



**U.S. Customs and
Border Protection**

April 19, 2016

Mitra Ebadolahi
Staff Attorney
ACLU of San Diego & Imperial Counties
P.O. Box 87131
San Diego, California 92138-7131

Dear Ms. Ebadolahi:

Please accept the following in reply to your letter dated March 23, 2016, regarding food service for pedestrians waiting in line at the San Ysidro Port of Entry, and other issues addressed in your letter.

At the outset, please note that we have taken proactive steps to offer food at reasonable intervals to pedestrians waiting in line during extended wait times as large groups of foreign nationals appear at the San Ysidro Port of Entry to request asylum. We regard this as a humanitarian gesture, and we regret any inconvenience to the person described as "M" in your letter.

We wish to clarify the record regarding several aspects in which we disagree with the allegations contained in your letter. For example, your letter repeatedly describes M as being "detained," "in custody," "under CBP control," a "prisoner," and unable to leave the line without losing her place. Those assertions are incorrect. A pedestrian waiting in line at the international border to apply for admission into the United States is not in custody or otherwise detained. From the time that M arrived at the end of the pedestrian line until the time she reached the front of the line and was escorted inside the Port for processing, M remained free to leave. There was no restraint on her liberty or freedom of movement, no restriction on access to any personal property in her possession, and no limitation on her ability to take any medication she may have had in her possession. In fact, M left the line unimpeded several times without losing her place; she freely walked south through the pedestrian tunnel and conversed with the GSA security guard several times, and she even went back into Mexico at least once and returned to her place in line with a beverage in hand. In addition, on the morning of Friday, March 18, M reportedly received food from her attorney while waiting in line, and M received food from CBP while waiting in line later that night. Once M reached the front of the line and was inspected and referred for expedited removal processing (including a credible fear interview), she was no longer free to leave, and from that point on was provided access to food at reasonable intervals for as long as she remained in CBP custody.

To the extent that M or her attorney may have received inconsistent answers to their questions regarding food, please note that we have taken the above proactive measures and instructed our officers to offer food during extended wait times necessitated by influxes of foreign nationals arriving at unpredictable rates and times to seek asylum at the San Ysidro Port of Entry. In addition, please note there is a marked designated inspection line for disabled travelers needing assistance, and there were multiple disabled people, including some in wheelchairs, who used the designated "special assistance" line during the time that M and her attorney were in the adjacent line.

Last, we recommend that travelers who have concerns or need assistance request to speak with the area supervisor, and we will respond in a professional manner. Please note that we always have senior leadership on duty at the Port with full authority to make decisions and resolve disputes. If the area supervisor is unable to satisfactorily address an issue, travelers may request to speak with a Branch Chief or Watch Commander. Please be assured that we value professionalism as a core value, and we regret any offense in our communications with M or her attorney.

Thank you for bringing these important matters to our attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pete Flores', with a stylized flourish at the end.

Pete Flores
Director, Field Operations