



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

August 31, 2023

Joanna Cuevas Ingram
National Immigration Law Center
1121 14th Street NW
Suite 200
Washington, DC 20005
cuevasingram@nilc.org

Re: DOJ-2017-006763 (AG)
18-cv-2445 (E.D.N.Y.)
VRB:JMB:JMS

Dear Joanna Cuevas Ingram:

This is a supplemental response to your Freedom of Information Act (FOIA) request dated September 22, 2017, in which you requested records pertaining to the process and decision to terminate the Deferred Action for Childhood Arrivals (DACA) program. This response is made on behalf of the Office of the Attorney General (OAG).

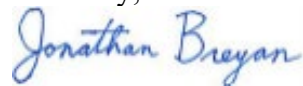
Pursuant to discussions through counsel and in settlement of the merits of this matter, we have reprocessed six pages previously withheld in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). At this time, I have determined that these six pages may be released as a matter of agency discretion, and copies are enclosed. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Additionally, the enclosed pages contain duplicative records, which have not been reprocessed, but are marked with text providing a cross-reference to their original release. Finally, for your convenience, additionally appended to this supplemental response are pages excerpted from prior releases intended to provide context for the duplicative records and the pages being released in this response. We hope that this information is helpful.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Cormac Early of the Department's Civil Division, Federal Programs Branch, at (202) 616-7420.

Sincerely,




Jonathan Breyan
Senior Supervisory Attorney
for
Vanessa R. Brinkmann
Senior Counsel

Enclosures

From:
Sent: Wednesday, May 31, 2017 1:59 PM
To: Cassil, Susanne
Subject: RE: DAPA

Duplicative of email at Bates 0019-0020 of April 26, 2019 Response; email from Susanne Cassil sent at 10:35 AM on May 31, 2017



From:
Sent: Friday, September 1, 2017 1:24 PM
To: Flores, Sarah Isgur (OPA); Hunt, Jody (OAG); Prior, Ian (OPA)
Subject: RE: MSNBC – President Donald Trump Answers Questions From Reporters In The Oval Office

Duplicative of email at Pages 55-56 of March 29, 2019 Response; email from Sarah Isgur Flores sent at 1:23 PM AM on September 1, 2017

From:
Sent: Friday, September 1, 2017 3:11 PM
To: Flores, Sarah Isgur (OPA); Prior, Ian (OPA); Barnett, Gary E. (OAG); James McHenry (EOIR) (James.McHenry@EOIR.USDOJ.GOV)
Subject: Data Indicate Unauthorized Immigrants Exploited Loophole to Gain Legal Status, Pathway to Citizenship

FOR IMMEDIATE RELEASE

Friday, September 1, 2017

Data Indicate Unauthorized Immigrants Exploited Loophole to Gain Legal Status, Pathway to Citizenship

WASHINGTON – Preliminary data provided by U.S. Citizenship and Immigration Services in response to recent inquiries from the House and Senate Judiciary Committees indicate that the Obama administration allowed thousands of DACA recipients to exploit an immigration law loophole to obtain green cards. The data also show that more than a thousand DACA recipients have already obtained citizenship. The DACA program was never intended to provide a pathway to citizenship, and the program’s legal future is in jeopardy.

