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| From: Homeland Security Committee <CHSDemPress@mail.house.gov> |
| Subject: Thompson, Bass to ICE: Stop Deportation Flight to Cameroon Now |
| Date: 2020/10/13 14:51:13 |
| Priority: Normal |
| Type: Note |

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FOR IMMEDIATE RELEASE

Thompson, Bass to ICE: Stop Deportation Flight to Cameroon Now

October 13, 2020 (WASHINGTON) – Today, Rep. Bennie G. Thompson (D-MS), Chairman of the Committee on Homeland Security, and Rep. Karen Bass (D-CA), Chairwoman of the Congressional Black Caucus, [sent a letter](#) to U.S. Immigration and Customs Enforcement (ICE) demanding it stop its plans to deport over 200 Cameroonian asylum seekers. Recent allegations have been raised that some of these individuals were coerced into signing documents effectuating their removal. Questions about the validity of travel documents have also been raised and warrant further review.

Letter excerpts:

On October 7, 2020, eight advocacy groups submitted a [complaint](#) to ICE, the Department of Homeland Security's (DHS) Office for Civil Rights & Civil Liberties, and the DHS Office of Inspector General detailing the accounts of eight Cameroonian asylum seekers at the Adams County Correctional Center in Natchez, Mississippi. According to the advocates who interviewed the eight detainees mentioned in the complaint, ICE and contract employees deployed pepper spray, physical restraints, and other use of force measures to obtain the signature or fingerprint of detainees on travel documents for their removal from the U.S. Advocates also stated that this is not an isolated incident and believe similar incidents to

have occurred at other facilities within ICE's New Orleans Field Office Area of Responsibility. If confirmed, these accounts would not only violate ICE's detention standards, but also the law.

The complaint also questions the validity of travel documents obtained for the Cameroonian detainees. According to reporting, travel documents ICE obtained last month for a Cameroonian detainee were deemed invalid by the Cameroon Embassy in Washington, D.C. While it is unclear whether the travel documents for the 200 Cameroonians slated for removal are similarly affected, these are serious allegations and must be investigated thoroughly.

Again, we urge you to halt the removal of Cameroonians until a fair, thorough, and transparent investigation into the allegations outlined in this very troubling complaint is complete.

[Link to letter](#)

#

Media contact: Adam Comis at (202) 225-9978



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| Sender: Homeland Security Committee <CHSDemPress@mail.house.gov> |
| Sent Date: 2020/10/13 14:50:14 |
| Delivered Date: 2020/10/13 14:51:13 |

From: Hymowitz, Emily (b)(6)
 (b)(6)
 (b)(6)

To: Readinger, Jeff (b)(6)
 (b)(6)

Subject: FW: SIGNIFICANT CORRESPONDENCE REPORT: 11.12.20

Date: 2020/11/13 14:24:26

Priority: Normal

Type: Note

FYSA.

Emily Hymowitz
 Office of Legislative Affairs
 Department of Homeland Security

(b)(6)

From: (b)(6) gov>
Sent: Thursday, November 12, 2020 3:11 PM
To: (b)(6) gov>
Subject: SIGNIFICANT CORRESPONDENCE REPORT: 11.12.20

| Control Number | Date Received | To | From | Summary | Tasked | Signature Level | Priority Due Date | FO Counselor | Interim Requirement |
|--------------------|---------------|-----|----------------------|---------|--------|---|-------------------|--------------|---------------------|
| 1202309 20-2864 | 11.12.20 | AS1 | Rep. Bass (CA) +4 | (b)(5) | ICE | Leadership Clearance/ Component Head | 11.27.20 | (b)(6) | No |

Regards,

(b)(6)

Office of the Executive Secretary
Office of the Secretary
U.S. Department of Homeland Security

Desk: (b)(6)

Cell (b)(6)

(b)(6) gov

"ESEC: Excellent Service, Endless Commitment"

| | |
|------------------------|------------------------|
| Sender: | Hymowitz, Emily (b)(6) |
| | (b)(6) |
| | (b)(6) |
| Recipient: | Readinger, Jeff (b)(6) |
| | (b)(6) |
| Sent Date: | 2020/11/13 14:24:25 |
| Delivered Date: | 2020/11/13 14:24:26 |

Significant Correspondence Report



11.12.20

| Control Number | Date Received | To | From | Summary | Tasked | Signature Level | Priority Due Date | FO Counselor | Interim Required |
|--------------------|---------------|-----|-------------------------|---------|--------|---|-------------------|--------------|------------------|
| 1202309 20-2864 | 11.12.20 | AS1 | Rep. Bass (CA) +4 | (b)(5) | ICE | Leadership Clearance/ Component Head | 11.27.20 | (b)(6) | No |

OFFICERS**Hon. Karen Bass**

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Hon. Dwight Evans

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November 10, 2020

The Honorable Chad F. Wolf
 U.S. Department of Homeland Security
 3801 Nebraska Ave, NW
 Washington, DC 20528

Dear Mr. Wolf:

We are deeply concerned about recent reports of the imminent removal of Cameroonian asylum-seekers by U.S. Immigration and Customs Enforcement (ICE). Cameroon is currently experiencing serious conflict. Approximately 700,00 people have been displaced, thousands have been killed or disappeared, and over 3.9 million people are in need of humanitarian assistance. We urge you to immediately stop the deportations of these legitimate asylum-seekers, including Cameroonians fleeing state oppression and mass atrocity crimes due to widespread violence.

The United States has acknowledged the conflict and political instability within Cameroon. In 2019, the State Department Country Report on Human Rights Practices in Cameroon cited extrajudicial killings, forced disappearances by security forces, torture, and arbitrary detention by security forces and nonstate armed groups. The United States Embassy in Yaoundé has also clearly highlighted the violence and human rights abuses in the country. Furthermore, citizens within Cameroon have been targets for government forces and armed separatist groups. Returning individuals to these conditions will endanger their lives and many will be at imminent risk of death.

We should uphold our commitments under international treaties related to refugees and asylum-seekers, stay true to American values, and not turn our backs on those fleeing conflict. Based on the conditions in Cameroon, and the U.S. government's recognition of its severity, we urge you to assist in halting these flights immediately. These deportations should be put on hold until the new administration is sworn in and able to carefully review these asylum claims, and a thorough investigation is completed.

Thank you for your attention to this urgent matter.

Sincerely,

RECEIVED

By ESEC External at 8:14 am, Nov 12, 2020

/s/
Karen Bass
Member of Congress

/s/
Bennie G. Thompson
Member of Congress

/s/
Sheila Jackson Lee
Member of Congress

/s/
Cedric Richmond
Member of Congress

/s/
Ilhan Omar
Member of Congress

cc: Tony H. Pham, Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

Page 09

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 10

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

Page 11

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Page 15

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of the Freedom of Information and Privacy Act

Page 16

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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|------------------|--|
| From: | (b)(6) |
| To: | McGarry, Natalie (b)(6) |
| Subject: | FW: Clearance (Service 1202309) (Intranet Quorum IMA007644583) |
| Date: | 2020/11/24 13:42:00 |
| Priority: | Normal |
| Type: | Note |

(b)(6)

No substantive comment/edits. Note that this letter is from the Congressional Black Caucus (CBC) and not from the member office. The response should be addressed to the CBC chair.

(b)(6)

-----Original Message-----

From: (b)(6) GOV> On Behalf Of OLA Exec Sec
 Sent: Monday, November 23, 2020 6:34 PM
 To: (b)(6) gov>; (b)(6) dhs.gov>; McGarry, Natalie (b)(6) gov>; (b)(6) gov>
 CC: OLA Exec Sec (b)(6) GOV>; Blake, Michelle (b)(6) gov>; (b)(6) gov>
 Subject: Clearance (Service 1202309) (Intranet Quorum IMA007644583)

Please clear or comment on the attached draft by 4pm tomorrow, Nov 24th

Summary (b)(5)

| | |
|------------------------|-------------------------|
| Sender: | (b)(6) |
| Recipient: | McGarry, Natalie (b)(6) |
| Sent Date: | 2020/11/24 13:41:42 |
| Delivered Date: | 2020/11/24 13:42:00 |

| | |
|------------------|---|
| From: | OLA Exec Sec (b)(6) |
| Sent Via: | (b)(6) |
| To: | (b)(6) McGarry, Natalie (b)(6) |
| CC: | OLA Exec Sec (b)(6) (b)(6) Blake, Michelle (b)(6) |
| Subject: | REMINDER Clearance (Service 1202309) (Intranet Quorum IMA007644583) |
| Date: | 2020/11/24 14:14:11 |
| Due Date: | 2020/11/23 19:00:00 |
| Priority: | Normal |
| Type: | Note |

REMINDER - This is due today at 4pm

-----Original Message-----

From: (b)(6) GOV> On Behalf Of OLA Exec Sec
Sent: Monday, November 23, 2020 6:34 PM
To: (b)(6) gov>; (b)(6) gov>; McGarry, Natalie (b)(6) gov>; (b)(6) gov>;
CC: OLA Exec Sec (b)(6) GOV>; Blake, Michelle (b)(6) gov>; (b)(6) gov>
Subject: Clearance (Service 1202309) (Intranet Quorum IMA007644583)

Please clear or comment on the attached draft by 4pm tomorrow, Nov 24th

Summary- (b)(5)

| | |
|-------------------|-----------------------------------|
| Sender: | OLA Exec Sec (b)(5) |
| Recipient: | (b)(5) McGarry, Natalie (b)(6) |

| | |
|------------------------|------------------------|
| | (b)(5) |
| | OLA Exec Sec (b)(5) |
| | (b)(5) |
| | Blake, Michelle (b)(5) |
| | (b)(5) |
| Sent Date: | 2020/11/24 14:14:09 |
| Delivered Date: | 2020/11/24 14:14:11 |

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November 10, 2020

The Honorable Chad F. Wolf
 U.S. Department of Homeland Security
 3801 Nebraska Ave, NW
 Washington, DC 20528

RECEIVED

By ESEC External at 8:14 am, Nov 12, 2020

Dear Mr. Wolf:

We are deeply concerned about recent reports of the imminent removal of Cameroonian asylum-seekers by U.S. Immigration and Customs Enforcement (ICE). Cameroon is currently experiencing serious conflict. Approximately 700,00 people have been displaced, thousands have been killed or disappeared, and over 3.9 million people are in need of humanitarian assistance. We urge you to immediately stop the deportations of these legitimate asylum-seekers, including Cameroonians fleeing state oppression and mass atrocity crimes due to widespread violence.

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We should uphold our commitments under international treaties related to refugees and asylum-seekers, stay true to American values, and not turn our backs on those fleeing conflict. Based on the conditions in Cameroon, and the U.S. government's recognition of its severity, we urge you to assist in halting these flights immediately. These deportations should be put on hold until the new administration is sworn in and able to carefully review these asylum claims, and a thorough investigation is completed.

Thank you for your attention to this urgent matter.

Sincerely,

/s/
Karen Bass
Member of Congress

/s/
Bennie G. Thompson
Member of Congress

/s/
Sheila Jackson Lee
Member of Congress

/s/
Cedric Richmond
Member of Congress

/s/
Ilhan Omar
Member of Congress

cc: Tony H. Pham, Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

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November 10, 2020

RECEIVED

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 U.S. Department of Homeland Security
 3801 Nebraska Ave, NW
 Washington, DC 20528

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Sincerely,

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Member of Congress

/s/
Bennie G. Thompson
Member of Congress

/s/
Sheila Jackson Lee
Member of Congress

/s/
Cedric Richmond
Member of Congress

/s/
Ilhan Omar
Member of Congress

cc: Tony H. Pham, Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

| | |
|------------------|---|
| From: | OLA Exec Sec (b)(6) |
| SentVia: | (b)(6) |
| To: | Lange, John (b)(6) |
| CC: | OLA Exec Sec (b)(6) Blake, Michelle (b)(6) |
| Subject: | FW: Overdue Clearance (Service 1202309) |
| Date: | 2020/11/30 09:11:12 |
| Priority: | Normal |
| Type: | Note |

COS Lange can I have the status of this overdue clearance

-----Original Message-----

From: (b)(6) GOV> On Behalf Of OLA Exec Sec
 Sent: Friday, November 27, 2020 10:22 AM
 To: Lange, John (b)(6) gov>
 Cc: OLA Exec Sec (b)(6) GOV>; Blake, Michelle (b)(6) gov>; (b)(6) gov>
 Subject: Overdue Clearance (Service 1202309)

COS Lange can I have the status of this overdue clearance

-----Original Message-----

From: (b)(6) GOV> On Behalf Of OLA Exec Sec
 Sent: Tuesday, November 24, 2020 2:38 PM
 To: Lange, John (b)(6) gov>
 Cc: OLA Exec Sec (b)(6) GOV>; Blake, Michelle (b)(6) gov>; (b)(6) gov>
 Subject: FW: Clearance (Service 1202309) (Intranet Quorum IMA007644583)

Cleared by Dir McGarry with the following comment - suggests addressing the letter to Rep. Karen Bass as the Chair of the CBC.

