

(b)(6)

OFU

cc: OCA
DJS



Joseph R. Biden

UNITED STATES SENATOR-DELAWARE



1105 North Market Street, Suite 2000, Wilmington, DE 19801

Phone: (302) 573-6345, Fax: (302) 573-6351

FAX:

DATE: 7/2/07

PAGES INCLUDING COVER SHEET: 5

TO: Thaddeus Bingel

FROM: Nicole deBrabander

SUBJECT:

(b)(6)

If you have any questions or if there are problems with this transmission,
please call (302) 573-6345

COMMENTS:

(b)(2)

JOSEPH R. BIDEN, JR.
DELAWARE
www.biden.senate.gov
1105 NORTH MARKET STREET
SUITE 2000
WILMINGTON, DELAWARE 19801-1293
(302) 573-6345

United States Senate

JUDICIARY SUBCOMMITTEE
ON CRIME AND DRUGS
Chairman
FOREIGN RELATIONS COMMITTEE
Chairman
CAUCUS ON INTERNATIONAL
NARCOTICS CONTROL
Chairman
CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS
Chairman
ANTI-METH CAUCUS
Chairman

July 2, 2007

VIA FACSIMILE

Thaddeus Bingel
Assistant Commissioner, Office of Congressional Affairs
United States Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

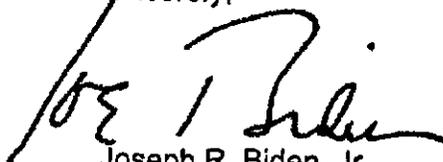
RE: (b)(6) Form I-94W

Dear Mr. Bingel,

I am writing on behalf of my constituent, (b)(6) in reference to a concern he has with United States Customs and Border Protection and Form I-94W.

I have enclosed for your review (b)(6) correspondence requesting my assistance. I respectfully request that your office provide any information that may clarify (b)(6) concerns. If you have any questions, please contact my Constituent Advocate, Nicole deBrabander, at (302) 573-6345. Thank you.

Sincerely,



Joseph R. Biden, Jr.
United States Senator

24 NORTH WEST FRONT STREET
WILMINGTON BUILDING, SUITE 101
MILFORD, DELAWARE 19960-1440
(302) 424-8000

701 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0807
(202) 724-5000

002/005

07/02/2007 14:40 FAX

(b) (6)

(b) (6)

(b) (6)

Marco A. Jimenez
Consul Attaché
U.S. Embassy Mexico City

U.S. Department of Homeland Security
E.O. Box 9000
Brownsville, TX 78520-0900

01152 55 5980 x2649 tel: 01152 55 2099 +518 ext
55 5980 2817 fax 202 359 6677 cel
marco.jimenez@dhs.gov



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

ATTN: Nicole deBrabander

U.S. Senator Joseph R. Biden, Jr.
1105 N. Market St.
Suite 2000
Wilmington, DE 19801-1233
phone: (302) 573-6345 fax: (302) 573-6351

PRIVACY ACT RELEASE FORM

FULL NAME (as it appears on driver's license or birth certificate):

(b)(6)

ADDRESS:

(b)(6)

PHONE NUMBER:

(b)(6)

E MAIL (optional):

(b)(6)

DATE OF BIRTH:

(b)(6)

SOCIAL SECURITY NUMBER:

(b)(6)

CASE NUMBER (if you have already initiated a case with a federal agency):

AGENCY (if applicable):

Please provide a brief description of the problem you are having. If you have written an accompanying letter, you may simply write "attached":

see e-mail letter to Nicole M. deBrabander

I hereby authorize the Office of U.S. Senator Joseph R. Biden, Jr. to access my records and work on my behalf with any and all agencies necessary to resolve the matters listed above.

(b)(6)

7/2/07

Signed

Date



U.S. Customs and
Border Protection

JUL 24 2007

The Honorable Joseph R. Biden, Jr.
United States Senator
1105 North Market Street, Suite 2000
Wilmington, Delaware 19801

Dear Senator Biden:

Thank you for your letter of July 2, 2007, on behalf of your constituent (b)(6). (b)(6)
(b)(6) In your correspondence, you requested that we respond to (b)(6)
concerns regarding the difficulties (b)(6) experienced
related to her Form I-94W Arrival-Departure Record. U.S. Customs and Border
Protection (CBP) has recently completed its review of this matter. Please allow me to
outline our findings.

