May 11, 2020

VIA ELECTRONIC MAIL

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington, D.C. 20528
CRCLCompliance@hq.dhs.gov

To the Office for Civil Rights and Civil Liberties,

Democracy Forward Foundation ("Democracy Forward") respectfully requests that your office review whether officials within the Department of Homeland Security ("DHS" or "the Department") Office of Public Affairs ("OPA") improperly shared personally identifiable information ("PII") with certain media outlets in violation of federal law and DHS regulations and policy.

As described below, records recently obtained by Democracy Forward through the Freedom of Information Act ("FOIA") show OPA officials regularly sharing information concerning the citizenship and/or immigration status of individuals within the United States with media outlets in connection with reports that those individuals were accused of crimes. This information-sharing raises serious concern that DHS is violating restrictions on Department officials' authority to disseminate information about individuals to third parties.

I. Constraints on DHS's authority to disseminate information to third parties

In the wake of the Watergate scandal and revelations that the White House had compiled information on individuals with opposing political viewpoints, Congress passed the Privacy Act to regulate the collection, maintenance, use, and dissemination of personal information by federal agencies. The Act prohibits federal agencies from disclosing "any record which is contained in a system of records . . . except . . . with the prior written consent of, the individual to whom the record pertains."[1] The Act defines a record to be "any item, collection, or grouping of information about an individual that is maintained by an agency."[2] It also defines an "individual" as a U.S. citizen or lawful permanent resident.[3]

Moreover, DHS regulations and policies restrict the Department's authority to disclose information related to asylees and refugees. DHS regulations prohibit the disclosure of "information contained in or pertaining to any asylum application," including "records . . . that

[1] 5 U.S.C. § 552a(b).
[2] *Id.* § 552a(a)(4).
[3] *Id.* § 552a(a)(2).

indicate that a specific alien has applied for asylum" to third parties absent written consent of the asylum applicant.[4] The regulation contains limited exceptions for disclosures to U.S. government officials and federal, state, and local courts. Further, as a matter of policy, "DHS has extended the application of the asylum confidentiality regulations to information contained in or pertaining to refugee applications."[5]

U.S. Citizenship and Immigration Service's ("USCIS") policy manual echoes the DHS manual, and explains that the protections against disclosure of refugee and asylee status

> safeguard information that, if disclosed publicly, could subject the claimant to retaliatory measures by government authorities or non-state actors in the event the claimant is repatriated. Such disclosure could also endanger the security of the claimant's family members who may still be residing in the country of origin. Moreover, public disclosure might give rise to a plausible protection claim by the claimant where one would not otherwise exist. This is because such disclosure may bring an otherwise ineligible claimant to the attention of the government authority or non-state actor against which the claimant has made allegations of mistreatment.[6]

DHS policy generally instructs DHS personnel considering whether to release personally-identifiable information to third parties to "perform an analysis under applicable law" that "seeks to balance the public's right to know about the functions and operations of the Government—in other words how DHS enforced the law or complied with a legal obligation—as compared to the interest of the subject of the request in keeping his or her identity and activities private."[7]

II. Information sent by DHS OPA officials to media outlets

Records recently obtained by Democracy Forward through the Freedom of Information Act appear to show at least ten instances in which DHS officials may have provided or confirmed, for members of the media, details about the citizenship, immigration status, or criminal history of individuals accused of crimes in the United States.

A. Disclosure of refugee status

In one exchange,[8] Alex Pappas, a Fox News reporter, emailed a DHS official (whose identity is redacted) on August 6, 2018 to inform them of a Fox News story about a person of

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[4] 8 C.F.R. § 208.6(a), (b).
[5] DHS, *DHS Privacy Policy Regarding Collection, Use, Retention and Dissemination of Personally Identifiable Information*, Memorandum No. 2017-01, at 17 (Apr. 27, 2017). DHS's policy guidance clarifies that Executive Order No. 13,768, which directs agencies to limit the protections afforded to persons who are not U.S. citizens or permanent residents, "does not affect" the DHS policy of preserving asylee and refugee confidentiality. *Id.*
[6] U.S. Citizenship and Immigr. Serv., *USCIS Policy Manual* Vol. 1, Part A, Ch. 7.F.1.
[7] Memorandum No. 2017-01, *supra* n. 5, at 8.
[8] Email correspondence between DHS official and Alex Pappas, FoxNews.com politics reporter (Aug. 6, 2018), attached as Exhibit A.

Iraqi origin who was accused of shooting a police officer in Colorado.[9] The DHS official responded: "The news here is that he is a refugee. It is not mentioned. That is new."[10] The story as originally written did not mention the person's refugee status.

