

Exhibit 6

Sejal Zota

From: Sejal Zota
Sent: Monday, December 4, 2017 4:38 PM
To: 'foia@hq.dhs.gov'
Subject: RE: Department of Homeland Security FOIA 2018-HQFO-00278 Acknowledgment
Attachments: long TPS FOIA DHS clarification 12-4 final.pdf

December 4, 2017

VIA ELECTRONIC MAIL

Sam Kaplan, Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Drive SW, Building 410
STOP-655
Washington, DC 20528-0655
foia@hq.dhs.gov

Re: DHS FOIA Case Number: 2018-HQFO-00278

Dear FOIA Officer:

On November 24, 2017, we, the National Immigration Project of the National Lawyers Guild (NIPNLG) and Professor Margaret Satterthwaite, submitted a request under the Freedom of Information Act (FOIA) to the Department of Homeland Security (DHS) seeking records regarding the termination of the Temporary Protected Status (TPS) designation for Haiti.

In an email dated November 29, 2017, you stated that our request “is too broad in scope” or “did not specifically identify the records which [we] are seeking.” The email further states that if you do not hear from us within 30 days from the date of this letter, you will “assume [we] are no longer interested in this FOIA request, and the case will be administratively closed.”

We write to notify you that we remain interested in the FOIA request, and that the case should not be administratively closed. Further, the FOIA request does not ask DHS to create new records. To be clear, we seek only the release of *existing* records that DHS maintains.

Per your request, we agree to narrow only the following requested records; the other requests (items one, two, four, and sixteen) remain as they were originally drafted:

Item three asks for “all records relating to correspondence and/or communications between any employee of USCIS, DHS, or ICE and any employee of DOS regarding TPS for nationals of Haiti since January 20, 2017.” We narrow our request to “*all correspondence and/or communications between any employee of USCIS, DHS, or ICE and any employee of DOS regarding TPS for nationals of Haiti since January 20, 2017.*”

Item five asks for “all other records relating to correspondence and/or communications between any employee of USCIS, DHS, ICE, or DOS and any White House personnel regarding TPS for nationals of Haiti since

January 20, 2017.” We narrow our request to *“all correspondence and/or communications between any employee of USCIS, DHS, ICE, or DOS and any White House personnel regarding TPS for nationals of Haiti since January 20, 2017.”*

Item six asks for “all records relating to correspondence and/or communications from President Trump’s Cabinet to any employee of USCIS, DHS, ICE, or DOS regarding TPS for nationals of Haiti since January 20, 2017.” We narrow our request to *“all correspondence and/or communications from President Trump’s Cabinet to any employee of USCIS, DHS, ICE, or DOS regarding TPS for nationals of Haiti since January 20, 2017.”*

Item seven asks for “all records relating to correspondence and/or communications from Department of Justice (DOJ) officials to any employee of USCIS, DHS, ICE, or DOS regarding TPS for nationals of Haiti since January 20, 2017.” We narrow our request to *“all correspondence and/or communications from Department of Justice (DOJ) officials to any employee of USCIS, DHS, ICE, or DOS regarding TPS for nationals of Haiti since January 20, 2017.”*

Item eight asks for “all records pertaining to current country conditions of Haiti, including but not limited to those compiled by United States Agency for International Development (USAID), since November 1, 2016.” We narrow our request to *“all records reflecting current country conditions in Haiti, including but not limited to those compiled by United States Agency for International Development (USAID), since November 1, 2016.”*

Item nine asks for “all records relating to correspondence and/or communications between any employee of USCIS, DHS, ICE, or DOS and Haitian leaders, including but not limited to Haitian Foreign Minister Antonio Rodrigue and Haitian Ambassador Paul Altidor, regarding the extension, redesignation, or termination of TPS for Haitian nationals.” We narrow our request to *“all correspondence and/or communications between any employee of USCIS, DHS, ICE, or DOS and Haitian leaders, including but not limited to Haitian Foreign Minister Antonio Rodrigue and Haitian Ambassador Paul Altidor, regarding the extension, redesignation, or termination of TPS for Haitian nationals.”*

Item ten asks for “records since January 20, 2017 relating to any inquiry or request made by Kathy Nuebel Kovarik, Chief of USCIS Office of Policy and Strategy, concerning the criminal history of nationals of Haiti with TPS, including any communications and/or correspondence with John Kelly, former Secretary of the DHS and with Elaine Duke, Acting Director of DHS.” We narrow our request to *“records since January 20, 2017 reflecting any inquiry or request made by Kathy Nuebel Kovarik, Chief of USCIS Office of Policy and Strategy, concerning the criminal history of nationals of Haiti with TPS, including any communications and/or correspondence with John Kelly, former Secretary of the DHS and with Elaine Duke, Acting Director of DHS.”*

Item eleven asks for “all records relating to any inquiry or request made by or to any employee of USCIS, DHS, ICE, or DOS concerning the criminal history of nationals of Haiti with TPS, including any communications and/or correspondence with White House personnel and/or DOJ officials.” We narrow our request to *“records since January 20, 2017, reflecting any inquiry or request made by or to any employee of USCIS, DHS, ICE, or DOS concerning the criminal history of nationals of Haiti with TPS, including any communications and/or correspondence with White House personnel and/or DOJ officials.”*

Item twelve asks for “all records relating to any response made by any employee of USCIS, DHS, ICE, or DOS to the inquiries referenced in Requests #10 and 11, including but not limited to any data or information responsive to the inquiry.” We narrow our request to *“any responses made by any employee of USCIS, DHS, ICE, or DOS to the inquiries referenced in Requests #10 and 11.”*

Item thirteen asks for “all records relating to any inquiry or request made by Kathy Nuebel Kovarik, Chief of USCIS Office of Policy and Strategy, concerning whether, when, and how nationals of Haiti with TPS have used any type of public benefit.” We narrow our request to *“records reflecting any inquiry or request made by*

Kathy Nuebel Kovarik, Chief of USCIS Office of Policy and Strategy, concerning whether, when, and how nationals of Haiti with TPS have used any type of public benefit.”

