants and their families living in Seattle.

## II REQUESTED RECORDS

The City of Seattle seeks release of the following:

1. Records relating to drafting, interpretation, enforcement, and implementation of the following portions of the Executive Order:

a. Section 1 of the Executive Order stating, “It is the policy of the executive branch to: (a) Ensure the faithful execution of the immigration laws of the United States... against all removable aliens...; (b) Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States; [and] (c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law[.]”

b. Section 4 of the Executive Order directing federal “agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.”

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<sup>4</sup> See Mike Carter, *Seattle ‘dreamer’ sues over his detention under Trump’s executive orders*, THE SEATTLE TIMES, Feb. 14, 2017, available at <http://www.seattletimes.com/seattle-news/seattle-dreamer-sues-over-detention-under-trump/>.

c. Section 5 of the Executive Order setting forth enforcement priorities for removal of undocumented immigrants.

d. Section 7 of the Executive Order directing ICE to “take all appropriate action to hire 10,000 additional immigration officers[.]”

e. Section 9(a) of the Executive Order providing that: (i) “the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary”; (ii) “[t]he Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction”; and (iii) “[t]he Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.”

f. Section 9(c) of the Executive Order directing the Director of the Office of Management and Budget “to obtain and provide relevant and responsive information on all Federal grant money that currently is received by any sanctuary jurisdiction.”

2. Records relating to policies, procedures, and plans to implement each of the portions of the Executive Order set forth above in Request No. 1.

3. Communications relating to the portions of the Executive Order set forth above in Request No. 1. This includes intra-agency communications and external communications, including but not limited to communications with other government agencies, officers, personnel, the public, and other private parties.

4. Records relating to cooperation or lack of cooperation by Seattle or King County, Washington with enforcement of federal immigration law, including but not limited to compliance or lack of compliance with immigration detainer requests, exchanging or refusing to exchange information with federal officers, inquiring or refusal to inquire into an individual’s citizenship or immigration status, maintaining or refusing to maintain records related to citizenship or immigration status, or provision of or refusal to provide services without regard to citizenship or immigration status.

5. Records relating to or encompassing any immigration-related policies or practices (whether written or unwritten, formal or informal) of Seattle or King County, Washington, including but not limited to policies or practices requiring, allowing, limiting, or prohibiting compliance with immigration detainer requests,

exchange of information with federal officers, inquiry into an individual's citizenship or immigration status, maintenance of records related to citizenship or immigration status, or provision of services without regard to citizenship or immigration status.

6. Records relating to or encompassing any immigration-related laws, policies, or practices (whether written or unwritten, formal or informal) of Seattle or King County, Washington, relating to any analysis, recommendation, or determination that Seattle or King County, Washington has willfully refused to comply with 8 U.S.C. § 1373, or whether either qualify as a "sanctuary jurisdiction" for purposes of Section 9(a) of the Executive Order.

7. Records relating to those state or local jurisdictions in the United States that the federal government believes are in compliance with 8 U.S.C. § 1373, and do not have in effect any statute, policy, or practice that prevents or hinders the enforcement of Federal law. This includes but is not limited to any lists, compilations, or data identifying such jurisdictions, as well as the grounds for determining compliance.

8. Records relating to those state or local jurisdictions in the United States that the federal government believes are violating 8 U.S.C. § 1373, or have in effect any statute, policy, or practice that prevents or hinders the enforcement of Federal law. This includes but is not limited to any lists, compilations, or data identifying such jurisdictions, as well as the grounds for determining non-compliance.

9. Records relating to drafting, interpretation, implementation, or enforcement of the following memoranda and publications:

a. Department of Justice, Office of the Inspector General, *Memorandum: Department of Justice Referral of Allegations of Potential Violations of 8 U.S.C. § 1373 by Grant Recipients*, dated May 31, 2016.

b. Department of Justice, Office of Justice Programs, *Guidance Regarding Compliance with 8 U.S.C. § 1373*, dated Jul. 7, 2016.

c. Department of Justice, Office of Justice Programs, *Additional Guidance Regarding Compliance with 8 U.S.C. § 1373*, dated Oct. 6, 2016.

d. Department of Homeland Security Law Enforcement Systems & Analysis: Declined Detainer Report, dated October 8, 2014.

This Request includes but is not limited to any drafts, alternative versions, supplements, and updates; data, records of interviews, studies, and other written materials relied upon in the memoranda and publications; policies, procedures,

plans, memoranda, reports, and other records prepared during the drafting process and thereafter; and internal and external communications relating to drafting, interpretation, implementation, or enforcement.

10. Records relating generally to analysis, interpretation, or enforcement of 8 U.S.C. § 1373, including but not limited to records addressing the type of state or local policies and procedures that would purportedly violate 8 U.S.C. § 1373; federal policies, procedures, and plans relating to ensuring compliance with 8 U.S.C. § 1373; and potential or actual federal enforcement actions with respect to 8 U.S.C. § 1373.

11. Records relating to policies, procedures, plans, and potential or actual enforcement actions by the federal government against state or local jurisdictions that have in effect a statute, policy, or practice that the government believes prevents or hinders the enforcement of federal law.

12. Records identifying, classifying, categorizing, and/or listing one or more state or local jurisdictions as “sanctuary” jurisdictions.

13. Records relating to the federal government’s withholding, cancelling, or otherwise preventing federal funding for Seattle; King County, Washington; or any other state or local jurisdiction based on (1) a state or local jurisdiction’s failure to comply with 8 U.S.C. § 1373, (2) a state or local jurisdiction’s policies or practices that prevent or hinder the enforcement of federal immigration law, or (3) Section 9(a) of the Executive Order.

