

U.S. Department of Homeland Security
500 12th Street, S.W.
Washington, DC 20536-5009



**U.S. Immigration
and Customs
Enforcement**

February 22, 2018

R. Andrew Free
P.O. Box 90568
Nashville, TN 37209

RE: *Jacqueline Stevens v. ICE (1:17-cv-2853) (2017-ICLI-00012)*

Dear Mr. Free:

This letter is the seventh interim release in response to the ongoing Freedom of Information Act (FOIA) litigation between Jacqueline Stevens and U.S. Immigration and Customs Enforcement (ICE), relating to FOIA requests submitted by your client. This release is in response to your February 13, 2017, FOIA request seeking all correspondence on the detention or removal proceedings for people claiming or proving U.S. citizenship since January 1, 2017.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

This release consists of 1, 181 pages of records located pursuant to a search of the ICE Office of the Principal Legal Advisor (OPLA). These documents have been Bates numbered 2017-ICLI-00012 3364 through 2017-ICLI-00012 4544. After review of those records, ICE has determined that portions of those pages will be withheld pursuant to FOIA Exemptions, (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA as described below.

FOIA Exemption 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, and 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.

ICE has applied Exemptions (b)(6) and (b)(7)(C) of the FOIA to protect from disclosure, in part, the names, phone numbers, email addresses, and other personally identifiable information of ICE employees and contractor employees. Further ICE applied Exemptions (b)(6) and (b)(7)(C) to the names and A-file numbers of ICE detainees and to the names and addresses of other third parties.

FOIA Exemption (b)(6) exempts from disclosure 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.

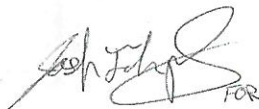
FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, 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 interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, ICE has determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers contained within the document.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

If you have any questions about this letter, please contact Assistant United States Attorney Prashant Kolluri at (312) 886-9085.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina M. Pavlik-Keenan". The signature is stylized and includes the word "FOR" written in small capital letters at the bottom right of the signature.

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 1, 181 pages