IMMIGRATION PRINCIPLES & POLICIES

1. *BORDER SECURITY*

A. ***Border Wall.*** Our porous southern border presents a clear threat to our national security and public safety, and is exploited by drug traffickers and criminal cartels. The Administration therefore proposes completing construction of a wall along the southern border of the United States.

   i. Ensure funding for the southern border wall and associated infrastructure.
   ii. Authorize the Department of Homeland Security (DHS) to raise, collect, and use certain processing fees from immigration benefit applications and border crossings for functions related to border security, physical infrastructure, and law enforcement.
   iii. Improve infrastructure and security on the northern border.

B. ***Unaccompanied Alien Children.*** Loopholes in current law prevent "Unaccompanied Alien Children" (UACs) that arrive in the country illegally from being removed. Rather than being deported, they are instead sheltered by the Department of Health and Human Services at taxpayer expense, and subsequently released to the custody of a parent or family member—who often lack lawful status in the United States themselves. These loopholes in current law create a dramatic pull factor for additional illegal immigration and in recent years, there has been a significant increase in the apprehensions of UACs at our southern border. Therefore, the Administration proposes amending current law to ensure the expeditious return of UACs and family units.

   i. Amend the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008* (TVRPA) to treat all UACs the same regardless of their country of origin, so long as they are not victims of human trafficking and can be safely returned home or removed to safe third countries.
   ii. Clarify that alien minors who are *not* UACs (accompanied by a parent or legal guardian or have a parent or legal guardian in the United States available to provide care and physical custody) are not entitled to the presumptions or protections granted to UACs.
   iii. Terminate the Flores Settlement Agreement (FSA) by passing legislation stipulating care standards for minors in custody and clarify corresponding provisions of the TVPRA that supersede the FSA.
   iv. Amend the definition of "special immigrant," as it pertains to juveniles, to require that the applicant prove that reunification with both parents are not viable due to abuse, neglect, or abandonment and that the applicant is a victim of trafficking. The current legal definition is abused, and provides another avenue for illicit entry.
   v. Repeal the requirement that an asylum officer have initial jurisdiction over UAC asylum applications to expedite processing.

C. ***Asylum Reform.*** The massive asylum backlog has allowed illegal immigrants to enter and stay in the United States by exploiting asylum loopholes. There are more than 270,000 pending cases in the asylum backlog before USCIS, and approximately 250,000 asylum cases before EOIR. Therefore, the Administration proposes correcting the systemic deficiencies that created that backlog.

i. Significantly tighten standards and eliminate loopholes in our asylum system.
ii. Elevate the threshold standard of proof in credible fear interviews.
iii. Impose and enforce penalties for the filing of frivolous, baseless, or fraudulent asylum applications, and expand the use of expedited removal as appropriate.
iv. Close loopholes in the law to bar terrorist aliens from entering the country and receiving any immigration benefits.
v. Clarify and enhance the legal definition of "aggravated felony" to ensure that criminal aliens do not receive certain immigration benefits.
vi. Expand the ability to return asylum seekers to safe third countries.
vii. Ensure only appropriate use of parole authority for aliens with credible fear or asylum claims, to deter meritless claims and ensure the swift removal of those whose claims are denied.
viii. Prevent aliens who have been granted asylum or who entered as refugees from obtaining lawful permanent resident status if they are convicted of an aggravated felony.
ix. Require review of the asylee or refugee status of an alien who returns to their home country absent a material change in circumstances or country conditions.

D. ***Ensure Swift Border Returns.*** Immigration judges and supporting personnel face an enormous case backlog, which cripples our ability to remove illegal immigrants in a timely manner. The Administration therefore proposes providing additional resources to reduce the immigration court backlog and ensure swift return of illegal border crossers.

i. Seek appropriations to hire an additional 370 immigration judges.
ii. Establish performance metrics for immigration judges.
iii. Seek appropriations to hire an additional 1,000 U.S. Immigration and Customs Enforcement (ICE) attorneys, with sufficient support personnel.
iv. Ensure sufficient resources for detention.

E. ***Inadmissible Aliens.*** The current statutory grounds for inadmissibility are too broad, and allow for the admission of individuals who threaten our public safety. Therefore, the Administration proposes expanding the criteria that render aliens inadmissible and ensure that such aliens are maintained in continuous custody until removal.

i. Expand the grounds of inadmissibility to include gang membership.
ii. Expand the grounds of inadmissibility to include those who have been convicted of an aggravated felony; identity theft; fraud related to Social Security benefits; domestic violence; child abuse; drunk driving offenses; failure to register as a sex offender; or certain firearm offenses, including the unlawful purchase, sale, possession, or carrying of a firearm.

iii. Expand the grounds of inadmissibility to include former spouses and children of individuals engaged in drug trafficking and trafficking in persons, if the official determines the divorce was a sham or the family members continue to receive benefits from the illicit activity.

F. ***Discourage Illegal Re-entry.*** Many Americans are victims of crime committed by individuals who have repeatedly entered the United States illegally, which also undermines the integrity of the entire immigration system. Therefore, the Administration proposes increasing penalties for repeat illegal border crossers and those with prior deportations.

G. ***Facilitate the Removal of Illegal Aliens from Partner Nations.*** Current barriers prevent the Federal Government from providing assistance to partner nations for the purpose of removing aliens from third countries whose ultimate intent is entering the United States. Therefore, the Administration proposes authorizing DHS to provide foreign assistance to partner nations to support migration management efforts conducted by those nations. This will allow DHS to improve the ability of Central and South American countries to curb northbound migration flows and to interrupt ongoing human smuggling, which will also substantially reduce pressures on U.S. taxpayers.

H. ***Expedited Removal.*** Limited categories of aliens are currently subject to expedited removal, which erodes border integrity and control by impeding the ability of the Federal Government to efficiently and quickly remove inadmissible and deportable aliens from the United States. The Administration seeks to expand the grounds of removability and the categories of aliens subject to expedited removal and by ensuring that only aliens with meritorious valid claims of persecution can circumvent expedited removal.

2. INTERIOR ENFORCEMENT

A. ***Sanctuary Cities.*** Hundreds of sanctuary jurisdictions release dangerous criminals and empower violent cartels like MS-13 by refusing to turn over incarcerated criminal aliens to Federal authorities. Therefore, the Administration proposes blocking sanctuary cities from receiving certain grants or cooperative agreements administered or awarded by the Departments of Justice and Homeland Security

i. Restrict such grants from being issued to:
   a. Any state or local jurisdiction that fails to cooperate with any United States government entity regarding enforcement of federal immigration laws;
   b. Any entity that provides services or benefits to aliens not entitled to receive them under existing Federal law; and
   c. Any state or local jurisdiction that provides more favorable plea agreements or sentencing for alien criminal defendants for the purpose of immigration consequences of convictions.

ii. Clarify ICE's detainer authority, and States' and localities' ability to honor that authority, so that States will continue to detain an individual pursuant to civil immigration law for up to 48 hours so that ICE may assume custody.

iii. Provide indemnification for State and local governments to protect them from civil liability based solely on compliance with immigration detainers and transportation of alien detainees.
iv. Require State and local jurisdictions to provide all information requested by ICE relating to aliens in their custody and the circumstances surrounding their detention.
v. Clarify the definition of a criminal conviction for immigration purposes, to prevent jurisdictions from vacating or modifying criminal convictions to protect illegal immigrants, and roll back erosion of the criminal grounds of removal by courts under the "categorical approach."

B. ***Immigration Authority for States and Localities.*** The prior Administration suppressed cooperative partnerships between the Federal Government and State or local governments that wanted to help with immigration enforcement, undermining the security of our communities. Therefore, the Administration proposes enhancing State and local cooperation with Federal immigration law enforcement in order to ensure national security and public safety.

i. Clarify the authority of State and local governments to investigate, arrest, detain, or transfer to Federal custody aliens for purposes of enforcing Federal immigration laws when done in cooperation with DHS.
ii. Authorize State and local governments to pass legislation that will support Federal law enforcement efforts.
iii. Incentivize State and local governments to enter into agreements with the Federal Government regarding immigration enforcement efforts.
iv. Provide the same extent of immunity to State and local law enforcement agencies performing immigration enforcement duties within the scope of their official role as is provided to Federal law enforcement agencies.

C. ***Visa Overstays.*** Visa overstays account for roughly 40 percent of illegal immigration. The Administration therefore proposes strengthening the removal processes for those who overstay or otherwise violate the terms of their visas, and implementing measures to prevent future visa overstays which may account for a growing percentage of illegal immigration.

i. Discourage visa overstays by classifying such conduct as a misdemeanor.
ii. Require that all nonimmigrant visas held by an alien be cancelled when any one nonimmigrant visa held by that alien is cancelled, to ensure that if an alien abuses one type of visa, he cannot circumvent the immigration system by then relying on another type of visa to enter the United States.
iii. Bar all visa overstays from immigration benefits for a certain period of time with no waiver.
iv. Clarify that the government does not bear any expense for legal counsel for any visa overstay in removal or related proceedings.
v. Require DHS to provide all available data relating to any deportable alien to the Department of Justice's National Crime Information Center for purposes of that alien's inclusion in the Immigration Violators File, with the exception of aliens who cooperate with DHS on criminal investigations.

vi. Enhance the vetting of bond sponsors for those aliens who enter without inspection, to ensure that bond sponsors undergo thorough background checks prior to being eligible to post or receive a bond.
vii. Permit the Department of State to release certain visa records to foreign governments on a case-by-case basis when sharing is in the U.S. national interest.
viii. Permit the Department of State to review the criminal background of foreign diplomats or government officials contained in the National Crime Information Center database before visa adjudication, regardless of whether the applicant's fingerprints are in the database.

D. ***Necessary Resources.*** The relatively small number of ICE officers is grossly inadequate to serve a nation of 320 million people with tens of millions of tourists and visitors crossing U.S. ports of entry every year. Therefore, the Administration proposes providing more resources that are vitally needed to enforce visa laws, restore immigration enforcement, and dismantle criminal gangs, networks and cartels.

i. Seek appropriations to hire an additional 10,000 ICE officers.
ii. Seek appropriations to hire an additional 300 Federal prosecutors to support Federal immigration prosecution efforts.
iii. Reforms to help expedite the responsible addition of new ICE personnel.

E. ***Detention Authority.*** Various laws and judicial rulings have eroded ICE's ability to detain illegal immigrants (including criminal aliens), such that criminal aliens are released from ICE custody into our communities. Therefore, the Administration proposes terminating outdated catch-and-release laws that make it difficult to remove illegal immigrants.

i. Ensure public safety and national security by providing a legislative fix for the *Zadvydas* loophole, and authorizing ICE, consistent with the Constitution, to retain custody of illegal aliens whose home countries will not accept their repatriation.
ii. Require the detention of an alien: (1) who was not inspected and admitted into the United States, who holds a revoked nonimmigrant visa (or other nonimmigrant admission document), or who is deportable for failing to maintain nonimmigrant status; and (2) who has been charged in the United States with a crime that resulted in the death or serious bodily injury of another person.

