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**Trusted Traveler
Revocations for Americans
Associated with the
2018-2019 Migrant
Caravan
REDACTED**

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January 8, 2022
OIG-22-13



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Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

January 8, 2022

MEMORANDUM FOR: The Honorable Chris Magnus
Commissioner
U.S. Customs and Border Protection

FROM: Joseph V. Cuffari, Ph.D. ^{for}
Inspector General GLENN E SKLAR

SUBJECT: *Trusted Traveler Revocations for Americans
Associated with the 2018-2019 Migrant Caravan
REDACTED*

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SKLAR
Date: 2022.01.08 00:14:18
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Attached for your information is our final report, *Trusted Traveler Revocations for Americans Associated with the 2018-2019 Migrant Caravan*. We incorporated the formal comments from U.S. Customs and Border Protection (CBP) in the final report.

The report contains two recommendations to ensure two Trusted Traveler Program (TTP) membership revocations were based on quality and accurate information and to issue guidance to personnel about TTP revocation standards. Your office concurred with both recommendations. Based on information provided in your response to the draft report, we consider recommendation 1 open and resolved. Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions.

We consider recommendation 2 open and unresolved. As prescribed by the Department of Homeland Security Directive 077-01, Follow-Up and Resolutions for the Office of Inspector General Report Recommendations, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for the recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, the recommendation will be considered open and unresolved.

Please send your response or closure request to OIGISPFollowup@oig.dhs.gov.



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Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a redacted version of the report on our website.

Please call me with any questions, or your staff may contact Thomas Kait, Deputy Inspector General for Inspections and Evaluations, at (202) 981-6000.

Attachment

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DHS OIG HIGHLIGHTS

Trusted Traveler Revocations for Americans Associated with the 2018–2019 Migrant Caravan

January 8, 2022

Why We Did This Review

In early 2019, journalists, advocates, and attorneys alleged in the media that U.S. Customs and Border Protection (CBP) revoked their Trusted Traveler Program (TTP) memberships or took other actions to harass them because of their work related to the migrant caravan. We conducted this review to evaluate TTP membership revocations of three U.S. citizens associated with the migrant caravan.

What We Recommend

We made two recommendations to CBP to ensure two TTP membership revocations were based on quality and accurate information and to issue guidance to personnel about TTP revocation standards.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

We specifically looked at the circumstances surrounding the TTP membership revocation of three U.S. citizens and found that CBP revoked these memberships after discovering links to information that it considered derogatory and a potential security risk.

In two of the revocations, CBP did not assess the quality or accuracy of the potentially derogatory information at any step of the process. Specifically, we determined that CBP officers did not evaluate unsubstantiated information, and made unsupported conclusions and [REDACTED]

[REDACTED]. Further, because of [REDACTED]

[REDACTED] CBP revoked these two memberships without evaluating the underlying information.

CBP Response

CBP concurred with both recommendations. We consider one recommendation resolved and open and one recommendation unresolved and open.

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Abbreviations

CBP	U.S. Customs and Border Protection
GAO	Government Accountability Office
GES	Global Enrollment System
IRS-NG	Intelligence Reporting System Next Generation
ITU	Intelligence Targeting Unit
NTC	National Targeting Center
OFO	Office of Field Operations
TTP	Trusted Traveler Program
TTV	Trusted Traveler Vetting



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Background

U.S. Customs and Border Protection's (CBP) mission is to safeguard U.S. borders, which includes preventing illegal movement of people and contraband through more than 300 land, air, and sea ports of entry. In furtherance of this mission, CBP operates four Trusted Traveler Programs (TTPs) to allow pre-enrolled, low-risk travelers expedited processing when entering the United States.¹ Individuals apply for TTP membership by submitting personal information and a fee online. CBP then conducts a background check, obtains fingerprints, and interviews applicants at local TTP enrollment centers. Once approved, individuals receive a unique identification number that they may use when booking travel and a TTP membership card. TTP members proceed to dedicated lanes and kiosks at certain U.S. airports, and land and sea ports of entry where they present their membership cards and typically receive expedited processing. According to CBP, by permitting "low-risk participants to receive expedited border processing," the TTPs enable "CBP to direct additional scrutiny to the unknown, potentially higher risk, travelers."² Like all travelers, however, TTP members are subject to additional screening at CBP's discretion.

