March 18, 2005

MEMORANDUM FOR:

DIRECTORS, FIELD OPERATIONS

DIRECTOR, PRECLEARANCE OPERATIONS

FROM:

Assistant Commissioner Office of Field Operations

SUBJECT:

Additional Guidance on Fraudulent Documents Processing

On December 24, 2004, I issued guidance on the processing of fraudulent documents and the establishment of the (b)(2) & (b)(7)(E) and on January 14, 2005, additional clarifying guidance was issued. Now that the new process has been in place for more than two months, additional direction and clarification are necessary to ensure consistent and universal implementation of these requirements. In particular, it is important that we ensure the proper handling of all terrorism related cases and that all requirements are being met at all locations. Specifically, all locations are asked to immediately adhere to the following:

- 1. All fraudulent documents used by or believed to be connected with actual or suspected terrorists must be forwarded to where the document is required for prosecution or investigation by CBP or another Federal agency, a full copy of the travel document and any associated evidence shall be forwarded immediately to the control of the c
- 2. Individuals apprehended for use of a fraudulent travel document (including impostors) should be enrolled in included. Port Directors are responsible for ensuring that a quality control process is in place to ensure enrollment and to review and correct (10)(2) & (15)(7)(E) (15)(17)(E)
- 3. All Preclearance sites are reminded that all directives associated with fraudulent documents apply to those locations as well. In those cases where a travel document cannot be seized and will be returned to the host government, a full copy of the travel document and any associated evidence shall be forwarded immediately to
- 4. All CBP Officers assigned to Immigration Security Initiative sites overseas shall, to the greatest extent possible, attempt to obtain either original or copies of fraudulent travel documents and associated evidence. Where these are not released by the host governments, all available information shall be forwarded to

- Valid documents found in mail or luggage may not be seized unless probable cause exists that the documents have been altered, are counterfeit, or are otherwise evidence of a crime, or the fruit or instrumentality of a crime; and
- 6. Altered, stolen, or counterfeit documents found in mail or luggage should be seized and shall be entered in the along with a memorandum describing the circumstances of the seizure.

Please ensure compliance with this and that all CBP Officers are provided with the attached muster during the week of March 21, 2005. If you have any questions, please have a member of your staff contact (b)(6) & (b)(7)(C) at (b)(6) & (b)(7)(C) or (b)(6) & (b)(7)(C).

Jayson P. Ahern /S/

Attachments

cc: Executive Director, Border Security and Facilitation

Subject: Seized Documents
Date: 1/2/2005 12:26p
From: (b)(6) & (b)(7)(C)

Until further notice, when seizing counterfeit, altered or impostored documents, do not complete data entry into [to 12] & (to 17](L), since we are awaiting further instructions and clarifications with respect to this function.

When a document is seized, officers should forward the seized document to SCBPO-Enf.

(b)(6) & (b)(7)(C) at Terminal Four. Along with the seized document the following must be included:

- a copy of the document (not necessary to copy blank pages)
- a copy of form I-213
- a copy of form I-275
- a copy of the Single Journey Letter (a copy must be placed in the 'A' file as well).

Also, until further notice, we will NOT seize documents when the only document fraud for the case relates to a (b)(2) & (b)(7)(E).

Subject: New INS Rule Governing Release of Detainee Information

Date: 4/24/2002 11:47a From: (b)(6) & (b)(7)(C)

A recently published federal rule prohibits disclosure to the public, by any privately operated detention facility, of information relating to any detainee being held at that facility on behalf of the Service.

Such information shall be under control of the Service and shall be subject to disclosure only pursuant to the provisions of applicable federal laws, regulations and executive orders.

(Dated 09/28/06)

MEMORANDUM FOR: ALL CBP OFFICERS

SAN DIEGO FIELD OFFICE

FROM: Director, Field Operations

San Diego, California

SUBJECT: Performing Vigilant Primary Inspections

CBPOs assigned to the San Diego Field Office face the highest volume and threat environment and some of the most difficult working conditions our nation has to offer. From a national perspective, the San Diego Field Office performs percent of all inspections nationwide. In fact, percent of all POVs that enter the United States do so via a San Diego Field Office POE.

While these workload statistics are impressive, what is more astounding is the percentage of enforcement successes for which the San Diego Field Office accounts. Fiscal Year to Date statistics through July indicate that the San Diego Field Office seized percent of all marijuana, percent of all cocaine, and percent of all methamphetamine seized by the Office of Field Operations. Additionally, percent of all immigration apprehensions and percent of all NCIC arrests affected nationwide are executed by CBPOs in our Field Office. CBPOs are ramping up on pedestrian and vehicle name queries, and our Field Office name check has increased exponentially, to just over percent.

Over the course of the past few weeks Field Office and Port Management have been placing significant emphasis on ensuring that CBP performs complete, thorough and vigilant primary inspections. In doing so, we are reiterating best practices that line officers must replicate in order to achieve success and vigilance on primary. We will continue to achieve this success by ensuring that all officers assigned to primary inspection positions follow the 10 steps outlined below. CBPOs on primary must:

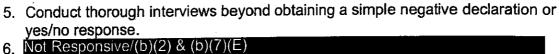
1. Not Responsive/(b)(2) & (b)(7)(E)

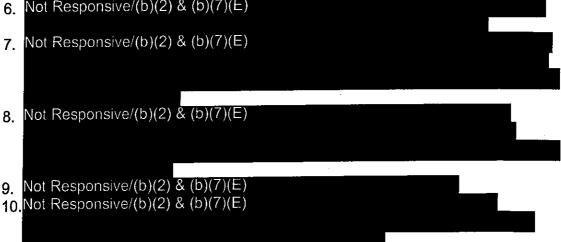
2. Verify and physically handling documents for all vehicle occupants.

3. Not Responsive/(b)(2) & (b)(7)(E)

4. Not Responsive/(b)(2) & (b)(7)(E)

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I understand the rigors and stresses you face in completing your duties as front-line officers. The above referenced steps are not new. Rather, this is an affirmation of the policies, procedures, and best practices already in place. We cannot afford to let our guard down and expose our border to the risks and ramifications of terrorist activity because of negligence. As CBP Officers, we are entrusted with maintaining the security of our nation. The authority and power we wield is significant, and should never be taken lightly. And, we should always strive to exhibit vigilance in the performance of our primary inspections.

Performing vigilant primary inspections in the manner outlined above is essential. CBP Officers who fail to complete the requirement cited above may by subject to disciplinary action. Failing in this regard is not an option and will not be tolerated. We are the guardians of our nation's borders – America's front-line. The American public depends on our vigilance, diligence, and professionalism as we perform our priority and traditional missions at our nation's border.

I know you are up to the challenge. I appreciate your support. Thank you for a continued job well done.

Adele J. Fasano

PRIMARY INSPECTION : RESPONSIBILITIES FOR ALL CBP OFFICERS

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ONE TEAM, ONE FIGHT

⋈ WORK SAFELY!

ORIGINATING OFFICE: U.S. CUSTOMS AND BORDER PROTECTION
FIELD OPERATIONS, SAN DIEGO
Port-of-Entry San Ysidro

ISSUE DATE: December 30, 2004

Responding to Potential Terrorist Seeking
Entry into the United States of America.

DISTRIBUTION: CTR OFFICERS

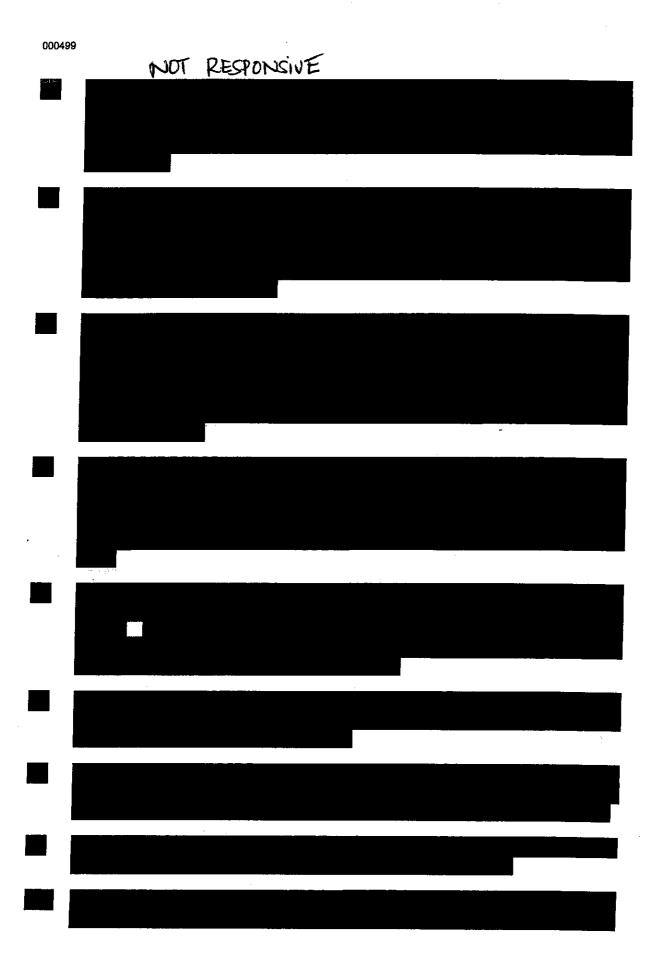
1 PURPOSE:

To provide uniform standard operating instructions to U.S. Customs and Border Protection (CBP) Personnel for the response to, and the processing of, known or suspected terrorists attempting to enter the United States of America through a San Diego area Port-of-Entry.

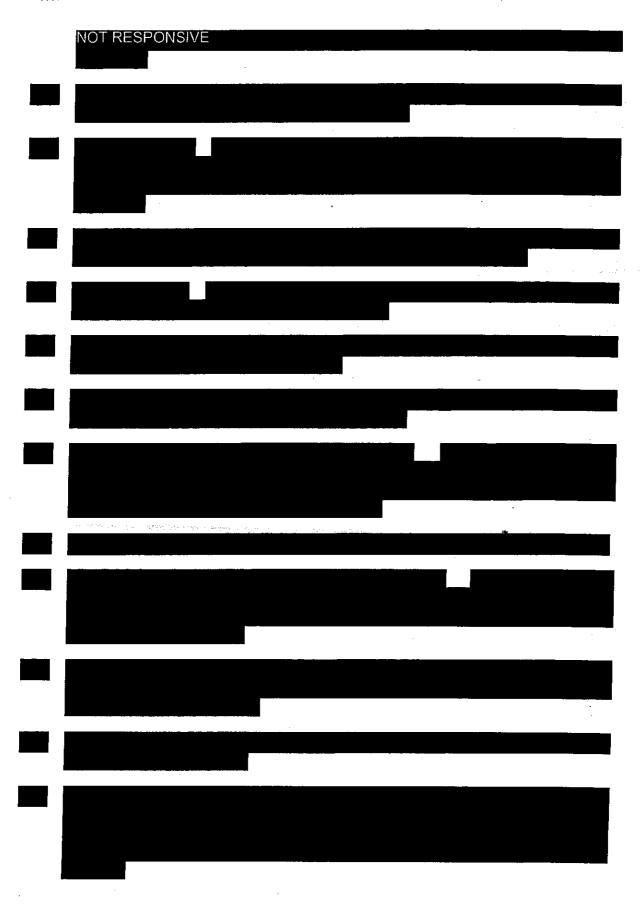
2 POLICY:

- 2.1 It is the policy of CBP to prevent suspected terrorists from entering the United States and to prevent attacks by terrorists and terrorist organizations in the U.S., by detecting and interdicting the cross-border travel of terrorists, terrorist funding, weapons, and instruments, including Weapons of Mass Effect (WME) and their precursors.
- 2.2 It is the policy of CBP, consistent with the Immigration and Nationality Act (INA), to deny entry to, and where possible, seek prosecution of, suspected terrorists seeking admission to the United States.
- 2.3 It is the policy of CBP, consistent with the INA and applicable legal authorities that in all cases where there is a belief, based on an evaluation of available information, that an alien could pose a threat to the United States, the individual will be denied entry.

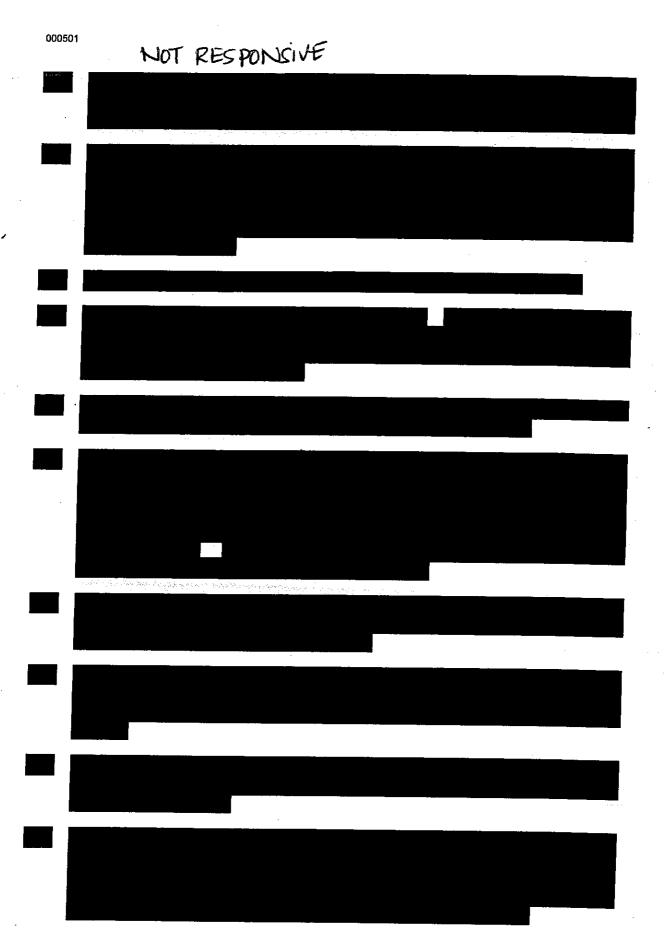
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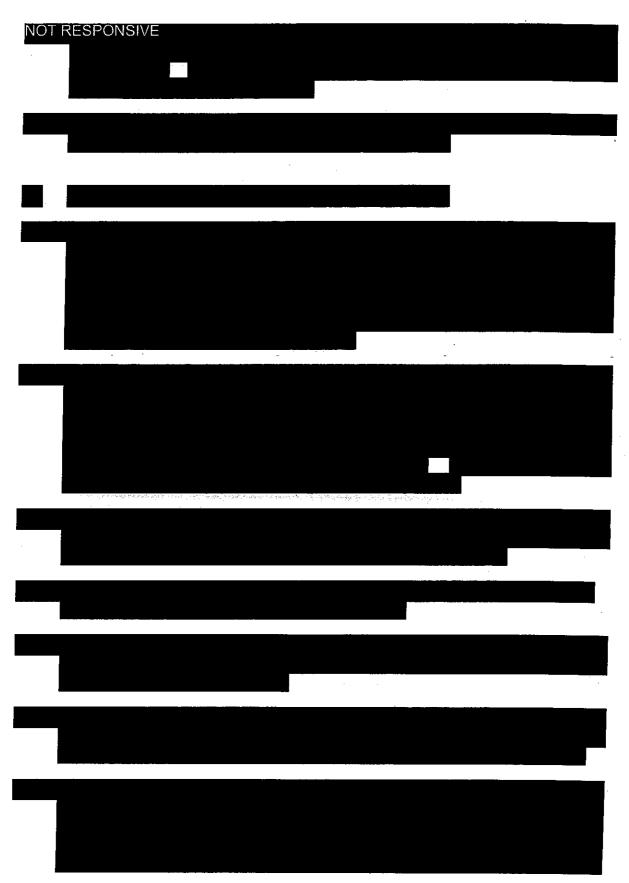
NON RESPONSIVE

