

OIG-08-18 Interview Notes

**Doc. #35**

UNCLASSIFIED

Project #: ISP-\_\_-2004  
Review of the Removal of a Canadian Citizen to Syria

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C1		

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**Doc. #36**

RECORD OF INTERVIEW

DATE & TIME: Tuesday, February 3, 2004 @ 1:00 p.m.

LOCATION: Chester Arthur Building  
425 Eye Street, N.W.  
Room 3241  
Washington, DC

PARTICIPANTS: Bureau of Immigration and Customs Enforcement  
(ICE): See attachment

OIG:

[REDACTED] Chief Inspector

[REDACTED] Team Leader

[REDACTED] Senior Inspector

PURPOSE: Entrance Conference - Review of the Removal of Maher  
Arar to Syria by the Immigration and Naturalization  
Service (INS)

INFORMATION OBTAINED:

- [REDACTED] stated that [REDACTED] and [REDACTED] to review [REDACTED] are the [REDACTED] our review of the [REDACTED]
- DOJ has to [REDACTED] since [REDACTED] during the period in question covered by our review. [REDACTED] can only be [REDACTED]
- ICE has not officially [REDACTED] as to [REDACTED]
- [REDACTED] mentioned by [REDACTED] entails [REDACTED] documents (workpapers) related to OIG reviews [REDACTED] also advised that our workpapers for the Arar review might [REDACTED] This is of additional concern because [REDACTED] may be [REDACTED]

b5, 6

- [redacted] clarified that we will only [redacted] who were [redacted]
- [redacted] recommended that we first consult [redacted] to obtain [redacted] (Note: we have a copy of [redacted]).
- [redacted] is now [redacted] in [redacted] (part of [redacted])

*Contacts*

- [redacted] is the [redacted] Advisor.
- [redacted] is the attorney for [redacted] who is [redacted]
- [redacted] is [redacted] in the Detention & Removal Office (for field interviews).
- [redacted] is the [redacted] Officer.

b5, b6

*Follow Up*

- ICE attorneys ([redacted]) will identify the appropriate DOJ contact to [redacted]
- [redacted] will contact [redacted] regarding concerns with [redacted] issues.

Written by: [redacted]

Reviewed by: [redacted]

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Entrance Conference: OIG Review of the Removal of Immigration Detainee to Syria  
February 3, 2004 • 1:00 p.m. • Room 3241- OMI Conf. Room



Name	Org.	Tel. Number	FAX Number	E-Mail Address
Management Inspections	OIA-ICE	[REDACTED]	[REDACTED]	[REDACTED]
ICE	OIA-ICE	[REDACTED]	[REDACTED]	[REDACTED]
Lawyer	DHS-ICE Prim. Lgl. Adv.	[REDACTED]	[REDACTED]	[REDACTED]
	DHS-ICE Investigations	[REDACTED]	[REDACTED]	[REDACTED]
	DHS-ICE NSU	[REDACTED]	[REDACTED]	[REDACTED]
	DHS-ICE Intelligence	[REDACTED]	[REDACTED]	[REDACTED]
Deportation Officer	DHS-ICE DRO	[REDACTED]	[REDACTED]	[REDACTED]
BTS	DHS-BTS	[REDACTED]	[REDACTED]	[REDACTED]
Robert Ashbaugh AIG for Inspections, Evaluations	DHS-OIG	[REDACTED]	[REDACTED]	Robert.Ashbaugh@dhs.gov
Supervisory Program Analyst	DHS-OIG	[REDACTED]	[REDACTED]	[REDACTED]
Team Lead	DHS-OIG	[REDACTED]	[REDACTED]	[REDACTED]
Inspector	DHS-ICE	[REDACTED]	[REDACTED]	[REDACTED]
	DHS-ICE	[REDACTED]	[REDACTED]	[REDACTED]

b2;5;6

**Doc. #37**

Project Number: ISP- -2004  
Binder: C  
Tab 2

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

Memorandum of Record

**PURPOSE:** Interview an attorney for the U.S. Citizenship and Immigration Service (CIS) who dealt with [REDACTED]  
[REDACTED]

**DATE:** Monday, December 12, 2005, at 2:30 p.m.

**LOCATION:** [REDACTED], Washington, D.C.

**ATTENDEES:** [REDACTED] Office of Chief Counsel, CIS --(202)  
[REDACTED] DHS/OIG  
[REDACTED] DHS/OIG

**PREPARED BY:** [REDACTED]

At the time of Arar's removal to Syria (October 2002), [REDACTED] was [REDACTED] for the [REDACTED], working in the [REDACTED]

b5, b6

Former [REDACTED] and former [REDACTED] told [REDACTED] that [REDACTED] While [REDACTED]

The context of Arar's removal included [REDACTED] Unlike [REDACTED]

[REDACTED] entails the [REDACTED] also involved the [REDACTED] Under the [REDACTED]

[REDACTED]

[REDACTED] said that [REDACTED]

[REDACTED]

[REDACTED] did not know whether [REDACTED] However, [REDACTED] said [REDACTED] would have remembered [REDACTED]

b5, b6

Possible Further Contacts

- [REDACTED] office
- [REDACTED] officer
- [REDACTED] office

**Doc. #38**



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

Memorandum of Record

**PURPOSE:** Summary of a meeting held with an attorney for the U.S. Citizenship and Immigration Service (CIS) regarding OIG access to relevant CIS interview subjects and documents.

**DATE:** Monday, February 7, 2005, @ 11:00 a.m.

**LOCATION:** [REDACTED], Washington, D.C.

**ATTENDEES:**

[REDACTED] Counsel, CIS - (202) [REDACTED]  
[REDACTED] CIS - (202) [REDACTED]

[REDACTED] DHS OIG  
[REDACTED] DHS OIG

**PREPARED BY:** [REDACTED]

*Discussion:*

b5, b6

[REDACTED] reviewed the "Joint Memorandum Regarding Treatment of Privileged Information in *Arar v. Ashcroft, et al.*" with [REDACTED]

[REDACTED] Arar's case. [REDACTED] recalls hearing about [REDACTED] about whether [REDACTED]

[REDACTED] described the Arar matter as [REDACTED]. They were asked to [REDACTED]. For example, the [REDACTED]

[REDACTED] (see below).

Documents developed by [REDACTED] that contained information [REDACTED] were seen by [REDACTED] said the [REDACTED]

[redacted] said that [redacted]  
[redacted]  
more likely than not [redacted]

However, [redacted] is a  
question of [redacted]

[redacted] said that it was as if  
because the intent was [redacted]

Another agency [redacted]  
opined that it was then that [redacted]  
[redacted]

In terms [redacted] did not claim a [redacted]  
because since [redacted], and  
therefore a [redacted] said that various  
[redacted] worked to [redacted] by using [redacted]

Interviews

b5, b6

- [redacted], former [redacted] was characterized as [redacted]
- [redacted], former [redacted] - now [redacted]
- [redacted], former [redacted] - now [redacted]
- [redacted], former [redacted]
- [redacted] was [redacted] former [redacted]
- The former [redacted], who [redacted]  
[redacted] currently works in [redacted] office.
- A current [redacted] named [redacted]  
[redacted]
- [redacted] is the current [redacted]
- [redacted] officers at [redacted]  
[redacted]

*Conclusions:*

██████████ had a file of documents related to the Aram matter. ██████████ said ██████████ would copy and provide them to us.

██████████ will provide a list of contacts at CIS for us to interview, specifically associated with ██████████. In addition, ██████████ will review our list of "Interview subjects", and "Specific" and "General" documents and information requests, and provide information on interview subjects and related documents.

██████████ said we would begin interviewing relevant CIS personnel next week (week of February 14, 2005).

b5, b6

**Doc. #39**

Project Number: ISP-\_\_\_\_-2004  
Binder C  
Tab 4

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

Memorandum of Record

**PURPOSE:** Interview an attorney for the U.S. Citizenship and Immigration Service (CIS) who [REDACTED].

**DATE:** Wednesday, July 27, 2005, @ 2:00 p.m.

**LOCATION:** [REDACTED] Washington, D.C.

**ATTENDEES:** [REDACTED], CIS -- (202) [REDACTED]  
[REDACTED], DHS OIG  
[REDACTED], DHS OIG

**PREPARED BY:** [REDACTED]

Role and Initial Experience

[REDACTED] was [REDACTED] for INS during [REDACTED] primarily dealt with [REDACTED] and [REDACTED] in the [REDACTED].

b2, 5, 6

The Arar matter was first brought to [REDACTED] attention around [REDACTED]. Arar was first apprehended at the JFK POE on Thursday, September 26, 2002. [REDACTED] work on the Arar matter was during [REDACTED] and [REDACTED] around [REDACTED].

