U.S. Customs and Border Protection Designated ‘Security Agency’

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U.S. Customs and Border Protection (CBP), an agency with more than 60,000 employees, now shares status with the likes of the FBI and the Secret Service.

CBP is designated as a “security agency,” according to a CBP staff memo on February 7, 2020, a move which allows the agency to shield information about personnel from the public. At a time when U.S. immigration agencies are becoming more aggressive enforcers and more of their actions are being challenged in court and in the media, transparency is being hindered.

Mark A. Morgan, Acting Commissioner of CBP, explained:

I am pleased to announce CBP has been designated as a Security Agency under Office of Personnel Management’s (OPM) official Data Release Policy, effective immediately. Previously, only frontline law enforcement, investigative, or intelligence positions held this designation. This policy change now protects all CBP employee names from subsequent responses to Freedom of Information Act requests or other public disclosures for CBP employee data.
CBP’s main missions are border security, trade, and travel. According to its own Snapshot summary, CBP secures America’s borders by stopping inadmissible people and illicit goods, works to secure, safeguard, and facilitate imports, and welcomes international travelers and returning U.S. citizens. CBP currently employs:

- 24,511 CBP officers
- 2,465 agriculture specialists
- 19,648 Border Patrol agents
- 597 air interdiction agents (pilots)
- 339 marine interdiction agents
- 296 aviation enforcement agents
- 979 trade personnel

CBP conducts operations in:

- 52 countries
- 328 ports of entry
- 135 Border Patrol stations
- 74 Air and Marine Operations locations

On a typical day, CBP processes more than a million people arriving to the U.S. CBP has broad discretion at the border to perform searches and determine whether foreign nationals are admissible to the U.S. or not.

Immigration attorneys are concerned that holding a “security agency” designation will limit accountability at the border. FOIA requests, one of the more effective means for gathering information about government actions and operations, will be less useful because CBP will have the authority to redact employees’ names, making it much harder to follow email trails and investigate possible illegal or irresponsible acts. For instance, when foreign national employees, students, and visitors are not permitted to enter the U.S., and are turned around on the next flight, it will be more difficult to determine the relevant details regarding the reasons such as the individuals involved, their intent, and where the decisions or policies originated.

Clark Pettig, Communications Director at American Oversight, said that this new designation “creates significant potential for abuse by an already secretive agency with a poor track record of public transparency.” CBP is an agency that “is at the center of some of this administration’s most troubled and troubling policies,” including actions at the southern border.

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