

The Identity Project

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**Public comments of the Identity Project¹
to the Airport Commission of the City and County of San Francisco
August 24, 2026**

(by email to “AirportCommissionSecretary@flysfso.com”)

Members of the San Francisco Airport Commission:

San Francisco is a “sanctuary city”. Why isn’t our airport a “sanctuary airport”?

The San Francisco “Sanctuary City Ordinance” (San Francisco Administrative Code, Chapter 12H and 12I), enacted in 1989 and most recently amended and strengthened in 2016, provides that “No department, agency, commission, officer, or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate ... any ... such personal information as defined in Chapter 12I in the City and County of San Francisco unless such assistance is required by Federal or State statute, regulation, or court decision.” This ordinance applies to the San Francisco Airport Commission as an agency of the City and County, to the Airport Commissioners, to airport employees, and to the city-owned land, buildings, and property of SFO as city resources.²

But the SF Airport Commission and San Francisco International Airport (SFO) are falling short of your obligations to comply with the Sanctuary City Ordinance.

1. The Identity Project (PapersPlease.org) is a nonprofit human rights project, based in San Francisco and active locally, nationally, and internationally, focused on freedom of movement and the rights of travelers to be free of surveillance and control. The Identity Project provides advice, assistance, publicity, and legal defense to those who find their rights infringed, or their legitimate activities curtailed, by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights including freedom of movement, travel, and assembly.
2. SFO is owned, operated, and subject to the control of the City and County of San Francisco. While SFO is located in San Mateo County, actions of the San Francisco Airport Commission, including decisions establishing rules, regulations, and policies, awarding contracts, appropriating funds, and directing the actions of airport staff occur in the City and County of San Francisco.

We request that the San Francisco Airport Commission:

- 1. Disclose and publicly review its contracts and collaboration with all components of the U.S. Department of Homeland Security (DHS).³**
- 2. Minimize collaboration, data sharing, and access to airport premises by DHS staff.**
- 3. Post prominent signs informing travelers of their rights and warning that data provided to airlines, even for domestic flights, will be passed on by airlines to TSA and/or CBP and by them to ICE.**
- 4. Review and report publicly on what SFO is doing to comply with the San Francisco Sanctuary City Ordinance.**
- 5. Be prepared to challenge, in court, requests or demands from the DHS for collaboration or data sharing by the airport or warrantless access to airport premises by DHS agents not mandated by valid, Constitutional Federal laws.**

San Francisco is a sanctuary city. SFO should be a sanctuary airport, to the maximum extent permitted by law.

SFO is a city resource, and the Airport Commission may not, pursuant to the Sanctuary City Ordinance, allow it to be used as a resource for immigration enforcement to any greater extent than is *required* by valid Federal or state laws or regulations.

We are not alone in our concern about immigration enforcement activities at SFO. Earlier this year, California's U.S. Senators, Adam Schiff and Alex Padilla, sent a joint letter to the Secretary of Homeland Security, the Acting Director of U.S. Immigration and Customs Enforcement (ICE), and the acting head of the Transportation Security Administration (TSA) with questions about, *inter alia*, how travelers are being targeted for arrests by ICE at SFO, the sharing with ICE by the TSA of information about travelers on domestic flights, and the legal and contractual basis for these practices.⁴ So far as we can tell, there has been no public response to the questions raised in this letter.

As the landlord at the airport, the city has the same authority as any landlord to limit access to airport premises and the purposes for which they may be used, including

3. DHS components include, *inter alia*, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), U.S. Customs and Border Protection (CBP), and the Transportation Security Administration (TSA).

4. Letter from U.S. Senators Adam B. Schiff and Alex Padilla, March 30, 2026, https://www.schiff.senate.gov/wp-content/uploads/2026/03/2026.3.30_Letter-to-Secretary-Mullin-Senior-Official-McNeill-and-Acting-Director-Lyons-re-SFO-arrest.pdf

by airport tenants such as the TSA, the TSA's contractors, and CBP, except for being required (1) not to discriminate between travelers on the basis of protected attributes, expressions, opinions, or acts and (2) to allow space for TSA or TSA contractors to inspect passengers and CBP to inspect international passengers, baggage, and cargo.

The Airport Commission has already determined that SFO premises are not fully public and that the Airport Commission can regulate what activities are allowed where on airport property. SFO can and does limit the purposes for which SFO premises, including public areas of passenger terminals, can lawfully be used. For example, Rule 12.0, of the Airport Commission rules and regulations, "Workforce Harmony",⁵ prohibits some labor organizing activities that would otherwise be allowed in public places. Rule 13.0, "Free Speech and Expressive Activities", prohibits certain activities, except with a permit, that would otherwise be allowed, as a matter of right and without a permit, in public areas.