F. ***Legal Workforce.*** Immigrants who come here illegally and enter the workforce undermine job opportunities and reduce wages for American workers, as does the abuse of visa programs. Therefore, the Administration increasing employment verification and other protections for U.S. workers.

i. Require the use of the electronic status-verification system ("E-Verify") to ensure the maintenance of a legal workforce in the United States.
ii. Preempt any State or local law relating to employment of unauthorized aliens.
iii. Impose strong penalties, including debarment of Federal contractors, for failure to comply with E-Verify.

iv. Increase penalties for any person or entity engaging in a pattern or practice of violations.
v. Require the Social Security Administration to disclose information to DHS to be used in the enforcement of immigration laws.
vi. Expand the definition of unlawful employment discrimination to include replacement of U.S. citizen workers by nonimmigrant workers or the preferential hiring of such foreign workers over U.S. citizen workers.
vii. Strengthen laws prohibiting document fraud related to employment or to any other immigration benefit.

G. ***Deportable Aliens.*** The categories of aliens that currently qualify for deportation are insufficiently broad to remove aliens who pose a threat to the security of the American public. Therefore, the Administration proposes expanding and clarifying the type of aliens who present a danger to Americans and should therefore be removable on an expedited basis.

i. Expand grounds of deportability to explicitly include gang members.
ii. Expand the grounds of deportability to include those convicted of multiple drunk driving offenses or a single offense involving death or serious injury.
iii. Expand the grounds of deportability to include those who fail to register as a sex offender.
iv. Clarify the technical definition of "aggravated felony" by referring to "an offense relating to" each of the categories of crimes, rather than specifying the crimes themselves. This will ensure certain kinds of homicide, sex offenses, and trafficking offenses are encompassed within the statutory definition.

H. ***Gang Members.*** Today, known gang members are still able to win immigration benefits despite the dangers they pose to American society. As such, the Administration proposes implementing measures that would deny gang members and those associated with criminal gangs from receiving immigration benefits.

I. ***Visa Security Improvements.*** Without sufficient resources, the State Department is hindered from adequately vetting visa applicants. As such, the Administration proposes enhancing State Department visa and traveler security resources and authorities.

i. Expand the Department of State's authority to use fraud prevention and detection fees for programs and activities to combat all classes of visa fraud within the United States and abroad.
ii. Ensure funding for the Visa Security Program and facilitate its expansion to all high-risk posts.
iii. Increase the border crossing card fee.
iv. Grant the Department of State authority to apply the Passport Security Surcharge to the costs of protecting U.S. citizens and their interests overseas, and to include those costs when adjusting the surcharge.
v. Strengthen laws prohibiting civil and criminal immigration fraud and encourage the use of advanced analytics to proactively detect fraud in immigration benefit applications.

3. MERIT-BASED IMMIGRATION SYSTEM

A. ***Merit-Based Immigration.*** The current immigration system prioritizes extended family-based chain migration over skills-based immigration and does not serve the national interest. Decades of low-skilled immigration has suppressed wages, fueled unemployment and strained federal resources. Therefore, the Administration proposes establishing a merit-based immigration system that protects U.S. workers and taxpayers, and ending chain migration, to promote financial success and assimilation for newcomers.

   i. End extended-family chain migration by limiting family-based green cards to spouses and minor children and replace it with a merit-based system that prioritizes skills and economic contributions over family connections.
   ii. Establish a new, points-based system for the awarding of Green Cards (lawful permanent residents) based on factors that allow individuals to successfully assimilate and support themselves financially.
   iii. Eliminate the "Diversity Visa Lottery."
   iv. Limit the number of refugees to prevent abuse of the generous U.S. Refugee Admissions Program and allow for effective assimilation of admitted refugees into the fabric of our society.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, April 25, 2018 3:39 PM
To: HEB-SUPERVISORS
Cc: HEB-WATCH COMMANDER; HEB PAIC APAIC GML
Subject: FW: Caravan member processing

All,

If apprehended, Caravan members will be processed as Expedited Removals (ER) and ER Credible Fear (CF), should they claim so.

Thanks,

(b)(6), (b)(7)(C)
Acting Patrol Agent in Charge
Hebbronville Station
(b)(6), (b)(7)(C) *(c)*
(o)
(b)(6), (b)(7)(C)
HSDN: (b)(6), (b)(7)(C)

This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, April 25, 2018 2:25 PM
To: LRT STATION COMMAND GML (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Caravan member processing

PAIC's,

Please ensure the below guidance concerning the processing of any apprehended Caravan members.

Caravan members will be processed as ER and if Credible Fear is claimed, ER/CF.

Thank you,

(b)(6), (b)(7)(C)
(a) Division Chief
Laredo Sector
(b)(6), (b)(7)(C) – Office
- Cell

From: (b)(6), (b)(7)(C)
Sent: Monday, July 2, 2018 4:12 PM
To: HEB-SUPERVISORS; HEB-WATCH COMMANDER
Cc: HEB PAIC APAIC GML
Subject: Prison Rape Elimination Act Compliance Information
Attachments: 6 CFR 115 Subpart B - Standards for DHS hold rooms.pdf; CBP Directive (b)(7)(E) Standards to Prevent Detect and Respond to Sexual Abuse and Assault.pdf; CBP Policy on Zero Tolerance of Sexual Abuse.pdf; cbp-teds-policy-20151005_1.pdf; Hold Rooms Policy.pdf; Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities - 08192014.pdf; Over-the-Phone Translation Services.pdf; Policy Reminder Regarding CBP's National Standards on TEDS.pdf; Posting Notice (English and Spanish) FINAL. 06 06 18 (002).docx; Posting Notice (English) FINAL. 06 06 18.docx; prea_implementation.pdf; Prison Rape Elimination Act (Auto) For Muster.ppsx; Protocol for Identifying LEP Persons and Providing Language Services (Fi.._.pdf; Reporting Allegations of Employee Misconduct (b)(7)(E) .pdf; Significant Incident Reporting.pdf; Standards of Conduct.pdf

All,

Please see attached reference material regarding PREA, TEDS, DHS/CBP Hold Room policy, significant incident reporting guidelines, language services guidance and muster presentation.

Thank you,

(b)(6), (b)(7)(C)
WATCH COMMANDER
LAREDO SECTOR BORDER PATROL
HEBBRONVILLE STATION
OFFICE: (b)(6), (b)(7)(C)
MOBILE
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Monday, July 02, 2018 2:50 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) LRS PAIC DPAIC (b)(7)(E) LRN PAIC DPAIC GML
(b)(7)(E) LRW PAIC DPAIC GML (b)(7)(E) COT PAIC DPAIC GML
(b)(7)(E) FRR PAIC DPAIC GML (b)(7)(E) HEB PAIC APAIC GML
(b)(7)(E); LZT PAIC APAIC GML (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
Subject: Prison Rape Elimination Act Compliance Information.

Good afternoon,

The US Border Patrol is responsible for ensuring that we are in full compliance with a multitude of policies and laws. Besides compliance with the Flores Settlement, as presented in a previous email, USBP must be compliant with regards to the Prison Rape Elimination Act (PREA). USBP must ensure that certain standards to prevent, detect, and respond to allegations of sexual abuse and assault in holding facilities are met. This includes risk assessments of

detainees in USBP custody with regard to their transportation and detention, special care for family units and unaccompanied juveniles, proper search protocol, and accommodations for disabled detainees. Each of these standards are the core foundation of the current Transportation, Escort, Detention and Search Policy (TEDS) that was enacted in 2015 by Chief Fischer. There are several planned compliance audits scheduled this month in Laredo Sector.

Attached are documents regarding PREA, TEDS, CBP/DHS Hold Room Policy, Significant Incident Reporting standards, and Language Services guidance for all stations. Please review the attachments and begin showing the attached PowerPoint to your musters. Please ensure that these materials are made available for all agents. A Detention and Hold Room Policy reference binder will be provided to each station in the sector by the end of the week for placement in the processing area.

Respectfully,

(b)(6), (b)(7)(C)
Border Patrol Agent, Laredo South Station
Laredo Sector Juvenile Coordinator
Office – (b)(6), (b)(7)(C)
Cell – (b)(6), (b)(7)(C)

EMAIL-000009075:

U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search, October 2015

Document has already been made publicly available at:

https://www.cbp.gov/sites/default/files/assets/documents/2017-Sep/CBP%20TEDS%20Policy%20Oct2015.pdf

Verified July 17, 2019

EMAIL-000009106

U.S. Border Patrol Hold Rooms and Short Term Custody June 2, 2008:

Document has been made public at:

https://foiarr.cbp.gov/docs/Policies_and_Procedures/2011/200842354_378/1104271006_Hold_Room_Custody_Directive_Reading_Room.pdf

Verified July 17, 2019

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 5, 2018 2:17 PM
To: (b)(6), (b)(7)(C)
Cc: HEB PAIC APAIC GML
Subject: LRT Prison Rape Elimination Act Compliance Audit
Attachments: PREA Documentation for Stations.zip

Importance: High

Gentlemen,

Ensure that the information pertaining to the Laredo Sector Prison Rape Elimination Act is available in the station's Share Point site.

Thank you,

(b)(6), (b)(7)(C)
WATCH COMMANDER
LAREDO SECTOR BORDER PATROL
HEBBRONVILLE STATION
OFFICE: (b)(6), (b)(7)(C)
MOBILE: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 05, 2018 11:40 AM
To: LRS PAIC DPAIC (b)(7)(E) LRN PAIC DPAIC GML (b)(7)(E) LRW PAIC DPAIC GML (b)(7)(E) LZT PAIC APAIC GML (b)(7)(E) HEB PAIC APAIC GML (b)(7)(E) FRR Watch Commander (b)(7)(E) COT PAIC DPAIC GML (b)(7)(E) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) LRT-CPU MANAGMENT (b)(7)(E) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: LRT Prison Rape Elimination Act Compliance Audit
Importance: High

Good morning,

Attached are the CBP Directives and USBP Policy regarding and relating to the Prison Rape Elimination Act (PREA). There is going to be an audit of station adherence to the policies and directives regarding PREA Compliance in Laredo Sector this month. As one of two LRT PREA Coordinators I will personally be distributing a three-ring binder entitled "Laredo Sector Detention/Hold Room Policy Reference" over the course of the next two days to each of your offices.

Included in the attachment is an automatic PowerPoint entitled "Prison Rape Elimination Act (Auto) For Musters" for your station musters. I converted the automatic one to a regular PowerPoint so that it can be printed for agents and supervisors to reference if needed.

These binders will need to be placed near where detainees are held and processed and must be available for use by all station personnel involved in detainee operations.

If you are one of the two stations scheduled to be audited, I will inform you of the additional steps that we must take when I drop off the binder.

Respectfully,

(b)(6), (b)(7)(C)
Border Patrol Agent, Laredo South Station
Laredo Sector Juvenile Coordinator
Office – (b)(6), (b)(7)(C)
Cell – (b)(6), (b)(7)(C)

207 West Del Mar Blvd
Laredo, TX 78041

(b) (7)(E)

U.S. Customs and Border Protection

October 6, 2015

MEMORANDUM FOR: Patrol Agents in Charge and Program Managers
Laredo Sector (b) (6), (b) (7)(C)

FROM: for Mario Martinez
Chief Patrol Agent
Laredo Sector

SUBJECT: Transport, Escort, Detention and Search Policy

Attached are two documents of utmost importance to CBP daily operations. Commissioner Kerlikowske's *National Standards on Transport, Escort, Detention and Search* provide the agency-wide policy which establishes the nationwide criterion that govern CBP's interaction with detained individuals. The attached policy reiterates our commitment to the safety, security and care of those in custody. It incorporates best practices developed in the field and addresses regulatory requirements related to sexual abuse, assault prevention and care of at-risk individuals and personal property.

