

From: (b)(6);(b)(7)(C)
Sent: 10 Mar 2017 18:15:20 +0000
To: (b)(6);(b)(7)(C)
Cc:
Subject: RE: Request for information

Hi (b)(6);(b)(7)(C)

Per your request:

1) If an individual is not a target, they would not be identified as a person of investigative interest and a stop would not be initiated. Such a stop would only be conducted for a suspected, known target. If U.S. Immigration and Customs Enforcement (ICE) officers identify non-targeted individual(s), those individuals are encountered during the course of enforcement actions; ICE officers determine alienage and removability through a range of investigative means, consistent with ICE officers' law enforcement authority.

2) A stop or detention is part of the investigative and law enforcement process carried out by ICE officers, consistent with the scope of their duties. Stops or detentions may be consensual, and may not have an actionable result (e.g. arrest). Arrests are documented electronically when an arrestee is processed, to include an arrest report.

Hope that helps,

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Friday, March 03, 2017 1:41 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: Request for information

(b)(6);(b)(7)(C)

We are writing to request information regarding ICE's procedures for stopping, arresting and/or detaining individuals. Specifically we request information regarding 1) how agents identify individuals, encountered in public, for a stop/arrest when that individual is not the target of a pre-planned enforcement action, and 2) how each stop, arrest or detention is documented.

Thank you.

Sincerely,

(b)(6);(b)(7)(C)

Director of Immigration and Foreign Affairs

U.S. Senator Kirsten Gillibrand

T: (212) 909-^{(b)(6);(b)(7)(C)}_{(b)(7)(C)} F: (866) 824-6340-^{(b)(6);(b)(7)(C)}

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: 10 Feb 2016 22:22:14 +0000
To: (b)(6);(b)(7)(C)
Cc:
Subject: RE: Request from Senator Kirsten Gillibrand

Hi (b)(6);(b)(7)(C)

The next step would be for your constituent (or his representative) to request a headquarters-level review through the Enforcement and Removal Operations (ERO) Prosecutorial Discretion Inbox (EROprosecutorialdiscretioninquiries@ice.dhs.gov). An ERO senior official will review the request and provide a decision to the requestor.

V/R,

(b)(6);(b)(7)(C)

Deputy Assistant Director
Office of Congressional Relations | U.S. Immigration and Customs Enforcement
(202) 732- (b)(6);(b)(7)(C)
ICE-CongressionalRelations@ice.dhs.gov

From: (b)(6);(b)(7)(C)
Sent: Wednesday, February 10, 2016 4:51 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: Request from Senator Kirsten Gillibrand

Dear M (b)(6);(b)(7)(C)

Senator Gillibrand has asked that I reach out to your office concerning on of her constituents.

(b)(6);(b)(7)(C) a Long Island resident was detained by ICE about 2.5 weeks ago and faces deportation to El Salvador. (b)(6);(b)(7)(C) has been in the United States for nearly 30 years, since 1986. He and his partner have 3 children together, he has a driver's license and a Social Security card. This story has gotten a lot of press (articles below) attention and Senator Gillibrand would like a status update. We were informed that ICE declined the request to exercise favorable discretion and Senator Gillibrand is asking that his case be reconsidered. Please feel free to respond by email or by phone to me with any information you can provide for the Senator.

Best Regards,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) **Counsel**
Office of U.S. Senator Kirsten Gillibrand

<http://www.nydailynews.com/new-york/long-island-father-fighting-deportation-el-salvador-article-1.2520674>

<http://www.maketheroadaction.org/354447>

Immigrant father on Long Island detained by ICE leaves helpless family behind



by [Luis M. Mostacero](#) - Online Editor

An immigrant family on Long Island is living their worst nightmare. Julio Cesar Acosta, 50, a father of three children, including a newborn, was arrested by ICE in January as he was leaving his home in Baldwin to go to work.

It was on an early Friday the morning around 5:45 a.m. that Julio had gone to his car and was about to leave when the ICE officers arrived at his home and parked behind him. They told him to get out of the car, arrested him and took him in for custody.

Daysi, Julio's wife, who was pregnant at that time with their third child was getting ready to start the day without knowing what had just happened. All of sudden she heard loud knocking at the door and a voice asking, "Is someone home?" Daysi immediately knew it was ICE. The agents left minutes later.

Julio has authorization to work in the U.S., a driver's license and a social security number, which he obtained after gaining asylum. However, a criminal conviction from 2004 for driving under the influence (DUI) could have been the reason why Julio was a priority for ICE, according to Antonia House, immigration attorney for Make the Road New York (MRNY), the organization that is now helping the family.

Julio came from El Salvador fleeing the civil war that was affecting his homeland and crossed the border into the U.S. in 1986. Two years later he was issued an order of removal for missing a Court date when he was living in California.

"What we've seen is the same thing that ICE has been doing for a long time, which is going after people who have criminal convictions and Julio had some old criminal conviction," House said. "Our understanding is that the old conviction from more than ten years ago is what triggered the arrest by ICE."

House said they have submitted a stay of removal in order to stop Julio's deportation. "We also submitted a Freedom of Information Act request to understand exactly what happened, what were the charges against him, if there is any basis to reopen his previous deportation case," she said.



Meanwhile, Daysi, 33, Julio's wife became frantic. The day Julio was arrested, even though she was not yet due, the trauma of her husband being torn from the family caused her to go into labor and give birth prematurely to a boy, Christopher, now four weeks old.

She is also concerned about her husband's health; he suffers from diabetes. With no job, no family to support her, caring for her newborn and taking care of their other two children, Daysi spends her days wondering where she will get money to feed her kids and pay the rent. There are days that she has no other choice, but to cry.

"I need him a lot. What am I going to do with these children? How am I going to work? I would only work to pay someone who takes care of my children because undocumented people get paid very little," said Daysi fighting back tears.

From: (b)(6);(b)(7)(C)
Sent: 4 Jan 2016 17:44:32 +0000
To: (b)(6);(b)(7)(C) Gillibrand
Cc: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) and 4 family members

Hi (b)(6);(b)(7)(C)

I recommend checking with family's attorney since that information is provided to the attorney of record through the field office with jurisdiction over the case.

V/R,

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Monday, January 04, 2016 9:53 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) and 4 family members

Good morning (b)(6);(b)(7)(C)

Our constituent asks whether it would be possible for ICE to disclose the reason(s) why this case did not merit discretion. Is that something that you can share with us?

Thank you kindly,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Immigration Counsel

Office of U.S. Senator Kirsten Gillibrand

T: (212) 909-(b)(6);(b)(7)(C) F: (866) 824-6340 (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Monday, December 28, 2015 10:46 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: (b)(6);(b)(7)(C) and 4 family members

Good morning, (b)(6);(b)(7)(C)

The ICE Headquarters' Enforcement and Removal Operations (ERO) office received your request for a review of a stay of removal denial on behalf of the (b)(6);(b)(7)(C) family (see original email below). On December 22, 2015, an ERO senior management official reviewed the case and confirmed the decision to deny was appropriate. Additional questions should be referred to the family's attorney, who was notified of this decision the same day.

Respectfully,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Assistant Director
Office of Congressional Relations | U.S. Immigration and Customs Enforcement
(202) 732 (b)(6);(b)(7)(C)
ICE-CongressionalRelations@ice.dhs.gov

From: (b)(6);(b)(7)(C)
Sent: Thursday, December 24, 2015 10:29 AM
To: ERO Prosecutorial Discretion Inquiries
Cc: (b)(6);(b)(7)(C)
Subject: (b)(6);(b)(7)(C) and 4 family members

Good morning:

I am writing on behalf of Mr. (b)(6);(b)(7)(C) who contacted our office via the non-profit organization RAICES, to request reconsideration of the denied I-246 Application for a Stay of Removal that was filed for him, his wife (b)(6);(b)(7)(C), and three children, (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) (Please see attached Authorization Forms).

According to counsel, Mr. (b)(6);(b)(7)(C) is currently detained in Pearsall; his wife, and children are not detained.

I understand the family members filed the I-246 via counsel, which was denied on October 23, 2015 by the San Antonio Field Office. (Please see attached Decision). I have been informed that counsel subsequently submitted a request to ICE to join a motion for stay of removal. (Please see attached Request). I am told that Mr. and Mrs. (b)(6);(b)(7)(C) fled Sri Lanka and resided in Italy for a few years, where all the children were born, before coming to the United States. (b)(6);(b)(7)(C) It is my understanding that none of the individuals have Italian citizenship. It has been underscored to me that Mr. (b)(6);(b)(7)(C) has travel papers for Sri Lanka, so even if the family is removed to Italy they fear being deported to Sri Lanka.

