

## PRESS RELEASE

February 16, 2016

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### **Congress members Sanders and Grijalva Demand Records Requested in Federal FOIA Lawsuit about Controversial Deportation Program**

In a letter dated February 11, 2016, Senator Bernie Sanders and Congressman Raul Grijalva, called upon the Department of Homeland Security (“DHS”) to answer pressing questions about the agency’s year-old Priority Enforcement Program, known as PEP. Under PEP, DHS and ICE seek to entangle local police and sheriffs’ departments across the country in the business of immigration enforcement.

PEP’s predecessor program, Secure Communities, or S-Comm, ended in part because various federal courts held aspects of the program to be unconstitutional. In November 2014, in response to widespread and mounting concerns, DHS Secretary Jeh Johnson announced the end of S-Comm and the launch of PEP, in part to avoid further constitutional violations. However, since this announcement, DHS has left the public in the dark about how PEP operates.

Last week, Senator Sanders and Congressman Grijalva called on Secretary Johnson to increase transparency about PEP. Their letter pointed to a federal lawsuit filed last month in the Southern District of New York, *National Day Laborer Organizing Network, et al., v. U.S. Immigration and Customs Enforcement, et al.*, No. 16-cv-0387, where immigrant rights groups sued DHS, ICE, and eight other federal agencies under the Freedom of Information Act (“FOIA”), demanding that they release records on PEP.

Almost a year after filing their FOIA Request, the plaintiffs in the lawsuit have received little to no information on PEP from the ten agencies sued. Senator Sanders and Congressman Grijalva called on DHS and ICE to comply with their obligations under FOIA to disclose the records requested about PEP.

Further, Senator Sanders and Congressman Grijalva echo concerns of immigrant communities and others that PEP does not rectify the problems of S-Comm: “[t]here is little evidence that ICE is following the directives and priorities laid out in [Johnson’s Priorities] memoranda, or that there is any oversight or accountability within the agency to follow the policies you established.” Meanwhile, local and state lawmakers are under pressure to decide whether or how to participate in PEP in the absence of information about the program.

The plaintiffs in the suit are the National Day Laborer Organizing Network, Asian Americans Advancing Justice-Asian Law Caucus, and the Kathryn O. Greenberg Immigration Justice Clinic at the Benjamin N. Cardozo School of Law.

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