



**Homeland  
Security**

*Privacy Office, Mail Stop 0655*

December 31, 2020

**SENT VIA E-MAIL TO: foia@americanoversight.org**

Austin R. Evers  
American Oversight  
1030 15th Street, NW, Suite B255  
Washington, DC 20005

Re: **2020-HQFO-00512**

Dear Mr. Evers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated January 28, 2020, and received by this office on January 28, 2020.

You are seeking all email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between Acting Deputy Secretary Ken Cuccinelli, Acting Chief of Staff Chad Mizelle and the following external entities:

- i. Federation for American Immigration Reform (including any emails sent to or received from an address ending in @fairus.org),
- ii. Immigration Reform Law Institute (including any emails sent to or received from an address ending in @irli.org),
- iii. Center for Immigration Studies (including any emails sent to or received from an address ending in @cis.org),
- iv. NumbersUSA (including any emails sent to or received from an address ending in @numbersusa.com or @numbersusa.org),
- v. The Remembrance Project (including any emails sent to or received from an address ending in @theremembranceproject.org),
- vi. VDARE Foundation (including anyone with an email address ending in @vdare.com),

vii. Heritage Foundation (including any emails sent to or received from an address ending in @heritage.org),

viii. Breitbart News (including any emails sent to or received from an address ending in @breitbart.com), and

ix. Kris Kobach (including but not limited to emails exchanged with kkobach@gmail.com or kris@kriskobach.com).

A search of the Department of Homeland Security's, Office of the Chief Information Officer (OCIO) for documents responsive to your request produced a total of sixteen (16) pages. Of those pages, I have determined that sixteen (16) pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(5) and (b)(6), FOIA Exemptions 5 and 6.

Enclosed are sixteen (16) pages with certain information withheld as described below:

**FOIA Exemption 5** protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the:

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

**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.

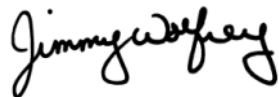
You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

You may contact the DHS FOIA Public Liaison at 202-343-1743 for any further assistance and to discuss any aspect of your request. You may also contact OGIS at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you need to contact our office again about this matter, please refer to 2020-HQFO-00512. This office can be reached at [FOIA@HQ.DHS.GOV](mailto:FOIA@HQ.DHS.GOV) or call 202-343-1743 or toll free 1-866-431-0486.

Sincerely,

A handwritten signature in black ink that reads "Jimmy Wolfrey". The signature is written in a cursive, slightly slanted style.

Jimmy Wolfrey  
Senior Director  
FOIA Operations and Management (Acting)

Enclosure(s): Responsive Documents, 16 pages

<b>From:</b>	(b)(6)@fairus.org>
<b>To:</b>	Mizelle, Chad (b)(6) (b)(6) (b)(6)@fairus.org>
<b>Subject:</b>	RE: Great Speaking With You
<b>Date:</b>	2019/11/21 11:53:10
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Thank you, Chad. I was just an honor to have you and the Secretary join us.

I sure hope we can keep in touch.

(b)(6)

---

**From:** Mizelle, Chad (b)(6)  
**Sent:** Thursday, November 21, 2019 11:41 AM  
**To:** (b)(6)  
**Subject:** Great Speaking With You

(b)(6)

It was great talking to you the other day. If I can ever be of help, please let me know.

Best,

Chad

Chad Mizelle

(b)(6)

<b>Sender:</b>	(b)(6)@fairus.org>
<b>Recipient:</b>	Mizelle, Chad (b)(6) (b)(6) (b)(6)@fairus.org>
<b>Sent Date:</b>	2019/11/21 11:52:30
<b>Delivered Date:</b>	2019/11/21 11:53:10

<b>From:</b>	(b)(6)@fairus.org>
<b>To:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Subject:</b>	RE: Quick call
<b>Date:</b>	2019/11/26 12:53:30
<b>Due Date:</b>	2019/11/25 19:00:00
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Any way we can connect today?