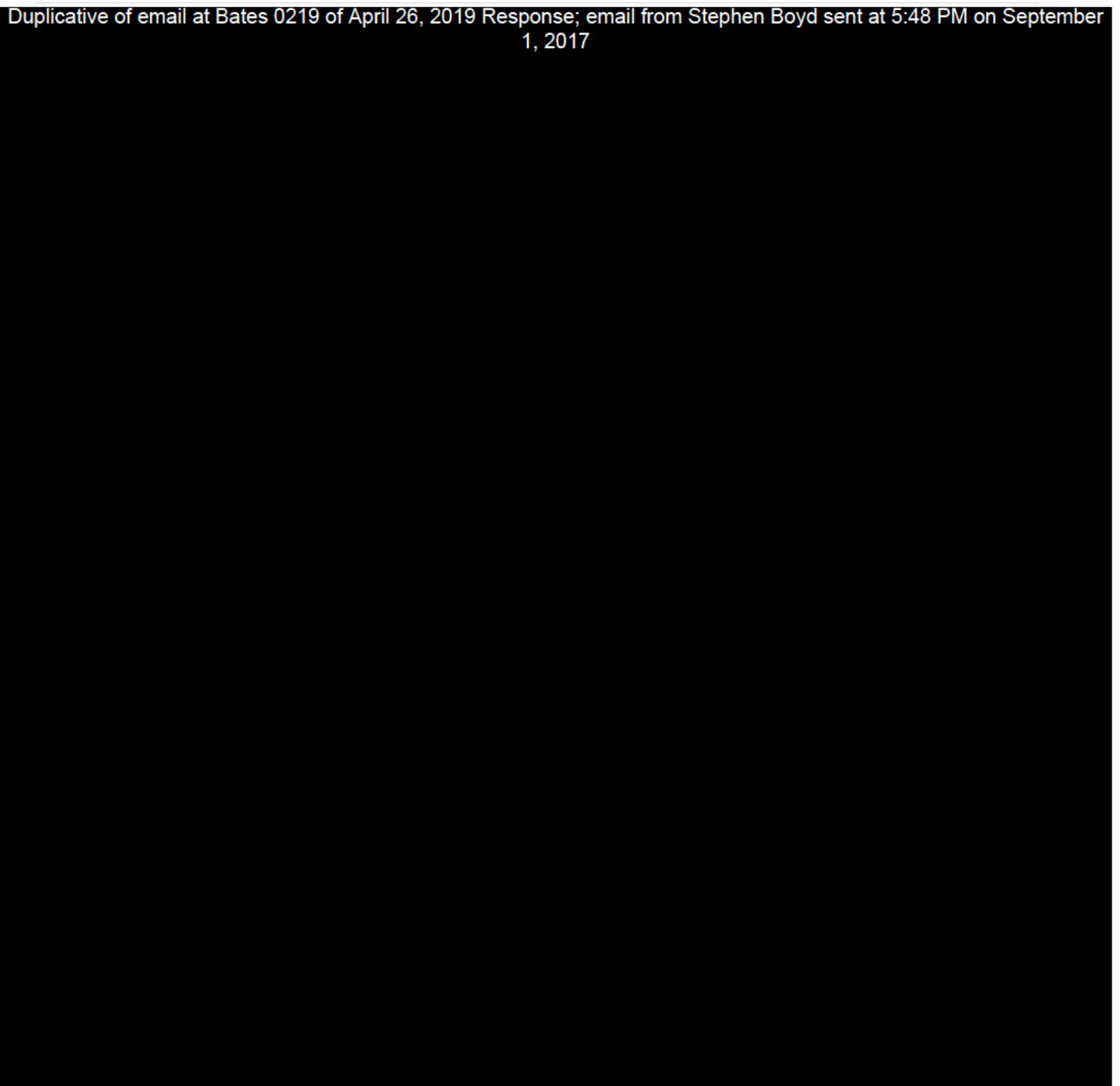
As of August 21, 2017, 45,447 DACA recipients have been approved for advance parole through an I-131 Application for travel documents. This approval allows a DACA recipient to travel out of the country and legally return, making them eligible to adjust their immigration status and receive a green card. Another 3,993 had their applications denied.

The data provided indicates 59,778 DACA recipients have applied for Lawful Permanent Resident (LPR) status—also known as a ‘green card’—and 39,514 have been approved. Of those who received LPR status, 2,181 have applied for U.S. citizenship and 1,056 have become U.S. citizens.

From:
Sent: Saturday, September 2, 2017 3:25 PM
To: Boyd, Stephen E. (OLA)
Cc: Ramer, Sam (OLA)
Subject: RE: Chairman Goodlatte call re: DACA - TIME SENSITIVE

They spoke.