Based on the information provided to me, it appears that there are many positive equities in this case. Some of those equities include:

- 1) Family has resided in U.S. for 11 years;
- 2) Three children, all eligible for DACA, the eldest of whom is enrolled in college, the other two are in high school;
- 3) No criminal record;
- 4) Entered country legally in 2005 on B-2 (overstay);
- 5) Wife and three children economically dependent on Mr. (b)(6);(b)(7)(C)
- 6) Deep community ties (the family members are active with their church, (b)(6);(b)(7)(C) Church, and school communities)

Considering the family's strong ties to the U.S. and the hardship that they would face should they be removed, I respectfully request that you review the Application for a Stay of Removal in light of the November 2014 Memo on "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants."

Thank you for your full and fair consideration of this matter, consistent with applicable laws, rules, and regulations. Please let me know if I can provide any further information.

Wishing you a very Merry Christmas,

(b)(6);(b)(7)(C)

Immigration Counsel

Office of U.S. Senator Kirsten Gillibrand

T: (212) 909-
7(C) : (866) 824-6340 |

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: 24 Apr 2018 20:49:14 +0000
To: (b)(6);(b)(7)(C)
Cc:
Subject: RE: Sens. Schumer and Gillibrand Letter

Hi (b)(6);(b)(7)(C)

I've forwarded this to our Executive Secretariat who will task for response.

V/R,

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, April 24, 2018 4:37 PM
To: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: Sens. Schumer and Gillibrand Letter

Good afternoon,

Attached please find a letter from Senators Schumer and Gillibrand to Secretary Nielsen and Acting Director Homan. We look forward to a response within two weeks. Please let me know if you have any questions.

Many thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Counsel
CHARLES E. SCHUMER
United States Senate Democratic Leader
Office: 202-224-(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: 3 Apr 2017 20:10:23 +0000
To: (b)(6);(b)(7)(C) Gillibrand
Cc: ICE-CongressionalRelations
Subject: Response to Sen Gillibrand's March 8, 2017 correspondence
Attachments: 87095 - Response to Sen Gillibrand.pdf

Good afternoon, (b)(6);(b)(7)(C)

Attached is the response to Senator Gillibrand's March 8, 2017 correspondence on behalf of Rev. (b)(6);(b)(7)(C).
If you have questions or need additional information, please let us know.

V/R,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Acting Assistant Director

Office of Congressional Relations | U.S. Immigration and Customs Enforcement

(202) 732 (b)(6);(b)(7)(C)

<<mailto:ICE-CongressionalRelations@ice.dhs.gov>> ICE-CongressionalRelations@ice.dhs.gov

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

APR 03 2017

The Honorable Kirsten E. Gillibrand
United States Senator
780 Third Avenue, Suite 2601
New York, NY 10017

Dear Senator Gillibrand:

Thank you for your March 8, 2017 correspondence to U.S. Immigration and Customs Enforcement (ICE) on behalf of Reverend (b)(6);(b)(7)(C) regarding an alleged incident involving an employee of his church.

The letter from Reverend (b)(6);(b)(7)(C) was forwarded to the Joint Intake Center, within the ICE Office of Professional Responsibility (OPR), for the creation of an investigatory record. In order for ICE OPR to conduct a thorough investigation, it would be essential to speak with the unnamed complainant referenced in Reverend (b)(6);(b)(7)(C) letter to your office.

Additionally, the Department of Homeland Security's (DHS) Office of the Inspector General (OIG) reviews all allegations of misconduct involving ICE employees, and reserves the right to take the lead in investigations such as this. If DHS OIG elects to do so, ICE would no longer be involved in the investigation and would have no control over whether or not the complainant is interviewed.

Please be assured ICE takes very seriously all allegations of misconduct and has a zero tolerance policy regarding retaliatory actions by its employees.

Thank you again for your letter. Should you wish to discuss this matter further, please do not hesitate to contact me at (202) 732-(b)(6);(b)(7)(C)

Sincerely,

(b)(6);(b)(7)(C)

Acting Assistant Director
Office of Congressional Relations

From: (b)(6);(b)(7)(C)
Sent: 28 Mar 2017 11:19:17 +0000
To: (b)(6);(b)(7)(C) Gillibrand)
Cc: ICE-CongressionalRelations
Subject: Response to Sen Gillibrand's March 21, 2017 letter
Attachments: 87230 Gillibrand Signed Response.pdf

Good morning, (b)(6);(b)(7)(C)

Attached is the signed response to Senator Gillibrand's March 21, letter to U.S. Immigration and Customs Enforcement (ICE) on behalf of Rev. (b)(6);(b)(7)(C) regarding Mr. (b)(6);(b)(7)(C)

If you have questions or need additional information, please let us know.

V/R,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Acting Assistant Director

Office of Congressional Relations | U.S. Immigration and Customs Enforcement

(202) 732- (b)(6);(b)(7)(C)

ICE-CongressionalRelations@ice.dhs.gov <<mailto:ICE-CongressionalRelations@ice.dhs.gov>>

U.S. Department of Homeland Security
26 Federal Plaza, Suite 1105
New York, N.Y. 10278



U.S. Immigration
and Customs
Enforcement

March 23, 2017

The Honorable Kirsten Gillibrand
Member, U.S. Senate
780 Third Avenue, Suite 2601
New York, NY 10017

Re: (b)(6);(b)(7)(C)

Dear Senator Gillibrand:


I have reviewed your correspondence on behalf of your constituent, Rev. (b)(6);(b)(7)(C) of Bayside United Methodist Church, regarding the status of Form I-246, Application for a Stay of Removal filed in Mr. (b)(6);(b)(7)(C) immigration case.

Please be advised that ICE has reviewed Mr. (b)(6);(b)(7)(C) case and all pertinent factors were taken into consideration in accordance with the executive orders. Mr. (b)(6);(b)(7)(C) request for a Stay of Removal is denied. Mr. (b)(6);(b)(7)(C) attorney of record will be notified of this determination.

If you should have any further questions, please do not hesitate to contact my office.

Sincerely,

(b)(6);(b)(7)(C)

 Thomas R. Decker
Field Office Director

From: (b)(6);(b)(7)(C)
Sent: 24 Apr 2018 20:48:12 +0000
To: (b)(6);(b)(7)(C)
Cc:
Subject: FW: Sens. Schumer and Gillibrand Letter
Attachments: 04242018_ICE Enforcement Action_DHS.PDF

FYSA re: (b)(6);(b)(7)(C)

V/R,

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, April 24, 2018 4:44 PM
To: ICE Exec Sec <ICEExecSec2@ice.dhs.gov>
Cc: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: FW: Sens. Schumer and Gillibrand Letter

Good afternoon, ESEC ?

Would you please task the attached letter from Senators Schumer and Gillibrand for response?

Thanks,

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, April 24, 2018 4:37 PM
To: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: Sens. Schumer and Gillibrand Letter

Good afternoon,

Attached please find a letter from Senators Schumer and Gillibrand to Secretary Nielsen and Acting Director Homan. We look forward to a response within two weeks. Please let me know if you have any questions.

Many thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Counsel

CHARLES E. SCHUMER

United States Senate Democratic Leader

Office: 202-224-(b)(6);(b)(7)(C)

United States Senate

WASHINGTON, DC 20510

April 24, 2018

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20528

The Honorable Thomas Homan
Acting Director
Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20563

Dear Secretary Nielsen and Acting Director Homan:

We write to request specific information regarding a recent Immigration and Customs Enforcement (ICE) worksite enforcement action in Rome, New York. On April 18, 2018, according to farm owner (b)(6);(b)(7)(C) seven ICE officers entered his milking barn without a warrant and without consent, detained his employee, (b)(6);(b)(7)(C) against a wall, in front of his children, and handcuffed him. According to (b)(6);(b)(7)(C) when he heard a commotion and entered the barn to find out what was happening, ICE produced no warrant and provided no explanation, despite being asked to do so. Further, when (b)(6);(b)(7)(C) tried to film the incident, an ICE officer took his cell phone from his hands and threw it on the ground. According to the affidavit accompanying the criminal complaint filed against Mr. (b)(6);(b)(7)(C) officers were at the farm to check on another person due to multiple missed appointments with ICE, as well as conflicting or missing information about other relatives. The complaint also explains that prior to the enforcement action, ICE officers had already connected the person they were checking on with (b)(6);(b)(7)(C). After entering a "publicly accessible" door, the officers claim that (b)(6);(b)(7)(C) attempted to flee, at which point they physically restrained him. Unfortunately, the affidavit accompanying the criminal complaint is inconsistent with the claims of (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) allegations, if true, are serious and may show constitutional violations. Therefore, we respectfully request that you provide written answers to the following questions within two weeks:

- 1) Since the ICE officers did not obtain a judicial warrant, what was their basis for believing that a judicial warrant was not required to enter (b)(6);(b)(7)(C) private property?
- 2) Is there an ICE policy addressing administrative warrants and private property? If so, was the policy followed in this instance?
- 3) What powers does an administrative warrant grant to ICE officers, according to ICE?
 - a. Please provide the ICE manual and indicate the specific language that describes these powers.
- 4) What is ICE's policy with respect to citizens recording encounters between officers and arrestees?

