

Requester's Name: Joe Cyr

FOIA/PA NO.: 2009-021

MIXED DOCUMENTS

4 (RIF)

22 (RIP)

1 (WIF)

           (DUP)

           (REFERRED)

           (NR)

## Review of the Removal of Maher Arar to Syria by INS in October 2002

### Memorandum of Record (MOR)

**PURPOSE:** Summarization of the meeting with Immigration and Customs Enforcement (ICE) officials concerning Extraordinary Renditions

**DATE:** Wednesday, September 22, 2004 @ 1:00 p.m.

**ATTENDEES:**

[REDACTED], ICE [REDACTED]  
[REDACTED], DRO  
[REDACTED], DRO  
[REDACTED], ICE OI/NSU  
[REDACTED], ICE/OI  
[REDACTED], ICE OPLA  
[REDACTED], DHS OIG  
[REDACTED], DHS OIG

**LOCATION:** [REDACTED], Washington DC

**PREPARED BY:** [REDACTED]

This meeting was held in response to a memorandum dated August 10, 2004, from Clark Kent Ervin (IG) to Michel Garcia (Assistant Secretary, ICE) that requested additional information concerning [REDACTED]. The OIG initiated a review of the Arar case in January 2004.

[REDACTED]

[REDACTED] DACS is the database that contains records of all aliens charged with immigration violations and removed from the United States. [REDACTED]

[REDACTED]

[REDACTED] A DACS summary sheet [REDACTED]

b5, b6

Interestingly, [redacted] opined that [redacted] agreed to provide the OIG with [redacted].

[redacted] opined that [redacted]

(OIG Note: If this did happen, [redacted] should have included [redacted] There would not necessarily have been [redacted] However, [redacted]

[redacted] stated that [redacted] also stated that [redacted]

In a side bar conversation with [redacted] agreed to provide (via facsimile) the OIG with a copy of the Form I-148 that directed the removal of Arar and [redacted]

b5, 6

### RECORD OF INTERVIEW

**DATE:** Wednesday, February 4, 2004 @ 11:00 a.m.

**LOCATION:** [REDACTED]

**PARTICIPANTS:**  
[REDACTED]

**OIG:**  
[REDACTED]

**PURPOSE:** Obtain the views of the [REDACTED] on the removal of Maher Arar to Syria by the Immigration and Naturalization Service (INS).

b5, 6

**INFORMATION OBTAINED:**

1) [REDACTED]

[REDACTED] did not know. [REDACTED] did not know.

[REDACTED]

[REDACTED] did not know, and [REDACTED] did not know.

2) [REDACTED]

[REDACTED] This matter started [REDACTED] mentioned that [REDACTED] would know more about it. [REDACTED] recalls that [REDACTED]

[REDACTED] again characterized the case [REDACTED]

[REDACTED] also mentioned that [REDACTED]

3) [REDACTED]

[REDACTED] did not know.

[REDACTED] did not know

4) [REDACTED]

[REDACTED] To [REDACTED] knowledge, the decision to send Arar to Syria [REDACTED] mentioned that [REDACTED]

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[REDACTED] did not know.

5) [REDACTED]

[REDACTED]

6) [REDACTED]

[REDACTED] To [REDACTED] knowledge. [REDACTED] However, [REDACTED] could not speak for [REDACTED] Additionally, [REDACTED] mentioned that [REDACTED] [REDACTED] noted that normally. [REDACTED]

7) To your knowledge, [REDACTED]

[REDACTED] did not know.

[REDACTED] did not know.

[REDACTED]

[REDACTED] could not be sure because [REDACTED]  
[REDACTED] noted that this information would be in the classified file.

[REDACTED] assumed [REDACTED]

8) [REDACTED]

[REDACTED] was not aware of any.

o [REDACTED]

[REDACTED] was not aware of [REDACTED]

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7C

*Information to be provided:*

- [REDACTED] will provide the statutory citation used (INA) as a basis for removing Arar to Syria.

Written by: [REDACTED]  
Reviewed by: [REDACTED]

### RECORD OF INTERVIEW

**DATE:**

Thursday, March 25, 2004 @ 3:00 p.m.

**LOCATION:**

[REDACTED]

**PARTICIPANTS:**

[REDACTED]

**OIG:**

[REDACTED]

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**PURPOSE:**

Obtain information from the [REDACTED]  
[REDACTED] on their role in the removal of Maher Arar to Syria by the  
Immigration and Naturalization Service (INS).

