



September 12, 2024

VIA SECURE RELEASE PORTAL

Department of Homeland Security
Privacy Office, Mail Stop 0655
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528-065

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, SW, Stop 5009
Washington, DC 20536-5009

Freedom of Information Act Request: Records Related to AFL's Request for Investigation

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 269,000 followers on X, and our Founder and President has over 725,000 followers on X.

I. Requested Records

AFL respectfully requests, under 5 U.S.C. § 552:

- A. All records including the terms “Tren de Aragua” OR “TdA.”
- B. All records including the terms “Venezuela(n),” “gang(s),” AND “apartment(s).”

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

- C. All records referencing the presence of the Tren de Aragua gang in Aurora, Colorado.¹
- D. Records sufficient to show the number of Tren de Aragua gang members identified and arrested in Aurora, Colorado since January 21, 2021.
- E. All records referencing Aurora, Colorado.
- F. All records referencing the arrests of Dixon Azuaje-Perez, Nixon Azuaje-Perez, Jhonnarty Dejesus Pacheco-Chirinos, and Jhonardy Jose Pacheco-Chirinos, also known as “Cookie” or “Galleta.”²
- G. All records referencing CBZ Management.
- H. All communications with the Aurora Police Department about the Tren de Aragua.
- I. All communications with the Cook County Sheriff’s Office about the Tren de Aragua.
- J. All records related to the public media statements made by DHS, including by HSI, about the Tren de Aragua’s presence in American communities.³

The time period for this request is January 1, 2021, through the date this request is processed.

II. Custodians

Office of the Secretary

- A. All custodians in the Immediate Office of the Secretary at GS-14 and above.

Immigration and Customs Enforcement (ICE)

- A. Staci A. Barrera, Senior Official Performing the Duties of the Deputy Director

¹ Aurora Police Dept (@AuroraPD), X (Aug. 28, 2024, 7:49 PM), <https://perma.cc/V445-G32M>.

² Aurora Police Dept (@AuroraPD), X (Sept. 4, 2024, 7:38 PM), <https://perma.cc/678X-4VM5>; *see also* Jasmine Baehr, *Colorado Mayor Speaks Out After Video of Armed Venezuelan Gang in Apartment Goes Viral: ‘Failed Policy’*, FOX NEWS (Aug. 29, 2024), <https://perma.cc/6CTL-S59H>.

³ *See* NBC Chicago Staff, *What Is Tren de Aragua? What to Know about Venezuelan Gang at Center of Recent Headlines*, NBC CHICAGO (Sept. 3, 2024), <https://perma.cc/PG39-54MY> (“A spokesperson for Homeland Security Investigations told NBC Chicago in a statement: ‘HSI Chicago is committed to working with our law enforcement partners to combat emerging threats and trends wherever we encounter them, including those involving transnational criminal organizations (TCOs).’”).

- B. Patrick J. Lechleitner, Deputy Director and Senior Official Performing the Duties of the Director
- C. Michael D. Lumpkin, Chief of Staff
- D. Daniel A. Bible, Executive Associate Director, Enforcement and Removal Operations
- E. Susan Dunbar, Acting Executive Associate Director, Management and Administration
- F. All custodians in the Office of Public Affairs (OPA) at GS-14 and above
- G. All custodians in the Office of Partnership and Engagement at GS-14 and above
- H. All custodians in the Office of Public Affairs (OPA) at GS-14 and above
- I. Katrina W. Berger, Executive Associate Director, Homeland Security Investigations (HSI)
- J. All custodians in the HSI Office of Domestic Operations at GS-14 and above
- K. All custodians in the HSI Office of Intelligence at GS-14 and above
- L. All custodians in the HSI Office of National Security (NS) at GS-14 and above

III. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and of government operations. *See* 6 C.F.R. § 5.11(k). We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

IV. Expedited Processing

AFL requests expedited processing of this FOIA request. In support thereof, AFL certifies its compelling need for expedited processing. 6 C.F.R. § 5.5(e). “The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”⁴ As an organization primarily engaged in gathering, analyzing, and disseminating information under 6 C.F.R. § 5.5(e), AFL seeks to further this basic purpose. The Department of Homeland Security is tasked with enforcing the immigration laws of the United States, protecting Americans from multinational threats on American soil. The Biden-Harris administration has demonstrated that it does not take immigration law seriously, and as a result, migrants are terrorizing communities across the country.⁵

V. Conclusion

Processing should strictly comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.⁶ If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please contact me at FOIA@aflegal.org. To accelerate your release of responsive records, AFL welcomes production on an agreed-upon rolling basis. Please provide responsive records in an electronic format via email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Thank you,

/s/ Will Scolinos

America First Legal Foundation

⁴ *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978).

⁵ See, e.g., Jennie Taer, *Tren de Aragua Gangbanger Was Cut Loose by a Chicago Judge Before Violent Denver Jewelry Heist*, N.Y. POST (Aug. 16, 2024), <https://perma.cc/BXQ6-Y5RF>; Adam Shaw & Bill Melugin, *Bloodthirsty Venezuelan Gang Tren de Aragua Sets up Shop in US as Border Authorities Sound Alarm*, FOX NEWS (Mar. 8, 2024) <https://perma.cc/ME8X-PFDX>.

⁶ U.S. DEPT JUST. (Mar. 15, 2022), <https://perma.cc/698A-FABV>.