4 AUTHORITIES/REFERENCES:

5 RESPONSIBILITIES:



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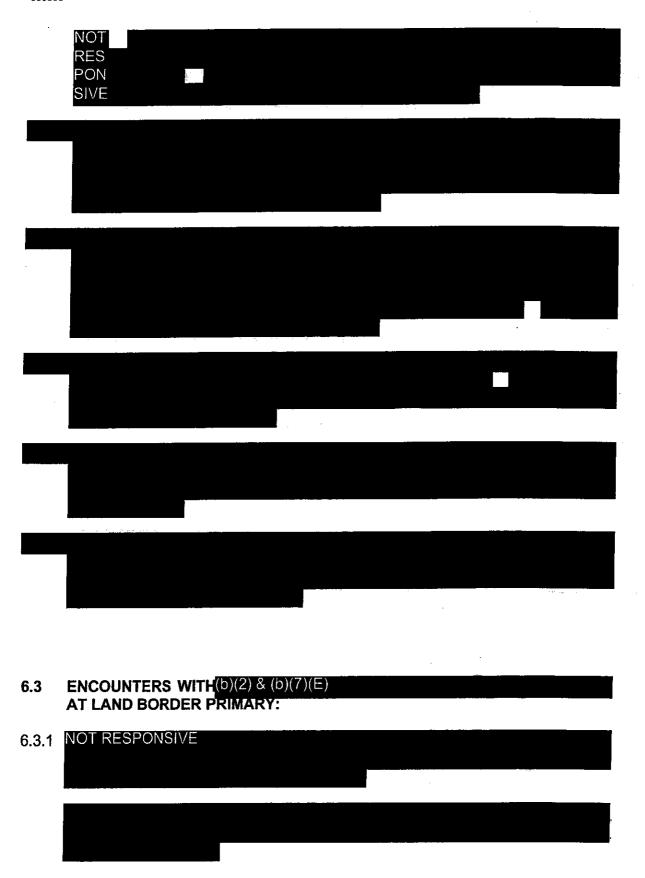
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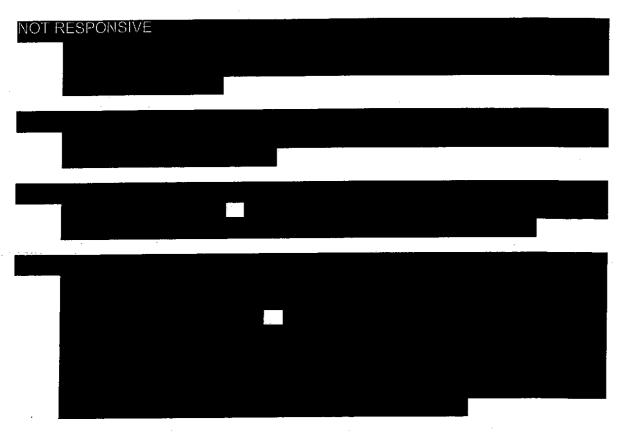
6.2 PRIMARY INSPECTION/PROCESSING:

- 6.2.1 All CBP Officers conducting Primary Inspection duties (Vehicle/Pedestrian) will conduct a thorough examination of all persons seeking admission into the United States. Appropriate Customs and Immigration declarations will be obtained. In addition, statements regarding (b)(2) & (b)(7)(E)

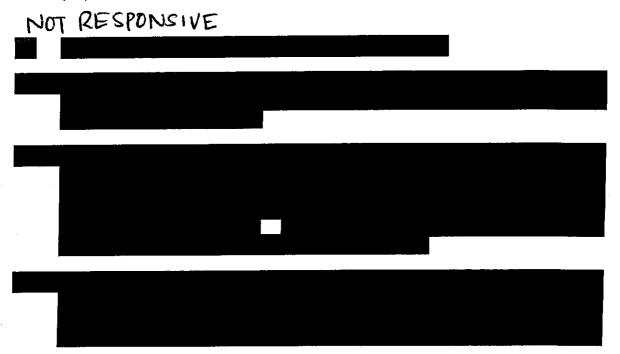
 , will also be obtained. (See appendix 01)
- 6.2.2 All persons who are not United States citizens, and deemed to be an alien, are required to present an entry document. Upon presentation of said document, the CBP Officer will take physical custody of the entry document and examine it. If the Officer concludes, after examination, that a document is counterfeit or altered, the Officer is to retain it and (b)(2) & (b)(7)(E)
- 6.2.3 After obtaining appropriate Customs and Immigration declarations, the Primary Officer may conduct a cursory examination of the conveyance (if applicable) and other items in their possession.

6.2.4	NOT RESPONSIVE	 	





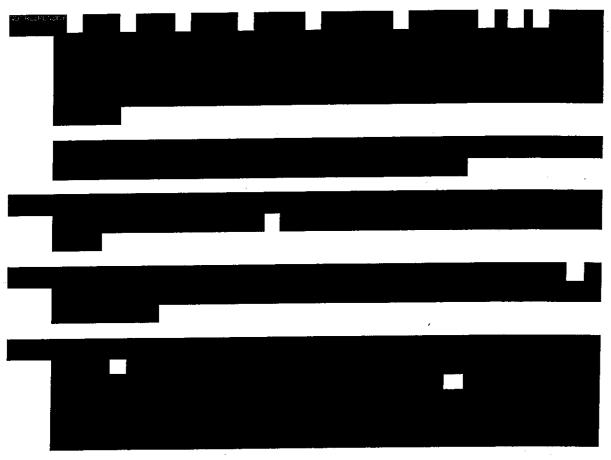
- 6.3.6 All identity, entry and/or travel documents obtained by the Primary Officer at the time of entry shall be safeguarded by the Secondary Inspection area Supervisor until proper transfer of custody can be made to the Officer.
- 6.3.7 The Primary CBP Officer shall complete the referral processing in the prepare a written report regarding his/her contact with the SUSPECT.



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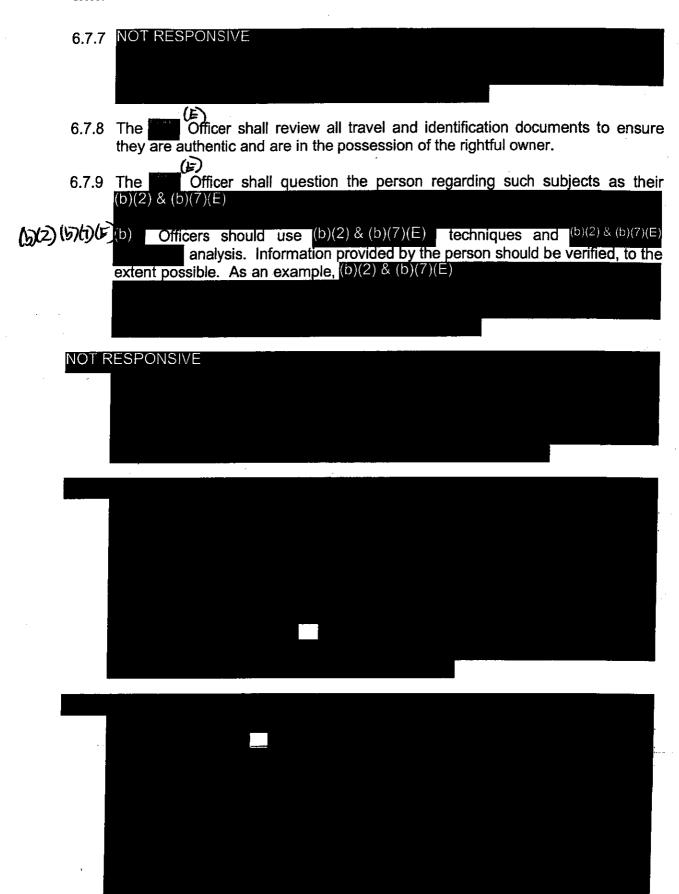
6.6 SECONDARY INSPECTION/PROCESSING:



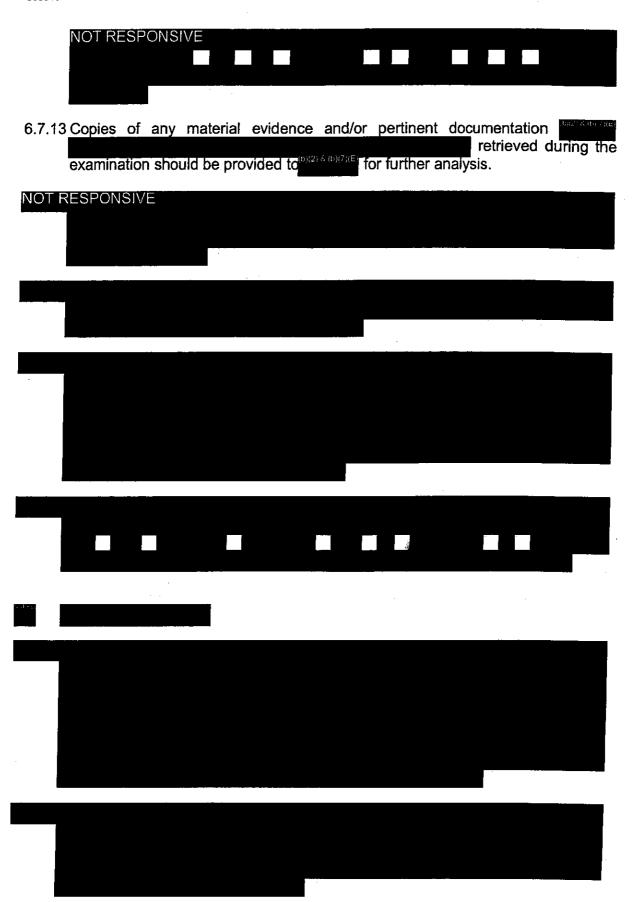
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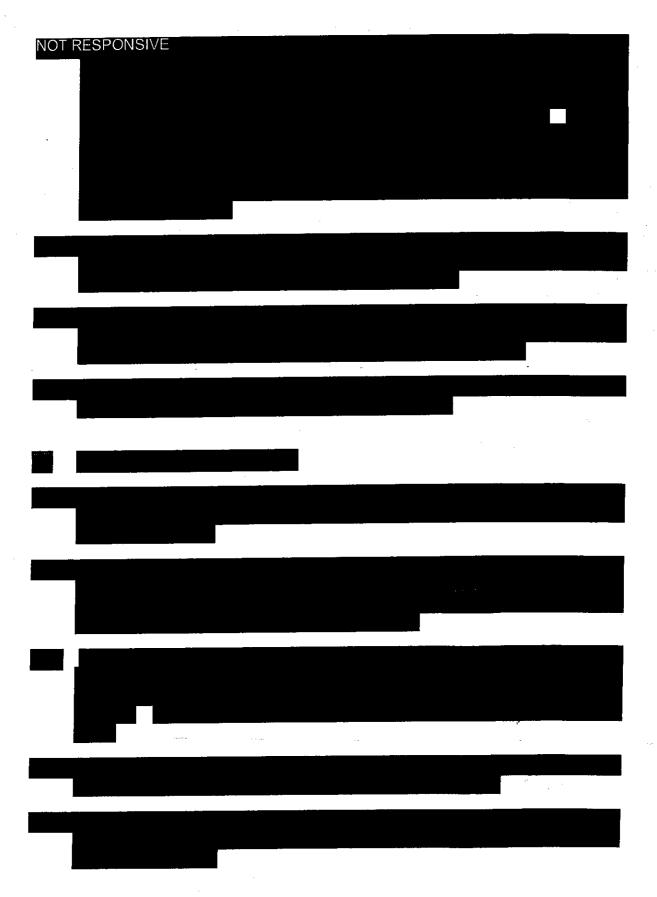
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6.7	(b)(2) & (b)(7)(E) - SECONDARY () INSPECTION PROCEDURES:
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6.7.2 NOT F	The Officer shall be responsible for the inspection, questioning, and processing of SUSPECT persons, any traveling companions, and any conveyance associated with the SUSPECT person. The officer shall ensure that binding Customs, Immigration and Currency/Monetary Instruments declarations are obtained. (b)(2) & (b)(7)(E)
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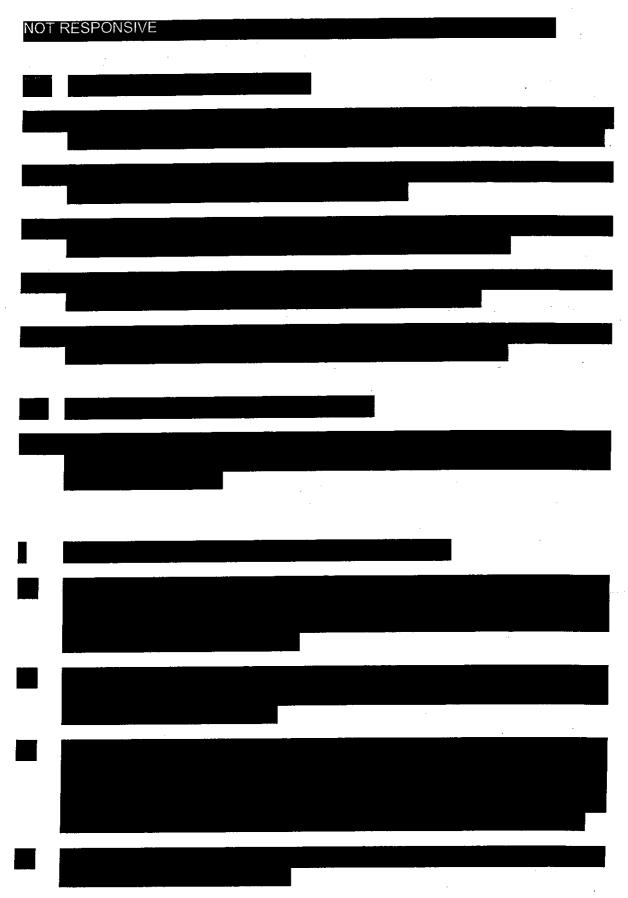
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For Official Use Only - Law Enforcement Sensitive

- 8 NO PRIVATE RIGHTS CREATED. This document is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any rights, privileges, or benefits on any person or party.
- 9 DISCLOSURE: This Directive contains information, which may be exempt from disclosure to the public under the regulations of the Department of the Homeland Security. It is For Official Use Only (FOUO) and is Law Enforcement Sensitive. No part of this Directive shall be disclosed to the public without express authority from U.S. Customs and Border Protection Headquarters.

