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Description of document: Letter from US Immigration and Customs Enforcement (ICE) to Congress, regarding Israel's inclusion on the Specially Designated Countries (SDC) List, 2011

Requested date: 2013

Released date: 26-April-2014

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Source of document: The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane SW  
STOP-0655  
Washington, D.C. 20528-0655  
Phone: 202-343-1743 or 866-431-0486  
Fax: 202-343-4011  
E-mail: [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)  
<http://www.dhs.gov/dhs-foia-request-submission-form>

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U.S. Immigration  
and Customs  
Enforcement

APR 26 2014

SUBJECT: **DHS/FOIA/PA OFFICE Case Number: 2013-HQFO-00590**  
**ICE FOIA Case Number: 2014FOIA09229**

In a letter dated February 4, 2014, the U.S. Department of Homeland Security, Freedom of Information Act/Privacy Advocate (DHS FOIA/PA) requested that U.S. Immigration and Customs Enforcement (ICE) review the information in a ten (10) page record that was located by DEA in response to a Freedom of Information/ Privacy Act request submitted by Mr. Ernesto Schramm-Urrutia regarding documents pertaining to Ernesto Schramm-Urrutia. You requested that ICE review the bracketed information, and if we make any deletions, cite the exemptions claimed and return the documents to the DEA.

After review of the bracketed information provided in the 10 pages located by the DEA, I have determined that portions of 2 bracketed pages will be withheld pursuant to Exemptions (b)(6) and (b)(7)(C) of the FOIA as described below.

**ICE has applied Exemptions 6 and 7(C) to protect from disclosure the names of DHS employees contained within the documents.**

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that

identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

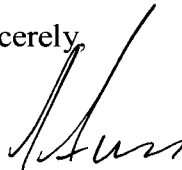
The denial statement and appeal information in your response to the requester should read:

“You have the right to appeal ICE’s withholding determination. Should you wish to do so, send your appeal and a copy of this letter to: U.S. Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, Freedom of Information Office, 500 12<sup>th</sup> Street, S.W., Stop 5009 Washington, D.C. 20536-5009, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked “FOIA Appeal.” Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call 1-877-684-6448.”

Should you have any questions or concerns, please contact me at (866) 633-1182 and reference FOIA case **2014FOIA09344**.

Sincerely,



Catrina M. Pavlik-Keenan  
FOIA Officer



Enclosure(s): 10 Page(s)



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

SEP 22 2011

The Honorable Patrick L. Meehan  
Chairman  
Subcommittee on Counterterrorism and Intelligence  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Meehan:

Thank you for your July 8, 2011 correspondence to Janet Napolitano, Secretary of Homeland Security, regarding your concerns about Israel's inclusion on the Specially Designated Countries (SDC) list published in the Department of Homeland Security's Office of Inspector General (OIG) report dated May 21, 2011. Your letter was forwarded to U.S. Immigration and Customs Enforcement (ICE) for response. I appreciate this opportunity to address your specific questions:

- 1. What department or agency within the Executive Branch is responsible for creating, maintaining, and updating the SDC list?**

Generally, Executive departments and agencies individually develop criteria and assess risk as appropriate for their specific mission needs. The Specially Designated Country (SDC) list was created by ICE following September 11, 2001 to ensure individuals in it's custody were not of interest to other U.S. Government agencies. The SDC list, and the third-agency checks (TACs) generated as a result of the list, were consistent with ICE's responsibility to ensure the public's safety.

- 2. What are the criteria for placing a country on the SDC list?**

The primary purpose of a TAC is to screen aliens in ICE custody to ensure that they are not of interest to other U.S. Government agencies prior to their release or removal from the United States. The countries on the SDC list published in a May 2011 DHS Inspector General Report were included for a variety of reasons. However, I would emphasize that the published list is out dated and Israel was included erroneously. The list was not based on any judgement that the states listed supported, sponsored or encouraged terrorism. Indeed, many of the states listed are important and committed partners of the United States in countering terrorism.

**3. How often is the SDC list reviewed and updated?**

ICE and its interagency partners have begun revising the policy for the screening of aliens in its custody. ICE has determined the SDC list will be reviewed at least annually and updated based on priority mission needs.

**4. What metric, intelligence, and data were used that resulted in Israel's inclusion on the list of SDC countries?**

Director Morton issued a public statement on July 7, 2011, that specifically addressed the erroneous inclusion of Israel on the list included in the OIG report. He indicated that the addition of Israel on the list of ICE TAC was based on inaccurate information provided to the OIG during the course of its audit. No such designation for Israel exists in ICE enforcement protocols. The United States does not and never has considered Israel to have links to terrorism, but rather they are a partner in our efforts to combat global terrorism. The United States maintains close intelligence-sharing relationships with Israel in order to address security issues within its own borders and in our mutual pursuit of safety and security around the globe.

**5. Have any Israeli citizens that illegally entered the United States been detained by ICE and later designated for a TAC?**

Yes, some detained Israeli citizens were later designated for a TAC. However, the exact number of Israeli citizens so designated cannot be determined because over a period of time, persons originating from the Palestinian Territories (Gaza and the West Bank), who are not Israeli citizens or nationals, were coded as Israeli due to system limitations. These system limitations have since been corrected.

**6. How many Israeli citizens or illegal aliens from Israel have been arrested in the United States in the three years before Israel's inclusion on the SDC list and in the time after the inclusion on the SDC list?**

As stated above, Israel was erroneously included on the outdated SDC list and no such designation for Israel exists in ICE enforcement protocols. However, with no relation to the SDC list, the overall removal numbers for Israel from Fiscal Year (FY) 2003–2011 and the overall arrest numbers for Israel from FY 2009–2011 are provided in the table below. Arrest numbers are based on available historical data. Prior to FY 2009, arrest numbers were not captured by country.

<b>Removals and Arrests of Israeli Citizens</b>									
<b>FY</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Removals</b>	138	177	224	145	249	189	241	283	177
<b>Arrests</b>	NA	NA	NA	NA	NA	NA	204	194	147
NA = Not Available									

The Honorable Patrick L. Mehan  
Page 3

Thank you again for your letter. Should you need additional assistance, please do not  
hesitate to contact me at (202) 732-(b)(7)(C)

Sincerely yours,

A handwritten signature in black ink, appearing to read "Elliot Williams". The signature is fluid and cursive, with the first name "Elliot" being more prominent and the last name "Williams" following in a similar style.

Elliot Williams  
Assistant Director