Item fourteen asks for “all records relating to any inquiry or request made by or to any employee of USCIS, DHS, ICE, or DOS concerning whether, when, and how nationals of Haiti with TPS have used any type of public benefit.” We narrow our request to “*records since January 20, 2017, reflecting any inquiry or request made by or to any employee of USCIS, DHS, ICE, or DOS concerning whether, when, and how nationals of Haiti with TPS have used any type of public benefit.*”

Item fifteen asks for “all records relating to any response made by any employee of USCIS, DHS, ICE, or DOS to the inquiry referenced in Requests #13 and 14, including but not limited to any data or information responsive to the inquiry.” We narrow our request to “*any responses made by any employee of USCIS, DHS, ICE, or DOS to the inquiries referenced in Requests #13 and 14.*”

Item seventeen asks for “all records relating to any policy, guidance, directives, and/or memoranda issued since January 1, 2010 pertaining to the country conditions in Haiti and the use of this information in the determination of designating, redesignating, extending, or terminating TPS for the nationals of Haiti.” We narrow our request to “*any policy, guidance, directives, and/or memoranda issued since January 1, 2010 pertaining to the country conditions in Haiti and the use of this information in the determination of designating, redesignating, extending, or terminating TPS for the nationals of Haiti.*”

Item eighteen asks for “all records relating to the number of Haitian nationals with TPS who are employed by small businesses, small non-profit organizations, and small jurisdictions of government.” We narrow our request to “*all records reflecting the number of Haitian nationals with TPS who are employed by small businesses, small non-profit organizations, and small jurisdictions of government.*”

Item nineteen asks for “all records relating to any analysis of the potential economic impacts on small businesses, small non-profit organizations, and small jurisdictions of government of the termination of TPS for nationals of Haiti.” We narrow our request to “*all records containing any analysis of the potential economic impacts on small businesses, small non-profit organizations, and small jurisdictions of government of the termination of TPS for nationals of Haiti.*”

We add an additional item twenty, through which we seek all communications between January 20, 2017 and May 24, 2017 regarding the May 24, 2017 Federal Register publication justifying the six-month extension of TPS at that time for nationals of Haiti.

We believe that with these modifications, our request contains a reasonable description of the records we are seeking, and a DHS employee familiar with the subject area should be able to locate the responsive records with a reasonable amount of effort. The request is for records related to a particular topic during a discrete period of time. Moreover, as we delineated the records we are seeking in various items, should DHS view any particular item as unclear, it should specifically identify that item and the need for clarification.

Although a large number of records may be responsive to the FOIA request, the number of records requested has no bearing on whether the request reasonably describes the records sought. *See, e.g., Yeager v. DEA*, 678 F.2d 315, 326 (D.C. Cir. 1992). The requested records from ICE concern the core promise of FOIA, which is to “open agency action to the light of public scrutiny,” thus ensuring that citizens know “what their government is up to.” *Am. Civil Liberties Union v. U.S. Dep’t of Justice*, 655 F.3d 1, 6 (D.C. Cir. 2011) (quoting *U.S. Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 772, 773 (1989)). The requested records will shed light on the operations and activities of DHS regarding its determination to terminate TPS for tens of thousands of nationals of Haiti. Moreover, the fact that the records requested are likely all in electronic form

should make it easier for DHS to comply with the FOIA request, given that the only expertise necessary for fulfilling the request is likely to be keyword searches.

For the aforementioned reasons, we request that the FOIA request be processed as it is reasonably specific and allows DHS to locate the responsive records with a reasonable amount of effort. Accordingly, we expect a response to the request within 20 working days, as FOIA requires. *See* 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your time and attention to this matter. Should you have any questions regarding this request, please contact Sejal Zota at 919-698-5015.

Sincerely,

A handwritten signature in cursive script that reads "Sejal Zota".

Sejal Zota
National Immigration Project
of the National Lawyers Guild
14 Beacon Street, Suite 602
Boston, MA 02108

Margaret Satterthwaite
Professor of Clinical Law
NYU School of Law
245 Sullivan Street
New York, NY 10012

From: foia@hq.dhs.gov [mailto:foia@hq.dhs.gov]
Sent: Wednesday, November 29, 2017 9:43 AM
To: sejal@nipnl.org
Subject: Department of Homeland Security FOIA 2018-HQFO-00278 Acknowledgment

Good Morning,

Attached is our acknowledgment of your DHS FOIA request. If you need to contact this office again concerning your request, please provide the DHS reference number. This will enable us to quickly retrieve the information you are seeking and reduce our response time. This office can be reached at 866-431-0486.

Regards,

DHS Privacy Office
Disclosure & FOIA Program
STOP 0655
Department of Homeland Security
245 Murray Drive, SW
Washington, DC 20528-0655
Telephone: 1-866-431-0486 or 202-343-1743
Fax: 202-343-4011
Visit our [FOIA website](#)