



April 15, 2012

Charles K. Edwards  
Acting Inspector General  
U.S. Department of Homeland Security  
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Dear Acting Inspector General Edwards:

The American Civil Liberties Union (“ACLU”) and Muslim Advocates write to renew our request that your office investigate the questioning of American Muslims during border inspections about their personal religious and political beliefs and religious practices without any apparent justification. In December 2010, we notified your office of this deeply troubling practice and requested an investigation into the experiences of five American Muslims subjected to such questioning. Since then, we have received additional reports that, without individualized suspicion of wrongdoing based on credible evidence, U.S. Department of Homeland Security (“DHS”) Customs and Border Protection (“CBP”) officers have targeted U.S. citizens and lawful permanent residents who are Muslim, or appear to be Muslim, for questioning about their religious and political beliefs, associations, and religious practices and charitable activities protected by the First Amendment and federal law. We urge your office to investigate the cases of all nine of the American Muslims whom we represent, and to ensure that DHS practices are consistent with the law, including the Religious Freedom and Equal Protection guarantees to which all Americans are entitled.

On December 16, 2010, the ACLU and Muslim Advocates reported to then-Inspector General Richard Skinner that, without any apparent suspicion apart from perceived religious background, DHS and CBP officers had questioned five American Muslims about their religious or political beliefs, associations, or religious practices during border inspections. *See Exhibit A.* We asked his office to conduct an investigation: 1) to determine whether DHS or CBP has a policy concerning the permissibility of questioning U.S. persons seeking to return to the United States about their protected beliefs, associations, and activities, and if so, whether that policy comports with the Constitution, federal law, and other agency policies; 2) to determine whether the invasive questioning of the American Muslims we represent violated their constitutional and other legal rights or agency policy; 3) to determine whether CBP officers are subjecting other travelers who are Muslim or appear to be Muslim to similar invasive questioning in violation of law or policy; and 4) to identify the agency policies governing CBP’s retention, dissemination, and destruction of information provided in response to such questioning. *Id.*

Inspector General Skinner did not respond to our request. Instead, on May 3, 2011, Margo Schlanger of the DHS Office of Civil Rights and Civil Liberties (“CRCL”) wrote that, pursuant to 6 U.S.C. § 345 and 42 U.S.C. §2000ee-1, CRCL would investigate: whether CBP officers “have engaged in inappropriate questioning about religious affiliation and practices during border screening”; the complaints of the five American Muslims we represent; and other similar complaints. *See* Exhibit B. According to Ms. Schlanger, the purpose of CRCL’s review would be to “find and address problems in DHS policy and its implementation.” *Id.* Although CRCL subsequently interviewed our clients, on July 12, 2012, Acting CRCL Officer Tamara J. Kessler wrote that CRCL had halted the investigation because other, unconnected individuals had brought a lawsuit against DHS in federal court in Michigan. Exhibit C. She asserted that the Michigan case raised “the same allegations” made in our complaint, and that CRCL would “monitor [that] litigation and wait for it to conclude before finalizing [its] investigation.” *Id.*

The filing of a lawsuit raising claims by some individuals does not obviate the DHS Inspector General’s obligation to investigate allegations of invasive and illegal agency practices by others, including our clients. CRCL’s decision to suspend investigation of our complaint unnecessarily delays answers to the critically important questions we posed concerning DHS and CBP policy. Americans need and deserve to know the agency policies that govern their treatment at the border, whether agency employees’ practices comply with these policies, and whether the policies and practices are lawful.<sup>1</sup> The public also needs and deserves to know the nature and scope of the invasive questioning experienced by American Muslims and the standards governing the retention and dissemination of information collected through such practices.

Moreover, despite the filing of the lawsuit and CRCL’s now-suspended investigation, we continue to receive reports of instances—including recent ones—in which DHS or CBP officials inappropriately and invasively questioned American Muslims. *See* Appendix A (detailing four additional cases). Each additional individual we represent is a U.S. citizen with a constitutional right to re-enter the United States from abroad. Yet after CBP officers determined their citizenship, the officers questioned these American Muslims about their First Amendment-protected religious beliefs, associations and practices, apparently without any basis for individual suspicion. *Id.* For example, CBP officers asked Rachel Bloom why she converted to Islam, and Abbas Khan whether he is Sunni or Shi’ah. These reports demonstrate that the problem of DHS and CBP officers questioning U.S. persons who are Muslim, or are perceived to be Muslim, about protected beliefs, associations, and activities is a continuing one.