Chief of the U.S. Border Patrol Michael J. Fisher's memorandum on *Vehicle Inspections and Use of Safety Latch* further focuses and serves as a reminder to all employees to take necessary precautions when transporting individuals under custody. The attached Standard Operating Procedures guide all employees who operate a Government vehicle thorough pre- and post-transport vehicle inspections and the use of safety latch.

Patrol Agents in Charge and Program Managers will ensure appropriate dissemination of the aforementioned guidance to all agents under their command. These managers will also ensure that a Supervisory Border Patrol Agent is assigned to validate each locations daily pre-and post-transport inspections. Documentation of such validations will be kept on file in case of a regulatory audit.

Please refer to the attachments for more specific guidance. Direct questions to (A) Acting Division Chief Operations (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C)

Attachments

EMAIL-000009106

U.S. Border Patrol Hold Rooms and Short Term Custody June 2, 2008:

Document has been made public at:

https://foiarr.cbp.gov/docs/Policies_and_Procedures/2011/200842354_378/1104271006_Hold_Room_Custody_Directive_Reading_Room.pdf

Verified July 17, 2019

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 12, 2018 5:08 PM
To:
Cc: (b)(6), (b)(7)(C)

Subject: RE: RFI for OIG Project No. (b)(7)(E)
Attachments: Station TCP Cell Capacities.docx

See attached for HEB…

(b)(6), (b)(7)(C)
Acting Patrol Agent in Charge
Hebbronville Station
(b)(6), (b)(7)(C) *(c)* *(o)*
(b)(6), (b)(7)(C)
HSDN: (b)(6), (b)(7)(C)

This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 12, 2018 3:43 PM
To: LRT STATION COMMAND GML (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: RFI for OIG Project No. (b)(7)(E)
Importance: High

Station Command,

BLUF: We need your Station Detention capacity broken down by year going back to 2015.

Please reply with the info by COB Friday the 13th so I can compile and send to HQ.

Thank you,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 12, 2018 1:47 PM
To: OPS EAST SECTOR (b)(7)(E) OPSCENTRALSECTORS
(b)(7)(E) OPS WEST SECTORS (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USBP Prosecutions Workgroup (b)(7)(E)

(b)(6), (b)(7)(C)

Subject: RFI for OIG Project No. (b)(7)(E)
Importance: High

Corridor Assistant Chiefs,

Please push this RFI message to all Sectors.

Chiefs, Deputies,

BLUF: RFI concerning capacities of all USBP facilities that process, detain or hold UACs and Children separated from Adults. Using the attached template, please have this broken down by station, processing center, etc… by years 2015, 2016, 2017 and current.

PLEASE **do not use a fire marshal coded capacity limitation. These are USBP facilities, we are responsible for our limitations/numbers. Station responses should be approved at the DPAIC/PAIC levels prior to submission through their Chain of Command.

Background/Warning Order;
This RFI is in reference to one such OIG inspection titled "*Separation of Asylum-Seeking Parents from Children*".

Many of you are aware that we are have started to experience site visits from OIG and GAO teams conducting audits/inspections into various allegations. OIG/GAO has informed USBP to expect more for the next (9) months to (1) year. Some visits will be unannounced.

During the OIG Inspection entrance conference today, USBP was tasked with consolidating sector information down to the Station level. Please use the template provided to articulate your various UAC/Children capacities for all USBP facilities.

Suspense: COB July 17, 2018 to ALL Parties on the Cc-line above: Assistant Chiefs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USBP Prosecutions Workgroup and Associate Chief (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Associate Chief (b)(6), (b)(7)(C) team will compile all responses before forwarding to our USBP Audit Team.

Thank you in advance for your assistance.

Respectfully,

(b)(6), (b)(7)(C) Assistant Chief | U.S. Border Patrol Headquarters | Law Enforcement Operations Directorate | Specialty Programs | Desk: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, July 13, 2018 6:23 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) HEB PAIC APAIC GML
Subject: RE: RFI for OIG Project No. (b)(7)(E)

HEB is correct.

(b)(6), (b)(7)(C)
Acting Patrol Agent in Charge
Hebbronville Station
(b)(6), (b)(7)(C) (c)
(o)
(b)(6), (b)(7)(C)

This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.

From: (b)(6), (b)(7)(C)
Sent: Friday, July 13, 2018 5:14:45 PM
To: LRT STATION COMMAND GML
Cc: (b)(6), (b)(7)(C)
Subject: RE: RFI for OIG Project No. (b)(7)(E)

Station Command,

Please review the attached and verify your station's numbers are correct.

Please get back to me by 1000 Monday morning.

Dallas, San Antonio, SOD and Intel, you don't have to reply.

Have a good weekend everyone!

Peace!

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 12, 2018 3:43 PM
To: LRT STATION COMMAND GML (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

Subject: FW: RFI for OIG Project No. (b)(7)(E)
Importance: High

Station Command,

BLUF: We need your Station Detention capacity broken down by year going back to 2015.

Please reply with the info by COB Friday the 13th so I can compile and send to HQ.

Thank you,

(b)(6), (b)(7)(C)

From: TUCKER, MICHAEL E
Sent: Thursday, July 12, 2018 1:47 PM
To: OPS EAST SECTOR (b)(7)(E) OPSCENTRALSECTORS
(b)(7)(E) OPS WEST SECTORS (b)(7)(E)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) />; USBP Prosecutions Workgroup (b)(7)(E)
(b)(7)(E)
Subject: RFI for OIG Project No. (b)(7)(E)
Importance: High

Corridor Assistant Chiefs,

Please push this RFI message to all Sectors.

Chiefs, Deputies,

BLUF: RFI concerning capacities of all USBP facilities that process, detain or hold UACs and Children separated from Adults. Using the attached template, please have this broken down by station, processing center, etc… by years 2015, 2016, 2017 and current.

PLEASE **do not use a fire marshal coded capacity limitation. These are USBP facilities, we are responsible for our limitations/numbers. Station responses should be approved at the DPAIC/PAIC levels prior to submission through their Chain of Command.

Background/Warning Order;
This RFI is in reference to one such OIG inspection titled "*Separation of Asylum-Seeking Parents from Children*".

Many of you are aware that we are have started to experience site visits from OIG and GAO teams conducting audits/inspections into various allegations. OIG/GAO has informed USBP to expect more for the next (9) months to (1) year. Some visits will be unannounced.

During the OIG Inspection entrance conference today, USBP was tasked with consolidating sector information down to the Station level. Please use the template provided to articulate your various UAC/Children capacities for all USBP facilities.

Suspense: COB July 17, 2018 to ALL Parties on the Cc-line above: Assistant Chiefs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USBP Prosecutions Workgroup and Associate Chief (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Associate Chief (b)(6), (b)(7)(C) team will compile all responses before forwarding to our USBP Audit Team.

Thank you in advance for your assistance.

Respectfully,

(b)(6), (b)(7)(C) | Assistant Chief | U.S. Border Patrol Headquarters | Law Enforcement Operations Directorate | Specialty Programs | Desk: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, July 14, 2018 7:46 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) HEB PAIC APAIC GML
Subject: RE: RFI for OIG Project No. (b)(7)(E)

Thank you (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, July 13, 2018 5:23:10 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) HEB PAIC APAIC GML
Subject: RE: RFI for OIG Project No. (b)(7)(E)

HEB is correct.

(b)(6), (b)(7)(C)
Acting Patrol Agent in Charge
Hebbronville Station
(b)(6), (b)(7)(C) (c)
(o)
(b)(6), (b)(7)(C)

This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.

From: (b)(6), (b)(7)(C)
Sent: Friday, July 13, 2018 5:14:45 PM
To: LRT STATION COMMAND GML
Cc: (b)(6), (b)(7)(C)
Subject: RE: RFI for OIG Project No. (b)(7)(E)

Station Command,

Please review the attached and verify your station's numbers are correct.

Please get back to me by 1000 Monday morning.

Dallas, San Antonio, SOD and Intel, you don't have to reply.

Have a good weekend everyone!

Peace!

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 12, 2018 3:43 PM
To: LRT STATION COMMAND GML (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: RFI for OIG Project No. (b)(7)(E)
Importance: High

Station Command,

BLUF: We need your Station Detention capacity broken down by year going back to 2015.

Please reply with the info by COB Friday the 13th so I can compile and send to HQ.

Thank you,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 12, 2018 1:47 PM
To: OPS EAST SECTOR (b)(7)(E) OPSCENTRALSECTORS
(b)(7)(E) OPS WEST SECTORS (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USBP Prosecutions Workgroup (b)(7)(E)
(b)(6), (b)(7)(C)
Subject: RFI for OIG Project No. (b)(7)(E)
Importance: High

Corridor Assistant Chiefs,

Please push this RFI message to all Sectors.

Chiefs, Deputies,

BLUF: RFI concerning capacities of all USBP facilities that process, detain or hold UACs and Children separated from Adults. Using the attached template, please have this broken down by station, processing center, etc… by years 2015, 2016, 2017 and current.

PLEASE **do not use a fire marshal coded capacity limitation. These are USBP facilities, we are responsible for our limitations/numbers. Station responses should be approved at the DPAIC/PAIC levels prior to submission through their Chain of Command.

Background/Warning Order;
This RFI is in reference to one such OIG inspection titled (b)(7)(E) *Parents from Children*".

Many of you are aware that we are have started to experience site visits from OIG and GAO teams conducting audits/inspections into various allegations. OIG/GAO has informed USBP to expect more for the next (9) months to (1) year. Some visits will be unannounced.

During the OIG Inspection entrance conference today, USBP was tasked with consolidating sector information down to the Station level. Please use the template provided to articulate your various UAC/Children capacities for all USBP facilities.

Suspense: COB July 17, 2018 to ALL Parties on the Cc-line above: Assistant Chiefs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USBP Prosecutions Workgroup and Associate Chief (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Associate Chief (b)(6), (b)(7)(C) team will compile all responses before forwarding to our USBP Audit Team.

Thank you in advance for your assistance.

Respectfully,

(b)(6), (b)(7)(C) | Assistant Chief | U.S. Border Patrol Headquarters | Law Enforcement Operations Directorate | Specialty Programs | Desk: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, July 24, 2018 2:37 PM
To: (b)(6), (b)(7)(C)
Cc: HEB PAIC APAIC GML; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: FOIA Request (b)(7)(E) LRT Response due 7/27
Attachments: Copy of (b)(7)(E) Research Documentation BP (004).xlsx

Importance: High

(b)(6), (b)(7)(C)

Please see RFI and solicit any assistance needed to complete before the due date. Let me know if we need to discuss.

Thanks,

(b)(6), (b)(7)(C)
Acting Patrol Agent in Charge
Hebbronville Station
(b)(6), (b)(7)(C) *(c)*
(o)
(b)(6), (b)(7)(C)
HSDN: (b)(6), (b)(7)(C)

This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.