We fully acknowledge that ICE and the Department of Homeland Security are authorized by law to set deportation priorities and carry out enforcement actions at worksites and elsewhere. However, this authority is cabined by statute and by the supreme law of the land, our federal Constitution. We hope you share our concerns outlined above and await your response.

Sincerely,



Charles E. Schumer
United States Senator



Kirsten Gillibrand
United States Senator

Charles F. Johnson
Knoxville, Tennessee

From: (b)(6);(b)(7)(C)
Sent: 6 Jan 2016 20:14:49 +0000
To: (b)(6);(b)(7)(C)
Cc: usciscongressionalinquiries
Subject: (b)(6);(b)(7)(C)
Attachments: Letter to J. Johnson and A. Mayorkas, 8-18-2014.pdf, (b)(6);(b)(7)(C)
PR.PDF

Hi (b)(6);(b)(7)(C)

The ICE Headquarters? Enforcement and Removal Operations (ERO) office received a request for a status update regarding an application for Deferred Action for Childhood Arrivals (DACA) for (b)(6);(b)(7)(C). Please note that DACA falls under the purview of U.S. Citizenship and Immigration Services (USCIS), not ICE. Please refer future inquiries regarding pending DACA applications to USCIS cc?d.

Respectfully,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Assistant Director

Office of Congressional Relations | U.S. Immigration and Customs Enforcement

(202) 732 (b)(6);(b)(7)(C)

ICE-CongressionalRelations@ice.dhs.gov <<mailto:ICE-CongressionalRelations@ice.dhs.gov>>

From: (b)(6);(b)(7)(C)
Sent: Tuesday, January 05, 2016 2:42 PM
To: ERO Prosecutorial Discretion Inquiries; usciscongressionalinquiries
Subject: (b)(6);(b)(7)(C) Application for Deferred Action, (b)(6);(b)(7)(C)

January 5, 2016

Office of Legislative Affairs

Immigration and Customs Enforcement

U.S. Citizenship and Immigration Services

Department of Homeland Security

RE (b)(6);(b)(7)(C) Application for Deferred Action, (b)(6);(b)(7)(C)

Dear Congressional Officer,

I am writing on behalf of (b)(6);(b)(7)(C) who contacted my office for assistance with his application for Deferred Action. (Please see attached Privacy Release.)

I understand from (b)(6);(b)(7)(C) that he applied for Deferred Action via letter to Secretary Johnson and Immigration and Customs Enforcement, with the assistance of his attorney, (b)(6);(b)(7)(C), in August 2014. (Please see attached copy of Letter to J. Johnson et.al.)

(b)(6);(b)(7)(C) stated that he applied for Deferred Action affirmatively, after having lived in the U.S. since infancy. (b)(6);(b)(7)(C) conveyed that his circumstances fit the eligibility for Deferred Action for Childhood Arrivals (DACA) except for the requirement that he have been under 31 on June 15, 2012. Otherwise, (b)(6);(b)(7)(C) fits the other requirements for DACA: he stated he has never been in removal proceedings, he completed a college degree with honors, he has strong ties to his community in New York City, and he has no criminal history.

(b)(6);(b)(7)(C) expressed that he is eager to receive a response from the Department of Homeland Security on the status of his case and an adjudication of his application for Deferred Action. Accordingly, I would greatly appreciate your review of this matter and written notification of its status, as well as your full and fair consideration, consistent with applicable law, rules, and regulations.

Thank you in advance for your assistance with this matter, and please do not hesitate to contact (b)(6);(b)(7)(C) of my staff at (212) 909-(b)(6);(7)(C) via fax at (866) 824-(b)(6);(7)(C) or at

(b)(6);(b)(7)(C) should you have any questions or require further information.

Sincerely yours,

(Signature appears on original letter)

Kirsten Gillibrand

United States Senator

KEG (b)(6);(b)(7)(C)

August 18, 2014

(b)(6);(b)(7)(C)
Tel 212 891 (b)(6);(b)(7)(C)
Fax 212 909-0840
(b)(6);(b)(7)(C)

Secretary Jeh Charles Johnson
Deputy Secretary Alejandro Mayorkas
U.S. Department of Homeland Security
Washington, DC 20528

Re: Request for Prosecutorial Discretion and Deferred Action for (b)(6);(b)(7)(C)

Dear Sirs:

We write respectfully to request that the U.S. Department of Homeland Security (“DHS”) exercise favorable prosecutorial discretion and grant our client, (b)(6);(b)(7)(C) deferred action by declining to initiate removal proceedings or any other enforcement action against our client for a period of four (4) years.

I. Summary of (b)(6);(b)(7)(C) Circumstances

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

II. DHS's Power to Grant Deferred Action

DHS is entrusted with authority to initiate removal proceedings by issuing a Notice to Appear (“NTA”), *see* 8 C.F.R. § 239.1, and is “expected to exercise discretion in a judicious manner at all stages of the enforcement process,” *see* Memorandum of INS Commissioner Doris Meissner dated Nov. 17, 2000, at 1 (“Meissner Memo”). *See generally* Memorandum of ICE Director John Morton dated June 17, 2011 (the “Morton Memo”).¹ DHS’s discretion includes the decision whether to “issue, reissue, serve, file, or cancel a Notice to Appear (NTA),” and whether to “issue or cancel a notice of detainer.” Morton Memo, at 2-3. DHS also has discretion over “granting deferred action, granting parole, or staying a final order of removal.” *Id.* Deferred action refers to the decision not to initiate or pursue removal proceedings against a particular individual.

DHS has established policies that guide the exercise of its prosecutorial discretion, including the Morton Memo. And, although these policies do not create a substantive right to a particular outcome – discretion lies with the government, *see* Morton Memo, at 6 -- the exercise of DHS discretion is guided by the policies it has promulgated. The Morton Memo builds on decades of immigration enforcement policy and sets forth the considerations the government must observe. Under the government’s stated policies, (b)(6);(b)(7)(C) case is not one that falls within the government’s “enforcement priorities.” *See id.* at 5.

III. The Reasons DHS Should Grant Deferred Action

Respectfully, the government should exercise favorable prosecutorial discretion with respect to the initiation of removal proceedings against (b)(6);(b)(7)(C)

¹ *See Reno v. America-Arab Anti Discrim. Comm.*, 525 U.S. 471, 488-92 (1999) (finding that the INS retains inherent prosecutorial discretion as to whether to bring removal proceedings); *Matter of Yauri*, 25 I&N Dec. 103, 110 (BIA 2009) (noting that DHS has prosecutorial discretion over deferred action and citing cases); *Matter of Bahta*, 22 I&N Dec. 1381 (BIA 2000) (finding that the former INS had prosecutorial discretion to decide whether to commence removal proceedings against a person subsequent to IIRIRA); *Matter of Singh*, 21 I. & N. Dec. 427 (BIA 1996); *Matter of Ruis*, 18 I. & N. Dec. 320 (BIA 1982); *Matter of Roussis*, 18 I. & N. Dec. 256 (BIA 1982); *Matter of Lennon*, 15 I. & N. Dec. 9 (BIA 1974). *See generally* K. Manuel and T. Garvey, “Prosecutorial Discretion in Immigration Enforcement: Legal Issues,” *Congressional Research Service*, December 27, 2013.

1. (b)(6);(b)(7)(C) Is Not a Danger to the United States

The government's "highest priority" for enforcement is the removal of aliens "who pose a danger to national security or a risk to public safety." *See* Memorandum of ICE Director John Morton dated Mar. 2, 2011, at 1-2 ("March Morton Memo"). Individuals who fall within this category are those who have been involved in terrorism and have participated in serious crimes. Indeed, in recent years the government has focused its limited resources on the removal of such individuals. *See, e.g.*, ICE, "FY 2013 ICE Immigration Removals," *available at* <https://www.ice.gov/removal-statistics/> (last accessed Aug. 17, 2014) (noting that 82% of individuals removed from the United States in 2013 had been convicted of a crime).

(b)(6);(b)(7)(C) is not a high enforcement priority under this factor. He faces no allegations relating to terrorism or national security and he has never been convicted of any crime. *See* Affidavit of (b)(6);(b)(7)(C) dated August 18, 2014 ("(b)(6);(b)(7)(C) Aff."), ¶ 20. In addition, (b)(6);(b)(7)(C) is not a fugitive and has not obstructed immigration controls. *See* Morton Memo, at 4. To the contrary, (b)(6);(b)(7)(C) has lived as an upstanding resident of New York, and Tennessee during college, for more than thirty years. *See* (b)(6);(b)(7)(C) Aff. ¶¶ 11, 18. His continued presence in the United States does not implicate the government's stated priorities for immigration enforcement.