Please clear or comment on the attached draft by 11am tomorrow, Nov 25th

Summary- (b)(5)

-----Original Message-----

From: McGarry, Natalie (b)(6) gov>
 Sent: Tuesday, November 24, 2020 2:28 PM
 To: OLA Exec Sec (b)(6) GOV>; (b)(6) gov>; (b)(6) gov>; SANDER, LAUREN (b)(6) gov>
 Cc: Blake, Michelle (b)(6) gov>; (b)(6) gov>
 Subject: RE: Clearance (Service 1202309) (Intranet Quorum IMA007644583)

OCC suggests addressing the letter to Rep. Karen Bass as the Chair of the CBC.

-----Original Message-----

From: (b)(6) GOV> On Behalf Of OLA Exec Sec

Sent: Monday, November 23, 2020 6:34 PM

To: (b)(6) gov>; (b)(6) gov>; McGarry, Natalie

(b)(6) gov>; (b)(6) gov>

Cc: OLA Exec Sec (b)(6) GOV>; Blake, Michelle (b)(6) gov>; (b)(6)

(b)(6) gov>

Subject: Clearance (Service 1202309) (Intranet Quorum IMA007644583)

Please clear or comment on the attached draft by 4pm tomorrow, Nov 24th

Summary- (b)(5)

| | |
|------------------------|---|
| Sender: | OLA Exec Sec (b)(6) (b)(6) |
| Recipient: | Lange, John (b)(6) (b)(6) OLA Exec Sec (b)(6) (b)(6) Blake, Michelle (b)(6) (b)(6) |
| Sent Date: | 2020/11/30 09:11:00 |
| Delivered Date: | 2020/11/30 09:11:12 |

Significant Correspondence Report



12.18.20

| Control Number | Date Received | To | From | Summary | Tasked | Signature Level | Priority Due Date | FO Counselor | Interim Required |
|--------------------|---------------|------------------------------------|---------------------------|---------|--------|--|-------------------|--------------|------------------|
| 1202995 20-2853 | 12.18.20 | AS1 | Chairman Thompson (MS) | (b)(5) | MGMT | Leadership Clearance / Component Head | 01.06.20 | (b)(6) | No |
| 1202996 20-2854 | 12.18.20 | AS1 SOPDDS Pham Joseph Edlow | Rep. Nadler (NY) | | USCIS | Leadership Clearance / Component Head | 01.06.20 | | No |



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

December 17, 2020

The Honorable Chad F. Wolf
Department of Homeland Security
Washington, D.C. 20528

RECEIVED
By ESEC at 8:39 am, Dec 18, 2020

Dear Mr. Wolf:

I write again to express my profound concern regarding the rise in the number of Department of Homeland Security (DHS) employees infected with COVID-19 and urge the Department to provide its employees with access to testing. I am also concerned about whether the Department has adequately prepared to provide employees with access to COVID-19 vaccines now that they are becoming available.

I first wrote to you in July after DHS reached a record high number of employees that had tested positive or were in quarantine since the Department began regularly reporting such data to the Committee.¹ Unfortunately, these numbers have continued to increase at an alarming rate. DHS has reported a new record number of confirmed COVID-19 cases among its employees each week this month, bringing the current number of cases to more than double that reported to the Committee in July.

While I recognize that many of the Department's employees are on the front lines and that infection rates have increased across the nation, it appears that the Department is failing to take simple steps to limit transmission of the virus. Specifically, I understand that the Department is not testing employees who conduct mission-essential travel and, therefore, are at a higher risk of exposure to COVID-19.

For example, Federal Air Marshals within the Transportation Security Administration (TSA) continue to fly to protect us against terrorist attacks. Without sufficient testing, they risk not only contracting the virus but spreading it to others. Additionally, since August, U.S. Customs and Border Protection (CBP) has deployed over 500 officers from across the United States to the southwest border to temporarily assist the U.S. Border Patrol despite objections to this plan, which I share.²

¹ Letter from Bennie G. Thompson, Chairman, Committee on Homeland Security to the Honorable Chad F. Wolf, Department of Homeland Security, July 11, 2020.

² Letter from Bennie G. Thompson, Chairman, Committee on Homeland Security, and Kathleen M. Rice, Chairwoman, Subcommittee on Border Security, Facilitation, and Operations to the Honorable Chad F. Wolf,

Tragically, at least 26 employees at TSA and CBP have already passed away from COVID-19. These components also continue to account for a majority of the Department's COVID-19 cases—74 percent of active cases and 68 percent of overall cases.

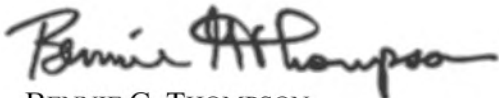
It is troubling that some employees who conduct mission-essential travel have to rely on local health resources if they need a test, even though DHS recently awarded four contracts worth a potential total of \$2 billion to support testing throughout the Department and its components.³ It is the Department's responsibility to ensure the health and safety of its frontline employees and their equal access to reliable testing capabilities nationwide. This is critical since testing capacity at many local facilities has been overwhelmed by the surge in cases across the United States.⁴

To enable the Committee to better understand how DHS will protect the health and safety of its employees, I request that the Department provide the following information no later than December 30, 2020:

1. DHS's plan to utilize the newly awarded contracts to support testing throughout the Department and its components;
2. Information on each component's testing regime, particularly for frontline employees; and
3. The Department and each component's plans for providing its employees access to the COVID-19 vaccine, including an explanation for how vaccinations will be prioritized based on job description or location.

Thank you for your attention to this urgent matter.

Sincerely,



BENNIE G. THOMPSON
Chairman

Department of Homeland Security, and Mark A. Morgan, Chief Operating Officer and Senior Official Performing the Duties of the Commissioner, U.S. Customs and Border Protection, July 15, 2020.

³ COVID-19 Testing Solutions, Combined Synopsis/Solicitation, Notice ID 70RDAD20R00000012, <https://beta.sam.gov/opp/85f2c41c66eb45b4bb063a0a32484d02/view>, and [USAspending.gov](https://www.usaspending.gov), https://www.usaspending.gov/award/CONT_IDV_70RDAD21D00000001_7001, https://www.usaspending.gov/award/CONT_IDV_70RDAD21D00000002_7001, https://www.usaspending.gov/award/CONT_IDV_70RDAD21D00000003_7001, https://www.usaspending.gov/award/CONT_IDV_70RDAD21D00000004_7001.

⁴ William Marx, *Covid-19 testing capacity strained by surge in demand*, NBC News, Dec. 5, 2020, <https://www.nbcnews.com/news/us-news/covid-19-testing-capacity-strained-surge-demand-n1249592>.

Congress of the United States
Washington, DC 20515

December 17, 2020

The Honorable Chad F. Wolf
Acting Secretary
Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Mr. Tony H. Pham
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

Mr. Joseph Edlow
Deputy Director for Policy
U.S. Citizenship and Immigration Services
301 7th Street, SW
Washington, DC 20528

Dear Acting Secretary Wolf, Acting Director Pham, and Deputy Director Edlow:

We write to express our serious concerns regarding reports that the Department of Homeland Security (DHS) is proceeding with the removal of asylum seekers who have not been provided a full and fair opportunity to present their claims for relief. We ask that you direct your staff to take immediate steps to identify and suspend the removal of individuals who were denied an appropriate credible fear screening due to rules and policies that have since been enjoined or vacated by federal courts. Such individuals should receive appropriate screenings, and where a credible fear of persecution is found, a full opportunity to have their asylum or related applications for relief adjudicated.

As you are aware, in July 2020, the D.C. Circuit Court of Appeals struck down the U.S. Citizenship and Immigration Services (USCIS) policy guidance implementing the Attorney General's decision in *Matter of A-B-* in the credible fear screening context, on grounds that the guidance impermissibly raised the threshold for such screenings for survivors of domestic and gang violence.¹ In addition, a district court struck down the May 2019 USCIS Credible Fear Lesson Plan, finding that it directly conflicts with the expedited removal statute and its implementing regulations.² Similarly, the July 2019 interim final rule that bars from asylum eligibility individuals who did not apply for and receive a denial of asylum in a third country through which they traveled was both vacated and separately enjoined in the Ninth Circuit Court of Appeals.³ Although a new final version of this rule was published

¹ *Grace v. Barr*, No. 19-5013 (D.C. Cir. 2020).

² *Kiakombua v. Wolf*, No. 19-cv-01872 (D.D.C. 2020). The federal district court for the District of Columbia has struck down as unlawful several other policies and procedures related to credible fear screenings. See, e.g., *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 37 (D.D.C. 2020); *A.B.-B. v. Morgan*, No. 20-cv-846 (D.D.C. 2020).

³ *Capital Area Immigrants' Rights Coalition v. Trump*, No. 19-cv-2117 (D.D.C. 2020); *East Bay Sanctuary Covenant v. Barr*, No. 19-cv-04073 (9th Cir. 2020).

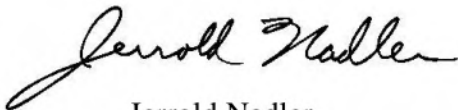
on December 17, 2020, it will not take effect until January 19, 2021, and should not be applied at this time.⁴

These policies have resulted in the expedited removal of legitimate asylum seekers, many of whom were returned to their country of persecution with devastating consequences. We were deeply disturbed, for example, by the removal of numerous Cameroonian asylum seekers in October and November, who were reported to have been arrested or violently mistreated upon their return due to their ethnicity or political affiliation.⁵ Reports indicate that many such individuals were removed notwithstanding pending motions to reopen or petitions for review based on the aforementioned vacated or enjoined policies.⁶ Further, we understand that a group of 28 children and their parents are facing imminent removal based on negative credible fear determinations made pursuant to these policies.⁷

These individuals—and all others denied a fair opportunity to seek asylum as a result of policies that have been suspended or struck down as unlawful—should have their cases reviewed and receive credible fear screenings under appropriate standards. If they are found to meet the initial credible fear threshold, they must be afforded a full opportunity to seek asylum or other relief for which they may be eligible.

Thank you for your urgent attention to this matter.


Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary



Zoe Lofgren
Chair
Subcommittee on Immigration and Citizenship



Nita M. Lowey
Chairwoman
House Committee on Appropriations



Lucille Roybal-Allard
Chairwoman
House Appropriations Subcommittee on
Homeland Security

⁴ See 85 Fed. Reg. 82260 (Dec. 17, 2020). In addition, the final rule makes no substantive changes to the interim rule, and as explained by the Ninth Circuit in *East Bay Sanctuary Covenant v. Barr*, “does virtually nothing to ensure that a third country is a safe option.” No. 19-cv-04073 (9th Cir. 2020). Like the interim rule, the final rule is therefore substantively flawed and inconsistent with section 208 of the Immigration and Nationality Act.

⁵ John Washington, *Cameroonian Asylum Seekers Say They Face Violent Persecution Upon Deportation*, THE NATION (Nov. 9, 2020), <https://www.thenation.com/article/politics/cameroon-asylum-deportation-immigration/>.

⁶ Others claim, in a complaint pending with the DHS Office for Civil Rights and Civil Liberties, that they had not exhausted their procedural due process rights prior to being slated for removal. See October 7, 2020 [complaint](#) filed by the Cameroon American Council, Freedom for Immigrants, Louisiana Advocates for Immigrants in Detention, Southern Poverty Law Center (SPLC), Detention Watch Network (DWN), Natchez Network, Haitian Bridge Alliance, and Families for Freedom.

⁷ See, e.g., Amnesty International, *Immigrant Children and Attorneys’ Pleas: Stop Family Deportations* (Nov. 18, 2020), <https://www.amnestyusa.org/press-releases/immigrant-children-and-attorneys-plea-stop-family-deportations/>. The U.S. Court of Appeals for the District of Columbia issued a temporary stay of removal on November 23, 2020, but that stay was recently lifted. *M.D.C. v. Trump*, No. 20-5347 (D.C. Cir. 2020).

Congress of the United States
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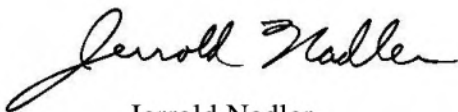
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REP. BENNIE THOMPSON (D-MS-02)
Chairman



Birthdate: January 28, 1948
Birthplace: Bolton, Mississippi
Education: Jackson State University (MS)
Tougaloo College (BA)
Family: Married (b)(6)
of terms: 15 terms (1993)
Committees: • Homeland Security
Caucuses • Congressional Black Caucus
• Congressional Law Enforcement Caucus

Biography

Chairman Thompson is the returning Homeland Security Chairman from the 116th Congress and previously served in the position from 2007 to 2011. Thompson is both the first Democrat and the first African American to chair the Committee and is the longest-serving African American elected official in the state of Mississippi. He says one of his top priorities is increasing transparency between DHS and his Committee.

Chairman Thompson supports:

- COVID-19 mitigation legislation, oversight, and funding. Concerned about how the pandemic impacts the Department's workforce;
- Methods to improve DHS employee morale and diversity;
- Small and disadvantaged business utilization;
- Legislation and funding that supports combating domestic terrorism;
- Extension of Temporary Protected Status;
- Pathway to citizenship for Deferred Action for Childhood Arrivals (DACA) recipients;
- The second impeachment of President Trump;
- Additional resources for U.S. Customs and Border Protection (CBP) to reinforce ports of entry;
- Increased border surveillance through the effective use of personnel, technology, and some infrastructure enhancements;
- DHS cybersecurity authorities and centralizing them at the Cybersecurity and Infrastructure Security Agency (CISA); and
- Election security.

