

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ROBERT F. KENNEDY HUMAN RIGHTS

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY; and UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY OFFICE FOR CIVIL RIGHTS  
AND CIVIL LIBERTIES;

*Defendants.*

Case No. 1:25-cv-6541

**COMPLAINT**

1. Plaintiff Robert F. Kennedy Human Rights (RFKHR), a not-for-profit organization that informs the public on the harms of immigration detention, brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for injunctive, declaratory, and other appropriate relief regarding agency records related to the Case Management Pilot Program. From 2020 to March 2025, the Case Management Pilot Program was a federally funded initiative that guaranteed appearance of non-citizens at immigration court hearings—without the use of detention or surveillance, over 90% cheaper than detention, and with a successful court appearance rate of 100% in FY23. Plaintiff RFKHR seeks to inform the public of humane and effective community-based alternatives to privatized immigration detention, a system marked by wastefulness, public corruption, and abusive treatment of detained people.

2. Since the federal government mandated daily arrest quotas for Immigration and Customs Enforcement (ICE) agents in early 2025, news reports and online videos witnessed by

millions have recorded instances of masked federal agents kidnapping non-citizen students off the streets in retaliation for political speech, arresting U.S. citizens falsely accused of lacking immigration status, and shipping people to remote detention centers scattered across the country.<sup>1</sup>

3. Close to 90% of all people in immigration custody are held in private prisons managed by for-profit companies like the GEO Group and CoreCivic, whose executives include former ICE officials who left government employment following the awarding of private contracts for immigration detention.<sup>2</sup>

4. Inside immigration detention centers, tens of thousands of people suffer abusive treatment every day, including physical and sexual assault, torturous solitary confinement in filthy cells for months at a time, and fatal medical neglect.<sup>3</sup>

5. In FY 2024, the federal government allocated \$3.4 billion for immigration detention. In July 2025, the President signed into law an additional \$45 billion in federal funds to expand immigration detention, a 1,224% percent increase over the previous fiscal year.<sup>4</sup>

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<sup>1</sup> See María Luisa Paúl, *As Trump cracks down on immigration, U.S. citizens are among those snared*, Wash. Post (Apr. 5, 2025), <https://perma.cc/R5SX-QTS5> (describing recent reports of at least seven US citizens wrongfully detained or deported); Victoria Albert, *Inside Columbia Student Mahmoud Khalil's ICE Detention Center*, Wall Street Journal (Apr. 1, 2025), <https://perma.cc/DRL9-DXKQ> (detailing Columbia student protestor Mahmoud Khalil's retaliatory arrest and detention at a "black-hole destination"); Moira Donegan, *The US government is effectively kidnapping people for opposing genocide*, The Guardian (Mar. 28, 2025), <https://perma.cc/YVP6-ANJ6> (examining Tufts student Rumeysa Ozturk's abduction by masked ICE agents and transfer to a facility in Louisiana 1,000 miles away).

<sup>2</sup> See Nick Schwellenbach and René Kladzyk, *Private Prison Giant Hired ICE Detention Chief*, Project on Gov't Oversight (Jan. 17, 2025), <https://perma.cc/MVJ3-A29Z> (explaining how former senior ICE official Daniel Bible's move to the GEO Group "join[s] a long tradition of ICE officials departing to work for the agency's top contractor."); José Olivares, *Biden extended contracts to private immigration jails despite reports of 'horrific' conditions*, The Guardian (Dec. 6, 2024), <https://perma.cc/6BFQ-BVFC> (noting that 90% of people in ICE custody are held in privately-run facilities).

<sup>3</sup> Miriam Jordan and Jazmine Ulloa, *Concerns Grow Over Dire Conditions in Immigrant Detention*, N.Y. Times (June 28, 2025), <https://perma.cc/K2FW-7WRM>; Am. Oversight, *Abusive Conditions and Private Industry Ties to Mass Immigration Detention* (May 8, 2025), <https://perma.cc/H59T-S6QE>; Robert F. Kennedy Human Rights et al., *Inside the Black Hole: Systemic Human Rights Abuses Against Immigrants Detained & Disappeared in Louisiana*, Robert F. Kennedy Human Rights (Aug. 26, 2024), <https://perma.cc/MTM6-FSNS>.

<sup>4</sup> One Big Beautiful Bill Act, H.R. 1, 119th Cong. (2025); Camilo Montoya-Galvez, *Trump's "big, beautiful bill" gives ICE unprecedented funds to ramp up mass deportation campaign*, CBS News (July 10, 2025), <https://perma.cc/AY42-7X2M>; Allison McCann et al., *Trump Administration Aims to Spend \$45 Billion to Expand Immigrant Detention*, N.Y. Times (Apr. 7, 2025), <https://perma.cc/S6VX-5NUA>.