2. (b)(6);(b)(7)(C) Has Been Present in the United States Since Childhood

(b)(6);(b)(7)(C) came to the United States lawfully with his parents a month before his second birthday, and has lived here ever since – a period of more than thirty years. (b)(6);(b)(7)(C) Aff. ¶ 3. If an individual has been "present in the United States since childhood," the government must treat its enforcement decision with "particular care and consideration" in light of this "positive factor." *See* Morton Memo, at 5; *see also id.* at 4 (requiring consideration of "the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child."), *id.* (finding a person's "length of presence in the United States" to be another positive factor). Thus, an exercise of favorable discretion is warranted here.

3. (b)(6);(b)(7)(C) Was Educated in the United States

The "pursuit of education in the United States" is a positive factor in the government's exercise of discretion, with "particular consideration" given to "those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degree at a legitimate institution of higher education in the United States." Morton Memo, at 4.

(b)(6);(b)(7)(C) is exactly the type of person these considerations favor. His entire education took place in the United States, from an early age through a series of prestigious schools, including college. (b)(6);(b)(7)(C) Aff. ¶¶ 8-10, 15. He attended (b)(6);(b)(7)(C) in Brooklyn, New York, and later graduated from (b)(6);(b)(7)(C). *Id.* ¶¶ 9-10. During high school (b)(6);(b)(7)(C) attended summer programs at Columbia University and Stanford University. *Id.* ¶¶ 12-13. He then attended the University of Tennessee, Knoxville, and

graduated *magna cum laude* with a Bachelor of Arts in sociology (concentrating in criminal justice) and a minor in psychology. *Id.* ¶ 16.

With these academic accomplishments behind him, (b)(6);(b)(7)(C) has aspired to continue his education by attending law school, and ultimately to practice law. *Id.* ¶ 23. (b)(6);(b)(7)(C) still dreams of one day becoming a federal judge. *Id.* His immigration status has prevented him from pursuing these dreams.

4. (b)(6);(b)(7)(C) Has Strong Ties to His Community

A person's "ties and contributions to the community, including family relationships" is another important consideration in exercising prosecutorial discretion. *See* Morton Memo, at 4.

(b)(6);(b)(7)(C) has developed strong ties and made important contributions to his community. First, he has parents who have for many years operated a grocery store in the (b)(6);(b)(7)(C) neighborhood of Brooklyn. (b)(6);(b)(7)(C) Aff. ¶ 7. (b)(6);(b)(7)(C) has worked at that Brooklyn grocery store. *Id.* ¶ 18. As (b)(6);(b)(7)(C) parents approach retirement age, they increasingly rely on (b)(6);(b)(7)(C) to sustain the business. *Id.* (b)(6);(b)(7)(C) also supports his family by managing two rented apartments on the upper floor of the family home. *Id.* ¶ 21. (b)(6);(b)(7)(C) also has a lawful-permanent-resident brother, with whom he is close. *Id.* ¶ 3.

Second, (b)(6);(b)(7)(C) has demonstrated a strong commitment to the good of his community through numerous religious and charitable engagements. *Id.* ¶¶ 11, 17. He has long participated in church activities that help the disadvantaged. *Id.* ¶ 11. He received an award for his volunteer work with the Red Cross. *Id.* He has also served his community by volunteering at soup kitchens during high school and college. *Id.* ¶ 17.

Third, for the past seven years (b)(6);(b)(7)(C) has devoted substantial effort to raising awareness of issues facing immigrants like himself. *Id.* ¶ 24. His efforts are aimed at influencing legislation and public policy concerning immigration, including recent testimony before the New York City Council concerning changes to the city's identification laws. *Id.* ¶ 27. He also participated in a Unicef and Global Migration Group symposium in 2011. *Id.* ¶ 25. Beyond that, (b)(6);(b)(7)(C) has been featured in numerous well-known publications discussing immigration issues, including Time Magazine. *Id.* ¶ 26; *see also id.*, Ex. S (representative press coverage); *id.*, Ex. N. (letter from Associate Professor (b)(6);(b)(7)(C) supporting (b)(6);(b)(7)(C) application). His devotion and commitment to the democratic process of changing laws and policies to help others is a significant positive factor for prosecutorial discretion.

By contrast, (b)(6);(b)(7)(C) has no significant ties to South Korea, a place he has not even visited since he was a young child. *See* Morton Memo, at 4 (ties to country of origin a factor); *Id.* ¶ 29.

5. Granting Deferred Action Would Relieve Economic Hardship

As a person without legal status, (b)(6);(b)(7)(C) has been unable to undertake professional employment despite his college degree. (b)(6);(b)(7)(C) Aff. ¶ 22. A grant of deferred action would allow (b)(6);(b)(7)(C) to apply for employment authorization, and to contribute to the community in a manner commensurate with his qualifications and skills. 8 C.F.R. § 274a.12(c)(14) (making employment authorization available to individuals who have “been granted deferred action”).

6. Granting Deferred Action Would Be Consistent with Government Programs

(b)(6);(b)(7)(C) is similarly situated to the type of immigrant for whom the government has found discretion to be warranted. For example (b)(6);(b)(7)(C) meets all the factors for Deferred Action for Childhood Arrivals (“DACA”), but is only ineligible because he was born too early. Similarly, (b)(6);(b)(7)(C) brother, who also came to the United States at a young age from South Korea, obtained relief under the LIFE Act, but (b)(6);(b)(7)(C) did not. (b)(6);(b)(7)(C) Aff. ¶ 30. Exercising deferred action would be consistent with the manner in which the government has chosen to pursue similar immigration cases; bringing a removal case against (b)(6);(b)(7)(C) would not.

7. (b)(6);(b)(7)(C) Has No Negative Immigration History

(b)(6);(b)(7)(C) has no prior order of removal, no prior denial of status, nor has he ever been involved in immigration fraud. This absence of negative “immigration history” is a relevant, positive factor in the exercise of discretion. *See* Morton Memo, at 4.

8. (b)(6);(b)(7)(C) Has No Significant Criminal History

A person’s criminal history is a relevant consideration in assessing prosecutorial discretion. *See* Morton Memo, at 4. This factor weighs in (b)(6);(b)(7)(C) favor, as he poses no danger to the public and has never been convicted of any crime. (b)(6);(b)(7)(C) Aff. ¶ 20. Although he was accused of having an altercation with a customer at a flower store where he worked in 2003, the case was dismissed and is sealed. *Id.*

9. Declining to Initiate Proceedings Would Save Resources

DHS should exercise its discretion favorably “as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing the enforcement proceeding.” *See* Morton Memo, at 5. Here, no proceedings have been initiated, so granting deferred action would save the government the full slate of resources that otherwise would be required to initiate and pursue a case against (b)(6);(b)(7)(C). These substantial savings in prosecutorial resources support a favorable exercise of discretion.

IV. Conclusion

(b)(6);(b)(7)(C) meets a substantial number of the factors set forth in the Morton Memo and is not an enforcement priority for the government. For the reasons set forth herein, we respectfully

Messrs. Johnson and Mayorkas

August 18, 2014

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request that DHS favorably exercise its discretion and grant (b)(6),(b)(7)(C) a four (4) year period of deferred action. If additional information would be helpful in assessing this application, please contact me.

Sincerely,

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

Dear Senator Gillibrand:

Case No. _____

I request that you or a member of your staff investigate the immigration case outlined below. Pursuant to the Privacy Act of 1974, I hereby consent to the disclosure to the office of U.S. Senator Kirsten Gillibrand any record pertaining to me that appears in any system of records of U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE) and/or the U.S. Department of State (DOS).

