

Exhibit 33



U.S. Department of Justice
Executive Office for Immigration Review
Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

February 8, 2021

Via Email at morgan@tahirih.org

Morgan Weibel, Esq.
Tahirih Justice Center
881 Sneath Lane, Suite 115
San Bruno, CA 94066

Re: FOIA 2020-60002 Final Response

Dear Ms. Weibel:

This letter constitutes our final response to your Freedom of Information Act (FOIA) request dated July 2, 2020 to the Executive Office for Immigration Review (EOIR) in which you seek:

1. Any documents that set out the AIJ hiring process. This includes any memoranda, flow charts, checklists, and other documents generated by EOIR or elsewhere in the Department of Justice that describe, either generally or specifically, the hiring process for AIJs.
2. Any documents that list or otherwise identify candidates recommended for an AIJ position at any stage in the hiring process. This includes all lists, memoranda, and interview notes created by the first and second panels of interviewers. This also includes any lists, memoranda, or interview notes sent to, sent from, or created by the Director of EOIR, the Deputy Attorney General, or the Attorney General.
3. Any documents that contain selection criteria for the AIJ position that were not listed in the public advertisement for the position, whether generated by EOIR or elsewhere in the DOJ.
4. Any documents that discuss deselection criteria for the AIJ position, whether generated by EOIR or elsewhere in the DOJ.
5. Any communications between interview panel members, at any stage in the hiring process, regarding the process for selecting candidates and any discussion of the candidates selected.
6. Documentation regarding complaints filed/made from 2010 to 2016 or during the pendency of this FOIA request in all forums (including but not limited to State and Federal) regarding alleged misconduct against any of the individuals selected for an AIJ position.
7. Documentation showing that any complaints filed/made against any of the individuals selected for an AIJ position was shared with interviewers of the persons selected 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..

With respect to paragraphs 1, 3, 4 and 7 of your request, you will recall that we responded to these portions of your request by letters dated July 9, 2020 and September 24, 2020.

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With respect to paragraph 2 of your request, you will recall that we responded to this portion of your request by letter dated October 16, 2020; however, additional records were located responsive to paragraph 2 of your request. We are granting partial access to one responsive record.

Portions of the enclosed record has 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.

Some records are being withheld in their entirety pursuant to FOIA Exemption 5, 5 U. S.C. § 552(b)(5), which concerns certain inter- and intra- agency communications protected by the deliberative process privilege.

With respect to paragraph 6 of your request, as you will recall, we notified you by correspondence dated January 8, 2021 that this portion of your request required clarification and was placed on hold. We notified you that if did not hear from you within 30 calendar days of this notice, we would assume that you are no longer interested and your request would be administratively closed. Because we have not heard from you and there are no other outstanding portions of your request pending, your request has been administratively closed.

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>.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA Officer who processed your request or the EOIR FOIA Public Liaison at (703) 605-1297. 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>.

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Your appeal must be postmarked or electronically transmitted within 90 days of the date of my 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 O'HARA

Digitally signed by SHELLEY
O'HARA
Date: 2021.02.08 17:09:38 -05'00'

Shelley M. O'Hara
Attorney Advisor (FOIA)