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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

October 16, 2020

The Honorable Michael Pompeo
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Elaine Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Chad F. Wolf
Under Secretary for Strategy, Policy, and Plans
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Secretary Pompeo, Secretary Chao, and Under Secretary Wolf:

I am writing to request information about U.S. deportations of Venezuelan nationals that continued surreptitiously during FY 2020 despite the Trump Administration's admission that returns to Venezuela are not safe, and despite the flight ban imposed by the Federal Aviation Administration (FAA). New documents provided to my office confirm that U.S. deportations to Venezuela continued via third countries at least until March 2020, while the Trump Administration has offered little assurance that it will not continue to forcibly return Venezuelans to a regime the United Nations recently stated has committed crimes against humanity.

In recent weeks, the State Department confirmed in writing to the Senate Foreign Relations Committee that deportations of Venezuelan nationals occurred via Trinidad and Tobago between January and March 2020. It is now clear that indirect deportation flights from the United States to Venezuela did not cease for many months after the FAA suspended foreign air transportation of passengers to or from any airport in Venezuela on May 15, 2019.

These newly-revealed incidents follow press reporting last year indicating that U.S. deportations to Venezuela continued on Copa Airlines flights via Panama¹ in spite of the FAA's suspension. When the FAA fined Copa Airlines in June 2019 for violating the flight ban, the consent order stated that Copa Airlines "relied in part on its contacts with Panamanian and other U.S. officials

¹ Manuel Madrid, "Despite Messages of Solidarity, the U.S. Still Deports Venezuelans," *Miami New Times*, September 24, 2019. Accessed on September 29, 2020 at <https://www.miaminewtimes.com/news/despite-trumps-well-wishes-undocumented-venezuelans-still-deported-from-miami-11273793>

to understand the restrictions to serving Venezuela.”² It is unclear whether these U.S. officials believed that deportation flights were exempt from the FAA’s suspension.

On February 6, 2020, the U.S. Special Representative for Venezuela Elliott Abrams said, “I wouldn’t say there is a complete freeze on the deportation of Venezuelans, but the number of deportations is extremely low.”³ U.S. Immigration and Customs Enforcement data obtained through the TRAC database shows that over 100 Venezuelans were deported this fiscal year through February, including 95 with no criminal conviction.⁴ Finally, in August, Mr. Abrams testified publicly that it would not be safe to deport Venezuelans back to Nicolás Maduro’s dictatorship and that the Trump Administration “currently is not doing so.”⁵

The Trump Administration has refused to offer available legal protection from deportation through the grant of Temporary Protected Status to Venezuelans in the United States. All the while, since 2014, Venezuelan authorities and security forces have conducted arbitrary killings, systematic torture, and other serious abuses that amount to crimes against humanity, according to the UN.⁶ Given the dire humanitarian conditions and atrocities wrought by Maduro’s brutal dictatorship, U.S. deportations seriously threaten the lives and freedom of Venezuelans who are returned.

In light of concerns for both the lives of Venezuelans and the coherence of U.S. interagency policy toward Venezuela, I request your prompt response to the following questions:

- On what date did the Trump Administration cease deportations to Venezuela? How many Venezuelan nationals did the United States deport to Venezuela in FY 2020? How many deported Venezuelan nationals had no criminal conviction (excluding immigration offenses)? Please provide data by month and by state.
- For deportations of Venezuelan nationals conducted via indirect flights through third countries, which countries have served as transit points? Please describe and provide documentation related to U.S. consultations on Venezuelan deportations with each government facilitating their transit, including Trinidad and Tobago, Panama, and any other countries involved. Overall, what proportion of U.S. deportations via air travel transit third countries?
- Are deportation flights to Venezuela on commercial airlines or chartered planes? If on commercial airlines, which ones? If on chartered planes, what is the cost of each flight?

² U.S. Department of Transportation, Consent Order 2020-6-9 concerning Compania Panamena de Aviacion, S.A., Docket DOT-OST-2020-0001, served June 17, 2020. Accessed on September 29, 2020 at <https://beta.regulations.gov/document/DOT-OST-2020-0001-0002>

³ “Briefing with Special Representative for Venezuela Elliott Abrams,” U.S. Department of State, February 6, 2020. Accessed on September 29, 2020 at <https://www.state.gov/special-representative-for-venezuela-elliott-abrams-4/>

⁴ “Latest Data: Immigration and Customs Enforcement Removals,” TRAC database accessed on September 29, 2020 at <https://trac.syr.edu/phptools/immigration/remove/>

⁵ Transcript of Senate Foreign Relations Committee hearing on “Venezuela in Maduro’s Grasp – Assessing the Deteriorating Security and Humanitarian Situation,” August 4, 2020.

⁶ Office of the UN High Commissioner for Human Rights, “Venezuela: UN report urges accountability for crimes against humanity.” Accessed on October 5, 2020 at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26247&LangID=E>

- Under what U.S. authority are deportation flights to Venezuela operating? Has the FAA issued any waivers for its suspension of air passenger travel to Venezuela? What U.S. officials advised Copa Airlines on its U.S.-Venezuela service via Panama? Please provide documentation of any FAA waivers and official U.S. communications with air carriers regarding direct or indirect deportations to Venezuela.

U.S. law forbids the forcible return of refugees to a place where their lives or freedom would be threatened, U.S. regulations have suspended all air travel to Venezuela, and U.S. foreign policy should be to counter the Maduro regime's systematic abuses of human rights. The administration's continued deportation of Venezuelan nationals appears to undermine these policies. I look forward to your responses to the questions above in order to shed light on these critical issues.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is written in a cursive, flowing style with a period at the end.

Robert Menendez
Ranking Member