



Yale Law School

**Joint Press Release:**

**[New York Times: Inquiry Targeted 2000 Foreign Muslims](http://www.nytimes.com/2008/10/31/us/31inquire.html)**

<http://www.nytimes.com/2008/10/31/us/31inquire.html>

**ICE Targets Immigrants from Muslim Majority Countries Prior to 2004 Presidential Election**

Washington, DC | October 20, 2008 | [www.adc.org](http://www.adc.org) | The American-Arab Anti-Discrimination Committee (ADC) and Yale Law School’s National Litigation Project have learned of a program conducted by Immigration and Customs Enforcement (ICE) prior to the 2004 Presidential Election that targeted immigrants from Muslim majority countries. ICE recently released hundreds of records on “Operation Front Line,” a secret government program designed to “detect, deter, and disrupt terrorist operations” leading up to the 2004 Presidential Election through the 2005 Presidential Inauguration. The operation was commonly referred to as the “October Plan.” The records—released to the Yale Law School’s Lowenstein Human Rights Clinic National Litigation Project—confirm that under Operation Front Line, ICE investigated and arrested hundreds of immigrants from Muslim-majority countries from May 2004 to February 2005. Of the hundreds arrested on minor visa violations, ICE has not provided any proof that a single person was charged with a terrorism-related crime.

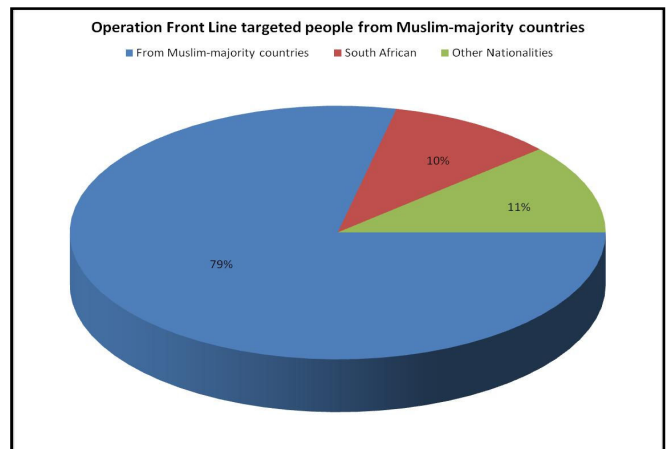
Sameer Ahmed, a Yale Law School student working on the Freedom of Information Act lawsuit that led to the release of records said: “Operation Front Line has been kept secret for more than four years. For the first time, the public will be able to scrutinize an operation that appears to have led to no terrorism convictions, and instead broadly targeted immigrants from Muslim-majority countries. Of all the records on Operation Front Line released by ICE, including this data, there is no proof that ICE charged even a single person with a terrorism-related crime.”

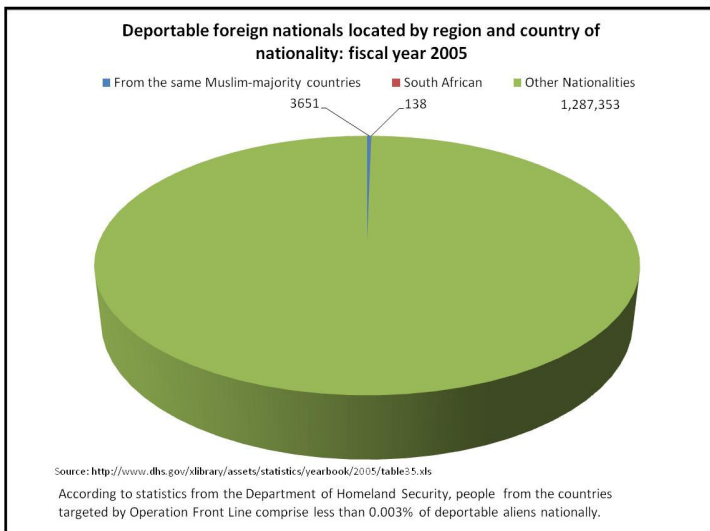
ADC National Executive Director Kareem Shora said, “We are disappointed to see that despite all the reassurances made by DHS officials in the past four years; the records released demonstrate that DHS’s enforcement efforts during the ‘October Plan’ (Operation Front Line) targeted immigrants from Muslim-majority countries.” Shora said, “When Seventy-nine percent of the foreign nationals in this random sample released thanks to Yale Law School’s efforts come from Muslim-majority countries, we know that our initial efforts to obtain this information were potentially denied for reasons other than those publicly stated. We call on DHS to address this issue with the impacted communities; as this will clearly negatively impact the relationship of trust and open-communication we believed we had for the past several years.”