(b)(2) & (b)(7)(E)

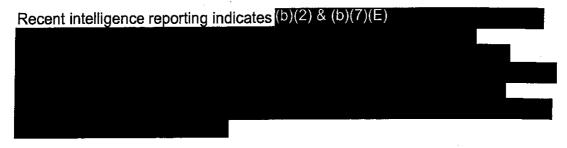
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3/26 ACTION and INFO: Pornography and Exam Subjects

To All,



(b)(2) & (b)(7)(E)

If no additional information is uncovered during the forensic exam, but the pornographic materials are determined to be violative, a seizure determination for the laptop and materials should be made.

Disseminate as necessary.

BorderSecurity Coordinator (b)(6) & (b)(7)(C)



Bureau of Customs & Border Protection

AREA PORT OF ANCHORAGE
Standard Operating Procedure

NUMBER: ANC-AP-07-002

ISSUE DATE: February 8, 2007

APPROVED BY:

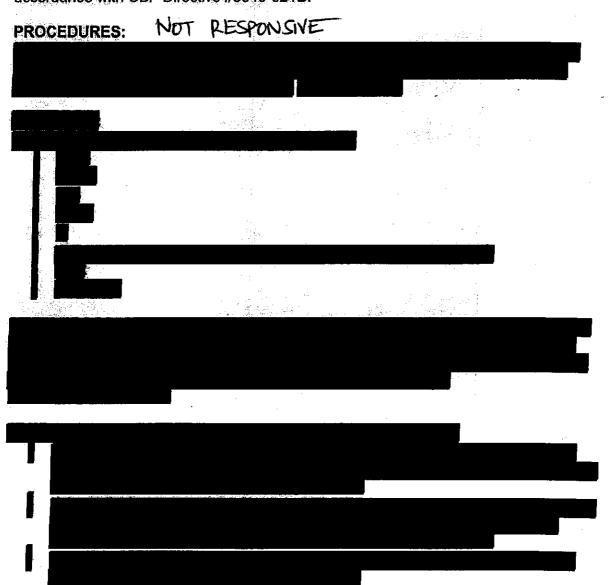
REVIEW DATE: February 8, 2008

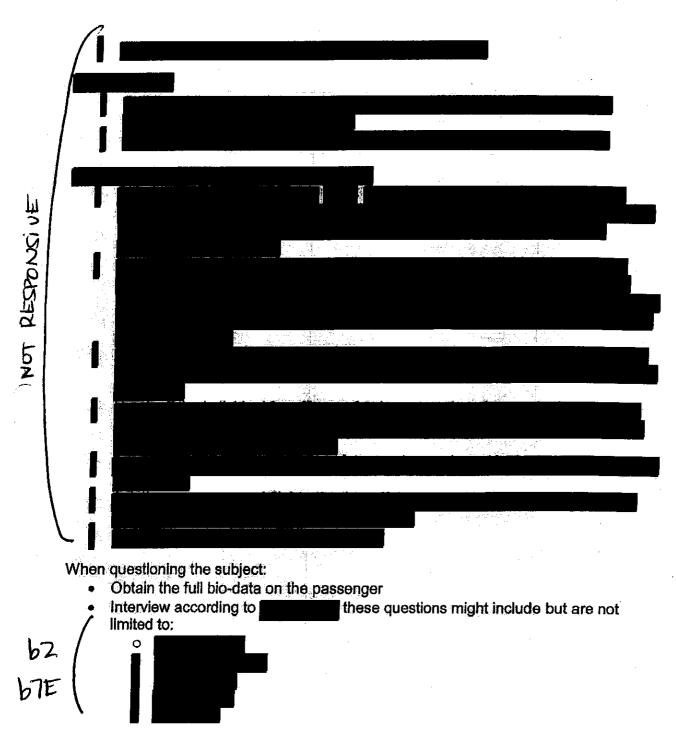
SUBJECT: Counter-Terrorism Response



PURPOSE:

To give guidance on procedures when encountering possible terrorism suspects in accordance with CBP Directive #3340-021B.



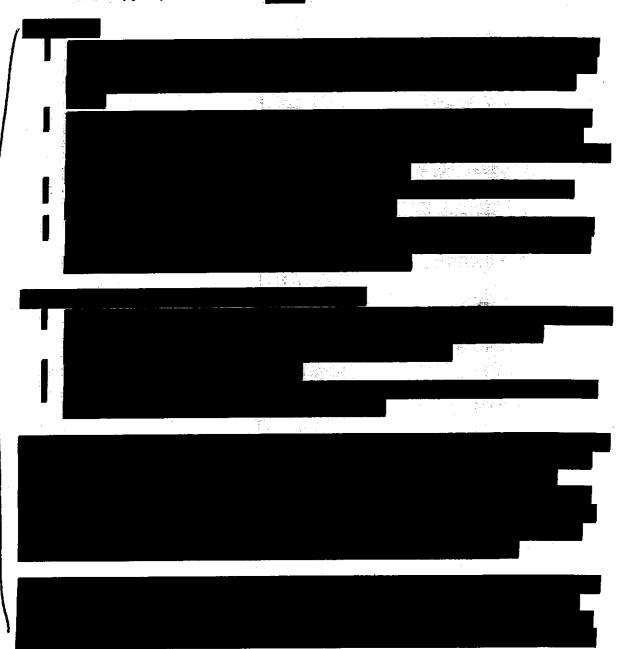


Search carry-on and checked baggage for terrorist items of interest

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NOT RESPONSIVE

- on their person. The passenger may pull out the information themselves. If they refuse, CBP Supervisor approval is needed to search the pockets or whatever area is desired. Continuous and progressive supervisor approval is needed to search different areas of the passenger.
- · Analyze the documents and belongings for terrorist items of interest
- Photocopy any items that the may think is terrorist related



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NOT RESPONSIVE Reports:

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AREA PORT OF HONOLULU STANDARD OPERATING PROCEDURES

VOLUME 1 - PORTWIDE PROCEDURES

PART: B. Proprietary Information

SECTION: 200.0 Dissemination of Information

NUMBER: 201.0 Disclosure of Information

- A. The disclosure of information pertaining to individuals and/or businesses is controlled through the Freedom of Information Act (FOIA)/Privacy Act and the Trade Secrets Act. Both electronic and paper-based records are protected under these acts, and are applicable to ALL Federal agencies and their employees.
- B. Definition of the Freedom of Information Act (FOIA) and the Privacy Act
 - The Freedom of Information Act(FOIA) (5USC552) mandates access to Government records unless the records or portions of the records are exempt from disclosure pursuant to one of nine exemptions as set forth in the act.
 - The Privacy Act (5USC522a) protects the privacy rights of individuals by not permitting records maintained in a system of records (i.e. records retrievable by the name of or personal identifier (social security number) of the individual) to be disclosed without the written consent of the individual about whom the records pertain.
 - 3. The following types of information are just some examples of information protected under the FOIA/Privacy Act.
 - a. Investigatory Information (including TECS)
 - b. Personnel Information (except for the names, grades, duty stations, and salary of all non law enforcement and inspectional personnel.)

- c. Internal Affairs Information
- d. Passenger Information
- C. Definition of the Trade Secrets Act
 - 1. The Trade Secrets Act imposes personal sanctions (\$100,000 fine, one year in jail and loss of job) on Federal Employees who disclose or make known in any manner, any confidential business information or trade secrets available to them in the course of their employment or official duties.
 - 2. The information that should not be disclosed includes information about a person's, firm's, partnership's, corporation's or association's records and information related to:
 - a. Trade secrets
 - b. Processes
 - c. Operations
 - d. Style of work or apparatus
 - e. 'Identity
 - f. Confidential statistical data
 - g. Amount or source of income, profits, losses or expenditures.
 - The following is a list of some Customs records, which are protected under the Trade Secrets Act.
 - a. Automated Commercial System (ACS) data
 - Entry documents and all information contained on that entry document to include values, quantity, manufacturers, shippers, consignees, type of merchandise,

manufacturing methods, formulas, and any other type of information.

- Regulatory Audit reports and other similar records
- d. Some classification ruling requests if confidentiality has been requested and granted.
- e. Investigative records.
- D. Incoming Requests for information

Requests for the release of information will fall under one of two categories:

- Requests made by the individual to whom the record pertains
- 2. Third party requests (For example: Other Federal Agencies, State and Local Agencies, and Foreign Entities.)
- E. Handling Requests Made by Individuals
 - 1. When an individual makes a request for the release of records pertaining to themself, inform the individual that they will need to make their request in writing. All requests must be in writing.
 - 2. The individual's written request should contain the following:
 - a. A statement identifying themselves
 - A description of the records or documents being sought
 - c. A statement of their willingness to undertake the payment of any applicable fees associated with the retrieval of the records
 - d. Original signature of the requestor
 - 3. This request should be forwarded to the Port

Director. The Port Director will then refer the written request to the local FOIA coordinator for proper processing.

F. Handling Third Party Requests

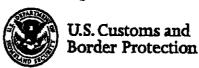
- 1. Requests from Federal, State or Foreign <u>law</u>
 enforcement offices seeking the release of law
 enforcement records, should be referred to the
 Office of Investigation (OI).
 - a. Be aware that the Office of Investigations personnel may exchange investigatory information (including TECS information) with other federal, state, local, or foreign law enforcement organizations per various official agreements, memoranda of understanding (MOUs), Privacy Act routine uses, and 19USC1628 for foreign requests.
 - b. If an OFO employee receives a request from OI to retrieve records, these records <u>must</u>

 <u>be</u> given directly to the OI agent. Do not turn over any documents to the requesting agency on behalf of OI. OI will be the party responsible for the completion of the Customs Forms 191 (CF191).
- 2. Requests from non-law enforcement Federal, state or foreign government agencies, for the release of records pertaining to non-law enforcement purposes, should be made in writing to the Port Director. The Port Director will then refer the written request to the local FOIA coordinator for proper processing.
- 3. Requests from any source for non-law enforcement records (public) should be made in writing and sent to the Port Director. The Port Director will then refer the letter to the local FOIA coordinator for proper processing.
- G. Additional Information Pertaining to the Disclosure Of Information from Third Party Requests

No one shall disclose any information to any person or agency about an individual without receiving the prior written consent from that individual.

H. Personal disciplinary actions as well as civil and criminal penalties may apply for the wrongful disclosure of information covered by the FOIA/Privacy Act and Trade Secrets Act.

1(c)



March 7, 2007

MEMORANDUM FOR:

AREA PORT DIRECTORS

FROM:

Director

Field Operations, San Juan

SUBJECT:

Legal Advisory Requirements

A recent memorandum from HQ's, "Immediately Effective Advisory Requirements for Processing of Salvadoran Nationals at Ports of Entry", dated January 11, 2007, instructed us to immediately institute the advisory requirements for processing of Salvadoran Nationals at our respective ports of entry.

Said memorandum requires, among other things, that Salvadorans be issued a list of legal service providers. Additionally, form I-862 (Notice to Appear) itself states in part... "a list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice". "Please note that this applies to every alien and not only Salvadorans.

Historically, there have been no pro bono associations available within the San Juan Field Office AOR. On a referral basis the Law School of the University of Puerto Rico, the Inter American University and the Hostos Law School in Mayaguez, select a limited amount of cases from the court for legal advice or representation during the school year. However, these services are limited, for educational purposes and not to be considered pro bono.

Because of this and other administrative reasons, CBP has not provided a list of legal service providers to qualified inadmissible aliens. The San Juan Field Office was notified by HQs that we can meet this requirement by furnishing a list of service providers who are located in the continental US and that we are not responsible if those providers choose not to represent the alien.

Therefore and effective immediately, every alien, not only Salvadorans, who is processed for removal proceedings under section 240 of the Act, or permitted to withdraw his/her application for admission in lieu of it (e.g., Canadian with criminal record from Canada), must receive a list of legal service providers.

J.

The copy of the legal services list (see attached) provided to each alien will be placed in the A-file. For updated official versions of the list please visit http://www.usdoj.gov/eoir/probono/states.htm. Under no circumstance will the aliens receive a locally issued list of legal services, but the one found at this government website address. Please note that this requirement is in addition to existing forms and administrative processes.

Should you have any questions regarding this matter please contact (b)(6) & (b)(7)(C) (b)(6) & (b)(7)(C)

LIST OF FREE LEGAL SERVICES PROVIDERS

The following organizations and attorneys provide free legal services and/or referrals for such services to indigent individuals in immigration removal proceedings, pursuant to 8 CFR §1003.61. Some of these organizations may also charge a nominal fee for legal services to certain low-income individuals.

MIAMI, FLORIDA

AMERICAN FRIENDS SERVICE COMMITTEE

10700 Caribbean Blvd., Ste. 301 South Dade Tower Miami, FL 33189 (305) 252-4183 (305) 252-6441 1-800-765-8875. Toll Free

- · Spanish Spoken.
- Will only take Guatemalan and Salvadoran cases.
- · Will not represent detained aliens.
- Will take Asylum cases.

ALMA C. DEFILLO-MILLMAN, ESQ.

929 Peninsular Place Jacksonville, FL 32204 (904) 354-3778 (904) 634-8822, Fax

- · Will take asylum cases.
- May charge a nominal fee.
- Will not represent aliens in detention.

CATHOLIC CHARITIES LEGAL SERVICES ARCHDIOCESE OF MIAMI, INC.

The Bank of America Building 3661 West Oakland Park Blvd., Ste. 305 Fort Lauderdale, FL 33311 (954) 486-2070 (954) 486-5090, Fax http://www.cclsmiami.org

- Representation is limited to Miami Immigration Court.
- Representation to residents of Miami-Dade and Broward Counties (priority given to Broward County residents).
- · Creole, Spanish, and French spoken.
- Will accept VAWA cases and very limited representation in asylum proceedings.
- · All other ases will be referred to the Miami Office.

FLORIDA EQUAL JUSTICE CENTER, INC.