**INFORMATION OBTAINED:**

1. [REDACTED]

To [REDACTED] knowledge, [REDACTED]  
[REDACTED]

2. [REDACTED]

[REDACTED]

[redacted] qualified that [redacted]

[redacted] clarified that [redacted]

[redacted] further stated that DHS/OIG should [redacted]

3. [redacted]

[redacted]

4. [redacted]

[redacted] stated that [redacted]

[redacted] could answer that question.

5. [redacted]

[redacted]

[redacted] clarified that the [redacted]

6. [redacted]

[redacted] recommended we discuss them with [redacted]

7. [redacted]

To reiterate, [redacted]

[redacted] charge. [redacted] referred us to

[redacted] would have been in

Note: We interviewed [redacted]

[redacted]

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8. To your knowledge, [REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED] did not have the knowledge to draw any conclusions. [REDACTED] suggests [REDACTED] be checked.

10. [REDACTED]

[REDACTED] would not answer the question.

11. [REDACTED]

[REDACTED] could not answer the question.

a. [REDACTED]

[REDACTED]

12. [REDACTED]

a. [REDACTED]  
b. [REDACTED]

[REDACTED] is more informed on this issue. Contacts given were: [REDACTED] recommended we call [REDACTED] to be referred to them.

13. To your knowledge, [REDACTED]

[REDACTED] had no additional information to offer. [REDACTED] recommended we contact [REDACTED]

Written by: [REDACTED]  
Date: March 26, 2004

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b6

ISP-\_\_\_-2004  
Bunder B  
Tas 46

[Redacted]  
From: Ashbaugh, Robert  
Sent: Friday, December 02, 2005 3:45 PM  
To: [Redacted]  
Subject: RE: Arar

Cant wait to read the footnote about this little piece of information! Its open source too!

-----Original Message-----

From: [Redacted]  
Sent: Friday, December 02, 2005 3:10 PM  
To: Ashbaugh, Robert  
Subject: FW: Arar

FYI

-----Original Message-----

From: [Redacted]  
Sent: Friday, December 02, 2005 3:05 PM  
To: [Redacted]  
Subject: RE: Arar

Um, yes, big time.

[Large redacted block]

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6

-----Original Message-----

From: [Redacted]  
Sent: Friday, December 02, 2005 12:43 PM  
To: [Redacted]  
Subject: Arar

[Redacted]

According to [Redacted] some research and find out if [Redacted] Do

[Redacted]

Inspections and Special Reviews  
Office of Inspector General  
Department of Homeland Security  
202-254-[Redacted]  
202-254-[Redacted] fax

ISA-\_\_\_\_-2004  
Dunde E  
Tas 44

Review of the Removal of Maher Arar to Syria by INS in October 2002

Memorandum of Record (MOR)

**PURPOSE:** Summarization of the meeting with Immigration and Customs Enforcement (ICE) officials concerning Extraordinary Renditions

**DATE:** Wednesday, September 22, 2004 @ 1:00 p.m.

**ATTENDEES:**

[REDACTED], ICE [REDACTED]  
[REDACTED], DRO  
[REDACTED], DRO  
[REDACTED], ICE OI/NSU  
[REDACTED], ICE/OI  
[REDACTED], ICE OPLA  
[REDACTED], DHS OIG  
[REDACTED], DHS OIG

**LOCATION:** CAB, 425 I Street, N.W., 3rd Floor, Washington DC

**PREPARED BY:** [REDACTED]

This meeting was held in response to a memorandum dated August 10, 2004, from Clark Kent Ervin (IG) to Michel Garcia (Assistant Secretary, ICE) that requested [REDACTED]. The OIG initiated a review of the Arar case in January 2004.

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[REDACTED] Deportable Alien Control System (DACS) [REDACTED]

[REDACTED] DACS is the database that contains records of all aliens charged with immigration violations and removed from the United States.

