

March 31, 2025

Sent via Email and Secure Release Portal

U.S. Department of Homeland Security
Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. AVE SE
Washington, DC 20528-065
foia@hq.dhs.gov

Office for Civil Rights and Civil Liberties
Mail Stop 0190
ATTN: CRCL FOIA Officer
U.S. Department of Homeland Security
2707 Martin Luther King, Jr. Avenue SE,
Washington, DC 20528-0190
crclfoia@hq.dhs.gov

RE: FREEDOM OF INFORMATION ACT REQUEST

To Whom it May Concern:

Robert F. Kennedy Human Rights (“RFK HR”) submits this request pursuant to the Freedom for Information Act (“FOIA”), 5 U.S.C. § 552 et seq., as amended, for public records in the custody of the Department of Homeland Security (“DHS”) and its component agency, the Office for Civil Rights and Civil Liberties (“CRCL”). We request copies of the records identified in the numbered paragraphs below, pertaining to the DHS Case Management Pilot Program (CMPP).

We also request expedited processing for this request, pursuant to 5 U.S.C. § 552(a)(6)(E) and agency regulations, and a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). In accordance with 5 U.S.C. § 552(a)(6)(A)(i), we expect a response to this request within 20 working days, unless otherwise permitted by statute.

Purpose of the Request

This request concerns DHS’s Case Management Pilot Program (CMPP) which provides voluntary case management and other services to non-citizens in removal proceedings. CMPP

offers funding to nonprofits and local governments to provide case management support, legal information, mental health services, trafficking screening, and more.¹

CMPP serves as an alternative to detention for individuals and families who are in the process of immigration proceedings and helps guarantee attendance at immigration court hearings. In its Fiscal Year 2023 Annual Report, CRCL reported that “[a]t the close of Fiscal Year 2023, 100 percent of CMPP participants who had a scheduled immigration court hearing had attended their scheduled hearing.”²

Requester is a human rights non-profit that aims to reduce the size and power of mass incarceration in the immigration and criminal legal systems in the United States. Through litigation and advocacy, we engage in anti-detention efforts to reduce the government’s overreliance on incarceration and promote safe, community-based alternatives to detention. Knowledge and a greater understanding of viable alternatives to detention is relevant for our advocacy efforts on behalf of individuals in immigration detention.

The disclosure of the information sought below will contribute to “public understanding of the operations or activities of the government,” 5 U.S.C. § 552(a)(4)(A)(iii), and will provide the public with information necessary to engage in the democratic process and public debate regarding the use of ICE detention and viable alternatives to detention. We seek this information in order to better advocate for our clients and to advance the civil rights and safety of all people in federal immigration detention. Disclosure would thus be “in the public interest.” 6 C.F.R. § 5.11(k)(1).

Definitions

“Records” refers to all information in electronic, written, and/or printed form that is in DHS’s constructive possession, directly or indirectly, regardless of where or how the information originated or where or how DHS received it, encompassing but not limited to any information in the Custody of any contractors for purposes of information management for DHS, and including but not limited to: messaging communications between phones or other electronic devices, including but not limited to communications sent via short message service (“SMS”), multimedia message service (“MMS”), or any other messaging service, via Blackberry Messenger, iMessage, WhatsApp, Facebook, Signal, G-Chat, Instagram direct message, Twitter direct message, Slack, and/or any other messaging and communications platform; emails, letters, faxes, and/or any other form of correspondence; minutes and/or notes of meetings and/or phone calls; voicemail messages; images, video, and/or audio data; social media posts; calendar entries; files and their contents, including any notes; logs, spreadsheets, worksheets, and/or coversheets; database entries, analyses of data; metadata; investigations, reports, studies, and/or reviews; internal memoranda; contract, agreements, and/or memoranda of understanding, including but not limited to Intergovernmental Services Agreements; presentations, formal or informal; training criteria,

¹ See DHS, “DHS Case Management Pilot Program,” <https://www.dhs.gov/dhs-cmpp> (last updated Feb. 24, 2025).

² DHS CRCL, Fiscal Year 2023 Annual Report to Congress (Nov. 2024), https://www.dhs.gov/sites/default/files/2024-11/24_1127_crcl-fy-2023-annual-report.pdf.

standards, evaluations, and/or materials; orders, directives, and/or instructions; legal opinions and/or memoranda; Policies, procedures, protocols, and/or manuals; guidance and/or guidelines; bulletins, advisories, and/or alerts; as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing notations, drafts, and revisions.

