

September 18, 2020

**SENT VIA E-MAIL**

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street SW, Stop 5009  
Washington, DC 20536-5009  
Email: [ICE-FOIA@dhs.gov](mailto:ICE-FOIA@dhs.gov)



Senior Director of FOIA Operations  
The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane SW  
STOP-0655  
Washington, D.C. 20528-0655  
Email: [Foia@hq.dhs.gov](mailto:Foia@hq.dhs.gov)

Jay Riahi  
VACO FOIA Officer  
U.S. Department of Veterans Affairs  
Email: [VACOFOIAService@va.gov](mailto:VACOFOIAService@va.gov)

**Re: FOIA Request Related to ICE's Provision of Sterilization Procedures, and Translation Services and Informed Consent for Medical Care**

Dear Freedom of Information Officer:

The American Civil Liberties Union ("ACLU") and the American Civil Liberties of Georgia ("ACLU-GA") submit this Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq.*, request for production of records (the "Request"). The ACLU and ACLU of Georgia also seek a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A) and 6 C.F.R. § 5.11(k), and expedited processing, pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(d). The justification for the fee waiver and expedited processing are set out in detail following the Request.

**Request for Information**

The ACLU and ACLU-GA seek any and all records that were prepared, received, transmitted, collected and/or maintained by the U.S. Immigration and



Customs Enforcement (ICE) that describe, refer or relate to policies, guidelines, protocols, or procedures regarding procedures that can result in sterilization or diminished fertility, and informed consent and translation for medical care. Unless otherwise noted, we request the records specified below from January 20, 2017 to the present.

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

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

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

For purposes of this request, “IHSC” means the U.S. Immigration and Customs Enforcement Health Services Corps.

For purposes of this request, the term “immigration detention facility” has the same scope used in 6 C.F.R. § 115.5.

For purposes of this request, “detainee” means any person detained in an immigration detention facility or holding facility.

**Specific Records Requested:**

1. Any and all IHSC, ICE Enforcement and Removal Operations (“ERO”), and ICE Homeland Security Investigations (“HSI”) directives, policies, procedures (including procedures for payment), and protocols, regarding gynecological procedures that may result in sterilization or diminished fertility for individuals in ICE custody, including but not limited to hysterectomies (removal of the uterus); salpingectomy (removal of fallopian tube or tubes); oophorectomy (removal of one or more ovaries); and tubal ligation.
2. Any and all IHSC, ICE Enforcement and Removal Operations (“ERO”), and ICE Homeland Security Investigations (“HSI”) directives, policies,



- procedures, and protocols, regarding translation and interpretation services for individuals in ICE custody who receive medical care.
3. Any and all IHSC, ICE Enforcement and Removal Operations (“ERO”), and ICE Homeland Security Investigations (“HSI”) directives, policies, procedures, and protocols, regarding ensuring informed consent prior to all medical care for individuals in ICE custody.
  4. Any documents, communications, and other records, including significant incident reports (“SIR”) or Significant Event Notifications (“SEN”) and associated documentation regarding the identification, care, and treatment of individuals in ICE custody that have received or been referred to receive gynecological procedures that may result in sterilization or diminished fertility for individuals in ICE custody, including but not limited to hysterectomies (removal of the uterus); salpingectomy (removal of fallopian tube or tubes); oophorectomy (removal of one or more ovaries); and tubal ligation.
  5. Any and all documents and communications, including grievances and requests received by ICE from persons in ICE detention, or any other person, related to gynecological procedures that may result in sterilization or diminished fertility for individuals in ICE custody, including but not limited. to hysterectomies (removal of the uterus); salpingectomy (removal of fallopian tube or tubes); oophorectomy (removal of one or more ovaries); and tubal ligation, or related to the lack of informed consent for medical procedures, or the lack of translation and interpretation services related to medical procedures.
  6. From January 20, 2017 to present, any and all records documenting the total number of times that ICE has paid for gynecological procedures that may result in sterilization or diminished fertility for individuals in ICE custody, including but not limited to hysterectomies (removal of the uterus); salpingectomy (removal of fallopian tube or tubes); oophorectomy (removal of one or more ovaries); and tubal ligation, delineated by each ICE facility.
  7. Any complaints, grievances, or any other communication related to the quality of medical care provided by Dr. Mahendra Amin filed at any time.
  8. An annual accounting of the amount ICE or IHSC paid Dr. Amin from January 20, 2017 to present, including dates, detention facility, Medical Payment Authorization Request (“MedPar”) numbers, Current Procedural Terminology (“CPT”) codes for procedures or services provided, and unique identifying information for any detainees.<sup>1</sup>

---

<sup>1</sup> The Veterans Affairs Financial Service Center in Austin, Texas, provides medical claims reimbursement for services provided to ICE detainees. ICE Health Service Corps, Operations Memorandum OM 15-005 (Jul. 8, 2015).