6. The record-setting increase came after the Geo Group and CoreCivic, two of the largest private prison companies in the United States, donated almost \$3 million to the President's campaign and inauguration expenses.<sup>5</sup> It also followed the appointment of former Geo Group lobbyists and consultants to high-level federal government positions in charge of immigration policy, including Attorney General Pam Bondi and "Border Czar" Tom Homan.<sup>6</sup>

7. In February 2025, a Geo Group executive boasted of "unprecedented opportunity" on a shareholder call. In July 2025, Geo Group raised compensation and bonuses for top executives.<sup>8</sup>

8. In the meantime, reports of inhumane conditions in ICE detention dominate headlines.<sup>9</sup> Most recently, in Florida's notorious "Alligator Alcatraz" detention center, lawmakers have described hundreds of people confined in cages in stifling heat, plagued by insect infestations, and forced to use the same water to flush toilets and brush their teeth.<sup>10</sup>

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<sup>5</sup> Katherine Culliton-Gonzalez and Lama Elsharif, *Trump's budget bill benefits private immigration detention companies that donated to Trump*, Citizens for Responsibility and Ethics in Washington (July 23, 2025), <https://perma.cc/8KGA-C4SS>; Peter Charalambous and Laura Romero, *Private prison firms contributed more than \$1M to Trump's reelection. Now they expect a business boom*, ABC News (Nov. 20, 2024), <https://perma.cc/Y8XP-A5W7>.

<sup>6</sup> See Ja'han Jones, *Tom Homan's financial ties to private prison locking up immigrants raise questions*, MSNBC (May 28, 2025), <https://perma.cc/K33X-65PM> (outlining Tom Homan's background as a former GEO Group consultant); Matt Sledge, *Pam Bondi, Trump's New AG Pick, Lobbied for Private Prisons and Amazon*, The Intercept (Nov. 22, 2024), <https://perma.cc/T5TZ-UVWJ> (highlighting Pam Bondi's previous work as a lobbyist for the GEO Group).

<sup>7</sup> Elizabeth Weill-Greenberg, *Private Prison Exec Calls Mass Deportation Plans 'Unprecedented Opportunity'*, The Appeal (Feb. 27, 2025), <https://perma.cc/5JWC-CFRX>; GEO Group Inc., *Transcript of Conference Call discussing GEO's financial results for the quarter ended September 30, 2024*, SEC, 26 (Nov. 7, 2024), <https://perma.cc/XY2M-G4G2>.

<sup>8</sup> *Geo Group extends executive chairman contract, raises bonuses for top officers*, Investing.com (July 10, 2025), <https://perma.cc/4HJK-2GEC>.

<sup>9</sup> Eduardo Cuevas, *Immigrants forced to eat 'like a dog' in 'overcrowded and chaotic' detention centers*, USA Today (July 24, 2025), <https://perma.cc/ZB4R-CCN7>; Al Jazeera Staff, *'Less than human': Report details Trump immigration detention centre abuses*, Al Jazeera (July 21, 2025), <https://perma.cc/ZXZ3-WHV7>; Jasmine Garsd, *In recorded calls, reports of overcrowding and lack of food at ICE detention centers*, NPR (June 6, 2025), <https://perma.cc/46AV-FPJD>; Jordan and Ulloa, *supra* note 3 (reporting inhumane conditions at detention centers across the country).

<sup>10</sup> Alaa Elassar and Rafael Romo, *Florida lawmakers allowed into 'Alligator Alcatraz' say detainees packed into cages*, CNN (July 13, 2025), <https://perma.cc/5XWJ-P6G9>.

9. Humane and effective alternatives to detention exist. One example was the Case Management Pilot Program (CMPP). After its creation by Congress in 2020, and until its sudden termination in March 2025, CMPP funded nonprofits and local governments to provide non-citizens in removal proceedings with legal information, mental health services, screening for indicia of human trafficking, and updates and information on court scheduling, amongst other services that ensured non-citizens' appearance in immigration court.<sup>11</sup> The federal government funded the program through the Federal Emergency Management Agency (FEMA) and administered it through the Department of Homeland Security's Office for Civil Rights and Civil Liberties, mandated "to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department [of Homeland Security] programs and activities." 6 U.S.C. § 345(a)(3).

10. In FY 2023, 100% of CMPP participants attended their immigration hearings without detention or electronic surveillance.<sup>12</sup>

11. CMPP also demonstrated significant cost savings compared to detention. The average daily cost per person for immigration detention is \$164.65, with a projected 5% annual increase due to inflation. In contrast, community-based case management costs just \$14.05 per day—yielding a roughly 90% savings of more than \$150 per person, per day.<sup>13</sup>

12. Shortly before the President signed a record-setting increase in detention funding in July 2025, the executive branch dismantled the cost-effective and humane alternative to detention of CMPP without public explanation.

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<sup>11</sup> DHS, *DHS Case Management Pilot Program*, <https://perma.cc/6LWX-K3MQ> (last updated Feb. 24, 2025); Department of Homeland Security Appropriations Act, 2021, H.R.7669, 116th Cong. (2020), <https://perma.cc/TQ8Z-JJDG>.

<sup>12</sup> DHS CRCL, *Fiscal Year 2023 Annual Report to Congress* (Nov. 2024), <https://perma.cc/9RBW-4QZQ>.

<sup>13</sup> Am. Imm. Lawyers Assoc., *Featured Issue: Immigration Detention and Alternatives to Detention* (Mar. 14, 2025), <https://perma.cc/J6Z5-G45X>.

13. In early February 2025, Kyle Schutt, a technology executive who had recently joined the Department of Government Efficiency, and Joseph Mazzara, the recently appointed Acting General Counsel of DHS, met with employees of the Office for Civil Rights and Civil Liberties (CRCL) to discuss CMPP. Schutt accused the program of money laundering and Mazzara suggested investigating it under the Racketeer Influenced and Corrupt Organizations Act.<sup>14</sup> CRCL staff were stunned by this reaction to a program mandated by Congress that had proven both more cost-effective and humane than detention.