These reasons underscore why we originally requested that the DHS Office of the Inspector General (“OIG”) investigate the troubling practice we identified. Investigation of DHS and CBP

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<sup>1</sup> This year, CRCL issued a summary of its impact assessment regarding border searches of electronic devices, in which it provides that “it is generally impermissible for officers to discriminate against travelers . . . because of their actual or perceived race, religion, or ethnicity . . . .” Executive Summary, U.S. Dep’t of Homeland Security, Civil Rights/Civil Liberties Impact Assessment, Border Searches of Electronic Devices (Jan. 29, 2013), [http://www.dhs.gov/sites/default/files/publications/crcl-border-search-impact-assessment\\_01-29-13\\_1.pdf](http://www.dhs.gov/sites/default/files/publications/crcl-border-search-impact-assessment_01-29-13_1.pdf). This disclosure, however, pertains to searches of devices and does not inform the public whether DHS or CBP has a specific policy concerning the permissibility of questioning U.S. persons at the border about their protected beliefs, associations, and activities, and if so, whether that policy comports with applicable laws and policies.

officers' baseless questioning of U.S. persons who are Muslim, or are perceived to be Muslim, about their First Amendment-protected beliefs, associations and practices particularly falls within OIG's mandate to investigate allegations of systemic civil rights and civil liberties violations.<sup>2</sup> Moreover, OIG has greater authority and independence than CRCL to investigate DHS and CBP employees' pattern or practice of constitutional rights violations pursuant to the Inspector General Act of 1978, Pub. L. No. 95-452, 92 Stat. 1101, and the Homeland Security Act of 2002, Pub L. No. 107-296, 116 Stat. 2143. OIG also has a greater ability to make the results of its investigations public, so that Americans can better understand their rights when interacting with DHS personnel at the border and ports of entry.<sup>3</sup>

We recognize that it was within the OIG's discretion to refer the investigation of this matter to CRCL, and we cooperated fully with CRCL's investigation. But now that CRCL has decided to suspend its investigation, we renew our request that OIG investigate the cases of all of the Americans we represent and provide answers to the critically important policy and practice questions we posed in our original request.

We look forward to hearing from you.



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Sincerely,



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<sup>2</sup> Department of Homeland Security, Management Directive System, MD 0801.1, The Office of Inspector General, Appendix A A-1 (June 10, 2004) [http://www.dhs.gov/xlibrary/assets/foia/mgmt\\_directive\\_0810\\_1\\_the\\_office\\_of\\_inspector\\_general.pdf](http://www.dhs.gov/xlibrary/assets/foia/mgmt_directive_0810_1_the_office_of_inspector_general.pdf).

<sup>3</sup> Department of Homeland Security, Office of the Inspector General, Frequently Asked Questions, [http://www.oig.dhs.gov/index.php?option=com\\_content&view=article&id=46:faq&catid=2&Itemid=147](http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=46:faq&catid=2&Itemid=147) (last visited Apr. 12, 2013).

## APPENDIX A

- 1. Mohammad Alraee** is a U.S. citizen, a resident of Beltsville, Maryland, and a Muslim. Mr. Alraee taught in a pre-college, joint engineering program between the University of the District of Columbia and NASA from 1998-2012. Since 2010, Mr. Alraee has worked as a chaplain for the U.S. Department of Veterans Affairs and taught Qur'an classes at local mosques in the Washington, D.C. area. On June 23, 2009, Mr. Alraee sought to return home from a week-long professional development training in Montreal, Canada by driving to Albany and then flying to Washington D.C. After arriving at the Port Champlain border crossing by car, Mr. Alraee provided his passport to a CBP agent. The officer escorted Mr. Alraee to the main building, where Mr. Alraee waited for one hour while another CBP officer searched his luggage. A CBP officer asked him to remove everything from his pockets, and escorted Mr. Alraee to a reception area, where he was held for more than three and a half hours. There, two officers questioned Mr. Alraee about his travel to Canada and asked: "Where did you pray?"; "Who did you meet at the mosque in Canada?"; and "How many times do you pray?"

When the officers finally permitted Mr. Alraee to return to his car, he found his car trunk open and his papers in disarray, demonstrating that his car had been searched. Mr. Alraee missed his return flight home from Albany to Washington, D.C. because the interrogation and search lasted more than four hours.

Mr. Alraee felt embarrassed, humiliated, and degraded by this experience. He feels anxious when traveling abroad because he fears that U.S. officials will again question him about deeply personal religious beliefs and practices without any basis when he seeks to return home to the United States.

- 2. Powell DeGange and Rachel Bloom** are U.S. citizens, residents of Oakland, California, and Muslims. Mr. DeGange works as a union organizer for UNITE HERE in San Francisco. Ms. Bloom is a housewife and small business owner, and wears hijab. In June 2012, Mr. DeGange and Ms. Bloom were married and traveled to Vancouver, Canada for their honeymoon. On June 29, 2012, the couple arrived at the Vancouver Airport for their flight home. After clearing security and the CBP inspection point, Mr. DeGange and Ms. Bloom were waiting at the gate when two CBP officers approached them. One officer searched Ms. Bloom's carry-on bag while the other questioned the couple about their trip and professions. A third CBP officer arrived and escorted Mr. DeGange and Ms. Bloom back to the CBP inspection point. Officers then separated the couple from each other for further questioning for approximately 30 minutes.