9. Any and all records regarding requests for off-site care or services provided by Dr. Mahendra Amin in ICE's Medical Payment Authorization Request (MedPar) system.
10. Any and all records regarding approval of services (including surgical procedures) provided by Dr. Amin, by the IHSC Field Medical Coordinator and/or IHSC Regional Clinical Director, including written requests or treatment plans submitted by Dr. Amin, and CPT codes.
11. All communications between or among employees or staff of ICE, IHSC, Irwin County Detention Center, and Dr. Amin.



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

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), we request that responsive electronic records be provided electronically in their native file format, if possible, with all metadata and load files. Alternatively, we request 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. We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits. However, to the extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of the identical material is requested. We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits. Please do not compress images or downsample the resolution, as this interferes with their legibility. To facilitate a speedy response, we ask that records responsive to this request be produced on a rolling basis. We will accept records and other information that have been redacted pursuant to the Health Insurance and Portability Accountability Act<sup>2</sup> or other statutes or regulations protecting the privacy of individual detainees.

In the event you determine that materials contain information that falls within the statutory exemptions to mandatory disclosure, we request that such information be reviewed for possible discretionary disclosure. *See Chrysler Corp. v. Brown*, 441 U.S. 281, 293 (1979). We also request that, in accordance with 5 U.S.C. § 552(b), any and all reasonably segregable portions of otherwise exempt materials be produced. To the extent the request is denied, we expect to receive notice in writing, including a description of the information withheld, the reasons for denial, and any exemptions relied upon.

---

<sup>2</sup> 42 U.S.C. § 1320d-6.

## Fee Waiver Request

The ACLU and ACLU-GA request that any fees associated responding to its FOIA request be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k). Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), fees should be waived or reduced if disclosure is (1) in the public interest because it is “likely to contribute significantly to public understanding of the operations or activities of the government” and (2) “not primarily in the commercial interest of the requester.” Disclosure in this case meets both of these tests. The ACLU and ACLU-GA also request a waiver or reduction of fees on the grounds that the ACLU and ACLU-GA qualify as a “representative[] of the news media” and the records are not sought for commercial use. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); 6 C.F.R. § 5.11(d)(1).



1. *Disclosure is in the public interest as it is likely to contribute significantly to the public’s understanding of the operations and activities of government.*

*First*, disclosure pursuant to this Request is in the public interest. Numerous national news outlets have covered the complaint filed with the Department of Homeland Security’s Office of Inspector General alleging that multiple women in ICE custody received hysterectomies and other gynecological procedures against their knowledge and/or will.<sup>3</sup> The allegations are deeply disturbing, especially in light of the U.S.’s long history of forced sterilizations.<sup>4</sup> The complaint has prompted a demand for investigation by numerous lawmakers.<sup>5</sup> The American College of Obstetricians and Gynecologists, which represents more than 60,000 women’s health care physicians, also wrote a letter to the inspector general calling the complaint’s concerns “alarming.”<sup>6</sup> Given the

---

<sup>3</sup> *See, e.g.,* Jacob Soboroff, *et al., Lawyers allege abuse of migrant women by gynecologist for Georgia ICE detention center*, NBC News (Sept. 15, 2020), available at <https://www.nbcnews.com/news/latino/nurse-questions-medical-care-operations-detainees-immigration-jail-georgia-n1240110>; Priscilla Alvarez, *Whistleblower alleges high rates of hysterectomies and medical neglect at ICE facility*, CNN (Sept. 16, 2020), available at <https://www.cnn.com/2020/09/15/politics/immigration-customs-enforcement-medical-care-detainees/index.html>.