Pappas asked the DHS official to provide a statement, which the official did, on background and attributable to a DHS official, providing extensive details about the person's immigration and criminal histories, including that he was granted refugee status on May 1, 2012. The statement and its details were included in a new Fox News story about the incident that ran that day.[11]

B. Disclosure of information pertaining to U.S. citizens and permanent residents

A number of email exchanges appear to show disclosure of information pertaining to U.S. citizens by DHS employees to media outlets:

- In a July 2018 exchange, John Binder of Breitbart News emailed a DHS employee (name redacted) about a man arrested on terrorism charges, asking "is this guy an immigrant?"[12] The DHS official responded, "Off the record, born in Ohio."

- Later that month, Binder emailed then-DHS Deputy Press Secretary Katie Waldman to ask for information about a man accused of sexually abusing a child; Binder explained, "Have heard that he may be here illegally or from overstaying a visa."[13] Waldman responded, "Off the record - is a USC."

- In April 2018, Binder emailed then-DHS Press Secretary Tyler Houlton about a woman in New York convicted of stabbing children to death.[14] It had been previously reported that the woman in question was a U.S. citizen.[15] Binder emailed Houlton to ask, "Can you tell me if Yoselyn Ortega came to US as a chain migrant?"[16] Houlton responded, "Will run the traps." The records produced

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[9] *See* Katherine Lam, *Iraqi immigrant accused of shooting Colorado cop has criminal history, yet avoided deportation, report says*, Fox News (Aug. 5, 2018), https://www.foxnews.com/us/iraqi-immigrant-accused-of-shooting-colorado-cop-has-criminal-history-yet-avoided-deportation-report-says.
[10] Ex. A.
[11] *See* Katherine Lam, *Iraqi refugee charged in Colorado cop shooting had 'lengthy criminal background,' but was never deported, DHS official says*, Fox News (Aug. 6, 2018), https://www.foxnews.com/us/iraqi-refugee-charged-in-colorado-cop-shooting-had-lengthy-criminal-background-but-was-never-deported-dhs-official-says.
[12] Email correspondence between DHS official and John Binder, Breitbart News reporter (July 2, 2018), attached as Exhibit B.
[13] Email correspondence between Katie Waldman, DHS, and John Binder, Breitbart News reporter (July 23, 2018), attached as Exhibit C.
[14] Email correspondence between Tyler Houlton, DHS, and John Binder, Breitbart News reporter (Apr. 19, 2018), attached as Exhibit D.
[15] *See* Jill Smolowe & Nicole Weisensee Egan, *Read PEOPLE's 2012 Story on Krim Children's Bathtub Slaying: A Family's Worst Nightmare*, PEOPLE Magazine (Mar. 1, 2019), https://people.com/crime/krim-children-killings-people-2012-story/.
[16] Ex. D.

to Democracy Forward to date do not reveal whether Houlton shared additional information concerning Ortega with Binder.

- In late 2017, Binder corresponded with Houlton to ask about a man named in a Justice Department release about defendants charged in a trafficking scheme. Binder asked whether an individual (Duran Ramirez) identified in the release as a U.S. citizen is "a chain migrant or Visa Lottery winner."[17] The documents Democracy Forward has received to date do not reveal whether Houlton provided the requested information; Houlton said he was "checking," and then later provided an update, "Still in USCIS privacy office. Will get back to you."

- In late 2017, Fox News reporters sought information from Houlton concerning a man believed to have detonated a pipe bomb in New York City.[18] Houlton responded in two separate emails providing a prepared statement that the man "was admitted to the United States after presenting a passport displaying an F43 immigrant visa in 2011. The suspect is a Lawful Permanent Resident from Bangladesh who benefitted from extended family chain migration."

C. Other disclosures of immigration and criminal history

A number of email exchanges appear to show disclosures of information related to other categories of immigrants:

- In May 2018, a newspaper in Charleston, South Carolina published an article about an alleged MS-13 gang member who had been found in the Charleston area. When a DHS official (name redacted in FOIA documents) came across the article, they forwarded it to John Binder of Breitbart News, saying they "Wanted to flag this story" for him.[19] The DHS official proactively added unreported context concerning the suspect's immigration history to Binder, stating that the suspect "took advantage of our legal loopholes and entered the United States as an unaccompanied alien child (UAC)." The following day, the DHS official emailed Binder again, seemingly after Binder had written about the incident in question without describing the "loophole" that the DHS official sought to see covered in the news.[20] The DHS official said they had seen Binder's story and "wanted to

[17] Email correspondence between Tyler Houlton, DHS, and John Binder, Breitbart News reporter (Dec. 27-28, 2017), attached as Exhibit E.
[18] Email correspondence between Tyler Houlton, DHS, and Fox News reporters (Dec. 11, 2017), attached as Exhibit F.
[19] Email correspondence between DHS official and John Binder, Breitbart News reporter (May 24-25, 2018), attached as Exhibit G.
[20] *See* John Binder, *Accused of Murder: Previously Deported MS-13 Gang Member Who Entered U.S. as "Unaccompanied Minor,"* Breitbart News (May 24, 2018), https://www.breitbart.com/politics/2018/05/24/accused-of-murder-previously-deported-ms-13-gang-member-who-entered-u-s-as-unaccompanied-minor/.

