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Delivered by email to: CRCLCompliance@hq.dhs.gov

February 23, 2022

RE: Request for investigation into CBP airport arrests & secondary screenings

Dear CRCL Officer Culliton-Gonzalez:

The National Immigrant Justice Center (NIJC) files this complaint on behalf of three individuals who experienced abuses while being subject to secondary screenings by U.S. Customs and Border Protection (CBP) officials at O'Hare International Airport, in Chicago, Illinois.¹ Attached to this cover letter are declarations from the complainants, who were subjected to secondary screening by CBP when they arrived at the airport before being sent to Immigration and Customs Enforcement (ICE) detention and placed in expedited removal proceedings. We request an investigation into CBP's mistreatment of the three individuals bringing this complaint, as well as into the grounds for CBP denying them entry to the U.S. We also ask that CRCL recommend that DHS rescind the expedited removal order and remove any bars to entry for the declarant who was removed from the U.S.

This complaint addresses a pattern of abuse in which CBP officials have wrongfully denied entry to individuals with valid visas and violated the agency's standards with regard to the treatment of those in their custody, including the use of intimidation and discriminatory treatment. CBP has then proceeded to search those individuals' phones, collect their DNA and biometrics, place them in expedited removal, revoke their visas, and send them to immigration detention. We call on CRCL to examine the cases discussed in this complaint as part of the broader pattern of mistreatment of non-citizens subject to secondary screening at O'Hare and other international airports, and ask for urgent measures to prevent future abuses by CBP

¹ Headquartered in Chicago, NIJC provides legal services to more than 10,000 individuals each year, including survivors of human trafficking, domestic violence and other crimes, children designated as unaccompanied upon arrival at the southern border, and asylum seekers. NIJC provides direct representation to people in detention in the Midwest region, and witnesses daily the conditions and ICE treatment of individuals in detention.

committed against people seeking to enter the United States.²

The first section of this letter describes how the experiences of the complainants fit into a broader pattern of abuse and mistreatment by CBP agents of non-citizens who have experienced secondary screening at international airports. The second section discusses CBP's pattern of mistreatment and wrongful denial of entry, as observed by NIJC attorneys who have conducted intake or spoke with more than 40 individuals who were sent to secondary screening at O'Hare International Airport. The third section addresses the manner in which CBP officials violated the rights of the complainants, in violation of CBP's own internal national standards. The final section includes a summary of the complaints, submitted in full to CRCL, and describes the mistreatment experienced at the hands of CBP agents.

1. History of abuse by CBP during secondary screenings at airports

CBP officials are required to perform their duties in a non-discriminatory manner, with respect to all forms of protected status, with full respect for individual rights including equal protection under the law, due process, freedom of speech, and religion, freedom from excessive force, and freedom from unreasonable searches and seizures.³ However, there is a well-documented history of CBP officials violating civil rights, civil liberties, and privacy of non-citizens in their custody and care, including during intrusive screenings at airports.⁴ Recently disclosed records also show that CBP has created secretive tactical units to systematically collect information about travelers at land borders and airports.⁵

CRCL has received numerous complaints over the years requesting investigations into alleged abuses at airports involving CBP agents.⁶ Such requests for investigations include incidents relating to: discriminatory treatment of people with disabilities; discrimination on the basis of sexual orientation; discrimination based on religious accommodations; and wrongly

² NIJC has conducted intake interviews with (or identified through private attorneys) more than 40 individuals who were subjected to secondary screenings at O'Hare International Airport (one person at Midway International Airport), and described how they were mistreated by CBP agents, denied entry, placed into expedited removal, and sent to ICE detention at McHenry County Jail.

³ See U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search*, General Standards, 1.4, Non-Discrimination Policy, (Oct. 2015), <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>.

⁴ See, e.g., Farah Harb, "Harassed at border crossings and airports? You should know your rights!," *The Arab American News*, Aug. 23, 2019, <https://www.arabamericannews.com/2019/08/23/knowing-our-rights-under-the-law>.

⁵ See, e.g., Melissa del Bosque, "U.S. Customs and Border Protection investigating allegation journalist harassed at airport," *The Intercept*, Sept. 4, 2021, <https://theintercept.com/2021/09/04/cbp-border-tactical-terrorism-response-teams>.