Signature of Petitioner: X (b)(6);(b)(7)(C) Date: 12/29/15

Signature of Beneficiary/Applicant: X (b)(6);(b)(7)(C) Date: 12/29/15

I also authorize Senator Gillibrand to share information about my immigration matter with the following people:

Name: (b)(6);(b)(7)(C) Relationship: Attorney

Name: _____ Relationship: Attorney

PLEASE PRINT OR TYPE ALL RELEVANT PORTIONS OF THIS FORM

Personal information about Petitioner/Applicant (New York resident or company):

Last Name (as filed): (b)(6);(b)(7)(C) First: (b)(6);(b)(7)(C) Middle: _____

Other names (if any): _____ Gender: Male Female

Current Address: (b)(6);(b)(7)(C)

City: Brooklyn State: NY Zip Code: 11204

Telephone: (Work) _____ (Home) 718-314 (b)(6);(b)(7)(C)

Email: (b)(6);(b)(7)(C) Date of Birth (month/day/year): (b)(6);(b)(7)(C)

Immigration or Alien Number: (b)(6);(b)(7)(C) Relationship to Beneficiary: Self

Personal Information about Beneficiary/Applicant (person seeking status in the United States):

Last Name (as filed): (b)(6);(b)(7)(C) First: (b)(6);(b)(7)(C) Middle: _____

Other names (if any): _____ Gender: Male Female

Current Address: (b)(6);(b)(7)(C)

City: Brooklyn State: NY Zip Code: 11204 Country: United States

Telephone: 718-314 (b)(6);(b)(7)(C) Email: (b)(6);(b)(7)(C)

Date of Birth (month/day/year): (b)(6);(b)(7)(C) Immigration/Alien Number: (b)(6);(b)(7)(C)

Passport Number: _____ Type of Application Filed: Request for deferred action (not on form)

USCIS Receipt Number: _____ Department of State Case Number: _____

Country of Birth: South Korea Priority Date: _____ Preference Category: _____

Date and Place Interviewed: _____

Please *briefly* describe of the problem and list names, dates of birth and receipt numbers for additional beneficiaries:

On August 18, 2014, I submitted a request for prosecutorial discretion and deferred action to the U.S. Department of Homeland Security. As of December 22, 2015, no decision has been made on my application.

Please send this completed form with copies of pertinent supporting documents via fax to (866) 824-6340 (toll free), via email to (b)(6);(b)(7)(C) or via mail to U.S. Senator Kirsten Gillibrand, Attn: Immigrant Affairs Dept., 780 Third Ave., Suite 2601, New York, N.Y. 10017. Telephone: (212) 688-6262.

From: (b)(6);(b)(7)(C)
Sent: 9 Apr 2019 18:50:05 +0000
To: ICE-CongressionalRelations
Subject: RE: I-765 (b)(6);(b)(7)(C) Status Change in SEVIS

Hi (b)(6);(b)(7)(C)

This needs to be referred to USCIS. Thank you!

(b)(6);(b)(7)(C)

From: ICE-CongressionalRelations
Sent: Monday, April 8, 2019 3:12 PM
To: (b)(6);(b)(7)(C)
Cc: ICE-CongressionalRelations <ICE-CongressionalRelations@ice.dhs.gov>
Subject: FW: I-765 (b)(6);(b)(7)(C) Status Change in SEVIS

Please see below SEVIS inquiry

(b)(6);(b)(7)(C)

Special Assistant
Office of Congressional Relations
U.S. Immigration and Customs Enforcement
Office: 202-732-(b)(6);(b)(7)(C)
Cell: 202-329-(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Monday, April 8, 2019 3:09 PM
To: ICE-CongressionalRelations <ICE-CongressionalRelations@ice.dhs.gov>
Subject: RE: I-765 (b)(6);(b)(7)(C) Status Change in SEVIS

Dear Congressional Liaison,

I am writing to bring to your attention a letter from (b)(6);(b)(7)(C) regarding the status of her OPT application.

(b)(6);(b)(7)(C) is respectfully requesting for her OPT application to show as 'pending' rather than 'withdrawn' in SEVIS. After her original OPT approval, she had indicated that she did not wish to use OPT at this time, but then her application status was changed to withdrawn. With the status of 'Withdraw' his university seems to be unable to transfer him to his new school. Please look into this issue as quickly as possible so I can appropriately respond to our constituent.

Attached you will find the enclosure to assist you in your review.

Name: (b)(6);(b)(7)(C)
Application: I-765

Receipt Number: (b)(6);(b)(7)(C)

Please feel free to contact me with any questions. I thank you in advance for your attention to this matter.

Best,
(b)(6);(b)(7)(C)

From: PSC.Congressional <psc.congressional@uscis.dhs.gov>
Sent: Monday, April 8, 2019 11:34 AM
To: (b)(6);(b)(7)(C)
Cc: PSC.Congressional <psc.congressional@uscis.dhs.gov>
Subject: I-765 (b)(6);(b)(7)(C)

Good afternoon (b)(6);(b)(7)(C)

Thank you for your inquiry on behalf of your constituent (b)(6);(b)(7)(C) regarding her Form I-765, Application for Employment Authorization.

USCIS records confirm that your constituent's application was withdrawn on March 11, 2019 per your constituent's request. In order to change status for OPT in SEVIS, we recommend that your office contact ICE-CongressionalRelations@ice.dhs.gov, as ICE oversees SEVIS. Unfortunately, USCIS cannot change her status in SEVIS.

By the way, we kindly note that USCIS records, which include a copy of your constituent's visa and passport, indicate that your constituent lists her gender as female.

We hope this information is helpful. If we may be of assistance in the future, please let us know.

Best,
(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Congressional Liaison | Immigration Services Officer II
Congressional and Case Inquiry Response Section
Potomac Service Center | U.S. Citizenship and Immigration Services | Department of Homeland Security
Phone: 703-603-(b)(6);(b)(7)(C) Email: psc.congressional@uscis.dhs.gov
For all Congressional casework inquiries, please attach a Privacy Release Form completed and signed by the person who is the subject of the records. Additionally, please note that Social Security numbers are not necessary and should not be included in any correspondence with USCIS.

From: (b)(6);(b)(7)(C)
Sent: Wednesday, April 03, 2019 6:25 PM
To: PSC.Congressional <psc.congressional@uscis.dhs.gov>
Subject: Congressional Inquiry for (b)(6);(b)(7)(C)

Dear Congressional Liaison,

I am writing to bring to your attention a letter from (b)(6);(b)(7)(C) regarding the status of his OPT application.

(b)(6);(b)(7)(C) is respectfully requesting for his OPT application to show as 'pending' rather than 'withdrawn'. After his original OPT approval, he had indicated that he did not wish to use OPT at this time, but then his application status was changed to withdrawn. With the status of 'Withdraw' his university seems to be unable to transfer him to his new school. Please look into this issue as quickly as possible so I can appropriately respond to our constituent.

Attached you will find the enclosure to assist you in your review.

Name (b)(6);(b)(7)(C)

Application: I-765

Receipt Number (b)(6);(b)(7)(C)

Please feel free to contact me with any questions. I thank you in advance for your attention to this matter.

Best,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Constituent Services Representative

U.S. Senator Kamala D. Harris
11845 West Olympic Blvd.

(b)(6);(b)(7)(C)

Los Angeles, CA 90064

Office: 310-231 (b)(6);(b)(7)(C)

Fax: 202-2224-0357

www.harris.senate.gov

From: (b)(6);(b)(7)(C)
Sent: 10 Mar 2017 16:16:57 +0000
To: (b)(6);(b)(7)(C)
Cc:
Subject: RE: Request for information

Hi (b)(6);(b)(7)(C)

Your questions are still pending with our Enforcement and Removal Operations (ERO) division. Unfortunately, I don't have an estimated date of completion. As soon as they send me the response, I'll forward to you.

V/R,
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Friday, March 10, 2017 11:12 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: Request for information

(b)(6);(b)(7)(C)

I'm writing to follow up on the below. If this information is not yet available, could you please provide an estimated timeframe for a response?

Sincerely,
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Friday, March 03, 2017 4:17 PM
To: (b)(6);(b)(7)(C)
>
Cc: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: RE: Request for information

Hi (b)(6);(b)(7)(C)

I'll get these tasked for response.

V/R,

(b)(6);(b)(7)(C)

From (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Sent: Friday, March 03, 2017 1:41 PM
To (b)(6);(b)(7)(C)
Cc (b)(6);(b)(7)(C)
Subject: Request for information

(b)(6);(b)(7)(C)

We are writing to request information regarding ICE's procedures for stopping, arresting and/or detaining individuals. Specifically we request information regarding 1) how agents identify individuals, encountered in public, for a stop/arrest when that individual is not the target of a pre-planned enforcement action, and 2) how each stop, arrest or detention is documented.

Thank you.

Sincerely,

(b)(6);(b)(7)(C)

Director of Immigration and Foreign Affairs

U.S. Senator Kirsten Gillibrand

T: (212) 909 (b)(6);(b)(7)(C) F: (866) 824-6340 | (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: 24 Aug 2017 16:53:16 +0000
To: (b)(6);(b)(7)(C)
Cc: ICE-CongressionalRelations
Subject: Response to Sen Gillibrand's May 22, 2017 letter
Attachments: 88449 Gillibrand Signed Response.pdf, 88449 Final Enclosure.pdf

(b)(6);(b)(7)(C) good afternoon –

Attached is the response to Senator Gillibrand's May 22, 2017 letter regarding healthcare in immigration facilities.

If you have questions or need additional information, please let us know.