make sure you had the loophole stuff if you wanted to include. I sent this to you yesterday – let me know if you didn't get."[21]

- A DHS official (name redacted) sent a very similar note to a Fox News producer explaining the "legal loopholes" at issue in the incident in the previous bullet.[22] After the Fox producer asked for further clarification of the legal loopholes, the DHS official simply replied "call me," preferring to give the explanation by phone rather than in a written communication. The Fox producer then invited a DHS official to appear on "Fox and Friends" to "talk about the UAC angle of this story."

- Also in May 2018, Binder emailed Houlton to ask, "Do we know how this guy got here?" about a story reporting on convicted gang members in Boston.[23] Houlton responded, "Good question" and said another DHS official could "check tomorrow" because Houlton would be out of the office.

- In January 2018, a DHS official (name redacted) emailed a media outlet, whose identity was redacted, to inform them about a story of interest,[24] and letting them know that if they were "planning on writing" the DHS official could provide the following "background on . . . his immigration status that you can use attributable to myself as a DHS spokesperson."[25] The remainder of the exchange, including any immigration information passed along, was redacted.

III. Request for investigation

DHS officials appear to regularly provide details concerning citizenship, immigration and criminal histories, and immigration status to media outlets. These disclosures raise serious concerns about DHS's compliance with its statutory and regulatory duties, as well as its own internal policies.

First, the disclosures to media organizations of information regarding U.S. citizens and a Lawful Permanent Resident (LPR)[26] appear to violate the Privacy Act, and none of the Act's exceptions—which principally concern disclosure to other government agencies—appear to apply.[27]

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[21] Ex. G.
[22] Email correspondence between DHS official and Andrew Murray, Fox News (May 24, 2018), attached as Exhibit H.
[23] Email correspondence between Tyler Houlton, DHS, and John Binder, Breitbart News reporter (May 22, 2018), attached as Exhibit I.
[24] Based on other records obtained and the timing of this email, we believe the story in question is likely about this incident: https://www.boston.com/news/local-news/2018/01/06/meals-on-wheels-volunteer-attacked-with-machete-in-vermont.
[25] Email correspondence between DHS official and media outlet (Jan. 18, 2018), attached as Exhibit J.
[26] *See* Exs. B-F, above.
[27] *See* 5 U.S.C. § 552a(b).

Further, such disclosures may have violated DHS's privacy policy, which requires DHS personnel to "perform an analysis under applicable law" when releasing PII to third parties that balances the public's right to know about the functions and operations of the Government against the individual's privacy interest. It is unclear from the records obtained whether the required analysis was performed prior to the disclosures. It is also unclear how an analysis that complies with DHS policy could yield the conclusion that providing off-the-record information concerning a U.S. citizen's status, or on-the-record information about an LPR's immigration and criminal history, is consistent with the Privacy Act. It is further unclear from the records obtained how DHS could conclude that the public's right to know about the operations of government would be advanced by an off-the-record disclosure of a U.S. citizen's status, or how DHS could conclude that such a disclosure would enhance the public's information about "how DHS enforced the law or complied with a legal obligation."

Second, the disclosure of refugee status and criminal and immigration history[28] appears to violate DHS's policy of extending the privacy protections of 8 C.F.R. § 208.6 to refugees. Further, as above, this disclosure may have violated DHS's privacy policy if DHS personnel did not perform a proper analysis balancing the public's need to know about DHS operations against individual privacy interests.

Third, other disclosures of information pertaining to individuals' immigration histories[29] may implicate DHS's privacy policy, to the extent that relevant DHS officials have not carefully and reasonably balanced individual privacy interests against public importance prior to releasing PII.

Taken together, these instances suggest that DHS press officials may regularly disregard applicable restrictions on disclosure of PII. These DHS officials seem motivated primarily by an interest in advancing a narrative that immigrants, even those legally within the United States, are criminals—an improper consideration that should not factor into the required balancing analysis.

Given this troubling pattern of disclosures to media of PII, Democracy Forward respectfully requests that your office open an investigation that addresses the following issues:

- Whether DHS officials violated DHS policy by disclosing details concerning an individual's refugee status and criminal history in the exchange captured in the attached Exhibit A;
- Whether DHS officials violated the Privacy Act by conveying information about U.S. citizens to media representatives in the exchanges captured in the attached Exhibits B, C, D or E;
- Whether DHS officials violated the Privacy Act by conveying information about an LPR's immigration and criminal history in the exchange captured in Exhibit F;
- Whether DHS officials within OPA have been appropriately undertaking an "analysis under applicable law" that "seeks to balance the public's right to know about . . . how

[28] *See* Ex. A, above.
[29] *See* Exts. G-J, above.

