



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 16, 2001

The Honorable Russell D. Feingold  
United States Senate  
Washington, DC 20510

Dear Senator Feingold:

This responds to your letter of October 31, 2001, commending the Department of Justice for its efforts to bring to justice the terrorists involved in the events of September 11, 2001. A similar letter will be sent to all signatories of the letter. The Department of Justice is committed to expending every effort and devoting all necessary resources in its power to prevent future attacks on the United States and its interests.

The Department of Justice is equally committed to upholding the Constitution and to respecting the rights of individuals. We appreciate your concerns about the well-being of detained individuals and share your view that no individual should be denied the rights provided by the Constitution. To date, we have been advised of one specific complaint, which is under review within the Department. If you have any information about additional complaints, please contact us, as the Attorney General is committed to the safety of these individuals.

Under Immigration and Naturalization Service (INS) procedures, an alien who has been arrested for immigration violations is taken to a processing center where INS officers explain to the alien the contents of the Notice to Appear (which initiates removal proceedings), the reason for the arrest, and the right to be represented by counsel or other qualified representative of choice. By statute, of course, the INS is not permitted to pay for an alien's lawyer in removal proceedings. In order to help aliens locate counsel, however, the INS provides the alien with a list of organizations that provide free legal services in the community. Every detained alien is also informed that he or she may communicate with consular or diplomatic officers of the country of his or her nationality in the United States. In addition, the INS affirmatively notifies the consulates of countries that are signatories to the Vienna Convention on Consular Notification within 72 hours of the arrest or detention of one of their nationals.

Within 48 hours of arrest, or within an additional reasonable period of time in the event of an emergency or other extraordinary circumstance, the INS makes a determination whether the alien will be maintained in custody. Detention determinations are based on the danger posed by the alien to the community and the likelihood that he will appear for all scheduled hearings. In the cases generated by September 11 leads, the INS places great weight on the FBI's continuing investigative interest in the alien for determining whether the alien is a flight risk or may pose a danger.

A detained alien may request a redetermination of custody status before an Immigration

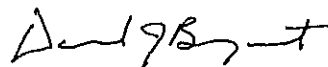
Judge. The length of time between the alien's request for a bond hearing and when the hearing takes place depends on the Immigration Judge's docket, however, the Immigration Court attempts to schedule bond hearings within seventy-two hours of the request. At the bond redetermination hearing, the alien has the burden of proof. The Immigration Judge may base the redetermination decision on "any information that is available" or that is presented to the Immigration Judge. The alien or the INS may appeal the Immigration Judge's bond decision to the Board of Immigration Appeals.

In response to your request, we are compiling the criminal complaints that are not under seal by court order as well as INS charging documents regarding detained individuals. The material witnesses warrants that have been issued in our criminal investigation are under seal pursuant to court order. Additionally, some of the criminal complaints filed against individuals are under seal by order of the court. Generally, motions to seal proceedings are themselves filed under seal, but we will advise you further if we determine that any such motions in these cases were not filed under seal. Enclosed are copies of the publicly available criminal complaints and INS charging documents that we have assembled to date, as well as the documents we have located regarding guidance to officials about making public disclosures about the detainees. We will supplement this response as additional documents become available. The charging documents have been redacted to remove information that would identify the individuals in order to protect their privacy interests and the confidentiality of our law enforcement efforts relating to the events of September 11<sup>th</sup>. We also are concerned that disclosure of the identities of individuals in INS custody and their whereabouts could adversely impact our pending criminal investigation. Additionally, some of these individuals might choose not to cooperate with law enforcement if their identities were disclosed.

We do not maintain records responsive to your request on individuals who have been arrested and/or detained on state and local criminal charges. You may wish to contact state and local law enforcement authorities for that information concerning the detention of those individuals.

We appreciate your continued support in our national war against terrorism and we are available to answer any questions you may have relating to these materials. We have sent identical responses to the other Senators and Members of Congress who joined in your letter to us.