14. A month later, on March 20, 2025, Cameron Hamilton, Senior Official Performing the Duties of Administrator of FEMA, sent a memo to DHS Secretary Kristi Noem recommending that FEMA evaluate CMPP for termination.<sup>15</sup>

15. DHS terminated CMPP around the same time that it attempted to shutter CRCL for being “an internal adversary” that “obstructed immigration enforcement by adding bureaucratic hurdles and undermining DHS’s mission.”<sup>16</sup> On March 21, 2025, DHS leadership placed on leave virtually every employee of CRCL, the office in charge of overseeing CMPP, and ordered them to cease all work before eventually terminating their positions two months later. In May 2025, the government publicly announced that CRCL would remain open after non-profit plaintiffs filed a federal lawsuit challenging the decision to abolish the statutorily mandated office as a violation of separation of powers and arbitrary and capricious under the Administrative Procedures Act. *See* Complaint, *Robert F. Kennedy Human Rights et al. v. U.S. Dep’t of Homeland Sec. et al.*, No. 1:25-cv-01270 (D.D.C. Apr. 24, 2025); Decl. of Ronald J. Sartini, *Robert F. Kennedy Human*

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<sup>14</sup> J. David McSwane & Hannah Allam, “*They Don’t Care About Civil Rights*”: *Trump’s Shuttering of DHS Oversight Arm Freezes 600 Cases, Imperils Human Rights*, ProPublica (Apr. 8, 2025), <https://perma.cc/TA65-2SHB>.

<sup>15</sup> Memorandum from Cameron Hamilton, Senior Official Performing the Duties of Administrator of FEMA, to Kristi Noem, DHS Secretary (March 20, 2025), available at <https://perma.cc/4E9B-F4HE>.

<sup>16</sup> Zolan Kanno-Youngs et al., *Trump Shuts Down 3 Watchdog Agencies Overseeing Immigration Crackdown*, N.Y. Times (Mar. 21, 2025), <https://perma.cc/F4SP-8Q2Y>.

*Rights et al.*, No. 1:25-cv-01270, ECF No. 40-1, ¶ 3 (D.D.C. June 2, 2025) (The [CRCL] Office will continue to carry out all of its statutory functions.”)

16. On March 31, 2025, Plaintiff submitted a FOIA request (the Request) to DHS and CRCL seeking records related to CMPP, also known as the Alternatives to Detention Grant Program. Exh. 1. The records sought CMPP program data and performance metrics, evaluations of the program, and any congressional reports related to program implementation and evaluation.

17. After the release of a news story detailing the meeting where a DOGE official and the DHS Acting General Counsel criticized CMPP as a money laundering scheme, Plaintiff amended its original FOIA request to seek additional records (the Amended Request) related to the termination of CMPP. Exh. 2.

18. Plaintiff submitted the requests to obtain information that will permit the public to evaluate the merits of humane, cost-effective, successful, and evidence-based alternatives to detention at a time when the federal government seeks to massively expand immigration detention.<sup>17</sup>

19. Plaintiff sought expedited processing of the Requests under 5 U.S.C. § 552(a)(6)(E) and applicable agency regulations. They emphasized the urgent need to inform the public about effective alternatives to expenditure of taxpayer dollars on costly detention centers that subject tens of thousands of people every day to inhumane conditions, resulting in mounting death tolls.<sup>18</sup>

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<sup>17</sup> Jose Olivares, *Trump administration sets quota to arrest 3,000 people a day in anti-immigration agenda*, The Guardian (May 29, 2025), <https://perma.cc/XNB7-B7ZD>; Camilo Montoya-Galvez, *ICE releases some migrant detainees as its detention facilities reach 109% capacity*, CBS News (Feb. 28, 2025), <https://perma.cc/3U79-P9JZ>.

<sup>18</sup> See Garsd, *supra* note 9 (describing reports of overcrowding, illness, and hunger at immigration detention centers); Marina Dunbar, *Two more Ice deaths put US on track for one of deadliest years in immigration detention*, The Guardian (June 30, 2025), <https://perma.cc/Y9WX-ZKXA> (tracking rapidly growing death tolls in immigration detention); ACLU, Press Release, *Civil Rights Organizations Raise Alarm Over Conditions and Rights Violations at Immigrant Detention Facilities Run by Federal Agencies* (May 29, 2025), <https://perma.cc/9E4M-XLBG> (warning of inhumane conditions of confinement including lengthy lockdowns, delays in receiving medical care, and lack of language access).

20. On April 16, 2025, DHS acknowledged receipt of Plaintiff's April 15 amended request and conditionally granted the request for a fee waiver. Exh. 3. DHS did not respond to Plaintiff's request for expedited processing. CRCL did not acknowledge receipt or respond to the Request.

21. Despite the urgent public interest in the issues underlying the Requests, DHS has not provided Plaintiff with *any* responsive records, in violation of its FOIA obligations. 5 U.S.C. § 552(a)(3)(A).