[REDACTED] A DACS summary sheet [REDACTED]

4 pages  
v

Interestingly, [REDACTED]  
[REDACTED] opined that [REDACTED]  
[REDACTED] agreed to provide the OIG with [REDACTED]

[REDACTED] opined that [REDACTED]  
[REDACTED]

(OIG Note: If this did happen, [REDACTED]  
[REDACTED]

[REDACTED] should have included [REDACTED]  
[REDACTED] There would not  
necessarily have been [REDACTED]. However, [REDACTED]  
[REDACTED]

[REDACTED] stated that [REDACTED]  
[REDACTED]

[REDACTED] also stated that [REDACTED]  
[REDACTED]

In a side bar conversation with [REDACTED] agreed to provide (via facsimile) the OIG  
with a copy of the Form I-148 that directed the removal of Arar [REDACTED]  
[REDACTED]

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## Deletion Page

Requester: Joe Cyr  
Request #: 2009-021

1 Page(s) is/are being withheld in full  
by DHS/OIG and the following  
marked exemption(s) is/are being  
claimed.

### EXEMPTIONS CLAIMED:

#### FOIA: 5 U.S.C. § 552

b(1)     b(2)     b(3): \_\_\_\_\_  
 b(4)     b(5)     b(6)     b(7)(A)     b(7)(C)     b(7)(D)  
 b(7)(E)     b(7)(F)

#### PRIVACY ACT: 5 U.S.C. § 552a

d(5)     j(1)     j(2)     k(1)     k(2)     k(3)  
 k(4)     k(5)     k(6)     k(7)

Description of Document withheld: Hand-written notes attached to the MOR which an  
OIG inspector took during a meeting with ICE.

*9/11 Meeting*

# Deportation of Detainees to Syria

CAB - Room 3240

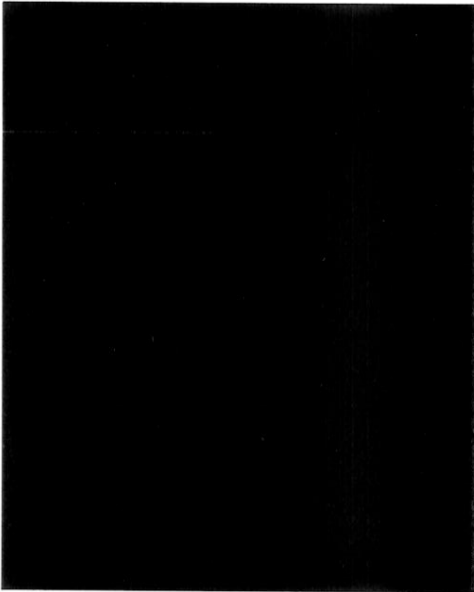
1:00 pm,

9-22-04

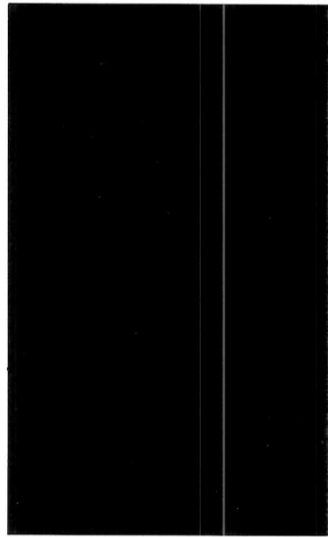
Name

OFFICER

*del* #



ICE  
OPR/MIO/ [redacted]  
DRO  
DRO  
ICE/OI  
ICE/OILA  
DHS/OIG  
DHS/OIG  
DHS/ICE/OI/NSU



b6

ISP-2004  
binder E  
Tab 40

**DATA COLLECTION INSTRUMENT: REVIEW OF THE  
REMOVAL OF IMMIGRATION DETAINEE MAHER ARAR TO  
SYRIA BY THE IMMIGRATION AND NATURALIZATION  
SERVICE**

<b>Personal characteristics</b>	<b>Full name</b>	Maher Abdul Hamid Arar
	<b>A Number</b>	[REDACTED]
	<b>Date of Birth</b>	[REDACTED]
	<b>Place of Birth</b>	[REDACTED]
	<b>Country(ies) of citizenship</b>	[REDACTED]
	<b>Place of residence</b>	[REDACTED]
<b>Arrest location and date</b>	JFK Airport, NY, September 26, 2002	
<b>Names of INS Managers, Inspector(s) and Supervisor(s) who were listed in the A File</b>	[REDACTED]	
[REDACTED]		

