



**U.S. Customs and
Border Protection**

March 1, 2010

William Wilson
President
Americans for Limited Government
9900 Main Street
Suite 303
Fairfax, VA 22031

RE: 2010F04657(LP)

Dear Mr. Wilson:

This letter is the final response to your Freedom of Information Act (FOIA) letter of request to U.S. Customs & Border Protection (CBP) received in this office on January 14, 2010. In your correspondence you requested records related to the detention on January 5, 2009, of **Mr. Michael Yon**.

We have determined that your office has not provided the correct documentation required to release third party information. DHS regulations require, under Title 6 C.F.R. § 5.21(f), in the case of third party information requests, a statement from the individual that verifies her/his identity and that certifies that such individual agrees that records concerning her/him may be accessed, analyzed and released to a third party be provided. Absent a third party release, we can not confirm nor deny the existence of records.

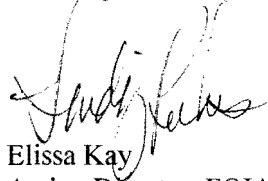
To the extent that your FOIA request can be interpreted as a request for records that may be maintained by CBP regarding whether a particular person is or has ever been listed in any government terrorist watch list, please be advised that the U.S. Government can neither confirm nor deny whether a particular person is on any terrorist watch list. Maintaining the confidentiality of government watch list is necessary to achieve the counterterrorism objective of the U.S. Government. If the U.S. Government revealed who has or has not been listed on any government watch list, terrorists would be able to take action to avoid detection by government authorities. Thus, pursuant to the FOIA Exemptions 2 and 7(E), 5 U.S.C., Section 552 (b)(2) and (b)(7)(E), CBP can neither confirm nor deny the existence of certain records which would tend to indicate whether a particular person is or ever was listed on any government terrorist watch list. Please note: this is a standard response to all FOIA requests for "all records" on private individuals who have not authorized the release of records concerning themselves, in accordance with Title 6 C.F.R. 5.21(f).

You have the right to appeal this determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter. Reference the FOIA **2010F04657**. Send to FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 1300 Pennsylvania Ave., NW, Mint Annex, Washington, DC 20229, following the procedures outlined in the DHS regulations at Title 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request however the cost is below the \$14 minimum so there is no charge.

If we may offer further assistance, please contact our office at 202.325.0150.

Sincerely,



Elissa Kay
Acting Director, FOIA Division
Office of International Trade