

Congress of the United States
Washington, DC 20515

June 29, 2018

Mr. John Kelly
Acting Inspector General
Office of Inspector General/MAIL STOP 0305
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Dear Mr. Kelly:

Thank you for your service. We are extremely concerned by reports of individuals seeking asylum at the southwest border of the United States being turned away by U.S. Customs and Border Protection (CBP) agents without being referred to an asylum officer. We are also troubled by Trump Administration policies that could compel families to choose between pursuing legal asylum claims or being reunited and then deported. We request that you immediately open an investigation into any potentially unlawful actions.

As you know, under the Immigration and Nationality Act and international treaty obligations, the United States has an obligation to refer the asylum claims of individuals who express an intent to apply for asylum (or a fear of persecution) for asylum protection proceedings. Contrary to President Trump's official statement, "When somebody comes in, we must immediately, with no Judges or Court Cases, bring them back from where they came,"¹ the United States Constitution clearly states that all persons, not just citizens, are entitled to due process. Noncitizens seeking asylum at the southwest border must be afforded due process and fair consideration of their asylum claims.

It has become increasingly evident that the Department of Homeland Security is turning away individuals seeking asylum at U.S. ports of entry. In May 2017, Human Rights First published a report that documented 125 cases of families and individuals who were denied an opportunity to pursue their asylum claims at a port of entry.² This month, The Washington Post reported a story of a Guatemalan father and son who were blocked from the port of entry on the Paso del Norte

¹ Trump, Donald (@realDonaldTrump). "We cannot allow all of these people to invade our Country. When somebody comes in, we must immediately, with no Judges or Court Cases, bring them back from where they came. Our system is a mockery to good immigration policy and Law and Order. Most children come without parents..." 24 Jun 2018. 8:02 a.m. Tweet.

² Drake, B. Shaw. *Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers*. New York, 2017. <https://www.humanrightsfirst.org/sites/default/files/hrf-crossing-the-line-report.pdf>.

Bridge at the Texas border.³ In some cases families are turned back because the agency purportedly lacks sufficient resources to process them. In other instances it appears that CBP officers are simply hostile to migrants, falsely telling them that the United States is not welcoming asylum seekers.

Further troubling are reports that CBP officers have improperly evaluated asylum claims or have forced asylum seekers to recant their fears. The aforementioned Human Rights First report alleges that CBP officers have falsely indicated on forms that certain individuals have not expressed a fear of return, writing instead that they have come to the United States for work. The organization also documented a case in which CBP officers repeatedly pressured a Mexican woman to recant her fear of return and indicated she would not be granted asylum. CBP officers are not trained in asylum law and should not be evaluating asylum claims. They should instead refer asylum seekers to United States Citizenship and Immigration Services asylum officers; however, it appears that too often CBP agents fail to refer these cases.

Finally, we are worried by the recently-announced Department of Homeland Security fact sheet about zero-tolerance prosecution and family reunification.⁴ This document states that parents who are being deported may request to have their child accompany them. This policy will likely encourage detained parents to drop not only their own but also their children's asylum claims in hope of being reunited. Families should never have to choose between reunification and their legal right to seek refuge in this country.

We urge you to immediately open an investigation into the Department of Homeland Security's potentially illegal treatment of asylum seekers at the southwest border, including the denial of access to asylum procedures, the pressure to recant fears of return and the implementation of a policy that incentivizes asylum seekers to forfeit their claims in order to be reunited with their children.

Thank you for attention to this important matter. We look forward to your response.

Sincerely,




Ted W. Lieu
Member of Congress

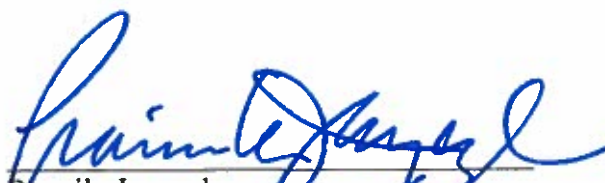


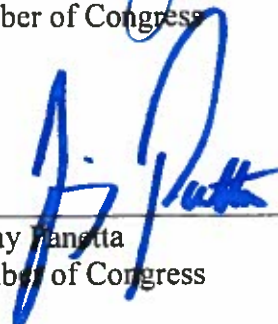
Jerrold Nadler
Member of Congress

³ Moore, Robert. "At the U.S. border, asylum seekers fleeing violence are told to come back later." *The Washington Post* 13 Jun 2018. Web. 26 Jun 2018.