From: (b)(6), (b)(7)(C)
Sent: Tuesday, July 24, 2018 12:39 PM
To: LRT STATION COMMAND GML (b)(7)(E) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) LRT SECURITY POLICY & COMPLIANCE (b)(7)(E)
Subject: FOIA Request (b)(7)(E) LRT Response due 7/27
Importance: High

Station Command/Processing Center/TTIM,

Policy & Compliance (P&C) will provide response on policies and directives from HQ to field and from CPA to stations, but need station/program response for the questions below. P&C will consolidate final response to HQ. Responses (including negative responses*) required from each station/program affected; all files will need to follow naming conventions on below e-mail instructions. Please submit any questions to LRT SECURITY POLICY & COMPLIANCE (b)(7)(E) or contact Branch Chief (b)(6), (b)(7)(C) @ (b)(6), (b)(7)(C)

Response Required from:

- Q1 Applies to ALL Stations (LEO)
- Q2 Applies to ALL Stations (LEO)
- Q3 Applies to ALL Stations (LEO) & Processing (LEOP)
- Q4 Applies to LEO
- Q5 Applies to LEO
- Q6 Applies to ALL Stations (LEO) & TTIM (LEOP)

* if no records were found, provide what searches were conducted on attached Excel spreadsheet

Period: Documentation that would have been in place between **January 1, 2016** and **July 16, 2018**

Due: by 1600 on Friday, July 27, 2018 to LRT SECURITY POLICY & COMPLIANCE
(b)(7)(E)

Please search all Border Patrol Sectors, stations, and Headquarters for the following records:

1. ANY records that describe the criteria or standards Border Patrol agents use or should use to determine whether a non-citizen detained by Border Patrol on the U.S. / Mexico border is
seeking asylum and/or has a fear of returning to his or her home country. Please search all Border Patrol HQ, Southern border with Mexico Sector and station records. Please search for
responsive records such as memorandums, emails, directives, etc. from HQ to the field, CPA to the stations, PAIC or equivalent to the field, etc.

2. ANY records that describe the terms or conditions under which Border Patrol agents may delay or deny to process someone seeking asylum and/or who expresses a fear of returning to his or
her home country who is encountered by Border Patrol at or near the U.S. Mexico Border. Please search all Border Patrol HQ, Southern border with Mexico Sector and station records.
Please search for responsive records such as memorandums, emails, directives, etc. from HQ to the field, CPA to the stations, PAIC or equivalent to the field, etc.

3. ANY records that relate to the policies, procedures, recommendations or guidelines relating to the processing of non-citizens encountered on the U.S. Mexico border who are seeking asylum
and/or express a fear of returning to their home countries, including but not limited to:

G. When to apply Section 235(b)(C) of the Immigration and Nationality Act (INA) regarding treatment of non-citizens from contiguous territories;

H. When to complete Form I-275, Withdrawal of Application for Admission/Consular Notification;

I. When to complete Form I-867, Record of Sworn Statement in Proceedings under INA § 235(b)(1); and

J. When to issue Form I-860, Notice and Order of Expedited Removal.

4. Legal or other agreements governing the collaboration or interaction of Border Patrol agents with local, state, or officials of the Mexican government regarding the arrival and/or
processing of non-citizens seeking asylum and /or asserting fear of return to their countries of origin encountered on the U.S./Mexico border.

5. Legal or other agreements governing the collaboration or interaction of Border Patrol agents with local, state, or officials of private security organizations regarding the arrival and/or processing of non-citizens seeking asylum and /or asserting fear of return to their countries of origin encountered on the U.S./Mexico border.

6. Training material or other records used to instruct, guide or otherwise prepare Border Patrol agents to process non-citizens arriving on the U.S./Mexico border who are seeking asylum and/or express fear of returning to their countries of origin.

The name of the document should start with the number the record is responsive to. If a record is responsive to 3G, the title of the electronic document should be "3G" followed by the subject of the document. For example, you find a policy with the subject line "Use of Ticketing System for Potential Asylum seekers". Your title would be "3G Use of Ticketing System for Potential Asylum Seekers".

Also, the attached Excel file should be completed for each location searched (Instructions are at the bottom of the Excel sheet).

It is very important that the above instructions are followed so that the sector or station does not need to re-do their search for responsive records.

NOTE: When searching for policies, memorandum, directives, etc., look for documentation that would have been in place between January 1, 2016 and July 16, 2018. Responsive policies, memorandum, directives, etc. implemented prior to these dates but was not superseded prior to the 01/01/2016, must also be included in your responsive records. **Emails** should have been sent or received between those dates (01/01/2016 to 07/16/2018) and must include attachments.

See e-mails below for additional instructions.

Thank you,

(b)(6), (b)(7)(C)
Director, Policy & Compliance
Laredo Sector Border Patrol
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 19, 2018 11:03 AM
To: RGV STAFF TASKS (b)(7)(E) LRT STAFF TASKS (b)(7)(E) DRT STAFF TASKING (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: (b)(7)(E)

Please see additional guidance below regarding this FOIA request.

Thank you,

(b)(6), (b)(7)(C)
Assistant Chief, LEOD / Operations East
US Border Patrol Headquarters

Office: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 19, 2018 12:01 PM
To: OPS WEST SECTORS (b)(7)(E) OPSCENTRALSECTORS (b)(7)(E) OPS EAST SECTOR (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
Subject: RE: (b)(7)(E)

ALCON,

It has been brought to my attention that question two on the spreadsheet was geared towards OFO. I have corrected it. Please see updated spreadsheet and use this version for tracking your searches.

Also, once the documents are collected from each station, please remove any duplicate documents. We do not need multiple copies of the same memo or policy from each sector. I will, in turn, remove any duplicate documents that I receive from all the sectors and HQ.

Please call me with any questions.

Thank you,

(b)(6), (b)(7)(C)
Assistant Chief
Web Content Administrator / FOIA Liaison
U.S. Border Patrol Headquarters
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, July 17, 2018 3:38 PM
To: OPS WEST SECTORS (b)(7)(E) OPSCENTRALSECTORS (b)(7)(E) OPS EAST SECTOR (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
Subject: FW: (b)(7)(E)

Good afternoon,

This FOIA request is in litigation. Please follow the instructions below regarding the search for responsive records and naming the documents you are providing. Due date is Tuesday, July 31, 2018.

The name of the document should start with the number the record is responsive to. If a record is responsive to 3G, the title of the electronic document should be "3G" followed by the subject of the document. For example, you find a policy with the subject line "Use of Ticketing System for Potential Asylum seekers". Your title would be "3G Use of Ticketing System for Potential Asylum Seekers".

Also, the attached Excel file should be completed for each location searched (Instructions are at the bottom of the Excel sheet).

It is very important that the above instructions are followed so that the sector or station does not need to re-do their search for responsive records.

FOIA Request:

NOTE: When searching for policies, memorandum, directives, etc., look for documentation that would have been in place between January 1, 2016 and July 16, 2018. Responsive policies, memorandum, directives, etc. implemented prior to these dates but was not superseded prior to the 01/01/2016, must also be included in your responsive records. Emails should have been sent or received between those dates (01/01/2016 to 07/16/2018) and must include attachments. A search of CBP SharePoint was conducted on 07/12/2018 that resulted in 5,730 records using "Processing expedited removal cases", 5,373 records using "Credible Fear", and 5,856 records using "Asylum". Many of the results were likely duplicates or draft documents, but based on that search we know that there are responsive records.

Please search all Border Patrol Sectors, stations, and Headquarters for the following records:

1. ANY records that describe the criteria or standards Border Patrol agents use or should use to determine whether a non-citizen detained by Border Patrol on the U.S. / Mexico border is seeking asylum and/or has a fear of returning to his or her home country. Please search all Border Patrol HQ, Southern border with Mexico Sector and station records. Please search for responsive records such as memorandums, emails, directives, etc. from HQ to the field, CPA to the stations, PAIC or equivalent to the field, etc.

2. ANY records that describe the terms or conditions under which Border Patrol agents may delay or deny to process someone seeking asylum and/or who expresses a fear of returning to his or her home country who is encountered by Border Patrol at or near the U.S. Mexico Border. Please search all Border Patrol HQ, Southern border with Mexico Sector and station records. Please search for responsive records such as memorandums, emails, directives, etc. from HQ to the field, CPA to the stations, PAIC or equivalent to the field, etc.

3. ANY records that relate to the policies, procedures, recommendations or guidelines relating to the processing of non-citizens encountered on the U.S. Mexico border who are seeking asylum and/or express a fear of returning to their home countries, including but not limited to:

A. Does not apply to Border Patrol;
B. Does not apply to Border Patrol;
C. Does not apply to Border Patrol;
D. Does not apply to Border Patrol;
E. Does not apply to Border Patrol;
F. Does not apply to Border Patrol;

G. When to apply Section 235(b)(C) of the Immigration and Nationality Act (INA) regarding treatment of non-citizens from contiguous territories;

H. When to complete Form I-275, Withdrawal of Application for Admission/Consular Notification;

I. When to complete Form I-867, Record of Sworn Statement in Proceedings under INA § 235(b)(1); and

J. When to issue Form I-860, Notice and Order of Expedited Removal.

4. Legal or other agreements governing the collaboration or interaction of Border Patrol agents with local, state, or officials of the Mexican government regarding the arrival and/or
processing of non-citizens seeking asylum and /or asserting fear of return to their countries of origin encountered on the U.S./Mexico border.

5. Legal or other agreements governing the collaboration or interaction of Border Patrol agents with local, state, or officials of private security organizations regarding the arrival and/or
processing of non-citizens seeking asylum and /or asserting fear of return to their countries of origin encountered on the U.S./Mexico border.

6. Training material or other records used to instruct, guide or otherwise prepare Border Patrol agents to process non-citizens arriving on the U.S./Mexico border who are seeking asylum
and/or express fear of returning to their countries of origin.

Thank you,

(b)(6), (b)(7)(C)
Assistant Chief
Web Content Administrator / FOIA Liaison
U.S. Border Patrol Headquarters
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, July 17, 2018 2:33 PM
To:
Cc: (b)(6), (b)(7)(C)
Subject: (b)(7)(E)

CBP-2017-018885 is currently in litigation. Please see the attached PDF and provide responsive records. It is essential that you provide records, or if no records were found, provide what searches were conducted, where and by whom. The attached Excel file should be completed for each location searched (Instructions are at the bottom of the Excel sheet).

All responsive records must be provided in electronic format. The name of the document should start with the number the record is responsive to. If a record is responsive to 7B, the title of the electronic document should be 7B followed by the subject of the document. Example, you find a policy with the subject line "Use of Ticketing System for Potential Asylum seekers". Your title would be " 7B Use of Ticketing System for Potential Asylum Seekers".

Please contact me if you have any additional questions.

