

Exhibit 8

From: eoir.foiarequests@usdoj.gov <eoir.foiarequests@usdoj.gov>

Sent: Wednesday, March 31, 2021 9:28 AM

To: Morgan Weibel <Morgan@tahirih.org>

Subject: DOJ-EOIR FOIA Request # 2021-16560

Dear Ms. Weibel:

This letter constitutes our first response to your Freedom of Information Act (FOIA) request originally assigned FOIA 2020-60001, newly assigned FOIA 2021-16560, and received by EOIR by letter dated February 23, 2021 from the Office of Information Policy in which you seek the following:

1. Any and all communications between any agency staff in the EOIR Director's Office and any agency staff in the EOIR Office of Administration regarding the hiring process for Appellate Immigration Judges (AIJs) or the hiring of specific persons for an AIJ position. This includes communications between any combination of the following EOIR personnel: Director James McHenry; former Acting Deputy Director and current ACIJ Sirce Owen (both during and after her assignment as Acting Deputy Director); current Acting Deputy Director and former Chief of Employee Labor Relations Marlene Wahowiak; Chief of Staff Kate Sheehey; Assistant Director Lisa Ward; and/or other staff in those offices.
2. Any and all communications between any agency staff in the EOIR Director's Office and any agency staff in the EOIR Office of General Counsel regarding the hiring process for AIJs or the hiring of specific persons for an AIJ position. This includes communications between any combination of the following EOIR personnel: Director James McHenry; former General Counsel Jean King; Chief of Employee Labor Relations in the Office of General Counsel; and/or other staff in those offices.
3. Any and all communications between anyone in the EOIR Office of Administration and the Department of Justice (DOJ) Justice Management Division regarding the hiring process for AIJs or the hiring of specific person for an AIJ position and, if that conduct complaint information was shared with interviewers, the documentation that was shared and the precise interviewers with whom it was shared. This includes communications with EOIR Assistant Director Lisa Ward, Assistant Attorney General Lee Loftus, Deputy Assistant Attorney General Michael Allen, and/or other staff in those offices.

With respect to paragraph 1 of your request, a search was conducted and one or more records that may be responsive to your request were located. We are granting partial access to the records.

Upon review of the records, it was determined that some records originated from a different component. Those records have been forwarded to Department of Justice, Justice Management Division (JMD) or Office of Information Policy (OIP) for a release determination and direct response to you. You can follow up with this portion of your request by contacting JMD by visiting <https://www.justice.gov/jmd/jmd-foia> or <https://www.justice.gov/oip/oip-foia>.

Portions of the enclosed records have been redacted in accordance with FOIA Exemption 2, 5 U.S.C. § 552(b)(2), which concerns matters that are related solely to internal agency personnel rules or practices.

Additionally, portions of the enclosed records have been redacted in accordance with FOIA Exemption 5, 5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege, the attorney work-product doctrine and/or the attorney-client privilege.

Portions of the enclosed records have been redacted in accordance with FOIA Exemption 6, 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

We are continuing to process the reminder of your request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. See <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact the EOIR FOIA Public Liaison at (703) 605-1297 or EOIR.FOIArequests@usdoj.gov for any further assistance and to discuss any aspect of your request. Alternatively, you may contact the Office of Government Information Services (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, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the Executive Office for Immigration Review's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Shelley M. O'Hara
Attorney Advisor (FOIA)