



Trump administration's immigrant-crime hotline released victims' personal information

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PHOENIX — The same week the Trump administration opened a hotline in April to support victims of crimes by immigrants, Elena Maria Lopez called to report a complaint against her ex-husband.

At first, Lopez kept getting a busy signal.

But finally someone answered. For the next 20 minutes, Lopez provided a detailed account, accusing the Dutch immigrant of marrying her to get a green card and then threatening to harm her if she contacted immigration officials.

What happened next shocked Lopez.

Not only did Immigration and Customs Enforcement, the agency that operates the hotline, decline to take action, but immigration authorities also released much of the private information she provided. This includes a confidential Internet phone number she fears will now make it easier for anyone to locate her in New Jersey, where she has a protected address set up for domestic-violence victims.

Lopez is one of hundreds of people whose private information was inappropriately released by ICE when the agency posted call logs to the hotline on its website, a clear violation of the agency's own policies against divulging private information as well as privacy laws intended to protect individuals who provide sensitive information to the government.

The agency also released some of the same information to *The Arizona Republic* in response to a Freedom of Information Act request.

Lopez contacted the newspaper after ICE officials notified her through telephone calls and emails that private information she provided in confidence was inadvertently released to the newspaper.

"I was very upset because I do my best to protect my privacy for my safety and I was especially upset that it was the Department of Homeland Security that gave out my personal information," she said. "The same agency that claimed it had to protect my ex-husband's rights just destroyed my privacy and my safety."

'This is a serious problem'

The agency's release of private information underscores problems that have surfaced since ICE launched the Victims of Immigration Crime Engagement office, or VOICE, to "serve the needs of crime victims and their families who have been affected by crimes committed by individuals with a nexus to immigration."

The office includes a telephone hotline that was not intended to report crimes but to "answer questions from victims," according to the VOICE website. Instead, callers have treated it as a crime hotline, using it largely to accuse people of being in the country illegally or of violating immigration laws, according to telephone logs the agency released *The Republic*.

"This is a serious problem and obviously will further discourage people from attempting to interact in any way with the federal government on immigration matters," said immigration policy analyst David Bier at the Cato Institute, a libertarian think tank.

Victims and witnesses of crimes already are hesitant to provide information to the government because "having that information out in the public could pose a serious threat to them and to their family," he said.

President Trump called for the creation of the VOICE program in an executive order on immigration in January 2016, which directed the Department of Homeland Security and ICE to take a tougher stance on illegal immigration and immigration-law violators.

In a written statement, ICE officials admitted that the agency erred in divulging private information "protected by policy and law."

"When the agency receives evidence suggesting that non-releasable information is unintentionally available, immediate actions are taken to ensure proper mitigation both to correct and to prevent further disclosures," the statement said.

Those actions include temporarily removing and reviewing the entire contents of ICE's Freedom of Information Act library, the statement said. The library contained thousands of pages of data and documents the agency previously had released in response to requests.

The contents of ICE's Freedom of Information Act library were restored Oct. 16, the agency said.

The agency also offered identity-threat monitoring services to people affected because of the improper disclosure of private information, the statement said.

Lopez said ICE offered her two years of identity-theft protection and credit monitoring.

"In truth, that does nothing for me," Lopez said.

Claims of immigration fraud

Lopez said she became hopeful when Trump said he was creating the VOICE office.

For more a decade, she said she has tried unsuccessfully to get immigration authorities to investigate her ex-husband, Erik Niehof, a Dutch immigrant. He disputes her allegations accusing him of marriage fraud and domestic violence.

Lopez is also the creator of a website, immigrationfraud.com, which provides a forum for victims of marriage fraud.

In March, Lopez testified before the Senate Judiciary Committee during a hearing into marriage and fiancé visa fraud, describing how she was "tricked by the love of my life" into getting married.

Then out of the blue, on the night of our second anniversary, he coldly announced we were divorcing. I assumed we were just having marriage problems, suggested counseling.

He flat out refused. And then came the cruelest words I've ever heard: ... He said our marriage was nothing but a practicality so he could get a green card.

Lopez further testified that her ex-husband became violent after learning she had filed for separation and planned to withdraw her immigration sponsorship for his green card.

"He tried to strangle me and threatened to kill me if I ever contacted immigration officials," she testified.

She also accused her husband of being involved in criminal activity in the Netherlands and claimed he never should have cleared Department of Homeland Security background checks and allowed into the United States.

After reporting the allegations to the VOICE hotline, she said she received a call from a caseworker who told her they could not do anything.

"They concluded they couldn't get involved in order to protect his privacy rights," Lopez said, adding that the caseworker suggested she call a Department of Homeland Security tip line.

