



September 16, 2022

Via Electronic Mail

Commissioner Chris Magnus
U.S. Customs and Border Protection
U.S. Department of Homeland Security
1300 Pennsylvania Avenue NW
Washington, D.C. 20229
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RE: Meeting Regarding CBP's Handling of Religious Articles Including Interim Guidance Specific to Sikh Turbans

Dear Commissioner Magnus,

We first want to express our gratitude to you and your colleagues for meeting with us last week to discuss CBP's handling of religious articles of the Sikh faith. We appreciate the steps CBP took in August to address the specific problem of turban confiscation, and also your interest in engaging meaningfully with us and other community stakeholders in order to promote culture change. Below, we highlight some of the more encouraging aspects of the meeting as well as some areas of concern.

We were reassured to hear that CBP intends to build upon the interim guidance from early August to include more detailed instruction on the treatment of the fuller range of Sikh articles of faith, as well as to establish clear grievance and disciplinary procedures to address cases of noncompliance. We were also encouraged to hear that religious sensitivity trainings with emphasis on Sikh items and practices will be conducted with agents across all sectors and that you will consult closely with Sikh organizations in developing the training. Finally, we are heartened by your intent to tackle this issue more broadly by using this moment as an opportunity to thoroughly review CBP's policies around religious sensitivity toward migrants of all faiths to ensure that CBP is treating their religious practices and handling their articles of faith with the respect they deserve. Beyond Sikh articles of faith, local service providers in Arizona have reported numerous cases of bibles, rosaries, prayer rugs, and other religious icons being

confiscated by Border Patrol agents. We urge that CBP formalizes these initiatives soon in a working group that includes community stakeholders in developing updates to the guidance and corresponding trainings.

While we look forward to seeing these changes implemented, we are concerned that CBP's solutions framework is too limited in scope. Specifically:

1. The interim guidance, though reasonable as a stop-gap measure, is insufficient in that it does not address specifically how turbans are to be respectfully searched. It also gives agents broad discretion to use security or public health designations to justify turban removals without establishing adequate situational and documentary requirements for those designations.
2. While our main focus is on assuring that people are treated better moving forward, we do seek an accounting for why people were mistreated for so many months. We cannot accept the notion, suggested by some, that the trashing and confiscation of turbans - which we view as a violation of federal law and human rights - was a simple misunderstanding of CBP policy; or that CBP acted immediately as soon as it learned of the problem. As we noted during the meeting, local service providers and advocates were ringing the alarm bell on these practices with CBP officials for months prior to the widespread news coverage of the issue. We urge you to demand a full accounting of the actions of the agents who carried forth these practices, under whose direction they acted, and who was made aware of complaints as they were communicated to CBP. We also ask that you share what you learn with us in the spirit of rebuilding trust.
3. We are eager to discuss the broader issue we raised at our meeting: that is, the widespread practice of Border Patrol agents confiscating, and ultimately disposing, of migrants' personal belongings. In addition to articles of faith, migrants are also being forced to relinquish vital medications, medical devices, documents relevant to individual asylum cases, money, and cell phones, among other items of value.
4. We have outstanding questions about the existence of pertinent CBP guiding documents that should be made public in the spirit of transparency. We appreciate that CBP shared an excerpt from the August interim guidance, and now ask that you publish that guidance with its corresponding policy number, and that you disclose how and to whom it was disseminated. The interim guidance cites a "National Personal Effects IOP" and states that this document is now under review. We request that you share this document, so that we can understand what policy is currently in effect and offer stakeholder input while it is

under review. Finally, the interim guidance cited language from CBP's National Standards on Transport, Escort, Detention and Search (TEDS) that does not align precisely with the current publicly shared edition. Is there a newer version of TEDS that is in effect but has yet to be published?

We thank you for your continued engagement with us on this array of issues, and look forward to your responses to the concerns outlined above. Please feel free to reach out to us with any clarifying questions.

Sincerely,

The Sikh Coalition
American Civil Liberties Union (ACLU)
ACLU of Arizona
Sikh American Legal Defense and Education Fund (SALDEF)
UNITED SIKHS