

Interim Progress Report

Interagency Task Force on the Reunification of Families

November 29, 2021



Homeland
Security



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I. Introduction

The Interagency Task Force on the Reunification of Families (Task Force) submits this interim report on recent progress made on the implementation of Executive Order 14011 (E.O. 14011), *Establishment of Interagency Task Force on the Reunification of Families*.¹ As of November 17th, the Task Force has facilitated the reunification of 61 children with their separated parents in the United States and provided the families access to behavioral health services. The Task Force continues to identify new and creative ways to speed up the reunification process. Over the last 60 days, the Task Force made noteworthy progress in the following areas:

- Negotiated expedited processing of applications for Guatemalan passports for separated families. This required obtaining a limited waiver of nondisclosure protections that the Department of Homeland Security (DHS) generally affords, pursuant to 8 C.F.R. 208.6, to asylum-related information. With the limited waiver, the Task Force is able to share with the Government of Guatemala (GOG) the names of separated family members with pending passport applications in order to prioritize processing.
- Contacted 249 families and registered 183 of them under the Department of State's (DoS) Bureau of Population, Refugees, and Migration's (PRM) project with the United Nations High Commissioner for Refugees (UNHCR) and Kids in Need of Defense (KIND) to locate separated family members outside of the United States and help register potentially eligible participants on the Task Force's website *Together.gov* and *Juntos.gov*.
- Received 491 registrations through *Together.gov* and *Juntos.gov* and verified that 231 of those families as being eligible to receive Task Force support to apply for parole with USCIS who do not currently reside in the United States.
- Established a parole process for previously reunified families in the United States who were not admitted to the United States to request parole-in-place with U.S. Citizenship and Immigration Services (USCIS).
- Continued working with Department of Health and Human Services (HHS)-Substance Abuse and Mental Health Services Administration (SAMHSA) to develop a clear recommendation on future behavioral health services for reunited families, along with awarding a new service contract prior to the end of the calendar year to avoid a lapse in services. The existing contract expires on January 10, 2022.
- Continued to participate in settlement negotiations in *Ms. L. v. ICE* litigation.

¹ On February 2, 2021, President Biden signed Executive Order 14011 (E.O. 14011), *Establishment of Interagency Task Force on the Reunification of Families*, which established an Interagency Task Force on the Reunification of Families to reunite children separated from their parents at the United States-Mexico border between January 20, 2017 and January 20, 2021, in connection with operation of the Zero-Tolerance Policy. E.O. 14011 directs the Task Force to identify children who were separated, to facilitate and enable the reunification of the families and to provide recommendations regarding the provision of additional services and support for the reunified families, including behavioral health services, with a focus on trauma-informed care.

II. Executive Order Language

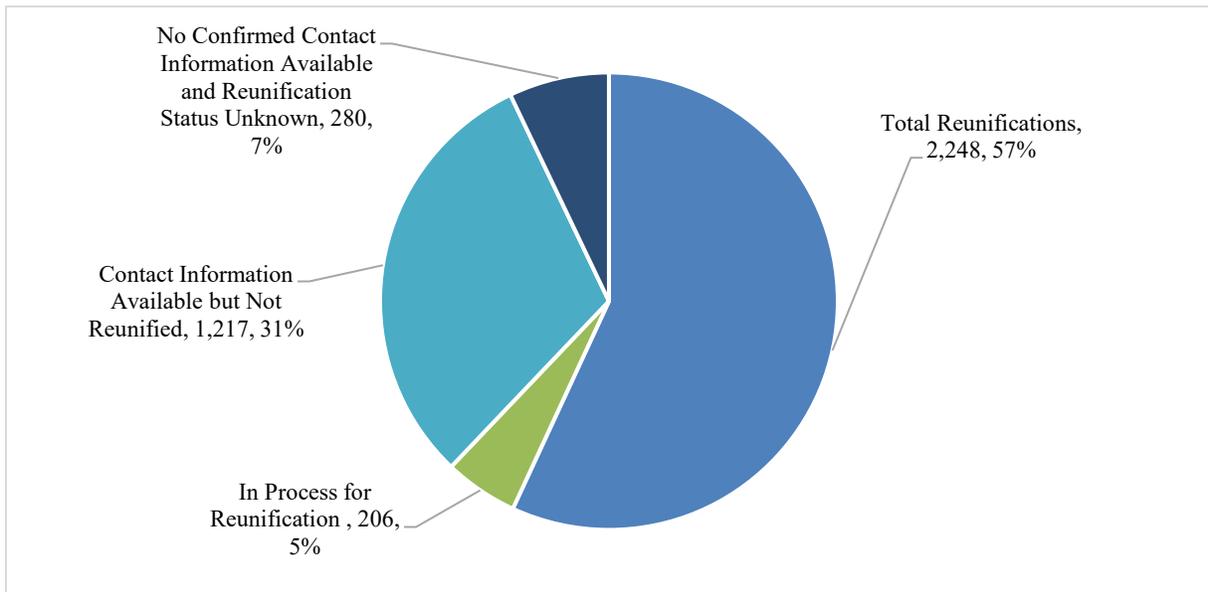
On February 2, 2021, President Biden signed Executive Order 14011 (E.O. 14011), *Establishment of Interagency Task Force on the Reunification of Families*. The Executive Order requires regular reports to the President, including:

