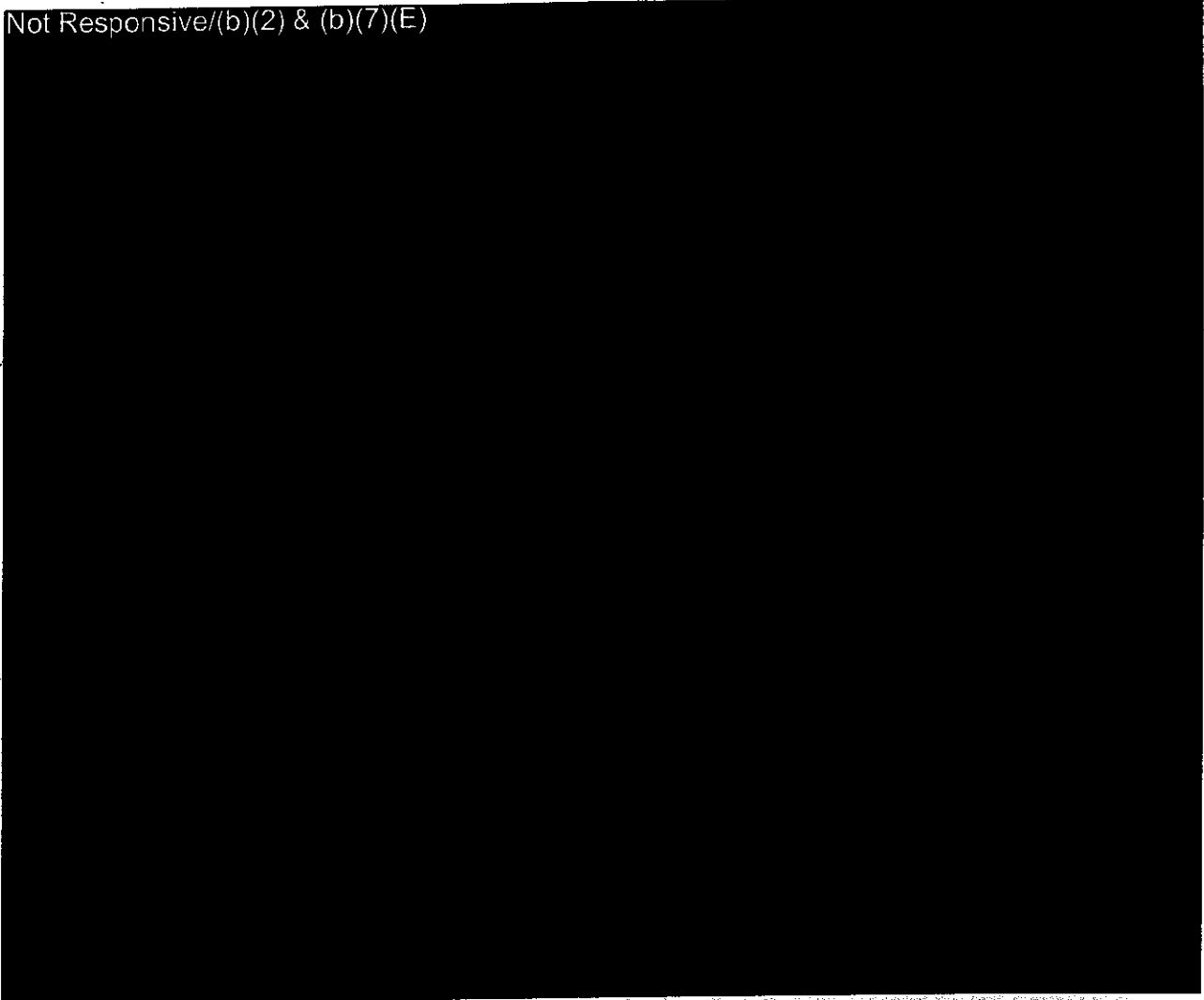
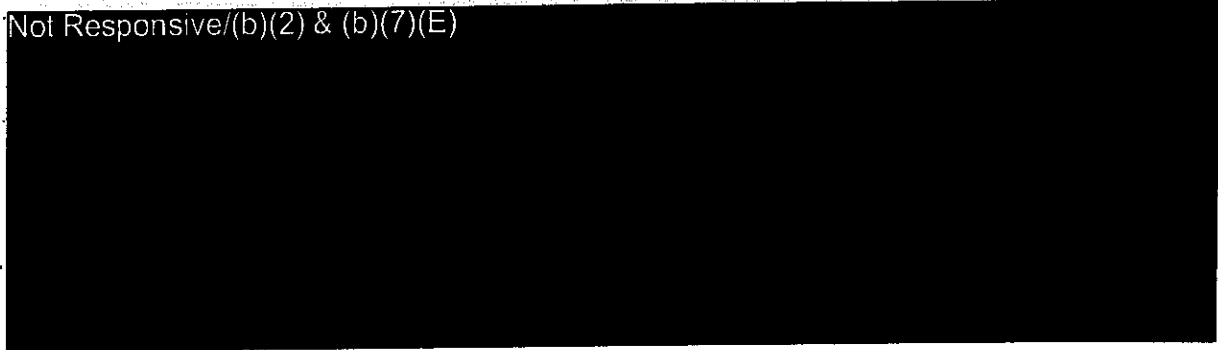


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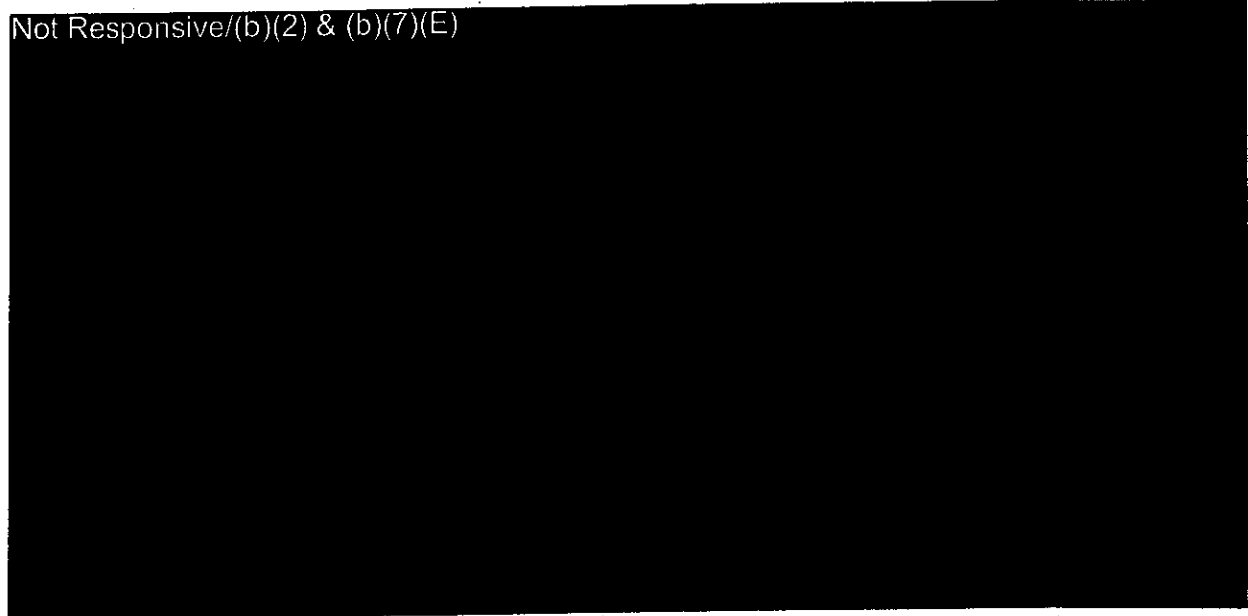


8 DURATION OF DETENTION.

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9 OFFICER SAFETY.

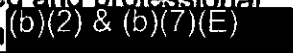
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10 SEARCH PROCEDURES.

10.1 Searches may, under certain conditions, be necessary to meet enforcement and/or security, or safety concerns. Under section 287(c) of the INA, officers have the authority to conduct a search of the person and personal effects of a passenger seeking admission if the officer has reason to suspect that the search may disclose evidence that would render the applicant inadmissible. All searches of detainees in CBP custody shall be conducted in a manner that is safe, secure, humane, dignified and professional.

Note: Officers conducting personal searches will be allowed to retain (b)(2) & (b)(7)(E)



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



10.2 Pat down searches shall be conducted in designated search rooms that have been specifically designed and equipped for such purposes. Pat down searches of passengers at the Passport Control hard secondary located at FIS-South shall be

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

10.3 All officers are to be aware of and comply with the enforcement standard on body searches and the CBP Personal Search Policy. Below are some of the policy guidelines and procedures for searches conducted at the Miami International Airport during the time of entry of a traveler for admission.

10.3.1 If a person is temporarily detained by CBP and must be placed in a secure area, CBP officers shall conduct a patdown in accordance with the guidelines established in Chapters 2 and 3 of the Personal Search Handbook and Chapter 43 of the Enforcement Handbook.

10.3.2 When a person has undergone a personal search in accordance with this SOP, the search shall be recorded in the appropriate (b)(2) & (b)(7)(E) record using the *Reason for Search* code (b)(2) & (b)(7)(E)

10.3.3 This SOP does not supersede the authority of a CBP Officer to conduct an immediate patdown or to secure a weapon if an officer suspects that a person may be armed.

10.3.4 This SOP does not supersede the authority of a CBP officer to conduct a lawful search incident to an arrest.

10.3.5 If an officer reasonably suspects merchandise or contraband is present as a result of the patdown search pursuant to paragraph 7.1, the CBP officer may conduct a more intrusive search to confirm or dispel suspicions, in accordance with the guidelines established in Chapter 4 of the Personal Search Handbook.

