



Attn: Lester Sola
Miami-Dade Aviation Department,
P.O. Box 025504
Miami, FL 31102-55-4
Phone 305-876-7077
Email: LesterSola@miami-airport.com

Sent by post and email

Friday, December 21, 2018

RE: Public Information Request Regarding 12/9/2017 Arriving Deportation Charter

To the Custodians of Records for Miami-Dade Aviation Department:

This letter constitutes a request for public records¹ under Florida's Sunshine Law. FLA STAT. §§ 119, 286. Please confirm receipt of this request. It is the policy of Florida that all "state, county, and municipal records are open for personal inspection and copying by any person." § 119.01(1).

Muslim Advocates ("Requestors") request copies of public records that are maintained by or that are in the custody or control of Miami-Dade Aviation Department ("Recipient") pertaining to a deportation charter flight that arrived in Miami the morning of December 9, 2017. Requestors also ask that—in addition to searching Recipient's own records—the Recipient forward the requests contained in this letter to any other Florida state, county or local agency or component agency, as necessary.

I. Background

This request concerns a failed deportation charter flight that was meant to expel more than 90 Somali men and women from the United States. The charter flight staged at or near Alexandria International Airport, Louisiana, and left the United States the morning of December 7, 2017. The plane made a stopover in Senegal, where it sat on the tarmac for more than 20 hours. The flight turned back to Miami with detainees still aboard, and arrived at a Miami airport in the early morning of December 9th, 2017.

II. Requested Records

¹ "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. FLA. STAT. §119.011(12).

Requestors request copies of records² meeting the following description:

1. Records maintained by Recipient about the failed deportation flight, created from September 2017 to present.
2. Air traffic control information for all hours of December 8th and 9th 2017, but only for *inbound flights from Senegal or Djibouti*, including but not limited to:
 - a. Records about the flight operator (e.g. name, address, contact information);
 - b. Records about the airmen/women and crew operating the flight (e.g. names, license numbers);
 - c. The flight manifest;
 - d. The registration and/or certificate numbers of the aircraft;
 - e. Video and/or photos of the flights' approach, landing, and deplaning of those on board;
 - f. audio recordings.
3. Original contracts between Miami-Dade Aviation Department and the Department of Homeland Security, Immigrations and Customs Enforcement (including sub-agencies such as ICE-Air), or private charter companies that operate deportation charter flights.³ This requests includes contract annexes, attachments, subsequent addenda, or riders.

III. Where to Send Response

Where possible, please provide response letters and responsive material in electronic format by email to yusuf@muslimadvocates.org. Please furnish any responsive material being sent by mail to:

Joseph (Yusuf) Saei
Muslim Advocates
PO Box 34440
Washington, DC 20043

Requestors ask for a waiver of all fees in that the disclosure of the requested information is in the public interest and that access to the information primarily benefits the general public. The

² The terms "records" is intended in the broadest possible sense and includes without limitation all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, legal and policy memoranda, minutes or notes of meetings and phone calls, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations. No category of material should be omitted from search, collection, and production.

³ For example Omni Air/Omni Air International and Swift Air.

Sunshine Law mentions that agencies “may” assess fees but does not require them to do so. *See* FLA STAT. § 119. Muslim Advocates is a 501(c)(3) non-profit organization dedicated to preserving religious freedom for Americans of all faiths. This request is likely to contribute significantly to public understanding of the operations or activities of the government and is not in the commercial interest of the Requestors. Requestors also request a waiver of search fees on the grounds that they qualify as representatives of the news media for federal FOIA purposes, as the requestors gather information, exercise editorial discretion in selecting and organizing documents and distribute the resulting work to the public. In light of these considerations, fees associated with responding to the request should be waived. In the event that you do assess fees, please inform Requestors in writing if the estimated fees will exceed 100 dollars.

IV. Enforcement

If a civil action is filed against an agency to enforce the Sunshine Law, the court “shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency” if the court finds that 1) the agency unlawfully refused to permit a public record to be inspected or copied and 2) if the complaint provided written notice to the agency custodian “at least 5 business days before filing the civil action.” FLA. STAT. §119.12(1)(a)-(b). Accordingly, Requestors ask that you provide a response within five business days.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. In the event you believe any of the requests may be withheld, redacted, or denied, we ask that you segregate public information from information that may be withheld and promptly provide that public information.

V. Conclusion

Thank you for your assistance with our request. Please do not hesitate to reach out to me if you have questions about our request.

Sincerely,



Joseph (Yusuf) Saei*

Yale Liman Fellow

Muslim Advocates

PO Box 34440

Washington, DC 20043

**Admitted in California, supervised by members of the D.C. bar*