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February 1, 2017

The Honorable John Kelly, Secretary  
Department of Homeland Security  
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Washington, D.C. 20528  
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Kevin K. McAleenan, Acting  
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20 Massachusetts Ave. NW  
U.S. Customs & Border Protection  
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Dear Secretary Kelly, Commissioner McAleenan, and Director Scialabba:

I write to request information about how the federal government's implementation of President Trump's "Foreign Terrorist" Executive Order, dated January 27, 2017, affects Maryland and its residents. Among other things, the "Foreign Terrorist" Executive Order suspends entry into the United States of all persons from certain designated countries that have majority Muslim populations. The Executive Order has already generated considerable confusion, disappointment, and fear; it is of dubious constitutionality; and, in my view, it is likely to undermine its stated purpose of "Protecting the Nation." I am alarmed by the accounts of persons who arrived in this country lawfully, expecting to be welcomed and treated with dignity, only to be detained at airports, handcuffed, denied access to counsel, and in some cases forced to leave the United States at their own expense and at their peril. I am particularly concerned about the implementation of the Executive

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Order at Thurgood Marshall Baltimore-Washington International Airport (“BWI”), a facility owned and operated by the State of Maryland, and about the impact of these activities on the constitutional rights and civil liberties of Marylanders. A number of federal courts, in deference to similar constitutional concerns, have issued temporary restraining orders staying enforcement of the Executive Order, in *Darweesh, et al. v. Trump, et al.*, No. AMD-17-480 (E.D. N.Y., Jan. 28, 2017), *Aziz, et al. v. Trump, et al.*, No. LMB-17-116 (E.D. Va. Jan. 28, 2017), and *Tootkaboni, et al. v. Trump, et al.*, No. 17-10154 (D. Mass. Jan. 29, 2017).

To help me better understand the implementation of the “Foreign Terrorist” Executive Order as it affects Maryland, please provide the following information. See 8 U.S.C. § 1373(c) (requiring information regarding citizenship or immigration status to be provided when requested by a “State or local government agency”). If the information I seek is available in an existing record, please consider this letter a request for that record under the Freedom of Information Act.

1. Have you directed personnel of the Department of Homeland Security, the U.S. Customs and Border Protection (“CBP”), and Immigration and Customs Enforcement (“ICE”) operating in Maryland to comply with the temporary restraining orders issued by the United States District Courts for the Eastern District of New York, the Eastern District of Virginia, and the District of Massachusetts? If not, why not?

#### Lawful Permanent Residents

2. Prior to the issuance of the January 28, 2017 temporary restraining orders, how many persons with lawful permanent resident (“LPR”) status and a Maryland address (whether for residence, work or place of business, or school enrollment) were detained due to the Executive Order? Please provide the name and address for each such person. Of those persons, how many were removed from the United States, and how many were permitted entry? For each such person removed, please state the date the person was removed and identify the country to which that person was removed.

3. Since the issuance of the January 28, 2017 temporary restraining orders, how many persons with LPR status and a Maryland address (whether for residence, work or place of business, or school enrollment) have been detained due to the Executive Order? Please provide the name and address for each such person. Of those persons, how many were removed from the United States and how many were permitted entry? For each such person removed, please state the date the person was removed and identify the country to which that person was removed.

4. Prior to the issuance of the January 28, 2017 temporary restraining orders, how many persons with LPR status were detained at Thurgood Marshall Baltimore-Washington International Airport (“BWI”) due to the Executive Order? Please provide the name and address for each such person. Of those persons, how many were removed from the United States and how many were permitted entry? For each such person removed, please state the date the person was removed and identify the country to which that person was removed.

5. Since the issuance of the January 28, 2017 temporary restraining orders, how many persons with LPR status have been detained at BWI due to the Executive Order? Please provide the name and address for each such person detained. Of those persons, how many have been removed from the United States and how many have been permitted entry? For each such person removed, please state the date the person was removed and identify the country to which that person was removed.

6. If CBP or ICE continue to detain any persons with LPR status and a Maryland address (whether for residence, work or place of business, or school enrollment) for reasons relating to the Executive Order, please state the name and address of each person detained and the location where the person is being detained.

#### Holders of Valid Student, Travel or Work Visas

7. How many persons with valid student, travel or work visas, who showed a Maryland residence address (whether for residence, work or place of business, or school enrollment), have been detained due to the Executive Order? Please provide the name and address for each such person detained. Of those persons, how many have been removed from the United States and how many have been permitted entry? For each such person removed, please state the date the person was removed and identify the country to which that person was removed.

8. How many persons with valid student, travel or work visas have been detained at BWI due to the Executive Order? Please provide the name and address for each such person detained. Of those persons, how many have been removed from the United States and how many have been permitted entry? For each such person removed, please state the date the person was removed and identify the country to which that person was removed.

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9. Does the CBP or ICE continue to detain any persons travelling with a valid student, travel or work visa who showed a Maryland address (whether for residence, work or place of business, or school enrollment)? If so, please provide the name and address of each such Maryland resident and state the person's nationality, the type of visa held, and the location where the person is being detained.

Participants in the U.S. Refugee Admissions Program

10. How many participants in the U.S. Refugee Admissions Program have been detained due to the Executive Order? Of those persons, how many were en route to a temporary or permanent address in Maryland (whether for residence, work or place of business, or school enrollment)? Please provide the name, address and country of origin for each such person detained who was Maryland bound. Of these persons, how many were removed from the United States and how many were permitted entry? For each such person removed, please state the date the person was removed and identify the country to which that person was removed.

11. Does the CBP or ICE continue to detain any participants in the U.S. Refugee Admissions Program who had been en route to a temporary or permanent address in Maryland (whether for residence, work or place of business, or school enrollment)? If so, please provide the name and address of each such participant and state the person's nationality, the type of visa held, and the location where the person is being detained.

Given the importance of this matter, I would like to receive the requested information as soon as possible, but in any event no later than February 6, 2017. If you have questions about this request, please contact our Solicitor General, Steven M. Sullivan, at 410-576-6427, [ssullivan@oag.state.md.us](mailto:ssullivan@oag.state.md.us).

I appreciate your prompt attention and look forward to receiving the requested information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Frosh". The signature is fluid and cursive, with a large initial "B" and "F".

Brian E. Frosh  
Attorney General of Maryland