Charging Decision

[REDACTED] was made to [REDACTED] this meant that [REDACTED] agreed with [REDACTED] and had read [REDACTED] [REDACTED] was privy to [REDACTED] was told that [REDACTED] did not doubt the [REDACTED] determined that [REDACTED] especially if [REDACTED]

[REDACTED]; it was the first instance for [REDACTED]

[redacted] Conversely, [redacted]  
(e.g. does not entail [redacted] It was [redacted]  
[redacted] can be considered [redacted] Therefore, [redacted]

Access to Counsel

There was much [redacted] office  
wanted to [redacted] thought that [redacted]  
[redacted] office also wanted to [redacted]  
[redacted] did not know whether [redacted]

Country Designation

[redacted] managed the [redacted] stated that [redacted] b5, b6  
[redacted] stated that INS had the understanding that [redacted]

Most of the [redacted]  
office, during which [redacted]

CAT Determination and [redacted] Assurances

[redacted] key issues [redacted]  
was [redacted] However, [redacted]

[redacted] affirmed that [redacted]  
but [redacted] did know the reason. Nonetheless, [redacted] assumed that [redacted]  
[redacted] also retrieved [redacted]  
[redacted] can describe the [redacted]  
[redacted] process. Under [redacted]

However, [redacted]

INS OGC had a meeting [redacted] that was called and led by [redacted] were concerned about [redacted] believed that [redacted] should [redacted] to [redacted] stated that [redacted] to [redacted] knowledge.

Specific Questions from CIS Document Review

In the [redacted], "Memorandum to [redacted]" (from [redacted]) "decided to [redacted] because [redacted]. Why was this [redacted]?"

According to [redacted], "[redacted]" means a [redacted] [redacted] could not further elaborate.

After [redacted] However, in a [redacted] concluded that [redacted] b5, b6  
[redacted], but that [redacted] would not [redacted]

How were these [redacted] rectified and by whom?

While the [redacted] provided a more [redacted] information. [redacted] including [redacted] stated that there was [redacted] probably did not have [redacted]

Follow Up

- Interview [redacted] for the former INS and now with [redacted]
- Interview [redacted] former [redacted] and now [redacted]
- Interview [redacted], former [redacted] and now [redacted]
- [redacted] will provide additional documents for the CIS response received by the OIG.

**Doc. #40**



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

Memorandum of Record

**PURPOSE:** Interview an attorney who [redacted] during Arar's apprehension and removal.

**DATE:** Monday, August 29, 2005, at 10:30 a.m.

**LOCATION:** [redacted], Washington, D.C.

**ATTENDEES:** [redacted] (cell)  
[redacted] (office)  
[redacted], DHS OIG

**PREPARED BY:** [redacted]

Role and Initial Experience

b5, b6

[redacted] was [redacted] at the time (September/October 2002). [redacted] was the [redacted]

[redacted] first learned of the case [redacted] which would have advised [redacted] of [redacted] with whom [redacted] most frequently worked were [redacted]

[redacted] general role in the Arar case consisted of [redacted] served as [redacted]

The case was eventually [redacted] which dealt mostly with [redacted] This happened around [redacted] (Arar was first apprehended on September 26, 2002).

[redacted] provided information on [redacted] treated as "[redacted]" In addition, [redacted] had a [redacted] clearance level.

Country Designation

[redacted] is clear. [redacted]

[redacted] role in the [redacted] was [redacted] was applied [redacted] were forwarded to [redacted] which advised [redacted]

[redacted] only advised [redacted] on [redacted] (around [redacted] - must pinpoint), a meeting of high-level officials was held at the DOJ Command Center. [redacted]

[redacted] At this meeting, they [redacted]

While the [redacted] However, according to [redacted] This was also the impression of [redacted]

b5, b6

Arar's request to be returned to Canada was disregarded because of [redacted] Therefore, [redacted]

[redacted] found out that [redacted] The issue of removing Arar to [redacted]

[redacted] did not recall whether [redacted] did not [redacted] and only participated in [redacted]

[redacted] did not know whether [redacted] However, [redacted] believed that [redacted]

[redacted] was more likely than not to [redacted] While [redacted] thought that [redacted]

believed that [redacted] knew [redacted] assumed [redacted] because that is [redacted]

Post-Removal Meeting

[redacted] called a meeting of [redacted]. At this meeting, [redacted] expressed that [redacted] in terms [redacted] believed that [redacted] in order to [redacted].” However, [redacted]

[redacted] the INS in [redacted] sought to [redacted]. After Sept. 11, [redacted]. After the Arar matter, [redacted]

b5, b6

Other Issues

- [redacted] speculated that [redacted] would [redacted] unless [redacted] because the U.S. government wanted to [redacted]
- [redacted] was not aware of [redacted]

Future Interviews

- [redacted] INS [redacted]
- [redacted] INS NSU agent [redacted]
- [redacted] INS NSU agent [redacted]
- [redacted]

**Doc. #41**

Friday, January 23, 2004

**Purpose:** To meet with [REDACTED], DHS, Bureau of Immigration and Customs Enforcement (ICE) and pertinent DHS ICE officials to review the unclassified Alien File (A-File) for Maher Arar

**Source:** [REDACTED], National Security Law Division, Office of the Principal Legal Advisor, DHS, Immigration and Customs Enforcement, [REDACTED], Washington D.C. [REDACTED] 202 [REDACTED]

A-File of Mr. Maher Arar

**Scope/Methodology:** Met with [REDACTED] reviewed the A-File for Maher Arar, obtained copies of pertinent portions of the file, and recorded relevant information into the data collection instrument (DCI) prepared by [REDACTED]

b5,6

**Discussion:**

On January 23, 2004, [REDACTED], Senior Inspector, DHS Office of Inspector General (OIG) and [REDACTED], Senior Inspector, DHS/OIG, met with [REDACTED], who directed us to [REDACTED], to review the subject's A-File. [REDACTED] provided us with Mr. Maher Arar's A-File and subsequently mentioned that while no classified A-File existed, [REDACTED] requested that we identify and tag any documents in the unclassified A-File that we wanted to copy. Once we had a chance to review the file and [REDACTED] had an opportunity to review the documents we identified for copying, [REDACTED] asked a member of the Administrative Support staff ([REDACTED]) to copy the OIG-designated documents.

[REDACTED] stated that once ICE addresses the FOIA request submitted by Mr. Arar's attorneys, [REDACTED] would store the A-file as they would any other A-File.

(While reviewing the A-File, we noticed [REDACTED]

[REDACTED] When asked if [REDACTED] stated that [REDACTED] was unaware of [REDACTED]

b5, b6

**Conclusion:** Met with pertinent officials with DHS/ICE, reviewed Maher Arar's A-File, obtained copies of relevant documents, and recorded appropriate data into the DCI.

**Doc. #42**

Project Number: ISP- 2004  
Binder C  
Tab 7

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

Memorandum of Record

**PURPOSE:** Summary of a meeting held with two ICE counsels regarding  
OIG access to ICE interview subjects and related documents.

**DATE:** Tuesday, February 1, 2005, @ 10:00 a.m.

**LOCATION:** [REDACTED], Washington, D.C.

**ATTENDEES:**

[REDACTED] National Security Law Division,  
Office of the Principal Legal Advisor, ICE DHS -- (202) 514- [REDACTED]  
[REDACTED] Commercial and  
Administrative Law Division, Office of the Principal Legal  
Advisor, ICE DHS -- (202) [REDACTED]

[REDACTED] DHS OIG  
[REDACTED] DHS OIG

**PREPARED BY:** [REDACTED]

b2, 5, 6

*Discussion:*

[REDACTED] reviewed the "Joint Memorandum Regarding Treatment of Privileged  
Information in *Arar v. Ashcroft, et al.*" with [REDACTED] informed [REDACTED]  
[REDACTED] that we would complete all Washington, DC-area interviews before proceeding  
to New York.

[REDACTED] said that the order issued by former Deputy Attorney General Larry  
Thompson, on October 7, 2002, that authorized Arar's removal, was not classified.

[REDACTED] said that [REDACTED] used the [REDACTED], that we  
reviewed around March 2004, as [REDACTED]

From our list of interview subjects and specific documents and information requests, that  
we forwarded to ICE around October 2004, we received the following updates:

INS Headquarters/DC interviews

[REDACTED] Field Operations: ICE, in  
Washington, DC

[redacted], former [redacted]  
ICE facility  
[redacted], former [redacted] ICE, in Washington, DC  
Officer: CBP

INS/New York District and JFK International Airport interviews

[redacted] Special Agent: ICE, in New York  
[redacted] Special Agent: ICE, in New York

Specific documents and information requests

Order issued by former Deputy Attorney General Larry Thompson, on October 7, 2002, authorizing Arar's removal on national security grounds: [redacted] referred us to the Office of the Deputy Attorney General, U.S. Department of Justice.

Copies of any Significant Incident Reports related to Arar's detention and removal. We [redacted] will attempt to locate.

General documents and information requests

b5, b6

Documentation relating to immigration case actions and Arar's detention between October 1 and October 6, 2002. [redacted] ICE will provide any relevant communications, including emails and Records of Investigation.

Were any documents [redacted] suggesting that [redacted]? If so, we request copies of those documents. Discussion of this issue was classified. We will need to contact the agency that was the source of this information and obtain permission to review relevant documents provided by [redacted]. Most significantly, [redacted]

Documentation relating to the facts supporting the "Decision of [redacted]" order by [redacted] issued October 7, 2002, to remove Arar. [redacted] were the sole supporting documents used by [redacted]

Conclusions:

- It was determined that ICE OPLA will provide input to DHS OGC on which materials to be provided to DHS OIG contain privileged material.
- [redacted] will participate in all OIG interviews of ICE personnel. We will notify [redacted], as our primary point of contact, of all interviews and



documents that we request. We will also contact [REDACTED] before we release any related documents to any external entities.