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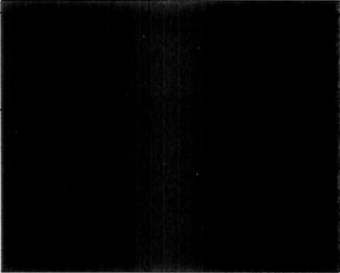
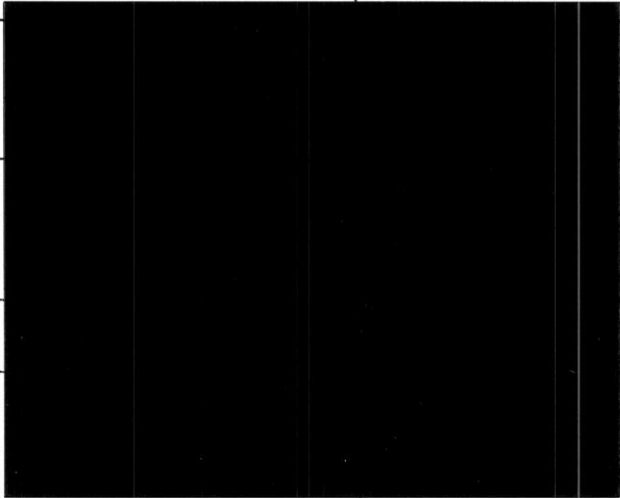
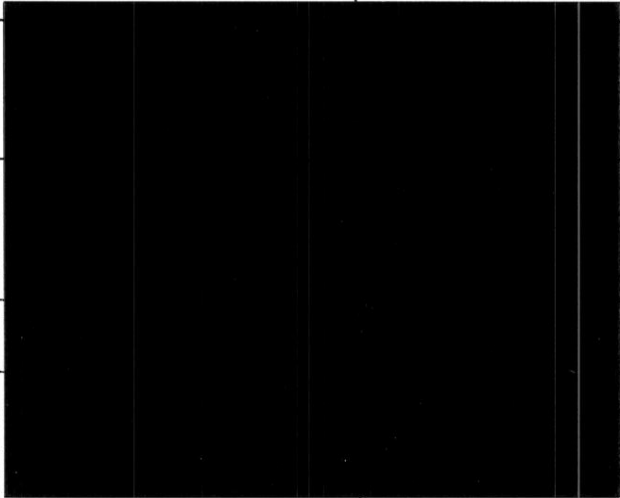



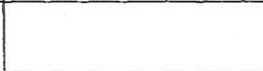


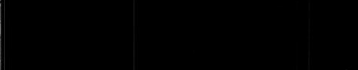



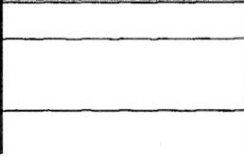
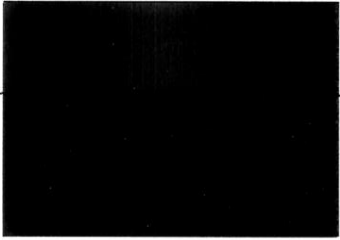


LAW ENFORCEMENT SENSITIVE

[REDACTED]	[REDACTED]	
Names, positions, and contact information for INS personnel [REDACTED]		
Date that [REDACTED]		
Specific immigration charges on NTA	<b>Charge</b>	<b>Statutory citation</b>
	[REDACTED]	[REDACTED]
[REDACTED]	<b>Detention location</b>	<b>Dates</b>
	[REDACTED]	[REDACTED]

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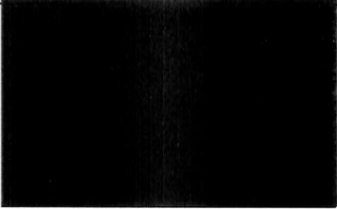


