



# COMMONWEALTH *of* VIRGINIA

*Office of the Attorney General*

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January 29, 2017

The Honorable John Kelly  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs & Border Protection  
Washington, D.C. 20528

The Honorable Dana J. Boente  
U.S. Attorney, Eastern District of Virginia  
2100 Jamieson Ave.  
Alexandria, VA 22314

Wayne Biondi  
Port Director of the Area Port of Washington  
Dulles, U.S. Customs & Border Protection  
Washington, D.C. 20528

## **Re: This weekend's events at Dulles International Airport**

Gentlemen:

I am deeply concerned about events at Dulles International Airport on January 27, 28, and 29, 2017, in which U.S. Customs & Border Protection personnel ("CBP") detained air passengers who arrived at the airport following issuance by President Trump of his Executive Order dated January 27, 2017, entitled "Protecting the Nation From Foreign Terrorist Entry Into the United States."

On Saturday, January 28, at approximately 9:30 p.m., the United States District Court for the Eastern District of Virginia issued a temporary restraining order ("TRO") in *Aziz v. Trump*, directed against all respondents: President Trump; the Department of Homeland Security; U.S. Customs and Border Protection; Secretary Kelly; Acting Commissioner McAleenan; and Port Director Biondi. The TRO enjoined respondents: (1) to "permit lawyers access to all legal permanent residents being detained at Dulles International Airport"; and (2) to refrain from "removing petitioners—lawful permanent residents at Dulles International Airport—for a period of 7 days from the issuance of this Order." It was widely reported on Saturday night and yesterday that CBP officials refused to permit such access to counsel, even after receiving notice of the TRO.

Although many aspects of these events are disturbing, I am particularly troubled that Virginia residents were detained, or returned to the country from which their travel originated,

despite having been previously issued lawful permanent residence status or lawful student or work visas. Accordingly, I respectfully request that you provide the following information:

**Lawful Permanent Residents**

- 1) How many persons with lawful permanent resident status were detained at Dulles on January 27, 28, and 29? Of those detained, how many were removed from the United States before CBP personnel at Dulles received actual notice of the TRO? How many were removed after such notice was received? What time on January 28 did CBP receive actual notice of the TRO and how and to whom was that notice provided?
- 2) Why did the respondents in *Aziz* disobey the TRO's directive to permit lawyers to have access to the detained lawful permanent residents? Please provide the names and titles of all officials responsible for that decision.
- 3) Of those lawful permanent residents detained at Dulles on January 27, 28, or 29, how many showed a residence address in the Commonwealth of Virginia? Please provide the name and address of such Virginia residents. For those who were removed from the United States, please state the date the person was removed and identify the country to which that person was removed. If CBP or Immigrations and Customs Enforcement ("ICE") continues to detain any such Virginia resident, please state the place where that Virginia resident is currently detained.

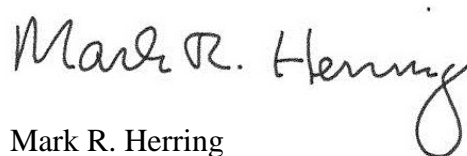
**Travelers with valid student or work visas**

- 4) How many persons with valid student or work visas were detained at Dulles on January 27, 28, and 29 pursuant to the authority of the Executive Order? Of those detained, how many showed a residence address in the Commonwealth of Virginia? Of those with a Virginia residence, how many were removed from the United States and how many were permitted entry?
- 5) Does the CBP continue to detain any Virginia residents who were traveling with a valid student or work visa? If so, please provide the names and addresses of such Virginia residents, their nationality, and the type of visa on which the person was traveling.

I would appreciate your providing this information as soon as practicable, but by no later than February 1. If you have any questions about this request, please feel free to speak with Solicitor General, Stuart A. Raphael (804-786-7240).

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Herring". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Mark R. Herring

January 29, 2017

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cc: The Hon. Terence R. McAuliffe, Governor  
The Hon. Mark Warner, Senator  
The Hon. Tim Kaine, Senator  
Stuart A. Raphael, Solicitor General