22. Defendants' failure to answer plaintiff's request for expedited processing also violates FOIA's requirement that a request be expedited where a delay "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual," or where the request is "made by a person primarily engaged in disseminating information" and urgency exists to inform the public concerning actual or alleged government activity. *Id.* §§ 552(a)(6)(E)(v)(I)–(II).

23. While Defendants improperly delay production of records that would inform the public of the unnecessary wastefulness of detention, increased use of detention has led to the deaths of 12 people in just seven months and reports of overcrowding and inhumane conditions, physical and sexual abuse, and inadequate access to food, water, sleep, hygiene, legal counsel, and medical care.<sup>19</sup> Delay in providing the records sought thus poses an imminent threat to life and physical safety of detained people.

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<sup>19</sup> See Press Release, Office of Congresswoman Pramila Jayapal, *Jayapal Statement on Death of Detained Person at Moshannon Detention Center* (Aug. 8, 2025), <https://perma.cc/VN38-HR7F> ("This is the 12th death in ICE detention in under 7 months since Trump became President."); Sen. Jon Ossoff, *The Abuse of Pregnant Women and Children in U.S. Immigration Detention* (July 30, 2025), <https://perma.cc/2W22-5U7L> (finding 510 credible reports of human rights violations in immigration detention including physical and sexual abuse, mistreatment of pregnant women and children, unsanitary living conditions, and inadequate food and water); "You Feel Like Your Life Is Over": *Abusive Practices at Three Florida Immigration Detention Centers Since January 2025*, Hum. Rts. Watch (July 21, 2025), <https://perma.cc/4PMZ-8FQ2> (detailing the dangerously substandard medical care, overcrowding, abusive treatment, and restrictions on access to legal and psychosocial support at three Florida detention centers);



24. The information sought in the Request concerning alternatives to detention is urgently needed because it will inform the public of the government's reasoning for eliminating a viable, cheaper, and more humane alternative to a \$42 billion taxpayer payout to private prison executives for detention contracts, many of whom are former government employees who arranged and implemented these contracts. Defendants' refusal to comply with FOIA and provide the records covered by the Requests directly impedes the public's entitlement to information about the government's activities in suppressing successful alternatives to punitive and wasteful detention.

### **JURISDICTION AND VENUE**

25. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1346(a)(2) and the authority to issue declaratory judgments pursuant to 28 U.S.C. §§ 2201 and 2202. This Court has personal jurisdiction over the parties.

26. Venue is proper in this Court under 5 U.S.C. § 552(a)(4)(B) because Plaintiff RFKHR maintains its principal places of business in this district.

### **PARTIES**

27. Plaintiff RFKHR is a non-partisan, not-for-profit organization that promotes human rights through public education, information campaigns, and advocacy. It engages in strategic story telling by building narratives to bring about reform through public education, transparency, and litigation where necessary. A substantial focus of its public education work is devoted to the promotion of immigrants' rights and the harms of immigration detention. Obtaining information about government activity, analyzing that information, and widely publishing and disseminating it to the public through its website, media, and information campaigns are critical and substantial

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Gisela Salomon and Kate Payne, *Detained immigrants at 'Alligator Alcatraz' say there are worms in food and wastewater on the floor*, Assoc. Press News (July 11, 2025), <https://perma.cc/5ATZ-V72G> (describing the inhumane conditions at "Alligator Alcatraz").



components of RFKHR's work. RFKHR regularly publishes in-depth analyses of current events affecting human rights and broadly disseminates information to expose and rectify injustice. RFKHR disseminates content through its website, <https://rfkhumanrights.org/>, and by publishing reports, issuing press releases, and making public statements that reach millions. Access to current information about immigration detention practices and successful alternatives to detention is critical to those functions.

28. Defendant Department of Homeland Security (DHS) is a department of the Executive Branch of the United States, headquartered in Washington, D.C., charged with overseeing, among other areas, immigration enforcement and detention and border security. It exercises supervisory control over CRCL and FEMA. DHS has possession, custody, and control of all the records Plaintiff seeks in this action.

29. Defendant CRCL was established as an office within DHS charged by statute with receiving and investigating complaints of civil rights and civil liberties abuses by DHS, conducting public outreach so that people are aware of their ability to file complaints, and annually submitting reports to Congress on the complaints it receives. The CMPP National Board, charged with awarding funding and managing the pilot program, is chaired by the Officer for Civil Rights and Civil Liberties. On March 21, 2025, DHS placed almost all of CRCL's employees on administrative leave, effectively shuttering this critical body. After a lawsuit filed in May 2025 by non-profit organizations challenging the decision to close this oversight body, DHS has publicly confirmed that CRCL will not be abolished and will continue to fulfill its statutory mandates. *See* Sartini Decl., *Robert F. Kennedy Human Rights et al.*, No. 1:25-cv-01270, ECF No. 40-1, ¶ 3 (The [CRCL] Office will continue to carry out all of its statutory functions.”).

30. Defendants DHS and CRCL are both federal agencies within the meaning of FOIA, 5 U.S.C. § 552(f)(1).

### **FOIA STATUTORY FRAMEWORK**

31. FOIA requires federal agencies, upon request by a member of the public, to promptly release records within the possession of the agency, unless a statutory exception applies. 5 U.S.C. § 552(a)–(b).

