



August 22, 2022

Via email

Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, DC 20528

Re: Ending border officials' religious-freedom violations and their practice of trashing migrants' personal belongings

Dear Secretary Mayorkas:

On behalf of the Sikh Coalition, the American Civil Liberties Union (ACLU), the ACLU of Arizona, and the 162 undersigned organizations, we write to express our urgent concern regarding the severe mistreatment of migrants, whose personal belongings, including religious articles of faith, are being confiscated by U.S. Customs and Border Protection (CBP) and are frequently thrown in the trash.¹ Moreover, recent reports reveal that CBP has been denying migrants meals that comply with their religious beliefs.² These concerns are not new: many of the undersigned organizations have notified the Department of Homeland Security (DHS) of these egregious and illegal practices over a period of years. We are deeply troubled that CBP has repeatedly failed to take remedial action in response to these complaints, allowing border officials to continue flouting the law with apparent impunity.

Federal law protects the right of all people, including migrants, to practice their faith.³ However, as documented in ACLU and Sikh Coalition letters to CBP and DHS earlier this month,⁴ and in

¹ See, e.g., John Washington, *Border Patrol Agents Are Trashing Sikh Asylum-Seekers' Turbans*, The Intercept, (Aug. 2, 2022), <https://theintercept.com/2022/08/02/sikh-turban-border-patrol/>.

² John Washington, *Whistleblowers Say Arizona Border Patrol Practice of Trashing Sikh Turbans Is Widespread*, *Ariz. Luminaria* (Aug. 5, 2022), <https://azluminaria.org/2022/08/05/whistleblowers-say-arizona-border-patrol-practice-of-trashing-sikh-turbans-is-widespread/>.

³ The Religious Freedom Restoration Act applies heightened legal protections to any “branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States.” 42 U.S.C. § 2000bb-2. This includes CBP. See, e.g., *United States v. Ramon*, 86 F. Supp. 2d 665, 677 (W.D. Tex. 2000) (holding that border patrol’s policy of targeting and stopping vehicles that display religious symbols violated RFRA).

⁴ *Letter to CBP Commissioner Chris Magnus Re Yuma Border Patrol Sector’s Practice of Confiscating Sikh Individuals’ Turbans During Asylum Processing* (Aug. 1, 2022), <https://azluminaria.org/wp-content/uploads/2022/08/2022-08-01-Letter-to-CBP-re-CBP-Confiscation-of-Sikh-Turbans.pdf>; *Letter to DHS*

media reports,⁵ border officials in the Yuma and Tucson Sectors are routinely confiscating and trashing Sikh migrants' turbans. In addition, Tucson border officials also are denying Sikh migrants vegetarian meals; some who have complained have reportedly been ordered to eat meat or starve.⁶ These practices blatantly violate the law and are contrary to the fundamental religious-freedom principles on which our country was founded.

For years, advocates and the media have repeatedly raised concerns about the seizure of religious headwear and other articles of faith, as well as the denial of religious diets by CBP.⁷ These practices not only affect Sikh individuals, but they also harm Muslim, Hindu, Jewish, and Christian migrants, among others.⁸ Furthermore, the unnecessary and cruel confiscation of migrants' personal belongings extends beyond religious items: CBP officials frequently force migrants, including those seeking asylum, to discard nearly all of their belongings, including important medications, identity documents, records relevant to individuals' asylum cases, and items of sentimental value.

Time after time, DHS officials have assured the public and stakeholders that they take these concerns seriously, yet the violations continue. Alarming, these abuses have gone on for so long that they appear to have become standard operating procedure at the border, supplanting CBP's own rules—which require religious sensitivity and the safeguarding of migrants' personal property.⁹ It is now time for immediate and decisive action, which must include an unambiguous

Secretary Alejandro Mayorkas Re Border Patrol Agents Trashing Sikh Migrants' Turbans and Ongoing Religious Accommodation Violations, The Sikh Coalition (Aug. 5, 2022), <https://www.sikhcoalition.org/wp-content/uploads/2022/08/Border-Patrol-Agents-Trashing-Sikh-Migrants-Turbans-and-Ongoing-Religious-Accommodation-Violations.pdf>.