Chairman Thompson opposes:

- The use of facial recognition technology until privacy, transparency, data security, and the accuracy of this technology improves;
- The majority of the Trump Administration's immigration and border security positions;
- Construction of additional border wall;
- Deployment of Department of Defense active duty personnel at the Southern Border (cites cost and the lack of an engagement strategy);
- DHS's public charge immigration rule; and
- Extension of *Flores* to facilitate extended family detention.

Member Intel

- **Homeland Security Committee Jurisdiction:** On January 25, 2021, Speaker Pelosi announced that the House Committee on Homeland Security and other House Committees have reached an agreement on a Memorandum of Understanding on jurisdictional issues regarding the Department of Homeland Security:

“Reform of the Department of Homeland Security is urgently needed to ensure that it can achieve its critical mission: to keep the American people safe from all threats... To that end, I salute Chair Bennie Thompson and the other House Committee Chairs for reaching this important agreement, which will lay the groundwork for the oversight and improvement of DHS.”

The Memorandum of Understanding reflects agreement among the Chairs that, to the maximum extent practicable, committees with jurisdiction over components of the Department will not only coordinate with the Committee on Homeland Security to produce comprehensive authorization legislation for the Department but also consult with the Committee on Homeland Security prior to consideration of component authorization legislation in a committee markup. The Committee on Homeland Security will similarly consult and coordinate with any other committee that is a party to this agreement that is a committee with jurisdiction over that component.

- **Reauthorization of DHS:** The 115th Congress did not complete a DHS authorization bill; a measure was introduced, marked-up, and reported out of the House Committee on Homeland Security and similar action was done by the Senate Homeland Security and Governmental Affairs Committee, on portions of the House passed bill. However, the bill did not receive Senate floor action. In the 116th Congress, many provisions from the previous Congress were reintroduced as stand-alone bills, particularly in the House. Historically, the House and Senate Homeland Committees would again work on a jurisdictionally stripped down and narrowly crafted authorization bill that both committees may act on; however, due to the pandemic this did not occur in 2020. Instead, near the end of the 116th Congress, Chairman Thompson introduced a reauthorization bill, H.R. 8791, *DHS Reform Act of 2020*, as a legislative marker for consideration in the 117th Congress.
- **DHS National Terrorism Advisory System (NTAS) Bulletin:** Chairman Thompson made the following statement regarding DHS issuing an NTAS bulletin on the domestic terrorism threat in the wake of the attack on the Capitol:

“I commend DHS for issuing today’s National Terrorism Advisory System (NTAS) Bulletin. The domestic terrorism attack on our Capitol earlier this month shined a light on a threat that has been right in front of our faces for years. I am glad to see that DHS fully recognizes the threat posed by violent, right-wing extremists, and is taking efforts to communicate that threat to the American people. In this heightened threat environment, the Senate must move quickly to confirm Alejandro Mayorkas as Secretary of Homeland Security. I look forward to working with him once he is confirmed to tackle this and the many other challenges facing the homeland.”

- **Nomination of Alejandro Mayorkas as DHS Secretary:** Chairman Thompson made the following comment regarding the nomination, “I commend President-elect Biden for his pick of Alejandro Mayorkas to be the next Secretary of Homeland Security. He is a seasoned leader and veteran of DHS who will undoubtedly be ready on Day One. His immigration and cybersecurity experience, together with his significant management experience, make him uniquely qualified to build DHS back better after years of neglect and being used as a political weapon by President Trump. Mr. Mayorkas will need our support with what will certainly be a full plate: from the rise of domestic terrorism and the coronavirus pandemic to cyber threats to our infrastructure and the fallout from the Trump Administration's failed border and immigration policies. I urge the Senate to act expeditiously on this nomination as DHS has been without permanent leadership for over a year and half.”

After the confirmation on February 2, Chairman Thompson released the following statement: “I am glad that the Senate finally confirmed Mr. Mayorkas to be the next Secretary of Homeland Security. But given the importance of this national security cabinet post, he should have been confirmed on day one of the Biden Administration. DHS has been without a permanent leader for almost two years, and there was no valid reason for Senate Republicans to filibuster and delay his confirmation.”

- **Removal Operations:** Chairman Thompson Team has been interested in the current status of U.S. Immigration and Customs Enforcement (ICE) removals, particularly those involving Cameroonian asylum-seekers. On October 13, 2020, Chairman Thompson and Rep. Karen Bass (D-CA), then-chair of the Congressional Black Caucus, wrote to ICE concerning plans to deport over 200 Cameroonians. Per the letter: advocacy groups submitted a complaint to ICE, CRCL, and the DHS OIG regarding eight Cameroonian asylum seekers at the Adams County Correctional Center in Natchez, Mississippi. “According to the advocates who interviewed the eight detainees mentioned in the complaint, ICE and contract employees deployed pepper spray, physical restraints, and other use of force measures to obtain the signature or fingerprint of detainees on travel documents for their removal from the U.S.”
- **Civil Unrest/Law Enforcement Reform:** Chairman Thompson stated regarding activity in Portland, Oregon, “Americans across the country are watching what the [Trump] Administration is doing in Portland with horror and revulsion and are wondering if their cities could be President Trump’s next targets. The Administration’s actions are not only violent and clearly politically motivated, they are anathema to the rights guaranteed by the Constitution and a threat to every value for which our Republic stands. Despite this extreme escalation, DHS has given Congress no

justification for its actions. The Administration must be accountable to Congress and the American people – and we must hear from Acting Secretary Wolf directly. The future of our democracy is at stake.”

- **U.S. Coast Guard (USCG) Working Group on Harassment:** Chairman Thompson made the following statement regarding the USCG’s implementation of the recommendations contained in the Committees’ joint investigatory staff report on how the Coast Guard has handled reports of harassment, bullying, and retaliation. “We are very pleased that Coast Guard leadership convened a working group and implemented the institutional reforms our Committees recommended. As a result of our investigation, we know the Coast Guard faces major climate and cultural challenges and its leadership lacks proper accountability. The significant policy changes the Commandant has directed are a testament to the bravery of Lieutenant Commander Kimberly Young-McLear and other whistleblowers who have come forward in the face of retaliation. These changes are critical to ensuring that the Coast Guard’s anti-harassment and anti-bullying programs are fair and effective. We look forward to continuing to work with the Coast Guard to ensure that, as the Commandant has stated, implementation of these recommendations will be just the start of the service’s institutional reforms.”
- **DHS Cyber Attack:** Chairman Thompson supports increased funding for CISA, and he has engaged with House leadership to support it.
- **Cybersecurity Support to State and Locals:** On May 18, 2020, House Homeland Members sent letters to Senate and House leadership, urging recurring and one-time investments in modernizing state and local government technology systems. Chairman Thompson has also supported other efforts to authorize grants for state and local cybersecurity.
- **Facial Recognition Technology:** On December 20, 2019, after the release of a National Institute of Standards and Technology report, Thompson sent a letter to the then Acting DHS Secretary calling out the technology’s “unreliability and racial bias.” The Chairman requested DHS to conduct an immediate assessment of whether it should halt current facial recognition operations and plans for future expansion.

At a July 10, 2019, House Homeland hearing on facial recognition technology, he provided a quick summary of his position: “I’m not opposed to biometric technology and recognize it can be valuable to homeland security and facilitation. However, its proliferation across DHS raises serious questions about privacy, data security, transparency and accuracy. The American people deserve answers to those questions before the federal government rushes to deploy biometrics further...” Thompson has concerns about the use of these systems on U.S. citizens, the accuracy of the systems on minorities, citing an ACLU test of 25,000 publicly available photos in July 2018.

During a February 2020 hearing on the same topic, Thompson questioned a DHS Office for Civil Rights and Civil Liberties witness about the office’s role in overseeing the Department’s facial recognition technology efforts. Chairman Thompson indicated that he is not wholly opposed to the use of facial recognition technology, recognizing that it can be valuable to homeland security and

serves as a facilitation tool for the Department's varying missions. The Chairman remains deeply concerned about privacy, transparency, data security, and the accuracy of this technology, and wants to ensure these concerns are addressed before the Department deploys it further.

- **COVID-19:** Chairman Thompson supports funding and legislation to mitigate the impacts of the pandemic. Specifically, in December 2020, the Chairman voted to pass H.R. 133, the Coronavirus Response and Relief Supplemental Appropriations Act. He also supported the March 2020, *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act). He stated, "COVID-19 does not know anything about country borders, state line or any boundaries. By now we all know COVID-19 is not a hoax and never was. I joined fellow Democrats early on, in the fight. Our strategy is to listen to the experts, learn the facts, and respond with resources like American lives depend on it."

On February 2, Chairman Thompson tweeted: "Like other struggling Americans, my constituents have waited far too long for additional #COVID relief & they cannot afford any more delays. That's why @HouseDemocrats have a plan to deliver the critical relief included in @POTUS' #AmericanRescuePlan one way or another."

Chairman Thompson has noted concerns about the virus disproportionately impacting persons of color and remains concerned about COVID-19's impact on the DHS workforce. In a February 3 press release, Thompson noted: "Initial reporting indicates African American and Hispanic populations across the country are being vaccinated at a rate dramatically lower than the rest of the population. For example, in Mississippi, African Americans represent roughly 38.3% of COVID-19 cases and 41.5% of COVID deaths but account for only 15.3% of vaccinations. Similarly, in Florida, African Americans represent roughly 14.6% of COVID-19 cases and 16.5% of COVID-19 deaths, but account for only 5.7% of vaccinations."

- **Migrant Protection Protocols (MPP):** In November 2019, Chairman Thompson visited the MPP facility in Matamoros, Mexico, outside of Brownsville. He said it was worse than camps they have visited in Somalia and Syria, where camps were far better run and supported. "It's a depressing situation. It has serious health and sanitary issues. There are potential security issues and just a total breakdown of any infrastructure for those individuals living in tents.... I have yet to see any involvement by the Mexican government of note." Stated that he does not understand why the Trump Administration "keeps patting themselves on the back for putting more and more people in harm's way. Congress has no intention of rubber-stamping the [Trump] administration's terrible immigration policies that would dramatically expand family detention, indefinitely lock up children and send migrants into dangerous conditions."
- **DACA:** Chairman Thompson made the following statement about the Trump Administration's refusal to restart the DACA program: "The senior leadership at the Department must stop blatantly ignoring the Supreme Court's very clear ruling and stop wasting time coming up with new and cruel ways to throw Dreamers' lives into chaos. From day one, this Administration has made it clear that they would like nothing more than to end the program. Multiple courts – including our highest court – have not allowed it. It should not be difficult for DHS to do the right thing and restore the DACA program fully immediately. Dreamers are part of this country and nothing will change that. We will

not allow them to be used as a bargaining chip in negotiations – or as a pawn in the President [Trump’s] reelection campaign.”

- **Guatemala Asylum Cooperative Agreement (ACA):** Called the agreement’s effects as “xenophobic and racist. . . . Plain and simple, this is the [P]resident [Trump] lashing out in an attempt to keep those seeking safety out of the country.”
- **Family Separation:** Chairman Thompson joined several of his colleagues in the 116th Congress to issue a joint statement on the release of the details about the DHS Family Separation policy memorandum. The statement described the policy as “horrific” and “raised grave questions about the veracity of [former] Secretary Nielsen’s sworn testimony to Congress.” He also demanded that former Secretary Nielsen, former Commissioner McAleenan, DOJ, and HHS needed to appear before his Committee in order to “to answer for this cruel and heartless policy.”
- **Care at ICE Facilities:** In September of 2020, Chairman Thompson released a majority staff report finding that “ICE fails to conduct proper oversight of migrant detention facilities, leaving deficiencies unidentified and uncorrected, and that ICE facilities frequently fail to meet basic standards of care.”

The Committee also found that DHS’s “oversight of ICE facilities fails to identify and correct deficiencies. Inspections are too broad, too infrequent, and preannounced, while the contractor that conducts annual inspections of ICE detention facilities is not fully capable. Also, DHS has few mechanisms to force facilities to correct problems and rarely uses those that are available. Unfortunately, DHS continues to contract with facilities that do not meet ICE’s own standards and ICE seemingly prioritizes obtaining bed space over the well-being of detainees in its care.”

- **Diversity & Inclusion:** Chairman Thompson has a longstanding interest in the Department’s diversity of hires.
- **Morale:** Chairman Thompson is a strong supporter of improved morale at the Department. In the 117th Congress he introduced H.R. 490 that is intended to amend the Homeland Security Act of 2002 to improve morale within the DHS workforce by conferring new responsibilities to the Chief Human Capital Officer, establishing an employee engagement steering committee, requiring action plans, and authorizing an annual employee award program.
- **Domestic Terrorism:** Chairman Thompson supports legislation and funding to combat domestic terrorism. Sponsored H.R. 3106, *Domestic and International Terrorism DATA Act*, in the 116th Congress that requires a joint domestic and international terrorism report and authorizes research within DHS on current trends in domestic terrorism. Elements of this bill were included in the House Appropriations report. DHS routinely briefs his staff on the Department’s effort regarding targeted violence and terrorism prevention.

