IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY, Plaintiff, v. U.S. DEPARTMENT OF HOMELAND SECURITY, et al. Defendants.	Civil Action No. 1:17-CV-07572-ALC

SUPPLEMENTAL DECLARATION OF TONI FUENTES IN SUPPORT OF THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT'S MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO PLAINTIFF'S MOTION

I. INTRODUCTION

I, Toni Fuentes, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Deputy Officer of the U.S. Immigration and Customs Enforcement ("ICE") Freedom of Information Act ("FOIA") Office. I have held this position since September 30, 2018, and am the ICE official immediately responsible for supervising ICE responses to requests for records under the Freedom of Information Act, 5 U.S.C. § 552 (the FOIA), the Privacy Act, 5 U.S.C. § 552a (the Privacy Act), and other applicable records access statutes and regulations. Prior to this position, I have held numerous FOIA positions over the past 20 years, including: FOIA Director for the National Protection and Programs Directorate ("NPPD") at the U.S. Department

of Homeland Security ("DHS"); Government Information Specialist for Department of Justice, U.S. Marshal's Service, Office of General Counsel; Government Information Specialist for the Department of Defense, Office of the Inspector General's FOIA Office; FOIA Officer, Paralegal Specialist for Department of the Navy, NAVAIR/NAWCAD's Office of Counsel; Management and Program Analyst for Department of Homeland Security, Customs and Border Protection's FOIA Office; and FOIA Paralegal Specialist for the National Aeronautics and Space Administration's Office of Chief Counsel.

2. The ICE FOIA Office is responsible for processing and responding to all FOIA, 5 U.S.C. § 552, and Privacy Act, 5 U.S.C. § 552a, requests received at ICE. The ICE FOIA Office mailing address is 500 12th Street, S.W., STOP 5009, Washington, D.C. 20536-5009.

3. My official duties and responsibilities include the general management, oversight, and supervision of the ICE FOIA Office. The ICE FOIA Office is responsible for the receipt, processing, and response to all FOIA and Privacy Act requests received at ICE. I manage and supervise a staff of ICE FOIA Paralegal Specialists, who report to me regarding the processing of FOIA and Privacy Act requests received by ICE. Due to my experience and the nature of my official duties, I am familiar with ICE's procedures for responding to requests for information pursuant to provisions of the FOIA and the Privacy Act. In that respect, I am familiar with ICE's processing of the FOIA request dated August 7, 2017, that the Knight First Amendment Institute at Columbia University ("Knight Institute" or "Plaintiff") submitted to ICE, which is the subject of this litigation.

4. I make this declaration in my official capacity in support of ICE's motion for partial summary judgment in the above-captioned action. The statements contained in this declaration

are based upon my personal knowledge, my review of records kept by ICE in the ordinary course of business, and information provided to me by other ICE employees in the course of my official duties. The documents attached hereto are kept by ICE in the ordinary course of its business activities.

5. I submit this supplemental declaration to further explain the withholdings pursuant to Exemption (b)(5) for the four records identified in Plaintiff's opposition motion for summary judgment.

6. In addition, as described in my previous declarations on September 29, 2017, ICE produced 1,666 pages of documents to plaintiff, releasing 13 pages in full and withholding 1653 pages in part. See Dkt. No. 113 at ¶ 9; see also Dkt. No. 108. ICE included descriptions of those withholdings in its Vaughn Index, Dkt. No. 98-1, except for 16 pages inadvertently omitted; accordingly, I submit this declaration in order to supplement the Vaughn Index, in accordance with *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Attached as Exhibit 1, the supplemental Vaughn Index provides a description of how ICE withheld portions of the records located in response to the Plaintiff's FOIA request and an explanation of the basis for withholding 16 pages pursuant to Exemptions (b)(5) and (b)(7)(E) of the FOIA.

II. WITHHELD INFORMATION IN FOUR RECORDS PURSUANT TO EXEMPTION 5

7. **Record #1:** This draft document, created around 2010-time frame, is a memorandum entitled "Removal of National Security Threat Aliens" and is accompanied by an email drafted in 2017 with the subject heading "235(c)." This memorandum discusses Section 235(c) of the Immigration and Nationality Act (INA), which provides a process to exclude aliens

who present a threat to national security. The statutory provision allows the U.S. Government to initiate removal of an arriving alien based on classified or sensitive information, without subjecting the evidence to unnecessary exposure. The memorandum includes sections discussing ICE's interpretation and implementation of Section 235(c); a case study illustrating, at the time, the last known removal using Section 235(c) authority; proposed revisions to Section 235(c); and recommendations on whether to use the provision for removals.