CBP applies criteria in the TTP Handbook and the "Strict Standard Policy"³ to determine whether individuals are sufficiently "low-risk" to participate in the TTPs. For example, CBP disqualifies applicants with suspected links to terrorism or who are under investigation by law enforcement — but CBP may also deny membership to anyone who "cannot satisfy CBP of his or her low-risk status or meet other program requirements," and "[g]enerally, if low-risk status cannot be determined, the application must be denied."⁴

CBP's TTP Vetting Center conducts "recurrent vetting" to confirm that existing TTP members remain eligible for the programs. Every 24 hours, biographical information for all TTP members is automatically checked against law enforcement databases to identify new information that could affect TTP eligibility. For example, recurrent vetting determines whether [REDACTED]

¹ CBP operates Global Entry for entry into the United States from international destinations; NEXUS for entry into the United States from Canada; SENTRI for entry into the United States from Canada and Mexico; and FAST for commercial trucks entering and exiting the United States from Canada and Mexico.

² *Consolidated Trusted Traveler Programs Handbook*, Apr. 2016 (TTP Handbook).

³ *Strict Standard Policy for NEXUS, SENTRI, and Global Entry Applicants*, Oct. 2008 (Strict Standard Policy).

⁴ TTP Handbook.



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[REDACTED]

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CBP also evaluates the continued eligibility of TTP members by [REDACTED] in the Global Enrollment System (GES).⁷ CBP officers [REDACTED] TTP members when they find potentially disqualifying information, such as possible links to illicit activity.⁸ [REDACTED] CBP officers may take the TTP membership card and instruct the individual to schedule an interview with a local TTP enrollment center. During the interview, local TTP enrollment center personnel inquire about the concerning information and then decide whether to return the TTP card or to revoke the TTP membership.

Denied applicants and revoked TTP members may submit requests for reconsideration through the TTP Ombudsman. The Ombudsman reviews these requests and overturns a denial or revocation if it determines the disqualifying event was incorrect, such as a criminal conviction never occurring, or that the individual is nonetheless sufficiently “low-risk” even if the event is correct. The Ombudsman has wider discretion than officers conducting initial and recurrent vetting and considers [REDACTED] since the disqualifying event.

In early 2019, journalists, advocates, and attorneys alleged that CBP revoked their TTP memberships or took other actions against them for illegitimate reasons. The individuals claimed CBP took these actions to harass them because of their affiliation with, and perceived support of, the “caravan” of migrants⁹ that traveled through Central America to seek admission in the

⁵ TECS is the principal system used by officers at ports of entry to assist with screening and making admissibility determinations for arriving persons, and is the system in which users place lookouts. TECS previously stood for Treasury Enforcement Communications System but is no longer an acronym.

⁶ [REDACTED]

⁷ GES facilitates enrollment and security vetting for TTPs and other CBP programs. [REDACTED]

⁸ CBP also [REDACTED], from TTP members.

⁹ CBP referred to the thousands of migrants from Central America traveling as a group through Mexico as a migrant caravan. CBP, *As Migrant Caravan Continues Toward U.S. Border, CBP Partners with DoD to Secure the Line* (Nov. 6, 2018),

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United States in late 2018 and early 2019, or to intimidate them from continuing to support the migrant caravan. The U.S. Department of Homeland Security Office of Inspector General (OIG) conducted this review to evaluate these allegations. Specifically, in this report we address:¹⁰

- whether CBP revoked three caravan associates' TTP memberships in retaliation for their association with the migrant caravan;¹¹ and
- whether CBP ensured TTP revocations were based on quality and accurate information.¹²

Results of Review

We found that CBP revoked three U.S. citizens' TTP memberships after discovering links to information that it considered derogatory and a potential security risk. In two of the revocations, CBP did not assess the quality or accuracy of the potentially derogatory information at any step of the process. Specifically, we determined that CBP officers did not evaluate unsubstantiated information, and made unsupported conclusions and [REDACTED]. Further, because of [REDACTED], CBP revoked these two memberships without evaluating the underlying information.

CBP Revoked TTP Memberships after Identifying Potentially Derogatory Information through Research of Caravan Associates

During the migrant caravan, CBP researched many individuals suspected of participating in violence, illegal border crossings, or other criminal activity, or

<https://www.cbp.gov/newsroom/spotlights/migrant-caravan-continues-toward-us-border-cbp-partners-dod-secure-line>.

¹⁰ In a separate companion report, *CBP Targeted Americans Associated with the 2018-2019 Migrant Caravan* (OIG-21-62, Sept. 20, 2021), we addressed allegations that CBP subjected caravan associates to repeated, unnecessary, and/or excessive secondary inspections when they attempted to reenter the United States, and allegations that CBP placed alerts on caravan associates, which led Mexican officials to deny them entry into Mexico.

¹¹ This report uses the term "caravan associates" for individuals whom CBP suspected of traveling with, assisting, or otherwise being associated with the migrant caravan.