⁵ Washington, *supra* n.2

⁶ *Id.*

⁷ See, e.g., *Letter to DHS Inspector General John Roth et al. Re Compl. & Request to Investigate CBP & ICE's Mishandling of, Failure to Return, & Threats about Personal Belongings in the El Paso Border Patrol Sector*, ACLU of New Mexico (Apr. 6, 2016), <https://www.aclu-nm.org/sites/default/files/wp-content/uploads/2016/04/2016-Administrative-Complaint-on-Personal-Belongings.pdf>; *Teneg et al. v. Trump*, No 5:18-cv-01609 (C.D. Cal. Aug. 1, 2018) (ECF No. 1-4, Paul Singh Decl. ¶¶ 5, 9; ECF No. 1-5, Gurjinder Singh Decl. ¶¶ 5-6; ECF No. 1-12, Sarvejeet Singh Decl. ¶ 8; ECF No. 1-6, Granados Aquino. Decl. ¶ 24; ECF No. 45-3, Gabriel Antonio Manzanilla Pedron Decl. ¶¶ 20, 23); Peter C. Baker, *A Janitor Preserves the Seized Belongings of Migrants*, *The New Yorker* (Mar. 12, 2017), <https://www.newyorker.com/culture/photo-booth/a-janitors-collection-of-things-confiscated-from-migrants-in-the-desert>; *Letter to DHS Acting Inspector General John Kelly et al. Re Investigating religious-freedom violations by Border Patrol and ICE*, ACLU (Mar. 15, 2019), <https://www.aclu.org/letter/investigating-religious-freedom-violations-border-patrol-and-ice>; cf. *Letter to DHS Acting Inspector General John Kelly*, The Sikh Coalition (Feb. 12, 2019), <https://www.sikhcoalition.org/wp-content/uploads/2022/08/CRCL-Detention-Letter-Feb2019.pdf> (raising similar concerns regarding ICE and ICE contractors); *Letter to Acting DHS Inspector General John Kelly et al.* (Apr. 1, 2019), The Sikh Coalition, <https://www.sikhcoalition.org/wp-content/uploads/2022/08/Letter-of-Complaint-re-Sikh-Detainees.pdf> (same).

⁸ See Washington, *supra* n.2; see also Aleksandr Sverdlik, *Border Patrol & ICE Routinely Violate Immigrants' Religious Rights*, ACLU (Mar. 20, 2019), <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/border-patrol-and-ice-routinely-violate>.

⁹ See CBP, *Nat'l Standards on Transport, Escort, Detention & Search (T.E.D.S)* (Oct. 2015) (Policy No. 1.4 (Non-Discrimination); Policy No. 1.5 (Religious Sensitivity); Policy No. 7.0 (Personal Property)), <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>.

statement of policy prohibiting this misconduct and detailing strict enforcement against any official or individual who violates that policy. Beyond these initial steps, DHS leadership must undertake a full-scale reckoning of CBP's and other agencies' brazen disregard for migrants' religious freedom and other rights.

All migrants must be treated with dignity, and their rights must be respected. Seizing their religious garb, texts, and other items—and then also dispossessing them of medication, money, documentation, clothing, and other important personal items—increases migrants' vulnerability. It also burdens state and local governments, as well as non-governmental organizations, that work to support migrants' integration upon their release from DHS custody, undercutting a pillar of the border security preparedness plan DHS released in April of this year.¹⁰ Finally, these practices, combined with other religious-freedom violations by CBP, exacerbate the religious oppression that many migrants previously suffered in their home countries and are now seeking to escape. They should not be subjected to further discrimination in a nation that claims to be a bastion of equality and religious liberty.

These violations cannot be allowed to continue unabated. While we welcome a full investigation of these practices across all border entry points, we urge you to take immediate action *now* to correct these harms and protect the civil rights and civil liberties of migrants. We also stress the importance of full transparency and continuous stakeholder engagement regarding these issues. We look forward to your leadership in ensuring that no migrant, regardless of faith or background, will be subjected to discrimination and abuse at the hands of the U.S. government.

Respectfully,

The Sikh Coalition
American Civil Liberties Union (ACLU)
ACLU of Arizona
ABQ FaithWorks Collaborative
ACLU of New Mexico
ACLU of San Diego and Imperial Counties
ACLU of Texas
ACLU of Texas
ADL (the Anti-Defamation League)
Afghans For a Better Tomorrow
African American Ministers In Action
African Human Rights Coalition
Al Otro Lado

¹⁰ See Alejandro N. Mayorkas, *Memo. Re DHS Plan for Southwest Border Security & Preparedness* (Apr. 26, 2022), https://www.dhs.gov/sites/default/files/2022-04/22_0426_dhs-plan-southwest-border-security-preparedness.pdf.

