



December 17, 2018

U.S. Department of Justice  
Executive Office for Immigration Review  
Office of General Counsel – FOIA Service Center  
5107 Leesburg Pike, Suite 1903  
Falls Church, VA 22041

E-mail address: [EOIR.FOIARequests@usdoj.gov](mailto:EOIR.FOIARequests@usdoj.gov)

**Re: Request under the Freedom of Information Act for records related to the formation, staffing, mission and activities of the EOIR Office of Policy**

Dear FOIA Officer:

The Catholic Legal Immigration Network, Inc. (CLINIC) submits this letter to request information under the Freedom of Information Act (FOIA), 5 USC § 552, et seq. CLINIC also asks that any fees associated with this request be waived.

**I. Request for Information**

**CLINIC request records<sup>1</sup> related to the Executive Office for Immigration Review (EOIR) Office of Policy, which appears to be a new division of EOIR. We request any and all documents in the custody or control of EOIR, which refer or relate to the following categories:**

- The purpose and activities of the EOIR Office of Policy. Specifically, these records should include, but not be limited to:
  - Emails between EOIR Director James McHenry and any other EOIR and/or DOJ staff regarding formation, staffing, mission and activities of the EOIR Office of Policy.
  - Emails between former Attorney General Jeff Sessions and any other DOJ staff and/or EOIR staff regarding formation, staffing, mission and activities of the EOIR Office of Policy.
  - Emails between Acting Attorney General Matthew Whitaker and any other DOJ staff and/or EOIR staff regarding formation, staffing, mission and activities of the EOIR Office of Policy
  - Emails between EOIR Assistant Director Lauren Alder Reid and any other DOJ staff and/or EOIR staff regarding formation, staffing, mission and activities of the EOIR Office of Policy.
  - Organizational charts; job descriptions; staffing information; and budget information about the EOIR Office of Policy.

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<sup>1</sup> The term “records” as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, documents, data, videotapes, audiotapes, emails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training materials, and studies.

- The purpose and activities of the Immigration Law Division within the EOIR Office of Policy. Specifically, these records should include, but not be limited to:
  - Emails between EOIR Director James McHenry and any other EOIR and/or DOJ staff regarding formation, staffing, mission and activities of the Immigration Law Division within the EOIR Office of Policy.
  - Emails between former Attorney General Jeff Sessions and any other DOJ staff and/or EOIR staff regarding formation, staffing, mission and activities of the Immigration Law Division within the EOIR Office of Policy.
  - Emails between Acting Attorney General Matthew Whitaker and any other DOJ staff and/or EOIR staff regarding formation, staffing, mission and activities of the Immigration Law Division within the EOIR Office of Policy.
  - Emails between EOIR Assistant Director Lauren Alder Reid and any other DOJ staff and/or EOIR staff regarding formation, staffing, mission and activities of the Immigration Law Division within the EOIR Office of Policy.
  - Organizational charts; job descriptions; staffing information; and budget information about the Immigration Law Division within the EOIR Office of Policy.
  
- All records between EOIR Office of Policy staff and staff of EOIR; staff of the Department of Justice; staff of the Department of Homeland Security; and/or White House staff regarding each case listed below:
  - *Matter of Castro-Tum*, 27 I&N Dec. 187 (A.G. 2018) and 27 I&N Dec. 271 (A.G. 2018)
  - *Matter of E-F-H-L-*, 27 I&N Dec. 226 (A.G. 2018)
  - *Matter of A-B-*, 27 I&N Dec. 227 (A.G. 2018), 27 I&N Dec. 247 (A.G. 2018), and 27 I&N Dec. 316 (A.G. 2018)
  - *Matter of L-A-B-R- et al.*, 27 I&N Dec. 245 (A.G. 2018) and 27 I&N Dec. 405 (A.G. 2018)
  - *Matter of S-O-G- & F-D-B-*, 27 I&N Dec. 462 (A.G. 2018)
  - *Matter of M-G-G-*, 27 I&N Dec. 469 (A.G. 2018) and 27 I&N Dec. 475 (A.G. 2018)
  - *Matter of M-S-*, 27 I&N Dec. 476 (A.G. 2018)
  - *Matter of Negusie*, 27 I&N Dec. 481 (A.G. 2018)
  - *Matter of L-E-A-*, 27 I&N Dec. 494 (A.G. 2018), and
  - *Matter of Castillo-Perez*, 27 I&N Dec. 495 (A.G. 2018).
  