¹² According to the TTP Handbook, "There is no formal appeal process for CBP denial or revocation of applications, but CBP will make every effort to ensure that accurate information was used and appropriate decisions were reached." Additionally, the Government Accountability Office's (GAO) *Standards for Internal Controls in the Federal Government* require management officials to make decisions with quality information, which it defines as appropriate, current, complete, accurate, accessible, and timely.



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who CBP believed might have information about other individuals' illegal activity. During this research, CBP officers in two different offices discovered that some caravan associates were TTP members. CBP officers revoked the memberships of three caravan associates after identifying potentially derogatory information:

- the TTP Vetting Center revoked the memberships of two caravan associates identified by CBP's National Targeting Center (NTC), and
- a local TTP enrollment center revoked the membership of one caravan associate identified by a CBP Intelligence Targeting Unit (ITU) in San Diego.

Although we found evidence, discussed below, that CBP's process for evaluating this information was flawed, we found no direct evidence that CBP collected this information to harass or intimidate individuals associated with the caravan. TTP officials only revoked the memberships after CBP officers found information considered potentially derogatory.

The TTP Vetting Center Revoked Two Caravan Associates' TTP Memberships after the NTC [REDACTED]

The NTC, based in the Washington, D.C. region, was one of several CBP offices that researched individuals associated with the migrant caravan. Among other duties, the NTC reviews and analyzes data to identify high-risk travelers and cargo. During the migrant caravan, the NTC regularly received field reports from other CBP offices identifying activities at the border and individuals associated with the migrant caravan.

The NTC researched the individuals listed in the field reports.¹³ In particular, the NTC searched [REDACTED] for information about the individuals' roles supporting the migrant caravan and [REDACTED]. The NTC documented its research and noteworthy findings in a "workspace" dedicated to the migrant caravan within CBP's Intelligence Reporting System Next Generation (IRS-NG).¹⁴ Within the workspace, NTC created pages for specific individuals that included

¹³ The field reports listed more than [REDACTED] individuals; however, we cannot confirm whether NTC researched each specific individual because these officers might not document their research unless they find significant information, such as potential criminality, prior encounters with CBP, or other information they consider related to a law enforcement interest.

¹⁴ IRS-NG workspaces are repositories where CBP users add information to create intelligence products or support law enforcement actions.



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biographical information, research findings, and matches to existing CBP records, such as TTP membership.

The NTC determined through its research that five caravan associates were TTP members. Through its [REDACTED] research, the NTC discovered information it considered derogatory for two of the five caravan associates with TTP membership (Caravan Associates 1 and 2). Consistent with its practice for caravan associates who were not TTP members, the NTC documented the potentially derogatory information in the migrant caravan workspace. Additionally, the NTC wanted to flag the potentially derogatory information for the TTP Vetting Center, so that office could determine whether Caravan Associates 1 and 2 were still eligible for TTP membership. However, NTC officials told us they did not know what information the TTP Vetting Center would need to make its determination or how they should provide that information to the TTP Vetting Center.

In light of this unfamiliarity, an NTC official contacted the TTP Vetting Center [REDACTED], to learn what type of information would warrant removing someone from TTPs, but did not receive a response. [REDACTED]

[REDACTED] The NTC officer [REDACTED], and other NTC officers involved in the situation, told us they did not know whether the information they found about the individuals would disqualify them from the TTPs. Further, they believed the [REDACTED]

[REDACTED]

Under CBP policy, the purpose of a [REDACTED]
[REDACTED]. However, OIG found no direct evidence that

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the [REDACTED] for the purpose of retaliating against individuals for providing lawful support to the migrant caravan. First, we found no evidence that the NTC deliberately targeted TTP members. Rather, NTC officers conducted the same types of research on all caravan associates, such as conducting [REDACTED] research. Second, NTC officers did not [REDACTED]

[REDACTED] Third, we found no evidence in interviews or in contemporaneous emails to suggest the NTC singled out Caravan Associates 1 and 2 for any reason other than the potentially derogatory information discovered while researching those individuals. [REDACTED]

A Local TTP Enrollment Center Revoked One Caravan Associate's TTP Membership after an [REDACTED] Requested by the ITU

While the NTC conducted its research, CBP's ITU in the San Diego area also researched individuals associated with the migrant caravan.¹⁵ [REDACTED]

[REDACTED]
16 [REDACTED]

The ITU officer did not establish that Caravan Associates 2 or 3 were physically present at the border incursion and, therefore, [REDACTED] for further investigatory purposes. Instead, the officer requested the local TTP enrollment center [REDACTED],¹⁷ [REDACTED]

¹⁵ Multiple CBP officials from NTC and ITU noted there was duplication of effort while conducting migrant caravan research, including multiple workspaces related to the migrant caravan in IRS-NG.

