

Exhibit 34



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Morgan Weibel
Tahirih Justice Center
Suite 115
881 Sneath Lane
San Bruno, CA 94066
morgan@tahirih.org

March 23, 2021

Re: Appeal No. A-2021-00901
Request No. FOIA-2020-60002
MWH:MGS

VIA: Email

Dear Morgan Weibel:

You appealed from the interim action of the Executive Office for Immigration Review (EOIR) on your Freedom of Information Act request for access to various records pertaining to the Appellate Immigration Judge (AIJ) hiring process. I note that your appeal concerns the withholdings made by EOIR and the adequacy of EOIR searches for responsive records in its October 16, 2020, partial response to Item No. 2 of your request pertaining to any documents that list or otherwise identify candidates recommended for an AIJ position at any stage in the hiring process.

After carefully considering your appeal, I am affirming EOIR's withholdings on your request in its third interim response. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. EOIR properly withheld this information because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. 552(b) (6) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

As to your appeal concerning the adequacy of EOIR's search, please be advised that at the time EOIR issued its third interim response it had not yet completed the processing of your request. Accordingly, your appeal concerning the adequacy of EOIR's search is not ripe. After EOIR issues its final response to your request, you may appeal the adequacy of the search to this Office.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of EOIR in its third interim

response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. §552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. 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; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

A handwritten signature in blue ink, appearing to read "M.H. - M".

X

Matthew Hurd,
Acting Chief, Administrative Appeals Staff