V/R,

(b)(6);(b)(7)(C)

Deputy Assistant Director
Office of Congressional Relations | U.S. Immigration and Customs Enforcement
(202) 732- (b)(6);(b)(7)(C)
ICE-CongressionalRelations@ice.dhs.gov

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

AUG 24 2017

The Honorable Kirsten Gillibrand
United States Senate
Washington, DC 20510

Dear Senator Gillibrand:

Thank you for your May 22, 2017 letter. Acting Secretary Duke asked that I respond on her behalf.

I appreciate your concerns regarding health care access provided to detainees in U.S. Immigration and Customs Enforcement custody and welcome the opportunity to address them more fully. Please find enclosed the answers to the specific questions posed in your letter.

Thank you again for your letter and interest in this important matter. The co-signers of your letter will receive separate, identical responses.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Homan", written over a horizontal line.

Thomas D. Homan
Acting Director

Enclosure

**The Department of Homeland Security's Response to
Senator Gillibrand's et al. May 22, 2017 Letter**

1. Please describe your current procedures regarding health intake assessments for newly arrived detainees, and for discharge planning to people released from immigration detention to ensure continuity of care.

Within 12 hours of arriving at a facility, all U.S. Immigration and Customs Enforcement (ICE) detainees and residents undergo an intake screening that includes a dental, medical, and mental health screening, including a test for tuberculosis (TB). Adult detainees without identified medical concerns undergo a comprehensive physical examination within 14 days of arrival at the facility, while those with acute or chronic health care needs undergo a physical examination within 7 days of arrival. Juveniles undergo a physical examination by a mid-level provider or physician within 24 hours of arrival at a facility.

Upon discharge from custody, ICE provides detainees and residents with a transfer medical summary that includes their current diagnosis, past medical history, instructions for medications, allergies, TB clearance, any special needs required during transport, appropriate referrals to a community-based provider (if applicable), and up to a 30-day supply of medication, as ordered by the prescribing authority.

If a detainee is being transferred to another facility, he or she is generally provided with at least a 7-day supply of medication, as required by applicable detention standards. When appropriate and as required under applicable detention standards, 15-day and 30-day supplies of TB and HIV/AIDS medications are provided, respectively.

If a detainee is being repatriated, ICE Health Service Corps (IHSC) and ICE Enforcement and Removal Operations (ERO) will assist with the determination of healthcare availability in the requested countries based on the needs of the individual.

2. Please explain your current procedures for dealing with detainees' complaints and concerns regarding pain and other acute medical concerns.

ICE requires detention facilities to provide any necessary medical care to all detainees in ICE custody. Medical providers who work at detention facilities housing ICE detainees are responsible for developing a plan of care for the detainees under their supervision. Medical providers rely on examinations and information provided by detainees regarding their health care needs when determining the plan of care.

ICE detainees may file a medical care complaint through local grievance processes with the Department of Homeland Security's (DHS) Office of Inspector General (OIG) hotline and ICE's Detention Reporting and Information Line (DRIL). Detainees can submit both formal and informal grievances directly to any medical staff member at any time during their stay in custody. Medical grievances are handled in a timely manner. The IHSC Health Care Compliance Branch reviews and investigates all medical care complaints received from the OIG hotline and the DRIL helplines to ensure each detainee receives timely and appropriate

care. All substantiated medical complaints are immediately resolved and corrective action plans are initiated to address any deficiencies noted.

3. How does the Department of Homeland Security (DHS) handle detainees with vital medical treatment needs – such as dialysis and blood transfusions – to ensure that treatment is provided in a timely and consistent manner?

ICE requires detention facilities to provide any necessary medical care to all detainees in ICE custody. Medical providers who work at detention facilities housing ICE detainees are responsible for developing a plan of care for the detainees under their supervision. Medical providers rely on examinations and information provided by detainees regarding their health care needs when determining the plan of care. Once the medical providers determine that off-site care, such as dialysis, is necessary, the detention facility staff schedules the appointment and transports the detainee off-site. Recommendations made by the off-site provider are reviewed and implemented by the medical providers as appropriate.

4. Will preventive care – such as immunization, mammograms, pap smears, and screening for prostate cancer – be provided to long-term detainees in a consistent and timely manner?

Yes. Immunizations are covered products on the detention facility formulary and are provided as indicated and as appropriate based on the detainee's condition. Preventive health screening services, such as pap smears and mammograms, are provided on an as-needed basis.

5. For children held in detention with their parents, what appropriate child wellness services are being provided to ensure healthy child development?

Adolescent and well-child visits are scheduled at intervals consistent with the American Academy of Pediatrics' Bright Futures national health promotion and prevention initiative. These visits focus on child developmental milestones, nutrition, safety, preventive screening, and immunizations.

Additionally, all children aged 17 and under are seen on a weekly basis by a licensed mental health provider through "Weekly Mental Health Checks." Weekly mental health checks are designed to assess any adjustment concerns related to the residential setting, and also allow the parents to address any concerns they may have relating to the child's behavioral or mental health issues.

6. Please describe the policies, guidance, and procedures, including training, that you have in place to ensure that detainees who are limited English proficient have access to qualified interpreters and translation services when they seek medical services from healthcare professionals.

Language services for detainees with limited English proficiency are provided either directly or contractually by the facility, as directed in Section V.A. of the "Medical Care" standard in

the 2011 Performance Based National Detention Standards (PBNDS), Section II.37 of the “Medical Care” standard in the 2008 ICE PBNDS, and Section III.D of the “Medical Care” standard in the 2000 National Detention Standards (NDS).

Please see the links below to access ICE’s NDS with pertinent reference to language access:

- <https://www.ice.gov/detention-standards/2011>;
- <https://www.ice.gov/detention-standards/2008>; and
- <https://www.ice.gov/detention-standards/2000>.

7. Given the negative psychological effects of confinement and solitary confinement, what types of access do detainees have to thorough psychiatric evaluations, regular counseling, and comprehensive discharge plans?

In IHSC-staffed facilities, medical staff perform daily rounds and mental health providers perform weekly evaluations of detainees in segregation. When a mental health concern is identified, the patient is referred to a mental health provider for care. In urgent cases, patients are seen on-site or referred to an appropriate off-site provider immediately, while in non-urgent cases patients are seen within 72 hours of the initial complaint. Though non-IHSC-staffed facilities have their own mental health providers and obligations designed to ensure proper evaluation and treatment of mental health patients, IHSC Field Medical Coordinators (FMC) monitor the well-being of ICE patients in these particular facilities, and they receive weekly updates from the facility on all patients in segregation with serious medical or mental health issues.

Each of these patients is discussed weekly at the multi-disciplinary ICE ERO Headquarters Segregation meetings to allow for oversight and monitoring, and to ensure appropriate care is provided.

Please refer to the response in question one for IHSC’s comprehensive discharge plans.

8. How will your agency make efforts to increase transparency in decisions to deny or delay requests for off-site and specialized medical care?

Medical staff at ICE detention facilities are responsible for identifying, coordinating, and providing necessary care to ICE detainees. ICE promptly investigates and seeks resolution of any care concern raised to an appropriate staff member. Detainees and their advocates have many avenues to raise such concerns, including notifying the ICE detention liaison, submitting a grievance, and reporting concerns to DHS OIG and ICE DRIL. Some medical care procedures, deemed elective or cosmetic in nature, may be denied or delayed based on the individual circumstances of the case.

9. During their time in detention facilities, do detainees have access to exercise and healthy dietary options to prevent the worsening of chronic conditions like diabetes?

Detainees have access to exercise facilities and resources as required by ICE detention standards. However, some detainees housed in the infirmary units may have limited ability to participate in exercise activities due to their medical conditions.

Medical staff will order therapeutic diets based upon a detainee's medical condition or as appropriate, and the detention facility will provide the appropriate diet to the detainee.

10. Please explain your process for reviewing and auditing individual detention facilities' provision of medical care, including how often such reviews occur, and what steps are taken where deficiencies are uncovered.

IHSC provides direct services at 21 designated facilities to include medical, dental, and mental health care and public health services. IHSC also provides case management and oversight for non-IHSC staffed detention facilities, referred to as intergovernmental service agreement (IGSA) facilities.

For IHSC-staffed facilities, the National Commission on Correctional Health Care and American Correctional Association audits are conducted every 3 years. The accrediting organizations provide a detailed report of their findings, with any standard deficiency addressed and reviewed by the accrediting organization. To date, accreditations have been maintained and are in good standing for all IHSC facilities.

ICE PBNDS inspections are conducted annually by the Nakamoto group. Family Residential Standards only apply to residential facilities and are conducted at least on a quarterly basis by Danya International.

