



Congress of the United States
House of Representatives
Washington, DC 20515-0529

December 20, 2019

The Honorable Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Inspector General Cuffari:

We write to request the Department of Homeland Security (DHS) Office of Inspector General (OIG) open an investigation into recent reports that U.S. Customs and Border Protection (CBP) officials are issuing fake court notices and barring refugees from entering the United States after being granted asylum. According to news reports, refugees who have been granted asylum are intentionally being given incorrect information by CBP officials as a strategy to keep them out of the U.S.¹ This type of behavior by a government agency is abhorrent, violates the rule of law, and is antithetical to our values and the very essence of what we stand for as a nation.

In January, DHS began implementation of the so-called “Migrant Protection Protocols” (MPP) a policy that has broad disapproval from lawmakers. Under MPP, families and children fleeing violence and seeking asylum are forced to remain in Mexico as they wait for their asylum case to be adjudicated. To date, over 54,000 migrants have been placed in this program.²

Reports indicate four individuals have been denied the ability to stay in the U.S. after being granted asylum.³ In one case, a Cuban refugee was forced by DHS to return to Mexico even after his request for asylum in the U.S. was granted by a judge because DHS decided to appeal his case.⁴ These appeals can take months or even years to complete.

¹ Hamed Aleaziz. US border officials are issuing fake court notices to keep out immigrants who have won asylum. 10 December 2019. <https://www.buzzfeednews.com/article/hamedaleaziz/immigrants-asylum-turned-away-us-border>.

² Leandra Bernstein. Apprehensions down for 6th consecutive months as the border crisis shifts to Mexico. 10 December 2019. <https://wjla.com/news/nation-world/illegal-crossings-down-for-6th-consecutive-month-as-the-border-crisis-shifts-to-mexico>

³ Marty Johnson. Immigrants granted asylum forced to wait in Mexico pending appeal: report. 10 December 2019. <https://thehill.com/policy/national-security/department-of-homeland-security/473937-immigrants-granted-asylum-forced-to>

⁴ Hamed Aleaziz. US border officials are issuing fake court notices to keep out immigrants who have won asylum. 10 December 2019. <https://www.buzzfeednews.com/article/hamedaleaziz/immigrants-asylum-turned-away-us-border>

This is not an insignificant burden. People who are forced to remain in Mexico face ongoing threats of murder, sexual violence, kidnapping, and other harm. To date, the State Department designated 31 travel advisories in Mexico including five Mexican states explicitly noting “do not travel” due to unsafe conditions in Mexico⁵. The warning notes that these states are hotspots of drug cartel activity and are either hosting trafficking routes or extensive drug-crop cultivation. The fact that federal government officials are putting people at risk and forcing refugees who have been granted asylum to remain in Mexico is unacceptable. CBP officials are allegedly providing fraudulent documents to refugees who have already been adjudicated as needing protection in an effort to dissuade them from staying in the country. Even CBP Acting Commissioner Mark Morgan recently stated, “that [fake documents] shouldn’t be happening.”⁶ We need immediate answers about these practices.

We call for a full and thorough investigation to determine the extent of these practices, examining, among other things the following questions:

1. Were CBP officials given any guidance with regards to individuals who obtained relief (this includes musters, official guidance from CBP or DHS leadership)?
2. Was CBP or DHS leadership aware that officials were issuing fake hearing notices to asylum seekers who had been granted asylum to the U.S.? When did CBP officials start issuing fake hearing notices to asylum recipients? Who approved such notices?
3. If CBP confirms such notices, provide the following information on individuals who have been returned to Mexico following an immigration judge’s decision to grant any form of relief or terminate the case, including:
 1. Nationality;
 2. Family Unit status;
 3. Whether they were granted relief or had their case terminated;
 4. Port of entry at which they were returned to Mexico;
 5. Date of the relief grant or termination;
 6. Date that CBP has asked them to return to the port of entry;
 7. Whether ICE OPLA in fact sought an appeal in their case, and the status of any such appeal;
 8. Whether the individual in fact returned to the port of entry on the date provided on the MPP tear sheet.
4. Have CBP officials provided any guidance to officers on how to process individuals who return to a port of entry on the date listed on the MPP tear sheet, who do not have a court hearing because they have previously been granted relief or have had their cases terminated?

⁵ 10 January 2018. US slaps highest-level “do not travel” warning on five Mexican states.