- [REDACTED] will get us permission to review the "attorney notes" file, which is both privileged and classified.
- We will seek to interview [REDACTED], former INS [REDACTED] and [REDACTED], former [REDACTED], on [REDACTED].
- We will seek to interview [REDACTED] in Washington, DC during the week of [REDACTED].
- [REDACTED] will meet with relevant CBP and CIS officials regarding the same issues of interviewing relevant CBP and CIS personnel and obtaining documents. b5, 6
- [REDACTED] said that we had already contacted [REDACTED] about an interview. If necessary, we will interview [REDACTED] in a SCIF facility. [REDACTED] said that we will need permission from [REDACTED] before we can discuss their information regarding Arar.
- [REDACTED] will provide contacts for [REDACTED] in order to obtain blanket permission to interview relevant personnel and obtain documents. [REDACTED] provided the names and contact numbers for the POCs at [REDACTED] on February 3, 2005.
- In order to discuss classified information with various interviewees, we will need to obtain permission from the agencies that were the sources of that information.

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Project Number: ISP-2004  
Binder: C  
Tab 8

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

Memorandum of Record

**PURPOSE:** Interview: [REDACTED] INS Office of  
General Counsel (OGC) [REDACTED]

**DATE:** Tuesday, August 30, 2005, at 10:30 a.m.

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

**ATTENDEES:** [REDACTED], Refugee and Asylum Law Division,  
Citizenship and Immigration Services (CIS) - 202 [REDACTED]

[REDACTED], DHS OIG

**PREPARED BY:** [REDACTED]

Role and Initial Experience

[REDACTED] had [REDACTED] (during [REDACTED] around [REDACTED]  
[REDACTED] first learned of the Arar case when [REDACTED] had a [REDACTED] role-- [REDACTED]  
--because [REDACTED] had not [REDACTED]

The Arar case was [REDACTED] because of the [REDACTED]  
[REDACTED] which caused the case to be [REDACTED] in terms of [REDACTED]

Attorney/Consular Access

[REDACTED] knew that [REDACTED] did not know whether [REDACTED]  
also had no personal knowledge as to whether [REDACTED]

[REDACTED] provided an email ([REDACTED], written by [REDACTED] on [REDACTED]  
[REDACTED] on [REDACTED]

b2, 5, 6

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CAT Determination

[redacted] believed that [redacted] did not specifically refer to [redacted] clarified that [redacted] did not participate in the [redacted]

[redacted] said that [redacted] said that the decision to remove Arar to Syria was [redacted] Arar would not be subjected to torture.

[redacted] found out that [redacted] while [redacted] was [redacted] on [redacted]

[redacted] and [redacted] Assurances

While [redacted] confirmed that [redacted] was [redacted] [redacted] was unaware of [redacted] usually are [redacted]. However, in [redacted] determining the [redacted] process for obtaining the assurances.

b5, b6

[redacted] does not consider [redacted] The process for assurances is [redacted]

Post-Removal Meeting

[redacted] called a meeting of [redacted] (the OIG interviewed [redacted]. Participants in the meeting expressed [redacted]

[redacted] said that [redacted]

Future Interviews

- [redacted] Asylum Program

**Doc. #44**

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

Memorandum of Record

**PURPOSE:** Summary of a meeting held with an attorney for the Border and Transportation Security (BTS) Directorate regarding [redacted] role in the Arar matter.

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**DATE:** Tuesday, July 12, 2005, @ 10:15 a.m.

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

**ATTENDEES:** [redacted] --(202)

[redacted], DHS:OIG  
[redacted], DHS:OIG

**PREPARED BY:** [redacted]

[redacted] provided an initial legal explanation that any discussions [redacted] has with us regarding the Arar matter involve [redacted] role as counsel with the INS in dispensing legal advice, which is covered by legal privilege.

Background

During the applicable period of September 26-October 8, 2002, [redacted] was [redacted] As [redacted] provided legal advice on national security matters to the INS [redacted]

b5, b6

Role in Arar Case

[redacted]  
They were looking for [redacted] Arar was apprehended at the JFK POE (on September 26, 2002) because [redacted] Arar registered as a TIPOFF hit before arriving to transit through JFK. According to [redacted], Arar was [redacted].

Available immigration options included charging Arar under Immigration and Nationality Act (INA) section 240 (to remove and charge using a Notice to Appear) or

under INA section 235(c) (denying entry on national security grounds). [REDACTED] according to [REDACTED]

[REDACTED] emphasized that this matter was [REDACTED] estimated that [REDACTED]. Most of the issues in the Arar matter were classified. The case involved [REDACTED]

The Arar case was [REDACTED] because [REDACTED]. Specifically, Arar departed for Tunisia in September 2002 and was a dual citizen (Syrian and Canadian), [REDACTED] said that the information found was [REDACTED]

However, [REDACTED]

An INS form I-147 (Notice of Temporary Inadmissibility) was lawfully served on Arar at JFK. Then, an INS form I-148 (Final Notice of Inadmissibility) was served on Arar [REDACTED]

b5, b6

This was important because [REDACTED]

[REDACTED] On [REDACTED] met with [REDACTED] On [REDACTED] provided relevant information to [REDACTED]

[REDACTED] INS Eastern Region Director, had the ultimate authority to rule Arar inadmissible under 235c. [REDACTED] reviewed [REDACTED] drafted the Regional Director's decision served on Arar [REDACTED]

[REDACTED] would have meant [REDACTED] Arar represented a national security concern, [REDACTED] said it was represented to [REDACTED] during meetings in Washington, DC that [REDACTED]

[REDACTED] also said that [REDACTED]

[REDACTED] determined the country to which Arar was removed. [REDACTED] the process to determine the [REDACTED]

country to which Arar was removed. [redacted] said that [redacted] was [redacted]  
[redacted]

[redacted] INS OGC had a meeting led by [redacted]. OGC attorneys were [redacted]  
[redacted]

[redacted] principally worked with the following personnel on the Arar matter:

Former INS

- ✓ [redacted]
- ✓ [redacted]
- ✓ [redacted] Asylum Division, General Counsel's office, [redacted]
- ✓ [redacted] Asylum Division, General Counsel's office, subject matter expert for [redacted]
- ✓ [redacted] National Security Unit
- ✓ [redacted] National Security Unit

Department of Justice

- ✓ [redacted] Deputy Attorney General's office
- ✓ [redacted] Deputy Attorney General's office
- ✓ Stuart Levey, Associate Deputy Attorney General
- ✓ [redacted] Criminal Division
- ✓ [redacted] FBI
- ✓ [redacted] FBI
- ✓ [redacted] FBI
- ✓ [redacted] (sp.), counsel, FBI

b5, b6

] 7C ]

Another Agency

- ✓ [redacted] counsel, at [redacted]
- ✓ [redacted] at [redacted]
- ✓ [redacted] analyst, at [redacted]
- ✓ OGC unit, at [redacted]

Three principal groups within the former INS were involved: NSLD, with the charging documents; Asylum Division, with the CAT assessment; and [redacted] group, which researched the extent to which the INA allows the United States to remove unlawful aliens to third countries.

Specific Questions from Document Review

[redacted] What actions were taken in response to [redacted]?



[redacted] believed that DOJ was "[redacted]" in that [redacted]  
This decision to [redacted] was made on [redacted], after which [redacted]

*In the* [redacted]  
[redacted] Why was this [redacted]  
?

b5, b6

This question is more appropriately addressed to [redacted]  
[redacted]

*A conference call on* [redacted] *was held that involved* [redacted]  
[redacted]

[redacted] said [redacted] had no role regarding [redacted]

**Doc. #45**

I had a follow-up interview with [REDACTED] EARLY this morning (10/14/05). [REDACTED] is an early riser like me. You were not in yet and I also knew you were tied up with the S&T review.

Here is a summary of the interview:

1. [REDACTED] meeting regarding Arar actually occurred on [REDACTED]. This explains how [REDACTED]. During the meeting, [REDACTED] learned that it was [REDACTED]. At this time, they did not know [REDACTED].

2. The meeting on [REDACTED] was actually a teleconference that involved [REDACTED]. It was here that [REDACTED] believes [REDACTED]. Canada was quickly ruled out as a country of return because of the "porous border" argument. [REDACTED] INS still does not know [REDACTED].

3. Significantly, [REDACTED] asserts that [REDACTED] and that [REDACTED] specifically stated that [REDACTED] was involved in this communication. [REDACTED] said out of these discussions, [REDACTED] definitively said [REDACTED] because there was nothing [REDACTED] also asserted that [REDACTED].

4. The decision to [REDACTED] was made on [REDACTED].

5. We noted that INS did not [REDACTED] stated that this was [REDACTED] decision - [REDACTED] speculated that it may have been [REDACTED] but pragmatically, it made the back and forth of who was responsible for what much simpler.

6. [REDACTED] worked with [REDACTED] issues to include [REDACTED] and what [REDACTED] said this effort was in part to [REDACTED].

7. [REDACTED] - in a meeting on [REDACTED] in [REDACTED] responding to a question about [REDACTED], regarding what had happened to [REDACTED] said that they [REDACTED] because [REDACTED] (Remember that [REDACTED] immediately interjected that [REDACTED] became immediately concerned about [REDACTED].