(b)(6)

Government Relations Director  
Federation for American Immigration Reform (FAIR)

25 Massachusetts Ave. N.W., (b)(6)  
Washington, DC 20001

(b)(6)

www.FAIRus.org

-----Original Message-----

From: (b)(6)@fairus.org>  
Sent: Monday, November 25, 2019 8:17 PM  
To: Chad Mizelle (b)(6)  
Subject: Quick call

Chad — do you have a moment to chat tomorrow on something EB-5 related? Will be brief. Free any time after 8:30 if you can swing it, I know y'all are traveling.

Best,

(b)(6)

Sent from my iPhone

<b>Sender:</b>	(b)(6)@fairus.org>
<b>Recipient:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Sent Date:</b>	2019/11/26 12:53:13
<b>Delivered Date:</b>	2019/11/26 12:53:30

<b>From:</b>	(b)(6)@fairus.org>
<b>To:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Subject:</b>	Re: Thank You
<b>Date:</b>	2019/11/21 09:17:18
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Just tried you. Give me a call on my cell, (b)(6)

(b)(6)

Sent from my iPhone

On Nov 21, 2019, at 9:01 AM, (b)(6)@fairus.org> wrote:

Absolutely. Can I give you a call in about 15? On way back to the office.

(b)(6)

Sent from my iPhone

On Nov 21, 2019, at 8:35 AM, Mizelle, Chad  
(b)(6) wrote:

Do you have a minute to talk?

Chad Mizelle

(b)(6)

---

**From:** (b)(6)@fairus.org>  
**Sent:** Tuesday, November 19, 2019 7:51:32 AM  
**To:** Mizelle, Chad (b)(6)  
**Subject:** Thank You

Chad —

Thank you and the boss so much for coming in yesterday. I wanted to sit back and listen and was very encouraged by what I heard. Everyone else has said the same.

As you know, I have been very vocal publicly regarding commitment to the entire Trump immigration agenda (especially BAHA) and those concerns were quelled.

All the organizations are excited to work with you guys going forward. Please don't hesitate to reach out, I am primary contact here at FAIR with almost 24/7 availability.

Best,

(b)(6)

(b)(6)

Government Relations Director

(b)(6)

25 Massachusetts Ave. N.W., (b)(6)

Washington, DC 20001

(b)(6)

[www.FAIRus.org](http://www.FAIRus.org)

<b>Sender:</b>	(b)(6)@fairus.org>
<b>Recipient:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Sent Date:</b>	2019/11/21 09:16:43
<b>Delivered Date:</b>	2019/11/21 09:17:18

<b>From:</b>	(b)(6)@numbersusa.com>
<b>To:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Subject:</b>	Re: Great Speaking With You
<b>Date:</b>	2019/11/21 12:09:12
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Good talking with you, too, Chad. I appreciate you reaching out with contact info. I imagine I'll be in touch soon!

Best,

(b)(6)

(b)(6)

Director of Government Relations  
NumbersUSA

(b)(6)

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On Nov 21, 2019, at 11:43 AM, Mizelle, Chad

(b)(6)

□

(b)(6)

It was great talking to you the other day. If I can ever be of help, please let me know.

Best,  
Chad

Chad Mizelle

(b)(6)

**Sender:** (b)(6)@numbersusa.com>



<b>Recipient:</b>	Mizelle, Chad (b)(6)
<b>Sent Date:</b>	2019/11/21 12:08:16
<b>Delivered Date:</b>	2019/11/21 12:09:12

<b>From:</b>	(b)(6)@fairus.org>
<b>To:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Subject:</b>	RE: Draft Letter
<b>Date:</b>	2019/11/22 10:41:48
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Chad – sorry for the delay here, was bogged down w/ House ag amnesty markup.

Looked at it myself and sent it over to our legal arm. We all thought it was excellent. Our digital team is currently promoting on social media and it will be highlighted in a weekly email to our millions of members that goes out today.

I know this may be more OLA related, but glad to fill you in on our current push for a sanctuary vote in the Senate.

Again, thank you so much for the advance notice.

