



October 29, 2018

U.S. Customs & Border Protection
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Laredo, TX 78045

U.S. Customs & Border Protection
9400 Viscount Suite 104
El Paso, TX 79925

FOIA Officer
U.S. Customs & Border Protection
1300 Pennsylvania Avenue, NW Room 3.3D
Washington, D.C. 20229
Phone: (202) 344-1610

Re: Request under Freedom of Information Act (Expedited Processing Requested)

To Whom It May Concern:

The ACLU Foundation of Texas, Inc. (“ACLU”)¹ submits this Freedom of Information Act (“FOIA”) request (“Request”) for records about the U.S. Customs and Border Protection (“CBP”) practice of turning away asylum seekers when they present themselves to U.S. officials at a United States port of entry. By this letter, which constitutes a request pursuant to FOIA, 5 U.S.C. § 552, *et seq.*, and the relevant implementing regulations, *see* 6 C.F.R. § 5, *et seq.*, the ACLU seeks information regarding CBP’s local implementation of the turn-back policy or practice at **ports of entry along the Texas-Mexico border**, including Brownsville, Del Rio, Eagle Pass, El Paso, Hidalgo, Laredo, Presidio, Progreso, Rio Grande City, Roma, and Tornillo within the purview of the Laredo and El Paso Field Offices (collectively, “Ports of Entry,” or,

¹ The ACLU Foundation of Texas, a 501(c)(3) organization, is the state’s preeminent civil rights organization, dedicated to protecting and defending the individual rights and liberties that the Constitution and laws of the United States guarantee for everyone in Texas, regardless of immigration or refugee status. The ACLU provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases, educates the public about the civil rights and civil liberties implications of pending and proposed state and federal legislation, and provides analyses of pending and proposed litigation.

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individually, “Port of Entry”).

I. Background

According to news reports from June 2018 onward, the federal government has adopted a practice of turning away asylum seekers attempting to enter U.S. ports of entry after indicating to CBP officers their intention to seek asylum, denying access to the U.S. asylum system.² CBP officials have told asylum seekers that ports of entry are at capacity and cannot handle asylum applicants.³ The officials do not tell asylum seekers that they cannot apply for asylum, but only that they are unable to be processed at the present moment.⁴ Those asylum seekers who have not set foot on U.S. soil have been blocked from doing so.⁵ The policy has left many asylum seekers sleeping on bridges at the U.S.-Mexico border or stranded in Mexico where they face ongoing threats to their security.⁶

CBP says it has been overwhelmed with asylum seekers fleeing violence in Central America.⁷ The number of families seeking protection at ports of entry has increased by 58 percent from the previous year while the number of unaccompanied minors has increased 14 percent.⁸ CBP claims that putting officials on bridges to prevent asylum seekers from accessing ports of entry is a proactive measure intended to expedite the processing of lawful travel.⁹ CBP has further claimed that ports of entry are not facilities meant to hold hundreds of people and that the number of individuals it is able to process depends on factors such as case complexity, medical needs, translation requirements, holding/detention space, overall port volume, and ongoing enforcement

² See, e.g., Robert Moore, *At the U.S. Border, Asylum Seekers Fleeing Violence Are Told to Come Back Later*, WASH. POST (June 13, 2018), https://www.washingtonpost.com/world/national-security/at-the-us-border-asylum-seekers-fleeing-violence-are-told-to-come-back-later/2018/06/12/79a12718-6e4d-11e8-afd5-778aca903bbe_story.html?utm_term=.c17d3d1d9df4.

³ *Id.*

⁴ See, e.g., Simon Romero *et al.*, *On the Border, a Discouraging New Message for Asylum Seekers: Wait*, N. Y. TIMES (June 12, 2018), <https://www.nytimes.com/2018/06/12/us/asylum-seekers-mexico-border.html>.

⁵ See, e.g., Dara Lind, *Trump Keeps Making It Harder for People to Seek Asylum Legally*, VOX (June 5, 2018), <https://www.vox.com/policy-and-politics/2018/6/5/17428640/border-families-asylum-illegal>.

