

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN IMMIGRATION COUNCIL,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY PRIVACY OFFICE; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendants.

Case No. 20-cv-01196-TFH

**PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION**

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Pursuant to Federal Rule of Civil Procedure 65, Plaintiff American Immigration Council (“Council”) respectfully moves this Court to issue a preliminary injunction enjoining Defendants U.S. Department of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE) from unlawfully withholding records that must be produced to Plaintiff in response to its pending Freedom of Information Act (“FOIA”), which Defendant DHS previously agreed to expedite. Plaintiff can meet the criteria for injunctive relief and asks the Court to order that Defendants produce all non-exempt, responsive records to Plaintiff within 30 days of the Court’s order, or by such date as the Court deems appropriate.

The grounds for this motion are set forth in the accompanying Memorandum in Support of Plaintiff’s Motion for a Preliminary Injunction. Pursuant to Local Rule 65.1(d), Plaintiff asks that the Court schedule a hearing on this motion at the Court’s earliest convenience and sets forth the following facts in support of its request:

Plaintiff filed its FOIA on March 19, 2020 with Defendant ICE. ICE transferred the request to Defendant DHS on April 7, 2020. On April 8, 2020, Defendant DHS acknowledged the transfer of the request and notified Plaintiff that it was granting its request for expedited treatment. To date, Defendants have provided no further response nor have they produced responsive records to Plaintiff.

Plaintiff seeks records relating to Defendant ICE's response to the current COVID 19 pandemic and its impact on the thousands of individuals in its custody. Plaintiff's request for records includes Defendant ICE's criteria for considering the release of individuals at-risk for contracting the COVID 19 virus; information and raw data relating to medical screening, treatment, and housing of individuals who test positive for the virus and remain in ICE custody; communication and sanitization procedures within ICE detention facilities; and training or guidance provided to ICE staff and sub-contractors.

Plaintiff seeks this information both to assist on-the-ground efforts on behalf of detained immigrants and to ensure real-time public accountability over ICE. The records Plaintiff seeks from Defendants will advance the day-to-day work of its Immigrant Justice Campaign ("Justice Campaign"), a multi-organizational initiative that provides detained immigrants with access to *pro bono* counsel and advocates for meaningful reform in the immigration detention system. At present, there is an urgent need for documents that shed light on how counsel and advocates working with detained immigrants can pursue the release of individuals at-risk for contracting COVID 19 or otherwise understand the medical treatment, housing and access to communication provided within ICE detention centers for those who remain detained.

Further, Plaintiff's organizational mission encompasses holding immigration agencies accountable through the pursuit of transparency and impact litigation and providing information

to the public to influence policymaking in the United States. This is particularly necessary in this context, given that Defendant ICE has a well-documented history of poor oversight over the immigration detention system, which has resulted in substandard medical care and limitations on access to due process for the thousands of men, women, and children that it detains. The fast-moving and life-threatening nature of the COVID 19 pandemic, particularly in jails and prisons, makes the timely release of information crucial.

For the above reasons, Plaintiff asks that the Court schedule a hearing on this motion at the Court's earliest convenience.

Dated: May 12, 2020

Respectfully submitted,

/s/ Claudia Valenzuela
Claudia Valenzuela, DC Bar No. IL0056
Emily Creighton, DC Bar No. 1009922
American Immigration Council
1331 G Street NW, Suite 200
Washington, D.C. 20005
(202) 507-7540/7514
cvalenzuela@immcouncil.org
ecreighton@immouncil.org

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2020, I caused a copy of the foregoing Plaintiff's Motion for a Preliminary Injunction, accompanying Memorandum in Support of Plaintiff's Motion for a Preliminary Injunction and Supporting Declaration to be mailed by United States Postal Service certified mail to Defendants at the following addresses:

Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Mail Stop 0485
Washington, DC 20528-0485

Department of Homeland Security
Immigration & Customs Enforcement
Office of the Principal Legal Advisor
500 12th Street, SW
Washington, DC 20530

Daniel F. Van Horn
Civil Process Clerk
Office of the United States Attorney for the District of Columbia
555 4th Street, NW
Washington, DC 20530

William P. Barr
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

/s/ Claudia Valenzuela
Claudia Valenzuela
D.C. Bar No. IL0056
American Immigration Council
1331 G Street NW, Suite 200
Washington, DC 20005
(202) 705-7540
cvalenzuela@immcouncil.org

Counsel for Plaintiff