8. FOIA Exemption (b)(5), 5 U.S.C. § 552(b)(5), protects from disclosure inter- or intra-agency records that are normally privileged in the civil discovery context. Pursuant to Exemption (b)(5), the three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege.

9. ICE applied Exemption (b)(5) to protect from disclosure documentation subject to the deliberative process privilege. ICE withheld an intra-agency email correspondence and memorandum containing: opinions regarding ICE's interpretation and implementation of INA Section 235(c); suggestions on whether to utilize the statutory provision; and a communication between ICE employees where an employee summarizes his/her impression of the memorandum and its utility.

10. This draft memorandum did not bind the agency. The memorandum provides general background information and was used to assist with discussions on recent changes to Section 235(c) and how those changes impact ICE's interpretation and implementation of the provision. The accompanying email shows that this draft memorandum was sent by the Acting Deputy Chief of the National Security Law Section (NSLS) of the Office of the Principal Legal Advisor (OPLA) to the Chief of NSLS and to the Chief Counsel for OPLA's Washington, DC's

Office of Chief Counsel. The memorandum is water-marked DRAFT and labeled "Privileged Document: Attorney-Client, Attorney Work Product" on each page; therefore, it was intended to be kept confidential.

11. The content of the memorandum and email between ICE employees are non-final and pre-decisional in nature. They are protected by the deliberative process privilege because the integrity of the deliberative or decision-making process within the agency would be compromised by their disclosure. Release of these materials would discourage the expression of candid opinions and inhibit the free and frank exchange of information and ideas between agency personnel, adversely impact the quality of internal policy decisions and the development of ICE agency positions. These materials do not reflect final agency actions or policy; instead they are a reflection of the issues the authors have determined to be, in their judgment, worthy of discussion or consideration by colleagues or superiors and their release could serve to undermine that discussion and consideration and confuse the public.

12. ICE also applied Exemption (b)(5) to protect from disclosure documentation subject to the attorney-client privilege because it contains confidential communications between an attorney and his or her client(s) related to legal matter for which the client sought professional legal advice. This privilege applies to the facts that are divulged to the attorney and encompasses the opinions given by the attorney based upon, and thus reflecting, those facts. Attorney-client communications are shielded from disclosure to encourage a full and frank discussion between the client and the client's legal advisor. The attorney-client privilege recognizes that sound legal advice or advocacy depends upon a lawyer being fully informed by his client. If these communications, as covered by the attorney-client privilege, were disclosed, it could result in a

chilling effect on interactions and communications between agency employees and their legal counsel.

13. In particular, ICE withheld a memorandum and communications between ICE attorneys, regarding Section 235(c) of the INA, and ICE's interpretation and implementation of Section 235(c). These confidential communications were between OPLA attorneys where they were discussing changes to Section 235(c) and the impact of those changes to ICE. Disclosure of these communications could chill future interactions and communications between agency employees and their legal counsel. To the best of my knowledge, this document was intended to be and was kept confidential.

14. ICE also applied Exemption (b)(5) to protect from disclosure documentation subject to the attorney work product privilege. This privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation. Its purpose is to protect the adversarial trial process by insulating the attorney's preparation from scrutiny.

15. Here, this privilege was applied to a record containing information that was prepared by an agency attorney, specifically, the attorney's thoughts and strategy regarding the utility of Section 235(c). Furthermore, in its recommendations, the memorandum contemplates the rise of legal challenges if a certain path is taken. This memorandum was prepared in anticipation of litigation given the rise in challenges to the previous Administration's immigration policies.

16. **Record #2:** This draft document, created in April 2017, is a memorandum entitled "Inadmissibility Based on Endorsing or Espousing Terrorist Activity: First Amendment Concerns" and is accompanied by emails, also drafted in 2017, with the subject heading "RE: Endorsing and

espousing terrorist activity paper." This memorandum discusses First Amendment concerns that may arise in applying the security-related ground of inadmissibility under Section 212(a)(3)(B)(i)(VII) of the INA. The memorandum also discusses alternative inadmissibility grounds that can be used in lieu of Section 212(a)(3)(B)(i)(VII).