3210 Cleveland Avenue, Ste. 101-A Ft. Meyers, FL 33901 (239) 277-7060 (239) 277-9050, Fax 1-800-518-1716, toll free

- Spanish spoken.
- · Will not represent detained aliens.
- Will take asylum cases.
- Court representation limited to Miami Immigration Court (for noncourt cases, priority given to VAWA, SIJ, U ad T visas, and family cases involving large numbers of children).
- Representation to residents of Lee, Hendry, Glades, Charlotte, and DeSoto Counties.

CATHOLIC CHARITIES LEGAL SERVICES ARCHDIOCESE OF MIAMI, INC.

700 S. Royal Poinciana Blvd., Ste. 800 Miami Springs, FL 33166 (305) 887-8333 (305) 883-4498, Fax http://www.cclsmiami.org

- Representation limited to Miami Immigration Court and to residents of Miami-Dade and Monroe Counties.
- Will process Cuban adjustment, employment authorization and parole requests, and citizenship applications for West Miami-Dade and Monroe County residents.
- Asylum cases will be accepted and represented by the Miami Office.
- Spanish spoken.

FLORIDA IMMIGRANT ADVOCACY CENTER, INC. (FIAC)

3000 Biscayne Blvd., Ste. 400 Miami, FL 33137 (305) 573-1106

- Spanish, Creole and French spoken.
- Will take Asylum cases.

CATHOLIC CHARITIES LEGAL SERVICES ARCHDIOCESE OF MIAMI, INC.

7101 Biscayne Blvd. Miami, FL 33138 (305) 758-3301 (305) 756-6435, Fax http://www.cclsmiami.org

- Representation limited to Miami Immigration Court.
- Representation to residents of Monroe, Miami-Dade, and Broward Counties.
- Creole, Spanish, and French spoken.
- All types of cases accepted, including asylum proceedings.

IMMIGRANTS' RIGHTS CENTER

1468 S. Semoran Blvd. Orlando, FL 32807 (407) 382-4944

- Spanish spoken.
- Will take Asylum cases.
- May charge a nominal fee.

CHURCH WORLD SERVICE

Immigration and Refugee Program 1921 NW 84th Ave. Miami, FL 33126 (305) 774-6770 (305) 754-9910 (in Little Haiti)

- · Creole, French, and Spanish spoken.
- Will NOT represent aliens in detention. Will take asylum cases.
- May charge a nominal fee.

NEIL ST. JOHN RAMBANA, ESQ. ELIZABETH RICCI, ESQ.

Rambana & Ricci, P.A. 521 East Tennessee Street Tallahassee, FL 32308 (850) 224-4529 (850) 222-7529, Fax

- Willing to represent aliens in asylum proceedings.
- · Spanish spoken.

COLUMBIAN AMERICAN SERVICE ASSOCIATION (CASA)

8500 SW 8th Street, #218 Miami, FL 33144 (305) 448-2272 http://www.casa-usa.org

- May charge nominal fee.
- Fee waivers considered in certain circumstances.
- Representation limited to Miami Immigration Court.
- Will not represent cases in detention (including Krome or Broward Detention Centers).
- All types of cases accepted, including asylum.
- Spanish spoken.

SIMON TSANG, ESQ.

3837 Northdale Blvd., Ste. 302 Tampa, FL 33624 (813) 265-8152; (727) 547-6097

Will take Asylum cases.

ORLANDO, FLORIDA

MAYRA L. CALO, ESQ.

2529 West Busch Boulevard, Ste. 400 Tampa, FL 33618 (813) 915-1715 (813) 915-1717, Fax

- Will represent aliens seeking asylum.
- Will represent aliens in detention.
- Spanish and French spoken.

NEIL ST. JOHN RAMBANA, ESQ.

ELIZABETH RICCI, ESQ. Rambana & Ricci. P.A.

521 East Tennessee Street

Tallahassee, FL 32308

(850) 224-4529

(850) 222-7529, Fax

- · Willing to represent aliens in asylum proceedings.
- · Spanish spoken.

CHURCH WORLD SERVICE

Immigration and Refugee Program 1921 NW 84th Ave. Miami, FL 33126 (305) 774-6770 (305) 754-9910 (in Little Haiti)

VITALIA DIAZ SHAFER, ESQ.

Diaz & Shafer, PA 305 North Armenia Ave. Tampa, FL 33609 (813) 250-1300

Spanish and French spoken.

000532

- Creole, French, and Spanish spoken.
- Will not represent aliens in detention.
- Will take asylum cases.
- May charge a nominal fee.

All types of cases, including asylum, accepted.

ALMA C. DEFILLO-MILLMAN, ESQ.

929 Peninsular Place Jacksonville, FL 32204 (904) 354-3778

Willing to represent aliens in asylum.

SIMON TSANG, ESQ.

3837 Northdale Blvd., Ste. 302 Tampa, FL 33624 (813) 265-8152 (727) 547-6097

· Will take Asylum cases.

IMMIGRANTS RIGHTS CENTER

1468 S. Semoran Blvd. Orlando, FL 32807 (407) 382-4944

- Spanish spoken.
- Will take Asylum cases.
- May charge a nominal fee.

IFEOMA A. UCHE, ESQ.

American Immigration Services Center 3001 39th Street Orlando, FL 32839-9219 (407) 648-5367 (407) 648-5368 (407) 648-5369 (407) 425-4487, Fax

http://www.americanimmigrationservicescenter.com/

- Will take Asylum cases.
- · Spanish, French, and Creole spoken.
- May charge a nominal fee.

STANDARD OPERATING PROCEDURES

FUNCTION: Pre-Inspection Operations

DATE: July 21, 2005

(Pre-flight or Pre-departure)

REVISED: February 21, 2007

LOCATION: Area Port of San Juan

NUMBER: 2005-17

RESPONSIBLE OFFICER (S): CBP Officers

Supervisors, Chiefs, Port Directors

1. PURPOSE:

1.1 The purpose of this Standard Operating Procedure (SOP) is to provide uniform guidelines to ensure that Customs and Border Protection (CSP) officers follow proper operational procedures pertaining to the inspection of passengers traveling to the Continental United States (CONUS), the collection of data, and the compilation and reporting of the Cre-Inspection Operation. Compliance with these procedures is mandatory for all supervisors and officers assigned to work the domestic passenger processing terminals. These procedures will ensure the timely and accurate collection and reporting of workload statistics and passenger processing measures. This SOP modifies previous procedures implemented by the legacy Immigration and Naturalization Service (INS), implied in the "Procedures to Conduct Pre-flight inspection" dated January 31, 1997, from the former Office of the INS Area Port Director, regarding INS checkpoints at the San Juan, Puerto Rico airport.

2. AUTHORITY:

2.1.1 Title 8 CFR 235.5, Title 8 USC 1182, Section 212 of the INA; the Immigration and Nationality Act (INA or Act); the Patriot Act; the inspector's Field Manual (IFM); Title 22 Code of Federal Regulations and Case Rulings

3. BACKGROUND:

3.1 After the terrorist attacks of September 11, 2001, the need for the U.S. Government to monitor the movement of aliens over and within its borders is undoubtedly great. As members of CBP, we must be sure that procedures implemented to meet this need comply with the Constitution and all the pertinent regulations. The following is a legal overview of the regulation governing the Pre-Inspection Operation.

3.2 Almost every law involving the admissibility of aliens is derived from the INA. Section 212 of the INA excludes several classes of aliens from admission to the United States. The pertinent subsection reads as follows:

"The provisions of subsection (a) of this section (other than paragraph (7)) shall be applicable to any alien who shall leave Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States. The Attorney General shall by regulations provide a method and procedure for the temporary admission to the United States of the aliens described in this provision. Any alien described in this paragraph, who is denied admission to the United States, shall be immediately removed in the manner provided by section 1231(c) of this title."

3.3 The Attorney General has implemented this section through 8 CFR § 235.5, which reads as follows:

*235.5 Preinspection.

(a) In United States territories and possessions. In the case of any aircraft proceeding from Guam, Puerto Rico, or the United States Virgin Islands destined directly and without touching at a foreign port or place, to any other of such places, or to one of the States of the United States or the District of Columbia, the examination of the passengers and crew required by the Act may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. The examination shall be conducted in accordance with sections 232, 235, and 240 of the Act and 8 CFR parts 235 and 240. If it appears to the examining immigration officer that any person in the United States being examined under this section is prima facie removable from the United States, further action with respect to his or her examination shall be deferred and further proceedings regarding removability conducted as provided in section 240 of the Act and 8 CFR part 240. When the foregoing inspection procedure is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless he or she is found to be admissible as provided in this section."

4. PROCEDURES:





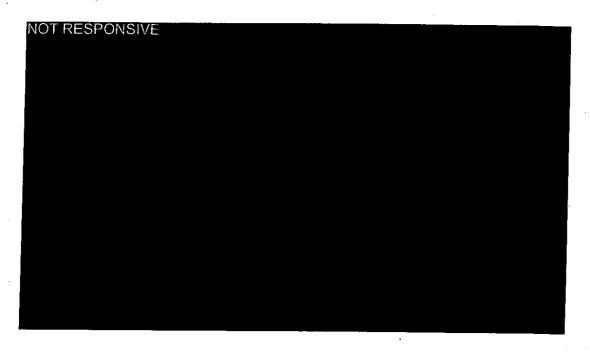
- 4.3 At the selected gate, the officers will display the CBP signage indicating the section of law under which such inspections are being conducted.
- 4.4 CBP Officers will conduct a 100% inspection of all passengers and crew traveling to CONUS on the selected flight. The primary (b)(2) & (b)(7)(E) question, (b)(2) & (b)(7)(E) ?" will be asked to each passenger. The response to this question will determine whether further questioning is warranted.
- 4.5 Although United States citizens have a constitutional right not to respond to the questions asked, it has already been determined in Lopez Lopez v. Aran, 894 F.2nd 16 (1st Cir. 1990), that the government (CBP) and its representatives have the right to ask certain questions. The examination of U.S. citizens will be minimal, brief and without coercive intrusion by CBP Officers. Remember, U.S. citizens are not required to answer the question. However, if a passenger

refuses to answer the question, further questioning will be initiated if "articulable facts" can be identified or explained by the officer(s) conducting the procedure.

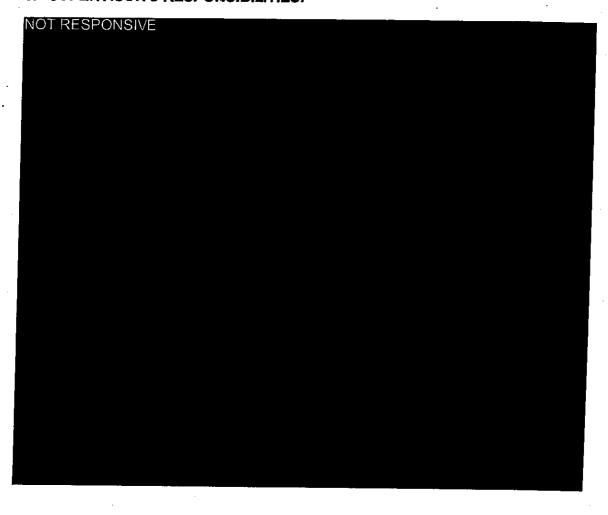
4.6 The only time that a CBP Officer will continue a line of questioning is when he or she has articulable facts to justify that the person's citizenship is other than the United States. Tickets will not be requested or lifted from the passengers. The only time tickets are to be requested and lifted is when it has been determined that the person is an illegal alien in the U.S.

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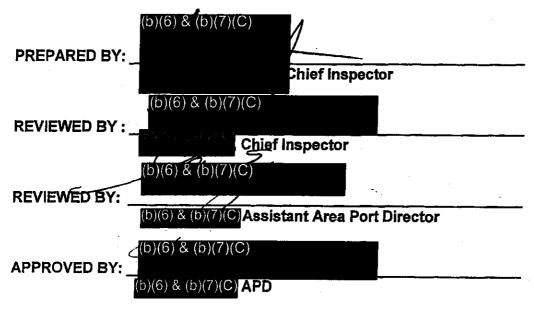


6. SUPERVISOR'S RESPONSIBILITIES:



7. TRÁINING:





STANDARD OPERATING PROCEDURE

FUNCTION: (b)(2) & (b)(7)(E)

DATE: June 13, 2005:

LOCATION: Area Port of San Juan

NUMBER: 2005-11

RESPONSIBLE OFFICER(S):

(b)(2) & (b)(7)(E)

Rovers

Supervisors (Passport Control & Baggage Control)

1. PURPOSE:

To provide guidance for responding to known suspected terrorist attempting to enter the Area Port of San Juan.

2. POLICY: The primary mission of the U.S. Customs and Border Protection (CBP) is to prevent suspected terrorists from entering the United States and to prevent attacks by terrorists and terrorist organizations. It is the policy of CBP, consistent with the Immigration and Nationality Act (INA), to deny entry to and where possible, seek prosecution of suspected terrorist seeking admission to the United States. It is also the policy of CBP, consistent with the INA and applicable legal authorities that in all cases where there is belief, based on an evaluation of available information that an alien could pose a threat to the United States, that the individual be denied entry.

3. AUTHORITY:

CBP Directive Number 3340-021A, dated February 23,2004; (Responding to Potential Terrorist Seeking Entry Into the United States.)

4. RESPONSIBILITES:

CBP supervisors, especially those assigned to the Primary Inspection area, shall ensure CBP officers under their supervision adhere to the provisions of this SOP and that all notification and reporting requirements are complied with. CBP officers are responsible for using the training given, experience, expertise, technology and the automation systems to prevent terrorists from entering the United States at the Area Port of San Juan.

5. PROCEDURES:



5.4 The officers will be responsible for coordinating with and other law enforcement agencies and for ensuring that a full inspection, document review, and questioning of suspected persons takes place in accordance with the provisions contained in the SOP. The officer will complete all necessary after-actions reports in a timely manner.



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8.1 NOT RESPONSIVE	
verification. At this secondary, the officer shall comply with any $b2+b7$ lawful instructions $(b)(2) & (b)(7)(E)$ such as a request to copy travel and/or identification documents.	ド
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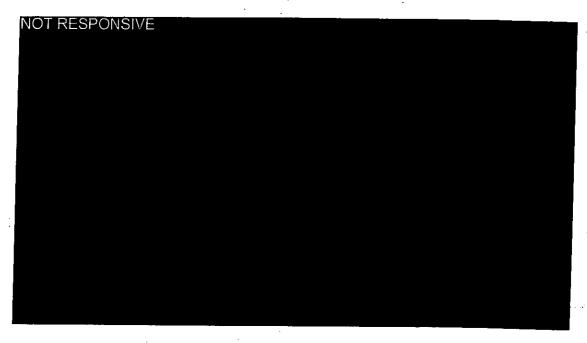
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9. OFFICER SECONDARY INSPECTION PROCEDURES:	
9.1 The officer shall be responsible for the inspection, questioning and	
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9.2 NOT RESPONSIVE	
9.3NOT RESPONSIVE	
9.4 NOT RESPONSIVE	
9.5(b)(2) & (b)(7)(E)	
(b)(2) & (b)(7)(F) Officer shall be responsible for	
conducting an intensive secondary inspection, document review, questioning, and examination to identify terrorists or terrorist instruments.	
9.6 The perfect shall review all travel and identification documents to ensure they are authentic and are in the possession of the rightful owner.	

