

Congress of the United States

Washington, D.C. 20515

May 25, 2017

The Honorable John F. Kelly
Secretary of Homeland Security
Washington, D.C. 20528

cc: John Roth, Inspector General, U.S. Department of Homeland Security

Jeff Sessions, Attorney General, U.S. Department of Justice

Veronica Venture, Acting Officer, U.S. Office for Civil Rights and Civil Liberties, Department of Homeland Security

Dear Secretary Kelly,

We write to urge you to conduct an immediate investigation into claims that numerous adult men and women, families, and unaccompanied children fleeing violence and persecution have been denied the opportunity to apply for asylum or other forms of humanitarian protection at ports of entry along the United States (U.S.)-Mexico border. As you know, Section 235(b) of the Immigration & Nationality Act prohibits the U.S. from removing individuals seeking protection at the border and ports of entry. The U.S. has a rigorous protection screening process to evaluate asylum claims. U.S. Customs and Border Protection (CBP) agents are required to refer individuals who claim a fear of return or request asylum to the United States Citizenship and Immigration Services (USCIS) Asylum Office for a credible fear interview. CBP agents are not to make any determination regarding the merits or credibility of an individual's protection claim, or turn away asylum seekers. To deny individuals the right to petition for safe haven would not only be an affront to American values, it would also be a violation of both U.S. and international law.

On January 13, 2017, several non-governmental organizations filed a complaint with you and the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL). The complaint documented multiple cases in which CBP officers unlawfully turned away asylum seekers at several ports of entry spanning the border - including San Ysidro, Nogales, El Paso, and Hidalgo - despite having asserted a fear of returning to their home countries or an intention to seek asylum in the U.S.. On May 3, 2017, another report was released detailing numerous additional incidents of individuals being turned away by CBP agents at the Ped-West, San Ysidro, Otay Mesa, Nogales, El Paso, Laredo, Hidalgo, and Gateway ports of entry. The January complaint and May report both document CBP officials erroneously informing asylum seekers that daily quotas for asylum cases had been met, visas are required for asylum seekers, the U.S. is no longer accepting asylum seekers, or Mexicans cannot apply for asylum. These statements run contrary to law. In some instances, asylum seekers were

physically abused by CBP agents. Following denial of entry, some asylum seekers have been kidnapped, raped, and robbed in Mexico, and face continued exposure to persecution.

These claims are disturbing. If accurate, many children and families fleeing violence and persecution may have unlawfully been denied humanitarian legal protections. We request a detailed investigation into all allegations of CBP officers illegally and improperly turning away asylum seekers. Congress must be kept apprised of any developments in the investigation, the results must be made public, and any issues must be rectified.

We further urge that CBP agents undergo re-training on appropriate processing of vulnerable populations arriving at the border, consistent with CBP's own Inspector's Field Manual (Chapter 17). The manual reinforces that agents must refer all who express a fear or request asylum to the protection screening process. In addition, the manual specifically requires "inspectors [to] consider verbal as well as non-verbal cues given by the alien," and to "err on the side of caution, apply the criteria generously, and refer to the asylum officer any questionable cases." We request that guidance be issued to ensure that every CBP agent is fully aware of his or her responsibilities under our laws and policies.

Thank you in advance for your time and consideration.

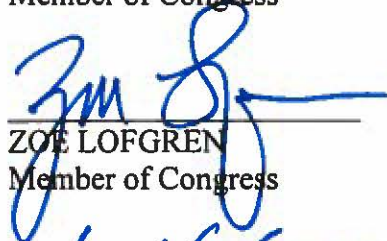
Sincerely,



NORMA J. TORRES
Member of Congress



RAUL M. GRIJALVA
Member of Congress



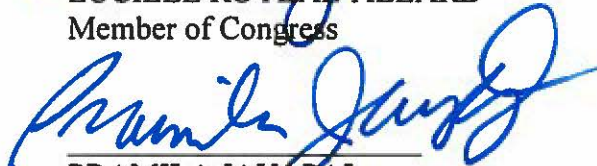
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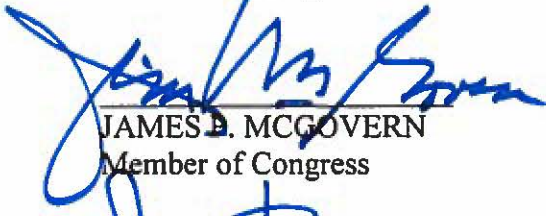
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Member of Congress



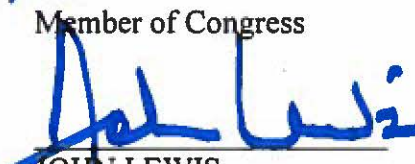
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Member of Congress



BETO O'ROURKE
Member of Congress



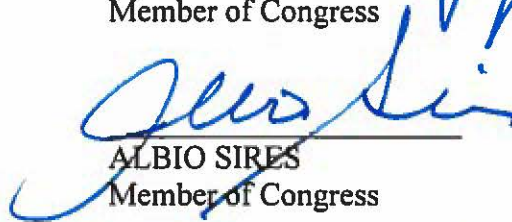
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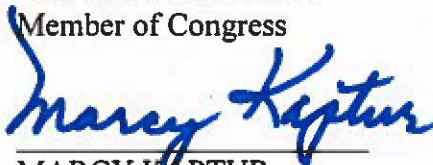
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