First, permit me to apologize for any conduct that (b)(6) perceived to be rude or
unprofessional during CBP processing. CBP takes allegations of employee misconduct
very seriously and has instituted policy pertaining to abuses of authority. Complaints of
unprofessional conduct are recorded and investigated and disciplinary action is taken
against CBP Officers who are found to have violated policy.

(b)(6) indicated that (b)(6) arrived into the United
States at Newark International Airport on March 28, 2007, and was admitted as a
temporary visitor for pleasure under the terms of the Visa Waiver Program (VWP). The
CBP Officer who processed (b)(6) gave her the departure portion of a Form
I-94W, Arrival-Departure Record, which (b)(6) was required to turn in to the airline
upon her departure from the United States.

While in the United States (b)(6) decided to take a short trip to Mexico. When
checking in for her flight, the airline representative noted that (b)(6) did not have
the Form I-94W, and advised her that she could travel to Mexico without the I-94W, but
that she would need to the form in order to be boarded for her return flight to the United
States.

This information was not correct. To return to the United States from Mexico,
(b)(6) needed only (b)(6) passport in order to be
transported to the United States, where she could again apply for admission into the
United States as an applicant under the VWP.

While in Mexico, and believing that she required a Form I-94W in order to be
transported back to the United States, (b)(6) went to the U.S. Embassy for
assistance where she learned that the Embassy was closed for 4 days for the holidays.
(b)(6) was able to speak to an officer at the embassy who advised her that she

would have to apply for admission at a U.S. land border port of entry since she did not have (b)(6) "Green Card." (b)(6) sought confirmation of this advice, and received a reply from a CBP representative who stated that he was not sure if the airline representatives would allow (b)(6) to board the aircraft for the United States without the "Green Card."

Based on the foregoing information provided by (b)(6) we can only speculate. However, we believe that the advice (b)(6) received at the American Embassy in Mexico City was based on a misunderstanding. Throughout (b)(6) letter, he refers to the departure portion of the Form I-94W as the "Green Card." The Form I-94W is, in fact, green, and the departure portion is roughly the size of a small card. The term "Green Card," however, has for decades been the common term used to refer to what is now formally known as the Form I-551, Permanent Resident Card. We believe it most likely that the advice (b)(6) received at the U.S. Embassy was based on the incorrect assumption that she was a Lawful Permanent Resident (LPR) of the United States who was not in possession of her "Green Card."

This conclusion would explain the advice she received. If, in fact (b)(6) had been an LPR of the United States who was not in possession of her "Green Card," the airline would technically have been required to refuse to board her unless she was in possession of a transportation letter issued by the U.S. Embassy. However, since the U.S. Embassy was closed for the holidays, the only alternative for an LPR under these circumstances would have been to circumvent the airlines and to apply directly for entry at a U.S. land border port of entry.

We understand from (b)(6) that the airline did permit (b)(6) to board the aircraft and be transported to the United States where she was again admitted into the United States under the terms of the VWP.

We regret the inconveniences that (b)(6) and (b)(6) experienced and hope that our response has provided a clearer understanding of the events and the travel requirements as they relate to the Form I-94W and the VWP.

I appreciate your interest in Customs and Border Protection. If we may offer further assistance, please contact me at (202) 344-1760.

Sincerely,



fn
Thaddeus M. Bingel
Assistant Commissioner
Office of Congressional Affairs



Joseph R. Biden

UNITED STATES SENATOR-DELAWARE

(b)(6) *of de/oca*



1105 North Market Street, Suite 2000, Wilmington, DE 19801
Phone: (302) 573-6345, Fax: (302) 573-6351

FAX:

DATE: 5/1/07

PAGES INCLUDING COVER SHEET: 5

TO: (b)(6)

FROM: Nicole deBrabander

SUBJECT: Additional Documents for (b)(6)

If you have any questions or if there are problems with this transmission,
please call (302) 573-6345

COMMENTS:

(b) (2)

