

Congress of the United States
Washington, DC 20515

February 3, 2017

The Honorable John F. Kelly
Secretary
Department of Homeland Security
300 7th St SW,
Washington, D.C. 20528

The Honorable Kevin K. McAleenan
Acting Commissioner
Customs and Border Protection (CBP)
1300 Pennsylvania Ave. NW
Washington, DC 20229

The Honorable Thomas Homan
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW, Mail Stop 5003
Washington, DC 20536-5003

Dear Secretary Kelly, Acting Commissioner McAleenan, and Acting Director Homan:

On Sunday, we visited Dulles International Airport to meet with those detained in light of the President's Executive Order (EO) that suspends the admission of refugees from any country to the United States as well as entry for passport holders from select countries and limited entry for legal permanent residents. We found that those detained were not permitted to speak with lawyers, despite the Eastern District Court's ruling that those detained must receive access to counsel. Upon approaching the police at Dulles Airport to ensure detainees were allowed this right, we were both denied access to the detainees and denied the ability to speak with CBP officers regarding this concern.

It was clear that CBP officers were not complying with the Eastern District Court's stay. In light of the uncertainty by CBP officers about how to legally implement this EO, we request answers to the following questions:

1. Why were Members of Congress denied their request to visit with detainees?
2. Why were Members of Congress denied their request to speak with CBP officials at the airport?
3. Who at the Department of Homeland Security was aware of the situation in real time? Of those appraised of the developments, who made the decision to deny Members access? Was Secretary Kelly notified of the situation and decision? If not, why? What was the White House's involvement?
4. What guidance is CBP operating from in implementing the Executive Order?
5. Who is being detained? Please indicate how many and the type of visa category.
6. Why were detainees denied access to counsel? Who made this decision?
7. Has anyone been sent back to their point of origin or to another country before the stay was issued and has anyone been sent back since the stay was issue?
8. A lawsuit has alleged that approximately 60 people were coerced by law enforcement at Dulles into signing away rights, many of whom were "unlawfully forced to withdraw their application for admission" and subsequently "placed on planes headed to foreign

countries.” Is there any truth to this allegation? How many people signed an I-407 form without access to counsel? How many people who signed an I-407 form were subsequently refused entry to the United States and sent back to their point of origin or another country? Who made the decision to deny such persons access to counsel?

9. What information is being communicated to airlines to be sure they are appropriately implementing the Executive Order?
10. Are airlines turning away individuals boarding planes bound to the United States? If so, who is making these decisions?
11. Are procedures being put into place to allow independent verification that individuals entitled to counsel are being granted access to counsel?
12. Was anyone removed from Dulles and taken outside the jurisdiction of the Eastern District of Virginia or to Berks Immigration Detention Center in Pennsylvania or any other ICE detention center?

We look forward to your response. It is of grave concern and urgency to our constituents to have answers in a timely manner.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Member of Congress



DONALD S. BEYER JR.
Member of Congress