DHS enforced the law or complied with a legal obligation" against the "interest of the subject of the request in keeping his or her identity and activities private" as required by DHS policy prior to making the disclosures of PII that appear to be captured in the documents that Democracy Forward has received;

- Whether guidelines or policies exist instructing DHS officials in how to conduct the balancing test captured in the Department's privacy policy; whether those policies are adequate to protect the privacy interests of individuals whose records DHS (and its components) possesses; and whether those guidelines or policies are appropriately conveyed through training to DHS officials; and
- Whether the records disseminated by DHS OPA officials were obtained from systems residing within other components of DHS (e.g., USCIS), and whether, as a result, those components may have violated the Privacy Act, DHS regulations, or DHS policy by sharing them with OPA officials for improper dissemination to media representatives.

DHS and its subcomponents house a great deal of extraordinarily sensitive information about individuals within the United States. These records are maintained in service of carrying out the Department's important immigration and law enforcement responsibilities, and are properly subject to a variety of protections to ensure that they are not abused. The possibility that the information contained in these records is being improperly disseminated, particularly as part of a deliberate use of DHS records to further an anti-immigration agenda, is a serious concern.

Please do not hesitate to contact Aman George at ageorge@democracyforward.org if we may provide any additional information that would be helpful to you. We look forward to the results of your investigation. Thank you for your time and consideration.

Sincerely,

/s/ Anne Harkavy

Anne Harkavy
Executive Director
Democracy Forward Foundation

Aman George
Counsel and Director of Legal Policy
Democracy Forward Foundation

EXHIBIT A

From:	Pappas, Alex (b)(6)
To:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Subject:	RE: FYI
Date:	2018/08/06 13:29:41
Type:	Note

Thank you

From: (b)(6) (b)(6) (b)(6)
Sent: Monday, August 06, 2018 1:29 PM
To: Pappas, Alex (b)(6)
Subject: RE: FYI

On background, attributable to a DHS official:

On May 1, 2012, Karrar Noaman al Khammasi from Iraq was granted RE1 refugee status. Al Khammasi initially entered the United States on December 3, 2012 on a flight from Istanbul, Turkey to Chicago. Al Khammasi has remained in the United States since his 2012. Al Khammasi has a lengthy criminal background dating back to November 05, 2013 with various felony and misdemeanor charges ranging from criminal extortion, trespassing, assault, parole violations, and contempt of court, to felony weapon offenses as recently as January 09, 2018. In relation to this current incident, Al Khammasi now faces charges of attempted murder of the wounded police officer, possession of a weapon by a previous offender, and felony menacing with a real or simulated weapon.

From: Pappas, Alex (b)(6)
Sent: Monday, August 6, 2018 1:25 PM
To: (b)(6) (b)(6) (b)(6)
Subject: RE: FYI

Can you send me the statement from DHS?

From: (b)(6) (b)(6) (b)(6)
Sent: Monday, August 06, 2018 1:16 PM
To: Pappas, Alex (b)(6)
Subject: RE: FYI

The news here is that he is a refugee. It is not mentioned. That is new

From: Pappas, Alex (b)(6)
Sent: Monday, August 6, 2018 1:15 PM
To: (b)(6) (b)(6) (b)(6)
Subject: FYI

We ran this over weekend, citing local news reports. http://www.foxnews.com/us/2018/08/05/iraqi-immigrant-accused-shooting-colorado-cop-has-criminal-history-yet-avoided-deportation-report-says.html

Also – just realized I missed an email from you on Saturday…. Must have slipped through cracks…

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Alex Pappas
Politics Reporter
FoxNews.com
(b)(6)

Sender:	Pappas, Alex (b)(6)
Recipient:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Sent Date:	2018/08/06 13:29:37
Delivered Date:	2018/08/06 13:29:41

EXHIBIT B

From:	(b)(6)
To:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Subject:	RE: Is this true?
Date:	2018/07/02 14:27:52
Priority:	Normal
Type:	Note

Got it. Thank youuuu.

-----Original Message-----
From: (b)(6) (b)(6) (b)(6)
Sent: Monday, July 2, 2018 2:24pm
To: (b)(6) (b)(6)
Subject: RE: Is this true?

Off the record, born in Ohio

From: (b)(6)
Sent: Monday, July 02, 2018 2:07:18 PM
To: (b)(6) (b)(6)
Subject: RE: Is this true?

Got it. Ok, thanks.

Also, is this guy an immigrant?

https://fox8.com/2018/07/02/fbi-person-arrested-facing-terrorism-charges-for-allegedly-planning-july-4-attack-in-downtown-cleveland/

"Demetrius Nathanial Pitts, also known as Abdur Raheem Rahfeeq, was arrested yesterday after a months-long investigation prompted by statements made on social media."