10.3.6 To ensure safety, prior to placing a person into a detention cell, officers shall empty the detainee's pockets of all sharp objects that may be used as weapons as well as all rope-like objects that the passenger could use to injure him/herself. Examples of these things are:

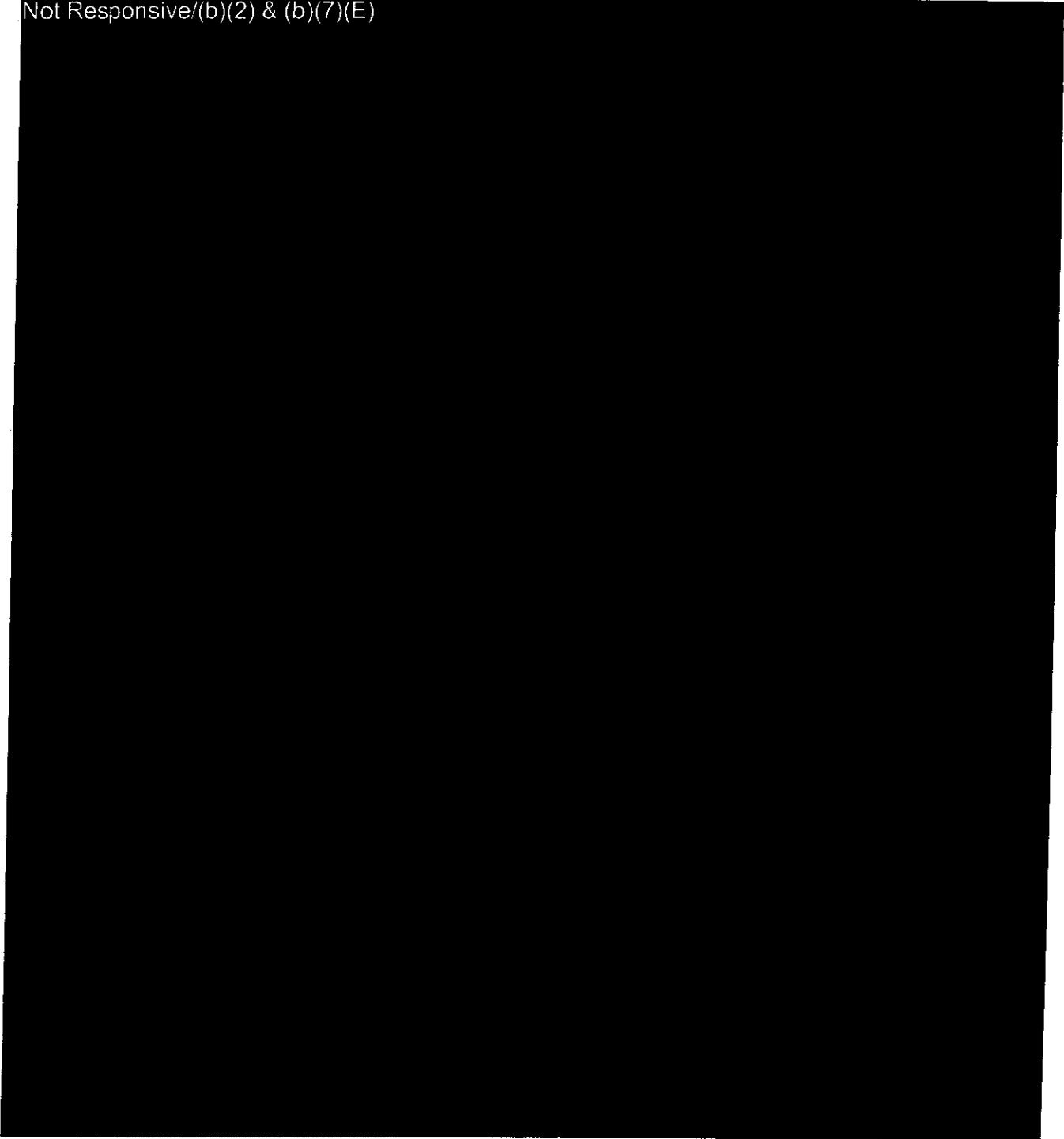
(b)(2) & (b)(7)(E)

10.3.7 A CBP officer may remove and examine (b)(2) & (b)(7)(E) to ensure there are no hidden items. The items shall be returned to the individual and may

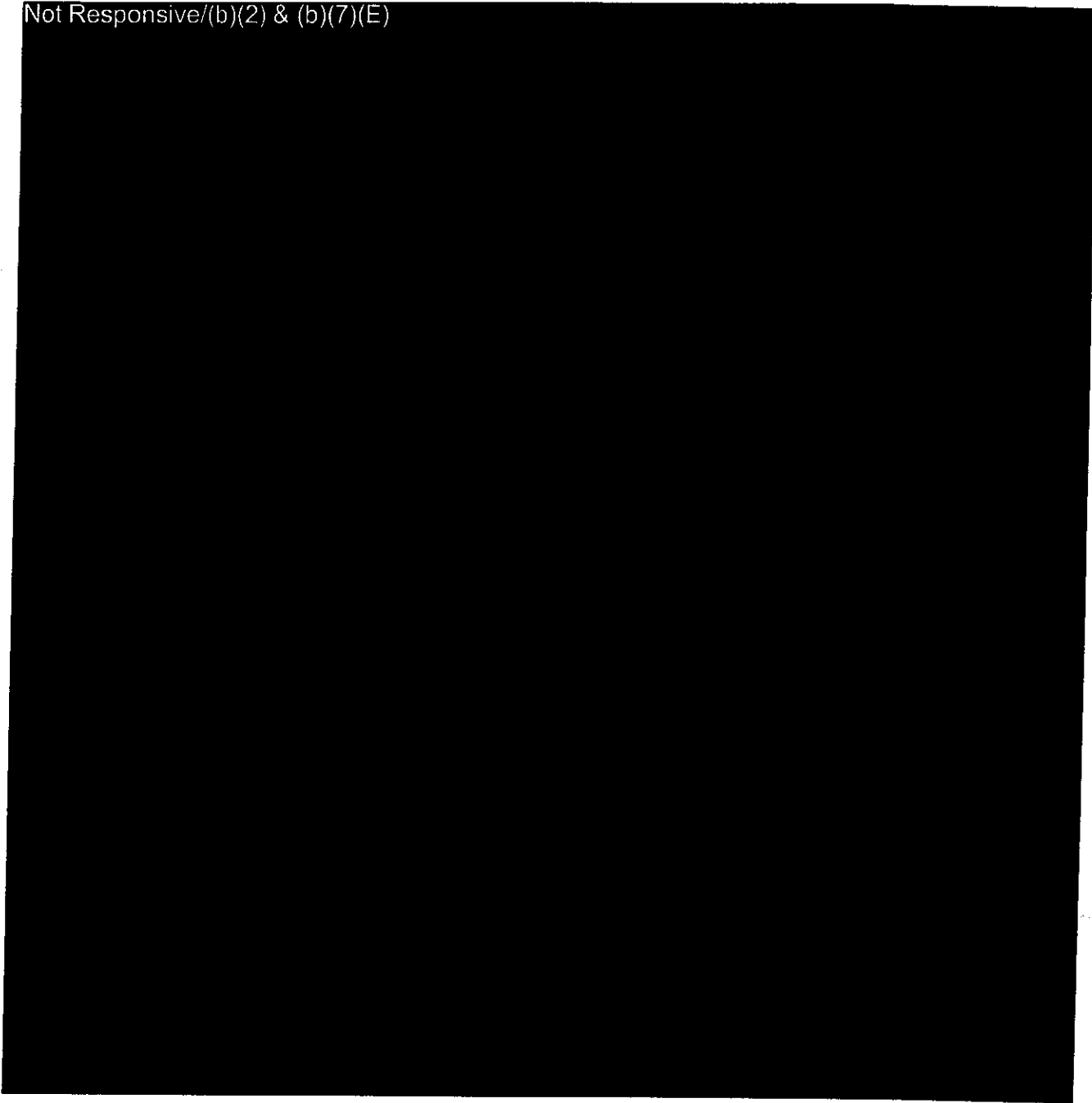
not be confiscated until probable cause for arrest exists. However, if there are indications or articulable facts that may lead an officer to believe that individuals may attempt to harm themselves while in an unsecured, unmonitored area, then (b)(2) & (b)(7)(E) (b)(2) & (b)(7)(E) may be removed.

11 DETENTION CELL PROCEDURES.

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



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




12 DETENTION PROCEDURES FOR HOLD ROOMS, SEARCH ROOMS, AND OTHER ATTENDED AREAS.

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



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



13 EXCEPTIONS TO SHORT-TERM DETENTION PROCEDURES.

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




13.3 To the extent possible, no one who is pregnant, on life sustaining or lifesaving medication, or who appears ill, shall be detained (b)(2) & (b)(7)(E)

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

(b)(7)(E) (b)(2) If a detainee requests medical assistance, or, if a detainee appears to need medical assistance, then the Miami-Dade Fire Rescue Department shall be notified. [See section 15 of this chapter regarding Medical Emergencies.]