The Committee held a February 4 hearing on “Examining the Domestic Terrorism Threat in the Wake of the Attack on the U.S. Capitol,” saying: “This hearing will be the Committee’s first in its

ongoing investigation into the events of that day as well as the Federal response to the attack and the domestic violent extremism threat. This hearing will provide Members the opportunity to 1) examine the circumstances that led to the attack on the U.S. Capitol and preceding domestic terrorism incidents, 2) discuss how to support communities affected by domestic terrorism, and 3) assess how to counter the threat and prevent future domestic terrorism attacks.” Witnesses: Former DHS A/S for Counterterrorism and Threat Prevention Elizabeth Neumann and representatives from the DC government, Anti-Defamation League, and RAND Corp.

- **Small Business Utilization:** A personal interest item of Chairman Thompson is ensuring that DHS increases its contracting opportunities for and with small and disadvantaged businesses, particularly those classified as 8(a) under the Small Business Act. DHS has received an “A” or an “A+” score from the Small Business Administration for the past decade for its contracting efforts with small and disadvantaged businesses. The Chairman regularly seeks the Department’s commitment to support DHS efforts and to increase these contracting opportunities.
- **National Emergency Declaration:** Vocally condemned President Trump’s emergency declaration at the Southern Border as a violation of the Constitution.
- **DHS Volunteer Force:** Raised concern with the Department’s Volunteer Force to support CBP and ICE efforts at our Southern Border. His concerns centered on Transportation Security Administration (TSA) Officers being pulled from their posts at airports to supplement efforts on the border.
- **TSA Transportation Security Officer Collective Bargaining Rights:** Worked with House Appropriations Committee Chairwoman Rep. Nita Lowey on a bill granting TSA employees full Title 5 civil service protections, including access to the Merit Systems Protection Board, official time for representational work and the GS wage system.
- **Reprogramming Disaster Relief Funding:** Called on President Trump to immediately disavow news reports that he would use disaster recovery funds to pay for his “absurd border wall.” Also stipulated that he and his colleagues would use “every available method to stop him in this effort.”
- **Chemical Facility Anti-Terrorism Program (CFATS):** Supports this bipartisan legislation which sought to provide a two-year extension of the CFATS program. Under CFATS, DHS works with high risk chemical facilities operators to ensure those facilities have adequate security measures in place.

DHS Related Sponsored and Cosponsored Legislation in the 116th and 117th Congress

- H.R. 490, To amend the Homeland Security Act of 2002 to improve morale within the Department of Homeland Security workforce by conferring new responsibilities to the Chief Human Capital Officer, establishing an employee engagement steering committee, requiring action plans, and authorizing an annual employee award program.

- H.R. 408, To amend the Homeland Security Act of 2002 to establish a mentor-protégé program.
- H.R. 370, To amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews.
- H.R. 51, *Washington, D.C. Admission Act*, To provide for the admission of the State of Washington, D.C. into the Union.
- H.R. 40, *Commission to Study and Develop Reparation Proposals for African-Americans Act*, To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies.
- H.R. 30, *Gun Trafficking Prohibition Act*, To increase public safety by punishing and deterring firearms trafficking.
- H. Res. 26, *Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors*.
- H.R. 8993, *Department of Homeland Security Intelligence and Cybersecurity Diversity Fellowship Program Act*, To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to carry out an intelligence and cybersecurity diversity fellowship program.
- H.R. 8791, *DHS Reform Act of 2020*, To amend the Homeland Security Act of 2002 to make certain reforms to the Department of Homeland Security.
- H.R. 7984, *Strengthening Oversight of DHS Intelligence Act*. This bill requires the Department of Homeland Security (DHS) to ensure that its handling of intelligence is consistent with privacy rights, civil rights, and civil liberties. Specifically, the DHS senior official with primary responsibility for privacy policy shall ensure that intelligence information is shared, retained, and disseminated in a manner consistent with protecting privacy rights. The DHS Officer for Civil Rights and Civil Liberties shall ensure that intelligence information is shared, retained, and disseminated in a manner consistent with protecting civil rights and civil liberties.
- H.R. 7282, *Protecting Against Public Safety Disinformation Act*, To require the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to assess, on an ongoing basis, the potential terrorism implications of malign disinformation operations on domestic preparedness for and collective response to terrorism or other homeland security threats.
- H.R. 7028, *National Commission on U.S. Counterterrorism Policy Act of 2020*, To establish a national commission on United States counterterrorism policy.

- H.R. 6656, *Coronavirus Workers' Compensation for TSA Employees Act*. This bill entitles certain employees of the Transportation Security Administration who are diagnosed with COVID-19 (i.e., coronavirus disease 2019) during a specified period to federal workers' compensation benefits.
- H.R. 6455, *To establish the National Commission Regarding the 2019 Novel Coronavirus COVID-19 Pandemic*.
- H.R. 6160, *Extension of chemical facility anti-terrorism standards program of the Department of Homeland Security*, To extend the chemical facility anti-terrorism standards program of the Department of Homeland Security.
- H.R. 5823, *State and Local Cybersecurity Improvement Act*, To establish a program to make grants to States to address cybersecurity risks and cybersecurity threats to information systems of State, local, Tribal, or territorial governments.
- H.R. 5680, *Cybersecurity Vulnerability Identification and Notification Act of 2020*. This bill authorizes the Department of Homeland Security (DHS) to issue a subpoena for the production of information to identify and notify an entity that is put at risk by cybersecurity vulnerabilities.
- H.R. 5227, *Technology in Criminal Justice Act of 2019*. This bill sets forth initiatives to improve the capacity of law enforcement to utilize digital evidence in conducting criminal justice activities.
- H.R. 5209, *Raising the Bar Act of 2019*, To direct the Under Secretary for Science and Technology of the Department of Homeland Security to design and administer a voluntary online terrorist content moderation exercise program.
- H.R. 4782, *National Commission on Online Platforms and Homeland Security Act*, To establish a national commission on online platforms and homeland security.
- H.R. 4739, *Synthetic Opioid Exposure Prevention and Training Act*. This bill directs the U.S. Customs and Border Protection (CBP) to implement a safety framework to protect its personnel from exposure to potential synthetic opioids.
- H.R. 4737, *Department of Homeland Security Climate Change Research Act*. This bill requires the Department of Homeland Security (DHS) to evaluate current federal research and development regarding approaches to mitigate the consequences of climate change on homeland security to identify research and development gaps. DHS must conduct additional research and development to fill those gaps.
- H.R. 4727, *Department of Homeland Security Mentor-Protégé Program Act of 2019*. This bill provides statutory authority for the mentor-protégé program of the Department of Homeland

Security (DHS) under which a mentor firm enters into an agreement with a protégé firm to assist the latter to compete for prime contracts and subcontracts of DHS.

- H.R. 4713, *Department of Homeland Security Office for Civil Rights and Civil Liberties Authorization Act*. This bill makes changes to the Office for Civil Rights and Civil Liberties (CRCL) of the Department of Homeland Security (DHS). The bill expands the duties of the CRCL to include: Integrating civil rights and civil liberties protections into all DHS programs and activities; conducting civil rights and civil liberties impact assessments, including prior to the implementation of new DHS regulations, initiatives, programs, or policies initiating reviews, assessments, and investigations of the administration of DHS programs and activities; leading the equal employment opportunity programs of DHS; engaging with individuals and communities whose civil rights and civil liberties may be affected by DHS programs and activities; and leading the Language Access Program to ensure that DHS can effectively communicate with individuals impacted by its programs and activities.
- H.R. 3777, *National Commission To Investigate the Treatment of Migrant Families and Children Act of 2019*. This bill establishes the National Commission to Investigate the Treatment of Migrant Families and Children By the Trump Administration within the legislative branch. The commission shall report on the actions of the Department of Homeland Security and the Department of Health and Human Services, specifically in relation to individuals apprehended along the U.S.-Mexico border since January 2017.
- H.R. 3731, *Strategic and Humane Southern Border Migrant Response Act*, To respond to the Northern Triangle migrant surge at the southern border in a strategic and humane manner.
- H.R. 3670, *Short-Term Detention Standards Act*. This bill requires U.S. Customs and Border Protection (CBP) to make every effort to ensure that apprehended individuals are given access to appropriate temporary shelter, bathrooms and shower facilities, water, appropriate nutrition, hygiene, personal grooming items, and sanitation needs. Currently, CBP is only required to make every effort to provide food and water.
- H.R. 3525, *U.S. Border Patrol Medical Screening Standards Act*. This bill directs the Department of Homeland Security (DHS) to (1) research and report to Congress new approaches to improve procedures for providing medical screening of individuals interdicted by U.S. Customs and Border Protection between ports of entry and recommend any necessary corrective actions, and (2) establish an electronic health record system containing the records of individuals in DHS custody that can be accessed by all relevant DHS departments.
- H.R. 3484, *DHS Rotational Cybersecurity Program Act of 2019*. This bill authorizes the Department of Homeland Security (DHS) to establish a rotational cybersecurity research, development, and training program.

- H.R. 3469, *Covert Testing and Risk Mitigation Improvement Act of 2019*. This bill establishes standards for the covert testing process that the Transportation Security Administration (TSA) uses to evaluate its aviation security operations.
- H.R. 3320, *Securing the Homeland Security Supply Chain Act of 2019*. This bill authorizes the Department of Homeland Security (DHS) to restrict procurement of information technology, telecommunications equipment and services, and related products or services from a vendor that poses a risk to the DHS supply chain. A vendor poses a risk if a malicious actor may manipulate the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a vendor's covered article.
- H.R. 3256, *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2019*. This bill reauthorizes the Department of Homeland Security's Chemical Facility Anti-Terrorism Standards (CFATS) program until May 1, 2025.
- H.R. 3239, *Humanitarian Standards for Individuals in Customs and Border Protection Custody Act*. This bill imposes requirements and standards related to the care of aliens in U.S. Customs and Border Protection (CBP) custody.
- H.R. 3230, *Defending Each and Every Person from False Appearances by Keeping Exploitation Subject to Accountability Act of 2019*, To combat the spread of disinformation through restrictions on deep-fake video alteration technology.
- H.R. 3106, *Domestic and International Terrorism DATA Act*, To require a joint domestic and international terrorism report and authorize research within the Department of Homeland Security on current trends in domestic terrorism.
- H.R. 2979, *National Security Diversity and Inclusion Workforce Act of 2019*. This bill requires each national security agency to report on its diversity and inclusion efforts. The bill defines "diversity" as diversity of persons based on gender, race, ethnicity, disability status, veteran status, sexual orientation, gender identity, national origin, and other demographic categories.
- H.R. 2932, *Homeland Security for Children Act*. This bill requires the Office of Strategy, Policy, and Plans in the Department of Homeland Security (DHS) to review and incorporate into DHS policy feedback from organizations representing the needs of children.
- H.R. 2660, *Election Security Act of 2019*, To protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such elections.

- H.R. 2476, *Securing American Nonprofit Organizations Against Terrorism Act of 2019*. This bill establishes in the Department of Homeland Security a Nonprofit Security Grant Program, under which the Federal Emergency Management Agency (FEMA) shall make grants to eligible nonprofit organizations (tax-exempt organizations and those determined to be at risk of a terrorist attack) for target hardening and other security enhancements to protect against terrorist attacks.
- H.R. 2467, *Securing American Nonprofit Organizations Against Terrorism Act of 2019*, To amend the Homeland Security Act of 2002 to provide funding to secure nonprofit facilities from terrorist attacks.
- H.R. 2083, *Homeland Procurement Reform Act*. This bill directs the Department of Homeland Security (DHS) to ensure that procurement of certain items, such as body armor and other protective gear, meets specified requirements, including that a fraction of procurement funds be used for items manufactured in part or provided by U.S. small businesses.
- H.R. 1594, *First Responder Access to Innovative Technologies Act*. This bill directs the Federal Emergency Management Agency (FEMA) to implement a uniform process for reviewing applications for certain anti-terrorism grants to urban areas and state, local, and tribal governments.
- H.R. 1494, *Historically Black Colleges and Universities (HBCUs) Homeland Security Partnerships Act*, which would require DHS to draft an engagement strategy for enhancing partnerships with HBCUs through 2024.
- H.R. 251, *Chemical Facility Anti-Terrorism Standards (CFATS) Program Extension Act*, which extends DHS CFATS by 15 months.
- H.R. 424, *Department of Homeland Security Clearance Management and Administration Act*, which would direct DHS to require that the designation of national security position sensitivity levels be streamlined across components.
- H.R. 1140, *Rights for Transportation Security Officers Act of 2019*, which would designate TSA employees as permanent government (GS) employees.
- H.R. 1433, *DHS MORALE Act*, which would expand the duties of the Chief Human Capital Officer to improve employee morale by establishing an employee engagement steering committee and an annual employee award program.
- H.R.2660, *Election Security Act of 2019*, To protect elections for public office by providing financial support and enhanced security for infrastructure used to carry out elections.

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 20-61094

Divine Asaba ASONGAFAC,

Petitioner

v.

Robert M. WILKINSON, Acting U.S. Attorney General,

Respondent.