“Participants” refers to all eligible individuals enrolled in CMPP.

“Evaluation” refers to any data, analysis, or research assessing the effectiveness, efficiency, or impact of the program.

The date range for all searches should be understood to commence with each provided start date and to end on the date the search for documents responsive to that request is commenced by the agency. See *Ferguson v. U.S. Dep’t of Educ.*, 2011 WL 4089880, at *11 (S.D.N.Y. Sept. 13, 2011) (commencement date of agency’s search was reasonable cut-off date).

Request for Information

Requesting any records created since January 1, 2021, relating to or concerning the “Case Management Pilot Program,” also referred to as the “Alternatives to Detention Grant Program,” including:

1. Any presentation, report, or other materials on the implementation and/or evaluation of CMPP provided by OCRCL to members of Congress, Congressional committees, and/or their staff.³
2. Any evaluation, review, study or other analysis of CMPP provided to CRCL, including by or on behalf of the Manhattan Strategy Group or any other external evaluator.⁴
3. Any and all CMPP program data, including CMPP performance metrics⁵ disaggregated to the maximum extent possible by program site and program phase (CMPP 1, CMPP 2, etc.), including but not limited to:
 - Number of individuals enrolled in CMPP and demographic breakdown, including:
 - Member of family unit (caretaker(s)/minor child) (yes/no);
 - Size of family unit;
 - Gender;

³ See FY 21 Consolidated Appropriations Act, Explanatory Statement, H8472 <https://www.govinfo.gov/content/pkg/CREC-2020-12-21/pdf/CREC-2020-12-21-house-bk4.pdf> (requiring CRCL to brief the Appropriations Committees on implementation of CMPP and to provide “[a]t the completion of the program . . . a report to the Committees with recommendations for providing ATD case management services”).

⁴ See <https://govtribe.com/award/federal-contract-award/bpa-call-70rdad23a00000003-70rdad23fc0000087> (showing DHS contract with Manhattan Strategy Group to evaluate CMPP)

⁵ See e.g. Grants Notice, Notice of Funding Opportunity, DHS-24-GPD-102-00-99, pp 8-9 <https://www.grants.gov/search-results-detail/356796> (listing performance measures)).

- Age;
 - Race and nationality; and
 - Preferred language.
- Number of CMPP participants who were offered case management services, including how many participants received or declined services.
- Number of participants who were offered and/or requested the following CMPP services, including the breakdown of how many participants received or declined services:
 - Mental health services;
 - Human trafficking screening;
 - Legal orientation;
 - Cultural orientation; or
 - Departure information, planning and/or reintegration services (for those departing the United States voluntarily or because of an order of removal).
- Number of CMPP participants who identified each of the following services as a priority, and the number who were:
 - Provided legal screening or provided or referred for legal services; or
 - Connected to other participant identified social services, including
 - housing assistance,
 - childcare,
 - transportation,
 - school enrollment,
 - health care,
 - translation/interpretation,
 - job training, and
 - language classes.
- Number of CMPP participants without legal counsel at time of CMPP enrollment, and number that secured legal counsel (whether limited scope or full scope representation) during the program period of performance.
- Number of CMPP participants who received pro se assistance through CMPP.
- Length of time to first immigration hearing date, if applicable.
- Length of time to immigration case resolution, if applicable.
- Listing of immigration court jurisdictions and Enforcement & Removal Operations (ERO) field offices at which CMPP participants were required to report to or appear.
- Breakdown and percentage of forms of immigration relief or benefits for which CMPP participants applied.

- Breakdown and percentage of forms of immigration relief granted, such as asylum, CAT, etc.
 - Number of CMPP participants who attended scheduled Executive Office of Immigration Review (EOIR) immigration court hearings, as applicable.⁶
 - Include breakdown of those with legal representation and those pro se.
 - Number of CMPP participants identified as survivors of human trafficking and/or gender-based violence, and of those identified, number who received assistance.
 - Number of CMPP participants (1) with a final order of removal during the time they are enrolled in CMPP; and (2) who complied with the order.
4. Any and all relevant data on the same metrics (as detailed in No. 3 above) that CRCL collected for individuals who were eligible for but randomized out of CMPP enrollment during its trial phase.

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.

Format of Request

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.

