

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12<sup>th</sup> Street SW, Stop 5009  
Washington, DC 20536-5009

**SUBMITTED ELECTRONICALLY**

June 12, 2025

**Re: FOIA Records Request Pertaining to ICE Communication with Phoenix Police Department, EOIR, and Phoenix Immigration Court Building Ownership [Fee Waiver & Expedited Processing Requested]**



P.O. Box 17148  
Phoenix AZ 85011  
(602) 650-1854  
acluaz.org

*Alejandro Perez*  
President

*Victoria López*  
Executive Director

*Jared G. Keenan*  
Legal Director

Dear FOIA Officer:

This is a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, submitted on behalf of the American Civil Liberties Union of Arizona (“ACLU of Arizona” or “Requestor”).<sup>1</sup>

For the purposes of this Request, “Records” are collectively defined as all records preserved in electronic or written form, including but not limited to: text communications between phones or other electronic devices (including, but not limited to, communications sent via SMS or other text, iMessage, WhatsApp, Signal, Google Chat or X [Twitter] direct message); e-mails; images, video, and audio recorded on cell phones; voicemail messages; social-media posts; incident reports; documentation of requests to supervisors; dispatch records, completed or partially completed forms; instructions; directives; guidance documents; formal and informal presentations; training documents; bulletins; alerts; updates; advisories; reports; legal and policy memoranda; contracts or agreements; minutes or notes of meetings and phone calls; and memoranda of understanding.

Requestor also seeks 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 justifications for both the fee waiver and expedited processing are set out in detail below.

**I. Background**

On or around the week of May 19, 2025, media outlets across the state of Arizona reported that ICE abruptly detained multiple individuals who were attending their scheduled immigration court hearings.<sup>2</sup> As information on the circumstances of

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<sup>1</sup> The ACLU of Arizona is a statewide nonprofit, nonpartisan organization and a state affiliate of the national ACLU dedicated to advancing equity and dismantling injustice by taking legal action, influencing policy, and mobilizing our communities to protect the civil rights, liberties, and dignity of all. The ACLU of Arizona is also dedicated to protecting the principles of liberty and equality embodied in the Constitution and to ensuring the rights of all, including the rights of immigrants, are protected.

<sup>2</sup> “Mayhem’ as ICE officials arrest multiple people at immigration court in Phoenix,” *AZ Mirror* (May 21, 2025),

these arrests developed, immigrants across the country were reportedly apprehended by ICE directly outside of immigration courthouses—in many cases, immediately after their hearings in which DHS counsel moved to dismiss their removal proceedings.<sup>3</sup>

United States Senators Mark Kelly and Ruben Gallego, as well as Arizona Representatives Yassamin Ansari (AZ-03) and Greg Stanton (AZ-04), sent a letter to DHS Secretary Kristi Noem and ICE Acting Director Todd Lyons warning that DHS’s “actions raise serious concerns about transparency, due process, and the integrity of this administration’s immigration enforcement priorities.”<sup>4</sup>

As recently as June 3, 2025, ICE is reportedly continuing this tactic at the Phoenix Immigration Court.<sup>5</sup> As of June 6, 2025, the building that houses the Phoenix Immigration Court is surrounded by “No Trespassing” signs and physical barriers.<sup>6</sup>



## II. Requested Records

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, **any and all of the following Records** in the possession, custody, or control of ICE, are hereby requested:

1. Communications between ICE and the Phoenix Police Department (“PPD”) regarding any events within a one-block radius of the Madison Square Building, located at 250 North 7<sup>th</sup> Avenue, Phoenix, Arizona 85007 from May 1, 2025 up to and including the date of this Request.
2. Communications between ICE and other DHS sub-agencies, including but not limited to the Federal Protective Service (“FPS”), regarding any events within a one-block radius of the Madison Square Building, located at 250 North 7<sup>th</sup> Avenue, Phoenix, Arizona 85007 from May 1, 2025 up to and including the date of this Request.
3. Communications between ICE and any staff member(s) of the Executive Office for Immigration Review (“EOIR”)—including but not limited to immigration judges, law clerks, administrative, and security staff—at the

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<https://azmirror.com/2025/05/21/mayhem-as-ice-officials-arrest-multiple-people-at-immigration-court-in-phoenix/>

<sup>3</sup> “For 2nd day, people attend Phoenix immigration hearings arrested by ICE,” AZ Central (May 21, 2025),

<https://www.azcentral.com/story/news/politics/immigration/2025/05/21/ice-arrests-phoenix-immigration-court/83772323007/>

<sup>4</sup> See Letter to DHS and ICE over Immigration Court Arrests at 1, available at

[https://ansari.house.gov/imo/media/doc/letter\\_to\\_dhs\\_and\\_ice\\_over\\_immigration\\_court\\_arrests.pdf](https://ansari.house.gov/imo/media/doc/letter_to_dhs_and_ice_over_immigration_court_arrests.pdf)