<sup>4</sup> Sarah Al-Arshani, *A whistleblower complaint alleging hysterectomies being performed on women from an ICE detention center recalls the ugly history of forced sterilizations in the U.S.*, Business Insider (Sept. 17, 2020), available at <https://www.businessinsider.com/there-ugly-history-forced-sterilization-us-2020-9>.

<sup>5</sup> Rachel Treisman, *Whistleblower alleges ‘medical neglect,’ questionable hysterectomies of ICE detainees*, NPR (Sept. 16, 2020), available at <https://www.npr.org/2020/09/16/913398383/whistleblower-alleges-medical-neglect-questionable-hysterectomies-of-ice-detainee>.

<sup>6</sup> *Id.*

significant attention to this issue by advocacy groups, medical experts, media groups, and legislators, the requested records will contribute significantly to the public's understanding of the treatment of individuals by ICE.

2. *Disclosure is not primarily in the commercial interest of the ACLU and ACLU-GA.*

*Second*, the ACLU and ACLU-GA are not filing this request to further a commercial interest. The ACLU and ACLU-GA are 501(c)(3) nonprofit organizations and therefore has no commercial interest. We intend to make any relevant information obtained through this FOIA available to the public.<sup>7</sup> The ACLU publishes newsletters, news briefings, right-to-know handbooks, and other materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, for no cost or for a nominal fee.



The ACLU also publishes, analyzes, and disseminates information through its heavily visited website, [www.aclu.org](http://www.aclu.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 website also includes many features on information obtained through FOIA requests. For example, the ACLU's "Predator Drones FOIA" webpage, <https://www.aclu.org/national-security/predator-drones-foia>, contains commentary about the ACLU's FOIA request, press releases, analysis of the 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.<sup>8</sup> The 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, in February 2017 the ACLU produced an analysis of documents released in response to a FOIA request about the TSA's behavior detection program. 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 ACLU plans to disseminate the information disclosed as a result of this Request to the public at no cost.

3. *The ACLU and ACLU-GA also qualify for a fee waiver because they are representatives of the news media and the records are not sought for commercial use.*

---

<sup>7</sup> See 6 C.F.R. § 5.11(k)(1)(ii); 6 C.F.R. § 5.11(k)(3).

<sup>8</sup> The Torture Database, <https://www.thetorturedatabase.org> (last visited Sept. 19 2019); *see also* *Countering Violent Extremism FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/cve-foia-documents>; *TSA Behavior Detection FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/tsa-behavior-detection-foia-database>; *Targeted Killing FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/targeted-killing-foia-database>.



The ACLU and ACLU-GA are also entitled to a waiver of search fees on the grounds that they qualify as a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The ACLU and ACLU-GA meet the statutory and regulatory definitions of a “representative of the news media” because they are “entit[ies] that gather[] information of potential interest to a segment of the public, use[] its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(III); *see supra*; *also Nat’l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA); *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 30 n.5 (D.D.C. 2004) (finding non-profit public interest group to be “primarily engaged in disseminating information”).

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 and ACLU-GA’s work and are among its primary activities. For example, the ACLU regularly publishes *ACLU Magazine* that reports on and analyzes civil liberties-related current events. The magazine is disseminated to over 950,000 households. The ACLU also publishes regular updates and alerts via email to approximately 4 million subscribers (both ACLU members and nonmembers). These updates are additionally broadcast to 4.9 million social media followers (members and nonmembers). The magazine, email, and social-media alerts often include descriptions and analysis of information obtained through FOIA requests.

The ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news,<sup>9</sup> and ACLU attorneys are interviewed frequently for news stories about documents released through ACLU FOIA requests.<sup>10</sup> Similarly, ACLU national projects

---

<sup>9</sup> *See, e.g.*, Press Release, ACLU, 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, ACLU, 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, ACLU, 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>.

<sup>10</sup> *See, e.g.*, Cora Currier, *TSA’s Own Files Show Doubtful Science Behind Its Behavioral Screen Program*, Intercept, Feb. 8, 2017, <https://theintercept.com/2017/02/08/tsas-own-files-show-doubtful-science-behind-its-behavior-screening-program/> (quoting ACLU attorney Hugh Handeyside); Catherine Thorbecke, *What Newly Released CIA Documents Reveal About ‘Torture’ in Its Former Detention Program*, ABC, June 15, 2016, <http://abcn.ws/2jy40d3> (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-stingray-surveillance-airborne> (quoting ACLU attorney Nate Wessler).



regularly publish and disseminate reports that include a description and analysis of government documents obtained through FOIA requests.<sup>11</sup> This material is broadly circulated to the public and widely available to everyone for no cost or, sometimes, for a small fee.