A CBP officer took Ms. Bloom to a separate room. Two officers questioned her about her trip and past travel. The officers then asked: "How often do you go to the mosque?";

“Do you pray five times a day?”; and “Were you born Muslim?” When Ms. Bloom explained that she had converted to Islam, one officer asked: “Was your husband born a Muslim?”; “How and why did you come to Islam?”; and “How did your family react to you becoming a Muslim?” The officers also asked Ms. Bloom for the name of the imam at the mosque she attends and asked: “Who is your leader?”; and “Are you learning Arabic?” After the questioning, a CBP officer searched Ms. Bloom’s wallet and cell phone, and read emails stored on the phone. The officers then permitted her to return to the waiting area, where she remained until her husband returned.

Two CBP officers also escorted Mr. DeGange to a separate room, where they searched his cell phone and examined the contents of his wallet. The agents questioned Mr. DeGange about his trip to Canada and past travel abroad, and asked, “When was the last time you went to a mosque?” and “What mosque did you go to before that one?” One of the officers asked Mr. DeGange whether he had gone to a mosque while in Vancouver. The CBP officers also questioned Mr. DeGange about his parents’ religious beliefs and asked: “Why are you Muslim?” and “What Imam do you follow?” After the questioning, the officers led Mr. DeGange back to the inspection point waiting area, where CBP officers searched his checked baggage.

The couple waited another 20 minutes. Because the searches and questioning had lasted approximately two hours, Ms. Bloom and Mr. DeGange missed their flight to San Francisco and had to stay an additional night in Vancouver without any assistance from CBP in locating accommodations. Due to the delay in returning home, Mr. DeGange missed an additional day of work.

Ms. Bloom and Mr. DeGange felt humiliated and scared by this experience. They fear that law enforcement officers will subject them to future, baseless questioning about their religious beliefs and practices, even though they have done nothing wrong. Ms. Bloom and Mr. DeGange feel apprehensive and anxious that CBP officials will treat them differently than other returning Americans during border inspections because they are visibly identifiable Muslims due to Ms. Bloom’s practice of wearing hijab and Mr. DeGange’s practice of keeping a beard.

- 3. Abbas Khan** is a U.S. citizen, a Chicago-area resident, and a Muslim. Mr. Khan is an attorney and graduated from Northwestern University School of Law. As a law student, Mr. Khan traveled with classmates and professors to Israel, Palestine and Jordan as part of a human rights course. On March 29, 2010, he returned to the United States from that trip, flying into Philadelphia International Airport. An agent at passport control referred him to secondary inspection. After Mr. Khan waited for approximately 50 minutes, a CBP officer questioned him about his trip and asked, “Have you ever worked for CAIR?” The CBP officer clarified that “CAIR” referred to the Council on American-Islamic Relations. The officer also asked: “Were you an officer of your college [Muslim Student

Association]?”; ”Are you Sunni or Shi’ah?”; and “Have you been to Najaf for pilgrimage?” The same officer also searched Mr. Khan’s belongings. Because the questioning and search lasted approximately 90 minutes, Mr. Khan missed his connecting flight to Chicago, as did his professor and the professor’s colleague, who had been waiting for Mr. Khan to pass through CBP inspection.

The 2010 incident was not the only time a CBP officer questioned Mr. Khan about his religious practices for no apparent reason. On June 29, 2005, Mr. Khan returned to the United States from a family trip to Syria and Pakistan, flying into Houston’s George Bush Intercontinental Airport. After Mr. Khan landed, an agent in passport control referred him for further questioning. Mr. Khan’s father accompanied him to the detention area. A CBP officer questioned Mr. Khan about his trip and asked: “Did you go for Hajj?” and “Do you speak Urdu?” Although Mr. Khan ultimately made his connecting flight, his father missed his connecting flight to Chicago, which departed earlier than his son’s flight, because the secondary inspection took more than 30 minutes.

These experiences have caused Mr. Khan to feel humiliated and singled out because of his religion. Mr. Khan also avoids flying into any city other than Chicago when returning to the United States from abroad because he fears that baseless secondary searches and questioning will cause him to miss connecting flights.

# Exhibit A



December 16, 2010

Mr. Richard L. Skinner  
Inspector General  
U.S. Department of Homeland Security  
245 Murray Drive, SW, Bldg 410  
Washington, D.C. 20538  
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Dear Mr. Skinner:

We write to request that you investigate a troubling practice that has come to the attention of the American Civil Liberties Union (“ACLU”) and Muslim Advocates: without individualized suspicion of wrongdoing based on credible evidence, U.S. Department of Homeland Security (“DHS”) Customs and Border Protection (“CBP”) officers are questioning U.S. citizens and legal residents who are Muslim, or appear to be Muslim, about their religious and political beliefs, associations, and religious practices and charitable activities protected by the First Amendment and federal law.

