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Complaint No. 11-05-CBP-0171 ((b) (6)

The Office for Civil Rights and Civil Liberties (CRCL) has received numerous accounts from American citizens, legal permanent residents, and visitors who are Arab and/or Muslim, alleging that officials from U.S. Customs and Border Protection (CBP) repeatedly question them and other members of their communities about their religious practices or other First Amendment protected activities, in violation of their civil rights or civil liberties, or otherwise target them for extra scrutiny, questioning, or inappropriate comment based on their ethnicity or apparent religion. The purpose of this memorandum is to notify you of the complaints and describe the allegations, inform you that CRCL will retain these complaints for investigation, and explain how CRCL will work with CBP during our investigation.

ALLEGATIONS

The complainants allege they have been questioned about their religious practices and other inappropriate topics at land and air ports of entry. Allegations were received from a variety of sources, including correspondence directed to the Department by the ACLU and Muslim Advocates; a recent story that aired on National Public Radio (NPR); individually filed complaints; and a set of complaints filed on March 31 by the Council on American-Islamic Relations Michigan (CAIR-MI). Due to the number of complaints, the allegations are organized by Field Office and port of entry.

Boston Field Office
Boston Logan International Airport (BOS)
CRCL's Community Engagement Section conducts outreach and engagement events in the Boston-metro area. During that engagement, Muslim community members have expressed concerns about questions they are asked when returning to the United States. These questions include: what religion do you belong to? How religious are you? How often do you pray? Where do you pray? What mosque do you attend? and Why do you wear a beard?

lives in the Boston area, and
travels frequently though Logan airport.
inspections have been highly inappropriate. He a eges he has been asked: what mos• ue he •rays at; how often he prays; and whether any of his family members are strictly religious. (b) (6)
alleges his religion and national origin are the basis for his repeated referrals and sussequent inappropriate questioning. In April 2010, (b) (6) alleges that his computer, cell phone, and iPod
were taken from him for three hours• and when e arose from his seat to ask about his status an officer elled at him to sit down.

1) More particularly, CRCL received a complaint from (b) (6) a U.S. citizen, who alleges (by his counsel, the ACLU) that since 2004, he has been sub ect to repeated delays by CBP when he presents himself for admission at U.S. ports of entr
(b) (6) a eges t at his questioning during secondary

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2) (b) (6) has complained via our en
how often e prays and what mosque he attends.
inspection on November 17, 2009, he was denied t were confiscated.

ement meetings that he has been asked at Logan
also alleges that during a four hour
e use o a restroom and his electronic media

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3) (b) (6) has complained via our engagement meetings that in August 2009 he was asked what mosque he attends and how often he prays.

4) (b) (6) has complained via our engagement meetings that on September 5, 2009, she was detained wit er children for four hours. She alleges that her son was asked if the number on his basketball jersey was a reference to the Quran, that CBP did not allow her to respond to her daughter's cries, and that she was not provided with an interpreter, even though her English proficiency is low. (b) (6) alleges she was asked why she purchased clothing in Egypt, why she did not marry overseas ice other Somali women, and why she was not fasting on a particular day.

Buffalo Field Office
Rainbow Bridge Port of Entry

5) A letter to the DHS Office of Inspector General from the ACLU and Muslim Advocates
since referred to CRCL) and the referenced NPR story both allege that on February 21, 2010,
was referred to a secondary inspection which lasted over four hours. During his
inspection, (b) (6) alleges he was asked a series of inappropriate questions, including: When did you convert? W en • i• you become a Muslim? Which mosques do you attend? and How often do you attend the mosque?

6) According to the same NPR story, (b) (6) presented her passport to the CBP officer in primary earlier this year, and was subjecte• to . iscriminatory treatment based on her perceived status as a Muslim. For example, when her traveling companion (who wore a head covering) stated that she was in Canada to work on a stor of a notorious religiously-motivated murder of a Muslim woman, the CBP officer asked (b) (6) if she was related to the murderer.