On Petition For Review from a Decision of the Board of Immigration Appeals
Agency No. A213-327-334

EMERGENCY MOTION TO STAY REMOVAL

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EMERGENCY MOTION TO STAY ORDER OF REMOVAL

Petitioner, Divine Asaba Asongafac, respectfully moves this Court to stay his removal to Cameroon pending this Court’s review of his challenge to the Board of Immigration Appeals decision and final order of removal dated October 20, 2020.

CERTIFICATE OF EMERGENCY

Petitioner’s counsel certifies that he is informed and believes, based on information provided by Mr. Asongafac that the following facts supporting emergency consideration of this motion are true and correct.

1. Petitioner is detained at the LaSalle ICE Processing Center in Jena, Louisiana.
2. Petitioner filed a Petition for Review with this Court challenging the decision of the Board of Immigration Appeals on November 20, 2020. This matter is currently pending with a briefing deadline of February 17, 2021.
3. On or around January 26, 2021, Petitioner was informed he would be deported at the end of February and informed undersigned counsel. However, on February 1, 2021, Petitioner was informed by an ICE officer that he would be leaving the LaSalle ICE Processing Center at 2:00 AM that night to be deported. At about 6:40 PM on February 1, 2021, Petitioner’s counsel was informed of these developments.

4. The Board of Immigration Appeals emergency stay of removal hotline, and the Board of Immigration Appeals remain closed as of February 2, 2021. Further, the hotline voicemail states that ICE officers should postpone any imminent removals until the Board reopens.
5. Petitioner will face irreparable harm in the form of physical violence and almost certain death if he is removed to Cameroon. These arguments are laid out *infra*.
6. Petitioner respectfully requests that this Court hear this Motion immediately and refer to the arguments set forth below.
7. Petitioner's counsel has contacted counsel for the Respondent and understands that Respondent opposes this Motion.

CERTIFICATE OF INTERESTED PERSONS

- (1) Divine Asaba Asongafac, Petitioner v. Robert M. Wilkinson, United States Attorney General, Respondent.
- (2) The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.1.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

- This motion seeks a stay of a final order of removal of the Board of Immigration Appeals in the Executive Office for Immigration Review of the United States Department of Justice.
- Petitioner is represented by IMMIGRATION SERVICES AND LEGAL ADVOCACY (“ISLA”) AND SOUTHERN POVERTY LAW CENTER, including attorney Laura Murchie and undersigned.
- Petitioner is not aware of any person or entity that is financially interested in the outcome of this litigation.

Dated: February 2, 2021

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 20-61094

Divine Asaba ASONGAFAC,

Petitioner

v.

Robert M. WILKINSON, Acting U.S. Attorney General,

Respondent.

On Petition For Review from a Decision of the Board of Immigration Appeals
Agency No. A213-327-334

EMERGENCY MOTION TO STAY REMOVAL

I. INTRODUCTION

Petitioner, Divine Asaba Asongafac, timely filed a Petition for Review of Final Order of the Board of Immigration Appeals (“the Board”) with this Court on November 19, 2020, Case No. 20-61094. He now moves for a stay of his removal while the Court reviews his Petition under Fed. R. App. P 27 and 5th Cir. R. 27.3.1. Mr. Asongafac is currently detained at the LaSalle ICE Processing Center in Jena, Louisiana. Mr. Asongafac’s attorneys have conferred with opposing counsel, and opposing counsel opposes Mr. Asongafac’s motion.

Mr. Asongafac merits a stay because he has a strong likelihood of success on the merits, deportation will irreparably injure him, and a stay will not substantially injure the Government and will serve the public interest. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). He will likely succeed on the merits because the Board failed to meaningfully apply the law governing credibility and corroboration to Mr. Asongafac's negative credibility determination. Deportation would irreparably injure Mr. Asongafac in his native country, Cameroon, where government and state actors have repeatedly physically harmed him on account of his political views supporting the rights of Anglophone Cameroonians. Recently, there has been increased government repression of Anglophone citizens, especially political and human rights activists, as well as attacks on Anglophone citizens by separatists perceived to be insufficiently loyal to the separatists' cause. The violence has severely worsened and is increasingly dangerous for political and human rights activists such as Mr. Asongafac. Staying his removal will not harm the government and preventing his wrongful deportation would serve the public interest. The Court has set a briefing schedule for Mr. Asongafac's merits brief, due February 17, 2021, so a stay would not delay proceedings unduly. The Court should therefore stay his removal while it fully reviews the evidence bearing on the merits of his case.

II. FACTUAL AND PROCEDURAL BACKGROUND

Mr. Asongafac is a native and citizen of Cameroon., and is from the Anglophone region of Cameroon. Certified Administrative Record (hereinafter “ROA”), at 593, 647. In Cameroon, Mr. Asongafac was a human rights activist with the organization Human Is Right, an organization that defends the rights of people in the southwest and northwest Anglophone regions of Cameroon. Mr. Asongafac investigated human rights abuses committed by different state actors against those in his community. Mr. Asongafac believes in and advocates for a federalist system for the English-speaking Cameroonians, instead of the central system currently run by Francophone, Paul Biya. Mr. Asongafac fears the Cameroonian police, gendarmes and the Battalion Intervention Rapid (special forces known as “B”) because he has been targeted and harmed by them on multiple occasions. ROA at 593-95.

Mr. Asongafac participated in peaceful protests, marching against the marginalization of Anglophone Cameroonians. He has been severely beaten by the military and police on several occasions. He has been detained on three separate occasions in horrendous, unsafe, unsanitary conditions, and while detained, was severely beaten daily. He has been labeled a separatist by Cameroonian officials, even being forced to sign a document attesting to this. He was able to escape prison the last time he was detained, and then fled to the United States. He fears returning

not only because he escaped from prison, but because he is known by the Cameroonian government as a “notorious” “separatist” who has tried to expose the crimes of the military and police to the world. He has been called a spy and was frequently interrogated by police or military personnel. ROA 585-87, 592.

After fleeing Cameroon, Mr. Asongafac applied for asylum in Mexico, but was denied. He then applied for admission to the United States at the Laredo, Texas Port of Entry on October 3, 2019. ROA at 647. On October 22, 2019, an Asylum Officer determined he had a credible fear of persecution. ROA at 598-614. He was transferred to the ICE detention facility in Ferriday, Louisiana for removal proceedings before the LaSalle Immigration Court. ROA at 655-658.

Mr. Asongafac represented himself *pro se* before the Immigration Judge (“IJ”) and testified and provided corroborating evidence to the above-mentioned incidents. At the individual merits hearing on March 12, 2020, the immigration judge denied Mr. Asongafac’s applications for asylum and withholding of removal based on an adverse credibility finding and ordered him removed to Cameroon. ROA at 259. Mr. Asongafac, through counsel, appealed the decision and the BIA dismissed his appeal on October 20, 2020, making the Immigration Judge’s order final. ROA at 248. As of the night of February 1, 2021, Mr. Asongafac remains detained at the LaSalle ICE Processing Center.

III. ARGUMENT

Mr. Asongafac is entitled to a stay of removal because (1) he makes a strong showing that he is likely to succeed on the merits; (2) he will be irreparably injured absent a stay; (3) a stay will not substantially injure other parties; and (4) a stay serves in the public interest. *Nken v. Holder*, 556 U.S. at 434. Factors one and two are the most critical. *Id.* Stay motions do not require a full briefing on the underlying merits. *See Tesfamichael v. Gonzales*, 411 F.3d 169, 176 (5th Cir. 2005). Rather, stays exist “to hold the matter under review in abeyance” until a court can resolve the underlying merits, not simply to decide them in a rush. *Nken*, 556 U.S. at 432–33. A “balance of equities approach” governs motions for a stay. *Ruiz v. Estelle*, 650 F.2d 555, 565 (5th Cir. 1981) (citing *Washington Metro. Area Transit Comm’n v. Holiday Tours, Inc.*, 559 F.2d 841, 844 (D.C. Cir. 1977)).

To satisfy the first prong, petitioners usually need to make a “strong showing” that they are likely to succeed on the merits, which often requires less than a 50% chance of success. *Ruiz*, 650 F.3d at 565. However, the even lower “substantial case” threshold suffices where, as here, a “serious legal question is involved” and “the balance of equities weighs heavily” in the movant’s favor. *Id.* *See also U.S. v. Transocean Deepwater Drilling, Inc.*, 537 F. App’x 358, 360–61 (5th Cir. 2013) (same).

A. Mr. Asongafac is likely to succeed on the merits.

Mr. Asongafac satisfies both the lower “substantial case” standard and the higher “strong showing” standard for showing likelihood of success. He has a “substantial case” involving a “serious legal question,” *Ruiz*, 650 F.2d at 565, because the Board committed numerous factual and legal errors when dismissing Mr. Asongafac’s appeal. Also, the “equities weigh heavily” in Mr. Asongafac’s favor, *see id.*, because deportation to Cameroon poses grave dangers to his life. Mr. Asongafac prevails even under the higher standard as well. He makes a “strong showing,” which requires no more than a 50% chance of success where the equities balance in the movant’s favor, *Ruiz*, 650 F.2d at 565. Here, the equities balance in Mr. Asongafac’s favor because of the severe physical harm, torture, or death that he is very likely to endure should he be removed to Cameroon. The Board’s numerous factual and legal errors were far from harmless and fundamentally taint the Board’s analysis. Because these errors constitute grounds for reversal, Mr. Asongafac is likely to succeed on the merits, supporting a stay of removal. First, the Board failed to apply the applicable law in reviewing the Immigration Judge’s decision. The Board ignored relevant case law without conducting any meaningful review. ROA at 5-3. Had the Board engaged in the legal analysis, it would be clear that all of the purported inconsistencies were not true inconsistencies. The Board ignores arguments raised in the brief, for example stating that only some of the

inconsistencies or embellishments were addressed, when a review of the record and a thorough reading of the brief would show that every alleged inconsistency or embellishment was addressed. ROA at 3-4. The nearly wholesale adoption of the IJ's decision regarding the adverse credibility finding indicates the Board abdicated its role in providing meaningful review of the issues on appeal.

Second, even if the Board had engaged in the proper legal analysis, Mr. Asongafac is credible, and substantial evidence does not support the Board's decision to uphold the Immigration Judge's adverse credibility finding. In the Fifth Circuit, adverse credibility findings "must be supported by specific and cogent reasons derived from the record." *Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005). In this case, however, no specific and cogent reasons exist. As argued in his brief to the Board, the IJ and Board relied heavily upon several alleged inconsistencies, embellishments and omissions that were either not actually inconsistent or an embellishment. ROA at 3-4, 268-77. Nearly all of the inconsistencies are not true inconsistencies or are only differing levels in the amount of detail and are not supported by the record. Exhibit ("Exh.") A (Petitioner's Brief to the Board). The IJ should have provided Mr. Asongafac the opportunity to explain the alleged inconsistencies and inform him that his testimony was being viewed as potentially flawed, particularly as all cited inconsistencies were nonobvious, but Mr. Asongafac was not provided this opportunity. *Id.* Notably, the brief goes into

specific detail about every alleged inconsistency or embellishment, showing how based on simple logic and the relevant case law, an adverse credibility determination cannot be supported. *Id.* In ignoring the arguments laid out in the brief, failing to apply the relevant case law and relying nearly exclusively on this erroneous and unsupported adverse credibility determination to deny Mr. Asongafac's applications for relief, he will likely prevail on this claim.

B. Absent a stay, Mr. Asongafac faces irreparable harm.

Mr. Asongafac would be irreparably harmed if he were deported to Cameroon as he would surely face torture and very likely death. As stated above, Mr. Asongafac is an Anglophone Cameroonian and a human rights activist who participated in the political movement seeking increased protections and rights for the Anglophone community in Cameroon. ROA at 585-87, 592 (Asylum Application, Form I-589). Mr. Asongafac participated in peaceful protests and investigated human rights abuses, and was physically assaulted on multiple occasions, detained in horrendous, unsafe and unsanitary conditions, and been labeled a spy by the Cameroonian government on account of his political activism. *Id.* He is considered a fugitive in Cameroon because he escaped prison and then immediately fled to the United States.

The political situation in Cameroon has worsened recently and reached such crisis proportions that humanitarian organizations warn that the country is on the brink of genocidal violence. *See* Exh. B (“Genocide Emergency: Cameroon”). There

has been a significant increase in government repression of Anglophone citizens, especially political activists, as well as attacks by separatists against Anglophone citizens perceived to be insufficiently loyal to the separatists' cause. Amnesty International, a highly respected and reputable human rights organization has called for a halt to deportations to Cameroon in light of human rights abuses, specifically citing "three concurrent crises: the widening conflict between the anglophone and the francophone regions; clashes between the government and armed separatists who are demanding greater autonomy; and a culture of impunity to human rights violations." Exh. C ("The U.S. Must Not Deport People to Cameroon"). The United States government has also condemned the attacks perpetrated by Paul Biya's Francophone government and cut military aid in light of the violence committed against the Anglophone citizens. *See* Exh. D (Senate Resolution 684, unanimously passed on January 1, 2021¹); *see also* Exh. E ("U.S. Cuts Military Aid to Cameroon over Human Rights Concerns").