17. ICE applied Exemption (b)(5) to protect from disclosure documentation subject to the deliberative process privilege. ICE withheld a memorandum containing: opinions regarding inadmissibility based on endorsing or espousing terrorist activity; potential alternative inadmissibility grounds; and conclusions on whether First Amendment protections impact this ground for inadmissibility.

18. This draft memorandum did not bind the agency. The accompanying emails show that this memorandum was still being reviewed, commented, and edited by various stakeholders, including managing attorneys of ICE, USCIS, and the Department of State. The last email reflects that the most recent version was being sent back to the Department of Homeland Security (DHS) for another round of review before ultimately sending to DOJ for review. In addition, the memorandum specifically states that it is recommended that the drafters seek the views of the Department of Justice (DOJ) "prior to making any decision" about expanding any reliance on this ground of inadmissibility.

19. ICE also applied Exemption (b)(5) to protect from disclosure documentation subject to the attorney-client privilege because it contains confidential communications between an attorney and his or her client(s) related to legal matter for which the client sought professional legal advice.

20. In particular, ICE withheld a memorandum regarding First Amendment concerns that may arise in applying the security-related ground of inadmissibility under Section 212(a)(3)(B)(i)(VIII) of the INA. These confidential communications were between ICE's attorneys and attorneys from other federal agencies, where they were reviewing and editing the memorandum on behalf of their clients. To the best of my knowledge, this document was intended to be and was kept confidential.

21. ICE also applied Exemption (b)(5) to protect from disclosure documentation subject to the attorney work product privilege.

22. Here, this privilege was applied to a memorandum containing information that was prepared by agency attorneys, specifically, attorneys' notes, questions, thoughts and strategy regarding the impact of the First Amendment on this particular inadmissibility ground. This memorandum was prepared in anticipation of litigation given the rise in challenges to the current Administration's immigration policies.

23. The memorandum is water-marked DRAFT and labeled "FOR OFFICIAL USE ONLY / DELIBERATIVE & PREDECISIONAL / ATTORNEY WORK PRODUCT / ATTORNEY-CLIENT COMMUNICATION" on each page; therefore, it was intended to be kept confidential.

24. **Record #3:** ICE is withdrawing Exemption (b)(5) from the record and will produce the document to plaintiff, maintaining the redactions previously applied pursuant to Exemptions 6 and 7(C).

25. **Record #4:** This document is entitled "ICE ability to Use 212(a)(3)(C) Foreign Policy Charge." The document includes a brief summary with notes and quotes for determining whether Section 212(a)(3)(C) can be used by the Secretary of State as grounds for inadmissibility.

26. ICE applied Exemption (b)(5) to protect from disclosure documentation subject to the deliberative process privilege. ICE withheld a memorandum containing: opinions regarding the use of Section 212(a)(3)(C) of the INA as a ground for inadmissibility; and notes supporting the employee's opinions.

27. This document did not bind the agency. The document is not organized like typical ICE memoranda and is not signed by or formally addressed to ICE leadership. The memorandum simply supplies factors for consideration while providing analysis on whether the Secretary of State should use Section 212(a)(3)(C) Foreign Policy Charge to render an alien inadmissible under the INA.

III. ORGANIZATION OF THE SUPPLEMENTAL VAUGHN INDEX

28. The enclosed *Vaughn* Index, attached as Exhibit A, encompasses sixteen (16) pages of the production release in September 2017, which provides a description of specified redactions and correlates each redaction to the corresponding exemption applied.

29. Each record has been assigned a Document Identification number (or bates stamp number, located at the bottom right hand side of every page) associated with that record. This number is located in the first column of the *Vaughn* Index. The second column identifies whether the records were redacted in full or in part. Column three is titled "Description of Records and Redactions, and Reasons for Redactions." Within this column, the Plaintiff will find a description of the record, a description of the type of information that was redacted, and the reason for the

redaction. Specifically, this column highlights the personal privacy and/or law enforcement interests found within the record and the harm that could occur, should the record be released. Finally, the fourth column of the *Vaughn* Index contains the statutory exemption(s) applied to the redaction(s) within the record(s).

