


EXHIBIT C

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Lorena Fernandez

From: Michael Tan **Sent:** Wed 11/14/2012 2:39 PM
To: Lorena Fernandez
Cc:
Subject: FW: question regarding "mandatory" detention
Attachments:  Mandatory Detention Reporting Methodology DRAFT 2011-05-10.xlsx(13KB)

From: Strait, Andrew R [mailto:arstrait@ice.dhs.gov]
Sent: Tue 1/10/2012 2:59 PM
To: Michael Tan
Subject: FW: question regarding "mandatory" detention

Michael,

The methodology for being counted as any EGIGYIsŽY? within the reporting data includes all aliens that meet any of the below mandatory detention criteria.

1. Final Order ? Aliens with final orders of removal
2. INA 236 (c) ? Aliens charged with INA 212 or 237
3. Expedited Removal ? Aliens processed under Expedited Removal case category. Aligns to INA section 235.
4. Mandatory Case Category ? Aliens with a current Case Category that is subject to Mandatory Detention

The specific INA charges and case categories connected with each criteria are detailed in the attached excel spreadsheet. This should provide the level of detail you are looking for.

Thanks

Andrew

Andrew Lorenzen-Strait

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Andrew.Strait@dhs.gov

From : Michael Tan [mailto:mtan@aclu.org]
Sent : Monday, January 09, 2012 05:34 PM
To : Andrew.Strait@dhs.gov <Andrew.Strait@dhs.gov>
Subject : question regarding "mandatory" detention

Dear Andrew,

I hope all is well. My name is Michael Tan, and I'm an attorney here at the ACLU Immigrants' Rights Project. I have a quick follow-up question regarding a response to a FOIA request we recently received from ICE regarding the mandatory detention population. I'm reaching out to you because the ICE FOIA office referred us to the Office of Public Affairs, and Gillian Christensen let me know in turn that you would be the best person to talk to.

As you'll see from the attached materials, we requested a range of information regarding the number of individuals ICE holds in mandatory detention under INA 236 (c). In response, ICE sent us a "snapshot" of the detention population on October 1, 2011, organized by area of responsibility and whether the individual was subject to "non-mandatory" or "mandatory detention." My question is this: does "mandatory" refer exclusively to individuals held under INA 236(c), or does it include other statutory provisions? If so, what are those additional provisions --- INA 235 and INA 241? Relatedly, does "non-mandatory" then refer to individuals detained pursuant to INA 236(a)?

Thanks in advance for the clarification.

All the best,

Michael

Michael Tan

Skadden Fellow / Attorney

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ICE Enforcement and Removal Operations

Mandatory Detention Reporting Methodology

DRAFT 5/10/2011

The mandatory detention reporting methodology includes all aliens that meet any of the below mandatory detention criteria.

1. Final Order ? Aliens with final orders of removal
2. INA 236 (c) ? Aliens charged with INA 212 or 237
3. Expedited Removal ? Aliens processed under Expedited Removal case category. Aligns to INA section 235.
4. Mandatory Case Category ? Aliens with a current Case Category that is subject to Mandatory Detention

1. Final Order ? Aliens with final orders of removal

Final order is based on whether the detainee has a final order in the most recent Removal Case information.

2. INA 236 (c) ? charged with INA 212 or 237

INA Charge	INA Description
237a2Ai	CONVICTION OF ONE CRIME INVOLVING MORAL TURPITUDE
237a2Aii	CONVICTION OF TWO CRIMES INVOLVING MORAL TURPITUDE
237a2Aiii	AGGRAVATED FELONY
237a2Bi	CONTROLLED SUBSTANCE CONVICTION
237a2C	FIREARMS CONVICTION
237a2Bii	DRUG ABUSERS AND ADDICTS
237a2Di	ESPIONAGE, SABOTAGE, OR TREASON CONVICTION
237a2Dii	THREATS AGAINST PRESIDENT
237a2Diii	VIOLATION OF MILITARY SELECTIVE SERVICE ACT OR TRADING WITH THE ENEMY ACT
237a2Div	VIOLATION OF 215 OR 278 OF ACT
237a4B	TERRORIST ACTIVITY
212a2C	CONTROLLED SUBSTANCE TRAFFICKERS
212a2B	MULTIPLE CONVICTIONS WITH AGGREGATE SENTENCE OF FIVE YEARS
212a2Di	PROSTITUTION WITHIN 10 YEARS OF APPLICATION FOR ADMISSION
212a2Aii	CONVICTION OR COMMISSION OF A CRIME INVOLVING MORAL TURPITUDE
212a2Aiii	CONTROLLED SUBSTANCE CONVICTION
212a2Dii	PROCURED OR IMPORTED PROSTITUTION
212a2Diii	UNLAWFUL COMMERCIALIZED VICE
212a2E	EXERCISE OF CRIMINAL IMMUNITY
212a2G	FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM
212a2H	SIGNIFICANT TRAFFICKERS IN PERSONS
212a2I	MONEY LAUNDERING
212a3Bii	ENGAGED IN TERRORIST ACTIVITY
212a3Biii	LIKELY TO ENGAGE IN TERRORIST ACTIVITY
212a3Biiii	INCITED TERRORIST ACTIVITY
212a3Biv	REPRESENTATIVE OF FOREIGN TERRORIST ORGANIZATION
212a3Biv	MEMBER OF FOREIGN TERRORIST ORGANIZATION
212a3Biv	MEMBER OF A TERRORIST ORGANIZATION
212a3Biv	ENDORSE OR ESPOUSE TERRORIST ACTIVITIES
212a3Biv	RECEIVED MILITARY-TYPE TRAINING FROM A TERRORIST ORGANIZATION
212a3Bix	SPOUSE OR CHILD OF AN ALIEN DEEMED INADMISSIBLE UNDER (212)(a)(3)(B)

3. Expedited Removal ? Aliens processed under Expedited Removal case category. Aligns to INA section 235.

Case Category	Case Category Description
8F	Expedited Removal
8G	Expedited Removal - Credible Fear Referral
8H	Expedited Removal - Status Claim Referral
8I	Expedited Removal - Absconder

4. Mandatory Case Category ? Aliens with a current Case Category that is subject to Mandatory Detention

Case Category	Case Category Description
3	Administratively Final Order
10	Visa Waiver Deportation/Removal
11	Administrative Deportation/Removal
12	Judicial Deportation/Removal
16	Reinstated Final Order
8C	Excludable/Inadmissible - Administrative Final Order Issued
8E	Excludable/Inadmissible - Absconder