⁶ See, e.g., Office of Inspector General, Department of Homeland Security, *DHS OIG Completes Review of Allegations of Discrimination at Orlando Airport*, (Aug. 2, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/pr/2019/oigpr-080219-dhs-oig-completes-review-allegations-discrimination-orlando-airport.pdf>.

barring entry into the U.S. of individuals with visas or with LPR status.⁷ DHS has also faced numerous lawsuits regarding cases of unconstitutional overreach by CBP agents and other immigration officers at airports, including traumatic invasive searches of minors and women.⁸

Generally, customs officers are permitted to stop people at the border to determine whether they are admissible to the United States, and they may search people's belongings. Nonetheless, there have been numerous lawsuits challenging the constitutionality of CBP's warrantless searches of electronic devices at airports.⁹ Moreover, officers are prohibited from selecting people for a personal search or secondary inspection based on a person's religion, race, national origin, gender, ethnicity, or political beliefs.¹⁰ DHS's policy is to prohibit the consideration of race or ethnicity in their investigation, screening, and enforcement activities in all but the most exceptional instances.¹¹ CBP interprets this policy broadly, however, to allow for personnel to use race or ethnicity "when a compelling governmental interest is present and its use is narrowly tailored to that interest."¹² Nonetheless, CBP agents are regularly accused of selecting people for screenings in a discriminatory manner with no apparent government interest or rational justification.¹³

⁷ See, e.g., U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties, *Fiscal Year 2017 Annual Report to Congress*, Nov. 27, 2018,

https://www.dhs.gov/sites/default/files/publications/crcl-fy-2017-annual-report_0.pdf.

⁸ See *Lovell v. United States of America*, No. 1:18-cv-01867 (E.D.N.Y., filed Mar. 28, 2018),

<https://holdcbpaccountable.org/2019/03/27/lovell-v-united-states>. See also Susan Ferriss, "'Shocked and humiliated:' Lawsuits accuse Customs, Border officers of invasive searches of minors, women," Center for Public Integrity, Aug. 19, 2018,

<https://publicintegrity.org/inequality-poverty-opportunity/immigration/shocked-and-humiliated-lawsuits-accuse-customs-border-officers-of-invasive-searches-of-minors-women>.

⁹ See, e.g., Deb, Riechmann, "US searches of phones, laptops at airports rising, suit says," AP News, Apr. 30, 2019,

<https://apnews.com/article/north-america-lawsuits-ap-top-news-us-customs-and-border-protection-immigration-9cab32c02ca4474ea80fa88e16ba7967>.

¹⁰ See Memo from Secretary Napolitano to Component Heads, *Nondiscriminatory Law Enforcement and Screening Activities*, U.S. Department of Homeland Security (Apr. 26, 2013)

https://www.dhs.gov/sites/default/files/publications/secretary-memo-race-neutrality-2013_0.pdf. (Defines "racial profiling" as the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activities).

¹¹ See *Ibid.* (The memo defines "racial profiling" as the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activities).

¹² See *CBP Policy on Nondiscrimination in Law Enforcement Activities and all other Administered Programs*, U.S. Customs and Border Patrol, U.S. Customs and Border Protection, (last modified Feb. 20, 2020),

<https://www.cbp.gov/about/eeo-diversity/policies/nondiscrimination-law-enforcement-activities-and-all-other-administered>

¹³ See, e.g. Ahad Khilji, *Warrantless Searches of Electronic Devices at U.S. Borders: Securing The Nation or Violating Digital Liberty?*, Vol. 27, Issue 2, (Spring 2019),

<https://scholarship.law.edu/cgi/viewcontent.cgi?article=1074&context=jlt>.

2. CBP's pattern of mistreatment and wrongful denial of entry

This complaint demonstrates a concerning pattern in which CBP officials are denying people entry into the United States in cases where they have a valid visa for entry to the U.S. for travel or to study, and violating CBP's own internal standards in their treatment of these individuals in the process. NIJC has conducted intake interviews with, or communicated with individuals identified through private attorneys, more than 40 people from the start of 2021 to present, who were stopped by CBP agents at O'Hare International Airport (one individual at Midway Airport). Nearly all were denied entry and sent to ICE detention at McHenry County Jail.¹⁴

Of the more than 40 people interviewed or referred by private attorneys, NIJC identified only three individuals who might have had reasons for being stopped considered legitimate under CBP's own guidance, due to prior arrests, visa overstay, or extended return flight. A handful acknowledged that they had worked on previous trips; however, the vast majority did not have any apparent visa violation. Further, for those who did work, it is questionable what justification CBP had in the first place to place them in secondary screening, search their devices, and, in some instances, take DNA samples.¹⁵

NIJC spoke with individuals from 17 different countries. The most common countries were Mexico (14 people), India (5 people), and Ethiopia (3 people). The most common reason that CBP provided as justification for the stop was because CBP believed they intended to work. Some of the explanations CBP gave for stops were inconsistent and contradictory; for example, in some cases CBP said people had too little money to finance their visit, but in other cases CBP suggested that having too much money raised suspicion.