- (i) an initial progress report no later than 120 days after the date of this order;
- (ii) interim progress reports every 60 days thereafter;
- (iii) a report containing recommendations to ensure that the Federal Government will not repeat the policies and practices leading to the separation of families at the border, no later than 1 year after the date of this order; and
- (iv) a final report when the Task Force has completed its mission.

III. Update on Task Force Data

During this reporting period, the Task Force improved certain datasets to better understand the full scope of separated families. As of November 17th, the Task Force identified 3,951 children within the scope of E.O. 14011 who were separated from their parents by DHS at the United States-Mexico Border between July 1, 2017 and January 20, 2021, based on the Zero-Tolerance Policy and related initiatives.² The Task Force is aware of 410 children who were returned to their home country, some with and some without their parents, and 1,710 parents who were returned to their home country, some with and some without their children. The Task Force confirmed 2,187 children have been reunified with their parents in the United States pursuant to a court order and through the efforts of non-governmental organizations (NGOs). The Task Force has reunified, through close coordination with the NGOs and attorneys representing the separated families, 61 children with their parents, bringing the total number of known reunified children to 2,248. To the Task Force’s knowledge there are 1,703 children who have not been reunified with their parents. Additionally, there are 206 children who are in the process of being reunified by the Task Force.³

Figure 1: Status of Contact with Separated and Reunified Families by Child



Source: DHS and records related to the *Ms. L.* and *Ms. J.P.* litigation.⁴

² The number of in scope separations has increased from 3,948 since the last interim progress report due to the Task Force’s continuous effort to refine and improve its data and tracking of prior family separations.

³ Please see Appendix A, Figure 1 for a comparison of reunification data reported in this report with the reunification data reported in the September 30, 2021 Interim Progress Report.

⁴ *Ms. L. v. ICE*, No. 18-cv-0428- DMS (MDD) (S.D. Cal. Mar. 8, 2019); *J.P. v. Sessions*, No. 2:18-cv-06081 (C.D. Cal) (Nov. 5, 2019).

IV. Recent Progress and Ongoing Efforts

The Task Force continues to make progress to improve the rate of family reunifications. Since the last interim progress report, the Task Force put into place protocols that help facilitate the Government of Guatemala's expeditious processing of requests for the issuance of passports submitted by or on behalf of separated parents in Guatemala. Additionally, noteworthy progress was made in contacting separated families and providing them with information on the reunification process. Finally, the Task Force continued to promote and improve its registration website, resulting in a consistent number of families registering on the website each week. While the number of family reunifications continues to be lower than what the Task Force projected, we are optimistic that continued outreach and improvement of support services will be the key solutions to break the barriers that are preventing parents from coming forward to reunite with their children.

Facilitating the Reunification of Families in Guatemala

During this reporting period, the Task Force partnered with the GOG to facilitate expedited passport processing for separated families to travel to the United States. Guatemalan nationals represent nearly sixty percent of the families separated who fall under the Task Force's mandate. As a result, facilitating process improvements in Guatemala dramatically impacts the rate of families returning to the United States. The GOG has offered support to the Task Force since the Task Force's inception; however, certain regulatory protections applicable to *Ms. L.* class members limited the Task Force's ability to act on the GOG's willingness to assist.