14. Records relating to which federal funding sources are or are not covered by Section 9(a) of the Executive Order and steps the federal government can take to expand coverage to other federal funding sources.

15. Records created from January 20, 2017 to present relating to the following:

a. Prioritization of removable immigrants in executing federal immigration law.

b. Formulation, justification, interpretation, or implementation of the enforcement priorities set forth in Section 5 of the Executive Order.

c. Plans to hire 10,000 additional immigration officers, including but not limited to where the immigration officers will be located.

d. Continuation, modification, or cancellation of the Deferred Action for Childhood Arrivals (“DACA”) program, including but not limited to policies, procedures, and plans relating to enforcement action against current DACA

recipients, alteration of the status of current DACA recipients, or treatment of pending new and renewal DACA applications.

e. Policies, procedures, plans, and steps that have been taken by ICE or any other component of DHS to round up removable immigrants, both at the national level and for any region encompassing Seattle.

16. Records relating to the number of immigrants who have been taken into custody in King County, Washington by ICE since January 20, 2017, and for each such immigrant, the immigrant's immigration status, the basis for detention, where the immigrant is presently detained or the date of release, and the status of immigration-related proceedings, if any.

17. Records relating to comparisons of crime and other characteristics in (1) state and local jurisdictions that the federal government believes do not prevent or hinder the enforcement of federal immigration law; versus (2) state and local jurisdictions that the federal government believes do prevent or hinder the enforcement of federal immigration law.

### III APPLICATION FOR WAIVER OR LIMITATION OF FEES

Seattle requests a waiver of document search, review, and duplication fees on the grounds that "disclosure of the information is in the public interest because it 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 requester." 5 U.S.C. § 552(a)(4)(A)(iii); see also 28 C.F.R. § 16.10(k)(1), (2). Alternatively, at a minimum, Seattle requests waiver of review fees because this is not a commercial use request, which is an independent basis for waiving such fees. 28 C.F.R. § 16.10(c)(3). In the event the fee waiver is denied in whole or in part, however, Seattle agrees to pay up to \$5000.00 in fees subject to a full reservation of its rights to appeal or otherwise challenge the denial of the fee waiver. To the extent any proper fees are above this amount, we request that you inform Seattle once this is determined and provide Seattle with an estimated cost.

#### A. All fees should be waived because the Request is in the public interest and is not primarily in Seattle's commercial interest.

Seattle is entitled to waiver of all fees under 5 U.S.C. § 552(a)(4)(A)(iii), as disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in Seattle's commercial interest.

DOJ and its components consider the following factors when determining whether waiver of fees is appropriate under 5 U.S.C. § 552(a)(4)(A)(iii): (i) whether disclosure of the requested information would shed light on identifiable operations or activities of the government; (ii) whether disclosure of the requested information would be likely to contribute significantly to public understanding of those operations or activities, including that disclosure (A) will be meaningfully informative about government operations or activities and (B) will contribute to the understanding of a reasonably broad audience of persons interested in the subject as opposed to the individual understanding of the requester; and (iii) whether disclosure is not primarily in the commercial interest of the requester. 28 C.F.R. § 16.10(k)(2)(i)-(iii). Each of these public interest factors is met here.

*First*, disclosure of the requested records would shed light on identifiable operations or activities of the federal government. These operations and activities include, but are not limited to, the federal government's classification of state and local jurisdictions as "sanctuary jurisdictions," withholding of federal funding from designated sanctuary jurisdictions, and federal activities with respect to detention and removal of removable immigrants.

*Second*, disclosure of the requested records will contribute significantly to public understanding of these government operations or activities. Indeed, disclosure is necessary to meaningfully inform the public about government operations or activities. The news sources cited herein highlight the uncertainty and lack of public knowledge with respect to the immediate effects of the Executive Order, as well as uncertainty regarding immigration enforcement going forward. The Executive Order itself is broadly worded and provides insufficient guidance on how the Executive Branch will implement the policy directives. Further, to date, very little specific information has been made public about the criteria by which particular jurisdictions will be designated as "sanctuary jurisdictions," the types of federal funding that might be threatened by such a designation, or other enforcement actions the Attorney General, DHS, and other government agencies and officials may take against so-called "sanctuary jurisdictions." Nor has specific information been made public regarding the new administration's approach to detention and removal of removable immigrants, particularly the treatment of DACA recipients. The requested records are expected to contain information on all of these topics, as well as information regarding the policy decisions leading to (1) the statements made in the Executive Order and (2) recent federal actions on immigration enforcement, including ICE's detention of a DACA recipient in Seattle. Given the lack of publicly-available information about these government operations and activities, disclosure is likely to contribute to an increased public understanding of these topics. See *Forest Guardians v. U.S. Dep't of Interior*, 416 F.3d 1173, 1179 (10th Cir. 2005) ("An understanding of how [a federal agency] makes policy decisions, including the influence of any outside groups on this process,

is...important to the public's understanding of the [government]"; see also *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1313-14 (D.C. Cir. 2003) (approving fee waiver where, among other things, request sought information tending to facilitate an understanding of government operations). The Executive Order's sweeping language, as well as Executive Branch threats to enforce the Executive Order against cities like Seattle, make it essential for such jurisdictions to obtain additional information about Executive Branch plans regarding the Executive Order.