Best,

(b)(6)

(b)(6)

Government Relations Director



cid:image001.jpg@01CDA617.D14FA9D0

25 Massachusetts Ave. N.W. (b)(6)  
Washington, DC 20001

(b)(6)

[www.FAIRus.org](http://www.FAIRus.org)

---

**From:** Mizelle, Chad (b)(6)  
**Sent:** Thursday, November 21, 2019 11:05 AM  
**To:** (b)(6)@fairus.org>  
**Subject:** Draft Letter

As we discussed.

Chad Mizelle

(b)(6)

<b>Sender:</b>	(b)(6)@fairus.org>
<b>Recipient:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Sent Date:</b>	2019/11/22 10:40:57
<b>Delivered Date:</b>	2019/11/22 10:41:48

<b>From:</b>	(b)(6) @fairus.org>
<b>To:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Subject:</b>	FAIR H-2B Letter
<b>Date:</b>	2020/01/08 13:32:47
<b>Importance:</b>	High
<b>Priority:</b>	Urgent
<b>Type:</b>	Note

Hi Chad,

Hope you had a great holiday season. Attached is a letter to Acting Secretary Wolf that will be made public tomorrow. We are urging him to protect American workers by refusing to issue any additional H-2B guest worker visas above the annual statutory cap of 66,000. Hearing troubling things as it relates to his authority here – notably what DOL is recommending.

Glad to chat over the phone if you have a moment.

Best,

(b)(6)

(b)(6)

Government Relations Director



cid:image001.jpg@01CDA617.D14FA9D0

25 Massachusetts Ave. N.W., (b)(6)  
Washington, DC 20001

(b)(6)

[www.FAIRus.org](http://www.FAIRus.org)

<b>Sender:</b>	(b)(6) @fairus.org>
<b>Recipient:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Sent Date:</b>	2020/01/08 13:31:24
<b>Delivered Date:</b>	2020/01/08 13:32:47

<b>From:</b>	(b)(6)	@numbersusa.com>
<b>To:</b>	Mizelle, Chad	(b)(6)
<b>Subject:</b>	So...	
<b>Date:</b>	2020/01/08 14:12:09	
<b>Priority:</b>	Normal	
<b>Type:</b>	Note	

Y'all are going to say no to more H-2Bs, right? Finally put a stop to Congress dithering?

(b)(6)

Director of Government Relations  
NumbersUSA

(b)(6)

LEGAL NOTICE: The information in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

<b>Sender:</b>	(b)(6)	@numbersusa.com>
<b>Recipient:</b>	Mizelle, Chad	(b)(6)
<b>Sent Date:</b>	2020/01/08 14:11:00	
<b>Delivered Date:</b>	2020/01/08 14:12:09	
<b>Message Flags:</b>	Unread	

<b>From:</b>	Mizelle, Chad (b)(6)
<b>To:</b>	(b)(6) @fairus.org>
<b>Subject:</b>	RE: Thank You
<b>Date:</b>	2019/11/19 10:20:00
<b>Priority:</b>	Normal
<b>Type:</b>	Note

(b)(6)

Thanks for reaching out. It was good to chat with you and others yesterday. The Acting Secretary in particular really enjoyed the dialogue.

We, too, are excited to work with you and we will certainly be in touch. In the meantime, if you need anything from me, please do not hesitate to call.

Best,  
Chad

Chad Mizelle  
Chief of Staff  
U.S. Department of Homeland Security

(b)(6)

---

**From:** (b)(6) @fairus.org>  
**Sent:** Tuesday, November 19, 2019 9:52 AM  
**To:** Mizelle, Chad (b)(6)  
**Subject:** Thank You

Chad —

Thank you and the boss so much for coming in yesterday. I wanted to sit back and listen and was very encouraged by what I heard. Everyone else has said the same.

As you know, I have been very vocal publicly regarding commitment to the entire Trump immigration agenda (especially BAHA) and those concerns were quelled.

All the organizations are excited to work with you guys going forward. Please don't hesitate to reach out, I am primary contact here at FAIR with almost 24/7 availability.