32. Within 20 working days after receipt of a FOIA request, an agency must determine “whether to comply” with the request. 5 U.S.C. § 552(a)(6)(A)(i). The agency must “immediately notify” the requester of “such determination and the reasons therefor.” 35 U.S.C. § 552(a)(6)(A)(i)(I).

33. If an agency cannot meet the 20-day statutory time limit for processing a request because of “unusual circumstances,” the agency may unilaterally extend the deadline by 10 days. 5 U.S.C. § 552(a)(6)(B)(i) (“If an agency has determined that unusual circumstances apply,” then a failure to comply with the statutory time limit “is excused for an additional 10 days.”). “Unusual circumstances” exist if it is “reasonably necessary to the proper processing of the particular requests” “to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.” 5 U.S.C. § 552(a)(6)(B)(iii)(II).

34. If the agency fails to respond within the statutory time limit, the requester is deemed to have exhausted its administrative remedies and may immediately seek judicial recourse to compel the agency’s response to the FOIA request. 5 U.S.C. § 552(a)(6)(C)(i); 5 U.S.C. § 552(a)(4)(B).

35. FOIA and applicable agency regulations also require expedited processing for any FOIA request where a delay “could reasonably be expected to pose an imminent threat to the life or physical safety of an individual” or where the requester is “primarily engaged in disseminating information” and it is urgent “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. §§ 552(a)(6)(E)(i), (v); *see* 6 C.F.R. § 5.5(e)(1)(i)–(ii). An agency is statutorily required to respond to a request for expedited processing within 10 days of the date of the request. 5 U.S.C. § 552(a)(6)(E)(ii)(I); *see* 6 C.F.R. § 5.5(e)(4).

36. Finally, FOIA also provides that this Court may assess attorneys’ fees and litigation costs against the United States if Plaintiff prevail in this action. *See* 5 U.S.C. § 552(a)(4)(E).

## RELEVANT FACTS

### Case Management Pilot Program (CMPP)

37. The DHS CMPP was established by Congress in FY 2021 (calendar year 2020) to provide voluntary, trauma-informed, and culturally competent case management and other services to non-citizens in removal proceedings. CMPP offered funding to nonprofits and local governments to provide case management support, legal information, mental health services, trafficking screening, connections to social services, cultural orientation programs, connections to social services, and departure planning and reintegration services for individuals returning to their home countries.<sup>20</sup>

38. CMPP was administered by the CMPP National Board, chaired by the DHS Officer for Civil Rights and Civil Liberties. The other National Board members are nonprofit organizations with experience serving immigrants, refugees, asylum seekers, and other non-citizens.<sup>21</sup>

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<sup>20</sup> DHS, *DHS Case Management Pilot Program*, *supra* note 11.

<sup>21</sup> *Id.*

39. CMPP was an alternative to detention for people and families in immigration court proceedings designed to guarantee attendance at immigration court hearings. People enrolled in CMPP were not subject to ICE electronic surveillance. The CRCL FY23 Annual Report to Congress recorded 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.”<sup>22</sup>

40. CMPP providers note several positive outcomes and successes with the program. As one example, “[i]n early 2024, an IRC [International Rescue Committee] caseworker in New York City identified upon enrollment that a CMPP client unknowingly had a master calendar hearing [in immigration court] scheduled in just a couple days’ time—and it was to be held at an immigration court almost 1,500 miles away in Houston. The IRC team provided prompt assistance and coordinated with BakerRipley (the Houston CMPP provider), ultimately supporting the client in preparing for the hearing and securing a last-minute bus that allowed him to make it to the Houston immigration court with minutes to spare.”<sup>23</sup>

41. CMPP is also more cost-effective than detention. The average cost of detaining one adult immigrant is \$164.65 a day, while the CMPP costs only \$14.05 a day per participant: a savings of over 90%.<sup>24</sup>

42. Other evidence-based research demonstrates that community-based case management programs result in improved respect for people’s rights and wellbeing, high compliance and engagement rates, and lower costs.<sup>25</sup>

### **February 10th Meeting Between DOGE and DHS Staff and Closure of CRCL**

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<sup>22</sup> DHS CRCL, *Fiscal Year 2023 Annual Report to Congress*, *supra* note 12.

<sup>23</sup> Am. Imm. Lawyers Assoc., *The Case Management Pilot Program: A Humane, Effective Alternative to Immigration Detention* (Sept. 9, 2024), <https://perma.cc/9Y35-Q9N9>.

<sup>24</sup> Am. Imm. Lawyers Assoc., *Featured Issue: Immigration Detention and Alternatives to Detention*, *supra* note 13.

<sup>25</sup> Int’l Detention Coalition, *Gaining Ground: Promising Practice to Reduce and End Immigration Detention* (May 2022), <https://perma.cc/9U7C-Z5MY>.