30. A *Vaughn* Index is provided for Exemptions (b)(5) and (b)(7)(E). *A true and correct copy of Defendant's Vaughn Index is attached at Exhibit A.*

A. Description of Records Released to the Plaintiff by ICE

31. The sixteen (16) pages of records, consisting of three documents, released to the Plaintiff originated from the ICE Office of Policy. A complete description of these documents, and the bases for the withholding of information in said documents, is detailed in ICE's *Vaughn* Index.

IV. WITHHOLDINGS ASSERTED BY ICE PURSUANT TO FOIA EXEMPTIONS

A. 5 U.S.C. § 552 EXEMPTION 5

32. Exemption 5 of the FOIA allows the withholding of inter- or intra-agency records that are normally privileged in the civil discovery context. Pursuant to Exemption (b)(5), the three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege.

33. ICE applied FOIA Exemption (b)(5) to protect from disclosure documentation subject to the deliberative process privilege and attorney-client privilege. Specifically, ICE withheld internal discussions consisting of comments and proposed edits of draft memoranda and legislations, and discussion among ICE employees regarding ICE policy statements.

34. The aforementioned, withheld communications and records are non-final and pre-decisional in nature; these communications contemplate: (1) potential immigration enforcement actions, (2) content of employee guidance, (3) details of agreements with state and local entities, and (4) possible content of public statements regarding official ICE positions and policies. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, preliminary conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. This would result in a chilling effect on intra- and inter-agency communications. ICE employees must be able to discuss proposed agency action freely. Further, if draft, un-finalized responses to media inquiries, and draft information regarding agency policies and enforcement actions were released, the public could potentially become confused regarding ICE's mission, priorities, and enforcement activities.

35. Specifically, emails originating from OPLA regarding draft, proposed responses to inquiries from federal agencies involve communications between subordinate and supervisory employees at ICE. These communications set forth the questions posed to ICE, proposed answers, and summaries of internal meetings, for consideration in evaluating draft responses. The pre-decisional emails also involve deliberation between supervisory employees representing different offices or divisions within ICE. These emails provided non-final opinions regarding the appropriate ICE response to questions posed by federal agencies.

36. Emails originated by OPLA containing substantive comments regarding policy considerations and enforcement guidance, as well as status updates to supervisory ICE employees

inform the appropriate decision maker(s) within ERO and the Director's Office regarding the merits of the proposed memoranda and legislation. In the responsive documents, supervisory employees additionally provided feedback and questions to subordinates regarding their proposed comments. The withheld email contents are protected by the deliberative process privilege, as release of these communications would expose ICE's decision-making process in such a way as to inhibit the free exchange of information among agency personnel.

37. The attorney-client privilege applies to a category of records that contains confidential communications between an ICE attorney and his/her client (employees in ERO and the Director's Office) relating to a legal matter for which the client has sought professional advice. This privilege applies to facts that are divulged to the attorney and encompasses the opinions given by the attorney based upon, and thus reflecting, those facts. Attorney-client communications are shielded from disclosure in order to encourage a full and frank discussion between the client and his legal advisor. The attorney-client privilege recognizes that sound legal advice or advocacy depends upon a lawyer being fully informed by his client. If these communications, as covered by the attorney-client privilege, were disclosed, this could result in a chilling effect on interactions and communications between agency employees and their legal counsel.

38. Furthermore, certain information has been withheld pursuant to the work product privilege, which protects documents and other memoranda prepared by an attorney in contemplation of litigation. The redacted portions contain material prepared by agency attorneys concerning pending or possible litigation in immigration and federal court. Disclosure of this information would release specific legal notes, guidance, analysis and strategy involving pending or anticipated litigation.

B. 5 U.S.C. § 552 EXEMPTION 7 THRESHOLD

39. Exemption 7 establishes a threshold requirement, which must be met in order for certain information in the records subject to this litigation to be withheld on the basis of subparts (b)(7)(A), (b)(7)(C), and (b)(7)(E). Specifically, the redactions at issue must be contained within a record of information compiled for a law enforcement purpose.