¹⁶ On January 1, 2019, members of the migrant caravan stormed the border in an attempt to enter the United States from Tijuana and threw rocks at CBP personnel. Alan Yates, *U.S. Agents Fire Tear Gas Across Mexican Border*, New York Times (Jan. 1, 2019), <https://www.nytimes.com/2019/01/01/world/americas/migrants-border-tear-gas.html>.

¹⁷ The ITU officer requested an [REDACTED] on another caravan associate whose TTP membership was not revoked at the time of this review and as such, we did not gather additional details.

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██████████, CBP ██████████ Caravan Associate 2 ██████████
██████████. A CBP officer took her TTP membership card, instructed Caravan Associate 2 to schedule an interview with a local TTP enrollment center, and ██████████. However, before she scheduled an interview, the TTP Vetting Center revoked her membership ██████████

CBP also [REDACTED] and took Caravan Associate 3's TTP card [REDACTED]. Unlike Caravan Associate 2, the [REDACTED], and he was able to schedule an interview months later with the local TTP enrollment center. During his interview, [REDACTED], a TTP official asked Caravan Associate 3 [REDACTED]. Based on the information the TTP official had at the time, and the information obtained in the interview, the TTP official determined Caravan Associate 3 remained eligible for TTP membership. As a result, the TTP official returned his card and entered information in GES explaining why she did not revoke his TTP membership. [REDACTED]

OIG found no evidence that CBP's revocation of Caravan Associate 3's TTP membership was intended as a form of retaliation for his support of the migrant caravan. Rather, the local TTP enrollment center revoked Caravan Associate 3's TTP membership after determining he posed a high risk to the programs, consistent with TTP policy.¹⁹

¹⁸ After receiving the additional information, the TTP enrollment center did not re-interview Caravan Associate 3. A TTP enrollment center official explained that the additional information demonstrated a high-risk that justified revocation, and Caravan Associate 3 could still submit a reconsideration request to the Ombudsman.

¹⁹ As stated earlier in the report, according to TTP policy, “[g]enerally, if low-risk status cannot be determined, the application must be denied.”



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CBP's TTP Membership Revocation Process Lacks Controls to Ensure Decisions Are Based on Quality and Accurate Information

Although we did not find evidence of retaliation, our review of the TTP membership revocations of Caravan Associates 1 and 2 identified flaws in CBP's TTP revocation process. Specifically, CBP did not meaningfully assess the quality or accuracy of information [REDACTED] before revoking TTP membership. CBP concluded that one individual was likely [REDACTED] based on [REDACTED] information, even though her [REDACTED] indicated she was [REDACTED]. CBP concluded another individual had ties to [REDACTED], but we conducted internet searches and found publicly available information indicating these connections might relate to advocacy work and not nefarious activities.²⁰ Further, CBP did not provide Caravan Associates 1 and 2 an opportunity to submit clarifying or exculpatory information to overturn the revocations. As a result, CBP revoked the TTP memberships of Caravan Associates 1 and 2 without using the best available information.

CBP Did Not Evaluate Unsubstantiated Information [REDACTED] before Revoking Caravan Associates' TTP Memberships

According to the TTP Handbook, "... CBP will make every effort to ensure that accurate information was used and appropriate [revocation] decisions were reached." Additionally, the GAO *Standards for Internal Controls in the Federal Government* requires management officials to make decisions with quality information, which it defines as appropriate, current, complete, accurate, accessible, and timely.²¹

Despite this guidance, we found that CBP did not assess the quality or accuracy of information [REDACTED] before revoking caravan associates' TTP memberships. Although, according to the TTP Handbook, [REDACTED]

[REDACTED] the Vetting Center

²⁰ NTC officers often search for publicly available information while researching individuals. The information we located during our internet searches was available online when CBP researched the caravan associates.

²¹ *Standards for Internal Control in the Federal Government*, GAO-14-704G, Sept. 10, 2014.



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conducts recurrent vetting, but neither step is designed to develop or consider the quality of the information [REDACTED] before revoking TTP membership.

For Caravan Associates 1 and 2, the [REDACTED]. We determined that the NTC officers did not evaluate unsubstantiated information they gathered for Caravan Associates 1 and 2 and made unsupported conclusions that it was derogatory. The NTC officers concluded that Caravan Associate 1 was likely [REDACTED] because her [REDACTED] in Mexico. However, her [REDACTED]. The officers did not identify additional evidence, such as [REDACTED], to support their conclusion.