Thank you,
(b)(6), (b)(7)(C)
Government Information Specialist
CBP FOIA Division

From: (b)(6), (b)(7)(C)
Sent: Wednesday, July 25, 2018 5:27 PM
To: (b)(6), (b)(7)(C)
Cc: HEB PAIC APAIC GML; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: FOIA Request (b)(7)(E) LRT Response due 7/27
Attachments: HEB (b)(7)(E) Research Documentation BP.xlsx; 1-Asylum and Protection Law (b)(6), (b)(7)(C) Oct 24 2017.docx; 2,3,3G-Hold Rooms and Short Term Custody Policy.pdf; 2,3,3G-Implementation of the CBP National Standards on Transport, Escort, Detention, and Search.pdf; 3H,3I, 6-ER CF Checklist.pdf; 3J-Guidance on Signatures Acknowledging Receipt on Form I-860.pdf

Please see attached FOIA Request and supporting documents.

(b)(6), (b)(7)(C)
Supervisory Border Patrol Agent
Hebbronville Station
Office- (b)(6), (b)(7)(C)
Cell- (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, July 24, 2018 1:37 PM
To: (b)(6), (b)(7)(C)
Cc: HEB PAIC APAIC GML (b)(7)(E) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: FOIA Request (b)(7)(E) LRT Response due 7/27
Importance: High

(b)(6), (b)(7)(C)

Please see RFI and solicit any assistance needed to complete before the due date. Let me know if we need to discuss.

Thanks,

(b)(6), (b)(7)(C)
Acting Patrol Agent in Charge
Hebbronville Station
(b)(6), (b)(7)(C) *(c)*
(o)
(b)(6), (b)(7)(C)
HSDN: (b)(6), (b)(7)(C)

This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.

From: (b)(6), (b)(7)(C)
Sent: Tuesday, July 24, 2018 12:39 PM
To: LRT STATION COMMAND GML (b)(7)(E) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) LRT SECURITY POLICY & COMPLIANCE (b)(7)(E)
Subject: FOIA Request (b)(7)(E) LRT Response due 7/27
Importance: High

Station Command/Processing Center/TTIM,

Policy & Compliance (P&C) will provide response on policies and directives from HQ to field and from CPA to stations, but need station/program response for the questions below. P&C will consolidate final response to HQ. Responses (including negative responses*) required from each station/program affected; all files will need to follow naming conventions on below e-mail instructions. Please submit any questions to LRT SECURITY POLICY & COMPLIANCE (b)(7)(E) or contact Branch Chief (b)(6), (b)(7)(C) @ (b)(6), (b)(7)(C)

Response Required from:

- Q1 Applies to ALL Stations (LEO)
- Q2 Applies to ALL Stations (LEO)
- Q3 Applies to ALL Stations (LEO) & Processing (LEOP)
- Q4 Applies to LEO
- Q5 Applies to LEO
- Q6 Applies to ALL Stations (LEO) & TTIM (LEOP)

* if no records were found, provide what searches were conducted on attached Excel spreadsheet

Period: Documentation that would have been in place between **January 1, 2016** and **July 16, 2018**

Due: by 1600 on Friday, July 27, 2018 to LRT SECURITY POLICY & COMPLIANCE (b)(7)(E)

Please search all Border Patrol Sectors, stations, and Headquarters for the following records:

1. ANY records that describe the criteria or standards Border Patrol agents use or should use to determine whether a non-citizen detained by Border Patrol on the U.S. / Mexico border is seeking asylum and/or has a fear of returning to his or her home country. Please search all Border Patrol HQ, Southern border with Mexico Sector and station records. Please search for responsive records such as memorandums, emails, directives, etc. from HQ to the field, CPA to the stations, PAIC or equivalent to the field, etc.

2. ANY records that describe the terms or conditions under which Border Patrol agents may delay or deny to process someone seeking asylum and/or who expresses a fear of returning to his or her home country who is encountered by Border Patrol at or near the U.S. Mexico Border. Please search all Border Patrol HQ, Southern border with Mexico Sector and station records.

Please search for responsive records such as memorandums, emails, directives, etc. from HQ to the field, CPA to the stations, PAIC or equivalent to the field, etc.

3. ANY records that relate to the policies, procedures, recommendations or guidelines relating to the processing of non-citizens encountered on the U.S. Mexico border who are seeking asylum
and/or express a fear of returning to their home countries, including but not limited to:

G. When to apply Section 235(b)(C) of the Immigration and Nationality Act (INA) regarding treatment of non-citizens from contiguous territories;

H. When to complete Form I-275, Withdrawal of Application for Admission/Consular Notification;

I. When to complete Form I-867, Record of Sworn Statement in Proceedings under INA § 235(b)(1); and

J. When to issue Form I-860, Notice and Order of Expedited Removal.

4. Legal or other agreements governing the collaboration or interaction of Border Patrol agents with local, state, or officials of the Mexican government regarding the arrival and/or
processing of non-citizens seeking asylum and /or asserting fear of return to their countries of origin encountered on the U.S./Mexico border.

5. Legal or other agreements governing the collaboration or interaction of Border Patrol agents with local, state, or officials of private security organizations regarding the arrival and/or
processing of non-citizens seeking asylum and /or asserting fear of return to their countries of origin encountered on the U.S./Mexico border.

6. Training material or other records used to instruct, guide or otherwise prepare Border Patrol agents to process non-citizens arriving on the U.S./Mexico border who are seeking asylum
and/or express fear of returning to their countries of origin.

The name of the document should start with the number the record is responsive to. If a record is responsive to 3G, the title of the electronic document should be "3G" followed by the subject of the document. For example, you find a policy with the subject line "Use of Ticketing System for Potential Asylum seekers". Your title would be "3G Use of Ticketing System for Potential Asylum Seekers".

Also, the attached Excel file should be completed for each location searched (Instructions are at the bottom of the Excel sheet).

It is very important that the above instructions are followed so that the sector or station does not need to re-do their search for responsive records.

NOTE: When searching for policies, memorandum, directives, etc., look for documentation that would have been in place between January 1, 2016 and July 16, 2018. Responsive policies, memorandum,
directives, etc. implemented prior to these dates but was not superseded prior to the 01/01/2016, must also be included in your responsive records. **Emails** should have been sent or received between
those dates (01/01/2016 to 07/16/2018) and must include attachments.

See e-mails below for additional instructions.

Thank you,

(b)(5)
Director, Policy & Compliance
Laredo Sector Border Patrol
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 19, 2018 11:03 AM
To: RGV STAFF TASKS (b)(7)(E) LRT STAFF TASKS (b)(7)(E) DRT STAFF TASKING (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: (b)(7)(E)

Please see additional guidance below regarding this FOIA request.

Thank you,

(b)(6), (b)(7)(C)
Assistant Chief, LEOD / Operations East
US Border Patrol Headquarters
Office: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, July 19, 2018 12:01 PM
To: OPS WEST SECTORS (b)(7)(E) OPSCENTRALSECTORS (b)(7)(E) OPS EAST SECTOR (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
Subject: RE: (b)(7)(E)

ALCON,

It has been brought to my attention that question two on the spreadsheet was geared towards OFO. I have corrected it. Please see updated spreadsheet and use this version for tracking your searches.

Also, once the documents are collected from each station, please remove any duplicate documents. We do not need multiple copies of the same memo or policy from each sector. I will, in turn, remove any duplicate documents that I receive from all the sectors and HQ.

Please call me with any questions.

Thank you,

(b)(6), (b)(7)(C)
Assistant Chief
Web Content Administrator / FOIA Liaison
U.S. Border Patrol Headquarters
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, July 17, 2018 3:38 PM
To: OPS WEST SECTORS (b)(7)(E) OPSCENTRALSECTORS
(b)(7)(E) OPS EAST SECTOR (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
Subject: FW: (b)(7)(E)

Good afternoon,

This FOIA request is in litigation. Please follow the instructions below regarding the search for responsive records and naming the documents you are providing. Due date is Tuesday, July 31, 2018.

The name of the document should start with the number the record is responsive to. If a record is responsive to 3G, the title of the electronic document should be "3G" followed by the subject of the document. For example, you find a policy with the subject line "Use of Ticketing System for Potential Asylum seekers". Your title would be "3G Use of Ticketing System for Potential Asylum Seekers".

Also, the attached Excel file should be completed for each location searched (Instructions are at the bottom of the Excel sheet).

It is very important that the above instructions are followed so that the sector or station does not need to re-do their search for responsive records.

FOIA Request:

NOTE: When searching for policies, memorandum, directives, etc., look for documentation that would have been in place between January 1, 2016 and July 16, 2018. Responsive policies, memorandum, directives, etc. implemented prior to these dates but was not superseded prior to the 01/01/2016, must also be included in your responsive records. Emails should have been sent or received between those dates (01/01/2016 to 07/16/2018) and must include attachments. A search of CBP SharePoint was conducted on 07/12/2018 that resulted in 5,730 records using "Processing expedited removal cases", 5,373 records using "Credible Fear", and 5,856 records using "Asylum". Many of the results were likely duplicates or draft documents, but based on that search we know that there are responsive records.

Please search all Border Patrol Sectors, stations, and Headquarters for the following records:

1. ANY records that describe the criteria or standards Border Patrol agents use or should use to determine whether a non-citizen detained by Border Patrol on the U.S. / Mexico border is seeking asylum and/or has a fear of returning to his or her home country. Please search all Border Patrol HQ, Southern border with Mexico Sector and station records. Please search for responsive records such as memorandums, emails, directives, etc. from HQ to the field, CPA to the stations, PAIC or equivalent to the field, etc.

2. ANY records that describe the terms or conditions under which Border Patrol agents may delay or deny to process someone seeking asylum and/or who expresses a fear of returning to his or her home country who is encountered by Border Patrol at or near the U.S. Mexico Border. Please search all Border Patrol HQ, Southern border with Mexico Sector and station records.

Please search for responsive records such as memorandums, emails, directives, etc. from HQ to the field, CPA to the stations, PAIC or equivalent to the field, etc.

3. ANY records that relate to the policies, procedures, recommendations or guidelines relating to the processing of non-citizens encountered on the U.S. Mexico border who are seeking asylum
and/or express a fear of returning to their home countries, including but not limited to:

A. Does not apply to Border Patrol;
B. Does not apply to Border Patrol;
C. Does not apply to Border Patrol;
D. Does not apply to Border Patrol;
E. Does not apply to Border Patrol;
F. Does not apply to Border Patrol;

G. When to apply Section 235(b)(C) of the Immigration and Nationality Act (INA) regarding
treatment of non-citizens from contiguous territories;

H. When to complete Form I-275, Withdrawal of Application for Admission/Consular
Notification;

I. When to complete Form I-867, Record of Sworn Statement in Proceedings under INA
§ 235(b)(1); and

J. When to issue Form I-860, Notice and Order of Expedited Removal.

4. Legal or other agreements governing the collaboration or interaction of Border Patrol agents with local, state, or officials of the Mexican government regarding the arrival and/or
processing of non-citizens seeking asylum and /or asserting fear of return to their countries of origin encountered on the U.S./Mexico border.

5. Legal or other agreements governing the collaboration or interaction of Border Patrol agents with local, state, or officials of private security organizations regarding the arrival and/or
processing of non-citizens seeking asylum and /or asserting fear of return to their countries of origin encountered on the U.S./Mexico border.

6. Training material or other records used to instruct, guide or otherwise prepare Border Patrol agents to process non-citizens arriving on the U.S./Mexico border who are seeking asylum
and/or express fear of returning to their countries of origin.

