



U.S. Customs and
Border Protection

Records released via FOIAonline account.

08/01/2020

CBP-2020-011258

Austin R Evers
1030 15th Street NW, Suite B255
Washington, DC 20005

Dear Mr. Evers:

This is a final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), on behalf of American Oversight, in which you are seeking records to shed light on Stephen Miller's role crafting immigration policy throughout the federal government.

A search of CBP databases produced a total of 19 pages of records responsive to your request. CBP has determined that XX pages of the records are partially releasable, pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E).

Uploaded to your FOIAonline account are 19 pages with certain information withheld as described below:

FOIA Exemption (b)(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 (b)(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.

FOIA Exemption (b)(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 has determined that disclosure could reasonably be expected to risk circumvention of the law.

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). 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.

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.

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. §5.9. 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.

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; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please notate file number CBP-2020-011258 on any future correspondence to CBP related to this request.

Sincerely,

FOIA Analyst, FOIA Division
U.S. Customs and Border Protection

From: HAYES, BRADLEY F
Sent: Wednesday, January 31, 2018 1:48 PM
To: Miller, Stephen EOP/WHO
Subject: SOTU

Assuming you had a big hand in it ... well done,

Bradley F. Hayes
Executive Director
Office of Trade Relations
Office of the Commissioner
U.S. Customs & Border Protection

(b)(6)&(b)(7)(C)

For scheduling needs, please contac

(b)(6)&(b)(7)(C)

From: Miller, Stephen EOP/WH (b)(6)&(b)(7)(C)
Sent: Wednesday, January 31, 2018 1:54 PM
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(b)(6)&(b)(7)(C)

For scheduling needs, please conta (b)(6)&(b)(7)(C)

From: HAYES, BRADLEY F
Sent: Wednesday, January 31, 2018 2:04 PM
To: Miller, Stephen EOP/WHO
Subject: RE: SOTU

Still need to get lunch on books when you have time ...

From: Miller, Stephen EOP/WH (b)(6)&(b)(7)(C)
Sent: Wednesday, January 31, 2018 1:54 PM
To: HAYES, BRADLEY (b)(6)&(b)(7)(C)
Subject: RE: SOTU

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Executive Director
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U.S. Customs & Border Protection
(b)(6)&(b)(7)(C)

For scheduling needs, please contact (b)(6)&(b)(7)(C)

From: Miller, Stephen EOP/WHO (b)(6)&(b)(7)(C)
Sent: Wednesday, January 31, 2018 2:18 PM
To: HAYES, BRADLEY F
Subject: Re: SOTU

Definitely

Sent from my iPhone

On Jan 31, 2018, at 2:04 PM, HAYES, BRADLEY (b)(6)&(b)(7)(C) wrote:

Still need to get lunch on books when you have time ...

From: Miller, Stephen EOP/WH (b)(6)&(b)(7)(C)
Sent: Wednesday, January 31, 2018 1:54 PM
To: HAYES, BRADLEY F <bradley.f.hayes@cbp.dhs.gov>
Subject: RE: SOTU

Thank you

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(b)(6)&(b)(7)(C)

For scheduling needs, please contact (b)(6)&(b)(7)(C)

From: HAYES, BRADLEY F
Sent: Thursday, March 29, 2018 3:27 PM
To: Miller, Stephen EOP/WHO
Subject: Catch up

Stephen –

Missed you at the HH last night. If you have some time coming up, it would be great to catch up

(b)(5)

(b)(5)

I hope all is well,

Bradley F. Hayes
Executive Director
Office of Trade Relations
Office of the Commissioner
U.S. Customs & Border Protection

(b)(6)&(b)(7)(C)

For scheduling needs, please contact

(b)(6)&(b)(7)(C)

From: Miller, Stephen EOP/WH (b)(6)&(b)(7)(C)
Sent: Thursday, March 29, 2018 3:28 PM
To: HAYES, BRADLEY F
Subject: Re: Catch up

Sounds great

Sent from my iPhone

On Mar 29, 2018, at 3:27 PM, HAYES, BRADLEY (b)(6)&(b)(7)(C)

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From: HAYES, BRADLEY F
Sent: Thursday, March 29, 2018 3:37 PM
To: Miller, Stephen EOP/WHO
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Subject: Re: Catch up

Will do

Sent from my iPhone

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Executive Director
Office of Trade Relations
Office of the Commissioner
U.S. Customs & Border Protection
(b)(6)&(b)(7)(C)

For scheduling needs, please contact (b)(6)&(b)(7)(C)

From: Miller, Stephen EOP/WHO (b)(6)&(b)(7)(C)
Sent: Thursday, August 8, 2019 4:48 PM
To: MORGAN, MARK A

Please give me ring when you can.