In addition, the NTC officers identified a [REDACTED] over the course of several years between Caravan Associate 2 and [REDACTED]. However, the NTC officers did not conduct research or analysis to determine whether there were innocuous explanations for these connections. OIG conducted internet searches and found publicly available information indicating that these connections might relate to advocacy work and not nefarious activities. There was no evidence that the NTC officers identified and evaluated this publicly available information before concluding the ties were troublesome.

The [REDACTED] for the caravan associates based on this potentially derogatory information and then approved [REDACTED] through a supervisory review process.²² NTC officers told us they expected the TTP Vetting Center to [REDACTED]. The NTC officer who [REDACTED] to ensure that someone would [REDACTED]. Similarly, the NTC Assistant Director said the [REDACTED]. Another senior NTC official said he did not think [REDACTED].

According to the NTC officers, they did not know that the TTP Vetting Center does not vet or question the [REDACTED]. Instead, TTP policy instructs officials [REDACTED].

²² [REDACTED]

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[REDACTED]. As a result, the TTP Vetting Center confirmed that Caravan Associates 1 and 2 [REDACTED]
[REDACTED]

TTP Officials Did Not Provide Caravan Associates 1 and 2 an Opportunity to Submit Clarifying or Exculpatory Information

Unlike Caravan Associate 3, who was referred to the TTP enrollment center after CBP [REDACTED] on him, TTP officials did not interview Caravan Associates 1 and 2 before revoking their benefits because of [REDACTED]. By not interviewing Caravan Associates 1 and 2, TTP officials did not provide them an opportunity to answer questions about the unsubstantiated [REDACTED]
[REDACTED].

One vetting official who approved a caravan associate's TTP membership revocation said the individual could have contacted the TTP Ombudsman office to request a reconsideration and provide clarifying information. Although CBP permits individuals to submit reconsideration requests to the TTP Ombudsman following revocation, the supervisory Ombudsman described reconsideration requests from [REDACTED]. For example, when Caravan Associate 1 submitted a reconsideration request, the Ombudsman sustained the revocation after confirming that [REDACTED]²³. The Ombudsman informed us [REDACTED]. However, according to the TTP Handbook, the Ombudsman has wider discretion than officers conducting initial and recurrent vetting, and the handbook does not clearly state whether the [REDACTED]
[REDACTED]. Therefore, we cannot determine whether the Ombudsman could have reevaluated Caravan Associate 1's TTP eligibility following her reconsideration request.

Conclusion

CBP revoked caravan associates' TTP memberships only after discovering links to information that it considered derogatory and a potential security risk. Caravan associates for whom CBP found no potentially derogatory information maintained their TTP memberships. This suggests that CBP's intention was to

²³ Caravan Associate 2 did not submit a request. Caravan Associate 3 requested reconsideration and asked for the factual basis of his revocation; the Ombudsman did not provide this information and denied the request after determining Caravan Associate 3 posed a high risk.

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address TTP security risks and not to punish individuals for providing lawful assistance to the migrant caravan.

However, CBP's process for revoking TTP memberships raises concerns that decisions can be based on inaccurate, incomplete, or unsubstantiated information. Specifically, in two of the three revocations we reviewed, [REDACTED] without meaningfully assessing the potentially derogatory information at any step of the process.

Recommendations

We recommend the TTP Director, in coordination with the NTC:

Recommendation 1: Evaluate the [REDACTED] and underlying potentially derogatory information noted for Caravan Associates 1 and 2 to ensure the TTP membership revocations were based on quality and accurate information.

We recommend the CBP Commissioner:

Recommendation 2: Issue guidance or training to all CBP officials who have the authority to [REDACTED], revoke TTP memberships, and review TTP reconsideration requests about the relationship between [REDACTED] and TTP revocation standards.

Management Comments and OIG Analysis

CBP concurred with both recommendations and described corrective actions to address the issues identified in this report. Appendix B contains CBP's management comments in their entirety. We also received technical comments to the draft report and revised the report as appropriate. We consider one recommendation resolved and open and one recommendation unresolved and open.