43. On February 10, 2025, over a dozen DHS officials met with DOGE staff to discuss CMPP. The program was described by DHS officials as a “win-win” as it provided funding to “local organizations that provide case workers to keep people in immigration proceedings showing up to court . . . without expensive detentions and ankle monitors.”<sup>26</sup>

44. During the meeting, DOGE leader Kyle Schutt and DHS acting general counsel Joseph Mazzara questioned the legitimacy of the program. Schutt suggested it “sound[ed] like money laundering” and Mazzara proposed it be investigated under civil RICO laws, typically used to prosecute organized crime. DHS staff were shocked by this reaction to a program mandated by Congress.<sup>27</sup>

45. On March 20, 2025, Cameron Hamilton, Senior Official Performing the Duties of Administrator of FEMA, sent a memo to DHS Secretary Kristi Noem recommending that FEMA place conditions or restricts on all open and future awards for programs, including CMPP. The memo also classified grants that go to NGOs and “touch in any way on immigration” as high risk, requiring additional review by DHS and “evaluation for termination of grant program.”<sup>28</sup>

46. On March 21, 2025, DHS abruptly closed CRCL (along with two other DHS oversight bodies—the U.S. Citizenship and Immigration Services Ombudsman Office and the Office of the Immigration Detention Ombudsman), placing nearly all employees, including the CRCL FOIA officer, on leave (with separation dates of May 23, 2025), and ordering them to cease all work. DHS has since publicly asserted that CRCL remains operational and is currently carrying out all statutory functions, though litigation over the matter continues. *See Sartini Decl., Robert F. Kennedy Human Rights et al.*, No. 1:25-cv-01270, ECF No. 40-1, ¶ 3 (The [CRCL] Office will

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<sup>26</sup> McSwane & Allam, *supra* note 14.

<sup>27</sup> *Id.*

<sup>28</sup> Hamilton Memo, *supra* note 15.

continue to carry out all of its statutory functions.”); DHS CRCL, “Office for Civil Rights and Civil Liberties,” <https://perma.cc/M2DP-UNRS> (last visited June 18, 2025) (“The Office for Civil Rights and Civil Liberties continues to exist and will perform its statutorily required functions.”).

### **Plaintiff’s FOIA Requests**

47. On March 31, 2025, Plaintiff submitted a FOIA request to DHS and CRCL seeking any records related to CMPP since January 1, 2021. Specifically, the Request sought: 1) Any presentation, report, or other materials on the implementation and/or evaluation of CMPP provided by CRCL to members of Congress, Congressional committees, and/or their staff; 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; 3) CMPP program data, including CMPP performance metrics disaggregated by program site and program phase; 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. Plaintiff further provided a list of 14 data points to hone the agency's search. Exh. 1.

48. On April 15, 2025, Plaintiff amended their request to add: 5) Any and all records relating to or concerning the cancellation of the CMPP; 6) Any and all communications to and from DHS and CRCL personnel relating to or concerning allegations of human trafficking, money laundering, corruption, or any other illegal activity as it relates to the CMPP; 7) Any and all communications to and from DOGE employee Kyle Schutt and DHS Acting General Counsel Joseph Mazzara relating to or concerning the CMPP; 8) Any and all communications relating to or concerning the meeting between DHS and DOGE staff on February 10, 2025. Exh. 2.

49. Plaintiff filed the Requests to widely disseminate to the public, at no cost, critical information about humane, cost-effective alternatives to detention at time when immigration

detention rates and expenditures are soaring due to the federal government's mass detention and deportation efforts.

50. Plaintiff sought expedited processing for the Requests on two independent grounds.

51. First, Plaintiff demonstrated in the Requests that a lack of expedited disclosure of the records could "reasonably be expected to pose an imminent threat to the life or physical safety of an individual." Mounting death tolls and harms to health and safety in immigration detention caused by overcrowding and inhumane treatment currently pose threats to life and physical safety of detained people. Depriving the public of information concerning the availability of a humane and cost-effective alternative to detention that returned a 100% immigration court appearance rate could reasonably be expected to prolong threats to life and safety posed by immigration detention. 5 U.S.C. § 552(a)(6)(E)(v)(I); *see also* 6 C.F.R. § 5.5(e)(1)(i).

52. Second, Plaintiff demonstrated that they are primarily engaged in disseminating information and there exists a clear "urgency to inform the public concerning actual or alleged Federal Government activity." Amid ongoing public debates over efforts by the federal government to significantly expand the size and scope of immigration detention, the public has an urgent need for information that could affect the decision of how and whether to spend \$42 billion in taxpayer funds appropriated for detention. 5 U.S.C. § 552(a)(6)(E)(v)(II); *see also* 6 C.F.R. § 5.5(e)(1)(ii).

53. On April 16, 2025, DHS acknowledged receipt of Plaintiff's April 15<sup>th</sup> Amended Request and conditionally granted the request for a fee waiver. Exh. 3. DHS did not respond to Plaintiff's request for expedited processing. CRCL did not acknowledge receipt or respond to either of Plaintiff's Requests.



### **Defendants' Failure to Respond to Plaintiff's FOIA Requests**

54. Even without expedited processing (and even assuming Defendants had invoked the 10-day extension, which they did not), Defendants' responses to the Amended Request were due by May 15, 2025, 30 business days (the default 20-day statutory time limit plus the 10-day extension referenced by DHS in its April 16, 2025 e-mail) after receiving the Request. 5 U.S.C. §§ 552(a)(6)(A), (a)(6)(B), (a)(4)(A)(viii)(II)(aa). None of the Defendants has provided any update to Plaintiff on the status of their Requests.

### **Exhaustion of Administrative Remedies**

55. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), because Defendants failed to respond to Plaintiff's Request by the statutory deadline under 5 U.S.C. § 552(a)(6)(A)(i), Plaintiff is deemed to have exhausted their administrative remedies and may seek judicial recourse pursuant to 5 U.S.C. § 552(a)(4)(B).