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 liberties. 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* <https://www.aclu.org/blog>. The ACLU creates and disseminates original editorial and educational content on civil rights and civil liberties news through multi-media projects, including videos, podcasts, and interactive features. *See* <https://www.aclu.org/multimedia>.

Underscoring this point, courts have found that other organizations whose mission, function, publishing, and public education activities are similar in kind to the ACLU’s are “representatives of the news media” as well. *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).<sup>12</sup>

As a representative of the news media, the ACLU plans to analyze and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use. On account of these factors,

---

<sup>11</sup> *See, e.g.,* Manar Waheed, *Customs and Border Protection Violated Court Orders During the First Muslim Ban Implementation* (Jan. 24, 2018, 3:45 PM), <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/customs-and-border-protection-violated-court>; Vera Eidelman, *We Sued for Records About Trump’s Muslim Bans. Here’s What We Found Out.* (Oct. 24, 2017, 3:15 PM), <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/we-sued-records-about-trumps-muslim-bans-heres>; Carl Takei, *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>; Galen Sherwin, ACLU, *Leaving Girls Behind: An Analysis of Washington D.C.’s “Empowering Males of Color” Initiative* (May 27, 2016), <https://www.aclu.org/report/leaving-girls-behind>.

<sup>12</sup> Courts have found these organizations to be “representatives of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information and public education activities. *See, e.g., Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d 5; *Nat’l Sec. Archive*, 880 F.2d at 1387; *see also Leadership Conference on Civil Rights*, 404 F. Supp. 2d at 260; *Judicial Watch, Inc.*, 133 F. Supp. 2d at 53-54.

fees associated with responding to FOIA requests are regularly waived for the ACLU as a “representative of the news media.”<sup>13</sup> A fee waiver would fulfill Congress’s legislative intent in amending FOIA.<sup>14</sup> Additionally, on account of these factors, the ACLU has not been charged fees associated with responding to FOIA requests on numerous occasions.<sup>15</sup>

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



### **Expedited Processing Request**

The ACLU and ACLU-GA request expedited processing of this Request pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e). 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

---

<sup>13</sup> For example, in May 2016, the FBI granted a fee-waiver request regarding a FOIA request submitted to the DOJ for documents related to Countering Violent Extremism Programs. In April 2013, the National Security Division of the DOJ granted a fee-waiver request with respect to a request for documents relating to the FISA Amendments Act. Also in April 2013, the DOJ granted a fee-waiver request regarding a FOIA request for documents related to "national security letters" issued under the Electronic Communications Privacy Act. In August 2013, the FBI granted the fee-waiver request related to the same FOIA request issued to the DOJ.

<sup>14</sup> See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requestors.’”) (citation omitted); *Citizens for Responsibility and Ethics in Washington v. U.S. Dept. of Educ.*, 593 F. Supp. 2d 261, 268 (D.D.C. 2009) (“[FOIA’s] purpose . . . is to remove the roadblocks and technicalities which have been used by . . . agencies to deny waivers.”) (internal quotation marks and citation omitted).

<sup>15</sup> For example, in August 2016, the ICE FOIA Office and DHS Privacy Office both granted fee waivers to the ACLU for a FOIA request seeking a DHS OIG super-memorandum and ICE’s response to that memorandum. Similarly, in March 2016, the ICE Office of the Principal Legal Advisor granted a fee waiver to the ACLU for a FOIA request seeking records about selected deaths in detention, reversing an incorrect denial of a fee waiver by the ICE FOIA Office. In July 2015, the ICE Office of the Principal Legal Advisor granted a fee waiver to the ACLU for a FOIA request seeking records about the use of segregation in ICE detention, reversing an incorrect denial of a fee waiver by the ICE FOIA Office.

Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II); *see also* 6 C.F.R. 5.5(e)(1)(ii).