8. The decision to remove Arar to Syria was made at the DOJ meeting on 10/4 [REDACTED].

9. [redacted] the decision to remove Arar to Syria. [redacted] said [redacted] would likely [redacted] said the [redacted] because of [redacted] would be [redacted] said that [redacted] would likely [redacted] said that they had [redacted] This would have been [redacted] The possible [redacted] My comments: If we had [redacted] perhaps [redacted] This underscores [redacted]

10. [redacted] said that [redacted] had never [redacted] and accordingly had never [redacted] wanted to [redacted] would be used to [redacted] thought they had [redacted] did not realize that [redacted] was told that s [redacted]

11. [redacted] said that after [redacted] was convinced that [redacted] felt the case [redacted]

12. After the decision was made to remove to Syria, [redacted] was [redacted] said they must [redacted] knows that they [redacted] believes was [redacted] does not know [redacted] My comment: perhaps this is the one area that we could [redacted] However, as several people have told us, if [redacted] would likely have [redacted]

[redacted] gave me plenty of names at [redacted] that we can talk to if Bob elects to do so.

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

**Doc. #46**

Project Number: ISP-2004  
Binder: C  
Tab: 11

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

Memorandum of Record

**PURPOSE:** Interview an attorney for the U.S. Bureau of Immigration and Customs Enforcement (ICE) [REDACTED] Arar's country designation and Convention Against Torture (CAT) assessment.

**DATE:** Monday, August 22, 2005, at 2:00 p.m.

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

**ATTENDEES:** [REDACTED], ICE - 202-  
[REDACTED], DHS-OIG

**PREPARED BY:** [REDACTED]

Overall Role and Initial Experience

In September/October 2002, [REDACTED] was [REDACTED] for the former INS [REDACTED]

b5, b6

[REDACTED] did not recall when [REDACTED] first learned of the Arar case, but [REDACTED] said it was probably [REDACTED] was [REDACTED] counsel for INS). [REDACTED] role in the Arar case was limited because [REDACTED]

At the INS OGC, [REDACTED]. As such, [REDACTED] was responsible for [REDACTED]

[REDACTED] What [REDACTED] ? [REDACTED] ?

Arar was apprehended at [REDACTED]  
[REDACTED] Arar's case was [REDACTED] because of [REDACTED]  
[REDACTED], to [REDACTED]  
knowledge, [REDACTED]

Country Designation Process

The general process for determining to which country an alien should be removed is in Code of Federal Regulations, Title 8, Section 241. However, this Section applies mainly to 240 immigration removal proceedings. [REDACTED] was [REDACTED] who [REDACTED] (which we possess). [REDACTED] helped to [REDACTED] which involve [REDACTED]

The Attorney General, by statute, has the ultimate authority to determine the destination countries for aliens ordered removed. Arar's request to be returned to Canada was disregarded because the relevant national security information meant that his removal to Canada was prejudicial against the United States. [REDACTED] definition of prejudicial was that Arar could easily return to the United States from Canada because of its proximity and "open border" with the United States.

b5, b6

The Deputy Attorney General (DAG), as the Acting Attorney General, struck Canada as the original country of designation and approved the re-designation of the country of removal to Syria. Former INS Commissioner James Ziglar, however, formally re-designated to Syria based largely on [REDACTED] believed this occurred the first week of October 2002, [REDACTED]

[REDACTED] attended meetings at [REDACTED] The meetings were held in the DOJ Command Center and were attended by representatives of the DOJ [REDACTED]

Arar's CAT Determination

[REDACTED] said that [REDACTED]

[REDACTED] did not have [REDACTED] so [REDACTED] did not know [REDACTED] diplomatic [REDACTED]

assurances process for Arar's removal to Syria. [REDACTED] also did not know whether [REDACTED]

If [REDACTED] had [REDACTED] would have been [REDACTED]

However, Arar could have [REDACTED]

According to [REDACTED]

[REDACTED] did not know whether the [REDACTED]  
[REDACTED] was aware of [REDACTED]

#### Service of Charging Documents

[REDACTED] could not recall who determined [REDACTED]  
[REDACTED] as opposed to [REDACTED]  
[REDACTED] This decision was made at [REDACTED]

[REDACTED] did not know [REDACTED]  
[REDACTED] However, [REDACTED] said that [REDACTED]

b5, b6

#### Consular and Legal Access

[REDACTED] did not believe that [REDACTED]  
[REDACTED] because they had [REDACTED]

[REDACTED] but [REDACTED] was unsure [REDACTED]

#### Other Issues

- [REDACTED] INS Eastern Region Director, was going to cancel Arar's withdrawal unless he agreed to go to Syria because he had the statutory discretion to allow withdrawal. However, the United States typically does not allow withdrawal of admission when the alien is a terrorist or a criminal. According to U.S. immigration policy, a withdrawal is treated as if the alien never attempted to enter the United States. Hypothetically, an alien who withdraws can attempt to re-enter the country the next day.
- In a [REDACTED] requested a meeting with [REDACTED] recalled that [REDACTED] was [REDACTED]



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[REDACTED] could not attend [REDACTED] because [REDACTED]

Follow Up Interviews

b5, b6

- [REDACTED], INS attorney, [REDACTED]
- [REDACTED], INS attorney, [REDACTED]
- [REDACTED], INS attorney, [REDACTED]
- [REDACTED], INS attorney, [REDACTED]

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**Doc. #47**

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

Memorandum of Record

**PURPOSE:** Interview an attorney for the U.S. Citizenship and Immigration Service (CIS) [REDACTED] Arar's Convention Against Torture (CAT) assessment.

**DATE:** Wednesday, August 2, 2005, @ 2:30 p.m.

**LOCATION:** [REDACTED], Washington, D.C.

**ATTENDEES:** [REDACTED], CIS - (202) [REDACTED]  
[REDACTED], DHS-OIG  
[REDACTED], DHS-OIG

**PREPARED BY:** [REDACTED]

Role and Initial Experience

[REDACTED] was [REDACTED] with the former INS, in the [REDACTED].

[REDACTED] first became aware of the Arar matter on [REDACTED].

b5, b6

[REDACTED] had "no idea" what [REDACTED] worked through [REDACTED] did not understand [REDACTED].

Charging Decision

The I-147 (Initial Notice of Inadmissibility) served to Arar [REDACTED].

Attorney/Consular Access

[REDACTED]  
According to [REDACTED] "However, the

[REDACTED] informed INS that [REDACTED]

[REDACTED]

[REDACTED] told us that Arar's counsel ([REDACTED] could not identify whom) in New York was notified on Sunday, October 6, 2002, after 5:00 p.m., that Arar was going to be interviewed by an Asylum Officer (this interview occurred later that evening).

[REDACTED] stated that [REDACTED] believed that [REDACTED]

[REDACTED]

[REDACTED] was not aware whether [REDACTED]

Country Designation

b5, b6

While [REDACTED] discussions relating to INS having the authority to disregard an alien's choice of the country for removal (for Arar, Canada). Still, [REDACTED]

Overall, Arar was sent to Syria [REDACTED]

[REDACTED]

CAT Determination

[REDACTED] was asked to [REDACTED]

[REDACTED] started to [REDACTED] stated that [REDACTED] but [REDACTED] did not know [REDACTED] felt that [REDACTED]

[REDACTED] However, [REDACTED] thought that [REDACTED]

According to [REDACTED] stated that [REDACTED]

[REDACTED] This was done by "e [REDACTED] the INS attorneys used the information garnered during the asylum interviews to make a legal determination on relevant claims. [REDACTED]

The applicable companion regulations for CAT are at CFR, Title 8, Section 208.18.

[REDACTED] did not know why [REDACTED] In fact, [REDACTED]

b5, b6

[REDACTED] did not believe [REDACTED]

Removal

[REDACTED] did not realize [REDACTED]

The Operations Order to remove Arar to Syria was written on October 6, 2002.

Therefore, [REDACTED] said [REDACTED]

Post-Removal Meeting

After Arar was removed on October 8, 2002, [REDACTED] called a meeting [REDACTED] and believed that [REDACTED]

Future Interviews

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[REDACTED] attorney who [REDACTED]  
[REDACTED] is now an attorney with [REDACTED]

b5,6

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**Doc. #48**

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

Memorandum of Record

**PURPOSE:** Interview an attorney [REDACTED] INS Office of the Commissioner during Arar's apprehension and removal.

**DATE:** Monday, August 29, 2005, at 2:00 p.m.

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

**ATTENDEES:** [REDACTED], Office of the ICE Principal Legal Advisor - 202 [REDACTED]  
[REDACTED], DHS OIG

**PREPARED BY:** [REDACTED]

Role and Initial Experience

b5, b6

At the time (September/October 2002), [REDACTED] was the [REDACTED]  
[REDACTED] was also the [REDACTED]

[REDACTED] first learned of the Arar case [REDACTED], but [REDACTED] could not recall the exact date. [REDACTED] general role in the Arar case consisted of [REDACTED]

[REDACTED] was not [REDACTED] so [REDACTED] could not determine why [REDACTED] concerned about removing Arar [REDACTED]

OIG asked about [REDACTED]  
[REDACTED] did not recall [REDACTED]



Country Designation

[REDACTED] said [REDACTED] was certain that DOJ made the decision to remove Arar to Syria, but was not sure when. The Attorney General had the ultimate authority to determine the destination countries for aliens ordered removed.