The ICE Office of Detention Oversight (ODO), within the Office of Professional Responsibility, inspects every facility that holds ICE detainees for periods exceeding 72 hours and that house an average daily population of 10 or more detainees to determine compliance with the applicable set of detention standards for that facility (*e.g.*, ICE NDS, 2008 PBNDS, 2011 PBNDS). During the course of each ICE ODO inspection, compliance with the "Medical Care" standard is reviewed and findings are reported to ICE ERO and IHSC. ICE ODO inspections occur on a 3-year cycle.

In addition to these reviews, IHSC also conducts an annual Health Systems Assessment to ensure that IHSC meets standards and complies with IHSC policies. For these audits and inspections, a corrective action plan (CAP) is required when deficiencies are identified. Follow-up site visits and quality reviews are conducted to ensure that measures are put in place to address the deficiencies and that the remedies are effective.

Lastly, IHSC FMCs are assigned to all ICE ERO areas of responsibility. For IGSA's, the FMC conducts site visits every 6 months to evaluate compliance with the healthcare section of the ICE NDS. Site visits include a review of detainee medical records, facility logs,

facility policies, facility health care processes, credentials and licensure, training, health care staffing, discussions with the healthcare staff, and a tour of the facility.

At the end of site visits, the FMC gives a verbal out-briefing to the Health Service Administrator, facility leadership, and a representative from the ICE Field Office. The FMC describes any standard deficiencies that are found in terms of compliance with the ICE NDS and makes recommendations for improvement. The FMC then prepares a written report of the findings and recommendations, which is shared with the Field Office Director and the facility once approved by IHSC. If there are any standard deficiencies, the FMC requests a CAP from the facility through the ICE Field Office. During the next site visit, the FMC conducts another full evaluation and also verifies implementation of the CAP to confirm that the issues identified have been resolved.

From: (b)(6);(b)(7)(C)
Sent: 23 May 2017 15:49:18 +0000
To: (b)(6);(b)(7)(C) Gillibrand
Cc: ICE-CongressionalRelations
Subject: Response to Senator Gillibrand

Good morning, (b)(6);(b)(7)(C)

The password for the encrypted file is: (b)(6);(b)(7)(C)

V/R,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Acting Assistant Director

Office of Congressional Relations | U.S. Immigration and Customs Enforcement

(202) 732- (b)(6);(b)(7)(C)

<<mailto:ICE-CongressionalRelations@ice.dhs.gov>> ICE-CongressionalRelations@ice.dhs.gov

From: (b)(6);(b)(7)(C)
Sent: 19 Jun 2018 20:13:59 +0000
To: (b)(6);(b)(7)(C) Gillibrand)
Subject: RE: DHS Facilities that house children

correct

(b)(6);(b)(7)(C)

Senior Liaison
Office of Congressional Relations
U.S. Immigration and Customs Enforcement
(202) 732 (b)(6);(b)(7)(C) (desk)
202 821 (b)(6);(b)(7)(C) (cell)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, June 19, 2018 4:08 PM
To: (b)(6);(b)(7)(C)
Subject: RE: DHS Facilities that house children

Ok. So these house families which could include babies but they are with parents or guardians?

(b)(6);(b)(7)(C) | Counsel
Office of U.S. Senator Kirsten Gillibrand
(202) 224 (b)(6);(b)(7)(C)
www.gillibrand.senate.gov

From: (b)(6);(b)(7)(C)
Sent: Tuesday, June 19, 2018 4:06 PM
To: (b)(6);(b)(7)(C)
Subject: RE: DHS Facilities that house children

No, ICE (and all DHS) do not house any unaccompanied children, that's all HHS ORR

(b)(6);(b)(7)(C)

Senior Liaison
Office of Congressional Relations
U.S. Immigration and Customs Enforcement
(202) 732 (b)(6);(b)(7)(C) (desk)
202 821 (b)(6);(b)(7)(C) (cell)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, June 19, 2018 4:02 PM
To: (b)(6);(b)(7)(C)
Subject: RE: DHS Facilities that house children

Thanks (b)(6);(b)(7)(C) Can you confirm whether the 3 facilities below house unaccompanied babies and toddlers?

(b)(6);(b)(7)(C) Counsel

Office of U.S. Senator Kirsten Gillibrand
(202) 224 (b)(6);(b)(7)(C)
www.gillibrand.senate.gov

From: (b)(6);(b)(7)(C)
Sent: Tuesday, June 19, 2018 3:56 PM
To: (b)(6);(b)(7)(C)
Subject: RE: DHS Facilities that house children

(b)(6);(b)(7)(C)

The only family detention centers we have are:

Berks <https://www.ice.gov/detention-facility/berks-family-residential-center>
Dilley <https://www.ice.gov/detention-facility/south-texas-family-residential-center>
And Karnes <https://www.ice.gov/detention-facility/karnes-county-residential-center>

Also, attached is a draft template of the CODEL to McAllen and Port Isabel. I want to put out there upfront though, that DHS may not be able to provide transportation assistance between the facilities due to distance and the operational impact of pulling resources to accommodate. We'll do what we can, but the CODEL over the weekend worked well in that they provided their own transport.

(b)(6);(b)(7)(C)

Senior Liaison
Office of Congressional Relations
U.S. Immigration and Customs Enforcement
(202) 732 (b)(6);(b)(7)(C) (desk)
202 821 (b)(6);(b)(7)(C) (cell)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, June 19, 2018 12:10 PM
To: (b)(6);(b)(7)(C)
Subject: RE: DHS Facilities that house children

Hi (b)(6);(b)(7)(C)

Your email made its way to me, do you have a minute to give me a call?

(b)(6);(b)(7)(C)

Senior Liaison
Office of Congressional Relations
U.S. Immigration and Customs Enforcement
(202) 732 (b)(6);(b)(7)(C) (desk)
202 821 (b)(6);(b)(7)(C) (cell)

From: (b)(6);(b)(7)(C)

Sent: Tuesday, June 19, 2018 10:43 AM

To: (b)(6);(b)(7)(C)

Subject: DHS Facilities that house children

Hi (b)(6);(b)(7)(C)

I emailed (b)(6);(b)(7)(C) and was told to reach out to you. Do you have a list of detention facilities across the country where immigrant children and toddlers are sent once they enter the United States?

Thanks,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Counsel

Office of U.S. Senator Kirsten Gillibrand
(202) 224-(b)(6);(b)(7)(C)
www.gillibrand.senate.gov

From: (b)(6);(b)(7)(C)
Sent: 29 Jun 2018 18:34:33 +0000
To: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) can you share with (b)(6);(b)(7)(C) (ICE) what we got from CBP so he can coordinate with CBP?

We are working that out right now as we have a couple simultaneous trips going on. I think however, that Ray Kovacic will likely accompany your ICE tour in San Antonio. He is the Assistant Director for the Office of Congressional Relations.

(b)(6);(b)(7)(C)

Senior Liaison
Office of Congressional Relations
U.S. Immigration and Customs Enforcement
(202) 732- (b)(6);(b)(7)(C) (desk)
202 821- (b)(6);(b)(7)(C) (cell)

From: (b)(6);(b)(7)(C)
Sent: Friday, June 29, 2018 2:31 PM
To: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) can you share with (b)(6);(b)(7)(C) (ICE) what we got from CBP so he can coordinate with CBP?

(b)(6);(b)(7)(C) - Will you be the POC and escort for the members and staff in Texas?

(b)(6);(b)(7)(C) **Counsel**
Office of U.S. Senator Kirsten Gillibrand
(202) 224- (b)(6);(b)(7)(C)
www.gillibrand.senate.gov

From: (b)(6);(b)(7)(C)
Sent: Friday, June 29, 2018 12:58 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) can you share with (b)(6);(b)(7)(C) (ICE) what we got from CBP so he can coordinate with CBP?

Hi (b)(6);(b)(7)(C)
Just wanted to touch base on this trip. Can you please let me know the current list of attendees?
Thanks (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Senior Liaison
Office of Congressional Relations

U.S. Immigration and Customs Enforcement

(202) 732-^{(b)(6);(b)(7)(C)} desk

202 82-^{(b)(6);(b)(7)(C)} (cell)

From: ^{(b)(6);(b)(7)(C)}

Sent: Thursday, June 28, 2018 11:36 AM

To: ^{(b)(6);(b)(7)(C)}

^{(b)(6);(b)(7)(C)}

Cc: ^{(b)(6);(b)(7)(C)}

Subject: RE: ^{(b)(6);(b)(7)(C)} can you share with ^{(b)(6);(b)(7)(C)} (ICE) what we got from CBP so he can coordinate with CBP?