Many of the individuals interviewed had their devices searched, and expressed that they felt discriminated against and unjustly targeted by CBP officials in the process. One individual told NIJC during intake that a CBP agent acknowledged that the reason they were sent to secondary screening was because of their country of origin. Other individuals on student visas were accused of working without permission, and had their devices searched by CBP agents trying to incriminate them. One individual from Mexico was unknowingly subject to a DNA sample via cheek swab. That same individual was placed in handcuffs and chains, unable to drink water, then sent to ICE detention at McHenry County jail, where they were forced to

¹⁴ Intake information in the files of NIJC. Certain information can be made available upon request from CRCL with the consent of the individuals.

¹⁵ As of January 2020, CBP began collecting DNA from any person in CBP custody who is subject to fingerprinting. CBP sends DNA samples from its DNA population to the FBI, which enters results into CODIS. A January 2020 Privacy Impact Assessment (PIA) described a number of privacy risks associated with CBP's DNA collection program. *See*, Privacy Impact Assessment for CBP and ICE DNA Collection DHS Reference No. DHS/ALL/PIA-080, Jul. 23, 2020.

quarantine and placed into solitary confinement.¹⁶ Another individual was placed into secondary inspection at O’Hare after a CBP officer claimed it was suspicious that the person was only carrying \$200 in cash for a six-month stay. CBP proceeded to search his phone and accused him of intending to work in the U.S., claimed he was inadmissible, placed him in expedited removal and revoked his visa.

These experiences illustrate a pattern and practice of CBP stopping individuals with no apparent factual basis, engaging in acts of intimidation, discrimination, mistreatment, and denying entry of individuals with valid visas. CBP has the discretion to refer people to deferred inspection to resolve matters of alleged inadmissibility, when a person is found to inadvertently lack proper documents, where no fraud is intended.¹⁷ Instead of exercising this authority, however, CBP has consistently chosen to subject individuals to expedited removal, bar them from entering the U.S. for five years, and revoke their visas.

3. Mistreatment of complainants violates CBP’s internal guidance

CBP agents conducting secondary screenings in airports are required to treat all individuals with dignity and respect and to adhere to CBP’s National Standards on Transport, Escort, Detention, and Search (“TEDS Standards”).¹⁸ Under these standards, non-citizens entering the U.S. on visas must be afforded access to food and water when necessary, allowed bathroom access accompanied by a CBP escort, and individuals with health conditions must have access to medications.¹⁹ Officers at O’Hare Airport have violated these standards in their treatment of individuals arriving to the U.S.; including the treatment of the complainants as discussed below.

CBP’s TEDS Standards require agents to be alert to medical symptoms, in addition to obvious wounds, injuries, cuts, bruising or bleeding. Any reported injury or illness observed by or reported to an officer/agent must be reported to a supervisor and appropriate medical care

¹⁶ This individual said that the worst part was being kept in solitary confinement in ICE detention in McHenry County Jail in his cell 24 hours a day, with no contact with anyone, except for one hour every other day when he was allowed to go into a larger common area.

¹⁷ U.S. Customs and Border Protection (CBP) Field Manual, (2006), https://www.governmentattic.org/5docs/CPB-IFM_2006.pdf. [As an example, in cases where a lack of proper documents is the result of inadvertent error, misinformation, or where no fraud was intended (e.g. an expired nonimmigrant visa), officers may consider, on a case-by-case basis and at the discretion of the government, any appropriate waivers, withdrawal of application for admission, or deferred inspection to resolve the ground of inadmissibility rather than issue an expedited removal order.]

¹⁸ See U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search*, (Oct. 2015).