<https://www.foxnews.com/world/us-slaps-highest-level-do-not-travel-warning-on-five-mexican-states>



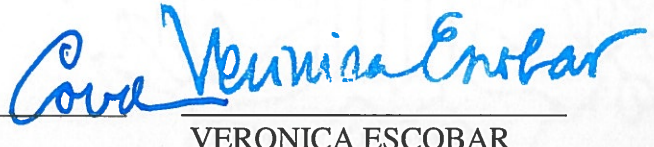
⁶ Hamed Aleaziz. US Border officials are issuing fake court notices to keep out immigrants who have won asylum. 10 December 2019. <https://www.buzzfeednews.com/article/hamedaleaziz/immigrants-asylum-turned-away-us-border>

5. Has the Inspector General received complaints on this issue? If so, when were they received and how many?
6. How many fake hearing notices have been provided to asylum recipients to date?
7. Has any CBP senior official intimidated or explicitly ordered CBP officers to issue false documents to asylum seekers?

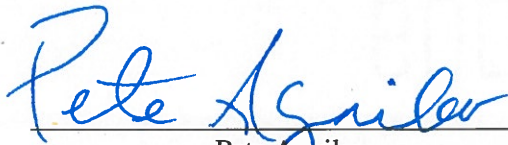
We request that DHS Inspector General answer our questions, investigate this matter, and issue a full report to the United States House of Representatives. Additionally, if the investigation finds that officials are criminally liable, we demand that they are held accountable immediately and referred to the Department of Justice for prosecution.

We look forward to a prompt response to our above concerns.

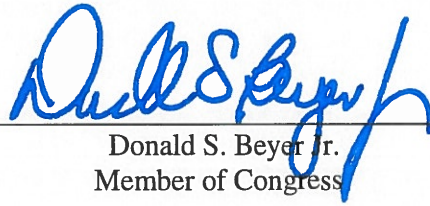
Sincerely,

 TONY CARDENAS Member of Congress	 J. LUIS CORREA Member of Congress	 VERONICA ESCOBAR Member of Congress
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cc: The Honorable Acting Secretary Chad Wolf



Pete Aguilar
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Earl Blumenauer
Member of Congress



Salud Carbajal
Member of Congress



André Carson
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Kathy Castor
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Joaquin Castro
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Judy Chu
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Gilbert R. Cisneros
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Gerald E. Connolly
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Rosa L. DeLauro
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Adriano Espaillat
Member of Congress

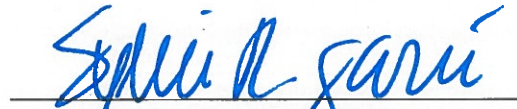


Bill Foster
Member of Congress




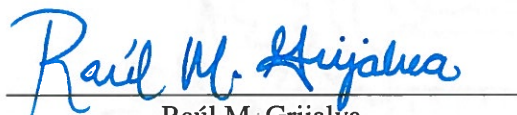
Ruben Gallego
Member of Congress



Jesús G. "Chuy" Garcia
Member of Congress



Sylvia R. Garcia
Member of Congress

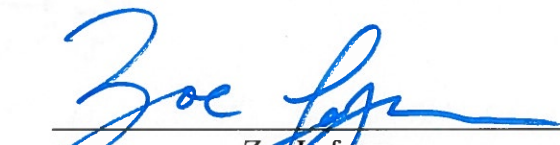

John Garamendi
Member of Congress


Jimmy Gomez
Member of Congress



Raúl M. Grijalva
Member of Congress

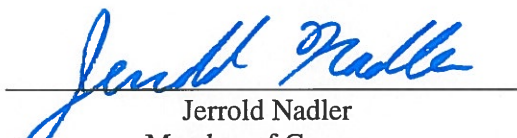

Pramila Jayapal
Member of Congress

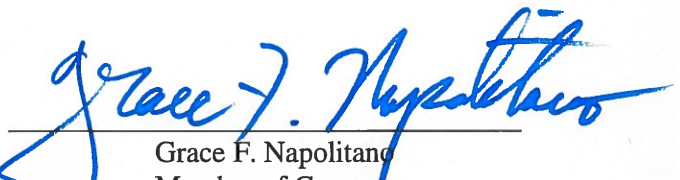

Henry C. "Hank" Johnson, Jr.
Member of Congress



Zoe Lofgren
Member of Congress


Alan Lowenthal
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James P. McGovern
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Jerrold Nadler
Member of Congress

