



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

April 4, 2013

Stephen N. Gikow
New York Times
620 8th Ave.
New York, NY 10018

RE: Carlos Eugenio Vides Casanova

Dear Mr. Gikow:

Your letter dated February 14, 2013, to the Executive Office for Immigration Review (EOIR) Director Juan Osuna was referred to the Office of the General Counsel for a response. In your letter, you write on behalf the New York Times and reporter Julia Preston asserting a First Amendment Right of Access to the Immigration Judge decisions of February 22, 2012, and August 16, 2012, pertaining to the above-referenced individual. Previously, on March 15, 2012, the EOIR provided a response to a Freedom of Information Act (FOIA) request indicating that the information was withheld pursuant 5 U.S.C. § 552(b)(6).

Upon receipt of your letter, EOIR has reviewed the record of proceeding and determined that the Immigration hearing in this matter was open to the public, therefore, EOIR has reconsidered your request for the Immigration Judge decisions under the FOIA.

EOIR continues to consider Ms. Preston and the New York Times third-party requesters of records because neither entity is the current attorney of record, and neither Ms. Preston nor the New York Times provided documentation authorizing the release of the requested documents, such as a completed Form DOJ-361 signed by the subject of the request. However, the fact that the proceeding was open to the public diminishes the respondent's privacy interests in this case. In light of this newly obtained information, the FOIA Service Center reprocessed the request under the FOIA.

Enclosed is a computer disk containing the information responsive to your FOIA request. Please be advised that EOIR redacted information pursuant to 5 U.S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy; and 5 U.S.C. § 552(b)(7)(C) of the FOIA which allows for withholding of information compiled for law enforcement purposes the release of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." To view the contents on the disk, you will need to use software such as Adobe Acrobat. There will be no charge for this information as you have been granted a fee waiver.

If you are not satisfied with this decision, you may file an appeal with the Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., N.W., Suite 11050, Washington, D.C. 20530. OIP must receive your appeal within 60 days of the date of this letter. The procedures for appeal are stated at 28 C.F.R. § 16.9.

Sincerely,

A handwritten signature in black ink, appearing to read "Cecelia M. Espenoza". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cecelia M. Espenoza
Senior Associate General Counsel

Enclosure
EOIR FOIA# 2012-9101