

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

**IMMIGRATION JUSTICE CLINIC**

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April 21, 2010

Vania T. Lockett  
Associate Director, Disclosure & FOIA Operations  
Privacy Office, Mailstop 0655  
Department of Homeland Security  
245 Murray Lane, SW  
Arlington, VA 20598-0655

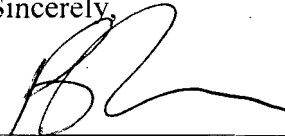
Re: **DHS/OS/PRIV 10-0385**

Dear Ms. Lockett,

This letter is in response to your letter dated March 18, 2010 (attached), in which you request advance payment of \$6,494.00 for the search and duplication costs related to our pending FOIA request submitted February 3, 2010. However, as you are aware, we requested a fee waiver, which was denied by the ICE FOIA office in a letter dated February 23, 2010, received by fax on March 9, 2010 (attached). We appealed the denial of our fee waiver request by a letter to the Associate General Counsel of DHS dated March 15, 2010 (attached).

We are currently awaiting a determination on our pending appeal of ICE's wrongful denial of our fee waiver request. Our position is that we are not obligated to make any advance payment until receiving said determination. Under no circumstance should you consider our request withdrawn while our timely appeal of the fee waiver issue is still pending.

Sincerely,



Bridget Kessler  
Clinical Teaching Fellow  
Cardozo School of Law  
Immigration Justice Clinic

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On behalf of the Requesters