America Indivisible
America's Voice
American Atheists
American Friends Service Committee (AFSC)
American Humanist Association
American Immigration Council
American Immigration Lawyers Association
American Muslim Bar Association (AMBA)
American Muslim Empowerment Network (AMEN)
American-Arab Anti-Discrimination Committee (ADC)
Americans United for Separation of Church and State
Apna Ghar, Inc.
Arizona Faith Network
Arizona Justice for Our Neighbors
Asian American Bar Association of Greater Chicago
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice | AAJC
Asian Pacific Institute on Gender-Based Violence
Asylum Seeker Advocacy Project (ASAP)
Autistic Self Advocacy Network
AZ-CA HUMANITARIAN COALITION
Baptist Joint Committee for Religious Liberty (BJC)
Bend the Arc: Jewish Action
Beth El Phoenix
Black Alliance for Just Immigration
Border Kindness
Border Organizing Project
Bridges Faith Initiative
Catholic Legal Immigration Network
Catholics for Choice
Center for Gender & Refugee Studies
Center for Security, Race and Rights
Center for Victims of Torture
Coalición de Derechos Humanos
Coalition for Humane Immigrant Rights (CHIRLA)
Communities United for Status & Protection (CUSP)
Comunidad Maya Pixan Ixim
Cooperative Baptist Fellowship
Council Of Peoples Organization

Council on American-Islamic Relations
Counsel on American Islamic relations of Arizona (CAIR-AZ)
Detention Watch Network
Doctors for Camp Closure
Dorothy Day Catholic Worker, Washington DC
DRUM - Desis Risig Up & Moving
Emgage Action
Ensaaf
Envision Freedom Fund
Equality Labs
Evangelical Lutheran Church in America
Faith Action Network
Fellowship Southwest
First Church United Church of Christ, Phoenix
Florence Immigrant & Refugee Rights Project
Haitian Bridge Alliance
Hindus for Human Rights
Hispanic Federation
Houston Immigration Legal Services Collaborative
Human Rights First
ICNA Council for Social Justice
Immigrant Defenders Law Center
Immigration Equality
Immigration Hub
Inter-Faith Committee on Latin America
Interfaith Alliance
Interfaith Welcome Coalition - San Antonio
International Refugee Assistance Project (IRAP)
Islamophobia Studies Center
jakara movement
JAMAAT - Jews and Muslims and Allies Acting Together
Japanese American Citizens League
Jewish Community Relations Council of Greater Phoenix
Jewish Community Relations Council of Southern Arizona
Jewish Family Service of San Diego
Jewish Women International
Justice Action Center
Justice For All
Justice for Migrant Women
Justice for Our Neighbors El Paso

Justice For Our Neighbors North Central Texas
Khalsa Gurmat Center
Kino Border Initiative
Las Americas Immigrant Advocacy Center
LatinoJustice PRLDEF - New York, NY
Lutheran Social Services of the Southwest
Massachusetts Immigrant and Refugee Advocacy Coalition
Migrant Center for Human Rights
MomsRising
MPower Change
Muslim Advocates
Muslim Association of Puget Sound - AMEN
Muslim Justice League
National Asian Pacific American Bar Association (NAPABA)
National Council of Jewish Women
National Council of Jewish Women, Arizona
National Immigrant Justice Center
National Immigration Law Center
National Justice For Our Neighbors
National Network for Arab American Communities (NNAAC)
National Organization for Women
NETWORK Lobby for Catholic Social Justice
New York Annual Conference of The United Methodist Church Board of Church
and Society
New York Immigration Coalition
New York Justice for Our Neighbors, Inc.
NIPNLG
No Separate Justice
North Carolina Asian Americans Together (NCAAT)
North Carolina Asian Americans Together In Action (NCAAT in Action)
Oasis Legal Services
Peaceful Family Project
Poligon Education Fund
Project On Government Oversight
Reconstructing Judaism
Refugee Aid
Refugees International
Revolutionary Love Project
Rian Immigrant Center
Robert F. Kennedy Human Rights

Rocky Mountain Immigrant Advocacy Network
Sadhana: Coalition of Progressive Hindus
Sakhi for South Asian Women
Sapna NYC
Service Employees International Union (SEIU)
Shepherd of the Hills UCC
Sikh American Legal Defense and Education Fund
Sikh American Veterans Alliance (SAVA)
Sikh Family Center
SisterReach
Sojourners
South Asian American Policy and Research Institute (SAAPRI)
South Asian Americans Leading Together (SAALT)
South Asian Bar Association of Chicago
South Asian Bar Association of North America (SABA North America)
South Asian Left Activist Movement (SALAM)
Southern Poverty Law Center
Southwest Conference of the United Church of Christ
Tahirih Justice Center
Temple Solel
The Advocates for Human Rights
The Shoulder to Shoulder Campaign
The Sidewalk School
The Workers Circle
Uncage & Reunite Families Coalition
Unitarian Universalists for Social Justice
United Church of Christ Justice and Local Church Ministries
UNITED SIKHS
Washington Office on Latin America
We Are All America
Win Without War
Wind of the Spirit Immigrant Resource Center
Witness At The Border

Cc: Chris Magnus, Commissioner, U.S. Customs and Border Protection
Tae D. Johnson, Acting Director, Immigration and Customs Enforcement
Senate Committee on the Judiciary
Senate Committee on Homeland Security and Governmental Affairs

House Judiciary Committee
House Committee on Homeland Security