U.S. Senator Joseph R. Biden, Jr.
1105 N. Market St.
Suite 2000
Wilmington, DE 19801-1233
phone: (302) 573-6345 fax: (302) 573-6351

PRIVACY ACT RELEASE FORM

FULL NAME (as it appears on driver's license or birth certificate):

(b)(6)

ADDRESS:

(b)(6)

PHONE NUMBER:

(b)(6)

E MAIL (optional):

(b)(6)

DATE OF BIRTH:

(b)(6)

SOCIAL SECURITY NUMBER:

CASE NUMBER (If you have already initiated a case with a federal agency):

(b)(2)

AGENCY (If applicable):

White House

Please provide a brief description of the problem you are having. If you have written an accompanying letter, you may simply write "attached":

attached

I Hereby authorize the Office of U.S. Senator Joseph R. Biden, Jr. to access my records and work on my behalf with any and all agencies necessary to resolve the matters listed above.

(b)(6)

Signed

May 1st, 2007

Date

(b) (6)

(b) (6)

(b) (6)



U.S. Customs and
Border Protection

MAY 25 2007

The Honorable Joseph R. Biden, Jr.
United States Senator
1105 North Market Street, Suite 2000
Wilmington, Delaware 19801

Dear Senator Biden:

Thank you for your facsimile of May 1, 2007, on behalf of your constituent (b)(6). In your correspondence, you requested that we respond to (b)(6) concerns regarding her processing. U.S. Customs and Border Protection (CBP) has recently completed its review of this matter. Please allow me to outline our findings.

A review of CBP records confirmed that (b)(6) arrived into the United States at the John F. Kennedy International Airport (JFK) in New York City on December 8, 2003, seeking admission into the United States as a temporary visitor for pleasure. In the course of interviewing (b)(6) CBP Officers determined that she had, on a previous trip to the United States, overstayed her authorized period of admission by approximately 10 months. Additionally, it was determined that (b)(6) was married to a Lawful Permanent Resident of the United States, and that it was her intent to take up residence in the United States. (b)(6) was charged with being an immigrant without an immigrant visa, and she was allowed to voluntarily withdraw her application for admission and depart the United States.

Based on (b)(6) letter, it would appear that she did apply for an immigrant visa; however, because of the period of unlawful presence she had acquired in the United States, a waiver of inadmissibility was required, and this undoubtedly delayed the approval process. The U.S. Department of State has jurisdiction over the issuance of visas, and U.S. Citizenship and Immigration Services adjudicates waivers of inadmissibility for intending immigrants. We suggest that (b)(6) contact those departments directly for a response concerning those issues in her complaint that relate to their areas of responsibility.

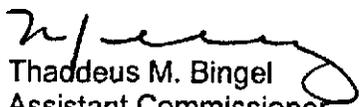
CBP records also indicated that (b)(6) arrived into the United States on April 6, 2007, at JFK, and was admitted on a K-3 visa, as the spouse of a U.S. citizen.

We regret any inconvenience that (b)(6) may have experienced during her CBP processing. We trust that her future encounters with CBP will be of a more pleasant nature.

Allow me to suggest that if (b)(6) for any reason in the future, is again dissatisfied with her CBP processing, she should ask to speak to a supervisor on-site. A supervisor is always available to address the concerns of travelers.

I appreciate your interest in Customs and Border Protection. If we may offer further assistance, please contact me at (202) 344-1760.

Sincerely,



Thaddeus M. Bingel
Assistant Commissioner
Office of Congressional Affairs

(b)(6) OPO
1/16/07



Joseph R. Biden
UNITED STATES SENATOR-DELAWARE



1105 North Market Street, Suite 2000, Wilmington, DE 19801
Phone: (302) 573-6345, Fax: (302) 573-6351

FAX:

DATE: 1/16/07

PAGES INCLUDING COVER SHEET: 3

TO: Customs & Border Leg. Liaison

FROM: Brian Cunningham

SUBJECT: Constituent Case

If you have any questions or if there are problems with this transmission,
please call (302) 573-6345

COMMENTS: Thanks!
Brian

(b)(2)

