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MEMORANDUM FOR THE RECORD

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Event: Interview with Officer Jose Melendez-Perez

Type of Event: Interview

Date: November 12, 2003

Special Access Issues: Government Identification

Team Number: 5

Location: U.S. Customs Border Patrol Offices, Ronald Reagan Building, Washington, D.C.

Participants - Non-Commission: Jose Melendez-Perez

Participants - Commission: Janice Kephart-Roberts, Joanne M. Accolla

Background:

Mr. Melendez-Perez is a US Customs & Border Protection Inspector, Orlando Intl. Airport, Orlando, FL

Born in Puerto Rico, [redacted] lived in PR until he joined the military in 1964; served until June 30, 1992 with small break in service in 1967; served in Vietnam for 2 years, as first sergeant last rank for recruiting command for 14 or 15 years; served in infantry school, paratrooper in 82nd, and 101st; in Vietnam 1965-1966 went back to Vietnam 1969 - 1970.

Separate from service June 1991 - joined INS 11/15/92 - started at Miami Intl Airport as an inspector; from there to Glencoe; 18 months later vacancy in Orlando and he moved there 5/24/94 and am presently an inspector; responsibility also include fire arms instructor for program in Orlando for inspectors, investigation, deportation and detention. Served recently TDY for 6 months at Glencoe providing assistance to the fire arms program. Now back at airport doing quarterly fire arms qualification.

JKR: How have you split your time between primary and secondary inspections over the years?

MP: Assigned by supervisor; basically you spend half and half; alternate between primary and secondary.

JKR: What types of flights come in at Orlando Intl Airport

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MP: Virgin Atlantic, 3-4 flights; British Airways comes daily; LTU comes (Lufthansa); Martin Air from Amsterdam; Copa from Panama; Air Jamaica from Kingston; and some other flights.

JKR: Do you get many Middle Eastern passengers on those flights?

MP: Yes we do. Mostly from British Airways; now also on Virgin Atlantic; get mixed in with visa waiver folks.

JKR: Let's talk about Mr. Kahtani's attempted entry on August 4, 2001. I see you have the report in front of you. Let's start at beginning – why was he referred to secondary?

MP: Because he didn't have a return ticket; and he said to primary inspector that he didn't speak English.

JKR: At what point was he referred to you?

MP: I was the assigned secondary officer; his passport with instructions of why he was referred to secondary was given to me.

JKR: Describe Mr. Kahtani -what he was wearing, etc.

MP: He was well groomed; short hair; trimmed mustache; black long sleeve shirt, black trousers, black shoes – well dressed; seemed very sure of himself; looked like a soldier to me; when I first called his name in the secondary room and matched him with papers, he had deep staring look, like he was looking into my soul; and up to this day, when you talk about this guy, gives me goose bumps. I served 2 years in Vietnam and I was never intimidated like this man intimidated me with his look and his behavior; I had to get up and walk around to go outside to walk around and come back to continue the line of questioning - because of his behavior “if I could grip your heart I would eat” – that's the impression I got from this guy when I was talking to him.

JKR: How long did the interview last?

MP: Good 2 hours.

JKR: How long do they usually last?

MP: Depends on documents. Could take 15-20 minutes. This person it was different; because he had good documents. Everything was in order.

JKR: How did you communicate with Mr. Kahtani?

MP: We had telephone numbers of official translators of all languages which belong to DOJ; I contacted a supervisor and put me in contact with Dr. Shafique(?) (DOJ interpreter).

JKR: Have you worked with him before?

MP: I think so, can't be sure;

JKR: Standard operating procedure to always have an interpreter if there is an issue of language?

MP: If there are no airline reps who speak the language, yes.

JKR: So you have had Arab second inspections before? How many Saudi's before him?

MP: Don't recall exact numbers; but have had a few of them.

JKR: Have you had any training in Saudi culture?

MP: No just what you learn in the inspection line.

JKR: Have you had training at Glencoe on different cultural personalities and how to deal with them in secondary?

MP: Not that I recall.

JKR: – Let's go through the interview.