So far as we can tell, however, the Airport Commission has never considered adopting a similar rule prohibiting warrantless access to or use of airport premises, outside designated checkpoints and customs and immigration inspection areas, for immigration enforcement purposes.

Why is limiting free speech and labor organizing at SFO to the maximum extent permitted by law a higher priority for the Airport Commission than limiting immigration enforcement at SFO to the maximum extent permitted by law?

Or, to put it another way, which poses a greater threat to the safety and security of travelers at SFO: free speech, labor organizing, or immigration enforcement?

The Airport Commission's choices of which purposes and activities to restrict on airport property, and which to allow without restriction, are directly contrary to our San Francisco values and our Sanctuary City Ordinance.

Allowing the TSA and/or its contractors to inspect passengers and their baggage and allowing CBP to inspect international passengers and their baggage are required by Federal laws and regulations as a condition of operating Federally-regulated flights.

But outside of those areas leased to and designated for use by the TSA, TSA's contractors, and CBP for passenger screening and customs and immigration inspection, as required by Federal laws and regulations, SFO could and should – and pursuant to the Sanctuary City Ordinance *must*, to the maximum extent permitted by law – prohibit use of airport premises, including passenger terminals, for immigration enforcement activities, and prohibit warrantless entry to those premises by ICE or other immigration enforcement officers for immigration enforcement purposes.

5. *Rules and Regulations, San Francisco International Airport*, adopted October 21, 2025, by the Airport Commission of the City and County of San Francisco, <<https://www.flysfo.com/sites/default/files/2025-12/2025-10%20RR%20Final%204912-2571-7885%20v.1.pdf>>.

Determining the maximum extent to which SFO can limit the permissible footprint of ICE and other immigration enforcement agencies without judicial warrants and outside passenger checkpoints and customs and immigration inspection areas will likely require consultation with your counsel, the City Attorney. We urge you to promptly request such a review by the City Attorney and to publicly release and act on their report. This should have been done as soon as the Sanctuary City Ordinance was enacted.

The Airport Commission and the City Attorney should not, of course, rely on ICE, the DHS, or other DHS components for authoritative determinations of the limits of ICE authority or the authority of the airport operator and landlord to place restrictions on warrantless immigration enforcement activities outside checkpoints and inspection areas.

The DHS, ICE, and other DHS components have made many broad and unsupported assertions of authority as to where they can go, what they can do, and what local and state government agencies and private entities are required to do to allow or assist them to operate. Many of these claims to unbounded immigration enforcement authority have been rejected by courts, once they have been challenged and reviewed.

So far as we can tell, no airport owner or operator has sought judicial review of any aspect of the authority of ICE, the DHS, or other DHS components to carry out any of their activities or to require airports to permit these activities on airport premises.

If ICE and DHS claims have not been tested and upheld in court, or if precedents are at all unclear, the Airport Commission and the City Attorney should not hesitate to litigate to establish the authority of SFO to limit the use of airport premises and other resources for warrantless immigration enforcement activities outside inspection areas.

In addition to its general prohibition of the use of City and County resources (which include airport property and premises) for immigration enforcement, the Sanctuary City Ordinance makes it unlawful for any agency of the City and County to “gather or disseminate” personal information to assist in immigration enforcement.

Airlines are required⁶ by Federal laws and regulations (1) to collect personal information from all passengers, (2) to transmit this information to CBP for international⁷ flights and to the TSA for domestic⁸ flights, and (3) not to issue a boarding pass for any passenger for any flight unless and until the airline receives an explicit, individualized, per-passenger, per-flight “Boarding Pass Printing Result” (BPPR) permission message.

6. The validity and interpretation of many of these provisions of Federal laws and regulations have not yet been subject to judicial review, in part because only airlines, not travelers, have standing to challenge some of them, and no airline has yet chosen to challenge them.

7. See the Identity Project, “No-Fly Decisions and Orders” (January 19, 2021), <<https://papersplease.org/wp/wp-content/uploads/2021/01/nofly.pdf>>.

8. TSA, “Secure Flight Process Flow”, diagram released in response to our FOIA request, <<https://papersplease.org/wp/wp-content/uploads/2010/12/secureflightprocessflow.pdf>>.

For international flights, ICE and other DHS components (and other Federal agencies) have long been able to set warrantless “TECS alerts” for persons of interest in the ruleset used by CBP to process reservations and other data received from airlines.

When a reservation for a passenger matching some or all of the information (name, date of birth, passport number, telephone number, email address, credit card used to purchase the ticket, etc.) in a TECS alert is received by CBP from an airline, typically 72 hours before scheduled departure of the flight, the agency that requested the TECS alert is sent a message so that they can intercept the traveler at their departure or arrival airport.⁹

All information entered in reservations for international flights is passed on to CBP and used, through checks for TECS alerts from ICE, for immigration enforcement.