(b)(6)&(b)(7)(C)

From:

(b)(6)&(b)(7)(C)

Sent:

Saturday, May 26, 2018 1:14 PM

To:

(b)(6)&(b)(7)(C)

Cc:

(b)(6)&(b)(7)(C) Miller, Stephen EOP/WHO
(b)(5)

(b)(6)&(b)(7)(C)

MCALEENAN, KEVIN K

Subject:

1600 Conference Call

Good Afternoon,

As discussed, you are invited to join a 4:00 PM conference call
five min prior to the ca (b)(6)&(b)(7)(C)

(b)(5)

Please conta

(b)(5)

Thank you,

(b)(6)&(b)(7)(C)

-----Original Message-----

Fro (b)(6)&(b)(7)(C)

Sent: Saturday, May 26, 2018 10:46 AM

T

(b)(6)&(b)(7)(C)

(b)(6)&(b)(7)(C)

Subject: Conference Call

Good Morning,

As many of you are aware, the President will greet Joshua Holt and his family at the White House this evening (b)(5)
(b)(6) you are invited to join a conference call at 11:15. Please contact (b)(5)
5 min prior to the call (b)(6)&(b)(7)(C)

Thanks,
(b)(6)&(b)(7)(C)

From:
Sent:
To:

(b)(6)&(b)(7)(C)

Saturday, May 26, 2018 9:19 PM

(b)(6)&(b)(7)(C)

(b)(6)&(b)(7)(C) Miller, Stephe (b)(6)&(b)(7)(C) MCALEENAN, KEVIN K;

(b)(6)&(b)(7)(C)

Cc:
Subject:

(b)(5)

(b)(7)(E)

Thank you ALL for making today special for the Holt family! Many of the folks on your team are not on this email, but please let them know their hard work did not go unnoticed!

Have a wonderful weekend.

(b)(6)&(b)(7)(C)

From: HAYES, BRADLEY F
Sent: Monday, July 9, 2018 5:27 PM
To: Miller, Stephen EOP/WHO
Subject: When we grabbing lunch?

You have time later this month or sometime in August?

Bradley F. Hayes
Executive Director
Office of Trade Relations
Office of the Commissioner
U.S. Customs & Border Protection
(b)(6)&(b)(7)(C)

For scheduling needs, please contact

(b)(6)&(b)(7)(C)

From: Miller, Stephen EOP/WHO (b)(6)&(b)(7)(C)
Sent: Tuesday, October 9, 2018 5:36 PM
To: MCALEENAN, KEVIN K
Cc: (b)(6)&(b)(7)(C) Vitiello, Ronald D
Subject: RE: Abrupt release of hundreds of migrants in Phoenix is 'start of dam breaking'

(b)(7)(E)

From: MCALEENAN, KEVIN (b)(6)&(b)(7)(C)
Sent: Tuesday, October 9, 2018 5:34 PM
To: Miller, Stephen EOP/WH (b)(6)&(b)(7)(C)
Cc: (b)(6)&(b)(7)(C) Vitiello, Ronald (b)(6)&(b)(7)(C)
Subject: Re: Abrupt release of hundreds of migrants in Phoenix is 'start of dam breaking'

Adding Director Vitiello. FMUAs are averaging 700 a day.

Sent from my iPhone

On Oct 9, 2018, at 5:32 PM, Miller, Stephen (b)(6)&(b)(7)(C) wrote:

Abrupt release of hundreds of migrants in Phoenix is 'start of dam breaking'

NBC News

Julia Ainsley

October 9, 2018 – 4:53 PM

>><https://www.nbcnews.com/politics/immigration/abrupt-release-hundreds-migrants-phoenix-start-dam-breaking-n918256><<;

"You'll start to see this all across the southern border soon," a senior DHS official told NBC News.

Hundreds of migrant families seeking asylum in the U.S. were released from detention in Arizona this week without warning and without instructions on where to go, how to find relatives or travel to their court hearings.

