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Compliance Branch
Phone:
Email:

Purpose of the Request:

The Office for Civil Rights and Civil Liberties (CRCL) has received numerous accounts from Arab, Muslim and Sikh community members alleging that U.S. Customs and Border Protection (CBP) repeatedly asks travelers about their religious practices in violation of an individual's civil rights or civil liberties.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and
profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500.

More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the "information, material, and resources necessary to fulfill" its functions, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

• "Notify[] the relevant DHS component(s) involved of the matter and its acceptance
by CRCL, and whether the matter will be handled by CRCL or by the component
organization";

• "Interview[] persons and obtain[] other information deemed by CRCL to be relevant
and require[] cooperation by all agency employees"; and

• "Access[] documents and files that may have information deemed by CRCL to be
relevant."

In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any "action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to" CRCL in the course of this investigation.

This request for information is pursuant to these authorities.

Information Requested:

1. Copies of any and all relevant records in CBP's control relating to the screening, questioning, or detention of the above complainants: including, but not limited to, TECS records, incident reports, detention logs, contact advisory sheets, food logs, caution sheets, documents relating to admissibility determinations (e.g., sworn statements (forms I-867A & 1-867B)), and video or audio recordings.

2. Copies of all current or recent policies that apply to questioning individuals about any aspect of their religious beliefs, practices, history, associations, etc, whether that questioning occurs in primary inspection, augmented primary inspections, secondary inspection, or at any other time.

3. Copies in CBP control of current or recent policies that apply to religious questioning conducted by CBP officers assigned to JTTF or under the direction of NTC, if different than above.

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4. Copies of any policies that explain how NTC or JTTF interact with the officers at ports of entry, for purposes of questioning.

5. Description and lesson plans for any training given over the past five years that covers questioning individuals about any aspect of their religion.

Expected Date of Delivery:
Within 14 calendar days of the date of transmission of this Request for Information. CRCL is aware that CBP may not be able to provide specific information about the crossings of every complainant, i.e. "Anonymous Muslim Female." Throughout this investigation, CRCL will work with each complainant in order to provide CBP with as much detail as the complainant is comfortable