JOSEPH R. BIDEN, JR.
DELAWARE

www.biden.senate.gov

1105 NORTH MARKET STREET
SUITE 2000
WILMINGTON, DELAWARE 19801-1233
(302) 573-6345

United States Senate

January 16, 2007

JUDICIARY SUBCOMMITTEE
ON CRIME AND DRUGS
CHAIRMAN

FOREIGN RELATIONS COMMITTEE
CHAIRMAN

CAUCUS ON INTERNATIONAL
NARCOTICS CONTROL
CHAIRMAN

CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS
CO-CHAIRMAN

ANTI-METH CAUCUS
CO-CHAIRMAN

Thaddeus Bingel
Asst. Commissioner, Office of Congressional Affairs
U.S. Customs and Border Protection
1300 Pennsylvania Ave, NW
Washington, DC 20229

RE [REDACTED] (b)(6)

Dear Mr. Bingel:

I am writing on behalf of (b)(6) (b)(6) a Delawarean and frequent traveler. According to (b)(6) (b)(6) (b)(6) feels that these detentions are unwarranted, and (b)(6) is requesting an explanation.

I have enclosed for your review (b)(6) correspondence requesting my assistance. I respectfully request any information that you may be able to provide regarding this issue. If you have any questions, please contact Brian Cunningham in my Wilmington, Delaware office at (302) 573-6345.

Sincerely,


United States Senator

(b) (6)



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

MAR 23 2007

The Honorable Joseph R. Biden
United States Senator
1105 North Market Street, Suite 2000
Wilmington, Delaware 19801

Dear Senator Biden:

Thank you for your inquiry of January 16, 2007, on behalf of your constituent, (b)(6). Your constituent has asked that information relating to him be corrected because he experienced several instances of detention upon re-entry into the United States. U.S. Customs and Border Protection (CBP) has recently completed its review of this matter. Please allow me to outline our findings.

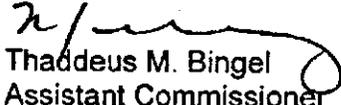
First, permit me to apologize for any rude or unprofessional behavior (b)(6) may have experienced during his CBP processing. Speaking with travelers and closely examining their documentation are some of the ways we look for persons who may be inadmissible or involved in illegal activities. Regrettably, on occasion, CBP may inconvenience law-abiding persons during the course of its law enforcement responsibilities. We are especially aware of how stressful the inspection process may be to persons selected for more protracted inspections. In such cases, we rely heavily on the patience, understanding, and cooperation of the traveling public.

Our records indicate (b)(6) has been referred to secondary inspection on three occasions since 2004; these instances lasting two, 19, and 52 minutes, respectively. CBP has recently implemented a process to use the results of the secondary inspection to better identify travelers on their subsequent processing through CBP. Because of this, we expect your constituent will no longer be needlessly stopped because of the record(s) in question. However, we cannot guarantee (b)(6) will never be referred for secondary inspection. As with the millions of law-abiding travelers who enter into the United States each year, (b)(6) can expect to receive routine CBP processing.

Allow me to suggest that if, for any reason in the future, (b)(6) is again dissatisfied with his CBP processing, he should request to speak to a supervisor on-site. A supervisor is always available to address the concerns of travelers.

I appreciate your interest in Customs and Border Protection. If we may offer further assistance, please contact me at (202) 344-1760.

Sincerely,


Thaddeus M. Bingel
Assistant Commissioner
Office of Congressional Affairs



5730
C702262
AUG 28 2007

The Honorable Joseph R. Biden Jr.
United States Senator
1105 N. Market St., Suite 2000
Wilmington, DE 19801

Dear Senator Biden,

This is in response to your letter dated July 23, 2007 regarding Retired Petty Officer (b)(6) not being allowed to enroll his spouse in the Survivor Benefit Plan (SBP).

Petty Officer (b)(6) retired from the Coast Guard on (b)(6), with over 20 years of service. At that time, he elected not to participate in SBP, even though he had an eligible daughter. SBP is a program authorized under title 10, U. S. Code, §1448, whereby, at the time of retirement from active duty, a member of the Uniformed Services may elect to provide a survivor benefit annuity for his or her spouse in return for an approximate six percent reduction in retired pay. The SBP annuity is equal to 55 percent of the retiree's retired pay at the time of death. Per the law, a decision to elect or decline participation in SBP is irrevocable. In cases where retirees do not have eligible spousal beneficiaries at the time of their retirement, they may elect SBP coverage for one year following marriage; once that year has elapsed, they are deemed to have declined participation.