During this reporting period, the Task Force recommended the issuance of a DHS Secretarial waiver to allow DHS to share the name of the applicant with the GOG to help facilitate the GOG's expedited adjudication of passport applications.⁵ The disclosures will be made, to the extent possible, in such a manner as to avoid compromising the policy considerations underlying the nondisclosure protections that DHS generally affords pursuant to 8 C.F.R. 208.6 to asylum-related information. Importantly, the GOG was informed of the confidential and sensitive nature of the information provided and will ensure the information is appropriately protected from unauthorized disclosure through procedural and administrative safeguards, along with a plan to dispose of the information once it is no longer needed. Using this new waiver, DHS and DoS negotiated with the GOG to expedite a certain number of passport applicants on a weekly basis to ensure separated families can travel to the United States as quickly as possible.

Locating Families and Explaining Reunification Options

Progress on multiple fronts was made with locating families. First, as of November 13th, under the DoS/PRM project with UNHCR and KIND, 249 separated families were contacted and

⁵ 8 CFR 208.6 prohibits the U.S. government from disclosing to a third party information contained in or pertaining to any application for refugee admission, asylum, withholding of removal under section 241(b)(3) of the Act, or protection under regulations issued pursuant to the Convention Against Torture's implementing legislation, records pertaining to any credible fear determination conducted pursuant to § 208.30, and records pertaining to any reasonable fear determination conducted pursuant to § 208.31, without the written consent of the applicant, except as permitted by this section or at the discretion of the Secretary.

provided education, and 183 were registered on *Together.gov/Juntos.gov*. KIND estimates that to make contact with and register a family on the website on average will require approximately 20 hours per family. KIND will continue to work off the contact list the *Ms. L.* Steering Committee has provided of 448 separated parents, from which KIND has already contacted and registered 183 separated parents and anticipates receiving within the next few weeks an additional list of contact information from the Steering Committee for 301 more separated parents. KIND estimates they will have attempted at least initial contact with the full list of 749 separated parents for which the *Ms. L.* Steering Committee has contact information for by February 18, 2022.

Thereafter KIND will attempt to contact any new referrals received during the period, as well as continue follow-up outreach with families they have attempted to contact but have not yet reached successfully or not yet registered. KIND will continue with this approach throughout the remainder of the 12-month project term.

Second, the ACLU and NGOs continue to search for previously separated families and are working with the U.S. Agency for International Development (USAID) and International Organization for Migration (IOM) to see if additional contact information can be found. The Task Force met with the ACLU on a weekly basis this past reporting period to discuss contact and identify impediments, as well as areas in which the U.S. government may be able to assist in further facilitating the identification and location of separated families.

Finally, the ACLU and NGOs are working with the American Red Cross, to engage them in providing support and assistance in identifying and locating previously separated family members. The Red Cross' efforts may prove integral in finding families who remain difficult to locate and little is known about their whereabouts.

Supporting Separated Families when they Come Forward

Since the launch of the Task Force website, [Together.gov/Juntos.gov](https://www.together.gov/juntos.gov), 231 families have been identified as potentially eligible for Task Force support and referred to IOM to complete the parole application process and schedule travel to the United States. This represents 245 separated children. Four of the families have been processed and reunified and 227 are receiving support to complete the necessary steps for travel.

The Task Force also improved support to separated families through its website by updating available audio support with additional languages, now totaling seven, including four indigenous languages.⁶ It also continued revisions to the registration form that are based upon feedback received from NGOs and users.

Offering Parole for Previously Reunified Families in the United States

⁶ Available languages include: English, Spanish, Brazilian Portuguese, M'am, K'iche, Q'eqchi', and Q'anjob'al.

The Task Force recently offered a new process for previously reunified families located in the United States who were not admitted to the United States to request parole with USCIS. Under the *Ms. L.* court order, the U.S. government reunited around 2,000 children with their parents in 2018, most of whom remained in the United States.⁷ In an effort to provide those families with better stability, the Task Force coordinated with USCIS to establish a process for them to request parole, and if approved, to request employment authorization. USCIS will start accepting parole requests from this population shortly. Families may start the process by registering with *Together.gov* or *Juntos.gov*. Currently, the Task Force does not have funding to offer these families application support but is working closely with NGOs and the private sector to find interim options.

In addition, the Task Force believes that there are parents who may have returned to the United States to reunify with their children without USG knowledge. Identifying reunited families in the United States who request parole will help the Task Force better understand how many families remain separated.

Improving the Availability of Behavioral Health Services

The Task Force will continue to work with SAMHSA to develop a clear recommendation on future behavioral health services for reunited families. This includes tracking the upcoming award of a new behavioral health service contract prior to the end of the calendar year to avoid a lapse in services. The existing contract expires on January 10, 2022. The Task Force is working with HHS to support the Task Force's recommendations regarding the provision of additional services and support to the children and their families, including trauma-informed, culturally appropriate behavioral health case management and clinical services; parenting support and psychoeducation; and pre-reunification counseling.

