



CREATING
LAW
ENFORCEMENT
ACCOUNTABILITY &
RESPONSIBILITY



January 25, 2016

Steve Linick
Office of Inspector General
Room 8100, SA-3
2201 C Street, N.W.
Washington, DC 20520-0308

RE: Request for Inspector General Investigation of Misconduct Related to Confiscation and Revocation of U.S. Passports

Dear Inspector General Linick:

We are a coalition of civil rights and civil liberties groups writing to request an investigation into the failure of U.S. Department of State personnel at the U.S. Embassy in Sana'a, Yemen and the Bureau of Passport Services in Washington D.C. to follow the Department's rules and regulations concerning the revocation of U.S. passports, resulting in the exile of dozens of American citizens in Yemen for periods exceeding one year.

Asian Americans Advancing Justice-Asian Law Caucus and Creating Law Enforcement Accountability and Responsibility at CUNY Law School (CLEAR) have prepared the attached report. According to the report, Department personnel systematically abused the passport confiscation and revocation process. The report details abuses that violate not only the Department's own rules and regulations, but also important statutory and constitutional safeguards. The report shares the personal stories of a number of American citizens who were subjected to coercive interrogations before their U.S. passports were summarily confiscated without due process, leaving them stranded in Yemen for months separated from their families, friends, and livelihoods in the United States. According to the report, these Americans were not even provided a way to return home to the U.S. for over a year, resulting in de facto exile in Yemen, a country the State Department was simultaneously urging Americans to evacuate for safety reasons.

Many of our organizations contacted the State Department with concerns about individual cases that suggested problems at the Sana'a Embassy as early as 2013, but we have reason to know Department personnel were aware of the problems even prior to our client advocacy efforts. In January 2014, Al Jazeera America published a report quoting an anonymous State Department official who claimed that an "internal investigation" determined that interrogations resulting in passport revocations were "confrontational" with subjects treated "aggressively" in an "inherently coercive and intimidating environment, without any independent supervision of the interrogator and his translator."¹

Yet, despite awareness of possible wrongdoing and the advocacy efforts of our organizations, to date, we have received no indication that the Department has held the personnel responsible for this egregious misconduct accountable. Moreover, the Department has not been transparent about why these incidents happened, how broadly they occur, or what steps have been taken to prevent their recurrence. This failure of accountability not only undermines public trust in the Department, but highlights the need for an independent, comprehensive, and transparent investigation by the Inspector General to study the problem and determine what measures, if any, the Department should take moving forward.

Inspectors General play an important oversight role in the context of civil rights and liberties.² Through their independent supervisory role, Inspectors General also have the potential to effectuate important policy reforms, improve public awareness, and respond to the public's concerns.³ Indeed, substantial attention to this issue from the New York Times,⁴ the Guardian,⁵ National Public Radio,⁶ the San Francisco Chronicle,⁷ and other outlets⁸ demonstrates the substantial public interest in a thorough review of this matter.

¹ Amel Ahmed, *Yemeni Americans Cry Foul Over Passport Revocations*, AL JAZEERA AMERICA, Jan. 21, 2014, <http://america.aljazeera.com/articles/2014/1/21/yemeni-americanscryfouloverpassportrevocations.html>.

² See Shirin Sinnar, *Institutionalizing Rights in the National Security Executive*, 50 HARV. C.L.-C.R. L. REV. 289 (2015) (analyzing the role of Offices of the Inspector General across several federal agencies in investigating abuse of civil rights and civil liberties, particularly in the counter-terrorism context). See, also, Shirin Sinnar, *Protecting Rights from Within? Inspectors General and National Security Oversight*, 65 STANFORD L. REV. 1027, 1031 (2013) (analyzing how "IGs played a surprisingly significant role in protecting rights" by "provid[ing] impressive transparency..., identifi[ing] violations of the law that had escaped judicial review, and even challenged government conduct where existing law was ambiguous or undeveloped").

³ See, 50 Harv. C.L.-C.R. L. Rev, *supra*, at 311 (explaining how the U.S. Department of Justice's OIG "issued two highly critical reports concluding that federal officials had indiscriminately labeled detainees as terrorism suspects, held many under harsh conditions, and physically abused some detainees," and that the reports "attracted tremendous public and congressional attention, triggered the disciplining of federal prison guards, and assisted some former detainees in obtaining compensation"); *id.* (explaining that the DOJ OIG's "three damning reports on the FBI's use of National Security Letters" which "concluded that the FBI had circumvented the law" eventually "led the FBI to terminate the use of exigent letters and significantly reform internal procedures").

⁴ Liz Robbins, *Yemeni-Americans, Thrust Into Limbo, Say U.S. Embassy Unfairly Revokes Passports*, NEW YORK TIMES, May 27, 2015, <http://www.nytimes.com/2015/05/28/nyregion/yemeni-americans-thrust-into-limbo-say-us-embassy-unfairly-revokes-passports.html>.

⁵ Smitha Khorana, *US citizens in Yemen accuse American embassy of confiscating passports*, THE GUARDIAN, Jul. 22, 2014, <http://www.theguardian.com/world/2014/jul/22/yemeni-americans-us-embassy-sanaa-passports>.

⁶ Richard Gonzales, *U.S. Citizen Stranded in Yemen Sues State Department*, NATIONAL PUBLIC RADIO, May 28, 2015, <http://www.npr.org/2015/05/26/409672017/u-s-citizen-stranded-in-yemen-sues-state-department>.

We hope that your office, like inspectors general overseeing other federal agencies, will ensure that the U.S. Department of State similarly is held to account when its personnel engage in mismanagement and wrongdoing, particularly when it exacts such a high toll on individual Americans, separating them from their country, their loved ones, and their livelihoods.

If you have any questions, you may contact Naz Ahmad at naz.ahmad@law.cuny.edu and 718-340-4630, and Nasrina Bargzie at nasrinab@advancingjustice-alc.org and 925-330-1163 to reach us. We look forward to hearing from you and to cooperating with you to provide the information you need to conduct a thorough investigation.

Sincerely,

American Arab Anti-Discrimination Committee
American Civil Liberties Union
Arab American Institute
Arab Resource & Organizing Center
Asian Americans Advancing Justice
Center for Constitutional Rights
Council on American-Islamic Relations
Creating Law Enforcement Accountability and Responsibility at CUNY Law School
Muslim Advocates
Northwest Immigrant Rights Project

⁷ Bob Egelko, *S.F. man says U.S. fraudulently kept him from leaving Yemen*, SAN FRANCISCO CHRONICLE, Apr. 20, 2015, <http://www.sfgate.com/bayarea/article/S-F-man-says-U-S-fraudulently-kept-him-from-6212229.php>.

⁸ Matt O'Brien, *Oakland man stuck in Yemen fights to return*, OAKLAND TRIBUNE, Jan. 31, 2014, http://www.mercurynews.com/breaking-news/ci_25030451/oakland-man-stuck-yemen-fights-return.html.