Hi ^{(b)(6);(b)(7)(C)}

I actually spoke to ^{(b)(6);(b)(7)(C)} from Blumenthal's office a little earlier and he walked me through the request. I am reaching out to our field to see if they can support. Please feel free to give me a call to connect

^{(b)(6);(b)(7)(C)}

^{(b)(6);(b)(7)(C)}

Senior Liaison

Office of Congressional Relations

U.S. Immigration and Customs Enforcement

(202) 732-^{(b)(6);(b)(7)(C)} (desk)

202 82-^{(b)(6);(b)(7)(C)} (cell)

From: ^{(b)(6);(b)(7)(C)}

Sent: Thursday, June 28, 2018 11:17 AM

To: ^{(b)(6);(b)(7)(C)}

Cc:

^{(b)(6);(b)(7)(C)}

Subject: RE: ^{(b)(6);(b)(7)(C)} can you share with ^{(b)(6);(b)(7)(C)} (ICE) what we got from CBP so he can coordinate with CBP?

Hi ^{(b)(6);(b)(7)(C)} let us know what you need to get things scheduled.

Thanks,

^{(b)(6);(b)(7)(C)}

^{(b)(6);(b)(7)(C)}

Counsel

Office of U.S. Senator Kirsten Gillibrand

(202) 224-^{(b)(6);(b)(7)(C)}

www.gillibrand.senate.gov

From: (b)(6);(b)(7)(C)

Sent: Thursday, June 28, 2018 10:24 AM

To: (b)(6);(b)(7)(C)

Cc:

(b)(6);(b)(7)(C)

Subject: RE: (b)(6);(b)(7)(C) -can you share with (b)(6);(b)(7)(C) (ICE) what we got from CBP so he can coordinate with CBP?

Adding (b)(6);(b)(7)(C) from our staff, to coordinate...

From: (b)(6);(b)(7)(C)

Sent: Thursday, June 28, 2018 10:01 AM

To: (b)(6);(b)(7)(C)

Subject: RE: (b)(6);(b)(7)(C) can you share with (b)(6);(b)(7)(C) (ICE) what we got from CBP so he can coordinate with CBP?

-
Sunday, July 8th

1:00 pm **Meet Chief** (b)(6);(b)(7)(C) **at Border Patrol Central Processing Center**

3000 West Military Hwy., McAllen, Texas

**No media or NGOs allowed in the processing center.*

1:45pm **Depart to HHS/ORR Brownsville Children's Shelter/Southwest Key Facility**

2:45pm **Arrive at HHS/ORR Brownsville Children's Shelter/Southwest Key Facility**

3:30pm **Depart to Brownsville South Padre Island International Airport**
700 Amelia Earhart Dr, Brownsville, TX 78521

3:45pm **Arrive at Brownsville Airport**

4:05pm **Depart Brownsville Airport on United Flight (1h 11 m layover in DFW)**
(*Dinner on own at DFW)

7:36pm **Arrive at San Antonio International Airport**
9800 Airport Blvd, San Antonio, TX 78216

-END OF DAY-

-
Monday, July 9th

7:30am **Depart to Karnes County Residential Center**
409 FM 1144, Karnes City, TX 78118
POC:

8:30am **Arrive to Karnes County Residential Center**

10:00 am **Depart to San Antonio International Airport**
9800 Airport Blvd, San Antonio, TX 78216

(b)(6);(b)(7)(C)

Counsel

Office of U.S. Senator Kirsten Gillibrand
(202) 224-(b)(6);(b)(7)(C)
www.gillibrand.senate.gov

From: (b)(6);(b)(7)(C)
Sent: Thursday, June 28, 2018 9:55 AM
To: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) can you share with (b)(6);(b)(7)(C) (ICE) what we got from CBP so he can coordinate with CBP?

202-732-(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Thursday, June 28, 2018 9:50 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) can you share with (b)(6);(b)(7)(C) (ICE) what we got from CBP so he can coordinate with CBP?

Hi (b)(6);(b)(7)(C) What's your number? I'll give you a call.

(b)(6);(b)(7)(C)

Counsel

Office of U.S. Senator Kirsten Gillibrand
(202) 224-(b)(6);(b)(7)(C)
www.gillibrand.senate.gov

From: (b)(6);(b)(7)(C)
Sent: Thursday, June 28, 2018 9:49 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: (b)(6);(b)(7)(C) can you share with (b)(6);(b)(7)(C) (ICE) what we got from CBP so he can coordinate with CBP?

(b)(6);(b)(7)(C)

Chief Counsel
Senator Richard Blumenthal, Ranking Member

Subcommittee on Oversight, Agency Action, Federal Rights, and Federal Courts
Senate Judiciary Committee

From: (b)(6);(b)(7)(C)
Sent: 23 May 2017 15:51:46 +0000
To: (b)(6);(b)(7)(C)
Subject: FW: Response to Senator Gillibrand

Forwarding per (b)(6);(b)(7)(C) out of office message.

From: (b)(6);(b)(7)(C)
Sent: Tuesday, May 23, 2017 11:49 AM
To: (b)(6);(b)(7)(C) Gillibrand'
Cc: ICE-CongressionalRelations
Subject: Response to Senator Gillibrand

Good morning, (b)(6);(b)(7)(C)

The password for the encrypted file is: (b)(6);(b)(7)(C)

V/R
(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Acting Assistant Director

Office of Congressional Relations | U.S. Immigration and Customs Enforcement

(202) 732- (b)(6);(b)(7)(C)

ICE-CongressionalRelations@ice.dhs.gov <<mailto:ICE-CongressionalRelations@ice.dhs.gov>>

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, May 23, 2017 11:51 AM
To: casework@gillibrand.senate.gov
Subject: FW: Response to Sen Gillibrand's March 29, 2017 correspondence
Attachments: 87425 - Response to Sen Gillibrand.pdf

Forwarding per (b)(6);(b)(7)(C) out of office message.

From: (b)(6);(b)(7)(C)
Sent: Tuesday, May 23, 2017 11:48 AM
To: (b)(6);(b)(7)(C) Gillibrand'
Cc: ICE-CongressionalRelations
Subject: Response to Sen Gillibrand's March 29, 2017 correspondence

Good morning, (b)(6);(b)(7)(C)

Attached is the response with enclosure to Senator Gillibrand's March 29, 2017 correspondence on behalf of (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) Because the enclosure contains personally identifiable information, I've encrypted the file and will provide the password in a separate email.

If you have questions or need additional information, please let us know.

V/R,

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Acting Assistant Director

Office of Congressional Relations | U.S. Immigration and Customs Enforcement

(202) 732- (b)(6);(b)(7)(C)

ICE-CongressionalRelations@ice.dhs.gov <mailto:ICE-CongressionalRelations@ice.dhs.gov>

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

MAY 23 2017

The Honorable Kirsten Gillibrand
United States Senator
780 Third Avenue, Suite 2601
New York, NY 10017

Dear Senator Gillibrand:

Thank you for your March 29, 2017 correspondence to U.S. Immigration and Customs Enforcement (ICE) on behalf of (b)(6);(b)(7)(C) regarding the immigration status of his wife, (b)(6);(b)(7)(C)

ICE received an inquiry from (b)(6);(b)(7)(C) the attorney of record for Ms. (b)(6);(b)(7)(C) requesting she be considered for humanitarian parole. After a thorough review of her case, ICE declined to exercise its humanitarian parole authority under Section 212(d)(5)(A) of the Immigration and Nationality Act in (b)(6);(b)(7)(C) case.

In a letter dated March 31, 2017, ICE informed (b)(6);(b)(7)(C) it would not parole Ms. (b)(6);(b)(7)(C) into the United States and that her request was denied. Please find enclosed a copy of this letter for your records.

Thank you again for your letter. Should you wish to discuss this matter further, please do not hesitate to contact me at (202) 732-(b)(6);(b)(7)(C)

Sincerely,

(b)(6);(b)(7)(C)

Acting Assistant Director
Office of Congressional Relations

Enclosure



U.S. Immigration
and Customs
Enforcement

March 31, 2017
HP/49827/SL

Mr. (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Mineola, NY 11501

Re: (b)(6);(b)(7)(C)

Dear Mr. (b)(6);(b)(7)(C)

This office has received your request for consideration of humanitarian parole under **Section 212(d)(5)(A) of the Immigration and Nationality Act**, as amended, on behalf of Ms. (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) Based on a thorough review of the case and consideration of the equities presented, U.S. Immigration and Customs Enforcement (ICE) will not grant the request for humanitarian parole.

Parole is an extraordinary measure used sparingly and only in urgent or emergency circumstances in which an otherwise inadmissible alien is permitted temporarily to enter or remain in the United States. Pursuant to Section 212(d)(5)(A), ICE may, in its discretion, "parole an alien into the United States temporarily under such conditions as ICE may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit."

Parole is not an admission and cannot be used to avoid normal visa processing or bypass other immigration procedures. The totality of the equities in this case does not warrant a favorable exercise of ICE's discretionary parole authority. Accordingly, your request is denied.

Sincerely,

(b)(6);(b)(7)(C)

Unit Chief
Parole and Law Enforcement Programs