



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

July 30, 2018

Joshua A. Rosenthal
Staff Attorney
National Immigration Law Center
rosenthal@nilc.org

**Re: FOIA Tracking No. FY17-297;
Make the Road N.Y., et al. v. DHS, et al., E.D.N.Y. No. 18-cv-2445**

Dear Mr. Rosenthal:

This letter responds to your September 22, 2017 Freedom of Information Act ("FOIA") request to the Office of Legal Counsel ("OLC"), among others, on behalf of the National Immigration Law Center ("NILC"), Make the Road New York ("MRNY"), and Make the Road Connecticut ("MRCT"). Your request sought, as narrowed, final legal advice "related to or referring to the process and decision to terminate the DACA program," communications with "the state attorney general plaintiffs or their staff, offices, and affiliates regarding the *Texas v. U.S.* litigation, the DACA program, and the DAPA and expanded DACA programs," and "[a]ny communications relating to or referring to the DACA program sent to or received from any of" a list of 14 individuals or entities, in their private capacities.

As you know, the request is also the subject of the above-captioned litigation. Pursuant to 28 C.F.R. § 16.5(b), your request was processed in the "complex" processing track. We have completed our search of OLC's files and located no responsive records.

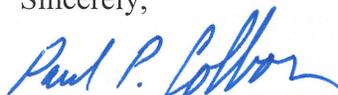
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact Rachael Westmoreland of the Civil Division, Federal Programs Branch, at 202-514-1280, for any further assistance and to discuss any aspect of your requests. Additionally, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. 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, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Although your requests are the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform

you of your right to file an administrative appeal. You may administratively appeal by writing to the Director, Office of Information Policy ("OIP"), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Paul P. Colborn
Special Counsel

Enclosures

cc: Rachael Westmoreland, Trial Attorney
Civil Division, Federal Programs Branch