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



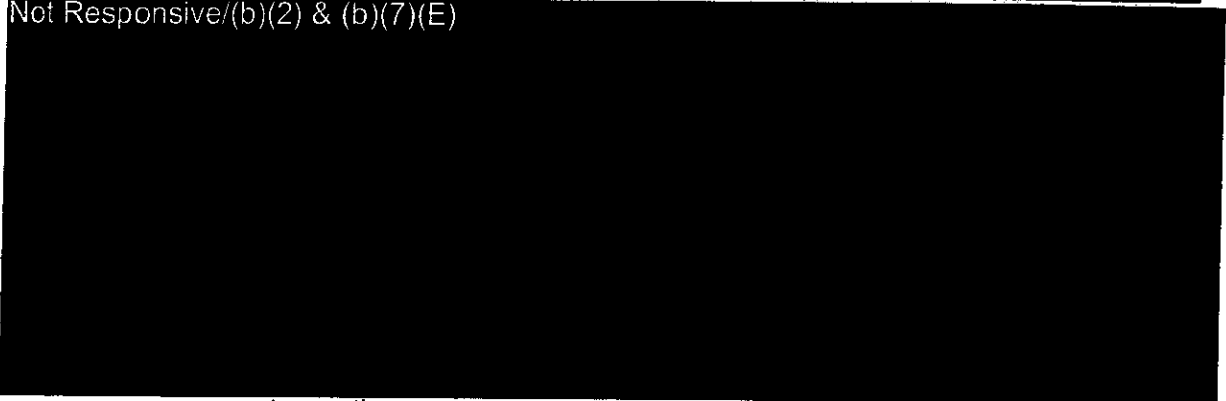
Not Responsive/(b)(2) & (b)(7)(E)



14 SUBSISTENCE AND TELEPHONIC COMMUNICATION PROVIDED TO DETAINEES.

14.1 Meals. Not Responsive/(b)(2) & (b)(7)(E)

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



14.2 Drinking Water. Not Responsive/(b)(2) & (b)(7)(E)

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



14.3 Restrooms. Not Responsive/(b)(2) & (b)(7)(E)

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



14.4 General Notification Guidelines.

14.4.1 Officers shall notify every alien of his or her right to communicate by telephone with the consular or diplomatic officers of country of nationality in the United States when the removal of the alien cannot be accomplished immediately, and the alien must be placed in detention for longer than 24 hours.

14.4.2 In the cases of certain nationalities, if the alien is detained longer than 24 hours at the Miami International Airport, existing treaties and CBP policy require that the service notify the appropriate consular or diplomatic officers about the alien's detention,

even if the alien requests that this not be done. For the list of applicable countries, see 8 CFR 236.1(e).

14.4.3 Officers shall not mention any asylum claim or fear of persecution or torture expressed by the alien when contacting a consular official, nor shall they indicate the nature of the proceedings against the alien.

14.4.4 Dependent upon the length of detention and security risks, the Supervisor will determine whether or not the detainee will be allowed to communicate by telephone or in person with any other person, including consular officials. [See IFM chapter 17.15(b)(7) and 8 CFR 236.1(e).]

14.5 Notification of Third Parties (2 Hour Rule).

14.5.1 CBP Officers assigned to Hard Secondary shall use the designated time/date stamp machines to record the date and time of arrival for all passengers who have been referred for processing. The passengers' CBP Forms 6059B shall be used by the CBP Officer to record the machine generated date/time stamp. If the machine is inoperable, then the CBP Officer shall make the annotations manually.

14.5.2 After the date/time stamp annotation, the CBP Forms 6059B shall be returned to the passengers. The passengers will then be instructed to advise a CBP Officer or Duty Supervisor once their detention has exceeded two (2) hours.

14.5.3 The Chief, Hard Secondary, shall be informed of each incident involving passengers who have exceeded the 2-hour rule. The Chief shall then determine whether or not authorization shall be granted to allow the notifications. (b)(2) & (b)(7)(E)

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

14.5.4 Once authorization is granted, passengers shall be afforded the opportunity to have a CBP Officer notify someone of their delay. If the passenger consents, then a CBP Officer shall contact the third party, which the passenger designates to be notified. If the 2-hour limit is reached while the passenger's case is being processed, then the CBP Officer shall conduct the notifications after the completion of the sworn statements. These notifications shall take place inside an interview room or at the supervisor's desk.

14.5.5 If the passenger elects to decline the notification procedure, then a CBP Officer shall inform the Chief, Hard Secondary of the passenger's decision. The CBP Officer shall also complete the form titled "CBP Declination of Notification Procedure for Detentions/Delays pending a Determination of Admissibility."

14.5.6 Passengers who have been referred to Hard Secondary are not allowed to use their personal cell phones. This restriction applies to all passengers while they are waiting and throughout their secondary examinations.

14.5.7 Notifications to third parties, which require foreign long distance phone calls, shall not be authorized.

14.5.8 The 2-hour Rule does not apply to passengers who have been referred to Soft Secondary.

14.5.9 If the passengers' secondary examination shall not result in a case, then the original completed Advisory and Declination forms shall be placed in the designated file folder. If the passengers' secondary examination does result in a case, then a copy of the form shall be placed in the (b)(2) & (b)(7)(E) (b)(2) & (b)(7)(E)

15 DETENTION OF PASSENGERS WITH MEDICAL CONDITIONS.

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

15.2 All persons placed in detention cell (unattended secure area) at an FIS will be asked whether they have a medical problem or condition that may require some attention. If they are currently taking any prescribed medications the CBP officers will identify the type of prescribed medication, when it was last taken, and when the next dosage is needed.

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


16 DETENTION OF ASYLEES.

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



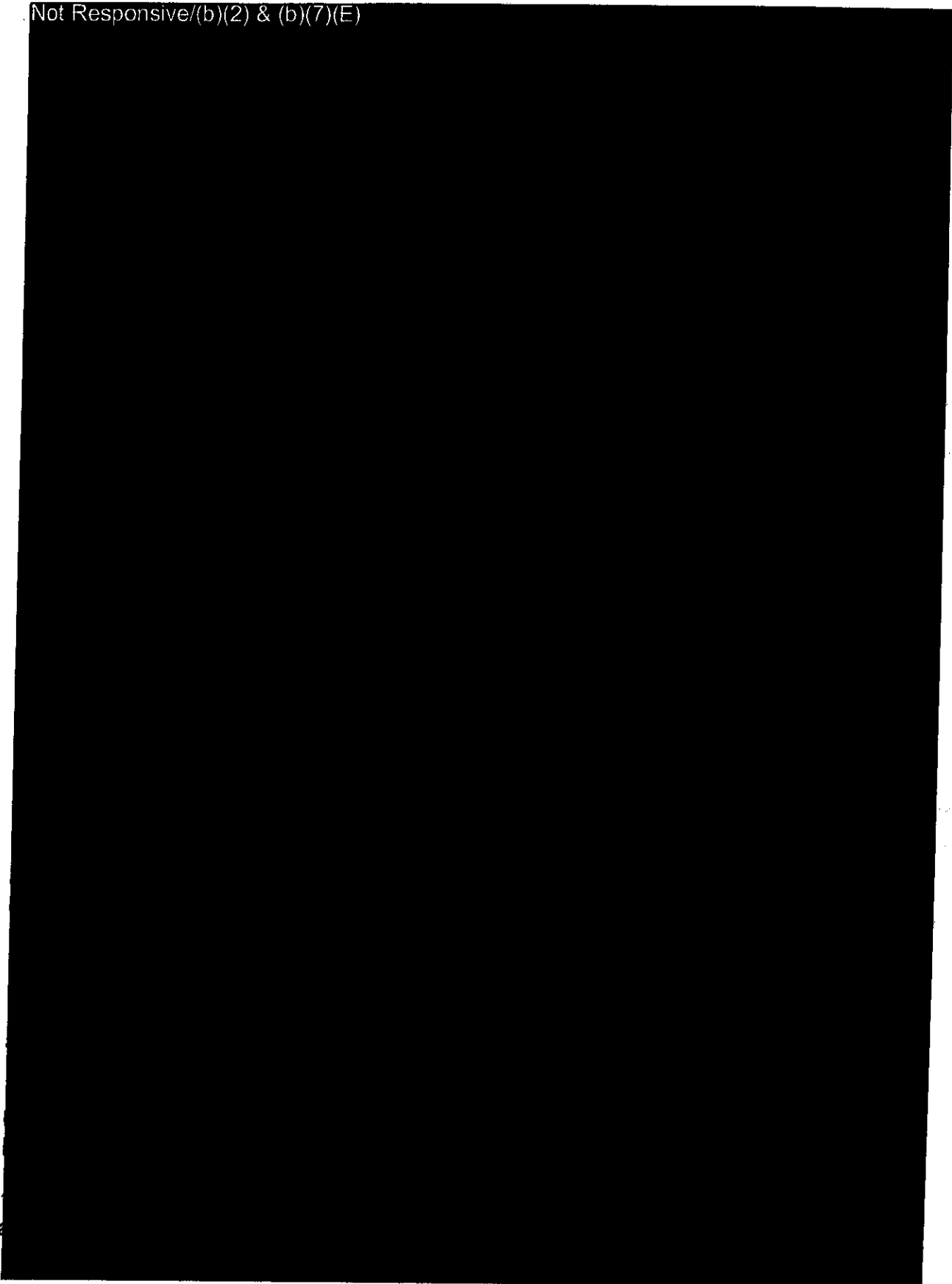
17 DETENTION OF JUVENILES.