9.7The officer shall question the person regarding such subject as there
(b)(2) & (b)(7)(E)
officers should use (b)(2) & (b)(7)(E) techniques and (b)(2) & (b)(7)(E) (b)(2) & (b)(7)(E) analysis. Information provided by the person should be
verified, to the extent possible. As an example, (b)(2) & (b)(7)(E) (b)(2) & (b)(7)(E)
(b)(2) & (b)(7)(E) Additional significant
information developed during the questioning should be forwarded to
9.8 NOT RESPONSIVE
NOT RESPONSIVE
9.9 THE TRESPONSIVE
9.10 NOT RESPONSIVE
9.11 Copies of any pertinent documentation ((b)(2) & (b)(7)(E) (b)(2) & (b)(7)(E) retrieved during the exam should be provided to (b)(2) & (b)(7)(E) for further analysis.
9.12 NOT RESPONSIVE
9.13 NOT RESPONSIVE

9.14	NOT RÉSPONSIVE	-		
9.15	NOT RESPONSIVE			
9.16	NOT RESPONSIVE			
	FINAL DISPOSITION:			
10.1	NOT RESPONSIVE			
10.2	NOT RESPONSIVE			
10.	3NOT RESPONSIVE			

10.4	NOT RESPONSIVE
10.5	NOT RESPONSIVE
10.6	NOT RESPONSIVE

11. REPORTING REQUIREMENTS:



12. SUPERVISOR'S RESPONSIBILITIES:

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(b)(6) & (b)(7)(C)		
Prepared by:		-
Reviewed by		
Approved by		
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Thanks

Muster 07/27/07

Next week we will begin the "Primary Processing of Travelers at Land Ports of Entry Training." It is approximately 1 hour long and has to be done by (D)(6) & (D)(7)(C) and myself.

CBPO at Roosville and attended the training I attended a few weeks ago in D.C. The training is essentially a synopsis of the new Land Border Directive which is being unveiled as we speak. Please read the attached Interim Directive before next week in preparation for the class and performing primary.

NOT RESPONSIVE BIE

When processing commercial load in the please make sure to match the commodity with the trip.

When doing a paper I-275; please make a copy of the subject's documents and attach it to the I-275. Don't forget to record the event in



MEMORANDUM FOR :	EXECUTIVE DIRECTOR

NATIONAL TARGETING AND SECURITY

OFFICE OF FIELD OPERATIONS

FROM

Director, Field Operations

Tucson Field Office

SUBJECT

(b)(2) & (b)(7)(E)

System

(2) & (b)(7)(E)

and the CBP

(b)(2) & (b)(7)(E)

This memorandum is to inform you of recent enhancements to the database.

was developed at the Tucson Field Office to improve the tracking of persons of interest (POIs) and suspected terrorists. In June 2004 two members of my staff briefed your office regarding the unique features of Since that time, we have made significant advances in our ability to gather and disseminate intelligence on possible terrorists and persons of interest. These improvements include:

- The merger of POI and procedures.
- Tracking of preferrals. The incorporation of a comment section within allows CBP officers assigned to the local to update records. This provides for improved feedback between the Field Office and CBP Officers at the ports of entry.
- Creation of a "Level 1" interview form. This questionnaire serves as a guide to help CBP Officers conduct thorough field interviews of high-interest subjects, while ensuring persons who are deemed low-risk are processed as quickly as possible (see form, Level 1 Determination Interview).

During a recent 34-day test period the average Level 1 interview time was 15-20 minutes. (Note: Subjects from (b)(2) & (b)(7)(E) do not automatically undergo a Level 1 interview. Officers use their discretion to determine which individuals are interviewed, to address any suspicions of potential ties to terrorism).

 Creation of a "Level 2" form. When suspicions of potential terrorist ties remain after the completion a Level 1 interview, the continues the interview using this more in-depth questionnaire as a guide (see form, Level 2 Interview).

We welcome any input or suggestions you may have concerning these new forms and procedures. We are also pleased to learn of the development of a new system, the (b)(2) & (b)(7)(E) that will be used to track persons of interest and suspected terrorists on a national level. Since the Tucson Field Office has already volunteered to participate in the prototype of this new system, we invite you to send a member of your staff visit our office to discuss the recent enhancements to We believe that the procedures developed and tested here may prove beneficial if incorporated into the CBP (b)(2) & (b)(7)(E)

Thank you for your commitment to the development of the CBP (b)(2) & (b)(7)(E)
Please contact me at (520) 407-2325 if you have any additional questions.

/s/

(b)(6) & (b)(7)(C)

Attachments

000551 NOT RESPONSIVE Level 1 Determination Interview NOT RESPONSIVE LAST NAME______ FIRST _____ MIDDLE ____ DOB ____/___ AKA LAST NAME______ AKA FIRST___ Male/Female (M/F) _____ HT ____ WT ____ HR ____ EYES_____ NOT RESPONSIVE NOT RESPONSIVE

000552
NOT RESPONSIVE
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(b)(2) & (b)(7)(E)
Other Questions/Officer Remarks/Other Suntain Ot
Other Questions/Officer Remarks/Other System Checks (use reverse for additional space)
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NOT RESPONSIVE

Revised 12/10/04

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DCUMENTS (b)(2) & (b)(7)	FOUND? (If yes, please describe) Other Suggested Questions	/No
(2) & (b)(7)(E)	FOUND? (If yes, please describe)	/No
OCUMENTS (b)(2) & (b)(7)	FOUND? (If yes, please describe)	/No
DCUMENTS,(b)(2) & (b)(7)	(E) FOUND? (If yes, please describe)	/No
OCUMENTS (b)(2) & (b)(7)	(E) FOUND? (If yes, please describe)	No
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OCUMENTS (b)(2) & (b)(7)	(E) FOUND? (If yes, please describe)	No
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Other Questions/Officer Remarks				
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Customs & Border Protection

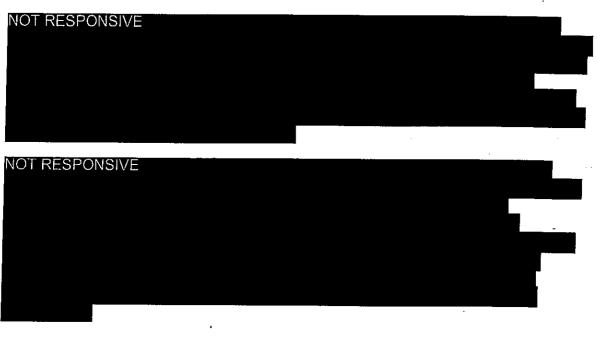


Tucson Field Office Counter-Terrorism Procedures

Official Use Only

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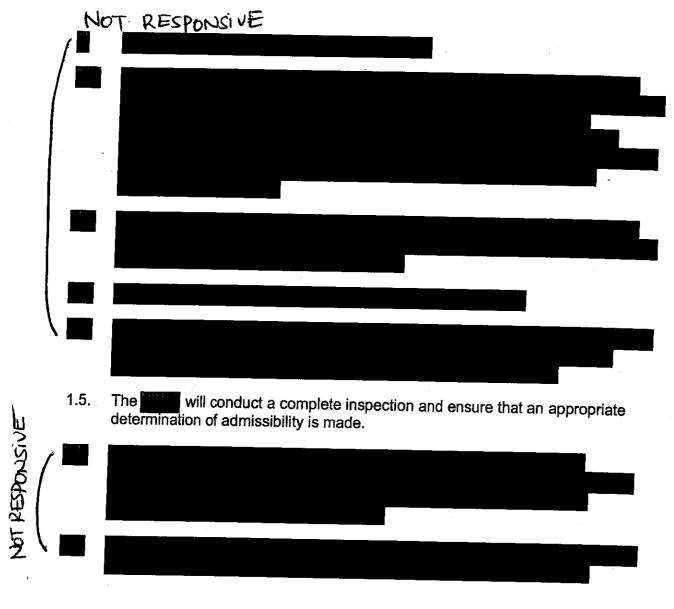
Customs and Border Protection has established a Counter-Terrorism program for responding to potential terrorists seeking entry into and exiting the United States as described in CBP Directive 3340-021A. In conjunction with CBP policy, the Tucson Field Office is establishing procedures effective immediately for responding to potential terrorists.

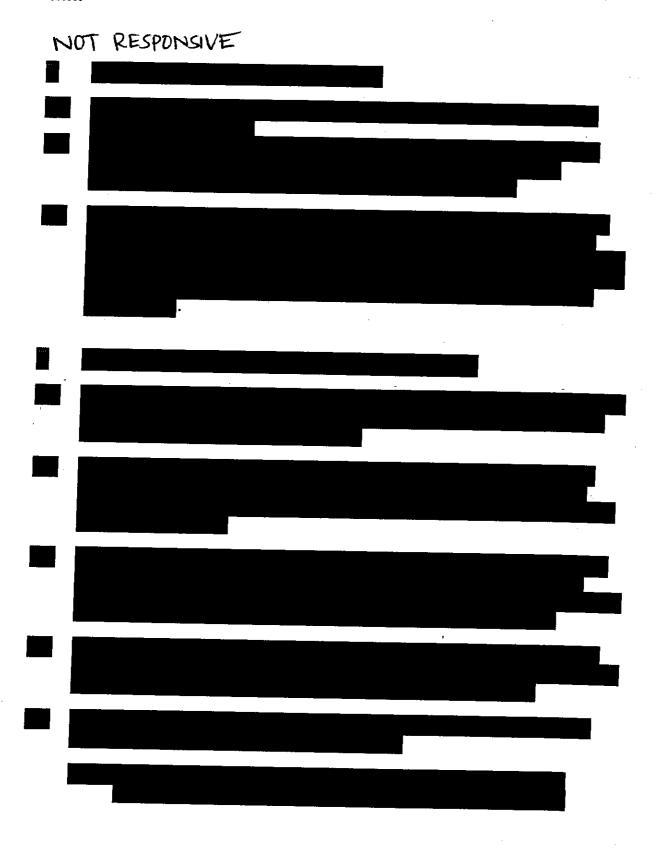


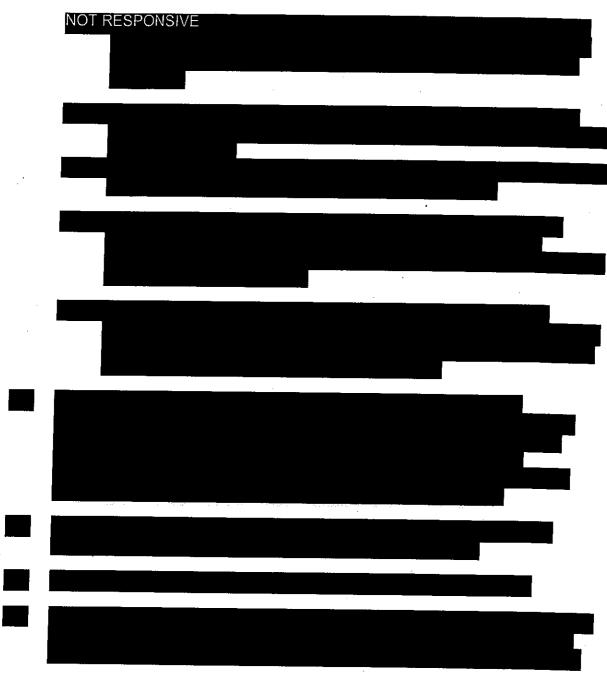
The consequence of making legal and appropriate admissibility determination cannot be over emphasized. The must scrutinize every aspect of admission for potential terrorists regardless of their status. The will fully cooperate with other Federal and State agencies, keeping in mind that the ultimate decision regarding admissibility rests with CBP. Further, it is CBP policy that where there is a belief, based on available information and CBP evaluation, that the individual could pose a threat, discretion should be exercised to deny admission if there is a legal basis to do so.

The will use proven techniques as well as develop innovative methods to conduct interviews and perform inspections of potential terrorists. The will develop a high level of expertise that will ultimately elevate the level of expertise for all CBP officers. While our primary objective is to prevent terrorists and weapons of terrorism from entering the U.S., the collection of information and developing intelligence is also vital to conducting effective Counter-Terrorism and Advance Targeting operations. Although counter-terrorism procedures will apply to potential terrorists, the persons of interest worksheet will be used to record information into the (b) (2)

To ensure that we accomplish our Counter-Terrorism strategies, CBP officers must clearly understand the objective of these procedures and know with certainty that an appropriate response to potential terrorists is paramount. Port Supervisors and Watch Commanders must be prepared to take positive control of potential terrorists and maintain positive control until they are taken into CBP custody, turned over to the appropriate law enforcement agency, or all appropriate means to deny entry to, and where possible, seek prosecution of, suspected terrorists seeking admission to the United States have been exhausted.

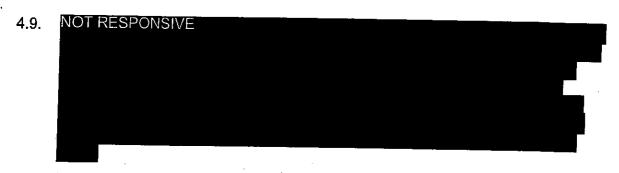




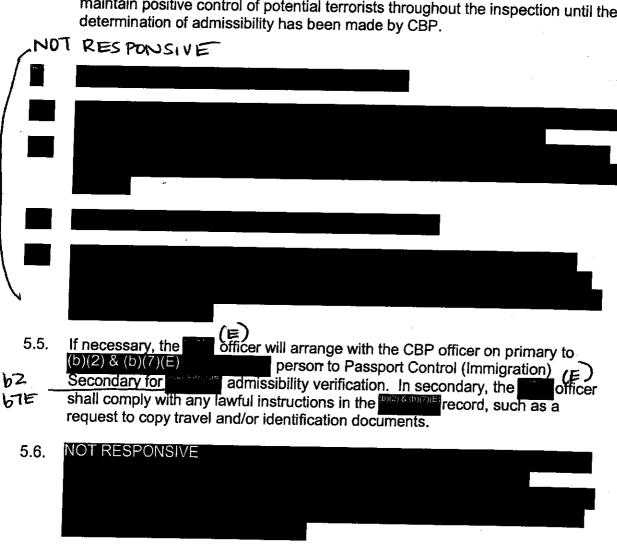


- 3.10. All identity and travel documents shall be held and provided to the
- 3.11. The will conduct an inspection as described in section 9. The must maintain positive control of potential terrorists throughout the inspection until the determination of admissibility has been made by CBP.