-----Original Message-----
From: (b)(6) (b)(6) (b)(6)
Sent: Monday, July 2, 2018 1:59pm
To: (b)(6) (b)(6)
Subject: RE: Is this true?

We didn't comment on this. Off the record, we could track much of it down.

From: (b)(6)
Sent: Monday, July 02, 2018 1:58:57 PM
To: (b)(6) (b)(6)
Subject: Is this true?

http://www.foxnews.com/politics/2018/07/02/obama-administration-granted-citizenship-to-2500-iranians-during-nuclear-deal-iran-official.html

If so, or if not, could you provide me with the numbers that were accepted from Iran during the nuclear deal negotiations? Thanks.

John Binder
Reporter
Breitbart News
Breitbart.com
(b)(6)

Sender:	(b)(6)
Recipient:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Sent Date:	2018/07/02 14:27:49
Delivered Date:	2018/07/02 14:27:52

EXHIBIT C

From:	Waldman, Katie (b)(6) (b)(6)
To:	(b)(6)
Subject:	RE: Is there an ICE detainer on this man?
Date:	2018/07/24 13:11:37
Priority:	Normal
Type:	Note

Off the record – is a USC.

From: (b)(6)
Sent: Monday, July 23, 2018 9:04 PM
To: Waldman, Katie (b)(6)
Subject: Is there an ICE detainer on this man?

https://breaking911.com/man-accused-of-sodomizing-raping-child-for-3-years/

Have heard that he may be here illegally or from overstaying a visa.

John Binder
Reporter
Breitbart News
Breitbart.com
(b)(6)

Sender:	Waldman, Katie (b)(6) (b)(6)
Recipient:	(b)(6)
Sent Date:	2018/07/24 13:11:37

EXHIBIT D

From:	(b)(6)
To:	"Houlton, Tyler (b)(6) (b)(6) (b)(6) (b)(6)
CC:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Subject:	RE: Can you tell me if Yoselyn Ortega came to US as chain migrant?
Date:	2018/04/19 22:08:53
Priority:	Normal
Type:	Note

Thanks.

-----Original Message-----
From: "Houlton, Tyler" (b)(6)
Sent: Thursday, April 19, 2018 9:56pm
To: (b)(6)
Cc: (b)(6) (b)(6) (b)(6)
Subject: RE: Can you tell me if Yoselyn Ortega came to US as chain migrant?

Will run the traps

From: (b)(6)
Sent: Thursday, April 19, 2018 7:27:38 PM
To: Houlton, Tyler
Subject: Can you tell me if Yoselyn Ortega came to US as chain migrant?

https://abcnews.go.com/amp/US/nanny-found-guilty-stabbing-children-death-york-apartment/story?id=54523881&__twitter_impression=true

I know she and her siblings immigrated from the Dominican Republic, but wondering which route she used. Thanks.

John Binder
Reporter
Breitbart News

Breitbart.com

(b)(6)

Sender:	(b)(6)
Recipient:	"Houlton, Tyler (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Sent Date:	2018/04/19 22:08:49
Delivered Date:	2018/04/19 22:08:53

EXHIBIT E

From:	(b)(6)
To:	"Houlton, Tyler (b)(6) (b)(6)
Subject:	RE: Is this guy a chain migrant or Visa Lottery winner?
Date:	2017/12/28 20:54:56
Priority:	Normal
Type:	Note

No probs.

-----Original Message-----
From: "Houlton, Tyler" (b)(6)
Sent: Thursday, December 28, 2017 8:18pm
To: (b)(6)
Subject: RE: Is this guy a chain migrant or Visa Lottery winner?

Still in USCIS privacy office. Will get back to you

Tyler Q. Houlton
Press Secretary (Acting)
Department of Homeland Security
(b)(6)

From: (b)(6)
Sent: Thursday, December 28, 2017 7:07 PM
To: Houlton, Tyler (b)(6)
Subject: RE: Is this guy a chain migrant or Visa Lottery winner?

Any progress on this?

-----Original Message-----
From: "Houlton, Tyler" (b)(6)
Sent: Wednesday, December 27, 2017 4:18pm
To: (b)(6)
Subject: RE: Is this guy a chain migrant or Visa Lottery winner?

Checking

From: (b)(6)
Sent: Wednesday, December 27, 2017 3:55:50 PM
To: Houlton, Tyler
Subject: Is this guy a chain migrant or Visa Lottery winner?

https://www.justice.gov/opa/pr/fourth-defendant-charged-ohio-trafficking-scheme-involving-immigrant-minors

"Duran Ramirez, 49, is a United States citizen."