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




18 THE USE OF RESTRAINTS.

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

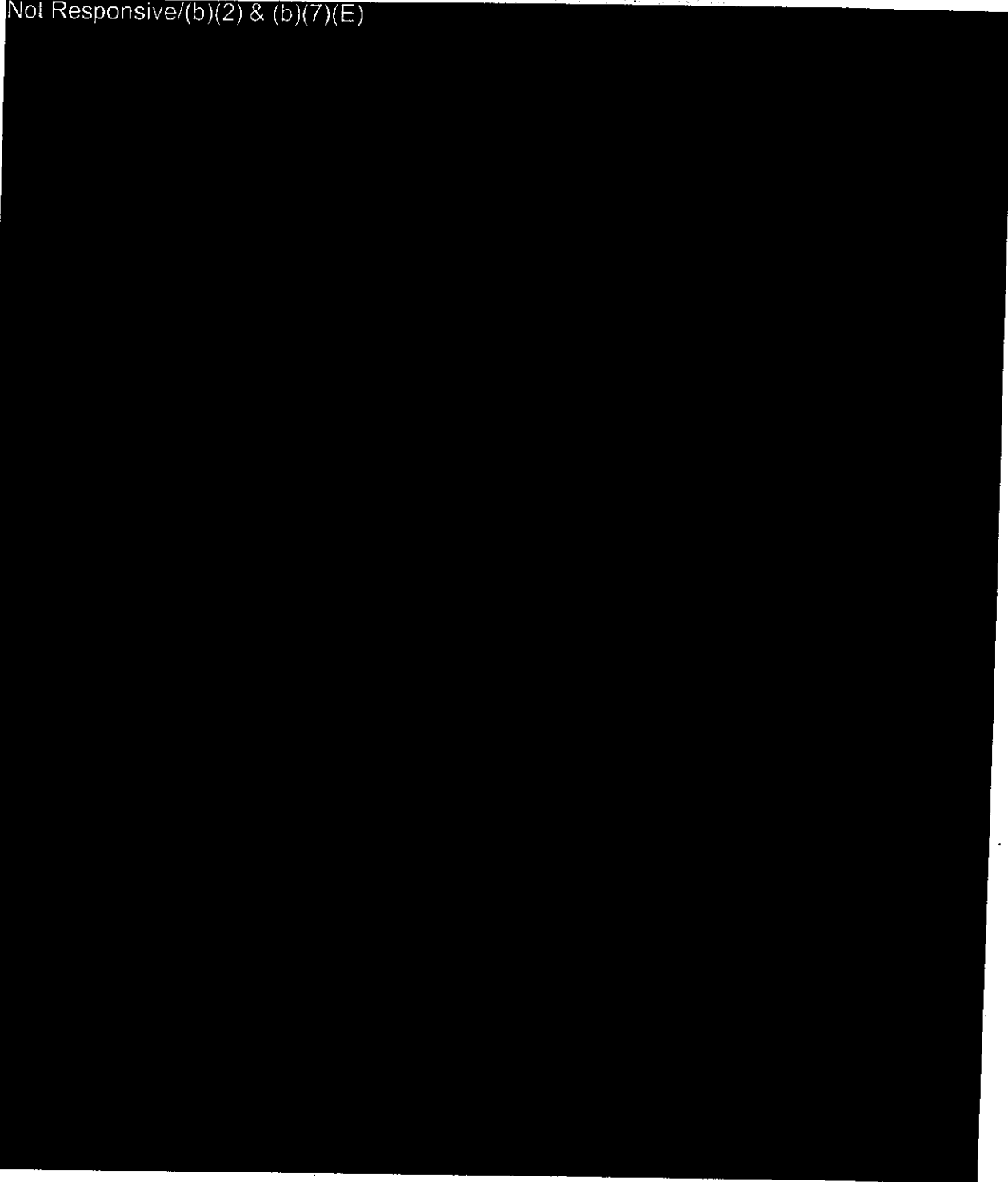


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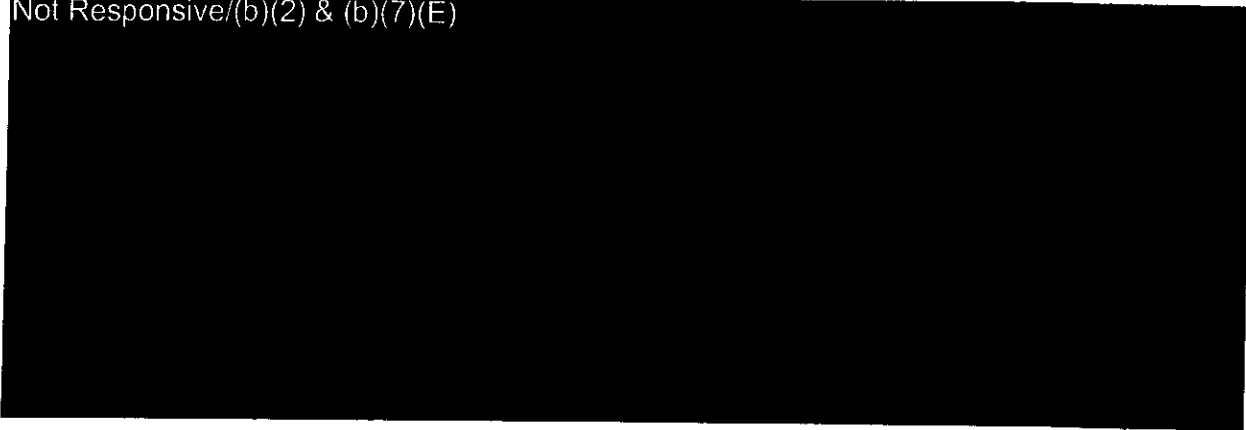
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19 ESCORT, TRANSPORT AND TRANSFER PROCEDURES.

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20 CONTROL AND SAFEGUARDING DETAINEE PERSONAL PROPERTY

20.1 The control and safeguarding of detainee personal property shall include the secure storage of funds, valuables, baggage and other personal property.

20.2 All property will be receipted on the appropriate form CBP-6051.

20.3 Initial and regularly scheduled inventories of all funds, valuables, and other property will be conducted and documented on a CBP-6051.

20.4 All items belonging to the detainee shall be placed in a properly marked plastic sealed bag, inventoried, and placed in a secure area.

20.5 A safe, secure designated storage area shall be assigned. [See Detention Standard on Accountability and Safeguarding of Detainee Funds and Personal Property.]

20.6 Officers shall use the following forms:

20.6.1 Form CBP-6051, Custody Receipt for Retained/Detained or Seized Property. Used when items or personal property are removed from a person and stored for safekeeping. CBP officers should turn over all items or evidentiary value with a CBP-6051 to the next person taking custody of the person, i.e., Special Agent or other federal, state or local law enforcement Officer. Guidelines for retaining personal effects/property from individuals that have been arrested are outlined in Customs memorandum, File: CO:TO:S:O SSJ, titled "Personal Effects," dated March 29, 1993.

20.6.2 A logbook and inventory sheet will be maintained listing the detainee name, A-number if applicable, Form CBP-6051 number, date items were retained or seized, property description, name of officer(s) recording the property, and the date, time, officer(s) conducting the inventory.

20.7 (b)(2) & (b)(7)(E) will inspect all funds and property, including those items found in parcels, suitcases, bags, bundles and boxes, in the presence of the detainee to ensure

officer safety and accountability. This procedure will also be followed when property is returned to a traveler subsequent to his or her release.


21 FIRE, BUILDING EVACUATION AND MEDICAL EMERGENCIES.

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



22 REPORTING REQUIREMENTS.

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



23 NO PRIVATE RIGHTS CREATED. This SOP 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.

24 DISCLOSURE. This SOP contains information, which may be exempt from disclosure to the public under the regulations of the Department of the Homeland Security. No part of this SOP shall be disclosed to the public without express authority from U.S. Customs and Border Protection Headquarters.

Attachments

- (A) Personal Detention Log Sheet
- (B) Master Detention Log Sheet
- (C) Caution Sheet on Detained Individual
- (D) Contact Advisory of CBP Detention
- (E) CBP Declination of Notification Procedure for Detentions/Delays Pending a Determination of Admissibility

Drafted by:

(b)(6) & (b)(7)(C) CBP Officer

Reviewed by:

(b)(6) & (b)(7)(C), Chief, Enforcement Branch

(b)(6) & (b)(7)(C) Deputy Assistant Port Director, Passenger Processing Branch

(b)(6) & (b)(7)(C) Deputy Assistant Port Director, Operations Branch

Approved by:

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

11/19/04
Date

Assistant Port Director
Passenger Processing

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

11/24/04
Date

Jeffrey O. Baldwin, Sr.
Port Director
Miami Service Port

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection

PERSONAL DETENTION LOG SHEET

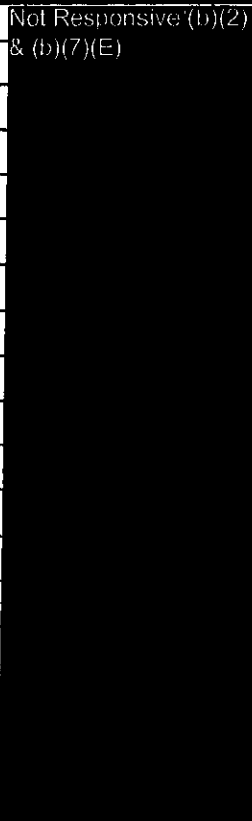
Directive 3340-030A

Port Code/Name


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& (b)(7)(E)



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CBP Form 3501 (03/04)