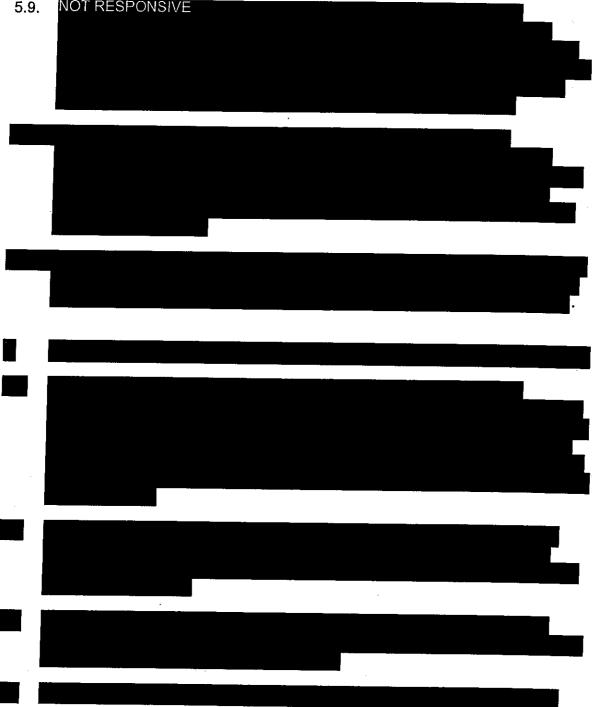
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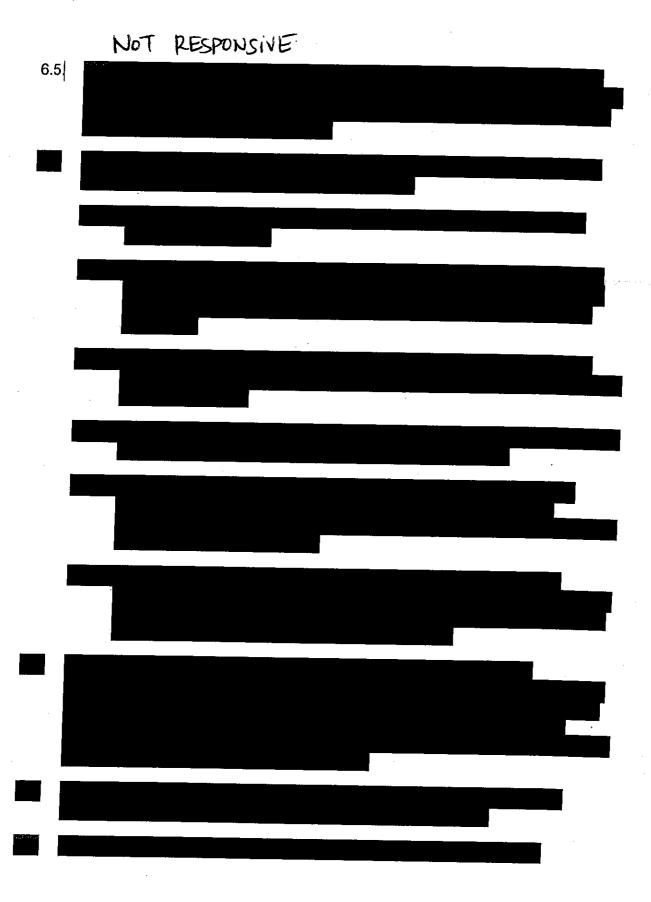


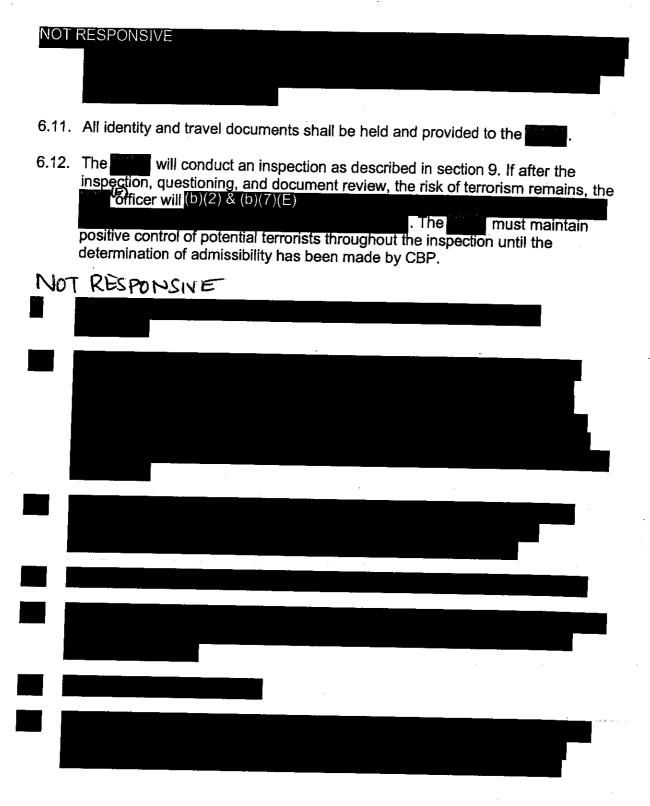
will conduct an inspection as described in section 9. The CTRF must maintain positive control of potential terrorists throughout the inspection until the



5.8. In secondary, the shall comply with any lawful instructions in the record, such as a request to copy travel and/or identification documents.
5.9. NOT RESPONSIVE

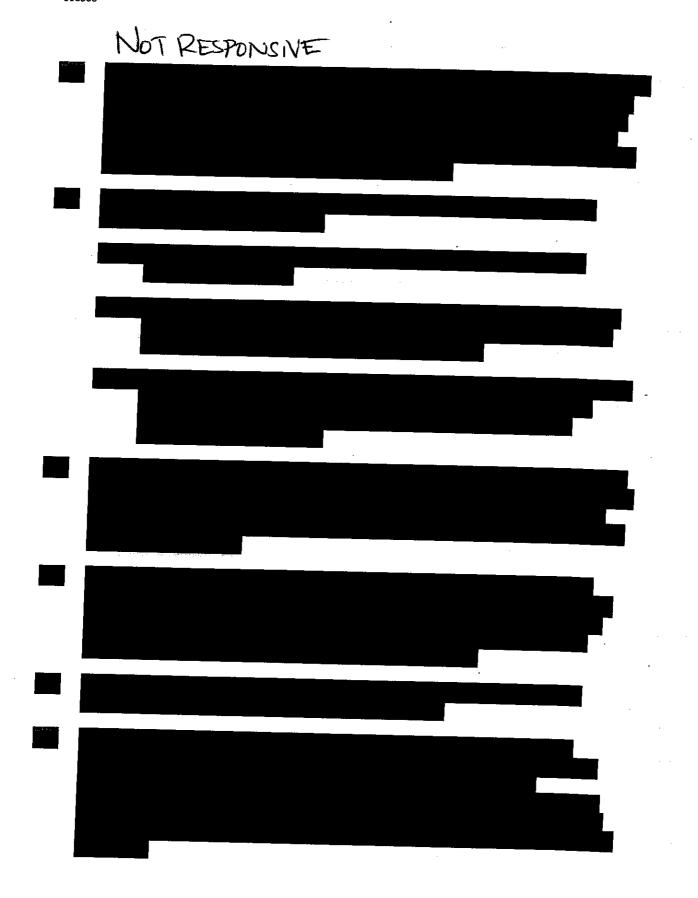




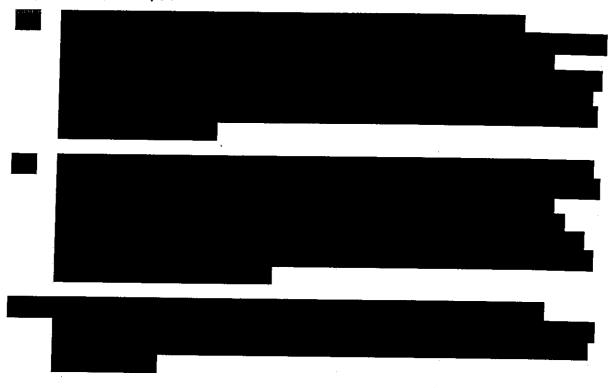


NOT RESPONSIVE 7.10. NOT RESPONSIVE 7.11. All identity and travel documents shall be held and provided to the NOT RESPONSIVE will conduct an inspection as described in section 9. If after the inspection, questioning, and document review, the risk of terrorism remains, the officer will (b)(2) & (b)(7)(E) . The must maintain positive control of potential terrorists throughout the inspection until the determination of admissibility has been made by CBP. 8. **Determination of Admissibility** CBP Supervisors and Officers are reminded that CBP policy provides that where there is a belief based on available information and CBP evaluation that the individual could pose a threat, discretion should be exercised to deny admission if there is a legal basis to do so. will be utilized to assist in

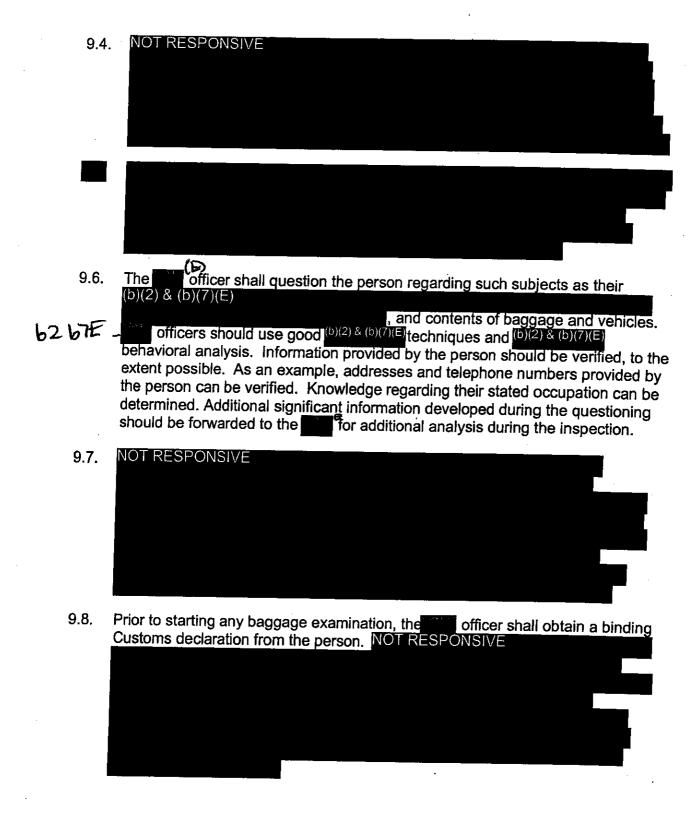
this endeavor.

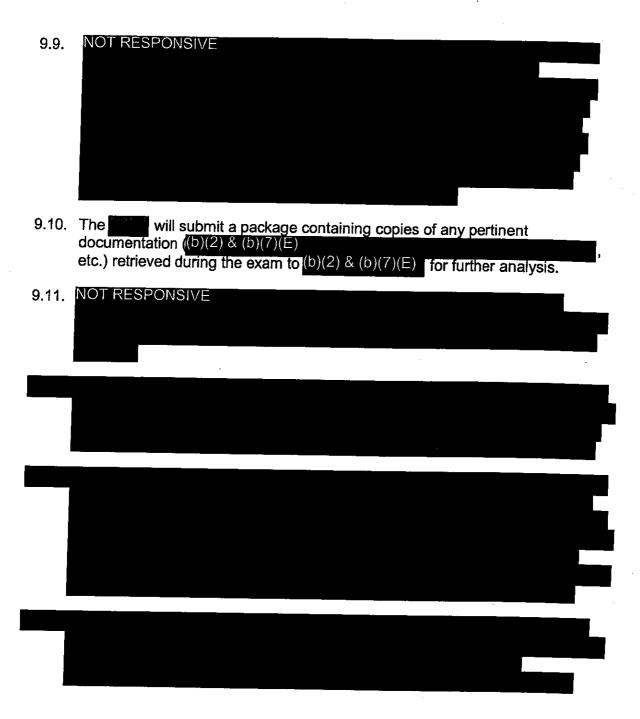


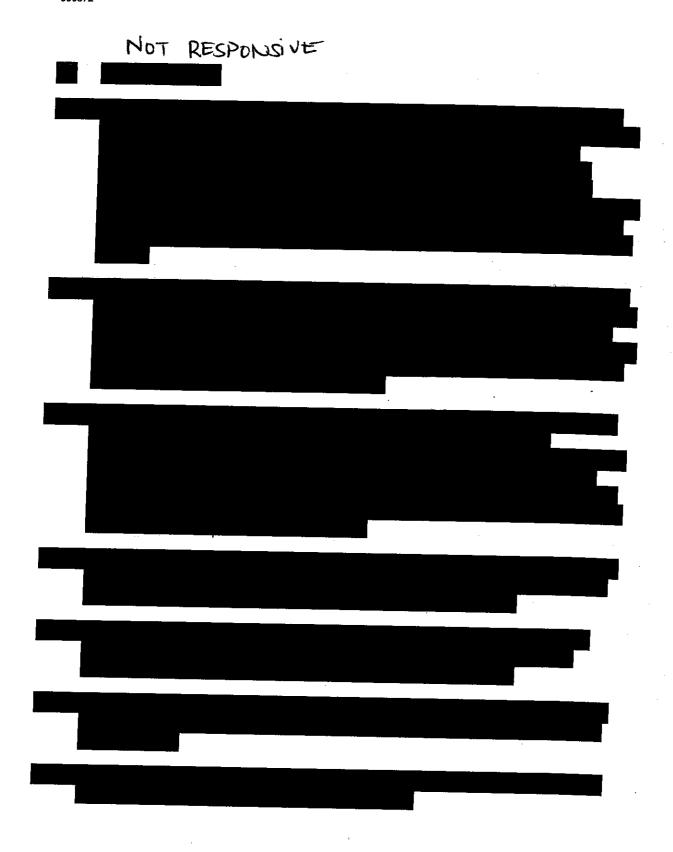
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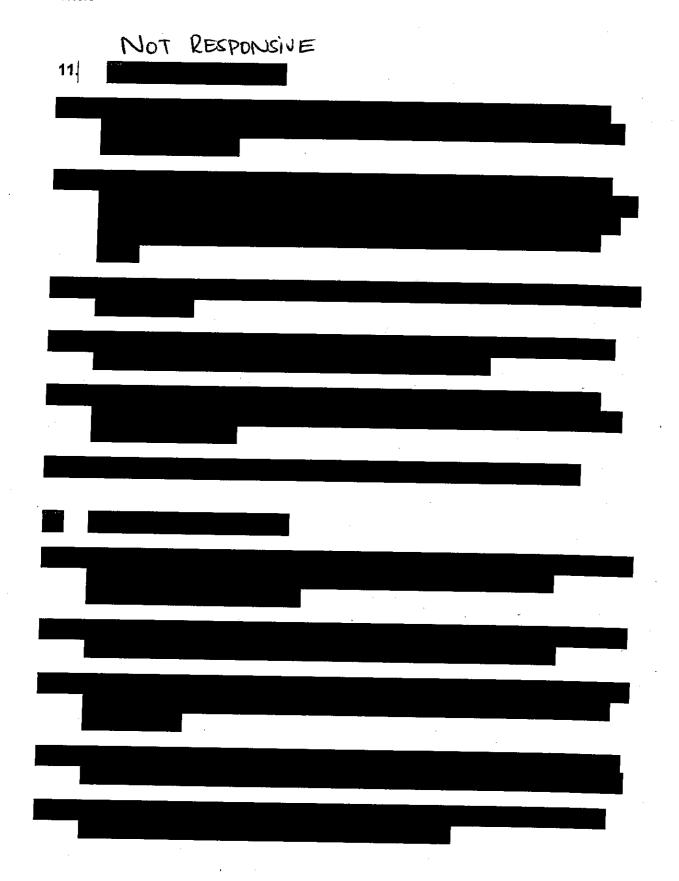