DOJ, including their Office of Legal Counsel (OLC), [REDACTED] [REDACTED]

[REDACTED] said, which [REDACTED] qualified as hearsay, that [REDACTED] said that [REDACTED]

[REDACTED] did not know what prompted [REDACTED]

CAT Determination

[REDACTED] did not know whether [REDACTED]. While [REDACTED] did not know why [REDACTED] said that [REDACTED]

[REDACTED] knew that the CAT is implemented in U.S. law and regulation and directs that aliens can apply for relief. However, INS can remove an alien to a country where the person was more likely than not to be tortured if assurances are obtained that the alien will not be tortured.

b5, b6

Attorney/Consular Access

[REDACTED] did not know whether [REDACTED]

In terms of [REDACTED] was called by [REDACTED] in Washington, DC. [REDACTED] inquired about the [REDACTED] but was not aware that [REDACTED]

Other Issues

- [REDACTED] emphasized that [REDACTED]
- [REDACTED] did not know when Arar was transferred to MDC.

• [REDACTED] said that the service of the I-147 [REDACTED]  
[REDACTED] was [REDACTED]  
[REDACTED]

b5, b6

Future Interviews

• [REDACTED] INS OGC attorney

**Doc. #49**

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

Memorandum of Record

**PURPOSE:** Interview [redacted] INS [redacted] role in the Arar matter.

**DATE:** Wednesday, October 12, 2005, at 1:30 p.m.

**PHONE CONFERENCE PARTICIPANTS:** [redacted] ICE

[redacted] Attorney at Law (for [redacted])

[redacted] DHS OIG  
[redacted] DHS OIG

**PREPARED BY:** [redacted]

[redacted] affirmed for [redacted] that this interview was not being recorded and we would memorialize the results of our review in a report that would be provided to [redacted] for [redacted] review and comments before public dissemination.

b5, b6

Background

[redacted] first learned of Arar's case in [redacted], but [redacted] did not recall specifically when. [redacted] knew that Arar was intercepted at JFK due to a lookout. [redacted] did not recall who specifically informed [redacted] of Arar's case.

The circumstances and [redacted]

Charging

[redacted] did not have any discussions on Arar's case with [redacted], and did not recall any relevant discussions with [redacted] talked to [redacted] about the

[REDACTED] had discussions about Arar's case.

[REDACTED] did not recall whether [REDACTED] knew [REDACTED] was ordered inadmissible, but did not recall on whose order.

The decision to charge Arar under 235(c) was made within the first day or two after his apprehension [around September 27-28]. INS Headquarters brought up the possible charge.

[REDACTED] did not know that [REDACTED]. However, [REDACTED] said that [REDACTED] sounded like [REDACTED] considering [REDACTED].

[REDACTED] was [REDACTED]. Arar was served with the Regional Director's Decision on October 7, 2002. The Decision was written by INS attorneys ([REDACTED] could not recall [REDACTED]).

Country Designation

b5, b6

According to [REDACTED]. The Attorney General at the time had the ultimate authority to determine the destination countries for aliens ordered removed. In addition, the Attorney General had the authority to disregard Arar's request to be returned to Canada [which Arar made officially on October 4, 2002].

[REDACTED] emphasized that [REDACTED] was not privy to [REDACTED]. The Attorney General at the time [Larry Thompson, Acting AG] made the decision and [REDACTED] did not know why. [REDACTED] surmised that "prejudicial to the United States" meant against the interests of the United States.

CAT Determination

[REDACTED] had no knowledge of [REDACTED] [REDACTED] received no [REDACTED]

[REDACTED] was not aware whether [REDACTED] [REDACTED] had no related discussions on [REDACTED]

Access to Counsel/Canadian Consulate

[redacted] never had any [redacted]  
[redacted] said that [redacted]

b5, b6

**Doc. #50**

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

Memorandum of Record

**PURPOSE:** Summary of a meeting held with attorneys for the U.S. Bureau of Customs and Border Protection (CBP) regarding OIG access to relevant CBP interview subjects and documents.

**DATE:** Tuesday, February 8, 2005, @ 2:00 p.m.

**LOCATION:** [REDACTED], Washington, D.C.

**ATTENDEES:** [REDACTED], Enforcement - (202) [REDACTED]  
[REDACTED], counsel - (202) [REDACTED]  
[REDACTED], DHS OIG  
[REDACTED], DHS OIG

**PREPARED BY:** [REDACTED]

*Discussion:*

[REDACTED] reviewed the "Joint Memorandum Regarding Treatment of Privileged Information in *Arar v. Ashcroft, et al.*"

b5, 6

[REDACTED] said [REDACTED] had spoken with [REDACTED] counsel in the DHS Office of General Counsel, regarding our review. We responded to several of [REDACTED] questions deriving from [REDACTED] conversation with [REDACTED].

- CBP (probably [REDACTED]) attorneys can be present for our interviews with CBP personnel, and will be responsible for determining whether any information discussed during these interviews is privileged.
- We will not tape record any interviews with CBP personnel.

[REDACTED] said that CBP's involvement in the Arar matter was [REDACTED]. Therefore, CBP will probably [REDACTED].

*Conclusions:*



[redacted] will brief [redacted] CBP's Office of Policy and Planning, on our review. [redacted] office, OPP, will coordinate interviews and document requests with us.

b6

We agreed to review relevant documents at CBP HQ, where CBP attorneys can determine which documents are privileged (including investigative files).

**Doc. #51**

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]

b5, b6

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] showed that [REDACTED]. The status of [REDACTED]; the status of [REDACTED]. A DACS summary sheet [REDACTED]

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

[redacted] opined that it was possible that [redacted]  
[redacted] could have [redacted]  
[redacted] could have been [redacted]  
(OIG Note: If this did happen, there would be [redacted])

[redacted] should have included [redacted] b5-6  
[redacted]. There would not  
necessarily have been a [redacted]. However, [redacted]  
[redacted] must be known.)

[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 and a copy of [redacted]  
[redacted]

**Doc. #52**

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

Project Number: ISP- -2004  
Binder C  
Tab 17

Memorandum of Record

**PURPOSE:** Interview the [REDACTED] for INS who [REDACTED] the initial apprehension and detention of Maher Arar in September 2002.

**DATE:** Thursday, October 6, 2005, at 9:30 a.m.

**LOCATION:** [REDACTED]

**PARTICIPANTS:** [REDACTED]  
[REDACTED], DHS OIG  
[REDACTED], DHS OIG

**PREPARED BY:** [REDACTED]

[REDACTED] discussed the general scope of our review. [REDACTED] was the [REDACTED] in September 2002.

b5, 6

1. How and when did [REDACTED]?

When [REDACTED] Since there was [REDACTED]

In [REDACTED]

2. Was there [REDACTED]? What was [REDACTED]?  
What were [REDACTED]?

[REDACTED] had no knowledge of the [REDACTED]

3. Describe [REDACTED]  
[REDACTED] What [REDACTED]?

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

[redacted] wanted to confirm that [redacted]

4. When and how did [redacted]?

When [redacted] at the time [redacted] wanted [redacted] did not recall [redacted] said [redacted]

[redacted] had no further discussions with [redacted], nor was [redacted] involved.

5. To your knowledge, how and when was [redacted]? How [redacted]?

In advance ([redacted] did not recall specifically when) because of the [redacted] was aware [redacted]

b5:6

6. Did you participate in [redacted]?

[redacted] had limited participation (see above), but [redacted] could not recall [redacted]

[redacted] was consistently [redacted] authorized the INA 235(c) charge (which was [redacted]). As soon as [redacted]

[redacted] was ordered [redacted]

7. To your knowledge, did [redacted]?

[redacted] was not familiar enough with the case to respond.

8. To your knowledge, why was [redacted]? Who [redacted]? On [redacted]?

Notes: Arar is offered the opportunity to withdraw his application for admission to which he agrees. Form I-275 is completed and signed. He will be returned to Zurich later that day but would also "be detained for additional interviews with the FBI and Joint Terrorism Task Force." ICE 155 and ICE 413

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

INS had the latitude to negate the withdrawal because it was voluntary in nature. In addition, the 235(c) charge rescinded the withdrawal in Arar's case.

Arar had refused to be removed to Syria.

9. When was [redacted]? What was [redacted]

[redacted] could not recall.

[redacted] [we interviewed [redacted]]

10. To your knowledge, did [redacted]

[redacted]?

Notes: On September 27, 2002, Arar was made aware of his right to notify his consulate. He refused the opportunity on the 26<sup>th</sup> but stated he would like to call on the 27<sup>th</sup>. JTTF FBI, concerned that an outside phone call might jeopardize the case, refused to allow Arar to make the call on the 27<sup>th</sup>. ICE 155

Notes: [redacted] email ICE 888. Arar elected not to call.

b5, 6

While [redacted] did not recall [redacted]

[redacted] are not entitled to [redacted]

[redacted] informed [redacted] that [redacted] did not specify [redacted]

11. When was [redacted]?

[redacted] could not recall when [redacted]



**Doc. #53**

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

Project Number: ISP-2004  
Binder C  
Tab 18

Memorandum of Record

**PURPOSE:** Interview CBP personnel [REDACTED] who had roles in the apprehension and initial detention of Maher Arar in September 2002.