Petty Officer (b)(6) was married on (b)(6) but did not notify the Coast Guard Personnel Service Center Retiree & Annuitant Service Division (PSC (RAS)) of that marriage until (b)(6). Since he did not notify us within one year of the date of marriage, his spouse is not eligible for coverage under SBP in accordance with current regulations. He also requested coverage for his step-son; however, because he did not elect child coverage for his daughter at the time of retirement, his step-son is also ineligible.

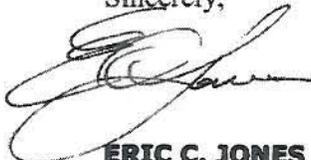
Petty Officer (b)(6) reports that he visited the Coast Guard subsector office in Chincoteague, VA, shortly after his marriage in (b)(6) to obtain a dependent ID card for his new spouse and to enroll her into the Defense Enrollment Eligibility Record System (DEERS) to ensure her military medical benefits. DEERS is operated by the Department of Defense and is completely independent of the Coast Guard's Retired Pay System. Even though Petty Officer (b)(6) had an ID card issued for his new spouse, ID card issuance does not indicate or otherwise imply an SBP election, nor relieve him of his responsibility to promptly notify PSC (RAS) of his marriage.

Subj: RESPONSE TO SENATOR BIDEN'S LETTER OF JULY 23, 2007 ON
BEHALF OF PETTY OFFICER (b)(6) RETIRED.

Petty Officer (b)(6) also stated that he understood that there was an SBP "Open Enrollment" season every five years. This is not correct. From time-to-time, Congress has authorized SBP open seasons, whereby retirees could elect SBP participation after having declined it at the time of their retirement, but the first such open season following Petty Officer (b)(6) retirement ended on October 1, 2006. The Coast Guard is not aware of when Congress, if ever, will once again open SBP for enrollment by non-participating retirees.

My Senate Liaison Office at (202) 224-2913 would be pleased to respond to any further questions you or your staff may have.

Sincerely,



ERIC C. JONES
COMMANDER, U.S. COASTGUARD
DEPUTY CHIEF, CONGRESSIONAL AND
GOVERNMENTAL AFFAIRS STAFF
BY DIRECTION



Joseph R. Biden, Jr.
UNITED STATES SENATOR - DELAWARE

FAX

TO: (b)(6)