John Binder
Reporter
Breitbart News
Breitbart.com
(b)(6)

Sender:	(b)(6)
Recipient:	"Houlton, Tyler (b)(6) (b)(6)
Sent Date:	2017/12/28 20:54:42
Delivered Date:	2017/12/28 20:54:56

EXHIBIT F

From:	(b)(6)
To:	"Houlton, Tyler (b)(6) (b)(6)
Subject:	Re: Hi Tyler..
Date:	2017/12/11 14:12:49
Type:	Note

Thanks Tyler. Appreciate it.

(b)(6)

Chief White House Correspondent
Fox News Channel

(b)(6)

On Dec 11, 2017, at 2:07 PM, Houlton, Tyler (b)(6) wrote:

> "DHS can confirm that the suspect was admitted to the United States after presenting a passport displaying an F43 family immigrant visa in 2011. The suspect is a Lawful Permanent Resident from Bangladesh who benefited from extended family chain migration."

Sender:	Roberts, John (b)(6)
Recipient:	"Houlton, Tyler (b)(6) (b)(6)
Sent Date:	2017/12/11 14:12:37
Delivered Date:	2017/12/11 14:12:49

From:	(b)(6) (b)(6)
To:	"Houlton, Tyler (b)(6) (b)(6) (b)(6) (b)(6)
Subject:	Re: Fox News channel-Akayed Ullah
Date:	2017/12/11 12:32:48
Type:	Note

Thank you.

(b)(6) (b)(6)
Fox News Channel
(b)(6) office
(b)(6) iPhone

On Dec 11, 2017, at 12:16 PM, Houlton, Tyler (b)(6) wrote:

Hi (b)(6)

On background, we'll refer you to the FBI for investigation details. Thanks

Tyler Q. Houlton
Press Secretary (Acting)
Department of Homeland Security
(b)(6)

From: (b)(6) Lissa (b)(6)
Sent: Monday, December 11, 2017 12:14 PM
To: Media Inquiry (b)(6)
Subject: Fox News channel-Akayed Ullah

Hello
Do you have any information on Akayed Ullah, the man named by NYPD in today's attack in NYC.

Can you confirm he is from Bangladesh? When did he come to the US? How did he enter the country? Anything else you can tell me?
Thanks,
Lissa

(b)(6) (b)(6)
Field Producer- Northeast Bureau
(b)(6)

Sender:	(b)(6) (b)(6) (b)(6)
Recipient:	"Houlton, Tyler (b)(6) (b)(6) (b)(6) (b)(6)
Sent Date:	2017/12/11 12:31:53
Delivered Date:	2017/12/11 12:32:48

From:	Houlton, Tyler (b)(6) (b)(6)
To:	(b)(6)
Subject:	RE: Hi Tyler..
Date:	2017/12/11 14:07:44
Priority:	Normal
Type:	Note

Per the suspect's immigration status. Attributable to me.

"DHS can confirm that the suspect was admitted to the United States after presenting a passport displaying an F43 family immigrant visa in 2011. The suspect is a Lawful Permanent Resident from Bangladesh who benefited from extended family chain migration."

Tyler Q. Houlton
Press Secretary (Acting)
Department of Homeland Security
(b)(6)

From: Houlton, Tyler
Sent: Monday, December 11, 2017 9:37 AM
To: (b)(6) (b)(6)
Subject: RE: Hi Tyler..

Will make sure you are included. Thanks for reaching out

Tyler Q. Houlton
Press Secretary (Acting)
Department of Homeland Security
(b)(6)

From: (b)(6)
Sent: Monday, December 11, 2017 9:35 AM
To: Houlton, Tyler (b)(6)
Subject: Hi Tyler..

Tyler,
Just wanted to reach out to say hello and to make sure I'm on your list for any and all news out of DHS.

Thanks very much,

(b)(6)
Chief White House Correspondent
Fox News Channel
(b)(6)

(b)(6)

Sender:	Houlton, Tyler (b)(6)
Recipient:	(b)(6)
Sent Date:	2017/12/11 14:07:44

EXHIBIT G

From:	(b)(6)
To:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Subject:	RE: FW: Flagging: Alleged MS-13 Gang Member Enters U.S. as UAC
Date:	2018/05/25 15:52:39
Priority:	Normal
Type:	Note

Oh shoot, got it. Didn't realize this was the same kid. Okk thanks.

-----Original Message-----
From: (b)(6) (b)(6) (b)(6)
Sent: Friday, May 25, 2018 9:06am
To: "jbinder" (b)(6)
Subject: FW: Flagging: Alleged MS-13 Gang Member Enters U.S. as UAC

Hey -- saw your story wanted to make sure you had the loophole stuff if you wanted to include. I sent this to you yesterday -- let me know if you didn't get.

