

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

January 3, 2020

Sara Creighton
American Oversight
1030 15th Street NW
Washington, DC 20005

**RE: American Oversight v. ICE; 1:19-cv-00774
ICE FOIA Case Number 2019-ICLI-00043
Fourth Interim Release**

Dear Ms. Creighton:

This letter is the fourth interim response to your client's Freedom of Information Act (FOIA) requests to U.S. Immigration and Customs Enforcement (ICE), dated March 20, 2019. Your FOIA request seeks the following:

2018-ICFO-62041 (Miller Communications)

1. All records reflecting communications (including emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) with or about Stephen Miller, including but not limited to communications containing the name "Stephen Miller" or email communications sent or forwarded to, received from, copying, or blind copying stephen.miller@who.eop.gov or s.miller@who.eop.gov.
2. All records reflecting communications (including emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) with or referencing the phone number "(202) 881-8641."
3. All call logs showing incoming or outgoing calls to or from the phone number "(202) 881-8641."

2019-ICFO-02136 (Klingler Communications)

4. All records reflecting communications (including emails, email attachments, calendar invitations/entries) between the custodians listed below and McLaurine Klingler, Executive Assistant in the White House Office within the Executive Office of the President.

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

For this interim production, a total of 512 pages were located and reviewed pursuant to a search of the Office of the Chief Information Officer (OCIO). Of those 512 pages, ICE determined that only 19 pages were responsive to your request. These pages are attached and have been marked 2019-ICLI-00043 533 to 2019-ICLI-0043 551. Upon review, ICE has determined that portions of the 55 pages will be withheld pursuant to Exemptions b(5), b(6), and b(7)(C) of the FOIA.

ICE cannot confirm or deny the existence of records responsive to the portion of Item 1 of the request seeking email communications sent or forwarded to, received from, copying, or blind copying certain email addresses identified in the request. ICE also cannot confirm or deny the existence of records responsive to Items 2 or 3 of the request, seeking records of communications with or referencing a specific phone number identified in the request. FOIA Exemption 6, 5 U.S.C. § 552(b)(6), precludes us from either confirming or denying that such records exist. This response should not be construed as an admission that responsive records exist.

With regard to the other portions of your request, ICE has applied the following FOIA exemptions. FOIA Exemption (b)(5) protects from public disclosure intra-agency documents that contain the recommendations, opinions, and conclusions of agency employees, and portions of the responsive documents which qualify for protection under the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege.

FOIA Exemption (b)(5) protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the deliberative process privilege, the attorney-client privilege, or the attorney work-product privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

FOIA Exemption 6 exempts from disclosure information in personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes when production of such could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interests in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

If you have any questions about this letter, please contact Trial Attorney Josh Kolsky at (202) 305-7664.

Sincerely,

Dexter E. Johnson/for

Fernando Pineiro, Jr.
FOIA Officer, Acting

Enclosure(s): 19 page(s)

cc: Josh Kolsky
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
joshua.kolsky@usdoj.gov

From: Short, Tracy
Sent: 5 Oct 2017 16:02:20 -0400
To: Homan, Thomas; Feere, Jon
Subject: FW: Operation Janus Denaturalization and Fraud Identification Project Funding

Can we discuss this?

From: Miller, Stephen EOP/WHO [mailto:(b)(6); (b)(7)(C)]
Sent: Thursday, October 5, 2017 3:53 PM
To: Zadrozny, John A. EOP/WHO; Wetmore, David H. EOP/WHO; Short, Tracy; Feere, Jon
Cc: Homan, Thomas
Subject: RE: Operation Janus Denaturalization and Fraud Identification Project Funding

Thank you. (b)(5)

From: Zadrozny, John A. EOP/WHO
Sent: Thursday, October 5, 2017 3:49 PM
To: Wetmore, David H. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C); Miller, Stephen EOP/WHO
(b)(6); (b)(7)(C)
Subject: RE: Operation Janus Denaturalization and Fraud Identification Project Funding

Adding Stephen.