MP: Once we established communication with the translator, my concern first is person's intention. He said 5-6 days to travel in the US. My concern is why you don't have return ticket. He said he didn't have a return ticket because he didn't know where he was going after the US. That automatically threw the line of questioning into new ballpark. What first came to my mind was "hit man" because of my military background, etc. And when I was in the Recruiting Command, we received extensive training in questioning people. I learned questioning techniques. Hit man doesn't know where he is going – because a hit man doesn't know where he is going because if he is caught, he doesn't have information to bargain - first thing came to mind – gut feeling. I said how are you going to get out of US – he said somebody was coming from overseas and that person was going to purchase his ticket because that person knew where he was going. I asked how long you know this person; he said a short time. A friend of yours for a short time is going to purchase a \$2000 ticket – I don't think so. His answers were not adding up.

Then he changed the story. Like someone is going to meet me upstairs. If you don't speak no English, no hotel reservation, how are you going to get around? He said someone is waiting upstairs. Can I have the person's name? He said then no one is waiting. Then he said he was supposed to call home and somebody home was going to contact someone in the US and that person would contact him and pick him up.

Doesn't sound right.

Then he said person was coming from overseas and would be here in 3-4 days. One lie after another. Most interesting thing that got me more involved – was his attitude. He kept talking to speaker phone but never stopped looking into my eyes. Then he started pointing his finger; then whatever he was saying was in a loud voice – like I am in charge – you are not going to anything to me I am from Saudi Arabia. We have these people from SA that they think we have to lay out the red carpet – they're untouchables we have to let them in the US – Like I mentioned I have to take a few minutes break outside - He gave me the feeling like “he was in charge” – people from Saudi think they are untouchable – I had to stop and take break because I was intimidated from this guy. When I realized this was going no where – even the interpreter said Inspector something here doesn't add up.

The whole time, even when he was answering the interpreter on the speaker phone, he was staring at me and pointing his finger at me. Very intimidating.

He said he had \$2800 but no credit card; one way ticket from Dubai cost approx. \$2200 so he had \$600 left. Had gut feeling that he came for something that is no good; so I put him under oath, to take a sworn statement.

Then I started over, and asked first question again– what is your intention to visit? He said I don't want to answer your questions.

At this time I knew we didn't want him in the US; totally convinced that he was inadmissible and no intention to admit – would fight it all the way. My supervisor Edwin Bosch – worked with him whole time I have been in Orlando – had no objection whatsoever. I will back you up. He asked are you sure – he's from Saudi Arabia? – I said 250% . That's mentality = have to have facts straight – if we do something that is not right – and we are wrong – they will go back to embassy and will start big fight and they will come back.

These complaints about us turning people away have happened from people from UK (an alien smuggling woman), Columbia, Venezuela. That mentality has to be fixed. Inspector doesn't have authority; it's up to supervisor. Have seen incidents that supervisors have made wrong decision and have gotten into trouble. You make decision on what you have in front of you.

JKR: What were your grounds for deeming Katani inadmissible and removing him?

MP: Lying during initial interview; he said he would refuse to answer under oath; so charged him with 7A (intention to live in US) did not have 6C (bad documents); could apply when you lie – presenting facts that were not true,- but I didn't want to go that route. I wanted to stop him. Mr. Bosch went along with that called Mr. Juan Hernandez, port director. He asked who is the inspector? When he knew it was me, he said do whatever Melindez-Perez recommends.

We can be 200% safe in this country if inspectors established their creditability. If you refer people to secondary for no reason . . . (gave example listen to tape). Creditability becomes questionable. When this person get from primary to secondary, because you did not make the right decision in primary. Credibility you establish is very important. In this case fortunate, I always try to do my best – when I make a decision, it will have to be the best decision for the service even for a person from Saudi Arabia.

JKR: Did you get Katani's pocket litter?

MP: He didn't have any, not even any credit cards, which was strange too. Just US dollars.

JKR: His size?

MP: About 5' 3" to 5' 5" - well taken care of.

JKR: You did take his photo and fingerprints and placed in IDENT?

MP: Yes, we took them.

JKR: Did your file on Katani get forwarded anywhere else prior to Sept. 11?

