

DEPARTMENT OF HOMELAND SECURITY
Office of Inspector General

The Removal of a Canadian Citizen to Syria
(Unclassified Summary)





Homeland
Security

March 14, 2008

Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (*Public Law 107-296*) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses process applied by the Immigration and Naturalization Service to determine that Maher Arar was inadmissible to the United States and order him removed to Syria. It is based on interviews with employees and officials of relevant agencies and institutions and a review of applicable documents.

It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

OIG

*Department of Homeland Security
Office of Inspector General*

Unclassified Summary

We conducted this review at the request of the then-Ranking Member of the United States House of Representatives Committee on the Judiciary, Representative John Conyers. We began our fieldwork in January 2004. Our review examined (1) the process applied by Immigration and Naturalization Service (INS) in determining that Maher Arar was inadmissible to the United States; (2) the process to designate Syria as Arar's country of removal; and (3) how INS assessed Arar's eligibility for protection under the *United Nations Convention Against Torture*.¹

Maher Arar, a dual citizen of Canada and Syria, arrived at John F. Kennedy (JFK) International Airport on Thursday, September 26, 2002, from Zurich, Switzerland. His trip originated in Tunisia. Upon his arrival, Arar applied for admission to the United States so that he could transfer to his connecting flight to Canada, his country of residence.

Arar was identified as a special interest alien who was suspected of affiliations with Al-Qaeda, a terrorist organization. He was apprehended by inspectors of the INS at JFK, questioned by federal agents, and transferred to a nearby federal detention center. INS determined Arar inadmissible to the United States on the grounds that he was a member of a foreign terrorist organization.

Syria was designated as Arar's country of removal, although he specifically requested to be returned to Canada. INS assessed Arar's eligibility for protection under Article 3 of the *Convention Against Torture*. INS determined that removing Arar to Syria would be consistent with the *Convention Against Torture*. The documents and discussion that outline the process INS used to make that determination are protected by legal privileges and therefore are not described in this summary.

On Tuesday, October 8, 2002, Arar was flown to Amman, Jordan, and Syrian officials later took him into custody. After Arar returned to Canada in October 2003, he alleged that he was beaten and tortured while in the custody of the Syrian government.

¹ *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Article 3, June 26, 1987.

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