¹⁹ Ibid. See also “Know Your Rights at the Airport,” International Refugee Assistance Project and CAIR New York, (Dec. 2017), https://refugeerights.org/wp-content/uploads/2017/12/IRAP_KYR_Flyer.pdf.

must be provided or sought in a timely manner.²⁰ As discussed below, complainant Maria arrived at the airport with visible bruises. Instead of tending to her injuries, in apparent violations of their standards, CBP agents downplayed the seriousness of her situation, left her overnight without any care, and sent her to ICE detention without notifying officials of her medical needs. CBP also transferred Maria to ICE detention at the McHenry County Jail, apparently without notifying any immigration officials of her injuries, again violating CBP's TEDS Standards.²¹

Further, CBP referred the complainants to secondary screening and found them inadmissible, even though they all presented valid visas. CBP provided no reasoning for subjecting them to secondary screening and interrogation. Maria arrived at Chicago O'Hare Airport in October 2021 using a tourist visa that was still valid for four more years, and had entered on multiple prior occasions. Rather than granting Maria entry, however, the CBP officials interrogated her, held her overnight, accused her of lying, and found her inadmissible without any justification. Tahiri also arrived at O'Hare airport with a valid visa with plans to visit family members. Instead, CBP officers accused him of lying, searched his devices, held him overnight, denied him entry and sent him to immigration detention. Gabrielle arrived at O'Hare Airport with a valid tourist visa, but was subjected to secondary screening, and pressured to sign forms they did not fully understand.

During the process of secondary screening and having her visa revoked, Maria felt she was treated in a racist, inhumane and unfair way. Tahiri similarly described his treatment as discriminatory, emphasizing that CBP officials made assumptions about his economic status because he was from Mexico. Gabrielle also felt mistreated, and believed they were interrogated because they are a Latinx and a trans person. Such discriminatory treatment by CBP officials could constitute a violation of DHS's Policy on Nondiscrimination in Law Enforcement Activities and Screening Activities.²²

Individual complaints:

The complainants have provided declarations alleging instances of abuse by CBP officials during their screening process at Chicago Airports. CBP determined that all of the individuals were inadmissible even though they all presented valid visas. The following testimonies are summaries of detailed declarations attached with this letter and submitted to the

²⁰ U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search*, 4.0 Secure Detention Standards, 4.10. Medical, (Oct. 2015).

²¹ Ibid.

²² See Memo from Secretary Napolitano to Component Heads, *Nondiscriminatory Law Enforcement and Screening Activities*, U.S. Department of Homeland Security (Apr. 26, 2013)

https://www.dhs.gov/sites/default/files/publications/secretary-memo-race-neutrality-2013_0.pdf. (Defines "racial profiling" as the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activities).

Office of CRCL.

Testimony of Maria:

I have visited the United States several times using a tourist visa. On my most recent entry to the U.S, immigration officials revoked my visa and treated me very unjustly. I don't know why they revoked my visa and treated me unfairly, but sometimes I think they did it just because they have something against my people.

I entered the U.S. in October 2021, through the Chicago O'Hare International Airport using a tourist visa that was still valid for four more years. I have entered the U.S. on multiple occasions because my parents, who are legal permanent residents, and my sister, a U.S. citizen, live in Illinois.

At the O'Hare airport in October, the immigration officer asked me several questions like why I was coming to the U.S. and for how long. I told him I was visiting my parents and staying for a month. I showed him my return flight ticket, and he searched my bag and phone. For some reason, he didn't believe I was telling the truth, even though just a month before, I had entered the U.S. through LAX Airport using the same visa and went to Los Angeles to do some shopping.

The officer asked me to lower my face mask, and he noticed that my face was bruised. He said, "No, no, no, c'mon," and immediately took me to a small waiting room where several others were held. My then-partner had beat me a few days prior, and that's why my face had bruises. Upon seeing my face, one would think the officer would have offered me support, but instead, I was treated as if I had done something wrong. I waited in the room for 9 hours overnight before I finally talked to someone the following day. If we did have access to the bathrooms while we waited, I did not know it because the officers didn't mention anything. Luckily, I didn't have to use the bathroom when waiting. During the night, I was in much pain due to the beating. I told the officers that I didn't feel well, but they said they couldn't give me any medication and could only take me to the hospital if I was seriously ill. They didn't even ask if I needed to see a doctor.

The next day, I spoke to about four different immigration officers via phone interpreter—all of whom asked me the same questions but in different ways: 'What are you doing in the U.S? What do you do for a living? Do you have a business here in the U.S.? Why do you have bruises on your face? What are you going to do about your partner when you get back to Mexico?' Since everything was done by interpretation, I felt like things got lost in translation and I couldn't get my point across. At various times, I had to clarify what I was saying because the interpreter was misinterpreting. My answers were always truthful, but the officer thought I was lying.

