



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

JUL 13 2011

Ms. Crystal Williams
American Immigration Lawyers Association
1331 G Street, NW, Suite 300
Washington, DC 20005

Dear Ms. Williams:

Thank you for your May 11, 2011 letter to Commissioner Alan D. Bersin expressing your concerns about any limitations to legal representation for applicants for admission during the inspectional process with U.S. Customs and Border Protection (CBP).

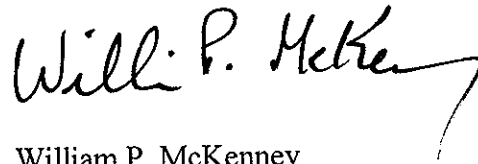
As you may know, deferred inspections may be used when CBP cannot make an immediate admissibility determination of an applicant for admission at the port of entry and there is reason to believe that admissibility could be established through further review of the case or presentation of additional documentation, evidence, or other information. A deferred inspection, as provided for in 8 C.F.R. § 235.2, is discretionary and allows for an individual to be paroled into the United States, temporarily, on a case-by-case basis, until the inspectional process may be completed and is not regarded as an admission of the individual.

Your letter also references the CBP Inspector's Field Manual (IFM), which is a manual designed to provide guidance to Agency personnel regarding various responsibilities and is not to be construed as creating any substantive or procedural rights. Moreover, the Agency's IFM is not contradictory or inconsistent with what is contained in the relevant statutes and regulations. *See* 8 U.S.C. § 1182 and 8 C.F.R. §§ 235.2, 292.5. As a general matter, the interaction during the inspectional process will primarily be limited to the inspecting officers and the applicant for admission so as not to diminish the efficiency and integrity of the inspection.

I would like to emphasize that CBP maintains a positive relationship with the vast majority of legal representatives who are permitted to accompany their clients to deferred inspections. As with any use of discretion, CBP supervisory officers must make decisions regarding representative access based on an evaluation of the totality of circumstances in each individual case, while ensuring that the safety, efficiency, and integrity of the inspectional process is maintained at all times. However, we are sensitive to your concerns regarding the use of this discretion, and I will forward your concerns, along with the examples of alleged rude or unprofessional conduct by CBP officers, to the CBP division that is tasked with investigating these types of complaints.

Thank you again for your letter. Mr. Ben Johnson will receive a separate, identical response. Should you need additional assistance, please do not hesitate to contact me at (202) 344-1623.

Sincerely,

A handwritten signature in black ink that reads "William P. McKenney". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

William P. McKenney
NGO Liaison
Office of the Commissioner
U.S. Customs and Border Protection