**Profile of Operation Front Line Targets**

**Who was targeted?**

As part of its release of records to the Yale Law School clinic, ICE provided specific data on a statistically random sample of 300 Operation Front Line investigation files. This data clearly shows that under Operation Front Line (i.e. the “October Plan”), ICE targeted foreign nationals from Muslim-majority countries. Seventy-nine percent of foreign nationals investigated in this random sample came from Muslim-majority countries.

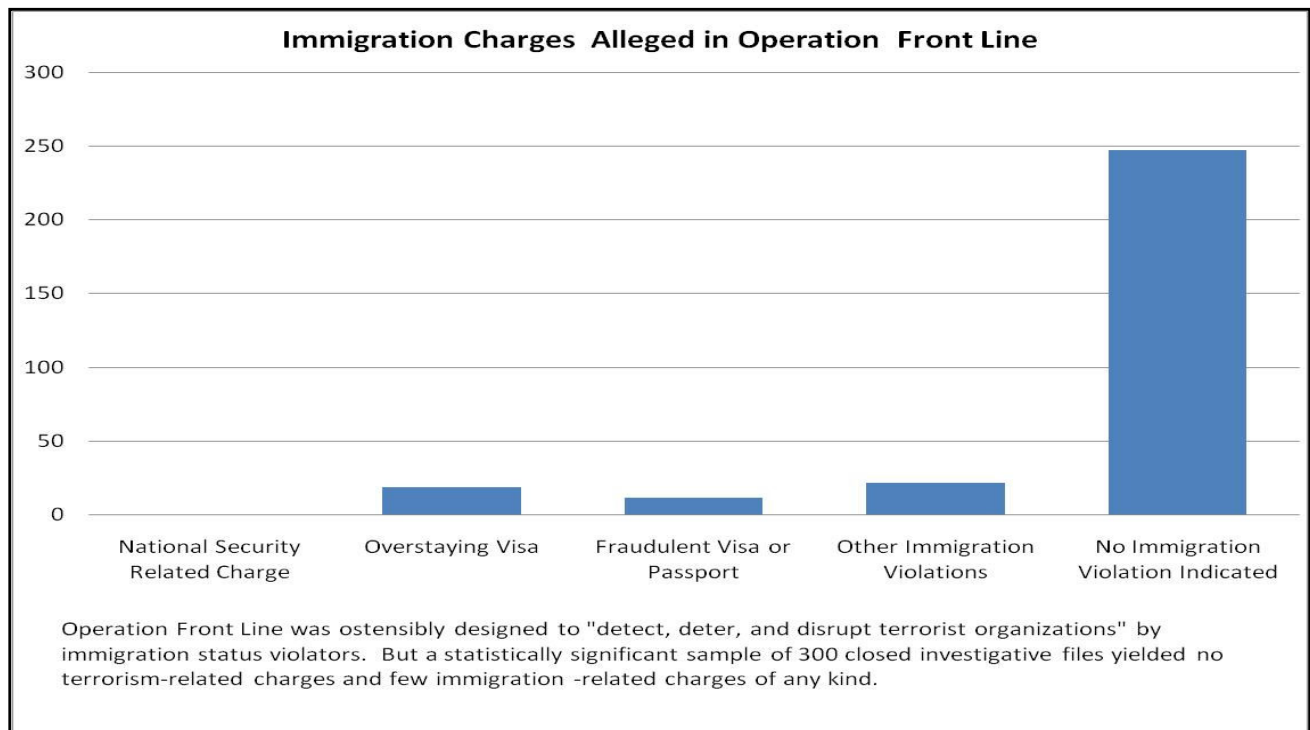




Of the 300 case files, the leading countries were Pakistan with 95, Turkey with 43, South Africa with 30, Morocco with 17, and Egypt with 14. According to Department of Homeland Security statistics, citizens from Muslim-majority countries were 1,280 times more likely to be targeted by Operation Front Line than citizens from other countries. Moreover, 76 percent of those investigated were men.