**DATE:** Thursday, October 6, 2005

**LOCATION:** [REDACTED]

**PARTICIPANTS:** [REDACTED]

[REDACTED] DHS-OIG  
[REDACTED] DHS-OIG

**PREPARED BY:** [REDACTED]

b5,6

1. How and when [REDACTED]?

[REDACTED] This was normal for [REDACTED]

[REDACTED] conducted [REDACTED]

[REDACTED] only [REDACTED] which included a [REDACTED] further said that [REDACTED] further surmised that the [REDACTED]

[REDACTED] could not recall which [REDACTED] and [REDACTED] was not involved with [REDACTED]. [We have a copy [REDACTED] which was [REDACTED].]

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

[redacted] and, as a [redacted] factors such as [redacted] (we have a copy [redacted]), including [redacted]

2. Was there [redacted]? What was [redacted]?  
What were [redacted]?

[redacted] said that [redacted]

[redacted] said that [redacted] nothing was unusual. [redacted] did not recall whether [redacted]

3. Describe [redacted]?

[redacted] said that [redacted]

b5, 6

[redacted] said that [redacted] did not recall whether [redacted] but did not appear [redacted]

[redacted] said that [redacted]

4. When and how did [redacted]?

[redacted] could not recall. [redacted] said that due to the [redacted]

5. Describe [redacted]?

[redacted] was not present for [redacted]

[redacted] (we have a copy of the [redacted]), including [redacted]

6. To your knowledge, how and when was [redacted]?  
[redacted]? How [redacted]?

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

[redacted] brought the [redacted] to the attention of [redacted], who called [redacted]. [redacted] could not recall when [redacted].

7. Did you participate in the [redacted]?

None of the interviewed [redacted] participated in [redacted]. However, [redacted] said the [redacted].

8. To your knowledge, did [redacted]?

[redacted] said that [redacted] are normally included in [redacted] ([redacted] did not recall specifically).

9. To your knowledge, why was [redacted]? Who [redacted]? On [redacted]?

Notes: Arar is offered the opportunity to withdraw his application for admission to which he agrees. Form I-275 is completed and signed. He will be returned to Zurich later that day but would also "be detained for additional interviews with the FBI and Joint Terrorism Task Force." ICE 155 and ICE 413

[redacted] said that [redacted] remembers that the [redacted], but could not recall [redacted] also said that [redacted]

b5, 6

10. [redacted]? What was [redacted]?

None of the interviewed [redacted] could answer.

11. To your knowledge, did [redacted]?

Notes: On September 27, 2002, Arar was made aware of his right to notify his consulate. He refused the opportunity on the 26<sup>th</sup> but stated he would like to call on the 27<sup>th</sup>. JTTF FBI, concerned that an outside phone call might jeopardize the case, refused to allow Arar to make the call on the 27<sup>th</sup>. ICE 155

Notes: [redacted] email ICE 888. Arar elected not to call.

[redacted] was not aware whether [redacted]

12. When was [redacted]?

[redacted] said probably [redacted] but could not specifically recall.

**Doc. #54**

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

Project Number: ISP-2004  
Binder C  
Tab 19

Memorandum of Record

**PURPOSE:** Interview an Asylum Officer [REDACTED] Arar in October 2002. b6

**DATE:** Wednesday, October 5, 2005, at 2:45 p.m.

**LOCATION:** CIS Asylum Office  
[REDACTED]

**PARTICIPANTS:** [REDACTED] Asylum Office

[REDACTED], DHS OIG  
[REDACTED] DHS OIG

**PREPARED BY:** [REDACTED]

[REDACTED] discussed the general scope of our review and stated that we understood that these events had occurred three years ago.

1. Position at the time (September/October 2002)

[REDACTED] Asylum Office.

2. To your knowledge, [REDACTED]

[REDACTED]? Why were [REDACTED]?

[REDACTED], which occurred [REDACTED], starting at [REDACTED]

It was not a [REDACTED]

It consisted of [REDACTED]

Around [REDACTED]

3. Was [REDACTED]?

[REDACTED]

b5, 6

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

[whom we also interviewed on [redacted] and [redacted] was also present - [redacted] was the INS

4. Did [redacted]?

[redacted] was told by an INS agent ([redacted] could not recall who) that [redacted]

5. What was [redacted]?

[redacted]

6. Did [redacted]?

[redacted]

7. Did any [redacted]?

[redacted] did not directly participate, but [redacted]

b5, 6

8. What direction did [redacted]?

They were told to [redacted]. They were not informed whether [redacted] and were not told which [redacted]

This was a [redacted]. However, [redacted] said that it was not unusual that they [redacted]

9. To your knowledge, did [redacted]?

[redacted]

10. Do you believe that [redacted]?

Notes: [redacted]

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

[REDACTED]

[REDACTED] was explained [REDACTED], including [REDACTED]  
[REDACTED] responded by describing why [REDACTED]

11. Why was [REDACTED]?

[REDACTED] did not know because [REDACTED]

12. How and when did you [REDACTED]?

[REDACTED] did not know [REDACTED]

13. What did you know about [REDACTED]?

They were not informed about [REDACTED]  
believed [REDACTED]

14. Were you aware of [REDACTED]

[REDACTED] was not informed of [REDACTED]

15. Why did [REDACTED]?

[REDACTED]. This happens  
frequently, according to [REDACTED]. They also provided [REDACTED]  
[REDACTED]

b5, 6



**Doc. #55**

35(e)

TSP - 2004  
Binder C  
Tab 20

[REDACTED]

POS-

[REDACTED]

1/10/04

[REDACTED]

OCT 6

How did you find out

[REDACTED]

[REDACTED]

b5,6

[REDACTED]

SOUND

NO INFO -

[REDACTED]

DID NOT KNOW

[REDACTED]

3  
4

[REDACTED]

[REDACTED]

SOUND LIKE

[REDACTED]

[REDACTED]

3

[REDACTED]

UNID - 70

b5,6

[REDACTED]

[REDACTED]

6/

① ~~W~~ 235(c)  
② [REDACTED]

6. [REDACTED]

b5,6

~~12~~ [REDACTED] KIN TO CALMATION SKRCS  
DID NOT KNOW WHAT COUNTRY

7. ~~10~~ NONE [REDACTED]

8. [REDACTED] - BALANCE ON [REDACTED]

~~10~~ -  
BALANCE CAME [REDACTED]  
[REDACTED]

b5,6

~~10~~ [REDACTED]  
[REDACTED]

9. NO

10. NO

DID USE [REDACTED]

[REDACTED] - FUEL LINE [REDACTED]  
[REDACTED]

11. [REDACTED]  
[REDACTED]

[REDACTED] - DID NOT  
NOT SURE IF [REDACTED]

TOLD [REDACTED] THAT THIS CAME A  
[REDACTED]

12. SYLVIA

[REDACTED]

13.

[REDACTED] BECAUSE OF

b5,6

DID NOT KNOW SPECIFIC [REDACTED]

14.

SEEMED LIKE [REDACTED] "

WHAT - [REDACTED] ?

15. ASS [REDACTED]

[REDACTED]

[REDACTED]

16

[REDACTED]

11

FOLLOWED [REDACTED]

b5,6

[REDACTED]

5/11/1960

[REDACTED]

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

→ 3 principal areas

CIS/Former INS Asylum Officer Interview

Name: [Redacted]

Current Title/Organization: [Redacted]

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Date/Time: 10/5/05 @ 3:15 PM

Location: [Redacted]

**Questions**

1. Position at the time (September/October 2002)

[Redacted]

2. To your knowledge, [Redacted] ? When did [Redacted] ? Why were [Redacted] ?

b5,6

[Redacted]

Regarding the [Redacted]:

3. Was [Redacted] ?

4. Did [Redacted] ?

[Redacted]

What was [Redacted] ?

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

6. Did [REDACTED]?

*Not particularly*

*Tried to* [REDACTED]

7. Did [REDACTED]?

8. What [REDACTED]?

b5, 6

9. To your knowledge, [REDACTED]?

*No - det. not*

10. Do you believe that [REDACTED]?

Notes: [REDACTED]

*Don't know*

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

11. Why was [REDACTED]?

12. How and when did [REDACTED]?

13. What did you know about [REDACTED]?

*Nothing re:* [REDACTED]

14. Were you aware of [REDACTED]?

b5, 6

15. Why did [REDACTED]?

*DOJ involvement -* [REDACTED]



**Doc. #56**

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

Memorandum of Record

**PURPOSE:** Interview the former [REDACTED]

**DATE:** Thursday, October 6, 2005, at 2:00 p.m.

**LOCATION:** [REDACTED]

**PARTICIPANTS:** [REDACTED]

[REDACTED], DHS-OIG  
[REDACTED], DHS-OIG

**PREPARED BY:** [REDACTED]

Initial Apprehension at JFK

[REDACTED] first learned of Arar's apprehension at JFK in [REDACTED], when [REDACTED] b5, 6  
[REDACTED] told [REDACTED]  
that Arar had been apprehended and detained at JFK.

[REDACTED] also contacted [REDACTED].  
This happened. [REDACTED]

Visit to MDC

[REDACTED] said [REDACTED] never [REDACTED]  
[REDACTED], Arar verified that [REDACTED] met with [REDACTED]  
The meeting lasted 1.5 hours and [REDACTED]  
occurred on the [REDACTED] Floor at [REDACTED]. There was a [REDACTED]  
[REDACTED] during the meeting ([REDACTED]).