Disclosure will also contribute to the understanding of a broad audience of persons interested in the subject of the Request—namely, citizens of Seattle in particular and the state of Washington more generally. The requested information is a matter of intense public interest in Seattle and nationally. The recent explosion of local and national news coverage with respect to (1) the Executive Order's provisions regarding "sanctuary jurisdictions" and (2) the new administration's approach to immigration enforcement, detention, and removal underscores the substantial public interest in the subject of this Request. Federal courts have deemed these types of issues of interest to the public for FOIA fee waiver purposes. See *Long v. Dep't of Homeland Security*, 113 F. Supp. 3d 100, 107 (D.D.C. 2015) ("The Court has little difficulty concluding that information about enforcement of our immigration laws would be of interest to the public" for purposes of FOIA fee waiver); *Allen v. Dep't of Defense*, No. Civ. A. No. 81-2543, 1986 WL 15623, at \*5 (D.D.C. Apr. 2, 1986) ("[T]he fact that the documents sought in this case relate to the workings of governmental entities alone creates a significant public interest."). Moreover, Seattle intends to share the disclosed information broadly with, and at no cost to, the public, to contribute to increased awareness and understanding of government operations and activities with respect to the treatment of "sanctuary jurisdictions" and immigration enforcement. As a large metropolitan city, Seattle has numerous tools at its disposal to disseminate this information to its citizens and other interested individuals. Thus, the information will reach the public effectively and efficiently.

In sum, given the ongoing and widespread media attention to the subject of this Request and the lack of publicly-available information as to the specifics of current and proposed government operations and activities regarding sanctuary jurisdictions and immigration enforcement, the records sought will significantly enhance the public's understanding of the issues at stake.<sup>5</sup> The records sought are

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<sup>5</sup> See, e.g., Daniel Beekman, David Gutman, and Nina Shapiro, *Seattle 'won't be bullied,' will fight Trump's sanctuary-city order, mayor says*, THE SEATTLE TIMES, Jan. 25, 2017, available at <http://www.seattletimes.com/seattle-news/politics/seattle-wont-be-bullied-will-fight-trumps-order-mayor-says/>; Daniel Beekman, David Gutman, and Nina Shapiro, *What does Trump's action on sanctuary cities mean for Seattle? Here's what we know*, THE SEATTLE TIMES, Jan. 25, 2017, available at <http://www.seattletimes.com/seattle-news/what-does->

(1) targeted to the specific information Seattle believes its citizens should know about the Executive Order and about federal immigration enforcement more generally, and (2) critical for an understanding of the government operations and activities at issue. This Request involves issues of utmost importance and the records sought reflect that importance.

Finally, this Request meets 5 U.S.C. § 552(a)(4)(A)(iii)'s "commercial interest" prong. Congress amended FOIA to ensure that it be liberally construed in favor of waivers for non-commercial requesters. *See Judicial Watch, Inc.*, 326 F.3d at 1312. Here, Seattle does not seek to further any commercial interest in filing this Request. Seattle makes this Request in furtherance of its governmental functions to ensure the safety and well-being of its residents, as well as providing its citizens with important information about government operations and activities. As described above, any information disclosed to Seattle as a result of this Request will be made available to the public at no cost. Thus, a fee waiver in this case would fulfill congressional intent to provide waivers to non-commercial requesters like Seattle.

Because the Request is in the public interest and not primarily in Seattle's commercial interest, waiver of all fees is proper under 5 U.S.C. § 552(a)(4)(A)(iii).

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[trumps-action-on-sanctuary-cities-mean-for-seattle-thats-up-for-debate/](#); Daniel Demay, *Trump 'ban' on sanctuary cities could cost Seattle big, or not at all*, THE SEATTLE P-I, Jan. 25, 2017, available at <http://www.seattlepi.com/local/article/Trump-ban-on-sanctuary-cities-could-cost-10883488.php>; Casey Jaywork, *Trump orders funding cuts to sanctuary cities, promising a showdown with Seattle*, Seattle Weekly, Jan. 25, 2017, available at <http://www.seattleweekly.com/news/trump-orders-funding-cuts-to-sanctuary-cities-promising-a-showdown-with-seattle/>; Mike Carter, *Seattle 'dreamer' sues over his detention under Trump's executive orders*, THE SEATTLE TIMES, Feb. 14, 2017, available at <http://www.seattletimes.com/seattle-news/seattle-dreamer-sues-over-detention-under-trump/>; Darla Cameron, *How sanctuary cities work, and how Trump's executive order might affect them*, THE WASHINGTON POST, Jan. 25, 2017, available at <https://www.washingtonpost.com/graphics/national/sanctuary-cities/>; Rory Carroll, Robin Respaut, and Andy Sullivan, *Top 10 U.S. sanctuary cities face roughly \$2.27 billion in cuts by Trump policy*, REUTERS, Jan. 26, 2017, available at <http://www.reuters.com/article/us-usa-trump-sanctuarycities-idUSKBN1592V9>; Jordan Yadoo, *Why 'sanctuary cities' are a target for Trump: Quick Take Q&A*, BLOOMBERG, Feb. 14, 2017, available at <https://www.bloomberg.com/politics/articles/2017-02-15/why-sanctuary-cities-are-a-target-for-trump-quicktake-q-a>; Reid Wilson, *GOP states move to block sanctuary cities after Trump order*, THE HILL, Feb. 9, 2017, available at <http://www.msnbc.com/specials/migrant-crisis/sanctuary-cities>; Liz Robbins and Caitlin Dickerson, *Immigration agents arrest 600 people across U.S. in one week*, THE NEW YORK TIMES, Feb. 12, 2017, available at [https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html?\\_r=0](https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html?_r=0); Lisa Baumann, *'Dreamer' arrested in Seattle raid*, U.S. NEWS, Feb. 15, 2017, available at <http://www.usnews.com/news/washington/articles/2017-02-14/us-arrests-mexican-immigrant-dreamer-in-seattle>.