40. The information for which FOIA Exemption (b)(7) has been asserted in the instant matter satisfies this threshold requirement. Pursuant to the Immigration and Nationality Act, codified under Title 8 of the U.S. Code, the Secretary of Homeland Security is charged with the administration and enforcement of laws relating to the immigration and naturalization of aliens, subject to certain exceptions. See 8 U.S.C. § 1103. ICE is the largest investigative arm of DHS, and is responsible for identifying and eliminating vulnerabilities within the nation's borders. ICE is tasked with preventing any activities that threaten national security and public safety by investigating the people, money, and materials that support illegal enterprises. The records at issue in this matter pertain to ICE's immigration enforcement actions and information sharing with state entities in support of ICE's mission.

C. 5 U.S.C. § 552 (b)(7)(E)

41. This exemption protects from disclosure information compiled for law enforcement purposes where release of the information "would disclose techniques and procedures for law enforcement investigations or prosecutions," or where it would "disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law." 5 U.S.C. § 552(b)(7)(E).

42. ICE applied FOIA Exemption (b)(7)(E) to protect from disclosure investigative techniques and law enforcement procedures. For a complete listing of all material withheld pursuant to FOIA Exemption (b)(7)(E), please see Defendant's Vaughn index at Exhibit A.

43. Disclosure of the internal processes and techniques of law enforcement could assist unauthorized parties with the circumvention of law enforcement efforts.

V. SEGREGABILITY

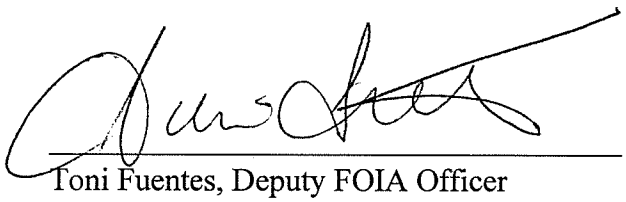
44. 5 U.S.C. § 552(b) requires that "[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt."

45. My staff, under my supervision, has reviewed each record line-by-line to identify information exempt from disclosure or for which a discretionary waiver of exemption could be applied.

46. With respect to the records that were released in part, all information not exempted from disclosure pursuant to the FOIA exemptions specified above was correctly segregated and non-exempt portions were released.

VI. JURAT CLAUSE

47. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Signed this 17th day of May 2019.



Toni Fuentes, Deputy FOIA Officer
Freedom of Information Act Office
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

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U.S. Immigration and Customs Enforcement *Vaughn* Index

Page Numbers	Withholding Full/Partial	Description of Records and Redactions, and Reasons for Redactions	Exemption(s) Applied
2017-ICFO-43023 September 29, 2017 Production Pages 1-3	Full	**Document:** Draft memorandum with questions and answers related to most recent updates for several ICE Homeland Security Investigations (HSI) programs, including the Counterterrorism and Criminal Exploitation Unit (CTCEU), the National Counterterrorism Center, the Visa Security Program (VSP), and the Biometric Identification Transnational Migration Alert program (BITMAP). The memorandum's purpose is to provide a quick summary of the status of each aforementioned program. The document is watermarked "DRAFT." **Redactions**: The information withheld throughout the document under (b)(5) contains four questions with responses to each corresponding question. The responses contain statistics, success stories, and the most recent status of the projects. **Reason**: FOIA Exemption (b)(5): The information being withheld contains pre-decisional, draft, and deliberative information. This document is a compilation of information regarding four HSI activities. This document was created to serve as talking points or notes for HSI management, which includes opinions regarding next steps and analysis concerning the success of the pilot program. This document was drafted by components within HSI and sent to OPLA for review; thus, it is not a final draft. Disclosure of this information would chill the free and frank exchange of ideas and recommendations and hamper the agency's ability to efficiently and effectively formulate its final positions on issues of public significance. The document also contains non-final agency decisions pertaining to updates on several HSI programs and options being considered to expand their implementation. **Redactions**: The information withheld under (b)(7)(E) contains sensitive information about several HSI programs, including information regarding evaluating and/or methods for accessing certain social media platforms. The information withheld contains anecdotes that could assist unknown parties with potentially circumvention of law enforcement techniques regarding social media; while also informing such parties the current limitations of the programs. **Reason**: ICE FOIA applied FOIA Exemption (b)(7)(E) to protect from disclosure information compiled for law enforcement purposes, the release of which would disclose investigative techniques and/or procedures. The disclosure of status and next steps for these law enforcement programs could reveal techniques and/or procedures for law	Freedom of Information Act 5 U.S.C. § 552 (b)(5)