<sup>5</sup> “ABC15 follows up on migrants detained outside immigration court in Phoenix,” ABC 15 (June 3, 2025), <https://www.abc15.com/news/local-news/abc15-follows-up-on-migrants-detained-outside-immigration-court-in-phoenix>

<sup>6</sup> “Phoenix immigration court puts up ‘no trespassing’ signs after activists protest ICE arrests,” AZ Central (June 6, 2025),

<https://www.azcentral.com/videos/news/politics/immigration/2025/06/06/phoenix-immigration-court-bans-protesters-reporters-ice-arrests/84032791007/>

Phoenix Immigration Court, at 250 North 7<sup>th</sup> Avenue, Phoenix, Arizona 85007, from May 1, 2025 up to and including the date of this Request.

4. Communications between ICE and any other federal law enforcement agency—including but not limited to the Federal Bureau of Investigation (“FBI”), Drug Enforcement Administration (“DEA”), and Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”)— regarding any events within a one-block radius of the Madison Square Building, located at 250 North 7<sup>th</sup> Avenue, Phoenix, Arizona 85007 from May 1, 2025 up to and including the date of this Request.
5. Communications between ICE and the owner, or any of its agents responsible for the management including private security, of the Madison Square Building, located at 250 North 7<sup>th</sup> Avenue, Phoenix, Arizona 85007 from May 1, 2025 up to and including the date of this Request.
6. Communications between ICE and any private security company or government contractor—including but not limited to equipment and transportation rental—regarding any events within a one-block radius of the Madison Square Building, located at 250 North 7<sup>th</sup> Avenue, Phoenix, Arizona 85007 from May 1, 2025 up to and including the date of this Request.



Please note that this Request is ongoing and encompasses any new materials generated by ICE that fall within the ambit of this Request, if produced between the date of this Request and the date(s) by which ICE produces records responsive to this Request.

If ICE does not have custody over certain requested or responsive records but knows of another department, agency, private entity, or another subject to the FOIA that does, such as DHS, please forward this Request to the appropriate entity/ies and inform us that you have done so.

### **III. Fee Waiver Request**

Requestor requests 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 of records responsive to this Request meet both such requirements.

Requestor also requests a waiver or reduction of fees on the grounds that it qualifies as “representative[s] 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).



***A. 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. ICE's practice of arresting people attending their court dates has prompted active concern and attention from United States Congress, the media, and advocates.

Congress has expressed concern over the practice of enforcing immigration law in sensitive locations. On February 6, 2025, U.S. Senator Blumenthal introduced S. 544, the *Protecting Sensitive Locations Act*, cosponsored by twenty-five senators.<sup>7</sup> Similarly, Representative Espaillat introduced H.R. 1061, *Protecting Sensitive Locations Act*, which was co-sponsored by 77 other representatives.<sup>8</sup>

However, the recent increase in courthouse arrests raises existing concerns over this practice. On June 5, 2025, 86 representatives sent a letter to DHS, urging the department to end arrests at immigration courts. The representatives expressed concern over the "loss of tax and social security revenue" and the "greater disorder and public safety concerns" the practice will precipitate.<sup>9</sup> Fulfillment of this Request will allow the public to understand the rationale, and mechanisms, by which ICE has chosen to implement its courthouse arrest practice.

***B. Disclosure is not primarily in the commercial interest of the Requestor.***

Second, Requestor is not filing this Request to further a commercial interest. Requestor is a nonprofit organization and with no commercial interest. Requestor intends to make any relevant information obtained through this FOIA available to the public. Requestor publishes press releases, news updates, Know-Your-Rights materials, reports, 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.

Requestor also publishes, analyzes, and disseminates information through its public-facing website, [www.acluaz.org](http://www.acluaz.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 Requestor is focused. For example, the ACLU of Arizona's "Border Litigation Project"<sup>10</sup> webpage includes information about previous FOIA Requests, documents made available from such requests, analysis of the documents, litigation projects, blogs, press releases, reports, official recommendations, and more features.

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<sup>7</sup> "S.455- Protecting Sensitive Locations Act," Congress (February 6, 2025) available at <https://www.congress.gov/bill/119th-congress/senate-bill/455>.

<sup>8</sup> "H.R. 1061- Protecting Sensitive Locations Act," Congress (February 6, 2025) available at <https://www.congress.gov/bill/119th-congress/house-bill/1061/all-info#relatedBills-content>.

<sup>9</sup> "86 Representatives Urge DHS to End Arrests at Immigration Courts," AILA (June 6, 2025) available at <https://www.aila.org/86-representatives-urge-dhs-to-end-arrests-at-immigration-courts>.

<sup>10</sup> "Border Litigation Project," ACLU of Arizona, available at <https://www.acluaz.org/en/campaigns/border-litigation-project>.

