



U.S. Customs and
Border Protection

Commissioner

JUN 10 2019

The Honorable Kamala D. Harris
United States Senate
Washington, DC 20510

Dear Senator Harris:

Thank you for your May 10, 2019 letter regarding Central American migrant caravans. Acting Secretary McAleenan asked me to respond on his behalf.

In October 2018, the threat level of the Central American migrant caravan in Mexico reached higher than normal levels: individuals attacked U.S. Border Patrol agents with rocks during multiple unlawful incursions into the United States, and the transportation, medical, and housing issues created by the group strained Government of Mexico resources and jeopardized public safety and public health in Mexico. U.S. Customs and Border Protection (CBP) partnered with the Government of Mexico and various law enforcement agencies in order to address these threats.

Concurrent with this increased threat environment, CBP also investigated violations under 8 U.S.C. § 1324, pertaining to any person who encourages or induces an alien to enter the United States, knowing or in reckless disregard of the fact that such entry is or will be in violation of law. A number of journalists and photographers were identified by Mexican Federal Police as possibly assisting migrants in crossing the border illegally and/or as having some level of participation in the violent incursion events. Imperial Beach Border Patrol Station agents were attacked multiple times by individuals in caravan groups on the border attempting to illegally cross the border.

CBP applied various sources of information to assess caravan members' intentions upon their arrival in Tijuana, Mexico. CBP utilized standard law enforcement queries and compiled other available caravan-related information to determine whether subsequent investigation was warranted. Efforts to gather and analyze this type of information are a standard law enforcement practice. CBP does not target journalists for inspection based on their occupation or their reporting. Furthermore, CBP, and more broadly DHS, does not target, discriminate, or profile any individual solely for exercising his or her rights under the First Amendment. In fact, this was underscored to the DHS workforce in a memorandum recently signed by Acting Secretary McAleenan on May 17, 2019 regarding First Amendment Protected Activities.

CBP is committed to the fair, impartial, and respectful treatment of all travelers, and has memorialized its commitment to nondiscrimination in its policies. Consistent with the Privacy Act (5 U.S.C. § 552a (e)(7)), CBP does not maintain records that describe how a U.S. citizen or alien lawfully admitted for permanent residence exercises his or her First Amendment rights,

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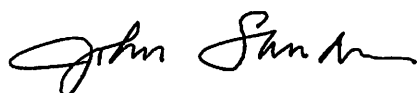
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unless “expressly authorized by statute, permitted by the individual about whom the record is maintained, or pertinent to and within the scope of an authorized law enforcement activity.”

As you are aware, CBP is charged with protecting our Nation’s borders, and CBP enforces and administers numerous federal laws at the border. All international travelers attempting to enter the United States, including all U.S. citizens, are subject to examination upon each arrival into the country. Occasionally, this may cause some inconvenience to law-abiding persons in our efforts to detect, deter, and mitigate threats to the homeland. We rely on travelers’ patience, cooperation, and understanding to ensure the effective protection of our borders.

Thank you for your letter and your interest in this matter. The co-signers of your letter will receive separate, identical responses. Should you need additional assistance, please do not hesitate to contact me or have a member of your staff contact Kim M. Lowry, Acting Assistant Commissioner for the Office of Congressional Affairs, at 202-344-1760.

Sincerely,



John P. Sanders
Chief Operating Officer and Senior Official
Performing the Functions and Duties of the Commissioner

cc: John Kelly, Senior Official Performing the Duties of Inspector General, DHS Office of the Inspector General
Cameron Quinn, Officer for Civil Rights and Civil Liberties, DHS Office for Civil Rights and Civil Liberties
Mark A. Morgan, Acting Director, U.S. Immigration and Customs Enforcement
John Cnator, Acting Chief Privacy Officer, DHS Privacy Office