Duplicative of email at Bates 0219 of April 26, 2019 Response; email from Stephen Boyd sent at 5:48 PM on September 1, 2017



From:
Sent: Monday, September 4, 2017 1:42 PM
To: Hamilton, Gene
Subject: RE: DRAFT
Attachments: letter.dhs.DACA.09.04.17.docx

Here is latest with edit from Chad from yesterday.

Duplicative of email at Bates 0061 of April 26, 2019 Response; email from Gene Hamilton sent at 1:21 PM on September 4, 2017



From:
Sent: Tuesday, September 5, 2017 1:22 PM
To: O'Malley, Devin (OPA)
Subject: RE: Question re: AG's remarks this AM

The second problem with DACA is that it harms working-class voters, the very people who put Trump over the top. The employment situation for those without a college education continues to look bleak. We can see this clearly if we ignore the official unemployment rate, which includes only people who report they have actively looked for a job in the prior four weeks. In the first quarter of this year, only 62 percent of young native-born Americans (18 to 29) without a college degree were working, which means that 38 percent were not employed. While these figures include those in school, this was also the case in 2000, when 70 percent of these young, less-skilled workers had a job. The bottom line is that the young and less educated work much less than they used to. These are the workers most likely to compete with DACA recipients armed with their newly issued work permits. Among native-born black Americans with this level of education, only 58 percent are working. Rates of work are near historic lows for teenagers and for the less-educated generally. At the start of 2017, in total more than 33 million adult natives under age 65 without a college degree were not working. There is no shortage of less-educated workers in the United States. One might argue that many DACA recipients were already working, so it's better if they have work permits. But giving work permits to illegal immigrants makes it possible for them to seek employment in almost any job, so the competition with less-educated natives will hit occupations that until now were mostly unaffected. Security jobs are a good example. The lobbies of all large offices and apartment buildings in America have security guards who at a minimum take the names of visitors and call police if there is a problem. These are \$12- to \$20-an-hour jobs that often come with benefits and that can pay even more depending on the security level. In cities across America, many of these workers are African-American men. Illegal immigrants typically cannot get such jobs because they require valid Social Security numbers and IDs and the ability to pass a background check. But with DACA, they now have these things. Long-haul truck driving, package delivery, and jobs that require workers to be bonded also often demand these documents. These jobs pay at the higher end of what those with modest levels of formal education typically earn. In addition, some states are allowing DACA recipients to receive professional licenses such as those for contractors. And of course it seems like only a matter of time before states open government jobs to those covered by the program. —
ADVERTISEMENT —

Read more at: <http://www.nationalreview.com/article/450080/obamas-illegal-amnesty-trump-should-end-daca>

Duplicative of email at Bates 0567-0568 of April 26, 2019 Response; email from Devin O'Malley sent at 12:58 PM on September 5, 2017

Contextual Pages

Context for Bates 0022

Wall, Jeffrey B. (OSG)

From: Wall, Jeffrey B. (OSG)
Sent: Wednesday, May 31, 2017 1:45 PM
To: Readler, Chad A. (CIV); Cutrona, Danielle (OAG); Panuccio, Jesse (OASG)
Subject: RE: DAPA

I can do that, too.

From: Readler, Chad A. (CIV)
Sent: Wednesday, May 31, 2017 1:24 PM
To: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Wall, Jeffrey B. (OSG) (b) (6)
Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>
Subject: Re: DAPA

Tomorrow morning is wide open for me

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Cutrona, Danielle (OAG)" <dcutrona@jmd.usdoj.gov>
Date: 5/31/17 1:14 PM (GMT-05:00)
To: "Wall, Jeffrey B. (OSG)" (b) (6); "Readler, Chad A. (CIV)" <creadler@CIV.USDOJ.GOV>; "Panuccio, Jesse (OASG)" <jpanuccio@jmd.usdoj.gov>
Subject: RE: DAPA

Sorry for the delay. (b) (6) If we can speak for 5 minutes any time before Monday, I think we're fine. I can probably make either time on Monday work.

