



*The Office for Civil Rights and Civil Liberties (CRCL) supports the Department of Homeland Security (DHS) as it secures the nation while preserving individual liberty, fairness, and equality under the law.*



### **Updated CBP Border Search of Electronic Devices Directive**

On January 5, 2018 U.S. Customs and Border Protection released an update to the agency's [Directive governing Border Searches of Electronic Devices](#). This directive, which supersedes the previous directive released in August 2009, enhances the transparency, accountability and oversight of electronic device border searches performed by CBP.

“In this digital age, border searches of electronic devices are essential to enforcing the law at the U.S. border and to protecting the American people,” said Office of Field Operations Deputy Executive Assistant Commissioner John Wagner. “CBP is committed to preserving the civil rights and civil liberties of those we encounter, including the small number of travelers whose devices are searched, which is why the updated directive includes provisions above and beyond prevailing constitutional and legal requirements. CBP’s authority for the border search of electronic devices is and will continue to be exercised judiciously, responsibly, and consistent with the public trust.”

Noting the evolution of the operating environment since the 2009 directive was issued, advances in technology and continuing developments, along with the requirements of the Trade Facilitation and Trade Enforcement Act of 2015, Acting Commissioner Kevin McAleenan directed the review and update of the directive.

In Fiscal Year 2017, CBP conducted 30,200 border searches, both inbound and outbound, of electronic devices. Approximately 0.007 percent of arriving international travelers processed by CBP officers (more than 397 million) had their electronic devices searched (more than 29,200). In FY16, 0.005 percent of arriving international travelers (more than 390 million) had their electronic devices searched (more than 18,400).

The need for border searches of electronic devices is driven by CBP’s mission to protect the American people and enforce the nation’s laws in this digital age. As the world of information technology evolves, techniques used by CBP and other law enforcement agencies must also evolve to identify, investigate, and prosecute individuals who use new technologies to commit crimes. CBP border searches of electronic devices have resulted in evidence helpful in combating terrorist activity, child pornography, violations of export controls, intellectual property rights violations, and visa fraud.

[Read the full press release and the FY17 statistics here.](#)

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## **Announcement on Temporary Protected Status for El Salvador**

On January 8, Homeland Security Secretary Kirstjen Nielsen announced her determination that termination of the Temporary Protected Status (TPS) designation for El Salvador was required pursuant to the Immigration and Nationality Act. To allow for an orderly transition the secretary has delayed termination for 18 months, terminating on Sept. 9, 2019.

The decision to terminate TPS for El Salvador was made after a review of the disaster-related conditions upon which the country's original designation was based, and an assessment of whether those originating conditions continue to exist as required by statute. Based on careful consideration of available information, including recommendations received as part of an inter-agency consultation process, the Secretary determined that the original conditions caused by the 2001 earthquakes no longer exist. Therefore, under the applicable statute, the current TPS designation must be terminated.

The Department of Homeland Security has conducted extensive outreach to Salvadoran communities throughout the country. This includes, but is not limited to, community forums on TPS, panel discussions with Salvadoran community organizers, stakeholder teleconferences, regular meetings with TPS beneficiaries, news releases to the Salvadoran community, meetings with Salvadoran government officials, meetings at local churches, and listening sessions. The Secretary recently met with the El Salvadorian foreign minister and ambassador to the United States, and spoke with President Sánchez Cerén.

Following the 2001 earthquake, El Salvador received a significant amount of international aid to assist in its recovery efforts, including millions of dollars dedicated to emergency and long-term assistance. Many reconstruction projects have now been completed. Schools and hospitals damaged by the earthquakes have been reconstructed and repaired, homes have been rebuilt, and money has been provided for water and sanitation and to repair earthquake damaged roads and other infrastructure. The substantial disruption of living conditions caused by the earthquake no longer exist.

Additionally, in recent years, the U.S. government has been repatriating individuals back to El Salvador - more than 39,000 in the last two years - demonstrating that the temporary inability of El Salvador to adequately return their nationals after the earthquake has been addressed.

To allow for an orderly transition, the effective date of the termination of TPS for El Salvador will be delayed 18 months to provide time for individuals with TPS to arrange for their departure or to seek an alternative lawful immigration status in the United States, if eligible. Salvadorans in the United States who benefited from TPS may still receive other protections under our immigration system for which they are eligible.

The 18 months will also provide time for El Salvador to prepare for the return and reintegration of its citizens. During this timeframe, DHS will work with the Department of State and the government of El Salvador to help educate relevant stakeholders and facilitate an orderly transition. In addition to materials posted online, DHS components will participate in outreach activities such as teleconferences, town halls and roundtables to ensure that affected populations have a full and accurate understanding of their rights and obligations.

Only Congress can legislate a permanent solution addressing the lack of an enduring lawful immigration status of those currently protected by TPS who have lived and worked in the United States for many years. The 18-month delayed termination will allow Congress time to craft a potential legislative solution. Salvadorans with TPS will be required to re-register for TPS and apply for employment authorization documents in order to legally work in the United States until the termination of El Salvador's TPS designation becomes effective Sept. 9, 2019. Further details about this termination for TPS, including the re-registration period, will appear in a Federal Register notice. Salvadoran TPS beneficiaries should not submit re-registration applications until the re-registration period is announced through the Federal Register notice.

## **Statement by Secretary Kirstjen M. Nielsen on Human Trafficking Awareness**

“Make no mistake, human trafficking is modern-day slavery. Through use of force, fraud, or coercion, people around the world are robbed of their freedom and forced into labor or commercial sex. Human traffickers do not discriminate based on nationality, age, gender, or socioeconomic status. Across the world—in rural towns and urban areas alike—innocent men and women are targeted and exploited.