Best,

(b)(6)

(b)(6)

Government Relations Director



cid:image001.jpg@01CDA617.D14FA9D0

25 Massachusetts Ave. N.W. (b)(6)  
Washington, DC 20001

(b)(6)

[www.FAIRus.org](http://www.FAIRus.org)

<b>Sender:</b>	Mizelle, Chad (b)(6)	(b)(6)
<b>Recipient:</b>	(b)(6)	@fairus.org>
<b>Sent Date:</b>	2019/11/19 10:20:50	
<b>Delivered Date:</b>	2019/11/19 10:20:00	

<b>From:</b>	Mizelle, Chad (b)(6)
<b>To:</b>	(b)(6) @fairus.org>
<b>Subject:</b>	Draft Letter
<b>Date:</b>	2019/11/21 11:05:07
<b>Priority:</b>	Normal
<b>Type:</b>	Note

As we discussed.

Chad Mizelle

(b)(6)	
<b>Sender:</b>	Mizelle, Chad (b)(6)
<b>Recipient:</b>	(b)(6) @fairus.org>
<b>Sent Date:</b>	2019/11/21 11:05:06
<b>Delivered Date:</b>	2019/11/21 11:05:07



<b>From:</b>	Mizelle, Chad (b)(6)
<b>To:</b>	(b)(6)@cis.org>; (b)(6)@cis.org>
<b>Subject:</b>	Great Speaking With You
<b>Date:</b>	2019/11/21 11:45:04
<b>Priority:</b>	Normal
<b>Type:</b>	Note

(b)(6)

It was great talking to you the other day. If I can ever be of help, please let me know.

Best,  
Chad

Chad Mizelle

(b)(6)

<b>Sender:</b>	Mizelle, Chad (b)(6)
<b>Recipient:</b>	(b)(6)@cis.org>; (b)(6)@cis.org>
<b>Sent Date:</b>	2019/11/21 11:45:03
<b>Delivered Date:</b>	2019/11/21 11:45:04

<b>From:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>To:</b>	<kkobach (b)(6) (b)(6)>@nsc.eop.gov>
<b>Subject:</b>	Re: Morning Meeting Follow Up
<b>Date:</b>	2020/01/27 12:46:22
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Kris,

Thank you so much. Really appreciate your support. I'll make sure the team gets this paperwork. And I'll ask them to review and get back to you as soon as possible.

Best,  
Chad

Chad Mizelle

(b)(6)

---

**From:** kkobach (b)(6)  
**Sent:** Monday, January 27, 2020 12:38:18 PM  
**To:** (b)(6)>@nsc.eop.gov>  
**Cc:** Mizelle, Chad (b)(6)  
**Subject:** RE: Morning Meeting Follow Up

Chad,

Nice to meet you. I'll be meeting with (b)(6) of the (b)(6) in about 20 minutes. I believe we have now completed all of the paperwork. The only thing outstanding was a historical/archaeological study and report. We submitted this preliminary report (which shows no issue prohibiting construction) yesterday; and the final version of the report should be ready later today or in the morning.

Hopefully we can get a green light ASAP so that we may finally start building. One advantage we have over the USACE bidding/building process is that we can start very quickly once we get the "go" signal. I would love to rapidly add another mile to the President's total.

Attached is the preliminary report, as well as a map showing the build site. It is the location of the largest-ever group of migrants apprehended at the border: 424 on one night in June 2019. The brown line is existing wall constructed by the federal government. The green line is the gap on the East side of Mt. Cristo Rey we filled by building a wall section in June 2019. The blue line is the gap that we will fill with this project on the west side of the mountain.

Thanks.

Kris Kobach

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**From:** (b)(6)@nsc.eop.gov>  
**Sent:** Monday, January 27, 2020 10:36 AM  
**To:** kkobach (b)(6)  
**Cc:** Mizelle, Chad (b)(6)  
**Subject:** Morning Meeting Follow Up

Kris:

It was nice to meet you this morning. As promised, I wanted to connect you with the Department of Homeland Security Chief of Staff who is aware of your inquiry.

Chad:

(b)(5)

Yours truly,

(b)(6)

<b>Sender:</b>	Mizelle, Chad (b)(6) (b)(6)
<b>Recipient:</b>	<kkobach (b)(6) (b)(6)@nsc.eop.gov>
<b>Sent Date:</b>	2020/01/27 12:46:21
<b>Delivered Date:</b>	2020/01/27 12:46:22