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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
BEFORE THE COMMITTEE ON THE JUDICIARY

MARKUP STATEMENT
IN SUPPORT OF
H.R. 1573
“ACCESS TO COUNSEL ACT OF 2021”

WEDNESDAY, APRIL 14, 2021

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- Mr. Chairman, as a senior member of the Committee on the Judiciary, I rise in strong and enthusiastic support of H.R. 1573: the “*Access to Counsel Act of 2021*”, which would ensure that certain individuals who are subject to prolonged inspection by U.S. Customs and Border Protection (CBP) at ports of entry have the ability to communicate with and received the assistance of counsel and other interested parties at no expense to the government.
- The Access to Counsel Act does the following:
 - Allows individuals who already have legal status in the United States who are held in secondary inspection at airports or other

points of entry for more than an hour with an opportunity to access legal counsel or an interested party, such as a relative or someone with a bona fide relationship, under certain circumstances.

- Allows counsel or a covered interested party the ability to advocate on behalf of the individual by providing information or documentation in support of the individual.
- Affirms the opportunity to access to counsel attaches no later than one hour after the secondary inspection process begins and as necessary throughout the process.
- Invalidates any effort by CBP to persuade someone to relinquish their legal status (by executing a I-407 or Record of Abandonment of Lawful Permanent Resident Status) if that person has been denied access to counsel or voluntarily waives, in writing, the opportunity to seek advice from counsel.
- In 2017, Juan Garcia Mosqueda, a decade-long legal permanent resident of the U.S., was detained at John F. Kennedy International Airport in New York City and sent back to his native Argentina by a CBP agent who told him that, “lawyers had no jurisdiction at the borders.”
- This statement, made in the weeks following implementation of the former president’s 2017 travel ban, lays bare the vulnerable situation faced by people upon their arrival to the United States.
- Behind closed doors without a friend or counsel, people are subjected to prolonged questioning, coercion, extended detention, mistreatment and summary expulsion.

- Many lose valuable rights, and sometimes more, as CBP agents interpret and apply complex immigration rules to decide people's lives without the benefit of a knowledgeable advocate.
- While many within the agency interpret and apply the law competently, the position does not require more than a high school degree, and CBP inspectors continue to act as judge, jury and expulsiomer without so much as a whisper allowed during that decision making from an attorney representing the banished.
- We are a country of laws, and we hold as a cherished tradition the concept of due process of law.
- The need for this bill became apparent after the Trump Administration implemented the Muslim ban in early 2017, resulting in individuals being detained at airports, while others being barred from boarding flights and pulled off planes abroad.
- In 2020, we saw additional instances of CBP officers unjustly detaining Iranian Americans for up to 12 hours at the northern border in Blaine, WA and detaining and deporting Iranian students who were attending U.S. universities and people from Iran traveling on valid visas.
- Immigrants and civil rights activists have also raised concerns that CBP appears to target individuals for inspection based on racial profiling, and often holds U.S citizens with proper documentation in secondary inspection without access to an attorney.
- For example, three Black CBP officers recently filed a lawsuit against DHS, alleging CBP routinely targets and harasses Black travelers at the Blue Water bridge between Port Huron and Sarnia on the Canada-Michigan border.

- A March 25, 2021 report by the American Civil Liberties Union of Michigan examined CBP data on apprehensions at the Michigan-Canada border and corroborates these allegations.
- The report found that between 2012 and 2019, over 96% of the 13,000 documented apprehensions involved people of color, and one-third involved U.S. citizens.
- In another example, Tianna Spears, a Black U.S. citizen diplomat working at the U.S. consulate in Ciudad Juarez, Mexico said that she was targeted regularly for inspection over a four month period, despite crossing the border daily, possessing a diplomatic passport and Global Entry approval, and having registered her car in the SENTRI system.
- She states that during these encounters, she was unable to contact counsel or State Department colleagues who could verify her identity.
- After four months of regular apprehensions, she began to develop symptoms of PTSD, and was forced to transfer to a different post. She later resigned from the State Department.
- Mr. Chairman, we must ensure that people are treated fairly during the inspections process, and to do so at the very minimum requires that CBP permit representation of counsel when requested during inspections.
- I urge all Members to vote for H.R. 1573 and send a powerful message that this House stands firmly behind America's well-earned and long-established reputation of being the most welcoming nation on earth.
- Thank you, Mr. Chairman; I yield the remainder of my time.