The ACLU and Muslim Advocates represent five individuals who have experienced this treatment when returning to the United States from abroad, as described in Appendix A. We believe the CBP exceeded its authority in these cases and violated the civil rights of these individuals. We request that you conduct an investigation to determine:

1. Whether DHS and/or CBP have a policy regarding the permissibility of questioning U.S. persons<sup>1</sup> seeking to enter the United States about their religious or political beliefs, associations, religious practices or religious, charitable giving, and/or other First Amendment-protected activity and if so, whether such a policy comports with the Constitution, other federal laws, including the Religious Freedom Restoration Act (“RFRA”), and other agency policies, including the Department of Justice’s June 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies, and DHS’s June 2004 Commitment to Race Neutrality in Law Enforcement Activities.
2. Whether the conduct of the CBP officers in questioning individual travelers as described in Appendix A violated these individuals’ constitutional rights, federal law, and/or agency policies.

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<sup>1</sup> A “U.S. person” is an individual who is a citizen or legal resident of the United States.



3. Whether CBP officers are subjecting other travelers who are Muslim or appear to be Muslim to illegal and/or inappropriate questioning about their religious and political beliefs, associations, religious practices and charitable activities in violation of law or policy.
4. What standards govern how information provided by an individual in response to questioning about protected beliefs, associations, or activities is recorded and/or reported to, entered into, or disseminated through databases, or by other means, to other components of DHS, other government agencies, or persons or entities outside the government, and the standards governing the retention and destruction of such information.

Over the past several years, at ports, land border crossings, and international airports across the country, U.S. persons who are Muslim, or who are perceived to be Muslim, have been targeted by CBP officers for questioning about topics including their religious identity, what mosque they attend, how often they pray, their religious charitable giving, and their views on U.S. military engagement in Iraq and Afghanistan. Some have had the contents of their electronic devices, such as laptops and cell phones, searched and copied.

The U.S. government has a legitimate interest in verifying the identity and citizenship or legal status of individuals seeking to reenter the country. It also rightfully has an interest in ensuring that individuals who pose a threat to national security are detected and brought to justice. No legitimate government interest is served, however, when CBP officers question a U.S. person about his or her religious or political beliefs, associations, and religious practices and charitable activities in the absence of a reasonable suspicion, based on credible evidence, that the individual has engaged in criminal activity, and a nexus between such questions and the suspected activity. This practice harms our country's national security interests by wasting scarce government resources, generating false leads, and eroding the trust of these religious and racial/ethnic communities in law enforcement and government.

Questioning individuals about their protected religious and political beliefs, associations, and activities may infringe upon rights guaranteed by the Constitution and federal law—rights that are not surrendered at the border. These questions are not routine and, like any non-routine border search, are prohibited by the Fourth Amendment absent reasonable suspicion that the person has committed a crime. *United States v. Montoya de Hernandez*, 473 U.S. 531, 541 (1985). Similarly, government officials who question or search individuals at the border must respect those individuals' First Amendment rights to freedom of expressive association and free exercise of religion and rights under the Religious Freedom of Restoration Act (RFRA). *See Tabbaa v. Chertoff*, 509 F.3d 89, 102 (2d Cir. 2007) (finding that actions by CBP officers towards U.S. citizens seeking reentry to the United States burdened their right to association, thereby triggering First Amendment protection); *id.* at 105-06 (noting that both the Free Exercise Clause of the First Amendment and RFRA circumscribe government questioning and searches of individuals at the border when such action is not the result of a rule of general applicability and imposes a substantial burden on plaintiffs' exercise of faith).

Today, however, CBP officials are acting contrary to these fundamental rights and protections as illustrated by the experiences of each of the five individuals described in Appendix A. Each of these individuals is a U.S. citizen with a constitutional right to re-enter the United States from abroad. Yet, after determining their citizenship, CBP officers asked each person questions about their protected beliefs, associations, and activities. For example, CBP officers asked Lawrence Ho why he had converted to Islam, Aun Hasan Ali about his opinion of the U.S. occupation in Iraq, and Ali Uddin Malik about how often he prays in the course of a day. *See* App. A. The government officials involved in each of these cases went far beyond asking routine and permissible questions to verify a prospective entrant's citizenship and identity, and the purpose and duration of the entrant's trip abroad. *See United States v. Silva*, 715 F.2d 43, 47 (2d Cir. 1983) (routine questions include those about "citizenship, the length and purpose of [a prospective entrant's] trip to Canada, [and] what items she had acquired or bought in Canada"). Several of these individuals were also subjected to lengthy detention.