Instructively, Requestor filed a FOIA request in February 2015, followed by a complaint related to the government's widespread abuse and neglect of unaccompanied children. Requestor then published a Practice Advisory<sup>11</sup> for attorneys representing immigrant children upon release from CBP custody, highlighting the related civil rights actions attorneys could procure for their clients.

Similarly, Requestor 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 Requestor plans to disseminate the information disclosed as a result of this Request to the public at no cost.



***C. Requestor also qualifies for a fee waiver because it is a representative of the news media and the records are not sought for commercial use.***

Requestor is also entitled to a waiver of search fees on the grounds that it qualifies as “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). Requestor meets the statutory and regulatory definitions of “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses 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 also Nat’l Sec. Archive v. U.S. Dep’t of Def.*, 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 Requestor’s work and are among its primary activities. For example, the ACLU of Arizona regularly updates its members and non-members on government actions related to criminal justice, LGBTQ+ rights, immigrants’ rights, reproductive freedom, voting rights, and free speech.<sup>12</sup> This information is readily available and free of charge.

Courts have consistently found that other organizations whose mission, function, publishing, and public education activities are similar in kind to Requestor’s are “representatives of the news media” as well. *See, e.g., Elec. Privacy Info. Ctr. v. U.S. Dep’t of Def.*, 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*, 880 F.2d at 1387; *Jud. Watch, Inc. v. U.S. Dep’t of Just.*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (finding Judicial Watch, self-described as a non-profit “public interest law firm,” a news media requester). As a representative of the news media,

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<sup>11</sup> “Representing Immigrant Children Following Release from Border Patrol Custody,” ACLU of Arizona (November 2015) available at [https://live-aclu-arizona.pantheonsite.io/sites/default/files/field\\_documents/aclu\\_practice\\_advisory\\_representing\\_immigrant\\_children\\_following\\_release\\_from\\_border\\_patrol\\_custody\\_nov\\_2015\\_0.pdf](https://live-aclu-arizona.pantheonsite.io/sites/default/files/field_documents/aclu_practice_advisory_representing_immigrant_children_following_release_from_border_patrol_custody_nov_2015_0.pdf)

<sup>12</sup> “Issues,” ACLU of Arizona, available at <https://www.acluaz.org/en/issues>.



Requestor 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, fees associated with responding to FOIA requests are regularly waived for the ACLU as a representative of the news media. A fee waiver would fulfill Congress's legislative intent in amending FOIA.

In sum, because disclosure of the requested documents is in the public interest and not primarily in the commercial interest of the Requestor, and Requestor is a representative of the news media, Requestor is entitled to a total waiver of fees associated with this Request and should not be required to pay more than reasonable standard charges for document duplication. In the event that you decide not to waive the fees, in full or in part, please provide us with prior notice and an accompanying rationale.



#### **IV. Request for Expedited Processing**

Requestor seeks 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 urgently 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); *see also* 6 C.F.R. § 5.5(e)(1)(ii).

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

First, Requestor is "primarily engaged in disseminating information" within the meaning of the statute. 5 U.S.C. § 552(a)(6)(E)(v)(II). As detailed above, Requestor has the ability and intention to widely disseminate the requested information through a variety of sources, including reports, newsletters, news briefings, Know-Your-Rights, 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 Requestor's work and are among its primary activities. *See ACLU*, 321 F. Supp. 2d at 29 n.5 (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"). Moreover, Requestor intends to make available the information obtained through this Request to the public.

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

Second, 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). Specifically, the requested records pertain to ICE arrests at immigration courthouses. This matter is of significant public interest, having garnered extensive media coverage and both federal and state legislative inquiry. Members of Congress have repeatedly

raised concern and introduced legislation to protect people from ICE in sensitive areas. The requested records will inform the public of activity by ICE and DHS. 5 U.S.C. § 552(a)(6)(E)(i)(I).

**V. Denial of Request and/or Claims of Exemption**

If you deny any or all of this Request, please cite each specific exemption that justifies the withholding and notify me of the appeal procedures available under the law. I request that you particularly identify each withheld document, and that you provide sufficient information to understand the reasoning for such withholding.



You have a statutory duty to produce "[a]ny reasonably segregable portion of a record after deletion of the portions which are exempt." *See* 5 U.S.C. §552(b). Consequently, withholding entire documents because they contain some exempt material would contravene federal law. *See Mead Data Cent., Inc. v. US. Dep't of Air Force*, 566 F.2d 242, 260 (D.C. Cir. 1977) ("The focus of the FOIA is information, not documents, and an agency cannot justify withholding an entire document simply by showing that it contains some exempt material.").

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(e)(3).

Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Mitchell". The signature is fluid and cursive, with a long horizontal line extending to the right.

John M. Mitchell, Esq.  
Immigrants' Rights Attorney  
ACLU of Arizona