

Congress of the United States
Washington, DC 20515

August 1, 2017

Ms. Elaine Duke
Acting Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Ms. Duke:

We are writing to investigate numerous reports that officials at U.S. Customs and Border Protection (CBP) are turning away asylum seekers in violation of U.S. and international law.¹

Under the Immigration and Nationality Act (INA), CBP must refer for interviews with asylum officers any individuals who are physically present or arrive in the United States with “an intention to apply for asylum.”² International laws such as the 1951 Convention Relating to the Status of Refugees also require CBP officers to process for interviews people who seek asylum on the grounds that they are being persecuted “for their race, religion, nationality,” as well as for their political opinions and other factors.³

In May 2017, the nonprofit organization Human Rights First issued a report documenting 125 cases of people and families who apparently were wrongfully denied access to U.S. asylum procedures at various points of entry, but noting the actual number was likely to be much higher. The report finds there has “been a marked shift in the conduct of some CBP officers towards asylum seekers since the election of President Trump.”⁴

In one case, CBP agents reportedly told asylum seekers that “Trump says we don’t have to let you in” and that “you can’t just show up here.” In another instance, CBP officials allegedly told asylum seekers that “the U.S. is not processing asylum for people from your country anymore.”⁵

¹ E.g., *U.S. Border Officials Are Illegally Turning Away Asylum Seekers, Critics Say*, Washington Post (Jan. 16, 2017) (online at www.washingtonpost.com/world/the_americas/us-border-officials-are-illegally-turning-away-asylum-seekers-critics-say/2017/01/16/f7f5c54a-c6d0-11e6-acda-59924caa2450_story.html?utm_term=.f585b600716f); *‘No Asylum Here’: Some Say U.S. Border Agents Rejected Them*, New York Times (May 3, 2017) (online at www.nytimes.com/2017/05/03/us/asylum-border-customs.html).

² 8 U.S.C. § 1225(b)(1)(iii).

³ UN General Assembly, *Convention Relating to the Status of Refugees* (July 28, 1951).

⁴ Human Rights First, *Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers* (May 2017) (online at www.humanrightsfirst.org/sites/default/files/hrf-crossing-the-line-report.pdf).

⁵ *Id.*

Last month, a group of immigration lawyers who represent asylum seekers filed a class-action lawsuit against the Department of Homeland Security, citing reports of CBP officials who systemically turned away asylum seekers in violation of the INA and international law using “misrepresentations, threats and intimidation, verbal abuse and physical force.” The lawsuit also alleges that border officials have threatened to split apart families and take away the children of asylum seekers unless their parents sign forms relinquishing asylum claims.⁶

We are deeply troubled by these accounts and request the following information by August 15, 2017:

1. How many individual allegations, on a monthly basis, have been filed against CBP for wrongfully turning away asylum seekers between November 2016 and the present?
2. How many complaints from or on behalf of asylum seekers, on a monthly basis, have the Department or CBP investigated from November 2016 to present, how many have resulted in disciplinary action, and what types of disciplinary action have been taken?
3. Has the Department or CBP developed training materials to ensure that officials comply with applicable domestic and international laws pertaining to asylum seekers? If so, please specify what materials or screening mechanisms CBP employees have used and been trained or re-trained on, and provide those training materials to us.
4. Has the Department or CBP issued any new or revised guidance since January 20, 2017, regarding the admission of asylum seekers? If so, please provide the new or revised guidance.

We also request that the Department provide a briefing on these matters by August 15, 2017.

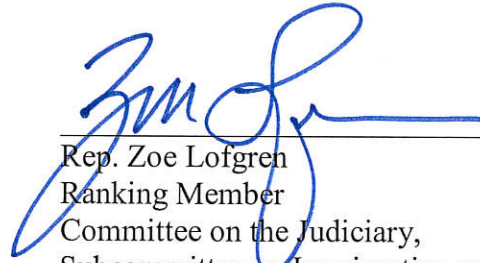
Thank you for your attention to this important matter. Please contact Valerie Shen of Ranking Member Cummings’ staff at (202) 225-5051 or Maunica Sthanki of Ranking Member Lofgren’s staff at (202) 225-6906 with any questions about this request.

⁶ *Rights Groups Sue U.S. Government, Alleging it is Turning Away Asylum Applicants at Mexico Border*, Washington Post (July 11, 2017) (online at www.washingtonpost.com/world/the_americas/rights-groups-sue-us-government-alleging-it-is-turning-away-asylum-applicants/2017/07/12/35b95508-6650-11e7-94ab-5b1f0ff459df_story.html?utm_term=.6eb53b065f14).

Sincerely,



Rep. Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



Rep. Zoe Lofgren
Ranking Member
Committee on the Judiciary,
Subcommittee on Immigration and
Border Security

cc. The Honorable Trey Gowdy, Chairman,
Committee on Oversight and Government Reform

The Honorable Raul Labrador, Chairman,
Committee on the Judiciary,
Subcommittee on Immigration and Border Security