We are not aware of any evidence supporting a reasonable suspicion that any of these individuals were or are involved in criminal activity. Even if CBP had reasonable suspicion, based on credible evidence, that these individuals were involved in criminal activity, questioning travelers about their First Amendment-protected beliefs, associations, and activities is only permissible in the narrowest of circumstances to establish whether further law enforcement action is necessary (e.g., when an individual suspect's description is premised upon such characteristics). It appears that the government officials who questioned these five individuals failed to respect their rights guaranteed by the First and Fourth Amendments and the Religious Freedom of Restoration Act.

The five individual accounts detailed in Appendix A are not isolated instances. In 2009, Muslim Advocates chronicled the stories of twenty-one other travelers—twenty U.S. citizens and one lawful resident who are Muslim or were perceived to be Muslim—who were subject to this type of questioning at the border in its report, *Unreasonable Intrusions: Investigating the Politics, Faith & Finances Returning Home*.<sup>2</sup> Additional accounts were also documented in a report by the Asian Law Caucus, *Returning Home: How U.S. Government Practices Undermine Civil Rights At Our Nation's Doorstep*.<sup>3</sup> CBP's practice of questioning travelers who are Muslim, or who are perceived to be Muslim, about beliefs, associations, and activities protected by the First Amendment and federal law is widespread and has a detrimental impact, and despite at least two years of advocacy by civil rights organizations and impacted individuals, the practice has not stopped.

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<sup>2</sup> *See* Muslim Advocates, *Unreasonable Intrusions: Investigating the Politics, Faith & Finances of Americans Returning Home* 19-22, 25-26, 27-28, 32-36, 38-42 (2009), available at [http://www.muslimadvocates.org/documents/Unreasonable\\_Intrusions\\_2009.pdf](http://www.muslimadvocates.org/documents/Unreasonable_Intrusions_2009.pdf).

<sup>3</sup> *See* Asian Law Caucus, *Returning Home: How U.S. Government Practices Undermine Civil Rights At Our Nation's Doorstep* 10-21 (2009), available at <http://www.asianlawcaucus.org/wp-content/uploads/2009/04/Returning%20Home.pdf>.

It appears that CBP policy not only fails to prohibit, but actually permits officers to target U.S. persons who are Muslim, or who are perceived to be Muslim, for questioning about protected beliefs, associations and activities. When our client, Mr. Ho, wrote to CBP to complain that border agents had questioned him about his religious identity and practices, the chief officer of a CBP Field Office responded via email, "CBP Officers target extremists. In 2001, the U.S. was attacked by Islamist extremists. If a CBP Officer inquires as to a person's religious beliefs in order to uncover signs of extremist tendencies, that Officer is well within his authority." This response supports our concern that the questioning described is representative of a systemic problem: the targeting of Muslim travelers, or those who are perceived to be Muslim, for questions about their religious beliefs, associations, and practices, without any suspicion that they have engaged in criminal activity or any nexus between the questions and suspected activity that would permit this type of questioning.

We are also concerned with how DHS and CBP are storing and disseminating information collected during questioning of U.S. persons at the border, particularly the ways in which they share information with the Federal Bureau of Investigations ("FBI"). Timothy Healy, the Director of the Terrorist Screening Center of the FBI, has publicly described the Terrorist Enforcement Communication System ("TECS") as a system used by CBP "to screen individuals at air, land, and sea ports of entry."<sup>4</sup> We have reason to believe that at least some of this information, unlawfully collected, is being saved and shared with other federal agencies. *See, e.g.*, App. A at 1 (discussing questioning of Shareef Alshinnawi).

Individuals questioned about their First Amendment-protected beliefs, activities, practices and associations at the border fear, therefore, that their responses to these questions are entered into TECS and disseminated to other government databases, including other parts of the consolidated Terrorist Screening Database, and will be used to unjustly target them for future law enforcement attention. Members of American Muslim, Arab, South Asian, and Sikh communities also worry that they may be subject to future invasive and illegal questioning or investigative activities about their protected beliefs, associations, and activities, and consequently feel chilled from exercising core rights to freedom of speech and association, and to the free exercise of religion.

U.S. citizens and legal residents have a right to know what questions they may be asked and what questions they are required to answer when they seek to reenter the United States from abroad. They also have a right to be free from intrusive government questioning about beliefs, associations, and activities protected by the First Amendment and federal law absent credible evidence supporting a reasonable suspicion that they are involved in specific criminal activity that would warrant such questioning. We therefore respectfully request that you undertake the investigation we have requested.

We appreciate your attention to this matter and look forward to your response.

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<sup>4</sup> *See The Lessons and Implications of the Christmas Day Attack: Watchlisting and Pre-screening: Hearing Before the Senate Comm. on Homeland Security and Governmental Affairs*, 111<sup>th</sup> Cong. 4 (2010) (statement of Timothy J. Healy, Director, Terrorist Screening Center, Federal Bureau of Investigation).

