



**U.S. Customs and  
Border Protection**

July 10, 2023

Ian Head  
Center for Constitutional Rights  
P.O. Box 31001  
Los Angeles, California 90031

Andrew Wachtenheim  
Immigrant Defense Project  
P.O. Box 1765  
New York, NY 10027 "

**Re: Immigrant Defense Project, et al. v. United States Customs and Border Protection,  
et al. 1:22-cv-09920-RA**

**Fourth Interim Response for FOIA requests CBP-2022-083266 & CBP-2022-088399**

Dear Mr. Head and Mr. Wachtenheim:

This is the fourth interim release to your Freedom of Information Act (FOIA) requests to U.S. Customs and Border Protection (CBP), submitted and received in our office on May 24, 2022, and June 7, 2022, respectively.

For this production, CBP FOIA reviewed nine hundred and twenty-six (926) pages of records and two (2) audio/video files in response to your requests. The following were the results:

- Six (6) pages of attachments requested by the plaintiffs are being released in full or in part with redactions applied pursuant to Title 5 U.S.C. § 552(b)(6).
- One (1) audio/video file requested by the plaintiffs will be released in full via postal mail.
- Nine hundred (900) pages of records and one (1) audio/video file are deemed non-responsive to the requests.
- Twenty (20) pages sent out for consult to DHS and ICE. This includes pages from the requested attachments.

CBP is also releasing ninety-one (91) pages that were previously sent for consultation. This includes fifty (50) pages referenced in the first interim response, twenty-four (24) pages referenced in the second interim response, and seventeen (17) pages referenced in the third interim response. These pages are now being released in part with redactions pursuant to Title 5 U.S.C. § 552(b)(6), (b)(7)(C), and (b)(7)(E).

CBP has considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General's guidance.



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Additional information regarding the applicable exemptions and response can be found at the following link: <https://www.cbp.gov/document/guidance/exemption-definitions>.

Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

As this matter is currently in litigation, if you need further assistance or would like to discuss any aspect of this response, please contact, through counsel, Allison M. Rovner, Assistant United States Attorney ([Allison.Rovner@usdoj.gov](mailto:Allison.Rovner@usdoj.gov)).

Please notate file numbers **CBP-2022-083266 & CBP-2022-088399** on any future correspondence to CBP related to these requests.

Sincerely,

U.S. Customs and Border Protection, FOIA Division  
Privacy and Diversity Office