LAW ENFORCEMENT SENSITIVE

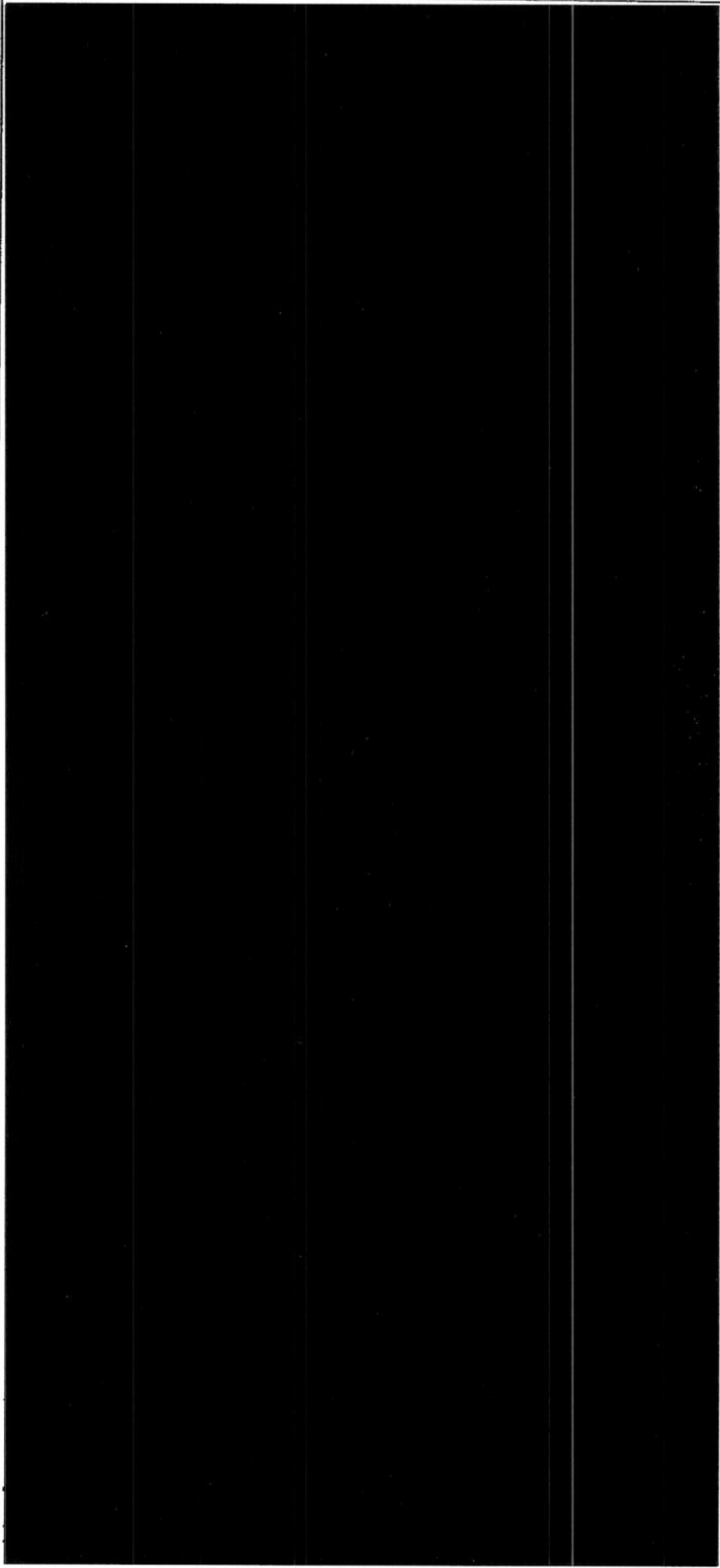
		
<b>Significant immigration processing dates for Arar, including immigration hearings</b>	<b>Action</b>	<b>Date</b>
		
		
		
		
		
	<b>Agency</b>	<b>Date</b>
		
<b>As can best be determined,</b> 	9/26/02	
		

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LAW ENFORCEMENT SENSITIVE

	No charges or history
<b>Names of Arar's attorneys (if available, include contact information)</b>	
	
	
<b>Date and signatory of any order from the U.S. Department of Justice for Mr. Arar's deportation on national security grounds (an "extraordinary rendition")</b>	

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<p><b>Other significant information:</b></p>	
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LAW ENFORCEMENT SENSITIVE

Note: Please copy and retain significant documents that verify information on this DCI.

LAW ENFORCEMENT SENSITIVE

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**Binder Table of Contents  
B: Background**