(b)(6)

From: (b)(6) (b)(6)
Sent: Thursday, May 24, 2018 4:15:44 PM
Subject: Flagging: Alleged MS-13 Gang Member Enters U.S. as UAC

Good afternoon – Wanted to flag this story on the arrest of Franklin Platero-Rodriguez who is an alleged member of MS-13 and has an outstanding arrest warrant in Houston, TX for homicide by firearm.

Importantly, he took advantage of our legal loopholes and entered the United States as an **unaccompanied alien child** (UAC). Smugglers and human traffickers know these catch-and-release loopholes well and exploit them to their advantage, to the detriment to the American public's safety and security. Specifically, the 1997 Flores Settlement Agreement (FSA) and the 2008 TVPRA forces the federal government to promptly release UACs into the interior of the United States, allowing them to resettle within American communities. Once released, UACs frequently fail to appear in federal immigration court and are able to evade law enforcement and remain in the country indefinitely. Only 3.4 percent of unaccompanied minors from countries other than Mexico encountered at the southwest border in FY 2014 had been removed or returned as of FY 2017 year-end. By contrast, since the beginning of FY16, more than 110K UACs have been released into the interior of the United States, according to the most recent figures released by HHS,

As Deputy ICE Director Tom Homan explained at yesterday's roundtable, UACs are prime targets of MS-13 recruiting and indoctrination, as evidenced by recent gang-targeted operations. For instance, "Operation Matador," so far has led to the arrest of nearly 500 individuals, including 274 MS-13 members. Ninety-nine individuals arrested during this operation crossed the border as unaccompanied minors—that's more than 36% of those arrested—all of which were confirmed as MS-13 gang members.

MS-13 gang member tied to Texas death hid in Charleston area, officials say
The Post and Courier
By Andrew Knapp
May 23, 2018
https://www.postandcourier.com/news/ms--gang-member-tied-to-texas-death-hid-in/article_1c76638e-5e97-11e8-b531-e383a874b248.html

Accused of killing someone in Texas and torching the victim's body, an MS-13 gang member's run from federal authorities ended Tuesday in the Charleston area, local officials said.

Franklin Platero-Rodriguez, 21, was found with a 9 mm pistol when he was arrested while leaving a Subway restaurant on U.S. Highway 78 in Ladson, the Berkeley County Sheriff's Office said. He had been living on Lyn Drive.

Law enforcement officials in Walker County, Texas, just north of Houston, had issued a warrant for Platero-Rodriguez's arrest on a murder charge.

Immigration and Customs Enforcement agents also were looking for him on a 2014 charge of failing to appear for a court hearing.

MS-13 started in Los Angeles in the 1980s but has spread throughout the Americas. Its members have become a special target of federal authorities lately, with agents rounding up 796 gang members and associates in 2017 — an 83 percent increase over the last year, the government said.

President Donald Trump's White House earlier this week said the administration "is working tirelessly to bring these violent animals to justice."

Trump on Wednesday pushed for the tightening of immigration laws that he said have contributed to the gang's spread in the United States.

Berkeley County Sheriff Duane Lewis said Platero-Rodriguez had been deported before returning to the country illegally.

Detectives also are investigating whether Platero-Rodriguez was involved in a home invasion earlier Tuesday in which a gunman wounded a resident and stole some valuables, a sheriff's spokesman said. That crime happened on the same street where Platero-Rodriguez had been living.

"I don't see an indication that the MS-13 gang is here in Berkeley County," Lewis said. "I want the folks in Berkeley County to rest assured."

But Lewis said he didn't know why Platero-Rodriguez wound up here and settled in for a few weeks.

When he was caught, Platero-Rodriguez was wearing a black T-shirt emblazoned with a picture of a dog and the words "Pitbull ... dangerous."

A sheriff's statement alleged Platero-Rodriguez had shot someone in Texas earlier this spring before pouring gasoline on a car and burning it with the victim's body in the trunk. After the slaying, he drove to South Carolina in the same stolen Ford F-150 that he had used in the slaying, sheriff's officials said.

A fugitive task force from the U.S. Marshals Service that includes local officers stopped Platero-Rodriguez as he climbed into the truck Tuesday outside the sandwich shop. They found the handgun in one of his pockets, they said.

Among the other charges, he faces counts in Berkeley County of unlawfully carrying a firearm, possessing a stolen pistol and being a fugitive in possession of a gun.

"Platero-Rodriguez is a dangerous MS-13 gang member," Lewis added, "and I am glad that we were able to locate and arrest him without him being able to cause further harm."

—

(b)(6) (b)(6)
Department of Homeland Security
Office of Public Affairs
(b)(6)
(b)(6) (o)
(b)(6) (m)

Sender:	(b)(6)
Recipient:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)

Sent Date:	2018/05/25 15:52:05
Delivered Date:	2018/05/25 15:52:39

EXHIBIT H

From:	(b)(6) (b)(6) (b)(6)
To:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
CC:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Subject:	Re: Flagging: Alleged MS-13 Gang Member Enters U.S. as UAC
Date:	2018/05/24 18:38:10
Type:	Note

Thanks again for the story, please let us know if there is anyone available to appear on "Fox and Friends" Sunday or Monday to talk about about the UAC angle of this story.