A senior [Department of Homeland Security](#) official told NBC News the release is "the start of a dam breaking" as family detention facilities, which now hold thousands of migrants, [reach capacity](#).

U.S. [Immigration and Customs Enforcement](#) officers are releasing the families from detention en masse without following their usual protocol that ensures immigrants have a means to travel to their court hearing and reunite with potential relatives in the U.S.

The adults have ankle monitors to track their whereabouts until their scheduled court date to make their case before a judge for asylum.

"This is the start of a dam breaking," the official said. "You'll start to see this [all across the southern border](#) soon."

The reason, the official said, is the growing number of [immigrant families](#) coming to the U.S. seeking asylum. In August, the latest month for which data is available, more than 12,700 parents and children traveling together were apprehended crossing the U.S.-Mexico border, up from 4,193 in August 2017.

ICE spokeswoman Yasmeeen O'Keefe said because of the volume of families presenting themselves along the Arizona border, ICE can no longer review each immigrant's travel plans prior to release without violating a federal court agreement, known as the Flores settlement, that limits the amount of time children can be detained to 20 days.

"To mitigate that risk, ICE began to curtail such reviews in Arizona beginning Sunday, October 7," O'Keefe said.

Immediately, churches and non-profit organizations in Arizona began to feel the effect of that policy. A representative of a church in Phoenix, who asked not to be named in order to avoid retaliation by anti-immigration protestors, said she received word from ICE it would begin bringing them immigrants over the weekend.

By [Monday night](#), her church was providing shelter, food, showers and Greyhound bus tickets to more than 100 immigrants. Previously, the largest number of immigrants the church had sheltered was about 30, she estimates.

She is unsure how many have come without travel arrangements and ICE did not tell her church that many had not been helped with travel by ICE.

"We are all sitting here, all volunteers, all running around making sure we have enough pizza to feed lunch to everyone," she said. "We spend so much time with the minutiae that we really don't know what's going on. No one has told us this is part of a broader policy."

From: Miller, Stephen EOP/WH (b)(6)&(b)(7)(C)
Sent: Tuesday, October 9, 2018 5:38 PM
To: MCALEENAN, KEVIN K
Cc: (b)(6)&(b)(7)(C) Vitiello, Ronald D
Subject: RE: Abrupt release of hundreds of migrants in Phoenix is 'start of dam breaking'

(b)(6)&(b)(7)(C)

From: MCALEENAN, KEVIN (b)(6)&(b)(7)(C)
Sent: Tuesday, October 9, 2018 5:37 PM
To: Miller, Stephen EOP/WH (b)(6)&(b)(7)(C)
Cc: (b)(6)&(b)(7)(C) Vitiello, Ronald (b)(6)&(b)(7)(C)
Subject: Re: Abrupt release of hundreds of migrants in Phoenix is 'start of dam breaking'

(b)(5) S1 hearing tomorrow

Sent from my iPhone

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(b)(5) (b)(7)(E)

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October 9, 2018 – 4:53 PM

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From: Miller, Stephen EOP/WHO (b)(6)&(b)(7)(C)
Sent: Wednesday, April 24, 2019 10:41 AM
To: HAYES, BRADLEY F
Cc: (b)(6)&(b)(7)(C)
Subject: RE: CBP/DHS

(b)(6)&(b)(7)(C)

From: HAYES, BRADLEY (b)(6)&(b)(7)(C)
Sent: Wednesday, April 24, 2019 9:53 AM
To: Miller, Stephen EOP/WH (b)(7)(C)
Subject: CBP/DHS

Stephen –

Do you have some time to get together and talk CBP/DHS

(b)(5)

(b)(5)

Let me know what works. I look forward to catching up,

Bradley F. Hayes
Executive Director|Office of Trade Relations
Office of the Commissioner
U.S. Customs & Border Protection
(b)(6)&(b)(7)(C)

For scheduling needs, please contact (b)(6)&(b)(7)(C)

From: Miller, Stephen EOP/WH (b)(6)&(b)(7)(C)
Sent: Thursday, August 1, 2019 11:29 AM
To: MORGAN, MARK A
Subject: Fysa

<https://www.washingtonexaminer.com/news/ice-let-loose-218-400-migrant-family-members-into-the-us-since-december>