A new government policy was announced when the Communications Minister warned political parties that protests could be considered "insurrection" and that illegal demonstrations would be punished under the anti-terror law. *See* Exh. F ("Cameroon: Opposition Leaders, Supporters Detained"). Human Rights Watch

¹ Risch, Carding, Colleagues Applaud Senate Passage of Their Resolution Condemning Violence in Anglophone Cameroon, U.S. Senate Foreign Relations Committee Press Release (Jan. 5, 2021).

reports a crackdown on peaceful protests and a government officials warned that anyone organizing or leading demonstrations would be arrested, claiming that protests endanger lives during the COVID-19 pandemic. *Id.* This shows that the Cameroonian government has the capability and intention to impose disproportionately severe punitive measures on its political opponents, such as the Anglophone community who are perceived to oppose the government. This also signals increased danger for individuals already labeled or identified as a political opponent, such as Petitioner. Despite the Cameroonian government's attempts to cover up and deny abuses, many news outlets and humanitarian aid organizations are reporting an escalation in the violence against Anglophone Cameroonians, particularly those who are politically active and involved in public protests or demonstrations. *See generally* exhs. B-E.

It has also been reported in recent months that Cameroonian asylum seekers who were deported, were questioned about their ties to separatist groups, and many were arrested, detained, and beaten upon their arrival in Cameroon. *See* Exh. G. The dangers that await Mr. Asongafac in Cameroon are real, severe, and life-threatening. Because deportation would irreparably injure Mr. Asongafac, very likely to the point of torture or death, a stay is warranted in this situation. *See Fuller v. Sessions* 879 F.3d 265 (7th Cir. 2018) (noting that it would have been inclined to grant a stay if the new evidence suggested that petitioner would face death upon return).

C. Issuance of a stay will not substantially injure the Government, and the public interest lies in granting a stay of removal.

The Court in *Nken* found that the last two stay factors – injury to other parties in the litigation and the public interest – merge in immigration cases because Respondent is both the opposing litigant and the public interest representative. *Nken*, 556 U.S. at 435.

Here, a stay would not substantially harm the Government, because the only harm to the Government is by its own doing and can be remedied by the Government itself. First, although Mr. Asongafac remains detained, ICE has the discretion to release him but has chosen not to do so at taxpayer expense. Mr. Asongafac entered the United States as an arriving alien and is eligible to be released on parole under 8 U.S.C. § 1182(5)(A) for urgent humanitarian reasons and significant public benefit. *See also* Immigration and Nationality Act (“INA”) Section 212(d)(5)(A), 8 C.F.R. § 212.5(b). Mr. Asongafac could be paroled pursuant to § 1182(5)(A) because he has an ongoing serious medical issue – an extremely painful and growing cysts in his left testicle – that is not being adequately treated while in custody. Exh. L (Medical Advocacy Letter). The cysts have worsened and grown over time and only been treated insufficiently with over the counter medication. *Id.* Mr. Asongafac also continues to meet ICE’s own criteria to be paroled pursuant to the ICE Parole Directive 11002.1 (attached as Exhibit M) as he can establish his identity through his birth certificate, has no criminal history and is therefore not danger to the

community, and is not a flight risk as he has several family members willing and able to sponsor him.

Mr. Asongafac can also be released pursuant to a preliminary injunction in *Fraihat v. ICE*, Case No. 5:19-cv-01546-JGB-SHK, at 38 (C.D. Cal. Apr. 20, 2020), ECF No. 132 (“*Fraihat* Order”). Mr. Asongafac has worsening mental health from the traumatic physical assaults and detainment while in Cameroon, the stress and anxiety he has about his family and young daughter who remain in danger in Cameroon, and the recent death of his aunt, who was a mother-figure to him. This makes him a class member in the *Fraihat* case, but he has still not been released. Again, the Government has the ability to release Mr. Asongafac – and was actually strongly encouraged by the *Fraihat* Court to release those with underlying risk factors for COVID-19 – yet chooses to cause economic harm on the taxpayer. Mr. Asongafac remains an ideal candidate for release (as he has no public safety concerns such as past criminal history), yet his detention continued at taxpayer expense during an unprecedented global pandemic. Notably, because ICE refused to comply with the *Fraihat* Order, the Court had to issue another order on October 13, 2020, to ensure that the original purposes of the preliminary injunction were being achieved and to ensure meaningful compliance. Despite the October 13th order, Mr. Asongafac still remains detained. As such, there is no substantial harm to the

Government, and the only potential harm could be mitigated by the Government itself.

Regarding the public interest, the *Nken* Court further noted that the interest of Respondent and the public in the “prompt execution of removal orders” is heightened where “the alien is particularly dangerous” or “has substantially prolonged his stay by abusing the process provided to him.” *Nken*, 556 U.S. at 436 (citations omitted). Here, neither of these factors nor any other factors exist to suggest that the Respondent or the public have any interest in Mr. Asongafac’s removal beyond the general interest noted in *Nken*.

The *Nken* Court also recognized the “public interest in preventing aliens from being wrongfully removed,” which must weigh heavily in the Court’s consideration. *See Nken*, 556 U.S. at 436. There are several reasons staying Mr. Asongafac’s removal is in the public interest. First, ICE has previously engaged in mass deportations of Cameroonian asylum seekers, despite credible allegations of extreme use of force to coerce Cameroonian asylum seekers to abandon their asylum claims and sign deportation paperwork. *See* Exh. H (“Mass Deportations to Cameroon Undermine U.S. Foreign Policy and Violation International Law”); *see also* Exh. I (“U.S. ICE Officers Used Torture to Make Africans Sign Own Deportation Orders”). When this happened, members of Congress called for an immediate investigation into the allegations, a halt of deportations to Cameroon and increased transparency

regarding the denial rates of Cameroonians seeking asylum compared to asylum seekers of other nationalities. *See* Exh. J (Statements by Representatives Bennie G. Thompson and Ilhan Omar); *see also* Exh. K (“Cameroonian Asylum Seekers Increasingly Detained, Denied Asylum under Trump Administration”). There is a clear public interest in having government officials follow rules and policies, and lawmakers publicly expressed concern that there had been a failure on the part of ICE officials to do just that.

Second, because of the worsening humanitarian crises in Cameroon, and the severe dangers posed to political activists such as Mr. Asongafac, the public interest weighs in granting a stay because of the United States ongoing commitment to *non-refoulement* – the international legal norm stating that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. As the U.S. is a signatory to the Convention Against Torture and the 1967 UN Protocol Relating to the Status of Refugees, both of which incorporate the principle of *non-refoulement*, the public has an interest in its Government upholding and adhering to the rule of law.

Respondent cannot make a particularized showing that granting a stay of removal would substantially injure the government, and the public interest clearly weighs in granting the stay to prevent a wrongful removal.

IV. CONCLUSION

For the foregoing reasons, Mr. Asongafac respectfully requests that the Court grant this motion and stay his removal to Cameroon during the pendency of his appeal.

Dated: February 2, 2021

Respectfully submitted,

/s/ Homero López, Jr.

Homero López, Jr.

LA 33258

ISLA

2714 Canal Street, Suite 300

New Orleans, LA 70119

T: 504-210-9649

hlopez@islaimmigration.org

/s/ Laura Murchie

Laura Murchie

NY Bar No. 5637780

SOUTHERN POVERTY LAW CENTER

P.O. Box 57089

New Orleans, LA 70157

T: (318) 314-0166

Laura.murchie@splcenter.org

CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of FED. R. APP. P. 27(d)(2)(A) because:
 - a. This motion contains 4,303 words, excluding the parts of the motion exempted by FED. R. APP. P. 27(d).

2. This motion also complies with the typeface requirements of FED. R. APP. P. 32(A)(5) and the type requirements of FED. R. APP. P. 32(A)(6) because:
 - a. This motion has been prepared in a proportionally spaced typeface using Microsoft Word 2010 with a 14 point font named Times New Roman.

/s/ Homero López, Jr.
Homero López, Jr.
LA 33258
ISLA
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/s/ Laura Murchie
Laura Murchie
NY Bar No. 5637780
SOUTHERN POVERTY LAW CENTER
P.O. Box 57089
New Orleans, LA 70157
T: (318) 314-0166
Laura.murchie@splcenter.org

CERTIFICATE OF SERVICE

I, Homero Lopez, hereby certify that I have served a copy of the foregoing was served on counsel of record via the Court's online filing system.

/s/Homero López, Jr.
Homero López, Jr.

**INDEX OF EXHIBITS IN SUPPORT OF PETITIONER’S EMERGENCY
MOTION FOR STAY OF REMOVAL**

Description

- Exhibit A** Petitioner’s Brief to the Board
- Exhibit B** *Genocide Emergency: Cameroon*, Genocide Watch (Aug. 10, 2020)
- Exhibit C** *The U.S. Must Not Deport People to Cameroon*, Amnesty International (Oct. 9, 2020)
- Exhibit D** Senate Resolution 694, 116th Congress, 2nd Session (2021)
- Exhibit E** *U.S. Cuts Military Aid to Cameroon Over Human Rights Concerns*, Associated Press (Feb. 6, 2019)
- Exhibit F** *Cameroon: Opposition Leaders, Supporters Detained*, Human Rights Watch (Oct. 19, 2020)
- Exhibit G** *Deported Cameroonian Asylum Seekers Fear for Their Lives*, The American Prospect, (Nov. 9, 2020)
- Exhibit H** *Mass Deportations to Cameroon Undermine U.S. Foreign Policy and Violate International Law*, Just Security (Nov. 25, 2020)
- Exhibit I** *U.S. ICE Officers Used Torture to Make Africans Sign Own Deportation Orders*, The Guardian (Oct. 22, 2020)
- Exhibit J** *Thompson, Bass to ICE: Stop Deportation Flight to Cameroon Now*, (Oct. 13, 2020); *Reps. Omar, Richmond, Castro Lead Letter to Condemn the Treatment of Cameroonian Migrants and Asylum Seekers in ICE Detention* (Oct. 13, 2020)
- Exhibit K** *Cameroonian Asylum Seekers Increasingly Detained, Denied Asylum under Trump Administration*, Human Rights First (Nov. 2020)

Exhibit L Medical Advocacy Letter sent to ICE by Freedom For Immigrants,
on behalf of Mr. Asongafac

Exhibit M ICE Parole Directive 11002.1

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(b)(6)

(b)(6) is an (b)(6) Cameroonian who was held in extrajudicial detention, beaten, interrogated and tortured repeatedly over the course of four years in retaliation for his support of the Southern Cameroons National Council (SCNC).

For approximately a year after joining the SCNC (b)(6) was harassed and discriminated against by government officials. In 2015 he was detained and held in a cell without light, toilet or water for approximately two months. Every few days guards would beat him. When he was finally released several of his wounds had become infected and he spent another two months recovering. His vision was permanently affected by wounds he suffered to his eyes.

In 2016 he was beaten, tear gassed and arrested at an SCNC rally. He was held in a crowded cell with four or five other protesters for two weeks.

In 2017 he was again arrested at an SCNC rally, this time not by police but by members of President Biya's notorious Rapid Response Battalion. They beat him unconscious, then took him to what he believed to be a "death camp" where he was held for a week. During the course of that week he was interrogated about SCNC members and activities. When he refused to give the information they demanded, his interrogators beat him, pulled nails from two of his toes, and poured molten plastic on his feet. On other occasions, two of his fingers were dislocated and cut into deep enough to leave scars.

(b)(6) was finally able to flee Cameroon in 2019. After he left officials arrested, beat and interrogated his brother (b)(6) in an attempt to ascertain (b)(6) whereabouts. They finally released (b)(6) with a broken leg after he convinced them that he had not been in contact with (b)(6) since his flight from Cameroon.

When (b)(6) got to the southern border of the U.S., he was put on the metering list and not allowed to enter for three months, following everything that was asked of him, even though he was robbed while he was made to wait in Mexico.

The Immigration Judge found (b)(6) to be credible, but denied his applications for asylum and protection under the Convention Against Torture for a failure to meet his burden of proof to provide corroborating evidence. (b)(6) submitted two expert reports, a psychiatric evaluation and a forensic medical evaluation. The medical evaluator attached photographs of thirteen scars on (b)(6) body and stated that in her expert opinion they were consistent with his account of his experiences in Cameroon. The Board sustained the IJ's decision.

(b)(6) has petitioned the circuit court of appeals to review the wrongful denial of his asylum claim.

Until Jan. 29 (b)(6) was detained at the Denver Contract Detention Facility in Aurora, CO. ICE has rejected his requests for release despite medical vulnerabilities to COVID-19.

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He was woken by ICE at 2 a.m. on that day and told her was going to be deported. He spent two hours asking to speak with his lawyer, but ICE did not allow him to. Instead, ICE said they would contact his lawyer (they never did). His attorney only learned that a deportation was in progress because a (b)(6) volunteer happened to see that Mr. Nche and others were gone from the detention center. She called a friend of (b)(6) who called his attorney, who called the Denver facility but was told (b)(6) had been "released." The lawyer and lawyers from the Rocky Mountain Immigrant Advocacy Network began digging around further and was able to figure out that his client had been transferred to Louisiana. It is possible the attorneys would not have heard about this until the flight was gone.

