



**One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

February 24, 2017

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Kevin K. McAleenan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave. NW
Washington, DC 20229

Dear Acting Director Homan and Acting Commissioner McAleenan:

I am writing about an incident involving your agencies that occurred at John F. Kennedy (JFK) International Airport on February 22nd, 2017.

It is my understanding that an individual with a final order of removal was scheduled to be on a flight from San Francisco (SFO) to JFK, where he was subsequently to board a flight departing the United States. According to a statement on the matter issued by U.S. Immigration and Customs Enforcement (ICE), ICE officers were en route to meet the individual upon arrival at JFK to ensure that he did not disembark unaccompanied.

For a reason that is not specified in the statement, ICE requested the assistance of U.S. Customs and Border Protection (CBP) to check the flight for the individual upon its arrival at JFK. According to media reports, CBP officers boarded the flight and, while standing in the jet bridge, required all passengers to show government-issued identification before disembarking the aircraft. It is my understanding that the individual in question was not found, because ICE had not actually placed the individual on the flight in San Francisco.

While I certainly understand that ICE would want to ensure that such an individual does not disembark a flight unaccompanied, the way this particular incident was handled raises serious concerns. It is troubling that ICE officers in New York were apparently unaware that ICE officers

in San Francisco had not placed the individual, who had a final order of removal, on the plane in San Francisco. This kind of miscommunication could have serious consequences.

It is also troubling that CBP officers called to assist apparently chose to require passengers, including U.S. citizens, to produce identification before disembarking, rather than confirming whether the individual was on the flight either by visual inspection, checking the passenger manifest, or confirming with ICE that the individual was aboard. The name, date of birth, and photograph of the individual in question should have been available to CBP, and the Department of Homeland Security and the airline would have had the passenger manifest.

Accordingly, pursuant to Rule X and Rule XI of the House of Representatives, please respond to the following questions in writing by March 10, 2017.

- If ICE personnel in San Francisco did not place the individual in question on the flight in San Francisco, why were ICE personnel going to meet the flight upon its arrival at JFK?
- Why was CBP asked to assist? Who made that request?
- How often does ICE request assistance from CBP in cases like this?
- Does the individual in question have a criminal record?
- Why was he not placed on the flight?
- Why did CBP personnel require passengers, including U.S. citizens, to provide identification prior to disembarking a domestic flight? What legal authority does CBP have for doing so?

If you have any questions about this request, please contact Hope Goins of my staff at 202 226-2616. Thank you for your attention to this matter.

Sincerely,



BENNIE G. THOMPSON
Ranking Member

cc: The Honorable John F. Kelly, Secretary, Department of Homeland Security