## **CAUSES OF ACTION**

### **Count I**

#### **Violation of FOIA, 5 U.S.C. § 552(a)(3)(A), for Failure to Make Timely Available the Records Sought by Plaintiff's Requests**

56. Plaintiff hereby incorporates by reference all facts and allegations above as if fully set forth herein.

57. Plaintiff properly requested records within the possession, control, and custody of Defendants.

58. Defendants' failure to timely make available the records sought by Plaintiff's Request violates FOIA. 5 U.S.C. § 552(a)(3)(A).

**Count II**

**Violation of FOIA, 5 U.S.C. § 552(a)(6)(E), for Failure to Consider Plaintiff's Request for Expedited Processing**

59. Plaintiff hereby incorporate by reference all facts and allegations above as if fully set forth herein.

60. Defendants were statutorily required to expedite processing of Plaintiff's Request because Plaintiff demonstrated that: (i) "a failure to obtain [the] requested records on an expedited basis . . . could reasonably be expected to pose an imminent threat to the life or physical safety of an individual"; and (ii) Plaintiff is "primarily engaged in disseminating information" and as a matter of urgency need "to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. §§ 552(a)(6)(E)(i)(I), 552(a)(6)(E)(v)(I)–(II). People held in immigration detention centers are experiencing physical and sexual abuse and other torturous conditions while cheaper, more humane alternatives to detention that are just as effective in ensuring court appearance are quietly dismantled. Additionally, plaintiff RFKHR is primarily engaged in disseminating information and there is enormous public interest in the federal government's current expansion of immigration detention practices notwithstanding the existence of humane, effective, evidence-based alternatives to detention.

61. Defendants' failure to grant Plaintiff's request for expedited processing therefore violates FOIA. 5 U.S.C. § 552(a)(6)(E).

**Count III**

**Violation of FOIA, 5 U.S.C. § 552(a)(6)(A)(i), for Failure to Timely Respond to Plaintiff's Requests with Required "Determinations"**

62. Plaintiff hereby incorporates by reference all facts and allegations above as if fully set forth herein.

63. Plaintiff properly requested records within the possession, control, and custody of Defendants. 5 U.S.C. § 552(a)(1)(A); 6 C.F.R. § 5.3.

64. Defendants' failure to timely respond to Plaintiff's Requests with required determinations violates FOIA, 5 U.S.C. § 552(a)(6)(A)(i), and DHS's corresponding regulations promulgated thereunder, 6 C.F.R. § 5.6(c).

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully request that this Court:

- a) Declare that Defendants have violated FOIA by failing to provide Plaintiff with all non-exempt records responsive to Plaintiff's Requests;
- b) Declare that Defendants have violated FOIA by failing to timely respond to Plaintiff's Request with the required determinations regarding the Requests;
- c) Declare that Plaintiff is entitled to disclosure of the requested records;
- d) Direct by injunction that Defendants perform adequate searches for records responsive to Plaintiff's Request and provide Plaintiff with all records responsive to Plaintiff's Request that are not specifically exempted from disclosure under FOIA no later than 20 days after this Court issues an order granting Plaintiff relief;

e) Enjoin Defendants from charging Plaintiff fees for the search, review, duplication and processing of Plaintiff's Requests;

f) Retain jurisdiction over this action to ensure that no agency records are wrongfully withheld, including, if necessary, judicial review of any claim by Defendants that requested information is exempt from disclosure;

g) Award Plaintiff the costs of litigation, including any reasonable attorneys' fees incurred in this action, as provided by 5 U.S.C. § 552(a)(4)(E) and 28 U.S.C. § 2412(d)(1)(A); and

b) Grant any other relief that the Court deems just and proper.

Dated: August 8, 2025  
New York, NY

Respectfully submitted,

/s/ Anthony Enriquez  
Anthony Enriquez (Bar No. 5211404)  
ROBERT F. KENNEDY HUMAN RIGHTS  
88 Pine Street, 8th Floor, Suite 801  
New York, New York 10005  
Tel.: (646) 289-5593  
E: [enriquez@rfkhumanrights.org](mailto:enriquez@rfkhumanrights.org)

Sarah E. Decker (Bar No. 5850763)  
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Tel.: (646) 289-5593  
E: [gillman@rfkhumanrights.org](mailto:gillman@rfkhumanrights.org)

*Counsel for Plaintiff*

**ROBERT F.  
KENNEDY  
HUMAN  
RIGHTS**

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](mailto: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](mailto: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.<sup>1</sup>

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.”<sup>2</sup>

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,

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

<sup>2</sup> 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](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.<sup>3</sup>
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.<sup>4</sup>
3. Any and all CMPP program data, including CMPP performance metrics<sup>5</sup> 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;

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<sup>3</sup> 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”).

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

<sup>5</sup> 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.<sup>6</sup>
    - 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. 114185, 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:

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<sup>6</sup> 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](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](mailto:decker@rfkhumanrights.org) and Medha Raman at [raman@rfkhumanrights.org](mailto: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](mailto:decker@rfkhumanrights.org), or Medha Raman at 510-505-466 or [raman@rfkhumanrights.org](mailto: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

**ROBERT F.  
KENNEDY  
HUMAN  
RIGHTS**

April 15, 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](mailto: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](mailto: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 seek to amend our previous request (2025-HQFO-03321) submitted on March 31, 2025, with additional requests for information as described in the numbered paragraphs below.

