



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

November 14, 2019

Austin R. Evers
Executive Director
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Subject: OIG Freedom of Information Act Request No. 2020-IGFO-0004
Final Response

Dear Mr. Evers:

This responds to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated October 4, 2019, seeking all photographs, videos, or audio recordings taken in any inspections by the Office of the Inspector General of any lodgings located in Mexico that are housing or intended to house asylum-seekers subject to the Migrant Protection Protocols (MPP); all photographs, videos, or audio recordings taken in any inspections by the Office of the Inspector General of any transportation carrying or intended to carry asylum-seekers to Mexico subject to the MPP; and any final reports, briefs, or other final documents regarding the implementation and/or operation of the MPP, including but not limited to (1) any risk of homicides, kidnapping, sexual assault, or other safety concerns posed to asylum-seekers subject to the MPP; (2) arrangements to house asylum-seekers subject to the MPP in Mexico; (3) arrangements to transport asylum-seekers subject to the MPP to Mexico; and/or (4) the procurement of legal representation by asylum-seekers subject to the MPP. Your request was received in this office on October 7, 2019.

In response to your request, a search was conducted in the DHS-OIG Office of Inspections.

As a result of our search, we have determined that the records you seek pertain to a matter that is ongoing. Because your request covers documents involving an ongoing DHS-OIG inspection, the documents are withheld pursuant to the deliberative process privilege of Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). Although other exemptions may be applicable to these records, DHS-OIG is not in a position to assert other exemptions at this time since this matter is still pending.

Please note that DHS-OIG posts all of its non-classified final reports on the DHS-OIG web site at <http://www.oig.dhs.gov/>. You may, therefore, wish to check this web site periodically to see if the final report of this document is posted, or in the alternative, sign up to receive email notifications when a report is posted on our web site.

Appeal

This is the final action this office will take concerning this matter. You have the right to appeal this response.¹ Your appeal must be in writing and received within 90 days after the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit
DHS/Inspector General
STOP 0305
245 Murray Lane, SW
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify DHS-OIG’s response. Additional information on submitting an appeal is set forth in the Department of Homeland Security regulations at 6 C.F.R. § 5.8.

Assistance and Dispute Resolution Services

Should you need assistance with your request, you may contact DHS-OIG’s FOIA Public Liaison. You may also seek dispute resolution services from our FOIA Public Liaison. You may contact DHS-OIG’s FOIA Public Liaison in any of the following ways:

FOIA Public Liaison
DHS-OIG Counsel
STOP 0305
245 Murray Lane, SW
Washington, DC 20528-0305
Phone: 202-254-4001

¹ 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) (2006 & Supp. IV 2010). 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.

Fax: 202-254-4398
E-mail: foia.oig@oig.dhs.gov

Additionally, the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve 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. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

If you have any questions about this response, please contact us at 202-981-6100.

Sincerely,

Carlita Blocker
FOIA/PA Disclosure Specialist