- All records within each of the following agencies: EOIR Office of Policy staff; EOIR staff; Department of Justice staff; Department of Homeland Security staff; and/or White House staff regarding each case listed below:
  - *Matter of Castro-Tum*, 27 I&N Dec. 187 (A.G. 2018) and 27 I&N Dec. 271 (A.G. 2018)
  - *Matter of E-F-H-L-*, 27 I&N Dec. 226 (A.G. 2018)
  - *Matter of A-B-*, 27 I&N Dec. 227 (A.G. 2018), 27 I&N Dec. 247 (A.G. 2018), and 27 I&N Dec. 316 (A.G. 2018)
  - *Matter of L-A-B-R- et al.*, 27 I&N Dec. 245 (A.G. 2018) and 27 I&N Dec. 405 (A.G. 2018)
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  - *Matter of L-E-A-*, 27 I&N Dec. 494 (A.G. 2018), and
  - *Matter of Castillo-Perez*, 27 I&N Dec. 495 (A.G. 2018).

To the extent that treating this request as divisible (i.e., as if it were made in multiple requests) would allow you to more expeditiously respond to any or all parts, please do so.

## **II. Expedited Processing Request**

CLINIC requests expedited processing of this request pursuant to applicable law and regulations. There is a “compelling need” for these records, as defined in the statute and regulations, because the information requested is urgently needed by an organization primarily engaged in disseminating information in order to inform the public about changes in government policy and procedure regarding immigration matters.

CLINIC is “primarily engaged in disseminating information” within the meaning of the statute and regulations. Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of CLINIC’s work and are among its primary activities.

CLINIC plans to analyze, publish, and disseminate to the public the information gathered through this request. The records and information requested are not sought for commercial use and the requestors plan to disseminate the information disclosed as a result of this request to the public at no cost.

## **III. Fee Waiver Request**

CLINIC asks that all fees associated with this request be waived because disclosure of the requested records and information will contribute significantly to public understanding of the governmental activities identified above and because the disclosure is not in CLINIC’s commercial interest.<sup>2</sup>

### **A. Disclosure of the records and information is in the public interest.**

Disclosure of the requested information will contribute significantly to the public’s understanding of the purpose and function of EOIR’s new Office of Policy as well as the Immigration Law Division within the Office of Policy, as well as how the work of these offices affects immigrants with cases before EOIR. CLINIC has the capacity and intent to disseminate widely the requested information to the public. CLINIC provides technical support to the members of its network on a broad range of immigration law topics. The network includes approximately 1,200 attorneys and accredited representatives and assists some 600,000 clients, parishioners, and community members with immigration matters annually. CLINIC publishes books, produces a monthly newsletter, and provides in-person training, online courses, and webinars on a variety of immigration law issues including those affecting individuals in proceedings before EOIR. In addition, CLINIC’s materials are disseminated to the public through its website, [www.cliniclegal.org](http://www.cliniclegal.org). Information obtained through this FOIA request will contribute to CLINIC’s public education materials on the immigration system and will assist CLINIC in providing technical assistance to nonprofit legal services providers and pro bono attorneys who represent individuals in removal proceedings.

Finally, CLINIC has regular contact with national print and news media and may share information gleaned from this request with interested parties.

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<sup>2</sup> 5 U.S.C. § 552(a)(4)(A)(iii); see also 6 C.F.R. § 5.11(k) (records may be furnished without charge or at a reduced rate if the information is in the public interest, and disclosure is not in commercial interest of the requester). CLINIC is a 501(c)(3) organization that promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of Catholic and community legal immigration programs. CLINIC’s network originally was comprised of 17 programs. It has since increased to 330 diocesan and other affiliated immigration programs with 400 offices in 47 states, Puerto Rico, and the District of Columbia. The network includes roughly 1,200 BIA accredited representatives and attorneys who, in turn, serve hundreds of thousands of low-income immigrants each year. For additional information, see <https://cliniclegal.org>.

**B. Disclosure of the information is not in CLINIC's commercial interest.**

CLINIC is a not-for-profit organization. CLINIC seeks the requested information and records for the purpose of educating the public and not for the purpose of commercial gain. CLINIC will also use the information obtained to inform our organization's technical assistance and training program, which provides consultation and resources to the CLINIC network across the United States.

Thank you for your prompt attention to this request. Please reply to this request within the timeframe provided by law. If portions of the requested records and or information are claimed to be exempt 8 See 28 C.F.R. § 16.5(e)(1)(iv) from disclosure under FOIA, please indicate the specific reasons for the alleged exemptions, the number of pages withheld, and the dates of the records withheld, producing the remaining nonexempt portions.

Please do not hesitate to contact us should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Mendez". The signature is fluid and cursive, with the first name "Michelle" and the last name "Mendez" clearly distinguishable.

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