

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL DAY LABORER ORGANIZING NETWORK, et al.,	: Civil Action No. 10-CV-3488
	:
Plaintiffs,	:
	:
-v-	: <u>DECLARATION</u>
	: <u>OF RYAN LAW</u>
	:
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, et al.,	:
	:
Defendants.	:
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Ryan Law, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am the Deputy FOIA Officer of the Freedom of Information Act Office (the "ICE FOIA Office") at United States Immigration and Customs Enforcement ("ICE"). I have held this position since May 9, 2010. Prior to this position, I was a Senior Paralegal Specialist and Paralegal Specialist within the ICE FOIA Office beginning in February 2007. Prior to my employment with ICE, I was a FOIA Specialist within the Transportation Security Administration's FOIA Office beginning in September 2005. The ICE FOIA office is located at 500 12th Street, S.W., Washington, D.C. 20536-5009.

2. As the Deputy FOIA Officer, I am responsible for overseeing ICE processing of FOIA and Privacy Act requests. I assist in the management and supervision of ICE FOIA Paralegal Specialists, who report to me regarding the processing of FOIA and Privacy Act requests received by ICE. I am personally familiar with ICE's processing of the FOIA request that Cardozo Law School submitted on February 23, 2010, on behalf of the National Day Laborer Organizing Network

(“NDLON”), one of the plaintiffs in the above-captioned action. The ICE FOIA Office assigned FOIA case number 2010FOIA2674 to this request.

3. The statements contained in this declaration are based upon my personal knowledge, my review of documents kept by ICE in the ordinary course of business, and information provided to me by other ICE employees in the course of my official duties.

4. On July 11, 2011, the Court entered an Order requiring ICE to address whether it has maintained the confidentiality of certain documents reflecting attorney-client communications that ICE has withheld from plaintiffs under FOIA Exemption (b)(5) (the “withheld documents”). *See* 7/11/11 Mem. Op. at 37 (“[F]or each document that defendants seek to withhold under the attorney-client privilege, they must represent that confidentiality has been maintained.”).

5. In response to the Court’s July 11, 2011 Order, Agency Counsel identified the sender and recipient(s) of each withheld document (based on the information reflected on the face of the withheld documents), as well as the ICE program offices in which each of those individuals is located. The relevant program offices are: Enforcement and Removal Operations (which encompasses the Secure Communities program management office); the Office of the Principal Legal Advisor; and the Office of the Director (collectively, the “Program Offices”).

6. During the course of this work, Agency Counsel determined that the senders and recipients of the withheld documents are all ICE employees. None of the withheld documents bears an external email address or non-Agency sender/recipient.

7. Agency Counsel then sent emails to a central point of contact (“POC”) in each of the Program Offices. The emails requested that the POCs: (1) contact each sender and recipient located in their respective Program Offices; and (2) have the senders and recipients examine the

withheld documents on which their names appear and report back on whether they had disseminated the documents to anyone outside of the Department of Homeland Security or its component agencies.

8. Agency Counsel either attached the relevant withheld documents to the emails it sent to the Program Offices, or had the documents uploaded to a shared drive that could be accessed by the senders and recipients. Attached hereto as Exhibit A is a list of the withheld documents that were reviewed in connection with this inquiry.

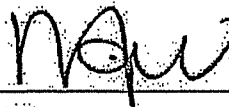
9. The POCs advised Agency Counsel that they had received either a verbal or written response from each sender and recipient. The POCs further advised Agency Counsel that the senders and recipients had all confirmed that they had not disseminated the withheld documents to any non-Agency personnel. Agency Counsel, in turn, conveyed this information to me.

10. I previously executed a declaration, dated August 8, 2011, in which I stated: "Pursuant to the Court's July 11, 2011, Order in this matter, ICE personnel involved in attorney client communications that ICE withheld from plaintiffs under FOIA Exemption (b)(5) have reviewed all such communications for the purpose of determining whether confidentiality had been maintained. Each of those personnel have responded that confidentiality has in fact been maintained." I based this statement on the process, as well as the information conveyed to me, described herein.

11. Versions of the October 2, 2010 Memorandum referenced in the Court's August 22, 2011 Order are among the withheld documents. Accordingly, I can confirm that neither the senders nor the recipients of the October 2, 2010 Memorandum disseminated it to any non-Agency personnel.

JURAT CLAUSE

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief. Signed this 23rd day of August 2011.



Ryan Law
Deputy FOIA Officer
Freedom of Information Act Office
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

EXHIBIT A

Withheld Attorney-Client Documents Reviewed for Confidentiality

ICE FOIA 10-2674.0002022-.0002023
ICE FOIA 10-2674.0002024-.0002026
ICE FOIA 10-2674.0002027-.0002029
ICE FOIA 10-2674.0002030-.0002033
ICE FOIA 10-2674.0002034-.0002035
ICE FOIA 10-2674.0002210-.0002212
ICE FOIA 10-2674.0002509-.0002521
ICE FOIA 10-2674.0002522-.0002533
ICE FOIA 10-2674.0002534-.0002547
ICE FOIA 10-2674.0002548-.0002555
ICE FOIA 10-2674.0002594-.0002597
ICE FOIA 10-2674.0002651-.0002656
ICE FOIA 10-2674.0002661-.0002665
ICE FOIA 10-2674.0002666-.0002675
ICE FOIA 10-2674.0002676-.0002685
ICE FOIA 10-2674.0002686-.0002693
ICE FOIA 10-2674.0002713-.0002721
ICE FOIA 10-2674.0002903-.0002911
ICE FOIA 10-2674.0002921-.0002976
ICE FOIA 10-2674.0002977-.0002992
ICE FOIA 10-2674.0002993-.0002996
ICE FOIA 10-2674.0002997-.0003001
ICE FOIA 10-2674.0003008-.0003022
ICE FOIA 10-2674.0003023-.0003026
ICE FOIA 10-2674.0003140-.0003143
ICE FOIA 10-2674.0003146-.0003148
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ICE FOIA 10-2674.0010589-.0010592
ICE FOIA 10-2674.0010639-.0010641
ICE FOIA 10-2674.0010752-.0010754
ICE FOIA 10-2674.0010776-.0010778
ICE FOIA 10-2674.0010794-.0010800
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ICE FOIA 10-2674.0011149-.0011151
ICE FOIA 10-2674.0011360-.0011365
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ICE FOIA 10-2674.0011848-.0011868
ICE FOIA 10-2674.0012488-.0012493
ICE FOIA 10-2674.0012494-.0012503
ICE FOIA 10-2674.0013854-.0013860
ICE FOIA 10-2674.0013893-.0013896