After some time, the officers told me they were going to revoke my visa. I asked for a just reason why they were revoking it, but they wouldn't give me one. The officer just

said, “because I want to.” I was very upset because I thought I’d never see my parents again if they returned me to Mexico, especially given their old age.

After the officers revoked my visa, they took me to another room, where I slept for a couple of hours. In the afternoon, they finally offered me something to eat. Then they told me they would send me to a detention center to start my immigration process. Honestly, I didn’t even care that I was going to detention. I was just relieved they weren’t going to deport me, and I would have the chance to see my parents again. Afterward, I was detained at McHenry County Adult Correctional Facility for about a month and was released on parole in November 2021.

I feel like immigration officers treated me in a racist and unfair way. They treat my people as if we’re coming to the U.S. to commit crimes even though we are actually coming to see our families and helping the economy by coming as tourists and spending money. Some officers act as if they are superior to you and don’t give you any explanations.

I want immigration officers at the airport to have more humanity towards my people and recognize that we’re not dangerous. That they don’t treat us like criminals, because we are not. We are human beings. People like me that come with tourist visas just want to come to the U.S., be with our families, and spend a little money that we make with a lot of sacrifice in Mexico. I’d like officers to be more human and less racist in their interviewing. They look at us from top to bottom and ask us questions in English, knowing we come as tourists and don’t speak the language. Lastly, while I am afraid of going back to my country, if I must, I would at least like to get my tourist visa back because it was wrong for them to revoke it in the first place.

Testimony of Tahiri:

I am currently residing in Mexico after being deported from the United States in February 2021. Here, I work as a doctor at the Mexican Institute of Social Security. During my last entry into the U.S., the immigration officials called me a liar and treated me unfairly from the start, resulting in the revocation of my visa and being sent to immigration detention. I was in ICE custody in a county jail for over two weeks until I asked to be sent back to my country.

My last entry into the U.S. was in February 2021, through the Chicago O’Hare International Airport. When I arrived at the immigration checkpoint, the officer was immediately suspicious of me for reasons I don’t know. After scanning my visa, he asked me why I was returning to the U.S. since I had already made a trip the previous year. I told him that I was on vacation and wanted to visit my family in Michigan and had a layover in Chicago. He then asked me how long I planned to stay in the U.S. When I

answered, I'd stay approximately 3-4 weeks, he said, "that's too much time, and you don't have any money." I told him that I did have money on my card, so I don't know why he would think that. He kept asking why I was coming back if I had already visited the year before, and I told him that I didn't see anything wrong with wanting to go to the U.S. again to see my family. Finally, the agent said, "No, I'm taking you to the 'big room.'" He proceeded to take me to a waiting area where several others were also waiting.

After about two hours of waiting, I was called to a room where another officer continued to ask me questions. He initially asked me questions in English, which I do not speak very well, but eventually he brought in another officer who spoke Spanish to help interpret. They asked me the same questions as the officer from the first inspection, and they also didn't believe anything I said. The officers would talk among themselves saying, "No, he's a liar. He's a liar." I knew what they were saying because I understood a little English, but I just stayed quiet. At this point, I sensed that they had something against me, and nothing I said would make them believe I was telling the truth about why I was going to the U.S.

During the interrogation, they asked to see my phone and iPad. Shortly afterward, they printed a text conversation I had with a friend on WhatsApp. In the texts, I said something along the lines of "Look, I am the manager of this restaurant." I tried explaining to the officers that my friend owns several restaurants in the U.S. where I eat when I visit. I was only joking with him when I referred to myself as a restaurant manager, but the officers kept saying, "No, this is no joke. This is personal." I told them that I could prove that it was a joke and that I am a doctor working in the COVID-19 unit in a military hospital in Mexico. My contract at the hospital had just ended, and I wanted to spend time with family and relax in the U.S. But all my explanations fell on deaf ears. The officers weren't interested in anything I had to say. They fixated on the word "manager" and must have thought I was going to the U.S. to work as one, even though I could prove I was a working doctor and earning a living in Mexico.