From: Wall, Jeffrey B. (OSG)
Sent: Wednesday, May 31, 2017 10:38 AM
To: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Readler, Chad A. (CIV) <creadler@CIV.USDOJ.GOV>; Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>
Subject: FW: DAPA

DOJ team: I can't do 2:45, but 4:30 Monday works. I assume the plan is still for this group to talk in advance of the call?

From: Cassil, Susanne (b)(6) per DHS
Sent: Wednesday, May 31, 2017 10:35 AM
To: Hamilton, Gene (b)(6) per DHS; Maher, Joseph (b)(6) per DHS; Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Bash, John F. EOP/WHO (b) (6)
Cc: Wall, Jeffrey B. (OSG) (b) (6); Readler, Chad A. (CIV) <creadler@CIV.USDOJ.GOV>; Katsas, Gregory G. EOP/WHO (b) (6); Walk, John EOP/WHO (b) (6); Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>

Subject: RE: DAPA

Would a call at 2:45 or 4:30PM on Monday work for everyone?

Thank you,

Susanne Cassil
Special Assistant | Office of the Secretary
Department of Homeland Security
(b) (6)

From: Hamilton, Gene
Sent: Wednesday, May 31, 2017 6:26 AM
To: Maher, Joseph (b)(6) per DHS; Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>;
Bash, John F. EOP/WHO (b) (6)
Cc: Wall, Jeffrey B. (OSG) (b) (6); Chad A. (CIV) <Chad.A.Readler@usdoj.gov>;
Katsas, Gregory G. EOP/WHO (b) (6); Walk, John EOP/WHO
(b) (6); Panuccio, Jesse (OASG) <Jesse.Panuccio@usdoj.gov>; Cassil, Susanne
(b)(6) per DHS
Subject: RE: DAPA

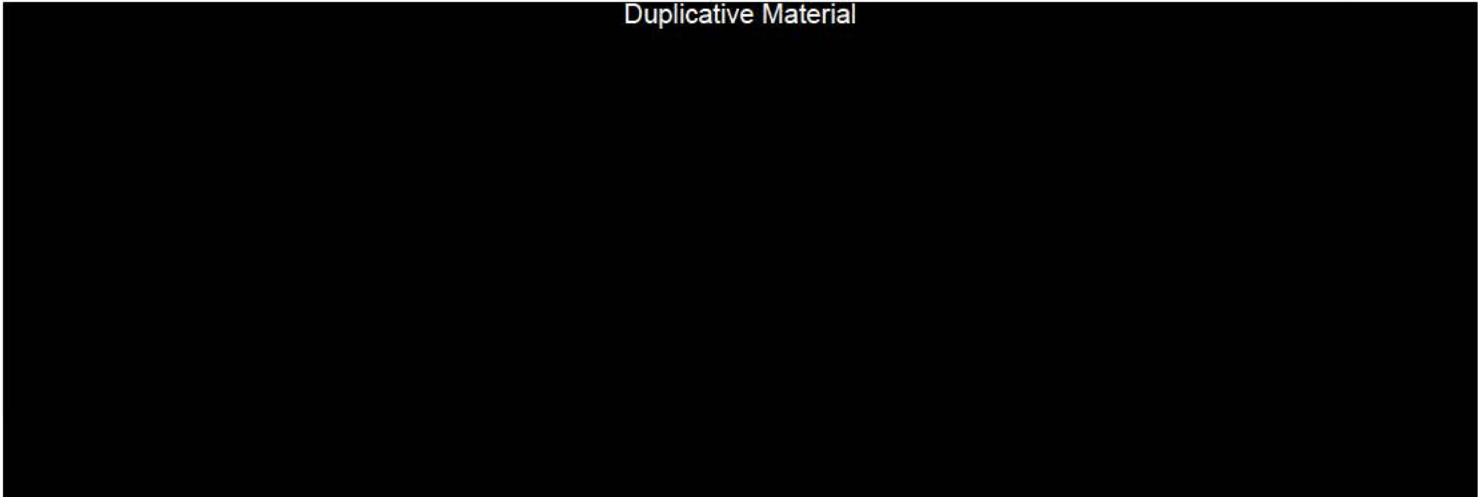
Actually, how about we all plan for Monday?