⁶ See, USA: “You Don’t Have Any Rights Here” Illegal Pushbacks, Arbitrary Detention & Ill-Treatment of Asylum-Seekers in the United States, Amnesty International (October 11, 2018), <https://www.amnesty.org/en/documents/amr51/9101/2018/en/>; see also, e.g., *Watch the U.S. Turn Away Asylum Seekers at the Border*, THE ATLANTIC (June 18, 2018), <https://www.theatlantic.com/video/index/563084/us-border-asylum/>.

⁷ See, e.g., John Burnett, *After Traveling 2,000 Miles for Asylum, This Family's Journey Halts At A Bridge*, NPR (June 15, 2018), <https://www.npr.org/2018/06/15/620310589/after-a-2-000-mile-asylum-journey-family-is-turned-away-before-reaching-u-s-soil>.

⁸ *Id.*

⁹ Statement from U.S. Customs and Border Protections, <https://www.documentcloud.org/documents/4516493-Statement-From-CBP.html>.

action.¹⁰ As a result, CBP agents have been telling asylum seekers to return at another time.¹¹

II. Requested Records

For the purposes of this Request, “Records” are collectively defined to include, but are not limited to: text communications between phones or other electronic devices (including, but not limited to communications sent via SMS or other text, Blackberry Messenger, iMessage, WhatsApp, Signal, Gchat, or Twitter direct message); emails; images, video, and audio recorded on cell phones; voicemail messages; social-media posts; instructions; directives; guidance documents; orders; internal communications; internal rules; internal regulations; bulletins; alerts; updates; advisories; reports; legal and policy memoranda; contracts or agreements; minutes or notes of meetings and phone calls; and memoranda of understanding. The ACLU seeks release of the following:

1. Records created on or after January 1, 2018, evidencing the following at each Port of Entry:
 - a. The total number of aliens who presented themselves at each Port of Entry requesting asylum. Please specify the monthly totals from January through October of 2018.
 - b. The total number of aliens who were prevented or blocked from presenting their claims or applications at the Ports of Entry or otherwise denied entry at mid-bridge by CBP onto the U.S. side of the international bridge at each Port of Entry for whatever reason. Please specify the monthly totals from January through October of 2018 for each Port of Entry, and the reason(s) for denying them access to the Ports of Entry. Please also provide any instructions given to CBP officers posted mid-bridge regarding their interactions with asylum seekers.
 - c. The total number of CBP officials and staff available on a full-time basis (or full-time equivalent) to process aliens seeking asylum at each Port of Entry. Please specify the monthly totals from January through October of 2018.
 - d. The total number of asylum seekers that each Port of Entry can process on a daily basis.
 - e. The total number of asylum seekers referred for a Credible Fear or Reasonable Fear interview from each Port of Entry and the total number of asylum seekers

¹⁰ *Id.*

¹¹ *See, e.g.,* Aaron Montes, *Try Later: It’s Getting Tougher for Migrants to Claim Asylum at U.S. Ports of Entry*, NBC NEWS (June 23, 2018), <https://www.nbcnews.com/storyline/immigration-border-crisis/try-later-it-s-getting-tougher-migrants-claim-asylum-u-n885861>.

issued a Notice to Appear at each Port of Entry. Please specify the monthly totals from January through October of 2018.