Page Numbers	Withholding Full/Partial	Description of Records and Redactions, and Reasons for Redactions	Exemption(s) Applied
		enforcement investigations or prosecutions or disclose guidelines for law enforcement investigations or prosecutions which are not well known to the public and could reasonably be expected to risk circumvention of the law. The disclosure of this information could reasonably be expected to risk the circumvention of law by allowing individuals to access law enforcement sensitive information as well as personally identifying information of DHS personnel thereby potentially interfering with ICE ongoing investigations, obstructing enforcement proceedings, and endangering the safety of DHS employees. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities.	
2017-ICFO-43023 September 29, 2017 Production Pages 4-6	Partial	**Document:** Memorandum entitled "Extreme Vetting – Visa Security Program (VSP) – Pre-Adjudication Threat Recognition and Intelligence Operations Team (PATRIOT)." This memorandum is authored by the Assistant Director for HSI's National Security Investigations Division. **Redactions**: The information withheld in the email under (b)(5) proposes initiatives to meet executive mandates concerning future capabilities of the VSP PATRIOT program. These proposals are under consideration and may change as ICE offices and ICE employees deliberate. The proposals include funding information and a recommended approach toward expansion. **Reason**: FOIA Exemption (b)(5): The information being withheld contains pre-decisional, draft, and deliberative information. The document is not a final draft. Disclosure of this information would chill the free and frank exchange of ideas and recommendations and hamper the agency's ability to efficiently and effectively formulate its final positions on issues of public significance. The document also contains non-final agency decisions, options being considered, and recommendations. **Redactions**: The information withheld under (b)(7)(E) contains sensitive information about HSI's Visa Security Program-PATRIOT program. The information withheld contains detailed requirements for worldwide expansion of the VSP, the challenges that VSP faces, funding needs to sustain and expand the program, and descriptions of other programs (e.g., social media expansion) working in conjunction with VSP to help identify visa applicants with some nexus to terrorism or criminal activity. In connection with	Freedom of Information Act 5 U.S.C. § 552 (b)(5); (b)(7)(E).

Page Numbers	Withholding Full/Partial	Description of Records and Redactions, and Reasons for Redactions	Exemption(s) Applied
		specific proposals to expand particular programs, the document explains the operational needs of those programs. **Reason**: ICE FOIA applied FOIA Exemption (b)(7)(E) to protect from disclosure information compiled for law enforcement purposes, the release of which would disclose investigative techniques and/or procedures. The disclosure of law enforcement techniques and/or procedures for law enforcement investigations or prosecutions or disclose guidelines for law enforcement investigations or prosecutions which are not well known to the public and could reasonably be expected to risk circumvention of the law. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities. Furthermore, if released, individuals could circumvent the law by knowing how ICE reviews and assesses visa applications for potential threats, thereby allowing them to counter ICE's operational and investigative actions during enforcement operations.	
2017-ICFO-43023 September 29, 2017 Production Pages 7-16	Partial	**Document:** Draft memorandum with subject heading "ICE Implementation Plan for Executive Orders." The document is watermarked "DRAFT" and contains comment bubbles, red-lines track changes, newly proposed language. **Redactions**: The information withheld in the document under (b)(5) contains proposed plans and edits that were under review and being changed as ICE offices and ICE employees provided edits, comments, and recommendations on the proposed draft. The memorandum proposes implementation plans for ICE regarding Executive Orders entitled "Border Security and Immigration Enforcement Improvements" and "Enhancing Public Safety in the Interior of the United States" issued by the President on January 25, 2017. **Reason**: FOIA Exemption (b)(5): The information being withheld contains pre-decisional, draft, and deliberative information. The document is not a final draft. Disclosure of this information would chill the free and frank exchange of ideas and recommendations and hamper the agency's ability to efficiently and effectively formulate its final positions on issues of public significance. The document also contains non-final agency decisions, options being considered, and recommendations.	Freedom of Information Act 5 U.S.C. § 552 (b)(5)