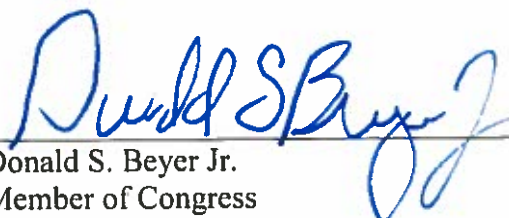
⁴ Department of Homeland Security. "Zero-Tolerance Prosecution and Family Reunification." Fact sheet. Washington, D.C. 23 Jun 2018. Web.


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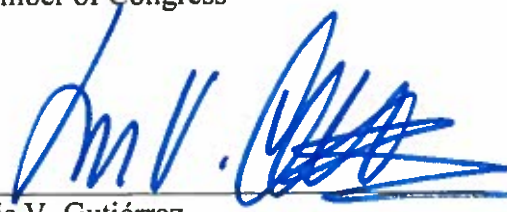

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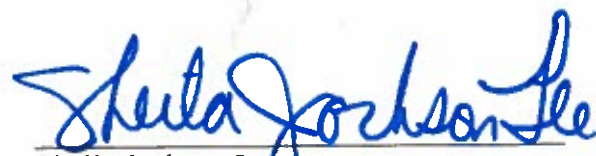

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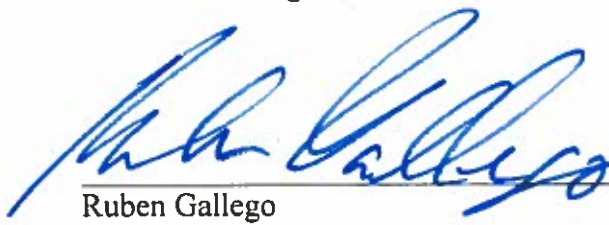
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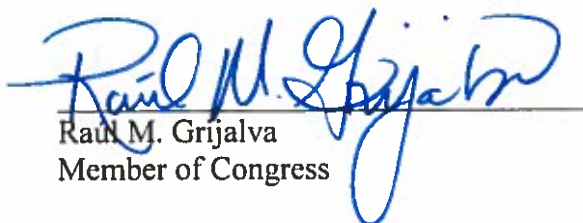
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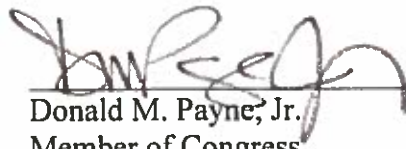
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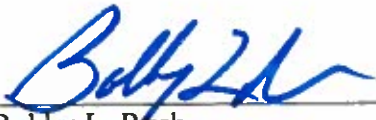
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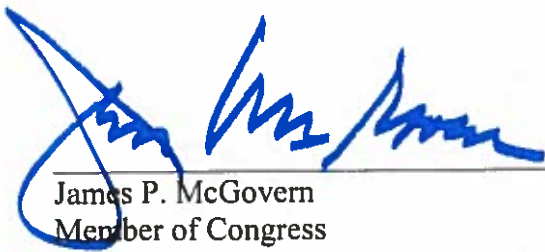
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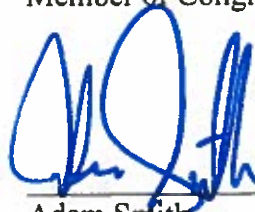
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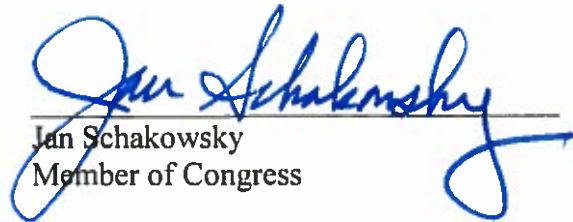
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