Thanks!

Gene P. Hamilton
Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: Hamilton, Gene
Sent: Tuesday, May 30, 2017 9:38 PM
To: Maher, Joseph (b)(6) per DHS; Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>;
Bash, John F. EOP/WHO (b) (6)
Cc: Wall, Jeffrey B. (OSG) (b) (6); Readler, Chad A. (CIV) <Chad.A.Readler@usdoj.gov>;
Katsas, Gregory G. EOP/WHO (b) (6); Walk, John EOP/WHO
(b) (6); Panuccio, Jesse (OASG) <Jesse.Panuccio@usdoj.gov>; Cassil, Susanne
(b)(6) per DHS
Subject: RE: DAPA

Duplicative Material



Context for Bates 6.20.19-0020

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, September 01, 2017 1:23 PM
To: Cutrona, Danielle (OAG); Hunt, Jody (OAG); Prior, Ian (OPA)
Subject: Fwd: MSNBC – President Donald Trump Answers Questions From Reporters In The Oval Office

Says later this afternoon or this weekend

Begin forwarded message:

From: RNC War Room <Warroom@gop.com>
Date: September 1, 2017 at 12:17:47 PM CDT
To: undisclosed-recipients;;
Subject: **MSNBC – President Donald Trump Answers Questions From Reporters In The Oval Office**

MSNBC – President Donald Trump Answers Questions From Reporters In The Oval Office
<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=09%2F01%2F2017+13%3A12%3A34&market=m1&StationID=205>

REPORTER: a decision on daca?

PRESIDENT DONALD TRUMP: sometime today or over the weekend we'll have a decision.

REPORTER: should dreamers be worried?

PRESIDENT TRUMP: we love the dreamers. we love everybody. thank you very much. thank you. we'll issue it sometime over the weekend. maybe this afternoon.

REPORTER: [INAUDIBLE QUESTION]

PRESIDENT TRUMP: we're working on emergency funding. we're doing everything we can, and we're working very well with the governor.

REPORTER: thank you.

PRESIDENT TRUMP: who has done a terrific job. dreamers are terrific. thank you very much, everybody.

REPORTER: have a good afternoon.

PRESIDENT TRUMP: thank you.

Disclaimer: The Republican National Committee provided the above article as a service to its employees and other selected individuals. Any opinions expressed therein are those of the article's author and do not necessarily reflect the views and opinions of the RNC.

Context for Bates 6.20.19-0022

Cutrona, Danielle (OAG)

From: Cutrona, Danielle (OAG)
Sent: Friday, September 1, 2017 5:51 PM
To: Boyd, Stephen E. (OLA)
Cc: Ramer, Sam (OLA)
Subject: RE: Chairman Goodlatte call re: DACA - TIME SENSITIVE

That is very helpful. Thanks.

From: Boyd, Stephen E. (OLA)
Sent: Friday, September 1, 2017 5:48 PM
To: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>
Cc: Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>
Subject: Fwd: Chairman Goodlatte call re: DACA - TIME SENSITIVE

Danielle - recognize that boss and others are out but if you get a read on his timing for a call, we (via Sam) have a little intel...