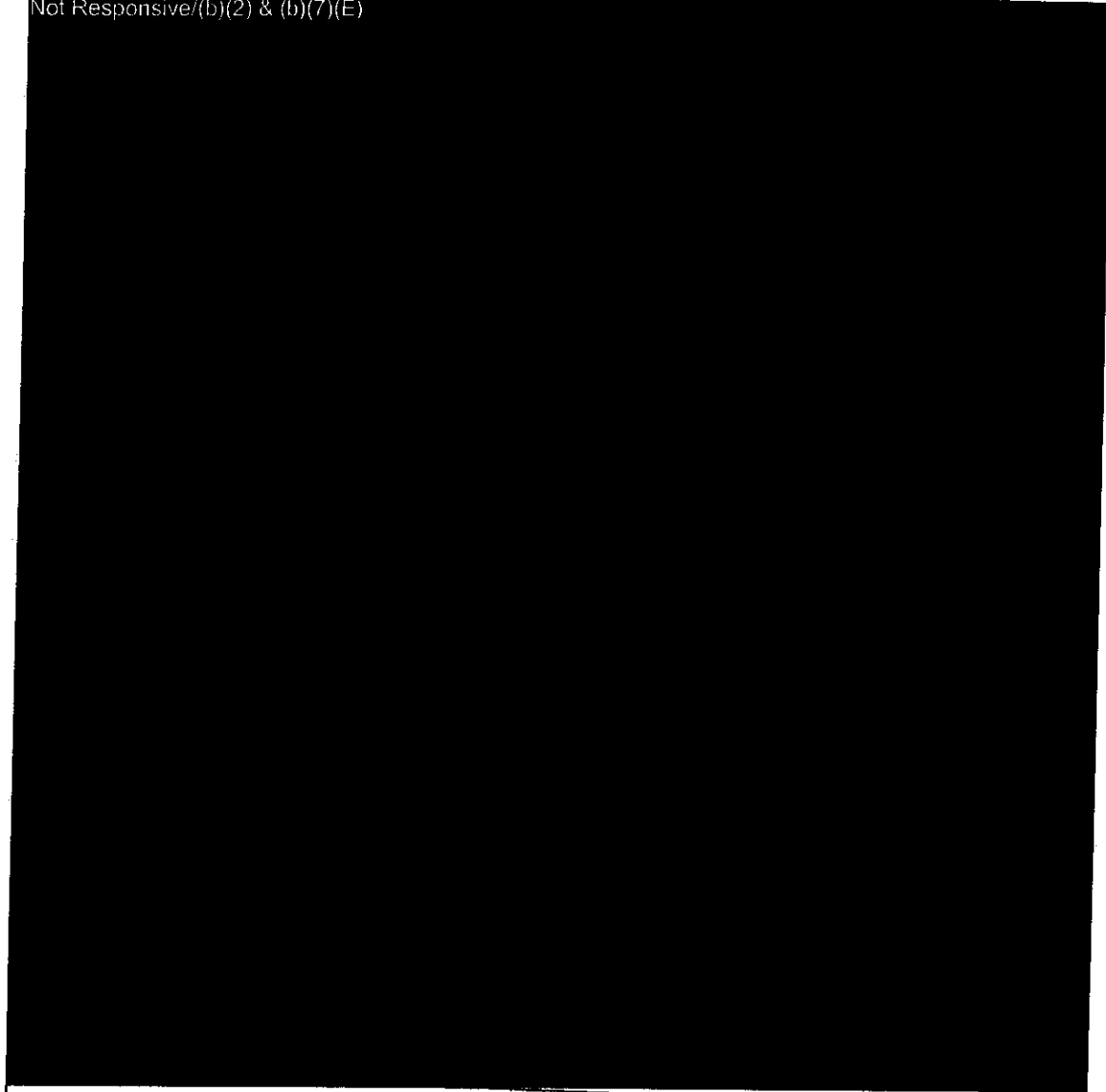
ATTACHMENT A

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection

CAUTION SHEET ON DETAINED INDIVIDUAL

CD 3440-030A

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



CBP Form 3503 (03/04)

CBP Declination of Notification Procedure for Detentions/Delays pending a Determination of Admissibility

The traveler has elected to decline the notification procedure for detention/delays pending a determination of their admissibility. The traveler must sign and indicate the date and time of the declination.

I do not wish to notify anyone at this time of my delay/detention due to inadmissibility issues.

Signature of Traveler

Date

Time

Printed Name of Traveler

Signature of Witness

Date

Time

Printed Name of Witness

Remarks:

Contact Advisory of CBP Detention

To be used once any person has been detained for CBP processing for two hours pending a determination of their admissibility. The detainee will be afforded the opportunity to have CBP notify someone of the delay pending a determination of their admissibility. The two-hour period for notification commences when the passenger is referred to CBP Hard Secondary.

I am Officer (name) of U.S. Customs and Border Protection at (Port of Entry). Your, (husband, sister, friend, etc.) who has arrived in the United States on (flight number) has asked that we contact you. He (or she) is safe, however (he or she) will not be able to enter the United States at this time. He (or she) is not available to speak with you during Customs and Border Protection processing, however he (or she) will be afforded the opportunity to contact you prior to their departure.

Person Contacted: _____

Relationship: _____

Time of Notification: _____

Person making notification: _____
(Title, Badge Number if applicable)

Remarks:

Note: * Due to privacy and safety issues, specific information regarding inadmissibility and the location of the detention facility will not be disclosed.

**U.S. CUSTOMS AND BORDER PROTECTION (CBP)
MIAMI SERVICE PORT
PASSENGER OPERATIONS**

STANDARD OPERATING PROCEDURES (SOP)

SOP# : **AP 31.11**

BASIS : Basic Admissibility Secondary Processing Reference Manual – January 2006

Responding to Potential Terrorists Seeking Entry into the United States - CBP Directive No: 3340-021B

Secure Detention Procedures at the Ports of Entry – CBP Directive No: 3340-030A

SUBJECT : **PASSPORT CONTROL SECONDARY OPERATIONS**

ACTION PARTY : All CBP Personnel

RESPONSIBLE PARTY : All CBP Managerial and Supervisory Personnel

1. PURPOSE

Arriving International passengers are referred to Secondary when they fall outside the routine parameters for travelers arriving at the Port of Entry (POE) based on observation of articulable facts regarding: (b)(2) & (b)(7)(E)

[REDACTED]. The purpose of this policy is to provide guidance to Customs and Border Protection Officers in the processing of persons referred to Passport Control Secondary.

2. POLICY

U.S. Customs and Border Protection (CBP) has established procedures to ensure that Passport Control Secondary referrals are processed in the manner prescribed in the above referenced documents. The implementation of this policy will ensure accuracy, uniformity, and establish accountability.

3. RESPONSIBILITIES

- 3.1 Assistant Port Director, Passenger Operations, shall ensure that this SOP complies with the requirements outlined in the above-referenced materials.

- 3.2 Chiefs, Passenger Operations, are responsible for managing the implementation of this SOP and monitoring its compliance with the established procedures.
- 3.3 CBP Managers and Supervisory personnel are responsible for ensuring that the procedures set forth in this SOP are followed.
- 3.4 CBP Officers are responsible for following the procedures set forth in this SOP.

4. DEFINITIONS

- 4.1 **Juveniles/Minors** - persons who have not reached their 18th birthday. However, individuals who have been "emancipated" by a state court or convicted and incarcerated for a criminal offense as an adult are not considered minors. Such individuals will be treated as adults for all purposes, including confinement and release on bond.
- 4.2 **CBP Soft Secondary** – processing not covered by immigration administrative proceedings or immigration criminal prosecutions (i.e. immigrant visas, refugee admissions, waivers, paroles, and NSEERS procedures) where the expected outcome will be the release of the passenger upon completion of the processing.
- 4.3 **CBP Hard Secondary** – an examination or investigative process involving immigration administrative proceedings and/or immigration criminal prosecutions.
- 4.4 **Immigration Administrative Proceedings** – intended to lead to removal or civil penalties (i.e. withdrawal of applications for admission, refusal of entry, removal before an Immigration Judge, expedited removal, material witness cases, or fines).
- 4.5 **Immigration Criminal Prosecutions** – intended to lead to incarceration (i.e. smuggling and terrorism/terrorist related cases).
- 4.6 **Secure Area** – areas such as detention cells, search rooms, interview rooms, or security offices where an individual is detained for a temporary period of time out of public view.
- 4.7 **Referral Escort Officer (REO)** – is an armed CBP Officer tasked to escort any arriving passenger from a Passport Control Primary booth to a secondary examination area.
- 4.8 **Primary Response Officer (PRO)** – is a Hard Secondary Passport Control trained CBP Officer who is tasked to provide guidance and knowledge prior to the passenger entering a secondary examination area.

5. TERRORISM / SUSPECTED TERRORIST RELATED PROCESSING

- 5.1 [REDACTED]

NOT RESPONSIVE/B2 B7E

NOT RESPONSIVE / B2 B7E

N R b d s p & (r b s) i (v 7 e) / ((E b)) (2)

5.2 N R b d s p & (r b s) i (v 7 e) / ((E b)) (2)

5.3 Not Responsive/(b)(& (b)(7)(E)

5.4 N R b d s p & (r b s) i (v 7 e) / ((E b)) (2)

5.5 Not Responsive/(b)(2 & (b)(7)(E)

5.6 Not Responsive/(b)(& (b)(7)(E)

b(2) b7E

5.7 (b & () b 2 () 7) (E) and dispatch a (b) & (b) to conduct a comprehensive interview. All notifications will be made in accordance with CBP Directive No: 3340-021B – "Responding to Potential Terrorists Seeking Entry into the United States".

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

b2 b7E

5.8 If the passenger is an (b)(2) & (b)(7) (E), they will be queried in all the necessary databases (must include: (b)(2) & (b)(7)). A thorough inspection of the traveler's person must be conducted. If any suspicions remain, a thorough examination of all accompanying luggage will be performed and the POCC and will be advised of the results.

5.9 If questionable travel is discovered, or if answers to questions result in further suspicions, a full interview will be requested from the (b) & (b).

5.10 If the passenger is (b)(2 & (b), they will be queried in all the necessary databases (to include: (b)(2) & (b)(7)). A complete inspection of the traveler must be conducted.

b2
b7E

5.11 If any suspicions remain, a thorough examination of all the accompanying luggage will be performed and the POCC will be advised of the results. If questionable travel is discovered, or if answers to queries result in further suspicions, a full [REDACTED] interview will be requested of the (b)(1) & (b)(7)(C).

5.12 The POCC will vet all suspicious travelers through [REDACTED].

5.13 If the passenger is (b)(2) & (b)(7)(C), a thorough inspection will be conducted, to include (b)(1) & (b)(7)(C). The passenger will be processed as expeditiously as possible.

NOT RESPONSIVE/B2 B7E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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NOT RESPONSIVE/ B2 B7E

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[REDACTED]

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NOT RESPONSIVE / B2 B7E

■ [REDACTED]

■ [REDACTED]

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■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

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■ [REDACTED]

■ [REDACTED]

NOT RESPONSIVE /B2 B7E

N F o d s p &(n b s) i (v 7 e) ((E b)) (2)

[Redacted]

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10.

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NOT RESPONSIVE / (b)(2) & (b)(7)(E)

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[Redacted]

[Redacted]

11. SECURE DETENTION

[Redacted]

[Redacted]

[Redacted]

[Redacted]

11.5 Any passenger detained three hours for CBP processing will be given the opportunity to have CBP notify someone of their delay pending a determination of their admissibility.

Third Party Notification

11.6 The requirement for notification of third parties applies to the following:

- (A) Any person who is referred to CBP Hard Secondary for immigration administrative proceedings, and

- (B) Cases where an admissibility determination was made and an adverse action has been taken before the 3 hour mark.

11.7 The requirement for notification of third parties does not apply to:

- (A) Any person who is referred to CBP Hard Secondary for immigration criminal prosecutions,
- (B) Any person who was previously convicted and is subject to removal based on that conviction, or
- (C) Any person who is referred to CBP Soft Secondary for routine immigration paperwork.