Identifying a Long-Term Immigration Status Option

The Task Force continues to work within existing authorities to identify and find immigration status solutions for the reunified families and determine whether it can fund immigration legal services for these families. Noting such, legislation is needed to ensure families have lawful immigration status and long-term stability following their reunification in the United States.

Identifying Durable Funding Sources for E.O. Directed Action

The Task Force continues to meet with the Office of Management and Budget (OMB) and interagency partners to request and secure the appropriate funding on an annualized basis to fulfill the intent of E.O. 14011. In the interim, the Task Force continues to collaborate with NGOs to support the separated families, as appropriate. However, to provide the full range of support services anticipated in E.O. 14011, appropriated funds are needed.

Impact of Settlement Negotiations

⁷ *Ms. L. v. U.S. Immigration and Customs Enforcement*, 310 F. Supp. 3d 1133 (S.D. Cal. 2018).

The Task Force, Department of Justice (DOJ), and *Ms. L.* Class Counsel remain in settlement negotiations. These settlement negotiations are confidential, thereby limiting the Task Force's ability to speak publicly on its work. However, there has been continued collaboration and some agreement with Class Counsel on how to share certain information with the public that does not violate the confidentiality of the matters discussed during settlement negotiations. One such point of agreement is that the U.S. Government will pay the travel expenses for the separated parent, separated child, subsequently born children of the separated parent, and, on a case-by-case basis, some qualified additional family members, to come to the United States for purposes of reunification. The Task Force anticipates that settlement negotiations will continue and once finalized, will implement the directives of E.O. 14011.

V. Update on Parole Requests

The Task Force is using DHS' parole authority to permit separated family members, on a case-by-case basis, to enter the United States for purposes of reunification and to receive access to services. As of November 15, 2021, a total of 370 parole requests have been filed by separated parents and additional family members with USCIS through the process developed by the Task Force. USCIS averages 43 days to process parole requests, despite the increased demand caused by parole requests being filed by Afghan nationals seeking to come to the United States.

DHS awarded a contract to IOM to support separated families with in-country processing, including completing the parole request application to be filed with USCIS and obtaining required travel documents, such as passports and exit visas. As of November 15, 2021, IOM has 185 separated families in its processing queue. To date, IOM has received requests from families residing in Guatemala, El Salvador, Honduras, and Venezuela, with the majority being from Guatemala. The most significant cause for IOM's delay in processing is due to the GOG's handling and issuing of passports, which have recently been mitigated by negotiations with the GOG to expedite additional passport applications for separated families.

The Task Force is monitoring the entire parole process to ensure any impediments to the process are quickly identified and resolved. USCIS remains ready to receive and adjudicate 150 parole requests per week in furtherance of the Task Force's reunification efforts.

VI. Appendix:

Figure 1: Family Reunification Task Force Data Updates from the September 30th Report

Data Tracking Separated Children and Reunifications	September 30 th Report	November 29 th Report ⁸
In Scope for Task Force Support	3,948	3,951
Children Identified as Returned to Home Country	410	410
Parents Identified as Returned to Their Home Country	1,707	1,710
Total Reunifications	2,221	2,248
<i>Reunifications Prior to Task Force Establishment</i>	2,171	2,187
<i>Task Force Reunifications</i>	50	61
Remaining Children Not Reunified	1,727	1,703
<i>In Process for Reunification</i>	50	206
<i>Contact Information Available but Not Reunified</i>	1,296	1,217
<i>No Confirmed Contact Information Available and Reunification Status Unknown</i>	381	280

Source: DHS and records related to the *Ms. L.* and *Ms. J.P.* litigation.⁹

The Task Force data is continuously changing due to various efforts that include reviewing U.S. government datasets, contacting separated families, and learning about previously unknown family reunifications. As a result, numbers will increase and decrease from one report to the next, which should not be interpreted as a lack of progress. Learning about the status of separated families brings the Task Force closer to achieving its mandate to identify all separated children and enable and facilitate the reunification of all eligible families.

⁸ Data as of November 17, 2021.

⁹ *Ms. L. v. ICE*, No. 18-cv-0428- DMS (MDD) (S.D. Cal. Mar. 8, 2019); *J.P. v. Sessions*, No. 2:18-cv-06081 (C.D. Cal) (Nov. 5, 2019).