<b>BINDER</b>	<b>TAB</b>	<b>DOCUMENT TITLE</b>
B1	1	A File Documents – Writeup from 1/23/04 meeting with ICE
B1	2	A File Documents – Picture of Arar’s Canadian license
B1	3	A File Documents – Immigration database printouts
B1	4	A File Documents – INS Form I-147 given to Arar
B1	5	A File Documents – Bureau of Prisons intake form (377)
B1	6	A File Documents – Country of removal designation form
B1	7	A File Documents – Decision of the Regional Director (10/7/02)
B1	8	A File Documents – INS Form I-148 served on Arar
B1	9	A File Documents – MOI on Arar (10/8/02)
B1	10	Media – “Maher Arar: Statement to the Media” (11/4/03)
B1	11	Media – “Deported Terror Suspect Details Torture in Syria” (11/5/03)
B1	12	Media – “Maher Arar: Timeline” (11/6/03)
B1	13	Media – “Ex-Detainee Details Fearful Path to Syria” (11/12/03)
B1	14	Media – “Top Justice Aide Approved Sending Suspect to Syria” (11/19/03)
B1	15	Media – “Man Was Deported After Syrian Assurances” (11/20/03)
B1	16	Media – “His Year In Hell” (1/21/04)
B1	17	Media – “The Case of Maher Arar [Congressional Record]” (2/10/04)
B1	18	Media – “Untangling tale of tortured Canadian” (5/1/04)
B1	19	Media – “Jet Is an Open Secret in Terror War” (12/27/04)
B1	20	Media – “Terror Suspect Alleges Torture” (1/6/05)
B1	21	Media – “Cdn. Info brought Arar to U.S. attention: report” (1/27/05)
B1	22	Media – “Outsourcing Torture” (2/7/05)
B1	23	Media – “Obsidian Wings: Maher Arar” (2/14/05)
B1	24	Media – “It’s Called Torture” (2/28/05)
B1	25	Media – “No Secrets: Eyes on the CIA” (3/7/05)

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B1	26	Media – “CIA’s Assurances on Transferred Suspects Doubted” (3/17/05)
B1	27	Media – “Suit by Detainee on Transfer to Syria Finds Support in Jet’s Log” (3/30/05)
B1	28	Media – “Storm over deportation to Syria” (5/31/05)
B1	29	Media – “Inquiry Exposes Canada’s Role in ‘Renditions’” (6/26/05)
B1		

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 C: Interviews

BINDER	TAB	DOCUMENT TITLE
C1	1	Record of Interview – Entrance Conference (2/3/04)
C1	2	Record of Interview – ██████ CIS Attorney (12/12/05)
C1	3	Record of Interview – ██████ CIS Attorney (2/7/05)
C1	4	Record of Interview – ██████ CIS Attorney (7/27/05)
C1	5	Record of Interview – ██████ (8/29/05)
C1	6	Record of Interview – ██████ ICE OPLA (1/23/04)
C1	7	Record of Interview – ██████ ICE OPLA (2/1/05)
C1	8	Record of Interview – ██████ CIS Attorney (8/30/05)
C1	9	Record of Interview – ██████ BTS Attorney (7/12/05)
C1	10	Record of Interview – ██████ BTS Attorney (10/14/05)
C1	11	Record of Interview – ██████ ICE OPLA (8/22/05)
C1	12	Record of Interview – ██████ CIS Attorney (8/2/05)
C1	13	Record of Interview – ██████ ICE OPLA (8/29/05)
C1	14	Record of Interview – ██████ LESC/ICE (10/12/05)
C1	15	Record of Interview – ██████ CBP (2/8/05)
C1	16	Record of Interview – ICE officials re: renditions (9/22/04)
C1	17	Record of Interview – ██████ CBP NY (10/6/05)
C1	18	Record of Interview – Relevant Inspectors, CBP NY (10/6/05)
C1	19	Record of Interview – ██████ CIS Asylum NY (10/5/05)
C1	20	Record of Interview – ██████ CIS Asylum NY (10/5/05)
C1	21	Record of Interview – ██████ Attorney (10/6/05)
C1	22	Record of Interview – ██████ USAO/ED/VA (12/15/05)
C1	22(a)	Record of Interview – ██████ Treasury (4/11/06)
C1	23	Record of Interview – ██████ (2/8/06)
C1	24	Record of Interview – ██████ DOS (2/4/04)

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C1	25	Record of Interview – [REDACTED] (3/25/04)
C1	26	Record of Interview – [REDACTED] (10/20/04)
C1	27	Arar Interview Matrix
C1	28	New York Interview List – Provided by CBP and ICE
C1	29	Email – “[REDACTED] Interview” (5/24/04)
C1	30	Email – “RE: [REDACTED] Interview” (6/2/04)
C1	31	Email – “Arar CBP docs and other arrangements” (6/13/05)
C1	32	OIG and Attorney Correspondence – [REDACTED] interview (7/12/05)
C1	33	Email – “RE: Arar” (7/13/05)
C1	34	Faxes – [REDACTED] (8/9-8/10/05)
C1	35	Correspondence – “OIG Interview of [REDACTED]” (8/11/05)
C1	36	Correspondence – “Investigation of Maher Arar” (8/12/05)
C1	37	Correspondence – “OIG Interview of [REDACTED]” (8/29/05)
C1	38	Email – “Arar interview update” (12/9/05)
C1		