2. Records created on or after January 1, 2018 relating to the stationing of CBP agents in the middle of the international bridges (pedestrian areas) at the U.S.-Mexico border.
3. Records created on or after January 1, 2018 identifying any standard or criterion CBP employs to refuse aliens entry or access to Ports of Entry.
4. Records created on or after January 1, 2018 showing the capacity of Ports of Entry to hold or process aliens who present themselves at Ports of Entry to request asylum.
5. Records created on or after January 1, 2018 evidencing any alleged lack of capacity of CBP or Immigration & Customs Enforcement (“ICE”) to hold or process aliens who present themselves at Ports of Entry to request asylum.
6. Records created on or after January 1, 2018 evidencing communications between CBP officers or employees and ICE officers or employees relating to detention capacity for aliens seeking asylum.
7. Records created on or after January 1, 2018 relating to any withholding, limiting, reassignment, or reduction of CBP staff at Ports of Entry, including the reasons for such withholding, limiting, reassignment, or reduction of staff.
8. Records created on or after January 1, 2018 evidencing insufficient resources or full-time staff at Ports of Entry to process aliens seeking asylum.
9. All communications with Mexican authorities on or after January 1, 2018, about asylum seekers at Ports of Entry.
10. Records created on or after January 1, 2018 evidencing any contracts, agreements, memoranda of understanding, or communications with officials of the Mexican government relating to the issuance of payments from the U.S. government, ICE, or CBP relating to the enforcement of Mexican immigration laws.
11. All communications between Ports of Entry and CBP, DHS, including components, DOJ, or the White House regarding asylum seekers arriving at Ports of Entry.
12. All announcements or other communications to CBP officers about asylum seekers at Ports of Entry, including but not limited to the prioritization of other tasks such as trade or commerce.
13. All records related to requesting Congress to increase funding for the processing of asylum seekers at Ports of Entry.

14. All records evidencing how long asylum seekers have waited at Ports of Entry before being released or transferred to ICE custody.
15. All records describing how particularly vulnerable asylum seekers, such as pregnant women or young children, are prioritized, and any records of health problems, robberies, or detritus on the international bridges at each Port of Entry.
16. All records of complaints, investigations, and discipline relating to the treatment and/or processing of asylum seekers at Ports of Entry.

To reiterate: The ACLU seeks information regarding CBP's implementation of the practice of turning away asylum seekers or preventing their access to U.S. ports of entry along the Texas-Mexico border from CBP's local field and national offices. Specifically, the ACLU seeks records held by CBP employees and offices at the Port of Entry Offices in Brownsville, Del Rio, Eagle Pass, El Paso, Hidalgo, Laredo, Presidio, Progreso, Rio Grande City, Roma, Tornillo, and Regional Field Operations Offices in El Paso and Laredo, and at the national office. CBP has an obligation to search all such offices that are reasonably expected to produce any relevant information. *See, e.g., Oglesby v. U.S. Dep't of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990); *Marks v. U.S. Dep't of Justice*, 578 F.2d 261, 263 (9th Cir. 1978) (agency not required to search all of its field offices because request did not ask for a search beyond the agency's central files); *see also Am. Immigration Council v. U.S. Dep't of Homeland Sec.*, 950 F. Supp. 2d 221, 230 (D.D.C. 2013).

We request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of our Request be conducted. Given the expedited timeline on which the relevant events and interpretations occurred, this includes the personal email accounts and work phones of all employees and former employees who may have sent or received emails or text messages regarding the subject matter of this Request, as well as all institutional, shared, group, duty, task force, and all other joint and/or multi-user email accounts and work phones which may have been utilized by each such employee or former employee. Additionally, for each relevant email account identified, all storage areas must be searched, including the inbox 'folder' (and all subfolders therein), sent folder, deleted folder, and all relevant archive files.

If any records responsive or potentially responsive to the Request have been destroyed, our Request includes, but is not limited to, any and all records relating or referring to the destruction of those records. This includes, but is not limited to, any and all records relating or referring to the events leading to the destruction of those records.

As required by the relevant case law, the agency should follow any leads it discovers during the conduct of its searches and should perform additional searches when said leads indicate that records may be located in another system. Failure to follow clear leads is a violation of FOIA.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU requests that responsive electronic records be provided electronically in their native file format, if possible.

Alternatively, the ACLU requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate Bates-stamped files.

III. Application for Expedited Processing

The ACLU requests expedited processing pursuant to 5 U.S.C. § 552 (a)(6)(E).¹² There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgen[tly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. 552(a)(6)(E)(v)(II).