[redacted] during the meeting as [redacted] told [redacted] that [redacted] wanted to [redacted]

[redacted] understood that Arar had been served with a Notice to Appear (NTA) and would consequently appear before an immigration judge. [redacted] said that [redacted] Arar wanted to withdraw his application for admission (Form I-275) because he was transiting through JFK en route to Ottawa, Canada.

[redacted] was not aware [redacted] did not view [redacted]

[redacted] was not aware of [redacted]

INS Contacts for Asylum Interview

INS contacted [redacted] [redacted] understood that INS had also contacted [redacted]

b5, 6

CAT Protection

[redacted] said that [redacted] informed [redacted] did not recall [redacted], but [redacted] said that [redacted]

Removal

[redacted] determined that Syria was the country for removal because [redacted] was informed ([redacted] did not recall how) [redacted]

[redacted] was informed that Arar had been transferred to the INS Service Processing Center at Varick Street, NY, and was then moved to the INS contract detention facility in Elizabeth, NJ. [redacted] understood that [redacted]

Other Issues

- [REDACTED] could not [REDACTED] because [REDACTED]
- Other than [REDACTED] worked on Arar's case when [REDACTED] cases involving aliens apprehended in the United States and subsequently removed to a country that was not requested by the alien.
- After his October 2002 removal, [REDACTED]

b5, 6

**Doc. #57**

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

Memorandum of Record

**PURPOSE:** Interview [REDACTED] for the Deputy Attorney General (DAG) during the apprehension and removal of Maher Arar.

**DATE:** Thursday, December 15, 2005, at 10:45 a.m.

**LOCATION:** [REDACTED]

**ATTENDEES:** [REDACTED]

[REDACTED], DHS OIG  
[REDACTED], DHS OIG

**PREPARED BY:** [REDACTED]

At the time of Arar's apprehension and removal to Syria (September-October 2002), [REDACTED] was the [REDACTED] the DAG, Larry Thompson, at the U.S. Department of Justice (DOJ). [REDACTED] did not know the reason for Mr. Thompson being the Acting Attorney General during the Arar matter.

b5, 6

The DAG is the Chief Operating Officer of DOJ and consequently is in charge of DOJ's daily operations. [REDACTED] former [REDACTED] had [REDACTED] and was [REDACTED] when Arar was apprehended. Therefore, [REDACTED]

1. When did you first learn about Maher Arar? Who brought him to your attention?

[REDACTED] did not remember the exact day, [REDACTED]

[REDACTED] did not remember [REDACTED]

Initial meetings at the INS Command Center were attended by [REDACTED] INS General Counsel; Office of Immigration Litigation (DOJ) attorneys; [REDACTED]

2. Who made the decision to [REDACTED]? Why?

[REDACTED] did not recall [REDACTED] did know whether the [REDACTED].

3. Who [REDACTED]?

[REDACTED] had no knowledge of [REDACTED]. However, [REDACTED] said [REDACTED] was [REDACTED].

4. [REDACTED]

[REDACTED] did not recall who [REDACTED] or when [REDACTED] said that [REDACTED].

There was no [REDACTED] Attorneys for DOJ's Office of Legal Counsel [REDACTED] wanted to [REDACTED].

5. Communications with Canada

b5, 6

[REDACTED] did not know when [REDACTED] Nonetheless [REDACTED] went to the [REDACTED], which was [REDACTED]. It was clear that [REDACTED] because of the [REDACTED].

[REDACTED] had no [REDACTED], Canada was not an appropriate option for country of removal because of its open border.

6. Why was [REDACTED]?

Generally [REDACTED] caused [REDACTED]. However, it was imperative to [REDACTED].

7. Discussions with INS concerning [REDACTED]

[REDACTED] asserted that [REDACTED].

8. Discussions with INS regarding [REDACTED]

[REDACTED] must have [REDACTED] since [REDACTED]

[REDACTED] did not recall the specific [REDACTED]

b5, 6

9. Discussions with INS concerning [REDACTED]

The DAG was satisfied with [REDACTED], but he did not have the means to [REDACTED] did not know [REDACTED]

[REDACTED]. However, INS officials were [REDACTED]

[REDACTED] said that [REDACTED]



**Doc. #58**

Review of the Removal of a Canadian Citizen to Syria

Memorandum of Record

**PURPOSE:** Interview [redacted] during the apprehension and removal of Maher Arar.

**DATE:** Tuesday, April 11, 2006, at 2:00 p.m.

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

**PARTICIPANTS:** [redacted]  
[redacted], Office of Legal Counsel, Department of Justice  
[redacted], Office of the Deputy Attorney General,  
Department of Justice  
[redacted], DHS OIG  
[redacted], DHS OIG

**PREPARED BY:** [redacted]

b5, 6

[redacted] delineated this review's background, including Arar's apprehension and subsequent removal, and noted that these events occurred over 3.5 years ago.

At the time of Arar's apprehension and removal to Syria (September-October 2002), [redacted] was [redacted] at the U.S. Department of Justice (DOJ). [redacted] was responsible for [redacted] including [redacted] which for the most part entailed [redacted], as well as [redacted].

[redacted] Arar was apprehended at JFK, [redacted] Arar was removed to Syria.

1. When did you first learn about Maher Arar? Who brought him to your attention?

[redacted] did not know when [redacted] first learned about Arar or who brought Arar to [redacted] attention.

2. Who made the decision to [redacted]? Why?

[redacted] was unaware as to who made this decision. [redacted] also did not believe that [redacted]

3. Who first suggested [redacted]?

[redacted] recalled discussions of this "[redacted]" which [redacted] recalled that [redacted] raised the issue of [redacted] recalled discussions with both [redacted] regarding [redacted]

According to [redacted] and, according to [redacted] was designed specifically for [redacted]. After reviewing [redacted] it was obvious that [redacted] also noted that [redacted]

4. Discussions with INS regarding [redacted]

4a. [redacted]?

b5, 6

[redacted] stated that [redacted] viewed that the [redacted]

4b. How was [redacted]? Who made this decision [redacted]?

[redacted]. The process was engineered in the context of [redacted] did not recall [redacted], which was determined by [redacted]. As [redacted] stated, [redacted] within DOJ.

4c. Who made the final decision to [redacted]?

[redacted] did not know who made this final decision. [redacted] remembered that since Arar was technically a citizen of Syria (dual, including Canada), INS could choose one of the primary options for country of removal (under U.S. Code, Title 8, Section 1231).

5. Communications with Canada

~~LAW ENFORCEMENT SENSITIVE~~

5a. When did [REDACTED] ? What [REDACTED] ? Why was [REDACTED] ?

[REDACTED] primarily handled by [REDACTED], then [REDACTED] for the DAG during Arar's apprehension and removal. [We interviewed [REDACTED] on December 15, 2005]

6. Why was [REDACTED] ?

[REDACTED] stated that [REDACTED] did not remember any relevant discussions.

7. [REDACTED]

[REDACTED] had relevant conversations with [REDACTED] Arar raised concerns about his potential treatment by Syrian authorities if he were removed to Syria.

b5, 6

8. Discussions with INS regarding [REDACTED]

8a. Initially? [REDACTED] ?

[REDACTED] only recalled that relevant discussions were held. [REDACTED] emphasized that these did not entail [REDACTED] but were more [REDACTED]

9. Discussions with INS concerning [REDACTED]

9a. Concerning the requirement for [REDACTED] 9b. Source and content of [REDACTED]

[REDACTED]

[REDACTED] could have [REDACTED] if [REDACTED]

9d. Was [REDACTED] ? [REDACTED]

According to [REDACTED]  
[REDACTED]

10. Who or what was behind [REDACTED]?

[REDACTED] did not recall any specific [REDACTED]

Other Issues

- [REDACTED] recognized [REDACTED]
- [REDACTED] had no interactions with [REDACTED]
- [REDACTED] also had no reason to believe that [REDACTED]

b5,6

**Doc. #59**

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[redacted] did not recall which officials participated and when exactly the meetings were held. However, [redacted] did remember [redacted]

3. What was [redacted] [redacted]?

[redacted] became aware that Arar [redacted] after [redacted]

4. How did [redacted]?

[redacted] Other than that, [redacted] was unaware [redacted]

5. What was [redacted]?

[redacted] recalled that Arar had dual citizenship with both Canada and Syria. [redacted] would have been able to easily cross the border into the U.S.

b5, 6, 7C

6. What [redacted] [redacted]?

[redacted] did not recall any specific [redacted]

7. Why did [redacted] [redacted]?

[redacted] did not know why [redacted] or who specifically [redacted]. However, [redacted] said that [redacted] also said that it is not uncommon for [redacted]. This is done [redacted]

8. Did the [redacted] [redacted]? What was the extent of [redacted] [redacted]?

[redacted] recalled that [redacted] initially determined [redacted] [redacted] did not recall which [redacted] However, after [redacted] Therefore, [redacted]



9. Does [REDACTED]?

[REDACTED]

Other Issues

b5, 6, 7C

- [REDACTED] said that [REDACTED]
- [REDACTED] reviewed [REDACTED] handwritten notes, which were the informational basis for this memorandum, at the conclusion of this interview. [REDACTED] determined that the notes did not contain any classified information.

