

EXHIBIT H



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

Telephone: [REDACTED]

Claudia Valenzuela, Esq.
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Washington, DC 20005
cvalenzuela@immcouncil.org

September 8, 2020
Re: Appeal No. A-2020-01310
Request No. 2020-25710
JNW:AMF

VIA:Email

Dear Claudia Valenzuela:

You appealed from the action of the Executive Office for Immigration Review (EOIR) on your Freedom of Information Act request for access to records concerning information pertaining to current immigration courts and immigration adjudication centers (IACs) as well as information pertaining to proposed immigration courts and IACs. I note that your appeal concerns the adequacy of EOIR's search as to the portions of your request seeking the procedures to be followed by judges, noncitizens, and attorneys in cases assigned to be and heard by judges via an IAC and a list of proposed immigration courts and IAC sites; and the withholdings made by EOIR pursuant to Exemption 5.

After carefully considering your appeal, I am affirming EOIR's action on your request. 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 certain information because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. 552(b)(5) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns certain inter- and intra-agency records protected by the deliberative process privilege.

As to your appeal concerning the adequacy of EOIR's search for responsive records subject to the FOIA, I have determined that EOIR's response was correct and that it conducted an adequate, reasonable search for such records.

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 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,



X

Matthew Hurd,

Acting Chief, Administrative Appeals Staff