



**U.S. Customs and
Border Protection**

APR 10 2014

Commissioner

The Honorable Charles E. Grassley
United States Senate
Committee on the Judiciary
Washington, DC 20510

Dear Senator Grassley:

Thank you for your recent letter to Secretary Johnson requesting information about documents you provided that is redacted internal Department of Homeland Security (DHS) e-mails regarding a specific individual. I am pleased to provide general information regarding U.S. Customs and Border Protection's (CBP) screening of individuals seeking entry to the United States, however, absent further information regarding the case mentioned in the document, I am unable to provide specific information.

DHS's mission includes the border enforcement of the customs, immigration, and agriculture laws and regulations of the United States and the enforcement of hundreds of laws on behalf of numerous federal agencies. CBP has the dual missions of securing the Nation's borders while also facilitating lawful travel and trade. In order to balance its dual missions effectively, CBP uses its data rich capabilities, to include both information and processes, to help inform decisions regarding which travelers, conveyances and goods require additional scrutiny and examination. Using a risk-based approach, CBP is better able to determine which individuals require more attention and may pose a threat.

Apart from very narrow exceptions, all individuals, including anyone who has filed a lawsuit against DHS, are subject to a complete inspection to ensure that they may be permitted to lawfully enter the United States. Additional time may be required to determine an individual's admissibility at the port of entry during a secondary inspection. Determinations on whether a secondary inspection is appropriate are made at the port of entry based on all of the information available to CBP at that time. A traveler's ability to enter or be admitted to the United States may be determined without necessitating a secondary inspection because information available to CBP has been reviewed and examined on numerous prior occasions, including any appropriate interagency coordination. It is important to understand that CBP does not have the authority to ignore information that renders an individual alien inadmissible because CBP does not have the discretionary authority to admit an inadmissible alien. Accordingly, CBP does not maintain any list or other mechanism which would render an individual free of the grounds of inadmissibility or from any other inspection requirement, including secondary inspections.

Additionally, CBP developed processes to resolve situations where travelers are repeatedly stopped by CBP because their biographical information (name, date of birth, or document

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number) is similar or identical to a lookout record(s) in CBP's TECS database, but the traveler is not the actual subject of the record. The process is used only in situations where CBP has determined through a thorough inspection of the person that they are not the subject of the TECS record. It is not used for any other purpose and never in cases when the traveler is the focus of the record.

The Terrorist Watchlist is maintained by the Terrorist Screening Center, which was created by the Attorney General and is administered by the Federal Bureau of Investigation. All questions related to the watchlist should therefore be referred to the Department of Justice for response.

We appreciate the opportunity to describe DHS processes for identifying ties to terrorism among individuals attempting to enter the United States, and we would be happy to provide a more detailed briefing on the particular case cited in your letter, in the appropriate setting.

Thank you again for your letter. I appreciate your interest in this matter and look forward to working with you on future homeland security issues. If we may offer further assistance, please contact Mr. Michael Yeager, Assistant Commissioner, Office of Congressional Affairs at (202) 344-1760.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Gil Kerlikowske". The signature is written in a cursive style with a prominent dot above the letter 'i' in "Kerlikowske".

R. Gil Kerlikowske
Commissioner