(b)(6)

(b)(6) is an (b)(6) Cameroonian from a family with deep ties to the SCNC. His father was a leader of the SCNC's local chapter, and was himself arrested repeatedly throughout (b)(6) (b)(6) childhood. (b)(6) joined the SCNC as a student in 2007, and became a full member in 2016.

In 2017 he was arrested at a demonstration and was held in custody for close to a month. During that time he was interrogated about SCNC members and activities. And during those interrogations soldiers tied his legs together, handcuffed him, beat him with belts and batons and called him a terrorist. His brother finally paid a bribe to secure his release.

A year later soldiers came to the family house looking for (b)(6) father, found SCNC fliers which (b)(6) was distributing and beat him unconscious. He woke up in the hospital.

(b)(6) never went home. He left the hospital after three days and went into hiding. While he was in hiding he heard that soldiers had gone to the hospital and to his family's house looking for him. He fled Cameroon, and arrived in the US in the fall of 2019.

(b)(6) represented himself in proceedings before the Immigration Court. The IJ noted that he took a long time to answer her questions, and that appeared to have a difficult time formulating responses. Accordingly, she instructed DHS counsel to submit copies of whatever medical records the agency had in its possession. Those records included evidence that a Psychologist had diagnosed (b)(6) with PTSD, depressive disorder and anxiety. The judge then asked (b)(6) a few questions relating to his understanding of the nature of the removal proceedings and his understanding of asylum, and found him competent to proceed.

At trial (b)(6) testified on his own behalf and submitted three letters in support of his claim, from his lawyer in Cameroon, his brother (b)(6) and his neighbor. All of those letters generally corroborated his testimony but his brother's statement contained a few facts which differed from his own. The judge relied on those few discrepancies between (b)(6) testimony and (b)(6) letter to find his claim fatally lacking in credibility or, in the alternative, insufficiently corroborated (that is, for a failure to meet his burden of proof). The BIA sustained the IJ's decision.

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(b)(6) has petitioned the circuit court of appeals to review the wrongful denial of his asylum claim.

From: (b)(6)@nlpnl.org>
To: (b)(6)@slaimmigration.org>
CC: (b)(6)
Subject: Re: Another imminent deportation - Noon Bertrand Chi A# 203 679 962
Date: 2021/02/03 13:04:39
Priority: Normal
Type: Note

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(b)(6) it sounds like (b)(6)'s getting conflicting information from ICE about whether or not there is, in fact, a stay of removal for her client (b)(6) (He is one of the 7 that you had confirmed had stays this morning.)

Would it be possible to confirm that he has a 30-day stay in place?

Thank you very much,

(b)(6)

On Tue, Feb 2, 2021 at 6:06 PM (b)(6) wrote:
Thank you so much (b)(6) and (b)(6) I so appreciate all that you are doing.



Logo Dox_Page_3- Smaller even.jpg

(b)(6) | she, her, hers, ella, 她

(b)(6)

2714 Canal Street, Suite 300
New Orleans, Louisiana 70119
www.islaimmigration.org

(b)(6)

**** My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule. ****

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On Tue, Feb 2, 2021 at 3:25 PM (b)(6)@nipnl.org wrote:

(b)(6) I just wanted to check back in on this case.

Copying his attorney of record here as well in case any follow-up is needed.

(b)(6)

On Mon, Feb 1, 2021 at 10:26 PM (b)(6)@nipnl.org wrote:

Thank you (b)(6)

On Mon, Feb 1, 2021 at 10:25 PM (b)(6)@gov wrote:
I'll turn to this tomorrow.

From: (b)(6)@nipnl.org

Sent: Monday, February 1, 2021 10:21:17 PM

To: (b)(6)@gov

Subject: Another imminent deportation (b)(6)

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Hi (b)(6)

You are hearing from me a lot - I am sorry about that, but it's also such a strong indication that the ongoing deportations are a real problem. Appreciate all you are doing to follow up on these cases.

The case I'm reaching out to you about now is (b)(6) another asylum seeker who is scheduled to be on a flight to Cameroon this week, and who clearly falls far outside the priorities. He has no criminal history, a sponsor in the US, entered on 8/21/2019 and has been detained ever since. He has both a pending motion to reopen at the BIA and a pending PFR at the 5th circuit. He is also a member of the (b)(6) since he has very

(b)(6)

Please let me know if you need more information. Very much appreciate you looking into this.

(b)(6)

--



(b)(6) | she/her
(b)(6)
National Immigration Project of the National Lawyers Guild 2201 Wisconsin Ave. NW Suite 200 | Washington, DC 20007 (b)(6) (b)(6)@nipnl.org www.nipnl.org | @nipnlg

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--



(b)(6) she/her
(b)(6)
National Immigration Project of the National Lawyers Guild 2201 Wisconsin Ave. NW Suite 200 | Washington, DC 20007 (b)(6) (b)(6) @nipnlg.org www.nipnlg.org | @nipnlg

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| | |
|------------------------|---------------------|
| Sender: | (b)(6) |
| Recipient: | (b)(6) |
| Sent Date: | 2021/02/03 13:04:16 |
| Delivered Date: | 2021/02/03 13:04:39 |

| | |
|------------------|---------------------|
| From: | (b)(6) |
| To: | (b)(6) |
| Subject: | Re: Checking in |
| Date: | 2021/02/03 10:57:05 |
| Priority: | Normal |
| Type: | Note |

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Thank you that is amazing!!

On Wed, Feb 3, 2021 at 9:29 AM (b)(6) gov>wrote:

(b)(6) I just received this response.

Subject: RE: Checking in

Good Morning, (b)(6)

ICE has granted a 30-day stay of removal for the 7 individuals listed below. Notifications will be made to the individuals and their counsels of record.

Thank you,

(b)(6)

Senior Immigration Counselor

Office of the Secretary

Department of Homeland Security

(b)(6)

From: (b)(6) <nipnlg.org>
Sent: Wednesday, February 3, 2021 8:32 AM
To: (b)(6) <gov>
Subject: Checking in

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(b)(6) I just wanted to check in especially about the Cameroon flight. The flight appears to be bursting with people who do not meet the priorities in any way and who have court cases pending. I sent you several that fit this description yesterday and wanted to know what the plan is with respect to that flight and with respect to those individuals. As a reminder, here are the individuals who I believe are all on the same flight (I sent you individual emails with counsel of record copied about each of them yesterday):

(b)(6)

Thank you very much for any further information or updates you can provide.

(b)(6)

(b)(6)

--



(b)(6) | she/her

(b)(6)

National Immigration Project of the National Lawyers Guild 2201 Wisconsin Ave. NW Suite 200 | Washington, DC 20007 (b)(6) (b)(6) nipnlg.org www.nipnlg.org | @nipnlg

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(b)(6) | she/her

(b)(6)

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| | |
|------------------------|---------------------|
| Sender: | (b)(6) |
| Recipient: | (b)(6) |
| Sent Date: | 2021/02/03 10:56:45 |
| Delivered Date: | 2021/02/03 10:57:05 |

| | |
|------------------|---------------------|
| From: | (b)(6) |
| To: | (b)(6) |
| CC: | (b)(6) |
| Subject: | RE: Checking in |
| Date: | 2021/02/03 09:28:00 |
| Priority: | Normal |
| Type: | Note |

Thank you Dianna!

(b)(6)
Senior Immigration Counselor
Office of the Secretary
Department of Homeland Security
(b)(6)

From: (b)(6) gov>
Sent: Wednesday, February 3, 2021 9:25 AM
To: (b)(6) gov>
Cc: (b)(6) gov>
Subject: RE: Checking in

Good Morning (b)(6)

ICE has granted a 30-day stay of removal for the 7 individuals listed below. Notifications will be made to the individuals and their counsels of record.

Thank you,

(b)(6)
Deputy Chief of Staff
Office of the Director
Immigration and Customs Enforcement
C: (b)(6)

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From: (b)(6) gov>
Sent: Wednesday, February 3, 2021 8:58 AM

To: (b)(6) gov>; (b)(6) gov>
Subject: FW: Checking in

(b)(6) and (b)(6)

Good morning. Please see below the inquiry regarding the flight to Cameroon and specific people named below. Appreciate your attention to the matter.

Best,

(b)(6)

(b)(6)

Senior Immigration Counselor
Office of the Secretary
Department of Homeland Security

(b)(6)

From: (b)(6) nipnl.org>
Sent: Wednesday, February 3, 2021 8:34 AM
To: (b)(6) gov>
Subject: Re: Checking in

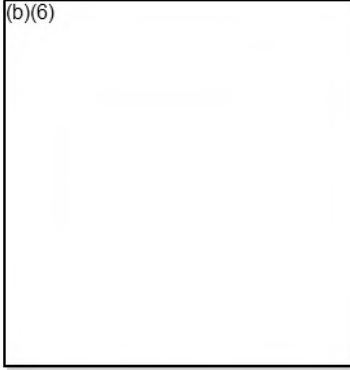
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With apologies, I meant to include the A numbers the first time. You should have emails from yesterday that describe each of their circumstances in more detail (pending court cases, other equities):

(b)(6)

On Wed, Feb 3, 2021 at 8:31 AM (b)(6) nipnl.org>wrote:

(b)(6) I just wanted to check in especially about the Cameroon flight. The flight appears to be bursting with people who do not meet the priorities in any way and who have court cases pending. I sent you several that fit this description yesterday and wanted to know what the plan is with respect to that flight and with respect to those individuals. As a reminder, here are the individuals who I believe are all on the same flight (I sent you individual emails with counsel of record copied about each of them yesterday):



Thank you very much for any further information or updates you can provide.

(b)(6)
(b)(6)

--



(b)(6) she/her

(b)(6)

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Image removed by sender.

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ATTACHMENT C: Member Intel

REP. BENNIE THOMPSON (D-MS-02)

Chairman



Birthdate: January 28, 1948
Birthplace: Bolton, Mississippi
Education: Jackson State University (MS)
Tougaloo College (BA)
Family: Married (b)(6)
of terms: 15 terms (1993)
Committees: • Homeland Security
Caucuses: • Congressional Black Caucus
• Congressional Law Enforcement Caucus

Biography

Chairman Thompson is the returning Homeland Security Chairman from the 116th Congress and previously served in the position from 2007 to 2011. Thompson is both the first Democrat and the first African American to chair the Committee and is the longest-serving African American elected official in the state of Mississippi. He says one of his top priorities is increasing transparency between DHS and his Committee.

Chairman Thompson supports:

- COVID-19 mitigation legislation, oversight, and funding. Concerned about how the pandemic impacts the Department's workforce;
- Methods to improve DHS employee morale and diversity;
- Small and disadvantaged business utilization;
- Legislation and funding that supports combating domestic terrorism;
- Extension of Temporary Protected Status;
- Pathway to citizenship for Deferred Action for Childhood Arrivals (DACA) recipients;
- The second impeachment of President Trump;
- Additional resources for U.S. Customs and Border Protection (CBP) to reinforce ports of entry;
- Increased border surveillance through the effective use of personnel, technology, and some infrastructure enhancements;
- DHS cybersecurity authorities and centralizing them at the Cybersecurity and Infrastructure Security Agency (CISA);
- Placing TSA's workforce under Title 5, U.S. Code; and
- Election security.

Chairman Thompson opposes:

- The use of facial recognition technology until privacy, transparency, data security, and the accuracy of this technology improves;
- The majority of the Trump Administration's immigration and border security positions;
- Construction of additional border wall;
- Deployment of Department of Defense active duty personnel at the Southern Border (cites cost and the lack of an engagement strategy);
- DHS's public charge immigration rule; and
- Extension of *Flores* to facilitate extended family detention.

Member Intel

- **Homeland Security Committee Jurisdiction:** On January 25, 2021, Speaker Pelosi announced that the House Committee on Homeland Security and other House Committees have reached an agreement on a Memorandum of Understanding on jurisdictional issues regarding the Department of Homeland Security:

“Reform of the Department of Homeland Security is urgently needed to ensure that it can achieve its critical mission: to keep the American people safe from all threats... To that end, I salute Chair Bennie Thompson and the other House Committee Chairs for reaching this important agreement, which will lay the groundwork for the oversight and improvement of DHS.”

The Memorandum of Understanding reflects agreement among the Chairs that, to the maximum extent practicable, committees with jurisdiction over components of the Department will not only coordinate with the Committee on Homeland Security to produce comprehensive authorization legislation for the Department but also consult with the Committee on Homeland Security prior to consideration of component authorization legislation in a committee markup. The Committee on Homeland Security will similarly consult and coordinate with any other committee that is a party to this agreement that is a committee with jurisdiction over that component.

