

EXHIBIT K



**Homeland
Security**

Privacy Office, Mail Stop 0655

July 10, 2019

SENT VIA E-MAIL TO: richardc@tahirih.org

Richard Caldarone
Tahirih Justice Center
6402 Arlington Blvd, Suite 300
Falls Church, VA 22042

Re: **2019-HQFO-00973**

Dear Mr. Caldarone:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated July 5, 2019, and to your request for a waiver of all assessable FOIA fees. Our office received your request on July 5, 2019.

Specifically, you requested any and all records that were prepared, received, transmitted, collected and/or maintained by CBP, USCIS, and/or DHS that describe, refer or relate to:

- (1) CBP officers conducting or potentially conducting credible or reasonable fear interviews;
- (2) any training or proposed training related to CBP officers conducting or potentially conducting credible or reasonable fear interviews, and/or
- (3) the proposed or actual implementation of (1) or (2) ((1), (2) and (3) collectively, the "Program", including, but are not limited to, those describing, referring, or relating to:
 - a) Any regulations, protocols, memoranda, recommendations, policy directives, policy guidelines, or procedures related to the Program
 - b) Any documents or communications related to the creation, authorization, funding, budgeting, preparation, supervision, and/or implementation of the Program
 - c) Any documents or communications referencing any actual, proposed, or potential goal, target, objective, guideline, procedure, and/or policy of the Program
 - d) Any training materials developed, used, or intended to be used in the Program

e) Any evaluation, testing, or screening materials or protocols developed, used, or intended

to be used for the Program as part of determining whether or which officers may conduct credible or reasonable fear interviews

f) Any memoranda, recommendations, guidelines, procedures, policies, or directives related to the supervision of the Program and/or of officers involved in the Program

g) Any documents or communications referring to actual or potential administrative, practical, legal, or ethical challenges, concerns, or obstacles the Program may face.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c). As your request seeks a voluminous amount of separate and distinct records, DHS will invoke a 10-day extension for your request pursuant 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government," (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be "significant," (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to non-commercial requesters, provide two hours of search time and process the first 100 pages at no charge to you. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its

final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

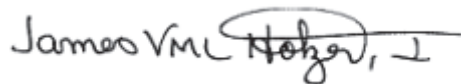
In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester you will be charged for any search time and duplication beyond the free two hours and 100 pages mentioned in the previous paragraph. You will be charged 10 cents per page for duplication and search time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2019-HQFO-00973**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number. Status information is updated daily. Alternatively, you can download the DHS eFOIA Mobile App, the free app is available for all Apple and Android devices. With the DHS eFOIA Mobile App, you can submit FOIA requests or check the status of requests, access all of the content on the FOIA website, and receive updates anyplace, anytime.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." with a stylized flourish at the end.

James Holzer
Deputy Chief FOIA Officer