JZ
w/ (b)(6); (b)(7)(C)
c:

From: Wetmore, David H. EOP/WHO
Sent: Thursday, October 5, 2017 3:47 PM
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C); Zadrozny, John A. EOP/WHO
(b)(6); (b)(7)(C)
Subject: Operation Janus Denaturalization and Fraud Identification Project Funding

Tracy and John,

(b)(5)

(b)(5)

Dave

DAVID H. WETMORE
Immigration Advisor
Domestic Policy Council
Executive Office of the President

W (b)(6); (b)(7)(C)

M:

(b)(6); (b)(7)(C)

From: Miller, Stephen EOP/WHO
Sent: 1 Mar 2018 20:25:46 +0000

To: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C);Klingler,

McLaurine E. EOP/WHO;(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Feere,

Jon(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Cc: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting

Attachments: Canceled: DPC_DOJ Weekly Immigration Policy Meeting.eml

From:

(b)(6); (b)(7)(C) on behalf of Miller, Stephen EOP/WHO

Sent: Thu, 1 Mar 2018 20:25:46 +0000

To: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C);Klingler,

McLaurine E. EOP/WHO(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Feere,

(b)(6); (b)(7)(C)

Cc: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting

Attachments: Canceled: DPC/DOJ Weekly Immigration Policy Meeting

Importance: Normal

Sender: (b)(6); (b)(7)(C)

On-Behalf-Of: (b)(6); (b)(7)(C)

Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting

Message-Id: <86090bb595fa483c947c543be3e514e9@who.eop.gov>

Recipient: (b)(6); (b)(7)(C)

Recipient:

From: (b)(6); (b)(7)(C) on behalf of Miller, Stephen EOP/WHO
Sent: Thu, 1 Mar 2018 20:25:42 +0000
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Klingler, McLaurine E.
EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Feere, Jon (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting
Importance: High

This meeting is canceled for tomorrow – Stephen is traveling.

From: Miller, Stephen EOP/WHO
Sent: 29 Mar 2018 16:10:42 +0000

To: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Klingler, McLaurine E. EOP/WHO (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Feere, Jon (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Cc: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

EOP/WHO

Subject: DPC/DOJ Weekly Immigration Policy Meeting

Attachments: DPC_DOJ Weekly Immigration Policy Meeting.eml

From: (b)(6); (b)(7)(C) on behalf of Miller, Stephen EOP/WHO
Sent: Thu, 29 Mar 2018 16:10:42 +0000
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(OJP);Klingler, McLaurine E. EOP/WHO;(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Feere, Jon;(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: DPC/DOJ Weekly Immigration Policy Meeting
Importance: Normal

To clear up any confusion, tomorrow's meeting (3/30) is cancelled and next Friday's meeting (4/6) is on. Sorry about the mix up – have a great weekend!

From: Miller, Stephen EOP/WHO
Sent: 15 Mar 2018 20:10:24 +0000
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Zadrozny, John A. EOP/WHO; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Klingler, McLaurine E.
EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Feere, Jon (b)(6);
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: DPC/DOJ Weekly Immigration Policy Meeting
Attachments: DPC_DOJ Weekly Immigration Policy Meeting.eml

From:

(b)(6); (b)(7)(C) on behalf
of Miller, Stephen EOP/WHO

Sent: Thu, 15 Mar 2018 20:10:24 +0000

To: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C); Zadrozny, John A. EOP/WHO; (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C); Klingler, McLaurine E.

