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Suit Seeks Data on Immigration Profiling of Arabs

By NEIL MacFARQUHAR

In an effort to establish whether the government is using prohibited profiling methods against Arab-Americans and Muslims, a civil rights group filed a suit yesterday against the Homeland Security Department and one of its branches, Immigration and Customs Enforcement.

The suit, by the American-Arab Anti-Discrimination Committee, asked the Federal District Court in the District of Columbia to compel the immigration agency under the Freedom of Information Act to release the nationalities of 237 people arrested for immigration violations in October 2004.

The agency announced the arrests at the time in an effort to disrupt possible terrorist threats in the presidential elections.

Over the past two years, two previous requests by the committee to obtain the information through standard channels failed. Refusing to release the nationalities leaves open a possibility that immigration laws are being disproportionately enforced against Arab-Americans and Muslims, said Kareem Shora, the new executive director of the committee, which is based in Washington. The organization is not seeking individuals' names or their dispositions in the courts.

In one letter denying the previous requests, the immigration agency said releasing the information would harm its law enforcement efforts by divulging where it was concentrating its resources.

A spokesman for Immigration and Customs Enforcement, Dean Boyd, would not elaborate on that statement. Mr. Boyd did restate that the agency did not enforce immigration laws on the basis of race, religion or ethnic origin.

More than 160,000 individuals were deported last year "from virtually every country around the globe," he added.

Arab-Americans and American Muslims have widespread suspicions that the spotlight is focused on them regarding accusations of terrorism, particularly around any election season, to spread concern among other voters and to intimidate them from speaking out. Mr. Boyd strongly objected to the idea that political considerations were involved in any aspect of enforcing immigration law.

"We conduct enforcement actions every day and certainly don't time them for any political reason," he said, adding that the months leading up to an important event like elections were an obvious time to step up law enforcement.

The antidiscrimination committee's request was in part prompted by a news release from the immigration agency that gave the nationalities of eight men who were arrested, and six were Arabs, Mr. Shora said.

Three databases that track immigrants were used, he said, and one has mostly Arabs or Muslims. Mr. Shora was referring to the National Security Entry-Exit Registration System, a hastily created database that tracks visitors, students and immigrants from 25 countries after the Sept. 11, 2001, attacks.

All those 25 countries except North Korea have Muslim or Arab majorities, and the 80,000 men who registered were overwhelmingly Arabs and Muslims. Using that database, the committee says, would mean unfairly enforcing immigration laws amid just one community and violate the laws against profiling.