**Doc. #60**

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**RECORD OF INTERVIEW**

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

**LOCATION:** [REDACTED]

**PARTICIPANTS:**  
[REDACTED]  
[REDACTED]  
[REDACTED]

**OIG:**  
[REDACTED], Team Leader  
[REDACTED], Senior Inspector

b5, 6

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

**INFORMATION OBTAINED:**

1) When was [REDACTED] [REDACTED]?

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

What information [REDACTED]?

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

2) Please describe [REDACTED].

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

This matter was [redacted] stated that the information for this case was [redacted] Arar was removed to Syria. [redacted] again characterized the case as "[redacted]" and that [redacted]

[redacted] also mentioned that the Arar case [redacted]

- 3) Which [redacted] ?  
[redacted] did not know.  
[redacted] did not know

- 4) Did the [redacted] ?  
To [redacted] knowledge, the decision to send Arar to Syria was [redacted] mentioned that [redacted] was informed that [redacted] But, according to [redacted]

b5, 6

[redacted] did not know.

- 5) Did [redacted] ? If so, why? During [redacted] did [redacted] ?  
[redacted] because they were [redacted]

- 6) Did the [redacted] ?  
To [redacted] knowledge, [redacted] the decision to send Arar to Syria. However, [redacted] could not speak for [redacted] Additionally, [redacted] mentioned that [redacted] noted that normally, [redacted]

- 7) To your knowledge, did [redacted] ? If so, what was [redacted] ?  
[redacted] did not know.

[redacted] did not know.

Was [redacted]?

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

[redacted] assumed so but [redacted] did not [redacted]

8) Inquire about [redacted]"

[redacted] was not aware of any.

o How [redacted]?

[redacted] was not aware of [redacted]

b5,6

*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]

**Doc. #61**

Bivona C (1)

TAB 24(a)

**The Removal of a Canadian Citizen to Syria**

**MEMORANDUM OF RECORD**

Telephone conversation on October 11, 2005, between:

[REDACTED]

DHS OIG

and

[REDACTED]

Subject: [REDACTED]

b5, 6

[REDACTED] stated that [REDACTED] said that [REDACTED]

[REDACTED] said that there are [REDACTED] said that any [REDACTED] Because of this, [REDACTED] said that the [REDACTED] may include a [REDACTED] to ensure [REDACTED]

[REDACTED] stated that [REDACTED] learned of Arar's full story after [REDACTED]

[REDACTED] referred me to [REDACTED] This document outlined [REDACTED]

**Doc. #62**



### RECORD OF INTERVIEW

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

LOCATION:

[REDACTED]

PARTICIPANTS:

[REDACTED]

[REDACTED]

[REDACTED]

OIG:

[REDACTED], Team Leader

[REDACTED], Inspector

b5,6

PURPOSE:

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

INFORMATION OBTAINED:

1. When was [REDACTED]?

To [REDACTED] knowledge, [REDACTED]  
[REDACTED] The records include [REDACTED] and news articles.

2. Please describe the general role [REDACTED] in this matter.

[REDACTED] provided materials collected to [REDACTED]. They were directed to provide "as much information as possible" to [REDACTED] including [REDACTED]

[redacted] qualified that [redacted]

[redacted] clarified that [redacted] was not familiar with [redacted]

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

3. What information did [redacted] [redacted]?

[redacted] answer was [redacted] first stated that [redacted] speculated that [redacted], but [redacted] did not know when [redacted] has "never seen [redacted]

4. Which [redacted], when, why, and by whom?

[redacted] stated that [redacted] "but was not certain which [redacted] could answer that question.

5. When was [redacted] during his period of detention (September 26 to October 8, 2002)?

b5, 6

In accordance with [redacted], but [redacted] did not know when [redacted]

[redacted] clarified that the onus is on [redacted]

6. Did the [redacted]?

a. Did [redacted] ? If so, [redacted] ?

b. [redacted] ?

[redacted] has never seen any [redacted] recommended we discuss them with [redacted]

7. Did [redacted] ? How (e.g., did it [redacted] )?

To reiterate, [redacted] has never seen any [redacted] would have been in charge. [redacted] referred us to the [redacted]. Note: We interviewed [redacted] and [redacted], on [redacted]

8. To your knowledge, did [redacted]? If so, what was [redacted] response?

[redacted] was unaware of [redacted] has not [redacted] and has no idea or record of any such information.

9. In your opinion, was [redacted] [redacted]? If so, how?

[redacted] did not have the knowledge to draw any conclusions. [redacted] has no records related to [redacted] and suggests [redacted] be checked.

10. Why was [redacted]?

[redacted] would not answer the question.

11. Inquire about [redacted].

[redacted] could not answer the question.

a. [redacted]?

[redacted] has "no idea" as to specific [redacted], which are not part of the [redacted] (according to [redacted]).

12. What [redacted] the following: who [redacted]?

a. Who [redacted]?

b. What [redacted]?

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

13. To your knowledge, what is the [redacted] [redacted]?

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

b5, 6

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

b6

**Doc. #63**

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

Memorandum of Record (MOR)

**PURPOSE:** Summary of the conference call held with two counsels with the [REDACTED] in Relation to Maher Arar.

**DATE:** Wednesday, October 20, 2004 @ 2:00 p.m.

**ATTENDEES:**  
[REDACTED], Lead Counsel  
[REDACTED], Counsel  
[REDACTED], DHS OIG  
[REDACTED], DHS OIG  
[REDACTED], DHS OIG

**CONTACT:** [REDACTED]

**PREPARED BY:** [REDACTED]

This conference call was held pursuant to a contact from [REDACTED] on September 20, 2004. At the beginning of the call, [REDACTED] stipulated, and [REDACTED] agreed, that the entire conversation was unofficial and off the record.

b5, 6

DHS OIG Review

[REDACTED] reviewed the two objectives of DHS OIG's review of the removal of Maher Arar to Syria. We conducted interviews with various lower-level DHS officials but are waiting for legal permission to interview higher-level officials, some of whom left the Government. [REDACTED] also reviewed the formation of the Department of Homeland Security (DHS) and the transfer of the immigration functions of the U.S. Government from the Department of Justice (DOJ). As such, DHS OIG only has authority over DHS officials.

[REDACTED] said that we requested a personal, in-person interview with Maher Arar [REDACTED]

[REDACTED]

[REDACTED] said that [REDACTED] is specifically authorized to [REDACTED] detention in [REDACTED]

[redacted] principally looking at [redacted]

This Monday [redacted] will begin [redacted]  
[redacted] Subsequently,  
[redacted] will examine [redacted]  
[redacted] necessary because [redacted]

[redacted]

[redacted] declined.

Responding to a question from [redacted] said that to [redacted] knowledge,  
[redacted]

[redacted] wanted to review documents on U.S. immigration procedures. [redacted] does  
not have access to [redacted]

b5, 6

Arar's U.S. Detention

[redacted]  
[redacted] Arar said that he was threatened with removal to Syria if he did not  
cooperate with U.S. authorities. He said U.S. agents tried to force him to sign a  
document consenting to removal to Syria.

Arar was transferred to the MDC on approximately September 28, 2004. Apparently,  
[redacted] assumed that Arar would be removed to Zurich (his point of  
embarkation to New York/JFK) or Canada. Arar was removed to Syria, after an  
immigration hearing at MDC; [redacted]

Follow Up

- [redacted] will forward to us, via regular mail, [redacted]
- [redacted] will review material documents from [redacted]

• A question to ask INS is [REDACTED]

[REDACTED] point was, did the fact that the

b5,6

• Obtain [REDACTED]

**Doc. #64**



ISA-2004  
Dinda E  
CAS 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 additional information concerning [REDACTED]

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[REDACTED] The OIG initiated a review of the Arar case in January 2004.

[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]

[REDACTED] showed that [REDACTED]  
[REDACTED] The status of [REDACTED]

[REDACTED]; the status of [REDACTED]

[REDACTED] A DACS summary sheet [REDACTED]

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

[redacted] opined that it was possible that [redacted] could have [redacted] could have been [redacted] (OIG Note: If this did happen, there would be [redacted])

[redacted] should have included [redacted]. There would not necessarily have been a [redacted]. However, [redacted] must be known.)

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[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 a copy of the [redacted]

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EXTRAORDINARY CONDITIONS

DOES NOT BELIEVE

DACS

UNSURE IF

RF

CAB Meeting

Deportation of Detainees to Syria

CAB - Room 3240

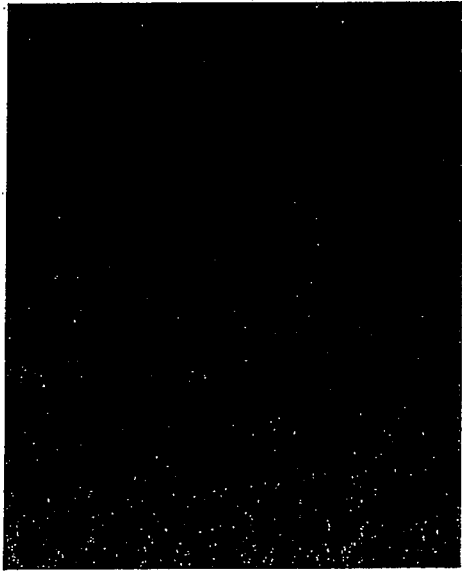
1:00 pm

9-22-04

Name

Office

Att #1



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



b6