If it is determined that a document contains material or information that falls within a statutory exemption to mandatory disclosure under FOIA, the Requester asks that such material or information be reviewed for possible discretionary disclosure, consistent with the presumption of openness codified in the Freedom of Information Act Improvement Act of 2016, Pub. L. 114-185, 130 Stat. 538. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request. Please search for responsive records regardless of format, medium, or physical characteristics, and including electronic records.

Please provide the requested documents in the following format:

⁶ See also CRCL FY 23 Annual Report, p.79 https://www.dhs.gov/sites/default/files/2024-11/24_1127_crcl-fy-2023-annual-report.pdf (noting that “[a]t the close of Fiscal Year 2023, 100 percent of CMPP participants who had a scheduled immigration court hearing had attended their scheduled hearing”)

- Data Records in native format when possible (e.g., Excel spreadsheets in Excel);
- Other Records in PDF format when possible;
- Electronically searchable when possible;
- Email attachments provided in sequential order following the email, to preserve the “parent-child” relationship, such that Requester is able to identify which documents were the attachments to which emails;
- Program metrics data in searchable format in an excel or comma-separated value (csv) file format;
- Email parents include BCC and any other hidden fields; and
- Other metadata and load files preserved for all Records.

Please furnish all applicable Records in electronic format as specified above to via email: Sarah Decker at decker@rfkhumanrights.org and Medha Raman at raman@rfkhumanrights.org.

Requester

RFK HR is a non-partisan, not-for-profit organization that advocates for human rights issues and pursues strategic litigation to hold governments accountable for human rights abuses, including by pursuing immigrants’ rights and anti-detention advocacy and litigation. RFK HR is committed to transparency, government accountability, and education. Obtaining information about government activity, analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial component of RFK HR’s work. RFK HR regularly publishes in-depth analysis of current events affecting human rights and disseminates information to expose injustice. RFK HR disseminates content through its website—<https://rfkhumanrights.org/>—and by publishing reports, issuing press releases, and making public statements that reach thousands.

Expedited Processing

We request expedited treatment for this FOIA request. This request qualifies for expedited treatment pursuant to 5 U.S.C. § 552(a)(6)(E) and applicable regulations. As demonstrated above, there is a “compelling need” for expedited processing sought by the Requester. 5 U.S.C. § 552(a)(6)(E)(i)(I). The lack of expedited disclosure of records 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). Moreover, there exists a clear “urgency 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) (expedited processing is warranted where there is “[a]n urgency to inform the public about an actual or alleged federal government activity”). The Requester is therefore entitled to expedited processing of this request.

Fee Waiver Request

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), the Requester applies for a fee waiver. FOIA and applicable agency regulations require fees to be waived when it is determined, based upon the submission of the requester, that the information 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* 5 C.F.R. § 5.11(k)(1) (permitting fee waiver when “disclosure of the requested information is in the public interest” and “is not primarily in the commercial interest of the requester”); 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k).

Requester is a non-profit organization that advocates alongside individuals detained at facilities nation-wide. Access to this information is crucial for Requester and the communities they serve to properly evaluate viable alternatives to immigration detention in their communities.

Conclusion

Thank you for your consideration of this request. There is an urgent need for evidence-based alternatives to detention and this request aims to understand how new programs such as CMPP may be able to help meet this need. This information will assist advocates in their litigation and advocacy efforts on behalf of individuals and communities impacted by immigration enforcement.

If this request is denied in whole or part, the Requester asks that DHS and its component agencies to justify all deletions or redactions by reference to specific exemptions of FOIA. The Requester expects DHS and its component agencies to release all segregable portions of otherwise exempt material, and reserve the right to appeal a decision to withhold any records or to deny Requester’s application for waiver of fees.

We look forward to your reply to the request for expedited processing within 10 business days, as required under 5 U.S.C. § 552(a)(6)(E)(ii)(I). Notwithstanding your decision on the matter of expedited processing, we look forward to your reply to the records request within 20 business days, as required under 5 U.S.C. § 552(a)(6)(A)(I). In the event the government is unable to meet that deadline, the Requester is willing to discuss an appropriate schedule for rolling productions.

If you have any questions regarding the processing of this request, please contact Sarah Decker at 908-967-3245 or decker@rfkhumanrights.org, or Medha Raman at 510-505-466 or raman@rfkhumanrights.org.

Certification

The Requester certifies that the above information is true and correct to the best of the Requester’s knowledge. *See* 6 C.F.R. § 5.5(e)(3).

Sincerely,

Sarah Decker, Esq.
Medha Raman, Esq.
Robert F. Kennedy Human Rights