(b)(2) & (b)(7)(E) [Redacted]

11.8 The three hour period for the notification requirement begins at the time the traveler is referred to CBP Hard Secondary processing. When the three-hour notification period has elapsed, the processing CBP Officer must offer to notify someone on behalf of the detained person (Attachment 8). The detained passenger may elect to provide the Officer with a name and telephone number of the person they would like contacted.

11.9 The Officer making the telephone call/contact will utilize a prepared script (Attachment 9). Due to privacy and safety issues, specific information regarding inadmissibility and the location where the passenger is being administratively detained will not be disclosed. Whether or not the passenger elects to use the notification will be included in the narrative of the (b)(2) & (b)(7)(E) report. The passenger must also read and sign the CBP Declination of Notification for Detention/Delay Pending a Determination of Admissibility (Attachment 10).

Not Responsive/(b)(2) & (b)(7)(E) [Redacted]

[Redacted]

[Redacted]

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

[REDACTED]

[REDACTED]

12. DIPLOMATIC ISSUES

NOT RESPONSIVE / b2 & b7E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

13. HUMANITARIAN ISSUES

13.1 Not Responsive/(b)(2) & (b)(7)(E)

13.2 Not Responsive/(b)(2) & (b)(7)(E)

13.3 Officers should ask the passenger if medical treatment is necessary. If the passenger replies affirmatively, or if medical treatment appears necessary, the Officers will make the appropriate arrangements.

13.4 Not Responsive/(b)(2) & (b)(7)(E)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Medical

13.9 Not Responsive/(b)(2) & (b)(7)(E)

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

[Redacted]

13.10 All other passengers will be detained and transported in accordance with current SOP # 22.02 (Air Passenger Detention Procedure) and with the following guidelines:

- (A) All passengers placed in an unattended secure area at a CBP facility will be asked if they have any existing medical problem/condition that may require some attention. If they are currently taking any prescribed medications the Officers will identify the type of prescribed medication, when it was last taken, and when the next dosage is needed.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

NOT RESPONSIVE/B2 B7E

Asylum Applicants

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

[Redacted]

Not Responsive/(b)(2) & (b)(7)(E)
[Redacted]

Meals

Not Responsive/(b)(2) & (b)(7)(E)
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Drinking Water

Not Responsive/(b)(2) & (b)(7)(E)
[Redacted]

Restrooms

Not Responsive/(b)(2) & (b)(7)(E)
[Redacted]

[Redacted]

Telephone

13.20 Officers are required to notify every detained passenger of their right to communicate telephonically with the consular or diplomatic officers for their

country of nationality in the United States when the removal of the passenger cannot be accomplished immediately, and the passenger must be placed in detention for longer than 24 hours.

NOTE: All telephonic communication must be annotated on the Case Management Checklist.

13.21 For certain nationalities (Attachment 13), if the passenger is detained longer than 24 hours at the POE, existing treaties and CBP policy require that the Service notify the appropriate consular or diplomatic officers about the passenger's detention even if they request that the notification not occur.

NOTE: Officers will **not** mention any asylum claim or fear of persecution or torture expressed by the passenger when contacting a consular official, neither will they indicate the nature of the proceedings against the passenger.

13.22 Depending on the length of the detention and security risks, the Supervisor will determine whether or not the detained passenger will be allowed to communicate by telephone or in person with any other person, including consular officials.

14. JUVENILE PROCESSING AND DETENTION PROCEDURES

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NOT RESPONSIVE / (b)(2) & (b)(7)(E)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

[Redacted]

15. US-VISIT

[Redacted]

[Redacted]

US-VISIT Exceptions

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

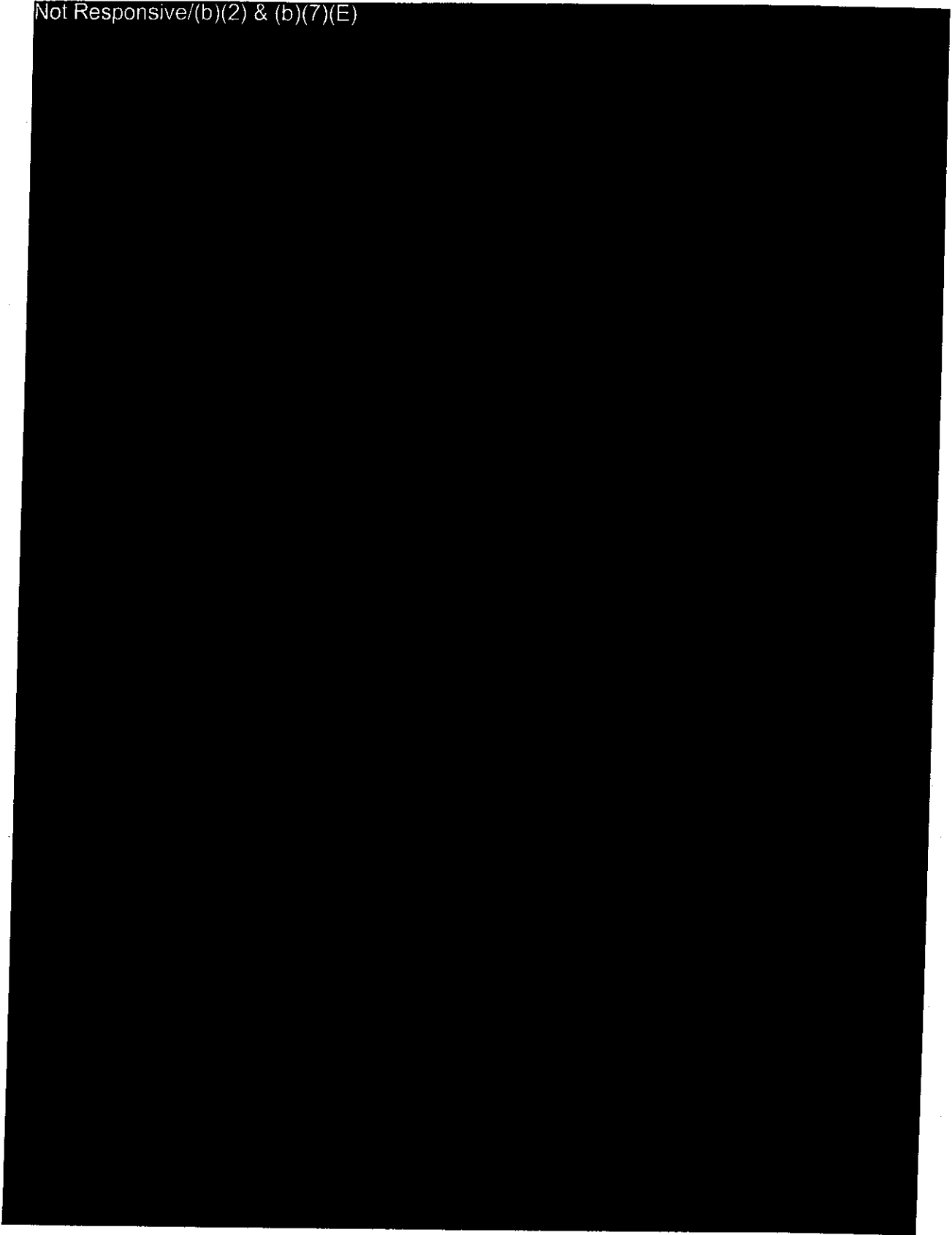
[Redacted]

16. SYSTEM OUTAGES

[Redacted]

NOT RESPONSIVE / B2 & B7E

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



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

17. NO PRIVATE RIGHTS CREATED

This SOP is an internal policy statement of U.S. Customs and Border Protection (CBP) and does not create or confer any rights, privileges, or benefits on any person or party.

18. DISCLOSURE

This SOP contains information, which may be exempt from disclosure to the public under the regulations of the Department of Homeland Security. No part of this Directive shall be disclosed to the public without express authority from U.S. Customs and Border Protection Headquarters.

Prepared by:

(b)(6) & (b)(7)(C) Supervisory CBP Officer
(b)(6) & (b)(7)(C) CBP Officer
(b)(6) & (b)(7)(C) CBP Officer

Reviewed by:

(b)(6) & (b)(7)(C) Supervisory CBP Officer
(b)(6) & (b)(7)(C), Chief, Passenger Operations, Passport Control
(b)(6) & (b)(7)(C) Chief, Passenger Operations, Baggage Control

Approved by:
(b)(6) & (b)(7)(C) _____ Date 4/27/07
Assistant Port Director
Passenger Operations
(b)(6) & (b)(7)(C) _____ Date 4/30/07
Harold E. Woodward
Port Director
Miami Service Port

ATTACHMENTS:

- Attachment 1 – Referral Flowchart
- Attachment 2 – Grounds of Inadmissibility Overview
- Attachment 3 – Secondary Adverse Action Checklist
- Attachment 4 – (b)(2) & (b)(7)(E) Policy Memorandum # INS-1 FO: BS: PO GC
- Attachment 5 – Case Management System Checklists
- Attachment 6 – Personal Detention Log
- Attachment 7 – 22 CFR 41.122
- Attachment 8 – Third Party Notification Memorandum Dated
- Attachment 9 – Third Party Notification Script
- Attachment 10 – CBP Declination of Notification for Detention/Delay Pending a

Determination of Admissibility

Attachment 11 – Individual Caution Sheet

Attachment 12 – Asylum Application Process

Attachment 13 – Consular Notification

Attachment 14 – Notice of Rights and Request for Disposition (I-770)

Attachment 15 – 8 CFR 236.6

Attachment 16 – Canadian Citizen US-VISIT Exemption

Attachment 17 – Mexican Citizen US-VISIT Exemption

**BUREAU OF CUSTOMS AND BORDER PROTECTION (BCBP)
FIELD OPERATIONS**

STANDARD OPERATING PROCEDURES

SOP# : AP ~~16.6~~ 29.4

BASIS : CBP Directive 2210-001A, 7- 24 - 2001
CBP Directive 3340-006A, 2- 4 - 2000

SUBJECT : Restriction on the Importation of
Seditious Matter

ACTION PARTY : All Inspections Personnel

RESPONSIBLE PARTY : All Supervisory Personnel

PURPOSE:

To instruct CBP officers and inspectors as to seditious matters that are prohibited by Section 305 of the Tariff Act of 1930 as amended by 19 USC 1305 and at the same time distinguish political propaganda that is admissible.