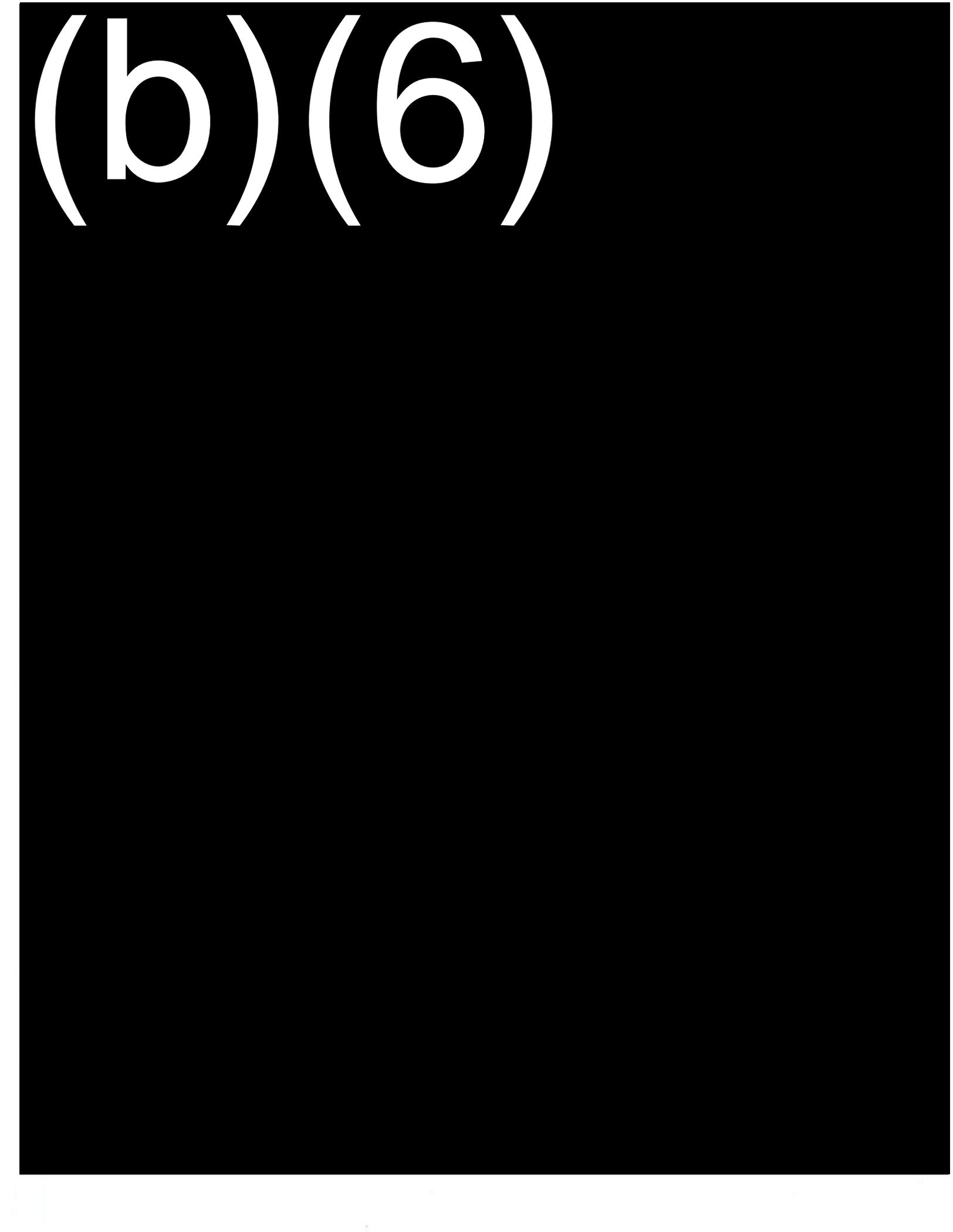
FROM: Charonda L. Taylor, Constituent Advocate
Office of U.S. Senator Joseph R. Biden, Jr.
Phone: (302) 573-6345
Fax: (302) 573-6351
charonda_taylor@biden.senate.gov

SUBJECT: (b)(6), Survivor Benefits Package for spouse

DATE: 23 July 2007

PAGES: 4

(b) (6)



06-23-2007 12:31 (b)(6)

U.S. Senator Joseph R. Biden, Jr.
1105 N. Market St.
Suite 2000
Wilmington, DE 19801-1233
phone: (302) 573-6345 fax: (302) 573-6351

PRIVACY ACT RELEASE FORM

FULL NAME (as it appears on driver's license or birth certificate):

(b)(6)

ADDRESS:

(b)(6)

PHONE NUMBER: (b)(6)

E MAIL (optional):

DATE OF BIRTH: (b)(6)

SOCIAL SECURITY NUMBER:
(b)(6)

CASE NUMBER (if you have already initiated a case with a federal agency):

AGENCY (if applicable):

Please provide a brief description of the problem you are having. If you have written an accompanying letter, you may simply write "attached":

ATTACHED

I hereby authorize the Office of U.S. Senator Joseph R. Biden, Jr. to access my records and work on my behalf with any and all agencies necessary to resolve the matters listed above.

(b)(6)

Signed

06 July 07
Date

06-23-2007 12:31 (b)(6)

U.S. Senator Joseph R. Biden, Jr.
1105 N. Market St.
Suite 2000
Wilmington, DE 19801-1233
phone: (302) 573-6345 fax: (302) 573-6351

PRIVACY ACT RELEASE FORM

FULL NAME (as it appears on driver's license or birth certificate):

(b)(6)

ADDRESS:

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Please provide a brief description of the problem you are having. If you have written an accompanying letter, you may simply write "attached":

I Hereby authorize the Office of U.S. Senator Joseph R. Biden, Jr. to access my records and work on my behalf with any and all agencies necessary to resolve the matters listed above.

(b)(6)

Signed

7-6-07

Date