**B. At a minimum, Seattle is entitled to waiver of review fees based on non-commercial use.**

Alternatively, at a minimum, Seattle should be granted waiver of review fees because the Request is not a commercial use request. Review fees should only be charged to requesters who make commercial use requests, which are defined as requests that “ask[] for information for a use or a purpose that furthers a commercial, trade, or profit interest.” 28 C.F.R. § 16.10(b)(1), (c)(3). Because Seattle does not seek the requested information for commercial use, waiver of review fees is appropriate.

**IV REQUEST FOR EXPEDITED PROCESSING**

Seattle requests expedited processing of this Request because the subject of this Request constitutes a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” See 28 C.F.R. § 16.5(e)(1)(iv).

Seattle qualifies for expedited processing under 28 C.F.R. § 16.5(e)(1)(iv), which provides for expedited treatment whenever DOJ determines that a FOIA request involves a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” One need only read the news to understand the intense media interest in this subject, not only in Seattle but across the country. Indeed, ever since it was issued, the Executive Order has engendered controversy and debate, as well as at least three lawsuits in federal courts. See *Am. Civil Liberties Union v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 31-32 (D.D.C. 2004) (agency should have expedited processing under “media interest” prong where news articles described widespread controversy surrounding Patriot Act and implicated government integrity).

In sum, the cited news articles not only demonstrate a significant amount of media interest in the issue, they also suggest an improper government act to the detriment of public confidence. Expedited consideration is proper under 28 C.F.R. § 16.5(e)(1)(iv).

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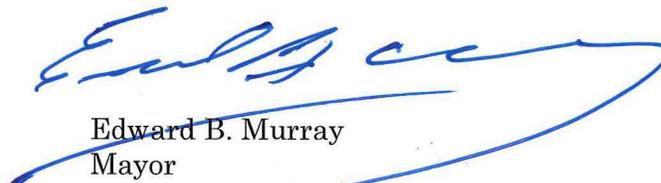
## V CONCLUSION

Thank you for your prompt attention to this Request. Please do not hesitate to contact me at [peter.holmes@seattle.gov](mailto:peter.holmes@seattle.gov) or 206.684.8288. If I am unavailable, please contact Assistant City Attorney Michael K. Ryan at [michael.ryan@seattle.gov](mailto:michael.ryan@seattle.gov) or 206.684.8207 or Assistant City Attorney Carlton Seu at [carlton.seu@seattle.gov](mailto:carlton.seu@seattle.gov) or 206.733.9390. Please transmit records electronically if possible. If this is not possible, please send records to the following address: Assistant City Attorney Michael K. Ryan, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104-7097.

Sincerely,



Peter S. Holmes  
Seattle City Attorney



Edward B. Murray  
Mayor  
City of Seattle

cc:

***Via e-mail:***

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February 21, 2017

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***Via overnight delivery:***

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# City of Seattle

February 21, 2017

## VIA E-MAIL

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street, S.W., Stop 5009  
Washington, DC 20536-5009  
E-mail: ICE-FOIA@dhs.gov

To Whom It May Concern:

The City of Seattle (“Seattle”) requests the production of records by the U.S. Immigration and Customs Enforcement (“ICE”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.* This Request relates to Executive Order 13768, titled “Enhancing Public Safety in the Interior of the United States,” issued by President Donald J. Trump on January 25, 2017 (“Executive Order”), announcing executive branch policy to ensure that so-called “sanctuary jurisdictions” do not receive federal funds and to employ all lawful means to enforce immigration laws against all removable immigrants. Below, Seattle provides background on the events leading to this Request, identifies the requested records, requests waiver/reduction of fees and expedited review, and provides contact information.

## I BACKGROUND

On January 25, 2017, President Trump issued the Executive Order announcing new executive branch policies regarding the enforcement of immigration laws. Pertinent to these Requests, the Executive Order announces new executive branch policies to, among other things:

- “Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law;”
- “Ensure the faithful execution of the immigration laws of the United States, including the INA, against all removable aliens;”
- Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States;” and
- “Ensure that aliens ordered removed from the United States are promptly removed[.]”

Executive Order, sect. 2(a)-(d). The Executive Order requires various officers and agencies of the federal government to take steps to interpret and implement these policies. The impacts have already been felt in Seattle and across the nation.

Seattle is a Welcoming City where immigrant and refugee residents can fully participate in and be integrated into the social, civic, and economic fabric of the city. Nearly one in five Seattle residents is a foreign national.<sup>1</sup> Seattle has established policies that ensure Seattle's limited resources and tax dollars are used to further the prosperity, safety, and well-being of Seattle residents, rather than assisting with the federal government's escalating efforts to remove immigrants.<sup>2</sup> Further, Seattle is a recipient of significant federal funding that is used to support a variety of programs that promote the safety, health and well-being of Seattle residents.

Numerous state and local jurisdictions including Seattle fear extensive cuts of critical federal funding under the Executive Order's sanctuary jurisdiction provisions. These concerns are compounded by the Executive Order's broad language, as well as the limited information provided to date by President Trump, federal agencies, and other officials. This Request seeks records that will shed light on these issues, including whether Seattle and other jurisdictions will be designated as "sanctuary jurisdictions" and, if so, what enforcement actions the federal government may take against them.