The Spanish-speaking officer, in particular, was very rude to me. He kept saying that I was a liar and that all we - implying Mexicans - wanted was to go to the U.S. and take money away from his country. I tried to reason with him by explaining that I had no interest in working in the U.S. because I had a good-paying job in Mexico and could prove it. I told him that I enjoyed traveling and liked going to the U.S. to buy clothes because the clothes are cheaper there and better quality, but the officer didn't care. He simply wanted to take away my visa. I felt like I was being mistreated just because I am Mexican. I sensed a feeling of animosity coming from the Spanish-speaking officer. They said they were going to revoke my visa because I was going to the U.S. to work.

Toward the end of the interrogation, the officers asked me if I was afraid to return to Mexico. I answered that yes, I was afraid because armed men had followed me on several occasions when I was leaving work. No further questions were asked. I suppose this is when my asylum process began, even though I didn't even know what that meant at the time. The officers said they weren't going to deport me and that instead, they would send me to a detention center. The interrogation took about six hours and I was feeling weak toward the end because I hadn't eaten anything since I left Mexico. They handcuffed me and took me to a small room where they later gave me some cookies. They left me in the room handcuffed, as if I was a menace to them or something. They also never returned my phone or iPad, not even when I got out of detention.

Afterward, immigration officials sent me to immigration detention at McHenry County Adult Correctional Facility. After about two weeks, I couldn't take being in jail anymore and asked for voluntary deportation. I had no idea that saying I was afraid to return to my country meant that I would be detained by immigration in a county jail as if I had done something wrong. I am an honorable person, with a good job in Mexico. Instead, I was treated as if I had committed some terrible crime. I was deported to Mexico at the end of February 2021, where I have remained since.

Honestly, I hope that immigration officers stop acting unjustly toward Latin Americans, especially Mexicans. There was no reason for the officers to revoke my visa, but as I said, it felt like they had it out for me because I'm Mexican. They didn't believe a word I said from the start, even though I could have provided proof. They made up a story in their heads, and nothing was going to contradict that. I wish I could get my visa back because it pains me when my family travels to the U.S. for birthdays and holidays, and I can't go. But if nothing changes, at the very least, I hope the officers stop mistreating people like me.

Testimony of Gabrielle:

I was born in Honduras and am 31 years old. I identify as non-binary and use they/them pronouns. I am currently living with my boyfriend in Missouri. During my recent entry to the United States, immigration officials revoked my visa for reasons that I see as unjustified. They sent me to immigration detention, mistreated me, would not hear me out, and did not explain what was happening. Frankly, the entire experience was horrible and changed the course of my life.

I entered the U.S. in December 2021, through the Chicago O'Hare International Airport using a tourist visa. When I got to the first immigration inspection, the officer did not ask me many questions. He just inspected me, asked for my passport, and asked me where I was coming from, where I was going, and for how long. I told him my flight was coming

from Spain, but I had been in Portugal, and I was coming to the U.S. to visit my boyfriend and friends in Missouri and maybe see my family in Florida. I did not know how long I planned to stay in the U.S. and explained to the officer that my stay depended on the plans I would make with my boyfriend. I told him I would maybe leave in January or earlier. I honestly did not have a set date yet to go, but I did not intend to stay in the U.S. for a long time. Around July, a few months earlier, I had come to the U.S. through the Fort Lauderdale International Airport in Florida, and the immigration officer asked the same questions. I gave the same answers to the officer in Florida as in Chicago, and the last officer calmly let me pass without any issues or further inspection. That was not the case in Chicago.

The officer at the first inspection didn't say anything. He just asked me to go with him. He took me to a waiting area where other people were also waiting. I felt worried because I had no idea what was going on. I thought, do they think I'm some kind of smuggler or trafficker? Why are they making me do this? After about an hour, they called me to a room and started asking more questions. All the interviewing was conducted in English because I can speak some English. Looking back, I wish they had offered me a Spanish interpreter, and maybe then, we would have understood each other better. There are terms, especially legal ones, which I would have understood better in Spanish.

The questions they asked me focused mostly on my finances. There was more than one officer in the room because, to me, it seemed like the main one who was asking me the questions did not know what he was doing, so others had to help him. The officers wanted to know how I was paying for my trips to Europe. I told them that my mom helps me out with money, which is how I can travel. This answer did not satisfy them, so they kept asking me how I made my money. I think they stereotyped me and thought I was suspicious because of my identity and because I am from Honduras and traveled through Europe. As if it's a crime for Latinx people to travel, or if they do, they must be doing it illicitly. They didn't say anything specific, I just felt the discrimination in the way they asked me questions. I also told them that I did online work in modeling. I wanted to cooperate with them, but the officers took everything the wrong way and accused me of working illegally in the U.S. I thought it was ridiculous. I told them that I had never even cashed any of the checks because I would need a social security number. However, no one would hear me out. Here I thought I was justifying my finances so they wouldn't think I was a bad person, and it turns out they were using this against me and accusing me of working illegally in the U.S.