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.<sup>1</sup>

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.”<sup>2</sup>

On April 8, 2025, ProPublica reported on a February 10<sup>th</sup> meeting between DHS officials and members of the Department of Government Efficiency (DOGE) to discuss the CMPP.<sup>3</sup> During the meeting, DOGE leader Kyle Schutt and DHS acting general counsel Joseph Mazzara questioned the legitimacy of the program, with Schutt suggesting it “sound[ed] like money laundering” and Mazzara proposing it be investigated under civil RICO laws, typically used for organized crime.<sup>4</sup> DHS staff were shocked by this reaction to a program mandated by Congress.<sup>5</sup>

Requester seeks to gather more information on the CMPP and its cancellation. 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**

The Records request below incorporates the following definitions:

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

<sup>2</sup> 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](https://www.dhs.gov/sites/default/files/2024-11/24_1127_crcl-fy-2023-annual-report.pdf).

<sup>3</sup> J. David McSwane & Hannah Allam, “*They Don’t Care About Civil Rights*”: Trump’s Shuttering of DHS Oversight Arm Freezes 600 Cases, Imperils Human Rights, ProPublica, Apr. 8, 2025, <https://www.propublica.org/article/homeland-security-crcl-civil-rights-immigration-border-patrol-trump-kristi-noem>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

“Communications” refers to the transmittal of information in any format, including, but not limited to, the communication formats listed under “Record.”

“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, 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.

In requesting “Communications,” the Requesters seek any record of written correspondence or verbal correspondence, whether formal or informal, in any format, including intra-agency, interagency correspondence, and agency correspondence with third parties.

“Personnel” refers to an individual employed by an organization or authorized to act on behalf of an organization, including employees, contractors, contractors’ employees, agents, or representatives.

“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).



**Amended 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.<sup>6</sup>
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.<sup>7</sup>
3. Any and all CMPP program data, including CMPP performance metrics<sup>8</sup> 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;
    - 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

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<sup>6</sup> 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”).

<sup>7</sup> See <https://govtribe.com/award/federal-contract-award/bpa-call-70rdad23a00000003-70rdad23fc0000087> (showing DHS contract with Manhattan Strategy Group to evaluate CMPP)

<sup>8</sup> 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)).

- 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.<sup>9</sup>
  - Include breakdown of those with legal representation and those pro se.

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<sup>9</sup> 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](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”)

- 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.
  5. Any and all records relating to or concerning the cancellation of the CMPP.
  6. Any and all communications to and from DHS and CRCL personnel relating to or concerning allegations of human trafficking, money laundering, corruption, or any other illegal activity as it relates to the CMPP.
  7. Any and all communications to and from DOGE employee Kyle Schutt and DHS Acting General Counsel Joseph Mazzara relating to or concerning the CMPP.
  8. Any and all communications relating to or concerning the meeting between DHS and DOGE staff on February 10, 2025.<sup>10</sup>

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. 114185, 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:

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<sup>10</sup> See McSwane & Allam, *supra* note 3.

- 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](mailto:decker@rfkhumanrights.org) and Medha Raman at [raman@rfkhumanrights.org](mailto: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](mailto:decker@rfkhumanrights.org), or Medha Raman at 510-505-466 or [raman@rfkhumanrights.org](mailto: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



ROBERT F.  
KENNEDY  
HUMAN  
RIGHTS

Medha Raman <raman@rfkhumanrights.org>

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## Department of Homeland Security FOIA 2025-HQFO-03663 Acknowledgment

2 messages

foia@hq.dhs.gov <noreply@securerelapse.us>

Wed, Apr 16, 2025 at 10:25 AM

Reply-To: foia@hq.dhs.gov

To: raman@rfkhumanrights.org

04/16/2025

SENT VIA E-MAIL TO: raman@rfkhumanrights.org

Medha Raman  
Robert F. Kennedy Human Rights  
1300 19th St NW  
Washington, District of Columbia 20036

Re: 2025-HQFO-03663

Dear Requester:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated 4/15/2025, and to your request for expedited handling and a waiver of all assessable FOIA fees. Our office received your request on 4/15/2025. Specifically, you requested records relating to or concerning the "Case Management Pilot Program".

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c).

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government," (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be "significant," (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to non-commercial requesters, provide two hours of search time and process the first 100 pages at no charge to you. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow

us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester you will be charged for any search time and duplication beyond the free two hours and 100 pages mentioned in the previous paragraph. You will be charged 10 cents per page for duplication and search time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number 2025-HQFO-03663. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

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**Medha Raman** <raman@rfkhumanrights.org>

Wed, Apr 16, 2025 at 10:29 AM

To: Sarah Decker <decker@rfkhumanrights.org>, Anthony Enriquez <enriquez@rfkhumanrights.org>

[Quoted text hidden]

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**Medha Raman (she/her)**

Dale and James J. Pinto Fellow  
U.S. Advocacy and Litigation  
Robert F. Kennedy Human Rights

M: (510) 505-4677

E: raman@rfkhumanrights.org

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