



Translation Assistance FOIA Response from CRCL – Highlights

Cover letter dated August 22, 2012: From Fernando Pineiro Jr., FOIA Officer, Office for Civil Rights and Civil Liberties, to Melissa Crow, Director, Legal Action Center, indicating that 5 pages of records were releasable in full, 42 pages were partially releasable, and 42 pages were withheld in full under 5 U.S.C. § 552(b)(5) and (b)(6).

Pages 1-12: Partially redacted internal CRCL e-mails from April 2012 and drafts of memos from Tamara Kessler, Acting Officer for Civil Rights and Civil Liberties, to Audrey Anderson, Deputy General Counsel, DHS, requesting advice on legal consequences of Border Patrol officers' initiation of immigration investigations while providing Spanish interpretation services to local law enforcement agencies. Redactions under (b)(5) appear to relate to the substance of the requests. A series of illustrative incidents from Washington, Montana, California and Louisiana, most of which were taken from press reports, is set forth as an appendix to the memo (at 10-11).

Pages 13-18: Partially redacted internal DHS e-mails from April and May 2012 regarding the above-referenced draft memo.

Page 19: Internal DHS e-mails from May 2012 referencing and forwarding "a pretty thorough complaint" re: NW [northwest] border and language assistance" submitted by the Northwest Immigrant Rights Project (NWIRP).

Pages 20-32: Complaint filed by NWIRP with DHS and DOJ on May 1, 2012 regarding violations of Title VI of the Civil Rights Act and Executive Order 13166 due to the actual or purported use of Border Patrol agents as interpreters.

Pages 33-74: Records partially and completely redacted under (b)(6). Pages 34-36 include a fax line reading "ICE Chief Counsel" with the date February 27, 2012. Pages 42-44 include a fax line reading "From: Womenscare Shelter" with the date August 2, 2011. Pages 47-49, 58-59, and 62-65 appear to be excerpts from Form I-831.

Pages 75-83: Memo dated June 28, 2011 from Section Lead, Impact Assessment Section, CRCL, to Margo Schlanger, Officer for Civil Rights and Civil Liberties, entitled "Preliminary Impact Assessment — Use of Border Patrol for Interpretation Assistance." Sets forth details of immigration enforcement activities in Washington, Montana, California, and Louisiana stemming from local law enforcement agencies' use of Border Patrol for Spanish interpretation. Discusses whether an impact assessment on this topic would be warranted, but the legal and policy analysis section has been redacted under (b)(5).

Pages 84-85: E-mails dated May 1, 2012 from Jorge Baron of NWIRP to CRCL officials regarding the complaint NWIRP filed with DHS and DOJ. Page 84 references a video obtained through a public records request. "One particular issue of note is the fact that the Border Patrol agents can be heard on the video using the word 'wet' to refer to community members. As I am sure you know, this is shorthand for wetback . . ."

Page 86: E-mail dated June 7, 2012, from Jorge Baron of NWIRP to Kareem Shora, CRCL, regarding decision of U.S. Department of Agriculture’s Office of the Assistant Secretary for Civil Rights in response to a civil rights complaint filed by NWIRP.

Page 87: Internal DHS e-mail dated May 3, 2012, forwarding link to Huffington Post article regarding NWIRP’s May 1, 2012 complaint filed with DHS and DOJ (see above).

Pages 88-89: Internal DHS e-mail dated July 11, 2012 regarding questions raised by Jorge Baron of NWIRP in relation to USDA decision finding that use of Border Patrol agents for interpretation assistance is discriminatory.