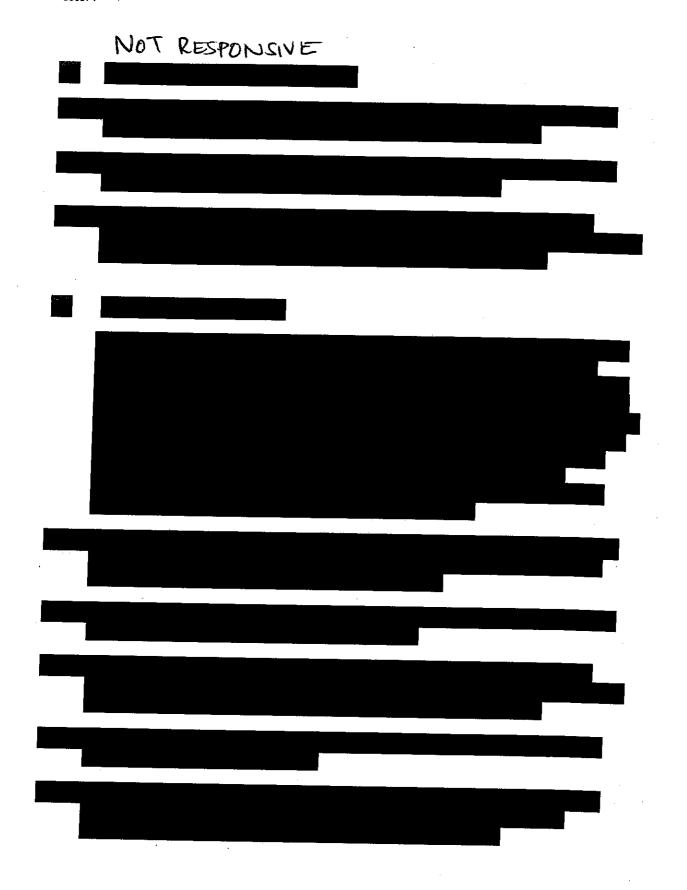
- (E) Officer Secondary Inspection Procedures. 9.
- The shall be responsible for the inspection, questioning, and processing of potential terrorists, (b)(2) & (b)(7)(E) persons confirmed as (b)(2) & (b)(7)(E) 9.1.
- 9.2. NOT RESPONSIVE NOT RESPONSIVE 9.3.

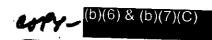












4740 N. Oracle Rd, Suite 310 Tucson, AZ 85705



JUN 7 2005

MEMORANDUM FOR:

ALL PORT DIRECTORS

TUCSON FIELD OFFICE

FROM

(b)(6) & (b)(7)(C) Director, Field Operations

Tucson Field Office

SUBJECT

Standard Operating Procedure for Processing

Terrorists

In the months following the 9/11 attacks, the Field Analysis Specialist Unit of the Tucson Field Office implemented procedures to refine the targeting and interviewing of Persons of Interest (POIs) and the collection of the data from those interviews in a These procedures were predicated on the reality that interviews were being conducted by any CBP officer in Secondary and that those Officers had little written guidance or formal training in targeting suspected terrorists or effectively interviewing them.

In the last year Headquarters has taken several very significant steps to correct these deficiencies. These include the publication of the Directive, the establishment of Teams at the Ports, the Requirement that Officers conduct the interviews of suspected terrorists and several excellent training courses focusing on targeting terrorists and effectively interviewing them.

Headquarters has advised us that they are in the process of creating a national database and suite of targeting tools. In the interim, they have instructed us to continue to use our local database as it will be a model for the national database.

However, the changes outlined above have necessitated that we publish a revised Standard Operating Procedure (SOP) and change some of the forms and procedures formerly being used, so that they are more in line with the revised national policy.

Effective immediately, POIs will be referred to as suspected terrorists and the attached SOP will be followed in conjunction with the Directive.

Please provide copies of the SOP to all CBP Supervisors and minimum. Please make it available to all other CBP Officers. Team Members at a

If you have any questions, please contact Supervisory Field Analysis Specialist

Attachment

Customs & Border Protection



Tucson Field Office Counter-Terrorism Procedures June 2005

Official Use Only

Background

Customs and Border Protection has established a Counter-Terrorism program, as described in CBP Directive 3340-021A. In conjunction with this CBP policy, the Tucson Field Office is establishing these procedures (effective immediately) to respond to suspected terrorists seeking entry into or exiting the United States.

The procedures described in this document <u>supercede</u> all previously issued guidance from the Tucson Field Office for responding to suspected terrorists (previously referenced as *Persons of Interest, POIs*). These mandatory procedures will be used when responding to all (b)(2) & (b)(7)(E) subjects, entering or exiting the Subjects, with possible links to terrorism. The POI questionnaires (i.e. Level 1 & 2 interview forms) shall be replaced by a revised Worksheet/Checklist (*See Appendix*) to be utilized in conjunction with the above Headquarters Directive when conducting a secondary inspection of an individual believed to have possible involvement in terrorism.

The Counter-Terrorism Program cotchill	(h)(2) 9 (h)(7)(E)
NOT RESPONSIVE	

The Counter-Terrorism Program establishes a (b)(2) & (b)(7)(E) at each port of entry to prevent the entry of suspected terrorists and implements of terrorism. The must scrutinize every aspect of admission for suspected terrorists regardless of their status. The will fully cooperate with other Federal and State agencies, keeping in mind that the ultimate decision regarding admissibility rests with CBP.

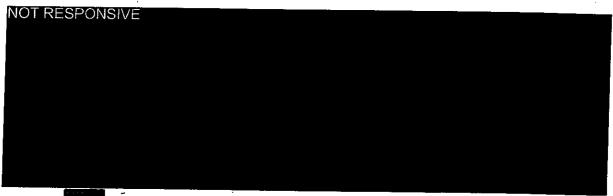
Further, it is CBP policy that where there is a belief, based on available information and CBP evaluation, that the individual could pose a threat, discretion should be exercised to deny admission if there is a legal basis to do so. Port Watch Commanders and Supervisors must be prepared to take positive control of suspected terrorists and maintain positive control until they are arrested or turned over to the appropriate law enforcement agency.

The shall be responsible for the inspection, questioning, and processing, of persons, suspected terrorists, and any traveling companies. When the persons is a suspected terrorist and any traveling companies.

The shall engage in a vigorous interview and thoroughly question the person regarding(b)(2) & (b)(7)(E) (b)(2) & (b)(7)(E) (b)(2) & (b)(7)(E) (c)(2) & (c)(7)(E) (c)(7

Worksheet/Checklist: Integration with CBP Directive &

Primary officers will refer suspected terrorists to secondary, based upon responses to fundamental inspectional questions (e.g. (b)(2) & (b)(7)(E)
 etc.).



- The Worksheet/Checklist is to be used as a guide, to ensure all necessary information is gathered.
- The Officer shall record the interview start time and note whether the subject is applying for admission to (inbound) or leaving (outbound) the United States.
- The following additional actions must be taken:
 - o Photos/documents and (b)(2) & (b)(7)(E) must be scanned for upload into(b) (2)
 - o (b) (2) must be checked for subjects at airports.

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NOT RESPONSIVE		
• The will also fax to the a package containing copies of any	pertinent	
documentation ((b)(2) & (b)(7)(E) (b)(2) & (b)(7)(E) etc.) as soon as possible following a inspection.	1	

Appendix

Activity Log#		(Last, First	's Name: t. & Middle	1
	Time Start	Inbound	Officer	
Date	Time Stop	Outbound	- Name:	
Subject Information (Check as you verify eac	h piece of inform	etion)	
Date of Birth	Employer & O	ccupation		Document Information Country of Birth/Citizenship/Residence
(h)(2) & (b)(Z)(E	Name and DO	8 of Spouse (if		Social of Britis Clazens ripor estience
Record #	applicable)	: -		immigration Status: Non-immgt
	AKAs	ĺ		USC USC NAT I LPR I
light Number	(b)(2) & (b	YZYE)		Dual ☐ Refugee ☐ Asylee ☐
Reason for Travel				If naturalized, when & where
	Cash on Hand	- 1		If dual (what countries)
o)(2) & (b)(7)(E)	Financial suppo or within United	ort from abroad States		Passport Nbr / Passport Issuance Dale / Issuing Columbry
ravel hinerary				Visa#/Classification
cket Cost & Form of syment	FBI#	·		Visa issuance Date/Country
rigination/Destination Idress	Contact telepho	ne numbers		Social Security Number
	Cell-number (if a	ppicable)		A-Number -
hicle information		· ·	Pos Neg	Maxican Permit (if applicable)
hicle Descrip. (Make, del, Year, Color)	(b)(2) & (b)(7)(E)		Observations
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te Number				
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ntal Agreemant (if licable)				
er's License # &		-	.3	•
e			··	
	intensive inspecti	•		Disposition: Links to terrorism confirmed or
R	baggage, if applicable): Yes 🗆 No			suspicions remain? Yes 🗆 No 🗆
	Vehicle inspection	wiradiation dete	ctor	Admitted UVIthdrew app for admission []
	devices: Yes 🗆 I			ER D NTA D Other D
ications (Run all nece	ssary queries first - e.g.,	(b)(2) & (b)(7)	7)(E) _{e(C)}	
2) & (b)(7)(E)	Р	OC Name:		Time:
	P	OC Name:		Time:
	P	OC Name:		Time:
	PO	OC Name:	<u> </u>	Time:
	PO	OC Name;		Time:
		C Name:		Time:

Note: Attach copies of relevant sife is attached portion of pulser

2.9 Dealing with Attorneys and Other Representatives.

No applicant for admission, either during primary or secondary inspection has a right to be represented by an attorney - unless the applicant has become the focus of a criminal investigation and has been taken into custody. An attorney who attempts to impede in any way your inspection should be courteously advised of this regulation. This does not preclude you, as an inspecting officer, to permit a relative, friend, or representative access to the inspectional area to provide assistance when the situation warrants such action. A more comprehensive treatment of this topic is contained in the *Adjudicator's Field Manual*, Chapter 12, and 8 CFR 292.5(b).

17.15 Expedited Removal

(b) Preparing a case. The expedited removal proceedings give officers a great deal of authority over removal of aliens and will remain subject to serious scrutiny by the public, advocate groups, and Congress. All officers should be especially careful to exercise objectivity and professionalism when processing aliens under this provision. Because of the sensitivity of the program and the potential consequences of a summary removal, you must take special care to ensure that the basic rights of all aliens are preserved, and that aliens who fear removal from the United States are given every opportunity to express any concerns at any point during the process. This includes conducting interviews in an area that affords sufficient privacy, whenever feasible. Since a removal order under this process is subject to very limited review, you must be absolutely certain that all required procedures have been adhered to and that the alien has understood the proceedings against him or her.

The steps to be taken in the expedited removal proceedings differ somewhat from those in which an alien is referred for a removal hearing before an immigration judge. It is important that a complete, accurate record of removal be created, and that any expedited removal be justifiable and non-arbitrary. The following steps must be taken in each case in which an order of expedited removal is contemplated or entered against an alien:

(1) <u>Use of Form I-867A&B</u>. Clearly explain to the alien, in a language he or she understands, the serious nature and impact of the expedited removal process, as noted on the Form I-867A&B. Officers must use an interpreter, when needed, to assist in the expedited removal process. Refer to **Chapter 17.18** for Guidance on the Use of Interpreters and Interpreter Services.

Read the statement of rights and consequences contained on the first page of Form I-867A, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act, to the alien. Explain that you will be taking a statement from him or her, and that any information given or discovered will be used in making a decision on the case and may result in his or her prompt removal. Advise the alien that if he or she is found to be inadmissible and a decision is made to order the alien removed, he or she will be immediately removed from the United States. Explain that there is no appeal to this decision and explain that this will be his or her only opportunity to provide any information or state any fear of return or removal that he or she may have.

In every expedited removal case, you must use the Form I-867A&B to take a complete sworn statement from the alien concerning all pertinent facts. If the case did not initially appear to involve inadmissibility and removal under the expedited removal proceedings, and the sworn statement was begun using other forms, you must immediately advise the alien of the rights and warnings on Form I-867A once you determine that the expedited removal proceedings will apply. The officer shall note either on the Forms I-867A&B or in a memorandum,

explaining why those other forms are included.

The sworn statement will be done in question and answer format. Form I-831, Continuation Sheet, or a blank page may be used for the body of the statement. The sworn statement must cover several general areas of inquiry:

- Identity include true name, aliases, date and place of birth and other biographical data.
- Alienage determine citizenship, nationality, and residence. Cover any possible claim to U.S. citizenship through parents.
- Inadmissibility questions should cover the alien's reason for coming to the United States, information about the specific facts of the case and the specific suspected grounds of inadmissibility.
- Fear of persecution or torture if the alien indicates in any fashion or at any time during the inspections process, that he or she has a fear of persecution, or that he or she has suffered or may suffer torture, you are required to refer the alien to an asylum officer for a credible fear determination. One of the significant differences between expedited removal proceedings and regular removal proceedings is that the inspecting officer has a responsibility to ensure that anyone who indicates a fear of persecution or intent to apply for asylum in the United States is referred to an asylum officer for a credible fear determination. Inspectors should consider verbal as well as non-verbal cues given by the alien. The obligatory questions on the Form I-867B are designed to help in determining whether the alien has such fear. Ask the questions as they appear on the Form I-867B at the end of the sworn statement. If the alien indicates an intention to apply for asylum or a fear of harm or concern about returning home, or makes any such statements or comments at any time during the inspections process, the inspector may ask a few additional follow-up questions to ascertain the general nature of the fear or concern. Any comments of concern made by the applicant must be recorded in the sworn statement, including any indications made by the alien prior to the secondary interview.