This Request also addresses the Executive Order's new policies on enforcement of immigration law against removable immigrants. In the weeks since President Trump signed the Executive Order, ICE engaged in nationwide efforts to round up and detain more than 600 immigrants, including in Seattle, Los Angeles, New York City, Atlanta, Chicago, and Phoenix.<sup>3</sup> According to news reports, at least some of those removed have no criminal record and/or had committed to regular

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<sup>1</sup> Seattle Resolution 31730 (Jan. 30, 2017), available at [http://murray.seattle.gov/wp-content/uploads/2017/01/2017\\_013017\\_reso\\_welcoming\\_city.pdf](http://murray.seattle.gov/wp-content/uploads/2017/01/2017_013017_reso_welcoming_city.pdf).

<sup>2</sup> For example, Seattle prohibits its employees from asking about an individual's immigration status except by police under limited circumstances; guarantees access to city services regardless of immigration status; and, in collaboration with King County (which has jurisdiction over jails in Seattle), prohibits Seattle police officers from detaining an individual based solely on an immigration detainer issued by ICE, absent a criminal warrant issued by a federal judge based on probable cause. See Seattle Municipal Code, ch. 4.18; Seattle Resolution 31730.

<sup>3</sup> See Jason McGahan, *Was the L.A. Immigration Sweep a Preview of What's to Come?*, LA WEEKLY, Feb. 15, 2017, available at <http://www.laweekly.com/news/was-the-la-immigration-sweep-a-preview-of-whats-to-come-7932258>; Liz Robbins and Caitlin Dickerson, *Immigration agents arrest 600 people across U.S. in one week*, THE NEW YORK TIMES, Feb. 12, 2017, available at <https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html? r=0>.

meetings with ICE authorities. In Seattle, ICE has detained and instituted removal proceedings against a Mexican immigrant who was brought to the United States illegally as a child and given a work permit under the Deferred Action for Childhood Arrivals (“DACA”) program, according to a lawsuit challenging the detention in Seattle federal court.<sup>4</sup>

News articles report substantial uncertainty and fear among immigrant communities about the real-life consequences of the new policy to take enforcement action against “all” removable immigrants, as provided for under the Executive Order. The Executive Order eliminates the prioritization policies that have been in place for years, but there is limited publicly-available information about how ICE and other components of the Department of Homeland Security (“DHS”) will implement the Executive Order’s directives. In addition to concerns about the impact on immigrants residing in Seattle, the Executive Order is likely to impact public safety by breaching the trust between the immigrant community and local police that is necessary for effective law enforcement. This Request therefore seeks critical information about the changes to immigration policy under the Trump administration, including the DACA program, so that Seattle can provide accurate information to immigrants and their families living in Seattle.

## II REQUESTED RECORDS

The City of Seattle seeks release of the following:

1. Records relating to drafting, interpretation, enforcement, and implementation of the following portions of the Executive Order:

a. Section 1 of the Executive Order stating, “It is the policy of the executive branch to: (a) Ensure the faithful execution of the immigration laws of the United States... against all removable aliens...; (b) Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States; [and] (c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law[.]”

b. Section 4 of the Executive Order directing federal “agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.”

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<sup>4</sup> See Mike Carter, *Seattle ‘dreamer’ sues over his detention under Trump’s executive orders*, THE SEATTLE TIMES, Feb. 14, 2017, available at <http://www.seattletimes.com/seattle-news/seattle-dreamer-sues-over-detention-under-trump/>.

c. Section 5 of the Executive Order setting forth enforcement priorities for removal of undocumented immigrants.

d. Section 7 of the Executive Order directing ICE to “take all appropriate action to hire 10,000 additional immigration officers[.]”

e. Section 9(a) of the Executive Order providing that: (i) “the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary”; (ii) “[t]he Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction”; and (iii) “[t]he Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.”

f. Section 9(c) of the Executive Order directing the Director of the Office of Management and Budget “to obtain and provide relevant and responsive information on all Federal grant money that currently is received by any sanctuary jurisdiction.”

2. Records relating to policies, procedures, and plans to implement each of the portions of the Executive Order set forth above in Request No. 1.

3. Communications relating to the portions of the Executive Order set forth above in Request No. 1. This includes intra-agency communications and external communications, including but not limited to communications with other government agencies, officers, personnel, the public, and other private parties.

4. Records relating to cooperation or lack of cooperation by Seattle or King County, Washington with enforcement of federal immigration law, including but not limited to compliance or lack of compliance with immigration detainer requests, exchanging or refusing to exchange information with federal officers, inquiring or refusal to inquire into an individual’s citizenship or immigration status, maintaining or refusing to maintain records related to citizenship or immigration status, or provision of or refusal to provide services without regard to citizenship or immigration status.

5. Records relating to or encompassing any immigration-related policies or practices (whether written or unwritten, formal or informal) of Seattle or King County, Washington, including but not limited to policies or practices requiring, allowing, limiting, or prohibiting compliance with immigration detainer requests,

exchange of information with federal officers, inquiry into an individual's citizenship or immigration status, maintenance of records related to citizenship or immigration status, or provision of services without regard to citizenship or immigration status.

6. Records relating to or encompassing any immigration-related laws, policies, or practices (whether written or unwritten, formal or informal) of Seattle or King County, Washington, relating to any analysis, recommendation, or determination that Seattle or King County, Washington has willfully refused to comply with 8 U.S.C. § 1373, or whether either qualify as a "sanctuary jurisdiction" for purposes of Section 9(a) of the Executive Order.

7. Records relating to those state or local jurisdictions in the United States that the federal government believes are in compliance with 8 U.S.C. § 1373, and do not have in effect any statute, policy, or practice that prevents or hinders the enforcement of Federal law. This includes but is not limited to any lists, compilations, or data identifying such jurisdictions, as well as the grounds for determining compliance.