A. *The ACLU is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU is “primarily engaged in disseminating information” within the meaning of the statute. 5 U.S.C. §552(a)(6)(E)(v)(II).¹³ Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of the ACLU's work and are among its primary activities. *See ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”).¹⁴

Part of the organizational mission of the ACLU is to “work daily...in the community to defend and preserve [] individual rights and liberty.” *About US*, ACLU Tex., <https://www.aclutx.org/en/about/about-us> (last visited Aug. 10, 2018). This part of our mission entails public education. Our organization regularly creates and disseminates works in the form of presentations, reports, articles, interviews, testimony, social media, and blog posts to educate the public about the activities of the United States government. *See generally Issues*, ACLU Tex., <https://www.aclutx.org/en/issues/> (last visited Aug. 10, 2018). The ACLU also regularly publishes books, “know your rights” materials, fact sheets, and educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and civil liberties. *See generally Know Your Rights*, ACLU Tex., <https://www.aclutx.org/en/know-your-rights/> (last visited Aug. 10, 2018).

The ACLU publishes a widely-read blog where original editorial content reporting on and analyzing civil rights and civil liberties news is posted daily. *See Blogs*, ACLU Tex.,

¹² *See also* 6 C.F.R. § 5.5(e)(1).

¹³ *See also* 6 C.F.R. § 5.5(e)(1)(ii).

¹⁴ Courts have found that the ACLU as well as other organizations with similar missions that engage in information-dissemination activities similar to the ACLU are “primarily engaged in disseminating information.” *See, e.g., Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *ACLU*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. U.S. Dep't of Defense*, 241 F. Supp. 2d 5, 11 (D.D.C 2003).

<https://www.aclutx.org/en/News> (last visited Aug. 10, 2018). The ACLU regularly issues press releases to call attention to news and issues affecting the public. *See Press Releases*, ACLU Tex., <https://aclutx.org/en/press-releases/> (last visited Aug. 10, 2018). The ACLU creates and disseminates original editorial and education content on civil rights and civil liberties news through multi-media projects, including videos, podcasts, and interactive features. *See aclutx*, Youtube, <https://www.youtube.com/user/aclutx/> (last visited Aug. 10, 2018). The ACLU also publishes, analyzes, and disseminates information through its heavily visited website, www.aclutx.org. The website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The ACLU's website also serves as a clearinghouse for news about ACLU cases, as well as analysis about case developments, and an archive of case-related documents. Through these pages, and with respect to each specific civil liberties issue, the ACLU provides the public with educational material, recent news, analyses of relevant Congressional or executive branch action, government documents obtained through FOIA requests, and further in-depth analytic and educational multi-media features.

Further, the American Civil Liberties Foundation (“National ACLU”), of which the ACLU is an affiliate, regularly publishes *STAND*, a print magazine that reports on and analyzes civil liberties related events. The magazine is disseminated to over 620,000 people. The National ACLU also publishes regular updates and alerts via email to approximately 2.1 million subscribers (both National ACLU members and non-members). These updates are additionally broadcast to 1.5 million social media followers (members and non-members). The magazine as well as the email and social-media alerts often include descriptions and analysis of information obtained through FOIA requests.

The National ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news,¹⁵ and National ACLU attorneys are interviewed frequently for news stories about documents released through ACLU FOIA requests.¹⁶

¹⁵ *See, e.g.*, Press Release, American Civil Liberties Union, *U.S. Releases Drone Strike ‘Playbook’ in Response to ACLU Lawsuit* (Aug. 6, 2016), <https://www.aclu.org/news/us-releases-drone-strike-playbook-response-aclu-lawsuit>; Press Release, American Civil Liberties Union, *Secret Documents Describe Graphic Abuse and Admit Mistakes* (June 14, 2016), <https://www.aclu.org/news/cia-releases-dozens-torture-documents-response-aclu-lawsuit>; Press Release, American Civil Liberties Union, *U.S. Releases Targeted Killing Memo in Response to Long-Running ACLU Lawsuit* (June 23, 2014), <https://www.aclu.org/national-security/us-releases-targeted-killing-memo-response-long-running-aclu-lawsuit>; Press Release, American Civil Liberties Union, *Justice Department White Paper Details Rationale for Targeted Killing of Americans* (Feb. 4, 2013), <https://www.aclu.org/national-security/justice-department-white-paper-details-rationale-targeted-killing-americans>; Press Release, American Civil Liberties Union, *Documents Show FBI Monitored Bay Area Occupy Movement* (Sept. 14, 2012), <https://www.aclu.org/news/documents-show-fbi-monitored-bay-area-occupy-movement-insidebayareacom>.

