



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

July 27, 2018

**BY ECF**

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2203  
New York, NY 10007

Re: *Knight First Amendment Institute v. U.S. Dep't of Homeland Security et al.*,  
No. 17 Civ. 7572 (ALC)

Dear Judge Carter:

I write respectfully on behalf of United States Immigration and Customs Enforcement ("ICE"), one of the defendants in the above-captioned Freedom of Information Act ("FOIA") matter, in response to the Court's July 26, 2018, order.

As ICE previously noted, 805 pages of documents responsive to plaintiff's original, non-narrowed request were referred to other agencies. ICE has now determined that of those 805 pages, only 54 pages are responsive to plaintiff's narrowed request. 52 of the 54 pages have been referred to the Department of Homeland Security, Headquarters ("DHS HQ"), which has determined to withhold all pages in full per FOIA Exemptions 5, 6, 7C and 7E. In addition, ICE has determined that 2 of the 54 pages consist of an ICE document which was mistakenly referred to DHS HQ. ICE is reviewing that document now and, because the agency must conduct a further, higher-level review, will process it forthwith and in any event no later than August 3, 2018.

On June 28, 2018, ICE released 50 pages responsive to the narrowed request and referred 49 pages to other agencies. 34 of the 49 pages have been referred to DHS HQ, which has determined to withhold all pages in full per FOIA Exemptions 5, 6, 7C, and 7E. 15 of the 49 pages were referred to the United States Citizenship and Immigration Services, which has determined to withhold all pages in full per FOIA Exemptions 7C and 7E.

As a result, ICE has completed processing all documents responsive to plaintiffs' narrowed FOIA request which were referred to other agencies, with the exception of one two-page document that will be processed by next week.

We thank the Court for considering this matter.

Respectfully,

GEOFFREY S. BERMAN  
United States Attorney

By: /s/ Ellen Blain  
ELLEN BLAIN  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, NY 10007  
Tel: (212) 637-2743  
Email: ellen.blain@usdoj.gov