Of the 300 cases, 53—or only 18 percent—had alleged immigration violations. The most common allegation, with 19 individuals, was overstaying a visa. Twelve individuals were alleged to have fraudulent passports or visas. Furthermore, of the 56 cases in which ICE provided final dispositions, the vast majority were issued Notices to Appear and processed for removal proceedings. Only three individuals received criminal prison sentences, and all three were sentenced to time served.

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## **Description of Operation Front Line Initiative**

According to the records, ICE launched Operation Front Line ("Operation Front Line I") in May 2004 to identify foreign nationals, both known and unknown to the U.S. government, who pose an elevated risk to national security. Operation Front Line I supported the government-wide Department of Homeland Security Interagency Security Plan that remained in effect through the Presidential Inauguration in January 2005. Pursuant to the initiative, ICE Headquarters analyzed data from immigration databases—including the

National Security Entry-Exit Registration System (NSEERS), Student and Exchange Information System (SEVIS), and the United States Visitor and Immigrant Status Indicator Technology program (US-VISIT)—to identify persons with possible issues related to national security and immigration violations. ICE Headquarters then generated leads for ICE field offices to further develop violations and eventually remove persons in violation. From May 2004 to February 24, 2005, ICE investigated a total of 291 Operation Front Line I cases, resulting in 60 arrests.

On October 4, 2004, ICE commenced Operation Front Line II to target terrorist operations leading up to the 2004 Presidential Election. Operation Front Line II was designed to locate immigration status violators who may pose an elevated criminal or national security threat. Led by ICE's Compliance Enforcement Unit, the initiative focused on a population of 150,000 potential immigration violators and reprioritized the leads according to national security criteria. In the month leading up to the 2004 Presidential Election, ICE completed more than 900 investigations, and arrested 237 individuals. This part of Operation Front Line II was publicly known at the time as the "October Plan." The initiative continued through the January 2005 inauguration, and by February 28, 2005, ICE investigated a total of 2,265 Operation Front Line II cases, resulting in 444 arrests.

### **Cooperation with the FBI**

ICE cooperated with the Federal Bureau of Investigation (FBI) to execute Operation Front Line. In particular, the FBI's Counterterrorism 2004 Threat Task Force provided ICE with information for use in developing further background information about any individuals identified but not meeting the terrorism nexus criteria to be investigated under the Task Force. Furthermore, ICE field offices coordinated Operation Frontline leads with local FBI Joint Terrorism Task Force representatives prior to any enforcement action in order to determine if the subjects may be of further investigative interest.

### **BACKGROUND**

#### *November 2004*

##### *ADC Requests Nationality Breakdown Used in October Plan Arrests*

On November 4, 2004, ICE, an agency of the U.S. Department of Homeland Security (DHS), issued a press release entitled "ICE Threat Disruption Effort Results in More than 230 Arrests." Due to community concerns that DHS and ICE had used NSEERS data in connection with what the media was calling the "October Plan," ADC requested a nationality breakdown of those arrested by ICE. Indeed, in an earlier statement by ICE, issued on September 30, 2004, the agency had explained that it had utilized three databases (NSEERS, SEVIS, and US VISIT) to reprioritize its leads.