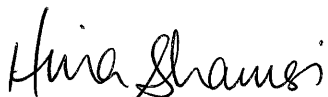
Sincerely,



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# Exhibit B



**Homeland  
Security**

May 3, 2011

Laura Murphy  
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Farhana Khera  
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Hina Shamsi  
Director, National Security Project  
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New York, New York 10004

Re: Complaint No. 11-05-CBP-0162 (Lawrence Ho)  
Complaint No. 11-03-CBP-0163 (Aun Hasan Ali)  
Complaint No. 11-03-CBP-0164 (Shareef Alshinnawi)  
Complaint No. 11-03-CBP-0165 (Ali Uddin Malik)  
Complaint No. 11-03-CBP-0166 (Hassan Shibly)

Dear Mses. Murphy, Khera and Shamsi:

The Office for Civil Rights and Civil Liberties received information you submitted to the DHS Office of the Inspector General (DHS OIG) on December 16, 2010, concerning the questioning by U.S. Customs and Border Protection (CBP) of U.S. citizens and legal residents who are Muslim, or appear to be Muslim, about their religious and political beliefs, associations, and religious practices and charitable activities protected by the First Amendment and Federal law.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties has the responsibility to review and assess complaints against Department of Homeland Security employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. CRCL has received a number of complaints like yours, alleging that U.S. Customs and Border Protection (CBP) officers have engaged in inappropriate questioning about religious affiliation and practices during border screening. We will add your complaints to the investigation we are opening on this subject. We are unable to discuss the specifics of this investigation without the express written consent of these complainants;

however, once we have their consent, we will provide you with more specific details concerning this investigation.

This Office takes allegations of violations of civil rights and civil liberties very seriously. The purpose of our review is to assess if your complaint implicates issues that should be addressed by Department of Homeland Security management. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, this Office is not able to obtain any legal remedies or damages on your behalf or that of the above complainants. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to this Office. 42 U.S.C. § 2000ee-1(e). If you believe that the above complainants or someone else is a victim of such a reprisal, please contact us immediately.

As we begin our review of this complaint, a representative from this Office may contact you for additional information. If you have any questions concerning this complaint, you may contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov). When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

The Department of Homeland Security's Traveler Redress Inquiry Program (DHS TRIP) is a program offering a single point of contact for individuals who have inquires or seek resolution regarding difficulties they experienced during their travel screenings at airports, train stations or border crossings. You may wish to encourage the complainants, if they have not already done so, to file a redress request with DHS TRIP online at [www.dhs.gov/trip](http://www.dhs.gov/trip) or to complete the enclosed Travel Inquiry Form and send to the following address:

DHS Traveler Redress Inquiry Program (TRIP)  
601 South 12<sup>th</sup> Street, TSA-901  
Arlington, Virginia 22202-4220

We thank you for your complaint; inquiries like yours help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how we have concluded this matter.

Sincerely,



Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

*Office for Civil Rights and Civil Liberties*  
**U.S. Department of Homeland Security**  
Washington, DC 20528



**Homeland  
Security**

Encl.





# Homeland Security

## Traveler Inquiry Form

### I. Your Travel Experience

Thank you for contacting the Department of Homeland Security Traveler Redress Inquiry Program (TRIP). Please check ALL scenarios that describe your travel experience:

- I am always subjected to additional screening when going through an airport security checkpoint
- I was denied boarding
- I am unable to print a boarding pass at the airport kiosk or at home
- I am directed to ticket counter every time I fly
- The airline ticket agent states that I am on a Federal Government Watch List
- I was detained during my travel experience
- A ticket agent took my identification and "called someone" before handing me a boarding pass
- I missed my flight while attempting to obtain a boarding pass
- I am repeatedly referred for secondary screening when clearing U.S. Customs and Border Protection
- I was denied entry into the United States
- I am a foreign student or exchange visitor who is unable to travel due to my status
- I was told by U.S. Customs and Border Protection at a U.S. port of entry that my fingerprints need to be corrected by US-VISIT
- I feel I have been discriminated against by a government agent based on race, disability, religion, gender, or ethnicity
- I feel my personal information has been misused
- I was given an IBIS Fact Sheet by a U.S. Customs and Border Protection officer
- Other travel related issue

### II. Personal Information

Full Name:     
First Middle Last

Date of Birth:  Place of Birth:   
mm/dd/yyyy City or Town/State or Province/Country

Sex:  Male  Female    Height:     Weight:     Hair Color:     Eye Color:

### III. Contact Information

Mailing Address:    
Street or PO Box Apt. No.

Physical Address (if different):      
City or Town State or Province Zip or Postal Code Country

Street:    
City or Town State or Province Zip or Postal Code Country

Home Telephone:     Work Telephone:

E-mail Address:



# Homeland Security

## Traveler Inquiry Form

IV. Additional Information (if applicable)			
Date of Entry into U.S.: (mm/dd/yyyy)		Name of Airline or Ship:	
Port of Entry into U.S.:		Flight or Cruise Number:	
Departure Date from U.S.:		Other Names Used:	
U.S. Port of Departure:		Name at Entry into U.S.:	

**V. Required Documentation and Information**  
 Please check the box next to the document(s) that you are submitting with this completed form and enter the requested information for each in the space provided.

