



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

August 9, 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**

Fifth Interim Response for FOIA requests CBP-2022-083266 & CBP-2022-088399

Dear Mr. Head and Mr. Wachtenheim:

This is the fifth 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 seventeen hundred and thirty-eight (1738) pages of records and one (1) spreadsheet in response to your requests. The following were the results:

- Two (2) 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) and (b)(7)(C).
- Forty (40) pages of attachments requested by the plaintiffs were determined to be duplicate attachments to those already requested.
- Twelve (12) pages of records are being released in full or in part with redactions applied pursuant to Title 5 U.S.C. § 552(b)(6), (b)(7)(C), and (b)(7)(E).
- Sixteen hundred and eighty-four (1684) pages of records and one (1) spreadsheet are deemed non-responsive to the requests.

CBP is also releasing ninety-four (94) pages that were previously sent for consultation. This includes twenty-five (25) pages referenced in the first interim response, seven (7) pages referenced in the second interim response, thirty-seven (37) pages referenced in the third interim response, and twenty-five (25) pages referenced in the fourth interim response. These pages are now being released in part with redactions pursuant to Title 5 U.S.C. § 552(b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). These pages also include attachments requested by the plaintiffs from previous interim responses.



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In addition, seventy-six (76) pages of records previously sent for consultation were proactively re-reviewed and are now deemed non-responsive.

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.

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.

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).

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