Seditious matter is defined as:

Any printed and graphic matter that exhorts the reader by encouraging or promoting imminent acts of armed or other violence against constituted government and military authorities and institutions. It promotes the disruption of utility and similar public services by specifically suggested acts of vandalism, arson, and the like. Additionally, it encourages the subversion of members of military and associated organizations of the defense establishment.

Prohibited seditious matter does not include abstract teaching that promotes violence and other illegal acts. Materials must be directly related to inciting or producing imminent lawless action for it to be prohibited.

CBP Officers will recognize such propaganda in the form of printed or other materials that:

Seeks to glorify the government or political party of a foreign country or a social system abroad.

Promotes foreign ideologies or policies, particularly of authoritarian regimes.

Expresses hypercritical views of a Free World Society or Capitalistic Systems.

Influence American attitudes toward foreign regimes and, frequently, against the foreign policy of the United States.

Promotes racial, religious, or social dissension within the United States.

This type of political propaganda is admissible unless it is also seditious, that is, directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

PROCEDURE:

CBP officers and inspectors should refer to CBP Directive 3340-006A (February 4, 2000) for procedures on reviewing, copying, and seizing documents at the border. This will define under what circumstance CBP officers may scan materials to determine, among other things whether the materials being imported are obscene, treasonous, or seditious.

After scanning the document, if it is determined that they constitute a violation of 19 USC 1305; the officer may then read the document to determine the appropriate course of action. After reading the document, if a reasonable suspicion exists that the document contains seditious material, the document may be detained for a reasonable amount of time in order to ascertain the admissibility, seizure, or referral to another agency which may have greater expertise.

If the officer has probable cause to believe that documents are seditious, they may be seized. Only documents subject to seizure may be copied and, in appropriate circumstances, referred to Immigration and Customs Enforcement (ICE).

In questionable circumstances, the Supervisor on duty must consult with ICE or the Associate/Assistant Chief Counsel. Until a final determination has been made that the materials violate 19 USC 1305 relating to seditious matters, no copies may be made and no dissemination of information except to those reasonably necessary to make that determination. The determination must be made at a level no lower than the supervisory level after consultation with the Associate/Assistant Chief Counsel.

If a decision is made not to forfeit seized materials, the original materials will be returned to the owner and all copies will be destroyed. No records may be made or retained which describe the content of the seized material or the identity of the person from whom the materials were seized.

Seditious material seized under 19 USC 1305 shall be handled in the following manner:

Forward all such material to the Duty Agent, ICE and they will forward all materials to the U.S. Attorney's Office within 4 - 14 days for judicial forfeiture.

A CF 6051 (Custody Receipt) shall be issued to the owner of the materials. Instructions will be given to the owner that he may communicate, concerning his claims and further disposition, with the Assistant Port Director or if the mater has been referred for judicial forfeiture, to the local U. S. Attorney's office.

To minimize prospects of an aggravated traveler's reaction regarding enforcement against questionable material in personal baggage, telephonic advice from the Associate/Assistant Chief Counsel on any uncompleted baggage transaction may be sought at once by the Duty Supervisor.

Drafted by : (b)(6) & (b)(7)(C)

Reviewed by: (b)(6) & (b)(7)(C)

Approved by:

(b)(6) & (b)(7)(C)
[Redacted Signature] 7/16/03
Chief Inspector Date

(b)(6) & (b)(7)(C)
[Redacted Signature] 7/16/03
Assistant Port Director Date

CUSTOMS DIRECTIVE

ORIGINATING OFFICE: FO:P

DISTRIBUTION: S-01

CUSTOMS DIRECTIVE NO. 3340-006A

DATE: FEBRUARY 4, 2000

SUPERSEDES: 3340-006, 6/12/86

REVIEW DATE: FEBRUARY 2002

SUBJECT: PROCEDURES FOR EXAMINING DOCUMENTS AND PAPERS

- 1 **PURPOSE.** This directive provides guidelines and procedures for examining documents and papers during all Customs operations at the border, functional equivalent of the border, and extended border.
- 2 **POLICY.**
 - 2.1 The U.S. Customs Service will protect the rights of individuals against unreasonable search and seizure while still accomplishing its enforcement mission.
- 3 **AUTHORITIES/REFERENCES.** 19 C.F.R. 145.3; Ref. 3.740.LCCO; 19 U.S.C. 1305; National Stolen Property Act, 18 U.S.C. 2314; 18 U.S.C. 1426(h).
- 4 **EFFECTS ON OTHER DOCUMENTS.** The guidelines and procedures contained within this directive are currently contained within the Personal Search Handbook dated March 1997. These procedures will no longer be incorporated in the revised Personal Search Handbook HB #3300-04A dated November 1999.
- 5 **RESPONSIBILITIES.**
 - 5.1 The Assistant Commissioner, Office of Field Operations, shall have policy oversight, which will include the formulation and implementation of guidelines and procedures.
 - 5.2 The Assistant Commissioner, Office of Investigations, shall have oversight for investigative operations, which will include the implementation of guidelines and procedures set forth in this directive.
 - 5.3 Special Agents in Charge (SAIC's) are responsible for ensuring that their subordinates get a copy of this directive and are familiar with its contents.
 - 5.4 Directors, Field Operations, at Customs Management Centers are responsible for conducting ongoing reviews to evaluate procedures used for examining documents and papers.
 - 5.5 Port Directors are required to update any necessary additional port-specific

5.6 Each Customs officer must know the limits of Customs authority, and must use this authority judiciously, conscientiously, and courteously.

6 PROCEDURES.

6.1 All Customs officers shall comply with the following procedures.

6.2 Customs Officers Should Not Read Personal Correspondence.

6.2.1 The U.S. Customs Service must guard the rights of individuals being inspected to ensure that their personal privacy is protected. Therefore, as a general rule, Customs officers should not read personal correspondence contained in passengers' privately owned conveyances, baggage, or on their person, **except**, as specified in 6.4.1.

6.3 Letter Class Mail.

6.3.1 Customs officers may not read or permit others to read correspondence contained in sealed "LC" mail (the international equivalent of First Class) without an appropriate search warrant or consent.

6.3.2 Only articles presently in the postal system are deemed "mail." Letters carried by individuals, for example, are not considered to be mail, even if they are stamped (see 19 C.F.R. 145.3). [Ref. 3.740 LCCO].

6.4 Customs Officers May Glance at Documents and Papers.

6.4.1 As opposed to reading content, Customs officers may glance at documents and papers to see if they appear to be merchandise. This may include:

- Books, pamphlets, printed/manuscript material
- Monetary instruments.
- Prohibited materials such as, copyright violations, obscene, treasonous or seditious material (i.e., inciting or producing imminent lawless action).
- Prohibited matter being imported in violation of 19 U.S.C. 1305, stolen property under the National Stolen Property Act, 18 U.S.C. 2314, or evidence of embargo violations.
- Materials related to the importation or exportation of merchandise including documents required to be filed to import or export merchandise.

6.5 Reasonable Suspicion Required for Reading and Continued Detention.

6.5.1 If, after glancing at the documents or papers, an officer reasonably suspects that they relate to any of the categories listed in section 6.4.1 of this directive, the officer may read the documents. He/she may continue to detain such documents for such further inquiry as may be reasonably necessary to make the determination whether to

6.5.2 This may include referral to another agency necessary to assist in that determination.

6.6 Probable Cause Required for Seizures.

6.6.1 If an officer has probable cause to believe that a document or paper is subject to seizure because it is prohibited, a fruit, instrumentality or evidence of a crime, or otherwise subject to forfeiture, it may be seized.

6.7 Probable Cause or Consent Required to Copy.

6.7.1 An officer must have probable cause to believe a document or paper is subject to seizure, to copy it. Documents and papers may be copied without probable cause when consent to do so is obtained from the person from whom the documents were seized, or if copying is incident to a lawful arrest.

6.7.2 In circumstances when the inspecting Customs officer is uncertain whether probable cause exists, the officer may contact the Associate/Assistant Chief Counsel.

6.8 Identification Documents can be Photocopied.

6.8.1 Passports (United States or foreign), Seaman's Papers, Airman Certificates, drivers licenses, state identification cards and similar governmental identification documents can be photocopied for legitimate, good-faith government purposes without any suspicion of illegality.

6.8.2 Certificates of Naturalization may never be copied (18 U.S.C. 1426(h)).

6.9 Attorney-Client Privilege.

6.9.1 As part of a border search, an attorney's files can be examined for the presence of drugs, currency or other monetary instruments, sales slips, invoices, or other documents evidencing foreign purchases.

6.9.2 Occasionally, an attorney will claim that the attorney-client privilege prevents the search of his documents and papers at the border. Files and papers being brought into the country by an attorney are subject to a routine search for merchandise. Implicit in the authority to search for merchandise is the authority to search for papers that indicate or establish that a current importation of merchandise might be occurring. Records of an importation are not privileged. However, correspondence, court papers, and other legal documents may be privileged. If an officer has probable cause to believe a document may be evidence of a crime, seek advice from the Associate/Assistant Chief Counsel or the U.S. Attorney's office.

6.10 Chain of Custody Required for Copies.

6.10.1 Whenever copies of documents are made, transfer of the copies should be accomplished through a chain of custody form (CF-6051) or other documentation that

6.11 Foreign Language Documents or Documents Requiring Special Expertise.

6.11.1 If an officer reasonably suspects that a document or paper in a foreign language falls into a category that would allow it to be read, the document can be detained and forwarded to an appropriate translator, provided that such translations can be accomplished within a reasonable time.