CBP expressed concern with our conclusion that it revoked two memberships without evaluating the underlying information [REDACTED]. In its response, CBP referenced Trusted Traveler Vetting (TTV) procedures, however, these procedures were issued in August 2021 and were, therefore, not in effect when TTP memberships for Caravan Associates 1 and 2 were revoked, nor when we conducted our fieldwork. We based our conclusion on the policies and guidance available at the time of the revocations and our fieldwork. According to the *Consolidated Trusted Traveler Handbook*, "[REDACTED]"

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[REDACTED]

Furthermore, additional guidance provided to vetting officials states that [REDACTED]. Our report also notes that CBP's [REDACTED]. However, we found no evidence that CBP attempted to substantiate the information prior to the TTP revocations. Further, as noted in CBP's technical comments, an attempt to substantiate the information would have been done [REDACTED]; the subject matter expert explained this would not have occurred prior to revocation. CBP's technical comments also confirmed our conclusion that the vetting officers did not further research or evaluate the underlying potentially derogatory information [REDACTED], with one official stating derogatory information "[REDACTED]." The official said revocations were processed based on an understanding that [REDACTED]. However, because CBP allows the placement of unsubstantiated information [REDACTED], CBP vetting officers should not take [REDACTED] to indicate the derogatory information is substantiated and accurate.

CBP was also concerned that our findings, in its view, contradict the previous OIG report, *CBP Targeted Americans Associated with the 2018–2019 Migrant Caravan* (OIG-21-62), which concluded that "CBP officials had legitimate reasons for placing lookouts on U.S. journalists, attorneys, and others suspected of organizing or being associated with the migrant caravan (caravan associates)." The findings and conclusions in these two reports do not conflict. As noted in our report, although we identified issues with CBP's process for evaluating the potentially derogatory information for the purpose of TTP membership revocations, we found no direct evidence that CBP collected information to harass or intimidate individuals associated with the caravan. TTP officials only revoked the memberships after CBP officers found information considered potentially derogatory.

A summary of CBP's response to our recommendations and our analysis follows.

Recommendation 1: Evaluate the [REDACTED] and underlying potentially derogatory information noted for Caravan Associates 1 and 2 to ensure the TTP membership revocations were based on quality and accurate information.



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CBP's Comments to Recommendation 1: Concur. CBP has reviewed the two cases and validated the revocations were based on quality and accurate information. Specifically, in these two instances, [REDACTED] in accordance with established procedures, requirements, research, and justification. Then, CBP Office of Field Operations (OFO) reviewed the information [REDACTED], verified validity of the records, verified they are positive matches to the TTP members, and took the necessary actions to revoke the memberships. The information contained [REDACTED] indicated significant risk which justified revocation. According to CBP, based on the process for revocations, the recommended actions have already been completed. CBP requested the recommendation be considered resolved and closed.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive evidence showing that CBP reviewed and evaluated all information, including the publicly available information we discovered indicating the revoked TTP members' connections may have related to advocacy work and not necessarily nefarious activity.

Recommendation 2: Issue guidance or training to all CBP officials who have the authority to [REDACTED], revoke TTP memberships, and review TTP reconsideration requests about the relationship between [REDACTED] and TTP revocation standards.

CBP's Comments to Recommendation 2: Concur. TTV training is a beneficial and ongoing process through which CBP OFO continues to provide new, updated and refresher training across this critical mission segment on a persistent basis. Accordingly, in August 2021, CBP OFO published updated TTV Standard Operating Procedures, "The National Targeting Center – Passenger Division, Trusted Traveler Vetting, Standard Operating Procedures." CBP OFO is also developing a Memorandum and Muster to ensure that the appropriate CBP TTV personnel are aware of the program and procedural updates, examples of which include: (1) [REDACTED]; and (2) [REDACTED]. [REDACTED] CBP estimates completion by January 31, 2022.

OIG Analysis: We consider these actions partially responsive to the recommendation, which is unresolved and open. Although CBP officials indicate they have updated vetting guidance and training for TTP vetting



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officials, the actions stated do not demonstrate guidance and training regarding the relationship between [REDACTED] and TTP revocation processes for all CBP officials who have the authority to [REDACTED]. We will resolve and close this recommendation when we receive documentation showing CBP has provided guidance and training to those able to [REDACTED] as well as TTP vetting officials.

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Appendix A
Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

The objective of this special review was to determine whether CBP improperly targeted journalists, attorneys, and advocates because of their affiliation with, and perceived support of, the migrant caravan. We focused on the TTP membership revocations of three U.S. citizens associated with the migrant caravan and whether CBP revoked the TTP memberships in retaliation for the individuals' support of the migrant caravan. We also addressed systemic issues related to TTP revocations that we identified while reviewing those three revocations. Several congressional committees questioned whether CBP inappropriately targeted individuals who engaged in constitutionally protected activities. This report does not state an opinion whether any person's constitutional rights were violated.

