

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, August 13, 2010 3:06 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Please review - sorry it is on your day off...

The below came to both of our in boxes at 1:26 this afternoon.

The Honorable Zoe Lofgren
Chairwoman
Subcommittee on Immigration, Citizenship, Refugees,
Border Security and International Law
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20510

Dear Chairwoman Lofgren:

This responds to your letter, dated July 27, 2010, to Attorney General Eric H. Holder, concerning the current deployment of ICE's Secure Communities program. We apologize for any inconvenience our delay in responding may have caused you.

As a preliminary matter, the Department of Justice contacted the office of U.S. Immigration and Customs Enforcement for information that would allow us to accurately respond to your letter. It is our understanding that Secretary Janet Napolitano will also be responding to your inquiry by letter and as such, the information contained in this letter may be repetitive. For that, we sincerely apologize. Also, it is our understanding that you are aware of the dynamics and mechanics of the Secure Communities program; as such, we will not provide you with yet another description of the program.

In your letter, you specifically asked for "a clear explanation of how local law enforcement agencies may opt out of Secure Communities by having the fingerprints they collect and submit to the SIBs checked against criminal, but not immigration, databases." In order for a local law enforcement agency to "opt out" of the Secure Communities program, it must formally notify the Assistant Director for the Secure Communities program at ICE and the appropriate state identification bureau (SIB). Formal notification may be by mail, facsimile, or e-mail. If an agency chooses not to activate in accordance with the Secure Communities deployment plan, it will be up to the local law enforcement agency to manually notify the local ICE field office of suspected criminal aliens. Even if an agency chooses to "opt out" of the Secure Communities program, the agency may contact ICE to inquire about the immigration status of any suspected criminal alien at any time on a case by case basis.

We hope that this satisfactorily addresses your inquiry. If not, please do not hesitate to contact us with any other questions that you might have regarding the Secure Communities program.

We appreciate your interest in this matter. Please do not hesitate to contact the Department of Justice if we can be of assistance in other matters.

Sincerely,

(b)(6), (b)(7)(C)

Office of Congressional Relations
U.S. Immigration and Customs Enforcement

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Friday, August 13, 2010 2:54 PM

To: (b)(6), (b)(7)(C)

Subject: RE: Please review - sorry it is on your day off...

Have you received anything?

From: (b)(6), (b)(7)(C)

Sent: Friday, August 13, 2010 1:03 PM

To: (b)(6), (b)(7)(C)

Subject: FW: Please review - sorry it is on your day off...

(b)(6), (b)(7)(C)

Below is the note I received from Ms. (b)(6), (b)(7)(C) at DoJ regarding their response letter to Ms. Lofgren. In addition to the language I sent earlier she has asked the below question. To ensure DoJ has a complete and accurate understanding of the program and Opting Out I would rather you be on the phone to provide that clarification.

So, we are on for 1:15. I will initiate the call.

(b)(6), (b)(7)(C)

Office of Congressional Relations
U.S. Immigration and Customs Enforcement

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Friday, August 13, 2010 12:44 PM

To: (b)(6), (b)(7)(C)

Cc:

Subject: RE: Please review - sorry it is on your day off...

Mr. (b)(6), (b)(7)(C)

In the last sentence, would that mean that the local agency would have to submit its own set of fingerprints to ICE (physically) to check on the status of one of its inmates before any determination could be made regarding the inmate's immigration status?

Thanks (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, August 13, 2010 12:25 PM
To: (b)(6), (b)(7)(C)
Cc: [REDACTED]
Subject: RE: Please review - sorry it is on your day off...

(b)(6),
(b)(7)(C)

I am cc'ing (b)(6), (b)(7)(C) who can probably best address detailed questions in my absence. (b)(6), (b)(7)(C) please answer Serra's question about sanctuary cities.

Thanks

(b)(6),
(b)(7)(C)

From: (b)(6), (b)(7)(C)
To: (b)(6), (b)(7)(C)
Sent: Fri Aug 13 11:24:05 2010
Subject: RE: Please review - sorry it is on your day off...

I am not understanding the last sentence in that if the local agency doesn't want to participate because they are a "sanctuary city" or other reason, why would they want to "manually notify" ICE? How would they "manually notify" ICE?

From: (b)(6), (b)(7)(C)
Sent: Friday, August 13, 2010 12:20 PM
To: (b)(6), (b)(7)(C)
Subject: Re: Please review - sorry it is on your day off...

Sent to soon. Here's the comment:

This letter contains the same mis-leading information that was in the ICE note that went to DHS. The correct language has been resubmitted by SC. Please see below.

A local law enforcement agency that does not wish to participate in the SC deployment plan must formally notify the Assistant Director for the SC program at ICE and the appropriate SIB. Formal notification may be by mail, facsimile, or e-mail. If an agency chooses not to activate in accordance with the SC deployment plan, it will be up to the local law enforcement agency to manually notify the local ICE field office of suspected criminal aliens.

----- Original Message -----

From: (b)(6), (b)(7)(C)
To: [REDACTED]
Sent: Fri Aug 13 11:19:23 2010
Subject: Re: Please review - sorry it is on your day off...

I can't read the attachment, but one of my staff reviewed for me and had this comment:

----- Original Message -----

From: (b)(6), (b)(7)(C)
To: [REDACTED]

 Please review - sorry it is on your day off...

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Sent: Fri Aug 13 10:51:23 2010

Subject: Please review - sorry it is on your day off...

11/16/2010

ICE FOIA 10-2674.0011748