EOP/WHO; (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C); Feere, Jon; (b)(6)

(b)(6); (b)(7)(C)

Cc: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject: DPC/DOJ Weekly Immigration Policy Meeting

Attachments: DPC/DOJ Weekly Immigration Policy Meeting

Importance: Normal

Sender: (b)(6); (b)(7)(C)

On-Behalf-Of: Stephen.Mille; (b)(6); (b)(7)(C)

Subject: DPC/DOJ Weekly Immigration Policy Meeting

Message-Id: (b)(6); (b)(7)(C)

Recipient: (b)(6); @ice.dhs.gov

Recipient: (b)(6); (b)(7)(C); @ice.dhs.gov

From: (b)(6); (b)(7)(C) on behalf of Miller, Stephen EOP/WHO

Sent: Thu, 15 Mar 2018 20:10:13 +0000

To: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Zadrozny, John A. EOP/WHO (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C); Klingler, McLaurine E.

EOP/WHO (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Feere, Jon (b)(6);

(b)(6); (b)(7)(C)

Cc: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject: DPC/DOJ Weekly Immigration Policy Meeting

From: Miller, Stephen EOP/WHO
Sent: 22 Feb 2018 19:04:44 +0000
To: Zadrozny, John A. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Klingler, McLaurine E. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Feere, Jon (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: DPC/DOJ Weekly Immigration Policy Meeting
Attachments: DPC_DOJ Weekly Immigration Policy Meeting.eml

From: (b)(6); (b)(7)(C) EOP/WHO on behalf of Miller, Stephen EOP/WHO
Sent: Thu, 22 Feb 2018 19:04:44 +0000
To: Zadrozny, John A. EOP/WHO; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(OJP);Klingler, McLaurine E. EOP/WHO; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Feere, Jon; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: DPC/DOJ Weekly Immigration Policy Meeting
Importance: Normal

Hi All,

It's (b)(6) Stephen's new assistant
Tomorrow's meeting is pushed 30 minutes to 3pm

Please fill out the new waves link below:

(b)(6); (b)(7)(C)

From: Miller, Stephen EOP/WHO
Sent: 9 Jul 2018 21:57:27 +0000
To: Zadrozny, John A. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Klingler, McLaurine E. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Feere, Jon (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting
Attachments: Canceled: DPC_DOJ Weekly Immigration Policy Meeting.eml

From:

(b)(6); (b)(7)(C) on behalf of Miller, Stephen EOP/WHO

Sent: Mon, 9 Jul 2018 21:57:27 +0000

To: Zadrozny, John A. EOP/WHO (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C); Klingler, McLaurine E. EOP/WHO (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Feere, Jon (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Cc: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting

Attachments: Canceled: DPC/DOJ Weekly Immigration Policy Meeting

Importance: Normal

Sender: (b)(6); (b)(7)(C)

On-Behalf-Of: Stephen.Miller (b)(6);

Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting

Message-Id: (b)(6); (b)(7)(C)

Recipient: (b)(6); @ice.dhs.gov

Recipient: (b)(6); @ice.dhs.gov

From: (b)(6); (b)(7)(C) on behalf of Miller, Stephen EOP/WHO
Sent: Mon, 9 Jul 2018 21:57:22 +0000
To: Zadrozny, John A. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(OJP);Klingler, McLaurine E. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Feere, Jon (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting
Importance: High

From: Miller, Stephen EOP/WHO
Sent: 1 Mar 2018 20:25:42 +0000
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Zadrozny, John A. EOP/WHO; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Klingler,
McLaurine E. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Feere,
Jon; Cox, (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting
Attachments: Canceled: DPC_DOJ Weekly Immigration Policy Meeting.eml
Importance: High

From: (b)(6); (b)(7)(C) on behalf of Miller, Stephen EOP/WHO
Sent: Thu, 1 Mar 2018 20:25:42 +0000
To: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Zadrozny, John A. EOP/WHO; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Klingler, McLaurine E.
EOP/WHO; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Feere, Jon; Cox, (b)(6);
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: Canceled: DPC/DOJ Weekly Immigration Policy Meeting
Importance: High

This meeting is canceled for tomorrow – Stephen is traveling.