6.11.2 The use of a facsimile (FAX) machine, when appropriate, is authorized. This same principle would apply to documents that need special expertise to determine their nature, such as documents relating to complex technology cases.

6.11.3 If after translation or review, probable cause to seize develops, the documents should be seized and/or copies retained. If not, the originals must be returned and all copies (e.g., fax) must be destroyed. The destruction must be appropriately documented.

6.11.4 Factors that a court might consider in determining the reasonableness of the time the documents are detained could be such things as the nature of the documents, whether the officer explained to the person the reason for the detention, and whether the person was given the option of continuing his journey with the understanding that Customs would return the documents if it is not in violation of law.

7 MEASUREMENT. Directors, Field Operations, at Customs Management Centers, SAIC's, and Port Directors will ensure that all TECS reports pertaining to the examinations of documents and papers are reviewed periodically to determine the effectiveness of the procedures contained within this directive, including whether there may be any improprieties in the conduct of these examinations.

8 NO PRIVATE RIGHT CREATED. This document is an internal policy statement of the U.S. Customs Service and does not create any rights, privileges, or benefits for any person or party.

Commissioner of Customs

1450 1 01 0

CIS CUSTOMS DIRECTIVES SUBJECT: RESTRICTIONS ON IMPORTATION OF SEDITIOUS MATTER
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SUBJECT: RESTRICTIONS ON IMPORTATION OF SEDITIOUS MATTER
CUSTOMS DIRECTIVE

ORIGINATING OFFICE: CC DISTRIBUTION: S-01
 CUSTOMS DIRECTIVE NO. 2210-001A
 DATE: JULY 27, 2001
 SUPERSEDES: 2210-001, 8/29/86
 REVIEW DATE: JULY 2003

SUBJECT: RESTRICTIONS ON IMPORTATION OF SEDITIOUS MATTER

1. PURPOSE.

To instruct inspectors and other Customs officers as to seditious matters which are prohibited by section 305, Tariff Act of 1930, as amended (19 U.S.C. 1305), and at the same time distinguish political propoganda which is admissible.

2. POLICY.

2.1 The U.S. Customs Service will not infringe upon the rights of individuals against unreasonable search and seizure while enforcing 19 U.S.C. 1305.

3. AUTHORITIES/REFERENCES.

19 U.S.C.1305; Customs Directive: 3340-006A (February 4, 2000).

4. BACKGROUND.

4.1 Seditious and treasonable matter. Section 305, Tariff Act of 1930, as amended (19 U.S.C. 1305), prohibits the importation of matter advocating or urging treason or insurrection against the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States. A 1978 district court decision, which was affirmed by the Supreme Court, interpreted this section of the statute as prohibiting only those materials that are "directed to inciting or producing imminent lawless action and is likely to incite or produce such action." (460 F. Supp. 56). The court stated that this interpretation was necessary for the statute to pass constitutional challenge. Customs officers must distinguish matter that merely advocates lawless action, which is admissible, from prohibited matter that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

4.2 Seditious matter described. Customs officers will recognize seditious matter in such forms as printed and graphic exhortations to the reader, encouraging or promoting imminent acts of armed or other violence against constituted government and military authorities and institutions; disruption of utility and similar public services by specifically suggested acts of vandalism, arson, and the like; and subversion of members of military and associated organizations of the defense establishment. Prohibited seditious matter does not include abstract teaching that promotes violence and other illegal acts. Rather,

materials must be directed to inciting or producing imminent lawless action and be likely to incite or produce such action in order for it to be prohibited.

4.3 Political propaganda described. A 1965 decision of the United States Supreme Court, 381 U.S. 301, resulted in the immediate termination of the segregation and detention of international mail containing foreign political propaganda. Customs enforcement interest consequently expired with respect to the printed and similar political propaganda in the baggage of arriving travelers, including those being precleared at foreign airports of departure. Customs officers will recognize such propaganda in the form of printed or other materials which seek to glorify the government or political party of a foreign country or a social system abroad; to promote foreign ideologies or policies, particularly of authoritarian regimes; to express hypercritical views of Free World society and capitalistic systems; and to thereby influence American attitudes toward foreign regimes and, frequently, against the foreign policy of the United States. Some of the propaganda may also seek to promote racial, religious, or social dissension within the United States. This type of political propaganda is admissible unless it is also seditious, that is, directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

5. PROCEDURES.

5.1 Customs officers should refer to Customs Directive 3340-006A (February 4, 2000) which contains procedures for reviewing, copying and seizing documents. The Directive provides under which circumstances Customs officers may scan documents and correspondence at the border to determine, among other things, whether the documents or correspondence being imported are obscene, treasonous, seditious (as defined above) or otherwise prohibited in violation of 19 U.S.C. 1305. If, after scanning the documents, they appear to relate to a violation of 19 U.S.C. 1305, the officer may read the document to determine what action is appropriate.

5.2 If an officer has reasonable suspicion that the materials are being imported in violation of 19 U.S.C. 1305, the documents may be detained for a reasonable period of time until a determination is made as to admissibility, seizure or referral to another agency which may have greater expertise. If the officer has probable cause to believe that a document or paper is subject to seizure because it is seditious, it may be seized. Documents that may be seized may also be copied, in appropriate circumstances, and referred to the Office of Investigations. Only documents subject to seizure may be copied. In questionable circumstances, the Office of Investigations or the Associate/Assistant Chief Counsel should be consulted. Until there has been a final determination that there is probable cause to believe that the materials violate that portion of 19 U.S.C. 1305 pertaining to seditious matters, no copies may be made and no dissemination of the information may be made except to those reasonably necessary to make that determination and the determination must be made at a level no lower than the supervisory level after consultation with the Associate/Assistant Chief Counsel. If a decision is made not to forfeit seized materials, the original materials will be returned to the owner and all copies will be destroyed. No records may be made or retained which describe the content of the seized material or the identity of the person from whom the materials were seized.

5.3 Seizure of inadmissible seditious matter. All materials for which there is probable cause to believe they are seditious in nature (as described in BACKGROUND) are to be considered inadmissible and subject to seizure and the civil enforcement procedures of 19 U.S.C. 1305, for Customs treatment and disposition as prescribed by section 12.40, Customs Regulations. Such materials must be forwarded to the U.S. Attorney's office within 4-14 days for judicial forfeiture. Where materials have been seized (or detained and an immediate determination as to admissibility cannot be made) a Customs receipt shall be

delivered to the owner of the materials, who shall be informed that he may communicate, concerning his claims and further disposition, with the local port director or if the matter has been referred for judicial forfeiture, to the local U.S. Attorney's office.

5.4 Admissible political propaganda. Such materials as those described as political propaganda in BACKGROUND shall not be subject to seizure solely on that account, however distasteful the propaganda may seem to be or offensively exaggerated in its descriptions, portrayals, or comparisons. Materials that criticize the United States Government or U.S. officials are not subject to seizure unless the materials "are directed to inciting or producing imminent lawless action and are likely to incite or produce such action". All Customs officers must refrain in the presence of the owner from volunteering expressions and observations of disapproval of criticism of offensive materials. If, among a traveler's baggage, there are many such publications, inspection may be confined to one or two and ordinarily it may be accepted that the unexamined remainder also consists of admissible propaganda. Materials confined to propaganda content shall not be seized or detained.

5.5 Telephone referral. To minimize prospects of aggravated traveler reaction attending enforcement against questionable material in personal baggage, telephonic advice from the Associate/Assistant Chief Counsel on any uncompleted baggage transaction may be sought at once by supervisory inspectors.

6. RESPONSIBILITY.

It is the responsibility of all Customs inspectors and other Customs officers to assure compliance with the Directive.

7. NO PRIVATE RIGHT CREATED.

This document is an internal policy statement of the U.S. Customs Service and does not create any rights, privileges, or benefits for any person or party.

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

Assistant Commissioner
Office of Field Operations

**U.S. CUSTOMS AND BORDER PROTECTION (CBP)
FIELD OPERATIONS**

STANDARD OPERATING PROCEDURES

SOP# : AP 29.05

BASIS : CIS HB 3300-04B, dated July 2004, Personal Search Handbook

SUBJECT : PERSONAL SEARCH HANDBOOK

ACTION PARTY : All CBP Personnel

RESPONSIBLE PARTY : All CBP Managerial and Supervisory Personnel

1. PURPOSE. To advise all CBP personnel that the Personal Search Handbook, which is listed as the above-referenced basis, shall be fully implemented as the standard operating procedures for all personal searches performed within the Passenger Processing Division.

2. POLICY. It is the policy of the U.S. Customs and Border Protection to ensure that CBP Officers perform personal searches in accordance with the specific guidelines set forth in the Personal Search Handbook.

3. RESPONSIBILITIES.

3.1 Assistant Port Director, Passenger Processing, shall ensure that this SOP complies with the requirements outlined in the above-referenced materials.

3.2 Deputy Assistant Port Directors are responsible for managing the implementation of this SOP and monitoring its compliance with the established procedures.

3.3 CBP Managers and Supervisory personnel are responsible for ensuring that the procedures set forth in this SOP are followed.

3.4 CBP Officers are responsible for following the procedures set forth in this SOP.

4. PERSONAL SEARCH GENERAL PROCEDURES.

4.1 All CBP officers must ensure that personal searches are conducted in accordance with the specific guidelines set forth in the Personal Search Handbook.

4.2 This policy shall apply to CBP personnel assigned to Passenger Processing.

4.3 CBP Officers must also ensure that personal searches are performed in approved facilities as outlined in SOP AP 22.02 Air Passenger Detention Procedures.

5. PERSONAL SEARCH CERTIFICATION PROCEDURES.

5.1 OTD Training Site Registration.

(b) (2)



5.2 OTD Training Site Access.

(b) (2)



(b) (2)



5.3 Print the Completion Certificate.

(b) (2)



(b) (2)

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5.4 Verification and Acknowledgement of Training on the Personal Search Handbook.

(b) (2)

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