Thank you,

(b)(6), (b)(7)(C)
Assistant Chief
Web Content Administrator / FOIA Liaison
U.S. Border Patrol Headquarters
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, July 17, 2018 2:33 PM

To: (b)(6), (b)(7)(C)
Cc:
Subject: (b)(7)(E)

CBP-2017-018885 is currently in litigation. Please see the attached PDF and provide responsive records. It is essential that you provide records, or if no records were found, provide what searches were conducted, where and by whom. The attached Excel file should be completed for each location searched (Instructions are at the bottom of the Excel sheet).

All responsive records must be provided in electronic format. The name of the document should start with the number the record is responsive to. If a record is responsive to 7B, the title of the electronic document should be 7B followed by the subject of the document. Example, you find a policy with the subject line "Use of Ticketing System for Potential Asylum seekers". Your title would be " 7B Use of Ticketing System for Potential Asylum Seekers".

Please contact me if you have any additional questions.

Thank you,
(b)(6), (b)(7)(C)
Government Information Specialist
CBP FOIA Division

2430 South Swan Road
Tucson, AZ 85711

(b)(7)(E)

OCT 18 2012

U.S. Customs and Border Protection

MEMORANDUM FOR: Command Staff
Patrol Agents in Charge
Unit Supervisors
Tucson Sector

(b)(5), (b)(6), (b)(7)(C)

FROM: Manuel Padilla Jr.
Acting Chief Patrol Agent (b)(6), (b)(7)(C)

SUBJECT: Hold Rooms and Short Term Custody Policy

This memorandum serves as a reminder of the Hold Rooms and Short Term Custody Policy pursuant to the attached memorandum dated June 9, 2008. This policy covers all persons, to include unaccompanied juveniles, who are arrested by Border Patrol Agents and are detained in hold rooms at Border Patrol stations, checkpoints, and processing facilities.

All Patrol Agents in Charge will ensure this policy is made available to all agents assigned to their respective stations. A copy of this policy shall be posted and clearly visible in every processing holding area at the stations, checkpoints, forward operating bases, etc.

If you have any questions, please contact Assistant Chief Patrol Agent (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C)

Attachments

(b)(7)(E)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

JUN 0 2 2008

MEMORANDUM FOR: All Chief Patrol Agents (b)(6), (b)(7)(C)

FROM: David V. Aguilar (b)(6), (b)(7)(C)
Chief
U.S. Border Patrol

SUBJECT: Hold Rooms and Short Term Custody

Attached is the new Hold Rooms and Short Term Custody policy. Effective immediately, this policy will supersede all existing detention and hold room policies utilized by the U.S. Border Patrol, including the "Interim Guidance Regarding Unaccompanied Juveniles in Custody" memorandum, dated September 2, 2005.

This directive establishes national policy for the short term custody of persons arrested or detained by Border Patrol Agents and detained in hold rooms at Border Patrol stations, checkpoints and processing facilities. It also contains requirements regarding the handling of juveniles. Chief Patrol Agents will ensure that this policy is made available to all managers, supervisors, and agents in their sectors and that they are familiar with it. A training roster should be completed at each station, which documents receipt of the policy. Forward all training rosters to your respective sector training department. Additionally, you will ensure that a copy of this policy is posted and visible in all station processing areas.

This policy has been reviewed by representatives from both the Office for Civil Rights and Civil Liberties of the Department of Homeland Security (DHS) and the DHS Inspector General and remedies a number of issues raised during previous inspections.

Staff may direct questions to the Detention and Removal Operations liaison officer within the Planning Branch, Operations Planning and Analyses Division at (b)(6), (b)(7)(C)

EMAIL-000009075:

U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search, October 2015

Document has already been made publicly available at:

https://www.cbp.gov/sites/default/files/assets/documents/2017-Sep/CBP%20TEDS%20Policy%20Oct2015.pdf

Verified July 17, 2019

U.S. BORDER PATROL POLICY

SUBJECT: DETENTION STANDARDS
Reference Number: (b)(7)(E)
DATE: January 31, 2008

HOLD ROOMS AND SHORT TERM CUSTODY

1. PURPOSE. This directive establishes national policy for the short-term custody of persons arrested or detained by Border Patrol Agents and detained in hold rooms at Border Patrol stations, checkpoints, processing facilities, and other facilities that are under the control of U.S. Customs and Border Protection (CBP).

2. AUTHORITIES/REFERENCES.

2.1. Title 8, United States Code, Section 236

2.2. Title 8, Code of Federal Regulations, Section 236

2.3. *Border Patrol Handbook*

2.4. *Officers Handbook* (M-68)

2.5. *The Law of Arrest, Search and Seizure for Immigration Officers* (M-69)

2.6. *Flores v. Reno*, Stipulated Settlement Agreement, No. CV 85-4544-RJK (Px) (C.D. Cal. Jan. 17, 1997). Also, *"Flores."*

2.7. Homeland Security Act of 2002, Section 462

2.8. "Interim Guidance Regarding Unaccompanied Juveniles in Custody" Memorandum to All Chief Patrol Agents from David V. Aguilar, Chief, U.S. Border Patrol (September 2, 2005).

2.9. Immigration and Customs Enforcement guidelines on age determination.

3. DEFINITIONS.

3.1. Bedding. Any combination of pillow, sheets, blanket, sleeping bag, or mattress.

3.2. Custody. The period of time in which a detainee is under arrest or is detained in a Border Patrol hold room.

3.3. Hold Room. An area such as a detention cell, a search room, or an interview room in which detained persons are temporarily held pending processing or transfer.

3.4. Open Area. An area within a secure facility where the detainee is not in a locked room but where there are locked doors to prevent escape (e.g., a processing room).

3.5. Direct Supervision. Detaining a person in a location where the employee assigned detention duties can constantly observe or hear the detainee.

3.6. Family Group. [redacted] (b)(7)(E) [redacted]

3.7. Intermittent Supervision. Detaining a person in a hold room where a detainee may be occasionally out of view and/or hearing of the employee assigned detention duties.

3.8. Juvenile. A person under 18 years of age.

3.8.1. Persons under the age of 18 who have been emancipated by a state court or convicted and incarcerated for a criminal offense as an adult are NOT considered juveniles. Such individuals must be treated as adults for all purposes, including confinement and release on bond.

3.8.2. If a reasonable person would conclude that an individual claiming to be a juvenile is really an adult, that person will be treated as an adult for all purposes, including transportation, confinement, and release on bond or own recognizance. Age determination will be conducted, if necessary, in accordance with Immigration and Customs Enforcement guidelines on age determination.

3.8.3. An unaccompanied alien child (UAC) is defined in Section 462 (g) (2) of the Homeland Security Act of 2002 as a child who:

a. Has no lawful immigration status in the United States;

b. Has not attained 18 years of age; and

c. With respect to whom—

1. There is no parent or legal guardian in the United States; or

2. No parent or legal guardian in the United States is available to provide care and physical custody.

4. RESPONSIBILITIES.

4.1. The Chief, Office of Border Patrol, is responsible for policy oversight, which includes formulating and implementing guidelines and procedures.

4.2. Chief Patrol Agents (CPAs) are responsible for managing the implementation of this program at the sector level and monitoring compliance with the procedures to ensure uniformity of application, as well as for ensuring that all employees under their direction receive proper training concerning this policy and these procedures.

4.3. Patrol Agents in Charge (PAIC) are responsible for monitoring compliance at the station level.

4.4. Supervisory Border Patrol Agents are responsible for fulfilling all of their duties specified herein, and for ensuring that Border Patrol Agents under their direction are familiar with this policy and these procedures, and comply with them.

5. POLICY.

5.1. All persons arrested or detained by the Border Patrol will be held in facilities that are safe, secure, and clean. Detainees will be provided food, water, properly equipped restrooms and hygiene supplies as set forth in this directive.

5.2. Detainees will be promptly processed and turned over to U.S. Immigration and Customs Enforcement (ICE), Office of Detention and Removal Operations (DRO); the Office of Refugee Resettlement (ORR); the U.S. Marshals Service; or an other agency (OA), as appropriate.

6. PROCEDURES.

6.1. Detention Cells, Search Rooms, and Hold Rooms.

6.1.1. Supervisors are responsible for designating areas as detention cells, search rooms, and/or hold rooms and ensuring that employees under their direction are familiar with such designations and intended uses. Dual designation of a particular room is authorized, i.e, a detention cell may also be used as a search room.

6.2. Duration of Detention.

6.2.1. Whenever possible, a detainee should not be held for more than (b)(7)(E) [redacted] Every effort will be made to promptly process, transfer, transport, remove, or release those in custody as appropriate and as operationally feasible.

6.2.2. The PAIC or the senior shift supervisor will be notified of all detentions at the station level that reach or exceed (b)(7)(E), and they shall make every effort to promptly move the detainee(s).

6.2.3. The Sector Staff Duty Officer must be notified when the detention period reaches or exceeds (b)(7)(E), and the Staff Duty Officer or their designee shall make every effort to promptly move the detainee(s).

6.2.4. When the detainee is an unaccompanied alien child (UAC), every effort must be made to move them out of the Border Patrol facility and into ORR placement within (b)(7)(E) however, there are times when placement by ORR may take longer than [redacted] The PAIC must be notified immediately when a UAC's detention exceeds [redacted] ever, it is strongly encouraged that the PAIC be notified when the detention exceeds (b)(7)(E) The PAIC or their designee will ensure that the ICE/DRO Field Office Juvenile Coordinator (FOJC) has been notified and ensure that the UAC is being held in accordance with this policy. The reason for the extended detention and the time and date that the PAIC and FOJC were notified will be documented in the Unaccompanied Alien Children Detention Log and retained for a period of two years.

6.2.4.1. In accordance with the *Flores v. Reno* Stipulated Settlement Agreement, UAC must be placed in an ORR-approved facility within (b)(7)(E). In cases where the PAIC has reason to believe that the UAC's detention will exceed (b)(7)(E) or exceeds (b)(7)(E) hours, the PAIC or their designee will notify a sector staff officer immediately. This notification may occur well before the (b)(7)(E) time period is reached if information is provided at an earlier time that indicated the UAC placement won't be met under current conditions. The sector staff officer will contact the local ICE DRO Field Office Director for assistance and intervention.

6.2.4.2. Under extenuating circumstances, the maximum time allowed for placing UAC in an ORR-approved facility is five days. In cases where UAC are detained longer than five days, sector staff will immediately contact the DRO liaison officer at the Office of Border Patrol via telephone and e-mail for further guidance and assistance, ensuring that all pertinent information and actions taken thus far are provided. Sector staff may contact the DRO liaison officer earlier when they deem appropriate or necessary.

6.3. <u>Exceptions to Short-Term Detention in Border Patrol Hold Rooms.</u>

6.3.1. (b)(7)(E) [redacted].