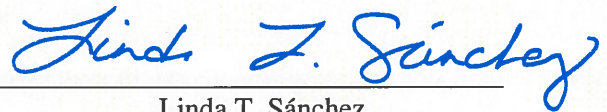

Grace F. Napolitano
Member of Congress


Joe Neguse
Member of Congress

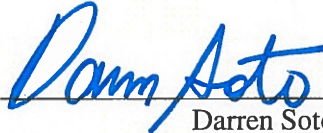

Scott H. Peters
Member of Congress



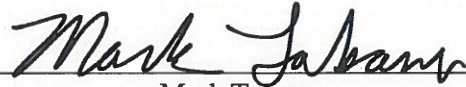
Kathleen Rice
Member of Congress



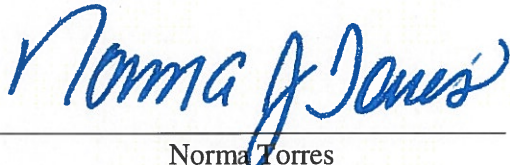
Linda T. Sánchez
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Darren Soto
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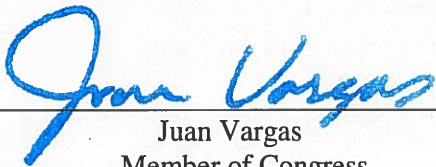
Mark Takano
Member of Congress



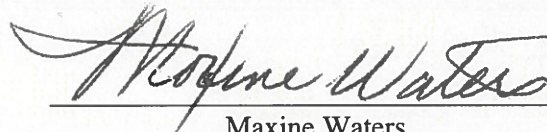
Norma Torres
Member of Congress



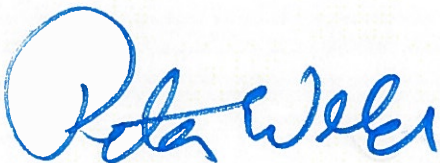
Rashida Tlaib
Member of Congress



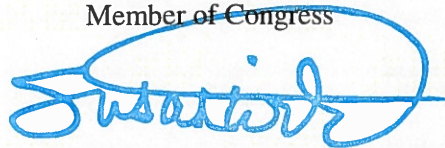
Juan Vargas
Member of Congress



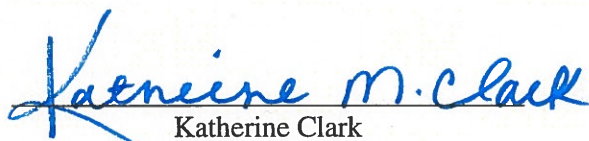
Maxine Waters
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Peter Welch
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Susan Wild
Member of Congress



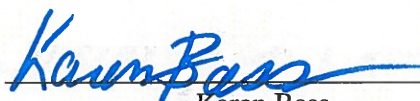
Katherine Clark
Member of Congress



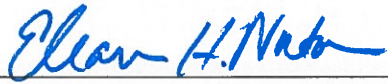
Ro Khanna
Member of Congress



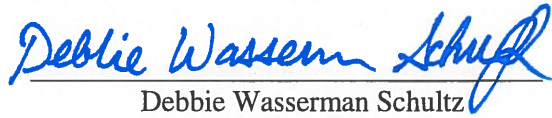
Danny K. Davis
Member of Congress



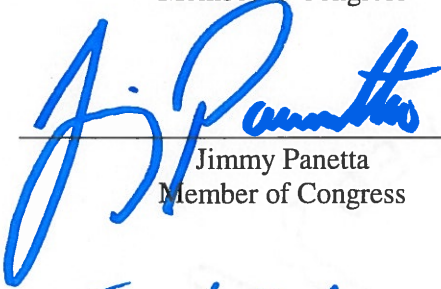
Karen Bass
Member of Congress



Eleanor Holmes Norton
Member of Congress



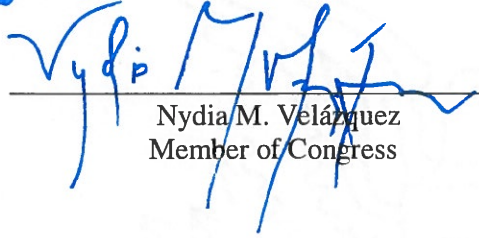
Debbie Wasserman Schultz
Member of Congress



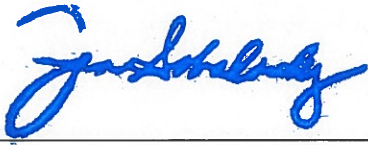
Jimmy Panetta
Member of Congress



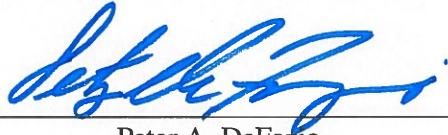
Jared Huffman
Member of Congress



Nydia M. Velázquez
Member of Congress



Jan Schakowsky
Member of Congress



Peter A. DeFazio
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