Service Port - Champlain

7) According to the ACLU/Muslim Advocates letter, on August 6, 2009, (b) (6) a U.S. citizen, arrived at the "Champlain border crossing." He was referred to secondary inspection for one hour. During his inspection officers allegedly asked: Do you go to the mosque? Why? How often? What mosque? Are you an Imam at the mosque? and Are you Shi'a or Sunni?

Lewiston Bridge Complex
8) In a complaint forwarded to CRCL by CAIR-MI, (b) (6) a U.S. citizen, states that in January 2010, after attending a conference on "Reviving t e Spirit in Islam," he was asked a series of demographic questions. After an hour, a plain clothed officer asked him: Are you Muslim? Do you pray five times a day, in the mosque? Are there any extremists in our mosques? and Do you know any extremists? An hour later, two FBI agents arrived and questioned him because the "underwear guy from Nigeria had just tried to blow up a plane." The FBI agents asked him all of the questions listed above, as well as questioning him about his stay in Saudi Arabia and if that was where he converted to Islam. He states he was subject to similar questions in Miami in April 2010, however, when he was stopped at the Port Huron Port of Entry in January 2011, he was not asked religious questions.

Miami Field Office
• Fort Lauderdale Airport (FLL)
9) According to the NPR story, (b) (6) a professor of Middle Eastern studies at Georgetown University, was referre• to secons ary inspection allegedly due to his "location of birth." Protected by Attorney-Client and Deliberative Process Privileges 3
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While his account of his questioning is not entirely clear, (b) (6) implies that his

states that he has filed multi le DHS TRIP

inspection. Again, (b) (6) alleges that

a U.S.

21) The same ACLU/Muslim Advocates letter alleges that on August 18, 2010,
U.S. citizen, was asked about holy sites he visited on his trip abroad and also asked t e fo owing questions: Do you visit any Islamist extremist websites? Are you part of any Islamic tribes? Have you ever been to a madrassa or studied Islam full-time? and Do you attend a particular mosque?

22) In a complaint sent to CRCL by the CBP INFO Center,
secondary inspection and asked the origin of his last name. He fee s that is extensive questioning was discriminatory based on his ethnicity.

Uns i ect ted 0 ices

23)03) (6) recently wrote the Deputy Secretary, by counsel, to complain that he was on February 26, 2010 su jected to questioning about whether he was Sunni or Shi'ite, and told that he should expect to face similar questioning again. The letter was forwarded to CRCL for response.

In short, CRCL has received numerous complaints on this topic, with certain obvious commonalities among them. We should note that we have every expectation that at least some of the complainants

• "Notify[] the relevant DHS component(s) involved of the matter and its acceptance by

It is possible that our investigation will reveal other matters of concern; if this occurs, we will inform you.

INITIATING THE INVESTIGATION

We request an initial discussion with your agency about this complaint and our plans for reviewing the matter. (b) (6) will be staffing this review, and I will remain closely involved. As you and your staff are aware, I have already conducted three meetings on these and related questions (though not examining particular cases), at airport ports of entry in Detroit, Boston, and Washington Dulles. I am also due to meet soon with staff from the CBP's National Targeting Center and CBP's Office of Intelligence and Operations Coordination on this as well as related topics.

Given the reach and number of these complaints and the sensitivity of this matter, it seems most appropriate to open this investigation with an "entrance meeting," involving appropriate CBP and CRCL personnel. For CRCL, the participants will include at least myself, Jeff Blumberg (the Director of CRCL's Compliance Branch), (b) (6) and OGC Counsel. I imagine both OR) CBP Counsel, and your front office may wis to atten . Please have someone inform
who at CBP should be included.

We look forward to working together to determine all the facts surrounding this matter and if appropriate, the best way forward. If ou have any questions, 'lease do not hesitate to contact me; your staff can also reach out to (1)) (6) by phone at (b) (6) 866-644-8361 (TTY) or by
email at

(b) (6)

Copies to:

Thomas S. Winkowski
Assistant Commissioner

Office of Field Operations
U.S. Customs and Border Protection (b) (6)

(b) (6)
Executive Director

Office of Diversity and Civil Rights U.S. Customs and Border Protection (b) (6)

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Andrew Farrelly
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Nena Morgan
Director, Human Capital Division Office of Field 0 • erations
(b) (6)

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