6.3.2. (b)(7)(E) [redacted]

(b)(7)(E)

6.3.3. (b)(7)(E)

6.3.4. (b)(7)(E)

6.3.5. Direct supervision and control of detainees must be maintained at all facilities that do not have hold rooms.

6.4. Master Detention Log.

6.4.1. The ENFORCE apprehension log will serve as the master detention log. It will contain at a minimum the detainee's:

a. Name

b. Sex

c. Age and date of birth

d. Alien registration number

e. Nationality

f. Reason detained

g. Final disposition

6.4.2. Any alien detained in custody for removal proceedings or voluntarily returned must be transferred via an I-216 created in ENFORCE.

6.5. Hold Room Monitoring.

6.5.1. Although video surveillance is an outstanding tool, it is not a replacement for physical checks. Holding cells must be physically checked regularly. Physical checks give processing agents better control of the aliens in their hold rooms, provide a deterrent for misconduct, and provide detainees with an opportunity to communicate issues such as health or safety concerns to the processing agent.

6.5.2. Juveniles. Unaccompanied alien children require direct supervision. Physical checks are a critical aspect of monitoring UACs. Holding cells must be physically checked regularly and recorded in a log. Each station will be responsible for creating a hold room check sheet to verify the physical checks of juveniles.

6.5.3. (b)(7)(E) [redacted]

6.6. Alien Booking Record (I-385). An Alien Booking Record (I-385) will be generated for each detainee that requires **special handling** (i.e., a detainee held for prosecution or removal or a detainee awaiting a voluntary return with a medical condition, or an unaccompanied juvenile). The Alien Booking Record will be posted near the entrance to the hold room or in a secure area. (b)(7)(E) [redacted] The sheet will be maintained until the detainee is released from CBP custody. (b)(7)(E) [redacted]. The Alien Booking Record will be created in ENFORCE and contain the following detainee information:

a. Name

b. Alias

c. Sex

d. Date of birth

e. Place of birth

f. Country of citizenship

g. Alien registration number

h. Date apprehended

i. Responsible station or office

j. Medical alert—an annotation indicating that the person has a medical condition that requires medical care or prescribed medication, has a communicable disease, is suffering from depression, or appears to be suicidal.

k. Remarks—for example, the person is an escape or flight risk, is a high risk detainee, is an asylum claimant, or is an accompanied or unaccompanied alien child.

6.7. Medical Issues.

6.7.1. (b)(7)(E)

6.7.2. Such detainees will be evaluated by qualified personnel:

a. an emergency medical technician (EMT) or a paramedic (Border Patrol or local); or

b. a physician, physician's assistant, or nurse practitioner.

6.7.3. b)(7)(E)

6.7.4. A supervisor will be notified as soon as possible of detainees needing medical attention.

6.7.5. Medications. Border Patrol Agents will **not** administer or inject any medication unless they are certified EMTs or paramedics practicing under the direction of a medical director and the administration of such medicine is within their scope of practice and is authorized under the protocols of their medical practice. Medication prescribed in the United States, in a properly identified container, with the specific dosage indicated, may be self-administered under the supervision of a Border Patrol Agent. Administration of prescribed medication, medical assistance, or refusal of the same will be noted on the Alien Booking Record. Medications will not be left in the possession of the detainee. They will be secured separately, preferably with the detainee's property. [redacted] (b)(7)(E) [redacted].

6.8. Meals. Detainees will be provided snacks and juice every four hours. Detainees whether in a hold room or not, will be provided a meal if detained more than 8 hours or if their detention is anticipated to exceed 8 hours. Regardless of the time in custody, juveniles will be provided with meal service, and at least every six hours thereafter; two of three meals must be hot. Juveniles, small children, toddlers, babies, and pregnant women will have regular access to snacks, milk, or juice at all times. When an adult detainee requests a snack or meal before the next meal service, the processing agent may grant the request on the basis of the circumstances. Agents should be sensitive to the culinary, cultural, and religious dietary restrictions and/or differences of all detainees and should provide a meal that conforms to the dietary restrictions, if feasible.

6.9. Drinking Water. Potable drinking water will be available to detainees. The supervisor is responsible for ensuring that drinking water is available.

6.10. Restrooms. Restrooms will be available to detainees. Detainees using the restrooms will have access to toilet items, such as soap, toilet paper, and sanitary napkins. Families with small children will also have access to diapers and wipes.

6.11. Bedding. Detainees requiring bedding will be given clean bedding. Only one detainee will use this bedding between cleanings. This bedding will be changed every three days and cleaned before it is issued to another detainee. Vinyl or rubber-coated mattresses will be disinfected before being reissued.

6.12. Inspection of Personal Property. Purses, handbags, backpacks, and luggage will be inspected for weapons and contraband. They will be secured separately from the detainee until release or removal.

6.13. Control and Safeguarding of Detainees' Personal Property. The control and safeguarding of detainees' personal property will include the secure storage of funds, valuables, baggage, and other personal property. All property will be receipted on the appropriate Form I-77. All items belonging to the detainee will be properly receipted and placed in a secure area.

6.13.1. All property and legal papers that are in the juvenile's possession, or are served upon the juvenile during processing, shall accompany the juvenile upon transfer to any other agency or facility. Property of the juvenile that is in the custody of the Border Patrol that exceeds the limit of the transporting agency shall be shipped to that facility in a timely manner.

6.14. Showers. Agents will make reasonable efforts to provide a shower for any detainee held for more than 72 hours. Detainees that are showering will be provided a clean towel and basic toiletries. Agents will make every reasonable effort to provide unaccompanied alien children who are held more than 48 hours with access to a shower and clean towel, clean clothing, and basic hygiene articles as soon as practicable. These items may be provided to UACs sooner, depending on availability and the condition of the juvenile.

6.15. Inspection. Detention cells will be routinely inspected for evidence of tampering.

6.16. Cleaning and Sanitization. Supervisors will ensure that detention cells are regularly cleaned and sanitized. Employees will not be expected nor required to perform such tasks.

6.17. Smoking. Smoking is prohibited in hold rooms.

6.18. Evacuation. Every station will have an evacuation plan and will post it in the processing area. The PAIC is responsible for ensuring that agents are familiar with procedures in the evacuation plan.

6.19. Search Procedures. All detainees that are under arrest will be thoroughly searched before being placed into a Border Patrol hold room. (b)(7)(E)

6.20. Restraint Procedures. (b)(7)(E) This should be annotated on an Alien Booking Record. Any detainee restrained in a holding room requires direct supervision. (b)(7)(E)

6.21. Telephones. Persons detained more than 24 hours will be given access to a telephone for the purposes of contacting an attorney or other party as stated on the I-826 *Notice of Rights and Request for Disposition* and will be given access at a minimum of once per day until they are no longer in Border Patrol custody. Detainees who wish to make other than a local call must use a calling card or collect call. Processing agents may, at their discretion, grant telephone access to any alien. Unaccompanied alien children will be given access to telephones as soon as practicable to aid in locating family members.

6.22. Segregation. (b)(7)(E)

6.23. Privacy. Border Patrol hold rooms should have privacy screens in toilet areas whenever possible. (b)(7)(E)

6.24. Juveniles. The following is a summary of guidelines from the *Flores v. Reno* Settlement Agreement, and the Homeland Security Act of 2002. The terms of the Settlement are binding and must be adhered to.

6.24.1. Access to Legal Counsel and Consular Officials. All UACs shall be advised of their rights as per Form I-770 *Notice of Rights and Request for Disposition*, which includes their right to make a telephone call to any persons mentioned in the notice. If the juvenile is under 14 or is unable to understand the form, the I-770 must be read and explained in a language that the juvenile understands. The UAC's consular official must be notified as soon as possible, and notification of the UAC's family must be in accordance with Form I-770. All UAC processed for removal must be given a list of free legal service providers. Each CPA, or designee, will ensure that the lists of free legal services providers are current, accurate, and provided to juvenile detainees. Free legal service providers must represent juveniles in removal proceedings. Updated lists will be distributed regularly to all Border Patrol stations.

6.24.2. Authority of the Office of Refugee Resettlement. ORR has assumed authority for decisions related to the care and placement of UACs detained in federal custody. The current procedure requires stations to immediately contact an ICE/DRO Field Office Juvenile Coordinator (FOJC) to coordinate UAC placement in an ORR facility.

6.24.3. Procedures for Processing Juveniles. (b)(7)(E) As soon as practicable after determining that a detainee is a UAC and will require detention, the processing agent should contact an ICE/DRO FOJC to obtain pre-authorization to place the unaccompanied alien child with ORR. The agent must obtain pre-authorization from the FOJC regardless of a UAC's anticipated time in detention and must provide the following information: the juvenile's name, any aliases, alien registration number, country of citizenship, sex, date of birth, age, date of entry, place of entry, manner of entry, date of custody, custody location, and indication regarding whether or not the juvenile is a criminal or non-criminal. The FOJC must have this information to secure placement for the UAC with ORR. The FOJC will contact the local ORR representative who will locate an appropriate

placement and notify the FOJC when that is completed. The FOJC will coordinate the placement transfer.

6.24.4. (b)(7)(E)

6.24.5. (b)(7)(E)

6.24.6. Requirements for Juvenile Hold Rooms. Juveniles detained longer than 24 hours will be given access to basic hygiene articles, a blanket, and a mattress (a pillow is optional), etc. If showers are available, the juveniles will be permitted to take one shower every 48 hours and be provided with a clean towel. Agents and supervisors may give these items and privileges to any juvenile at any time based on the availability and the condition of the juvenile.

6.24.7. All hold rooms used for unaccompanied alien children must provide access to the following:

a. Toilets and sinks

b. Drinking water

c. Adequate temperature control and ventilation

d. Clean blankets and mattresses

e. Meals, which must be offered every six hours (two of three meals must be hot)

f. Emergency medical assistance

g. Direct supervision

6.24.8. Unaccompanied Alien Children Detention Log. Each Border Patrol station must maintain a separate detention log (example attached) for all juveniles placed in custody. The log will be kept on file at the station for two years. The log will contain, at minimum, the following information about each juvenile:

a. Name

b. Sex

c. Age

d. Alien registration number

e. Nationality

f. Reason for placement

g. Date and time in

h. Date and time FOJC was notified

i. Date and time out (transferred or released)

j. Final disposition

k. Comments

l. Times that meals were provided

6.24.9. Meals. Juveniles must receive the next meal served, regardless of the time in custody and must have regular access to snacks, milk, juice, etc. Meals must be offered every six hours (two of three meals must be hot).

6.24.10. Transfers. Each station must complete an I-216 in ENFORCE for all UACs transferred to ORR or DRO custody. A hard copy of the I-216 will be kept on file at the station for two years for the purposes of auditing and oversight.

6.24.11. Training Requirements. The Border Patrol Academy will include training on the conditions of the *Flores* v. *Reno* Settlement Agreement as a part of Border Patrol basic training. All CPA's, PAIC's and Border Patrol Agents will take at least one hour per year of refresher training on *Flores* and associated Border Patrol policy. Pertinent training updates will be well-posted in Border Patrol station processing areas to ensure awareness and adherence.

6.24.12. Family Groups (with Juveniles). The following are examples of family groups as defined in section 4.6 of this directive. The following groups will be detained as a unit.

a. (b)(7)(E)

b. (b)(7)(E)

c. (b)(7)(E)

d. (b)(7)(E)

e.

6.24.13 Documentation. Times of meals, showers, telephone use, and visual checks of juveniles who are held in custody will all be recorded.