MP: No one requested the report. The procedure is that the original file to is sent to record keeping for A-files in Miami and a copy sent to embassy where visa was issued, in this case Riyadh.

JKR: You never heard anything back on this gentleman prior to Sept. 11?

MP: No.

JKR: Did you check any databases during the interview?

MP: Yes we had to do that –

JKR: Check him on NCIC?

MP: We check NIIS, NCIC = no entries into US – CIS, NAILS, LOOKOUTs.

JKR: Travel documents were clean?

MP: Yes.

JKR: Do you recall – how clean was the passport?

MP: If I recall passport was new; visa was issued in July 14, 2001 in Riyadh.

JKR: Do you recall seeing any other travel stamps?

MP: No . If we have passport we make copies of entry page and any page with travel information on them.

JKR: What was explanation to supervisor as to why you excluded Kahtani?

MP: Because he was changing his story; answers didn't make sense; demeanor. When you don't have anything to hide, you conduct yourself in professional manner. He made me believe there was something he was not telling me. The intimidation portion was to get me to admit him.

JKR: Describe his build.

MP: He was slim, trim – thin waste but big chest – impeccable shape.

JKR: Did you ever contact the local JTTF or another INS special agent during the course of your secondary inspection?

MP: Did not.

JKR: Have you ever contacted local JTTF during the course of an interview?

MP: This was before 9-11, mentality was different. Remember this is something very rare especially Orlando Intl. . Normally people who come from SA, they come with family to go to Disney World.

JKR: Did Orlando Intl prior to Sept. 11 have any direct flights from SA?

MP: One flight from Riyadh – 3 or 4 time during week from SA; but first goes to NY and then Orlando.

JKR: So during the summer months, do get Saudi flights. What airline did Katani use?

MP: This guy came on Virgin Atlantic. This happened on Saturday. Another guy came on Tuesday, August 7, 2001, the following week from Saudi Arabia.

JKR: INS special agents – do you ever call them?

MP: No.

JKR: Tell us how Kahtani reacted when you told him he was going back to SA?

MP: He got very upset and he told me I was going to pay for his plane ticket; I said fine we have to wait until tomorrow so we are going to put you in jail. He knew it was over.

He decided to pay for his own plane ticket. The airline came -Virgin Atlantic - to get him a ticket. While escorting him for removal, he kept pointing his finger at me like he had during the interview, and then spoke to me in English. I can't remember the exact words, but I do recall the words were threatening of some kind.

JKR: Where was he returned to?

MP: He has to go back to wherever he came from.

JKR: When did you write up your report?

MP: The next day.

JKR: Do you always write up secondary inspection reports?

MP: Yes, but I went into more detail with this guy because I knew I needed to justify my actions in the report in order to reflect where I was coming from. The report is part of the file - A File - sent to A File control office in Miami; then one copy for court; one copy of certain documents sent to embassy (US embassy in Riyadh).

JKR: What if he came from Jeddah?

MP: The A-file would go to whoever issued visa, in that instance Jeddah.

JKR: No contact with Saudi embassy in US?

MP: No.

JKR: So you keep a copy at port and send an A-file to district Miami office?

MP: That's correct.

JKR: No interest in this gentleman until after 9-11?

MP: That's correct.

JKR: Who came to you first?

MP: Nobody did. After 9-11, I was at the range. When I was told what happened, I called the airport - spoke to somebody and said - get the 2 files for Kahtani and the other one and give to FBI ASAP - because this doesn't make sense - they could have been part of something.

They made copies of it and Ms. McCormick (an inspector, supervisor in the Virgin Islands now) gave her task to make copies of 2 files and gave to FBI.

JKR: Who at the FBI did you send the A-file?

MP: FBI office - of FBI office in Orlando.

9/11 Law Enforcement
Privacy

JKR: Did you hear from him?

MP: Not that I recall.

JKR: Did you ever hear from any other entity interested in Kahtani?

MP: The first time I received inquiry on this matter was when Kahtani was first taken to GITMO and his fingerprints matched. I received a call from GITMO. I told him my contact with Kahtani. I think I spoke to them a couple of times.

JKR: Did Kahtani tell you - what was his business, what he did for a living?