#### *December 14, 2004*

##### *ADC Files Freedom of Information Act (FOIA)*

Read the request at: <http://www.adc.org/Doc/ADCtoICE.doc>

ADC was, and continues to be, concerned that the Arab, South Asian, and Muslim populations have been disproportionately impacted because of the use of the NSEERS database in Operation Front Line (the "October Plan") and other general law enforcement efforts. Therefore, on December 14, 2004, ADC filed a FOIA request in order to gain access to data on the nationalities of those arrested, and determine the percentage of Arabs, South Asians, and Muslims who were affected. ADC did not request the names or individual information of any of the persons who had been arrested. Furthermore, ADC did not ask for any information regarding the DHS employees involved in the investigation, or information regarding any law enforcement techniques, sources, methods, or procedures used by DHS or other agencies in connection with the arrests.

ADC's request was intended to assure the Arab-American, South Asian, and Muslim communities, along with the rest of our nation, that ICE was not conducting a "round-up" or "sweep" in any community, and that it was acting consistently with its pledge not to partake in racial, national origin or religious profiling. Such assurances would have been especially important during a national election. Unfortunately, and despite the fact that it had previously released some of that very data in its November 4, 2004 press release, ICE and DHS denied ADC's request to release the full nationality breakdown of those arrested during the "October Plan."

March 3, 2005

*ADC Files Administrative Appeal with DHS Privacy Office*

Read the Administrative Appeal at: <http://www.adc.org/Doc/ADCtoFOIA.doc>

February 8, 2006

*ADC, Represented by Kirkland & Ellis LLP, Files New FOIA Request*

Read the FOIA request at: <http://www.adc.org/PDF/Feb82006FOIAtoICE.pdf>

ADC retained the law firm of Kirkland & Ellis LLP as counsel to address the use of the National Security Entry-Exit Registration System (NSEERS) in immigration enforcement efforts. Represented by Kirkland & Ellis attorneys Tefft W. Smith, Amanda J. Wong, and John C. O'Quinn, ADC filed a new FOIA request concerning this issue on February 6, 2006. In violation of law, DHS has never responded to that request.

October 11, 2006

*Lowenstein International Human Rights Project and Jerome N. Frank Legal Services Organization, represented by the Yale Law School National Litigation Project, Files FOIA Requests*

The Yale Law School's National Litigation Project filed FOIA requests on behalf of the Jerome N. Frank Legal Services Organization (LSO) and the Allard K. Lowenstein International Human Rights Project (Lowenstein Project) to ICE, the FBI, the State Department, and the Office of Management and Budget for "any record held by the [government agencies] describing or concerning 'Operation Front Line,' 'Operation Frontline,' or any reasonable variation thereupon."

October 17, 2006

*ADC files a lawsuit against DHS and its component ICE, in the U.S. District Court for the District of Columbia.*

The lawsuit, which ADC filed under the Freedom of Information Act (FOIA), sought information that would either validate or dispel the widespread perception that DHS and ICE have been misusing information from the National Security Entry-Exit Registration System (NSEERS) to impermissibly target, or "profile," Arab-Americans and Muslims for general law enforcement purposes. In particular, this lawsuit demanded the immediate disclosure of government records concerning the national origin, ethnicity, race, religion, and gender of the more than 230 individuals detained by the government in connection with a law enforcement operation known as the "October Plan," which federal law enforcement officials carried out in connection with the 2004 Presidential Elections. Community concerns about the potential for similar law enforcement activities during the upcoming national elections prompted ADC to file this suit.

November 21, 2006

*Yale Law School National Litigation Project, on behalf of the Lowenstein Project and LSO, files lawsuit against DHS, the Department of Justice, the Department of State, and the Office of Management and Budget, in the U.S. District for the District of Connecticut.*

The FOIA lawsuit sought to compel the release of records of a largely secret program known as Operation Front Line. This generally unacknowledged program constituted a portion of the massive U.S. intelligence and investigation budget. However, no details of the scope, methodology, or results of the program had been publicly released.

September 11, 2008

*ICE stipulates to the first public release of data regarding Operation Front Line.*

September 12, 2008

*ICE releases hundreds of records on Operation Front Line to Yale Law School National Litigation Project.*

In partial settlement of the Yale Law School National Litigation Project's lawsuit, and pursuant to the stipulation filed in U.S. District Court the day before, ICE released hundreds of records on Operation Front Line. The records include the first public data on the program and a statistically random sample of 300 Operation Front Line investigation files.