Documentation		Information	
<input type="checkbox"/>	Passport	Registration No.:	
		Country of Issuance:	
<input type="checkbox"/>	Driver's License	License No.	
		State of Issuance:	
<input type="checkbox"/>	Birth Certificate	Registration No.	
		Place of Issuance:	
<input type="checkbox"/>	Voter Registration Card	Number:	
		Place of Issuance:	
<input type="checkbox"/>	Military Identification Card	Number:	
		Check one: <input type="checkbox"/> Air Force <input type="checkbox"/> Army <input type="checkbox"/> Marines <input type="checkbox"/> Navy <input type="checkbox"/> Coast Guard	
<input type="checkbox"/>	Certificate of Release or Discharge from Active Duty (DD Form 214)	Discharge Date: (mm/dd/yyyy)	
		Check one: <input type="checkbox"/> Air Force <input type="checkbox"/> Army <input type="checkbox"/> Marines <input type="checkbox"/> Navy <input type="checkbox"/> Coast Guard	
<input type="checkbox"/>	Government Identification Card	Number:	
		Check one: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local	
<input type="checkbox"/>	Certificate of Citizenship	Number:	
		Place of Issuance:	
<input type="checkbox"/>	Naturalization Certificate	Number:	
		State of Issuance	
		Date: (mm/dd/yyyy)	
<input type="checkbox"/>	Immigrant/Non-immigrant Visa	Number:	
<input type="checkbox"/>	Alien Registration	Number:	
		Date: (mm/dd/yyyy)	
<input type="checkbox"/>	Petition or Claim Receipt	Number:	
		Date: (mm/dd/yyyy)	
<input type="checkbox"/>	I-94 Admission	Number:	
		Date: (mm/dd/yyyy)	
<input type="checkbox"/>	FAST	Number:	
		Date: (mm/dd/yyyy)	
<input type="checkbox"/>	SENTRI	Number:	
		Date: (mm/dd/yyyy)	
<input type="checkbox"/>	NEXUS	Number:	
		Date: (mm/dd/yyyy)	
<input type="checkbox"/>	Border Crossing Card	Number:	
		Date: (mm/dd/yyyy)	
<input type="checkbox"/>	SEVIS	Number:	
		Date: (mm/dd/yyyy)	



# Homeland Security

## Traveler Inquiry Form

<b>VI. Incident Details</b>		
Please briefly describe your travel experience:		
<b>VII. Acknowledgement</b>		
The information I have provided on this application is true, complete, and correct to the best of my knowledge and is provided in good faith. I understand that knowingly and willfully making any materially false statement, or omission of a material fact, on this application can be punished by fine or imprisonment or both (see section 1001 of Title 18 United States Code).		
I understand the above information and am voluntarily submitting this information to the Department of Homeland Security.		
Date:	Full Name:	Signature:
<input type="text"/>	<input type="text"/>	<input type="text"/>

**PAPERWORK REDUCTION ACT STATEMENT:** Through this information collection, DHS is gathering information about you to conduct redress procedures, as an individual who believes he or she has been (1) denied or delayed boarding, (2) denied or delayed entry into or departure from the United States as a port of entry, or (3) identified for additional screening at our Nation's transportation hubs, including airports, seaports, train stations and land borders. The public burden for this collection of information is estimated to be five minutes. This is a voluntary collection of information. If you have any comments on this form, you may contact the Transportation Security Administration, Office of Transportation Security Redress, TSA-901, 601 S. 12th St., Arlington, VA 22202. An agency may not conduct or sponsor, and persons are not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number assigned to this collection is 1652-0044, which expires 05/31/2007.

**PRIVACY ACT NOTICE AUTHORITY:** Title IV of the Intelligence Reform and Terrorism Prevention Act of 2004 authorizes DHS to take security measures to protect travel, and under Subtitle B, Section 4012(1)(G), the Act directs DHS to provide appeal and correction opportunities for travelers whose information may be incorrect. Principal Purposes: DHS will use this information in order to assist you with seeking redress in connection with travel. Routine Uses: DHS will use and disclose this information to appropriate governmental agencies to verify your identity, distinguish your identity from that of another individual, such as someone included on a watch list, and/or address your redress request. Additionally, limited information may be shared with non-governmental entities, such as air carriers, where necessary for the sole purpose of carrying out your redress request. Disclosure: Furnishing this information is voluntary; however, the Department of Homeland Security may not be able to process your redress inquiry without the information requested.