MP: No.

JKR: Tell us about GITMO.

MP: Don't recall who contacted me. Mr. Lawrence got a call from somebody; I have to come over to range and use your secure phone and asked me about Kahtani. I explained what happened. They brought me a copy of the 275.

JKR: Was there ever any follow up?

MP: One or 2 additional phone calls after that - they wanted to know ground for refusal.

JKR: Did they explain why they wanted information?

MP: I don't recall.

JKR: Did CIA ever contact you?

MP: Don't think so.

JKR: FBI follow up with you?

MP: Not that I recall.

JKR: I assume the A-file was sent to GITMO. Tells us about the other Saudi 3 days later.

MP: I don't recall name can probably get A-file - we have log. (MP made a phone call to his supervisor, Ed Bosch, who sent JKR the secondary report subsequently. Is in the file.)

MP: This person came in on SA airlines; he was young like Kahtani; sent to secondary because he had no money. I asked him why – he gave phone number for someone in Sarasota – but this guy departed for 20-30 days earlier – the person answered the phone and said yes I know him, but have not seen him for a long time. – wait a minute I said - he just left – he said I don't have time to talk and hung up – he was a Saudi as well (everything in the A File). IDENT was down that day. Then he said someone was waiting for him upstairs – but no one is there. The person supposed to be at airport was in Omaha, Nebraska – I called that person and asked him when are you coming to pick him up – he said I don't know I have to drive – I can't let him do that - he has no money. Did not sound right. Again, here we go – why am I not getting right answers. Going to make it tougher because he came in on SA airlines. Again went to supervisor, something is not right. Based on no money, I was able to refuse him. Public charge. Adding to that

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JKR: Did you put him in jail?

MP: No, sent him back with SA airline and they took control of the guy.

JKR:– Did you need an interpreter?

MP: No because he had been here. Not as well groomed as previous one; little bit overweight, young; changed stories quickly.

JKR: What type of visa?

MP: B2 – Kahtani as well.

JKR: Any recollection if he had been in US before?

MP: Can't recall - no student issue.

MP: Let me mention, Saudi Airlines station manager, was very in touch with this situation; he spoke to person in Nebraska and they got into it in Arabic – but station manager got very upset with person in Nebraska and turned to me and said – send him back. We should have his name because the airline has to sign I-259.

JKR: If we gave Mr. Bosch a call; because I am required to request the specific file

MP: We can call Mr. Lawrence - Mr. Bosch is working today.

JKR: Have I missed anything about Mr. Kahtani?

JKR: Was there any pocket litter from second gentlemen, documents?

MP: Don't know; he had good documents.

JKR: Lets talk about documents generally; how much training did you receive on document fraud?

MP: Received training at academy and a lot in Miami, amount of fraudulent documents is a lot. Whatever document is encountered during the day they will do quick analysis of document and will place in folder and you can check to see new trend in fraudulent documents.

JKR: Are the documents picked up in POE.

MP: In Orlando, Venezuela, Mexico, Jamaica – normally get 3-4 cases a day of fraudulent documents.

We have resources that have all country passports.

JKR: Do you have photo phone available?

MP: Yes.

JKR: Do you have the State Department consolidated data base?

MP: Yes – works well - especially when they do photos of visa; if you have picture of who is supposed to be in front of you. As a matter of fact, two weeks ago we retrieved stolen passports – great features – they should issue all new visas with pictures.

JKR: Has the Forensic Document Lab come to Orlando for training?

MP: Yes – last year – not pre 9-11.

JKR: What about language training?

MP: Going back to FDL – they are awesome – however, they should do more training hands on – alerts are great – but I think they should come more often

JKR: What is your view with your background in military, what is your view of training on interviewing that you receive at Glencoe?

MP: The training we received for interviews - they have to concentrate more time for people to develop follow up questions – they should concentrate more on follow up questions because they are important. Line of questioning is very important and more training should be given.

JKR: You may be aware, an issue has arisen in DC of – some people believe there is no value to interview for people overseas – opinion on value of interviews at POE and how valuable are they and what we can do.

