



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the General Counsel*

5107 Leesburg Pike, Suite 1903  
Falls Church, Virginia 20530  
February 12, 2015

Ms. D. Victoria Baranetsky  
The New York Times Company  
620 8th Ave.  
New York, NY 10018

RE: Freedom of Information Act Request Regarding the Record of Proceeding Related to Jose Guillermo Garcia-Merino

Dear Ms. Baranetsky:

This letter is a fourth partial response to your Freedom of Information Act (FOIA) request in which you seek a copy of the Executive Office for Immigration Review (EOIR) record of proceeding (ROP) related to Jose Guillermo Garcia-Merino.

EOIR considers you a third-party requester of records because you are not currently the attorney of record, and you did not provide documentation authorizing the release of the requested documents to you, such as a completed form DOJ-361 signed by the subject of the request. When a third-party requester seeks records that are exempt from disclosure, in the absence of appropriate documentation authorizing release, generally EOIR only releases a redacted version of the final agency decision, to protect the privacy interests of parties who appear in EOIR proceedings.

Where privacy interests exist, EOIR balances the individual privacy interests against the public interest in disclosure. In this matter, EOIR balanced the publicity, and publically available information surrounding the subject of this request against his personal privacy interests. Applying this balance, EOIR has determined that the public interest in release of the information outweighs the privacy interest and thus EOIR is releasing the record of proceeding. Pursuant to your discussion with Senior Associate General Counsel Cecelia M. Espenosa, EOIR is processing and releasing this information on a rolling basis.

Enclosed is computer disk containing a redacted copy of 1,328 pages numbered 000001 through 001328 from the EOIR's ROP. The FOIA Service Center has redacted information pursuant to 5 U.S.C. § 552(b)(6) of the FOIA to avoid a clearly unwarranted invasion of personal privacy for individuals whose information is not in the public domain. Additionally, it has been verified that all documents in this release have been unclassified. Please note that bates stamped pages numbered 982 – 984 do not contain the declassification markings but they were declassified and posted to the Digital National Security Archives website which is located at <http://nsarchive.chadwyck.com/home.do>. To view the contents on the computer disk, you will need to use computer software such as Adobe Acrobat. There will be no charge for this information as you have been granted a fee waiver.

EOIR continues to process records responsive to your FOIA request. If you have any questions, please contact Senior Associate General Counsel Cecelia M. Espenosa (703) 305-0470 ext. 1.

Sincerely

  
Crystal Souza  
Supervisory Government Information Specialist

Enclosure  
EOIR FOIA# 2014-14335