Our review primarily examined the actions of CBP's TTP, the NTC, and an ITU in San Diego. In the course of this review, we conducted 30 interviews of CBP employees. We collected relevant data from CBP systems with information about the TTP revocations of the three U.S. citizens associated with the migrant caravan. For one of these U.S. citizens, OIG conducted internet searches and found publicly available information indicating that these connections might relate to advocacy work and not nefarious activities. We also obtained more than 115,000 emails from 15 individuals potentially involved in these revocations.

This review was initiated in 2019 by the former DHS OIG Special Reviews Group (SRG) and was conducted in accordance with SRG's quality control standards and the *Quality Standards for Federal Offices of Inspector General* (Silver Book) issued by the Council of the Inspectors General on Integrity and Efficiency. These standards require work to be carried out with integrity, objectivity, and independence, and provide information that is factually accurate and reliable. This report reflects work performed by SRG pursuant to Section 2 of the *Inspector General Act of 1978*, as amended.



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Appendix B CBP Comments to the Draft Report

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1300 Pennsylvania Avenue, NW
Washington, DC 20229



U.S. Customs and
Border Protection

October 29, 2021

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Henry A. Moak, Jr.
Senior Component Accountable Official
U.S. Customs and Border Protection

x

Signed by: HENRY A. MOAK JR.

10/29/2021

SUBJECT: Management Response to Draft Report: "Trusted Traveler
Revocations for Americans Associated with 2018-2019 Migrant
Caravan" (Project No. 20-008-SRE-CBP)

Thank you for the opportunity to comment on this draft report. U.S. Customs and Border Protection (CBP) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

CBP's core values are vigilance, service, and integrity. In fulfilling our law enforcement mission, CBP leadership demands the highest standards of honesty, impartiality, and professionalism, and we take pride in our organizational commitment to promote accountability and facilitate lawful travel at the more than 300 land, air and seaports of entry. The Trusted Traveler Programs (TTP) allow for expedited clearance of pre-approved, low-risk travelers upon arrival in the United States, which in turn allows CBP to refocus limited resources on travelers who pose higher or unknown risk.

CBP leadership is disappointed that the OIG's draft report does not include any of its findings from the review that show that the OIG found no evidence of retaliation or harassment in the highlights page. According to the OIG, this review was conducted due to allegations that CBP revoked TTP memberships or took other actions to harass journalists, attorneys, and advocates because of their work related to the migrant caravan. However, the draft report does not state until page 5 that the OIG found no direct evidence that CBP collected information on three U.S. citizens to harass or intimidate individuals associated with the caravan. Further, the OIG does not identify until page 8 of the report that it "found no evidence that CBP's revocation of Caravan Associate 3's

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TTP membership was intended as a form of retaliation for his support of the migrant caravan. Rather, the local TTP enrollment center revoked Caravan Associate 3's TTP membership after determining he posed a high risk to the programs, consistent with TTP policy." While the OIG's draft report does eventually acknowledge that it did not find evidence of retaliation, not highlighting this significant information earlier in the report risks creating a perception that the report is not balanced.

In addition, CBP is concerned that the draft report erroneously states that CBP: (1) for two individuals, did not assess the quality or accuracy of the potentially derogatory information; (2) did not evaluate unsubstantiated information; and (3) made unsupported conclusions [REDACTED]. The draft report also incorrectly concluded that CBP revoked two memberships without evaluating the underlying information "because of [REDACTED]."

[REDACTED] This demonstrates the OIG's incomplete understanding, and subsequent mischaracterization, of CBP Trusted Traveler Vetting (TTV) procedures. CBP strongly disagrees with these statements, as well as the draft report's finding that CBP's process for revoking TTP memberships does not have proper controls to ensure that revocations are based on accurate and complete information, which, in turn, inaccurately suggests [REDACTED].

[REDACTED] Further, in a prior report published just last month on the same subject, the OIG concluded that [REDACTED].

[REDACTED] which makes this current OIG report that much more flawed.

CBP is further concerned that, despite CBP providing the OIG with its policy documents for TTV, the OIG continued to inaccurately assert throughout the draft report that CBP automatically revokes TTP membership [REDACTED] without evaluating available information prior to revocation. It is important to recognize that CBP utilizes available information to determine whether a member or an applicant satisfies the low-risk standard for program participation, according to TTP eligibility requirements. [REDACTED]

[REDACTED] OIG's assertion throughout the draft report that, in essence, CBP [REDACTED]

¹ OIG-21-62, "CBP Targeted American Associated with the 2018-2019 Migrant Caravan," dated September 20, 2021, p. 4.

