



December 6, 2021

SENT BY ELECTRONIC MAIL TO: nsus@citizensforethics.org

Nik Sus
Citizens for Responsibility and Ethics in Washington
1101 K Street, N.W., Suite 201
Washington, D.C. 20005

Re: **Citizens for Responsibility and Ethics in Washington v. United States Department of Justice and United States Department of Homeland Security, 20 Civ. 2553 (TJK)**

Ninth Interim Response for FOIA request CBP-2020-067908

Dear Nik Sus:

This is a ninth interim response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) submitted June 23, 2020.

For this production, CBP processed three hundred and four (304) pages of documents in response to your request and the similar request from the plaintiffs in *Black Alliance for Just Immigration v. CBP*, Civ No. 20-5198-CBA-RLM (E.D.N.Y) (the *BAJI* case). CBP has determined one hundred and thirty-four (134) pages are responsive to the request in the *BAJI* case and may be released in full or in part with redactions pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(E) and (b)(7)(F). CBP has determined that one hundred and seventy (170) pages are being withheld in full pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(E) and (b)(7)(F).

Further, CBP has determined twenty-two (22) pages from a previous release to plaintiffs in the *BAJI* case may be released in part with redactions pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C) and (b)(7)(E).

In addition to the pages referenced above, CBP FOIA is providing one (1) audio file totaling sixteen (16) minutes and thirty-three (33) seconds and one (1) video file totaling eleven (11) seconds that have been deemed responsive to the request in the *BAJI* case. The audio file is being released in part with redactions pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C) and the video file is being released in full. Due to the size and type of these files, they are being burned to a CD and sent via UPS. Please notify the DOJ attorney assigned to this matter if the disc does not arrive. For your reference, the tracking number is 1ZA580E60294646690.

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 in litigation, please contact Assistant United States Attorney John Truong (john.truong@usdoj.gov) if there are any questions concerning this response.

Please notate file number CBP-2020-067908 on any future correspondence to CBP related to this request.

Sincerely,

FOIA Division
U.S. Customs and Border Protection

Enclosure:

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