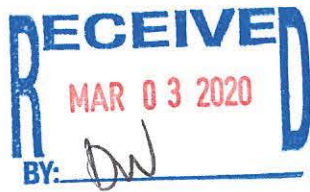
From: Miller, Stephen EOP/WHO
Sent: 22 Feb 2018 19:04:44 +0000
To: Zadrozny, John A. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C); Klingler, McLaurine E. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) Feere, Jon;Cox, (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: DPC/DOJ Weekly Immigration Policy Meeting
Attachments: DPC_DOJ Weekly Immigration Policy Meeting.eml

From: (b)(6); (b)(7)(C) on behalf of Miller, Stephen EOP/WHO
Sent: Thu, 22 Feb 2018 19:04:44 +0000
To: Zadrozny, John A. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(OJP);Klingler, McLaurine E. EOP/WHO (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: DPC/DOJ Weekly Immigration Policy Meeting
Importance: Normal

Hi All,

It's (b)(6) Stephen's new assistant
Tomorrow's meeting is pushed 30 minutes to 3pm

Please fill out the new waves link below:
(b)(6); (b)(7)(C)



Office of Information Governance and Privacy

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

February 28, 2020

Sara Creighton
American Oversight
1030 15th Street NW
Washington, DC 20005

**RE: American Oversight v. ICE; 1:19-cv-00774
ICE FOIA Case Number 2019-ICLI-00043
Fifth Interim Release**

Dear Ms. Creighton:

This letter is the fifth interim response to your client's Freedom of Information Act (FOIA) requests to U.S. Immigration and Customs Enforcement (ICE), dated March 20, 2019. Your FOIA request seeks the following:

2018-ICFO-62041 (Miller Communications)

1. All records reflecting communications (including emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) with or about Stephen Miller, including but not limited to communications containing the name "Stephen Miller" or email communications sent or forwarded to, received from, copying, or blind copying stephen.miller@who.eop.gov or s.miller@who.eop.gov.
2. All records reflecting communications (including emails, email attachments, voicemail transcripts, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Signal, or Twitter Direct Messages), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) with or referencing the phone number "(202) 881-8641."
3. All call logs showing incoming or outgoing calls to or from the phone number "(202) 881-8641."

www.ice.gov

2019-ICFO-02136 (Klingler Communications)

4. All records reflecting communications (including emails, email attachments, calendar invitations/entries) between the custodians listed below and McLaurine Klingler, Executive Assistant in the White House Office within the Executive Office of the President.

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

For this interim production, a total of 504 pages were located and reviewed pursuant to a search of the Office of the Chief Information Officer (OCIO). Of those 504 pages, ICE determined that only 11 pages were responsive to your request. These pages are attached and have been marked 2019-ICLI-00043 552 to 2019-ICLI-0043 562. Upon review, ICE has determined that portions of the 11 pages will be withheld pursuant to Exemptions (b)(5), b(6), and (b)(7)(C) of the FOIA.

ICE cannot confirm or deny the existence of records responsive to the portion of Item 1 of the request seeking email communications sent or forwarded to, received from, copying, or blind copying certain email addresses identified in the request. ICE also cannot confirm or deny the existence of records responsive to Items 2 or 3 of the request, seeking records of communications with or referencing a specific phone number identified in the request. FOIA Exemption 6, 5 U.S.C. § 552(b)(6), precludes us from either confirming or denying that such records exist. This response should not be construed as an admission that responsive records exist.

With regard to the other portions of your request, ICE has applied the following FOIA exemptions. FOIA Exemption (b)(5) protects from public disclosure intra-agency documents that contain the recommendations, opinions, and conclusions of agency employees, and portions of the responsive documents which qualify for protection under the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege.

FOIA Exemption (b)(5) protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the deliberative process privilege, the attorney-client privilege, or the attorney work-product privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The attorney work-product privilege protects documents and other memoranda prepared by an attorney in contemplation of litigation. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

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FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes when production of such could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interests in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

If you have any questions about this letter, please contact Trial Attorney Josh Kolsky at (202) 305-7664.