8. Records relating to those state or local jurisdictions in the United States that the federal government believes are violating 8 U.S.C. § 1373, or have in effect any statute, policy, or practice that prevents or hinders the enforcement of Federal law. This includes but is not limited to any lists, compilations, or data identifying such jurisdictions, as well as the grounds for determining non-compliance.

9. Records relating to drafting, interpretation, implementation, or enforcement of the following memoranda and publications:

a. Department of Justice, Office of the Inspector General, *Memorandum: Department of Justice Referral of Allegations of Potential Violations of 8 U.S.C. § 1373 by Grant Recipients*, dated May 31, 2016.

b. Department of Justice, Office of Justice Programs, *Guidance Regarding Compliance with 8 U.S.C. § 1373*, dated Jul. 7, 2016.

c. Department of Justice, Office of Justice Programs, *Additional Guidance Regarding Compliance with 8 U.S.C. § 1373*, dated Oct. 6, 2016.

d. Department of Homeland Security Law Enforcement Systems & Analysis: Declined Detainer Report, dated October 8, 2014.

This Request includes but is not limited to any drafts, alternative versions, supplements, and updates; data, records of interviews, studies, and other written materials relied upon in the memoranda and publications; policies, procedures,

plans, memoranda, reports, and other records prepared during the drafting process and thereafter; and internal and external communications relating to drafting, interpretation, implementation, or enforcement.

10. Records relating generally to analysis, interpretation, or enforcement of 8 U.S.C. § 1373, including but not limited to records addressing the type of state or local policies and procedures that would purportedly violate 8 U.S.C. § 1373; federal policies, procedures, and plans relating to ensuring compliance with 8 U.S.C. § 1373; and potential or actual federal enforcement actions with respect to 8 U.S.C. § 1373.

11. Records relating to policies, procedures, plans, and potential or actual enforcement actions by the federal government against state or local jurisdictions that have in effect a statute, policy, or practice that the government believes prevents or hinders the enforcement of federal law.

12. Records identifying, classifying, categorizing, and/or listing one or more state or local jurisdictions as “sanctuary” jurisdictions.

13. Records relating to the federal government’s withholding, cancelling, or otherwise preventing federal funding for Seattle; King County, Washington; or any other state or local jurisdiction based on (1) a state or local jurisdiction’s failure to comply with 8 U.S.C. § 1373, (2) a state or local jurisdiction’s policies or practices that prevent or hinder the enforcement of federal immigration law, or (3) Section 9(a) of the Executive Order.

14. Records relating to which federal funding sources are or are not covered by Section 9(a) of the Executive Order and steps the federal government can take to expand coverage to other federal funding sources.

15. Records created from January 20, 2017 to present relating to the following:

a. Prioritization of removable immigrants in executing federal immigration law.

b. Formulation, justification, interpretation, or implementation of the enforcement priorities set forth in Section 5 of the Executive Order.

c. Plans to hire 10,000 additional immigration officers, including but not limited to where the immigration officers will be located.

d. Continuation, modification, or cancelation of the Deferred Action for Childhood Arrivals (“DACA”) program, including but not limited to policies, procedures, and plans relating to enforcement action against current DACA

recipients, alteration of the status of current DACA recipients, or treatment of pending new and renewal DACA applications.

e. Policies, procedures, plans, and steps that have been taken by ICE or any other component of DHS to round up removable immigrants, both at the national level and for any region encompassing Seattle.

16. Records relating to the number of immigrants who have been taken into custody in King County, Washington by ICE since January 20, 2017, and for each such immigrant, the immigrant's immigration status, the basis for detention, where the immigrant is presently detained or the date of release, and the status of immigration-related proceedings, if any.

### III APPLICATION FOR WAIVER OR LIMITATION OF FEES

Seattle requests a waiver of document search, review, and duplication fees on the grounds that "disclosure of the information is in the public interest because it 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 requester." 5 U.S.C. § 552(a)(4)(A)(iii); see also 6 C.F.R. § 5.11(k)(1)(i), (ii). Alternatively, at a minimum, Seattle requests waiver of review fees because this is not a commercial use request, which is an independent basis for waiving such fees. 6 C.F.R. § 5.11(c)(3). In the event the fee waiver is denied in whole or in part, however, Seattle agrees to pay up to \$5000.00 in fees subject to a full reservation of its rights to appeal or otherwise challenge the denial of the fee waiver. To the extent any proper fees are above this amount, we request that you inform Seattle once this is determined and provide Seattle with an estimated cost.

#### A. All fees should be waived because the Request is in the public interest and is not primarily in Seattle's commercial interest.

Seattle is entitled to waiver of all fees under 5 U.S.C. § 552(a)(4)(A)(iii), because disclosure of the requested information is in the public interest and is not primarily in Seattle's commercial interest.

Disclosure of requested information is in the public interest where it is likely to contribute significantly to public understanding of operations or activities of the government. 5 U.S.C. § 552(a)(4)(A)(iii). DHS and its components consider four factors: (i) whether the subject of the request concerns identifiable operations or activities of the federal government, (ii) whether disclosure of the requested records will be meaningfully informative about government operations and activities, (iii) whether disclosure will contribute to the understanding of a reasonably broad audience of persons interested in the subject as opposed to the individual

understanding of the requester, and (iv) whether the public's understanding of the subject will be significantly enhanced by the disclosure. See 6 C.F.R. § 5.11(k)(2). All four public interest factors are met here.