Sincerely,



Daniel J. Bryant  
Assistant Attorney General

Enclosures

cc: The Honorable Edward M. Kennedy  
The Honorable Patrick J. Leahy  
The Honorable John Conyers, Jr.  
The Honorable Sheila Jackson Lee  
The Honorable Jerrold Nadler  
The Honorable Robert C. Scott

U.S. Department of Justice  
Immigration and Naturalization Service



Warrant for Arrest of Alien

File No. [REDACTED]

Date: September 16, 2001

To any officer of the Immigration and Naturalization Service delegated authority pursuant to section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

[REDACTED]  
[REDACTED]  
\_\_\_\_\_ (Full name of alien)  
an alien who entered the United States at or near \_\_\_\_\_ on \_\_\_\_\_ (Port)

July 7, 1998 \_\_\_\_\_ is within the country in violation of the Immigration laws and is (Date)

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act. By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

[REDACTED]  
\_\_\_\_\_ (Signature of authorized INS official)  
[REDACTED]  
\_\_\_\_\_ (Print name of official)  
Deputy Assistant District Director/Investigations  
\_\_\_\_\_ (Title)

Certificate of Service

Served by me at [REDACTED] on September 16, at 9:20 pm 2001

I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

[REDACTED]  
\_\_\_\_\_ (Signature of officer serving warrant)

Special Agent  
\_\_\_\_\_ (Title of officer serving warrant)

(115)

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No. [REDACTED]

In the Matter of: [REDACTED]  
Respondent: [REDACTED]

currently residing at

[REDACTED]

[REDACTED]

(Number, street, city, state and zip code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are deportable for the reasons stated below.

- The Service alleges that:
- 1) You are not a citizen or national of the United States.
  - 2) You are a native of Saudi Arabia and citizen of Saudi Arabia.
  - 3) You were admitted into the United States at Washington, D.C. on or about July 7, 1998 as a nonimmigrant visitor for pleasure with authorization to remain in the United States for a temporary period not to exceed January 6, 1999.
  - 4) You remained in the United States beyond January 6, 1999, without authorization from the Immigration and Naturalization Service.

On the basis of the forgoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under section 101(a)(15) of the Act, you have remained in the United States for a longer time than permitted, in violation of the laws of the United States

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to:  8 CFR 208.30(f)(2)  8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at \_\_\_\_\_  
To Be Set and Notice Provided By the Office of the Immigration Judge

(Complete Address of Immigration Court, including Room Number, if any)

on \_\_\_\_\_ at \_\_\_\_\_ to show why you should not be removed from the  
To be set To be set United States based on the charge(s) set forth above.  
(Date) (Time)

[REDACTED]

Deputy Assistant District Director/Investigations  
(Signature and Title of Issuing Officer)

[REDACTED]

(City and State)

Date: September 16,  
2001

See reverse for important information

Form I-862 (Rev. 3-22-

DETREQ-00087

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

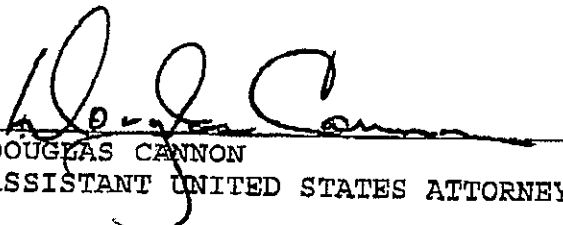
UNITED STATES OF AMERICA :  
 :  
 v. :  
 : 1:01CR\_\_\_\_\_-1  
 IMTIAZ AHMED SIDDIQUI, :  
 also known as "Imtiaz Ahmed" :

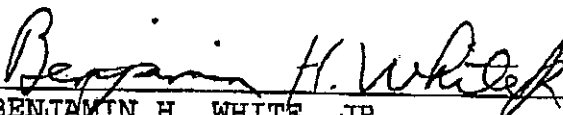
The Grand Jury charges:

On or about August 15, 2001, in the County of Durham, in the Middle District of North Carolina, IMTIAZ AHMED SIDDIQUI, also known as "Imtiaz Ahmed," for the purpose of obtaining a voter registration card, did falsely and willfully represent that he was a citizen of the United States in an application to the Wake County Board of Elections, when in truth and fact, as IMTIAZ AHMED SIDDIQUI, then well knew, he was a citizen of Pakistan and not the United States; in violation of Title 18, United States Code, Section 911.

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON

  
DOUGLAS CANNON  
ASSISTANT UNITED STATES ATTORNEY

  
BENJAMIN H. WHITE, JR.  
UNITED STATES ATTORNEY