1. *The ACLU and ACLU-GA are primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU and ACLU-GA are “primarily engaged in disseminating information” within the meaning of the statute. 5 U.S.C. § 552(a)(6)(E)(v)(II). As detailed *supra*, the allegations that some women in ICE custody have been sterilized without their consent is a pressing issue. Moreover, the ACLU has the ability and intention to widely disseminate the requested information through a variety of sources, including reports, newsletters, news briefings, right-to-know handbooks, and other materials, to the public at no cost. Indeed, 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. 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”).<sup>16</sup> Moreover, as mentioned *supra*, the ACLU intends to distribute the information obtained through this FOIA request via the ACLU website and/or means available to us.



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

The requested records are also urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II). As described *supra*, this is a matter of widespread media and public interest, and the requested records will inform the public concern of this activity by ICE. 5 U.S.C. § 552(a)(6)(E)(i)(I).

Furthermore, denial of expedited disclosure of the requested records involving the health care and treatment of people in immigration detention could “reasonably be expected to pose an imminent threat to the life or physical safety of an individual.” 5 U.S.C. § 552(a)(6)(E)(v)(I); 6 C.F.R. § 5.5(d)(1)(i). It is axiomatic that no individual should be sterilized against their will, or without their knowledge or consent. As of the date of this request, upon information and belief, individuals detained at Irwin County Detention Center are scheduled for medical

---

<sup>16</sup> 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*, 404 F. Supp. 2d at 260; *ACLU*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 11.

appointments, including gynecological appointments. The information sought in this FOIA is critical to understanding what care those people are at risk of receiving.

In 2017, the ACLU and partner organizations documented cases of abuse and medical neglect among women detained by the Department of Homeland Security.<sup>17</sup> As recently as January 2019, a woman was reportedly detained by immigration authorities for several days without access to the medication she needed to manage her high-risk pregnancy.<sup>18</sup> These cases regarding the treatment of women in immigration custody raise immediate concerns about the widespread and system-wide failures with life and death consequences for women who are in government custody. The requested records are essential to fully understand the government's role in the detention and treatment of immigrant women who are in its custody.



Given the foregoing, the ACLU and ACLU-GA have satisfied the requirements for expedited processing of this Request.

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) and 6 C.F.R. § 5.5(d)(3).

Thank you for your prompt attention to this Request. We look forward to your reply to this Request within ten (10) business days, as required under 5 U.S.C. § 552(a)(6)(A)(I) and 6 C.F.R. § 5.5(e)(4). Please furnish all responsive records to:

Eunice Cho  
ACLU National Prison Project  
915 15<sup>th</sup> St. NW, 7<sup>th</sup> Floor  
Washington, DC 20005  
echo@aclu.org

If this Request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information, or to deny a waiver of fees. Please

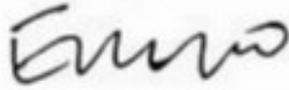
---

<sup>17</sup> Increasing Numbers of Pregnant Women Facing Harm in Detention, Administrative Complaint filed with Office for Civil Rights and Civil Liberties, and the Office of the Inspector General, September 26, 2017, <https://www.womensrefugeecommission.org/rights/resources/1524-joint-complaint-ice-detention-treatment-of-pregnant-women>.

<sup>18</sup> Natalia Megas, *ICE Jailed Pregnant Woman and Could've Killed Her Unborn Child*, THE DAILY BEAST (Jan. 31, 2019), <https://www.thedailybeast.com/ice-jailed-pregnant-woman-and-couldve-killed-her-unborn-child>.

call me at (202) 548-6616 if you have any questions or wish to obtain further information about the nature of the records in which we are interested.

Respectfully,



Eunice Cho  
Senior Staff Attorney  
American Civil Liberties Union  
National Prison Project  
915 15th St. NW, 7th Floor  
Washington, DC 20005  
[echo@aclu.org](mailto:echo@aclu.org)



Brigitte Amiri  
Deputy Director  
American Civil Liberties Union Foundation  
Reproductive Freedom Project  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 11215  
[bamiri@aclu.org](mailto:bamiri@aclu.org)  
212-519-7897

Sean J. Young  
Legal Director  
ACLU of Georgia  
P.O. Box 77208  
Atlanta, GA 0357  
[syoung@acluga.org](mailto:syoung@acluga.org)