¹⁶ *See, e.g.*, Karen DeYoung, *Newly Declassified Document Sheds Light on How President*

Similarly, the National ACLU publishes reports about government conduct and civil liberties issues based on its analysis of information derived from various sources, including information obtained from the government through FOIA requests. This material is broadly circulated to the public and widely available to everyone for no cost, or sometimes, for a small fee. National ACLU projects regularly publish and disseminate reports that include a description and analysis of government documents obtained through FOIA requests.¹⁷

The National ACLU website includes many features on information obtained through the FOIA.¹⁸ For example, the National ACLU's "Predator Drones FOIA" webpage,

Approves Drone Strikes, WASH. POST (Aug. 6, 2016), https://www.washingtonpost.com/world/national-security/newly-declassified-document-sheds-light-on-how-president-approves-drone-strikes/2016/08/06/f424fe50-5be0-11e6-831d-0324760ca856_story.html (quoting former ACLU deputy director Jameel Jaffer); Catherine Thorbecke, *What Newly Released CIA Documents Reveal About 'Torture' in Its Former Detention Program*, ABC (June 15, 2016), <https://abcnews.go.com/US/newly-released-cia-documents-reveal-torture-detention-program/story?id=39873389> (quoting ACLU staff attorney Dror Ladin); Nicky Woolf, *US Marshals Spent \$10M on Equipment for Warrantless Stingray Device*, GUARDIAN (Mar. 17, 2016), <https://www.theguardian.com/world/2016/mar/17/us-marshals-stringray-surveillance-airborne> (quoting ACLU attorney Nate Wessler); David Welna, *Government Suspected of Wanting CIA Torture Report to Remain Secret*, NPR (Dec. 9, 2015), <https://www.npr.org/2015/12/09/459026249/cia-torture-report-may-remain-secret> (quoting ACLU project director Hina Shamsi).

¹⁷ See, e.g., ACLU, *ACLU-Obtained Emails Prove that the Federal Bureau of Prisons Covered Up Its Visit to the CIA's Torture Site* (Nov. 22, 2016, 3:15 PM), <https://www.aclu.org/blog/speak-freely/aclu-obtained-emails-prove-federal-bureau-prisons-covered-its-visit-cias-torture>; ACLU, *Details Abound in Drone 'Playbook' – Except for the Ones That Really Matter Most* (Aug. 8, 2016, 5:30 PM), <https://www.aclu.org/blog/speak-freely/details-abound-drone-playbook-except-ones-really-matter-most>; ACLU, *ACLU-Obtained Documents Reveal Breadth of Secretive Stingray Use in Florida* (Feb. 22, 2015, 5:30 PM), <https://www.aclu.org/blog/free-future/aclu-obtained-documents-reveal-breadth-secretive-stingray-use-florida>; ACLU, *New NSA Documents Shine More Light into Black Box of Executive Order 12333* (Oct. 30, 2014, 3:29 PM), <https://www.aclu.org/blog/new-nsa-documents-shine-more-light-black-box-executive-order-12333>; ACLU, *ACLU Eye on the FBI: Documents Reveal Lack of Privacy Safeguards and Guidance in Government's "Suspicious Activity Report" Systems* (Oct. 29, 2013), https://www.aclu.org/sites/default/files/assets/eye_on_fbi_-_sars.pdf.

