

Legislative Fact Sheet

Reform the DHS Traveler Redress Inquiry Program

January 1, 2013

The Issue

- Many innocent American travelers who pose no security risk are victims of unfair or incorrect placement on the government's no-fly list or other federal watchlists. These individuals are not provided with any real opportunities or mechanisms to redress their improper designation.
- While the DHS has established the DHS Traveler Redress Inquiry Program (TRIP) to redress improper placement on these federal watchlists, the system:
 - Deprives citizens of the knowledge of whether or not they are on any such watchlists, even as they experience the consequences of such placement.
 - Denies citizens the ability to review any claims or evidence used in their watchlist designation.
 - Lacks the authority to remove a person from federal watchlists as they are controlled by the Terrorist Screening Center—a sub-agency not controlled by DHS.

What is Being Asked of Members of Congress?

- Support a strong letter of inquiry to DHS Secretary Janet Napolitano that seeks clarification of the DHS TRIP program's ability to ensure travelers who are unfairly or incorrectly placed on federal watchlists are able to effectively challenge their designation.
- Support comprehensive legislative reform of the DHS TRIP program that includes:
 - Confirming a citizens' designation on such lists subsequent to a person filing for redress through DHS TRIP or experiencing a watchlist-based deprivation; and
 - Allowing citizens to challenge the Terrorist Screening Center's listing in federal district court directly and access and review any claims or evidence used in their designation.

Reasons to Reform the Watch List System

- In the past year the no-fly list, the federal watchlist of persons banned from flying to or within the U.S., has doubled to 21,000, including 500 U.S. citizens. Last year the *Associated Press* reported that the standard to be placed on the watchlist has been lowered and "a person doesn't have to be considered only [a] threat to aviation" but can be included if they "are considered a broader threat to domestic or international security," an imprecise and undefined status.
- Placement on a federal watchlist amounts to a denial of the Fifth Amendment right to due process. This deprivation includes lengthy detentions, interrogations, and sometimes an inability to travel at all. Additionally, listed individuals are stigmatized as suspected terrorists insofar as federal watchlists are disseminated to hundreds of thousands of federal agents, local police, and private airlines.
- Because DHS does not have the authority to remove names from the watchlist, listed individuals who utilize DHS TRIP still typically languish for years without a change in their status. This difficulty is compounded by the expansive interpretation by some courts of a jurisdictional statute which has prevented individuals from even being heard in federal district court
- CAIR maintains that if any of these citizens were truly a threat to national security and the government was forced to place them on a federal watchlist, why are they allowed to freely travel on ships, trains, busses or to walk through densely crowded areas? The truth is that almost all of these citizens do not pose a threat to aviation and have never been convicted, indicted, or charged with a crime. If the government wanted to question or arrest these citizens they could do so at any time.