MP: The interview is first line to understand what is the person coming to US and do they have the right to be here. I have seen a lot of times people issued visas have who lied to Consular Affairs; when they come to US this person's intention was to live in US; you can see evidence in their luggage - they packed bible and good- bye cards.

New trend – people go back to country to get a stamp and pay someone to stamp that they left legally and now seek to reenter legally, when in fact they overstayed by 2 years. Departure is so important – so they come back after being home for 30 days back-dated stamp – how many falling through the cracks. Interview is so important in primary and secondary but also at consular office because they are issuing the visas.

JKR: Did you look through Kahtani's bag?

MP: No, he had a small bag – didn't do it myself, don't know if someone else did.

JKR: Through the interview process, perhaps he should have been culled out overseas?

MP: Yes, definitively.

JKR: Too many people being referred to secondary – has there been a change in trend since 9-11 at POEs?

MP: I would say yes – problem as I see it is new inspectors send to secondary a lot – if they would ask the right questions in primary, secondary would be reserved for the cases where really necessary.

JKR: How has NSEERS affected the secondary processing?

MP: If you start the day with four NSEERS registrations, add in a family of five with immigrant visas, and possible other inadmissibles, possible fraudulent documents – within few minutes you have room full.

JKR: Do you have manpower to do work?

MP: We only have four secondary rooms and that's not enough;

JKR: Are you dealing with National Targeting Center – working out of Virginia – they cull through manifests pre-arrival – work terrorist angle on those passengers?

MP: We have a team that is full time dedicated to that; I am so happy that we are getting the amount of people we are getting now. We are turning people around for overstays and other reasons that you would not believe.

JKR: Tipoff terrorists??

MP: Yesterday – it was a LOOKOUT – he was convicted for terrorist act somewhere.
(IRA)

JKR: Let's talk about DHS – what changes have you seen on front line since its a new
CBP?

MP: Well I have seen right now – actually they are blending; 3 agencies trying to
become one – there is more communication between us – still working with separate
computers – but sharing information – like this guy we intercepted yesterday – I think we
are moving in right direction – only problem I have seen – some people have been in the
service for a while who are in denial – this is one family, one face now; I think the
uniform will help; deadline in July. Like everything this is a big merge; there is some
resistance

JKR: Do you think it is a good thing?

MP: At the end, yes – 3 different missions here; we do most difficult one as far as I am
concerned; its amazing how much paperwork we have to do for one person. Here we
have to justify so many things. Customs doesn't do any of that. Are they going to give us
a hand in doing actual cases? I don' know.

JKR: Has separation from ICE made a difference?

MP: why ICE –

JKR: At JFK they can't work without JTTF agent there. There's been apparently some
hostilities between agencies.

MP: Fortunately we don't have that problem as far as I'm concerned.

JKR: Have you had JTTF come in on any secondary inspections?

MP: I haven't seen any at airport.

JKR: What about ICE agents.

MP: Haven't seen them – but we have great relationship with them.

JKR: What do you think the establishment of US VISIT will have on POE?

MP: Any system that can help to prevent what happened on 9-11 – are they going to do
this with everybody – I think everybody who comes to visit should be fingerprinted,
photograph – registration fine for first time

JKR: What about – SEVIS up and running?

MP: Helpful and have used it.

JKR: Does it have all information it should?

MP: Yes, some of the students are going home and not getting new I-20 and have to be admitted for only 30 days until they fix it. Some people we have caught who are no longer students.

JKR: If you had a message for Mr. Bonner what would it be?

MP: Training – fraudulent documents, language, don't take anything for granted. We want to feel that we will have support from headquarters when we make decision – take away the fear associated with making a decision - thinking if you are going to get a reprimand – because people are afraid.

JKR: So people got into trouble before?

MP: Yes. I knew I was doing what was right. Perception is service will not back you up if you make a mistake.

JKR: Is the basic assumption that they are admissible unless you prove otherwise?

MP: Sometimes a fine line – supervisors sometimes think you need to have facts, evidence to take an action; but no one wants to make a decision when the fine line is there.

2d Saudi was run by another inspector, Marrero did system check. Came up with links and names and tied to address stayed at first time. Submitted info to the national security unit.