(b) (5)



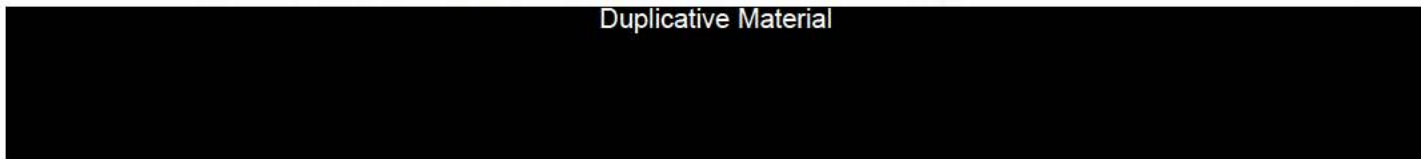
SB

Sent from my iPhone

Begin forwarded message:

From: "Hanrahan, Peggi (OAG)" <phanrahan@jmd.usdoj.gov>
Date: September 1, 2017 at 5:19:58 PM EDT
To: "Ramer, Sam (OLA)" <sramer@jmd.usdoj.gov>, "Cutrona, Danielle (OAG)" <dcutrona@jmd.usdoj.gov>
Cc: "Bryant, Errical (OAG)" <ebryant@jmd.usdoj.gov>, "Boyd, Stephen E. (OLA)" <sboyd@jmd.usdoj.gov>
Subject: Re: Chairman Goodlatte call re: DACA - TIME SENSITIVE

Duplicative Material



Context for Bates 6.20.19-0062

Readler, Chad A. (CIV)

From: Readler, Chad A. (CIV)
Sent: Monday, September 04, 2017 2:30 PM
To: Hamilton, Gene; Cutrona, Danielle (OAG)
Subject: RE: DRAFT
Attachments: DACA External Affairs Guidance - DRAFT v4 1145 AM 9.4.17.docx

I had very few edits (see attached).

(b) (5)

Chad A. Readler
Acting Assistant Attorney General, Civil Division
U.S. Department of Justice
202-514-7830

From: Hamilton, Gene (b)(6) per DHS
Sent: Monday, September 04, 2017 1:21 PM
To: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Readler, Chad A. (CIV) <creadler@CIV.USDOJ.GOV>
Subject: DRAFT

Hey y'all,

Apologies for the short-turn, but can you all provide any comments/edits on this very draft document? It's a combination of our tick-tock, press release, Q&As, etc. We'll need any edits as soon as possible.

Thanks!

Gene P. Hamilton
Senior Counselor to the Secretary
U.S. Department of Homeland Security

Context for Bates 6.20.19-0076

Cutrona, Danielle (OAG)

From: Cutrona, Danielle (OAG)
Sent: Tuesday, September 5, 2017 1:23 PM
To: O'Malley, Devin (OPA)
Cc: Hudson, Andrew (OLP)
Subject: RE: Question re: AG's remarks this AM

Drew—Can you help Devin with this? [REDACTED] (b) (5)

[REDACTED]
[REDACTED]
[REDACTED]
(b) (5)

From: O'Malley, Devin (OPA)
Sent: Tuesday, September 5, 2017 12:58 PM
To: Sheehan, Matthew (ODAG) <msheehan@jmd.usdoj.gov>; McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>; Gore, John (CRT) <John.Gore@crt.usdoj.gov>
Cc: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Hudson, Andrew (OLP) <ahudson@jmd.usdoj.gov>
Subject: RE: Question re: AG's remarks this AM

[REDACTED] (b) (5) Danielle- I know this was something you mentioned to me last week in a different context. [REDACTED] (b) (5)

(b) (5)

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b) (6)

From: Sheehan, Matthew (ODAG)
Sent: Tuesday, September 5, 2017 12:51 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>; McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>; Gore, John (CRT) <John.Gore@crt.usdoj.gov>
Cc: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Hudson, Andrew (OLP) <ahudson@jmd.usdoj.gov>
Subject: Re: Question re: AG's remarks this AM

John and James,

(b) (5)

On Sep 5, 2017, at 12:46 PM, O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov> wrote:

Hi Danielle and Matt-

(b) (5)

(b) (5)

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b) (6)