



**U.S. Department of Justice**

Civil Division

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*Washington, DC 20530*  
December 22, 2017

Mr. Joshua A. Rosenthal  
Staff Attorney  
National Immigration Law Center  
1121 14<sup>th</sup> Street NW  
Suite 200  
Washington, DC 20005

Request No. 145-FOI-15718  
HDK

Dear Mr. Rosenthal:

This is the response of the Civil Division, Department of Justice to your Freedom of Information Act request for records concerning the decision to terminate the Deferred Action for Childhood Arrivals (DACA) program. This Office received your request on September 25, 2017.

I note that by email dated October 10, 2017, you asked the Civil Division to focus on item 2(a) of your request, which specifically addresses communications with the state attorney general plaintiffs or their staff. In addition, you provided the names of the following current and former Civil Division attorneys likely to have responsive records: Bradley Heath Cohen, Daniel Stephen Garrett Schwei, Kyle Renee Freeny, James J. Gilligan, Kathleen Hartnett, Adam David Kirschner, Jennifer D. Ricketts, Julie Shana Saltman, John R. Tyler and Chad Readler.

The Civil Division located 654 pages responsive to your request. The Civil Division is releasing 463 pages to you in full and 170 pages in part. Twenty pages are withheld in full.

The Civil Division withheld certain information because it is protected from disclosure under the FOIA pursuant to:

- 5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the deliberative process privilege and the attorney work-product privilege; and
- 5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

Please be advised that the Civil Division referred one page to the Department of Homeland Security (DHS) for processing and direct response to you. See 28 C.F.R. § 16.4

(2016). If you have any questions concerning the status of this referral, please contact DHS at the following:

Nicole Barksdale-Perry  
The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane SW  
STOP-0655  
Washington, D.C. 20528-0655

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 our FOIA Public Liaison at 202-514-2319 for any further assistance and to discuss any aspect of your request. 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](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, 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,



Hirsh D. Kravitz  
Senior Supervisory FOIA Counsel  
Office of FOIA, Records, and E-discovery