¹⁸ See, e.g., Nathan F. Wessler & Dylan Cortez, *FBI Releases Details of Zero-Day Exploit Decisionmaking Process*, ACLU (June 26, 2015, 11:00 AM), <https://www.aclu.org/blog/free-future/fbi-releases-details-zero-day-exploit-decisionmaking-process>; Nathan F. Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights*, ACLU (Oct. 30 2015, 8:00 AM), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>; *ACLU v. DOJ-FOIA Case for Records Relating to Killing of Three U.S. Citizens*, ACLU (Dec. 30, 2016), <https://www.aclu.org/national-security/anwar-al-awlaki-foia-request>; *ACLU v. Dep't of Defense*, ACLU (Aug. 18, 2015), <https://www.aclu.org/cases/aclu-v-department-defense>; *Mapping the FBI*, ACLU,

<https://www.aclu.org/national-security/predator-drones-foia>, contains commentary about the National ACLU's FOIA request, press releases, analysis of FOIA documents, numerous blog posts on the issue, documents related to litigation over the FOIA request, frequently asked questions about targeted killing, and links to the documents themselves. Similarly, the National ACLU maintains an online "Torture Database," a compilation of over 100,000 pages of FOIA documents relating to government policies on rendition, detention, and interrogation.¹⁹

The National ACLU has also published a number of charts and explanatory materials that collect, summarize, and analyze information it has obtained through the FOIA. For example, through compilation and analysis of information gathered from various sources—including information obtained from the government through FOIA requests—the National ACLU created an original chart that provides the legal and news media with a comprehensive summary index of Bush-era Office of Legal Counsel memos relating to interrogation, detention, rendition, and surveillance.²⁰ Similarly, the National ACLU produced a summary of documents released in response to a FOIA request related to the FISA Amendments Act²¹; a chart of original statistics about the Defense Department's use of National Security Letters based on its own analysis of records obtained through FOIA requests²²; and an analysis of documents obtained through FOIA requests about FBI surveillance flights over Baltimore.²³

The ACLU plans to analyze, publish, and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

B. The records sought are urgently needed to inform the public about actual or alleged government activity.

These records are urgently needed to inform the public about actual or alleged government

<https://www.aclu.org/mappingthefbi>; *Bagram FOIA*, ACLU (Apr. 18, 2013), <https://www.aclu.org/cases/bagram-foia>; *CSRT FOIA*, ACLU, <https://www.aclu.org/national-security/csrt-foia>; *ACLU v. DOJ – Lawsuit to Enforce NSA Warrantless Surveillance FOIA Request*, ACLU, <https://www.aclu.org/safefree/nsaspying/30022res20060207.html>; *PATRIOT FOIA*, ACLU, <https://www.aclu.org/nsl-documents-released-dod?redirect=cpreirect/32088>.

¹⁹ Home, TORTURE DATABASE, <https://www.thetorturedatabase.org>; see also *Targeted Killing FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/targeted-killing-foia-database>.

²⁰ *Index of Bush-Era OLC Memoranda Relating to Interrogation, Detention, Rendition, and/or Surveillance*, ACLU,

https://www.aclu.org/sites/default/files/pdfs/safefree/olcmemos_2009_0305.pdf.

²¹ *Summary of FISA Amendments Act Documents Released on November 29, 2010*, ACLU, <https://www.aclu.org/files/pdfs/natsec/faafoia20101129Summary.pdf>.

²² *Statistics on NSLs Produced by Department of Defense*, ACLU, https://www.aclu.org/sites/default/files/field_documents/nsl_status.pdf

²³ Nathan F. Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights*, ACLU (Oct. 30, 2015), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>.

activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).²⁴ Specifically, as discussed in Part I, *supra*, the requested records seek to inform the public about the CBP's current policy of turning asylum seekers back at United States ports of entry and along the border.

Given the forgoing, the ACLU has satisfied the requirements for expedited processing of this Request.

Pursuant to the applicable statutes and regulations, the ACLU expects a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); C.F.R. § 5.5(e)(4).

If the Request is denied in whole or in part, the ACLU asks that you justify all deletions by reference to specific FOIA exemptions. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Edgar Saldivar
American Civil Liberties Union of Texas
P.O Box 8306
Houston, TX 77288-8306

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Respectfully,



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²⁴ *See also* 6 C.F.R. § 5.5(e)(1)(ii).