

1300 Pennsylvania Avenue NW  
Washington, DC 20229



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

**Release through FOIAonline.**

September 14, 2018

Jesse Franzblau  
Open the Government  
1612 K St. NW, Suite 600  
Washington, DC 20005

Re: CBP-2018-070727

Dear Jesse Franzblau:

This is the final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) submitted July 13, 2018 seeking the following:

- All policy guidance on the handling of “Unaccompanied Alien Children,” produced by DHS and used by CBP officials at the border and ICE agents in detention facilities.
- All policy guidance used by immigration officials at the border on records management practices, and on the tracking of children after being separated from their parents.
- All guidance, briefing papers, meeting minutes, background reports, or other records produced in response to the administration’s zero-tolerance policy that began in April 2018.
- All guidance, briefing papers, meeting minutes, background reports, or other records produced in response to the June 20th Executive Order on family separation.
- All records of communications from DHS’s Office of Civil Rights and Civil Liberties regarding the zero-tolerance policy and family separation.

A search of CBP databases produced 97 pages of documents responsive to your request. CBP has determined that 33 pages are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(2), (b)(6), (b)(7)(C) and (b)(7)(E), 45 pages are approved for release in their entirety, no deletions or exemptions have been applied and 19 pages are denied in full, pursuant to Title 5 U.S.C. § 552 (b)(2), (b)(6), (b)(7)(C), and (b)(7)(E). Enclosed are 78 pages with certain information withheld as described below:

**FOIA Exemption 2** protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manual of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency’s activities, or reveal sensitive information that

may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. [The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.] The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, CBP determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

**FOIA Exemption 7(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. CBP determined that disclosure could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, Charlyse Hoskins, by sending an email via your FOIAonline account, mailing a letter to 90 K St, NE MS 1181, Washington DC, 20229 or by calling 202-325-0150. The FOIA Public Liaison is able to assist in advising on the requirements for submitting a request, assist with narrowing the scope of a request, assist in reducing delays by advising the requester on the type of records to request, suggesting agency offices that may have responsive records and receive questions or concerns about the agency's FOIA process. Please notate file number CBP-2018-070727 on any future correspondence to CBP related to this request.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R.

§5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via FOIAonline by clicking on the “Create Appeal” button that appears when you view your initial request. If you do not have computer access, you may send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia). Additional information can be found at the following link <https://www.cbp.gov/document/guidance/exemption-definitions>.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, 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. Please note that contacting the CBP FOIA Public Liaison or OGIS **does not** stop the 90-day appeal clock and **is not** a substitute for filing an administrative appeal.

Sincerely,



Jennifer R Davis  
Government Information Specialist, SME  
FOIA Division  
U.S. Customs and Border Protection