7. PERFORMANCE MEASUREMENTS. All detainees will be held under safe and humane conditions. Unaccompanied alien children in Border Patrol custody will be treated with dignity, respect and special concern for their particular vulnerability as minors.

7.1. Performance Measurement 1: All detainees will be held in appropriate conditions of confinement that ensure their safety and security. Juveniles will be held in the least restrictive setting appropriate for their age and special needs as minors.

7.1.1. Detainees are segregated according to sex, age, risk, family group.

7.1.2. Detention space capacity will not be exceeded.

7.1.3. Hold rooms will be kept clean and free of contraband and other potentially hazardous or dangerous materials.

7.2. Performance Measurement 2: All detainees will be held under humane conditions of confinement that provide for their well being and general good health.

7.2.1. Detainees have access to sanitary facilities and restrooms.

7.2.2. Detainees are provided food and water.

7.2.3. Detainees have access to appropriate medical services, prescriptions, medications, and emergency medical treatment.

7.2.4. Detention spaces are appropriately maintained and provide detainees with appropriate comfort items – housekeeping and clean bedding.

7.3. Performance Measurement 3: The time of detention for detainees is minimized.

7.3.1. The period of detention does not exceed (b)(7)(E) and commonly does not exceed (b)(7)(E) for UACs.

7.4. Performance Monitoring Tools:

a. Sector and/or Station Detention Logs

b. Form I-216 Record of Persons and Property Transferred

c. Supervisor oversight

d. Local inspection programs

e. Reporting of deficiencies

f. Periodic compliance summary reports

8. **CANCELLATION.** This policy remains in effect until cancellation by an updated version.

9. **NO PRIVATE RIGHTS CREATED.** This document is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any rights, privileges, or benefits on any person or party.

10. **ATTACHMENTS.**

Appendix 1: Unaccompanied Alien Children Detention Log

(b)(6) & (b)(7)(C)

David V. Aguilar
Chief
U.S. Border Patrol

LAST	FIRST	SIGNATURE	DATE
(b)(6), (b)(7)(C)			[illegible]
			[illegible]
			1-7-07
			1-7-07
			12/19/07
			12/18/07
			12/19/07
			12/18/07
			12/18/07
			[illegible]/2007
			12-19-07
			[illegible]
			[illegible]
			12/12/07
			12/20/07
			12-19-07
			1/4/08
			12-18-07
			1/8/08

2430 South Swan Road
Tucson, AZ 85711

(b)(7)(E)

JUN 9 2008

U.S. Customs and Border Protection

MEMORANDUM FOR: Patrol Agents in Charge and Unit Supervisors Tucson Sector

FROM: Robert W. Gilbert (b)(6), (b)(7)(C) Chief Patrol Agent

SUBJECT: Hold Rooms and Short Term Custody

The attached memorandum from Chief David V. Aguilar, U.S. Border Patrol, announces the new national policy regarding hold rooms and the short term custody. This policy covers all persons, to include unaccompanied juveniles, who are arrested by Border Patrol Agents and are detained in hold rooms at Border Patrol stations, checkpoints, and processing facilities. This policy is effective immediately and supersedes all existing detention policies currently utilized by Office of Border Patrol (OBP).

All Patrol Agents in Charge will ensure this policy is made available to all agents assigned to their respective stations. A copy of this policy shall be posted and clearly visible in every processing / holding area at the stations, checkpoints, forward operating bases, etc. Each station will also create a read and sign/training roster in order to document every agent's receipt of the policy. Each station's training department will ensure that the rosters are completed, collected and forwarded to Sector Training by no later than July 28, 2008.

If you have any questions, please contact Special Operations Supervisor (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Attachments

1300 Pennsylvania Avenue NW
Washington, DC 20229

(b)(7)(E)

U.S. Customs and Border Protection

OCT 08 2015

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate Chiefs
All Directorate Executive Directors

FROM: Michael J. Fisher (b)(6), (b)(7)(C)
Chief
U.S. Border Patrol

SUBJECT: Implementation of the CBP National Standards on TEDS

As a result of an agency-wide effort to create a unified policy related to safety, security, and care of those in our custody, the following on Transport, Escort, Detention, and Search (TEDS) standards will be used by all U.S. Border Patrol (USBP) personnel as outlined in Commissioner R. Gil Kerlikowske's memorandum, *Implementation of the CBP National Standards on Transport, Escort, Detention, and Search (TEDS)*.

The USBP Hold Rooms and Short Term Custody policy, dated January 31, 2008, is still applicable. It addresses detention standards for the short-term custody of persons arrested or detained by Border Patrol agents and detained in hold rooms at Border Patrol stations, checkpoints, processing facilities, and other facilities that are under CBP control. In addition to transport, escort, detention, and search provisions, TEDS incorporates requirements related to sexual abuse and assault prevention and response, care of at-risk individuals in custody, and personal property.

The TEDS document is a CBP overarching policy that reinforces current practices and working conditions. Moreover, in the absence of more prescriptive policies issued by the U.S. Border Patrol, the TEDS standards apply. These standards were developed with current policies and procedures from CBP's Office of Field Operations and the U.S. Border Patrol, as well as several other CBP-wide documents, current guidance to the field, best practices, and requirements found in applicable Federal law and regulation.

Management and agents are responsible for ensuring compliance with TEDS requirements when conducting their duties. TEDS is available at [redacted] (b) (7)(E) My staff is in the process of developing training that will be sent to all sectors upon its completion. Please ensure that this memorandum is disseminated to all employees under your purview.

Staff should refer any questions regarding the TEDS standards to the Policy Division's Acting Associate Chief (b)(6), (b)(7)(C) in the Strategic Planning and Analysis Directorate, (b)(6), (b)(7)(C)

1300 Pennsylvania Avenue, NW
Washington, DC 20229

U.S. Customs and Border Protection

Commissioner

OCT 05 2015

MEMORANDUM FOR: See Distribution

FROM: R. Gil Kerlikowske (b)(6), (b)(7)(C)
Commissioner

SUBJECT: Implementation of the CBP National Standards on Transport, Escort, Detention, and Search (TEDS)

The creation of U.S. Customs and Border Protection in 2003 began a process that brought together previously separate organizations to form a unified Federal border authority. To date, each component has continued to operate under their own individual office policies and procedures related to the safety, security, and care of those in our custody. While this assortment of policies has guided our officers and agents for over a decade, I am proud to announce the first nationwide standards governing these important issues, *U.S. Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS)*.

In addition to transport, escort, detention, and search provisions, TEDS also includes requirements related to sexual abuse and assault prevention and response, care of at-risk individuals in custody, and personal property. These standards incorporate current policies and procedures from the Office of Field Operations and the U.S. Border Patrol, several other CBP-wide documents, current guidance to the field, best practices, and requirements found in applicable Federal law and regulation.

The TEDS standards set policy requirements that govern CBP's interaction with detained individuals and continue our commitment to the safety, security, and care of those in our custody. To meet or exceed these standards, it is imperative for all CBP leaders to review current policies and procedures, revise or develop new policies as needed, and provide support as required. Further, I direct the leaders of each CBP operational component to immediately communicate the TEDS standards to the field and ensure compliance through training and oversight.

WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with Department of Homeland Security (DHS) policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official

Distribution: All Assistant Commissioners
Chief, Office of Border Patrol
Chief Counsel
Executive Director, Privacy and Diversity Office
Executive Director, Office of Policy and Planning
Director, Office of Trade Relations
Director, Office of the Executive Secretariat
Director, State and Local Liaison
Chief of Staff
Deputy Chief of Staff
Deputy Chief of Staff (Policy)

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EMAIL-000009075:

U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search, October 2015

Document has already been made publicly available at:

https://www.cbp.gov/sites/default/files/assets/documents/2017-Sep/CBP%20TEDS%20Policy%20Oct2015.pdf

Verified July 17, 2019

OTM EXPEDITED REMOVAL

Aliens Name: 1/0/1900 **A#:** 0

Processing Agent: 0 **Star#** 0 **Apprehending Station:** _____ **(3 letter code)**

Left Side (Front to Back)

SBPA	(A)PAIC	
		1 X I-296 (w/**orig** Sigs)
		1 X I-860 (w/**orig** Sigs)
		1 X I-867A/B (w/**orig** Sigs)
		e3 Photo Sheet
		Alien Packet (w/**orig** Sigs)
		(See Quality Control)

Right Side (Front to Back)

SBPA	(A)PAIC	
		I-275 (If B1/B2/BCC Cancelled)
		I-863 (Only if status claim referral to IJ)
		3 X I-203 (b)(7)(E)
		1 X I-213
		ER ALERT Printout
		I-214 (Only if Mag Ct.)
		Modified Orantes (El Sals Only)
		I-264 Consular Notification Form
		I-217 (All OTM's)
		Copy of Property Receipt
		Booking Printout
		Record Checks (b)(7)(E)
		2 X FD-249 Print Sheets (Not Cards)
		1 X R-84
		CDS

ALL FORMS MUST HAVE ORIGINAL SIGNATURES !!!

OTMS WITH MEDICAL PROBLEMS MUST BE CLEARED BY A DOCTOR OR HOSPITAL. PAPERWORK MUST STATE *"CLEARED FOR TRAVEL"*.

PREGNANT FEMALE: (6-8 mths) must be cleared for travel

IDENT alert indicates: OTM, Criminal, Recidivist, Suspected Guide/Smuggler

Quality Control Checklist

SBPA	(A)PAIC	
		I-867 A/B est. Identity, Alienage, Inadmissibility, Date & Time of Entry?
		Witness signed the I-867B?
		I-203 has the correct U.S. Address?
		I-213 Charge Code indicates **I7A1** only
		I-213 indicates alien was advised of right to speak w/Consular Office?
		I-213 includes Credible Fear statement
		I-213 contains GPS coordinates
		Alert activated in Ident?
		Alien provided copies of I-296,I-860,// If Needed: I-863,M-444,I-214,List of FLS

REVIEWED BY: (A) SBPA _____

(A)PAIC _____

☐ Check box if 2nd Line Supervisor was contacted telephonically

From: (b) (6), (b) (7)(C)
Sent: Thursday, July 26, 2018 4:55 PM
To: LRT SECURITY POLICY & COMPLIANCE
Cc: HEB PAIC APAIC GML; (b) (6), (b) (7)(C)
Subject: FOIA Request (b) (7)(E) for HEB
Attachments: HEB (b) (7)(E) Research Documentation BP.xlsx; 1-Asylum and Protection Law (b) (6), (b) (7)(C) Oct 24 2017.docx; 2,3,3G-Implementation of the CBP National Standards on Transport, Escort, Detention, and Search.pdf; 2,3,3G-Hold Rooms and Short Term Custody Policy.pdf; 3H,3I, 6-ER CF Checklist.pdf; 3J-Guidance on Signatures Acknowledging Receipt on Form I-860.pdf; 4-LRT_Laredo Sector Repatriation Agreements_204401.pdf

Please see attached FOIA Request (b) (7)(E) with supporting attachments for HEB.

(b) (6), (b) (7)(C)
Supervisory Border Patrol Agent
Hebbronville Station
Office-(b) (6), (b) (7)(C)
Cell-(b) (6), (b) (7)(C)