During the interrogation, they took me out of the room several times, took my phone away, and the primary officer kept getting up to check things with his supervisor. I'm not sure if they searched my phone or checked my social media. They didn't mention anything about the contents of my phone. After about three hours, the officer, very

calmly, said he was going to revoke my visa for working illegally in the U.S. He said, “it’s not a problem, just go back from where you came from and ask for another interview for another visa.” I was confused and couldn’t believe what was happening. I was devastated, thinking I wouldn’t see my boyfriend and family.

I wasn’t offered anything to eat or drink until around 1:30 AM after they stopped questioning me. During the interview, I asked for coffee because it was so late, and I had been traveling all day, but they didn’t give me any. I wasn’t allowed to talk to my boyfriend or family, even though I desperately wanted to call them so they wouldn’t worry about me. Later during the interview, an officer told me he called my boyfriend to tell him where I was. I found it strange that he didn’t tell me beforehand that he would call him. I was able to send a WhatsApp message to my parents, but an officer was by my side watching what I wrote.

The officers made me sign some papers after telling me they were revoking my visa. I understood some of the documents, but some questions were as if they were making me say certain answers. As if they needed me to admit I was working illegally, even though I wasn’t. After some time, they asked me if I was afraid to return to my home country, and I answered yes, because I am a trans woman and it was dangerous for me to go back to Honduras. I told the officers I identified as a trans woman because I didn’t think they’d understand what it meant to identify as non-binary. They asked me several times if I was one-hundred percent sure I wanted asylum because that implied not getting a visa later, and I said yes.

The officers did not explain to me what it meant to seek asylum or what the process looked like. The only thing they emphasized was that they were revoking my visa and I would have another interview. Because no one explained anything to me, I thought the interview would determine if I would get asylum or not. I was hopeful that I would have an answer as soon as the next day and possibly reunite with my boyfriend and family. I didn’t even know I was getting transferred to a detention facility until I was getting handed a uniform at the McHenry County Adult Correctional Facility. I wish I had an interpreter to tell me about the asylum process because I was so confused in those moments, and the officers didn’t explain anything to me. I was detained at McHenry for five days and released on parole on December 10, 2021. I am currently pursuing my asylum case.

The entire inspection took about 4 hours. Thinking back now, I feel I was questioned because of who I am, as a Latinx, non-binary person. The officer didn’t even ask me about my finances during the first inspection, so why did he send me to be questioned? Most of the people they were inspecting and questioning were Latinx. That can’t be a coincidence. The officers ignored me when I tried to justify my finances. They made me

wait for hours without a single bite to eat. They wouldn't let me talk to my family on the phone to tell them what was happening. They didn't believe me when I said my mom helped me travel to Europe, as if someone needed so much money to go there. They never offered me an interpreter. It felt as if I were a number to meet some sort of quota. My experience at O'Hare and then in detention has negatively affected my life. I suffer from anxiety and this experience has only made it worse. I feel like the immigration officers at the airport don't care how their actions and behavior could change the course of people's lives. It's shocking to me that I found out I was going to a detention facility until I was actually there. There is simply no consideration, and looking back, that's what hurts the most.

Conclusion: CRCL should investigate all facts stated herein of the mistreatment experienced by the complainants at Chicago Airports

We request that CRCL, pursuant to its authority under 6 U.S.C. § 345, immediately investigate the complaints of mistreatment by CBP agents and take prompt action to ensure accountability for the reported abuses. We also ask that CRCL investigate CBP's alleged justification for denying the complainant's entry, violations of DHS internal standards by CBP officers, and the pattern of discriminatory treatment by CBP agents at O'Hare and Midway International Airports. Lastly, we request that CRCL recommend that DHS terminate the expedited removal order and remove any bars to entry for the declarant who was removed from the U.S.

The complainants and NIJC await the CRCL's response. If you have any questions about this complaint, please direct any response or inquiries to the contacts listed below.

Sincerely,

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