Since 2025, as we first reported¹⁰ and as later confirmed by the *New York Times*¹¹, American Oversight¹², and others, the TSA has similarly been using information from airline reservations to generate alerts to ICE in advance of planned *domestic* air travel by persons of interest to ICE. So now “Secure Flight Passenger Data”¹³ collected by airlines for all *domestic* flights is also being used for immigration enforcement.

Collection and transmission by SFO of reservation information which is then used or passed on to ICE to use for immigration enforcement falls squarely within the provision of the Sanctuary City Ordinance which forbids SFO to “use any City funds or resources to ... gather or disseminate ... any ... such personal information... unless such assistance is required by Federal or State statute, regulation, or court decision”.

Regardless of the validity of the untested demands for *airlines* to collect this information and pass it on to the TSA or CBP for use in immigration enforcement among other purposes, no law or regulation even purports to place any obligation whatsoever on an *airport operator* to assist or pay for this information collection and transmission. SFO has no obligation to collaborate in this passenger surveillance and control scheme.

9. The Identity Project, “How airline reservations are used to target illegal searches” (September 17, 2013, <<https://papersplease.org/wp/2013/09/17/how-airline-reservations-are-used-to-target-illegal-searches/>>).

10. The Identity Project, “Has the TSA added immigration enforcement to ‘Secure Flight’?” (December 2, 2025), <<https://papersplease.org/wp/2025/12/02/has-the-tsa-added-immigration-enforcement-to-secure-flight/>>.

11. Hamed Aleaziz, “Immigration Agents Are Using Air Passenger Data for Deportation Effort” (December 12, 2025), <<https://www.nytimes.com/2025/12/12/us/politics/immigration-tsa-passenger-data.html>> .

12. “Memorandum of Agreement Between Transportation Security Administration and U.S. Immigration and Customs Enforcement” (May 29, 2025), released in response to FOIA request by American Oversight, <<https://s3.documentcloud.org/documents/28519762/ice-tsa-data-sharing-moa.pdf>>.

13. The Identity Project, “Secure Flight FAQ”, <<https://papersplease.org/wp/secure-flight/faq/>>.

But the Airport Commission has approved contracts¹⁴ between the City and County and SITA Information Networking Computing USA Inc. pursuant to which SFO is spending approximately \$2 million a year for a “Shared Use Passenger Processing System” installed at SFO and made available to airline tenants. This system includes kiosks and equipment at check-in stations and gates through which passenger information is collected and passed on to CBP for purposes including immigration enforcement.

These contracts are in flagrant violation of the Sanctuary City Ordinance.

In 2020, SFO added facial recognition cameras, software, and connectivity to collect mug shots of passengers and transmit them to the CBP “Traveler Verification System”¹⁵ to the services paid for by SFO and provided by SITA under these contracts.¹⁶

No law or regulation requires an airport to collect or transmit mug shots of airline passengers to CBP, for immigration enforcement or any other purposes.¹⁷

In addition, these facial recognition systems are used at SFO in a manner that would be contrary to Federal law even if they were paid for and operated by airlines.

Years after these facial recognition systems were deployed at SFO and other airports, TSA and CBP still haven’t promulgated the notices or obtained the approval from the Office of Management and Budget (OMB) required by the Privacy Act, 5 U.S.C. § 552a, and the Paperwork Reduction Act (PRA), 44 U.S.C. § 3501 *et seq.*¹⁸

14. Contract 11211.44, approved July 10, 2018, by Resolution 18-0202 of the Airport Commission; Contract 50387, approved December 3, 2024, by Resolution 24-0254.

15. The Identity Project, “CBP facial recognition is a service for the airline industry” (December 4, 2024), <<https://papersplease.org/wp/2024/12/04/cbp-facial-recognition-is-a-service-for-the-airline-industry/>>, and “If I have a US passport, do I need another ID to enter the US? (June 1, 2026), <<https://papersplease.org/wp/2026/06/01/if-i-have-a-us-passport-do-i-need-another-id-to-enter-the-us/>>.

16. “Smart Path™ Biometric Software Platform” and “Self-Service Biometric FacePod Solution”, Modification No. 2 to Contract 18-0202 (June 29, 2020).

17. CBP has claimed in public notices, responses to inquiries from members of Congress, and meetings with the Identity Project and other human rights advocates that U.S. citizens are not required to submit to facial recognition at airports. But we have received many reports from U.S. citizens who were told that submission to facial recognition was required for “biometric exit” at departure gates or for “biometric entry” on international arrival. The Identity Project, “Biometric entry/exit tracking of US citizens” (August 1, 2017); “Government and industry collaborate in travel surveillance” (January 30, 2018), <<https://papersplease.org/wp/2018/01/30/government-and-industry-collaborate-in-travel-surveillance/>>.