Sincerely,

Dexter E. Johnson/for

Fernando Pineiro, Jr.
(A) FOIA Officer

Enclosure(s): 11 page(s)

cc: Josh Kolsky
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
joshua.kolsky@usdoj.gov

Page 552

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From: Miller, Stephen EOP/WHO
Sent: 14 May 2018 22:53:58 +0000
To: Blank, Thomas
Cc: Feere, Jon
Subject: RE: Civil Fines and Penalties
Attachments: RE: Civil Fines and Penalties.eml

From: Miller, Stephen EOP/WHO
Sent: Mon, 14 May 2018 22:53:58 +0000
To: Blank, Thomas
Cc: Feere, Jon
Subject: RE: Civil Fines and Penalties
Importance: Normal

Thank you very much for the update. (b)(5)

(b)(5)

From: Blank, Thomas <(b)(6); [redacted]@ice.dhs.gov>

Sent: Monday, May 14, 2018 6:36 PM

To: Miller, Stephen EOP/WHO (b)(6); (b)(7)(C) [redacted] >

Cc: Feere, Jon <(b)(6); [redacted]@ice.dhs.gov>

Subject: Civil Fines and Penalties

Stephen:

(b)(5)

Let us know what other questions you have.

Regards,

Tom

(b)(5)

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732 (b)(6):
Cell 202 591 (b)(6)

From: Miller, Stephen EOP/WHO
Sent: 13 May 2018 20:28:00 +0000
To: (b)(6); [redacted]@ice.dhs.gov
Subject:
Attachments: .eml

From: Miller, Stephen EOP/WHO
Sent: Sun, 13 May 2018 20:28:00 +0000
To: (b)(6); [redacted]@ice.dhs.gov
Subject:
Importance: Normal

Please give me a call when you can; (b)(6); (b)(7)(C)

From:

(b)(6); (b)(7)(C) on behalf
of Miller, Stephen EOP/WHO

Sent: Mon, 14 May 2018 22:54:44 +0000

To: Blank, Thomas

Cc: Feere, Jon

Subject: RE: Civil Fines and Penalties

Attachments: RE: Civil Fines and Penalties

Importance: Normal

Sender: (b)(6); (b)(7)(C)

Subject: RE: Civil Fines and Penalties

Message-Id: (b)(6); (b)(7)(C)

Recipient: (b)(6); @ice.dhs.gov

Recipient: (b)(6); @ice.dhs.gov

From: Miller, Stephen EOP/WHO
Sent: 13 May 2018 20:29:43 +0000
To: (b)(6); [redacted]@ice.dhs.gov
Subject:
Attachments: .eml

From:

(b)(6); (b)(7)(C) on behalf
of Miller, Stephen EOP/WHO

Sent: Sun, 13 May 2018 20:29:43 +0000

To: (b)(6); @ice.dhs.gov

Subject:

Attachments: ATT00001

Importance: Normal

Sender (b)(6); (b)(7)(C)

Subject:

Message-Id: (b)(6); (b)(7)(C)

Recipient (b)(6); @ice.dhs.gov

From: Miller, Stephen EOP/WHO
Sent: 31 May 2018 18:49:40 +0000
To: Blank, Thomas
Subject: Re: Fugitive Operations Ride- Along
Attachments: Re: Fugitive Operations Ride- Along.eml

From: Miller, Stephen EOP/WHO
Sent: Thu, 31 May 2018 18:49:40 +0000
To: Blank, Thomas
Subject: Re: Fugitive Operations Ride- Along
Importance: Normal

Thank you -- and many thanks to the terrific men and women of ICE.

Sent from my iPhone

On May 31, 2018, at 2:01 PM, Blank, Thomas <(b)(6); (b)(7)(C)@ice.dhs.gov> wrote:

Stephen:

(b)(5); (b)(6); (b)(7)(C)

Tom Blank

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732 (b)(6)
Cell 202 591 (h)(6)

(b)(5)

Alternatively, we can plan for participation during the PSI.

Thanks,

(b)(6);