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**Binder Table of Contents  
D: Report  
[CLASSIFIED]**

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Binder Table of Contents  
 E: Legal and OIG Analyses

BINDER	TAB	DOCUMENT TITLE
E1	1	Joint Memorandum Regarding Treatment of Privileged Information in <u>Arar v. Ashcroft, et al.</u> (12/10/04)
E1	2	Memorandum – For ██████████ from ██████████ (HQCOU 90/16)
E1	3	Memorandum – For ██████████ from ██████████ (HQCOU 90/22.1)
E1	4	Email – “RE: Notice Period for ARAR” (10/1/02)
E1	5	Email – ██████████ (10/2/02), with Memorandum attachment ██████████ Proceedings”
E1	6	Email – “Tasking from ODAG” (10/2/02)
E1	7	Email – “RE[2]: RE: ██████████” (10/2/02)
E1	8	Email – “Fwd: ██████████” (10/2/02)
E1	9	Email – “Fwd: Re[5]: question” (10/3/02)
E1	10	Email – “Fwd: JFKIA A-File” (10/3/02)
E1	11	Email – “NOTICE TO COUNSEL” (10/6/02)
E1	12	Email – “Arar” (6/18/04)
E1	13	Email – “Arar” (2/1/05)
E1	14	Email – “FW: DHS-DOJ ██████████” (6/23/05)
E1	15	Email – “RE: Arar” (10/5/05)
E1	16	Email – “Re: Arar” (10/9/05)
E1	17	Email – “RE: Arar Document Request” (12/5/05)
E1	18	Email – “RE: Arar Document Request” (12/8/05)
E1	19	Email – ██████████ (Undated)
E1	20	Handwritten Notes – ██████████ (10/3-10/21/02)
E1	21	U.S. Code, Title 8, Section 1182. - Inadmissible aliens
E1	22	U.S. Code, Title 8, Section 1225. - Inspection by immigration officers

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E1	23	U.S. Code, Title 8, Section 1229a. - Removal proceedings
E1	24	U.S. Code, Title 8, Section 1231. - Detention and removal of aliens ordered removed
E1	25	OIG Analysis of U.S. Code, Title 8, Section 1231
E1	26	CFR, Title 8, Section 507.1. – Eligibility for Protection under the Convention Against Torture
E1	27	CFR, Title 8, Section 236.1. – Apprehension, custody, and detention.
E1	28	CFR, Title 8, Section 208.16. – Withholding of removal under section 241(b)(3)(B) of the Act and withholding of removal under the Convention Against Torture.
E1	29	U.S. Code, Title 22, Section 2242. – United States Policy with Respect to the Involuntary Return of Persons in Danger of Subjection to Torture.
E1	30	Convention Against Torture – Email, “RE: Torture Convention” (2/5/04)
E1	31	Convention Against Torture - United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (December 1984)
E1	32	[REDACTED]
E1	33	OIG summary of Convention Against Torture provisions in U.S. law and regulation
E1	34	“EOIR Policy on UN Convention Against Torture” (5/14/99)
E1	35	[REDACTED]
E1	36	[REDACTED]
E1	37	Maher Arar, Plaintiff, v. John Ashcroft, et al. Complaint and Demand for Jury Trial (1/22/04)
E1	38	Maher Arar, Plaintiff, v. John Ashcroft, et al. Memorandum and Order, CV-04-0249 (2/16/06)
E1	39	Arar Case Summary (8/8/05)
E1	40	Arar Data Collection Instrument – for Unclassified Alien File
E1	41	OIG Analysis – “Aliens Intercepted and Refused Admittance for National Security Reasons – U.S. POEs”
E1	42	Summary Working Paper – CIS Documents (6/22/05)
E1	43	Email – [REDACTED] (9/13/04), with Attachment – [REDACTED] since Oct 1, 1997”

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E1	44	MOR – Summary of ICE Meeting on Extraordinary Renditions (9/22/04)
E1	45	Email – “[REDACTED]” (9/23/04), with Attachment – April 1997-September 2004”
E1	46	Email – “RE: Arar” (12/2/05)
E1	47	Email – “RE: [REDACTED]” (12/6/05)
E1		