- **Reauthorization of DHS:** The 115th Congress did not complete a DHS authorization bill; a measure was introduced, marked-up, and reported out of the House Committee on Homeland Security and similar action was done by the Senate Homeland Security and Governmental Affairs Committee, on portions of the House passed bill. However, the bill did not receive Senate floor action. In the 116th Congress, many provisions from the previous Congress were reintroduced as stand-alone bills, particularly in the House. Historically, the House and Senate Homeland Committees would again work on a jurisdictionally stripped down and narrowly crafted authorization bill that both committees may act on; however, due to the pandemic this did not occur in 2020. Instead, near the end of the 116th Congress, Chairman Thompson introduced a reauthorization bill, H.R. 8791, *DHS Reform Act of 2020*, as a legislative marker for consideration in the 117th Congress.
- **DHS National Terrorism Advisory System (NTAS) Bulletin:** Chairman Thompson made the following statement regarding DHS issuing an NTAS bulletin on the domestic terrorism threat in the wake of the attack on the Capitol:

“I commend DHS for issuing today’s National Terrorism Advisory System (NTAS) Bulletin. The domestic terrorism attack on our Capitol earlier this month shined a light on a threat that has been right in front of our faces for years. I am glad to see that DHS fully recognizes the threat posed by violent, right-wing extremists, and is taking efforts to communicate that threat to the American people. In this heightened threat environment, the Senate must move quickly to confirm Alejandro Mayorkas as Secretary of Homeland Security. I look forward to working with him once he is confirmed to tackle this and the many other challenges facing the homeland.”

- **Nomination of Alejandro Mayorkas as DHS Secretary:** Chairman Thompson made the following comment regarding the nomination, “I commend President-elect Biden for his pick of Alejandro Mayorkas to be the next Secretary of Homeland Security. He is a seasoned leader and veteran of DHS who will undoubtedly be ready on Day One. His immigration and cybersecurity experience, together with his significant management experience, make him uniquely qualified to build DHS back better after years of neglect and being used as a political weapon by President Trump. Mr. Mayorkas will need our support with what will certainly be a full plate: from the rise of domestic terrorism and the coronavirus pandemic to cyber threats to our infrastructure and the fallout from the Trump Administration's failed border and immigration policies. I urge the Senate to act expeditiously on this nomination as DHS has been without permanent leadership for over a year and half.”

After the confirmation on February 2, Chairman Thompson released the following statement: “I am glad that the Senate finally confirmed Mr. Mayorkas to be the next Secretary of Homeland Security. But given the importance of this national security cabinet post, he should have been confirmed on day one of the Biden Administration. DHS has been without a permanent leader for almost two years, and there was no valid reason for Senate Republicans to filibuster and delay his confirmation.”

- **Removal Operations:** Chairman Thompson Team has been interested in the current status of U.S. Immigration and Customs Enforcement (ICE) removals, particularly those involving Cameroonian asylum-seekers. On October 13, 2020, Chairman Thompson and Rep. Karen Bass (D-CA), then-chair of the Congressional Black Caucus, wrote to ICE concerning plans to deport over 200 Cameroonians. Per the letter: advocacy groups submitted a complaint to ICE, CRCL, and the DHS OIG regarding eight Cameroonian asylum seekers at the Adams County Correctional Center in Natchez, Mississippi. “According to the advocates who interviewed the eight detainees mentioned in the complaint, ICE and contract employees deployed pepper spray, physical restraints, and other use of force measures to obtain the signature or fingerprint of detainees on travel documents for their removal from the U.S.”
- **Civil Unrest/Law Enforcement Reform:** Chairman Thompson stated regarding activity in Portland, Oregon, “Americans across the country are watching what the [Trump] Administration is doing in Portland with horror and revulsion and are wondering if their cities could be President Trump’s next targets. The Administration’s actions are not only violent and clearly politically motivated, they are anathema to the rights guaranteed by the Constitution and a threat to every value for which our Republic stands. Despite this extreme escalation, DHS has given Congress no

justification for its actions. The Administration must be accountable to Congress and the American people – and we must hear from Acting Secretary Wolf directly. The future of our democracy is at stake.”

- **U.S. Coast Guard (USCG) Working Group on Harassment:** Chairman Thompson made the following statement regarding the USCG’s implementation of the recommendations contained in the Committees’ joint investigatory staff report on how the Coast Guard has handled reports of harassment, bullying, and retaliation. “We are very pleased that Coast Guard leadership convened a working group and implemented the institutional reforms our Committees recommended. As a result of our investigation, we know the Coast Guard faces major climate and cultural challenges and its leadership lacks proper accountability. The significant policy changes the Commandant has directed are a testament to the bravery of Lieutenant Commander Kimberly Young-McLear and other whistleblowers who have come forward in the face of retaliation. These changes are critical to ensuring that the Coast Guard’s anti-harassment and anti-bullying programs are fair and effective. We look forward to continuing to work with the Coast Guard to ensure that, as the Commandant has stated, implementation of these recommendations will be just the start of the service’s institutional reforms.”
- **DHS Cyber Attack:** Chairman Thompson supports increased funding for CISA, and he has engaged with House leadership to support it.
- **Cybersecurity Support to State and Locals:** On May 18, 2020, House Homeland Members sent letters to Senate and House leadership, urging recurring and one-time investments in modernizing state and local government technology systems. Chairman Thompson has also supported other efforts to authorize grants for state and local cybersecurity.
- **Facial Recognition Technology:** On December 20, 2019, after the release of a National Institute of Standards and Technology report, Thompson sent a letter to the then Acting DHS Secretary calling out the technology’s “unreliability and racial bias.” The Chairman requested DHS to conduct an immediate assessment of whether it should halt current facial recognition operations and plans for future expansion.

At a July 10, 2019, House Homeland hearing on facial recognition technology, he provided a quick summary of his position: “I’m not opposed to biometric technology and recognize it can be valuable to homeland security and facilitation. However, its proliferation across DHS raises serious questions about privacy, data security, transparency and accuracy. The American people deserve answers to those questions before the federal government rushes to deploy biometrics further...” Thompson has concerns about the use of these systems on U.S. citizens, the accuracy of the systems on minorities, citing an ACLU test of 25,000 publicly available photos in July 2018.

During a February 2020 hearing on the same topic, Thompson questioned a DHS Office for Civil Rights and Civil Liberties witness about the office’s role in overseeing the Department’s facial recognition technology efforts. Chairman Thompson indicated that he is not wholly opposed to the use of facial recognition technology, recognizing that it can be valuable to homeland security and

serves as a facilitation tool for the Department's varying missions. The Chairman remains deeply concerned about privacy, transparency, data security, and the accuracy of this technology, and wants to ensure these concerns are addressed before the Department deploys it further.

- **COVID-19:** Chairman Thompson supports funding and legislation to mitigate the impacts of the pandemic. Specifically, in December 2020, the Chairman voted to pass H.R. 133, the Coronavirus Response and Relief Supplemental Appropriations Act. He also supported the March 2020, *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act). He stated, "COVID-19 does not know anything about country borders, state line or any boundaries. By now we all know COVID-19 is not a hoax and never was. I joined fellow Democrats early on, in the fight. Our strategy is to listen to the experts, learn the facts, and respond with resources like American lives depend on it."

On February 2, Chairman Thompson tweeted: "Like other struggling Americans, my constituents have waited far too long for additional #COVID relief & they cannot afford any more delays. That's why @HouseDemocrats have a plan to deliver the critical relief included in @POTUS' #AmericanRescuePlan one way or another."

Chairman Thompson has noted concerns about the virus disproportionately impacting persons of color and remains concerned about COVID-19's impact on the DHS workforce. In a February 3 press release, Thompson noted: "Initial reporting indicates African American and Hispanic populations across the country are being vaccinated at a rate dramatically lower than the rest of the population. For example, in Mississippi, African Americans represent roughly 38.3% of COVID-19 cases and 41.5% of COVID deaths but account for only 15.3% of vaccinations. Similarly, in Florida, African Americans represent roughly 14.6% of COVID-19 cases and 16.5% of COVID-19 deaths, but account for only 5.7% of vaccinations."

- **Migrant Protection Protocols (MPP):** In November 2019, Chairman Thompson visited the MPP facility in Matamoros, Mexico, outside of Brownsville. He said it was worse than camps they have visited in Somalia and Syria, where camps were far better run and supported. "It's a depressing situation. It has serious health and sanitary issues. There are potential security issues and just a total breakdown of any infrastructure for those individuals living in tents.... I have yet to see any involvement by the Mexican government of note." Stated that he does not understand why the Trump Administration "keeps patting themselves on the back for putting more and more people in harm's way. Congress has no intention of rubber-stamping the [Trump] administration's terrible immigration policies that would dramatically expand family detention, indefinitely lock up children and send migrants into dangerous conditions."
- **DACA:** Chairman Thompson made the following statement about the Trump Administration's refusal to restart the DACA program: "The senior leadership at the Department must stop blatantly ignoring the Supreme Court's very clear ruling and stop wasting time coming up with new and cruel ways to throw Dreamers' lives into chaos. From day one, this Administration has made it clear that they would like nothing more than to end the program. Multiple courts – including our highest court – have not allowed it. It should not be difficult for DHS to do the right thing and restore the DACA program fully immediately. Dreamers are part of this country and nothing will change that. We will

not allow them to be used as a bargaining chip in negotiations – or as a pawn in the President [Trump’s] reelection campaign.”

- **Guatemala Asylum Cooperative Agreement (ACA):** Called the agreement’s effects as “xenophobic and racist. . . . Plain and simple, this is the [P]resident [Trump] lashing out in an attempt to keep those seeking safety out of the country.”
- **Family Separation:** Chairman Thompson joined several of his colleagues in the 116th Congress to issue a joint statement on the release of the details about the DHS Family Separation policy memorandum. The statement described the policy as “horrific” and “raised grave questions about the veracity of [former] Secretary Nielsen’s sworn testimony to Congress.” He also demanded that former Secretary Nielsen, former Commissioner McAleenan, DOJ, and HHS needed to appear before his Committee in order to “to answer for this cruel and heartless policy.”
- **Care at ICE Facilities:** In September of 2020, Chairman Thompson released a majority staff report finding that “ICE fails to conduct proper oversight of migrant detention facilities, leaving deficiencies unidentified and uncorrected, and that ICE facilities frequently fail to meet basic standards of care.”

The Committee also found that DHS’s “oversight of ICE facilities fails to identify and correct deficiencies. Inspections are too broad, too infrequent, and preannounced, while the contractor that conducts annual inspections of ICE detention facilities is not fully capable. Also, DHS has few mechanisms to force facilities to correct problems and rarely uses those that are available. Unfortunately, DHS continues to contract with facilities that do not meet ICE’s own standards and ICE seemingly prioritizes obtaining bed space over the well-being of detainees in its care.”

- **Diversity & Inclusion:** Chairman Thompson has a longstanding interest in the Department’s diversity of hires.
- **Morale:** Chairman Thompson is a strong supporter of improved morale at the Department. In the 117th Congress he introduced H.R. 490 that is intended to amend the Homeland Security Act of 2002 to improve morale within the DHS workforce by conferring new responsibilities to the Chief Human Capital Officer, establishing an employee engagement steering committee, requiring action plans, and authorizing an annual employee award program.
- **Domestic Terrorism:** Chairman Thompson supports legislation and funding to combat domestic terrorism. Sponsored H.R. 3106, *Domestic and International Terrorism DATA Act*, in the 116th Congress that requires a joint domestic and international terrorism report and authorizes research within DHS on current trends in domestic terrorism. Elements of this bill were included in the House Appropriations report. DHS routinely briefs his staff on the Department’s effort regarding targeted violence and terrorism prevention.

The Committee held a February 4 hearing on “Examining the Domestic Terrorism Threat in the Wake of the Attack on the U.S. Capitol,” saying: “This hearing will be the Committee’s first in its

ongoing investigation into the events of that day as well as the Federal response to the attack and the domestic violent extremism threat. This hearing will provide Members the opportunity to 1) examine the circumstances that led to the attack on the U.S. Capitol and preceding domestic terrorism incidents, 2) discuss how to support communities affected by domestic terrorism, and 3) assess how to counter the threat and prevent future domestic terrorism attacks.” Witnesses: Former DHS A/S for Counterterrorism and Threat Prevention Elizabeth Neumann and representatives from the DC government, Anti-Defamation League, and RAND Corp.

- **Small Business Utilization:** A personal interest item of Chairman Thompson is ensuring that DHS increases its contracting opportunities for and with small and disadvantaged businesses, particularly those classified as 8(a) under the Small Business Act. DHS has received an “A” or an “A+” score from the Small Business Administration for the past decade for its contracting efforts with small and disadvantaged businesses. The Chairman regularly seeks the Department’s commitment to support DHS efforts and to increase these contracting opportunities.
- **National Emergency Declaration:** Vocally condemned President Trump’s emergency declaration at the Southern Border as a violation of the Constitution.
- **DHS Volunteer Force:** Raised concern with the Department’s Volunteer Force to support CBP and ICE efforts at our Southern Border. His concerns centered on Transportation Security Administration (TSA) Officers being pulled from their posts at airports to supplement efforts on the border.
- **TSA Transportation Security Officer Collective Bargaining Rights:** Worked with House Appropriations Committee Chairwoman Rep. Nita Lowey on a bill granting TSA employees full Title 5 civil service protections, including access to the Merit Systems Protection Board, official time for representational work and the GS wage system.
- **Reprogramming Disaster Relief Funding:** Called on President Trump to immediately disavow news reports that he would use disaster recovery funds to pay for his “absurd border wall.” Also stipulated that he and his colleagues would use “every available method to stop him in this effort.”
- **Chemical Facility Anti-Terrorism Program (CFATS):** Supports this bipartisan legislation which sought to provide a two-year extension of the CFATS program. Under CFATS, DHS works with high risk chemical facilities operators to ensure those facilities have adequate security measures in place.