Reached in Pennsylvania, where he works selling cars at a luxury auto dealership, Niehof strongly disputed Lopez allegations. Now remarried, with a child, he accused Lopez of continuing to pursue false claims of marriage fraud and domestic violence against him and inventing stories about his nonexistent criminal past in the Netherlands out of vengeance after their marriage fell apart 16 years ago.

"Basically, this was just a marriage that ended up really bad, and, 'I am going to get back at you and I am going to do that through immigration service,'" Niehof said of Lopez. "This is her vengeance."

Niehof said originally he didn't want to move to the U.S. but agreed to apply for a visa and get married after his ex-wife visited him in the Netherlands when they were dating but didn't want to live there.

He said immigration authorities have sworn affidavits from mutual friends that their marriage was entered in good faith.

He also said immigration authorities have investigated Lopez's claims against him several times and concluded they were unfounded when he applied for permanent residency in 2002 and then to renew his green card 10 years later, pointing out that he was approved both times.

In 2016, Niehof said U.S. immigration officers briefly detained him upon returning from a vacation abroad with his family after his immigration record was flagged because of his ex-wife's allegations. While he waited, immigration officers looked into his record, then welcomed him back into the U.S., which he said would not have happened if any of her allegations were true.

"That is probably why (immigration authorities) haven't made a case of this because there is no validity in any of it," he said. "She is out for vengeance."

Records inadvertently released

Among the private information included in the database ICE released to *The Republic* was Niehof's personal immigration identification number, known as an "A number," along with the name and address of the auto dealership where he works.

- **On July 31**, *The Republic* filed a Freedom of Information Act request for "any and all criminal activity" reported to the VOICE hotline.
- **On Sept. 8**, in response, Immigration and Customs Enforcement provided a Microsoft Excel spreadsheet via email containing ICE call logs of 643 people who called the VOICE hotline.
- **On Oct. 4**, *The Republic* received a "clawback response" letter from Erin Clifford, chief of ICE's government information law division, alerting the newspaper that records released contained "personally identifiable information of third parties, law enforcement sensitive information, and potentially deliberative information."

The letter concluded by asking the newspaper to confirm that "you have returned, destroyed or sequestered all copies of the record" and to provide ICE with a list of "any disclosures" that have been made.

Confusion over hotline's purpose

A review of the call logs released shows that many people contacted the hotline to turn in acquaintances, spouses, relatives, neighbors, and business owners they suspected of being in the country illegally or of having committed crimes.

However, ICE's webpage describing the purpose of the VOICE program explicitly states that the hotline "is not to report crime." It directs callers to report crimes to local police or ICE's designated crime hotline.

Summaries of the call logs that ICE released included names of crime victims, addresses, and phone numbers as well as names, addresses, places of employment, phone numbers and A-numbers of immigrants being accused of crimes or of being in the country illegally.

For example, one summary reads: "Caller requested to report a possible illegal immigrant who may have an order of deportation. Caller stated the illegal immigrant abuses her children. Caller stated the illegal immigrant is his neighbor and she lives at (street address), Perth Amboy, NJ."

Another summary reads: "Caller requested to report business who hires undocumented aliens. Caller claims there are approximately eight undocumented aliens at this farm located at: (street address), North Olmstead, Ohio. 44138."

The call logs also show the hotline has received numerous prank calls such as this one: "Caller requested to report an alien outside his house and has green skin color."

And this one: "Caller identified himself as a victim. Caller then requested assistance reporting an illegal alien. Caller provided the name Gabba Tha Hut and address as 1600 Pennsylvania, Washington, D.C." That is the address of the White House.

Does program have ulterior motive?

Bier of the Cato Institute said he supports government efforts to provide more information about cases to crime victims as well as informing them of other services available.

"I was torn about the program in general when it was first announced because I honestly believe we treat victims in the United States of crimes very poorly," he said. "We give them very little information about what's happening in the case. As a general rule, we as a society need to treat victims much better than we do now."

But the program's problems and its narrow focus only on victims of crimes committed by immigrants suggests the program has ulterior motives, he said.

"The administration says the motive of the program is to provide more information to crime victims," Bier said. "I think if that was the case, it would apply to all crime victims, not just crime victims of immigrants. So I think the motivation is the effort to portray unauthorized immigrants, and immigrants more generally, as a threat or a potential threat to Americans rather than to actually provide meaningful aid to victims of crimes."

For her part, Lopez said she now completely has lost faith in ICE after the agency declined to look into her case and then released private information she provided.

"This is just one more example of how dysfunctional the Department of Homeland Security is," Lopez said.