Best wishes,

(b)(6) (b)(6)
Producer, Politics
"Fox & Friends"
Fox News Channel
1211 Avenue of the Americas, 2nd Floor
New York, NY 10036
Office: (b)(6) (b)(6)
Cell # 1 (b)(6) (b)(6)
Cell # 2 (b)(6) (b)(6)
FAX: (b)(6) (b)(6)
Email: (b)(6)
@andrewmurray1

On May 24, 2018, at 6:17 PM, (b)(6) (b)(6) (b)(6) wrote:

Call me (b)(6)

From: (b)(6) (b)(6)
Sent: Thursday, May 24, 2018 6:13:25 PM
To: (b)(6) (b)(6)
Subject: RE: Flagging: Alleged MS-13 Gang Member Enters U.S. as UAC

Thanks, let me know if you have any background on "how he took advantage of our legal loopholes and entered the United States as an unaccompanied alien child (UAC)."

From: (b)(6) (b)(6) (b)(6)
Sent: Thursday, May 24, 2018 4:10 PM
To: (b)(6) (b)(6) (b)(6)
Subject: Flagging: Alleged MS-13 Gang Member Enters U.S. as UAC

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https://www.postandcourier.com/news/ms--gang-member-tied-to-texas-death-hid-in/article_1c76638e-5e97-11e8-b531-e383a874b248.html

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—

(b)(6) (b)(6)
Department of Homeland Security
Office of Public Affairs
(b)(6)
(b)(6) (o)
(b)(6) (m)

Sender:	(b)(6) (b)(6) (b)(6)
Recipient:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6)

	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Sent Date:	2018/05/24 18:38:00
Delivered Date:	2018/05/24 18:38:10

EXHIBIT I

From:	(b)(6)
To:	"Houlton, Tyler (b)(6) (b)(6) (b)(6) (b)(6)
CC:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Subject:	RE: Do we know how this guy got here?
Date:	2018/05/22 20:57:34
Priority:	Normal
Type:	Note

Great. Thanks.

-----Original Message-----
From: "Houlton, Tyler" (b)(6)
Sent: Tuesday, May 22, 2018 8:56pm
To: (b)(6) (b)(6)
Cc: (b)(6) (b)(6) (b)(6)
Subject: RE: Do we know how this guy got here?

Good question. (b)(6) can check tomorrow. I'll be out of the office

---

From: (b)(6)
Sent: Tuesday, May 22, 2018 8:51:52 PM
To: Houlton, Tyler
Subject: Do we know how this guy got here?

http://www.bostonherald.com/news/local_coverage/2018/05/ms_13_gang_member_called_animal_sentenced_in_connection_with_east_boston

John Binder
Reporter
Breitbart News
Breitbart.com
(b)(6)

Sender:	(b)(6)
Recipient:	"Houlton, Tyler (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Sent Date:	2018/05/22 20:57:30
Delivered Date:	2018/05/22 20:57:34

EXHIBIT J

From:	(b)(6)
To:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
CC:	(b)(6)
Subject:	RE: flagging for you
Date:	2018/01/18 18:34:30
Priority:	Normal
Type:	Note

Thanks (b)(6)

-----Original Message-----
From: (b)(6) (b)(6) (b)(6)
Sent: Thursday, January 18, 2018 6:32pm
To: (b)(6) (b)(6)
(b)(6) (b)(6)
Subject: flagging for you

Hey guys – thought you might be interested in this story from Vermont. If you're planning on writing here's a bit of background on the his immigration status that you can use attributable to myself as a DHS spokesperson.

(b)(5)

(b)(6)

Sender:	(b)(6)
Recipient:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Sent Date:	2018/01/18 18:34:24
Delivered Date:	2018/01/18 18:34:30

From:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
To:	(b)(6)
Subject:	RE: TPS Call
Date:	2018/01/08 10:21:59
Priority:	Normal
Type:	Note

Dial-in: (b)(6)

Participant passcode: (b)(6)

From: Edson, Rich (b)(6)
Sent: Monday, January 8, 2018 10:18 AM
To: (b)(6) (b)(6) (b)(6)
Subject: TPS Call

Hi (b)(6)

Would you pass along the dial-in information?

Thanks.

(b)(6)

(b)(6)
Washington Correspondent
Fox News Channel, State Department

Sender:	(b)(6) (b)(6) (b)(6) (b)(6) (b)(6) (b)(6)
Recipient:	"(b)(6) (b)(6)
Sent Date:	2018/01/08 10:21:59