*First*, the subject of the Request concerns identifiable operations or activities of the federal government. These operations and activities include, but are not limited to, the federal government's classification of state and local jurisdictions as "sanctuary jurisdictions," withholding of federal funding from designated sanctuary jurisdictions, and federal activities with respect to detention and removal of removable immigrants.

*Second*, disclosure of the requested records will meaningfully inform the public about government operations or activities. The news sources cited herein highlight the uncertainty and lack of public knowledge with respect to the immediate effects of the Executive Order, as well as uncertainty regarding immigration enforcement going forward. The Executive Order itself is broadly worded and provides insufficient guidance on how the Executive Branch will implement the policy directives. Further, to date, very little specific information has been made public about the criteria by which particular jurisdictions will be designated as "sanctuary jurisdictions," the types of federal funding that might be threatened by such a designation, or other enforcement actions the Attorney General, DHS, and other government agencies and officials may take against so-called "sanctuary jurisdictions." Nor has specific information been made public regarding the new administration's approach to detention and removal of removable immigrants, particularly the treatment of DACA recipients. The requested records are expected to contain information on all of these topics, as well as information regarding the policy decisions leading to (1) the statements made in the Executive Order and (2) recent federal actions on immigration enforcement, including ICE's detention of a DACA recipient in Seattle. Given the lack of publicly-available information about these government operations and activities, disclosure is likely to contribute to an increased public understanding of these topics. See *Forest Guardians v. U.S. Dep't of Interior*, 416 F.3d 1173, 1179 (10th Cir. 2005) ("An understanding of how [a federal agency] makes policy decisions, including the influence of any outside groups on this process, is...important to the public's understanding of the [government]"); see also *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1313-14 (D.C. Cir. 2003) (approving fee waiver where, among other things, request sought information tending to facilitate an understanding of government operations). The Executive Order's sweeping language, as well as Executive Branch threats to enforce the Executive Order against cities like Seattle, make it essential for such jurisdictions to obtain additional information about Executive Branch plans regarding the Executive Order.

*Third*, disclosure will contribute to the understanding of a broad audience of persons interested in the subject of the Request—namely, citizens of Seattle in particular and the state of Washington more generally. The requested information is a matter of intense public interest in Seattle and nationally. The recent explosion of local and national news coverage with respect to (1) the Executive Order’s provisions regarding “sanctuary jurisdictions” and (2) the new administration’s approach to immigration enforcement, detention, and removal underscores the substantial public interest in the subject of this Request. Federal courts have deemed these types of issues of interest to the public for FOIA fee waiver purposes. *See Long v. Dep’t of Homeland Security*, 113 F. Supp. 3d 100, 107 (D.D.C. 2015) (“The Court has little difficulty concluding that information about enforcement of our immigration laws would be of interest to the public” for purposes of FOIA fee waiver); *Allen v. Dep’t of Defense*, No. Civ. A. No. 81-2543, 1986 WL 15623, at \*5 (D.D.C. Apr. 2, 1986) (“[T]he fact that the documents sought in this case relate to the workings of governmental entities alone creates a significant public interest.”).

Further, Seattle intends to share the disclosed information broadly with, and at no cost to, the public, to contribute to increased awareness and understanding of government operations and activities with respect to the treatment of “sanctuary jurisdictions” and immigration enforcement. As a large metropolitan city, Seattle has numerous tools at its disposal to disseminate this information to its citizens and other interested individuals. Thus, the information will reach the public effectively and efficiently.

*Finally*, given the ongoing and widespread media attention to the subject of this Request and the lack of publicly-available information as to the specifics of current and proposed government operations and activities regarding sanctuary jurisdictions and immigration enforcement, the records sought will significantly enhance the public’s understanding of the issues at stake.<sup>5</sup> The records sought are

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<sup>5</sup> *See, e.g.*, Daniel Beekman, David Gutman, and Nina Shapiro, *Seattle ‘won’t be bullied,’ will fight Trump’s sanctuary-city order, mayor says*, THE SEATTLE TIMES, Jan. 25, 2017, available at <http://www.seattletimes.com/seattle-news/politics/seattle-wont-be-bullied-will-fight-trumps-order-mayor-says/>; Daniel Beekman, David Gutman, and Nina Shapiro, *What does Trump’s action on sanctuary cities mean for Seattle? Here’s what we know*, THE SEATTLE TIMES, Jan. 25, 2017, available at <http://www.seattletimes.com/seattle-news/what-does-trumps-action-on-sanctuary-cities-mean-for-seattle-thats-up-for-debate/>; Daniel Demay, *Trump ‘ban’ on sanctuary cities could cost Seattle big, or not at all*, THE SEATTLE P-I, Jan. 25, 2017, available at <http://www.seattlepi.com/local/article/Trump-ban-on-sanctuary-cities-could-cost-10883488.php>; Casey Jaywork, *Trump orders funding cuts to sanctuary cities, promising a showdown with Seattle*, Seattle Weekly, Jan. 25, 2017, available at <http://www.seattleweekly.com/news/trump-orders-funding-cuts-to-sanctuary-cities-promising-a-showdown-with-seattle/>; Mike Carter, *Seattle ‘dreamer’ sues over his detention under Trump’s executive orders*, THE SEATTLE TIMES, Feb. 14, 2017, available at

(1) targeted to the specific information Seattle believes its citizens should know about the Executive Order and about federal immigration enforcement more generally, and (2) critical for an understanding of the government operations and activities at issue. This Request involves issues of utmost importance and the records sought reflect that importance.

In sum, this Request meets 5 U.S.C. § 552(a)(4)(A)(iii)'s "public interest" prong.