² [REDACTED] and underlying potentially derogatory information noted for Caravan Associates 1 and 2 were, in fact, reviewed and evaluated on multiple occasions. [REDACTED]

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automatically revokes TTP membership [REDACTED]
without evaluating the underlying information prior to revocation incorrectly conflates
two distinct processes. [REDACTED]
[REDACTED]

CBP is also troubled with the description on page 10 of the draft report wherein the OIG describes "internet searches" it conducted during this review in an attempt to parallel, reconstruct, or otherwise recreate research that might have been available to CBP during the referenced time period. Given the time elapsed between the events described in the draft report and the OIG's "internet research," there is no means of validating that "this publicly available information" existed or was otherwise available to CBP personnel at the time of the events/actions described in the report. Further, absent from the OIG's draft report are specific citations and insight into the methodology used to identify and collect the referenced "publicly available information." From what CBP program officials and subject matter experts can determine, based on the information in this draft report, the OIG did not assess or validate whether the information was obtained from a trusted source, altered at any point, or definitively associated with the matters that are the focus of the report. There is no indication that the OIG's methodology is reproducible, let alone comparable to the practices, standards, experience levels and resources employed by CBP officers in evaluating this type of "publicly available information" for law enforcement value in general, or eligibility for membership in TTPs. Further, CBP is concerned that the OIG's assessment has the potential to unjustly damage the credibility of CBP initiatives to the detriment of the U.S. Government and its international partners.

The vetting of the TTP applicants and recurrent vetting of the members is conducted by TTV Team at the OFO National Targeting Center that applies an established Standard Operating Procedure, as well as program guidance. Each case is adjudicated in accordance with established procedure, using all available information. This includes confirming a positive match [REDACTED] evaluating the record against TTP criteria, and taking the appropriate action per TTP policy to make a membership determination. In short, CBP has significant concerns that the OIG fundamentally misunderstands the complex balance of national security priorities, commitment to the facilitation of lawful travel, dedication to maintaining the integrity of TTPs, and shared international interests and commitments for TTP initiatives. Despite extensive access to subject matter experts and documentation, the central findings of the report are conceptually and factually inaccurate and inconsistent.

The draft report contained two recommendations. Despite the fact that CBP does not agree with any of the accusations of "systematic issues related to TTP revocations", CBP is acting upon Recommendations 1 and 2. Attached find our detailed response to each recommendation. CBP previously submitted technical comments addressing several

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accuracy, contextual, sensitivity and other issues under a separate cover for the OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions.

Attachment

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Attachment: Management Response to Recommendations Contained in 20-008-SRE-CBP

The OIG recommended that the TTP Director, in coordination with the National Targeting Center (NTC):

Recommendation 1: Evaluate the [REDACTED] and underlying potentially derogatory information noted for Caravan Associates 1 and 2 to ensure the TTP membership revocations were based on quality and accurate information.

Response: Concur. CBP has reviewed the two cases and validated the revocations were based on quality and accurate information. [REDACTED]

[REDACTED] are responsible for reviewing and confirming the underlying information associated with the record. TTP/TTV is responsible for confirming a positive match [REDACTED] evaluating the record against TTP eligibility criteria, and taking the appropriate action per TTP/TTV policy. CBP utilizes all available information, including but not limited to [REDACTED] to determine whether a member or an applicant satisfies the low-risk standard for participation according to TTP eligibility criteria. Therefore, the actions OIG is recommending CBP take have in fact already been completed.

Specifically, in these two instances, [REDACTED] in accordance with established procedures, requirements, research, and justification. Then, OFO reviewed the information [REDACTED] verified validity of the record, verified they are positive match to the TTP members, and took the necessary actions to revoke the membership. The information contained [REDACTED] indicated significant risk which justified revocation.

CBP requests that the OIG consider this recommendation resolved and closed.

The OIG recommended that the Senior Official Performing the Duties of the CBP Commissioner:

Recommendation 2: Issue guidance or training to all CBP officials who have the authority to [REDACTED] revoke TTP memberships, and review TTP reconsideration requests about the relationship between [REDACTED] and TTP revocation standards.

Response: Concur. TTV training is a beneficial and ongoing process through which CBP OFO continues to provide new, updated and refresher training across this critical mission segment on a persistent basis. Accordingly, in August 2021, CBP OFO

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published updated TTV Standard Operating Procedures, "The National Targeting Center – Passenger Division, Trusted Traveler Vetting, Standard Operating Procedures."

CBP OFO is also developing a Memorandum and Muster to ensure that the appropriate CBP TTV personnel are aware of the program and procedural updates. examples of which include: (1)

and (2)

Estimated Completion Date: January 31, 2022.

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Appendix C

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