18. Comments of the Identity Project, Restore the Fourth, Privacy Times, and the National Workrights Institute, “Collection of Biometric Data from Aliens Upon Entry to and Departure from the United States, USCBP-2020-0062” (December 21, 2020), <<https://papersplease.org/wp/wp-content/uploads/2020/12/IDP-CBP-biometric-entry-exit-21DEC2020.pdf>>.

The lack of proper notice is compounded by CBP's failure to comply with the requirement of the Privacy Act, 5 U.S.C. §552a(e)(2), "Each agency that maintains a system of records shall ... collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs."

If CBP wants to take mug shots of travelers and transmit them to its central facial recognition system for immigration enforcement or any other purpose, it can – and it must, pursuant to the Privacy Act – pay its own staff to do so, using their own equipment.

And pursuant to the Sanctuary City Ordinance, SFO may not pay – as it is now doing – to provide equipment or connectivity for this immigration enforcement activity.

Travelers have no reason to expect that cameras at departure gates operated by airlines, and not by CBP personnel, are in fact being used to collect information for use by DHS for immigration enforcement or any other purpose.

Most airline passengers don't know that information entered in *domestic* airline reservations will be passed on by all airlines to the TSA and can be used by the TSA to alert ICE to intercept them at the airport, either at departure or on arrival.

Airlines won't tell passengers this because it might prompt some people not to fly but to travel by bus or car instead, or not to take some trips at all if the risk is too great.

Signs posted by the airport can't cure the failure of the TSA and CBP to complete the required notice-and-comment procedures, obtain OMB approvals, collect information directly from data subjects, or provide proper notice of their use of both international and domestic airline reservations for immigration enforcement and other purposes.¹⁹

But signs posted by SFO could significantly mitigate the risk these illegal DHS practices pose to travelers. As the property owner, it is beyond question that SFO has the authority to post whatever truthful and lawful signs it wishes, anywhere on its property.

SFO can and should post clear and conspicuous signs at check-in kiosks, counters, and departure gates warning travelers that any information entered in airline reservations, including reservations for domestic flights, will be passed on to the DHS and can be used to alert ICE to target and intercept them at the airport, either at departure or on arrival.

The message can and should be, "Don't fly, even domestically, if you don't want your airline reservations sent to ICE. If you do fly, be prepared to be targeted by ICE. Have a Plan B in case you are seized by ICE at the airport, on departure or on arrival."

19. See photos of departure-gate signs lacking PRA notice and OMB control number in comments of the Identity Project et al., note 16, *supra*, and latest CBP template for departure-gate signage, <https://www.cbp.gov/sites/default/files/2025-03/biometrics_signage_privacy-information_biometric-departure_english.pdf> (English-language version).

Collaboration with immigration enforcement also creates a risk of liability for the airport. United Airlines is already facing a lawsuit for damages for making a public address announcement for the purpose of luring a passenger on a domestic flight to the counter at a departure gate where she was falsely arrested by ICE officers.²⁰

SFO itself could be held liable if, for example, airport paging systems are used to disseminate pretextual or deceptive announcements that lure passengers to locations where they are assaulted and/or wrongly arrested by immigration enforcement agents.

Immigration enforcement activities at SFO disrupt and delay airport operations, divert SFPD Airport Division officers from other tasks to protect ICE and other immigration enforcement agents, traumatize travelers and airport workers, scare travelers away from SFO, and endanger the rights and freedom of San Franciscans and visitors.

San Franciscans deserve a clear public accounting of what SFO is doing to minimize the risk posed by immigration enforcement at SFO. We urge the Airport Commission to withdraw collaboration and use of SFO equipment for immigration enforcement and data sharing with ICE, provide prominent notices to travelers and warnings about non-obvious ICE activities, enact rules minimizing warrantless access by for immigration enforcement to airport premises outside checkpoints and inspection areas, and prepare to litigate, if necessary, to define and defend the limits of your authority to minimize the footprint of immigration enforcement agents at SFO.

The Airport Commission needs to recognize that the Sanctuary City Ordinance applies to SFO and that ICE and the DHS are threats to our safety, not “trusted partners” of the airport. Please do your job to implement the Sanctuary City Ordinance, rein in ICE at SFO, and mitigate the threat of immigration enforcement at SFO.

As a gateway to San Francisco, SFO – like the Golden Gate itself – should exemplify our city’s values as a city of refuge and our civic message of welcome to all.

We would welcome the opportunity to work with you and your staff to develop appropriate policies to bring SFO into compliance with the Sanctuary City Ordinance.

Sincerely,

Edward Hasbrouck
Consultant on travel-related civil liberties and human rights issues
The Identity Project

20. *Gore v. United Airlines Inc.*, case 2:26-cv-05066, U.S.D.C., D. Arizona, filed July 22, 2026, <<https://www.courtlistener.com/docket/73657523/gore-v-united-airlines-incorporated/>>.