“Human trafficking is the antithesis of everything the free world represents, and the Department of Homeland Security is not standing idly by. In airports, along borders, and in communities across the country, our officers and agents are trained to identify those being victimized by criminals, including transnational criminal organizations.

“Through President Trump’s immigration priorities, we will secure our borders, enforce laws within our country, and create an immigration system that protects the American people. By empowering law enforcement officers to do their jobs and providing them with the resources they need, we can more effectively combat human trafficking.

“Today, we reaffirm our commitment to eradicate modern slavery and human trafficking. I encourage all Americans to learn how to recognize the signs of trafficking, and join the fight to end these heinous crimes.”

DHS’s [Blue Campaign](#) is the unified voice on the Department’s efforts to combat human trafficking. Working in collaboration with law enforcement, government, non-governmental and private organizations, Blue Campaign strives to protect the basic right of freedom and to bring those who exploit human lives to justice.

Through Blue Campaign, DHS raises public awareness about human trafficking, leveraging [partnerships](#) to educate the public to recognize human trafficking and report suspected instances. Blue Campaign also offers [training](#) to law enforcement and others to increase detection and investigation of human trafficking, and to protect victims and bring suspected traffickers to justice. To view all available Blue Campaign resources, please visit our [resources](#) page.

*January 11<sup>th</sup> marked “Wear Blue Day” to raise awareness of Blue Campaign efforts.*

## **98% of U.S. States and Territories on Track for Compliance Ahead of REAL ID Deadline**

On January 22, 2018, DHS began enforcing compliance with the Real ID Act to better protect the American people. [Fifty-five out of fifty-six states and territories](#) are currently compliant or have received an extension until October 10, 2018. Passengers who have licenses issued by a state or territory that is compliant or has an extension to become compliant with REAL ID requirements may continue to use their licenses as usual.

As of today, American Samoa is the only territory still under review. DHS has worked extensively with every state and territory to provide time, technical assistance, and grants to support compliance with the REAL ID security requirements.

Based on a recommendation of the bipartisan 9/11 Commission, REAL ID is a coordinated effort by the states and the federal government to inhibit terrorists’ ability to evade detection by using fraudulently obtained driver’s licenses and identification cards. The REAL ID Act was passed by Congress in 2005, and is designed to ensure that people boarding a flight or entering a federal building are who they say they are.



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REAL ID established minimum security standards for state-issued driver's licenses and identification cards. This includes incorporating anti-counterfeiting technology, preventing insider fraud, and using documentary evidence and record checks to ensure a person is who he or she claims to be. It also prohibits federal agencies from accepting non-compliant licenses and identification cards for access to federal facilities, nuclear power plants, and commercial aircraft. The goal of REAL ID is to improve the reliability and accuracy of state-issued driver's licenses and identification cards used for official purposes.

Because of the potential for confusion about the REAL ID enforcement milestones, residents can use the following guidelines to be fully informed and prepared.

- **Be aware of your state's status.** You can check if your state is REAL ID compliant or has an extension at [www.dhs.gov/real-id](http://www.dhs.gov/real-id).
- **Read answers to frequently asked questions** at [www.dhs.gov/real-id-public-faqs](http://www.dhs.gov/real-id-public-faqs).
- **Bring identity documents to the airport that are acceptable for flying domestically.** TSA provides a list of acceptable documents at [www.tsa.gov/travel/security-screening/identification](http://www.tsa.gov/travel/security-screening/identification). If you need to obtain a new form of ID, please allow sufficient processing time before you travel. For example, the current processing times for U.S. passports are 6-8 weeks for routine service and 2-3 weeks for expedited service.

DHS is working closely with all states and territories to implement their REAL ID requirements and stands ready to provide additional assistance as needed. The women and men of DHS will continue to work tirelessly to put protections in place to keep our country and our people safe.

### **CRCL on the Road, January**

#### ***January 10 – Detroit, Michigan***

CRCL participated in the BRIDGES meeting with the local U.S. Attorney's office and community stakeholders.

#### ***January 31 – Tampa, Florida***

CRCL convened its quarterly community engagement roundtable with diverse ethnic and community-based organizations.

### **CRCL on the Road Ahead, February**

***Houston and El Paso, Texas:*** Community engagement meetings

***Chicago, Illinois:*** Quarterly roundtable

#### ***January 16 – Columbus, Ohio***

CRCL participated in a coordination meeting with law enforcement in central Ohio.

***Orlando, Florida:*** Quarterly roundtable

***Seattle, Washington:*** Quarterly roundtable

For more information on engagement events, email: [communityengagement@hq.dhs.gov](mailto:communityengagement@hq.dhs.gov).

## **Additional information, and contacting us**

The goal of this periodic newsletter is to inform members of the public about the activities of the DHS Office for Civil Rights and Civil Liberties, including: how to file complaints; ongoing and upcoming projects; opportunities to offer comments and feedback; etc. We distribute our newsletters via our stakeholder email list and make them available to community groups for redistribution. Issues of the newsletter can be accessed online at: [www.dhs.gov/crcl-newsletter](http://www.dhs.gov/crcl-newsletter).

If you would like to receive this newsletter via email, want to request back issues, or have other comments or questions, please let us know by emailing [crcloutreach@dhs.gov](mailto:crcloutreach@dhs.gov). For more information, including how to make a civil rights or civil liberties complaint about DHS activities, visit: [www.dhs.gov/crcl](http://www.dhs.gov/crcl).

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