Do **not** ask detailed questions on the nature of the alien's fear of persecution or torture: leave that for the asylum officer. In determining whether to refer the alien, inspectors should not make eligibility determinations or weigh the strength of the claims, nor should they make credibility determinations concerning the alien's statements. The inspector should err on the side of caution, apply the criteria generously, and refer to the asylum officer any questionable cases, including cases that might raise a question about whether the alien faces persecution or torture. Do not make any evaluation as to the merits of such fear; that is the responsibility of the asylum officer. Officers processing aliens for expedited removal may contact the Asylum office point(s) of contact when necessary to obtain guidance on whether to refer questionable cases involving an expression of fear or a potential asylum

claim. See paragraph (d) of this chapter for more detailed information regarding credible fear referrals.

• Impact of decision - once you have gathered all the facts, you will decide, in consultation with a supervisor, the best course of action. Depending on the circumstances, you may admit the alien, allow the alien to apply for any applicable waivers, defer the inspection or otherwise parole the alien, permit the alien to withdraw his or her application for admission, issue an expedited removal order, or refer the alien for a credible fear determination. Whatever decision is made, clearly advise the alien of the impact and consequences of the determination and record this in the sworn statement.

You must use the Form I-867B as the final page of the sworn statement and jurat. Be sure to obtain responses from the alien regarding the mandatory closing questions contained on the form. If the alien in any way indicates a fear of removal or return, follow the procedures in paragraph (d) of this section. Collect any additional evidence relevant to the case that is discovered during the inspections process.

After the sworn statement is completed, have the alien read the statement, or have it read to him or her in a language the alien understands. Use an interpreter if necessary. Make any necessary corrections or additions. Have the alien initial each page and each correction. Provide a copy of the completed statement, upon signature, to the alien. Retain a copy for the A file and a copy for the port file, if one is created

If at any time you feel that an amendment to the initial sworn statement is needed, you may complete a second sworn statement during the inspections process. An incident may also take place after you have completed the initial sworn statement, but before the alien is removed from the United States, where a second sworn statement may be helpful. Ask the alien enough questions under oath to address all concerns that may have arisen during the process.

The statement must be signed by the alien and by the officer taking the statement, as well as by a witness. An alien cannot avoid expedited removal by refusing to sign the statement or answer the questions. If the alien will not sign, write "Subject refused to sign" on the signature line. If the alien will not answer any questions, take a skeleton sworn statement, listing all pertinent questions, and writing after each "Subject refused to answer". An expedited removal order may still be issued, provided the removal is otherwise substantiated (e.g., if the alien presented a fraudulent document), and is not dependent solely on the alien's statements.

CUSTOMS AND BORDER PROTECTION DIRECTIVE

ORIGINATING OFFICE: HRM:ER

DISTRIBUTION: SL-01

CBP DIRECTIVE NO. 51735-013

DATE: JUNE 21, 2004

SUPERSEDES:

REVIEW DATE: JUNE 2007

SUBJECT: STANDARDS OF CONDUCT

- 1. PURPOSE. This directive establishes the U.S. Customs and Border Protection (CBP) policy on the ethical conduct and responsibilities of employees.
- 2. SCOPE. This CBP directive applies to all personnel employed by or detailed to all CBP organizational elements.
- 3. AUTHORITIES. This directive is governed by and supplements the following authorities:
- 3.1 Executive Order (E.O.) 12674, Principles of Ethical Conduct for Government Officers and Employees.
- 3.2 Department of Homeland Security (DHS) Management Directive System MD Number 0480.1, Standards of Conduct.
- 3.3 Title 5 Code of Federal Regulation (CFR) Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.
- 3.4 Title 5 CFR Part 735, Employee Responsibilities and Conduct.
- 4. INTRODUCTION.
- 4.1 In fulfilling its mission, CBP and its employees must sustain the trust and confidence of the public they serve. All employees must maintain high standards of honesty, impartiality, character, and conduct to ensure the proper performance of government business and the continued trust and confidence of the public. The conduct of CBP employees must reflect the qualities of integrity and loyalty to the United States; a sense of responsibility for the public trust; courtesy and promptness in dealing with and serving the public; and a standard of personal behavior that reflects positively upon, and will be a credit to, both CBP and its employees.
- 4.2 Certain conduct, on or off duty, may subject an employee to appropriate disciplinary action whether or not such conduct is specifically addressed in these standards, the standards listed above under Authorities, or in related statutes or

regulations. Employees will be held accountable for their actions, and will be subject to appropriate disciplinary action when their conduct:

- Fails to conform to these standards or related statutes and regulations.
- Raises the presumption of a connection between the conduct and the efficiency
 of the service because of the nature and gravity of the conduct (e.g., criminal
 conduct).
- Directly and negatively impacts the job performance of an employee or his/her co-workers, or management's trust and confidence in an employee's job performance.
- Adversely affects or interferes with CBP's accomplishment of its mission.
- 5. EMPLOYEE RESPONSIBILITIES.
- 5.1 Every CBP employee is required to: (1) know the Standards of Conduct and their application to his or her behavior; (2) seek information from his or her supervisor if unsure of the application of the Standards of Conduct; (3) adhere to the Standards of Conduct; and (4) be aware of the consequences of violation of the Standards of Conduct, and of applicable statutes, regulations and rules regarding conduct.
- 6. STANDARDS OF CONDUCT.
- 6.1 CONDUCT PREJUDICIAL TO THE GOVERNMENT. Employees shall not engage, on or off duty, in criminal, infamous, dishonest, or notoriously disgraceful conduct, or any other conduct prejudicial to the government.
- 6.2 PROHIBITED ACTIONS. Employees will avoid any action, whether or not specifically prohibited by these Standards of Conduct, which might result in, or reasonably create the appearance of:
 - Using public service for private gain.
 - Giving preferential treatment to a private organization or individual in connection. with official government duties and/or responsibilities.
 - Impeding government efficiency or economy.
 - Engaging in activities which conflict with official government duties and/or responsibilities.
- 6.3 INTEGRITY-RELATED MISCONDUCT. Integrity is essential to the effective functioning of CBP. Only by each and every employee maintaining the highest standards of integrity and professionalism can CBP keep the public trust and confidence that are critical to our ability to perform our law enforcement, homeland security and other missions.
- 6.3.1 Employees will neither agree to nor directly or indirectly solicit or accept money or any thing of value for or because of any official act or duties performed by them or for the failure to perform any official act or duties.

- 6.3.2 In addition to other responsibilities to report misconduct, employees shall promptly report any offer of money or anything of value.
- 6.3.3 Employees shall not take any official act, or fail to do so, for personal benefit or gain to the employee or members of the employees' family.
- 6.3.4 Employees will not use the authority of their position in any way that might result in adversely affecting public confidence in the integrity of CBP and of the government.
- 6.3.5 Employees will not use any CBP identification in a manner which may reasonably give the perception that they are using the identification for personal benefit, attempting to exert undue influence, or to obtain, directly or indirectly, a favor, reward, or preferential treatment for themselves or others, or to improperly enhance their own image.
- 6.3.6 Inappropriate Association. Employees will not, except as may be necessary in connection with official assignments or duties, associate with individuals or groups who are believed or known to be connected with criminal activities. This limitation on association covers any social, sexual, financial, or business relationship with a source of information, a suspected or known criminal, or an illegal alien, subject to being removed from the United States of America.

6.4 FALSE STATEMENTS.

- 6.4.1 Employees will not make false, misleading, incomplete, or ambiguous statements, whether oral or written, in connection with any matter of official interest.
- 6.4.2 When directed by competent authority, employees must truthfully and fully testify, provide information, or respond to questions (under oath when required) concerning matters of official interest that are being pursued administratively.
- 6.5 DISCLOSURE AND SAFEGUARDING OF OFFICIAL INFORMATION.
- 6.5.1 Employees will not disclose official information without proper authority. Examples of official information include information that is protected from disclosure by statute, Executive Order or regulation; proprietary business information; and sensitive information retrieved from CBP automated systems. Even information not within these categories may constitute official information for purposes of this section. Official information includes any information that an employee acquires by reason of CBP employment, that he or she knows, or reasonably should know, has not been made available to the general public.
- 6.5.2 CBP utilizes automated systems that are considered "sensitive but unclassified." These systems include the Treasury Enforcement Communications System, Automated Commercial Environment, Automated Commercial System, the

National Criminal Information Center, National Automated Immigration Lookout System, as well as others. They contain, for example, financial, law enforcement, tradesensitive, and counter narcotics information. Employees must safeguard all sensitive information against unauthorized disclosure, alteration, or loss. Unauthorized accessing of these systems, including "browsing" (querying the systems for information for other than official reasons) is also prohibited.

- 6.5.3 Employees will not access, conceal, alter, remove, mutilate, or destroy documents or data in the custody of CBP or the Federal Government without proper authority. Employees are required to care for and conserve such documents according to federal law and CBP policy. When leaving CBP, employees are responsible for adhering to DHS and CBP standards governing the removal of official papers from the agency.
- 6.6 USE OF CONTROLLED SUBSTANCES.
- 6.6.1 CBP is charged with the responsibility for interdicting illegal drugs that are being brought into the United States. Therefore, users of illegal drugs will not be selected for employment in CBP, and removal action will be initiated with respect to any CBP employee who is found to use, possess, sell, or distribute illegal drugs.
- 6.7 GENERAL CONDUCT.
- 6.7.1 Employees will be appropriately dressed for their workplace, business contacts, and duties. All employees will be properly groomed. Unless otherwise authorized, uniformed employees will report for duty and remain in the uniform authorized for their work location and duties.
- 6.7.2 Employees are expected to perform their duties to the government and the public conscientiously, respond readily to the lawful direction of their supervisors, and follow agency policies and procedures.
- 6.7.3 Employees will be professional in their contact with members of the public and co-workers. "Professional" for the purposes of this provision, means being polite, respectful, and considerate. This requirement to be professional must be adhered to even under difficult conditions, in times of personal stress, and in the face of provocation so long as it does not compromise employee safety or impede the performance of official duties.
- 6.7.4 Employees must observe designated duty hours and be punctual in reporting for work, including overtime assignments, and in returning from lunch and breaks.
- 6.7.5 Employees will use official duty time to perform official duties.
- 6.7.6 Employees assigned to inspectional, border protection, or other enforcement

duties will not leave their assigned posts until properly relieved or otherwise authorized to depart.

- 6.7.7 Leave is to be used in accordance with its intended purpose and must be approved in advance whenever possible in accordance with local requirements.
- 6.7.8 CBP does not tolerate violence in the workplace. Therefore, employees will not participate in, or condone activities that involve violence in the workplace. Such violence includes communicating a direct or indirect threat of physical, mental, or emotional harm. Threats can take the form of written or verbal statements, stalking activity, and facial expressions or physical gestures. This would not preclude the use of force in accordance with agency policies regulating its use in the conduct of law enforcement activities.
- 6.8 CARE OF MONEY AND PROPERTY.
- 6.8.1 Employees who have access to, receive, or come into possession, custody or control of property, money, or other items of value belonging to the agency shall follow established procedures, or use standards of care that are reasonable under the circumstances, when they account for, conserve, protect, or dispose of such property, money, or items of value.
- 6.8.2 Employees must promptly report to their supervisors any loss, misplacement, theft, damage, or destruction of property, money, or other items of value belonging to the agency.
- 6.8.3 Upon separation, transfer, or reassignment, or on demand from the proper authority, employees will return all government-owned or leased property or items of value issued to them for use in carrying out their official duties.
- 6.9 USE OF GOVERNMENT PROPERTY OR OTHER RESOURCES.
- 6.9.1 Office Equipment and Computers.
- 6.9.1.1 Generally, CBP employees may use government office equipment for authorized purposes only. However, limited personal use of government office equipment by employees during non-work time is considered to be an "authorized use" of government property if such use involves only minimal additional expense to CBP and does not: adversely affect the performance of official duties; interfere with the mission or operations of CBP; overburden any CBP information resources; or violate any standard of conduct herein. The privilege to use government-owned office equipment for personal purposes may be revoked or limited by the employee's supervisor or other authorized official.
- 6.9.1.2 The use of government computers or other equipment to access, view, store, or transmit sexually explicit material is prohibited.

- 6.9.1.3 Employees will use only CBP authorized software on CBP computers. All software use must comply with copyright laws and/or license agreements. Employees will adhere to security policy and procedures regarding the use and protection of their computer identification and passwords.
- 6.9.1.4 Employees shall not use government documents for private or unofficial purposes, circulate them to audiences for which they were not intended, or in any way alter the intended distribution of such documents with respect to their limited organizational or other application. CBP employees may not use postage-paid official envelopes or letterhead for personal purposes.
- 6.9.2 Government-sponsored Credit Cards.
- 6.9.2.1 Employees shall safeguard government-sponsored credit cards under their care, including travel cards, phone cards, fleet cards, and purchase cards, and will promptly report the loss of such cards to their supervisors and to the issuing company. As cardholders, employees are responsible for using the credit card strictly in accordance with both the government requirements and those of the financial institution issuing the card.
- 6.2.2.2 Government-sponsored travel (credit) cards may be used only for official travel and official travel-related expenses away from an employee's official duty station and may not be used for personal purposes. Only the employee whose name appears on the credit card may use the card. An employee who holds a government-sponsored travel card must pay all valid charges appearing on the credit card statement in full when due each month.
- 6.9.2.3 Fleet cards will be used only to pay for authorized goods and services for government-owned vehicles (GOVs).
- 6.9.2.4 Purchase cards will be used only for authorized goods and services for CBP. When planning and making purchases, purchase cardholders are required to comply with officially designated mandatory sources of supply and funding limitations of their cards. Cardholders are responsible for being cognizant of the rules, policies, and procedures regarding the use of their cards and will not circumvent or disregard those rules, policies or procedures (e.g., split-purchases, etc.). Cardholders are required to consult with a warranted contracting officer or the appropriate program official, when any question arises about a potential source for purchase of a service or supply.
- 6.9.3 Government Identification.
- 6.9.3.1 Badges, credentials, and identification cards are to be used by CBP employees only for official purposes. Employees will promptly report the loss of any badges, credentials, and/or identification cards to their supervisor.