# Homeland Security

## Traveler Inquiry Form

**Please mail, fax, or e-mail your completed Traveler Inquiry Form and copies of identity documents to the Department of Homeland Security.**

### **Mailing Instructions**

Please mail the completed form and copies of identity documents to:

DHS Traveler Redress Inquiry Program (TRIP)  
601 South 12th Street, TSA-901  
Arlington, VA 22202-4220

### **Faxing Instructions**

Please fax the completed form and copies of identity documents to:

(866) 672-8640 or (571) 227-1925

### **E-mailing Instructions**

Please e-mail the completed form and copies of identity documents to:

TRIP@dhs.gov



**DHS Traveler Redress  
Inquiry Program  
(DHS TRIP)**

Authorization to Release  
Information to Another Person

**Authorization to Release Information to Another Person**

Please complete this form to authorize DHS to disclose your personal information to another person.

**My Information**

You are asked to provide your information only to facilitate the identification and processing of your redress request. Without your information DHS may be unable to process your third party authorization request.

Name

Address

City  State  Zip Code

Country  Telephone

Pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a(b)), I authorize the U.S. Department of Homeland Security to release any and all information relating to my redress request to my representative.

**My Representative's Information**

Name

Address

City  State  Zip Code

Country  Telephone

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above. I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. § 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both.

**My Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Privacy Act Statement**  
 Authority: Title IV of the Intelligence Reform and Terrorism Prevention Act of 2004 authorizes DHS to take security measures to protect travel, and under Subtitle B, Section 4012(1)(G), the Act directs DHS to provide appeal and correction opportunities for travelers whose information may be incorrect. **Principal Purposes:** DHS will use this information in order to assist you with seeking redress in connection with travel. **Routine Use:** DHS will use and disclose this information to appropriate governmental agencies to verify your identity, distinguish your identity from that of another individual, such as someone included on a watch list, and/or address your redress request. Additionally, limited information may be shared with non-governmental entities, such as air carriers, where necessary for the sole purpose of carrying out your redress request. **Disclosure:** Furnishing this information is voluntary; however DHS may not be able to process your redress request without the information requested.

**PAPERWORK REDUCTION ACT STATEMENT OF PUBLIC BURDEN:** Through this information collection, DHS is gathering information about you to conduct redress procedures, as an individual who believes he or she has been (1) denied or delayed boarding, (2) denied or delayed entry into or departure from the United States as a part of entry, or (3) identified for additional screening at our Nation's transportation hubs, including airports, seaports, train stations and land borders. The public burden for this collection of information is estimated to be five minutes. This is a voluntary collection of information. If you have any comments on this form, you may contact the Transportation Security Administration, Office of Transportation Security Redress, TSA-901, 601 S. 12th St., Arlington, VA 22202. An agency may not conduct or sponsor, and persons are not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number assigned to this collection is 1652-0044, which expires 05/31/2007.

# Exhibit C



# Homeland Security

July 12, 2012

Laura Murphy  
Director, Washington Legislative Office  
American Civil Liberties Union  
915 15th Street, 6th Floor  
Washington, D.C. 20005

Farhana Khera  
President & Executive Director  
Muslim Advocates  
315 Montgomery Street, 8th Floor  
San Francisco, California 94115

Hina Shamsi  
Director, National Security Project  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, New York 10004

Re: Complaint No. 11-05-CBP-0162 (Lawrence Ho)  
Complaint No. 11-03-CBP-0163 (Aun Hasan Ali)  
Complaint No. 11-03-CBP-0164 (Shareef Alshinnawi)  
Complaint No. 11-03-CBP-0165 (Ali Uddin Malik)  
Complaint No. 11-03-CBP-0166 (Hassan Shibly)

Dear Mses. Murphy, Khera and Shamsi:


In a letter to you dated May 3, 2011, we informed you that pursuant to 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our Office would review your allegations that U.S. Customs and Border Protection (CBP) personnel engaged in inappropriate questioning during border screening. In our letter, we informed you that CRCL had received a number of similar complaints, and that your complaint would be added to this broad investigation. We also wrote that you could expect to receive a letter from CRCL informing you how we have concluded this matter.

On April 13, 2012, four of the complainants in our investigation filed a law suit against DHS in the U.S. District Court Eastern District of Michigan Southern Division that included the same allegations and issues presented in your complaint. Since the Court will be addressing the same allegations that were made in your complaint, CRCL has decided to monitor this litigation and wait for it to conclude before finalizing our investigation regarding your specific complaint. However, be assured that CRCL will continue to advise CBP and DHS leadership on issues

related to profiling and religious liberty and, as stated previously, we will monitor the ongoing litigation to determine if any follow-up with CBP on the issues you raised is required. When the litigation concludes, CRCL will notify you by letter of how we have concluded this matter.

Thank you again for filing your complaint, inquiries like yours help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,

A handwritten signature in black ink that reads "Tamara J. Kessler". The signature is written in a cursive style with a large initial 'T' and 'K'.

Tamara J. Kessler  
Acting Officer  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security