



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

September 14, 2017

Mr. David Kaye

Special Rapporteur on the promotion
and protection of the right to freedom
of opinion and expression

Mr. Ahmed Shaheed

Special Rapporteur on freedom of religion
or belief

Dear Mr. Kaye and Dr. Shaheed:

Thank you for your letter dated May 9, 2017, requesting information regarding the Executive Orders concerning entry into the United States and increased screening at the United States border. Please see the U.S. response to this inquiry attached.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason R. Mack".

Jason R. Mack
U.S. Deputy Permanent
Representative to the UN Human
Rights Council

SUBJECT: U.S. Response to OHCHR inquiry regarding E.O. on Travel and Increased Scrutiny

U.S. Customs and Border Protection (CBP), a component of the U.S. Department of Homeland Security, remains committed to balancing its law enforcement role of safeguarding America's borders with facilitation of legitimate trade and travel and to preserving the civil rights and civil liberties of the traveling public. CBP performs border searches and inspections in full compliance with all applicable federal laws and constitutional protections, consistent with our U.S. human rights obligations. Individual travelers who believe their civil rights and civil liberties have been violated are encouraged to use existing robust DHS and CBP complaint processes, including those available through the DHS Office for Civil Rights and Civil Liberties (<https://www.dhs.gov/file-civil-rights-complaint>), DHS Office of Inspector General (<https://hotline.oig.dhs.gov/hotline/hotline.php>), and the CBP Info Center.

It is CBP policy and practice, consistent with the U.S. Constitution and laws, to treat all individuals in a non-discriminatory manner, and to respect individuals' rights to freedom of speech, free exercise of religion, due process of the law, and protection from excessive force, unreasonable searches and seizures, and unlawful intrusions into personal privacy. These protections are consistent with U.S. obligations and commitments under international law.

CBP Officers consider diverse factors in determining whether to refer individuals for targeted examinations. CBP uses information from various data systems and specific techniques for selecting passengers for targeted examinations. Speaking with and questioning travelers, including closely examining their documentation, are some of the ways CBP confirms identity and ascertains potential areas meriting further examination, such as improperly documented travelers. CBP officers use their discretion to determine the extent of examination necessary. They are required to perform their duties in a professional manner and to treat each traveler with dignity and respect. Pursuant to the CBP Standards of Conduct, employees will not act or fail to act on an official matter in a manner which improperly takes into consideration an individual's race, color, age, sexual orientation, religion, sex, national origin, or disability, union membership, or union activities.

In order to fulfill CBP's commitment to treat all individuals in a non-discriminatory manner, and to respect individuals' constitutional rights to freedom of speech and free exercise of religion, CBP maintains an efficient and effective external civil rights and civil liberties complaint-processing program focused on gathering all relevant facts and evidence necessary to resolve complaints.

CBP adheres to the core premise that civil rights and civil liberties protection is not only an ethical and legal imperative but also a practical necessity to maintaining and enhancing the public's level of trust in federal law enforcement.