Also, this Request meets 5 U.S.C. § 552(a)(4)(A)(iii)'s "commercial interest" prong. Congress amended FOIA to ensure that it be liberally construed in favor of waivers for non-commercial requesters. *See Judicial Watch, Inc.*, 326 F.3d at 1312. Here, Seattle does not seek to further any commercial interest in filing this Request. Seattle makes this Request in furtherance of its governmental functions to ensure the safety and well-being of its residents, as well as providing its citizens with important information about government operations and activities. As described above, any information disclosed to Seattle as a result of this Request will be made available to the public at no cost. Thus, a fee waiver in this case would fulfill congressional intent to provide waivers to non-commercial requesters like Seattle.

Because the Request is in the public interest and not primarily in Seattle's commercial interest, waiver of all fees is proper under 5 U.S.C. § 552(a)(4)(A)(iii).

**B. At a minimum, Seattle is entitled to waiver of review fees based on non-commercial use.**

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<http://www.seattletimes.com/seattle-news/seattle-dreamer-sues-over-detention-under-trump/>; Darla Cameron, *How sanctuary cities work, and how Trump's executive order might affect them*, THE WASHINGTON POST, Jan. 25, 2017, available at <https://www.washingtonpost.com/graphics/national/sanctuary-cities/>; Rory Carroll, Robin Respaut, and Andy Sullivan, *Top 10 U.S. sanctuary cities face roughly \$2.27 billion in cuts by Trump policy*, REUTERS, Jan. 26, 2017, available at <http://www.reuters.com/article/us-usa-trump-sanctuarycities-idUSKBN1592V9>; Jordan Yadoo, *Why 'sanctuary cities' are a target for Trump: Quick Take Q&A*, BLOOMBERG, Feb. 14, 2017, available at <https://www.bloomberg.com/politics/articles/2017-02-15/why-sanctuary-cities-are-a-target-for-trump-quicktake-q-a>; Reid Wilson, *GOP states move to block sanctuary cities after Trump order*, THE HILL, Feb. 9, 2017, available at <http://www.msnbc.com/specials/migrant-crisis/sanctuary-cities>; Liz Robbins and Caitlin Dickerson, *Immigration agents arrest 600 people across U.S. in one week*, THE NEW YORK TIMES, Feb. 12, 2017, available at [https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html?\\_r=0](https://www.nytimes.com/2017/02/12/nyregion/immigration-arrests-sanctuary-city.html?_r=0); Lisa Baumann, *'Dreamer' arrested in Seattle raid*, U.S. NEWS, Feb. 15, 2017, available at <http://www.usnews.com/news/washington/articles/2017-02-14/us-arrests-mexican-immigrant-dreamer-in-seattle>.

Alternatively, at a minimum, Seattle should be granted waiver of review fees because the Request is not a commercial use request. Review fees should only be charged to requesters who make commercial use requests, which are defined as requests that “ask[] for information for a use or a purpose that furthers a commercial, trade, or profit interest.” 6 C.F.R. § 5.11(b)(1), (c)(3). Because Seattle does not seek the requested information for commercial use, waiver of review fees is appropriate.

#### IV REQUEST FOR EXPEDITED PROCESSING

Seattle requests expedited processing of this Request because the subject of this Request constitutes a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” *See* 6 C.F.R. § 5.5(e)(1)(iv).

Seattle qualifies for expedited processing under 6 C.F.R. § 5.5(e)(1)(iv), which provides for expedited treatment whenever DHS determines that a FOIA request involves a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” One need only read the news to understand the intense media interest in this subject, not only in Seattle but across the country. Indeed, ever since it was issued, the Executive Order has engendered controversy and debate, as well as at least three lawsuits in federal courts. *See Am. Civil Liberties Union v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 31-32 (D.D.C. 2004) (agency should have expedited processing under “media interest” prong where news articles described widespread controversy surrounding Patriot Act and implicated government integrity).

In sum, the cited news articles not only demonstrate a significant amount of media interest in the issue, they also suggest an improper government act to the detriment of public confidence. Expedited consideration is proper under 6 C.F.R. § 5.5(e)(1)(iv).

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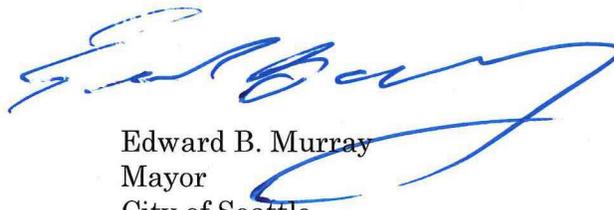
## V CONCLUSION

Thank you for your prompt attention to this Request. Please do not hesitate to contact me at [peter.holmes@seattle.gov](mailto:peter.holmes@seattle.gov) or 206.684.8288. If I am unavailable, please contact Assistant City Attorney Michael K. Ryan at [michael.ryan@seattle.gov](mailto:michael.ryan@seattle.gov) or 206.684.8207 or Assistant City Attorney Carlton Seu at [carlton.seu@seattle.gov](mailto:carlton.seu@seattle.gov) or 206.733.9390. Please transmit records electronically if possible. If this is not possible, please send records to the following address: Assistant City Attorney Michael K. Ryan, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104-7097.

Sincerely,



Peter S. Holmes  
Seattle City Attorney



Edward B. Murray  
Mayor  
City of Seattle

cc (via e-mail):  
Nicole Barksdale-Perry (Acting)  
Senior Director of FOIA Operations  
The Privacy Office  
U.S. Department of Homeland Security  
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